

STATEMENT OF ENVIRONMENTAL EFFECTS

**CONSTRUCTION OF ALTERATIONS AND ADDITIONS TO AN EXISTING DWELLING INCLUDING
A NEW CARPORT AND DRIVEWAY**

LOCATED AT

27 MARINELLA STREET, MANLY VALE

FOR

ALI MALONE & PETE SHARP



**Prepared
December 2022**

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1.0 Introduction

This Statement of Environmental Effects accompanies architectural plans prepared on behalf of Ali Malone & Pete Sharp by Legend Design Studio, Drawings No. A00 – A14 and A16–, Reference No. 21027, dated 1 July 2022 detailing the construction of alterations and additions to an existing dwelling including the construction of a new carport and driveway at **27 Marinella Street, Manly Vale.**

This Statement describes the subject site and the surrounding area, together with the relevant planning controls and policies relating to the site and the type of development proposed. As a result of this assessment it is concluded that the development of the site in the manner proposed is considered to be acceptable and is worthy of the support of the Council.

In preparation of this document, consideration has been given to the following:

- *The Environmental Planning and Assessment Act, 1979 as amended*
- *The Environmental Planning and (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*
- *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017*
- *Warringah Local Environmental Plan 2011*
- *Warringah Development Control Plan*

2.0 Property Description

The subject allotment is described as 27 Marinella Street, Manly Vale, being Lot 52 and 54 within Deposited Plan 976580 and is zoned R2 Low Density Residential within the provisions of the Warringah Local Environmental Plan 2011.

The site is not listed as a heritage item, nor is not located within a conservation area.

The land is noted as being Landslip Area B. A Preliminary Geotechnical Investigation has been prepared by White Geotechnical Group Reference No J4679 dated 24 November 2022 and is discussed further within this submission.

The land is identified as being Bushfire Prone Land. The proposal is supported by a Bushfire Assessment Report prepared by Building Code and Bushfire Hazards Solutions Pty Ltd, Reference Number 230536 dated 12 December 2022.

No other hazards have been identified.

3.0 Site Description

The property is located on the eastern side of Marinella Street at the end of the cul-de-sac, and occupies two lots. The site falls towards the south-east. The site is regular in shape, with a total width and depth of 12.19m and 40.235m respectively. The land has a total site area of 490.4m².

Stormwater from the site is directed to the rear of the site.

The site is currently developed with a one and two storey brick dwelling with a tile roof and associated landscaping.

Vehicular access to the site is currently provided via a paved and concrete driveway and crossing from Marinella Street to a metal carport with metal roof.

The details of the site are as indicated on the survey plan prepared by Survey Plus, Drawing No. 21099_DET_1A, dated 22 December 2021, which accompanies the DA submission.

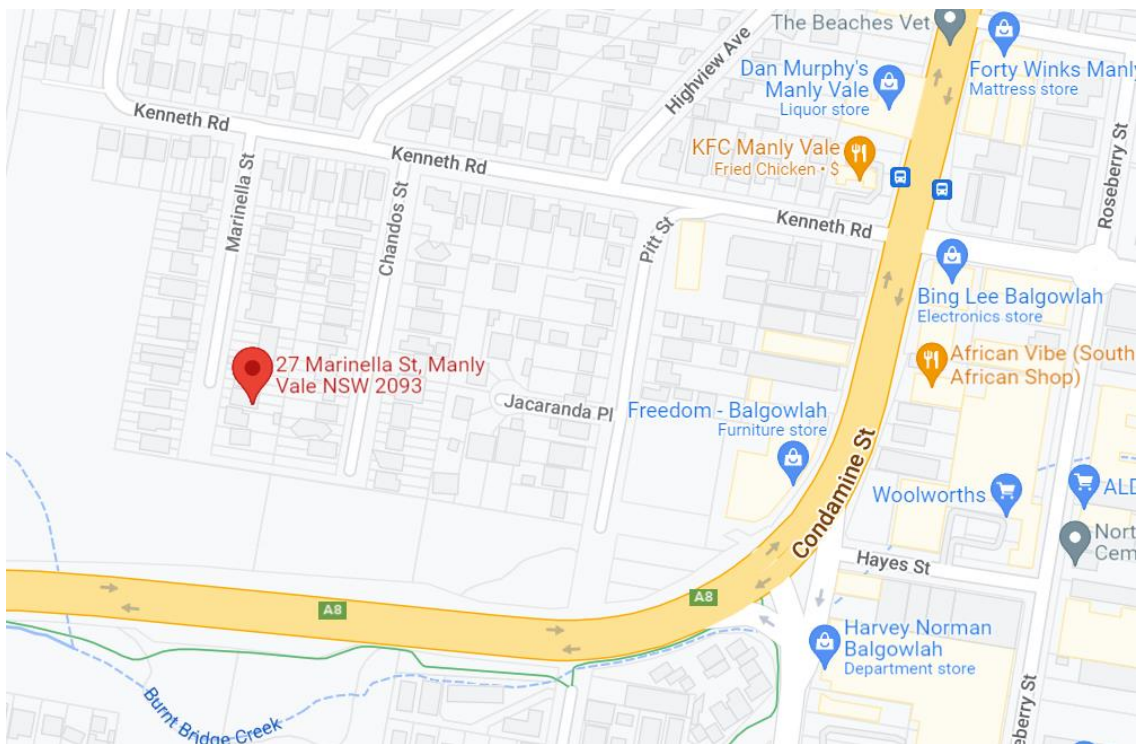


Fig 1: Location of Subject Site
(Source: Google Maps)



Fig 2: View of existing dwelling, looking east from Marinella Road



Fig 3: View of the adjoining development to the north, looking east from Marinella Street



Fig 4: View of the adjoining development to the south, looking south-east from Marinella Street



Fig 5: View of similar parking structures within front setback to Marinella Street (No 23 Marinella Street), looking east

4.0 The Surrounding Environment

The general vicinity of the site is characterised by a mix of single detached dwellings and associated ancillary structures such as garages, carports and swimming pools.

The sites immediately adjoining comprise a mix of similar one and two storey dwellings.

The site and its surrounds are depicted in the following aerial photograph:

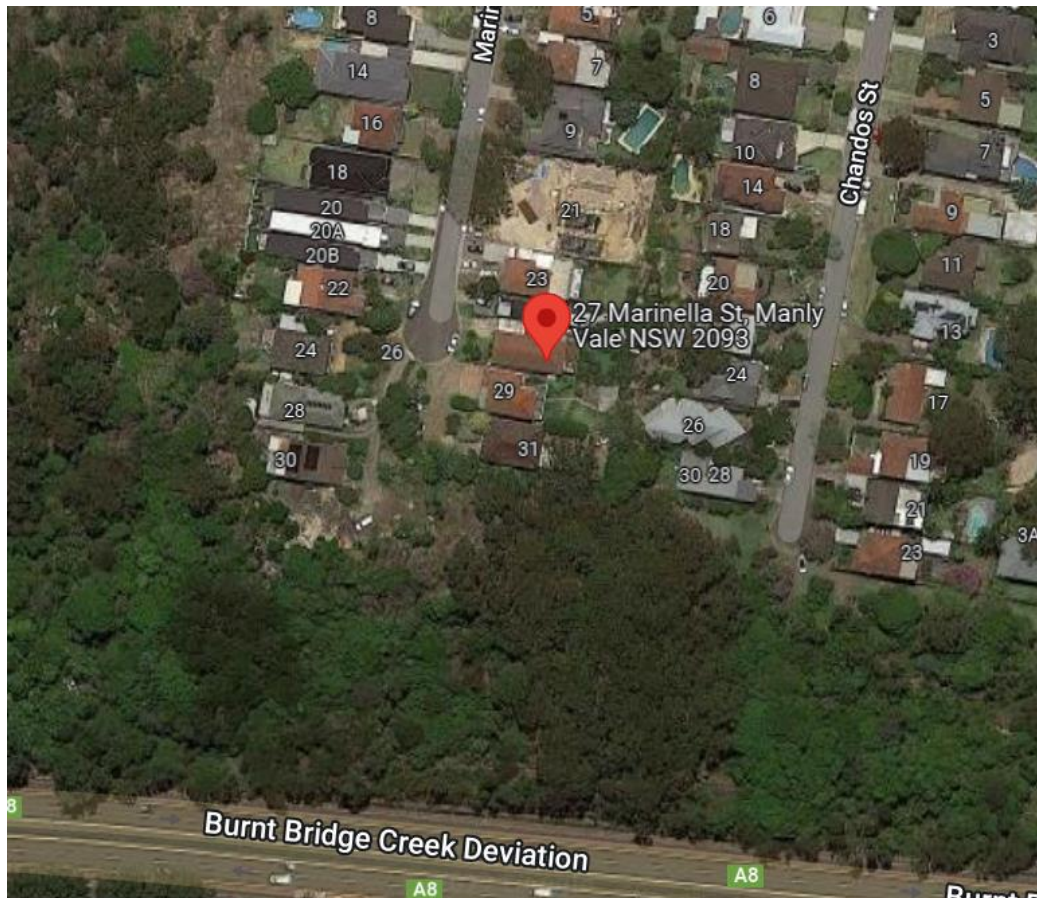


Fig 6: Aerial view of locality
(Source: Google Maps)

5.0 Proposed Development

As detailed within the accompanying plans the proposal seeks consent for the construction of alterations and additions to an existing dwelling including a new carport and driveway.

The proposed works comprise:

Ground Floor

- Construction of a new entry, laundry, kitchen
- Alterations to existing bathroom
- Proposed pergola over rear deck

Lower Ground Floor

- New fit out to existing ensuite in existing bedroom 1
- Proposed privacy screen to the northern elevation of the deck undercroft

External

- Construction of a new double car carport and driveway
- Timber front fence

The dwelling will present a modest single storey appearance to Marinella Street with a consistent character and built form, with an articulated façade which reduces the visual impact of the development on the streetscape.

The collected stormwater will be directed to the rear of the site.

The proposal results in the following development indices:

Site Area:	490.4m ²
Required Landscaped Area:	196.16m ² or 40%
Existing Landscaped Area:	188.21m ² or 38.37%
Proposed Landscaped Area:	171m ² or 34.86%

6.0 Zoning and Development Controls

6.1 State Environmental Planning Policy (Resilience and Hazards) 2021

SEPP 55 – Remediation of Land and in particular Clause 4.6(2) suggests that a consent authority must not grant consent to the carrying out of any development on land unless it has considered whether the land is contaminated.

Given the history of residential use of the land, the site is not considered to be subject to contamination and further investigation is not required at this stage.

6.2 State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

The proposal meets water, thermal and energy standards required by BASIX. A BASIX Certificate has been submitted with the development application.

6.3 Warringah Local Environmental Plan 2011

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

The proposed alterations and additions are permissible in this zone under the WLEP 2011.

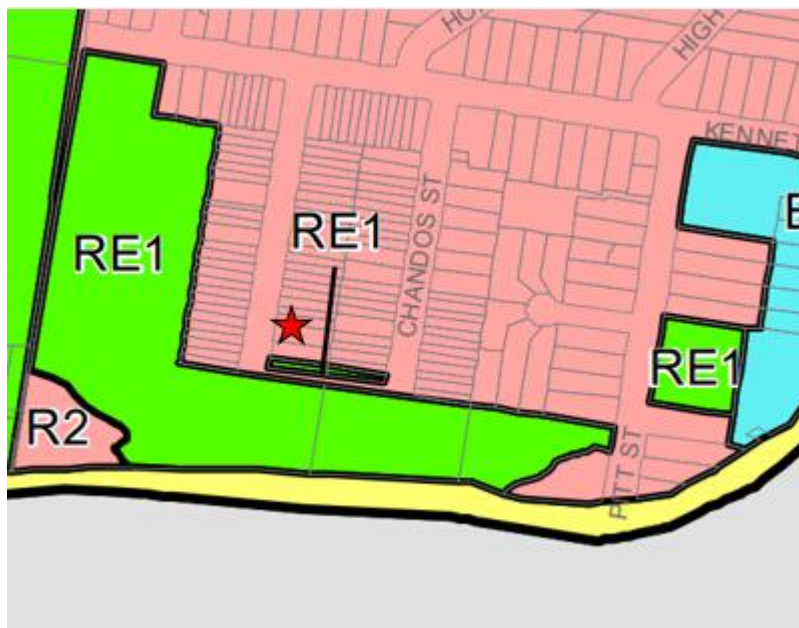


Fig 7: Extract of Warringah Local Environmental Plan 2011

The development of and use of the land for residential purposes is consistent with the zone objectives, which are noted as:

- *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.*

It is considered that the proposed alterations and additions to the dwelling including will be consistent with the desired future character of the surrounding locality for the following reasons:

- The proposal will be consistent with and complement the existing detached style housing within the locality.
- The proposed development is a typical low-density residential built form and respects the scale and form of other new development in the vicinity and therefore compliments the locality.
- The setbacks are compatible with the existing surrounding development.
- The proposal does not have any significant impact on the existing landscaped area or long-distance views.

Clause 4.3 provides controls relating to the height of buildings.

The dictionary supplement to the LEP notes building height to be:

***building height (or height of building)** means the vertical distance between ground level (existing) and the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.*

The building height limit for development in this portion of Manly Vale is 8.5m. The works to the dwelling will not alter the existing building height, with the height of the new work to provide for the pergola over the rear deck to be up to 6.1m in height, therefore complying with this control.

Clause 5.11 relates to bushfire hazard reduction.

Site identified as bushfire prone land and is supported by a Bushfire Assessment Report prepared by Building Code and Bushfire Hazards Solutions Pty Ltd, Reference Number 230536 dated 12 December 2022.

The works will be carried out in accordance with the requirements of the Bushfire Assessment.

Clause 6.2 relates to earthworks.

The proposal is accompanied by a Preliminary Geotechnical Assessment prepared by White Geotechnical Group, Reference No J4679 dated 24 November 2022, which concludes that the proposal meets Council's requirements subject to compliance with the recommendations contained within the report.

Additionally, the works will be carried out in accordance with the recommendations of a qualified structural engineer.

Clause 6.4 relates to development on sloping land. The site is noted on Council's Landslip Risk Map as being within Area B.

Accordingly, a Preliminary Geotechnical Assessment has been prepared by White Geotechnical Group, Reference No J4679 dated 24 November 2022. Subject to the recommendations contained within this report, the proposal is considered to satisfy the provisions of this clause.

There are no other clauses of the WLEP 2011 that are considered to be relevant to the proposed development. It is considered that the proposal achieves the requirements of the WLEP.

6.4 Warringah Development Control Plan

The relevant numerical and performance-based controls under WDCP are discussed below:

Part B - Built Form Controls			
Standard	Required	Proposed	Compliance
B1 – Wall heights	Max 7.2m	The wall height of the dwelling remains unchanged from the existing. The wall height of the new addition to the ground floor level will be approximately 3 m in height	Yes
B2 – Number of storeys	No requirement identified on map		N/A
B3 – Side Boundary Envelope	Building envelope 45 degrees from 4m.	The proposed works are located to the front of the dwelling, therefore being situated within the prescribed building envelope control.	Yes
B4 – Site Coverage	No requirement identified on map		N/A
B5 – Side Boundary setbacks	R2 zoned land 0.9m	The dwelling remains 1.02m from the northern boundary, complying with the control. The proposed carport stands 0.375m to the northern boundary, therefore presenting a minor departure from the 0.9m side setback control. The location of the carport is dictated by the location of existing crossover, which is located to the northern side of the property. Notwithstanding the encroachment, the carport presents minimal bulk and scale to the northern property, being an open-	No; however, acceptable on merit.

		style structure and adjoins a driveway, therefore not impacting on residential amenity to the northern neighbour. On this basis, a proposed variation is considered warranted and should be supported by Council.	
B6 – Merit assessment of Side Boundary Setbacks	No requirement identified on map		N/A
B7 – Front Boundary Setbacks	Minimum 6.5m	<p>Minimum proposed setback to the carport is 0.865m, resulting in a 5.635m encroachment into the setback area.</p> <p>The objectives of this control are as follows:</p> <ul style="list-style-type: none"> • <i>To create a sense of openness.</i> • <i>To maintain the visual continuity and pattern of buildings and landscape elements.</i> • <i>To protect and enhance the visual quality of streetscapes and public spaces.</i> • <i>To achieve reasonable view sharing.</i> <p>The existing streetscape character along Marinella Street consists of a mix of front setbacks with no consistent established setback. As such, the proposed works, although a technical non-compliance are consistent and maintain the visual continuity and patterns of the built form and landscape elements.</p>	No; however, acceptable on merit

		<p>The proposed carport, being an open-style structure provides a sense of openness and reducing the degree of perceived bulk and scale as viewed from within the streetscape.</p> <p>The proposal continues to provide sufficient landscaping within the front setback by providing deep soil zone forward of the dwelling.</p> <p>Due to the location of the existing dwelling, compliance with the minimum front setback control is impracticable. In consideration of this, as well as the inconsistent setback character, the proposal does not detrimentally impact on the visual quality and streetscape along Marinella Street. Importantly, the building line to the dwelling remains unchanged and the breach will not impact on any existing views enjoyed from neighbouring properties.</p> <p>In all, the proposal, whilst non-compliant, is reasonable for those reasons noted above.</p>	
B9- Rear Boundary Setbacks	<p>Min 6m rear setback</p> <p>R2 Zoned land swimming pool not to</p>	<p>The proposed works are set back from the rear boundary, in excess of the minimum 6m control.</p> <p>N/A</p>	<p>Yes</p> <p>N/A</p>

	exceed 50% of rear setback area.		
Part C – Siting Factors			
C2 – Traffic, Access and Safety	Vehicular crossing to be provided in accordance with Council's Vehicle Crossing Policy	The proposal will maintain existing vehicular crossing	Yes
C3 – Parking Facilities	Garages not to visually dominate façade Parking to be in accordance with AS/NZS 2890.1	The proposal will see the construction of a new double carport. The proposed carport integrates with the design of the dwelling, and as such, does not visually dominate the dwelling's façade. The parking and access design will meet the relevant standards.	Yes
C4 – Stormwater	Hydraulic Design to be provided in accordance with Council's Stormwater Drainage Design Guidelines for Minor Developments and Minor Works Specification	Existing stormwater is primarily disbursed within the rear yard, with the site levels allowing for some gravity feed to the street gutter. It is anticipated that the stormwater from the carport and the addition to the dwelling will be directed to the street gutter where possible.	Yes
C5 – Erosion and Sedimentation	Soil and Water Management required	The proposal will provide for a erosion and sediment control measures to be maintained throughout the duration of the construction works.	Yes
C6 – Building over or adjacent to Constructed Council Drainage Easements	N/A		N/A
C7 – Excavation and Landfill	Site stability to be maintained	Minor excavation is required to accommodate the proposed driveway and carport.	Yes

		<p>The works will not have any adverse impacts on adjoining land and will not contain any contaminated materials.</p> <p>All works will be carried out in accordance with the recommendations of the consulting Geotechnical and Structural engineers.</p>	
C8 – Demolition and Construction	Waste management plan required	Waste management measures to be employed	Yes
C9 – Waste Management	Waste storage area to be provided	Bins storage available within car space and front yard	Yes
Part D – Design			
D1 – Landscaped Open Space and Bushland	Min 40% Landscaped Area to be maintained	<p>The proposal will maintain a landscaped area of 171m² or 34.86% and therefore not comply with this control.</p> <p>The objectives of this control are as follows:</p> <ul style="list-style-type: none"> • <i>To enable planting to maintain and enhance the streetscape.</i> • <i>To conserve and enhance indigenous vegetation, topographical features and habitat for wildlife.</i> • <i>To provide for landscaped open space with dimensions that are sufficient to enable the establishment of low lying shrubs, medium high shrubs and canopy trees of a size and density to mitigate the height, bulk and scale of the building.</i> 	No; however, acceptable on merit

		<ul style="list-style-type: none"> • To enhance privacy between buildings. • To accommodate appropriate outdoor recreational opportunities that meet the needs of the occupants. • To provide space for service functions, including clothes drying. • To facilitate water management, including on-site detention and infiltration of stormwater. <p>The proposed landscaped area is a result of formalising vehicular access and off-street parking arrangement. The carport and adjacent pathway have resulted in a minor reduction to the overall LOS.</p> <p>Having regard to the above outcomes, the proposal does not prevent the site's ability to provide for deep soil area within the front and rear of the site with landscaped areas across the site providing opportunity for plantings, including the front setback area improving upon the streetscape character.</p> <p>All landscaped areas are appropriately dimensioned to provide sufficient space for meaningful plantings and opportunity for to provide for the recreational needs of residents.</p>	
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		<p>The reduced landscaped area does not adversely impact on the amenity to within the subject site or adjoining sites with privacy being maintained and solar access provided.</p> <p>In all, the proposal, whilst non-compliant, is reasonable for those reasons noted above.</p>	
D2 – Private Open Space	<p>Dwelling houses with three or more bedrooms</p> <p>Min 60m² with min dimension 5m</p>	The private open space is directly accessible from the dwelling. The majority of the private open space is within the rear yard.	Yes
D3 – Noise	<p>Mechanical noise is to be attenuated to maintain adjoining unit amenity.</p> <p>Compliance with NSW Industrial Noise Policy Requirements</p>	Proposal will not generate unreasonable acoustic impacts.	Yes
D4 – Electromagnetic Radiation	N/A to proposed development		N/A
D5 – Orientation and Energy Efficiency	<p>Dwellings to be orientated to receive northern sun</p> <p>Appropriate construction to enhance thermal properties and ventilation/natural cooling</p> <p>Compliance with SEPP (BASIX) requirements</p>	The site enjoys good access to northern sun.	Yes
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.	The proposed works will not adversely impact on solar access within the site or to adjoining sites.	Yes

D7 – Views	View sharing to be maintained	<p>The controls require that development should enable the reasonable sharing of views.</p> <p>The proposed works are single storey in height and will not impact on existing views and/or vistas enjoyed by surrounding properties.</p>	Yes
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 includes new decking to the front and rear adjoining bedrooms and a new balcony to the front. These small areas provide limited opportunity for useability, but rather provide additional architectural elements and articulation and visual interest from the public domain. These decks will not unreasonably impact on existing privacy enjoyed by the neighbours to the east and west.	Yes
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	The existing surrounding development comprises a mix of one and two storey dwellings. As previously discussed, the form of the proposed development is modest in height and scale and will not visually dominate Sunshine Street.	Yes
D10 – Building Colours and materials		The proposed new works will be finished in colours which complement the locality.	Yes
D11 – Roofs	The LEP requires that roofs should not dominate the local skyline.	The proposed works provides for new low-pitched roof to the carport and dwelling that does not dominate the skyline. Further the roof minimises bulk and scale and	Yes

		maximises view retention to adjoining properties.	
D12 – Glare and Reflection	Glare impacts from artificial illumination minimised. Reflective building materials to be minimised	The existing external finishes and colours will be retained and the proposed new finishes will complement the existing dwelling. No significant glare impacts will result from proposed new works.	Yes
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	No fencing proposed.	N/A
D14 – Site Facilities	Garbage storage areas and mailboxes to have minimal visual impact to the street Landscaping to be provided to reduce the view of the site facilities	Bin storage area is available in the carport or surrounding the dwelling. Adequate landscaping to be provided within the front setback area.	Yes
D15 – Side and Rear Fences	Side and rear fences to be maximum 1.8m and have regard for Dividing Fences Act 1991	Existing side and rear fencing to be retained.	Yes
D18 – Accessibility	Safe and secure access for persons with a disability to be provided where required	Not applicable to residential development	N/A
D20 – Safety and Security	Buildings to enhance the security of the community. Buildings are to provide for casual surveillance of the street.	The proposed works will not reduce the security of the street area or the subject property. Casual surveillance of the street is available from the dwelling to the street over and through the front landscaped area.	Yes

D21 – Provision and Location of Utility Services	Utility services to be provided	Normal utility services are available to the site	Yes
D22 – Conservation of Energy and Water	Compliance with SEPP BASIX	A BASIX Certificate is provided to support the development	Yes
D23 – Signs	Building identification signage to be appropriate for proposed use and not to impact on amenity of surrounding locality. Signs not to obscure views vehicles, pedestrians or potentially hazardous road features or traffic control devices.	No signage proposed	N/A
Part E – The Natural Environment			
E1 – Private Property Tree Management	Arboricultural report to be provided to support development where impacts to trees are presented	No significant protected trees are affected by the works.	Yes
E2 – Prescribed Vegetation	Not identified on map		N/A
E3 – Threatened species, populations, ecological communities	Not identified on map		N/A
E4 – Wildlife Corridors	Not identified on map		N/A
E5 – Native Vegetation	Not identified on map		N/A
E6 – Retaining unique environmental features	Not identified on map	No significant features within site	Yes
E7 – Development on land adjoining public open space	Not identified on map		N/A
E8 – Waterways and Riparian Lands	Not identified on map		N/A
E9 – Coastline Hazard	Not identified on map		N/A
E10 – Landslip Risk	Identified on map as Area B.	The proposal is accompanied by a Preliminary Geotechnical Assessment prepared	Yes

		by White Geotechnical Group, Reference No J4679 dated 24 November 2022Hodgson Consulting Engineers, Job No. PX 00036A, dated 20 September 2019, which concludes that the proposal meets Council's requirements subject to compliance with the recommendations contained within the report.	
E11 – Flood Prone Land	Not identified on map		N/A

7.0 Matters for Consideration under Section 4.15 of The Environmental Planning and Assessment Act, 1979

7.1 The provisions of any environmental planning instrument

The proposal is subject to the provisions of the Warringah Local Environmental Plan 2011. It is considered that the provisions of these environmental planning instruments have been satisfactorily addressed within this report and that the proposal achieves compliance with its provisions.

There are no other environmental planning instruments applying to the site.

7.2 Any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and

It is not considered that there are any draft environmental planning instruments applying to the site.

7.3 Any development control plan

The development has been designed to comply with the requirements of the WLEP 2011 & the controls of the Warringah Development Control Plan.

It is considered that the proposed design respects the aims and objectives of the DCP however we note that the Environmental Planning and Assessment Amendment Act 2012 No 93 (Amendment Act) which received assent on 21 November 2012 commenced on 1 March 2013.

Key amongst the amendments are requirements to interpret DCPs flexibly and to allow reasonable alternative solutions to achieve the objectives of DCP standards.

The new section 3.42 provides that the 'principal purpose' of DCPs is to 'provide guidance' on:-

- giving effect to the aims of any applicable environmental planning instrument
- facilitating permissible development
- achieving the objectives of the relevant land zones.

The key amendment is the insertion of section 4.15(3A) which:

- prevents the consent authority requiring more onerous standards than a DCP provides,
- requires the consent authority to be 'flexible' and allow 'reasonable alternative solutions' in applying DCP provisions with which a development application does not comply,
- limits the consent authority's consideration of the DCP to the development application (preventing consideration of previous or future applications of the DCP).

We request that Council applies considered flexibility where the application seeks variations to numerical development controls in the DCP as justified in this report. In particular we consider that the variation to the landscaped area and front setback are reasonable alternative solutions to compliance where the site's slope and the topographical constraints present a challenge to full compliance with the controls.

It is considered that the proposed design respects the desired character objectives of the DCP in that it reinforces the existing residential character of the area and is compatible with the existing uses in the vicinity.

The development respects the streetscape character objectives of the DCP and will provide a cohesive and sympathetic addition to the site which will make a positive contribution to the area.

It is considered that the proposed design respects the desired character objectives of the DCP in that it reinforces the existing residential character of the area and will provide a cohesive and sympathetic addition to the site and which will make a positive contribution to the area.

7.4 Any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4

No matters of relevance are raised in regard to the proposed development.

7.5 The regulations (to the extent that they prescribe matters for the purposes of this paragraph),

No matters of relevance are raised in regard to the proposed development.

7.6 The likely impacts of that development, including environmental impacts on both the natural and built environments, and the social and economic impacts in the locality.

It is considered that the proposal, which seeks consent for the construction of alterations and additions to an existing dwelling, including a new double carport and driveway, which have been located and designed to appropriately minimise impacts on the amenity of adjoining properties and are compatible with and will complement the character of the area.

The proposal is considered to be well designed having regard for the relevant provisions of the SEPP, Council's LEP and DCP.

7.7 The suitability of the site for the development

The site is considered suitable for the proposed development.

The proposal will provide for the construction of alterations and additions to an existing dwelling, including a new double carport and driveway.

It is suggested that the proposal will not have a detrimental impact on the amenity of the adjoining properties or any impact on the streetscape.

7.8 Any submissions made in accordance with this Act or the regulations

This is matter for Council in the consideration of this proposal.

7.9 The public interest

The proposal will not impact upon the environment or the character of the locality and the considered location of habitable room windows and decks will mitigate any unreasonable visual impacts on the amenity of adjoining properties and is therefore considered to be within the public interest.

8.0 Conclusion

The proposal provides for the construction of alterations and additions to an existing dwelling, including a new double garage and driveway, which will not have a detrimental impact on the adjoining properties or the locality.

As the proposed development will not have any significant impact on the environment, scenic quality of the area or the amenity of the adjoining allotments, the issue of Development Consent under the delegation of Council is requested.

VAUGHAN MILLIGAN

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