

8.9. Military Road Corridor – Stage 1 Planning Proposal & DCP

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ATTACHMENTS: Nil

PURPOSE:

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

EXECUTIVE SUMMARY:

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

A key component of the Study is an increase in the general height limit from five storeys to six storeys throughout most of the Neutral Bay Town Centre and a corresponding increase in the non-residential floor space requirements. The rationale for this is that employment floor space is systematically being eroded in the Town Centre as the current controls enabled existing levels of employment floor space to be replaced by residential development. This change to the LEP would address that decline.

Other changes like built form setbacks, podium height, active street frontages, solar protection and public domain upgrades are required to ensure that new development responds to the aspirations of the Study and to reinforce the village feel of the Town Centre. It is anticipated that these amendments are proposed to be incorporated into the DCP.

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

The purpose of this report is therefore to provide Council with a high-level overview of the Planning Proposal ahead of it being reported to the Local Planning Panel.

For completeness, this report also broadly outlines changes that will be required to Council’s DCP to ensure that the two planning instruments align with one another. It is proposed to

publicly exhibit the DCP amendments with the planning proposal concurrently to ensure a high level of clarity and transparency. Given the need to seek a Gateway Determination from the Department of Planning, Industry and Environment, it is unlikely that such amendments will be exhibited until late 2021 or early 2022.

FINANCIAL IMPLICATIONS:

The work and associated budget required to prepare a planning proposal and associated development control plan amendments for the Military Road Corridor are within existing operational budgets for 2021/22.

RECOMMENDATION:

1. THAT Council endorses the preparation and progression of a planning proposal and development control plan amendment to give effect to the aspects of the *Military Road Corridor Planning Study – Stage 1 Future Directions* outlined in this report.

LINK TO COMMUNITY STRATEGIC PLAN

The relationship with the Community Strategic Plan is as follows:

2. Our Built Infrastructure

2.2 Vibrant centres, public domain, villages and streetscapes

3. Our Future Planning

3.4 North Sydney is distinctive with a sense of place and quality design

5. Our Civic Leadership

5.1 Council leads the strategic direction of North Sydney

BACKGROUND

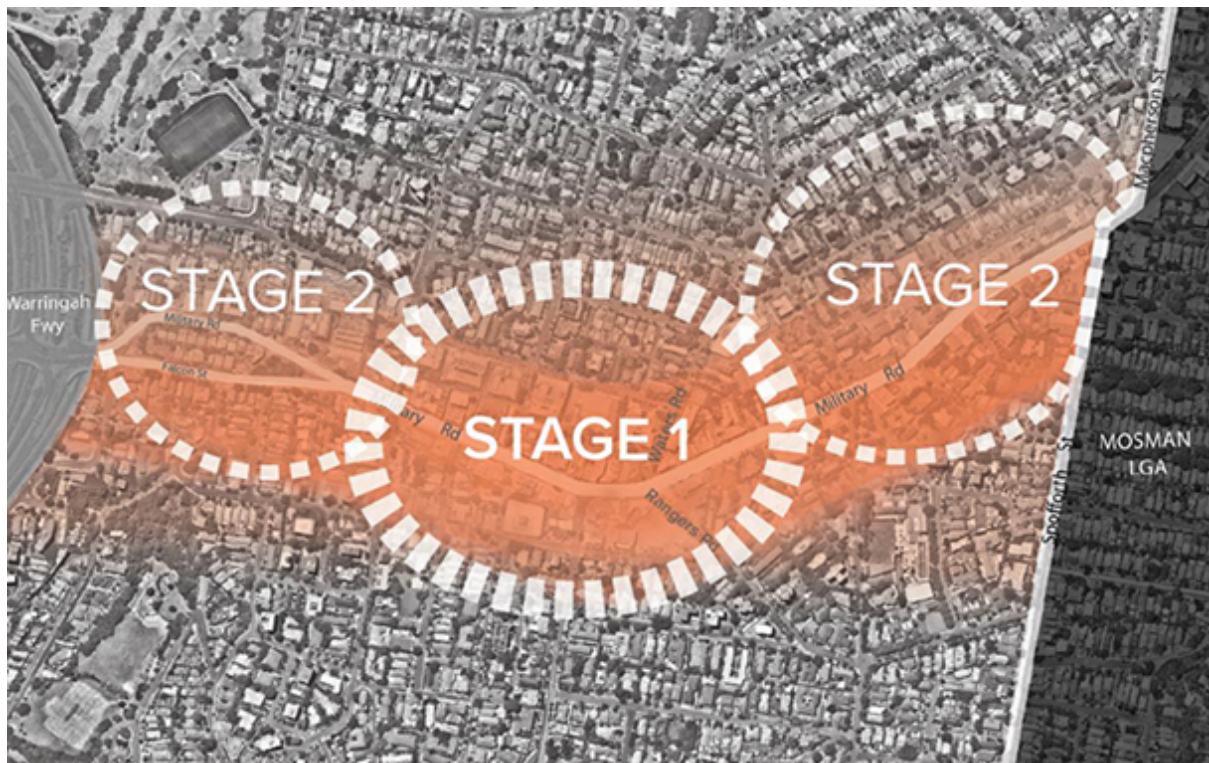
At its meeting of 28 May 2018, Council resolved to prepare a planning study to guide future development along the Military Road Corridor through the town centres of Neutral Bay and Cremorne. The purpose of the Planning Study is to formulate directions that guide future development in a manner that meets the needs and expectations of the community as well as ensuring that much needed public benefits can be leveraged and delivered from such development.

The overall objectives of the planning study are to:

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

The project was proposed to undertake the work within 2 stages to ensure that it would make the delivery of the project more certain and enable Council to manage the development interest within the Corridor as efficiently as possible. The 2 stages are as follows:

- **Stage 1** - generally located between Ben Boyd Road to the west and Hampden Avenue to the east and comprising the Neutral Bay Town Centre; and
- **Stage 2** - include the “island” bordered by Military Rd and Falcon St at its western end, and the Cremorne Town Centre at its eastern end.



Extensive preliminary public consultation was undertaken in late 2019 and was used to inform the preparation of a *Future Directions Report* for the Stage 1 Area, which was subsequently subject to extensive community consultation through mid-2020.

On 22 February 2021, Council resolved to adopt a finalised *Military Road Corridor Planning Study: Stage 1 - Future Directions* which took into consideration the large number of submissions made to the draft *Future Directions Report*.

The adopted Planning Study provides a framework for ongoing discussion with local landowners about the future development of the Centre. It promotes managed jobs and housing growth, while maintaining the much-loved village atmosphere of the Neutral Bay Town Centre. Future development will be supported by:

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

The adopted Planning Study also sought to allow the redevelopment of three identified sites under a separate planning process consistent with the overall objectives of the Planning Study, where they deliver significant public benefits as identified in the Study.

A key component of the Study is an increase in the general height limit from five storeys to six storeys throughout the majority of the centre and a corresponding increase in the non-residential floor space requirements. The rationale for this is that employment floor space is systematically being eroded in the centre and corridor, as the current controls enable existing levels of employment floor space to be replaced by residential development. This change would address that decline.

PLAN MAKING PROCEDURES

New plan making procedures introduced in 2018 mean that it will be necessary to report the Planning Proposal to commence the process to the North Sydney Local Planning Panel (NSLPP) for its review prior to it being formally reported to Council. This gives rise to an unusual situation in that Council will be considering a Planning Proposal after it has already been publicly ventilated in a different public forum. This remains a significant concern in the plan making procedures, running counter to the local plan making remit for local government and arguably reducing plan making efficiency.

The purpose of this report, therefore, is to provide Council with a high-level overview of the Planning Proposal ahead of it being reported to the Local Planning Panel. At this stage, only a conceptual overview of the broad parameters of the Planning Proposal is provided for Council's awareness.

Council would otherwise receive a report recommending that a planning proposal be endorsed for public exhibition after it has been publicly made available through the NSLPP which is procedurally, unusual.

It is also proposed to prepare amendments to Council's DCP to assist in delivering the desired outcomes of the Planning Proposal and adopted Planning Study. It is proposed to place these amendments on public exhibition concurrently with the Planning Proposal, to provide a high level of clarity and transparency.

CONSULTATION REQUIREMENTS

Community engagement is not required.

Should a Gateway Determination be issued to enable the future planning proposal to public exhibition, community engagement will be undertaken in accordance with Council's Community Engagement Protocol and any requirements of the Gateway Determination.

DETAIL

1. Role of the North Sydney Local Planning Panel

By Ministerial direction, all planning proposals are required to be referred to a council's Local Planning Panel before it can decide whether a planning proposal should proceed to the next stage of the plan making process. This change in procedure was established in March 2018

and was designed to introduce a level of independent review of planning proposals to assist councils considering such proposals. An unintended consequence of this is that the first public airing of such planning proposals will be to the NSLPP rather than Council.

2. Planning Study

Council endorsed a finalised *Military Road Corridor Planning Study: Stage 1 - Future Directions* in February 2021. The Planning Study identifies how the area is to evolve. The key deliverables include the following:

- Increasing building heights from 5 to 6 storeys and non-residential floorspace ratios from 0.5:1 to 1.2:1 on the majority of land within the town centre;
- Increasing building heights from 5 storeys to a combination of 6, 8 and 12 storeys and associated non-residential floorspace ratios on three key sites within the town centre, subject to the delivery of the following public benefits:
 - 1,000sqm new Rangers Road Plaza;
 - 2,500sqm new Grosvenor Lane Plaza by undergrounding Grosvenor Lane car park;
 - 1,000sqm community centre with accessible public amenities and family room
 - 600sqm creative makers art alley;
 - Improved through site links;
 - 28 regional secured commuter bicycle parking spaces.
- Increasing and embellishing Young Street Plaza and May Gibbs Place; and
- New built form controls to protect the village atmosphere of the town centre.

3. Planning Proposal

The types of matters to be incorporated in the Planning Proposal will include the following:

- Increasing the maximum height of buildings from 16m (5 storeys) to 21m (6 storeys);
- Increasing the non-residential floor space ratio control from 0.5:1 to 1.2:1.

The proposed amendments will apply to most sites zoned *B4 Mixed Use* in the Neutral Bay Town Centre.

There may also be a need to incorporate controls to protect solar access to existing and proposed areas of public open space in the Town Centre to ensure that an appropriate level of amenity is delivered to these spaces. Subject to further investigation, such controls will be placed within either the LEP or DCP.

The Planning Study also identifies potential development outcomes for three sites in the study area. These sites will be specifically excluded from the planning proposal and be subject to separate planning proposal processes. This is to ensure that these sites are redeveloped to their full potential, including the capacity to deliver public benefits as foreshadowed by the Planning Study which are to be appropriately negotiated and delivered, and other finer grain issues (like solar access, setbacks, urban design issues and the like) are accommodated.

4. Development Control Plan Amendment

The types of matters to be incorporated in the DCP amendment will include the following:

- Updated character statements in line with the Planning Study;
- Built form setback controls;
- Podium height controls;
- Active and desired street frontage requirements;
- Public domain upgrade plans.

There may also be a need to incorporate controls to protect solar access to existing and proposed areas of public open space in the Town Centre to ensure that an appropriate level of amenity is delivered to these spaces.

5. Timeframes

The following indicates the possible timeframe for the Planning Proposal and DCP:

September 2021	NSLPP considers Planning Proposal
25 October 2021	Council considers Planning Proposal to seek Gateway Determination and Draft DCP amendment for public exhibition purposes
Feb – Mar 2022	Public exhibition of Planning Proposal and DCP
Apr – May 2022	DCP amendment adopted
Mid 2022	LEP amendment made giving effect to the Planning Proposal