

Attachment D

Clause 4.6 Variation Request – Height of buildings



SYDNEY LEP 2012

Clause 4.6 Exceptions to Development Standards – Height of Buildings

Nos. 290-294 Botany Road, Alexandria

Proposed Demolition of the Existing Buildings and Construction of a Mixed-Use Development

Prepared for

Angreb Pty Ltd and Sentra
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Prepared by

GSA Planning

Date

18 August 2026

Reference

22249



SYDNEY LOCAL ENVIRONMENTAL PLAN (LEP) 2012

CLAUSE 4.6 EXCEPTIONS TO DEVELOPMENT STANDARDS

APPLICANT'S NAME: Angreb Pty Ltd and Sentra Investments Pty Ltd c/- Antoniadis Architects

SITE ADDRESS: Nos. 290-294 Botany Road, Alexandria

PROPOSAL: Proposed demolition of the existing buildings and construction of a mixed-use development comprising retail and co-living units

(i) Name of the applicable planning instrument which specifies the development standard:

Sydney Local Environmental Plan (LEP) 2012

(ii) The land is zoned:

The objectives of the MU1 zone are as follows:

- (a) To encourage a diversity of business, retail, office and light industrial land uses that generate employment opportunities.*
- (b) To ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces.*
- (c) To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- (d) To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.*
- (e) To ensure land uses support the viability of nearby centres.*
- (f) To integrate suitable business, office, residential, retail and other land uses in accessible locations that maximise public transport patronage and encourage walking and cycling*

(iii) The number of the relevant clause therein:

Clause 4.3 – Height of Buildings which is stated, inter alia:

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

- (a) to ensure the height of development is appropriate to the condition of the site and its context,*
- (b) to ensure appropriate height transitions between new development and heritage items and buildings in heritage conservation areas or special character areas,*
- (c) to promote the sharing of views outside Central Sydney,*
- (d) to ensure appropriate height transitions from Central Sydney and Green Square Town Centre to adjoining areas,*
- (e) in respect of Green Square—*
 - (i) to ensure the amenity of the public domain by restricting taller buildings to only part of a site, and*
 - (ii) to ensure the built form contributes to the physical definition of the street network and public spaces.*

(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.

Note—

No maximum height is shown for land in Area 3 on the Height of Buildings Map. The maximum height for buildings on this land are determined by the sun access planes that are taken to extend over the land by clause 6.17.

(2A) Despite any other provision of this Plan, the maximum height of a building on land shown as Area 1 or Area 2 on the Height of Buildings Map is the height of the building on the land as at the commencement of this Plan.

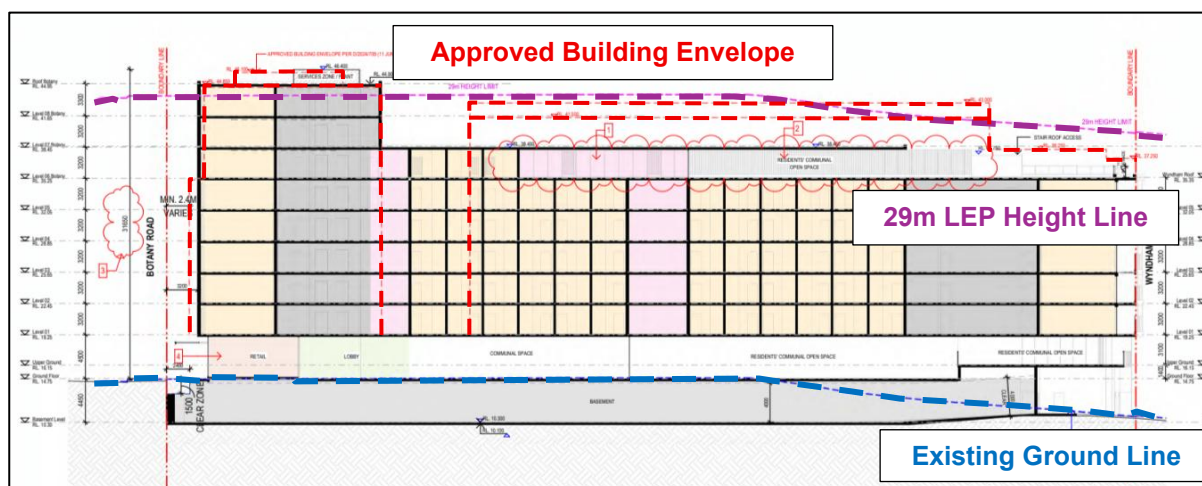
This Clause 4.6 Exception to Development Standards should be read in conjunction with the Statement of Environmental Effects (SEE) prepared by GSA Planning.

1.0 Overview

This Clause 4.6 Exception to Development Standards has been prepared in accordance with the most recent case law. In our opinion, the variation achieves the objectives of the zone and development standard and has demonstrated there are sufficient environmental planning grounds to justify contravening the development standard.

The original Concept Development Application (Stage 1) was submitted with City of Sydney Council on 26 February 2026. Following discussions with Council, the proposal has been refined to optimise the built form and internal layout. These revisions aim to deliver better amenity outcomes for future occupants of the site.

The primary change from the original submitted proposal is the addition of an additional level to Botany Road resulting in a nine-storey development. This is consistent with the previously approved concept DA (D/2024/709) which involved a 9-storey development fronting Botany Road (see **Figure 1**). Both the previous and current schemes comply with the FSR under the LEP Clauses 6.14 and 6.21D.



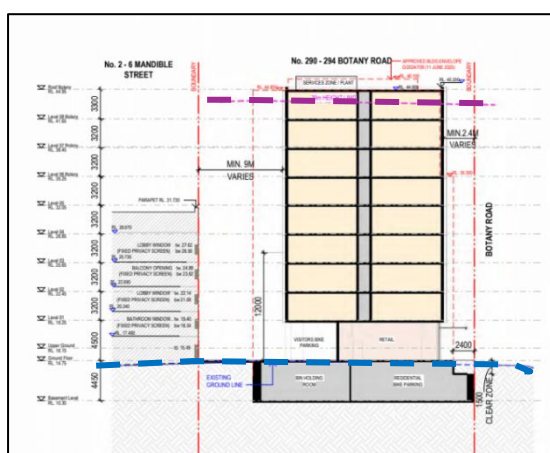
Approved (D/2024/709) & Proposed Development (D/2026/162)
Source: Antoniadis Architects

Figure 1: Approved vs Proposed Built Form

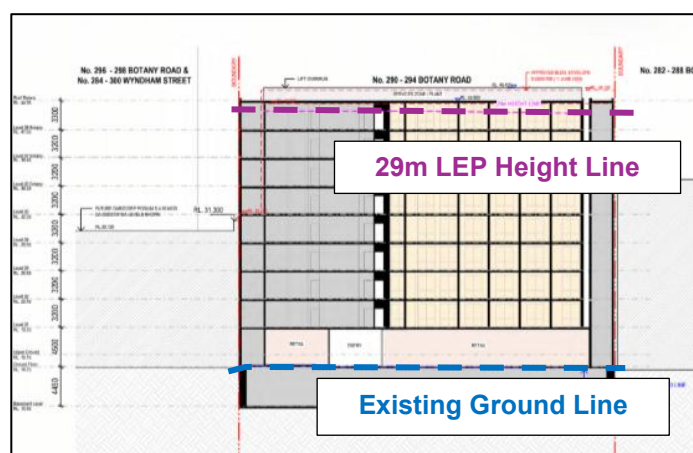
2.0 Specify the nature of Development Standard sought to be varied and details of variation:

The development standard to which this request for variation relates is Clause 4.3 of the LEP – Height of buildings. This Clause operates in conjunction with the height Map which indicates a maximum 29m applies to the subject site. Clause 4.3 is consistent with the definition for a development standard under Section 1.4 of the Environmental Planning and Assessment Act 1979 (EPA Act).

The proposed mixed-use development complies with the development standard, with the exception of the higher portions of the topmost level (Level 08) fronting Botany Road and the service spaces located on the roof level. The highest point of the development is the service zone (1.45m high) on the roof level which is recessed in from the front building line facing Botany Street at RL 46.40 AHD to the existing ground level immediately below. The building reaches a maximum height of 31.65m (RL 46.40). It exceeds the development standard by 2.65m (see **Figure 1** and **Figure 2**).



Concept Section 3



Concept Section 4

Source: Antoniades Architects

Figure 2: Sections Showing Proposed Building Height

As shown in **Figure 1** and **Figure 2** above, the proposed building height exceedance is confined to the service zone above its roof level and the upper portion of its topmost level (Level 8). The remainder of the proposed development is compliant with the LEP height standard.

An assessment regarding the relationship between the proposal and the approved neighbouring building envelope (DA 2021/319) at Nos. 296-298 Botany Road was undertaken. Development Application (DA 2021/319) for construction of a mixed use development including a two storey commercial podium above the existing approved retail podium and two residential towers containing 255 residential apartments (including 92 dual-key apartments) with associated communal outdoor space and parking. This application was approved on 08 May 2024 by City of Sydney Council.

In comparison to the approved neighbouring building at Nos. 296-298 Botany Road, Tower C, located adjacent to the 9 storey portion of the proposed development fronting Botany Road to the south has a roof level at RL 44.40, which is comparable to the proposed roof level at RL 44.85. Additionally, the highest point of its lift overrun at RL 48.10 is significantly higher than the proposed service zone of the subject site at RL 46.40.

The majority of the height variation arises from the reserved service zones above the roof level, which are essential for the proper operation of the proposed buildings and the provision of high-quality amenity to future occupants. In addition, the proposal accommodates the allowable gross floor area (GFA) gained through the competitive Design Process. The proposed height variation has been strategically designed to minimise visual bulk and scale while accommodating the additional GFA gained through the Competitive Design Process and



adhering to various building envelope controls under the LEP and DCP. These will be detailed discussed below in Section 4 of this report.

3.0 Consistency with Objectives of Clause 4.6

The objectives of Clause 4.6 seek to provide appropriate flexibility to the application of development standards in order to achieve better planning outcomes both for the development and from the development. In the Court determination in *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] 236 LGERA 256 (*Initial Action*), Preston CJ notes at [87] and [90]:

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...In any event, Clause 4.6 does not give substantive effect to the objectives of the clause in Clause 4.6(a) or (b). There is no provision that requires compliance with the objectives of the clause.

However, it is still useful to provide a preliminary assessment against the objectives of the Clause. The objectives of Clause 4.6 and our planning response are as follows:

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

Flexibility is sought in the application of the height development standard to the proposed development in the circumstance of this particular case. It is our opinion that the proposed building height is appropriate, irrespective of the extent of the height variation.

It is noted that the majority of the height variation is a function of the proposed service zones above the roof level. These service zones are essential for the proper operation of the proposed buildings and for providing high-quality amenity to future occupants. The proposed service zones are reserved as the maximum required space for equipment storage in anticipation of the detailed design in Stage 2. However, they do not represent the actual space that will be utilised. During the detailed design process, the final equipment layout may require less space, resulting in a reduced height exceedance compared to what is depicted in these diagrams.

In addition, the proposal complies with the maximum Floor Space Ratio (FSR) of 3.85:1 for the site, including additional floor space permitted under Clause 6.14 (Community Infrastructure Floor Space at Green Square) and Clause 6.21D (Competitive Design Process) of the LEP. As a design competition process will be undertaken prior to the lodgement of a Stage 2 Detailed DA, the proposal is eligible for additional floor space.

The proposed Concept Design has been carefully developed to maximise the allowable GFA while complying with the building envelope controls outlined in the LEP and DCP. However, due to site constraints, achieving the maximum permissible GFA within the 29m building height standard under the LEP presents significant challenges.

Given the site's L-shaped configuration, compliance with DCP setback controls, and the provision of high-quality amenity, including cross ventilation, solar access, and outdoor open spaces, further constrains the ability to fully achieve the permissible GFA within the height limit. If strict compliance with the height standard were required, the majority of the topmost level of the portion of the development fronting Botany Road would need to be removed. This would also result in the loss of the additional GFA granted through the Competitive Design Process, undermining the intent and benefits of the process.

Accordingly, the flexibility of this proposed height variation will facilitate the provision of the reserved service zone necessary for proper operation and accommodate the GFA bonus achieved through the Competitive Design Process. Strict compliance with the height restrictions would unreasonably compromise the design integrity of the building and undermine the intent and benefits established in the LEP.



4.0 Justification of Variation to Development Standard

Clause 4.6(3) outlines that a written request must be made seeking to vary a development standard and that specific matters are to be considered. The Clause states, inter alia:

- (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.*

This written request justifies the contravention of the development standard by demonstrating that compliance is unreasonable or unnecessary in the circumstances; and there are sufficient environmental planning grounds to justify the non-compliance. These matters are discussed in the following sections.

4.1 Compliance with the Development Standard is Unreasonable or Unnecessary in the Circumstances of the Case

Clause 4.6(3)(a) requires the applicant to demonstrate that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case. In *Wehbe v Pittwater Council* (2007) 156 LGERA 446 (Wehbe), Preston CJ established five potential tests for determining whether a development standard could be considered unreasonable or unnecessary. This is further detailed in Initial Action where Preston CJ states at [22]:

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 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.

It is our opinion that the proposal satisfies Test 1 established in *Wehbe* and for that reason, the development standard is unreasonable and unnecessary in this instance. The relevant test will be considered below.

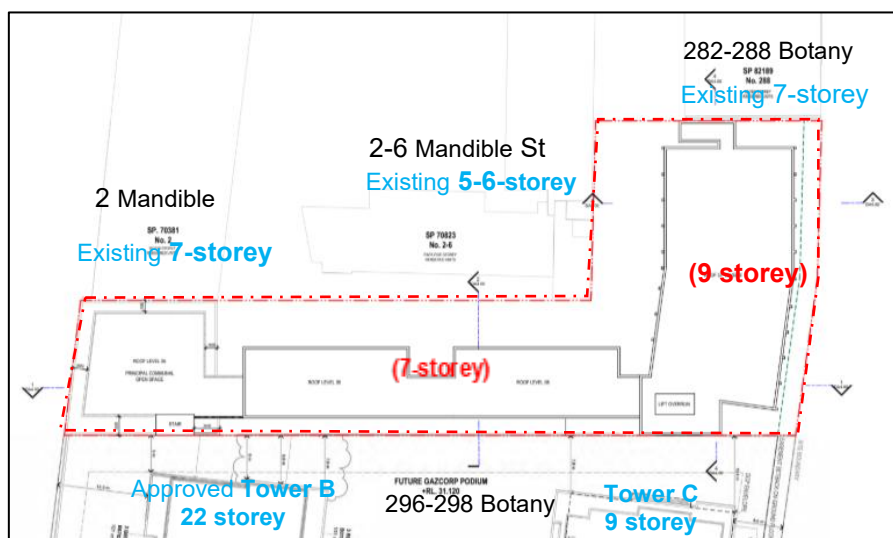
Test 1 - The objectives of the standard are achieved notwithstanding non-compliance with the standard;

Despite the proposed development's non-compliance with the applicable height development standard, the proposal achieves the desired medium density character of the area. The proposal provides a height, bulk and scale that is generally consistent with that envisaged by Council's controls. Reasons why the proposed development achieves the objectives of the height standard are explained on the following pages.

(a) To ensure the height of development is appropriate to the condition of the site and its context,

The proposed mixed-use development has been carefully designed to provide a building height that is appropriate to the condition of this site and its context. The majority of this development is compliant with the LEP building height standard. The variation is limited to the reserved service zone above the roof level, the higher portion of topmost level of the portion of the development fronting Botany Road.

As shown in **Figure 3** on the following page, the existing buildings to the north include No. 282-288 Botany Road (7-storey), No. 2-6 Mandible Street (Street (5-6 Storey) and No. 2 Mandible Street (7-storey).



Source: Antoniades Architects

Figure 3: Context Diagram

To the south, there is an approved mixed use development (DA2021/319) at Nos. 296-298 Botany Road, containing two 22-storey residential towers (Towers A and B) as well as a nine-storey commercial tower (Tower C) adjacent to the proposed Tower A within the subject site (see **Figure 4** on the following page).

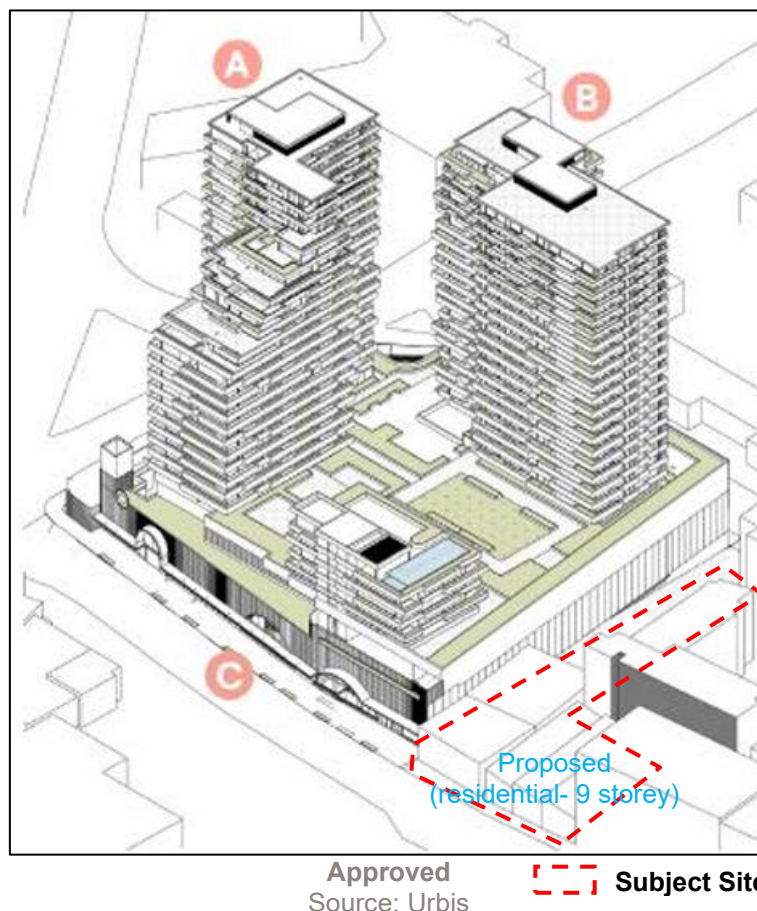
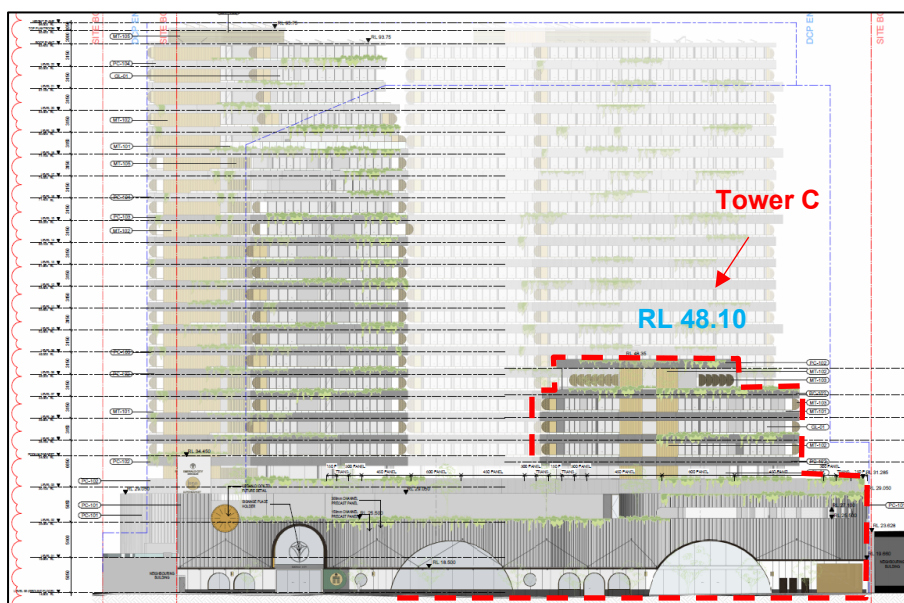


Figure 4: Approved Development of the Southern Neighbouring Site at Nos.296-298 Botany Road (DA 2021/319/A)

When compared to the neighbouring buildings towards the south, the approved DA at Nos. 296-298 Botany Road features two 22-storey residential towers (Tower A and B) and a 9-storey commercial tower (Tower C), which is considerably larger than the proposed development (see **Figure 4**). The approved Tower C has a roof level of RL 44.40, which is comparable to the proposed roof level at RL 44.85. Additionally, the highest point of its lift overrun at RL 48.10 is significantly higher than the proposed service zone of the subject site at RL 46.40 (see **Figure 5** and **Figure 6** on the following pages).



**Figure 5: Submitted Development at No. 296-298 Botany Road
Alexandria**
(Source SJB Architects)

Regarding the buildings towards the north at Nos. 282-288 Botany Road and Nos. 2-6 Mandible Street, although the existing buildings (seven-storey) are two storeys lower than the proposal along Botany Road, it is important to note that these properties can be redeveloped in the future with a maximum allowable building height of 29m. Should a competitive design process be implemented for these sites, a design excellence bonus of up to 10% in building height would be permitted, allowing for a maximum building height of 31.9m, which is higher than the proposed maximum building height of 31.73m for the subject site.

Accordingly, the proposal has been designed with a stepped height and adequate setbacks, which is consistent with the existing and approved developments, and is appropriate to its context. Thus, despite the height variation, the proposed height of the building is appropriate to this condition and will not represent as an overdevelopment of the site.

(b) To ensure appropriate height transitions between development and heritage items and buildings in heritage conservation areas or special character areas,

The site is not identified as a heritage item under the LEP or located within a Heritage Conservation Area, however, the site is located within the vicinity of a heritage item (on the opposite side of the heritage item No. I2071 (see **Figure 6** on the following page). A Statement of Heritage Impact prepared by Weir Phillips Heritage and Planning concluded the proposal is unlikely to affect nearby heritage values.

Figure 6: Heritage Map

Subject Site

Accordingly, in our opinion, the proposed building height provides an appropriate height transition between new development and heritage items and will significantly improve the streetscape when compared to the existing situation.

While no significant view corridors are identified in the LEP or DCP, it is worth noting that several developments in the Green Square area, such as Nos. 296-298 Botany Road and buildings further to the east, have heights greater than the proposal. As a result, any potential views from the southern buildings towards the City CBD are likely to be obstructed by these buildings, and the minor nature of the proposed height variation will not further diminish those views. Furthermore, the buildings to the north will not experience any impact on their city views due to their positioning.

(d) To ensure appropriate height transitions from Central Sydney and Green Square Town Centre to adjoining areas.

Clause 4.6 Exceptions to Development Standards – Height of Buildings
Nos. 290-294 Botany Road, Alexandria – Job No. 22249 106



(e) In respect of Green Square –

(i) to ensure the amenity of the public domain by restricting taller buildings to only part of a site, and

The main building envelope of the proposal complies with the LEP building height standard, with the variation restricted to the service zones and the upper portion of the development fronting Botany Road. The additional shadows resulting from the height variation on Botany Road are minimal and are limited to after 2:00 pm on the winter solstice. Given its location and limited extent, the variation is unlikely to affect the amenity of the public domain.

(ii) to ensure the built form contributes to the physical definition to the street network and public spaces.

Given the height variation is limited in size and not readily discernible from the neighbouring development and the public domain, this variation will not have adverse impact on the physical definition of this area's street network or public spaces. Instead, the proposed building height ensures a smooth transition and combined with future high-quality articulation, will positively contribute to the streetscape and the area's overall urban character.

Accordingly, despite the minor height variation, the proposal achieves the relevant objectives of the building height standard outlined in the LEP.

4.2 There are Sufficient Environmental Planning Grounds to Justify Contravening the Development Standard

There are a number of environmental planning grounds specific to the site and the height non-compliance which justify contravening the development standard in this instance. These will now be discussed.

Consistency in the Context

Consistency in the context is recognised as an environmental planning ground in *Initial Action v Woollahra Municipal Council* [2019] NSWLEC 1097 where Commissioner O'Neill states at [42] that:

I am satisfied that justifying the aspect of the development that contravenes the development standard as creating a consistent scale with neighbouring development can properly be described as an environmental planning ground within the meaning identified by His Honour in Initial Action [23], because the quality and form of the immediate built environment of the development site creates unique opportunities and constraints to achieving a good design outcome (see s 1.3(g) of the EPA Act).

This report demonstrates the proposed development will remain compatible with the desired future character as it complies with the height limit for the entirety of the building envelope, with the exception for the reserved service zones above the roof level and the upper portion of the topmost level of the building fronting Botany Road. This will not have any impact on the character of the area. Instead, the proposed building height creates an appropriate height transition from the Green Square Town Centre to the adjacent area and will significantly improve the streetscape along both Botany Road and Wyndham Street.

When compared to the neighbouring buildings to the south, the previously approved DA for Nos. 296-298 Botany Road includes two 22-storey residential towers (Tower A and Tower B) and a 9-storey commercial tower (Tower C), which is significantly larger than the proposed development. Furthermore, the highest point of the neighbouring nine-storey tower's lift overrun (RL 48.10) (Tower C) is higher than the service zone heights of the proposed development within the subject site.

When compared to the existing buildings to the north at Nos. 282-288 Botany Road and Nos. 2-6 Mandible Street, which are seven storeys high and two storeys lower than the proposal along Botany Road, it is important to recognise their future redevelopment potential. These properties are subject to a maximum allowable building height of 29m. If a competitive design process were undertaken, a design excellence bonus of up to 10% in building height could be granted, allowing for a maximum height of 31.9m, which will be higher than the proposed maximum building height of 31.73m for the subject site.



Accordingly, in our opinion, the proposed building height aligns with the surrounding context and the desired future character of the area. Additionally, it provides an appropriate height transition from the Green Square Town Centre to the adjacent area and will significantly enhance the streetscape along both Botany Road and Wyndham Street.

Good Amenity Outcome

As discussed, the proposed Concept Design has been carefully developed to maximise the allowable GFA while adhering to the building envelope controls set out in the LEP and DCP. However, site constraints, including the L-shaped configuration, make it challenging to fully achieve the maximum permissible GFA within the 29m building height standard under the LEP. Compliance with DCP setback controls and the ADG separation distance requirements, and the need to provide high-quality amenity, such as cross ventilation, solar access, and outdoor open spaces, further limits the potential for maximising GFA.

In response to these constraints and following discussions with Council, the proposal has been refined to optimise the design by improving the built form, enhancing the internal layout and introducing a new level to Botany Road to achieve permissible GFA. These revisions aim to enhance the development's aesthetic appeal, strengthen its relationship with existing and approved neighbouring buildings, and provide better amenity outcomes for future occupants of the site. The proposed height variation has also been strategically designed to minimise visual bulk and scale while accommodating the additional GFA gained through the Competitive Design Process.

The majority of the proposed buildings comply with the height standard, with the non-compliance limited to the reserved service zones above the roof level and the upper portion of the building fronting Botany Road. These service zones are essential for the efficient operation of the buildings and for ensuring high-quality amenity for future occupants. Strict compliance with the height standard would compromise vertical circulation and internal accessibility, as the removal of service zones (including lift overruns, equipment rooms for air-conditioning units, and potential solar panels which can be accommodated within the service zone) would negatively impact functionality and occupant amenity. The proposed design represents a well-considered outcome with no unreasonable adverse impact on the amenity of adjoining properties.

It is noted that these service zones shown in the submitted concept plans are reserved as the maximum required space for equipment storage in anticipation of the detailed design in Stage 2, but do not represent the actual utilised space. The final equipment layout may require less space, potentially reducing the height exceedance.

Minor Nature of Non-compliance and Sloping Topography

As indicated, the non-compliance relates to the reserved service zones above the roof level, as well as the upper portion of Tower A's topmost level. The remainder of the building fully complies with the height standard. Indeed, the proposal also complies with the FSR standard of the LEP, subject to Clause 6.14 (Community Infrastructure Floor Space at Green Square) and Clause 6.21D (Competitive Design Process) of the LEP.

Given the nature of the non-compliance and its location, it will not result in any adverse effects on the streetscape or character of the area.

Consequences of Compliance

As outlined, the proposal complies with the FSR development standard, incorporating the additional floor space permitted under Clause 6.14 (Community Infrastructure Floor Space at Green Square) and Clause 6.21D (Competitive Design Process) of the LEP. The design competition process, which will take place before lodging the Stage 2 Detailed DA, enables the proposal to benefit from this additional floor space.

The building envelope has been thoughtfully configured to optimise the permitted GFA while maintaining compliance with the LEP and DCP. However, site constraints make it difficult to achieve the full GFA potential within the prescribed 29m building height limit. The proposed height variation has been carefully managed to balance design excellence with minimising visual bulk and scale while incorporating the additional floor space granted through the Competitive Design Process.



Enforcing strict adherence to the height standard would necessitate the removal of a significant portion of the uppermost level, directly impacting the feasibility of the additional GFA and ultimately contradicting the objectives of the Competitive Design Process.

Strict compliance would unreasonably impact the design integrity of the building and internal amenity for the future occupants of the site, without noticeably benefiting surrounding properties or the public domain. To achieve a fully compliant building height would require either reducing the compliant floor-to-ceiling heights and floor-to-floor heights, and removing the whole reserved service zones, which will result in a poor planning outcome.

Accordingly, in our opinion, the non-compliance will not be inconsistent with existing and desired future planning objectives for the locality. For the reasons contained in this application, there are sufficient environmental planning grounds to justify the minor variation to the development standard in the circumstances of this case, as required in Clause 4.6(3)(b).

5.0 Conclusion

This written request has adequately demonstrated that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case and that there are sufficient environmental planning grounds to justify contravening the development standard. This is summarised in the compliance matrix prepared in light of *Initial Action* (see **Table 1** on the following page).

We are of the opinion that the consent authority should be satisfied that the proposed development will be in the public interest because it achieves the objectives of the standard and the proposed mixed-use development objectives of the MU1 Mixed Use Zone pursuant to the LEP. On that basis, the request to vary Clause 4.3 should be upheld.

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Table 1: Compliance Matrix

Para (Initial Action)	Requirement	Section of this Report	Summary	Satisfied
10	Is it a development standard (s.1.4)	1	Yes	
11	What is the development standard	1	Clause 4.3: Height of Buildings	
12	What is the control	1 & 2	29m	
14	First Precondition to Enlivening the Power – Consent authority must form 2 positive opinions:		Both positive opinions can be formed as detailed below.	YES
15, 25	1st Positive Opinion – That the applicant's written request seeking to justify the contravention of the development standard has adequately addressed the matters required to be demonstrated by Clause 4.6(3). There are two aspects of that requirement.	5	The Clause 4.6 variation has adequately addressed both matters in Clause 4.6(3) by providing a detailed justification in light of the relevant tests and planning considerations.	YES
16-22	First Aspect is Clause 4.6(3)(a) - That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case. Common ways are as set out in <i>Wehbe</i> .	5.1	The proposal satisfies Tests 1 of <i>Wehbe</i> : - The objectives of the standard are achieved notwithstanding the non-compliance with the standard; - The underlying objective or purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable	YES
23-24	Second Aspect is Clause 4.6(3)(b) – 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 that the written request has adequately addressed this matter. The environmental planning grounds must be "sufficient" in two respects: - The environmental planning grounds advanced in the written request must be sufficient "to justify contravening the development standard". The focus 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.	5.2	- Sufficient environmental planning grounds include, inter alia: - The proposed height facilitates a mixed-use development, which is consistent with the planning objectives of the area; - The majority of the height variation is caused by the reserved service zones above the roof level, which are for the efficient operation of the buildings and for ensuring high-quality amenity for future occupants. - To ensure full compliance would necessitate reducing the compliant floor-to-ceiling heights, removing the necessary service zones or increasing excavation, which would significantly impact the building's internal amenities, including the future occupants access to the rooftop communal open spaces, and would be unlikely to benefit neighbours;	YES



			• The proposed area of height non-compliance does not adversely impact the neighbours' amenity; • The proposed height allows for new dwellings to contribute to a desirable housing mix and allows for eligible floor spaces permitted from Competitive Design Process to be accommodated; and The non-compliance contributes to the good design and amenity of the development. This is consistent with Object (G) of the EPA Act.	
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