

## Questions & Answers Session – 16 June 2020

(held via webinar due to COVID-19)

*Members of the public are invited to submit questions in writing to the Harbour Trust prior to Questions & Answers Sessions which are held twice a year (immediately following Meetings in Public). These questions are addressed by the Members of the Trust and the Harbour Trust Executive during the Q&A Sessions.*

*In addition to questions submitted prior to a Q&A Session, the Chair has the discretion to allow questions to be taken 'from the floor' during a Q&A Session.*

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### Questions from members of the public received in writing prior to Q&A Session

#### LEASE AGREEMENTS

Annabella Fletcher

- Has the Trust entered into any agreement whether Lease or licence with:
  - a. Mosman Council in respect of any Trust lands,
  - b. Any other neighbouring Council in respect of other Trust lands?
- If there is any such Agreement and in the interests of transparency will it please be made public?

**Answer 1:**

The Harbour Trust has one lease with Mosman Council, for the Drill Hall precinct. The lease is in the process of being varied to permit outdoor lighting, in accordance with the Harbour Trust's decision to approve Council's proposal to install lighting on the outdoor netball courts.

The Harbour Trust has one licence with Mosman Council, for the pavilion building (including the Men's Shed extension) at Georges Heights Oval. A draft licence has been prepared for Georges Heights and Middle Head Ovals, which we are aiming to finalise by the end of 2020.

The lease is registered on title and is publicly available. We will consult with Mosman Council about making the licence agreement available and will advise you of the outcome in due course.

The Harbour Trust has no other leases or licences with other local Councils for Harbour Trust land.

Jill L'Estrange

- Building 205 at North Fort, North Head has been leased for the filming of TV reality show 'Big Brother'.

Could the Trust please explaining the context of its statutory obligations, how the use of this heritage building, at the gateway to North Head Conservancy, an area of ecological, environmental, social, cultural and military importance that attracts thousands of visitors each year, is an adaptive- re-use that meets the Objects of the Trust Act, 'enhances the nature and character of the place' (Comprehensive Plan) and accords with the North Head Plan of Management which states that 'The Trust's proposal for North Head is for the adaptive re-use of buildings and facilities with uses that will complement the Sanctuary and respect their defence heritage, and balancing this with public access for experiencing and learning about the headland's remarkable natural and cultural heritage'?

## **Answer 2:**

Short term venue hires such as television productions allow temporary, low impact use of vacant buildings across Harbour Trust sites. For example, *Unbroken* and *Ninja Warrior* were filmed on Cockatoo Island. North Head has been used over the years for several films and television productions including *Operation Buffalo* airing on ABC currently.

This temporary use of the large sheds at North Fort for *Big Brother* included a modest curtilage, which was fenced off, with privacy screening. Public access is maintained around this area.

Prior to this activation Building 205 has only been open or accessible by the public on very limited occasions, for example the North Head Open Day.

More generally, North Head Sanctuary supports a balanced range of uses including services that benefit the community including NFP community services, a gym, café, function centre and childcare centres. We also provide significant support to community groups such as Solider On and partner with the Australian Wildlife Conservancy and North Head Sanctuary Foundation to protect and restore the natural environment of North Head. In addition, the Harbour Trust has directly investment in substantial bush regeneration and heritage restoration.



## **LEASING POLICY**

Linda Bergin

- The Comprehensive Plan page 196 requires exhibition of Trust’s plans and policies as follows:  
*“As described in more detail in the Sections dealing with the adoption of management plans and supporting policies, the Trust will invite members of the public to make submissions in respect of these matters. To facilitate this, the Trust will make the draft plan or policy available to the public and will give notice that the plan or policy is available for comment and request submissions”.*

Why was the 2015 leasing policy, the first revision since the original 2003 Leasing Policy (which was adopted BEFORE the Comprehensive Plan), and subsequent revisions, not publicly exhibited?

**Answer 3:**

The Harbour Trust's initial Leasing Policy was prepared before the Comprehensive Plan came into operation. The initial Leasing Policy was prepared contemporaneously with the Comprehensive Plan, so it was consistent with the Policy when it came into operation. Adjustments were made to the initial Leasing Policy from time to time to consider relevant contemporary matters. The Harbour Trust has always been (and continues to be) open to receiving feedback in respect of its leasing policy.

In preparing the Draft Leasing Policy 2020, the Harbour Trust determined to undertake a detailed public consultation process which commenced at the end of Jan 2020 and will result in a period of consultation (of over 5 months) to ensure that the outcomes of the Review and broad stakeholder feedback can be obtained and considered.

- **Under the present leasing policy, an EOI for 10T would be required as the uses have changed (First Time Leasing). Will there still be an EOI for 10T if the draft 2020 is adopted, as the phrase "new uses" has been removed and 10T was already offered to the market in 2009 and 2011?**

**Answer 4:**

The Harbour Trust's intention is to undertake an EOI for 10 Terminal.

- **What legal advice (from whom) did the Trust supporting the removal of options in the calculation of lease term thresholds in the present Leasing Policy? Will the Trust make such legal advice public? What were the reasons given? Why was this change not specifically recorded in the Board Minutes? Why does the Trust consider this a "minor" change?**

**Answer 5:**

Section 10.3 of the leasing policy describes the lease term thresholds set out in sections 64 and 64A of the *Sydney Harbour Federation Trust Act 2001*. As there is no reference to options in either of these sections of the Act, for consistency with the wording of the Act, the leasing policy was amended to remove the references to options from section 10.3.

The Harbour Trust receives legal advice from its advisors as required from time to time. As that advice is subject to legal professional privilege, it will not be made public.

## 10 TERMINAL

Linda Bergin

- **Does the Trust consider that a HOTEL would be a suitable adaptive re-use of 10 Terminal? Has the Trust been approached by potential proponents for uses which are not included in the listed outcomes in the Middle Head Management Plan? If so, at what stage are such discussions or negotiations?**

**Answer 6:**

The Harbour Trust is not undertaking any discussions with potential proponents for uses including in relation to a hotel.

The Harbour Trust will undertake an Expressions of Interest (EOI) process for 10 Terminal.

## DELOITTE REPORT

Linda Bergin

- **Will the Trust release the Terms of Reference for the Deloitte report?**

**Answer 7:**

It is not the Harbour Trust's intention to release any further information as the Deloitte report covers the scope of works requested.

**MARKHAM CLOSE**

Linda Bergin

- **Where in ANY financial accounts in either the interim (Department) or statutory trust is the approximately equivalent \$23m cash advance or any other ASSET, which led to the quarantine of Markham Close proceeds? Were these monies or assets recorded government accounts other than those of the interim or statutory Trust? If so, in which government department or entities were such monies or assets recorded?**

**Answer 8:**

A 2003-04 Budget measure provided the Harbour Trust appropriation funding from Government in anticipation that it would remit \$23m in sales proceeds to partially offset the funding provided by Government. Accordingly, financial statements published by the Harbour Trust in 2004-05, 2005-06 and 2006-07 noted that the Trust may be required to return \$23m in Markham Close sales proceeds to the Official Public Account.

- **As the public were told this was part of the government's gift of the lands? Under what budget rule were the funds quarantined?**

**Answer 9:**

A 2003-04 Budget measure provided the Harbour Trust appropriation funding from Government in anticipation that it would remit \$23m in sales proceeds to the Official Public Account to partially offset the funding provided by Government. As a result of this Budget decision, if the funds are now spent instead of being remitted, it will impact the underlying cash balance of the Federal Budget. Any spending impacting on underlying cash balance requires Government approval through normal Budget processes.

- **Has the entire \$23m been "unlocked"? What portions will be used for capital works and what portion for recurrent works?**

**Answer 10:**

The Government authorised the release of up to \$14m of the Markham Close fund to the Harbour Trust to assist the Harbour Trust in providing rent relief to tenants. The Government has made no announcement on the remaining funds.

**COMMUNITY ADVISORY GROUP / TRUST APPOINTMENTS & MEETINGS**

Annabella Fletcher

- **In the interests of transparency will the Trust please:**
  - **Advise if it has audio recordings of Board meetings in Public and/or CAC meetings, and if "Yes", will those recordings please be put on the Trust's website;**
  - **Make public, e.g. by putting on the Trust website, all documents provided to each CAC, including documents agreed to be provided by the Trust to a CAC pursuant to CAC request, such as the documents 1-6 minuted as "Key Requests", CAC meeting 27 February 2020;**

- **Make CAC meetings open to all the community for attendance.**

**Answer 11:**

The Harbour Trust does not record any meetings. However, meeting notes from CAC meetings are posted to the Harbour Trust website, and Trust Meeting minutes are published. In general, information is provided to the CAC in confidence under the Community Advisory Committee Charter. The Harbour Trust seeks community input through a range of mechanisms include through this meeting in public and consultation on Plans and Policies as provided by the Act and comprehensive plan.

All of these documents can be found on the Publications page of the Harbour Trust website <https://www.harbourtrust.gov.au/en/corporate/publications/>

**Michael Mangold**

- **Will the Harbour Trust make public the terms and conditions of the Community Advisory Committee (CAC) for selecting and appointing members of CAC and the minutes of meetings?**

**Answer 12:**

On the Harbour Trust website, the Harbour Trust publishes -

- Meeting minutes for each Advisory Group meeting
- Meeting Procedures, which includes information on membership appointment
- Member Code of Conduct

- **Will the Harbour Trust make public; the terms and conditions for the selection and appointment of members of its Board, and amend them to mandate the appointment of people with public land management and heritage and environmental expertise?**

**Answer 13:**

Members of the Trust are appointed by the Minister.

**Julie Goodsir**

- **As the SHFT has established a 'sunset committee' for the Sub Base Platypus to provide input into the site during the construction and initial period of planning, does the Trust plan to establish a similar 'sunset committee' to fulfil the same role during the rehabilitation and restoration of Ten Terminal on Middle Head? This complex has always been the Cinderella of the precinct.**

**Answer 14:**

The Harbour Trust will seek advice from the General CAC for this project and will hold 'out of session' meetings focused only on the project to ensure ample opportunity for information share, and to seek quality feedback. The General CAC is well placed to advise on this project.

**HEADLAND PARK PARKING**

**Eve Bagnall**

- **Why is there still inequitable parking rates within Headland Park? Users of Middle Head car parks pay parking fees whilst parking areas near the SHFT offices and Frenchys Cafe permit free parking. Why is this so?**

**Answer 15:**

Different parking management measures are used in each of the precincts at Headland Park to suit their particular parking circumstances. These circumstances are a function of the volume of parking spaces provided in a precinct and the relative demand for those spaces. Demand is generated by a number of factors including geographic location; proximity to local attractions; worker/visitor numbers; and adjacent jurisdictions' parking management measures (i.e. NPWS and Mosman Council charge for parking in the adjacent National Park and Clifton Gardens, while parking is free on residential streets at Georges Heights).

The Harbour Trust regularly monitors parking management, and – to support park visitors - has kept charges at 2015 levels, as well as recently reducing the minimum card transaction for parking meters to \$1 (from the previous \$4 minimum).

Parking revenue is also important part of the mix for Harbour Trust operations.

## FIRST NATIONS INTERPRETATION

Karen Gosse

- **Would like to see more Indigenous artefacts and creative activity (ie. art classes - art with an Australian &/or Indigenous content) around the Harbour Trust sites. Has this been included in the masterplan?**

**Answer 16:**

Recognising First Nations heritage is an important priority of the Harbour Trust in the Comprehensive Plan and Management Plan for each site.

In 2018, The Harbour Trust established a First Nations Advisory Group who provide advice and recommendations to the Harbour Trust.

The Harbour Trust has some existing First Nations interpretation across the sites. This will continue to be enhanced as budget and resources allow. Recently the Harbour Trust participated in Reconciliation Action Week with a program of digital talks, music, stories and films. Prior to COVID-19, the Harbour Trust featured Indigenous musicians as part of Sunset Sessions at Cockatoo Island.

Additionally, the Harbour Trust has established a multi-year cultural partnership with the Sydney Opera House Indigenous program, Dance Rites. The Biennale of Sydney, NIRIN, reopened at Cockatoo Island, curated by Brooke Andrews.

Opportunities to include First Nations interpretation will be explored with the First Nations Advisory Group for 10 Terminal and Sub Base Platypus 2.

## BUS SHELTER

Michael Mangold

- **What progress has been made to meet the Board's undertaking in 2019 to install in 2020 all-weather bus shelters on Harbour Trust sites on Middle Head, Mosman?**

**Answer 17:**

The Harbour Trust Capital Works Committee approved the bus shelter scope and funding in May. Works should be finished by late August 2020.

## MEMBERS OF THE TRUST CHARTER

### Office of Zali Steggall MP

- It was mentioned in last week's Community Advisory Committee meeting on June 11 that the Board was revitalising its charter. What prompted this revitalisation, what is the timeline for this, what aspects of the charter are looking to be revitalised and what plans are there for the revitalised charter to go out to public consultation?

#### ***Answer 18:***

The purpose of the Members of the Trust Charter is to provide a framework for the Members of the Trust. It is an internal document rather than one that requires public consultation. The Charter was due for review and has been published on the [Harbour Trust website](#).

*End of questions submitted prior to 16 June 2020*

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## Questions received 'from the floor' during the Q&A Session

*Questions 'from the floor' were submitted by members of the public via the webinar's 'chat' and 'Q&A' functions during the Q&A Session and were answered live on screen by the Executive Director and Trust Members. These Q&As have been grouped by topic.*

## MEMBERSHIP OF THE TRUST

- Looking at the composition of the Harbour Trust Board of Directors as it appears on my Zoom screen, at face value it would seem that there is an opportunity to add some additional cultural diversity to the current Board to more accurately reflect the contemporary look of Australia in 2020. Any plans in near future to include at least 1 person of Asian cultural background to the Board?

Members of the Trust are appointed by the Minister.

## UNSOLICITED PROPOSALS

- How did the Trust accept an unsolicited proposal from Northern Beaches Council for building 205 when this is not allowed under the present leasing policy?

The Trust decided not to proceed with discussions regarding the Northern Beaches Council's proposal. At the appropriate time, the Harbour Trust will go to EOI for properties at North Head.

- How did they communicate the proposal?

Northern Beaches Council put forward a proposal/idea. It was not accepted by the Harbour Trust.

- Does the Trust Board itself irrespective of Review or Gov, believe that unsolicited proposals are not desirable especially for major sites?

If there was a proposal that is so unique and beneficial that it could not be equalled or exceeded by any other proposal, then the Trust Members may consider an unsolicited proposal. It is important to note that the leasing policy relates to discrete elements within the Harbour Trust's portfolio, not whole-of-site.

- **How does unsolicited proposal comply with Comp Plan? It is not transparent nor competitive.**  
Pending the outcomes of the Review, the Harbour Trust may need to take a fresh look in relation to this issue.

## NORTH HEAD

- **Why is the Deed for North Head not public?**  
and  
**Can the Trust make public the agreement between the Trust and the State Government in regard to leases at North Head?**  
NSW Government has advised the Harbour Trust that the Deed can be made available upon request from individuals. [*Post meeting update: The Deed was released as an appendix to the Independent Review report*].  
Leases beyond the life to the Deed (i.e. 1 January 2032) require NSW approval. Leases are publicly available on the NSW land titles registry. A list of Harbour Trust tenants at North Head is available on the Harbour Trust website.
- **When was the last EOI called for a site on North Head Sanctuary?**  
Quite a few years ago, so it is important to go to EOI after the Review is released. Under the Deed, the only leases the Harbour Trust can provide without NSW consent are leases up to the expiry of the Deed (i.e. 1 January 2032).
- **Given that the last EOI for North Head is a long time ago, what attempts have the Trust made to find suitable tenants for North Head Sanctuary? I understand that there have been many approaches made to the Trust.**  
The Harbour Trust receives many approaches, that is why it is appropriate to go through an EOI process. It is hoped to be able to move forward after the Review report is released, taking into account the Indigenous links, military heritage, and environmental values of the site.
- **What principles guide whether or not docs are made public? e.g. discussions with Northern Beaches Council for an environment sustainability centre.**  
Submissions to publicly exhibited planning proposals are available to view at the Harbour Trust, as set out in the Comprehensive Plan. Submissions for leases are regarded as commercial-in-confidence. The Northern Beaches Council put forward a proposal seeking an initial response and it was decided by the Trust not to proceed.
- **How can you say that Big Brother interprets and tells the story of North Fort?**  
Refer to **Answer 2** above.  
There has been no suggestion by the Harbour Trust that *Big Brother* interprets and tells the story of North Fort. The Harbour Trust has a number of tenants whose activities do not interpret the buildings they lease.

*Big Brother* provides short term revenue without compromising the long term values of the site - no remodelling or restructuring was required. It is also important to remember that a number of productions have taken place at North Head and, whilst reality TV programs may not be everyone's preferred viewing option, the production has also provided benefit to the entertainment industry.

- **Can the Trust advise as to its plans for promoting military history at North Head?**  
and

**Has the Trust considered the adaptive reuse of other significant former military sites, such as Royal William Yard, for North Head?**

The Harbour Trust is keen for further interpretation of the military history at North Head. The Harbour Trust's restoration volunteers have done an excellent job working on the Plotting Room. It is acknowledged that many more opportunities exist for interpretation of the military history at North Head.

#### MARKHAM CLOSE FUNDS

- **The public was told all Harbour Trust lands were a "gift" to the people of Australia. Where was the agreement that monies were to be repaid to Gov upon sale of Markham Close properties?**

Refer to **Answers 8 – 10** above.

The Commonwealth has not sought for the funds to be repaid, nor has there been any suggestion that they will seek repayment in the future.

#### COCKATOO ISLAND

- **What is the Board's current position on the major development program put forward last year for a major Arts centre on Cockatoo Island?**

The proposal was rejected by the Trust in 2018.

#### LEASING POLICY

- **I am still unclear about how 2015 leasing policy did not go on exhibition.**

Refer to **Answer 3** above.

Once the outcomes of the Review are known, the Harbour Trust will review the leasing policy. This will include feedback received during the community consultation process. The redrafted policy will go through a public consultation process.

#### INDEPENDENT REVIEW REPORT

- **Do we yet have a date for the Government's Review to be published?**

It was hoped that the report would have been released prior to today's meetings, however, that was not the case.

**[Post meeting update: The report was released two days later – on 18 June 2020.]**

#### **Additional question (not addressed during the Q&A Session)**

- **How does Board decide what is a major site & what is not a major site?**

All sites are important to the Harbour Trust. North Head, Headland Park, Sub Base Platypus and Cockatoo Island have significant activity and opportunity at this time.

#### **Additional comment (not addressed during the Q&A Session)**

- **Parking comment only: When Big Brother was still “in residence” at North Head, the visitor parking was badly compromised. So in future, when temporary users are “in residence” on SHFT land is it please possible to provide temporary users with alternative parking places to leave public parking for the public.**

This issue will be looked at as part of the upcoming arrangements for *Big Brother*.

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