

**MINUTES OF THE WAVERTON PENINSULA WORKING GROUP MEETING
HELD IN THE ROS CRICHTON PAVILION
AT 5.00PM TUESDAY, 5 DECEMBER 2023**

PRESENT

Councillors:

Councillor Baker in the Chair,
Councillor Bourke
Councillor Welch
Councillor Santer

Staff:

Therese Manns, General Manager
Gary Parsons, Director Open Space and Infrastructure
David Banbury, Landscape Architect/Project Co-ordinator
Peita Rose, Governance Officer

Citizen Members:

Bernard Smith, Lavender Precinct
Bruce Donald, Waverton Precinct
Ian Grey, Chair, Waverton Precinct
Iain Bartholomew, Waverton Precinct
John Bohane, Waverton Precinct
Ken Robinson, Co-Chair, Euroka Precinct
Genia McCaffery, Chair, Euroka Precinct
Mary Curran, Euroka Precinct
Margaret Petrykowski, Waverton Precinct

Visitors:

Nil.

Apologies:

Stephen Beattie, Manager Development Services

1. Minutes

The Minutes of the previous meeting held on 12 September 2023, copies of which had been previously circulated, were deferred for tabled marked ups to be added.

Moved by Genia McCaffery and seconded by Bernard Smith.

Voting was unanimous.

2. Matters Arising

Bruce Donald advised that this meeting marks 30 years of this committee. The group was set up in 1994 and it has been regularly meeting throughout that whole period.

The Mayor advised that the Coal Loader Café will be opening early 2024. An operator has been appointed. The fitout of a fully electrified commercial kitchen has occurred by council and other fitout works are yet to be done but because of the time of year they are going to take possession on the 12 January and it will open early to mid February 2024. At present we don't know who has been appointed.

Post Meeting Update re Matters Arising

- In relation to a request from the community representatives present to view the reports for Woodley's Shed: *"Transport for NSW advised that they would see if the report can be provided"*:

TfNSW follow-up response: "It is considered not appropriate to release these reports to the community representatives at this time while discussions are still ongoing between Council and Transport on Woodleys Shed."

- In relation to a query raised by community representatives: is the proposed care and control mechanism of transfer to Council for the TfNSW owned land the same as the care and control of Crown Land / Reserve' : *"Transport advised they would need to take that question on notice"*.

TfNSW follow-up response: "In practice, the land will be managed in a very similar manner, as under both circumstances a Plan of Management is required to be prepared by Council detailing the management of the land."

From an administration point of view for Crown Land, the appointment of a Crown Land Manager is executed by the Minister for Lands and Property under the Crown Land Management Act 2016, and the Local Government Act 1993. This appointment is subject to Crown Land Management Rules.

The appointment of a Council for the Care, Control and Management for TfNSW-owned land is executed by the Minister for Transport under the Roads Act 1993 (s159). A Deed of Agreement is prepared and agreed by TfNSW and the appointed Council, outlining the agreement and the responsibilities of each party. The management of TfNSW's land by the appointed Council is then governed by both the Plan of Management and Deed of Agreement. "

3. Berrys Bay

a) Detailed design for the master plan site

Council's Landscape Architect/Project Coordinator advised that Council officers have been engaged in reviewing draft design documents provided by Transport for New South Wales, including most recently a set of documents referred to by TfNSW as 'draft 30% detail design'. Council officers have submitted a letter to TfNSW raising concerns with certain aspects of the 30% draft detailed design. This includes, amongst other things, concerns over impacts on / removal of heritage elements, need for equitable access to the water's edge, extent of retention and / or provision of services (sewer, power, water etc) and need for additional facilities such as picnic tables / shelters.

Community representatives asked could they be provided a copy of the Council submission / comments to TfNSW? It was advised that TfNSW has provided the draft design on an in-confidence basis. Council officers would check with TfNSW what can be released at this stage.

TfNSW have advised they will go out to the broader community consultation with 30% detail design, but are suggesting that will happen under a public 'Place Design and Landscape Plan (PDLP) framework, such as what was done for the Warringah Freeway Upgrade project.

Bruce Donald asked does TfNSW really understand the history of the place? Bruce Donald expressed strong concern that TfNSW was not involving or consulting with the working group that has overseen the transformation of the public lands on the Waverton Peninsula for the last 30 years, and that it was critical that the group be involved in the design deliberations and be made aware of Council's concerns.

Council's Director Open Space and Infrastructure advised that David and the team have put together extensive feedback on design to date and that TfNSW have agreed to meet onsite next week to discuss Council's submission on the draft 30% design.

The Mayor said she is concerned with the process that the PDLP is just to tick a box under the consent conditions and that they are not genuinely engaging with the local community. The Mayor stated that representations need to be made to the Minister and Parliamentary Secretary and that they needed to meet Council and community onsite, rather than just accept the word of the TfNSW bureaucrats.

Community representatives stated they are concerned they may have to wait another 3 or 4 months to hear the results of Council's submission to TfNSW. It was asked what we do in between? The Mayor advised she would continue to lobby the Minister and suggested that the community needed to also.

b) Land transfer

The Mayor advised that Council continue to lobby strongly for timely transfer of the land to Council. TfNSW have advised that this will occur after completion of the parkland works.

c) Dolphin Wharf

The partly submerged vessel had recently been removed.

Mary Curran advised that she put in a freedom of information request in relation to the water lease for the floating dry dock as it had apparently been expanded by TfNSW with no consultation to either Council or the community for a limited period initially of 14 days. TfNSW sent her through as part of the FoI documentation the Dolphin Wharf Lease. This confirms that Noakes has been granted a licence over the Dolphin Wharf.

4. Coal Loader Wharf Adaptive Reuse

Council's Landscape Architect/Project Coordinator advised that he requested an update from TfNSW on the Coal Loader Wharf Adaptive Reuse project and received a response that there is no further project update at this stage. TfNSW have acknowledged that they have a budget for the project but are awaiting 'ministerial direction'.

6. Quarantine Depot

Council's Landscape Architect/Project Coordinator advised that there are works happening on a number of fronts. This includes works to the main cottages (replacing mesh in between the rafter end to keep possums out of the roof space, insulating the roof space, and upgrading services). How best to make the cottage toilet facilities (and the buildings generally) accessible is being investigated. The site requires and upgrade to electrical and water services including new switchboard. The site is currently on septic and designs to replace the septic with a sewer pump out facility are being prepared. Access is required through Woodleys site to connect with the board's sewer. TfNSW is proposing to demolish the existing pump out tanks on the Woodleys site. However, Council officers have requested that they be made good to service the connection from the Quarantine Depot as well as toilet facilities on the Woodleys site.

Remedial works are underway on two of the dilapidate outbuildings onsite i.e. the toilet block timber building and former kerosene store building.

It was asked what use has been identified for the two buildings?

The Mayor advised that it will be the subject of community consultation but in the meantime, as per the Mayoral Minute, Council is working on potential pop-up uses. However, advice received is that even a pop-up activity will require a 'change-of-use' DA, and that triggers accessibility requirements.

7. Waverton Bowling Club

The Mayor advised that she has arranged on three occasions to meet onsite with Metropolitan Local Aboriginal Land Council and waited onsite with Council's General Manager and Council's Director Community, Planning and Environment, but that the MLALC representatives have not turned up to those meetings. The Mayor is seeking to meet with MLALC via other avenues.

Bruce Donald advised that he would make another approach through the lawyers for the land council that he has contact with.

8. General Business

Heritage Listing – Badangi Landscape

The Mayor advised that Councillor Welch, Councillor Bourke and Councillor Baker were down at Berrys Island with the NSW Heritage Office and the Parliamentary Secretary representing the state heritage, and they were celebrating the fact they state-listed the 'Badangi' Landscape group. The announcement was part of a move towards protecting the 'green necklace' of bushland reserves on the harbour foreshores. The [nomination](#) was submitted by the Australian Institute of Landscape Architects. Heritage NSW are very supportive of the concept. The Committee from AILA are also seeking to extend the areas listed to include Balls Head, as it currently doesn't have a state heritage listing, whereas the Coal Loader does.

The Mayor suggested that the working group and council urge the minister and the department to prioritise Balls Head as the next application for State listing.

Dilapidated Maritime Infrastructure - Berrys Bay

Ian Grey advised that he has written to Maritime several times over the past 12 months about setting up a parallel project to the creation of the new park which would involve removing all the old piles and derelict wharves in Berrys Bay, and has received no reply at all or no acknowledgement. Ian Grey stated he has written to our State MP previously, but will write again while there is still enough lead time to correspond about the new park.

Mary Curran advised that a Naval clearance diver who is a friend said that they may be able to use it as night-time exercise to remove. They could use the underwater chainsaws to remove the piles above the sea-bed and hence not disturb sediment.

The Mayor advised she will write to the Commander at HMAS Waterhen.

Sculpture on Dilapidated Jetty

It was asked how the sculpture, which looks like a man sitting looking into the water, turned up about 3 months ago.

It was suggested that it may have been installed by someone in a boat.

Update re agenda Item 3.

Council's Director Open Space and Infrastructure relayed to the group an email he received from Transport for NSW during the meeting, which read as follows :

"Berrys Bay Masterplan:

- *Council and Transport are also working on the design scope for the Berrys Bay parkland.*
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- *When this is finalised, a Place Design and Landscape Plan (PDLP) will be developed and the community will be invited to provide feedback on the plan*
- *Further consultation is expected on the PDLP for Berry's Bay next year.*

Woodleys Shed:

- *Transport for NSW understands the importance of Woodleys Shed to the community.*
- *Council and Transport are working together while assessments and further investigations take place, including engaging a heritage consultant, to better understand the condition of the building before Transport hands it over to Council."*

9. Next Meeting:

TBC (meetings to be scheduled on an as-required basis).

Meeting finished at 6.10pm
