

31 March 2020

Submission - Clause 4.6 Exception to a Development Standard

State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 - Clause 40(2) site area 49 Forest Way, Frenchs Forest

1 Request for exception to Clause 40(2) site area

1.1 Overview

Clause 4.6 of Warringah LEP 2011 provides a mechanism to allow an exception to a development standard.

As identified, the proposal contravenes Clause 40(2) of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004. Clause 40(2) relates to the area of the allotment. It states in 40(2) Site size – ‘The size of the site must be at least 1,000 square metres’. Being 923.5m², the site area demonstrates a 7.7% / 76.5m² exception to the lot size requirement. This is a development standard and an exception is sought.

As required by clause 4.6 (3) the following is a *written request* to justify this contravention for the consent authority's consideration.

1.2 Site details

The site is located at 49 Forest Way, Frenchs Forest. The site is legally described as, Lot 1A in Deposited Plan 382200. The site has an area of 923.5 m². The land is a corner allotment, irregular in shape having the following dimensions:

- Frontage to Adams Street of 48.205m
- Frontage to Forest Way of 23.775m
- A corner splay to Adams Street and Forest Way of 6.335m
- A southern boundary of 46.95m
- An eastern boundary of 10.74m

1.3 Proposed development and the nature and extent of exception sought

The application seeks development consent, for demolition of existing structures, a Seniors and Disabled Housing development, under the provisions of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (the SEPP), and strata subdivision at 49

Forest Way, Frenchs Forest. The proposal is for *Infill self-care housing* (4 dwellings) for independent living.

The exception relates to Clause 40(2) of the SEPP in relation to the site area being 1,000m². The clause states (our emphasis added):

*‘Development standards—minimum sizes and building height, (2) Site size -
The size of the site must be at least 1,000 square metres’*

Being 923.5m² the site area demonstrates a 7.7% / 76.5m² exception to the lot size standard.

Clause 4.6 of Warringah LEP 2011 (LEP) provides a mechanism to allow an exception to a development standard.

Clause 40(2) of the SEPP is a development standard and is applicable to the assessment of the proposal. This clause 4.6 submission is made to address the statutory provisions of the Act and the LEP and there is no statutory impediment to the consideration of this submission under clause 4.6.F

As required by clause 4.6 (3) the following is a written request for the proposed development to exceed the development standard for the consent authority’s consideration.



Figure 1 – excerpt of the site plan showing the location of the site, the proposed development footprint, the subdivision pattern and the location of surrounding development. The exception relates to the area of the allotment which is 923.5m²

2 Clause 4.6

Relevant to the subject matter, Clause 4.6 states:

- (1) *The objectives of this clause are as follows:*
 - (a) *to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
 - (b) *to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*
- (2) *Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.*
- (3) *Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:*
 - (a) *that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
 - (b) *that there are sufficient environmental planning grounds to justify contravening the development standard.*
- (4) *Development consent must not be granted for development that contravenes a development standard unless:*
 - (a) *the consent authority is satisfied that:*
 - (i) *the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
 - (ii) *the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*
 - (b) *the concurrence of the Secretary has been obtained.*

In response to the provisions of Clause 4.6, and with the guidance provided by the above judgements, the matters in support of the proposal are documented with this *written request* to justify this contravention of the development standard.

3 Context and Format

This “*written request*” has been prepared having regard to “*Varying development standards: A Guide*” (August 2011), issued by the former Department of Planning, and relevant principles identified in the following judgements:

- *Winten Property Group Limited v North Sydney Council [2001] NSWLEC 46;*

- *Wehbe v Pittwater Council* [2007] NSWLEC 827;
- *Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 1009;
- *Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 90;
- *Four2Five Pty Ltd v Ashfield Council* [2015] NSWCA 248;
- *Randwick City Council v Micaul Holdings Pty Ltd* [2016] NSWLEC 7;
- *Moskovich v Waverley Council* [2016] NSWLEC 1015; and
- *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118.
- *RebelMH Neutral Bay Pty Limited v North Sydney Council* [2019] NSWCA 130
- *Hansimikali v Bayside Council* [2019] NSWLEC 1353

In response to the provisions of Clause 4.6, and with the guidance provided by the above judgements, the matters in support of the proposal are documented with this *written request* to justify this contravention of the development standard.

4 Assessment

4.1 Compliance is unreasonable or unnecessary in the circumstances

Subsection 3 (a) of Clause 4.6 states:

(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and

Guidance is provided by the following court judgement in establishing what the relevant considerations are in assessing what is ‘*unreasonable or unnecessary in the circumstances of the case*’.

In addressing the requirements of Clause 4.6 (3) (a), the accepted five possible approaches for determining whether compliance is unnecessary or unreasonable were established by the NSW Land and Environment Court in *Wehbe vs Pittwater Council*. Whilst at the time, this was specific to SEPP 1, in the matter of *Four2Five* (2007) LEC 827, the Commissioner stated within the judgement the following, in reference to a variation:

“...the case law developed in relation to the application of SEPP 1 may be of assistance in applying Clause 4.6. While Wehbe concerned an objection under SEPP 1, in my view the analysis is equally applicable to a variation under Clause 4.6 where Clause 4.6 (3)(a) uses the same language as Clause 6 of SEPP 1.”

In the decision of *Wehbe vs Pittwater Council* (2007) LEC 827, Preston CJ summarised the five (5) different ways in which an objection under SEPP 1 has been well founded and that approval of the objection may be consistent with the aims of the policy. The five possible ways are:

1st The most commonly invoked way is to establish that compliance with the development standards is unreasonable or unnecessary because the objectives of the development standard are achieved notwithstanding non-compliance with the standard.

The rationale is that development standards are not ends in themselves but means of achieving ends. The ends are environmental or planning objectives. If the proposed development proffers an alternative means of achieving the objective, strict compliance with the standard would be unnecessary and unreasonable.

2nd A second way is to establish that the underlying objective or purpose is not relevant to the development with the consequence that compliance is unnecessary.

3rd A third way is to establish that the underlying objective or purpose would be defeated or thwarted if compliance was required with the consequence that compliance is unreasonable.

4th A fourth way is to establish that the development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable.

5th A fifth way is to establish that "the zoning of particular land" was "unreasonable or inappropriate" so that "a development standard appropriate for that zoning was also unreasonable or unnecessary as it applied to that land" and that "compliance with the standard in that case would also be unreasonable or unnecessary.

In response to the 5 Wehbe principles it is assessed that the second and third principles are relevant to the subject matter. Our assessment of the proposal under clause 4.6(3)(a) finds that:

Having regard to the second principle of Wehbe, compliance with the development standard is unreasonable and unnecessary in the circumstances of the case because, despite the proposed site size exception, the proposal satisfies the various design quality and built form provisions of the SEPP, noting:

- The proposal demonstrates that the site area can physically accommodate the footprint, intensity and scale of the proposed development without having any unreasonable or excessive physical impacts on the neighbouring properties or the streetscape quality.
- The proposal incorporates appropriate compensatory design measures, in that:
 - The proposal provides generous boundary setbacks that, in various instances, significantly exceed the minimum setbacks.
 - The proposal complies with, and exceed the SEPP's minimum Landscaped area standard.
 - The proposed development will not be incompatible or out of context with the visual scale and character of established development in the location.
 - The proposal complies with the SEPP and LEP's height standard.

- The proposal complies with the SEPP's FSR standard.
- The proposal reflects the pattern of development within the location.
- The proposal will result in high internal amenity to the future dwelling occupants.
- The proposed site size exception will have an insignificant impact in terms of its physical effects on adjoining land in regard to shadowing, privacy, bulk, scale, visual impact and view impacts.

These matters are further explained within this submission.

Having regard to the third principle of Wehbe, compliance with the development standard would defeat the underlying aims of the SEPP, if compliance was required, noting that:

- The proposal will increase the supply and diversity of residences that meet the needs of seniors or people with a disability;
- The proposal makes efficient use of existing infrastructure and services;
- The proposal is of good design;
- The site is positioned in an ideal location accessible to various shops, recreation, transport links and community services.;
- The proposed site size exception will have an insignificant impact in terms of its physical impacts on adjoining land in the areas of shadowing, privacy, bulk, scale and view impacts.

In these circumstance, strict application of the standard would result in the aims of the SEPP being defeated by a proposal of high merit that satisfies the other provisions of the SEPP.

For these reasons, in the circumstances, insistence upon strict compliance with the standard would be *unreasonable or unnecessary*. For these reasons it is assessed at the requirements of clause 4.6(3)(a) are satisfied and Council has the authority to grant approval to the proposal.

5 Environmental planning grounds

Subsection 3 (b) of Clause 4.6 states:

(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

(b) that there are sufficient environmental planning grounds to justify contravening the development standard.

The proposed exception to the site size *development standard* does not undermine or disrespect the relevance of the control or its objectives. There are sufficient environmental planning grounds to justify contravening the development standard in the particular circumstances on the basis of the following considerations:

- The proposed exception does not result in an excessive visual building bulk or scale, maintaining an appropriate building presentation to the street frontage and neighbouring properties.
- The proposed exception in the minimum site size development standard is modest in its extent (7.7%) and, noting its corner location and significant spatial separation to

surrounding development, it would not be perceivable in the visual presentation of the property to surrounding properties or the streetscape.

- The proposed exception does not result in a significant reduction in the quality of the proposed built form will not significantly alter the spatial characteristics of the property.
- The proposed exception will not result in unreasonable or excessive physical impacts on the neighbouring properties or the streetscape quality of the property.
- The proposed exception is capable of being accommodated on the site without imposing any significant or adverse impacts on the amenity of the surrounding land, or the scenic quality of the wider locality.
- Strict compliance with the minimum site size development standard would be unreasonable and unnecessary to the extent that the site would be unable to accommodate a form of development that is consistent with the aims and objectives of the SEPP, in circumstances where the building form does not impose any significant or adverse impacts on the amenity of surrounding land.
- The extent of the proposed development is not excessive as a result of this exception, and the development-to-land ratio proposed, as evidenced by the proposal's compliance with the suite of built form controls relating to car parking, boundary setbacks, private open space, deep soil landscaped area, building height and floor space ratio. It is compatible to the extent of development that can be reasonably expected upon land within the the R2 zone generally.
- The proposed development provides more landscaped area (43.3%) than the requirement for a single dwelling (40% under the DCP). There are appropriately located and proportioned landscaped areas for vegetation and private recreational use proposed. The proposal will achieve a suitable balance between landscaped areas and the built form despite the site size exception.

5.1 Unreasonable burden

The exception has minimal impact given that the proposal demonstrates that the site area can physically accommodate the footprint, intensity and scale of the proposed development, in a manner that is compliant with the SEPP, without having any unreasonable or excessive physical impacts on the neighbouring properties or the streetscape quality.

There are positive impacts achieved by the development. It is therefore appropriate that the merits of the proposal on environmental planning grounds be balanced with the impact that strict compliance with the standard places on the site, and whether such strict compliance would result in a better or neutral planning outcome. The proposed exception will provide a compatible development outcome consistent with various local and State planning provisions that relate to the site.

Strict compliance in the circumstances would not achieve any significant gains with regards to the objectives for supplying a diversity of housing specific to the needs of older people and people with a disability in the R2 zone or relevant aims of the SEPP. In fact, strict compliance would defeat the aims of the SEPP which are to increase the supply of this form of housing, within accessible locations.

Based on the above, strict compliance would result in an unreasonable burden on the proposed development with insufficient environmental planning outcomes.

5.2 How does the proposed development / exception relate to the objectives of the Act?

Having regard to *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118, the built form outcomes achieved through the minor redistribution of site sizes and footprints across the site are consistent with the following objectives at clause 1.3 of the Environmental Planning and Assessment Act 1979 (the Act) noting the following:

- In response to objective 1.3(c), the exception results in a proposed residential development that will promote the orderly and economic use and development of the land in an efficient manner by a design that is responsive to its development context that will increase the supply of housing, specific to the needs of older people and people with a disability in the R2 zone, close to public transport and a local centre, in a manner that is entirely consistent with the SEPP.
- In response to objective 1.3(g), the proposed development results in a residential development that will promote good design and amenity of the built environment. The built form outcome has been developed through detailed site, context, privacy, and shadow analysis to ensure an appropriate contextual and streetscape fit. The building footprint has been designed to reflect the shape and orientation of the site, creating an interesting, site-specific building design that presents appropriately to each of its boundaries. The proposed development maintains high levels of residential amenity to adjoining properties by concentrating living spaces at ground floor level, minimising its height, by generous boundary setbacks and through the quality of its surrounding landscape spaces.

5.3 Conclusion

The proposal is entirely consistent with the aims of the SEPP because it will increase the supply of housing specific to the needs of older people and people with a disability in the R2 zone, close to public transport and a Local Centre. Based on the above, there are appropriate circumstances to support the proposed development based on the site suitability and the extent of development proposed. Conversely, there are insufficient grounds to refuse the proposal based on its site size deficit. For these reasons the proposed exception is assessed as being appropriate to the circumstances of the site, and its context. It is assessed that there are appropriate and sufficient environmental planning grounds to support the proposed exception.

6 Public Interest Considerations

6.1 Objectives of the development standard

In accordance with 4.6 (4)(a)(ii) the proposed development will be in the public interest because it is consistent with the objectives of the development standard.

The objectives of Clause 40(2) are not specifically expressed in the SEPP, however the aims of the SEPP are to increase the supply and diversity of residences that meet the needs of seniors or people with a disability, make efficient use of existing infrastructure and services, and be of good design.

It is also reasonable to conclude that the objectives of the site size control are to ensure that sites are of sufficient size to provide for buildings, vehicular access, landscaping / deep soli area, private open space, solar access and retention of natural topographical features in a manner that

is positive for the future occupants of the land. Furthermore, that the property is able to be developed without incurring any unreasonable physical impacts on neighbouring properties in terms of shadowing, privacy, visual impact, view loss or the natural environment.

The following submissions are made in response to the above objectives.

Compensatory design measures

Being 923.5m² the site area demonstrates a 7.7% / 76.5m² exception to the lot size standard. In response to this characteristic of the site, the following key compensatory design measures have been incorporated to address this issue and provide an appropriate building form on the site:

- **Lower building height** – The proposed building is excavated into the western section of the site. The proposed building height ranges from approximately 5.9m (western end) to 7.8m (eastern end), as measured to the ceiling level. The height of the building is lower than the height permitted under the SEPP at its eastern end.
- **Increased southern and eastern setbacks** - The southern side setback has been increased to a significant 3.0m, whilst the eastern boundary setbacks are 15.2 to 17.4m (approximate); the outcome being generous separation distances to adjoining dwellings. It is noted that each of these setbacks are significantly greater than a development permitted in the R2 zone under the local planning controls, especially given that the DCP's rear setback control does not apply to corner sites.

The proposed setbacks assist in achieving a compatible relationship with the neighbouring properties ensuring existing dwellings retain a high level of solar access, privacy and amenity levels. The proposed southern side setback has also been increased to exceed both the SEPP and the DCP's side setback requirements. Furthermore, the proposed southern side setback has been increased to meet and exceed the DCP's side boundary envelope requirement.

By lowering the height of the building and increasing its setbacks to adjoining residential allotments the potential amenity impacts (privacy, shading and visual) of the proposed development on the southern and eastern adjoining neighbours are reduced in accordance with the SEPP's aims and objectives.

Generous spatial separation is provided and high internal amenity levels to the proposed dwellings are achieved, despite the site being 923.5m² and less than 1,000m²

- Despite the site being 923.5m² and less than 1,000m², the proposal achieves a generous amount of spatial separation around the proposed building. The land is a corner allotment that faces Forest Way and Adams Street. As such, the site is adjoined by roadways to its northern and western sides. These increase the property's building separation to adjoining dwellings to the north and west reducing the need for the separation that the standard seeks to create. Furthermore, the proposed development results in a rear setback of 15.2 to 17.4m (approximate) that is significantly greater than a development permitted in the R2 zone under the local planning controls because the DCP's rear setback control does not apply to corner sites. The southern side setback has also been increased to a significant 3.0m noting that the minimum side setback is 900mm.
- The proposed setbacks assist in achieving a compatible relationship with the neighbouring properties ensuring existing dwellings retain a high level of solar access, privacy and amenity levels. The proposed southern side setback has also been increased to exceed both the SEPP

and the DCP's side setback requirements. Furthermore, the proposed southern side setback has been increased to meet and exceed the DCP's side boundary envelope requirement.

- High internal amenity levels to the proposed dwellings are achieved despite the site being 923.5m² and less than 1,000m². The site being adjoined by roadways to its north and west increase the property's separation to adjoining buildings and facilitate appropriate levels of solar access to the site and high levels of privacy in relation to neighbouring properties.



Figure 2 – excerpt of the architectural plans. the proposed development footprint is appropriately setback and surrounded by generous landscaped areas

Generous landscaping and deep soil areas are provided that exceed the minimum controls, despite the site being 923.5m² and less than 1,000m²

- Despite the site being 923.5m² and less than 1,000m², the proposal achieves a landscaping and deep soil outcome that meets and exceeds the planning controls under the SEPP and DCP.
- The design provides a landscape setting complemented by a landscaping plan that will enhance the amenity of the site to the benefit of future occupants and the surrounding amenity. 400m² or 43.3% of the site is proposed to be landscaped area, within which the proposed building will be sited. 36.1% of the site is proposed to be deep soil landscaped area having a minimum dimension of 3m (exceeding the SEPP requirement for 15%).
- Furthermore, the proposed development comfortably complies with the deep soil landscaped area control incorporated in the SEPP.

No significant physical impacts, despite the site being 923.5m² and less than 1,000m²

Despite the site being 923.5m² and less than 1,000m², the proposal will not result in any inappropriate physical or amenity impacts on the streetscape or adjoining land noting that:

- The southern side boundary setback is increased from 900 mm to 3.0 metres; furthermore generous 15.2 to 17.4m rear/eastern setbacks are proposed.

- The potential physical impacts of the proposal, including, overlooking, overshadowing, its side setbacks, building height, massing and scale have been considered in its design. Due to its high level of compliance with the prevailing planning controls, it is assessed that the proposal will not unreasonably impact upon the existing amenity or physically constrain the future development potential of the surrounding land.

In relation to proposed shadowing impacts - Shade will be cast over the adjoining land at 47 Forest Way with no impact on 25 Adams Street during the specified times. During the morning period this will mainly affect the properties frontage to Forest Way and during the afternoon periods this will affect the rear private open space area of the property. The following characteristics of the property and proposed shading outcome are noted below:

- It is noted that no side boundary facing windows are present within the northern façade of the dwelling.
- The proposed 9am shadow is marginally increased but only impacting upon the front yard (Forest Way frontage) to the property.
- The proposed 12pm shadow and area of additional shadow falls upon the rear of the dwelling and property but the large majority of the rear facade and rear private open space area (approximately 70% is not affected by the proposal).
- Between 1pm and 3pm the rear private open space area will experience shading from the proposal, however during this timeframe the front yard area and dwelling façade is not overshadowed by the proposal and receives sunlight.
- The extent of sunlight available to the rear facade and rear private open space area satisfies the provision of the control between 9am and 12pm.

It is concluded that the proposal will not significantly or unreasonably reduce the available sunlight to the adjoining properties and the consideration of solar access to adjoining land is satisfied by the proposal.

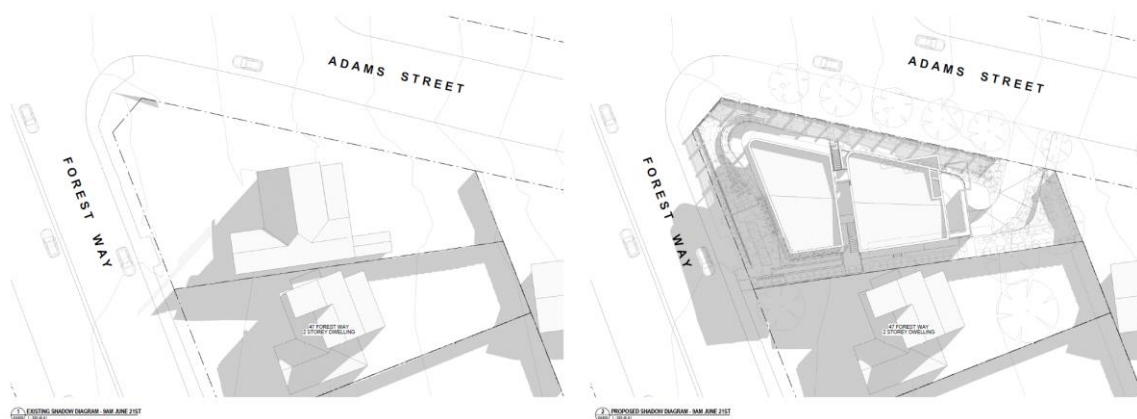


Figure 3 – the existing and proposed shading impact to the southern adjoining development at 9am

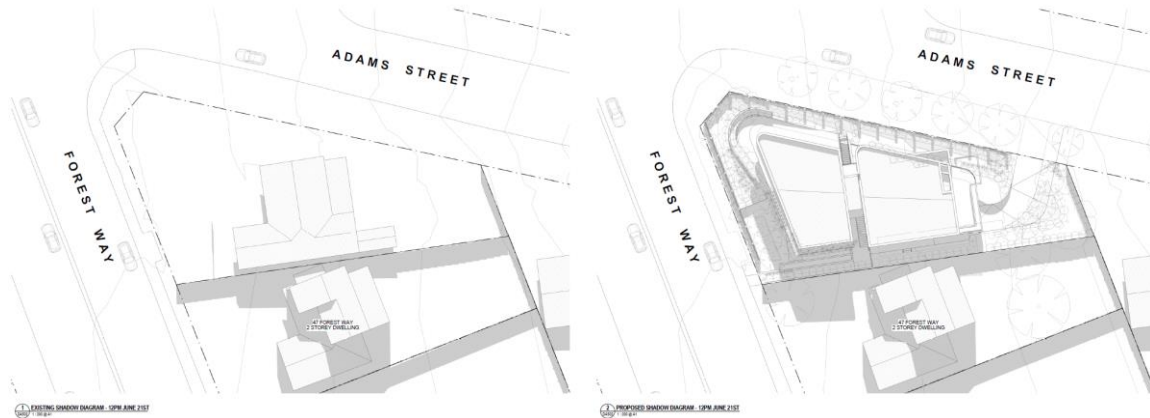


Figure 4 – the existing and proposed shading impact to the southern adjoining development at 12pm

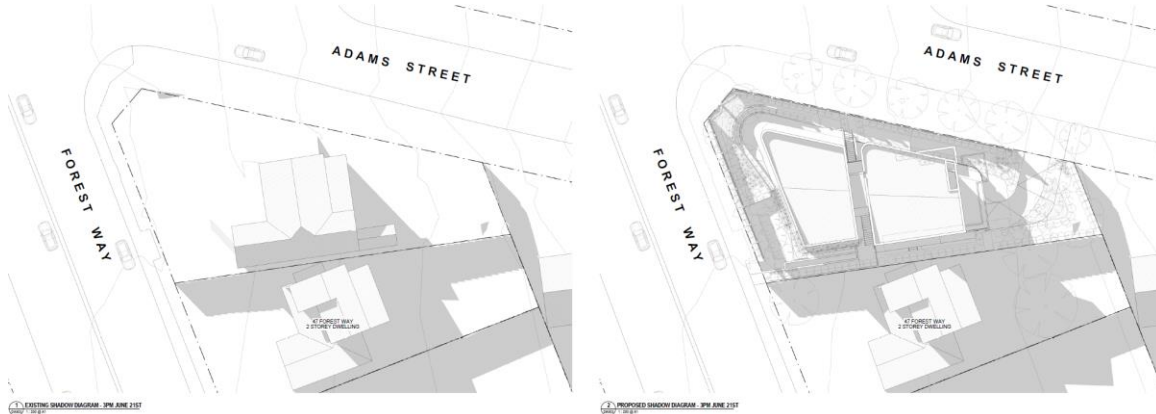


Figure 5 – the existing and proposed shading impact to the southern adjoining development at 3pm

Enhanced and appropriate streetscape outcomes, despite the site being 923.5m² and less than 1,000m²

Despite the site being 923.5m² and less than 1,000m², the proposal will provide an enhanced streetscape outcome, noting:

- Quality architecture and building materials are proposed to support a building of high merit and aesthetic value. A new and enhanced landscape regime is proposed for the property. The car parking on the site is provided via an excavated basement and will be concealed from view from adjoining land.
- The proposal will be compatible with the desired local character of the area in relation to building bulk, form and scale. Overall, the proposed development meets the provisions of the key built form controls (under the SEPP, LEP and DCP) that limit the size and extent of residential dwellings including building height, landscaped area, setbacks from boundaries, side boundary envelope, streetscape and solar access provision to neighbouring properties.

In summary:

- The extent of, the proposed development-to-land ratio is not excessive as evidenced by the proposals compliance with the suite of built form controls, is compatible to that

accommodated on adjoining nearby properties and the extent of development that can be reasonably expected upon land within the and the R2 zone generally.

- The lot dimensions and lot area are able to the accommodate the proposed residential development in a manner that addresses the relevant provisions of the development controls.
- In the circumstances, the proposed development is consistent with, or not antipathetic to, the assumed objectives of the lot size control, notwithstanding the minor numerical variation.
- It is clear that, based on the merits of the proposal and circumstances of the case, that the site width can physically accommodate the design, intensity, and scale of the proposed development without having any unreasonable or excessive physical impacts on the neighbouring properties or the streetscape quality.

6.2 Zone Objectives

The proposed development will be in the public interest because it is consistent with the objectives for development within the R2 Low Density Residential zone in which the development is proposed to be carried out. These are stated and responded to as follows:

- (a) ***To provide for the housing needs of the community within a low density residential environment.***

Response -

The proposal it will contribute to the variety types in the zone and supply of housing within the zone and is consistent with this objective. Further, the proposed development serves the public interest by providing additional residential accommodation within an established residential environment, offering appropriate levels of internal amenity without imposing any significant or adverse impacts on the amenity of surrounding land.

- (b) ***To ensure that low density residential environments are characterised by landscaped settings that are in harmony with the natural environment of Warringah***

Response -

The proposed development is not antipathetic to this objective of the zone.

- (c) ***To ensure that low density residential environments are characterised by landscaped settings that are in harmony with the natural environment of Warringah***

Response -

The proposed development appropriately complies with the front building line in the street. The character of the streetscape is high solid front fences as a common feature in the location. The proposal will provide an enhanced and more open landscaped setting and streetscape presentation to each of its street frontages.

The design provides a landscape setting complemented by a landscaping plan that will enhance the amenity of the site to the benefit of future occupants and the surrounding amenity. 400m² or 43.3% of the site is proposed to be landscaped area, within which the proposed building will be sited. 36.1% of the site is proposed to be deep soil

landscaped area having a minimum dimension of 3m (exceeding the SEPP requirement for 15%).

In conclusion it is assessed that the proposal is consistent with or not antipathetic to the objectives of the zone.

7 Conclusion

The purpose of this submission is to formally request a exception to the minimum lot area development standard in Clause 40(2) of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.

The proposed exception is modest, and strict compliance with the control is unreasonable on the basis that the objectives are achieved anyway, and unnecessary on the basis that no beneficial planning purpose would be served.

The cl 4.6 request is well founded and compliance with the building height development standard would be unreasonable and unnecessary in the circumstances. There are sufficient environmental planning grounds to justify the contravention of that standard and that the proposed building would be consistent with the objectives of the standard and the zone and thereby be in the public interest.

Yours sincerely,



Michael Haynes
Director - BBF Town Planners