



**MINUTES: 3349th MEETING OF THE NORTH SYDNEY COUNCIL HELD
ON MONDAY, 19 APRIL 2004 AT 7.00 PM.**

PRESENT

The Mayor, Genia McCaffery, in the Chair, and Councillors Gibson, Bevan, Reymond, Conaghan, Oglesby, Marchandean, Zimmerman, Ritten, Predavec, Pearson, Burke and Carland

At the commencement of business (7.02 pm) those present were:

The Mayor, and Councillors Gibson, Bevan, Reymond, Conaghan, Oglesby, Marchandean, Zimmerman, Ritten, Predavec, Pearson, Burke and Carland.

The meeting was opened by the Mayor, who acknowledged the land of the Cammeraygal people and the meeting then observed one minute's silent reflection.

311. Matters Brought Forward at the Request of Members of the Public Gallery

It was moved, seconded and carried -

THAT the following items be brought forward and dealt with at this stage:

- | | |
|--------|---------------------------------------------------------------------------------------|
| G01: | Election of Deputy Mayor
(See Minute No. 317) |
| G02: | Membership of Council Committees
(See Minute No. 328) |
| G03: | Appointment of Council Representatives to Committees & Trusts
(See Minute No. 330) |
| G04: | Letters under the Seal of Council
(See Minute No. 318) |
| G06: | Changes to Precinct Boundaries
(See Minute No. 319) |
| PDS01: | 81 Cammeray Road, Cammeray (T) DA 561/03
(See Minute No. 320) |
| PDS02: | 61 Ellalong Road, Cremorne (T) DA 618/03
(See Minute No. 321) |
| PDS03: | 14 Cremorne Road, Cremorne Point (C) DA201/03/2
(See Minute No. 331) |
| PDS05: | 28A Holdsworth Street, Neutral Bay (V) DA 38/04
(See Minute No. 332) |
| PDS07: | 44 High Street, North Sydney (V) DA 640/03 |

	(See Minute No. 316)
PDS08:	3 Fall Street, Cremorne (T) DA691/03 (See Minute No. 322)
PDS11:	29 Rosalind Street, Cammeray (T) DA 564/03 (See Minute No. 323)
PDS12:	1 Walker Street, North Sydney (V) DA 719/03 (See Minute No. 324)
PDS13:	2/105a Ben Boyd Road, Neutral Bay (C) DA676/03 (See Minute No. 325)
PDS14:	12 Parkes Street, Kirribilli (V) DA 649/03 (See Minute No. 315)
PDS15:	29 Willoughby Road Crows Nest (W) DA 653/03 (See Minute No. 326)
OSE01:	Former BP Site, Waverton – Proposed Public Parkland – Contract 17/2004 Mid – Level Pathway(See Minute No. 327)
NoM01:	Notice of Motion No. 03/04 Re: Establishment of Children’s Services and Facilities Committee (See Minute No. 329)

312. Minutes

The Minutes of the previous 3348th Council (Assessments) Meeting held on Tuesday, 13 April 2004, copies of which had been previously circulated, were taken as read and confirmed subject to Councillor Zimmerman’s notes being added to the amendment under Minute No 275.

The Motion was moved by Councillor Gibson and seconded by Councillor Zimmerman.

Minutes of the Mayor

313. Valé Frederick Brunton 31 May 1924 – 10 April 2004

Frederick James Brunton was born in Hertfordshire, England in 1924. He left school after the outbreak of World War Two to work with a chemical firm. As soon as he turned 17 Fred joined the Royal Navy and flew with the Fleet Air Arm. His war service brought him to Australia in 1945 and it was in Sydney that he met his future wife. Fred left the service and soon after bought a shop in Miller Street Cammeray – in his words, ‘a very, very run-down and dusty and cheap old shop... with a residence over the top’. He and his wife would live there for the next 30 years.

Fred’s involvement with the local community began soon after he arrived when he organised a dog show as a way of raising funds for the Cammeray school. He became a member of the school’s Parents’ and Citizens’ Association and then a member and President of the Cammeray Progress Association which, among other things, established the Tom Kendall Centre in Green Park. Fred was urged to run for North Sydney Council in 1965 when residents became concerned about a proposed high-rise flat development and the possibility of a football stadium being built on the local golf course. He was elected an alderman at the end of 1965 and his two terms with Council would span the next 14 years, from 1966 to 1974 and 1977 to 1980.

Fred Brunton was by no means opposed to development and change. In the late 1960s he supported the proposed Cammeray Plan which allowed for a mix of building types including high-rise residential buildings. Fred also approved of the Sabemo proposal to

dramatically redevelop the North Sydney civic centre because of the enhanced amenities that it promised. But this was a period in which residents' action groups were mobilising against such ideas. Both of these schemes were rejected.

Fred, himself, remained committed to community involvement and was very active in the Community Services Committee. He supported 'Talumande', the youth refuge in Ridge Street and he was instrumental in turning St Thomas' Cemetery into the rest park it is today.

As a councillor, Fred took every proposal and issue on its merits and made his judgments independently. Accordingly, he made a valuable contribution to the civic life of North Sydney. Fred Brunton died on 10 April 2004.

It is therefore recommended -

THAT: the Mayor writes to Fred Brunton's partner expressing Council's condolences and enclosing a copy of this Minute.

The Minute standing moved it was

RESOLVED

THAT the Mayor writes to Fred Brunton's partner expressing Council's condolences and enclosing a copy of this Minute.

314. Declarations of Interest

There were no Declarations of Interest.

MATTERS REFERRED TO SITE MEETINGS

315. PDS14: 12 Parkes Street, Kirribilli (V) DA 649/03

Applicant: Dieter and Christine Monch

Report of Zia Ahmed, Executive Assessment Planner, 13 April 2004

The proposal involves the erection of a double car garage within the front building line. The proposal also involves the conversion of the existing driveway and parking area to a landscaped area.

Recommending:

A. **THAT** Council,

1. Defers consideration of Development Application 649/03; and
2. Requests that the applicant lodge:
 - (a) amended plans showing the garage designed as a single garage and located wholly within the north-eastern boundary setback area and away from the existing veranda;
 - (b) details of the landscaping of the existing hard paved area that is currently being used as driveway and parking;
 - (c) a detailed Engineering Design of road works in accordance with Australian Standard AS2890.1, North Sydney Council's Vehicular Access Guidelines and Specifications and having regard to the following:
 - (i) the design is to ensure that a B85 vehicle will not scrape/strike the surface of the carriageway, layback, vehicular crossing or garage floor when entering and exiting the site;
 - (ii) the crossing between the layback and the property

- boundary is to be placed on single straight grade of no less than 1% and no more than 4.5%, falling to the back of the layback;
- (iii) submit plans showing longitudinal section along the extremities and centre-line of the driveway/access ramp at a scale of 1:100;
 - (iv) submit section drawings to be taken from the center line of the roadway through to the parking area and include all relevant levels and grades, change of grade and calculated clearance to the underside of the overhead structure;
 - (v) submit a longitudinal section along gutter line, footpath and boundary line showing the proposed vehicular crossing, kerb and gutter;
3. Delegates to the General Manager, pursuant to Section 378 of the Local Government Act 1993, the following functions in respect of Development Application No: 649/03:
- (i) In the event that amended plans and a detailed Engineering Design are submitted by the applicant having regard for those issues stated in Section (2) above, to assume the concurrence of the Director General of Urban Planning and invoke the provisions of SEPP 1 to grant a variation to Clause 18 and Clause 20 of the North Sydney Local Environmental Plan 2001 and grant consent to Development Application No. 649/03 subject to appropriate conditions.
4. In the event that amended plans and a detailed Engineering Design are not submitted by the applicant, the development application be referred back to Council for determination.

RESOLVED:

THAT the matter be deferred to a site meeting.

Note: Site meeting to be held on Saturday, 8 May 2004 at 12.00 noon.

The Motion was moved by Councillor Reymond and seconded by Councillor McCaffery.

316. PDS07: 44 High Street, North Sydney (V) DA 640/03

Applicant: Stephanie Agathos

Report of Georgie Nalder, Assessment Officer, 14 April 2004

The development application proposes the following works to a semi-detached dwelling at 44 High Street, North Sydney:

- Three (3) dormer additions to create an additional level (third storey) which accommodates bedroom 4. Details include:
 - A dormer to the front façade (southern elevation) with deck which measures 1.3m by 1.6m;
 - A dormer to the side (eastern elevation);
 - A dormer to the rear (northern elevation);
- Internal alterations to include new stairs to the additional level;
- Excavation within the front boundary and under the dwelling to create a garage with concrete slab, fibre cement ceiling and colorbond panel lift door;
- Vehicular crossing;
- Extension of existing sandstone wall with new paling gate and fence to match existing; and

- New concrete stairs and landing within the front.

Recommending:

PURSUANT TO SECTION 80 OF ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (AS AMENDED)

A. **THAT** Council resolve to refuse development consent to Development Application No. 640/03 proposing three dormer additions to create an additional level, internal alterations, excavation under the dwelling to create a garage and a new front fence to a residential dwelling on land described as 44 High Street, North Sydney, as shown on plans numbered 1 to 3, dated August 2003, drawn by Kerry McGrath Architect and received by Council on 28 November 2003 for the following reasons:-

1. The proposed garage within the sandstone retaining wall is considered to have an unsatisfactory impact upon the existing character of the streetscape and is inconsistent with the adjoining dwelling being No.42 High Street.

Particulars:

Clause 14 of NSLEP 2001 (Consistency with aims of plan, zone objectives and desired character) in that the proposed development fails to satisfy 14(a) that being "in accordance with and promotes the specific aims of the plan and objectives of the zone" and 14(b) that being "in accordance with and promotes the character of the neighbourhood within which the development is carried out".

Clause 16 of NSLEP 2001 (Residential zone objectives) in that the proposed development fails to satisfy 16(c), that being "buildings which are compatible with their immediate context" and 16(d) that being "buildings which are compatible with the character that is appropriate for the neighbourhood".

Clause 19 of NSLEP (Building setback) in that the proposed development fails to satisfy the specific objectives of the control, that being "to minimise adverse effects of buildings on streetscape".

NSDCP 2002 (Quality Built Form - section 7.3(f) (setback) in that the characteristic pattern of setback to the front of the site is not reinforced.

NSDCP 2002 (Quality Built Form - section 7.3(g) (front fences) in that the proposed garage door within the existing sandstone retaining wall does not contribute to a characteristic pattern of front fence.

NSDCP 2002 (Quality Built Form - section 7.3(i) (built form character) in that the proposed garage is not complimentary to the adjoining dwelling at No.42 High Street.

NSDCP 2002 (Quality Urban Environment - section 7.4(i) (location of car parking) in that the provision of car parking has an adverse impact on the appearance of the street and subject building.

NSDCP 2002 (Quality Urban Environment - section 7.4(j) (vehicle access) in that streetscape and built form is compromised.

2. The proposed dormer additions within the front (southern) and side (eastern) elevations are considered to have an unsatisfactory impact upon the existing character of the streetscape and is inconsistent with the adjoining dwelling being No.42 High Street.

Particulars:

Clause 14 of NSLEP 2001 (Consistency with aims of plan, zone objectives and desired character) in that the proposed development fails to satisfy 14(a) that being "in accordance with and promotes the specific aims of the plan and objectives of the zone" and 14(b) that being "in accordance with and promotes the character of the neighbourhood within which the development is carried out".

Clause 16 of NSLEP 2001 (Residential zone objectives) in that the

proposed development fails to satisfy 16(c), that being “buildings which are compatible with their immediate context” and 16(d) that being “buildings which are compatible with the character that is appropriate for the neighbourhood”.

Clause 18 of NSLEP 2001 (Building height plane) in that the proposed development fails to satisfy one of the primary objectives of the control, that being “to control the bulk and scale of buildings”.

Clause 19 of NSLEP 2001 (Building setback) in that the proposed development fails to satisfy the specific objectives of the control, that being “to minimise adverse effects of buildings on streetscape”.

NSDCP 2002 (Quality Built Form - section 7.3(h) (form, massing and scale) in that the dormer additions result in an inconsistent sized building to that adjoining at 42 High Street.

NSDCP 2002 (Quality Built Form - section 7.3(i) (built form character) in that the dormer additions are not complimentary to that adjoining at 42 High Street or the existing character of the area.

NSDCP 2002 (Quality Built Form - section 7.3(k) (roofs) in that the dormer additions result in an uncharacteristic roof shape.

NSDCP 2002 (Quality Built Form - section 7.3(l) (dormers) in that the location, design, pitch and scale of the dormer additions is inappropriate to the building and character of the area.

3. The development results in the unacceptable destruction of a section of intact sandstone retaining wall.

Particulars:

Clause 39 of NSLEP 2001 (Excavation) in that the proposed development fails to satisfy Clause 39(c) that being minimise excavation and site disturbance so as to retain sandstone retaining walls.

NSDCP 2002 (Environmental Criteria – section 7.2(a) (topography) in that a section of sandstone retaining wall will be removed.

- B. **THAT** in refusing Development Application No.640/03, and in the event of the applicant lodging an appeal to the Land & Environment Court against the decision, the Council hereby resolves to resist any appeal subsequently lodged having regard to the reasons for refusal identified above and having regard to standard advising (a). (Section 34 Conference).

RESOLVED:

THAT the matter be deferred to a site meeting.

Note: Site meeting to be held on Saturday, 1 May 2004 at 9.30am.

The Motion was moved by Councillor Bevan and seconded by Councillor Pearson.

Voting was as follows:

For/Against 12/1

Councillors For	Councillors Against
McCaffery Gibson Bevan Reymond Marchandeaue Conaghan Zimmerman Ritten Predavec Pearson Burke Carland	Oglesby

ITEMS BROUGHT FORWARD

317. G01: Election of Deputy Mayor

Report of Kerry Gilbert, Director of Corporate Services, 06 April 2004.

An election to the position of Deputy Mayor is to be conducted. The election to the position of Deputy Mayor will continue until September 2004 when a further election will take place. Elections will then fall due in September each year. These timeframes are consistent with the Department of Local Government's directions for the election of mayors.

The Local Government Act does not establish a procedure for this election.

Recommending:

THAT nominations be called for the office of Deputy Mayor.

THAT if there are two (2) or more nominations, a vote be held to elect a Councillor to the position of Deputy Mayor.

The following nominations were made for the position of Deputy Mayor:

1. Councillor Gibson moved by Councillor Burke seconded by Councillor Zimmerman.
2. Councillor Carland moved by Councillor Reymond seconded by Councillor Oglesby.

A vote was therefore held:

Councillor Gibson

Voting was as follows:

For/Against 6/7

Councillors For	Councillors Against
Gibson Bevan Conaghan Zimmerman Pearson Burke	McCaffery Reymond Marchandean Oglesby Ritten Predavec Carland

Councillor Carland

Voting was as follows:

For/Against 8/5

Councillors For	Councillors Against
McCaffery Reymond Marchandean Oglesby Zimmerman Ritten Predavec Carland	Gibson Bevan Conaghan Pearson Burke

RESOLVED:

THAT Councillor Carland be elected to the position of Deputy Mayor for the period to September 2004.

318. G04: Letters under the Seal of Council

Report of Penny Holloway, General Manager, 13 April 2004

At the recent Council elections, three former Councillors were unsuccessful in gaining positions on Council. It is proposed that the former Councillors' service on the last Council be formally recognised. Shirley Colless served as a North Sydney Councillor for sixteen and a half years from September 1987 to March 2004. Therese Delanty served as a North Sydney Councillor for four and a half years from September 1999 to March 2004. Imelda Smith also served as a North Sydney Councillor for four and a half years from September 1999 to March 2004.

It is proposed that Letters under the Seal of Council be presented to former Councillors Colless, Delanty and Smith recognising their contribution to the North Sydney community

whilst they served on Council.

Recommending:

THAT Council's seal be placed on letters recognising the contribution of former Councillors Colless, Delanty and Smith under the signature of the Mayor and General Manager.

RESOLVED:

THAT the report be adopted.

The Motion was moved by Councillor Carland and seconded by Councillor Marchandau.

319. G06: Changes to Precinct Boundaries

Report of Mandy Barbour, Precincts Administrator, 13 April 2004

In 2003 precincts were surveyed in regard to the appropriateness of current precinct boundaries and suggested changes. This report provides a detailed outline of these suggested changes.

Recommending:

THAT: the suggested changes to precinct boundaries outlined in this report are adopted.

Ms Colless addressed the meeting.

RESOLVED:

THAT further submissions regarding boundary changes be considered.

THAT discussion on the matter be deferred to the Combined Precincts Meeting to be held on 13 May 2004 followed by a further report to Council.

THAT the errors identified in the report regarding boundaries of Edward, Waverton and Wollstonecraft Precincts be corrected before the Combined Precincts Meeting.

The Motion was moved by Councillor Predavec and seconded by Councillor Oglesby.

320. PDS01: 81 Cammeray Road, Cammeray (T) DA 561/03

Applicant: KGD Design Pty Ltd

Report of Antonia Stuart, Assessment Officer - 8 April 2004

The proposal involves the following works:

Lower Ground Floor

- Retention of existing garage.
- New rumpus room, bathroom, laundry and gym area in existing sub-floor area.
- New internal stairs to ground floor level.

Ground Floor

- Demolish majority of existing external walls and extend property to front and rear whilst increasing the setback to the southern boundary.
- Provision of new ground floor containing dining room, living room, kitchen, family room, bathroom, master bedroom and terrace over existing garage.

First Floor

- New first floor addition comprising three new bedrooms, bathroom and stair access to ground floor.

Other Work

- New in-ground swimming pool in rear garden.
- New landscaping.
- External Materials
- Render and paint external walls with exception of some sandstone wall areas and

sandstone chimney.

- New copper and metal deck roofing.
- Powder coat aluminium-framed glazing.
- Timber garage door and side gates.

Recommending:

PURSUANT TO SECTION 80 OF ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (AS AMENDED)

- A. **THAT** Council, as the consent authority, assume the concurrence of the Director General of DIPNR and invoke the provisions of SEPP 1 in relation to Clause 17, 18 and 19 of the NSLEP 2001, grant consent to Development Application No. 561/03 for substantial alterations and additions to existing residence to create a multi-storey dwelling with new swimming pool and landscaping on land at No.81 Cammeray Road, Cammeray, subject to the attached standard conditions, and following special conditions:

Windows on Southern Elevation

C1. The windows on the southern elevation of the building are to be fixed shut and provided with obscure frosted glazing. Amended plans demonstrating compliance with this requirement are to be submitted with the Construction Certificate.

(Reason: To ensure visual privacy amenity to No. 79 Cammeray Road is maintained)

No Approval for Copper Roof

C2. No approval is granted for the copper roof cladding material. This section of roof is to be replaced with metal roof cladding to match the rest of the roof, and amended plans demonstrating compliance with this requirement are to be submitted with the Construction Certificate.

(Reason: To ensure that materials used in the construction are consistent with those used in similar developments in the locality)

- B. **THAT** in approving Development Application No. 561/03, and in the event of the applicant lodging an appeal to the Land & Environment Court against any conditions of any consent of the application, the Council resolves to resist such appeals subsequently lodged having regard to the reasons for the conditions identified above.
- C. **THAT** Council as the consent authority pursuant to Section 95 (2) of the Environmental Planning and Assessment (Amendment) Act 1979, vary the provisions of Section 95 (1) and advise the applicant that this consent will lapse 3 years from the date of determination.

Dr Kaplan, Mr Rennard and Ms Dummett addressed the meeting.

RESOLVED:

THAT the report be adopted subject to condition C2 - No approval for Copper Roof being amended to read:

Copper Roof

Any copper roof cladding used in the development shall be aged copper.

(Reason: Amenity of neighbouring properties)

The Motion was moved by Councillor Reymond and seconded by Councillor Gibson.

321. PDS02: 61 Ellalong Road, Cremorne (T) DA 618/03

Applicant: Felton Constructions (SYD) P/L

Report of Renee Ezzy, Assessment Officer - 2 April 2004

The development application proposes to demolish the existing single storey dwelling on

site and construct a new two storey dwelling containing the following;

Basement Level – RL 46.60

- Construct a double garage with internal stair access;

Ground Level – RL 49.343:

- Study;
- Kitchen, family and meals area;
- Laundry and powder room;
- Dining and lounge.

First Floor Level – RL 53.328:

- Four bedrooms, main with WIR and ensuite and separate bathroom;
- Balcony off main bedroom (12.24m²);
- Small decorative balcony at the front of the dwelling accessed from the gallery.

Recommending:

PURSUANT TO SECTION 80 OF ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (AS AMENDED)

- A. **THAT** Council as the consent authority, assume the concurrence of the Director General of the Department of Infrastructure, Planning and Natural Resources and invoke the provisions of SEPP 1 in relation to Clause 17 Building Height and Clause 18 Building Height Plane of the North Sydney Local Environmental Plan 2001, and grant consent to Development Application No.618/03, proposing demolition of the existing dwelling and construction of a new two storey dwelling at No. 61 Ellalong Road, Cremorne subject to the following special conditions and attached standard conditions:

Amendment to south-west facing window of Bedroom 3

- C1. The south-west facing window of Bedroom 3 is to be amended to have a sill height of at least 1.5 metres from the finished floor level. Amended plans demonstrating compliance with this condition must be submitted with the Construction Certificate.

(Reason: To ensure that adequate visual privacy and amenity is maintained to the bedrooms within the adjoining property at No. 59 Ellalong Road)

Obscured glazing to bathrooms

- C2. The proposed south-west facing window in the first floor bathroom and the south-east and north-east windows within the first floor ensuite are to contain obscured glazing. Amended plans demonstrating compliance are to be submitted with the Construction Certificate.

(Reason: To ensure the privacy of No. 59 Ellalong Road to the south-west, and the privacy of the occupants of the subject development is maintained).

Amendment to south-west facing window of Bedroom 3

- C3. The south-east facing window of Bedroom 4 is to be amended to have a sill height of at least 1.5 metres from the finished floor level. Amended plans demonstrating compliance with this condition must be submitted with the Construction Certificate.

(Reason: To ensure that adequate visual privacy and amenity is maintained to the rear yard of the adjoining property at No. 114 Macpherson Street)

Privacy Screening

- C4. A fixed privacy screening device to a height of 1.8 metres above the finished floor level must be provided on the south-east side of the proposed balcony off the first floor main bedroom. Amended plans demonstrating compliance with this condition must be submitted with the Construction Certificate.

(Reason: To ensure that adequate visual privacy and amenity is maintained to the internal and external living areas, of the neighbouring

property to the north-east located at No.116 Macpherson Street).

Front Fence

- C5. The front fence is to be constructed from split face sandstone block to a maximum height of 600mm. Metal picket infill sections up to an overall height of 1.2m will be fixed between the weathered sandstone columns. Amended plans demonstrating compliance with this condition must be submitted to Council prior to the issue of a Construction Certificate.
(Reason: To ensure the front fence does not dominate the street and contributes to the garden setting)

Soft Landscaped Area

- G1 The site must comprise a minimum of 80% of the landscaped area as soft landscaped elements such as gardens, lawns, shrubs and trees. The proposal includes an area of approximately 40m² to be 'stepping stones in free-draining gravel base' to achieve this minimum soft landscaping. Details demonstrating compliance are to be submitted prior to the issue of an Occupation Certificate.
(Reason: Policy and compliance with approved plans)

- B. **THAT** in approving Development Application No. 618/03, and in the event of the applicant lodging an appeal to the Land & Environment Court against any conditions of any consent of the application, the Council resolves to resist such appeals subsequently lodged having regard to the reasons for the conditions.
- C. **THAT** Council as the consent authority pursuant to Section 95 (2) of the Environmental Planning and Assessment (Amendment) Act 1979, vary the provisions of Section 95 (1) and advise the applicant that this consent will lapse 3 years from the date of determination.

Mr Lemieux, Mr Shepherd and Mr Gribble addressed the meeting. Ms Steuart was available to address the meeting.

RESOLVED:

THAT the matter be deferred to a site meeting.

THAT height poles be erected prior to the site meeting.

Note: Site meeting to be held on Saturday, 8 May 2004 at 10.00am.

The Motion was moved by Councillor McCaffery and seconded by Councillor Predavec.

Voting was as follows:

For/Against 11/2

Councillors For	Councillors Against
McCaffery Gibson Bevan Reymond Marchandeanu Oglesby Conaghan Zimmerman Ritten Predavec Pearson	Burke Carland

322. PDS08: 3 Fall Street, Cremorne (T) DA691/03

Applicant: Vergola (NSW) Pty Ltd

Report of Ian Pickles, Executive Assessment Planner, 7 April 2004

The proposal involves the erection of a vergola attached to the southern side of the existing 2 storey dwelling house. The vergola is to comprise double skinned louvres supported on a galvanised steel frame pergola type structure 3.3m wide x 8.12m long and 2.15m in height above the existing paved garden area immediately adjacent to the main living area of the dwelling. The steel posts and frame are to be powder coated "purple haze pearl" and the louvres are to be Colorbond "stone".

Recommending:

PURSUANT TO SECTION 80 OF ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (AS AMENDED)

A. **THAT** Council resolve to refuse to grant development consent to Development Application No. 691/03 for the erection of a vergola at the rear of the existing dwelling house at 3 Fall Street, Cremorne, for the following reasons:-

1. The proposal is considered to have an unacceptable adverse impact on landscaped area.

Particulars:

Clause 20 of the North Sydney LEP 2001 – the proposal fails to comply with the minimum landscaped area requirement of 52% of the site area.

The existing development has a landscaped area of 37.8%, and the proposed development will further reduce this non-compliance to only 32.6% of site area.

The applicant's written objection under SEPP 1 in respect of the non-compliance with the landscaped area standard is not well-founded and has not demonstrated that strict compliance is unnecessary and unreasonable.

Section 7.4 k(ii) of the North Sydney DCP 2002 – the proposal falls far short of the minimum landscaped area specified in clause 20 of the NSLEP 2001.

B. **THAT** in the event of the applicant lodging an appeal to the Land & Environment Court against Council's decision, the matter be determined at a full Court hearing for the reasons that the matter involves significant points of law and issues of planning principle.

Mr Wright addressed the meeting.

It was moved by Councillor McCaffery and seconded by Councillor Reymond -

THAT the applicant be requested to submit amended plans to provided a more lightweight structure that achieves shading to the rear room.

THAT the issue of such structures be considered in the forthcoming review of Council's planning controls.

It was moved as an amendment by Councillor Zimmerman and seconded by Councillor Burke -

A. **THAT** Council, as the consent authority, assume the concurrence of the Director General of DIPNR and invoke the provisions of SEPP1 in relation to the provisions of Clause 20 (Landscaped Area) of the NSLEP 2001 and grant consent to Development Application No. 691/03, subject to the draft conditions attached to the report of Ian Pickles dated 7 April 2004:

B. **THAT** in approving Development Application No. 691/03, and in the event of the applicant lodging an appeal to the Land & Environment Court against any conditions of any consent of the application, the Council resolves to resist such appeals subsequently lodged having regard to the reasons for the conditions identified above and having regard to standard advising (a). (Section 34 Conference).

C. **THAT** Council as the consent authority pursuant to Section 95 (2) of the Environmental Planning and Assessment (Amendment) Act 1979, vary the provisions of Section 95 (1) and advise the applicant that this consent will lapse 3 years from the date of determination.

The amendment was put and **carried**.

Voting on the amendment was as follows: For/Against 7/6

Councillors For	Councillors Against
Gibson Bevan Reymond Zimmerman Predavec Pearson Burke	McCaffery Marchandean Oglesby Conaghan Ritten Carland

The amendment thereupon became the motion, was put and **carried**.

Voting was as follows:

For/Against 7/6

Councillors For	Councillors Against
Gibson Bevan Reymond Zimmerman Predavec Pearson Burke	McCaffery Marchandean Oglesby Conaghan Ritten Carland

RESOLVED:

- A. **THAT** Council, as the consent authority, assume the concurrence of the Director General of DIPNR and invoke the provisions of SEPP1 in relation to the provisions of Clause 20 (Landscaped Area) of the NSLEP 2001 and grant consent to Development Application No. 691/03, subject to the draft conditions attached to the report of Ian Pickles dated 7 April 2004:
- B. **THAT** in approving Development Application No. 691/03, and in the event of the applicant lodging an appeal to the Land & Environment Court against any conditions of any consent of the application, the Council resolves to resist such appeals subsequently lodged having regard to the reasons for the conditions identified above and having regard to standard advising (a). (Section 34 Conference).
- C. **THAT** Council as the consent authority pursuant to Section 95 (2) of the Environmental Planning and Assessment (Amendment) Act 1979, vary the provisions of Section 95 (1) and advise the applicant that this consent will lapse 3 years from the date of determination.

323. PDS11: 29 Rosalind Street, Cammeray (T) DA 564/03

Applicant: David Liddy & Assoc

Report of Kim Rothe, Assessment Officer, 02 April 2004

The development application is for internal and external alterations and additions to an existing semi detached dwelling and construction of a new carport located at 29 Rosalind Street, Cammeray. The proposed works include:

Ground floor

- Proposed detached carport
- Eastern side indented entrance to be bricked over and living room behind extended.
- Bi fold doors installed to southern elevation
- Internal wall demolished

Roof floor plan

- Extend wall and door to studio
- Enclosure of storage area
- New bathroom
- Two skylights
- Dormer extension to third bedroom
- New window facing street to bedroom 3

Roof

- New skylights
- Dormer roof addition

Recommending:

PURSUANT TO SECTION 80 OF ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (AS AMENDED)

A. **THAT** Council, as the consent authority, assume the concurrence of the Director General of Urban Planning and invoke the provisions of SEPP 1 and grant consent to Development Application No. 496/03, subject to the attached standard conditions and following site specific conditions:-

Carport not approved

A4. The proposed carport and associated paving is not approved as part of this application

(Reason: To ensure compliance with the development approval,
To preserve the landscape amenity of the site, to ensure the proposal complies with the provisions of *Location of Carparking* and *Vehicular Access* of NSLEP 2002)

Deletion of Carport

C1. The carport and associated paving is not approved as part of this application. Amended plans which delete the proposed carport shall be submitted with the application for a Construction Certificate.

(Reason: To preserve the landscape amenity of the site, to ensure the proposal complies with the provisions of *Location of Carparking* and *Vehicular Access* of NSLEP 2002)

B. **THAT** in approving Development Application No. 496/03, and in the event of the applicant lodging an appeal to the Land & Environment Court against any conditions of any consent of the application, the Council resolves to resist such appeals subsequently lodged having regard to the reasons for the conditions identified above.

C. **THAT** Council as the consent authority pursuant to Section 95 (2) of the Environmental Planning and Assessment (Amendment) Act 1979, vary the provisions of Section 95 (1) and advise the applicant that this consent will lapse 3 years from the date of determination.

Mr Liddy addressed the meeting.

RESOLVED

THAT Council delegates to the General Manager, pursuant to Section 378 of the Local Government Act 1993 (as amended), in respect of development application No. 564/03 authority to:

- (a) Grant consent to the application, but subject to conditions including:
- (i) those conditions which the General Manager determines are appropriate;
 - (ii) conditions to achieve the following objectives, if the General Manager concludes that these objectives can be satisfactorily achieved by the imposition of a condition or conditions to provide:
 - removal of the hard paving to the pathway at the side of the property and replacement with soft landscaping and stepping stones;
 - engineering conditions.
- (b) In the event that, pursuant to (a) above, the General Manager concludes that the objectives cannot be satisfactorily achieved by the imposition of a condition or conditions, application No. 564/03 be referred back to the Council for determination.

THAT the matter be referred to the Traffic Committee in order for a resident parking survey to be undertaken.

The Motion was moved by Councillor McCaffery and seconded by Councillor Ritten.

324. PDS12: 1 Walker Street, North Sydney (V) DA 719/03

Applicant: Tony Edye and associates P/L

Report of Kim Rothe, Assessment Officer, 14 April 2004

The application proposes the following works to the existing dwelling on site

- Construction of two (2) dormer roof additions to serve an existing attic room, one orientated north and one orientated west. The new dormers will allow for the construction of a new shower and bath area and new built in wardrobe and toilet beneath each respective dormer.
- Construction of a skillion roof addition over existing attic bedroom

Recommending:

PURSUANT TO SECTION 80 OF ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (AS AMENDED)

- A. **THAT** Council, as the consent authority, assume the concurrence of the Director General of DIPNR and invoke the provisions of SEPP1 in relation to clauses 17 and 18 of the NSLEP 2001, and **grant deferred commencement consent** to Development Application No. 719/03 for the construction of roof additions and internal alterations at 1 Walker Street, North Sydney, subject to the following site specific conditions: -

Submission of additional information (Deferred Commencement)

This consent shall not operate until the following deferred commencement condition has been satisfied.

Evidence required to satisfy this condition must be submitted to Council within 1 year of the date of this consent, or the consent will lapse in accordance with Section 95 of the *Environmental Planning and Assessment Regulation 2000*.

- AA1. A heritage consultant is to be engaged by the applicant to provide details of the materials, finishes and colour scheme for the proposed works to the written satisfaction of North Sydney Council's Conservation Planner. The details of the materials, finishes and colour scheme are to be compiled in accordance with heritage conservation principles and best practice to enable visual differentiation and interpretation of the new building elements from previous building works of a previous period. The materials, finishes and colours are also to be compatible with the existing materials.

(Reason: To ensure that the best interpretive measures for heritage conservation are applied such that the physical history of the building can be more readily interpreted)

Submission of a Conservation Management Plan (Deferred Commencement)

- AA2. A Conservation Management Plan is to be prepared by a heritage consultant engaged by the applicant to the written satisfaction of North Sydney Council's Conservation Planner, for the property and its extended curtilage. The Conservation Management Plan is to be prepared in accordance with heritage conservation principles and best practice. The Conservation Management Plan is to provide guidelines for the ongoing maintenance of the building to maintain its cultural and social significance to the community, and detail measures to be employed on site to ensure that future proposals for alterations and additions do not have negative heritage impacts in relation to the history of this site.

(Reason: To ensure that future proposals for alterations or additions do not have negative heritage impacts.)

Modification of DA 725/99 Required.

- AA3. Development Consent No. D725/99 is to be modified to delete the works to the attic that contradict the details approved in this development

consent.

(Reason: To avoid contradictory approved plans for the site and clarify which approval is being relied upon the by the applicant)

- B. **THAT** in approving Development Application No. 719/03, and in the event of the applicant lodging an appeal to the Land & Environment Court against any conditions of any consent of the application, the Council resolves to resist such appeals subsequently lodged having regard to the reasons for the conditions identified above.
- C. **THAT** Council as the consent authority pursuant to Section 95 (2) of the Environmental Planning and Assessment (Amendment) Act 1979, vary the provisions of Section 95 (1) and advise the applicant that this consent will lapse 3 years from the date of determination upon satisfaction of the deferred commencement conditions.
- D. **THAT** Council nominate the property and its extended curtilage for listing under the NSW Heritage Office Register of Heritage Items to ensure its future conservation.

Mr Edye and Mr Stapleton addressed the meeting.

RESOLVED:

THAT the report be adopted subject to the deletion of condition AA2 - Submission of a Conservation Management Plan (Deferred Commencement) and the imposition of an additional condition:

Construction Management Program

A Construction Management Program shall be submitted to, and approved in writing by the Council prior to the issue of a Construction Certificate. The program shall detail:

- (a) The proposed method of access to and egress from the site for construction vehicles, including access routes through the Council area and the location and type of temporary vehicular crossing for the purpose of minimising traffic congestion and noise in the area, with no access across public parks or reserves being allowed unless approved by Council;
- (b) The proposed phases of construction works on the site, and the expected duration of each construction phase;
- (c) The proposed order in which works on the site will be undertaken, and the method statements on how various stages of construction will be undertaken;
- (d) The proposed manner in which adjoining property owners will be kept advised of the timeframes for completion of each phase of development/construction process.
- (e) The proposed method of loading and unloading excavation and construction machinery, excavation and building materials, formwork and the erection of any part of the structure within the site. Wherever possible mobile cranes should be located wholly within the site;
- (f) The proposed areas within the site to be used for the storage of excavated materials, construction materials and waste containers during the construction period;
- (g) The proposed method/device to remove loose material from all vehicles and/or machinery before entering the road reserve, any run-off from the washing down of vehicles shall be directed to the sediment control system within the site;
- (h) The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed and certified by an appropriately qualified and practising structural engineer, or equivalent;
- (i) Proposed protection for Council and adjoining properties;
- (j) The location and operation of any on site crane; and

- (k) The location of any Construction Zone (if required) approved by Council's Traffic Committee, including a copy of that approval.

Note:- North Sydney Council's adopted fee for certification of compliance with this condition shall be payable on lodgement, or in any event, prior to the issue of the relevant written concurrence.

(Reason: To ensure appropriate measures have been considered for site access, storage and the operation of the site during all phases of the construction process in a manner that respects adjoining owner's property rights and residential amenity in the locality, without unreasonable inconvenience to the community)

The Motion was moved by Councillor Gibson and seconded by Councillor Zimmerman.

Note: Councillor Reymond was out of the Chamber during debate and voting on this matter.

325. **PDS13: 2/105a Ben Boyd Road, Neutral Bay (C) DA676/03**

Applicant: Mackenzie Bremmer Pty Ltd

Report of Renee Ezzy, Assessment Officer, 14 April 2004

The proposal comprises alterations and additions to the existing first floor unit including an attic addition and internal modifications. The proposal specifically includes:

Ground Floor

- Removal internal walls in the dining room and kitchen and install a new kitchen;
- New finishes to the existing bathroom;
- New internal stairs to provide access to proposed attic addition.

Attic

- Attic addition including one bedroom, roof storage area and south facing balcony and roof skylight.

Recommending:

PURSUANT TO SECTION 80 OF ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (AS AMENDED)

- A. **THAT** Council as the consent authority, assume the concurrence of the Director General of the Department of Infrastructure, Planning and Natural Resources and invoke the provisions of SEPP 1 in relation to Clause 17 Building Height, Clause 18 Building Height Plane and Clause 26 Apartment Building Revision and Adaptation of the North Sydney Local Environmental Plan 2001, and grant consent to Development Application No.676/03, proposing alterations and additions to the existing first floor unit including an attic addition and internal modifications at No. 2/105a Ben Boyd Road, Neutral Bay subject to the following special conditions and attached standard conditions:

Privacy Screening Device

- C1. A fixed privacy screening device to a height of 1.5 metres above the finished floor level must be provided on the eastern elevation of the proposed balcony. Amended plans demonstrating compliance with this condition must be submitted with the Construction Certificate.

(Reason: To ensure that adequate visual privacy and amenity is maintained to the internal and external living areas, and common areas of neighbouring properties located at No. 82-88 Undercliff Street, Neutral Bay)

Roof Skylight

- C2. The proposed roof skylight is to contain translucent glazing.

(Reason: To ensure the privacy of No. 105 Ben Boyd Road to the north is maintained)

- B. **THAT** in approving Development Application No. 676/03, and in the event of the applicant lodging an appeal to the Land & Environment Court against any conditions of any consent of the application, the Council resolves to resist such appeals subsequently lodged having regard to the reasons for the conditions.
- C. **THAT** Council as the consent authority pursuant to Section 95 (2) of the Environmental Planning and Assessment (Amendment) Act 1979, vary the provisions of Section 95 (1) and advise the applicant that this consent will lapse 3 years from the date of determination.

Mr Standen was available for questions

RESOLVED:

THAT the report be adopted.

The Motion was moved by Councillor Oglesby and seconded by Councillor Burke.

Note: Councillor Zimmerman was out of the Chamber during debate and voting on this matter.

326. PDS15: 29 Willoughby Road Crows Nest (W) DA 653/03

Applicant: P and K Xenos

Report of Brad Roeleven, Hansen Partnership Pty Ltd , 2 April 2004

This application seeks approval to:

- Expand the existing Xenos Café into an adjoining vacant shop (previously occupied by hairdressers) at No. 5 Burlington Street Crows Nest. The additional floor space (approximately 50m²) will allow for improved kitchen and storage facilities plus the creation of a bar area. A new shopfront for this section of the café is also proposed.
- Construct a new garbage storage area (1.2m x 5m) adjacent to the eastern elevation of the existing café. This garbage store is located within the footpath along Willoughby Lane, on Council owned land.
- Extend the outdoor dining area of the café along the Burlington Street footpath by about 12.5m² to allow for an additional 3 tables and 12 chairs.
- Provide additional water closet staff amenities on the first floor.

Recommending:

- A. **THAT** Council defers consideration of Development Application No 653/03.
- B. **THAT** Council requests the applicant to lodge amended plans addressing the following issues:
- (a) The garbage storeroom in Willoughby Lane being deleted.
 - (b) The proposal amended for the provision of a disabled toilet on the ground floor of the building in accordance with the Building Code of Australia.
 - (c) The hand basins be provided in the ground floor urinal toilets
 - (d) Additional garbage storage facilities may be provided on the ground floor.
- C. **THAT** Council delegates to the General Manager pursuant to Section 378 of the Local Government Act 1993 the following functions in respect of Development Application No. 653/03:
- a) in the event that amended plans and information are lodged by the applicant, to determine whether or not to notify the amended application in accordance with Section 4 of the North Sydney DCP 2002 and the Environmental Planning and Assessment Act 1979; and
 - b) in the event that amended plans are lodged by the applicant, to determine

the application having regard for the stated issues and concerns in 'B' of this resolution.

- D. **THAT** in the event that amended plans are not lodged as requested, the application be referred back to Council for determination.

Ms Colless addressed the meeting.

RESOLVED:

THAT the report be adopted subject to B (d) being amended to provide.

- (d) Additional garbage storage facilities to be provided within the premises on the ground floor.

and

- E. **THAT** the current seating non-compliance be investigated.

The Motion was moved by Councillor Zimmerman and seconded by Councillor Predavec.

327. OSE01: Former BP Site, Waverton – Proposed Public Parkland – Contract 17/2004 Mid – Level Pathway

Report of David Banbury, Landscape Architect, 14 April 2004

A contract was let for the construction of the former BP site public parkland in January 2004. Due to unresolved geotechnical issues and budgetary considerations proposed works to the mid-level pathway on the site were excluded from the construction contract. Further geotechnical advice has since been received that has enabled a simplification of the proposed underpinning of the existing path and a resultant significant reduction in costs. A revised price has been received from the current site contractor for the proposed works. Construction of the proposed mid-level pathway will significantly enhance access, safety and enjoyment of the site. This report recommends that the existing site contractor be engaged to undertake the works as an extension to their existing contract.

Recommending:

THAT BT Contractors Pty Ltd be engaged to construct the proposed mid-level pathway works as an extension to their existing contract.

THAT the Contractor's order be increased by \$225,746.19 to cover the cost of the additional works.

RESOLVED:

THAT the report be adopted.

The Motion was moved by Councillor Marchandean and seconded by Councillor Gibson.

328. G02: Membership of Council Committees

Report of Kerry Gilbert, Director of Corporate Services, 7 April 2004

Committees of Council

The membership of Committees of Council is formulated annually and over recent years it has been Council's practice for all committees to comprise interested Councillors with the quorum in each case being two (2) Councillors.

The position of Chairperson must also be determined. It is proposed that the membership and chair of the Committees of Council be established for a period of eighteen months and that these be reviewed in September 2005 and each September thereafter.

Special Purpose Committees

Special Purpose Committees have been formed to deal with specific issues. The membership of Special Purpose Committees is open to all Councillors. However, the

position of Chairperson does not need to be determined by Council, nor do they require a quorum

Sub-Committees

The membership of sub-committees is open to all Councillors. The position of Chairperson is determined at the respective Committees.

Recommending:

THAT all existing committees be reconstituted as per the attached list.

THAT committees comprise all interested Councillors.

THAT the quorum remain for each Committee of Council as two Councillors.

THAT citizen members remain as per 2003/2004.

THAT Council determine the Chairperson of each Committee of Council.

THAT the membership and position of Chairperson remain until September 2005.

Nominations were received for the Chair of Committees as follows:

Committee	Nomination for Chair
Environmental Services (incorporating Local Companion Animals)	Councillor Gibson
Historical & Cultural Resources	Councillor Marchandean
Legal Services	The Mayor, Councillor McCaffery
Library Management	Councillor Carland
Management Services, Policy & Ethics	Councillor Gibson and the Mayor, Councillor McCaffery (vote taken)
North Sydney Access	Councillor Oglesby
Property Development	Councillor Reymond
Resources Allocation	The Mayor, Councillor McCaffery
Traffic	The Mayor, Councillor McCaffery
Works Inspection	Councillor Ritten

A vote was taken on the Chair of Management Services, Policy & Ethics Committee.

The Mayor, Councillor McCaffery

Voting was as follows:

For/Against 7/6

Councillors For	Councillors Against
McCaffery Reymond Marchandean Oglesby Ritten Predavec Carland	Gibson Bevan Conaghan Zimmerman Pearson Burke

RESOLVED:

THAT all existing committees be reconstituted.

THAT committees comprise all interested Councillors.

THAT the quorum remain for each Committee of Council as two Councillors.

THAT citizen members remain as per 2003/2004 until September 2004.

THAT the Chairs of Committees for the period to September 2004 be as follows:

Committee	Chair
Environmental Services (incorporating Local Companion Animals)	Councillor Gibson
Historical & Cultural Resources	Councillor Marchandean
Legal Services	The Mayor, Councillor McCaffery
Library Management	Councillor Carland
Management Services, Policy & Ethics	The Mayor, Councillor McCaffery
North Sydney Access	Councillor Oglesby
Property Development	Councillor Reymond
Resources Allocation	The Mayor, Councillor McCaffery
Traffic	The Mayor, Councillor McCaffery

Works Inspection

Councillor Ritten

The Motion was moved by Councillor Zimmerman and seconded by Councillor Reymond.

Item Notice of Motion 01 was brought forward and dealt with in conjunction with this matter.

329. NoM01: Notice of Motion No. 03/04 by Councillor Predavec - 14/04/04

Re: Establishment of Children's Services and Facilities Committee

THAT Council establish a Children's Services and Facilities Committee to focus on:

- Childcare;
- Playgrounds;
- Playgroups;
- Children's Activities; and
- Other matters relating to children in North Sydney with a view to promoting and ensuring best practice in these areas.

Comment by the General Manager

It is proposed that Council's Access Committee be expanded to accommodate the additional responsibilities outlined in the Motion and renamed the Community Services Committee. The Access Committee currently has a small range of responsibilities, and an expansion would not be to the detriment of the Access functions. A Community Services Committee could take on responsibility not only for the full range of children's services activities (as proposed in the Motion), but other community services responsibilities such as youth services and aged care. This would mean that there would be one Committee to services rather than two. The Community Services reports on family and children's services, youth services and aged and disability services, which currently go to Council, could be directed to the Community Services Committee, where they would receive considered attention.

By Consent the Motion was amended to read:

THAT the General Manager's comment be noted.

THAT Council establish a Children's Services and Facilities Committee the time and date of meetings to be resolved. The establishment of the Committee shall be reviewed by Council in September 2005. The Committee will to focus on:

- Childcare;
- Playgrounds;
- Playgroups;
- Children's Activities; and
- Other matters relating to children in North Sydney with a view to promoting and ensuring best practice in these areas.

The Motion as amended was moved by Councillor Predavec, seconded by Councillor Reymond and **carried**.

330. G03: Appointment of Council Representatives to Committees & Trusts

Report of Kerry Gilbert, Director of Corporate Services, 13 April 2004

The following Committees and Trusts require Council to nominate representatives:

- | | |
|---------------------------------------------------------|-------------------------------------------------------------------|
| 1. Crows Nest Centre | 3 representatives |
| 2. North Sydney Community Centre | 3 representatives |
| 3. Shorelink Committee (Library network) | 1 representative &
1 alternative representative |
| 4. Northern Suburbs Regional Organisation of Councils | The Mayor & 1 representative
Plus 1 alternative representative |
| 5. Kirribilli Neighbourhood Centre | 2 representatives |
| 6. Nutcote Trust | 3 representatives &
1 alternative representative |
| 7. Sydney Coastal Councils Group | 2 representatives |
| 8. North Sydney Indoor Sports Centre | 4 representatives |
| 9. North Sydney Retirement Trust (James Milson Village) | 3 representatives |

Recommending:

THAT Council appoint the necessary representatives as outlined above.

RESOLVED:

THAT the Council representatives to Committees and Trusts for the period to September 2004 be:

- | | |
|---------------------------------------------------------|--------------------------------------------------------------------------|
| 1. Crows Nest Centre | Clrs Ritten, Zimmerman, Conaghan &
Oglesby |
| 2. North Sydney Community Centre | Clrs Oglesby, Ritten, Predavec & Burke |
| 3. Shorelink Committee (Library network) | Clr Carland & Clrs Reymond & Predavec
(alternative representatives) |
| 4. Northern Suburbs Regional Organisation of Councils | The Mayor & Clr Ritten
Clr Predavec alternative representative |
| 5. Kirribilli Neighbourhood Centre | Clrs Predavec, Bevan & Gibson |
| 6. Nutcote Trust | The Mayor & Clrs Reymond &
Marchandean (1 alternative representative) |
| 7. Sydney Coastal Councils Group | Clrs Pearson, Gibson & Conaghan |
| 8. North Sydney Indoor Sports Centre | Clrs Pearson, Oglesby, Ritten, Marchandean
& Burke |
| 9. North Sydney Retirement Trust (James Milson Village) | Clrs Bevan, Gibson & Reymond |

The Motion was moved by Councillor McCaffery and seconded by Councillor Zimmerman.

331. PDS03: 14 Cremorne Road, Cremorne Point (C) DA201/03/2

Applicant: Ian John Collins

Report of Antonia Stuart, Assessment Officer - 14 April 2004

An application was received in accordance with S96 of the Environmental Planning and Assessment Act 1979 on 21 January 2004 proposing to modify DA 201/03. The modifications include in detail:

- Improve access to the dormer level by relocating the approved stair location resulting in internal modifications to access bedroom No.2 and will involve changing the first floor roofline on the properties northern elevation.
- Stair access will be provided to the upper level storage area within the existing building envelope and in accordance with the BCA.

Recommending:

PURSUANT TO SECTION 96(2) OF ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

A. That Council as the consent authority approve modification of consent No. 201/03/2, dated 12 December 2003 in respect to a proposal at No.14 Cremorne Road, Cremorne Point under the provisions of Section 96 of the Environmental Planning and Assessment Act only in so far as will provide for the following:

1. To delete condition A1 of the consent and insert in lieu there, the following new condition namely:

Development in Accordance with Plans

A1. The development being carried out in accordance with drawings numbered AD/CDA 4, 5, 9 & 12 dated 11 April, drawn by Altman Designs Pty Ltd, and received by Council on 28 April 2003, Drawings numbered AD/CD A 3A, 6A, 7A, 8A, 10A, 11A, dated 11 April 2003, drawn by Altman Designs Pty Ltd and received by Council on 24 November 2003 *and endorsed with Council's approval stamp, except as modified by highlighting on:*

- (a) *Drawings numbered AD/C96 2, 3, 4, 5, and 6, dated 23 February 2004, drawn by Altman Design Pty Ltd, and received by Council on 24 February 2004;*

except as amended by the following conditions.

(Reason: To ensure that the form of the development undertaken is in accordance with the determination of Council, Public Information)

RESOLVED:

THAT the report be adopted.

The Motion was moved by Councillor Gibson and seconded by Councillor Carland.

332. PDS05: 28A Holdsworth Street, Neutral Bay (V) DA 38/04

Applicant: Bede Thompson and Barbara Bagot

Report of Antonia Stuart, Assessment Officer - 8 April 2004

The development application proposes the following alterations and additions to the existing double storey semi-detached residential dwelling located at No.28A Holdsworth Street, Neutral Bay:

- A new single storey addition to the rear of the property to replace a covered pergola of similar size and height;
- A timber battened screen forming part of the new addition which stands up against the existing dwelling and provides shade and privacy to the upper western wall and internal rooms;
- A timber deck adjacent to the rear single storey addition;
- Removal and relocation of a number of internal walls and addition of internal staircase, to create a new bedroom and ensuite upstairs, and living/ dining area downstairs; and
- A single car space car platform and entry stair at the level of Holdsworth Street, with a new crossover and front fence.

Recommending:

PURSUANT TO SECTION 80 OF ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (AS AMENDED)

A. **THAT** Council as the consent authority, assume the concurrence of DIPNR and invoke the provisions of SEPP 1 in relation to Clause 18 of the North Sydney Local Environmental Plan 2001, and grant consent to Development Application No.38/04, proposing the demolition of the existing garage and construction of a new garage and carport at the front of the property, new front fence and landscaping works located at No.28A Holdsworth Street, Neutral Bay subject to

the following site specific conditions and attached standard conditions:

Skylights

C1. Skylights are to be located at a minimum 900mm from any side boundary. Details demonstrating compliance with this condition must be submitted with Construction Certificate.

(Reason: Fire Safety)

Street tree removal and replacement

C2. The existing street tree to be removed must be replaced with a super-advanced (45 litre) Callistemon "Kings Park Special" in the footpath of Holdsworth Street generally in accordance with drawing numbered DA 1.01 Issue A, drawn by unknown, dated 19 January 2004, and received by Council on 22 January 2004. Details demonstrating compliance with this condition must be submitted with the Construction Certificate.

(Reason: To enhance the amenity of Holdsworth Street)

Front fence

C3. Approval is given for a one-metre high timber picket front fence. Amended plans demonstrating compliance with this condition must be submitted with the Construction Certificate.

(Reason: To ensure the front fence contributes to the characteristic pattern of front fences in Holdsworth Street. In particular, reference is made to No.28 Holdsworth Street.)

- B. **THAT** in approving Development Application No. 38/04, and in the event of the applicant lodging an appeal to the Land & Environment Court against any conditions of any consent of the application, the Council resolves to resist such appeals subsequently lodged having regard to the reasons for the conditions.
- C. **THAT** Council as the consent authority pursuant to Section 95 (2) of the Environmental Planning and Assessment (Amendment) Act 1979, vary the provisions of Section 95 (1) and advise the applicant that this consent will lapse 3 years from the date of determination.

RESOLVED:

THAT the report be adopted.

The Motion was moved by Councillor Oglesby and seconded by Councillor Bevan.

REPORTS

General

333. G01: Election of Deputy Mayor

(Previously dealt with see Minute No 317)

334. G02: Membership of Council Committees

(Previously dealt with see Minute No 328)

335. G03: Appointment of Council Representatives to Committees & Trusts

(Previously dealt with see Minute No 330)

336. G04: Letters under the Seal of Council

(Previously dealt with see Minute No 318)

337. G05: Results of the non-compulsory Poll held in conjunction with the Local Government Elections on 27 March 2004

Report of Kerry Gilbert, Director of Corporate Services, 13 April 2004

The results of the three questions asked in conjunction with the recent elections are submitted for Council's consideration

Recommending:

THAT Council determine its policy/further actions in respect of each of the three questions.

RESOLVED:

THAT future poll results show percentages in additions to totals of results.

Question 1

Are you in favour of North Sydney Council amalgamating with any of the following Councils?

- (a) Lane Cove
- (b) Mosman
- (c) Willoughby
- (d) City of Sydney

THAT Council choose not to amalgamate with another Council.

Question 2

Would you support the Council adopting a policy to work with the community to reduce the use of plastic shopping bags?

THAT a policy be formulated to work with the community to reduce the use of plastic shopping bags.

Question 3

Would you support the introduction of Container Deposit Legislation (CDL) in NSW?

THAT Council continue to lobby for the introduction of Container Deposit Legislation in NSW.

The Motion was moved by Councillor Carland and seconded by Councillor Marchandau.

338. G06: Changes to Precinct Boundaries

(Previously dealt with see Minute No 319)

339. G07: Statute Barred Infringement - Compensation

Report of Kerry Gilbert, Director of Corporate Services, 13 April 2004

The Infringement Processing Bureau has made an offer to all client Councils to provide payment in compensation for infringements which progressed to Statute Barred for the period 01 September 2002 to 31 January 2004.

Recommending:

THAT Council hereby authorises its Official Seal to be affixed to the Deed of Settlement and Release, under the signature of the Mayor and the General Manager.

RESOLVED:**THAT** the report be adopted.

The Motion was moved by Councillor Reymond and seconded by Councillor Marchandeaau.

340. G08: Report of Works Inspection Committee

Proceedings of Committee at meeting held on Friday 19 March 2004 at 2.00pm minute nos 5 to 6 inclusive.

Recommending:**THAT** the report be received and the recommendations contained therein be adopted.**Re Min No 5: Minutes**

The Minutes of the previous meeting held on Friday 06 February 2004, copies of which had been previously circulated, were taken as read and confirmed.

Re Min No 6: (WI02) 3 Mitchell Street, McMahons Point: Proposal to lease car parking space.

Report of Property Administration Officer, J Rowan, 03/02/04

Recommending:

1. **THAT** the site of the proposed lease submitted by the owners of 3 Mitchell Street, comprising part of Victoria Street, be the subject of a meeting of Council's Works Inspection Committee.
2. **THAT** if Council decides, in principle, to the leasing of the land for a resident car parking space the owners of 3 Mitchell Street be required to carry out the processes necessary to implement the lease at their cost; the processes which could be anticipated to implement the lease are described in the Action Plan of this report.

At its meeting of 16/02/04, Council resolved:

1. **THAT** the site of the proposed lease submitted by the owners of 3 Mitchell Street, comprising part of Victoria Street, **be the subject of a meeting of Council's Works Inspection Committee.**
2. **THAT** if Council decides, in principle, to the leasing of the land for a resident car parking space the owners of 3 Mitchell Street be required to carry out the processes necessary to implement the lease at their cost; the processes which could be anticipated to implement the lease are described in the Action Plan of this report.

Committee recommendation:**THAT** Council agree, in principle, to the leasing proposal subject to all approvals necessary to implement the lease being obtained.**THAT** the screen planting be retained on the site.**RESOLVED:****THAT** the report be received and the recommendations therein be adopted.

The Motion was moved by Councillor Reymond and seconded by Councillor Oglesby.

Division of Planning & Development Services

- 341. PDS01: 81 Cammeray Road, Cammeray (T) DA 561/03**
(Previously dealt with see Minute No 320)
- 342. PDS02: 61 Ellalong Road, Cremorne (T) DA 618/03**
(Previously dealt with see Minute No 321)
- 343. PDS03: 14 Cremorne Road, Cremorne Point (C) DA201/03/2**
(Previously dealt with see Minute No 331)

344. PDS04: 36 Aubin Street, Neutral Bay (C) DA 645/03

Applicant: Golden Words Pty Ltd, C/: Sam Crawford Architects

Report of Antonia Stuart, Assessment Officer - 1 April 2004

The development application is for alterations and additions to No.36 Aubin Street, Neutral Bay. The works are confined to the front of the property, and the application does not propose any change to the existing double storey detached residential dwelling or the rear of the property. The proposed works comprise: -

- Demolition of the existing small rendered brick garage with pitched roof;
- Construction of a larger rendered brick garage with a hipped roof in the same location as the existing garage;
- Construction of a flat roofed carport in front of the new garage;
- Widening of existing driveway;
- Construction of new storage area adjacent to the properties western elevation;
- Demolition of the existing rendered brick fence with metal infill panels; and
- Associated landscaping at the front of the property.

Recommending:

PURSUANT TO SECTION 80 OF ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (AS AMENDED)

- A. **THAT** Council as the consent authority, assume the concurrence of DIPNR and invoke the provisions of SEPP 1 in relation to Clauses 18 and 19 of the North Sydney Local Environmental Plan 2001, and grant consent to Development Application No.645/03, proposing the demolition of the existing garage and construction of a new garage and carport at the front of the property, new front fence and landscaping works located at No.36 Aubin Street, Neutral Bay subject to the following site specific conditions and attached standard conditions: -

Colours

- C1. Colours to all external finishes shall be compatible with the existing dwelling and streetscape. Details demonstrating compliance with this condition must be submitted with the Construction Certificate.

(Reason: Heritage conservation)

Carport

- C2. The carport must be setback 1.2 metres from the Aubin Street boundary. Details demonstrating compliance with this condition must be submitted with the Construction Certificate.

(Reason: To ensure the heritage building front garden area are not unreasonably compromised by a carport in this location)

No encroachment of Sliding Gate

- C3. The electronic sliding front gate is to be installed and operated in a manner that ensures that the device operates entirely within the site boundaries and does not encroach onto public land at any time. Details demonstrating compliance with this condition must be submitted with the Construction Certificate.
(Reason: Public and Pedestrian safety)
- B. **THAT** in approving Development Application No. 645/03, and in the event of the applicant lodging an appeal to the Land & Environment Court against any conditions of any consent of the application, the Council resolves to resist such appeals subsequently lodged having regard to the reasons for the conditions.
- C. **THAT** Council as the consent authority pursuant to Section 95 (2) of the Environmental Planning and Assessment (Amendment) Act 1979, vary the provisions of Section 95 (1) and advise the applicant that this consent will lapse 3 years from the date of determination.

RESOLVED:

THAT the report be adopted.

THAT it be noted that the compliance tabled incorrectly showed the landscaped area as being non-compliant.

The Motion was moved by Councillor Reymond and seconded by Councillor Gibson.

345. PDS05: 28A Holdsworth Street, Neutral Bay (V) DA 38/04

(Previously dealt with see Minute No 332)

346. PDS06: 38-40 Sinclair Street Wollstonecraft (W) DA840/01/6

Applicant: Hishenk Pty Ltd

Report of Geoff Mossemeneer, Executive Assessment Planner, 5 April 2004

The proposal involved the demolition of two existing dwellings. No.38 was a two storey dwelling that was last used as a boarding house.

It was also proposed to construct an apartment building having four residential levels containing 16 x one bedroom, 4 x two bedroom and 3 x three bedroom dwellings; and three levels of basement parking containing 33 carspaces.

Recommending:

THAT Council, as the consent authority, modify its consent dated 29 April 2002 in respect of a proposal to demolish the existing buildings including a boarding house; the construction of an apartment building containing 23 apartments with basement parking at 38-40 Sinclair Street Wollstonecraft under the provisions of Section 96 of the Environmental Planning and Assessment Act only in so far as will provide for the following:

To delete conditions A1 of the consent and insert in lieu there of the following new condition namely:

Development in Accordance with Plans

- A1. The development being carried out in accordance with drawings numbered DA-1A-W to DA-3A-W, DA-4B-W to DA-12B-W, DA-15B-W, DA-24A-W, dated 25 January 2002, drawn by Vahan Pty Ltd, and received by Council on 8 February 2002. Drawings numbered DA-13A-W, DA14A-W, DA-16A-W to DA-20A-W, DA-22A-W, dated 25 February 2002, drawn by Vahan Pty Ltd, and received by Council on 7 March 2002, drawing numbered L01/1-R4215 Revision C, dated 23 March 2002, drawn by Michael Siu Landscape Architects Pty Ltd and received by Council on 26 March 2002, as amended by highlighting in

drawing numbers CC-6-WA.C and CC-10-WA.B, drawn by Vahan Pty Ltd, and received by Council on 18 August 2003, **as amended by highlighting and colouring on drawings numbered CC-1-W Revision B to CC-7-W Revision B, dated 12 February 2004, drawn by Vahan Pty Ltd and received by Council on 13 February 2004, drawing numbered CC-10-W Revision C, dated 10 March 2004, drawn by Vahan Pty Ltd and received by Council on 15 March 2004**, except where amended by the following conditions.

(Reason: Statutory)

RESOLVED:

THAT the report be adopted.

The Motion was moved by Councillor Ritten and seconded by Councillor Conaghan .

347. PDS07: 44 High Street, North Sydney (V) DA 640/03

(Previously dealt with see Minute No 316)

348. PDS08: 3 Fall Street, Cremorne (T) DA691/03

(Previously dealt with see Minute No 322)

349. PDS09: 19 Harrison Street, Cremorne (C) DA279/02/4

Applicant: Rick Miller

Report of Peter Jeuken, Team Leader, 14 April 2004

The proposal involves the modification of development consent 279/02 in the following manner:-

1. The roof over balcony of unit 5 to the rear of the building has been eliminated.
2. The roof over the lobby area has been altered to be contiguous with the previously approved roof form.
3. The northern roof ridge height has been raised from RL 87.49 to RL 87.63.
4. The southern roof ridge height has been raised from RL 86.90 to RL 87.20.
5. The ductwork for the car park ventilation has been provided on the external wall of the western elevation of the building.
6. The paved terrace serving Unit 1 has been raised to RL 76.97, from the approved RL 76.55.
7. On the car park plan (west side), the recess section is eliminated for manoeuvring of cars resulting in an increased basement footprint.
8. In unit 2, bedroom 2 and the bathroom have been swapped around.
9. In unit 6, the floor RL is now 25mm higher.
10. The external walls of unit 4 have been brought into alignment with the rest of the external wall to provide a consistent 3.0m setback from the side boundaries.
11. The materials used for the construction of the second floor have been changed to being uniformly double brickwork instead of timber cladding materials. Only balconies will be rendered.
12. The kitchen wall of unit 6 will carry through in line with bedroom 1 and the dining room.
13. The living room window of unit 2 has been deleted for privacy reasons.
14. A bathroom window and a bedroom and a bedroom window have been interchanged to improve the floor plan layout inside.
15. A laundry window is provided on the western elevation for unit 1.
16. The bedroom window of unit 6 on the western elevation has been relocated north

by 800mm.

17. The deletion of timber blinds on the northern elevation.
18. The front fence is altered to become a 1.5m high solid sandstone wall.
19. The eaves are 450mm in width.

Recommending:

- A. **THAT** Council resolve to modify its consent dated 18 December 2002 in respect to a proposal to erect a new apartment building at 19 Harrison Street, Cremorne under the provisions of Section 96 of the Environmental Planning and Assessment Act only in so far as will provide for the following.

To delete condition (A1) of the consent and insert in lieu there of the following new condition, namely:

Development in Accordance with Plans

A1. The development being carried out in accordance with drawings numbered DA01C, dated 23 October 2002, DA02G dated 20 November 2002, DA03D dated 20 November 2002, DA04E dated 23 October 2002, DA05D, dated 23 October 2002, drawn by Squillace Architects and received by Council on 27 November 2002 and drawing numbered 1 dated 10 July 2002, drawn by Helen Young, and received by Council on 28 October 2002, and endorsed with Council's approval stamp, except as modified by highlighting on:

- (a) Drawings numbered CC02 (issue D), dated May 2002, CC03 (issue B), dated May 2002, CC04 (issue B), dated May 2002, CC05 (issue B), dated May 2002, drawn by Squillace Architects, and received by Council on 30 April 2003. Drawing numbered No.1 (revised 8 May 2003), dated 10 July 2002, drawn by Helen Young, and received by Council on 27 May 2003. Drawing numbered CC04 (revised 8 May 2003), dated May 2002, drawn by Squillace Architects, and landscape elevations drawn by Helen Young, received by Council on 27 May 2003; and
- (b) Drawing numbered CC03 (issue D), dated May 2002, drawn by Squillace Architects, and received by Council on 18 August 2003; and
- (c) Drawings numbered CC01 (Issue C), CC02 (Issue E), CC03 (Issue G), CC04 (Issue D) and CC05 (Issue D), dated 20 January 2004, drawn by Squillace Architects, and received by Council on 15 March 2004;

and except as amended by the following conditions.

(Reason: To ensure that the form of the development undertaken is in accordance with the determination of Council, Public Information)

To delete condition (C5) of the consent and insert in lieu thereof the following new condition, namely:

Front Fence

C5. The sandstone front fence is to be constructed in accordance with the approved plans.

(Reason: Streetscape, visual interest)

To delete condition (E1) of the consent and insert in lieu thereof the following new condition, namely:

Height

E1. The maximum RL of the proposed development shall be RL 87.630 AHD measured at the roof ridge of the front part of the building.

(Reason: Compliance)

RESOLVED:

THAT the report be adopted.

The Motion was moved by Councillor Gibson and seconded by Councillor Ritten.

350. PDS10: 27 Rosalind Street, Cammeray (T) DA 1/04

Applicant: Bryan Purkis

Report of Kim Rothe, Assessment Officer, 31 March 2004

The development application is for internal and external alterations and additions to an existing dwelling located at 27 Rosalind Street, Cammeray. The existing dwelling consists of a semi attached single storey dwelling. The dwelling is located on the southern side of Rosalind Street. The proposed works include:

Ground floor

- Bricking up of existing side porch on rear western elevation of dwelling.
- New windows incorporated into the western elevation.
- Demolition of internal walls to create open plan kitchen, dining and family room
- Construction of new stairwell
- Refurbishment of rear laundry enclosure

Roof floor plan

- Creation of 2 new bedrooms, bathroom, library and walk in wardrobe.

Roof

- New gable roof addition over bedroom 3
- 3 Dormer roof additions
- new skylights

Recommending:

PURSUANT TO SECTION 80 OF ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (AS AMENDED)

- A. **THAT** Council, as the consent authority, assume the concurrence of the Director General of Urban Planning and invoke the provisions of SEPP 1 and grant consent to Development Application No. 1/04, subject to the attached standard conditions.
- B. **THAT** in approving Development Application No. 1/04, and in the event of the applicant lodging an appeal to the Land & Environment Court against any conditions of any consent of the application, the Council resolves to resist such appeals subsequently lodged having regard to the reasons for the conditions identified above
- C. **THAT** Council as the consent authority pursuant to Section 95 (2) of the Environmental Planning and Assessment (Amendment) Act 1979, vary the provisions of Section 95 (1) and advise the applicant that this consent will lapse 3 years from the date of determination.

RESOLVED:

THAT the report be adopted.

The Motion was moved by Councillor Reymond and seconded by Councillor Gibson.

351. PDS11: 29 Rosalind Street, Cammeray (T) DA 564/03

(Previously dealt with see Minute No 323)

352. PDS12: 1 Walker Street, North Sydney (V) DA 719/03

(Previously dealt with see Minute No 324)

353. PDS13: 2/105a Ben Boyd Road, Neutral Bay (C) DA676/03

(Previously dealt with see Minute No 325)

354. PDS14: 12 Parkes Street, Kirribilli (V) DA 649/03

(Previously dealt with see Minute No 315)

355. PDS15: 29 Willoughby Road Crows Nest (W) DA 653/03

(Previously dealt with see Minute No 326)

356. PDS16: St Leonards Park (V) DA 101/04

Applicant: North Sydney Council

Report of Sue Francis, Director Planning & Development Services, 7 April 2004

The proposal involves alterations and additions to the existing toilet block located in St Leonards Park, North Sydney. In particular, the following is proposed:

- Removal of the existing roof and replacement with a steel frame and sheeted marine ply roof sheeting so as to replicate the existing roof;
- Addition of a disabled toilet to the toilet block.

The external walls of the addition are to be cement rendered and painted so as to match the existing building.

Recommending:

PURSUANT TO SECTION 80 OF ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (AS AMENDED)

- A. **THAT** Council, as the owner of the land upon which the works are proposed, resolve to grant owner's consent to the development application.
- B. **THAT** Council, as the consent authority, grant consent to Development Application No. 101/04 subject to the attached standard conditions.
- C. **THAT** Council as the consent authority pursuant to Section 95 (2) of the Environmental Planning and Assessment (Amendment) Act 1979, vary the provisions of Section 95 (1) and advise the applicant that this consent will lapse 3 years from the date of determination.

RESOLVED:

THAT the report be adopted with the following additional conditions:

Baby Change Table

A baby change table shall be installed in the disabled toilet.

(Reason: Amenity)

Master Locksmith Access Key System

A Master Locksmith Access Key system shall be installed for after hours use.

(Reason: Access and after hours security)

The Motion was moved by Councillor Marchandean and seconded by Councillor Oglesby.

357. PDS17: 1 Kiara Close, Neutral Bay – Deed between North Sydney Council and Waldorf North Sydney Pty Limited

Report of Gareth Curtis, Team Leader-Environment & Building Compliance, 31 March 2004.

Council commenced proceedings in the Land & Environment Court (41483 of 2003) in respect of the conduct of Waldorf North Sydney Pty Limited in the matters of unauthorised use of certain residential units within 1 Kiara Close, Neutral Bay.

A Deed is now prepared which forms the basis of an agreement to adjourn the proceedings for a period of 6 months from 1 May 2004, during which monitoring of the use of the premises and complaints recording will occur. After the period of adjournment, if monitoring reveals conformance with the Deed the matter can be settled. If there is non-conformance, it is likely the proceedings may continue.

Council may authorise the Official Seal of the Council to be affixed to the Deed.

Recommending:

THAT Council hereby authorises its Official Seal to be affixed to the Deed between North Sydney Council and Waldorf North Sydney Pty Limited under the signature of the Mayor and General Manager.

RESOLVED:

THAT the report be adopted.

The Motion was moved by Councillor Reymond and seconded by Councillor Predavec.

Division of Community & Library Services

358. CLS01: Family Day Care – recommended schedule of fees 2004-5

Report of Bronwyn Muir, Family Day Care Co-ordinator, 13th April 2004

A review of Family Day Care fees is undertaken on an annual basis, by the carers, as they are independently employed. While fees are, legally, unregulated, the benefits of providing a uniform schedule of fees continues to be recognised by the majority of carers: only two of the fifteen carers charge above the schedule. A meeting carers and staff was held on 5th April 2004 and the schedule of fees agreed to is provided here for Council's information.

Recommending:

THAT the schedule of fees for 2004-5 as provided with this report be adopted.

RESOLVED:

THAT the report be adopted subject to the amount of the late penalty fee being validated.

The Motion was moved by Councillor Reymond and seconded by Councillor Ritten.

359. CLS02: Greenway Anniversary Celebrations

Report of Chris Taylor, Community Worker (Aged and Disability) 6th April 2004.

This reports provides an overview of Councils involvement with the Greenway 50th Anniversary Celebrations held on the 28th March 2004 and other Council sponsored activities that were held in conjunction with the anniversary.

Recommending:

THAT the information be received

RESOLVED:

THAT the report be received.

The Motion was moved by Councillor Oglesby and seconded by Councillor Marchandeanu.

360. CLS03: Seniors Week, 2004 – Review of Activities

Report of Narelle Spooner, Coordinator of Arts & Culture, 02 April 2004

This report outlines the activities/events that took place in North Sydney to celebrate NSW Seniors Week from 14-21 March, 2004.

Recommending:

THAT the report be received

RESOLVED:

THAT the report be received.

The Motion was moved by Councillor Marchandeanu and seconded by Councillor Oglesby.

361. CLS04: North Sydney Art Prize 2004

Report of Martin Ellis, Director, Community and Library Services, 13th April 2004

In 2001 Council resolved to hold the North Sydney Art Prize every two years to enable the existing arts team to develop a more varied arts program, the Prize being a nine month project and easily the most time intensive project in the calendar. However, due to the availability in that year of the redeveloped Hutley Hall as an exhibition space, and the recognised need to first develop a North Sydney Cultural Plan (currently on public exhibition) to ensure the new programs are meeting community need, the resolution was not implemented immediately. Now that the Cultural Plan has been completed and consequently a considerable number of arts activities need to be addressed in the coming 12 months, it was felt that this year was an appropriate time to delay the next Art Prize until June 2005. Initial feedback from local artists, and, encouragingly, local galleries, has however been negative. It is felt that Council should consider in the upcoming estimates increasing the resources devoted to this area to enable an Art Prize to be held in September/October this year.

Recommending:

THAT Council consider additional resources be allocated in the upcoming estimates to enable the continuation of the Annual North Sydney Art Prize

RESOLVED:

THAT the report be adopted.

The Motion was moved by Councillor Gibson and seconded by Councillor McCaffery.

Division of Engineering & Property Services

362. EPS01: Lease of Crown Reserve: Primrose Park Tennis Courts, Cremorne

Report of J Rowan, Property Administration Officer, 08/04/04

It is proposed that a commercial lease be entered into with the existing tenants of the

above property, Dalbech Pty Limited, subject to terms and conditions as follows:
 Term: Ten (10) Years, commencing 1 April 2002,
 Rent: \$50,000.00 + GST per annum (\$125.00 per square metre + GST),
 Rent Review: CPI Yearly Review
 Previous Rent: \$75,606 + GST per annum
 Lettable Area: 400 square metres
 Permitted Use: Tennis coaching, court hire & ancillary uses (including but not limited to the sale of refreshments, tennis equipment and accessories.
 The preparation of the lease was delayed due to administrative processes which included seeking the Minister's consent required for the leasing of the Crown Reserve.
 Under the terms of the proposed new lease the lessee shall be required to carry out the resurfacing of the tennis courts, at the lessee's own expense, hence the Rent under the new lease is less than the Previous Rent.

Recommending:

1. **THAT** the lease be entered into with Dalbech Pty Limited in respect of Primrose Park Tennis Courts, subject to terms & conditions as follows:
 Term: Ten (10) Years, commencing 1 April 2002,
 Rent: \$ 50,000 + GST per annum.
2. **THAT** Council hereby authorises its official seal to be affixed to the commercial lease to Dalbech Pty Limited, commencing 1 April 2002, in respect of Primrose Park Tennis Courts, under the signature of the Mayor and the General Manager.

RESOLVED:

THAT the report be adopted.

THAT the lessee be requested to provide council with an annual review of its turnover figures.

The Motion was moved by Councillor Bevan and seconded by Councillor Marchandau.

363. EPS02: Residential Tenancy Agreement : 1st Floor, 242 Miller Street North Sydney

Report of J Rowan, Property Administration Officer, 08/04/04

It is proposed that a Residential Tenancy Agreement be entered into with the incoming tenant of the above premises, subject to terms and conditions as follows:

Premises: 1st Floor, 242 Miller Street

Tenant: George Giannaro

Term: Five (5) Years, commencing 1 December 2003

Rent: \$10,000 per annum, GST not applicable, (\$250.00 per square metre)

Rent Review: CPI Yearly Review

Previous Rent: \$9,548.00 per annum

Lettable Area: 40 square metres

Recommending:

1. **THAT** a Residential Tenancy Agreement be entered into subject to terms as follows:
 Premises: 1st Floor, 242 Miller Street
 Tenant: George Giannaro
 Term: Five (5) Years commencing 1 December 2003
 Rent: \$10,000.00 per annum
 Rent Review: Yearly to CPI
2. **THAT** Council hereby authorises its official seal to be affixed to the Residential Tenancy Agreement, commencing 1 December 2003, of the 1st Floor, 242 Miller Street North Sydney, under the signature of the Mayor and the General Manager.

RESOLVED:**THAT** the report be adopted.

The Motion was moved by Councillor Reymond and seconded by Councillor Predavec.

364. EPS03: Commercial Lease : Ground Floor, 242 Miller Street North Sydney

Report of J Rowan, Property Administration Officer, 08/04/04

It is proposed that a commercial lease be entered into with the existing tenant of the subject premises, subject to terms and conditions as follows:

Tenant: George Giannaro

Term: Five (5) Years, commencing 1 December 2003

Option to renew: Five (5) Years

Rent: \$23,000.00 + GST per annum, (\$575.00 per square metre)

Rent Review: Yearly to CPI, Review to Current Market Rent on exercise of Option

Previous Rent: \$21,525.00 + GST per annum

Lettable Area: 40 square metres

Permitted Use: Hairdressing Salon

Recommending:

- 1. THAT** a commercial lease be entered into for the ground floor premises, 242 Miller Street, subject to terms and conditions as follows:
Tenant: George Giannaro
Term: Five (5) Years, commencing 1 December 2003
Option to renew: Five (5) Years
Rent: \$23,000.00 + GST per annum
Rent Review: Yearly to CPI, Review to Current Market Rent on exercise of Option
- 2. THAT** Council hereby authorises its official seal to be affixed to the commercial lease, commencing 1 December 2003, of the Ground Floor, 242 Miller Street, North Sydney, under the signature of the Mayor and the General Manager.

RESOLVED:**THAT** the report be adopted.

The Motion was moved by Councillor Bevan and seconded by Councillor Predavec.

Division of Open Space & Environmental Services**365. OSE01: Former BP Site, Waverton – Proposed Public Parkland – Contract 17/2004 Mid – Level Pathway**

(Previously dealt with see Minute No 327)

366. OSE02: Preliminary Soil and Groundwater Contamination Investigation at Anderson Park, Neutral Bay

Report of Peter Massey, Environmental Services Manager, 13/04/04

The report discusses the results of preliminary soil and groundwater investigations undertaken at Anderson Park, Neutral Bay. Anderson Park is one of four parks identified

for potential land contamination, and the last one to be examined. The results for Anderson Park indicate high levels of two contaminants, namely polycyclic aromatic hydrocarbons and benzo(a)pyrene in some soil samples. This will necessitate the closing of the northern portion of the Park and undertaking remediation of that portion.

Recommending:

1. **THAT** Council temporarily close to the general public the northern portion of Anderson Park Neutral Bay through secure fencing.
2. **THAT** Council engage a land contamination consultant to progress the remediation of Anderson Park and also assist in complying with Council's statutory obligations under the Contaminated Land Management Act 1997.
3. **THAT** Council inform the general public of the reasons for the closure of the northern portion of Anderson Park Neutral Bay.
4. **THAT** Council allocate \$40,000 out of Section 94 funds to provide for the fencing of the contaminated section of Anderson Park Neutral Bay and the engaging of the land contamination consultants.

RESOLVED:

THAT the report be adopted.

THAT any public fears concerning prior use of the Park be allayed through signage and other communication strategies.

The Motion was moved by Councillor Reymond and seconded by Councillor Predavec.

PETITIONS

367. PET01: Gum Trees Between 13 and 15 Richmond Avenue

Submitting a petition signed by K Duncan and 9 others requesting Council investigate the possibility of damage caused by falling branches from the two Gum trees situated between No.'s 13 and 15 Richmond Avenue, Cremorne.

RESOLVED:

THAT the petition be received and it be noted that the branches had been attended to.

The Motion was moved by Councillor Reymond and seconded by Councillor Marchandea.

368. C01: Structural Reform of the Local Government Sector

Submitting correspondence from Hon Tony Kelly MLC, Minister for Local Government (30 March 2004) regarding structural reform of the Local Government sector.

RESOLVED:

THAT the correspondence be received.

The Motion was moved by Councillor Oglesby and seconded by Councillor Marchandea.

369. C02: Sydney Coastal Councils Group Inc

Submitting correspondence from Sydney Coastal Councils Group Inc (11 March 2004) regarding Minutes for the SCCG Ordinary Meeting held on Saturday 28 February 2004.

RESOLVED:

THAT the correspondence be received.

The Motion was moved by Councillor Reymond and seconded by Councillor McCaffery.

**MOTIONS OF WHICH DUE NOTICE
HAS BEEN GIVEN**

**370. NoM01: Notice of Motion No. 03/04 by Councillor Predavec -
14/04/04**

(Previously dealt with see Minute No 329)

**371. NoM02: Notice of Motion No. 04/04 by Councillor Gibson -
14/04/04**

Re: Proposal to link Mary Booth Reserve with Bradfield Park South

THAT Council re-examine the proposal to link Mary Booth Reserve with Bradfield Park South thus creating a new foreshore walkway for community enjoyment.

Comment by the General Manager

The proposed walkway link between Mary Booth Lookout and Captain Henry Waterhouse Reserve (at the south end of Bradfield Park) is currently being designed. The Development Application will be submitted by the end of this financial year. Funds have been allocated in the budget for design in 2003/2004 and in 2004/2005. The funds are sourced from Section 94 Contributions for Open Space Embellishment.

RESOLVED:

THAT the General Managers' comments be noted.

THAT the Director of Open Space & Environmental Services be requested to secure the unsafe areas.

The Motion was moved by Councillor Gibson and seconded by Councillor Reymond.

**372. NoM03: Notice of Motion No. 05/04 by Councillor Gibson -
14/04/04**

Re: Review of Childcare Benefits and reimbursements available to Councillors

THAT Council review childcare benefits and reimbursements available to Councillors, ensuring the hourly allowance is commensurate with current rates. This review should also examine allowances payable for meetings of a short duration.

Comment by the General Manager

The rates of childcare reimbursements are being reviewed as part of the update of the Policy on Councillors' Facilities and Benefits. The Policy covers Council and Committee meetings, Sub-Committee meetings and working parties. It will be extended to include meetings made by Council. The revised Policy will be submitted to the meeting of the Management Services, Policy & Ethics Committee meeting on 05 May 2004. The new

childcare rates will be backdated to the commencement of the new Council.

RESOLVED:

THAT the General Manager's comments be noted.

The Motion was moved by Councillor Gibson and seconded by Councillor Zimmerman.

QUESTIONS WITH NOTICE



QUESTIONS WITHOUT NOTICE



BUSINESS WITHOUT NOTICE (MATTERS OF URGENCY)

373. 132 Military Road, Neutral Bay (T) DA453/03

Councillor McCaffery raised as a matter of urgency the report of Geoff Mossemenear dated 19 April 2004

Report of Geoff Mossemenear, Executive Assessment Planner - 19 April 2004

The proposal seeks to demolish an existing two storey masonry building and construct a new mixed use development containing seven residential units. The proposed building will comprise a part four and part five storey form with an additional basement parking level and lower basement storage level.

Commercial premises will be located on ground and level 1. Levels 2,3 and 4 will comprise the residential component of the development. A basement parking level will accommodate 13 parking spaces, preparation kitchen and garbage storage. A lower basement level is proposed to accommodate storage and the developments lift pit. Each floor including the basement levels is serviced by a lift. Vehicular access to the basement car park will be via Grosvenor Lane.

Although primary access to the commercial premises will be from Military Road, the commercial component of the development addresses both Military Road and Grosvenor

Lane frontages with fenestration to both facades. Primary access to the upper storey residential apartments will be via a pedestrian entry located along the proposed building's southern Military Road frontage.

It is proposed to operate the ground floor restaurant to similar hours as the existing restaurant on site which the applicant claims to be 12pm to 3am (Monday to Saturday) 12 pm to 1am (Sunday). Strata subdivision approval of the building is also being sought.

Recommending

THAT Council determine its position with regard to current Land and Environment Court proceedings against the deemed refusal of Development Application No. 453/03 for the demolition of the existing improvement on site and the subsequent erection of a mixed use development with basement carparking at 132 Military Road, Neutral Bay.

The Mayor ruled the matter be one of great Urgency

It was moved by Councillor McCaffery seconded by Councillor Reymond

THAT Council defend the Appeal and grant delegated authority to the General Manager to enter into consent orders requesting amended plans addressing the following issues:

- (i) Reconfiguration of the development to provide no more than three units per floor, with all units to be at least 4m wide (this would greatly improve amenity and would only reduce the yield on the site by one unit)
- (ii) Reconfiguration of the basement car park to remove the columns
- (iii) Redesign of street façade to be more regular

It was moved as an amendment by Councillor Gibson and seconded by Councillor Burke

THAT Council grant delegated authority to the General Manager to approve the application subject to appropriate conditions and to the discontinuance of the current Land and Environment Court proceedings.

THAT a report be prepared with a view to amending the DCP for minimum width of buildings to avoid similar problems with future applications.

The amendment was put and **lost**.

Voting on the amendment was as follows: For/Against 6/7

Councillors For	Councillors Against
Gibson Bevan Conaghan Zimmerman Pearson Burke	McCaffery Reymond Marchandean Oglesby Ritten Predavec Carland

The motion was put and **carried**.

Voting was as follows: For/Against 8/5

Councillors For	Councillors Against
McCaffery Bevan Reymond Marchandean Oglesby Ritten Predavec Carland	Gibson Conaghan Zimmerman Pearson Burke

RESOLVED:

THAT Council grant delegated authority to the General Manager to enter into consent orders requesting amended plans addressing the following issues:

- (i) Reconfiguration of the development to provide no more than three units per floor,

with all units to be at least 4m wide (this would greatly improve amenity and would only reduce the yield on the site by one unit)

- (ii) Reconfiguration of the basement car park to remove the columns
- (iii) Redesign of street façade to be more regular

THAT should the applicant be unwilling to provide the amended plans as requested, Council continue to defend the Appeal.

The Meeting concluded at 9.48pm

CHAIRPERSON

GENERAL MANAGER