

Summary of Actions Arising (SOA) Waverton 2024

This document is North Sydney Council's response to actions arising from Precinct Committee Minutes. On receipt of the minutes, actions are numbered and allocated to relevant Council Officers for response.

To effectively manage and provide clarity, all actions are allocated a status when reporting to Precinct Committees in response to their minutes. There are three categories:

- **Awaiting Response** - action allotted to Council Officer - response awaited.
- **Open/Ongoing** - action allocated to Council Officer, initial response provided. Matter ongoing and further response/update to be provided at later date.
- **Closed for Council** - Council either completed related works/tasks or has taken all reasonable steps within its power to resolve issue (for example when matter is beyond its jurisdiction). If the Precinct Committee feels Council can take further steps, they can request Council reopen action.

Questions or concerns re content of this document should be directed precincts@northsydney.nsw.gov.au

Month	Item	Actions	Council's Reply	Status
Standing Item		Noakes Boatyard	Please see separate standing item below	Ongoing
November		Last Mile Depot Trial The Precinct totally rejects the trial proposal and asks Council to use all means available to ensure it is not approved. The Mayor be asked to raise this issue with the Head of Transport, Josh Murray, to relay community concerns.	Response from Transport is the understanding is that Transport for NSW intended to use vacant space near Waverton Train Station as a 'last mile' freight service and is now no longer proceeding with the trial. In light of this, no further action is required from North Sydney Council at this stage	Closed for Council
		Larkin St Traffic Issues Concern was raised about motor bikes and cars, usually in the late evening in the Thursday to Sunday period gathering at the turning circle at the southern end of the street. Many arrive and leave with excessive speed and	The Traffic Committee can only discuss issues that need the elected Council to take specific actions. If a topic is only seeking advice, or doesn't need Council action, it is not permitted to be added to the Traffic Committee's agenda. Where speeding is an issue, NSW Police should be contacted in the first instance. Where warranted,	Closed for Council

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		noise. Referred to Councils Traffic Committee for advice on what could be done.	Council can consider infrastructure to reduce vehicle speeds such as speed humps. This is generally considered where the 85th percentile is above the speed limit and there is community support for a proposal. With data supporting the need for reduced vehicle speeds and demonstrated community support, Council can take a proposal to Traffic Committee for consideration.	
		Lack of opportunities for Youth in the Precinct It is requested that the Council install some basketball/netball hoops in a suitable location at the Coal Loader.	Request has been sent to Open Space	Awaiting Response
October		NYE – Closing of Balls Head No consultation was had with the Precinct. While no motion was passed the consensus was that on important decisions like this the Precincts views should be sort by Council before these decisions are made.	Forwarded this feedback to the Service Unit Manager Traffic & Transport Operations and to Service Unit Manager for Arts, Library and Events. Following the environmental impact from last years NYE, Council included a specific question in the Open Space Survey of the next ten years campaign for Engagement which went out to all members in the LGA. The outcome was then shared with Councillors at the Meeting (22/7/24) where the decision was made. The response was 167 supported this and 44 did not.	Closed for Council
		DA's NSC be asked to update its regulations and DCP in keeping with current conditions.	Following the election all policies are being reviewed.	Open/Ongoing
September		Website The Precinct seeks Council's support for the creation of a new Precinct website and request NSC to provide an	Councils Community Engagement Specialist advised Precinct Chair on possible funding going forward. Operational funding can be used for Website	Closed for Council

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		additional \$1,000 to enable it to maintain the website and existing functions through to the end of 2024	Development/maintenance and the Precinct could apply for small Community Grants at the beginning of 2025.	
August		No Actions required		
July	4.1	Waverton Station land – Precinct request an update on the discussions had between NSC and Railways regarding the future of this railway land. <i>(Shops on the northern side of the rail line on short term leases.)</i>	Council had a meeting on site with State Rail (who own the café and land) and their property manager. The property manager advised that when the owners of the business vacate the cafe, that they will need to demolish the rear addition and revert the café to its original footprint. Council spoke with the business owners who advised they had made the decision to close the business on Friday 31 May 2024. Council met them on site on their last day (Friday 31 May) and issued a Prohibition Order preventing the use of the premises for the handling of food for sale until such time as the shop is compliant with food standards.	Closed for Council
June	3.1	Local Planning - That Waverton Precinct requests North Sydney Council actively raise in multi-Council forums the idea of reinstituting across NSW a system of common local planning controls at a Council level within a strategic Statewide planning framework. We consider it should be Councils which manage the local height and density detail and preserve heritage areas and create green spaces within a consistent and clear framework. All local; regional; and statewide plans should be revised and reshaped periodically as a standard routine continuous improvement practice.	Council's Service Unit Manager Strategic Planning has advised that Council has been actively advocating for the retention of local control of planning outcomes within the North Sydney LGA. This has been through its endorsed Local Strategic Planning Statement, representations made to State Government (both Ministerial correspondence and communications with planning Departmental staff) as well as representations made at various Sydney North Planning Panel sessions to State significant developments and department-led re-zoning processes.	Closed for Council

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			Council's strong preference is for a place-based approach to planning to guide growth and change that takes into account all the unique attributes of an area including the capacity to accommodate any additional density.	
	3.2	<p>That Waverton Precinct - in recognising there clearly is a housing problem in Sydney - considers the State's targeting of increased density based on the proximity to a selected group of public transport stops, without any place-based criteria, looks simply like an opening negotiation gambit and not a real policy.</p> <p>It is suggested in North Sydney, the Council, Precincts, and residents rapidly identify the places most at risk of this random densification and evaluate whether there should be limits suggested and what those limits should be. This will be in the context of the broad 'rule of thumb of walking proximity to a nominated major transport stop' nominated by the State Government.</p> <p>It is suggested this exercise be completed by November, or earlier if possible</p>	Council' Service Unit Manager Strategic Planning has advised the Department of Planning, Housing and Infrastructure has in some years past, advanced the notion of a standardised template approach for local Council's Development Control Plans (DCP's). This has not advanced to any degree in recent years. The development of a common set of planning controls may result in a level of simplification that could offer some advantages however concerns remain that this may not adequately address some of the more specific issues relevant to an area (such as topography, heritage and character).	Closed for Council
	3.3	WHT - As was clearly enunciated and supported with the creation of the Committee for North Sydney, Waverton Precinct has long been concerned by the impacts on the North Sydney city centre and adjacent suburbs of the design of the entry and exit points for the Western Harbour Tunnel.	Council's Public Projects Interface Manager has advised that under the Minister's Conditions of Approval (E147) TfNSW must prepare a <i>Road Network Performance Plan</i> which must be circulated to the Planning Secretary and North Sydney Council 6 months before the opening of the roadway. Furthermore, TfNSW must prepare an	Closed for Council

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		<p>We remain concerned at the ability in peak hours to simply get in and out of adjacent suburbs, but also most concerned at the channelling of traffic down Miller St and the Pacific Highway and into Berry St. This is traffic NOT wanting to be in the North Sydney city centre but forced into Berry St to enter the tunnel (along with traffic trying to access the Bridge and M1/M2). Similarly we remain concerned at the extra traffic which will route through High St in Kirribilli, simply to get to the entry for the tunnel. The recent traffic concerns at Rozelle demonstrate the planned chaos from the transport planners of Transport for NSW, which gave priority to routing more toll-paying traffic into the Transurban highway system. We expect the same disaster - for exactly the same reason- to occur at North Sydney.</p> <p>We call on North Sydney Council to commission a rapid, independent review of the likely impact of the Western Harbour Tunnel project on the North Sydney city centre.</p>	<p><i>Operational Road Network Performance Review</i> within 12 months and again 5 years after operations commence.</p> <p>Council does not have access to the data and modeling that such a review would rely on. Given the resources, time and expense required to perform such a review reliably, it is not within Council's purview to undertake such a review. In this regard, the responsibility for analysing road network impacts rests with TfNSW.</p> <p>TfNSW has convened a project group to develop <i>the North Sydney Integrated Transport Plan (NSITP)</i> which was active until early 2023. This plan included a review of road network impacts in the North Sydney CBD.</p>	
May	OB	<p>WHT and Berrys Bay Park delays - WHT have confirmed they will commence the next phase of the design of Berrys Bay Park later this year. There is no reason for any delay to the new Berrys Bay Park and we do not understand why TfNSW needs to be involved. The Precinct has made a formal representation that Woodleys Shed be transferred to the care and control of Council for them to fix it and be given the funds to do so. We would like NSC to approach TfNSW and any other relevant parties to remove the Dolphin Wharf in Berrys Bay,</p>	<p>Council's Public Projects Traffic Engineering Officer has advised</p> <ul style="list-style-type: none"> • Transport for NSW (TfNSW) is involved in the Berry's Bay Park project because it is a condition of consent for the Western Harbour Tunnel project. Specifically, the Minister's Conditions of Consent require TfNSW to coordinate with the development of the park to ensure integration with the tunnel project and adherence to regulatory requirements. 	Closed for Council

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		<p>remove all the dilapidated piers, marina piles and any related items and "orphaned assets" and relocate the vessels as part of the delivery of the new park.</p> <p>Further we have requested that Council ask for the funding that was provided to TfNSW from BP to be provided to NSC for this purpose.</p>	<ul style="list-style-type: none"> • Currently, there are no significant delays. North Sydney Council is collaborating with Acciona and TfNSW to ensure the project remains on schedule and reflects community input. • Transport for NSW (TfNSW) is involved in the removal of the Dolphin Wharf, dilapidated piers, and other assets as part of the Western Harbour Tunnel project due to specific Minister's Conditions of Consent and legislative requirements. <p>North Sydney Council cannot request the funds provided to Transport for NSW (TfNSW) from BP due to the structure of government funding and project management. The funding provided to TfNSW is allocated specifically for the Western Harbour Tunnel project and is governed by detailed legislative and ministerial conditions.</p>	
April	3	<p>Delays to the new Berrys Bay Park – MOTION: Residents are not satisfied that the commencement of Berrys Bay Park, which is not at all controversial, has been delayed again. There is no reason for any delay, and we also question why TfNSW is involved in the building of this project. Further, residents remain very concerned about the condition and delay in the restoration of Woodley's Shed. Moved by KA Seconded by DA</p> <p>"The Precinct asks Council to approach TfNSW to promptly give care, control, and management of Berrys Bay Park, including Woodleys Shed, to the Council in order to deliver it to the public in a timely manner, and</p>	<p>Council's Director Open Space and Infrastructure has advised that Council will make formal representations to TfNSW about this matter.</p>	Closed for Council

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		<p>for TfNSW to provide North Sydney Council with the funding to implement this project."</p> <p>MOTION: The Dolphin Wharf, dilapidated piers and items within Berrys Bay, relocation of vessels is an important step in the delivery of the Berrys Bay Park. Further, TfNSW has already received funding to remove Dolphin Wharf by BP. Moved by DA Seconded by DL "That North Sydney Council approach Transport NSW, and other relevant parties, to remove the Dolphin Wharf, all dilapidated piers, and former marina piles and related items within Berrys Bay, and to relocate vessels as part of the delivery of Berrys Bay Park.</p> <p>Further, that North Sydney Council requests the funding that was passed to Transport NSW by BP be provided to Council to be used for this purpose."</p>	<p>Council's Director Open Space and Infrastructure has advised that Council will make formal representations to TfNSW about this matter.</p>	<p>Closed for Council</p>
		<p>Venue change - The Chair presented to the residents that projectors and the internet at our meetings can help facilitate more thorough presentations and aid the spoken information with visuals. The Secretary conveyed that connectivity (wifi) and projector equipment has been requested by the Hall owners but rejected. There are a number of rooms at the Coal Loader that do have these facilities that we can use and we would like the residents to consider a venue change.</p> <p>Some residents felt that this location on a regular basis would not be suitable as it is out of the way for most</p>	<p>Comments noted</p>	<p>Closed for Council</p>

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		<p>attendees, a less convenient location. A resident informed the meeting that The Hub has a portable projector which there may be a possibility we can borrow.</p> <p>It was decided to maintain the Uniting Church Hall as our venue.</p>		
March	No actions arising requiring Council's response			
February		<p>Merrett Playground - With uncertainty surrounding the future of the bowling club the proposed expenditure on upgrading the playground was put on hold in early 2023. With a resolution of the ownership, funding has been reallocated by Council. Work on the upgrade of Merritt playground to begin in the first half of 2024.</p> <p>It was noted that a "non-claimant notice" had been issued publicly relating to the Bowling Club. The Chair was asked to clarify with NSC what this means and its implications, if any, to what could happen with this site.</p>	<p>UPDATE (7 March 2024) Council's Landscape Planner/Architect has advised that the tender process for the upgrade of Merrett Playground has been finalised and the recommendations and outcomes will be presented to Council in due course</p> <p>UPDATE (9 May 2024) Council's Landscape Planner/Architec has advised that Civilscape Group, the successful contractor for the upgrade of Merrett Playground, confirmed that the works on site will begin on 25 July 2024. It is projected that the works will take about 3 months to complete.</p>	Closed for Council
		<p>Reopening Coal Loader Café - It was understood the Café would reopen in February. We are yet to see any sign of this occurring.</p>	<p>Council's Senior Property Officer has advised that Council has successfully secured a replacement and while there is not a confirmed opening date yet, the new leaseholders are in the process of taking over the space.</p> <p>UPDATE (18 April 2024) Council's Commercial Property Specialist has advised that the Lease agreement with the new cafe operator has been signed and they are now in place fitting out the</p>	Closed for Council

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			premises. They intend to start trading in the coming weeks	
		Reactivation of Precinct Sub Committees - In the past the Precinct has had subcommittees reporting on issues. It is proposed to reactivate a subcommittee system on matters - IT system upgrade, DA assessment, fund raising, the new Park and the like. These subcommittees would be asked, maybe annually or biannually as needed, to report into the regular Precinct meeting. It is hoped this approach also gives a wider range of interested, but busy, people the opportunity to be involved in Precinct activities.	Comments noted by Council's Engagement Specialist	Closed for Council

	Actions	Council's Reply
Standing item - Noakes	Noise pollution and air pollution resulting from the use of a pressure washer on the hardstand area	The EPA is the appropriate regulatory authority responsible for the administration of noise pollution and air pollution under the Environmental Protection License and Protection of the Environment Operations Act, 1997.
	Air pollution resulting from paint fumes in Munro Street and the surrounding area	The EPA is the appropriate regulatory authority responsible for the administration of noise pollution and air pollution under the Environmental Protection License and <i>Protection of the Environment Operations Act, 1997.</i>

	Actions	Council's Reply
		December 2024 – Environmental reports have been assessed by the EPA. The EPA has permitted spray painting activities to re-commence in Shed 3/4.
	Carbon filtration system	<p>Council has received concerns that the carbon filtration system has been constructed near the wash bay.</p> <p>The EPA Environmental Protection License required the installation of a CFS, however, work commenced prior to development consent being obtained in accordance with s 4.2(1)(a) of the <i>Environmental Planning and Assessment Act, 1979</i>.</p> <p>December 2024 – Council has received a Development Application through the NSW Planning Portal to install a Carbon Filtration System. The Development Application will be notified in accordance with Council's Community Engagement Protocol.</p> <p>January 2025 – DA 368/2024 is currently under assessment. The latest information is available on Council's application tracker website - https://masterview.northsydney.nsw.gov.au/Home/Disclaimer.</p>
	Fire safety order	<p>A Fire Safety Order as issued on 27 July 2021. The matter has been referred to HWL Ebsworth Lawyers. A building certification and fire safety consultant, engaged by HWL Ebsworth Lawyers to assist them in advising, has carried out an independent "peer review" of the adequacy of the fire safety order.</p> <p>The consultant has completed their review and made recommendations to Council concerning the extent of compliance with the Fire Safety Order.</p> <p>A meeting was conducted between Council staff, Council's legal representatives, consultant fire experts, the owners and the operators of the Boatyard on 23 July 2024, to discuss compliance with the Fire Safety Order and set timeframe for work and the provision of required information and certificates. The meeting was conducted on a without prejudice basis. The meeting had a positive outcome in which all parties agreed to collaborate in achieving fire safety compliance on site.</p>

	Actions	Council's Reply
		<p>Following the meeting, Council and their legal representatives continue to work towards achieving an appropriate fire safety solution. Council take this matter seriously and further information will be provided to the community at the first available opportunity.</p> <p>January 2025 – A further meeting was conducted between Council staff, Council's legal representatives and the owners and operations of the boatyard to discuss compliance with the Fire Safety Order on 17 January 2025. The meeting was conducted on a "without prejudice" basis and had a positive outcome. A strong intent to resolve these issues was demonstrated. Further information will be provided to the community at the first available opportunity.</p>
	<p>Spread of fire to adjoining property</p>	<p>Council has received concerns about the potential risk of fire spreading from 6 John Street to nearby buildings/ properties.</p> <p>Council engaged a building certification and fire safety consultant to assess the risk. The assessment concluded that the risk of fire spread from Noakes Boatyard to nearby buildings/ properties, including the closest property at 16-18 Munro Street, does not exceed the limits prescribed by the BCA. Accordingly, circumstances do not exist for Council to issue an additional Fire Safety Order on the basis of fire spread risk, as this risk does not exceed the relevant criteria.</p>
	<p>Fire on barge in Berrys Bay</p>	<p>Council is aware of the fire that occurred on a barge during the evening of 19 August 2024. The barge was located on the water and the fire did not spread to the land.</p> <p>Council is the regulatory authority for fire safety in the built environment, however, that jurisdiction does not extend beyond the Mean High Water Mark. The Port Authority of NSW is the relevant regulatory authority for fire safety on the water. Transport for NSW (Maritime) is the relevant regulatory authority for marine incidents.</p>

	Actions	Council's Reply
November	<p>Air pollution (spray painting) Council and the NSW Environmental Protection Authority (EPA) have received concerns regarding air pollution (paint fumes) in Munro Street and the surrounding area.</p>	<p>The EPA is the appropriate regulatory authority responsible for the administration and enforcement of air pollution (paint fumes) under the Environmental Protection License 10893 and <i>Protection of the Environment Operations Act, 1997</i>. Council is committed to working collaboratively and constructively with the EPA and Council staff held a productive meeting with them on 21 October 2024. It is understood the EPA has investigated the air pollution concerns, taken enforcement action and will continue to take enforcement action to achieve an environmentally satisfactory outcome.</p>
	<p>Carbon filtration system Representatives from Noakes advised Council they intend to lodge a Development Application for the Carbon Filtration System. A pre-lodgment meeting has occurred between Council Development Services staff and Noakes.</p>	<p>A preliminary copy of the plans has been sighted by Council staff. Noakes advised their consultants are finalising the environmental assessment reports that will accompany the Development Application. A specific timetable for lodgment of the Development Application is unable to be provided as it depends upon the consultants engaged by Noakes. The Development Application will be notified upon lodgement in accordance with Council's Community Engagement Protocol.</p>
	<p>DA Consent A temporary enclosure has been constructed on the hard stand area without development consent</p>	<p>Council has received concerns that a structure (temporary enclosure) has been constructed on the hardstand. The structure has been erected without development consent, in contravention of s 4.2(1)(a) of the Environmental Planning and Assessment Act, 1979. Council has taken enforcement action. An inspection on 25 October 2024 confirmed the unauthorised structure had been dismantled.</p>
	<p>Fire safety order</p>	<p>To ensure the community is well-informed about the Noakes Boatyard, all future updates will be provided as a standing item, in a dedicated section of the Summary of Actions for the Euroka and Waverton Precincts.</p>