

7 November 2017

Ms Carolyn McNally
Secretary
NSW Department of Planning and Environment
Level 22, 320 Pitt St
Sydney 2000
Email:

Attention: Peter McManus

Dear Peter,

Re: Variation to Development Standard (Floor Space Ratio) – The Hills LEP 2012

This letter seeks a variation to a development standard affecting the floor space ratio (FSR) applicable to land at 11 Norbrik Drive under *Clause 4.4 Floor Space Ratio of The Hills Local Environmental Plan 2012*.

The request arises from an application to modify State Significant Development (SSD 6074) Norwest Private Hospital to allow for the construction of a fourth level and roof level above the approved wing to allow for 15 preliminary partitioned medical suites.

An extension to Norwest Private Hospital was originally approved by the NSW Department of Planning on 9 April 2014 under delegated authority and included an Instrument of Concurrence allowing an increase of permitted FSR on the site from 1 to 1.1893.

Modification to enclose 47m² of balcony space and change to an executive boardroom and associated increase in overall floor space to 28,192m² and subsequent FSR to 1.19:1, approved by Hills Shire Council on 20 February 2017.

Clause 4.6 of HLEP 2008

Clause 4.6 of the HLEP 2012 enables an exception to the Floor Space Ratio standard upon consideration of a written request from the applicant justifying the contravention in the terms stated below:

Clause 4.6 Exceptions to development standards

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

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

(2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental

planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.

(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

- (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
- (b) that there are sufficient environmental planning grounds to justify contravening the development standard.*

(4) Development consent must not be granted for development that contravenes a development standard unless:

- (a) the consent authority is satisfied that:*
 - (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
 - (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*
- (b) the concurrence of the Director-General has been obtained.*

(5) In deciding whether to grant concurrence, the Director-General must consider:

- (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and*
- (b) the public benefit of maintaining the development standard, and*
- (c) any other matters required to be taken into consideration by the Director-General before granting concurrence.*

Clause 4.6 Request to Vary Development Standard

A variation is sought to allow for an 8% increase in the approved FSR development standard from 1.19 to 1.28 across the entire site.

The need for a minor variation arises from a minimum amount of floor space being required to accommodate the demand for additional medical suites within the approved new wing. The new medical suites require ample vertical circulation and corridors to transport patients and medical equipment.

The proposed development will result in an FSR of 1.28:1, increased from the previous 1.19:1 FSR. This results in a nominal 8% variation from the development standard.

Sufficient Environmental Planning Grounds to Justify Contravening the Standard

In addition, a photomontage study and heritage impact statement has considered the proposed bulk and scale of the additional floor in relation to potential impacts on the State Heritage listed item at Bella Vista Farm. All documents demonstrate there will be no impacts and that the development is compatible with the bulk, scale and character of existing and future development.

Compliance with the development standard is unreasonable or unnecessary in the circumstances of the case

Strict compliance of the development standard would hinder the attainment of the objects specified in S5 (a) (i) & (ii) of the Act, to encourage:

i) the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment

(ii) the promotion and co-ordination of the orderly and economic use and development of land.

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.

Being an expansion to an existing *health services facility*, which will meet the demands of the growing population of Western Sydney, the proposed development will be in the public interest.

The subject extension of Norwest Private Hospital to allow for the addition of 15 preliminary partitioned medical suites, associated parking and access is still consistent with the objectives for development within the zone and the objectives of the relevant particular standard.

The development is a permissible land use and will achieve objectives to encourage employment opportunities on land zoned *B7 Business Park* under The Hills LEP.

The development is consistent with the objectives of *Clause 4.4 Floor space ratio*:

(a) to ensure development is compatible with the bulk, scale and character of existing and future surrounding development,

(b) to provide for a built form that is compatible with the role of town and major centres.

The new expansion is still in accordance with the height of building and set back controls and will not present any adverse environmental planning effects to adjoining properties or the wider Norwest Business Park area.

In consultation with The Hills Shire Council, the concurrence of the Director General is hereby sought in order to allow flexibility in these particular circumstances.

We trust this information is sufficient. Please do not hesitate to contact our office on 9221 5211 should you require any further information.

Yours sincerely,

Carmel O'Connor
Senior Planner - NSW