



MINUTES: 3358th MEETING OF THE NORTH SYDNEY COUNCIL HELD ON MONDAY, 12 JULY 2004 AT 7.00 PM.

PRESENT

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

Leave of Absence: Councillor Pearson.

An apology was received from Councillor Conaghan.

It was moved, seconded and carried -
THAT the apology be received and accepted.

At the commencement of business (7.00pm) those present were:
The Mayor, and Councillors Gibson, Bevan, Reymond, Oglesby, Marchandean, Zimmerman, Ritten, Predavec, 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.

685. 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:

- | | |
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| PDS04 | 96 Cammeray Road, Cammeray (T) DA 167/04
(See Min. No. 692) |
| PDS05: | 70A High Street, North Sydney (V) DA50/04
(See Min. No. 693) |
| PDS06: | 67 Bank Street, North Sydney (W) DA198/04
(See Min. No. 696) |
| PDS08: | Corner Miller and Ernest Streets, Cammeray (T) DA699/03
(See Min. No. 697) |
| PDS09: | 2 Anzac Avenue, Cammeray (T) DA698/03
(See Min. No. 698) |
| PDS10: | 65 Burlington Street, Crows Nest DA117/04
(See Min. No. 699) |
| PDS11: | 53 Victoria Street, McMahons Point (V) DA122/04
(See Min. No. 700) |
| PDS12: | 10 Claude Avenue, Cremorne (C) DA231/04 |

	(See Min. No. 703)
PDS15:	14/40 Sutherland Street Cremorne DA215/04 (See Min. No. 701)
PDS16:	13/40 Sutherland Street Cremorne DA214/04 (See Min. No. 702)
PDS18:	2 Bray Street, North Sydney (V) DA830/99/8 (See Min. No. 704)
PDS19:	Cremorne Point Wharf, 2a Milson Road, Cremorne Point (C) DA248/01/4 (See Min. No. 690)
PDS20:	70C High Street, North Sydney (V) DA4/04 (See Min. No. 694)
PDS23:	568 Miller Street, Cammeray (See Min. No. 691)

686. Minutes

The Minutes of the previous 3358th Council (Assessments) Meeting held on Monday, 5 July 2004, copies of which had been previously circulated, were taken as read and confirmed subject to Minute No 657 being amended to provide:

Minute No 657 - PDS10: 48-50 Holdsworth Street DA783/02

RESOLVED:

THAT Council adhere to its previous decision to refuse Development Application 783/02.

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

MINUTES OF THE MAYOR

687. MM01: National Heritage Listing of Graythwaite & Luna Park

On 31 May 2004 Council resolved to investigate the procedures for listing Graythwaite on the National Heritage List.

On 1 January 2004 a new system to protect Australia's natural indigenous and historic heritage commenced, and is known as the "Distinctively Australian" program. Part of this system is the new National Heritage List, which will record the natural, indigenous and historic places of outstanding value to Australia as a whole. The List will provide for the ongoing protection of places and items that best tell the story of Australia: our unique continent, the development of the nation, and the distinctively Australian character and national identity.

To nominate places or items on the List, the approved form must be completed, and evidence – including a comprehensive report, maps and photographs – submitted to the Commonwealth Department of Environment and Heritage. It is expected that the process of assessment would take around 12 months, with the final decision being made by the Minister for the Environment and Heritage.

Items nominated are compared to other, similar types of places across Australia, and assessed against nine criteria to assess their significance. Items do *not* have to meet all of the criteria, however it is expected that they will satisfy several of them. Items included on the National Heritage List will be afforded protection under the *Environment Protection and Biodiversity Conservation Act 1999* of the Commonwealth. The National Heritage List would become one of six "matters of national significance" that are currently identified by the Act. Actions that may have an impact on matters of national significance will require referral to the Commonwealth Government.

As well as Graythwaite, Luna Park is a heritage item with National significance. It was listed as an item on the previous system of National Heritage Listing, the Register of the National Estate. It is listed as a Heritage Item of State Significance in our own LEP. However, given the cultural significance of Luna Park and its major heritage items, *Coney Island*, the *Luna Park Face* and *Towers*, and *Crystal Palace*, I think it is appropriate it be given the added protection of the National Heritage List.

It is therefore recommended

THAT Council prepare the appropriate documentation to nominate Graythwaite, the Olympic Pool and Luna Park for inclusion on the National Heritage List.

The Minute standing moved it was

RESOLVED

THAT Council prepare the appropriate documentation to nominate Graythwaite and Luna Park for inclusion on the National Heritage List.

THAT the Mayor write to the Commonwealth Government expressing Council's support for the inclusion of Kirribilli House and Admiralty House on the National Heritage List.

688: MM02: Valé Bryce Mortlock 14 October 1921 – 3 July 2004

Dr Bryce Mortlock AM was one of Australia's most respected architects and planners. In partnership with Sydney Ancher, Stuart Murray and Ken Woolley, his career spanned the era in which modern Australian architecture was consolidated. Bryce's contribution to architecture in this country was recognised in 1979 when he was awarded the Royal Australian Institute of Architects' Gold Medal. Although he enjoyed a national reputation, Bryce's passion for sensitive environmental relationships in urban design and practice was also recognised by his local community. He was a pioneer of what would become known as the Bushcare movement. In 1997 his efforts to preserve and regenerate bushland near his Cammeray home were commemorated with the renaming of the Vernon Street Reserve, 'Mortlock Reserve' – an honour rarely accorded to a living person.

Bryce was born in Lithgow on 14 October 1921 where his father was an engineer at the local steel works. His father died when Bryce was still young and his mother moved the family to live with relatives in Sydney, in the harbour side suburb of Five Dock. There, observation of the local boat builders fostered Bryce's interest in design and construction and he built several boats while still at school. A partnership with Alan and Bill Payne from 1938 resulted in the design of the Payne-Mortlock sailing canoe, one of the few all-Australian designed senior class sailing boats.

After the outbreak of World War Two Bryce travelled to Canada where he trained as a pilot with the Royal Canadian Air Force. He returned to Australia in 1945 in anticipation of service in the Pacific theatre but the war ended before any combat posting.

He left the air force and enrolled in the School of Architecture at Sydney University where he studied under architect Leslie Wilkinson and the artist Lloyd Rees who taught architectural history and freehand drawing. It was while at university that Bryce met Sydney Ancher – one of the first Australian architects to embrace International style Modernism. He started working with Ancher while still a student - beginning a partnership that would span four decades, until Ancher's death in 1979.

Bryce graduated with first class honours in 1950, winning the University Medal and a travelling scholarship that allowed him to work and study in Britain and Europe. After he returned, Bryce and Stuart Murray took up full-time work with Sydney Ancher's firm in 1952. Eight years later he won the Sulman Prize for the Badham House at Cronulla. Bryce's design reflected the firm's adherence to the International style, while anticipating the so-called 'Sydney Regional' style with which the firm would become associated over the next decade.

After Ken Woolley joined them in 1964, Sydney Ancher and Bryce Mortlock set up offices in Ridge St, North Sydney, establishing the well-known Sydney firm Ancher, Mortlock and

Woolley. The firm completed innovative designs for town houses and flats at Wollstonecraft and Cremorne. Bryce was also appointed Master Planner for the University of Melbourne in 1968. It was a position that entailed regular trips from his Cammeray home, but one which he held until the late 1990s, describing it as his most satisfying and challenging. The University recognised his work with an honorary doctorate. In 1970 Bryce, in partnership with others, applied his interest in planning and the need for increasing density to the drafting of a Building Code for North Sydney Council.

By that time Bryce had been living locally for 40 years. He moved to Vernon Street Cammeray with his new wife Peggy in 1950, shortly after returning from overseas. As two of first residents of that area, the Mortlocks confronted North Sydney Council who had begun clearing bushland fronting Long Bay. Bryce and Peggy managed to convince Council to stop this destruction, and over the next four decades they cared for the public land near their home – tirelessly cutting the lantana and balloon vine that grew in the wake of the clearing. Eventually Council came to embrace Bryce’s attitude to the preservation of bushland. Bushcare networks were set up and Bryce himself became a local volunteer co-ordinator.

Bryce Mortlock died on 3 July 2004 at the Royal North Shore Hospital aged 82. The beautiful Mortlock Reserve near his home remains as a fitting reminder of his contribution to his community and recognition of a great North Sydney citizen.

It is therefore recommended that:

- this Mayoral Minute be adopted;
- the Mayor write to Bryce Mortlock’s widow, Peggy and her family expressing our sympathy at this difficult time;
- a brass plaque be placed at Mortlock Reserve describing Bryce Mortlock’s relationship with the Reserve.

The Minute standing moved it was

RESOLVED

THAT the Mayoral Minute be adopted and the Mayor write to Bryce Mortlock’s widow and family.

THAT a brass plaque be placed at Mortlock Reserve describing Bryce Mortlock’s relationship with the Reserve.

689. Declarations of Interest

Re Item PDS06
Councillor Ritten

67 Bank Street, North Sydney
Neighbouring property

Re Item PDS23
Councillor Gibson

568 Miller Street, Cammeray
Applicant donated to election funds

MATTERS DEFERRED TO SITE MEETINGS

690: PDS19: Cremorne Point Wharf, 2a Milson Road, Cremorne Point (C) DA248/01/4

Applicant: Burley Katon Halliday

Report of Renee Ezzy, Assessment Officer - 6 July 2004

The proposal relates to a Section 96 (S96) application for the removal of the following condition of consent imposed as part of the original consent:

“Seating

D2 *The two bench seats shown to be removed on the plans are to be retained and no more than ten (10) stools are to be used in association with the kiosk café.
(Reason: To ensure adequate seating and waiting room for ferry passengers)”*

Recommending:

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

- A. **THAT** Council defers consideration of Section 96 Application No. 248/01/4 for removal of Condition D2 from Development Consent No. D248/01 under the provisions of Section 96 of the Environmental Planning and Assessment Act, 1979.
- B. **THAT** the applicant be requested to obtain owners consent for the proposed modification to Development Consent No. D248/01
- C. **THAT** Council delegates to the General Manager pursuant to Section 377 of the Local Government Act 1993 the following functions in respect of Section 96 Application No. 248/01/4 and submit this owners consent to Council.
 - (i) in the event that owners consent from Waterways is lodged by the applicant, to approve the application.
- D. **THAT** in the event that the owners consent is not lodged as requested, within a reasonable timeframe, the application be referred back to the Council for determination.
- E. **THAT** in the event that Council approve the application, that Council write to the State Transit Authority and the Local State Member advising of these resident concerns regarding the lack of adequate seating at Cremorne Point Wharf and requesting them to take further action to address these concerns.

RESOLVED:

THAT the matter be deferred to a site meeting.

Note: Site meeting to be held on Saturday, 24 July 2004 at 10.00am.

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

691. PDS23: 568 Miller Street, Cammeray

Report of Long Huynh, Senior Building Surveyor (Compliance) – 7 July 2004

The aim of this report is to inform Council of the progress of the Development being undertaken at 568 Miller Street, Cammeray and to discuss variations from Development Consent No. D965/01.

The report will discuss the implications of each of the identified deviations and provide options for Council to consider.

Recommending:

THAT Council note this report for information and take no formal compliance action at this time.

RESOLVED:

THAT the matter be deferred to a site meeting.

Note: Site meeting to be held on Saturday, 24 July 2004 at 12.00 noon..

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

Voting was as follows:

For/Against 7/3

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

Note: Councillor Oglesby advised that he had voted in error and requested that his vote be recorded in favour of the motion.

Note: Councillor Gibson declared an interest in this item and left the Chamber taking no part in debate or voting.

ITEMS BROUGHT FORWARD

692: PDS04 96 Cammeray Road, Cammeray (T) DA 167/04

Applicant: Darren Holland

Report of Antonia Stuart, Assessment Officer - 1 July 2004

The proposal involves the demolition of the existing single storey dwelling located at No.96 Cammeray Road, Cammeray.

It is proposed to construct a two storey duplex (side by side) with kitchen, dining, and living at ground floor in each dwelling, and at first floor in each dwelling three bedrooms, study and bathrooms.

A single garage with folding gate is proposed serving House No.1 with access to Cammeray Road. A single carport is proposed serving House No.2 with access to Alan Street.

A new 1.8 metre high stepped rendered front fence is proposed. In addition, it is also proposed to strata subdivide the building into two lots.

Recommending:

- A. **THAT** Council defers consideration of development application No. 167/04.
- B. **THAT** the applicant be requested to lodge three sets of amended plans addressing the following issues and concerns: -
 - (i) Deletion of the first floor 18m² balcony-adjointing bedroom No.1 in House No.1 to prevent adverse privacy and amenity concerns to the neighbouring property located at No.94 Cammeray Road;
 - (ii) Increase the rear upper level setback of House No.2 by 1.5 metres, also involving re- pitching of the roof, to decrease the additional overshadowing to the rear internal living areas within No.94 Cammeray Road;
 - (iii) Elevational plan detail of the vehicular folding gate serving House No.1;
 - (iv) Internal garbage storage for House No.1, or alternatively, the implementation of a screening device reducing the bins visibility from No.94 Cammeray Road. Should the latter alternative be preferred, the applicant must lodge details demonstrating the bins visibility when viewed from No.94 Cammeray Road;
 - (v) Alternate clothes drying facilities in accordance with Section 7.4 (r) of the NSDCP 2002, or alternatively, the implementation of appropriate screening device's reducing the facilities impact upon No.94 Cammeray Road. Should the latter alternative be preferred, the applicant must lodge details demonstrating the clothes drying facilities visibility when viewed from No.94 Cammeray Road; and
 - (vi) The external gravel area to the rear of the garage serving House No.1 must be deleted in lieu of porous paving to ensure acoustic privacy to No.94 Cammeray Road is maintained.
- C. **THAT** Council delegates to the General Manager pursuant to Section 377 of the Local Government Act 1993 the following functions in respect of Development

Application No: 167/04: -

- (i) in the event that amended plans are lodged by the applicant, to determine whether or not to notify the amended application in accordance with the North Sydney Local Environment Plan 2001 and the Environmental Planning & Assessment Act 1979 (as amended); and
 - (ii) 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 the Council for determination.

Mr Holland addressed the meeting.

RESOLVED:

- A. **THAT** Council defers consideration of development application No. 167/04.
- B. **THAT** the applicant be requested to lodge three sets of amended plans addressing the following issues and concerns: -
 - (i) Reduction in the width of the first floor 18m² balcony-adjoining bedroom No.1 in House No.1 from both sides to achieve an area of 9m² and maintaining the proposed planter boxes to prevent adverse privacy and amenity concerns to the neighbouring property located at No.94 Cammeray Road;
 - (ii) Increase the rear upper level setback of House No.2 by 1.5 metres, also involving re- pitching of the roof, or provide plans of alternative methods, to decrease the additional overshadowing to the rear internal living areas within No.94 Cammeray Road;
 - (iii) Elevational plan detail of the vehicular folding gate serving House No.1;
 - (iv) Internal garbage storage for House No.1, or alternatively, the implementation of a screening device reducing the bins visibility from No.94 Cammeray Road. Should the latter alternative be preferred, the applicant must lodge details demonstrating the bins visibility when viewed from No.94 Cammeray Road;
 - (v) Alternate clothes drying facilities in accordance with Section 7.4 (r) of the NSDCP 2002, or alternatively, the implementation of appropriate screening device's reducing the facilities impact upon No.94 Cammeray Road. Should the latter alternative be preferred, the applicant must lodge details demonstrating the clothes drying facilities visibility when viewed from No.94 Cammeray Road; and
 - (vi) The external gravel area to the rear of the garage serving House No.1 must be deleted in lieu of porous paving to ensure acoustic privacy to No.94 Cammeray Road is maintained.
- C. **THAT** Council delegates to the General Manager pursuant to Section 377 of the Local Government Act 1993 the following functions in respect of Development Application No: 167/04: -
 - (i) in the event that amended plans are lodged by the applicant, to determine whether or not to notify the amended application in accordance with the North Sydney Local Environment Plan 2001 and the Environmental Planning & Assessment Act 1979 (as amended); and
 - (ii) 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 the Council for determination.

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

693. PDS05: 70A High Street, North Sydney (V) DA50/04

Applicant: Barry Yu & Vivianna Si, C/- Connor & Solomon Architects
 Report of Ian Pickles, Executive Assessment Planner - 1 July 2004

The proposed development comprises the following elements:

- Removal of roof, and erection of second storey over existing dwelling with new gable ended metal roof (35 degree pitch), to accommodate at the upper level a kitchen/living/ dining room and 1 bedroom ensuite, with timber floors; eight (8) skylights are proposed in the roof; the roof ridge is proposed to be 2.44m higher than the existing roof ridge;
- Alterations to the ground level to provide 2 bedrooms (one with ensuite), a study, bathroom and passageway; provision of new timber floor; brick up two windows;
- Basement storage (about 50m²) extending under approximately two-thirds of the dwelling above, accessing the ground floor of the dwelling by stairway, with concrete slab floor 0.4m lower than the existing garage floor; rendered brick side walls;
- Replace existing garage door with timber slatted panel lift door;
- Reconfigure front stairway to porch;
- New front gate vertical timber slats, and rendered wall 2.1m high to street;
- New natural aluminium framed glazed doors in existing masonry wall at rear ground level, and at rear elevation of new upper level;
- Bifold natural aluminium framed glazed doors to new front (street) elevation upper level;
- Colours and materials of new external elements:- roof "Custom orb" Gull Grey, front wall rendered masonry and painted "Kaldor", side walls and upper level front and rear wall facades - stud walls with Mini-orb metal cladding; charcoal exposed timber rafters and exposed steel beams; clear glass balustrades to new upper level balcony to street elevation.

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 of DIPNR and invoke the provisions of SEPP 1 in relation to Clauses 17, 18 and 20 of the North Sydney Local Environmental Plan 2001, and grant "deferred commencement" consent to Development Application No. 50/04, proposing alterations and additions to an existing dwelling at No. 70A High Street, North Sydney, subject to the following site specific conditions and attached standard conditions:-

Details of Method of Excavation and Underpinning and Reduction in Excavated Area (deferred commencement condition)

- AA1. Prior to the activation of this consent, the plans are to amended to reduce the extent of excavation to 30m² (ie: one-third of the floor area of the dwelling above), and a detailed report and plan details prepared by an appropriately qualified independent geotechnical/structural engineer shall be submitted, demonstrating the following:
- (i) That the existing substrate on the site and walls of the building are capable of withstanding the proposed loads and excavation works, with details of footings;
 - (ii) That the method of underpinning and shoring works are adequate to ensure stability of the excavation and the protection of the existing building above adjoining properties; and

- (iii) The proposed method of excavation, type of low impact and low noise machinery, and vibration monitoring equipment, hours of operation and proposed areas for storage of excavated material;
- (iv) Incorporating details of appropriate drainage for seepage and other ground water during and upon completion of construction works.

Such report and plan details, including reduction in excavation area, shall be submitted for the approval of the Director Planning and Development Services.

(Reason: To ensure the structural integrity of the development, to reduce the extent of excavation to a reasonable amount, and to ensure safety and amenity)

Front Fence and Entry Gate

C1. The front fence shall be re-designed to provide a lower masonry section up to approximately 900mm above ground, with an open metal or timber picket upper section within masonry piers to maximum height of 1.8m above footpath level. The gate shall be an open metal or timber picket style. Details demonstrating compliance with this condition must be lodged prior to the issue of a Construction Certificate.

(Reason: To ensure the proposed works do not detract from the local streetscape or the heritage value of the adjoining property, and conform with the requirements of section 7.3 of the NSDDCP 2002)

Extent of Glazing to Upper Level Front Elevation

C2. The design of the upper level front elevation of the building to be amended to reduce the width of the glazed doors to 2.7m (ie: approximately 50% of width of building), and to provide solid walls to each side of the doors and to the triangular area above the doors. Details demonstrating compliance with this condition must be lodged prior to the issue of a Construction Certificate.

(Reason: To ensure the proposed works do not detract from the local streetscape, and to reflect the requirements of section 7.3 of NSDCP 2002)

Landscaped Area

C3. A landscape design and specifications shall be submitted for landscaping at the front and the rear of the property, indicating that a minimum of 80% of the landscaped area will be soft landscaping comprising turf, ground cover, shrubs and other plants. Details demonstrating compliance with this condition must be lodged prior to the issue of a Construction Certificate.

(Reason: To ensure that adequate soft landscaping is provided consistent with the requirements of section 7.4 of NSDCP 2002)

Easement for Down-pipe and/or Gutter

G1. An easement under the provisions of Section 88B of the Conveyancing Act is to be created on the title of adjoining property 70B High Street to enable the encroachment of down-pipe and/or gutter. Evidence of lodgement of the instrument to create this easement with NSW Land and Property Information shall be provided prior to issue of the Occupation Certificate.

(Reason: To ensure that the necessary easement is in place for the encroachment)

- B. **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.
- 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 Solomon addressed the meeting.

RESOLVED:

THAT the report be adopted.

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

Note: Item PDS05 -(minute number 693 was recommitted - see minute number 695)

694. PDS20: 70C High Street, North Sydney (V) DA4/04

Applicant: Richard and Mardi Windeyer, C/- Connor & Solomon Architects
Report of Ian Pickles, Executive Assessment Planner - 6 July 2004

The proposed development comprises the following elements:

- Removal of roof, and erection of second storey over existing dwelling with new gable ended tiled roof (35 degree pitch) to accommodate at the upper level a living room and 1 bedroom with ensuite and robe, and six (6) skylights in the roof; the roof ridge is proposed to be 2.27m higher than the existing roof ridge; balcony to street elevation at second storey over existing ground level porch;
- Alterations to the ground level to provide 2 bedrooms, bathroom, laundry and kitchen/ dining room (one with ensuite), a study, bathroom and passageway; provision of new timber floor; brick up two windows; demolish rear lean-to section; new stairs to living area above;
- Under the existing house, a garage and associated storage (50m² in total) with driveway, at same level as footpath, involving some excavation up to 1.8m; garage to have timber slat panel framed electrically operated door; removal of small fir tree to make way fro driveway;
- Reconfigure front stairway to porch to allow for driveway to garage;
- New sandstone front fence 1.8m high;
- New natural aluminium framed glazed doors in existing masonry wall at rear ground level, and at rear elevation of new upper level;
- Bifold natural aluminium framed glazed doors to new street elevation upper level, and to rear elevation ground level; clear glass louvres across whole of rear elevation of second storey addition with glazing of area under roof eaves to rear elevation;
- Landscape works with turfed rear garden, selected screen planting in 500mm high planter along rear boundary, and porous pavers on driveway and adjacent to dining room at rear;
- Colours and materials of new external elements:- roof tiles fibre cement "slate", sandstone faced walls to front façade up to top of balcony balustrade; upper level front facade behind balcony - fibre cement "aubergine"; exposed timber rafters and exposed steel beams - charcoal; gutters and downpipes – "gull grey".

Recommending:

- A. **THAT** Council defers consideration of development application No. 4/04.
- B. **THAT** the applicants be requested to lodge amended plans and documentation addressing the following issues and concerns:
 - (i) Delete the driveway and garage and associated panel lift garage door, and the relocated front stairs;
 - (ii) Reduce the extent of the storage area under the house so that it comprises only one-third of the floor area of the dwelling above (ie: extends back only 6.5m from the façade of the front porch);

- (iii) Reduce the width of glazing (including glass louvres) across the rear of the second storey addition to 50% of width of building, and to provide a solid wall to the triangular area above the second storey louvre windows and under the roof eaves;
 - (iv) Front fence to be re-designed to provide a lower solid section up to approximately 900mm above ground, with a open metal or timber picket upper section within masonry or solid piers to maximum height of 1.8m above footpath level. Any gate to be an open metal or timber picket style;
 - (v) A detailed report and plan details prepared by an appropriately qualified independent geotechnical/structural engineer to be submitted, demonstrating that the method of underpinning and shoring works are adequate to ensure stability of the excavation and the protection of the existing building above and adjoining properties; and indicating the method of excavation, type of low impact and low noise machinery, and vibration monitoring equipment to minimize disturbance to adjoining properties.
- C. **THAT** Council delegates to the General Manager pursuant to Section 377 of the Local Government Act 1993 the following functions in respect of Development Application No. 4/04:
- (i) in the event that amended plans and information are lodged by the applicant, to determine whether or not to notify the amended application in terms of the North Sydney LEP 2001, Section 4 of DCP 2002, and the Environmental Planning & Assessment Act 1979 (as amended); and
 - (ii) 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 the Council for determination.

Mr Solomon addressed the meeting.

RESOLVED:

- A. **THAT** Council defers consideration of development application No. 4/04.
- B. **THAT** the applicants be requested to lodge amended plans and documentation addressing the following issues and concerns:
- (i) The driveway is to be of porous material comprising two tracks;
 - (ii) Reduce the width of glazing (including glass louvres) across the rear of the second storey addition to 50% of width of building, and to provide a solid wall to the triangular area above the second storey louvre windows and under the roof eaves;
 - (iii) A detailed report and plan details prepared by an appropriately qualified independent geotechnical/structural engineer to be submitted, demonstrating that the method of underpinning and shoring works are adequate to ensure stability of the excavation and the protection of the existing building above and adjoining properties; and indicating the method of excavation, type of low impact and low noise machinery, and vibration monitoring equipment to minimize disturbance to adjoining properties.
- C. **THAT** Council delegates to the General Manager pursuant to Section 377 of the Local Government Act 1993 the following functions in respect of Development Application No. 4/04:
- (i) in the event that amended plans and information are lodged by the applicant, to determine whether or not to notify the amended application in terms of the North Sydney LEP 2001, Section 4 of DCP 2002, and the Environmental Planning & Assessment Act 1979 (as amended); and

- (ii) 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 the Council for determination.

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

RECOMMITTAL

It was moved by Councillor Reymond, seconded by Councillor Marchandean and carried unanimously that Item PDS05 (minute number 693) be recommitted.

695. **PDS05: 70A High Street, North Sydney (V) DA50/04**

Applicant: Barry Yu & Vivianna Si, C/- Connor & Solomon Architects
Report of Ian Pickles, Executive Assessment Planner - 1 July 2004

The proposed development comprises the following elements:

- Removal of roof, and erection of second storey over existing dwelling with new gable ended metal roof (35 degree pitch), to accommodate at the upper level a kitchen/living/ dining room and 1 bedroom ensuite, with timber floors; eight (8) skylights are proposed in the roof; the roof ridge is proposed to be 2.44m higher than the existing roof ridge;
- Alterations to the ground level to provide 2 bedrooms (one with ensuite), a study, bathroom and passageway; provision of new timber floor; brick up two windows;
- Basement storage (about 50m²) extending under approximately two-thirds of the dwelling above, accessing the ground floor of the dwelling by stairway, with concrete slab floor 0.4m lower than the existing garage floor; rendered brick side walls;
- Replace existing garage door with timber slatted panel lift door;
- Reconfigure front stairway to porch;
- New front gate vertical timber slats, and rendered wall 2.1m high to street;
- New natural aluminium framed glazed doors in existing masonry wall at rear ground level, and at rear elevation of new upper level;
- Bifold natural aluminium framed glazed doors to new front (street) elevation upper level;
- Colours and materials of new external elements:- roof "Custom orb" Gull Grey, front wall rendered masonry and painted "Kaldor", side walls and upper level front and rear wall facades - stud walls with Mini-orb metal cladding; charcoal exposed timber rafters and exposed steel beams; clear glass balustrades to new upper level balcony to street elevation.

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 of DIPNR and invoke the provisions of SEPP 1 in relation to Clauses 17, 18 and 20 of the North Sydney Local Environmental Plan 2001, and grant "deferred commencement" consent to Development Application No. 50/04, proposing alterations and additions to an existing dwelling at No. 70A High Street, North Sydney, subject to the following site specific conditions and attached standard conditions:-

Details of Method of Excavation and Underpinning and Reduction in

Excavated Area (deferred commencement condition)

AA1. Prior to the activation of this consent, the plans are to amended to reduce the extent of excavation to 30m² (ie: one-third of the floor area of the dwelling above), and a detailed report and plan details prepared by an appropriately qualified independent geotechnical/structural engineer shall be submitted, demonstrating the following:

- (i) That the existing substrate on the site and walls of the building are capable of withstanding the proposed loads and excavation works, with details of footings;
- (ii) That the method of underpinning and shoring works are adequate to ensure stability of the excavation and the protection of the existing building above adjoining properties; and
- (iii) The proposed method of excavation, type of low impact and low noise machinery, and vibration monitoring equipment, hours of operation and proposed areas for storage of excavated material;
- (iv) Incorporating details of appropriate drainage for seepage and other ground water during and upon completion of construction works.

Such report and plan details, including reduction in excavation area, shall be submitted for the approval of the Director Planning and Development Services.

(Reason: To ensure the structural integrity of the development, to reduce the extent of excavation to a reasonable amount, and to ensure safety and amenity)

Front Fence and Entry Gate

C1. The front fence shall be re-designed to provide a lower masonry section up to approximately 900mm above ground, with an open metal or timber picket upper section within masonry piers to maximum height of 1.8m above footpath level. The gate shall be an open metal or timber picket style. Details demonstrating compliance with this condition must be lodged prior to the issue of a Construction Certificate.

(Reason: To ensure the proposed works do not detract from the local streetscape or the heritage value of the adjoining property, and conform with the requirements of section 7.3 of the NSDDCP 2002)

Extent of Glazing to Upper Level Front Elevation

C2. The design of the upper level front elevation of the building to be amended to reduce the width of the glazed doors to 2.7m (ie: approximately 50% of width of building), and to provide solid walls to each side of the doors and to the triangular area above the doors. Details demonstrating compliance with this condition must be lodged prior to the issue of a Construction Certificate.

(Reason: To ensure the proposed works do not detract from the local streetscape, and to reflect the requirements of section 7.3 of NSDCP 2002)

Landscaped Area

C3. A landscape design and specifications shall be submitted for landscaping at the front and the rear of the property, indicating that a minimum of 80% of the landscaped area will be soft landscaping comprising turf, ground cover, shrubs and other plants. Details demonstrating compliance with this condition must be lodged prior to the issue of a Construction Certificate.

(Reason: To ensure that adequate soft landscaping is provided consistent with the requirements of section 7.4 of NSDCP 2002)

Easement for Down-pipe and/or Gutter

- G1. An easement under the provisions of Section 88B of the Conveyancing Act is to be created on the title of adjoining property 70B High Street to enable the encroachment of down-pipe and/or gutter. Evidence of lodgement of the instrument to create this easement with NSW Land and Property Information shall be provided prior to issue of the Occupation Certificate.
(Reason: To ensure that the necessary easement is in place for the encroachment)
- B. **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.
- 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 subject to the deletion of condition C1 - Front Fence and Entry Gate.

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

696. **PDS06: 67 Bank Street, North Sydney (W) DA198/04**

Applicant: Hosking Munro Pty Ltd

Report of Ailsa Mitchell, Assessment Officer - 5 July 2004

Council is in receipt of a development application, which seeks approval to make alterations and additions to the existing dwelling at 67 Bank Street, North Sydney. An application (DA 655/03) for the same property had been previously refused by Council on the 15 March 2004. It was resolved that the matter be deferred to a site meeting to discuss development options and that the originally approved plans, which has since lapsed, for a first floor addition be available on site. The application was the subject of a site meeting on Saturday the 17 April 2004. At the site meeting Council resolved that the applicant should submit a new Development Application.

In accordance with Council resolution the applicant has submitted a new Development Application. Council requested that the matter be determined under delegation if possible. However, due to the extent of variation from the landscape area control and in the absence of a specific and clear delegation and the reiterated recommendation for refusal it is has been reported back to **Council for determination**.

Recommending:

THAT Council determine its position.

Mr Munro addressed the meeting.

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 Clauses 14 3(e) and 16(c) and (d) of the NSLEP 2001 and grant consent to Development Application No. 198/04, subject to the standard conditions attached to the report of Ailsa Mitchell dated 5 July 2004.
- B. **THAT** in approving Development Application No. 198/04, 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

- 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 Motion was moved by Councillor McCaffery and seconded by Councillor Burke.

Note: Councillor Ritten declared an interest in this item and left the Chamber taking no part in debate or voting.

**697. PDS08: Corner Miller and Ernest Streets, Cammeray (T)
DA699/03**

Applicant: Nettleton Tribe Partnership Pty Ltd

Report of Geoff Mossemeneer, Executive Assessment Planner - 5 July 2004

The proposal involves the demolition of existing structures and removal of the existing car park. It is proposed to construct a four storey apartment building with two levels of basement parking. The apartment building is divided into two buildings, one fronting Ernest Street and the other fronting Miller Street containing 65 apartments consisting of:

- 19 x one bedroom apartments
- 39 x two bedroom apartments
- 7 x three bedroom apartments
- Parking is proposed over two basement levels with access from Miller Street for 85 car spaces, 28 bicycle spaces and 9 motorbike spaces.

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 with regard to height, building height plane, apartment controls and landscaping and grant consent to Development Application No.699/03 subject to the attached standard conditions and following site specific condition:

Public Right of Way

G1. A Right of Way shall be created on the property title under the provisions of the Conveyancing Act to provide for public access over the land along the length of the northern boundary and 1500mm wide as shown on the submitted plans. All costs including construction, paving, fencing and creation of the right of way shall be borne by the applicant.

North Sydney Council shall be nominated in the instrument as the only party authorised to release, vary or modify the instrument, and North Sydney Council's official seal shall be affixed to these documents, prior to submission to the Land & Property Information Office. Evidence of the lodgement of the instrument referred to in this condition is to be provided to Council with a copy of the Occupation Certificate.

(Reason: To provide for public access to Council and community facilities)

- B. **THAT** in approving Development Application No.699/03, 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.

- D. **THAT** Council hereby authorises its Official Seal to be affixed to all necessary documents, under the signature of the Mayor and the General Manager.

Mr Morgan addressed the meeting.

RESOLVED:

THAT the report be adopted.

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

Voting was as follows:

For/Against 9/2

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

Note: Councillor Ritten advised that he had voted in error and requested that his vote be recorded against the motion.

698. PDS09: 2 Anzac Avenue, Cammeray (T) DA698/03

Applicant: Nettleton Tribe Partnership Pty Ltd

Report of Geoff Mossemeneer, Executive Assessment Planner - 5 July 2004

This application seeks consent to alter pedestrian access and car parking arrangements for the North Sydney Anzac Memorial Club (the Club).

The need for these works arises because of concurrent Development Application (No.699/03) which proposes to construct a multi storey apartment building over the western part of the Club site, adjacent Miller and Ernest Streets. That land is presently the primary parking area for the Club, and consequently the western entry to the building operates as the main pedestrian access to the Club premises. This parking will be lost to Club patrons should DA 699/03 be approved. This application seeks approval for the following works:

Pedestrian access

- Removal of the current first floor pedestrian access point in the western elevation of the Club.
- Upgrading the existing ground floor pedestrian entry in the eastern elevation of the building. Note that this entry is the original main access to the Club premises.

Apart from the construction of a new disabled access ramp adjacent the existing eastern entry and the new disabled access ramp from the lower carpark, the works required to effect these changes are minor.

Car parking

No new works are associated with this aspect of the proposal. Instead, the existing 2 level parking area, accessed from Ernest Street, will be re-configured to provide 49 parking spaces. A further 2 spaces are to be located toward the northern end of the of the service vehicle access.

Recommending:

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

- A. **THAT** Council, as the consent authority, grant consent to Development Application No. 698/03 subject to the attached standard conditions.
- B. **THAT** in approving Development Application No.698/03, 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.
- D. **THAT** Council grant owner's consent to Development Application No.698/03.

Mr Morgan addressed the meeting.

RESOLVED:

THAT the report be adopted.

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

Voting was as follows:

For/Against 9/2

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

699. PDS10: 65 Burlington Street, Crows Nest DA117/04

Applicant: Christopher Judges

Report of Jacqueline Connor, Assessment Officer - 1 July 2004

- The proposal involves alterations and additions to an existing residential terrace including:
 - Retaining the front portion of the original Victorian Terrace house;
 - Demolition of the existing single storey component and deck at rear;
 - Construction of a new two storey addition at rear;
 - Installation of upstairs bathrooms and new kitchen and entertainment area downstairs; and
 - Construction of a new wrought iron front fence.

Council is advised that there are applications currently lodged for both neighbouring sites, briefly described as follows:

63 Burlington Street (western neighbour)

- Retention of the existing Victorian Terrace towards Burlington Street;
- Demolition of the existing single storey rear addition;
- Construction of a new two storey rear addition.

67-69 Burlington Street (eastern neighbour)

- Subdivision of the two existing allotments into three lineal allotments;
- Demolition of the existing rear additions;
- Alterations and additions to the two existing single storey dwellings to create three attached terraces with two storey rear additions, and carports.

Recommending:

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

- A. **THAT** Council, as the consent authority, assume concurrence of the Director General of DIPNR and invoke the provisions of SEPP 1 to clause 17 (building height) clause 18 (building height plane) and clause 20 (landscaped area) and grant consent to Development Application No. 117/04 for the construction of a two storey rear addition and new front fence at the premises known as 65 Burlington

Street, Crows Nest subject to the attached standard conditions and following site specific condition:-

Roofing Material

C1 The roofing material for the rear extension is to be of corrugated metal. Details are to be provided with the Construction Certificate application.

(Reason: To maintain a metal skillion rear roof form, characteristic of the Conservation Area)

- B. **THAT** in approving Development Application No. 117/04, 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 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.

Mr Judges addressed the meeting.

RESOLVED:

THAT the report be adopted.

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

700. PDS11: 53 Victoria Street, McMahons Point (V) DA122/04

Applicant: Gutnik Design Group

Report of Ailsa Mitchell, Assessment Officer - 21 June 2004

The development application is for alterations and additions to an existing terrace located at 53 Victoria Street, McMahons Point. The application proposes the following works:

Ground Floor

- Alterations to included a kitchen area;
- Replacement of existing windows to the lightwell; and
- Bi-fold doors to the rear balcony.

First Floor

- Alterations to included an ensuite bathroom;
- Renovation of existing bathroom;
- Construction of a walk in wardrobe; and
- Repair and maintenance work to the verandah on the front elevation.

Attic Level

- Removal of roof lights;
- Replacement of timber balustrading with steel and cable balustrading;
- Removal of metal balustrading around lightwell void and replaced with transitable grill panels;
- Raising existing rear rafters pitch to 2 degrees; and
- New metal roofing.

All Rear balconies

- Replacement floor tiles and waterproof membrane to be laid;
- Privacy screens to be installed on the ground and first floor
- Replacement colourbond sheeting to awnings on the ground and first floor; and
- New balustrading on all three rear balconies.

Amendment to the plans

The applicant submitted amended plans on the 28 June 2004, showing an amendment in the design of the privacy screens.

Recommending:

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

- A. **THAT** Council assume the concurrence of the Director General of DIPNR and permit a variation to Clauses 17 (Building Height), and Clause 18 (Building Height Plane) of the NSLEP 2001 and grant consent to Development Application No. 122/04 internal and external alterations at No. 53 Victoria Street, McMahons Point, subject to the attached standard conditions:-
- B. **THAT** in approving Development Application No.122/04, 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.

Mr Gutnik addressed the meeting.

RESOLVED:

THAT the report be adopted.

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

701. PDS15: 14/40 Sutherland Street Cremome DA215/04

Applicant: Gwynneth Jones, C/o Lachlan Project Management
Report of Jacqueline Connor, Assessment Officer - 6 July 2004

The proposal can be described as follows:

- Internal alterations to the unit including removal of non-structural walls to create an open plan living/dining/kitchen area, closing up of internal openings and a new kitchen and renovated bathroom;
- Removal of the existing awning on the southern roof terrace and the stairs to the northern roof terrace;
- Construction of a bedroom/study of approximately 18.8m²; and
- Construction of new stairs to the northern terrace.

The addition will be constructed partly of face brick with folding aluminium-framed glass doors opening out onto the terrace area. High level windows are provided in the northern elevation for solar access and ventilation.

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 for clause 18 (Building Height Plane), in that strict compliance with these development standards is unreasonable and unnecessary in the circumstances of this case and grant consent to Development Application No. 215/04 for internal alterations and construction of a bedroom/study and new stairs on the rooftop terrace of unit 14/40 Sutherland Street, Cremorne, subject to the attached standard conditions and the following site specific condition:

Construction Management Plan

- C1. A Construction Management Plan is to be prepared and submitted to and approved by Council prior to the issue of a Construction Certificate,

detailing where materials are to be stored on site and how materials are to be moved to and from the area of construction, so as to retain a clear path of travel for residents and visitors (pedestrian and motorists) in and around the building.

(Reason: To ensure access and egress to and within the building is maintained for residents and visitors.)

- B. **THAT** in approving Development Application No. 215/04, 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.

Mr Jones was available for questions

RESOLVED:

THAT the report be adopted subject to an additional condition:

Acoustic Engineer's Report

The applicant shall obtain a report from an appropriately qualified acoustic engineer recommending finishes for the floors and pipe laggings in the kitchen to achieve compliance with the BCA requirements for noise separation between units.

(Reason: Amenity of neighbours)

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

702. PDS16: 13/40 Sutherland Street Cremorne DA214/04

Applicant: Christopher Riordan

Report of Jacqueline Connor, Assessment Officer - 29 June 2004

The proposal is as follows:

- Removal of the existing awning on the southern roof terrace and the stairs to the northern roof terrace; and
- Construction of a bedroom/study of approximately 20.4m² generally at the location of the existing awning;
- Construction of new stairs to the northern terrace.

The addition is to be constructed partly of face brick with folding aluminium-framed glass doors opening out onto the terrace area. High level windows will be provided in the northern elevation for solar access and ventilation.

Recommending:

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

- A. **THAT** Council, as the consent authority, grant consent to Development Application No. 214/04 for the construction of a bedroom/study and new stairs on the rooftop terrace of unit 13/40 Sutherland Street, Cremorne, subject to the attached standard conditions and the following site specific condition:

Construction Management Plan

- C1 A Construction Management Plan is to be prepared and submitted to and approved by Council prior to the issue of a Construction Certificate, detailing where materials are to be stored on site and how materials are to be moved to and from the area of construction, so as to retain a clear path

of travel for residents and visitors (pedestrian and motorists) in and around the building.

(Reason: To ensure access and egress to and within the building is maintained for residents and visitors.)

- B. **THAT** in approving Development Application No. 214/04, 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.

Mr Riordan was available for questions

RESOLVED:

THAT the report be adopted.

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

703. PDS12: 10 Claude Avenue, Cremorne (C) DA231/04

Applicant: Christopher and Alison Macky

Report of Renee Ezzy, Assessment Officer - 2 July 2004

The development application is for the construction of an in ground swimming pool at the rear of No.10 Claude Avenue, Cremorne. The pool is proposed with a 2m setback from the southern and western boundary. The pool is largely excavated into the ground, with a maximum height above existing ground level of 150mm.

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 20 Landscaped Area of the North Sydney Local Environmental Plan 2001, and grant consent to Development Application No. 231/04, proposing the construction of an inground swimming pool and associated landscaping works at No. 10 Claude Avenue, Cremorne subject to the following site specific conditions and attached standard conditions:

Location of Pool Fence

- C1. The pool fence is to be located as shown on plan No. L01-1903 B drawn by William Dangar & Associates and received by Council on 18 May 2004 to ensure that the pool area is adequately enclosed.

(Reason: To ensure the pool area is adequately enclosed in accordance with the Swimming Pools Act, 1992)

Proposed Pool Coping

- C2. The proposed pool coping is to be a maximum of 230mm in width to reduce the non-compliant portion of landscaped area for the site.

(Reason: To promote adequate landscaped amenity for the site)

Replacement of Fencing along the Southern Boundary

- C3. The fencing along the southern side of the proposed pool adjoining No. 7 Guthrie Avenue is to be replaced with a suitable fence in accordance with the requirements of AS 1926.1.

Adjoining owners property rights under the provisions of *The Dividing Fences Act 1991* are to be observed. Details demonstrating compliance are to be provided prior to the issue of a Construction Certificate.

(Reason: To ensure appropriate fencing is provided enclosing the pool area in accordance with the Swimming Pools Act, 1992)

Treatment of the Existing Glass Garage Door into the Pool Enclosure

C4. The existing glass door from the garage into the proposed pool enclosure must comply with AS 1926.1 and the Swimming Pools Act and Regulations. The provision of self closing mechanisms and a door handle at least 1.5m above ground level are to be installed. Alternatively, the door is to be permanently blocked off or removed. Details demonstrating compliance are to be provided prior to the issue of a construction certificate.

(Reason: To ensure all access points are compliant with the provisions of the Swimming Pools Act, to prevent young children from accidental death by drowning)

Damage to Adjoining Properties

G1. The vegetation on the adjoining property at No.7 Guthrie Avenue (particular reference to the Jacaranda tree) is not to be damaged during the course of demolition, excavation, construction and landscape works.

All precautions must be taken to prevent any damage likely to be sustained to adjoining properties. Adjoining owner property rights and the need for owner's permission must be observed at all times, including the entering onto land for the purpose of undertaking works. Where damage occurs to adjoining property all necessary repair or suitable agreement for necessary repairs are to be undertaken by the applicant in consultation with and with the consent of the affected property owner prior to the issue of an Occupation Certificate.

(Reason: To ensure adjoining owner's property rights and to ensure existing vegetation on neighbouring properties is not adversely affected as a result of the proposed swimming pool)

B. **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.

C. **THAT** in approving Development Application No. 231/04, 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 and having regard to standard advising (a). (Section 34 Conference).

Mr Macky addressed the meeting.

RESOLVED:

THAT the report be adopted.

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

704. PDS18: 2 Bray Street, North Sydney (V) DA830/99/8

Applicant: Sergio and Melissa de Caires

Report of Mark Schofield – Senior Assessment Officer - 6 July 2004

An application has been received in accordance with s96 (1A) of the Environmental Planning and Assessment Act 1979, which proposes to modify development consent 830/99 (dated 15 October 1999), pertaining to 2 Bray Street, North Sydney. The application seeks consent to prune a Port Jackson fig, which is located at the northern end of the properties Alfred St frontage. It was shown on the originally approved development plans that this tree was to be retained. It has since become apparent that it will be necessary to prune the tree to accommodate the approved dwelling.

Recommending:

- A. **THAT** Council resolve to modify its consent dated 15 October 1999 in respect of a proposal to make substantial alterations and additions to the dwelling at 2 Bray St, North Sydney under the provisions of Section 96(1a) of the Environmental Planning and Assessment Act only in so far as will provide for the following.
- (a) To delete condition 1 of the consent and insert in lieu there of the following new condition namely:
1. The development being carried out in accordance with 9743 BA3 01A, 03A-04A, 06A-11A, dated July 1999, drawn by Graham Ormsby & Associates Pty Ltd Architects, and received by Council on 3 August 1999, and structural certification from R.C. Magro & Associates Pty Ltd dated 18 December 2001 and received by Council on 20 December 2001, as amended by Plan No. 2074E dated 3/2/04 drawn by Map & Survey and received by Council on 5 February 2004, as it relates to the location of the building relative to the northern boundary, and as further amended by Plan No. 2074E dated 3/2/04 drawn by Map & Survey and received by Council on 18 May 2004, as it relates to the location of the building relative to the western boundary, **except where amended by the changes shown in colour on drawing numbered 0122 CC 06 B (titled Landscape Plan), dated 28 August 2001, drawn by Graham Ormsby and Associates, and received by Council on 20 May 2004**, except where amended by the following conditions.
- (b) Insert the following new condition:
- Approval for Tree Pruning**
28. Approval is granted for the pruning of the Port Jackson Fig located at the northern end of the western boundary of the property. The pruning may involve the removal of structural branches, but is to be limited to a point that allows crown regeneration to occur. Details are to be provided to Council or the Accredited Certifier prior to issue of the Construction Certificate.
(Reason: To ensure that the tree is maintained and pruned in an appropriate manner)
- (c) Insert the following new condition:
- Structural Adequacy**
29. The applicant is to provide a certificate from an appropriately qualified and practising structural engineer, certifying the structural adequacy of the sandstone wall and its ability to withstand the pruning of tree and any measures required to be incorporated, to ensure that no damage will occur to the wall during the course of the pruning, and that when the pruning is completed the wall will be structurally adequate.
(Reason: To ensure the protection and structural integrity of the sandstone wall)
- (d) Insert the following new condition:
- Deed of Agreement relating to pruning of tree and potential impacts on the sandstone wall**

30. The applicant must enter into a Deed of Agreement with Council in relation to the pruning of the Port Jackson Fig tree and the potential impacts of this pruning on the sandstone rock retaining wall located at the western boundary of the property. The deed must specify:

- (i) The applicant is responsible for all of the costs associated with the pruning of the tree as sought under development application 830/99/8.
- (ii) The applicant is responsible for all of the costs associated with the repair of any damage, which occurs to the sandstone wall during and as a result of the pruning of the tree. All necessary repair or suitable agreements for necessary repairs are to be undertaken by the applicant in consultation with Council.
- (iii) The applicant must take out Public Risk Insurance with a minimum cover of \$10 million in relation works within Council's road reserve or public land, as approved in this consent. The Policy is to note, and provide protection for North Sydney Council, as an interested party and a copy of the Policy must be submitted to Council prior to commencement of the works. The Policy must be valid for the entire period that the works are being undertaken on public land.
- (iv) That the applicant and their successors in title indemnify Council against all actions, suits, claims, demands, costs, charges and expenses arising from the pruning of the tree and any subsequent change to the wall and the land it retains.
- (v) The applicant is responsible for all of the costs associated with the ongoing maintenance of the tree.

The Deed of Agreement and any associated documentation shall be prepared, executed and registered at the sole cost of the applicant, including the reasonable costs of Council in obtaining advice, the cost and expense of negotiating the terms and conditions of the indemnity, producing documents or otherwise facilitating the preparation, execution and registration of the required documents, shall bind all successors in title and shall only be subject to variation at the discretion of the Council.

The deed of agreement shall be finalised prior to the issue of the commencement of the pruning of the tree.

(Reason: To ensure the community is protected from the cost of the works and any claim for damages arising from works on public land)

(e) Insert the following new condition:

Maintenance of Tree

31 The applicant is to engage an Arborist to prepare a management plan for the maintenance of the tree. The plan, which is to be prepared in consultation with a qualified structural engineer, is to specify the maximum size the tree is to be permitted to reach to minimise the potential for impacts on the sandstone wall. The maintenance program is to ensure the tree is maintained at or below that height. Details are to be provided to Council for approval prior to issue of the occupation certificate.

(Reason: To ensure that the tree is maintained to avoid future damage to the wall)

B. **THAT** Council grants owners consent to the pruning of the tree.

Mr de Caires addressed the meeting.

RESOLVED:

THAT the report be adopted.

THAT a report be submitted to the Property Development Committee on the condition of the tree after pruning including photographs of the condition of the wall.

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

705. Confirmation of Site & In House Meeting Recommendations

20 Young Street

Recommendation confirmed.

67 & 69 Burlington Street

Recommendation confirmed.

28 Clarke Street

Recommendation confirmed.

3-11 Ward Street

Recommendation confirmed.

RESOLVED:

THAT the recommendations contained in the site meeting minutes be confirmed.

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

Voting was as follows:

For/Against 10/1

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

REPORTS

General

706. G01: North Sydney CBD – Investment and Tenant Survey Research and Report

Report of Penny Holloway, General Manager, 7 July 2004

As a follow up to the presentation to North Sydney Centre (CBD) stakeholders on the development opportunities and constraints in the CBD, it is proposed to undertake a survey

of and research into investor and tenant sentiment in conjunction with the Property Council of Australia. This would enable the investment opportunities and constraints to be identified, as well as what attracts and retains commercial tenants in the North Sydney Centre. A marketing strategy could be one subsequent outcome.

It is proposed that the survey research and report be jointly funded by the Property Council and North Sydney Council, with NSC's contribution being up to \$15,000.

The research would be undertaken by a consultant and commence within the next month. The aim would be to complete the research by early October 2004, and that a workshop be held with stakeholders to present the findings of the research in late October.

Attached is a draft Project Brief, which has been developed in conjunction with the Property Council.

Recommending:

THAT the joint North Sydney CBD – Investment and Tenant Survey Research be endorsed, with the allocation of funding up to \$15,000.

RESOLVED:

THAT the report be adopted.

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

707. G02: 2004-2007 Management Plan Submission by Bike North Inc.

Report of Penny Holloway, General Manager, 06 July 2004

In response to the public exhibition of the 2004-2007 Management, Bike North Inc. Bicycle User Group lodged a submission by the closing date of 11 June 2004. Unfortunately, their submission was misdirected and did not reach me in time for it to be included in my report to Council on 21 June 2004.

The submission is attached, together with comments from Council's Strategic Planning Manager and Director of Engineering & Property Services.

There is no need to change the Management Plan as a result of this submission. A letter will be sent to Bike North Inc acknowledging their submission and advising that their views have been submitted to Council.

Recommending:

THAT Council note the submission from Bike North Inc. Bicycle User Group to the 2004-2007 Management Plan & Budget.

RESOLVED:

THAT the submission be noted.

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

708. G03: Local Government Conference 2004 – Nomination of Delegates

Report of Kerry Gilbert, Director of Corporate Services, 18 June 2004

The 2004 conference is to be held in Armidale during the period Saturday 23 October 2004 to Wednesday 27 October 2004.

North Sydney Council is entitled to four (4) voting delegates to the 2004 LGA Conference. In addition, as a member of the Executive Committee, the Mayor also has voting rights. The General Manager will attend the conference but does not have voting rights.

Accommodation has been booked at the Acacia Motor Inn (7 rooms). Transport arrangements are still to be made.

Recommending:

THAT Council nominate four 'voting' delegates to the 2004 LGA Conference.

RESOLVED:

THAT the following Councillors be delegates at the 2004 LGA Conference:
Councillors Marchandean, Zimmerman, Ritten, Reymond and Oglesby (non-voting).

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

709. G04: Disclosure of Interest Returns

Report of Kerry Gilbert, Director of Corporate Services, 05 July 2004

Section 449 of the Local Government Act 1993 requires all councillors or designated persons to lodge a Disclosure of Interest Return within 3 months of becoming a councillor or designated person.

All councillors who had not lodged a return within the previous 12 months were requested to submit a return by 30 June 2004. Returns have been received from all nominated councillors. The Returns are available for perusal by the Council and members of the public.

Recommending:

THAT the report be received.

RESOLVED:

THAT the report be received.

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

710. G05: Report of Environmental Services Committee

Proceedings of Committee at meeting held on Wednesday, 16 June 2004 at 6.00pm minute nos 19 to 28 inclusive.

Recommending:

THAT the report be received and the recommendations contained therein be adopted.

Re Min No 19: Minutes

The Minutes of the previous meeting held on Wednesday 28 April 2004, copies of which had been previously circulated, were taken as read and confirmed.

Re Min No 20: (ES02) Environmental Induction Program

Report of Peter Bourke, Environmental Management Officer 8th June 2004

Recommending:

THAT the report be received.

Committee recommendation:

THAT the report be received.

Re Min No 21: (ES03) Environmental Management System (EMS)

Report of Peter Bourke, Environmental Management Officer, 8th June 2004

Recommending:

THAT the report be received.

Committee recommendation:

THAT a further report be submitted on the costs and the pros and cons of seeking

Environmental Management System (ISO 14000) certification.

Re Min No 22: (ES04) World Environment Day 2004

Report of Adam Burrowes, Bushland Management Co-ordinator – 08/06/04

Recommending:

THAT the report be received.

Committee recommendation:

THAT the report be received.

Re Min No 23: (ES05) Status of Joint Tender for the Supply of Transfer, Processing and Waste Disposal Services to the NSROC / SHOROC Councils

Report of Bo Karaula, Executive Environmental Health Surveyor, 4/6/04

Recommending:

1. **THAT** the information be received and noted.
2. **THAT** a further report be submitted to Council following the evaluation of the Tenders.

Committee recommendation:

THAT a further report be submitted to Council following the evaluation of the Tenders.

THAT the NSROC tender for the supply of transfer, processing and waste disposal services be addressed as a standing item for the Environmental Services Committee.

Re Min No 24: (ES06) New educational signage for residents of multi-unit dwellings (MUDS) for recycling and household and green waste clean up services

Report of Gabrielle Lewis Environmental Education Officer, 02 June, 2004

Recommending:

THAT the report be received and the information noted.

Committee recommendation:

THAT the report be received and the information noted.

Re Min No 25: (ES07) Sydney Water Every Drop Counts Business Program

Report of Penny Barker, Environmental Management Officer

Recommending:

THAT the information be received.

Committee recommendation:

THAT the information be received.

Re Min No 26: (ES08) Cities for Climate Protection (CCP) Program - Completion of Milestone 5

Report of Penny Barker, Environmental Management Officer

Recommending:

THAT the information be received.

Committee recommendation:

THAT the information be received.

Re Min No 27: (ES09) Report on Dog Incidences

Report of Tony McCormack, Acting Manager, Ranger Services, 9 June 2004

Recommending:

THAT the report be received.

Committee recommendation:

THAT the report be received.

Re Min No 28: Oil spill incident at North Sydney CBD**Committee recommendation:**

THAT congratulations be passed onto all relevant staff regarding the response to the oil spill incident at North Sydney CBD.

RESOLVED:

THAT the report be received and the recommendations therein be adopted with the exception of Min Nos 20 and 24.

Re Min No 20: (ES02) Environmental Induction Program**RESOLVED:**

THAT the report be received.

THAT Councillors be invited to attend one of the Inductions Programs.

Re Min No 24: (ES06) New educational signage for residents of multi-unit dwellings (MUDS) for recycling and household and green waste clean up services**RESOLVED:**

THAT the report be received and the information noted.

THAT the signs also be distributed to the Precincts.

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

711.

G06: Report of Children's Services & Facilities Committee

Proceedings of Committee at meeting held on Wednesday, 30 June 2004 at 6.00pm minute nos 1 to 13 inclusive.

Recommending:

THAT the report be received and the recommendations contained therein be adopted.

Re Min No 1: (CSF00) Election of Chairperson**Committee recommendation:**

THAT Councillor Predavec be confirmed, as per Council resolution, as Chair of the Committee.

Re Min No 2: (CSF01) Management of Children's Playgrounds in North Sydney

Report of Melissa McManus, Technical Officer, 23 June 2004

Recommending:

THAT the report be accepted.

Committee recommendation:

THAT the Traffic Committee be asked to consider the installation of traffic calming devices at Wonga Road, Brightmore Reserve and at Woolcott Street, Merrett Playground.

THAT the role of the Children's & Facilities Services Committee be advertised to local children's services and issues for agenda items be solicited.

Re Min No 3: (CSF02) Children's Services Resource and Support Team (SUPS)

Report of Martin Ellis, Director, Community and Library Services, 21 June 2004

Recommending:

THAT the information be received.

Committee recommendation:

THAT report be received

Re Min No 4: (CFS03) Council's Vacation Care Program

Report of Martin Ellis, Director, Community and Library Services, 21 June 2004

Recommending:

THAT the information be received

Committee recommendation:

THAT the report be received.

THAT the Customer Service and Information Technology Departments and the Vacation Care Coordinator investigate the possibility of installing two or more terminals on enrolment day to assist parents and reduce the need to queue.

Re Min No 5: (CSF04) Family Day Care- Quarterly Management Report January-March 2004

Report of Bronwyn Muir- Family Day Care Co-ordinator, 7 June 2004

Recommending:

THAT the report be received

Committee recommendation:

THAT the report be received.

Re Min No 6: (CSF05) Family Day Care- Quarterly Management Report April – June 2004

Report of Bronwyn Muir- Family Day Care Co-ordinator, 26 June 2004

Recommending:

THAT the report be received

Committee recommendation:

THAT the report be received.

Re Min No 7: (CSF06) Family Day Care – proposed reduction of allocated places

Report of Martin Ellis, Director, Community and Library Services, 18 June 2004

Recommending:

THAT Council write to the Department of Family and Community Services, recommending a reduction in Family Day Care Places from 112 to 100

Committee recommendation:

THAT the report be adopted.

THAT the potential income that can be earned by carers be advertised during recruitment.

Re Min No 8: (CSF07) Forsyth Park Community Centre

Report of Martin Ellis, Director, Community and Library Services, 21 June 2004

Recommending:

THAT the report be received

Committee recommendation:

THAT the report be received.

Re Min No 9: (CSF08) Accreditation

Report of Bronwyn Muir- Family Day Care Co-ordinator, 23 June 2004

Recommending:

THAT the staff and carers be congratulated on an outstanding achievement

Committee recommendation:

THAT the report be adopted.

Re Min No 10: (CSF09) Greenwood Child Care Centre extension

Report of Martin Ellis, Director, Community and Library Services, 21 June 2004

Recommending:

THAT the information be received

Committee recommendation:

THAT preference in enrolment for additional places be given to North Sydney residents.

Re Min No 11: (CSF10) Submissions on the Donations Budget 2004-5

Report of Martin Ellis, Director, Community and Library Services, 21 June 2004

Recommending:

THAT \$16,000 be carried over from the 2003/4 budget to 2004/5

THAT McMahons Point Occasional Care be granted an additional \$3,000 for 2004/5, making a total of \$5,000 pa (Category B in the report – implied ongoing - on application)

THAT Nanyima Centre be granted \$3,000 in 2004/5 (Category B in the report – implied ongoing - on application)

THAT in the 2005/6 estimates Council consider adding an additional \$6,000 to category B (ongoing support for service infrastructure) to enable a continuance of this level of funding to Nanyima Centre and McMahons Point Occasional Care

THAT Centacare be granted \$10,000 in 2004/5 (Category C – implied one-off)

THAT a report be brought to the next Management Services Committee, reviewing the conditions of Heritage Grant

THAT the Agreement between Council and the Neutral Bay Club be for a period of 5 years, and a clause be inserted in the agreement to the effect that the donation be refunded if the Club requests a reversal of the re-zoning to allow development.

THAT these donations be advertised

Committee recommendation:

THAT \$16,000 be sourced from additional rate revenue thus reducing transfers to capital works reserve by this amount

THAT McMahons Point Occasional Care be granted an additional \$3,000 for 2004/5, making a total of \$5,000 pa (Category B in the report – implied ongoing - on application)

THAT Nanyima Centre be granted \$3,000 in 2004/5 (Category B in the report – implied ongoing - on application)

THAT in the 2005/6 estimates Council consider adding an additional \$6,000 to category B (ongoing support for service infrastructure) to enable a continuance of this level of funding to Nanyima Centre and McMahons Point Occasional Care

THAT Centacare be granted \$10,000 in 2004/5 (Category C – implied one-off)

THAT a report be brought to the next Management Services Committee, reviewing the conditions of Heritage Grant

THAT the Agreement between Council and the Neutral Bay Club be for a period to be negotiated, and a clause be inserted in the agreement to the effect that the donation be refunded if the Club defaults.

THAT these donations be advertised

Re Min No 12: (CSF11) Proposed New Child Care Centre – progress report

Report of Martin Ellis, Director, Community and Library Services, 21 June 2004

Recommending:

THAT the proposed new child care centre be a long day care centre with a well developed pre-school component, and that negotiations with the Department of Education be entered into on this basis

THAT KU Children's Services and Cameragal Montessori be advised of Council's concern about the large number of non-resident usage of their North Sydney preschool operations and what steps they can take to improve the balance in favour of residents.

Committee recommendation:

THAT the proposed new child care centre be a long day care centre with a well developed pre-school component, and that negotiations with the Department of Education be entered into on this basis.

THAT the Department of Education be asked to consider advancing the required funding to be repaid by Council.

THAT KU Children's Services and Cameragal Montessori be required to implement the terms of their leases at Kendall Community Centre, Grandstand and Forsyth Park, or as otherwise agreed in conversation, regarding giving priority to North Sydney residents for 2005 enrolments.

THAT the Strategic Planning Department be asked to advise on mechanisms for encouraging childcare facilities in new commercial developments.

Re Min No 13: (CSF12) Safety Glass Regulations

Report of Martin Ellis, Director, Community and Library Services, 18 June 2004

Recommending:

THAT the Committee be advised, when the new regulations are in place, of any issues relating to Child care services in North Sydney

Committee recommendation:

THAT the report be adopted.

RESOLVED:

THAT the report be received and the recommendations therein be adopted with the exception of Min No 8.

Re Min No 8: (CSF07) Forsyth Park Community Centre

Report of Martin Ellis, Director, Community and Library Services, 21 June 2004

RESOLVED:

THAT the following discussion note be added to the Minutes:

“Councillor Predavec and the Director of Community & Library Services tabled an email from Cameragal Montessori requesting that discussions be pursued about expanding the Centre beyond the existing boundaries.”

THAT the report be received.

THAT Council officers commence discussions with Cameragal Montessori on the proposal to expand the Centre and report back to Council.

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

Division of Planning & Development Services

712. PDS01: North Sydney Local Environmental Plan 2001 Amendment No 14

Report of Katrina Best, Strategic Planner, 29 June 2004

North Sydney Local Environmental Plan, 2001 (Amendment No. 14) was gazetted on Friday 28 May 2004.

The plan applies to 23, 25 and 33 East Crescent Street, McMahons Point and 1 Bayview Street, Lavender Bay.

The plan rezones the subject properties to Residential C, removes these properties from Schedule - 9 Local Open Space Reservations under NSLEP 2001, amends the Foreshore Building Line in accordance with the building line and amends the foreshore line.

Recommending:

THAT the report be received.

RESOLVED:

THAT the report be received.

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

Voting was as follows:

For/Against 10/1

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

713. PDS02: 303-321 Miller Street, Cammeray – proposed rezoning – North Sydney Draft Local Environmental Plan 2001 Amendment No 10 (Miscellaneous Amendments No 2)

Report of Kathryn Werner, Strategic Planner, 6 July 2004

At its meeting on 21 July 2003, Council resolved to defer the rezoning of 303-321 Miller Street, Cammeray (the former RTA Motor Registry) from the Draft Local Environmental Plan known as Miscellaneous Amendments No 2 (Amendment No 10) until the occupation certificate for the approved apartment development (DA 71/02) on this land had been issued.

Council officers have inspected the above development, and it is nearing completion. It is unlikely that the development would be significantly altered at this stage.

It was originally proposed to rezone the land to Residential C and the completed development will be consistent with this zoning. This proposal was publicly exhibited and no objections were received.

Therefore, deferral of this item from Miscellaneous Amendments No 2 (Amendment No 10) is no longer required, and it is recommended that Council reinstate this matter into Amendment No 10 prior to its gazettal.

Recommending:

1. **THAT** Council resolve to reinstate the rezoning of 303-321 Miller Street, Cammeray in draft North Sydney Local Environmental Plan Amendment No 10 (Miscellaneous Amendments No 2) prior to the gazettal of that amendment.
2. **THAT** the Department of Infrastructure, Planning and Natural Resources be informed of Council’s decision.

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

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

Voting was as follows:

For/Against 10/1

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

714. PDS03: Draft Local Environmental Plan – Benelong Lane, Grasmere Reserve, Cremorne

Report of Kathryn Werner, Strategic Planner, 5 July 2004

At its meeting on 19 May 2003 Council adopted a draft local environmental plan (DLEP) to amend North Sydney Local Environmental Plan 2001 (NSLEP 2001) to rezone certain parcels of land, correct some anomalies and add clarification to the controls. The DLEP was referred to the Department of Infrastructure, Planning and Natural Resources (DIPNR) for gazettal on 27 May 2003, but has not yet been gazetted.

This DLEP included the rezoning of the formed road known as Benelong Lane, Cremorne from Public Open Space Zone to Road, however it did not identify that Grasmere Reserve was classified as Community Land. It is therefore necessary that Council re-exhibit the proposed rezoning of Benelong Lane, Cremorne to include the proposed reclassification of that land from Community to Operational land.

Recommending:

- THAT** Council resolve to prepare Draft Local Environmental Plan for Benelong Lane, Grasmere Reserve, Cremorne, and to adopt the draft instrument attached to this report, for exhibition.
- THAT** the NSW Department of Planning be informed of Council's decision in accordance with Section 54 of the Environmental Planning & Assessment Act, 1979.
- THAT** the Draft Local Environmental Plan be certified, under Section 65 of the Environmental Planning & Assessment Act 1979, using Council's delegations.
- THAT** the Draft Local Environmental Plan be placed on public exhibition for a period of 28 days in accordance with the Environmental Planning & Assessment Act, and Regulation, and in accordance with the NSW Department of Planning guideline on LEP's and Council land.
- THAT** public notice of the exhibition be given.
- THAT** a public hearing concerning the reclassification of land be held, in accordance with the Environmental Planning & Assessment Act 1979 and Local Government Act 1993.

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

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

715. PDS04 96 Cammeray Road, Cammeray (T) DA 167/04

(Previously dealt with see Minute No 692)

716. PDS05: 70A High Street, North Sydney (V) DA50/04

(Previously dealt with see Minute No 693)

717. PDS06: 67 Bank Street, North Sydney (W) DA198/04

(Previously dealt with see Minute No 696)

718. PDS07: 29 Willoughby Road Crows Nest (W) DA653/03

Applicant: P and K Xenos

Report of Kim Rothe, Assessment Officer - 28 June 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 proposal to be amended for the provision of a disabled toilet on the ground floor of the building in accordance with the Building Code of Australia.
 - (b) The hand basins be provided in the ground floor urinal toilets
 - (c) The adjoining first floor residential flat cease to be used for ancillary storage to the restaurant and all references to the use be deleted from the plans
- C. **THAT** Council delegates to the General Manager pursuant to Section 377 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 within twenty-one (21) days of the date of the request for amended plans, the application be refused for the following reasons:

Sanitary Facilities

For failure in the provision to provide an adequate number of sanitary facilities to service the proposed number of patrons.

Particulars

- a. *Part F.2.3 of the BCA which establishes acceptable numbers of toilet facilities in relation to patron numbers.*

Disabled Sanitary Facilities

The proposed development does not provide adequate and equitable sanitary facilities for people with disabilities.

Particulars

- a. *Part F.2.4. of the BCA which establishes acceptable numbers of toilet facilities in relation to patron numbers.*
- b. *Proposed development is inconsistent with the provisions of the Disabilities Discrimination Act in relation to equitable and dignified access to sanitary facilities.*

Public Interest

The proposal is not in the public interest.

Particulars

- a. *The proposal does not provide adequate facilities for the public (including people with disabilities).*
 - b. *Proposes the use of public land for commercial purposes without public benefit.*
- E. **THAT** delegation be granted to the General Manager pursuant to Section 738 of the Local Government 1993 to negotiate the terms of the lease of Council’s footpath for the garbage enclosure.
- F. **THAT** Council hereby authorises its Official Seal to be affixed to the Lease Documents, under the signature of the Mayor and the General Manager.

RESOLVED:

THAT the report be adopted.

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

Voting was as follows: For/Against 10/1

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

719. PDS08: Corner Miller and Ernest Streets, Cammeray (T) DA699/03

(Previously dealt with see Minute No 697)

720. PDS09: 2 Anzac Avenue, Cammeray (T) DA698/03

(Previously dealt with see Minute No 698)

721. PDS10: 65 Burlington Street, Crows Nest DA117/04

(Previously dealt with see Minute No 699)

722. PDS11: 53 Victoria Street, McMahons Point (V) DA122/04

(Previously dealt with see Minute No 700)

723. PDS12: 10 Claude Avenue, Cremorne (C) DA231/04

(Previously dealt with see Minute No 703)

724. PDS13: 9 Macarthur Avenue, Cammeray (T) DA 479/03/2

Applicant: Anthony Mete, Harbord Property Lawyers

Report of Antonia Stuart, Assessment Officer - 5 July 2004

An application has been received in accordance with S96 (1a) of the Environmental Planning and Assessment Act 1979, proposing the deletion of Conditions J1 and J3 of Development Consent No.479/03 in response to the implementation of a positive covenant that must be executed by Council, with Council's seal affixed, and returned to the applicant for lodgement with the Land and Property Information NSW.

The original Development Application (479/03) was received by Council on 9 September 2003 proposing the strata subdivision of the existing building located at 9 Macarthur Avenue from Company Title into 5 strata lots. The subject property is a two storey residential flat building. The building contains three x two bedroom units each with a single garage (Parts 1, 3 and 4), one x two bedroom unit (Part 2), and one garage (Part 5) owned by an individual outside of the building.

However, under NSLEP 2001, the allocation of a garage (Part 5) not to the owner of a unit entitlement in the subject property but to the owner of a unit entitlement in another property would be prohibited in the Residential B zone, as it would result in a use that is not ancillary to a permissible use on the subject site.

Recommending:

PURSUANT TO SECTION 96(1a) OF ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

- A. **THAT** Council, as the consent authority grant development consent to the modification of Development Consent No.479/03, dated the 9 February 2004, under the provisions of Section 96 of the Environmental Planning and Assessment Act, 1979, subject to the following:
1. To delete conditions J1 and J3 of the consent.
 2. To add the following new condition:

Positive Covenant

- J5. A copy of the Section 88E Instrument received at Council on 10 June 2004 and endorsed with Councils seal must be lodged at the NSW Land and Property Information. Details demonstrating compliance with the condition must be provided prior to the issue of the Strata Subdivision Certificate.

(Reason: To ensure compliance with relevant legislative requirements)

- B. **THAT** Council hereby authorises its Official Seal to be affixed to the Section 88E Instrument submitted to Council on 10 June 2004, 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 Ritten.

725. PDS14: 50 Pine Street East Cammeray (T) DA239/04

Applicant: M & A Boutouridis

Report of Geoff Mossemeneer, Executive Assessment Planner - 5 July 2004

It is proposed to demolish the existing dwelling and erect a new dwelling, in ground swimming pool and landscaping. The new dwelling will consist of a basement level containing entry, double garage and store; ground floor containing two bathrooms and four bedrooms; first floor containing bathroom, kitchen, living, dining, family and laundry.

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 with regard to building height plane and grant consent to Development Application No.239/04 subject to the attached standard conditions and following site specific conditions:
- B. **THAT** in approving Development Application No.239/04, 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 subject to an additional condition:

Underground Electricity and Other Services

All overhead electricity and other lines (existing and proposed) shall be undergrounded from the proposed building on the site to the appropriate power pole(s) or other connection point, in accordance with the requirements of Energy Australia. Details to be shown on plans submitted with the Construction Certificate

(Reason: To provide infrastructure that facilitates the future improvement of the streetscape by relocation of overhead lines below ground)

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

726. PDS15: 14/40 Sutherland Street Cremorne DA215/04

(Previously dealt with see Minute No 701)

727. PDS16: 13/40 Sutherland Street Cremorne DA214/04

(Previously dealt with see Minute No 702)

728. PDS17: 91 Broughton Street, Kirribilli (V) DA 174/04

Applicant: Red Rock Design

Report of Report of Karen Rae, Student Assessment Officer - 29 June 2004

The proposal at 91 Broughton Street involves ground and first floor additions and alterations to an existing residential dwelling- house including:

On the ground floor:

- extension of the ground floor rear open deck by 1.2m and addition of stairs to the deck;

- internal alterations to the rear involving an open plan living area including the refurbishment and rearrangement of the kitchen, living room and laundry.
- On the first floor, the refurbishment to the rear of the existing building including:
- the deletion of the existing walk in wardrobe, study and existing open deck to the rear;
 - the addition of ensuite to existing bedroom, linen cupboard, and new bedroom with walk in robe and open deck on the northern elevation.

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 the provisions of clauses 17,18 & 20 of the NSLEP 2001 and grant consent to Development Application No. 174/04 subject to the attached conditions.
- B. **THAT** in approving Development Application No. 174/04, 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 Bevan and seconded by Councillor Gibson.

- 729. PDS18: 2 Bray Street, North Sydney (V) DA830/99/8**
(Previously dealt with see Minute No 704)
- 730. PDS19: Cremorne Point Wharf, 2a Milson Road, Cremorne Point (C) DA248/01/4**
(Previously dealt with see Minute No 690)
- 731. PDS20: 70C High Street, North Sydney (V) DA4/04**
(Previously dealt with see Minute No 694)
- 732. PDS21: 4 Alfred Street, Milsons Point (V) DA296/04**
Applicant: Aqua Dining Pty Ltd
Report of Allan Campling, Planning Consultant - 6 July 2004
A development application has been submitted which seeks Council's consent to the following:
- Construction of two new storage rooms in existing voids between the change room ceilings and grandstand concrete slab.
 - Construction of one entry door to each new storage room to provide access from the mezzanine passageway.

- Installation of a set of concrete steps, landing and entry door linking the Aqua dining restaurant to the mezzanine passageway for access to storage rooms.

Recommending:

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

- A. **THAT** Council, as the consent authority, grant consent to Development Application No. 296/04 subject to the attached standard conditions and the following special conditions:-

Handrail Construction

- B1. The handrail proposed to be located on the existing wall shall be deleted or alternatively shall be fixed only on the rendered section of the wall. Should the handrail not be deleted, plans detailing the fixing of the handrail shall be submitted to Council's Conservation Planner and written approval obtained prior to the issue of a Construction Certificate.

(Reason: Ensure the existing face brick walls are conserved as heritage fabric)

Handrail Construction to be Glass

- B2. The handrail on the northern side of the stairs shall be replaced with a glass balustrade to match existing. Plans detailing the balustrade shall be submitted to Council's Conservation Planner and written approval obtained prior to the issue of a Construction Certificate.

(Reason: Ensure that new design elements are not introduced to the detriment of existing heritage fabric)

Window Repairs

- B3. The existing windows/ventilation slats located on the walls between the proposed storerooms and the mezzanine passageway shall be repaired with no alteration to the fabric. Plans detailing the treatment of the existing windows/ventilation slats shall be submitted to Council's Conservation Planner and written approval obtained prior to the issue of a Construction Certificate.

(Reason: Ensure the existing windows/ventilation slats are conserved)

Balustrade to Match Existing

- B4. Balustrades to match existing shall be installed at the edges of the void. Plans detailing the balustrades shall be submitted to Council's Conservation Planner and written approval obtained prior to the issue of a Construction Certificate.

(Reason: Ensure that new design elements are not introduced to the detriment of existing heritage fabric)

Construction of Stairs

- B5. The stairs shall have a squared form (not angled risers), be painted to match the existing wall and have non-slip tread. Plans detailing the stairs construction shall be submitted to Council's Conservation Planner and written approval obtained prior to the issue of a Construction Certificate.

(Reason: Ensure the stairs are compatible with existing built elements.)

Door Construction

- B6. The detailing of the proposed new door openings shall reflect the style and match the scale and proportions of existing doorways that exit to the grandstand. Doors are to be timber and timber framed. Plans detailing the doors and door openings shall be submitted to Council's Conservation Planner and written approval obtained prior to the issue of a Construction Certificate.

(Reason: Ensure the stairs are compatible with existing built elements.)

Delete Good Lift

- C1. The plans shall be amended by deleting all references to the proposed goods lift, access ladder and associated walls and door. The amendments to the plans shall be made and submitted with the Construction Certificate.
(Reason: To ensure plans indicate deleted elements that are not part of this consent)

Construction of Storage Areas (Food Premises)

- C2. The food storage areas shall be constructed to comply with the requirements of "AS 4674 - 2004 - Design, Construction and Fitout of Food Premises", with regard to the dry goods, food storage areas, with particular consideration to floor, wall, coving, ceiling and vermin/pest proofing requirements. Details demonstrating compliance are to be submitted with the Construction Certificate.
(Reason: To ensure compliance with relevant food safety standards to protect public health)

Use of Storeroom

- I1. The storerooms shall not be used in a manner that generates strong odours or attracts vermin.
(Reason: To maintain amenity of public areas and adjacent uses)

No Recycled or Waste Storage

- I2. The storerooms shall not be used for the storage of waste or recyclable material.
(Reason: To maintain amenity of public areas and adjacent uses)

Concealed Services

- I3. Existing services in the void are to be relocated and concealed behind new ceilings or walls).
(Reason: To ensure services are obscured from view and do not restrict function of store areas)

No storage in Passageways

- I4. The stairway, landing, mezzanine passageway and passageways to storerooms shall not be used for storage and shall not be used for staff recreation.
(Reason: To maintain amenity of public areas and adjacent uses)

Painting

- I5. Painted surfaces are to match existing colour schemes.
(Reason: To ensure compatibility of new surfaces with existing)

- B. **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 subject to special condition B5 being amended to read:

Construction of Stairs

- B5. The stairs shall have a squared form (not angled risers), be painted to match the existing wall, have non-slip tread **and handrails**. Plans detailing the stairs construction shall be submitted to Council's Conservation Planner and written approval obtained prior to the issue of a Construction Certificate.
(Reason: Ensure the stairs are compatible with existing built elements.)

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

733. PDS22: 22 Edward Street North Sydney (W) DA632/03/2

Applicant: PD Mayoh Pty Ltd

Report of Geoff Mossemeneer, Executive Assessment Planner - 6 July 2004

The proposal involves the following works:

- Demolition of existing covered walkway and single storey addition to the front of "Purves House"
- Demolition of two storey verandah attached to southern side of "Upton Grange"
- Demolition of sun room and later service additions to western façade of "Upton Grange"
- Demolition of substantially modified 1890's timber cottage in Lord Street (not Heritage Item)
- Demolition of carport structure fronting Lord Street
- Demolition of corner school building fronting Lord Street and Edwards Street
- Construction of new two to three storey Preparatory School building fronting Lord Street comprising of 12 class rooms and a library
- Provision of entry and exit driveway to Edwards Street
- Provision of two open parking spaces to Lord Street
- Re-contouring and landscaping of the existing open areas
- Internal modifications and upgrading of "Purves House" for specialist activities
- Restoration of the external fabric of "Purves House" including its entry portico
- Internal modifications and refurbishment of "Upton Grange" for staff use
- Restoration of external features of "Upton Grange"
- Construction of a new covered link across the centre of the site between the existing complex and new buildings
- Construction of a Multi Activity Centre and associated courtyard at the rear of "Purves House" adjoining the rear of "Graythwaite"
- Associated landscape works

The proposal also provides details of demountable classrooms to be located on the western edge of the Senior School grounds near Edward Street. As the demountables are single storey and are not to be used for more than 5 years, development consent is not required pursuant to clause 11B of SEPP 4 – Development without consent and miscellaneous exempt and complying development.

Modification

The applicant is seeking modifications to the wording of the engineering condition C8 with regard to roadworks in Lord Street. The condition has been interpreted to mean the reconstruction of the 2m width of roadway adjacent to new kerb and gutter, footpath and any transition works for the full length of Lord Street.

Recommending:

PURSUANT TO SECTION 96(1) OF ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

- A. **THAT** Council, as the consent authority, modify Development Consent No. 632/03 dated 2 February 2004 for the upgrading of Preparatory School comprising modifications to existing buildings, demolition of some structures and construction of new buildings at 22 Edward Street North Sydney 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 C8 and replace it with the following new condition namely

Road Works

C8. The applicant shall reconstruct/construct the carriageway shoulder (1200mm wide strip adjacent to all new gutter works), layback, full frontage kerb/gutter (except for the location of the layback), crossing, footpath pavement and transition works. The works shall be designed and constructed in compliance with the following:

- a) All elements of the works within the road reserve shall be constructed in accordance with Council's current documents

Infrastructure Specification and Vehicular Access Application Guidelines and Specification.

- b) All redundant laybacks shall be reinstated as kerb and gutter.
- c) The proposed kerb gutter and layback gutter alignment shall be raised/lowered on a parallel alignment to the existing gutter to ensure that the cross-fall grade of the carriageway shoulder is not greater than 5.5% or less than 1.0% for a distance of 2000mm, falling to the gutter, starting from the surface of the existing carriageway 2450mm from the existing face of kerb.
- d) The footpath pavement and grass verge shall be placed on a single straight grade of 3.0% falling to the top of kerb. The footpath pavement shall match the existing in width and shall be placed adjacent to the front boundary of the property.
- e) Footpath pavement transition works are required to ensure gentle changes in grade, drainage and no ‘trip’ hazards between the existing and proposed pavement. These works have been assessed as 1500mm in length or one pavement panel, whichever is the greatest.
- f) Kerb/gutter transition works are required to ensure gentle changes in grade and longitudinal drainage between the existing and proposed kerb and gutter. These works have been assessed as:
 - i) Upstream of the proposed layback, the kerb/gutter shall be reconstructed for a length of 1000mm or to a point where a longitudinal gutter grade of 1.0% can be achieved or to an existing joint, whichever is the greatest.
 - ii) Downstream of the existing layback, the kerb/gutter shall be reconstructed for a length of 1000mm or to an existing joint, whichever is the greatest.
- g) All design drawings in relation to the vehicular crossing and road works shall be submitted to Council prior to the issue of the Construction Certificate for construction works.
- h) The applicant shall reconstruct the existing footpath adjoining the property in Edward Street with a new concrete footpath to replace the existing one in accordance with and to Council’s requirements and to the satisfaction of Council’s Director of Engineering and Property Services.

(Reason: To facilitate vehicular access to private sites, without disruption to pedestrian and vehicular traffic)

RESOLVED:

THAT the report be adopted.

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

Voting was as follows: For/Against 10/1

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

734. PDS23: 568 Miller Street, Cammeray

(Previously dealt with see Minute No 691)

Division of Community & Library Services

735. **CLS01: Guringai Festival Awards Ceremony**

Report of Narelle Spooner, Coordinator of Arts & Culture, 5.7.04

This report outlines the Guringai Festival Awards Ceremony, organised by Council's Community Development team under the umbrella of North Sydney Aboriginal Social Plan. It was held in Council's Hutley Hall on Friday 2 July at 6.30pm with the Mayor as master of ceremonies, and Rob Welch, Chair of the Aboriginal Local Metropolitan Land Council, presenting the Awards. The evening was a celebration of Indigenous Art & Culture, with a stunning dance sequence and indigenous music accompanying an art exhibition. The main purpose of the night however was to acknowledge the achievements of individuals and groups in promoting reconciliation in the wider community. Council received many positive comments regarding the success of the awards ceremony throughout the evening. Council's Manager of Aboriginal Heritage Sites, David Watts, was named winner in his category

Recommending:

THAT David Watts be congratulated on an outstanding achievement.

THAT the artist who created the awards also be congratulated.

RESOLVED:

THAT David Watts be congratulated on an outstanding achievement.

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

736. **CLS02: Salary Subsidy for Aged & Disability Worker, 2004-5**

Report of Martin Ellis, Director, Community and Library Services, 6 July 2004

The position of Council's Age and Disability Worker, whose principal tasks include serving the Access Committee and administering Council's Disability Discrimination Action Plan, providing advice to Council's Assessment team on access issues, implementing the Access Works program, representing the Council area in the HACC forum, and devising various other forums and community building projects such as revitalising the Neutral Bay Seniors and the Greenway project, is part funded (\$19,492) by the Department of Ageing Disability and Home Care. A variation to the Funding Agreement has been received and requires Council's seal.

Recommending:

THAT Council hereby authorises its Official Seal to be affixed to the Acceptance of Funding Variation from the Department of Ageing Disability and Home Care 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 Burke.

Division of Engineering & Property Services

737. EPS01: Ground & First Floor, 232 Miller Street North Sydney - Proposed Assignment of Lease

Report of J Rowan, Property Administration Officer, 2 July 2004

The ground floor commercial premises, 232 Miller Street (lettable area 113 square metres), and the first floor (residential premises, lettable area 120 square metres) are currently leased to Joanne Notares & Michelle Corban under a Lease & Residential Tenancy Agreement which are due to expire on 31 January 2010. The current rent is \$67,491.84 + GST per annum for the ground floor commercial Lease & \$12,730.80 + GST pa for the first floor residential premises respectively. The tenant wishes to assign the ground floor commercial Lease & first floor Residential Tenancy Agreement to the proposed new tenants of the subject premises, Sands Foods No. 2 Pty Limited. Council's Property Management consultants have advised that the requirements under the Retail Leases Act for the proposed assignment of the Lease of the ground floor commercial premises & first floor residential premises have been satisfied and that there is no reason to withhold the granting of consent to the assignment of the ground floor commercial lease and first floor residential tenancy agreement to the proposed new tenants.

Recommending:

1. **THAT** consent be given to the assignment of the lease of the ground floor commercial premises 232 Miller Street North Sydney and residential tenancy agreement of the first floor residential premises, 232 Miller Street, to Sands Foods No. 2 Pty Limited.
2. **THAT** Council hereby authorises its Official Seal to be affixed under the signature of the Mayor and the General Manager to the Deed of Consent to Assignment of Lease in respect of the ground floor commercial premises, 232 Miller Street, and first floor residential premises, 232 Miller Street, to Sands Foods No. 2 Pty Limited.

738. EPS02: Commercial Lease: Ground Floor, Macartney Stand, 283A Miller Street, North Sydney

Report of J Rowan, Property Administration Officer, 5 July 2004

It is proposed that a commercial lease be entered into with the proposed new tenants of the subject premises, in accordance with the terms and conditions, as follows, which have been recommended by Council's Property Management consultants, Preston Rowe Paterson:

Tenant: The Cricket Centre Pty Limited

Term: Five (5) Years, commencing 1 June 2004

Option to renew the Lease: Five (5) Years

Rent: \$52,000.00 + GST, per annum (\$250.00 psm)

Previous Rent: \$47,840.00 + GST per annum (\$230.00 psm)

Rent Review: CPI review, on each anniversary of the commencing date

Permitted Use of Premises: Retail sale of cricket goods

Lettable Area: 208 square metres

Recommending:

1. **THAT** a commercial lease be entered into with The Cricket Centre Pty Limited in respect of the ground floor of the Macartney Stand, 283A Miller Street, North Sydney, subject to terms and conditions as follows:
Term: Five (5) Years, commencing 1 June 2004
Rent: \$52,000.00 + GST, per annum
2. **THAT** Council hereby authorises its Official Seal to be affixed to the Lease to The Cricket Centre Pty Limited, commencing 1 June 2004, of the Macartney Stand, 283A 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 Ritten and seconded by Councillor Predavec.

739. EPS03: Crows Nest CBD – Parking Meter Rates

Report of Greg Cooper, Director of Engineering & Property Services, 23 June 2004.
 Crows Nest Chamber of Commerce requested that the fees be revised at the Crows Nest Streetscape Committee. The committee met on Tuesday 22 June 04.
 They resolved that the peak 60min rate to be reduced to \$3.50 and that the northern section of Crows Nest core area to be placed in the Low/Medium demand area.

Recommending:

THAT the recommendation be adopted

RESOLVED:

THAT the recommendation for parking meter rates in Crows Nest CBD be adopted and reviewed following the survey of meter usage rates scheduled to take place in November 2004.

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

Voting was as follows:

For/Against 9/2

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

740. EPS04: Diagrammatic Plan for Outdoor Dining/Display of Goods on Footpath – Fitzroy Street, Kirribilli, between Broughton Street and Jeffreys Street (Adjacent Properties Zoned Residential Neighbourhood Business D)

Report of Greg Cooper, Director of Engineering & Property Services
 A report was submitted to the Property Development Committee meeting on 28 June 2004 attaching a diagrammatic plan to denote areas on Council's footpath that may be used for outdoor dining or for the display of goods adjacent to retail premises in Fitzroy Street, Kirribilli, between Broughton Street and Jeffreys Street. The plan incorporates Council's Policy & Guidelines for Use of Footpath for Outdoor Dining or for the Display of Goods and is submitted to Council for adoption as recommended by the Kirribilli Streetscape Committee. A decision was deferred pending advice which has now been received and the recommendation of that report stands.

Recommending:

THAT Council adopt the attached diagrammatic plan dated 7 April 2004.

It was moved by Councillor Gibson and seconded by Councillor Bevan -

THAT the situation remain unchanged with regard to the areas used for outdoor dining or for the display of goods adjacent to retail premises in Fitzroy Street, Kirribilli between Broughton Street and Jeffreys Street.

THAT a report be submitted to Council regarding changing the Guidelines for Use of Footpath for Outdoor Dining or for the Display of Goods to permit a 1.5m clear pedestrian corridor in medium density areas.

THAT consideration be given to fixed seating in Fitzroy Street.

It was moved as an amendment by Councillor Ritten and seconded by Councillor Marchandean -

THAT the diagrammatic plan dated 7 April 2004 be adopted.

The amendment was put and **lost**.

Voting on the amendment was as follows: For/Against 5/6

Councillors For	Councillors Against
McCaffery Reymond Marchandean Oglesby Ritten	Gibson Bevan Zimmerman Predave Burke Carland

The motion was put and **carried**.

Voting was as follows: For/Against 6/5

Councillors For	Councillors Against
Gibson Bevan Reymond Zimmerman Predave Burke Carland	McCaffery Marchandean Oglesby Ritten

RESOLVED:

THAT the situation remain unchanged with regard to the areas used for outdoor dining or for the display of goods adjacent to retail premises in Fitzroy Street, Kirribilli between Broughton Street and Jeffreys Street.

THAT a report be submitted to Council regarding changing the Guidelines for Use of Footpath for Outdoor Dining or for the Display of Goods to permit a 1.5m clear pedestrian corridor in medium density areas.

THAT consideration be given to fixed seating in Fitzroy Street.

741. EPS05: Report of 406th Traffic Committee

Proceedings of Committee at meeting held on Friday, 25 June 2004 at 10.00am minute nos 168to 247 inclusive.

Recommending:

THAT the report be received and the recommendations contained therein be adopted.

Re Min No 168: Introduction

Mr W Balak, from the Roads and Traffic Authority, introduced Ms Kaye Morrow who most likely will replace him on the Committee.

Re Min No 169: Minutes

The Minutes of the previous meeting held on Friday 14 May 2004, copies of which had been previously circulated, were taken as read and confirmed subject to the second recommendation in Minute No 125 – (4.28) Premier Street, Neutral Bay – Parking Restrictions – being amended to read:

"**That** a survey be undertaken of residents in Premier and Hardie Streets to consider restricting the currently unrestricted parking to 4 hours."

Re Min No 170: On Min No 140: (4.12) Carabella Street, Kirribilli – Parking Restrictions (14/05/04)

Clr Ritten referred to the resolution from Council at its meeting on 31 May 2004, as follows:

"**THAT** the 8 unrestricted parking be changed to "2 Hour Parking 6.30am–10pm Mon–Sun Residents Excepted" spaces on the eastern side of the northern end of Carabella Street, Kirribilli."

Re Min No 171: (4.1) Pacific Highway, North Sydney – Traffic Congestion

Report of Traffic Engineer, Cathy Edwards-Davis 5 May 2004

Recommending:

THAT the matter be referred to the RTA for investigation.

Committee recommendation:

THAT the report be adopted.

Re Min No 172: (4.3) Cliff Street, Milsons Point – Traffic Bollards

Report of Traffic Engineer, Cathy Edwards-Davis 7 May 2004

Recommending:

THAT the mountable kerb and gutter in front of the building's fire and electrical essential services cupboards for 6 Cliff Street be replaced with 200mm high kerb and gutter at the owner's expense.

Committee recommendation:

THAT the report be adopted.

Re Min No173: (4.10) Shirley Road, Gillies Street, Morton Street, Rocklands Road and Hazelbank Road, Wollstonecraft – Traffic Volume

Report of Traffic Engineer, Cathy Edwards-Davis 27/5/04

Recommending:

THAT Council undertake traffic counts on Morton Street, Hazelbank Road and Rocklands Road.

Committee recommendation:

1. **THAT** Council undertake traffic counts on Morton Street, Hazelbank Road and Rocklands Road.
2. **THAT** the Traffic Engineer seek advice from the Wollstonecraft Precinct as to where to undertake traffic counts on Gillies Street.
3. **THAT** Council liaise with the Roads and Traffic Authority regarding any proposed changes.

Re Min No 174: (4.11) 112 Pacific Highway, North Sydney – Construction Management Plan

Report of Traffic Engineer, Cathy Edwards-Davis 28 May 2004

Recommending:

THAT the traffic aspects of the Construction Management Plan for Development Application 301/2003 at 112-116 Pacific Highway and 9 Napier Street, North Sydney, be approved subject to the conditions of approval stated in the report.

Committee recommendation:

THAT the traffic aspects of the Construction Management Plan for Development Application 301/2003 at 112-116 Pacific Highway and 9 Napier Street, North Sydney, be approved subject to the conditions of approval stated in the report including a further condition that the site be accessed only via Berry Street: construction vehicles are not to travel along Bay Road or Edward Street.

Re Min No 175: (4.13) 258 Pacific Highway, Crows Nest – Construction Management Plan

Report of Traffic Engineer, Cathy Edwards-Davis 2/6/04

Recommending:

THAT the traffic aspects of the Construction Management Plan for Development Application 1010/01 at 258 Pacific Highway, Crows Nest, be approved subject to the conditions of approval stated in the report.

Committee recommendation:

1. **THAT** the traffic aspects of the Construction Management Plan for Development Application 1010/01 at 258 Pacific Highway, Crows Nest, be approved subject to the conditions of approval stated in the report including a further condition that construction vehicles are not to travel along Sinclair Street.
2. **THAT** application be made to the Roads and Traffic Authority detailing where Seeto and Lee Pty Ltd intend to queue their construction vehicles.

Re Min No 176: (4.15) Carlow Street, North Sydney – Parking Restrictions

Report of Traffic Planning Assistant, Maria Coyne 11 June 2004

Recommending:

THAT the existing parking restrictions remain.

THAT the Parking Services Officers be requested to enforce parking restrictions in Carlow Street, North Sydney.

Committee recommendation:

1. **THAT** the existing parking restrictions remain.
2. **THAT** the Parking Services Officers be requested to enforce parking restrictions in Carlow Street, North Sydney.
3. **THAT** the matter of resident parking in Carlow Street be investigated.
4. **THAT** the matter of converting any unrestricted parking spaces in order to increase the number of restricted parking spaces be investigated.

Re Min No 177: (4.19) Holtermann Street, Crows Nest – Traffic Conditions

Report of Traffic Engineer, Cathy Edwards-Davis 7/6/04

Recommending:

THAT for the reasons stated in the report, no further action be taken with regard to this request.

Committee recommendation:

THAT a survey of Holtermann Street be conducted.

Re Min No 178: (4.20) Waters Road, Neutral Bay – Traffic Conditions

Report of Traffic Engineer, Cathy Edwards-Davis 8/6/04

Recommending:

1. **THAT** Council request the RTA give consideration to installing a right-turn phase for vehicles on Ben Boyd Road, turning into Military Road.
2. **THAT** Council request the RTA give consideration to combining the right-turn phase for vehicles on Ben Boyd Road into Military Road, with a right-turn phase for southbound vehicles in Young Street.
3. **THAT** Council request that the RTA give consideration to moving the vehicle stop lines further south on the southern side of the intersection of Wycombe Road and Military Road, to improve pedestrian safety.
4. **THAT** Council request that the RTA give consideration to increasing the pedestrian phase for pedestrians crossing Military Road, at Wycombe Road.

5. **THAT** Council install a "Do Not Queue Across Intersection" sign at the intersection of Military Road and Wycombe Road, with concurrence from the RTA.
6. **THAT** Council request that the RTA give consideration to modification of the existing signage at the intersection of Wycombe Road and Military Road.
7. **THAT** Council request that the RTA give consideration to allowing eastbound vehicles in Belgrave Road, to turn right into Waters Road and introduce a right-turn slip lane at this location.

Committee recommendation:

1. **THAT** Council request the RTA give consideration to installing a right-turn phase for vehicles on Ben Boyd Road, turning into Military Road.
2. **THAT** Council request the RTA give consideration to combining the right-turn phase for vehicles on Ben Boyd Road into Military Road, with a right-turn phase for southbound vehicles in Young Street.
3. **THAT** Council request that the RTA give consideration to moving the vehicle stop lines further back from the pedestrian crossings in Military Road (both east and west sides), to improve pedestrian safety.
4. **THAT** Council request that the RTA give consideration to increasing the pedestrian phase for pedestrians crossing Military Road, at Wycombe Road.
5. **THAT** Council request NSW Police to increase surveillance at the intersection of Military Road and Wycombe Road.
6. **THAT** Council request that the RTA give consideration to modification of the existing signage at the intersection of Wycombe Road and Military Road as detailed in the report, but including "Buses Excepted" in the left lane.
7. **THAT** Council request that the RTA install "Buses Excepted" line-marking in the left lane on Wycombe Road, at Military Road.
8. **THAT** Council request that the RTA give consideration to allowing eastbound vehicles in Belgrave Road, to turn right into Waters Road and introduce a right-turn slip lane at this location.
9. **THAT** the matter of a contra-flow bicycle lane in Waters Road be referred to the Bicycle Subcommittee.

Re Min No 179: (4.21) Bay Road & McHatton Street, Waverton – North Sydney Demonstration School Pick Up and Set Down

Report of Traffic Planning Assistant, Maria Coyne 11 June 2004

Recommending:

1. **THAT** the School be requested to notify the carers through their newsletters of the requirements of the parking restrictions on a regular basis.
2. **THAT** the Parking Services Officers be requested to enforce parking restrictions in Bay Road & McHatton Street, Waverton.

Committee recommendation:

THAT the report be adopted.

Re Min No 180: (4.22) Murdoch Street, Cremorne – Proposed Wombat Crossing

Report of Traffic Engineer, Cathy Edwards-Davis 8/6/04

Recommending:

THAT for the reasons outlined in the report, Council proceed with the installation of the wombat crossing in Murdoch Street, north of the intersection with Hampden Avenue.
THAT Council's Road Safety Officer work with SCECGS Redlands School to develop safe methods for pick up and drop off.

THAT Council refer the request for a traffic island on Hampden Avenue at the intersection of Murdoch Street to the Traffic Facilities Program for consideration.

THAT Council install linemarking at the driveways to 72 and 74 Murdoch Street to reduce the number of vehicles blocking their driveways.

THAT Council re-mark the faded linemarking associated with the pedestrian crossing in Murdoch Street, north of the intersection with Hampden Avenue.

Committee recommendation:

1. **THAT** for the reasons outlined in the report, Council proceed with the installation of the modified design wombat crossing in Murdoch Street, north of the intersection with Hampden Avenue.
2. **THAT** Council's Road Safety Officer work with SCECGS Redlands School to develop safe methods for pick up and drop off.
3. **THAT** Council refer the request for a traffic island on Hampden Avenue at the intersection of Murdoch Street to the Traffic Facilities Program for consideration.
4. **THAT** Council install linemarking at the driveways to 72 and 74 Murdoch Street to reduce the number of vehicles blocking their driveways.
5. **THAT** Council re-mark the faded linemarking associated with the pedestrian crossing in Murdoch Street, north of the intersection with Hampden Avenue.
6. **THAT** the wombat crossing design take into consideration bicycles.
7. **THAT** "No Parking" restrictions be placed across the driveways at Nos 72-74 Murdoch Street.

Re Min No 181: (4.23) Bank Street, North Sydney – Parking Restrictions

Report of Traffic Engineer, Cathy Edwards-Davis 10/6/04

Recommending:

THAT for the reasons stated in the report, the existing parking restrictions in Bank Street remain.

THAT the Rangers be requested to undertake a campaign in Bank Street.

Committee recommendation:

1. **THAT** four parking spaces opposite Lord Street reserve be converted from 2 hr restricted parking to unrestricted parking.
2. **THAT** Council install four "1 Hour Parking 8.30am-6.00pm Mon-Fri Residents Excepted" parking spaces at the northern end of Bank Street.
3. **THAT** the Rangers be requested to undertake a campaign in Bank Street.

Re Min No 182: (4.27) Miller Street, North Sydney – Loading Zone

Report of Traffic Planning Assistant, Maria Coyne 11 June 2004

Recommending:

THAT Council undertake no further action with regard to this request.

Committee recommendation:

1. **THAT** the request for a Loading Zone to be installed outside Tower Square, 155-167 Miller Street, North Sydney, be referred to the Roads and Traffic Authority for investigation.
2. **THAT** the matter of the cycle lane be referred to the Bicycle Subcommittee.

Re Min No 183: (4.28) Hipwood Street, Kirribilli – Parking Restriction Survey

Report of Traffic Planning Officer, Maria Coyne 11 June 2004

Recommending:

THAT no further action be taken at this stage.

Committee recommendation:

THAT the report be adopted.

Re Min No 184: (4.29) Standing Item - Chandos Street & Alexander Street, Crows Nest – Proposed Traffic Signals

Report of Traffic Engineer, Cathy Edwards-Davis 11 June 2004

Recommending:

THAT Council engage a consultant to undertake an INTANAL analysis of the intersection.

Committee recommendation:

THAT the report be adopted.

Re Min No 185: (4.31) Blues Point Road, McMahons Point – Parking Restriction Survey

Report of Traffic Planning Officer, Maria Coyne 15 June 2004

Recommending:

THAT no further action be taken at this stage.

Committee recommendation:

1. **THAT** three 1-hr restricted parking spaces, 8.30am-6.00pm Mon-Fri, residents excepted, be installed outside 62-66 Blues Point Road, between West Crescent Street and McManus Street.
2. **THAT** the Rangers be requested to continue their enforcement of the parking restrictions in Blues Point Road, McMahons Point.

Re Min No 186: (4.33) Benelong Road, Cremorne – Speeding Issues

Report of Traffic Engineer, Cathy Edwards-Davis 11/6/04

Recommending:

THAT for the reasons stated in the report, no further action be taken with regard to this request.

Committee recommendation:

THAT the report be adopted.

Re Min No 187: (4.37) Grafton Street - No Stopping

Report of Traffic Planning Officer, Greg Holding 15 June 2004

Recommending:

THAT the matter be referred to the Streetscape Committee for consideration.

Committee recommendation:

THAT the matter be referred to the Cammeray Streetscape Committee for consideration.

Re Min No 188: (4.40) Cammeray & Cremorne – Traffic Conditions

Report of Traffic Engineer, Cathy Edwards-Davis 15/6/04

Recommending:

THAT the issues raised in the report be referred to the relevant Precincts for their consideration and comment.

THAT Council undertake traffic counts to determine the current traffic volume on Young Street, Earle Street and Grafton Street.

Committee recommendation:

THAT the report be adopted.

Re Min No 189: (4.44) Pedestrian Subcommittee Minutes

Report of Traffic Engineer, Cathy Edwards-Davis 15/6/04

Recommending:

THAT the recommendations from the Pedestrian Subcommittee be adopted.

Committee recommendation:

THAT the recommendations from the Pedestrian Subcommittee be adopted with the exception of Minute No 10.

On Minute No 10 - (4.8) St Leonards Public Domain Strategy**Committee recommendation:**

THAT the addition of the contra-flow bicycle lane in Atchison Street be investigated as part of the St Leonards Public Domain Strategy.

Re Min No 190: (4.45) Bruce Street - Motorbike Parking

Report of Traffic Planning Officer, Greg Holding 15 June 2004

Recommending:

THAT the 3 metered motorbike parking spaces in Bruce Street, Crows Nest, be removed to assist traffic flow onto Pacific Highway.

Committee recommendation:

1. **THAT** the 3 metered motorbike parking spaces in Bruce Street, Crows Nest, be removed to assist traffic flow onto Pacific Highway.
2. **THAT** Council install appropriate lane line-markings.

Re Min No 191: (4.46) 7-9 & 11 Wheatleigh Street, Crows Nest – Construction Management Plan

Report of Traffic Engineer, Cathy Edwards-Davis 15/6/04

Recommending:

THAT the traffic aspects of the Construction Management Plan for Development Application 377/03 at 7-9 & 11 Wheatleigh Street, Crows Nest, be approved subject to the conditions of approval stated in the report.

THAT the applicant be requested to refer the Construction Management Plan for Development Application 377/03 at 7-9 & 11 Wheatleigh Street, Crows Nest, to Willoughby Council for their information.

Committee recommendation:

THAT the report be adopted.

(4.50) 100 Pacific Highway, North Sydney – Construction Management Plan

Report of Traffic Engineer, Cathy Edwards-Davis 23 June 2004

Recommending:

THAT the traffic aspects, with the exception of the proposed Works Zone, of the Construction Management Plan for Development Application 285/02 at 100 Pacific Highway, North Sydney, be approved subject to the conditions of approval stated in the report.

THAT the applicant be requested to justify the need for the installation of a 36 metre Works Zone on the southern side of Charles Street, during the construction phase, and include a proposal for the relocation of the Loading Zone on the northern side of Charles Street should the Works Zone be approved.

Committee recommendation:

1. **THAT** the traffic aspects, with the exception of the proposed Works Zone, of the Construction Management Plan for Development Application 285/02 at 100 Pacific Highway, North Sydney, be approved subject to the conditions of approval stated in the report.
2. **THAT** the applicant be requested to justify the need for the installation of a 36 metre Works Zone on the southern side of Charles Street, during the construction phase, and include a proposal for the relocation of the Loading Zone on the northern side of Charles Street should the Works Zone be approved.
3. **THAT** construction traffic must not travel via Edward Street or Bay Road.
4. **THAT** transportation of excavation and demolition material to/from the Pacific Highway access point not be permitted during Clearway hours 6.00am-10.00am, 3.00pm-7.00pm, Mon-Fri.
5. **THAT** the applicant provide further information on pedestrian management during works.
6. **THAT** the applicant liaise with the developers at 110 Pacific Highway, to minimise disruption due to construction vehicles.
7. **THAT** the report be forwarded to the Edward Precinct for its information.

Re Min No 193: (5.1) Macpherson Street, Cremorne

Ms R Lewarne, resident of Neutral Bay, presented her letter dated 27 May 2004 at the meeting, regarding excessive traffic signs on Macpherson Street, Cremorne/Mosman.

Committee recommendation:

THAT the correspondence be referred to the next meeting of the Traffic Committee.

Re Min No 194: (4.1) Pacific Highway, North Sydney – Traffic Congestion

(Previously dealt with - see Minute No 171)

Re Min No 195: (4.2) Cammeray Carpark – Pedestrian Issues

Report of Traffic Engineer, Cathy Edwards-Davis 7/6/04

Recommending:

THAT Council install a raised pedestrian threshold on Miller Lane, at the intersection with Raleigh Street, as part of the streetscape program.

THAT Council submit an application to the RTA to have a Shared Zone installed in Miller Lane.

THAT Council replace the existing Cammeray carpark signs and replace them with white text on blue background signs with a “P” and an arrow pointing.

THAT Council refer the issue of making Miller Lane one way from Amherst Street to Palmer Street to the Streetscape Committee and Precinct Committees for their comments.

THAT Council install additional (repeater) “No Parking” signs on the western side of Miller Lane, between Amherst Street and Palmer Street.

THAT Council install “No Stopping” signage along the eastern side of Miller Lane, next to each of the parking bays.

Committee recommendation:

THAT the report be adopted.

Re Min No 196: (4.3) Cliff Street, Milsons Point – Traffic Bollards

(Previously dealt with - see Minute No 172)

Re Min No 197: (4.4) Walker Street and Montpelier Street – Pedestrian Crossings

Report of Traffic Planning Officer, Greg Holding 15 June 2004

Recommending:

THAT pedestrian counts be undertaken at Walker Street, Lavender Bay, and Montpelier Street, Neutral Bay, in front of Cameragal Montessori School.

Committee recommendation:

THAT the report be adopted.

Re Min No 198: (4.5) Jeffreys Street Wharf – Metered Parking

Report of Traffic Planning Officer, Greg Holding 11 May 2004

Recommending:

THAT the existing concrete barriers be removed from the corner of Olympic Drive and Broughton Street, Kirribilli, and install 5 “4 Hour Meter 8.30am – 6.00pm Mon – Fri” spaces and associated linemarking.

Committee recommendation:

THAT the report be adopted.

Re Min No 199: (4.6) Carter Street, Cammeray – Parking Restrictions

Report of Traffic Engineer, Cathy Edwards-Davis

Recommending:

THAT for the reasons stated in the report, no further action be taken with regard to this request.

Committee recommendation:

THAT the report be adopted.

Re Min No 200: (4.7) Carr Street, Waverton – Parking Restrictions

Report of Traffic Engineer, Cathy Edwards-Davis 27 May 2004

Recommending:

THAT “No Parking” restrictions be placed on the northern side of Carr Street, between Clifton Street and Euroka Street.

Committee recommendation:

THAT no action be taken in this matter.

Re Min No 201: (4.8) Broughton Street, Kirribilli – Parking Restrictions

Report of Traffic Engineer, Cathy Edwards-Davis 15/6/04

Recommending:

THAT Council change the existing restrictions on the western side Broughton Street, north of Ennis Road, to “1/2 Hour Parking 8.30am–6.00pm Mon–Fri 8.30am-12.30pm Sat” and north of Willoughby Street to “4 Hour Metered Parking 8.30am–6.00pm Mon–Fri.”

Committee recommendation:

THAT the report be adopted.

Re Min No 202: (4.9) 143-151 Military Road, Neutral Bay – Construction Management Plan

Report of Traffic Engineer, Cathy Edwards-Davis 27/5/04

Recommending:

THAT the traffic issues of the Construction Management Plan for Development Application 162/2003 at 143-151 Military Road, Neutral Bay be approved subject to the conditions of approval stated in the report.

Committee recommendation:

THAT the report be adopted.

Re Min No 203: (4.10) Shirley Road, Gillies Street, Morton Street, Rocklands Road and Hazelbank Road, Wollstonecraft – Traffic Volume

(Previously dealt with - see Minute No 173)

Re Min No 204: (4.11) 112 Pacific Highway, North Sydney – Construction Management Plan

(Previously dealt with - see Minute No 174)

Re Min No 205: (4.12) Lavender Crescent, Lavender Bay – Speeding Issues

Report of Traffic Engineer, Cathy Edwards-Davis 28/5/04

Recommending:

THAT the information be received.

Committee recommendation:

THAT the report be adopted.

Re Min No 206: (4.13) 258 Pacific Highway, Crows Nest – Construction Management Plan

(Previously dealt with - see Minute No 175)

Re Min No 207: (4.14) 9-11 Shellbank Avenue, Mosman – Construction Management Plan

Report of Traffic Engineer, Cathy Edwards-Davis 28/5/04

Recommending:

THAT the information be received.

Committee recommendation:

THAT the report be adopted.

Re Min No 208: (4.15) Carlow Street, North Sydney – Parking Restrictions

(Previously dealt with - see Minute No 176)

Re Min No 209: (4.16) Gas Lane, North Sydney – Pick Up and Drop Off

Report of Traffic Engineer, Cathy Edwards-Davis 2 June 2004

Recommending:

THAT for the reasons stated in the report, no further action be taken with regard to this request.

THAT the Rangers be requested to enforce parking restrictions in Blue Street.

Committee recommendation:

THAT the report be adopted.

Re Min No 210: (4.17) Kirribilli and Milsons Point – Proposed 40km/h Speed Limit

Report of Traffic Engineer, Cathy Edwards-Davis 3 /6/04

Recommending:

THAT Council submit an application to the RTA to have a 40 km/h High Pedestrian Activity Area speed limit introduced in Kirribilli and Milsons Point.

Committee recommendation:

1. **THAT** the report be adopted.
2. **THAT** this matter be referred to the Bradfield, Lavender Bay and Milson Precincts.
3. **THAT** this matter be referred to the Pedestrian Subcommittee and Bicycle Subcommittee.

Re Min No 211: (4.18) Humphrey Place, Milsons Point – Parking Conditions

Report of Traffic Engineer, Cathy Edwards-Davis 7/6/04

Recommending:

THAT Council write to the St Aloysius' College and inform them that vehicles must park wholly within the School boundary, and are not permitted to park partially in the School grounds and partially in Humphrey Place.

THAT Council's Rangers be requested to enforce parking restrictions in Humphrey Place.

Committee recommendation:

THAT the report be adopted.

Re Min No 212: (4.19) Holtermann Street, Crows Nest – Traffic Conditions

(Previously dealt with - see Minute No 177)

Re Min No 213: (4.20) Waters Road, Neutral Bay – Traffic Conditions

(Previously dealt with - see Minute No 178)

Re Min No 214: (4.21) Bay Road & McHatton Street, Waverton – North Sydney Demonstration School Pick Up and Set Down

(Previously dealt with - see Minute No 179)

Re Min No 215: (4.22) Murdoch Street, Cremorne – Proposed Wombat Crossing

(Previously dealt with - see Minute No 180)

Re Min No 216: (4.23) Bank Street, North Sydney – Parking Restrictions

(Previously dealt with - see Minute No 181)

Re Min No 217: (4.24) Sign Report

Report of Traffic Engineer, Cathy Edwards-Davis 11/6/04

Recommending:

THAT the recommendations made at the meeting of the Signage Sub-Committee be adopted.

Committee recommendation:

THAT the report be adopted.

Re Min No 218: (4.25) Delegated Authority

Report of Traffic Engineer, Cathy Edwards-Davis 11/6/04

Recommending:

THAT the information be received.

Committee recommendation:

THAT the report be adopted.

Re Min No 219: (4.26) Traffic Committee Items 2003/2004

Report of Traffic Engineer, Cathy Edwards-Davis 11/6/04

Recommending:

THAT the information be received.

Committee recommendation:

THAT the report be adopted.

Re Min No 220: (4.27) Miller Street, North Sydney – Loading Zone

(Previously dealt with - see Minute No 182)

Re Min No 221: (4.28) Hipwood Street, Kirribilli – Parking Restriction Survey

(Previously dealt with - see Minute No 183)

Re Min No 222: (4.29) Standing Item - Chandos Street & Alexander Street, Crows Nest – Proposed Traffic Signals

(Previously dealt with - see Minute No 184)

Re Min No 223: (4.30) Harrison Street, Neutral Bay – Parking Restriction Survey

Report of Traffic Planning Officer, Maria Coyne 11 June 2004

Recommending:

THAT no further action be taken at this stage.

Committee recommendation:

THAT this item be deferred until the results of Council's North Sydney Parking Survey are complete.

Re Min No 224: (4.31) Blues Point Road, McMahons Point – Parking Restriction Survey

(Previously dealt with - see Minute No 185)

Re Min No 225: (4.32) Walker Street, North Sydney – Parking Restrictions

Report of Traffic Engineer, Cathy Edwards-Davis 11/6/04

Recommending:

THAT Council install on the eastern side of Walker Street 20 metres of “No Stopping” signs north of the intersection with Berry Street and then 26 metres of “No Parking” restrictions to the northern side of the driveway at 171 Walker Street.

Committee recommendation:

THAT the report be adopted.

Re Min No 226: (4.33) Benelong Road, Cremorne – Speeding Issues

(Previously dealt with - see Minute No 186)

Re Min No 227: (4.34) Bayview Street, McMahons Point – One-Way Survey

Report of Traffic Planning Officer, Maria Coyne 15 June 2004

Recommending:

THAT the one-way section of Bayview Street be extended to the northern boundary of No1 Bayview Street.

Committee recommendation:

THAT the report be adopted.

Re Min No 228: (4.35) Elamang Avenue, Kirribilli – Pick Up & Drop Off Survey

Report of Traffic Planning Officer, Maria Coyne & Traffic Engineer, Cathy Edwards-Davis
15 June 2004

Recommending:

THAT for the reasons outlined in the report, Council proceed with the installation of four parking spaces marked “5 Minute Parking 8.00am-9.30am 2.30pm-4.00pm” on the south-western side of Elamang Avenue, north of the intersection with Peel Street.

THAT Council’s Road Safety Officer work with Loreto School to develop safe methods for pick up and drop off.

Committee recommendation:

THAT the report be adopted.

Re Min No 229: (4.36) Ben Boyd Road / Military Road Intersection Parking Restrictions

Report of Traffic Planning Officer, Greg Holding 11 June 2004

Recommending:

THAT the existing 3 “1/2 Hour Parking, 8.30am–6.00pm, Mon–Fri, 8.30am–12.30pm Sat” spaces in Ben Boyd Road, Neutral Bay, between Military Road and Cheal Lane, be replaced with “No Parking”.

Committee recommendation:

THAT the report be adopted.

Re Min No 230: (4.37) Grafton Street - No Stopping

(Previously dealt with - see Minute No 187)

Re Min No 231: (4.38) Miller Street - Parking Restrictions

Report of Traffic Planning Officer, Greg Holding 15 June 2004

Recommending:

THAT the local businesses be surveyed to ascertain the level of support for the increase of existing 7 1/2 hour parking spaces to “1 Hour Parking, 8.30am–3.00pm Mon–Fri, 8.30am–12.30pm Sat” on the eastern side of Miller Street and the increase of existing 9 1/2 hour parking spaces to “1 Hour Parking, 10.00am–6.00pm Mon–Fri, 8.30am–12.30pm Sat” on the western side of Miller Street, Cammeray.

Committee recommendation:

1. **THAT** the report be adopted.
2. **THAT** this item be referred to the Bridgeview and Plateau Precincts.

Re Min No 232: (4.39) Miller Street, North Sydney - Traffic Congestion

Report of Traffic Planning Officer, Greg Holding 15 June 2004

Recommending:

THAT no further action be taken regarding the traffic congestion in Miller Street, North Sydney, at this stage.

Committee recommendation:

THAT the report be adopted.

Re Min No 233: (4.40) Cammeray & Cremorne – Traffic Conditions

(Previously dealt with - see Minute No 188)

Re Min No 234: (4.41) Angelo Street, North Sydney – Motorbike Parking

Report of Traffic Planning Officer, Greg Holding 11 June 2004

Recommending:

THAT 3 perpendicular “Motorbikes Only” parking spaces be installed at the southern end of Angelo Street.

Committee recommendation:

THAT the report be adopted.

Re Min No 235: (4.42) Bank Street, North Sydney – Parking Restrictions Across Driveway

Report of Traffic Engineer, Cathy Edwards-Davis 11/6/04

Recommending:

THAT “No Parking” signage and associated linemarking be placed across the driveway at 75 Bank Street, at the applicant’s expense.

THAT Council’s Rangers be requested to undertake a campaign in Bank Street.

Committee recommendation:

THAT the report be adopted.

Re Min No 236: (4.43) Blues Point Road – Traffic Calming Parking Restrictions

Report of Traffic Planning Officer, Greg Holding

Recommending:

THAT the local residents of Blues Point Road be surveyed to ascertain the level of support for the signposting of 25 parking spaces as “4 Hour Parking, 8.30am–6.00pm Mon–Fri, Area 7 Residents Excepted” as part of the proposed upgrade and parking controls in Blues Point Road, McMahons Point.

Committee recommendation:

1. **THAT** the report be adopted.
2. **THAT** the installation of meters, with residents excepted, be considered as part of the survey.

Re Min No 237: (4.44) Pedestrian Sub-Committee Minutes

(Previously dealt with - see Minute No 189)

Re Min No 238: (4.45) Bruce Street - Motorbike Parking

(Previously dealt with - see Minute No 190)

Re Min No 239: (4.46) 7-9 & 11 Wheatleigh Street, Crows Nest – Construction Management Plan

(Previously dealt with - see Minute No 191)

Re Min No 240: (4.47) Clark Road, North Sydney – Parking Restrictions

Report of Traffic Planning Officer, Greg Holding 15 June 2004

Recommending:

THAT the local businesses be surveyed to ascertain the level of support for any changes to the parking restrictions in Clark Road, North Sydney.

Committee recommendation:

1. **THAT** the local businesses be surveyed to ascertain the level of support for any changes to the parking restrictions in Clark Road, North Sydney.
2. **THAT** a survey be undertaken to determine the residents' opinions with regard to the installation of 2 Hour Parking Residents Excepted restrictions on the eastern side of Clark Road and 8 Hour Metered Parking restrictions on the western side of Clark Road.
3. **THAT** action be taken to remove the jersey kerb crash barriers in Clark Road, between High Street and Kurraba Road.

Re Min No 241: (4.48) Walker Street, Lavender Bay – Parking Restrictions

Report of Traffic Planning Officer, Greg Holding 15 June 2004

Recommending:

THAT no further action be taken.

Committee recommendation:

THAT the report be adopted.

Re Min No 242: (4.49) North Sydney CBD – Parking Restrictions

Report of Traffic Engineer, Cathy Edwards-Davis 21 June 2004

Recommending:

THAT Council adopt the proposed changed parking restrictions, as detailed in the report.

Committee recommendation:

1. **THAT** Council install 2P Metered Parking 6.00pm-12.00pm Mon-Fri in the North Sydney CBD, as detailed in the report.
2. **THAT** Council change the parking restrictions in Union Street, as detailed in the report.
3. **THAT** Council change the parking restrictions in Olympic Drive, as detailed in the report, subject to concurrence from the State Transit Authority.
4. **THAT** Council install "4 Hour Metered Parking 8.30am-12.00pm Monday-Sunday Residents Excepted" on both the eastern and western sides of Broughton Street, from Fitzroy Street to Olympic Drive.

Re Min No 243: (4.50) 100 Pacific Highway, North Sydney – Construction Management Plan

(Previously dealt with - see Minute No 192)

Re Min No 244: (5.1) Macpherson Street, Cremorne

(Previously dealt with - see Minute No 193)

Re Min No 245: (5.2) Gerard Street, Cremorne

The Roads and Traffic Authority representative referred to a request from a resident of Gerard Street, Cremorne, for traffic calming devices in view of the traffic 'rat-run' etc in the area.

Committee recommendation:

THAT a report be provided at the next meeting of the Traffic Committee.

Re Min No 246: (5.3) Alfred Street South, Milsons Point - Sign

Mr R Lenferna, Design Engineer, addressed the Committee on the matter of emergency repairs required to the 'Welcome to North Sydney' sign in Alfred Street South, Milsons Point. A contractor had been engaged to carry out the removal of the sign on 28/29 June 2004 with the use of a crane, requiring a single lane closure during normal working hours in view of the size and state of the sign, which contained asbestos and which posed a safety hazard to the public. The final craning of the sign will require a full road closure of about 4 to 6 hours starting at 9.00 pm on 30 June 2004, and every endeavour would be made to minimise noise impacts on local residents. There will be a detour available using Paul, Northcliff, Dind and Glen Streets.

In reply to the Mayor, the Design Engineer advised that flyers would be distributed in the area this afternoon (Friday, 25 June 2004).

The Roads and Traffic Authority representative requested that advice be forwarded to the Traffic Management Centre (TMC) as soon as possible.

Committee recommendation:

THAT the information be received and noted.

Re Min No 247: (5.4) Appreciation

Clr Ritten extended appreciation and complimented the Traffic Engineer, the Traffic Planning Officer and the Traffic Planning Assistant, on the amount of work undertaken in today's (25/06/04) Traffic Committee Business Paper.

Committee recommendation:

THAT the kind words be received with thanks.

RESOLVED:

THAT the report be received and the recommendations therein be adopted.

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

Division of Open Space & Environmental Services

742. OSE01: Tree Poisoning at Cremorne Point

Report of Adam Burrowes, Bushland Management Co-ordinator, 02 July 2004
Council staff and Bushcare volunteers noticed two *Banksia* trees poisoned on Cremorne Point. Soil samples sent to analytical laboratories have tested positive to high levels of herbicide, suggesting that herbicide was poured around the base of the tree. The tree was probably poisoned to improve views to the harbour.

Recommending:

THAT Council endorse the installation of a banner on the poisoned trees, for a period of 12 months from the time of this report.

RESOLVED:

THAT a banner be installed on the poisoned trees for a period of 12 months and consideration be given to additionally “shrouding” the trees.

THAT the trees be replaced.

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

743. OSE02: Condition of Railway Owned Land and Buildings

Report of Peter Massey, Environmental Services Manager – 29/06/04

Any normal health or environmental compliance issue can be legally resolved using the *Local Government Act 1993* or the *Protection of the Environment Operations Act 1997*. However, when dealing with the Commonwealth or New South Wales Government owned lands, these are defined as the “Crown” and as such are not legally bound to comply with the abovementioned pieces of legislation as normally enforced by local governments. Any health and environmental compliance issue on government owned lands are required to be resolved through cooperative/voluntary means.

Along these lines, Council’s Environment and Building Compliance section has written to Rail Corporation NSW specifically about the dumped rubbish located on railway owned lands behind 94 Bay Road Waverton. Council requested that they, as the owners of the land, remove the rubbish as it may be considered a health risk by providing a harbourage for vermin. Rail Corporation NSW responded to the request and has removed the dumped rubbish.

Council has also written to Rail Corporation NSW and requested details of the rubbish management program that is in place for their land within the North Sydney local government area. This includes rail corridors, car parks, pathways or any other lands that have been the subject of past illegal dumping. Examination of Council records has not revealed a history of dumped rubbish on railway owned lands.

With regard to the former Station Master's residence on Bay Road Waverton, Council’s Heritage Planner advises:

“The property is registered as a heritage item under the NSW Heritage Office. Owners of such items are required under the Heritage Act 1987 to ensure that heritage significance is maintained within minimum standards of maintenance and repair relating to weatherproofing, fire protection, security and essential maintenance. Where such standards are not met, the Heritage Council has the power to order repairs after consultation with the owner. Council does not currently have delegation to do this.”

Recommending:

THAT the information be received.

RESOLVED:

THAT the report be received.

THAT the Mayor write to the Heritage Council and the State Rail authority concerning the condition of the Station Master’s residence.

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

744. OSE03 Blues Point Reserve - Sandstone Stairs and Pathways

Report of Kate Bambrick-Browne, Landscape Projects Officer – 25/06/04

Blues Point Reserve currently has three main pathways that provide access between the different levels of the reserve. Over the years many of the individual treads have become worn and with movement of ground levels under and near the stairs a number of the treads have also shifted. This has led to a reduction in the quality of the stairs and a range of work is required to improve their condition. The different pathways and the repair requirements are described in detail in the report.

Recommending:

1. **THAT** funding for repairs to the Central Stair and Gunners Shelter Stair be made available from the budget previously allocated to the Western Stair.
2. **THAT** a report be commissioned into the remedial works necessary for the sandstone retaining wall and stairs of the Western Stair.
3. **THAT** a further report be made to Council once the engineering advice is received for the Western Stair.

RESOLVED:

THAT the report be adopted.

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

Voting was as follows:

For/Against 10/1

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

745. OSE04: Tenders for the Contract for Grass Cutting (Tender No. 39/2004)

Report of Report of Steve Smithson, Parks and Reserves Manager, 09/06/2004

Tenders were received from companies for grass cutting within the North Sydney Council area. This report outlines the tender process, the tenders received and recommends a preferred tenderer.

Recommending:

THAT Council engage T K Services to fulfil the contract for grass cutting in the North Sydney Council area for a period of one year, with Council reserving the right to extend the contract for two further periods of two years each, for the sum of \$550,410 (ex GST).

RESOLVED:

THAT the report be adopted.

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

PETITIONS



CORRESPONDENCE

746. C01: Leave of Absence Councillor Pearson

Submitting correspondence from Councillor Pearson (06/07/04) requesting leave of absence from Council for the period 6 July 2004 to 10 August 2004 inclusive.

RESOLVED:

THAT the correspondence be received and leave of absence granted.

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

MOTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN

747. NoM01: Notice of Motion No. 26/04 by Councillor Gibson - 02/07/04

re: Revitalisation of North Sydney's CBD

THAT a Saturday morning be set aside for Councillors and appropriate Planning Department staff to tour Parramatta's CBD.

THAT Councillors be provided with an overview of Parramatta's Central Planning Committee's progress.

Background

Our North Sydney Centre Working Group will be reconstituted on August 2004 in an endeavour to forward the much needed revitalization of the CBD. Parramatta Council has initiated and facilitated a major upgrading of its CBD. This has led to a rapid growth in Parramatta's economic development - indeed Parramatta now appears to have overtaken North Sydney as Sydney's second biggest CBD. I believe Councillors will benefit from viewing the progress that has occurred in Parramatta in the last few years.

The Motion was moved by Councillor Gibson, seconded by Councillor Zimmerman, put and **lost**.

Voting was as follows:

For/Against 3/8

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

QUESTIONS WITH NOTICE



QUESTIONS WITHOUT NOTICE



The Meeting concluded at 9.25pm

CHAIRPERSON

GENERAL MANAGER