

CLAUSE 4.6 VARIATION REQUEST - HEIGHT

**28-32 BOURKE ROAD,
ALEXANDRIA**

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TABLE OF CONTENTS

1.	Introduction	2
2.	Relevant Assessment Framework	3
2.1.	City of Sydney Local Environmental Plan 2012.....	3
2.2.	NSW Land & Environment Court: Case Law (Tests).....	3
2.2.1.	Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSW LEC 118	4
3.	The Site.....	5
3.1.	Background.....	6
3.1.1.	Southern Enterprise Area Review	6
4.	Proposed Development	8
5.	Extent of Variation – Height of Buildings	9
6.	Clause 4.3 – Height of Buildings.....	10
6.1.	Key Questions.....	10
6.1.1.	Is the Planning Control a Development Standard?	10
6.1.2.	Is the Development Standard excluded from The Operations of Clause 4.6?	10
6.1.3.	What is the Underlying Object or Purpose of The Standard?.....	10
6.2.	Consideration	10
6.2.1.	Clause 4.6(3)(a) – Compliance with The Development Standard is Unreasonable or Unnecessary in the Circumstances of the Case.....	10
6.2.2.	Clause 4.6(3)(b) – Are There Sufficient Environmental Planning Grounds to Justify Contravening the Development Standard	11
6.2.3.	Clause 4.6(4)(a)(ii) – Will the Proposed Development be in the Public Interest because it is Consistent with the Objectives of the Particular Standard and Objectives for Development within the Zone in which The Development is Proposed to be Carried Out?	11
6.2.4.	Clause 4.6(4)(b) – Concurrence of the Secretary has been Obtained	13
6.2.5.	Clause 4.6(5)(a) – Would Non-Compliance Raise any Matters of Significance for State or Regional Planning?	13
6.2.6.	Clause 4.6(5)(b) – Is there a Public Benefit of Maintaining the Planning Control Standard?.....	13
6.2.7.	Clause 4.6(5)(c) – Are there any other Matters Required to be Taken into Consideration by the Secretary Before Granting Concurrence?	14
7.	Conclusion	15
	Disclaimer	16

FIGURES:

Figure 1 Aerial Location Map.....	5
Figure 2 Site Photograph.....	5
Figure 3 SLEP 2012 Height of Buildings Map	9
Figure 4 Southern Enterprise Area Review – LEP Amendment to Building Height control	9

TABLES:

Table 3 Clause 4.4 Assessment.....	11
Table 4 Consideration of Land Use Zones Objectives	13

1. INTRODUCTION

This Clause 4.6 Variation Request (the Request) has been prepared on behalf of Alexandria Property Development Pty Ltd (the applicant) and accompanies a Concept State Significant Development Application (SSDA) for the Alexandria Health Centre redevelopment at 28-32 Bourke Road, Alexandria (the site).

The Request seeks a variation to the maximum height of building prescribed for the site under clause 4.3 of Sydney Local Environmental Plan 2012 (SLEP 2012) for land at 28-32 Bourke Road, Alexandria. The variation request is made pursuant to clause 4.6 of SLEP 2012.

Given the LEP amendment as part of the Southern Enterprise Area Review is fairly imminent and certain, with the new LEP controls (including the 45 m height of buildings control) likely to be gazetted by September 2022, the need for this clause 4.6 variation request is likely to fall away at the time of determination of the Concept SSDA. Accordingly, this clause 4.6 request has been submitted as a 'technical' request in the interim.

This report should be read in conjunction with the Environmental Impact Statement (EIS) prepared by Urbis Pty Ltd (June 2022), Design Report prepared by NBRS (June 2022) and architectural drawings prepared by NBRS (June 2022).

This Clause 4.6 Request includes the following sections:

- **Section 2:** Relevant Assessment Framework
- **Section 3:** Site and Surrounding Locality
- **Section 4:** Brief overview of the proposed development as outlined in further details within the EIS and accompanying drawings.
- **Section 5:** Extent of Contravention
- **Section 6:** Clause 4.3 – Height of Buildings
- **Section 7:** Conclusion

2. RELEVANT ASSESSMENT FRAMEWORK

2.1. CITY OF SYDNEY LOCAL ENVIRONMENTAL PLAN 2012

Clause 4.6 of the SLEP 2012 includes provisions that allow for exceptions to development standards in certain circumstances. The objectives of clause 4.6 are:

- *to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
- *to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

Clause 4.6 provides flexibility in the application of planning provisions by allowing the consent authority to approve a development application that does not strictly comply with certain development standards, where it can be shown that flexibility in the particular circumstances of the case would achieve better outcomes for and from the development.

In determining whether to grant consent for development that contravenes a development standard, Clause 4.6 requires that the consent authority consider a written request from the applicant, which demonstrates:

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

Furthermore, the consent authority must be 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, and that concurrence of the Secretary has been obtained. In deciding whether to grant concurrence, subclause (5) of clause 4.6 requires that the Secretary consider:

- a) *Whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and*
- b) *The public benefit of maintaining the development standard, and*
- c) *Any other matters required to be taken into consideration by the Secretary before granting concurrence.*

[Note: Concurrence is assumed pursuant to *Planning Circular No. PS 18-003 Variations to Development Standards* dated 21 February 2018].

This document forms a Clause 4.6 written request to justify the contravention of the height of buildings development standard in Clause 4.3 of the SLEP 2012. The assessment of the proposed variation has been undertaken in accordance with the requirements of the SLEP 2012, 'Clause 4.6 - Exceptions to Development Standards'.

2.2. NSW LAND & ENVIRONMENT COURT: CASE LAW (TESTS)

Planning principles and judgements issued by the Land and Environment Court (**NSW LEC**) provide guidance in relation to requests to vary a development standard under Clause 4.6 of the SLEP 2012.

Several key New South Wales Land and Environment Court (NSW LEC) planning principles and judgements have refined the manner in which variations to development standards are required to be approached:

- *Winten v North Sydney Council*
- *Wehbe v Pittwater [2007] NSW LEC 827*
- *Four2Five Pty Ltd v Ashfield Council [2015] NSW LEC*
- *Randwick City Council v Micaul Holdings Pty Ltd [2016] NSWLEC*
- *Moskovich v Waverley Council [2016] NSWLEC 1015*
- *Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118*

2.2.1. Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSW LEC 118

The correct approach to preparing and dealing with a request under clause 4.6 is neatly summarised by Preston CJ in *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118. In reflecting upon recent case law regarding clause 4.6 variation requests, Chief Judge Preston confirmed (in this judgement):

- The consent authority must, primarily, be satisfied the applicant's written request adequately addresses the 'unreasonable and unnecessary' and 'sufficient environmental planning grounds' tests:
"that the applicant's written request ... has adequately addressed the matters required to be demonstrated by cl 4.6(3). These matters are twofold: first, that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case ... and, secondly, that there are sufficient environmental planning grounds to justify contravening the development standard ..." [15]
- On the 'Five Part Test' established under *Wehbe v Pittwater Council* [2007] NSWLEC 827:
"The five ways are not exhaustive of the ways in which an applicant might demonstrate that compliance with a development standard is unreasonable or unnecessary; they are merely the most commonly invoked ways. An applicant does not need to establish all of the ways. It may be sufficient to establish only one way..." [22]
- That Clause 4.6 does not directly or indirectly establish a test that the non-compliant development should have a neutral or beneficial effect relative to a compliant development:
"Clause 4.6 does not directly or indirectly establish this test. The requirement in cl 4.6(3)(b) is that there are sufficient environmental planning grounds to justify contravening the development standard, not that the development that contravenes the development standard have a better environmental planning outcome than a development that complies with the development standard." [88]

This Clause 4.6 variation has specifically responded to the matters outlined above and demonstrates that the request meets the relevant tests with regard to recent case law.

3. THE SITE

The site is located at 28-32 Bourke Road, Alexandria within the Sydney local government area (LGA). The site comprises the following lots:

- 28 Bourke Road, Alexandria – Lot 3 in Deposited Plan 324707
- 30-32 Bourke Road, Alexandria - Lots 1 & 2 in Deposited Plan 324707

The location of the site is illustrated in **Figure 1**. Photographs of the current site condition are provided in **Figure 5**.

Figure 1 Aerial Location Map



Source: Urbis

Figure 2 Site Photograph



Source: Urbis

The subject site is located within the northern Alexandria precinct as identified in the Southern Enterprise Area Review. North Alexandria is located on the northern edge of the southern enterprise area and is close to Sydney CBD and large population centres. The subject site also at the western gateway to the new Green Square town centre and Green Square Railway station.

The surrounding locality is described below:

- **North:** of the site are various light industrial and retail uses. A NSW Fire and Rescue facility is also located north of the site.
- **East:** directly adjoining the site is 26 Bourke Road comprising a single storey warehouse building. Further east is the Green Square Town Centre. The town centre contains critical pieces of infrastructure such as Green Square Railway Station, Green Square Infinity Health and Medical Centre, Green Square Library and various other commercial/ retail uses.
- **South:** of the site are industrial and commercial uses as well as small lot residential properties. To the south east of the site is the new Gunyama Park Aquatic and Recreation centre
- **West:** of the site is 34-42 Bourke Road comprising a two storey warehouse building owned and operated by City of Sydney Council. Further West of the site is Sydney Park which is adjacent to St Peters Station.

3.1. BACKGROUND

3.1.1. Southern Enterprise Area Review

The *Sydney Local Environmental Plan 2012* (SLEP 2012) is the principal planning instruments relevant to development on the site. The *Sydney Development Control Plan 2012* (SDCP 2012) also applies to the site and provides more detailed locality/land use specific development guidelines.

Council is in the process of reviewing the planning controls that apply to the Southern Enterprise Area, which includes the subject site, as set out in the following documents which were publicly exhibited between 15 November and 13 December 2021:

- Planning proposal PP-2021-4808 to amend Sydney Local Environmental Plan 2012
- Draft Sydney Development Control Plan 2012 – Southern Enterprise Area.

The following section provides an overview of the key amendments sought via the Southern Enterprise Area review that would apply to any future development on the subject site.

Planning Proposal PP-2021-4808 Enterprise Area Review

This planning proposal responds to the need to increase the amount of employment floor space in North Alexandria while also facilitating the dedication of land so that development can be supported by a legible network of public streets, lands and open space and retain the distinct fine grain low-scale built form to the north of north Alexandria. The review also determined that there was potential for North Alexandria to fulfil unmet demands in regard to commercial and flexible employment space.

The planning proposal amends controls to facilitate new employment floor space at North Alexandria and will support the role of the southern enterprise area as a modern employment precinct. Maintaining a strong economic position relies on a sustained supply of suitable floor space to accommodate new high value industries and the changing needs of businesses.

In relation to the subject site, the planning proposal seeks to increase the maximum height of building control from 35m to 45m.

As described below, the planning proposal is accompanied by amendments to SDCP 2012 which provides for enhanced community infrastructure applicable to the subject site.

The Concept SSDA envelope seeks to fully align with the draft LEP and DCP controls to be amended as part of the Southern Enterprise Corridor.

Draft Sydney Development Control Plan 2012: Southern Enterprise Area Amendment

Council has prepared the Draft Sydney Development Control Plan 2012: Southern Enterprise Area Amendment (Draft SDCP2012 Amendment) that provides additional guidance for development in the southern enterprise area.

The Draft SDCP2012 Amendment includes new provisions of streets and lanes, setback at ground level and upper levels, proposed open space dedications and height in storeys in North Alexandria. It also includes other changes to refresh planning controls in the southern enterprise area to reflect development and policy changes that have occurred over time.

The proposal seeks to align with relevant controls within the Draft SDCP2012 Amendment and is reliant on these public domain works forming part of an offset for community infrastructure contributions by way of land dedication.

The key amended DCP controls that have guided the design of the concept SSDA envelope include:

- **5.8.7.2 – Public Domain Setbacks:** A 2.4m wide strip of land within the subject site to be dedicated to the City of Sydney along the site's frontage to Bourke Road for the purpose of footpath widening
- **5.8.7.2 – New Streets, Lanes and through-site links:**
 - A 3m wide laneway dedication along the site's western boundary
 - A 3m wide laneway dedication along the site's southern boundary
- **5.8.4.2 – Street Frontage Height:** 4 storeys
- **5.8.4.3 – Setbacks for buildings:**
 - Along Bourke Road - 12 m upper-level setback
 - Along rear boundary of the site - 4 m upper-level setback

The post-exhibition Enterprise Area Review Planning Proposal and draft DCP amendment were presented to Council at a meeting on 9 May 2022.

In line with the officer recommendation, Council resolved to:

- approve the planning proposal to be sent to DPE to be made as a local environmental plan under Section 3.36 of the EP&A Act 1979.
- Approve the Sydney DCP 2012: Southern Enterprise Area Amendment to come into effect on the date of publication of the subject LEP in accordance with Clause 21 of the EP&A Regulation 2000.

It is anticipated that the LEP will be finalised by mid-September 2022, and the Southern Enterprise Area LEP and DCP will come into effect, following which the new built form controls (including height of buildings) will apply to the site.

Given the LEP amendment as part of the Southern Enterprise Area Review is fairly imminent and certain, with the new LEP controls (including the 45 m height of buildings control) likely to be gazetted by September 2022, the need for this clause 4.6 variation request is likely to fall away at the time of determination of the Concept SSDA.

4. PROPOSED DEVELOPMENT

Development consent is sought for a concept proposal for the 'Alexandria Health Centre' comprising medical centre uses and anchored by a mental health hospital. Specifically, the application seeks concept approval for:

- In principle arrangements for the demolition of existing structures on the site and excavation to accommodate a single level of basement car parking (partially below ground level).
- A building envelope to a maximum height of 45 m (RL 53.41) (including architectural roof features and building plant). The podium will have a maximum height of RL 28.41.
- A maximum gross floor area of 11,442.20 sqm, which equates to a maximum FSR of 3.85:1. The total FSR will comprise a base FSR of 2:1, a community infrastructure bonus FSR of 1.5:1 and a 10% design excellence bonus FSR (subject to a competitive design alternatives process).
- Indicative use of the building as follows:
 - Mental health hospital at levels 5-7.
 - Medical centre uses at levels 1-4; and
 - Ground level reception/lobby and pharmacy.
- Principles for future vehicular ingress and egress from Bourke Road along the site's western frontage.
- Subject to agreement on a public benefit offer submitted with this application (**Appendix I**), the proposal includes the indicative dedication of the following land to Council as envisaged by the Draft Sydney Development Control Plan 2012 – Southern Enterprise Area Amendment (Draft DCP):
 - A 2.4m wide strip of land along the site's frontage to Bourke Road for the purpose of footpath widening
 - A 3m wide lane along the site's western boundary contributing towards a 6m wide lane (it is noted that the concept proposal will allocate an additional 3 m strip of land within the site along the western boundary to enable two-way vehicle movement into and out of the site).
 - A 3m wide lane along the site's southern boundary, contributing towards a 9m wide lane.

The proposed medical centre uses and mental health hospital are likely to cater for:

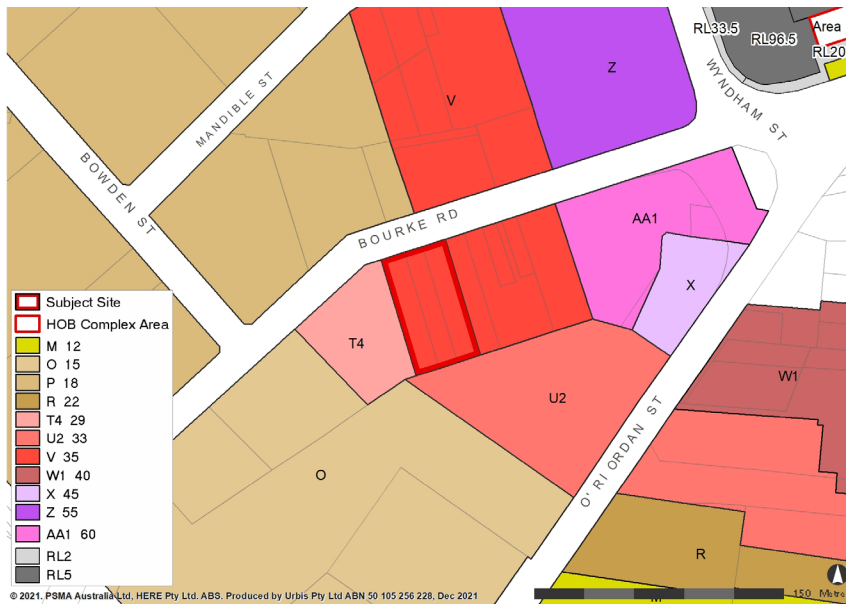
- Short stay, intensive inpatient hospital admission focused on assessment, treatment initiation and stabilisation or detox, and discharge planning
- Step-down outpatient day group programs delivered either in a group setting or via telehealth
- Case management and in-home care provided by a multidisciplinary team
- Telehealth, digital and peer support programs to provide ongoing support.

It is noted that the reference scheme developed for the site indicates that the maximum FSR of 3.85:1 is likely to equate to a height of approximately 40.8m (inclusive of lift cores). This is a minor variation to the current control, but the proposed envelope is aligned with the imminent LEP to ensure that competitors in the future design competition have adequate flexibility with the new planning controls that will be in place for the site.

5. EXTENT OF VARIATION – HEIGHT OF BUILDINGS

As shown below in **Figure 3** the relevant Height of Buildings map contained in the SLEP 2012 nominates a building height of 35 m for the site.

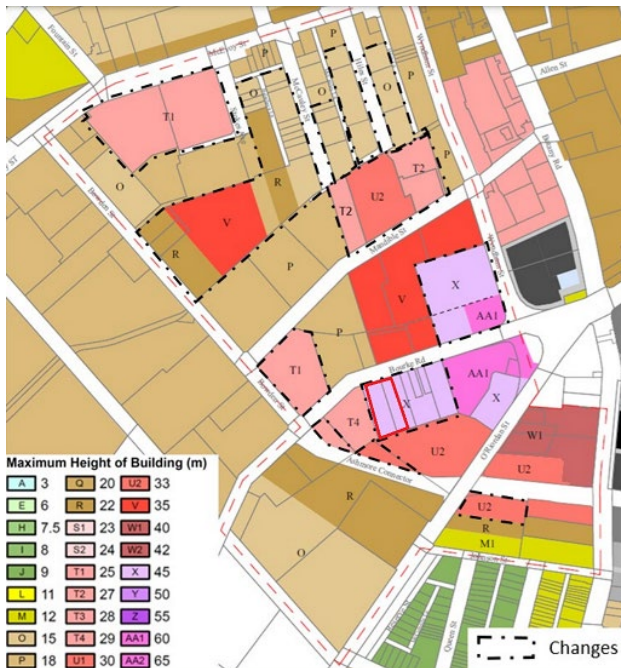
Figure 3 SLEP 2012 Height of Buildings Map



Source: City of Sydney LEP 2012

It is noted that as part of the Southern Enterprise Area review, the LEP Height of Buildings control that will apply to the site is proposed to be amended from 35 m to 45 m as shown in **Figure 4** below.

Figure 4 Southern Enterprise Area Review – LEP Amendment to Building Height control



Source: City of Sydney LEP 2012

The Concept SSDA seeks to provide a concept envelope up to a maximum height of 45 m (including lift overruns and plant). While this will be over the current height of building control that applies to the site (35 m), it will comply with the future height of building control that will apply to the site under the draft Enterprise Area Review Sydney LEP 2012 amendment.

6. CLAUSE 4.3 – HEIGHT OF BUILDINGS

The following sections provide a comprehensive assessment of the request to vary the height of building development standard in accordance with clause 4.6 of the SLEP 2012. Detailed consideration has been given to the NSW LEC case law identified within Section 2 when undertaking this assessment.

6.1. KEY QUESTIONS

6.1.1. Is the Planning Control a Development Standard?

The height of building control is prescribed under clause 4.3 of the SLEP 2012 is a development standard capable of being varied under clause 4.6 of SLEP.

6.1.2. Is the Development Standard excluded from The Operations of Clause 4.6?

The development standard is not excluded from the operation of clause 4.6 as it is not listed within clause 4.6(6) or clause 4.6(8) of SLEP 2012.

6.1.3. What is the Underlying Object or Purpose of The Standard?

The objectives of the floor space ratio standard as per the SLEP 2012 are as follows:

- (a) *to ensure the height of development is appropriate to the condition of the site and its context,*
- (b) *to ensure appropriate height transitions between new development and heritage items and buildings in heritage conservation areas or special character areas,*
- (c) *to promote the sharing of views outside Central Sydney,*
- (d) *to ensure appropriate height transitions from Central Sydney and Green Square Town Centre to adjoining areas,*
- (e) *in respect of Green Square—*
 - (i) *to ensure the amenity of the public domain by restricting taller buildings to only part of a site, and*
 - (ii) *to ensure the built form contributes to the physical definition of the street network and public spaces.*

As assessment of the proposed development against each of these objectives is undertaken below in Table 1.

6.2. CONSIDERATION

6.2.1. Clause 4.6(3)(a) – Compliance with The Development Standard is Unreasonable or Unnecessary in the Circumstances of the Case

As discussed in **Section 3.1**, The post-exhibition Enterprise Area Review Planning Proposal and draft DCP amendment were presented to Council at a meeting on 9 May 2022, where Council resolved to approve the planning proposal to be sent to DPE to be made as a local environmental plan under Section 3.36 of the EP&A Act 1979.

It is anticipated that the LEP will be finalised by mid-September 2022, and the Southern Enterprise Area LEP and DCP will come into effect, following which the new built form controls (including height of buildings) will apply to the site.

Given the Council resolution, it is fairly certain and imminent that the height of buildings control that applies to the site will be amended from 35 m to 45 m.

It is also likely that the LEP amendment will be finalised and gazetted during the assessment of the subject Concept SSDA application.

The Council resolution to support the LEP amendment (and therefore the increase in the height of buildings control that applies to the site from 35 m to 45 m) indicates that Council has made the decision to abandon its current LEP height of buildings control that applies to the site.

Given the above, compliance with the development standard is considered unreasonable and unnecessary.

6.2.2. Clause 4.6(3)(b) – Are There Sufficient Environmental Planning Grounds to Justify Contravening the Development Standard

As noted in the officer's report to Council for the meeting on 9 May 2022, the Southern Enterprise Area planning proposal will amend maximum building height and maximum floor space ratio (FSR) controls in Sydney Local Environmental Plan 2012 (Sydney LEP). The proposed planning controls enable a cohesive built form in North Alexandria, transitioning from tall commercial office buildings at Green Square Town Centre, to the low rise adaptively reused industrial warehouse spaces to the north and mid-rise flexible spaces in between. The proposed planning controls will facilitate an improved public domain, including new open space and pedestrian links to improve connections to existing.

The proposed Concept SSDA will comply with the amended building height control of 45 m and will align to Council's future vision for development in the area. The concept proposal includes provision for land dedication (subject to a VPA) in line with the draft DCP amendment, which will contribute to the public domain and street network as envisaged in Council's planning framework.

Accordingly, it is considered that there are sufficient environmental grounds to justify the proposed variation to the FSR control.

6.2.3. Clause 4.6(4)(a)(ii) – Will the Proposed Development be in the Public Interest because it is Consistent with the Objectives of the Particular Standard and Objectives for Development within the Zone in which The Development is Proposed to be Carried Out?

6.2.3.1. Clause 4.3 – height of buildings

A key element of considering a request to vary a development standard under Clause 4.6 of the SLEP 2012 is consideration of the underlying objectives of the development standard. **Table 1** assesses the proposal against the relevant objectives of Clause 4.3 of the SLEP 2012.

Table 1 Clause 4.3 Assessment

Objectives	Proposal/Assessment
<i>(a) to ensure the height of development is appropriate to the condition of the site and its context,</i>	The concept envelope will comply with the amended LEP height of buildings control of 45 m. The surrounding sites will also be subject to a future height control of 45 m under the amended LEP, ensuring any future development on the site is appropriate in its context in relation to height.
<i>(b) to ensure appropriate height transitions between new development and heritage items and buildings in heritage conservation areas or special character areas,</i>	There are no heritage items on the site or in the vicinity, and the site is not located in a heritage conservation or special character area.
<i>(c) to promote the sharing of views outside Central Sydney,</i>	A view analysis has been undertaken by NBRS and is provided within the Design Report at Appendix H . There will be minimal visual impact on the privacy of neighbouring properties as most of these will be large light industrial warehouses. The Green Square Town Centre will have a view of the development and the east elevation of the development will have views towards

Objectives	Proposal/Assessment
	Green Square, but at over 300m away, overlooking is negligible.
<i>(d) to ensure appropriate height transitions from Central Sydney and Green Square Town Centre to adjoining areas,</i>	<p>Given the forthcoming amendments to the LEP and DCP controls that will apply to the site and surrounding land in the Southern Enterprise Area, it is anticipated that there will be significant redevelopment in the vicinity of the site.</p> <p>Once the surrounding neighbourhood to the development has been developed, it is expected that the future development on the site will integrate into the the scale and streetscape. The area is likely to transform as per the City of Sydney's vision where Alexandria has evolved and revitalised into a thriving employment neighbourhood incorporating a broad range of uses, including higher density commercial, specialised clusters of creative and knowledge-based businesses, entertainment and business support services.</p>
<i>(e) in respect of Green Square—</i>	
<i>(i) to ensure the amenity of the public domain by restricting taller buildings to only part of a site, and</i>	The proposed concept envelope will be fully compliant with the building height control of the Southern Enterprise Area LEP amendment as well as the draft DCP controls relating to building setbacks and street wall heights.
<i>(ii) to ensure the built form contributes to the physical definition of the street network and public spaces.</i>	The proposed concept envelope will be fully compliant with the building height control of the Southern Enterprise Area LEP amendment as well as the draft DCP controls relating to laneway and public domain dedications. This is addressed in further detail within the draft VPA letter of offer that accompanies the Concept SSDA application.

Overall, the proposal is considered to be consistent with each of the relevant objectives of Clause 4.3 of the SLEP 2012.

6.2.3.2. Land Use Zone

The site is zoned B7 Business Park. The proposal seeks consent for *Hospital* and *Medical Centre* uses, which are permissible with consent in the zone.

In addition, the proposal is considered to be consistent with each of the land use objectives for B7 Business Park zoned land as detailed within the SLEP 2012. This has been outlined in detail within Table 2.

Table 2 Consideration of Land Use Zones Objectives

Objectives	Proposal/Assessment
<i>To provide a range of office and light industrial uses.</i>	The proposal is for a concept envelope, which will enable future development for a health facility.
<i>To encourage employment opportunities.</i>	Same as above. The proposal will enable future development that will encourage employment opportunities.
<i>To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.</i>	The proposal will meet an unmet demand for mental health services in the area and will provide the flexibility for ancillary uses such as a GP clinic and pharmacy on the ground floor.
<i>To ensure uses support the viability of nearby centres.</i>	The proposal does not include any retail floorspace that would impact the viability of nearby centres. As above, the proposal will respond to an unmet demand for mental health services in the area.

6.2.4. Clause 4.6(4)(b) – Concurrence of the Secretary has been Obtained

The concurrence of the Secretary has been obtained as required under clause 4.6(4)(b) and can be assumed in these circumstances.

6.2.5. Clause 4.6(5)(a) – Would Non-Compliance Raise any Matters of Significance for State or Regional Planning?

The proposed non-compliance with the height of buildings development standard will not raise any matter of significance for State or regional environmental planning. It has been demonstrated that the proposed variation is appropriate based on the specific circumstances of the case and would be unlikely to result in an unacceptable precedent for the assessment of other development proposals.

6.2.6. Clause 4.6(5)(b) – Is there a Public Benefit of Maintaining the Planning Control Standard?

The proposed development achieves the objectives of the height of buildings development standard and the land use zoning objectives despite the non-compliance.

There is no public benefit in maintaining strict compliance with the development standard as there are no unreasonable impacts that will result from the variation. The benefits of the proposal outweigh any disadvantage and as such the proposal will be in the public interest.

6.2.7. Clause 4.6(5)(c) – Are there any other Matters Required to be Taken into Consideration by the Secretary Before Granting Concurrence?

There are no additional matters that need to be considered within the assessment of the clause 4.6 Request and prior to granting concurrence, should it be required.

7. CONCLUSION

This Clause 4.6 Variation Request (the Request) has been prepared on behalf of Alexandria Property Development Pty Ltd (the applicant) and accompanies a Concept State Significant Development Application (SSDA) for the Alexandria Health Centre redevelopment at 28-32 Bourke Road, Alexandria (the site).

The Request seeks a variation to the maximum height of building prescribed for the site under clause 4.3 of Sydney Local Environmental Plan 2012 (SLEP 2012) for land at 28-32 Bourke Road, Alexandria. The variation request is made pursuant to clause 4.6 of SLEP 2012.

Based on the reasons outlined above and the contents contained throughout this Clause 4.6 Request, it is considered that maintaining strict compliance with the height of buildings development standard would be unreasonable and unnecessary, and therefore not be in the public interest.

Given the LEP amendment as part of the Southern Enterprise Area Review is fairly imminent and certain, with the new LEP controls (including the 45 m height of buildings control) likely to be gazetted by September 2022, the need for this clause 4.6 variation request is likely to fall away at the time of determination of the Concept SSDA.

Accordingly, this clause 4.6 request has been submitted as a 'technical' request, and it is concluded that variation request is well founded and that the particular circumstances of the case warrant flexibility in the application of the height of buildings development standard as it applies to the site.

DISCLAIMER

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