

Minutes

Land Use Management Committee

Held at Council Chambers, 1 Belgrave Street Manly on:

Monday 1 November 2004

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www.manly.nsw.gov.au*



TO THE MAYOR AND COUNCILLORS OF THE COUNCIL:

The Land Use Management Committee, having met at 7:38 pm on Monday 1 November 2004, in the Council Chambers, Town Hall, Manly, to consider the various matters referred to it, now reports the decisions reached and the recommendations made which are stated hereunder.

The decisions taken and indicated by the prefix "Resolved" as distinct from "Recommendations" made to the Council, were taken pursuant to authority delegated to this Committee vide Minutes Number 139 of 6th September, 2004.

PRESENT

Deputy Mayor Councillor R Morrison (arrived 7.40pm)
Councillor B Aird
Councillor S Cant, Deputy Chairperson
Councillor P Daley
Councillor J Evans
Councillor J Hay, AM (arrived 7.39pm)
Councillor A Heasman
Councillor J Lambert, Chairperson who presided
Councillor D Murphy (arrived 7.39pm)
Councillor M Norek (arrived 7.39pm)
Councillor B Pedersen

ALSO PRESENT

Jim Hunter, Acting General Manager
Dave Stray, Manager Development Assessment
Julia Paul, Minute Secretariat

**APOLOGIES
(File A8/2)**

An apology was tendered on behalf of His Worship, The Mayor, Councillor Dr Peter Macdonald, for non-attendance and on behalf of the General Manager who is absent on annual leave.

RESOLVED: (Heasman/Hay)

That the apology received from His Worship, The Mayor, Councillor Dr Peter Macdonald, and the General Manager be accepted and leave be granted.

LEAVE OF ABSENCE

Nil.

DECLARATIONS OF PECUNIARY / CONFLICT INTERESTS (File A8/4)

Nil.

CONFIRMATION OF MINUTES (FILE C17/23)**RESOLVED: (Heasman/Cant)**

That copies of the Minutes of the Meeting of the Land Use Management Committee held on Tuesday 5 October 2004, having been furnished to each member of the Committee, be taken as read and confirmed as a true record of proceedings of such meeting.

For the Resolution: Councillors Heasman, Lambert, Cant, Daley, Pedersen, Aird and Evans.

Against the Resolution: Nil.

PUBLIC ADDRESSES

Item	Property Details/Speaker
ES Report 81	DA 361/01 87 Ellery Parade, Seaforth
Objector	Ms Angelo Cantafio
Applicant	Ms Carol Kritsotakis
ES Report 82	DA 303/04, 13 & 14 James Street, Manly
Applicant	Mr J. Grant Jackson
ES Report 83	DA 235/04 47 Edgecliffe Esp, Seaforth
Objector	Mr Joseph Goodman
Applicant	Mr Joe Arcuri, 2/27 Moruben Road, Mosman

ENVIRONMENTAL SERVICES DIVISION REPORTS

Environmental Services Division Report No. 81

87 Ellery Parade, Seaforth (DA361/01)

Application Lodged: 21st July 2004
Applicant: C Kritsotakis
Owner: C and CF Kritsotakis
Estimated Cost: \$360,000
Zoning: Manly Local Environmental Plan, 1988 - Residential
Surrounding Development: Residential dwellings
Heritage: Not applicable
Foreshore Scenic Protection Area: Not applicable

SUMMARY:

1. DEVELOPMENT CONSENT WAS SOUGHT FOR DEMOLITION OF THE EXISTING RESIDENCE AND ERECTION OF TWO NEW DWELLINGS AND SUBDIVISION OF THE PROPERTY INTO TWO LOTS.
2. COUNCIL APPROVED THE APPLICATION AT IT'S DEVELOPMENT CONTROL UNIT MEETING OF THE 13TH FEBRUARY 2002.
3. CONSTRUCTION OF THE FIRST HOUSE, FACING HARVEY STREET, HAS TAKEN PLACE AND IS NEARING COMPLETION.

4. COUNCIL IS IN RECEIPT OF A REQUEST FOR MODIFICATION UNDER SECTION 96 OF ENVIRONMENTAL PLAN ASSESSMENT ACT TO ALLOW INCREASED HEIGHT OF THE PARAPET WALL.
5. THE APPLICATION WAS NOTIFIED AND SUBMISSIONS RECEIVED.
6. THE APPLICATION WAS REFERRED TO THE SEAFORTH PRECINCT COMMUNITY FORUM AND COMMENTS RECEIVED.
7. THE APPLICATION IS PRESENTED TO COUNCIL AT THE REQUEST OF COUNCILLORS MACDONALD AND CANT.
8. A SITE INSPECTION IS RECOMMENDED.
9. REFUSAL OF THE APPLICATION IS RECOMMENDED.

Site Inspection

An inspection took place on Monday 1 November 2004, comprising of Councillors Cant, Evans, Lambert, Morrison, Murphy, and Norek

MOTION: (Morrison/Murphy)

That the request for modification of details of development consent for Development Application 361/01 for demolition of the existing dwelling and construction of 2 dwellings and subdivision at 87 Ellery Parade Seaforth be approved subject to appropriate conditions.

AMENDMENT: (Evans/Hay)

That consideration of the Section 96 application be **deferred** pending Councillors being briefed on recent legal decisions relating to Section 96 approvals for building works already completed and the history of this particular application.

For the Amendment: Councillors Hay, Heasman, Lambert, Pedersen, Aird, Evans and Norek.

Against the Amendment: Councillors Cant, Murphy, Daley and Morrison.

The **Amendment** became the **Motion** and was put and declared **Carried**.

RESOLVED: (Evans/Hay)

That consideration of the Section 96 application be **deferred** pending Councillors being briefed on recent legal decisions relating to Section 96 approvals for building works already completed and the history of this particular application.

For the Resolution: Councillors Hay, Heasman, Lambert, Pedersen, Aird, Evans and Norek.

Against the Resolution: Councillors Cant, Murphy, Daley and Morrison.

Environmental Services Division Report No. 82
13 & 14 James Street, Manly (DA303/04)

Application Lodged: 25th June 2004
Applicant: JG Jackson
Owner: M E and G J. Jackson
Estimated Cost: \$125,500
Zoning: Manly Local Environmental Plan, 1988 - Residential the property is also in the foreshore scenic protection area Residential Flat Buildings and residential dwellings
Surrounding Development: Residential Flat Buildings and residential dwellings
Heritage: The property is opposite 14 Camera Street which is listed. There are also sandstone walls and kerbs in the neighbourhood that are listed.

SUMMARY:

1. DEVELOPMENT CONSENT IS SOUGHT FOR DEMOLITION OF THE EXISTING FIRST-FLOOR AND CONSTRUCTION OF A NEW FIRST FLOOR LEVEL, AS WELL AS ALTERATIONS TO THE GROUND FLOOR TO CREATE TWO DWELLINGS.
2. THE PROPOSAL WAS NOTIFIED TO ADJACENT NEARBY PROPERTY OWNERS AND OBJECTIONS RECEIVED.
3. THE PRECINCT WAS ADVISED OF THE APPLICATION AND COMMENTS RECEIVED.
4. COUNCIL'S HERITAGE PLANNER AND HERITAGE COMMITTEE HAVE RAISED ISSUES IN RELATION TO THE FORM OF DEVELOPMENT.
5. THE APPLICATION IS PRESENTED TO COUNCIL AT THE REQUEST OF COUNCILLOR MACDONALD
6. A SITE INSPECTION IS RECOMMENDED.
7. REFUSAL OF THE APPLICATION IS RECOMMENDED.

Site Inspection:

An inspection took place on Monday 1 November 2004, comprising of Councillors Aird, Cant, Evans Lambert, Murphy, Norek

Inspection Party Recommendation:

That DA No 303/04 for alterations and additions to an existing dwelling at No 13 & 14 James Street, Manly to create two separate flats be deferred for further discussions with Council staff and submission of revised plans showing a design sympathetic to the architectural style of the existing dwelling.

MOTION (Hay/Heasman)

That DA No 303/04 for alterations and additions to an existing dwelling at No 13 & 14 James Street, Manly to create two separate flats be **deferred** for further discussions with Council staff and submission of revised plans showing a design sympathetic to the architectural style of the existing dwelling.

RESOLVED: (Hay/Heasman)

That DA No 303/04 for alterations and additions to an existing dwelling at No 13 & 14 James Street, Manly to create two separate flats be **deferred** for further discussions with Council staff and submission of revised plans showing a design sympathetic to the architectural style of the existing dwelling.

For the Resolution: Councillors Hay, Heasman, Lambert, Cant, Murphy, Daley, Pedersen, Aird, Evans and Norek.

Against the Resolution: Nil.

Councillor Morrison was not present and did not take part in the voting on this item.

Environmental Services Division Report No. 83

47 Edgecliffe Esplanade, Seaforth (DA235/04)

Application Lodged: 19 August 2004

Applicant: Morris Bray Architects

Owner: J & S Arcuri

Estimated Cost: \$638,000

Zoning: Manly Local Environmental Plan, 1988 - Residential Within Foreshore Scenic Protection Area

Surrounding Development: Two and three storey dwellings

Heritage: Not Applicable

SUMMARY:

1. DEVELOPMENT CONSENT WAS PREVIOUSLY GRANTED FOR ALTERATIONS AND ADDITIONS TO AN EXISTING DWELLING, INCLUDING A NEW SWIMMING POOL.
2. THE EXISTING DWELLING WAS DEMOLISHED.
3. FOLLOWING INTERVENTION OF COUNCIL'S COMPLIANCE OFFICERS THE APPLICANT CEASED WORK.
4. COUNCIL SUBSEQUENTLY RECEIVED A DEVELOPMENT APPLICATION FOR A NEW DWELLING AND SWIMMING POOL.
5. THE APPLICATION WAS PRESENTED TO COUNCILS LAND USE MANAGEMENT MEETING OF 5 JULY 2004 WHERE THE MATTER WAS DEFERRED.
6. THE APPLICATION WAS PRESENTED TO COUNCILS LANDUSE MANAGEMENT COMMITTEE MEETING OF 2 AUGUST 2004 WHERE DEFERRED COMMENCEMENT APPROVAL WAS GRANTED.
7. COUNCIL IS NOW IN RECEIPT OF AN APPLICATION FOR REVIEW OF DETERMINATION UNDER SECTION 82A OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979.
8. THE MATTER IS PRESENTED TO COUNCIL AT THE REQUEST OF COUNCILLORS CANT AND MACDONALD.
9. REFUSAL OF THE SECTION 82A APPLICATION IS RECOMMENDED.

MOTION: (Pedersen/Morrison)

That pursuant to Section 82A of the Environmental Planning and Assessment Act, 1999 the applicant be advised that Deferred Commencement Consent No.235/04 for erection of a new three storey dwelling and swimming pool at No.47 Edgecliffe Esplanade Seaforth remains as resolved by Council on 2 August 2004.

RESOLVED: (Pedersen/Morrison)

That pursuant to Section 82A of the Environmental Planning and Assessment Act, 1999 the applicant be advised that Deferred Commencement Consent No.235/04 for erection of a new three storey dwelling and swimming pool at No.47 Edgecliffe Esplanade Seaforth remains as resolved by Council on 2 August 2004.

For the Resolution: Councillors Hay, Heasman, Lambert, Cant, Murphy, Daley, Morrison, Pedersen, Aird, Evans and Norek.

Against the Resolution: Nil.

Environmental Services Division Report No. 84

Development Applications Being Processed During November, 2004**SUMMARY**

Development Applications Currently Being Processed During November, 2004.

MOTION (Hay/Heasman)

That the information in the Development Applications Being Processed During November 2004 Report, be noted.

RESOLVED: (Hay/Heasman)

That the information in the Development Applications Being Processed During November 2004 Report, be noted.

For the Resolution: Councillors Hay, Heasman, Lambert, Cant, Murphy, Daley, Morrison, Pedersen, Aird, Evans and Norek.

Against the Resolution: Nil.

Environmental Services Division Report No. 85

List of Appeals for November, 2004**SUMMARY**

List of current appeals and their status for Councillors information.

MOTION: (Pedersen/Murphy)

That the information on the List of Current Appeals and their Status be noted and that as per the resolution of the Land Use Management Committee of 6 September 2004, the General Manager report at the next Land Use Management meeting estimating the cost of defending Council's position with regard to appeals and the budget forecast for this matter.

RESOLVED: (Pedersen/Murphy)

That the information on the List of Current Appeals and their Status be noted and that as per the resolution of the Land Use Management Committee of 6 September 2004, the General Manager report at the next Land Use Management meeting estimating the cost of defending Council's position with regard to appeals and the budget forecast for this matter.

For the Resolution: Councillors Hay, Heasman, Lambert, Cant, Murphy, Daley, Morrison, Pedersen, Aird and Evans.

Against the Resolution: Councillor Norek.

CLOSE

The meeting closed at 9.21pm

The above minutes were confirmed at a **Land Use Management Committee** of Manly Council held on 6 December 2004.

CHAIRPERSON

***** **END OF MINUTES** *****