

Mixed-use development at 1-7 Rangers Road and 50 Yeo Street, Neutral Bay State Significant Development-82875708, Harrison-Bennett Precinct submission

The Harrison-Bennett Precinct is a local community group operating under the auspices of North Sydney Council, focusing on matters of importance for residents in Cremorne and Neutral Bay, south of Military Road. The subject site is located within the Harrison-Bennett Precinct.

The Precinct considered the proposed development at its meeting on 7 August 2025 and unanimously resolved to make a submission. **We are concerned that, as currently proposed, the development will deliver poor public outcomes.** The Precinct urges the Department of Planning, Housing and Infrastructure (DPHI) to require amendments to the proposed design to address the issues outlined in this submission and ensure the development delivers genuine and enduring public benefits.

1. Excessive height and adverse amenity impacts

a) Inconsistent with local strategic vision

The proposed 12-storey development is inconsistent with the Neutral Bay Village Planning Study adopted by North Sydney Council on 27 May 2024, which sets a maximum building height of 6 storeys for the subject site.

b) Inconsistent with heights endorsed by the Sydney North Planning Panel

The proposal also exceeds the limits approved by the Sydney North Planning Panel (SNPP) under Planning Proposal 2022-4350, that is, a maximum part-26m / part-31m, facilitating 6 and 8 storeys. These limits were set to protect solar access for dwellings on Yeo Street and the public plaza.

c) Unacceptable shadowing impacts on Yeo Street residents

The excessive height results in major overshadowing of the dwellings on Yeo Street, contrary to the North Sydney DCP 2013 (Section 5.1.5.2), which requires the following to be satisfied:

“minimise overshadowing impacts on residential development to the south of Yeo Street” (O3); and

“ensure that all dwellings on the southern side of Yeo Street receive a minimum of 2 hours sunlight to all living areas at the winter solstice.” (P4)

The SNPP also required that any development application demonstrate compliance with this standard, recommending in its final determination on the Planning Proposal,

“any development application demonstrates that the living areas of all the dwellings in Yeo Street achieve a minimum of 2 hours sunlight in mid-winter”.¹

The applicant’s own analysis (Table 20, EIS & Rezoning Statement) **confirms non-compliance:**

- Ground-floor units at 53, 55, 57, and 59 Yeo Street **will not** receive the required 2 hours of sunlight.
- 61–63 Yeo Street will be overshadowed from 11 AM onwards.
- 65 Yeo Street will be overshadowed from 1 PM onwards.

¹ Sydney North Planning Panel, Record of Decision Public Meeting, Post exhibition and Finalisation determination dated 1 November 2024, page 1.

These outcomes clearly breach both the North Sydney DCP requirements and the SNPP's explicit recommendation. The Precinct is of the view that these outcomes are not acceptable and must be addressed through design changes including a height reduction and/or increase in setbacks.

d) Excessive overshadowing of the public plaza

The North Sydney DCP 2013 (Section 5.1.5.6, Provision 3) requires:

“At least 50% of the public plaza must be able to receive solar access between 10 AM and 1 PM at the Winter Solstice.”

However, the applicant's shadow analysis shows that during the winter solstice, solar access is achieved for a minimum of 50% of the site only between 10 AM and 12 noon – for 2 hours. By 1 PM, only 35% of the plaza receives solar access. **This falls short of the DCP requirement.**

The Precinct considers that the proposed solar access is insufficient to create a high-quality public space and fails to deliver public benefits proportionate to the significant height and density uplift being sought.

Precinct recommendation: We urge DPHI to require design amendments, which should include increasing setbacks and/or reducing height, to:

- **Restore at least 2 hours of solar access for all Yeo Street dwellings during mid-winter, consistent with the North Sydney DCP and recommendation of the SNPP.** Housing supply is important, but basic residential amenity must be maintained.
- **Increase solar access for the public plaza** to create a welcoming, usable and high amenity public space that enhances Neutral Bay Village, not one that is compromised by poor design and overshadowing. Failing to uphold strong standards will result in a missed opportunity to deliver a high-quality public space with enduring public benefits for current and future communities.

2. Traffic and congestion

The proposed development will add significant pressure to an already constrained local traffic system.

a) Inadequate consideration of cumulative impacts

The applicant's Transport Impact Assessment fails to account for cumulative impacts of other approved or proposed developments, including developments in Neutral Bay, Cremorne and suburbs to the north of Spit Bridge that are dependent on Military Road and lack rail access.

The completion of the Warringah Freeway Upgrade and Western Harbour Tunnel, coupled with the permanent closure of the Ernest Street entry to the Harbour Bridge, will divert additional vehicles from North Cremorne onto Military Road, further exacerbating congestion.

Local residents already experience severe congestion and safety issues on surrounding streets. Yeo Street, Rangers Road, and Harrison Street are already bottlenecks, especially during peak periods.

Precinct recommendation: In assessing impacts, consideration should be given to the cumulative effects of approved and planned developments and broader network changes, rather than evaluating the proposal in isolation of the broader changing environment. Failing to do so risks approving a development that will significantly increase congestion and safety risks, and undermine the area's

liveability for current and future communities. Acknowledging cumulative impacts provides an opportunity for DPHI to develop and implement appropriate conditions to mitigate these risks.

b) Non-compliant car parking provision

The development seeks approval for 117 residential spaces, including 80 spaces for 53 three and four-bedroom units. This is based on a maximum car parking rate cited by the applicant, of 1.5 spaces per three or four-bedroom unit.²

However, this is not compliant with, and exceeds, the maximum rate defined in the North Sydney DCP. Section 10.2.1, Table B-10.1 of the North Sydney DCP provides for a maximum rate of 1 space per unit with two or more bedrooms. Under the DCP, the maximum permitted spaces for the 53 three and four-bedroom units is therefore **53, not 80**.

Over-provision of parking spaces will promote private car use, discourage the uptake of public transport and sustainable transport options, and exacerbate congestion (and therefore increase safety risks, including for pedestrians).

In addition, the Apartment Design Guide, Objective 3J-1, reinforces that parking provision should be based on "*proximity to public transport in metropolitan Sydney*". In this regard, the site is ideally positioned, with key bus routes stopping directly at the site's doorstep on Military Road. From a public perspective, there is no justification for exceeding the DCP maximum.

Precinct recommendation: DPHI should enforce compliance with the North Sydney Council maximum car parking rate to limit adverse impacts on the local road network and encourage public and sustainable transport use.

c) Inadequate assessment of vehicle access

Site specific provisions under the North Sydney DCP 2013, Section 5.1.5.9 (Access) require:

"Vehicular access should be provided from Military Lane" (P2); and

"Despite P2, vehicular access may be provided from Yeo Street subject to adequate demonstration that it will not present any adverse conflicts to the traffic flow on Yeo Street" (P3)

The applicant has not demonstrated that it has satisfied these site-specific requirements.

Precinct recommendation: DPHI should require the applicant to demonstrate compliance with this condition. If compliance is not demonstrated, the applicant should be required to amend its proposal to provide access from Military Lane only.

3. Inadequate Affordable Housing Contribution

a) Substandard contribution relative to uplift

The proposal offers only 10 affordable housing units (5.2% of GFA), despite a height uplift of 175% being sought (calculated against the original 16m height limit under the North Sydney LEP 2013, prior to the LEP amendments made in March 2025 arising from Planning Proposal 2022-4350).

² This rate is referred to in Table 21 in the applicant's Environmental Impact and Rezoning Statement and Table 3 in the applicant's Transport Impact Assessment.

b) Inconsistent with Infill Affordable Housing provisions under the Housing SEPP 2021

The NSW Government recognises affordable housing as a critical need. To address this critical need it offers incentives such as height and floor space ratio (FSR) bonuses.

Accordingly, Chapter 2 of the State Environmental Planning Policy (Housing) 2021 (Infill Affordable Housing provisions), requires a minimum affordable housing contribution of 10% to access any height bonus. Granting a 175% height uplift for only a 5% contribution is contrary to the intent of the Infill Affordable Housing provisions and undermines the Housing SEPP 2021.

c) Public interest trade-off

Planning bonuses such as height and FSR uplifts are intended to deliver a genuine public benefit in return for private gain. In this case, the community is being asked to absorb substantial additional height, density, overshadowing, and traffic impacts, yet **the return in affordable housing is well below the policy benchmark. This is neither a fair exchange nor in the public interest.**

Precinct Recommendation: Allowing a major uplift for a substandard contribution sets a poor precedent, undermines the credibility of the Infill Affordable Housing Provisions, and is inequitable for other projects that are complying with the 10% minimum requirement. Given the significant height uplift being sought, approval should be conditional on a minimum 10% affordable housing contribution, secured in perpetuity. Anything less fails the public interest test.

Conclusion

The Harrison-Bennett Precinct respectfully requests that DPHI give full and careful consideration to the issues and recommendations outlined in this submission.

Without significant design changes, the development will:

- Be inconsistent with North Sydney Council's adopted strategic planning framework and vision;
- Be inconsistent with the recommendations of the Sydney North Planning Panel;
- Significantly reduce the amenity of Yeo Street residents;
- Result in a poor-quality public plaza;
- Exacerbate congestion on both local streets and Military Road;
- Under-deliver on affordable housing relative to the height and density uplift sought; and
- Undermine key planning controls and existing planning frameworks, and reduce community confidence in the planning system.

DPHI has an opportunity and a responsibility to set high standards for amenity and public benefit. Granting such a significant uplift without requiring improvements in design quality, liveability, and affordable housing would set a poor precedent and erode community trust. By holding the applicant to higher standards, DPHI can help deliver a development that enhances Neutral Bay Village, protects existing residents, and leaves a positive legacy for future generations.

We therefore request that DPHI require substantial amendments to the proposal to address the issues identified, prior to granting any approval.

**Harrison-Bennett Precinct
28 August 2025**