



Sketch by renowned late local artist Peter Kingston

**North Sydney Local Government Area
Lavender Bay Precinct**

MINUTES

Thursday 30 May 2024

Starting at 7.00 pm

**McMahons Point Community Centre
165 Blues Point Road, McMahons Point**

Chair: Robert Stitt KC Robert@StittQC.com.au
Acting Secretary: Joan Street lavenderbayprecinct@gmail.com

1. WELCOME

There were 47 attendees and 9 apologies.

2. MINUTES OF LAST MEETING

The minutes of the meeting held on 2 May were read and approved.

3. MATTERS ARISING

There were no matters arising not covered elsewhere in these minutes.

4. GUEST SPEAKER

Senior Constable DT, Crime Prevention Officer, North Shore Police Area Command discussed crime and anti-social behaviour including issues raised by residents.

Noise disturbance from modified cars

This issue is the collective responsibility of an intra agency working group comprising Environment Protection Authority (EPA), NSW Police and Roads and Maritime Services (RMS). Residents are advised to report all instances (include evidence photographs, videos etc) to the EPA and, request the installation of noise cameras and issue of defect notices. The more people who complain, the better the chances of a positive response from the EPA.

Vehicles congregating in the parking area at the end of Blues Point Road

Complaints of illegal parking during the day should be submitted to Council, illegal parking at night should be submitted to the Police.

The law enforcement powers of the police are governed by the Law Enforcement (Powers and Responsibilities) Act 2002

Abuse of unrestricted parking spaces

Residents to refer the issue to Council and consider requesting change in signage.

Parked cars on parkland adjacent to McMahons Point Wharf

Residents to refer complaints to both the Police and Council.

New Years Eve – collaboration between residents, Council and Police

Precinct to discuss with RE, Acting Director Operations, North Shore Police Area Command.

Under resourcing of Police

Residents recognise the Police have limited resources and asked what they could do to assist.

Requested that residents write to the Minister for Police and copy to the local member for North Shore requesting more Police resources.

Cyclists not dismounting at St Peters Park, North Sydney

Despite signage and barriers requiring cyclists to dismount on the path on the eastern side of St Peters Park, cyclists continue to ride putting elderly pedestrians exiting from Francis Xavier Retirement Village at risk of serious injury.

Precinct to request Council to reassess this issue including the design of the barrier.

Increase in “break and enter” on North Shore

Residents advised of the increase in “break and enter” by 12- to 16-year-olds with the objective to steal and sell cars to organised crime. Three quarters of these home invasions are through unlocked doors.

Residents advised to ensure ALL doors and windows are locked and car keys are out of sight, preferably concealed in bedrooms. The poster “Protect Your Home” was distributed.

Increase in scams and sophistication of scammers.

Everyday Australians continue to lose money through scams, sometimes their life savings. To date, \$94M has been scammed in 2024. Senior Constable DT distributed “The Little Black Book of Scams”. Further copies are available by contacting the Secretary and will also be available at the next Precinct meeting on 27 June.

APPRECIATION

Residents expressed their appreciation to Senior Constable DT for generously giving his time and providing most useful information to Lavender Bay Precinct.

5. REPORT FROM THE CHAIR

a) Bradfield Park.

The undeniable destruction of precious green space, Bradfield Park, when a viable alternative cycle ramp is available is unacceptable. It was unseemly that the Chair had to engage in an exchange of letters with the mayor requesting Council to protect the park. Attached.

b) 1 Warung Street MCMAHONS POINT NSW 2060 DA 85/24

Since the last Precinct meeting, an onsite meeting has been held, the building will be demolished, and a new DA issued. Essentially it is a new development on a vacant site which raises various issues including:

- i) whether existing “use rights” can be transferred to a new building;
- ii) a new building should be assessed against Council’s planning controls; and
- iii) the building is within the heritage conservation area; the modern design is not compatible with the area.

It appears the site is being manipulated. Replacing smaller units with larger luxury units is not in the interest of current public policy.

Residents are advised to submit their objections to this DA. If more than 10 objections are submitted, the issue will be referred to the local Planning Panel.

c) Wendys Secret Garden – Tax Deductible Status.

Wendys Secret Garden is now on the Register of Cultural Organisations, meaning that donations to the Wendy Whiteley Secret Garden Trust are now tax deductible. This has been sought since the Trust’s inception and has been achieved through continual community lobbying. Council’s website is being updated to facilitate donations.

Resolved: THAT

Lavender Bay Precinct requests Council to urgently install relevant technology in Wendys Secret Garden to facilitate donations.

UNANIMOUS

APPRECIATION

The Chair expressed Precinct’s appreciation to WW for her most generous and significant contribution in providing precious green space and a delightful unique garden for the enjoyment of both residents and visitors to Sydney.

6. BRADFIELD PARK – UPDATE

Councillor M provided an update since this issue was discussed at Council on 13 May 2024.

Despite the Mayor and three Councillors recognising the significant negative impact of Transport for NSW’s linear cycle ramp on Bradfield Park and the availability of an alternative, the Community Cycle Ramp, they along with a further two Councillors voted against the motion to seek advice to test in court the general power of acquisition of land which is the subject of a statutory trust. Regrettably these Councillors voted against the motion and then voted 6 to 4 to submit a claim for compensation in accordance with the Land Acquisition (Just Terms Compensation) Act for the land within Bradfield Park.

Council has legal advice concerning the general power of acquisition of land which is the subject of a statutory trust. One counsel has advised that Transport for NSW cannot acquire statutory trust land under its general power; the other said it can whilst acknowledging the issue has never been tested in court. Council as trustee has a duty to protect trust property. Hence the extent of that power should be tested before any question of compensation arises.

Resolved: THAT

Lavender Bay Precinct

- a) reminds Council as trustee of the statutory Bradfield Park Trust, councillors have a duty to act in the utmost good faith to protect the trust property;
- b) the acquisition of statutory trust land under the general power of acquisition i.e. The Land Acquisition (Just Terms) Act, has not been tested in court; and
- c) advises Council the extent of that general power should be tested before any question of compensation arises.

Unanimous

7. NORTH SYDNEY COUNCIL ITEMS – HAVE YOUR SAY

Precinct noted submissions close as follows:

- a) Integrated Transport Study – closes 23 June 2024
- b) Open Space and Recreation Needs Study - closes 23 June 2024

<https://yoursay.northsydney.nsw.gov.au/>

8. DEVELOPMENT APPLICATIONS

No matters were reported under this item.

9. GENERAL BUSINESS

a) Parking difficulties at the end of Blues Point Road

Noted: in view of the difficulty of parking during the day, it is now not possible to launch kayaks from the beach. In addition, builders often leave their vehicles overnight, again precluding parking. Residents advised to refer complaints to Council.

b) Commodore Hotel – licensing hours

Noted: the Commodore Hotel has applied to Liquor & Gaming NSW to extend licensing hours to 5.00am to 1.00am.

10. Date of next meetings

27 June 2024

- o *Guest Speaker:* Director, Open Space and Infrastructure
- o Annual General Meeting

The meeting closed at 9.00pm.

Signed by **Chair, Lavender Bay Precinct**

3 June 2024