

1-15 and 2-12 Conferta Avenue Rouse Hill (Tallawong  
Station Precinct South Site)

## Clause 4.6 – Building Height Development Standard

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## 1-15 AND 2-12 CONFERTA AVENUE ROUSE HILL (TALLAWONG STATION PRECINCT SOUTH SITE)

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## 1.0 CLAUSE 4.6 REQUEST – BUILDING HEIGHT

### 1.1 Introduction

The subject site benefits from a Concept Plan (SSD 9063) which was approved on 21 February 2019 for a mixed-use precinct, known as Tallawong Station Precinct South, including:

- building envelopes for up to 16 buildings of varying heights, to a maximum of eight storeys
- maximum gross floor area (GFA) of 93,393 m<sup>2</sup>
- residential development of up to 1,100 dwellings equating to approximately 85,000 m<sup>2</sup> GFA
- commercial, retail and community uses of approximately 9,000 m<sup>2</sup> GFA
- allocation of car parking and bicycle parking rates
- minimum 5% Affordable Housing
- landscaping of the site for public and private domain including a public park (approximately 3,411 m<sup>2</sup>)
- road layout.

Following approval of the Concept Plan, Landcom conducted a Call for Expressions of Interest (EOI) to potential development partners to deliver the project. Following the EOI stage, a shortlist of developers were invited to participate in a competitive tender and Deicorp was awarded the contract due to its strong track record in residential and mixed use developments, to create new places for communities to live, work, shop and play. Deicorp are responsible for securing the necessary development consent (guided by the approved Concept Plan) and for the construction and delivery of the project.

The Concept Plan provides for a range of building heights from 2 storeys to 8 storeys, as anticipated by the 26 metre height control. However, the Concept Plan approval also established that some variation to the height control is necessary due to the sloping topography of the site, the need for higher floor to ceiling heights for the commercial components of the project, and also the need for lift overruns to provide access to roof tops for high amenity communal open space areas. The Concept Plan SSD 9063 was accompanied by a Clause 4.6 request in relation to the various height variations, which was supported by the Department of Planning, Infrastructure and Environment.

Notwithstanding the above, as part of the preparation of this detailed development application, a further analysis of the approved heights of the building envelopes by Turner Architects has identified that the heights of some of the buildings need to increase further for the following three reasons:

- Insufficient height was provided for the ground floor of the retail component with only 4 metre floor to ceiling heights instead of 6 metre;
- Lift overruns were not provided for many buildings; and
- Refinement of ground floor levels of various buildings to properly deal with the significant cross falls across the site and achieving appropriate accessibility grades as well as relationships between ground floor levels and the surrounding public domain.

The proposed detailed development is contained within the building envelopes, as proposed to be modified.

This request for an exception to a development standard is submitted in respect of the development standard contained within Clause 4.3 of Appendix 6 of the State Environmental Planning Policy (Sydney Growth Centres) 2006. The request relates to a State Significant Development Application for the construction of a staged mixed use development comprising residential apartments, commercial and retail uses, public domain works and landscaping including a publicly accessible park, new road and land and stratum subdivision at 1-15 and 2-12 Conferta Avenue, Rouse Hill (Tallawong Station Precinct South site) (SSD 10425)

### 1.2 Clause 4.6 Exceptions to development standards

Clause 4.6(2) of Appendix 6 of State Environmental Planning Policy (Sydney Growth Centres) 2006 provides that development consent may be granted for development even though the development would contravene a development standard imposed by State Environmental Planning Policy (Sydney Growth Centres) 2006, or any other environmental planning instrument.

However, clause 4.6(3) states that development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

- (a) that compliance with the development standard is unreasonable or unnecessary in the circumstance of the case, and
- (b) there are sufficient environmental planning grounds to justify contravening the development standard.

In accordance with clause 4.6(3) the applicant requests that the height of buildings development standard be varied.

### 1.3 Development Standard to be varied

Clause 4.3 of Appendix 6 of State Environmental Planning Policy (Sydney Growth Centres) 2006 states:

- (1) The objectives of this clause are as follows:
  - (a) to establish the maximum height of buildings on land within the Area 20 Precinct,
  - (b) to minimise visual impact and protect the amenity of adjoining development and land in terms of solar access to buildings and open space,
  - (c) to facilitate higher density development in and around commercial centres and major transport routes,
- (2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.

Building height (or height of building) is defined as the vertical distance between ground level (existing) at any point to the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.

The maximum height shown for the land on the Map for the site to which the proposed building relates is metres 26 metres.

### 1.4 Extent of Variation to the Development Standard

There are certain areas where: parapets; roof top features and facilities including (but not limited to) balustrades, PV panels, outdoor furniture, planters, pergolas and the like; and lift overruns and firestairs, protrude above the height limit. The maximum parapet height and maximum lift overrun height are provided in the table below, noting that the maximum lift overrun height is the absolute maximum extent of the height variation for each building.

| Building | Max parapet height | Max lift overrun height | Variation to 26m height control  |
|----------|--------------------|-------------------------|--|
| A        | 28.49 metres       | 32.36 metres            | <ul style="list-style-type: none"> <li>Parapet – 2.49 metres (9.57%)</li> <li>Lift overrun – 6.36 metres (24.4%)</li> </ul>  |
| B        | 29.15 metres       | 32.98 metres            | <ul style="list-style-type: none"> <li>Parapet – 3.15 metres (12.11%)</li> <li>Lift overrun – 6.98 metres (26.8%)</li> </ul> |
| C        | 27.46 metres       | 31.05 metres            | <ul style="list-style-type: none"> <li>Parapet – 1.46 metres (5.6%)</li> <li>Lift overrun – 5.05 metres (19.4%)</li> </ul>   |
| D        | 30.10 metres       | 33.35 metres            | <ul style="list-style-type: none"> <li>Parapet – 4.1 metres (15.7%)</li> <li>Lift overrun – 7.35 metres (28.2%)</li> </ul>   |
| E        | 31.06 metres       | 34.69 metres            | <ul style="list-style-type: none"> <li>Parapet – 5.06 metres (19.4%)</li> <li>Lift overrun – 8.69 metres (33.4%)</li> </ul>  |
| F        | 26.62 metres       | 30.50 metres            | <ul style="list-style-type: none"> <li>Parapet – 0.62 metres (2.3%)</li> <li>Lift overrun – 4.5 metres (17.3%)</li> </ul>    |
| G        | 13.90 metres       | 18.79 metres            | <ul style="list-style-type: none"> <li>N/A - Compliant</li> </ul>  |
| H        | 14.30 metres       | 19.19 metres            | <ul style="list-style-type: none"> <li>N/A - Compliant</li> </ul>  |
| J        | 26.6 metres        | 28.37 metres            | <ul style="list-style-type: none"> <li>Parapet – 0.6 metres (2.3%)</li> <li>Lift overrun – 2.37 metres (9.1%)</li> </ul>     |
| K        | 26.4 metres        | 28.22 metres            | <ul style="list-style-type: none"> <li>Parapet – 0.4 metres (1.5%)</li> <li>Lift overrun – 2.22 metres (8.5%)</li> </ul>     |
| L        | 26.6 metres        | 28.42 metres            | <ul style="list-style-type: none"> <li>Parapet – 0.6 metres (2.3%)</li> <li>Lift overrun – 2.42 metres (9.3%)</li> </ul>     |
| M        | 28.53 metres       | 31.83 metres            | <ul style="list-style-type: none"> <li>Parapet – 2.53 metres (9.7%)</li> <li>Lift overrun – 5.83 metres (22.4%)</li> </ul>   |
| N        | 27.57 metres       | 31.77 metres            | <ul style="list-style-type: none"> <li>Parapet – 1.57 metres (6%)</li> <li>Lift overrun – 5.77 metres (22.2%)</li> </ul>     |
| P        | 28.50 metres       | 31.60 metres            | <ul style="list-style-type: none"> <li>Parapet – 2.5 metres (9.6%)</li> <li>Lift overrun – 5.6 metres (21.5%)</li> </ul>     |
| Q        | 26.33 metres       | 30.50 metres            | <ul style="list-style-type: none"> <li>Parapet – 0.33 metres (1.27%)</li> <li>Lift overrun – 4.5 metres (17.3%)</li> </ul>   |
| R        | 27.54 metres       | 31.25 metres            | <ul style="list-style-type: none"> <li>Parapet – 1.54 metres (5.9%)</li> <li>Lift overrun – 5.25 metres (20.1%)</li> </ul>   |
| S        | 27.51 metres       | 31.20 metres            | <ul style="list-style-type: none"> <li>Parapet – 1.51 metres (5.8%)</li> <li>Lift overrun – 5.2 metres (20%)</li> </ul>      |

Figure 1 below provides an overlay of the 26 metre height plane and is a visual representation of the protrusions of the buildings above the height plane as identified in the table above.

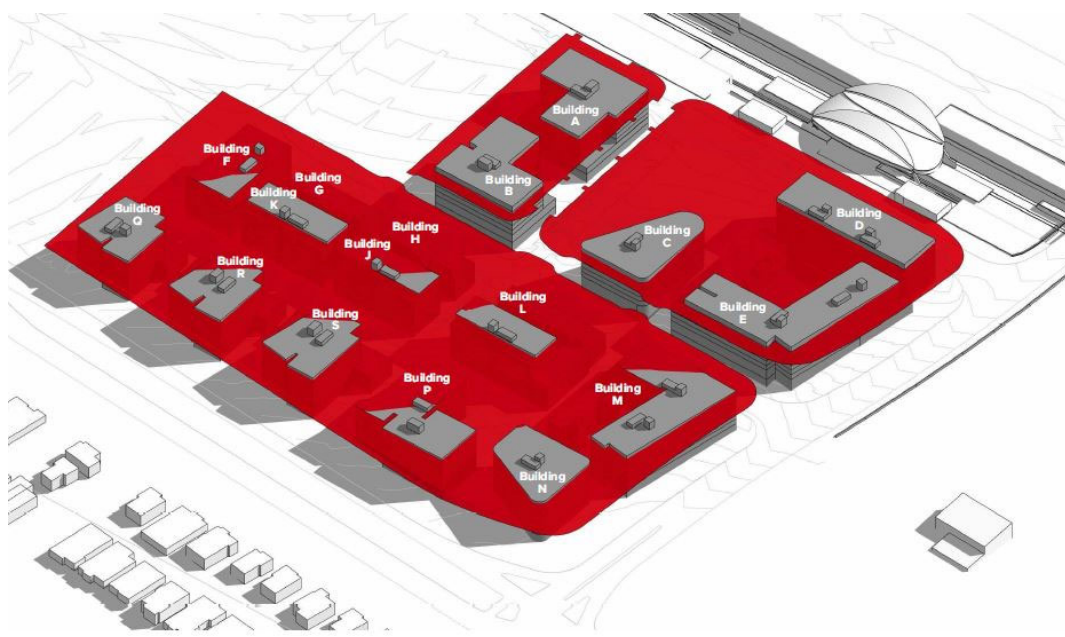


Figure 1:

Proposed variations to the 26 metre height plane.

#### 1.5 Clause 4.6(3)(a) Is compliance with the development standard unreasonable or unnecessary in the circumstances of the case?

Historically the most commonly invoked way to establish that a development standard was unreasonable or unnecessary was satisfaction of the first test of the five set out in *Wehbe v Pittwater Council* [2007] NSWLEC 827 which requires that the objectives of the standard are achieved notwithstanding the non-compliance with the standard.

In addition, in the matter of *Randwick City Council v Micaul Holdings Pty Ltd* [2016] NSWLEC 7 [34] the Chief Justice held that “establishing that the development would not cause environmental harm and is consistent with the objectives of the development standards is an established means of demonstrating that compliance with the development standard is unreasonable or unnecessary”.

This request addresses the first test described in *Wehbe v Pittwater Council*. [2007] NSWLEC 827, followed by a concluding position which demonstrates that compliance with the development standard is unreasonable and unnecessary in the circumstances of the case:

1. the objectives of the standard are achieved notwithstanding non-compliance with the standard;

The specific objectives of the building height development standard, as specified in clause 4.3 of Appendix 6 of State Environmental Planning Policy (Sydney Growth Centres) 2006 are identified below. A comment on the proposal's consistency with each objective is also provided.

(a) to establish the maximum height of buildings on land within the Area 20 Precinct,

The 26 metre maximum building height applying to the site was introduced in June 2015 in response to an identified need for greater density and height in those areas in close proximity to the new Tallawong Station, noting the high degree of accessibility of the site to public transport and services. In addition, the 26 metre building height was established having regard to the need to avoid adverse visual impacts on the State heritage listed Rouse Hill House. The approved Concept Plan SSD 9063 was supported by a Landscape and Visual Impact Assessment (LVIA) prepared by AECOM which found that the approved building envelopes would have negligible impact on the views to and from Rouse Hill House due to intervening landform and vegetation cover. Whilst this detailed proposal results in some increase to the building heights when compared to those of the approved building envelopes, the increases are predominantly only in the order of several metres, and this is not a perceptible increase when viewed from Rouse Hill House which is approximately 1.7 kilometres from the subject site and therefore the conclusions of the Visual Impact Assessment remain valid to the subject proposal.

The underlying purpose of objective (a), to establish heights to support up to 8 storey development close to the Metro station while at the same time protecting views to and from Rouse Hill House, is satisfied by the proposal notwithstanding the proposed variation to the 26 metre height control.

(b) to minimise visual impact and protect the amenity of adjoining development and land in terms of solar access to buildings and open space,

### Visual Impact

The visual impact of the proposal was addressed in detail in the Concept Plan application SSD 9063 which was supported by a Landscape and Visual Impact Assessment (LVIA) prepared by AECOM which found that the approved building envelopes would have negligible impact on the views to and from Rouse Hill House due to intervening landform and vegetation cover. Whilst this detailed proposal results in some increase to the building heights when compared to those of the approved building envelopes, the increases are predominantly only in the order of several metres, and this is not a perceptible increase when viewed from Rouse Hill House which is approximately 1.7 kilometres from the subject site and therefore the conclusions of the Visual Impact Assessment remain valid to the subject proposal. Furthermore, the proposal is consistent with this objective in that it minimises visual impact to the greatest extent possible having regard to the need to provide sufficient floor to ceiling heights, to provide lift overruns, and to properly deal with the significant cross falls across the site and achieving appropriate accessibility grades as well as relationships between ground floor levels and the surrounding public domain.

### Solar Access to Adjoining Property and Open Space

The proposed variation to the height control does not result in any unreasonable shadow impact in relation to solar access to adjoining property. The only sensitive property near the site is The Ponds residential community to the south, and the shadow diagram below demonstrates that there is no shadow impact whatsoever to The Ponds for the majority of the 9am to 3pm period on 21 June, with



some shadow just reaching these properties at 3pm. Therefore, The Ponds enjoys approximately 6 hours of unimpeded solar access despite the proposed development and the height variations. It is also noted that the S4.55 Planning Statement which is concurrently lodged with the subject Development Application, demonstrates that as the parapets of most buildings in Site 2 are less than those provided by the Concept Plan, the shadow impact of the proposal has actually reduced when compared with the Concept Plan.

In relation to shadow impact to open space, the location of the publicly accessible park at the northern end of the site ensures that it enjoys extensive solar access and the majority of the park receives solar access from 10.30am to 3pm on 21 June. The proposed height variations do not compromise the generous solar access enjoyed by the publicly accessible park within the development.



Figure 2:

9am shadow  
on 21 June



Figure 3:

12pm shadow  
on 21 June



Figure 4:

3pm shadow  
on 21 June

(c) to facilitate higher density development in and around commercial centres and major transport routes,

The 26 metre height control for the subject site is intended to facilitate higher density development of up to 8 storeys around a major transport route and local centre in compliance with this objective. As a result of the need to provide higher floor to ceiling levels for the commercial component, to provide lift overruns for access to rooftop amenities, and the need to manage the fall across the site, the proposal results in

some variations to the 26 metre height control. However, the development as proposed still represents the higher density development as intended by the height control notwithstanding some variation. The new Metro station represents a significant public investment in transport infrastructure and the residential density facilitated by the height variation capitalises on this opportunity.

In summary, strict compliance with the building height development standard is unreasonable and unnecessary in the circumstances of the case in that:

- The approved Concept Plan SSD9063 has already established the principle that some height variation is acceptable for the subject site and the proposed detailed design reflects this, albeit with some minor to moderate increases to provide sufficient floor to ceiling heights for the commercial component, to provide lift overruns which provide access to rooftop amenities, and to properly deal with the significant cross falls across the site and achieving appropriate accessibility grades as well as relationships between ground floor levels and the surrounding public domain. Any reduction in height would compromise these outcomes, but with no benefit to the public interest.
- Notwithstanding the variations to the height control, it is also noted that the parapets of many of the buildings have been reduced when compared to those approved under the Concept Plan and in addition the proposed development still presents a variety of storeys from 2 storeys up to a maximum of 8 storeys in accordance with the envisaged scale of development for the site by the planning controls.
- The areas of variation associated with the building parapets are predominantly quite minor, with the components with the greatest extent of variation being the lift overruns which are specifically located centrally within the buildings such that they will not be readily visible from the public domain.
- The proposed areas of variation do not result in any adverse impact to adjacent properties, as discussed above.
- Strict compliance with the height control would result in a significant reduction in density when compared to the 9,000 square metres of retail and commercial floorspace and 1,100 apartments approved for the site under the Concept Plan.
- The non-compliance with the height control ultimately facilitates an improved urban form for the development as it allows for a variety of building heights, including up to 8 storeys as anticipated by the control. A strict application of the height control would likely discourage this variation in scale and lead to redeploying floor space to lower buildings which would unnecessarily dilute the diversity of scale which has been achieved for the development

As the proposal is consistent with the objectives of the height of buildings control, compliance with the development standard is considered to be unreasonable and unnecessary in the circumstances of the case.

#### 1.6 Clause 4.6(3)(b) Are there are sufficient environmental planning grounds to justify contravening the development standard?

The Land & Environment Court matter of Initial Action Pty Ltd v Woollahra Council [2018] NSWLEC 2018, provides assistance in relation to the consideration of sufficient environmental planning grounds whereby Preston J observed that:

- in order for there to be 'sufficient' environmental planning grounds to justify a written request under clause 4.6, the focus must be on the aspect or element of the development that contravenes the development standard and the environmental planning grounds advanced in the written request must justify contravening the development standard, not simply promote the benefits of carrying out the development as a whole; and

- there is no basis in Clause 4.6 to establish a test that the non-compliant development should have a neutral or beneficial effect relative to a compliant development

There are sufficient environmental planning grounds to justify contravening the development standard:

- Whilst there are a range of variations to the height control, there are many areas of the site where buildings are significantly below the height control, or no buildings at all such as the publicly accessible park, even though the height control would allow structures in these locations. Strict application of the height control would discourage diversity of height throughout the development as it would required “filling up” of the lower parts of the development as a result of displaced elements at the tops of some of the other buildings.
- The largest extent of the height variations result from providing lift overruns to achieve access to roof top common open space areas which enjoy generous solar access. Strict compliance would result in the need to delete the lift overruns and prevent access to the roof, which would significantly compromise the amenity of the proposed development, as it is not possible to achieve the minimum required common open space at ground level due to the approved footprints of the building envelopes. Furthermore, the common open space at ground level does not achieve the minimum required solar access on 21 June.
- The Concept Plan established the principle that variation to the height control is acceptable on the subject site subject to demonstrating a lack of adverse impact. The proposed heights are only marginally above the height variations that were previously supported in the approved Concept Plan building envelopes in some instance, and do not generate any adverse or unacceptable visual or amenity impacts. In other areas, such as the parapets of most buildings in Site 2, the proposed heights are below those of the approved Concept Plan.
- The proposed arrangement of heights are commensurate with the heights of nearby buildings to the north and therefore are compatible with the emerging scale of development within the visual catchment of the site.
- The proposed height variations will not result in any discernible visual impact to Rouse Hill House when compared to a strictly compliant development, given the 1.7 kilometre separation distance.
- The proposed variation to height does not result in any adverse impacts to nearby residential properties in relation to overshadowing, visual or acoustic privacy.
- Strict compliance with the height control would result in a significant reduction in the density below the previously identified environmental capacity of the site under the approved Concept Plan, which would compromise the achievement of an appropriate density of development on the site in an ideal location which supports transit oriented development.
- the extent of the height variations arise from:
  - the need to provide sufficient floor to ceiling height for the ground floor retail component
  - the need for lift overruns to provide access to the rooftop open space areas which will provide enhanced open space opportunities for residents
  - refinement of ground floor levels of various buildings to properly deal with the significant cross falls across the site and achieving appropriate accessibility grades as well as relationships between ground floor levels and the surrounding public domain.
- Strict compliance with the development standard would result in an inflexible application of the control that would not deliver any additional benefits to the owners or occupants of the surrounding properties or the general public.
- The proposed variation allows for the most efficient and economic use of the land

The objects specified in section 5(a)(i) and (ii) of the EP&A Act are:

'to encourage:

- i) the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,
- ii) the promotion and co-ordination of the orderly and economic use and development of land..'

The proposed development is consistent with the aims of the Policy and the objects of the EP&A Act in that:

- Strict compliance with the development standard would result in an inflexible application of the control that would not deliver any additional benefits to the owners or occupants of the surrounding properties or the general public.
- Strict compliance with the building height development standard in this particular instance would prevent the attainment of an optimised overall site outcome.
- The proposed variation allows for the most efficient and economic use of the land.

On the basis of the above, it has been demonstrated that there are sufficient environmental planning grounds to justify the proposed height non-compliance in this instance.

#### 1.7 [Clause 4.6\(4\)\(a\)\(i\) consent authority satisfied that this written request has adequately addressed the matters required to be demonstrated by Clause 4.6\(3\)](#)

Clause 4.6(4)(a)(i) states that development consent must not be granted for development that contravenes a development standard unless the consent authority is satisfied that the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3).

These matters are comprehensively addressed above in this written request with reference to the five part test described in *Wehbe v Pittwater Council* [2007] NSWLEC 827 for consideration of whether compliance with a development standard is unreasonable or unnecessary in the circumstances of the case. In addition, the establishment of environmental planning grounds is provided, with reference to the matters specific to the proposal and site, sufficient to justify contravening the development standard.

#### 1.8 [Clause 4.6\(4\)\(a\)\(ii\) consent authority satisfied that the proposal is in the public interest because it is consistent with the zone and development standard objectives](#)

Clause 4.6(4)(a)(ii) states that development consent must not be granted for development that contravenes a development standard unless the consent authority is satisfied that the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out.

##### **Objective of the Development Standard**

The proposal's consistency with the objectives of the development standard have been addressed in detail in this clause 4.6 request.

##### **Objectives of the Zone**

Clause 4.6(4) also requires consideration of the relevant zone objectives.

The objectives of the B4 Mixed Use zone are:

- To provide a mixture of compatible land uses.
- To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.
- To facilitate active retail, commercial, entertainment and community uses at ground level of mixed use developments.
- To provide for residential development that contributes to the vitality of the local centre.
- To ensure that residential development adjacent to the local centre does not detract from the primary function of the centre being to provide for retail, business, entertainment and community uses.

The proposed development facilitates a mixture of retail and business uses in a highly accessible location immediately adjacent to the Tallawong Station which will maximise public transport patronage and encourage walking and cycling for the local community. This is especially relevant for the existing nearby community of The Ponds because its residents have previously needed to travel by car to access convenience retailing, and the proposed development will provide such services within walking distance. Residential apartments are integrated with the retail and business premises offering and will ensure a critical mass of occupants is achieved to ensure a vibrant outcome for the site. For the reasons given the proposed development of Site 1 is considered to be consistent with the objectives of the B4 Mixed Use zone

The objectives of the R3 Medium Density Residential zone are:

- To provide for the housing needs of the community within a medium density residential environment.
- To provide a variety of housing types within a medium density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To support the well-being of the community by enabling educational, recreational, community, religious and other activities where compatible with the amenity of a medium density residential environment

The proposed development of Site 2 provides for residential accommodation in the form of residential flat buildings which provide for the housing needs of the community within a medium density residential environment. For the reasons given the proposal is considered to be consistent with the objectives of the R3 Medium Density Residential zone

#### 1.9 Clause 4.6(5) Secretary Considerations

The matters for consideration under Clause 4.6(5) are addressed below:

- (5) In deciding whether to grant concurrence, the Secretary must consider:

(a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning,

The contravention of the standard does not raise any matters of significance for state or regional environmental planning. The development does not impact upon or have implications for any state policies in the locality or impacts which would be considered to be of state or regional significance.

(5) In deciding whether to grant concurrence, the Secretary must consider:

(b) the public benefit of maintaining the development standard,

This Clause 4.6 request has demonstrated there are significant environmental planning benefits associated with the contravention of the standard. There is no material impact or benefit associated with strict adherence to the development standard and in my view, there is no compelling reason or public benefit derived from maintenance of the standard.

#### 1.10 Objectives of Clause 4.6

The specific objectives of Clause 4.6 are:

(a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,

(b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

As demonstrated above the proposal is consistent with the objectives of the zone and the objectives of Clause 4.3 notwithstanding the proposed variation to the maximum building height development standard.

The architectural packages prepared by Turner Architects which accompanies the subject application demonstrates that the proposed variations achieve a better outcome as strict compliance would discourage the achievement of diversity of scale, would result in buildings of a reduced number of storey compared to the 8 storey scale that was anticipated by the 26 metre height control, and would diminish the amenity of common open space areas.

The development application has therefore demonstrated that it is appropriate in this circumstance to provide flexibility in the application of the building height development standard because this will achieve a significantly better urban design outcome in this instance in accordance with objective 1(b).

#### 1.11 Conclusion

Strict compliance with the height of buildings development standard contained within clause 4.3 of Appendix 6 of State Environmental Planning Policy (Sydney Growth Centres) 2006 has been found to be unreasonable and unnecessary in the circumstances of the case. In addition, there are sufficient environmental planning grounds to justify the proposed variation which is in the public interest. In this regard it is reasonable and appropriate to vary the height of buildings development standard to the extent proposed.