



North Sydney Local Government Area Lavender Bay Precinct

MINUTES

Thursday 27 June 2024

Starting at 7.00 pm

**McMahons Point Community Centre
165 Blues Point Road, McMahons Point**

Chair: RS KC
Secretary: JS

1. WELCOME

The Chair welcomed 29 attendees and recorded 9 apologies.
The Chair also welcomed Director, Open Space and Infrastructure, North Sydney Council.

2. GUEST SPEAKER

Director, Open Space and Infrastructure discussed various issues within his portfolio relevant to Lavender Bay Precinct.

4.1 *Wendys Secret Garden*

Tax deductible status and donations: Council is working on the development of the QR code signage and installation to allow convenient on-site donations. Work is expected to be complete at the end of July. An interim solution for online donations is available via Council's website.

Managing stormwater: Wendy's Secret Garden bordering Harbourview Crescent requires stormwater and slope retention. GP advised that Council was currently working on building a retaining bank comprising mesh and plants, and installing a stormwater pipe which would take the water further down the slope. It was anticipated that the design would be completed in early July.

4.2 *1 Henry Lawson Avenue, Mc Mahons Point*

Advised that funding for the demolition of the dilapidated building and restoration of parkland had not been included in the 24/25 Operational Budget. Funds had been allocated in Capital Works whilst a DA was being processed. It is anticipated the DA process will be complete by the end of 2024. At that time the 24/25 Operational Budget will be adjusted to include funding for 1 Henry Lawson Avenue and the job will go to tender.

4.3 Degradation of harbour foreshore parkland adjacent to McMahons Point Wharf

Acknowledged that the degradation of this iconic parkland is a continuing issue. Precinct advised the lack of interest and procrastination displayed by North Sydney Council on this site was most unsatisfactory as it is embarrassing. The degradation of the site is an eyesore for the residents and for the many tourists and overseas visitors who attend this site for photographs.

Further Precinct advised this site, and the contiguous site of 1 Henry Lawson, were located within the UNESCO buffer zone established to protect the world heritage values of the Sydney Opera House. As such the two sites required a world class masterplan akin to the Headland Park in Barangaroo and Precinct requested Council (organisation) to do so.
UNANIMOUS

4.4 Revesting of Bradfield Park South to North Sydney Council

Land in Bradfield Park South was vested in the Commissioner for Main Roads in 1987 to facilitate building the Harbour Tunnel and revested in North Sydney Council in July 2023. The land has not been returned.

Advised that Council Officers are currently engaged in discussions with Transport for NSW. Transport for NSW had advised Council that land tenure in Bradfield Park South was complex due to “tollway easements” (subterranean tunnel) and management arrangements. Lavender Bay Precinct expressed its concern that Transport for NSW rather than Council, the landowner, was

- i) leading these discussions; and
- ii) diverting attention from the core issue which was the return of Bradfield Park south to North Sydney Council.

Lavender Bay Precinct requested Council (elected body and organisation) to meet its obligations as trustee of the Bradfield Park Statutory Trust and restore the park to parkland. In addition, Bradfield Park South sits within the UNESCO buffer zone of the Sydney Harbour Opera House and hence required a world class masterplan.
UNANIMOUS

a) Land taken for construction of the Sydney Harbour tunnel

This parkland at the southern tip of Bradfield Park South is in a shameful state. Following community consultation in 2018, a Concept Design Plan was compiled. The plan was not progressed as ownership of the land at that time rested with Transport for NSW.

b) Land taken more recently for maintenance of the Sydney Harbour Bridge

More recently Transport for NSW occupied most of Bradfield Park South facilitating maintenance of the Sydney Harbour Bridge. This work has now been completed and most of Transport for NSW’s equipment has been removed. However, Precinct understands that Transport for NSW wish to permanently store maintenance equipment in Bradfield Park South. Council is obliged to protect this parkland and is prohibited from permitting it to be used for storage.

4.5 Two for One Tree replacement policy

The tree canopy in North Sydney has been seriously reduced by the loss of some 3,000 trees during the Warringah Freeway Upgrade (WFU). The State Government's policy is to replace the trees on a 2 for 1 basis i.e. plant some 6,000 trees.

In response to a query, GP advised the Environmental Impact Statement for the WFU did not include a landscape plan. Currently Transport for NSW was responsible for conducting a survey and deciding where 6,000 trees could be planted in the LGA.

Lavender Bay Precinct expressed its concern that Transport for NSW appeared to be the decision taker on this issue and requested North Sydney Council (organisation) be more proactive on the future tree canopy in the LGA.

UNANIMOUS

4.6 Cyclists not dismounting at St Peters Park, North Sydney

Acknowledged this was an ongoing safety issue for elderly residents of Francis Xavier Retirement Village and Council was currently investigating various solutions.

4.7 Timing of garbage collection

Advised that garbage collection in some areas, notably Glen Street and Cliff Street in Milsons Point, commenced before 5.00am and agreed to investigate with the view to changing it to 6.00am, the normal time for Council garbage collection.

4.8 Low frequency noise

In response to a query concerning disturbance from Low Frequency Noise (LFN), the director advised he had raised this issue on numerous occasions with Transport for NSW and in response to his most recent enquiry had received the following:

- Transport for NSW acknowledges infrastructure projects may temporarily impact residents and is committed to working with the local community to reduce disruption wherever possible.
- All work on the Warringah Freeway Upgrade and Western Harbour Tunnel projects are being done in accordance with approved and independently reviewed Construction Noise and Vibration Management Plan and Construction Noise and Vibration Impact Statements (CNVIS).
- Transport has investigated previous complaints from the resident in relation to low frequency noise from their property.
- Transport is confident the noise issues raised by the resident is not associated with the activities from the Western Harbour Tunnel or Warringah Freeway Upgrade projects, because of the distances from the property at Lavender Bay to the active work sites.
- In some instances, where the resident had experienced noise issues, the dates provided did not correspond to work occurring in the area by the major projects.
- Upon receiving advice from North Sydney Council about the noise complaint in June, Transport investigated and can confirm there were no out of hours surface work activities occurring for the Warringah Freeway Upgrade or Western Harbour Tunnel projects on the dates indicated.

- Transport has previously offered the resident the option to formally escalate the complaint for review by the projects' Independent Acoustic Advisors (AA), noting the AA would only be able to independently assess whether the noise is being generated by the Western Harbour Tunnel (WHT) or WFU projects. This offer was not taken up by the resident at the time, however it remains available.

The Chair thanked the director for generously giving up his evening and providing excellent information and advice to residents.

3. MINUTES OF LAST MEETING

The minutes of the meeting held on 30 May 2024 were read and approved.

4. MATTERS ARISING

There were no matters arising not covered elsewhere in the agenda.

5. ANNUAL GENERAL MEETING AND ELECTION OF OFFICE BEARERS

5.1 Financial Report

In the period from 26 May 2022 (previous AGM) to 31 May 2024, the Precinct Committee received \$3000 in operational funding from North Sydney Council and \$0.11 in interest from St George Bank.

Expenses were \$500 in catering/refreshments and \$144 in flyer distribution costs.

The bank account balance increased from \$264.12 to \$2620.23.

5.2 Election of Office Bearers for the period July to November 2024

The following officers were elected:

Chair: Robert Stitt KC

Secretary: Joan Street

Treasurer: BS.

6. REPORT FROM THE CHAIR

6.1 Bradfield Park North

Legal opinion on the acquisition of statutory trust land by a general power, e.g. the Lands Acquisition (Just Terms Compensation) Act 1991 is disputed and has not been tested in court. It is disappointing that on 13 May 2024 six Councillors voted not to defend Bradfield Park in court, despite Transport for NSW giving Council \$2.5M towards Bradfield Park in 2023 in exchange for "landowners' consent" which facilitated Transport for NSW applying for NSW Heritage Council approval for its controversial linear cycle ramp.

Lavender Bay Precinct resolved:

THAT Lavender Bay Precinct wishes to express its profound disappointment to North Sydney Council (elected body) that six Councillors voted not to defend Bradfield Park in court, despite Transport for NSW giving Council \$2.5M towards Bradfield Park in 2023 in exchange for "landowners' consent" which facilitated Transport progressing its controversial linear cycle ramp to the NSW Heritage Council.

UNANIMOUS

7. DEVELOPMENT APPLICATIONS

7.1 Northcliff Street MILSONS POINT NSW 2061

DA 94/24

The installation of two retractable awnings to level 5.
Noted.

7.2 1/48 - 50 Alfred Street South MILSONS POINT NSW 2061

DA 102/24

Shop 1B. Change of use. To use as a Remedial massage centre. Operation hours between 9am 10pm Monday to Sunday
Noted.

8. NORTH SYDNEY OLYMPIC POOL

Lavender Bay Precinct noted:

- Since the election of the present Council in December 2021, Council has had a high staff turnover
 - 3 General Managers/CEOs;
 - 3 Directors responsible for the pool project.
- At the time of the election in December 2021,
 - Approved contract variations were reported to total less than \$200,000.
 - Unapproved claims for variations (at values attributed by council staff) were reported to be within the amount allowed for contingencies.
- In April 2023, it was reported that:
 - The “confirmed variations to contract were \$3.8m and to design and consultancy were \$3m”.
 - Additional budget of between \$25m and \$30m was required.
 - Practical completion was expected in April 2024.
- In February 2024, the Mayor reported in an ABC interview “the original cost was going to be \$63 million. It's now going to be \$100 million”.
- From a position in September 2021 when all seemed well, regrettably by February 2024, an almost \$40m variance had occurred and a two-year delay.

9. 1 WARUNG STREET, McMAHONS POINT

DA 85/24

Lavender Bay Precinct at a previous meeting unanimously opposed and remains opposed to this DA. Many concerned residents have submitted their own objections. In addition, residents have received advice from a range of professional people and a surveyor to illustrate the devastating effect this DA will have on the community and on the heritage of the area. All findings have been provided to Council.

The professional Town Planner engaged by residents had pointed out that the “Statement of Environmental Effects” states on three separate occasions that Council Officers have consistently encouraged the Applicant. At a site meeting on 21 June 2024, Council Officers stated unequivocally to residents that they did not encourage the Applicant. This raises the concerning question:

- i) Did Council Officers encourage and steer the Applicant on this DA? OR
- ii) Has the Applicant incorrectly made such claims?

Furthermore, and again most concerning, the Council Officer at the site meeting advised that, due to lack of resources, he had not read the latest 120-page Development Application. Residents have reported the issues above to the Mayor and to the Chief Executive Officer.

Lavender Bay Precinct resolved:

THAT in view of the apparent conflict between statements in the “Statement of Environmental Effects” and Council Officers’ statements at the site meeting on 21 June 2024 coupled with the Council Officer’s report of lack of resources to consider the Development Application, the application be assessed not by Council but by an independent assessor with heritage, planning and engineering expertise.

UNANIMOUS

10. McMAHONS POINT OCCASIONAL CHILD CARE CENTRE INC

McMahons Point Childcare Centre is a community run association supported by Council and its members (parents/carers of children at the preschool). The Centre has its own elected officers. A resident suggested the Centre would benefit from procedural assistance and Precinct recommended the resident seek this assistance from Council.

11. COUNCIL CARETAKER PERIOD AND PROVISIONS

Precinct noted the caretaker period for the September 2024 Local Government elections commences on Friday 16 August 2024 and ends on Saturday 14 September 2024.

12. GENERAL BUSINESS

12.1 Commodore Hotel – licensing hours

The Commodore Hotel has applied to Liquor & Gaming NSW to extend licensing hours to commence at 5.00am and terminate at 1.00am. An update would be provided at the next meeting.

13. DATE OF NEXT MEETING

Thursday 25 July 2024

The meeting closed at 9.30pm.