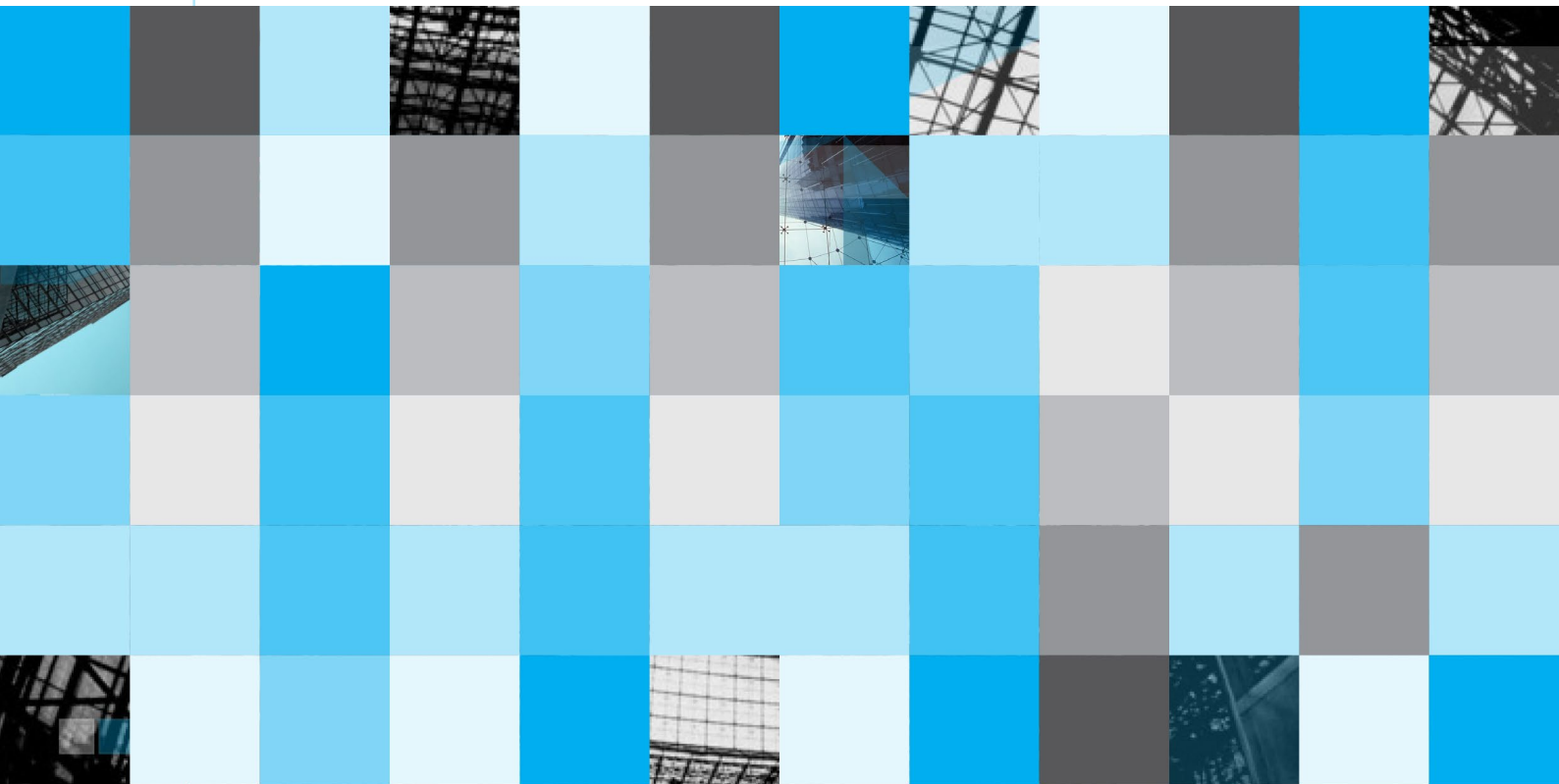




93 -107 Cecil Avenue and 9-10 Roger Avenue, Castle Hill

Clause 4.6 – Building Height Development Standard

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**93 -107 CECIL AVENUE AND 9-10 ROGER
AVENUE, CASTLE HILL**

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1.0 CLAUSE 4.6 REQUEST – BUILDING HEIGHT

1.1 Introduction

This request for an exception to a development standard is submitted in respect of the height development standard contained within Clause 16(3) of State Environmental Planning Policy (Housing) 2021.

The request relates to State Significant Development Application No. 78156221 (SSDA) for the purposes of a mixed use development comprising 3,789 square metres of commercial premises and 610 apartments (including 117 affordable housing apartments) at 93-107 Cecil Avenue and 9-10 Roger Avenue, Castle Hill. (the site).

1.2 Background

1.2.1 Planning Proposal

The site has been the subject of a Planning Proposal with Gateway Determination granted on 2 November 2016 and gazettal on 17 July 2020 to facilitate a mixed use, multi-storey development on the subject site comprising 460 dwellings and at least 8,025m² of commercial floor space.

The key amendments to The Hills Local Environmental Plan 2012 were:

- Rezoning the site from R3 Medium Density Residential and R1 General Residential to B4 Mixed Use;
- Removing the maximum building height applicable to the site;
- Applying a 'base' floor space ratio of 1:1 across the entire site and an 'incentivised' floor space ratio of 3.5:1 across the entire site.
- Maximum of 460 dwellings.
- A minimum of 8,025 square metres of commercial floor space.

The Planning Proposal also culminated in a site specific Part D Section 21 of The Hills Development Control Plan which establishes land use and built form controls for the site.

Finally, the site is subject to an executed Voluntarily Planning Agreement to secure the provision of additional local infrastructure to support the proposed residential yield on this land. The core elements of the Voluntary Planning Agreement are:

- grant a public right of way easement for the benefit of the Council over the Land connecting Cecil Avenue to Roger Avenue and public plaza to Cecil Avenue; and
- provision of works embellishing the easement.



Figure 1:

DCP site layout and number of storeys

1.2.2 Exhibited Development

The State Significant Development Application (SSD-70283710) was formally lodged with the Department of Planning, Housing and Infrastructure (DPHI) in March 2025 in accordance with Section 26A, Schedule 1 of State Environmental Planning Policy (Planning Systems) 2021.

The SSDA, as exhibited, sought approval for the purposes of the staged construction of a mixed use development comprising 8,025 square metres of commercial premises and 615 apartments (including 169 affordable housing apartments) at 93-107 Cecil Avenue and 9-10 Roger Avenue, Castle Hill.

Specifically, the exhibited development sought consent for the following:

- Demolition of existing buildings.
- The staged construction of four, mixed use buildings above two levels of basement car parking.
- The development has a height of 25 and 20 storeys facing Cecil Avenue. The scale of the development gradually reduces to 12-13 storeys to Roger Avenue. A 6-storey building is located on the western side of the site, adjacent to the site of a heritage item. A 5-storey building is located on the eastern side of the site to provide a transition in scale to the lower density residential development to the south-east along Cecil Avenue.
- The development incorporates 8,025 square metres of non-residential uses on the ground floor, upper ground, Level 1 and Level 2. The non-residential uses include retail premises and office premises.
- A total of 615 apartments are proposed, including 169 (15%) affordable apartments. The proposed unit mix and sizes of the entire development will comply with the requirements of clause 7.11 of THLEP.

- The vehicular entry for residential, visitor, commercial parking and service vehicle parking is from Cecil Avenue.
- The proposal includes a through site link to connect Cecil Avenue with Roger Avenue.
- The built form incorporates extensive landscaping on the ground floor plane within each street setback, within the through site link and on roof tops. The landscaping is designed to soften the building form, create a green outlook for apartments and a higher level of amenity for residents, provide quality communal spaces, connect the built form with the surrounding natural environment, and improve the environmental performance of the building.
- The application proposes the staged construction of the buildings. The proposed staging is shown on the staging plan prepared by A+ Design Group. The stages are as follows:
 - Stage 1 – Buildings A and B
 - Stage 2 – Building C
 - Stage 3 – Building D



Figure 2:

Originally
proposed site
layout and
number of
storeys

1.2.3 Design Evolution

The built form of the originally proposed development was consistent with the established site layout and building footprints, including, setbacks, location of deep soil, building separation and location of commercial uses, and through site link, as identified in the site specific DCP. The incentivised increase in height and floor space was then applied to this built form framework, with an intention to adhere to the principles of height hierarchy.

However, a key concern raised by the SDRP was the relentless bulk of the two buildings extending continuously on either side of the through site link from Cecil Avenue to Roger Avenue, as envisaged by the DCP. In order to meaningfully address this concern, the proposal has been significantly amended to introduce complete separation of podiums along the site from north to south to create four distinct and slim towers with significantly reduced floorplates.

This has profoundly improved the proposed development in respect of much greater open space within the site, substantially increased visual permeability, and the capacity to provide distinctly different architectural character and responses for each building, as well as facilitating greatly improved amenity as a consequence of reduced floorplate size.



Figure 3:

Amended
proposed site
layout and
number of
storeys

1.3 Amended Proposal

The proposed development the subject of this SSD application is for the following:

- Demolition of existing buildings and bulk excavation.
- Erection of 4 buildings above two common basement levels as follows:
 - Stage 1:
 - Building E – 29 storey building at the eastern edge of the site and adjacent to Cecil Avenue containing 116 apartments
 - Building S – 23 storey building at the southern edge of the site and to the east of the through site link containing 145 apartments
 - Through site link
 - Stage 2:

- Building N – 35 storey building at the northern edge of the site and adjacent to Cecil Avenue containing 241 apartments
- Building W – 26 storey building at the western edge of the site and to the west of the through site link containing 108 apartments
- Buildings E/S and N/W are separated by a generous centrally located publicly accessible through site link from Cecil Avenue to Roger Avenue. The proposal provides a total of 40% of the site as publicly accessible area.
- The proposed development provides a further equivalent of 35% of the site as private common open space distributed throughout the development.
- The development incorporates 3,789 square metres of non-residential tenancies at the upper ground floor, Level 1 and Level 2 (street level with Cecil Avenue) of Buildings E and N
- The future non-residential uses are intended to comprise retail premises and office premises, however, individual uses will be the subject of future fitout and use development applications.
- A total of 610 apartments are proposed, including 117 (15%) affordable apartments. The proposed unit mix and sizes of the entire development will comply with the requirements of clause 7.11 of THLEP.
- The vehicular entry for residential, visitor, commercial parking and service vehicle parking is from Cecil Avenue.
- Car parking is provided within two basement levels, as well as the below ground areas on the Lower Ground, Ground, Upper Ground and Level 1. The proposal provides 59 commercial parking spaces, 610 resident spaces, and 124 visitor spaces.
- The development requires extensive excavation which will necessitate the removal of a number of trees within and around the site. However, the development incorporates extensive landscaping on the ground floor plane within each street setback, within the through site link and on roof tops. The landscaping is designed to soften the building form, create a green outlook for apartments and a higher level of amenity for residents, provide quality communal spaces, connect the built form with the surrounding natural environment, and improve the environmental performance of the building.

1.4 Objectives of the development

The objectives of the development are:

- Deliver a development which balances the vision for the site as established through the Planning Proposal process, whilst taking up the NSW State Government incentivisation for the delivery of affordable housing in a manner that minimises impact to surrounding properties.
- Deliver a significant number of affordable housing dwellings on the site to assist in relieving the shortfall of affordable dwellings in the local government area. The quantum of affordable housing floor space proposed is consistent with the percentage of affordable housing that is incentivised by the provisions of Chapter 2, Part 2, Division 1 of SEPP (Housing) 2021. The SEPP permits additional floor space of up to 30%, where 15% of the total floor space is provided as affordable housing. Approximately 15% of the total floor area or 117 apartments will be affordable housing, managed by a registered community housing provided for at least 15 years.
- Deliver an economically viable component of commercial floor space to contribute to the placemaking outcome for the site and an active ground floor plane.
- Deliver a vibrant high density residential development within an accessible area in Castle Hill.
- Maximise the supply and diversity of higher density housing close to transport, education, employment, recreation space and entertainment facilities.

- Achieve design excellence with a high-quality built form outcome that will contribute positively to the emerging character of the precinct and maximise the amenity for residents.
- Deliver a unit mix that meets local demand and responds to the local demographics and consistent with Clause 7.11 of THLEP.

1.5 Clause 4.6 Exceptions to development standards

Clause 4.6(2) of the THLEP provides that development consent may be granted for development even though the development would contravene a development standard imposed by the THLEP, or any other environmental planning instrument.

However, clause 4.6(3) states that development consent must not be grant 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:

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

Furthermore, clause 4.6(4) 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), and
 - 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
- the concurrence of the Planning Secretary has been obtained.

In accordance with clause 4.6(3) the applicant requests that the building height development standard at Clause 16(3) of SEPP Housing be varied.

1.6 Development Standard to be varied

Clause 16 of SEPP Housing states:

- 16 Affordable housing requirements for additional floor space ratio
- The maximum floor space ratio for development that includes residential development to which this division applies is the maximum permissible floor space ratio for the land plus an additional floor space ratio of up to 30%, based on the minimum affordable housing component calculated in accordance with subsection (2).
 - The minimum affordable housing component, which must be at least 10%, is calculated as follows—

$$\text{affordable housing component} = \frac{\text{additional floor space ratio}}{(\text{as a percentage})} + 2$$

(3) If the development includes residential flat buildings or shop top housing, the maximum building height for a building used for residential flat buildings or shop top housing is the maximum permissible building height for the land plus an additional building height that is the same percentage as the additional floor space ratio permitted under subsection (1)

The proposed development provides 15% of the total floor space as affordable housing, and so Clause 16(3) of SEPP Housing provides for an increase of 30% to the “maximum permissible building height” control which applies to the site.

The maximum permissible building height is defined in the Dictionary of SEPP Housing as:

maximum permissible building height means the maximum building height permitted on the land under Chapter 5 or 6, where relevant, an environmental planning instrument, other than this Policy, or a development control plan

There is no building height control for the site under THLEP. However, Part D Section 21 of The Hills Development Control Plan provides for a series of heights for the site as illustrated in Figure 1.

1.7 Extent of Variation to the Development Standard

The proposed development has a series of variations to the identified height in storeys under Part D Section 21 of The Hills Development Control Plan plus 30% uplift, as illustrated in the table below:

Building	DCP number of storeys + 30%	Proposal	Proposed Variation
N	24 storeys	35 storeys	11 storeys or 45.8%
E	18 storeys	29 storeys	11 storeys or 61%
S	12 storeys	23 storeys	11 storeys or 91.6%
W	12 storeys	26 storeys	14 storeys or 116%

1.8 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.

This was recently re-affirmed in the matter of *Randwick City Council v Micaul Holdings Pty Ltd* [2016] NSWLEC 7 [34] the Chief Judge 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”.

The relevant tests described in *Wehbe v Pittwater Council*. [2007] NSWLEC 827 are addressed below:

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

There are no stated objectives associated with the control or Clause 16 in general. However, there is an objective for the entire Division at Clause 15A which is addressed below:

The objective of this division is to facilitate the delivery of new in-fill affordable housing to meet the needs of very low, low and moderate income households.

The amended proposal has been designed as a contextually appropriate response to the site and the emerging character of the Castle Hill strategic centre, which is capable of taking up the floor space incentive including the delivery of much needed affordable housing under Chapter 2 of SEPP Housing.

The built form of the originally proposed development was consistent with the established site layout and building footprints, including, setbacks, location of deep soil, building separation and location of commercial uses, and through site link, as identified in the site specific DCP. The incentivised increase in height and floor space was then applied to this built form framework, with an intention to adhere to the principles of height hierarchy.

However, a key concern raised by the SDRP was the relentless bulk of the two buildings extending continuously on either side of the through site link from Cecil Avenue to Roger Avenue, as envisaged by the DCP. In order to meaningfully address this concern, the proposal has been significantly amended to introduce complete separation of podiums along the site from north to south to create four distinct and slim towers with significantly reduced floorplates.

This has profoundly improved the proposed development in respect of much greater open space within the site, substantially increased visual permeability, and the capacity to provide distinctly different architectural character and responses for each building, as well as facilitating greatly improved amenity as a consequence of reduced floorplate size.

The amended proposal is consistent with the objective of Clause 15A of Chapter 2 of SEPP Housing as it provides a contextually appropriate development outcome, which is also capable of delivering an optimised quantum of new in-fill affordable housing.

Test 3: the underlying object of purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable;

The underlying objective and purpose of the standard relates to aims to incentivise and facilitate the delivery of new in-fill affordable housing to meet the needs of very low, low and moderate income households. This objective would be thwarted by strict compliance because it would simply result in the loss of housing supply and in particular affordable housing, without any public benefit.

Strict compliance with the height control would not meaningfully reduce the impact of the development on the streetscape or neighbouring properties and would provide reduced amenity to occupants of the development. Accordingly, it is considered that strict compliance would likely result in the defeat of the underlying object and purpose of the incentivised height control because it would encourage a less desirable outcome for the site.

1.9 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

The environmental planning grounds in support of the proposed variations to the building height control are as follows:

Design Response to SDRP Feedback and Contextual Fit

The site has been the subject of a Planning Proposal with Gateway Determination granted on 2 November 2016 and gazettal on 17 July 2020 to facilitate a mixed use, multi-storey development on the subject site comprising 460 dwellings and at least 8,025m² of commercial floor space.

The Planning Proposal also culminated in a site specific Part D Section 21 of The Hills Development Control Plan which establishes land use and built form controls for the site, including a cascading and continuous built form from north to south, as illustrated in Figure 1 above.

The original proposal sought to provide a built form which honoured the DCP approach towards the distribution of built form and the principles of height hierarchy within the site, however, with extruded heights as a consequence of absorbing the incentivised density for the provision of affordable housing under Chapter 2 of SEPP Housing. The original proposal was consistent with the established site layout and building footprints, including, setbacks, location of deep soil, building separation and location of commercial uses, and through site link, as identified in the site specific DCP.

However, a key concern raised by the SDRP in relation to the proposal was the relentless bulk of the two buildings extending continuously on either side of the through site link from Cecil Avenue to Roger Avenue, as envisaged by the DCP. In order to meaningfully address this concern, the proposal has been significantly amended to introduce complete separation of podiums along the site from north to south to create four distinct and slim towers with significantly reduced floorplates.

This has profoundly improved the proposed development in respect of much greater open space within the site, substantially increased visual permeability, and the capacity to provide distinctly different architectural character and responses for each building, as well as facilitating greatly improved amenity as a consequence of reduced floorplate size.

This approach is illustrated in Figure 4 below:

FLOOR SPACE DISTRIBUTION

Compliant Envelope

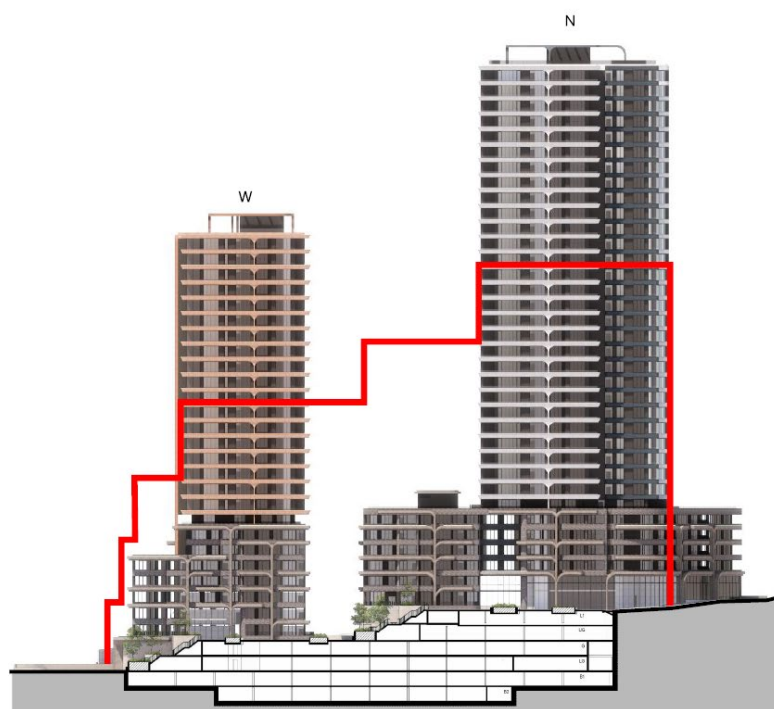


Figure 4:

Illustration of proposal and DCP compliant built form (Source: Design Report: A+ Design Group)

The evolution of the design in response to the SDRP feedback is addressed in detail in the Design Report at **Appendix 6** to the Submissions and Amendment Report prepared by A+ Design Group.

Whilst the amended proposal clearly achieves a significant improvement for the subject site, it is also necessary to consider the increased height within the emerging context of the Castle Hill strategic centre to ensure that a compatible outcome will be achieved, notwithstanding the proposed variations to the height controls.

In relation to the consideration of compatibility, the Land and Environment Court matter of *Project Venture Developments v Pittwater Council* [2005] NSWLEC 191 provides guidance in relation to the meaning of compatibility and also establishes a planning principle to guide this consideration. Commissioner Roseth explains that there is frequently confusion about sameness and compatibility, and specifically provides that:

The most apposite meaning in an urban design context is **capable of existing together in harmony**. Compatibility is thus different from sameness. It is generally accepted that buildings can exist together in harmony without having the same density, scale or appearance, though as the difference in these attributes increases, harmony is harder to achieve.

The revised heights of the buildings have been designed to provide an appropriate contextual fit within the emerging skyline within the Castle Hill strategic centre, as illustrated in Figures 5, 6 and 7 below.



Figure 5:

Illustration of proposal within the emerging context of Castle Hill (Source: Design Report: A+ Design Group)



Figure 6:

Illustration of proposal within the contemplated skyline of Castle Hill as viewed from the west (Source: Design Report: A+ Design Group)

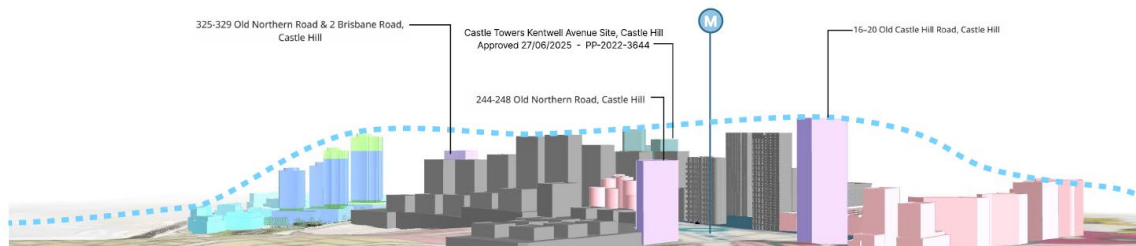


Figure 7:

Illustration of proposal within the contemplated skyline of Castle Hill as viewed from the east (Source: Design Report: A+ Design Group)

The locality is undergoing a significant transition in its character and other similar developments are occurring within the vicinity of the site.

The proposed variations to the height controls will not result in a development which is inconsistent with the emerging character of development in the zone and locality generally. The contextual analysis demonstrates that the proposed development will sit within a context where there will be a great variety of building heights of up to 40 storeys and so the proposal achieves a harmonious outcome which is compatible with the future adjoining development and the future streetscapes, notwithstanding the height non-compliances.

No Unreasonable Impact

Whilst the amended proposal includes taller buildings, it has also completely removed the two smaller buildings envisaged by the DCP at the eastern and western edges of the site, which has significantly mitigated shadow impact to the neighbouring sites as a consequence of the proposal.

The architectural package includes shadow diagrams which demonstrate that:

- The adjacent cemetery is only overshadowed by the proposal until 10am on 21 June
- The adjacent properties to both the west and the east along Cecil Avenue enjoy well over 2 hours solar access
- The adjacent properties at 2-8 Roger Street, which benefit from the LMR controls introduced in 2025, are unaffected by shadow from the proposed development from 1pm and will receive a full 2 hours solar access from 1pm-3pm on 21 June
- The adjacent properties at 1-7 Roger Avenue, which benefit from the LMR controls introduced in 2025, will receive 2 hours solar access from 9am to 11am on 21 June. A future development on that parcel of land is likely to receive 2 hours solar access to the majority of a future built from between 9am and 11am on 21 June, particularly noting that both the east and west facing façades of a future building will enjoy over 2 hours solar access.

There are no adverse impacts in terms of privacy impacts to adjacent sites resulting from the proposed variation to the height development standard, noting that separation distances are well above the minimum ADG requirements.

Accordingly, there are no unreasonable adverse impacts as a consequence of the proposed height variations.

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.

1.10 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.

1.11 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

There is no objective for the development standard.

Objectives of the Zone

Clause 4.6(4) also requires consideration of the relevant zone objectives. The site is located within the MU1 Mixed Use zone.

The objectives of the MU1 Mixed Use zone are:

- To encourage a diversity of business, retail, office and light industrial land uses that generate employment opportunities.
- To ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.
- To encourage leisure and entertainment facilities in the major centres that generate activity throughout the day and evening.
- To provide for high density housing that is integrated with civic spaces.

The proposed development provides a mixture of compatible uses comprising commercial and residential apartments above and will contribute to the vibrancy of the area. The current site circumstance

does not contribute positively to the location and the proposed development will deliver a new facility for commercial activity and employment. The additional residential density on the site will also contribute positively to patronage and success of the commercial tenancies on the subject and the nearby Castle Hill centre.

The nature of the future commercial uses on the site are unlikely to result in any adverse impact to the operation of existing surrounding uses, the amenity of nearby residents, and will not have an unacceptable impact to the performance and operation of the surrounding road network, noting that the commercial floor space has been reduced which reduces traffic generation associated with the development below that which was anticipated for the site at the Planning Proposal stage.

The architecture of the development with buildings addressing the street frontages and the through site link, combined with ground floor commercial tenancies will result in activated and vibrant places that are used both during the day and evening, increasing safety. For the reasons given the proposal is considered to be consistent with the objectives of the MU1 Mixed Use zone

The proposal has been demonstrated to be consistent with both the objective relevant to Chapter 2 of SEPP Housing which contains the building height development standard as well as the relevant objectives of the zone and therefore the consent authority can be satisfied that the proposal is in the public interest. Furthermore, the public interest is appropriately served by maximising the provision of housing provided by the development, within the identified environmental capacity of the site, to ensure that it optimises the value of existing infrastructure within this strategically important location. Strict compliance with the height control would result in the need to relocate floor space to lower areas of the site, contrary to the advice of the SDRP and with a diminished built form and amenity outcome.

There is no material public benefit in maintaining the standard generally or in relation to the site specifically as a variation as proposed has been demonstrated to be based on sufficient environmental planning grounds in this instance. Accordingly, there is no material impact or public benefit associated with strict adherence to the development standard and there is no compelling reason or public benefit derived from maintenance of the standard for this particular component.

1.12 Clause 4.6(5) Secretary Considerations

The matters for consideration under Clause 4.6(5) of the standard instrument local environmental plan 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 Proposed 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 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.

1.13 Conclusion

Strict compliance with the height of buildings development standard contained within clause 16 of SEPP Housing 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. In this regard it is reasonable and appropriate to vary the height of buildings development standard to the extent proposed.