

**Executive Committees; Milsons Point Apartments  
25 July 2017  
Report**

**1. Meeting Objective**

To update on the activity of the Sydney Harbour High Line (SHHL) Association since the last meeting of the Chairs of the Executive Committees held on 21<sup>st</sup> November 2016.

**2. Objectives of the Sydney Harbour High Line Association**

To create

- i) a sustainable urban environment for residents; and
- ii) a sustainable destination for visitors.

(i.e. to protect the Sydney Harbour foreshore and deliver positive social, environmental and recreational outcomes for all)

**3. Extension to Harry's Park - update**



Key:

Lot 10 = Harry's Park: Land acquired by Mrs Seidler in 2006 on payment of \$5m to Luna Park Sydney (LPS). LPS agreed to landscape the adjacent Lot 12.

Lot 11 = 500m<sup>2</sup> site acquired by the NSW Government in 2016 on payment of \$3.2m to LPS. LPS confirmed its commitment to landscape Lot 12 once the necessary planning consents had been granted.

Lot 12 = Land leased to LPS and required to be landscaped.

- In 2006 a company associated with Mrs Seidler paid \$5m for the right to build a memorial park on a section of the cliff top. This was done. The contract also obliged Luna Park Sydney to carry out equivalent beautification works on the adjacent cliff top sites. This was not done.

- In August 2016 the Government announced  
*The Government paid \$3.2 million to reacquire the site from Luna Park operator, Luna Park Sydney (LPS), with LPS also reconfirming its commitment to complete landscaping works on an adjacent lot once necessary planning consents have been granted.*
- In October 2016, a public meeting was advised by a representative of the NSW Government that the landscaping of the cliff top sites adjacent to that reclaimed by Mrs Seidler would now go ahead and the Government would be responsible.
- In July 2017, the Department of Finance, Services and Innovation, Property NSW presented the landscaping plan and advised
  - The landscaping it was to carry out was limited to Lot 11;
  - LPS would landscape Lot 12 – landscaping plan not yet available.
- The Department also advised
  - it would encourage, but could not require, LPS to replace the corrugated fence to the south of the gate on Northcliffe Street with a more attractive railing;
  - the maintenance of the whole cliff top would be the responsibility of LPS and costs would be charged to the Heritage Infrastructure Fund. (A fund administered by the Luna Park Reserve Trust whereby 3% revenue from the operation of LPS is contributed and the monies used to maintain the heritage aspects of LPS.)
- The landscaping plan for Lot 11 is attractive and includes boardwalks to a lookout which will provide attractive vistas to the harbour. It is however, regrettable that this landscaping is limited to Lot 11. In addition, Lot 11 is not adjacent to Harry's Park as the community was lead to believe.

#### 4. 2016 Luna Park Secret Agreements - ongoing

- Luna Park Sydney Pty Limited's accounts to 30 June 2016 filed with ASIC reported:
  - *on 7 July 2016, the parties to Umbrella Deed agreed that it was at an end.*
  - *on 12 July 2016, it agreed to surrender its leasehold interest and development rights in respect of site "C" (Cliff top area next to Harry's Park) for \$3.2m*
- On 5<sup>th</sup> August 2016, the Hon Dominic Perrottet MP issued a press release in which he advised the Government had agreed with Luna Park Sydney to reacquire the cliff top area. In addition he said:
 

*The agreement also confirms that a proposed restructure of the existing lease arrangements of Luna Park and adjacent sites, considered by the former NSW Government in 2011, will not proceed.*
- We requested copies of the agreement but these requests were declined. On 11<sup>th</sup> November 2016, the Government advised:
 

*As with many commercial agreements, the detailed terms of the Deed are subject to a confidentiality clause.*
- In April 2017, we met with the Hon Felicity Wilson MP and requested the release of the 2016 Agreement.

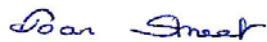
- In July 2017, we met again with the Hon Felicity Wilson MP and were advised that
  - the Hon Matt Kean MP, Minister for Innovation and Better Regulation was now responsible for Luna Park Sydney; and
  - her request for the release of the 2016 Agreement had been denied.
- We don't understand why these agreements are being kept secret when all prior agreements have been made public. Why the sudden need for secrecy? We are concerned.

## 5. The Sydney Harbour High Line – status

- In February 2017 we met with Mr Chris Muir, Chief of Staff for the Hon Andrew Constance MP, Minister for Transport and Infrastructure and the Hon Trent Zimmerman MP, Federal member for North Sydney. We submitted a proposal for use of the spoil from McMahons Point tunnel shaft and commencement of Stage 1 of the SHHL.
- In March 2017, the Premier gave an “iron-clad guarantee” *that the Coalition will never sell the railway land (leaving open the possibility that it could be leased) and that it would remain a community asset in the event it is not needed for rail use.* The Premier also announced the Government would establish a committee to investigate creating a scenic walking track on the land. The committee would be chaired by *the Hon Felicity Wilson MP*
- In May 2017, Mr Chris Muir advised *I can confirm that the Minister and Sydney Trains have agreed that work to create a walking path along the Lavender Bay spur can commence on the side where tracks have been removed, before the active rail line is closed on the other side of the spur.*
- It is a surprise to us that the Government is suggesting use of the ‘walking path’ while the rail line is still in use. This is contrary to previous responses from them. In addition it is not clear on which section of the rail line work can commence. We have sought clarification on this matter from Mr Chris Muir and from the Hon Trent Zimmerman MP.
- Our concern is that the Government might allocate the railway land west of Wendy’s Secret Garden to the Sydney Harbour High Line leaving the area from Wendy’s Secret Garden to Luna Park as a development package. This package could be used by Luna Park for development (per the statement in their 2013 accounts to develop land adjacent to Luna Park) or sold to another developer. We are concerned that the Government may suggest that the funds from the sale of this portion of land are required to pay for the High Line work.
- On 3 August 2017 we will meet with Mr Howard Collins, the Chief Executive of Sydney Trains and seek clarification on the work that will now commence to create a walking path and in what section of the line this work will be undertaken.

**6. Wendy's Secret Garden - status**

- In March 2017, in the lead-up to the by-election, the Premier Gladys Berejiklian announced setting up a Trust to maintain the garden. However she did not clarify why the garden was leased rather than be declared a park.
- In July 2017, regrettably North Sydney Council rejected our request for funding to cover the development cost of the website for Wendy's Secret Garden. This refusal was contrary to the recommendation from the Council Executive.
- The website can be viewed at [www.wendyssecretgarden.org.au](http://www.wendyssecretgarden.org.au)



Joan Street

**President**

Sydney Harbour High Line Association