

# BRIGHTMORE PRECINCT

PART OF NORTH SYDNEY COUNCIL'S COMMUNITY PRECINCT SYSTEM

## MINUTES OF MEETING

WEDNESDAY 14 JUNE 2023

COMMENCING AT 7.00 PM

CHAIR: PE (Co-Chair)

MINUTES: LS (Secretary)

ATTENDANCE: 33 people attended the meeting

APOLOGIES: 1 (CDB)



The Minutes for the previous meeting of 10 May 2023 were adopted.

## 1. GROSVENOR LANE PLAZA - BACKGROUND

MTJ gave a presentation on the history of the Grosvenor Lane Plaza site (see attached).

### **April 2000 Masterplan: Neutral Bay Shopping Centre Urban Design Study**

1997 Steering Committee of Councillors, Council officers, Chamber of Commerce & Precinct representatives.

Neutral Bay Mainstreet Co-operative was formed by the Chamber of Commerce to fund the study. The Mainstreet Co-Operative President was Nick Andrews, Colin Croll was Vice President.

Aimed at finding ways to make Neutral Bay more pleasant for shopping and more commercially successful.

- Constraints: limited access from Military Rd to side streets, lack of 2-hour free parking
- Objectives: Improve accessibility, parking, pedestrian access and safety
- Create public places for community events, outdoor activities, improve amenity

### **Recommendations:**

- Pedestrian plaza replaces existing surface parking with improved pedestrian access from Military Rd
- Shop fronts modified to improve pedestrian amenity
- Underground parking is provided under the plaza (cost \$1 million)

The Masterplan was updated in 2011 with recommendations:

*“Explore opportunities to provide pedestrian plaza” and “Explore opportunities to provide underground plaza parking”.*

### **Council's Grosvenor Lane Planning Study 2014**

- Rejects go-it-alone strategy (cost estimate \$13 million).
- Endorses Council working with landowner to achieve objective of creating a public plaza.
- Identifies Site 1 and Site 2 as *“opportunity sites”* - North Sydney Development Control Plan amended and requires development to include creating a plaza with underground parking.

The Planning Study noted Council's long-standing objective of undergrounding the carpark and creating a public plaza (included in 2002 DCP), recommended *“relatively minor increases in yield”*.

Six submissions were received on draft study. Two from Karedis companies supported the study, but said objectives

- *“could not be realised with only minor increases in yield”* and
- *“buildings of more than 7 storeys”* should be considered.

Site 1 owner (Coles) supported the study, and said

- *“The importance of ongoing operation of business activities adjacent to development sites is acknowledged.”*

*Grosvenor Lane Planning Study* was unanimously supported by Councillors including Jilly Gibson (the Mayor), Zoë Baker and MaryAnn Beregi.

### **Military Road Corridor Planning Study: February 2021**

- Pedestrian plaza
- Underground parking provided under new buildings as Site 2 (Military Road side) is redeveloped
- Site 2 landowners to be given height incentive (12 storeys) to encourage amalgamations and redevelopment
- Study indicated Site 2 development would be staged, with either western properties (Grove Arcade to Community Centre) or eastern properties (Westpac Bank to Bay Coffee) being demolished first and then the other group of properties.

*Military Road Corridor Planning Study* was not unanimously supported. Council was divided and the study was adopted after Mayor Jilly Gibson used her casting vote. Crs Zoë Baker & MaryAnn Beregi voted against the study. The study was rescinded by the new Council in January 2022.

### **Neutral Bay Town Centre Planning Study: 2023**

A new / revised Neutral Bay Town Centre Planning Study is now being prepared. Plaza Options were exhibited at a Council Workshop on 30/05/23 attended by representatives of Precincts, Chamber of Commerce, Progress Association, Cremorne Conservation Group and Community Centre:

- Option A: do nothing
- Option B: Linear Plaza. Grosvenor Lane remains in front of supermarket site with a lane of parking
- Option C - Pedestrianised Plaza. Grosvenor Lane deleted between Waters and Cooper Lane.

Options B & C showed an “end result” and did not indicate staging.

## **2. COLES PROPOSED REDEVELOPMENT OF ITS SITE (WOOLWORTHS) & GROSVENOR LANE CARPARK**

DJ & SK, representing a local property owner / retail business and a local retail tenancy, both located fronting onto the carpark, expressed their views and concerns re the proposed redevelopment.

*See attached Report for North Sydney Council Meeting 26 April 2023*

*10.11. Issue of Owner's Consent to Coles for development of Grosvenor Lane Carpark*

### **Comments**

- **DJ**
  - Many of the businesses affected have been in Neutral Bay for a long time, in some cases decades.
  - DJ represented the Chamber of Commerce at Council's workshop for the new *Neutral Bay Town Centre Planning Study*, where the majority of attendees were in favour of a plaza.
  - Agree that something needs to be done to improve the carpark area.
  - DJ's business relies on constant deliveries requiring vehicular access. A lot of traders are service industry business, where access is crucial
  - Needs on-grade parking (short-term, loading zone, disabled) in addition to underground parking
  - Not much consultation with small businesses about how they will be able to survive during the construction phase
  - Need more involvement before decisions are made
  - There has been no consultation from Council  
*(Response from Co-Chair PE - Council has only granted Owner's Consent, which is permission to lodge a DA under planning law, and cannot consult until an actual DA is lodged)*
  - Small businesses don't have the access to Councillors that Coles does  
*(Response from TA representing Coles - the suggestion that Coles has more influence with Councillors and Council is incorrect, in fact the opposite is true because of governance issues. TA reassured DJ that Coles has been speaking to him for the last couple of years and will continue to do so. Coles knows the businesses' livelihoods are at stake and the company has a social licence.)*
- **SK**
  - About 100 retailers are located in the area. Many rely on the carpark for deliveries
  - Concern about a 3-year construction period and whether they could survive
  - How could the works be staged so that customers and deliveries still have access to their businesses
  - Who will own the carpark, and will access to the underground carpark be through the Coles' supermarket
- **Representative from Arkadia**
  - Arkadia would like to make a presentation at the next Brightmore Precinct meeting in July. They have written to Council to request Owners Consent (as per previous Council invitation) in order to lodge an alternate Development Application concerning the Grosvenor Street Carpark.
  - Not opposed to the plaza, but have concerns about the staging of the works, location of parking, loading facilities, basement boundaries and ability to develop into the future, along with ensuring Grosvenor Lane is maintained in its current location.

## • **Comments from attendees**

- There are only three Site 2 landowners - Arkadia, Blue & White Dry Cleaners, Priceline Pharmacy - maybe they could get more involved
- Coles will want the other businesses to survive
- Woolworths' delivery dock is a major cause of congestion in carpark area
- Current carpark area is not safe for pedestrians
- Coles will probably put forward different proposals to Council
- Coles wants to talk to local businesses, prefer small groups
- Can't see the need for a plaza, which benefits Coles and the outlook for the apartments it builds
- All Councillors are in favour of the plaza, Cr Gibson campaigned on its creation at the last election.
- Has visited Lane Cove's Canopy and Lindfield Village Green developments and has been impressed by both. We can have the best of both worlds at Neutral Bay, as long as there is good access to businesses for pedestrians and delivery vehicles.
- An underground carpark for shoppers would be better and would mean a safer plaza
- Lose community if we lose local businesses

## **Questions from attendees**

- What are you wanting?

*SK - ideally nothing to change, but it will. Coles needs 8 storeys and will create a plaza in return. Some businesses have 5-8 year leases without a demolition clause. If they (Arkadia) want to develop, they can give notice.*

- What is the drilling going on outside Mr Gordon's shop today? Is it for the underground carpark and will it extend that far?

*RH representing Coles - Geotech boring is part of the DA submission in preparing plans for staging and access. Coles met with the Chamber of Commerce a few weeks ago, and they wanted half the car spaces to remain during building, now they want more than half. The bore point where they are drilling is not necessarily the boundary of the carpark, it is possibly just a good access point.*

## **Summary of Main Concerns of Businesses:**

- Consultation on construction staging and end product so that businesses are able to survive
- Access for deliveries, both during construction and when the plaza is built
- On-grade parking for short-term, loading zone, and disabled
- Ownership of the carpark, and access for customers to the integrated underground public carpark

The following **MOTION** was proposed, and passed **26 FOR, 1 AGAINST, 6 ABSTENTIONS\***

- *That all parties do their utmost to maximise business continuity through the development construction process.*

\* All Abstentions had a pecuniary interest, including 2 non-members of Brightmore Precinct (Coles' representatives)

### 3. PLANNING PROPOSAL PP 1/23 WOOLWORTHS RANGERS RD - REZONING REVIEW

At its 22 May 2023 meeting, Council voted not to support Woolworths proposed rezoning in its present form.

Council resolved to prepare a site specific DCP if Woolworths asks for a Rezoning Review, which Woolworths has now requested.

Brightmore Precinct supports Council's position. Precinct members are encouraged to send in a personal submission to the NSW Department of Planning asap, stating you support the Council's position that the Planning Proposal should not proceed in its present form and, if it proceeds, you would like to see the following:

1. Maximum building height on Yeo Street of 21 metres which will allow 6 storeys (not 27 metres sought by Woolworths)
2. Maximum building height to Rangers Road of 28 metres which will allow 8 storeys (not 33 metres sought by Woolworths)
3. Maximum building height for the pedestrian plaza and through site link of zero metres to ensure this space remains open space in the future (not 27 metres sought by Woolworths)
4. A site specific Development Control Plan addressing concerns identified by Council, in particular: setbacks to Yeo Street to minimise overshadowing of residential properties; a more generous and high amenity plaza which can be expanded to 183-185 Military Road; an open-to-sky through site link; a pedestrian link to Military Lane; setbacks which comply with the Apartment Design Guide.
5. Deletion of the 88 public car spaces due to traffic concerns on Yeo Street and the local road network

Email your submission to: [information@planning.nsw.gov.au](mailto:information@planning.nsw.gov.au)

Subject: Rezoning Review, Planning Proposal 1-7 Rangers Road & 50 Yeo Street, Neutral Bay  
Include your name and address.

### 4. PLANNING PROPOSAL PP 4/23 FOR 12-STOREY BUILDING AT 183-185 MILITARY RD, NEUTRAL BAY (CORNER RANGERS RD)

#### Proposal

- Maximum building height to 43 metres (12 storeys)
- Provision of ground level open space to expand the proposed plaza at Woolworths, 1-7 Rangers Road
- Basement grocer (similar to 12-14 Waters Rd)
- Community centre Level 1
- 2 office levels
- 8 storeys containing around 44 apartments
- 57 car spaces (only 21 spaces for the five levels of retail, office and community uses) accessed from Military Lane.

#### Points of concern:

- Height and bulk are excessive
- The plaza:
  - will be overshadowed all afternoon by a 12-storey building
  - opens onto Military Road without any noise barrier
- 21 non-residential car spaces not enough to service the 5 levels of retail, office and Community Centre.
- No open-to-sky pedestrian through site link from Military Road to the plaza
- Location of Community Centre is currently being considered as part of the Neutral Bay Town Centre Planning Study. It has not been determined if it should in future be relocated from the northern side of Military Road to the southern side.

The following **MOTION** was proposed, and passed **31 FOR, 2 ABSTENTIONS\***

- *That Brightmore Precinct office bearers lodge a submission objecting to the proposal.*

\* Abstentions by 2 non-members of Brightmore Precinct (Coles' representatives)

## 5. YOUNG ST CYCLEWAY BETWEEN SUTHERLAND & GROSVENOR STREETS

At the Council Meeting 22 May 2023, Council resolved to adopt the Traffic Committee's recommendation of 21 April 2023 for a 2.4m wide separated cycleway on the western side of Young Street, between Sutherland Street and Grosvenor Street.

They also resolved ***"that the Young Street and Grosvenor Street roundabout and intersection will be subject to a separate design and consultation."***

This followed on from plans being mistakenly included in the Traffic Committee Report showing the roundabout at the Young Street and Grosvenor Street intersection removed. It was stated by the Acting Director Engineering at the Council Meeting that the plans at that intersection were just in draft and had not actually been completely designed, and apologised for the confusion caused. Council is still doing the design process of that intersection and proposes extensive consultation for 42 days on the treatment of that intersection and cycleway.

Consultation will start as soon as the designs are completed.

It was noted that today at the Young Street and Grosvenor Street intersection that there were many painted markings on all footpaths and roads. Please email Brightmore Precinct if anyone sees any further work at that intersection.

## 6. STATUS UPDATES ON:

### i. 12-14 Waters Road, Neutral Bay - Planning Proposal 2/22

- At its Meeting 5 June 2023, Council resolved to enter into a Voluntary Planning Agreement in relation to the above, which included a contribution of \$1.9 million towards public domain upgrades in the Neutral Bay Town Centre.
- On 5 June 2023, Brightmore Precinct received correspondence from the Strategic Planning Panel of the Sydney North Planning Panel advising that there would be a public meeting (online) on 21 June 2023 at 2.45 to listen to the community's view on the planning proposal. This was in response to the submission Brightmore Precinct had lodged objecting to the Planning Proposal.
- On 8 June Brightmore Precinct lodged an objection to DA 92/21/6 which sought extended construction hours.

### ii. Neutral Bay Alive

*Expressions of Interest* for members of the above community consultation group closed on 12 June, with the final selection for the group to be decided by Council's General Manager.

### iii. Neutral Bay Town Centre Planning Study

Following the Preliminary Engagement Survey, Council recently held two workshops attended by precinct committee members, residents and businesses.

A wide range of topics were covered from height of buildings, density, designs for Grosvenor Lane Carpark, community facilities, disability access, and traffic.

### iv. Pathways' proposed Parraween Street Aged Care Facility

#### Update from Cremorne Conservation Group

#### A. Entire Site Listed For Sale

*May 26 - The developer, Skermanic P/L, who builds and manages seniors living facilities, has listed the entire site as a major development opportunity for sale through CBRE. For complete transparency, it is important that prospective developers are informed about the Council's Planning Proposal that is now before the NSW State Government. On May 8, North Sydney Council voted to unanimously endorse the Council's Planning Proposal 3/23 to list 12 of the Parraween workers' cottages and rezone the Parraween site to R3 medium density, based on a very comprehensive, detailed report from Council staff recommending this approach.*

#### B. Land & Environment Court Hearing to overturn Interim Heritage Orders on 12 cottages in Parraween St

The appeal by Skermanic P/L, the company that builds and manages Pathways aged care facilities, has a court hearing date set for 21 June when the heritage consultants and lawyers will be able to state their case. This is a very important hearing for all the residents of Cremorne because it will determine whether the IHOs remain in place. If the appeal is upheld and the IHOs are lifted, it will obviously have a direct effect on Council's due process to progress its Planning Proposal through the State Department for Planning to list the cottages and rezone this site to R3 medium density housing.

#### Public Forum - Land & Environment Court 225 Macquarie Street, Sydney, 1 June 2023 - 10:00am

Up to 25 people can be accommodated in the public forum of the courtroom to watch and listen to the proceedings, which will include the two heritage consultants, Ms Jennifer Hill acting for Skermanic, and Council's expert witness Kate Denny Director at Lucas Stapleton Johnson, give their considered responses to the Commissioner.

Contact Cremorne Conservation Group [cremorne.conservation@gmail.com](mailto:cremorne.conservation@gmail.com)

## 7. DEVELOPMENT APPLICATIONS

### DA 147/23 - Military Road Cremorne

Replacement of existing static advertisement display with new double-sided digital advertisement display affixed to an existing bus shelter (identified as 'Hampden') within the road reserve adjacent to 221 Military Road Cremorne.  
Lodged: 15/05/2023

#### Comments from Attendees

- These new digital advertising panels were replacing panels on existing shelters
- Objected to the proliferation of visual pollution

Attendees were urged to lodge personal submissions by the closing date of 23 June.

### DA 229/21/2

#### 4 Macpherson Street Cremorne NSW 2090

Section 4.55(2) Modification Application to reduce total number of apartments from 11 to 7, replace car lift with ramp and external changes and changes to various conditions of consent.  
Lodged: 23/05/2023

## 8. CORRESPONDENCE

See 6. STATUS UPDATES - i. 12-14 Waters Road, Neutral Bay - Planning Proposal 2/22

## 9. SUMMARY OF ACTIONS

Not received at the time of meeting

## 10. GENERAL BUSINESS

### i. Planning Proposal 4/22 - Prohibiting Residential Flat Buildings in the R3 Zone

The North Sydney Local Environment Plan (NSLEP) was amended on 19 May 2023 to give effect to the above Planning Proposal.

This reversed a change made to the LEP on 30 June 2021 under the former Council, which directly benefited developers to the detriment of the character of our local area.

Congratulations and thanks to SK, one of our members, and the Cremorne Conservation Group, who identified the issue and drove the community campaign to have the LEP amendment reversed.

We also thank all Councillors who supported the proposal.

### ii. Update on Cammeray Golf Course

Construction of the new course has been completed and control handed back to the club.

Play is scheduled to recommence the first week of July.

All mature trees have been retained, except a couple for the construction of the new dam and those that were diseased.

### iii. Falcon Street southbound bus on-ramp construction and traffic changes - June 2023

#### **Warringah Freeway Upgrade Falcon Street southbound bus on ramp - TfNSW**

##### **Community notification | June 2023**

*From June 2023, we will start building the new southbound dedicated bus on ramp from Falcon Street, Neutral Bay to the Sydney CBD. This work is expected to take around 18 months to complete. To safely enable this work, including partial demolition of the existing Falcon Street bridge, freeway widening and bus on ramp construction, we will be establishing temporary work areas on Falcon Street and on the eastern side of the Warringah Freeway, south of Falcon Street.*

<https://media.caapp.com.au/pdf/ft10vt/51759097-20bb-44b3-b1bd-ec2d2b4fff26/Falcon%20Street%20southbound%20bus%20on%20ramp%20construction%20and%20traffic%20changes%20%28June%202023%29.pdf>

#### **Information for people travelling from Northern Beaches or Lower North Shore - TfNSW**

##### **Road Upgrades on Warringah Freeway**

*From 16 June 2023, there may be delays to your journey if you commute on Military Road. Traffic conditions will change along Falcon Street requiring buses and general traffic to merge into the one lane. This may cause queuing along Military Road during busy periods. To avoid delays on your journey to work, we recommend making some changes to how you travel.*

### iv. Warringah Freeway Upgrade Place Design and Landscape Plan

Public exhibition is now open, have your say until **11 July 2023**.

The Warringah Freeway Upgrade project will transform the way people move across the area. Our vision is to improve the amenity for local communities with a focus on vibrant and connected experiences linked to the surrounding landscape. As part of our design process we are asking for feedback from the community on the Place, Design and Landscape Plan (PDLP).

Warringah Freeway Upgrade Place Design and Landscape Plan portal page

<https://caportal.com.au/rms/wfu/place-design-and-landscape-plan>

### v. North Sydney Historical Society (NSHS)

The Society, founded in 1958, promotes both public knowledge and research into local history, including the way in which the histories of the City of Sydney and the NSW state have impacted the development of the North Shore. The Society coordinates regular monthly meetings, visits to historical sites, and walks exploring regional history. NSHS meets on the second Thursday of every month from 6.00pm to 7.30pm.

More information

Email [northshorehs@hotmail.com](mailto:northshorehs@hotmail.com)

NSHS Facebook page - <https://www.facebook.com/Northshorehistoricalsociety/>

### vi. Ernest Street ramps - loss of access to the Sydney Harbour Bridge

Again, concerns were raised about the loss of access to the Sydney Harbour Bridge with the Warringah Freeway Upgrade. There will only be access to the Sydney Harbour Tunnel from Ernest Street.

Anyone bound for the Western Suburbs via the Anzac Bridge will be forced onto Military Road, or via Miller Street to either Falcon Street or Cammeray, or back-street rat-runs

Noted that the Project Director Warringah Freeway Upgrade will attend the next CPC meeting 20 June and the matter to be raised then.

**NEXT MEETING:** 12 July 2023

**EMAIL:** [brightmore.precinct@gmail.com](mailto:brightmore.precinct@gmail.com)

# Grosvenor Lane Plaza - A Brief History

*Masterplan Report*  
NEUTRAL BAY SHOPPING CENTRE  
URBAN DESIGN STUDY

April 2000



*Neutral Bay Chamber of Commerce*

*Neutral Bay Mainstreet Co-operative*



## **April 2000 Masterplan for Revitalising Neutral Bay**

1997 Steering Committee of Councillors, Council officers, Chamber of Commerce & Precinct representatives.

Neutral Bay Mainstreet Co-operative (Nick Andrews, President, Colin Croll, Vice President) funded the study.

Aimed at finding ways to make Neutral Bay more pleasant for shopping and more commercially successful.

- Constraints: limited access from Military Rd to side streets, lack of 2-hour free parking
- Objectives: Improve accessibility, parking, pedestrian access and safety
- Create public places for community events, outdoor activities, improve amenity

## Grosvenor Lane Plaza: April 2000 vision



Pedestrian plaza replaces existing surface parking with improved pedestrian access from Military Rd

Shop fronts modified to improve pedestrian amenity

Underground parking is provided under the plaza (cost \$1 million)

Updated 2011: “explore opportunities for plaza”

## Council's Grosvenor Lane Planning Study 2014



Rejects go-it-alone strategy (cost estimate \$13 million).

Endorses Council working with land-owner to achieve objective of creating a public plaza.

Identifies Site 1 and Site 2 as “opportunity sites” - DCP requires development to include creating a plaza with underground parking.

## ***Grosvenor Lane Planning Study 2014***

Noted Council's long-standing objective of undergrounding the carpark and creating a public plaza (included in 2002 DCP), recommended *“relatively minor increases in yield”*.

Six submissions were received on draft study. Two from Karedis companies supported the study, but said objectives

- *“could not be realised with only minor increases in yield”* and
- *“buildings of more than 7 storeys”* should be considered.

Site 1 owner (Coles) supported the study, and said

- *“The importance of ongoing operation of business activities adjacent to development sites is acknowledged.”*

Grosvenor Lane Planning Study was **unanimously supported** by Councillors including Jilly Gibson (the Mayor), Zoë Baker and MaryAnn Beregi.

# ***Military Road Corridor Planning Study: February 2021***



Pedestrian plaza

Underground parking provided under new buildings as Site 2 (Military Road side) is redeveloped

Site 2 landowners to be given height incentive (12 storeys) to encourage amalgamations and redevelopment



# Military Road Corridor Planning Study: Staging

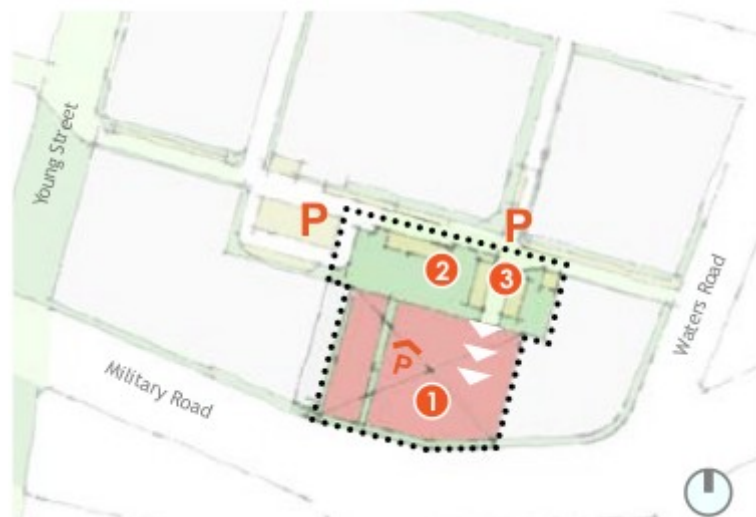
Stage 1(a): Site 2 (east) develops first



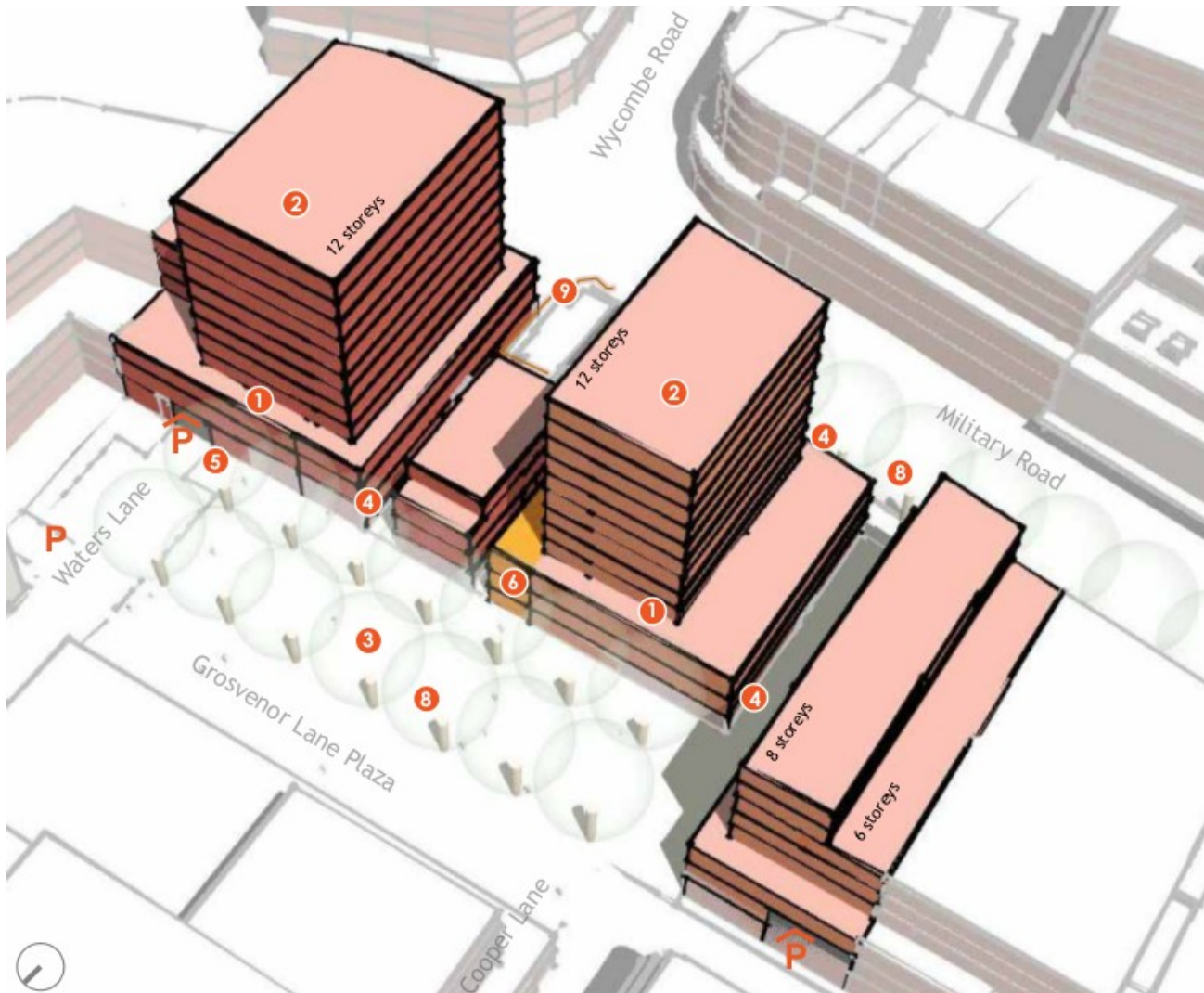
Stage 2: Site 2 complete



Stage 1(a): Site 2 (west) develops first



## ***Military Road Corridor Planning Study: Outcome***



Councillors not unanimous. Only adopted after Mayor Jilly Gibson used her casting vote.

Crs Zoë Baker & MaryAnn Beregi voted against.

Rescinded by new Council January 2022.



# Neutral Bay Town Centre Planning Study - plaza options

## OPTION B: Linear Plaza





## OPTION C: Pedestrianised Plaza



## 10.11.Issue of Owner's Consent to Coles for development of Grosvenor Lane Carpark

<b>AUTHOR</b>	Marcelo Occhiuzzi, Manager Strategic Planning
<b>ENDORSED BY</b>	Joseph Hill, Director City Strategy Jon Higlett, Acting Director Engineering and Property Services
<b>ATTACHMENTS</b>	1. Owner's consent request - Coles 20 March 2023 [ <b>10.11.1</b> - 5 pages]
<b>CSP LINK</b>	<ol style="list-style-type: none"> <li>1. Our Living Environment             <ol style="list-style-type: none"> <li>1.2 Environmentally sustainable community</li> <li>1.3 Clean and green places</li> <li>1.4 Well utilised open space and recreational facilities</li> </ol> </li> <li>2. Our Built Infrastructure             <ol style="list-style-type: none"> <li>2.1 Infrastructure and assets meet diverse community needs</li> <li>2.2 Vibrant public domains and villages</li> </ol> </li> <li>3. Our Innovative City             <ol style="list-style-type: none"> <li>3.1 Our commercial centres are prosperous and vibrant</li> <li>3.3 Distinctive sense of place and design excellence</li> </ol> </li> <li>4. Our Social Vitality             <ol style="list-style-type: none"> <li>4.1 North Sydney is connected, inclusive, healthy and safe</li> </ol> </li> <li>5. Our Civic Leadership             <ol style="list-style-type: none"> <li>5.1 Lead North Sydney's strategic direction</li> </ol> </li> </ol>

### PURPOSE:

The purpose of this report is to consider a request from Coles, seeking Council's consent as the owner of the Grosvenor Lane carpark and associated roads in Neutral Bay, to lodge a development application. Coles seeks to develop its site whilst concurrently creating a new pedestrianised plaza on Council land by replacing the existing surface carpark with an underground one.

### EXECUTIVE SUMMARY:

- Coles, which owns the land currently occupied by Woolworths on Grosvenor Street, Neutral Bay, has advised Council that it is in the process of preparing a development application (DA) to be lodged under the current planning controls for a mixed-use residential/commercial development. The development will seek to replace the existing supermarket and incorporate shop-top housing.

- The DA will also seek to create an “at-grade” plaza by replacing the current Grosvenor Lane carpark with an underground format as part of its redevelopment proposal. To do this, Coles requires Council’s consent to lodge the DA.
- Coles acknowledges that the design process for a future plaza is important, and that Council will retain full control and ownership of any future plaza.
- Coles is required to make decisions about the future of the site in the short term given that the Woolworths lease expires in 2024. Coles is unable to participate in the Neutral Bay Planning Study as a means of informing its proposal in the longer term given this time constraint. This is why the current DA is being prepared ahead of the preparation of Council’s planning study.
- This report only deals with the issue of owner’s consent, which is required for Coles to integrate the plaza proposal in its DA. It is important to note that the issue of owner’s consent does not imply or infer approval of either the application or the plaza design. It will however provide Coles with the confidence to continue to explore the possibilities of the site and refine its proposal. Council owns the land, and owner’s consent to consider a DA does not undermine Council’s role in determining ultimate outcomes for its site, being the location of the existing car park. Coles will retain control over its site.
- The design of the plaza will need to be refined, and it may be that the DA is lodged with a “placeholder” concept design for the plaza whilst Council/community consultation occurs to refine this aspect of the development. Council will ultimately have the final say on this, including its design, materials, access arrangements etc. Council will not lose control of the future of the carpark/plaza by issuing owner’s consent to the lodgement of the DA.
- If Coles’ proposal is successful, the design, access arrangements, and other details associated with the delivery of an at-grade plaza, will need to be delivered via a voluntary planning agreement, which is another process that will have public ventilation.
- This report recommends that Council issue owner’s consent to further explore the design and delivery possibilities of the plaza proposal, which has been a Council objective for many years. This represents an opportunity for Council to realise a cost-effective way of delivering a collaboratively designed public plaza of (approximately) 2,000-2,500 sqm, to act as a community hub for Neutral Bay.

**RECOMMENDATION:**

- 1. THAT** Council grant Coles owner’s consent to lodge a development application for the land described in its letter dated 20 March 2023 being parts of the Grosvenor Lane carpark, Cooper Lane, Waters Lane and Grosvenor Street.
- 2. THAT** Council notes that the issue of owner’s consent does not in any way infer or suggest approval for the development application to be lodged.
- 3. THAT** Council notes that a consultative and collaborative design process will be required to be entered into for any future plaza at the Grosvenor Lane carpark site.

**4. THAT** Council notes that a formal negotiation process will need to be entered into to develop formal agreements for the delivery of a new plaza and associated arrangements for the delivery, access, ownership and long-term arrangements for public parking.

## **Background**

Coles owns the site at 43-53 Grosvenor Street, Neutral Bay (see Figure 1 below). It is currently leased to Woolworths, with that lease expiring in November 2024.

The North Sydney Development Control Plan (DCP) 2013 includes provisions that enable consideration of the undergrounding of the existing carpark at Grosvenor Lane in order to create a pedestrian plaza.

Council's now-rescinded planning study for the Neutral Bay town centre, which was previously adopted in 2021, also anticipated that as a public benefit, a pedestrian plaza should be pursued in the location of the current Grosvenor Lane carpark. The planning study for Neutral Bay is currently being undertaken, with targeted community and stakeholder consultation planned to occur in the short term.

Given that the current lease with Woolworths expires in 2024 however, Coles needs to make a decision about whether the site is retained and "rebadged" or redeveloped. This report is a precursor to Coles lodging a development application (DA) and pursuing the opportunity of redeveloping the site whilst also delivering a plaza.

## **Report**

### **1. Broad Description of DA**

Coles has submitted a letter (20 March 2023 - Attachment 1) requesting that Council issues consent as the owner of the Grosvenor Lane carpark and associated road, for the consideration of a DA. That DA will seek consent for a mixed-use development incorporating a supermarket, specialty stores, and shop-top housing. That component of the development does not need owner's consent from Council and would seek to work within the existing planning controls including the applicable 16m height limit as outlined in the North Sydney Local Environmental Plan 2013. The DA will also seek to replace the current Grosvenor Lane carpark in an underground format and replace it with a pedestrian plaza "at grade" (outlined in red in Figure 1). This is explained further below.

In exchange for the relocation of the public carpark and delivery of a public plaza, Coles would replace the "lost" surface parking spaces and utilise the land below ground level to supplement its own parking needs (this area is shown dotted in red below). The proposed car park relocation would be across two levels under the existing car park. A third basement level would provide residential parking associated with the Coles development. Coles would design and deliver an at-grade plaza (in the area broadly occupied by the existing carpark) to Council's satisfaction. This is explained conceptually in Figure 2.

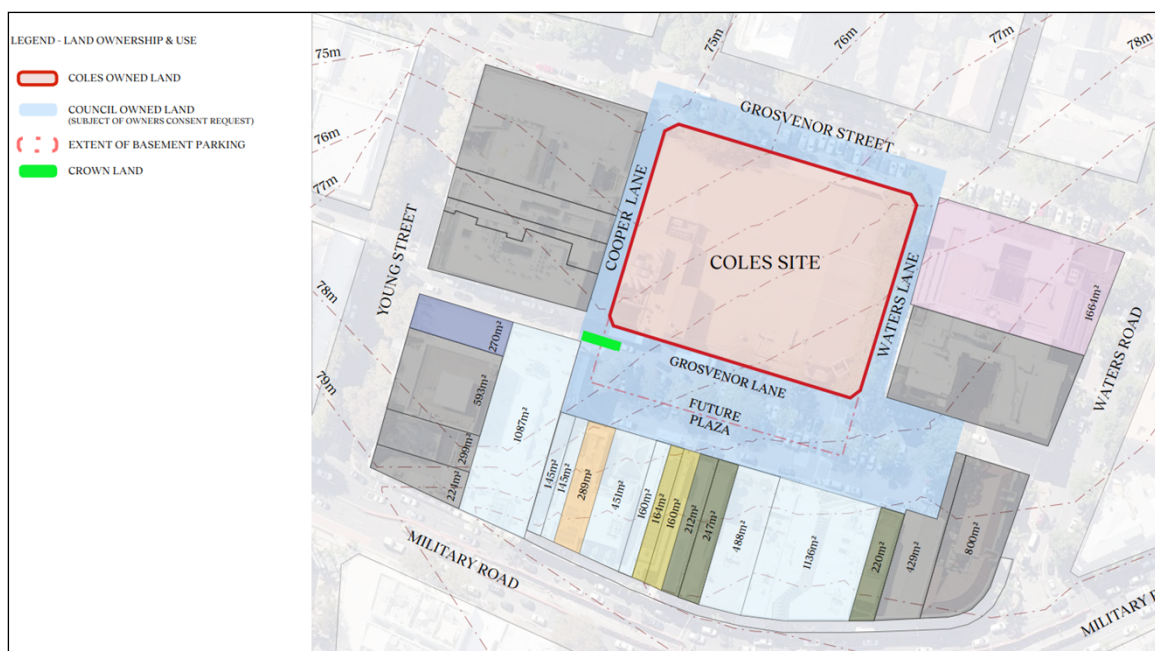


Figure 1 – broad outline of Coles land requirements.

The proposal as described by Coles’ representative is:

*The construction of 2 levels of underground public car parking below that part of the existing Grosvenor Lane Car Park...will replace and add to the current number of at grade parking spaces on the site. Whilst subject to further design formulation, there will be in the order of 84 public spaces on Council’s land, an increase of approximately 19 on current numbers.*

*Council’s public parking will be accessible to and from Coles ‘private’, but publicly available, car park. The public will benefit from 24/7 access to a large contiguous quantity of publicly available parking spaces across the 2 contiguous basement levels (in the order of 269 spaces, 92 more than current numbers on the combined sites). To the general public there will be no delineation of the “public” and “private” spaces available in the contiguous car park. It is anticipated that the car parking facility will be managed as a single facility and there will be equitable access for all the customers and visitors to the Neutral Bay Town Centre on the terms of a management agreement to be determined by both parties.*

*There will be clear separation and delineation between public parking and the private residential car park with a separate entry and exit located on Coopers Lane.*

*A 3rd basement level will provide private residential parking associated with the building on the Coles land. A form of agreement, to be negotiated between the parties, will need to be entered into in relation to this element of the development.*

The DA will include concept drawings for the plaza which will be delivered by Coles at no cost to Council. This will be required to be negotiated by way of a Planning Agreement including rights of access, ownership, detailed design treatments, and access arrangements generally. Principles for the treatment of the public carpark and plaza are broadly outlined in section 3.3 of this report.



The drawing below illustrates the broad concept that will be pursued by Coles.

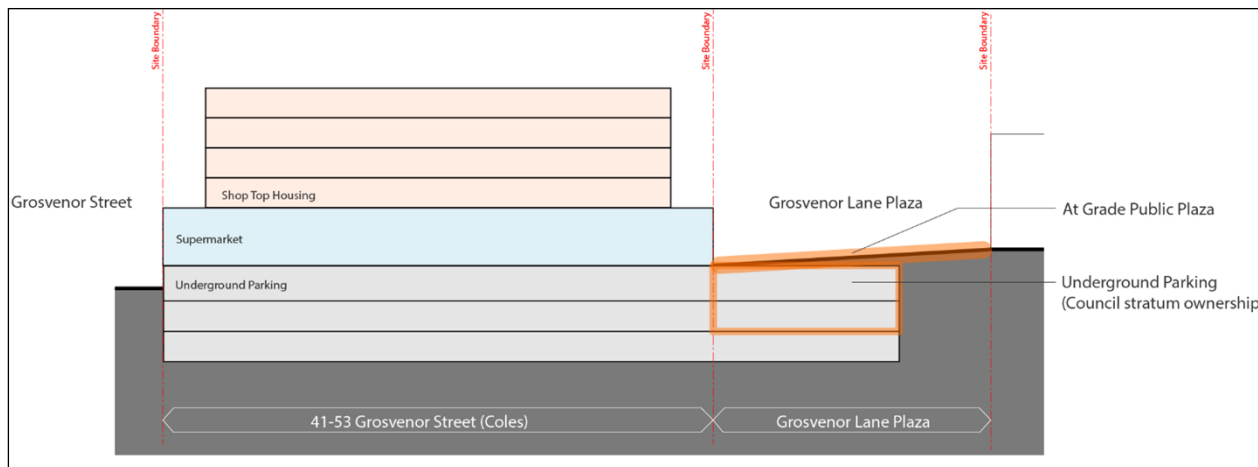


Figure 2 – Concept cross section

## 1. Owner's Consent

The Environmental Planning and Assessment Act requires that DAs be accompanied by owner's consent. Case law supports the notion that owner's consent is a prerequisite to favourable determination and can be obtained any time up to the time of determination.

Given that Council owns the Grosvenor Lane carpark and associated street network, Coles will not have the capacity to have a DA lodged and determined which explores the delivery of a public plaza in the manner as described in section 1 of this report, unless owner's consent is granted by Council.

The consent authority for the DA will be the Sydney North Planning Panel.

## 2. Issues

The following identifies the various issues and matters for consideration that are relevant.

### 2.1 Relationship to Neutral Bay Town Centre Planning Study

The Neutral Bay Town Centre Planning Study (the Study) is currently under development. Targeted community engagement will occur in the coming weeks.

Ideally, the Study would be completed after community and stakeholder engagement and used to guide future development. Unfortunately, this will not be possible for the preparation of the Coles DA. Coles has indicated a willingness and desire to continue to work with Council however, its timeframes do not align with the timeframes required for the preparation of the Study. In its letter, Coles states:

*In relation to the design of the plaza for the purposes of this DA, Coles acknowledges Council's ongoing process of consultation and independent advice (in the form of*

*its...Study) relating to the design of the proposed public plaza on this site. As such, whilst Coles has engaged highly regarded landscape architects...to formulate detailed designs for the plaza, it does not wish to pre-empt the outcomes of Council's process. Consequently, Coles intends to continue to liaise with Council's professional staff to confirm the level of detail and the nature of the consent that will be sought in this DA as it relates to the plaza design.*

There may well be an understandable level of community confusion around Council preparing a planning study on the one hand and working with Coles to potentially deliver a public plaza which is central to that planning study, on the other. This will need to be very clearly and proactively communicated and explained.

## **2.2 Council control over outcome**

Whilst the issue of owner's consent may well be perceived as tacit support for the proposal in the wider community, Council will continue to retain full control over this land, even if the DA is approved. The following should be noted:

- owner's consent in no way infers approval of the development proposal;
- owner's consent is provided to consider the proposal and determine whether reasonable public benefit may be leveraged from the site;
- Council owns a proportion of the land which will be the subject of the proposal (carpark) and therefore retains full control over the future of the proposal, regardless of owner's consent for the DA or even approval of the DA. Council effectively has veto powers if negotiations do not proceed satisfactorily;
- any future agreement would likely be via a VPA/deed of agreement with requisite legal input to protect Council's interests; and
- owner's consent would provide Coles with the confidence to further invest in the DA design and preparation process, and associated consultation.

## **2.3 Principles for Design**

In discussing designs for a new public plaza to replace the existing Grosvenor Lane carpark and associated underground carparking, the following principles should guide the design process as a minimum:

- the plaza space should be retained in public ownership and largely pedestrianised;
- the plaza space should maximise solar access;
- the pedestrian vertical movement from the underground parking should "land" in an environment that feels as public as possible;
- the plaza should contain significant soft landscaping including canopy trees;
- provision for delivery access to nearby businesses should be retained in as convenient a form as possible;
- provision for vehicular access potential to nearby future development aspirations is to be included;
- public vehicular access should be available on an ongoing 24 hour per day basis;
- public parking should be clearly delineated, and the number of spaces currently available in the existing carpark should be replicated in the new, contiguous format; and





## Options

Council has the following options in relation to this matter:

1. Do nothing/take no action
2. The recommended option

These options are assessed in the table below.

Option	Finance/Resourcing	Risk/Opportunity	Consultation
1.	Nil	Doing nothing may represent a missed opportunity. Council has for many years pursued a better pedestrian environment within the carpark which manifested in an amendment to the North Sydney DCP in 2013, and more recently in the (now-rescinded) Military Road Corridor Planning Study.	None required.
2.	This option will seek to negotiate the exchange a "stratum" of (underground) land to Coles in exchange for the delivery of a new plaza. Ongoing maintenance costs and responsibilities will need to be factored into the discussion, although it is noted that the carpark requires a level of ongoing maintenance at present.	The risks include confusion around the relationship of this process with the preparation of the Neutral Bay Town Centre Planning Study. In addition, the speed of the DA process may undermine the design and consultation process associated with a new plaza. Council retains control over the site and should not feel forced into an outcome that it is not comfortable with.	Consultation on design and a range of design issues will be required to be undertaken.

Option 2, is recommended for the following reasons:

- Issuing owner's consent merely enables the exploration of a better public domain opportunity for Neutral Bay in the context of a largely compliant DA. This would be the first step in a long process of discussion and negotiation with Coles in which Council continues to own the carpark land.
- Council continues to retain control regardless of issue of owner's consent.

- Once the site is redeveloped, or refurbished for a Coles supermarket, it is unlikely that this opportunity will be presented again in the short to medium term.

### **Consultation requirements**

Community engagement will be undertaken in accordance with Council's Community Engagement Protocol.

### **Financial/Resource Implications**

There are no immediate financial implications for the issuing of owner's consent to accompany a future Coles DA. If the process moves towards design and delivery with Council agreement, consideration will need to be had for any ongoing, whole of life-costs associated with any new infrastructure delivered as part of this process, and how they fit into Council's long term financial planning and asset management framework.

There are no direct and immediate resource implications for the issuing of owner's consent to accompany a future Coles DA. However, it should be noted that Council staff will need to invest significant amounts of time in reviewing material to further explore the potential opportunities associated with the Coles proposal.

### **Legislation**

The legislative requirements or considerations relevant to this matter are outlined in the Environmental Planning and Assessment Act and associated Regulation. The most relevant requirements are the inability of the consent authority to consent to an application that does not include owner's consent.



Gyde Consulting

31 March 2023

General Manager  
North Sydney Council  
PO Box 12  
North Sydney, NSW 2059  
**Attention:** Joseph Hill

Dear Mr Hill

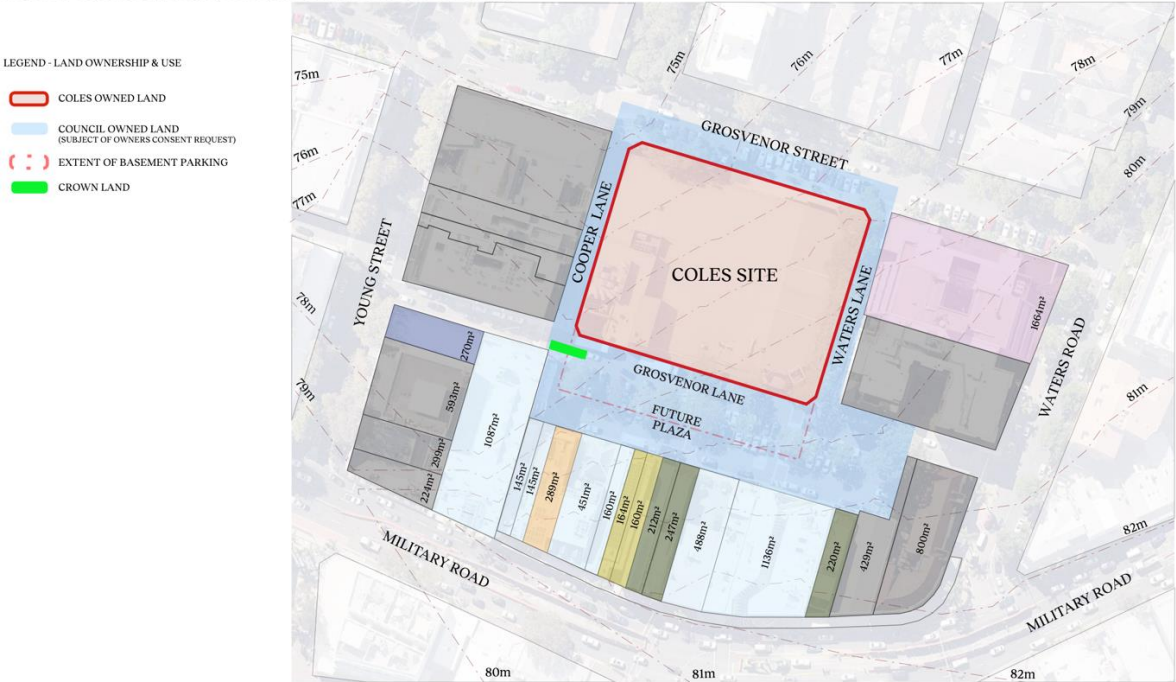
**GROSVENOR LANE CAR PARK OWNER'S CONSENT REQUEST**

We write on behalf of Coles Group Property Development (Coles) to request Council's consent as landowner of the Grosvenor Lane Car Park and adjoining public roads in Neutral Bay, to lodge a Development Application (DA) on that land (that also involves the adjoining Coles owned land). Details of the land and the proposed development the subject of the DA are provided below.

**Proposed development site**

The Council owned land the subject of this request is shown in Figure 1 (in blue), and involves the whole of the Grosvenor Lane Car Park (with the exception of a small parcel of Crown Land) and parts of Grosvenor Street, Grosvenor Lane, Waters Lane and Cooper Lane. Figure 1 also shows the Coles land at No. 43 – 53 Grosvenor Street Neutral Bay (currently occupied by a Woolworths Supermarket), that will also be encompassed in the DA site, but which is not subject to this request.

FIGURE 1 - COUNCIL LAND SUBJECT TO THE CONSENT TO LODGE REQUEST





### Overview of proposed development

In summary, the proposed DA will involve:

- Redevelopment of Coles' property for a shop top housing development incorporating a supermarket and specialty retail and associated parking and facilities.
- The relocation of some of the current at-grade public parking and provision of additional public and private car parking in an underground parking structure, and the construction of a public plaza on the current Grosvenor Lane car park site.
- The proposed public car parking and public plaza to be delivered by Coles at no cost to Council, through the mechanism of a Planning Agreement between Coles and Council.

Further explanation of the proposed development on Council's and Coles' land follows.

### Development on Council owned land

Section 5.1.6 of the North Sydney DCP 2013, requires development within the Grosvenor Lane Car Park locality to:

*P4) Create a public plaza on the current public car park site, and*

*P15) Relocate public parking underground and provide additional public car spaces.*

Consistent with the DCP, the proposed DA will include:

The construction of 2 levels of underground public car parking below that part of the existing Grosvenor Lane Car Park shown in Figure 1. This will replace and add to the current number of at grade parking spaces on the site. Whilst subject to further design formulation, there will be in the order of 84 public spaces on Council's land, an increase of approximately 19 on current numbers.

Council's public parking will be accessible to and from the supermarket car park. It is anticipated that the parking for the supermarket and the Council parking will be integrated as a seamless carpark to be operated by a single operator (subject to Council approval) to provide a Neutral Bay Town Centre Car Park.

The public will benefit from 24/7 access to a large contiguous quantity of publicly available parking spaces across the 2 contiguous basement levels (in the order of 269 spaces, 92 more than current numbers on the combined sites). To the general public there will be no delineation of the "public" and "private" spaces available in the contiguous car park. It is anticipated that the car parking facility will be managed as a single facility and there will be equitable access for all the customers and visitors to the Neutral Bay Town Centre on the terms of a management agreement to be determined by both parties.

A 3<sup>rd</sup> basement level will provide private residential parking associated with the building on the Coles land. A form of agreement, to be negotiated between the parties, will need to be entered into in relation to this element of the development.

There will be clear separation and delineation between public parking and the private residential car park, with a separate entry and exit located on Coopers Lane.

The DA will include a concept of the detailed design of a public plaza, with associated surface car parking and vehicular and pedestrian access, over the whole of the existing Grosvenor Lane Car Park and part of Grosvenor Lane. This will be further informed by the progress of the Council's **Public Domain Concept Design Study**.

The proposed public car parking and public plaza will be delivered by Coles at no cost to Council, via the mechanism of a Planning Agreement to be negotiated between Coles and Council.

While a suitable suite of agreements needs to be made to control and operate these facilities, Coles understands and supports the Council's requirement that the Plaza is to remain in public ownership and control.



Rights of public access are to be provided in the form of vertical transport from the proposed underground public car park to the public plaza, in accordance with a management agreement.

In relation to the design of the plaza for the purposes of this DA, Coles acknowledges Council's ongoing process of consultation and independent advice (in the form of its Neutral Bay Town Centre Planning Study - Public Domain Concept Design Study) relating to the design of the proposed public plaza on this site. As such, whilst Coles has engaged highly regarded landscape architects, Aspect Studios, to formulate detailed designs for the plaza, it does not wish to pre-empt the outcomes of Council's process. Consequently, Coles intends to continue to liaise with Council's professional staff to confirm the level of detail and the nature of the consent that will be sought in this DA as it relates to the plaza design.



As the plaza will at all times remain in Council ownership, there is no question that Council will remain in control of the final form and function of the plaza. The granting of owner's consent to lodge the DA does not affect Council's right to determine the final design.

In this regard, Coles' particularly acknowledges Council's feedback that any proposals for the existing car park and laneways must not prejudice access to adjoining private and public land, nor their future development potential. Such principles will be thoroughly considered in the design formulation for Council's land. Again however, assurance that these principles will be achieved rests in Council's continued control over the land.

Whilst potentially being able to be undertaken as 'off-site works', there may also be changes to the design and embellishment of parts of Grosvenor Street, Waters Lane and Cooper Lane. A brief description of the anticipated works is outlined below:

- Coopers Lane – Services and utilities required for the development, reinstatement of kerbs, gutters footpaths, road pavements and landscaping to Council's specifications.
- Waters Lane – Services and utilities required for the development, reinstatement of kerbs, gutters footpaths, road pavements and landscaping to Council's specifications, consistent with Council's Public Domain Concept Design Study.
- Grosvenor Street – Reconfiguration of crossovers for vehicular entries to the development. Services and utilities required for the development, reinstatement of kerbs, gutters footpaths, road pavements and landscaping to Council's specifications, consistent with Council's Public Domain Concept Design Study.

Whilst the nature and extent of such work is still to be confirmed, this request for owner's consent relating to these



roads is simply to allow for any proposed works within Council's roads to be lodged.

### **Development on Coles land**

Whilst Council consent as owner is not required for this part of the proposed DA, the development on Coles' land will involve shop top housing comprising residential accommodation above a new full line supermarket and associated specialty stores at ground level, serviced by 3 levels of basement car parking, loading and back of house facilities.

Council can be assured that a key driver of the design of the proposed Coles building is optimising solar access to the proposed public plaza. This is likely to be achieved through stepping of the building down from a high point at Grosvenor Street, to its lowest point fronting the proposed public plaza to the south. Coles' design team has evaluated that this approach provides significantly better solar outcomes for the proposed public plaza compared to a 'height compliant' building across the whole site. Whilst the proposal is still undergoing design development, this approach is likely to involve a variation to the building height standard towards the northern part of the site to balance the southern part of the site which will be below the height standard. Any such variation will be subject to a Clause 4.6 accompanying the DA, which will be assessed on its merits and which will only be applicable to the Coles land and not the Council land to which this owner's consent request relates.

### **Rationale for Lodging the DA**

Coles has a lease expiry on the Woolworths supermarket of the 28th November 2024. Coles has a business requirement to have a defined plan for the replacement of the Woolworths with a next generation world class Coles store for implementation by July 2024 to enable the procurement and construction of the store to commence once the Woolworths tenancy is vacated.

The process of obtaining a Development Consent for the redevelopment of the site requires Coles to lodge a Development Application by mid this year to enable sufficient time for the application to progress to determination and meet its timetable for a commencement on site by December 2024. Coles can provide its program to Council if further confirmation is required.

If Development Consent cannot be secured within this timeframe, Coles advises that it will be necessary to seek a Complying Development Certificate for the refurbishment and 'rebadging' of the existing store. In those circumstances, given the investment required to implement the CDC, the opportunity for Coles to undertake a full redevelopment of its site and to actively contribute to the implementation of Council's desired public realm improvements would be unlikely to occur.

### **Conclusion**

Whilst it could have simply sought to redevelop its own site in isolation, Coles supports Council's intentions to transform the current Grosvenor Lane Car Park into a vibrant space for the local community. Coles considers that its own redevelopment intentions provide a major opportunity to realise Council's vision and it is pleased to be able to offer a mechanism to deliver it within a relatively short timeframe (consistent with the commercial leasing circumstances applying to the Coles site).

Coles has engaged in formal pre-lodgement discussions with Council staff and has appreciated the highly professional feedback and advice provided in relation to this proposed development. At all times Coles seeks to take a consultative and constructive approach with Council and the local community in relation to its development plans. In this regard, it has also constructively engaged with the local community, the surrounding landowners and various stakeholders on its proposals. It will continue to do so as the design evolves in an endeavor to find a design solution that achieves the objectives of the DCP and planning guidelines.

Coles therefore looks forward to the opportunity to continue this process of engagement in formulating a DA, as generally described in this request, in the knowledge that Council's consent to its lodgment will be forthcoming. Coles acknowledges that the granting of owner's consent to lodge a DA does not in any way imply Council's support for the substance of the DA nor interfere with the discretion of the consent authority to determine the DA in any manner it deems appropriate based on its statutory and merit assessment of the proposals.

Coles considers that this development provides a unique and timely opportunity to work together with Council and the community to implement the objectives of Council's DCP and deliver a public plaza and additional parking for the Neutral Bay Town Centre.



Please do not hesitate to contact the undersigned should you require any clarification or further information in relation to this request. Otherwise, we will look forward to Council's response.

Yours sincerely

A handwritten signature in black ink, appearing to be 'DR', with a long horizontal flourish extending to the right.

**David Ryan**  
Executive Director