

The Hon. (Rob) Robert Gordon Stokes, MP,  
Minister for Planning and Public Spaces  
52 Martin Place  
SYDNEY NSW 2000

19 June 2020

Dear Minister Stokes

**Sydney Harbour HighLine**

Thank you for your time on 10 June 2020 to discuss the Sydney Harbour HighLine (“SHHL”).

As discussed, this project enjoys significant support from both Government and the wider community. It is “shovel ready” and is consistent with NSW Government policies on more green and open spaces, in particular in a local government area which is acutely short of green space with more residents per hectare than other North Shore Councils and the City of Sydney.

**The Journey so far**

- In February 2017, the Minister for Transport and the Chief Executive of Sydney Trains, Howard Collins agreed that the Sydney Harbour HighLine walkway may operate in conjunction with the ongoing operation of Sydney Trains.
- In March 2017, Premier Gladys Berejiklian established a committee to investigate creating a scenic walkway along this unique stretch of railway land stretching from Waverton Station to Lavender Bay’.
- The Committee was established with Ms Felicity Wilson as chair and representatives from Sydney Trains, Sydney Heritage Trains, Destination NSW, Office of Environment and Heritage, North Sydney Council, Sydney Harbour HighLine Association, Lavender Bay and Waverton Precincts and Mr Zimmerman, Federal Member for North Sydney.
- The Committee, at the request of the Minister for Transport submitted its final report to the Premier and the Minister on 11 December 2018.

It was not until 17<sup>th</sup> June 2019 that Ms Wilson received a response from the Minister’s office (Refer Attachment 1). In that response, amongst other matters, there were a number of misstatements. The Association met with Ms Wilson in July 2019 and clarified the misstatements. In addition, the Association clarified the misstatements in writing to Ms Wilson in their letter of 16<sup>th</sup> July 2019 (Refer Attachment 2).

The Association understands that funding may not be available at present. However, it is very disappointing that at this stage of the project planning, the misstatements which the Association clarified in July 2019 were reported from the Minister’s office at our meeting on 10 June 2020.

**Misstatement 1: Co-existence of the operational rail line and the walkway**

Reference was made to Mr Constance's letter of 17<sup>th</sup> June 2019 to Ms Wilson which spoke about *"...due diligence being completed..."* and the walkway *"... does not interfere with current or future passenger service delivery..."*. It was stated that the walkway would interfere with the operation of the rail line.

This statement reflects one of opposing views expressed by representatives of Sydney Trains over time. However, it is CONTRARY to the advice from the Minister for Transport and the Chief Executive, Sydney Trains.

The facts are that before the Premier's announcement on 20<sup>th</sup> March 2017, the co-existence of the walkway and the operation of the rail line was confirmed by the Minister for Transport and the Chief Executive of Sydney Trains, Howard Collins. They agreed that the surplus land to the north of the current line between Wendy's Garden and Union Street could be used for the HighLine walkway whilst Sydney Trains continued to operate.

Mr Chris Muir on behalf of Minister Constance ... (February 2017) wrote:

*"... the walkway and rail line could co-exist."*

It was, presumably, with the position enunciated by Mr Muir that the Premier established the Committee.

**Misstatement 2: Sydney Trains' continued operational need for the rail line**

The comment was made that Sydney Trains had a continued operational need for the rail line with no known end date.

This statement is CONTRARY to advice from Sydney Trains.

In 2012 the Minister for Transport reported the Lavender Bay Siding:

*"As one of 12 key bottlenecks "on the western line" where trains have to merge tracks with other lines, wait for opposing trains to cross, or face delays due to slow boarding and alighting at key stations."*

In December 2017, Mr Howard Collins met representatives of the Sydney Harbour HighLine Association and advised Sydney Trains planned to use the line for the next 7 years i.e. 2024 (which coincides with opening the Sydney Metro - Chatswood to Sydenham section).

***Emergency need***

The comment was also made that the rail siding was required for emergencies. The rail line will be retained and hence will continue to be available for emergencies if required.

**Misstatement 3: Building the walkway on the rail siding would require an Act of Parliament**

This statement is INCORRECT.

In 2016 the Transport Administration Act was amended to allow for the privatisation of rail assets in NSW by a ministerial directive without further deliberation or decision by Parliament. The stated objective of the amendment was to

*“...enable the Minister for Transport and Infrastructure to authorise a rail infrastructure owner to close any other railway line for the purposes of, or in connection with, development that is declared to be State significant infrastructure under the Environmental Planning and Assessment Act 1979...”*

The Act provides:

- *State significant infrastructure* is development declared to be State significant infrastructure.
- *infrastructure* means a development for purposes ... prescribed by the regulations.


The Minister can make regulations.

### **Request**

Minister, we greatly appreciate your assistance in facilitating the progression of this project in a professional manner. In view of the significance of these issues and the public interest, we now specifically and respectfully request you to:

- Support commencement of the Sydney Harbour HighLine by organising a meeting with Minister Constance, the Sydney Harbour HighLine Association and you, with a view to securing funding and building the HighLine.
  - Stage 1 (Union Street (nr Waverton Station) to Wendy's Secret Garden) to commence now; and
  - Stage 2 (Wendy's Secret Garden to the present northern boundary of Luna Park) to commence once the use of the line by Sydney Trains comes to an end.

Yours sincerely



Ian Mutton

**Chair of the Sydney Harbour HighLine Association**

imutton@crafers.com

### **Attachments**

1. Minister Constance to Felicity Wilson, 17 June 2019
2. Sydney Harbour HighLine to Felicity Wilson, 16 July 2019
3. Felicity Wilson to Sydney Harbour HighLine, 1 August 2019
4. Felicity Wilson to Sydney Harbour HighLine, 20 May 2020
5. Briefing for meeting with Minister Stokes, 10 June 2020



The Hon Andrew Constance MP  
Minister for Transport and Roads

Our Ref: 00753417

Ms Felicity Wilson MP  
Member for North Shore  
Suite 3, 40 Yeo Street  
NEUTRAL BAY NSW 2089

Dear Ms Wilson

Thank you for your ongoing representations in relation to the Sydney Harbour High Line Project, and the Sydney Harbour High Line Association's proposal to deliver the same.

I note your ongoing advocacy in relation to this project and commend the work undertaken by yourself and the other members of the committee established by the NSW Government in 2017 to investigate creating a scenic walking track in Lavender Bay. I also acknowledge the time and effort which the committee has taken to prepare its vision for potential transformations of the active rail line at Lavender Bay. I am advised that the NSW Government has been well represented on the committee by both yourself and the Chief Executive of Sydney Trains, Howard Collins OBE.

As you know, the NSW Government's position in relation to the Sydney Harbour High Line project has always been that, subject to the appropriate due diligence being completed and provided that it does not interfere with current or future passenger service delivery requirements of the rail network, it was happy to consider investigating how the Sydney Harbour High Line project might be facilitated. I am advised that significant portions of the proposed route continue to be required to operate the rail network. I am further advised that no funding is available at this time to deliver the project. Whilst I appreciate the Sydney Harbour High Line Association's passion for the project, the NSW Government must prioritise the operational needs of the Sydney Trains rail network in the first instance. This ensures that we can continue to keep Sydney moving.

You may be assured that the NSW Government will look to consider the Sydney Harbour High Line Association's recommendations regarding the delivery of the project as part of the delivery of the future stages of the More Trains, More Services program. The \$4.3 billion program boosts network capability, provides better infrastructure and represents the single largest increase in capacity on the network.

I separately note that both the Premier and I have received representations from both yourself and the Sydney Harbour High Line Association in relation to the ongoing management of Wendy Whiteley's Secret Garden. Following receipt of your representations, I asked Transport for NSW to further investigate the management of the gardens. I am advised that the investigation concluded that the management of the garden will remain with North Sydney Council at this time. I am further advised that on 13 March 2017 the Premier announced the creation of a charitable trust to ensure the ongoing care and preservation of the site. I am

also advised that North Sydney Council was appointed as trustee to receive donations and apply trust proceeds.

As you are aware, in October 2015 the NSW Government announced it would extend North Sydney Council's five-year lease on the land referred to in the Sydney Harbour High Line Association's correspondence of 4 February 2019 to 30 years, with an additional 30 year roll-over clause, to allow for the long-term preservation of the garden. I am advised that on 20 May 2016, Transport for NSW approved this extension.

I wish to reinforce the guarantee made by the Premier that the NSW Government will never sell the rail corridor at Lavender Bay and will ensure that it remains a community asset in the event it is not needed for rail use.

Please extend my sincerest thanks to the committee members for their work.

Thank you for taking the time to write.

Yours sincerely

A handwritten signature in black ink, appearing to read 'A Constance', written in a cursive style.

**THE HON ANDREW CONSTANCE MP**

17/06/2019

## Attachment 2

Ms Felicity Wilson MP  
Suite 3  
40 Yeo Street  
NEUTRAL BAY NSW 2089  
Email: [northshore@parliament.nsw.gov.au](mailto:northshore@parliament.nsw.gov.au)

16<sup>th</sup> July 2019

Dear Felicity

### Sydney Harbour HighLine

Thank you for meeting with Joan and me on 1 July 2019 and discussing the Sydney Harbour HighLine (SHHL).

We are simply staggered that neither the Premier, the Hon. Gladys Berejiklian MP nor the Minister, the Hon. Andrew Constance MP have acknowledged receipt, let alone responded to, the committee's report. This is particularly astonishing bearing in mind the Premier established the committee (March 2017) and the Minister called for the committee's report (September 2018).

At our meeting on 1 July you gave us a copy of Minister Constance's letter to you dated 17 June 2019. We have now had the opportunity to read that letter and would like to respectfully draw your attention to several misconceptions contained in the Minister's letter.

However, firstly a brief summary of the background to the report will be useful:

- **3 February 2017:** SHHL representatives met with Mr Trent Zimmerman MP, Member for North Shore and Mr Chris Muir, Chief of Staff for the office of Minister for Transport & Infrastructure, The Hon. Andrew Constance MP.

Following this meeting Mr Muir discussed the proposed walkway with the Minister for Transport & Infrastructure and Mr Howard Collins, Chief Executive of Sydney Trains and secured their agreement ... *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*".

Due to an error in an email address, the SHHL did not receive this advice until 9 June 2017 – see below.



- **20 March 2017:** The Premier NSW, the Hon. Gladys Berejiklian MP announced “... *I can give an iron clad guarantee that a NSW Liberals & Nationals Government will never sell off the land and ensure it remains a community asset in the event it is not needed for railway use... I can also announce the NSW Government will establish a committee to investigate creating a scenic walking track along this unique stretch of railway land.*”
- **9 June 2017:** Mr Chris Muir advised “...*To assure you of this process, I 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.*”
- **28 August 2017:** As Chair, you convened the first meeting of the Sydney Harbour HighLine committee which comprised representatives from State Government, North Sydney Council, local Precincts and the Sydney Harbour HighLine Association. At this meeting you confirmed that the HighLine is the length of rail corridor from Union Street (near Waverton Station) to the present northern boundary of Luna Park.
- **28 August 2018:** You met with the Minister for Transport & Infrastructure and the Chief Executive, Sydney Trains.
- **27 September 2018:** The Minister for Transport & Infrastructure requested you to finalise the work in the form of a report to the NSW Government. This report to include a recommendation on how the project should be delivered.
- **12 October 2018:** You conducted the final meeting of the committee at which time it was agreed that the SHHL Association would compile and submit the report to the Minister for Transport & Infrastructure on behalf of the committee.
- **October & November 2018:** The SHHL representatives conducted further meetings with Sydney Trains. In addition, requests were made by the SHHL representatives to State Government Department members on the committee for any required input into the report.
- **25 October 2018:** The SHHL representatives met with residents from the three North Sydney Precincts that adjoin the SHHL to advise them of the outcomes above.
- **12 December 2018:** The report was submitted to the Premier and to The Hon. Andrew Constance, MP, Minister Transport and Roads and circulated to all members of the committee.

Mr Constance’s letter of 17 June 2019 refers to the requirement “...*due diligence being completed...*” and the walkway “... *does not interfere with current or future passenger service delivery...*”.

The facts and chronology of events confirm that due diligence has been completed and the walkway does not interfere with Sydney Trains’ current or future passenger service delivery:

- Pursuant to Chris Muir's advice (February 2017) that the walkway and rail line could co-exist, the Premier (March 2017) endorsed the project and established a committee to create a scenic walkway along the Lavender Bay spur. The Premier would not have committed to this inquiry had the Minister and Sydney Trains not previously agreed that the walkway could co-exist with the operation of the rail line.
- Following the establishment of the committee, Sydney Trains and the SHHL Association each prepared a design for the walkway and submitted the designs to the committee. Following consideration of these designs, the committee recommended several amendments to Sydney Trains and its design.
- Sydney Trains amended its design and resubmitted it to the committee. The committee accepted the amended design from Sydney Trains.
- Mr Rino Matarazzo, Sydney Trains then commissioned a Quantity Surveyor to estimate the costs of the project based on the design approved by the committee. Sydney Trains provided a summary of these costs and assumptions to the committee. Sydney Trains, despite agreeing to do so, would not release the detailed costs to the committee or to the SHHL Association.
- The Minister then requested the committee to finalise its work in the form of a report to the NSW Government. This report to include a recommendation on how the project should be delivered.
- The SHHL Association at the request of the committee drafted the report and circulated the draft report, including design and cost estimates from Sydney Trains, for review by the committee.
- The final report was then prepared and submitted to the Premier and the Minister in December 2018.
- Following no response from either the Minister or the Premier, the final report was again submitted to both the Minister and the Premier in May 2019.

Hence the project has been subject to the appropriate due diligence and the final report reflects this due diligence process. In addition, the facts and the above process clearly illustrate that the Minister and Sydney Trains agreed at the outset that the walkway may operate in conjunction with the ongoing operation of Sydney Trains.

The requirements referred to in Minister Constance's letter of 17 June 2019 "*...due diligence being completed...*" and the walkway "*... does not interfere with current or future passenger service delivery...*" have been satisfied.

Furthermore, the letter states "*... no funding is available at this time to deliver the project...*" This statement is correct. The SHHL Association intends to submit an updated report to the Government in September 2019 in order that funding may be provided in the 2020 budget. However, to date our



efforts are frustrated by Mr Rino Matarazzo's refusal to release the Quantity Surveyor's Report prepared by Sydney Trains.

In 2018, Sydney Trains commissioned a Quantity Surveyor to estimate the costs of the project. In May 2018, Mr Rino Matarazzo provided a summary of the costs and assumptions to the committee. The costs appear to include:

- 1) Items for ongoing and future use of the rail by Transport Heritage e.g. Platform at Lavender Bay;
- 2) Items that are routine repairs and maintenance costs required to be undertaken by Sydney Trains on an ongoing basis; and
- 3) Specific costs associated with the implementation of the Sydney Harbour HighLine. Some of these costs may however not be required with the implementation of GPS signalling by Sydney Trains.

In May 2018, the SHHL Association also commissioned a Quantity Surveyor to prepare a 'Preliminary Feasibility Estimate of Cost' based on the limited information available to the Association.

Between October 2018 and May 2019, the SHHL Association repeatedly requested Mr Rino Matarazzo to enable a meeting between the two Quantity Surveyors or to release Sydney Trains' Quantity Surveyor's report. Mr Matarazzo agreed to organise this meeting however, on 16 May 2019, Mr Matarazzo advised he would not enable a meeting between the two Quantity Surveyors nor would he release the Quantity Surveyor's Report prepared by Sydney Trains.

The refusal of Mr Matarazzo to make available costings stands in stark contrast to the statements by the Premier (March 2017) and Mr Muir on behalf of the Minister and Sydney Trains (February 2017). Of concern is that Mr Matarazzo's refusal is serving to delay the project and prevent informed decisions being taken on matters related to costs.

Felicity, we would like:

- i) the Quantity Surveyor's Report prepared by Sydney Trains so that the costs can be correctly allocated between
  - a. Sydney Trains and its continued operation on the corridor including use by Transport Heritage; and
  - b. The Sydney Harbour HighLine walkway.
- ii) Joint review by Mr Howard Collins, Sydney Trains and a SHHL Association representative, of the scope of work to be included in an updated report and funding proposal for submission to the NSW Government in September 2019.

We greatly appreciate your assistance in facilitating the progression of this project in a professional manner and we look forward to your early response.

Thank you.

Yours sincerely



David Bowman  
**Vice President**  
**Sydney Harbour HighLine Association**

cc: The Hon. Gladys Berejiklian MP, Premier of NSW  
The Hon. Andrew Constance MP, Minister for Transport and Roads



# FELICITY WILSON MP

Member for North Shore



## Attachment 3

Mr David Bowman  
2 Dind St  
MILSONS POINT NSW 2061

By email: david@sydneyharbourhighline.org.au

Dear Mr Bowman

Thank you for meeting with me recently to discuss the Sydney Harbour HighLine. I understand your disappointment that funding to facilitate this project has not been allocated at this time. I believe in the benefit that such a proposal would deliver to our community and have always been a strong advocate for its delivery.

I appreciate and acknowledge your investment in pursuing funding for this project in the future, and your continued commitment to submit an updated report and proposal to the NSW Government in September 2019.

I have therefore forwarded on your request for the detailed Quantity Surveyor's Report prepared by Sydney Trains to the Minister for Transport and Roads and asked the Hon. Andrew Constance MP to provide a response.

Yours sincerely

**Felicity Wilson MP**  
Member for North Shore

11/8/19





# FELICITY WILSON MP

Member for North Shore



## Attachment 4

Mr David Bowman  
2 Dind St  
MILSONS POINT NSW 2061

By email: [david@sydneyharbourhighline.org.au](mailto:david@sydneyharbourhighline.org.au)

Dear Mr Bowman

I write further to our earlier correspondence concerning the proposed Sydney Harbour High Line and the request you made to have the detailed Quantity Surveyor's Report prepared by Sydney Trains provided to you.

As I indicated at my recent meeting with Joan Street, and our meeting last year, I made representations to the Minister for Transport and Roads on your behalf.

I received a response from the Hon. Andrew Constance MP and a copy of his letter is attached for your information. As the response did not specifically address my request for provision of the documents, I made further representations through the Minister's office. The Minister's office has now advised that the Quantity Surveyor's Report will not be shared by Sydney Trains, which I imagine will disappoint you.

As advised by the Minister for Transport last year, no funding is allocated to facilitate the High Line proposal. As you know, the NSW Government's position on the High Line proposal remains unchanged. I again assure you that, if it eventuates in the future that the rail line is no longer required operationally, the rail corridor at Lavender Bay will remain in community hands.

I hope you are keeping well during these challenging times and I look forward to seeing you again in the future when once again possible.

Yours sincerely

**Felicity Wilson MP**  
**Member for North Shore**  
(20/05/2020)

cc: [office@constance.minister.nsw.gov.au](mailto:office@constance.minister.nsw.gov.au)

The Hon. (Rob) Robert Gordon STOKES, MP,  
Minister for Planning and Public Spaces  
52 Martin Place  
SYDNEY NSW 2000

2 June 2020

Dear Minister Stokes

### THE VISION THAT IS THE HIGHLINE

The vision – taking an old rail line and shunting yard on the edge of Sydney Harbour and converting it to an icon that links the Heritage Fleet at one end via a walkway rail line used by Heritage trains with the Bridge, North Sydney Olympic Pool and Luna Park

Prior to the opening of the Harbour Bridge, the last 3.3 kilometres of the North Shore train line ran from Waverton (near to the Coal Loader and Berrys Bay) to Lavender Bay (and the ferry terminal at Milsons Point).



Path of the High Line from Waverton to Lavender Bay

What remains today is the railway and a 2-hectare shunting yard (on the edge of Lavender Bay). That railway and the shunting yard is part of a vision that sees it converted to a New York styled High Line – The Sydney Harbour HighLine.

The industries have moved on leaving only the Waverton to Lavender Bay rail line behind and a collection of isolated parks and bays:

- Balls Head Reserve (with the Coal Loader);
- Berrys Bay (a possible permanent home for the Heritage Fleet);
- Waverton Oval;
- Sawmillers Reserve;
- Lavender Bay and Parklands;
- [Wendy's Secret Garden](#); and
- Luna Park, North Sydney Olympic Pool and the Harbour Bridge.

Sydney Harbour High Line Incorporated (INC 1601116)  
2 Dind Street, MILSONS POINT, NSW 2061  
Mobile: 0412 007 696  
Email: [joan@sydneyharbourhighline.org.au](mailto:joan@sydneyharbourhighline.org.au)

It's that rail line that provides Sydney with a once in a lifetime opportunity –

- converted to a shared heritage train and walkway it links a mosaic of isolated harbour fronting parks (The Sydney Harbour HighLine); and
- with a rebuilt Lavender Bay rail station opening on to Lavender Green and the harbour.



Concept for the Lavender Bay end of the HighLine. end of the HighLine

Lavender Green is the park to the west of the platform. It was transferred to Luna Park in 1997 on the condition that no permanent structure be built on the park – that is, it's to be kept as open space. **Lavender Green is a critical element for the development of the HighLine. Lavender Green is essential in providing the link between access to the HighLine from the waterfront boardwalk at the southern end and to the proposed railway platform.**

The feasibility of the HighLine project was confirmed in February 2017 when representatives of the Sydney Harbour HighLine Association met with Mr Chris Muir, Chief of Staff for the Hon Andrew Constance MP Minister for Transport and Infrastructure. As a result of that meeting Mr Muir replied that *"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."*

The opportunity was recognised by our Premier in March 2017 when she said *'I can give an ironclad guarantee that a NSW Liberals & Nationals Government will never sell off the land and ensure that it remains a community asset in the event it is not needed for railway use.'*

*'The N.S.W Government will establish a committee to investigate creating a scenic walking track along this unique stretch of railway land.'*

## **THE GOVERNMENT FORMED A COMMITTEE TO CONSIDER THE HIGHLINE PROJECT**

In August 2017 the Government established the Sydney HighLine Committee chaired by Felicity Wilson with representatives from

- Sydney Trains;
- Office of Environment and Heritage;
- Destination NSW;
- Sydney Heritage Trains;
- North Sydney Council;
- Waverton and Lavender Bay Precincts; and
- Federal Government.



The Committee delivered its report on 12 December 2018 – copy at [https://www.sydneyharbourhighline.org.au/wp-content/uploads/2019/01/181114-Sydney-Harbour-Highline-A3-report\\_CON1\\_Newsletter-version.pdf](https://www.sydneyharbourhighline.org.au/wp-content/uploads/2019/01/181114-Sydney-Harbour-Highline-A3-report_CON1_Newsletter-version.pdf)

## **CONSTRUCTION IN TWO STAGES**

The Sydney Harbour HighLine has been designed to be constructed in two stages:

- Stage 1 being Union Street (nr Waverton Station) to Wendys Secret Garden; and
- Stage 2 being Wendys Secret Garden to the present northern boundary of Luna Park. Stage 2 will be constructed once the use of the line by Sydney Trains comes to an end.

## **IMPORTANCE OF THE SYDNEY HARBOUR HIGHLINE AND TOURISM**

Tourism is one of the fastest growing economic sectors in the world and contributes significantly to economic growth and diversification through the creation of a wide range of employment opportunities. In Australia tourism contributed \$44.6 billion to the national economy in 2019. Sydney is Australia's premier destination city with visitors delivering a direct spend of more than \$19.5 billion in 2019.

Sydney has long-standing and successful tourism attractions like the Opera House, Harbour Bridge and Bridge Climb, Taronga Zoo, Sydney Aquarium and Wildlife Sydney, harbour cruises and the Sydney Tower. However, to remain competitive, Sydney needs to invest in new attractions to target new markets and to offer a new experience to return visitors.

The Sydney Harbour HighLine is such an attraction.

## **SUPPORT FROM NORTH SYDNEY COUNCIL**

North Sydney Council is fully supportive of the HighLine project and would like to be involved in its delivery. In May 2018, Mr Ken Gouldthorp, General Manager, North Sydney Council wrote to the Sydney Harbour HighLine Association advising *"The proposed Sydney Harbour Highline is consistent with a number of priorities in both the Greater Sydney Commission North District Plan and North Sydney Council's planning priorities. In particular, it would improve connectivity of public domain and assist in meeting the objective of developing a more accessible and walkable city while valuing our green spaces and heritage links with the harbour. North Sydney Council therefore supports the project in- principle and would welcome the opportunity to participate in the advancement of the proposal and its delivery in co-operation with the relevant State Government agencies."*

## **CO-EXISTENCE OF THE HIGHLINE AND ONGOING OPERATION OF SYDNEY TRAINS**

Since submitting the Report to Minister Constance in December 2018 a misunderstanding regarding the co-existence of the walkway and the ongoing operation of Sydney Trains has arisen. Mr Constance in his letter to Felicity Wilson of 17 June 2019 refers to the requirement that the walkway *"... does not interfere with current or future passenger service delivery..."*.



The facts and chronology of events confirm that the HighLine walkway does not interfere with Sydney Trains' current or future passenger service delivery:

- Pursuant to Chris Muir's advice (February 2017) that the walkway and rail line could co-exist, the Premier (March 2017) endorsed the project and established a committee to create a scenic walkway along the Lavender Bay spur. The Premier would not have committed to this inquiry had the Minister and Sydney Trains not previously agreed that the walkway could co-exist with the operation of the rail line.
- In December 2017, Mt Howard Collins met representatives of the Sydney Harbour HighLine Association and advised Sydney Trains planned to use the line for the next 7 years.
- The final report prepared by the Premier's Committee, which included representatives of Sydney Trains, envisages the ongoing use of the line by Transport Heritage.

Hence the facts and process clearly illustrate that the Minister and Sydney Trains agreed at the outset that the walkway may operate in conjunction with the ongoing operation of Sydney Trains.

## **FUNDING**

Currently no funding is available to deliver the project. The Association's efforts to determine the project costs have been, and continue to be, frustrated by Mr Rino Matarazzo's refusal to release the Quantity Surveyor's Report prepared by Sydney Trains.

In 2018, Sydney Trains commissioned a Quantity Surveyor to estimate the costs of the project. In May 2018, Mr Rino Matarazzo provided a summary of the costs and assumptions to the committee. The costs of approximately \$50 million appear to include:

- 1) Items for ongoing and future use of the rail by Transport Heritage e.g. Platform at Lavender Bay;
- 2) Items that are routine repairs and maintenance costs required to be undertaken by Sydney Trains on an ongoing basis; and
- 3) Specific costs associated with the implementation of the Sydney Harbour HighLine. Some of these costs may however not be required with the implementation of GPS signalling by Sydney Trains.

In May 2018, the SHHL Association also commissioned a Quantity Surveyor to prepare a 'Preliminary Feasibility Estimate of Cost' based on the limited information available to the Association. Those costs totalled approximately \$10 million however they did exclude unknown costs known only to Sydney Trains.

Between October 2018 and May 2019, the SHHL Association repeatedly requested Mr Rino Matarazzo to enable a meeting between the two Quantity Surveyors or to release Sydney Trains' Quantity Surveyor's report. Mr Matarazzo agreed to organise this meeting however, on 16 May 2019, Mr Matarazzo advised he would not enable a meeting between the two Quantity Surveyors nor would he release the Quantity Surveyor's Report prepared by Sydney Trains.

On 20 May 2020, Ms Felicity Wilson advised the Association that Minister Constance's office had advised that *"the Quantity Surveyor's Report will not be shared by Sydney Trains."*

The ongoing refusal of Sydney Trains to make available costings stands in stark contrast to the statements by the Premier (March 2017) and Mr Muir on behalf of the Minister and Sydney Trains (February 2017). Of concern is that this refusal is serving to delay the project and prevent informed decisions being taken on matters related to costs.

## **MULTIPLEX'S LUNA PARK MOVES TO EXPAND THE FOOTPRINT OF ITS OPERATIONS**

Now there's an unexpected problem.

Multiplex's Luna Park has lodged with your Department a Development Application to allow its operations (rides and a purpose built permanent "marquee" with a capacity for 500 people) to extend to Lavender Green

If Multiplex's Application succeeds, Lavender Green will be lost to Sydney and the HighLine put at risk.

## **NORTH SYDNEY COUNCIL'S RESPONSE TO LUNA PARK'S EXPANSION PLANS**

North Sydney Council at its meeting on 27 April considered Luna Park's Development Application and resolved:

- 1) THAT Council make a submission in response to Development Application 10196 (Luna Park) identifying the matters addressed in this report.
- 2) THAT in the submission Council advocates the significance of the land in question to both the bank of open green space in North Sydney and the proposed HighLine project.
- 3) THAT Council ascertain from the NSW Government the terms upon which Council could acquire the freehold for Lavender Green.
- 4) THAT Council ascertain from Multiplex Luna Park Sydney Limited the terms upon which it could acquire the remainder of the lease it holds on the land.

## **REQUEST**

Minister, in view of the significance of these issues and the public interest, we now specifically and respectfully request you to:

- Deny Multiplex's Luna Park Development Application 10196;
- Secure Lavender Green as open public green space under the guardianship of North Sydney Council;
- Review the full detailed costings in order that an accurate and timely cost may be arrived at. Without this figure the Government cannot possibly decide on the level of funds required to construct the HighLine.
- Support commencement of the Sydney Harbour HighLine by organising a meeting with Minister Constance, the Sydney Harbour HighLine Association and you, with a view to securing funding and building the HighLine.

Stage 1 (Union Street (nr Waverton Station) to Wendys Secret Garden) to commence now and Stage 2 (Wendys Secret Garden to the present northern boundary of Luna Park) to commence once the use of the line by Sydney Trains comes to an end.

We look forward to meeting with you on 10 June to discuss these important issues.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Ian Mutton', with a horizontal line drawn underneath the first part of the signature.

Ian Mutton

**Chair of the Sydney Harbour HighLine Association**

imutton@crafers.com