

HAYBERRY PRECINCT MEETING MINUTES 23 February 2022

Meeting 6.30 pm 23 February 2022, via Zoom.

Meeting Closed at 8.30 pm

Present: 25

Apologies: 5

1. Welcome, introductions and meeting protocols

The acting Convenor welcomed attendees and established meeting protocols given there were several first-time attendees. A special welcome was afforded to the two newly elected Councillors who were able to attend the meeting, Councillors Santer and Spenceley.

2. Minutes of previous meeting

The Minutes of the previous meeting held on 27 October 2021 were circulated and adopted.

Outcome 1: The Minutes of the meeting held on 27 October 2021 were tabled and adopted (unanimous).

3. Meet new Councillors - Councillors Spenceley and Santer

The acting Convenor introduced Councillors Spenceley and Santer and asked them to introduce themselves to the Precinct. He also conveyed Councillor Welch's apologies for being unable to make the meeting.

Councillor Spenceley provided some insights into his background in small and large business and his particular interest in being a strong voice for North Sydney. He expressed a concern regarding over development and explained the changes to the Local Environment Plan he had proposed at his first Council meeting in January, including the Military Road corridor and protection of heritage properties on Parraween Street. He is keen for there to be more open space in Neutral Bay and mentioned the Woolworths carpark as an example of a potential site.

Councillor Santer provided some details of his background in DFAT, Tourism Australia and of running his own business in North Sydney. His experiences highlighted for Council's capacity to improve the environment for small business. He has a particular interest in tackling climate change at the local level, exploring public transport alternatives to the Western Harbour Tunnel and Beaches Link projects, doing more to recognise and preserve North Sydney's indigenous history, promoting the North Sydney CBD as an after-hours destination, improving the Council's record on affordable social housing, and fostering the Precinct system.

4. Council's resolutions of 24 January 2022 meeting

a. Item 9.5, St Leonards/Crows Nest 2036 Plan - maximum heights on Pacific Highway (Resolution # 19)

Several attendees commended the Council's reiteration of its strong opposition to the significant increases to the exhibited maximum heights on at least 29 sites, and particularly to the maximum heights along the western side of the Pacific Highway, under the 2036 Plan. JF described the Hayberry Precinct as being the "meat in the sandwich" between the North Sydney and St Leonard's CBDs, with the attendant over-development risks, and that the price of living here is the need for eternal vigilance. NF made the point that while the Council's resolution focused on the maximum heights along the western side of the Pacific Highway, there needs to be an equal focus on the eastern side given the inevitable pressures from developers, including the planning proposal for so-called triangle site bordering Alexander and Falcon Streets and Pacific Highway.

Outcome 2: The following motion was adopted unanimously:

"That the Hayberry Precinct commend the Council for its Resolution 19 at its meeting on 24 January 2022 in respect of the St Leonards Crows Nest 2036 Plan and urge the Council to be equally vigilant regarding maximum heights along the eastern side of Pacific Highway both under the 2036 Plan and in respect of any planning proposals made under the existing LEP."

b. Item 9.6, Western Harbour Tunnel/ Northern Beaches Link Projects (WHTBL) (Resolution #20) and c. Item 9.7, Early Works Warringah Fwy Upgrade & Western Harbour Tunnel - impacts on Cammeray Park & management of contamination and compliance issues (Resolution #21)

There was a wide-ranging discussion regarding the WHTBL and the impacts on Cammeray Park and elsewhere of the early works. Discussions included the possible impact of the Willoughby by-election close-call for the NSW Government, the possible role of Precincts in informing local residents of the likely impacts, including in respect of local traffic problems, and whether the horse has already bolted in respect of these projects or whether there remains time for a major shift in the government's approach. While there were no definitive answers to the issues discussed, there was agreement that the Council's decision to continue and to escalate the current campaign informed by the position set out its Resolution 20 was very much in the interests of North Sydney residents and should be commended.

Outcome 3: The following motion was adopted unanimously:

"That the Hayberry Precinct:

- **commend the Council for its Resolution 20 passed at its meeting on 24 January 2022 in which it voted to continue and to escalate its campaign opposing the Western Harbour Tunnel/Northern Beaches Link Projects (WHT/NBL);**
- **encourage the Council to work closely with Precincts to engage local residents who may not be aware of the WHT/NBL or the impact it is having and will continue to have on our community; and**
- **support the Council with this effort in any way practicable."**

5. Draft State Environmental Planning Policy (Design and Place) 2021 (DP SEPP)

LE spoke the draft State Environmental Planning Policy (Design and Place) 2021 (DP SEPP), which he described as a means to regulate the design of future apartment buildings to require greater separation between towers, more slender buildings, and more light and space. As this was not a document with which other participants were familiar, there was some concern regarding the possibility of unintended consequences if the Precinct were to support the DP SEPP. For example, the Precinct would not wish to see higher towers approved on the basis that there was increased separation between them, nor would it necessarily support towers with improved features if the location of the proposed towers impacted negatively on Precinct residents. On that basis, the majority felt that while it might be useful for the Precinct to support some of the improved design principles, any submission would need to be very clear that such support was for more stringent requirements for apartment buildings and that, given the amount over-development in the area, there would be unlikely to be Precinct support for many proposed developments even if they adhered to improved design principles

Outcome 4: The following motion was adopted unanimously:

“That the Hayberry Precinct support the improved design principles outlined in the draft State Environmental Planning Policy (Design and Place) 2021 while making the point that, given the amount over-development in the area, there would be unlikely to be Precinct support for many proposed developments even if they adhered to such principles.”

6. Planning Proposals and Development Applications

The following were discussed:

PP6/19: 27-57 Falcon Street

Several participants affected by this proposed development spoke. Matters raised included the good level of consultation undertaken, the improved amenity to be created, the benefits of replacing an eyesore, and the consistent nature of the approach taken to date.

313 Pacific Highway

RW spoke to the approval of the DA for this site, noting that it included no provision for car parking, which would have an adverse impact on local residents. He added that there had been very little by way of consultations on the DA.

PP 3/22: Triangle site update (Alexander/Falcon/Pacific Highway)

NF spoke to this item, noting that the proposal (16 stories/129 commercial/retail units/292 car spaces) would constitute overdevelopment on such a sensitive, prominent corner site. She argued that such a development was inconsistent with character of the area given the heritage buildings on other corners. Such character is critical to the character of Crows Nest.

Councillor Spenceley agreed that maintaining the character of the area was important, especially the heritage corner buildings, and that proposed developments heading north along Pacific Highway are increasing in height. He noted that the Council does need to assess any planning proposals against the 2036 plan whether it supports them or not.

DA 200/21, 13 Eden Street (approval of motel on ground floor)

AS and AF spoke of the devastating impact on residents of the approval of this DA, which will allow the ground floor commercial units to be used as a motel, on appeal by the Land and Environment Court. The approval places residents in a difficult predicament given the implications of providing access to an atrium that represents the only access to open space the apartments on the other floors to transient persons with no stake in maintaining the peaceful environment that was such an attraction to purchasers of the apartments. The meeting discussed what, if any, steps could be taken to appeal the LEC's decision and whether the Precinct should ask the Council to consider an appeal. No motion was moved at this time.

DA 279/21, 30 Myrtle Street

HB noted that this DA, which had been discussed at the Precinct's previous meeting and which had been opposed by a number of Precinct residents, had been approved. He said that the panel had only considered the street-facing impact of the DA, whereas its negative impact was on the houses to its rear. He alerted the meeting to various procedural problems, including the lack of input from a town planner and the fact that the DA sign was not visible from the street.

DA 382/21, 108 Hayberry Street

NF outlined her concerns regarding this DA for a garage development with loft/bathroom that would effectively constitute a two-storey development casting shadows in three directions and could ultimately result in dual occupancy. She argued that this was inconsistent with the North Sydney Development Control Plan, which states at 13.9.5 that rooms and studios above garages that front laneways will not be supported. It is, she said, out of character with the conservation area in which it is located and would set a dangerous precedent for the area.

Outcome 5: The following motion was adopted unanimously:

“That the Hayberry Precinct write to Council advising that it objects to the development application for 108 Hayberry Street because it is out of character with the conservation area and does not comply with the North Sydney Development Control Plan. If a two storey, boundary to boundary building on Hayberry Lane were built, it would set a dangerous precedent for all laneways in this Precinct, and other parts of North Sydney.”

7. Your Say North Sydney

DW ran through the various proposals of interest to the Precinct – namely the Holtermann Street Park, Design Concepts; the Draft North Sydney Walking Strategy; the Proposed changes to Council Meeting Schedule and Practice; and the Miller Street Pop-Up Plaza – and encouraged Precinct residents to have their say.

9. AGM date

DW said that he hoped that AGM, which would need to be an in-person meeting, would be able to be held by the end of March. He said that he would be liaising with Council to identify a suitable time and place for the meeting and would be in touch about that.

10. Other business

There was no other business. DW thanked all for attending, especially Councillors Spenceley and Santer. The meeting closed at 8:30PM.