



Prepared for  
Health Infrastructure

Date  
22 October 2025

Clause 4.6 Variation Request to Clause 4.3 Height of Buildings

# Rouse Hill Hospital

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# 1. Executive Summary

This written Clause 4.6 variation request accompanies a State Significant Development Application (SSDA) for a new 11 storey hospital and associated works at the corner of Windsor Road and Commercial Road, Rouse Hill (SSD-96248991). This written request relates to a proposed variation to Clause 4.3 Height of Buildings as it applies to part of the site under The Hills Local Environmental Plan 2019 (The Hills LEP 2019).

Clause 5.12(1) of The Hills LEP 2019 provides that development standards under the instrument including maximum building height cannot restrict development undertaken by a public authority<sup>1</sup>. Notwithstanding, this Clause 4.6 variation request has been prepared to inform the assessment of the SSDA.

An upper building height of approximately 49m (RL 101.34m) is sought, being a variation of 17m or 53 percent over the 32m maximum building height control which applies to part of the site under The Hills LEP 2019.

An appropriate degree of flexibility in applying the building height development standard as sought by this variation request would enable additional provision of public medical services for a growing population, better utilise the site and existing infrastructure, deliver additional knowledge-based jobs and better support the Rouse Hill Strategic Centre.

This written request demonstrates that strict compliance with the development standard is both unreasonable and unnecessary in the circumstances, as established by the *Wehbe* method, because:

- The objectives of the standard are achieved notwithstanding non-compliance with the standard, namely:
  - The height of buildings proposed is compatible with that of adjoining development and the overall streetscape; and
  - The development has minimal impact of overshadowing, visual impact and loss of privacy on adjoining properties and open space areas.
- The current zoning of the site is inappropriate for the proposed hospital use, and the associated maximum building height control does not align with the requirements of a hospital development. That is, through the provisions of the Transport and Infrastructure SEPP, the MU1 Mixed Use land use zone and associated 32m height limit should not apply to the proposed development.

There are sufficient environmental planning grounds to justify the contravention of the development standard in this instance because:

- The Rouse Hill hospital design reflects significant built form massing testing and reflects a resolved design to provide efficient flow of patients, staff and equipment, accommodation of necessary plant and supporting infrastructure and maximising utilisation of an appropriate site for efficient use of public money and maximising health services as a return on investment;
- The adopted strategic planning framework includes provision of a new hospital on the site to provide essential medical services to a growing population and to be a catalyst for growth and investment in the formation of a health hub and employment centre;
- The immediate area is characterised by large scale infrastructure and development including a 45m tall cable-stayed metro bridge, Rouse Hill Town Centre, bulky goods stores, at-grade car parks, wide classified roads and the Mungerie Park Zone Substation. Small scale, finer grain development would not fit comfortably within the established character; and

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<sup>1</sup> Department of Planning and Environment 2019, *Prince of Wales Hospital Expansion Stage 1 – SSD 9113, Assessment Report, Page 28.*

- Adjacent sites including ‘the Northern Frame’ (Lot 27 and 32 in DP 270520) are large, unencumbered sites in consolidated ownership which are likely to accommodate large scale development with significant heights, providing further reasoning for the proposed development scale in its surrounding context.

This written Clause 4.6 variation request sets out the grounds on which the applicant seeks to demonstrate the above matters in accordance with 35B of the *Environmental Planning and Assessment Regulation 2021* (the Regulations).

## 2. Introduction

This Clause 4.6 Variation to Development Standards Request relates to the Rouse Hill Hospital, located at the corner of Windsor Road and Commercial Road, Rouse Hill NSW 2155. The proposed development comprises:

- Site preparation including earthworks and tree removal;
- Construction of internal roads with connection to Commercial Road;
- Incoming electrical and communications services
- Construction of hospital buildings up to eleven storeys;
- Construction of a ten storey above-ground car park;
- Pedestrian and cycle pathway connections;
- Landscaping; and
- Ancillary works to Commercial Road, comprising:
  - o minor works (including realignment of existing median strip, kerb and gutter, footpath and lane marking) to provide access from Commercial Road into Hospital Road; and
  - o associated tree removal along Commercial Road.

The scope of the proposed works includes:

- An emergency department and primary access clinic
- Comprehensive birthing services including birthing rooms and a maternity inpatient unit
- Inpatient beds and day surgery services
- Short stay medical assessment services
- Pathology, pharmacy, and medical imaging services
- Outpatient and ambulatory care services including paediatrics and renal dialysis and antenatal and postnatal services
- Virtual care and hospital in the home services
- Prehabilitation, rehabilitation and lifestyle medicine.
- Administration, staff support, loading dock and back-of-house services; and
- Ancillary commercial uses to support the hospital, including retail.

The site is zoned MU1 Mixed Use and has a maximum height of buildings of 32m applicable to part of the site pursuant to the Hills LEP 2019 as discussed at **Section 4** below.

This written request seeks to vary the development standard for maximum Height of Buildings under Clause 4.3 of The Hills LEP 2019.

This Clause 4.6 variation request should be read in conjunction with the following documentation which accompany the SSD application:

- Appendix E: Architectural Plans (HDR)
- Appendix F: Design Statement Report (HDR)
- Appendix I: Visual Impact Assessment (Architectus)
- Appendix Q: Statement of Heritage Impact (Extent)
- Appendix T: Pedestrian Wind Environment Assessment (Arup)
- Appendix AE: Social Impact Assessment (GHD)

### 3. Clause 4.6 exceptions to development standards

Clause 4.6 of The Hills LEP 2019 permits the consent authority to grant development consent for a development even though the development would contravene a development standard imposed by The Hills LEP 2019.

The objectives of Clause 4.6 are set out in subclause (1) as providing an appropriate degree of flexibility in the application of certain development standards and achieving a better outcome for and from development by allowing this flexibility.

Subclause (3) requires the consent authority to be satisfied that the applicant has demonstrated:

*(a) compliance with the development standard is unreasonable or unnecessary in the circumstances, and*

*(b) there are sufficient environmental planning grounds to justify the contravention of the development standard.*

This document constitutes a written request for exemption to the Height of Buildings development standard under Clause 4.6 of The Hills LEP 2019.

This written request details the extent of the proposed variation and why compliance with the development standard is unreasonable or unnecessary in the circumstances of the case and includes sufficient environmental planning grounds to justify the contravention of the development standard. On balance, allowing the proposed additional building height results in a better outcome for the development and the surrounding community.

# 4. The development standard to be varied

As noted above, this Clause 4.6 Variation has been prepared as a written request seeking to vary Clause 4.3 Height of Buildings under The Hills LEP 2019.

Clause 4.3 states the following:

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

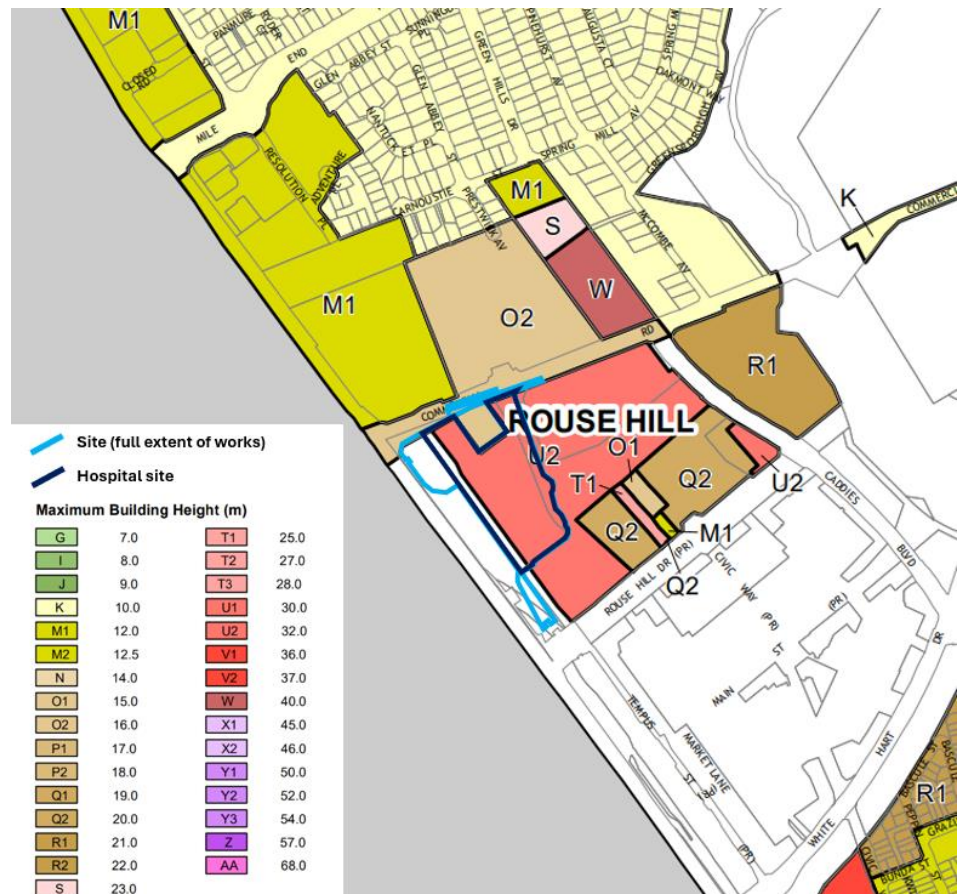
(a) to ensure the height of buildings is compatible with that of adjoining development and the overall streetscape,

(b) to minimise the impact of overshadowing, visual impact and loss of privacy on adjoining properties and open space areas.

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

The majority of the site is subject to a maximum building height control of 32m under the Hills LEP 2019, while the remainder of the site has no height control. Refer to **Figure 1**.

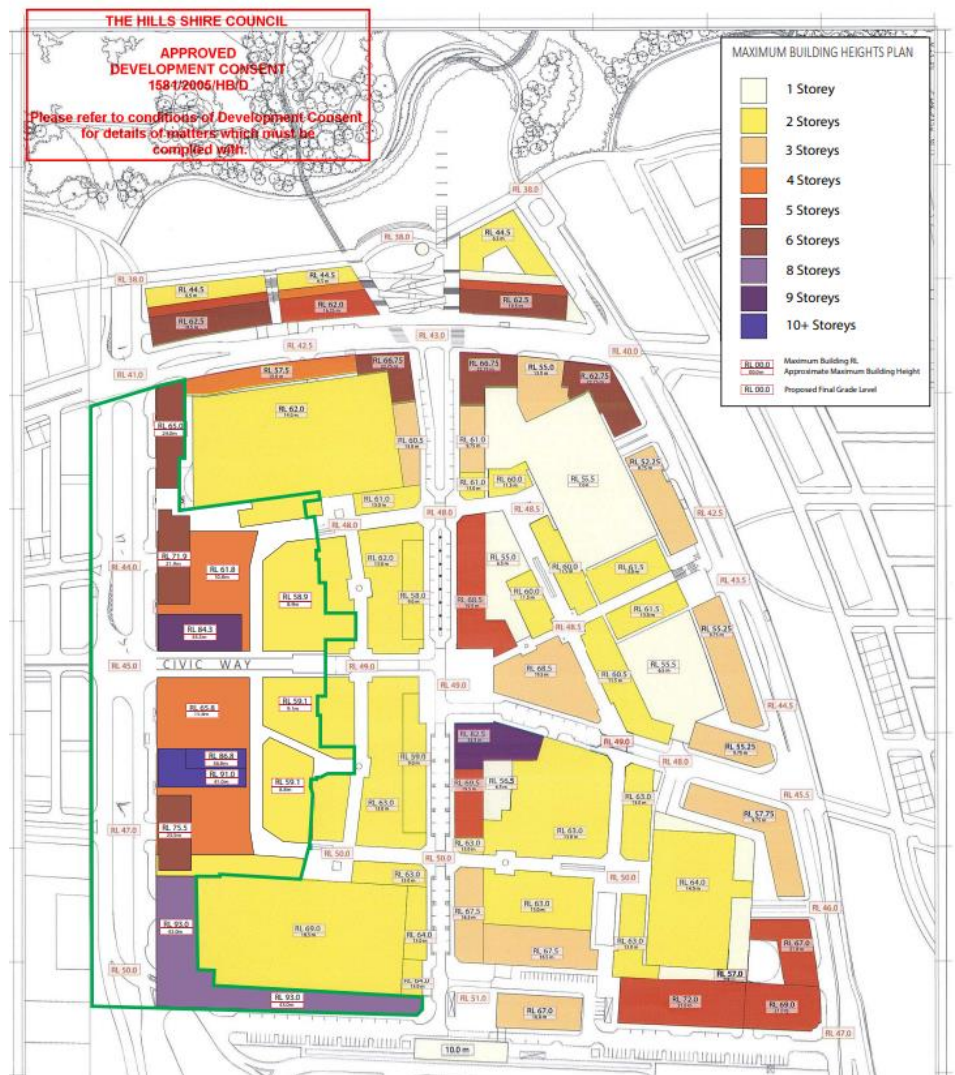
The height control applicable to the site was gazetted on 16 July 2021 following planning proposal PP-2020-3145 (Council reference 3/2020/PLP).



**Figure 1** Maximum Height of Buildings Map

Source: The Hills LEP 2019 Height of Buildings Map - Sheet HOB\_007

The LEP does not apply a maximum height of buildings to the Rouse Hill Town Centre located to the south of the site. Concept Plan approval 1581/2005/HB/D applies a maximum number of storeys as shown in **Figure 2** with heights ranging up to RL93m.



**Figure 2 Maximum Storeys under Rouse Hill Regional Centre masterplan**

Source: GPT Group – 1581/2005/HD/D Stamped Plans - Maximum Building Heights

Windsor Road demotes the local government area boundary, with The Hills Shire Council located on the east and Blacktown City Council located on the west.

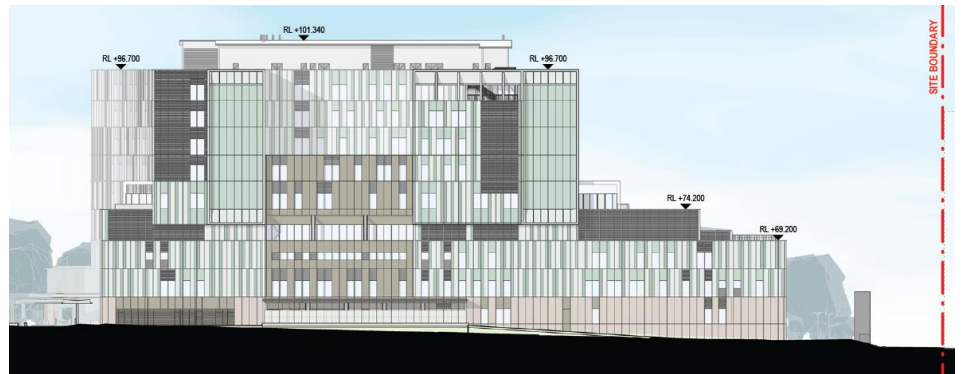
Land immediately to the west of the site is subject to height controls under State Environmental Planning Policy (Precincts - Central River City) 2021, namely 18m and 16m.

Land within Blacktown LGA south of Schofields Road is subject to height controls applicable under Blacktown Local Environmental Plan 2015. No height control applies to Castlebrook Memorial Park (also known as Rouse Hill Cemetery) located at 712 Windsor Road, Kellyville Ridge.

# 5. Extent of variation to the development standard

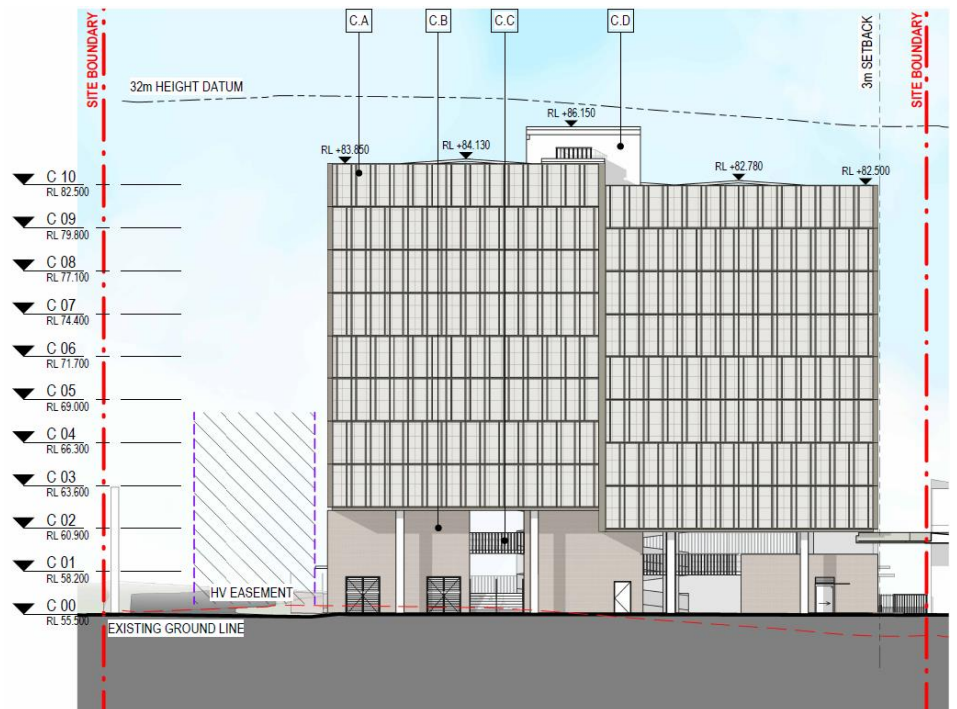
This Clause 4.6 Variation Request seeks to vary the 32m maximum building height control applying to part of the site, by proposing a maximum height of approximately 49m. The exceedance of this variation against the maximum building height control is 17m or 53 percent.

The proposed main hospital building comprises a tower element atop a larger podium level which totals 11 storeys above ground. As demonstrated in **Figure 3** below, the tower element of the main hospital building generally sits at two-three storeys plus one storey of plant equipment above the 32m height limit.



**Figure 3 Main hospital building western elevation**  
Source: HDR Architects

The proposed ten-storey car park sits entirely below the 32m height control applicable to the site as demonstrated in **Figure 4** below.



**Figure 4 Multi storey car park southern elevation**  
Source: HDR Architects

## 5.1 Rationale for height exceedance

The key driver for the proposed development is the increasing demand for health services within the rapidly growing northwestern Sydney locality, necessitating a new public hospital.

The proposed height exceedance allows for additional medical services and associated infrastructure to provide for the efficient and feasible use of the site which is identified in the relevant strategic planning framework and in the ownership of Health Infrastructure.

Contemporary hospitals have specific design requirements including considerable floor to floor heights (4.5m in this instance) and substantial plant equipment and back of house services. The additional height is essential to accommodate large scale functions on site including a large loading dock within the building capable of facilitating four heavy rigid vehicles.

The proposed development has also been subject to extensive investigations and optioneering to determine the best direction for achieving the clinical demands for the facility.

Some of the key benefits of taller hospitals are summarised in **Figure 5** below and include:

- ***A smaller footprint + smart use of space***  
Vertical design allows for more efficient use of limited land. That means hospitals can house a larger number of clinical disciplines, education and research facilities and support services within a smaller footprint.
- ***Less movement for patients equals better care***  
Vertical hospitals can streamline patient care by grouping related services on the same floors. This reduces the need for patients to move between different buildings or departments.
- ***More time for staff to do their best work***  
Vertical layouts can enhance staff efficiency by reducing the time spent moving across floors or departments. That can lead to better response times and face-to-face patient care.
- ***Better workflows for people and robots***  
Vertical hospitals can be designed to facilitate a more logical workflow. A smart arrangement of services can minimise unnecessary horizontal movement and maximise operational efficiency.
- ***A room with a view***  
The outlook from up high – plus more natural light – can contribute to a better place for patients to heal and for staff to work.
- ***Stacked green spaces***  
Research shows that biophilic features such as rooftop gardens, stacked balconies and other green spaces in hospital towers positively impact wellbeing and recovery rates.
- ***More ways to get around***  
Vertical design can improve accessibility for patients and staff. Strategically located elevators, ramps, and staircases make it easier to move throughout the facility when needed.



**Figure 5 Vertical hospital typology benefits**

Source: Architectus

Block and stacking options for the Rouse Hill Hospital were tested. While some options explored achieved a building height compliant with the maximum 32m height control, the preferred option with greater height and reduced footprint and building bulk was selected for the following reasons:

- Building footprint to provide for efficient internal circulation for staff, patients and equipment;
- Reduced building bulk to increase natural lighting and views, important for physical and mental wellbeing and recovery;
- Maximises green space and separation of ancillary operations around the building for improved streetscape and pedestrian amenity; and
- Host all needs of the facility within the site available.

An efficient workflow is vital to providing the highest quality emergency and general health care. Accordingly, design considerations for optimising layout, proximities and designated pathways are vital for ensuring smooth patient flow, minimising delays and maximising staff efficiency.

These operational requirements and design decisions are explained in greater detail in the Design Statement Report prepared by HDR at **Appendix F** to the EIS.

There is significant public benefit in providing a new public hospital on a well serviced site, in a rapidly growing region of Sydney.

Consideration has been given to how the height exceedance is acceptable in **Section 6**.

# 6. Assessment of variation

## 6.1 Clause 4.6 (3)(a) Compliance with the development standard is unreasonable or unnecessary in the circumstances of the case

Clause 4.6(3)(a) of The Hills LEP 2019 requires the applicant to provide justification that strict compliance with the development standard is unreasonable or unnecessary in the circumstances of the case.

Strict compliance with the development standard is both unreasonable and unnecessary in this instance.

Assistance on the approach to justifying a contravention to a development standard is taken from the applicable decisions of the NSW Land and Environment Court (LEC) in *Wehbe v Pittwater Council [2007] NSWLEC 827 (Wehbe)* as discussed below.

### Wehbe Method

In *Wehbe* (at 43-48), Preston CJ established five potential ways for determining whether a development standard could be considered to be unreasonable or unnecessary and that approval of the objection may be consistent with the aims of the policy. These include the following methods:

1. *“The objectives of the standard are achieved notwithstanding non-compliance with the standard;”*
2. *The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary;*
3. *The underlying object or purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable;*
4. *The development standard has been virtually abandoned or destroyed by the Council’s own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable.*
5. *The zoning of the particular land is unreasonable or inappropriate so that a development standard appropriate for that zoning is also unreasonable and unnecessary as it applies to the land and compliance with the standard would be unreasonable or unnecessary. That is, the particular parcel of land should not have been included in the particular zone.”*

Relevant to the proposed development, the first and fifth methods are both considered to be applicable in establishing that compliance with the development standard is unreasonable or unnecessary.

### Wehbe Test 1 – Objectives of the Height of Buildings standard

The objectives of Clause 4.3 Height of Buildings as stated at Subclause (1) are:

- (a) to ensure the height of buildings is compatible with that of adjoining development and the overall streetscape,*
- (b) to minimise the impact of overshadowing, visual impact and loss of privacy on adjoining properties and open space areas.*

An assessment against these two objectives is provided below.

### **Compatible with that of adjoining development and the overall streetscape**

The design has considered the condition of the site and its context, both existing and anticipated.

Existing built form around the site is varied as illustrated in **Figure 6 - Figure 10**. The proposed building scale is entirely appropriate for the site noting the scale and vibrancy of the place. To the west of the site is the four lane Windsor Road, elevated Metro rail line with twin 45m cable-stayed towers, and hardstand bus laydown creating an 80m+ wide transit corridor. The site wraps around a 2,000m<sup>2</sup> substation and is flanked by

200,000m<sup>2</sup> of retail and commercial floorspace within Rouse Hill Town Centre, bulky goods stores and large at-grade car parks.



**Figure 6 Adjoining development typologies – 114 Caddies Boulevard, Rouse Hill**  
*Source: Architectus*



**Figure 7 Adjoining development typologies – Mungerie Park zone substation**  
*Source: Architectus*



**Figure 8 Adjoining development typologies – Metro bridge over Windsor Road**  
*Source: Architectus*



**Figure 9 Adjoining development typologies – Rouse Hill Town Centre**  
*Source: Architectus*



**Figure 10 Adjoining development typologies – HomeCo shopping centre**

Source: Architectus

The Rouse Hill Hospital site is surrounded by a large amount of undeveloped land with potential for future development with a similarly large scale.

Potential future development includes:

- **Lot 5 Commercial Road, Rouse Hill**  
Development application (270/2021/JP as modified) for a 12-storey mixed use development at Lot 5 DP 30916 Commercial Road, Rouse Hill (see **Figure 11**).
- **Rouse Hill Town Centre Expansions**  
Development application (1837/2022/JP as modified) for four buildings up to 12 storeys with >10,000m<sup>2</sup> of gross leasable floorspace and >200 residential apartments at Civil Way, Rouse Hill (see **Figure 12**).
- **Rouse Hill Northern Frame**  
A planning proposal (2/2025/PLP) has been lodged for this site seeking an increase in heights and densities to deliver over 1,500 dwellings and 60,000m<sup>2</sup> of employment floorspace across 16 towers up to 24 storeys (87m) at Commercial Road, Rouse Hill (see **Figure 13**).
- **No. 2 Tempus Street, Rouse Hill**  
A State Significant Development Application (SSD-76190964) for construction of a 23-storey mixed-use build-to-rent development comprising ground floor retail, commercial premises and co-working space, medical centre, 40 x serviced, 122 x co-living and 217 x BTR apartments and basement car parking (see **Figure 14**).



**Figure 11 Lot 5 Commercial Road, Rouse Hill (270/2021/JP)**

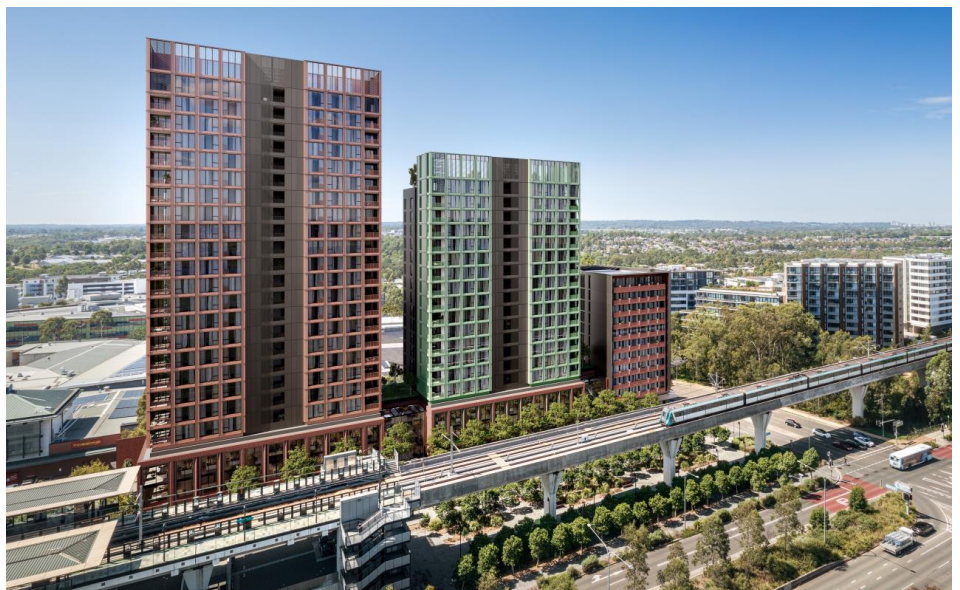
Source: Kannfinch



**Figure 12 Rouse Hill Town Centre Expansions (1837/2022/JP)**  
*Source: Cox Architecture*



**Figure 13 Rouse Hill Northern Frame Planning Proposal (2/2025/PLP)**  
*Source: BVN*



**Figure 14 No 2 Tempus Street, Rouse Hill (SSD-76190964)**  
*Source: Architectus*

The proposed height of the hospital is highly compatible with that of adjoining development and the overall streetscape, both existing and anticipated.

### **Minimise the impact of overshadowing, visual impact and loss of privacy on adjoining properties and open space areas**

Technical shadow diagrams have been prepared by HDR and are provided within the Architectural Plans at **Appendix E** of the EIS.

The orientation of the site and the placement for the proposed buildings at the centre and northern end of the site results in minimal shadows being cast outside of the site boundaries after midday during the winter solstice. Those shadows, which are cast during the morning of the winter solstice, fall on publicly owned land, namely Windsor Road and the adjoining bus laydown area along the western boundary of the site. This road and bus infrastructure are not sensitive receivers in relation to solar access.

A detailed Visual Impact Assessment has been prepared by Architectus and is provided at **Appendix I** to the EIS. The visual impact assessment has considered lighting impacts, visual amenity, view loss and view sharing. The report found that the visual impacts of the proposal are appropriate and acceptable.

**Wehbe Test 5 – Zoning of the particular land is unreasonable or inappropriate so that a development standard appropriate for that zoning is also unreasonable and unnecessary as it applies to the land and compliance with the standard would be unreasonable or unnecessary. That is, the particular parcel of land should not have been included in the particular zone.**

The site is zoned MU1 Mixed Use. Under The Hills LEP 2019, the MU1 zone allows for a broad range of land uses and sets the following broad mix of zone objectives:

- *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 encourage leisure and entertainment facilities in the major centres that generate activity throughout the day and evening.*
- *To provide for high density housing that is integrated with civic spaces.*

The SP2 Infrastructure zone sets a much more targeted set of permissible land uses and zone objectives as follows:

- *To provide for infrastructure and related uses.*
- *To prevent development that is not compatible with or that may detract from the provision of infrastructure.*

The site has been nominated to accommodate a new hospital within the adopted strategic planning framework including The Hills Local Strategic Planning Statement and the Rouse Hill Precinct Plan. The site is in the ownership of the Health Administration Corporation. Accordingly, SP2 Infrastructure (Health Services Facilities) would be a more appropriate land use zone for the site.

As summarised in **Table 1** below, every major hospital across greater Sydney is zoned specially for its hospital use, either SP2 Infrastructure or SP1 Special Activities. Most of these sites have no maximum height control applicable to the site. Of the seven sites with a maximum height control, any control under 35m has been exceeded by the existing built form on site.

**Table 1 Zoning and height of building controls on hospital sites across Sydney**

<b>Hospital</b>	<b>Land use zone</b>	<b>Height of buildings</b>
Westmead	SP2 Inf. (Health Services Facilities)	Nil
Royal North Shore	SP2 Inf. (Hospital)	Nil
Royal Prince Alfred	SP2 Inf. (Health Services Facilities)	Nil
Concord Repatriation General	SP2 Inf. (Hospital)	Nil
Sydney Adventist	SP2 Inf. (Health Services Facilities)	39.5m
Northern Beaches	SP2 Inf. (Health Services Facilities)	40m
Prince of Wales	SP2 Inf. (Health Services Facilities)	Nil
St Vincent's	SP2 Inf. (Health Services Facilities)	Nil
Mona Vale	SP2 Inf. (Health Services Facilities)	8.5m (control exceeded by existing hospital buildings)
Hornsby	SP2 Inf. (Health Services Facilities)	8.5m (control exceeded by existing hospital buildings)
Blacktown	SP2 Inf. (Health Services Facilities & Educational Establishment)	Nil
Nepean	SP2 Inf. (Health Services Facilities)	Nil
Liverpool	SP2 Inf. (Health Services Facilities & Educational Establishment)	35m
Sutherland	SP2 Inf. (Health Services Facilities)	Nil
St George	SP2 Inf. (Hospital)	Nil
Macquarie	SP2 Inf. (Health Services Facilities)	Nil
John Hunter	SP2 Inf. (Health Services Facilities)	Nil
Gosford	SP2 Inf. (Health Services Facilities)	18m (control exceeded by existing hospital buildings)
Wollongong	SP1 Special Activities (Hospital)	60m

The SP2 Infrastructure zone would be more appropriate for the site. As demonstrated above, there is an established relationship between the appropriate land use zone and the application of a flexible maximum building height control.

Noting that the current MU1 land use zone is inappropriate for the site, the associated maximum building height development standard is also unreasonable and unnecessary for development compliance.

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

It is considered there are sufficient environmental planning grounds to justify contravening the development standard because the non-compliance enables the delivery of essential health services on a nominated and suitable site, results in no unreasonable adverse impacts, results in a better planning outcome than alternative compliant options considered and is consistent with the objectives of Clause 4.3 of The Hills LEP 2019.

In the case *Four2Five*, Pain J held that a Clause 4.6 request must demonstrate that there are environmental planning grounds to justify contravening the development standard, in addition to meeting the objectives of the standard and zone. In this case, the Court found that the environmental planning grounds advanced by the applicant in a Clause 4.6 variation request must be particular to the circumstances of the proposed development on that site.

Moreover, in Initial Action the Court stated that the phrase 'environmental planning grounds' is not defined but would refer grounds that relate to the subject matter, scope and purpose of the *Environmental Planning and Assessment Act 1979* (EP&A Act), including the objects in Section 1.3 of the EP&A Act.

### **Sufficient Environmental Planning Grounds**

The proposal is consistent with the objectives of the Act, and the objectives of Clause 4.3 and the MU1 Mixed Use zone under The Hills LEP 2019. There are sufficient environmental planning grounds to justify contravening the development standard. In short, the variation does not result in any adverse impacts and will contribute to achieving improved health outcomes. The environmental planning considerations are discussed below.

- **Bulk and Scale**

A Design Statement Report has been prepared by HDR and is provided at **Appendix F** to the EIS. The report demonstrates how the design has considered the condition of the site and its context, both existing and anticipated.

The overall bulk and scale of the proposal has been broken down to create a finer grained architectural response that addresses and activates the primary adjoining streets and that minimises visual and physical impacts such as overshadowing. Through the careful and deliberate siting of the hospital, the proposal will help to activate and uplift the quality of the adjoining streets. The proposed landscape treatments surrounding the hospital will also enhance the adjoining streetscapes and public domain, and soften the overall scale of the development.

The proposal adopts a fine grain architectural language the distinctly expresses individual building components. This approach to massing reduces the perceived scale of the development and introduces a porosity and modulation to the overall development when observed from the bounding streets and public domain.

The overall volume of the development has been set well back from primary frontages (over and above the requirements of the DCP), with new landscape zones introduced to soften and enhance the quality of adjoining streetscapes.

Material selections and detailing are of high quality to promote the high-tech precinct and create an engaging design. The building facade has a warmly toned and deeply articulated primary frontage that is environmentally performative as well as visually engaging.

The proposed height of the hospital is highly compatible with that of adjoining development and the overall streetscape.

- **Overshadowing and Solar Access**

Solar analysis was undertaken to assess shadow impacts of the proposal on open spaces surrounding the hospital, on adjacent private land and on the public domain.

Shadow diagrams are included in the Architectural Plans prepared by HDR at **Appendix E** to the EIS.

The geometry of the new main hospital building allows sunlight to permeate from morning to early afternoon. The built form of the new integrated services hospital building will provide protection from the harsh afternoon sun. A landscaped zone is provided to the south, east and north providing opportunities to find shelter, sun and fresh air throughout the day.

The orientation and placement for the proposed buildings at the centre and northern end of the site results in minimal shadows being cast outside of the site boundaries after midday during the winter solstice. Those shadows which are cast during the morning of the winter solstice fall on publicly owned land, namely Windsor Road and the adjoining bus laydown area adjoining the western boundary of the site. This road and bus infrastructure are not sensitive receivers in relation to solar access.

- **Public Visual Impacts and Views**

A Visual Impact Assessment has been prepared by Architectus and is provided at **Appendix I** to the EIS.

The Visual Impact Assessment finds that the proposal has been appropriately designed to respond to visual impact considerations and concludes that the visual impacts of the proposal are appropriate and acceptable.

Overall, the visual impacts of the proposed development are found to be appropriate and acceptable due to the following reasons:

- The proposed development has been identified by the State Government as the preferred location for the Rouse Hill Hospital;
- No views of identified importance in the area are significantly impacted;
- Where the proposed development will be seen, it obstructs an area of existing sky in a location which has long anticipated to have development at a similar scale;
- The areas surrounding the site are planned for greater density;
- The proposed development provides substantial screening landscaping and is further screened by nearby significant trees; and
- The proposed development has been designed to present varied facades towards key views.

- **Heritage Protection**

A Statement of Heritage Impact has been prepared by Extent Heritage and is provided at **Appendix Q** to the EIS.

The study area is considerably distanced from the Royal Oak Inn and does not have a direct visual relationship with the study area.

There are no significant views to or from the study area to the locally listed sections of Windsor Road nor will the proposal impact on the ability to understand the significance of the historic road alignment.

The Statement of Heritage Impact concludes that the proposal will have no physical impact on the heritage items in the vicinity nor an impact on significant views (indirect impacts).

- **Social Impacts**

A Social Impact Assessment has been prepared by GHD and is provided at **Appendix AE** to the EIS. The Social Impact Assessment finds that most of the negative social impacts will occur during the construction phase of a project are temporary in nature and would be similar no matter if the proposal was 32m or as proposed.

On balance, the proposed development is considered to be in the public interest given:

- The proposed development will respond to the health care needs of the growing WSLHD;
- The proposed development has been assessed against relevant state and local strategic planning policies and is found to be generally consistent;
- No unreasonable adverse environmental, social or economic impacts will result from the proposed development; and
- The issues identified during stakeholder engagement have been addressed in the proposal or otherwise noted for future consideration at the relevant detailed design and operation phases.

# 7. Conclusion

This written request is made pursuant to Clause 4.6 of the Hills LEP 2019 to vary the permitted maximum building height development standard contained within Clause 4.3 of The Hills LEP 2019.

Clause 5.12(1) of The Hills LEP 2019 provides that development standards under the instrument including maximum building height cannot restrict development undertaken by a public authority. Notwithstanding, this Clause 4.6 variation request has been prepared to inform the assessment of the SSDA.

This request has been prepared generally in accordance with the Guide and demonstrates that:

- compliance with the development standard is unreasonable or unnecessary in the circumstances, and
- there are sufficient environmental planning grounds to justify the contravention of the development standard.

The proposed variation will not result in any unreasonable amenity outcomes relating to bulk and scale, overshadowing and solar access, views and visual impacts, heritage impacts and social impacts.

As demonstrated in this Clause 4.6 variation request, alternative block and stacking options including height compliant schemes have been tested, and it has been determined that the proposal achieves the best outcome for the site.