



**LEO PLANNING**

# **Statement of Environmental Effects**

73 Brighton Street, Curl Curl

Alterations and Additions to a 2-storey  
dwelling approved under CDC2025/0170

Submitted to: Northern Beaches Council

On behalf of: Liebke Projects

June 2025

## PROJECT INFORMATION

This Statement of Environmental Effects accompanies a development application lodged with consent of the registered property owner. The proposal seeks approval for alterations and additions to a two storey dwelling approved under CDC2025/0170.

## SUBJECT SITE

Lot 10 Section 2 Deposited Plan 987  
No. 73 Brighton Street  
CURL CURL NSW 2096

## CONTACT DETAILS

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Project Reference	P-1094	26 March 2025
Prepared By	JOL - Project Planner	1 April 2025
Checked By	Brendan Leo - Director	5 June 2025
Report Number	P-1094 – Draft 26.03.2025 V1	
Report Number	P-1094 – Draft 1.04.2025 V2	
Report Number	P-1094 – Final 5.06.2025 V3	

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## **1 INTRODUCTION**

This Statement of Environmental Effects (SEE) has been prepared in accordance with the provisions of Section 4.12 of the Environmental Planning and Assessment Act, 1979 and Section 24 of the Environmental Planning and Assessment Regulation 2021.

This statement offers an opinion and provides pertinent information for the consent authority to consider when assessing and deciding on the development application.

The purpose of the SEE is to demonstrate that the environmental impact of development has been considered against the relevant planning controls and to outline any steps to be undertaken to protect the environment or to mitigate any potential harm.

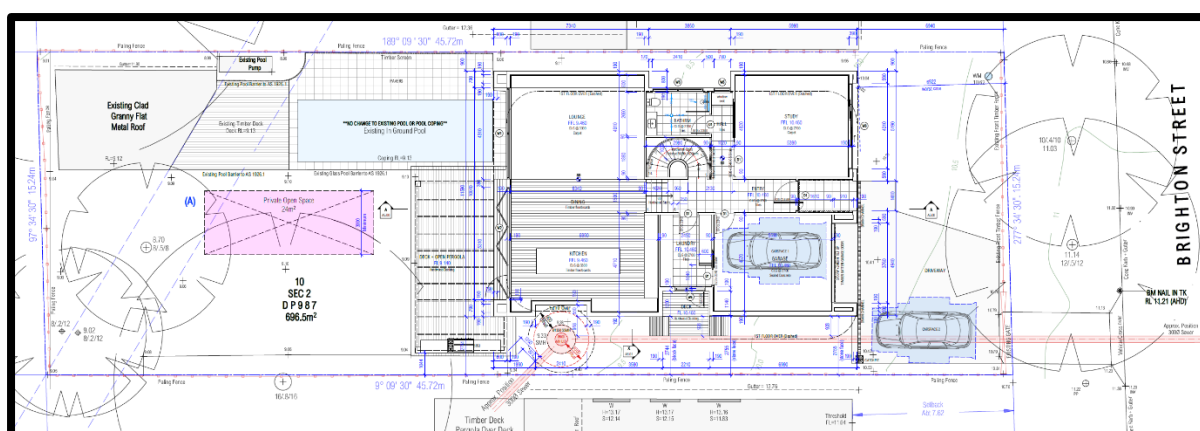
This SEE assesses the impacts of the proposed development under the provisions of the relevant Planning Controls applicable to the subject site and the proposed land use. This assessment has been undertaken in accordance with the provisions of Section 4.15 of the Environmental Planning & Assessment Act, 1979.

In the preparation of this SEE, Leo Planning has undertaken the following:

- considered all relevant State Environmental Planning Policies requirements,
- addressed the requirements of Warringah Local Environmental Plan 2011,
- assessed the proposal against relevant chapters of Warringah Development Control Plan 2011,
- consulted with relevant consultants,
- viewed the subject site, and
- considered the relevant provisions of the Act and Regulations.

## 2 THE SITE & CONTEXT

The site is identified as Lot 10 Section 2 Deposited Plan No. 987, No. 73 Brighton Street, Curl Curl. The subject site is a rectangular allotment with an area of 696.5m<sup>2</sup> that is situated mid-block on the northern side of the street. The site has 15.24m of frontage to Brighton Street and is accessed by an approved crossover and driveway. North is to the rear boundary and the allotment has the dimensions 15.24m x 45.72m as shown in **Figure 1**.



**Figure 1 – Showing the dimensions of the subject site and existing dwelling. (Source: Sarah Blacker Architect 2024)**

The subject site has an approximate 1.5m fall to the rear and is benefited by a 3.0m wide drainage easement that traverse the property at the rear. Landscaping on the subject site consists of existing trees and shrubs with a lawn area. No onsite vegetation or street trees are proposed to be removed. The site is serviced by the mains electricity supply, NBN telecommunications, reticulated water supply and sewerage systems.

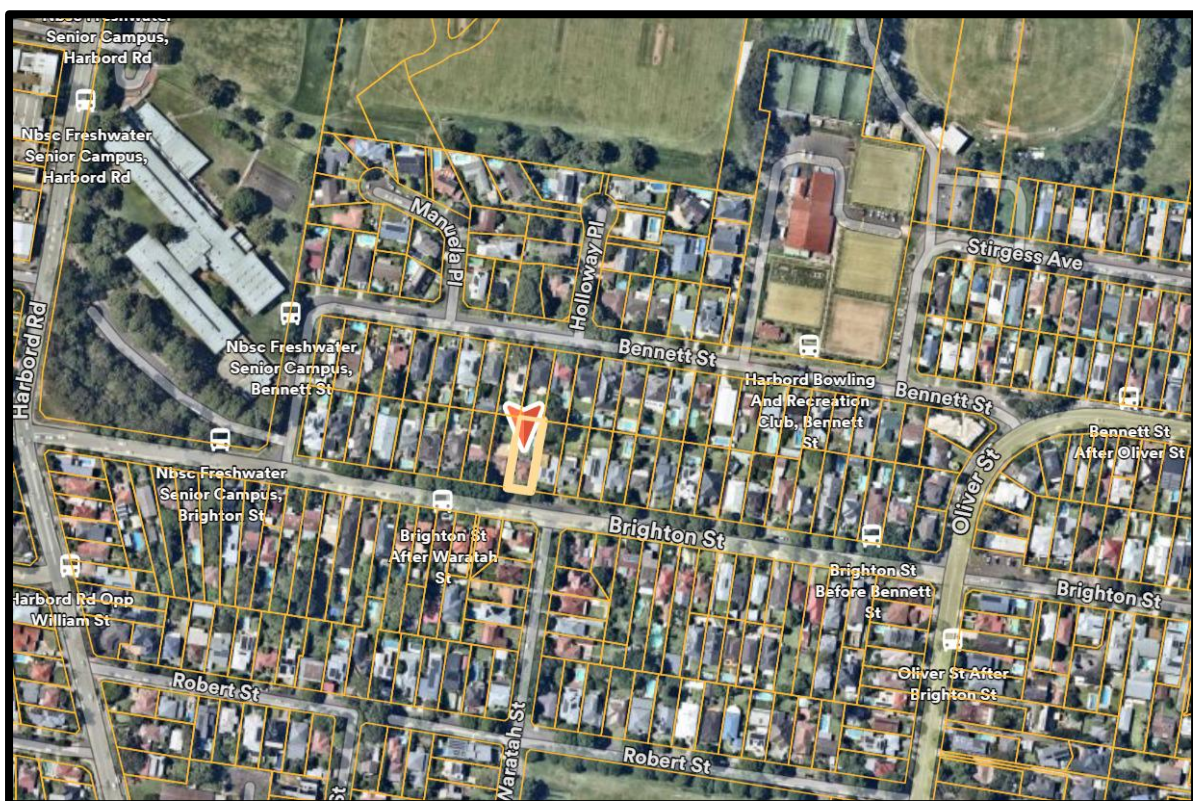
The site currently contains an older style single storey brick and tile dwelling, a existing secondary dwelling and an in-ground swimming pool. The property has approval via Complying Development Certificate CDC2025/0170 approved on 11 March 2025 for the demolition of the existing dwelling with construction of new two-story dwelling, new driveway and crossover. Works under the Complying Development Certificate have recently commenced onsite.



Figure 2 – Showing the subject site. (Source: Nearmap 2025).

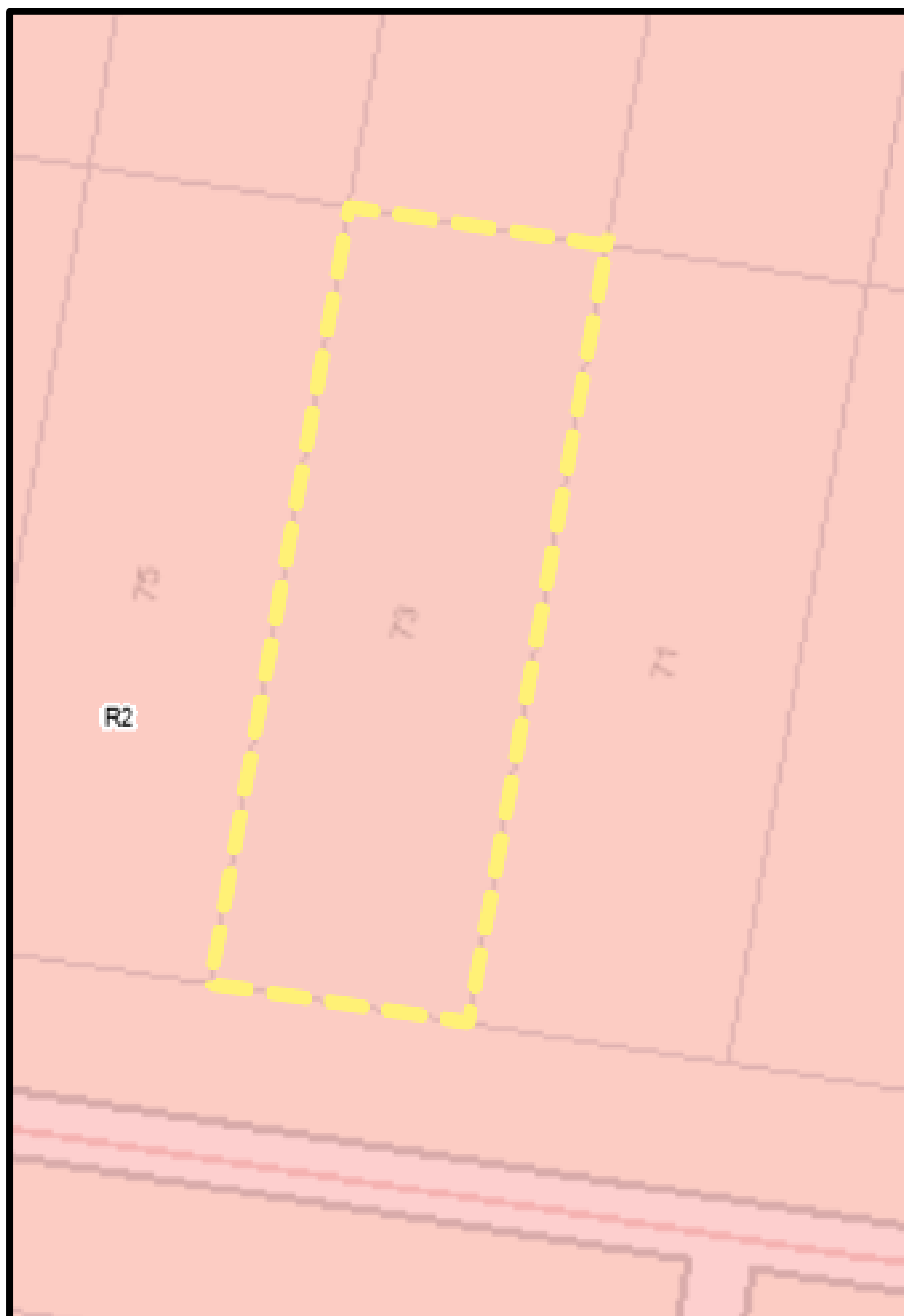


Residential development in the locality primarily consists of a mix of new and old low density detached dwellings and associated ancillary structures such as freestanding garages/sheds and swimming pools on larger residential allotments as shown in **Figure 3**. To the west along Brighton Street is the Northern Beaches Secondary Collage Freshwater Senior Campus which is adjacent the Brookvale Industrial area. To the northeast of the site in Bennett Street is the Harbord Bowling and Recreation Club, there are also number of sports fields and open space areas in the locality.



**Figure 3 – Aerial view of the subject site showing surrounding residential development. (Source: Nearmap 2025).**

The site is zoned **R2 Low Density Residential** under the Warringah Local Environmental Plan 2011 as shown in **Figure 4**.



**Figure 4 – Shows the subject site outlined in yellow with R2 zoning under Warringah LEP 2011. (NSW Planning Portal Spatial Viewer 2025)**

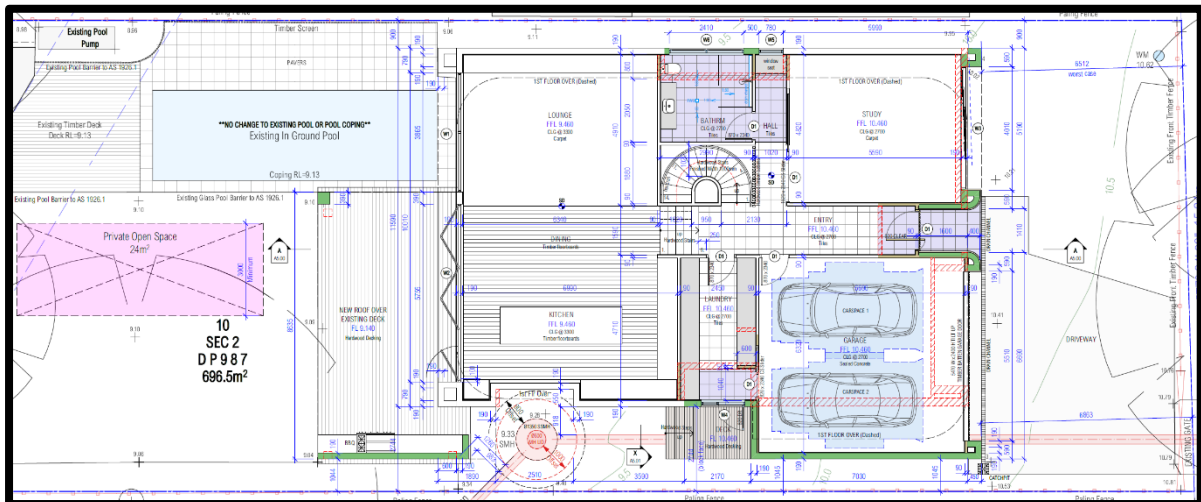


### 3 THE PROPOSAL

The development proposal seeks Council's consent for alterations and additions to a two-storey dwelling approved under CDC2025/0170. The proposed works are shown in **Figures 5 to 9** below and include the following:

#### Ground Floor

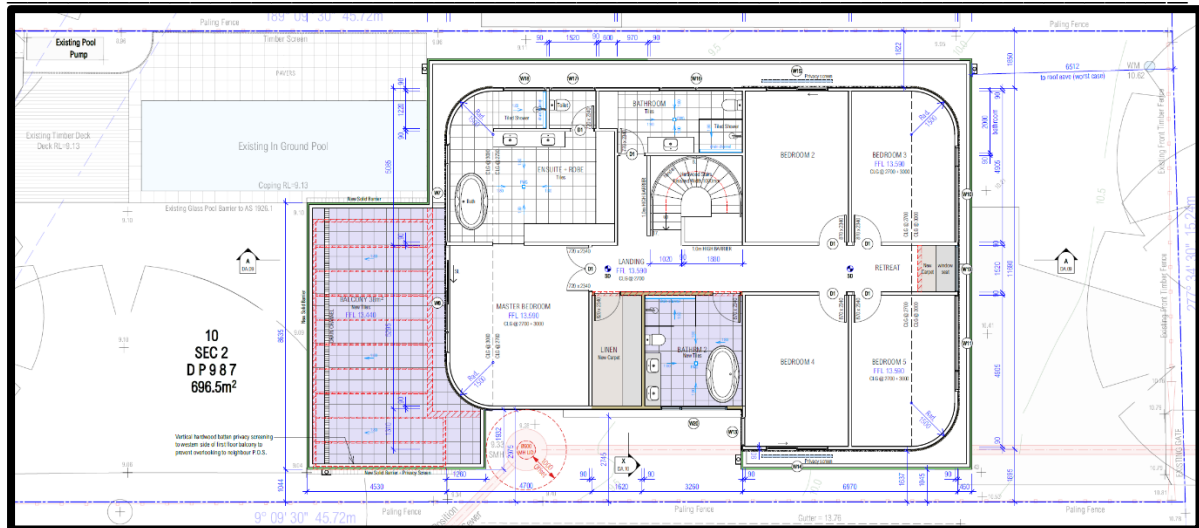
- addition to entry of 1.84m<sup>2</sup>,
- addition to garage of 17.43m<sup>2</sup>,
- addition to powder room of 3.08m<sup>2</sup>,
- addition to laundry of 2.60m<sup>2</sup>,
- addition to study of 1.35m<sup>2</sup>,
- remove open timber pergola over rear deck.



**Figure 5 – Proposed new works to the ground floor of the dwelling shown in colour. (Source: Sarah Blacker Architect 2024)**

#### First Floor

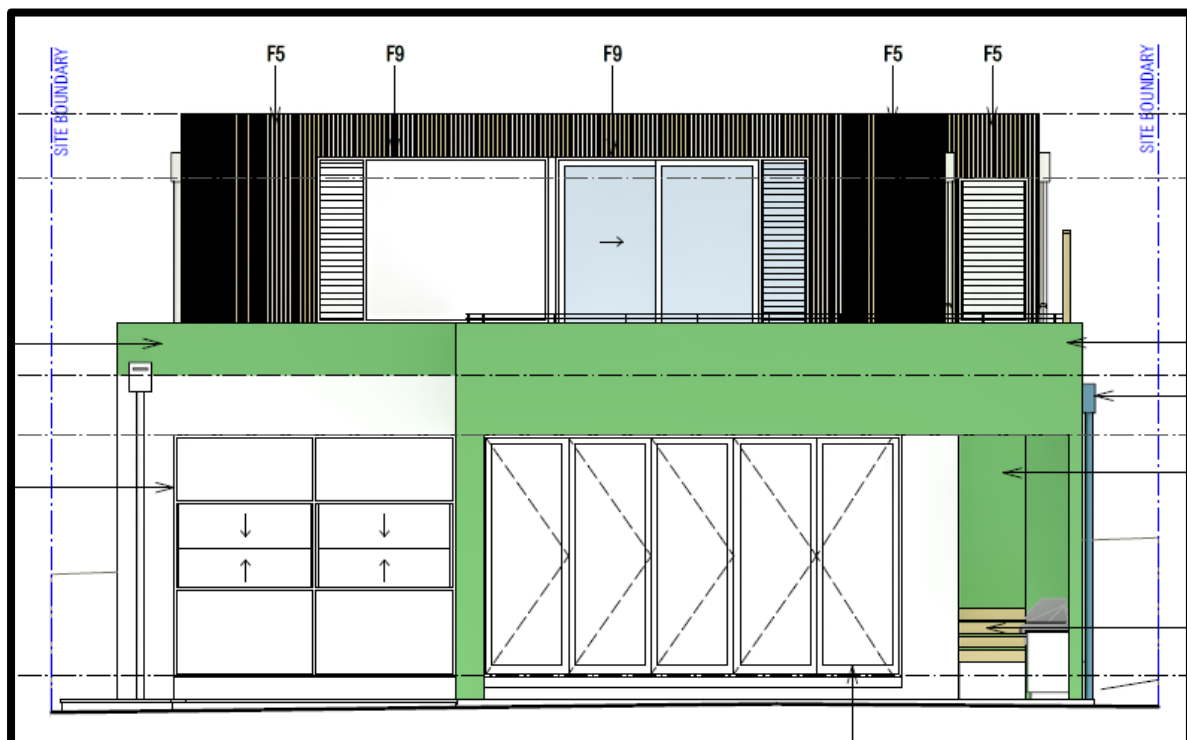
- remove open timber pergola and roof garden on western side,
- replace with new walk in linen room and bathroom, and
- new rear first floor balcony off master bedroom with privacy screening.



**Figure 6 – Proposed new works to the first floor of the dwelling shown in colour. (Source: Sarah Blacker Architect 2024)**

#### Northern Elevation

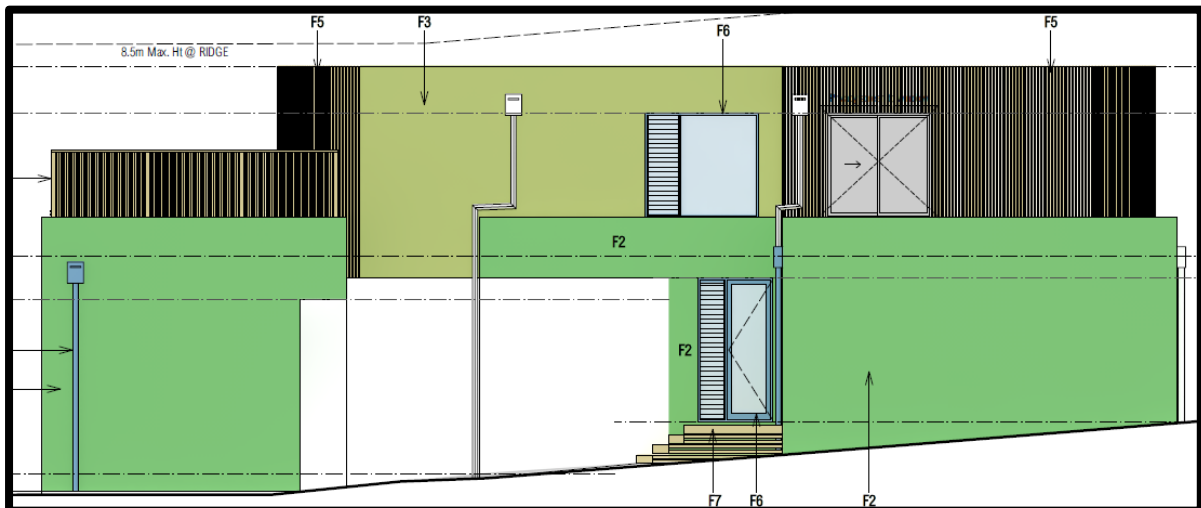
- remove window from master bedroom, and
- replace with sliding glass door to access first floor balcony.



**Figure 7 – Proposed new works to the northern elevation of the dwelling shown in colour. (Source: Sarah Blacker Architect 2024)**

### Western Elevation

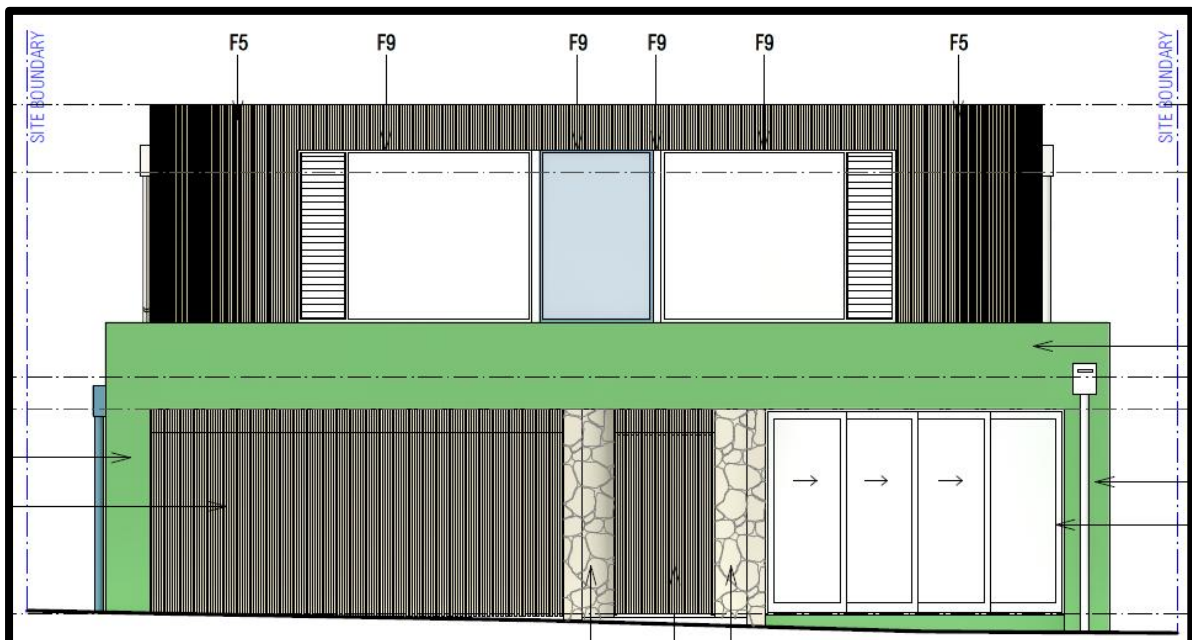
- remove door to roof garden, and
- replace with bathroom window.



**Figure 8 – Proposed new works to the western elevation of the dwelling shown in colour. (Source: Sarah Blacker Architect 2024)**

### Southern Elevation

- replace stone cladding with Hebel Power Panel cladding



**Figure 9 – Proposed new works to the southern elevation of the dwelling shown in colour. (Source: Sarah Blacker Architect 2024)**

## **4 STATUTORY PLANNING FRAMEWORK**

### **4.1 Overview**

The relevant planning instruments and controls that apply to the land and the development proposal discussed in this statement are:

- State Environmental Planning Policy (Sustainable Buildings) 2022;
- State Environmental Planning Policy (*Resilience and Hazards*) 2021;
- Warringah Local Environmental Plan 2011; and
- Warringah Development Control Plan 2011.

The effects of these planning documents on the development proposal are outlined below.

### **4.2 State Environmental Planning Policy (Sustainable Buildings) 2022**

The Sustainable Buildings SEPP commenced on 1 October 2023 and aims to encourage the design and delivery of more sustainable buildings. The SEPP applies to residential alterations and additions with a cost of works greater than \$50,000 within the Northern Beaches Local Government Area so applies to the proposed development.

The BASIX Certificates submitted with the development application provide details of the BASIX commitments to be provided for the dwelling to achieve compliance with the Sustainable Buildings SEPP.

The BASIX Certificates attached to the application demonstrate that the proposal meets the requirements of the Sustainable Buildings SEPP.

### **4.3 State Environmental Planning Policy (Resilience and Hazards) 2021**

#### **Chapter 4 Remediation of Land**

Chapter 4 of the SEPP relating to remediation of land applies to the subject site.

Chapter 4 provides guidelines for the remediation of contaminated land to reduce the risk of harm to human health or any other aspect of the environment. Clause 4.6 requires Council to consider whether land is contaminated prior to granting development consent on the subject land. Should the land be found to be contaminated Council must be satisfied that the land is suitable in a contaminated state or will be suitable after remediation for the proposed use.

A review of the site history failed to find any historic land use which would deem the site unsuitable for the proposed development. Past use of the site was for all residential purposes which are not usually considered to be a contaminating land use. There is a recently approved new dwelling on the subject site and nothing would indicate that land contamination exists.

Sections 4.7, 4.8 and 4.9 of the SEPP are not relevant to the proposed works as the site is not considered to be contaminated. Accordingly, the development application is satisfactory having regard to the relevant matters for consideration under SEPP (Resilience and Hazards) 2021.

### **4.4 Warringah Local Environmental Plan 2011 (WLEP 2011)**

The subject site comes under Warringah Local Environmental Plan 2011. A review of those provisions of WLEP 2011 of relevance to the proposal has been undertaken and the following matters identified.



## Aims

The aims of the WLEP 2011 are as follows:

- (aa) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,*
- (a) to create a land use framework for controlling development in Warringah that allows detailed provisions to be made in any development control plan made by the Council,*
- (b) to recognise the role of Dee Why and Brookvale as the major centres and employment areas for the sub-region,*
- (c) to maintain and enhance the existing amenity and quality of life of the local community by providing for a balance of development that caters for the housing, employment, entertainment, cultural, welfare and recreational needs of residents and visitors,*
- (d) in relation to residential development, to—*
  - (i) protect and enhance the residential use and amenity of existing residential environments, and*
  - (ii) promote development that is compatible with neighbouring development in terms of bulk, scale and appearance, and*
  - (iii) increase the availability and variety of dwellings to enable population growth without having adverse effects on the character and amenity of Warringah,*
- (e) in relation to non-residential development, to—*
  - (i) ensure that non-residential development does not have an adverse effect on the amenity of residential properties and public places, and*
  - (ii) maintain a diversity of employment, services, cultural and recreational facilities,*
- (f) in relation to environmental quality, to—*
  - (i) achieve development outcomes of quality urban design, and*
  - (ii) encourage development that demonstrates efficient and sustainable use of energy and resources, and*
  - (iii) achieve land use relationships that promote the efficient use of infrastructure, and*
  - (iv) ensure that development does not have an adverse effect on streetscapes and vistas, public places, areas visible from navigable waters or the natural environment, and*

- (v) protect, conserve and manage biodiversity and the natural environment, and*
- (vi) manage environmental constraints to development including acid sulfate soils, land slip risk, flood and tidal inundation, coastal erosion and biodiversity,*
- (g) in relation to environmental heritage, to recognise, protect and conserve items and areas of natural, indigenous and built heritage that contribute to the environmental and cultural heritage of Warringah,*
- (h) in relation to community well-being, to—*
  - (i) ensure good management of public assets and promote opportunities for social, cultural and community activities, and*
  - (ii) ensure that the social and economic effects of development are appropriate.*

It is considered that the proposal accords well with the relevant aims and will not detract from the broader intentions of WLEP 2011.

### Land Use Zone

The site is zoned **R2 Low Density Residential** under the provisions of WLEP 2011.

The objectives of the R2 zone are as follows:

- To provide for the housing needs of the community within a low density residential environment.*
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- To ensure that low density residential environments are characterised by landscaped settings that are in harmony with the natural environment of Warringah.*

The development proposal is considered to be consistent with objectives 1 and 3 of the R2 zone.

The proposed alterations and additions to the approved dwelling will facilitate goal of objective 1 by providing for the “*housing needs of the community within a low density residential environment*”. The proposal also facilitates the goals of objective 3 in that there will be no loss of vegetation arising from the proposal.

#### Permissibility

The proposal is for alterations and additions to an approved dwelling house. The land use would continue to be defined as: -

***dwelling house*** means a building containing only one dwelling.

*Note—*

*Dwelling houses are a type of **residential accommodation**.*

A dwelling houses are a permissible land use with development consent in the R2 zone under WLEP 2011.

#### Height of Buildings

Clause 4.3 of the LEP sets the maximum height of buildings in certain zones. The subject site is mapped as a 8.5m height limit. There will be no change to the existing approved height which under 8.5m.

#### Floor Space Ratio

Clause 4.4 of the LEP sets the maximum floor space ratios for buildings in certain zones. The subject site is not mapped as having a floor space ratio.

### Heritage

Clause 5.10 outlines the requirements surrounding heritage items and heritage conservation areas. The site does not include a heritage item, is not in a heritage conservation area and so will not negatively impact upon heritage.

### Acid Sulphate Soils

Clause 6.1 seeks to ensure that development does not disturb, expose or drain acid sulphate soils and cause environmental damage. The subject site is mapped as class 5 and the proposal does not involve any earthworks so will not cause any disturbance to acid sulphate soils in the locality.

### Development on Sloping Land

Clause 6.4 relates to the development of sloping land to avoid adverse impacts to development, ensure stormwater and subsurface flows are managed to maintain stability of land in the locality. The site is mapped as Land Slip Risk Area A. The proposal do not involve any significant earthworks or changes to the approved stormwater management arrangements likely to increase slope instability in the locality.

### Conclusion

As discussed above the proposal is considered to be consistent with all relevant requirements of WLEP – 2011.

## **4.5 Warringah Development Control Plan 2011 (WDCP 2011)**

WDCP 2011 applies to the site and the proposed development, the provisions of relevance to the proposed development are discussed below.

### **Part A - Introduction**

The objectives of the WDCP 2011 are:

*The overriding objective of the DCP is to create and maintain a high level of environmental quality throughout Warringah. Development should result*

*in an increased level of local amenity and environmental sustainability. The other objectives of this plan are:*

**Objectives**

- *To ensure development responds to the characteristics of the site and the qualities of the surrounding neighbourhood*
- *To ensure new development is a good neighbour, creates a unified landscape, contributes to the street, reinforces the importance of pedestrian areas and creates an attractive design outcome*
- *To inspire design innovation for residential, commercial and industrial development*
- *To provide a high level of access to and within development.*
- *To protect environmentally sensitive areas from overdevelopment or visually intrusive development so that scenic qualities, as well as the biological and ecological values of those areas, are maintained*
- *To achieve environmentally, economically and socially sustainable development for the community of Warringah*

The proposal is for alterations and additions to an approved dwelling so is considered to be consistent with the above objectives and will not detract from their intentions.

**Table 1 – WDCP 2011 – Part B - Built Form Controls**

<b>Part B – Built Form Controls</b>	
<b>Requirement</b>	<b>Compliance</b>
B1 – Wall heights Walls are not to exceed 7.2 metres from ground level (existing) to the underside of the ceiling on the uppermost floor of the building (excluding habitable areas wholly located within a roof space)	Acceptable. No change from existing approval.
B2 – Number of storeys Not mapped.	N/A - two storey.
B3 – Side Boundary Envelope Building envelope 45 degrees from 5m.	Acceptable. No change from existing approval.



<b>Part B – Built Form Controls</b>	
<b>Requirement</b>	<b>Compliance</b>
B4 – Site Coverage Not Mapped	N/A
B5 – Side Boundary Setbacks Not mapped.	N/A - NCC compliant, east side 0.9m, west side 1.045m.
B7 – Front Boundary Setbacks Minimum 6.5m to primary frontage 3.5m to secondary frontage	Acceptable. 6.512m to roof eave. N/A.
B9 – Rear Boundary Setbacks Minimum 6m to rear boundary	Acceptable. No change from existing approval 17.298m.

**Table 2 – WDCP 2011 – Part C – Siting Factors**

<b>Part C – Siting Factors</b>	
<b>Requirement</b>	<b>Compliance</b>
C2 – Traffic, Access and Safety Vehicular crossing to be provided in accordance with Council's Vehicle Crossing Policy	Acceptable. No change from existing approval.
C3 – Parking Facilities Garages not to visually dominate façade Where garages and carports face the street, ensure that the garage or carport opening does not exceed 6 metres or 50% of the building width, whichever is the lesser. Parking to be in accordance with AS/NZS 2890.1	Acceptable. Garages designed to be visually recessive. Garage door width is 5.5m representing 41.4% of the ground level dwelling width.  Yes.
C4 – Stormwater Hydraulic Design to be provided in accordance with Council's Stormwater Drainage Design Guidelines for Minor Developments and Minor Works Specification	Acceptable. The application is accompanied by a Stormwater Management Plan by Heinz Consulting Engineers. Stormwater will be directed to the drainage easement at the rear of the site.
C5 – Erosion and Sedimentation Soil and Water Management required	Acceptable. No change from existing approval. Sediment and erosion control measures will be carried out as required by Councils standards and guidelines.
C8 – Demolition and Construction Waste management plan required.	Acceptable. No change from existing approval. Waste management measures to be employed in accordance with the accompanying Waste Management Plan.
C9 – Waste Management Waste storage area to be provided	Acceptable. No change from existing approval.

**Table 3 – WDCP 2011 – Part D – Design**

<b>Part D – Design</b>	
<b>Requirement</b>	<b>Compliance</b>
D1 – Landscaped Open Space and Bushland Min 40% Landscaped Area to be maintained	Complies. Deep soil area 239.24m <sup>2</sup> , Pool 27m <sup>2</sup> , east side boundary 15.88m <sup>2</sup> , west side boundary 10.45m <sup>2</sup> = 292.57m <sup>2</sup> or 42.0%
D2 – Private Open Space Dwelling houses with three or more bedrooms: Min 60m <sup>2</sup> with min dimension 5m	Complies. 265m <sup>2</sup> including rear yard, pool and rear deck
D3 – Noise Mechanical noise is to be attenuated to maintain adjoining unit amenity. Compliance with NSW Industrial Noise Policy Requirements	Complies. Pool is existing and no air conditioning proposed. The works are residential in nature and there will be no significant acoustic impacts post construction.
D5 – Orientation and Energy Efficiency Dwellings to be orientated to receive northern sun Appropriate construction to enhance thermal properties and ventilation/natural cooling Compliance with SEPP (BASIX) requirements	Acceptable. No change from existing approval. Rear of the dwelling faces north. BASIX Certificate provided.
D6 – Access to sunlight This control requires that sunlight to at least 50% of private open space to adjoining properties is not to be reduced to less than 2 hours between 9am and 3pm on the winter solstice.	Complies. POS area in the rear yard faces north receiving good solar access all year.
D7 – Views View sharing to be maintained	Acceptable. No change from existing approval.
D8 – Privacy This clause specifies that development is not to cause unreasonable overlooking of habitable rooms and principle private open space of adjoining properties	The proposal has been designed to minimise the likelihood of adverse visual or aural privacy impacts on surrounding properties. The development has an appropriate privacy treatment proposed to the first-floor rear balcony on the western elevation to minimise overlooking of neighbours.
D9 – Building Bulk This clause requires buildings to have a visual bulk and architectural scale that is consistent with structures on nearby and adjoining properties and not to visually dominate the street or surrounding spaces	Acceptable. Little change from existing approval. The development is not visually dominant by virtue of its height and bulk being consistent with other two storey dwellings in the locality. The design ensures adequate solar access and privacy to adjoining dwellings by providing spatial separation between buildings. The design responds to the topography of the site. Different elements such as changes in

<b>Part D – Design</b>	
<b>Requirement</b>	<b>Compliance</b>
	materiality, screens, fenestration, balcony elements and the like also assist to break up the facades of the dwelling to satisfy this objective.
D10 – Building Colours and materials	Acceptable. The proposed new works will be finished in contemporary colours and materials to complement the architectural design of the dwelling and the streetscape of the locality. The proposed colours and finishes are detailed in the Materials & Finishes Schedule Architectural Drawings Plan no. DA.11
D11 – Roofs Roofs should not dominate the local skyline.	Acceptable. Little change from existing approval. The approved dwelling comprises a series of skillion roofs behind a parapet that will not dominate the skyline
D12 – Glare and Reflection Glare impacts from artificial illumination or sunlight to be minimised. Reflective building materials to be minimised.	Complies. No significant glare impacts will result from proposed new works. The proposed colours and finishes are detailed in the Materials & Finishes Schedule Architectural Drawings Plan no. DA.11.
D13 – Front Fences and Front Walls Front fences to be generally to a maximum of 1200mm, of an open style to complement the streetscape and not to encroach onto street.	Complies. No change to existing front fence proposed.
D20 – Safety and Security Buildings to enhance the security of the community. Buildings are to provide for casual surveillance of the street.	Acceptable. No significant change from existing approval. The proposal continues to allow for passive surveillance to Brighton Street.
D22 – Conservation of Energy and Water Compliance with BASIX requirements.	Complies. A BASIX Certificate is provided to support the proposal

**Table 3 – WDCP 2011 – Part E – The Natural Environment**

<b>Part E – The Natural Environment</b>	
<b>Requirement</b>	<b>Compliance</b>
E1 – Private Property Tree Management Arboricultural report to be provided to support development where impacts to trees are likely.	Acceptable. No significant change from existing approval. The proposal will not adversely impact any significant or protected trees or shrubs on site or adjoining the site.
E2 – Prescribed Vegetation	N/A. None identified on map.
E3 – Threatened species, populations, ecological communities	N/A. Not identified on map.

<b>Part E – The Natural Environment</b>	
<b>Requirement</b>	<b>Compliance</b>
E4 – Wildlife Corridors	N/A. Not identified on map.
E5 – Native Vegetation	N/A. None identified on map.
E6 – Retaining unique environmental features	N/A. There are no significant features within the existing site.
E10 – Landslip Risk Mapped as Area A	Acceptable. No change from existing approval.
E11 – Flood Prone Land	N/A. Not identified on map.

### Conclusion

As discussed above the proposal is considered to be consistent with all the relevant requirements outlined in WDCP – 2011.

## **5 ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979 - SECTION 4.15 EVALUATION**

### **5.1 ENVIRONMENTAL PLANNING INSTRUMENTS – SECTION 4.15(1)(a)(i)**

The proposal is permissible subject to the provisions of the WLEP. The impacts of other environmental planning instruments have also been considered in the preparation of this development application. The provisions of these relevant environmental planning instruments have been satisfactorily addressed above within Section 4 of the Statement of Environmental Effects.

### **5.2 DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS – SECTION 4.15(1)(a)(ii)**

There are no draft planning instruments and / or amendments of relevance.

### **5.3 DEVELOPMENT CONTROL PLANS – SECTION 4.15(1)(a)(iii)**

The provisions of these relevant Chapters of Warringah Development Control Plan 2011 have been satisfactorily addressed above within Section 4 of the Statement of Environmental Effects.

### **5.4 ANY MATTERS PRESCRIBED BY REGULATIONS THAT APPLY TO THE LAND TO WHICH THE DEVELOPMENT RELATES**

Application has been considered in terms of the regulations and there are no matters applicable.

### **5.5 LIKELY IMPACTS OF THE DEVELOPMENT – SECTION 4.15(1)(b)**

The impacts of the proposal are considered acceptable in the circumstances of the case. Environmental, economic and social impacts, along with quantitative



controls have been addressed throughout this report. Specific impacts of the development are addressed in the subsections below.

#### **5.5.1 Impacts on the natural environment**

The proposed development will not have any significant adverse impact on the natural environment and will not cause undue environmental harm.

#### **5.5.2 Impacts on the built environment**

The proposed development has been assessed against the relevant design provisions contained in the WLEP 2011 and WDCP 2011 and demonstrates a high level of compliance. The proposal is considered to be acceptable for the site and the broader local context. The proposal is unlikely to lead to any adverse or unreasonable impacts in the form of overshadowing, privacy or views loss for surrounding properties or from public area.

#### **5.5.3 Social and economic impacts in the locality**

The proposed development will not give rise to any adverse social or economic impacts in the locality.

### **5.6 SUITABILITY OF THE SITE – SECTION 4.15(1)(c)**

The site is not affected by any known natural or technological constraints that would prevent development in accordance with the zone objectives. The proposed development has been assessed against applicable planning provisions as detailed in this report and the site is considered to be suitable for the proposed development.

### **5.7 PUBLIC INTEREST – SECTION 4.15(1)(e)**

The proposed development is considered consistent with objectives of the Environmental Planning and Assessment Act in so far as it promotes the co-ordinated and orderly, and economic use and development of the land. The public interest is served by developing the land in an efficient and economical way that

enhances the character of the area and amenity of the locality. The proposal meets the aims of WLEP 2011 and is therefore considered to be in the public interest.

## **6 CONCLUSION**

The merits of the application have been considered in this assessment under Section 4.15 of the Environmental Planning and Assessment Act 1979, Warringah Local Environmental Plan 2011 and Warringah Development Control Plan 2011. More specifically, the proposal fully meets the standards of the relevant SEPP's, WLEP and generally the requirements of the relevant parts of the WDCP.

The development is considered acceptable in terms of its likely impacts on the natural environment and upon surrounding properties. The proposal is therefore considered to be acceptable from an environmental planning perspective and should be suitable for approval by Council, subject to appropriate conditions of consent.

**Brendan Leo**

**Leo Planning Pty Ltd**

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