



Clause 8.4 Justification – Height of Buildings

Northside Private Hospital

Faunce Street West, West Gosford
Lot 2 DP1226923

**Prepared by Willowtree Planning Pty Ltd on behalf
of AA Crown Holdings Pty Ltd**

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Clause 8.4 – Height of Buildings

Northside Private Hospital

Faunce Street West, West Gosford (Lot 2 DP1226923)

TABLE OF CONTENTS

PART A	PRELIMINARY	3
1.1	INTRODUCTION	3
1.2	PROPOSED VARIATION	3
1.3	STRATEGIC PLANNING JUSTIFICATION.....	3
PART B	STANDARD BEING OBJECTED TO	4
2.1	CLAUSE 4.3 HEIGHT OF BUILDINGS.....	4
PART C	PROPOSED VARIATION TO CLAUSE 4.3 HEIGHT OF BUILDING.....	7
3.1	OBJECTIVES OF CLAUSE 4.3 HEIGHT OF BUILDINGS STANDARD UNDER SEPP GCC	7
3.2	CLAUSE 8.4 EXCEPTIONS TO HEIGHT AND FLOOR SPACE IN ZONES B3, B4 AND B6	9
3.3	OBJECTIVES OF THE B6 ZONE	10
3.4	SUFFICIENT ENVIRONMENTAL PLANNING GROUNDS TO JUSTIFY VARIATION TO THE DEVELOPMENT STANDARD.....	10
3.5	PUBLIC INTEREST	11
3.6	SUMMARY.....	11
PART D	CONCLUSION	13

Clause 8.4 – Height of Buildings

Northside Private Hospital
Faunce Street West, West Gosford (Lot 2 DP1226923)

PART A PRELIMINARY

1.1 INTRODUCTION

This Clause 8.4 Justification has been prepared in support of a State Significant Development Application (SSDA) for the construction of Northside Private Hospital at Faunce Street West, West Gosford (Lot 2 DP1226923).

A variation is proposed for the following development standards under the *State Environmental Planning Policy (Gosford City Centre) 2018* (SEPP GCC)

- Clause 4.3 Height of Buildings

This variation request has therefore been prepared in accordance with the criteria of Clause 8.4.

1.2 PROPOSED VARIATION

Under the provisions of Clause 4.3 in SEPP GCC, the site is subject to a maximum building height of 12m. The proposed development would result in a maximum building height of 44.6m. The proposed development therefore exceeds the Clause 4.3 Height of Buildings as shown in **Table 1** below.

Table 1. Variation Summary		
SEPP GCC	SEPP GCC Development Standard	Proposed Development
Clause 4.3 – Height of Buildings	Maximum building height of 12m	Maximum building height of proposed development is 44.6m (approximately 272% variation)

Given that the maximum building height is 12m as set out by the numerical control in Clause 4.3 and the proposed development is 44.6m a variation of approximately 272% is sought. However, it is important to note Clause 8.4(4) allows for additional building height and FSR on certain sites within Gosford City Centre, this includes on land zoned B6 Enterprise Corridor. This is explained in greater detail in the sections below.

1.3 STRATEGIC PLANNING JUSTIFICATION

This Clause 8.4 Justification request has been prepared in accordance with the aims and objectives contained within Clause 8.4 and the relevant development standards under SEPP GCC. It considers various planning controls, strategic planning objectives and existing characteristics of the site, and concludes that the proposed height variation is the best means of achieving the objects of encouraging orderly and economic use and development of land under the *Environmental Planning and Assessment 1979*.

PART B STANDARD BEING OBJECTED TO

2.1 CLAUSE 4.3 HEIGHT OF BUILDINGS

The development standard being requested to be varied is **Clause 4.3 Height of Buildings**

Under the provisions of Clause 4.3 in SEPP GCC, the site is subject to a maximum building height of 12m. The proposed development would result in a maximum building height of 44.6m. The proposed development therefore exceeds the Clause 4.3 Height of Buildings as shown in **Table 2** below.

Table 2. Variation Summary		
SEPP GCC	SEPP GCC Development Standard	Proposed Development
<i>Clause 4.3 – Height of Buildings</i>	Maximum building height of 12m	Maximum building height of 44.6m (approximately 272% variation)

Given that the maximum building height is 12m as set out by the numerical control in Clause 4.3 and the proposed development is 44.6m a variation of approximately 272% is sought. However, it is important to note Clause 8.4(4) allows for additional building height and FSR on certain sites within Gosford City Centre, this includes on land zoned B6 Enterprise Corridor. Clause 8.4(4) states:

- (4) *Development consent may be granted to development that results in a building with a height that exceeds the maximum height shown for the land on the Height of Buildings Map, or a floor space ratio that exceeds the floor space ratio shown for the land on the Floor Space Ratio Map, or both, by an amount to be determined by the consent authority, if:*
- (a) *the site area of the development is at least 5,600 square metres, and*
 - (b) *a design review panel reviews the development, and*
 - (c) *if required by the design review panel, an architectural design competition is held in relation to the development, and*
 - (d) *the consent authority takes into account the findings of the design review panel and, if held, the results of the architectural design competition, and*
 - (e) *the consent authority is satisfied with the amount of floor space that will be provided for the purposes of commercial premises, and*
 - (f) *the consent authority is satisfied that the building meets or exceeds minimum building sustainability and environmental performance standards.*

Given that the site is located in the B6 zone and is over 5,600m², it is subject to the clause shown above. The proposed development has undergone a collaborative process with the City of Gosford Design Advisory Panel (CoGDAP) who have recommended the proposed development be lodged in its current form. Consultation with CoGDAP has been undertaken throughout the process.

Figure 1 and **2** show the design of the proposed development.

Clause 8.4 – Height of Buildings

Northside Private Hospital

Faunce Street West, West Gosford (Lot 2 DP1226923)



Figure 1: Stage 1 - Artist's Impression (Health Projects International / SJB, 2020)



Figure 2: Stage 2 - Artist's Impression (Health Projects International / SJB, 2020)

Further to this, **Figure 3** specifically demonstrates the height of the proposed development.

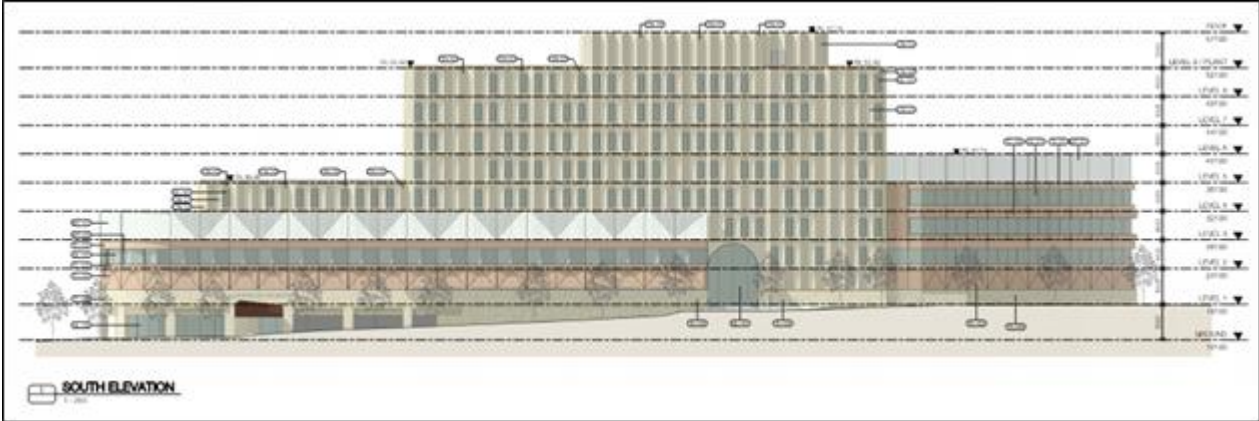


Figure 3: Building Height Diagram (Health Projects International, 2019)

PART C PROPOSED VARIATION TO CLAUSE 4.3 HEIGHT OF BUILDING

3.1 OBJECTIVES OF CLAUSE 4.3 HEIGHT OF BUILDINGS STANDARD UNDER SEPP GCC

A key determination of the appropriateness of any development is the proposed development's compliance with the underlying objectives and purpose of that development standard. Therefore, while the site is subject to a specified numerical control for building height, the objectives and underlying purpose behind the development standard are basic issues for consideration in the development assessment process.

3.1.1 Height of Buildings

The objectives of Clause 4.3 under SEPP GCC are responded to as follows:

(a) to establish maximum height limits for buildings,

Whilst the numerical maximum building height control aims to establish maximum height limits, the proposed site has been identified as capable of exceeding the maximum building height subject to the provisions provided at Clause 8.4(4) of SEPP GCC. The proposed development is located within the B6 zone and the site is over 5,600m² in area. As is evident from the Height of Buildings Map in the SEPP GCC, there are very few larger lots which satisfy the criteria of 8.4(4). This would suggest the purpose of the exception provided for in 8.4(4) is to facilitate higher buildings on larger lots away from the railway station and CBD based on a merit based assessment approach. Design excellence and ensuring the compatibility of the built form of the development with the existing and future character of the area has been of paramount importance to the applicant. In order to satisfy the criteria of Clause 8.4(4), the applicant has consulted with CoGDAP to ensure that the proposed development exhibits design excellence.

Furthermore, the additional height would provide a health services facility and employment generating use which is aligned with relevant strategic policies such as the *Central Coast Regional Plan 2036*. *Central Coast Regional Plan 2036* promotes and encourages the growth of the health services facilities and it is considered that the proposed development could play a significant role in encouraging further health related investment in locality.

(b) to permit building heights that encourage high quality urban form,

As mentioned above, the proposed development has undertaken a collaborative process with CoGDAP in order to provide a high quality built form outcome. The core design was based on the need for a vertical tower design as this is the most efficient built form for a hospital, utilising strategically located lifts which can shuttle patients, visitors and staff quickly between wards. Additionally, it provides good connectivity between hospital departments. Therefore, the design has been based on a vertical tower design to ensure the necessary efficiencies for Northside Private Hospital. In addition, the proposed development has taken into account the design excellence criteria in Clause 8.3 and the collaborative process with CoGDAP represents a built form that is of a high-quality which will service both staff, visitors and future patients. Therefore, it is considered that the built form will be both practical for staff and patients and also provides positive impact on the streetscape.

(c) to ensure that buildings and public areas continue to receive satisfactory exposure to sky and sunlight,

The proposed development is not located near any existing public areas. Therefore, the development would not affect sky exposure to public areas. The shadow diagrams that have been prepared by Health Projects International / SJB demonstrate that the proposed development would not result in any significant overshadowing impacts given the proposed built form and would not have significant impacts for any of the surrounding sensitive receptors. The new public domain areas, including footpaths will also receive adequate sunlight during the day.

Clause 8.4 – Height of Buildings

Northside Private Hospital
Faunce Street West, West Gosford (Lot 2 DP1226923)

(d) to nominate heights that will provide an appropriate transition in built form and land use intensity,

It appears the nominated height of the site was selected based on a decrease in scale from the CBD progressively towards to the west. The nominated height for the site does not consider the development potential of the locality based on the large lot sizes and connectivity to the regional road network. However, the SEPP GCC under Clause 8.4(4) provides a mechanism to seek an exemption to the height control, primarily based on the size of a lot. Although the development includes a tower component, the intensity of the overall development is softened through landscaping areas and the use of basement parking.

In previous design iterations the proposed development consisted of two wards up to the 8th floor. This created a significant floorplate which spanned almost the width of the site. During the design workshops with CoGDAP the reduction in the size of the floorplates was discussed in detail. Through discussions with CoGDAP the proposed floor plates from Level 5-9 have been reduced to one ward to ensure that the building steps down toward the corner of Racecourse Road and Faunce Street West. This alteration to the built form was for two reasons, one of which was to ensure that the proposed development steps down towards the corner of Racecourse Road to provide a more human scale and to ensure that the interaction with the neighbouring buildings is appropriate. The proposed form and massing have been designed to provide a more centralized tower form with lower buildings trailing off to the east and west which lends itself to greater presence and civic scale.

Furthermore, the podium and set back of the upper levels provides a more human scale. It is therefore considered that the proposed development provides for an appropriate transition in built form and land use density.

(e) to ensure that taller buildings are located appropriately in relation to view corridors and view impacts and in a manner that is complementary to the natural topography of the area,

In previous design iterations the proposed development consisted of two wards up to the 8th floor. This created a significant floorplate which spanned almost the width of the site. During the design workshops with CoGDAP the reduction in the size of the floorplates were discussed. Through discussions with CoGDAP the proposed floor plates from Level 5-9 have been reduced to one ward to ensure that the building steps down toward the corner of Racecourse Road and Faunce Street West. This alteration to the built form was to reduce the bulk of the proposed development and to minimise the visual impact from long views of the site in order to prevent 'flat topping' the surrounding environmental features.

(f) to protect public open space from excessive overshadowing and to allow views to identify natural topographical features.

The proposed development is not within close proximity of any public open spaces; however, the site provides a significant landscaped courtyard area, particularly as part of Stage 1. The shadow diagrams demonstrate that the proposed development would not result in overshadowing to public open spaces and that the proposed landscape area would also receive significant sunlight even on the shortest day of the year. Further to this, previous design iterations of the proposed development consisted of two wards up to the 8th floor. This created a significant floorplate which spanned almost the width of the site. During the design workshops with CoGDAP the reduction in the size of the floorplates was discussed in detail. Through discussions with CoGDAP the proposed floor plates from Level 5-9 have been reduced to one ward to ensure that the building steps down toward the corner of Racecourse Road and Faunce Street West. This alteration also improved the long views of the site and ensured that the proposed development did not result in 'flat-topping' of the surrounding natural environment. CoGDAP confirmed that the slimmer tower design would result in a much better outcome in terms of long views when considering the surrounding topographical features. The proposed development has been amended as such.

Clause 8.4 – Height of Buildings

Northside Private Hospital
Faunce Street West, West Gosford (Lot 2 DP1226923)

3.2 CLAUSE 8.4 EXCEPTIONS TO HEIGHT AND FLOOR SPACE IN ZONES B3, B4 AND B6

As previously described in this report Clause 8.4 allows for exceptions to height and floor space on certain sites within zones B3, B4 and B6. Given that the site is greater than 5,600m², the proposed development is subject to Clause 8.4(4) which has been addressed below:

(4) *Development consent may be granted to development that results in a building with a height that exceeds the maximum height shown for the land on the Height of Buildings Map, or a floor space ratio that exceeds the floor space ratio shown for the land on the Floor Space Ratio Map, or both, by an amount to be determined by the consent authority, if:*

(a) *the site area of the development is at least 5,600 square metres, and*

The site area of the development is greater than 5,600m².

(b) *a design review panel reviews the development, and*

During the design phase of the proposed hospital, CoGDAP reviewed the and commented on the design. Design workshops were held on 5 April 2019 and 7 May 2019 with a Panel meeting taking place on 28 May 2019 with subsequent recommendations being provided. The recommendations were that the proposal proceeds to development assessment pathway and the proponent address the issues identified in CoGDAP letter of recommendation. A meeting was held with CoGDAP on 26 June 2020 and amended Architectural Plans, Design Excellence Statement, Concept Master Plan and Urban Design Justification Report and Landscape Plans have been provided to CoGDAP on 31 July 2020.

(c) *if required by the design review panel, an architectural design competition is held in relation to the development, and*

Architectural design competition was not requested.

(d) *the consent authority takes into account the findings of the design review panel and, if held, the results of the architectural design competition, and*

Architectural design competition was not requested.

(e) *the consent authority is satisfied with the amount of floor space that will be provided for the purposes of commercial premises, and*

To be determined. The proposed development, whilst not a commercial premise, is an employment generating use which is permissible with consent in the zone. Additionally, a number of ancillary retail tenancies have been included to activate the Faunce Street West and Racecourse Road frontages. Given that the land is a significant employment generating use within a business zone (B6 zone) it is considered to satisfy this strategic intent for the area pursuant to Clause 8.4(4).

(f) *the consent authority is satisfied that the building meets or exceeds minimum building sustainability and environmental performance standards.*

The application has been supported by an ESD Report prepared by Umow Lai which has been summarised in **Section 6.7** of the EIS. The proposed development is considered to meet the minimum building sustainability and environmental performance standards.

Clause 8.4 – Height of Buildings

Northside Private Hospital
Faunce Street West, West Gosford (Lot 2 DP1226923)

3.3 OBJECTIVES OF THE B6 ZONE

The site is currently zoned B6 Enterprise Corridor under SEPP GCC. The proposed development is permissible with consent in the zone. The proposed development is consistent with the following B6 zone objectives:

- *To promote businesses along main roads and to encourage a mix of compatible uses.*

The proposed development is for a private hospital on a unique site located on the corner of Racecourse Road and Faunce Street West. This is a significant employment generating use within a business zone and is located on a regional road (Racecourse Road). Other uses within the locality are conducive to the development and the future character of the area would benefit from the redevelopment and revitalisation of the site. Furthermore, the proposed development is within close proximity to the existing Gosford Hospital. Therefore, the proposed development is considered to directly address this objective of the B6 zone.

- *To provide a range of employment uses (including business, office, retail and light industrial uses).*

The proposed development is a significant employment generating use located within the B6 zone and therefore is considered to align with this objective. Hospitals support several forms of business which choose to locate in close proximity including health consulting, medical centres, shops, restaurants, insurance providers and administration. The development is expected to be a catalyst for the revitalisation of the precinct and the development of several adjacent sites.

- *To maintain the economic strength of centres by limiting retailing activity.*

Commercial and retail uses will remain ancillary to the proposed hospital. The retail uses have been provided on the ground floor to activate the street frontages of Racecourse Road and Faunce Street West and is a result of discussions with the CoGDAP. The ancillary retail components would not detract from the economic strength of Gosford commercial core.

- *To provide for residential uses, but only as part of a mixed use development.*

The proposed development does not provide for residential uses.

Therefore, it is considered that the proposed development would adhere to the objectives of the B6 zone. However, flexibility is sought in order to achieve a design outcome that achieves the planning controls prescribed for the site.

3.4 SUFFICIENT ENVIRONMENTAL PLANNING GROUNDS TO JUSTIFY VARIATION TO THE DEVELOPMENT STANDARD

As demonstrated in **Section 3.1**, the proposed development would result in a built form outcome which meets the future desired outcome of the site as prescribed by the SEPP GCC. The proposed development is permissible with consent at the site, maintains a suitable use of the site for employment generating uses and is consistent with the objectives of the B6 zone.

The proposed development is justified on the following environmental planning grounds:

- The proposed development would provide net community benefit for Gosford and the wider locale through the provision of additional health services facilities.
- The development accords with several objectives and aims of the Central Coast Regional Plan, including 1.2: *"Enhance the growth potential of the health precinct around the Gosford Hospital and allied health facilities in Gosford City Centre to drive the growth of services and specialisation in the region."*
- The proposed development is permissible with consent in the zone.

Clause 8.4 – Height of Buildings

Northside Private Hospital
Faunce Street West, West Gosford (Lot 2 DP1226923)

- The proposed development would be compatible with the surrounding uses.
- The proposed development seeks to achieve minimal environmental impact as demonstrated by the EIS and supporting documentation.
- The proposed development exhibits design excellence through a consultation process with CoGDAP.

Moreover, the variation to the development standard for building height subject to Clause 8.4, is considered well founded on planning grounds notwithstanding the proposed variation:

- The proposed development is consistent with the underlying objectives or purpose of the standards of Clause 4.3 as demonstrated in **Section 3.1**;
- The proposed development is consistent with the criteria set out by Clause 8.4(4) as demonstrated in **Section 3.2**;
- The proposed development is consistent with the underlying objectives or purpose of the B6 Enterprise Corridor zone as demonstrated in **Section 3.3**;
- The proposed development is consistent with the desired character of the site as part of the surrounding area; and
- The proposed development would not result in significant environmental or amenity impacts.

3.5 PUBLIC INTEREST

Section 3.1, 3.2 and 3.3 have already demonstrated how the proposed development is consistent with the objectives of both Clause 4.3 and the B6 zone pursuant to SEPP GCC and meets the criteria set out by Clause 8.4(4).

The public advantages of the proposed development are as follows:

- The proposed built form will make a positive contribution to the surrounding locality;
- The proposed development is for a private hospital that will service Gosford and the wider locale;
- The proposed development will support the existing Gosford Hospital;
- The proposed development incorporates significant landscaping on site and within the public domain;
- The proposed development would provide a shared bicycle and pedestrian path that would run the extent of the site; and
- Provide a development outcome that is compatible with the surrounding development.

There are no significant public disadvantages which would result from the proposed development. The proposed development is therefore considered to be justified on public interest grounds.

3.6 SUMMARY

For the reasons outlined above, it is considered that the variation to Clause 4.3 subject to Clause 8.4 of the SEPP GCC is well-founded in this instance and the granting of the variation to this development standard is appropriate in the circumstances.

- Compliance with the numerical development standard is unreasonable and unnecessary in the circumstances;
- There are sufficient environmental planning grounds to justify a variation to the development standard;
- The development is in the public interest;
- The development is consistent with the objectives for development within the zone;
- The objectives of the standard are achieved notwithstanding the variation to the numerical standard; and
- The public benefit in maintaining strict compliance with the development standard would be negligible.

Clause 8.4 – Height of Buildings

Northside Private Hospital

Faunce Street West, West Gosford (Lot 2 DP1226923)

Overall, it is considered that the proposed variation to the height control, subject to Clause 8.4, is appropriate and can be justified having regard to the matters listed above.

Clause 8.4 – Height of Buildings

Northside Private Hospital

Faunce Street West, West Gosford (Lot 2 DP1226923)

PART D CONCLUSION

It is requested that DoPIE exercise their discretion and find that this Clause 8.4 Justification adequately addresses the matters required to be demonstrated by Subclause 8.4(4) of the SEPP GCC.

This is particularly the case given the proposed development's otherwise compliance with SEPP GCC and the suitability of the site for the proposed development.