



## Development Assessment Unit Report Residential Zone

<b>DA #</b>	300/2012
<b>Site Address</b>	18 Boyle Street Balgowlah
<b>Proposal</b>	Alterations and additions to the existing All Saints Anglican Church including extensions to the ground floor and first floor.
<b>Officer</b>	

<b><u>Application Lodged:</u></b>	21 December 2012
<b><u>Applicant:</u></b>	MacKenzie Architects
<b><u>Owner:</u></b>	Balgowlah Anglican Church
<b><u>Estimated Cost:</u></b>	\$1,500,000
<b><u>Zoning:</u></b>	Manly Local Environmental Plan, 1988 – Special Uses Zone Church
<b><u>Surrounding Development:</u></b>	Dwelling houses, residential flat buildings and duplexes.
<b><u>Heritage:</u></b>	The site is located in the vicinity of 303-307 Sydney Road Balgowlah which is listed as items of environmental heritage under the Manly Local Environmental Plan 1988.

### **SUMMARY:**

1. DEVELOPMENT CONSENT IS SOUGHT FOR ALTERATIONS AND ADDITIONS TO THE EXISTING ALL SAINTS ANGLICAN CHURCH INCLUDING EXTENSIONS TO THE GROUND FLOOR AND FIRST FLOOR.
2. THE APPLICATION WAS NOTIFIED TO ALL ADJOINING AND NEARBY PROPERTY OWNERS AND ONE (1) SUBMISSIONS RECEIVED.
3. THE APPLICATION WAS REFERRED TO THE FAIRLIGHT PRECINCT COMMUNITY FORUM FOR COMMENTS.
4. SITE INSPECTION IS RECOMMENDED.
5. THE APPLICATION IS RECOMMENDED FOR CONDITIONAL **APPROVAL**.

### **RECOMMENDATION**

That Development Application No. 300/2012 for alterations and additions to the existing All Saints Anglican Church including extensions to the ground floor and first floor at 18 Boyle Street Balgowlah be approved subject to the following conditions:-

The development, except where modified by the conditions of this consent, is to be carried out in accordance with the following plans and documentation

*Plans affixed with Council's stamp relating to Development Consent No. 300/2012*

<b>Plan No. / Title</b>	<b>Issue/ Revision &amp; Date</b>	<b>Date Received by Council</b>
101 / Site/roof plan	5 December 2012	21 December 2012
102 / Ground floor	5 December 2012	21 December 2012
103 / First floor	5 December 2012	21 December 2012
201 / Elevations: North, west	5 December 2012	21 December 2012
202 / Elevations South, east	5 December 2012	21 December 2012
301 / Sections	5 December 2012	21 December 2012

- *Statement of Environmental Effects written by Garry Chapman dated 17 December 2012 and received by Council 21 December 2012.*

In the event of any inconsistency between the approved plans and supplementary documentation, the plans will prevail.

Reason: To ensure that the form of the development undertaken is in accordance with the determination of Council

**ANS01**

**The driveways and drop off area is to comply with the turning circles contained within Australian Standard AS 289.1-2004.**

**Reason: to ensure suitable turning circle and public safety.**

**ANS02**

**The two storey full length window on the eastern elevation is to be suitably frosted sufficient to prevent direct overlooking into the adjoining properties open space.**

**Reason: to protect the visual privacy of the adjoining properties.**

**CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE**

**1 (2AP01)**

Four (4) copies of architectural drawings consistent with the development consent and associated conditions are to be submitted to the Council/Accredited Certifier prior to the issue of the Construction Certificate.

Reason: To comply with the Environmental Planning and Assessment Act 1979.

**2 (2AP03)**

Consent given to build in close proximity to the allotment boundary is in no way to be construed as permission to build on or encroach over the allotment boundary. Your attention is directed to the provisions of the Dividing Fences Act 1991 which gives certain rights to adjoining owners, including use of the common boundary. In the absence of the structure standing well clear of the common boundary, it is recommended you make yourself aware of your legal position which may involve a survey to identify the allotment boundary.

Reason: To advise developers of their responsibilities and to protect the interests of adjoining owners.

**3 (2CD01)**

Pursuant to Section 97 of the Local Government Act, 1993, Council requires prior to the issue of Construction Certificate, or commencement of any excavation and demolition works, payment of a Trust Fund Deposit of \$10,000. The Deposit is required as security against damage to Council property during works on the site. The applicant must bear the cost of all restoration works to Council's property damaged during the course of this development. All building work must be carried out in accordance with the provisions of the Building Code of Australia.

Note: Should Council property adjoining the site be defective e.g. cracked footpath, broken kerb etc., this should be reported in writing, or by photographic record, submitted to Council at least seven (7) days prior to the commencement of any work on site. This documentation will be used to resolve any dispute over damage to infrastructure. It is in the applicants interest for it to be as full and detailed as possible.

Where by Council is not the Principal Certifying Authority, refund of the trust fund deposit will also be dependent upon receipt of a final Occupation Certificate by the Principal Certifying Authority and infrastructure inspection by Council.

Reason: To ensure security against possible damage to Council property.

#### 4 (2DS01)

A detailed stormwater management plan is to be prepared to fully comply with Council's Specification for On-site Stormwater Management 2003 and Specification for Stormwater Drainage 2003 and must be submitted to Council for approval prior to issue of the Construction Certificate. The stormwater management plan and designs are to be prepared by a suitably qualified engineer with experience in hydrology and hydraulics..

Reason: To ensure appropriate provision is made for the disposal and management of stormwater generated by the development, and to ensure that infrastructure reverting to Council's care and control is of an acceptable standard.

#### 5 (2FR01)

A Fire Safety Schedule specifying the fire safety measures (both current and proposed) which should be implemented in the building premises must be submitted with the Construction Certificate application, in accordance with Part 9 Clause 168 of the Environmental Planning and Assessment Regulation 2000.

Note: A Construction Certificate cannot be issued until a Fire Safety Schedule is received.

Reason: Compliance with the Environmental Planning and Assessment Act 1979.

#### 6 (2MS01)

Where construction or excavation activity requires the disturbance of the soil surface and existing vegetation, details including drawings and specifications must be submitted to Council accompanying the Construction Certificate, which provide adequate measures for erosion and sediment control. As a minimum, control techniques are to be in accordance with Manly Council Guidelines on Erosion and Sediment Control, or a suitable and effective alternative method. The Sediment Control Plan must incorporate and disclose:

- 1) all details of drainage to protect and drain the site during the construction processes,
- 2) all sediment control devices, barriers and the like,
- 3) sedimentation tanks, ponds or the like,
- 4) covering materials and methods, and
- 5) a schedule and programme of the sequence of the sediment and erosion control works or devices to be installed and maintained.

Details from an appropriately qualified person showing these design requirements have been met must be submitted with the Construction Certificate and approved by the Council/Accredited Certifier prior to issuing of the Construction Certificate.

Reason: To protect the environment from the effects of sedimentation and erosion from development sites.

Internal Note: This condition is to be imposed in conjunction with 4MS04.

#### 7 (2WM01)

Details of waste management facilities are to be submitted with the application for a Construction Certificate in accordance with the Manly Development Control Plan for Waste Minimisation and Management 2000.

Reason: To ensure appropriate management of waste.

#### 8 (2WM02)

A Waste Management Plan is to be submitted with the application prior to a Construction Certificate being issued in accordance with the Manly Development Control Plan for Waste Minimisation and Management 2000.

The plan should detail the type and estimate the amount of demolition and construction waste and nominate how these materials will be sorted and dealt with. Weight dockets and receipts must be kept as evidence of approved methods of disposal and recycling.

All demolition and excess construction materials are to be recycled where ever practicable. It should include consideration of the facilities required for the ongoing operation of the premises' recycling and waste management services after occupation. A template is available from the Manly Council website.

Reason: To plan for waste minimisation, recycling of building waste and on-going waste management.

Internal Note: The requirement for a Waste Management Plan is included in the Department of Environment and Climate change (DECC) Waste Service Performance Improvement Payment Criteria (WSPIP).

## **CONDITIONS TO BE SATISFIED PRIOR TO ANY COMMENCEMENT**

### **9 (3BM01)**

The floor surfaces of bathrooms, shower rooms, laundries and WC compartments are to be of an approved impervious material properly graded and drained and waterproofed in accordance with Australian Standard AS 3740. Certification is to be provided to the Principal Certifying Authority from a licensed applicator prior to the fixing of any wall or floor tiles.

Reason: To prevent the penetration of dampness through walls and floors.

### **10 (3CD01)**

Building work, demolition or excavation must not be carried out until a Construction Certificate has been issued.

Reason: To ensure compliance with statutory provisions.

### **11 (3CD02)**

Demolition must be carried out by a registered demolition contractor. Documentary evidence of registration must be submitted to Council prior to the commencement of demolition work.

Reason: To ensure demolition is carried out in an appropriate manner that is non-disruptive to the locality and the public.

### **12 (3CD03)**

An adequate security fence is to be erected around the perimeter of the site prior to commencement of any excavation or construction works, and this fence is to be maintained in a state of good repair and condition until completion of the building project.

Reason: To protect the public interest and safety.

## **CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK**

### **13 (4AP02)**

A copy of all stamped approved drawings, specifications and documents (including the Construction Certificate if required for the work incorporating certification of conditions of approval) must be kept on site at all times so as to be readily available for perusal by any officer of Council or the Principal Certifying Authority.

Reason: To ensure the form of the development undertaken is in accordance with the determination of Council, public information and to ensure ongoing compliance.

### **14 (4CD01)**

All of the following are to be satisfied/complied with during demolition, construction and any other site works:

- 1) All demolition is to be carried out in accordance with Australian Standard AS 2601-2001.
- 2) Demolition must be carried out by a registered demolition contractor.
- 3) A single entrance is permitted to service the site for demolition and construction. The footway and nature strip at the service entrance must be planked out.
- 4) No blasting is to be carried out at any time during construction of the building.

- 5) Care must be taken during demolition/ excavation/ building/ construction to prevent any damage to adjoining buildings.
- 6) Adjoining owner property rights and the need for owner's permission must be observed at all times, including the entering onto land for the purpose of undertaking works.
- 7) Any demolition and excess construction materials are to be recycled wherever practicable.
- 8) The disposal of construction and demolition waste must be in accordance with the requirements of the Protection of the Environment Operations Act 1997.
- 9) All waste on the site is to be stored, handled and disposed of in such a manner as to not create air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997. All excavated material should be removed from the site in an approved manner and be disposed of lawfully to a tip or other authorised disposal area.
- 10) Section 143 of the Protection of the Environment Operations Act 1997 requires waste to be transported to a place which can lawfully accept it. All non-recyclable demolition materials are to be disposed of at an approved waste disposal depot in accordance with legislation.
- 11) All materials on site or being delivered to the site are to generally be contained within the site. The requirements of the Protection of the Environment Operations Act 1997 must be complied with when placing/stockpiling loose material, disposing of concrete waste, or other activities likely to pollute drains or water courses.
- 12) Details as to the method and location of disposal of demolition materials (weight dockets, receipts, etc.) should be kept on site as evidence of approved methods of disposal or recycling.
- 13) Any materials stored on site must be stored out of view or in such a manner so as not to cause unsightliness when viewed from nearby lands or roadways.
- 14) Public footways and roadways adjacent to the site must be maintained and cleared of obstructions during construction. No building materials, waste containers or skips may be stored on the road reserve or footpath without prior separate approval from Council, including payment of relevant fees.
- 15) Building operations such as brickcutting, washing tools or paint brushes, and mixing mortar not be performed on the roadway or public footway or any other locations which could lead to the discharge of materials into the stormwater drainage system.
- 16) All site waters during excavation and construction must be contained on site in an approved manner to avoid pollutants entering into waterways or Council's stormwater drainage system.
- 17) Any work must not prohibit or divert any natural overland flow of water.

Reason: To ensure that demolition, building and any other site works are undertaken in accordance with relevant legislation and policy and in a manner which will be non-disruptive to the local area.

#### 15 (4CD02)

In order to maintain the amenity of adjoining properties, audible site works must be restricted to between 7.00am and 6.00pm, Monday to Friday and 7.00am to 1.00pm Saturday. No site works can be undertaken on Sundays or public holidays.

Unless otherwise approved within a Construction Traffic Management Plan, construction vehicles, machinery, goods or materials must not be delivered to the site outside the approved hours of site works.

Reason: To prevent disturbance to the surrounding community.

#### 16 (4CD03)

Toilet facilities are to be provided at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 person or part of 20 persons employed at the site, by effecting either a permanent or temporary connection to the Sydney Water's sewerage system or by approved closets.

Reason: To maintain sanitary conditions on building sites.

#### 17 (4CD07)

Anyone who removes, repairs or disturbs bonded or a friable asbestos material must hold a current removal licence from Workcover NSW. Before starting work, a work site-specific permit approving each asbestos project must be obtained from Workcover NSW. A permit will not be granted without a current Workcover licence.

All removal, repair or disturbance of or to asbestos material must comply with the following:

- The Occupational Health and Safety Act 2000,
- The Occupational Health and Safety Regulation 2001,
- The Code of Practice for the Safe Removal of Asbestos [NOHSC: 2002 (1998)],
- The Guide to the Control of Asbestos Hazards in Buildings and Structures [NOHSC: 3002 (1998)] <http://www.nohsc.gov.au/> ], and
- The Workcover NSW Guidelines for Licensed Asbestos Removal Contractors.

Note: The Code of Practice and Guide referred to above are known collectively as the Worksafe Code of Practice and Guidance Notes on Asbestos. They are specifically referenced in the Occupational Health and Safety Regulation 2001 under Clause 259. Under the Occupational Health and Safety Regulation 2001, the Worksafe Code of Practice and Guidance Notes on Asbestos are the minimum standards for asbestos removal work. Council does not control or regulate the Worksafe Code of Practice and Guidance Notes on Asbestos. Those involved with work to asbestos should be made aware of the requirements by visiting [ww.workcover.nsw.gov.au](http://www.workcover.nsw.gov.au) or one of Workcover NSW's offices for further advice.

Reason: To ensure the health of site workers and the public.

#### 18 (4MS01)

Should you appoint Council as the Principal Certifying Authority (PCA) to undertake inspections during the course of construction, then the following inspection/certification are required:

- Footing inspection - trench and steel,,
- Framework inspection,
- Wet area moisture barrier,
- Final inspection.

The cost of these inspections by Council is \$1,160 (being \$290 per inspection inclusive of GST). Payment of the above amount is required prior to the first inspection. Inspection appointments can be made by contacting the Environmental Services Division on 9976 1414.

At least 24 hours notice should be given for a request for an inspection and submission of the relevant inspection card. Any additional inspection required as a result of incomplete works will incur a fee of \$160.

Reason: To ensure that the development is completed in accordance with the terms of the development consent and with the Building Code of Australia.

#### 19 (4MS04)

The Sediment Control Plan is to be implemented from the commencement of works and maintained until completion of the development.

Reason: To protect the environment from the effects of sedimentation and erosion from development sites.

Internal Note: This condition is to be imposed with 2MS02.

### **CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE**

20 (5DS01)

Stormwater drainage from the proposed addition/extension must be disposed of to the existing drainage system. All work is to be carried out in accordance with Council standards and specifications for stormwater drainage. Work is to be completed prior to the issue of the Occupation Certificate.

Reason: To ensure appropriate provision is made for the disposal and management of stormwater generated by the development, and to ensure infrastructure reverting to Council's care and control is of an acceptable standard.

## **ONGOING CONDITIONS RELATING TO THE OPERATION OF THE PREMISES OR DEVELOPMENT**

21 (6MS02)

No person shall use or occupy the building or alteration which is the subject of this approval without the prior issue of an Occupation Certificate.

Reason: Statutory requirement, Environmental Planning and Assessment Act 1979.

22 (6NL01)

Glare from internal lighting is not permitted to extend beyond the limits of the building authorised by this approval.

Reason: To ensure there is no glare from internal lighting to neighbouring properties and land.

23 (6WM03)

Waste bins used for commercial premises are to be left on public footpaths for the minimum time necessary for waste collection and then promptly removed. Lids should be closed to prevent littering.

Reason: To ensure waste and bins are promptly removed from public places following collection; to limit obstruction of footpaths or roads; and to minimise public amenity impacts.

24 (6WM04)

All non-recyclable waste from commercial premises must be presented for collection in a lidded receptacle. Waste receptacles are not to be stored in public spaces such as footpaths.

Reason: Public amenity and litter minimisation.

25 (6WM05)

No waste generated on site from any commercial operation is to be placed in public place bins. Commercial operators must maintain their commercial waste bins in an organised, clean and sanitary condition, preventing potential for litter from overflowing bins.

Reason: To communicate policy regarding illegal trade waste dumping in public bins; and maintenance of trade waste bins.

26 (6WM08)

This commercial premises should investigate opportunities to compost food waste wherever practicable and recycle commonly recycled (non-putrescible) items such as paper and cardboard, steel and aluminium cans and recyclable plastic containers.

Reason: To promote waste minimisation in accordance with Manly Council's waste policies, the Waste Avoidance and Resource Recovery Act 2001 and the Manly Development Control Plan for Waste Minimisation and Management 2000.

## **Introduction**

The subject site is located at 18 Boyle Street Manly, known legally as lots A & B in DP 347673. The site has an area of 1,538m<sup>2</sup> and is regular in shape other than for the provision of a 4.5m corner splay. The site has a width facing Boyle Street of 46.785m; the corner splay has a length of 6.475m and a width facing Sydney Road of 25.605m.

The boundary with the property to the east has a length of 51.3m and the boundary with the property to the west is 30.175m. The existing development on the site consist of the exiting church, two storey rectory and two storey church hall. The surrounding development consists of dwelling houses, residential flat buildings and duplexes.

The proposed development is for alterations and additions to the existing All Saints Anglican Church including;

- Extension of the existing church to form a new foyer between the church and the existing hall and office.
- Extension to the east on the ground floor to provide for an additional toilet, stairs and storage.
- New landing to the north east of the main church hall adjacent to the crying room.
- Extension to the first floor
- New awning.
- New fence for the front lawn area.

### **Applicant's Supporting Statement**

The applicant has submitted a statement in support of the application.

### **Precinct Community Forum Comments**

*"The development will provide for more user friendly meeting space, offices and support areas. There is no change of use.*

*The questions were asked if the two large well established trees will remain during this development, as these were not noted on the plans, and will there be any change in the parking requirements?"*

### **Engineers Comments**

Stormwater Management plan must be prepared and certified by a chartered professional engineer. Standard conditions of consent recommended.

Assessing officer's note: The Engineering section has recommended that conditions of consent that require on-site detention (OSD). Given the small increase (58m<sup>2</sup> or 3.77% of total site area) in the impervious area it is considered that a requirement for OSD is unreasonable as such it is not recommended as a condition of consent. The applicant has provided a letter from a Consulting Engineer in support of the original stormwater management plan.

### **Building Comments**

No objection subject to the standard conditions of consent.

### **Access Comments**

No comments as the proposal is accessible.

### **Waste Comments**

No objections subject to the inclusion of the standard conditions of consent.

### **Planning Comments**

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



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

- (a) the provisions of:**  
**(i) any environmental planning instrument, and**

**Manly Local Environmental Plan 1988:**

The site is in zone No 2 – The Special Use Zone Church which permits churches with the consent of Council.

The proposed development is for alterations and additions to the existing church and is permissible with development consent.

Manly Local Environmental Plan 1988 Clause 10 Objectives

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

*(a) in the case of land shown unhatched on the map, is now owned or used for public or community purposes, or*

The site is owned and used for a community propose.

*(b) in the case of land shown hatched on the map, will be acquired by a public authority for the particular public or community purpose shown on the map.*

The site is unhatched on the LEP Map.

Clause 17 – Visual and aesthetic protection of certain land

*“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.”*

The subject site is located within the Foreshore Scenic Protection Area. The proposed development will not have an adverse visual impact on the amenity of the Foreshore Protection Area.

Clause 19– Development in the vicinity of an Item of environmental heritage

Clause 19 of Manly Local Environmental Plan, 1988 relates to the development in the vicinity of an item of environmental heritage:

*“The council shall not grant consent to a development application to carry out development in the vicinity of an item of the environmental heritage unless it has made an assessment of the effect which the carrying out of that development will have on the historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance of the item of the environmental heritage and its setting.”*

The proposal is adjoining/in vicinity of 303-307 Sydney Road Balgowlah which is an item of environmental heritage under the Manly Local Environmental Plan. It is considered that the proposed additions will not have an adverse visual impact on the amenity of the heritage item and is thus supported.

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

#### **Draft Manly Local Environmental Plan 2011**

The Draft Manly Local Environmental Plan 2011 (MLEP 2011) has been exhibited.

Under the draft Manly LEP 2011, the site is:

Zone SP2 – Infrastructure - Place of Public Worship

The proposal, being alterations and additions to an existing Place of Public Worship, is permitted with the consent of Council.

#### **Part 4 Principal development standards**

The provisions of the draft Manly LEP 2011 have been referred to as part of the assessment and the following comments are made in relation to particular principal development standards:

<b>4.</b>	<b><u>Principal Development Standards</u></b>	<b><u>Requirement</u></b>	<b><u>Proposed</u></b>	<b><u>Complies Yes/No</u></b>	<b><u>Comments</u></b>
4.3	Height of buildings	8.5m	8.5m	Yes	<i>Proposal complies with the clause.</i>

#### **Part 5 Miscellaneous Provisions**

The provisions of the draft Manly LEP 2011 have been referred to as part of the assessment. The miscellaneous provisions do not affect the [proposed development].

#### **Part 6 Local Provisions**

The provisions of the draft Manly LEP 2011 have been referred to as part of the assessment and the following comments are made in relation to particular local provisions:

<b>6.</b>	<b><u>Local Provisions</u></b>	<b><u>Applies</u></b>	<b><u>Complies</u></b>	<b><u>Comments</u></b>
6.5	Stormwater Management	Yes	Yes	<i>Proposal complies with the clause</i>
6.10	Foreshore Scenic Protection Area	Yes	Yes	<i>Proposal complies with the clause</i>

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

No development control plan affects the site.

#### **Comment:**

The proposed works are consistent with the use foreshadowed within the LEP and no DCP controls apply. The proposed development is constant with the Draft LEP controls. Subject to the recommended conditions of consent, the proposed development has an acceptable impact on the amenity of the adjoining properties

#### **Car parking**

There is no development control for car parking for churches (places of public worship) within the special use zone. The proposed development is unlikely to increase the capacity of the church and as such unlikely to increase the demand for car parking in the locality.

**79C(1)(a)(iia)- any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F, and**  
No planning agreement has been entered into.

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

The regulations have been considered.

**79C(1)(a) (v)- any coastal zone management plan**

No coastal zone management plan that has been gazetted applies to the site.

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

The impacts of the development have been considered. The proposed development is considered to have an acceptable impact on the natural and built environment. The proposed development has acceptable social and economic impacts on the locality.

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

The proposed development is considered to be suitable for the site.

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

The application was notified to nearby and adjoining property owners in accordance with Council's Notification Policy with one (1) submission received from Edward Tracogna raising the following concerns;

- The relocation of the rainwater tank when viewed from the neighbouring ground floor kitchen / dining room will be unsightly.
- The extension of the toilet facilities and the elevation to the east looks unsatisfactory.
- Please confirm the proposed full height glass finish and colour specification to the glass stairwell? I am specifically looking at the impact visual privacy and electric light illumination and transmission onto the neighbouring property.

*Comment on submissions:*

The proposed works do not present a issue to the adjoining property in terms of visual bulk.

The location of the rainwater tank is shown on a concept stormwater management plan which does not form part of the approval. Rain water tanks are exempt development under the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

The 900m setback of the toilets is acceptable give the single storey height.

The recommended condition ANS02 required the window adjacent to the stairwell to be frosted to protect the privacy of the adjoining property.

**79C(1) (e)                      the public interest.**

The public interest is best served by the consistent application of the relevant Environmental Planning Instruments, and by the consent authority ensuring that any adverse impacts on the surrounding area are avoided. This is considered to have been achieved in this instance.

**CONCLUSION:**

The application has been assessed having regard to Section 79C of the Environmental Planning and Assessment Act 1979, the Manly Local Environmental Plan 1988 and is considered acceptable on merit.

**ATTACHMENTS**

Please list any attachments for this report.

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Assessment Planner: \_\_\_\_\_

Date: \_\_\_\_\_