

URBIS

CLAUSE 4.6 VARIATION REQUEST

15A and 15B Moseley Street
and 25-31 Donald Street,
Carlingford

Prepared for

THE TRUSTEE FOR CAPTAG INVESTMENTS TRUST

2 September 2025

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Acknowledgement of Country

Urbis acknowledges the Traditional Custodians of the lands we operate on.

We recognise that First Nations sovereignty was never ceded and respect First Nations peoples continuing connection to these lands, waterways and ecosystems for over 60,000 years.

We pay our respects to First Nations Elders, past and present.

The river is the symbol of the Dreaming and the journey of life. The circles and lines represent people meeting and connections across time and space. When we are working in different places, we can still be connected and work towards the same goal.

Title: Sacred River Dreaming
Artist Hayley Pigram
Darug Nation
Sydney, NSW

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REQUEST TO VARY THE MAXIMUM BUILDING HEIGHT DEVELOPMENT STANDARD UNDER SECTION 16(3) OF THE HOUSING SEPP

Address: 15A and 15B Moseley Street and 25-31 Donald Street, Carlingford

This Clause 4.6 Variation Request has been prepared in relation to a State Significant Development Application (**SSDA**) for an in-fill affordable housing development and should be reviewed in conjunction with the Environmental Impact Statement dated August 2025.

1. Site Description

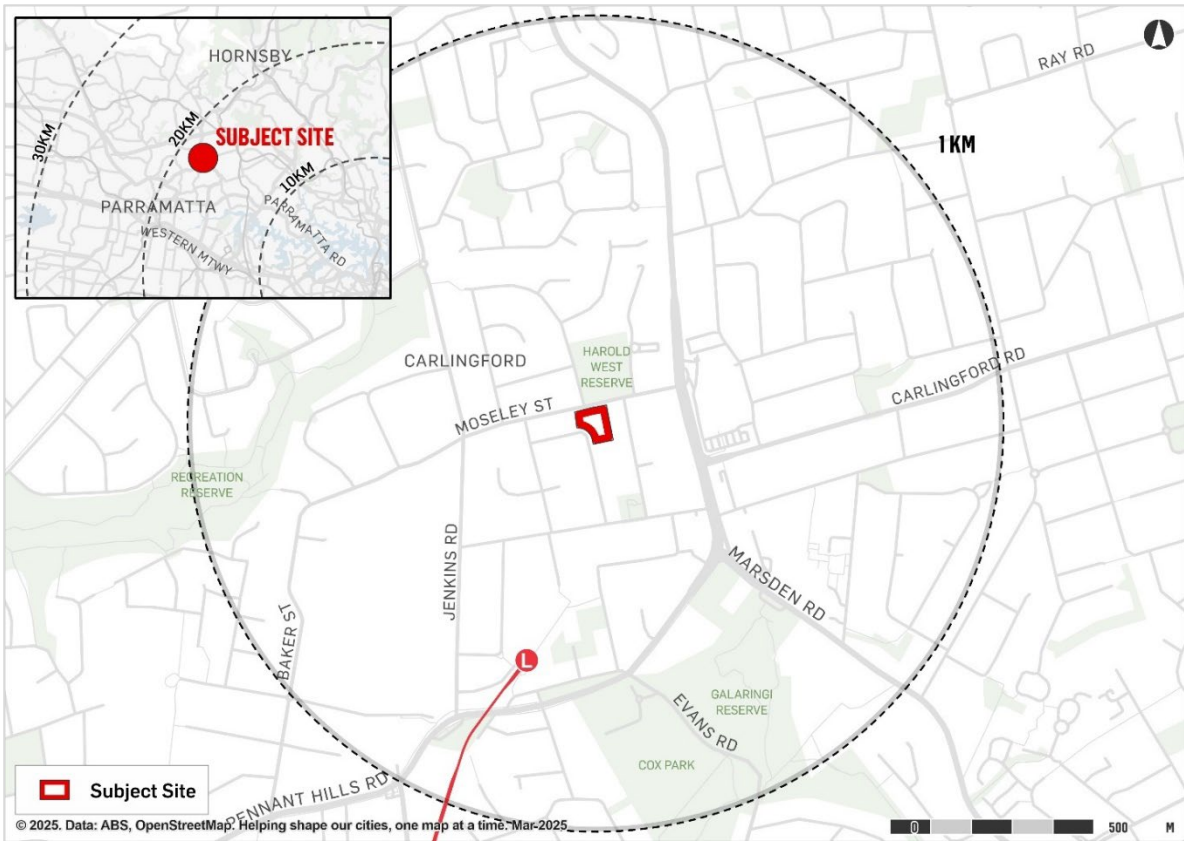
The table below summarises the key features of the site and the land to which the subject SSDA relates.

Table 1 Site Description

Characteristic	Description
Street Address	15A and 15B Moseley Street and 25-31 Donald Street, Carlingford
Legal Description	<ul style="list-style-type: none"> ▪ Lot 35 DP 536982 (15A Moseley Street) ▪ Lot 34 DP 536982 (15B Moseley Street) ▪ Lot 5 DP 35555 (25 Donald Street) ▪ Lot 33 DP 536982 (27 Donald Street) ▪ Lot 32 DP 536982 (29 Donald Street) ▪ Lot 2 DP 35555 (31 Donald Street)
Site Area	5,948 m ²
Land Configuration	<p>The site area is 5,948sqm. The approximate dimensions of the site are as follows: 55m x 79m x 45m x 60m.</p> <p>The site slopes from north-east down towards the south-west of the site with a crossfall of approximately 9 metres.</p>
Land Ownership	The site is owned by Captag Investments
Existing Development	The site is vacant except for the display suite for sales and marketing.
Local Context	<p>The surrounding locality is described below:</p> <ul style="list-style-type: none"> ▪ North: the northern boundary of the site adjoins Moseley Street. There is an Anglican Church, Church of Latter-Day Saints Temple and Harold West Reserve located on the opposite side of Moseley Street. There are also several single detached dwellings located along Moseley Street which is reflective of the R2 low density residential zoning. ▪ East: the eastern boundary of the site adjoins residential development facing Young Street. There are a mix of single detached dwellings and residential flat buildings on Young Street. ▪ South: the southern boundary of the site adjoins residential development facing Donald Street. These are single detached dwellings. ▪ West: the western boundary of the site adjoins residential development facing Donald Street. There are a mix of single detached dwellings and residential flat buildings that reflect the R4 high density residential zoning.

Characteristic	Description
Regional Context	<p>The site is located in Carlingford and is approximately 300m walking distance to the west of Carlingford Court Shopping Centre, 5.3km north-east of Parramatta CBD and 18km north-west of the Sydney CBD.</p> <p>It is well connected to the regional road network with direct access from Moseley Road to the Pennant Hills Road.</p>
Infrastructure	<p>The site is well serviced by public transport with regular bus services at Carlingford Court Shopping Centre, and at Jenkins Road (approximately 350 metres west of the site). Stage 1 of the Parramatta Light Rail opened in December 2024 and provides public transport connections from Carlingford to Parramatta CBD via Camellia.</p>
Site Access	<p>Pedestrian access to the site is provided via Moseley Street and Donald Street. Vehicle access to the site is provided via Donald Street.</p>
Services	<p>Water connection points, sewer, gas and electricity are located within the vicinity of the proposed development.</p>
Acid Sulfate Soils	<p>The site is not affected by acid sulfate soils.</p>
Contamination	<p>A Preliminary Site Investigation (PSI) has been prepared for the site as part of the SSDA. The PSI concludes that the potential for significant contamination is considered low and that the site can be made suitable for residential and child care uses, subject to the implementation of mitigation measures. Refer to Section 6.12 of the EIS for further detail.</p>
Stormwater and Flooding	<p>The site is not flood affected.</p>
Bushfire Prone Land	<p>The site is not identified as bushfire prone land.</p>
Aboriginal Heritage	<p>The site is not identified as containing any items of Aboriginal heritage significance. This has been confirmed through the preparation of an Aboriginal Heritage Impact Assessment Report (AHIAR).</p>
European Heritage	<p>The site does not contain any heritage items, located near any heritage items or within a heritage conservation area.</p>

Figure 1 Location Plan of Regional Site Context



Source: Urbis (2025)

Figure 2 Site Location Plan



Source: Nearmap 2025 (edited by Urbis)

2. Proposed Development

The SSDA seeks development consent for the following:

- Site preparation works including demolition of structures and tree removal.
- Bulk excavation works to establish basement parking structure.
- Construction of two (2) x nine (9) storey residential flat buildings.
- A 76 place centre-based child care facility.
- Three (3) level basement parking structure (residential) and podium parking for child care.
- Associated civil, landscaping and public domain works.

The key numeric components of the proposed development are summarised in **Table 2**.

Table 2 Development Description

Project Element	Summary
Project Area	5,948sqm
Site Description	<ul style="list-style-type: none"> ▪ Lot 35 DP 536982 (15A Moseley Street) ▪ Lot 34 DP 536982 (15B Moseley Street) ▪ Lot 5 DP 35555 (25 Donald Street) ▪ Lot 33 DP 536982 (27 Donald Street) ▪ Lot 32 DP 536982 (29 Donald Street) ▪ Lot 2 DP 35555 (31 Donald Street)
Project Summary	<p>The Project includes site preparation, bulk earthworks, construction and landscaping works comprising:</p> <ul style="list-style-type: none"> ▪ Site preparation works including demolition of structures and tree removal. ▪ Bulk excavation works to establish basement parking structure. ▪ Construction of two (2) x nine (9) storey residential flat buildings. ▪ A 76 place centre-based child care facility. ▪ Three (3) level basement parking structure (residential) and podium parking for child care. ▪ Associated civil, landscaping and public domain works.
Proposed land uses	The proposal is defined as a mixed-use development comprising 'residential flat building' and 'centre-based child care facility'.
Demolition	<p>The site is largely vacant, following the approval of development consent (DA/219/2024) in October 2024 for early works, including the demolition of all existing buildings and structures and the removal of trees.</p> <p>A display suite currently remains in the northwest corner of the site and will be demolished as part of this SSDA. The proposal also includes the removal of eight trees.</p>
Gross Floor Area (GFA)	<p>Total 14,044sqm which includes:</p> <ul style="list-style-type: none"> ▪ Child care: 413sqm ▪ Residential: 13,631sqm
Floor Space Ratio (FSR)	<p>A total FSR 2.36:1 which includes:</p> <ul style="list-style-type: none"> ▪ Child care: 0.07:1 ▪ Residential: 2.29:1
Residential Apartments	<p>A total of 136 apartments comprising:</p> <ul style="list-style-type: none"> ▪ 30 x affordable apartments ▪ 106 x market apartments <p><i>15% of the overall GFA to be allocated to affordable housing</i></p>
Apartments and Mix	<ul style="list-style-type: none"> ▪ 9 x 1 bedroom units (7%) ▪ 88 x 2 bedroom units (65%) ▪ 22 x 3 bedroom units (16%)

Project Element	Summary
	<ul style="list-style-type: none"> 17 x 4 bedroom units (12%)
Livable housing units	28 x silver liveable apartments (20.6% of total units)
Maximum height	31.7metres / 9 Storeys
Setbacks	North: 6.5m East: 6.7m (Building A2) and 8.7m (Building B) South: 8.4m West: 4.2m (Building A1) and 3.3m (Building B)
Vehicular Access	Vehicle access to the residential basement levels is provided via Donald Street. Vehicle access to the child care car parking is provided via Moseley Street.
Parking	Residential <ul style="list-style-type: none"> 164 residential spaces (including 31 tandem spaces and 21 accessible spaces) 22 visitor car parking spaces (including 1 x car wash bay and 2 accessible spaces) 5 motorcycle parking spaces Total car parking spaces: 186 Child care <ul style="list-style-type: none"> 12 x staff car parking spaces (including 5 tandem) 10 x visitor car parking spaces 1 x accessible space Total child care car parking spaces: 23
Cycle Parking	117 bicycle parking spaces comprising: <ul style="list-style-type: none"> 11 visitor bicycle spaces 106 residential bicycle parking spaces
End of Trip	The child care centre includes four bathrooms (including one accessible bathroom) which can be used for staff end of trip facilities.
Communal Open Space	1,508sqm (25.3% of the site area)
Deep Soil Area	1,042sqm (17.5% of the site area)
Estimated Development Cost	\$101,819,136 ex GST

3. Statutory Context

Clause 4.3 of the Parramatta LEP 2023 establishes a mapped maximum building height of 16m for the majority of the site, with the exception of the southern most lot at 25 Donald Street which is subject to a maximum building height of 21 metres. This is shown in **Figure 3** below.

Figure 3 Extract of Parramatta LEP 2023 Height of Buildings Map



Source: Parramatta LEP 2023 / Urbis 2025

The site is located within 400m walking distance of Carlingford Court Shopping Centre which is mapped as a town centre under Chapter 6 (Low and mid rise housing) of *State Environmental Planning Policy (Housing) 2021 (Housing SEPP 2021)*. The site is therefore located within a “low and mid rise housing inner area” and is subject to the development standards under the Low and Mid-Rise Housing Policy (**LMR**) of the Housing SEPP 2021.

The LMR provisions of the Housing SEPP apply to the proposal as the development:

- Is not located on bush fire prone land, or land identified as a coastal vulnerability area or a coastal wetlands or littoral rainforests area.
- Is not located within a transit oriented development (**TOD**) precinct, an “Accelerated TOD Precinct” or a “deferred TOD area” (and is therefore not subject to the provisions under Chapter 5 of the Housing SEPP).
- Is not on land that is a heritage item, or on which a heritage item is located.
- Meets the locational requirements of the Housing SEPP.
- Is not in a flood planning area within any of the identified LGAs.
- Is not on land affected by ANEF noise contours.
- Is not located on land within 200 metres of a relevant pipeline.
- Is not located within 800 metres of a public entrance to a railway, metro or light rail station as listed in Schedule 12 of the Housing SEPP.

The site is located on land zoned R4 High Density Residential under the Parramatta LEP 2023 and proposes the construction of two residential apartment buildings. The proposed development is therefore eligible to utilise the uplift in development standards under the LMR provisions (as set out within Sections 175 and 180 of the Housing SEPP 2021). These provisions permit ‘residential flat buildings’ on the land zoned R4 High Density Residential with a maximum building height of 22m and a maximum floor space ratio (**FSR**) of 2.2:1.

The proposed development also seeks to incorporate “in-fill affordable housing” in accordance with Chapter 2, Part 2, Division 1 of the Housing SEPP 2021. These provisions enable up to 30% additional building height and up to 30% additional floor space above the base controls (subject to the provision of affordable housing). This additional uplift is in addition to the LMR controls established under Chapter 6 of the Housing SEPP 2021.

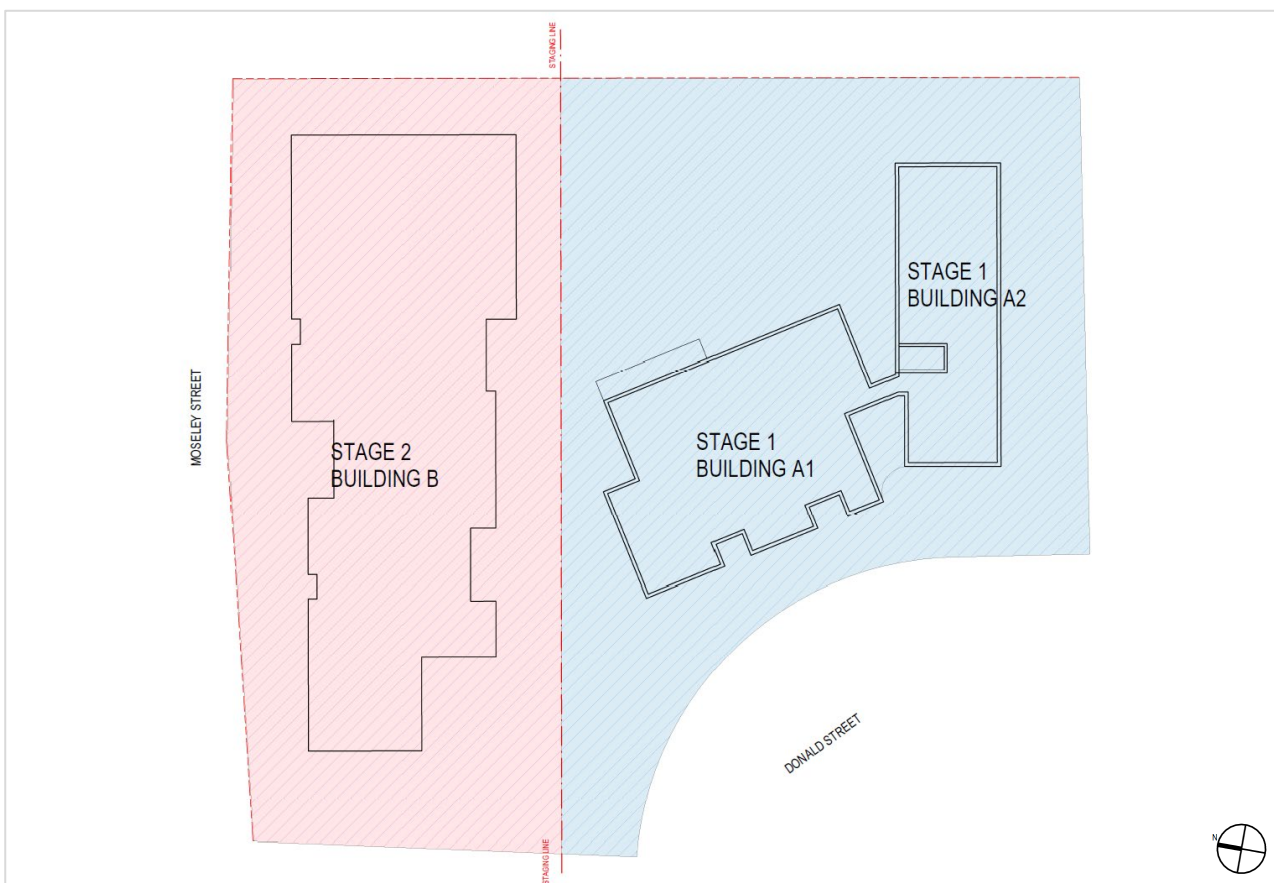
The maximum permissible building height that applies to the site (taking into account the LMR controls and the uplift associated with utilising the in-fill affordable housing’ provisions of the Housing SEPP 2021) is summarised in **Table 3**.

Table 3 Maximum Permissible Building Height

Building	LEP Height	LMR Height	Max. Permissible Height (LMR + 30%)
Building A1	16 metres	22 metres (6 storeys)	28.6 metres
Building A2	21 metres	22 metres (6 storeys)	28.6 metres
Building B	16 metres	22 metres (6 storeys)	28.6 metres

The proposed location of Buildings A1, A2 and Building B (associated with the proposed staging of construction) is shown in the following **Figure 4**.

Figure 4 Proposed Building Layout and Construction Staging



Source: Capio (2025)

PLANNING INSTRUMENT, DEVELOPMENT STANDARD, AND VARIATION

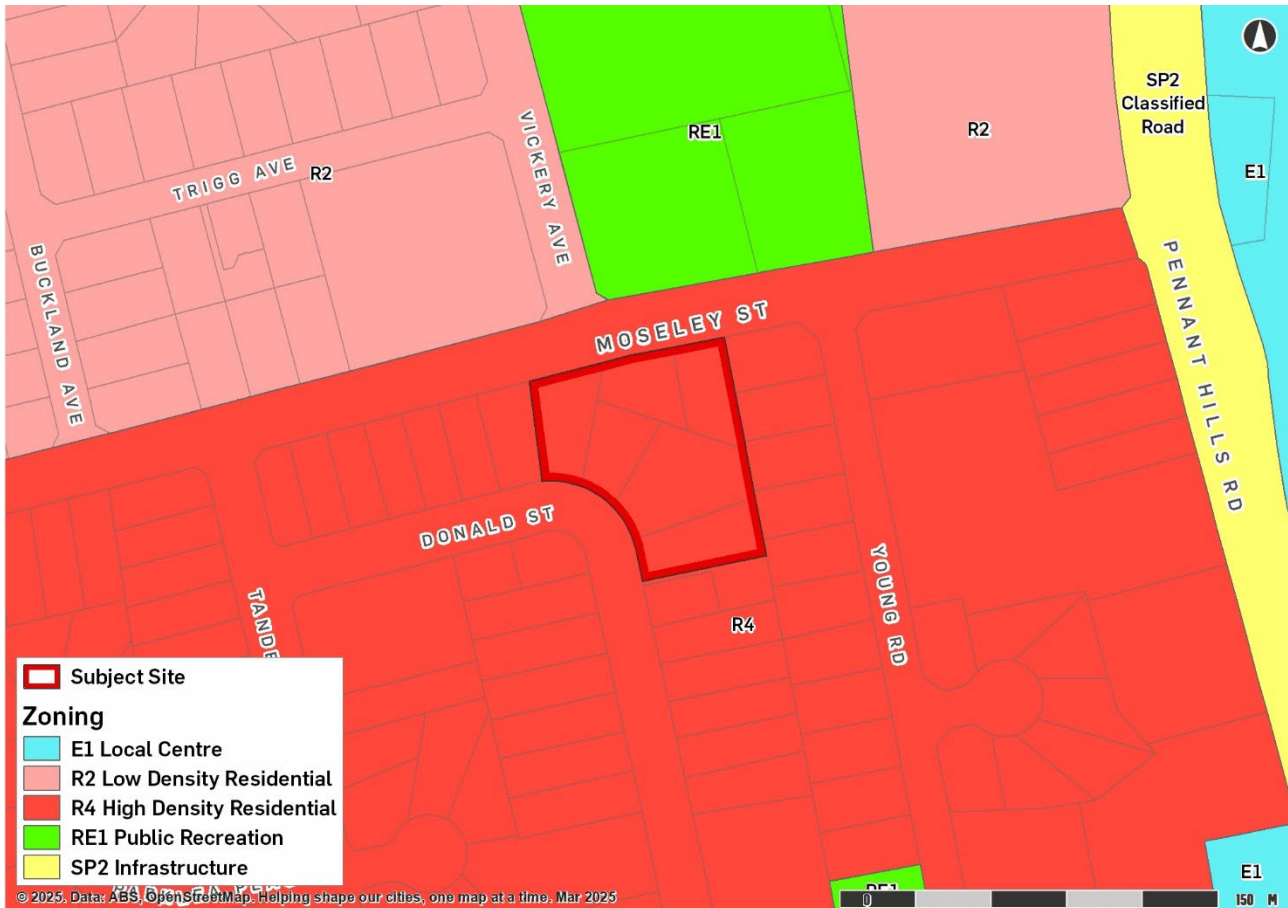
4. Environmental planning instrument sought to be varied

This request seeks to vary the *State Environmental Planning Policy (Housing) 2021 (Housing SEPP)*.

5. Zoning of the site

The site is zoned R4 High Density Residential under the Parramatta LEP 2023.

Figure 5 Land Use Zoning



Source: Urbis

The relevant objectives of the R4 High Density Residential are:

- To provide for the housing needs of the community within a high density residential environment.
- To provide a variety of housing types within a high density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To provide for high density residential development close to open space, major transport nodes, services and employment opportunities.
- To provide opportunities for people to carry out a reasonable range of activities from their homes if the activities will not adversely affect the amenity of the neighbourhood.

6. Development standard to be varied

The standard proposed to be varied is the maximum height of the building development standard under Part 2, Division 1, Clause 16(3) of the Housing SEPP. Part 2, Division 1, Section 16(3) of the SEPP states:

16 Affordable housing requirements for additional floor space ratio

(1) 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).

(2) The minimum affordable housing component, which must be at least 10%, is calculated as follows—

Affordable housing component = additional floor space ratio (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).

(4) This section does not apply to development on land for which there is no maximum permissible floor space ratio.

As noted in **Section 4** above, the building height development standard is established in Clause 4.3 and shown on the Height of Buildings map (refer **Figure 3** above). However the proposal is eligible to utilise the uplift in development standards under the LMR provisions (as set out within Sections 175 and 180 of the Housing SEPP 2021) allowing a maximum building height of 22m.

The proposal provides at least 15% affordable housing and is therefore eligible to utilise the full 30% uplift in building height available under Section 16(3) of the Housing SEPP. This results in a maximum height of building development standard of **28.6 metres**.

The height of buildings development standard is not excluded from the operation of Clause 4.6 of the LEP.

The objective of the in-fill affordable housing provisions of the Housing SEPP is as follows:

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 objectives of the height of building development standard in the LEP are as follows:

- (a) to provide appropriate height transitions between buildings,*
- (b) to ensure the height of buildings is compatible with the height of existing and desired future development in the surrounding area,*
- (c) to require the height of future buildings to be appropriate in relation to heritage sites and their settings,*
- (d) to reinforce and respect the existing character and scale of low density residential areas,*
- (e) to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development,*
- (f) to preserve historic views,*
- (g) to maintain satisfactory sky exposure and daylight to—*
 - (i) existing buildings in commercial centres, and*
 - (ii) the sides and rear of tower forms, and*
 - (iii) key areas of the public domain, including parks, streets and lanes.*

7 Type of development standard

The request seeks to vary the building height development standard of Section 16(3) of the Housing SEPP.

8 Variation to development standard

Inclusive of the LMR provisions and Housing SEPP bonuses, the maximum building height development standard is as follows:

Maximum allowable Height = 22 x 130% = 28.6 metres

The proposed development has a maximum building height of 31.7 metres and therefore exceeds the maximum building height development standard by 3.1 metres (exceedance of 10.8%). The height of building is measured from existing ground level at RL105.90 to the highest point of the building at RL137.60.

The proposed variation to the maximum building height for each of the buildings is set out in **Table 4**.

Table 4 Extent of Variation

Building	LEP Control	LMR Control	Building Height Standard (inc. +30%)	Maximum Height Proposed	Extent of Variation
Building A1	16 metres	22 metres	28.6 metres	30.5 metres (RL132.90)	1.9 metres (6.64%)
Building A2	21 metres	22 metres	28.6 metres	31.4 metres (RL133.95)	2.8 metres (9.79%)
Building B	16 metres	22 metres	28.6 metres	31.7 metres (RL137.60)	3.1 metres (10.8%)

The proposed variation to the maximum building height relates to the top of the lift overruns, stairs and the upper most portion of the roof parapet on Buildings A1, A2 and Building B, and the upper most portion of the top level of Building B.

The reasons for the height non-compliance:

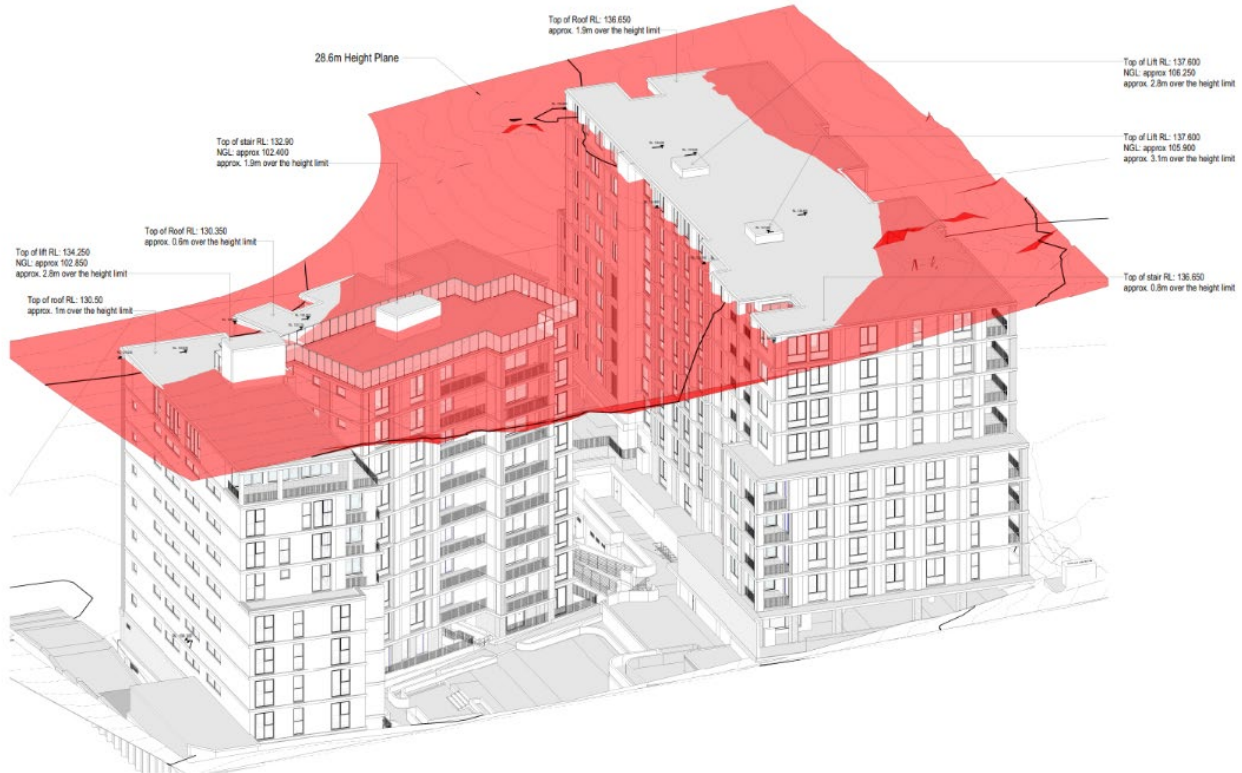
- **Site Constraints and Topography:** the site has a significant slope of approximately 9 metres from Moseley Street to Donald Street. Substantial depressions in the EGL and the levelling required to establish a functional building footprint has contributed to localised breaches of the height control.
- **Floor to floor height requirements** – Establishing floor to floor heights (3150mm) to provide service zones between floors and satisfy updated requirements under the National Construction Code (**NCC**).
- **Provision of affordable housing** – the proposed development provides 15% of the total GFA for affordable housing in perpetuity. In achieving this, the bonus 30% has been carefully distributed across the site as part of the broader massing strategy however, results in minimal GFA that sits above the height plane. Any reductions to height, which the maximum affordable housing GFA relies upon (due to the sliding scale nature of the Housing SEPP), would result in less GFA being provided for affordable housing and impact the viability of providing affordable housing in perpetuity. It is noted that the proposed GFA sits substantially below the permissible FSR control of 2.86:1.
- **Allowance for lift overrun and stair** – there are areas of height exceedances related to stairs and lift overrun to accommodate services. These do not comprise GFA and have been recessed within the rooftops of individual buildings to minimise and conceal any visual impact of these structures.

As the proposal complies with the maximum gross floor area the proposed variation does not represent an overdevelopment of the site.

Visual representation of the proposed variation

The extent of the proposed variation is shown within height plane diagram at **Figure 6**. The extent of variation is also shown within the selected elevations at **Figure 7** and **Figure 8** below.

Figure 6 Height Plane Diagram Showing Extent of Proposed Variation



ITPS: _____ PLANET: _____ DRAWING TITLE: _____

Source: Capio (2025)

Figure 7 Proposed Western Elevation (Building B left, Building A2 centre and Building A2 right)



2 WEST ELEVATION - SSD
1 : 200

Source: Capio(2025)

Figure 8 Proposed Eastern Elevation (Building A left and Building B right)



1 EAST ELEVATION - SSD
1 : 200
Source: Capiro(2025)

JUSTIFICATION FOR THE PROPOSED VARIATION

9. How is compliance with the development standard unreasonable or unnecessary in the circumstances of the particular case?

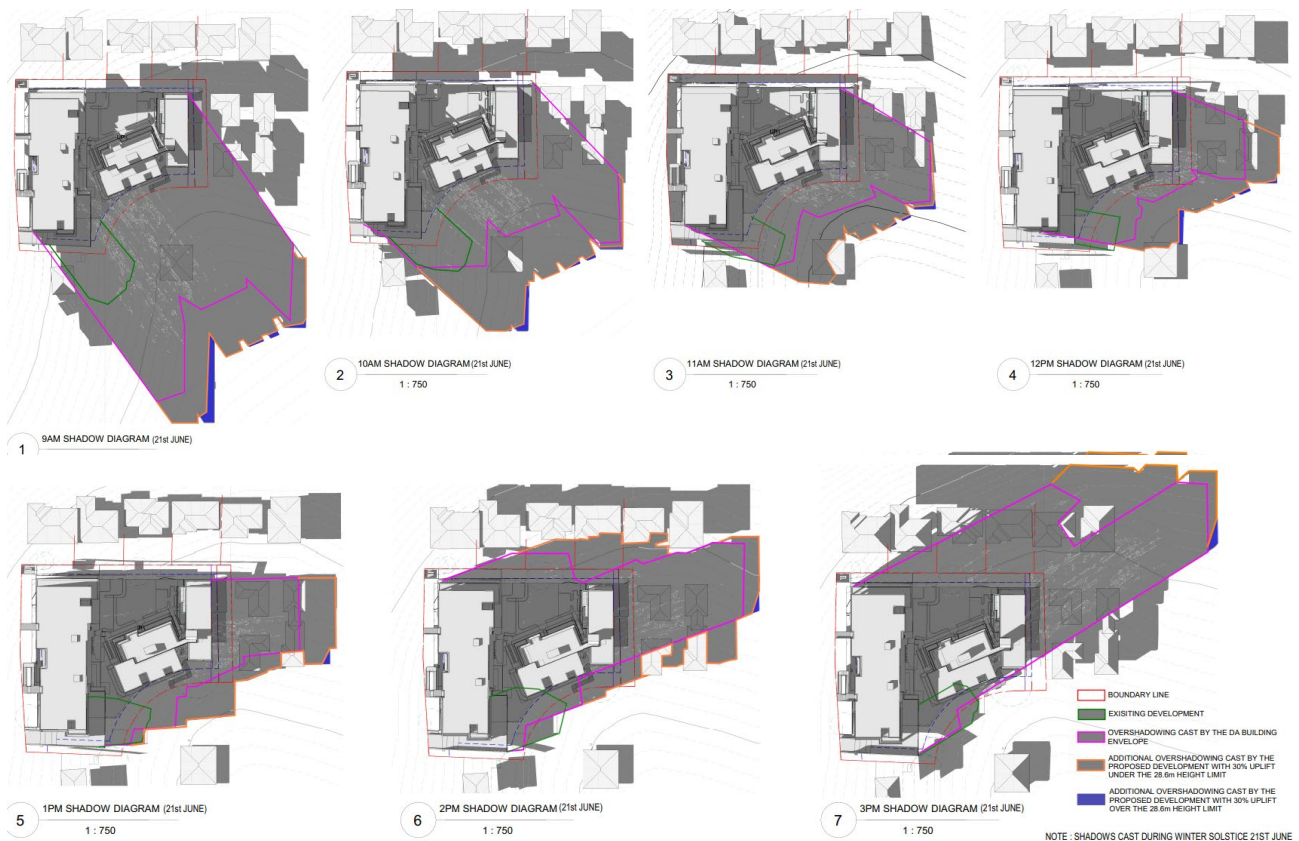
Key Questions	Response
a) Are the objectives of the development standard achieved notwithstanding the non-compliance?	<p>For completeness, this section addresses both the objectives of the infill affordable housing provisions of the Housing SEPP and the objectives of the height of building development standard of the Parramatta LEP 2023.</p> <p><u>Objective of Part 2, Division 1 of the Housing SEPP</u></p> <p><i>15A The objective of this division is to facilitate the delivery of new infill affordable housing to meet the needs of very low, low and moderate income households.</i></p> <p>The proposal dedicates 15% of the total GFA as affordable housing which equates to 30 affordable housing apartments (2,129 sqm of GFA). The affordable housing component has been carefully designed to ensure high levels of amenity and a variety of housing typologies that will meet the expected needs and profile of the affordable housing tenants. The development provides affordable housing for those on very low, low, to moderate incomes in a location close to services, retail and public transport responding to an identified need for affordable housing.</p> <p><u>Objectives of Clause 4.3</u></p> <p>(a) <i>to provide appropriate height transitions between buildings,</i></p> <p>The proposed development responds appropriately to the site's sloping topography, which falls approximately 9 metres from Moseley Street to Donald Street. This slope necessitates a carefully calibrated building form that addresses both street frontages without creating abrupt or visually jarring changes in scale. Despite the minor height exceedance at the uppermost roof elements, the building maintains a transition between adjacent sites and does not result in any excessive visual bulk.</p>

Key Questions	Response
(b)	<p><i>to ensure the height of buildings is compatible with the height of existing and desired future development in the surrounding area,</i></p>
	<p>The proposal reflects the future character envisaged by the R4 High Density Residential zoning and aligns with the evolving built form context. Approved developments in the immediate vicinity include 6 to 7 storey residential flat buildings. With the introduction of the LMR and in-fill affordable housing provisions, the introduction of buildings 9 or more storeys is expected in the vicinity of the site to the south and the east. The proposed height breach is limited to 3.1 metres and primarily results from architectural features necessary for functional building operation (lift and stair overruns) with minimal building mass exceeding the height plane.</p>
(c)	<p><i>to require the height of future buildings to be appropriate in relation to heritage sites and their settings</i></p>
	<p>There are no heritage items located on or directly adjacent to the site. As such, the proposed height exceedance will not impact the significance, setting or view corridors of any heritage item.</p>
(d)	<p><i>to reinforce and respect the existing character and scale of low density residential areas,</i></p>
	<p>Although the area north of the site is zoned R2 Low Density Residential, the site itself is located within an R4 High Density Residential zone. The design sensitively addresses the transition to the R2 zone through setbacks, articulation, landscaping and modulation of building massing. The site's slope further reduces perceived building height from key viewpoints, assisting in managing the relationship between built form and adjacent lower-density character areas.</p>
	<p>When viewing the site from the interface with the R2 zone at Mosely Street, the front of Building B presents to Mosely Street at a permissible height. The site 'drops away' from the Mosely Street frontage, reducing the perception of overall building mass from Mosely Street at this key interface.</p>
(e)	<p><i>to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development,</i></p>
	<p>The height exceedance is localised and primarily confined to rooftop services. The additional height proposed does not result in significant additional shadowing or view loss than that of a compliant building envelope. Due to the significant site slope, much of the building reads as compliant when viewed from street level and the visual prominence of the height variation is further diminished. The exceedance at the upper most portion of the top level of Building B is at the rear of the building and is internal facing. The proposal exceeds ADG requirements for solar access and maintains appropriate privacy and building separation standards, with no unacceptable amenity impacts on neighbouring properties.</p>
(f)	<p><i>to preserve historic views,</i></p>
	<p>There are no historic views identified as being affected by the development. The variation does not introduce built form into any prominent view corridors.</p>
(g)	<p><i>to maintain satisfactory sky exposure and daylight to—</i> <i>(i) existing buildings in commercial centres, and</i> <i>(ii) the sides and rear of tower forms, and</i></p>

Key Questions	Response
	(iii) <i>key areas of the public domain, including parks, streets and lanes</i>
	The height exceedance does not materially affect sky exposure. The sloping nature of the site, and siting of buildings allows the scheme to "step down" with the terrain, reducing its apparent scale and ensuring sky exposure to streets and open space is retained. Rooftop communal open spaces also benefit from excellent solar access and views, enhancing resident amenity.
b) Are the underlying objectives or purpose of the development standard not relevant to the development? (Give details if applicable)	N/A
c) Would the underlying objective or purpose be defeated or thwarted if compliance was required? (Give details if applicable)	N/A
(d) Has the development standard been virtually abandoned or destroyed by the council's own actions in granting consents departing from the standard?	N/A
e) Is the zoning of the land unreasonable or inappropriate so that the development standard is also unreasonable or unnecessary?	N/A

Figure 9 indicates the extent of overshadowing comparison between a compliant building height (28.6 metres) and the proposed building height (31.7 metres). Additional overshadow from the non-compliant building height is shown in blue.

Figure 9 Shadow Diagrams (Winter Solstice)



Source: Capio (2025)

Figure 9 clearly illustrates the incremental shadows cast by the portions of the building that exceeded the 28.6m height plane (i.e. lift overruns, stairs, parapets). These elements cast minimal additional overshadowing, and the incremental shadow is negligible when compared to the shadow cast by the compliant 28.6m built form. The additional shadow is limited in area and duration as the site's slope helps moderate the impact of shadows cast from higher elements.

The height non-compliance results in minor and localised shadow impacts, largely limited to times when the sun is low in the sky and over areas already affected by compliant shadow. The exceedance does not cause any significant loss of solar access to sensitive adjoining properties or the public domain and is therefore acceptable in planning and design terms.

10. Are there sufficient environmental planning grounds to justify contravening the development standard?

There is an absence of environmental impacts arising from the contravention of the height of building development standard and sufficient and environmental planning grounds to justify contravening the development standard for the following reasons:

- **Massing and Built Form:** The area of non-compliance that comprises GFA relates primarily to Building B. Accommodating the height the maximum allowable floorspace within the heights envisioned by the planning controls was difficult to achieve as –
 - The site's significant slope presents a key challenge in accommodating the maximum allowable floorspace within the prescribed height limits. The slope affects how building height is calculated and EGL depressions and slope contribute to localised breaches of the height control.
 - If strict compliance with the planning controls was adhered to, then the development and associated critical affordable housing could not be delivered as proposed.
 - The height control and the GFA control should be considered in tandem to understand the intended density that a site in this location could reasonably be expected to accommodate. In this case, the proposal presents a minor height breach but proposes substantial less GFA than the permitted FSR or 2.86:1.

- **Overshadowing:** The mid-winter overshadowing diagrams (replicated at **Figure 9**) demonstrate that the extent of overshadowing cast as a consequence of the proposed development protruding beyond the 28.6 metre height plane is minor compared by the overshadowing cast by a compliant building height.
- **Architectural integration:** The lift overruns and stairs which protrude above the height limit sensitively blend into built form and aesthetic of the design. They are located within the central portion of the rooftops and are unlikely to result in the disruption of views
 - The floor area above the height plane at Building B is behind the building’s primary frontage and internal to the site. While this portion of the building is over the height plane, this protrusion is associated with a compliant overall site FSR. Therefore, the intensity of the use of the site remains compliant notwithstanding the height non-compliance.
- **Visual Privacy:** the height non-compliance relative to the lift overruns, stair and building parapet will not result in any visual privacy impacts, as they are building structures, which do not comprise any habitable space.
 - There are no sensitive visual adjacencies to the of the non-compliant portion of Building B. Importantly, the levels below already maintain the same separation distance to Building A, so the additional height does not increase the potential for overlooking or privacy intrusion.
- **Public Interest and Benefit:** The development is in the public interest as it contributes to the supply of critically needed affordable housing and supports the strategic planning objectives for Carlingford and Parramatta Local Government Area. The proposal aligns with regional planning strategies aimed at increasing housing density in centres which are well connected with public transport and services. Strict compliance with the maximum 28.6 height of building standard would ultimately result in the loss or partial loss of the top floors of the buildings and a substantial reduction in overall GFA. This loss would inherently reduce the extent of affordable housing floorspace which could be delivered as part of the proposal.

For the reasons detailed in this request, the variation to building height standard of the Housing SEPP is well-founded and justified and there are sufficient environmental planning grounds to warrant contravention.

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