

# **Attachment D**

## **Clause 4.6 Variation Request – Height of Buildings**

Clause 4.6 Variation Request Height of Buildings (Clause 4.3)  
130 Joynton Avenue, Zetland



*Source: Fender Katsalidis*



*Source: Candalepas Associates*

Prepared by Planning Lab  
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## 1. Introduction

A revised Clause 4.6 variation request has been prepared following the receipt of a Request for Information issued by the City of Sydney Council in respect of the lodged D/2024/514 in order to address various requested plan amendments for this DA.

This request to vary a development standard has been prepared in accordance with Clause 4.6 (cl 4.6) of the Sydney Local Environmental Plan 2012 (SLEP 2012) and accompanies a development application (DA) for a mixed-use development, involving the erection of 9 new buildings located across five main building sites, 5 of those buildings comprising mixed residential apartments/commercial ground floor use, and 4 residential flat buildings, and related basement car parking, on the site known as 130 Joynton Avenue, Zetland, legally described as Lot 1 DP 850686 ('the site'), and part Lot 11 DP 1271716 (currently in the process of being acquired by the proponent, into two, reconfigured, more equally proportioned, Torrens Title lots).

This request specifically seeks to vary the maximum height of building, development standard contained in Clause 4.3 (2) of SLEP 2012, affecting minor sections of the facades of the proposed Buildings D1 and E3, primarily arising from the transition of height control and building envelope controls across the site. Despite these minor variations in these locations, the overall building envelopes are fully compliant with the upper maximum building height control.

The objectives of cl 4.6 are to provide an appropriate degree of flexibility in applying development standards to achieve better outcomes for, and from, development.

This request has been prepared having regard to the following considerations:

- The Department of Planning and Environment's Guidelines to Varying Development Standards (August 2011);
- The objectives of Clause 4.3(1) of the SLEP 2012, being the development standard to which a variation is sought; and
- Relevant case law in the New South Wales Land and Environment Court and New South Wales Court of Appeal including *Wehbe v. Pittwater Council* [2007] NSWLEC 827.

This variation request provides an assessment of the development standard and the extent of variation proposed to the standard. The variation is then assessed in accordance with the principles set out in the *Wehbe*.

## 2. Clause 4.6 Exceptions to development standards

Clause 4.6(2) of the SLEP 2012 provides that development consent may be granted for development even though the development would contravene a development standard imposed by the SLEP 2012, or any other environmental planning instrument.

However, clause 4.6(3) states that 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 circumstance of the case, and*
- (b) there are sufficient environmental planning grounds to justify contravening the development standard.*

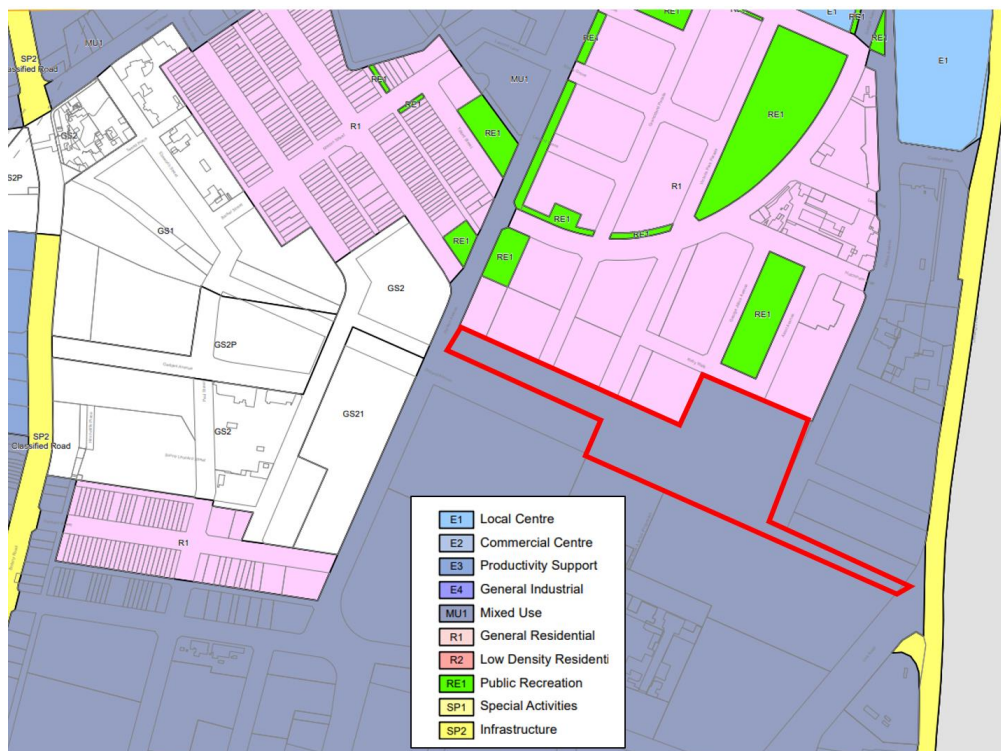
In accordance with clause 4.6(3) the applicant requests that the height of building development standard be varied.

### 3. What is the Environmental Planning Instrument (EPI) that applies to the land?

The Environmental Planning Instrument (EPI) to which this variation relates is the SLEP 2012.

### 4. What is the zoning of the land?

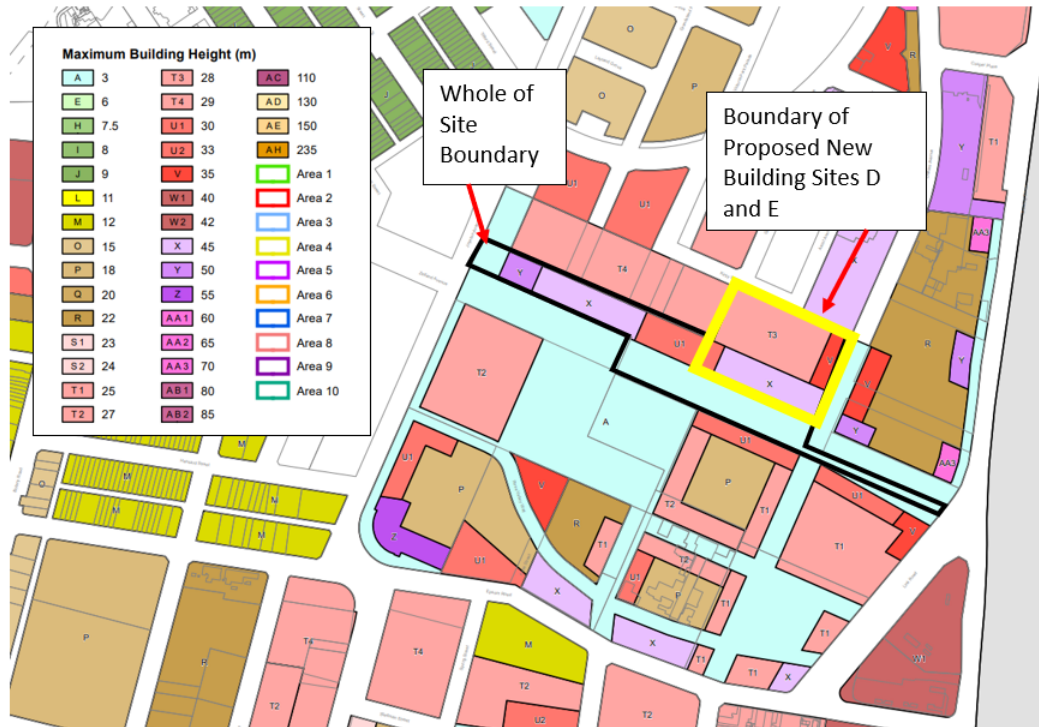
The site is zoned MU1 Mixed Use pursuant to the SLEP 2012. Refer to **Figure 1**. The proposed use of the subject Buildings D1 and E3 are mixed use, residential flat building, and ground floor retail along the site's Zetland Avenue, which is permissible with consent and consistent with the objectives of the MU1 Mixed Use zone that applies to this site and surrounding locality under SLEP 2012.



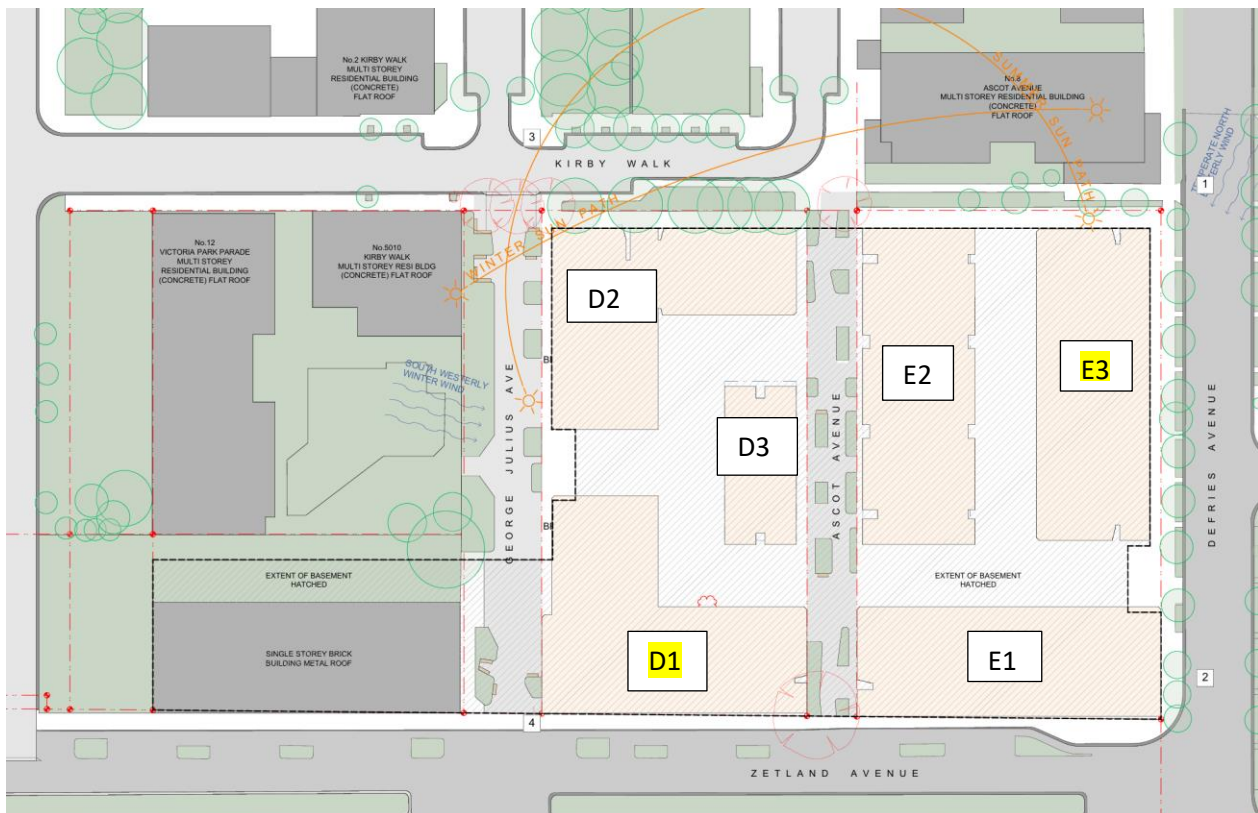
**Figure 1:** Extract of Land Use Zoning Map SLEP 2012 – Sheet LZN-018 (subject site shown with red outline) (Source: City of Sydney)

### 5. What is the development standard being varied?

Clause 4.3(2) of the SLEP 2012 provides that the maximum height for a building on any land is not to exceed the height shown for the land on the Height of Building Map. The location of the proposed Buildings D1 and E3 are affected by various height categories within the Height of Building Map and a site plan of the proposed building envelopes shown below in **Figures 2 and 3** below.



**Figure 2:** Extract of SLEP 2012 Height of Building Map Sheet HOB-018 – the proposed Building Sites D and E outlined in yellow (Source: City of Sydney)



**Figure 3:** Extract of Site Plan Showing Envelopes of Building Sites D and E – D1 and E3 subject of Clause 4.6 Maximum Height Variation (Source: Candalepas Associates and Lachlan Seegers Architects)



## 6. Is the development standard excluded from the operation of Clause 4.6 of the EPI?

Cl 4.6(2) states that development consent may be granted for development even though the development would contravene a development standard. However, this does not apply to a development standard that is specifically excluded under cl 4.6(8) of the SLEP 2012. Given the maximum height development standard is not identified under subclause 4.6(8), it is therefore not specifically excluded from the operation of cl 4.6 of SLEP 2012.

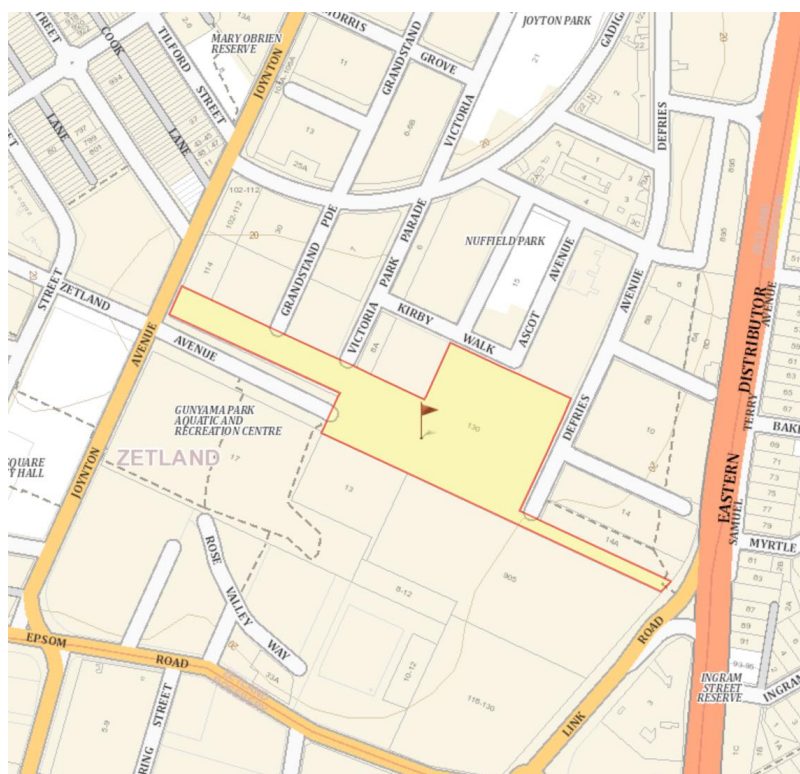
## 7. The site and its context

### 7.1 Site Description

The main parcel of the subject site has a legal description of Lot 1 DP 850686, and a street address of 130 Joynton Avenue. The site owner is also currently in the process of acquiring a small strip of land along the site's southern frontage to Zetland Avenue, which was a part lot (Lot 11 DP 1271716) of a larger parcel of land owned by the City of Sydney Council. This parcel has now been incorporated into the subject development site for this application and will be consolidated through the concurrent development and subdivision approvals process. The total site area of the consolidation of these two parcels is 2.8 hectares.

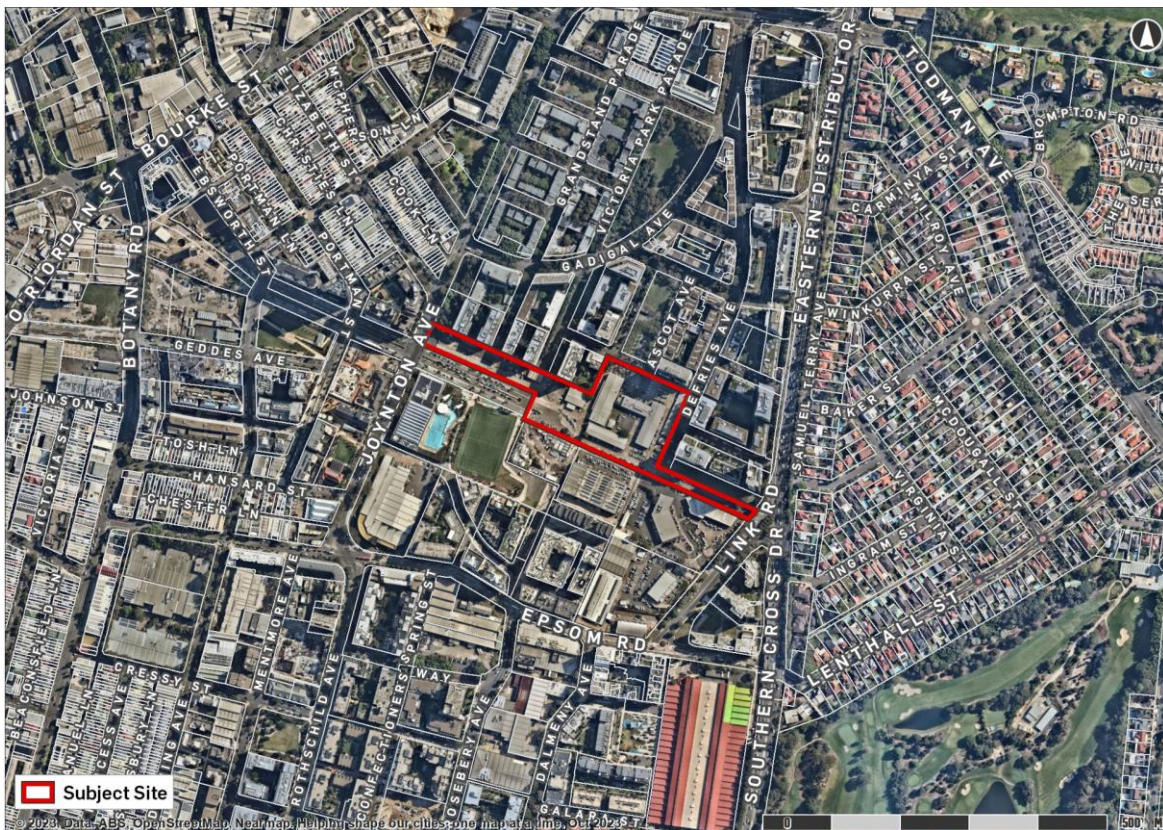
The site is an irregular, shaped allotment, which is an amalgamation of former industrial land parcels. It contains narrow frontages to Joynton Avenue in the west, and Link Road to the east (which provides northerly access to the adjoining Eastern Distributor), both leading into a wider, central core area.

The site is at the southern edge of a number of large scale residential and mixed-use developments along South Dowling Street (Eastern Distributor), notably the Victoria Park developments adjoining to the north. The location of the site is shown in **Figure 5** and an aerial view is shown in **Figure 6**.



**Figure 5** – Map identifying the location of the subject site (Source: SIX Maps)





*Figure 6 – Aerial map identifying the subject site (Source: Urbis)*

The site has a southern frontage to a newly formed, east-west road, Zetland Avenue, which has only been partially constructed in this precinct to date, providing access off Joynton Avenue to service the redevelopment and operations of the Gunyama Park Aquatic and Recreation Centre to the south-east of the site, and Council’s Green Square planning controls envisage Zetland Avenue as being a major boulevard connection to the Green Square Town Centre. Council has also identified that the eastern end of Zetland Avenue as a future area of public open space.

The subject site has been predominantly used for industrial warehouse and related office and parking purposes, most recently by Ausgrid, and several single storey buildings are still occupying the central core.

The topography of the site and surrounding parcels is relatively flat, and is flood affected, with evidence of high groundwater.

The upper levels of any redevelopment of the site will provide distant views include the Sydney CBD skyline, regional parks and other landmark features such as Green Square town centre and Botany Bay. The site is highly accessible to major road corridors (Eastern Distributor/Southern Cross Drive), Sydney International and Domestic Airports (2.5km to the south-east), bus stops in Joynton Avenue and Epsom Road, and an approximate 600-850 metre walk to the emerging Green Square Town Centre (including the Green Square Library) and Green Square Railway Station.

Further recreational and cultural opportunities are provided in the Gunyama Park Aquatic and Recreation Centre, directly opposite to the south-east.

## 7.2 Adjoining Development

The site is in Zetland which has traditionally comprised of a mix of commercial, industrial, retail and residential uses. The area is currently undergoing transformation from largely industrial uses to a mix of commercial and residential uses.

Adjoining and surrounding sites contain the following approved or recently constructed residential flat building and mixed-use, residential/commercial developments:

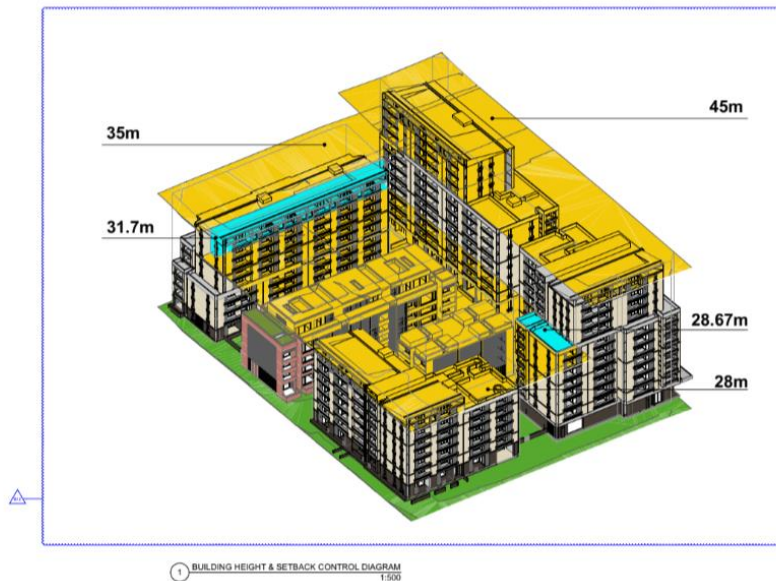
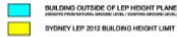
- Adjoining to the east and north-east, is a precinct developed by Meriton, bounded by the Eastern Distributor (South Dowling Street), comprising residential and mixed use buildings up to 7, 14 and 22 storeys, most notably the series of 3 buildings at 14 Defries Avenue (6 to 12 storeys), 10-12 Defries Avenue, and 5 Defries Avenue, a mixed use development with up to 5 to 15 Storeys (adjoined to the west by public open space known as Nuffield Park);
- Immediately adjoining to the north and north-east is a series of four to ten storey, residential flat buildings on the site known as 1 Kirby Walk (formerly 114-120 Joynton Avenue), which are interspersed by local roads and open space, eastward from its Joynton Avenue frontage, known as Woolwash Park, Grandstand Place, Victoria Park Parade and Biyanbing Park;
- To the south-east, on the triangular site bound by Link Road, Epsom Road and Southern Cross Drive, 'Link Zetland' comprises a mixed-use development ranging from 6 to 14 storeys in height;
- To the south and south-west is the site known as 905 South Dowling Street and 118-130 Epsom Road, formerly occupied by the Suttons car dealership, containing a mix of non-residential buildings, several of which are reaching the end of their economic life. development. A Planning Proposal was advanced for the site by Sydney City Council, following a request from the owners to amend the SLEP 2012 to enable the redevelopment of the site under 'alternative controls' for a mixed-use development comprising residential, commercial and retail uses. The Planning Proposal sought maximum height of building controls up to 90 metres, compared with the current maximum of 45 metres, based on concept designs of four medium-density mixed use and residential apartment buildings varying from 4 to 9 storeys, with a core of two, 14 to 23 towers in the core of the site. At its meeting of 15 February 2024, the Central Sydney Planning Committee approved that the Planning Proposal be made as a local environmental plan under Section 3.36 of the Environmental Planning and Assessment Act 1979. Following the amendment to the SLEP 2012, the site is currently the subject of a recently approved Stage 1 Concept Development Application (D/2023/724) for the provision of roadways, pedestrian access ways, public open spaces and building envelopes with basement car parking and associated landscaping of a major mixed-use; and
- Finally to the south-east and south, on the opposite side of Zetland Avenue, is the Gunyama Park Aquatic and Recreation Centre.



*Figure 7 – Aerial map identifying major sites that adjoin the subject site (Source: realestatesource.com.au)*

## 8. Extent of Variation to the Development Standard

As identified in the extract of the plans from the Architectural Drawings in **Figures 8, 9 and 10** below, proposed height variations affect minor sections of the proposed Buildings D1 and E3, primarily arising from the transition of height control building envelopes.

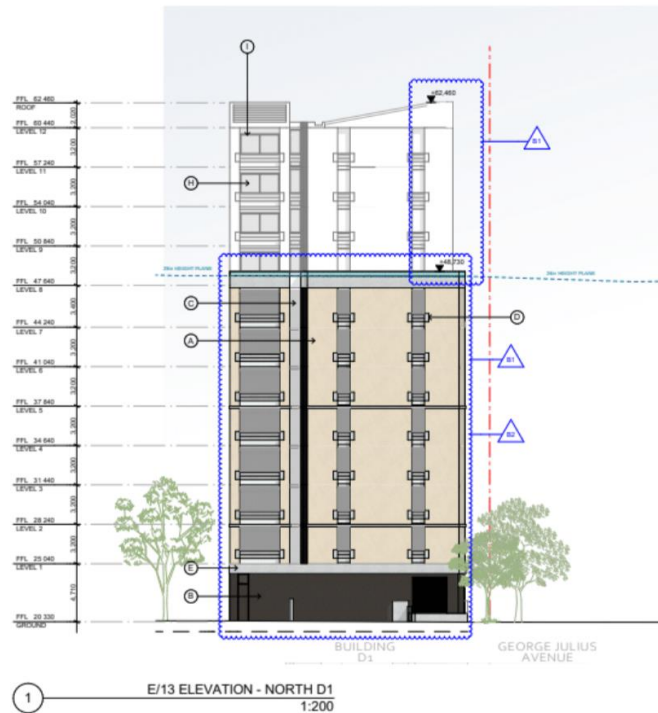


**Figure 8** – Axonometric Plan View of Proposed Building D1 and E3 – LEP Height Variation Coloured Blue (Source: Candalepas Associates and Lachlan Seegers Architects)

### Building D1

Due to one of the mid-block building height envelope transitions from 45m to 28m, a minor portion of the height (670 to 700mm), balcony depth (6.215m) and width (19.270m) of the parapet of the northern balcony leading off the Level 8 residential apartments exceeds the 28m height limit in that location.

At its highest point, the proposed variation of 700mm represents a margin of 2.5%.

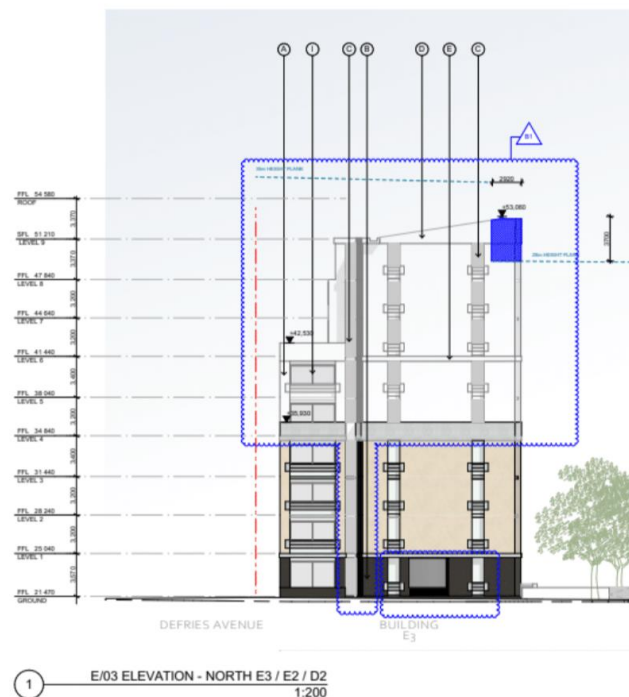


**Figure 9 – Northern Elevation of Proposed Building D1 – LEP Height Variation Coloured Blue (Source: Candalepas Associates and Lachlan Seegers Architects)**

**Building E3**

Due to one of the mid-block building height envelope transitions from 35m to 28m, along its western elevation, a minor portion of the height (3.7m), the depth (2.92m) of the upper building form of the Level 8 residential apartments and roof form above exceeds the 28m height limit in that location.

At its highest point, the proposed variation of 3.7m represents a margin of 13.21%.



**Figure 10 – Northern Elevation of Proposed Building E3 – LEP Height Variation Coloured Blue (Source: Candalepas Associates and Lachlan Seegers Architects)**

Despite these minor variations in these locations, the overall building envelopes are fully compliant with the upper maximum building height control.

The proposed height limit exceedance is minor and does not result in any unreasonable visual or environmental amenity impacts on the public domain and neighbouring residential properties. Strict compliance with this development standard is therefore considered unreasonable and unnecessary in the circumstances of this case and there are sufficient environmental planning grounds to justify the non-compliance which is dealt with in detail below.

## **9. Clause 4.6(3)(a) Is compliance with the development standard unreasonable or unnecessary in the circumstances of the case?**

Clause 4.4(3)(a) of the SLEP 2012 requires that the request to vary a development standard demonstrate that compliance with the development standard is unnecessary or unreasonable in the circumstances of the case.

Historically the most commonly used way to establish that a development standard was unreasonable or unnecessary was the satisfaction of the first test of the alternative five tests established in *Wehbe v Pittwater Council* [2007] NSWLEC 827 which requires that the objectives of the standard are achieved notwithstanding the non-compliance with the standard.

In *Wehbe* at [42] – [51] and confirmed in *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118 at [17]-[21] the Chief Judge identified five alternative ways in which an applicant might establish that compliance with a development standard is unreasonable or unnecessary. It is sufficient for only one of these ways to be established.

Although *Wehbe* concerned a SEPP 1 objection, it remains relevant to requests under clause 4.6 (as Section 4.6 Variation Request | 130 Joynton Avenue, Zetland

confirmed by Preston CJ in *Initial Action* at [16]).

The five potential methods established under *Wehbe* are that:

1. the objectives of the development standard are achieved notwithstanding non-compliance with the standard;
2. the underlying objective or purpose is not relevant to the development with the consequence that compliance is unnecessary;
3. the objective would be defeated or thwarted if compliance was required with the consequence that compliance is unreasonable;
4. the development standard has been virtually abandoned or destroyed by the Council’s actions in granting consents departing from the standard and hence the standard is unreasonable; or,
5. the zoning of the land is unreasonable or inappropriate.

The five ways are not exhaustive, and it may be sufficient to establish only one to satisfy cl 4.6(3)(a). For completeness, this request addresses the first of the five alternative tests established in *Wehbe v Pittwater Council* [2007] NSWLEC 827, followed by a concluding position which demonstrates that compliance with the development standard is unreasonable and unnecessary in the circumstances of the case.

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

Compliance with the Height of Buildings development standard is unreasonable or unnecessary in the circumstances of this case because, as explained in **Table 1** (below), the objectives of the development standard are achieved, notwithstanding non-compliance with the standard.

In *Randwick City Council v Micaul Holdings Pty Ltd* [2016] NSWLEC 7 [34], the Chief Justice held, “establishing that the development would not cause environmental harm and is consistent with the objectives of the development standards is an established means of demonstrating that compliance with the development standard is unreasonable or unnecessary”.

Demonstrating that the proposal will have no adverse amenity impacts is, therefore, one way of showing consistency with the objectives of a development standard.

**Table 1: Achievement of Development Standard Objectives**

Objective	Discussion
<p>(a) to ensure the height of development is appropriate to the condition of the site and its context,</p>	<p>A feature of the proponent’s approach to this development site has been the early consultation with the City of Sydney Council as a means of achieving a high quality, architectural building design and public domain, and an overall consistency and compliance with Council’s existing Green Square and Epsom Park LEP and DCP controls. Under Council’s guidance, the brief for two Design Competition teams sought a high of level compliance with Council’s LEP and DCP maximum height control envelopes to inform the design each of the proposed buildings of the current mixed-use development proposal.</p> <p>The controls of SLEP 2012 and SDCP 2012 have identified</p>

	<p>maximum building heights of up to 30 to 50 metres, or 8 to 14 storeys immediately adjoining to the east along the Zetland Avenue frontage of the 130 Joynton Avenue site. The identified maximum height limit for planned areas of public infrastructure is 3m.</p> <p>These height controls are consistent with the surrounding medium to high density, mixed-use development zoning and development controls, which is guiding the delivery of important housing, trade, employment generating uses and new public infrastructure consistent with the long-term vision and planning objectives of the Green Square Urban Renewal area.</p> <p>The building form of the subject proposed Buildings D1 and E3 predominately achieve compliance with these LEP and DCP height controls, with the exception of some minor variations created by various mid-block height limit transitions.</p> <p>Given the higher buildings already constructed, and planned to be constructed, in the surrounding locality in accordance with Council’s LEP and DCP controls, it is considered that these minor variations are appropriate and low impacting within the site context.</p>
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<p><i>(b) to ensure appropriate height transitions between new development and heritage items and buildings in heritage conservation areas or special character areas,</i></p>	<p>The site is not identified as a heritage item nor is it within a heritage conservation area, and there are no heritage items or conservation areas located in the immediate vicinity of the site.</p>
<p><i>(c) to promote the sharing of views outside Central Sydney,</i></p>	<p>The location and orientation of the relatively minor proposed height variations of Buildings D1 and E3 will not result in any significant restriction of any loss of iconic or significant district views (such as the Sydney CBD, Sydney Harbour) among adjoining and surrounding properties, or within the other buildings of Building Sites A to E of the subject development.</p>



<p><i>(d) to ensure appropriate height transitions from Central Sydney and Green Square Town Centre to adjoining areas,</i></p>	<p>Given the high degree of compliance with the current LEP and DCP height controls, the subject proposal supports the general pattern of height transition in the Green Square and surrounding areas.</p>
<p><i>(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.</i></p>	<p>The design and siting of the overall proposed mixed-used development, including the identified Buildings D1 and E3, is highly consistent with the Green Square and Epsom Park LEP and DCP controls, in terms of the scale and siting of the planned building envelopes, street network and public open space, with particular attention paid to providing a high quality architectural and active frontage presentation to the planned boulevard of the newly formed Zetland Avenue.</p>

Strict compliance with the height of building development standard is therefore considered unreasonable and unnecessary in the circumstances of this proposal in that:

- The proposal is consistent with the objectives of the standard as detailed above;
- The height and scale of the proposed Buildings D1 and E3 are consistent with the desired character of the locality notwithstanding the relatively small variations to the LEP maximum height of buildings standard;

- There are no unreasonable impacts in terms of views, visual, overshadowing and privacy impacts to adjacent sites resulting from the proposed variation to the height development standard which would warrant strict compliance;
- Strict compliance with the development standard would result in an inflexible application of the control that would not deliver any additional benefits to the owners or occupants of the surrounding properties or the general public; and
- Having regard to the planning principle established in the matter of *Project Venture Developments v Pittwater Council* [2005] NSWLEC 191 most observers would not find the proposed development offensive, jarring or unsympathetic to its location and the proposed development will be compatible with its context.

The requirements of clause 4.6(3)(a) of the SLEP 2012 are satisfied.

## **10.Clause 4.6(3)(b) Are there any sufficient environmental planning grounds to justify contravening the development standard?**

In *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118 the Land and Environment Court (Preston CJ) said that:

- *in order for there to be 'sufficient' environmental planning grounds to justify a written request under clause 4.6, the focus must be on the aspect or element of the development that contravenes the development standard and the environmental planning grounds advanced in the written request must justify contravening the development standard, not simply promote the benefits of carrying out the development as a whole; and*
- *there is no basis in clause 4.6 to establish a test that the non-compliant development should have a neutral or beneficial effect relative to a compliant development.*

The following environmental planning grounds are submitted to justify contravening the maximum building height:

### **Minor exceedance**

1. The maximum extent of the proposed variations to the 28m LEP height limit for Buildings D1 and E3 are 700mm (2.5%) and 3.7m (13.21%) respectively.
2. The extent of the variation is considered to be relatively minor in the context of surrounding development (and planned development). Of relevance, Walsh C in *Eather v Randwick City Council* [2021] NSWLEC 1075 states at [38]:

The fact of the particularly small departure from the actual numerical standard and lack of any material impacts consequential of the departure are sufficient environmental planning grounds to justify contravening the development standard.

The logic of that case should apply here.

Further, even when the numerical contravention is not small, a lack of amenity impacts can be a reason (along with other reasons) advanced in support of environmental planning grounds: *Big Property Group Pty Ltd v Randwick City Council* [2021] NSWLEC 1161 at [49]). In *Big Property* the contravention was permitted — in part due to lack of adverse impacts — even though the numerical extent of the contravention was 43%.

### **Absence of significant material adverse impacts**

3. There is an absence of any significant material adverse impacts attributed to the breach on the amenity or the environmental values of surrounding properties, the amenity of future building occupants or the character of the locality. Specifically, the location and orientation of the relatively minor proposed height variations of Buildings D1 and E3 will not result in any significant loss of privacy, views, solar access or visual impact for the residents of existing adjoining properties to the north, north-east and east off Defries Avenue and off Kirby Walk to the west (as identified in **Figure 7**), areas of public domain along Zetland Avenue, or the other buildings of the subject development.

### **Promote the economic and orderly use and development of land**

4. The site is located centrally within the prominent, built-up, mixed-use, medium to high density, Epsom Park Precinct, highly accessible to a range of public transport options, most notably the nearby Green Square Railway Station. The proposed minor building height exceedance is therefore consistent with the expectations for the planned intensity of development for the locality.
5. To not permit the contravention in these circumstances would be contrary to:
  - a. The objective of the EP&A Act set out in section 1.3(c), which is *'to promote the orderly and economic use and development of land'*; and
  - b. The objective set out in section 1.3(a), which is *'to promote the social and economic welfare of the community and a better environment by the proper management...[and] development...of the State's...resources'*.

In short, there are sufficient environmental planning grounds to justify the contravention of the development standard.

## **11. Clause 4.6(4)(a)(i) consent authority satisfied that this written request has adequately addressed the matters required to be demonstrated by Clause 4.6(3)**

Clause 4.6(4)(a)(i) states that development consent must not be granted for development that contravenes a development standard unless the consent authority is satisfied that the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3).

These matters are comprehensively addressed above in this written request as per the first of the five alternative methods established in *Wehbe v Pittwater Council* [2007] NSWLEC 827 for consideration of whether compliance with a development standard is unreasonable or unnecessary in the circumstances of the case. In addition, the establishment of environmental planning grounds is provided, with reference to the matters specific to the proposal and site, sufficient to justify contravening the development standard.

## **12. Clause 4.6(4)(a)(ii) consent authority satisfied that the proposal is in the public interest because it is consistent with the zone and development standard objectives**

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

### Objective of the Development Standard

The consistency of the proposed development with the specific objectives of the height of buildings development standard is addressed above.

### Objectives of the Zone

Clause 4.6(4) also requires consideration of the relevant zone objectives. The site is located within the MU1 Mixed Use zone of SLEP 2012. The objectives of the zone are:

- *To encourage a diversity of business, retail, office and light industrial land uses that generate employment opportunities.*
- *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.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.*
- *To ensure land uses support the viability of nearby centres.*
- *To integrate suitable business, office, residential, retail and other land uses in accessible locations that maximise public transport patronage and encourage walking and cycling.*

The proposal is consistent with the objectives of the MU1 zone for the following reasons:

- The proposal is for a mixed-use development, which is permitted under the zoning and is compatible with the neighbouring land uses, providing an active and diverse frontage Zetland Avenue;
- The site's location is highly accessible to the nearby Green Square Railway Station and regular bus services along Joynton Avenue, and is well serviced by existing pedestrian and cycling networks;
- The proposed design is of a high standard of architectural design, materials and detailing appropriate to the site and the location;
- The form and external appearance of the buildings will have a positive contribution to the surrounding public domain;
- The proposal is not expected to have any adverse view, overshadowing, visual or privacy from the public domain or surrounding buildings; and
- The development has been designed generally in accordance with the provisions of the SLEP 2012 and SDCP 2012.

### 13. Clause 4.6(5) Concurrence of the Secretary

The issue of the concurrence of the Secretary of the Department of Planning and Environment is dealt with by Planning Circular PS 20-002 'Variations to development standards', dated 5 May 2020. This circular is a notice under section 55(1) of the *Environmental Planning and Assessment Regulation 2021*. A consent granted by a consent authority that has assumed concurrence is as valid and effective as if concurrence had been given. The circular provides for assumed concurrence. The Secretary can be assumed to have given concurrence to the variation, provided a local planning panel (or the Land and Environment Court on appeal) grants consent.

### 14. Conclusion

Strict compliance with the height of buildings development standard contained within clause 4.3 of the SLEP 2012 has been found to be unreasonable and unnecessary in the circumstances of the case. There are sufficient environmental planning grounds to justify the proposed variation. In this regard, it is reasonable and appropriate to vary the height of buildings development standard to the extent proposed. The proposed development is consistent with the objectives of the zone and the Secretary's concurrence is to be assumed.



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