

BRIGHTMORE PRECINCT

PART OF NORTH SYDNEY COUNCIL'S COMMUNITY PRECINCT SYSTEM

MINUTES OF MEETING

WEDNESDAY 12 OCTOBER 2022

COMMENCING AT 7.00 PM

CHAIR: PE (Co-Chair)

MINUTES: LS (Secretary)

ATTENDANCE: 43 people attended the meeting

APOLOGIES: 2 (JG, AG)



1. WELCOME

PE (Co-Chair) opened the meeting and welcomed our Guest Speakers, Councillor Shannon Welch, and DB and SY from Transport for NSW

Cr Welch, who represents Cammeraygal Ward, has lived in Neutral Bay for 24 years and has been involved in the local community through her profession as an ICU nurse for over 35 years, and her love of sport.

An avid tennis player, she led a successful public campaign to have the Primrose Park Tennis courts refurbished, after which she decided to run as a Councillor, representing the Labor Party.

As a NSW Nurses and Midwives Association union delegate, she helped lead the union's fight against the privatisation of the Northern Beaches Hospital.

Shannon hopes to make a positive difference in the North Sydney Community.

2. WESTERN HARBOUR TUNNEL - LOCAL TRAFFIC IMPACTS, MILITARY RD & ERNEST ST

Representatives from Transport for NSW

DB - Traffic and Transport Lead, Warringah Freeway Upgrade

SY - Senior Communication and Stakeholder Engagement Officer

Abbreviations

- Warringah Freeway Upgrade (WFU)
- Sydney Harbour Bridge (SHB)
- Sydney Harbour Tunnel (SHT)
- Western Harbour Tunnel (WHT)
- Northern Beaches Link (NBL)

DB gave a presentation on the various access points to the Sydney Harbour Bridge (SHB), Sydney Harbour Tunnel (SHT) & Western Harbour Tunnel (WHT).

TfNSW will provide an abridged version of their presentation.

Access to/from SHB will no longer be possible at Ernest Street, which will only have access to SHT.

Objectives of WFU are improving safety and connectivity.

Q & A

Q: WHT seems to have no benefit to our community. Why are we better off?

A: There will be less traffic on SHB and SHT which will lead to quicker trips.

Q: Why do we have to lose access to SHB from Ernest St?

A: There will be dedicated lanes with barriers to SHB & SHT which will improve safety. There are alternative routes.

Q: There are 2 alternative routes proposed to SHB from Ernest St:

1 - access Military Rd at Ben Boyd Rd, where it is already virtually impossible to turn right. Military Road was rated 1 of the 5 worst roads in Australia 5 years ago.

2 - go west to Miller Street and then either back along Falcon St or north on Miller St to Cammeray, which will create further congestion on Miller Street.

What happens when Ben Boyd Road is backed up to Ernest Street, due to vehicles not being able to get onto Military Road, and the intersection at Miller Street is congested?

A: We will be monitoring all intersections.

Q: At Cammeray Park in the north-west corner, the work seems to be connected to NBL which is on hold?

A: All work at Cammeray Park is for the WFU and WHT.

Q: Has increased density been considered in the traffic modelling? There is a push for increased population and a bigger Australia, both at a Federal and State level (Greater Sydney Commission).

A: Yes. Modelling forecasts a fairly high increase in population, and traffic modelling and forecasting is continually updated. Modelling only allows for densities in current Local Environmental Plans, not for increased densities due to rezonings / Planning Proposals.

Q: Recently TfNSW proposed a permanent No Right Turn onto Military Rd at Winnie Street, the only other access point to Military Rd apart from Ben Boyd Road. Is a No Right Turn proposed at Ben Boyd Road?

A: No.

Q: Apart from Berry Street, where can we access the WHT?

A: At Willoughby Road ramps at Naremburn.

Q: Has there been monitoring of Ernest Street traffic to the city?

A: Yes, in May 2022. Traffic patterns are the same as pre-Covid, and we are updating the modelling.

Q: There is little difference in traffic patterns from the data in May 2002 compared with pre-Covid, which is surprising given the number of people working from home? Why isn't it more different?

A: Traffic has rebounded quite strongly and quickly, but public transport usage hasn't. SHB train traffic is 50% less than pre-pandemic, suggesting people are still preferring private vehicles over public transport.

Q: If there is an accident in the SHT and I am already on its approaches, will I be stuck until it is cleared?

A: There will be periodic removable breaks in the lane barriers. There will also be new messaging systems and gantries with information.

Q: Can we put the fan rooms for the facilities buildings underground, and have a green bridge?

A: This was addressed as part of the EIS.

Q: Does the Smart City Strategy feed into this project?

A: No. The aim is to improve connectivity with public transport upgrades, such as improving dedicated bus lanes from both Falcon Street and Miller Street. Emissions will go down as use of electric vehicles increases.

Q: Will TfNSW reinstate all the topsoil ending up in Middle Harbour?

A: There are independent inspections, and we are operating within the conditions of approval.

Q: Has TfNSW involved Council?

A: TfNSW works closely with Council's traffic engineers, planners, and parks department.

IN SUMMARY

The overall consensus of the precinct attendees was that the WFU and WHT provided little or even no benefit to our community, and in fact was detrimental, given that access to the SHB will no longer be possible from Ernest Street. This will force ALL users, whether local or transiting from further away, to attempt access to Military Road or rat-run through the back streets of Neutral Bay, Cremorne, Cammeray and North Sydney

The following **MOTION** was proposed, and passed **UNANIMOUSLY**.

That Council's Traffic & Transport Planners liaise with TfNSW and our local community members to discuss our concerns.

The following **MOTION** was proposed, and passed **UNANIMOUSLY**.

That Brightmore Precinct write to Tim James, MP for Willoughby, to make him aware of our over-riding concerns about the removal of access from Ernest Street to the Sydney Harbour Bridge.

TfNSW has agreed to attend another meeting.

3. PLANNING PROPOSAL 4/22 PROHIBITION OF RESIDENTIAL FLAT BUILDINGS IN THE R3 MEDIUM DENSITY RESIDENTIAL ZONE

SK gave a presentation of the proposal.

On 28 March 2022, Council resolved to endorse a **Planning Proposal** to prohibit residential flat buildings in the “R3 Medium Density Residential zone”. This is achieved by amending the North Sydney Local Environmental Plan (NSLEP) 2013. This proposal effectively seeks to reverse the permitting of residential flat buildings in R3 Medium Density Residential zone, which occurred as an amendment which came into force in June 2021.

Comments

- This is an LGA wide issue, given that R3 zoned land exists throughout the LGA.
- In January 2022, a Motion was passed by Council to reverse the changes made to the NSLEP in June 2021, in response to submissions from Brightmore and Harrison Precincts and extensive community concern.
- Rules are in place for co-ordinated development but also diversity, and importantly, to protect the character of our local area.
- We already live in a densely populated LGA, with a high percentage of apartments (70.5% of dwellings in Cremorne are apartments, according to 2016 ABS census data).
- Overdevelopment in one area sets a precedent for overdevelopment in other areas.
- The change made to the NSLEP in June 2021, was not, and is not, needed to meet North Sydney LGA’s housing targets.
- The change made to the NSLEP in June 2021 will lead to changes in our built form environment that will erode the character of our suburbs.
- The impact of the change made to the NSLEP in June 2021 is evidenced by DA 243/21, lodged just weeks after the change was made. This DA proposed to demolish 3 federation houses in the R3 Zone on Holt Avenue in Cremorne, their extensive gardens, and 20 trees, to construct a 3 storey 16-unit residential flat building. These dwellings have since been identified to be items of heritage significance, by independent experts GML Heritage.
- If the June 2021 NSLEP change is not reversed, we are likely to see more houses and townhouses across our entire LGA, including items of heritage value, being demolished, to construct residential flat buildings. This will erode the character and amenity of our local area, to the detriment of our current generation and future generations.

The Planning Proposal is on public exhibition from **26 September 2022 to 7 November 2022**.

Attached is a document detailing how to make a submission.

The following **MOTION** was proposed, and passed **UNANIMOUSLY**.

That Brightmore Precinct lodges a submission to North Sydney Council supporting Planning Proposal 4/22, including the points below -

- 1. Brightmore Precinct strongly supports reversing the amendment that was made to the North Sydney Local Environment Plan on 30 June 2021, that added Residential Flat Buildings as a permissible development in the R3 Medium Density Residential Zone.*
- 2. The June 2021 amendment (permitting Residential Flat Buildings in the R3 Zone) is not required for meeting North Sydney LGA’s housing supply targets.*
- 3. The June 2021 amendment, if not reversed, will lead to development that will erode the character of our suburbs.*
- 4. Reversing the June 2021 change is in the interests of our community because it will help to –*
 - a. protect the character and amenity of our suburbs.*
 - b. preserve our built form heritage that makes our suburbs special.*
- 5. Preserving the character of our suburbs is in the interests of current and future generations.*

4. UPDATE ON PLANNING PROPOSAL 6/22 - WOOLWORTHS 1-7 RANGERS RD, NEUTRAL BAY

MTJ gave an update on the above.

At Monday's Council meeting the Planning Proposal was considered and Councillors voted unanimously to not support the Proposal. Cr Welch spoke against the Proposal, for which we thank her.

There were 9 speakers, including 3 Precincts (Neutral, Brightmore, Willoughby Bay) and 2 residents from Yeo Street and Rangers Road, and 4 representatives from Woolworths.

There were 204 submissions, which was extraordinary given that the Planning Proposal was not on public exhibition.

Woolworths was now a developer, not just a provider of food and groceries.

At the meeting, Cr MaryAnn Beregi urged Woolworths to withdraw the Planning Proposal and to talk to Council about a more appropriate development with proper community consultation.

Woolworths can now take the Planning Proposal to the NSW Department of Planning and ask for the Council decision to be reviewed, where it can be referred to the Sydney North Planning Panel, which has members appointed by the Minister. It could then recommend the PP go to Gateway Determination.

Cr Welch commented that Coles had been more consultative in their development.

Q & A

Q to Cr Welch: Where does the Labor Party stand on Councils being overruled by private Planning Proposals?

A from Cr Welch: question taken on notice.

Q: If the Sydney North Planning Panel says no, i.e. that it has no strategic merit, is that the end of it?

A: MTJ advised if SNPP recommends against a PP proceeding to Gateway Determination that should be the end of it. However, the recent Neutral Bay experience with Planning Proposal for 12-14 Waters Road - which sought to increase the height from 16 metres to 26m - indicates the SNPP can take a wide view of what has "*Strategic Merit*". This Planning Proposal was rejected by Council (6 votes for, 4 against), but the developer asked for a rezoning review by the Department of Planning. It went before the SNPP which gave approval for the application to go to the Department of Planning for Gateway Determination as it had "strategic merit", "*given its alignment with Council's planning and community consultation over the last four years for the local area and Council's direction to find a balance between additional height, employment generating opportunities and additional open space*".

Action:

Brightmore Precinct write to all Councillors and thank them for rejecting the Planning Proposal 6/22.

5.UPDATE ON PLANNING PROPOSAL 2/22 - 12-14 WATERS RD, NEUTRAL BAY

MTJ raised the above issue with Tim James, MP for Willoughby, prior to the SNPP meeting and his office advised that "*Tim hears your concerns*".

6.DA 273/22 - 233-237 MILITARY RD, CREMORNE (old 2nds World)

A number of concerns were raised over the Development Application.

The following **MOTION** was proposed, and passed **UNANIMOUSLY**.

That Brightmore Precinct requests Council officers to take into account the following issues in assessing the proposal:

- The proposed development is on land zoned R4 High Density Residential. Office premises are a prohibited land use within this zone. The change of use proposed will rely upon the existence of existing use rights.*
- It proposes to accommodate up to 150 workers (co-working offices for WOTSO), with no increase car parking spaces from the current 5 spaces.*
- Increased parking on residential streets. Despite the submitter's "Green Travel Plan" stating workers will use public transport, bikes, car share and walk, the reality is many workers will drive and park in local streets. On enquiring about parking for WOTSO offices in Yeo Street at Neutral Bay, LS was told there was "2 hour parking under Woolworths, and plenty of parking on local streets, from 1 to 2 hours, or if you get here early enough, unlimited time". There was no mention of public transport, walking etc.*
- There will be increased competition for existing on-street parking in the surrounding vicinity with the development of 131-139 Holt Avenue - a 5 storey mixed use development with 240 sqm business premises use and 24 apartments.*
- Inadequate notification area, which included only 2 rate-paying apartment blocks. All other addresses were either not residential, unoccupied or other use: Coles Express petrol station, a building owned by NSW Health, a NSW Department of Housing dwelling, Weaver Park, 2 x Redlands school cottages (unoccupied & uniform shop), a private boarding house, McDonalds, and commercial shops such as Sushi Train. Harrison Precinct has requested Council to increase the zone notified to include the rate-paying areas of Cranbrook Ave, Holt Ave, Allister St, Murdoch St, Winnie Street, as the DA has environmental impacts on the local residents.*
- Appearance of the building should blend in with the current streetscape. The proposal seeks to paint the existing red brickwork white, which is not in sympathy with, and in stark contrast to, the adjoining buildings, the Art Deco flats "Woodstock" at 239 Military Road, and the ex-Cremorne Ambulance Station building (circa 1930) currently housing the Cremorne Community Health building at 229-231, which are both currently unpainted brick.*

Art-deco is Cremorne's streetscape theme, as identified in Council's Public Domain branding, and given the site is in a prominent position at the "Gateway to Cremorne" it is imperative that both the buildings situated at 233-237 & 239 continue to convey and respect their Art Deco heritage origins.

7. DEVELOPMENT APPLICATIONS

Development Applications received comments due 21 October 2022

Precinct	Number	Property	Proposal
Brightmore/Parks	DA 284/22	51 Sutherland Street, Cremorne	Alterations to an existing dwelling to include 1 parking space and bin storage and associated works. Cape Cod Aust Pty Ltdm.

Development Applications received comments due 28 October 2022

Precinct	Number	Property	Proposal
Brightmore	DA 433/21	55 Sutherland St, Cremorne	Amended Plans - Alterations and first floor addition to existing semi-detached dwelling and associated works. Matthew Woodward Architecture.
Brightmore	DA 290/22	14 Reynolds St, Cremorne	Change of use and alterations and additions to existing dwelling including first floor extension and attached rear deck. Barbara Bagot.

8. CORRESPONDENCE

8 i. LETTERS TO TIM JAMES, MEMBER FOR WILLOUGHBY, & ANTHONY ROBERTS, PLANNING MINISTER RE: SYDNEY NORTH PLANNING PANEL REVIEW OF 12 – 14 WATER RD PLANNING PROPOSAL

Following a Motion at the September meeting, the Committee sent the following email to both Tim James, MP for Willoughby, and Anthony Roberts, Minister for Planning & MP for Lane Cove

Brightmore Precinct <brightmore.precinct@gmail.com>
4 Oct 2022, 16:47

Sydney North Planning Panel Rezoning Review Decision for 12 – 14 Waters Road Neutral Bay



Brightmore Precinct <brightmore.precinct@gmail.com>
to willoughby ▾

Tue, 4 Oct, 16:43 (8 days ago) ☆ ↶ ⋮

Re Sydney North Planning Panel Rezoning Review Decision for 12 – 14 Waters Road Neutral Bay

The residents of Neutral Bay and Cremorne are surprised and very disappointed that the Sydney North Planning Panel recently gave their support for the Planning Proposal for 12 – 14 Waters Road Neutral Bay that will go to the Department of Planning for Gateway Determination.

The decision ignored representations by the community and sets a terrible precedent for other developments in the Local Government Area of North Sydney.

Approximately four years ago, North Sydney Council initiated the Military Road Corridor Planning Study to determine the future direction with Neutral Bay being the first area for a draft planning study. This study included proposals to amend controls to allow increased building heights up to 12 storeys on certain sites within the Neutral Bay business area. Community feedback was sought by Council and the top response – **by far – was objection to any increase in building height**. Despite the Council's consultation showing the community rejected any increase in height, a motion was passed by the Council ratifying the Military Road Corridor Planning Study, only by the previous Mayor's casting vote.

The community clearly opposed the overdevelopment which was reflected in the local Council elections in December 2021 where a majority of candidates who stood against overdevelopment were returned. The first action of the new Council was to rescind the Military Road Corridor Planning Study in January 2022.

The overdevelopment of Neutral Bay by increasing the height limits is a major concern as it:

- will change the character of the area
- cause overshadowing of residential properties
- increase traffic congestion due to more cars and add pressure on the already limited parking available. There are no train services within walking distance with traffic and bus transport already congested along Military Road

The recent Sydney North Planning Panel meeting was held behind closed doors (no public allowed and no submissions allowed) and made an extraordinary statement that the Planning Proposal 'has strategic merit given its alignment with Councils and community consultation over the last four years for the local area'. This is despite residents' feedback to the Military Road Planning Study, the results of the local election and the current Council's rescission motion.

We urge you to ensure the feedback from the locals is considered by the Department of Planning and that this Planning Proposal is not supported and does not proceed to public exhibition.

Regards

Peter Ellis - Co-chair of North Sydney Brightmore Precinct Committee

Peter Young - Co-chair of North Sydney Brightmore Precinct Committee

Lesley Sommerville - Secretary of North Sydney Brightmore Precinct Committee

Ciaran de Bhaldrath - Deputy Secretary of North Sydney Brightmore Precinct Committee

Brightmore Precinct Committee

8 ii. SUMMARY OF ACTIONS ARISING (SOA) BRIGHTMORE PRECINCT SEPTEMBER 2022

Summary of Actions Arising (SOA) Brightmore Precinct 2022

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
September	No actions arising requiring Council's response			
August	4	12-14 Waters Rd, Neutral Bay Conditions of Consent & Construction Management Plans - Brightmore Precinct is concerned about compliance with the Conditions of Consent relating to noise, traffic and work zones, including but not limited to the following: <ul style="list-style-type: none">• Keeping Waters Rd open at all times. Recently one lane was closed with a large crane on the road.• No construction vehicles on the street except in Works Zone. Recently vehicles were parked in Grosvenor Street and there are no Work Zone signs.	<p>Council's Team Leader Building Compliance has advised that the Precinct Committee's enquiry will be investigated to ensure that the site complies with all conditions of development consent, in particular traffic, noise and that Waters Road being accessible at all times.</p> <p>Council considers this a serious matter and will give priority to the investigation due to public safety concerns. However, the investigation itself is an ongoing investigation throughout the various stages of construction at the site and therefore may take some time to resolve. Despite the lengthy investigation, the Should the Precinct's Deputy Secretary development wish to discuss the development at 12-14 Waters Road in</p>	Closed for Council

9. GENERAL BUSINESS

9i . COUNTING OF VOTING IN COUNCIL COMMUNITY CONSULTATIONS AND SUBMISSIONS

MdS (Harrison) raised concerns over the above issue, which was proposed by Cr. Santer and discussed at Monday's (10th October) Council meeting.

In summary, the Motion was proposed to address the issue of a submission by a community organisation (such as a precinct) being registered as one vote only for or against the proposal, while individual submissions are given the same weighting, namely one vote. In order to ensure an accurate reading of the community's attitude to a proposal, it was proposed the tally should record individual votes in all cases, whether from a community organisation or from an individual. And that for the purpose of transparency and to ensure the absence of 'branch stacking', the names and addresses of individual voters would be included in the report to Council on the voting outcome of the consultation.

Attendees expressed concern about:

- the confidentiality and security of their personal details
- how the issue of double counting would be handled
- they would be unable to lodge a personal submission, even though it might be of a different nature to that lodged by a precinct

The Motion passed at the Council meeting included *"THAT the principle of "One person, one value, one vote" is included in the review of the Community Engagement Protocol"*.

9 ii. APPOINTMENT OF NEW GENERAL MANAGER AT NORTH SYDNEY COUNCIL

Cr Welch confirmed that Ms Therese Manns has been appointed as the new General Manager, effective 21 November. Ms Manns has had extensive experience in regional (Broken Hill) and metropolitan councils, most recently as General Manager at Randwick City Council, and has a good track record in improving business processes and keeping councils on track financially.

9 iii. PEPPERCORN TREES IN ILLILIWA STREET

SC raised the issue of the pitiful state of the trees in Illiliwa.

Cr Welch to follow up personally.

9 iv. BOAT TRAILERS IN RESIDENTIAL STREETS

MTJ raised the above issue which is becoming more of a problem in our local streets.

Council declared the LGA is subject to the impounding legislation, if it hasn't been moved after 28 days and through an intersection. There is a Trailer Policy on Council's website which notes the policy for declaring areas "No Parking – Motor Vehicles Only" which prohibits all trailers (eg caravans, box trailers, horse trailers as well as boat trailers).

KF stated that the 28 days for boat trailers in effect is 43 days, as after Council gives notice, it has to be moved within 15 days.

Action for Council:

- How is the legislation interpreted by Council officers? Can they drive around the block and park again in the same place?

9 v. INVITATIONS TO SPEAK AT FUTURE BRIGHTMORE PRECINCT MEETINGS

PE to extend invitations to:

- Transport for NSW (follow-up)
- Tim James, MP for Willoughby, and Felicity Wilson, Member for North Shore
- potential candidates standing at the NSW State election next year

10. MINUTES FROM SEPTEMBER MEETING

The minutes from the September meeting were adopted, with the following amendment to:

Item 4. UPDATE ON CAMMERAY PARK/GOLF COURSE

The compensation the golf club received was for loss of income to the golf club from the course being closed and compensation for staff redundancies and salaries for the two remaining staff.

NEXT MEETING: 9 November 2022

EMAIL: brightmore.precinct@gmail.com