



REQUEST UNDER CLAUSE 4.6 APPENDIX 1 GROWTH CENTRES SEPP 2006

**Construction of a Mixed Use Commercial
Development & Associated Works - 6-14
Holborn Circuit, Gledswood Hills**

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Gledswood Hills

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1.0 The Proposal

This request is written in support of a development application (DA) that proposes the construction of a mixed-use commercial development with basement level carparking and associated works at 6-14 Holborn Circuit, Gledswood Hills.

This Clause 4.6 Request relates to a variation proposed to Council's Maximum floor space for shops in the Turner Road Precinct control as prescribed by Clause 4.1E Appendix 1 of State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (Growth Centres SEPP).

1.1 Relevant Case Law

Clause 4.6 of the Appendix 1 of the Growth Centres SEPP allows the consent authority to grant consent for development even though the development contravenes a development standard imposed by the SEPP.

(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.*

Further Clause 4.6(4) provides that:

(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.*

The clause aims to provide an appropriate degree of flexibility in applying certain development standards to achieve better outcomes for and from development.

Assistance on the approach to justifying a contravention to a development standard is also to be taken from the applicable decisions of the NSW Land and Environment Court (the Court) and the NSW Court of Appeal in:

1. *Wehbe v Pittwater Council* [2007] NSW LEC 827;
2. *Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 1009;
3. *Randwick City Council V Micaul Holdings Pty Ltd* [2016] NSWLEC 7;
4. *Brigham v Canterbury-Bankstown Council* [2018] NSWLEC 1406;
5. *Initial Action v Woollahra Municipal Council* [2018] NSWLEC 118; and
6. *Turland v Wingecarribee Shire Council* [2018] NSWLEC 1511.

The common ways in which an applicant might demonstrate that compliance with a development standard is unreasonable or unnecessary are summarised by Preston CJ in *Wehbe v Pittwater Council* (2007) 156 LGERA 446 [42]-[51] and repeated in *Initial Action* [17]-[21]. Although *Wehbe* concerned a SEPP 1 objection, the common ways to demonstrate that compliance with a development standard is unreasonable or unnecessary in *Wehbe* are equally applicable to cl 4.6 (*Initial Action* [16]):

1. The objectives of the development standard are achieved notwithstanding noncompliance with the standard;
2. The underlying objective or purpose of the development standard is not relevant to the development, so that compliance is unnecessary;
3. Underlying objective or purpose would be defeated or thwarted if compliance was required, so that compliance is unreasonable;
4. The development standard has been abandoned by the council; or
5. The zoning of the site was unreasonable or inappropriate so that the development standard was also unreasonable or unnecessary (note this is a limited way of establishing that compliance is not necessary as it is not a way to effect general planning changes as an alternative to strategic planning powers).

The five ways to demonstrate compliance is unreasonable/unnecessary are not exhaustive, and it may be sufficient to establish only one way (*Initial Action* [22]).

The environmental planning grounds relied on in the written request under cl 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 a whole (*Initial Action* [24]).

1.2 Relevant Development Standard

The relevant development standard to which this objection relates to is 4.1E Shops—Turner Road Precinct. Clause 4.1E Shops—Turner Road Precinct sets out the following:

- (1) *The total area used for shops on all land within Zone B5 Business Development in the Turner Road Precinct must not exceed 2,500m².*
- (2) *The total area used for shops in a particular development for that purpose on land within Zone B5 Business Development in the Turner Road Precinct must not exceed 500m².*

Comment:

The proposed development will result in an exceedance of the maximum 2,500m² of shops within the Turner Road Precinct and proposes over 500m² of shops as part of the subject development.

1.3 Is the Planning Control in Question a Development Standard?

'Development Standards' are defined under Section 1.4(1) of the EP&A Act as follows:

“development standards means provisions of an environmental planning instrument or the regulations in relation to the carrying out of development, being provisions by or under which requirements are specified or standards are fixed in respect of any aspect of that development, including, but without limiting the generality of the foregoing, requirements or standards in respect of: ...

- (c) the character, location, siting, bulk, scale, shape, size, height, density, design or external appearance of a building or work,...”*
- (d) the cubic content or floor space of a building,*
- (e) the intensity or density of the use of any land, building or work,*

Comment:

The maximum floor space of shops in the Turner Road Precinct under Clause 4.1E of the Appendix 1 of the Growth Centres SEPP is clearly a development standard.

2.0 The Contravention

The proposal results in the following variation to Council’s Maximum floor space of shops in the Turner Road Precinct as demonstrated in the table below:

Table 1: Variation to Council’s Maximum Shop Floor Space Control			
	Control	Proposed	Variation
Total Area for Shops in the Turner Road Precinct	2,500m ²	<p>Council has advised that the total area for shops in the precinct is currently 4,084.5m² establishing an existing variation of 63.38%.</p> <p>The proposed development will increase this by 3,703m².</p>	3,703m ² resulting in an increase in the existing variation from 1,584.5m ² (63.38%) to 5,287.5m ² (211.5%).

Table 1: Variation to Council's Maximum Shop Floor Space Control			
	Control	Proposed	Variation
Total Area for shops in a particular development	500m ²	3,703m ²	3,703m ² (640.6%)

2.1 Impacts of the Contravention

There are no adverse impacts as a result of the proposed contravention. The original intent of the maximum floor space control for shops in the Turner Road Precinct was to ensure any retail development did not adversely impact on the viability or vitality of nominated centres within the Growth Centres.

An Economic Impact Assessment (**Appendix L**) has been prepared by Hill PDA in support of the proposal which clearly demonstrates the proposed development and contravention will not adversely impact on the nominated centres within the area and is in response to increase demand for retail development within the growth centres.

The report details that based on the surrounding retail environment, the proposed composition of the retail component, transport connections and presence of artificial/natural barriers, a main trade area (MTA) for the retail component on the subject site has been defined to encompass the suburb of Gledswood Hills, parts of Gregory Hills to the north of Explorer Street and the residential area generally within 1 to 1.5 kilometres of the Camden Valley Way and Oran Park Road intersection.

The MTA's population is forecast to more than double from 14,880 currently to 34,239 by 2036, equating to a growth rate of 6% per annum. Similarly, the number of workers within the walkable catchment, currently estimated at 1,700 workers, is projected to increase to 4,700 workers by 2036.

The MTA currently provides approximately 10,000m² of retail floor space as part of the Woolworths based centre at Gregory Hills, some 1.8km east of the subject site. Assuming a centre of 3,500m² opens by 2026 at the Entertainment Precinct, the supply of retail floorspace increases to 13,500m². With this factored into the supply side, there currently is an undersupply of retail shopfront floor space of approximately 3,700m² within the MTA. Over time, this undersupply of retail floor space in the MTA will increase to almost 22,200m² by 2036.

On this basis, the resident and worker population could support all three centres by 2026, namely; the proposed commercial centre on the subject site; the existing Gregory Hills centre; and the proposed centre at the Entertainment Precinct, whilst still allowing 50% of MTA resident expenditure to be spent in surrounding centres such as Oran Park, Narellan and Leppington.

The proposed development responds to the local area's growing need for additional retail space. The proposed development will contribute to meeting this demand by delivering 7,564m² of additional retail floorspace to accommodate an improved retail offer (including food services) and price competition, to the benefit of consumers.

The retail component will also provide essential retail and food services for the workers on site and in the immediate area. This will be key to attracting prospective commercial tenants on site, with the development proposing to include over 11,000m² Gross Floor Area (GFA) of business related floorspace. As such, the retail component will help to improve the attractiveness and marketability of the other proposed land uses.

Moreover, although the proposal contravenes CL4.1E of Schedule 1 of the Sydney Region Growth Centres SEPP 2006 (i.e. a total shop floor space cap of 2,500m² and shop cap of 500m² for a particular development), the shop cap provisions as identified in the Draft Camden Centres and Employment Land Strategy 2021 are no longer *"feasible and impede economic viability in the area."* Moreover, the Strategy acknowledges that *'the caps have become dated as the precinct has changed significantly since these caps were developed and now includes established residential and commercial developments. Over time, the application of the shop cap has become increasingly difficult to enforce, due, in part, to developments approved under the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.'*

Therefore, the proposed development is considered to be a direct response to the local area's growing need for additional retail space and will result in a positive retail and economic impact on the area.

3.0 Justification of the Contravention

3.1 The Site Context

Site context is a key consideration when determining the appropriateness and necessity of a development standard. The site is zoned B5 Business Development under the provisions of the Growth Centres SEPP and is located within the Turner Road Precinct.

A range of commercial uses are permitted with consent in the B5 zone including shops and retail premises. As detailed the precinct is subject to a maximum of 2,500m² of floor space for shops which has already been exceeded through a number of developments with the current total area for shops in the precinct being 4,084.5m² establishing an existing variation of 63.38%.

In addition, the precinct is also subject to a maximum floor area of 500m² for shops for particular developments. This development standard has also been previously varied by Council as a direct result of increased demand for retail development within the precinct and larger anchor commercial developments reflective of the changing character of the precinct and surrounding area.

DA2017/707 was approved by Council on 10 October 2017 for the use of Tenancy 5A, 5B and 6 for the sale of fruit and vegetables, a delicatessen, butcher, bakery and general groceries at 1 Gregory Hills Drive, Gledswood Hills.

The development was approved with a variation of 45.2% to Clause 4.1E(1) and a variation of 199% to 4.1E(2). The variations were approved for the following reasons:

- The development was consistent with the objectives of the B5 zone and the intent of Cause 4.1E to provide retail floorspace to cater to the local need and demand;
- Compliance with the development standards was unreasonable or unnecessary in the circumstances of the case;
- The development standard had been virtually abandoned by Council; and
- There were sufficient environmental planning grounds to justify the contravention as the development did not impact on the viability or vitality of nominated centres within the Growth Centres.

The proposed development is consistent with the existing and desired future site context. The proposed development is considered to be a direct response to the local area's growing need for additional retail space and will result in a positive retail and economic impact on the area, whilst ensuring it does not adversely impact on the viability or vitality of nominated centres within the Growth Centres.

The proposed development is therefore consistent with the objectives of the B5 zone and the intent of Cause 4.1E and recent approvals within the precinct. Therefore, it is considered that compliance with Clause 4.1E is unreasonable in the circumstances of the case and there are sufficient environmental planning grounds to justify the contravention as outlined in the subsequent sections of this report.

3.2 Public Interest

Clause 4.6(4)(a)(ii) of the Growth Centres SEPP requires that development consent must not be granted for development that contravenes a development standard unless the consent authority is satisfied that the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out.

The proposed development has been assessed against the objectives for the B5 Business Development zone below. Despite the proposed variation to the maximum floor space for shops standard, the proposal is considered in the public interest as it satisfies the objectives of the zone. It is noted the relevant development standard does not have specific objectives however an assessment against the perceived intent of the standard has been provided.

3.3 Consistency with B5 Business Development Zone

The consistency of the proposal against the objectives of the B5 Business Development zone is outlined below.

- ***To enable a mix of business and warehouse uses and specialised retail uses that require a large floor area, in locations that are close to, and that support the viability of, centres.***

The proposed development provides for a mixed use commercial development that provides an appropriate mix of business and retail development that do not adversely impact on the viability of existing centres and are a direct result of increase need and demand within the area.

- ***To provide for a wide range of employment generating development.***

The proposed development provides a range of employment generating uses in close proximity to residential development.

- ***To provide for a mix of ancillary uses to support the primary function of providing employment generating development.***

The proposed development provides for a mix of ancillary uses that will support the primary function of the employment generating uses on site and in the surrounding area.

- ***To maintain the economic strength of centres by limiting the retailing of food, clothing and convenience shopping.***

The proposed development provides for retail development that is reflective of the demonstrated need and demand in the area. As detailed in the Economic Impact Assessment provided in support of the development, the proposed retail floor space will not adversely impact on the economic strength of centres and will positively contribute to the economic strength of the region.

- ***To provide for a range of uses, including recreational uses and function centres, that complement other permissible employment generating land uses within the zone.***

The proposed development provides a range of uses that will positively complement the existing and proposed employment generating land uses within the zone and precinct.

3.4 Consistency with the Intent of the Maximum Shop Floor Space Development Standard

As detailed Clause 4.1E does not have specific objectives and therefore an assessment of the development's consistency with the intent of the development standard was undertaken in support of the development.

The original intent of the maximum floor space control for shops in the Turner Road Precinct was to ensure any retail development did not adversely impact on the viability or vitality of nominated centres within the Growth Centres. That control was established when the Turner Road Precinct was released in December 2007 and population growth has since grown substantially in the area. The control as drafted in 2007 is no longer deemed relevant or appropriate.

An Economic Impact Assessment (**Appendix L**) has been prepared by Hill PDA in support of the proposal which clearly demonstrates the proposed development and contravention will not adversely impact on the nominated centres within the area and is in response to increase demand for retail development within the growth centres.

The MTA's population is forecast to more than double from 14,880 currently to 34,239 by 2036, equating to a growth rate of 6% per annum. Similarly, the number of workers within the walkable catchment, currently estimated at 1,700 workers, is projected to increase to 4,700 workers by 2036.

The MTA currently provides approximately 10,000m² of retail floor space as part of the Woolworths based centre at Gregory Hills, some 1.8km east of the subject site. Assuming a centre of 3,500m² opens by 2026 at the Entertainment Precinct, the supply of retail floorspace increases to 13,500m². With this factored into the supply side, there currently is an undersupply of retail shopfront floor space of approximately 3,700m² within the MTA. Over time this undersupply of retail floor space in the MTA will increase to almost 22,200m² by 2036.

On this basis, the resident and worker population could support all three centres by 2026, namely; the proposed commercial centre on the subject site; the existing Gregory Hills centre; and the proposed centre at the Entertainment Precinct, whilst still allowing 50% of MTA resident expenditure to be spent in surrounding centres such as Oran Park, Narellan and Leppington.

The proposed development responds to the local area's growing need for additional retail space. The proposed development will contribute to meeting this demand by delivering 7,564m² of additional retail floorspace to accommodate an improved retail offer (including food services) and price competition, to the benefit of consumers.

The retail component will also provide essential retail and food services for the workers on site and in the immediate area. This will be key to attracting prospective commercial tenants on site, with the development proposing to include over 11,000m² Gross Floor Area (GFA) of business related floorspace. As such, the retail component will help to improve the attractiveness and marketability of the other proposed land uses.

Therefore, the proposed development is considered to be a direct response to the local area's growing need for additional retail space and will result in a positive retail and economic impact on the area whilst ensuring it does not adversely impact on the viability or vitality of nominated centres within the Growth Centres and is consistent with the intent of Clause 4.1E.

4.0 Is Compliance with the Development Standard Unreasonable or Unnecessary in the Circumstances of the Case (Clause 4.6(3)(a))?

Clause 4.6(3)(a) of the Growth Centres SEPP requires the departure from the development standard to be justified by demonstrating that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case.

The common ways in which an applicant might demonstrate that compliance with a development standard is unreasonable or unnecessary are summarised by Preston CJ in *Wehbe v Pittwater Council* (2007) 156 LGERA 446 [42]-[51] and repeated in *Initial Action* [17]-[21]. Although *Wehbe* concerned a SEPP 1 objection, the common ways to demonstrate that compliance with a development standard is unreasonable or unnecessary in *Wehbe* are equally applicable to cl 4.6 (*Initial Action* [16]):

1. The objectives of the development standard are achieved notwithstanding noncompliance with the standard;
2. The underlying objective or purpose of the development standard is not relevant to the development, so that compliance is unnecessary;
3. Underlying objective or purpose would be defeated or thwarted if compliance was required, so that compliance is unreasonable;
4. The development standard has been abandoned by the council; or
5. The zoning of the site was unreasonable or inappropriate so that the development standard was also unreasonable or unnecessary (note this is a limited way of establishing that compliance is not necessary as it is not a way to effect general planning changes as an alternative to strategic planning powers).

The five ways to demonstrate compliance is unreasonable/unnecessary are not exhaustive, and it may be sufficient to establish only one way (*Initial Action* [22]).

The following provides an assessment of the proposed variation against the relevant tests (tests 1-4) to demonstrate that compliance with a development standard is unreasonable or unnecessary in the circumstances of the case. Of note an assessment against test 5 has not been undertaken as the zoning of the site is considered to be appropriate.

4.1 Test 1 - The Objectives of The Development Standard Are Achieved Notwithstanding Noncompliance with The Standard

Clause 4.1E does not have specific objectives and therefore an assessment of the development's consistency with the intent of the development standard was undertaken in support of the development.

The original intent of the maximum floor space control for shops in the Turner Road Precinct was to ensure any retail development did not adversely impact on the viability or vitality of nominated centres within the Growth Centres.

As detailed in Section 3.4, the development as proposed is consistent with the intent of Clause 4.1E as it is a direct response to the local area's growing need for additional retail space and will result in a positive retail and economic impact on the area whilst ensuring it does not adversely impact on the viability or vitality of nominated centres within the Growth Centres.

Therefore, the intent of the development standard is clearly achieved notwithstanding the non-compliance.

4.2 Test 2 - The Underlying Objective or Purpose of The Development Standard Is Not Relevant to The Development, So That Compliance Is Unnecessary

As detailed the underlying intent of Clause 4.1E is to ensure any retail development does not adversely impact on the viability or vitality of nominated centres within the Growth Centres.

Clause 4.1E was included as a provision within the Growth Centres SEPP at its introduction in 2007.

Clause 4.1E was informed, in part, by an employment lands report prepared in March 2007 (known as the Macroplan Employments Land Study – Oran Park and Turner Road Precincts) which was commissioned as part of the Oran Park and Turner Road rezonings.

The Macroplan report provided advice on the likely timing, staging and release of retail floor space and industrial floor space in the area subject to the:

- Employment needs of residents; and
- Market demand for the product.

The report provided a suggested release of retail floor space across all centres in the Oran Park and Turner Road precincts including:

- Two supermarkets in the Oran Park town centre;
- One supermarket in the Turner Road (Gregory Hills) town centre;
- A smaller supermarket within the Denbigh neighbourhood centre; and
- Badgally Road (Gregory Hills Drive) retailing, including restaurants/lunchtime cafes, to serve the needs of local workers.

The planning controls included in Clause 4.1E of the Growth Centres SEPP deliberately limit the undertaking of large floorplate shops to reflect the recommendations of the Macroplan report, and to ensure that large floorplate shops are provided within the identified centres in Oran Park and Gregory Hills to ensure the viability of these centres.

Since 2007 there have been no additional or updated reports or studies undertaken to explore whether the shop area requirements contained in the SEPP require revision.

As identified in the Economic Impact Assessment (**Appendix L**) prepared in support of the subject development application, the precinct has changed significantly since these caps were developed and now includes established residential and commercial developments with a demonstrated need for additional retail development outside of the nominated centres, to cater to the needs of the growing population.

This is echoed in the Draft Camden Centres and Employment Land Strategy 2021 which states that the *“shop floor space audit in Gregory Hills and shop cap review for Turner Road Precinct indicate that the shop cap provision is not feasible and impedes economic viability in the area. The total shop floor space exceeds*

the aggregated shop floor space of 2,500sqm, and many developments are larger than the individual shop cap of 500sqm.”

Therefore, the underlying intent of the development standard is not considered to be relevant to the proposed development as the precinct has undergone significant change and there is demonstrated need for additional retail development outside of the nominated centres to cater to the needs of the growing population.

4.3 Test 3 - Underlying Objective or Purpose Would Be Defeated or Thwarted If Compliance Was Required, So That Compliance Is Unreasonable

The original intent of the maximum floor space control for shops in the Turner Road Precinct was to ensure any retail development did not adversely impact on the viability or vitality of nominated centres within the Growth Centres.

As the wider area is developed, the Turner Road Precinct is developing into to a key employment generating centre where there is a demonstrated need for additional retail development to cater to the needs of the growing population and support the employment generating area.

If strict compliance with Clause 4.1E was required for the development, the underlying intent of protecting the viability and vitality of centres within the region would be defeated, as the Turner Road Precinct would not be able to meet the need and demand for additional retail development or larger retail developments.

Therefore, compliance with the development standard is considered to be unreasonable in the circumstances of the case.

4.4 Test 4 - The Development Standard Has Been Abandoned by The Council

Clause 4.1E is considered to have been abandoned by Council. This is evident in the maximum floor space control of the precinct already being exceeded by 63.38% and recent approvals exceeding both the maximum floor space control for the precinct and for individual developments such as **DA2017/707** which was approved with a variation of 45.2% to Clause 4.1E(1) and a variation of 199% to 4.1E(2).

The Draft Camden Centres and Employment Land Strategy 2021 was publicly exhibited in June 2021 and aims to set the strategic planning vision for Camden LGA’s retail centres and industrial and urban services land development for the next 20 years.

The Strategy states that the provisions that limit retail floor space are no longer feasible and impede economic viability in the area and that the total shop floor space exceeds the aggregated shop floor space of 2,500m², and many developments are larger than the individual shop cap of 500m². Therefore, acknowledging the fact that the development standard is no longer enforced by Council and subsequent compliance action is not undertaken.

The strategy further details that the caps have become dated as the precinct has changed significantly since these caps were developed and now includes established residential and commercial developments.

Council also acknowledges within the strategy that the application of the shop cap has become increasingly difficult to enforce, due to developments approved under the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

A number of developments have been approved in the area as complying development and Council have not undertaken any compliance action regarding the development standard therefore further acknowledging the fact that the development standard is no longer enforced.

It is therefore clear that there is intent from Council to remove the existing provisions restricting the floor space of retail development within the Turner Road Precinct therefore clearly demonstrating that Council have abandoned Clause 4.1E.

Therefore, it is considered that compliance is unreasonable and unnecessary in the circumstances of the case.

5.0 Are there Sufficient Environmental Planning Grounds to Justify Contravening the Development Standard (Clause 4.6(3)(b))?

Clause 4.6(3)(b) of the Growth Centres SEPP requires the departure from the development standard to be justified by demonstrating that there are sufficient environmental planning grounds to justify contravening the development standard.

It is our opinion that there are sufficient environmental planning grounds to justify contravening the maximum floor space for shops standard in this instance. These are as follows:

- The proposed development is consistent with the objectives of the zone and the intent of the building Maximum Shop Floor Space Development Standard;
- the proposed development is a direct response to the local area's growing need for additional retail space and will result in a positive retail and economic impact on the area and region.
- The proposed development does not adversely impact on the viability or vitality of nominated centres within the Growth Centres; and
- The development standard has been abandoned by Council as evident in recent approvals and the Draft Camden Centres and Employment Land Strategy 2021.

If strict compliance with Clause 4.1E was required for the development, the underlying intent of protecting the viability and vitality of centres within the region would not be achieved, as the Turner Road Precinct would not be able to meet the need and demand for additional retail development or larger retail developments for the existing and future population.

6.0 Conclusion

The proposed contravention of the maximum floor space for shops standard is based on the reasons outlined in this request. These reasons are summarised as follows:

- It is considered that this proposal represents an individual circumstance in which Clause 4.6 was intended and to be available to set aside compliance with unreasonable or unnecessary development standards.
- The proposed development will not create an undesirable precedent as the development standard is considered to have been abandoned by Council.
- The proposed development is consistent with the zone objectives, intent of Clause 4.1E and Clause 4.6 of the Growth Centres SEPP and therefore is in the public interest pursuant to clause 4.6(4).

In view of the above, it is considered that this written request has adequately addressed the matters required by Clause 4.6(3) of the Appendix 1 of the Growth Centres SEPP and Council's support to contravene the maximum floor space for shops standard of Clause 4.1E is therefore sought.

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