



**MINUTES: 3592nd MEETING OF THE NORTH SYDNEY COUNCIL HELD
ON MONDAY, 28 NOVEMBER 2011 AT 7.00 PM.**

PRESENT

The Mayor, Genia McCaffery, in the Chair, and Councillors Gibson, Christie, Reymond, Marchandean, Raymond, Barbour, Robjohns, Carland and Pearson.

Leave of Absence: Councillor Burke, Councillor Zimmerman and Councillor Baker.

At the commencement of business (7pm) those present were:
The Mayor, and Councillors Gibson, Christie, Reymond, Marchandean, Raymond, Barbour, Robjohns, Carland and Pearson.

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

832. 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:

PDS15	76 Shellcove Road, Neutral Bay (C) - DA277/11 (See Min. No.836)
PDS01	83 Reynolds Street, Cremorne (T) - DA398/09/2 (See Min. No.837)
PDS02	1 Kiara Close, North Sydney (V) - DA1340/84/3 (See Min. No.838)
PDS03	26 Wonga Road, Cremorne (T) - DA8/10/3 (See Min. No.839)
PDS06	23A King George Street, Lavender Bay (V) - DA67/09/5 (See Min. No.840)
PDS08	229 Ben Boyd Road, Neutral Bay (C) - DA215/11 (See Min. No.841)
PDS09	64 Bellevue Street, Cammeray (T) - DA267/11 (See Min. No.842)
PDS10	11 Claude Avenue, Cremorne (C) - DA285/11 (See Min. No.843)

PDS11	1 Ada Street, Cremorne (T) - DA71/11 (See Min. No.844)
PDS12	40 Edward Street North Sydney (V) - DA.395/11 (See Min. No.845)
PDS13	12 Edwin Street, Cammeray (T) - DA375/11 (See Min. No.846)
PDS18	5A Holdsworth Street, Neutral Bay (N) - DA109/11 (See Min. No.847)
PDS21	30 Cowdroy Avenue, Cammeray (T) - DA101/2011 (See Min. No.848)
EPS01	Proposed Redevelopment of the ANZAC Club Site, Cammeray and the Parraween Street Car Park & Early Childhood Health Centre, Cremorne (See Min. No.849)
OSSES01	Outdoor Fitness Training Code of Conduct (See Min. No.850)
EPS02	Proposed Relocation of North Sydney RSL Sub-branch to North Sydney Leagues Bowling Club (See Min. No.851)

833. Minutes

The Minutes of the previous 3591st Council (Assessments) Meeting held on Monday, 14 November 2011, copies of which had been previously circulated, were taken as read and confirmed.

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

Voting was as follows:

Unanimous

Councillor	Yes	No	Councillor	Yes	No
McCaffery	Y		Zimmerman	Absent	
Gibson	Y		Baker	Absent	
Christie	Y		Robjohns	Y	
Reymond	Y		Carland	Y	
Marchandau	Y		Burke	Absent	
Raymond	Y		Pearson	Y	
Barbour	Y				

834. C04: Leave of Absence

Submitting correspondence from Councillors Burke, Zimmerman & Baker (28/11/11) requesting leave of absence for the meeting of 28 November 2011

RESOLVED:

THAT leave of absence be granted.

- B. **THAT** in approving Development Application 407/2011, and in the event of the applicant lodging an appeal to the Land and 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.

RESOLVED:

THAT the report be adopted.

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

Voting was as follows:

Unanimous

Councillor	Yes	No	Councillor	Yes	No
McCaffery	Y		Zimmerman	Absent	
Gibson	Y		Baker	Absent	
Christie	Y		Robjohns	Y	
Reymond	Y		Carland	Y	
Marchandean	Y		Burke	Absent	
Raymond	Y		Pearson	Y	
Barbour	Y				

865. PDS05: 1 Denison Street & 88 Walker Street, North Sydney (V) - Section 75W Modification Application for Commercial and Retail Development (MP08_0238) – Part 3A Consent

Applicant: JBA Planning on behalf of Eastmark Holdings Pty Limited

Report of Geoff Mossemeneer, Executive Planner, 17 November 2011

Project Approval MP08_0238 was granted by the Department of Planning on 25 February 2010 for the demolition of existing buildings and erection of a commercial development comprising a retail/commercial building and a hotel building at 77 – 81 Berry Street and 88 Walker Street respectively.

The applicant has submitted an application under Section 75W of the Act to modify the consent granted by the Minister in 2010 with regard to the approved hours of construction.

The Department wrote to Council on 9 November 2011 inviting Council to comment on the modification by 23 November 2011. As the Council meeting is held after the deadline for comment, a copy of this report has been forwarded to the Department.

The purpose of this report is to provide Councillors with details of the proposed modification,

and a recommendation from Council to the Department of Planning and Infrastructure that the proposed extension of construction hours is not supported by Council.

Recommending:

- A. **THAT** Council provide the Department of Planning and Infrastructure with a copy of the report.
- B. **THAT** the Department be advised that Council does not support the modification to the Construction Hours as it would adversely affect the neighbourhood amenity and create an unacceptable precedent.

RESOLVED:

THAT the report be adopted.

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

Voting was as follows:

Unanimous

Councillor	Yes	No	Councillor	Yes	No
McCaffery	Y		Zimmerman	Absent	
Gibson	Y		Baker	Absent	
Christie	Y		Robjohns	Y	
Reymond	Y		Carland	Y	
Marchandean	Y		Burke	Absent	
Raymond	Y		Pearson	Y	
Barbour	Y				

866. PDS06: 23A King George Street, Lavender Bay (V) - DA67/09/5

(Previously dealt with see Minute No.840)

867. PDS07: 93 Union Street, McMahons Point (V) - DA388/09/2

Applicant: V M Poole

Report of Geoff Mossemeneer, Executive Planner, 17 November 2011

This application under Section 96 of the Environmental Planning and Assessment Act 1979 seeks to modify Council's consent for alterations and additions and conversion of commercial building to single residential dwelling.

The application is reported to Council for determination as the work has been carried out without consent and the skylights are contrary to Council policy. Council's notification of the proposal has attracted one submission raising particular concerns about the skylights being clearly visible on the principal roof form and contradicting Council controls. The assessment has considered these concerns as well as the performance of the modification against Council's planning requirements.

The application was reported to Council at its meeting of 18 July 2011 when Council resolved to defer the application subject to amended plans deleting the skylights on the Union Street façade and amended floor plans that show the attic room as built.

The applicant has not complied with Council's resolution and seeks replacement of the front skylights with grey corrugated acrylic roofing. In accordance with Council's resolution the application is referred back to Council for determination. The proposed amendment is recommended for **refusal**.

Recommending:

- A. **THAT** Council resolve **not to modify** its consent dated 22 December 2009 in respect of a proposal for alterations and additions and conversion of commercial building to single residential dwelling at 93 Union Street, McMahons Point under the provisions of Section 96 of the Environmental Planning and Assessment Act for the following reasons: