

Minutes

Land Use Management Committee

Held at Council Chambers, 1 Belgrave Street Manly on:

Monday 3 July 2006

*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*



TABLE OF CONTENTS

Item	Page No.
APOLOGIES.....	2
DECLARATIONS OF PECUNIARY INTEREST / CONFLICT OF INTEREST.....	2
ENVIRONMENTAL SERVICES DIVISION.....	3
Environmental Services Division Report No. 35 46-48 East Esplanade, Manly	3
Environmental Services Division Report No. 37 243-259 Pittwater Road, Manly - Section 96 Modification	6
Environmental Services Division Report No. 38 243-259 Pittwater Road, Manly	10
Environmental Services Division Report No. 36 11 The Corso, Manly	12
Environmental Services Division Report No. 39 Development Applications currently Being Processed	13
Environmental Services Division Report No. 40 Appeals List for July 2006	13
CONFIDENTIAL COMMITTEE OF THE WHOLE	14
OPEN COUNCIL RESUMED	15
General Managers Division Report No. 15 Tenders - Corso Upgrade - Contract for the Laying of Granite Pavers	15
General Managers Division Report No. 16 Tenders - Corso Upgrade - Contract for Demolition and Concrete Paving	15
General Managers Division Report No. 17 Corso Upgrade: Water Feature - Engagement of Design and Construct Consultant.....	15

TO THE MAYOR AND COUNCILLORS OF THE COUNCIL:

The Land Use Management Committee, having met at 7:42 PM on Monday 3 July 2006, 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 535 of 19th September, 2005.

PRESENT

His Worship, The Mayor, Councillor Dr Peter Macdonald
Deputy Mayor, Councillor B Aird
Councillor S Cant
Councillor P Daley
Councillor J Evans
Councillor J Hay, AM
Councillor J Lambert, AM Chairperson who presided
Councillor R Morrison, Deputy Chairperson (arrived at 7:44pm)
Councillor D Murphy
Councillor M Norek
Councillor B Pedersen

ALSO PRESENT

Jim Hunter, Executive Director Major Projects
David Stray, Manager Development Control
Rachael Levey, Minute Taker

APOLOGIES

Apologies were tendered on behalf of Councillor Heasman, for non-attendance.

MOTION (Lambert / Macdonald)

That the apology received from Councillor Heasman, be accepted and leave be granted.

RESOLVED: (Lambert / Macdonald)

That the apology received from Councillor Heasman, be accepted and leave be granted.

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

Against the Resolution: Nil.

DECLARATIONS OF PECUNIARY INTEREST / CONFLICT OF INTEREST

Nil.

CONFIRMATION OF MINUTES**MOTION (Hay / Evans)**

That copies of the Minutes of the Meeting of the Land Use Management Committee held on Monday 5 June 2006, having been furnished to each member of the Committee, be taken as read and confirmed as a true record of proceedings of such meeting.

RESOLVED: (Hay / Evans)

That copies of the Minutes of the Meeting of the Land Use Management Committee held on Monday 5 June 2006, 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 Macdonald, Hay, Lambert, Cant, Murphy, Daley, Pedersen, Aird, Evans and Norek

Against the Resolution: Nil.

Councillor Morrison entered the Chamber at 7:44pm.

ENVIRONMENTAL SERVICES DIVISION

Environmental Services Division Report No. 35

46-48 East Esplanade, Manly (DA485/05)

<u>Application Lodged:</u>	8 November, 2005
<u>Applicant:</u>	Hosking Munro Pty Ltd
<u>Owner:</u>	Trimglint Pty Ltd & Robert Pacific Pty Ltd
<u>Estimated Cost:</u>	\$5,000,000.
<u>Zoning:</u>	Manly Local Environmental Plan, 1988 – Business - Within Foreshore Scenic Protection Area.
<u>Surrounding Development:</u>	Multi Storey Mixed Commercial and Residential Buildings.
<u>Heritage:</u>	Yes

SUMMARY:

1. DEVELOPMENT APPLICATION DA 412/01 WAS LODGED ON 3 SEPTEMBER 2001 FOR PROPOSED ALTERATIONS AND ADDITIONS TO THE EXISTING BUILDINGS TO CONVERT THEM TO A 60 ROOM HOTEL.
2. AMENDMENT NO 56 TO THE LEP WAS GAZETTED IN 21 SEPTEMBER 2002, CLASSIFYING THE SITE AS A HERITAGE ITEM.
3. AN APPEAL WAS LODGED WITH THE L&E COURT AGAINST DEEMED REFUSAL.
4. COUNCIL SUBSEQUENTLY REFUSED THE APPLICATION ON 8 NOVEMBER 2002. THE APPEAL WAS DISCONTINUED.
5. A NEW DA WAS LODGED ON 15 MAY 2003 FOR ALTERATIONS AND ADDITIONS AND USE AS A 72 BEDROOM HOTEL AND A ONE BEDROOM APARTMENT. THIS APPLICATION WAS REFUSED BY COUNCIL ON 19 FEBRUARY 2004.
6. AN APPEAL WAS LODGED WITH THE L&E COURT AGAINST COUNCIL'S REFUSAL OF THE APPLICATION. THE APPEAL WAS DISCONTINUED.
7. DEVELOPMENT APPLICATION DA 485/05 WAS LODGED ON 8 NOVEMBER 2005 FOR PROPOSED ALTERATIONS AND ADDITIONS TO THE EXISTING BUILDINGS FOR COMMERCIAL OFFICE SPACE AND RESIDENTIAL UNIT.
8. THE APPLICATION WAS ADVERTISED AND NOTIFIED TO NEARBY AND ADJOINING PROPERTY OWNERS WITH SIX SUBMISSIONS ON BEHALF OF THREE PROPERTY

- OWNERS RAISING OBJECTION TO THE PROPOSAL RECEIVED.
9. THE APPLICATION WAS REFERRED TO THE CORSO PRECINCT COMMUNITY FORUM WITH COMMENTS RECEIVED.
 10. THE APPLICATION IS PRESENTED TO COUNCIL AT THE REQUEST OF COUNCILLOR MACDONALD.
 11. REFUSAL OF THE APPLICATION IS RECOMMENDED.

PUBLIC ADDRESSES

The following person addressed the meeting in relation to this item:

Applicant: Mr Michael Munro, Architect

MOTION (Macdonald / Cant)

That Development application No. 485/05 for alterations and additions to existing building for new retail/commercial and caretakers unit at 46-48 East Esplanade, Manly be **approved** subject to **deferred commencement** provisions and standard conditions, in addition to the following:

1. That prior to the issue of the Construction Certificate, a Construction Management Plan is to be submitted detailing areas of the site for loading/unloading of vehicles, hoardings, hours of truck/vehicle deliveries, traffic control measures and the like, to reduce impacts of pedestrian and traffic movements and amenity of nearby residents.
2. That contributions in respect of car parking being made having regard to Council's Section 94 Plan and Clause 25(2) (Conservation Incentives) of the Manly LEP.
3. That one commercial level of the building be removed.
4. That the top floor be set back 3m from the southern façade of the new development.

AMENDMENT (Hay / Pedersen)

That Development application No. 485/05 for alterations and additions to existing building for new retail/commercial and residential unit at 46-48 East Esplanade, Manly be **refused** for the following reasons:

1. The proposal is contrary to the Objective (c) of the Business Zone in Clause 10 of the Manly Local Environmental Plan 1988, having regard to Section 79C(1) (a)(i) and (a)(iii), (b), (c) and (e) of the Environmental Planning and Assessment Act 1979.
2. The proposal is contrary to the objectives Clause 3.(1) (g), (h), (i), and (j) of the Manly Local Environmental Plan 1988, having regard to Section 79C(1) (a)(i), (b), (c), (d) and (e) of the Environmental Planning and Assessment Act 1979.
3. The proposal is contrary to Clause 17 of the Manly Local Environmental Plan 1988, as the proposal will have a detrimental impact on the Foreshore Scenic Protection Area, having regard to Section 79C(1) (a)(i), (b), (c), (d) and (e) of the Environmental Planning and Assessment Act 1979.
4. The proposal is contrary to Clause 18, 19 and 21 of the Manly Local Environmental Plan 1988, having regard to Section 79C(1) (a)(i), (b), (c), (d) and (e) of the Environmental Planning and Assessment Act 1979.

5. The proposal is contrary to the following clauses objectives of the Manly DCP for Business Zones 1989 (Amendment No 4)
 - a) Aims and Objectives - Objective D5, D6 and D 7,
 - b) Clause 1.1 (Floor Space Ratio)
 - c) Clause 1.2 (Building Heights), and
 - d) Clause 1.3 (Setbacks)
 - e) Clause 1.4 (Design and Townscape)
 - f) Clause 1.5 (Access)having regard to Section 79C(1) (a)(i), (b), (c), (d) and (e) of the Environmental Planning and Assessment Act 1979.
6. The proposal is considered to be an overdevelopment of the site, having regard to Section 79C(1) (a)(i), (b), (c), (d) and (e) of the Environmental Planning and Assessment Act 1979.
7. The proposal will have a detrimental impact on the views and overshadowing of the units at 43-45 The Corso, having regard to Section 79C(1) (a), (c) and (d) of the Environmental Planning and Assessment Act 1979.
8. The proposal will have a detrimental impact on the amenity, and views of the future residents of the Coles development site, having regard to Section 79C(1) (a), (c) and (d) of the Environmental Planning and Assessment Act 1979.
9. The proposal is considered to be contrary to the public interest, having regard to Section 79C(1) (e) of the Environmental Planning and Assessment Act 1979.

For the Amendment: Councillors Hay, Murphy, Daley, Morrison, Pedersen, Aird and Norek
Against the Amendment: Councillors Macdonald, Lambert, Cant and Evans

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

RESOLVED: (Hay / Pedersen)

That Development application No. 485/05 for alterations and additions to existing building for new retail/commercial and residential unit at 46-48 East Esplanade, Manly be **refused** for the following reasons:

1. The proposal is contrary to the Objective (c) of the Business Zone in Clause 10 of the Manly Local Environmental Plan 1988, having regard to Section 79C(1) (a)(i) and (a)(iii), (b), (c) and (e) of the Environmental Planning and Assessment Act 1979.
2. The proposal is contrary to the objectives Clause 3.(1) (g), (h), (i), and (j) of the Manly Local Environmental Plan 1988, having regard to Section 79C(1) (a)(i), (b), (c), (d) and (e) of the Environmental Planning and Assessment Act 1979.
3. The proposal is contrary to Clause 17 of the Manly Local Environmental Plan 1988, as the proposal will have a detrimental impact on the Foreshore Scenic Protection Area, having regard to Section 79C(1) (a)(i), (b), (c), (d) and (e) of the Environmental Planning and Assessment Act 1979.
4. The proposal is contrary to Clause 18, 19 and 21 of the Manly Local Environmental Plan 1988, having regard to Section 79C(1) (a)(i), (b), (c), (d) and (e) of the Environmental Planning and Assessment Act 1979.
5. The proposal is contrary to the following clauses objectives of the Manly DCP for Business Zones 1989 (Amendment No 4)

- a) Aims and Objectives - Objective D5, D6 and D 7,
- b) Clause 1.1 (Floor Space Ratio)
- c) Clause 1.2 (Building Heights), and
- d) Clause 1.3 (Setbacks)
- e) Clause 1.4 (Design and Townscape)
- f) Clause 1.5 (Access)

having regard to Section 79C(1) (a)(i), (b), (c), (d) and (e) of the Environmental Planning and Assessment Act 1979.

6. The proposal is considered to be an overdevelopment of the site, having regard to Section 79C(1) (a)(i), (b), (c), (d) and (e) of the Environmental Planning and Assessment Act 1979.
7. The proposal will have a detrimental impact on the views and overshadowing of the units at 43-45 The Corso, having regard to Section 79C(1) (a), (c) and (d) of the Environmental Planning and Assessment Act 1979.
8. The proposal will have a detrimental impact on the amenity, and views of the future residents of the Coles development site, having regard to Section 79C(1) (a), (c) and (d) of the Environmental Planning and Assessment Act 1979.
9. The proposal is considered to be contrary to the public interest, having regard to Section 79C(1) (e) of the Environmental Planning and Assessment Act 1979

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

SUSPENSION OF STANDING ORDERS (Lambert / Macdonald)

That Standing Orders be suspended to allow for consideration of items of public interest, being Environmental Services Division Report No. 37, 243-259 Pittwater Road Manly, Section 96 Modification; and Environmental Services Division Report No. 38, 243-259 Pittwater Road Manly.

RESOLVED: (Lambert / Macdonald)

That Standing Orders be suspended to allow for consideration of items of public interest, being Environmental Services Division Report No. 37, 243-259 Pittwater Road Manly, Section 96 Modification; and Environmental Services Division Report No. 38, 243-259 Pittwater Road Manly.

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

Environmental Services Division Report No. 37

243-259 Pittwater Road, Manly - Section 96 Modification (DA76/05)

Application Lodged: 10 March 2006
Applicant: A Sofia
Owner: Dynamic Press Investments Pty Limited
Estimated Cost: \$100,000 (original application)
Zoning: Manly Local Environmental Plan, 1988 - Residential
Surrounding Development: Single and two storey dwellings (to south), single storey commercial building (to east) and two storey club and residential dwellings (to north)
Heritage: Yes

SUMMARY:

1. DEVELOPMENT APPLICATION NO.76/05 FOR CHANGE OF USE FROM SELF STORAGE FACILITY TO FRUIT MARKET WAS APPROVED BY COUNCIL AT ITS ORDINARY MEETING OF 20 JUNE 2005.
2. FOLLOWING COMPLAINTS REGARDING UNAUTHORISED WORKS AND NOISE NUISANCE COUNCILS COMPLIANCE OFFICERS HAD CAUSE TO VISIT THE PREMISES.
3. COUNCIL IS NOW IN RECEIPT OF AN APPLICATION UNDER SECTION 96(2) OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 TO MODIFY THE CONSENT.
4. THE APPLICANT HAS ALSO LODGED A SEPARATE DEVELOPMENT APPLICATION (DA95/06) WITH COUNCIL FOR A CHANGE OF USE FROM FRUIT MARKET TO SHOP. THAT APPLICATION (DA95/06) IS THE SUBJECT OF A SEPARATE ASSESSMENT AND REPORT.
5. THE MODIFICATION APPLICATION (DA76/05) AND CHANGE OF USE APPLICATION (DA95/06) WERE NOTIFIED AT APPROXIMATELY THE SAME TIME TO NEARBY AND ADJOINING PROPERTY OWNERS WITH THREE (3) SUBMISSIONS AND A PETITION CONTAINING 73 SIGNATURES RECEIVED.
6. THE MODIFICATION APPLICATION WAS REFERRED TO THE OCEAN BEACH PRECINCT COMMUNITY FORUM COMMITTEE WITH COMMENTS RECEIVED.
7. THE APPLICATION IS PRESENTED TO COUNCILS LAND USE MANAGEMENT MEETING AT THE REQUEST OF COUNCILLOR MURPHY.
8. CONDITIONAL APPROVAL OF THE APPLICATION IS RECOMMENDED.

PUBLIC ADDRESSES

The following person addressed the meeting in relation to this item:

Applicant: Mr Angus Witherby, Town Planner on behalf of the Applicant

MOTION (Murphy / Hay)

That the application to modify development consent No. 76/05 for Change of Use to Fruit Market with 42 Car Parking Spaces at 243-259 Pittwater Road, Manly be approved subject to original conditions with condition 1 modified and new conditions 87 to 94 added as follows:

DA1

This approval relates to drawings/plans No. BA32-00 and B32-01 dated 27 January 2005 and received by Council 31 January 2005 and B32-02 Issue A and B32-03 dated 24 February 2005 received by Council 5 April 2005 **except as amended** by drawings/plans No. S96/01 to S96/04 issue A dated 9 March 2006 received by Council 14 March 2006 as amended by the following conditions.

DA89

Sign 1 is to be reduced in length to and positioned to match the width of the existing "window" opening beneath, to maintain the heritage significance of the building, plans being suitably amended prior to issue of the Construction Certificate.

DA90

Banner signs indicating 'entry' and 'exit' are to be replaced with fixed signs in 2 years when the banner signs are worn out with the same wording plans being suitably amended prior to issue of the Construction Certificate.

DA91

Louvers are to be regularised and painted in dark recessive colour as per the recommendation of the applicant's Heritage Consultant, to maintain the heritage significance of the building, plans being suitably amended prior to issue of the Construction Certificate..

DA93

No retail activity, sale of goods or display of temporary signs/a frame signs is to occur in the car park or on the forecourt area outside of the building, to reduce conflicts between pedestrians and vehicles.

DA95

That all waste and recycling materials, skips etc are to be housed within the building at the western end, at all times other than collection hour.

AMENDMENT (Evans / Aird)

That the application to modify development consent No. 76/05 for Change of Use to Fruit Market with 42 Car Parking Spaces at 243-259 Pittwater Road, Manly be approved subject to original conditions with condition 1 modified and new conditions 87 to 94 added as follows:

DA1

This approval relates to drawings/plans No. BA32-00 and B32-01 dated 27 January 2005 and received by Council 31 January 2005 and B32-02 Issue A and B32-03 dated 24 February 2005 received by Council 5 April 2005 **except as amended** by drawings/plans No. S96/01 to S96/04 issue A dated 9 March 2006 received by Council 14 March 2006 as amended by the following conditions.

DA87

Expansion of retail is not approved and retail floor space is to be as per the original approval, to address car parking issues, plans being suitably amended prior to issue of the Construction Certificate.

DA88

Signs No.3, 4 & 5 are to be deleted, with signs 2, 3, 4, and 5 consolidated into one sign approximately 7.5 m long x 1.0m high in the location of sign 2 above the entry and exit doors with the top of the sign in line with the bottom sill of the windows to the steel and glass office area on the north western corner of the building, to maintain the heritage significance of the building, plans being suitably amended prior to issue of the Construction Certificate.

DA89

Sign 1 is to be reduced in length to and positioned to match the width of the existing "window" opening beneath and reduced height to 1.0m, to maintain the heritage significance of the building, plans being suitably amended prior to issue of the Construction Certificate.

DA90

Banner signs indicating 'entry' and 'exit' are to be replaced with fixed signs with the same wording plans being suitably amended prior to issue of the Construction Certificate.

DA91

Louvers are to be regularised and painted in dark recessive colour as per the recommendation of the applicant's Heritage Consultant, to maintain the heritage significance of the building, plans being suitably amended prior to issue of the Construction Certificate..

DA92

The landscape buffer to the east end behind the existing loading area is to be maintained as per original approval, to reduce impacts on amenity of adjoining residential land, plans being suitably amended prior to issue of the Construction certificate.

DA93

No retail activity, sale of goods, display of goods or display of temporary signs/a frame signs is to occur in the car park or on the forecourt area outside of the building, to reduce conflicts between pedestrians and vehicles.

DA94

That this matter be deleted from the Section96 application and dealt with in the following item, Environmental Services Division Report No. 38.

DA95

That all waste and recycling materials, skips etc are to be housed within the building at the western end, at all times other than collection hour.

For the Amendment: Councillors Lambert, Aird and Evans

Against the Amendment: Councillors Macdonald, Hay, Cant, Murphy, Daley, Morrison, Pedersen and Norek

The **Amendment** was declared **Lost**.

RESOLVED: (Murphy / Hay)

That the application to modify development consent No. 76/05 for Change of Use to Fruit Market with 42 Car Parking Spaces at 243-259 Pittwater Road, Manly be approved subject to original conditions with condition 1 modified and new conditions 87 to 94 added as follows:

DA1

This approval relates to drawings/plans No. BA32-00 and B32-01 dated 27 January 2005 and received by Council 31 January 2005 and B32-02 Issue A and B32-03 dated 24 February 2005 received by Council 5 April 2005 **except as amended** by drawings/plans No. S96/01 to S96/04 issue A dated 9 March 2006 received by Council 14 March 2006 as amended by the following conditions.

DA89

Sign 1 is to be reduced in length to and positioned to match the width of the existing "window" opening beneath, to maintain the heritage significance of the building, plans being suitably amended prior to issue of the Construction Certificate.

DA90

Banner signs indicating 'entry' and 'exit' are to be replaced with fixed signs in 2 years when the banner signs are worn out with the same wording plans being suitably amended prior to issue of the Construction Certificate.

DA91

Louvers are to be regularised and painted in dark recessive colour as per the recommendation of the applicant's Heritage Consultant, to maintain the heritage significance of the building, plans being suitably amended prior to issue of the Construction Certificate..

DA93

No retail activity, sale of goods or display of temporary signs/a frame signs is to occur in the car park or on the forecourt area outside of the building, to reduce conflicts between pedestrians and vehicles.

DA95

That all waste and recycling materials, skips etc are to be housed within the building at the western end, at all times other than collection hour.

For the Resolution: Councillors Macdonald, Hay, Cant, Murphy, Daley, Morrison, Pedersen and Norek

Against the Resolution: Councillors Lambert, Aird and Evans

The Land Use Management meeting was adjourned at 10:33pm.

The meeting was reconvened at 10:40pm with the following Councillors present:

His Worship, The Mayor, Councillor Dr Peter Macdonald
 Deputy Mayor, Councillor B Aird
 Councillor S Cant
 Councillor P Daley
 Councillor J Evans
 Councillor J Hay, AM
 Councillor J Lambert, AM Chairperson who presided
 Councillor R Morrison, Deputy Chairperson
 Councillor D Murphy
 Councillor M Norek
 Councillor B Pedersen

Environmental Services Division Report No. 38

243-259 Pittwater Road, Manly (DA95/06)

Application Lodged: 10 March 2006

Applicant: A Sofia

Owner: Dynamic Press Investments Pty Limited

Estimated Cost: \$50,000

Zoning: Manly Local Environmental Plan, 1988 - Residential

Surrounding Development: Single and two storey dwellings (to south), single storey commercial building (to east) and two storey club and residential dwellings (to north)

Heritage: Yes

SUMMARY:

1. DEVELOPMENT APPLICATION NO.76/05 FOR CHANGE OF USE FROM SELF STORAGE FACILITY TO FRUIT MARKET WAS APPROVED BY COUNCIL AT ITS ORDINARY MEETING OF 20 JUNE 2005.
2. FOLLOWING COMPLAINTS REGARDING UNAUTHORISED WORKS AND NOISE NUISANCE COUNCILS COMPLIANCE OFFICERS HAD CAUSE TO VISIT THE PREMISES.
3. COUNCIL IS NOW IN RECEIPT OF AN APPLICATION FOR A CHANGE OF USE FROM FRUIT MARKET TO SHOP.
4. THE APPLICANT HAS ALSO LODGED A SEPARATE APPLICATION UNDER SECTION 96(2) OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 TO MODIFY THE EXISTING CONSENT (DA76/05) WHICH IS THE SUBJECT OF A SEPARATE ASSESSMENT AND REPORT.
5. THE CHANGE OF USE APPLICATION (DA95/06) AND MODIFICATION APPLICATION (DA76/05) WERE NOTIFIED AT APPROXIMATELY THE SAME TIME TO NEARBY AND ADJOINING PROPERTY OWNERS WITH THREE (3) SUBMISSIONS AND A PETITION CONTAINING 73 SIGNATURES RECEIVED.
6. THE CHANGE OF USE APPLICATION WAS REFERRED TO THE OCEAN BEACH PRECINCT COMMUNITY FORUM COMMITTEE WITH COMMENTS RECEIVED.

7. THE APPLICATION IS PRESENTED TO COUNCILS LAND USE MANAGEMENT MEETING AT THE REQUEST OF COUNCILLORS DALEY AND MURPHY.
8. REFUSAL OF THE APPLICATION IS RECOMMENDED.

PUBLIC ADDRESSES

The following person addressed the meeting in relation to this item:

Applicant: Mr Angus Witherby, Town Planner on behalf of the Applicant

MOTION (Murphy / Daley)

That Development Application No.95/06 for Change of Use from Fruit Market to Shop at 243-259 Pittwater Road, Manly be **approved** as per the following definition:

“A shop predominantly selling food and convenience goods including, but not limited to: fresh foods, (including fruit and vegetables), packaged meat, delicatessen lines, juices, pre-prepared food (cooked and uncooked), and convenience goods including bakery, frozen goods, dry goods and general grocery goods.”

That any variation of the uses being:

- an additional range of goods not covered by the description above to be sold or stored; or
- an additional retail area

be the subject of a specific Development Application to Council.

AMENDMENT (Lambert / Aird)

That Development Application No.95/06 for Change of Use from Fruit Market to Shop at 243-259 Pittwater Road, Manly be **approved** as per the following definition:

“A shop predominantly selling food and convenience goods including, but not limited to: fresh foods, (including fruit and vegetables), packaged meat, delicatessen lines, juices, pre-prepared food (cooked and uncooked), and convenience goods including bakery, frozen goods, dry goods and general grocery goods with not less than 60% of the floor space applied to the sale of fresh fruit and vegetables.”

That any variation of the uses being:

- an additional range of goods not covered by the description above to be sold or stored; or
- an additional retail area

be the subject of a specific Development Application to Council.

For the Amendment: Councillors Lambert, Pedersen, Aird and Evans

Against the Amendment: Councillors Macdonald, Hay, Cant, Murphy, Daley, Morrison and Norek

The **Amendment** was declared **Lost**.

RESOLVED: (Murphy / Daley)

That Development Application No.95/06 for Change of Use from Fruit Market to Shop at 243-259 Pittwater Road, Manly be **approved** as per the following definition:

“A shop predominantly selling food and convenience goods including, but not limited to: fresh foods, (including fruit and vegetables), packaged meat, delicatessen lines, juices, pre-prepared food (cooked and uncooked), and convenience goods including bakery, frozen goods, dry goods and general grocery goods.”

That any variation of the uses being:

- an additional range of goods not covered by the description above to be sold or stored; or
- an additional retail area

be the subject of a specific Development Application to Council.

For the Resolution: Councillors Macdonald, Hay, Cant, Murphy, Daley, Morrison, Pedersen, Evans and Norek

Against the Resolution: Councillors Lambert and Aird

RESUMPTION OF STANDING ORDERS (Lambert / Macdonald)

That Standing Orders be resumed.

RESOLVED: (Lambert / Macdonald)

That Standing Orders be resumed.

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

Against the Resolution: Nil.

Environmental Services Division Report No. 36

11 The Corso, Manly (DA47/06)

Application Lodged: 24 January 2006

Applicant: Estia Pty Ltd

Owner: Estia Pty Ltd & N Coombes

Estimated Cost: \$550,000.00

Zoning: Manly Local Environmental Plan, 1988 - Business and within the Foreshore Scenic Protection Area.

Surrounding Development: Shops and commercial premises

Heritage: Within the Town Centre Conservation Area

SUMMARY:

1. DEVELOPMENT CONSENT IS SOUGHT FOR THE ALTERATIONS AND ADDITIONS TO AN EXISTING BUILDING INCLUDING RENOVATION TO EXISTING SHOPFRONT, CONVERSION OF EXISTING FIRST FLOOR OFFICE TO RESIDENTIAL UNIT, CONSTRUCTION OF TWO (2) NEW UNITS AND NEW SHOP FACING MARKET LANE.
2. THE APPLICATION WAS NOTIFIED IN ACCORDANCE WITH COUNCIL'S DCP FOR NOTIFICATIONS AND ONE (1) LETTER OBJECTING TO THE DEVELOPMENT RECEIVED.
3. THE APPLICATION WAS REFERRED TO THE CORSO PRECINCT COMMUNITY FORUM AND NO COMMENTS RECEIVED.
4. THE APPLICATION IS PRESENTED TO THE LAND USE MANAGEMENT COMMITTEE AT THE REQUEST OF COUNCILLOR MACDONALD.
6. THE APPLICATION IS RECOMMENDED FOR REFUSAL.

MOTION (Macdonald / Hay)

That consideration of Development Application no. 47/06 for alterations and additions to an existing building including three (3) new residential units on two (2) levels, at 11, The Corso, Manly be **deferred**.

RESOLVED: (Macdonald / Hay)

That consideration of Development Application no. 47/06 for alterations and additions to an existing building including three (3) new residential units on two (2) levels, at 11, The Corso, Manly be **deferred**.

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

Against the Resolution: Nil.

Councillor Murphy was not in the Chamber when the Motion was put.

Environmental Services Division Report No. 39

Development Applications currently Being Processed**SUMMARY**

DEVELOPMENT APPLICATIONS CURRENTLY BEING PROCESSED DURING JULY, 2006.

MOTION (Macdonald / Morrison)

That the Development Applications currently being processed during July, 2006 be noted.

RESOLVED: (Macdonald / Morrison)

That the Development Applications currently being processed during July, 2006 be noted.

For the Resolution: Councillors Macdonald, Hay, Lambert, Cant, Morrison, Pedersen, Aird, Evans and Norek

Against the Resolution: Nil.

Councillors Murphy and Daley were not in the Chamber when the Motion was put.

Environmental Services Division Report No. 40

Appeals List for July 2006**SUMMARY**

LIST OF APPEALS RECEIVED AND THEIR CURRENT STATUS FOR COUNCILLORS INFORMATION.

MOTION (Pedersen / Macdonald)

That the list of appeals and current status of appeals be noted.

RESOLVED: (Pedersen / Macdonald)

That the list of appeals and current status of appeals be noted.

For the Resolution: Councillors Macdonald, Hay, Lambert, Cant, Morrison, Pedersen, Aird, Evans and Norek

Against the Resolution: Nil.

Councillors Murphy and Daley were not in the Chamber when the Motion was put.

CONFIDENTIAL COMMITTEE OF THE WHOLE

General Managers Division Report No. 15

Tenders - Corso Upgrade - Contract for the Laying of Granite Pavers

General Managers Division Report No. 16

Tenders - Corso Upgrade - Contract for Demolition and Concrete Paving

General Managers Division Report No. 17

Corso Upgrade: Water Feature - Engagement of Design and Construct Consultant

It is recommended that the Council resolve into closed session with the press and public excluded to allow consideration of the above items, as provided for under Section 10A(2) (d) of the Local Government Act, 1993, on the grounds that the reports contain commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it; or (ii) confer a commercial advantage on a competitor of the council; or (iii) reveal a trade secret.

The Chairperson asked if any members of the public gallery objected to the matter being heard in Closed Session.

It is noted that no representations were received from the public gallery.

PROCEDURAL MOTION (Lambert / Macdonald)

That the meeting move into Closed Session to consider General Managers Division Report No. 15, Tenders – Corso Upgrade – Contract for the Laying of Granite Pavers; General Managers Division Report No. 16, Tenders - Corso Upgrade - Contract for Demolition and Concrete Paving; and General Managers Division Report No. 17, Corso Upgrade: Water Feature - Engagement of Design and Construct Consultant.

RESOLVED: (Lambert / Macdonald)

That the meeting move into Closed Session to consider General Managers Division Report No. 15, Tenders – Corso Upgrade – Contract for the Laying of Granite Pavers; General Managers Division Report No. 16, Tenders - Corso Upgrade - Contract for Demolition and Concrete Paving; and General Managers Division Report No. 17, Corso Upgrade: Water Feature - Engagement of Design and Construct Consultant.

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

Against the Resolution: Nil.

OPEN COUNCIL RESUMED

Upon resuming into Open Council, the Chairperson read the resolution of Council made in Closed Session in relation to General Managers Division Report No. 15, Tenders – Corso Upgrade – Contract for the Laying of Granite Pavers; General Managers Division Report No. 16, Tenders - Corso Upgrade - Contract for Demolition and Concrete Paving; and General Managers Division Report No. 17, Corso Upgrade: Water Feature - Engagement of Design and Construct Consultant.

General Managers Division Report No. 15

Tenders - Corso Upgrade - Contract for the Laying of Granite Pavers

RESOLVED: (Lambert / Macdonald)

That Council proceed as discussed in Closed Session of Council.

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

Against the Resolution: Nil.

General Managers Division Report No. 16

Tenders - Corso Upgrade - Contract for Demolition and Concrete Paving

RESOLVED: (Lambert / Macdonald)

That Council proceed as discussed in Closed Session of Council.

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

Against the Resolution: Nil.

General Managers Division Report No. 17

Corso Upgrade: Water Feature - Engagement of Design and Construct Consultant

RESOLVED: (Lambert / Macdonald)

That Council proceed as discussed in Closed Session of Council.

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

Against the Resolution: Nil.

CLOSE

The meeting closed at 11:30pm.

The above minutes were confirmed at an **Land Use Management Committee** of Manly Council held on 7 August 2006.

CHAIRPERSON

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