



Mr Lachlan Hutton
Department of Planning, Housing and Infrastructure
Major Projects – Assessments

Lodged via email: lachlan.hutton@dpie.nsw.gov.au and major projects portal

8 September 2025

Dear Mr Hutton

RE: SSD – 82875708 - 1-7 Rangers Road and 50 Yeo Street, Neutral Bay – 8 & 12 storey Mixed Use Development Application and 'concurrent rezoning'

Introduction

Council raises objection to the proposed State Significant Development and concurrent re-zoning proposal for 1-7 Rangers Road and 50 Yeo Street, Neutral Bay, that the Department of Planning, Housing and Infrastructure (DPHI) exhibited between 12 August and 8 September 2025 for the reasons outlined below. Due to current resourcing demands and need to respond to the Planning Ministers Statement of Expectations Order 2024 for development applications, a comprehensive detailed technical assessment has not been able to be undertaken within the timeframe provided. Council staff are available to discuss or clarify further any of the key matters raised below.

Strategic Planning context

Section 4.39 of the Environmental of the Environmental Planning and Assessment Act, 1979 and Section 190 (2) of the Regulations require a State Significant Development Application to have regard to '*State Significant Development Guidelines*'. These guidelines contain a requirement to consider strategic context. It is Council's position that the State Significant Development and concurrent rezoning, as submitted, fail to consider or satisfy these statutory requirements.

The site was identified as a key site (3A) under the Neutral Bay Village Planning Study (NBVPS) and intended to be re-developed in conjunction with the adjacent site at 183-185 Military Road (key site 3B). Following extensive consultation and community engagement, the study was adopted by Council in May 2024. The Study was prepared to guide future development, protect existing employment opportunities through carefully managed height increases within the town centre, and deliver much-needed improvements to the public domain and community facilities.

Planning Proposal (Ref PP2022-4350) for the site was progressed by the Sydney North Planning Panel which led to an amendment being made to the North Sydney Local Environmental Plan on 24 March 2025 that increased the maximum building height from 16m to part 26m and part 31m.

A site-specific draft amendment to the *North Sydney Development Control Plan* (NSDCP2013) was also prepared by Council in relation to 1-7 Rangers Road, 50 Yeo Street and the adjacent site 183-185 Military Road which was adopted on 25 November 2024. The purpose of the DCP amendment was to guide an appropriate future-built form and coordinate the future development of both sites and a future 1,000m² public plaza, that is to be delivered as a shared contribution between the two landowners. Site 3B has also recently been the subject of a



site-specific planning proposal Ref PP-2023-699 which was exhibited by the Sydney North Planning Panel (as PPA) 6 June to 8 July 2025.

Objective 12, 'Great places that bring people together' of the *Greater Sydney Region Plan* and Planning Priority N6, 'Creating and renewing great places and local centres, and respecting the District's heritage', of the *North District Plan*, clearly state that a place-based planning approach should be applied to local centres and larger scale urban renewal. The *North District Plan* specifically envisaged the preparation of place-based planning studies for local centres to be led predominantly by local councils - 'the resolution of which local centres are important to each council will need to be assessed as part of the preparation of local strategic planning statements' (p. 49).

The *North Sydney Local Strategic Planning Statement* (LSPS) integrates two actions (L3.2 and L1.5) which align with the above-mentioned objectives and priorities of the Region and *North District Plan*. These actions identify the undertaking/preparation of a planning study for the Neutral Bay and Cremorne Military Road Corridor and that Council will only support planning proposals that are consistent with Council's endorsed studies. These actions were put in place to ensure that any proposed increase to development intensity on a site aligns with the broader strategic vision of the area, which takes into consideration the cumulative impacts of such development and ensures appropriate supporting infrastructure is in place. In accordance with the abovementioned actions and priorities, Council adopted the *Neutral Bay Village Planning Study* (NBVPS) on 27 May 2024.

In progressing the recent LEP amendment (March 2025) to this site, the Sydney North Planning Panel had specific issues with the need to ensure an appropriate interface and transition and solar access levels could be achieved between the site and lower scale residential buildings along the southern side of Yeo Street. The advancement of a rezoning proposal to now facilitate a building height in excess of 44m on the site undermines the extensive strategic planning work undertaken and has not been adequately justified.

The adopted NBVPS applied a maximum building height of 6 storeys and a non-residential FSR of 1.2:1 on the subject site. The re-zoning proposal accompanying the SSD is inconsistent with the Study in this regard as it proposes a height of 44m. Whilst no objection is raised to the proposed non-residential FSR which promotes employment in the centre, the proposed height is excessive and results in adverse amenity impacts, as well as suboptimal public domain opportunities as discussed further below under relevant headings.

The 'rezoning' proposal accompanying the SSD seeking a height of 44m to allow a 12 storey development on the site is inconsistent with Council's endorsed policy position and emerging strategic vision for the precinct. The proposal is therefore also inconsistent with the objectives of the Region Plan and *North District Plan*.

Key Site-specific/Built form issues

A review of the proposed development has highlighted the following concerns and issues that have been generated through the proposal. This is not a comprehensive or detailed assessment and as such other concerns or issues may be identified through the assessment of the application.

Through Site Link

The proposed built form as it presents to Yeo Street is 80m in length and does not provide a break in the building in the form of an open-to-sky through-site link as has been consistently identified as being needed. The absence of a through-site link that is fully open to the sky fails to provide a genuine building gap in order to provide a degree of relief within the 80m expanse of built form. A meaningful break in the massing of this element of the



proposal would also allow for greater solar penetration and natural cross ventilation opportunities within the proposal and reduce the extent of overshadowing and break up the bulk, massing and scale.

Whilst the DCP identified potential alternative criteria were the through site link to be built over, this was on the basis of a 6 storey form, as was considered by the Sydney North Planning Panel, during the recent Planning Proposal. The proposal, now seeking 8 –12 storey forms will present as overbearing and unduly dominant particularly as experienced from Yeo Street. An open-to-sky through-site link will help create a more desirable, amenable, and inviting pedestrian facility within the proposal and create a more legible urban form.

Setback from Rangers Road

The proposal fails to provide a 1.5m setback to Rangers Road at ground level, in accordance with the requirements of Part 5.1.5 of part C of NSDCP 2013, with the intent being to align with the adjoining property whilst still providing for an activate street frontage along Rangers Road. This will create an inconsistent street frontage with the adjoining, recently developed 9-11 Rangers Road site that provides a 1.5m ground-level setback along Rangers Road, to support outdoor dining along this sunny north-east aspect.

Encroachments to Rangers Road and Yeo Street

The plans show that in addition to failing to meet the ground floor setback to Rangers Rd, there will be planter box structures (Level 01 and Mezzanine) and awnings (Level 02) that extend well beyond the allotment boundary on both the Yeo Street and Rangers Road frontages. These structures being located within the public domain would require approval by Council and no such approval has been granted.

Building Height

The proposed development is seeking a significant increase to the maximum building heights permitted under NSLEP 2013 from part 26m and part 31m. As mentioned previously, the current heights were only recently amended and came into effect in March 2025. The SSD is accompanied by a 'concurrent rezoning' seeking to further amend the NSLEP 2013 to facilitate building heights of 31 and 44m. Any further increase in height is inconsistent with the principle of a transition to surrounding lower density areas and minimised overshadowing as established by the Sydney North Planning Panel. Nor is it conducive to the creation of a high amenity, great local centre.

Council had previously requested that in the absence of a formalised agreement to deliver the public plaza, that the portion of the site where the plaza is indicated, be assigned a maximum building height of 0m. This request was made to ensure building elements, lifts and escalators would not encroach upon and compromise the intended areas of accessible open space.

Provision of Public Plaza

The NBVPS identified the subject site as an opportunity to contribute towards a new plaza to address the acute need for high amenity additional open space in Neutral Bay. The future plaza was intended to support a welcoming, open entry from Rangers Road with clear sightlines through to the southern through site link towards Yeo Street. NSDCP 2013 requires the creation of a new public plaza across both 183-185 Military Road and 1-7 Rangers Road with a minimum size of 1000m². This plaza was intended to be delivered as a shared contribution between the two landowners as shown in the figure below.



Figure 1 - Extract from adopted Neutral Bay Village Planning Study - pg 35

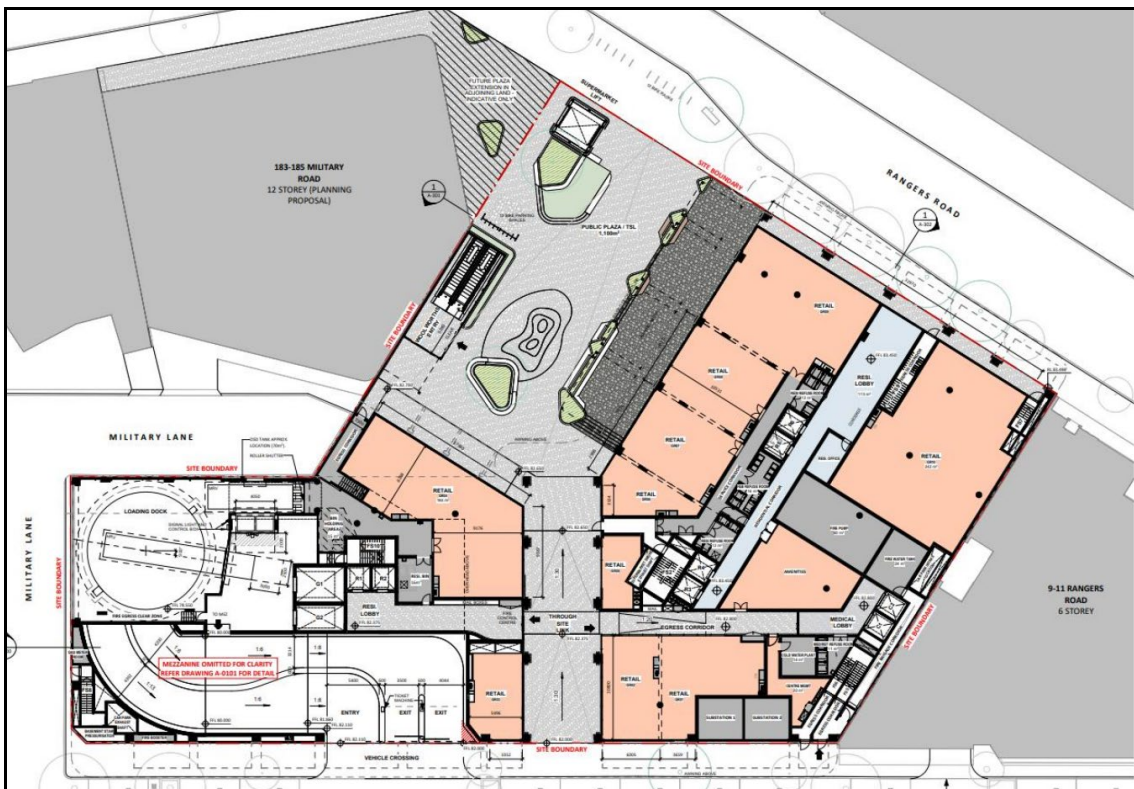


Figure 2. Ground floor plan showing the proposed part plaza - SSD 82875708



The design includes a Woolworths supermarket escalator, retail floorspace in S-E corner of plaza. The proposal also includes a supermarket lift on the corner adjacent 183-185 Military Road and Rangers Road and an expansive area of designated partially enclosed outdoor dining along the south east side of the plaza.

The proposed design and siting of the escalator and lifts:

- physically divides the plaza into two parts
- adds clutter and negatively impacts the usability of the space
- creates poor wayfinding at the plaza entry
- significantly reduces visibility and legibility of the through site link, creating an unsafe environment particularly if the link is to be enclosed despite Council's strong preference for it to remain open to the sky
- reduces opportunity for soft landscaping – noting the proposal is almost entirely hard paved.

The escalators and lift should be relocated to an alternative location within the footprint of the building to create a more amenable public domain contribution for the proposal and integrated into the proposed built form, within the 1-7 Rangers Road and 50 Yeo Street development. Further updates to the design should include a ground level layout in greater alignment with that contained in the NBVPS and provide an opportunity for the adjacent site to activate the western side of the plaza, with a clear visual connection across the space.

Car Parking

The Statement of Environmental Effects states that there will be 1494m² of GFA assigned for use as a medical centre with parking to be provided at the rate of 1 per 25m² of GFA, permitting a maximum of 60 spaces for the medical centre use. It is questioned as to whether a medical centre would require that amount of GFA especially given the concentration of other medical centres in close proximity.

It would be more appropriate to assign the default rate of 1 space per 60m² which would reduce the maximum amount of parking and the traffic congestion that would be generated by those additional spaces. As documented previously, the proponent has consistently sought to provide parking in excess of Council's maximum DCP rates and concerns are raised as to the ability of the surrounding street network to cope with increased traffic. In fact, the proponent previously offered to provide some 88 public car parking spaces as part of a future Voluntary Planning Agreement, which was rejected by Council.

Provision of affordable Housing

Any affordable housing proposed should be provided in perpetuity (not limited to 15 years) and any consent granted should include conditions accordingly.

Procedural concerns

In considering Expressions of Interest that also involve a 'concurrent rezoning', the Housing Delivery Authority (HDA) have recently updated criteria, one of which is the need for the proposal to be consistent with any State-led rezoning that has taken place within the last 24 months. As detailed earlier in this submission, the proposal has recently been the subject of a Planning Proposal that was facilitated and implemented by the Department of Planning. It would appear that the HDA have turned their minds to the logicity of re-visiting the underlying planning framework for sites and precincts that have recently been the subject of detailed planning work and development uplift. The progression of this proposal should only be on the basis of the current North Sydney LEP controls as most recently amended.



The notification letter advising of the public exhibition of the proposal does not include legislation details on how an amendment to the North Sydney Local Environmental Plan would be made and erroneously refers to it as a 'concurrent rezoning proposal'. It has previously been advised by senior DPPI staff that the implementation of any LEP amendments will be done so via a (self-repealing) State Environmental Planning Policy, however the applicants submitted documentation states that the re-zoning is being facilitated under Part 3, Division 3.4 of the EP&A Act – in line with the LEP making Guidelines. If this is the case, this gives rise to clear procedural incorrectness.

From a statutory power point of view, the determination (under Part 4, Division 4.7) of the State Significant Development Application, is reliant upon the making of an amendment to NSLEP that is, in the absence of the LEP amendment the determination of the SSD in its current form would be beyond power unless the amendment, by whatever mechanism, occurs first.

Conclusion

Whilst North Sydney Council is aware of the acute need for more housing supply across Sydney, this capacity is provided for under the recent Crows Nest TOD precinct re-zoning (Nov 2024) as well as the recent Low and Mid-rise housing reforms under SEPP (Housing) 2021 introduced in February 2025. The progression of ad-hoc proposals, that are directly contrary to significant and consultative strategic planning work and recent decisions of the Sydney North Planning Panel, requires re-consideration. If this proposal and amendment to North Sydney LEP 2013 is to progress, it is requested that the Department direct changes to the proposal as outlined in this submission.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Marcelo Occhiuzzi'.

Marcelo Occhiuzzi

Director Planning and Environment