

## Minutes

of the Waverton Precinct Meeting  
held on Tuesday 7 December 2021  
at the Genia McCaffery Sustainability Centre



**WAVERTON**

**2060**

The meeting opened at 7:35 pm.

Chair: SF  
Minutes: JED  
Attendance: 14

### 1 Welcome

The Acting Chair explained that Chair Ian Grey was absent while contesting the local elections.

The Acting Chair welcomed residents to the final meeting of the Waverton Precinct for 2021.

### 2 Apologies

D A, I G and K M

### 3 Minutes of the previous meeting

The minutes of the meeting on 2 November 2021 had been circulated electronically.

MOVED BD, seconded AG: THAT the minutes be accepted.  
CARRIED unanimously.

### 4 Responses from NSC on issues raised previously

#### Shade at the Coal Loader

The Waverton Precinct RESOLVED:

- (i) to thank the Council for installing shade cloth on the structures at the Coal Loader, offering shade in summer,
- (ii) to confirm that the appropriate way to provide shade is to establish rapidly-growing deciduous climbers, and
- (iii) to choose rapidly-growing deciduous climbers which (unlike grape vines) are unpalatable to possums, noting their prevalence in the area.



*Photographs of new shade cloth provided by North Sydney Council*

## **Dangerous bicycle riding around Balls Head**

Noting that walkers in Balls Head have to contend with cyclists riding at speeds of 40 kph in an area where the posted maximum speed is 10 kph, the Waverton Precinct requested the Council to take all necessary steps to ameliorate this situation.

Council's response:

*Council's Traffic & Transport Engineer has requested the Precinct Committee provide further information regarding the location and specifics of the incidents e.g. cycling activities i.e. approximate time, date (weekend/weekdays) etc. This information will help the investigation.*

The Waverton Precinct RESOLVED to gather evidence of the problem for presentation to the Council in 2022.

Attendees and those reading these minutes are requested to come forward with additional information if possible to enable this matter to be taken further.

**3 Ross Street Waverton:** At its previous meeting the Waverton Precinct adopted a motion deploring the demolition of the house at 3 Ross Street, apparently without a DA or any public process, and requesting the Council to advise the Precinct how this could have happened under existing planning regulations.

Council's response:

*Council's Manager Development Services has advised that this application is in its early stages of assessment. The applicant claims compliance with many of Council's primary controls. However, building height and setbacks are principle (sic) areas of concern. It is Council's practice to give the applicant one chance to modify the submitted plans which will be re-notified if required by Council's Community Engagement Protocol. No pre-application meeting appears to have been undertaken, however such meetings are not a compulsory part of the planning process. A private certifier has issued the approval for the demolition of the existing improvements on site under the provisions of the Exempt and Complying Development SEPP. Council has done a preliminary review of the basis for this approval and have found no fundamental fault in its issue. The building in question was not in a heritage conservation area nor is it a heritage item. Notification was given to the adjoining owners of the intent to issue the certificate in accordance with the SEPP, however, the certifier and owner are not required to make plans available or to consider submissions from neighbours. As part of the NSW Department of Planning, Industry and Environment's one size fits all policy, the same controls apply in North Sydney LGA as they do to any part of the state. It should also be noted a replacement dwelling can also be approved as a Complying Development. However, this usually does not occur as most future residents choose to make the most of a site and this usually mandates a DA. If a DA is received it will be notified in accordance with Council's policy and submissions considered appropriately.*

At least one neighbour denied being informed of the impending demolition.

MOVED IB, SECONDED KA, CARRIED unanimously

The Waverton Precinct request the Council to seek urgent changes to regulations that appear to allow a building to be demolished through a complying development certificate process.

## **Substandard footpath on the north side of the Waverton Station rail bridge**

Noting that the footpath is unsafe for children, pedestrians and wheelchairs, the Waverton Precinct Committee requested the Council to investigate ways to bring the footpath into conformity with standards and accessibility requirements, and advise the Precinct

accordingly.

Council's response:

*Council's Assets Manager has advised that Council has contacted Sydney Trains on behalf of the Precinct Committee. Sydney Trains do not have any plans to upgrade the bridge.*

The Waverton Precinct RESOLVED to further document this unsatisfactory situation, including photographic evidence of safety issues for presentation to the Council in 2022.

### **Precinct minutes: names or initials?**

At its previous meeting the meeting requested the Chair to see if the Council has a policy on the recording of names in the minutes.

Council's response"

*Council's Community Engagement Coordinator has advised that in accordance with the current Precinct Guidelines we can only publish initials on Council's website, this is the standard for all Precinct Committees. One of the main reasons for the use of initials is due to privacy concerns expressed by Precinct members in the past, especially in relation to discussion of Development Applications. Council's Access to Information Policy has been updated this year and now favours the proactive release of information including publishing of names and addresses unless the submitter requests so and provides a reason. With this in mind, there may be scope to revisit the use of initials in Precinct Committee minutes. However, please note that this would put an onus on office bearers/minute takers to observe the privacy preferences of individuals. This will be considered when Council begins to review the Precinct System Guidelines, at which time we will consult with Precinct Committees*

The Council advises that it is standard practice to use initials only. However, as noted above, this matter is open to further consideration. (The Acting Chair apologizes that this was not made clear at the meeting)

## **5 Updates from subgroups**

**Rail Noise Mitigation Committee:** In major developments, the EPA has fined CityRail for excessive noise, and CityRail has announced that it is developing a strategy tailored to the Waverton area. The Rail Noise Mitigation Committee continues to try to persuade CityRail to use the Serbian lubrication system.

**The Floating Dry Dock:** A mediation attended by members of the community and Council was not successful. The applicant having prepared another amended DA, the community is prepared to do everything it can to protect the bay. The L&E Court will hold a hearing next year.

**OverDevelopment We're Over It:** With the rejection of the 60 storey tower at Crows Nest, the focus shifts to the Military Road corridor. Rumours were reported that secret negotiations between the Council (or its officers) and the Crows Nest developer may still be taking place. Precinct will maintain a watching brief.

## **5 Existing business**

### **Development Applications**

#### **61/2020 85 Bay Road Waverton**

An application to modify the earlier approval of the DA has been approved.

### **88/2021 20 Larkin Street Waverton**

The resubmitted DA is on exhibition until 17 December 2021.

The Waverton Precinct RESOLVED to strongly recommend that any development on this site should strictly comply with all planning controls.

### **332/2021 2 Ross Street Waverton**

The Waverton Precinct RESOLVED to reinforce its resolution adopted at the previous meeting and to strongly recommend that any development on this site should strictly comply with all planning controls. In particular, Council is requested to ensure that existing views from the centre of Waverton on Balls Head Road to the harbour are not obscured.

### **Proposal for a footpath on the Waverton Park side of Larkin Street**

The Waverton Precinct RESOLVED that a proposal to meet the needs of pedestrians (and cars on Larkin Street) should be prepared, circulated to interested stakeholders including the dog walkers of Waverton Park, and be considered at a future meeting.

## **6 New business**

### **Subpoena relating to a native title claim**

In response to a subpoena from the Crown Solicitor to Precinct regarding a native title claim, the Precinct at its previous meeting asked the Chair to refer it to the Council, which is responsible for the management of the land. It transpires that this is a second claim, relating to land that will be used for the western harbour tunnel.

The Waverton Precinct RESOLVED to request the Council to provide Precinct with full information on both of the native title claims in Waverton, including the status of community engagement in the process.

### **Community strategic plan**

The Council has commenced a review of the community strategic plan. Members are encouraged to get involved.

### **‘Community values survey’**

The Precinct was informed that a ‘community values survey’ had come and gone. It was initiated by TfNSW and supported by the North Sydney Council. The purpose appears to have been to collect evidence in support of significant transformations of Berrys Bay in the context of water and land use following the construction of the western harbour tunnel.

The Waverton Precinct RESOLVED that the Council be advised that:

- (i) the ‘community values survey’ addressed matters well beyond the land and scope of works related to the construction of the western harbour tunnel and use/reuse of the nominated lands;
- (ii) the survey asked questions about the use of land – for instance the Coal Loader, Carradah Park and Balls Head – where there are non-State statutory managers in

charge of the land and the status of the land has been defined; and

- (iii) the priority in Berrys Bay is clear, namely that the Woodleys site, being not essential for the construction of the western harbour tunnel, should be transferred to the Council as soon as possible, specifically in 2022, as laid out in resolutions already adopted by Council.

### **New permitted use in the R3 Zone**

The meeting was advised that, in a fundamental change to the LEP, all land in Waverton zoned R3 could now be developed for 'residential flat buildings'.

On 30 June 2021, Amendment No.30 came into force, implementing 'the outcomes of Council's Local Strategic Planning Statement and Local Housing Strategy' and addressing a number of 'minor house-keeping amendments'. One of the key amendments to NSLEP 2013 was to permit residential flat buildings within the R3 Medium Density Residential zone. All it took to bring about a fundamental change in a neighbourhood was the following clause: In the land use table, 'insert "Residential flat buildings;" in alphabetical order in item 3 of Zone R3 Medium Density Residential.'

The R3 zone previously permitted houses, semis, terrace houses and strata units all at ground level. In permitting 'residential flat buildings' the R3 zone for the first time allows R3 sites to be developed with multistorey blocks of apartments.

Such has been the lack of transparency by Council that no member of Precinct was aware that this change to the R3 zone in Waverton had taken place.

MOVED BD SECONDED KA, CARRIED unanimously  
The Waverton Precinct RESOLVED:

- (i) that the Council be advised that the Waverton Precinct had not been informed in a clear and transparent manner that a change was proposed that could fundamentally change the character of certain Waverton neighbourhoods as well as across the municipality;
- (ii) that the Council be requested to rescind the provision in LEP Amendment 30 that allows 'residential flat buildings' the R3 zone; and
- (iii) that the Council conduct genuine consultations with the affected areas before considering whether or not to permit multistorey blocks of apartments in the R3 zone.

### **9 Other business**

Nil.

### **10 Correspondence**

Correspondence was circulated.

MOVED KA, seconded KA: THAT the correspondence be received.  
CARRIED unanimously.

### **11 Date of next meeting**

The next meeting is expected to be the Annual General Meeting, at which the Chair, Deputy Chair, Secretary and Treasurer will be elected.  
The meeting will be held on 1 February 2022 at the Uniting Community Hall in Bay Road.

The meeting closed at 9:00 pm.