

**University of Technology, Sydney
UTS Blackfriars New Research Building**

**UTS Blackfriars Precinct
2-14 Buckland Street, Chippendale NSW**

**Clause 4.6 Request to Vary a Development Standard:
(Clause 4.3 Height of Buildings)**

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Part 1 Request to Vary a Development Standard

1.1 Purpose

This is a request in accordance with Sydney LEP 2012 Clause 4.6 to vary the *Height of Buildings* development standard established by Clause 4.3 in support of a staged development application for a building envelope for the UTS Blackfriars New Research Building at 2-14 Buckland Street, Chippendale NSW (the Proposal). The request has been prepared with regard to *Varying Development Standards: A Guide* (Department of Planning & Infrastructure, August 2011).

1.2 Sydney Local Environmental Plan 2012 – Clause 4.6

Sydney Local Environmental Plan 2012, extract

4.6 Exceptions to development standards

(1) *The objectives of this clause are as follows:*

- (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.*

(2) *Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.*

(3) *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 circumstances of the case, and*
- (b) *that there are sufficient environmental planning grounds to justify contravening the development standard.*

(4) *Development consent must not be granted for development that contravenes a development standard unless:*

(a) *the consent authority is satisfied that:*

- (i) *the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
- (ii) *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, and*

(b) *the concurrence of the Secretary has been obtained.*

(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, 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.*

1.3 Development standard to which variation is sought

Clause 4.3 provides for the maximum height of buildings. The height of buildings map shows the maximum height for a building on the subject site as 9m. This request seeks to vary that development standard for the Proposal.

1.4 Variation sought

This request seeks to vary the maximum height of buildings development standard in relation to the Proposal to be 27.95m. The increase in height sought is 18.95m.

1.5 Land and Environment Court five part test

Varying Development Standards: A Guide (Department of Planning & Infrastructure, August 2011) states that there are 5 considerations when assessing a variation to a standard, based on Land And Environment Court cases. These include:

1. Objectives of the standard are achieved notwithstanding non-compliance with the standard;
2. The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is not necessary;
3. The underlying object of the purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable;
4. The development standard has been virtually abandoned or destroyed by the council's own actions in granting consents departing from the stand and hence compliance with the standard is unnecessary and unreasonable;
5. The compliance with development standard is unreasonable or inappropriate due to existing use of land and current environmental character of the particular parcel of land that is, the particular parcel of land should not have been included in the zone.

Each of these considerations has been addressed as part of this request for variation.

Part 2 Variation to Clause 4.3 – Height of buildings

This part demonstrates that despite the non-compliance with height of buildings standard, the proposed development meets the underlying objectives of the standard.

2.1 Height of buildings – development standard

The underlying objects of the height of buildings development standard are given in Clause 4.3(1):

4.3 Height of buildings

(1) *The objectives of this clause 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,*
- (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.*

Objective 1e is not relevant to the Proposal as it does not apply to the subject land.

2.2 Consistency with the objectives for the development standard

2.2.1 Objective 1a – To ensure the height is appropriate to the condition of the site and its context

The site and its immediate surrounding area is very mixed in character with buildings on the site and adjacent blocks ranging from 1 to 15 storeys and higher.

The existing heritage school buildings on the site, and the buildings on the adjoining University of Notre Dame Australia (UNDA) site have a considerable scale with an effective 4-5 storey height due to the very high floor to floor heights and additional gothic roof features and spires which are taller again. The major existing heritage buildings on the UTS site and the UNDA site already exceed the development standard. The visual studies undertaken for the Proposal establish that in significant viewing locations including public places such as Broadway and Buckland Street the gothic heritage buildings remain the dominant built features of the site. In particular, the spire of St Benedicts Church remains the highest feature on the block and will continue to be seen against the sky in views from opposite the site on Broadway. Similarly, the former Girls School, Building CB22, on Buckland Street remains a dominant feature of the Buckland Street frontage. Its high-pitched roof and gothic features will remain clearly readable in the streetscape and are not diminished by the Proposal.

On the opposite side of Buckland Street and Blackfriars Street there has been extensive adaptation of older buildings often with upper floor additions. Many infill

residential building and commercial buildings in the surrounding area replicate the forms of the three-five storey buildings that are seen in this part of Chippendale. The Proposal is in keeping with this established infill practice. Across Buckland Street from the site, the UNDA building on the Broadway corner has an effective height of 7 storeys: six floors and a sky sign. Across Broadway and Abercrombie Street the newly constructed buildings on the UTS campus and in the Frasers CUB development have established a significantly higher built form of 45m and higher (approximately 15 storeys plus lift towers). One block further east, the UTS tower building and the Frasers CUB residential tower are high towers that feature on the Sydney skyline and have permissible heights of over 85m in the LEP.



Figure 1. Height of buildings (extract from the Architectural Report by H2O Architects Pty Ltd)

Based on this examination of the immediate context, the site and the immediately surrounding blocks, it is apparent that the area cannot reasonably be said to have a predominant existing character, but rather a character that includes a very broad range of building sizes and heights, which tend to be highly variable within street blocks and which tend to be taller in proximity to Broadway.

Accordingly, it is submitted that the Proposal at a maximum height of 27.95m, including six levels and rooftop plant and lift overruns is appropriate to and highly compatible with the condition of the site and this context.

2.2.2 Objective 1b – To ensure appropriate height transitions between new development and heritage items and buildings in heritage conservation areas or special character areas

Sydney LEP 2012 lists the Blackfriars site as a Heritage Item (Reference I170, local significance). The site is also in a Heritage Conservation Area (C9 Chippendale Conservation Area).

UTS has a strong record of respecting the site's heritage. It has invested significant funds in the removal of low-grade infill buildings that have detracted from the heritage significance of the school buildings as well as in the conservation of the school buildings themselves. As a long-term custodian of this site, UTS understands the cultural significance of maintaining and growing an educational presence in a site that has had an educational focus for over 130 years.

In its early planning for this project and its consideration of the overall Blackfriars site, UTS has sought to ensure that the heritage significance of the site was maintained and that a high quality urban design outcome for the overall site was achieved that is highly compatible with its surrounds.

The proposal by UTS acknowledges the curtilage of the site's significant heritage items of the former Girls School and Boys School buildings and builds on the portion of the site identified in the Conservation Management Plan as suitable for development. Rather than develop a series of lower, broader buildings of an equivalent height for the overall site, the approach across the overall site opens up the space around the significant buildings and grades the height upward to the north. The approach redistributes the site's overall development potential and building massing from the Blackfriars Street (south) end of the site onto a taller building at the north of the site. This approach is illustrated in Figure 2 below. With this approach in mind, UTS consciously pursued a lower than permissible childcare development at the south of the site (DA2012/1398 approved by the City of Sydney on 24 April 2013) and provided a masterplan for the site as part of the DA documentation. The city's planning assessment stated (p 5):

"The masterplan provides a number of broad planning objectives for the site addressing the desired continuation of education focused land uses, future bulk and massing of buildings, retention of heritage significant buildings and views, sustainability and access. Specific numerical standards for floor space and height have been intentionally omitted from the masterplan as it was prepared before the adoption of the Sydney LEP 2012 and therefore the adoption of statutory numerical bulk and scale standards. No firm commitment has been made for the redevelopment of the northern section of the site where the current child care centre exists however the masterplan advises that the buildings in this area are to be demolished and replaced with contemporary buildings that respond to the scale and form of nearby warehouses. Such buildings are to be designed to protect the internal landscaped quadrangle and solar access. The masterplan generally satisfies the built environment design principles provided under Clause 28 and can be supported."

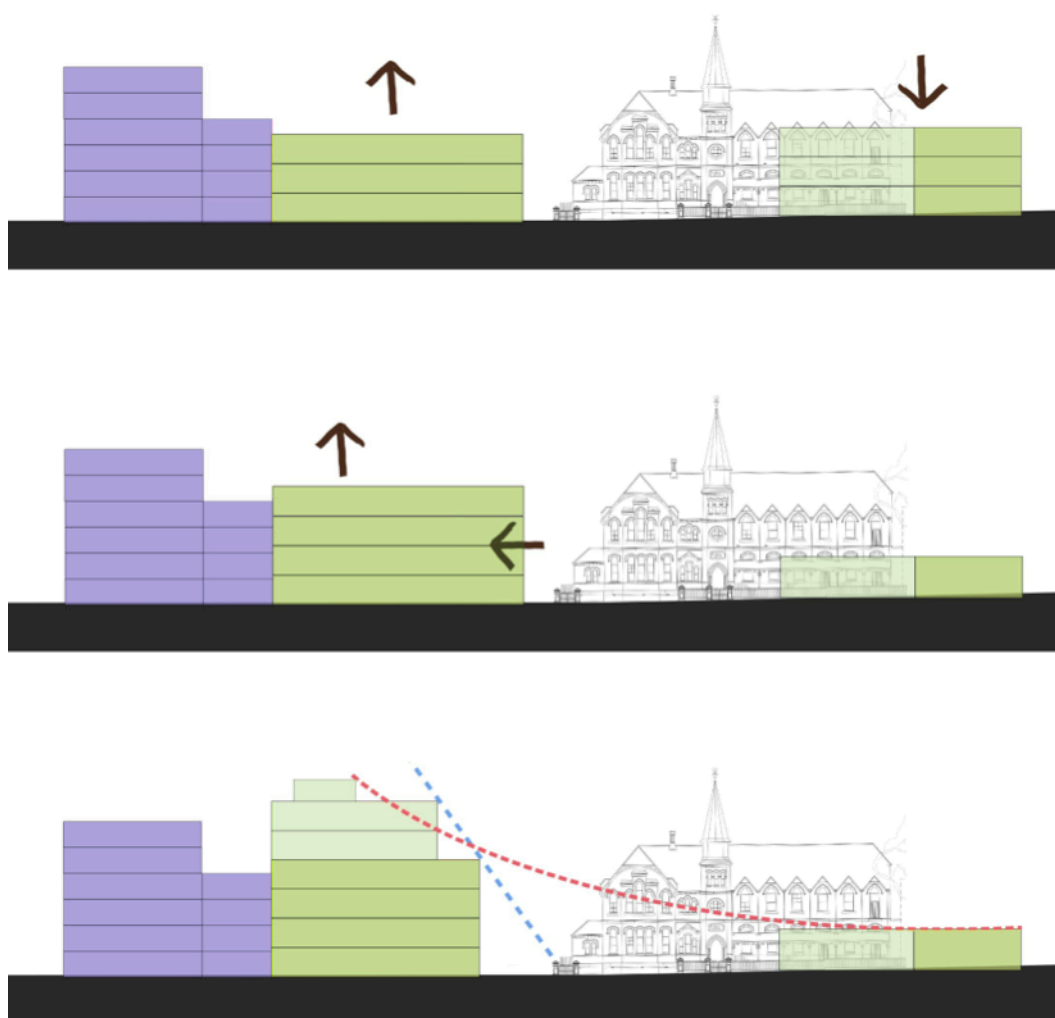


Figure 2. Massing Diagram (Buckland Street Elevation, not to scale).

This diagram illustrates the rationale of redistributing development potential on the site to achieve better amenity, overshadowing and heritage outcomes. The blue coloured envelopes shown at the left side of the diagram (Broadway frontage) indicate anticipated permissible envelopes for the adjacent sites owned by the University of Notre Dame Australia.

Step 1 (top) shows the permissible heights and development locations, which would provide development potential but would also significantly infill the site.

Step 2 (middle) shows the approach of lowering of height on Blackfriars Street (right) to improve views into the site and improve amenity for properties facing Blackfriars Street (reflected in the approved single storey childcare) while increasing heights to the north in order to maintain development potential.

Step 3 (bottom) shows increased heritage curtilage setbacks to the former school buildings to improve heritage outcomes, allow views into the site, and allow a better 'breathing' space around the heritage items while maintaining the development potential. Setting back of the upper floors also manages the scale of the building as viewed from within the site.

This level of detailed site planning allowed the Proponent to take into account the specific conditions of the site and with specific urban design and heritage advice at a level of detail that is beyond that typically considered when making an LEP with broader development standards. It is considered that the redistribution of height across the site results in better amenity, view sharing, overshadowing, urban design and heritage impacts compared to a lower consistent height applied across a broader area of the site in compliance with the development standard (see Figure 3).

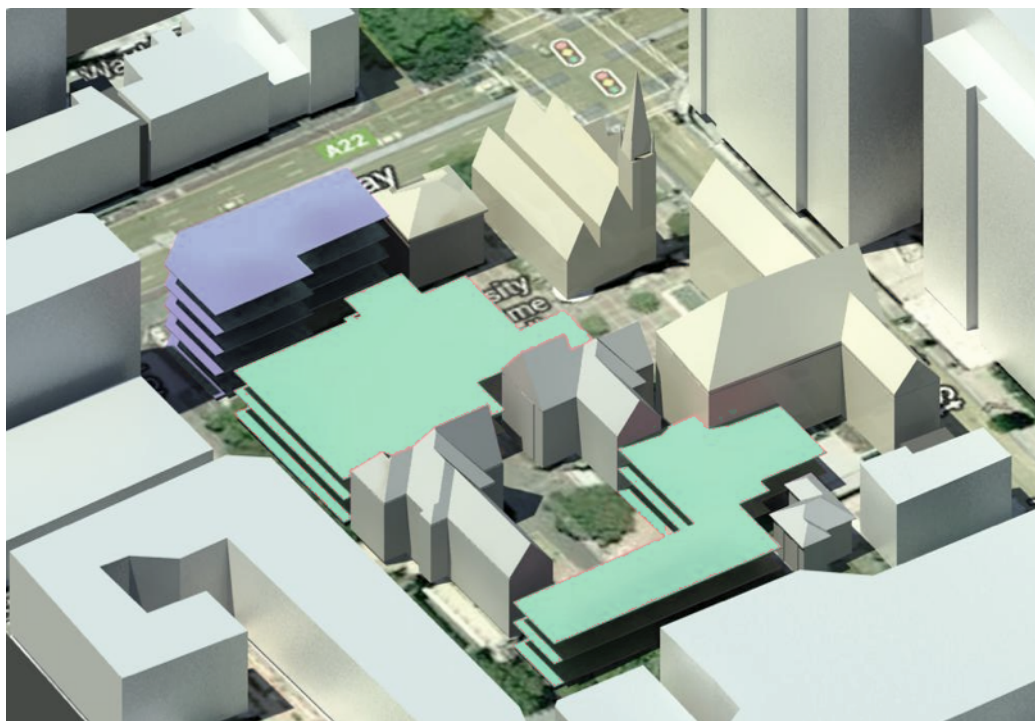


Figure 3 Comparison diagram: envelope study showing potential new development that is compliant with LEP height and floorspace controls. It is considered that the resulting built form that had larger floorplates but reduced height would lead to poorer amenity, view loss, overshadowing, heritage and urban design impacts.

This approach allows the heritage items to “breathe” and is considered to provide a more appropriate heritage response than wider buildings of a lower height, and one that is respectful of the curtilage of significant items whilst still achieving the site’s permissible development potential. The increase of height sought for the northern part of the site is balanced by a lowering of development height at the south.

The Heritage Report by Paul Davies Pty Ltd, which accompanies the EIS for the Proposal, is supportive of the increased height in heritage terms concluding the “development on the northern portion of the site is possible without adversely affecting heritage values or the urban setting of the school within the surrounding area”.

As a result it is submitted that the Proposal ensures appropriate height transitions between new development and heritage items and buildings in heritage conservation areas.

2.2.3 Objective 1c – To promote the sharing of views

The graded response to height across the site approach described above has been

specifically designed to promote view sharing for the site and its surrounds. In particular the approach allows the preservation of a lower scale form along Blackfriars Street where the Proponent has sought only to build childcare development of only one storey despite a three level development being permissible. As a result, residential and commercial development on Blackfriars Street is able to access more distant views over the childcare roof into the remainder of the UTS site, significantly improving the outlook from these adjoining developments as well as solar access to the street and residential and general overall amenity.

For the adjacent UNDA site, the Proposal has a minor impact on potential views to the south and west. The high boundary wall between the two sites that currently exists already limits ground level views on the Notre Dame Campus to be foreground views, which will not be adversely affected by the Proposal. The higher Notre Dame building on Abercrombie Street has a primary aspect to the north and is offset from the footprint of the Proposal ensuring that it will still enjoy a mix of foreground, midrange and longer distance views primarily over the top of the UNDA Campus in keeping with its urban setting. These views are not significantly different to those that the site would enjoy should the development standard be strictly maintained

The width of the proposed envelope frontage on Buckland Street has been designed to preserve views into the UTS site and establishes a 'cloistered' setting for the internal spaces that interprets the former subdivision pattern of the site prior to the construction of the (former) School buildings. There are only minor impacts on the adjacent University of Notre Dame Australia campus buildings on Buckland Street between Grafton Street and Broadway. The nature of the Buckland Street environment is that these developments only have foreshortened views of the street and buildings opposite, plus borrowed views into the UTS site. These will be largely maintained and are not significantly different to those that the site would enjoy should the development standard be strictly maintained.

No other significant potential impacts on view sharing have been identified.

As a result, it is submitted that the Proposal promotes the sharing of views in a manner that is superior to that of a potential alternative development on the site that was compliant with the development standard.

2.2.4 Objective 1d – To ensure appropriate height transitions from Central Sydney and Green Square Town Centre to adjoining areas

SLEP2012 defines the Central Sydney area on the locality and site identification map. An extract of the map is shown below. The pink area corresponds to the Central Sydney area. The Central Sydney area is approximately 350m from the site.

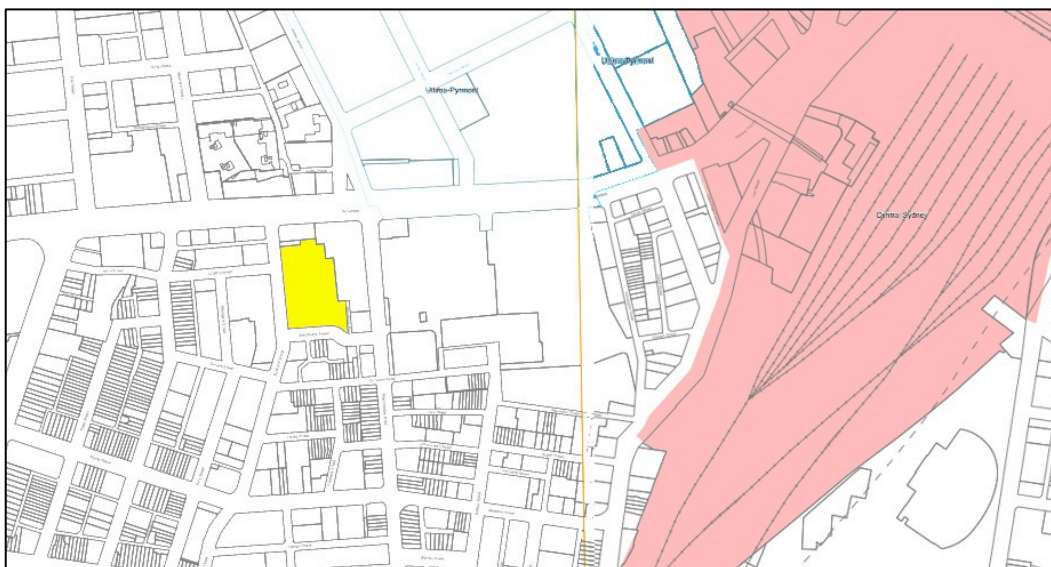


Figure 4. Composite of maps 9 and 16 from the SLEP2012 locality and site identification map. The site is shown in yellow, and the Central Sydney area is coloured pink.

Between the subject site and the Central Sydney area are the buildings of the Frasers CUB/Central Park development and the UTS main City Campus on Broadway. These sites contain significantly tall buildings. The elevational diagram at Figure 5 gives an elevation of the buildings fronting Broadway and illustrates the transition in building heights on the edge of the Central Sydney area.

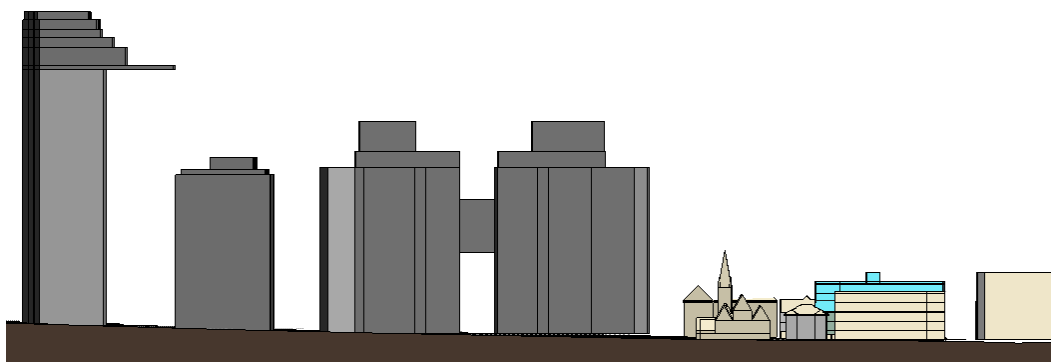


Figure 5. Broadway elevation showing the Proposal (blue) behind a permissible future envelope (light grey) on the corner site owned by the UNDA, and in context with the St Benedicts Church (left) and Frasers/CUB Development (dark grey, far left).

It is also noted that the future character of the southern end of the Central Sydney area can be reasonably expected to contain further high-rise development. This is because the Draft Metropolitan Strategy includes among its goals to “Grow a more internationally competitive Sydney CBD” with specific priorities including “Create new and innovative opportunities to grow Sydney CBD office space by identifying redevelopment opportunities and increasing building heights in the right locations” and “Create new opportunities to grow Sydney CBD office space by expanding the CBD’s footprint, particularly along the Central to Eveleigh corridor.”

It is considered that the Proposal gives rise to a more effective transition between the existing and future heights in the Central Sydney area and adjacent blocks and the exiting areas of Chippendale that the SLEP2012 development standard. Figure 5 clearly illustrates that the Proposal's height is in keeping with the broader context and modest in light of that context. The new buildings under construction on the adjacent corner of Broadway and Abercrombie Street, part of the Frasers/CUB Central Park development, are more than three times the height of the Proposal. Opposite on Buckland Street at the corner of Broadway are existing buildings at an equivalent height the Proposal. Importantly, the Proposal retains the spire of St Benedicts Church as the tallest structure on the block, and the dominant feature against the sky when seen from views across Broadway.

As a result, it is submitted that the Proposal ensures that there are appropriate height transitions from Central Sydney to adjoining areas.

2.3 Consistency with the objectives for development within the zone

The objectives for the B4 Mixed Use zone are:

Zone B4 Mixed Use

1 Objectives of zone

- *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 ensure uses support the viability of centres.*

The Proposal is consistent with the objectives of the zone as follows:

- The education establishment use on the site is permissible. It is also compatible with nearby education, commercial, residential, childcare and other uses and maintains a 130 year long use of the site as an education precinct.
- The Proposal integrates suitable educational development in close proximity to the major public transportation bus corridor on Broadway and in close proximity to major railway interchange stations, and minimises carparking and private vehicle uses by not providing carparking on the site, thereby maximising public transport patronage and encouraging walking and cycling.
- The Proposal supports the viability of centres by providing employment in the Global Sydney strategic centre, with a specific focus on education-related land uses focussed towards job creation, innovation, and new business activity in the creative digital technology sector, as identified as priorities within the Central sub-regional strategy of the Draft Metropolitan Strategy for Sydney. Specifically, the estimate of jobs created by the development is 300 full time equivalent research positions. The likely multiplier effect for research jobs is recognised as amongst the highest for any sector, and has been estimated at a four, meaning that the Proposal is will lead to a further 1,200 jobs in the local economy.

2.4 Justification for development standard variation

The following table provides a justification for the proposed varying the development standard, based on the above planning provisions:

Table 1 Justification for proposed variation

Clause 4.6 (3) objection	Justification
<p><i>that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case</i></p>	<p>Compliance with the development standard is considered to be unnecessary for the following reasons:</p> <ul style="list-style-type: none"> the Proposal is in accordance with each of the underlying objects of the standard despite its non-compliance.
<p><i>that there are sufficient environmental planning grounds to justify contravening the development standard.</i></p>	<p>The following provides planning grounds to justify contravention of the development standard:</p> <ul style="list-style-type: none"> the increase in height to the northern part of the site enables development on the southern part of the site to be limited to well below the permitted height of buildings with significant positive impacts for the surrounding development on Blackfriars and Buckland Street able to better access view sharing, outlook and solar access to the street. having regard to the height of other buildings in the vicinity, it is considered that the proposed development does not adversely affect the streetscape, skyline or landscape when viewed from adjoining roads and other public places. Importantly the increased height retains the St Benedicts Church spire as the tallest structure on the site, and allows the spire to be seen against the sky in views from Broadway. the Heritage Report by Paul Davies Pty Ltd, which accompanies the EIS for the Proposal, is supportive of the increased height in heritage terms concluding that the “development on the northern portion of the site is possible without adversely affecting heritage values or the urban setting of the school within the surrounding area”. the dramatic change occurring in the Broadway area due to the recent UTS and Central Park developments has significantly changed the nature of the physical environment since the making of the Sydney LEP 2012. It is considered that the Proposal gives rise to a more effective transition between the existing and future heights in the Central Sydney area and adjacent blocks and the exiting areas of Chippendale that the SLEP2012 development standard. minor additional overshadowing arising from the increased height still provides for reasonable solar access for residents in adjacent development in accordance with the requirements of the Apartment Design Guidelines and SEPP65 (discussed in full in the EIS at Section 6.7). The proposed development is compatible with the existing and future character of the locality, and is consistent with the zoning for the area. It is also compatible with and helps achieve the future direction set for the area in the Draft Metropolitan Strategy and the Central Subregion and directly contributes to their priorities.

It is submitted that in the circumstances of the Proposal, the application of the development standard is unnecessary and unreasonable because the Proposal is in accordance with each of the underlying objects of the standard despite its non-compliance and that the departure from the development standard is well justified on environmental planning grounds.

2.5 Concurrence of the Secretary

The concurrence of the Secretary is required in relation to the granting of consent that contravenes a development standard under Clause 4.6(5). In deciding whether to grant concurrence, the Secretary must consider whether contravention of the development standard raises any matter of significance for State or regional environmental planning and the public benefit of maintaining the development standard.

2.5.1 Matters of significance for State or regional environmental planning

The proposed development raises the following matters of significance for State and regional environmental planning:

- The proposed development is declared as State Significant by State Environmental Planning Policy (State and Regional Development) in accordance with *Section 8 Declaration of State significant development*. The proposed development is specified in *Schedule 1 State significant development—general: 15 Educational establishments: “Development for the purpose of educational establishments (including associated research facilities) that has a capital investment value of more than \$30 million”*.
- The Proposal directly addresses strategies contained in the Government’s NSW 2021 in particular *Rebuild the Economy*. It directly contributes to targets and priorities of Goal 1 - *Improve the performance of the NSW economy*, by leveraging research and development activities to drive new investment opportunities in NSW, and growing critical industries including digital economy and international education and research. It also directly contributes to targets and priorities of Goal 4 - *Strengthen the NSW skill base*, by growing knowledge industries, and supporting high performing businesses to innovate to further enhance productivity within key sectors of the digital economy, and education and research. The jobs created by the development are estimated at 300 full time equivalent research positions. The likely multiplier effect for research jobs is recognised as amongst the highest for any sector, and has been estimated at a four, meaning that the Proposal is will lead to a further 1,200 jobs in the local economy.
- The Proposal directly addresses the Draft Metropolitan Strategy 2031 priorities to create new and innovative opportunities to grow Sydney CBD office space by identifying redevelopment opportunities and increasing building heights in the right locations, grow high-skilled jobs in the Global Economic Corridor by expanding employment opportunities and mixed-use activities, and support the growth of priority industries with appropriate planning controls.
- The Proposal is designed to specifically contribute to the Draft Metropolitan Strategy’s Central Subregion priorities for *Broadway and Camperdown Education and Health Precinct* by providing education-related land uses and infrastructure around the University of Technology Sydney.

It is submitted that the Proposal could not proceed without the flexible application of the development standard. This would result in the loss of the benefits flowing from the Proposal to the State and local economy, and delay or frustrate delivery of the Draft Metropolitan Strategy’s and Central Subregion’s priorities.

2.5.2 The public benefit of maintaining the development standard

It is considered that there is no public benefit to maintaining the development standard in the specific circumstances for the following reasons:

- The varying of the development standard does not give rise to any significant adverse environmental impacts.
- As the Proponent, UTS, is a public institution, the benefits generated by the Proposal are accordingly public.
- The redistribution of development potential across the site with a lower development on Blackfriars Street frontage and a maximised building on the northern boundary is consistent with the approved masterplan for the site (which forms part of the consent for the Childcare Centre DA2012/1398 and has undergone a development application consultation process). The masterplan did not nominate heights or floorspace ratios because Sydney Local Environmental Plan 2012 had not been made at the time the application was lodged.
- Maintaining the development standard would result in the Proponent reconsidering the distribution of development potential across the site. Instead of pursuing a one storey childcare building on Blackfriars Street, the Proponent would be forced to develop a taller building on that frontage as this would be the only location on the site with available height. It is considered such an outcome would be approvable, but would be less desirable in terms of heritage, urban design, solar access, and amenity for neighbouring properties compared to the current Proposal, despite being compliant with the height of buildings development standard.
- Despite the large variation sought by the Proposal, it is considered that it will not have the effect of eroding the development standard because the Chippendale area is already substantially developed at the maximum floorspace ratio with further redevelopments unlikely to be able to demonstrate a similar public benefit in terms of job creation in the State’s priority industries, alignment with the priorities of the Draft Metropolitan Strategy and Central Sub-Regional Strategy, or having the clear public benefit arising from the Proponent being a public education institution.

2.6 The Land and Environment Court Five Part Test

The following table sets out a response to the questions in the five part test.

Table 2 LEC Five Part Test

LEC five part test	Response
Objectives of the standard are achieved notwithstanding non-compliance with the standard	The Proposal is in accordance with each of the underlying objects of the standard despite its non-compliance. Refer to section 2.2 above
The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is not necessary	N/A

LEC five part test	Response
The underlying object of the purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable	Underlying objects relating ensuring appropriate height transitions are considered to be defeated if compliance was required, and as a result, compliance is considered unreasonable.
The development standard has been virtually abandoned or destroyed by the council's own actions in granting consents departing from the stand and hence compliance with the standard is not unnecessary and unreasonable	N/A
The compliance with development standard is unreasonable or inappropriate due to existing use of land and current environmental character of the particular parcel of land that is, the particular parcel of land should not have been included in the zone	Existing heritage buildings on the site already exceed the height of buildings development standard. The current environmental character of the land has changed since the making of the LEP with new significant high-rise buildings in the surrounding area to the east and north. As a result, it is submitted that the particular parcel of land should not have been included in the 9m height zone.

2.7 The Public Interest

It is submitted that the Proposal is in the public interest because it is consistent with the objectives for the development standard being varied, and the objectives for development within the zone in which the Proposal is proposed to be carried out in accordance with Clause 4.6(4)(ii) (refer to Part 2.2 and 2.3 of this request).

Part 3 Conclusion

This request for a variation to the development standard satisfies the matters of consideration under Clause 4.6 of Sydney LEP 2012 and demonstrates that the variation to the height of buildings development standard is appropriate in the circumstance of the case.

The request demonstrates that the proposed variation to the development standard:

- Satisfies the stated and underlying objectives of the development standard
- Achieves better outcomes for and from the proposed development
- Meets the LEC five part test.

It is submitted that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the development standard. This is discussed in Part 2.4 of this request.

It is submitted that the Proposal is in the public interest because it is consistent with the objectives for the development standard being varied, and the objectives for development within the zone in which the Proposal is proposed to be carried out in accordance with Clause 4.6(4)(ii). These are discussed in Part 2.2 and 2.3 of this request.

The proposed development raises several matters of significance for State and regional environmental planning requiring the concurrence of the Secretary under Clause 4.6(5), including that the Proposal:

- is State Significant development by a Public Authority (UTS)
- achieves specific priorities set out in the Draft Metropolitan Strategy and Central Subregional Strategy

It is submitted that the varying of the development standard in this particular case achieves the underlying intent of the LEP as it achieves better outcomes for and from the proposed development by allowing flexibility in the particular circumstances.

As this objection to the development standard is well founded, it is requested that the consent authority applies flexibility to the application of the height of buildings development standard and grants consent to the Proposal in accordance with Clause 4.6(2) of Sydney LEP 2012.