

10.8. Draft Amendment to NSDCP 2013: 183-185 Military Rd, and 1-11 Rangers Rd & 50 Yeo St, Neutral Bay - Post Exhibition Report

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ATTACHMENTS	<ol style="list-style-type: none"> 1. NSDCP 2013 - Draft Amendment as exhibited Aug- Sept 2024 [10.8.1 - 13 pages] 2. NSDCP 2013 - Draft Amendment - Summary of Submissions Table [10.8.2 - 41 pages] 3. NSDCP 2013 - Draft Amendment for adoption Nov 2024 [10.8.3 - 13 pages]
CSP LINK	<ol style="list-style-type: none"> 1. Our Living Environment <ol style="list-style-type: none"> 1.4 Well utilised open space and recreational facilities 2. Our Built Infrastructure <ol style="list-style-type: none"> 2.1 Infrastructure and assets meet diverse community needs 2.2 Vibrant public domains and villages 2.3 Prioritise sustainable and active transport 2.4 Efficient traffic mobility and parking 3. Our Innovative City <ol style="list-style-type: none"> 3.1 Our commercial centres are prosperous and vibrant 3.3 Distinctive sense of place and design excellence 4. Our Social Vitality <ol style="list-style-type: none"> 4.1 North Sydney is connected, inclusive, healthy and safe 5. Our Civic Leadership <ol style="list-style-type: none"> 5.1 Lead North Sydney's strategic direction

PURPOSE:

The purpose of this report is to address the issues raised in the submissions to the public exhibition of the draft amendment to North Sydney Development Control Plan 2013 relating to 183-185 Military Road, 1-11 Rangers Road and 50 Yeo Street, and to finalise the draft amendment.

EXECUTIVE SUMMARY:

- On 22 July 2024, North Sydney Council resolved to place a draft amendment to North Sydney Development Control Plan 2013 (NSDCP 2013) on public exhibition. The purpose of the draft DCP amendment is to give effect to identified desired outcomes of the Neutral Bay Village Planning Study (NBVPS), with consideration given to the concurrent progression of two separate but associated planning proposals at 183-185 Military Road, and 1-7 Rangers Road and 50 Yeo Street, Neutral Bay.

- The draft amendment to NSDCP 2013 was publicly exhibited from 26 August 2024 to 23 September 2024.
- Council received 20 submissions during the exhibition period, of which:
 - o Two were made by directly affected property owners (proponents to two concurrent planning proposals);
 - o 14 were made by indirectly affected property owners; and
 - o Four were made by precinct committees.
- The following key issues were specifically raised:
 - o solar access / overshadowing controls;
 - o absence of vehicular servicing and manoeuvring controls;
 - o traffic congestion and car parking;
 - o proposed podium height controls along Yeo Street;
 - o absence of overall building height controls;
 - o proposed setback controls;
 - o financial viability;
 - o planning processes;
 - o proposed active frontage controls;
 - o proposed land use diversity controls;
 - o non-residential Floor Space Ratio (FSR) control;
 - o Floor Space Ratios; and
 - o Construction impacts.
- In response to the submissions made, it is recommended the draft amendment to NSDCP 2013 be further revised to:
 - o amend the podium height provision to Yeo Street to apply a 10m height restriction in addition to the proposed 3-storey height limit;
 - o removal of the basement setback controls to Military Road;
 - o amend the proposed setback control to the western boundary of 183-185 Military Road to the ground level only; and
 - o include a new objective to the Diversity control to ensure conflicts between uses are minimised.
- It is recommended that Council adopt the draft amendment as revised (Attachment 3) and complete the necessary steps to enable its implementation.

RECOMMENDATION:

- 1. THAT** Council note the submissions made to the exhibition of the draft DCP amendment.
- 2. THAT** Council adopt the draft amendment to NSDCP 2013 as amended, forming Attachment 3 to this report, in accordance with clause 14(1) of the Environmental Planning and Assessment Regulation, 2021.
- 3. THAT** public notice of the publication of the amendment to NSDCP 2013 be given on Council's website in accordance with clause 14(2) of the Environmental Planning and Assessment Regulation, 2021.
- 4. THAT** all submitters be notified of Council's decision and thanked for their submissions.

BACKGROUND

On 27 May 2024, Council considered a post exhibition report regarding the *Neutral Bay Village Planning Study* (NBVPS). In recommending that the NBVPS be adopted, the report also recommended that Council endorse site specific draft amendments to North Sydney Development Control Plan (NSDCP) 2013 for public exhibition purposes in relation to 1-7 Rangers Road, and 50 Yeo Street and 183-185 Military Road, Neutral Bay, and that this aspect be progressed as a matter of expediency.

With regard to the proposed draft DCP amendments, Council deferred to resolve its position until a Councillor briefing had been held. Following this, the matter was reported to Council on 22 July 2024, when it was resolved to endorse the draft NSDCP 2013 amendments and publicly exhibit those draft amendments for public comment.

Since Council's resolution to proceed with the draft DCP amendment, there have been a number of advances with regard to the proposals for the redevelopment of two of the identified key sites that are directly affected by the proposed amendments. These are outlined below.

A. 183 & 185 Military Road, Neutral Bay

In response to Council's resolution of 27 November 2023 to not support the progression of the Planning Proposal (PP 4/23) for this site (identified in Figure 1 below), the proponent subsequently lodged a Rezoning Review with the Department of Planning, Housing and Infrastructure (DPHI). This Planning Proposal effectively sought to allow for the construction of a part six and part 12-storey mixed use building with an expansion of the future public plaza proposed to be delivered over 1-7 Rangers Road.

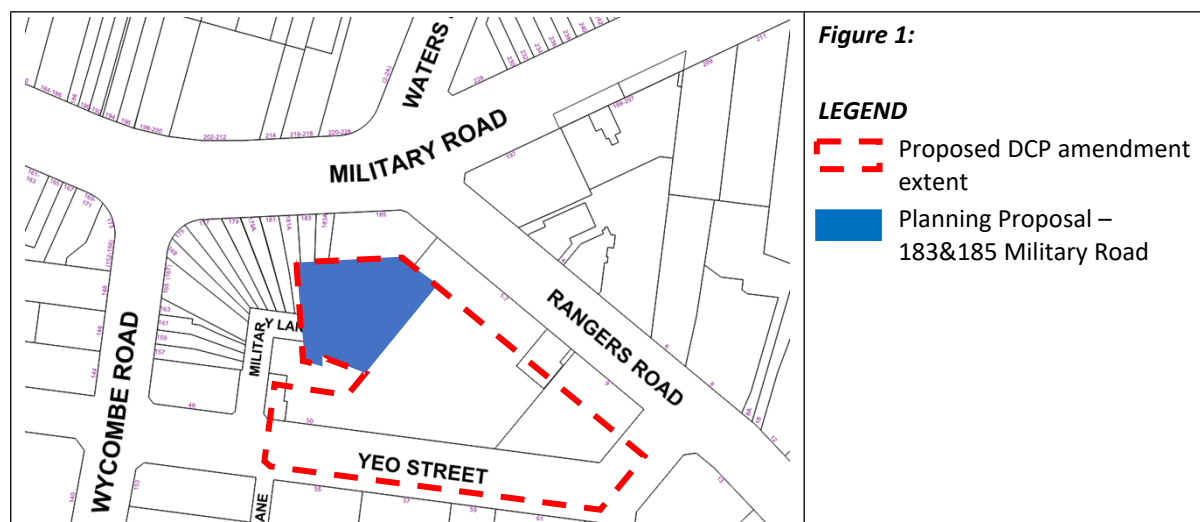


Figure 1 – Site location plan

In its deliberation of the Rezoning Review, on 14 May 2024 the Sydney North Regional Planning Panel (SNPP) recommended that the progression of the Planning Proposal to Gateway Determination be deferred to address the following:

- the maximum Height of Building (HOB) is to be set to 44m including all roof structures, subject to further detailed modelling to ensure no further overshadowing of any north facing windows in any residential properties in Yeo Street at mid winter above and beyond that projected by Council’s rescinded Military Road Corridor Planning Study and the Gateway approval for the neighbouring site at 1-7 Rangers Road and 50 Yeo Street as to be compliant with the Apartment Design Guide. Any necessary amendments to the proposal to achieve these requirements should not result in a reduction of the proposed ground level setbacks to Military Road and splayed setback area to the proposed public plaza;
- investigate opportunities for the provision of affordable housing as a key public benefit with a target of at least 5% affordable housing per the Greater Sydney Region Plan (this could be justified given Council no longer requires the proposed community facility to be located on this site); and
- update the Planning Proposal and supporting reports in accordance with the above points and the LEP Making Guidelines (August 2023) to reflect the Panel’s decision.

At the time of writing this report, the SNPP had yet to receive a revised Planning Proposal addressing its concerns. Accordingly, the proposal is yet to proceed to Gateway Determination and formal public exhibition.

Also of note, the SNPP recommended “that the Proponent works with Council to produce a Site Specific Development Control Plan which should be placed on public exhibition alongside the planning proposal.” To date, the proponent has not contacted Council to discuss the progression of a site specific DCP but note that the proponent has made a submission to this draft DCP amendment.

B. 1-7 Rangers Road & 50 Yeo Street, Neutral Bay Planning Proposal PP 1/23 (DPHI Ref: PP-2022-4350)

Contrary to Council’s recommendation, the DPHI issued a Gateway Determination enabling a Planning Proposal in relation to this site (identified in Figure 2 below) to proceed public exhibition, following a Rezoning Review process.

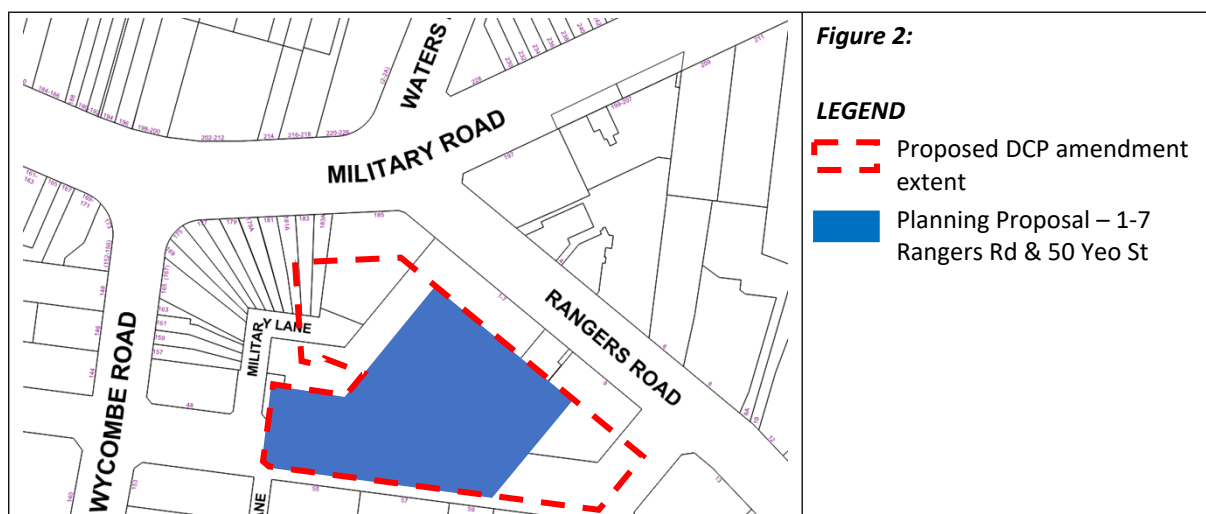


Figure 2 – Site location plan

The Planning Proposal was formally exhibited between 13 May 2024 and 13 June 2024 inclusive, with the post exhibition report considered by the SNPP on 31 October 2024. The SNPP resolved to progress the Planning Proposal unamended to the finalisation stages of the plan making process. Once implemented, the height limits on the site will be increased from 16m to part 26m (six storeys for the majority of the site) and part 31m (eight storeys – limited to a portion adjacent to Rangers Road) and an increase to the non-residential FSR from 0.5:1 to 1.8:1.

In making its determination, the SNPP noted that:

The Panel discussed the matter of solar access to the properties in Yeo Street and the advice provided by the proponent at the Panel meeting including the spreadsheet showing an analysis of sunlight to each dwelling. The Panel is unable to deal with development application matters in its deliberations but unanimously recommends that the Council be requested to ensure it is satisfied that any development application demonstrates that the living areas of all of the dwellings in Yeo Street achieve a minimum of 2 hours sunlight in mid-winter.

Further, whilst issues relating to a site specific DCP were discussed by the SNPP, no specific recommendations were made by the Panel with regard to the progression or support for a site specific DCP.

Development Application - DA 162/2024 (DPHI Ref: PAN-451042)

On 9 July 2024, DA 261/2024 was lodged with Council covering the subject site. The DA comprises a *Concept Development Application* (Concept DA) which specifically seeks approval for a mix of residential, retail and commercial land uses, maximum building envelopes, a maximum total floor space area, and the location of pedestrian and vehicle access points. No physical works are proposed as part of the Concept DA, which would be subject to a future separate DA.

More specifically, the Concept DA seeks to define building envelopes and associated uses as follows:

- demolition of all existing buildings and structures on the site;
- land uses including residential, commercial and supermarket;
- defining built form envelope that delivers:
 - an indicative Gross Floor Area (GFA) of approximately 15,900sqm, comprising:
 - 3,889sqm of supermarket GFA (located within a basement)
 - 1,308sqm of retail GFA;
 - 2,376sqm of commercial GFA; and
 - 8,329sqm of residential floorspace
 - a building wrapping the southern portion of the site which has a maximum building height of RL 109.75m (being 28.2m and six storeys inclusive of plant) to Yeo Street and RL 114.1m (being 31m and eight storeys inclusive of plant) to Rangers Road;
 - a public plaza and weather protected north-west through-site link connecting Rangers Road and Yeo Street.
 - building articulation and awning zones;

- provision of 326 basement car parking spaces; and
- vehicular access from Yeo Street to the basement car park and Military Lane for the servicing dock.

This DA was publicly exhibited from 13 September 2024 to 11 October 2024 inclusive. The DA is still under assessment by Council and is yet to be determined at the time of writing this report. It is noted that many of the issues raised in the submissions to this DA are replicated in the submissions to the draft DCP amendment.

Development Application - DA281/2024 (PAN- 478041) 1-7 Rangers Road & 50 Yeo Street, Neutral Bay

On 11 October 2024, DA 281/2024 was lodged with Council for a mixed-use development comprising subterranean full-line supermarket, commercial, retail, and residential uses at 1-7 Rangers Road & 50 Yeo Street, Neutral Bay. In particular, it seeks approval for:

- a part six-storey and part eight-storey mixed use building comprising:
 - a 3,850sqm subterranean supermarket;
 - 1,352sqm of ground level retail;
 - a 2,389sqm tenancy situated on Levels 1 and 2 for a future medical centre; and
 - 70 residential apartments.
- construction of a five-storey level basement providing 342 car parking spaces;
- Public domain improvements and landscaping works, including:
 - a new public plaza and through-site pedestrian link connecting Rangers Road and Yeo Street; and
 - upgrades to footpaths along the street frontage to the site.

At the time of writing this report, this DA was still under initial review by Council, and it has yet to be subject to public exhibition or determination.

REPORT

1. Purpose of Report

This report provides an analysis of the submissions made in response to the draft amendments to NSDCP 2013 and makes a recommendation as to whether the draft amendments should proceed as exhibited, proceed with further amendment, or should not be proceeded with.

2. Public exhibition

The draft amendments to NSDCP 2013 (refer to Attachment 1) were placed on public exhibition for 29 days, from Monday 26 August 2024 to Monday 23 September 2024 inclusive.

All property owners and occupiers to all properties to which the DCP directly relates and land adjoining the subject sites (approximately 2,800 in total) were notified by letter of the public

exhibition of the draft amendments to NSDCP 2013. Council also notified other stakeholders, including but not limited to, proponents of the current planning proposals and development applications and Precinct Committees.

In addition, formal notices were placed on Council's website in accordance with the Environmental Planning and Assessment Act, 1979 and Council's Community Engagement Strategy.

Electronic copies of the exhibition documentation were made available on Council's website and hard copies made available at Council's Customer Service Centre and Stanton Library for the duration of the exhibition period.

3. Consideration of Submissions

22 submissions were received in response to the public exhibition of the draft DCP amendment however, three submissions were made by the same submitter, so technically there were only 20 submissions. Of the submissions made:

- Two were from the property owners of the affected sites (who are also the proponents of the two concurrent planning proposals affected by the proposed DCP amendment);
- 14 were from neighbouring residents and property owners; and
- Four were from Council precinct committees.

The key issues raised within the submissions relate to the following (the numbers in brackets refer to the frequency of the issue being raised):

- Proposed solar access / overshadowing controls to adjacent residential properties (15);
- Absence of vehicular servicing and manoeuvring controls (13);
- Traffic congestion and an absence of a cap on car parking spaces (13);
- Proposed podium height controls along Yeo Street (11);
- Absence of overall building height controls (8);
- Proposed setback controls (7) to:
 - Upper levels to Yeo Street (7)
 - Rangers Road at the ground level (3)
 - Eastern boundary (public plaza) to 183-185 Military Road (1)
 - Military Road for basements (1)
 - Financial viability (3)
- Planning processes (2)
- Proposed solar access controls to the public plaza (1)
- Proposed active frontage controls to Military Lane (1)
- Proposed land use diversity controls (1)
- Non-residential FSR control (1)
- Floor Space Ratios (1)
- Construction impacts (1).

A full summary and response to all submissions received are included in the attached Submissions Summary Table (refer to Attachment 2).

The key issues raised in the submissions are discussed in detail in the following subsections.

3.1. Solar Access to Adjoining Properties

The majority of the submissions (15) objected to the proposed solar access control that states:

P4 Ensure that 70% of dwellings on the southern side of Yeo Street receive a minimum of 2 hours sunlight at the winter solstice

It is claimed that this requirement is inconsistent with other solar access requirements for residential development within the LGA. In particular, it was stated that the DCP requires:

P1 Developments should be designed and sited such that solar access at the winter solstice (21st June) provides a minimum of 3 hours between the hours of 9.00am and 3.00pm to:

- (a) any solar panels;*
- (b) the windows of main internal living areas;*
- (c) principal private open space areas; and*
- (d) any communal open space areas*

located on the subject property and any adjoining residential properties.

Note: Main internal living areas excludes bedrooms, studies, laundries, storage areas.

It was recommended that a single consistent solar access control for residential development be imposed.

3.1.1. Comment

Whilst the generic three-hour access control is noted, that particular control is followed by the following:

P2 Despite P1 above, living rooms and private open spaces for at least 70% of dwellings within a residential flat building should receive a minimum of 2 hours of solar access between the hours of 9.00am and 3.00pm at the winter solstice (21st June).

This provision reflects the widely used level of solar access recommended under the Apartment Design Guide which states:

- 1. Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid winter in the Sydney Metropolitan Area and in the Newcastle and Wollongong local government areas*
- 2. In all other areas, living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 3 hours direct sunlight between 9 am and 3 pm at mid winter*
- 3. A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid winter.*

It is recognised that the properties located on the southern side of Yeo Street are all zoned *R4 High Density Residential* and that each are potentially capable of accommodating a residential flat building. This relationship was recognised in the progression of the NBVPS and was used to define the recommended maximum building envelopes along Yeo Street and other areas. Accordingly, the proposed control merely reinforces the requirements under the ADG and the desired outcomes of the NBVPS.

3.1.2. Recommendation

No further amendment be made to the draft amendment to NSDCP 2013.

3.2. Service Vehicle Access & Manoeuvring

13 submissions requested that a provision be included requiring that all service vehicles are to enter and leave the loading dock in a forward direction. In addition, some of those submitters requested that such movements be able to be made by semi-trailers/articulated vehicles.

3.2.1. Comment:

There is currently no generic control requiring all service vehicles to enter and leave a site in a forward direction. It is noted however that P7 to s.2.5.7 to Part B of NSDCP states:

Parking areas must be designed to enable vehicles to enter and leave the site in a forward direction.

It could be argued that this provision does not apply to service vehicles, as they use “loading areas” or “loading docks” and not a “parking area” as described.

Whilst entry and exit in a forward direction is desirable, this may not always be achieved due to various factors including, but not limited to, road reserve or allotment widths.

A requirement for the site to be serviced by semi-trailers / articulated vehicles is overly restrictive. The onus is on the proponent to adequately describe how a site is to be serviced and by what means (i.e., service vehicle size and frequency). There may be local factors that dictate what size of vehicles will be required to service a particular site.

The initial concept proposal accompanying the Planning Proposal and the Development Applications (DAs) for the redevelopment of the 1-7 Rangers Road site indicate that the proposed loading dock is to be provided off Military Lane, consistent with the proposed control at s.5.1.5.9. Documentation accompanying the DAs demonstrate how fully rigid vehicles may service the site, which illustrates that service vehicles will be required to undertake reversing manoeuvres within Military Lane. This would enable the service vehicles to enter and leave Military Lane in a forward direction, minimising impacts on the safe operation of Yeo Street. This is considered acceptable given the low level of traffic using Military Lane.

Furthermore, the current proposals before Council do not indicate that the site is to be serviced by semi-trailers / articulated vehicles. Whilst this is a valid consideration, if semi-trailers were to be used, then the proposal would need to be redesigned such that they do not require any reversing manoeuvres within Yeo Street. However, this aspect should be left as a merit consideration through the development application assessment process, as there are multiple ways that a site can be serviced.

Therefore, the provision to require all servicing to be provided off Military Lane should be sufficient to address the concerns without having to include additional provisions.

3.2.2. Recommendation

No further amendment be made to the draft amendment to NSDCP 2013.

3.3. Car Parking / Traffic Congestion

13 submissions noted that the original planning proposal and current DAs seek to deliver 326 parking spaces. This quantum of parking was considered excessive during the assessment of the planning proposal by both Council and the DPHI and would ultimately result in adverse traffic congestion.

It was generally requested that carparking provision in any future development arising on 1-7 Rangers Road and 50 Yeo Street be restricted to a total of 262 spaces.

3.3.1. Comment

Carparking is required to be provided in accordance with s.10 – *Carparking and Transport* to Part B of NSDCP 2013. Any development on the site should be provided in accordance with these requirements. Any variation to these requirements needs to be made on merit with regard to meeting the overall objectives of managing traffic congestion and promotion of a shift towards public and active transportation modes.

Simply placing a total cap on parking without regard to the eventual mix of uses on the site will not necessarily achieve a positive planning outcome.

It is recognised that the main concern with regard to excessive car parking on the site was in relation to surplus public parking which effectively would be predominantly used by the customers of the future supermarket.

Therefore, it is proposed to not incorporate an overall cap on parking on the subject sites and that parking provision be provided in accordance with Council's existing controls which are noted as being maximum rates of on-site parking.

3.3.2. Recommendation

No further amendment be made to the draft amendment to NSDCP 2013.

3.4. Podium height to Yeo Street

11 submissions objected to the removal of a numerical height control (10m) in metres from the podium height control to Yeo Street. Justification for reinstatement of a height control in metres was to ensure that an excessive built form to Yeo Street would not result as there is no restriction on the height that a storey can be. In particular, it was suggested that the proposal at 1-7 Rangers Road and 50 Yeo Street had a three-storey podium to Yeo Street which was 16m in height. The absence of a podium height control in metres had the potential to lead to an increase in overshadowing of properties on the southern side of Yeo Street.

Some of those submissions also requested that mezzanines should be excluded as an allowance to a storey's overall height.

3.4.1. Comment

The proposed podium control is consistent with the existing control under NSDCP 2013 that applies to the entire northern side of Yeo Street, albeit with the removal of the 10m limit.

The buildings at 9-11 Rangers Road and 48 Yeo Street (i.e., either side of the planning proposal sites) both have a three-storey podium presenting to Yeo Street with a height of approximately 10m). The intent of the proposed control was to reinforce and continue this characteristic built form at the interface with Yeo Street.

A review of the concept proposal accompanying the Planning Proposal and the two DAs indicates that the redevelopment of 1-7 Rangers Road and 50 Yeo Street is to incorporate a two-storey podium to Yeo Street with a height just under 10m, which is the equivalent of traditional three-storey podium within a mixed-use development. Accordingly, the future proposal will likely accommodate a podium at the same scale as what was initially envisaged. The reason for a two-storey podium being proposed to Yeo Street by the proponent of the Planning Proposal and DAs is that it seeks to maintain consistent floor levels across the entire site and reflects that the site's Rangers Road frontage is approximately 1.5m higher than its Yeo Street frontage.

To provide added clarity, it is recommended that the 10m reference be reincorporated to ensure that the overall intent of the control can be delivered.

3.4.2. Recommendation

Revise provision P1(c) to s.5.1.5.4 to Part C of the DCP to read (emphasis added):

3 storeys (or a maximum of 10m whichever is the lesser) to Yeo Street and the north-south alignment of Military Lane.

3.5. Overall Building Height

Eight submissions requested the imposition of overall building height controls for the subject site such that height was limited to eight storeys along Military Road and Rangers Road and stepping down to six storeys along Yeo Street.

Further, some of those submissions also requested that mezzanines be excluded from storey references.

3.5.1. Comment

The two concurrent planning proposals are currently seeking heights to accommodate buildings of six, eight and 12 storeys. These planning proposals are currently being progressed by the DPHI and their outcomes are yet to be finalised.

Despite Council resolving to limit the maximum heights of buildings in the Neutral Bay Town Centre to six storeys under the NBVPS, the outcomes of the two active planning proposals will likely result in a greater height limit being applied to the two planning proposal sites.

Accordingly, references to maximum heights on the subject sites had been specifically excluded from the draft DCP amendment as it may result in the DCP being in conflict with any future height controls under the LEP, which the Environmental Planning and Assessment Act (EP&A Act) does not allow.

Notwithstanding, there is still a proposed requirement to ensure that any future built form on the subject sites steps down in height from Military Road to Yeo Street to provide an appropriate transition down to adjacent residential areas, consistent with the desired outcomes of the NBVPS.

With regard to mezzanines, a “storey” is defined as follows under NSLEP 2013:

storey means a space within a building that is situated between one floor level and the floor level next above, or if there is no floor above, the ceiling or roof above, but does not include—

(a) a space that contains only a lift shaft, stairway or meter room, or

(b) a mezzanine, or

(c) an attic

As NSDCP 2013 adopts the definitions under NSLEP 2013, there is no need to incorporate additional controls to specifically exclude mezzanines when considering the desired built form outcomes for a site, as they do not constitute a “storey”. Additionally, the proposed reincorporation of a podium height control in metres will further assist in moderating the scale of development along Yeo Street.

3.5.2. Recommendation

No further amendment be made to the draft amendment to NSDCP 2013.

3.6. Financial Viability

Three submissions suggested that the cumulative impact of the proposed controls, along with Council's resolution to limit height in the Neutral Bay Town Centre to six storeys, would render the sites unviable to develop. It was noted that one of the submitters was the owner of another key site under the NBVPS, which is not related to this specific DCP amendment.

3.6.1. Comment

The key argument in relation to financial viability relates to permitted building heights over the subject sites.

As indicated, two planning proposals are being progressed to increase the maximum height on the subject sites, both of which have received in principle support from the DPHI. Once the intent of those planning proposals is implemented, it increases their financial viability, along with the proponents' offers to deliver a number of public benefits that generally align with the desired outcomes of the NBVPS.

The DCP cannot impose height limits that contradict those imposed under Council's LEP. The proposed DCP amendment does not and cannot contain any controls that seek to limit the overall maximum building height (as prescribed under the LEP). It does, however, seek to apply other provisions to guide and moderate the bulk and scale of development across the subject sites.

It has also been suggested that some of the individual controls when considered as a cumulative package, would have an impact on financial feasibility.

As discussed elsewhere in this report, a number of recommendations are made to revise the proposed provisions to remove any unintended obstacles to redevelopment.

3.6.2. Recommendation

No further amendment be made to the draft amendment to NSDCP 2013.

3.7. Planning Processes

Two submissions raised various issues with regard to the planning processes being followed and undertaken to date by Council and highlight that the desired outcomes may not be realised. Specific issues raised are addressed below.

Status of NBVPS

In adopting the NBVPS on 27 May 2024, Council also resolved to incorporate a number of amendments, including the replacement of the proposed eight-storey height limit on the subject sites to a six-storey limit. It is contended in the submission that this change has significant ramifications for the orderly and economic development of the affected sites, which are also expected to deliver a number of public benefits such as public domain upgrades and provision of recreational and community facilities.

It has been requested that Council formally reconsider the implications of its resolution of 27 May 2024 and that the proposed DCP amendment not proceed until such time as this occurs.

Compromised outcomes

It was highlighted by a submitter that Council has developed a series of strategic plans (MRCPS and NBVPS) for the Neutral Bay Town Centre. However, these plans have either been rescinded or significantly downscaled, resulting in a strategy that is inconsistent with State and Regional Strategic Planning objectives and intended outcomes.

It is suggested that the proposed DCP amendment (and any DCP amendment that is grounded in Council's endorsed NBVPS) is equally disconnected from State and Regional Planning objectives. On this basis it was requested that the proposed DCP amendment not be progressed, and instead follow a wholly revised NBVPS that more appropriately addresses State and Regional Strategic Planning, and the two planning proposals that are being advanced by the DPHI.

Conflicts with due process

It is suggested that Council's exhibition and advancing of a site-specific DCP Amendment directly alongside a Planning Proposal being advanced by the State Government conflicts with due process.

It was highlighted that both planning proposals have gained conditional Gateway approval and are accompanied by site-specific DCP's, which align with and support the proposed LEP amendments. These planning proposals have been publicly exhibited and are now at post-exhibition stage leading to finalisation. It was requested that Council participate constructively with the State Government in the Planning Proposal process to ensure that it does not adopt a competing DCP Amendment. It was further suggested that Council's proposed DCP amendment would be fruitless as it would be replaced by site-specific DCPs that have been prepared to support the Planning Proposals.

3.7.1. Comment

It is important that the key principles of the NBVPS as adopted by Council are considered in the establishment of new controls for the subject sites. It is further recognised that the two planning proposals are generally consistent with the identified outcomes of the adopted NBVPS, with the exception of overall building height, and include the delivery of a number of identified public benefits as envisaged under the Study.

When it prepared the draft DCP amendment, Council gave specific consideration to the desired outcomes of the NBVPS and the intended outcomes of the two planning proposals that have been progressed, including the anticipated indicative built forms and applicant-prepared site-specific DCPs accompanying those planning proposals.

It should be noted however, that progression of a planning proposal itself does not guarantee the envisaged outcomes for those sites, especially given that the extent of the amendments to Council's LEP only relates to height and non-residential FSR controls. Accordingly, the DCP is designed to assist in guiding and managing the built form on a site with the view to allowing uplift, whilst minimising adverse impacts on adjoining and neighbouring properties.

The recent post exhibition approval of the planning proposal for 1-7 Rangers Road and 50 Yeo Street further emphasises the need to have appropriate controls in place to ensure the intended outcomes are delivered.

One submission suggested that site specific DCPs had been submitted concurrently with the two planning proposals and had been progressed by the DPHI. The DPHI advised that they would not take carriage of the making of those DCPs which were to be progressed by Council.

Accordingly, any site specific DCPs that accompany the planning proposals will have no status, as they have not been formally adopted for progression by Council or the DPHI in accordance with the EP&A Act.

This proposed DCP amendment, if adopted by Council, will have been subject to formal endorsement and progressed in accordance with the requirements of the EP&A Act and will support and compliment the provisions envisaged to be incorporated within NSLEP 2013.

3.7.2. Recommendation

No further amendment be made to the draft amendment to NSDCP 2013 in response to these concerns.

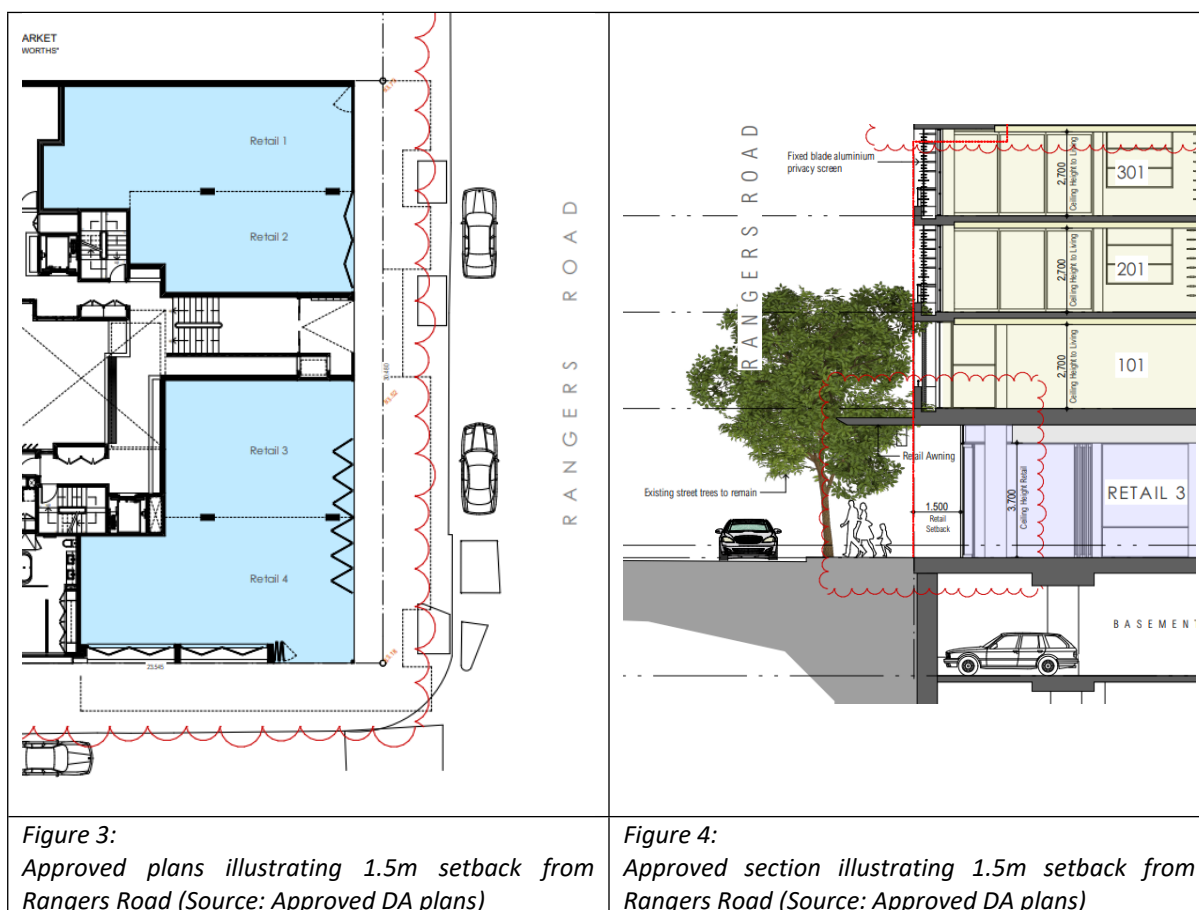
3.8. Rangers Road Setbacks

Two submissions supported, and one submission objected, to the imposition of a 1.5m setback at the ground level only to Rangers Road. Whilst no specific justification had been provided to the objection of the control, it is assumed that it is associated with a separate claim that the cumulative impacts from the proposed DCP amendments will make the development less financially viable.

3.8.1. Comment

The proposed setback control is an existing control under NSDCP 2013 that applies to all sites on the south-western side of Rangers Road. Its retention was reinforced through the recommendations of the NBVPS. In particular, the aim of the control is to provide an increased public domain at the ground level to enable outdoor dining without impacting upon the movement of pedestrians past the sites. Further, this was in recognition that the south-western side of Rangers Road was identified as a key activity spine with the high-level goal of encouraging walking in the centre.

It should be noted that this setback has already been successfully implemented, and constructed, at 9-11 Rangers Road (refer to Figures 3 and 4). By not continuing this consistent alignment, it will create a poor public domain outcome by reducing pedestrian amenity and activation opportunities.



The potential impact on financial viability of implementing this requirement with the redevelopment of 1-7 Rangers Road is very minor as it relates to the ground level storey only. Increased pedestrian pathway widths provide outdoor dining opportunities which can be seen as a financial benefit to any tenancies that would front Rangers Road.

3.8.2. Recommendation

No further amendment be made to the draft amendment to NSDCP 2013.

3.9. Diversity

One submission objected to aspects of the proposed requirements of P1 to s.5.1.5.1 which states:

Provide a mixed-use building typology, with retail at the ground level, commercial space on the second storey and residential accommodation above

It was requested that residential development be permitted on the second storey as it conflicted with their proposals for the redevelopment of 1-7 Rangers Road and 50 Yeo Street.

3.9.1. Comment

The initial intent of the proposed control was to be applied more generically across the entirety of the site and in future the wider Neutral Bay Town Centre. This was to reflect the increase in the non-residential FSR controls, which the proponents of the two associated planning proposals have applied for.

It is generally best practice to locate all the non-residential floor space over the lower levels of mixed-use buildings as it minimises potential conflicts between building users.

However, it is recognised that there may be instances where both can co-exist subject to appropriate design, architectural and construction amelioration measures.

A review of the Planning Proposal and DAs for 1-7 Rangers Road and 50 Yeo Street shows that it is proposed to use the second storey for a mixture of residential and non-residential purposes, particularly to Yeo Street.

Nothing prevents the proponent from requesting a variation to this requirement where it can be adequately demonstrated that the objectives of the clause can be met.

To ensure that the initial intent can be achieved whilst considering a level of flexibility, it is recommended that an additional objective should be added to s.5.1.5.1.

3.9.2. Recommendation

That a new objective be added to s.5.1.5.1 as follows:

O2 Ensure non-residential and residential uses are adequately separated to maximise the amenity for both residents and workers.

3.10. Setbacks – Public Plaza

One submission requested the deletion of P6 to s.5.1.5.6 which requires any development at 183-185 Military Road to be setback from its eastern boundary, if developed in isolation to ensure that appropriate pedestrian access arrangements can be made independently.

Justification provided for its deletion was based on the relatively small size of 183-185 Military Road and that pedestrian access can be provided to all areas from Military Road and Rangers Road without requiring a setback. A narrow setback to a blank wall along the boundary (per the Woolworths' initially proposed design) would be an unsafe outcome that is not aligned with the objectives of the DCP.

3.10.1. Comment

One of the NBVPS's key objectives is to improve centre amenity and appeal. One way it sought to do this was ensure that all new public spaces have active edges. This desired outcome is reflected in proposed requirement P4 to s.5.1.5.6.

Whilst this outcome is desired, it can't always be delivered as it is dependent upon many other factors. Of particular note, the envisaged future public plaza will not be in public ownership. Accordingly, there is the potential that one property owner may deny reciprocal rights of way (i.e., pedestrian access) across the plaza to adjoining developments. To avoid this potentiality, a setback should be required at the ground level to allow lawful access.

Upon further review, it was noted that the proposed control was to be applied as a whole of building setback. However, to achieve the intended outcome, the setback only needs to be provided at the ground level only.

It was suggested by the submitter that a hard wall is to be provided along the western side of 1-7 Rangers Road and 50 Yeo Street, thereby preventing activation of the future plaza on this side. However, this outcome is not guaranteed. To date, Council has not shown any support for such an outcome as part of the NBVPS, progression of the two planning proposals, or progression of the two DAs.

If a wall did eventuate along the western boundary of 1-7 Rangers Road, then there would be an argument for the proponent to request a variation to the proposed control as implementation of a setback on 183-185 Military Road would no longer be able to meet the objectives of the control.

3.10.2. Recommendation

Revise provision P6 to s.5.1.5.6 to Part C of the DCP to read (emphasis added):

If 183-185 Military Road is to be redeveloped in isolation from 1-7 Rangers Road, then the building at 183-185 Military Road must be setback at the ground level from its eastern boundary, to ensure that appropriate pedestrian access arrangements can be made independently, without reliance on reciprocal rights of way between 183-185 Military Road and 1-7 Rangers Road.

3.11. Setbacks – Military Road

One submission requested the deletion of the basement setback control under proposed clause P2 to s.5.1.5.3 to allow for street trees. It was requested that it be removed due to:

- it being impractical to have canopy trees planted within 2m of the future building façade to Military Road;
- street trees within 2m of the building façade interrupting the weather protection of a continuous awning; and
- a large amount of bus infrastructure and stops adjacent to the site.

It was suggested that a more appropriate location for street trees in this location would be within a landscaped verge parallel to the vehicular travel lanes, which is beside a rapid bus stop.

It was stated that consideration must also be given to the anticipated horizontal spread of the tree canopy when determining how far to plant a tree from a building. It was suggested that an accepted rule of thumb was that a tree should be planted at least half the horizontal distance of the anticipated tree canopy away from a building to enable it to reach its full spread. If a canopy tree capable of growing to at least the equivalent of 4-storeys in height (i.e., 12m minimum) as per the proposed control will have a canopy width of around 10-12m as a minimum and should be planted at least 6m from any building.

3.11.1. Comment

A review of the NBVPS indicates that one of the key outcomes is to protect and enhance trees and landscaping within the town centre. One way in which this could be achieved within the NBVPS was to investigate the opportunity to provide additional street trees along Military Road.

One of the key design objectives for the subject site in relation to the above outcome was to improve streetscape amenity by *“implementing a 2.5m whole building setback along Military Road to allow for an expanded tree canopy”*. In addition, Figure 3-10 to the NBVPS (refer to Figure 5 on the next page) illustrates that the area adjacent to the kerb of Military Road was identified for potential future street trees.

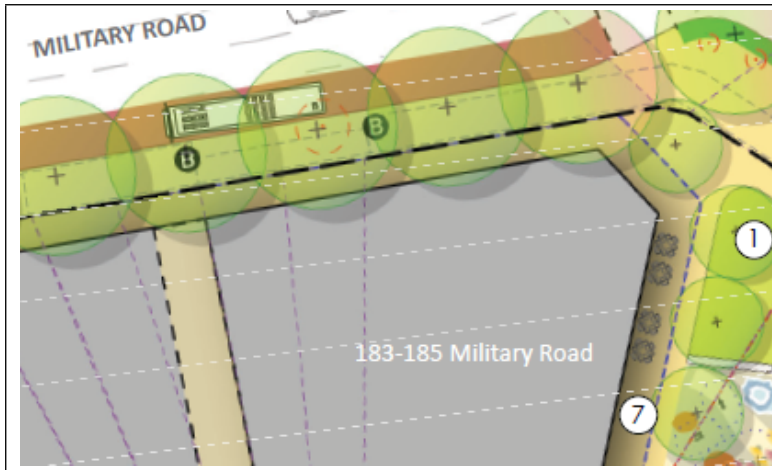


Figure 5:
Extract from NBVPS illustrating potential delivery of street trees to Military Road adjacent to 183-185 Military Road

Figure 5 clearly shows the base of the tree would be solely within the road reserve and away from the property boundary and that the requirement for the increased setback was more to accommodate a widened footpath and expected canopy coverage. One of the reasons for the positioning of future trees adjacent to the kerb was to assist separating pedestrians from vehicular traffic.

Accordingly, the proposed control does not directly assist in the delivering of the intended outcomes and therefore should be deleted.

3.11.2. Recommendation

That provision P2 to s.5.1.5.3 be deleted from the amendment to NSDCP 2013.

Options

Council has the following options in relation to this matter:

1. Adopt the draft DCP amendment as exhibited;
2. Adopt the draft DCP amendment incorporating amendments as recommended in this report; or
2. Do nothing/take no action.

These options are assessed in the table below.

Option	Finance/Resourcing	Risk/Opportunity	Consultation
1.	Minimal costs and staff time required to undertake the necessary implication requirements under the EP&A Act and post adoption notifications. Additional staff time would be required to	Provides greater clarity for property owners, developers, the wider community, and Council staff as to the general expected outcomes for the site and what must be considered in minimising any potential adverse impacts in accordance	No additional consultation is required. However, all submitters will be notified of the outcome of Council's consideration of the matter.

Option	Finance/Resourcing	Risk/Opportunity	Consultation
	justify any variations required to the implemented controls.	with a range of endorsed Council polices. Greater requirements for developers to vary implemented controls due to ignoring issues raised during the exhibition period.	
2.	Minimal costs and staff time required to undertake the necessary implication requirements under the EP&A Act and post adoption notifications.	Provides greater clarity for property owners, developers, the wider community, and Council staff as to the general expected outcomes for the site and what must be considered in minimising any potential adverse impacts in accordance with a range of endorsed Council polices.	No additional consultation is required. However, all submitters will be notified of the outcome of Council's consideration of the matter.
3.	Additional costs and staff time taken to justify the preferred outcomes for the site without an adopted policy position when defending development applications.	Would require a merit assessment under Council's current controls some of which are contrary to delivering the anticipated outcomes envisaged under the Neutral Bay Village Planning Study and the Planning Proposals. Potential for poor amenity outcomes to be delivered.	No additional consultation is required. However, all submitters will be notified of the outcome of Council's consideration of the matter.

Option 2, is recommended for the following reasons:

- There are minimal impacts on financial and staff resources.
- Provides greater consistency and certainty with previously endorsed Council policy positions.

Consultation requirements

Community engagement has occurred in accordance with Council's *Community Engagement Protocol* and the requirements of the NSW Environmental Planning and Assessment Act, 1979 and accompanying Regulations. The detail of this report provides the outcomes from the engagement for Council to consider prior to adoption.

Financial/Resource Implications

There will be minimal implications in finalising the proposed amendment. All aspects of the progression of the draft DCP amendment can be achieved within existing budget lines.

Legislation

Compliance with the relevant provisions of the following legislation have been addressed throughout this report:

- NSW Environmental Planning and Assessment Act, 1979 and accompanying Regulations (2021); and
- NSW Local Government Act 1993 and accompanying Regulations (2021).

CONCLUSION

Having completed the public exhibition of the draft DCP amendment, it is recommended that Council adopt the draft DCP amendment as amended (forming Attachment 3 to this report) and notify its endorsement in accordance with the Environmental Planning and Assessment Regulations, 2021.



SECTION 5 NORTH CREMORNE PLANNING AREA

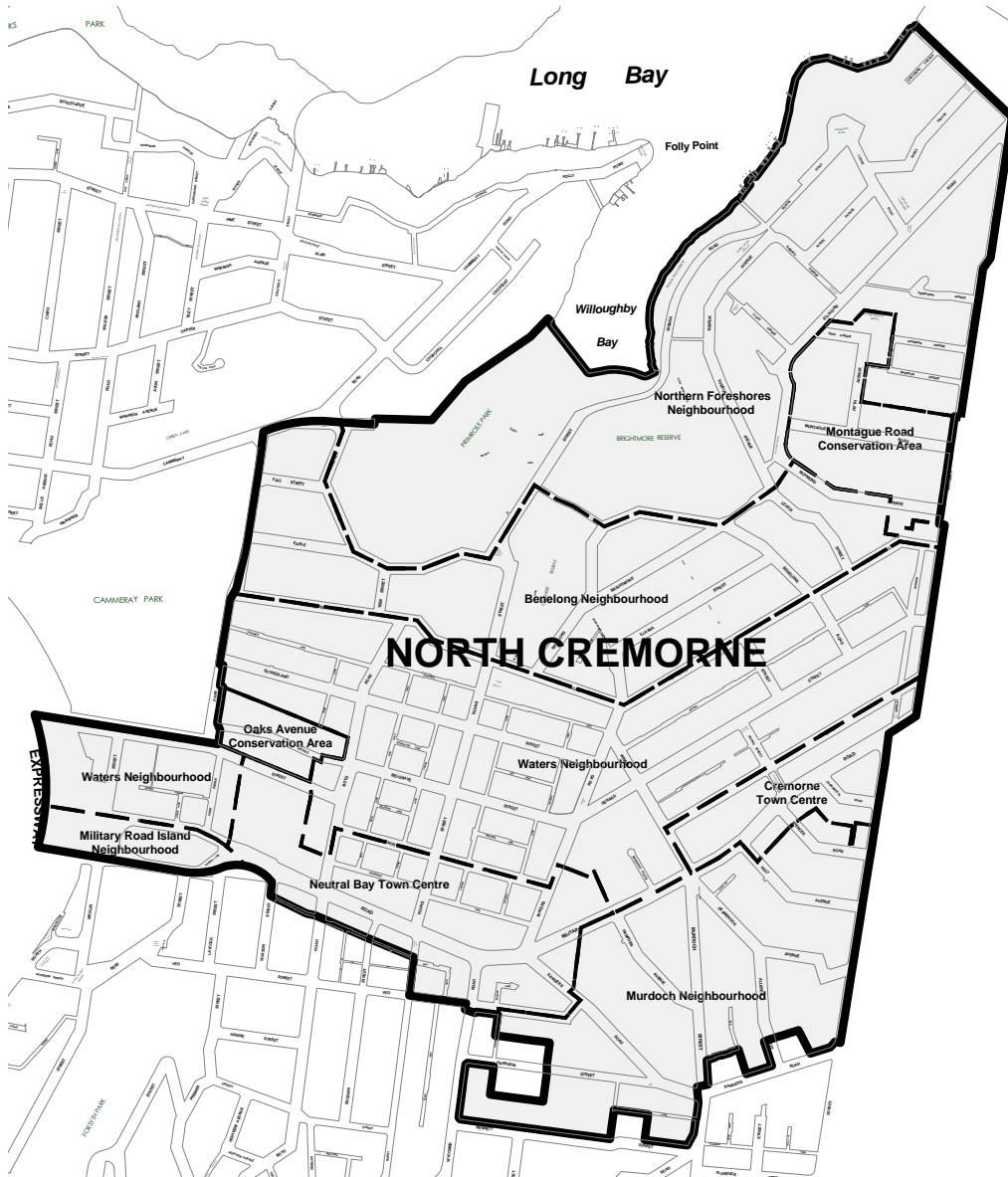


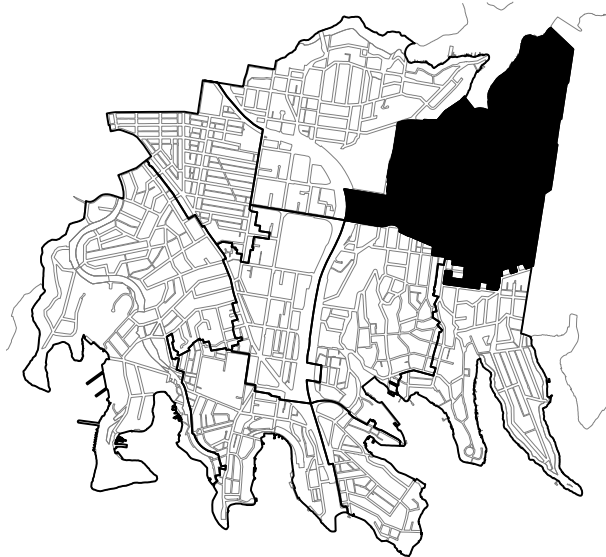
Figure C-5.1: North Cremorne Planning Area and associated Locality Areas



DRAFT AMENDMENT - North Sydney Development Control Plan 2013

Area Character Statements - North Cremorne Planning Area

5.0 NORTH CREMORNE PLANNING AREA CHARACTER STATEMENT



The following statement identifies the existing character and the desired future outcome for development in the North Cremorne Planning Area.

North Cremorne is a primarily residential neighbourhood providing a diverse range of housing forms for a mixed population. It is bound on its southern side by the Neutral Bay and Cremorne Town Centres, which are bustling places where people live, shop, eat, work and socialise providing a high level of amenity for all users.

Development within the Planning Area should result in:

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

and where:

Function

- there are safe and accessible community facilities and meeting places
- the few non-residential uses operate without an adverse effect to the amenity of the residential neighbourhood

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DRAFT AMENDMENT - North Sydney Development Control Plan 2013**Area Character Statements - North Cremorne Planning Area**

- services and facilities meet the needs of different population groups
- accessible and safe pedestrian routes are extended throughout the neighbourhood linking to the open spaces of Primrose Park and Brightmore Reserve
- additional public open space is provided for increased residential population
- public transport, cycling and walking are preferred means of transport
- local icons, cultural resources and heritage provide tangible evidence of the area's past and reflect the community's cultural values

Environmental Criteria

- parkland and natural foreshore areas are conserved, protected and easily accessible to pedestrians
- ecology of bushland and wetland areas are protected from adverse impacts of development such as stormwater runoff, dumping of fill soil and vegetation, leaching of fertilisers, spread of introduced plants and weeds and visual impact of structures
- habitat for native fauna is provided through the planting and maintenance of local flora
- good sunlight is available to both public and private spaces

Quality Built Form

- high quality residential accommodation in the Town Centre incorporates internal amenity for residents and energy efficient design
- open meeting places in the form of courtyards act as focal points, and are located in areas that provide relief from traffic noise
- residential development respects and maintains existing characteristic built form with buildings setback from all boundaries and landscaped front gardens, softening the built form
- the built environment is sympathetic to the topography and vegetation, allowing views of the surrounding area and Willoughby Bay
- heritage items are protected and significant streetscape elements are conserved in the Oaks Avenue and Montague conservation areas

Quality Urban Environment

- backyards are provided for a variety of practical and recreational needs of residents
- car parking does not adversely affect the character of the area and quality of residential streets
- front fences are low and offer good outlooks to house fronts and gardens

Efficient Use of Resources

- existing residential buildings are maintained to prevent unnecessary waste of building materials
- stormwater is captured and re-used on site

In addition to the above character statement for the Planning Area, the character statements for the following Locality Areas also require consideration:

Section 5.1: Neutral Bay and Cremorne Town Centres

Section 5.1.4: Tram Depot



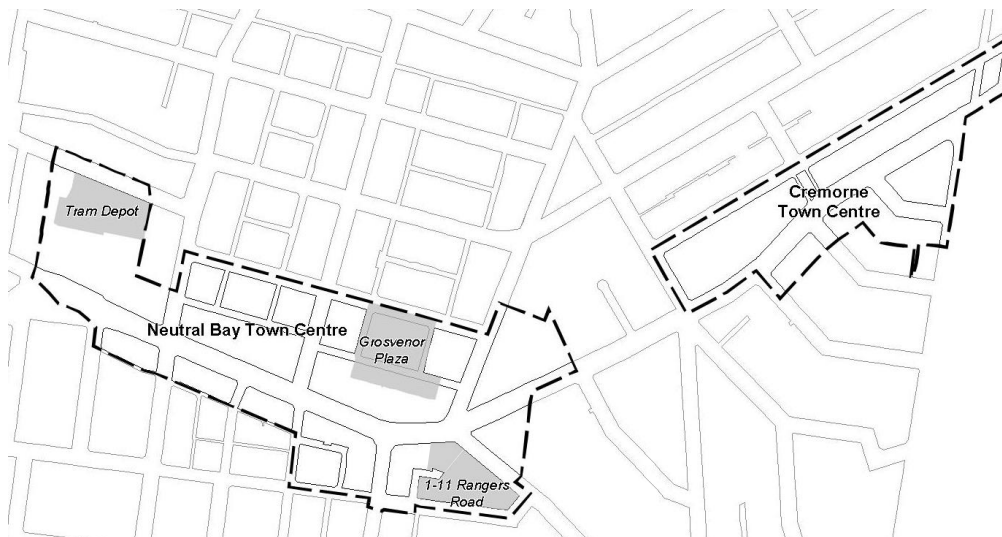
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Area Character Statements - North Cremorne Planning Area

- Section 5.1.5: 1-11 Rangers Road, 50 Yeo Street & 183-185 Military Road
- Section 5.1.6: Grosvenor Plaza
- Section 5.2: Military Road Island Neighbourhood
- Section 5.3: Waters Neighbourhood
 - Section 5.3.4: 14-16 Military Road
- Section 5.4: Benelong and Northern Foreshore Neighbourhood
- Section 5.5: Murdoch Neighbourhood
- Section 5.6: Montague Road Conservation Area
- Section 5.7: Oaks Avenue Conservation Area

C **Part**

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DRAFT AMENDMENT - North Sydney Development Control Plan 2013**Area Character Statements - North Cremorne Planning Area****5.1 NEUTRAL BAY AND CREMORNE TOWN CENTRES****5.1.1 Significant Elements****Land Use**

P1 Predominantly mixed commercial and residential development.

Topography

P2 Generally flat, straddling the topmost part of the ridge along Military Road.

Natural Features

P3 Area forms the topmost part of a ridge following Military Road.

Views

P4 The following views and vistas are to be preserved and where possible enhanced:

- (a) District views to Middle & Sydney Harbours from the upper levels of some buildings.

Identity / Icons

P5 Orpheum Theatre is a community focal point and regional attraction that enhances the identity of the area.

P6 Military Road, a major regional thoroughfare.

Subdivision

P7 A diverse mixture of large consolidated sites intermixed with long narrow sites with dual frontages.

Streetscape

P8 Wide fully paved footpaths incorporating outdoor dining areas.

P9 Buildings built to street and laneway frontages.

P10 Continuous awnings along Military Road.

P11 Irregular planting of street trees.

P12 Active frontages to Military Road, Grosvenor Street.

P13 90° on-street parking to Parraween Street.



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Area Character Statements - North Cremorne Planning Area

Public transport

P14 Development is to take advantage of high levels of accessibility to high frequency public bus services along Military Road.

5.1.2 Desired Future Character

Diversity of activities, facilities, opportunities and services

- P1 Mixed commercial and residential development, primarily focused on Military Road.
- P2 A variety of commercial, retail, restaurants and cafes are provided at footpath level, non-residential or residential on the first floor and residential only on the upper floors.
- P3 Commercial activities should be maintained to all street frontages at ground level to stimulate pedestrian activity.
- P4 Activities should not have a detrimental impact to the safety and efficiency of vehicular traffic on Military Road.

5.1.3 Desired Built Form

Subdivision

P1 Redevelopment sites should have a frontage of approximately 25m-30m.

Form, massing and scale

- P2 Generally 4-5 storeys.
- P3 5-6 storeys in the block bounded by Military Road, Cabramatta Road and Spofforth Street.
- P4 Larger facades are broken up with changes in building frontage alignment and architectural detailing to reflect the former subdivision patterns, especially fronting Military Road.

Public spaces and facilities

- P5 Outdoor dining areas:
- (a) are located within clearly defined spaces;
 - (b) are located away from main roads;
 - (c) are weather protected; and
 - (d) provide equal and unobstructed pedestrian movement.
- P6 Pedestrian arcades should be provided between Military Road and parallel laneways/streets to the north and south of Military Road to enhance pedestrian connectivity.
- P7 Views of shop fronts should not be obstructed from footpaths and roadways.
- P8 Encourage the retention and enhancement of trees within the public domain to improve public amenity.

Setbacks

- P9 Buildings should be built to all street frontages at ground level, except as follows:
- (a) Setback 1.5m from the northern side of Military Road, at ground level between Young Street and Waters Road, and
 - (b) Setback 1.5m at ground level from all laneways.

Podiums

- P10 Podium of 8.5m (two storeys) to Military Road, east of Hampden Avenue, with a setback of 3m above the podium.

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- P11 Podium of 10m (three storeys) to Military Road, west of Hampden Avenue, with a setback of 3m above the podium.
- P12 Podium of 8.5m (two storeys) to laneway frontages and frontages not to Military Road, with a setback of 3m above the podium.
- P13 Podium of 8.5m (2 storeys) to the east and west of Barry Street Plaza, with a setback of 3m above the podium.
- P14 Provide adequate podium setbacks where a site adjoins residential or open space zones.

Building design

- P15 Ground floor access to shops is to be provided to all properties with a frontage to Military Road, a frontage to the Grosvenor Lane car park / plaza, and those with a dual frontage between Military Road and Parraween Street.
- P16 Building elements, materials, finishes, and windows should relate to neighbouring buildings.
- P17 Laneways should be provided with active frontages, wherever possible.

Car Parking & Access

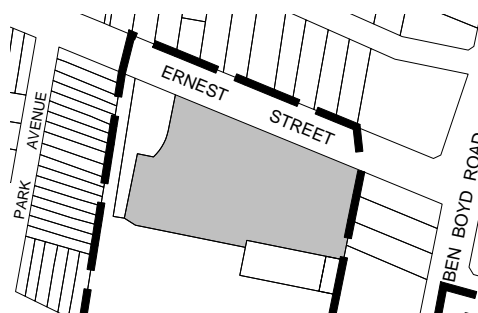
- P18 Vehicular access from sites should not be provided to Military Road.

Noise

- P19 Elevations of buildings fronting Military Road and Ernest Street are to be designed and incorporate design features to minimise traffic noise transmission (e.g. the use of cavity brick walls, double glazing, minimal glazing, solid core doors, concrete floors, enclosed balconies etc).
- P20 Services located at the rear of buildings at the interface with a residential zone should be carefully designed and located to ensure that they do not have a detrimental impact to the residential amenity of the neighbouring property.

Awnings

- P21 Awnings are provided along all street frontages.

5.1.4 North Sydney Bus Depot**Diversity of activities, facilities, opportunities and services**

- P1 Continued operation of the bus depot as important public transport infrastructure.
- P2 If the bus depot ceases to operate, then the site should be used for mixed use development.
- P3 Incorporate community functions in the form of open space, through site links and / or other community uses.



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Area Character Statements - North Cremorne Planning Area

- P4 Development provides active frontages to Ernest Street and internal public spaces.
- P5 Amalgamation with Big Bear site provides further opportunities for public benefit.
- P6 P6 Redevelopment of an amalgamated Bus Depot and Big Bear site should be informed by a masterplan for the entire street block.

Form, massing and scale

- P7 Transition scale of built form down from central / southern portion of site to surrounding lower scale development and heritage conservation area.
- P8 Maximise solar access to internal public spaces.

Public Benefit

- P9 Provide public benefit with any proposed change to existing planning controls.
- P10 Affordable housing is a public benefit priority for the site.

Podiums

- P11 Podium of 10m (three storeys) to Ernest Street.

Ecologically Sustainable Development

- P12 In implementing ESD best practice, explore opportunities to incorporate ESD demonstration project in redevelopment.

Access

- P13 Create safe and active pedestrian links between Ernest Street and Military Road, particularly where possible via the Big Bear site.
- P14 Vehicular access minimises the impact on the flow of traffic along Ernest Street.

Noise

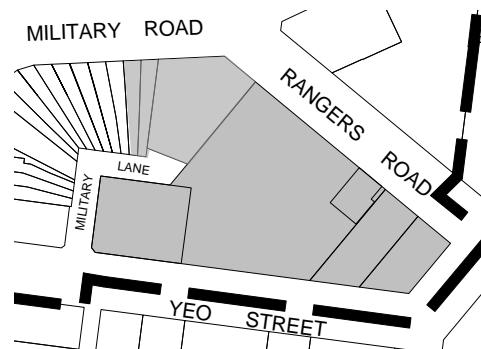
- P15 Elevations of buildings fronting Ernest Street are to be designed and incorporate design features to minimise traffic noise transmission (e.g. the use of vegetation, cavity brick walls, double glazing, minimal glazing, solid core doors, concrete floors, enclosed balconies etc).

Heritage

- P16 Protect and respond architecturally to existing heritage items.
- P17 Subsurface archaeological material is assessed prior to excavation.

5.1.5 1-11 Rangers Road, 50 Yeo Street & 183-185 Military Road

** This section has been informed by the Neutral Bay Village Planning Study (2024).*



Diversity

- ~~P1 Supermarket (if possible), small shops at footpath level fronting streets and lanes, non residential/residential on lower floors, residential above.~~

DRAFT AMENDMENT - North Sydney Development Control Plan 2013**Area Character Statements - North Cremorne Planning Area****Subdivision**

~~P2—All allotments should be consolidated to establish a reasonable building footprint.~~

Form, massing and scale

~~P3—Modern commercial building generally built to the boundary.~~

~~P4—Development addresses laneways with active uses.~~

Setbacks

~~P5—Buildings should be built to all street frontages at ground level, except as follows:~~

~~(a) Setback 1.5m at ground level from Rangers Road.~~

Podiums

~~P6—Podium of 13m (four storeys) to Rangers Road, with a setback of 3m above the podium~~

~~P7—Podium of 10m (three storeys) to Yeo Street and Military Lane, with a setback of 3m above the podium.~~

Landscaping

~~P8—Internal spaces provide a safe and pleasant meeting place.~~

Access

~~P9—Vehicular access to be provided from Military Lane.~~

5.1.5.1 Diversity**Objectives**

O1 To provide a mixture of uses that contribute to enhancing of the amenity, identity and desirability of Neutral Bay.

O2 To increase access to open public spaces with high levels of amenity.

Provisions

P1 Provide a mixed use building typology, with retail at the ground level, commercial space on the second storey and residential accommodation above.

P2 Provide a fine grain of retail and other business premises fronting all street frontages, the future public plaza and where practical, to laneways.

P3 Relocate the existing supermarket underground to assist in positively activating streets and future public plaza.

P4 Create a new public plaza across both 183-185 Military Road and 1-7 Rangers Road with a minimum size of 1,000sqm.

P5 Maximise opportunities to accommodate outdoor dining.

P6 Provide a mixture of commercial tenancy sizes and flexible floorplates.

5.1.5.2 Form, massing and scale**Objectives**

O1 To ensure that density and scale is concentrated toward Military Road and provides a positive transition in height and scale down to the adjoining residential areas.

O2 To maximise year round solar access to existing and new public open spaces to be created in the Planning Area.

O3 To minimise overshadowing impacts on residential development to the south of Yeo Street.

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Area Character Statements - North Cremorne Planning Area

Provisions

- P1 Allotments should be consolidated to establish suitable building footprints to accommodate additional height and the establishment of a new public plaza.
- P2 Height should transition from Military Road and the northern portion of Rangers Road down to Yeo Street.
- P3 Development addresses laneways with active uses, where practical.
- P4 Ensure that 70% of dwellings on the southern side of Yeo Street receive a minimum of 2 hours sunlight at the winter solstice.
- P5 Building elements located above the podium level must not exceed 45m in horizontal width or length, unless punctuated with a significant visual break or articulation element.

5.1.5.3 Setbacks

Objectives

- O1 To reinforce the spatial definition of streets and public spaces.
- O2 To provide a wider footpath to Military Road to enhance pedestrian movement and comfort and provide outdoor dining opportunities.

Provisions

- P1 Buildings must be setback from the following road frontages:
- (a) 2.5m from Military Road, and
- (b) 0m from Rangers Road, except the ground level which is to be setback a minimum of 1.5m, and
- (c) 0m to Yeo Street and Military Lane.
- P2 Where a whole of building setback is required to Military Road, any basement is also required to be setback the same distance, unless it can be adequately demonstrated that sufficient soil depth can be provided to enable the planting of canopy trees capable of growing to at least the equivalent of 4 storeys in height.
- P3 Buildings must be setback 0m to the public plaza.
- P4 Buildings should be setback 0m from all side boundaries.

5.1.5.4 Podium Height

Objectives

- O1 To positively relate to the heritage context surrounding the site.
- O2 To create a human scaled interface within the public plaza and adjoining laneways.
- O3 To positively relate to the scale of development of the opposite side of Rangers Road and Yeo Street.

Provisions

- P1 A podium must be:
- (a) 2 storeys in height to Military Road, the east-west alignment of Military Lane and to the proposed public plaza, and
- (b) 4 storeys to Rangers Road, and
- (c) 3 storeys to Yeo Street and the north-south alignment of Military Lane.

DRAFT AMENDMENT - North Sydney Development Control Plan 2013**Area Character Statements - North Cremorne Planning Area****5.1.5.5 Above Podium Setbacks****Objectives**

- O1 To provide a consistent street frontage and minimise overshadowing impacts to the public plaza.
- O2 Minimise overshadowing impacts to residential properties on the southern side of Yeo Street.
- O3 To reduce the scale and bulk of buildings when viewed from the public domain.

Provisions

- P1 The following minimum setbacks (measured from the outer wall of the podium) must be provided above the podium level:
- (a) 3m to Military Road, Rangers Road and Military Lane.
- (b) 3m to Yeo Street, with a further 3m setback to any part of the building above 5 storeys.
- (c) 3m to any podium facing the public plaza and through site link.
- (d) 0m to the entire length of the side boundary between 183-185 Military Road and 181A Military Road, with 6m above 6 storeys.
- (e) 6m to the side boundary between 1-7 Rangers Road and 9-11 Rangers Road, along the Rangers Road frontage.
- (f) 0m to the side boundary between 1-7 Rangers Road and 9-11 Rangers Road, along the Yeo Street frontage
- Note. Setbacks are measured to the outer face of any part of the building including balconies, architectural detailing and the like.*
- P2 Despite P1(e) and (f), a 6m setback is required to the entire length of the side boundary between 1-7 Rangers Road and 9-11 Rangers Road, if the through-site link is not provided open to the sky.

5.1.5.6 Public Plaza**Objectives**

- O1 To create additional publicly accessible space.
- O2 To ensure that the space is sufficiently sized to provide a mixture of passive and active recreational opportunities.
- O3 To maximise the amenity of the public space.
- O4 Maximise the activation of the space.
- O5 To increase landscaping and tree canopy within the Neutral Bay Town Centre.

Provisions

- P1 A public plaza of at least 1,000sqm is to be provided across both 183-185 Military Road and 1-7 Rangers Road. The minimum area of the plaza is to exclude any pedestrian through-site link between the plaza itself and Yeo Street and is to open to the sky.
- P2 The public plaza is to be located adjacent to the Military and Rangers Road intersection.
- P3 At least 50% of the public plaza must be able to receive solar access between 10am and 1pm at the Winter Solstice.
- P4 All ground level frontages to the public plaza are to be appropriately activated.



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Area Character Statements - North Cremorne Planning Area

P5 Provide a variety of functions to activate the space, including outdoor dining, public seating, community lawn, playground, water feature, public artwork, landscaping, fixed bicycle parking.

P6 If 183-185 Military Road is to be redeveloped in isolation from 1-7 Rangers Road, then the building at 183-185 Military Road must be setback from its eastern boundary, to ensure that appropriate pedestrian access arrangements can be made independently, without reliance on reciprocal rights of way between 183-185 Military Road and 1-7 Rangers Road.

5.1.5.7 Through-site Link

Objectives

O1 To improve pedestrian permeability through the area.

O2 To provide clear visual connections between different parts of the Neutral Bay Town Centre.

O3 To maximise casual surveillance over the space.

Provisions

P1 A minimum 6m wide through-site link is to be provided between the proposed public plaza and Yeo Street to enable pedestrians to traverse between the intersection of Military Road and Rangers Road and Yeo Street.

P2 The through-site link should be open to the sky to maximise legibility in wayfinding through the area and avoid the creation of extensive wall lengths along Yeo Street.

P3 Despite P1 and P2, a through-site link may only be built over, but only where the consent authority is satisfied that the through-site link is widened to a minimum of 8m and have a minimum 7m clearance to any storey located above.

P4 The ground level of buildings fronting the through-site link are to be appropriately activated.

P5 The through-site link is to be publicly accessible at all times.

P6 The through-site link should be integrated with the proposed public plaza.

5.1.5.8 Activation

Objectives

O1 To provide for the amenity, interest and liveliness of the street environment and public open spaces.

O2 To ensure a positive experience for pedestrians with the necessary fine grain environment of the street.

O3 To enable sensory engagement with the street and public spaces.

O4 To provide an active ground floor frontage that is accessible and integrated with the design of the public domain.

O5 To maximise the extent of active frontages in the public domain.

O6 To promote activity, connectivity and variety in the public domain.

O7 To increase passive surveillance of the street and other public spaces and enhance safety.

Provisions

P1 Buildings must contain active frontages to all street frontages, with the exceptions of public laneways.

DRAFT AMENDMENT - North Sydney Development Control Plan 2013**Area Character Statements - North Cremorne Planning Area**

- P2 Despite P1, active frontages to public laneways are encouraged where practical.
- P3 Buildings which have a direct interface with the proposed public plaza are to provide an active frontage to that interface.
- P4 Active frontages are to be provided along both sides of all through-site links.
- P5 Where a site has multiple street frontages, all service and vehicular access points must not be provided off the primary street frontage.
- P6 Fire escapes and service doors must be seamlessly incorporated into the facade with quality materials.

5.1.5.9 Access**Objectives**

- O1 To prioritise pedestrian movements along Military Road, Rangers Road and Yeo Street.

Provisions

- P1 No vehicular access is to be provided from Military Road or Rangers Road.
- P2 Vehicular access should be provided from Military Lane.
- P3 Despite P2, vehicular access may be provided from Yeo Street, subject to adequate demonstration that it will not create any adverse pedestrian conflicts.
- P4 Where practical, commercial and residential vehicular access should be separated.
- P5 All service access is to be provided from Military Lane.

5.1.5.10 Landscaping**Objectives**

- O1 To minimise privacy impacts of residents within and adjoining the development.
- O2 To soften the appearance of buildings and their interface with neighbouring buildings and the public domain.
- O3 To minimise heat island effects.

Provisions

- P1 Terrace planting is to be provided to soften the building appearance and contribute to the overall aesthetic of building facades.
- P2 Perimeter planting is to be established along the edges of the podium and rooftop terraces.
- P3 Where practical, landscaping should be used to screen any rooftop plant.
- P4 Consideration is to be given to the use of green roofs and green walls.

ATTACHMENT 2

Proposed amendment to NSDCP 2013 – 183-185 Military Road, 1-7 Rangers Road & 50 Yeo Street Summary of submissions received during public exhibition period (26 August 2024 – 23 September 2024)

The following criteria are used to analyse all submissions received, and to determine whether or not the plan would be amended:

1. The proposed amendment to NSDCP 2013 **would be** amended if issues raised in the submission:
 - a provided additional information of relevance.
 - b indicated or clarified a change in government legislation, Council's commitment or management policy.
 - c proposed strategies that would better achieve or assist with Council's objectives.
 - d was an alternate viewpoint received on the topic and is considered a better option than that proposed.
 - e indicated omissions, inaccuracies or a lack of clarity.

2. The proposed amendment to NSDCP 2013 **would not be** amended if the issues raised in the submission:
 - a addressed issues beyond the scope of the draft amendment.
 - b was already in the draft amendment or will be considered at a later stage of the planning process.
 - c offered an open statement, or no change was sought.
 - d clearly supported the draft proposals.
 - e was an alternate viewpoint received on the topic but the recommendation of the draft amendment was still considered the best option.
 - f was based on incorrect information.
 - g contributed options that are not possible (generally due to some aspect of existing legislation or government policy) or; involved details that are not appropriate or necessary for inclusion in a document aimed at providing a strategic community direction over the long term.

ATTACHMENT 2: Draft amendment to NSDCP 2013 – 183-185 Military Road, 1-7 Rangers Road & 50 Yeo Street – SUBMISSIONS TABLE						
No.	Name & Address	Property / Issue	Key Points Raised	Council Response	Recommended Action	Criteria
1	Resident 44 Reynolds Street CREMORNE NSW 2090	Solar Access / Overshadowing	<p>NSDCP requires developments to provide at least 3 hours of sunshine at the winter solstice to neighbouring residential properties. It is proposed to amend that requirement by reducing it to at least 2 hours and to at least 70% of neighbouring dwellings.</p> <p>This aspect is not supported as it sets a terrible precedent, as some residents will potentially lose existing sunshine that they already enjoy whilst others may lose all their sunshine at the winter solstice.</p>	<p>Refer to Section 3.1 to the main report</p> <p>Sections 1 and 2 to Part B of NSDCP 2013 contain solar access and overshadowing controls in relation to impacts on residential development. In particular there are two different requirements based on the density of development that occurs. The 3 hour rate applies in low density residential areas where building heights are generally restricted to three storeys or less. However, the 2 hour / 70% rate applies in higher density areas where it is acknowledged that higher levels of overshadowing occurs as a result of increased heights. This is consistent with the approach adopted for development subject to the Apartment Design Guide under the Housing SEPP.</p> <p>The proposed controls seek to reinforce this existing application on and adjacent to the subject sites.</p>	Nil	2E
		Podium Height	<p>It is noted that any podium proposed along Yeo Street is to be limited to 3 storeys in height. However, the maximum height in metres for that 3 storey podium has not been defined. There is potential to cast large shadows over the properties on the southern side of Yeo St. The DCP should define a maximum height in metres for the podium fronting Yeo Street to approximately 11 metres to limit the overshadowing of neighbouring properties.</p>	<p>Refer to Section 3.4 to the main report</p> <p>It is recognised that there is a disparity between the number of storeys in the draft DCP amendment and the concept proposal for the development at 1-7 Rangers Rd & 50 Yeo St.</p> <p>To ensure that the original intent is reflected and to provide increased clarity, it is recommended that a 10m height limit be reintroduced.</p>	Amend the podium height control to reincorporate a 10m height limit	1A, 1C

ATTACHMENT 2: Draft amendment to NSDCP 2013 – 183-185 Military Road, 1-7 Rangers Road & 50 Yeo Street – SUBMISSIONS TABLE						
No.	Name & Address	Property / Issue	Key Points Raised	Council Response	Recommended Action	Criteria
		Car Parking	<p>Earlier assessment reports by Department of Planning and Council recommended that the number of car spaces be reduced to 262 spaces due to concerns about traffic congestion.</p> <p>The proposed DCP amendment now seeks to increase this number to 326 cars increasing the amount of traffic to level above DoP and Council's estimates.</p> <p>The number should be reduced or a comprehensive traffic study carried out to determine whether the local roads can cope with the increased number and whether dual entry and exit lanes and traffic controls will be required for the increased number of cars.</p>	<p>Refer to Section 3.3 to the main report</p> <p>The proposed DCP amendments do not seek to amend the maximum car parking rates that apply to the subject sites.</p> <p>Issues relating to the quantum of car parking provision are to be addressed at the development application stage.</p>	Nil	2A & 2F
		Service Vehicles	<p>In recognising that there will be an increased number of cars using Yeo St as a result of the redevelopment of the subject sites and the need to avoid a repeat of the current situation at the Grosvenor Lane Woolworths loading dock, the proposed DCP amendment should require that all delivery vehicles should enter and exit the loading dock in a forward direction.</p>	<p>Refer to section 3.2 to the main report.</p> <p>Vehicular servicing is required to be provided off Military Lane which removes any potential impacts on the operation of Yeo Street.</p> <p>It is not always possible to accommodate forward entry and exiting of service vehicles from a site as a result of laneway and allotment widths.</p> <p>The applicant of the Planning Proposal and DAs for 1-7 Rangers Rd and 50 Yeo Street have demonstrated that some manoeuvres are required in Military Ln but do not impact upon the operation of Yeo St, which is considered acceptable given the low volume of traffic using Military Ln.</p>	Nil	2B, 2E
			<p>It should also be a requirement that the supermarket loading dock design should allow for use of articulated vehicles.</p>	<p>Council is not in a position to dictate what type of vehicles are to service a particular site. The onus is on the proponent to adequately describe how a site is to be serviced and by what means (i.e. service vehicle size and frequency) as there may be local factors that dictate what size of vehicles will be required to service a particular site. This will be further resolved through the DA assessment process.</p>	Nil	

ATTACHMENT 2: Draft amendment to NSDCP 2013 – 183-185 Military Road, 1-7 Rangers Road & 50 Yeo Street – SUBMISSIONS TABLE						
No.	Name & Address	Property / Issue	Key Points Raised	Council Response	Recommended Action	Criteria
2	Harrison Bennett Precinct Committee	Summary of Issues	<p>The draft DCP was considered at its meeting of 5 September 2024; resolving unanimously (9 For, 0 Against) to make a submission similar to that resolved by the Willoughby Bay Precinct Committee addressing:</p> <ul style="list-style-type: none"> • solar access • podium height controls • setting of maximum heights • vehicular servicing 			
		Solar Access / Overshadowing	<p>The proposed DCP amendments fail to adequately protect the amenity of dwellings on the southern side of Yeo St with regard to solar access / overshadowing.</p> <p>The proposed solar access control in P4 to s.5.1.5.2 seeks to ensure that at least 70% of dwellings on the southern side of Yeo St receive a minimum of 2 hours sunlight at the winter solstice.</p> <p>However, this is inconsistent with the solar access provisions for residential development elsewhere in the LGA which requires under s.1.3.7 to Part B of NSDCP 2013 to ensure that a minimum of 3 hours between the hours of 9.00am and 3.00pm at the winter solstice to 100% of dwellings and principal open spaces.</p> <p>Residential properties should not be afforded less protection from overshadowing than other residential properties in the LGA. If the proposed DCP amendments get adopted they could set a precedent for rolling back overshadowing protection.</p> <p>Requested that the proposed solar access control be amended to require a minimum of 3 hours solar access between the hours of 9.00am and 3.00pm to the windows of main internal living areas, principal open space areas and communal open space areas of adjoining properties including dwellings on the southern side of Yeo Street.</p>	<p>Refer to Section 3.1 to the main report</p> <p>Sections 1 and 2 to Part B of NSDCP 2013 contain solar access and overshadowing controls in relation to impacts on residential development. In particular there are two different requirements based on the density of development that occurs. The 3 hour rate applies in low density residential areas where building heights are generally restricted to three storeys or less. However, the 2 hour / 70% rate applies in higher density areas where it is acknowledged that higher levels of overshadowing occurs as a result of increased heights. This is consistent with the approach adopted for development subject to the Apartment Design Guide under the Housing SEPP.</p> <p>The proposed controls seek to reinforce this existing application on and adjacent to the subject sites.</p>	Nil	2E

ATTACHMENT 2: Draft amendment to NSDCP 2013 – 183-185 Military Road, 1-7 Rangers Road & 50 Yeo Street – SUBMISSIONS TABLE						
No.	Name & Address	Property / Issue	Key Points Raised	Council Response	Recommended Action	Criteria
		Podium Height	<p>The proposed DCP amendment specifies a podium of 3 storeys to Yeo St, whereas the existing DCP specifies 10m (three storeys).</p> <p>The existing 10m requirement has proved critical in preventing unacceptable overshadowing of dwellings on the southern side of Yeo Street and should be retained.</p> <p>Whilst the Woolworth's proposal show a three storey podium to Yeo St, it is much higher than 10m.</p>	<p>Refer to Section 3.4 and 3.1 to the main report</p> <p>It is recognised that there is a disparity between the number of storeys in the draft DCP amendment and the concept proposal for the development at 1-7 Rangers Rd & 50 Yeo St.</p> <p>To ensure that the original intent is reflected and to provide increased clarity, it is recommended that a 10m height limit be reintroduced.</p>	Amend the podium height control to reincorporate a 10m height limit	1A, 1C
			<p>There should be a provision requiring a further setback to Yeo St above 16m (five storeys) so that no additional overshadowing is caused.</p>	<p>A proposed provision is already incorporated within P1(b) to s.5.1.5.5.</p>		
		Overall Building Height	<p>The site specific DCP that accompanied the Planning Proposal included the following statement:</p> <p><i>The building is to be designed with a maximum of six (6) storeys along Yeo Street and eight (8) storeys at the north east corner fronting Rangers Road.</i></p> <p>This provision should be retained.</p>	<p>Refer to Section 3.5 to the main report</p> <p>The DCP does not seek to impose maximum overall building height controls which will largely be achieved through the height controls under NSLEP 2013.</p> <p>Notwithstanding, a building's bulk and scale is to be moderated through the incorporation of appropriate setback back and podium controls.</p>	Nil	2A
			<p>Requests the inclusion of the following requirement with reference to 1-7 Rangers Rd and 50 Yeo St:</p> <p><i>and no mezzanines are to be permitted.</i></p>	<p>Mezzanines are excluded from the definition of storeys and therefore must fit within that height limitation.</p>		
		Service Vehicles	<p>A provision should be included requiring entry and exit from any loading dock to be in a forward direction.</p>	<p>Refer to Section 3.2 to the main report.</p> <p>Vehicular servicing is required to be provided off Military Lane which removes any potential impacts on the operation of Yeo Street.</p> <p>It is not always possible to accommodate forward entry and exiting of service vehicles from a site as a result of laneway and allotment widths.</p> <p>The applicant of the Planning Proposal and DAs for 1-7 Rangers Rd and 50 Yeo Street have demonstrated that some manoeuvres are required in Military Ln but do not impact upon the operation of Yeo St, which is considered acceptable given the low volume of traffic using Military Ln.</p>	Nil	2B, 2E

ATTACHMENT 2: Draft amendment to NSDCP 2013 – 183-185 Military Road, 1-7 Rangers Road & 50 Yeo Street – SUBMISSIONS TABLE						
No.	Name & Address	Property / Issue	Key Points Raised	Council Response	Recommended Action	Criteria
3	Brightmore Precinct Committee	Summary of Issues	<p>Considered the draft DCP at its meeting of 11 September 2024; resolving unanimously (21 For, 0 Against) to object to the Draft DCP and requested a number of amendments relating to:</p> <ul style="list-style-type: none"> • solar access • vehicular servicing • on -site parking provision • podium height controls • setting of maximum heights • calculation of height. 			
		Solar Access / Overshadowing	<p>Objects to the proposed solar access provision contained within P4 to Section 5.1.5.2 - <i>Form, massing and scale</i> as it would set a bad precedent, with some neighbours missing out on solar access. Requests that a minimum 3-hour solar access be provided on 21 June (Winter Solstice) to the windows of main internal living areas, principal open space areas and communal open space areas on any adjoining residential properties, including dwellings on the southern side of Yeo Street, in line with NSDCP 2013.</p>	<p>Refer to Section 3.1 to the main report</p> <p>Sections 1 and 2 to Part B of NSDCP 2013 contain solar access and overshadowing controls in relation to impacts on residential development. In particular there are two different requirements based on the density of development that occurs. The 3 hour rate applies in low density residential areas where building heights are generally restricted to three storeys or less. However, the 2 hour / 70% rate applies in higher density areas where it is acknowledged that higher levels of overshadowing occurs as a result of increased heights. This is consistent with the approach adopted for development subject to the Apartment Design Guide under the Housing SEPP.</p> <p>The proposed controls seek to reinforce this existing application on and adjacent to the subject sites.</p>	Nil	2E
		Podium Height	<p>Objects to the proposed podium height to Yeo St contained within P1 to Section 5.1.5.4 - <i>Podium Height</i> P1. States that the identification of a 3 storey high podium to Yeo St only is unacceptable and should also include a maximum height of 10 metres.</p>	<p>Refer to Section 3.4 to the main report</p> <p>It is recognised that there is a disparity between the number of storey in the draft DCP amendment and the concept proposal for the development at 1-7 Rangers Rd & 50 Yeo St.</p> <p>To ensure that the original intent is reflected and to provide increased clarity, it is recommended that a 10m height limit be reintroduced.</p>	Amend the podium height control to reincorporate a 10m height limit	1A, 1C
			<p>Requests that that part of the building located above the podium be further setback to prevent any overshadowing of properties on south side of Yeo St.</p>	<p>A proposed provision is already incorporated within P1(b) to s.5.1.5.5.</p>	Nil	2B

ATTACHMENT 2: Draft amendment to NSDCP 2013 – 183-185 Military Road, 1-7 Rangers Road & 50 Yeo Street – SUBMISSIONS TABLE						
No.	Name & Address	Property / Issue	Key Points Raised	Council Response	Recommended Action	Criteria
		Service Vehicles	<p>Requests that Section 5.1.5.9 Access be revised to require:</p> <ul style="list-style-type: none"> All service access to be provided from Military Lane The loading dock is to be designed to enable forward in and forward out movements of articulated delivery vehicles. 	<p>Refer to section 3.2 to the main report.</p> <p>Vehicular servicing is required to be provided off Military Lane which removes any potential impacts on the operation of Yeo Street.</p> <p>It is not always possible to accommodate forward entry and exiting of service vehicles from a site as a result of laneway and allotment widths.</p> <p>The applicant of the Planning Proposal and DAs for 1-7 Rangers Rd and 50 Yeo Street have demonstrated that some manoeuvres are required in Military Ln but do not impact upon the operation of Yeo St, which is considered acceptable given the low volume of traffic using Military Ln.</p> <p>Council is not in a position to dictate what type of vehicles are to service a particular site. The onus is on the proponent to adequately describe how a site is to be serviced and by what means (i.e. service vehicle size and frequency) as there may be local factors that dictate what size of vehicles will be required to service a particular site. This will be further resolved through the DA assessment process.</p>	Nil	2A,2B, 2E
		Car Parking	<p>Requests that the total number of car spaces should be limited to 267.</p>	<p>Refer to Section 3.3 to the main report.</p> <p>Simply placing a total cap on parking without regard to the eventual mix of uses on a site will not necessarily achieve a positive planning outcome. For example, the size of the development was reduced, it could result in more parking being provided than that which is actually required.</p> <p>Therefore it is recommend that no cap be placed on the site and that its parking provision be made in accordance with the maximum rates within the DCP.</p>	Nil	2E
		Overall Building Height	<p>Requests the inclusion of maximum heights over Heights on Yeo Street and Rangers Road.</p> <p>With regard to the Woolworths' proposed Site Specific DCP for 1-7 Rangers Road and 50 Yeo Street, the DCP should refer to a maximum of six (6) storeys along Yeo Street and eight (8) storeys at the north-east corner fronting Rangers Road</p>	<p>Refer to Section 3.5 to the main report</p> <p>The DCP does not seek to impose maximum overall building height controls which will largely be achieved through the height controls under NSLEP 2013.</p> <p>Notwithstanding, a building's bulk and scale is to be moderated through the incorporation of appropriate setback back and podium controls.</p>	Nil	2A

ATTACHMENT 2: Draft amendment to NSDCP 2013 – 183-185 Military Road, 1-7 Rangers Road & 50 Yeo Street – SUBMISSIONS TABLE						
No.	Name & Address	Property / Issue	Key Points Raised	Council Response	Recommended Action	Criteria
			Requests that “mezzanines” not be permitted.	Mezzanines are excluded from the definition of storeys and therefore must fit within that height limitation.	Nil	2B, 2E
4	Neutral Precinct Committee	Summary	<p>The Draft DCP was considered at its meeting of 10 September 2024; resolving unanimously (9 For, 0 Against) to object to the Draft DCP and requested a number of amendments, to:</p> <ul style="list-style-type: none"> • solar access requirements • vehicular servicing • total on -site parking provision • podium height controls • exclusion of “mezzanines” from calculation of storeys. 		Nil	2A, 2E
		Solar Access / Overshadowing	<p>Objects to the proposed solar access provision contained within P4 to s.5.1.5.2 - <i>Form, massing and scale</i> as it will result in many of residents on the southern side of Yeo Street receiving 1 hour less sunlight (at the winter solstice) and is inconsistent with the current solar access provisions for residential development (3 hours) under the DCP.</p> <p>Requests that a minimum 3-hour solar access be provided on 21 June (Winter Solstice) to the windows of main internal living areas, principal open space areas and communal open space areas on any adjoining residential properties, including dwellings on the southern side of Yeo St.</p>	<p>Refer to Section 3.1 to the main report</p> <p>Sections 1 and 2 to Part B of NSDCP 2013 contain solar access and overshadowing controls in relation to impacts on residential development. In particular there are two different requirements based on the density of development that occurs. The 3 hour rate applies in low density residential areas where building heights are generally restricted to three storeys or less. However, the 2 hour / 70% rate applies in higher density areas where it is acknowledged that higher levels of overshadowing occurs as a result of increased heights. This is consistent with the approach adopted for development subject to the Apartment Design Guide under the Housing SEPP.</p> <p>The proposed controls seek to reinforce this existing application on and adjacent to the subject sites.</p>	Nil	2E
		Podium Height	<p>Objects to the removal of a maximum podium height control in terms of metres.</p> <p>Requests that the existing DCP requirement of 10 metres be reinstated, as without it, a higher podium will impose unacceptable overshadowing to dwellings on the southern side of Yeo St.</p>	<p>Refer to Section 3.4 to the main report</p> <p>It is recognised that there is a disparity between the number of storey in the draft DCP amendment and the concept proposal for the development at 1-7 Rangers Rd & 50 Yeo St.</p> <p>To ensure that the original intent is reflected and to provide increased clarity, it is recommended that a 10m height limit be reintroduced.</p>	Amend the podium height control to reincorporate a 10m height limit	1A, 1C

ATTACHMENT 2: Draft amendment to NSDCP 2013 – 183-185 Military Road, 1-7 Rangers Road & 50 Yeo Street – SUBMISSIONS TABLE						
No.	Name & Address	Property / Issue	Key Points Raised	Council Response	Recommended Action	Criteria
		Vehicle Servicing	<p>As discussed at several Precinct meetings and included in Precinct's submissions to the Woolworths' DAs, many delivery trucks reverse in and out of Yeo Street to Military Lane causing traffic congestion and traffic & pedestrian hazards. Requests that s.5.1.5.9 Access be revised to require:</p> <ul style="list-style-type: none"> • All service access to be provided from Military Lane • The loading dock is to be designed to enable forward in and forward out movements of articulated delivery vehicles. 	<p>Refer to Section 3.2 to the main report.</p> <p>Vehicular servicing is required to be provided off Military Lane which removes any potential impacts on the operation of Yeo Street.</p> <p>It is not always possible to accommodate forward entry and exiting of service vehicles from a site as a result of laneway and allotment widths.</p> <p>The applicant of the Planning Proposal and DAs for 1-7 Rangers Rd and 50 Yeo Street have demonstrated that some manoeuvres are required in Military Ln but do not impact upon the operation of Yeo St, which is considered acceptable given the low volume of traffic using Military Ln.</p> <p>Council is not in a position to dictate what type of vehicles are to service a particular site. The onus is on the proponent to adequately describe how a site is to be serviced and by what means (i.e. service vehicle size and frequency) as there may be local factors that dictate what size of vehicles will be required to service a particular site. This will be further resolved through the DA assessment process.</p>	Nil	2A, 2B, 2E

ATTACHMENT 2: Draft amendment to NSDCP 2013 – 183-185 Military Road, 1-7 Rangers Road & 50 Yeo Street – SUBMISSIONS TABLE						
No.	Name & Address	Property / Issue	Key Points Raised	Council Response	Recommended Action	Criteria
5	Arkadia Level 1, 202 Military Road NEUTRAL BAY NSW 2089	Status of Neutral Bay Village Planning Study	<p>Requests that the proposed DCP amendment not precede the finalisation of a finalised Neutral Bay Village Planning Study (NBVPS).</p> <p>Despite Council resolving to adopt the NBVPS on 27 May 2024, it was resolved to incorporate significant amendments, namely the reduction of the proposed 8-storey built form on key sites to a 6-storey built form. This major change has significant ramifications for the orderly and economic development of the affected sites, which are also expected to deliver public benefits such as public domain upgrades and provision of recreational and community facilities.</p> <p>The submitter recommends that Council formally consider the implications of this resolution.</p>	<p>Refer to Section 3.7 to the main report.</p> <p>Council staff recognise the complexities arising from adoption of the NBVPS and Council's resolution to further amend that Study.</p> <p>Notwithstanding, it does not mean that the key objectives and aims of the Study can't be implemented, which have been subject to years of rigorous consultation and evolution.</p> <p>Of particular note, the proposed DCP provisions specifically excludes references to the setting of maximum overall heights of buildings on the subject site, but instead concentrates on the delivering other aspects to ensure an appropriate built form.</p> <p>This is in recognition of the resolved outcomes of the NBVPS and the two planning proposals that are progressing concurrently with this DCP amendment.</p> <p>Whilst it is recognised that a reduction in maximum heights, will have some implications of the delivery of the public domain outcomes, there are many aspects of the adopted study that can be progressed.</p> <p>The Submitter also seems to have neglected that there is also a need to consider the proposed outcomes that are being progressed through the two associated planning proposals. Of particular note, is that both of these planning proposals are generally consistent with the overall outcomes of the NBVPS with the key exception of building height. In particular, it is noted that both are seeking to deliver the envisaged public benefits through the creation of a new public plaza.</p>	Nil	2A, 2E

ATTACHMENT 2: Draft amendment to NSDCP 2013 – 183-185 Military Road, 1-7 Rangers Road & 50 Yeo Street – SUBMISSIONS TABLE						
No.	Name & Address	Property / Issue	Key Points Raised	Council Response	Recommended Action	Criteria
		Resolved amendments to the adopted NBVPS undermine the outcomes of the NBVPS and compromise the DCP amendment	<p>Council has developed a series of strategic plans (MRCPS and NBVPS) for the Neutral Bay Town Centre. However, these plans have either been rescinded or significantly downscaled by Councillor intervention, resulting in a strategy that is divorced from State and Regional Strategic Planning objectives and intended outcomes.</p> <p>As such, the proposed DCP Amendment (and any DCP amendment that is grounded in Council's endorsed NBVPS) is equally disconnected from State and Regional Planning objectives. The proposed DCP amendment in its current form should not be progressed, and should instead follow a wholly revised NBVPS that appropriately addresses State and Regional Strategic Planning, and the PPs being advanced by DPHI.</p> <p>This effectively undermined years of strategic analysis, Council officer endorsement and significant financial investment (both by Council and landowners).</p>	<p>Refer to Section 3.7 to the main report.</p> <p>As noted above, the draft DCP seeks to balance the intent of the desired outcomes of the NBVPS and the two planning proposals that are progressing through the plan making system.</p> <p>It is recognised that despite an inconsistency with the maximum heights under the NBVPS, the two planning proposals remain generally consistent with the overall intent of the NBVPS.</p>	Nil	2B, 2E

ATTACHMENT 2: Draft amendment to NSDCP 2013 – 183-185 Military Road, 1-7 Rangers Road & 50 Yeo Street – SUBMISSIONS TABLE						
No.	Name & Address	Property / Issue	Key Points Raised	Council Response	Recommended Action	Criteria
		Conflict between a competing DCP Amendment with rational Planning Proposal processes	<p>It is suggested that Council's exhibition and advancing of a site-specific DCP amendment directly alongside a Planning Proposal being advanced by the State Government conflicts with due process.</p> <p>It was pointed out that both planning proposals have gained conditional Gateway approval and are accompanied by site-specific DCP's, which align with and support the proposed LEP amendments. These planning proposals have been publicly exhibited and are now at post-exhibition stage leading to finalisation. It was requested that Council participate constructively with the State Government in the Planning Proposal process to ensure that it does not adopt a competing DCP Amendment. It was further suggested that Councils proposed DCP amendment would be fruitless as it would be replaced by site-specific DCPs that have been prepared to support the Planning Proposals.</p>	<p>For correction, only one planning proposal has been issued a Gateway Determination and been publicly exhibited. The other only has in principal support to proceed to Gateway Determination, subject to first addressing a number of matters which have yet to be satisfied by the proponent.</p> <p>In both instances, it was recommended by the SNPP that site specific DCPs be progressed to implement the intended outcomes of the individual planning proposals.</p> <p>It needs to be recognised that the draft DCP that was exhibited concurrently with the Planning Proposal for 1-7 Rangers Rd and 50 Yeo St has not been formally endorsed by either the DPHI or Council and therefore is incapable of being made and will have no formal weight.</p> <p>The subject DCP amendment has formal endorsement and remains consistent with the desired outcomes of the NBVPS and the two Planning Proposals. In particular the draft DCP amendment will not prevent the developments on these sites from reaching their proposed new maximum heights or non-residential floorspace requirements.</p>	Nil	2E
6	Resident 102/9 Rangers Road NEUTRAL BAY NSW 2089	Overall Building Height	<p>Primarily objects to the height and bulk form of the proposed Woolworths development at 21m and 28m, which significantly exceeds, by nearly double, the current 16m LEP height limit.</p> <p>The maximum building height should be consistent with those in the Neutral Bay Village Planning Study - that is 6-storeys. The proposed 8 stories on the Woolworths development provides increased over shadowing to both adjacent 9-11 Rangers Rd and Yeo Street</p>	Refer to Section 3.5 to the main report. The DCP does not seek to set new maximum overall building height controls for the site which will be subject to separate amendments to Council's LEP via the planning proposal process. Notwithstanding, a building's bulk and scale is to be moderated through the incorporation of appropriate setback back and podium controls.	Nil	2A
		Non-Residential FSR	<p>Objects to increasing the non-residential FSR ratio from 0.5.1 to 1.5.1.</p> <p>This aspect will result additional parking and traffic impacts on the locality.</p>	The proposed DCP amendment does not seek to amend the non-residential FSR control. However, the proposed controls reflect the future outcomes which are being progressed separately under the Planning Proposal process.	Nil	2A, 2B, 2G

ATTACHMENT 2: Draft amendment to NSDCP 2013 – 183-185 Military Road, 1-7 Rangers Road & 50 Yeo Street – SUBMISSIONS TABLE						
No.	Name & Address	Property / Issue	Key Points Raised	Council Response	Recommended Action	Criteria
		Solar Access / Overshadowing	<p>This proposed control is inconsistent with the solar access provisions for residential development in section 1.3.7 to Part B of NSDCP 2013. In particular, P1 states that:</p> <p><i>Developments should be designed and sited such that solar access at the winter solstice (21st June) provides a minimum of 3 hours between the hours of 9.00am and 3.00pm to:</i></p> <p>(a) any solar panels;</p> <p>(b) the windows of main internal living areas;</p> <p>(c) principal private open space areas; and</p> <p>(d) any communal open space areas located on the subject property and any adjoining residential properties.</p> <p>In the case of 9-11 Rangers Rd, the 2x Atrium areas of approx. 200sqm are overshadowed from 1pm on the June 21 reference, based on Woolworths drawings.</p> <p>This is less than other residential properties in the NSLGA. If the DCP amendments go through they could very well set a precedent for rolling back overshadowing protection in other areas, and this has attracted significant concern in other Precincts also.</p>	<p>Refer to Section 3.1 to the main report</p> <p>Sections 1 and 2 to Part B of NSDCP 2013 contain solar access and overshadowing controls in relation to impacts on residential development. In particular there are two different requirements based on the density of development that occurs. The 3 hour rate applies in low density residential areas where building heights are generally restricted to three storeys or less. However, the 2 hour / 70% rate applies in higher density areas where it is acknowledged that higher levels of overshadowing occurs as a result of increased heights. This is consistent with the approach adopted for development subject to the Apartment Design Guide under the Housing SEPP.</p> <p>The proposed controls seek to reinforce this existing application on and adjacent to the subject sites.</p>	Nil	2E
		Podium Heights	<p>The Woolworths site specific DCP specifies a podium of 3 storeys to Yeo Street whereas the existing DCP specifies 10m (three storeys). This existing DCP requirement for a 10m podium has proved critical in preventing unacceptable overshadowing of dwellings on the southern side of Yeo Street and should be retained. The Woolworths DA plans have already shown a three-storey podium much higher than 10m, based on 4.5m ground level and then 2 mostly residential floors of 3.7m. (essentially increasing to 12m).</p>	<p>Refer to Section 3.4 to the main report</p> <p>It is recognised that there is a disparity between the number of storey in the draft DCP amendment and the concept proposal for the development at 1-7 Rangers Rd & 50 Yeo St.</p> <p>To ensure that the original intent is reflected and to provide increased clarity, it is recommended that a 10m height limit be reintroduced.</p>	Amend the podium height control to reincorporate a 10m height limit	1A, 1C

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No.	Name & Address	Property / Issue	Key Points Raised	Council Response	Recommended Action	Criteria
		Overall Building Height	<p>Noted that the Woolworths site specific DCP sought to deliver a maximum of six (6) storeys along Yeo St and eight (8) storeys at the northeast corner fronting Rangers Rd.</p> <p>The proposed first 4 levels of the proposed Woolworths building are excessive, comprising of 1 floor of 4.5m, then 3 by 3.7m. These individual heights should be reduced to bring the overall height of the building down from 21m and 28m, as well as compliance with the existing 10m podium height control.</p>	<p>Refer to section 3.5 to the main report.</p> <p>The DCP does not seek to set new maximum overall building height controls for the site which will be subject to separate amendments to Council's LEP via the planning proposal process.</p> <p>Notwithstanding, a building's bulk and scale is to be moderated through the incorporation of appropriate setback back and podium controls.</p>	Nil	2A
			A provision should be included that no allowance should be made for mezzanine floors.	Mezzanines are excluded from the definition of storeys and therefore must fit within that height limitation.	Nil	2B, 2E
		Setbacks - Rangers Road	Supports the inclusion of the additional ground level setbacks to Rangers Rd, being consistent with that adjoining at 9-11 Rangers Rd.	Noted	Nil	2D
		- Upper Levels	Upper-level setbacks should be consistent with the current building form along Yeo St and Rangers Rd.	The proposed upper level setbacks have been determined with regard to the existing built form along Yeo St and Rangers Rd, to ensure a consistent built form outcome. This was reinforced through the desired outcomes of the NBVPS.	Nil	2C
		- Upper Levels	An additional provision is needed to require a further setback to Yeo Street above 16m (five storeys) so that no additional overshadowing is caused.	A proposed provision is already incorporated within P1(b) to s.5.1.5.5.	Nil	2B
		Service Vehicles	A provision should be included requiring entry and exit from any loading dock to the Woolworth's portion of the site to be made in a forward direction, from Military Ln.	<p>Refer to Section 3.2 to the main report.</p> <p>Vehicular servicing is required to be provided off Military Lane which removes any potential impacts on the operation of Yeo Street.</p> <p>It is not always possible to accommodate forward entry and exiting of service vehicles from a site as a result of laneway and allotment widths.</p> <p>The applicant of the Planning Proposal and DAs for 1-7 Rangers Rd and 50 Yeo Street have demonstrated that some manoeuvres are required in Military Ln but do not impact upon the operation of Yeo St, which is considered acceptable given the low volume of traffic using Military Ln.</p>	Nil	2B, 2E

ATTACHMENT 2: Draft amendment to NSDCP 2013 – 183-185 Military Road, 1-7 Rangers Road & 50 Yeo Street – SUBMISSIONS TABLE						
No.	Name & Address	Property / Issue	Key Points Raised	Council Response	Recommended Action	Criteria
		Car parking / Traffic congestion	<p>Traffic congestion in the locality is already a significant issue, with the Yeo Street being used as a rat run, contributing traffic from Wycombe Rd, and difficulties caused by traffic access in and out of the existing Woolworths. Reality is it can easily take 15 minutes travelling west on Yeo St to get into Military Rd in the mornings.</p> <p>The traffic assessment accompanying the Woolworths DA used old data during part of the COVID Lockdown and needs to be reassessed.</p> <p>The proposed increase in car parking spaces on the Woolworths site, combined with the commercial floorspace ratio of 1.5:1 will simply contribute to the blocking up Yeo St.</p> <p>Consideration needs to be given to removing the current left turn restriction on Military Rd from Rangers Rd.</p>	<p>Refer to Section 3.3 to the main report.</p> <p>Section 10 - Carparking and Transport to the DCP sets out maximum parking rates for various forms of development which have been tailored for the North Sydney LGA context. They also encourage a reduction in those maximum rates where sites have good accessibility to public transport.</p> <p>Each development application must be considered on its merits with regard to its locational context.</p>	Nil	2E
7	Resident 8/72 Murdoch Street CREMORNE NSW 2090	Solar Access / Overshadowing	<p>Strongly objects to the proposed reduction of winter sunlight from 3 hours to 2 hours per day.</p> <p>Acknowledged that whilst one's view may not always be guaranteed, one's access to sunlight must be.</p>	<p>Refer to Section 3.1 to the main report</p> <p>Sections 1 and 2 to Part B of NSDCP 2013 contain solar access and overshadowing controls in relation to impacts on residential development. In particular there are two different requirements based on the density of development that occurs. The 3 hour rate applies in low density residential areas where building heights are generally restricted to three storeys or less. However, the 2 hour / 70% rate applies in higher density areas where it is acknowledged that higher levels of overshadowing occurs as a result of increased heights. This is consistent with the approach adopted for development subject to the Apartment Design Guide under the Housing SEPP.</p> <p>The proposed controls seek to reinforce this existing application on and adjacent to the subject sites.</p>	Nil	2E

ATTACHMENT 2: Draft amendment to NSDCP 2013 – 183-185 Military Road, 1-7 Rangers Road & 50 Yeo Street – SUBMISSIONS TABLE						
No.	Name & Address	Property / Issue	Key Points Raised	Council Response	Recommended Action	Criteria
		Car Parking	Strongly objects to the Woolworths proposal seeking to increase the number of car parking spaces above 262 spaces.	Refer to Section 3.3 to the main report. Simply placing a total cap on parking without regard to the eventual mix of uses on a site will not necessarily achieve a positive planning outcome. For example, the size of the development was reduced, it could result in more parking being provided than that which is actually required. Therefore it is recommend that no cap be placed on the site and that its parking provision be made in accordance with the maximum rates within the DCP.	Nil	2E
		Service Vehicles	Requests that all delivery tracks must enter and exit the loading dock in a forward direction only. The loading dock must be serviced by articulated vehicles.	Refer to Section 3.2 to the main report. Vehicular servicing is required to be provided off Military Lane which removes any potential impacts on the operation of Yeo Street. It is not always possible to accommodate forward entry and exiting of service vehicles from a site as a result of laneway and allotment widths. The applicant of the Planning Proposal and DAs for 1-7 Rangers Rd and 50 Yeo Street have demonstrated that some manoeuvres are required in Military Ln but do not impact upon the operation of Yeo St, which is considered acceptable given the low volume of traffic using Military Ln. Council is not in a position to dictate what type of vehicles are to service a particular site. The onus is on the proponent to adequately describe how a site is to be serviced and by what means (i.e. service vehicle size and frequency) as there may be local factors that dictate what size of vehicles will be required to service a particular site. This will be further resolved through the DA assessment process.	Nil	2B, 2E

ATTACHMENT 2: Draft amendment to NSDCP 2013 – 183-185 Military Road, 1-7 Rangers Road & 50 Yeo Street – SUBMISSIONS TABLE						
No.	Name & Address	Property / Issue	Key Points Raised	Council Response	Recommended Action	Criteria
8	Resident 7 / 10 Hampden Avenue CREMORNE NSW 2090	Solar Access / Overshadowing	Objects to the redevelopment of the sites as it is likely to result in overshadowing to residents living on the southern side of Yeo St, some of which will not receive any sunlight in winter.	Refer to Section 3.1 to the main report Sections 1 and 2 to Part B of NSDCP 2013 contain solar access and overshadowing controls in relation to impacts on residential development. In particular there are two different requirements based on the density of development that occurs. The 3 hour rate applies in low density residential areas where building heights are generally restricted to three storeys or less. However, the 2 hour / 70% rate applies in higher density areas where it is acknowledged that higher levels of overshadowing occurs as a result of increased heights. This is consistent with the approach adopted for development subject to the Apartment Design Guide under the Housing SEPP. The proposed controls seek to reinforce this existing application on and adjacent to the subject sites.	Nil	2E
		Car Parking	The Woolworths proposal seeks to increase the number of car parking spaces on the site and should not be supported as it will lead to increased traffic congestion particularly along Yeo St.	Refer to Section 3.3 to the main report. Development is required to provide a sufficient amount of carparking to address its demand with consideration given to reducing that amount where the site has accessibility to various public transport modes. NSDCP already adopts this approach by imposing maximum car parking rates and encouraging reducing those rates in areas of high accessibility to public transport. The encouragement of modal shift to public transport also reduces the pressure on increased traffic congestion.	Nil	2E

ATTACHMENT 2: Draft amendment to NSDCP 2013 – 183-185 Military Road, 1-7 Rangers Road & 50 Yeo Street – SUBMISSIONS TABLE						
No.	Name & Address	Property / Issue	Key Points Raised	Council Response	Recommended Action	Criteria
		Service Vehicles	There is potential for the semi-trailers servicing the Woolworths proposal to create traffic congestion through reversing manoeuvres across Yeo St.	<p>Refer to Section 3.2 to the main report.</p> <p>Vehicular servicing is required to be provided off Military Lane which removes any potential impacts on the operation of Yeo Street.</p> <p>It is not always possible to accommodate forward entry and exiting of service vehicles from a site as a result of laneway and allotment widths.</p> <p>The applicant of the Planning Proposal and DAs for 1-7 Rangers Rd and 50 Yeo Street have demonstrated that some manoeuvres are required in Military Ln but do not impact upon the operation of Yeo St, which is considered acceptable given the low volume of traffic using Military Ln.</p> <p>There is currently no indication that the sites are to be serviced by articulated vehicles.</p>	Nil	2B, 2E
9	Resident 75 Benelong Road CREMORNE NSW 2090	Solar Access / Overshadowing	<p>Objects to the solar access requirements to dwellings on the southern side of Yeo St being reduced to a minimum of hours of sunlight at the winter solstice and to at least 70% of those dwellings.</p> <p>This is unacceptable as properties opposite the subject sites will be in shadow at the midwinter solstice, creating a dangerous precedent for future developments. The minimum should remain at 3 hours solar access for ALL properties in line with the existing provisions of NSDCP 2013.</p>	<p>Refer to Section 3.1 to the main report</p> <p>Sections 1 and 2 to Part B of NSDCP 2013 contain solar access and overshadowing controls in relation to impacts on residential development. In particular there are two different requirements based on the density of development that occurs. The 3 hour rate applies in low density residential areas where building heights are generally restricted to three storeys or less. However, the 2 hour / 70% rate applies in higher density areas where it is acknowledged that higher levels of overshadowing occurs as a result of increased heights. This is consistent with the approach adopted for development subject to the Apartment Design Guide under the Housing SEPP.</p> <p>The proposed controls seek to reinforce this existing application on and adjacent to the subject sites.</p>	Nil	2E

ATTACHMENT 2: Draft amendment to NSDCP 2013 – 183-185 Military Road, 1-7 Rangers Road & 50 Yeo Street – SUBMISSIONS TABLE						
No.	Name & Address	Property / Issue	Key Points Raised	Council Response	Recommended Action	Criteria
		Podium Height	<p>The proposed podium height control should be specified in metres, not storeys.</p> <p>Reason for change is that the height of a storey is not defined.</p> <p>Requests the retention of the existing DCP podium height specification of 13m (four storeys) to Rangers Rd, with a setback of 3m above the podium and 10m (three storeys) to Yeo St and Military Lane, with a setback of 3m above the podium.</p>	<p>Refer to Section 3.4 to the main report</p> <p>It is recognised that there is a disparity between the number of storey in the draft DCP amendment and the concept proposal for the development at 1-7 Rangers Rd & 50 Yeo St.</p> <p>To ensure that the original intent is reflected and to provide increased clarity, it is recommended that a 10m height limit be reintroduced.</p>	Amend the podium height control to reincorporate a 10m height limit	1A, 1C
		Car Parking / Traffic Congestion	<p>Military Rd is already heavily congested, as are Rangers Rd and Yeo St especially during the morning and afternoon school pickup periods.</p> <p>The Woolworths' DA seeks to increase the number of car parking spaces from 262 to 326 on the grounds that there will be a medical centre within the development.</p> <p>Requests that the parking rate on the Woolworth's site be reduced to a maximum of 262 to reduce the impact on vehicular traffic.</p>	<p>Refer to Section 3.3 of the main report.</p> <p>Simply placing a total cap on parking without regard to the eventual mix of uses on a site will not necessarily achieve a positive planning outcome. For example, the size of the development was reduced, it could result in more parking being provided than that which is actually required.</p> <p>Therefore it is recommend that no cap be placed on the site and that its parking provision be made in accordance with the maximum rates within the DCP.</p>	Nil	2E

ATTACHMENT 2: Draft amendment to NSDCP 2013 – 183-185 Military Road, 1-7 Rangers Road & 50 Yeo Street – SUBMISSIONS TABLE						
No.	Name & Address	Property / Issue	Key Points Raised	Council Response	Recommended Action	Criteria
		Service Vehicles	<p>The Woolworths' DA will generate both extra pedestrian and vehicle traffic movements in Yeo St, so it is imperative that all trucks enter and exit the loading dock in a forward direction. It is unacceptable for trucks to be reversing on public roads.</p> <p>Woolworths' loading dock should be suitable for articulated trucks.</p>	<p>Refer to Section 3.2 to the main report.</p> <p>Vehicular servicing is required to be provided off Military Lane which removes any potential impacts on the operation of Yeo Street.</p> <p>It is not always possible to accommodate forward entry and exiting of service vehicles from a site as a result of laneway and allotment widths.</p> <p>The applicant of the Planning Proposal and DAs for 1-7 Rangers Rd and 50 Yeo Street have demonstrated that some manoeuvres are required in Military Ln but do not impact upon the operation of Yeo St, which is considered acceptable given the low volume of traffic using Military Ln.</p> <p>Council is not in a position to dictate what type of vehicles are to service a particular site. The onus is on the proponent to adequately describe how a site is to be serviced and by what means (i.e. service vehicle size and frequency) as there may be local factors that dictate what size of vehicles will be required to service a particular site. This will be further resolved through the DA assessment process.</p>	Nil	2B, 2E

ATTACHMENT 2: Draft amendment to NSDCP 2013 – 183-185 Military Road, 1-7 Rangers Road & 50 Yeo Street – SUBMISSIONS TABLE						
No.	Name & Address	Property / Issue	Key Points Raised	Council Response	Recommended Action	Criteria
10	Resident 39 Grasmere Road NEUTRAL BAY NSW 2089	Solar Access / Overshadowing	Objects to the proposed reduction in sunlight for residents in Yeo St. Allowing up to 30% of dwellings not receiving sunlight in winter is unacceptable. Winter is the time that people need the most exposure to natural sunlight for their health and well-being. The ability to take this right away from existing homes is extraordinary and should be stopped.	Refer to Section 3.1 to the main report Sections 1 and 2 to Part B of NSDCP 2013 contain solar access and overshadowing controls in relation to impacts on residential development. In particular there are two different requirements based on the density of development that occurs. The 3 hour rate applies in low density residential areas where building heights are generally restricted to three storeys or less. However, the 2 hour / 70% rate applies in higher density areas where it is acknowledged that higher levels of overshadowing occurs as a result of increased heights. This is consistent with the approach adopted for development subject to the Apartment Design Guide under the Housing SEPP. The proposed controls seek to reinforce this existing application on and adjacent to the subject sites.	Nil	2E
		Service Vehicles	Any redevelopment of the site should incorporate a proper loading dock, which prevents service vehicles from blocking of public roads, as it is a danger to pedestrians and cyclists. The suggestion that traffic marshals could be employed at all times of the day to safely control delivery vehicles and/or road and pedestrian traffic cannot be relied upon. If experience of the current Woolworth's operations at their Grosvenor St store is anything to go by, trucks will regularly reverse into the loading dock with no supplementary traffic control.	Refer to Section 3.2 to the main report. Vehicular servicing is required to be provided off Military Lane which removes any potential impacts on the operation of Yeo Street. It is not always possible to accommodate forward entry and exiting of service vehicles from a site as a result of laneway and allotment widths. The applicant of the Planning Proposal and DAs for 1-7 Rangers Rd and 50 Yeo St have demonstrated that some manoeuvres are required in Military Ln but do not impact upon the operation of Yeo St, which is considered acceptable given the low volume of traffic using Military Ln. There is currently no indication that the sites are to be serviced by articulated vehicles.	Nil	2B, 2E
		Car Parking	Does not object to the quantum of parking spaces on the site, as long as the majority are available for public parking.	It is not proposed to amend the maximum car parking rates applying to the subject site. Any redevelopment of the subject sites will need to adequately address these car parking requirements during the development assessment process.	Nil	2A, 2C

ATTACHMENT 2: Draft amendment to NSDCP 2013 – 183-185 Military Road, 1-7 Rangers Road & 50 Yeo Street – SUBMISSIONS TABLE						
No.	Name & Address	Property / Issue	Key Points Raised	Council Response	Recommended Action	Criteria
11, 12 & 16	Resident 15 Wyagdon Street NEUTRAL BAY NSW 2089	Solar Access / Overshadowing	<p>Objects to the solar access requirements to dwellings on the southern side of Yeo St being reduced to a minimum of hours of sunlight at the winter solstice and to at least 70% of those dwellings.</p> <p>This is unacceptable as properties opposite the subject sites will be in shadow at the midwinter solstice, creating a dangerous precedent for future developments. The minimum should remain at 3 hours solar access for ALL properties in line with the existing provisions of NSDCP 2013.</p>	<p>Refer to Section 3.1 to the main report</p> <p>Sections 1 and 2 to Part B of NSDCP 2013 contain solar access and overshadowing controls in relation to impacts on residential development. In particular there are two different requirements based on the density of development that occurs. The 3 hour rate applies in low density residential areas where building heights are generally restricted to three storeys or less. However, the 2 hour / 70% rate applies in higher density areas where it is acknowledged that higher levels of overshadowing occurs as a result of increased heights. This is consistent with the approach adopted for development subject to the Apartment Design Guide under the Housing SEPP.</p> <p>The proposed controls seek to reinforce this existing application on and adjacent to the subject sites.</p>	Nil	2E
		Service Vehicles	<p>Questioned how the future delivery of goods via semi-trailers to the site is to be delivered.</p> <p>Requests that such vehicles are removed from suburban roads and appropriate vehicle management be put in place.</p>	<p>Refer to Section 3.2. to the main report.</p> <p>There is currently no indication that the sites are to be serviced by articulated vehicles.</p> <p>Vehicular servicing is required to be provided off Military Lane which removes any potential impacts on the operation of Yeo St.</p> <p>It is not always possible to accommodate forward entry and exiting of service vehicles from a site as a result of laneway and allotment widths.</p> <p>The applicant of the Planning Proposal and DAs for 1-7 Rangers Rd and 50 Yeo St have demonstrated that some manoeuvres are required in Military Ln but do not impact upon the operation of Yeo St, which is considered acceptable given the low volume of traffic using Military Ln.</p>	Nil	2B, 2E
12	Refer to Submission 11					

ATTACHMENT 2: Draft amendment to NSDCP 2013 – 183-185 Military Road, 1-7 Rangers Road & 50 Yeo Street – SUBMISSIONS TABLE						
No.	Name & Address	Property / Issue	Key Points Raised	Council Response	Recommended Action	Criteria
13	PPD Planning Consultants 407 / 5 Warayama Place ROZELLE, NSW 2039 C/o: Equitibuild Pty Limited, (Owner of land at 183-185 Military Road, Neutral Bay)	Setbacks – Military Road	<p>Requests the deletion of the basement setback control under P2 to s.5.1.5.3 to allow for street trees.</p> <p>Justification for its deletion is due to:</p> <ul style="list-style-type: none"> it being impractical to have canopy trees planted within 2m of the future building façade to Military Rd. street trees within 2m of the building façade interrupting the weather protection of a continuous awning. Large amount of bus infrastructure and stops adjacent to the site. <p>It was recommend that a more appropriate location for street trees, would be within a landscaped verge parallel to the vehicular travel lanes.</p> <p>Location of street trees should be determined based a tree’s canopy width. Suggested that canopy trees capable of growing to at least the equivalent of 4-storeys in height as proposed in the control will have a canopy width of approx. 10-12m and therefore should be planted at least 6m from any building.</p>	<p>Refer to Section 3.11. to the main report.</p> <p>A review of the NBVPS indicates that one of the key outcomes is to protect and enhance trees and landscaping within the town centre. It was proposed to achieve this through investigating opportunities to provide additional street trees along Military Road. One of the key design objectives for the subject site was to improve streetscape amenity by <i>“implementing a 2.5m whole building setback along Military Road to allow for an expanded tree canopy”</i>.</p> <p>It is noted that 2.5m setback was to provide a widened footpath along with the space to accommodate tree canopies.</p> <p>Diagrams within the NBVPS illustrate that future street trees would be wholly within the road reserve and away from the property boundary and that any associated root zone would not need to project into the site.</p> <p>On this basis, the proposed control does not directly assist in the delivering of the intended outcomes.</p>	Remove proposed control P2 to s.5.1.5.3 from the DCP amendment.	2D
		Solar Access – Public Plaza	<p>Requests the deletion of the solar access control to the future public plaza under P3 to s.5.1.5.6.</p> <p>Justification for deletion is based on the proposed plaza being potentially being delivered across two sites by separate landowners. Therefore, it is not possible to know the exact arrangement of the plaza at this point. The adjacent landowner may position the plaza such that any development at 183-185 Military Road overshadows it beyond the suggested control.</p>	<p>Council has always recognised that the proposed plaza needs to be delivered between two sites. There is ample scope to enable compliance with this clause. Both planning proposals that have been progressed have demonstrated that this provision can be generally complied with.</p> <p>Removal of this clause could result in the space having a low level of amenity typically expected for a publicly accessible space during its core use hours. Further, it is recommended that this clause not be amended to reduce the level of compliance, as it would be generally inconsistent with how Council applies solar access controls to key publicly accessible spaces.</p>	Nil	2E

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No.	Name & Address	Property / Issue	Key Points Raised	Council Response	Recommended Action	Criteria
		Setback - Public Plaza	<p>Requests the deletion of P6 to s.5.1.5.6 which requires any development at 183-185 Military Rd to be setback from its eastern boundary, if developed in isolation to ensure that appropriate pedestrian access arrangements can be made independently.</p> <p>Justification for deletion is based on the relatively small size of 183-185 Military Rd and pedestrian access can be provided to all areas from Military Rd and Rangers Rd without requiring a setback. A narrow setback to a blank wall along the boundary (per the Woolworths' exhibited design) would be an unsafe outcome that is not aligned with the objectives of the DCP.</p>	<p>Refer to Section 3.10 to the main report.</p> <p>The proposed DCP amendment contains a requirement (P4 to s.5.1.5.6) to ensure all sides of the future plaza are adequately activated. This is best achieved if those facades incorporate pedestrian entries.</p> <p>However, as the future public plaza will not be in public ownership, then there is the potential that one property owner may deny reciprocal rights of way across the plaza. To avoid this potentiality, a setback is required at the ground level to allow lawful access.</p> <p>The proposed control as exhibited was to be applied to the entire building. However, to achieve the desired outcome, it should be restricted to the ground level only.</p> <p>The submitter suggests that as the proposal on the adjacent property seeks to provide a hard along the common boundary, it will activation. The outcome of that proposal is not certain and is still subject to assessment so that outcome is not guaranteed.</p> <p>If a wall did eventuate along the western boundary of 1-7 Rangers Rd, then there is an argument that a request to vary the control would be considered appropriate as application of the setback would no longer be able to meet the objectives of the control.</p>	Amend the proposed setback control to the western boundary of 183-185 Military Road to the ground level only.	1A

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No.	Name & Address	Property / Issue	Key Points Raised	Council Response	Recommended Action	Criteria
14	Resident 35 / 26-30 Cranbrook Avenue CREMORNE NSW 2090	Solar Access / Overshadowing	<p>The proposed DCP amendments fail to adequately protect the amenity of dwellings on the southern side of Yeo St with regard to solar access / overshadowing.</p> <p>Residential properties should not be afforded less protection from overshadowing than other residential properties in the LGA. If the proposed DCP amendments get adopted they could set a precedent for rolling back overshadowing protection.</p> <p>The proposed control in P4 to s.5.1.5.2 seeks to ensure that 70% of dwellings on the southern side of Yeo Street receive a minimum of 2 hours sunlight at the winter solstice.</p> <p>However, this is inconsistent with the solar access provisions for residential development elsewhere in the LGA which requires under s.1.3.7 to Part B of NSDCP 2013 ensure that a minimum of 3 hours between the hours of 9.00am and 3.00pm at the winter solstice to 100% of dwellings and principal open spaces.</p> <p>Requested that the proposed solar access control be amended to require a minimum of 3 hours solar access between the hours of 9.00am and 3.00pm to the windows of main internal living areas, principal open space areas and communal open space areas of adjoining properties including dwellings on the southern side of Yeo Street.</p>	<p>Refer to Section 3.1 to the main report</p> <p>Sections 1 and 2 to Part B of NSDCP 2013 contain solar access and overshadowing controls in relation to impacts on residential development. In particular there are two different requirements based on the density of development that occurs. The 3 hour rate applies in low density residential areas where building heights are generally restricted to three storeys or less. However, the 2 hour / 70% rate applies in higher density areas where it is acknowledged that higher levels of overshadowing occurs as a result of increased heights. This is consistent with the approach adopted for development subject to the Apartment Design Guide under the Housing SEPP.</p> <p>The proposed controls seek to reinforce this existing application on and adjacent to the subject sites.</p>	Nil	2E
		Podium Height	<p>The amendment specifies a podium of 3 storeys to Yeo Street whereas the existing DCP specifies 10m (three storeys). This existing DCP requirement for a 10m podium has proved critical in preventing unacceptable overshadowing of dwellings on the southern side of Yeo Street and should be retained. The Woolworths plans have shown a three-storey podium much higher than 10m.</p>	<p>Refer to Section 3.4 to the main report</p> <p>It is recognised that there is a disparity between the number of storey in the draft DCP amendment and the concept proposal for the development at 1-7 Rangers Rd & 50 Yeo St.</p> <p>To ensure that the original intent is reflected and to provide increased clarity, it is recommended that a 10m height limit be reintroduced.</p>	Amend the podium height control to reincorporate a 10m height limit	1A, 1C
		<p>Requests the inclusion of a provision requiring a further setback to Yeo Street above 16m (five storeys) so that no additional overshadowing is caused.</p>	<p>A proposed provision is already incorporated within P1(b) to s.5.1.5.5.</p>	Nil	2B	

ATTACHMENT 2: Draft amendment to NSDCP 2013 – 183-185 Military Road, 1-7 Rangers Road & 50 Yeo Street – SUBMISSIONS TABLE						
No.	Name & Address	Property / Issue	Key Points Raised	Council Response	Recommended Action	Criteria
		Overall Building Height	<p>The Woolworths site specific DCP included the following statement:</p> <p><i>The building is to be designed with a maximum of six (6) storeys along Yeo Street and eight (8) storeys at the northeast corner fronting Rangers Road.</i></p> <p>This provision should be retained with reference to 1-7 Rangers Road and 50 Yeo Street with the following addition: and no mezzanines are to be permitted.</p>	<p>Refer to Section 3.5 to the main report.</p> <p>The DCP does not seek to set new maximum overall building height controls for the site which will be subject to separate amendments to Council's LEP via the planning proposal process.</p> <p>Notwithstanding, a building's bulk and scale is to be moderated through the incorporation of appropriate setback back and podium controls.</p>	Nil	2A
		Service Vehicles	<p>Requests the inclusion of a provision requiring entry and exit from any loading dock to be in a forward direction.</p> <p>Trucks should not be able to reverse across public roads. The community is familiar with the problem of semi-trailers reversing into the Grosvenor Street Woolworths loading dock.</p> <p>This problem can be avoided in the proposed new Woolworths at Rangers Rd. Whilst the concept DA provides no details on the design of the loading dock, there is inadequate space for articulated trucks (semi-trailers) despite these being Woolworths' preferred delivery vehicle.</p> <p>Further requested that any loading dock for a supermarket must also allow for articulated vehicles</p>	<p>Refer to Section .3.2 to the main report.</p> <p>Vehicular servicing is required to be provided off Military Lane which removes any potential impacts on the operation of Yeo Street.</p> <p>It is not always possible to accommodate forward entry and exiting of service vehicles from a site as a result of laneway and allotment widths.</p> <p>The applicant of the Planning Proposal and DAs for 1-7 Rangers Rd and 50 Yeo Street have demonstrated that some manoeuvres are required in Military Ln but do not impact upon the operation of Yeo St, which is considered acceptable given the low volume of traffic using Military Ln.</p> <p>There is currently no indication that the sites are to be serviced by articulated vehicles.</p> <p>Council is not in a position to dictate what type of vehicles are to service a particular site. The onus is on the proponent to adequately describe how a site is to be serviced and by what means (i.e. service vehicle size and frequency) as there may be local factors that dictate what size of vehicles will be required to service a particular site. This will be further resolved through the DA assessment process.</p>	Nil	2B, 2E

ATTACHMENT 2: Draft amendment to NSDCP 2013 – 183-185 Military Road, 1-7 Rangers Road & 50 Yeo Street – SUBMISSIONS TABLE						
No.	Name & Address	Property / Issue	Key Points Raised	Council Response	Recommended Action	Criteria
		Car Parking	<p>The submitter noted that the Department of Planning's and Council reports in relation to the planning proposal at 1-7 Rangers Rd & 50 Yeo St specifically raised concerns about the number of parking spaces and potential traffic congestion.</p> <p>As part of the Planning Proposal assessment, the applicant was requested to reduce the number of car parking spaces from 348 spaces to 262 spaces. However, the current concept DA proposes 326 spaces, achieved by merely replacing the initially proposed office spaces with a proposed medical centre (medical centres require much more parking than office premises).</p> <p>This change in concept will significantly increase traffic congestion in the locality. The applicant has also ignored that more than 50% of visitors to Neutral Bay Village are pedestrians.</p> <p>Requested that a cap of 262 parking spaces be placed over 1-7 Rangers Rd and 50 Yeo St.</p>	<p>Refer to Section 3.3 to the main report.</p> <p>Simply placing a total cap on parking without regard to the eventual mix of uses on a site will not necessarily achieve a positive planning outcome. For example, the size of the development was reduced, it could result in more parking being provided than that which is actually required.</p> <p>Therefore it is recommend that no cap be placed on the site and that its parking provision be made in accordance with the maximum rates within the DCP.</p>	Nil	2E
15	Resident 9 Rangers Rad NEUTRAL BAY NSW 2089	Construction Impacts	<p>Concern is raised with regarding the adverse impacts on liveability for residents of Yeo St during construction arising from construction noise and vehicular / pedestrian conflicts.</p>	<p>Construction impacts are often limited in duration and are not a long-term impact.</p> <p>Notwithstanding, the approval body of an DA has the capacity to include appropriate conditions of consent to minimise impacts from construction on neighbouring residents.</p>	Nil	2B, 2G

ATTACHMENT 2: Draft amendment to NSDCP 2013 – 183-185 Military Road, 1-7 Rangers Road & 50 Yeo Street – SUBMISSIONS TABLE						
No.	Name & Address	Property / Issue	Key Points Raised	Council Response	Recommended Action	Criteria
		Car Parking / Traffic Congestion	<p>Questions the results of the Traffic Report accompanying the DA, which purports to show that the addition of 326 car parking spaces will make little significant difference in traffic congestion in Yeo St. Points out that the Traffic Report fails to consider the impacts from the new apartments currently under construction in Yeo St. Yeo St is already narrow and increasingly congested to the point of gridlock in some instances.</p> <p>Does not support increasing the existing 107 parking spaces to 326 parking spaces on the site at 1-7 Rangers Rd and 50 Yeo St, along with the movements of numerous service vehicles is not supported a recipe for congestion if not gridlock, pollution and noise.</p>	<p>Refer to Section 3.3 to the main report.</p> <p>Section 10 - Carparking and Transport to the DCP sets out maximum parking rates for various forms of development which have been tailored for the North Sydney LGA context. They also encourage a reduction in those maximum rates where sites have good accessibility to public transport.</p> <p>Each development application must be considered on its merits with regard to its locational context.</p>	Nil	2E
		Solar Access / Overshadowing	<p>Objects to the proposed reduction in solar access requirements for neighbouring residential properties.</p>	<p>Refer to Section 3.1 to the main report</p> <p>Sections 1 and 2 to Part B of NSDCP 2013 contain solar access and overshadowing controls in relation to impacts on residential development. In particular there are two different requirements based on the density of development that occurs. The 3 hour rate applies in low density residential areas where building heights are generally restricted to three storeys or less. However, the 2 hour / 70% rate applies in higher density areas where it is acknowledged that higher levels of overshadowing occurs as a result of increased heights. This is consistent with the approach adopted for development subject to the Apartment Design Guide under the Housing SEPP.</p> <p>The proposed controls seek to reinforce this existing application on and adjacent to the subject sites.</p>	Nil	2E
16	Refer to Submission 11					

ATTACHMENT 2: Draft amendment to NSDCP 2013 – 183-185 Military Road, 1-7 Rangers Road & 50 Yeo Street – SUBMISSIONS TABLE						
No.	Name & Address	Property / Issue	Key Points Raised	Council Response	Recommended Action	Criteria
17	Resident NEUTRAL BAY Name and address withheld	Bulk and Scale / Amenity	Opposes the overdevelopment of the subject sites due to their excessive bulk and scale, which have negative impacts on local amenity through increased overshadowing, increased traffic, and a reduction in ambience and desirability of the area. Allowing buildings of excessive height will further detract from the village feel and community engagement that the neighbourhood is seeking to preserve and improve.	Refer to Section 3.5 to the main report. The DCP does not seek to set new maximum overall building height controls for the site which will be subject to separate amendments to Council's LEP via the planning proposal process. Notwithstanding, a building's bulk and scale is to be moderated through the incorporation of appropriate setback back and podium controls.	Nil	2A
		Car Parking	Any development must include sufficient carparking for the increased number of residents, visitors, and customers of the supermarket and other retail stores.	Refer to Section 3.3. to the main report. Section 10 - Carparking and Transport to the DCP sets out maximum parking rates for various forms of development which have been tailored for the North Sydney LGA context. They also encourage a reduction in those maximum rates where sites have good accessibility to public transport. Each development application must be considered on its merits with regard to its locational context.	Nil	2B

ATTACHMENT 2: Draft amendment to NSDCP 2013 – 183-185 Military Road, 1-7 Rangers Road & 50 Yeo Street – SUBMISSIONS TABLE						
No.	Name & Address	Property / Issue	Key Points Raised	Council Response	Recommended Action	Criteria
18	Woolworths 1 Woolworths Way Bella Vista, NSW 2153 (Owner of 1-7 Rangers Road & 50 Yeo Street)	Planning Processes	<p>Suggests that the Draft DCP amendment will not deliver a better planning and community outcome, but instead will undermine the delivery of a proposal that aligns with Council’s Planning Study.</p> <p>The submitter explained that their planning proposal for 1-7 Rangers Rd and 50 Yeo St is well advanced and has been found to have both strategic and site-specific merit by the Sydney North Planning Panel and been given Gateway Determination by the Department of Planning, Housing and Infrastructure.</p> <p>During the assessment process multiple refinements were made to satisfy both Council’s and the Panel’s feedback. Significant compromises have been made to accommodate the aspirations and requests made by Council to date, and the Gateway endorsed site-specific proposal has been the subject of rigorous testing, review and scrutiny and has been determined to be appropriate for the site and the surrounding context. Indeed, the site-specific proposal is considered to strike the right balance between delivering on all of the Council’s stated aspirations, whilst ensuring a feasible development outcome that is capable of being viably delivered.</p> <p>If implemented, the draft DCP would require additional changes to the proposal that would further erode viability and compromise the ability for Woolworths to redevelop its land.</p> <p>Specific objections / amendments are identified in the issues below.</p>	<p>Refer to Section 3.6 to the main report.</p> <p>The proposed DCP amendment has been drafted with regard to both the adopted outcomes of the NBVPS and the two concurrent planning proposals.</p> <p>Despite the progression of the two planning proposals, if they are implemented in their current state, it will only apply new maximum heights and amend the minimum non-residential floor space ratio. It does not guarantee any built form outcome.</p> <p>Whilst these have been discussed in association with the assessment of the planning proposals, there will be no approval of those built forms, which will be subject to the development application process.</p> <p>Whilst the proponents of one planning proposal submitted a site specific DCP and the other was requested to do so by the DPHI, neither have been formally endorsed for exhibition.</p> <p>When drafting the proposed controls, consideration was given to minimising the extent of controls to allow a level of flexibility whilst ensuring that adverse impacts were minimised.</p>	<p>Proceed with the making of the proposed DCP amendment, incorporating further amendments as outlined in this report.</p>	1A, 2E

ATTACHMENT 2: Draft amendment to NSDCP 2013 – 183-185 Military Road, 1-7 Rangers Road & 50 Yeo Street – SUBMISSIONS TABLE						
No.	Name & Address	Property / Issue	Key Points Raised	Council Response	Recommended Action	Criteria
		Diversity	<p>Objects to aspects of the requirements of P1 to s.5.1.5.1 which requires:</p> <p><i>Provide a mixed use building typology, with retail at the ground level, commercial space on the second storey and residential accommodation above</i></p> <p>Requests that residential development be permitted on the second storey.</p>	<p>The intent of the control was intended to be applied more generically across the entirety of the site and in future the wider Neutral Bay Town Centre. This was to reflect the increase in the non-residential FSR controls, which the owners of both sites have applied for.</p> <p>It is best practice to locate all of the non-residential floor space over the lower levels of a mixed use building as it minimises potential conflicts between building users.</p> <p>However, it is recognised that there may be instances where both can co-exist subject to appropriate design, architectural and construction amelioration measures.</p> <p>A review of the Planning Proposal and DAs for 1-7 Rangers Rd and 50 Yeo St shows that it is proposed to use the second storey for a mixture of residential and non-residential purposes, particularly to Yeo St. Nothing prevents the proponent from requesting a variation to this requirement where it can be adequately demonstrated that the objectives of the clause can be met.</p> <p>An additional objective should be added to enable further consideration of flexible outcomes.</p>	Include a new objective to s.5.1.5.1 to ensure conflicts are minimised between uses.	1A, 1E
		Active frontages	<p>Objects to aspects of the requirements of P2 to s.5.1.5.1 which requires:</p> <p><i>Provide a fine grain of retail and other business premises fronting all street frontages, the future public plaza and where practical, to laneways</i></p> <p>Requests that the requirement to activate laneways is removed.</p>	<p>The clause clearly states that activation of laneways should be provided “where practical”. As this is a merit based control and is not mandated, there is no need to amend the clause in this instance.</p>	Nil	2E
		Setbacks - Rangers Road	<p>Objects to the requirement to provide a ground level setback of 1.5m to Rangers Rd.</p>	<p>Refer to Section 3.8 to the main report</p> <p>No justification has been provided to amend this particular control.</p> <p>The purpose of the control was to provide a consistent setback treatment to Rangers Rd at the ground level as established at 9-11 Rangers Rd. The increased setback enables outdoor dining opportunities to be provided with minimal impacts on pedestrian movements past the sites.</p>	Nil	2E

ATTACHMENT 2: Draft amendment to NSDCP 2013 – 183-185 Military Road, 1-7 Rangers Road & 50 Yeo Street – SUBMISSIONS TABLE						
No.	Name & Address	Property / Issue	Key Points Raised	Council Response	Recommended Action	Criteria
		Podium Height	<p>Objects to aspects of the requirements of P1 to s.5.1.5.4 which requires:</p> <p><i>A podium must be:</i></p> <p>(a) 2 storeys in height to Military Road, the east-west alignment of Military Lane and to the proposed public plaza, and</p> <p>(b) 4 storeys to Rangers Road, and</p> <p>(c) 3 storeys to Yeo Street and the north-south alignment of Military Lane.</p> <p>Requests that podium height to Yeo St be reduced to 2 storeys. This is to reflect a design refinement as part of the planning proposal process, whereby it provided a better interface and alignment with 9 Yeo Street [SIC – Rangers Road].</p>	<p>Refer to Section 3.4 to the main report</p> <p>It is recognised that there is a disparity between the number of storey in the draft DCP amendment and the concept proposal for the development at 1-7 Rangers Rd & 50 Yeo St.</p> <p>To ensure that the original intent is reflected and to provide increased clarity, it is recommended that a 10m height limit be reintroduced.</p>	Amend the podium height control to reincorporate a 10m height limit	1A, 1C
		Overall Building Height / Financial Feasibility	<p>Suggests that the proposed controls would make the development at 1-7 Rangers Road and 50 Yeo Street unviable.</p> <p>In particular, the proposed requirement to limit building heights across the subject sites to 6 storeys is objected to.</p> <p>A reduction in height would be unviable, which is consistent with the advice of Hill PDA's Economic Analysis and Financial Feasibility Assessment which was used to help inform and support the preparation of Council's NBVPS. In particular, it stated</p> <p><i>At 6 storeys and 1.2:1 Non-residential FSR the redevelopment of the site would not be viable given the costs for acquisition with insufficient density. The modelling shows however that at 8 storeys and 1.5:1 FSR even with the benefits of a Plaza (majority) and Through site links the option would be viable.</i></p> <p>It was further stated that since the completion of the Hill PDA Report in 2023, construction, finance and labour costs have continued to rise, making development feasibility even more challenging.</p>	<p>Refer to Section 3.5 & 3.6 of main report.</p> <p>The DCP does not seek to set new maximum overall building height controls for the site which will be subject to separate amendments to Council's LEP via the planning proposal process.</p> <p>Notwithstanding, a building's bulk and scale is to be moderated through the incorporation of appropriate setback back and podium controls.</p>	Nil	2A

ATTACHMENT 2: Draft amendment to NSDCP 2013 – 183-185 Military Road, 1-7 Rangers Road & 50 Yeo Street – SUBMISSIONS TABLE						
No.	Name & Address	Property / Issue	Key Points Raised	Council Response	Recommended Action	Criteria
19	Willoughby Bay Precinct Committee	Summary	The draft DCP was considered at its meeting of 8 August 2024 and again on 12 September 2004; resolving unanimously (14 For, 0 Against) to make a submission addressing: <ul style="list-style-type: none"> • solar access • vehicular servicing • podium height controls • setting of maximum heights • on-site parking provision 			
		Solar Access / Overshadowing	Objects to the proposed solar access provision contained within P4 to s.5.1.5.2 - <i>Form, massing and scale</i> as it is inconsistent with the current solar access provisions for residential development (3 hours to 100% of dwellings) under the DCP. Requests that a minimum 3-hour solar access be provided on 21 June (Winter Solstice) to the windows of main internal living areas, principal open space areas and communal open space areas on any adjoining residential properties, including dwellings on the southern side of Yeo St.	Refer to Section 3.1 to the main report Sections 1 and 2 to Part B of NSDCP 2013 contain solar access and overshadowing controls in relation to impacts on residential development. In particular there are two different requirements based on the density of development that occurs. The 3 hour rate applies in low density residential areas where building heights are generally restricted to three storeys or less. However, the 2 hour / 70% rate applies in higher density areas where it is acknowledged that higher levels of overshadowing occurs as a result of increased heights. This is consistent with the approach adopted for development subject to the Apartment Design Guide under the Housing SEPP. The proposed controls seek to reinforce this existing application on and adjacent to the subject sites.	Nil	2E
		Podium Height	Objects to the removal of a maximum podium height control in terms of metres. Requests that the existing DCP requirement of 10 metres be reinstated, as without it, a higher podium will impose unacceptable overshadowing to dwellings on the southern side of Yeo St.	Refer to Section 3.4 to the main report It is recognised that there is a disparity between the number of storey in the draft DCP amendment and the concept proposal for the development at 1-7 Rangers Rd & 50 Yeo St. To ensure that the original intent is reflected and to provide increased clarity, it is recommended that a 10m height limit be reintroduced.	Amend the podium height control to reincorporate a 10m height limit	1A, 1C
			Requests a provision to be incorporated that requires a further setback to Yeo St above 16m (five storeys) such that no additional overshadowing is caused.	A proposed provision is already incorporated within P1(b) to s.5.1.5.5.	Nil	2B

ATTACHMENT 2: Draft amendment to NSDCP 2013 – 183-185 Military Road, 1-7 Rangers Road & 50 Yeo Street – SUBMISSIONS TABLE						
No.	Name & Address	Property / Issue	Key Points Raised	Council Response	Recommended Action	Criteria
		Overall Building Height	<p>The site specific DCP that accompanied the Planning Proposal included the following statement:</p> <p><i>The building is to be designed with a maximum of six (6) storeys along Yeo Street and eight (8) storeys at the north east corner fronting Rangers Road.</i></p> <p>This provision should be retained with reference to 1-7 Rangers Rd and 50 Yeo St with the following added:</p> <p><i>and no mezzanines are to be permitted.</i></p>	<p>Refer to Section 3.5 to the main report.</p> <p>The DCP does not seek to set new maximum overall building height controls for the site which will be subject to separate amendments to Council's LEP via the planning proposal process.</p> <p>Notwithstanding, a building's bulk and scale is to be moderated through the incorporation of appropriate setback back and podium controls.</p>	Nil	2A
		Service Vehicles	<p>Requests that a new provision be included to require all service vehicles to enter and exit from any loading dock in a forward direction</p>	<p>Refer to Section 3.2 to the main report.</p> <p>Vehicular servicing is required to be provided off Military Lane which removes any potential impacts on the operation of Yeo Street.</p> <p>It is not always possible to accommodate forward entry and exiting of service vehicles from a site as a result of laneway and allotment widths.</p> <p>The applicant of the Planning Proposal and DAs for 1-7 Rangers Rd and 50 Yeo Street have demonstrated that some manoeuvres are required in Military Ln but do not impact upon the operation of Yeo St, which is considered acceptable given the low volume of traffic using Military Ln.</p>	Nil	2B, 2E
		Car Parking	<p>The amended DCP should include a provision limiting the number of car parking spaces on the site at 1-7 Rangers Rd & 50 Yeo St to no more than 262 to address serious concerns regarding traffic on the local road network.</p>	<p>Refer to Section 3.3 to the main report.</p> <p>Simply placing a total cap on parking without regard to the eventual mix of uses on a site will not necessarily achieve a positive planning outcome. For example, the size of the development was reduced, it could result in more parking being provided than that which is actually required.</p> <p>Therefore it is recommend that no cap be placed on the site and that its parking provision be made in accordance with the maximum rates within the DCP.</p>	Nil	2E

ATTACHMENT 2: Draft amendment to NSDCP 2013 – 183-185 Military Road, 1-7 Rangers Road & 50 Yeo Street – SUBMISSIONS TABLE						
No.	Name & Address	Property / Issue	Key Points Raised	Council Response	Recommended Action	Criteria
20	Resident 303/9 Rangers Road NEUTRAL BAY NSW 2089	Overall Building Height	The amendment seeks to replace the current height restrictions for the zone, with the scale of the development wildly in excess of current planning guidelines.	Refer to Section 3.5 to the main report. The DCP does not seek to set new maximum overall building height controls for the site which will be subject to separate amendments to Council's LEP via the planning proposal process. Notwithstanding, a building's bulk and scale is to be moderated through the incorporation of appropriate setback back and podium controls.	Nil	2A
		Floor Space Ratio	The floor space ratios for the zone are ignored and allow for far greater density.	The subject sites are only subject to minimum non-residential FSR controls which do not affect the overall development density of the sites. It is not proposed to amend the minimum non-residential FSR controls nor impose a whole of building FSR requirement. The proposed controls seek to moderate and better arrange the density across the site, through the setting of appropriate built form envelopes.	Nil	2A
		Traffic Congestion	The proposal would greatly exacerbate the current traffic and congestion issues. Much is made of access to public transport which is currently already struggling to cope with the local population with significant queues for buses at peak times. If there were a rail or metro station at Neutral Bay, the proposal would make much more sense but still not comply with the current zoning restrictions.	The DCP already contains appropriate controls to manage traffic congestion and encourages modal shifts to public transport, cycling and walking. This is achieved through the use of maximum car parking rates. The overall impacts would need to be addressed with regard to the merit of any application submitted for the redevelopment of the sites.	Nil	2B
		Solar Access / Overshadowing	Such enormous tower developments allowed by this amendment would clearly obstruct northern light, cause significant shadowing and further encourage gross overdevelopment of the area, with Neutral Bay becoming North Sydney or Chatswood	Refer to Section 3.1 to the main report. The DCP does not seek to set new maximum overall building height controls for the site which will be subject to separate amendments to Council's LEP via the planning proposal process. Notwithstanding, a building's bulk and scale is to be moderated through the incorporation of appropriate setback back and podium controls, which can minimise overshadowing impacts.	Nil	2B

ATTACHMENT 2: Draft amendment to NSDCP 2013 – 183-185 Military Road, 1-7 Rangers Road & 50 Yeo Street – SUBMISSIONS TABLE						
No.	Name & Address	Property / Issue	Key Points Raised	Council Response	Recommended Action	Criteria
21	Resident 102/9 Rangers Road NEUTRAL BAY NSW 2089	Overall Building Height	Primarily objects to the height and bulk form of the proposed Woolworths development at 21m and 28m, which significantly exceeds, by nearly double, the current 16m LEP height limit. The maximum building height should be consistent with those in the Neutral Bay Village Planning Study - that is 6-storeys. The proposed 8 stories on the Woolworths development provides increased over shadowing to both adjacent 9-11 Rangers Rd and Yeo Street	Refer to Section 3.5 to the main report. The DCP does not seek to set new maximum overall building height controls for the site which will be subject to separate amendments to Council's LEP via the planning proposal process. Notwithstanding, a building's bulk and scale is to be moderated through the incorporation of appropriate setback back and podium controls.	Nil	2A
		Non-Residential FSR	Objects to increasing the non-residential FSR ratio from 0.5.1 to 1.5.1. This aspect will result additional parking and traffic impacts on the locality.	The proposed DCP amendment does not seek to amend the non-residential FSR control. However, the proposed controls reflect the future outcomes which are being progressed separately under the Planning Proposal process.	Nil	2A, 2B, 2G
		Solar Access / Overshadowing	This proposed control is inconsistent with the solar access provisions for residential development in section 1.3.7 to Part B of NSDCP 2013. In particular, P1 states that: <i>Developments should be designed and sited such that solar access at the winter solstice (21st June) provides a minimum of 3 hours between the hours of 9.00am and 3.00pm to:</i> <i>(a) any solar panels;</i> <i>(b) the windows of main internal living areas;</i> <i>(c) principal private open space areas; and</i> <i>(d) any communal open space areas located on the subject property and any adjoining residential properties.</i> In the case of 9-11 Rangers Rd, the 2x Atrium areas of approx. 200sqm are overshadowed from 1pm on the June 21 reference, based on Woolworths drawings. This is less than other residential properties in the NSLGA. If the DCP amendments go through they could very well set a precedent for rolling back overshadowing protection in other areas, and this has attracted significant concern in other Precincts also.	Refer to Section 3.1 to the main report Sections 1 and 2 to Part B of NSDCP 2013 contain solar access and overshadowing controls in relation to impacts on residential development. In particular there are two different requirements based on the density of development that occurs. The 3 hour rate applies in low density residential areas where building heights are generally restricted to three storeys or less. However, the 2 hour / 70% rate applies in higher density areas where it is acknowledged that higher levels of overshadowing occurs as a result of increased heights. This is consistent with the approach adopted for development subject to the Apartment Design Guide under the Housing SEPP. The proposed controls seek to reinforce this existing application on and adjacent to the subject sites.	Nil	2E

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No.	Name & Address	Property / Issue	Key Points Raised	Council Response	Recommended Action	Criteria
		Podium Heights	The Woolworths site specific DCP specifies a podium of 3 storeys to Yeo Street whereas the existing DCP specifies 10m (three storeys). This existing DCP requirement for a 10m podium has proved critical in preventing unacceptable overshadowing of dwellings on the southern side of Yeo Street and should be retained. The Woolworths DA plans have already shown a three-storey podium much higher than 10m, based on 4.5m ground level and then 2 mostly residential floors of 3.7m. (essentially increasing to 12m).	Refer to Section 3.4 to the main report It is recognised that there is a disparity between the number of storey in the draft DCP amendment and the concept proposal for the development at 1-7 Rangers Rd & 50 Yeo St. To ensure that the original intent is reflected and to provide increased clarity, it is recommended that a 10m height limit be reintroduced.	Amend the podium height control to reincorporate a 10m height limit	1A, 1C
		Overall Building Height	Noted that the Woolworths site specific DCP sought to deliver a maximum of six (6) storeys along Yeo St and eight (8) storeys at the northeast corner fronting Rangers Rd. The proposed first 4 levels of the proposed Woolworths building are excessive, comprising of 1 floor of 4.5m, then 3 by 3.7m. These individual heights should be reduced to bring the overall height of the building down from 21m and 28m, as well as compliance with the existing 10m podium height control.	Refer to section 3.5 to the main report. The DCP does not seek to set new maximum overall building height controls for the site which will be subject to separate amendments to Council's LEP via the planning proposal process. Notwithstanding, a building's bulk and scale is to be moderated through the incorporation of appropriate setback back and podium controls.	Nil	2A
			A provision should be included that no allowance should be made for mezzanine floors.	Mezzanines are excluded from the definition of storeys and therefore must fit within that height limitation.	Nil	2B, 2E
		Setbacks - Rangers Road	Supports the inclusion of the additional ground level setbacks to Rangers Rd, being consistent with that adjoining at 9-11 Rangers Rd.	Noted	Nil	2D
		- Upper Levels	Upper-level setbacks should be consistent with the current building form along Yeo St and Rangers Rd.	The proposed upper level setbacks have been determined with regard to the existing built form along Yeo St and Rangers Rd, to ensure a consistent built form outcome. This was reinforced through the desired outcomes of the NBVPS.	Nil	2C
		- Upper Levels	An additional provision is needed to require a further setback to Yeo Street above 16m (five storeys) so that no additional overshadowing is caused.	A proposed provision is already incorporated within P1(b) to s.5.1.5.5.	Nil	2B

ATTACHMENT 2: Draft amendment to NSDCP 2013 – 183-185 Military Road, 1-7 Rangers Road & 50 Yeo Street – SUBMISSIONS TABLE						
No.	Name & Address	Property / Issue	Key Points Raised	Council Response	Recommended Action	Criteria
		Service Vehicles	A provision should be included requiring entry and exit from any loading dock to the Woolworth's portion of the site to be made in a forward direction, from Military Ln.	Refer to Section 3.2 to the main report. Vehicular servicing is required to be provided off Military Lane which removes any potential impacts on the operation of Yeo Street. It is not always possible to accommodate forward entry and exiting of service vehicles from a site as a result of laneway and allotment widths. The applicant of the Planning Proposal and DAs for 1-7 Rangers Rd and 50 Yeo Street have demonstrated that some manoeuvres are required in Military Ln but do not impact upon the operation of Yeo St, which is considered acceptable given the low volume of traffic using Military Ln.	Nil	2B, 2E
		Car parking / Traffic congestion	Traffic congestion in the locality is already a significant issue, with the Yeo Street being used as a rat run, contributing traffic from Wycombe Rd, and difficulties caused by traffic access in and out of the existing Woolworths. Reality is it can easily take 15 minutes travelling west on Yeo St to get into Military Rd in the mornings. The traffic assessment accompanying the Woolworths DA used old data during part of the COVID Lockdown and needs to be reassessed. The proposed increase in car parking spaces on the Woolworths site, combined with the commercial floorspace ratio of 1.5:1 will simply contribute to the blocking up Yeo St. Consideration needs to be given to removing the current left turn restriction on Military Rd from Rangers Rd.	Refer to Section 3.3 to the main report. Simply placing a total cap on parking without regard to the eventual mix of uses on a site will not necessarily achieve a positive planning outcome. For example, the size of the development was reduced, it could result in more parking being provided than that which is actually required. Therefore it is recommend that no cap be placed on the site and that its parking provision be made in accordance with the maximum rates within the DCP.	Nil	2E

ATTACHMENT 2: Draft amendment to NSDCP 2013 – 183-185 Military Road, 1-7 Rangers Road & 50 Yeo Street – SUBMISSIONS TABLE						
No.	Name & Address	Property / Issue	Key Points Raised	Council Response	Recommended Action	Criteria
22	Resident 7/9 Yeo Street NEUTRAL BAY NSW 2089	Solar Access / Overshadowing	<p>The proposed DCP amendments fail to adequately protect the amenity of dwellings on the southern side of Yeo St with regard to solar access / overshadowing.</p> <p>Residential properties should not be afforded less protection from overshadowing than other residential properties in the LGA. If the proposed DCP amendments get adopted they could set a precedent for rolling back overshadowing protection.</p> <p>The proposed control in P4 to s.5.1.5.2 seeks to ensure that 70% of dwellings on the southern side of Yeo Street receive a minimum of 2 hours sunlight at the winter solstice.</p> <p>However, this is inconsistent with the solar access provisions for residential development elsewhere in the LGA which requires under s.1.3.7 to Part B of NSDCP 2013 ensure that a minimum of 3 hours between the hours of 9.00am and 3.00pm at the winter solstice to 100% of dwellings and principal open spaces.</p> <p>Requested that the proposed solar access control be amended to require a minimum of 3 hours solar access between the hours of 9.00am and 3.00pm to the windows of main internal living areas, principal open space areas and communal open space areas of adjoining properties including dwellings on the southern side of Yeo Street.</p>	<p>Refer to Section 3.1 to the main report</p> <p>Sections 1 and 2 to Part B of NSDCP 2013 contain solar access and overshadowing controls in relation to impacts on residential development. In particular there are two different requirements based on the density of development that occurs. The 3 hour rate applies in low density residential areas where building heights are generally restricted to three storeys or less. However, the 2 hour / 70% rate applies in higher density areas where it is acknowledged that higher levels of overshadowing occurs as a result of increased heights. This is consistent with the approach adopted for development subject to the Apartment Design Guide under the Housing SEPP.</p> <p>The proposed controls seek to reinforce this existing application on and adjacent to the subject sites.</p>	Nil	2E

ATTACHMENT 2: Draft amendment to NSDCP 2013 – 183-185 Military Road, 1-7 Rangers Road & 50 Yeo Street – SUBMISSIONS TABLE						
No.	Name & Address	Property / Issue	Key Points Raised	Council Response	Recommended Action	Criteria
		Overall Building Height	<p>Privacy of residents along Yeo St will be compromised due to the excessive height allowed on the site. Setbacks would make some provision to address this issue, but requests that the maximum height of any building on the site be restricted to 16m, allowing for 6 floors as in the adjoining Muse development.</p> <p>The site specific DCP that accompanied the Planning Proposal included the following statement:</p> <p><i>The building is to be designed with a maximum of six (6) storeys along Yeo Street and eight (8) storeys at the north east corner fronting Rangers Road.</i></p> <p>This provision should be should be enforced in regard to the buildings affecting Yeo St (being 1-7 Rangers Rd and 50 Yeo St).</p>	<p>Refer to Section 3.5 to the main report</p> <p>The DCP does not seek to impose maximum overall building height controls which will largely be achieved through the height controls under NSLEP 2013.</p> <p>Notwithstanding, a building’s bulk and scale is to be moderated through the incorporation of appropriate setback back and podium controls.</p>	Nil	2A
			<p>Requests the inclusion of the following requirement with reference to 1-7 Rangers Rd and 50 Yeo St:</p> <p><i>and no mezzanines are to be permitted.</i></p>	Mezzanines are excluded from the definition of storeys and therefore must fit within that height limitation.	Nil	2B, 2E
		Setbacks - Upper Levels	An additional provision is needed to require a further setback to Yeo Street above 16m (five storeys) so that no additional overshadowing is caused.	A proposed provision is already incorporated within P1(b) to s.5.1.5.5.	Nil	2B
		Podium Height	The Woolworths’ DA plans illustrate a 3 storey podium to Yeo St, much higher than the 10m stipulated in the existing DCP for three storeys. Requests the imposition of a 10m height limit to the podium, which will assist in preventing unacceptable overshadowing to dwellings on the south side of Yeo Street and should be enforced.	<p>Refer to Section 3.4 to the main report</p> <p>It is recognised that there is a disparity between the number of storey in the draft DCP amendment and the concept proposal for the development at 1-7 Rangers Rd & 50 Yeo St.</p> <p>To ensure that the original intent is reflected and to provide increased clarity, it is recommended that a 10m height limit be reintroduced.</p>	Amend the podium height control to reincorporate a 10m height limit	1A, 1C

ATTACHMENT 2: Draft amendment to NSDCP 2013 – 183-185 Military Road, 1-7 Rangers Road & 50 Yeo Street – SUBMISSIONS TABLE						
No.	Name & Address	Property / Issue	Key Points Raised	Council Response	Recommended Action	Criteria
		Car parking / Traffic congestion	<p>The Planning Proposal for the Woolworths' site represents a huge increase in car volume in adjoining streets such as Wycombe, Yeo, Harrison and Rangers – partly represented by residential car parking spaces inside the development but also for the dining court and enlarged shopping precinct. The proposed Woollies accommodates 150% greater parking than now exists.</p> <p>The new DA for a mixed use development on the site includes parking for 326 cars, approx. 50 car spaces more than that anticipated under the planning proposal, which has been achieved by the inclusion of a medical centre.</p> <p>The traffic impacts on the local road network will be unacceptable. Feeder streets such as Yeo are hopelessly inadequate to cope with this additional volume of traffic and, potentially, will have a domino effect on the extension of Yeo past Wycombe, increasing dangerous traffic conditions around Neutral Bay Public School. Wycombe Rd and Yeo St have already experienced significant numbers of accidents involving vehicles and pedestrians.</p>	<p>Refer to Section 3.3 to the main report.</p> <p>Section 10 - Carparking and Transport to the DCP sets out maximum parking rates for various forms of development which have been tailored for the North Sydney LGA context. They also encourage a reduction in those maximum rates where sites have good accessibility to public transport. Each development application must be considered on its merits with regard to its locational context.</p>	Nil	2E
		Service Vehicles	<p>A provision should be included requiring entry and exit from any loading dock to the Woolworth's portion of the site to be made in a forward direction, from Military Ln.</p>	<p>Refer to Section 3.2 to the main report.</p> <p>Vehicular servicing is required to be provided off Military Lane which removes any potential impacts on the operation of Yeo Street.</p> <p>It is not always possible to accommodate forward entry and exiting of service vehicles from a site as a result of laneway and allotment widths.</p> <p>The applicant of the Planning Proposal and DAs for 1-7 Rangers Rd and 50 Yeo Street have demonstrated that some manoeuvres are required in Military Ln but do not impact upon the operation of Yeo St, which is considered acceptable given the low volume of traffic using Military Ln.</p>	Nil	2B, 2E



SECTION 5 NORTH CREMORNE PLANNING AREA

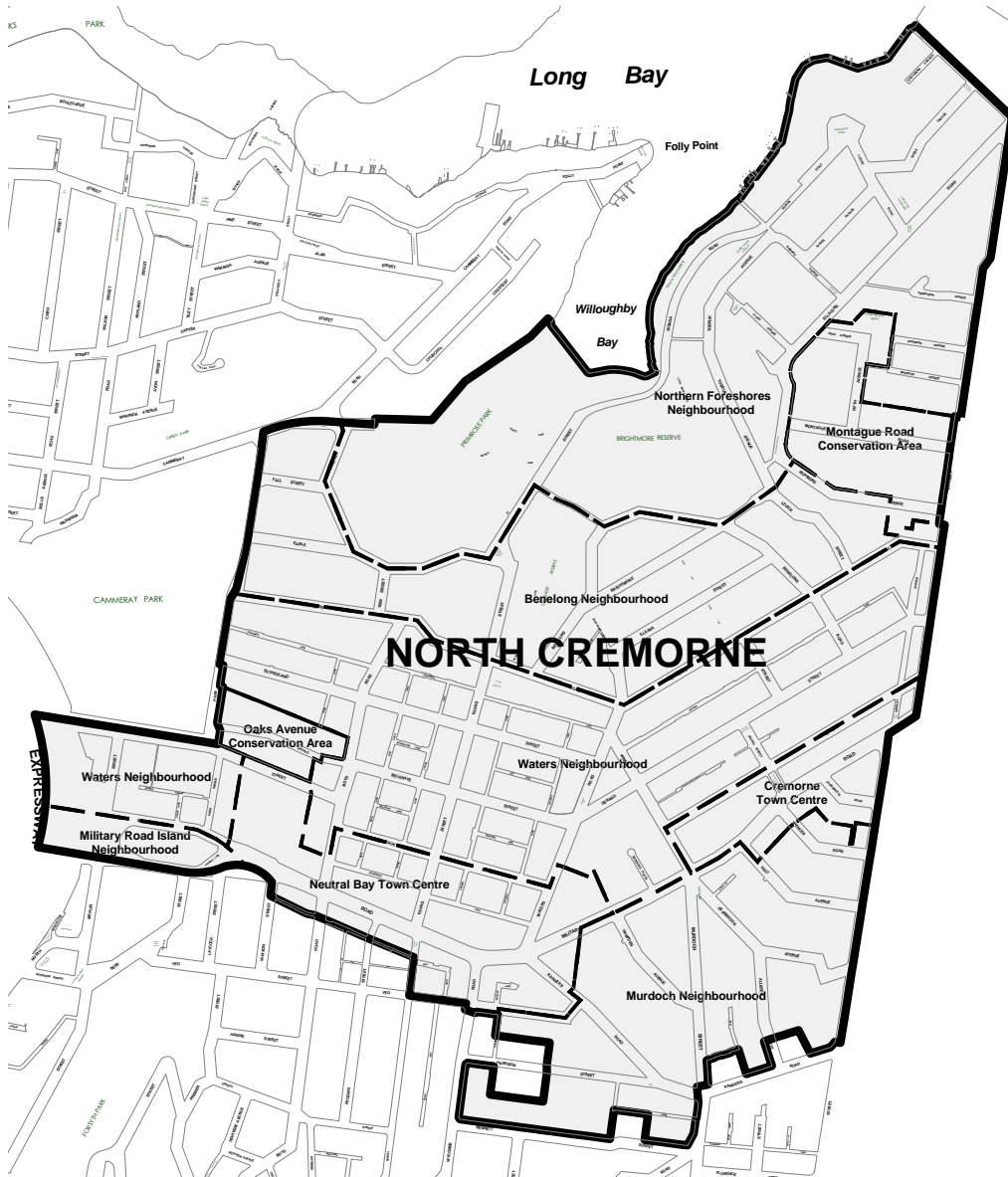


Figure C-5.1: North Cremorne Planning Area and associated Locality Areas

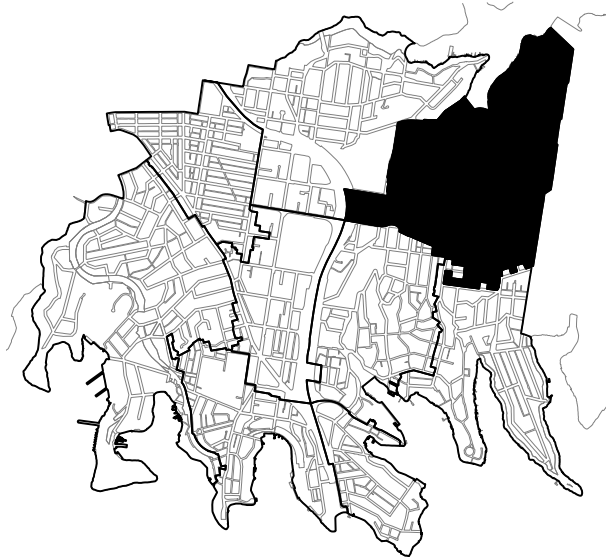
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Area Character Statements - North Cremorne Planning Area

5.0 NORTH CREMORNE PLANNING AREA CHARACTER STATEMENT



The following statement identifies the existing character and the desired future outcome for development in the North Cremorne Planning Area.

North Cremorne is a primarily residential neighbourhood providing a diverse range of housing forms for a mixed population. It is bound on its southern side by the Neutral Bay and Cremorne Town Centres, which are bustling places where people live, shop, eat, work and socialise providing a high level of amenity for all users.

Development within the Planning Area should result in:

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

and where:

Function

- there are safe and accessible community facilities and meeting places
- the few non-residential uses operate without an adverse effect to the amenity of the residential neighbourhood

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FOR ADOPTION - North Sydney Development Control Plan 2013**Area Character Statements - North Cremorne Planning Area**

- services and facilities meet the needs of different population groups
- accessible and safe pedestrian routes are extended throughout the neighbourhood linking to the open spaces of Primrose Park and Brightmore Reserve
- additional public open space is provided for increased residential population
- public transport, cycling and walking are preferred means of transport
- local icons, cultural resources and heritage provide tangible evidence of the area's past and reflect the community's cultural values

Environmental Criteria

- parkland and natural foreshore areas are conserved, protected and easily accessible to pedestrians
- ecology of bushland and wetland areas are protected from adverse impacts of development such as stormwater runoff, dumping of fill soil and vegetation, leaching of fertilisers, spread of introduced plants and weeds and visual impact of structures
- habitat for native fauna is provided through the planting and maintenance of local flora
- good sunlight is available to both public and private spaces

Quality Built Form

- high quality residential accommodation in the Town Centre incorporates internal amenity for residents and energy efficient design
- open meeting places in the form of courtyards act as focal points, and are located in areas that provide relief from traffic noise
- residential development respects and maintains existing characteristic built form with buildings setback from all boundaries and landscaped front gardens, softening the built form
- the built environment is sympathetic to the topography and vegetation, allowing views of the surrounding area and Willoughby Bay
- heritage items are protected and significant streetscape elements are conserved in the Oaks Avenue and Montague conservation areas

Quality Urban Environment

- backyards are provided for a variety of practical and recreational needs of residents
- car parking does not adversely affect the character of the area and quality of residential streets
- front fences are low and offer good outlooks to house fronts and gardens

Efficient Use of Resources

- existing residential buildings are maintained to prevent unnecessary waste of building materials
- stormwater is captured and re-used on site

In addition to the above character statement for the Planning Area, the character statements for the following Locality Areas also require consideration:

Section 5.1: Neutral Bay and Cremorne Town Centres

Section 5.1.4: Tram Depot



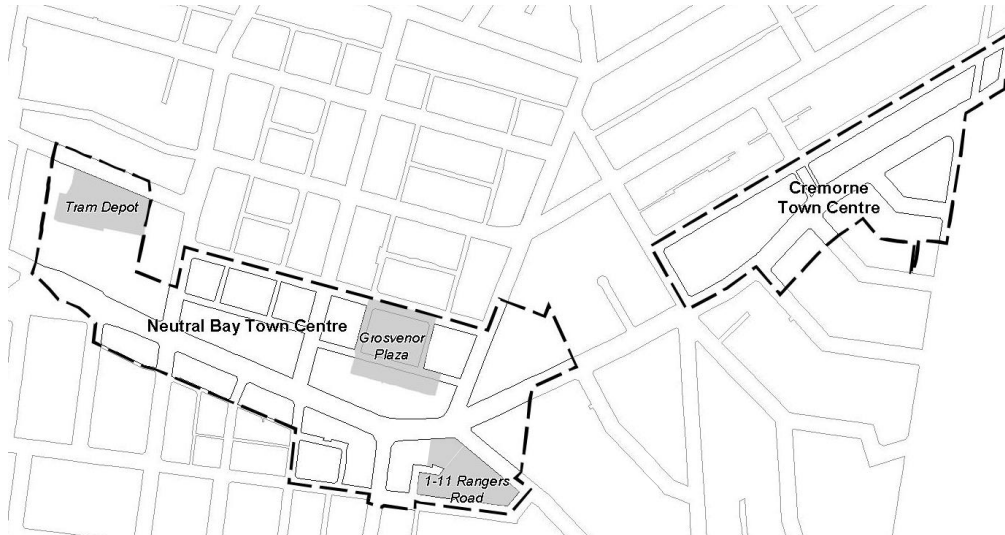
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Area Character Statements - North Cremorne Planning Area

- Section 5.1.5: 1-11 Rangers Road, 50 Yeo Street & 183-185 Military Road
- Section 5.1.6: Grosvenor Plaza
- Section 5.2: Military Road Island Neighbourhood
- Section 5.3: Waters Neighbourhood
 - Section 5.3.4: 14-16 Military Road
- Section 5.4: Benelong and Northern Foreshore Neighbourhood
- Section 5.5: Murdoch Neighbourhood
- Section 5.6: Montague Road Conservation Area
- Section 5.7: Oaks Avenue Conservation Area

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FOR ADOPTION - North Sydney Development Control Plan 2013**Area Character Statements - North Cremorne Planning Area****5.1 NEUTRAL BAY AND CREMORNE TOWN CENTRES****5.1.1 Significant Elements****Land Use**

P1 Predominantly mixed commercial and residential development.

Topography

P2 Generally flat, straddling the topmost part of the ridge along Military Road.

Natural Features

P3 Area forms the topmost part of a ridge following Military Road.

Views

P4 The following views and vistas are to be preserved and where possible enhanced:

- (a) District views to Middle & Sydney Harbours from the upper levels of some buildings.

Identity / Icons

P5 Orpheum Theatre is a community focal point and regional attraction that enhances the identity of the area.

P6 Military Road, a major regional thoroughfare.

Subdivision

P7 A diverse mixture of large consolidated sites intermixed with long narrow sites with dual frontages.

Streetscape

P8 Wide fully paved footpaths incorporating outdoor dining areas.

P9 Buildings built to street and laneway frontages.

P10 Continuous awnings along Military Road.

P11 Irregular planting of street trees.

P12 Active frontages to Military Road, Grosvenor Street.

P13 90° on-street parking to Parraween Street.



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Area Character Statements - North Cremorne Planning Area

Public transport

P14 Development is to take advantage of high levels of accessibility to high frequency public bus services along Military Road.

5.1.2 Desired Future Character

Diversity of activities, facilities, opportunities and services

- P1 Mixed commercial and residential development, primarily focused on Military Road.
- P2 A variety of commercial, retail, restaurants and cafes are provided at footpath level, non-residential or residential on the first floor and residential only on the upper floors.
- P3 Commercial activities should be maintained to all street frontages at ground level to stimulate pedestrian activity.
- P4 Activities should not have a detrimental impact to the safety and efficiency of vehicular traffic on Military Road.

5.1.3 Desired Built Form

Subdivision

P1 Redevelopment sites should have a frontage of approximately 25m-30m.

Form, massing and scale

- P2 Generally 4-5 storeys.
- P3 5-6 storeys in the block bounded by Military Road, Cabramatta Road and Spofforth Street.
- P4 Larger facades are broken up with changes in building frontage alignment and architectural detailing to reflect the former subdivision patterns, especially fronting Military Road.

Public spaces and facilities

- P5 Outdoor dining areas:
- (a) are located within clearly defined spaces;
 - (b) are located away from main roads;
 - (c) are weather protected; and
 - (d) provide equal and unobstructed pedestrian movement.
- P6 Pedestrian arcades should be provided between Military Road and parallel laneways/streets to the north and south of Military Road to enhance pedestrian connectivity.
- P7 Views of shop fronts should not be obstructed from footpaths and roadways.
- P8 Encourage the retention and enhancement of trees within the public domain to improve public amenity.

Setbacks

- P9 Buildings should be built to all street frontages at ground level, except as follows:
- (a) Setback 1.5m from the northern side of Military Road, at ground level between Young Street and Waters Road, and
 - (b) Setback 1.5m at ground level from all laneways.

Podiums

- P10 Podium of 8.5m (two storeys) to Military Road, east of Hampden Avenue, with a setback of 3m above the podium.

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- P11 Podium of 10m (three storeys) to Military Road, west of Hampden Avenue, with a setback of 3m above the podium.
- P12 Podium of 8.5m (two storeys) to laneway frontages and frontages not to Military Road, with a setback of 3m above the podium.
- P13 Podium of 8.5m (2 storeys) to the east and west of Barry Street Plaza, with a setback of 3m above the podium.
- P14 Provide adequate podium setbacks where a site adjoins residential or open space zones.

Building design

- P15 Ground floor access to shops is to be provided to all properties with a frontage to Military Road, a frontage to the Grosvenor Lane car park / plaza, and those with a dual frontage between Military Road and Parraween Street.
- P16 Building elements, materials, finishes, and windows should relate to neighbouring buildings.
- P17 Laneways should be provided with active frontages, wherever possible.

Car Parking & Access

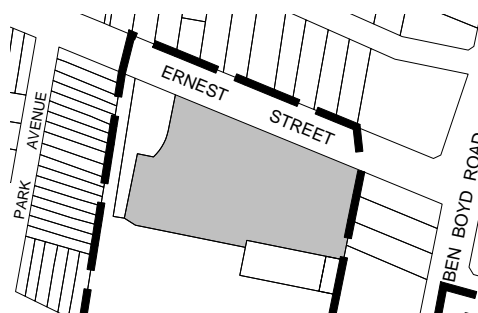
- P18 Vehicular access from sites should not be provided to Military Road.

Noise

- P19 Elevations of buildings fronting Military Road and Ernest Street are to be designed and incorporate design features to minimise traffic noise transmission (e.g. the use of cavity brick walls, double glazing, minimal glazing, solid core doors, concrete floors, enclosed balconies etc).
- P20 Services located at the rear of buildings at the interface with a residential zone should be carefully designed and located to ensure that they do not have a detrimental impact to the residential amenity of the neighbouring property.

Awnings

- P21 Awnings are provided along all street frontages.

5.1.4 North Sydney Bus Depot**Diversity of activities, facilities, opportunities and services**

- P1 Continued operation of the bus depot as important public transport infrastructure.
- P2 If the bus depot ceases to operate, then the site should be used for mixed use development.
- P3 Incorporate community functions in the form of open space, through site links and / or other community uses.



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Area Character Statements - North Cremorne Planning Area

- P4 Development provides active frontages to Ernest Street and internal public spaces.
- P5 Amalgamation with Big Bear site provides further opportunities for public benefit.
- P6 P6 Redevelopment of an amalgamated Bus Depot and Big Bear site should be informed by a masterplan for the entire street block.

Form, massing and scale

- P7 Transition scale of built form down from central / southern portion of site to surrounding lower scale development and heritage conservation area.
- P8 Maximise solar access to internal public spaces.

Public Benefit

- P9 Provide public benefit with any proposed change to existing planning controls.
- P10 Affordable housing is a public benefit priority for the site.

Podiums

- P11 Podium of 10m (three storeys) to Ernest Street.

Ecologically Sustainable Development

- P12 In implementing ESD best practice, explore opportunities to incorporate ESD demonstration project in redevelopment.

Access

- P13 Create safe and active pedestrian links between Ernest Street and Military Road, particularly where possible via the Big Bear site.
- P14 Vehicular access minimises the impact on the flow of traffic along Ernest Street.

Noise

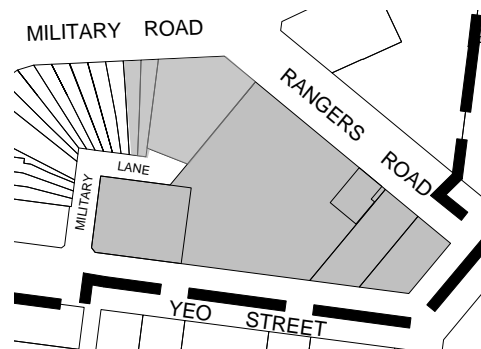
- P15 Elevations of buildings fronting Ernest Street are to be designed and incorporate design features to minimise traffic noise transmission (e.g. the use of vegetation, cavity brick walls, double glazing, minimal glazing, solid core doors, concrete floors, enclosed balconies etc).

Heritage

- P16 Protect and respond architecturally to existing heritage items.
- P17 Subsurface archaeological material is assessed prior to excavation.

5.1.5 1-11 Rangers Road, 50 Yeo Street & 183-185 Military Road

** This section has been informed by the Neutral Bay Village Planning Study (2024).*



Diversity

- ~~P1 Supermarket (if possible), small shops at footpath level fronting streets and lanes, non residential/residential on lower floors, residential above.~~

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FOR ADOPTION - North Sydney Development Control Plan 2013**Area Character Statements - North Cremorne Planning Area****Subdivision**

~~P2—All allotments should be consolidated to establish a reasonable building footprint.~~

Form, massing and scale

~~P3—Modern commercial building generally built to the boundary.~~

~~P4—Development addresses laneways with active uses.~~

Setbacks

~~P5—Buildings should be built to all street frontages at ground level, except as follows:~~

~~(a) Setback 1.5m at ground level from Rangers Road.~~

Podiums

~~P6—Podium of 13m (four storeys) to Rangers Road, with a setback of 3m above the podium.~~

~~P7—Podium of 10m (three storeys) to Yeo Street and Military Lane, with a setback of 3m above the podium.~~

Landscaping

~~P8—Internal spaces provide a safe and pleasant meeting place.~~

Access

~~P9—Vehicular access to be provided from Military Lane.~~

5.1.5.1 Diversity**Objectives**

O1 To provide a mixture of uses that contribute to enhancing of the amenity, identity and desirability of Neutral Bay.

O2 Ensure non-residential and residential uses are adequately separated to maximise the amenity for both residents and workers.

O3 To increase access to open public spaces with high levels of amenity.

Provisions

P1 Provide a mixed use building typology, with retail at the ground level, commercial space on the second storey and residential accommodation above.

P2 Provide a fine grain of retail and other business premises fronting all street frontages, the future public plaza and where practical, to laneways.

P3 Relocate the existing supermarket underground to assist in positively activating streets and future public plaza.

P4 Create a new public plaza across both 183-185 Military Road and 1-7 Rangers Road with a minimum size of 1,000sqm.

P5 Maximise opportunities to accommodate outdoor dining.

P6 Provide a mixture of commercial tenancy sizes and flexible floorplates.

5.1.5.2 Form, massing and scale**Objectives**

O1 To ensure that density and scale is concentrated toward Military Road and provides a positive transition in height and scale down to the adjoining residential areas.

O2 To maximise year round solar access to existing and new public open spaces to be created in the Planning Area.



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Area Character Statements - North Cremorne Planning Area

O3 To minimise overshadowing impacts on residential development to the south of Yeo Street.

Provisions

P1 Allotments should be consolidated to establish suitable building footprints to accommodate additional height and the establishment of a new public plaza.

P2 Height should transition from Military Road and the northern portion of Rangers Road down to Yeo Street.

P3 Development addresses laneways with active uses, where practical.

P4 Ensure that 70% of dwellings on the southern side of Yeo Street receive a minimum of 2 hours sunlight at the winter solstice.

P5 Building elements located above the podium level must not exceed 45m in horizontal width or length, unless punctuated with a significant visual break or articulation element.

5.1.5.3 Setbacks

Objectives

O1 To reinforce the spatial definition of streets and public spaces.

O2 To provide a wider footpath to Military Road to enhance pedestrian movement and comfort and provide outdoor dining opportunities.

Provisions

P1 Buildings must be setback from the following road frontages:

(a) 2.5m from Military Road, and

(b) 0m from Rangers Road, except the ground level which is to be setback a minimum of 1.5m, and

(c) 0m to Yeo Street and Military Lane.

P2 Buildings must be setback 0m to the public plaza.

P3 Buildings should be setback 0m from all side boundaries.

5.1.5.4 Podium Height

Objectives

O1 To positively relate to the heritage context surrounding the site.

O2 To create a human scaled interface within the public plaza and adjoining laneways.

O3 To positively relate to the scale of development of the opposite side of Rangers Road and Yeo Street.

Provisions

P1 A podium must be:

(a) 2 storeys in height to Military Road, the east-west alignment of Military Lane and to the proposed public plaza, and

(b) 4 storeys to Rangers Road, and

(c) 3 storeys or a maximum of 10m, whichever is the lesser, to Yeo Street and the north-south alignment of Military Lane.

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FOR ADOPTION - North Sydney Development Control Plan 2013**Area Character Statements - North Cremorne Planning Area****5.1.5.5 Above Podium Setbacks****Objectives**

- O1 To provide a consistent street frontage and minimise overshadowing impacts to the public plaza.
- O2 Minimise overshadowing impacts to residential properties on the southern side of Yeo Street.
- O3 To reduce the scale and bulk of buildings when viewed from the public domain.

Provisions

- P1 The following minimum setbacks (measured from the outer wall of the podium) must be provided above the podium level:
- (a) 3m to Military Road, Rangers Road and Military Lane.
- (b) 3m to Yeo Street, with a further 3m setback to any part of the building above 5 storeys.
- (c) 3m to any podium facing the public plaza and through site link.
- (d) 0m to the entire length of the side boundary between 183-185 Military Road and 181A Military Road, with 6m above 6 storeys.
- (e) 6m to the side boundary between 1-7 Rangers Road and 9-11 Rangers Road, along the Rangers Road frontage.
- (f) 0m to the side boundary between 1-7 Rangers Road and 9-11 Rangers Road, along the Yeo Street frontage
- Note. Setbacks are measured to the outer face of any part of the building including balconies, architectural detailing and the like.*
- P2 Despite P1(e) and (f), a 6m setback is required to the entire length of the side boundary between 1-7 Rangers Road and 9-11 Rangers Road, if the through-site link is not provided open to the sky.

5.1.5.6 Public Plaza**Objectives**

- O1 To create additional publicly accessible space.
- O2 To ensure that the space is sufficiently sized to provide a mixture of passive and active recreational opportunities.
- O3 To maximise the amenity of the public space.
- O4 Maximise the activation of the space.
- O5 To increase landscaping and tree canopy within the Neutral Bay Town Centre.

Provisions

- P1 A public plaza of at least 1,000sqm is to be provided across both 183-185 Military Road and 1-7 Rangers Road. The minimum area of the plaza is to exclude any pedestrian through-site link between the plaza itself and Yeo Street and is to open to the sky.
- P2 The public plaza is to be located adjacent to the Military and Rangers Road intersection.
- P3 At least 50% of the public plaza must be able to receive solar access between 10am and 1pm at the Winter Solstice.
- P4 All ground level frontages to the public plaza are to be appropriately activated.



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P5 Provide a variety of functions to activate the space, including outdoor dining, public seating, community lawn, playground, water feature, public artwork, landscaping, fixed bicycle parking.

P6 If 183-185 Military Road is to be redeveloped in isolation from 1-7 Rangers Road, then the building at 183-185 Military Road must be setback at the ground level from its eastern boundary, to ensure that appropriate pedestrian access arrangements can be made independently, without reliance on reciprocal rights of way between 183-185 Military Road and 1-7 Rangers Road.

5.1.5.7 Through-site Link

Objectives

O1 To improve pedestrian permeability through the area.

O2 To provide clear visual connections between different parts of the Neutral Bay Town Centre.

O3 To maximise casual surveillance over the space.

Provisions

P1 A minimum 6m wide through-site link is to be provided between the proposed public plaza and Yeo Street to enable pedestrians to traverse between the intersection of Military Road and Rangers Road and Yeo Street.

P2 The through-site link should be open to the sky to maximise legibility in wayfinding through the area and avoid the creation of extensive wall lengths along Yeo Street.

P3 Despite P1 and P2, a through-site link may only be built over, but only where the consent authority is satisfied that the through-site link is widened to a minimum of 8m and have a minimum 7m clearance to any storey located above.

P4 The ground level of buildings fronting the through-site link are to be appropriately activated.

P5 The through-site link is to be publicly accessible at all times.

P6 The through-site link should be integrated with the proposed public plaza.

5.1.5.8 Activation

Objectives

O1 To provide for the amenity, interest and liveliness of the street environment and public open spaces.

O2 To ensure a positive experience for pedestrians with the necessary fine grain environment of the street.

O3 To enable sensory engagement with the street and public spaces.

O4 To provide an active ground floor frontage that is accessible and integrated with the design of the public domain.

O5 To maximise the extent of active frontages in the public domain.

O6 To promote activity, connectivity and variety in the public domain.

O7 To increase passive surveillance of the street and other public spaces and enhance safety.

Provisions

P1 Buildings must contain active frontages to all street frontages, with the exceptions of public laneways.

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- P2 Despite P1, active frontages to public laneways are encouraged where practical.
- P3 Buildings which have a direct interface with the proposed public plaza are to provide an active frontage to that interface.
- P4 Active frontages are to be provided along both sides of all through-site links.
- P5 Where a site has multiple street frontages, all service and vehicular access points must not be provided off the primary street frontage.
- P6 Fire escapes and service doors must be seamlessly incorporated into the facade with quality materials.

5.1.5.9 Access**Objectives**

- O1 To prioritise pedestrian movements along Military Road, Rangers Road and Yeo Street.

Provisions

- P1 No vehicular access is to be provided from Military Road or Rangers Road.
- P2 Vehicular access should be provided from Military Lane.
- P3 Despite P2, vehicular access may be provided from Yeo Street, subject to adequate demonstration that it will not create any adverse pedestrian conflicts.
- P4 Where practical, commercial and residential vehicular access should be separated.
- P5 All service access is to be provided from Military Lane.

5.1.5.10 Landscaping**Objectives**

- O1 To minimise privacy impacts of residents within and adjoining the development.
- O2 To soften the appearance of buildings and their interface with neighbouring buildings and the public domain.
- O3 To minimise heat island effects.

Provisions

- P1 Terrace planting is to be provided to soften the building appearance and contribute to the overall aesthetic of building facades.
- P2 Perimeter planting is to be established along the edges of the podium and rooftop terraces.
- P3 Where practical, landscaping should be used to screen any rooftop plant.
- P4 Consideration is to be given to the use of green roofs and green walls.