

**STATEMENT OF ENVIRONMENTAL EFFECTS**  
**4B WAIWERA AVENUE NORTH MANLY**

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## 1 INTRODUCTION

This statement is written to address proposed alterations and additions to the dwelling at 4B Waiwera Avenue, North Manly, per section 4.15 of the Environmental Planning and Assessment Act 1979.

Development approval is sought to make substantial alterations and additions to an existing attached dwelling to add a second storey. The approach is broadly similar to the lapsed approval DA2013/0542 for alterations and additions to a dual occupancy.

The intent of the application is to reestablish a similar but preferable approval in terms of built form, programme, spatial arrangement and relationship to the site and surrounds.

It is noted that the adjoining dwelling, No.4A Waiwera Ave, is the subject site of development application proposal DA2020/1630 which is also for a two storey form not determined at the time of writing and that the lot comprises the recent subdivision approval MOD2020/0483 unregistered at the LRS as of this writing.

Proposed works are aimed at upgrading dwelling amenity while respecting DA2020/1630, assuming that it or similar development may be approved, and the context.

## 2 SITE



Orthophoto, maps.six.nsw.gov.au





- Regarding mature vegetation, a tree (18H, 14S) on the south west corner of the site adjacent to the access driveway comprises a trunk base approximately 3.5m below the courtyard FFL.
- DA 2020/1630 is currently being assessed by Council for alterations and additions to 4A which seeks approval for a second storey.
- This application seeks approval for a two storey dwelling form generally similar to approval DA2013/0542 for alterations and additions to 4A, lapsing 26 July 2018.

## 2.1 PHOTOS



Photo 1, Street frontage of subject site at driveway. 4A elevated courtyard to left.





Photo 2, Street frontage, subject site.



Photo 3, Street frontage, subject site.





Photo 4, Street frontage, No.6 Waiwera Ave.



Photo 5, Street frontage, No.5 Waiwera Ave. Low pitched/flat roof opposite subject site.





Photo 6, Street frontage, No.3 Waiwera Ave. Flat roof opposite subject site.



Photo 7, Street frontage, No.7 Waiwera Ave. Two storey form.





Photo 8, Street frontage, No.8 Waiwera Ave. Elevated above site with topography.



Photo 9, Street frontage, No's.10/12 Waiwera Ave. Elevated above site, single & two storey forms.





Photo 10, 4B south elevation.



Photo 11, 4B courtyard facing south west to primary view/vista.





Photo 12, 4B to right, 4A behind at north end of site.



Photo 13, Context: view east from 4B courtyard, single & two storey forms stepping up site. No.6 garage & front building lines at & less than 6m.





Photo 14, 4B side setback area to be retained for site facilities.



Photo 15, 4B interior, view west over No.7 Nenagh St below.



Photo 16, 4B interior, primary living.



Photo 17, 4B interior, kitchen.





Photo 18, 4B interior, bed.



Photo 19, 4B, enclosed external stair area proposed as GFA (view from bed).





Photo 20, 4B interior, bathroom/laundry.



Photo 20, Context (Apple Maps).

### 3 PROPOSAL

Approval is sought for the following alterations and additions to the dwelling comprising 4B on the lot:

Element/area	Proposed works
Ground floor	Minor additions to the floor plate, spatial reconfiguration to include new kitchen, laundry, WC, stairs and glazed openings.
First floor	Additonal floor to include two bedrooms, a bathroom and balcony..

### 4 STATUTORY AND STRATEGIC PLANNING INSTRUMENTS

#### 4.1 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

The NSW Environmental Planning and Assessment Act 1979 requires a consent authority to take section 4.15 Evaluation into account in relation to the proposed work because it does not qualify as exempt or complying development. Comments per the Act below.

Clause	Content	Comment
4.15		
(1)	Matters for consideration—general In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application—	
(a)	the provisions of—	
(i)	any environmental planning instrument, and	Relevant EPI's addressed in this section including WLEP2011.
(ii)	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	n/a
(iii)	any development control plan, and	Responses to WDCP 2011 below.
(iiia)	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, that	n/a

	apply to the land to which the development application relates,	
(b)	the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,	Comments in response to relevant instruments and plans below.
(c)	the suitability of the site for the development,	Refer part 6.
(d)	any submissions made in accordance with this Act or the regulations,	To be addressed during assessment as required.
(e)	the public interest.	Refer part 6.

## 4.2 STATE ENVIRONMENTAL PLANNING POLICIES

Policy	Comment
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	The proposal comprises affected development per the policy and a BASIX certificate demonstrating relevant compliance forms part of the submission.
State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017	There is no proposal to disturb any vegetation and no conflict with the policy would appear likely.
State Environmental Planning Policy No. 55 – Remediation of Land	The proposal does not propose any change of use or any significant excavation. Ongoing residential use would not appear to require investigation of contamination issues and residential land use history would not appear to indicate any potential contaminating uses present.
State Environmental Planning Policy (Coastal Management) 2018	Works proposed are limited to previously disturbed portions of the site. Biophysical, hydrological or ecological impact does not appear likely in that regard nor any tangible impact to local vegetation, habitats, topography, local foreshores or surf zones.

#### 4.3 WARRINGAH LOCAL ENVIRONMENT PLAN 2011

##### MAPS

Map (10	Content	Comment
Acid sulfate soils	Not identified.	-
Additional permitted uses	Not identified.	-
Coastline hazard	Not identified.	-
Height of buildings	1, 8.5m	Complies.
Heritage	Not identified.	-
Key sites	Not identified.	-
Land application	Identified.	Instrument applies.
Land reservation acquisition	Not identified.	-
Landslip risk	Area B, flanking slopes 5 to 25 degrees.	
Zone	R2 Low Density Residential	The development is permissible in the zone subject to existing use rights.
Land reclassification	Not identified.	-
FSR	Not identified.	-
Centres map	Not identified.	-

##### WRITTEN INSTRUMENT

The proposed alterations and additions are addressed per relevant standards below.

Clause	Content	Comment
2.2	Zoning of land to which Plan applies	The lot is identified as R2 Low Density Residential
2.3	Zone objectives and land use table	
	R2 Low Density Residential	
1	Objectives of zone	

	To provide for the housing needs of the community within a low density residential environment.	The proposal maintains low density residential scale.
	To enable other land uses that provide facilities or services to meet the day to day needs of residents.	n/a
	To ensure that low density residential environments are characterised by landscaped settings that are in harmony with the natural environment of Warringah.	No change to landscaped elements or character is proposed. It is maintained.
3	Permitted with consent: dwelling houses	<p>The site is zoned R2 per WLEP 2011. The development type proposed is dual occupancy which is not a permissible use in the R2 zone. However, the site benefits from existing use rights.</p> <p>Section 4.65 of the Act establishes that development may be permitted where a use is prohibited if it can be established that it is an existing use, being:</p> <ol style="list-style-type: none"> <li>1. The use is prohibited under an environmental planning instrument</li> <li>2. Consent for the use was granted before the commencement of the environmental planning instrument, and</li> <li>3. The non-conforming use occurred continuously since the environmental planning instrument came into force and a 12-month gap has not occurred at any point.</li> </ol> <p>The above items are fulfilled for the proposed development with Council having previously acknowledged the existing use rights in relation to the site by DA2013/0542, the DA assessment report for which concludes in relation to existing use rights "The use has been approved under a previous EPI (Warringah Shire Planning Scheme Ordinance of 1963) and therefore, is a lawful use. Subsequently, the</p>



		<p>use can be retained under the current EPI (WLEP 2011)."</p> <p>The DA assessment report for the recently approved DA2013/1630 comprises a similar conclusion in relation to existing use rights for No.4A Waiwera Avenue on the same lot: "The use has been approved under a previous environmental planning instrument and, therefore, is a lawful use. Subsequently, the use can be retained under the current environmental planning instrument.</p> <p>Existing use rights are therefore assumed to be lawful and sufficiently demonstrated by these reports and approvals, and the continued dual occupancy use under WLEP 2011 is proposed in this regard.</p>
<b>4.3</b>	<b>Height of buildings</b>	Complies. The proposal is within the standard.

## **5 DEVELOPMENT CONTROL PLANS**

### **5.1 WARRINGAH DEVELOPMENT CONTROL PLAN 2011**

<b>Part B</b>	<b>Built form controls</b>	<b>Comment</b>
<b>B1</b>	<b>Wall heights</b>	
Req's	1. Walls are not to exceed 7.2 metres from ground level (existing) to the underside of the ceiling on the uppermost floor of the building (excluding habitable areas wholly located within a roof space).	A pitched first floor roof space is proposed with a dimension of approximately 7.5m from the existing, maintained ground FFL to the underside of the ridge beam, pending engineering design. The ground FFL is based on a retained slab/plinth which is approximately 0.5m on average above the associated natural ground levels of the front/main courtyard and side path. The pitched roof space is open to and wholly contained within the first floor.
<b>B2</b>	<b>Number of storeys</b>	The DCP map does not identify the site. The WLEP 8.5m limit contemplates two

		storeys and various roof forms.
<b>B3</b>	<b>Side boundary envelope</b>	
Req's	1. Buildings on land shown coloured on the DCP Map Side Boundary Envelopes must be sited within a building envelope determined by projecting planes at 45 degrees from a height above ground level (existing) at the side boundaries of: 4 metres, or 5 metres as identified on the map.	4m/45 degrees envelope identified. A portion of parapet wall is proposed to encroach beyond the envelope.
Objectives	<ul style="list-style-type: none"> <li>• To ensure that development does not become visually dominant by virtue of its height and bulk.</li> <li>• To ensure adequate light, solar access and privacy by providing spatial separation between buildings.</li> <li>• To ensure that development responds to the topography of the site.</li> </ul>	Objectives are achieved because the proposed encroachment is very minor: it is equivalent to less than 0.14% of the cross sectional area of the proposed built form from the proposed ridge to the maintained ground FFL (or 0.55m <sup>2</sup> /40.14m <sup>2</sup> ) and therefore still appears to comprise adequate separation in relation to the control despite encroachment. Also, because shadow impacts appear acceptable according to shadow diagrams submitted based on surveyed levels to AHD - in this regard it is noted that shade, bulk and scale impact would be increased if eaves to match DA2020/1630 were incorporated. Also, because the built form is below the 8.5m WLEP limit in respect of topography. Also, ceiling heights proposed are not excessive and comply with B1 requirements. Also, because the first floor addition and roof form sought is proposed to be physically separated from the first floor addition and roof form of DA/2020/1630 to reduce bulk and scale impact of the combined east elevation.
<b>B4</b>	<b>Site coverage</b>	The DCP map does not identify the site.
<b>B5</b>	<b>Side boundary setbacks</b>	
Req's	1. Development on land shown coloured on the DCP Map Side Boundary Setbacks is to maintain a minimum setback from side boundaries as shown on the map.	0.9m side boundary setback identified. Complies.

<b>B7</b>	<b>Front boundary setbacks</b>	
Applies to land	This control applies to land shown coloured on the DCP Map Front Boundary Setback, with the exception of land identified as 'Merit Assessment'.	6.5m front setback identified. A portion of existing frontage within the control is proposed to be retained (where new internal stairs linking ground and first floors are proposed), a portion of altered frontage beyond control to 6m from the front boundary at ground level is proposed, and a portion of new first floor building alignment within the control and small balcony extending to 6m from the street boundary, aligned over ground level GFA, is proposed.
Objectives	<ul style="list-style-type: none"> <li>• To create a sense of openness.</li> <li>• To maintain the visual continuity and pattern of buildings and landscape elements.</li> <li>• To protect and enhance the visual quality of streetscapes and public spaces.</li> <li>• To achieve reasonable view sharing.</li> </ul>	A sense of openness in relation to the streetscape is maintained due to retained vegetation and garden walls and the elevated position of proposed built form in relation to street level. The No.6 front building line (south west corner) setback is 5.95m and the garage front setback is 6m by survey; the proposed 6m setback to align with the garage as previously approved for the ground floor footprint by DA2013/0542, would maintain visual continuity in this regard and maintain objectives for continuity and protection of streetscape quality. Reasonable view sharing is achieved, refer comments in response to D7 views.
Req's	<ol style="list-style-type: none"> <li>1. Development is to maintain a minimum setback to road frontages.</li> <li>2. The front boundary setback area is to be landscaped and generally free of any structures, basements, carparking or site facilities other than driveways, letter boxes, garbage storage areas and fences.</li> </ol>	Objectives can be maintained despite the encroachment proposed because it is not major (half a metre or approximately +8%), site levels mitigate bulk and scale impact to the streetscape and neighbouring setbacks are matched. The setback also contains elevated POS within a landscaped setting which is not proposed to be altered and typical required site facilities, fencing, driveways and the like as the requirements contemplate.
<b>Part C</b>	<b>Siting factors</b>	
<b>C2</b>	<b>Traffic access and safety</b>	No change is proposed to current vehicle

		access which comprises an access driveway and vehicle crossing at Waiwera Ave.
<b>C3</b>	<b>Parking facilities</b>	No change is proposed to current off street parking which comprises one hardstand space and one garage space (2 cars total) for the dwelling.
<b>C4</b>	<b>Stormwater</b>	Stormwater is proposed to be drained by connecting proposed roof guttering to existing spigots, points or lines as existing and proposed roof areas are similar and no increase in impervious area is proposed. Refer concept stormwater plan included in submission.
<b>C7</b>	<b>Excavation and landfill</b>	Regarding proposed excavation, the existing ground floor plate is proposed to be retained with minor extensions involving minimal excavation for shallow footings only, therefore impact to the physical environment would be limited. Landfill produced by the development would have capacity to comply with relevant legislation and be bound by the allotment by condition. Refer proposed erosion and sediment control plan included in submission.
<b>C8</b>	<b>Demolition and construction</b>	Compliant demolition and construction for the development proposed could be undertaken by way of standard conditions, compliance with relevant management guidelines and in accordance with the required waste management plan.
<b>C9</b>	<b>Waste management</b>	Refer to required Waste Management Plan included in submission.
<b>Part D</b>	<b>Design</b>	
<b>D1</b>	<b>Landscaped open space and bushland setting</b>	
Applies to land	This control applies to land shown on DCP Map Landscaped Open Space and Bushland Setting.	Map indicates 40% required. Site area = 625.9m <sup>2</sup> by survey = 250.4m <sup>2</sup> required.

Req's	<p>1. The required minimum area of landscaped open space is shown on DCP Map Landscaped Open Space and Bushland Setting. To measure the area of landscaped open space:</p> <p>a) Driveways, paved areas, roofed areas, tennis courts, car parking and stormwater structures, decks, etc, and any open space areas with a dimension of less than 2 metres are excluded from the calculation;</p> <p>b) The water surface of swimming pools and impervious surfaces which occur naturally such as rock outcrops are included in the calculation;</p> <p>c) Landscaped open space must be at ground level (finished); and</p> <p>d) The minimum soil depth of land that can be included as landscaped open space is 1 metre.</p>	<p>Measurement by survey indicates approximately 117m<sup>2</sup> accords with 1.(a,b,c,d) = 18.7% = 21.3% shortfall. Note measurement (ref existing ground floor plan) takes DA2020/1630 .pdf survey information overlaid in CAD format into account due to apparently compliant area being located at 4B rear yard.</p>
Objectives	<ul style="list-style-type: none"> <li>• To enable planting to maintain and enhance the streetscape.</li> <li>• To conserve and enhance indigenous vegetation, topographical features and habitat for wildlife.</li> <li>• 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.</li> <li>• To enhance privacy between buildings.</li> <li>• To accommodate appropriate outdoor recreational opportunities that meet the needs of the occupants.</li> <li>• To provide space for service functions, including clothes drying.</li> <li>• To facilitate water management, including on-site detention and infiltration of stormwater.</li> </ul>	<p>A shortfall appears reasonable because this submission proposes no change to landscaped open space &amp; bushland setting, there would be no change to the streetscape, no indigenous vegetation or topographical features are proposed to be altered, established low lying &amp; medium shrubs &amp; canopy vegetation outside the measurement scope exists throughout the portion of site adjacent to 4B which is maintained, privacy is maintained by the proposal (ref D8 comment), outdoor recreational opportunity is unchanged and sufficient (ref D2 comment), space for service functions is sufficient (ref D14 site facilities comment), BASIX commitments are met, and there are no opportunities to increase landscaped open space &amp; bushland setting according to the requirements in the portion of the site associated with 4A.</p>
D2	<b>Private open space</b>	No change is proposed to the location or



		general size of the main courtyard/POS for the dwelling which is directly linked to the main living area.
Req's	Dwelling type - Dwelling houses inc. dual occupancy and attached dwellings with 1 or 2 bedrooms: A total of 35m2 with minimum dimensions of 3m	Complies.
<b>D3</b>	<b>Noise</b>	Reasonable noise impact for the context is anticipated because there is no change to the location of or enlargement of current POS proposed and the use is maintained.
<b>D6</b>	<b>Access to sunlight</b>	Built form shadow impacts would continue to fall toward the street. Adjoining POS is generally to the north/rear and shadow diagrams indicate acceptable impact.
<b>D7</b>	<b>Views</b>	Some view loss would result from the approval of a two storey form, similar to that previously approved by DA2013/0542 under the same controls. However it is reasonable for the context given two storey forms are contemplated by the height limit and as the proposed altered form maintains reasonable view sharing in relation to the site and surrounds. 4A, including the proposed DA2020/1630, is primarily oriented toward the north/rear where 4B POS is located, despite 4B street address to the south. 4A remains partially viewable from street approach due to maintenance of the 4B footprint. Dwellings on the north/same side of the street comprise primary living areas and POS similarly oriented to the north/rear and away from 4B, and No.7 Waiwera Ave is positioned well below the subject site and away from prevailing views from the site toward the south east.
<b>D8</b>	<b>Privacy</b>	All proposed glazed openings are oriented away from adjoining dwellings and are at levels and located logically in relation to the orientation of the lot, POS and streetscape. No glazed openings are

		proposed to the site/east boundary. Proposed balcony size, level and location would aid passive surveillance of the street.
<b>D9</b>	<b>Building bulk</b>	Built form is proposed to be stepped in plan and elevation to respond to the site, context and controls.
Objectives	<ul style="list-style-type: none"> <li>To encourage good design and innovative architecture to improve the urban environment.</li> <li>To minimise the visual impact of development when viewed from adjoining properties, streets, waterways and land zoned for public recreation purposes.</li> </ul>	The proposed form is aimed at providing separation, articulation and movement in response to the objective for good design. Stepped volumes minimises scale and shade impact to the east boundary and orient the majority of massing toward the street and south west in response to predominant views and topography.
Req's	<ol style="list-style-type: none"> <li>Side and rear setbacks are to be progressively increased as wall height increases.</li> <li>Large areas of continuous wall planes are to be avoided by varying building setbacks and using appropriate techniques to provide visual relief.</li> <li>Building height and scale needs to relate to topography and site conditions.</li> <li>Orientate development to address the street.</li> <li>Use colour, materials and surface treatment to reduce building bulk.</li> <li>Landscape plantings are to be provided to reduce the visual bulk of new building and works.</li> </ol>	Side setbacks are increased with height, wall planes are interrupted by formal modulation and fenestration, site orientation and topography are respected in regarding volume placement and articulation, colours and materials proposed reflect both the existing dwellings and DA2020/1630 in the interests of sympathetic integration, and no change to landscaping is proposed with the intention of character retention and maintenance of setting.
<b>D10</b>	<b>Building colours and materials</b>	Paint finished weatherboard cladding, paint finished timber doors and windows in light colours, and corrugated metal roofing are the predominant external colours and materials proposed. They would compliment DA2020/1630 and streetscape and maintain the objective. The built form is raised and set back from street level and is surrounded by generally leafy and mature vegetation. Refer to the external materials and finishes drawing for detail.

<b>D11</b>	<b>Roofs</b>	The proposed roof form comprises low parapets with shallow pitches and box gutters over service areas to the east and adjacent to the proposed DA2020/1630 form to the north, and a pitched form is proposed over first floor bed, bathroom and balcony areas located in massing stepped to the west and south. Proposed gutter and parapet levels are stepped down toward the side boundary to provide articulation and to compliment the proposed DA2020/1630 roof form.
Objectives	<ul style="list-style-type: none"> <li>• To encourage innovative design solutions to improve the urban environment.</li> <li>• Roofs are to be designed to complement the local skyline.</li> <li>• Roofs are designed to conceal plant and equipment.</li> </ul>	Level parapets to the north and east increase articulation, separation and complement for the predominant portion of primary pitched proposed more successfully than would a standard, wholly hippeed form with matching 22.5 degree pitch, gutter levels, and eaves, which would result in the appearance of a more homogenous single dwelling of greater scale. Objectives for innovation and compliment are met in this regard. No special plant and equipment is proposed.
Req's	<p>2. Roofs should complement the roof pitch and forms of the existing buildings in the streetscape.</p> <p>3. Articulate the roof with elements such as dormers, gables, balconies, verandahs and pergolas.</p> <p>4. Roofs shall incorporate eaves for shading.</p> <p>5. Roofing materials should not cause excessive glare and reflection.</p>	The proposed form responds to DA2020/1630 as described above and to built form on the same street, incorporating flat or low pitches such as No.3 (opposite), No.13 and No.19, and incorporating a primarily pitched form to accord with the context. The proposed stepped massing which is reflected in the roofline provides articulation and assists in responding to siting, views, the DA2020/1630 form and the street frontage. Shading is provided by devices where required by BASIX and reflection is minimised by proposed form, materials and finishes.
<b>D13</b>	<b>Front fences and front walls</b>	Alteration to front walls and fencing is not proposed.
<b>D14</b>	<b>Site facilities</b>	Alteration of current outdoor storage areas for garbage/recycling bins, clothes drying

		facilities and the location of the mail box are not proposed, appear logically placed and would be maintained.
<b>D15</b>	<b>Side and rear fences</b>	Alteration to side or rear fencing is not proposed.
<b>D22</b>	<b>Conservation of energy and water</b>	The proposal is BASIX affected development. Refer BASIX assessment submitted with proposal.
<b>Part E</b>	<b>The natural environment</b>	
<b>E1</b>	<b>Preservation of trees or bushland vegetation</b>	There vegetation clearing or pruning is proposed. The existing building footprint is largely unchanged other than a small extension of the street fronting building line and small addition to the rear/north. Neither would appear to impact any mature trees either on or adjacent to the allotment.
<b>E10</b>	<b>Landslip risk</b>	Approval for a two storey form is sought that is similar in principle to DA2013/0542. The preliminary geotechnical assessment by Jack Hodgson Consultants (MN 28180, 14 May 2012) originally commissioned by the current owners mother is submitted in this regard. The assessment recommends no further investigation required and is assumed generally to apply to this proposal.

## 6 SUMMARY AND CONCLUSION

The proposal to make alterations and additions to an attached dual occupancy in the zone is assessed above per section 4.15 of the Environmental Planning and Assessment Act 1979 and relevant SEPPs, WLEP 2011 and WDCP 2011 in that regard. Proposed works are shown to be compatible with the character of the zone, zone objectives, compliant with relevant development standards and control plan objectives, and comprise only minor departures from development control plan requirements on the basis of merit. In this regard and per the Act the site would appear suitable, that public interest is demonstrated, and that the proposal is reasonable and acceptable for the context.