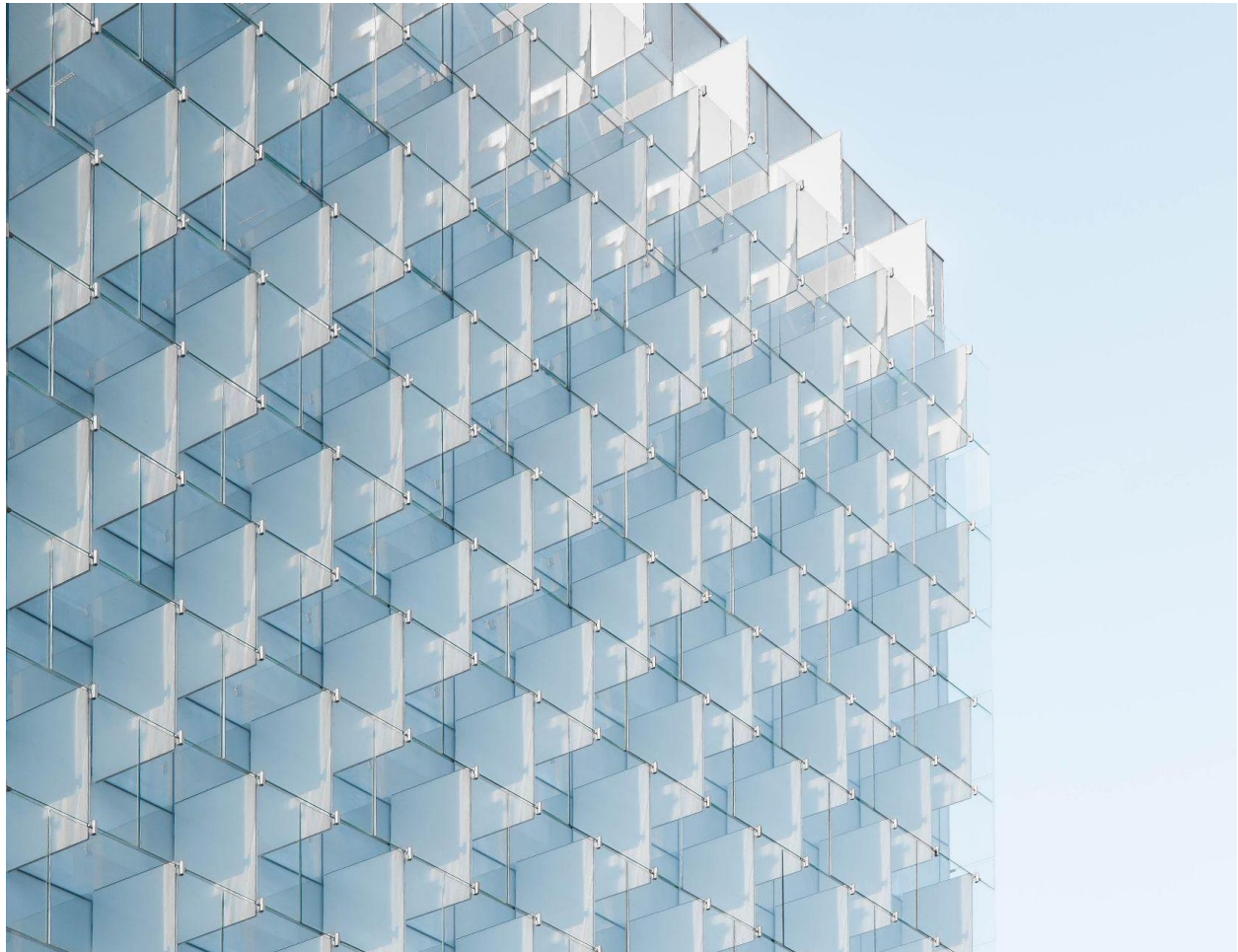


# WILLOWTREE PLANNING



1 November 2021

Ref: WTJ21-434  
Contact: Cameron Gray



## CLAUSE 4.6 VARIATION REQUEST HEIGHT OF BUILDINGS

Proposed Industrial Warehouse Facilities

Leppington Business Park, Stage 2  
345-367 Bringelly Road & 17 Eastwood Road, Leppington  
Lots 1 & 3-7 DP1204097

Prepared by Willowtree Planning Pty Ltd  
on behalf of Stockland Development Pty Ltd




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DOCUMENT CONTROL TABLE			
Document Reference:	WTJ21-434		
Contact	Cameron Gray		
Version and Date	Prepared by	Checked by	Approved by
Version No. 1 - 13/10/2021	Cameron Gray Senior Town Planner	Andrew Cowan Director	Andrew Cowan Director
			

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## PART A PRELIMINARY

### 1.1 INTRODUCTION

This Clause 4.6 variation request (Variation Request) has been prepared in support of a Development Application (DA) for the construction and operation of two (2) industrial warehouse facilities (Proposal) at 345-367 Bringelly Road & 17 Eastwood Road, Leppington (Lots 1 & 3-7 DP1204097) (Site).

The Site is zoned IN2 Light Industrial pursuant to the *State Environmental Planning Policy (Sydney Regional Growth Centres) 2006* (SEPP SRGC) and is located within the Camden Local Government Area (LGA). The proposed development is permissible with consent within the IN2 zone and is considered contextually appropriate. The proposal is generally consistent with the objectives and provisions of SEPP SRGC, with the exception of Clause 4.3 – Height of Buildings, for which this Variation Request is sought.

This Variation Request has been prepared in accordance with the aims and objectives contained within Clause 4.6 and the relevant development standards prescribed under SEPP SRGC. It considers various planning controls, strategic planning objectives and existing characteristics of the Site, and concludes that the proposed building height non-compliance is the best means of achieving the objects of encouraging orderly and economic use and development under the *Environmental Planning and Assessment Act 1979* (EP&A Act).

### 1.2 RATIONALE OF VARIATION FROM DEVELOPMENT STANDARDS

This Variation Request has been submitted to assess the proposed non-compliance with Clause 4.3 – Height of Buildings of SEPP SRGCC and has been prepared in accordance with the requirements of Clause 4.6 of SEPP SRGC which includes the following objectives:

- (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.*

Under the provisions of Clause 4.3 of SEPP SRGC, the Site is subject to a maximum building height of **13m**. The proposed building height of **14.6m** would exceed the maximum building height. The development in its proposed built form and scale will provide industrial development that is purpose built to satisfy the function of the use and is commensurate in form and scale with the approved warehouse facilities on the Site and the desired future character of the surrounding industrial zoned land. The proposed non-compliance is not likely to have an adverse impact on the area.

This Variation Request has been prepared in accordance with the aims and objectives contained within Clause 4.6 and the relevant development standards prescribed by SEPP SRGC.





1.3 DEVELOPMENT STANDARD VARIATION

Under the provisions of Clause 4.3 of SEPP SRGC, the Site is subject to a maximum building height of **13m**. The Proposal will result in a building height of **14.6m**. **Table 1** below provides a summary of the variation.

TABLE 1: CLAUSE 4.3 OF SEPP SRGC VARIATION SUMMARY						
SEPP Clause	SRGC	SEPP Development Standard	SRGC	Maximum Building Height Proposed	Proposed Development Compliance	Non-
Clause 4.3 - Height of Buildings		Maximum height of 13m		14.6m	The Proposal seeks consent for a maximum building height 14.6m which is a 12.3% variation from the development standard.	

Notwithstanding the above, curtailing the building height of the Proposal to the current prescribed development standard would prevent the Proposal from meeting the operational needs of the warehouse use whilst provide consistent floor and road levels with the approved internal road network, therefore restricting the use the land zoned for industrial development.

In its current form, the Proposal therefore represents the most efficient use of the Site which responds to the existing environmental constraints, compared to a development which is entirely compliant with the 13m Height of Buildings control.





## PART B THRESHOLDS THAT MUST BE MET

### 2.1 INTERPRETING CLAUSE 4.6

Clause 4.6 of SEPP SRGC facilitates exceptions to strict compliance with development standards in certain circumstances. Clause 4.6(3) states (our emphasis added):

*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.*

In addition, Clause 4.6(4) states that (our emphasis added):

*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.*

Further to the above, Clause 4.6(5) states the following (our emphasis added):

*In deciding whether to grant concurrence, the Planning 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 Planning Secretary before granting concurrence.*

Accordingly, a successful Clause 4.6 variation must satisfy three limbs explained in detail below:

#### First Limb – cl 4.6(4)(a)(i)

Clause 4.6(4)(a)(i) provides that the consent authority must be satisfied that the applicant's written request seeking to justify the contravention of the development standard has adequately addressed the matters required to be demonstrated by Clause 4.6(3).





These matters are twofold:

- a. that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case (CI 4.6(3)(a)); and
- b. that there are sufficient environmental planning grounds to justify contravening the development standard (CI 4.6(3)(b)). To this end the environmental planning grounds advanced in the written request must justify the contravention, not simply promote the benefits of carrying out the development as a whole: *Four2Five Pty Ltd v Ashfield Council* [2015] NSWCA 248 at [15].

In the decision of *Rebel MH v North Sydney Council* [2019] NSWCA 130 (**Rebel**) Payne JA held (our emphasis added):

*“Although it was unnecessary finally to decide the correct construction of cl 4.6(4) in Al Maha, I agree with the construction advanced in that case by Basten JA, with whom Leeming JA agreed, at [21]-[24]. **Properly construed, a consent authority has to be satisfied that an applicant’s written request has in fact demonstrated the matters required to be demonstrated by cl 4.6(3).** Clause 4.6(3) requires the consent authority to have “considered” the written request and identifies the necessary evaluative elements to be satisfied. To comply with subcl (3), the request must demonstrate that compliance with the development standard is “unreasonable or unnecessary” and that “there are sufficient environmental planning grounds to justify” the contravention. It would give no work to subcl 4.6(4) simply to require the consent authority to be satisfied that an argument addressing the matters required to be addressed under subcl (3) has been advanced.”*

Accordingly, a consent authority must be satisfied:

- a) that the Clause 4.6 variation application addresses the matters in Clause 4.6(3); and
- b) of those matters itself which means that there is greater scope for a consent authority to refuse a Clause 4.6 variation.

The matters identified in the First Limb are addressed in **Sections 4.3** and **4.4** of this Variation Request.

Second Limb – clause 4.6(4)(a)(ii)

Clause 4.6(4)(a)(ii) provides that the consent authority must be satisfied that the proposed development will be in the public interest because it is consistent with:

- a) the objectives of the particular development standard; and
- b) the objectives for development within the zone in which the development is proposed to be carried out.

The opinion of satisfaction under CI 4.6(4)(a)(ii) differs from the opinion of satisfaction under CI 4.6(4)(a)(i) (ie the first limb) in that the consent authority must be directly satisfied that the proposed development will be in the public interest because it is consistent with the objectives of the development standard and the zone, not indirectly satisfied that the applicant’s written request has adequately addressed those matters.





The matters identified in the Second Limb addressed in **Sections 4.1, 4.2 and 4.6** of this Variation Request.  
Third Limb – clause 4.6(4)(b)

Clause 4.6(4)(b) requires that concurrence of the Secretary of the NSW Department of Planning, Industry and Environment has been obtained.

Clause 4.6(5) outlines the matters to be considered by the Planning Secretary in deciding whether to grant concurrence.

The matters identified in the Third Limb are addressed in **Sections 4.7 and 4.8** of this Variation Request.

Other relevant legal matters

The language used in a Clause 4.6 variation application is of paramount importance. In the decision of *Rebel MH Neutral Bay Pty Ltd v North Sydney Council* [2018] NSWLEC 191 the court held that the applicant had inferred an entitlement to floor space and had asserted, expressly or by necessary inference, that floor space that would be forgone as a result of a variation not being permitted, would be required to be relocated elsewhere in a revised development. The court did not look favourably on this assertion and refused the variation to the development standard. Accordingly, the building envelope set by the development standards should be viewed as a maximum area and not an entitlement and language that infers an entitlement has the potential to jeopardise the success of the application.

The case law also outlines that it is important to focus on whether the exceedance that arises as a result of the variation to the development standard (in this case the exceedance of the maximum height of buildings standard) is consistent with the objectives rather than the totality of the whole development.

This written request has been prepared under Clause 4.6 to request a variation to the "Height of Buildings" development standard at Clause 4.3 of SEPP SRGC.







## PART C STANDARDS BEING OBJECTED TO

### 3.1 OVERVIEW

The Site is zoned IN2 Light Industrial and is subject to the underling objectives of the varied standard as well as the IN2 zone under SEPP SRGC.

### 3.2 CLAUSE 4.3 BUILDING HEIGHT CONTROL UNDER CLEP 2015

Clause 4.3 of SRGC identifies the following objectives:

- (1) *The objectives of this clause are as follows—*
- (a) *to establish the maximum height of buildings,*
  - (b) *to minimise visual impact and protect the amenity of adjoining development and land in terms of solar access to buildings and open space,*
  - (c) *to facilitate higher density development in and around commercial centres and major transport routes.*

Pursuant to Clause 4.6, the Proposal seeks exception to the maximum permissible Height of Building of 13m.

### 3.3 PROPOSED VARIATION TO DEVELOPMENT STANDARDS

The DA seeks approval for the construction and operation of two (2) industrial warehouse facilities at 345-367 Bringelly Road & 17 Eastwood Road, Leppington (Lots 1 & 3-7 DP1204097). The Site is subject to a maximum building height of 13m. The development proposes a maximum building height of **14.6m**. The Proposal would **exceed the 13m height limit applicable to 345-367 Bringelly Road & 17 Eastwood Road, Leppington by 1.6m, which represents a 12.3% variation**. It is noted that the additional height is due to the need to accommodate the effective use and operation of the proposed warehouse whilst also providing floor and parking levels consistent with the approved internal road network on the Site given the slope of the Site to rear.

In its current form, the Proposal therefore represents the most efficient use of the Site which responds to the existing environmental constraints, compared to a development which is entirely compliant with the 13m Height of Buildings controls. The Site is zoned IN2 Light Industrial under the provisions of SEPP SRGC, whereby warehouse or distribution centres are permissible with consent.

This Variation Request has been prepared in accordance with the objectives of clause 4.3 Height of Building and the IN2 Light Industrial zone objectives of SEPP SRGC as required in clause 4.6(4)(a)(ii).

This DA therefore relies upon what is reasonably concluded to be the underlying objectives of the standard and the IN2 zone.





PART D PROPOSED VARIATION TO STANDARDS IN CLAUSE 4.3 OF SEPP SRGC

Pursuant to Clause 4.6 of SEPP SRGC, exception is sought from the height of buildings standard applicable to the Site pursuant to Clause 4.3 of SEPP SRGC. Clause 4.6(4)(a)(ii) requires the consent authority to be satisfied that the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out.

4.1 OBJECTIVES OF THE STANDARD

A key determinant of the appropriateness of a Clause 4.6 Variation to a development standard is the Proposal’s compliance with the underlying objectives and purpose of that development standard.

Clause 4.6(4)(a)(ii) requires that a request to vary a development standard must establish that the proposed contravention will be in the public interest because it is consistent with the objectives of the development standard and the zone. Pursuant to Clause 4.6 of SEPP SRGC, the Proposal seeks exception to the 13m Height of Building development standard pursuant to Clause 4.3 of SEPP SRGC.

Clause 4.3 of SEPP SRGC sets out specific objectives. Those objectives under SEPP SRGC are responded to in **Table 2** below:

TABLE 2: CONSISTENCY WITH THE CLAUSE 4.3 OBJECTIVES	
Objective	Response
to establish the maximum height of buildings,	Noted.
to minimise visual impact and protect the amenity of adjoining development and land in terms of solar access to buildings and open space,	<p>The proposed development is of a high quality architectural design that will not result in any adverse visual impacts to neighbouring properties. The warehouses incorporate highly articulated facades to minimise the appearance of bulk and scale and to create visual interest. Specifically, façade articulation is achieved through a complementary range of colours and materials. The warehouses will generally be screened from Bringelly Road by the existing approved warehouse on the Site.</p> <p>The proposed development will not result in any loss of solar access to buildings and open space on adjoining properties.</p> <p>It is also noted that the Subject Site is within the 800m walking catchment of the Leppington Town Centre, which has a prescribed building height of between 24m and 30m.</p>





<i>to facilitate higher density development in and around commercial centres and major transport routes.</i>	<p>Whilst, density parameters are not considered relevant to the proposed industrial warehouses, the locality of the Subject Site in relation to the Leppington Town Centre is considered noteworthy.</p> <p>The proposed development would result in employment-generating and economic growth opportunities, which would contribute to the success of the Leppington Town Centre.</p>
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## 4.2 OBJECTIVES OF THE ZONE

The Site is zoned IN2 Light Industrial pursuant to SEPP SRGC. Therefore, consideration has been given to the IN2 zone objectives in **Table 3** below:

TABLE 3: CONSISTENCY WITH THE IN2 LIGHT INDUSTRIAL ZONE OBJECTIVES	
Objective	Response
<i>To provide a wide range of light industrial, warehouse and related land uses.</i>	The proposed development seeks to provide additional warehouse uses on the Site.
<i>To encourage employment opportunities and to support the viability of centres.</i>	The proposed development would provide employment-generating opportunities to the immediate community and wider locality, during both the construction and operational phases of development which will assist in the supporting the future development and viability of the Leppington Town Centre.
<i>To minimise any adverse effect of industry on other land uses.</i>	The proposed development will not result in adverse impacts to the surrounding land. The Site is separated from the land to the north zoned for residential by Bringelly Road and will be screened by the existing approved warehouse on the Site.
<i>To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.</i>	Whilst the IN2 Light Industrial zone allows for a range of non-industrial land uses, the proposed development responds to a development for the purposes of warehousing and industry. The proposed development would provide employment-generating opportunities to the immediate community, as well as the wider locality.





#### 4.3 ESTABLISHING IF THE DEVELOPMENT STANDARD IS UNREASONABLE OR UNNECESSARY

Subclause 4.6(3)(a) and the judgement in *Four2Five Pty Ltd v Ashfield Council* (refer to **Section 2.1**) emphasise the need for the proponent to demonstrate how the relevant development standard is unreasonable or unnecessary in the circumstances.

In view of the particular circumstances of this case, strict compliance with Clause 4.3 of SEPP SRGC is considered to be both unnecessary and unreasonable. Should strict compliance with the development standard be enforced, the warehouses will not satisfy the function and operational demands of the warehouse. In order to comply with the maximum building height whilst satisfying the operational demands, significant excavation would be required which would result in inconsistent floor levels and parking levels which would significantly reduce the operational efficiency of the entire Site, particularly having regard to vehicle access, movement and loading/unloading. The Proposal has been designed and sited to minimise any adverse impacts on the adjoining properties and the surrounding land zoned for industrial uses and is generally compliant with all other relevant built form controls, including setbacks, landscaping and parking.

The Proposal does not conflict with the intent of the development standard and zone as demonstrated above, notwithstanding the proposed numeric variation. The proposed building height variation will retain compatibility with the desired future character and continue to support industrial zoned land in the locality, consistent with the objectives of the IN2 Light Industrial zone.

The abovementioned justifications are considered valid, and in this instance the proposed Clause 4.6 Variation is considered to be acceptable. The proposed development represents a more efficient use of the Site. The objectives of the relevant clause, IN2 Light Industrial zone would be upheld as a result of the proposed development. In light of the above, the application of the height of building development standard is therefore unreasonable and unnecessary in response to the proposed development.

#### 4.4 SUFFICIENT ENVIRONMENTAL PLANNING GROUNDS TO JUSTIFY CONTRAVENING THE DEVELOPMENT STANDARD

The Variation Request is considered well founded because, notwithstanding the proposed non-compliance with the maximum permissible building height:

- The proposal is entirely consistent with the underlying objectives and purposes of the standard, as demonstrated in **Section 4.1**.
- The proposal is entirely consistent with the underlying objective or purpose of the IN2 Light Industrial zone, as demonstrated in **Section 4.3**.
- Compliance with the standard would be unreasonable and unnecessary for the reasons outlined in **Section 4.3**;





- The proposed non-compliance results in a built form and land use, which is permitted at the Site.
- Should compliance with the development standard be enforced, the effective operation of the warehouses and efficiency of the entire Site would be significantly reduced.
- The proposal is consistent with the desired future character of the Site and the area and generally complies with the relevant built form controls including setbacks, landscaping and car parking.
- The proposal has been designed to be sympathetic and respectful to the existing surrounding amenity, particularly in regard to visual bulk, privacy, overshadowing and sunlight access whilst expanding on the functional industrial land use on the northern side of the Site.

For the reasons outlined above, it is considered that the proposed variation to the building height control under Clause 4.3 is appropriate and can be clearly justified having regard to the matters listed within clause 4.6(3)(b) under SEPP SRGC.





#### 4.5 OBJECTIVES OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

All planning determinations made under the EP&A Act are required to be made with regard to the objects of the Act in accordance with section 1.3 of the EP&A Act. **Table 5** below assesses the proposed development against the objects of the EP&A Act.

TABLE 4: EP&A ACT OBJECTIVES	
Objective	Response
<i>(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,</i>	The Proposal will positively contribute to the existing employment generating industrial land use on the Site within the Camden LGA. The proposal can furthermore be progressed without any significant environmental impacts.
<i>(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,</i>	The Proposal has been designed to include appropriate ecologically sustainable measures and has adequately considered environmental impacts on the surrounding locality.
<i>(c) to promote the orderly and economic use and development of land,</i>	The Proposal will make use of the currently underutilised southern portion of the Site, resulting in an economically beneficial development without an unacceptable economic, environmental or social impact.
<i>(d) to promote the delivery and maintenance of affordable housing,</i>	The Proposal will not impact the delivery and maintenance of affordable housing.
<i>(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,</i>	The existing Site is identified as biodiversity certified land. The Proposed development has been sited so as to result in minimal impacts on the surrounding environment.
<i>(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),</i>	The existing Site is not identified as a Heritage Item, within a heritage conservation area or as containing Aboriginal or cultural heritage significance. The Proposal will not impact any Aboriginal or cultural heritage significance of the surrounding land.
<i>(g) to promote good design and amenity of the built environment,</i>	The Proposal will provide an appropriate transition in height to the industrial development on the Site. An appropriate mix of finishes and materials have been employed to ensure a high quality urban form is achieved when viewed from the street and surrounding sites with minimal impacts on the amenity of the built environment.
<i>(h) to promote the proper construction and maintenance of buildings, including the</i>	The proposal can be constructed and maintained without health and safety risks to future tenants.





<i>protection of the health and safety of their occupants,</i>	
<i>(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,</i>	Given the extent of variation to the Height of Buildings Development Standard, the application will be required to be determined by the Independent Hearing and Assessment Planning
<i>(j) to provide increased opportunity for community participation in environmental planning and assessment.</i>	The DA would be subject to the relevant public notification requirements.

#### 4.6 PUBLIC INTEREST

As outlined in **Section 2.2**, *Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 90 emphasised that it is for the proponent to demonstrate that the proposed non-compliance with a development standard is in the public interest. Clause 4.6(4)(a)(ii) requires the proposal 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.

**Sections 4.1** and **4.2** above demonstrate how the proposal is consistent with the objectives of the development standards, as well as the IN2 zone under SEPP SRGC.

In *Lane Cove Council v Orca Partners Management Pty Ltd (No 2)* [2015] NSWLEC 52, Sheahan J referred to the question of public interest with respect to planning matters as a consideration of whether the public advantages of the proposed development outweigh the public disadvantages of the proposed development.

The Proposal provides the following public benefits:

- The proposed industrial warehouse facilities will make a positive contribution to the surrounding industrial area and the surrounding locality;
- Provide opportunities of greater employment generation in the Camden LGA;
- Provide a development outcome that is compatible with the existing and emerging area that is a permissible land use and consistent with the land use zone objectives.

There are no identifiable public disadvantages which will result from the proposal in terms of amenity impacts on adjoining neighbours and streetscape or environmental impacts on the locality.

The proposal is therefore reasonably considered to be in the public interest.





#### 4.7 MATTERS OF STATE AND REGIONAL SIGNIFICANCE

The proposed non-compliance with Clause 4.3 of SEPP SRGC will not give rise to any matters of significance for State or regional environmental planning. They will also not conflict with any State Environmental Planning Policy or Ministerial Directives under section 9.1 of the EP&A Act.

Planning Circular PS 08-014, issued by the former NSW Department of Planning, requires that all development applications including a variation to a standard of more than 10% be considered by full Council rather than under delegation.

#### 4.8 PUBLIC BENEFIT IN MAINTAINING THE STANDARD

Strict compliance with Clause 4.3 of SEPP SRGC will result in:

- A less efficient employment generating land use to respond to the employment needs of the Camden LGA; and
- Preventing the Site being developed to its full potential.

Further to the above, in the event the development standards were maintained, the resulting benefits to the adjoining properties and wider public would be nominal.

As such, there is no genuine or identifiable public benefit to be achieved in maintaining the building height development standard for the Site.

#### 4.9 SUMMARY

For the reasons outlined above, it is considered that the variation to Clause 4.3 of SEPP SRGC is well-founded in this instance and is appropriate in the circumstances. Furthermore, the Variation Request is considered to be well-founded for the following reasons as outlined in Clause 4.6 of SEPP SRGC, *Four2Five Pty Ltd v Ashfield Council* and *Wehbe v Pittwater Council*:

- Compliance with the development standard is unreasonable and unnecessary in the circumstances (refer to **Section 4.3** as part of the First Limb satisfied);
- There are sufficient environmental planning grounds to justify contravening the development standard (refer to **Section 4.4** as part of the First Limb satisfied);
- The development is in the public interest (refer to **Section 4.6** as part of the Second Limb satisfied);
- The development is consistent with the objectives of the particular standard (refer to **Section 4.1** as part of the Second Limb satisfied);
- The development is consistent with the objectives for development within the zone and long term strategic intentions to maintain and preserve employment land (refer to **Section 4.2** as part of the Second Limb satisfied);
- The development does not give rise to any matter of significance for the State or regional







environmental planning and is consistent with the visions and objectives of the relevant strategic plans (refer to **Section 4.7** as part of the Third Limb satisfied);

- The public benefit in maintaining strict compliance with the development standard would be negligible (refer to **Section 4.8** as part of the Third Limb satisfied); and
- The objectives of the standard are achieved notwithstanding the non-compliance with the standard.

Overall, it is considered that the proposed variation to the maximum building height control is entirely appropriate and can be clearly justified having regard to the matters listed within Clause 4.6 of SEPP SRGC.





## PART E CONCLUSION

For the reasons outlined above, it is requested that Council support the Variation Request, which seeks approval for non-compliance with Clause 4.3 of SEPP SRGC for the following reasons:

- Compliance with the development standard is unreasonable or unnecessary in the circumstances of the case;
- There are sufficient environmental planning grounds to justify contravening the development standards;
- The Proposal will capitalise on the Site's full planning potential;
- The Proposal satisfies the objectives of the IN2 Light Industrial zone and Clause 4.3 of SEPP SRGC;
- No unreasonable environmental impacts are introduced as a result of the Proposal; and
- There is no public benefit in maintaining strict compliance with the standards.

Given the justification provided above, the Variation Request is well founded and should be favourably considered by Council.

