

**MINUTES OF THE SYDNEY EAST REGION PLANNING PANEL  
MEETING HELD AT MANLY-WARRINGAH RUGBY LEAGUE CLUB  
ON THURSDAY, 22 JULY 2010 AT 6.00PM**

<b>PRESENT:</b>	John Roseth	Chair
	David Furlong	Panel Member
	Mary-Lynne Taylor	Panel Member
	David Stray	Panel Member
	Stephen Clements	Panel Member

**IN ATTENDANCE**

Nancy Sample	Senior Planner
Christine Bone	Minute Secretary

**APOLOGY:** No apologies.

The meeting commenced at 6.05 pm. The Chair welcomed everyone to the meeting of the Panel.

**1. Declarations of Interest – Nil**

**2. Business Item**

**ITEM 1 -**      ***2010SYE009 – Manly – DA 16/2010 – 2 storey warehouse with café nursery (Bunnings warehouse), 164 Condamine St and 1A Roseberry St, Balgowlah***

**3. Public Submission -**

David Hazelden addressed the panel **against** the item.  
Joe Maccioni addressed the panel **against** the item.  
Trudy van der Straaten addressed the panel **against** the item.  
David Moore addressed the panel **against** the item.  
Peter Smith addressed the panel **against** the item.  
Simone Hawkins addressed the panel **against** the item.  
Noel Hemmings, QC of Allens Arthur Robinson addressed the panel **in favour** of the item.

**4. Business Item Recommendations**

***2010SYE009 – Manly – DA 16/2010 – 2 storey warehouse with café nursery (Bunnings warehouse), 164 Condamine St and 1A Roseberry St, Balgowlah***

1. A 3.2 majority of the Panel (John Roseth, Mary-Lynne Taylor and David Furlong) has resolved to accept the recommendation of the Council's planning assessment report to approve the application, for the reasons included in the report.

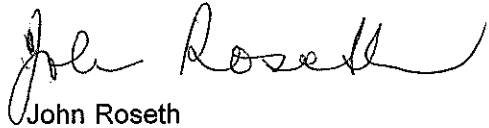
2. Where the Council assessment officer and the applicant have agreed to vary the draft conditions, the Panel has accepted that agreement. Where they have disagreed, the Panel has accepted the Council's position, except for condition A8 which requires the provision of 10 parking spaces for residents and which is deleted for the reason that the Panel considers it to be unreasonable, impractical and beyond power. Conditions restating the law are to be grouped under the heading "Advice". Two conditions of importance on which there is disagreement but which are imposed are the reduction of the height to 11m and the restriction of operating hours.
3. The Panel has considered the residents' claim that the proposal has an unacceptable impact on traffic. However, the expert advice before the Panel is otherwise, ie:

*The scale of the development as proposed will have a variety of environmental impacts upon the surrounding area e.g. increased traffic and congestion. The proposal was considered by the RTA and Council's Traffic Team and the levels of traffic proposed found to be reasonable subject to the imposition of certain measures that have been included as recommended conditions of consent. Essentially, the ensuing impacts are such that could be reasonably expected under the zoning.*

4. David Stray and Stephen Clements voted to refuse the application for the following reasons:
  1. Unacceptable bulk, scale and height of the building in consideration of the Manly Local Environment Plan 1988 and Section 79C (1) (a) (iii), (b) and (c) of the Environmental Planning and Assessment Act 1979.
  2. Unacceptable Floor Space Ratio of the proposed development in consideration of the Manly Development Control Plan for the Industrial Zone 1991 and Section 79C (1) (a) (iii) and (c) of the Environmental Planning and Assessment Act 1979.
  3. Unacceptable impact on traffic, pedestrian movement and parking in the surrounding streets and traffic network in consideration of Part 1, Clause 3 of the Manly Local Environmental Plan 1988 and Section 79C (1) (b) and (c) of the Environmental Planning and Assessment Act 1979.
  4. Unacceptable hours of operation of the proposed warehouse in consideration of the Manly Local Environmental Plan 1988 and Section 79C (1) (b) and (c) of the Environmental Planning and Assessment Act 1979.
  5. Unreasonable impact on adjacent industrial and residential sites in consideration of both Part 3 of Clause 28 of the Manly Local Environmental Plan 1988 and Section 79C (1) (b) and (c) of the Environmental Planning and Assessment Act 1979.
  6. The proposal has not anticipated the level of public concern and submissions received at Council and is therefore inconsistent with Section 79C (1) (d) of the Environmental Planning and Assessment Act 1979.
  7. The proposal is not considered to be in the public interest and not consistent with the Manly Local Environmental Plan 1988 and Section 79C (1) (e) of the Environmental Planning and Assessment Act 1979.
  8. The development is inconsistent with the objectives of the industrial zone as contained in Clause 10 (3) of the Manly LEP 1988 and in consideration of Section 79C (1) (a) (i) of the Environmental Planning and Assessment Act 1979.

The meeting concluded at 7.30pm

**MOTION CARRIED**

A handwritten signature in black ink, appearing to read "John Roseth". The signature is fluid and cursive, with the first name "John" and last name "Roseth" clearly distinguishable.

John Roseth  
Chair, Sydney East Region Planning Panel  
29 July 2010

