



Agenda

Land Use Management Committee

Notice is hereby given that a Land Use Management Committee of Council will be held at Council Chambers, 1 Belgrave Street, Manly, on:

Monday 2 June 2008

Commencing at 7:30pm for the purpose of considering items included on the Agenda.

Persons in the gallery are advised that the proceedings of the meeting are being taped for the purpose of ensuring the accuracy of the Minutes. However, under the Local Government Act 1993, no other tape recording is permitted without the authority of the Council or Committee. Tape recording includes a video camera and any electronic device capable of recording speech.

*Copies of business papers are available at the Customer Services Counter at Manly Council, Manly Library and Seaforth Library and are available on Council's website:
www.manly.nsw.gov.au*

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APOLOGIES AND LEAVE OF ABSENCE**DECLARATIONS OF INTEREST****CONFIRMATION OF MINUTES**

The Land Use Management Committee of Monday, 05 May 2008

PUBLIC ADDRESSES**SITE INSPECTIONS**

The following site inspections will take place on Monday 2 June, 2008.

189 Woodland Street, Balgowlah	7:30am
Bareena Park Tennis Club, Balgowlah Heights	7:50am

ENVIRONMENTAL SERVICES DIVISION**Environmental Services Division Report No. 36**

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MATTERS OF URGENCY

(In accordance with Clause 241 of the Local Government (General) Regulations, 2005)

CLOSED COMMITTEE ITEMS

******* END OF AGENDA *******

TO: Land Use Management Committee - 2 June 2008
REPORT: Environmental Services Division Report No. 36
SUBJECT: 189 Woodland Street, Balgowlah - DA300/06 □□ Section 96 Modification
FILE NO: DA300/06

Application Lodged: 3 April 2008 (Section 96)
Applicant: Colin Usher
Owner: CR & RA Usher
Estimated Cost: \$350,000
Zoning: Manly Local Environmental Plan, 1988 - Residential
Surrounding Development: Residential dwelling houses
Heritage: Not applicable

SUMMARY:

1. DEVELOPMENT CONSENT WAS SOUGHT FOR ALTERATIONS AND ADDITIONS TO THE EXISTING DWELLING HOUSE INCORPORATING FIRST FLOOR ADDITION AND NEW GARAGE.
2. COUNCIL IS NOW IN RECEIPT OF A REQUEST FOR MODIFICATION OF SOME DETAILS OF THE DEVELOPMENT.
3. THE APPLICATION WAS NOTIFIED TO ALL ADJOINING AND NEARBY PROPERTY OWNERS AND TWO (2) SUBMISSIONS RECEIVED.
4. THE PROPOSAL WAS REFERRED TO COUNCIL'S DEVELOPMENT ASSESSMENT UNIT MEETING OF THE 15 MAY 2008 WITH A RECOMMENDATION FOR APPROVAL.
5. THE SECTION 96 DEVELOPMENT APPLICATION IS PRESENTED TO COUNCIL'S LAND USE MANAGEMENT COMMITTEE MEETING AT THE REQUEST OF COUNCILLOR MACDONALD, COUNCILLOR EVANS AND COUNCILLOR NOREK.
6. A SITE INSPECTION IS RECOMMENDED.
7. THE SECTION 96 MODIFICATION APPLICATION IS RECOMMENDED FOR APPROVAL.

LOCALITY PLAN

Shaded area is subject site.



REPORT

Council granted consent for alterations and additions to the existing dwelling incorporating first-floor additions and a new garage. This application has been subject to a number of modifications and Council is now in receipt of a further request for modification.

This current modification asks that on the ground floor the highlight window to the living room on the south side change from fixed glass to sliding with no alteration to the window location or size.

Environmental Services Division Report No. 36 (Cont'd)

On the first-floor level the southern privacy screen be altered from 1650 high to 1500 high for a distance of 1 m from the east wall of the building then splayed down to the balustrade height. The plans indicate the position of the louver window and folding door set in the sitting room being reversed and also the first-floor window P increased in length (towards the east) to 2 m wide with a fixed sash.

This report with a recommendation for approval was presented to the Development Assessment Unit meeting on 15 May 2008 where after considerable debate an additional condition was added requiring the sill height of window 'P' off the sitting room facing south on the first floor level is to be a minimum 1.5m above finished floor level to maintain visual privacy to the adjoining property to the south with plans suitably amended prior to the issue of the Construction Certificate,

This condition is included in the Recommendation as ANS02.

Applicant's Supporting Statement

In support of the application a statement was submitted by Kabanyi Architects, as well as this a statement and photographs were submitted by the owners. These are on file.

Building Comments

No objections to the proposed modifications from a building point of view subject to the inclusion of the following conditions in any consent.

ANS01

The structural engineer is to design the proposed chimney extension with regard to the earthquake code

DA267A

Works in connection with this Section 96 modification are not to be commenced/carried out until a new Construction Certificate is issued.

Planning Comments**Section 96 (1A) Modification of the Environmental Planning & Assessment Act 1979:**

Section 96 (1A) of the Environmental Planning and Assessment Act 1979, states that "*a consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:*

- (a) *it is satisfied that the proposed modification is of minimal environmental impact, and*
- (b) *it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all) under this section, and*
- (c) *it has notified the application in accordance with:*
 - (i) *the regulations, if the regulations so require, or*
 - (ii) *a development control plan, if the consent authority is a council that has made a development control plan under section 72 that requires the notification or advertising of applications for modification of a development consent, and*
- (d) *it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be."*

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With regards to the above it is considered that the proposed modifications are substantially the same development as the original development that has been consented to. The application to modify the original consent was notified and two objections received. It is not considered that the proposed modification will degrade the amenity of surrounding residents. Further it is considered that the proposed changes do not have any adverse impact on the adjoining property owners. All matters relating to the proposed modification in terms of impact on neighbouring properties and locality has been considered.

Environmental Planning & Assessment Act 1979 – Section 79 C (1)

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

Section 79 C (1) (a) *the provisions of:*

Section 79 C (1) (a) (i) *any environmental planning instrument*

Manly Local Environmental Plan 1988:

The site is in zone No 2 – The Residential Zone which permits dwelling houses with the consent of Council.

Manly Local Environmental Plan 1988 Clause 10 Objectives

The following comments are made in regard to the objectives for the Residential Zone as stated in Clause 10 of the Manly Local Environmental Plan 1988;

(a) *to set aside land to be used for purposes of housing and associated facilities;*

This is a proposal for a modification of an application for alterations and additions to an existing dwelling and meets this objective.

(b) *to delineate, by means of development control in the supporting material, the nature and intended future of the residential areas within the Municipality;*

The requested modification does not change the nature of this residential area.

(c) *to allow a variety of housing types while maintaining the existing character of residential areas throughout the Manly Council area;*

The proposal as modified is still in keeping with the existing character of the area.

(d) *to ensure that building form, including alterations and additions, does not degrade the amenity of surrounding residents or the existing quality of the environment;*

It is not considered that the proposed modification will degrade the amenity of surrounding residents or the existing quality of the environment.

(e) *to improve the quality of the residential areas by encouraging landscaping and permitting greater flexibility of design in both new development and renovations;*

The request for modification does not change the landscaping of the site.

(f) *to allow development for purposes other than housing within the zone only if it is compatible with the character and amenity of the locality;*

This objective does not apply.

(g) *to ensure full and efficient use of existing social and physical infrastructure and the future provisions of service and facilities to meet any increased demand;*

This objective does not apply.

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(h) *to encourage the revitalisation of residential areas by rehabilitation and suitable redevelopment.*

This objective does not apply.

(i) *to encourage the provision and retention of tourist accommodation that enhances the role of Manly as an international tourist destination, and particularly in relation to the land to which Manly Local Environmental Plan 1988 (Amendment No 57) applies.*

This objective does not apply.

79 C (1) (a) (ii) - any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the draft instrument has been deferred indefinitely or has not been approved)

There are no draft environmental planning instrument's that apply to this site.

79 C (1) (a) (iii) - any development control plan

Manly Development Control Plan for the Residential Zone 2007 Amendment 1:

Comment:

The request for modification does not change the assessment relative to this development control plan.

79 C (1) (a) (iiia) - any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F

There is no planning agreement entered into under section 93F in relation to this site.

79 C (1) (a) (iv) - the regulations

The application has been considered in terms of the regulations.

79 C (1) (b) - the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality

This is a request for modification of the approval and it is not considered that it will have negative impacts on the natural or built environments or have social and economic impacts in the locality.

79 C (1) (c) - the suitability of the site for the development

This is a proposal to modify the consent for alterations and additions to an existing dwelling on site and it is considered that the site is suitable for the use.

79 C (1) (d) - any submissions made in accordance with this Act or the regulations

The application was notified to nearby and adjoining property owners in accordance with Council's Notification Policy with two (2) submissions received from Brian Maloney of 191 Woodland Street and Mark and Lesley McClennan of 187 Woodland Street raising the following concerns;

- Will Council maintain the integrity of the initial determination of the Development Assessment Unit and the subsequent determination following the Section 82A Review?
- Does Council place a high priority on privacy over views? In this regard in relation to the carport you will note the boundary wall to the East which divides it from mine at 191 stands at 1500mm. The proposed construction evidences an increase in ground height of 800mm. Effectively there will then exist a boundary wall/fence of a mere 700 mm. A person standing in the carport has an unobstructed view into my pool and yard as well as a direct line of sight into my living area. Furthermore entirely along the eastern elevation of No189 the same unobstructed views can be had. If Council can as a condition of approval require the

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installation of privacy screens to protect the privacy of neighbours to the North and South where do I and my family stand in Council's regard for the loss of our privacy? What is required is screening along the entire length of the boundary. That screening should be the same required/approved on the North and South elevations of the first-floor balcony and will match that on the gable. If this is not considered appropriate at the very least what should be is infill panelling between the piers of the carport from the roofline down to 800 mm this would in part account for the increase in floor height and afford some privacy.

- We object to the reduction in screen height as the view from the southern second-storey balcony is directly into our master bedroom and dining room. We request that the privacy screen be maintained at the previously approved 1650 mm
- We object to the change from fixed glass to sliding glass on the ground floor living room window as this is directly opposite our master bedroom and given that the proposed window is off a living room we do not wish to encounter noise problems when the owners have the windows open. The window has no cross ventilation purpose and therefore is not required to be openable. Our bedroom window is extremely close to the location of the highlight window.
- We object to increasing the length of the first-floor window 'P' to 2m as this is massive and extremely intrusive on our privacy. The proposed window design does not match any other window in the entire house. There has been no design thought into this proposal whatsoever and the North and South elevations bear no complimentary elements to one another at all. The view from the South side of the second storey addition is directly into our master bedroom and dining room. We do not wish to have people peering into our house let alone our bedroom. The window has no cross ventilation purpose and therefore is not required to be openable. We request that the window be obscure glass and not openable. We have had our external shutters closed to our master bedroom during this whole building process therefore living without natural light for 4 months to date to ensure we have some privacy.
- The protruding nature of the balcony on the East elevation is extremely prominent to the overall visual impact of the development as it is, and we feel that is unacceptable in terms of respecting the privacy of surrounding residents, to allow further changes such as the requested increased window sizes, shortening privacy panels and making windows openable

Comment on submissions:

A Section 96 modification must be considered in terms of the original approval that was granted.

The submission made concerning the carport is not the subject of the section 96 modification and cannot be re-examined with this current application.

In order to gain a view of the bedroom on the lower level of the neighbour the line of sight is back along the wall and downwards to the window. A view of the situation on site reveals that this would be an unusual circumstance given the orientation of the balcony towards the open view rather than backwards towards the adjacent neighbours property.

The provision of sliding glass highlight windows in place of a fixed glass in this position would improve the level of cross ventilation in the living room. The objections concerning noise generated from the premises is understood with the close proximity of the dwellings however this fails to recognize that originally there were two (2) small windows in this portion of the building and that these were not prevented from being openable windows.

It is not considered that the increased size of the window to the sitting room will have an adverse effect on the privacy of the adjacent neighbour given the relationship between the

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properties and the fact that you would have to be right at the window before you could see down towards the adjacent premises.

The proposed increase in length of the window will afford additional potential views from the subject site out towards the view rather than down towards the bedroom and dining room on the ground floor of the adjacent dwelling. The request for these windows to be obscure glass does not reflect the angled nature of the view down towards the adjacent neighbours windows or the more likely fact that the views out towards the water would be the primary line of sight this situation seems more like a perception of loss of privacy rather than any actual loss of privacy.

79 C (1) (e) the public interest

It is considered that the proposed modification of the original consent is not contrary to the public interest.

CONCLUSION:

The application has been assessed having regard to Section 79C and Section 96 1A of the Environmental Planning and Assessment Act 1979, the Manly Local Environmental Plan 1988 and the Development Control Plan for the Residential Zone 2007 Amendment 1 and it is considered that the request for modification can be recommended favourably.

RECOMMENDATION

That Development Consent No. 300/06 for alterations and additions to existing dwelling house incorporating first floor addition and new garage at 189 Woodland Street Balgowlah be modified, subject to the original conditions of consent with Condition DA1 modified and Condition Nos. ANS01, ANS02 and DA264A added as follows:

DA1

This approval relates to drawings/plans Nos. DA 01-06 dated November 2006 and received by Council on the 6 December 2006 as amended by the sketch plan A (with garage ridge height amended to RL 53.42) dated 12 April 2007 and received by Council on the 12 April 2007 **modified by** drawings/plan numbers S96 01 A to S96 04 A and S96 06 A and S. 96 07 A dated December 2007 and received by Council on the 17 December 2007.

Except as modified by drawings/plan numbers S96.02-B, S96.03-B, S96.06-B, and S96.07-B dated March 2008 received by Council on 3 April 2008.

ANS01

The structural engineer is to design the proposed chimney extension with regard to the earthquake code.

ANS02

The sill height of window 'P' off the sitting room facing south on the first floor level, is to be a minimum 1.5m above finished floor level, to maintain visual privacy to the adjoining property to the south, plans being suitably amended prior to the issue of the Construction Certificate.

DA267A

Works in connection with this Section 96 modification are not to be commenced/carried out until a new Construction Certificate is issued.

DA274 Payment of contributions in accordance with Section 94 of the Environmental Planning and Assessment Act, 1979, may be required for this development. If required the amount will be in accordance with Councils Section 94 Policy applicable at the time of payment prior to the issue of the Construction Certificate.

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DA323

This approval shall expire if the development hereby permitted is not commenced within 2 years of the date hereof or any extension of such period which Council may allow in writing on an application made before such an expiry.

ATTACHMENTS

AT- 1 Notification Plans - Section 96 Modification 17 April 2008 4 Pages

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***** End of Environmental Services Division Report No. 36 *****

TO: Land Use Management Committee - 2 June 2008
REPORT: Environmental Services Division Report No. 37
SUBJECT: Bareena Park Tennis Club, Vista Avenue & Bareena Drive, Balgowlah Heights - DA60/08
FILE NO: DA60/08

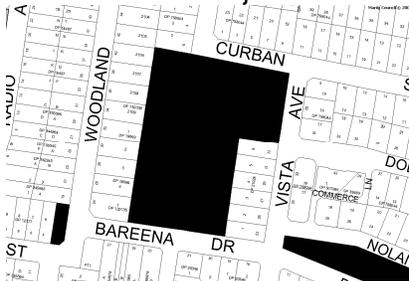
Application Lodged: 7 March 2008
Applicant: Ultimate Lighting International
Owner: Department of Land and Water Conservation
Estimated Cost: \$41,000
Zoning: Manly Local Environmental Plan, 1988 – Open Space and within the Foreshore Scenic Protection Area
Surrounding Development: The locality is residential in character consisting of a mixture of single and two storey dwelling houses. The Balgowlah Bowling Club is to the immediate south of the subject site.
Heritage: Not applicable

SUMMARY:

1. DEVELOPMENT CONSENT IS SOUGHT FOR THE CONSTRUCTION OF SEVEN (7) LIGHT POLES ON COURTS 4 AND 5 TO ALLOW TENNIS TO BE PLAYED ON THESE COURTS UNTIL 10:30PM EVERYDAY.
2. THE APPLICATION WAS NOTIFIED TO ALL ADJOINING AND NEARBY PROPERTY OWNERS AND ADVERTISED IN THE MANLY DAILY. NINETY EIGHT (98) STANDARD LETTERS (CONFIDENTIAL), A PETITION (CONFIDENTIAL) SIGNED BY FORTY THREE (43) PEOPLE, TWENTY SIX (26) LETTERS (INCLUSIVE OF SIX CONFIDENTIAL), ALL OBJECTING TO THE PROPOSED DEVELOPMENT WERE RECEIVED.
3. THE APPLICATION WAS REFERRED TO REFERRED TO THE BALGOWLAH HEIGHTS PRECINCT COMMUNITY FORUM FOR COMMENTS.
4. THE PROPOSAL WAS REFERRED TO COUNCIL'S DEVELOPMENT ASSESSMENT UNIT MEETING OF THE 22 MAY WITH A RECOMMENDATION FOR REFUSAL.
5. THE APPLICATION IS PRESENTED TO COUNCIL'S LAND USE MANAGEMENT COMMITTEE MEETING AT THE REQUEST OF COUNCILLOR NOREK.
6. A SITE INSPECTION IS RECOMMENDED.
7. THE APPLICATION IS RECOMMENDED FOR REFUSAL.

LOCALITY PLAN

Shaded area is subject site.



REPORT

Introduction

The proposal is for the installation of seven lights on Courts 4 and 5 of the Bareena Park Tennis Club. (Courts 4 and 5 are two of the five championship size artificial grass tennis courts on the subject site. Courts 1, 2 & 3 are at the front of the site between the clubhouse and Vista Avenue. Courts 4 & 5) are located behind the clubhouse).

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The poles are 8.0m high galvanised steel columns (100mm x 100mm square), each fitted with 1000w halide Spectra Ace shoe-box type luminaries. They will be located within the netted area of the courts and will consist of two poles on the eastern side of Court 4 (between Court 4 and the clubhouse), three poles between Courts 4 and 5 and two poles on the western side of Court 5.

Each column will be installed fully in accordance with manufacturer's requirements together with foundation assemblies designed and certified by practicing structural engineers.

A totally tamper proof automatic time controller is included to control the hours of use. It will be programmed to turn the lights off at an agreed time stated in the approval. The applicant is seeking for a **10.30pm blackout**.

All existing trees will be retained.

Applicant's Supporting Statement

A Statement of Environmental Effects (inclusive of a lighting and engineering report) and plans by Ultimate Lighting International are in the file.

Balgowlah Heights Precinct Community Forum Comments

Request Council reject the application because:

- There are no parking available at the tennis courts
- Noise issues and hours of use
- Inflexible approach to timer and switch off
- Time of finish regarded as excessive
- Absence of tennis club officials at precinct meeting to explain proposal
- The dense bush screening not regarded as appropriate screen
- Inappropriate increase of activity in a residential area
- Incompatible with local area wildlife /and fauna
- Electricity usage is not consistent with environmental sustainability principles

Engineers Comments

No objections subject to standard conditions of consent.

Building Comments

No objections subject to standard conditions of consent.

Landscape Architects Comments

No objections.

Administration

Current terms of lease do not allow lights. The lease document will have to be amended to allow lighting.

Environmental Services Division Report No. 37 (Cont'd)**Planning Comments**

The site which contains the Bareena Tennis Club is located on the corner of Curban Street and Vista Avenue, Balgowlah Heights. This club is part of a larger dedicated sporting facility in Bareena Park that also includes the Balgowlah Bowling Club.

The tennis complex consists of a substantial clubhouse/amenity facility and five championship size artificial grass tennis courts. There are three courts (Courts 1, 2 & 3) at the front of the site between the clubhouse and Vista Avenue. Two other courts (Courts 4 & 5) are located behind the clubhouse. There is a landscaped buffer area to the west (rear) of Courts 4 and 5 separating them from the rear of the residential properties along Woodland Street. There is also an area of dense bush and mature trees along the northern side of the site separating Courts 4 and 5 from Curban Street.

The Balgowlah Bowling Club adjoins this complex along most of its southern side boundary and is elevated some 4.0m above the courts. The main access to the bowling club is from Bareena Drive. There is a residential property with frontage to Vista Avenue along the front portion of the site's southern boundary. There is a public pathway that runs through the site commencing at the Bowling Club in Bareena Drive.

The proposal is a permissible use with Council's consent.

Environmental Planning & Assessment Act 1979 – Section 79(C)(1)

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

(a) *the provisions of:****(i) any environmental planning instrument, and*****Manly Local Environmental Plan 1988:**

The site is in zone No. 6– Open Space Zone which permits tennis courts with the consent of Council.

The site is not located in a Foreshore Scenic Protection Area.

Manly Local Environmental Plan 1988 Clause 10 Objectives

The following comments are made in regard to the objectives for the Open Space Zone as stated in Clause 10 of the Manly Local Environmental Plan 1988;

(a) *to ensure there is provision of adequate open space areas to meet the needs of all residents and provide opportunities to enhance the total environmental quality of the Municipality,*

Existing open space zone, but it is considered that the proposal will not *enhance the environmental quality of the municipality.*

**(b) *to encourage a diversity of recreation activities suitable for youths and adults,*
Satisfied**

Environmental Services Division Report No. 37 (Cont'd)

(c) *to identify, protect and conserve land which is environmentally sensitive, visually exposed to the waters of Middle Harbour, North Harbour and the Pacific Ocean and of natural or aesthetic significance at the water's edge,*

Not applicable

(d) *to facilitate access to open areas, particularly along the foreshore, to achieve desired environmental, social and recreation benefits,*

Not applicable.

(e) *to conserve the landscape, particularly at the foreshore and visually exposed locations, while allowing recreational use of those areas, and*

Satisfied.

(f) *to identify areas which:*

(i) *in the case of areas shown unhatched on the map are now used for open space purposes, and*

(ii) *in the case of land shown hatched on the map are proposed for open space purposes.*

Satisfied

79C(1)(a)(ii) *any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the draft instrument has been deferred indefinitely or has not been approved), and*

There are no draft planning instruments applicable.

79C(1)(a)(iii) *any development control plan, and*

There are no Development Control Plans that are relevant. As the site is surrounded by residential properties, some consideration of the aims and objectives of the Manly Development Control Plan for the Residential Zone 2007 Amendment 1 is warranted.

In 1999, Manly Council refused Development Application 68/99 for the installation of tennis court lighting on Courts 3, 4 and 5 on the subject site.

The reasons for refusal were:

- Adverse impact on amenity of surrounding residential properties due to introduction of more people into the neighbourhood and the expansion of use of tennis club.
- Likely to give rise to reduced security in surrounding residential properties.

The current application is now for the provision of lighting on only Courts 4 and 5 at the rear of the site. Apart from the reduction in the number of courts to be lit, there are two other changes from the earlier application.

1. The current applicant proposes to address the parking concerns by the bowling club next door agreeing to the use of the bowling club carpark at night.
2. The amount of light spillage from the lights on to adjoining properties will probably be reduced due to new technology.

From the information provided in the application, it is considered that there will be no significant light spillage onto the adjoining residential properties due to the type of lighting proposed and the distance between the rear of the adjoining residential properties and the tennis courts. Further, there are trees and vegetation in the buffer area to reduce the light spillage. The concerns by some surrounding residents who are slightly elevated above the tennis courts about possible reflected glare from the courts are noted. There is nothing in the statement that has addressed this matter.

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It is considered that this application has not satisfactorily addressed the concerns of the Council in relation to the impact of the proposed night tennis on the amenity (noise, privacy, possible anti social behaviour, reduced security in surrounding residential properties) of the adjoining residential properties when it refused the original application.

The concern of the adjoining residents about loss of street parking and noise from people leaving the courts at night remains. Whilst parking will be made available in the bowling club, there is nothing to prevent drivers/players from parking in front of the site on Vista Street and Curban Street. The path leading down to the tennis courts from the bowling club is uneven, and it is quite likely that people may choose to enter from Vista Avenue along the well-defined bitumen road leading to the clubhouse. The applicant has not shown how access from the bowling club carpark to the courts at night can easily be achieved. There are no details of any proposed lighting along the pathway? Further, the applicant has not addressed the impact of the proposed nightly use of the bowling club carpark on the amenity of the surrounding residents in Bareena Drive.

Concerns have been raised by the surrounding residents that the night use of the tennis courts will result in reduced security in the area. The rear of the residential properties along Woodland Street and the southern side boundary of No.6 Curban Street adjoins the subject site. If there are people in the park that buffers the courts from these residential properties at night, it will be difficult for the residents to distinguish between the users of the tennis courts and their friends/children from people who have no good reason to be there

In view of the above comments, it is considered that the proposal will have a detrimental impact on the amenity of the adjoining residential properties. As the neighbourhood is a quiet residential area at night, the site is not considered suitable for the proposal. The noise generated by the people using the tennis courts and the clubhouse at night will detract from the amenity of the neighbourhood. If consent is to be granted for the proposed lights, it is considered that an appropriate time for the lights to automatically go out is 8:00pm, with people leaving the courts by 8:15pm Monday to Saturday, with no lighting on Sunday.

79C(1)(a)(iia) any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F, and
Not applicable.

79C(1)(a) (iv) the regulations

Not applicable.

79C(1) (b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality

The proposal for reasons discussed above will degrade the amenity of the area.

79C(1) (c) the suitability of the site for the development,

The site is not considered to be suitable for the proposed development.

79C(1) (d) any submissions made in accordance with this Act or the regulations,

The application was notified to all adjoining and nearby property owners, and advertised in the Manly Daily, submissions received consisted of a confidential petition signed by forty three (43) people, Fourteen (14) open submissions and eight (8) confidential submissions, all objecting to the proposed development. Submissions were received from:

MC Symes of 28 Bareena Drive
Robin Scharping of 11 Curban Street
Jenny Wilkinson of 13 Curban Street
S Papaioannou of 27 Dobroyd Road
M Papaioannou of 27 Dobroyd Road
Rathie Beath & Noreen Rathue of 5/33 Dobroyd Road

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Mark Hiles of 41 Ernest Street
Peggy Pool of 24 Nolan Place
Graham Rattue & Noreen Rattue of 22 Vista Avenue
S Stojanovic of 26 Vista Avenue
Shaun Austin of 27 Vista Avenue
Robert Dunn of 29 Vista Avenue
Simon & Sarah Roberts of 6 Willawa Street
The Monroe Family of 26 Woodland Street

The following concerns were raised:-

- Increased traffic
- Reduced parking outside their homes
- Noise Security and damage to property
- Commercial coaching and court hiring business being further developed on land leased by Manly Council
- People in close proximity- Noise from traffic and people late at night, parking in street
- Damage to bush land
- Sets precedent- for the other three courts on the site
- Council has previously refused lighting (DA68/99), and nothing has changed since
- Security - people wandering around the rear of residential properties - are they tennis players or burglars?
- Possible increase in vandalism
- How to ensure people park at Bowling Club as suggested by the applicant
- Use of bowling club carpark will cause noise and traffic problems for residents in Bareena Drive
- Statement of Environmental Effects addressed only on light spillage. It does not address noise, parking, social behavior, justification for night tennis, etc
- Site is not appropriate for such night time uses due to proximity of residential properties
- Some antisocial behavior already exists by users of the clubhouse. Extending hours of play will exacerbate this problem.
- Some surrounding residential properties are on a higher ground level and look down into the tennis courts and will be affected by reflected glare.

The main concerns raised by the objectors have already been addressed above. The other concerns that approval of this application will set a precedent for lighting on the other three courts. This application must be considered on its merits. Any further lighting of the other courts can be addressed following the submission of another development application to Council.

It is considered that the concern about possible damage to the bush land on the site as a result of the extended hours is not warranted. It is agreed that the intensity of the use will increase but this does not necessarily result in damage to the bush land.

CONCLUSION:

The application has been assessed having regard to Section 79C of the Environmental Planning and Assessment Act 1979, the Manly Local Environmental Plan 1988 and the Development Control Plan for the Residential Zone 2007 Amendment 1.

In view of the above comments, it is considered that the proposal is unsatisfactory and will have a detrimental impact on the amenity of the adjoining residential properties.

Environmental Services Division Report No. 37 (Cont'd)**RECOMMENDATION**

That Development Application No. 60/08 for installation of tennis courts lights on courts 4 & 5 and use of courts until 10:30pm everyday at Bareena Park Tennis Club boarded by Curban Street, Vista Avenue and Bareena Drive, Balgowlah Heights be refused for the following reasons.

1. The proposal is inconsistent with the Objectives 4(d)(i) of the Manly Local Environmental Plan 1988.
2. The proposal is inconsistent with the Open Space Zone Objectives 1(a) in Clause10 of the Manly Local Environmental Plan 1988.
3. The proposal will have a detrimental impact on the amenity of the area in relation to:
 - Additional noise resulting from the night use of the courts and clubhouse,
 - Noise from people /cars leaving the club,
 - Detrimental impact on privacy of surrounding residential properties,
 - Possible increase in anti social behaviour,
 - Reduced security in surrounding residential properties,
 - Possible reflected light spillage onto adjoining residential properties,
 - Additional demand for street parking in the evenings.
4. The site is considered to be unsuitable for the proposed use.
5. The proposal is contrary to the public interest.

ATTACHMENTS

AT- 1 Notification Plans 13 March, 2008 1 Page

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***** End of Environmental Services Division Report No. 37 *****

TO: Land Use Management Committee - 2 June 2008
REPORT: Environmental Services Division Report No. 38
SUBJECT: Development Applications Being Assessed During June 2008.
FILE NO:

SUMMARY

Development Applications being processed during the month of June, 2008.

REPORT

The following applications are currently with the Town Planners for assessment.

1/08	13 Beatty Street	Demolition & new dwelling	Awaiting Information	
104/08	100 Seaforth Crescent	Demolish and New 2 Storey Dwelling with garage	DAU	26/06/08
105/08	20 Montpelier Place	2 Storey dwelling, garage, pool and landscaping	DAU	15/06/08
106/08	21 Montpelier Place	2 Storey dwelling, garage, pool and landscaping	DAU	15/06/08
107/08	22 Montpelier Place	2 Storey dwelling, garage, pool and landscaping	DAU	15/06/08
108/08	23 Montpelier Place	2 Storey dwelling, garage, pool and landscaping	DAU	15/06/08
109/08	24 Montpelier Place	2 Storey dwelling, garage, pool and landscaping	DAU	15/06/08
11/08	32 Bellevue Street	Alterations & First Floor Additions	Awaiting Information	
110/08	25 Montpelier Place	2 Storey dwelling, garage, pool and landscaping	DAU	15/06/08
111/08	26 Montpelier Place	2 Storey dwelling, garage, pool and landscaping	DAU	15/06/08
112/08	78 Peacock Street	Demolition and New pool, pergola and landscaping	DAU	27/06/08
114/08	7 Waratah Street	Alterations & 1st Floor Additions and garage	DAU	27/07/08
116/08	52 Castle Circuit	Alterations & Additions	DAU	05/06/08
117/08	9 Avon Crescent	Demolition & new 3 storey dwelling	DAU	10/06/08
119/08	6 Beatrice Street	Convert existing Strata to Torrens Title	Awaiting Information	
12/08	8 Mulgowrie Crescent	First Floor Addition	DAU	17/06/08
121/08	6 Glade Street	Alterations & Additions	DAU	17/06/08
123/08	9 Lewis Street	Demolition and New 2 storey dwelling with basement garage, pool, BBQ area and landscaping	DAU	10/06/08

Environmental Services Division Report No. 38 (Cont'd)

124/08	19 Carlton Street	Alterations & 1st Floor Additions, garage and patio	DAU	10/06/08
15/08	43 Lauderdale Avenue	Strata Subdivision for RFB	DAU	24/06/08
156/07	4 Clarence Street	82A Review	DAU	17/06/08
163/07	2 Old Sydney Road	Section 96 Modification	DAU	12/06/08
18/08	38 Smith Street	Alterations & Additions	DAU	26/06/08
2/08	23 Bareena Drive	Amended plans	DAU	19/06/08
217/07	50 Cutler Road	Section 96 Modification	DAU	24/06/08
23/08	10 & 10a Addison Road	3 x 3 levels dwellings & pool	Awaiting Information	
230/05	30 Castle Circuit	Section 96 Modification	DAU	17/06/08
264/06	21 Eurobin Avenue	Sections 96 Modification	DAU	12/06/08
289/07	9 Fairlight Street	12 lot subdivision	Awaiting Information	
297/07	29 Stuart Street	Demolish and New 2 Storey Dwelling	Awaiting Information	
300/06	189 Woodland Street	Section 96 Modification	LUM	JUNE
31/08	51 Alexander Street	Alterations & Additions	DAU	12/06/08
316/05	37 Lauderdale Avenue	Section 96 Modification	DAU	05/06/08
34/08	1 Armstrong Street	Demolition and construction of a new two storey dwelling	Awaiting Information	
340/07	110 Bower Street	Demolition of RFB and New RFB	L&EC	
343/07	16 Ocean Road	Alterations & Additions	DAU	12/06/08
36/08	9 Salisbury Square	Demoliton and new Dwelling	Awaiting Information	
367/07	17 Castle Circuit	2 Storey dwelling, parking and driveway	Awaiting Information	
375/06	64 Castle Circuit Seaforth	Section 96 Modification	Awaiting Information	
378/07	13 Amiens Road	3 Storey Dwelling	Awaiting Information	
382/07	21 Ponsonby Parade	Alterations & Additions	Awaiting Information	
390/07	155A Seaforth Crescent	Alterations & Additions	DAU	10/06/08
398/07	13 Barrabooka Street	Alterations & Additions	DAU	12/06/08
401/07	24-26 Malvern Avenue	Alterations & Additions and parking	Awaiting Information	
402/07	33 Upper Clifford	Alterations & Additions to RFB and pool	Awaiting Information	
405/07	28 Alexander Street	Amended plans - Demolition and 4 dwellings	L&EC	
409/07	11 Oyama Avenue	Alterations & Additions	DAU	12/06/08
410/07	399 Sydney Road	Demolish & 2 new dwellings	Awaiting Information	

Environmental Services Division Report No. 38 (Cont'd)

419/07	3 Woodland Street	Amended Plans - Alterations & Additions	Awaiting Information	
42/08	38 Frances Forest Road	Change of use	Awaiting Information	
421/07	Kenneth Road	Manly Golf Club	Awaiting Information	
423/07	74 The Corso	Change of Use	Awaiting Information	
427/07	2A West Street	Land Subdivision	SC	
445/07	24 Collingwood Street	Demolition and new 3 storey dwelling	Awaiting Information	
453/07	109 Addison Road	Alterations & Additions	DAU	05/06/08
460/07	118 North Steyne	Strata & Stratum Subdivision	Awaiting Information	
461/07	85 Wanganella Street	Demolition, new dwelling and garage	Awaiting Information	
462/07	42 Cutler Road	Demolition and new 2 storey dwelling	Awaiting Information	
466/06	42 Beatty Street	Alterations & Additions	DAU	10/06/08
47/08	72 Kempbridge Avenue	2x2 storey attached dwellings	Awaiting Information	
471/07	26 Lauderdale Avenue	Alterations & Additions and double garage	Awaiting Information	
479/07	23 Waratah Street	Alterations & Additions	Awaiting Information	
48/06	9 The Corso	82A Review	Awaiting Information	
482/04	St Pat's Spring Cove	Section 96 Modification	Awaiting Information	
488/07	2/43A Ethel Street	Alterations & Additions including lap pool	DAU	
496/07	Pittwater Road Kiosk	New kiosk, meeting room	DAU	10/06/08
500/07	63 Peronne Avenue	Alterations & Additions	DAU	05/06/08
503/07	19 Prince Edward Road	Alterations & Additions and Carport	Awaiting Information	
506/07	69 Kangaroo Street	Demolition and new 2 storey dwelling	Awaiting Information	
51/08	114 Frenchs Forest Road	Demolition and construction of a child care centre	L&EC	
510/07	185 Pittwater Road	Alterations & Additions	DAU	10/06/08
515/07	1 Battle Boulevard	Swimming Pool	Awaiting Information	
518/07	32 Reddall Street	Alterations & Additions	Awaiting Information	
522/07	111 Griffiths Street	Alterations & Additions	Awaiting Information	

Environmental Services Division Report No. 38 (Cont'd)

524/04	7 South Steyne	Section 96 Modification	DAU	03/07/08
526/07	7 Sandra Place	12 lot subdivision	Awaiting Information	
532/07	18 Cutler Road	Ground floor garage and balcony extension	Awaiting Information	
533/07	460 Sydney Road	Change of use	Awaiting Information	
54/08	83 Gurney Crescent	4 Storey dwelling & pool	Awaiting Information	
541/06	4/43A Ethel Street	82A Review	DAU	03/06/08
55/08	197-215 Condamine Street	Gym on 3 levels	DAU	17/06/08
567/06	3 Brighton Street	Amended Plans	DAU	05/06/08
57/07	6 Waratah Street	Demolition and construction of 2 attached	Awaiting Information	19/06/08
58/08	18A Thornton Street	Alterations & Additions	DAU	04/06/08
6/08	12 Geddes Street	Pool, Deck and Landscaping	DAU	05/06/08
60/06	16 Jellicoe Street	Section 96 Modification	DAU	12/06/08
64/08	6 Arthur Street	Alterations & Additions	DAU	28/06/08
65/08	104 Frenchs Forest Road	Demolition and new 2 storey dwelling	DAU	24/06/08
68/08	15-17 Pittwater Road	Alterations & Additions	Withdrawn	
69/08	60 Seaview Street	Alterations & Additions	DAU	10/06/08
70/08	28 Parkview Road	Alterations & Additions	DAU	19/06/08
74/08	27 Gurney Crescent	Alterations & Additions	Awaiting Information	
77/08	41A Ellery Parade	New 2 Storey Dwelling on vacant lot	DAU	24/06/08
79/08	62 Bower Street	Alterations & Additions	DAU	17/06/08
80/08	103 Beatrice Street	Demolition, New Dwelling & Pool	DAU	12/06/08
81/08	9 Seaview Street	Demolition & new dwelling	DAU	24/06/08
85/08	42 Bungaloe Avenue	Alterations & Additions	DAU	19/06/08
87/08	44 Dudley Street	Torrens Title Subdivision	DEL	13/06/08
88/08	23 Malvern Avenue	Alterations & 1st Floor Additions	DAU	10/06/08
90/08	47 Smith Street	Part demolition and Alterations and Additions	DAU	26/06/08
92/07	38-42 The Corso	Section 96 Modification	DAU	12/06/08
92/08	10 Ellery Parade	Extension of existing carport	Awaiting Information	
96/08	31 Seaview Street	Alterations and 1st Floor Additions	DAU	27/06/08
98/08	11 Old Sydney Road	Alterations & 1st Floor Additions	DAU	07/06/08

Environmental Services Division Report No. 38 (Cont'd)

The following applications are with Lodgment and Quality Assurance being advertised, notified and referred to relevant parties.

35/2004 8 The Corso, MANLY 2095
Section 96 to modify approved Demolition of existing buildings and construction of a Coles Supermarket, Retail Shops and Residential Apartments

157/2000 86 Wood Street, MANLY 2095
Dwelling

6/2007 93-95 North Steyne, MANLY 2095
Section 96 Modification

457/2007 23 Osborne Road, MANLY 2095
AMENDED PLAN - Conversion of dwelling and flat into a single dwelling and First Floor Addition with landscaping

558/2006 29 Victoria Parade, MANLY 2095
Section 96 to modify approved Demolition and Construction of a residential flat building at 25-27 Victoria Parade and alteration and additions to the 'Eversham' building at 29 Victoria Parade

53/2003 Wharves and Jetties, MANLY 2095
Section 96 Modification

53/2008 20 Dobroyd Rod, BALGOWLAH HEIGHTS 2093
Alterations & additions to dwelling including undercroft area and addition of swimming pool and landscaping

23/2008 10 Addison Road, MANLY 2095
THREATENED SPECIES - Consolidation of lots, construction of three (3) three (3) level dwellings and associated garaging, swimming pools, landscaping and land subdivision

78/2008 4 Magarra Place, SEAFORTH 2092
Re-notification - Duplex and swimming pool (AKA: 3/ 43A Ethel Street)

86/2008 Gourlay Avenue, BALGOWLAH 2093
Upgrade of existing Marina facilities

113/2008 14 Iluka Avenue, MANLY 2095
Enclosure of an approved deck to create a sunroom

115/2008 35 Kangaroo Street, MANLY 2095
Double carport, stairs and path

309/2003 15 Old Sydney Road, SEAFORTH 2092
Section 96 to modify approved Alterations & Additions to existing Dwelling

125/2008 80 West Esplanade, MANLY 2095
Demolition and construction of three (3) level Residential Flat Building comprising of five (5) dwellings with basement parking, roof terraces and strata subdivision

127/2008 37 Judith Street, SEAFORTH 2092
Alterations & additions to existing dwelling including first floor addition, roof over carport and roof over the terrace

Environmental Services Division Report No. 38 (Cont'd)

- 128/2008 Wharves and Jetties, MANLY 2095
Change of Use/New Use
- 121/2006 10 Clifford Avenue, FAIRLIGHT 2094
Section 96 to modify approved Demolition and erection of a four (4) level house with internal lift, basement carparking for two (2) cars, spa/swimming pool and landscaping
- 126/2008 214 Pittwater Road, MANLY 2095
Change of Use to a Hair and Beauty Salon and shop fit out
- 129/2008 62 Frenchs Forest Road, SEAFORTH 2092
Alterations & additions to existing dwelling including second floor addition and deck
- 131/2008 9 Ocean Road, MANLY 2095
Alterations & additions to existing dwelling including first floor addition and rear balcony
- 132/2008 19 Arthur Street, FAIRLIGHT 2094
Alterations & additions including garage front and rear decks and front fence
- 133/2008 34 Condamine Street, BALGOWLAH HEIGHTS 2093
Demolition and Construction of a two (2) storey dwelling with double garage, swimming pool and landscaping
- 424/2006 168 Woodland Street, BALGOWLAH 2093
Section 96 to modify the consent to remove condition ANS08 requiring the retention of four (4) tree's
- 134/2008 86 Pittwater Road, MANLY 2095
Replacement of existing underground steel tanks and pipe work with fibre glass tanks and pipe work
- 372/2005 11 Fairlight Crescent, FAIRLIGHT 2094
Section 96 to modify approved Alterations and Additions to existing dwelling and conversion into two (2) attached Residential Units
- 7/2006 40 Beatrice Street, BALGOWLAH HEIGHTS 2093
Section 96 to modify approved New two (2) storey dwelling with basement garage including tennis court and swimming pool
- 449/2007 10 Collingwood Street, MANLY 2095
Section 82A review of refused Demolition of existing dwelling and construction of a two (2) storey dwelling house with attached carport, front fence and landscaping
- 135/2008 43 Alexander Street, MANLY 2095
Alterations & Additions to semi detached dwelling including first floor addition, rear deck and front fence
- 337/2007 19 Castle Circuit, SEAFORTH 2092
Section 96 to modify approved Construction of new two (2) storey dwelling and swimming pool
- 136/2008 10 Gourlay Avenue, BALGOWLAH 2093
Proposed Seawall and Boat Ramp
- 137/2008 4 Harvey Street, SEAFORTH 2092
Partial demolition, alterations & additions to existing dwelling including new swimming pool, roof top terrace, front deck extensions and tree removal and landscaping

Environmental Services Division Report No. 38 (Cont'd)

- 138/2008 11 Salisbury Square, SEAFORTH 2092
Construction of carport for two (2) cars over existing hard stand with rainwater tanks
- 139/2008 72 Alexander Street, MANLY 2095
Alterations and additions to existing dwelling including new roof at rear and internal modifications, demolition of existing carport and construction of a new garage
- 140/2008 11 Acacia Road, SEAFORTH 2092
Alterations and additions including new windows, internal alterations, new spa, new front fence and new driveway
- 141/2008 25 Wattle Avenue, FAIRLIGHT 2094
Alterations and additions including first floor addition, swimming pool and landscaping
- 327/2007 12 Cecil Street, FAIRLIGHT 2094
Section 96 to modify approved Alterations and additions to dwelling including first floor addition
- 430/2007 14A Beatty Street, BALGOWLAH HEIGHTS 2093
Section 82A review of Construction on the vacant site of a three (3) storey Dwelling including three (3) car garage, swimming pool and landscaping
- 142/2008 38-42 The Corso, MANLY 2095
Shop fit out including mezzanine level, new shop façade including new colour scheme and change hours of operation
- 403/2007 7 Pine Street, MANLY 2095
Section 96 to modify approved Alterations & Additions to the existing Dwelling including an awning
- 143/2008 36 Gurney Crescent, SEAFORTH 2092
Use of part of the existing dwelling house as a family flat
- 144/2008 22 Alto Avenue, SEAFORTH 2092
Alterations & additions to dwelling including extensions, new front stairs and new covered deck at rear
- 145/2008 39A Cutler Road, CLONTARF 2093
Alterations & additions to dwelling including extensions to first floor, new decks, new swimming pool and carport
- 146/2008 36 Daintrey Street, FAIRLIGHT 2094
Double garage and new patio
- 147/2008 6 Grandview Grove, SEAFORTH 2092
Partial demolition , alterations and additions including first floor addition, swimming pool, new balconies and basement parking
- 508/2005 2 Castle Rock Crescent, CLONTARF 2093
Section 96 to modify approved Demolition of existing dwelling and erection of new two (2) storey dwelling with swimming pool and detached double garage
- 510/2005 2 Castle Rock Crescent, CLONTARF 2093
Section 96 to modify approved Erection of a new two (2) storey dwelling and detached garage and swimming pool
- 148/2008 48 Macmillan Street, SEAFORTH 2092
New swimming pool

Environmental Services Division Report No. 38 (Cont'd)

- 149/2008 2 West Promenade, MANLY 2095
Demolition of existing Civic Club Building, part demolition of existing garage and erection of a five (5) storey mixed use building comprising commercial, office and club uses with three (3) levels of basement car parking
- 150/2008 46 East Esplanade, MANLY 2095
Partial demolition of existing buildings and alterations and additions comprising of six (6) storeys, including new retail, commercial and residential unit
- 33/2007 59 New Street, BALGOWLAH HEIGHTS 2093
Section 96 to modify approved Demolition & Construction of a new dwelling
- 151/2008 32 Heathcliff Crescent, BALGOWLAH HEIGHTS 2093
New swimming pool and retaining walls
- 13/05/2008
392/2006 4 Camera Street, MANLY 2095
Section 96 to modify approved Alterations & Additions to existing Dwelling to provide for a second dwelling, demolition of existing garage & new basement garage & landscaping
- 266/2007 16 Osborne Road, MANLY 2095
AMENDED PLANS - Alterations & Additions to existing Dwelling
- 477/2007 37 Adelaide Street, BALGOWLAH HEIGHTS 2093
Section 96 to modify approved Alterations and Additions to existing two (2) storey building including swimming pool and deck
- 154/2008 150 Condamine Street, BALGOWLAH 2093
Strata Subdivision of an existing dual occupancy
- 155/2008 13 Augusta Road, MANLY 2095
Alterations & Additions to existing townhouse including first floor addition and refurbishment of the kitchen, dining and living areas
- 152/2008 35 Peronne Avenue, CLONTARF 2093
Alterations & Additions to existing Dwelling including swimming pool, extensions and roof with adjustable louvers
- 156/2008 6 Koobilya Street, SEAFORTH 2092
Alterations & Additions to existing Dwelling including first floor extensions, new garage, new deck and new side steps
- 153/2008 16 Cutler Road, CLONTARF 2093
Alterations & Additions including extended first floor, new roof and new deck
- 157/2008 30 Ocean Road, MANLY 2095
Demolition of existing dwelling and construction of a three (3) level dwelling house, swimming pool and double garage
- 158/2008 4-6 The Crescent, MANLY 2095
Replace an existing window with a sliding door to Unit 2
- 159/2008 50 Cutler Road, CLONTARF 2093
Alterations & Additions including new double garage with terrace

Environmental Services Division Report No. 38 (Cont'd)

- 160/2008 76 Darley Road, MANLY 2095
Demolition of retaining wall and construction of double carport and front fence with gates
- 161/2008 4 Avona Crescent, SEAFORTH 2092
Alterations & Additions including first floor addition, extensions, swimming pool, double garage, front fence and landscaping
- 162/2008 19 Amiens Road, CLONTARF 2093
Demolition of existing first floor and roof and construction of a new first floor including balcony, terrace, extensions, new roof and double car parking space
- 163/2008 20 Hill Street, FAIRLIGHT 2094
Alterations & Additions to the existing dwelling including rear extension and mezzanine study
- 165/2008 5 Clarence Street, BALGOWLAH 2093
Demolition of existing dwelling and garage and construction of a two(2) level dwelling with new garage, front fence, swimming pool and landscaping
- 121/2006 10 Clifford Avenue, FAIRLIGHT 2094
Dwelling
- 164/2008 409 Sydney Road, BALGOWLAH 2093
Gazebo located at the rear of existing dwelling
- 80/2008 103 Beatrice Street, BALGOWLAH HEIGHTS 2093
Demolition of existing dwelling and construction of new dwelling and swimming pool
- 166/2008 10 Moore Street, CLONTARF 2093
Alterations & Additions including double garage, swimming pool, internal alterations and landscaping
- 167/2008 59 Peronne Avenue, CLONTARF 2093
Alterations & Additions to the existing dwelling, new garage, and works to Council road reserve including street front walls, steps, widening of driveway and installation of a gates
- 168/2008 38-42 The Corso, MANLY 2095
Change of use and shop fit out of an ice cream shop
- 169/2008 81 Gurney Crescent, SEAFORTH 2092
Construction of a four (4) level dwelling with swimming pool, garage, cabana and landscaping
- 170/2008 65 Wakehurst Parkway, SEAFORTH 2092
New covered deck at the rear of existing dwelling

RECOMMENDATION

THAT the information be noted.

ATTACHMENTS

There are no attachments for this report.

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***** End of Environmental Services Division Report No. 38 *****

TO: Land Use Management Committee - 2 June 2008
REPORT: Environmental Services Division Report No. 39
SUBJECT: Appeals for June 2008.
FILE NO:

SUMMARY

List of Appeals currently with the Land and Environment Court of NSW.

REPORT

DA#	L&E Appeal Reference	House #	Address	Date Appeal Lodged	Solicitor Company	Current Status
DA558/06	10137/08 Class 1	25-29	Victoria Parade, Manly	15/02/08	Home Wilkinson Lowry	Appeal upheld 16/05/08
DA405/07	10019/08 Class 1	28	Alexander Street	10/01/08	Pike Pike & Fenwick	Awaiting LEC decision.
DA 316/07	10227/08 Class 1	92	Bower Street	10/03/08	Pike Pike & Fenwick	Amended plans to be submitted. Proceedings returnable 20/06/08
DA 340/07	10314/08 Class 1	110-112	Bower Street	03/04/08	Pike Pike & Fenwick	S34 Conference 16/06/08
DA 363/07	10371/08 Class 1	2A-6 54-58	Denison Street Whistler Street	11/04/08	Pike Pike & Fenwick	Hearing 5,6,7 /08/08
DA 510/06	10382/08 Class 1	5	Marine Parade	16/04/08	Pike Pike & Fenwick	S34 conference 23/07/08 Directions Hearing 12/08/08
DA 373/06	10397/08 Class 1	11	Barrabooka Street Clontarf	21/04/08	Pike Pike & Fenwick	S34 conference 24/06/08 Directions hearing 08/07/08
DA 512/07	10408/08 Class 1	53-57	Pittwater Road	22/04/08	Pike Pike & Fenwick	S34 conference 18/06/08
DA 51/08	10429/08 Class 1	114	Frenchs Forest Road	30/04/08	Pike Pike & Fenwick	Call over 29/05/08
DA 430/07	10466/08 Class 1	14A	Beatty Street	09/05/08	HWL	Call over 06/06/08
Dangerous Dog	Companion Animals Act 1998 S41	95	Bower St	16/04/08	HWL	Hearing 08/08/08 Local Court

RECOMMENDATION

THAT the information be noted.

ATTACHMENTS

There are no attachments for this report.

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***** End of Environmental Services Division Report No. 39 *****