

**AMENDED CLAUSE 4.6 REQUEST FOR VARIATION OF HEIGHT OF
BUILDINGS DEVELOPMENT STANDARD UNDER CLAUSE 4.3 OF
WARRINGAH LOCAL ENVIRONMENTAL PLAN 2011**

FOR:

**PROPOSED BOUNDARY REALIGNMENT OF 23 AND 25 LOCH
STREET, FRESHWATER INTO PROPOSED LOTS 101 AND LOT 102.
IN RELATION TO PROPOSED LOT 102, THE PROPOSED
DEMOLITION OF A EXISTING 2 STOREY DWELLING HOUSE AND
STRUCTURES AND CONSTRUCTION OF A PROPOSED NEW 3
STOREY DWELLING HOUSE, SPA POOLS AND ASSOCIATED
LANDSCAPING**

AT:

**23 AND 25 LOCH STREET, FRESHWATER
LOT 7 DP 14040 AND LOT 10 DP 1257419**

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1.0 INTRODUCTION

This Amended Clause 4.6 Request is made pursuant to the provisions of Clause 4.6 of Warringah Local Environmental Plan 2011 (LEP 2011).

I note that there is a current Clause 4.6 Request seeking variation of the Height of Buildings Standard.

Following comments of Alex Keller of Northern Beaches Council (Council), Amended Plans have been lodged with Council, with the effect that a miniscule portion of the eastern edge of the proposed roof has been lowered, so that the maximum height of the proposed dwelling (at the eastern edge only) has been reduced from 8.89m to the amended height of 8.8m.

Given the fact that the amended height of 8.8m still breaches the Height of Buildings Standard, albeit to a very minor degree of 3.5%, this Amended Clause 4.6 Request is required.

Variation under Clause 4.6 of LEP 2011 is requested in relation to the Height of Buildings Standard under Clause 4.3 of LEP 2011 in support of a Development Application (DA) seeking approval for *“Proposed Boundary Realignment of 23 and 25 Loch Street, Freshwater into Proposed Lots 101 and Lot 102. In relation to Proposed Lot 102, the Proposed Demolition of an existing 2 Storey Dwelling House and Structures and Construction of proposed new 3 Storey Dwelling House, Spa Pools and Associated Landscaping”* on properties known as 23-25 Loch Street, Freshwater (subject site).

The Objectives of Clause 4.6 are to provide an appropriate degree of flexibility in applying development standards to achieve better outcomes arising from a proposed development.

I consider that variation of the Height of Buildings Standard in the circumstances of this current DA would achieve a better planning outcome rather than requiring strict adherence to the Height of Buildings Standard.

Clause 4.6 of LEP 2011 allows a Consent Authority to grant a variation to a Development Standard as prescribed below.

Clause 4.6 – Exceptions to Development Standards

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

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

- (b) *to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*
- (2) *Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.*
- (3) *Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating—*
 - (a) *that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
 - (b) *that there are sufficient environmental planning grounds to justify contravening the development standard.*
- (4) *Development consent must not be granted for development that contravenes a development standard unless—*
 - (a) *the consent authority is satisfied that—*
 - (i) *the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
 - (ii) *the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*
 - (b) *the concurrence of the Planning Secretary has been obtained.*
- (5) *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.*
- (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 E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living if—

- (a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or*
- (b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.*

Note—

When this Plan was made it did not contain Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU6 Transition or Zone R5 Large Lot Residential.

- (7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).*
- (8) This clause does not allow development consent to be granted for development that would contravene any of the following—*
 - (a) A development standard for complying development,*
 - (b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated,*
 - (c) clause 5.4.*
- (8) A). Also, this clause does not allow development consent to be granted for development that would contravene a development standard for the maximum height of a building shown on the Height of Buildings Map on land shown on the Centres Map as the Dee Why Town Centre.*
- (8) B). Despite subclause (8A), development on Site C or Site E may exceed the maximum height of building shown on the Height of Buildings Map if the maximum height is allowable under clause 7.14.*

In the case of *Al Maha Pty Ltd v Strathfield Council* [2017] NSWLEC 1083, Presiding Commissioner C Dickson of the Land and Environment Court (Court) held that:

“[63] It is clear from a reading of cl 4.6 of WLEP 2012 that the onus is on the applicant to meet the tests of cl 4.6 in seeking flexibility to the Height or FSR standards by demonstrating that the breaches of the 2 development standards are justified. Ms Ogg provided a written request under cl 4.6(3) which seeks to justify the contravention of the FSR Standard (FSR Request).

[64] In Randwick City Council v Micaul Holdings Pty Ltd [2016] NSWLEC 7, Preston CJ outlines that Commissioners on appeal exercising the functions of the consent authority have power to grant consent to developments that contravene the building height standard, or the FSR standard (cl 4.6(2)). However, they cannot grant such a development consent unless they:

- (1) are satisfied that the proposed development will be consistent with the objectives of the zone (cl 4.6(4)(a)(ii))*
- (2) are satisfied that the proposed development will be consistent with the objectives of the standard in question (cl 4.6(4)(a)(ii))*
- (3) have considered a written request that demonstrates that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case and with they are satisfied that the matters required to be demonstrated have been adequately addressed (cl 4.6(3)(a) and cl 4.6(4)(a)(i)).*
- (4) have considered a written request that demonstrates that there are sufficient environmental planning grounds to justify contravening the development standard and with the Court finding that the matters required to be demonstrated have been adequately addressed (cl. 4.6(3)(b) and cl 4.6(4)(a)(i)).”*

In addition to the above mentioned Court judgments, there are other relevant Court judgements relating to the application of a Clause 4.6 Request including, but not limited to, *Winton Property Group v North Sydney Council* [2001] NSW LEC 46, *Wehbe v Pittwater Council* [2007] NSW LEC 827, *Four2Five Pty Ltd v Ashfield Council* [2015] NSW LEC 90 and *Moskovich v Waverley Council* [2016] NSW LEC 1015.

Given the above judgment of his Honour, Chief Judge Preston which was followed by Presiding Commissioner C Dickson, this Clause 4.6 Request seeks to address the matters raised in (1) - (4) above and the provisions of Clause 4.6 of LEP 20011.

I note that the Height of Buildings Development Standard is not specifically excluded from the operation of Clause 4.6 of LEP 20011.

2.0 THE DEVELOPMENT STANDARD AND THE VARIATION SOUGHT

Clause 4.3 – Height of Buildings

Objectives

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

- (a) to ensure that buildings are compatible with the height and scale of surrounding and nearby development,*
- (b) to minimise visual impact, disruption of views, loss of privacy and loss of solar access,*
- (c) to minimise any adverse impact of development on the scenic quality of Warringah’s coastal and bush environments,*
- (d) to manage the visual impact of development when viewed from public places such as parks and reserves, roads and community facilities.*

Comment:

The subject site is identified as being within Area I under LEP 2011 which requires a Height of Buildings Standard of 8.5m.

As previously stated, following comments of Alex Keller of Council, Amended Plans have been lodged with Council, with the effect that the eastern edge of the proposed roof has been lowered, so that the maximum height of the proposed dwelling has been reduced from 8.89m to the amended height of 8.8m over a minuscule portion of the proposed roof. Given the fact that the amended height of 8.8m still breaches the Height of Buildings standard, albeit to a very minor degree of 3.5%, this Amended Clause 4.6 Request is required.

I consider that the variation of the Height of Buildings Standard is very reasonable for the reasons outlined in this Amended Clause 4.6 Request including, but not limited to, the following:

- The Land and Environment Court (Court) has held on previous occasions that the degree of the breach is not the ultimate determining factor in the deciding whether to support a request for variation of a Development Standard. I, nonetheless, note that the proposed breach of the Height of Buildings Standard is only by 3.5%, which can be described as a very minor breach.
- The breaching portions of Height of Buildings Development Standard is limited to a miniscule portion the proposed eastern edge of the roof of the proposed Master Bedroom at proposed Level 1. Please refer to Annexure A.

- The majority of proposed Level 1 is significantly below the Height of Buildings Development Standard. Please refer to Annexure A of this Amended Clause 4.6 Request.
- The proposed development will not result in unreasonable amenity impacts to adjoining properties. On this point, I note that the proposed development is of a comparable height, bulk and scale to that approved under DA2017/1203.
- The proposed Dwelling on proposed Lot 102 responds to the sloping topography of proposed Lot 102. The breaching portions are a direct result of the sloping topography of proposed Lot 102.
- The proposed development is of a flat roof design, which I consider adds to the eclectic mix of roof types within the immediate locality. I also note that the proposed flat roof design generally ensures that aside from the very minor breaching portion of the proposed Master Bedroom, the majority of the proposed Dwelling is significantly below the 8.5m Height of Buildings Standard.

3.0 PROPOSAL WILL BE IN PUBLIC INTEREST BECAUSE IT IS CONSISTENT WITH THE OBJECTIVES OF THE DEVELOPMENT STANDARD

His Honour, Preston CJ in *Initial Action* (Para [27]) described the relevant test for this as follows:

The matter in cl 4.6(4)(a)(ii), with which the consent authority or the Court on appeal must be satisfied, is not merely that the proposed development will be in the public interest but that it will be in the public interest because it is consistent with the objectives of the development standard and the objectives for development of the zone in which the development is proposed to be carried out. It is the proposed development's consistency with the objectives of the development standard and the objectives of the zone that make the proposed development in the public interest.

If the proposed development is inconsistent with either the objectives of the development standard or the objectives of the zone or both, the consent authority, or the Court on appeal, cannot be satisfied that the development will be in the public interest for the purposes of cl 4.6(4)(a)(ii).

Based on Clause 4.3(1) of LEP 2011, the Objectives of the Height of Buildings Standard are as follows:

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

- (a) to ensure that buildings are compatible with the height and scale of surrounding and nearby development,*
- (b) to minimise visual impact, disruption of views, loss of privacy and loss of solar access,*
- (c) to minimise any adverse impact of development on the scenic quality of Warringah's coastal and bush environments,*
- (d) to manage the visual impact of development when viewed from public places such as parks and reserves, roads and community facilities.*

Comment:

I consider that the proposed development satisfies the Objectives of the Height of Buildings Standard for the following reasons:

- (a) To ensure that buildings are compatible with the height and scale of surrounding and nearby development,**

- I consider that the Architectural Plans and the 3D Views demonstrate a proposed Dwelling on proposed Lot 102 that is compatible with the height, bulk and scale of adjoining existing buildings to the south.
- I should also note that a significant portion of the proposed First Level is significantly below the 8.5m Height of Buildings Standard.

(b) To minimise visual impact, disruption of views, loss of privacy and loss of solar access,

- I consider that there would be no unreasonable impact on adjoining or nearby properties from visual impact, disruption of views, loss of privacy, or loss of solar access.
- As previously noted, I consider that the proposed Dwelling on proposed Lot 102 is of a comparable height, bulk and scale to that approved under DA2017/1203 and will not result in unreasonable visual impact, disruption of privacy, loss of solar access and disruption of views..
- In terms of privacy, the proposed Master Bedroom at Level 1 will not have unreasonable adverse privacy impact on adjoining properties to the north, south, east or west due to the fact that there are no windows on the southern elevation and a privacy screen is proposed to the window on the northern elevation. Furthermore, the eastern façade of the Master Bedroom at Level 1 is located approximately 23m away from the approved development to the east under DA2020/0147 at 2 Wyadra Avenue and 14-16 Ellen Street, Curl Curl. In terms of adjoining properties to the west, I note that these properties are on the opposite side of Loch Street.
- In terms of overshadowing impact, the Shadow Diagrams prepared by Cad Draft accompanying the DA confirm that the proposed Dwelling on proposed Lot 102 will not result in unreasonable loss of solar access to adjoining properties.
- In terms of disruption of views, the adjoining properties to the west (on the opposite side of Loch Street) sit higher than the subject site, with the result that the proposed top level will only be viewed, at worst, as a 2 storey structure. Furthermore, the view loss arising from the current DA will be equivalent to the view loss arising from the current approved development under DA2017/1203.
- The proposed development will not adversely impact on views of the adjoining dwellings to the north and south, due primarily to the fact that the proposed dwelling has a proposed rear setback significantly greater than the Rear Setback Control. Furthermore, notwithstanding minor breaches of the Building Envelope Controls, the proposed Wall Height and proposed maximum Height are very reasonable.
- In terms of proposed landscaping, I note the Landscape Plans prepared by Secret Gardens. If required, an appropriate condition can be imposed requiring existing and proposed landscaping to be maintained to a specified RL level, which will ensure that the existing and proposed landscaping will not have an adverse View Loss on any adjoining properties.

- In terms of views from the properties on the opposite western side of Loch Street, I consider that there is no unreasonable view loss based on the fact that the building envelope approved under DA2017/1203 is comparable to the current proposed building envelope.
- I note that the Council approved DA2017/1203 included a maximum RL of 54.45. In Council's Assessment Report, the Council Officer noted that "*While some loss of water views will result from the proposed development, on balance the development is considered reasonable and view loss considered minor*". The proposed Dwelling has a proposed maximum RL of 54.25, which is lower than the approved plans.
- I note that the breaching portions of the proposed Dwelling are setback a greater than required distance from the side and rear boundaries of the subject site, incorporating significant articulation.

(c) To minimise any adverse impact of development on the scenic quality of Warringah's coastal and bush environments,

- The proposed development incorporates significant landscaping works in order to ensure the proposed Dwelling does not result in any adverse impact of development on the scenic quality of Warringah's coastal and bush environments.
- The proposed Dwelling on properties Lot 102 incorporates an attractive palette of colours and materials in keeping with the scenic quality.

(d) To manage the visual impact of development when viewed from public places such as parks and reserves, roads and community facilities.

- I consider that the proposed development will not adversely impact on any public views.
- The proposed development incorporates significant landscaping works in order to ensure the proposed Dwelling does not result in any adverse impact of development on the scenic quality of Warringah's coastal and bush environments.
- The proposed residential dwelling incorporates an attractive palate of colours and materials in keeping with the scenic quality.

For the above reasons, I consider the proposed development is consistent with the objectives of the development standard.

Accordingly, I consider that the proposed development will be in the public interest if the standard is varied because it is consistent with the Objectives of the Height of Buildings Standard.

4.0 IS COMPLIANCE WITH THE DEVELOPMENT STANDARD UNREASONABLE OR UNNECESSARY IN THE CIRCUMSTANCES OF THE CASE?

The steps to considering in assessing whether compliance with the Height of Buildings Development Standard is unreasonable or unnecessary were confirmed in *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118 (*Initial Action*) and are summarised below:

1. The first and 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: *Wehbe v Pittwater Council* [2007] NSWLEC 827 (*Wehbe*) at [42] and [43].
2. A second way is to establish that the underlying objective or purpose is not relevant to the development with the consequence that compliance is unnecessary: *Wehbe* at [45].
3. A third way is to establish that the underlying objective or purpose would be defeated or thwarted if compliance was required with the consequence that compliance is unreasonable: *Wehbe* at [46].
4. A fourth way is to establish that the development standard has been virtually abandoned or destroyed by the Council's own decisions in granting development consents that depart from the standard and hence compliance with the standard is unnecessary and unreasonable: *Wehbe* at [47].
5. A fifth way is to establish that the zoning of the particular land on which the development is proposed to be carried out was unreasonable or inappropriate so that the development standard, which was appropriate for that zoning, was also unreasonable or unnecessary as it applied to that land and that compliance with the standard in the circumstances of the case would also be unreasonable or unnecessary: *Wehbe* at [48]. However, this fifth way of establishing that compliance with the development standard is unreasonable or unnecessary is limited, as explained in *Wehbe* at [49]-[51]. The power under cl 4.6 to dispense with compliance with the development standard is not a general planning power to determine the appropriateness of the development standard for the zoning or to effect general planning changes as an alternative to the strategic planning powers in Part 3 of the EPA Act.
6. These five ways are not exhaustive of the ways in which an applicant might demonstrate that compliance with a development standard is unreasonable or

unnecessary; they are merely the most commonly invoked ways. An applicant does not need to establish all of the ways. It may be sufficient to establish only one way, although if more ways are applicable, an applicant can demonstrate that compliance is unreasonable or unnecessary in more than one way.

For the reasons referred to in this Clause 4.6 Request, it is my opinion 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 consistent with the “first way” as set out in Step 3 on the previous page.

5.0 ARE THERE SUFFICIENT ENVIRONMENTAL PLANNING GROUNDS TO JUSTIFY CONTRAVENING THE DEVELOPMENT STANDARD?

Clause 4.6(3)(b) requires the Applicant to demonstrate that there are sufficient Environmental Planning Grounds to contravene the development standard.

In *Initial Action*, the Court found at [23]-[24] that:

23. As to the second matter required by cl 4.6(3)(b), the grounds relied on by the applicant in the written request under cl 4.6 must be “*environmental planning grounds*” by their nature: see *Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 90 at [26]. The adjectival phrase “*environmental planning*” is not defined, but would refer to grounds that relate to the subject matter, scope and purpose of the EPA Act, including the objects in s 1.3 of the EPA Act.
24. 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].

For the reasons outlined in this Clause 4.6 Request, I consider that the compliance with the Height of Buildings Standard under LEP 2011 is unreasonable and unnecessary in the circumstances of the proposed development.

6.0 PROPOSAL WILL BE IN THE PUBLIC INTEREST BECAUSE IT IS CONSISTENT WITH THE OBJECTIVES OF THE ZONE

In accordance with Clause 4.6(4)(a), Development Consent must not be granted to a development that contravenes a Development Standard unless Council is satisfied in relation to the following matters: -

- (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 Director-General has been obtained.*

The above matters are addressed in the SEE and this Clause 4.6 Request, including the following comments.

The subject site is zoned R2 Low Density Residential. I note the Objectives of the R2 Low Density Residential.

Zone R2 Low Density Residential

Objectives of zone

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To ensure that low density residential environments are characterised by landscaped settings that are in harmony with the natural environment or Warringah.*

The proposed development involves a proposed dwelling house which is permitted with consent in the R2 Low Density Residential zone under Warringah LEP 2011.

I consider that the proposed development satisfies the Objectives for the following reasons: -

- The proposed dwelling house will provide for the housing needs of the community within a low density residential environment, maintaining the current residential use of the subject site, whilst providing a modern and improved residential dwelling.

- The proposed development does not impact on the ability of other land uses to provide facilities or services to meet the day to day needs of residents. I consider that the scale of the proposed development achieves the desired future character of the neighbourhood.
- The proposed residential dwelling includes landscaping works which result in an improvement in the quality of landscaped area and comply with the numerical requirements of Council's Landscaped Area Control under Warringah Development Control Plan 2011.

7.0 STATE OR REGIONAL ENVIRONMENTAL PLANNING SIGNIFICANCE AND THE PUBLIC BENEFIT OF MAINTAINING THE DEVELOPMENT STANDARD

Clause 4.6 (5) relates to matters for consideration by the Secretary as to “*whether contravention of the Development Standard raises any matter of significance for State or regional environmental planning.*”

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.

Would non-compliance raise any matter of significance for State or regional planning?

The non-compliance does not raise any other matter of significance for State or regional planning.

Is there a public benefit of maintaining the development standard?

I consider that there is no public benefit associated with maintaining strict compliance with the development standard

Are there any other matters required to be taken into consideration by the Secretary before granting concurrence?

There are no additional matters that need to be considered in exercising the assumed concurrence of the Secretary.

8.0 IS THE OBJECTION TO THE DEVELOPMENT STANDARD WELL FOUNDED?

I consider that this objection to the Development Standard is well founded for the reasons outlined in the Clause 4.6 Request and the SEE.

9.0 CONCURRENCE OF PLANNING SECRETARY

- (4) *Development consent must not be granted for development that contravenes a development standard unless—*
- (b) *the concurrence of the Planning Secretary has been obtained.*
- (5) *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.*

Comment:

The Department issued Planning Circular No. PS18-003 (dated 21st February 2018) which notified Council of arrangements “...*where the Director General’s concurrence may be assumed for exceptions to development standards under environmental planning instruments which adopt clause 4.6...of the Standard Instrument...*”.

Clause 64 of the EPA Regulation provide that Council may assume the Director General’s [Secretary’s] concurrence for exceptions to Development Standards, thus satisfying the terms of this provision.

10.0 CONCLUSION

Notwithstanding the breach of the Height of Buildings Standard, I consider that this request for variation of the Height of Buildings Standard is well founded.

For the reasons outlined in this Amended Clause 4.6 Request, I fully support variation of the Height of Buildings Standard.

A handwritten signature in dark ink, reading "Tony Moody". The signature is written in a cursive style with a horizontal line underneath the first name.

TONY MOODY

BTP(UNSW), LL.B (UTS)(Hons.), MPIA

Dated: 7 March, 2022.

ANNEXURE A

Section A & Section B

