



Clause 8.4 Justification – Floor Space Ratio (FSR)

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**

August 2020

Clause 8.4 – Floor Space Ratio (FSR)

Northside Private Hospital

Faunce Street West, West Gosford (Lot 2 DP1226923)

Document Control Table

Document Reference:	WTJ19-054_Clause 8.4 (FSR)		
Date	Version	Author	Checked By
26 September 2019	Draft 1	L McAulay	C Wilson
1 October 2019	Draft 2	L McAulay	C Wilson
13 December 2019	Final	L McAulay	C Wilson
6 August 2020	Amended Final	L McAulay	C Wilson

© 2020 Willowtree Planning (NSW) Pty Ltd

This document contains material protected under copyright and intellectual property laws and is to be used only by and for the intended client. Any unauthorised reprint or use of this material beyond the purpose for which it was created is prohibited. No part of this work may be copied, reproduced or transmitted in any form or by any means, electronic or mechanical, including photocopying, recording, or by any information storage and retrieval system without express written permission from Willowtree Planning (NSW) Pty Ltd.

Willowtree_v1_10/2018

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 4.4 FLOOR SPACE RATIO	4
PART C	PROPOSED VARIATION TO CLAUSE 4.4 FLOOR SPACE RATIO.....	6
3.1	OBJECTIVES OF CLAUSE 4.4 FLOOR SPACE RATIO STANDARD UNDER SEPP GCC	6
3.2	CLAUSE 8.4 EXCEPTIONS TO HEIGHT AND FLOOR SPACE IN ZONES B3, B4 AND B6	8
3.3	OBJECTIVES OF THE B6 ZONE	9
3.4	SUFFICIENT ENVIRONMENTAL PLANNING GROUNDS TO JUSTIFY VARIATION TO THE DEVELOPMENT STANDARD.....	10
3.5	PUBLIC INTEREST	10
3.6	SUMMARY.....	11
PART D	CONCLUSION	12

Clause 8.4 – Floor Space Ratio (FSR)

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 4.4 Floor Space Ratio

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 4.4 in SEPP GCC, the site is subject to a maximum floor space ratio (FSR) of 1.5:1. The proposed development would result in a maximum FSR of 2.28:1 for Stage 1 Concept and Detail Built Form Application and a maximum FSR of 2.71:1 for Stage 2 Concept Development Application. The proposed development therefore significantly exceeds the Clause 4.4 FSR control of 1.5:1 as shown in **Table 1** below.

Table 1. Variation Summary

SEPP GCC	SEPP GCC Development Standard	Proposed Variation Stage 1 – Concept and Detailed Built Form Application	Proposed Variation Stage 2 – Concept Development Application
<i>Clause 4.4 - Floor Space Ratio</i>	maximum FSR of 1.5:1	Stage 1 proposes a maximum FSR of 2.28:1 which is a variation of approximately 52%	Stage 2 proposes a maximum FSR of 2.71:1 which is a variation of approximately 81%

The site area is 10,180m² and therefore the total permissible GFA based on an FSR of 1.5:1 is a maximum GFA of 15,270m². The proposed GFA for Stage 1 is 23,254m² and for Stage 2 is 27,574m². Both Stage 1 and Stage 2 significantly depart from the numerical FSR control.

It is important to note that the Clause 8.4(4) allows for additional building height and FSR on certain sites within Gosford City Centre, this includes 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 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 FSR variation, subject to Clause 8.4, 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 4.4 FLOOR SPACE RATIO

Under the provisions of Clause 4.4 in SEPP GCC, the site is subject to a maximum floor space ratio (FSR) of 1.5:1. The proposed development would result in a maximum FSR of 2.28:1 for Stage 1 Concept and Detail Built Form Application and a maximum FSR of 2.71:1 for Stage 2 Concept Development Application. The proposed development therefore significantly exceeds the Clause 4.4 FSR control of 1.5:1 as shown in **Table 1** below.

Table 1. Variation Summary			
SEPP GCC	SEPP GCC Development Standard	Proposed Variation Stage 1 – Concept and Detailed Built Form Application	Proposed Variation Stage 2 – Concept Development Application
Clause 4.4 - Floor Space Ratio	maximum FSR of 1.5:1	Stage 1 proposes a maximum FSR of 2.28:1 which is a variation of approximately 52%	Stage 2 proposes a maximum FSR of 2.71:1 which is a variation of approximately 81%

The site area is 10,180m² and therefore the total permissible GFA based on an FSR of 1.5:1 is a maximum GFA of 15,270m². The proposed GFA for Stage 1 is 23,254m² and for Stage 2 is 27,574m². Both Stage 1 and Stage 2 significantly depart from the numerical FSR control.

It is important to note that the Clause 8.4(4) allows for additional building height and FSR on certain sites within Gosford City Centre, this includes land zoned B6 Enterprise Corridor. Specifically, 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 therefore 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. Ongoing consultation has been undertaken with CoGDAP.

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



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



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

PART C PROPOSED VARIATION TO CLAUSE 4.4 FLOOR SPACE RATIO

3.1 OBJECTIVES OF CLAUSE 4.4 FLOOR SPACE RATIO 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 FSR, the objectives and underlying purpose behind the development standard are basic issues for consideration in the development assessment process.

3.1.1 Floor Space Ratio

The objectives of Clause 4.4 under SEPP GCC are responded to as follows:

- (a) *to establish standards for the maximum development density and intensity of land use,*

Whilst the numerical FSR control aims to set out standards to control density and intensity of land use, the proposed site has been identified as capable of accommodating greater density and intensity pursuant to Clause 8.4(4) of SEPP GCC. The proposed development is located within the B6 zone and the site is over 5,600m². As is evident from the Floor Space Ratio 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. It should also be noted that the FSR for the Gosford Hospital site is 3.0:1 which the development would adhere to.

Additionally, the proponent has consulted with CoGDAP to ensure that the proposed development exhibits design excellence. The additional density and intensity would provide a health services facility and employment generating use which is align with relevant strategic policies such as the *Central Coast Regional Plan 2036*. Therefore, it is considered that the proposed site has been identified as capable of accommodating greater density and intensity than what is set out by the numerical control and responds to the objectives of Clause 4.4 of the SEPP GCC. Furthermore, it is considered that Gosford City Centre has been earmarked for greater density and this proposed development seeks to align with the redevelopment of the surrounding areas and to maximise the potential of the site. The site is considered suitable for the proposed development and the significant investment may facilitate the redevelopment of the surrounding lands as identified in the Concept Master Plan. *Central Coast Regional Plan 2036* promotes and encourages the growth of the health services industry and it is considered that the proposed development could play a significant role in encouraging further health related investment in locality.

- (b) *to control building density and bulk in relation to site area in order to achieve the desired future character for different locations,*

As outlined above, Clause 8.4(4) of the SEPP GCC has identified the site as capable of accommodating greater FSR and building height. In addition, the proposed site is a unique corner block that exceeds 5,600m² and consists of large frontages to both Faunce Street West and Racecourse Road. The site is also relatively unconstrained in terms of hazards and adequate services are located on or in close proximity to the site to support the development. The proposal is considered to represent an opportunity to provide a landmark style building on a prominent corner block that may provide a catalyst for a future allied health precinct between the public and proposed private hospital. A Concept Master Plan has been prepared by Roberts Day that depicts how an allied health services precinct may develop into the future. This is a direct response to the *Central Coast*

Clause 8.4 – Floor Space Ratio (FSR)

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

Regional Plan 2036 which seeks to focus on the development of health services among other key industries. Finally, consultation with CoGDAP was undertaken and informed the proposed design of Northside Private Hospital. The proposed development has significantly amended the original proposed design to better respond to the surrounding character of the enterprise corridor. This included stepping the building down towards the corner of Faunce Street West and Racecourse Road to improve the buildings relationship with the street and improve the visual impacts from long distance views of the site.

- (c) *to minimise adverse environmental effects on the use or enjoyment of adjoining properties and the public domain,*

The EIS and supporting documentation has demonstrated that the proposed development seeks to minimise any adverse environmental effects on the use or enjoyment of adjoining properties and the public domain. The proposed development seeks to positively contribute to the public domain with significant landscaping and the introduction of a shared bicycle and pedestrian pathway that extends the extent of the site. The nearest sensitive receivers are Gosford Public School, Henry Kendall High School and residential properties to the south and west of the site. Given the distance from these sensitive receivers, the proposed development is not considered to have a significant impact on these uses. Further, co-locating hospitals and schools has historically led to positive outcomes for communities.

- (d) *to maintain an appropriate visual relationship between new development and the existing character of areas or locations that are not undergoing, and are not likely to undergo, a substantial transformation,*

The proposed development has undergone extensive consultation with CoGDAP and has been made significant design changes as a result. The major amendments to the design have revolved around activating both Faunce Street West and Racecourse Road and ensuring the proposed development is relatable at a human scale. Additionally, the proposed development now steps down towards the corner of Faunce Street West and Racecourse Road to improve long views of the site and to prevent “flat-topping” of the surrounding environmental features such as President’s Hill. In addition, there are no residential properties in proximity of the site that would have a direct view of the hospital. Finally, a visual analysis has been prepared by Roberts Day and is summarised in **Section 6.5** of the EIS. The report has concluded that the visual impacts, as assessed, from viewpoints around the site are considered to be in the moderate, low and negligible categories. This is predominately attributed to the existing physical absorption capacity of the surrounding environment which includes: Presidents Hill, Gosford Hospital, limited public streets with direct views and narrow streets with mature trees.

- (e) *to provide an appropriate correlation between the size of a site and the extent of any development on that site,*

During consultation with CoGDAP the layout of the proposed development was altered to ensure that it activated the Faunce Street West and Racecourse Road street frontages. Therefore, the proposed development has incorporated this shape within their design and proposed the Stage 2 building which seeks to activate Racecourse Road. Whilst the proposed development takes up a significant portion of the site, the design has allowed for generous landscaping within the main courtyard area, particularly in Stage 1. Given the tower nature of the design and the overall size of the site being 10,180m², it is considered that the correlation of the size of the site and extent of development is appropriate.

- (f) *to facilitate design excellence by ensuring the extent of floor space in building envelopes leaves generous space for the articulation and modulation of design,*

Clause 8.4 – Floor Space Ratio (FSR)

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

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 took 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. Recommendations and how they have been addressed have been outlined in the Design Excellence Statement prepared by SJB. The proposed development has taken into account the recommendations of the CoGDAP and provides articulation and modulation of design that accords with the key principles of design excellence under Clause 8.3 of the SEPP GCC.

- (g) *to ensure that the floor space ratio of buildings on land in Zone R1 General Residential reflects Council's desired building envelope,*

The proposed development is not located within the R1 General Residential zone. As such, this objective is not applicable to the proposed development.

- (h) *to encourage lot amalgamation and new development forms in Zone R1 General Residential with car parking below ground level.*

The proposed development is not located within the R1 General Residential zone. As such, this objective is not applicable to the proposed development.

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.

Clause 8.4 – Floor Space Ratio (FSR)

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

- (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*

The design review panel comments have been summarised above and the 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 premises, 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.

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 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.*

Clause 8.4 – Floor Space Ratio (FSR)

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

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 would support the existing Gosford Hospital.
- 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 of the development standard for FSR 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 4.4 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

The proposed development is within 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.

Section 3.1, 3.2 and 3.3 have already demonstrated how the proposed development is consistent with the objectives of both Clause 4.4 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;

Clause 8.4 – Floor Space Ratio (FSR)

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

- The proposed development is permissible with consent in the zone;
- 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 4.4 subject to Clause 8.4 of the SEPP GCC is well-founded in this instance considering the following:

- There are sufficient environmental planning grounds to justify a variation of 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 of the numerical standard; and
- The public benefit in maintaining strict compliance with the development standard would be negligible.

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

Clause 8.4 – Floor Space Ratio (FSR)

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.