

The Motion was put and **Carried**.

Voting was as follows:

For/Against 8 / 2

**For:** Councillor Baker, Councillor Beregi, Councillor Bourke, Councillor Lamb, Councillor Santer, Councillor Spenceley, Councillor Mutton and Councillor Welch

**Against:** Councillor Drummond and Councillor Gibson

**Absent:** Nil

### **317. RESOLVED:**

**1. THAT** Council urgently undertake an independent review of the Council's management of the North Sydney Olympic Pool redevelopment project.

**2. THAT** Council engage a suitably qualified independent person to undertake a thorough review of all aspects of the North Sydney Olympic Pool redevelopment project and prepare a report to Council.

*The following items were moved forward, as part of the Public Forum (see pages 5-6)*

### **10.3. Planning Proposal 6/22 - 1-7 Rangers Road and 50 Yeo Street, Neutral Bay**

**AUTHOR:** Katerina Papas, Senior Strategic Planner

To present to Council the assessment report of Planning Proposal 6/22 at 1-7 Rangers Road and 50 Yeo Street, Neutral Bay, which seeks to amend North Sydney Local Environmental Plan 2013, following its review by the North Sydney Local Planning Panel on 14 September 2022.

On 20 May 2022, Council received a Planning Proposal to amend the North Sydney Local Environmental Plan 2013 (NSLEP 2013) as it relates to land at 1-7 Rangers Road and 50 Yeo Street, Neutral Bay. The site is located within the area covered by the now rescinded Neutral Bay Town Centre Future Directions Report (also referred to as Military Road Corridor Planning Study Stage 1).

The Planning Proposal seeks to amend NSLEP 2013 to:

- increase the maximum building height control for the site from 16m to part 30m (at 50 Yeo Street) and part 40m (at 1-7 Rangers Road); and
- increase the minimum non-residential floor space ratio control for the site from 0.5:1 to 1.7:1.

The intent of the Planning Proposal, as reflected in the accompanying indicative concept scheme, is to facilitate the delivery of a part 2 ,7 and 10 storey mixed-use development comprising a supermarket at a subterranean level, retail and commercial floor space within the podium and approximately 91 apartments located above. A basement car park containing 350 car parking spaces is proposed.

To provide greater certainty over a future built form on the site, the Planning Proposal is accompanied by suite of suggested site-specific development controls to be incorporated within North Sydney Development Control Plan 2013 (NSDCP 2013).

It is also accompanied by a non-binding letter of offer to enter into a Voluntary Planning Agreement (VPA) with Council to deliver a number of public benefits including: the provision of 65 car parking spaces for public use in perpetuity, located within the basement of the future development; a public plaza; an arcade-style pedestrian through-site link; and streetscape upgrades adjacent to the site.

A detailed assessment of the Planning Proposal was undertaken and referred to the North Sydney Local Planning Panel (NSLPP) for its consideration on 14 September 2022. That report can be viewed via the following link:

[https://www.northsydney.nsw.gov.au/files/assets/public/docs/1\\_council\\_meetings/committees/nslpp/14\\_september\\_2022/pp02\\_1-7\\_rangers\\_road\\_and\\_50\\_yeo\\_st\\_neutral\\_bay\\_pp622\\_rpt.pdf](https://www.northsydney.nsw.gov.au/files/assets/public/docs/1_council_meetings/committees/nslpp/14_september_2022/pp02_1-7_rangers_road_and_50_yeo_st_neutral_bay_pp622_rpt.pdf)

The NSLPP agreed with the recommendations outlined in the Council officer's detailed assessment report and **recommended the Planning Proposal not be supported** to proceed to a Gateway Determination for the reasons contained in the report. They were:

- The proposal is not underpinned by a comprehensive strategic planning study for the locality and if implemented, will undermine the ability to achieve the objectives and actions of high-level strategic planning policies relating to the site, including:
  - Greater Sydney Regional Plan – A Metropolis of Three Cities;
  - North District Plan; and
  - North Sydney Local Strategic Planning Statement.
- The proposal is inconsistent with the following section 9.1 Ministerial Directions under the Environmental Planning and Assessment Act 1979:
  - Direction 1.1 – Implementation of Regional Plans
  - Direction 5.1 – Integrating Land Use and Transport
  - Direction 7.1 – Business and Industrial Zones
- The indicative concept design fails to demonstrate how the site could be acceptably developed to the requested heights insofar that it does not respond adequately to the site attributes and context and will result in significant level of public and private amenity impacts including dominance of the public domain, overshadowing and traffic generation;
- The proposal would set an unacceptable precedent prior to the establishment of a finalised policy position for future development in the locality, and undermine the future strategic planning work for the Neutral Bay town centre; and
- The proposal undermines the development potential and public benefit opportunities of the immediately adjoining site to the north.

A copy of the NSLPP Minutes and Recommendation is available via the following link:  
[https://www.northsydney.nsw.gov.au/files/assets/public/docs/1\\_council\\_meetings/committees/nslpp/14\\_september\\_2022/nslpp\\_-\\_planning\\_proposal\\_jm\\_minutes\\_14\\_september\\_22\\_003\\_-\\_nmc\\_edit.pdf](https://www.northsydney.nsw.gov.au/files/assets/public/docs/1_council_meetings/committees/nslpp/14_september_2022/nslpp_-_planning_proposal_jm_minutes_14_september_22_003_-_nmc_edit.pdf)

The costs associated with the administration and any exhibition of the Planning Proposal and DCP will be drawn from existing budget lines which anticipate this type of activity.

**RECOMMENDATION:**

- 1. THAT** the Planning Proposal (PP6/22) not be supported to proceed to a Gateway Determination.
- 2. THAT** Council notifies the applicant of Council's determination in accordance with clause 10A of the Environmental Planning and Assessment Regulation 2000.
- 3. THAT** Council advise the Department of Planning and Environment of its decision and be provided with a copy of this report and its resolution in support of Council's decision.
- 4. THAT** the applicant be invited to comment on the future revised Military Road Corridor Planning Study.

The following people spoke on this item as part of the Public Forum:

- Glen Curyer
- Aleksandra Serafimovska
- Lesley Sommerville
- Peter Moor
- Ben Craig
- Pierre Abrahamse
- Josh Milston
- Georgia Wilson
- Meredith Trevallyn-Jones

The Motion was moved by Councillor Beregi and seconded by Councillor Gibson.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 10 / 0

**For:** Councillor Baker, Councillor Beregi, Councillor Bourke, Councillor Drummond, Councillor Gibson, Councillor Lamb, Councillor Santer, Councillor Spenceley, Councillor Mutton and Councillor Welch

**Against:** Nil

**Absent:** Nil

**318. RESOLVED:**

- 1. THAT** the Planning Proposal (PP6/22) not be supported to proceed to a Gateway Determination.
- 2. THAT** Council notifies the applicant of Council's determination in accordance with clause 10A of the Environmental Planning and Assessment Regulation 2000.
- 3. THAT** Council advise the Department of Planning and Environment of its decision and be provided with a copy of this report and its resolution in support of Council's decision.
- 4. THAT** the applicant be invited to comment on the future revised Military Road Corridor Planning Study.

**10.4. Planning Proposal 8/22 - Heritage Listing of No.15 Allister Street, Cremorne**

**AUTHOR:** Tom Mojsiejuk, Strategic Planner

To present to Council the assessment report to consider a planning proposal to amend the North Sydney Local Environmental Plan 2013 to identify the property at 15 Allister Street, Cremorne as a heritage item under Schedule 5 - Environmental Heritage and be identified on the Heritage Map. This report includes the advice of the North Sydney Local Planning Panel meeting of 14 September 2022.

In March 2022, a petition was provided to Council signed by over 100 individuals requesting that North Sydney Council investigate imposing an Interim Heritage Order (IHO) on the property.

In response to these concerns, Council considered a Notice of Motion at its meeting on 28 March 2022, and resolved:

- 1. THAT Council obtain urgent advice as to an Interim Heritage Order being supported on 15 Allister Street, Cremorne.*
- 2. THAT Council receive the tabled petition in this matter.*

In response to this resolution, Council engaged Kemp & Johnson Heritage Consultants to prepare a preliminary heritage assessment (Preliminary Assessment) to determine if the properties may potentially satisfy the criteria for heritage listing under North Sydney Local Environmental Plan 2013 (NSLEP 2013).

The Preliminary Assessment identified that the site may be eligible for heritage listing with the potential to meet the following Heritage Listing Criteria:

- a) Historical significance;
- b) Historical Association;
- c) Aesthetic and Technical Significance;
- f) Rarity; and
- d) Representativeness

Furthermore, Council Officers identified that the site was under threat of harm as a result of