



**Report to General Manager**

Attachments:  
1.NoM 11/19 25/11/19

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**SUBJECT:** Notice of Motion - Review of the Neutral Bay Heritage Conservation Area

**AUTHOR:** Ian Curry, Manager Governance and Committee Services

**ENDORSED BY:** Carrie Chan, Executive Governance Manager

**EXECUTIVE SUMMARY:**

At its meeting on 25 November 2019, Council considered a Notice of Motion from Councillors Baker, Beregi and Carr regarding a review of the Neutral Bay Heritage Conservation Area and resolved:

*1. THAT the matter be deferred to the Legal and Planning Committee to clarify potential conflicts of interest and discuss the concerns raised by the Director City Strategy.*

This matter is referred to the Committee in accordance with the Council resolution.

**FINANCIAL IMPLICATIONS:**

Nil.

**RECOMMENDATION:**

**1. THAT** the Notice of Motion - Review of the Neutral Bay Heritage Conservation Area report be received.

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## **LINK TO COMMUNITY STRATEGIC PLAN**

The relationship with the Community Strategic Plan is as follows:

Direction: 5. Our Civic Leadership

Outcome: 5.2 Council is well governed and customer focused

## **BACKGROUND**

In respect of this matter, Council resolved on 25 November 2019 (Min. No. 363):

*1. THAT the matter be deferred to the Legal and Planning Committee to clarify potential conflicts of interest and discuss the concerns raised by the Director City Strategy.*

## **CONSULTATION REQUIREMENTS**

Community engagement is not required.

## **SUSTAINABILITY STATEMENT**

The sustainability implications are of a minor nature and did not warrant a detailed assessment.

## **DETAIL**

A copy of the Notice of Motion and Director City Strategy Comment is attached for information.

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**DECISION OF 3726<sup>th</sup> COUNCIL MEETING  
HELD ON MONDAY 25 NOVEMBER 2019**

**363. NoM01: Notice of Motion No. 11/19 – Crs Baker, Beregi and Carr – 13/11/19**

**Re: Review of the Neutral Bay Heritage Conservation Area**

**1. THAT** Council undertake a review of the boundaries of the Neutral Bay Heritage Conservation Area under North Sydney LEP 2013 as detailed on map HER\_004\_010\_20130607.

**2. THAT** the review consider expansion of the Heritage Conservation Area to the west towards Ben Boyd Road and Premier Streets to include (but not limited to) Anderson Street, Raymond Road, Aubin Street and Undercliff Street.

**3. THAT** the review consider whether there are contributory items within any recommended expanded conservation area.

**4. THAT** Council allocate funds from the recently reported surplus to undertake the review.

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

The Motion was put and **lost**.

Voting was as follows:

For/Against 4/4

| Councillor | Yes    | No | Councillor | Yes    | No |
|------------|--------|----|------------|--------|----|
| Gibson     |        | N  | Barbour    |        | N  |
| Beregi     | Y      |    | Drummond   |        | N  |
| Keen       | Absent |    | Gunning    | Absent |    |
| Brodie     |        | N  | Mutton     | Y      |    |
| Carr       | Y      |    | Baker      | Y      |    |

*\*The Mayor used her casting vote to vote Against the Item*

A Motion was moved by Councillor Gibson, seconded by Councillor Barbour,

**1. THAT** the matter be deferred to the Legal and Planning Committee to clarify potential conflicts of interest and discuss the concerns raised by the Director City Strategy.

The Motion was put and **carried**.

Voting was as follows:

For/Against 6/2

| Councillor | Yes    | No | Councillor | Yes    | No |
|------------|--------|----|------------|--------|----|
| Gibson     | Y      |    | Barbour    | Y      |    |
| Beregi     | Y      |    | Drummond   | Y      |    |
| Keen       | Absent |    | Gunning    | Absent |    |
| Brodie     | Y      |    | Mutton     |        | N  |
| Carr       |        | N  | Baker      | Y      |    |

**RESOLVED:**

**1. THAT** the matter be deferred to the Legal and Planning Committee to clarify potential conflicts of interest and discuss the concerns raised by the Director City Strategy.

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## MOTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN

### **NoM01: Notice of Motion No. 11/19 – Crs Baker, Beregi and Carr – 13/11/19**

#### **Re: Review of the Neutral Bay Heritage Conservation Area**

- 1. THAT** Council undertake a review of the boundaries of the Neutral Bay Heritage Conservation Area under North Sydney LEP 2013 as detailed on map HER\_004\_010\_20130607.
- 2. THAT** the review consider expansion of the Heritage Conservation Area to the west towards Ben Boyd Road and Premier Streets to include (but not limited to) Anderson Street, Raymond Road, Aubin Street and Undercliff Street.
- 3. THAT** the review consider whether there are contributory items within any recommended expanded conservation area.
- 4. THAT** Council allocate funds from the recently reported surplus to undertake the review.

#### **Director City Strategy Comment**

With respect to Clause 3.11 of the North Sydney Council Code of Meeting Practice it is considered that the subject Notice of Motion has financial implications that require consideration. The ability to commence such a review is also a relevant consideration. The clause states:

*If the General Manager [read as GM or Delegate] considers that a notice of motion submitted by a Councillor for consideration at an ordinary meeting of the Council has legal, strategic, financial or policy implications which should be taken into consideration by the meeting, the General Manager may prepare a report in relation to the notice of motion for inclusion with the business papers for the meeting at which the notice of motion is to be considered by the Council.*

Financial consideration: An indicative cost for the heritage review is between \$30-\$50,000 depending on the scope of the brief. This is for Consultant costs only and does not include staff cost/time to manage the project or facilitate the extensive community consultation and engagement associated with such a project.

Workload considerations: The NOM represents an additional undertaking to be added to the delivery plan and staff work program. The current workload for City Strategy is heavily geared towards developing and implementing a range of place making policies and delivering on the LEP Acceleration Fund requirements by 30 June 2020. As such, there are currently insufficient staff resources to initiate this task in addition to the currently adopted delivery program.

If Council were to support the recommendation the work could potentially

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commence on completion of the Accelerated LEP review program, i.e. in the mid-late 2020/21 financial year. This would be subject to funding being provided in the 2020/21 budget. Alternative sources of funding should also be sought through the Office of Environment and Heritage grants program. The next round of funding is not expected to be called for until 2020/2021. If Council wishes to undertake the review proposed it is recommended that it apply for funding from the OEH.

Please note that Conservation Area CA16 is correctly known as the Kurraba Point Conservation Area. Heritage Map – sheet HER\_004 is attached.

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