

## Summary of Actions Arising (SOA) 2020 - Hayberry 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 [council@northsydney.nsw.gov.au](mailto:council@northsydney.nsw.gov.au)

Month	Item	Actions	Council's Reply	Status
September	4	<b>Dog owners failing to pick up and dispose of dog faeces</b> - Reported that the problem of dog owners failing to pick up and dispose properly of dog faeces had worsened during the Covid-19 pandemic, in part because there had been an increase in the dog population. It only required a small minority of non-compliant dog owners for the situation to worsen, and residents had noticed an increase in dog faeces near trees and on footpaths and verge heavily used by young children. Various potential remedies were discussed at the meeting, including additional signs and disposal bins, letters being sent to all dog owners explaining their obligations.	Comments noted by Council's Manager Environmental Services and Manager Ranger and Parking Services, who has also confirmed that Rangers will increase patrols in order to monitor dog walkers.	Closed for Council
	5	<b>Graffiti on Eden Street, Hazelbank Place and other Precinct streets</b> - That the Hayberry Precinct request North Sydney Council to look into the growing problem of graffiti in the Hayberry Precinct, take immediate action to clean	Council's Works Manager has advised that all graffiti reported by the Precinct Committee has been attended to. They report summarising completed actions has been provided to the Precinct Committee, under separate cover.	Closed for Council

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		<p>them up, and develop some solutions to address this issue for consultation with the community.</p>	<p>The Precinct Committee's request for solutions to address graffiti problems within Precinct area is under consideration. More information about Council's graffiti removal process is available at <a href="#">Graffiti Clean Up</a></p>	
	7	<p><b>83 Falcon Street</b> - Hayberry Precinct express its support for the preservation of the aluminium sliding gate, which, contrary to the Council's assertions, is on the property of 83 Falcon Street, and the concrete ramp at the rear of that property. The Precinct notes that the removal of these elements would result in additional cars being parked on Hayberry Street for no discernible public benefit given the fact that no casual parking is allowed on Hayberry Lane and that the arrangement is consistent with other properties backing onto that Lane.</p>	<p>Council's Team Leader - Building Compliance advises that the matter of the concrete vehicular crossing at 83 Falcon Street was initially a case of unauthorised construction. It was constructed upon Council's land without first obtaining approval. As standard procedure, an opportunity was afforded to the owner to formalise the unauthorised works by way of submitting a Development Application for its use. An application was submitted, and a planning merit assessment was undertaken accordingly. The Development Application was determined as 'refusal' by Council.</p> <p>Should the Precinct Committee wish to support the matter, it is suggested that the applicant discuss the refused application further with Council's Manager Development Services to ascertain available options. In the meantime, the Building Compliance Team is obliged to consider regulatory options due to the refused application and that the works are considered to be unauthorised. Further enquiries, may be directed to Council's Team Leader - Building Compliance on 99368100.</p>	Closed for Council
	8.1	<p><b>2036 Plan for St Leonards and Crows Nest</b> - That, in relation to the 2036 Plan for St Leonards and Crows Nest</p>	<p>Council's Manager Strategic Planning has advised that a <i>2036 Plan</i> was prepared and finalised by the NSW Government. At present, the strategy is that Council will</p>	Closed for Council

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		<p>released by the NSW Department of Planning on 29 August 2020, the Hayberry Precinct:</p> <ul style="list-style-type: none"> <li>• express its concern to North Sydney Council regarding the very significant disparity between the NSW Government's claim that it has cut the allowable building heights and the evidence contained in the document itself that the Government has increased the height of close to 30 sites in the plan;</li> <li>• express concern regarding media attribution to the Mayor suggesting Council endorsement of the 2036 plan, which is at odds with the unanimous resolution passed at Council on 27 July 2020 that opposed the plan and urged the NSW Minister to engage in "true consultation and collaboration" with the Council and community (see article in Sydney Morning Herald dated 29 August 2020 by Matt O'Sullivan entitled "Development plans for Sydney's North Shore scaled back after outcry". See <a href="https://www.smh.com.au/national/nsw/development-plans-for-sydney-s-north-shore-scaled-back-after-outcry-20200828-p55q9w.html">https://www.smh.com.au/national/nsw/development-plans-for-sydney-s-north-shore-scaled-back-after-outcry-20200828-p55q9w.html</a>);</li> <li>• noting that the 2036 plan can be amended by the Minister for Planning, request that Council seek amendment to that plan before amending the Local Environment Plan;</li> <li>• express its particular opposition to the proposed rezoning of the Five Ways Triangle site, representing the land bound by the Pacific Highway, Falcon and Alexander Streets, Crows Nest, to allow for a 16-storey development, which is double that</li> </ul>	<p>implement the various controls and directions outlined in that Plan by way of individual Planning Proposals as they are lodged, rather than pro-actively pursuing the wholesale rezoning of the precinct. This way, individual attention can be paid to sites and their potential impact.</p>	

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		<p>proposed in the draft Civic Precinct and Surrounds Study, as inappropriate for a landmark location at the high point of Crows Nest and bordering an important Conservation area; and</p> <ul style="list-style-type: none"> <li>express its solidarity with the hundreds of residents who made submissions expressing concerns regarding the overdevelopment of St Leonards South, to which even the Government's own Independent Planning Commission was opposed, whose concerns appear to have been largely ignored.</li> </ul>		
	8.2	<p><b>Planning Proposal 4/20 for the 'Five Ways' Site</b> - That the Hayberry Precinct express to North Sydney Council its opposition to Planning Proposal 4/20, which is seeking to amend the North Sydney Local Environmental Plan 2013 (NSLEP) in order to change the maximum height allowed for the site from 16 metres to 140 metres to allow for a building of 36 stories and basement car parking for 400 vehicles. Such a proposal is, in the view of the Precinct, entirely inconsistent with the character of the area, which adjoins a Heritage Conservation Area and forms part of an historical Crows Nest precinct with important heritage features that deserve protection from overdevelopment and the attendant pressures on local infrastructure, including roads and parks.</p>	<p>Council's Executive Strategic Planner has advised that PP 4/20 at Five Ways Triangle was withdrawn by the applicant on 29 September 2020, given the inconsistency with the recently released <i>St Leonards Crows Nest 2036 Plan</i>. The applicant has informed Council that it is preparing to submit a new Planning Proposal in the coming months.</p> <p>The website and Applications Tracker both show PP4/20 as withdrawn.</p>	Closed for Council
July	4	<p><b>Civic Precinct and Surrounds Study (formerly the Northern CBD Planning Study)</b> - The Precinct has been involved with this study from the outset through the community feedback sessions. JF provided background and summarised the report, which is about the Council taking the initiative in establishing the nature of the community in</p>	<p>Council's Senior Strategic Planner Urban Design has advised that the Precinct submission has been compiled with all the other submissions received. This will be addressed as part of the post-exhibition work and reported back to Council.</p>	Closed for Council

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		<p>the area within walking distance of the northern entrance to the future Victoria Cross Metro station while recognising the State Government's view that there should be some development in such areas. JF reported that while the study had made a genuine effort to reconcile the various elements, there were a number of areas of concern.</p>		
	5	<p><b>North Sydney CBD Public Domain Strategy</b> - Discussion centred on the conflict between the Council's ambitious strategy and the impact that the proposed Western Harbour Tunnel, including a significant increase in traffic on Berry Street as the westbound access road, would have on the strategy. Council to note that the Precinct would be grateful for any forecast it has made of traffic flows on Miller Street following the opening of the Victoria Cross station.</p>	<p>Council's Senior Strategic Transport Planner has advised that Council's <i>CBD Transport Masterplan</i> modelling was based on a low traffic growth scenario resulting from high Metro uptake compared to residential and jobs growth in the Metro corridor. Under Council's Masterplan modelling, Miller Street traffic demand remained largely the same to 2037.</p> <p>However, TfNSW's Western Harbour Tunnel (WHT) Environmental Impact Statement (EIS) modelling shows a very different story. Although specific traffic forecasts for Miller Street are not given in the WHT EIS, modelling results do show that traffic delays at most Miller Street intersections will increase by approximately 2-300% by 2037 compared to 2016 levels. In many cases, intersection performance on Miller Street gets worse even compared to the 2037 "Do Nothing" scenario. This is the combined result of induced traffic demand for WHT, the funnelling of traffic from the Falcon Street exit portal down Miller Street to access the North Sydney CBD as well as the funnelling of regional traffic from the north (Northbridge and beyond) down Miller Street to enter WHT via the Berry Street portal.</p>	Closed for Council

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			Council officers continue to work closely with TfNSW and the WHT team to minimise the negative impacts of WHT traffic on the North Sydney CBD, to safeguard the delivery of Public Domain Strategy projects identified to support the growth of the CBD and to capitalise upon the benefits of the new Victoria Cross Metro station in North Sydney.	
	6	<b>Western Harbour Tunnel and Beaches Link update -</b> That, in light of the Council's campaign outlining its concerns about the impact on the community of the proposed Western Harbour Tunnel, the Hayberry Precinct recommend that the Council advocate to the NSW Government a delay to all further motorway projects in light of changing economic circumstances relating to COVID-19.	Council's Manager Strategic Planning has advised that Council can only respond to projects that are proposed or identified for future investigation. This recommendation goes far beyond Council's remit.	Closed for Council
	7	<b>Precinct System Review -</b> That, in respect of the Precinct System Review, the Hayberry Precinct oppose any idea of increasing the size of Precincts and support the retention of the status quo.	Council's Manager Integrated Planning & Special Projects has advised that the Precinct Committee's comments will be treated as a submission to Stage 1. All submissions received will be collected and analysed.	Closed for Council
	9.1	<b>PP 6/19 and DA 466/05, 43-55 Falcon Street -</b> DM made a presentation on this proposal, which would be the biggest new development in the Hayberry Precinct if it were approved, consisting of 82 units and 120 car-parking spaces. The concern of many residents is that the current site, which is largely derelict, will remain the eyesore it is, or that it will be developed as a commercial site with serious implications for local traffic. Discussion focused on whether the RMS would agree to Alexander Lane becoming a two-way street and on the traffic implications.	Council's Team Leader - Policy has advised that on 27 July 2020, Council considered a report on the revised scheme and additional information in relation to the Planning Proposal where it resolved to support the progression of the proposal and in doing so also sought an amendment to the site specific DCP to allow additional car parking on this site, specifically resolving:  <i>5. THAT a site-specific draft DCP be re-presented to Council for endorsement prior to public exhibition including controls for additional parking on the site.</i>	Closed for Council

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			<p>At its meeting on 24 August 2020, Council resolved to support the site-specific DCP and a the proposed 96 parking spaces, specifically resolving:</p> <p><i>1. THAT given its resolution to provide more parking on site, Council endorse the attached draft DCP proposing parking rates to facilitate a maximum total of 96 on-site parking spaces.</i></p> <p>The proposal has since been forwarded to the Department of Planning, Industry and Environment for gateway review. Following receipt of gateway determination from the Department, the proposal will undergo formal public exhibition.</p>	
	9.2	<p><b>DA 88/2020, 313 Pacific Highway</b> - RW spoke the proposal in respect of the proposal for a multi-purpose building - commercial premises facing Hazelbank Lane and serviced apartments with a rooftop garden at this address, which is currently occupied by a dental surgery. The proposal would see the demolition of the current building and excavation to create two basements. The proposal would result in the windows of one side of Affiniti apartments being blocked by a wall and a loss of air supply to the foyer. There were many submissions expressing concern at the proposal, which is expected to be considered by the planning panel next month.</p>	<p>Council Senior Assessment Officer has advised that this application is withdrawn form Council. The Precinct Committee will be notified in due course if there is any new application lodged.</p>	Closed for Council
	10.2	<p><b>Height limitation for removing trees without need for Council permission</b> - DM spoke to the issue of the loss of a number of trees ranging in height from 5-10 metres as a result of the requirement for Council permission relating</p>	<p>Council's Executive Strategic Planner has advised that Council on 24 August 2020 considered a post exhibition report with respect to NSDCP Review 2020 which included amendments to the thresholds determining</p>	Closed for Council?

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		only to trees 10 metres tall or higher. Hayberry Precinct advocate to the Council that the requirement to obtain Council permission to remove a tree should be changed to apply to all trees above five metres in height.	whether a permit needed to be applied for or not. Council resolved to adopt those amendments and will come into force on the 14 September 2020 following their publication on Council's website. The changes included reducing the current thresholds for height and canopy dimensions of trees from 10m to 5m.	
<b>June</b>	<i>No meeting due to COVID-19 restrictions</i>			
<b>February</b>	7	<b>West Street and Falcon Street Traffic Light:</b> concern was raised regarding a possible sequencing issue at the intersection of West Street and Falcon Street since the introduction of a protected pedestrian phase. It appeared that northbound vehicles on West Street seeking to turn right onto Falcon Street were being delayed by a red arrow even though no pedestrian had activated the crossing button. It was agreed that this would be included in the Minutes in case the Council is able to look into this issue.	Council's Parking Operations Support Officer has inspected the lights on 19 June 2020 and confirms that the issue has been resolved.	Closed for Council