



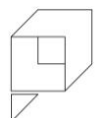
# Clause 4.6 Variation Request - Height

4-8 Manning Road, Double Bay


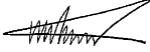


Prepared by Paro Consulting for Tripodina Nominees Pty Ltd

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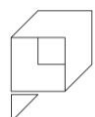
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## 1. Introduction

This Clause 4.6 variation request has been prepared in accordance with Clause 4.6 of Woollahra Local Environmental Plan 2014 (Woollahra LEP 2014) and prepared by Paro Consulting on behalf of Tripodina Nominees Pty Ltd and accompanies a Development Application (DA) submitted to Woollahra Council. The DA seeks approval for demolition of existing buildings and construction of a new four (4) storey mixed use building with commercial (retail) premises at ground floor and medical centre above at Levels 1, 2 and 3 with associated basement car parking and landscaping at 4-8 Manning Road, Double Bay. The proposal will result in a high-quality medical development that will contribute positively to the social and economic values of the area.

Consideration has been given to the following matters within this assessment:

- Guide to Varying Development Standards November 2023, prepared by the Department of Planning; and
- Relevant planning principles and judgments issued by the Land and Environment Court. The Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118 court judgment is the most relevant of recent case law.

## 2. Height Standard

Clause 4.3 height of buildings of the Woollahra LEP 2014 states:

*“(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.”*

The Height of Building Map illustrates a maximum building height of 14.7m applies to the land as measured from ground level (existing). The development standard to be varied is not excluded from the operation of clause 4.6 of the Woollahra LEP 2014.



**Figure 1:** Height of Building Map (Source: Woollahra LEP 2014)



### 3. Extent of Variation

The proposed development includes a maximum overall building height as measured from the ‘ground level (existing)’ of:

- 17.8m to the top of the roof plant screen (to RL21.85);
- 17.4m to the top of the lift overrun (to RL 21.40);
- 16.49m to the top of the roof parapet along Manning Road (to RL 20.50); and
- 13.95m to the top of the roof parapet along Manning Road (to RL 20.50).

The proposal, as measured from ‘ground level (existing)’, therefore exceeds the maximum overall building height standard by 3.1m (or a 21% variation) when considered against Clause 4.3(2) of the LEP.

The area of the height standard variation relates to the proposed rooftop louvre screen, the eastern portion of the upper most level and lift overrun.

#### 3.1 Measuring Ground Level (Existing)

The maximum building height is to be measured in accordance with the definition contained in the Dictionary to the LEP.

**Building height (or height of building)** means under the LEP standard instrument:

*“(a) in relation to the height of a building in metres—the vertical distance from ground level (existing) to the highest point of the building, or*

*(b) in relation to the RL of a building—the vertical distance from the Australian Height Datum to the highest point of the building,*

*including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like”.*

**ground level (existing)** means under the LEP standard instrument:

*“The existing level of a site at any point”.*

The “ground level (existing)” is defined as “the existing level of a site at any point”. It is essential, therefore, that an existing ground level is nominated in order to determine the height of the building. This is usually achieved by taking the lowest level on an existing site, directly beneath the highest part of the proposed development, to determine the maximum building height.

However, in circumstances where there is an existing building on the site that occupies the whole of the site area, such as this, this method cannot always be applied.

In these circumstances, the Land and Environment Court has determined that an alternate method for determining the existing ground level should be applied, known as the ‘extrapolation approach’. The leading decision on this methodology is *Bettar v Council of the City of Sydney [2014] NSWLEC 1070* (Bettar). In *Bettar*, Commissioner O’Neill held that where a site contains an existing building, the existing ground level should be determined based on “the level of the footpath at the boundary”, as this “bears a relationship to the context and the overall topography” of the site (at [41]).

This decision of *Bettar* has been applied in several subsequent decisions of the Court, including *Stamford Property Services Pty Ltd v City of Sydney & Anor [2015] NSWLEC 1189* (Stamford), *Tony Legge v Council of the City of Sydney [2016] NSWLEC 1424* (Tony Legge) and *Nicola v Waverley Council [2020] NSWLEC 1599*. For example, in *Stamford*, Pearson C and Smithson AC, held that the extrapolation approach provides a “practical application” to the definition of “ground level (existing)” because it “places the building in its context, rather than relying on the present built form of an existing development on a site”. This approach was

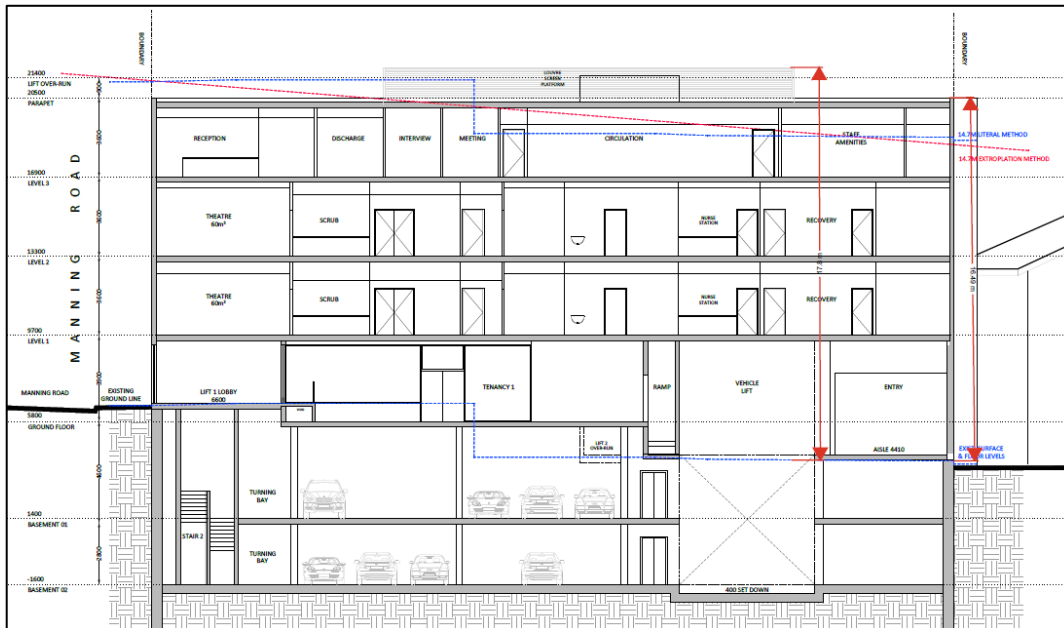


reinforced in Tony Legge by Commissioner Dickson, in which she held that “it is appropriate to take the levels of the site as its interface with the public domain” (at [41]).

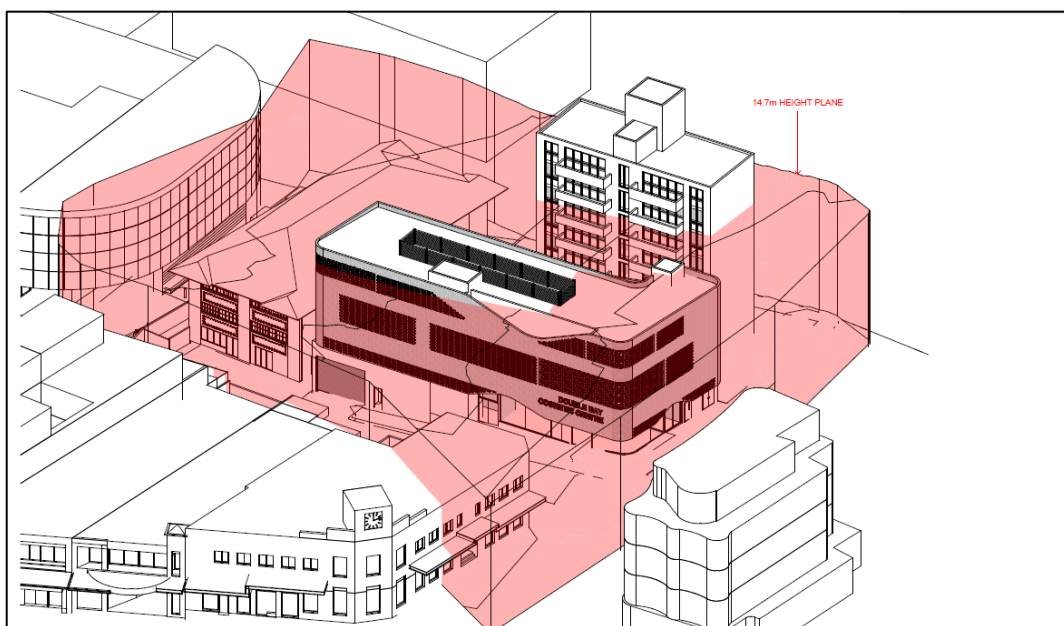
The existing ground level of the site has been determined using both the “literal method” and the “extrapolation method” by adopting the footpath levels immediately outside the site boundary.

The ‘extrapolation approach’ remains good law and has been cited by the Court as recently as October 2024 (see *Yarranabbe Ventures v Council of the Municipality of Woollahra* [2024] NSWLEC 1613).

**Figure 2** below illustrates the extent of the height non-compliance as per the ‘literal method’ as measured from ground level (existing) (blue line) and the ‘extrapolation method’ (red line):



**Figure 3** below illustrates the extent of the height non-compliance adopting the ‘extrapolation method’



## 4. Objectives and Provisions of Clause 4.6

The objectives and provisions of Clause 4.6 of the Woollahra LEP 2014, are as follows:

*(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 to development that contravenes a development standard unless the consent authority is satisfied the applicant has demonstrated that—*

*(a) compliance with the development standard is unreasonable or unnecessary in the circumstances, and*

*(b) there are sufficient environmental planning grounds to justify the contravention of the development standard.*

*Note— The Environmental Planning and Assessment Regulation 2021 requires a development application for development that proposes to contravene a development standard to be accompanied by a document setting out the grounds on which the applicant seeks to demonstrate the matters in paragraphs (a) and (b).*

*(4) The consent authority must keep a record of its assessment carried out under subclause (3).*

*(5) (Repealed)*

*(6) Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone C2 Environmental Conservation, Zone C3 Environmental Management or Zone C4 Environmental Living if—*

*(a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or*

*(b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.*

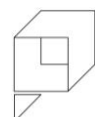
*Note— When this Plan was made it did not include all of these zones.*

*(7) (Repealed)*

*(8) This clause does not allow development consent to be granted for development that would contravene any of the following—*

*a. a development standard for complying development,*

*b. a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental Planning Policy*



*(Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated,*

*c. clause 5.4,*

*d. clause 5.5.*

It is noted that Clause 4.3 is not “expressly excluded” from the operation of Clause 4.6 in the Woollahra LEP 2014.

## 5. Unreasonable or unnecessary in the circumstance of this case (Clause 4.6(3)(a))

In this Section, we demonstrate why compliance with the development standard is unreasonable or unnecessary in the circumstances of this case as required by Clause 4.6(3)(a) of WLEP 2014.

Clause 4.6(3)(a) of the Woollahra LEP 2014, requires the consent authority to be satisfied that the applicant’s written request has adequately addressed clause 4.6(3)(b), by demonstrating that:

*“compliance with the development standard is unreasonable or unnecessary in the circumstances”*

In *Wehbe V Pittwater Council* (2007) NSW LEC 827 (‘Wehbe’) Preston CJ sets out ways of establishing that compliance with a development standard is unreasonable or unnecessary. This list is not exhaustive. It states, inter alia:

*“An objection under SEPP 1 may be well founded and be consistent with the aims set out in clause 3 of the Policy in a variety of ways. The most commonly invoked way is to establish that compliance with the development standard is unreasonable or unnecessary because the objectives of the development standard are achieved notwithstanding non-compliance with the standard.”*

The judgement goes on to state that:

*“The rationale is that development standards are not ends in themselves but means of achieving ends. The ends are environmental or planning objectives. Compliance with a development standard is fixed as the usual means by which the relevant environmental or planning objective is able to be achieved. However, if the proposed development proffers an alternative means of achieving the objective strict compliance with the standard would be unnecessary (it is achieved anyway) and unreasonable (no purpose would be served).”*

In *Wehbe*, Preston CJ identified five ways in which it could be shown that application of a development standard was unreasonable or unnecessary. However, His Honour said that these five ways are not exhaustive; they are merely the most commonly invoked ways. Further, an applicant does not need to establish all of the ways. The five methods outlined in *Wehbe* are as follows (with our emphasis placed on the **First Method** for the purposes of this Clause 4.6 variation statement):

*“1. The objectives of the standard are achieved notwithstanding non-compliance with the standard (First Method).*

*2. The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary (Second Method).*

*3. The underlying object or purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable (Third Method).*

*4. The development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable (Fourth Method).*

*5. The zoning of the particular land is unreasonable or inappropriate so that a development standard appropriate for that zoning is also unreasonable and unnecessary as it applies to the land and compliance with the standard would be*



*unreasonable or unnecessary. That is, the particular parcel of land should not have been included in the particular zone (Fifth Method). Of particular assistance in this matter, in establishing that compliance with a development standard is unreasonable or unnecessary is the First Method”.*

Relevantly, in *Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118* (paragraph 16), Preston CJ makes reference to Wehbe and states:

*“...Although that was said in the context of an objection under State Environmental Planning Policy No 1 – Development Standards to compliance with a development standard, the discussion is equally applicable to a written request under cl 4.6 demonstrating that compliance with a development standard is unreasonable or unnecessary.”*

The Objectives of Clause 4.3 Height of Buildings of the WLEP 2014 are as follows:

- “(a) to establish building heights that are consistent with the desired future character of the neighbourhood,*
- (b) to establish a transition in scale between zones to protect local amenity,*
- (c) to minimise the loss of solar access to existing buildings and open space,*
- (d) to minimise the impacts of new development on adjoining or nearby properties from disruption of views,*  
*loss of privacy, overshadowing or visual intrusion,*
- (e) to protect the amenity of the public domain by providing public views of the harbour and surrounding areas”.*

In order to address the requirements of sub-clause 4.6(3)(a) of the Woolahra LEP 2014, the objectives of clause 4.3 are addressed below.

**The objectives of the development standard are achieved notwithstanding the non-compliance (First Method).**

An assessment against the objectives of the height standard is provided below.

*“(a) to establish building heights that are consistent with the desired future character of the neighbourhood”*

As established in *Woollahra Municipal Council v SJD DB2 Pty Ltd [2020] NSWLEC 115* at [53]) the desired future character of the locality establishes the height for buildings on land in the locality and not the other way around. This indicates that the height limit outlined in clause 4.3 on its own does not define the desired future character and should be assessed in consideration of factors beyond the strict requirements of clause 4.3.

The proposed development, despite the height variation, is deemed to align with the height, bulk, and scale of the area's evolving character. It is important to note that "consistent" can be used interchangeably with "compatible," which does not imply exact uniformity (*Project Venture Developments Pty Ltd v Pittwater Council [2005] NSWLEC 191*). The development, even with the height variation, will be compatible with the height and scale of nearby properties. Due to the site's sloping topography, the building along Manning Road will comply with the 14.7m height standard. The variation in height is a result of the 2.6m fall toward the east. If the site were flat, the proposal would fully comply with the height standard.

The areas of the building exceeding height standard are designed with a modest form and scale, featuring an articulated façade and a flat roof to create a recessive appearance. The character of the Double Bay Centre is eclectic, with building heights ranging from 2 to 8 storeys. The proposed four-storey development, which exceeds the height limit, should be assessed in the context of the seven-storey building (approx. 26m height) at 10-12 Manning Road to the south and the land to the north of Kiaora Lane which is subject to an 18.1m height standard. The proposed height will sit well both the height of the existing residential flat building and future built form context. This means the proposed variation does not introduce an entirely new element to the area



and is in keeping with the existing development in the Double Bay Centre. Furthermore, the proposed variation is compatible with other developments within the visual catchment, contributing to the alignment with the desired future character.

The site falls within Kiaora Lane area which is described as having the following existing character and desired future character:

#### Existing character

*“The character of Kiaora Lane is compromised by its current “back of house” status, with loading vehicles, exposed on-site loading bays and rubbish bins. Recent lane widening creates a framework within which to improve the general character and particularly pedestrian amenity. A setback zone to its north side has been partially built. Kiaora Lands occupies the southern side of the laneway. It comprises a three storey retail development with public space opposite the Double Bay Library and public car park. An arcade provides access from Kiaora Lands to New South Head Road near Knox Street.*

#### Desired future character

*“a) Improve the civic quality of the lane and this side of the centre with a public building and public square adjacent to a through-site link to New South Head Road.*

*b) Enhance pedestrian amenity with a car park on the existing car park site with active retail addressing the lane.*

*c) Moderate the scale of built form along the north side of the lane with buildings of predominantly two storeys, set back 2m from the lane boundary, and interspersed with four storey development.*

*d) Protect the amenity of the lane by preventing uninterrupted four storey buildings constructed to the street boundary along the northern built edge”.*

The proposal satisfies the above mentioned desired future character objectives for the following reasons:

- The proposed medical centre is a public building designed to activate the southern side of the lane, featuring a colonnade that extends along its edge. This development will help create a more vibrant pedestrian environment.
- The project aims to redevelop an underutilised site, fostering growth on the southern side of the lane and introducing a high-quality, contemporary building to the area.
- The design and materials chosen will improve the visual appeal and character of the neighbourhood, and the four-story structure aligns with the development goals for the southern side of the lane.
- The development will enhance the amount of landscaping on the site, including a ground-floor landscaped area that is consistent with the DCP strategy for the location.

In summary, the proposed development satisfies the desired future character objectives by improving civic quality, enhancing pedestrian amenity, moderating the scale of development, and ensuring that the amenity of the lane is protected. These elements together support the vision for Kiaora Lane and contribute to the desired transformation of the area and satisfy objective (a).

*“(b) to establish a transition in scale between zones to protect local amenity”*

The character of the Double Bay Centre is eclectic, with building heights ranging from 2 to 8 storeys. The proposed four-storey development, which exceeds the height limit, should be assessed in the context of the existing seven storey building (approx. 26m height) at 10-12 Manning Road to the south which is located within R4 High Density Residential land use zone. The proposed four storey podium includes a nil setback to the north and provides a generous 2.3m landscaped setback to levels 1-2 and 5.4m landscaped setback to the upper most level to the south. The recessed built form and landscaped terrace setbacks provides a built form transition to the existing residential flat building and R4 High Density Residential land use zone to the south. The transition in scale to the south contributes to minimising overshadowing, visual bulk and loss of privacy.



The land to the north of Kiaora Lane is subject to an 18.1m height standard. The proposed height will sit well both the height of the existing residential flat building to the south and future built form context to the north. This means the proposed variation does not introduce an entirely new element to the area and is in keeping with the existing development in the Double Bay Centre. Furthermore, the proposed transition in scale is consistent with other developments within the visual catchment, contributing to the alignment with the desired future character.

Overall, the proposed development meets objective (b).

*(c): "to minimise the loss of solar access to existing buildings and open space"*

The use of the term "minimise" was recently examined in a judgement involving a variation to building height controls in *Pallas Development Management Pty Limited trading as Fortis Development Group v Woollahra Municipal Council* [2022] NSWLEC 1048.

In this case, Morris AC stated:

*"I do not accept Mr Perdigao's evidence that minimising the impact necessitates reducing it to the smallest possible amount or degree. Such an interpretation would imply no impact at all. The objective of the control anticipates some level of impact; it merely requires that the impact be minimised. I agree with the submission of Mr To, representing the Applicant, that adopting Mr Perdigao's logic would always leave room for further reduction, ultimately eliminating the breach and any resultant impact. This is not the intention of cl 4.6 of the WLEP. The clause assumes that a development standard may be breached. What must be assessed is whether the breach is reasonable under the circumstances. In this case, I find it is appropriate".*

In this context, the height variation allows for some additional impact due to the breach, with the test being the reasonableness of that impact, as discussed below.

The siting and scale of the proposed building will not significantly exacerbate the loss of solar access to surrounding buildings compared to a building that complies with the height standard. Specifically, buildings with north-facing windows in the vicinity would not experience greater shadowing. There is no directly adjacent public open space affected by the height variation, and the solar access diagrams submitted with the application show that the majority of the neighboring properties at 10-12 Manning Road receive the required three hours of solar access between 9am and 3pm during mid-winter.

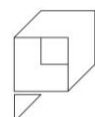
The additional height does not result in significant overshadowing impacts on adjoining developments and complies with the solar access controls of the WDCP 2015, particularly when assessed against the permissible building controls. In fact, the proposed development, including the height variation, performs better than a compliant building envelope in terms of overshadowing impacts on 10-12 Manning Road.

Overall, the proposed development meets objective (c).

*"(d) to minimise the impacts of new development on adjoining or nearby properties from disruption of views, loss of privacy, overshadowing or visual intrusion"*

The interpretation of the term "minimise," as discussed earlier, remains relevant in this context. Notably, the site does not encompass any significant views or vistas identified in the WDCP 2015. The proposed height increase will not adversely affect the outlook of neighboring properties, as only a small portion of the building exceeds the height limit at its eastern end.

Moreover, the height variation will not obstruct views of the harbour or CBD, as these views are already disrupted by the natural topography and existing built form, including the Double Bay Centre. The building's design thoughtfully mitigates potential privacy concerns or visual intrusions through the use of blank walls and a carefully planned internal layout.



As a result, the proposed development aligns with and satisfies objective (d).

*“(e) to protect the amenity of the public domain by providing public views of the harbour and surrounding areas”.*

The site does not encompass any significant views or vistas identified in the WDCP 2015. Notwithstanding this, it appears the proposal will not likely result in the loss of any significant views available from the public domain.

Based on this assessment, the requirements of Clause 4.6(3)(a) are met. Additionally, under Clause 4.6(3)(b), the consent authority must be convinced that sufficient planning grounds exist to justify the contravention of a development standard.

## 6. Sufficient environmental planning grounds (Clause 4.6(3)(b))

In this Section, we demonstrate there are sufficient environmental planning grounds to justify contravening the height development standard as required by clause 4.6(3)(b) of the LEP. In *Initial Action Pty Ltd v Woollahra Council [2018] NSWLEC 2018*, Preston CJ observed that in order for there to be 'sufficient' environmental planning grounds to justify a written request under Clause 4.6 to contravene a development standard, the focus must be on the aspect or element of the development that contravenes the development standard.

Clause 4.6(3)(b) of the Woollahra LEP 2014, requires the consent authority to be satisfied that the applicant's written request has adequately addressed clause 4.6(3)(b), by demonstrating that:

*“there are sufficient environmental planning grounds to justify contravening the development standard”.*

Having regard to Clause 4.6(3)(b) and the need to demonstrate that there are sufficient environmental planning grounds to justify contravening the development standard. Specifically, Preston CJ in *Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118* (Initial Action) (paragraph 24) states:

*“The environmental planning grounds relied on in the written request under cl 4.6 must be “sufficient”. There are two respects in which the written request needs to be “sufficient”. First, the environmental planning grounds advanced in the written request must be sufficient “to justify contravening the development standard”. The focus of cl 4.6(3)(b) is on the aspect or element of the development that contravenes the development standard, not on the development as a whole, and why that contravention is justified on environmental planning grounds. The environmental planning grounds advanced in the written request must justify the contravention of the development standard, not simply promote the benefits of carrying out the development as a whole: see *Four2Five Pty Ltd v Ashfield Council [2015] NSWCA 248* at [15].*

*Second, the written request must demonstrate that there are sufficient environmental planning grounds to justify contravening the development standard so as to enable the consent authority to be satisfied under cl 4.6(4)(a)(i) that the written request has adequately addressed this matter: see *Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 90* at [31].”*

The environmental planning grounds relied on in the written request under Clause 4.6 must be sufficient to justify contravening the development standard. The focus is on the aspect of the development that contravenes the development standard, not the development as a whole. Therefore, the environmental planning grounds advanced in the written request must justify the contravention of the development standard and not simply promote the benefits of carrying out the development as summarised in Initial Action.

On the above basis, the following environmental planning grounds are submitted to justify contravening the building height:

### 1. Consistency with Local Character

The maximum height non-compliance rooftop louvre screen is located to the centre of the rooftop and setback from



both Manning Road and Kiaora Lane which minimises the visibility of the louvre from the public domain. This placement ensures compatibility with the existing and desired local character while reducing streetscape impact. Further, the Double Bay Centre features an eclectic mix of building heights ranging from 2 to 8 storeys. The proposed four-storey development, including the height variation, aligns with this context. It complements nearby buildings, such as the 7-storey structure at 10-12 Manning Road, and adjoining land to the north which is subject to an 18.1m height standard. The variation does not introduce an unfamiliar element but reflects the established character of the area.

## 2. **Design Excellence**

The proposal represents a high level of urban and architectural design excellence, achieved through thorough site analysis and iterative refinement and high quality materiality. The height non-compliance results from deliberate design choices that align with the existing and desired streetscape character while safeguarding the amenity of neighboring properties and the public domain. The non-compliance reflects the most suitable response to the site's unique conditions.

## 3. **Redistribution of Bulk and Scale**

The design strategically redistributes bulk and scale across the site. Two distinct building elements—one to the east and one to the west—are separated by significant open space. Relocating floor area towards the eastern end improves public domain presentation, enhances building articulation, and reduces the need for below-ground GFA, which would adversely impact staff and patient amenity. Compliance with height standards could only be achieved by expanding building footprints, sacrificing the distinct benefits of the current design. Importantly, the proposed non-compliance does not result in adverse visual, physical, or amenity impacts.

## 4. **Impact of Flood Affects and Topography on Building Height**

The proposed development must comply with the minimum Flood Planning Level, including a 500mm freeboard above the 100-year ARI flood level. To meet these flood protection requirements, the building's design incorporates height adjustments, contributing to the height variation. The height variation corresponds to the slope of the site from west to east. If the site were level, the proposed development would comply with the height standards. This topographical characteristic, unique to the site, was not anticipated under the blanket 14.7m height restriction.

## 5. **Minimal Impacts on Surrounding Development**

The height variation has negligible impacts on the surrounding environment, including:

- i. **Overshadowing:** The additional height does not create significant overshadowing impacts or breach WDCP 2015 solar access controls. The proposed scheme outperforms a compliant design in overshadowing effects on 10-12 Manning Road.
- ii. **Privacy:** The non-compliant elements, limited to non-habitable commercial spaces, do not directly overlook habitable rooms in neighboring residential properties. Privacy impacts are negligible.
- iii. **View Loss:** The non-compliance does not obstruct significant public or private views. The height breach is consistent with nearby developments, ensuring minimal impact on view corridors.

## 6. **Orderly and Economic Land Use**

The development offers significant social benefits, including increased employment opportunities in a sought-after location. Denying the variation would reduce commercial floor space or eliminate communal rooftop open space, adversely affecting the community. The proposal aligns with Section 1.3 of the EP&A Act 1979, by both promoting the orderly and economic use of underutilized land (1.3(c)) and enhancing design quality and built environment amenity through a well-integrated, context-sensitive approach (1.3(g)).



## 7. Conclusion

This written request has been prepared in relation to the proposed variation to a development standard contained in Clause 4.3 of Woollahra LEP 2014. The request explains that, despite the proposed variation, the development satisfies the objectives of the standard and the objectives of the E1 Local Centre land use zone.

The request also explains that it is unnecessary to require strict compliance with a development standard in circumstances where there are no significant/unreasonable adverse impacts from the variation and important planning goals are better achieved by allowing the variation. In addition, the request demonstrates that there are sufficient site-specific environmental planning grounds to justify the variation, and therefore the proposal is considered in the public interest.

