

## NEUTRAL PRECINCT MINUTES

Tuesday 8 November 2022, commenced at 7:00 pm

### 1. Planning Proposal 6/22: 2-7 Rangers Road & 50 Yeo Street (Woolworths)

GC introduced guest Speaker Meredith Trevallyn-Jones, Chair Willoughby Bay Precinct Committee and congratulated M T-J on her leadership in bringing together and representing the community views on the Woolies Planning Proposal.

M T-J spoke on the following:

- Her architectural and business qualifications and as a principal of a local architectural firm.
- Explained the difference between a Development Application (DA) and a Planning Proposal (PP).
- The Woolies PP (WPP) is to alter the current North Sydney Development Control Plan (DCP) for the local area, primarily to increase the building height.
- The WPP proposes a 40 metres height with 10 storeys, however, 40 metres would normally allow for 12 storeys.
- The 40 metres block would tower over Neutral Bay and is out of scale with the surrounding village.
- The Council has rejected the WPP reflecting residents wishes.
- Woolies has now applied to the State Department of Planning seeking what is termed a 'Gateway Determination' which if agreed the WPP will go on exhibition for submissions.
- The rescission, earlier in 2022, by the current Council of the Military Road Corridor Planning Study (MRCPS) approved by the previous Council which would have allowed 12 storeys development on the Woolies Rangers Road site. This Plan, however, would have allowed for setbacks on the site that would have prevented overshadowing of dwellings on the other side of Yeo Street. The Council is currently reviewing the MRCPS.
- The WPP impacts across five Precinct boundaries (Neutral, Harrison, Parkes, Brightmore and Willoughby Bay). Office bearers of these Precincts have worked together on several issues and have taken the initiative to establish a Neutral Bay and Cremorne Progress Association (NB&CPA) to provide a joint forum for discussion, sharing information and uniting to campaign on common local issues.
- The NB&CPA is currently in the final stages of being established.
- The NB&CPA is non-political, independent of Council, and membership will be open primarily to Neutral Bay and Cremorne residents, ratepayers, business owners, teachers and schoolchildren. Locals from adjoining suburbs will also be welcome to apply for membership.
- The NB&CPA will make representations to local, State and Commonwealth authorities, councils, and non-government entities to collectively represent the views of residents on social, cultural and built heritage issues.
- It is understood the Woolworths Grosvenor Street store lease ends in 2024. The site is owned by Coles and the NB&CPA intends to hold discussions with Coles about their plans for Neutral Bay.

The Precinct Committee agreed that M T-J could distribute a NB&CPA flyer to attendees. A copy will be placed on the Precinct Website: [www.neutralprecinct.com](http://www.neutralprecinct.com) The Precinct

Committee also invited attendees to advise M T-J if they would like to join the NC&CPA email list.

## Discussion

- A resident advised it is possible that the current store is becoming a distribution hub for filling and delivering on-line supermarket orders. Multiple small trucks are taking over the access points to the current loading dock and there has been an increase in larger trucks delivering stock from the warehouses.
- The PP shows an increase of 3 ½ times the vehicle parking spaces. This will result in a significant and unacceptable increase to traffic flows impacting not only on residents, but Neutral Bay Public School, Redlands School, Neutral Bay Fire Station and the two local bus routes 225 and 263. Yeo Street is already a 'rat run' at peak times by vehicles wanting to avoid Military Road.
- GC thanked M T-J for her valuable information and participating in the discussion.

2. Apologies – TM

3. **Additional items added to the Agenda – Nil**

4. **Business from minutes of meeting held on 11 October 2022:**

- i. Following review, the minutes were moved as correct by HW and seconded by EC
- ii. Council responses to Precinct motions

**October item 4: Planning Proposal 6/22: 1-7 Rangers Rd & 50 Yeo St**

*MOTION: Neutral Precinct requests the Council:*

1. *the LGA such as Artarmon Provide advice on at what point does the number of small delivery trucks exiting the Woolworths Rangers Road site indicate that the site is a distribution hub rather than a suburban supermarket?*
2. *Provide clarification that if this site is to become a distribution hub for grocery deliveries that Council will continue to reject any further planning proposal and advise the developer to relocate the distribution hub to a light industrial site in.*

Council's Senior Strategic Planner has advised that:

1. Land Use:

When determining whether a development is permissible or not under a Local Environmental Plan (LEP), you first need to determine what land use definition it falls into.

In determining what land use applies to a development, the following matters need to be considered:

*Is the development for a particular purpose?*

Development is considered to be for a particular purpose if that purpose is the dominant purpose of the development. To determine whether development is (or will be) for a particular purpose, an enquiry into how that purpose will be achieved by the development is necessary. The assessment will vary depending on the facts of each case.

A supermarket is defined as a “shop”, which is a type of “retail premises” under North Sydney LEP 2013. Both these uses are permissible with consent in the B4 Mixed Use zone. A shop is defined as follows: shop means premises that sell merchandise such as groceries, personal care products, clothing, music, homewares, stationery, electrical goods or the like or that hire any such merchandise, and includes a neighbourhood shop and neighbourhood supermarket, but does not include food and drink premises or restricted premises.

A “local distribution premises” is a specific land use type and is defined as: local distribution premises means a building or place used for the storage or handling of items (whether goods or materials) pending their delivery to people and businesses in the local area, but from which no retail sales are made.

Local distribution premises as a standalone use are currently prohibited in the B4 Mixed Use zone.

However, there are some instances where additional activities may be permitted on a site.

*Is a component of the use an additional use or is it an ancillary component?*

An ancillary use is a use that is subordinate or subservient to the dominant purpose. The concept is important when a development involves multiple components on the same land. To put it simply:

- if a component serves the dominant purpose, it is ancillary to that dominant purpose; and
- if a component serves its own purpose, it is not a component of the dominant purpose but an independent use on the same land. It is a dominant use in its own right. In such circumstances, the development could be described as a mixed-use development (e.g. a shop and a restaurant).

Where a supermarket also offers a click-and-collect or home delivery services, these components must remain subordinate or subservient to the dominant activity relating to the retail sale of groceries to the public on site.

A merit assessment would need to be undertaken to ensure that this can be achieved. Some ways to ensure that these activities remain subservient is by:

- ensuring that any future development approval restricts the size of any ancillary storage facilities within the overall supermarket development

to less than that dedicated for the grocery display within the supermarket.

- considering restrictions on the number of deliveries, based on an analysis of the
- development's traffic generation (including deliveries) to avoid any adverse impacts on the surrounding road system.
- 2. Refusal of a Supermarket Distribution Hub
- As indicated above, home deliveries operating in conjunction with a supermarket is permissible with consent in the B4 Mixed Use zone. However, if the site/tenancy is solely to be used as a "local distribution centre" (i.e. with no retail sales), this would be prohibited in the B4 Mixed Use zone.
- The current planning proposal is silent on the extent to which the click-and-collect and home delivery service would be undertaken. This would normally be addressed at the development application point of the process. However, if the proponent were to lodge a planning proposal to amend Council's LEP to allow a local distribution premises on the site, Council would need to consider the likely impacts of such a development on the wider locality on a merit basis before it could determine to support or refuse the progression of a planning proposal.

#### **October item 5: Planning Proposal 4/22: Prohibition of residential flat buildings in the R3 Medium Density Residential Zone**

The meeting expressed support for the proposal which effectively seeks to reverse the permitting of residential flat buildings in R3 Medium Density Residential zone, which came into force after the commencement of Amendment 30 to the North Sydney LEP on 30 June 2021. The Precinct Committee made a submission to Council in support of the proposal.

#### **October item 6i: DA 230/22, 112-114 Wycombe Rd, Neutral Bay**

*MOTION: The Precinct requests that the Council reject the proposal for the following reasons:*

1. *The overdevelopment of the site impacting on the amenity of neighbouring properties.*
2. *The use of Barry Lane as the access for demolition and construction and instead requires the developer to use Wycombe Road as the access.*

The Precinct Committee made a submission to Council to represent residents' concerns.

Council's Executive Assessment Planner has advised that the concerns raised by the Precinct Committee will be taken into consideration in assessment of the application.

## **5. Warringah Freeway Upgrade: Update**

- GC advised the meeting that yesterday we lost, for an estimated 3-5 years while the Freeway is upgraded, the Merlin Street Reserve from green space to a paved parking lot for Freeway upgrade workers. Today we lost for good the Warringah Freeway underpass from North to South Merlin Street. Crossing from North to South Merlin Street a much-used path by local residents to avoid 10 lanes of Falcon St/Military Road.
- Soon we will lose for good 1 lane of North Alfred Street and approximately 100 vehicle parking spaces. The impact is huge on residents of the many older apartment blocks in North Alfred Street that have no on-site vehicle parking for residents, trades and other visitors.
- The Precinct Committee tabled a diagram prepared by the NSW Government on 'How to use the new Warringah Freeway Upgrade'. The diagram has been added to by another Precinct Committee identifying the real problem points for locals accessing the Bridge (Bradfield & Cahill) and Harbour Tunnel. E.g. There will be no access from the Falcon Street overpass to the Cahill Expressway. All traffic from Military Road wanting access the Cahill will be forced down through the residential streets of Cremorne Neutral Bay to Kurraba Road, Clarke Road and High Street. E. g There will be no access to the Harbour Bridge (Bradfield) from West Street. All traffic will be directed to the Harbour Tunnel. This will force more traffic onto Military Road. A copy of the diagram will be placed on the Precinct website. [www.neutralprecinct.com](http://www.neutralprecinct.com)
- It was agreed it continuing to be 'all pain and no gain' for Neutral Bay.

## **6. Anderson Park. Maintenance issues**

The Precinct Committee has received correspondence from a local resident regarding maintenance issues. The letter indicated correspondence has been sent to the Council. The resident did not attend the meeting.

Three residents at the meeting spoke to fences around the park falling down and masses of weeds along the stairs from the Park to Kurraba Road / Ben Boyd Road corner.

It was agreed Council needed to pay more attention to the maintenance of this well used park.

## **7. Call for photos per precinct area for new Council website**

GC invited residents to provide the Precinct Committee with photos that would be suitable for inclusion of the Council website.

## **8. Development Applications**

- i. DA 164/2018/5 - 6 Thrupp Street Neutral Bay. Modify the consent to permit construction of an additional basement level accessed via a car lift and internal configuration of approved residential flat building and associated works. One resident impacted by the modification attended the meeting and advised a concern that no waiting area has been provided for vehicles accessing the proposed lift. The resident will make a submission to the Council.
- ii. DA 308/2022 - 6 Rose Avenue Neutral Bay. Alterations and additions to an existing dwelling and associated works. Noted. No affected resident attended the meeting.
- iii. 304/2022 – 39/2 Spruson Street Neutral Bay. Alterations and additions comprising a sliding door and a retractable awning over an existing terrace and associated works. Noted. No affected resident attended the meeting.
- iv. 404/2015/4 – 14 The Avenue North Sydney. Modification of consent to provide for a lift. Noted. No affected resident attended the meeting.
- v. DA 293/2022 - 1 A, 1 B & 1 Spruson Street Neutral Bay. Demolition of existing buildings and the construction of a residential flat building and related landscaping.  
6 residents impacted by the proposed development attended the meeting and advised that the developer has met with local residents but has not amended the development application in any way to respond to their expressed concerns. Residents object to the significant impact on the existing residential dwellings, specifically:
  - Loss of iconic views
  - Impact on traffic and parking in the street which is already under significant pressure from commuter parking
  - The proposed car lift has no waiting space which will further impact traffic movement in the street.
  - The proposed removal of the Spruson Street Reserve

It was noted the site is in a R4 zone which allows for high residential density. Residents were advised that breeches of the Local Environmental Plan (LEP), in the proposal, will be identified and addressed by the Council Planners.

**MOTION: The Precinct to make a submission, in support of residents' concerns, asking the Council to refuse the DA.**

**Vote: unanimous (17)**

- vi. DA 55/2022 - 174B Kurraba Road Kurraba Point. Modify the consent to amend specified conditions and to amend or demonstrate satisfaction of specified deferred commencement conditions. Noted. No affected resident attended the meeting

## 9. General Business – Nil

### 10. 'Have Your Say' Surveys. <https://yoursay.northsydney.nsw.gov.au>

Residents were encouraged to have their say on the following:

- i. Arts & Cultural Strategic Plan Review - Stage 1. Feedback closes 15 January 2023 (extended).
- ii. North Sydney Community Awards - nominations close 10 December.

### 11. Events - Further information [www.northsydney.nsw.gov.au](http://www.northsydney.nsw.gov.au)

The following events were noted:

- i. Sunset Concert Series: in Waverton Park afternoons 29 - 30 October.
- ii. Twilight Food Fair in Ted Mack Park - Starts 4 November
- iii. Tea & Tech Drop-In Sessions: Iphone Basics 25 November at the Stanton Library
- iv. History talk: North Sydney's Working Waterfront 30 November 3pm on Zoom.
- v. Wednesday morning Wellness - October to December at the Coal Loader
- vi. We Stand with the Ukraine – 21 November at 2pm. Registrations: <https://events.humanitix.com/we-stand-with-ukraine>

### 12. Upcoming meetings were noted:

- i. Neutral Precinct – 13 December ( meeting and end of year refreshments) [www.neutralprecinct.com](http://www.neutralprecinct.com)
- ii. Council – 14 & 28 November and 12 December [www.northsydney.nsw.gov.au](http://www.northsydney.nsw.gov.au)

Meeting ended 8:35pm