

## 10.11.Owner's consent request - Grosvenor Lane Carpark - Arkadia - Further Report

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<b>ENDORSED BY</b>	Marcelo Occhiuzzi, Director Community, Planning and Environment
<b>ATTACHMENTS</b>	<ol style="list-style-type: none"> <li>1. Council report, 28/8/23 - Owners consent request - Grosvenor Lane Carpark - Arkadia [<b>10.11.1</b> - 19 pages]</li> <li>2. Arkadia Concept Plans - September 2023 [<b>10.11.2</b> - 32 pages]</li> </ol>
<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 update is to report back to Council following the previous report on 28 August regarding a request from a landowner ('Arkadia') in Neutral Bay, seeking Council's consent as the owner of the Grosvenor Lane carpark in Neutral Bay, to lodge a development application. Arkadia seeks to carry out public domain works to create a partially pedestrianised plaza on Council land within the southern side of the existing at grade carpark.

### EXECUTIVE SUMMARY:

- Arkadia owns land along Military Road and Young Street and has asked Council for owner's consent for the purposes of preparing a development application. The development concept proposes to carry out public domain works within Council's Grosvenor Lane carpark. The concept includes the removal of approximately 30-35 parking spaces, creation of an area of public domain approximately 16m x 80-100m, and includes a service lane through part of this area.
- At its meeting on 28 August 2023, Council resolved (in part):

1. THAT Council defer the determination of the issuing of landowner's consent at this time for the lodgement of a Development Application on its land as currently presented.
  2. THAT Council invite the proponents and their consultants to brief Councillors.
- A Councillor briefing was conducted on 4 September 2023 in response to that resolution in which Arkadia and its consultants, presented further design information that was previously unavailable when the report was prepared for the Council meeting of 28 August 2023.

**RECOMMENDATION:**

**1.THAT** should Council, with the benefit of the additional design information lodged, wish to issue owner's consent to Arkadia for the lodgement of a development application, it be clarified that this does not infer support for the indicative plaza design nor commitment by Council to pursue its construction, and that:

- a) any proposed funding model for the plaza be the subject of a voluntary planning agreement to be endorsed by Council.
- b) the reduction in existing public parking numbers as indicated on the concept scheme, be clearly identified and justified; and
- c) the impact of the construction phases of any future adjacent development (Coles and Arkadia in particular) to the plaza, be clearly identified.

## **Background**

At its meeting on 28 August 2023, Council considered a report dealing with the request by local land owner, Arkadia, to be granted owner's consent to lodge a development application for a plaza on the Grosvenor Lane car park in Neutral Bay. That report is included as attachment 1. At that meeting, Council resolved (in part):

1. THAT Council defer the determination of the issuing of landowner's consent at this time for the lodgement of a Development Application on its land as currently presented.
2. THAT Council invite the proponents and their consultants to brief Councillors.
3. ...

The Councillor Briefing referred to in the resolution above occurred on Monday 4 September 2023. Members of Arkadia and their consultant team, presented more detailed design information that had not previously been available at the time of the preparation of the initial Council report that was considered on 28 August 2023.

In particular, the presentation focussed on the function of a future plaza in relation to the existing centre, its relationship and associated issues with the proposed development of the Coles site, management of delivery vehicles, parking and pedestrian environments.

The additional design concept package was provided to Councillors at the Councillor Briefing and is included as an attachment to this report (attachment 2).

## **Report**

With the benefit of the additional design information lodged, should Council wish to issue owner's consent for the lodgement of a development application on Council land to Arkadia, it should be clarified that this does not infer support for the indicative plaza design nor commitment by Council to pursue its construction and that the following matters be required to be addressed as part of the lodgement of a future development application:

1. That any proposed funding model for the plaza be the subject of a voluntary planning agreement to be endorsed by Council.
2. That the reduction in existing public parking numbers as indicated on the concept scheme be clearly identified and justified.
3. That the impact of the construction phases of any future adjacent development (Coles and Arkadia in particular) to the plaza, be clearly articulated.

**10.3. Owner's consent request - Grosvenor Lane Carpark - Arkadia**

<b>AUTHOR</b>	Neal McCarry, Manager Strategic Planning
<b>ENDORSED BY</b>	Marcelo Occhiuzzi, Director Community, Planning and Environment
<b>ATTACHMENTS</b>	<ol style="list-style-type: none"> <li>1. Request for land owners consent - 30 May 2023 [<b>10.3.1</b> - 6 pages]</li> <li>2. Request for land owners consent additional information - 17 July 2023 [<b>10.3.2</b> - 2 pages]</li> </ol>
<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 a landowner ('Arkadia') in Neutral Bay, seeking Council's consent as the owner of the Grosvenor Lane carpark in Neutral Bay, to lodge a development application. Arkadia seeks to carry out public domain works to create a partially pedestrianised plaza on Council land within the southern side of the existing at grade carpark.

**EXECUTIVE SUMMARY:**

- Arkadia owns land along Military Road and Young Street and has asked Council for owner's consent for the purposes of preparing a development application. The development concept proposes to carry out public domain works within Council's Grosvenor Lane carpark. The concept includes the removal of approximately 30-35 parking spaces, creation of an area of public domain approximately 16m x 80-100m, and includes a service lane through part of this area.
- Arkadia acknowledges that a more detailed design process for a future plaza/public domain area is important, and that Council would retain control and ownership of this

area. Arkadia's request describes this treatment as a potential interim position whilst Council's Neutral Bay Town Centre Study is progressed.

- Council may issue owner's consent to Arkadia for the lodgement of a DA as it does not present imply support for the broad scheme proposed. In doing so, however, Council would be facilitating the progression of a scheme that:
  - promotes a temporary solution which is not time-sensitive and which could potentially be pursued by Council following the preparation of the wider Neutral Bay Town Centre Planning Study, particularly if a more ambitious and potentially transformational plaza proposal is not able to be realised;
  - could be negotiated more transparently with any future redevelopment of the Arkadia site (or others) if and when proposed;
  - delivers a significant shortfall of public car parking with no clear plan to address such deficit;
  - represents significant design and submission costs to the applicant with little obvious utility to the planning process given its temporary status in the context of a wider planning study being undertaken; and
  - may represent a temporary (uncosted) solution, paid for in the longer term by Council, that may need to be removed to make way for a more permanent solution in future.
- The delivery of the works proposed are offered at 'no cost' to Council at this point, however, relief would be sought from any future payable Developer Contributions should future development applications be progressed on the applicant's land holdings.
- In the context of Council's existing Development Control Plan provisions and the current Neutral Bay Town Centre Study that is currently under development, the concept as presented does not appear to deliver the overarching aims and long-term vision for the Grosvenor Lane carpark.
- This report recommends that Council not issue owner's consent at this point in time but commit to further collaboration with the applicant and surrounding landowners and stakeholders to work towards a design and treatment of Grosvenor Lane carpark that best meets the needs of the immediate and wider community.

**RECOMMENDATION:**

- 1. THAT** Council withhold the issuing of landowner's consent at this time for the lodgement of a Development Application on its land as currently presented.
- 2. THAT** Council commits to engage in a consultative and collaborative design process for any future plaza at the Grosvenor Lane carpark site and that this work be undertaken as part of the Neutral Bay Town Centre Study and anticipated future development applications from surrounding properties.
- 3. THAT** a policy be developed to guide the issue of owner's consent to lodge development applications on Council land.

## **Background**

The North Sydney Development Control Plan (DCP) 2013 includes provisions that enable consideration of the undergrounding of the 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 the Neutral Bay town centre is currently in progress, with targeted community and stakeholder consultation having recently occurred and the Neutral Bay Alive community consultation group established.

On 26 April 2023, Council considered a request from the owners of 41 - 53 Grosvenor Street Neutral Bay (Coles) for owner's consent to lodge a Development Application to replace the existing supermarket and incorporate shop-top housing. That DA also seeks to create an 'at-grade' plaza by replacing the existing parking spaces within an underground format as part of its redevelopment. At that meeting, Council resolved to grant Coles owner's consent to lodge a development application. In doing so, Council noted that the issue of owner's consent does not in any way infer or suggest approval for the development application. It also noted that a consultative and collaborative design process will be required for any future plaza that includes consideration of all stakeholders.

Since that time, Council has been in contact with Arkadia in the context of the Planning Study, and a written request was submitted to Council on 30 May 2023 seeking landowners' consent to pursue their concept. This request is provided at Attachment 1.

Council wrote to Arkadia in mid-June 2023 seeking further detail of the concept and offering, requested additional information and detail on the public domain concept, and asked if a future development application for their site(s) was anticipated. Further correspondence was received on 17 July 2023 (Attachment 2).

## **Report**

### **1. Description of Concept**

The concept is to deliver an interim solution to allow for the continued operation of premises that adjoin the plaza whilst maintaining redevelopment opportunities of adjacent sites.

The proposed DA would involve reconfigured public parking, loading arrangements, and a partial public plaza on the Grosvenor Lane car park site. The concept(s) as presented include a reduction in parking spaces by 30-35 spaces.

The proposal would be funded and carried out by Arkadia, with the delivery mechanism potentially to be a negotiated deed of agreement or planning agreement. The 'offer' seeks for the works to be provided in lieu of future developer contribution levies on any future

redevelopment of its land. The offer proposes that the public domain/plaza works remain in Council’s ownership and control.

Below is an excerpt of the proposed concept(s) including approximate dimensions and features. Both options include a service lane function within the area of public plaza/public domain with potential timed access arrangements.

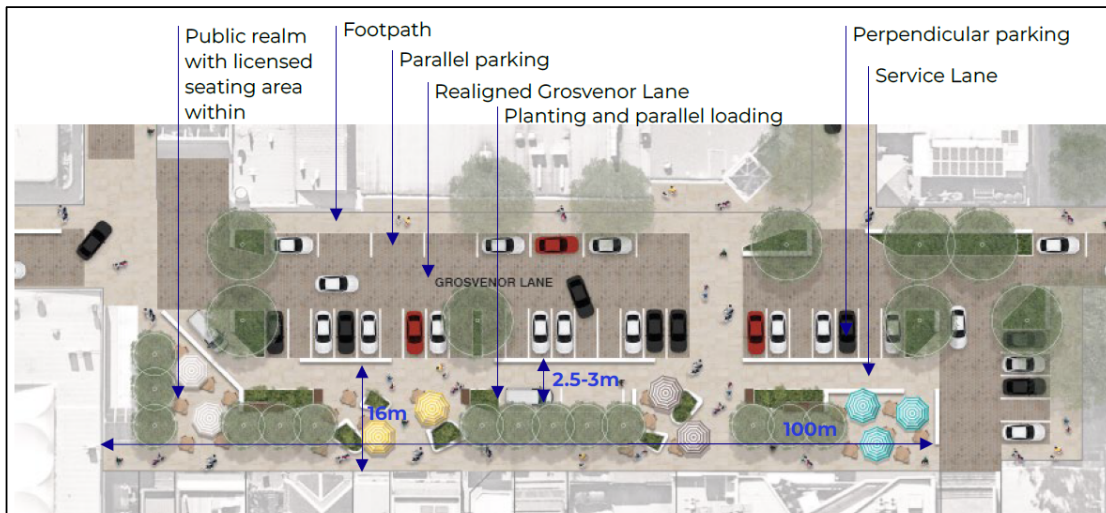


Figure 1 Indicative Option 1 plan illustration of the plaza, subject to design development

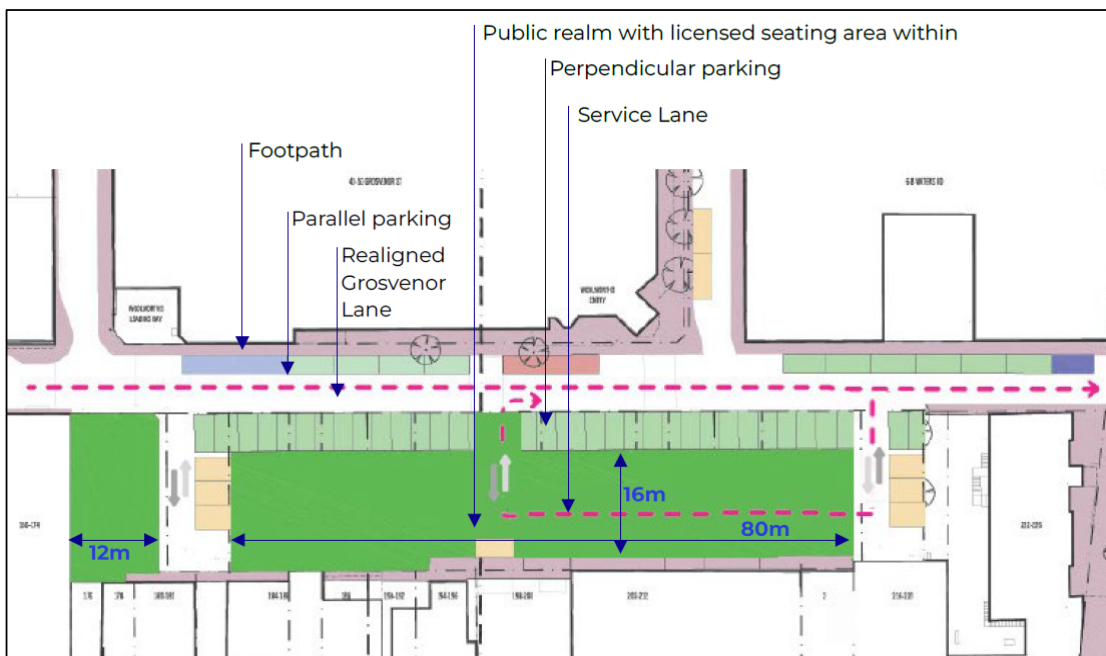


Figure 2 Indicative Option 2 plan illustration of the plaza, subject to design development

## **2. 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, Arkadia will not have the capacity to have a DA lodged and determined unless owner's consent is granted by Council.

The consent authority for a Development Application lodged by a party other than Council would likely be the North Sydney Local Planning Panel.

## **3. Issues**

The following identifies various issues and matters for consideration of relevance.

### **3.1 Relationship to Neutral Bay Town Centre Planning Study**

The Neutral Bay Town Centre Planning Study (the Study) is currently under development. Targeted community engagement has recently occurred, and the "Neutral Bay Alive Community Consultation Group" established to provide detailed feedback to the study.

Ideally, the Study would be finalised after community and stakeholder engagement and used to guide future development. As was identified in Council's recent consideration of the Coles DA owner's consent request, there will likely be an understandable level of community confusion around Council preparing a planning study on the one hand and working with different landowners to potentially deliver a plaza design resolution, which is central to that planning study, on the other. This would need to be very clearly and proactively communicated and explained.

### **3.2 Reduction in Public Parking Spaces**

Through recent community consultation, access to convenient and safe parking has been identified as a key priority for the majority of stakeholders. The proposed concept would result in the reduction of existing spaces by approximately 30-35 spaces. The proposed concept has been presented as an interim treatment but does not provide any clarity on how this displacement of spaces might be managed in the short or long term.

For clarity, the current quantum and condition of parking available at the Grosvenor Lane carpark site is summarised in the table on the next page.



Restriction	Applicable hours/use	Number
1 1/2P	8am-10pm (Mon-Fri), 8am-8pm (Sat) & 8am-5pm (Sun & Public Hols)	64
Reserved	Motorcycles only	11
Reserved	Disabled	4
Loading Zone	Loading Zone	8
<b>Total</b>		<b>87</b>

Opportunities for the provision of much-needed open space and high-quality public domain need to be weighed against the vehicular access and servicing needs of visitors, shopkeepers, and all stakeholders. Any decision around these issues requires a careful balance to be struck between these priorities, however, the removal of the quantum of spaces suggested, with no near- or long-term replacement commitment, would likely present a challenge for the community and is a matter likely best explored through broader consultation as part of the Neutral Bay Town Centre study.

### 3.3 Council Control Over Outcome

The issue of owner's consent may be perceived as tacit support for the proposal in the wider community however Council will continue to retain full control over this land, even if a DA were to be 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 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 Arkadia with the confidence to further invest in the DA design and preparation process, and associated consultation;
- Council, could, should it wish to do so at a point in the future, initiate and progress a proposal similar to that proposed by the applicant as the proposed concept does not involve any works on private property.

Notwithstanding these points, Council's current policy position (informed by the earlier Grosvenor Lane Parking Study) is reflected in the Development Control Plan (Section 5.1.6) which includes:

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

*P6) Design a plaza to be flexible and able to accommodate passive recreation and special events*

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

*P17) Loading facilities should not impact on amenity of plaza and should ideally be provided underground.*

Aspects of the concept, such as supporting a village atmosphere, increased outdoor dining opportunities, and minimising solar impacts, may have merit that warrant further exploration, however, these are best explored through the Neutral Bay Town Centre Study process and further community engagement.

### 3.4 Principles for Design

In Council's recent consideration of the Coles consent request, several principles were identified to guide the design process. These included:

- 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
- public parking is to be located in the upper sections of the basement car park.

The concept presented by Arkadia does not contemplate the undergrounding of any lost parking spaces and whilst some aspects of the scheme may have merit, the outcome appears to be compromised through the provision of vehicular access/servicing such that the net uninterrupted plaza/public domain works are limited in depth to only 12-13m.

### 3.5 Relationship to Coles DA (41-53 Grosvenor Street) and Equity Considerations

As mentioned previously, Council recently issued landowner's consent for the lodgement of a DA at 41-53 Grosvenor Street Neutral Bay which conceptually includes the relocation of the existing parking spaces within the Grosvenor Lane carpark to a consolidated basement, and delivery of a pedestrian plaza. Key design aspects of the plaza are yet to be resolved in detail. It is understood that the applicant will be lodging a DA in the coming weeks and will include a concept design for the plaza on the understanding that it will be subject to further design refinement and development. Consideration will also be given to staging of construction so as to allow equitable access to surrounding businesses and properties during any construction process, should development consent eventually be granted.

In Council's consideration of the recent request by Coles (26 April and 8 May 2023), discussion included the notion of granting concurrent landowner's consents to different parties. Whilst not detailed in the resolution or minutes, it was discussed at the meeting that the provision of consent (for DA lodgement purposes) would not preclude the provision of similar consent to other parties.

Whilst the request currently before Council is ostensibly seeking owner's consent, the basis upon which it is sought has necessitated some qualitative commentary on the overall merit and key considerations of the proposal.

A key difference between the Coles and the Arkadia proposals is that the former is seeking to include the plaza as an integral part of a broader integrated redevelopment of their site, whereas the latter is to occur purely in the public domain. In other words, the broad concept pursued by Arkadia could be independently pursued by Council without reference to any private landowner at any time. The former has strong interdependencies with the private Coles development that according to Coles, is commercially time-sensitive, hence its request for owner's consent. The cost of furthering the Arkadia proposal would be borne by the forfeit of development contributions that would be levied against any Arkadia redevelopments in the future. It is unclear, given that Arkadia have no immediate development aspirations, what the benefits of pursuing a detailed design ahead of the preparation of the wider planning study, are. The Coles proposal on the other hand, includes a time-critical component which involves exploring a potential opportunity to deliver significant wider benefit for the Neutral Bay centre as well as being "cost neutral" to Council and the community.

It is acknowledged that the approval and delivery of the Coles proposal is far from certain given the many unresolved variables at stake. Without underestimating the complexity of these planning considerations, if they can be addressed to Council's satisfaction, the outcome could be transformational for Neutral Bay. The Arkadia proposal, whilst conceptually an improvement on the current situation, could be pursued if the various matters to be addressed by the Coles proposal, cannot, or are not satisfied. In other words, it remains a reasonable fall-back in concept, albeit one that requires more design development and consultation.

Council may issue owner's consent to Arkadia for the lodgement of a DA as it does not present imply support for the broad scheme proposed. In doing so, however, Council would be facilitating the progression of a scheme that:

- promotes a temporary solution which is not time-sensitive;
- can potentially be pursued by Council following the preparation of the wider Neutral Bay Town Centre Planning Study following consultation, particularly if the more ambitious and potentially transformational plaza proposal is not successful;
- could be negotiated more transparently with any future redevelopment of the Arkadia site (or others) if and when proposed;
- delivers a significant shortfall of public car parking with no clear plan to address such deficit;
- represents significant design and submission costs to the applicant with little obvious utility to the planning process given its temporary status in the context of a wider planning study being undertaken; and
- may represent a temporary (uncosted) solution, paid for in the longer term by Council, that may be required to be removed to make way for a more permanent solution in future.

For the reasons detailed in this report, it is recommended that, at this point in time, consent be withheld and further engagement with Arkadia and surrounding landowners be undertaken as part of the Neutral Bay Town Centre Study.

### 3.6 Value

In dealing with Council land, Council needs to ensure that fair value for the community is achieved in any licensing agreement (for outdoor dining) and foregone future development contributions, as well as consideration being given to the impacts of the loss of any public parking spaces. This value is not necessarily limited to a pure quantitative (i.e., dollar) approach but equally important is the qualitative benefits that any agreement may deliver to the community. Arkadia have presented an offer to carry out the proposed works at no cost to Council, however, are seeking relief or offset against any future development contributions that a future development application may attract. The extent of proposed works, and potential foregone contributions revenue, are yet to be costed or proposed.

### 3.7 Probity

Council plays various roles in the process described in this report. It would potentially be acting as both a regulator and landowner. Care needs to be taken to ensure these roles are conducted independently of each other and without undue influence. Steps would include:

- appointing an independent party to assess and report on any Development Application;
- negotiations associated with land and facilities being conducted on behalf of Council's Land Management Division, independently of Council's regulatory DA functions.

### Options

Council has the following options in relation to this matter:

1. Grant owner's consent
2. Not grant owner's consent

These options are assessed in the table below.

Option	Finance/Resourcing	Risk/Opportunity	Consultation
1.	This option will require further inputs as to whether the proposal represents best use of Council's land. Ongoing management and maintenance costs and responsibilities	Risks include confusion around the relationship of this process and the Neutral Bay Town Centre Planning Study.  The timing of any DA process may reduce the comprehensive consultation process associated with any new (full or partial) plaza.	Consultation on design and a range of issues will be required to be undertaken.

Option	Finance/Resourcing	Risk/Opportunity	Consultation
	need to be further examined.	Council retains controls over the site and is not forced to progress to a development that does not meet overall desired outcomes.	
2.	Nil	<p>Perception of preferential treatment toward one landowner.</p> <p>Loss of public parking.</p> <p>Opportunity to realise some public domain improvements in the short term may be lost.</p>	Further consultation is best undertaken in the context of the Neutral Bay Town Centre Planning Study.

Option 2, is recommended for the following reasons:

- It represents a modest investment in resources to better explore longer-term costs and on-going management considerations.
- On balance, the risks associated with progressing this proposal coupled with the overall lack of strategic merit in the concepts presented are not considered to outweigh the opportunities that this concept presents at this point in time.
- Community consultation has indicated a strong desire to at least maintain current quantum of public parking available. Any reduction in spaces and re-design/re-configuration of carpark is best explored in a broader consultation exercise.

#### **Consultation requirements**

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

#### **Financial/Resource Implications**

There are no immediate financial implications for the issuing of owner's consent to accompany a future DA. If the process were to move towards design and delivery with Council agreement, consideration would 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. Council would also need to be cognisant of the implications of any decisions to agree to relief of future developer contributions as requested by the applicant.

There are no direct and immediate resource implications for the non-issuing of owner's consent to accompany a DA. However, it should be noted that Council staff will need to invest

time in reviewing material to further explore the potential opportunities associated with the Arkadia 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 to issue development consent to an application that does not include owner's consent.



30 May 2023  
2230325

Ms Therese Manns  
General Manager  
North Sydney Council  
PO Box 12  
North Sydney, NSW 2059

Dear Ms Manns,

## Re: GROSVENOR LANE CAR PARK LANDOWNER'S CONSENT REQUEST

We write on behalf of Arkadia to request Council's consent as landowner of the Grosvenor Lane carpark and adjoining Grosvenor Lane in Neutral Bay, to lodge a Development Application (DA) on that land.

We submit this request in the interest of ensuring an open, transparent and collaborative approach to deliver the new public plaza in Neutral Bay, in line with Council's future vision. As it stands, on the basis of the development application being prepared by Coles (which includes the plaza), we are of the opinion that the opportunity for a collaborative process to deliver a design that equitably meets the needs of all relevant stakeholders may be lost.

As Council states in their Neutral Bay Town Centre Planning Study (NBTCPS) Fact Sheet (noting the study is currently at the Targeted Preliminary Engagement Phase), *"By preparing the NBTCPS, development pressures will be better managed within a consultative and informed development framework."* We are of the opinion that preparation of this study concurrent to a private developer preparing a development application for the plaza subverts the consultative and informed development framework. Further, without a transparent and equitable approach to the design of the public plaza, Council's intention number six *"The study will retain and strengthen the retail/commercial floorspaces within the town centre"* may not be achievable as we fear that handing over the entire Plaza to Coles will result in years of construction that will restrict parking, loading and access to traders in the village, and then inhibit future development upon its completion.

Arkadia is seeking to prepare an application for the plaza that follows a genuinely open, transparent and collaborative process. Further detail is provided below.

### 1.0 Context and Overview

#### 1.1 Proposed development site

The Council owned land the subject of this request is shown in **Figure 1** (in yellow) and involves the whole of the Grosvenor Lane carpark (with the exception of a small parcel of Crown Land shown in purple).

Arkadia own a significant landholding along Military Road and Young Street, comprised predominantly by retail, business and commercial premises. The viability and strength of village atmosphere provided by these properties will be closely tied to the design and arrangement of the public plaza.



**Figure 1 Council land subject to this owner's consent request**

Source: Nearmap, Ethos Urban

## 1.2. Previously issued landowner's consent – Coles Development

The land identified in **Figure 1** was the subject of landowner's consent granted by Council on 26 April 2023. At this meeting, Council resolved the following:

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, and this includes the consideration of all stakeholders, and also that any one stakeholder is not disadvantaged.
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.

At this Council meeting and a subsequent meeting on 8 May 2023 (where a rescission motion was debated) it was confirmed to Arkadia both by Councillors and Council staff that multiple landowners consent requests could be granted in parallel over the Council own Grosvenor Lane car park and associated streets. Arkadia was encouraged to lodge a landowners consent given its representations made at both Council meetings.

Therefore, our understanding is that there is no cause to withhold owner's consent.

## 2.0 Landowner's consent – Arkadia Proposal

### 2.1. Key attributes of the proposed development

The Arkadia proposal seeks to achieve an orderly and economic use of publicly owned land, informed by Council's NBTCPs and with equitable stakeholder consultation. The proposal will define an interim solution that allows for continued operation of premises that adjoin the plaza, without compromising the redevelopment of adjacent sites.



Key attributes of the Akadia proposal include:

- Retention of elements that contribute to the village atmosphere;
- Retention of Grosvenor Lane in its current location to preserve the vitality of and access to the precinct;
- Appropriately responding to the topography of the plaza;
- Minimised impacts to small business;
- Delivery of a vibrant community plaza, including opportunities for outdoor seating and activation;
- Appropriately addressing the needs of loading, deliveries and waste management to the adjacent premises;
- Retention of an appropriate quantum of at-grade parking for retail vitality; and
- Embedded flexibility for redevelopment opportunities of all surrounding adjacent properties.

## 2.2. Overview of proposed development

In summary, the proposed DA will involve reconfigured public parking, loading arrangements and design of a public plaza on the Grosvenor Lane car park site.

The development will be carried out and funded by Arkadia (at no cost to Council), through the mechanism of a Planning Agreement between Arkadia and Council. Arkadia propose that the agreement provides for delivery of the plaza in lieu of infrastructure costs levied on the future redevelopment of its land.

For the avoidance of doubt, there is no expectation that Council warrants any development outcome on Arkadia's land, it is merely a forward funding proposal based on costs to be levied on any future development that may or may not occur.

Arkadia supports Council's requirement that the Plaza is to remain in public ownership and control.

## 3.0 Considerations

### 3.1. 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 P4 of the DCP, the DA will include design of a public plaza. The proposed arrangement will include on-grade parking with shared pedestrian access across the existing Grosvenor Lane car park and part Grosvenor Lane. Early schematics are provided in **Figure 2** and **Figure 3** (with photomontage at **Figure 4**) for illustration and is subject to further design development. This will be informed by Council's NBTCPs. Arkadia intends to liaise with Council's professional staff when developing the plaza design. The granting of owner's consent to lodge the DA does not affect Council's right to determine the final design. Arkadia is willing to work alongside Coles in their preparation of a concurrent DA to identify the nature and extent of construction and staging of delivery of the public plaza.

Consistent with P15 of the DCP, the proposal will facilitate the construction of underground public parking below the existing Grosvenor Lane Car Park as the surrounding sites are redeveloped.



**Figure 2** Indicative plan illustration of the plaza, subject to design development  
Source: AE Design



**Figure 3** Indicative plan illustration of the plaza, subject to design development  
Source: Arkadia



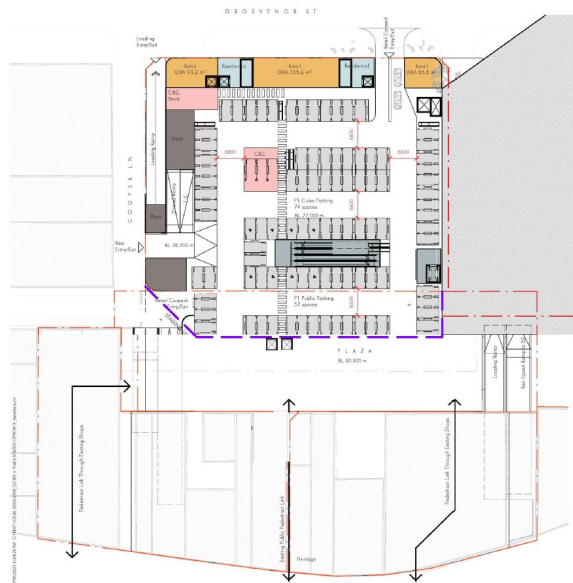
**Figure 4** Indicative photomontage of the plaza, subject to design development  
Source: AE Design

**3.2. Future Development**

This proposal will deliver a public plaza that achieves a vibrant village atmosphere for Neutral Bay in the immediate future, with consideration to the viability of adjacent small businesses and without compromising redevelopment of adjacent sites in the future.

The finalisation of Council's NBTCPs will guide the future development of the area. The future redevelopment of Arkadia owned land will account for the interests of small businesses, in accordance with its existing contractual relationships.

In the interest of a transparent, consultative process, Arkadia's design of the public plaza will respond to the interests of Coles as an important stakeholder, and embed a solution such as the previously agreed basement extent illustrated at **Figure 5** below.



**Figure 5** Previously agreed basement extent with Coles

Source: Arkadia

#### 4.0 Conclusion

Arkadia supports Council's intention to transform the Grosvenor Lane Car Park into a vibrant space for the local community. Arkadia's proposal will concentrate public open space to the southern side of the plaza where solar access is best achieved, with direct and activated frontage to adjacent small businesses. Arkadia's proposal will retain Grosvenor Lane and an appropriate quantum of on-grade parking, as well as dedicated servicing arrangements to ensure the viability and strength of the existing retail offerings, prior to future redevelopment of adjacent land.

Arkadia is willing to deliver the plaza at no cost Council and in a manner that actively incorporates input from the community and relevant stakeholders and does not result in a prejudiced outcome. Arkadia is willing to determine a clear definition of the extent of public land to be included within its DA, so that there is no disturbance to the surrounding landowners and public access during construction.

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,



Tom Goode  
Director  
tgoode@ethosurban.com



Aaron Hogan  
Senior Urbanist  
ahogan@ethosurban.com



17 July 2023  
2230325

Mr Neal McCarry  
Acting Manager Strategic Planning  
North Sydney Council  
PO Box 12  
North Sydney, NSW 2059

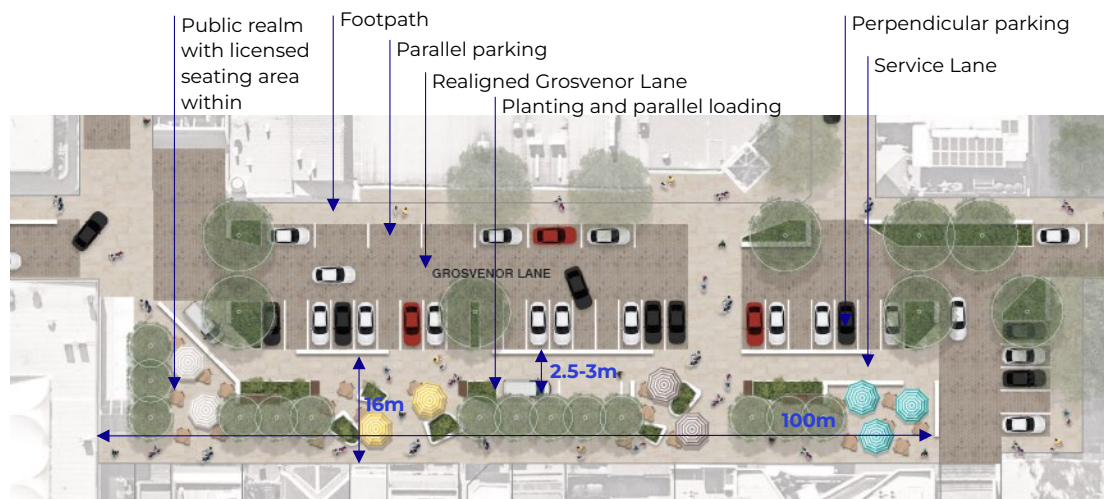
Dear Mr McCarry,

### Re: GROSVENOR LANE CAR PARK LANDOWNER'S CONSENT REQUEST

Following our letter dated 30 May 2023, written on behalf of Arkadia to request Council's consent as landowner of the Grosvenor Lane carpark and adjoining Grosvenor Lane in Neutral Bay, we provide the following additional information as requested.

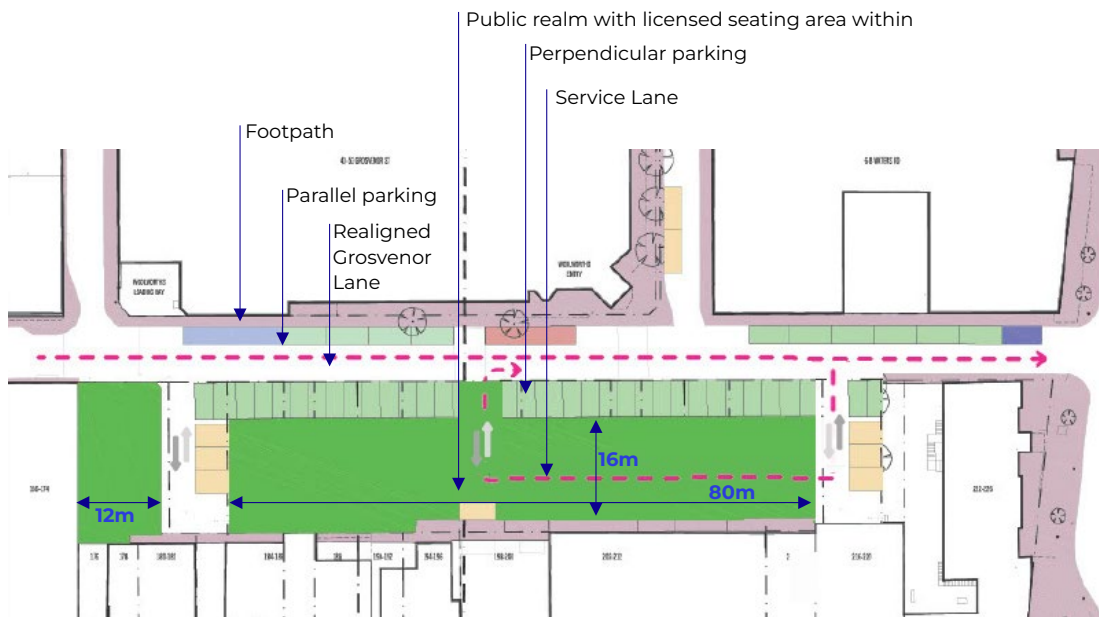
1. Approximate north – south dimension of the proposed plaza: **16 metres**
2. Approximate east – west dimension of the proposed plaza: **100 metres**
3. Approximate width of proposed service lane: **2.5 to 3.5 metres** (additional width at kerbside loading spaces).
4. Proposed total number of retained parking spaces: **39 spaces**
5. Approximate proposed width of licensed seating area: **will vary from 4 metres (maximum) to 3 metres (minimum)** to accommodate public realm, seating, planting and community amenity.
6. Proposed timing of service lane: **two options being investigated** – Option 1: may be timed, Option 2: between 6pm and 9am (refer dashed line for location of service lane at Option 2).
7. Proposed location of each zone: **refer Figure 1 (plaza option 1) and Figure 2 (plaza option 2) below.**

We note that the below plans are illustrative only and subject to further design development. The intent of the design will be to maximise public domain and at the same time allow for on grade parking and servicing to ensure the viability of the precinct.



**Figure 1** Indicative Option 1 plan illustration of the plaza, subject to design development  
Source: AE Design

173 Sussex Street, Sydney NSW 2000 (Gadigal Land)  
E. sydney@ethosurban.com | W. ethosurban.com | T. +61 2 9956 6962 | ABN. 13 615 087 931



**Figure 2** Indicative Option 2 plan illustration of the plaza, subject to design development  
Source: Arkadia



**Figure 3** Indicative photomontage of the plaza, subject to design development  
Source: AE Design

Yours sincerely,

Tom Goode  
Director  
tgoode@ethosurban.com

Aaron Hogan  
Senior Urbanist  
ahogan@ethosurban.com

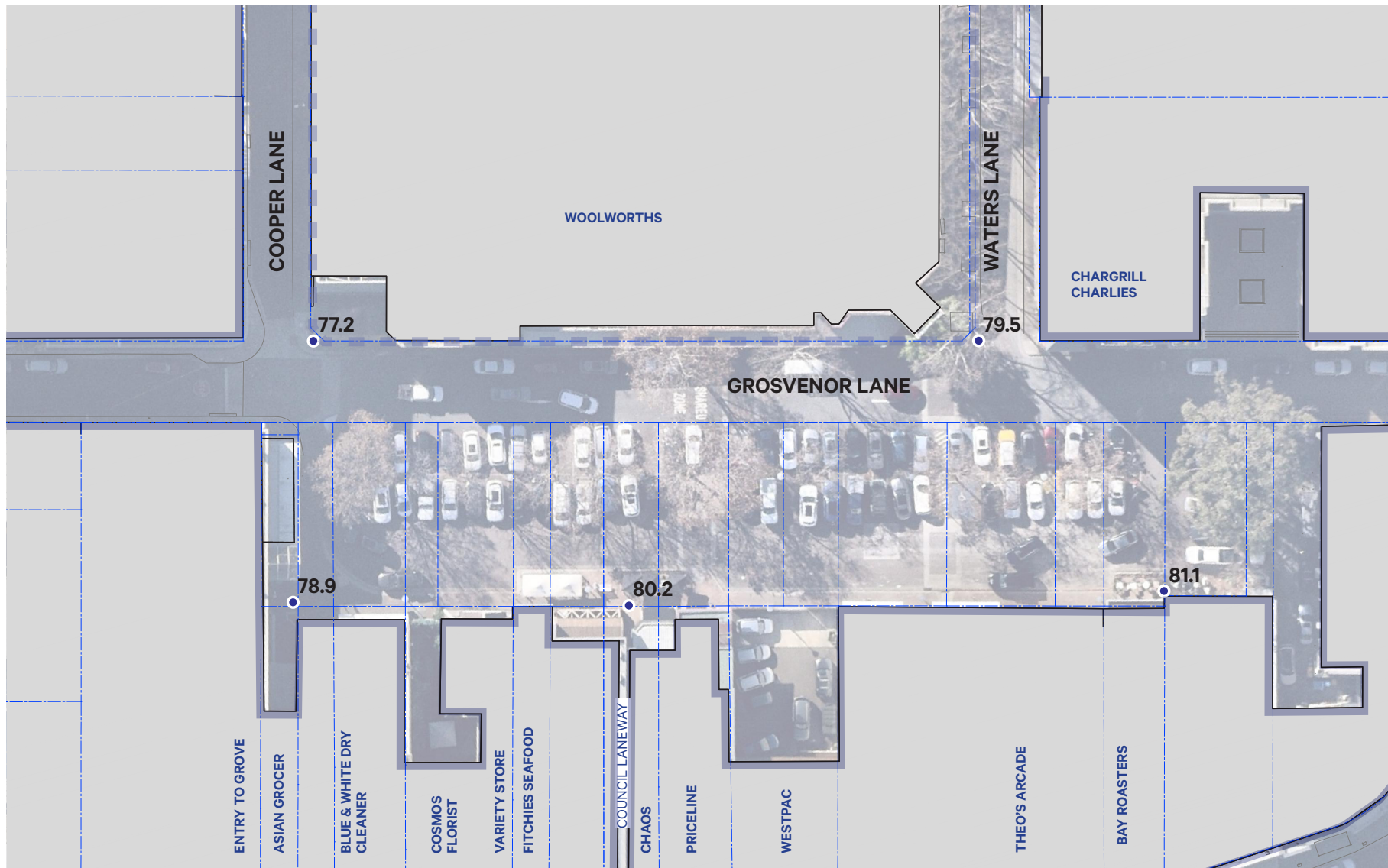
Date —  
04 SEPTEMBER 2023

# Neutral Bay Village

NORTH SYDNEY COUNCIL  
COUNCILLOR BRIEFING  
SEPTEMBER 2023

**CONFIDENTIAL**

# EXISTING CONDITIONS



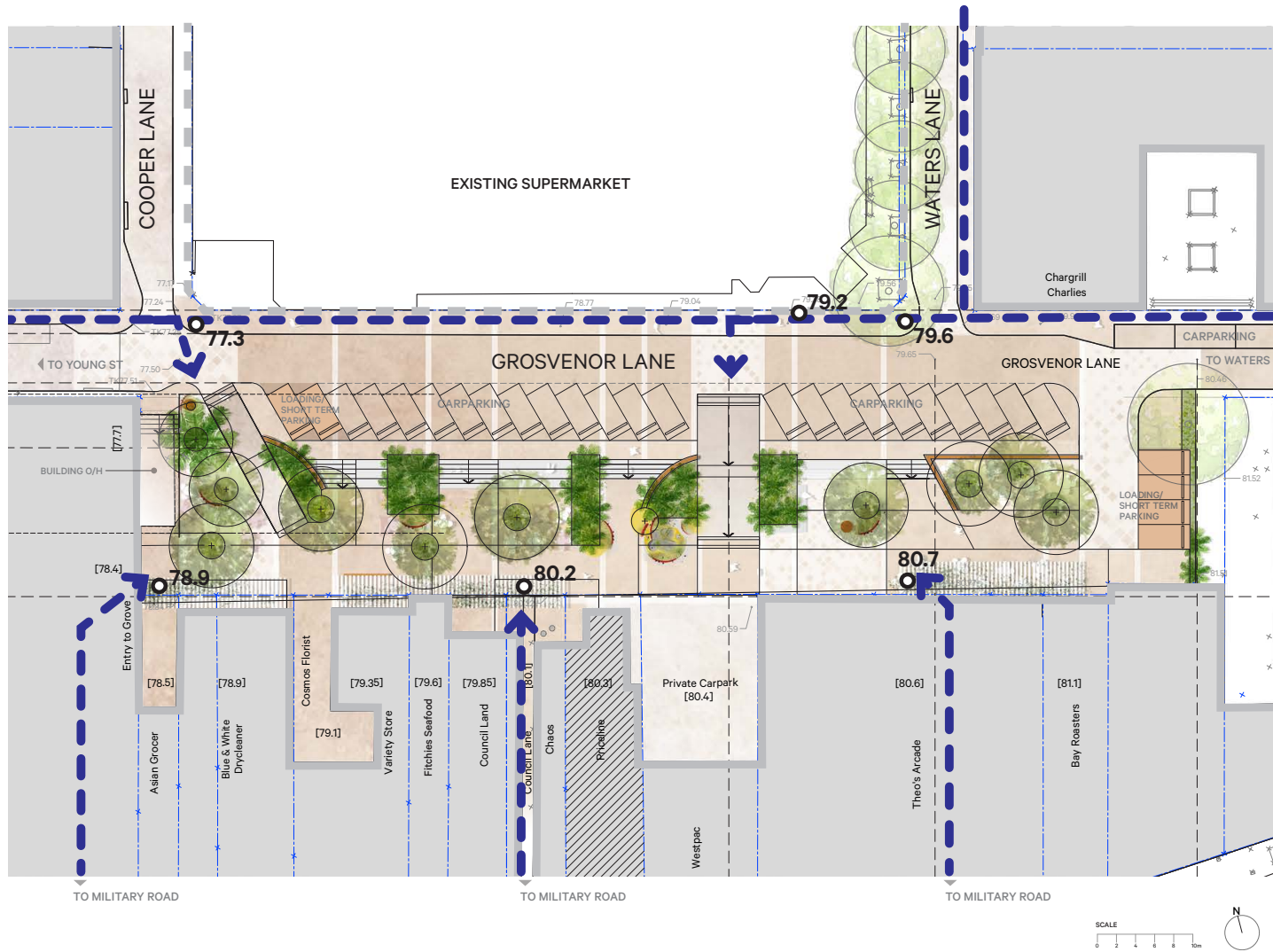


# Plaza Concept Plan

1. COMPLIANT RAMPS
2. LOADING / SHORT TERM PARKING
3. FOOTPATH AT GROSVENOR LANE LEVEL (LOWER PLAZA)
4. ACCESS BETWEEN PARKING AND UPPER PLAZA
5. FOOTPATH ALONGSIDE GROSVENOR LANE AND SUPERMARKET
6. UPPER PLAZA OUTDOOR ROOMS WITH FURNITURE, GARDENS, NEW TREE PLANTING AND OUTDOOR DINING
7. ARBOUR
8. PUBLIC ART AND PLAY WITHIN PLAZA



# Plaza Concept Plan Technical Overlay



## The proposed design achieves:

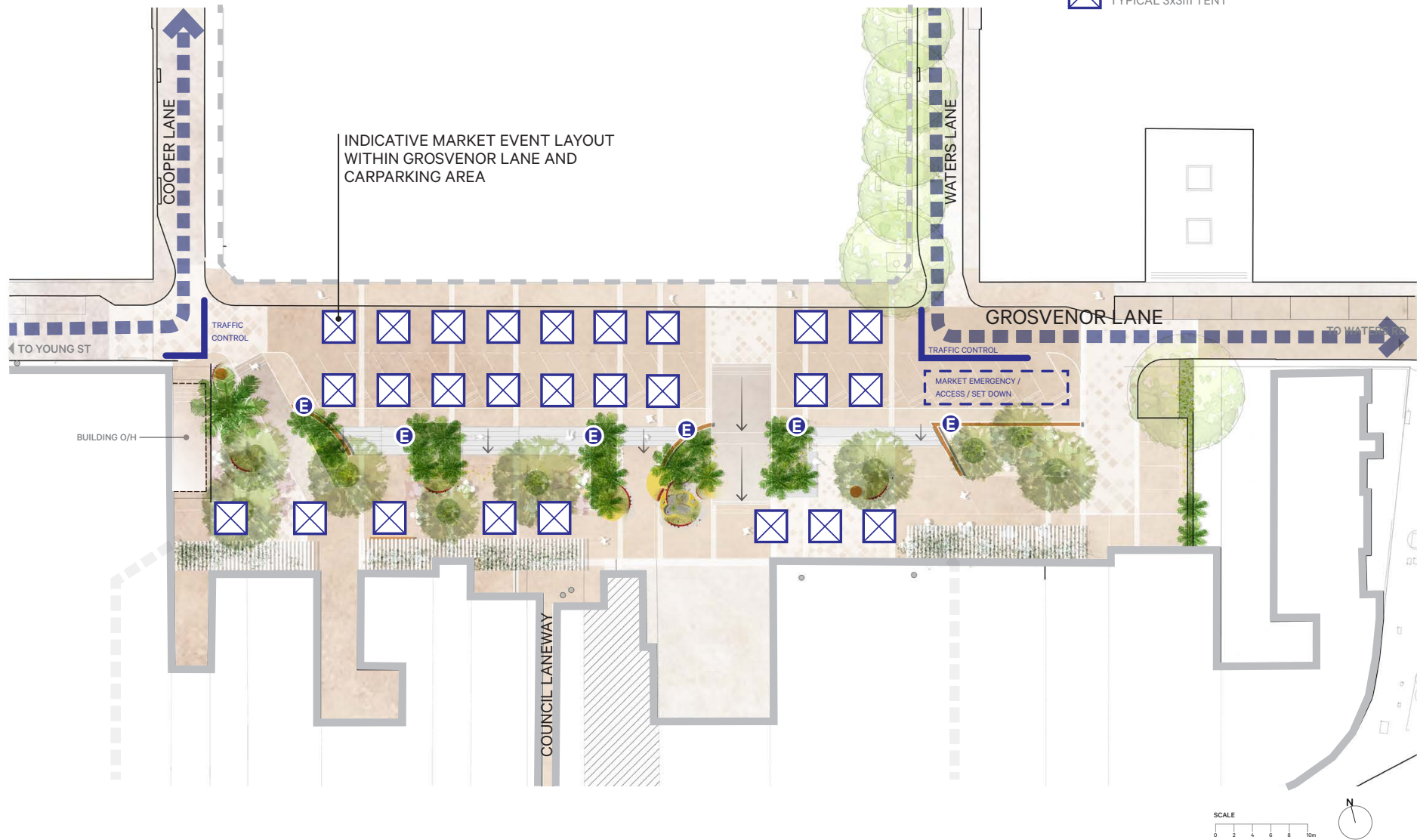
- Grosvenor Lane remains open as a slow vehicle-speed street
- 27 surface carparks, including disabled carparks, are retained
- Achieves pedestrian permeability from Military Road to the Neutral Bay Village Plaza and then to Waters Lane, Waters Road and Young Street.
- Realises a significant plaza from Day 1. The Plaza is free of vehicles with restricted times for servicing businesses fronting onto the Plaza and Military Road over a small proportion of the Plaza.
- The Plaza has active frontages to businesses facing onto it.
- For larger community events, Grosvenor Lane can be closed to vehicles and the area available doubled in size.
- The arrangement allows for reconstruction of the current Woolworths supermarket by Coles and the continued functioning of the Plaza, and possible future uplift of land uses adjacent to Military Road.

Plaza Public Realm - *Plaza view looking east*



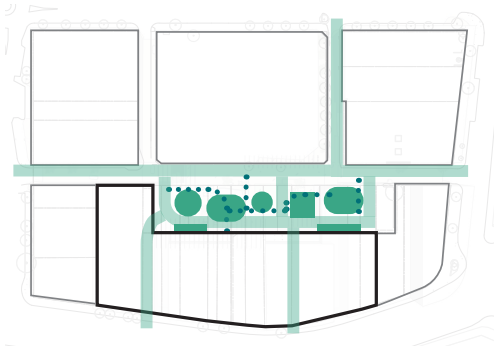
# VILLAGE PLAZA EVENT MODE - MARKETS

## PARTIAL CLOSURE OF GROSVENOR LANE

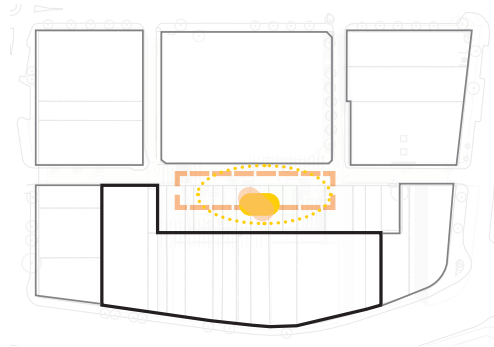


# Supporting Material Design Framework

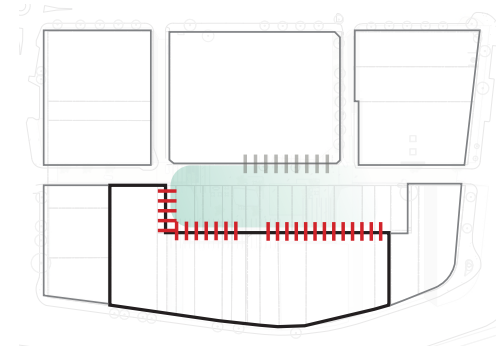
## Plaza Design Principles



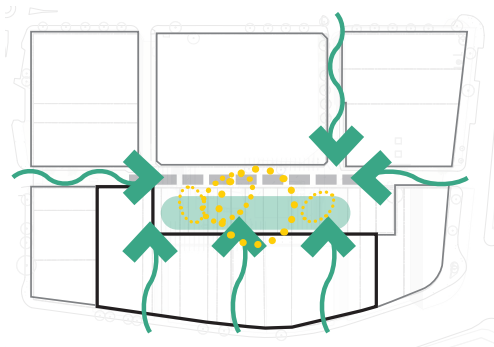
**1. Linked green rooms. Equal access throughout.**



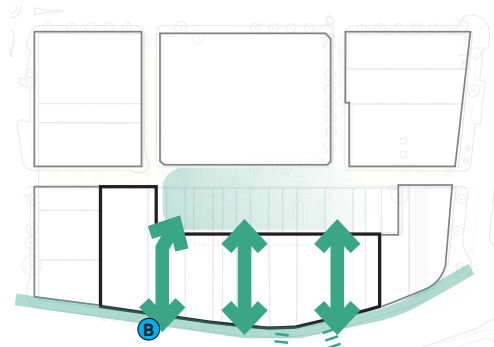
**2. An ability to provide a space to cater for village events such as weekend markets.**



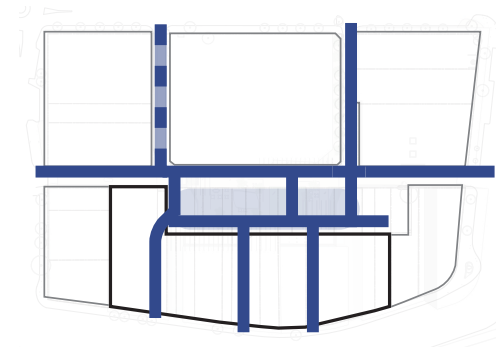
**3. Active retail frontages to activate the plaza.**



**4. Village green acts as the central community focus to Neutral Bay Village.**

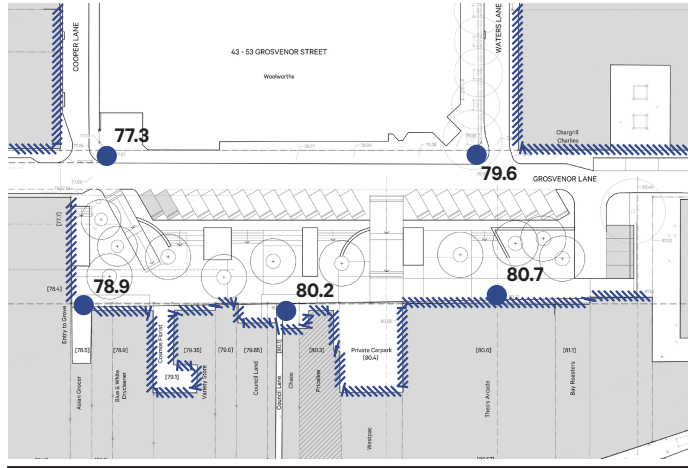


**5. Direct connection to Military Road from plaza achieved at grade.**

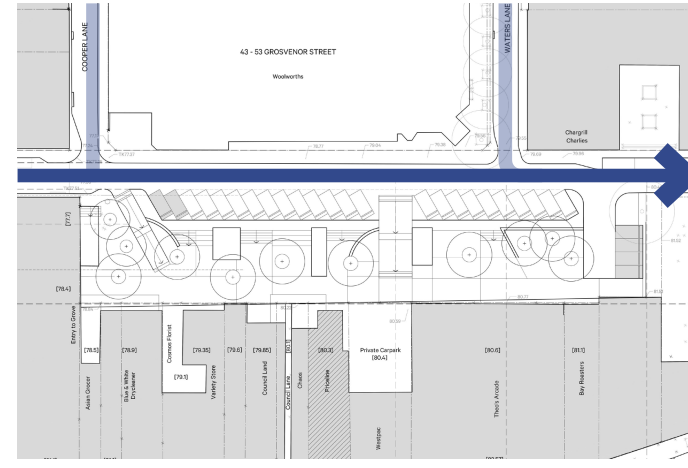


**6. Direct connection for pedestrians from Cooper Lane and Waters Lane through the plaza to Military Road.**

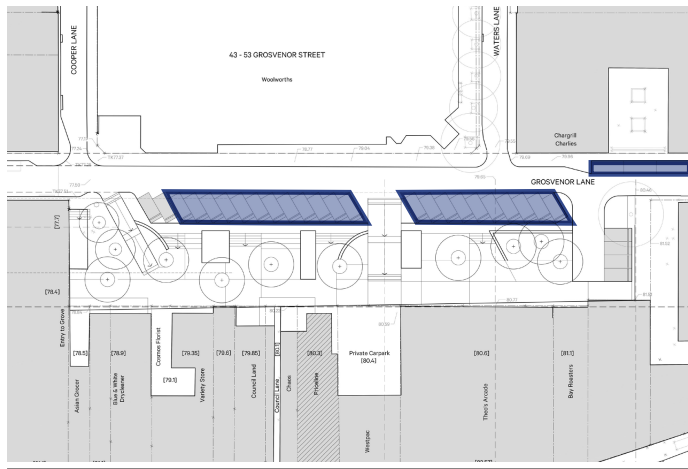
# Framework



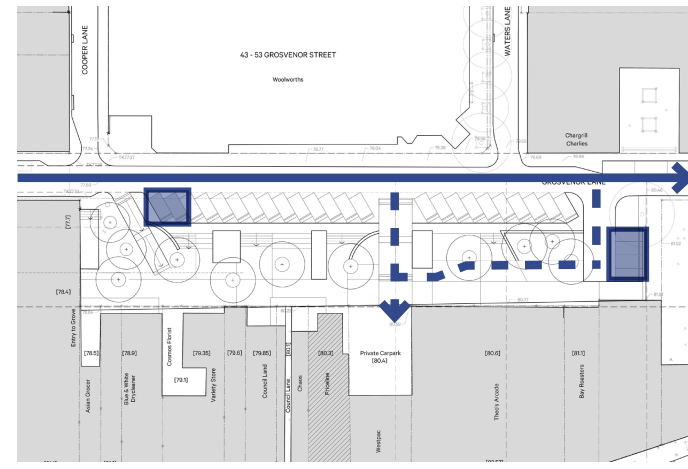
**SHOP FRONTS + STREET LEVELS MAINTAINED**



**GROSVENOR LANE**

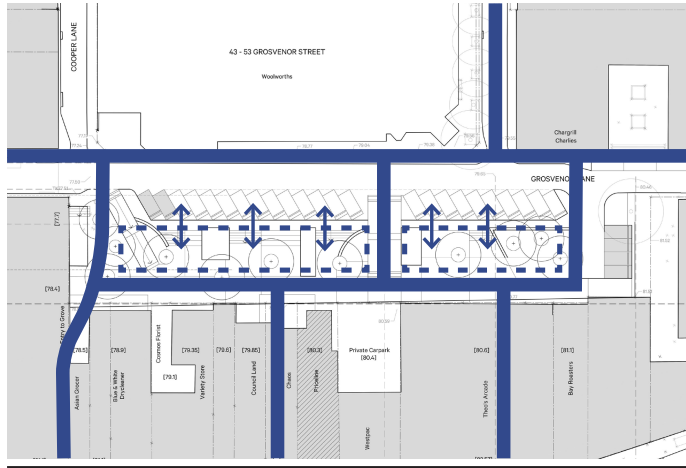


**PUBLIC CAR PARKING IN PLAZA**

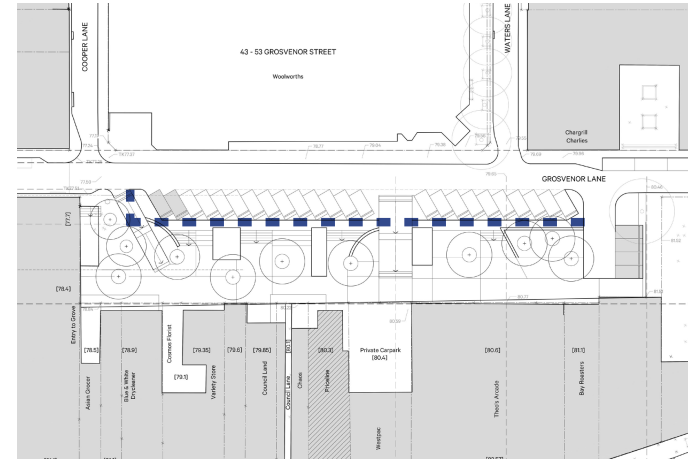


**SERVICING**

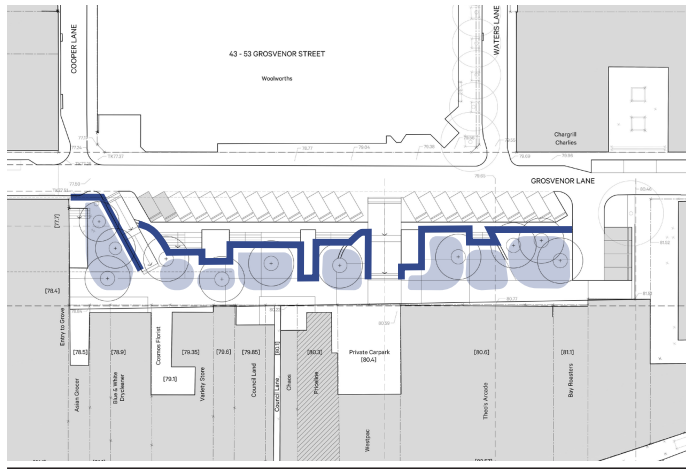
# Framework



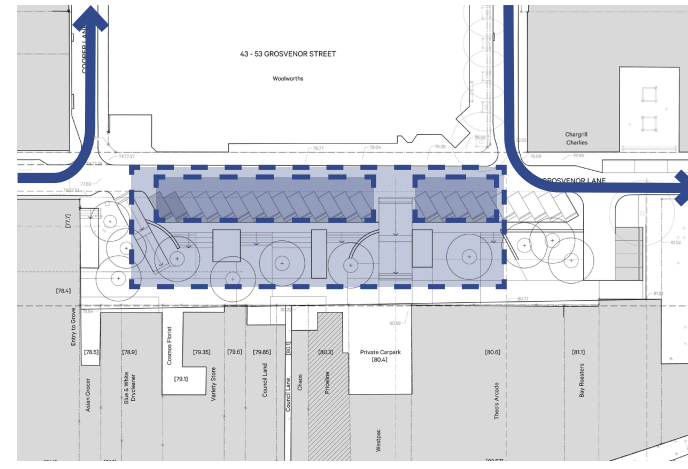
**PEDESTRIAN CONNECTIVITY**



**STAGED DEVELOPMENT**



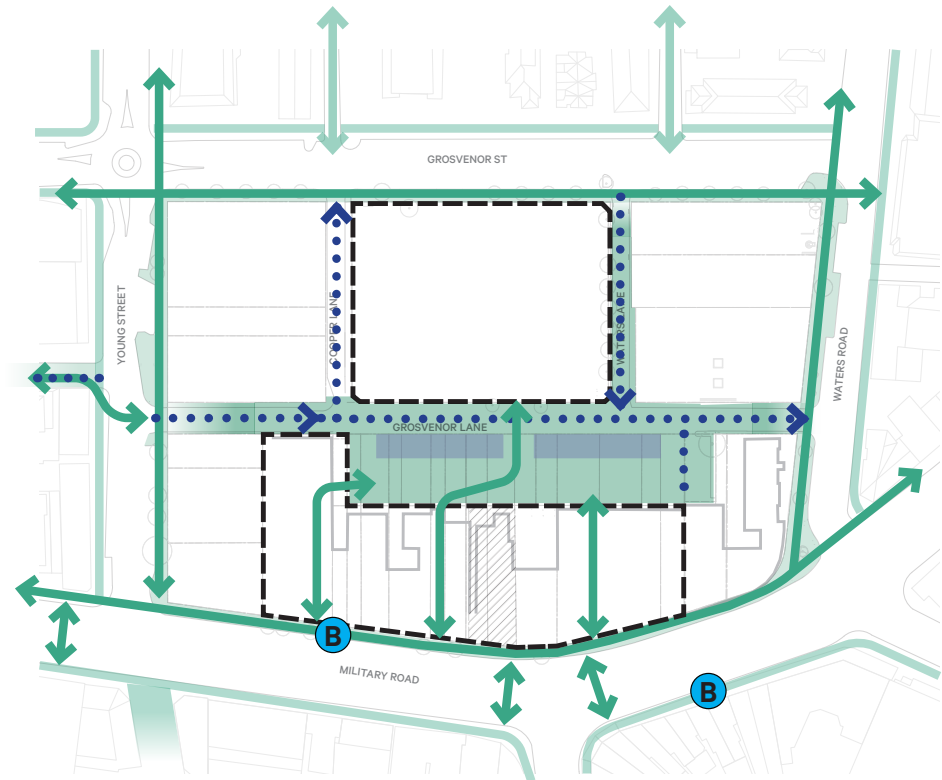
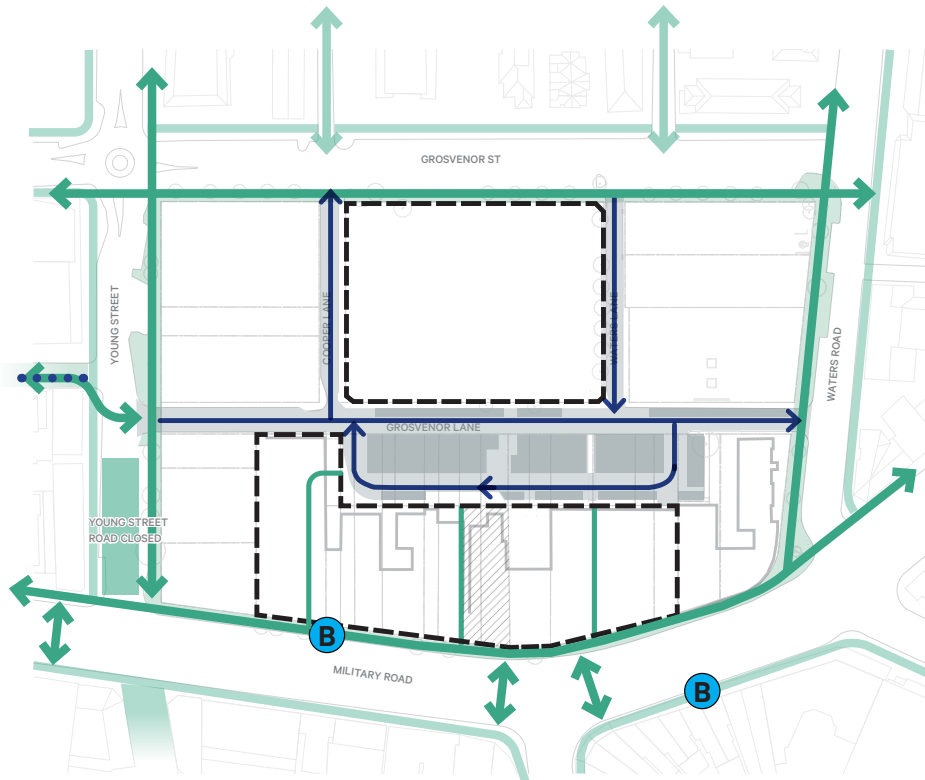
**PLAZA WITH 'OUTDOOR ROOMS' + GREENING**



**EVENT PLAZA**



# Pedestrian Movement

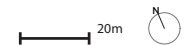


## Existing road and carpark

- EXISTING VEHICLE MOVEMENT
- EXISTING ROAD AND CARPARKING
- BUS STOP
- MAJOR PEDESTRIANISED AREAS + LINKAGES

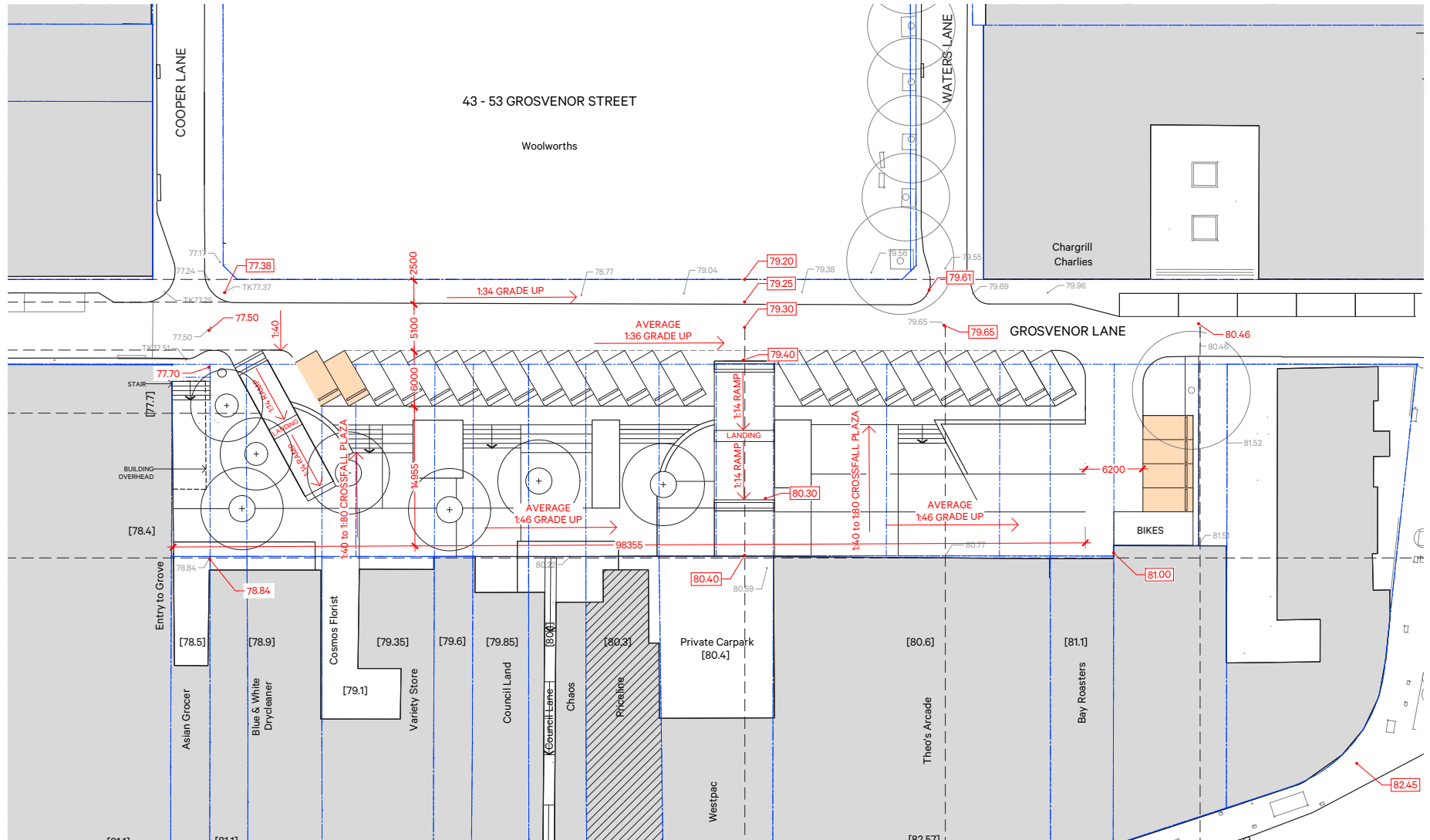
## Possible pedestrian zones

- BUS STOP
- PEDESTRIAN AREAS + MAJOR LINKAGES
- VEHICLE MOVEMENT AT-GRADE
- CARPARKING (AT-GRADE IN PLAZA)

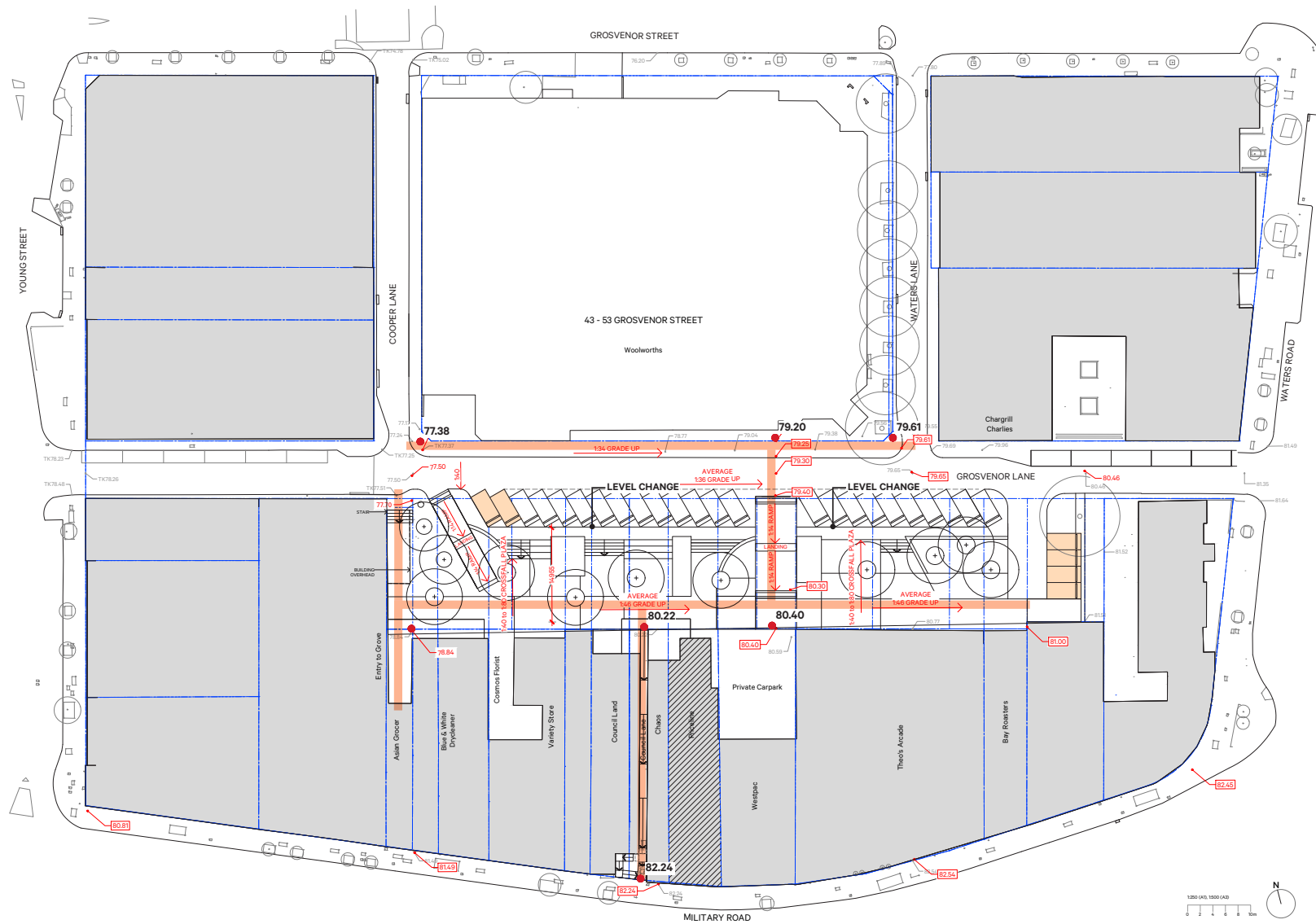


# Supporting Material Levels & Sections

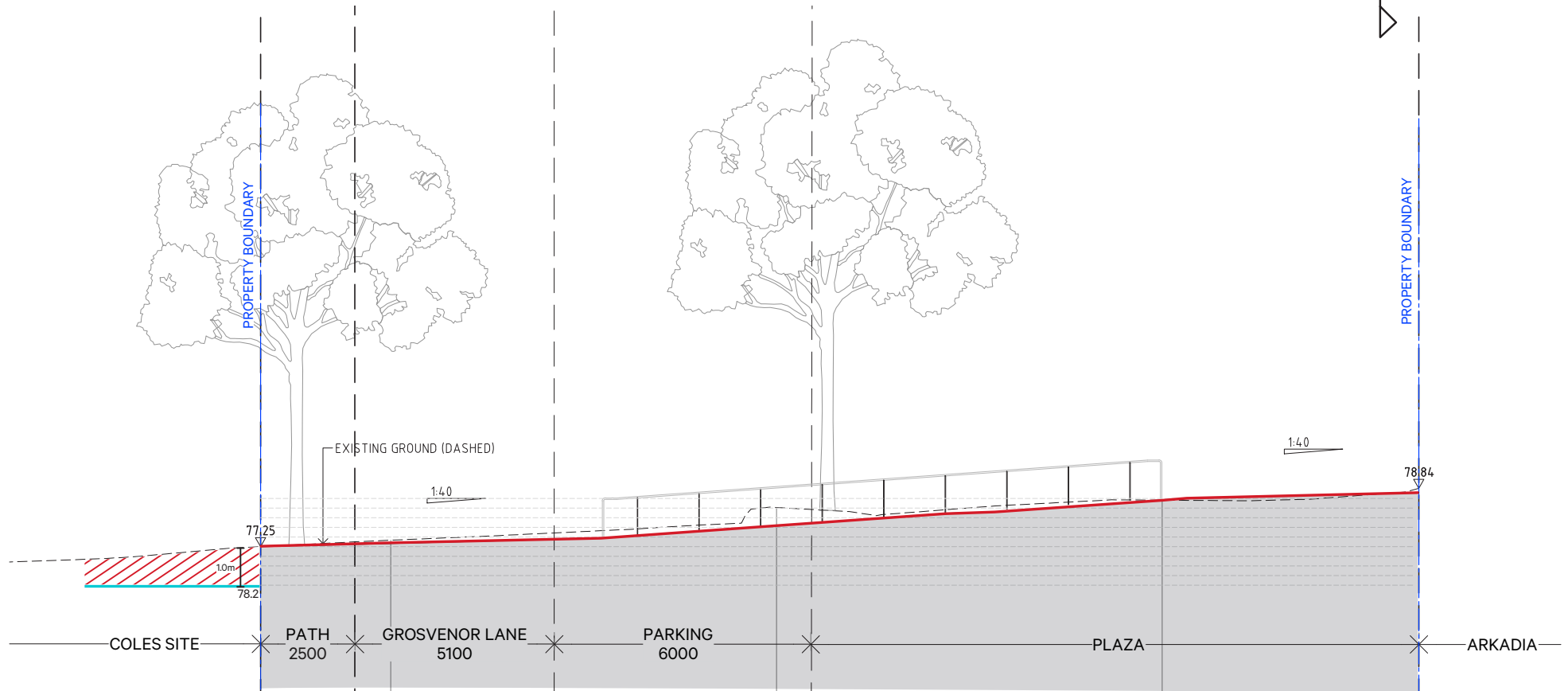
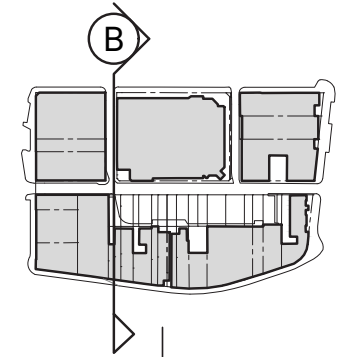
# PREFERRED OPTION - KEY LEVELS



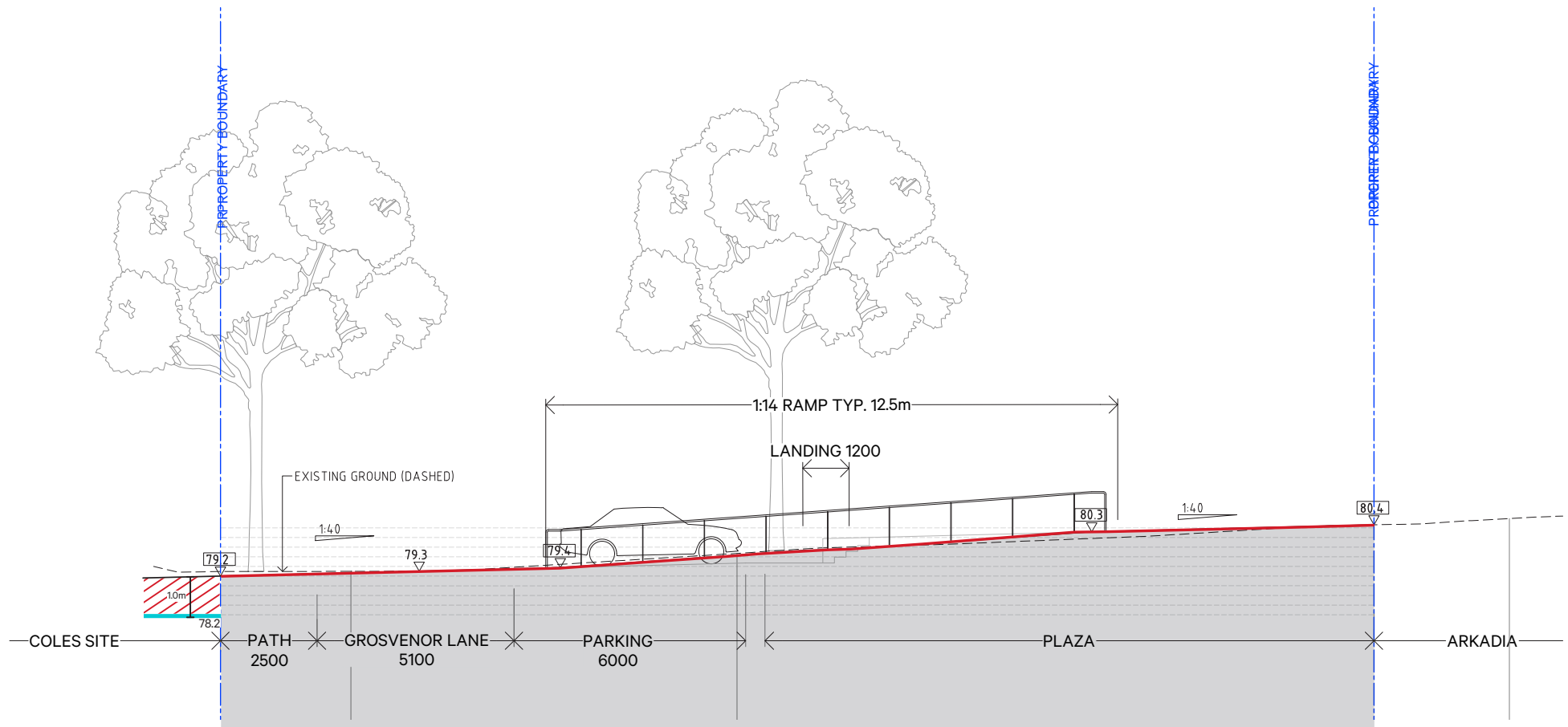
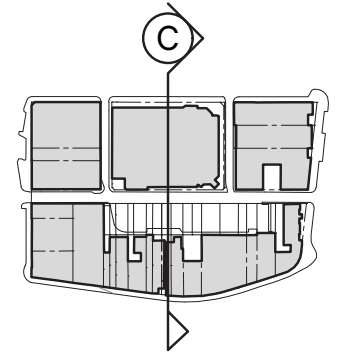
# KEY LEVELS - PEDESTRIAN ROUTES



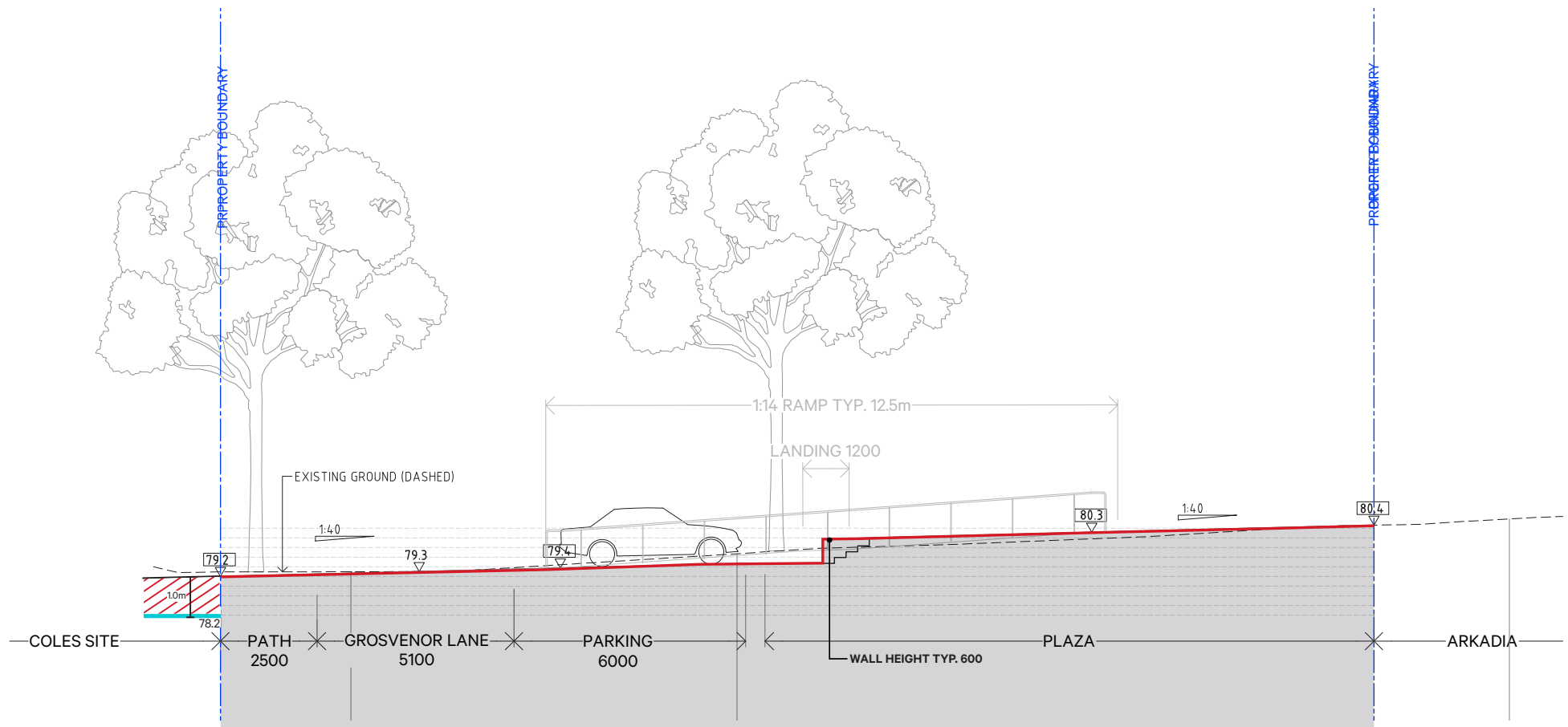
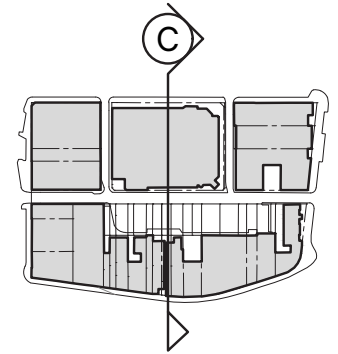
# SECTION B



# SECTION C - RAMP



# SECTION C - PLAZA



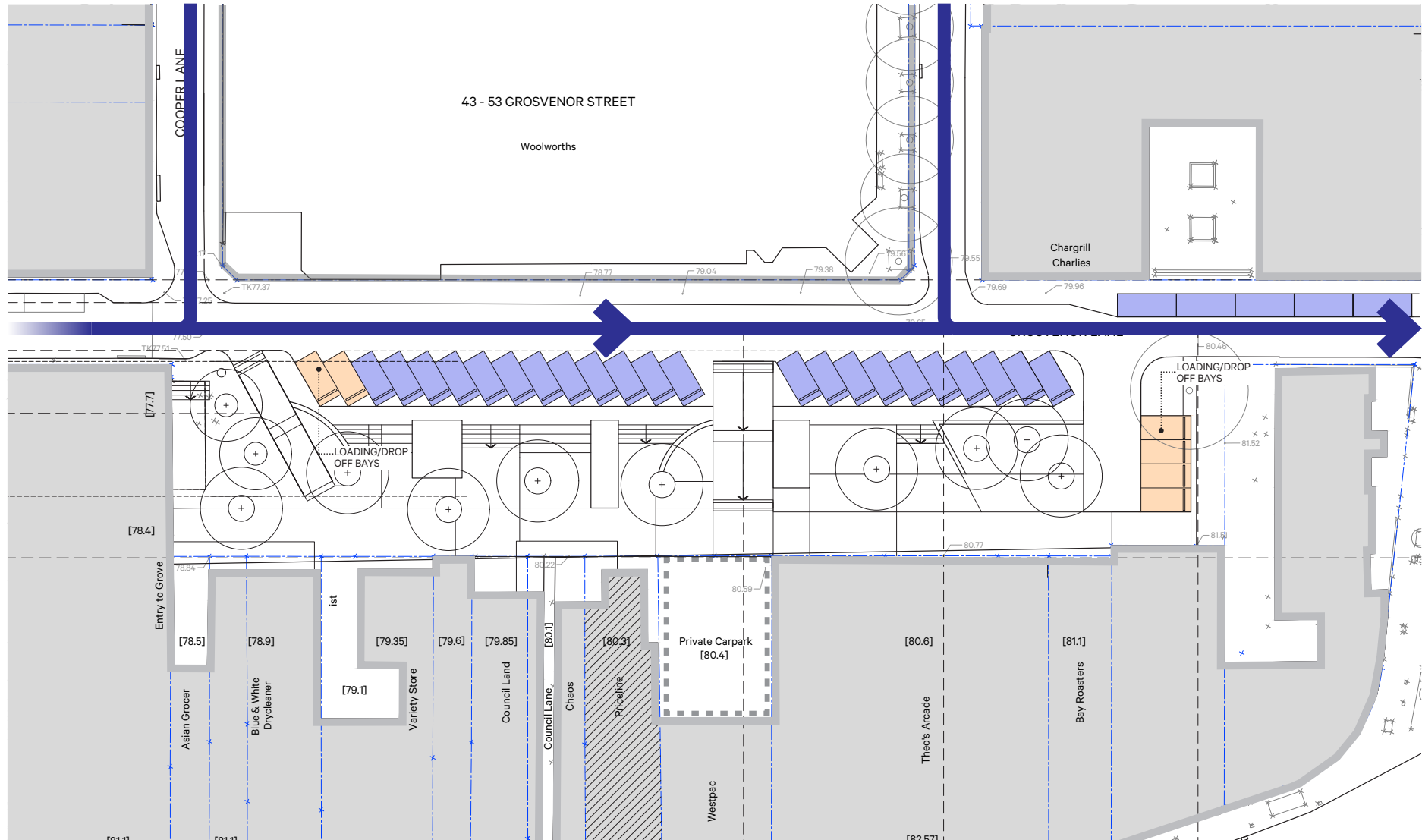
# Supporting Material Vehicle Movement



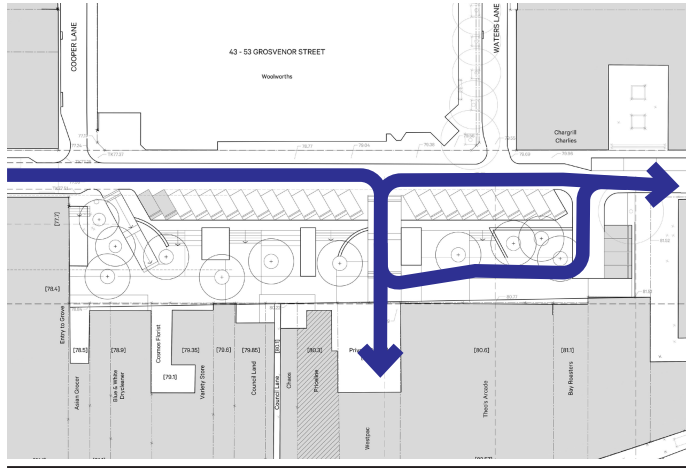
# PUBLIC VEHICLE MOVEMENT AND PARKING

60° PARKING

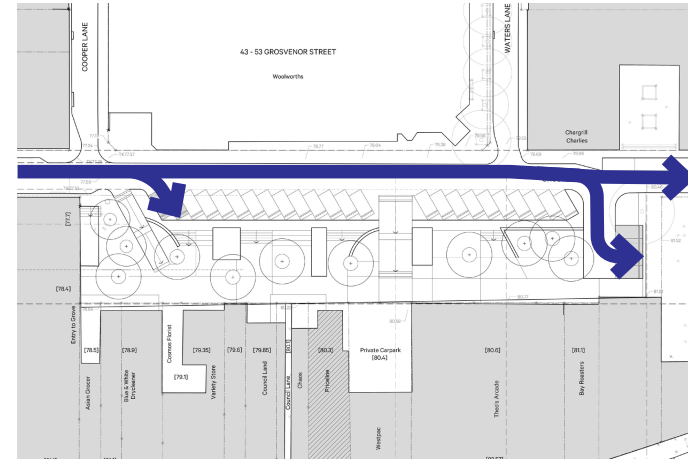
- 27 PARKING SPACES
- 6 LOADING/SHORT TERM BAYS
- APPROX. 15 x 98m WIDE PLAZA



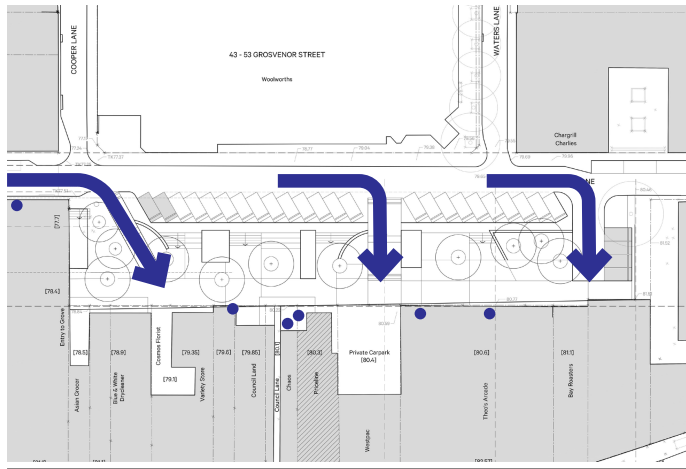
# SERVICE VEHICLE ACCESS



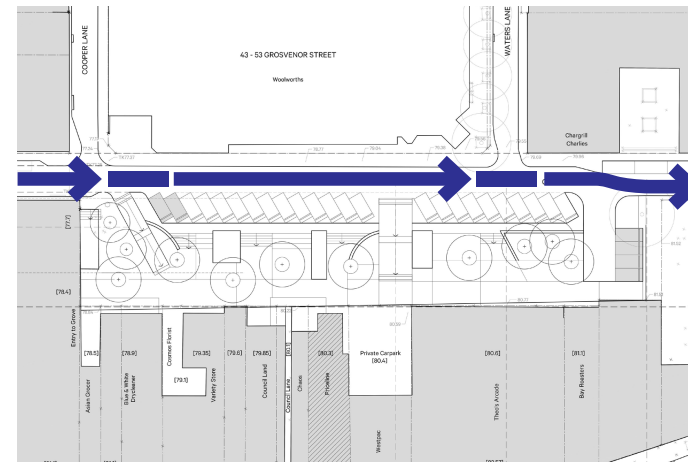
**5.2m VEHICLE - CAR - SERVICE ACCESS**



**6.4m TRUCK - SERVICE ACCESS - DELIVERIES**



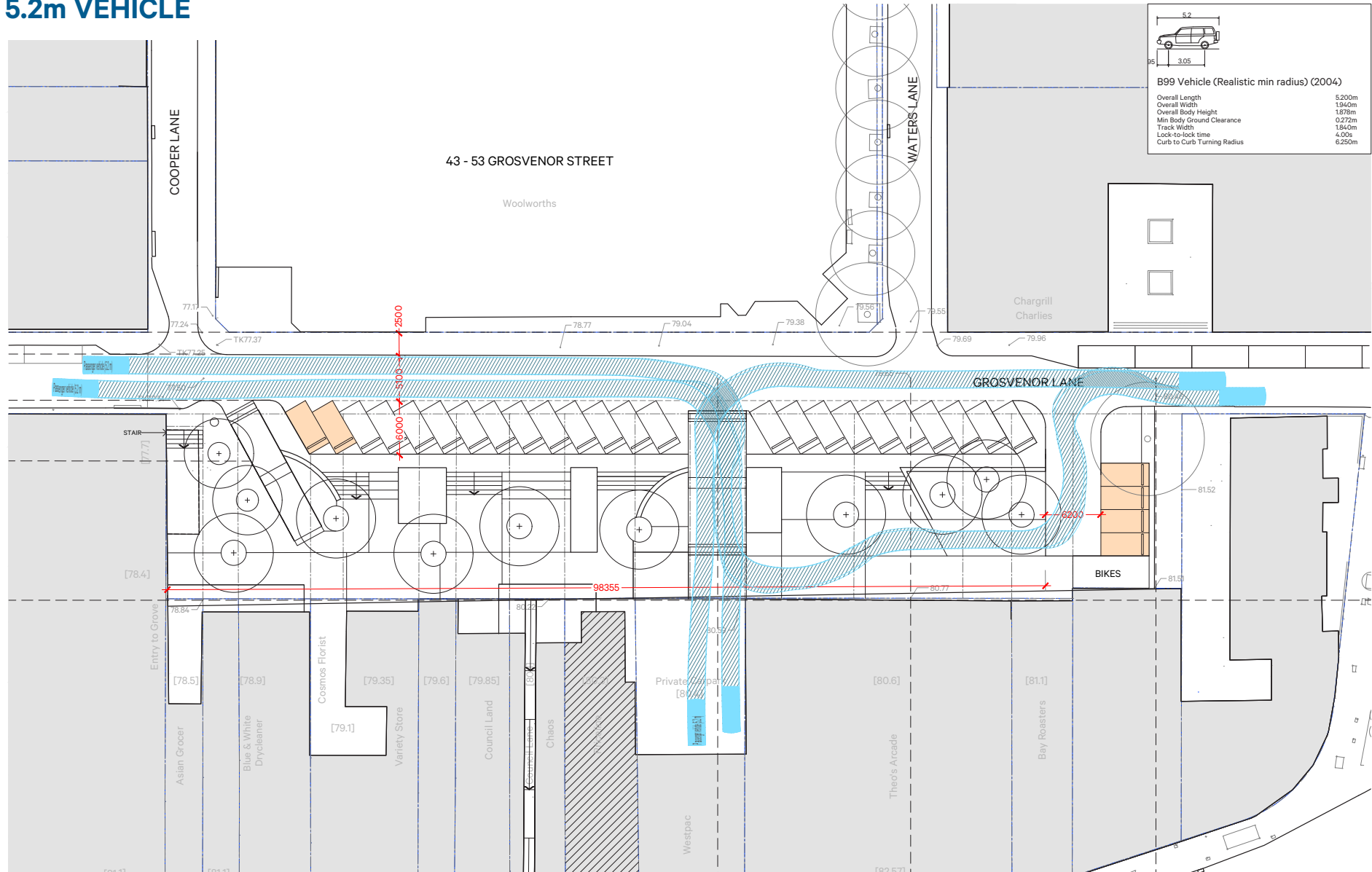
**8.8m GREASE ARRESTOR**



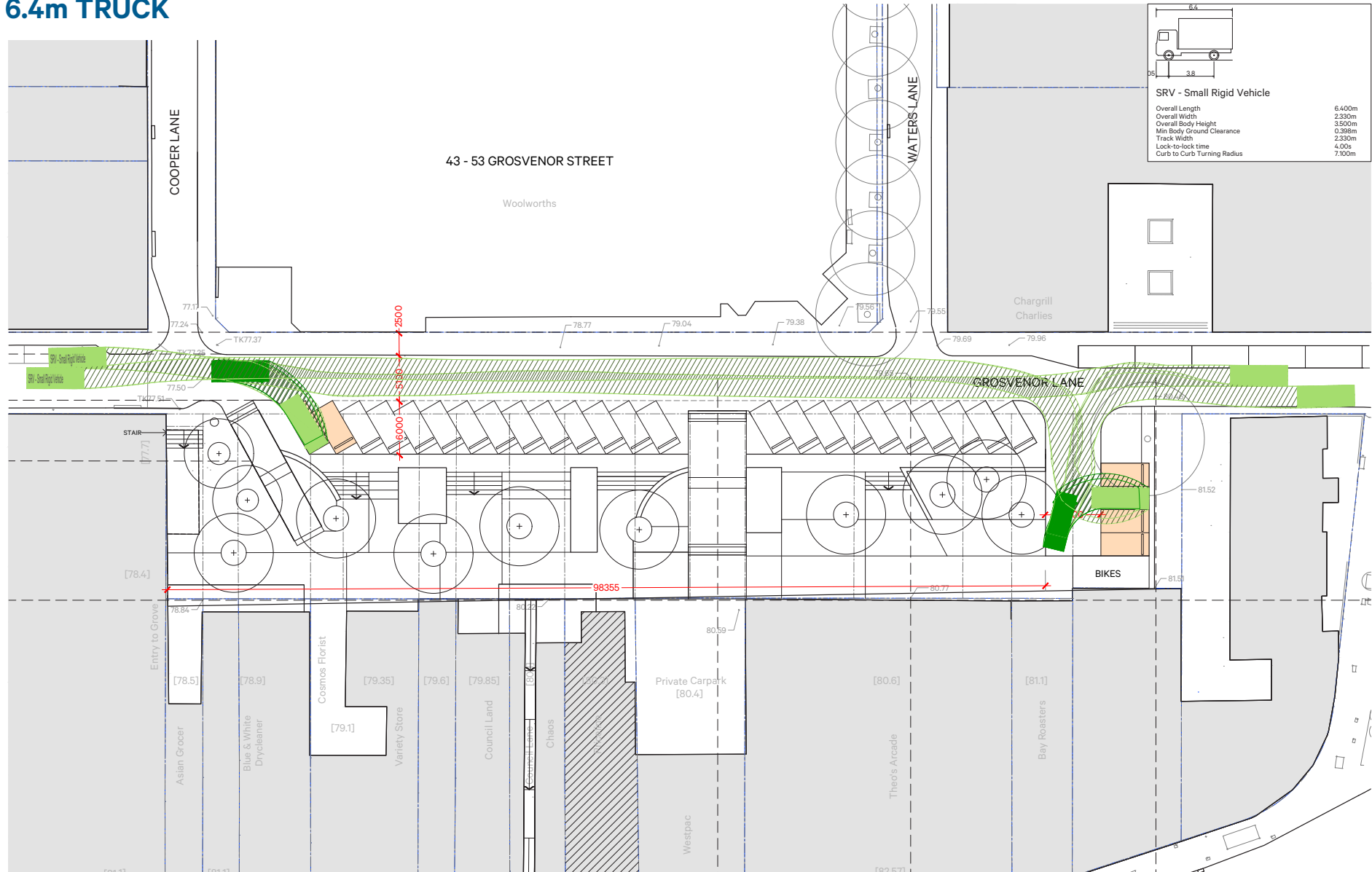
**12.5m WASTE TRUCK**

# Supporting Material Turn Path Study

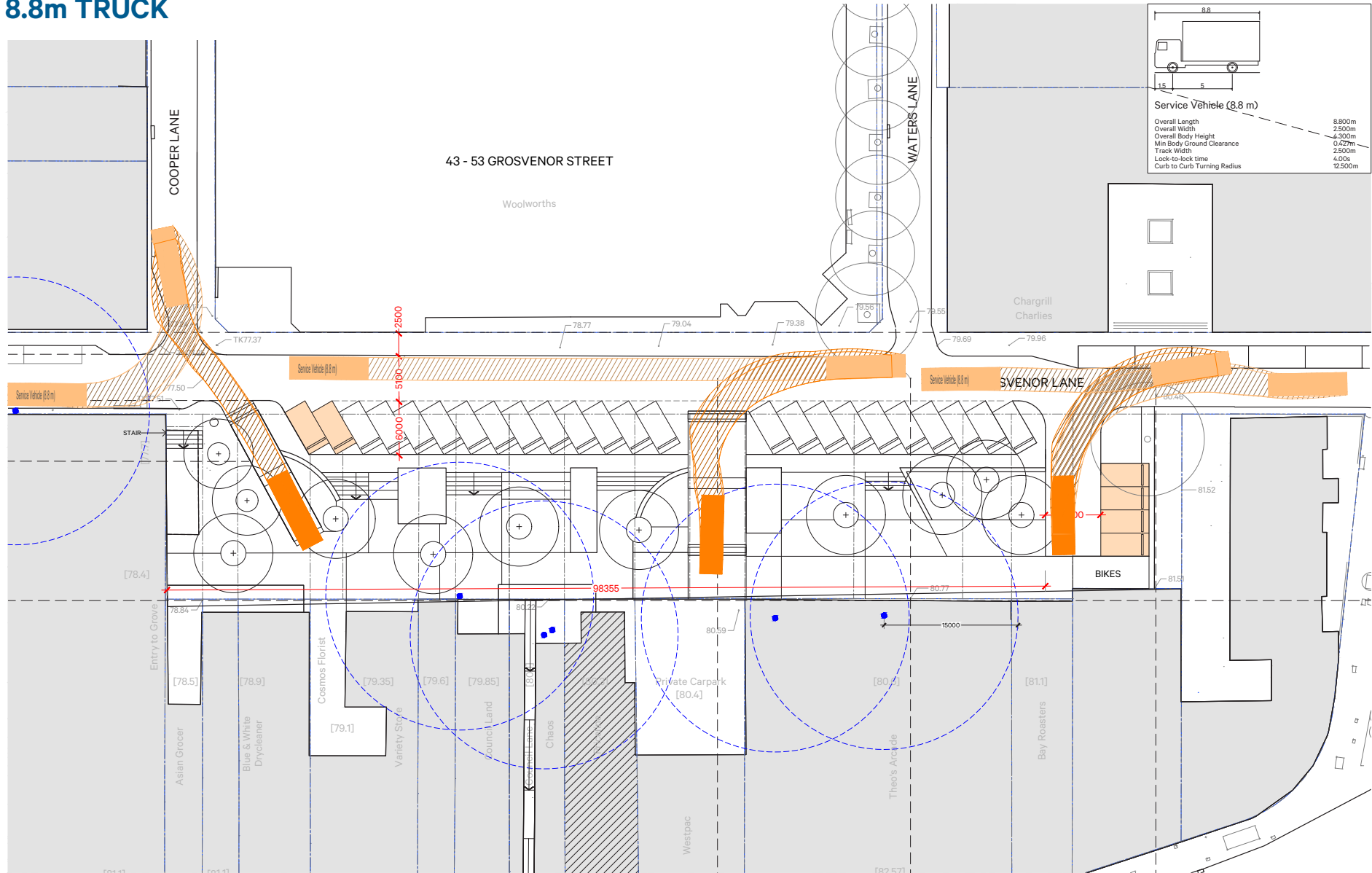
**CAR - SERVICE + ACCESS**  
**5.2m VEHICLE**



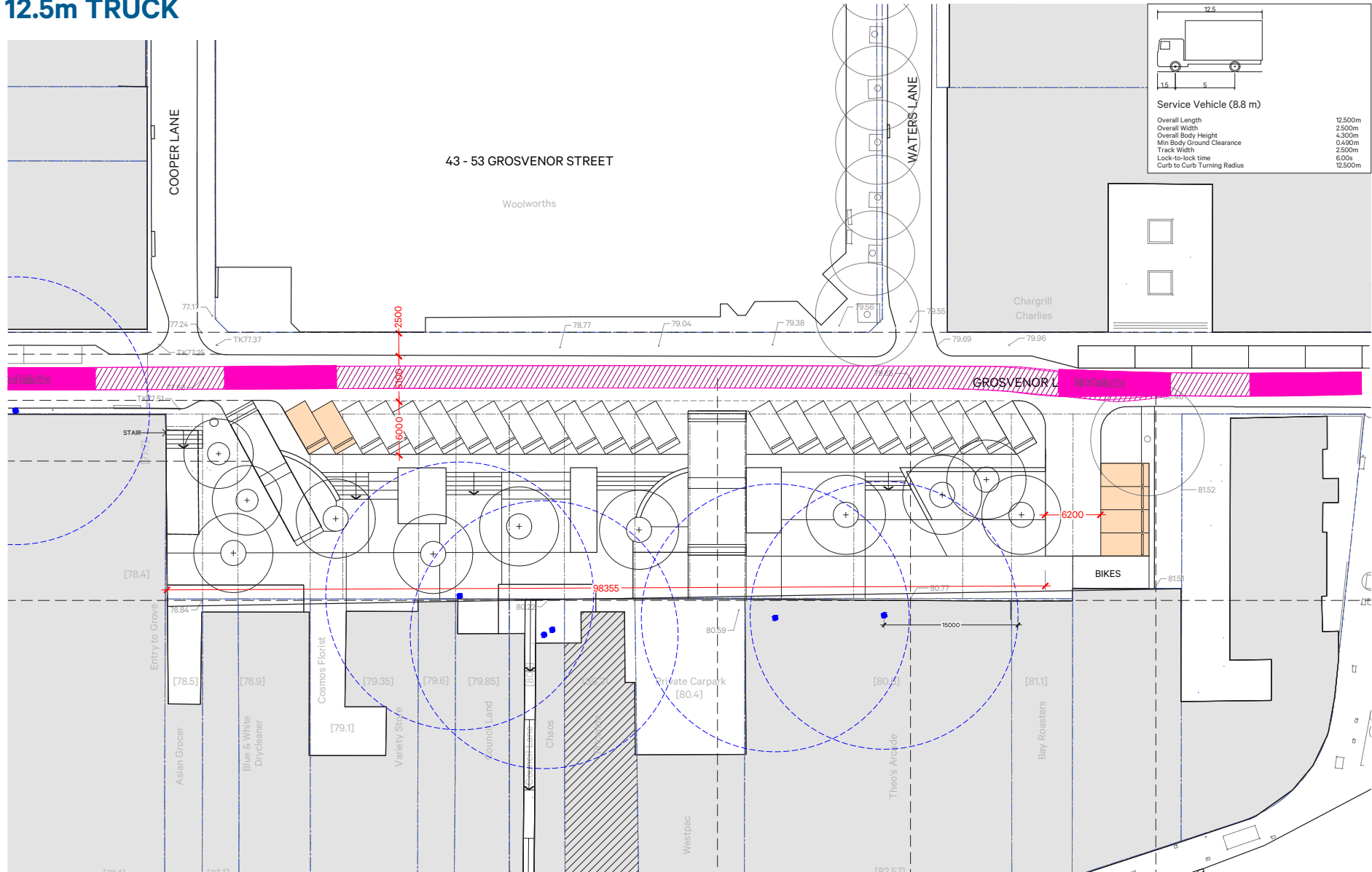
# DELIVERIES - DAILY, MULTIPLE TIMES PER DAY 6.4m TRUCK



# GREASE ARRESTOR 8.8m TRUCK



# WASTE COLLECTION 12.5m TRUCK

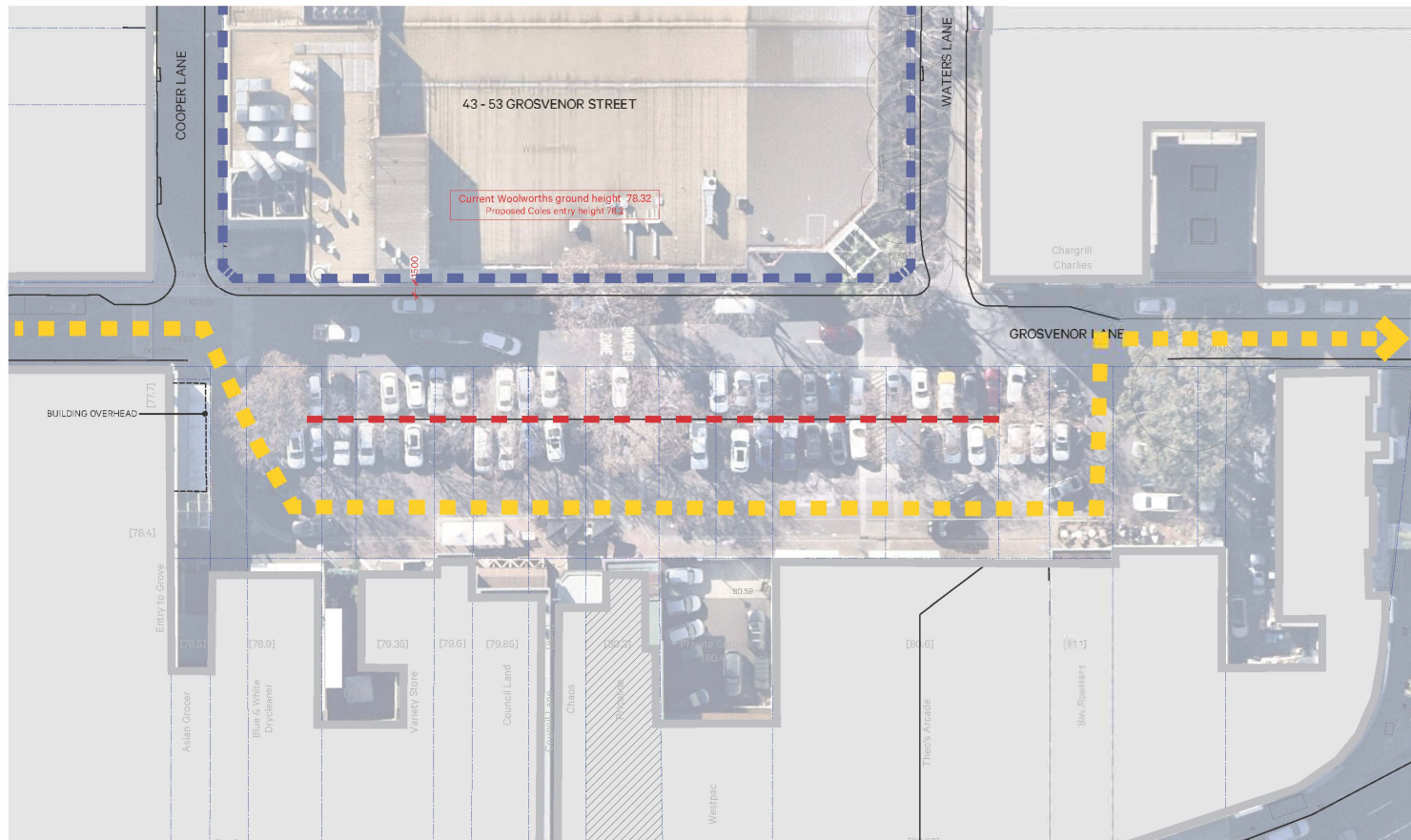


# KEY CONSIDERATIONS OF PLAZA INTERFACE

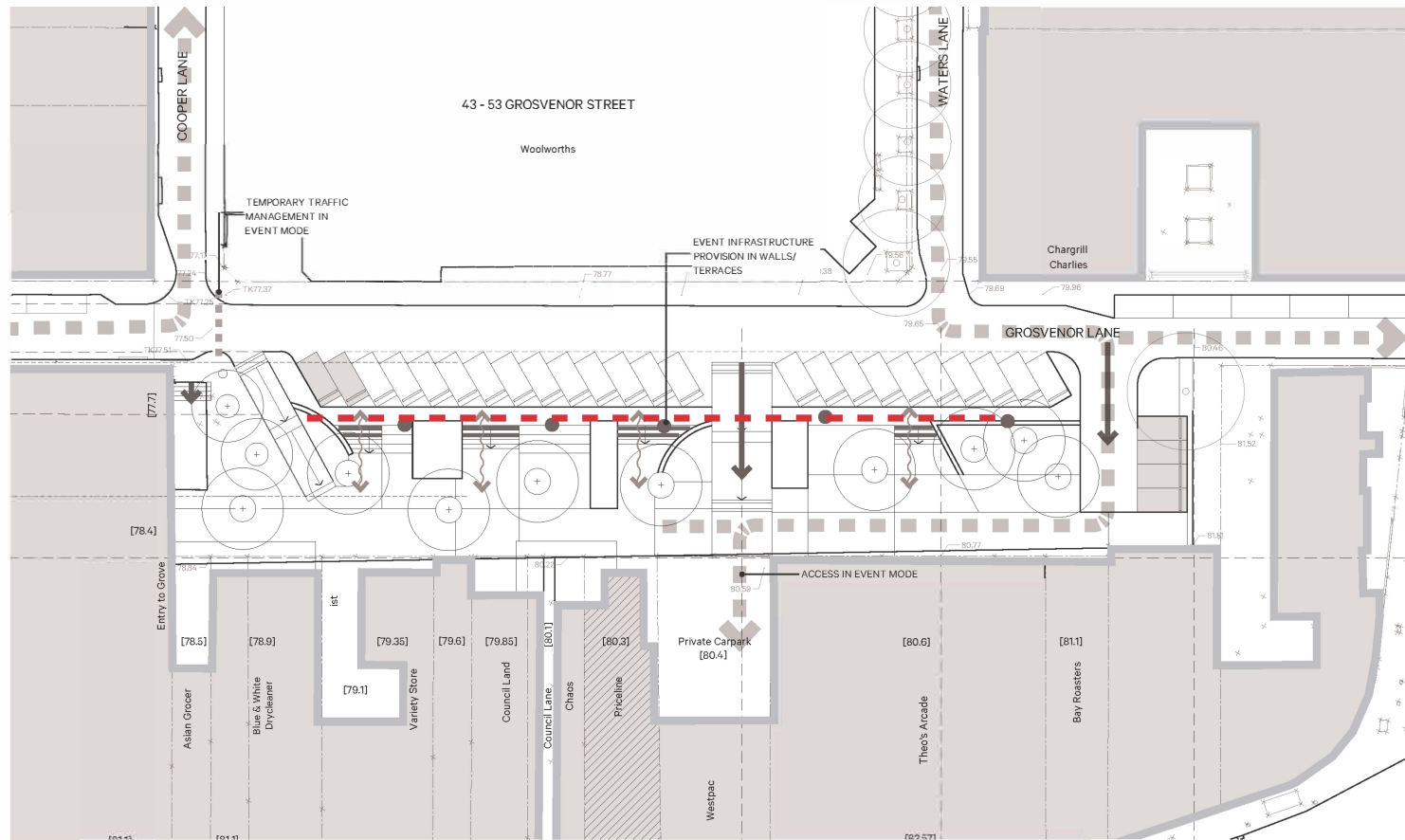
David Brandon-Cooper – CM+T



### CONSTRUCTION STAGING

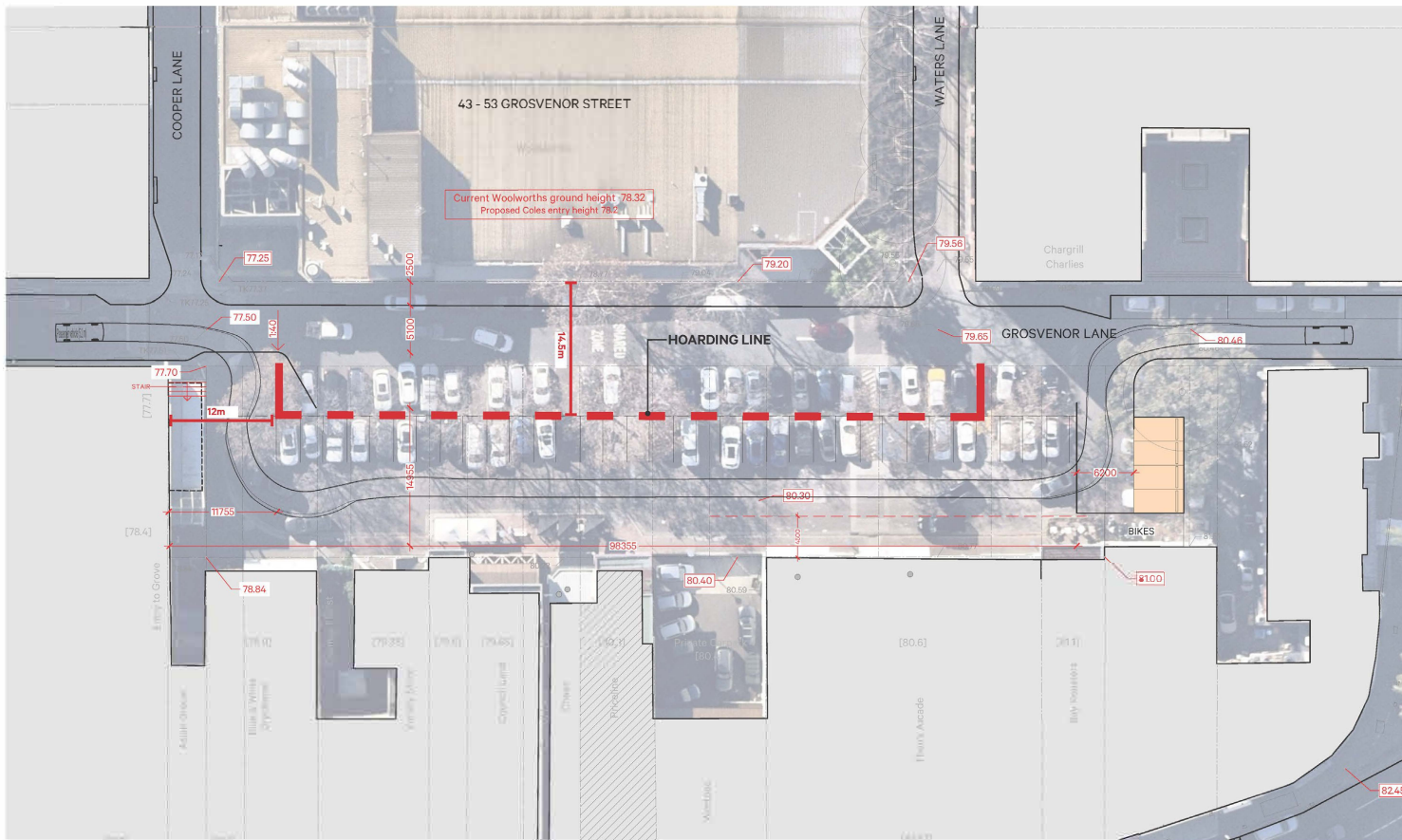


### CONSTRUCTION STAGING



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**DURING CONSTRUCTION**  
**5.2m VEHICLE**



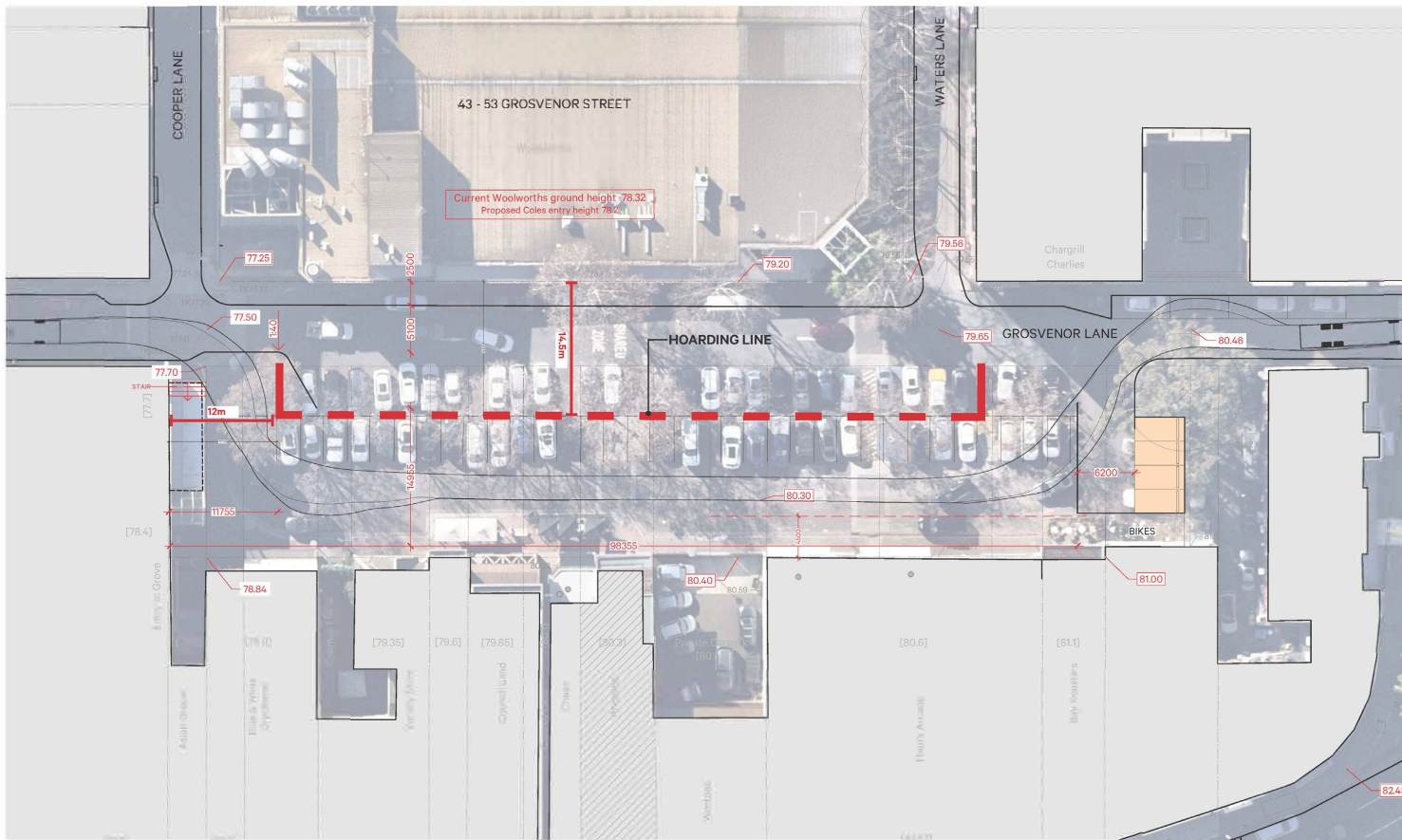
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**DURING CONSTRUCTION**  
**8.8m TRUCK**



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**DURING CONSTRUCTION  
12.5m TRUCK**



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