

JINDABYNE POLICE STATION REDEVELOPMENT

CLAUSE 4.6 VARIATION REQUEST



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1. INTRODUCTION

1.1 Overview of justification for height variation request

This report comprises a formal request to vary the development standard contained in clause 4.3 Height of Buildings of Snowy River Local Environmental Plan 2013 under clause 4.6 Exceptions to Development Standards.

Clause 4.3 provides that the maximum height of a building permitted on the subject land at 16-18 Thredbo Terrace, Jindabyne is 9m. The current proposal has a maximum height of 13.1m resulting in an exceedance of the maximum height of 4.1m. As illustrated on the sections (refer Architectural plans at Appendix 2) the proposed modification request applies to the main police station building only with all other buildings proposed on site compliant with the maximum 9m height limit stipulated in the LEP. Given the slope of the site and the proposed Alpine roof form, the main police station building however has a maximum height of 13.1m (RL941.644) which results in a maximum non-compliance of 4.1m for a small portion of the roof.

Notwithstanding the LEP 9m height limit, it is noted that under State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP) an emergency services facility undertaken by a public authority (NSW Police) is permitted on the subject land without consent where it has a height of not more than 12m and where it is setback greater than 5m from any site boundary. The subject proposal mostly complies with these requirements however parts of the development are located closer than 5m from the boundary and a small part of the roof is greater than the 12m height limit therefore the potential 'development without consent' approval pathway is not available. A DA is therefore required however it is still relevant to note that a 12m high building is allowed on the subject land under the SEPP.

The subject request to vary the maximum permissible height is considered fully justified given the proposed nature of the development, the site context and the particular circumstances of the case. The proposal satisfies the established tests for clause 4.6 variations, is an appropriate form of development for the site and will result in an improved outcome over and above a development that would comply with the development standard. There are also appropriate environmental planning grounds for the proposed variation. The arguments in favour of this variation are detailed in this request prepared by MG Planning on behalf of the NSW Police. It is considered that flexibility in the application of the development standard is therefore justified.

1.2 Project background

Jindabyne Police Station is located at 16-18 Thredbo Terrace, Jindabyne to the south of the shopping precinct off Kosciusko Road. The existing station is within the Snowy Mountains command and houses Alpine Search & Rescue and police staff accommodations. Being constructed around 1883, the police station has received limited restoration and improvements over its lifetime. The Jindabyne police play a pivotal role in the search and rescue of missing skiers and snowboarders, and coupled with the increasing growth of the Jindabyne region, general population and tourism, has required a higher demand of efficiency and functionality from the police force, which cannot be fully achieved from its existing police station.

The redevelopment of the Jindabyne Police Station and accommodation into a modern Station will enable the police assets to match demand, focused on accessibility, visibility and mobility of policing.

The NSW Government's State Plan "NSW 2021", outlines goals and performance requirements for Government services. Governments require an effective police force to maintain social order and

reduce rates of crime. Upholding the law is an essential part of maintaining safe and just communities and the NSW Police Force is an integral part of the law and justice system in NSW.

Public confidence in the NSW Police Force is an essential tool in promoting law and order and community harmony and also in acting as a deterrent against crime. Along with court houses, police stations are the principal outlet for the delivery of justice services and as such need to promote this sense of justice, equality and public order. Police stations need to convey a professional and orderly approach to their work and show that the NSW Police Force is a modern, professional and efficiently run organisation which needs to be respected. This 'first impression' is essential in giving the public confidence that the organisation is being effective in dealing with crime in an organised, fair and equitable way.

Modern police stations also play a part in protecting victims from further impacts of crime. Safe rooms and domestic violence suites, together with comfortable public areas, are all required to ensure that participants in the system are not placed in unnecessarily stressful situations during their participation in the process. With increasing numbers of domestic violence and other violent crimes, the need for Government to protect victims and witnesses is a key part of modern police stations.

The proposal is therefore for the construction of a new police station and police accommodation to modernise and improve service delivery to the local community and to meet operational needs now and into the future.

1.3 Clause 4.6 and case law

Clause 4.6 of Snowy River LEP 2013 enables the consent authority to grant consent to development that departs from a development standard included in the LEP. The clause aims to provide an appropriate degree of flexibility in applying certain development standards (including height) where appropriate environmental planning grounds exist to justify such a variation, a better outcome can be achieved and where the proposal is in the public interest.

Clause 4.6 provides:

4.6 Exceptions to development standards

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

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

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

(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

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

- (b) that there are sufficient environmental planning grounds to justify contravening the development standard.*
- (4) Development consent must not be granted for development that contravenes a development standard unless:*
 - (a) the consent authority is satisfied that:*
 - (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
 - (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*
 - (b) the concurrence of the Secretary has been obtained.*
- (5) deciding whether to grant concurrence, the Secretary must consider:*
 - (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and*
 - (b) the public benefit of maintaining the development standard, and*
 - (c) any other matters required to be taken into consideration by the Secretary before granting concurrence.*
- (6) Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, RU2 Rural Landscape, RU3 Forestry, RU4 Primary Production Small Lots, RU6 Transition, R5 Large Lot Residential, E2 Environmental Conservation, E3 Environmental Management or E4 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.*
- (7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).*
- (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,*
 - (ca) clauses 6.1 and 6.2.*

In addition to the parameters set out in clause 4.6, there are a number of key decisions of the NSW Land and Environment Court that provide guidance in justifying a variation to a development standard. They are:

- *Wehbe v Pittwater Council* [2007] NSWLEC 827
- *Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 1009
- *Micaul Holdings Pty Ltd v Randwick City Council* [2015] NSWLEC 1386
- *Moskovich v Waverley Council* [2016] NSWLEC 1015.

1.4 Clause 4.6 variation request

Consistent with the statutory requirements set out in clause 4.6, and as guided by the above case law, this request to vary the maximum height of building development standard:

- identifies the development standard to be varied
- identifies the extent of the variation sought
- establishes that compliance with the development standard is unreasonable or unnecessary in the circumstances
- demonstrates that there are sufficient environmental planning grounds to justify the variation, and
- demonstrates that the consent authority can be satisfied that the proposal is in the public interest because it is consistent with the objectives of the standards and the objectives of the relevant zone.

Development consent can therefore be granted to the proposed development despite the proposed variation of the development standard because, pursuant to clause 4.6(4)(a), the consent authority can be satisfied that:

- this written request has adequately addressed the matters required to be demonstrated by clause 4.6(3), and
- the proposed development will be in the public interest because it is consistent with the objectives of the standards and the objectives for development within the zone.

This report should be read in conjunction with the Statement of Environmental Effects (SEE) prepared by MG Planning and dated February 2021 in relation to the Jindabyne Police Station.

2. DEVELOPMENT STANDARDS TO BE VARIED

2.1 Snowy River LEP 2013 - Clauses 4.3 Height of Buildings

The development standard that is sought to be varied as part of this application comprise clause 4.3 Height of Buildings under Snowy River LEP 2013.

Clauses 4.3 is reproduced below and an extract of the Height of Buildings Map provided at Figure 1.

4.3 Height of buildings

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

- (a) to ensure that buildings are compatible with the height, bulk and scale of the existing and desired future character of the locality,
- (b) to minimise the visual impact, disruption of views, loss of privacy and loss of solar access to existing development and to public areas and the public domain, including parks, streets and lanes,
- (c) to minimise the adverse impact of development on heritage items.

(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.

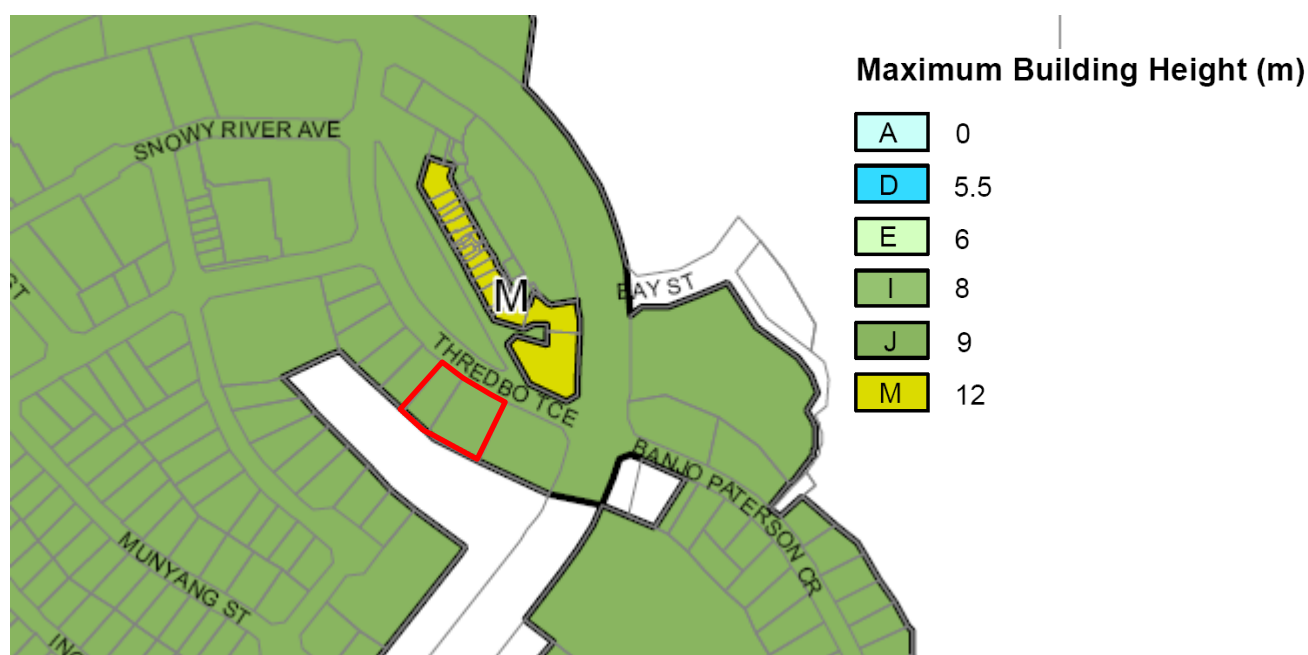


Figure 1: Maximum height limit under clause 4.3

The maximum height of building on the subject site under Snowy River LEP 2013 is therefore 9m.

2.2 The land subject to this variation

This clause 4.6 request seeks to vary the applicable height of buildings development standard as it relates to 16-18 Thredbo Terrace, Jindabyne, on the south-western edge of the Jindabyne town centre, as shown in Figure 2 and 3 below. The site accommodates the existing Jindabyne Police Station, and is formally known as Lots 167 and 168, DP 756686. The site has an area of approximately 3,139m².



Figure 2: Subject site - context



Figure 3: Subject site - detail

2.3 Site context

Site context is an important consideration when determining the appropriateness and necessity of strict adherence to a development standard.

The subject land is steeply sloping with a fall of over 5m from south to north and a further fall from west to east. The proposed development represents a two storey development which would generally be able to be accommodated within a 9m maximum height limit however given the slope of the site, the desire to minimise cut and fill on site and the proposed Alpine character of the roof form, the proposal is not able to meet the 9m limit. Notwithstanding the height exceedance the proposal is suited to the site and will not result in any adverse impacts on the character of the area. In this regard it is noted that the site is adjoined to the east by a vacant site, to the west by an existing dwelling house and to the south by open parkland. Further the land slopes down toward the road such that the additional height within the proposed new police station is to be located adjacent to the street frontage with higher land to the rear. This slope will therefore enable the building to be set into the slope and will therefore be barely perceptible. It will not adversely affect the site context or character of the area and will ensure that the new police station building has an appropriate civic presence in the streetscape.

2.4 Nature of the variations

As noted above under the provisions of Snowy River LEP 2013 the maximum building height permitted on the Site is 9.0 metres. The subject development application seeks a maximum height of 13.1m (RL941.644) which therefore represents height exceedance of 4.1m. The proposed variation in height relates solely to the proposed new police station building.

The extent of the height non-compliance is shown on plans JIN-AR-300 and JIN-AR-400 in the architectural package at **Appendix 2**. In this regard it should be noted that under the Infrastructure SEPP 2007 the proposal is mostly within the maximum height limit of 12m for emergency services facilities to be undertaken as development without consent. Notwithstanding a variation to clause 4.3 of Snowy Valley LEP 2013 is required in this instance as a development application is proposed.

3. JUSTIFICATION FOR CONTRAVENTION OF THE DEVELOPMENT STANDARD

3.1 Clause 4.6(3)(a): Compliance with the development standard is unreasonable or unnecessary in the circumstances of the case

In *Wehbe v Pittwater Council* [2007] NSWLEC 827 (Wehbe), Preston CJ of the Land and Environment Court identified five ways in which an applicant might establish that compliance with a development standard is unreasonable or unnecessary.

While Wehbe related to objections made pursuant to *State Environmental Planning Policy No. 1 – Development Standards* (SEPP 1), the analysis is of assistance to variations made under clause 4.6 where subclause 4.6(3)(a) uses the same language as clause 6 of SEPP 1 (see *Four2Five* at [61] and [62]).

The five ways outlined in Wehbe are:

1. The objectives of the standard are achieved notwithstanding non-compliance with the standard (First Way)
2. The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary (Second Way)
3. The underlying object or purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable (Third Way)
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 Way)
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 Way).

It was not suggested that the five ways were the only ways that a development standard could be shown to be unreasonable or unnecessary, nor does the development need to demonstrate satisfaction of more than one of the five ways outlined.

This clause 4.6 variation request establishes that compliance with the height of building development standard is unreasonable or unnecessary in the circumstances of the proposed development because the objectives of the standards are achieved. Accordingly this variation request justifies the variation to the height pursuant to the 'First Way' outlined in Wehbe.

3.1.1 The objectives of the standard are achieved notwithstanding non-compliance with the standard (First Way)

Clause 4.3 Height of Buildings

As noted in Section 2.1, the objectives of the height of building development standard (under clause 4.3 of Snowy Valley LEP 2013) are:

- (a) *to ensure that buildings are compatible with the height, bulk and scale of the existing and desired future character of the locality,*

- (b) to minimise the visual impact, disruption of views, loss of privacy and loss of solar access to existing development and to public areas and the public domain, including parks, streets and lanes,*
- (c) to minimise the adverse impact of development on heritage items.*

An assessment of the proposed building height in relation to these objectives is provided below.

Objective (a) to ensure that buildings are compatible with the height, bulk and scale of the existing and desired future character of the locality

The maximum height of buildings on the subject land is set out on the Height of Buildings Map and is 9m above existing ground level.

The proposal provides for a maximum height of 13.1m (4.1m above the maximum allowable) to the main Police station building which is to be located adjacent to the Thredbo Terrace frontage. The remainder of the buildings proposed comply with the maximum height limit.

The proposed new Police station building responds to the Alpine character of the area with a high pitched roof and this, in conjunction with the slope of the land (>5m from south to north), results in the proposed height exceedance. Notwithstanding the proposed building is of an appropriate scale and form for the site as well as the proposed use and will not result in any adverse environmental impacts. It is compatible with adjacent development and the proposed non-compliance will be barely perceptible as the building will nestle into the landform with the land rising to the rear. At the same time it will contribute significantly to the internal amenity of the building and provide a suitable civic appearance to the new police station building.

Snowy River DCP 2013 provides that the vision for, and the future character of, the Jindabyne Town Centre is as follows:

Recognition as a linked collection of uniquely different rural residential communities, small residential villages and a central township.

Recognition as a year-round eco-friendly destination in which residential amenity is protected from the impacts of short-term visitors.

Recognition as a holiday destination offering a diversity of year-round rural lifestyle and alpine recreational opportunities, where movement within and between localities is facilitated by cycleways, walkways, bridle tracks and public transport services.

Further it outlines the following planning principles for development within the Centre:

Principle 1: The atmosphere of our 'mountain town' should be maintained by a good mix of tourists and permanent residents.

Principle 2: The growth of Jindabyne should be supported, but it needs to be well planned and based on population targets.

Principle 3: Tourism is the major economic driver within Jindabyne and this needs to be supported by the provision of a range of accommodation types.

Principle 4: The unique setting of the town, including the vistas that can be enjoyed from many locations and the vegetated backdrops to the Lake, need to be protected.

Principle 5: There needs to be integration of recreational facilities and open space areas with the township's commercial and accommodation centre.

Principle 6: The integrity of the rural residential communities, small villages and the township needs to be maintained, however there needs to be linkages.

Principle 7: The sense of community, place and quality of life Jindabyne offers needs to be supported and maintained.

The proposed development is consistent with the vision and future character as well as relevant planning principles for the Centre. In particular the proposal will provide appropriate accommodation for an essential service that will support the growth of the centre and serve and protect the community. The proposed building will ensure a high quality built form that is consistent with the Alpine character of the area on a site that is well suited to the proposal. The proposed height exceedance will not result in any adverse impacts and it is therefore considered that the height of the building is appropriate for the site and that the proposal is consistent with objective (a) of the development control.

Objective (b) to minimise the visual impact, disruption of views, loss of privacy and loss of solar access to existing development and to public areas and the public domain, including parks, streets and lanes

As noted above the proposed new Police Station building (the only building proposed which exceeds the height limit) is to be located adjacent to the Thredbo Terrace site frontage with the land to the rear (south) rising up to 5m above street level. This change in slope will enable the building to nestle into the slope and will ensure that it does not result in any adverse visual impacts or impact on views, loss of privacy or loss of solar access. In relation to solar access shadow plans have been prepared (refer **Appendix 2**) which illustrate that shadow from the proposal will generally be contained to within the site although some shadow will be cast by the building on the vacant lot to the east in mid-winter in the afternoon. As this site is vacant, it is not sensitive to shadow and in any case this impact will be limited to afternoons only with solar access maintained to the property throughout the remainder of the day and generally throughout the year. The property will continue to achieve at least 3 hours of sunlight between 9 – 3pm in midwinter.

The proposed built form will result in an upgrade of the streetscape character of the site and is consistent with the Alpine theme of architecture in the locality. It will also ensure a suitable civic streetscape presence for the police station. Accordingly it is considered that the proposal is appropriate to the streetscape and the character of the area and will not result in any adverse impacts. Further the proposal will not result in any privacy impacts as the police station building is set adjacent to the eastern boundary which adjoins vacant land. It is therefore considered that the proposed height is consistent with objective (b) of the development control.

Objective (c) to minimise the adverse impact of development on heritage items

The proposed development site is not in the vicinity of any heritage items and will therefore not result in any adverse impacts on such items. The proposed height is therefore consistent with objective (c) of the development control.

3.1.2 Other reasons why compliance is unreasonable or unnecessary

Compliance with the maximum height of building development standard is also unnecessary in the circumstances because a better planning outcome for the site as a whole, and the community generally, can be achieved as a result of the non-compliance. This is outlined in Section 3.3 below.

The development as proposed will provide a purpose built, modern and functional new police station with accommodation which will enable the NSW Police to deliver improved policing services to the community and to meet growing demand. It will also improve NSW Police's presence in the

streetscape and will not result in any adverse impacts. Accordingly it is considered that strict compliance with the development standard is unnecessary and unreasonable in the particular circumstance.

3.2 Clause 4.6(3)(b) Environmental planning grounds to justify contravening the development standard

There are sufficient environmental planning grounds to justify a flexible approach to the application of the maximum height of building development control as it applies to the site and the proposed development. The non-compliance with the height control is minor only and will not result in any adverse impacts. The height exceedance is a result of the site slope, minimisation of cut and fill and the proposed Alpine architectural design which has been proposed to ensure that the building is consistent with, and contributes to the character of the locality. Further the proposal is mostly under the height allowable for emergency services facilities undertaken by a public authority under without development consent under the Infrastructure SEPP 2007 (12m).

The proposed non-compliance will enable the construction of a purpose built, modern and functional new police station and accommodation which will enable the NSW Police to deliver improved policing services to the community and to meet growing demand. The proposed building is appropriate in terms of height, bulk and scale and will not result in any adverse impacts.

Accordingly, it is considered that there are sufficient environmental planning grounds to justify contravening the development standard being:

- non-compliance with the standard does not contribute to adverse environmental, social or economic impacts
- variation to the standard is required to provide a high quality development that will both achieve a high internal amenity workplace and sufficient floor area to enable the NSW Police to deliver high quality policing services to the community and to meet growing demand
- the proposal does not give rise to unacceptable impacts associated with the increased maximum building height, including overshadowing, traffic generation or bulk and scale
- the extent of the height variation is minor and arises solely from the slope of the land, minimisation of cut and fill and the need to incorporate an Alpine architectural (with high pitched roof) into the design of the Police station building
- the proposal will not result in any adverse impacts on any heritage items or views and the visual impact of the proposal is appropriate given the context of the site and its surrounds
- the proposed variation does not contribute to adverse traffic impacts
- the proposed building will make best use of existing land for the provision of critical government services
- the height non-compliance is limited to the main police station building only and would generally be permissible as development without consent under the Infrastructure SEPP 2007
- the proposal does not result in any adverse overshadowing, wind, privacy or other amenity impacts and
- the proposed development complies with all other relevant controls contained in Snowy River LEP 2013.

In light of the above, there are no environmental planning grounds that warrant maintaining and/or enforcing the numerical maximum height of building development standard in this instance. Rather, there are clear and justifiable environmental planning merits which validate the flexible application of the height control allowed by Clause 4.6 of Snowy River LEP 2013.

3.3 Clause 4.6(4)(a)(ii): In the public interest because it is consistent with the objectives of the zone and development standard

3.3.1 Consistency with objectives of the development standard

The proposed development is consistent with the objectives of the height of building development standard, for the reasons discussed in Section 3.1 of this report.

3.3.2 Consistency with objectives of the zone

The Site is zoned B2 Local Centre under Snowy River LEP 2013. The objectives of the B2 land use zone are as follows:

- *To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.*
- *To encourage employment opportunities in accessible locations.*
- *To maximise public transport patronage and encourage walking and cycling.*
- *To provide for appropriate residential development in the form of shop top housing and other land uses that are complementary to, and support the vitality of, the local centre.*

The proposed development satisfies the zone objectives as it will provide a new purpose built police station that will enable the NSW Police to better meet the existing and future demand of local residents, workers and visitors in terms of policing. Policing is an essential service that is required to meet the needs of the community and should be located in a central, accessible area such as that proposed. It will also provide an appropriate civic streetscape presentation for the building.

3.3.3 Overall public interest

In accordance with the requirements of Clause 4.6(4)(a)(ii), the proposed development and variation to the development standard is in the public interest because it achieves the objectives of both the development standard and the land use zone.

3.4 Other Matters for Consideration

Under clause 4.6(5), in deciding whether to grant concurrence, the Director-General (now Secretary) must consider the following matters:

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

These matters are addressed in detail below.

3.4.1 Clause 4.6(5)(a): Whether contravention of the development standard raises any matter of significance for State or regional environmental planning

The variation of the maximum height of building development standard does not raise any matter of significance for State or regional planning. However the proposal is consistent with the NSW Government's State Plan "NSW 2021" which outlines goals and performance requirements for Government services and notes that Governments require an effective police force to maintain social order and reduce rates of crime. Upholding the law is an essential part of maintaining safe and just communities and the NSW Police Force is an integral part of the law and justice system in NSW.

3.4.2 Clause 4.6(5)(b): The public benefit of maintaining the development standard

There is no public benefit in maintaining the maximum height of building development standard in this instance. Maintaining and enforcing the development standard in this case would unreasonably constrain the orderly and economic development of the site, and unnecessarily reduce the various community benefits that the development would deliver.

It is therefore considered to be in the public interest that a variation to the development standard is supported in this case.

3.4.3 Clause 5.6(5)(c): Any other matters required to be taken into consideration by the Secretary before granting concurrence.

To our knowledge there are no other matters that the Secretary is required to take into consideration when granting concurrence to the subject Clause 4.6 variation request.

4. SUMMARY AND CONCLUSION

Compliance with the maximum height of building development standard contained in Clause 4.3 of Snowy River LEP 2013 is unreasonable and unnecessary in the circumstances of the case, and the justification to vary the standard is well founded. The proposed variation allows for a better planning outcome for the Site and recognises the particular circumstances of the case.

This clause 4.6 variation request demonstrates that:

- the objectives of the height of building development standard are achieved notwithstanding the proposed variation to the numerical control
- the proposed flexible application of the control achieves a better planning outcomes than would be achievable by strict adherence to the controls on the subject site
- it is in the public interest to vary the control as the proposal is consistent with the objectives of the B2 Local Centre Zone and will allow the NSW Police to meet the daily policing needs of residents, workers and visitors
- the proposed building is of an appropriate height, bulk and scale, is consistent with the character of the site and the surrounding Alpine environment and will not result in any adverse amenity or environmental impacts
- the non-compliance with the development standard does not raise any matters of State or regional planning significance
- there is no public benefit in maintaining the height of buildings development standard adopted by the environmental planning instrument for the Site in this instance, and
- legal precedent has been addressed as part of this clause 4.6 variation request, and concludes the circumstances of this Site and the development proposal are such that they and this justification cannot be replicated.

This clause 4.6 request demonstrates that the proposed development will deliver a better overall outcome for the Site, and the broader community than would a proposal that complied with the relevant development standard. The proposal optimises the opportunity to deliver a high quality purpose built new police station and accommodation which is consistent with the Alpine character of the area, with the slope of the land and that minimises the need for cut and fill. The proposal will allow NSW Police to meet the existing and growing demand for policing services in the area and accordingly will provide significant public benefits.

For the reasons set out in this written request, it is considered that the clause 4.6 variation to clauses 4.3 of Snowy River LEP 2013 is justified and that the strict application of the development standard is unreasonable or unnecessary in the circumstances of the case.