

Summary of Actions Arising (SOA) 2020 - Waverton 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	3	Community Engagement in 2021 - It was agreed that a hardcopy flyer should be letterbox dropped to the full Precinct at least once a year. Precinct is to look at ways to enhance its website, possibly linking to Facebook and other social media.	Noted by Council's Integrated Planning and Special Projects Department and Council's Manager Communications. Council's Community Engagement Coordinator advises that promotion is being considered as part of the Precinct System Review Stage 2.	Closed for Council
November	<i>No action items</i>			
October	3.1	Coal Loader Wharf - After years of discussion there appears finally to be constructive progress from RMS/TfNSW which has a team including landscape and heritage expertise working on the issue. The excellent reuse design by Council's Landscape Architect, based on the underlying steel support skeleton is being considered by TfNSW as part of addressing future use or demolition. (It had been noted at the Working Group meeting that TfNSW currently plan to build a new wharf to the south-	Comments noted by Director Open Space & Environmental Services.	Closed for Council

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		west of the coal loader platform to house the Baragoola and Cape Don during WHT works. This was seen as a waste of money which would be better applied to repurposing the heritage wharf.) It was also reported that the Coal Loader is being assessed for heritage listing as a whole site, not just the wharf.		
	3.2	Quarantine Launch Depot Compliment - Precinct congratulates Council for their persistence which led to acquiring the buildings. However, there was disappointment expressed at the State requiring a money transfer for a site which is not sewered and is contaminated. The disappointment included that the full site was not transferred, given that its heritage integrity requires the wharf and associated shoreline buildings (coal store etc) to be integrated with the cottages which were homes for the skippers of the vessels (Pasteur and Jenner) moored at the wharf. Council is urged to press the logic of this with the State with a view to TfNSW releasing their holding so that the site can be amalgamated and properly presented as a unified heritage site.	Council's Director Open Space & Environmental Services has noted comments and advises that Council will continue to lobby/negotiate with the State Government for these assets and other State Government owned land in Berrys Bay to be transferred to Council's ownership or as a minimum Council's care and control.	Closed for Council
	3.4	Bowling Club - The status is that the site is now subject to an Aboriginal Land claim under the NSW <i>Aboriginal Land Rights Act 1983</i> . It was reported that Council has responded, opposing the claim on behalf of the Council and community. However, Precinct was not consulted, nor was there any other community engagement on the matter. Precinct does not consider that such an approach is ethical. Rather, there should be a full consultative process, including Waverton Precinct as a stakeholder, which complies with the letter and spirit of the State law under which the claim was lodged. Further, as the	Comments noted by Director Open Space & Environmental Services. Unfortunately, the timing provided in which Council was given to respond to the claim did not allow for community engagement by Council. Council's submission did reference the recent consultation regarding proposed uses of the ex-Bowling Club site.	Closed for Council

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		Council and community have embraced the indigenous heritage of Waverton Peninsula, both in naming of Carradah Park and the celebration of the indigenous art work and history, Council should use this as a positive opportunity to educate both Council and the community in regard to how a respectful process should be undertaken.		
	3.5	Tree Cover in North Sydney - It was noted that an assessment has found that North Sydney has failed to increase tree cover in accordance with published targets. Precinct would appreciate input from Council, perhaps in the form of a Council officer talking to Precinct about how such goals could be achieved.	Council held an online information session on 27 October 2020. This session provides useful information for everyone managing trees on private land in the North Sydney LGA, including residents, arborists, contractors and developers. To view the session and access related information including the recent tree management changes to Council's <i>Development Control Plan</i> visit the Council website ¹ . Under the pandemic Council's Landscape Technical Officer is not available to attend Precinct Committee meetings in person, however, is willing to present remotely if this suits the Precinct Committee.	Closed for Council
	6.1	Waverton Park Cycle Path - Precinct supports the creation of a bike track in Waverton Park/Merrett Playground, with design to be finalised and funded by Council.	Council's Director Open Space & Environmental Services has noted the Precinct Committee's comments, and has advised that while a perimeter track has been identified in Council's <i>Recreational Needs Study, 2015</i> , the creation of a track is not currently funded.	Closed for Council
	6.2	Graffiti - Whilst work by Council in graffiti removal was acknowledged, it was noted that there is a considerable amount in the Woolcott Street rail underbridge and Commodore Crescent areas. If these surfaces are outside	Council's Administration Officer - Works Engineering has advised that the graffiti identified on the wall along Woolcott Street, Waverton, as well as on the wall underbridge and Commodore Crescent area, has been	Closed for Council

¹ https://www.northsydney.nsw.gov.au/Environment_Waste/Trees/Trees_on_Private_Land

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		Council jurisdiction, Council is asked to contact the appropriate State instrumentality for action.	removed efficiently and effectively by Council's contractor. A report with photographs before and after will be forward via email to the Precinct Committee. Graffiti over the bridge and inside the fence, has been forwarded to the State Rail/TfNSW for removal.	
September	7	Footpath Verge Garden adjacent to Grumpy's Baker in Bay Road - Residents noted that it was regrettable that a garden initiative had been required to be removed following a complaint and Council involvement. It was agreed that an application through the Streets Alive Program along with better liaison with neighbours should allow a better, and sustainable, outcome, particularly in the current climate where COVID-19 restrictions result in social distancing queues along the footpath.	Comments noted by Council's Streets Alive Co-ordinator.	Closed for Council
	8	Trees in Larkin Street - It was reported that the southernmost tree planted recently by Council appeared to have been poisoned, as the remaining trees look healthy. It is to be hoped that Council will investigate and take steps to secure the remaining trees.	Council's Tree Management Officer has advised that a plant Pathologist has been organised to inspect the site and collect samples from affected trees/soils on 4 September 2020. The results should be received late September 2020.	Closed for Council
	10.2	DA 29/18, 4-6 McKye Street - This proposed change to an approved DA represents substantial modifications including increase in site footprint and, with addition of 2 additional apartment, exceeds the 12m Height Plane. Precinct requests Council to address these matters to ensure compliance with development controls	Council's Senior Assessment Officer has advised that issues raised in respect of this application will be considered during the assessment process.	Closed for Council
	10.3	DA request - That Council maintain at least one paper copy of DAs for viewing by the public as online viewing is difficult or impossible for many members of the community."	Comments noted by Council's Manager Development Services. Council's Community Engagement Coordinator has advised that as per the memo dated 24 June 2020,	Closed for Council

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			Council has now moved to ePlanning. Applications submitted through the Planning Portal do not provide a hard copy a set of plans to facilitate viewing at the Customer Service Centre (or for Precinct System use). One benefit of this new system is that it has introduced access to internal plans online. While we may not have hard copies at Customer Service, there is a computer available for 'customer' use to view DAs online.	
August	2	North Sydney Olympic Pool - The current status is that the DA has been approved with some more minor items such as shade over the wading pool, still to be resolved. It was reported that Council has resisted calls from the community for the indoor pool to be reopened for those in need of hydrotherapy.	<p>Comments noted by Council's Manager North Sydney Olympic Pool. Council as its meeting of 22 June 2020 resolved</p> <ol style="list-style-type: none"> 1. <i>THAT the report on the use of the North Sydney Olympic Pool over the previous three weeks be received.</i> 2. <i>THAT Council acknowledge that capacity for the number of public lap swimmers in the outdoor 50 metre pool has been increased, based on NSW Government restrictions and the development of an amended and appropriate COVID-19 Plan for North Sydney Olympic Pool.</i> 3. <i>THAT Council monitor the take-up of the additional lap swimming capacity in the outdoor pool together with further easing of restrictions before giving further consideration to reopening the indoor pool.</i> 	Closed for Council
	6	DA 112/19/3, 8 Woolcott Street - A variation has been submitted. However, as it only relates to roofing material, Precinct has no comment.	Comments noted by Senior Assessment Officer Planner.	Closed for Council
July	2.	Sculpture for Carradah Park - Submission date for the location of this piece of donated art remains open until Sunday 19 July 2020. Precinct has not taken a position on preferred location, but residents were encouraged to voice their preference. It was generally thought that placement in the middle of the larger tank circle may inhibit its use	Feedback noted by Council's A/Director Community & Library Services. All feedback received was collated, analysed and reported to Council. Council at its meeting of 24 August 2020 resolved:	Closed for council

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		for other purposes (such as live theatre previously played there).	<p>1. THAT Council resolves not to place The Sun Also Rises sculpture at the locations in Carradah Park advertised as Options 1 and 2, in view of the results of the June 2020 community consultation.</p> <p>2. THAT Council resolves to locate The Sun Also Rises sculpture at Option 3 as suggested by Waverton Precinct Committee, for a trial period of 12 months and at the end of this period a report be brought back to Council.</p>	
		Military Road Corridor - This plan appears to follow a pattern of allowing ever-increasing building heights with open space receiving only lip service. Redevelopment of the Big Bear/Bus Depart zone is expected to follow the Woolworths site. No additional facilitation of pedestrian crossing of Military Road is proposed, and allowable heights are increasing from 5 to 12 storeys.	Comments noted by Council's Senior Strategic Planner.	Closed for Council
	5	Trailer parking - It was suggested that a parking sticker scheme be set up to allow residents to park trailers in the municipality, and then exclude those from elsewhere. There was no motion made in relation to this suggestion.	Council's Manager Traffic & Transport Operations has informed that as Waverton Precinct Committee did not move a motion on this item it will not be treated as a submission.	Closed for Council
June	<i>No meeting due Covid-19 restrictions</i>			
May	<i>No meeting due Covid-19 restrictions</i>			
April	<i>No meeting due Covid-19 restrictions</i>			
March	3	Floating Dry Dock - The liaison officer also explained the status of the ongoing negotiations with Council regarding construction of a public wharf, originally committed to in the 1990s. A committee has been set up by Council to set the parameters, and Noakes has undertaken to construct the wharf when the scope is agreed. Noakes are 'keen to proceed'. The Chair is to enquire with Council regarding status of progress.	<p>UPDATE (25 May 2020) Council's Team Leader - Building Compliance has advised that this matter is with Council's Solicitors for proceedings. Compliance actions are on hold and any further actions will be subject to legal advice.</p> <p>UPDATE (15 December 2020)</p>	Open/Ongoing

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			<p>On 12 October 2020, Council's Legal & Planning Committee considered and noted the contents of a (confidential) report which provided an update on planning and compliance matters relating to Noakes Boatyard at 6 John Street, McMahons Point.</p> <p>On 26 October 2020, Council considered and adopted the minutes of the meeting of the Legal & Planning Committee held on 12 October 2020 and resolved:</p> <ol style="list-style-type: none"> 1. THAT Council note the contents of the report. 2. THAT the report be treated as confidential and remain confidential until Council determines otherwise. On 2 November 2020 and 13 November 2020, Land and Environment Court Proceedings No. 2020/00122833 ("the Proceedings") were listed before Acting Commissioner Philip Clay for further conciliation between the parties. On 16 November 2020 the parties reach an "in principle" agreement to resolve the Proceedings, to include Local Court Proceedings, subject to the terms of a Deed of Settlement ("the Deed") <p>At its meeting of 30 November 2020, Council considered a confidential report in closed session which provided a further update on legal, planning and compliance matters relating to Noakes Boatyard at 6 John Street, McMahons Point. Council resolved:</p> <ol style="list-style-type: none"> 1. THAT Council authorises the General Manager to negotiate and agree to minor changes or amendments to the Deed of Settlement. 2. THAT Council authorises the General Manager to execute the Deed of Settlement. 3. THAT Council notes the Deed of Settlement may be provided to residents, interested parties or complainants, 	

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			<p><i>upon request and subsequent to execution by the General Manager.</i></p> <p><i>4. THAT Council notes that if the Deed of Agreement is not agreed between the parties, the s34 Conciliation Conference will likely be terminated and the Proceedings will thereafter be listed for defended hearing. 5. THAT the Confidential Report relating to matters specified in Sections 10A(2)(g) be treated as confidential and remain confidential until Council determines otherwise.</i></p> <p>Notice of Rescission No. 5/20 was considered at the Extraordinary Council meeting of 15 November 2020, the recession motion was lost.</p>	
		<p>Development Control Plan - It is understood that this Council document is to be reviewed. The Chair undertook to enquire whether Council will also be reviewing the LEP.</p>	<p>Council's Executive Strategic Planner has advised that at its meeting of 25 November 2019, Council resolved to adopt a Local Strategic Planning Statement (LSPS) and Local Housing Strategy (LHS). These are high level strategic documents which set the desired future vision for the LGA and will be used to inform Council's LEP and DCP. Council staff commenced a review of its LEP and DCP in conjunction with the drafting of these documents.</p> <p>Council also resolved at its meeting of 25 November 2019, to adopt a Planning Proposal to amend NSLEP 2013 to give effect to the outcomes and actions of the adopted LSPP and LHS and to address a number of minor housekeeping amendments. Council has since forwarded the Planning Proposal to the Department of Planning seeking a Gateway Determination, to enable the Planning Proposal to be placed on public exhibition for comment. Council has yet to receive a Gateway Determination.</p>	<p>Closed for Council</p>

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			<p>A report addressing a wholesale review of NSDCP 2013 was considered by Council at its meeting of 24 February 2020, where it resolved to adopt a number of draft amendments and place those draft amendments on public exhibition. The report identified that the need for the review has arisen from Council's recent adoption of its LSPS, LHS, Planning Proposal and to address a number of housekeeping amendments.</p> <p>Council resolved to publicly exhibit the Planning Proposal and draft amendments to NSCP 2013 concurrently.</p> <p>It is intended that the entire LGA will be notified via letter of the public exhibition of these documents, as soon as practical after it has received a Gateway Determination for the Planning Proposal. Council staff have been unable to obtain the potential timing as to when a Gateway Determination is likely to be issued.</p>	
	4	Waverton Peninsula Working Group/Save Berrys Bay Committee - It was proposed that representatives of Union and Lavender Precincts be invited to become part of the WPWG.	Council's Manager Governance and Committee Services has advised that representatives for Union and Lavender Precinct Committees were invited to the (cancelled) 23 March 2020 meeting.	Closed for Council
	7	Development Applications - It was pointed out to the meeting that the DA form now requires a declaration of political donations in the prior 2 years.	Council's Team Leader Administration has advised that the requirement for declarations of political donations has been required for a number of years now. This was part of the previous version of the form before Council moved to the electronic lodgment.	Closed for Council
	8	Bowling Club - Council has secured an extension to the lease. It is likely they will demolish the building and add the area to parkland. The Chair is to enquire regarding	UPDATE (23 June 2020) Council's Director Open Space & Environmental Services has advised an Aboriginal Lands claim has been	Open/Ongoing

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		when Council is likely to decide its position and when public comment may be sought.	submitted, therefore the process with Crown Lands is on hold until the claim has been determined. A further update will be provided in due course.	
		Invitation for Mayor to attend Precinct and speak on priority issues - The Mayor has been formally invited to come and talk at any Precinct meeting between now and September. "The Mayor be invited to make a presentation to Precinct". Moved VY Seconded IB, Carried	The Mayor would like to be invited to attend Precinct Committee meeting. Precinct Committee meetings dates for 2020 have been tentatively added to the Mayor's calendar.	Closed for Council
February	3	Coal Loader Platform - Precinct Committee has received a letter from the Mayor confirming that active consideration is being given to a second round of works which may include toilets and better shading. The Mayor also offered to attend a meeting. It was agreed that the Mayor should be invited to one of the next meetings to present information on her proposed plans, talk over any issues she likes, and the Precinct Committee should advise her of our priority issues for this year as well so that she could hopefully talk on these items as well. Item 8 "Priorities for 2020" Coal Loader Wharf: Pressure government to implement the Council concept for a shortened wharf and a tourist ferry wharf, to be done as part of preparatory works for the coffer dam. Coal Loader Platform: Facilities improvement as previously decided (benches, shade, toilets) are essential.	<p>This request has been forwarded to EA to the Mayor for action.</p> <p>UPDATE (15 December 2020) At its meeting of 23 September 2019 (MM01 Min. No. 254) Council resolved:</p> <ol style="list-style-type: none"> 1. <i>THAT a report be prepared on ways to provide additional shade at the Coal Loader Platform in time for the 2020/21 summer. The report should:</i> <ol style="list-style-type: none"> a) <i>provide a range of options for Council to consider, including planting additional trees along the periphery of the Platform as well as options for shade using the existing colonnade;</i> b) <i>include a review of essential facilities on the Platform and recommendations for providing additional facilities, such as toilets and a drinking fountain, if required;</i> c) <i>include the cost of installing and maintaining each option; and</i> d) <i>be provided to Council in time to incorporate a project in the 2020/21 Operational Plan if required.</i> <p>At its meeting of 30 November 2020, Council received a report outlining the progress of the above items. Funding</p>	Closed for Council

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			for any proposed work will be dealt with as part of the budgeting process for the 2021/22 financial year.	
		Western Harbour Tunnel - Excerpt from Minutes of 4 Feb 2020 Meeting: Moved VY Seconded MP "That the responsible person from Council be invited to make a presentation at the next meeting, summarising Council's analysis of the WHT, its impact on North Sydney and surrounds, and to tell us what further actions they are taking." Carried unanimously	Council's Manager Strategic Planning has advised that the report has been drafted, once it is approved the Precinct Committees will be informed accordingly.	Closed for Council