



AMENDED CLAUSE 4.6 BUILDING HEIGHT

Demolition of selected structures and construction of a retail development comprising a supermarket (with Direct-to-Boot) and retail tenancy, lower ground and rooftop parking, vehicular and pedestrian access and associated landscaping, in addition to minor alterations to the external areas of the existing heritage pub.

110-120 Macquarie Road and 8-12 Raymond Road,
Springwood

Prepared for: Fabcot Pty Ltd

REF: M190122

DATE: 18 September 2025



**Clause 4.6 Variation –
Building Height**



Clause 4.6 Variation Statement – Height of Buildings (Clause 4.3)

1. Height of Buildings standard

Clause 4.3(2) contained within *Blue Mountains Local Environmental Plan 2015* (BLEP) relates to the maximum height requirements and refers to the Height of Buildings Map. Per the BLEP, building height is defined as:

building height (or height of building) means—

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

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

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

The relevant map [sheet HOB_005EA] indicates that the subject site contains a maximum building height of 9m, as demonstrated in the **Figure 1** below.

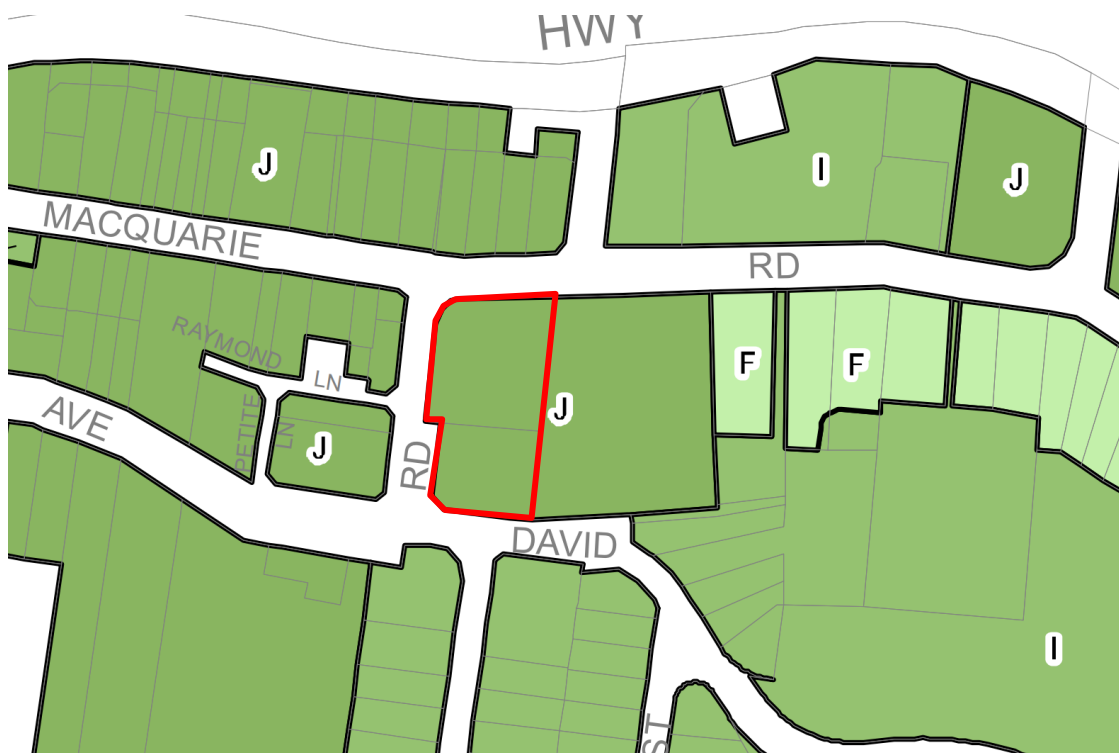


Figure 1 Extract from Height of Buildings Map [J=9m]

2. Proposed variation to height of buildings development standard

In accordance with the definition of height, the architectural plans indicate that the proposed development has a maximum height of 12.09m to the roof top condenser enclosure, where the 9m standard applies. The proposal is therefore non-compliant with the development standard and seeks a maximum variation of 3.09m or 34.3% to the roof top condenser enclosure, as it presents to David Road. The proposal also contains the following additional non-compliances:

- A height of 11.93m to the stairs which provide access to the roof top condenser enclosure, representing a variation of 2.93m or 32.5%;
- A height of 10.31m to the retail kitchen fan at the corner of David Road and Raymond Road, representing a variation of 1.31m or 14.5%; and
- A height of 9.24m to the parapet edge at the corner of David Road and Raymond Road, representing a variation of 0.24m or 2.6%.

Whilst the existing heritage item exceeds the maximum building height, as the proposal does not alter the roof form where it exceeds the development standard, no further consideration is required.

Refer to **Figure 2** below which demonstrate the extent of non-compliances proposed across the subject site.

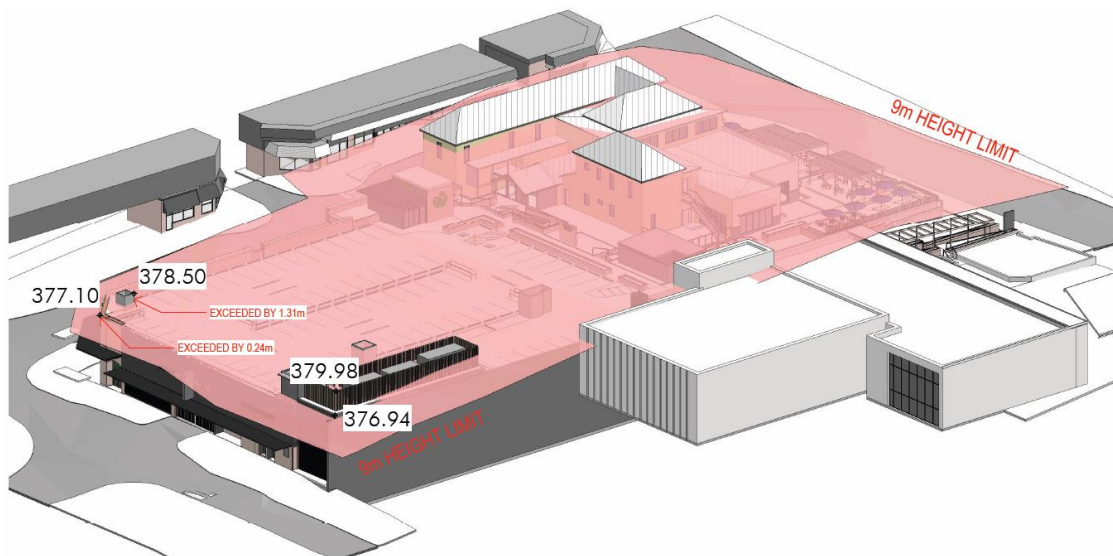


Figure 2 Height blanket diagram of proposed development

3. Clause 4.6 to Blue Mountains Local Environmental Plan 2015

The objectives and provisions of Clause 4.6 are as follows:

(1) *The objectives of this clause are as follows—*

(a) *to provide an appropriate degree of flexibility in applying certain development standards to particular development,*

(b) *to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

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

(3) Development consent must not be granted to development that contravenes a development standard unless the consent authority is satisfied the applicant has demonstrated that—

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

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

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

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

(5) (Repealed)

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

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

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

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

(7) (Repealed)

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

(a) a development standard for complying development,

(b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated,

(ba) clause 4.1E (4) (Subdivision of land in certain conservation zones),

(bb) clause 4.1G (3) (Lot consolidation in Zone E4 and conservation zones),

(c) clause 5.4,

(caa) clause 5.5,

(ca) clause 6.25 (2) (b) (Dwelling houses on land in Zone C2),

(cb) clause 6.26 (Shops in Zones E1 and E2).

It is noted that Clause 4.3 is not “expressly excluded” from the operation of Clause 4.6. This request seeks a variation to the building height standard prescribed in Clause 4.3.

4. Compliance is unreasonable or unnecessary in the circumstances of the case (Clause 4.6(3)(a))

Of relevance to Clause 4.6(3)(a), in *Wehbe v Pittwater Council (2007) NSW LEC 827* Preston CJ sets out ways of establishing that compliance with a development standard is unreasonable or unnecessary. It states, inter alia:

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

The judgement goes on to state that:

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

Preston CJ in the judgement then expressed the view that there are 5 different ways in which an objection may be well founded and that approval of the objection may be consistent with the aims of the policy, as follows (with emphasis placed on number 1 for the purposes of this Clause 4.6 variation [our underline]):

1. The objectives of the standard are achieved notwithstanding non-compliance with the standard;
2. The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary;
3. The underlying object of purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable;
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;
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 that would be unreasonable or unnecessary. That is, the particular parcel of land should not have been included in the particular zone.

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

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

The objectives of Clause 4.3 of BMLEP are as follows:

- (a) to ensure that the bulk of development is not excessive and relates well to the local context,*
- (b) to protect privacy and the use of private open space in new development or on adjoining land,*
- (c) to nominate heights that will provide a transition in built form and land use intensity,*
- (d) to ensure an appropriate height transition between new buildings and heritage items.*

Each of the relevant objectives of Clause 4.3 are addressed in turn below.

Objective (a): to ensure that the bulk of development is not excessive and relates well to the local context,

The subject site is located within the E2 Commercial Centre, contains a heritage item known as the Oriental Hotel and is partly within the *Macquarie Road Heritage Conservation Area*. The site and surrounding locality are permitted an appropriate increase in bulk and scale which relates to the local context.

The proposal has undertaken detailed site and contextual analysis, and has been through numerous iterations, to ensure that the proposed development, including height variations, are an appropriate response to the unique conditions of the site and surrounding context. Furthermore, the proposal has also considered the building envelope, bulk and scale of existing heritage item on site, and those surrounding the site, which have established a character desired in the local context.

In this regard, the non-compliant building elements are designed so that they are non-habitable in nature, are subordinate to the overall development and are setback considerably from the heritage item on the site. Furthermore, these elements are generally open in form and visually lightweight so that they do not result in a bulk or scale of development which impacts the character of the locality. These design measures and compatibility with the established character of the locality ultimately limits the visual and physical impact of the variations as viewed from the public domain. To Macquarie Road and Raymond Road, the additional non-compliances are predominantly (if not entirely) obscured ensuring that the proposal appropriately addresses the local context in terms of bulk and scale, despite the variations.

Further, the proposal is designed with a maximum building height which ensures a consistency in streetscape and built form character of the locality. That is, as the built form addresses all three frontages, the proposal will either comply with the development standard and where it is exceeded, be an appropriate response to the site topography, and of a bulk and scale which is subordinate to the overall development.

As a result, the proposal has been designed to ensure compatibility with the existing and desired character of the locality. The proposal provides a strategic response to the conditions of the site and neighbouring properties and is compliant with the development standard where it has the most bearing on character. The proposed variation is suitably designed so that it will not have any excessive bulk or scale in the local context

Therefore Objective (a) is achieved.

Objective (b): to protect privacy and the use of private open space in new development or on adjoining land,

In terms of the private open space in new development, being the subject application, this is not proposed. Where open spaces have been provided adjacent to the existing hotel, these will not be impacted by the non-compliant building height due to physical separation and is therefore considered acceptable.

With regard to the privacy and use of private open spaces for the existing properties on the southern side of David Road, the separation and nature of the non-compliant elements (being non-habitable) ensures no visual privacy impact. Furthermore, whilst the non-compliant elements pertain to condensers and exhausts, this is also considered

in the submitted Acoustic Report which has found that the aural privacy of the neighbours to the south will also be appropriately maintained.

In terms of overshadowing, the sites relationship to surrounding properties (to the south) and location roadways ensures the shadow impact, as cast by the proposed non-compliance, is minimal. As shown in the submitted shadow diagrams, the use of private open spaces for neighbouring properties will be protected as follows:

- **South-west:** The properties to the south-west of the site will only be affected by overshadowing at 9am during mid-winter, by a very minor degree. This will ensure that these neighbouring properties will receive in excess of five hours of solar access to their private open space and is considered acceptable; and
- **South-east:** The properties to the south-east of the site will be affected by overshadowing at 3pm during mid-winter, by a very minor degree. This will ensure that these neighbouring properties will receive in excess of five hours of solar access to their private open space and is considered acceptable.

As such, the development will protect the privacy and use of private open spaces for the neighbouring properties and objective (b) is satisfied despite non-compliance.

Objective (c): to nominate heights that will provide a transition in built form and land use intensity,

The subject site and properties immediately adjoining or adjacent to the site to the east, west and north are permitted a maximum building height of 9m, and are similarly zoned E2 Commercial Centre. To the south, and on the opposite site of David Road, the neighbouring properties are permitted a maximum building height of 8m to 9m, and are zoned R3 Medium Density Residential.

In accordance with the above, whilst the proposed non-compliance is located where it opposes the R3 Medium Density Residential zoned land, which is permitted a height of 8m to 9m, it is designed so that a transition of built form and land use intensity will be achieved as desired by this objective. That is, the non-compliance pertains to non-habitable services and roof top elements which are generally designed as light weight and open elements as to minimise streetscape impacts. The non-habitable nature of these elements, which are also subordinate to the overall bulk and scale of the development, will ensure that the transition between the E2 and R3 zone in terms of built form and land use will be maintained.

Importantly, the predominant built form as it addresses David Road, and the remaining streetscapes, is compliant with the maximum building height development standard. It is only where services are required for the building to function, which is also exacerbated due to the steeply sloping topography, that the non-compliance are presents. Again, these elements are subordinate to the overall development and do not contribute to floor area which would increase the intensity of development, therefore ensuring that the non-compliance does not alter the desired transition of built form.

As such, the proposal is considered to satisfy objective (c).

Objective (d): to ensure an appropriate height transition between new buildings and heritage items.

The northern portion of the subject site, known as No. 112 Macquarie Road, contains a heritage item identified as the *Oriental Hotel* (SP029), and is also located within the *Macquarie Road Heritage Conservation Area*. However, the southern portion of the site is not identified as a heritage item, nor is it located within the conservation area. Additionally, further to the east and north-east of the site are numerous heritage items.

In this regard, the proposal has been designed to respond to the partial heritage affectation of the site, namely the heritage item, to provide an appropriately balanced and complementary modern form, with an urban fabric and architectural design which is compatible with varying character of neighbouring properties. Of most importance, the overall development is designed to protect the character and curtilage of the existing heritage item on the subject site. As it specifically relates to building height and the extent of non-compliance, this is situated within the southern portion

of the site (where not heritage affected), and pertains to non-habitable roof top elements which are necessary for the building to function. The setback of these non-compliant elements from the heritage item is considerable to minimise any visual or physical impact to the heritage item. Importantly, the part of the built form which has the most bearing on the heritage item and streetscape complies with the 9m development standard and is therefore considered acceptable.

Whilst varying the standard to David Road, the non-compliances are designed so that they are integrated within the overall character of the development. This includes the roof top enclosure and exhaust, stair enclosure and parapet edge, which are subordinate to the overall development as viewed from the public domain. These elements are generally open in form, light-weight in nature and include necessary setbacks (from the heritage item and conservation area) to minimise any impact to bulk, scale or character. Overall, the proposal (including non-compliances) represents significant, wholesale improvements when compared to the existing site conditions, and will complement and improve the setting of the existing heritage item.

Importantly, the portion of the development which has the most bearing on the character of the heritage conservation area and surrounding heritage items, to Raymond Road and Macquarie Road, is compliant with the standard. Where variations are present to David Road, they are visually and physically disconnected from the heritage item. Subsequently and as set out in this Variation, the non-compliant elements are subordinate to the overall development, are necessary for the building to function and will result in a negligible impact to the character and significance of the heritage conservation area and items.

For the reasons discussed above, the extent of the height breach is appropriate and the consistent with Objective (d).

On this basis, the requirements of Clause 4.6(3)(a) are satisfied.

5. Sufficient environmental planning grounds (Clause 4.6(3)(b))

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

*The environmental planning grounds relied on in the written request under cl 4.6 must be “sufficient”. There are two respects in which the written request needs to be “sufficient”. First, the environmental planning grounds advanced in the written request must be sufficient “to justify contravening the development standard”. The focus of cl 4.6(3)(b) is on the aspect or element of the development that contravenes the development standard, not on the development as a whole, and why that contravention is justified on environmental planning grounds. The environmental planning grounds advanced in the written request must justify the contravention of the development standard, not simply promote the benefits of carrying out the development as a whole: see *Four2Five Pty Ltd v Ashfield Council* [2015] NSWCA 248 at [15]. Second, the written request must demonstrate that there are sufficient environmental planning grounds to justify contravening the development standard so as to enable the consent authority to be satisfied under cl 4.6(4)(a)(i) that the written request has adequately addressed this matter: see *Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 90 at [31].*

The assessment of this numerical non-compliance is also guided by the decisions of the NSW LEC in *Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 90 and *Four2Five Pty Ltd v Ashfield Council* [2015] NSWCA 248 whereby Justice Pain ratified the original decision of Commissioner Pearson. The following planning grounds are submitted to justify contravening the maximum building height:

1. The non-compliances are required and necessary for the development to function

- a. The non-compliances pertain to non-habitable services and roof top elements, which are entirely necessary for the building to function. Specifically, the condenser deck, including stair access and various exhausts, are all required for the supermarket and retail tenancy to operate efficiently and successfully. Minor elements of the parapet roof which exceed the standard will not have any adverse visual impact as they are integrated into the overall development. The request strict compliance would require the deletion of these elements and would effectively nullify the operation of the development. In this regard and as set out in this Variation, strict compliance is unreasonable and unnecessary, particularly given the limited streetscape and amenity impact created by the development.

2. The non-compliance is partly a result of the heritage affectations of the site

- a. Following the above, to relocate the roof top services and building elements would be an inferior outcome as it would have a greater impact to the character and qualities of the heritage item. That is, the non-compliant roof top services are setback considerably from the heritage item (and conservation area) to minimise impact, whilst maintaining operational efficiency of the development. This ensures that where the development has the most bearing on streetscape, as it addresses Macquarie Road and Raymond Road, will be unaffected by the non-compliant building height and the character of the heritage item protected.
- b. As set out under Objective (c) and (d), whilst the non-compliant elements oppose the R3 Medium Density Residential zone, they are generally light weight in nature and subordinate to the overall (compliant) development. This ensures that the overall transition in bulk, scale and character throughout the locality will not be impacted by the non-compliant elements.

3. The topography is a site-specific reason resulting in the non-compliance

- a. The topography is a site-specific reason that contributes to the extent of this variation. Specifically, the topography steeply falls from Macquarie Road (north) to David Road (south) by approximately 6m. As shown in the provided height blanket diagram, the proposed development is predominantly compliant with the maximum building height development standard, with the exception of the south-western and south-eastern corners of the site, where the site falls steeply. This is a site-specific condition that the LEP height limit does not contemplate, in that the height limit applies equally to a vast area of the LGA with distinctly different topography.
- b. Following the above, and when considering the roof top condenser enclosure specifically, the non-compliance is clearly worsened by the site topography. That is, the northern portion of the services enclosure has a maximum height of 10.3m, whilst the southern portion a maximum height of 12.09m, as shown in the figure below.

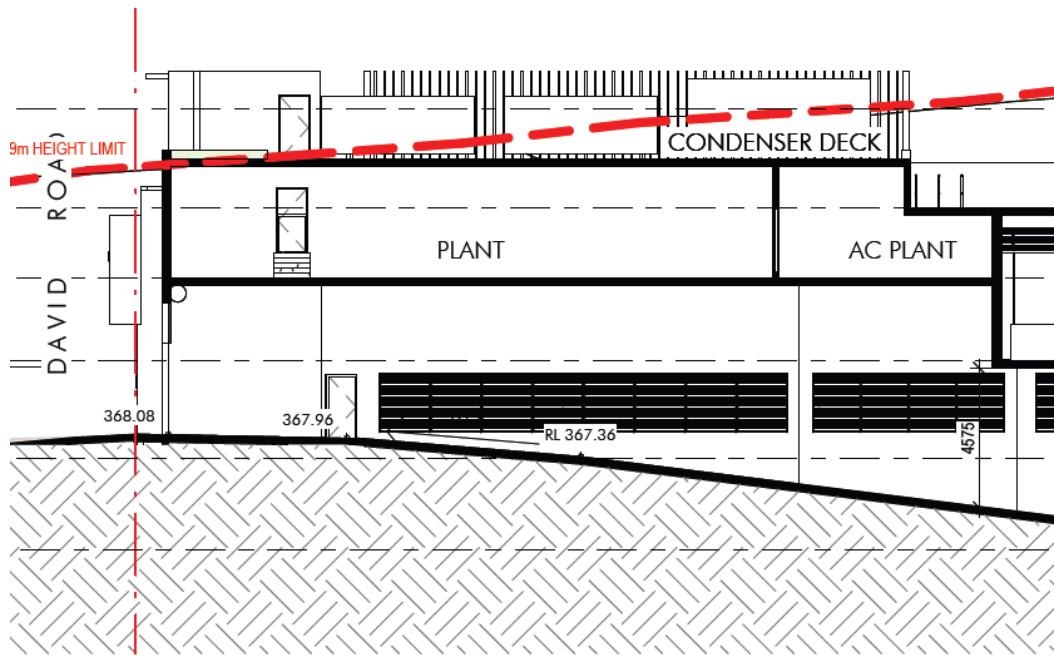




Figure 3 Section of proposed development showing non-compliance

- c. In terms of the roof parapet elements and exhaust fans, as above, these are minor in nature and subordinate to the overall development. The topography has increased the extent of these non-compliant elements, however, they are designed so that they will not appear as visually obtrusive or jarring from the public domain, and are therefore considered acceptable.



Figure 4 Perspective of proposed development as viewed from Raymond Road

4. The non-compliance is compatible with the character of the locality

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- a. Object 1.3(g) of the EP&A Act 1979 is “*to promote good design and amenity of the built environment*”. The proposal has been designed to respond to the steep and undulating topography, through a stepped built form which is of a high quality, contemporary architectural design. Furthermore, the proposal has been developed following detail site and context analysis, in addition to numerous iterations, to protect the qualities and characteristics of the existing heritage item. Whilst the development seeks to vary the maximum building height, the non-compliances are a direct result of the site topography (as described above) and are designed so that the variation only pertains to building services and roof form, as viewed from the public domain. That is, the non-compliant roof form elements are subordinate to the overall development and designed as a cohesive, unified architectural form. Importantly, the non-compliant, non-habitable elements do not result in a bulk or scale which is beyond that anticipated by the 9m standard.
 - b. As considered under Objective (a) and (d), the site and surrounding locality has a character established by the numerous heritage items and conservation area. In this regard, the proposal has purposefully located the roof top services within the southern portion of the site, to provide for an appropriate curtilage around the existing heritage hotel and conservation area. Whilst this has resulted in a non-compliance along David Road, it is considered a superior outcome in terms of protecting the most valuable characteristics of the site and surrounding locality.

5. The non-compliance will not have any adverse visual impact to the public domain or neighbouring properties

- a. As described, the extent of non-compliance as it pertains to the roof form and services are integrated into the overall development and will not appear as visually obtrusive or jarring as viewed from the public domain. These elements are generally open in form as to minimise impact, and whilst the stair core is enclosed, is subordinate to the overall development. It is the cohesive architectural design which ensure there will be no adverse visual impact when viewed from the public domain or neighbouring properties, and will be compatible with the desired character of the locality.

6. Orderly and economic use of land

- a. As described, the proposed roof top services are required for the building to function, and are located as to reduce streetscape and amenity impact to the surrounding locality. It would be contrary to the public interest to deny the variation and require significant redesign and relocation of the services within closer proximity to the heritage item. This is a disproportionate response to the relatively minor impacts created by these elements, as discussed throughout this Variation.

7. The range of amenity impacts are acceptable, despite non-compliance

- a. It is considered that there is an absence of any significant material impacts attributed to the breach on the amenity or the environmental values of surrounding properties, the amenity of future building occupants and on the character of the locality. Specifically:

- i. The extent of the non-compliant height creates no adverse additional overshadowing impacts to adjoining properties when compared to a compliant building envelope. That is, the extent of additional overshadowing created by the non-compliant building height is very minor and will not have any adverse impact to the solar gain of the surrounding residential allotments within the R3 zoned land. Whilst the development will result in minor overshadowing to the southern neighbouring properties, they will receive in excess of 5 hours of solar access throughout mid-winter. As such, additional overshadowing caused by the non-compliant elements would be insignificant; and
- ii. The height breach does not result in any adverse additional privacy impacts. The non-compliance pertains to non-habitable roof forms and building services, which do not create any additional overlooking or aural privacy impacts. It should be noted that the roof top condenser has been considered in the Acoustic Report, and is acceptable. This ensures that any additional loss of privacy caused by the non-compliant elements would be insignificant; and
- iii. The height of building breach does not result in adverse view loss when compared to a compliant building on-site. Importantly, there are no significant views enjoyed across the subject site and any incidental loss of views will be created by the compliant building envelope. As such, it is anticipated the extent of view loss caused by the non-compliant element would be insignificant or nil.

8. The proposal meets aims and objectives of key planning documents

- a. The proposed development meets the objectives of the development standard and meets the objectives of the E2 Commercial Centre zone;
- b. The proposed development achieves the objects in Section 1.3 of the EPA Act, specifically:
 - i. The proposal promotes the orderly and economic use and development of land through the redevelopment of an underutilised site (1.3(c));
 - ii. The proposed development promotes good design and amenity of the built environment through a well-considered design which is responsive to its setting and context (1.3(g)).

The above environmental planning grounds are not general propositions and are unique circumstances to the proposed development, particularly given that the services are necessary for the building to function, heritage affectation and steep and undulating topography of the site. Importantly, the proposed non-compliance pertains to roof and building services, which form part of a cohesive architectural design and will have no adverse impact to the streetscape character of the locality. Insistence on strict compliance with the height will result in the removal of services necessary for the building to function, which is a disproportionate outcome given the limited impacts of the proposal. Further, the additional height does not significantly impact the amenity of the public domain or surrounding properties and has been designed in such a way to ensure the additional height is compatible with the public domain.

It is noted that in *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118, Preston CJ clarified what items a Clause 4.6 does and does not need to satisfy. Importantly, there does not need to be a "better" planning outcome:

86. *The second way is in an error because it finds no basis in cl 4.6. Clause 4.6 does not directly or indirectly establish a test that the non-compliant development should have a neutral or beneficial effect relative to a compliant development. This test is also inconsistent with objective (d) of the height development standard in cl 4.3(1) of minimising the impacts of new development on adjoining or nearby properties from disruption of views or visual intrusion. Compliance with the height development standard might be unreasonable or unnecessary if the non-compliant development achieves this objective of minimising view loss or visual intrusion. It is not necessary, contrary to what the Commissioner held, that the non-compliant development have no view loss or less view loss than a compliant development.*

87. *The second matter was in cl 4.6(3)(b). I find that the Commissioner applied the wrong test in considering this matter by requiring that the development, which contravened the height development standard, result in a "better environmental planning outcome for the site" relative to a development that complies with the height development standard (in [141] and [142] of the judgment). Clause 4.6 does not directly or indirectly establish this test. The requirement in cl 4.6(3)(b) is that there are sufficient environmental planning grounds to justify contravening the development standard, not that the development that contravenes the development standard have a better environmental planning outcome than a development that complies with the development standard.*

As outlined above, it is considered that in many respects, the proposal will provide for a better planning outcome than a strictly compliant development. At the very least, there are sufficient environmental planning grounds to justify contravening the development standard.

6. Conclusion

This written request has been prepared in relation to the proposed variation as it pertains to the height of buildings development standard contained in Clause 4.3 of BMLEP.

Having regard to all of the above, it is our opinion that compliance with the maximum height development standard is unreasonable and unnecessary in the circumstances of this case as the development meets the objectives of that standard and the zone objectives. The proposal has also demonstrated sufficient environmental planning grounds to support the breach. Therefore, insistence upon strict compliance with that standard would be unreasonable. On this basis, the requirements of Clause 4.6 are satisfied and the variation supported.