

STATEMENT OF ENVIRONMENTAL EFFECTS

PROPOSED REMOVAL OF EXISTING POOL AND CONSTRUCTION OF ALTERATIONS AND ADDITIONS TO AN EXISTING DWELLING INCLUDING A NEW SWIMMING POOL AND SPA, PERGOLAS AND ASSOCIATED LANDSCAPING

LOCATED AT

12 MONTPELIER PLACE, MANLY

FOR

JOHN & CHRISTINE KELLEHER



**Prepared
February 2020**

TABLE OF CONTENTS

1.0	Introduction	3
2.0	Property Description	3
3.0	Site Description	5
4.0	Surrounding Environment	13
5.0	Proposed Development.....	14
6.0	Zoning and Development Controls.....	16
6.1	State Environmental Planning Policy No. 55 – Remediation of Land	20
6.2	State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	20
6.3	Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.....	21
6.3.1	Sydney Harbour Foreshores Area Development Control Plan.....	25
6.4	Manly Local Environmental Plan 2013.....	28
6.5	Manly Development Control Plan 2013 – Amendment 11.....	34
7.0	Matter for Consideration under Section 4.15 of the Environmental Planning and Assessment Act, 1979.....	44
7.1	Any environmental planning instrument.....	44
7.2	Any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and	44
7.3	Any development control plan	44
7.4	Any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4	45
7.5	The regulations (to the extent that they prescribe matters for the purposes of this paragraph),	45
7.6	The likely impacts of that development, including environmental impacts on both the natural and built environments, and the social and economic impacts in the locality.....	45
7.7	The suitability of the site for the development	45
7.8	Any submissions made in accordance with this Act or the regulations.....	45
7.9	The public Interest	46
8.0	Conclusion	46

1.0 Introduction

This Statement of Environmental Effects accompanies details prepared on behalf of John and Christine Kelleher by Ilario G. Cortese Architects Pty Ltd, Job No. 1908, dated 19 February 2020, to detail the proposed removal of an existing swimming pool and construction of alterations and additions to existing dwelling including a new swimming pool, pergola and associated landscaping on land at **12 Montpelier Place**.

The plans prepared by Ilario G. Cortese Architects Pty Ltd, dated 19 February 2020, comprise the following:

- DA01 SITE ANALYSIS
- DA02 PROPOSED PLANS – LOWER GROUND AND GROUND
- DA03 PROPOSED PLANS – FIRST FLOOR AND ROOF/SITE
- DA04 PROPOSED ELEVATIONS
- DA05 PROPOSED SECTIONS
- DA EX01 EXISTING AND DEMOLITION – PLANS
- DA EX02 EXISTING AND DEMOLITION – ELEVATIONS

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

This Statement reviews the proposed development by assessing the relevant matters for consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979, (as amended) including:

- *State Environmental Planning Policy No. 55 – Remediation of Land*
- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*
- *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005*
- *Sydney Harbour Foreshores Area Development Control Plan*
- *Manly Local Environmental Plan 2013*
- *Manly Development Control Plan 2013*

Pre-Lodgement Meeting No. 2019/204 was held on 24 October 2019 to discuss the subject application. The proposal has been prepared to address the matters raised by Council, which are addressed throughout this submission.

2.0 Property Description

The subject allotment is described as **12 Montpelier Place, Manly** being Lot 12 within Deposited Plan 1105469 and is zoned R2 Low Density Residential in the Manly Local Environmental Plan 2013.

The land is identified as being affected by Landslip Hazard (Area G4). Accordingly, a Geotechnical Investigation has been prepared by JK Geotechnics, Reference No. 31123ZRpt, dated 5 January 2018. This matter will be discussed in further detail within this report.

The dwelling is not listed as a heritage item within Schedule 5 of the Manly Local Environmental Plan 2013, nor is it noted as being within a conservation area. However, the site adjoins St Patrick's Estate to the south, which is identified as an item of State Heritage Significance (Item No. 1131). Accordingly, a Statement of Heritage Impact has been prepared and accompanies this submission (See MLEP 2013 – Clause 6.4 discussion).

The site is noted within Council's Biodiversity Area, and in the Bandicoot Significance Area. Accordingly, a Terrestrial Biodiversity Report has been prepared by GIS Environmental Consultants, dated 28 January 2019. This matter will be discussed in further detail within this report.

The site is identified as Foreshore Scenic Protection Land. This matter will be discussed in further detail within this statement.

The site is not identified as being affected by any further hazards.

The site is identified as being within the Coastal Environment Area and Coastal Use Area under the provisions of SEPP (Coastal Management) 2018. This matter will be discussed further within this statement.

3.0 Site Description

The site is located on the southern side of Montpelier Place, with a general fall towards the front boundary to Montpelier Place.

The irregular shaped allotment has a frontage to Montpelier Place of 12.055m, a splay corner of 4.2m, and a secondary frontage to Montpelier Place of 48.495m. The western side boundary measures 48.455m. The angled rear boundary measures 15.21m. The total site area is 752.8m².

The site has a general fall to the street, with stormwater from the roofed areas being directed to the street gutter.

The site is currently developed by a one, two and three storey rendered residence with a metal roof and attached four-car garage.

Vehicular access is available from Montpelier Place via an existing driveway.

The site is detailed in the survey plan prepared by Hill & Blume Consulting Surveyors, Drawing No. 60440001A, dated 17 May 2016.

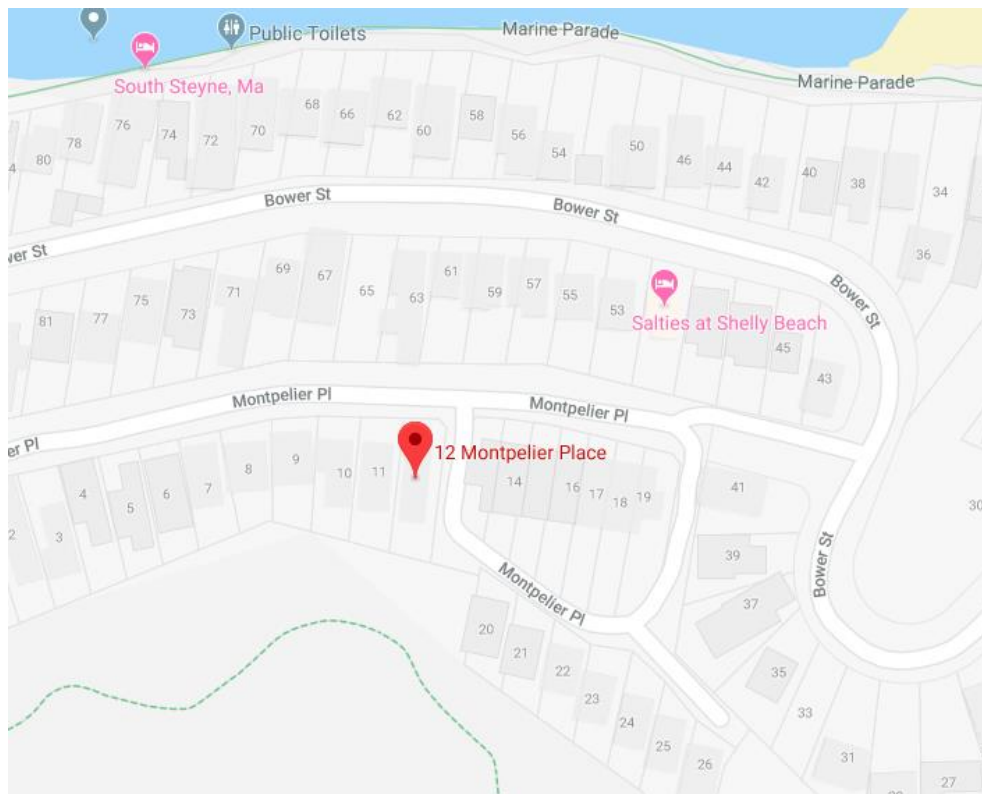


Fig 1: Location sketch
(Source: Google Maps)



Fig 2: View of subject site, looking south from Montpelier Place



Fig 3: View of subject site and adjoining dwelling at No 11 Montpelier Place, looking south



Fig 4: View of subject site looking north-west



Fig 5: View of existing rear terrace and rear yard area of the site (location for proposed pergola), looking west from Montpelier Place



Fig 6: View of subject site looking south-west from Montpelier Place



Fig 7: View of subject site and streetscape to the west of the site, looking south-west from Montpelier Place



Fig 8: View of adjacent dwelling to the east at No 13 Montpelier Place, looking south-east



Fig 9: View of rear elevation of subject site, looking north from rear yard



Fig 10: View of existing rear terrace, looking west towards the location for the new pool adjacent to the western boundary



Fig 11: View looking south towards rear terrace



Fig 12: View looking east along rear elevation of the existing dwelling



Fig 13: View looking west towards location for new swimming pool



Fig 14: View looking north along western side boundary of existing swimming pool (to be demolished and replaced with landscaping)



Fig 15: View of existing open courtyard (to be enclosed to form a new dining room) looking west

4.0 Surrounding Environment

The area surrounding the site is predominantly represented by a mix of development comprising dwellings up to three storeys in height.

The dwellings in the vicinity have been designed with living areas and associated open space that are oriented to take advantage of the northerly aspect and district views available to the site.

Swimming pools and decks are commonly located within the yard areas of dwellings in the locality.



Fig 16: Aerial view of subject site
(Source: Google Maps)

5.0 Proposed Development

As detailed within the accompanying plans, the proposal seeks to provide for the removal of an existing swimming pool and construction of alterations and additions to the existing dwelling including new swimming pool, pergola and associated landscaping.

The proposed works will comprise:

Lower Ground Floor

- Unchanged

Ground Floor

- Alterations and additions to existing ground floor level to provide for new entry porch and hall, open plan living, dining, sitting area and kitchen, powder room, laundry, change room, lift shaft and games room

External Works

- New pedestrian entry
- New planters, pond and landscaping will be provided throughout the site
- New drying court
- Refurbishment and extension of existing rear terrace, with new loggia, BBQ and breakfast area with pergola over
- New swimming pool, spa and pool terrace with pergola

The overall height of the dwelling will be unchanged.

The pool will be a maximum of 270mm above natural ground level, with no trafficable coping to the northern, eastern and western sides to limit any direct overlooking of the neighbouring properties.

The proposal will retain a generous area of soft landscaping. The existing open space area will remain unchanged.

The proposal will not result in any significant impact on any significant trees or planting and is accompanied by an Arboricultural Impact Report & Tree Protection Plan has been prepared by Urban Tree Care, dated 28 January 2019 which identifies existing trees and details tree protection measures for the trees to be retained.

New perimeter planting can be provided as required along the side and rear boundaries within the rear yard to maximise privacy and screen the built form of the proposed pool and decks. Additional plantings are to be provided throughout the site as detailed in the Landscape Plan prepared by Potager – The Whole Garden Pty Ltd - Vale Green Life.

The overflow from the pool will be drained to the sewer.

The development indices for the site are:

Site Area	752.8m ²
Maximum Permissible Floor Space Ratio	0.45:1 or 338.76m ²
Proposed Floor Space Ratio	0.445:1 or 335.2m ²
Required Open Space (Area OS3) – 55% total/35% soft open space	414.04m ² (55%)/144.91m ² (35%)
Proposed Total Open Space	564.7m ² or 75%
Proposed Soft Open Space	237.8m ² or 44.7%

6.0 Zoning and Development Controls

6.1 State Environmental Planning Policy (Coastal Management) 2018

The subject site is identified as being within the coastal zone and therefore SEPP (Coastal Management) 2018 is applicable to the proposed development.

The stated Aim of the Policy under Clause 3 is to:

The aim of this Policy is to promote an integrated and co-ordinated approach to land use planning in the coastal zone in a manner consistent with the objects of the Coastal Management Act 2016, including the management objectives for each coastal management area, by:

- (a) managing development in the coastal zone and protecting the environmental assets of the coast, and*
- (b) establishing a framework for land use planning to guide decision-making in the coastal zone, and*
- (c) mapping the 4 coastal management areas that comprise the NSW coastal zone for the purpose of the definitions in the Coastal Management Act 2016.*

The Coastal Management Act 2016 states within **Clause 3**:

The **objects** set out in **Clause 3** of the Coastal Management Act 2016 are:

- (a) to protect and enhance natural coastal processes and coastal environmental values including natural character, scenic value, biological diversity and ecosystem integrity and resilience, and*
- (b) to support the social and cultural values of the coastal zone and maintain public access, amenity, use and safety, and*
- (c) to acknowledge Aboriginal peoples' spiritual, social, customary and economic use of the coastal zone, and*
- (d) to recognise the coastal zone as a vital economic zone and to support sustainable coastal economies, and*
- (e) to facilitate ecologically sustainable development in the coastal zone and promote sustainable land use planning decision-making, and*
- (f) to mitigate current and future risks from coastal hazards, taking into account the effects of climate change, and*
- (g) to recognise that the local and regional scale effects of coastal processes, and the inherently ambulatory and dynamic nature of the shoreline, may result in the loss of coastal land to the sea (including estuaries and other arms of the sea), and to manage coastal use and development accordingly, and*
- (h) to promote integrated and co-ordinated coastal planning, management and reporting, and*
- (i) to encourage and promote plans and strategies to improve the resilience of coastal assets to the impacts of an uncertain climate future including impacts of extreme storm events, and*
- (j) to ensure co-ordination of the policies and activities of government and public authorities relating to the coastal zone and to facilitate the proper integration of their management activities, and*

- (k) to support public participation in coastal management and planning and greater public awareness, education and understanding of coastal processes and management actions, and*
- (l) to facilitate the identification of land in the coastal zone for acquisition by public or local authorities in order to promote the protection, enhancement, maintenance and restoration of the environment of the coastal zone, and*
- (m) to support the objects of the Marine Estate Management Act 2016.*

It is submitted that the assessment detailed under the Statement of Environmental Effects suggests that the proposed development is consistent with the objects of the SEPP (Coastal Management) 2018, as set out in Clause 3 of the Coastal Management Act 2016.

The matters for consideration under Division 5 of SEPP (Coastal Management) 2018 are:

The relevant provisions of this clause are addressed as follows:

Division 3 Coastal environment area

13 Development on land within the coastal environment area

- (1) Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following:*
 - (a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,*
 - (b) coastal environmental values and natural coastal processes,*
 - (c) the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,*
 - (d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,*
 - (e) existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*
 - (f) Aboriginal cultural heritage, practices and places,*
 - (g) the use of the surf zone.*
- (2) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:*
 - (a) the development is designed, sited and will be managed to avoid an adverse impact referred to in subclause (1), or*
 - (b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*
 - (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.*
- (3) This clause does not apply to land within the Foreshores and Waterways Area within the meaning of Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.*

Comment:

The proposal provides for the construction of alterations and additions to an existing dwelling. The proposed works will be carried out in accordance with the recommendations of the consulting Structural and Geotechnical Engineers, which will ensure that appropriate structural integrity for the site will be maintained.

The collected stormwater will be directed to the existing street gutter and there will not be any significant alteration to the existing built footprint and roof area. The proposed stormwater management system will be designed to comply with Council's Water Management Policy.

Sediment and erosion control measures will be carried out to minimise the impact of the works on the waterway.

Division 4 Coastal use area

14 Development on land within the coastal use area

- (1) Development consent must not be granted to development on land that is within the coastal use area unless the consent authority:*
- (a) has considered whether the proposed development is likely to cause an adverse impact on the following:*
 - (i) existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*
 - (ii) overshadowing, wind funnelling and the loss of views from public places to foreshores,*
 - (iii) the visual amenity and scenic qualities of the coast, including coastal headlands,*
 - (iv) Aboriginal cultural heritage, practices and places,*
 - (v) cultural and built environment heritage, and*
 - (b) is satisfied that:*
 - (i) the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or*
 - (ii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*
 - (iii) if that impact cannot be minimised—the development will be managed to mitigate that impact, and*
 - (c) has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.*
- (2) This clause does not apply to land within the Foreshores and Waterways Area within the meaning of Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.*

Comment

The subject site is well separated from the foreshore area, and the proposal will therefore not result in the removal of any existing public foreshore access or result in any overshadowing to the foreshore area.

The proposed new works to the existing dwelling are modest in height and scale, and by maintaining the general height and bulk of the dwelling, will not result in any loss of views to the foreshore area. By being stepped to follow the sloping topography of the site, the proposal will protect the visual amenity of the locality.

The site does not contain any heritage items, nor is it within a conservation area. The site has been previously cleared, and it is not anticipated that any items of Aboriginal heritage will be encountered.

Division 5 General

15 Development in coastal zone generally—development not to increase risk of coastal hazards

Development consent must not be granted to development on land within the coastal zone unless the consent authority is satisfied that the proposed development is not likely to cause increased risk of coastal hazards on that land or other land.

Comment

The proposal provides for the construction of alterations and additions to an existing dwelling. The proposed new works are not considered to increase the risk of coastal hazards for the subject property or adjoining land.

16 Development in coastal zone generally—coastal management programs to be considered

Development consent must not be granted to development on land within the coastal zone unless the consent authority has taken into consideration the relevant provisions of any certified coastal management program that applies to the land.

Comment: No coastal management programs have been identified.

17 Other development controls not affected

Subject to clause 7, for the avoidance of doubt, nothing in this Part:

- (a) permits the carrying out of development that is prohibited development under another environmental planning instrument, or*
- (b) permits the carrying out of development without development consent where another environmental planning instrument provides that the development may be carried out only with development consent.*

Comment: Noted

18 Hierarchy of development controls if overlapping

If a single parcel of land is identified by this Policy as being within more than one coastal management area and the development controls of those coastal management areas are inconsistent, the development controls of the highest of the following coastal management areas (set out highest to lowest) prevail to the extent of the inconsistency:

- (a) the coastal wetlands and littoral rainforests area,*

- (b) the coastal vulnerability area,*
- (c) the coastal environment area,*
- (d) the coastal use area.*

Comment

Noted

6.2 State Environmental Planning Policy No. 55 – Remediation of Land

SEPP 55 – Remediation of Land and in particular Clause 7(1)(a) suggests that a consent authority must not grant consent to the carrying out of any development on land unless it has considered whether the land is contaminated.

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

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

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

6.4 Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

The subject site is located such that this proposal requires consideration against the provisions of State Regional Environmental Planning Policy (Sydney Harbour Catchment) 2005 (SREP 2005).



Fig 17: Extract from SH SREP

The proposed works are assessed against the requirements of this Policy as follows.

The subject site is located within the Sydney Harbour Catchment and is identified as being within the Foreshores and Waterways Area.

The site does not adjoin any “Strategic Foreshore Sites”.

Clause 14 provides the planning principles for land within the Foreshores and Waterways area. The relevant principles are discussed below:

- (a) *development should protect, maintain and enhance the natural assets and unique environmental qualities of Sydney Harbour and its islands and foreshores*

Comment: The proposed works comprise alterations and additions to the existing residential dwelling. Given the extent of the separation from the foreshore area, it is not considered that

there will be any significant impact on the natural assets or unique environmental qualities of Sydney Harbour and foreshores.

- (b) *public access to and along the foreshore should be increased, maintained and improved, while minimising its impact on watercourses, wetlands, riparian lands and remnant vegetation*

Comment: The proposed works are wholly within private property and do not result in the removal or detrimental impact on any natural assets of the catchment. The extent of existing public access to the foreshore will not be unreasonably diminished as a result of the proposed works.

- (c) *access to and from the waterways should be increased, maintained and improved for public recreational purposes (such as swimming, fishing and boating), while minimising its impact on watercourses, wetlands, riparian lands and remnant vegetation.*

Comment: As discussed, the proposed works are wholly on private property and do not result in the removal or detrimental impact on any natural assets of the catchment. The extent of existing public access to the foreshore will not be unreasonably diminished as a result of the proposed works.

- (d) *development along the foreshore and waterways should maintain, protect and enhance the unique visual qualities of Sydney Harbour and its islands and foreshores*

Comment: The proposed works are not prominently visible from the waterway or its foreshores, and by largely maintaining the built form of the existing dwelling, will not detract from the natural assets of the harbour locality.

The proposal will provide for an appropriate setback to the foreshore and is a complementary scale to the existing development in the locality.

- (e) *adequate provision should be made for the retention of foreshore land to meet existing and future demand for working harbour uses*

Comment: As discussed, the proposed works are wholly on private property and do not result in the removal or detrimental impact on any natural assets of the catchment. The proposal will not impact on the working function of the Harbour waters.

- (f) *public access along foreshore land should be provided on land used for industrial or commercial maritime purposes where such access does not interfere with the use of the land for those purposes*

Comment: N/A to the proposed residential use.

- (g) *the use of foreshore land adjacent to land used for industrial or commercial maritime purposes should be compatible with those purposes*

Comment: N/A to the proposed residential use.

- (h) *water-based public transport (such as ferries) should be encouraged to link with land-based public transport (such as buses and trains) at appropriate public spaces along the waterfront*

Comment: N/A to the proposed residential use.

- (i) *the provision and use of public boating facilities along the waterfront should be encouraged.*

Comment: N/A to the proposed residential use.

Part 3, Division 2 details the *Matters for Consideration* to be considered by the consent authority in the assessment of a proposal within the land subject to SREP 2005. As the works seek consent for alterations and additions to the existing dwelling, which are well removed from the water front, the following Clauses of Division 2 are considered to be relevant to the proposal.

Clause 20 - General requires that Council take into consideration the Division prior to granting consent.

Clause 21 - Biodiversity, ecology and environment protection

The matters to be taken into consideration in relation to biodiversity, ecology and environment protection are as follows:

- (a) *development should have a neutral or beneficial effect on the quality of water entering the waterways,*
- (b) *development should protect and enhance terrestrial and aquatic species, populations and ecological communities and, in particular, should avoid physical damage and shading of aquatic vegetation (such as seagrass, saltmarsh and algal and mangrove communities),*
- (c) *development should promote ecological connectivity between neighbouring areas of aquatic vegetation (such as seagrass, saltmarsh and algal and mangrove communities),*
- (d) *development should avoid indirect impacts on aquatic vegetation (such as changes to flow, current and wave action and changes to water quality) as a result of increased access,*
- (e) *development should protect and reinstate natural intertidal foreshore areas, natural landforms and native vegetation,*
- (f) *development should retain, rehabilitate and restore riparian land,*
- (g) *development on land adjoining wetlands should maintain and enhance the ecological integrity of the wetlands and, where possible, should provide a vegetative buffer to protect the wetlands,*
- (h) *the cumulative environmental impact of development,*
- (i) *whether sediments in the waterway adjacent to the development are contaminated, and what means will minimise their disturbance.*

As the works will not have any physical impact on the waterway or the land adjoining the waterfront, the proposal is considered to be reasonable. No significant vegetation is to be removed to facilitate the construction.

The proposal is considered to have a neutral effect on the waterway.

22 Public access to, and use of, foreshores and waterways

The proposed works will not have any direct effect on the public use of the waterfront and will not diminish the public's ability to have access to and utilise the waterway.

23 Maintenance of a working harbour

The proposal will not have any impact on the harbour and will not affect the principles encouraging the maintenance of the harbour as a functional, working harbour.

24 Interrelationship of waterway and foreshore uses

The proposed works will not impact on the relationship between the public land and the waterway. The proposal is not inconsistent with the identified principles within Clause 24.

25 Foreshore and waterways scenic quality

The matters to be taken into consideration in relation to the maintenance, protection and enhancement of the scenic quality of foreshores and waterways are as follows:

- (a) the scale, form, design and siting of any building should be based on an analysis of:
 - (i) the land on which it is to be erected, and*
 - (ii) the adjoining land, and*
 - (iii) the likely future character of the locality,**
- (b) development should maintain, protect and enhance the unique visual qualities of Sydney Harbour and its islands, foreshores and tributaries,*
- (c) the cumulative impact of water-based development should not detract from the character of the waterways and adjoining foreshores.*

The bulk and scale of the proposed works maintains compatibility with the surrounding development along Montpelier Place and given the separation from the waterway, will not be prominently viewed from the waterway and will not have any detrimental impact on the visual qualities of the harbour and the foreshore area. The continued residential use of the land is a characteristic of the area and the anticipated future character of this locality.

26 Maintenance, protection and enhancement of views

By observing Council's maximum height controls and allowing for views to and from the public spaces, the proposal will not have any detrimental effects on views to and from Sydney Harbour or the waterway.

27 Boat storage facilities

The proposed works are within private land and will not have any impact on boat storage facilities in the locality.

There are no other provisions of SREP (Sydney Harbour Catchment) 2005 that applies to the proposed development. It is considered that the proposal complies with SREP (Sydney Harbour Catchment) 2005.

6.4.1 Sydney Harbour Foreshores Area Development Control Plan

The Plan applies to all development proposals within the Foreshores and Waterways Area identified in SREP (Sydney Harbour Catchment) 2005 (refer to the Foreshores and Waterways Area map). It principally relates to the waterway and adjoining land identified on the maps accompanying this plan. The subject site is located within a foreshore area identified on the map and therefore the DCP applies to the proposed development.

As noted below in the extract of Map 15, the site is within the area defined as “Open Forest Type “B” & Woodland Area.” The site is above the waterfront

Given that the works are not immediately adjacent to the waterway and are wholly within the private land, it is considered that the proposal achieves the performance criteria of the DCP for the following reasons:

- The proposal does not result in the removal of any significant vegetation.
- The proposal does not alter the natural features (eg. rock outcrops) of the existing waterway.
- The proposal will not introduce exotic plant species.
- The proposal does not result in any removal of the existing foreshore vegetation.
- The proposal will not alter the landscaped character of the foreshore area.



Fig 18: Extract of Map 14 – Ecological Communities & Landscape Characters

Part 3 Landscape Assessment

The site is within the unmapped area. The proposal will not require the removal of any significant vegetation. Additional plantings are to be provided throughout the site as detailed in the Landscape Plan prepared by Potager – The Whole Garden Pty Ltd - Vale Green Life. The subject site is well separated from the foreshore areas and will not be prominently viewed from nearby waterways.

Part 4 Water Based and Land/Water Interface Developments

The proposed development is not defined as Water Based or Land/Water Interface Development and as such this part does not apply to the proposed development.

Part 5 Land Based Development

This part provides design guidelines for land based development. The proposed development is considered to be defined as Land Based Development.

The following clauses of this Part apply to the proposed development:

Clause 5.4 Built Form

This clause requires that buildings and other structures should generally be of a sympathetic design to their surroundings. It is considered that this has been achieved for the following reasons:

- The proposed development is not prominently viewed from the waterway and is similar in scale and form to the surrounding development.
- The proposal maintains the development's setback to the foreshore.

There are no other provisions of the DCP that apply to the proposed development.

6.5 Manly Local Environmental Plan 2013

The land is zoned R2 Low Density Residential under the provisions of the MLEP 2013.

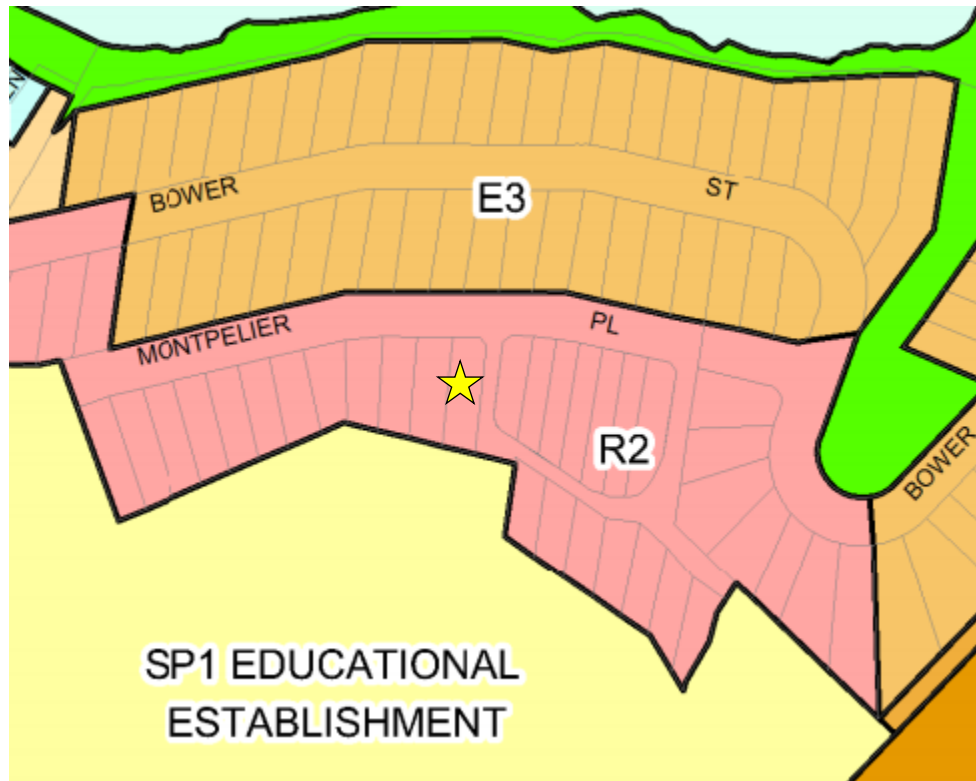


Fig 19: Extract of Manly Local Environmental Plan 2013 Zoning Map

The development of and use of the land for residential purposes is consistent with the R2 Low Density Residential objectives, which are noted as:

- *To provide for the housing needs of the community within a R2 Low Density Residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

It is considered that the proposed removal of an existing swimming pool and construction of alterations and additions to the existing dwelling including a new swimming pool, pergola and associated landscaping, will achieve the zone objectives and are consistent with the established character of the surrounding locality for the following reasons:

- The site is utilised as housing and will continue to maintain the residential use.
- The works will provide for alterations to an existing dwelling which will maintain the residential scale and character of the locality.
- The proposal will maintain an appropriate level of amenity to the adjoining properties.

- The proposal does not unreasonably obstruct any significant views from private property or the public domain. The neighbouring properties to the west will continue to maintain the existing district views available to the site.
- As detailed in this report the proposal maintains appropriate solar access to the surrounding properties.

Clause 4.3 – Height of Buildings

The maximum building height in this portion of Manly is 8.5m. The proposal will not see any increase to the existing overall height of the dwelling, and the new works will comply with the statutory height limit.

Clause 4.4 – Floor space ratio

The site is subject to a floor space ratio of 0.45:1. The proposal provides a floor space ratio of 0.445:1 and therefore complies with this control.

Clause 5.10 – Heritage conservation

The subject site does not contain any heritage items, nor is it within a conservation area. However, the site adjoins St Patrick's Estate to the south, which is identified item within Schedule 5 of the MLEP 2013 as an item of state heritage significance (Item No. I131). Accordingly, a Statement of Heritage Impact has been prepared and accompanies this submission.

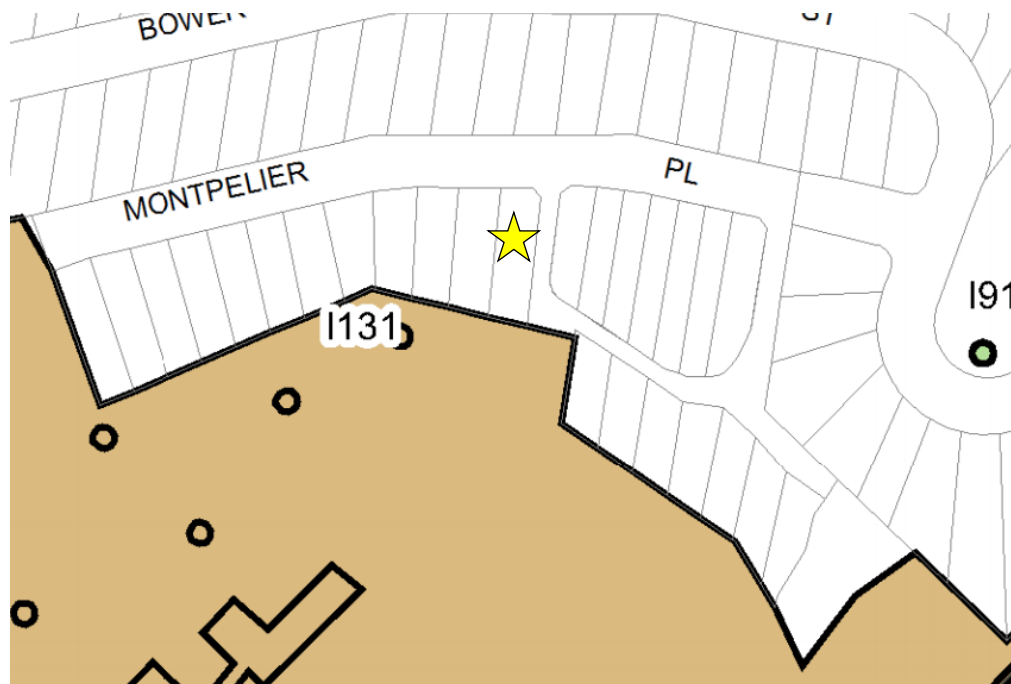


Fig 20: Extract of Manly Local Environmental Plan 2013 Heritage Map

The objectives of the clause are noted over as:

- (a) *to conserve the environmental heritage of Manly,*
- (b) *to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,*
- (c) *to conserve archaeological sites,*
- (d) *to conserve Aboriginal objects and Aboriginal places of heritage significance.*

As previously discussed, the proposal will respect the scale and form of the surrounding development, and in doing so will not unreasonably impact on the integrity or importance of the adjoining heritage listed reserve area.

The development is considered to be conserving the heritage significance of the items for the following reasons:

- The proposal will not disturb or remove any archaeological features either within the site or within the immediate surrounds.
- The modest scale of the proposed changes to the existing built form, combined with the fact that the works are not prominently visible from the adjacent heritage items will ensure that the significance of the heritage items is not adversely affected.
- The proposed works are wholly within the site, which has been previously disturbed through the original construction of the dwelling and the accompanying landscaped gardens and therefore it is not anticipated that there will be any impacts on items of Aboriginal places of significance.
- The proposal does not unreasonably obstruct any significant views from private property or the public domain to the Heritage Item
- The proposal will be consistent with and complement the existing detached style housing within the locality.
- The proposed development respects the scale and form of other new development in the vicinity and therefore compliments the locality. The proposal provides for a new dwelling which steps up the site to reflect the sloping topography.
- The setbacks are compatible with the existing surrounding development.
- The proposal does not have any significant impact on long distance views for the neighbouring properties.
- The site is utilised as housing and will continue to maintain the residential use.
- The works will provide for additions and alterations to an existing dwelling, which will maintain the residential scale and character of the locality.
- Maintaining an appropriate level of amenity to the adjoining properties.
- As detailed in this report the proposal maintains appropriate solar access to the surrounding properties.

Clause 6.2 – Earthworks

The proposed pool and decks are elevated and will therefore not require any substantial excavation.

All works will be carried out under the supervision and direction of the consulting Structural and Geotechnical Engineers and will be managed to ensure that the amenity and safety of the subject and neighbouring dwellings will be protected.

Clause 6.4 – Stormwater management

The collected stormwater will be directed to the existing system which directs roofwater to the street gutter.

Clause 6.5 – Terrestrial biodiversity

The site is noted within Council's Biodiversity Area, and in the Bandicoot Significance Area. This clause seeks to achieve the following objectives:

The provisions of this clause are as follows:

- (1) *The objective of this clause is to maintain terrestrial biodiversity by:*
- (a) protecting native fauna and flora, and*
 - (b) protecting the ecological processes necessary for their continued existence, and*
 - (c) encouraging the conservation and recovery of native fauna and flora and their habitats.*

Accordingly, a Terrestrial Biodiversity Report has been prepared by GIS Environmental Consultants, dated 28 January 2019. The report provides the following conclusion:

The proposal will not have a significant impact to terrestrial biodiversity and meets the requirement of clause 6.5 of the MLEP.

Subject to compliance with the recommendations contained within the report, the proposal will satisfy with the provisions of this clause.

Clause 6.8 – Landslide risk

The land is identified as being affected by Landslip Hazard (Area G4). Accordingly, a Geotechnical Investigation has been prepared by JK Geotechnics, Reference No. 31123ZRpt, dated 5 January 2018.

The Geotechnical Investigation provides the following comment:

With the above measures implemented, and the design and construction of the proposed pool and landscaping completed in accordance with the intent of the advice provided in the following sections of this report, the stability of the site will be maintained. On this basis, the levels of risk to property and life for the proposed pool and landscaping may be regarded as 'Acceptable' in accordance with the criteria given in Reference 1.

The proposal is therefore considered to satisfy the provisions of this clause.

Clause 6.9 – Foreshore scenic protection area

The site is identified as Foreshore Scenic Protection Land.

The objective of this clause is as follows:

The objective of this clause is to protect visual aesthetic amenity and views to and from Sydney Harbour, the Pacific Ocean and the foreshore in Manly.

The proposal provides for the construction of alterations and additions to an existing dwelling. The proposal will not exceed the existing overall ridge height of the dwelling, and the new works will not be prominently viewed within the Montpelier Place streetscape.

Given the modest scale of the proposed works, which readily comply with Council's statutory building height, the new works are not considered to detract from the visual significance of the locality and are therefore considered worthy of support on merit.

Clause 6.13 – Design excellence

The proposal is subject to the provisions of this clause due to the site's location in St Patrick's Estate.

The provisions of this clause are as follows:

- (4) *In considering whether development exhibits design excellence, the consent authority must give consideration to whether the development:*
- (a) *contains buildings that consist of a form, bulk, massing and modulation that are likely to overshadow public open spaces, and*
 - (b) *is likely to protect and enhance the streetscape and quality of the public realm, and*
 - (c) *clearly defines the edge of public places, streets, lanes and plazas through separation, setbacks, amenity, and boundary treatments, and*
 - (d) *minimises street clutter and provides ease of movement and circulation of pedestrian, cycle, vehicular and service access, and*
 - (e) *encourages casual surveillance and social activity in public places, streets, laneways and plazas, and*
 - (f) *is sympathetic to its setting, including neighbouring sites and existing or proposed buildings, and*
 - (g) *protects and enhances the natural topography and vegetation including trees, escarpments or other significant natural features, and*
 - (h) *promotes vistas from public places to prominent natural and built landmarks, and*
 - (i) *uses high standards of architectural design, materials and detailing appropriate to the building type and location, and*
 - (j) *responds to environmental factors such as wind, reflectivity and permeability of surfaces, and*
 - (k) *coordinates shared utility infrastructure to minimise disruption at street level in public spaces.*

The proposal provides for alterations and additions to an existing which will largely maintain the existing built form of the dwelling.

The modest scale of the new works will ensure that the proposal will not result in any substantial overshadowing to neighbouring properties or public open spaces.

The proposed new works are sympathetic to the existing development on site, together with the character of development in the locality.

The proposal is therefore considered to satisfy the relevant provisions of this clause.

Clause 6.19 – Development in St Patrick’s Estate

The site is identified as Precinct 13 on the Key Sites Map.

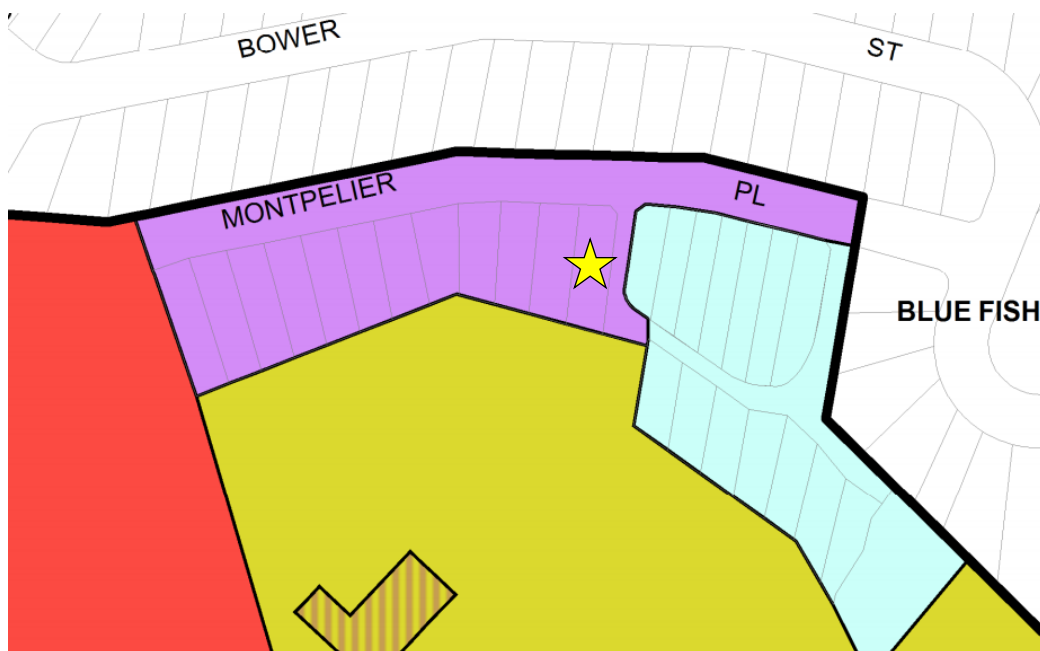


Fig 21: Extract of Manly Local Environmental Plan 2013 Key Sites Map

The proposal is therefore subject to the following provisions:

- (k) *“Precinct 13”, as identified on the Key Sites Map, unless the consent authority is satisfied that the development:*
 - i) *will not involve the erection of a building within 5 metres of the northern boundary of the Precinct, and*
 - ii) *will not involve the erection of a building within 10 metres of a boundary with land in Precinct 14 identified on the Key Sites Map, and*
 - iii) *will provide access to College Street, but will not provide access directly to Bower Street,*

The proposal seeks to provide for alterations and additions to an existing dwelling only, and therefore complies with the provisions of this clause. The works adjacent to the rear boundary of

the site are modest in scale and retain a soft landscaped appearance when viewed from outside of the site.

There are no other clauses of the MLEP 2013 that are considered to be relevant to the proposed development and it is considered that the proposal achieves the requirements of the MLEP.

6.6 Manly Development Control Plan 2013 – Amendment 11

Councils DCP Development Control Plan 2013 – Amendment 11 provides the primary control for development within the area.

The DA submission will address the Council's submission requirements outlined in Part 2 – Process.

The primary areas which are applicable to the proposed works are detailed within Part 3 – General Principles of Development & Part 4 – Development Controls and Development Types.

Clause 3.1.1 – Streetscape (Residential Areas)

The proposed pool and associated landscaping works will not see a significant change to the street view of the site as the majority of the proposed works are within the rear of the site.

The intended outcomes are noted as:

- i) complement the predominant building form, distinct building character, building material and finishes and architectural style in the locality;*
- ii) ensure the bulk and design of development does not detract from the scenic amenity of the area (see also paragraph 3.4 Amenity) when viewed from surrounding public and private land;*
- iii) maintain building heights at a compatible scale with adjacent development particularly at the street frontage and building alignment, whilst also having regard to the LEP height standard and the controls of this plan concerning wall and roof height and the number of storeys;*
- iv) avoid elevated structures constructed on extended columns that dominate adjoining sites such as elevated open space terraces, pools, driveways and the like. See also paragraph 4.1.8 Development on Sloping Sites and paragraph 4.1.9 Swimming Pools, Spas and Water Features;*
- v) address and compliment the built form and style any heritage property in the vicinity to preserve the integrity of the item and its setting. See also paragraph 3.2 Heritage Considerations;*
- vi) visually improve existing streetscapes through innovative design solutions; and*
- vii) Incorporate building materials and finishes complementing those dominant in the locality. The use of plantation and/or recycled timbers in construction and finishes is encouraged. See also paragraph 3.5.7 Building Construction and Design*

The proposal will see the construction of alterations and additions to the existing dwelling including a new swimming pool, pergola and associated landscaping. The proposed new

structures (pool and pergola) are located within the rear yard and therefore will not be prominently viewed from public areas.

New plantings are provided along the perimeter of the pool and the side boundaries to further screen the development from view.

The proposed alterations and additions to the dwelling are minor. The proposal seeks to provide for modest changes to the existing ground and first floor levels only, and the new works will not exceed the existing overall ridge height.

Clause 3.3 – Landscaping

The proposed new works will continue to retain a substantial area of soft landscaping.

The new works will present an appropriate form and footprint, which is suitably set back from the side and rear boundaries. The area surrounding the proposed pool will accommodate additional screen planting.

The potential to overlook the neighbouring properties will be suitably minimised through the proposed planting zones to the perimeter of the rear yard.

The proposal will not require the removal of any significant plantings to accommodate the new works.

Additional plantings are to be provided throughout the site as detailed in the Landscape Plan prepared by Potager – The Whole Garden Pty Ltd - Vale Green Life.

Clause 3.4 – Amenity (Views, Overshadowing, Overlooking/Privacy, Noise)

The objectives of the clause are noted as:

- Objective 1) To protect the amenity of existing and future residents and minimise the impact of new development, including alterations and additions, on privacy, views, solar access and general amenity of adjoining and nearby properties.*
- Objective 2) To maximise the provision of open space for recreational needs of the occupier and provide privacy and shade.*

It is suggested that the works will achieve these objectives as:

- As discussed, overlooking from the new pool and pool surround will be reasonably managed through the introduction of plantings around the perimeter of the rear yard.

Clause 3.5 Sustainability

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

Part 4 – Residential Development Controls

Site Area 752.8m² – Density Sub Zone D5 (500m² per lot)

Compliance Table

Control	Required	Proposed	Compliance
Clause 4.1.1 Residential Density & Subdivision	Density Area D5 – 1 dwelling per 500m ²	Site area is 752.8m ²	Yes – existing site and dimensions are unchanged
Clause 4.1.2 Height of Buildings	Max building height 8.5m Max wall height approx. 7.2m	Max proposed building height < 8.5m Unchanged	Yes N/A - unchanged
Clause 4.1.3 Floor Space Ratio	Max permissible floor space ratio 0.45:1	0.445:1 or 335.2m ²	Yes
Clause 4.1.4 Setbacks (front, side and rear)	Relate to neighbouring sites or 6m	N/A – front setback remains unchanged	N/A
Side setbacks	1/3 wall height (western elevation) = 2m	Minimum proposed western side setback 2.08m. Eastern setback unchanged.	Yes
Rear setback	Minimum 8m	The existing rear setback of the dwelling will remain unchanged. The proposed pergola will stand between 1.732m and 2.665m from the rear boundary. As the proposed pergola is	Yes – on merit

Control	Required	Proposed	Compliance
		<p>an open structure, and new plantings are provided around the perimeter of the terrace and pool to maximise privacy for occupants of the subject site and neighbouring properties, the siting of the deck and pergola are considered appropriate in this instance.</p> <p>The location of the pool is assessed against the provisions of Clause 4.1.9 of the DCP.</p>	
Clause 4.1.5 Open space and Landscaping	Area OS 3 Min 55%/35%	The proposal will retain a total open space area of 75%, of which 44.7% will be provided as soft landscaped area and complies with Council's control.	Yes
Clause 4.1.6 Parking, Vehicular Access and Loading	2 parking spaces required for each dwelling house	N/A – existing car parking and access arrangements remain unchanged	N/A
Clause 4.1.8 Development on Sloping Sites	<p>Area G4 – Potential Hazards and Requirements</p> <p>Geotechnical assessment may be required depending on</p>	A Geotechnical Investigation has been prepared by JK Geotechnics, Reference No. 31123ZRpt, dated 5 January 2018.	Yes

Control	Required	Proposed	Compliance
	<p>location and nature of development and man-made cut and fill. Residential footings are to be in accordance with AS2870.</p> <p>Potential hazards for this land include rock falls & minor slumping of soil and fill materials from top of unsupported cuts onto public and private pathways, roadways and building platforms.</p> <p>There is little to moderate typical consequences of failure involving damage of some or part of structures (for example, to a dwelling or roadway), with part of site requiring some stabilisation works. Large scale stabilisation works are unlikely to be required in Area G4.</p>	<p>Subject to compliance with the recommendations contained within the Geotechnical Investigation, the proposal is considered to satisfy the provisions of this clause.</p>	
<p>Clause 4.1.9 Swimming pools, spas and Water features</p>	<p>Height above ground not more than 1m</p>	<p>The proposed pool and spa is up to 270mm above natural ground level.</p>	<p>Yes</p>
<p>Minimum side and rear setbacks</p>	<p>Setback of outer edge of pool concourse from side and rear boundaries must be at least 1m with water</p>	<p>Proposed coping will stand 2.9m and 3.1m from the eastern and western side boundaries and</p>	<p>Yes</p>

Control	Required	Proposed	Compliance
	line being at least 1.5m from the boundary	between 1.7m and 2.7m from the rear boundary and therefore complies with this control.	
	Swimming pools not to be located in the front setback	Proposed swimming pool is located within the rear yard.	Yes
Clause 4.4.5.2 Earthworks	Excavation limited to 1m below ground level with exception of basement parking and swimming pools. A dilapidation report and geotechnical assessment may be required for works exceeding 1m.	The proposal will require in excess of 1m to accommodate the proposed swimming pool. Accordingly, a Geotechnical Investigation has been prepared by JK Geotechnics, Reference No. 31123ZRpt, dated 5 January 2018. Subject to compliance with the recommendations contained within the report, the proposal will satisfy the provisions of this clause.	Yes

Part 5 – Special Character Precincts, Areas and Sites

Compliance Table

Control	Required	Proposed	Compliance
Clause 5.3.3 Indigenous Wildlife Habitat within the Estate	<p>To conserve and enhance the indigenous wildlife habitat within St Patrick's Estate.</p> <p>To preserve and protect the landscape as habitat for the long nosed bandicoot.</p>	<p>The submission is accompanied by a Terrestrial Biodiversity Report prepared by GIS Environmental Consultants, dated 28 January 2020.</p> <p>Subject to compliance with the recommendations contained within the report, the proposal will satisfy with the provisions of this clause.</p>	Yes
Clause 5.3.4 Natural Drainage System	To conserve the landscape, as well as the natural drainage systems within St Patrick's Estate.	The collected roofwater will be directed to the existing system which directs stormwater to the street gutter.	Yes
Clause 5.3.5 Heritage Landscape	<p>Development must not adversely affect significant elements within St Patrick's Estate.</p> <p>Development is to protect the natural features of St Patrick's Estate, including rock shelves, flora and fauna, the natural topography and the drainage system.</p>	<p>The proposed works are contained within the subject site and will not result in any adverse impact to any significant elements within St Patrick's Estate.</p> <p>The proposal will not result in the removal of any significant natural</p>	Yes

Control	Required	Proposed	Compliance
	<p>Residential forms should follow the natural topography of the land.</p> <p>In order to minimise the footprint of new development, drainage works and facilities must be incorporated, where possible, within or under the alignment of roads and other vehicular access ways.</p>	<p>features. The proposal is accompanied by a Biodiversity Report prepared by GIS Environmental Consultants, dated 28 January 2020, and subject to compliance with the recommendations of this report, the proposal is not considered to result in any adverse impacts for flora or fauna.</p> <p>The proposed stormwater will be directed to the street gutter in accordance with the current arrangements.</p>	
Clause 5.3.9 Special Provision for Precincts 12 and 13	Bandicoot amelioration strategy and management plan required.	The proposal is accompanied by a Biodiversity Report prepared by GIS Environmental Consultants, dated 28 January 2020, and subject to compliance with the recommendations contained within this report, will satisfy the provisions of this clause.	Yes

Clause 5.4.1 Foreshore Scenic Protection Area	Address the provisions of Clause 6.9 of MLEP.	<p>The proposal provides for the construction of alterations and additions to an existing dwelling. The proposal will not exceed the existing overall ridge height of the dwelling, and the new works will not be prominently viewed within the Montpelier Place streetscape.</p> <p>Given the modest scale of the proposed works, which readily comply with Council's statutory building height, the new works are not considered to detract from the visual significance of the locality and are therefore considered worthy of support on merit.</p> <p>Whilst the proposal will require the removal of a number of trees to accommodate the new works, additional plantings will be provided within the rear yard to soften the built form of the development.</p>	Yes
--	--	--	-----

5.4.1 Threatened Species and Critical Habitat Lands	Any development of land with known habitat for threatened species must consider the likely impacts of the development and whether further assessment needs to be undertaken by a Species Impact Statement.	The proposal is accompanied by a Biodiversity Report prepared by GIS Environmental Consultants, dated 28 January 2020, and subject to compliance with the recommendations contained within this report, will therefore satisfy the provisions of this clause.	Yes
--	--	---	-----

7.0 Matter for Consideration under Section 4.15 of the Environmental Planning and Assessment Act, 1979

7.1 Any environmental planning instrument

The proposal is subject to the provisions of the Manly Local Environmental Plan 2013 and the relevant supporting Council policies. It is considered that the provisions of this environmental planning instrument have been satisfactorily addressed within this report and that the proposal achieves compliance with its provisions.

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

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

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

7.3 Any development control plan

The development has been designed to comply with the requirements of Manly's Development Control Plan 2013 – Amendment 11.

It is considered that the proposed design respects the aims and objectives of the DCPs however we request flexibility to be applied in the event of minor numerical departures.

In this regard we note that the Environmental Planning and Assessment was amended commencing 1 March 2013. Key amongst the amendments are requirements to interpret DCPs flexibly and to allow reasonable alternative solutions to achieve the objectives of DCP standards.

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

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

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

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

We request that minor numerical variation to the DCP controls relating to the rear setback of the proposed pergola be favourably determined, as the new works are not considered to result in any adverse impacts for neighbouring properties. We consider that these numerical variations have been adequately justified in this report.

It is considered that the proposed design respects the desired character and objectives of the Manly Development Control Plan 2013 in that the proposal is compatible with the existing residential character and uses in the vicinity of the site and locality.

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

No matters of relevance are raised about the proposed development.

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

No matters of relevance are raised about the proposed development.

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

It is considered that the proposal, which seeks approval for the proposed removal of existing swimming pool and construction of alterations and additions to existing dwelling including new swimming pool, pergola and associated landscaping, is reasonable.

The development will maintain a favourable bulk and scale relationship with other development in the vicinity. It is considered that the resultant development is compatible with and will complement the character of the area.

The proposal is considered to be well designed having regard to the relevant provisions of the Council's LEP and Council's Codes and Policies.

7.7 The suitability of the site for the development

The subject land is currently zoned R2 Low Density Residential under the Manly Local Environmental Plan 2013 and is considered suitable for the proposed development.

The subject site does not exhibit any significant constraint to the construction of the proposed development.

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

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

7.9 The public Interest

The proposal will not unreasonably impact upon the environment, the character of the locality or upon the amenity of adjoining properties and is therefore considered to be within the public interest.

8.0 Conclusion

The principal objective of this development is to support the removal of existing swimming pool and construction of alterations and additions to existing dwelling including new swimming pool, pergola and associated landscaping, which satisfy the stated objectives of Council's Development Controls.

By maintaining our neighbour's amenity and by complementing the scale and form of other development in the immediate locality, the stated objectives have been satisfied.

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

VAUGHAN MILLIGAN

Town Planner

Grad. Dip. Urban & Regional Planning (UNE)