



**542 PITTWATER ROAD
NORTH MANLY**

**STATEMENT OF ENVIRONMENTAL EFFECTS
FOR CHANGE OF USE AND ALTERATIONS AND ADDITIONS TO AN EXISTING
DWELLING TO CREATE A PRINCIPAL AND SECONDARY DWELLING.**



Report prepared for
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May 2024

Contents

1. INTRODUCTION
2. THE SITE AND ITS LOCALITY
3. SITE PHOTOS
4. PROPOSED DEVELOPMENT
5. STATUTORY FRAMEWORK
6. SECTION 4.15
7. CONCLUSIONS

1.0 Introduction

- 1.1 This is a statement of environmental effects for a change of use and alterations and additions to an existing dwelling to create a principal and secondary dwelling at 542 Pittwater Road, North Manly.
- 1.2 The report describes how the application addresses and satisfies the objectives and standards of the Warringah Local Environmental Plan 2011, the Warringah Development Control Plan 2000 and the heads of consideration listed in Section 4.15 of the Environmental Planning and Assessment Act 1979 (as amended).
- 1.3 This statement of environmental effects has been prepared with reference to the following:
- ◆ Survey prepared by Waterview Surveying Services
 - ◆ Site visit
 - ◆ DA Plans and BASIX Certificate prepared by Daina Jamieson
 - ◆ Geotechnical Engineer Report prepared by White Geotechnical Engineers
 - ◆ Stormwater Plans prepared by 5S Projects Consulting Engineers
 - ◆ Waste Management Plan
- 1.4 The proposed development is compliant with the objectives of all Council and State controls, considerate of neighbouring residents and streetscape and results in improved amenity for the residents of the site. It is an appropriate development worthy of Council consent.

2.0 The site and its locality

- 2.1 The site is legally described as Lot 37 DP 663546 and is located on the eastern side of Pittwater Road, approximately 30 metres north of its intersection with Hope Avenue, in North Manly.
- 2.2 It is an approximately rectangular shaped lot with a front boundary of 11.24 metres, a rear boundary of 10.66 metres and side boundaries of 37.345 metres (south) and 40.4 metres (north). The lot has an area of 429.4m².
- 2.3 The site is currently occupied by a one and two storey brick, rendered and clad dwelling with a tile and metal roof. The property is set within a residential lot which falls steeply at the front of the lot, towards Pittwater Road. The site has pedestrian access from both Pittwater Road and Hope Avenue. Vehicular access from Hope Avenue with 2 spaces available in the rear yard is provided with the driveway access available over a right of way across the eastern end of 540 Pittwater Road.
- 2.4 The site is surrounded by detached residential dwellings to the north, south and east and lies opposite the Warringah Golf Course to the west. It is in close proximity to the retail services at Warringah Mall and public transport services on Pittwater Road. Freshwater Beach is located to the east.

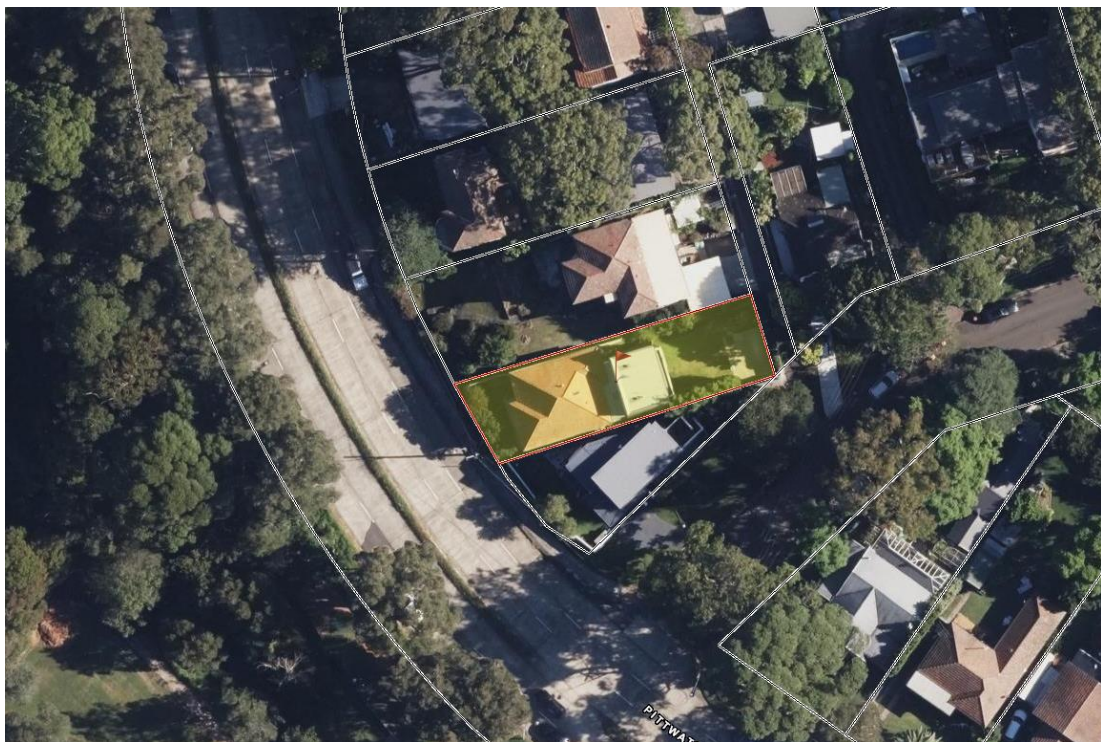


Figure 1. The site and it's immediate surrounds

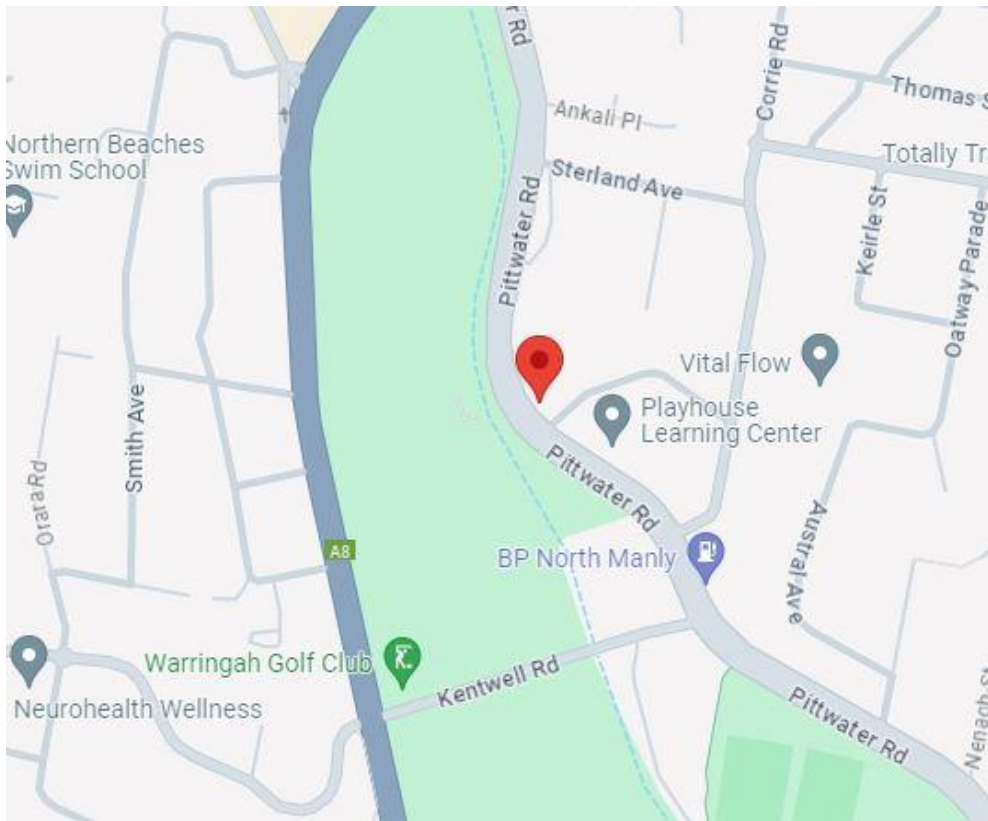


Figure 2. The site within the locality

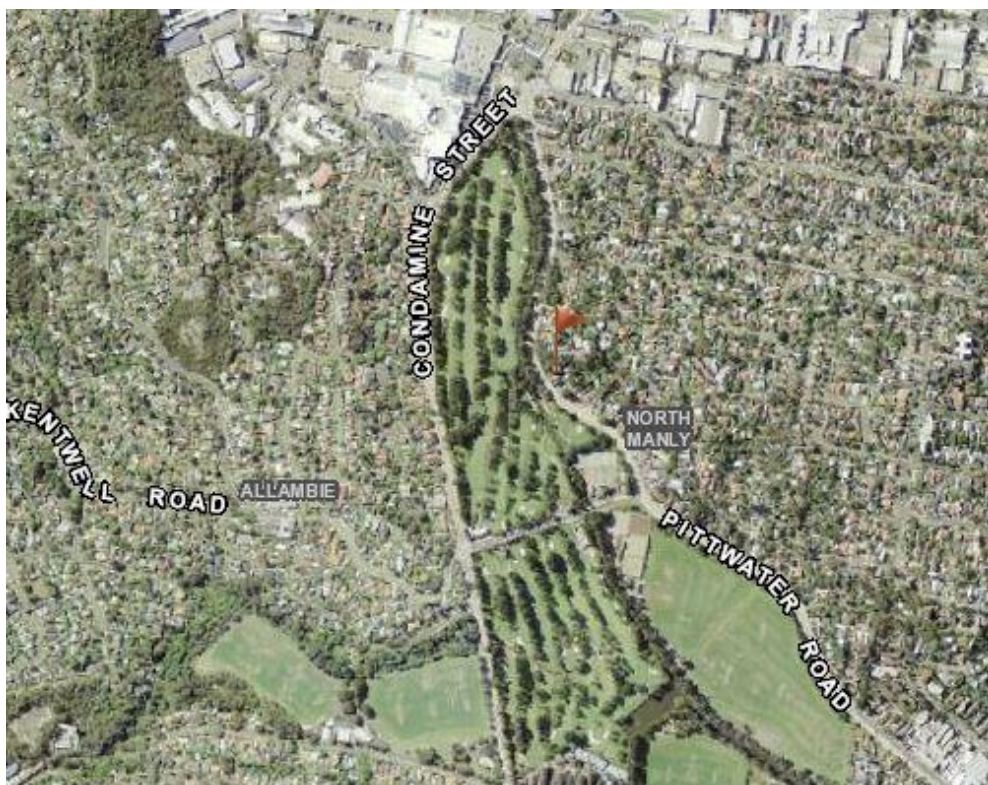


Figure 3. Aerial photograph of the site within the locality

3. Site Photos



Figure 4. The front of existing dwelling, looking east, view from Pittwater Road.



Figure 5. The rear of existing dwelling, looking west from the rear yard/parking



Figure 6. The northern boundary, looking west.



Figure 7. The driveway access to the rear off-street parking off Hope Avenue.



Figure 8. The existing front gate/entrance and existing sunroom at the front of the dwelling.

4. Proposed Development

4.1 The proposed development is for change of use and alterations and additions to an existing dwelling to create a principal and secondary dwelling. The principal dwelling will be retained at the eastern end of the site with the existing parking for 2 vehicles and the key outdoor recreation area. The western end of the existing dwelling will be separated from the primary dwelling to create a separate secondary dwelling.

4.2 The proposed development remains consistent with the streetscape and the locality with only minor external changes proposed to the existing built form. The proposal is compliant with Council controls, ensures privacy, solar access and views are maintained for both neighbours and the subject site.

4.3 The development will be made up as follows:

Ground Floor

- Divide the property with a new lightweight fire wall between existing bedrooms 3 and 4, across the hall and between the existing bathroom and pantry/kitchen.
- Add a new bathroom adjacent to the laundry.
- Add a new laundry in the storage space between the living room and bathroom.
- Construct a new kitchen within the existing sunroom, remove the northern window adjacent to living room.
- New skylights.

First Floor

- No works proposed

4.4 The result will be a principal dwelling and attached secondary dwelling made up of:

Principal Dwelling (106m²)

Ground Floor

- Living/ dining
- Kitchen/ pantry
- Laundry
- New bathroom
- Bedroom 2
- Hall

First floor

- Bedroom 1/ ensuite

The principal dwelling will have its primary pedestrian access available from Hope Avenue. The existing dwelling parking is also accessed from Hope Avenue, providing some separation from the new secondary dwelling.

Secondary Dwelling (72m²)

Ground Floor

- Living/ dining
- Kitchen
- New Laundry
- Bathroom
- Bedroom 1
- Bedroom 2
- Front porch

The secondary dwelling will have its primary pedestrian access available from Pittwater Road. Whilst it can access the key private open space at the rear of the site, a separate outdoor area is accessible at the front of the dwelling. The front yard is elevated from the street front, is private and easily available to the living areas of the secondary dwelling.

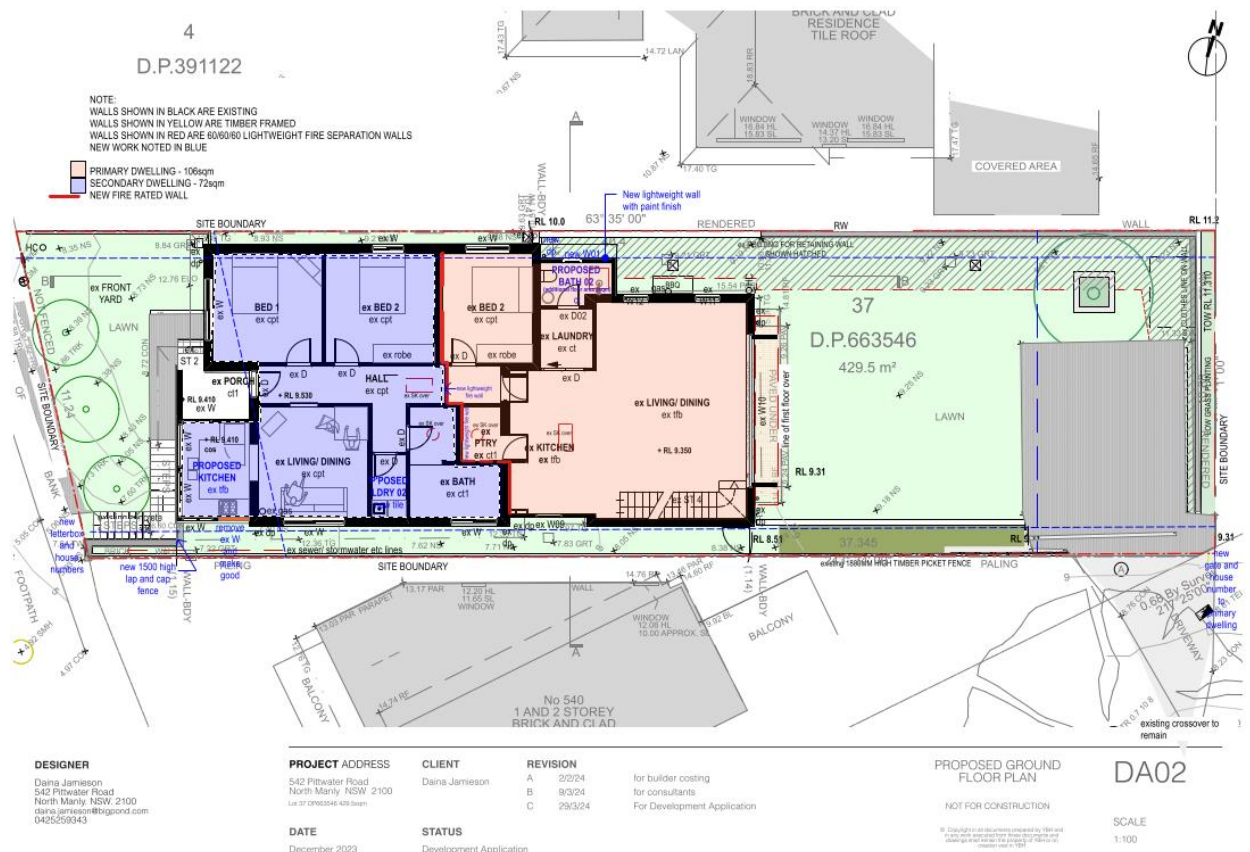


Figure 9. Extract form DA plans showing separation of spaces between dwellings on ground floor.

5. Statutory Framework

5.1 State Environmental Planning Policies

State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 2 – Vegetation in non-rural areas

State Environmental Planning Policy (Biodiversity and Conservation) 2021 aims to protect biodiversity values and preserve the amenity of non-rural areas, through the preservation of trees and other vegetation. The development remains consistent with the provisions of the SEPP as no significant trees are to be removed.

State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4 Remediation of Land

The subject site has historically been used for residential purposes and no change of use is proposed. There is no known reason to suspect the site may be contaminated and the consent authority can be satisfied that the land is suitable for the continued residential use.

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

Schedule 1 of the Environmental Planning and Assessment Regulation (2000) sets out the requirement for a BASIX certificate to accompany any BASIX affected building, being any building that contains one or more dwellings, but does not include a hotel or motel. SEPP BASIX applies to the proposal and a compliant BASIX certificate is provided with this application for the proposed works.

State Environmental Planning Policy (Housing) 2021

The principles of this Policy are as follows—

- (a) enabling the development of diverse housing types, including purpose-built rental housing,*
- (b) encouraging the development of housing that will meet the needs of more vulnerable members of the community, including very low to moderate income households, seniors and people with a disability,*
- (c) ensuring new housing development provides residents with a reasonable level of amenity,*
- (d) promoting the planning and delivery of housing in locations where it will make good use of existing and planned infrastructure and services,*
- (e) minimising adverse climate and environmental impacts of new housing development,*

- (f) reinforcing the importance of designing housing in a way that reflects and enhances its locality,
- (g) supporting short-term rental accommodation as a home-sharing activity and contributor to local economies, while managing the social and environmental impacts from this use,
- (h) mitigating the loss of existing affordable rental housing.

The proposed development is in line with this objectives allowing for more diverse housing options and use of existing infrastructure in the North Manly area.

Chapter 3 Diverse Housing

Part 1 Secondary dwellings

Clause 49: definition

development for the purposes of a secondary dwelling includes the following—

- (a) *the erection of, or alterations or additions to—*
 - (i) *a secondary dwelling, or*
 - (ii) *an ancillary structure within the meaning of Schedule 2,*
- (b) *alterations or additions to a principal dwelling for the purposes of a secondary dwelling.*

Note: The standard instrument defines secondary dwelling as:

- “secondary dwelling means a self-contained dwelling that—*
- (a) *is established in conjunction with another dwelling (the principal dwelling), and*
 - (b) *is on the same lot of land as the principal dwelling, and*
 - (c) *is located within, or is attached to, or is separate from, the principal dwelling.*

The proposed use is defined under the WLEP 2011 as a Secondary Dwelling, being a self-contained dwelling attached to the principal dwelling.

Clause 50: Application of Part:

Requirement	Comment
This Part applies to development for the purposes of a secondary dwelling on land in a residential zone if development for the purposes of a dwelling house is permissible on the land under another environmental planning instrument.	Yes The site is located in the R2 Low Density Residential zone and accordingly a secondary dwelling is a permissible use with consent under the WLEP 2011.

Clause 51: No subdivision:

Requirement	Comment
Development consent must not be granted for the subdivision of a lot on which development has been carried out under this Part.	Yes The development does not propose any subdivision of the existing allotment.

Clause 52: Development may be carried out with consent:

Requirement	Comment
(1) Development to which this Part applies may be carried out with consent.	Yes Consent is being sought through this application.
(2) Development consent must not be granted for development to which this Part applies unless— (a) no dwellings, other than the principal dwelling and the secondary dwelling, will be located on the land, and (b) the total floor area of the principal dwelling and the secondary dwelling is no more than the maximum floor area permitted for a dwelling house on the land under another environmental planning instrument, and (c) the total floor area of the secondary dwelling is— (i) no more than 60m ² , or (ii) if a greater floor area is permitted for a secondary dwelling on the land under another environmental planning instrument—the greater floor area.	Yes (a) The site is currently occupied by only the principal dwelling. (b) There is no adopted FSR under the provisions of the WLEP2011. However, the total floor area of the secondary dwelling complies with the LEP requirement, specifically clause 6.10. (c) The total gross floor area is 72m ² and is compliant under the provision of clause 6.10 of the WLEP2011.

Clause 53: Non-discretionary development standards—the Act, s 4.15:

Requirement	Comment
(1) The object of this section is to identify development standards for particular matters relating to development for the purposes of a secondary dwelling that, if complied with, prevent the consent authority from requiring more onerous standards for the matters.	
(2) The following are non-discretionary development standards in relation to the carrying out of development to which this Part applies— (a) for a detached secondary dwelling—a minimum site area of 450m ² , (b) the number of parking spaces provided on the site is the same as the number of parking spaces provided on the site immediately before the development is carried out.	<p>Yes</p> <p>(a) N/A The secondary dwelling is attached.</p> <p>(b) The proposal retains the 2 existing car spaces.</p>

Conclusion

The above assessment finds that the development of the secondary dwelling is consistent with the controls of Part 1 Secondary Dwellings, Division 1 and Division 2 in the SEPP (Housing), and accordingly the proposal is supported and worthy of development consent.

5.2 Warringah Local Environment Plan 2011

Zoning

The site is zoned R2 pursuant to the provisions of the Warringah Local Environment Plan 2011. The proposed development is a permissible use in the R2 zone which permits dwelling houses and secondary dwellings with development consent.

The proposed secondary dwelling meets the definition set out in WLEP 2011 as it will be established in conjunction with a principal dwelling, is located on the same lot of land and will be attached to the principal dwelling.

secondary dwelling means a self-contained dwelling that:

- (a) is established in conjunction with another dwelling (the principal dwelling), and*
- (b) is on the same lot of land as the principal dwelling, and*
- (c) is located within, or is attached to, or is separate from, the principal dwelling.*

Note. See clause 5.4 for controls relating to the total floor area of secondary dwellings.

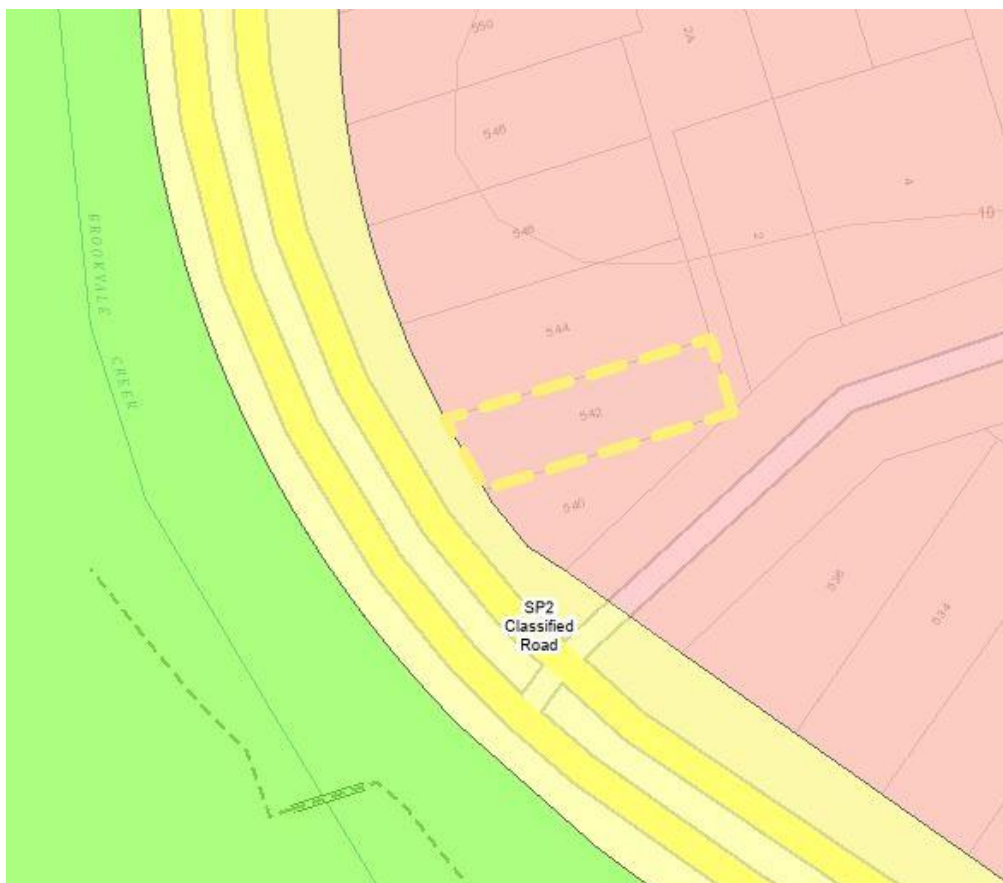


Figure 9. Extract from Warringah LEP zoning map

Subdivision

In accordance with clause 2.6 of LEP 2011 subdivision is not proposed.

Demolition

Minor demolition works are proposed, as described above and illustrated in the attached DA plan set, to allow for the proposed alterations and change of use.

Height

The LEP restricts the height of any development on the subject site to 8.5 metres. The new bathroom has a maximum height of 3.15 metres.

The remainder the building is compliant and unchanged.

Clause 5.4 Controls relating to miscellaneous permissible uses

Clause 5.4 of the LEP restricts the floor area of secondary dwellings to a maximum of 60m² or 11% of the total floor area of the principal dwelling. The floor area of the proposed secondary dwelling is 72m². This is permitted subject to Clause 6.10 of the WLWP2011.

Heritage

The site is not a heritage item, located within a heritage conservation area or located in proximity to a heritage item.

Acid Sulfate Soils

The site is partly located in an area nominated as Acid Sulfate soils, Class 5 and is partly not nominated as Acid Sulfate soils. No additional information is required for the small scope of works proposed.

Earthworks

Minor earthworks are proposed to prepare the site for construction.

Development on Sloping Land

The site is located in the area nominated the LEP maps as Area A – Slope <5 and Area B – Flanking Slopes 5 to 25. As such the consent authority must be satisfied that:

- (a) the application for development has been assessed for the risk associated with landslides in relation to both property and life, and*
- (b) the development will not cause significant detrimental impacts because of stormwater discharge from the development site, and*
- (c) the development will not impact on or affect the existing subsurface flow conditions.*

The attached geotechnical preliminary assessment demonstrates the proposal complies with Council controls.

Secondary Dwellings in Zone R2

Clause 6.10 of LEP 2011 permits a floor area of 75m² for secondary dwellings in zone R2 where the secondary dwelling is located entirely within an existing principal dwelling and contains no other secondary dwelling.

The floor area of the proposed secondary dwelling is easily compliant at 72m². The new secondary dwelling is within the existing dwelling, repurposing part of the existing floor space to create the new secondary dwelling.

5.3 Warringah Development Control Plan 2011

The relevant sections of the Warringah DCP 2011 are addressed below.

5.3.1 Part B - Built Form Controls

Wall Heights

A maximum wall height of 7.2 metres is permitted on the site by the DCP. The existing maximum wall height is 7.2 metres and the proposed new works, being the bathroom on the northern side of the site will result in a compliant maximum wall height of 2.5 metres.

Side Building Envelope

The site requires a side boundary envelope of 4m/45⁰. The development proposes a fully compliant addition, with the new bathroom easily sitting within the scope of the envelope.

Side Boundary Setbacks

Side setbacks of 900mm are permitted on the subject site. A compliant side boundary setbacks of 900mm (north) is proposed for the new bathroom. No other new works or changes to the existing building setbacks are proposed.

Front Setback

A front setback of 6.5 metres is required on the site by the DCP. The existing front setback will be unchanged by the minor works proposed.

Rear Setback

A rear building setback of 6 metres is required on the site by the DCP. The existing rear setback is unchanged, and new bathroom has an easily compliant setback of 20 metres.

5.3.2 Part C - Siting Factors

Traffic Access and safety

No changes are proposed to existing Council approved parking and access to the site.

Parking

The DCP requires 2 car parking spaces per dwelling.

The existing Council approved double car space at the eastern end of the lot is to be retained and remains fully compliant.

Stormwater

Stormwater runoff will be directed into Councils existing stormwater system on Pittwater Road. The attached stormwater plan prepared by 5S Projects details stormwater for the subject site.

Erosion and Sedimentation

Proposed erosion and sediment control details are provided in the attached plan set.

Demolition and Construction

The proposed alterations and additions and new secondary dwelling will involve demolition works as described above and detailed in the attached plans. All demolition and construction works will be undertaken as required by Council controls and compliant with any relevant conditions of consent.

Waste Management

Appropriate waste management will be undertaken during the demolition and construction process.

All demolished materials will be recycled where possible which is detailed in the accompanying Waste Management Plan.

The site has existing bin storage areas, with waste to be collected by Councils regular service.

5.3.3 Part D - Design

Landscaping and Open space and bush land setting

The DCP requires 40% landscaping on the site which is equivalent to 171.8m² for the site area of 429.5m². The existing landscaped area on the site is 162m² or 37.7%.

The proposed development will result in a landscaped area of 158m² or 36.8%. A very minor variation of just 13.8m² less than the control, with only 4m² lost as a part of this application. The area lost is down the side of the house in an area that does not form a key usable landscaped or recreation area. The small variation is considered appropriate for the site as the objectives are achieved despite the non-compliance, specifically:

- The existing indigenous vegetation on the site will be retained,
- Compliant areas of private open space are provided
- The minor variation will not impact upon stormwater detention and infiltration.

The objectives of the control are discussed below which further demonstrate that the small loss of landscape is reasonable.

Objectives of the control:

- *To enable planting to maintain and enhance the streetscape.*

Comment

The site maintains sufficient area to enable onsite planting for the enhancement of the streetscape. No planting will be lost to allow for the small bathroom addition.

- *To conserve and enhance indigenous vegetation, topographical features and habitat for wildlife.*

Comment

Not relevant to the subject site.

- *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.*

Comment

There is sufficient area for the retention and establishment of low-lying and medium shrubs and canopy trees. Additional opportunity is available on the site to enhance the existing on site vegetation, although, the site is considered to be well vegetated screened from street view.

- *To enhance privacy between buildings.*

Comment

Privacy is easily maintained between dwellings, with compliant building setbacks and privacy measures incorporated into the building design.

- *To accommodate appropriate outdoor recreational opportunities that meet the needs of the occupants.*

Comment

Appropriate outdoor recreation areas will be maintained including the existing rear lawn area and front elevated courtyard which is also available to the secondary dwelling as a soft landscaped area.

- *To provide space for service functions, including clothes drying.*

Comment

There is sufficient area to accommodate service functions including clothes drying.

- *To facilitate water management, including on-site detention and infiltration of stormwater.*

Comment

Stormwater from the proposed alterations and additions will be connected to the existing drainage infrastructure on the site. Refer attached Stormwater Plans.

Private open space

The DCP requires a minimum 60m² private open space. The site is easily compliant with 87m² of private open space existing in the rear yard of the property and no change is proposed.

We note that there is no specific private open space requirement for secondary dwellings, regardless the proposed secondary dwelling will have access to a front yard, and access to the rear yard via the southern side of the site.

Noise

The development is appropriate and will not result in noise levels inappropriate to a residential area. The site is not located in close proximity to a noise generating activity.

Access to sunlight

At least 50% of the private open space of the subject site and the adjoining dwellings are required to receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21 by this DCP clause.

There will no change to any neighbouring properties as a result of the proposed minor works, with the new bathroom located on the norther side of the site.

Solar access to the outdoor areas of the subject site are unchanged as a result of the proposal.

Ample solar access is maintained for the principal dwelling with living areas unchanged. Ample solar access is provided for the secondary dwelling with the kitchen windows catching ample solar access to provide compliant light for the new dwelling.

Views

A site inspection of the subject site has been undertaken and it is considered that no views will be impacted as a result of the proposed development.

Privacy

Privacy will be retained for neighbours with ample setbacks and no direct overlooking into any key living areas maintained for the primary dwelling.

The new secondary dwelling sits within the existing primary dwelling with no new windows. The location of the kitchen and living room are in the place of previous living spaces in the original dwelling. The location of these spaces and the outlook is ample distance from neighbours and no privacy implications will result from the alternate use of these spaces.

Building Bulk

The proposed change of use and alterations and additions do not create inappropriate bulk. The proposed development is consistent with the streetscape and surrounding dwellings, with the overall impact imperceivable from either Pittwater Road or Hope Avenue.

Building Colours and Materials

The proposed alterations and additions will be lightweight walls with a metal roof. Colours and materials have been chosen to complement the existing dwelling.

Glare & Reflection

Materials have been chosen to ensure no glare or reflection issues.

Site Facilities

The existing dwelling has appropriate waste, recycling areas and drying facilities.

Safety and Security

An ability to view the street frontage is retained from the existing dwelling and available from the secondary dwelling, to the benefit of safety and security of residents.

Conservation of Energy and Water

The development has achieved a BASIX Certificate which accompanies the application.

5.3.4 Part E - The Natural Environment

Preservation of Trees or Bushland Vegetation

The development does not propose the removal of any significant trees with existing landscaping on the site to be retained.

Retaining unique Environmental Factors

The development will have no impact on any unique environmental factors in the area.

Landslip Risk

A geotechnical report has been prepared in support of the application in its current form.

6. Section 4.15 Considerations

The following matters are to be taken into consideration when assessing an application pursuant to section 4.15 of the Environmental Planning and Assessment Act 1979 (as amended). Guidelines to help identify the issues to be considered have been prepared by the former Department of Urban Affairs and Planning. The relevant issues are:

The provision of any planning instrument, draft environmental planning instrument, development control plan or regulations

This report clearly and comprehensively addresses the statutory regime applicable to the application and demonstrates that the proposed land use is complimentary and compatible with adjoining development. The proposal achieves the aims of the Warringah LEP and DCP.

The development is permissible in the zone.

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

6.1. *Context and Setting*

What is the relationship to the region and local context in terms of:

- the scenic qualities and features of the landscape?*
- *the character and amenity of the locality and streetscape?*
- *the scale, bulk, height, mass, form, character, density and design of development in the locality?*
- *the previous and existing land uses and activities in the locality?*

These matters have been discussed in detail in the body of the statement.

What are the potential impacts on adjacent properties in terms of:

- *relationship and compatibility of adjacent land uses?*
- *sunlight access (overshadowing)?*
- *visual and acoustic privacy?*
- *views and vistas?*
- *edge conditions such as boundary treatments and fencing?*

The proposed change of use and alterations and additions have been designed to complement the site and its surrounds. The alterations and additions and inclusion of the secondary dwelling are appropriate and will have negligible impact on adjacent properties.

6.2. Access, transport and traffic

Would the development provide accessibility and transport management measures for vehicles, pedestrians, bicycles and the disabled within the development and locality, and what impacts would occur on:

- *travel demand?*
- *dependency on motor vehicles?*
- *traffic generation and the capacity of the local and arterial road network?*
- *public transport availability and use (including freight rail where relevant)?*
- *conflicts within and between transport modes?*
- *traffic management schemes?*
- *vehicular parking spaces?*

Existing approved parking and access will remain unchanged. No conflict or issues will arise as a result of the proposed development.

6.3. Public domain

The proposed development remains consistent with the character and streetscape of the residential area, being an essentially unchanged built form.

6.4. Utilities

There will be no impact on the site, which is already serviced.

6.5. Flora and fauna

There will be no impact.

6.6. Waste

There will be no impact.

6.7. Natural hazards

The site is affected by slip. A report has been provided by an expert with regard to the geotechnical aspects of the site and is supportive of the proposal subject to recommendations. This report accompanies the development application.

6.8. Economic impact in the locality

There will be no impact, other than the possibility of a small amount of employment during construction.

6.9. **Site design and internal design**

Is the development design sensitive to environmental conditions and site attributes including:

- *size, shape and design of allotments?*
- *the proportion of site covered by buildings?*
- *the position of buildings?*
- *the size (bulk, height, mass), form, appearance and design of buildings?*
- *the amount, location, design, use and management of private and communal open space?*
- *landscaping?*

The proposed alterations and additions and secondary dwelling are highly appropriate to the site with regard to all of the above factors. The development fits well within the context of the surrounds and is an appropriate scale, well-suited to its residential surrounds.

How would the development affect the health and safety of the occupants in terms of:

- *lighting, ventilation and insulation?*
- *building fire risk – prevention and suppression/*
- *building materials and finishes?*
- *a common wall structure and design?*
- *access and facilities for the disabled?*
- *likely compliance with the Building Code of Australia?*

The proposed development will comply with the provisions of the Building Code of Australia. Consideration of building separation for the secondary dwelling is included in the materials detail. Additionally finishes, building materials and all facilities will be compliant with all relevant Council controls.

6.10. **Construction**

What would be the impacts of construction activities in terms of:

- *the environmental planning issues listed above?*
- *site safety?*

Site safety measures and procedures, compliant with relevant legislation will ensure that no site safety or environmental impacts will arise during construction.

The suitability of the site for the development

Does the proposal fit in the locality?

- *are the constraints posed by adjacent developments prohibitive?*

- *would development lead to unmanageable transport demands and are there adequate transport facilities in the area?*
- *are utilities and services available to the site adequate for the development?*

The adjacent development does not impose any unusual development constraints.

Are the site attributes conducive to development?

The site is appropriate for the alterations and additions and secondary dwelling proposed.

Any submissions received in accordance with this Act or the regulations

It is envisaged that the consent authority will consider any submissions made in relation to the proposed development.

The public interest

It is considered that the proposal is in the public interest as it allows for appropriate use of an existing residential site.

Section 4.15(1) of the Environmental Planning and Assessment Act has been considered and the development is considered to fully comply with all relevant elements of this section of the Environmental Planning and Assessment Act 1979.

7. Conclusions

- 7.1 The proposed development for change of use and alterations and additions to an existing dwelling to create a principal and secondary dwelling at 542 Pittwater Road, North Manly is appropriate considering all State and Council controls.

- 7.2 When assessed under the relevant heads of consideration of s4.15 of the Environmental Planning and Assessment Act, the proposed development is meritorious and should be granted consent.

- 7.4 Considering all the issues, the development is considered worthy of Council's consent.