



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 3 April 2006

Commencing at 7:30:00 PM 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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The Land Use Management Committee of 13 MARCH 2006

SITE INSPECTIONS

On Monday 3 April, 2006 there will be site inspections at the following properties:

85-87 Lauderdale Avenue, Fairlight	8:00am
Manly Surf Pavillion, South Steyne, Manly	8:30am

CORPORATE PLANNING AND STRATEGY DIVISION

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

TO: Land Use Management Committee - 3 April 2006
REPORT: Corporate Planning And Strategy Division Report No. 19
SUBJECT: Changes to the Environmental Planning and Assessment Act 1979
FILE NO:

SUMMARY

- The gazettal of the new amendments to the Environmental Planning and Assessment Act 1979 has resulted in the loss of local government authority for planning and development in NSW.
- This report analyses the implications for Manly Council and the Manly Community.
- It recommends that Council make representations to the relevant state and federal ministers and members of parliament regarding the implications of the amendments.

REPORT

Introduction

A report to the Planning and Strategy Committee on 18 July 2005 outlined the NSW State government planning reforms and it’s implications for Council. Since last July, several legislative amendments were gazetted by the State Government. At the last Planning and Strategy Committee meeting of 13 March 2006, Council considered and noted a report on the legislative amendments related to the making of local environmental plans (LEP). This report analyses all of these changes and their implications for Council.

Objectives of the Reform

The broad objectives of the planning reforms advocated by the NSW Government are:

1. To ensure State and local planning instruments and development controls are consistent with the direction of the Metro Strategy;
2. Rationalise and standardise planning instruments and development controls to expedite DA process;
3. Improve current mechanisms to fund infrastructure.

These objectives have been implemented through various initiatives; including amendments to the Environmental Planning and Assessment Act (EP&A Act), State Environmental Planning Policy (SEPP) or Regional Planning Policy (REP).

The following initiatives are particularly important to Manly:

Consistent with directions of Metro Strategy	<ul style="list-style-type: none"> ▪ North East Sub-regional Plan to be prepared by DIPNR to implement the directions of the Metro Strategy at regional and local levels. To be exhibited in July 2006.
New LEP “approval” process	<ul style="list-style-type: none"> ▪ LEP Review Panel to ensure that LEP’s are consistent with the State objectives in the Metro Strategy. The Panel was accompanied by new procedures for LEP making. ▪ A new set of 117 directions for LEP preparation eg open space reservations are weakened.
New planning controls for State significant	<ul style="list-style-type: none"> ▪ A new category of development entitled ‘State Significant Development’ was introduced in the Act.

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<p>Development & standardised planning controls</p>	<p>The Minister is the consent authority of these developments.</p> <ul style="list-style-type: none"> ▪ Standard Local Environmental Plan (LEP) (still in draft form) to standardise planning controls across NSW. ▪ Comprehensive review of LEP in all NSW councils within the next 2-5 years upon the release of the standard LEP. ▪ Requirement of 1 DCP per parcel of land, requires consolidation to 1 single DCP for all NSW councils.
<p>Mechanisms to fund infrastructure</p>	<ul style="list-style-type: none"> ▪ New mechanisms to fund infrastructure, via Planning Agreement or Fixed Rate Levy. These are additional to the traditional Section 94 levies.

Environmental Planning and Assessment Act (2006 amendments)

Further to the above, the Minister for Planning released the latest Environmental Planning and Assessment Bill on 28 February 2006. The Bill was passed by the NSW Parliament on 28 March 2006. It makes further changes to the current legislation and procedural requirements in order to achieve the above objectives. Importantly, includes provision to override local council's power in planning and development control, while giving the Minister the power to step in and amend, repeal or approve Section 94 Plan or Development Control Plans (DCP).

The Act includes all of the following:

1. Contribution Plans

A distinction between 'Local Infrastructure Contributions' and 'Special Infrastructure Contributions'

- Local Infrastructure Contributions are the traditional S94 levy, enforced through a S94 Contribution Plan, to be developed and administered by local Councils.
- Special Infrastructure Contributions are a new form of levy to be applied in the Growth Centres (North-West and South-West Sydney). These do not apply to Manly. The Minister for Planning has full power to determine the nature, level and type of contribution, and to direct the local council to impose the levy.

<p>Local Infrastructure Contributions</p>	
<p>Current Situation</p>	<p>Proposed Changes</p>
<ul style="list-style-type: none"> ▪ Council prepares S94 contribution plans based on the Act and Regulations. ▪ There is no need to seek approval from the Minister for the Plan to be effective. Copies were to be provided to DIPNR. ▪ Council has full power to determine the nature and level of levy as long as a nexus is justified within the 	<ul style="list-style-type: none"> ▪ Council is still the authority to prepare the S94 Plan and to determine the nature and level of the levy. ▪ However, there is new legal requirement to provide the Minister with a copy of the S94 Plan once it is adopted by Council. ▪ There is no requirement to obtain approval from the Minister before the Plan is effective.

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<p>scope of the Act.</p> <ul style="list-style-type: none"> ▪ The court may overrule Council's levying on a particular development.. 	<ul style="list-style-type: none"> ▪ However, the Act provides the Minister with the power to make, amend or repeal any local S94 Plans. ▪ The Act specifies the criteria for the Minister to step in to amend the local S94 Plan if: <ul style="list-style-type: none"> i. A council fails to amend, approve or repeal the Plan in accordance with the direction of the Minister, or ii. A council requests in writing to the Minister to make, amend or appeal the Plan. ▪ The Minister's direction is not subject to the Regulations. There is no need to exhibit, report to Council and provide public notice of the new Plan. ▪ There is no right of appeal in respect of the Minister's decision.
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2. Proposed Amendments relating to DCP

Current Situation	Proposed Changes
<ul style="list-style-type: none"> ▪ Only one DCP can be made for one parcel of land. ▪ Council develops and adopts the DCP and has control over the content and the way to regulate development. All DCPs are to be consistent with the objective of the SEPP, REP and LEP. ▪ The DCP can only be invalidated by a Court decision. 	<ul style="list-style-type: none"> ▪ The Act gives the Minister the power to direct the Council to amend, revoke or make a DCP. ▪ There is no requirement for the minister to consult with Council. ▪ There are no criteria to regulate when the Minister can step in. Even if the DCP is consistent with the environmental planning instruments, it does not restrict the Minister from revoking or amending it. ▪ If the Council does not comply with the Ministerial direction, the Minister can bypass the Council and make the DCP himself. ▪ The Minister's direction is not subject to the normal DCP making process under the Regulations. There is no need for an exhibition, report to Council or public notice. ▪ The one DCP for one parcel of land rule does not apply to the Minister.

3. Section 117 Directions

Current Situation	Proposed Changes
<ul style="list-style-type: none"> ▪ These are directions from the Minister to Council on planning and development matters. To 	<ul style="list-style-type: none"> ▪ New clauses are proposed to require Council, at the discretion of the Minister, to produce reports on the performance of

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<p>ensure all environmental planning instrument (SEPP, REP and LEP) are consistent with the aim and objectives set by the Minister and to protect reservations.</p> <ul style="list-style-type: none"> ▪ The directions cover aspects that must be considered when preparing an LEP. 	<p>planning and development matters.</p> <ul style="list-style-type: none"> ▪ There are no definitions on what constitute 'planning and development matters'. It can be as broad as the performance of DA assessment. ▪ The provisions have been weakened. Eg Open space reservations.
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4. Planning Administrator and Panels

Current Situation	Proposed Changes
<ul style="list-style-type: none"> ▪ S118 of the EP&A Act currently empowers the Minister to appoint an Environmental Planning Administrator to undertake a council's function if the council fails to carry out or is in breach of the provisions of the Act. ▪ This section can only be exercised with the concurrence of the Minister for Local Government. ▪ This section was recently amended to include circumstances where the council fails to comply with the new LEP repeal and replacement process. The Minister can appoint a person to undertake the role of LEP making. This does not require the concurrent from the Minister for Local Government. 	<ul style="list-style-type: none"> ▪ The Act introduces the Planning Administrator and Panel which allows the Minister to take over council's planning and development assessment role if: <ul style="list-style-type: none"> - The council fails to comply with the obligations under planning law, or - In the opinion of the Minister, the performance of the council in dealing with planning and development matters is unsatisfactory because of the manner the council deals with the matter or the time taken to resolve the matter, or - The council agrees to the appointment, or - A report from ICAC recommends the appointment. ▪ The Administrator/Panel can be appointed to exercise all Council's functions within the scope of the EP&A Act. These include LEP/DCP making, DA assessment, S94, compliance and certification.

Conclusion

The significant changes arising from the recent amendments to the planning system include the loss of autonomy of local councils to address community needs and local environmental character. The State priorities of expediting DA processing through State by state Government control over local planning and development. The amendments to the Act follow intense lobbying from the Property Council of NSW. Despite widespread objections from local members and State representatives, the passing of the Act with minor amendments; in respect of the inclusion of consultation with the Property Council of NSW regarding developer contributions, overturned the long - standing reputation of the NSW planning system and its effectiveness in providing for environmental concerns to be addressed and input from the community being encouraged.

Manly Council has already experienced the impact of the changes to the LEP making process. The LEP Review Panel including a local government representative has over ridden council's

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resolutions to endorse amending LEP's to list properties including 3 Oyama Avenue, Manly and 30 Alexander Street, Fairlight.

Further the Draft LEP for 29 and 31 Victoria Parade endorsed by Council and submitted to the Department to be made by the Minister's was altered at the Ministers instruction. It is understood that one property has been deleted from the LEP, however, the Department and the Minister's Office would not tell Council officers how the LEP had been altered. The amendments effectively remove the Council's autonomy for local planning, contrary to the objects of the EPA Act.

The move to electronic LEP's for each local government area, along with electronic maps, while a significant technological advance will provide a further means to override Council's autonomy. Council should insist upon a written agreement that no changes will be made to it's LEP and accompanying maps by the Minister and his department without the written agreement of the Council. The electronic document and maps should not be supplied without the above agreement.

The implication of the Minister making changes to the LEP and maps has implications for the provision by Council of accurate S149 Certificates. The Council must be informed of any proposed amendments to its LEP and LEP maps to ensure the provision of accurate S149 Certificates for which Council is legally responsible.

There have also been a number of rushed amendments to the S117 Directions and DCP provisions which have not been consulted and were subsequently amended.

Manly Council is well progressed with its LEP and DCP reviews and would welcome the opportunity for proper consultation on any and all of the planning changes as they affect the local community and the environment.

RECOMMENDATION

That Council endorses the report and that representations be made to Local, Federal and State Ministers and members of parliament regarding the implications of the changes to the planning laws of NSW for local government and community.

ATTACHMENTS

There are no attachments for this report.

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***** End of Corporate Planning And Strategy Division Report No. 19 *****

TO: Land Use Management Committee - 3 April 2006
REPORT: Environmental Services Division Report No. 12
SUBJECT: 85-87 Lauderdale Avenue, Fairlight
FILE NO: DA403/05

Application Lodged: 5 September, 2005
Applicant: S Rothwell
Owner: RX Developments P/L Clodene P/L Delbant P/L Susan Rothwell Investments P/L
Estimated Cost: \$500,000
Zoning: Manly Local Environmental Plan, 1988 - Residential and within the Foreshore Scenic Protection Area.
Surrounding Development: Residential flat buildings and dwellings
Heritage: Adjacent to Esplanade Park which is a listed Heritage item

SUMMARY:

1. DEVELOPMENT CONSENT IS SOUGHT FOR ADDITION OF A BASEMENT STRATA APARTMENT AND ASSOCIATED WORKS IN RELATION TO PREVIOUSLY APPROVED YET TO BE CONSTRUCTED RESIDENTIAL FLAT BUILDING.
2. THE PROPOSAL WAS ADVERTISED AND NOTIFIED TO NEARBY AND ADJOINING PROPERTY OWNERS WITH ONE SUBMISSION RECEIVED.
3. THE PROPOSAL WAS REFERRED TO THE FAIRLIGHT PRECINCT COMMUNITY FORUM FOR COMMENT.
4. THE PROPOSAL WAS CONSIDERED BY COUNCIL'S DEVELOPMENT ASSESSMENT UNIT ON 28 FEBRUARY 2006 WHERE IT WAS RECOMMENDED 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. REFUSAL OF THE APPLICATION IS RECOMMENDED.

LOCALITY PLAN

Shaded area is subject land.



REPORT

Introduction

On the 21st of May 2005 Council approved Development Application No.386/04 for demolition of the existing buildings and construction of a two-storey residential flat building containing four strata units with basement car parking for 8 resident spaces, plus two visitor spaces.

Environmental Services Division Report No. 12 (Cont'd)

The current development application is to add an additional unit underneath the approved residential flat building as well as carry out other associated works.

The application was considered by Council's Development Assessment Unit on 28 February 2006 where it was recommended for refusal.

Development Control Plan Numerical Assessment

The following is an assessment of the proposal's compliance with the numerical standards of the D.C.P. Where a variation is proposed to the standards an assessment is included in the Planning Comments.

	<u>Permitted/ Required</u>	<u>Proposed</u>	<u>Complies Yes/No</u>
Density - Sub Zone 4	1/300	1/302.6	Yes
Floor space ratio	0.5:1	0.78:1	No
Floor space ratio - approval	0.5:1	0.5:1	Yes
Wall height east side	7.2	5.8-7.5	No
west side	7.8	7.0-9.2	No
Roof height	3.0	2.0	Yes
Fence height	1.5 max 1.0 solid	1.8	No
Setback Front	6.0	8.2 m 2.0m to excavated car park	Yes No
Setback Rear	8.0	11m to unit 7.7m to terrace	Yes
East setback side	2.5, 2.1, 1.9	3.0, 4.9, 2.0	Yes
West setback side	3.06	3.59	Yes
Setback to Reserve	6.0	7.7	Yes
Open space - total	55%	60.1%	Yes
Open space - total	832	910	Yes
Open space - soft	35%	86%	Yes
Private Open Space	12sq m/unit	14 plus/unit	Yes
Car Parking – Residents	8	10	Yes
- Visitors	2	2	Yes

Applicant's Supporting Statement

The applicant has submitted a brief statement describing the proposal.

Submissions

The application was advertised and notified to nearby and adjoining owners with one (1) submission received from raising the following concerns:

"I am writing on behalf of my mother,to ensure that the previous recommendations regarding this development proposal concerning heights of the proposed building are adhered to."

The concern relates to considerations made during the assessment process of the original development proposal where conditions were imposed to control the height of the development and minimise impact on views from nearby properties.

Precinct Community Forum Comments

The application was considered by the Fairlight Precinct Committee Meeting of 13th Oct 2005 where the following motion was passed unanimously:

Environmental Services Division Report No. 12 (Cont'd)

"Precinct recommends rejection of this application. It substantially exceeds the floor space ratio and provides inadequate car-parking in one area where on-street parking is minimal. Frankly, we were amazed that such a major change could be suggested."

Engineers Comments

No objection

Building Comments

No objections to the proposed additions and alterations to a class 2 and 7 residential flat building and class 10A fencing gates and walls, subject to conditions being included in any consent.

Landscape Architects Comments

No objection subject to conditions being included in any consent.

Planning Comments

This current application is to add an additional unit of 261.1 square metres in excavation and foundation area underneath the approved building. The proposed unit has a living dining kitchen area at RL17.5 as well as a terrace to the south under what is the eastern section of the building. There are steps down to the bedroom level at RL15.5 which has three bedrooms, 3 en-suites, a laundry and a cellar.

The application includes amendment to the carpark, whereby an additional two parking spaces are to be provided in excavation into the site towards the Lauderdale Avenue frontage. This results in carparking spaces number five and six having a stacked parking arrangement. The carpark has also been extended out closer to the eastern boundary and is excavated to within 310 mm of this boundary.

The plans have been amended to include internal planning changes to the carpark lift lobby and amended north entry gate and stair. As well as this each carparking space now has a garage door.

This proposal is to carry out additional excavation under the previously approved design and thereby allow an additional unit underneath the development. The applicant has stated that there is no increase in the external height of the building and that the bulk and scale have not changed and that there will be no impact on surrounding environment. However, the appearance of the development from the south changes from that of two-storey building to a three-storey building. The site is located within the Foreshore Scenic Protection Area, so that clause 17 of the Manly LEP requires council to consider the appearance of the development from the water. This aspect must be given additional consideration in terms of the size and form of the development in its surroundings. While it is agreed that the overall height and configuration of the development remains unchanged it is the presentation of the development towards the water and reserve that raises concern given that this reserve is heritage listed in the Manly LEP and is also part of the scenic walkway.

The development is adjoining the foreshore reserve Esplanade Park, which is listed for its landscape heritage significance so that clause 19 of the Manly LEP comes into operation. This clause requires council to consider the effect of the development on the historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance of the item of the environmental heritage and its setting. Consideration must be given to the impact the new development on this heritage item. While the building is articulated and has stepped form it is considered that the original two-storey development was in keeping with the neighbourhood. However, the proposal to add an additional storey underneath the building notwithstanding it is

Environmental Services Division Report No. 12 (Cont'd)

within the previous approved height and configuration will result in the appearance towards the reserve being of a greater bulk than the original approval. The increased massing and presence of the development is considered to be out of keeping with this neighbourhood, and should not be supported. Reference is made to the original consideration of the unit development on the site, where it was concluded that the stepped and articulated form assisted in reducing the visible bulk and that the additional planting in the front garden area adjacent to the foreshore reserve and walkway resulted in an acceptable development that was able to be recommended favorably notwithstanding some non-compliances with the wall height. If Council were now to allow an additional unit underneath the development it would be expected that the proposed landscaping to the front of the site would be maintained at a far lower scale in order to preserve the views from the lower storey unit, and therefore the impact of the total development would be exposed to views from the water and the heritage listed reserve to a far greater extent than that envisaged in the original approval.

The unit development on the adjacent site (No.89 Lauderdale Avenue) is an example of how the landscaping is controlled across the front of the site in order to preserve the views of the lowest level of the development. While this building contains four levels and was approved under an earlier set of controls it was used as an example by the applicant to illustrate that the overall heights were reasonable in the context. As noted above this also gives Council a working example of what happens in the long-term in relation to landscaping of such sites.

The report dealing with the original approval of the site made reference to State Environmental Planning Policy number 56, Sydney Harbour Foreshores and Tributaries as well as Sydney Regional Environmental Plan No 23 Sydney and Middle Harbours. These two documents have now been replaced by Sydney Regional Environmental Plan, Sydney Harbour Catchment. In this regard, it is noted that any development on the foreshores should protect and enhance the unique visual qualities of Sydney Harbour and its foreshores. As noted above, it is considered that the development would create an increase in bulk when viewed from the Harbour and the adjoining reserve.

In relation to carparking, it is noted that the overall development proposal would only require eight resident spaces and two visitor spaces, and that 10 resident spaces are proposed by additional excavation in this scheme. It is also noted that this excavation is completely underground towards the Lauderdale Avenue frontage and reaches a depth of 4.7 metres and does not comply with the maximum 3.0 metres excavation contained in the Development Control Plan for the Residential Zone 2001 Amendment 1. The excavation also extends to 310 mm from the eastern boundary which does not comply with the DCP. It is further noted that the additional carparking spaces beyond that required by the development control plan is included as floor space increasing the floor space ratio in relation to the site.

The proposed floor space ratio is calculated including the additional unit, its foyer and the floor space of the additional parking as well as the carparking area that extends above the ground level more than one meter. This comes to a total floor area of 1183 square metres and gives a floor space ratio of 0.78:1 in comparison with the previous approval which was assessed as a floor space ratio of 0.5:1 and complied with the requirement of Councils Development Control Plan for the Residential Zone. This proposed increase in floor space represents a complete over development of the site and cannot be supported.

This is a development of three-stories containing five units and comes under the requirements of State Environmental Planning Policy No 65, which deals with the Design Quality of Residential Flat Development. The applicants have not addressed this State Policy so that the development application is deficient in this regard.

It should be noted that this is a new Development Application, which cannot rely upon the previous consent for Development Application 386/04 in terms of requirements of other state agencies. As such this application should have been referred to the New South Wales Maritime as an Integrated

Environmental Services Division Report No. 12 (Cont'd)

Development in order to obtain appropriate conditions having regard to the close proximity of the development to the water. The applicant in filling out the DA form under the heading "Integrated Development- Approvals from State Agencies" filled out the box that it does not require consent from other state agencies which is incorrect. It is also pointed out that the plans submitted with this application are not a complete set of drawings and do not include the first floor level so that the application does not comply with the basic requirements for submitting the development application.

Clause 10 Objectives

(a) *to set aside land to be used for purposes of housing and associated facilities;*
This is a proposal for a residential flat building on the site 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;*

While the development complies with the density applicable the floor space ratio is proposed to be increased from the permissible 0.5:1 to 0.78:1, which represents an over development of the site. The proposal does not meet this objective.

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

The proposed additional dwelling underneath the building is a large floor space in comparison with the other units approved and would amount to a variety of unit types. However, the concern raised is the impact on the character as viewed from the heritage listed reserve with its scenic walkway. There is also the concern with the view of the development as seen from the water with the proposal to add an additional storey as seen from this perspective. The proposal does not meet this objective.

(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;*

The additional dwelling underneath the approved building will have additional impact on the adjacent properties with increased vehicle and pedestrian movements associated with the additional residents. It is considered that the increased excavation for an additional storey and change to the landscape plan will create a greater massing of building when viewed from the scenic walkway on the heritage listed reserve and that this increased massing will be detrimental in the foreshore scenic protection area and have an adverse impact when seen from the water. It is considered the development would degrade the existing quality of the environment and not meet this objective.

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

It is considered that the provision of an additional unit underneath the approved building, would lead to limitations on the landscaping that was previously approved in order to provide for the views of this additional unit, and would therefore lead to less screening of the development as seen from the water and reserve. The proposal does not meet this objective.

(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;*

The proposed additional unit would if approved require an additional Section 94 contribution in order to provide for the increased demand for services and facilities. The proposal would thereby meet this objective.

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

It is considered that this proposal now goes beyond what is considered suitable redevelopment for this locality. The development does not meet this objective.

- (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.

EP&AA 1979 – section 79(c)

- (a) *the provisions of:*

- (i) *any environmental planning instrument*
- (ii) *any draft environmental planning instrument*
- (iii) *any development control plan*
- (iv) *the regulations*

The use is permissible in the zone with consent. However, the proposal is not consistent with LEP & DCP objectives and controls.

- (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*

It is considered that the proposal will have an adverse effect on the built environment by creating too much building bulk by adding an additional storey, which will be visible from the reserve and the water and which will lead to the restriction of proposed landscaping, which will detract from the natural environment and the landscaped setting of these developments.

- (c) *the suitability of the site for the development,*

The site is suitable for unit development. However, the proposal is for additional floor area over the previous approval, which increases the floor space ratio well beyond that considered appropriate for the neighbourhood. The additional unit also increases the apparent bulk and presentation of the building towards the heritage listed scenic walkway. The building increases from a two-storey development with landscaping in front to a three-storey development where the landscaping would be limited because of its impact on views. This is considered to be inappropriate for this sensitive neighbourhood given its location in the Foreshore Scenic Protection Area and adjacent to heritage listed reserve.

- (d) *any submissions made in accordance with this Act or the regulations,*

In relation to the submission received it is noted that the plans have shown a reduction of the height of the parapet level of the building on number 87 by 300 millimeters in accordance with condition 5 thereby maintaining the views in relation to the previous approval. The proposal meets this objective.

- (e) *the public interest.*

It is considered that it would not be in the public interest to allow the additional unit underneath the building thereby creating a three storey effect towards the reserve as this would have an increased impact on the public domain. The proposal does not meet this objective.

CONCLUSION:

The proposal has been considered pursuant to Section 79C of the Environmental Planning and Assessment Act 1979, the Manly Local Environmental Plan, 1988 and the Manly Development Control Plan for the Residential Zone 2001 Amendment 1. The proposal is subsequently recommended for Refusal.

Environmental Services Division Report No. 12 (Cont'd)**RECOMMENDATION**

That Development Application No.403/05 for alterations and additions to the approved residential flat building including an additional unit, car parking and associated works at No.85 to No.87 Lauderdale Avenue, Fairlight, be refused for the following reasons.

1. The proposal does not comply with the floor space ratio requirements of the Development Control Plan for the Residential zone 2001 Amendment 1 having regard to Section 79C (1)(a)(iii) and (c) of the Environmental Planning and Assessment Act 1979.
2. The proposed addition will result in an overdevelopment of the site and present excessive bulk and scale when viewed from adjoining public land and the Harbour, having regard to Section 79C(1)(a) (iii), (b) and (e) of the Environmental Planning and Assessment Act 1979.
3. The proposal would lead to a reduction in the extent of landscaping across the rear of the building facing the view, which would lead to exposure to view of additional bulk in terms of a three-storey building when seen from the scenic walkway and the water and have an adverse effect on the foreshore scenic protection area as well as the heritage listed reserve, having regard to Section 79C (1) (a) (i) (b) and (e) of the Environmental Planning and Assessment Act 1979.
4. The proposed development provides for excessive excavation of the basement area by providing more car parking spaces than is required under the provisions of the Development Control Plan for the Residential Zone 2001 Amendment 1, having regard to section 79C (1) (a) (iii) (b) and (e) of the Environmental Planning and Assessment Act 1979.
5. The proposal has not had regard to the provisions of State Environmental Planning Policy No 65, Design Quality of Residential Flat Development pursuant to Section 79C (1) (a) (i) of the Environmental Planning and Assessment Act 1979.
6. The proposed development is not in the public interest, having regard to Section 79C (1) (e) of the Environmental Planning and Assessment Act 1979.
7. The application was not submitted to Council as an integrated development which given its position close to the Harbour requires comments from New South Wales Maritime. The applicant has not submitted a full set of plans with this application so that the development application is incomplete.

ATTACHMENTS

There are no attachments for this report.

LUM030406ESD_2.doc

***** End of Environmental Services Division Report No. 12 *****

TO: Land Use Management Committee - 3 April 2006
REPORT: Environmental Services Division Report No. 14
SUBJECT: Manly Surf Pavilion, South Steyne, Manly
FILE NO: DA304/05

Application Lodged: 30 November 2005
Applicant: Manly Life Saving Club
Owner: Crown land - Manly Council has been appointed to manage the Reserve Trust
Estimated Cost: \$30,000
Zoning: Manly Local Environmental Plan, 1988 – Open Space and within Foreshore Scenic Protection Area
Surrounding Development: Open Space Reserve, nearby multi storey residential flat buildings
Heritage: Stone Walls to Promenade, Norfolk Island Pines and Beach Reserve are listed

SUMMARY:

1. DEVELOPMENT APPLICATION NO.304/05 FOR A KIOSK WITH SIGNAGE AND OUTDOOR SEATING AREA TO THE EXISTING MANLY LIFE SAVING CLUB WAS RECEIVED BY COUNCIL 6 JUNE 2005.
2. THE ORIGINAL APPLICATION WAS NOTIFIED TO NEARBY PROPERTY OWNERS RESULTING IN THREE SUBMISSIONS OBJECTING TO THE PROPOSAL BEING RECEIVED.
3. THE ORIGINAL APPLICATION WAS FORWARDED TO THE FAIRY BOWER PRECINCT COMMUNITY FORUM WITH COMMENTS RECEIVED.
4. THE ORIGINAL APPLICATION WAS CONSIDERED BY COUNCIL'S DEVELOPMENT ASSESSMENT UNIT ON 1 SEPTEMBER 2005 WHEN THE APPLICATION WAS APPROVED SUBJECT TO CONDITIONS WHICH INCLUDED DELETION OF THE PROPOSED OUTDOOR SEATING AND TABLES.
5. COUNCIL IS NOW IN RECEIPT OF AN APPLICATION TO MODIFY THE CONSENT UNDER SECTION 96(2) OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 TO PERMIT OUTDOOR SEATING AND TABLES.
6. THE MODIFICATION APPLICATION WAS NOTIFIED TO NEARBY PROPERTY OWNERS WITH ONE SUBMISSION OBJECTING TO THE PROPOSAL BEING RECEIVED.
7. THE MODIFICATION APPLICATION WAS REFERRED TO THE FAIRY BOWER PRECINCT COMMUNITY FORUM COMMITTEE WITH NO COMMENTS RECEIVED AT THE TIME OF WRITING THIS REPORT.
8. THE MODIFICATION APPLICATION IS PRESENTED TO COUNCIL'S LAND USE MANAGEMENT COMMITTEE MEETING AT THE REQUEST OF COUNCILLOR HAY.
9. A SITE INSPECTION IS RECOMMENDED.
10. THE MODIFICATION APPLICATION IS RECOMMENDED FOR REFUSAL.

LOCALITY PLAN

Shaded area is subject land.



Environmental Services Division Report No. 14 (Cont'd)**REPORT****Introduction**

The subject site is located at the southern end of the Ocean Beach. The subject building is known as the Manly Life Saving Club building and accommodates life saving club facilities, Manly Council Lifeguard facilities and public amenities. The building adjoins the Ocean Beach Promenade to the north and east. The area proposed to be occupied is within Crown Land known as South Steyne Park, assigned the name South Steyne (P500077) reserve Trust. Manly Council has been appointed by the Crown to manage the Reserve Trust. Leasing or licensing of Crown Land is governed by the Crown Lands Act 1989 and any lease or licence on this portion of Crown land would be subject to approval by the Trust, advertising of any intended lease or licence for public comment in a local newspaper and consent by the Minister responsible for the Crown Lands Act 1989.

Council received Development Application No.304/05 on 6 June 2005. The application proposed a ground floor level kiosk within the existing building with signage and an outdoor seating area (27.5sqm) on the paved area adjacent to the north side of the existing building. Council at its Development Assessment Unit meeting of 1 September 2005 granted conditional consent for the kiosk. The approval included condition No. ANS01 as follows:

“ANS01. The outdoor seating and tables are not approved as part of this Development n and are not permitted. The kiosk is to operate as a takeaway shop only.”

Council is now in receipt of an application to modify the consent under Section 96(2) of the Environmental Planning and Assessment Act 1979 to permit outdoor seating and tables to an area of 19.5sqm adjacent to the north side of the existing building.

Applicant's Supporting Statement

The applicant submitted a written statement in support of the modification application, a copy of which is attached.

Submissions

The modification application was notified to nearby and adjoining property owners with one submission received raising the following concerns:

- The proposed outdoor seating (plus screens and shades) is an effective privatisation of public open space and a Council leased area intended for community not private use and profit.
- The outdoor seating has been rejected by Council already on the basis of advice from a number of professional staff.
- The Precinct unanimously rejected the proposal (prior to having its next meeting “stacked” by Surf Club members who only attended for this purpose and left).
- The area is congested by existing important community use (surf craft “parking”, cleaning, maintenance etc) and essential pedestrian use and beach users peaceful enjoyment.
- The precedent for additional beachfront “privatisation” by other entrepreneurs operating for profit on iconic natural heritage beachfront.
- The inevitable pressure to expand commercial operations once established on public land.

Precinct Community Forum Comments**“DA 304/05 Manly Surf Pavilion, South Steyne**

There was extensive discussion about the proposal for “internal alterations to Manly Surf Club premises and operation of a kiosk with outdoor seating” dated 13 July with submissions due to Paul Christmas by 10 August 2005. Concerns mainly focused on the kiosk & outdoor café area, eg:

Environmental Services Division Report No. 14 (Cont'd)

- Loss of public space;
- Nothing to stop the commercial area being expanded if the kiosk was handed over to a private operator at a later date;
- Area taken up by outdoor seating likely to be expanded due to the way patrons will use the space, regardless of the defined area.

MOTIONS

Moved Hugh Burns, seconded Terry Metherell that:

- a) DA304/05 be refused.
- b) This Precinct has concerns re takeover and alienation of public land, commercialisation of Club premises, and additional congestion in an already congested area.
- c) The Precinct confirmed that it had no objection to current casual/informal use for occasional sausage sizzles, but has strong objections to any expansion beyond this.
Resolution passed, with one abstention.
It was moved by Terry Metherell, seconded Charlie Campbell that:
- d) Fairy Bower Precinct supports the retention in public hands of all Manly's beachfront and foreshore public lands, and opposes the lease or sale of such lands for commercial purposes, or any form of privatisation of such precious public lands set aside for community use and enjoyment in perpetuity. Proposed by Terry Metherell for discussion at September meeting.

Resolution passed unanimously."

Landscape Architects Comments

The area in the vicinity of the paving is very busy with pedestrian traffic – this includes school groups that groups awaiting buses etc, and people passing by and into and out of adjacent toilets. Additionally, the surf club has events from time to time and I have seen two boats parked in the vicinity (parked on the concourse).

At the time of the landscape improvements a few years ago it was impressed upon me by the Beach services Manager that congestion in the vicinity of the surf club was a serious issue. As such it was requested that we keep the then slightly raised grassed area well back (rather than further south as originally planned) to enable unfettered movement of boats etc when events are being held (surf carnival and such like), as well as for general boat manoeuvring.

For the above reasons I would strongly recommend against allowing outdoor eating outside the existing kiosk now operating at Manly Surf Club.

Branch Manager Community Services

It needs to be considered that any approval of such a commercial outdoor eating area could act as a precedent for all other Ocean Beach surf Clubs to similarly apply.

I was of the opinion that no advertising is approved to appear anywhere on the Ocean Beach promenade – Michele's being a franchise and associated umbrellas and barriers carrying their well recognised logo would, I assume constitute advertising and be in breach of this policy.

In terms of the operations of the professional lifeguards in the first instance and as the manager overseeing operations I would prefer there be no seating area approved at all thereby negating the need to retrospectively manage seated and hovering kiosk patrons that may impinge on lifeguards essential service activities.

Environmental Services Division Report No. 14 (Cont'd)**Heritage Planners Comments**

The proposed extension of use of the kiosk onto the public area adjacent to the Manly Surf Club pavilion will have a deleterious impact on the listed Beach Reserve in terms of public access and amenity. The promenade is an important feature of the Beach Reserve and forms an important element in the landscape. It is considered that the existing use of the promenade, an important asset of Council, should not be compromised by the proposed 20 seats and associated tables proposed for outdoor dining.

Planning Comments

The premises are located within the Open Space Zone. The proposed use is identified as a "refreshment room" as defined in the EP&A Act Model Provisions within the LEP Instrument, providing a kiosk with takeaway and eat in space falls within this definition. The use of the premises for this purpose is permissible with consent in the zone.

In response to the zone objectives, the use of the existing kiosk (former storage rooms) as approved is considered an acceptable use that complements public recreation, providing sale of food and drink to the public that visit the beach and foreshore.

The outdoor seating area as originally refused has been reduced from 27.5m² as originally proposed to 19.5m². As a result of this reduction the seating area will result in a reduced projection from the surf club building into the adjoining paved area, protruding approximately 2.5m from the outer edge of the amenities portion of the building. The applicant states that the provision of outdoor eating in this location, given the large size of the paved area, would have minimal impact on the movement of pedestrians, and would be unlikely to interfere with surf club activities outside the surf club building. This view is not concurred with as there is potential for conflicts to occur with movement of pedestrians, transportation of surf club and lifeguard equipment and the proposed café like facility. Consequently the proposed seating area as revised is not considered acceptable in response to the objectives of the zone.

The revised seating area for the kiosk as approved remains unacceptable due to potential conflicts with pedestrian movement and creation of undesirable precedent for future development of the Ocean Beach Promenade. The proposal will have a detrimental effect on the existing character of the area introducing a further commercial component to the public space. Barrier/screens as proposed around the perimeter and the seating itself will detract from the existing natural and built visual aesthetics of this particular location. The movement of pedestrians, boats, surf skis, paddle boards and associated lifeguard equipment will be compromised by the introduction of seating and tables in the location proposed.

The site is within the Foreshore Scenic Protection Area and Clause 17 of the Manly Local Environmental Plan 1988 states:

"The Council shall not grant consent to the carrying out of development unless it is satisfied that the development will not have a detrimental effect on the amenity of the Foreshore scenic Protection Area."

In this regard it is considered that the proposal will result in adverse impacts on the visual amenity of the area and as such cannot be recommended for approval

The issues raised in the submissions received are noted and concurred with primarily on grounds of alienation of public space and potential interference with surf club operations and pedestrian movement. Consequently the proposed modification to enable outdoor seating, tables and associated screens and shades for the approved kiosk is not considered acceptable and is recommended for refusal.

Clause 10 Objectives

Environmental Services Division Report No. 14 (Cont'd)

(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 Manly Council area;*
The proposal will result in a specific use of existing open space area and as such is not considered to meet the needs of all residents. The proposal is not considered to be an enhancement of the environmental quality of the area.

(b) *to encourage diversity of recreation activities suitable for youths and adults;*
The proposed commercial use would limit space available for existing and future recreational activities.

(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 waters edge;*

The subject site has high natural and aesthetic significance and the proposed use of this land for outdoor eating is not appropriate in terms of protection and conservation principles.

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

The proposal would result in movement restrictions and limit access to the area for a variety of users, accordingly the proposal is inconsistent with this objective.

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

The proposal would change the existing character of the reserve in this location and as such is not considered to meet this objective.

(f) *to identify areas which –*

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

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

The subject land is identified on the map as unhatched and currently used for open space purposes.

Environmental Planning & Assessment Act 1979

(a) *the provisions of;*

(i) *any environmental planning instrument*

(ii) *any draft environmental planning instrument*

(iii) *any development control plan*

(iv) *the regulations*

The use is permissible in the zone however the proposal is inconsistent with the LEP objectives for the open space zone.

(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 will result in adverse impacts on both the built and natural environments of the immediate area and may result in adverse social impacts with the introduction of competing interests.

(c) *the suitability of the site for the development*

The proposal is not considered to be a suitable use of public land in this sensitive location.

(d) *any submissions made in accordance with this Act or the regulations,*

The matters raised in the submission received have been considered and are commented on above.

Environmental Services Division Report No. 14 (Cont'd)

(e) *the public interest.*

The proposed use of existing public open space in this sensitive location for the purpose of outdoor eating is not considered to be in the public interest

CONCLUSION:

The application has been assessed having regard to Section 79C of the Environmental Planning and Assessment Act 1979 and the Manly Local Environmental Plan 1988 and is not considered satisfactory and accordingly is recommended for refusal.

RECOMMENDATION

That the Section 96 application to modify Development Consent No.304/05 for kiosk and outdoor seating at Manly Life Saving Club be refused for the following reasons:

1. The proposal is inconsistent with objective (c) of the Open Space Zone as stated in the Manly Local Environmental Plan 1988 as follows:
“(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 heritage significance.”
Reference is made to Section 79C (1) (a) (i) of the Environmental Planning and Assessment Act 1979.
2. The proposal is inconsistent with objective (d) of the open space Zone as stated in the Manly Local Environmental Plan 1988 as follows:
“(d) to facilitate access to open space areas, particularly along the foreshore , to achieve desired environmental, social and recreational benefits.”
Reference is made to Section 79C (1) (a) (i) of the Environmental Planning and Assessment Act 1979.
3. The proposal is inconsistent with objective (e) of the open space Zone as stated in the Manly Local Environmental Plan 1988 as follows:
“(d) to conserve the landscape, particularly at the foreshore and visually exposed locations, while allowing recreational use in those areas.”
Reference is made to Section 79C (1) (a) (i) of the Environmental Planning and Assessment Act 1979.
4. The proposal will create an undesirable precedent for future development of open space areas generally and in particular the Manly Ocean Beach Reserves,. Reference is made to Section 79C(1)(b), (c), (d) and (e) of the Environmental Planning and Assessment Act 1979.
5. The proposal will result in an adverse effect on the Heritage value of the Beach Reserve in terms of public access and amenity. Reference is made to Section 79C(1)(a)(ii), (b), (c), (d) and (e) of the Environmental Planning and Assessment Act 1979.

ATTACHMENTS

AT- 1 Section 96 Application from Applicant 3 Pages

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***** End of Environmental Services Division Report No. 14 *****

ATTACHMENT 1

**Environmental Services Division Report No. 13 - Manly Surf Pavilion, South Steyne, Manly
Section 96 Application from Applicant**

22 NOV 2005

Modification Under Section 96 (2) Application

Development Consent DA 304/05

Proposed Development: Kiosk and Outdoor Seating

Land to be Developed: Manly Lifesaving Pavilion, South Steyne, Manly

Lot 2801 DP 728431

Endorsement Date / September, 2005

ATTACHMENT 1

Environmental Services Division Report No. 13 - Manly Surf Pavilion, South Steyne, Manly Section 96 Application from Applicant

Manly Council determined this application in September, 2005, with the following result. The Kiosk was approved by Council with conditions. However, the outdoor seating was not supported.

This Section 96(2) application is requesting that condition ANSO1. "The outdoor seating and tables are not approved as part of this development application and are not permitted. The Kiosk is to operate as a Takeaway Shop Only" be modified to allow a reduced area for seating. This together with a few minor internal changes to the fit out design.

The proposal was looked at by Council's Special Projects Manager and the Community Services Manager and we hereby address their concerns in order as written in their "open space zone" report dated 26th August, 2005.

1. Patrons Amenity - The movement of quad bikes is mainly in the morning at 7am to put out flags and rescue boards and again at 6pm at night. The operating hours of the Kiosk are from 8am to 6pm therefore minimising amenity impact. The washing down of quad bikes or jet ski would normally be done late in the day when trading would be quiet and not many people would be seated. On examination the runoff from hosing down does not run under the proposed seating area and would not be a problem.
2. Odours - The nearby toilets from the clubs point of view has not been a concern with regard to odours. The club administration office is located directly above and we have not experienced any problem. The council staff keep the toilets clean and tidy. Generally in the summer which is the busy period there is normally a prevailing north east wind which helps prevent any problem.
3. Waste Removal - The club has a Collex Bin in the rear courtyard which would be utilised for waste disposal. This is paid for by the club and would not impact on council. Waste and recycling bins will be provided adjacent to the shop front.
4. Advertising Signs - There will be signage above the door nominally 2.7m long x 0.7m high as listed in the conditions of approval.
5. Alcohol - No alcohol is to be sold from the premises.
6. Cost of Works - Fit out and maintenance costs will be at the Lessees cost. They will occasionally clean any litter around the beach and club as required. They will take pride in their facility and surrounds.
7. Rear Door - The rear door to be maintained for egress and maintenance.
8. Outdoor Seating Area Approval - This will be sought and would be worth approximately \$7000-\$8000 to council annually in license fees based on current rates.
9. Toilets - The patrons if necessary would use the adjoining toilets. The venue does not sell alcohol. The existing toilets now cater for the general public at large and the seating would not increase the usage to any degree. The existing facilities are Men's - 1 cubicle and 1 disabled, a large urinal with a shower and change area. Ladies - 3 cubicles, 1 disabled, 4 showers and a change area. This is considered adequate.

The report finishes by saying that they recommend the outdoor seating and it's barriers are either reduced or deleted completely.

Planning Comments -The planning comments were similar to as outlined previously.

- 1 Impact on public thoroughfare
- 2 Suitability of seating outside lease line
- 3 Conflicting use of area

ATTACHMENT 1

Environmental Services Division Report No. 13 - Manly Surf Pavilion, South Steyne, Manly Section 96 Application from Applicant

In reference to suitability of seating outside the line, this would be no different to any other outdoor seating in Manly which is generally in the public area and does not conform to any lease line in the true sense.

The conflicting use of area has been addressed previously.

Impact on public thoroughfare, the Manly Lifesaving Club is a very busy club which provides a great service by patrolling the beach. The location of the proposed kiosk within the club has been considered greatly. The club's building is a very difficult one to adapt or change due to its awkward configuration. In order to keep the club active in its roll with minimum disruption to its operation it was decided to locate the Kiosk in the current location. The Kiosk represents a small percentage of the total building footprint, and the gear in this compound has been relocated elsewhere within the club.

The other reason for this location was that this area above all others has the least pedestrian traffic flow. The proposal from its inception was to have the least impact on the club and the general public. In order to gauge the traffic through this area several members volunteered to do a pedestrian traffic survey. The survey though not extensive was carried out on Friday 23 September, Saturday 24 September and Sunday 25 September taken at the busiest times of the day. The seating area had no impediment to free flow of traffic. The majority of people walked around the front of the club and continue on towards Shelly Beach.

Friday 10.30am - 1.30pm, fine 22 degrees

Walking past surf club - 1140p

Walking through proposed seating area - 33p

Saturday 10am - 1pm, cloudy 21 degrees

Walking past surf club - 2300p

Walking through proposed seating area - 44p

Sunday 11.30am - 1pm, fine 22 degrees

Walking past surf club - 1490p

Walking through proposed seating area - 29p

If seating was in place it would be no problem to walk around the area deviating by approximately a metre.

Find enclosed photographs taken from the nearest obstruction to the seating showing what vast expanses are available in this area. The proposed application as submitted was for 20 seats with an area of 27.5 square metres. Therefore under the Environmental Planning and Assessment Act 1979 we are seeking modification under Section 96(2) an amendment to condition ANSO1 to allow 20 seats with a reduced area required down from 27.5 square metres to 19.5 square metres. This represents a reduction in area of approx 30%.

The proposed seating will provide a significant annual increase in revenue to the club which will be used for maintenance and upkeep of the building as well as providing income to the council by way of license fees.

The changes to the Kiosk configuration are coloured, this is mainly squaring up of the right hand corner of the room.

We hope that Council will consider this request favourably. We have also consulted with and attended the precinct committee meeting (10-10-05). At this meeting the proposal was explained in full to the committee and to all in attendance. The Fairy Bower Precinct committee supports the provision of outdoor seating for the kiosk at Manly Lifesaving Club. and is minuted accordingly in the record of the meeting.

TO: Land Use Management Committee - 3 April 2006
REPORT: Environmental Services Division Report No. 15
SUBJECT: Development Applications Currently Being Processed
FILE NO:

SUMMARY

Development Applications Currently being Processed During April 2006.

REPORT

The following applications are currently with Council's Development Assessment for determination.

DA#	Date Rec by Council	Site Address	Proposal	Target Date	DEL DAU LUM
DA319/03	16-Jul-03	14 Kempbridge Avenue	Alterations and Additions	Awaiting Information	
DA525/03	20-Oct-03	22 Wentworth Street	Change of Use	Awaiting Information	
DA538/04	22-Nov-04	51 Wood Street	Alterations Guest House into to Dwellings and Strata Subdivision	11-Apr-06	DAU
DA144/05	15-Mar-05	21 Francis Street	Alterations & Additions & Family Flat	04-Apr-06	DAU
DA187/05	11-Apr-05	3A Magarra Place	Demolition & New Multi Level Dwelling, Carpark and Landscaping	25-Apr-06	DAU
DA587/02	3-May-05	14 Reddall Street	Section 96 Modification	Awaiting Information	
DA405/05	15-Sep-05	86 Ellery Parade	Alts & Adds including 1st Floor	06-Apr-06	DAU
DA507/04	21-Sep-05	23 Francis Street	Section 96 Modification	11-Apr-06	DAU
DA423/05	29-Sep-05	59 Ethel Street	Erection of Mixed Use Development	Awaiting Information	
DA463/05	30-Sep-05	31 Victoria Parade	Alts & Adds to RFB & New Upper Floor	Awaiting Information	
DA67/05	7-Oct-05	123 Bower Street	Section 96 Modification	14-Apr-06	DAU
DA456/05	18-Oct-05	43 Addison Road	Alts & Adds, Carport, Pool and Landscaping	27-Apr-06	DAU
DA474/05	19-Oct-05	55 Eurobin Avenue	Alts & Adds to RFB (duplex)	18-Apr-06	DAU
DA450/05	20-Oct-05	2 Beatty Street	Inclinorator	13-Apr-06	DAU
DA466/05	20-Oct-05	421 Sydney Road	Demolition & Erection of Duplex RFB	21-Apr-06	DAU
DA428/05	21-Oct-05	7 Pacific Parade	Demolition & Erection of new Dwelling, Parking & Pool	Awaiting Information	
DA51/06	28-Oct-05	36 Eurobin Ave	Alterations & Additions	25-Apr-06	DAU
DA506/05	06-Nov-05	3 Pacific Parade	Alterations & Additions to Residential Flat Building	Awaiting Information	
DA485/05	8-Nov-05	46-48 East Esplanade	Retail, Office & Commercial Premises	Awaiting Information	
DA495/05	16-Nov-05	1 Waratah St	Alterations & Additions to Carport	06-Apr-06	DAU

Environmental Services Division Report No. 15 (Cont'd)

DA176/04	18-Nov-05	2 Moore Street	Section 96 Modification	06-Apr-06	DAU
DA512/05	28-Nov-05	8B Beatty Street	Alterations & Additions, Pool and Boatshed	04-May-06	DAU
DA513/05	28-Nov-05	59 Collingwood Street	Alts & Adds to Existing	13-Apr-06	DAU
DA514/05	28-Nov-05	75A MacMillan Street	Demolition and New Dwelling	06-Apr-06	DAU
DA515/05	30-Nov-05	14 Bower Street	Alterations & Additions	06-Apr-06	DAU
DA518/05	30-Nov-05	151 Darley Rd Lot 9	3 Storey Dwelling & Pool	04-May-06	DAU
DA519/05	30-Nov-05	151 Darley Rd Lot 10	3 Storey Dwelling & Pool	04-May-06	DAU
DA520/05	30-Nov-05	151 Darley Rd Lot 11	3 Storey Dwelling & Pool	04-May-06	DAU
DA521/05	30-Nov-05	151 Darley Rd Lot 12	3 Storey Dwelling & Pool	04-May-06	DAU
DA506/04	02-Dec-05	101 Bower Street	Section 96 Modification	27-Apr-06	DAU
DA517/05	05-Dec-05	7-9 Golf Parade	Alts & Adds to Semi-detached	25-ARP-06	DAU
DA350/05	05-Dec-05	92 Bower Street	Section 96 Modification	23-Apr-06	DAU
DA524/05	6-Dec-05	2/447-449 Sydney Road	Change of Use	Awaiting Information	
DA539/05	08-Dec-05	7 Mossgiel Street	Alterations & First Floor Additions	13-Apr-06	DAU
DA538/05	08-Dec-05	2/46 Addison road	Alterations & Additions	06-Apr-06	DAU
DA547/05	09-Dec-05	6 Geddes Street	Alterations & Additions	13-Apr-06	DAU
DA548/05	13-Dec-05	7A Alan Avenue	Alterations & Additions & Relocate Pool	13-Apr-06	DAU
DA552/05	15-Dec-05	20 Magarra Place	Demolition & New Attached Dual Occupancy plus Pools	18-Apr-06	DAU
DA29/06	19-Dec-05	6/6-8 Lawrence	Alts & Adds, Balcony & Stairs	06-Apr-06	DAU
DA15/06	20-Dec-05	34 Hilltop Cres	Double Carport	25-Apr-06	DEL
DA13/06	20-Dec-05	9 Kangaroo Street	Paved Area	Awaiting Information	
DA504/04	20-Dec-05	2 Smith Street	Section 82A Review	06-Apr-06	DAU
DA549/05	21-Dec-05	13 Lewis Street	Alterations & Additions & Pool	14-Apr-06	DAU
DA11/06	21-Dec-05	39 new Street	Alts & Adds, Carport & Fencing	27-Apr-06	DAU
DA27/06	21-Dec-05	88 Woodland Street	Alterations & Additions & Pool & Fence	Awaiting Information	
DA12/06	23-Dec-05	10 Reid Street	Alterations & Additions	18-Apr-06	DAU
DA22/06	23-Dec-05	26 Ogilvy Road	Demolish, New Dwelling & Pool	04-Apr-06	DAU
DA07/06	23-Dec-05	40 Beatrice Street	Demolition & New Dwelling & Pool	11-Apr-06	DAU
DA16/06	23-Dec-05	20/74-78 The Corso	Fitout Commercial Use	28-Apr-06	DAU
DA18/06	29-Dec-05	8 Grandview Grove	Strata Subdivision	18-Apr-06	DEL

Environmental Services Division Report No. 15 (Cont'd)

DA28/06	30-Dec-05	29 Edgecliffe Esp	Alterations & First Floor Addition and Pool & Cabana	06-Apr-06	DAU
DA26/06	03-Jan-06	42-44 Beatrice Street	Alterations & Additions & Pool & Relocate driveway	02-May-06	DAU
DA278/05	3-Jan-06	42 North Steyne	Section 82A Review	11-Apr-06	DAU
DA24/06	04-Jan-06	91 Gurney Cres	Alts & Adds, Deck & Retaining Walls	25-Apr-06	DAU
DA267/05	4-Jan-06	112 Sydney Rd	Section 96 Modification	18-Apr-06	DAU
DA354/05	4-Jan-06	2 Coral Street	Section 82A Review	20-Apr-06	DAU
DA25/06	05-Jan-06	64 Edgecliffe Esp	Demolish & Erection of New Dwelling	07-Apr-06	DAU
DA31/05	09-Jan-06	78 Curban Street	Dwelling & Pool	13-Apr-06	DAU
DA43/06	12-Jan-06	56 Alexander St	Land subdivision - 2 lots	04-May-06	DAU
DA77/05	12-Jan-06	58 North Steyne	Section 96 Modification	28-Apr-06	DAU
DA33/06	13-Jan-06	103 Beatrice St	Demolition & New Dwelling	18-Apr-06	DAU
DA41/06	13-Jan-06	3 Seaview Street	Alterations, Garage & 1st Floor Addition	18-Apr-06	DAU
DA38/06	13-Jan-06	65 Whistler St	Alterations & Additions	09-May-06	DAU
DA264/03	16-Jan-06	4 Krui Street	Section 96 Modification	04-May-06	DAU
DA246/05	17-Jan-06	17 Fisher Street	Section 82A Review	11-Apr-06	DAU
DA45/06	18-Jan-06	41 Castle Circuit	House, Carport & Pool	27-Apr-06	DAU
DA35/04	18-Jan-06	8-28 The Corso	Section 96 Modification	13-Apr-06	DAU
DA46/06	19-Jan-06	158 Woodland Street	Alts & Adds to rear of Semi	Awaiting Information	
DA54/06	20-Jan-06	32 Denison St	Convert Dwelling to Women's Dress Shop and New Fence	04-Apr-06	DAU
DA59/06	20-Jan-06	26 Moore Street	Alts & Adds, Garage and Pool	11-May-06	DAU
DA60/06	21-Jan-06	16 Jellicoe Street	Demolition and new Dwelling	11-May-06	DAU
DA48/06	23-Jan-06	7-9 The Corso	Alts & Adds to RFB & Commercial	16-May-06	DAU
DA47/06	24-Jan-06	11 The Corso	Alts & Adds to RFB & Front Awning	25-May-06	DAU
DA52/06	25-Jan-06	56 Peronne Avenue	Alterations & Additions	18-May-06	DAU
DA77/06	26-Jan-06	127 Seaforth Cres	Land stand Carparking		
DA434/03	1-Feb-06	5 Brighton Street	Section 96 Modification	23-May-06	DAU
DA494/01	02-Feb-06	19 Bellevue St	Section 96 Modification	11-Apr-06	DAU
DA616/99	02-Feb-06	1 Jenner Street	Section 96 Modification	18-Apr-06	DAU
DA565/00	02-Feb-06	1A Monash Cres	Section 96 Modification	11-Apr-06	DAU
DA67/06	3-Feb-06	61 Eurobin Avenue	Alts & Adds to Existing Duplex to create One Dwelling	04-Apr-06	DAU
DA71/06	6-Feb-06	547 Sydney Road	Alterations & Additions	27-Apr-06	DAU
DA65/06	8-Feb-06	21 Woodland St	Demolition & new Dwelling and Pool		
DA70/06	9-Feb-06	7 Ethel Street	Alts & Adds, Rear Ext and Front Deck	04-Apr-06	DEL

Environmental Services Division Report No. 15 (Cont'd)

DA338/05	13-Feb-06	36 Edgecliffe Esp	Section 96 Modification	04-Apr-06	DAU
DA447/03	14-Feb-06	35 Edgecliffe Esp	Section 96 Modification	04-Apr-06	DAU
DA76/06	15-Feb-06	125 Seaforth Cres	Elevated Carparking Space	06-Apr-06	DAU
DA30/06	22-Feb-06	4 Ainslee place	Pool & Landscaping	25-Apr-06	DEL
DA89/06	23-Feb-06	1/51 Ethel Street	Fitout for Hairdresser	06-Apr-06	DEL
DA42/06	15-Mar-06	85 Birkley Road	Alterations & Additions	25-Apr-06	DAU
DA430/05	23-Sep-06	Stuart Street	Remedial Works, Groundwater Collection, Drains & Tanks	18-May-06	DAU

The following applications are currently with Council's Lodgment and Quality Assurance being advertised, notified or referred to appropriate parties. These applications may be new, Section 96 modifications or 82A Reviews.

565/2000	1A Monash Cr, CLONTARF 2093
595/2000	54 Lauderdale Av, FAIRLIGHT 2094
365/2002	62 Osborne Rd, MANLY 2095
395/2003	12 Fairy Bower Rd, MANLY 2095
402/2003	77 Macmillan St, SEAFORTH 2092
444/2003	7 Brighton St, BALGOWLAH 2093
576/2003	535-537 Sydney Rd, SEAFORTH 2092
382/2004	33 Beatty St, BALGOWLAH 2093
450/2004	69 Woodland St, BALGOWLAH 2093
458/2004	36 Gurney Cr, SEAFORTH 2092
547/2004	46-48 Balgowlah Rd, BALGOWLAH 2093
150/2005	2 Waratah St, BALGOWLAH 2093
277/2005	439 Sydney Rd, BALGOWLAH 2093
292/2005	107 Frenchs Forest Rd, SEAFORTH 2092
321/2005	69 Wood St, MANLY 2095
350/2005	92 Bower St, MANLY 2095
372/2005	11 Fairlight Cr, FAIRLIGHT 2094
426/2005	43 Bower St, MANLY 2095
433/2005	30 Pacific St, MANLY 2095
465/2005	49 Stuart St, MANLY 2095
516/2005	8 Brighton St, BALGOWLAH 2093
536/2005	134-135 North Steyne, MANLY 2095
543/2005	12 Bligh Cr, SEAFORTH 2092
549/2005	13 Lewis St, BALGOWLAH 2093
553/2005	10 Kempbridge Av, SEAFORTH 2092
21/2006	17 The Corso, MANLY 2095
28/2006	29 Edgecliffe Esp, SEAFORTH 2092
55/2006	48-52 Sydney Rd, MANLY 2095
56/2006	22 Bonner Av, MANLY 2095
57/2006	9 Griffin St, MANLY 2095
61/2006	46 Radio Av, BALGOWLAH 2093
62/2006	97 Pittwater Rd, MANLY 2095
66/2006	3 Northcote Av, FAIRLIGHT 2094
68/2006	2 Sydney Rd, MANLY 2095
69/2006	16 Castle Cct, SEAFORTH 2092
73/2006	5 Seaview St, BALGOWLAH 2093
76/2006	125 Seaforth Cr, SEAFORTH 2092
78/2006	30 South Steyne, MANLY 2095

Environmental Services Division Report No. 15 (Cont'd)

79/2006	63-67 The Corso, MANLY 2095
80/2006	1 Curban St, BALGOWLAH HEIGHTS 2093
81/2006	90 Griffiths St, FAIRLIGHT 2094
82/2006	16 Quinton Rd, MANLY 2095
83/2006	9 Quinton Rd, MANLY 2095
84/2006	76 Cutler Rd, CLONTARF 2093
85/2006	164 Pittwater Rd, MANLY 2095
86/2006	100 The Corso, MANLY 2095
87/2006	67 Collingwood St, MANLY 2095
88/2006	150 Darley Rd, MANLY 2095
90/2006	92 Bower St, MANLY 2095
91/2006	44 Dudley St, BALGOWLAH 2093
92/2006	87 Castle Cct, SEAFORTH 2092
93/2006	35 Wanganella St, BALGOWLAH 2093
94/2006	9 Sangrado St, SEAFORTH 2092
95/2006	243 Pittwater Rd, MANLY 2095
96/2006	3 Kamiri St, SEAFORTH 2092
97/2006	17 Redman St, SEAFORTH 2092
98/2006	5 Ernest St, BALGOWLAH 2093
99/2006	75 The Corso, MANLY 2095
100/2006	37 Beatty St, BALGOWLAH 2093
101/2006	197 Condamine St, BALGOWLAH 2093
102/2006	14 Yatama St, SEAFORTH 2092
103/2006	52 Balgowlah Rd, BALGOWLAH 2093
104/2006	26 La Perouse St, FAIRLIGHT 2094
105/2006	62 Osborne Rd, MANLY 2095
106/2006	2A Battle Bvd, SEAFORTH 2092
107/2006	19 Maretimo St, BALGOWLAH 2093
108/2006	77 Ellery Pde, SEAFORTH 2092
109/2006	53 Bungalow Av, BALGOWLAH 2093
110/2006	1A Bolingbroke Pde, FAIRLIGHT 2094
111/2006	90 Griffiths St, FAIRLIGHT 2094
112/2006	9-15 Central Av, MANLY 2095
113/2006	14 Victoria Pde, MANLY 2095

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. 15 *****

TO: Land Use Management Committee - 3 April 2006
REPORT: Environmental Services Division Report No. 16
SUBJECT: Appeals List for April 2006
FILE NO:

SUMMARY

List of Appeals Received and their Current Status for Councillors Information.

REPORT

Application	L&E Appeal Reference	House #	Address	Date Appeal Lodged	Solicitor Company	Current Status
DA222/05	10102/06	141	Balgowlah Road, BALGOWLAH	10/02/06	Pike Pike & Fenwick	Hearing 16/06/06
DA401/04	41145/05	87-95	Balgowlah Road, BALGOWLAH (golf club)	14/10/05	Abbott Tout	Discontinued
DA273/04	10949/05	20	Denison Street, MANLY	17/08/05	Abbott Tout	Callover 31/3/06
DA428/06	10108/06	29	Edgecliffe Esplanade SEAFORTH	15/02/06	Pike Pike & Fenwick	Callover 28/3/06
DA576/05	10919/05	57A	Ethel Street, SEAFORTH	12/08/05	Abbott Tout	Upheld 15/3/06 with conditions
DA555/00	11354/05	1/73	Fairlight Street, FAIRLIGHT	17/11/05	Pike Pike & Fenwick	Appeal dismissed 13/3/06
DA87/96	10624/05	5,93-95	North Steyne, MANLY	07/06/05	Abbott Tout	Hearing 28/3/06
DA10/01	11025/05	118	North Steyne, MANLY	27/06/05	Abbott Tout	Council approval filed at callover 22/2/06
DA226/05	10044/06	13	Quinton Road, MANLY	23/01/06	Pike Pike & Fenwick	Hearing 27/3/06
DA28/06	40998/05	15	Richmond Road	3/12/2004	Abbott Tout	Hearing adjourned
DA335/05	11451/05	51	Seaforth Cres, SEAFORTH	13/12/05	Pike Pike & Fenwick	Hearing 7/4/06
DA267/05	10167/06	112	Sydney Road, FAIRLIGHT	13/03/06	Abbott Tout	Callover 13/4/06
DA.92/05	11565/05	27	The Corso, MANLY	3/01/06	Abbott Tout	Callover 31/3/06
DA433/99	11050/04	27-29	Victoria Parade, MANLY		Abbott Tout	Hearing dates reserved
DA187/03	10202/06	66B	Ponsonby Parade	22/03/06	Abbott Tout	Callover 13/04/06

Environmental Services Division Report No. 16 (Cont'd)

DA159/05	10913/05	2A	Woodland Street, Balgowlah Heights	05/08/05	Abbott Tout	Hearing 2/06/06
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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. 16 ***** .