

Summary of Actions Arising (SOA) 2023 - Lavender Bay 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 a 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 to precincts@northsydney.nsw.gov.au

Month	Item	Actions	Council's Reply	Status
May	4a	Blues Point Reserve - turning circle at end of Blues Point Rd. Concern raised that the No Stopping signs in the turning circle stanchions are impacting on kayakers who launch their boats from the Reserve. Previously they could stop there temporarily to unload them. Suggested that a sign placing a maximum 15 mins restriction on unloading boats from vehicles in the turning circle could remedy this problem.	Council's Manager Traffic & Transport Operations has advised that community members have raised concerns with Council about drivers parking within the turning circle preventing safe egress by drivers from the Shared Zone. Parking in the No Stopping area requires other drivers to reverse up the street. This has resulted in safety concerns related to drivers reversing in the pedestrian priority area. Under the NSW Road Rules, it is illegal to Stop in a Shared Zone unless in a line marked and signposted parking bay. Parking has been provided within the Shared Zone in an appropriate and safe location.	Closed for Council
	4b	East Crescent Street pocket park - Precinct noted the one-way street sign is not clearly visible, facilities such as water are uncovered, cars constantly mount the footpath when turning from Blues Pt Rd and the commitment for a	Council's Engineering Project Manager has advised that the visibility of the one-way signage will be investigated and rectified if required. Water facilities are not uncovered. Only two hose taps are onsite. It will be	Closed for Council

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		4-month trial period has been breached. (Update: the closing date for feedback has been extended from 24 May to 30 June, go to: https://yoursay.northsydney.nsw.gov.au/east-cres-st-shared-space-trial).	investigated. Swept path studies were undertaken prior to works and approved by Traffic Committee. The design intent is to force vehicles turning into East Crescent to slow down prior to turning for pedestrian safety. Tests were also conducted prior to opening.	
	4b	101 Blues Pt Rd/55 East Crescent St - Precinct, noted the derelict building opposite the park, 101 Blues Pt Rd/55 East Crescent St, with a broken front window and overgrown backyard, and requested Council to investigate and request a clean-up of the site.	Item sent to Council's Team Leader Environmental Health.	Awaiting response
	5	Public exhibition of Planning Proposal 5/20, 52 Alfred Street South - Council previously rejected a proposal to replace the Kimberley Clark building at 52 Alfred Street South on the basis of the height of the new building, and that it required changes to the Local Environmental Plan. Precinct noted that the new design has reduced the proposed height, it increases the size of the pediment and proposes two towers rather than one: 17 storeys on Alfred Street, 22 storeys on Glen Street for high density, 'high value' housing that will not alleviate the current housing shortage. 63 parking places to support neighbouring commercial ventures, with access in Glen St, will affect Glen St residents. Representatives of four affected buildings identified shortcomings of the proposal that will impact on them: the towers will overshadow them and Bradfield Park, and create a wind tunnel effect; residents will suffer a loss of privacy and lose the most	Council's Senior Strategic Planner notes the Precinct Committee's comments regarding public exhibition of Planning Proposal 5/20, 52 Alfred Street South.	Closed for Council

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		<p>attractive building at the lower end of Milsons Point. If it is replaced by two ugly utilitarian towers, it will be a profound change for the area. Motion: Precinct made a strong objection to Planning Proposal 5/20 on the basis of its excessive scale, its wind tunnel effect, overshadowing of its neighbours, and impact on cars on Alfred Street South, unanimous. Precinct members can have their say to 21 June: https://yoursay.northsydney.nsw.gov.au/</p>		
	6a	<p>DA 123/23, Brett Whiteley Place - installation of free standing illuminated advertising structure. Motion: Precinct opposes the installation of 9ft high superfluous signage, dangerous on a busy walkway between 2 heritage buildings, MLC and HSBC; and anti the ethos of Brett Whiteley Place as a pedestrian and community friendly meeting area, unanimous.</p>	<p>Council's Executive Assessment Planner has advised that Council has engaged external independent planning consultants to undertake an assessment of the proposed advertising panel in accordance with State Environmental Planning Policies. The signage proposals have been prepared following a Council tender process for Advertising on Selected Council Infrastructure which concluded in February 2022.</p> <p>The assessment of advertising structures against planning controls, including consideration of submissions, will be addressed at a later date by the North Sydney Local Planning Panel, who operates independently of North Sydney Council. The concerns expressed in the submissions received in response to the formal public consultation process will be considered both by the independent planning consultant and the Planning Panel at that time. Those submitters to the proposal(s) will also be able to address the Local Planning Panel before they are determined.</p>	Closed for Council

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	6b	DA 133/23, 5 Bank Lane - Precinct requested Council to ensure the proposed excavation though the rock and its vibrations do not damage neighbouring properties and their amenity.	Council's Senior Assessment Officer has advised that this application has been approved. Council's Development Engineer was consulted, and conditions are imposed in the consent to minimise vibration impacts associated with the rock excavation.	Closed for Council
	6c	DA 140/23, 139 Blues Pt Rd - Precinct requested Council to look at the impact of smoke, noxious gases and waste generated from a charcoal fire.	Council's Senior Assessment Officer has advised that internal works and the use of the premises as a food and drink premises has approval under CDC (does not require any Council approval). Conditions can be imposed to ensure air emissions (including odour) from the charcoal cooker are minimised and acceptable. Note that there is intention to minimise these as a filtration system is proposed as part of the charcoal cooker mechanism.	Closed for Council
	7	Memorandum of Understanding - Procedural Motion: That Precinct approve the signing of a Memorandum of Understanding with Council for funding, unanimous.	Council's Corporate Planning and Engagement Manager notes the Precinct Committee's comments regarding the Memorandum of Understanding. A new memorandum for the FY 2023/24 will be provided to all Precinct Committees in July 2023.	Closed for Council
	8	Stairs from King George Street to Charlie Watts Park - Precinct requested Council to check the fence height on the eastern side of the stairway.	Council's Manager Parks & Reserves has advised that the fence belongs to the railway authority and not Council. Council's Administration Support Officer emailed the Precinct Committee on 24 July 2023 seeking further clarification on this item so this can be allocated to the relevant authority.	Open/Ongoing

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April	4c	<p>East Crescent Street Trial Pocket Park - this project was described as temporary, but it has a number of permanent structures. In prior consultation with local residents, Council undertook to have a four month trial period following construction to allow for community feedback on the park. Precinct notes, from Council's website, that the park's trial period has been cut to less than two months, now ending on 24 May 2023. Precinct suggests that Council, rather than closing feedback two days before Vivid commences, keeps feedback open during Vivid, with Lavender Bay Precinct Committee Draft Minutes, 27 April 2023 Page 2 its increased pedestrian and tourist movement along Blues Pt Rd, extending it to Sunday 18 June. Onsite signage to facilitate feedback would also be helpful. Precinct expressed concern the park has rendered the area unsafe for cars and pedestrians, with a lack of signage at the continuous crossing and an adverse impact on sightlines. Specific problems raised included: Traffic management signs on East Crescent St risk been hidden by tree plantings; a new parking space on Blues Pt Rd, beside the park, limits the visibility of pedestrians crossing the road to the bus stop; the left-hand turn from Blues Pt Rd onto East Crescent Street has a very tight radius, resulting in numerous vehicles mounting the corner kerb. Outstanding work includes: eg. making safe 6 electrical conduit risers, 2 metal electrical plinths, 2 brass pipe risers, a deep-water access pit and alignment of the height of a communications pit cover, both outside 36 East Crescent St, the East Crescent St sign and alignment</p>	<p>Council's Engineering Project Manager has advised that trial period has been extended, as requested, to the June 2023.</p> <p>Continuous Footpath Treatments are traffic calming treatments which are provided across roads with low traffic volumes and have been successful in improving safety and reducing vehicle speeds throughout Sydney. TfNSW do not recommend the installation of pedestrian crossing paint and signage for continuous footpaths. Providing paint and signage would reduce the effectiveness of the footpath treatment by making it more similar to a road environment, and result in drivers speeding up again after crossing. It would also act to clarify that the primary purpose of the area was for cars, as opposed to for people. Similarly, the aim of the driveway like treatment is to communicate to drivers that they are leaving an area designed more for the movement of vehicles and entering into an area provided for local access and that a sustained reduction in speed is appropriate.</p>	Closed for Council

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		of the times on new parking signs at each end of the new parking spaces.		
	5a	DA 113/23, 24 Alfred Street South, Milsons Point - Addition of a pergola to existing roof top terrace. Noted.	Council's Graduate Assessment Officer notes the Precinct Committee's comments regarding this DA.	Closed for Council
	5b	DA 99/23, Alfred Street South, Milsons Point and DA 100/23 Broughton Street, Kirribilli - are two of the twelve DAs submitted to Council for the installation and operation of freestanding advertisement structures for purposes of Council communication and third-party advertising. The other ten sites proposed for these lighted electronic signboards are: Miller St, Cammeray (DA 104/23); Military Rd, Cremorne (DA 102/23); Pacific Hwy, St Leonards (DA 92/23); Willoughby Rd, Crows Nest (DA 93/23); Pacific Hwy Crows Nest DA 94/23; Pacific Hwy, Berry St (DA 95/23); Berry St, North Sydney, (DA 96/23); Mount St, North Sydney, (DA 97/23); Mount St, North Sydney, (DA 98/23); and Military Rd, Neutral Bay, (DA 101/23). [19 May] Precinct was concerned at the proposed signboards' intrusion on footpaths and pedestrian access, and their distraction to passing vehicles. Precinct's strong objection to the construction of all twelve signboards was unanimous.	Council's Executive Assessment Planner has advised that both applications have been withdrawn.	Closed for Council
	GB1	Luna Park - Precinct raised its ongoing concern about Lavender Green, where families previously had access, to picnic, as a play and relaxing area for mothers with small children. Padlocked gates have been installed around the Green and the marquee in the centre, which appears to	Refer to Council's response to related action item 3b, February 2023.	Closed for Council

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		be rarely used, has its poles embedded in concrete, in defiance of a long standing legal principle: Quit quid plantator solo solo cedit. Precinct objects to the Lavender Green being locked off from residents and considers that the marquee and its uprights should be removed forthwith.		
	GB2	DA418/21, 37 Bay View Street - Questions were raised about the addition of three storeys plus roof above the existing ground level. Council is requested to look with care at the additions to the approved plan for development of this site, to reassure Precinct that the revised plan conforms with current zoning.	Council's Executive Assessment Planner has advised that this DA has been determined on 29 June 2023. Amended plans were submitted as required by the North Sydney Planning Panel in April, and they were considered at the meeting.	Closed for Council
March	4a	1 Henry Lawson Avenue - Having been advised that plans are currently being developed for the site, the Precinct would like to see what is being proposed and to have an opportunity to comment on the plans. Resolution: That Council works on the boatshed foreshore include upgrading of the foreshore area beside the ferry wharf, a prime site with an iconic view that is currently neglected and in poor condition. Passed unanimously.	UPDATED (22 June 2023) Council's Landscape Architect/Project Coordinator has advised that plans for 1 Henry Lawson Avenue will be forwarded for community comment in due course. The current budget provides for works to the 1 Henry Lawson Avenue site only. However, should the existing budget allow, works may be extended to the adjacent foreshore area where feasible.	Open/Ongoing
	4b	McMahons Point Pocket Park - on the southern corner of East Crescent St and Blues Point Rd. Precinct raised concerns about the burial of water, telephone, internet pipes and wires under the park; and the difficulty that has arisen for vehicles turning into East Crescent Street from Blues Point Road, that risk running into or mowing down a flock of ubiquitous crepe myrtles. Precinct noted that	Council's Engineering Project Manager has advised that all services i.e. electrical conduits for uprights/streetlights and water meter, have now been installed. Swept path studies were completed for the turn into East Crescent, and approved by the Traffic Committee prior to commencement of works. It is designed for vehicles to slow down prior to making turn into East Crescent to	Closed for Council

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		Council has advertised the closing date for the trial period of the pocket park as 24 May 2023, less than two months after its completion. Work on the site largely finished on 31 March; the commitment made to the local community was that a 3-month consultation period would follow completion of the works. Resolution: That Council extend the trial period for the McMahons Point Pocket Park to three months, as agreed with the local community, and readvertise the closing date for submissions on Council's Have Your Say site accordingly, as 30 June 2023. Passed unanimously.	improve pedestrian safety. Trial period has been extended to 30 June 2023 as requested.	
	4c	DA 418/21, 37 Bay View St, Lavender Bay - Resolution: Precinct reiterates its previous concerns about overdevelopment of the site. Passed unanimously.	Council's Executive Assessment Planner notes the Precinct Committee's feedback which will be included in the assessment report to the North Sydney Local Planning Panel.	Closed for Council
	5	DA5/22, 24 East Crescent St, McMahons Pt - Precinct raised several concerns about the application: a) the proposal to waive the 12m height limit would create a building out of scale with its neighbours in the Middle Street conservation area and set a precedent for more out-of-scale development in this area; b) the proposal does not comply with setback of neighbouring buildings on the western/high side of East Crescent St, it would destroy the visual concordance of the streetscape; c) the proposed driveway exit on East Crescent Street enters at a most dangerous point, where cars entering from the lower level of East Crescent and Bay View	Council's Executive Assessment Planner has advised that this DA is on hold and further amendments are expected, and whether the application is notified again it will depend on scope and potential impacts of those amendments. If amendments are neutral or positive in their impact and that the proposal will remain substantially the same as that already notified three times, then renotification would be unlikely. Having said that, a decision regarding renotification will not be made until the application amendments are received and reviewed.	Open/Ongoing

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		<p>streets have very limited visibility of moving vehicles on the upper level;</p> <p>d) the proposed excavation of the hillside site will risk the stability of 26 East Crescent Street;</p> <p>e) Access to construction through Middle Street will impact on local traffic and parking in Middle Street and on the "pocket park" at the entry to the street; and</p> <p>f) the replacement of thirteen separate dwellings with five, a net loss of eight dwellings, will serve to exacerbate critical housing needs in North Sydney. Resolution: Precinct reiterates its previous objections conveyed to Council. Passed unanimously.</p>		
	6	<p>Renewal of Lease for Public pathway adjoining the rear of 2 Henry Lawson Avenue, McMahons Point - Precinct expressed concern that the notice regarding public road at the rear of 2 Henry Lawson Avenue is incorrect, that the leased area of road is regularly used during the day and at night by the public, in cars, on motor bikes, bicycles and scooters, to access an adjacent four-star hotel, Harbourside Apartments. Concerns were also raised about a Port Jackson fig tree on one side of the roadway, stressed by the hard works around it, and rubbish and bins placed at the rear of the restaurant on the edge of the public road. It is noted that during the period open for public feedback on the renewal of the lease, the rubbish and bins have been less obvious and a temporary automatic barrier has been installed at the entrance to the driveway into Harbourside Apartments.</p>	<p>Council's Senior Property Officer has advised that the 'area' of the lease cannot be used during the day or night by public in cars, on motor bikes, bicycles and scooters as the leased area comprises a temporary structure, which is located on the water's edge. The only area that is public road is the strip extending from the staircase to the temporary structure. The other paved which is constantly used by the public is actually private property i.e. Lot 1 in DP 572828. The public use this area as it is a Right of Way. The matter regarding the bins, etc has been referred to Compliance for investigation, however, we need to bear in mind that this is private property and not part of the leased area. The outcome of the public consultation is now on Council's website.</p>	Closed for Council

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		Resolution: Precinct is opposed to the renewal of the lease. Passed unanimously.		
February	3(a)	Works: Sydney Metro - Precinct discussed unfinished remediation and problems with the end of Blues Pt Rd, now shared with pedestrians. Problems include the lack of signage, the lack of a "poached egg" to indicate the turning circle, persistent speeding and illegal parking in that area and the lack of patrols by Rangers or Police after hours. Precinct noted that prompt Police action had considerably reduced hoons, speeding and vehicle noise on Blues point RD. Recommended: that Precinct write to Council, and to the Police, suggesting fines could be used to deter the problem and inviting them to attend the next meeting of Precinct.	Council's Manager Ranger & Parking Services has advised that signs are not required. As it is a shred zone it is an offence to park outside a marked parking space. Also, the time zone signs have now been fixed and are therefore enforceable.	Closed for Council
	3(b)	Lavender Green - Precinct resolved to request Council to issue a development control order to require Lavender Green to rectify its non-compliance with its zoning as public open space. That compliance can be achieved by the removal of the marquee and its concrete footings, with the fences and locked gates around the perimeter.	UPDATE (19 April 2023) Council's Manager Development Services has advised that this has been investigated and no action is possible due to the Luna Park Site Act 1990 Luna Park Site Act 1990 No 59 - NSW Legislation (an act that quite limits Council's power on this site and exempts the site from the noise control act, as it was then) and Infrastructure SEPP.	Closed for Council
January	3	State Government Items: Blues Point Metro - the meeting raised matters of concern about the restoration of the site, as follows: a) Residents of Blues Pt Tower raised concerns about a lack of signage and illegal parking in the turning area, a shared zone' with pedestrians, at the end of Blues Pt Rd,	Council's Public Projects Interface Manager has advised that Council is aware of issues regarding the newly returned reserve and is negotiating with Transport for NSW (TfNSW) to rectify some of the issues. The electrical box is something that has been subject to extensive	Closed for Council

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		<p>and lack of signage at the intersection of Henry Lawson drive and Blues Point Rd.</p> <p>b) Kayakers: experiencing greater difficulty in unloading their boats and accessing the water: No Stopping signs prevent driving to end of Blues Point Rd to stop and unload; loss of parking on one side of the road; the longer drop down the steps to the shore makes access to the beach with a kayak more difficult.</p> <p>c) Eyesore: Is it intended that the metal-mesh electrical cabinet will remain on the site.</p>	<p>negotiations between Council and TfNSW, however TfNSW refuses to move it.</p> <p>With respect of the no stopping signs inconveniencing kayakers, it is noted that the signs were installed after it became apparent that many vehicles were simply parking in the turning area and causing congestion as well as safety issues. Strong representations were made in this regard by nearby residents.</p>	
	3B.1	<p>Tree Replacement Strategy - The meeting noted the destruction of trees and green spaces is not confined to Cammeray. They have been chopped down around North Sydney, along both sides of the Warringah Freeway from Cammeray to the Bridge, on North Alfred Street and Whaling Road. Merlin Reserve has been paved over for heavy vehicle parking. Around forty trees in South Alfred Street Park and a mature palm tree in the roundabout opposite have been marked for destruction, with no mention of any strategy to replace them. Motion: That the Lavender Bay Precinct Committee ask if Council has any information from Transport NSW about plans to restore tree cover and green space to these areas. Passed without objection.</p>	<p>Council's Public Projects Interface Manager has advised that Council is still negotiating with TfNSW and CPB Downer regarding tree replacement and the restoration of all open space. TfNSW advise that the parking area in the Merlin St Reserve is 'temporary'.</p> <p>UPDATE (28 June 2023) TfNSW has updated its Tree Replacement Strategy for the North Sydney local government area. The Strategy was publicly exhibited from 7 December 2022 to 5 February 2023. Over 100 people and groups made submissions. The Strategy has been updated, incorporating feedback from the community, stakeholders and Council. Two trees will be planted in the project areas for every tree removed, as required by planning approvals. For more information email whtbl@transport.nsw.gov.au or phone 1800 931 189.</p>	Closed for Council

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	4a	<p>Harbour Bridge Cycle Ramp - The meeting noted Council has endorsed an independent report on the Cycle Ramp. It discussed issues of concern, including loss of parking on both sides of Alfred Street South; the difficulties for local businesses to manage loading and unloading goods along with bus stops that cater for ten bus routes, and the addition of two cycle lanes making it unsafe for both pedestrians and road users. Motion: That the Lavender Bay Precinct Committee supports Council's resolution to preserve Bradfield Park; and commends Council for its endorsement of the independent review of environmental factors prepared by Lyle Marshall & Partners P/L. Passed without objection; report to be circulated with Minutes.</p>	<p>Council's Public Projects Interface Manager notes the Precinct Committee's feedback regarding this project.</p>	<p>Closed for Council</p>
	4b	<p>1 Henry Lawson Avenue - Precinct requested that information be sought from Council re timelines for the demolition of the derelict building and transformation of the site into foreshore open space.</p>	<p>Council's Landscape Architect/Project Coordinator has advised that Council is currently working towards demolition of the existing buildings and returning the site to public open space as soon as possible. Initial works are underway including removing failing hoarding boards and replacement with security mesh fencing, the latter which will remain in place until demolition is complete. Once fencing is complete removal of a large amount of loose rubbish and stockpiled loose building materials will be undertaken. It is expected that this work will be completed by early April 2023. Detailed site surveying will then be undertaken to inform the documentation for the development application that is required for the demolition. It is anticipated that this documentation would be complete and the DA lodged by end of May</p>	<p>Closed for Council</p>

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			2023. Demolition would commence soon after determination of the DA and together with the park reinstatement works are expected to take in the order of 8-12 weeks, with an estimated completion and opening end October 2023.	
	4c	East Crescent Street Pocket Park - Information to be sought from Council re proposed new start date and timeline for this project; and Council's commitment to a 4 month trial of the pocket park, with community consultation, not simply a note in letterboxes, and arrangements for user feedback on the construction. Precinct has been advised that the trial period will be from March to May 2023. Council resolved on 12 September 2022, that if the community is not supportive of the project, all or part of the elements of the 'Shared Space,' depending on feedback received, can be removed. Council will seek community feedback during the trial period. Council will review a post-trial report to include all feedback received by Council, with a Traffic Study and a Human Movement Study, both to be conducted during the trial.	Council's Engineering Project Manager's has advised that construction works commenced on the 27 February 2023 and is due to be complete the week commencing the 27 March 2023, in which the trial period will commence and run until the end of May 2023. The community is encouraged to provide feedback on the design and functionality of the project via https://yoursay.northsydney.nsw.gov.au/east-cres-st-shared-space-trial	Closed for Council
	5a	DA 366/22, 2-4 Blue Street, North Sydney - Business identification signage on southern elevation. Precinct noted the site is zoned B4, not part of North Sydney City Centre. As such it can have only one sign at street level. Precinct objects to the high level sign proposed for behind St Peter's Church; it considers the hours of illumination should be restricted, at least, to an 11pm curfew.	Council's Senior Assessment Officer's has advised that there is no Council policy, nor Council planning provisions or controls that would restrict the number of signage at any street elevation to a single sign. The application has been approved with an operational condition to minimise illumination as follows: <i>All illuminated signs approved by</i>	Closed for Council

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			<i>this consent must cease illumination between the hours of 11.00pm and 7.00am.</i>	
	5c	DA 418/21, 37 Bay View Street, Lavender Bay - Amended plans, construction of dwelling house and associated works. Precinct reiterated its concern at overdevelopment of the site; impact of a lack of setback on the streetscape; amended depth of the excavation to 5.5metres, substantial changes to a previous design of two storeys; a new street façade, altering the character of entry into Bay View Street; and the likely havoc in the street during construction. The amended plans do not allay Precinct's original objections.	Council's Executive Assessment Planner notes the Precinct Committee's feedback which will be included in the assessment report to the North Sydney Local Planning Panel.	Closed for Council