



**MINUTES: 3435TH MEETING OF THE NORTH SYDNEY COUNCIL  
HELD ON MONDAY, 25 SEPTEMBER 2006 AT 7.00 PM.**

**PRESENT**

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

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

The meeting was opened by the Mayor and observed one minute's silent reflection.

**724. Matters Brought Forward at the Request of Members of the Public Gallery**

It was moved, seconded and carried -

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

- G01: Presentation to the Public of the Audited Statement of Accounts and the Auditors' reports for the year ended 30 June 2006  
(See Min. No.729)
- G02: Investments held as at 31 August 2006  
(See Min. No.730)
- G08: Report of the Planning & Development Committee  
(See Min. No.731)
- PDS01: NSDLEP 2001 – Amendment 24 – 29A Shellcove Rd, Neutral Bay – Foreshore Building Line  
(See Min. No.732)
- PDS02: 16-38 Military Rd, Neutral Bay (DA64/02/4)  
(See Min. No.733)
- PDS03: 40 Kirribilli Ave, Kirribilli (DA340/06)  
(See Min. No.734)
- PDS04: NSLEP 2001 Amendment No. 22 – Rezoning of Open Space zone on land adjoining 67 and 65A Pine St (Pine Street Embankment)  
(See Min. No.735)
- PDS05: 113 Bellevue St, Cammeray (DA189/06)  
(See Min. No.736)

PDS06:	1 Premier St, Neutral Bay (DA267/05) (See Min. No.737)
PDS07:	138 Cammeray Rd, Cammeray (DA153/06) (See Min. No.727)
PDS08:	53A Cairo St, Cammeray Section 82A Review No 2/06 of the determination of DA190/05 (See Min. No.738)
PDS09:	53 Shellcove Rd, Neutral Bay (DA579/05) (See Min. No.728)
PDS10:	7-11 Illiliwa St, Cremorne (DA441/05) (See Min. No.739)
NoM01:	Notice of Motion No 41/06 by Clr Ritten re Wakelin Reserve (See Min. No.740)

## 725. Minutes

The Minutes of the previous 3434th Council (Assessments) Meeting held on Monday, 11 September 2006, copies of which had been previously circulated, were taken as read and confirmed subject to Minute No 703 being amended to provide:

**Min 703: PDS06 51 Wycombe Road, Neutral Bay (DA272/05)**

**RESOLVED:**

**THAT** Council grant delegated authority to the General Manager pursuant to Section 377 of the Local Government Act to either determine the application or to enter into Consent Orders as appropriate and:

**THAT** the applicant be requested to lodge amended plans addressing the following issues and concerns:

- (i) Retain, restore and extend the original sandstone base fence along Wycombe Road as illustrated in the drawing of the western elevation including removing paint and cement pointing. **Any fence on top of the sandstone base is to be subject to the approval of the General Manager.**
- (ii) in the event that the General Manager determines DA272/05 by way of granting consent, the following site specific condition will form part of any such consent and is to be included in any draft conditions to the Court:
  - Deferred commencement condition concerning the S88K instrument allowing access along the existing right of way.

**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 Zimmerman and seconded by Councillor Reymond.

## 726. Declarations of Interest

Re Item PDS03  
Councillor Ritten

40 Kirribilli Ave, Kirribilli (DA340/06)  
Legal Matter (Non-pecuniary)

## ITEMS BROUGHT FORWARD

### 727. PDS07: 138 Cammeray Road, Cammeray (T) DA 153/06

Applicant: David Edelstein, Domus Homes

Report of Antonia Stuart, Senior Assessment Officer - 19 September 2006

In summary, approval is sought to demolish existing swimming pool to convert to level landscaped area and the construction of a new-elevated swimming pool adjacent to the north-western boundary on the site over terraced landscaping. In detail, the proposed works comprise: -

- Removal of existing swimming pool, infill area with lawn.
- Removal of a portion of existing timber deck and replace with lawn.
- Extension of existing timber decking at the rear of the dwelling and construction of paved poolside area to the side of the new lawn area and proposed pool.
- A new pool, rectangular in shape, 6.5 metres in length and 4.2 metres in width located to northwest of the proposed new lawn area and location of the existing swimming pool. Brick finish is proposed to the exterior of the pool.
- Landscaping work comprising screen planting in front of the new pool and removal of a Macadamia Tree and one Michelia Alba trees currently located in front of the existing pool.

#### **Recommending:**

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

- A. **THAT** Council vary the position of the foreshore building line on the site for the purposes of the application of Clause 38(4) in respect to the current proposal, *subject to the amendments specified in (C) of this resolution.*
- B. **THAT** Council defers consideration of development application No. 153/06.
- C. **THAT** the applicant be requested to lodge amended plans addressing the following issues and concerns: -
  - a. The lawn be developed at the same level as the existing pool concourse – RL 10.98. As the existing timber deck is at RL 11.78, access steps will need to be provided to accommodate the difference in levels, similar as existing.  
 Note: In order to create a level lawn area and pool, as proposed by the applicant, it is recommended the level of the pool be lowered to have a coping level within 500mm of RL 10.98; and  
 (Reason: Ensure appropriate levels of amenity are retained to No.140 Cammeray Road)
  - b. A planter box be provided along the eastern façade of the new terrace area approximately 750mm in width with a minimum depth of 750mm, and be provided with a permanent irrigation system. Alternately, details be provided in plan form of a permanent screening device along the eastern façade of the new lawn area, tapering down to the northern façade of the terrace area, to a maximum height of 1.8m from the FFL of the new lawn area; and  
 (Reason: Ensure appropriate levels of amenity are retained to No.140 Cammeray Road)
  - c. Eastern, western and northern elevation plans indicating to what extent existing retaining walls are being modified, in addition details of any new balustrades/ screening devices must be specified.  
 (Reason: Insufficient and inadequate information submitted in order to clarify the extent of the work proposed under

the current application and impact on neighbouring properties.)

- D. **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: 153/06: -
- (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 (C) of this resolution; and
  - (iii) in the event that amended plans are not lodged by the applicant, to determine the application having regard for the stated issues and concerns in (C) of this resolution.

**RESOLVED:**

**THAT** the matter be deferred to a Councillor Inspection.

Note: Councillor Inspection to be held on Saturday, 07 October 2006 at 9.00am.

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

Voting was as follows:

For/Against 12/1

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

**728. PDS09: 53 Shellcove Road, Neutral Bay (C) DA579/05**

Applicant: Jo Willmore Design

Report of Lara Huckstepp, Assessment Officer - 13 September 2006

The proposal seeks consent for the following works:

- Demolish an existing two storey duplex with basement laundry and detached double garage;
- Construct new three storey dwelling with landscaped pool in the rear as follows:
- **Lower Ground Floor** will consist of rumpus room with kitchen and bathroom, and internal stairs;
- **Ground Floor** will contain four bedrooms, two bathrooms, a study and laundry, and a rear deck;
- **First floor** will contain a dining room, living room, kitchen, bathroom, rear deck and double garage at street level.
- A pool and spa are proposed to be located in the rear garden toward the site's eastern boundary.
- A new front fence is proposed being 1.65m in height, consisting of masonry base with stone piers, and painted timber palings between.

**Recommending:**

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

- A. **THAT** Council, as the consent authority, assume the concurrence of the

Director General of the Department of Planning and invoke the provisions of SEPP 1 with respect to Clauses 17 & 18 of NSLEP 2001, and grant consent to Development Application No. 579/05 subject to the attached standard conditions and following site specific conditions:-

#### **External Colour Scheme**

C1. The external colour scheme of the new development hereby approved, shall be sympathetic to the Conservation Area. Details shall be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.

(Reason: To ensure that the proposed colour scheme is appropriate to the type and style of the subject building and surrounding buildings)

#### **Privacy Screen to First (Uppermost) Floor Balcony on Northern Balcony End**

C2. The privacy screen proposed to be located on the northern end of the first (uppermost) floor balcony shall have a height of 1.5m above proposed finished floor level.

Details demonstrating compliance with these requirements shall be submitted to the Certifying Authority for approval prior to the issue of a Construction Certificate.

(Reason: To ensure an adequate level of privacy is provided to adjoining properties)

#### **Fence Height**

C3. The front fence shall consist of a masonry base having a height no greater than 600mm from existing ground level, with masonry piers having a height no greater than 1.7m from existing ground level, and timber picket infills above the base having a height no greater than 1.5m from existing ground level. The timber pickets shall be no more than 50% solid construction.

Amended plans demonstrating compliance shall be submitted to the satisfaction of the Certifying Authority prior to issue of a Construction Certificate.

(Reason: To ensure compliance with Council's Controls)

#### **Trees to be removed**

E1. All trees on the site are to be retained save for those expressly identified below as being acceptable for removal.

<b>Tree</b>	<b>Location</b>
1 x Port Jackson Fig	Front garden
1 x Privet	Front garden
3 x Cabbage Tree Palms	Northern side setback
1 x Cheese Tree	Rear garden
1 x Avocado Tree	Rear garden
1 x Jacaranda	Rear garden
1 x Frangipani	Rear garden

(Reason: To ensure compliance with the terms of this development consent)

#### **Pool Filter**

G1. The pool filtering equipment shall be encased by a soundproof cover and shall be located a minimum of 6m from any adjoining property. Pool equipment shall not operate between 10:00pm and 7:00am on any day. Details demonstrating compliance are to be submitted prior to the issue of a final Occupation Certificate.

(Reason: To ensure noise generated by equipment does not result in offensive noise)

### **Lighting**

I1. Low level lighting shall be used in the pool area and lighting shall be directed away from adjoining properties.

(Reason: To maintain residential amenity)

### **Swimming Pool Cover**

I2. A swimming pool cover is to be installed on the swimming pool when not in use for extended periods.

(Reason: To promote water conservation)

### **Refilling / Top Up of Swimming Pool**

I3. Future water requirements for refilling and topping up the swimming pool is to be obtained from the approved rainwater tanks.

(Reason: To conserve water)

- B. **THAT** in approving Development Application No. 579/05, 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 pursuant to Section 377 of the Local Government Act 1993 grants delegated authority to the General Manager to resist such appeal 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 matter be deferred to a Councillor Inspection.

Note: Councillor Inspection to be held on Saturday, 07 October 2006 at 10.00am.

The Motion was moved by the Mayor, Councillor McCaffery and seconded by Councillor Predavec.

Voting was as follows:

For/Against 12/1

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

729.

## **G01 Presentation to the Public of the Audited Statement of Accounts and the Auditors Reports for the year ended 30 June 2006**

Report of Garry Ross, Manager of Financial Planning, 20/09/06

Presentation to the Public of the Audited Statement of Accounts and the Auditors Reports for the year ended 30 June 2006

Garry Ross, Manager of Financial Planning, 20 September 2006

Please find attached Council's Statement of Accounts and Auditors Reports for the year ended 30 June 2006

### **Recommending:**

**THAT** the information be received.

The Auditor, Mr Brett Hanger, addressed the meeting.

**RESOLVED:**

**THAT** the information be received.

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

**730. G02: Investments Held as at 31 August 2006**

Report of Garry Ross, Manager of Financial Planning, 20 September 2006  
Council is required to report on a monthly basis, all invested funds which have been made in accordance with the Local Government Act 1993, the Local Government (Financial Management) regulations 1993 and Council's Investment Policy.

**Recommending:**

**THAT** the report be received.

**RESOLVED:**

**THAT** the report be received.

**THAT** Council officers obtain comparative rate of return figures with Northern Sydney Regional Organisation of Councils.

**THAT** the Finance Department be congratulated on their successful management of the funds.

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

**731. G08: Report of the Planning & Development Committee**

Proceedings of Committee at meeting held in the Supper Room at the Council Chambers, North Sydney, on Monday, 18 September 2006 Minute Nos 25 to 29 inclusive.

**Recommending:**

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

**Re Min No 26: PD01 Review of Brothel Controls**

Report of Asanthika Kappagoda, Strategic Planner, 8 September 2006

**Recommending:**

A. **THAT** the anti-clustering clause controls of NSDCP 2002 be amended to relate to the average street block of North Sydney.

B. **THAT** further consideration be given to the introduction of the Standard Instrument definitions that will replace the existing definition for restricted premises.

A. **Committee recommendation:**

**THAT** NSDCP 2002 be amended to include definitions as per the Standard Instrument and separate controls for sex services premises and adult entertainment premises.

The motion was moved by Councillor Carland, seconded by Councillor Reymond and resolved unanimously.

B. It was moved by Councillor Zimmerman and seconded by Councillor Reymond

-  
**THAT** Council call for a further report on amendment of NSLEP 2001 to restrict the permissibility of brothels to the Commercial Zone so as to prevent brothel development in the Mixed Use Zone

**THAT** the report include investigation of possible relaxation of controls separating brothels from sensitive land uses such as child care centres in conjunction with additional restrictions on the operation of brothels, such as reduction of operating hours, to manage conflicts. Feedback regarding this matter to be sought from the Department of Planning.

It was moved as an amendment by Councillor Carland and seconded by Councillor Burke.

**THAT** Council continue to permit brothels in the Mixed Use and Commercial zones and call for a report on providing suitable buffers between brothels in mixed use zones and adjacent residential areas.

The amendment was put and **lost**.

Voting on the amendment was as follows: For/Against 3/5

Councillors For	Councillors Against
Burke Carland Pearson	Predavec Ritten Zimmerman Reymond Marchandean

The motion was put and **carried**.

Voting was as follows: For/Against 5/3

Councillors For	Councillors Against
Predavec Ritten Zimmerman Reymond Marchandean	Burke Carland Pearson

**B. Committee recommendation:**

**THAT** Council call for a further report on amendment of NSLEP 2001 to restrict the permissibility of brothels to the Commercial Zone so as to prevent brothel development in the Mixed Use Zone

**THAT** the report include investigation of possible relaxation of controls separating brothels from sensitive land uses such as child care centres in conjunction with additional restrictions on the operation of brothels, such as reduction of operating hours, to manage conflicts. Feedback regarding this matter to be sought from the Department of Planning.

**C. Committee recommendation:**

**THAT** a motion be put to the Local Government Association to lobby the NSW State Government to allow Councils to prohibit brothels in any zone in which there is a residential component even if that means there may be no areas in which brothels are permissible in a Council area.

**Re Min No 27: PD02: North Sydney Section 94 Plan**

Report of Report of Asanthika Kappagoda, Strategic Planner, 8 September 2006

**Recommending:**

- THAT** the report be received.
- THAT** prior to a full review of the S.94 Plan greater certainty be obtained from



the Sub-Regional Strategy, Standard Instrument drafting and, where possible, Census 2006 data.

**Committee recommendation:**

1. **THAT** the report be received.
2. **THAT** the report be sent to all Precincts with a short explanatory note regarding the Section 94 Plan.

**Re Min No 28: PD03: North Sydney Public Art Competition**

Report of Asanthika Kappagoda, Strategic Planner, 5 September 2006

**Recommending:**

**THAT** Council determine its position on the three options; and

**THAT** Council, in light of the judging panels decision not to select an outright winner, split the \$10,000 award money between the two short listed entries.

**Committee recommendation:**

**THAT** Council defer consideration of the options to a dedicated briefing.

**THAT** Council, in light of the judging panels decision not to select an outright winner, split the \$10,000 award money between the two short listed entries.

**Re Min No 29: PD04: Impact of Standard Instrument on Council's Landscape Policies**

Report of David Parsell, Strategic Planner, 12 September 2006

**Recommending:**

**THAT** following the analysis of relevant approved DAs a report be submitted to Council outlining proposed amendments to the Landscaping Provisions of the NSDCP 2002 that are consistent with the Standard Instrument.

**Committee recommendation:**

**THAT** Council receive the report.

Mr Tweedie addressed the meeting.

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

**THAT** the report be received and the recommendations therein be adopted subject to it being noted that Councillors Gibson and Conaghan tendered their apologies.

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

**THAT** the report be received and the recommendations therein be adopted subject to it being noted that Councillors Gibson and Conaghan tendered their apologies, and with the exception of Minute No 26, in which Recommendation B is to be deleted and replaced with the following:

**Min No 26: PD01 Review of Brothel Controls**

- B. THAT** Council continue to permit brothels in the Mixed Use and Commercial zones and call for a report on providing suitable buffers between brothels in mixed use zones and adjacent residential areas

A further amendment was foreshadowed

The amendment was put and **lost**.

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



The Parliamentary Counsel has not yet advised that the plan may legally be made. Minor amendments, which do not alter the intent of the plan, may need to be made when this advice is received.

The Department of Planning (DoP) advised Council against proceeding with the subject DLEP on 2 May 2005 due to policy and process concerns. Further correspondence (26 May 2005) from DoP requested clarification and justification of inconsistencies between Amendment No. 16 and Amendment No. 24. Following subsequent correspondence between Council and DoP, DoP advised Council on 18 August 2006 to continue processing DLEP Amendment No. 24. DoP have further advised that DLEP Amendments No. 16 and 24 will be processed together on receipt of the Section 68 documentation.

This report considers the submissions received during the exhibition period with the DLEP attached for Council's consideration.

**Recommending:**

**THAT** Council consider the submissions received on the Draft Local Environmental Plan.

**THAT** Council adopt the Draft Local Environmental Plan attached to this report to amend the Foreshore Building Line at 29A Shellcove Road, Neutral Bay.

**THAT** the S.68 Report be signed using Council's delegations.

**THAT** the Draft Local Environmental Plan and required documentation be forwarded to the Department of Planning, Sydney Region East, in accordance with S.68 of the Environmental Planning and Assessment Act, 1979.

**THAT** the Minister be requested to make the Plan under Section 70 of the Environmental Planning & Assessment Act, 1979.

**THAT** submitters be notified of Council's decision and thanked for their input.

**RESOLVED:**

**THAT** the report be adopted.

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

**733. PDS02: 16-38 Military Road, Neutral Bay (T) DA64/02/4**

Applicant: Caltex Australia Petroleum P/L, C/- Urbis JHD

Report of Geoff Mossemeneer, Executive Assessment Planner - 11 September 2006

The proposal involves the modification of D64/02 to allow for an amendment to Condition I6, I8 and I17 to facilitate an increase in length to some non fuel delivery vehicles to 13.5m, deletion of condition prohibiting sale of portable gas containers and a reduction in frequency of daily security patrols.

**Delivery and Collection Hours**

I6. All deliveries and collections, including but not limited to tanker deliveries, refuse collections, and deliveries to the convenience store, are to be restricted to between the hours of:

(a) 7:00am to 8:00pm - Mondays to Saturdays;

(b) 8:00am to 8:00pm - Sundays.

All delivery and collection vehicles, excluding fuel tankers, are to be rigid vehicles and are to be a maximum of 9 metres in length. Refrigerated vehicles servicing the site must park in the designated loading bay.

(Reason: Protect the amenity of the surrounding properties)

The proposed modification seeks to remove the reference to “9 metres” in the above condition and to replace it with “13.5 metres”, allowing the use of longer delivery vehicles.

#### **Product Sales**

I8. There are to be no sales of cooking gas or other similar products from the site.  
(Reason: Safety)

The proposed modification seeks to allow the retail of “Swap n Go” gas containers to be located on the western façade of the convenience store building. The product allows customers to drop off empty gas containers and replace with a new full gas bottle. Filling of the bottles will occur off site. Delivery will occur once a fortnight.

#### **Security**

I17. In the event of operation of the site outside the hours of 7am to 10pm, security personnel engaged by the applicant shall patrol the forecourt, adjoining street frontages and the staff carpark on a continuous basis between the hours of 10 pm and 5am on Thursday, Friday and Saturday, to deter and curb any potentially anti-social behaviour. At all other times, groups of persons shall be dispersed and no person shall be permitted to remain on the premises unless engaged in business with the applicant at the premises. Management shall ensure that persons on site do not adversely impact on the amenity of surrounding residents.  
(Reason: Amenity)

The condition requires patrols every night. It is proposed to limit security personnel to only Thursdays, Fridays and Saturdays on site, which are peak late night usage times for the site.

#### **Recommending:**

A. **THAT** Council resolve to modify the Court consent dated 20 February 2003, numbered in Council’s records as DA64/02, in respect to a proposal for the re-development of the existing Caltex service station at 16-38 Military Road, Neutral Bay, under the provisions of Section 96AA of the Environmental Planning and Assessment Act, only in so far as will provide for the following:

#### **Condition I17 be amended as follows:**

#### **Security**

I17. In the event of operation of the site outside the hours of 7am to 10pm, security personnel engaged by the applicant shall patrol the forecourt, adjoining street frontages and the staff carpark on a continuous basis between the hours of 10 pm and 5am on Thursday, Friday and Saturday, to deter and curb any potentially anti-social behaviour. At all other times, groups of persons shall be dispersed and no person shall be permitted to remain on the premises unless engaged in business with the applicant at the premises. Management shall ensure that persons on site do not adversely impact on the amenity of surrounding residents.  
(Reason: Amenity)

B. **THAT** Council resolve not to modify the Court consent dated 20 February 2003, numbered in Council’s records as DA64/02, in respect to a proposal for the re-development of the existing Caltex service station at 16-38 Military Road, Neutral Bay, under the provisions of Section 96AA of the Environmental Planning and Assessment Act, with regard to conditions I6 and I8 for the following reasons:

1. The safety issues caused by the manoeuvring and unloading of larger delivery vehicles on the site.
2. The flow on traffic delays caused by vehicles accessing the site.
3. The addition of further noise producing activities on a fully utilised site.
4. Unacceptable increase in intensity of use of site.

Mr Stansfield and Mr Lehrke addressed the meeting.

**RESOLVED:**

- A. **THAT** Council resolve not to modify the Court consent dated 20 February 2003, numbered in Council's records as DA64/02, in respect to a proposal for the re-development of the existing Caltex service station at 16-38 Military Road, Neutral Bay, under the provisions of Section 96AA of the Environmental Planning and Assessment Act, with regard to conditions I6, I17 and I8 for the following reasons:
1. The safety issues caused by the manoeuvring and unloading of larger delivery vehicles on the site.
  2. The flow on traffic delays caused by vehicles accessing the site.
  3. The addition of further noise producing activities on a fully utilised site.
  4. Unacceptable increase in intensity of use of site.
  5. The conditions are in place to protect the amenity of the surrounding residents and have been set by the Court to achieve that end.

The Motion was moved by the Mayor, Councillor McCaffery and seconded by Councillor Predavec.

**734. PDS03: 40 Kirribilli Avenue, Kirribilli (V) DA340/06**

Applicant: Bowden McPeake Architects Pty Ltd

Report of Geoff Mossemeneer, Executive Assessment Planner - 13 September 2006

It is proposed to replace a section of roofing over the rear family room with a new roof matching the profile of the adjacent conservatory roof at 42 Kirribilli Avenue.

The existing roof is formed with a concave curve, is partly corroded and prone to leaking. The new roof is proposed to use copper sheeting, however the applicant is prepared to use opaque glass if Council considers glass to be more appropriate.

To ensure the symmetry of the two roofs is maximised from the public view (from Broughton Street), the new sloping facia and window system will be detailed to match those on No.42.

**Recommending:**

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

- A. **THAT** Council, as the consent authority, assume the concurrence of the Director General of the Department of Planning and invoke the provisions of SEPP 1 with regard to building height plane and grant consent to Development Application No.340/06 subject to the attached standard conditions and following site specific conditions:

**Roof material**

- C1. The material of the proposed roof shall be opaque glass and not copper sheeting as indicated on the plans. Details demonstrating compliance with this requirement to be provided with the Construction Certificate.  
(Reason: Heritage & compatibility with adjoining terrace)

**Building not to encroach Boundary**

- C2. All building works shall be within the site and not encroach over the common boundary with No. 42 Kirribilli Avenue. Existing guttering to the adjoining property for the glass roof shall be retained with

appropriate flashing. Details to be submitted with the Construction Certificate.

(Reason: Protection of adjoining building)

- B. **THAT** in approving Development Application No 340/06, 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 pursuant to Section 377 of the Local Government Act 1993 grants delegated authority to the General Manager to resist such appeal 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.

At the commencement of the meeting it was moved by Councillor Marchandean and seconded by Councillor Burke

**THAT** the matter be deferred to a Councillor Inspection.

The motion was put and **lost**.

Voting was as follows:

For/Against 4/9

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

Ms Clarke-Nash addressed the meeting.

**RESOLVED:**

**THAT** the report be adopted.

**THAT** Council officers investigate any formal allegations of unauthorised works.

The Motion was moved by the Mayor, Councillor McCaffery and seconded by Councillor Conaghan.

Voting was as follows:

For/Against 10/2

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

Note: Councillor Ritten declared a non-pecuniary interest in the matter and left the Chamber, taking no part in debate or voting.

**735. PDS04: North Sydney LEP 2001 Amendment No. 22 – Rezoning of Open Space Zone on land adjoining 67 and 65A Pine Street (Pine Street Embankment).**

Report of Brad Stafford, Strategic Planner, 19 September 2006

At its meeting on 22 May 2006 Council adopted a Draft Local Environmental Plan (DLEP) (Amendment No. 22) for exhibition. The DLEP proposes the rezoning of two portions of land adjoining 65A and 67 Pine Street, Cammeray from Open Space Zone to Road Zone.

The DLEP, known as Amendment 22, was placed on public exhibition from 27 July 2006 to 24 August 2006. Three submissions were received during this period. The issues raised in submissions have been considered, and summarised in this report.

**Recommending:**

1. **THAT** Council consider the submissions received following the exhibition of the Draft Local Environmental Plan from 27 July 2006 to 24 August 2006.
2. **THAT** submitters be advised of the Council decisions in relation to their submissions and thanked for their input.
3. **THAT** Council adopt the Draft Local Environmental Plan, as amended attached to this report.
4. **THAT** the Draft Local Environmental Plan and S.69 Report be forwarded to the Department of Planning, Sydney Region East, in accordance with S.69 of the Environmental Planning & Assessment Act, 1979.
5. **THAT** the Minister be requested to make the Plan under Section 70 of the Environmental Planning & Assessment Act, 1979.

Ms Sheridan addressed the meeting.

**RESOLVED:**

1. **THAT** Council consider the submissions received following the exhibition of the Draft Local Environmental Plan from 27 July 2006 to 24 August 2006.
2. **THAT** submitters be advised of the Council decisions in relation to their submissions and thanked for their input.
3. **THAT** Council adopt the Draft Local Environmental Plan, as amended attached to this report.
4. **THAT** the Draft Local Environmental Plan and S.69 Report be forwarded to the Department of Planning, Sydney Region East, in accordance with S.69 of the Environmental Planning & Assessment Act, 1979.
5. **THAT** the Minister be requested to make the Plan under Section 70 of the Environmental Planning & Assessment Act, 1979.
6. **THAT** a report be prepared for Council concerning vehicular access and parking for 11 Woolcott Avenue. A site meeting is to be scheduled before the matter is submitted to Council.

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

Voting was as follows:

For/Against 12/1

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

**736. PDS05: 113 Bellevue Street, Cammeray (T) DA189/06**

Applicant: Clare Carter, Contemporary Architecture Pty Ltd

Report of Georgie Nalder, Senior Assessment Officer - 14 September 2006

The development application proposes the following works to a residential site located at 113 Bellevue Street, Cammeray involving partial demolition to the rear with the construction of a new ground and first floor rear addition with seven dormers in total to accommodate:

**Ground floor:** kitchen, dining, family room, laundry, storage, bathroom 3 and stairs.

**First floor:** Bedroom 2, 3 and 4, bathroom, playroom and storage.

Internal alterations including:

- Demolition of internal walls.
- Reconfiguration of rooms.
- New bathroom.
- The installation of a swimming pool on the rear boundary, which measures 9m by 3.2m with associated pool fence and filter.
- Fenestration changes within the original dwelling with new windows within the ground floor northern and southern elevation.
- New front fence.
- Demolish existing shed and outside toilet.
- Associated landscape works including tree removal and paving.
- The provision of two underground rainwater tanks within the rear yard.

**The proposed materials and finishes include:**

- Bluescope colorbond "Windspray" to roof.
- Dulux "Vivid White" to window and door frames.
- Dulux "Grainger" to existing walls.
- Dulux "Partita" to new walls.
- Dulux "Wayward Grey" to posts, fascias, window sills, trim and front fence.
- Boral designer block.

**Recommending:**

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

- A. **THAT** Council, as the consent authority, assume the concurrence of the Director General of the Department of Planning and invoke the provisions of SEPP No.1 to Clause 18 (BHP) and grant consent to Development Application No.189/06, proposing partial demolition with the construction of a new ground and first floor attic style rear addition, internal alterations, the installation of a swimming pool, new front fence and associated landscape works at 113 Bellevue Street, Cammeray subject to the attached standard conditions and following site specific conditions:-

**Deletion of Front Dormer**

- C1. The proposed front dormer on the northern elevation is to be deleted and replaced by a skylight. The skylight is to have the same dimensions and location as the front skylight, serving the playroom, on the southern elevation. Amended plans demonstrating compliance with this condition must be provided to the Certifying Authority prior to the issue of the Construction Certificate.

(Reason: To ensure the roof plane of the original dwelling is kept intact and not dominated by dormers and to reduce the visual impact from the streetscape)

**Skylights**

- C2. The frame and flashing of the skylights is to be flush to the roof plane and match the roof colour as closely as possible. Details demonstrating compliance with this condition must be provided to the Certifying Authority prior to the issue of the Construction Certificate.



(Reason: To reduce the visual impact of the skylights as viewed from the streetscape)

### **Front Verandah**

C3. The sandstone flagging to the front verandah is to be laid with traditional Victorian detailing. The proposed new verandah base is to be brick to match the existing or smooth-faced sandstone. The original verandah posts are to be restored with traditional construction. Stirrups are not to be used on the verandah posts. Details demonstrating compliance with this condition must be submitted to Council to the satisfaction of the Conservation Planner prior to the issue of a Construction Certificate.

(Reason: To ensure the proposed works do not adversely erode the significance of the conservation area through the provision of unsympathetic detailing)

### **Front Fence**

C4. The proposed sandstone base to the front picket fence is to be smooth-faced with the timber pickets a maximum height of 900mm. Details demonstrating compliance with this condition must be submitted to Council to the satisfaction of the Conservation Planner prior to the issue of a Construction Certificate.

(Reason: To ensure the proposed works do not adversely erode the significance of the conservation area through the provision of unsympathetic detailing)

### **Porous Paving**

C5. The formalisation of the off street car parking space shall be paved with materials to allow stormwater infiltration to the substrate. Details demonstrating compliance are to be submitted to the Certifying Authority for approval with the Construction Certificate.

(Reason: To improve the capacity of the site to absorb water runoff)

### **Swimming Pool Cover**

C6. The swimming pool is to be fitted with a cover. Details demonstrating compliance with this condition must be provided to the Principal Certifying Authority prior to the issue of the Construction Certificate.

(Reason: To minimise evaporation of pool water and conserve water)

### **Swimming Pool Lighting**

C7. Only low-level pool lighting shall be used and directed away from neighbouring properties. Details demonstrating compliance with this condition must be provided to the Principal Certifying Authority prior to the issue of the Construction Certificate.

(Reason: To ensure the swimming pool lighting does not adversely affect residents of neighbouring properties)

### **Thermal Massing and Insulation**

C8. The walls, floors and ceilings of the proposed new building works are to be provided with bulk or reflective insulation to contribute to effective thermal massing. Details demonstrating compliance that the thermal insulation provided in the new elements of the building comply with AS2627 Part 1 are to be submitted with the Construction Certificate.

(Reason: To improve energy efficiency of the development)

### **Energy Efficiency Devices**

C9. The following energy efficiency devices are to be installed within the development:

- a. Dual flush toilets.
- b. Low flow taps and showerheads.

Details are to be submitted for approval with the Construction Certificate.

(Reason: To promote the use of energy efficient appliances)

### **Heritage Consultant**

E1. A suitably qualified and experienced heritage consultant is to be engaged to determine and identify if the exterior brickwork on the southern elevation was originally exposed brickwork. If recommended by the heritage consultant to be the case, all exterior paintwork in this area is to be removed and brickwork restored to the satisfaction of the heritage consultant.

(Reason: To be able to identify the extent of the original cottage and expose the characteristic Victorian Italianate brickwork, relative to the proposed large scale addition).

### **Approved Materials**

E2. The colour, texture and substance of all external materials shall be as detailed in the application, namely:

- Bluescope colorbond "Windspray" to roof.
- Dulux "Vivid White" to window and door frames.
- Dulux "Grainger" to existing walls.
- Dulux "Partita" to new walls.
- Dulux "Wayward Grey" to posts, fascias, window sills, trim and front fence.
- Boral designer block.

(Reason: To ensure compliance with the terms of this development consent)

### **Screen Planting (Eastern Boundary)**

I1. The landscape screening shown on the eastern rear boundary of the approved landscape plan unnumbered, undated, drawn by Ann Scott Wilkes and received by Council 27 July 2006, is to be planted and maintained to achieve a mature height of 2.5 metres.

(Reason: To ensure an adequate level of privacy is provided to the adjoining property to the east, No.14 Colin Street)

### **Refilling / Top Up of Swimming Pool**

I2. Future water requirements for refilling and topping up the swimming pool is to be obtained from the approved rainwater tanks.

(Reason: To conserve water)

B. **THAT** in approving Development Application No.189/06, 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 pursuant to Section 377 of the Local Government Act 1993 grants delegated authority to the General Manager to resist such appeal 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.

Ms Carter and Mr Henderson addressed the meeting.

**RESOLVED**

**THAT** Council delegates to the General Manager, pursuant to Section 377 of the Local Government Act 1993 (as amended), in respect of development application No. 189/06 authority to:

- (a) Grant consent to the application, but subject to clarification of the accuracy of the shadow diagrams, and subject to:
  - (i) implementation of conditions which the General Manager determines are appropriate;
  - (ii) Deletion of condition C1.
  - (iii) Condition I1 to be amended as follows:

**Screen Planting (Eastern boundary)**

    - II. The landscape screening shown on the eastern rear boundary of the approved landscaped plan unnumbered, undated, drawn by Ann Scott Wilkes and received by Council on 27 July 2006, is to be a species which typically grows to a height of 2.5 metres.  
(Reason: To ensure an adequate level of privacy is provided to the adjoining property to the east, No. 14 Colin Street)
  - (iv) clarification as to the necessity of condition E1.
- (b) In the event that, pursuant to (a) above, the General Manager concludes that the objectives cannot be satisfactorily achieved, application No. 189/06 be referred back to the Council for determination.

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

**737. PDS06: 1 Premier Street, Neutral Bay (C) DA267/05**

Applicant: M Donaldson

Report of Gina Hay – Senior Assessment Officer - 13 September 2006

The proposal is for the demolition of an apartment complex on the site, one building containing 2 dwellings and the other 3, and their replacement with an apartment building containing 7 apartments. The entire site is registered under one deposited plan, and all existing flats are currently rented.

The proposal includes 7 apartment units in two buildings linked by a covered lobby, and comprises 6 x 2 bed units, and 1 x 4 bed unit. The proposed lower building, facing Premier Street comprises two apartments each with two bedrooms and balconies facing Premier Street. The apartments in this building are each two storeys, with the bedrooms and living areas all oriented west towards Premier Street. There are highlight windows on the northern side closest to the neighbouring house, No 3 Premier Street and to the east. The upper building has dual orientation to Premier Street and Highview Lane and contains the remaining 5 apartments and the carparking. One two bed apartment is located below the carparking and has its own entry, with the bedrooms facing south west over Premier Street and the living areas facing east over Highview Lane. There are 2 x 2 bed apartments above, with one apartment having a primary orientation to Premier Street and the other to Highview Lane. Above this are another two bed unit, which faces Premier Street and the four bed unit which is situated over two floors. The lower floor comprises the bedrooms, and the upper floor has the living areas, which open onto a large terrace overlooking Premier Street. The buildings are stepped down the site and both buildings have a flat roof.

Nine carparking spaces are proposed, including one disabled/visitor space and a carstacker capable of holding 6 vehicles. Due to the topography of the site, the carparking is in the centre of the building, with access via Highview Lane.

Proposed finishes include painted masonry and timber cladding on the exterior walls, a masonry screen around the carparking area, and sliding timber screens along some windows. There will be glass balustrades around the balconies and the windows will have aluminium frames. Landscaping proposals included soft landscaping and uncovering the rocky sandstone outcrops on the site, in addition to soft landscaping of the roof of the lower building.

**Recommending:**

PURSUANT TO SECTION 80/91 OF ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (AS AMENDED)

- A. **THAT** Council resolve to refuse development consent to Development Application No. 267/05 for demolition of two buildings and erection of apartment building containing 7 apartments on land at 1 Premier Street, Neutral Bay as shown on plans DA01-10 for the following reasons:-
1. Vehicular access is not permitted over lands zoned Open Space for uses that are not permissible within the zoning, and is contrary to Clause 14 of the NSLEP 2001.
  2. The proposal is inconsistent with Section 7.4, Part (q) – Garbage Storage, in that the proposal does not show a garbage collection point within 2 metres of the street boundary.
- B. **THAT** in refusing Development Application No. 267/05, and in the event of the applicant lodging an appeal to the Land & Environment Court, the Council pursuant to Section 377 of the Local Government Act 1993 grants delegated authority to the General Manager to resist such appeals having regard to the reasons for refusal identified above.

Mr Nangle, Mr Singer, Mr Holden and Mr Robertson addressed the meeting.

It was moved by the Mayor, Councillor McCaffery and seconded by Councillor Reymond

- A. **THAT** Council resolve to refuse development consent to Development Application No. 267/05 for demolition of two buildings and erection of apartment building containing 7 apartments on land at 1 Premier Street, Neutral Bay as shown on plans DA01-10 for the following reasons:-
1. Vehicular access is not permitted over lands zoned Open Space for uses that are not permissible within the zoning, and is contrary to Clause 14 of the NSLEP 2001.
  2. The proposal is inconsistent with Section 7.4, Part (q) – Garbage Storage, in that the proposal does not show a garbage collection point within 2 metres of the street boundary.
  3. The proposal fails to comply with the view-sharing principles of the NSLEP2001 in particular with regard to iconic views.
- B. **THAT** in refusing Development Application No. 267/05, and in the event of the applicant lodging an appeal to the Land & Environment Court, the Council pursuant to Section 377 of the Local Government Act 1993 grants delegated authority to the General Manager to resist such appeals having regard to the reasons for refusal identified above.
- C. **THAT** Council seek legal advice regarding the Land & Environment Courts position on view sharing.

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

-

**THAT** the report be adopted.

**THAT** Council seek legal advice regarding the Land & Environment Court's position on view sharing.

The amendment was put and **carried**.

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

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

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

Voting was as follows: For/Against 10/3

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

**RESOLVED:**

**THAT** the report be adopted.

**THAT** Council seek legal advice regarding the Land & Environment Court's position on view sharing.

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

**738. PDS08: 53A Cairo Street, Cammeray (T) Section 82A Review No 2/06 of determination of DA 190/05**

Applicant: Karen Mitchell

Report of Ian Pickles, Executive Assessment Planner - 19 September 2006

The development application which is the subject of this review (DA No 190/05) proposed the erection of a flat roofed carport to the existing single off-street car parking space in the front of property 53A Cairo Street, Cammeray.

**Recommending:**

PURSUANT TO SECTION 82A OF ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (AS AMENDED)

- A. **THAT** Council determines its position in regard to the review of the determination to refuse Development Application No. 190/05 to erect a flat roofed carport to the existing single off-street car parking space in the front of property 53A Cairo Street, Cammeray.
- B. **THAT** in the event of refusing this Section 82A review and in the event of the applicant lodging an appeal to the Land & Environment Court against the decision, the Council hereby resolves to resist any appeal subsequently lodged having regard to the reasons for refusal identified above.

Ms Mitchell addressed the meeting.

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

**THAT** Council delegates to the General Manager, pursuant to Section 377 of the Local Government Act 1993 (as amended), in respect of development application No. 190/05 authority to:

- (a) Grant consent to the application, but subject to conditions including:
  - (i) those conditions which the General Manager determines are appropriate;
- (b) In the event that, pursuant to (a) above, the General Manager concludes that the objectives cannot be satisfactorily achieved by the imposition of a condition or conditions, application No. 190/05 be referred back to the Council for determination.

**THAT** the matter be referred to the Planning & Development Committee to review the possibility of setting aside the Car Parking Policy which applies to this section of Cairo Street.

It was moved as an amendment by the Mayor, Councillor McCaffery and seconded by Councillor Ritten -

- A. **THAT** Council resolve to refuse development consent to Development Application No. 190/05, proposing the erection of a single carport on an existing on-site car parking space, on land at 53a Cairo Street, Cammeray, as shown on drawing numbered DA-003 A, dated 28 April 2005, drawn by Contemporary Architecture Pty Ltd, and received by Council on 4 May 2005 for the following reasons: -

**Building Height Plane**

1. The proposal demonstrates a statutory non-compliance with regard to Clause 18 (building height plane) provision of NSLEP 2001. The necessary SEPP No 1 Objection has not been submitted in support of the proposals departure with this development standard and therefore irrespective of any merit of the proposal, Council does not have the discretion to favourably determine the application.

Particulars

- (i) *Clause 18(2) of the NSLEP 2001.*

**Uncharacteristic Built Form**

2. The proposal does not reflect or reinforce the existing or desired future character of the locality in that:
  - (a) The carport adversely impacts upon the landscape setting of the street and existing dwelling;
  - (b) The carport reduces the heritage significance of the Plateau Conservation Area; and
  - (c) The carport provides for an inappropriate form resulting in an undesirable impact on the streetscape and a recognisable adverse difference to the bulk and scale of the existing dwelling located on the site.

Particulars

- (i) *Clause 14(2) of the NSLEP 2001 (Consistency with aims of plan, zone objectives and desired character) and clause 3(a)(i), Clause 3(e)(i) and (ii) of the NSLEP 2001;*
- (ii) *Clauses 16 (d) of the NSLEP 2001 (Residential Zone Objectives);*
- (iii) *Clause 44 (c) and (d), Clause 49 (1)(a), (g), and Clause 49 (2) of NSLEP 2001;*
- (iv) *Section 7.3 Part (a), (e), (f), (h), (i), (k) and (m) of DCP 2002;*
- (v) *Section 7.4 Part (i), (j) and (n) of DCP 2002;*

- (vi) Section 8.8 Part (h) and (r) of DCP 2002; and  
 (vii) Section 3.3 of DCP 2002 Plateau Conservation Area Character Statement.

**Cumulative Impact**

3. The likely cumulative impact of the development on the natural and built environment.  
 Particulars  
 (i) Section 79C Part 1(b) of the Environmental Planning and Assessment Act 1979.
- B. **THAT** in refusing Development Application No. 190/05, and in the event of the applicant lodging an appeal to the Land & Environment Court against the decision, the Council hereby resolves to resist any appeal subsequently lodged having regard to the reasons for refusal identified above and having regard to standard advising (a). (Section 34 Conference).
- C. **THAT** Council review its controls in relation to car parking in Cairo Street.

The amendment was put and **lost**.

Voting on the amendment was as follows: For/Against 5/8

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

The motion was put and **carried**.

Voting was as follows: For/Against 8/5

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

**RESOLVED:**

**THAT** Council delegates to the General Manager, pursuant to Section 377 of the Local Government Act 1993 (as amended), in respect of development application No. 190/05 authority to:

- (a) Grant consent to the application, but subject to conditions including:  
 (i) those conditions which the General Manager determines are appropriate;
- (b) In the event that, pursuant to (a) above, the General Manager concludes that the objectives cannot be satisfactorily achieved by the imposition of a condition or conditions, application No. 190/05 be referred back to the Council for determination.

**THAT** the matter be referred to the Planning & Development Committee to review the possibility of setting aside the Car Parking Policy which applies to this section of Cairo Street.

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

**739. PDS10: 7-11 Illiliwa Street, Cremorne (T) DA441/05**

Applicant: Machon Paull Consultancy Pty Ltd

Report of Tony Robb, Team Leader (Assessments) - 20 September 2006

Demolition of existing aged care facility and single dwelling and redevelopment of the site for the purposes of housing for aged or disabled persons. The facility is intended for the frail aged, respite care, palliative care and dementia care.

The proposed building will present to the street as generally two storeys. Given the proposed excavation and the topography of the site, parts of the building will extend over 4 storeys in section.

The scheme includes 41 single rooms, all with en-suite facilities, built around a central, covered courtyard. Common areas, such as lounges, are provided at each residential level. The second, uppermost level is setback from the main building line by 3-4m and between 7-9m from the site boundaries.

The details of the proposed development are as follows:

**Site preparation**

- Demolition of existing aged care facility, single dwelling and all associated structures;
- Amalgamation of lots;
- Removal of all vegetation, including two trees on site and one street tree to allow for widened driveway.

**Excavation**

- Bulk excavation of the site to allow for basement parking and services and other non-habitable uses at ground floor level at the rear of the site above the basement.
- The excavation cut will be a uniform 4m from the rear boundary, 3.8m minimum and 4.8m maximum from the south-west boundary, ( 5 Illiliwa Street) and between 0m and 8.5m from the boundary to the north east, (11A Illiliwa Street). The excavation proposed against the north-east boundary is at the vehicular entry and pertains to a fire escape passage. This excavated element starts at the boundary then moves away from the boundary in an arc until it reaches the main excavation line on the north east side of the site located some 4.5m from the boundary. The excavated basement is setback 5m from the front boundary.
- The depth of excavation at its greatest point will be approximately 8m below existing ground level.

**Basement**

- The basement parking and services area has a dual direction entry/exit located in the same position as the current garage attached to 11 Illiliwa Street. Parking is provided for 18 cars, (two of which are designed for the use of disabled persons), a loading service bay, an ambulance bay and a space for the nursing home bus.
- Other service functions include plant rooms, laundry, a holding room (for the deceased), a garbage room, on-site stormwater detention, storage rooms and a lift lobby to access floors above.

**Ground floor plan**

- Pedestrian disabled access to the site is proposed at the centre of the street façade, leading to the entry to the building located some 10m from the south-west side boundary.
- A landscaped setback is proposed across the front of the site, except for the vehicular entry/exit.
- Eleven single rooms with en-suite facilities.
- Nurse's station, staff room and facilities, kitchen and associated storage.
- Hairdresser.



- Administration and reception.
- Internal courtyard with operable roof.
- Lobby, lounge, dining room and day lounge leading to external open space.

#### **First floor plan**

- Twenty single rooms with en-suite facilities.
- Office, nurse's station and utility rooms.
- Lounge, dining area, day lounge and balcony/terrace facing street with privacy screen to south-west.
- A gate adjacent to the south-west boundary allows access to the side landscaped area. Stepping stones are proposed within the landscaped setback leading to stairs at the rear leading to the second floor. The route is an essential exit in case of emergency where evacuation is required. The path is not proposed as a principal entry.
- A stair is proposed within the north-east setback to connect the lower level landscaped terrace off the day lounge with the landscaping at the rear of the site.
- Elevated terrace within atrium.

#### **Second floor plan**

- The second floor is setback up to 4.5m from the external building walls below. A roof garden/terrace is proposed in this setback area, accessible for maintenance purposes only.
- Ten single rooms with en-suite facilities.
- Nurse's station and store.
- Lounge/dining room and day lounge.
- Elevated terrace within atrium.

#### **Roof plan**

- An almost flat parapet roof is proposed. The roof will have a pitch of 5° to facilitate drainage to box gutters concealed by the parapet.
- Ventilation ducts are proposed in the southern portion of the roof. The nominated locations for these outlets are in excess of 10m from any boundary.

#### **Elevations**

- Each private room is provided with what the applicant has termed "box windows". These are in the form of a bay-type window. The side lights will be clear glazing whilst the windows that are parallel with the building wall are to be highlight windows, in some cases obscured.
- The facades are articulated by these window forms, introducing vertical elements across what is otherwise a horizontally proportioned building.
- Sandstone plinths and walls are used to provide further articulation.

#### **Exterior finishes schedule**

- |                                   |  |
|-----------------------------------|--|
| ▪ External walls:                 | Sandstone tiles and painted, rendered masonry.                   |
| ▪ Roof sheeting:                  | Zincalume colorbond.   |
| ▪ Downpipes, gutters and fascias: | Painted steel.   |
| ▪ Balustrading and columns:       | Painted galvanised steel.  |
| ▪ Windows and doors:              | Powder coated, aluminium framed.                                 |
| ▪ Sunhoods:                       | Galvanised steel support framed, powder-coated aluminium louvres |

#### **Miscellaneous**

- Boundary fences:
- Front: 750mm high front picket fence, with masonry plinth in part.
- Rear: 1.8m high fence.
- North east boundary: 1.8m high fence.
- North-west boundary: No fence proposed.

- Privacy screen shielding first floor lounge from 5 Illiliwa Street.
- Perimeter landscaping for screening purposes.
- Retention of existing retaining wall at rear boundary and construction of further retaining wall setback approximately 1.5m from rear and north-east boundary to allow for accessible landscaped space and sustainable screen planting.
- Mechanical ventilation.

### **Operations**

- Peak staffing during morning shift of 10. Maximum number of staff between 10.30pm and 7.00am will be 3-4. Shift changeover times will be 0630, 1430 and 2230.
- Visiting hours will be unrestricted, in practice however, the applicant considers 11.00am and 2.00pm to be peak visiting times. Based on visiting patterns of other homes owned by Thompson Health Care, 10-20% of residents would receive a visit on a daily basis.
- All catering done on-site. Daily deliveries for essentials such as bread and milk whilst other deliveries will be on a weekly basis. Deliveries will occur between 7.30am to 5.00pm Mon. to Fri. and midday on Saturdays. Deliveries will be made to the basement and all vehicles will leave the site in a forward direction.
- Laundry will be done off-site, except for some domestic items. Deliveries and pick from the basement will occur 6 days weekly.
- A maintenance person will be on the staff to attend to any the minor repairs and to assist in operations.
- Waste will be collected by commercial operator three times per week between 5.00pm and 6.00pm.
- Gardening services will be provided by external contractors as required.

### **Recommending:**

PURSUANT TO SECTION 80(3) OF ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (AS AMENDED)

- A. **THAT** Council, as the consent authority, assume the concurrence of the Director General of the Department of Planning and invoke the provisions of SEPP 1 with respect to variations to clauses 17 and 20 of NSLEP 2001 and grant deferred commencement consent to Development Application No. 441/05 for the demolition of all existing structures and vegetation, bulk site excavation and the erection of a building for the purposes of housing for aged or disabled persons, including basement parking at 7-11 Illiliwa Street, Cremorne, subject to the attached standard conditions and the following site specific conditions:-

#### **Deferred Commencement Conditions**

This consent shall not operate until the following deferred commencement conditions have been satisfied.

#### **Geotechnical Report – Excavation Work**

AA1. A certificate prepared by an appropriately qualified Geotechnical Engineer shall be submitted to Council for approval prior to the activation of this consent Certifying Authority for approval with the Construction Certificate, certifying that the existing rock formations and substrate on the site are capable of:

- (a) withstanding the proposed loads to be imposed;
- (b) withstanding the extent of the proposed excavation, including any recommendations for shoring works that may be required to ensure the stability of the excavation;
- (c) providing protection and support of adjoining properties;
- (d) the provision of appropriate subsoil drainage during and upon completion of construction works.

(Reason: To ensure the structural integrity of the subject site and adjoining sites during the excavation process)

### **Construction Management Program**

AA2. A Construction Management Program prepared in accordance with the provisions of Section 23.2 of the North Sydney DCP 2002 shall be submitted to, and approved in writing by the Council prior to the issue of any Construction Certificate. The program shall detail:

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

All work and excavation, demolition or construction activities shall be undertaken in accordance with the approved Construction Management Plan and any conditions attached to the approved plan. A copy of the approved Construction Management Plan, and any conditions imposed on that plan, shall be kept on the site at all times and made available to any officer of Council upon request.

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

that failure to provide complete and detailed information may result in delays and requests for additional information.

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

#### **Vehicular Access way Design:**

AA3. Prior to the activation of this consent, the applicant shall design the vehicular access way in compliance with the following:

- a) The vehicular access way shall be designed to comply with AS2890.1 to ensure that a B85 vehicle will not scrape/strike the surface of the carriageway, layback, vehicular crossing, or garage floor.
- b) The width of the vehicular layback shall be 7.5m (including the wings).
- c) The crossing (between the layback and the property boundary) shall be placed on a single straight grade of approximately 4.5%, falling to the back of the layback.
- d) Any twisting of the driveway or garage slab, shall happen entirely within the subject property.
- e) A certificate prepared by an appropriately qualified and practising Civil Engineer shall be provided to the Certifying Authority to certify compliance with these requirements.
- f) The accessway shall allow forward clearance of at least 3.2m to facilitate ambulance entry.

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

**Upon satisfaction of the deferred commencement condition/s, the following site specific conditions apply:**

#### **Seniors Housing**

A1. The approved development may only be used for the purposes of "Seniors Housing" as defined under Clause 10 of SEPP (Seniors Living) 2004. The approved development may be used for the accommodation of the following:

- (a) seniors or people with a disability;
- (b) people who live within the same household with seniors or people who have a disability;
- (c) staff employed to assist in the administration of and provision of services to such housing.

(Reason: To ensure the approved development is used for its intended purpose.)

#### **South west boundary fence**

A2. This consent does not allow for the erection of a party fence with the property at 5 Illiliwa Street. The erection of any such structure shall be negotiated between the parties under the provisions of the NSW Dividing Fences Act 1991.

(Reason: To allow for an outcome that is satisfactory to both parties in terms of costs and design.)

#### **Landscape Plan (Amended)**

C1. Prior to the issue of a Construction Certificate, the submitted landscape plan, prepared by LADD HUDSON Landscape Architects, dated

14/8/06, shall be amended for the approval of the Principal Certifying Authority as follows:

- (a) As the site conditions are not conducive to deep planting, the trees proposed within the front setback area shall be replaced with smaller trees that reach a maximum height of approximately 5m, such species may include *Gordonia axillaris*, or small eucalypt varieties such as, *Euc. Ficifolia* or *Angophora hispida*.
- (b) The peppercorn street tree approved for removal shall be replaced in an appropriate location in the nature strip by an advanced size of the same species, (minimum 50L pot size).
- (c) The proposed plantings on the roof of Level 1 shall generally not exceed 3.5m in height on maturity.
- (d) The Level 1 roof garden shall be irrigated by a drip irrigation system fed from the detention tank in the basement.

(Reason: To ensure plantings are appropriate to the site conditions, the street tree is replaced and that roof plantings are sustainable and do not further impede views.)

#### **Front fence**

C2. The sandstone blocks in the existing front retaining wall shall be recycled to form a raked, sandstone plinth for the proposed front picket fence. The minimum height of the plinth shall be 300mm and the overall height of the fence and plinth should not exceed 1.5m with respect to the section west of the site entry. Details of the revised front fence design shall be submitted to Council's Conservation Planner for approval prior to the issue of a Construction Certificate.

(Reason: To re-use sandstone and to integrate fence with building and streetscape.)

#### **Emergency egress door**

C3. Prior to the issue of a Construction Certificate details shall be provided to the satisfaction of the Principal Certifying Authority that a self-closing mechanism be fitted on the emergency egress door located adjacent to the lift on the second floor.

(Reason: To minimise noise impacts of door closing.)

#### **First floor terrace facing street**

C4. Prior to the issue of a Construction Certificate details shall be provided to the satisfaction of the Principal Certifying Authority that the height of the privacy screen proposed on the first floor terrace be increased to 1.8m from finished floor level at the front, finishing at 2m above floor level at the external building.

(Reason: To minimise overlooking from terrace to No.5 Illiliwa Street.)

#### **Screen at entry vestibule**

C5. Prior to the issue of a Construction Certificate details shall be provided to the satisfaction of the Principal Certifying Authority as to the materials, dimensions and construction of the proposed screen at the western edge of the entry vestibule. The details submitted should allow for the visual screening of the area in relation to 5 Illiliwa Street. The provision of an acoustic screen is not required. A preferred design outcome would be a screen constructed of horizontal hardwood battens with spaces of half the width of the battens, built to the underside of the terrace above with plantings behind.

(Reason: To minimise overlooking from entry vestibule to No.5 Illiliwa Street.)

- B. **THAT** in approving Development Application No 441/05, 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 pursuant to Section 377 of the Local Government Act 1993 grants delegated authority to the General Manager to resist such appeal 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** in the event of the applicant lodging an appeal to the Land & Environment Court against Council's decision, the matter be determined at a full Court hearing for the reasons that the matter involves significant points of law and issues of planning principle.
- E. **THAT** Council resolve to consider this type of development in any future review of North Sydney Section 94 Contributions Plan 2004.
- F. **THAT** Council resolve to formulate policy to address this particular form of development by:
- (i) making a submission to the Department of Planning to request the exclusion of North Sydney Council from Schedule 3 of SEPP (Seniors Living ) 2004, which limits those whom may make an application under this instrument to the Director-General for Housing or on behalf of a local government or community housing provider; OR
  - (ii) Prepare a Development Control Plan for this particular type of development.

Mr Paull, Mr Heiler and Ms Faulkner addressed the meeting.

It was moved by Councillor Gibson and seconded by Councillor Bevan - **THAT** the report be adopted.

It was moved as an amendment by Councillor Ritten and seconded by the Mayor, Councillor McCaffery -

**THAT** the application be refused for the following reasons:

- Landscaping does not meet the requirement set by the Controls
- Bulk and scale too great
- Loss of views and amenity to the surrounding residents
- Does not conform to the character of the streetscape.

A further amendment was foreshadowed.

The amendment was put and **lost**.

Voting on the amendment was as follows: For/Against 2/11

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

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

- A. **THAT** Council defers consideration of development application No. 441/05
- B. **THAT** the applicant be requested to lodge amended plans addressing the following issues and concerns:
- (i) reduction in bulk and scale
  - (ii) increase in landscaping so as to be not less than existing.
- 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: 441/05
- (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.
  - (iii) in the event that the General Manager determines DA441/05 by way of granting consent, those conditions that the General Manager considers appropriate will form part of any such consent:
- D. **THAT** in the event that amended plans are not lodged as requested the application be referred back to the Council for determination.
- E. **THAT** the matter be referred to the Planning & Development Committee to review appropriate controls for this kind of development in residential areas.

The amendment was put and **carried**.

Voting on the amendment was as follows: For/Against 10/3

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

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

Voting was as follows: For/Against 10/3

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

**RESOLVED:**

- A. **THAT** Council defers consideration of development application No. 441/05
- B. **THAT** the applicant be requested to lodge amended plans addressing the following issues and concerns:
- (i) reduction in bulk and scale
  - (ii) increase in landscaping so as to be not less than existing.
- 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: 441/05
- (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.
  - (iii) in the event that the General Manager determines DA441/05 by way of granting consent, those conditions that the General Manager considers appropriate will form part of any such consent:
- D. **THAT** in the event that amended plans are not lodged as requested the application be referred back to the Council for determination.
  - E. **THAT** the matter be referred to the Planning & Development Committee to review appropriate controls for this kind of development in residential areas.

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

**At its meeting of 9 October 2006, Council resolved that the Minute be corrected as follows:**

**RESOLVED:**

- A. **THAT** Council defers consideration of development application No. 441/05
- B. **THAT** the applicant be requested to lodge amended plans addressing the following issues and concerns:
  - (i) reduction in bulk and scale
  - (ii) increase in landscaping so as to be not less than existing.
- C. **THAT** a further report be submitted to Council after assessment of the amended plans
- D. **THAT** the matter be referred to the Planning & Development Committee to review appropriate controls for this kind of development in residential areas.

**740. NoM01: Notice of Motion No. 41/06 by Councillor Ritten - 20/09/06**

**Re: Wakelin Reserve - Proposed Railcorp Sub station buildings and fence**  
**THAT** Council as soon as possible, proceed to:

- (a) physically mark out on the grass, the line of the proposed 2.4m fence using spray paint.
- (b) physically mark out the outline of the proposed buildings in a different colour spray paint.
- (c) place a post of 2.4m in height at the point near the picnic table where the fence turns to the west.
- (d) place a sign on that post, clearly explaining what the painted lines mean

Ms Bonney addressed the meeting.

By Consent the Motion was amended to read:

**THAT** Council informs Railcorp, as soon as possible, that it plans to:

- (a) physically mark out on the grass, the line of the proposed 2.4m fence using spray paint.
- (b) physically mark out the outline of the proposed buildings in a different colour spray paint.
- (c) place a post of 2.4m in height at the point near the picnic table where the fence turns to the west.



- (d) place a sign on that post, clearly explaining what the painted lines mean

The Motion as amended was moved by Councillor Ritten and seconded by the Mayor, Councillor McCaffery.

## REPORTS

### General

**741. G01 Presentation to the Public of the Audited Statement of Accounts and the Auditors Reports for the year ended 30 June 2006**

(Previously dealt with see Minute No 729)

**742. G02: Investments Held as at 31 August 2006**

(Previously dealt with see Minute No 730)

**743. G03: Election of Deputy Mayor**

Report of Kerry Gilbert, Director of Corporate Services, 18 September 2006

An election to the position of Deputy Mayor is to be conducted. The election falls due in September each year.

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

**Recommending:**

**THAT** nominations be called for the office of Deputy Mayor.

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

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

1. Councillor Carland moved by the Mayor, Councillor McCaffery and seconded by Councillor Reymond.
2. Councillor Predavec moved by Councillor Gibson and seconded by Councillor Conaghan.

A vote was therefore held.

**Councillor Carland**

Voting was as follows:

For/Against 6/7

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

**Councillor Predavec**

Voting was as follows:

For/Against 9/4

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

**RESOLVED:**

**THAT** Councillor Predavec be elected to the position of Deputy Mayor for the period to September 2007.

#### 744. **G04: Appointment of Council Representatives to Committees & Trusts**

Report of Faith Woolacott, Corporate Support Manager, 18/09/06

The following Committees and Trusts require Council to nominate representatives:

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

**Recommending:**

**THAT** Council appoint representatives to the bodies listed above.

**RESOLVED:**

**THAT** the appointed representatives to the bodies listed above be as follows:

- |   |   |
|---|---|
| 1. Crows Nest Centre                                    | Councillors Predavec, Oglesby and Marchandean   |
| 2. Shorelink Committee (Library network)                | Councillor Predavec<br>Councillor Carland (alternative representative)                |
| 3. Northern Suburbs Regional Organisation of Councils   | The Mayor & Councillor Ritten<br>Councillor Zimmerman (alternative representative)    |
| 4. Nutcote Trust  | Councillors Marchandean and Reymond, plus<br>1 community representative               |
| 5. Sydney Coastal Councils Group                        | Councillor Marchandean  |
| 6. North Sydney Indoor Sports Centre                    | Councillors McCaffery, Pearson, Burke, Ritten<br>(Chair), Oglesby Zimmerman and Bevan |
| 7. North Sydney Retirement Trust (James Milson Village) | Councillors Bevan, Gibson and Reymond   |

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

#### 745. **G05: Reconstitution of Council Committees**

Report of Faith Woolacott, Corporate Support Manager 18/09/06

## Committees of Council

The Charter adopted by Council for each Committee requires that the Committees be reconstituted in September each year.

The position of Chairperson must also be determined

**Special Purpose Committees**

Special Purpose Committees have been formed to deal with specific issues. The position of Chairperson does not need to be determined by Council, nor do they require a quorum.

**Sub-Committees**

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

**Recommending:**

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

**THAT** Council determine the Chairperson of each Committee of Council.

**RESOLVED:**

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

**THAT** the Chairperson of each Committee of Council for the period to September 2007 be as follows:

<b>Committee</b>	<b>Chair</b>
Children's Services & Facilities	Councillor Predavec
Environmental Services	Councillor Gibson
Historical Resources	Councillor Reymond
Legal Services	The Mayor, Councillor McCaffery
Library Management	Councillor Carland
Management Services	The Mayor, Councillor McCaffery
North Sydney Access	Councillor Oglesby
North Sydney Arts & Events	Councillor Marchandau
Planning & Development Committee	The Mayor, Councillor McCaffery
Resources Allocation	The Mayor, Councillor McCaffery
Traffic	The Mayor, Councillor McCaffery

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

**746. G06: Report on Matters Outstanding from Council Resolutions**

Report of Penny Holloway, General Manager, 20 September 2006

A report on the current status of matters arising from Council resolutions up to the meeting of 11 September 2006 is presented.

**Recommending:**

**THAT** the report be received.

**RESOLVED:**

**THAT** the report be received.

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

**747. G07: Ratepayers' Incentive Draw 2006/2007**

Report of John Towers, Revenue Accountant, 19/09/06

The Annual Ratepayers' incentive draw took place on Monday, 19 September 2006. The winners were:

1st prize (\$15,000)	Ms S Jackson of Cammeray
2nd prize (\$7,000)	Ms R Koffel of Cremorne
3rd prize (\$3,500)	Mr & Mrs Bartrim of Neutral Bay

**Recommending:**

**THAT** the report be received.

**RESOLVED:**

**THAT** the report be received.

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

**748. G08: Report of the Planning & Development Committee**

(Previously dealt with see Minute No 731)

**749. G09: Report of the Children's Services & Facilities Committee**

Proceedings of Committee at meeting held in the Supper Room at the Council Chambers, North Sydney, on Monday, 18 September 2006, Minute Nos 26 to 40 inclusive.

**Recommending:**

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

**Re Min No 27: CS01: Shoreshocked 2006**

Report of Greg Nikoletos, Youth Development Worker, 9 August 2006

**Recommending:**

**THAT** the report be received

**Committee recommendation:**

**THAT** the report be received.

**Re Min No 28: CS02: Planet X Strategic Plan 2006-9**

Report of Greg Nikoletos, Youth Development Worker, 4 September 2006

**Recommending:**

**THAT** the report be received

**Committee recommendation:**

**THAT** the report be received.

**Re Min No 29: CS03: Sharing of toys at McMahons Point Community Centre**

Report of Martin Ellis, Director, Community and Library Services, 15 September 2006

**Recommending:**

**THAT** Council mediate between the groups to facilitate resolution of the issue as discussed

**Committee recommendation:**

**THAT** a meeting between the parties be held within 14 days to achieve a solution acceptable to all

**Re Min No 30: CS04: Parking at McMahons Point Occasional Care**

Report of Martin Ellis, Director, Community and Library Services, 5 September 2006

**Recommending:**

**THAT** the works other than the “no stopping zone” be endorsed and begin as soon as possible

**THAT** funding be allocated from Section 94 Child Care for the new gate

**Committee recommendation:**

**THAT** the report be adopted.

**THAT** legal advice be obtained on the lease provision in relation to the use of the driveway.

**Re Min No 31: CS05: Cammeray Preschool – office construction**

Report of Martin Ellis, Director, Community and Library Services, 5 September 2006

**Recommending:**

**THAT** the report be received

**Committee recommendation:**

**THAT** the report be received.

**Re Min No 32: CS06: Cammeray Occasional Care in Kendall**

Report of Martin Ellis, Director, Community and Library Services, 5 September 2006

**Recommending:**

**THAT** the report be received

**Committee recommendation:**

**THAT** the report be received.

**Re Min No 33: CS07: Childhood Obesity- Mid-term report to LGSA**

Report of James Marshall, Social Planner, 15 September 2006

**Recommending:**

**THAT** the report be received

**THAT** Council adopt as Policy that Council’s evaluation of responses to invitations to operate food and drink outlets on Council property will give value to submissions that promote healthy eating and drinking programs, in particular that there is no display of unhealthy food and drink options (as defined under advice from Area Health) for children; and the provision of nutritional information for adults

**Committee recommendation:**

**THAT** the report be adopted.

**THAT** education on the value of active recreation be included in the launch of the Healthy Eating Program and this information also be provided to the Children’s Services & Facilities Committee.

**Re Min No 34: CS08: Proposed Families and Children’s Network**

Report of Helen Campbell, Manager, Community Development, 15 September 2006

**Recommending:**

**THAT** Council support the establishment of a Lower North Shore Families and Children’s Services Network, and send representatives to the inaugural meeting on 9 November 2006

**Committee recommendation:**

**THAT** the report be adopted.

**Re Min No 35: CS09: Maps of Children's Services within North Sydney**

Report of Joanna Olsen, Children's Services Worker, 29 June 2006

**Recommending:**

**THAT** the information be received.

**THAT** the information be forwarded to Lane Cove, Mosman and Willoughby Council seeking similar maps for their areas.

**Committee recommendation:**

**THAT** the report be adopted.

**THAT** the information be placed on Council's website.

**Re Min No 36: CS10: Children's Services Waiting List Survey - Conclusions**

Report of Joanna Olsen, Children's Services Development Worker, 5 September 2006

**Recommending:**

**THAT** the report be received.

**THAT** staff investigate the feasibility of advertising vacancies for local Occasional Care services and for Family Day Care and Kelly's Place Child Care Centre on the Council homepage

**Committee recommendation:**

**THAT** staff investigate the feasibility of advertising vacancies for local Occasional Care services and for Family Day Care and Kelly's Place Child Care Centre on the Council homepage.

**THAT** the feasibility be explored of linking community based childcare services which have websites to Council's website.

**Re Min No 37: CS11: Statistics of Children aged 12 Years Living within North Sydney**

Report of Joanna Olsen, Children's Services Development Worker, 17 August 2006

**Recommending:**

**THAT** the information be received.

**Committee recommendation:**

**THAT** the report be received.

**Re Min No 38: CS12: Feedback from recent Children's Forums in the Lower North Shore.**

Report of Bronwyn Muir, and Joanna Olsen, Children's Services, 28 July 2006

**Recommending:**

**THAT** the information be received.

**Committee recommendation:**

**THAT** the report be received.

**Re Min No 39: CS13: Quarterly Report for Family Day Care, Period: April - June 2006**

Report of Bronwyn Muir, Family Day Care Co-ordinator, 1 September 2006

**Recommending:**

**THAT** the report be received

**Committee recommendation:**

**THAT** the report be received.

**Re Min No 40: CS14: Citizen Members of the Committee**

Report of Faith Woolacott, Corporate Support Manager 01/09/06

**Recommending:**

**THAT** existing Citizen members who have not already put their names forward be invited to remain on the Committee for the forthcoming year.

**THAT** the Committee endorse the applications for Citizen membership received from the following people:

- MaryAnn Beregi
- Melissa Nyholm
- Andrea Roberts

**Committee recommendation:**

**THAT** Citizen Members for the forthcoming year be:

MaryAnn Beregi  
Jane Cant  
Catherine Cole  
Melissa Nyholm  
Andrea Roberts  
Tanya Tyler

**RESOLVED:**

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

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

### **Division of Planning & Development Services**

**750. PDS01: North Sydney Draft Local Environmental Plan 2001 - Amendment 24 – 29A Shellcove Road, Neutral Bay-Foreshore Building Line**

(Previously dealt with see Minute No 732)

**751. PDS02: 16-38 Military Road, Neutral Bay (T) DA64/02/4**

(Previously dealt with see Minute No 733)

**752. PDS03: 40 Kirribilli Avenue, Kirribilli (V) DA340/06**

(Previously dealt with see Minute No 734)

**753. PDS04: North Sydney LEP 2001 Amendment No. 22 – Rezoning of Open Space Zone on land adjoining 67 and 65A Pine Street (Pine Street Embankment).**

(Previously dealt with see Minute No 735)

**754. PDS05: 113 Bellevue Street, Cammeray (T) DA189/06**

(Previously dealt with see Minute No 736)

**755. PDS06: 1 Premier Street, Neutral Bay (C) DA267/05**

(Previously dealt with see Minute No 737)

**756. PDS07: 138 Cammeray Road, Cammeray (T) DA 153/06**

(Previously dealt with see Minute No 727)

**757. PDS08: 53A Cairo Street, Cammeray (T) Section 82A Review No 2/06 of determination of DA 190/05**

(Previously dealt with see Minute No 738)

**758. PDS09: 53 Shellcove Road, Neutral Bay (C) DA579/05**

(Previously dealt with see Minute No 728)

**759. PDS10: 7-11 Illiliwa Street, Cremorne (T) DA441/05**

(Previously dealt with see Minute No 739)

### **Division of Community & Library Services**

**760. CLS01: Funding Agreement for Family Day Care**

Report of Martin Ellis, Director, Community and Library Services, 19 September 2006  
Council recently approved an agreement with the Department of Families, Community Services and Indigenous Affairs for July 2 to September 2006. Another Agreement, taking funding from October 2006 to 30 June 2007 has now been received and requires authorisation

**Recommending:**

**THAT** Council hereby authorises its Official Seal to be affixed to the Funding Agreement for Family Day Care for October 2006 to 30 June 2007, under the signature of the Mayor and the General Manager

**RESOLVED:**

**THAT** the report be adopted.

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



**761. CLS02: Cammeraygal Place**

Report of Martin Ellis, Director, Community and Library Services, 19 September 2006  
At its meeting on 11 September 2006 Council resolved to consider designating the grassed area of the eastern portion of Cammeraygal Place as an Alcohol Free Zone. Section 644 of the Local Government Act, 1993 permits this, as the grassed area (and indeed the whole car park is classified as a Road): "A council may prepare a proposal for the establishment of an alcohol-free zone, either on its own motion or on the application of one or more of the following people: (a) a person who the council is satisfied is a representative of a bona fide community group active in the area, (b) a police officer, (c) a person who the council is satisfied lives or works in the area.

The period can be for no longer than three years and must be advertised in a newspaper. All current Alcohol Free Zones (and Alcohol Prohibited Areas) have been established at the request of Harbourside Police, and as the Police are the enforcing agency for the Zones it is recommended that they be consulted first. Initial consultation is that they would prefer an alcohol prohibition, but that would entail a reclassification of a very small area. Other factors to consider are:

- Is it feasible that the public and Police can be expected to distinguish between (a) the two benches that have been installed on the grassed area, and (b) the Plaza proper where drinking would be permitted?
- That, if adopted, the period expire on 11 August 2009, to coincide with the expiry of the existing zones

**Recommending:**

**THAT** Council determine its position on an Alcohol Free Zone at Cammeraygal Place.

**RESOLVED:**

**THAT** Council designate the grassed area and path at Cammeraygal Place through the car park to Palmer Street as an Alcohol Free Zone.

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

**762. CLS03: A Social Plan for North Sydney 2004-7**

Report of James Marshall, Social Planner, 20 September 2006

A progress report on outcomes of the current Social Plan has been compiled and is provided for Council's information

**Recommending:**

**THAT** the information be received

**RESOLVED:**

**THAT** the information be received.

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

**Division of Engineering & Property Services****763. EPS01: Report of 424th Traffic Committee**

Proceedings of Committee at meeting held in the 424th Traffic Committee at the Council Chambers, North Sydney, on Friday, 1 September 2006, Minute Nos 163 to 197 inclusive.

**Recommending:**

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

**Re Min No 163: Minutes**

The Minutes of the previous meeting held on 21 July 2006, copies of which had been previously circulated, were taken as read and confirmed.

**Re Min No 164 on Min No 134: Minutes**

**(21/07/06)**

**Re Minute No 129 – (5.1) 1-16 Duntroon Avenue, St Leonards - Lane Cove Council DA No 55/06**

In reply to a question from Clr Ritten, the Traffic Engineer advised that a letter has been sent to Lane Cove Council, but no reply has been received as yet.

**Re Min No 165 On Min No 139: (4.2) Bicycle Subcommittee Minutes**

**(21/07/06)**

**Re Minute No 22: Ellalong Road - Road Closure**

In reply to a question from Sgt Olsen from the NSW Police, the Traffic Engineer advised that the hoops have been installed. The Traffic Planning Officer advised that the locality is not a shared path.

**ITEMS BROUGHT FORWARD**

**Re Min No 166: (4.8) Parking Restrictions**

Report of Traffic Engineer, Cathy Edwards-Davis 21 August 2006

**Recommending:**

**THAT** the recommendations made for changes in the parking restrictions be adopted.

**Committee recommendation:**

**THAT** the recommendations made for changes in the parking restrictions be adopted with the exception of Item Nos 2, 9 and 11.

**Re Item No 2 - Atchison Lane, Crows Nest**

**Committee recommendation:**

**THAT** this item be deferred for further investigation.

**Re Item No 9 - Holbrook Avenue**

**Committee recommendation:**

**THAT** this item be adopted.

**Re Item 11 - Little Walker Street, North Sydney**

**Committee recommendation:**

**THAT** this item be deferred for further investigation.

**Re Min No 167: (4.9) Minor Traffic Investigations**

Report of Traffic Engineer, Cathy Edwards-Davis 21 August 2006

**Recommending:**

**THAT** the recommendations made for minor traffic investigations be adopted.

**Committee recommendation:**

**THAT** the recommendations made for minor traffic investigations be adopted with the exception of Item Nos 14, 7, 17 and 18.

**Re Item No 14 - Miller Street, Cammeray****Committee recommendation:**

1. **THAT** the matter be referred to the Roads and Traffic Authority for comment.
2. **THAT** this matter become a standing item on the Traffic Committee agenda.

**Re Item No 7 - Emmett Lane, Crows Nest****Committee recommendation:**

1. **THAT** this item be adopted.
2. **THAT** the Body Corporate be advised of this decision.

**Re Item No 17 - Palmer Street, Cammeray****Committee recommendation:**

1. **THAT** this item be adopted.
2. **THAT** the issue of sightlines (triangle) at the Shell Service Station be referred to Council's PDS Division and Cammeray Shopping Area Streetscape Committee.
3. **THAT** Council offer a children's crossing to the School.

**Re Item No 18 - Undercliff Street, Neutral Bay****Committee recommendation:**

**THAT** this item be adopted.

**Re Min No 168: (4.15) Grosvenor Street Woolworths – Traffic Management Plan**  
Report of Traffic Engineer, Cathy Edwards-Davis 21 August 2006**Recommending:**

**THAT** the information be received.

**THAT** Council relocate the existing "No Stopping" restriction on the northern side of Grosvenor Lane, east of the driveway access to the loading dock, six metres further east.

**THAT** Council advise Woolworths that their delivery trucks should not be waiting or queuing in Grosvenor Lane, or surrounding streets.

**THAT** the previous comments made by the Neutral Bay Streetscape Committee at its meeting on the 29 November 2005 be referred to Woolworths.

**THAT** the Traffic Management Plan be referred to the Neutral Bay Streetscape Committee for their information.

**Committee recommendation:**

**THAT** the report be adopted.

**Re Min No 169: (4.18) 105 Gerard Street, Cremorne – Construction Management Plan**

Report of Traffic Engineer, Cathy Edwards-Davis 17 August 2006

**Recommending:**

**THAT** the traffic aspects of the Construction Management Plan received 4 August 2006 and supplementary correspondence dated 15 August 2006 for Development Application 121/03 at 105 Gerard Street, Cremorne, be approved subject to the conditions of approval stated in the report.

Mr G Banjanin addressed the Committee.

Sgt Olsen, from the NSW Police, raised the matter of the need to obtain a Permit from the Police for the use of cranes.

**Committee recommendation:**

1. **THAT** the report be adopted.
2. **THAT** the matter of the use of the bus stop in Macpherson Street be referred to the State Transit Authority for investigation.

**Re Min No 170: (4.20) 296 Pacific Highway, Crows Nest – SEPP11 Development – Section 96 Application**

Report of Traffic Engineer, Cathy Edwards-Davis 17 August 2006

**Recommending:**

**THAT** the Traffic Committee recommend that the restaurant/refreshment component of the proposed development be refused for the reasons outlined in the report.

**Committee recommendation:**

**THAT** the Traffic Committee recommend that the restaurant/refreshment component of the proposed development be refused for the reasons outlined in the report, unless the parking spaces and therefore traffic generation associated with this component of the development, using the access laneway off Shirley Road, were removed.

**Re Min No 171: (4.1) Update on the Lane Cove Tunnel Project – Informal Item**

Report of Traffic Engineer, Cathy Edwards-Davis 21 August 2006

**Recommending:**

**THAT** the information be received.

**Committee recommendation:**

**THAT** the report be adopted.

**Re Min No 172: (4.2) Pedestrian Subcommittee Minutes**

Report of Traffic Planning Officer, Greg Holding 21 August 2006

**Recommending:**

**THAT** the recommendations from the Pedestrian Subcommittee be adopted.

**Committee recommendation:**

**THAT** the report be adopted.

**Re Min No 173: (4.3) Lane Cove Tunnel Project – Local Area Traffic Management**

Report of Traffic Engineer, Cathy Edwards-Davis 21 August 2006

**Recommending:**

**THAT** the information be received.

**Committee recommendation:**

**THAT** the report be adopted.

**Re Min No 174: (4.4) Falcon Street – Pedestrian & Cyclist Facilities**

Report of Traffic Engineer, Cathy Edwards-Davis 21 August 2006

**Recommending:**

**THAT** the information be received.

**Committee recommendation:**

**THAT** the report be adopted.

**Re Min No 175: (4.5) Delegated Authority**

Report of Traffic Engineer, Cathy Edwards-Davis 21 August 2006

**Recommending:**

**THAT** the information be received.

**Committee recommendation:**

**THAT** the report be adopted.

**Re Min No 176: (4.6) Traffic Committee Items 2005/2006 and 2006/2007**

Report of Traffic Engineer, Cathy Edwards-Davis 21 August 2006

**Recommending:**

**THAT** the information be received.

**Committee recommendation:**

**THAT** the report be adopted.

**Re Min No 177: (4.7) List of Standing Items**

Report of Traffic Engineer, Cathy Edwards-Davis 21 August 2006

**Recommending:**

**THAT** the recommendations made for the standing items be adopted.

**Re Item 4 - Falcon Street, Crows Nest**

**Committee recommendation:**

**THAT** this item be adopted.

**Re Item 18 - Pacific Highway, North Sydney**

**Committee recommendation:**

**THAT** this item be adopted.

**Re Item No 20 - Wycombe Road, Neutral Bay**

**Committee recommendation:**

**THAT** this item be adopted.

**Re Item No 1 - Benelong Road, Cremorne**

**Committee recommendation:**

**THAT** this item be adopted.

**Re Item No 3 - Chandos Street, Crows Nest**

**Committee recommendation:**

1. **THAT** this item be adopted.

2. **THAT**, in the interim, a Stop sign be installed and line-marking be repainted at this location.

**Re Item No 2 - Broughton Street, Kirribilli****Committee recommendation:**

1. **THAT** the information be received.
2. **THAT** this item be removed from the Standing Items list.

**Re Item No 9 - Miller Street, Cammeray****Committee recommendation:**

1. **THAT** the information be received.
2. **THAT** this item be removed from the Standing Items list.

**Re Item No 14 - Miller Street, Cammeray**

and

**Item No 15 - Miller Street, Cammeray****Committee recommendation:**

1. **THAT** the information be received.
2. **THAT** this item be removed from the Standing Items list.

**Re Item No 10 - Miller Street, Cammeray****Committee recommendation:**

1. **THAT** Council investigate the installation of a pedestrian refuge at Rosalind Street.
2. **THAT** this item remain on the list of Standing Items until such time as the issue is resolved.

**Re Item No 11 - Miller Street, Cammeray****Committee recommendation:**

**THAT** this item be adopted.

**Ernest Street - Pedestrian Lights****Committee recommendation:**

**THAT** this matter become a standing item on the Traffic Committee agenda.

**Bus Stop - Pacific Highway, Crows Nest****Committee recommendation:**

**THAT** this matter become a standing item on the Traffic Committee agenda.

**Further Committee recommendation:**

**THAT** the remainder of the recommendations made for the standing items, namely Item Nos 5 to 8 inclusive, 12, 13, 16, 17, 19, 21 and 22, be adopted.

**Re Min No 178: (4.8) Parking Restrictions**

(Previously dealt with - see Minute No 166)

**Re Min No 179: (4.9) Minor Traffic Investigations**

(Previously dealt with - see Minute No 167)

**Re Min No 180: (4.10) Waverton – Parking Area 17 – Parking Restrictions**

Report of Traffic Engineer, Cathy Edwards-Davis 17 August 2006

**Recommending:**

**THAT** Council adopt the attached parking restriction recommendations.

**THAT** Council forward a copy of this report to Waverton Precinct.

**THAT** Council advertise the attached parking changes in the Mosman Daily and on Council's website.

**Committee recommendation:**

**THAT** the report be adopted.

**Re Min No 181: (4.11) Shirley Road, Crows Nest – Fire Station Access**

Report of Traffic Engineer, Cathy Edwards-Davis 10 August 2006

**Recommending:**

**THAT** Council install blue and yellow coloured patterned pavement adjacent to the Crows Nest Fire Station, on Shirley Road.

**Committee recommendation:**

**THAT** this item be deferred to the next meeting of the Traffic Committee pending details regarding costs of the two options mentioned in the report.

This matter was again discussed at the Traffic Committee meeting on the 9 June 2006 where the Committee felt it would be helpful to have input from the Fire Brigade. It is understood that a representative from the Fire Brigade will be attending the meeting on 1 September 2006.

**Recommending:**

**THAT** Council install blue and yellow coloured patterned pavement adjacent to the Crows Nest Fire Station, on Shirley Road.

**Committee recommendation:**

**THAT** the proposed patterned pavement adjacent to the Crows Nest Fire Station, on Shirley Road, be further investigated.

**Re Min No 182: (4.12) Miller Street, North Sydney – Taxi Zone Review**

Report of Traffic Planning Officer, Greg Holding 15 August 2006

**Recommending:**

**THAT** Council continue to monitor the new 'Taxi Zone' in Miller Street, North Sydney.

**Committee recommendation:**

**THAT** the report be adopted.

**Re Min No 183: (4.13) Cranbrook Avenue, Cremorne – Proposed Right Turn Restriction from Spofforth Street**

Report of Traffic Engineer, Cathy Edwards-Davis 21 August 2006

**Recommending:**

**THAT** Council support the proposed "No Right Turn 6am–10am Monday–Friday" restriction for southbound vehicles on Spofforth Street, Cremorne, to turn right into Cranbrook Avenue and that Council submit a Traffic Management Plan to the Roads and Traffic Authority seeking approval for this proposal.

**THAT** should the RTA grant approval for the No Right Turn, Council remove three parking spaces on the southern side of Rangers Road, at Allister Street, between 6am-10am Monday-Friday, to facilitate the right turn into Allister Street.

**Committee recommendation:**

**THAT** the report be adopted.

**Re Min No 184: (4.14) Neutral Bay High Pedestrian Activity Area**

Report of Traffic Engineer, Cathy Edwards-Davis 22 August 2006

**Recommending:**

**THAT** Council request an update from the RTA on progress with the Traffic Management Plan for a proposed 40 km/h High Pedestrian Activity Area in Kirribilli and Milsons Point.

**THAT** Council submit a Traffic Management Plan to the RTA for a proposed 40 km/h High Pedestrian Activity Area in the Neutral Bay shopping area.

**Committee recommendation:**

**THAT** the report be adopted.

**Re Min No 185: (4.15) Grosvenor Street Woolworths – Traffic Management Plan**

(Previously dealt with - see Minute No 168)

**Re Min No 186: (4.16) Annual Street Fair – Rangers Road, Neutral Bay**

Report of Traffic Planning Officer, Greg Holding 7 August 2006

**Recommending:**

**THAT** Council raise no objection to the closure of Rangers Road, Neutral Bay, on 22 October 2006 between 7.00am and 5.00pm as per the submitted traffic and pedestrian management plan, subject to the conditions detailed in the application.

**Committee recommendation:**

**THAT** the report be adopted.

**Re Min No 187: (4.17) Crows Nest Fair – Willoughby Road, Crows Nest**

Report of Traffic Planning Officer, Greg Holding 18 August 2006

**Recommending:**

**THAT** Council raise no objection to the closure of Willoughby Road, Crows Nest, on 15 October 2006 between 4.00am and 9.00pm as per the submitted traffic and pedestrian management plan, subject to the conditions detailed in the application.

**Committee recommendation:**

**THAT** the report be adopted subject to receipt of the New Management Plan incorporating changes as suggested by the Police.

**Re Min No 188: (4.18) 105 Gerard Street, Cremorne – Construction Management Plan**

(Previously dealt with - see Minute No 169)

**Re Min No 189: (4.19) 100 Arthur Street, North Sydney – SEPP11 Development – Section 96 Application**

Report of Traffic Engineer, Cathy Edwards-Davis 1 August 2006

**Recommending:**

**THAT** the information be received.



**Committee recommendation:**  
**THAT** the report be adopted.

**Re Min No 190: (4.20) 296 Pacific Highway, Crows Nest – SEPP11 Development – Section 96 Application**  
(Previously dealt with - see Minute No 170)

#### GENERAL BUSINESS

**Re Min No 191: (5.1) Blue Street, North Sydney**  
**Committee recommendation:**  
**THAT** Council install the appropriate signage at the pedestrian crossing in Blue Street.

**Re Min No 192: (5.2) Palmer Street, Cammeray**  
**Committee recommendation:**  
**THAT** the information be received.

**Re Min No 193: (5.3) West Street, North Sydney**  
**Committee recommendation:**  
**THAT** an “Action Request” to reinstate or repaint the lines along West Street, outside the Police Station, be forwarded to the appropriate officer.

**Re Min No 194: (5.4) Blue Street, North Sydney**  
**Committee recommendation:**  
**THAT** approval be granted in principle for the Work Zone in Blue Street, as requested.

**Re Min No 195: (5.5) Intersection of Wycombe & Kurraba Roads, Neutral Bay**  
**Committee recommendation:**

1. **THAT** this matter be referred to the Roads and Traffic Authority for investigation.
2. **THAT** this matter be added to the list of Standing Items.

**Re Min No 196: (5.6) Belmont Avenue, Wollstonecraft**  
**Committee recommendation:**  
**THAT** the installation of “2-Hour Parking 8.30am-6.00pm Mon-Fri Permit Holders Excepted” in front of No 25 Belmont Avenue, Wollstonecraft, be approved.

**Re Min No 197: (5.7) Bay Road, Waverton**

**Committee recommendation:**  
**THAT** an “Action Request” to reinstate the bollard be forwarded to the appropriate officer.

#### **RESOLVED:**

**THAT** the report be received and the recommendations therein be adopted subject to it being noted that Councillor Predavec tendered his apologies, and with the exception of Minute No 167 Item No 14 which is amended to provide:

**Re Min No 167: 4.9 Minor Traffic Investigation – Item No 14 Miller St, Cammeray**

**Committee Recommendation:**

1. **THAT** the matter be referred to the Roads and Traffic Authority for

comment regarding the possibility of merging the two travel lanes into one lane on the downhill run and installing a large median strip for pedestrians to pause safely during crossing.

2. **THAT** the matter become a standing item on the Traffic Committee agenda.

The Motion was moved by Councillor Ritten and seconded by the Mayor, Councillor McCaffery.

**764. EPS02: Cabramatta Road, Cremorne - Bollards**

Report of Greg Holding, Acting Traffic Engineer, 13 September 2006

At the 3433rd Council (Property) meeting held on 4 September 2006 Councillor Burke raised a question without notice:

“What purpose do the bollards serve on Cabramatta Road opposite Cremorne Hotel which, due to lack of linemarked parking, more often than not prevent one opening a hatchback or station wagon boot?”

Please see the attached report for a response outlining the purpose of the bollards.

**Recommending:**

**THAT** the information be received.

**RESOLVED:**

**THAT** the Director of Engineering investigate other options in order to prevent high vehicles damaging the awning, and provide information to Councillors via the Councillor Bulletin.

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

**765. EPS03: Contract No.28/2006 – Cleaning of Council Premises**

Report of Albert Lo, Property Asset Manager - 19/9/2006

Tenders were called and received until 4.00 pm on 18 July 2006 for Cleaning of Council Premises at eleven locations.

The attached report details the tenders received, available funding and recommends a preferred tender for each location.

**Recommending:**

1. **THAT** Council accept the tender of BIC Services for cleaning of Council premises at Grandstand Kindergarten, North Sydney Baby Health Centre, Cremorne Baby Health Centre, Family Day Care Centre for an initial period of one year at a cost of \$10,689.55, \$4,275.82, \$10,689.55, \$3,563.18 respectively plus GST with an option to extend the contract for a further two separate periods of one year.
2. **THAT** Council accept the tender of Jayares Cleaning for cleaning of Council premises at Kendall Community Centre & Kindergarten, Forsyth Community Centre, Neutral Bay Community Centre, Stanton Library, McMahons Point Community Centre for an initial period of one year at a cost of \$20,065.00, \$20,065.00, \$17,836.00, \$40,131.00, \$22,295.00 respectively plus GST with an option to extend the contract for a further two separate periods of one year.
3. **THAT** Council accept the tender of Storm International for cleaning of Council premises at Central Depot, Council Carparks & toilets for an initial period of one year at a cost of \$26,803.64, \$42,987.27 plus GST with an option to extend the contract for a further two separate periods of one year.

4. **THAT** Council hereby authorises its Official Seal to be affixed to the Contract documents, under the signature of the Mayor and the General Manager.

**RESOLVED:**

**THAT** the report be adopted.

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

**766. EPS04: Council Owned/Leased Properties: Leasing Transactions**

Report of Armina Nichols, Property Officer, 15 September 2006

A report is submitted regarding the proposed leasing transactions for Council owned/leased properties, in respect of the period ending 15 September 2006.

The current Lessee of 401, 1 James Place, is relocating to Melbourne and would like to surrender the lease. The current Lessee of 402 & 304, 1 James Place, would like to surrender their lease over 304 and take up the lease of 401 in order that their business can occupy level 4 exclusively. Allowing all three leases to be surrendered and regranting a new lease over level 4 can accomplish this. Details are outlined in Attachment A.

**Recommending:**

1. **THAT** Council note the proposed leasing transactions, which are detailed in the first column of Attachment A of this report.
2. **THAT** Council hereby authorises its Official Seal to be affixed to the legal instruments necessary to implement the proposed leasing transactions which are noted in the first column of Attachment A of this report, 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 Gibson.

**767. EPS05: Graffiti Management Component of Annual Schedule of Rates Contract 1/2007**

Report of Greg Cooper, Director Engineering & Property Services

Tenders were called and received until 4.00pm on 27/6/06 for the submissions of tenders to undertake a variety of works on Council's infrastructure. Included in the package of works was a separable component relating to Graffiti Management in the Council Area. For more than five years Council has managed the removal of graffiti by paying contractors to remove the graffiti on a do and charge basis. Payments were based on tendered rates multiplied by the area of graffiti removed. The "Graffiti Management" items in the 1/2007 contract are structured so that a contractor is paid a set monthly fee to remove graffiti from all properties in the Council area.

This report details the tenders received for the Graffiti Management Component, available funding and recommends a preferred tender. The report also outlines an implementation strategy that maximises the benefits of the new program

**Recommending:**

1. **THAT** Council accept the tender of Bay Maintenance Pty Ltd to carry out the Management of Graffiti in the North Sydney Council Area under Item 6169 of Contract 1/2007 to the value of \$120,000.
2. **THAT** Council hereby authorises its Official Seal to be affixed to Contract 1/2007 under the signature of the Mayor and the General Manager.

3. **THAT** the implementation strategy outlined in the report be commenced immediately.

**RESOLVED:**

**THAT** the report be adopted.

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

**768. EPS06: 2006/07 Capital Works Program – Roads**

Report of John Van Hesden, Assets Management Engineer, 23 August 2006

This report recommends projects for the 2006/07 Capital Works Programs for Roads.

**Recommending:**

**THAT** Council adopts the individual projects identified in the body of this report for the Roads Capital Works Program.

**RESOLVED:**

**THAT** the report be adopted.

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

### **Division of Open Space & Environmental Services**

**769. OSE01: 2/2007 Bradfield Park Playground Upgrading**

Report of Melissa McManus, Parks Dept Technical Officer, 13 September 2006

Tenders were called and received until 3.00pm on Tuesday August 29, for the design detailing and subsequent construction of a new playground in Bradfield Park, including playground equipment, safety undersurfacing, fencing and hard landscaping works.

This report details the tenders received, available funding and recommends a preferred tender.

**Recommending:**

1. **THAT** Council accept the tender of Furnass Landscaping Enterprises to carry out the upgrading of Bradfield Park Playground under Contract 2/2007 to the value of \$196,791 (excl GST)
2. **THAT** Council hereby authorises its Official Seal to be affixed to Contract 2/2007 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 Gibson.

## **PETITIONS**

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**CORRESPONDENCE****770. C01: Local Government Policy Platform - March 2007 State Election**

Submitting correspondence from the Local Government Association of NSW (01/09/06) enclosing the Local Government and Shires Associations of NSW 2007 State Election Policy Platform.

**RESOLVED:**

**THAT** the correspondence be received.

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

**771. C02: Leave of Absence Councillor Marchandean**

Submitting correspondence from Councillor Marchandean (19/09/06) requesting leave of absence from Council for the period 27 September to 22 October 2006 inclusive.

**RESOLVED:**

**THAT** the correspondence be received and leave of absence granted.

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

**772. C03: Books in the Sky Project**

Submitting correspondence from Bob Debus, Minister for the Arts (13/09/06) congratulating North Sydney Council on the successful pilot of the audio-read system.

**RESOLVED:**

**THAT** the correspondence be received.

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

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

**773. NoM01: Notice of Motion No. 41/06 by Councillor Ritten - 20/09/06**

(Previously dealt with see Minute No 740)

### QUESTIONS WITH NOTICE

**774. Q01: By Councillor Burke – 30/08/06**

**Re: Bollards on Cabramatta Road**

What purpose do the bollards serve on Cabramatta Road opposite Cremorne Hotel which, due to a lack of line-marked parking, more often than not prevent one opening a hatchback or station wagon boot?

**Answer by Greg Holding, Acting Traffic Engineer**

See Report EPS02 on this Agenda.

**RESOLVED:**

**THAT** the answer be received.

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

**775. Q02: By Councillor Burke - 15/09/06**

**Re: Parking in West Crescent Street, McMahons Point**

What community consultation was undertaken to conclude that some parking spaces in West Crescent Street, McMahons Point should be reduced to half an hour and what is the benefit of having half hour parking as opposed to one hour/four hour parking?

**RESOLVED:**

**THAT** the matter be referred to the appropriate officer for reply.

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

### QUESTIONS WITHOUT NOTICE

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The Meeting concluded at 10.35pm

\_\_\_\_\_  
CHAIRPERSON

\_\_\_\_\_  
GENERAL MANAGER