

Summary of Actions Arising (SOA) 2020 - Brightmore Precinct

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
December		Development in Parrawen Street - Based on details provided by directly impacted residents Brightmore Precinct is concerned by a large development on Parrawen Street (a proposed Aged Care Facility) The scale and nature of the development is expected to be larger than the one rejected by NSPP (Registry Precinct) in DA 241/2019 No.s 1-11 Rodborough Avenue. The Precinct is concerned that such a large sized facility would destroy the commercial viability, unique character and mix of business, cafes, and residential accommodation.	Council's Manager Development Services has advised that no pre-development discussions have occurred, nor has a development application been lodged for the Parrawen St properties. The nature of any development proposal is therefore unknown at this time. The sites concerned are zoned high density residential, and as such an aged care development could be submitted as an application. Once lodged any such proposal would be advertised in accordance with Council's <i>Community Engagement Protocol</i> and given the likely value of the works determined by the Sydney North Planning Panel. In regard to the proposed aged care development in Rodbrough Ave this application was voluntarily withdrawn by the applicant and was never subject to determination.	Closed for Council

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November		<p>Voluntary Planning Agreement (VAP) - Motion: Brightmore Precinct supports a proposal to allocate (or set aside via VPA) a significant area of public green space as part of any major development (a proposed Aged Care facility with a potential site stretching from 50 Parraween to 88 Parraween St, i.e. from Paling St to the Council Car Park but not including the existing apartment blocks at either end).</p>	<p>Council's Manager Strategic Planning has advised that a VAP is generally better able to be negotiated when amendments to the planning controls are being considered or proposed. Council's "leverage" is much more limited at the DA stage of the process. Significant areas of new open space are incredibly difficult to achieve in highly built up and expensive areas like North Sydney given the limitations of the contributions and VPA frameworks. For these reasons, Council has more recently opted to provide more holistic development frameworks that provide managed additional growth capacity, but only with commensurate "public benefits". The most recent initiative has been the Military Road Corridor which was considered by Council in November but deferred. That Study identified new areas of open space and community facilities.</p>	Closed for Council
October		<p>40 Brightmore Street (Existing Use Rights) - Update on the proposed development - The on-site meeting, due to be held 1 week prior to the Land & Environment Court hearing on 28 September, was cancelled due to the developer withdrawing the Development Application. The Precinct expressed its appreciation and thanks to Council's staff and lawyers in support of the action against the developer. It was further noted that situations such as 40 Brightmore St (Existing Use Rights) will continue to occur until Council successfully implements a policy to manage these in accordance with an updated LEP. Recommendations (a report) has been made by the Council but is still being processed. There was concern that the number and costs of legal action with "Existing Use Rights" in the L&EC will continue to escalate until</p>	<p>Feedback noted by Council's Manager Development Services, who has advised that existing use rights are now less of an issue due to the court requiring justification to numeric controls by way of C14.6 submission. This means that while building typology may differ, scale outcomes should be compatible with planning controls.</p>	Closed for Council

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		Council can resolve the "loophole". This appears to be affecting both R3 and R2 (medium and low density) zones.		
		Free 15 Minute Parking in Parraween Street - Further discussion - It was again noted by all attendees that 15 minutes was not long enough. It was re-iterated that Mayor Gibson was re-elected on a promise to provide free 30-minute parking for North Sydney residents within the LGA. No detail still appears to have emerged on how such a system would be implemented and/or would identify North Sydney rate payers over those from out of the area? Such detail should be forthcoming before the 2021 election. Further comment was that the Parking meters in Parraween Street were introduced to pay for the costs of preparing the Parraween Street Carpark DA. This was approved more than 5 years ago but is in abeyance with no funding. There was comment that the metered parking should be re-evaluated or removed entirely in light of the DA not progressing.	Comments noted by Council's Manager Traffic & Transport Operations and have been referred to the Mayor.	Closed for Council
		Gerard Lane No Stopping Signs - The Precinct voted to accept Council's plan regarding the new "No Stopping Signs" (on the corner) unanimously.	Council's Manager Traffic & Transport Operations has advised that Precinct Committee's comments will be incorporated into the report for Traffic Committee for their meeting on 23 November 2020.	Closed for Council
		Military Road Tidal Flow and Pedestrian Safety - Since the introduction of the Tidal Flow on Military Road at Cremorne, some attendees felt that pedestrian safety has been compromised, with vehicles regularly going through red lights at the intersection of both Spofforth	Council's Manager Traffic & Transport Operations has advised that the Precinct Committee's comments are noted. Similar representations were made by other Precinct Committees following the recent accident, the matter is referred to Transport for NSW.	Closed for Council

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		Street and Cabramatta Road. There have previously been suggestions for both no entry junction boxes and/or a red-light camera to deter "queues or stacking" in the pedestrian zone.		
September		<p>15 Minute Parking Trial, Parraween Street - The general consensus was that 15 minutes was not long enough, especially as the time starts from the minute the vehicle enters the space. 15 minutes is not long enough to get across Military Rd and back again and do shopping. It might help with cinema drop off/pick up and liquor stores although many people walk to these. The Mayoral election promised 30 minutes of free parking for residents, but it remains unclear how this would operate/isolate ratepayers? Mosman run something similar at their beaches, but this is for 1 hour. The parking meters in Parraween Street were supposed to be temporary when they were installed many years ago, and the revenue was to be used for the DA on the Parraween St Carpark/Early Childhood Health Centre site. Query with Council as to why the parking meters are still in place when they were introduced as a temporary measure, and that the DA has not now happened?</p>	<p>Council's Manager Traffic & Transport Operations has advised that the Precinct Committee's feedback will be incorporated into the post-trial report.</p> <p>Mayor has noted comments regarding this item.</p> <p>UPDATE (13 November 2020) Council resolution of 1 February 2010 concerning the installation of the parking meters. This resolution highlighted that the meters were to remain if DA was approved. Since this time:</p> <ul style="list-style-type: none"> • DA 260/14 for 106 Parraween Street, Cremorne was approved 1 April 2015. • As part of the commencement of works, Council undertook landscaping and public domain works as per the DA 260/14 consent. The commencement of these works took place prior to the expiration of the development approval 7 April 2020, and DA 260/14 is still currently valid to undertake the approved development - pending funding availability. <p>In summary, DA 260/14 is still active, and Council is willing to undertake the works pending funding availability. The parking meters are to remain in Parraween Street until further notice.</p>	Closed for Council

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		Anomalies in the Area Covered by Brightmore Precinct - Noted that the northern side of Parraween Street to Military Road, between Winnie Street and Macpherson Street, is part of Harrison Precinct, whereas it should naturally fit within Brightmore. One attendee who lives in this area receives the Harrison flyer, but attends Brightmore meetings because Brightmore's issues pertain to where he lives, not Harrison's. Request an audit from Council as to who gets the flyers, and how the boundary was designated this way and whether it could be changed.	Feedback noted by Council's Manager Integrated Planning & Special Projects. Map of both Precinct areas will be provided to the Precinct Committee under special cover. The Precinct System Review provided the opportunity to review Precinct area boundaries for the reason cited.	Closed for Council
August		Precinct Review - Feedback to Council - Amendments added after discussion during the meeting, the vote was unanimous on the Brightmore submission	Council's Manager Integrated Planning & Special Projects has confirmed that the Precinct Committee's submissions have been received.	Closed for Council
		40 Brightmore Street, Cremorne referral from Land & Environment Court re AP224/19 6-storey development within a low-density area (zoning R2) - Precinct Committee member has asked where at what stage Council was at with changing the "Existing Use" loophole in R2 zones, and CH commented that it was "ongoing" re the LEP (Submission received)	Council's Manager Development Services has advised that the Court has recently established a higher test for the application of cl4.6 objections (variation to a development standard) for Existing Use Rights (EUR) applications. This means that development standards which were previously given limited weight in the assessment of EUR applications are now given similar weight to how they are applied to permissible development. In other words, the applicant needs to demonstrate why the control should not apply by addressing the standards objectives. The Court recently refused an EUR application at 20 Premier Street, Neutral Bay because the applicant could not demonstrate how the proposal met the objectives of the building height control. The application of cl 4.6 to EURs is out of left field as the converse had applied since the concept of EURs came	Closed for Council

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			<p>into being. To date no one has challenged the court on this issue and this ruling is used by Council in the assessment of existing use right application. This should ensure that EUR applications which present undesirable outcomes though a breach of a development standards can be refused and that refusal defended successfully.</p> <p>Council's Executive Strategic Planner has advised that Council considered the post exhibition reports to Planning Proposal 7/19 - North Sydney LEP Review 2019 and North Sydney DCP Review 2020 on 24 August 2020, which in part sought to address existing use rights issues relating to residential flat buildings in lower density residential zones. Council subsequently resolved to proceed with amendments to these documents. In particular, the following was adopted:</p> <ul style="list-style-type: none"> • permitting residential flat buildings with consent in the R3 Medium Density Residential zone and subject to a review in 1 years' time; • introducing objectives into height controls within NSLEP 2013 to ensure a predominantly 1-2 storey-built form is established in the R2 and R3 zones; • maintaining an 8.5m height limit in the R2 and R3 zones; • strengthening objectives within the DCP to ensure that the desired built form outcomes for low density residential zones are achieved; • strengthening existing use rights controls within the DCP to ensure they apply to the rebuilding of 	

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			<p>residential flat buildings and not just alterations and additions regardless of zoning; and</p> <ul style="list-style-type: none"> maintaining existing site coverage and landscaped area controls within the DCP regardless of zoning conditions (i.e. a much higher landscaped area requirement and lower site coverage controls existing for residential flat buildings in comparison to other residential development forms. <p>Additional impacts in the R2 zone can be considered when Council reviews the implication of permitting residential flat buildings with consent in the R3 zone after 1 year of operation.</p>	
		<p>Voluntary Planning Agreements - Comments regarding a presentation in reference to the Council plan to increase building height limits in Neutral Bay Village to up to 12 storeys with VPA. This was compared with the known VPA presented to Council in DA at Crows Nest "Fiveways" - further discussion and review on this as details become clearer. Council expectation of VPA vs the reality of VPA presented by a Developer.</p>	<p>Comments noted by Council's Manager Strategic Planning.</p>	<p>Closed for Council</p>
		<p>Public seating - BCP has submitted a letter requesting public seating along Parraween Street, as there is none at all.</p>	<p>Council's Assets Manager has advised that seats are generally installed in CBD/village centres as part of an overall streetscape upgrade which typically include a range of street furniture, garden beds etc where people congregate near shops and cafes. Seats are also typically located in parks and bus stops. There is no specific location for the requested seat. Consultation with the property owner would also be required as would need to</p>	<p>Closed for Council</p>

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			<p>be out of the way of pedestrians and clear of people emerging from cars.</p> <p>The Precinct Committee is requested to provide further information as the proposed location of the requested seat in order their request to be further considered.</p> <p>UPDATE (13 January 2021) Council's Assets Manager has advised that new seating has been installed near the bus stop on Military Road near Parraween St Seating will also be provided in Young Street towards Military Road. Subject to future funding availability, both Cremorne Plaza and the Council car park in Parraween St will be upgraded which will provide opportunities to include additional seating.</p>	
July		<p>Military Road Corridor Planning Study, Stage 1 To prompt Council and unify Brightmore Precincts previous and on-going feedback (October 2019 and June 2020) concerning the Military Road Corridor Planning Study: Stage 1 (Future Directions Report, 23 March 2020). The proposal to rezone Neutral Bay Village from a permissible LEP height of 5 storeys to allow 8 to 12 storey structures with public benefits. Unanimously Resolved (14 people) Note: Submitted to Council on 21 July 2020 (10 days before the extended deadline of 31 July 2020)</p>	<p>Council's Strategic Planner - Urban Design has confirmed the submission has been received.</p>	Closed for Council
June	<i>No meeting due COVID-19 restrictions</i>			
May	<i>No meeting due COVID-19 restrictions</i>			

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April	<i>No meeting due COVID-19 restrictions</i>			
March ¹		<p>Beaches Link - The Precinct requests that North Sydney Council ask Transport for NSW why the Beaches Link EIS has not been released at the same time as the EIS for WHT, as the Beaches Link will have a cumulative effect on both. The two projects, and their impacts on local area traffic and pollution, should be assessed as one.</p> <p>a) BW, from Redlands School, will recommend to the Principal and Board of Directors that they lodge submissions regarding the Western Harbour Tunnel.</p> <p>b) CH encouraged the Precinct to make personal submissions regarding the current design of the WHT.</p>	<p>Council's Team Leader Strategic Planning confirms that the EIS documentation for WHT did not include, in detail, the 'Beaches Link' element of project, however, it was referenced throughout the EIS. It is understood that a second EIS will be released later this year for the Beaches Link component.</p> <p>The TfNSW website provided an update on Beaches Link in November 2019 stating that the Proposed Reference Design for Beaches Link has been updated. This includes a number of key construction sites and design features of the project, including:</p> <ul style="list-style-type: none"> • Flat Rock Drive temporary tunnelling site • Wakehurst Parkway temporary tunnelling site • a refined construction site layout and access road alignment at Balgowlah. <p>Because of these changes, it will take more time to finalise the Environmental Impact Statement (EIS) for public exhibition (to complete the necessary investigations and assessment work and prepare the appropriate documentation).</p> <p>Refer to: https://www.rms.nsw.gov.au/projects/western-harbour-tunnel-beaches-link/index.html</p> <p>UPDATE (9 December 2020) The Beaches Link and Gore Hill Freeway Connection Environmental Impact Statement is now in public exhibition.</p>	Closed for Council

¹ Minutes received on 8 July 2020

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			Refer to https://www.planningportal.nsw.gov.au/major-projects/project/10456	
		COVID-19 Virus - JG reported that his information on the Corona Virus is that it will last for at least 6 months and requested that Council respond with their proposal for meetings, such as Precinct meetings, of 10 people or more.	Council's Community Engagement Coordinator has advised that Council has been in regular communication with active Precinct Committees. Memorandums in relation to this were issued on 27 March 2020, 18 June 2020 and 2 July 2020.	Closed for Council
February²		Parking restrictions - Precinct Committee has requested for parking restrictions in Illiliwa Street and Reynolds Street be reviewed, as students from Redlands are parking all day	Council's Manager Traffic & Transport Operations has advised that following the adoption of the Local Area Traffic Management Schemes (LATAM) Council will be undertaking regular periodic reviews of the parking restrictions in each area. This scheme includes community consultation, starting with the areas that experience the greatest parking pressures. The parking surveys are conducted to obtain residents and business' opinion with regard to the installation of parking restrictions. There is a lot of work involved in these reviews to ensure the parking restrictions take into account the needs of the community. Due to the relative parking demands and available resources Council has prioritised each parking area in the LGA. Based on the current priorities, a timeframe for the review/survey for this area cannot be confirmed, however, its likely to occur in a few years' time. However, should the community demonstrate, through signatures, that there is support from residents for parking restrictions to be reviewed in this area then Council could escalate the priority of this review.	Closed for Council

2 Minutes received on 10 July 2020

Month	Item	Actions	Council's Reply	Status
		<p>Trial of a hybrid synthetic grass and Re-orientation of playing fields - Primrose Park locals have expressed concern about plastic ending up in the harbour. What sort of assurances are there that this won't happen? What is happening about the re-orientation of playing fields?</p>	<p>Council's Manager Parks & Reserves has advised that the hybrid grass sits below the natural turf and only appears when it wears out. It is secured within a matting layer so has little or no chance of being dislodged. Only 5% of the area that has synthetic fibres. No funding source has been allocated to progress with the initial stages of the playing field reconfiguration. of this idea which is concept design and public consultation</p>	<p>Closed for Council</p>
		<p>Brightmore Community Garden - Has Council considered the issue of the location of the Brightmore Community Garden? Concerns were raised about the location in upper Brightmore Reserve off Little Young Street and Councillors inspected the suggested site.</p>	<p>Comments noted by Council's Manager Parks & Reserves.</p> <p>The Community Garden was opened at Little Young Street on Saturday 4 July 2020.</p>	<p>Closed for Council</p>
		<p>Community Consultation and Public Forums - The Precinct requests that following motion be considered by the CPC: If North Sydney Council felt it necessary to raise Extraordinary Council meetings (ECM) during an extended holiday period (more commonly termed the Christmas/Summer break) - and if such executive power is exercised - there should be a specific requirement to correspondingly extend the period of community feedback.; such an extension being granted to allow the wider community and Precinct System to sit, appraise and respond to the issues raised in the that ECM. Unanimously resolved: The Precinct supports the Notice of Motion by Cr Mutton dated 17 December 2019 concerning Public Forums and would support an amendment whereby a Public</p>	<p>Council's Manager Governance & Committee Services has advised that as noted in the Council report of 20 January 2020, the NSWEC advised it has a hard deadline of 31 January 2020 in order to comply with the <i>Electoral Act 2017</i> and finalisation of the Ward structure must occur prior to this date. Therefore, there was no capacity to extend the exhibition period regarding this matter.</p>	<p>Closed for Council</p>

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		Forum was required to be held prior to any meeting of Council and any meeting of a Committee of Council if any Councillor requests it.		
		Gerard Lane No Stopping Sign - The Precinct requests that Council advice regarding review of "No Stopping" signs in Gerard Lane and allow the Precinct the opportunity to comment on any review.	<p>Council's Manager Traffic & Transport Operations has advised that the matter was considered at the Traffic Committee meeting on 20 March 2020 where it was recommended, and subsequently adopted by Council:</p> <p><i>1. THAT Council undertake community consultation regarding the installation of No Stopping signs on the south-western side of Gerard Lane between the driveway of H/No.81 Gerard Lane and the 90-degree bend. (4.2.2)</i></p> <p><i>2. THAT the matter be referred back to the next available Traffic Committee meeting following community consultation. (4.2.2)</i></p> <p>Community consultation will be undertaken in due course and the Precinct Committee will be notified during the consultation period.</p> <p>UPDATE (31 August 2020) Traffic & Transport Engineer has advised that "a community survey is being prepared and expected to be distributed in early September 2020. A copy of the survey will be distributed to Brightmore Precinct Committee.</p>	Closed for Council
January	<i>No meeting</i>			