

North Sydney Combined Precincts Committee (CPC)
Tuesday 15 February 2022
6.00pm start via Zoom

Participants¹: LS (Brightmore); GM (Edward); LT (Holtermann); BS (Lavender Bay/CPC Co-convenor); TB (Milson); GD (Parks); MDS (Registry); KH (Union); IG (Waverton/CPC Co-Convenor); MTJ (Willoughby Bay); JH (Wollstonecraft)

In attendance: JC (Milson)

Also present: JG, Manager Corporate Planning & Engagement (North Sydney Council); GN, Community Engagement Coordinator (North Sydney Council, Minutes); RE, Director Open Space and Environmental Services (North Sydney Council)

Apologies: MdS (Harrison)

Co-convenor presiding: Bernard Smith (Lavender Bay)

The meeting started at 6.04pm

1. Guest Speaker: RE, Council's Director Open Space & Environmental Services - WHT & Draft Berry's Bay Memorandum of Understanding (MOU)

RE (NSC) provided background on the timeline on negotiations with Transport for NSW (TfNSW) in relation to the Western Harbour Tunnel and Warringah Freeway Upgrade.

- Council's comprehensive submission to the Environmental Impact Statement (EIS) was formulated by staff across all Divisions and was endorsed by Council on 23 March 2020. The response articulated matters that are still of concern to the community today - land bridges, undergrounding of building at Warringah Expressway to lose minimal amount of public open space land at Cammeray Park, Berrys Bay land to be returned for public recreation (including preservation of heritage at these site), contamination and tree loss.
- On 21 January 2021, the NSW Government² approved the project. There were no major consequential changes as a result of the 1,400+ submissions. As this is determined a State Significant Infrastructure project there is little scope for local government control over the project. Traditionally, once a project is approved scope for change comes at a political level rather than a bureaucratic level. The project was broken into stages, and a contractor for the early works was appointed.
- In March 2021, early works commenced. At this point, it could be perceived that there wasn't an upswell of political and community will to pursue the matter; the project was proceeding, the Willoughby bi-election couldn't have been foreseen at that time. At this point Council staff investigated any opportunity to salvage the loss for the community as a result of this approved project. The condition of approval E157 stated: *The critical state significant infrastructure must result in a net increase in useable open space. Replacement space must be within the general vicinity of the loss unless agreed by the planning sector.*
- This clause and adherence to it as a condition of development consent was discussed with senior TfNSW staff. Discussions made it clear that 'vicinity of loss' was open to interpretation. If loss could not be recuperated in Cammeray, it could be obtained elsewhere and not necessarily in the North Sydney LGA. Securing land within the LGA was pertinent otherwise North Sydney may lose out completely.

¹ Limited to one representative per active Precinct Committee.

² Project was approved by the Hon. Rob Stokes, at this time he was Minister for Planning and Public Spaces

- An MOU was pursued³. The MOU could allow Council to get an in-principle position whereby the NSW Government would provide the land in Berrys Bay that has been promised to North Sydney for 15+ years, but has never eventuated; allowing for some of the political promises in relation to Berrys Bay to become a more binding agreement. The MOU was negotiated on the basis of what the Waverton community have been pushing for - early access, public open space. If 15,000sqm of land was being lost in Cammeray and couldn't be replaced in Cammeray, it seemed exploring lands in Berrys Bay to be a reasonable proposition and the only realistic opportunity to obtain land in the North Sydney LGA.
- The MOU was reported to Council in October 2021. Council resolved not to endorse it and consult with the CPC and the Waverton Peninsula Working Group. To date, the MOU has not been signed and as such has not been included in the draft Interface Agreement with TfNSW .

MDS (Registry) expressed that the land in Berrys Bay is not a trade-off for the land lost in Cammeray Park. RE (NSC) explained that there is limited scope for negotiation with TfNSW, and they are proceeding with delivering these projects. He had negotiated that all NSW Government land in Berrys Bay be transferred to Council, not just the land that was to be used for construction, and that there would be early access to land that wasn't being used to be returned to public open space. It was acknowledged that there is community sentiment that the trade of Berrys Bay is not geographically ideal and that the Cammeray community is not gaining from this, however reaffirmed that at the time this seemed like the only option. Council is continuing to apply political pressure via a recently resolved community campaign, with timing coinciding with the Willoughby bi-election (further information under Item 5c).

Q. Where is the MOU up to? Has it been finalised?

A. The MOU is not likely to be endorsed by Council due to community sentiment and therefore Berrys Bay land negotiations are unlikely to be included in the final interface agreement.

Q. Consent condition E157 calls for a replacement/there has to be a net gain to open space where is the study that's been carried out that quantifies the impact on open space of this project? How is this negotiation taking place on a quantified basis? Where is the report? How do we get it?

A. There is no report, however we are all aware that 15,000sqm of open space will be lost in Cammeray Park. Therefore, were looking for locations where we could increase public open space within North Sydney (which is only 10km²); a difficult area to increase public open space. There was an opportunity to increase at Berrys Bay (by more than 15,000 sqm). The term 'within the vicinity' does not mean necessarily mean within North Sydney LGA.

Q. Consent condition E157 applies to the design, it would be a requirement of the Design Report that an assessment of the open space lost would have been provided as a deliverable of the Design Report. If it hasn't been done DPIE can't give it approval to go forward.

A. As part of Council's EIS submission, we asked that the buildings at Cammeray Park were constructed at a level so that we could overlay the park over the top to reduce the amount of open space loss. That has been rejected by the NSW Government and we continue to advocate for this.

Q. The Council has resolved to fight what's happening in Cammeray Park and not connect the two pieces of land - Cammeray Park and Berrys Bay.

A. The Council has resolved to resume campaign to put filtered air stacks and undergrounding the building to reduce the loss of in Cammeray Park "back on the table". Now that the election has occurred, without any promise, TfNSW may choose to proceed based on their development consent.

Q. Is there a legal avenue Council can pursue regarding condition E157?

A. MDS (Registry) commented that recent community discussions with the Mayor indicate that legal obligations should be looked at, as the Council has the right to be compensated legally and financially for the

³ This is not a legally binding document but informs an Interface Agreement which is legally binding

land, RE (NSC) noted that Council will pursue whatever compensation is possible for temporary and permanent land loss, however public open space is preferable to money.

ACTION: CPC requests that Council pursue if there is a legal avenue to enforce the condition E157 of the EIS approval.

BS (Co-convenor/Chair) highlighted another intended NSW Government land acquisition in Bradfield Park in relation to the proposed cycleway. It was understood that the NSW Government intends to acquire some land adjacent to Milsons Point station on a temporary and permanent basis.

Q. Is there is a synergy between these TfNSW acquisitions, noting that there is limited scope to replace public open space unless buildings are pulled down or transferred.

A. The synergy is that TfNSW are proceeding in whatever means possible to fulfill their project delivery, the bicycle ramp in Bradfield Park is another example. Council is arguing strongly that the ramp to the Harbour Bridge should be reconfigured so as to not to impact to Bradfield Park North so much. At the same time we are having these arguments, they are putting in acquisition notices. TfNSW acquiring the land before a design option has been chosen sends a message to the community that their views are not being heard.

Q. The design jury for the Bradfield Park/Harbour Bridge cycleway met recently, was the linear option chosen?

A. No option has been chosen yet, as far as am aware - TfNSW expected to announce the winner towards the end of March 2022. The current situation is: three linear options are being considered, there is a design panel headed by the NSW Government's architects. RE (NSC) recently made a presentation to TfNSW articulating Council's concerns (public open space and heritage concerns of diminishing the heritage of the Sydney Harbour Bridge). The Heritage Council has requested Council to present its concerns in relation to the Harbour Bridge.

BS (Co-convenor/Lavender Bay) thanked RE (NSC) for addressing the meeting.

6.40pm RE (NSC left the meeting)

MOTION 1: That Council seek meetings with the relevant Ministers to discuss the loss of open space as a result of the WHT/BL project in the North Sydney LGA. Specifically, Cammeray Park and promises to transfer all of the open space in Berrys Bay post construction.

MOTION 2: That Council request a copy of the Design Report deliverable assessing the impact on public open space and compliance with the Condition of Consent 157.

MOVED BY: MDS (Registry), SECONDED BY: IG (Waverton)

CARRIED Unanimous

2. Minutes of 19 October 2021 - ATTACHMENT A

MOTION: That the minutes of the general meeting held on 19 October 2021 were confirmed as read and correct.

MOVED BY: IG (CPC Co-convenor/Lavender Bay), SECONDED BY: TB (Milson)

CARRIED

In favour	Opposed	Abstain
Edward Holtermann Lavender Bay Milson Parks Registry Union Waverton		Brightmore Willoughby Bay Wollstonecraft
Total: 8	Total: 0	Total: 3

3. Council's Reply to Previous Minutes (Summary of Actions) - ATTACHMENT B

MOTION: That the CPC accept Council's replies via the Summary of Actions.

MOVED BY: TB (Milson), SECONDED BY: GM (Edward)

CARRIED Unanimous

4. Co-convenors Report

a. Harbour cycleway ramp⁴ - update

BS (CPC Co-convenor/Lavender Bay) mentioned that further to information provided under Item 1; a public meeting is scheduled for 19 February 2022 in Bradfield Park North with members of the elected Council and representatives of the Minister for Active Transport⁵. It is not anti-cyclist; rather the community presenting a long-term solution and alternative to the linear option; a compressed ramp which would have lesser impact on the public open space.

- b. IG (CPC Co-convenor/Waverton) noted that there many issues within the community at the moment. Rather than highlighting individual issues, highlights is a window of opportunity to push some of the issues of concern based on the current political environment i.e. the new configuration of Council as well as the voting swing of Willoughby bi-election leaving local politicians feel vulnerable in future elections.

ACTION: Precinct Committees and CPC to discuss actions that can be taken to raise these areas of concern with their local members (Local, State and Federal) to take advantage of the current political climate. The meeting tabled and discussed issues including; Harbour Bridge Cycleway, Berrys Bay land promises, overdevelopment in NS Council area e.g. St Leonards/Crows Nest which now seems to be moving along Falcon Street and up to Cremorne, buses and the effect of layover areas in the Milson Precinct and overall traffic impacts. The local community is not being listened to and overridden by construction and transport rather than amenity, environment and liveability.

MOTION: That the CPC invite the support of Council to arrange meetings in the near future with our State and Federal political representatives to discuss urgent local issues/concerns that are imminent in their implementation.

MOVED BY: TB (Milson), SECONDED BY: IG (Waverton)

CARRIED Unanimous

5. Council Update

a. Maximum building heights on Pacific Highway: Council resolution 24 January 2022 - ATTACHMENT C

⁴ 24 January 2022 (Matter of Urgency - Bradfield Park):

1. THAT the provision of a rideable bike ramp is and remains a high priority for Council.

2. THAT Council seek to urgently work with TfNSW to refine the design.

3. THAT any final concept must address the following:

a. The heritage advice from the NSW Heritage Council and other Heritage authorities that does not support the impacts on Bradfield Park North, the loss of open space and the disastrous impacts on the heritage item, that being the Sydney Harbour Bridge itself.

b. That TfNSW amend any winning design to avoid cyclists exiting the ramp in Bradfield Park North and address issues which funnel cyclist onto Middlemiss Street and into the roundabout at Lavender and Alfred Streets.

c. That TfNSW note that the Council is not seeking a delay but is seeking a solution which avoids the devastating impacts on the heritage items and on public open space.

⁵ There was a NSW Government Cabinet reshuffle on 21 December 2021, with new ministerial positions creates, Minister for Active Transport was of them and sits in the portfolio of the Hon Rob Stokes.

Hayberry, Holtermann and Wollstonecraft specifically received a copy of the Council resolution. IG (Waverton) noted that the matter would be discussed at their next meeting.

MOTION: That item is noted by the CPC.

MOVED BY: JH (Wollstonecraft), SECONDED BY: MTJ (Willoughby Bay)

CARRIED Unanimous

b. Current/upcoming consultations

GN (NSC) advised of the following engagements:

- i. [Draft North Sydney Walking Strategy](#) - closes 27 February 2022 (extended). [Online information session recording is available.](#)
- ii. [Holtermann Street Park Design Concepts Exhibition](#) - closes 28 February 2022 [Online information session recording is available.](#)
- iii. [Proposed Changes to Council Meetings and Practice](#) - closes 14 March 2022
 - o the current engagement is per the Council resolution of 24 January
 - o all feedback will be collated, analysed and reported to Council for its consideration
 - o resolution required if Council is to propose amendments its current [Code of Meeting Practice](#), and publicly exhibit for 42 days
 - o the conduct of Council Meetings is governed by the [Model Code of Meeting Practice](#) made by the Office of Local Government

JG (NSC) spoke to a late agenda item was proposed by JH (Wollstonecraft) concerning public forums, advising Part 4 of the Model Code deals with Public Forums and provides that they should not be held as part of a Council or Committee meeting. GM (Edward) noted that there are approximately 10 other councils that do not have Public Forums and instead the community can participate in the Council meetings.

- iv. [Burton Street Temporary Road Closure & Plaza](#) - closes 31 March 2022
- v. [Miller Street Pop Up](#) - closes 31 March 2022
- vi. [Proposed Pedestrian Crossing Upgrades](#): Morton Street, Wollstonecraft; Clarke Street Crows Nest; Waters Road, Neutral Bay - feedback closes 13 March.
 - o While location specific traffic consultations are not usually highlighted at CPC meetings, these were highlighted due to discussion of pedestrian crossing upgrades October 2021, Item 6b.
- vii. Upcoming - Playgrounds Plan of Management (part of [Plans of Management for Crown Land](#)) and Disability Inclusion Action Plan update (DIAP). [View DIAP 2016-2019.](#)

c. Other Council updates

- i. WHT campaign - Council resolution of 24 January 2022 ([Item 9.6, NoM 6/22](#))
 - o webpage - www.northsydney.nsw.gov.au/WHT
 - o flyer distributed to residents of the North Sydney LGA that are in Willoughby electorate (prior to Willoughby By-Election) encouraging people to promote issues; unfiltered stacks and loss of open space
 - o Mayor's video - 6.5K reach, 3.7K views, 981 post clicks, 399 comments/reactions/shares (boost refused by Facebook as deemed political/one of the highest organic reaches)
- ii. Periodic Office Bearer Survey (due 13 February 2022)
 - o Survey identifies administrative areas for improvement; 12 out 18 responses received so far - not too late for those Precincts that have not yet submitted.
 - o (Pending) results to be benchmarked against the 2019 survey findings.

- iii. Annual General Meetings (including CPC AGM)
 - refer to memos distributed 25 January and 1 February 2022
 - current guidelines do not formally allow for remote meetings and AGMs must be conducted in person. Some individual Precinct Committee have proceeded with in person meetings in COVID safe way (and conducted AGM), some have deferred general meeting/AGM and reassess situation towards end of February, and some have conducted remote general meeting/deferred AGM
 - reminder: maximum 4 year term per office bearer (i.e. in same role)

- iv. Precinct System Review - status
 - Council resolution of June 2021 deferred consideration of final recommendations to new term of Council (matter is pending). Awaiting opportunity to discuss with new term of Council prior to report being included on a future business paper.
 - recommendations encompass proposed boundary changes as well as operational matters (including remote meetings) concerning the Guidelines/Code as well as marketing and promotion

- v. Precinct System 50th anniversary (1972-2022) - planning update
 - previously consulted with CPC/Precinct Committees; planning impacted by COVID
 - Dr Ian Hoskins (Council's Historian) proposes to conduct oral history interviews with Terry Byrnes (consultant), Robyn Read (former councillor), Carole Baker (former Mayor), Genia McCaffery (former Mayor); to be added to the Local Studies collection and promoted via with History Week 2022 (September)
 - online photo/story sharing via Council's Your Say North Sydney webpage - anyone involved can share their experience past or present, including sharing via email or hard copy
 - satellite cases/ plinth displays in high traffic public areas within in Stanton Library (opportunity to promote the Precinct System, history, achievements)
 - banners (opportunity to promote the Precinct System)
 - social media promotion - Precinct member show case (similar to the Council's 2019 Volunteers Week promo)
 - web based engagement/community development project (links to the above) - similar to "Faces of North Sydney" (Council's 125th Anniversary) and [Humans of New York](#) (pending funding)
 - event off the back of Neighbour Day (27 March) pending COVID situation e.g. relaxed BBQ format like done in the past

ACTION: Feedback, ideas and involvement regarding planning for the 50th Anniversary program is encouraged.

KH (Union) feels that the Precinct Committees represent 'living communities' and how they change over time; and suggested engaging with educational institutes to see if students or educators would like to be involved in the celebration as part of an evolving community.

6. General Business⁶

a. 2022 Meeting Dates

⁶ At the time of agenda compilation, there were no items for VOTING (pre-submitted items with proposed motions) or RECENT EVENTS (for discussion)

Based on the current Council Meetings schedule⁷ and Precinct meeting dates, the proposed dates for the remaining meetings for 2022 are :

- Tuesday 19 April (AGM) - it was noted that this is in school holidays however 26 April will be Council meeting due to public holiday on 25 April.
- Tuesday 21 June
- Tuesday 16 August
- Tuesday 18 October
- Tuesday 29 November (AGM)

MOTION: The remaining CPC Meeting Dates were noted by the CPC.

MOVED BY: GM (Edward), SECONDED BY: TB (Milson)

CARRIED Unanimous

b. Future Guest Speakers

- Action arising from CPC August 2021 (Item 7ai) - Aboriginal Heritage Office
- Suggestion - Mayor Zoe Baker

ACTION: CPC requests that Council staff extend invite for Mayor Zoe Baker to address the CPC meeting of 19 April 2022 highlighting priorities for her term.

7.45pm LT (Holtermann) left the meeting

c. DISCUSSION (pre-submitted items for information/discussion) - ATTACHMENT D

- i. R3 Zones (previous CPC meeting)
- ii. 10 & 24 January Council meeting outcomes (Harrison)

In the absence of a Harrison representative, GN (NSC) explained noted there was no specific motion or commentary in relation to this item, it seemed to be more promotion awareness of the resolutions of the new Council.

- iii. Lack of notification of Development Applications (Harrison/Brightmore)

LS (Brightmore), on behalf of MDS (Harrison), explained that Harrison Precinct noted those who had made DA submissions online⁸ and ticked the box to be kept informed were not receiving updates and asked if others have experienced the same issue. BS (Co-convenor/Lavender Bay) advised that 'subscribing' is a two-stage process, when making an online DA submission, there is a box that asks if the submitter wants to be notified of updates, ticking the box does not automatically add the submitter to this list, the user is re-directed to a subsequent page where you need to separately register⁹. Updates are not received on a regular basis only if/when the matter is; under determination by Council staff or on the agenda for; a Monday night Council meeting, for determination by the North Sydney Local Planning Panel Meeting (NSLPP), for determination by the Sydney North Planning Panel.

⁷ Council meeting schedule may be subject to changes following the Council resolution of 24 January 2022 and subsequent exhibition of proposed meeting schedule and practice (Item 9.9. Notice of Motion 9/22 by Councillors Baker, Beregi, Santer and Welch: Council meeting schedule 2022)

⁸ e.g. those that made electronic submissions regarding the Holt Street sites did receive notice of the amended DAs if they were outside of the notification area

⁹ 'Notify Me' is also available without the need to make a DA submission, by selecting a DA on [Council's DA Application Tracking](#) page and clicking the 'Notify Me' tab

ACTION: Council staff to clarify the explanation provided by the Chair. Also clarify with MDS (Harrison) whether this answers the query from Harrison Precinct. If this is misaligned with community expectations, it can be discussed at a future CPC meeting.

iv. Lack of Notification on Planning Proposals (Wollstonecraft)

GN (NSC) explained the process whereby Council places Planning Proposals (PPs) lodged on their website in the interest of transparency. PPs go through an assessment process before consultation/public exhibition occurs. Some PPs may go through a number of iterations before they reach the public exhibition stage, others may be rejected and never reach public exhibition.

Council staff are currently investigating options on how to best notify PPs lodged to Precinct Committees and distribution with those on exhibition. JG (NSC) displayed the [webpage 'Planning Proposals Status & Progress' on Council's website](#). Which Council proactively maintains to advise the community of the status of PPs received. TB (Milson) noted that it may be premature to notify Precinct Committees of PPs lodged as if they don't pass through the processes to public exhibition this can create a sense of frustration.

JG (NSC) also tabled a that NSW Government (DPIE) are currently consulting on a reform proposal via a discussion paper: [A new approach to rezonings in NSW - feedback closes 28 February](#), as notified by the Manager Strategic Planning. The reform proposal includes a name change from Planning Proposals to Rezoning Applications to make it clear on what they are.

ACTION: Council to finalise investigation of options for notifying Precinct Committees of PPs lodged, and if required add to next CPC agenda.

d. OTHER ITEMS - to be tabled at the meeting

i. **Ross Street, Waverton house demolition via Complying Development Certificate (Waverton)**

IG (Waverton) noted that a house on Ross Street, Waverton was demolished with no DA/via a Complying Development Certificate (CDC), and that the CDC provisions (introduced approx. 18 months ago now making their way through to the community) are an alternate route to development that doesn't involve the same application/notification process through councils.

ii. **Berrys Bay, Sydney Heritage Fleet (Waverton/Wollstonecraft)**

Sydney Heritage Fleet has presented to some Precinct Committees (Union and Waverton) relating to the proposed establishment of a permanent home for the Sydney Heritage Fleet in Berrys Bay. Wollstonecraft Precinct will be presented to in April 2022.

iii. **Number of Representatives per Precinct Committee at CPC Meetings (Milson)**

JC (Milson) queried why CPC attendance was limited to one person per Precinct Committee if conducted remotely, suggesting two representatives per Committee, per the Terms of Reference should be allowed. Difficulty chairing large online meetings was noted by others.

ACTION: Co-convenors to discuss attendee numbers if CPC meetings continue to be conducted remotely.

iv. **Upcoming Local Events (Union)**

KH (Union) noted the following upcoming events:

- [Sculpture at Sawmillers](#), Sawmillers Reserve - 19 to 27 February
- Clean Up Australia Day - 6 March

v. Acknowledgement of Country at start of CPC Meetings (Union)

KH (Union) suggested the CPC adopt the practice of including an Acknowledgement of Country at the beginning of all CPC meetings.

MOTION: That the CPC adopt the practice of Acknowledgement at the beginning of all CPC meetings.

MOVED BY: KH (Union) and TB (Milson)

Unanimous

ACTION: Council to provide wording for Acknowledgement of Country from its recently reviewed [Aboriginal and Torres Strait Islander Protocols](#).

vi. Baragoola sinking (near the Coal Loader) and the South Steyne (moored in Berrys Bay)

KH (Union) noted the recent sinking of the Baragoola and the moored South Steyne. There is much activity happening on the water locally e.g. Noakes and Floating Dry Dock. It is important to understand how they can be managed, and additionally how to provide more access to the water e.g. Henry Lawson Drive, Lavender Bay. It was noted that waterways below the high water mark are not Council's responsibility. IG (Waverton) noted the wharf at the Coal Loader is slowly falling apart and other wharfs have self-destructed in Berrys Bay over the past 20 years. There is also one of the original three Italian hydrofoils parked just off Balls Head.

ACTION: CPC request that Council organise a meeting to initiate discussion with NSW Maritime (i.e. arm of RMS/TfNSW) regarding their policy and approach on vessels that are sitting on the harbour. CPC would also like to have Council involved in this discussion as this interfaces on Council land.

vii. Cammeray Park/WHTBL

MDS (Registry) noted that a family day was held at Cammeray Park, as part of a joint initiative between Bay, Brightmore, Parks and Registry Precincts) to raise community awareness as to the loss of hundreds of trees in this area due to the WHTBL.

Meeting closed at 8.14pm