



THE HILLS
Sydney's Garden Shire

THE HILLS SHIRE COUNCIL

3 Columbia Court, Baulkham Hills NSW 2153
PO Box 7064, Baulkham Hills BC 1755
ABN 25 034 494 656 | DX 9966 Norwest

13 April 2018

NSW Department of Planning and Environment
C/ Ms M Niles
320 Pitt Street
SYDNEY NSW 2000

Dear Ms M Niles

Council received notification on 24 January 2018 of a Modification request to modify State Significant Development 6074 for the Norwest Private Hospital Expansion at 7-11 Norbrik Drive Bella Vista.

Whilst an extension of time to lodge a submission to the proposal was requested on 5 February 2018, the Department indicated that all submissions would be considered during the assessment of the application and a request for extension of time was not granted. The exhibition of the modification application concluded on 20 February 2018. Ordinarily the modification would be reported to an Ordinary Meeting of Council for consideration. However, given the notification period it was not possible to report the matter to an Ordinary Meeting of Council.

The following comments are provided in relation to Planning, Engineering, Heritage and Section 94 Contributions.

Planning Comments:

- The proposed modification application to provide an additional level (Level 4) to the northern extension exceeds the Floor Space Ratio Development Standard under LEP 2012 for the subject site. This is a further variation from the approved Floor Space Ratio of 1.19:1 to 1.276:1. A Clause 4.6 variation request to the Secretary of the Department of Planning and Environment to vary the Development Standard has been submitted with the application. It is noted that the submitted Clause 4.6 variation does not include a five part test for consent authorities to consider when assessing an application to vary a standard to determine whether the objection to the development is well founded.
- The proposed increase in building height of 3.9 metres to RL 102.4 metres complies with the maximum building height development standard under The Hills LEP 2012 of RL 116 metres. The submitted plans and documentation have addressed relevant controls in The Hills Development Control Plan. The proposed modification considers the proposal within the context of proposed future development on land surrounding the hospital as part of the Circa Commercial Precinct (Planning Proposal 19/2015/PLP) and Circa Seniors (Development Application 992/2016/JP (Masterplan)). More specifically, the view corridor controls should be considered in the assessment of the expansion of the hospital. Refer to Heritage comments below.

- The proposed modification includes additional car parking area along the southern property boundary. No landscaping is proposed along this property boundary which does not meet the requirements of Part C Section 1 – Parking or Part C Section 3 Landscaping) of The Hills DCP 2012 which requires that outdoor parking areas be provided with two metre wide landscaping strips to screen car parking between spaces at a rate of one in every ten car parking spaces. Additional landscape screening should be provided to ensure appropriate buffering to future development on the adjoining southern lot.
- The car parking area is proposed to be amended to remove 3 car parking spaces and construct 13 new car parking spaces, however the total number of car parking spaces for the hospital would remain at 696 off-street car parking spaces as previously approved on 7 August 2015 under modification (SSD 6074 Mod 1). This does not comply with the car parking rate required under Part C Section 1 – Parking of The Hills DCP 2012 which requires 3 spaces per consulting room plus 1 space per support employee. Notwithstanding, a Traffic and Accessibility Report was submitted with the application that include parking surveys indicating that the number of car parking spaces approved under previous consents are underutilised. A Workplace travel plan was also submitted which lists possible measures to reduce car travel.
- Whilst no objection is raised with regard to car parking, it should be noted that a temporary car park to the north of the hospital on Norbrik Drive (Lot 6053 DP 1140054) was approved on 7 August 2015 under Development Consent No. 31/2016/HA for use by hospital staff during the hospital expansion. In addition, a Section 96(1A) modification was granted on 11 April 2017 to extend the temporary land use for a further 24 months and permit the use of the car park of the general public under a paid parking scheme. Confirmation should be sought that the car parking spaces approved for this temporary land use has not been included as “vacant car parking spaces” in the justification for the shortfall for the subject application.

Engineering Comments:

The additional parking spaces proposed are located along the southern boundary. The fill/ wall required to sustain the new parking area is located adjacent to what is already a significant drop-off with the neighbouring property. Whilst no objection is raised to the proposal from an engineer perspective, more detailed plans should be provided to identify the level changes and impact on the adjoining lot.

Heritage Comments:

The assessment of this application from a heritage perspective is primarily undertaken in relation to the impact on significant views to and from the Bella Vista Conservation Area, including the avenue of Bunya pines, in relation to the Pearce family cemetery and Old Windsor Road. An assessment against each of the relevant clauses in the DCP is provided below.

The Hills DCP 2012 (Part B Section 6 – Business)

2.6(iv) To retain significant views to and from the Bella Vista Farm conservation area, in particular the following:

- *Vistas from the Homestead generally south.*
- *Vistas from the outer farmyard generally north.*
- *Views into the site from the former alignment of Old Windsor Road.*
- *Views into the site from Norwest Boulevard.*

- Distant views to the site from the Castle Hill Seventh Day Adventist Church site and Pearce Family Cemetery.

2.6(f) Views and vistas available from Bella Vista Farm Park as shown above the dotted line on the photomontages in Appendix D 4 shall be retained in any re-development of lands surrounding Bella Vista Farm Park.

The relevant photomontages contained within Appendix D are shown in Figures 2 and 3 below. Figure 4 below is a photograph submitted with the modification application taken from the same viewpoint with an indication of the proposed extension.

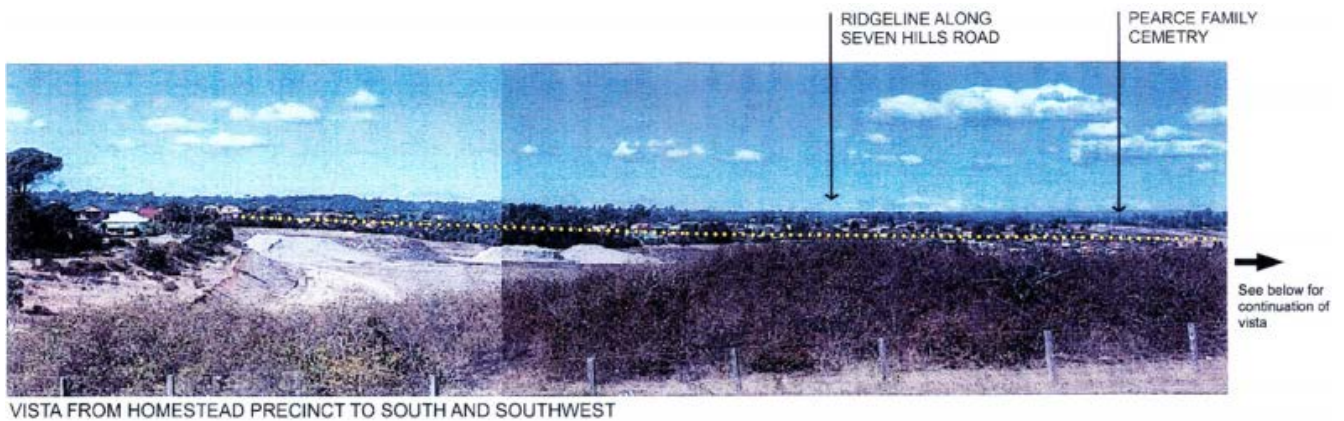


Figure 2
South and Southwest Views from Homestead

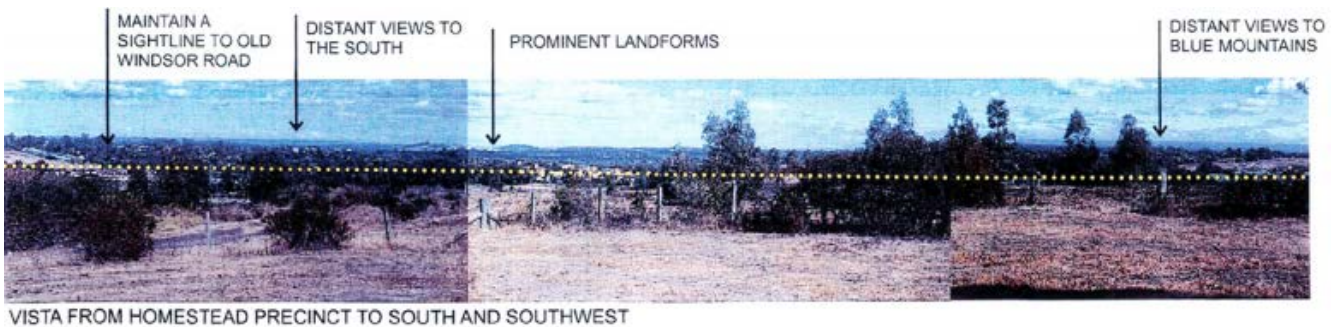


Figure 3
South and Southwest Views from Homestead

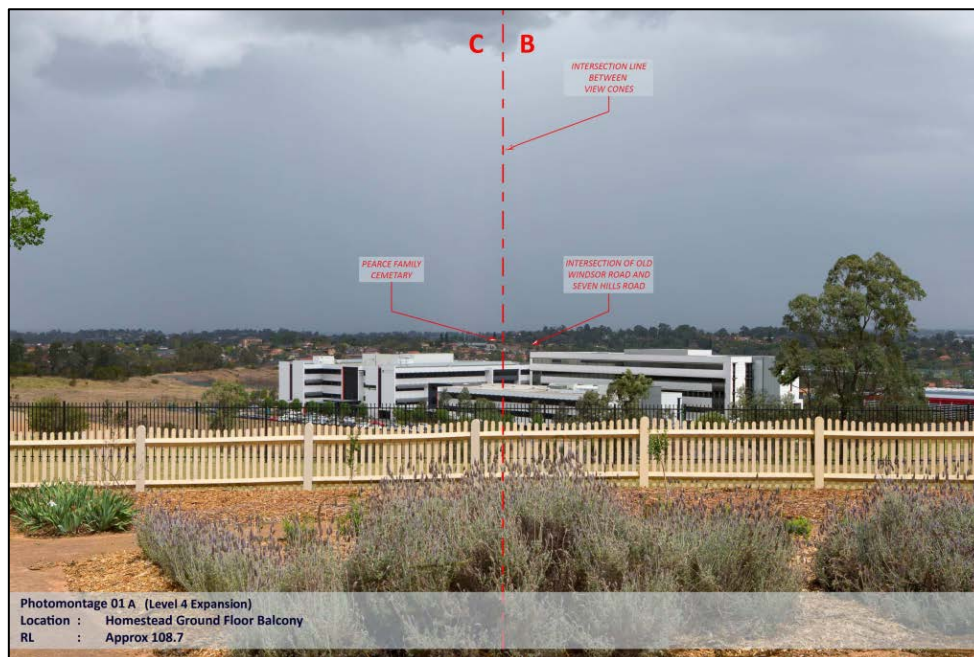


Figure 4

Views from Bella Vista Homestead to Pearce Family Cemetery and Old Windsor Road

From the photomontage submitted with the application, it is indeterminable whether the expansion exceeds the dotted line referred to in the DCP montages as the dotted line has not been indicated on the photos in relation to the proposed built form outcome. While sightlines to the Pearce Family Cemetery and Old Windsor Road appear to be maintained from this perspective, it is recommended that the photomontage be amended to reflect the development's relationship with the dotted line so that a full assessment of the impact on views and vistas can be made.

2.6(h) The height of any built structure within the view corridors marked B and C shall not intersect a plane generated by a straight line drawn from the survey points noted on Old Windsor Road and the survey points noted within the Bella Vista Farm Park as shown in Appendices C and D of this Section of the DCP.

Note. *The intent of these controls is to ensure that views of the Homestead and the prominent ridgeline to the south are visible when viewed from the specific locations along Old Windsor Road and the Pearce Family Cemetery.*

From the photomontage submitted, it is considered that views from Bella Vista Farm to the Pearce Family Cemetery will be retained as part of the proposed extension. However, the impact on views from the Pearce Family Cemetery to Bella Vista Farm cannot be determined as photomontage 6 (Figure 5 below) contains built forms that are part of the 'Future Precinct Masterplan of the Circa precinct.

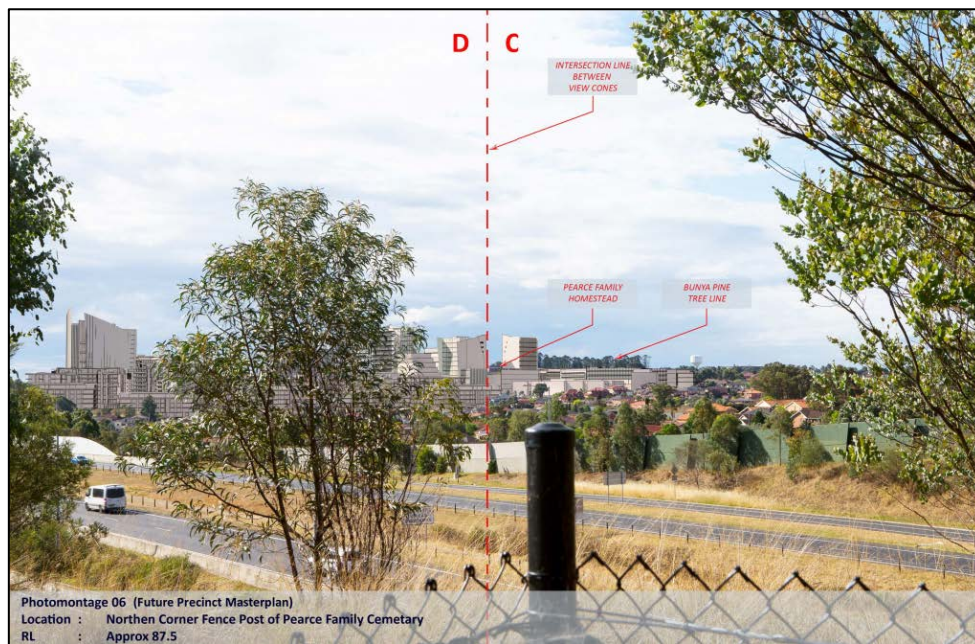


Figure 5

Future Built Form and Views from Pearce Family Cemetery to Bella Vista Farm Park

This image along with other montages submitted, depict building forms that are not able to be developed under the current planning framework. As a result the impact of the level 4 expansion of Norwest Private Hospital on views to Bella Vista Farm Park cannot be fully assessed. It is recommended that the photomontage be amended to include only development that has been approved by Council or is part of the proposed modified concept. This includes amending montages 6-8, 9A, 11, 12 and 12A as the development shown in these montages are not subject to the current application and make it difficult to isolate and assess the impacts of the built form under consideration in the subject application.

Additionally, Section A depicts the topography and visual relationship between Bella Vista Farm and Pearce Family Cemetery and Section C depicts the topography and visual relationship between the base of bunya pines and former alignment of Old Windsor Road. Neither section depicts the proposed height of Norwest Private Hospital and should be amended accordingly for full consideration of visual impact.

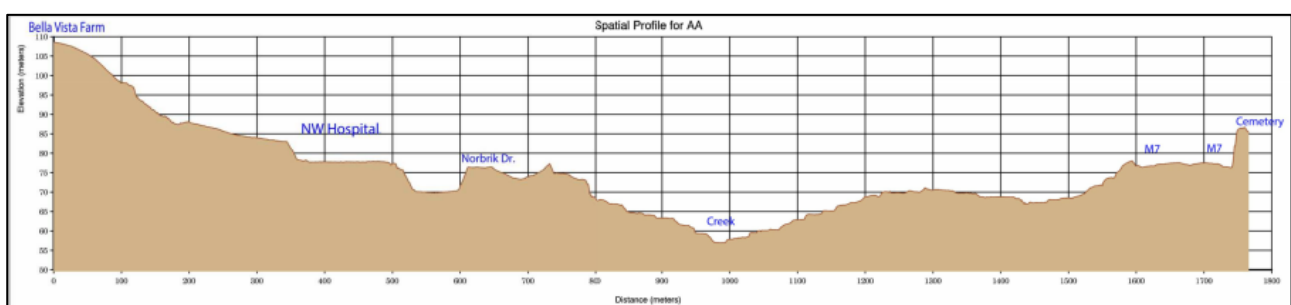


Figure 6

Section A Bella Vista Homestead to Pearce Family Cemetery

It is agreed that construction of the pedestrian overpass on Old Windsor Road does interfere with original views from the former alignment of Old Windsor Road however new views from the pedestrian overpass have been created. The full impact of the proposed extension to the hospital on the new views from the pedestrian overpass cannot be fully assessed as the relevant photomontage comprises indicative future built form as part of the Circa precinct master plan and should be amended to include only approved development and development that is the subject of this application.

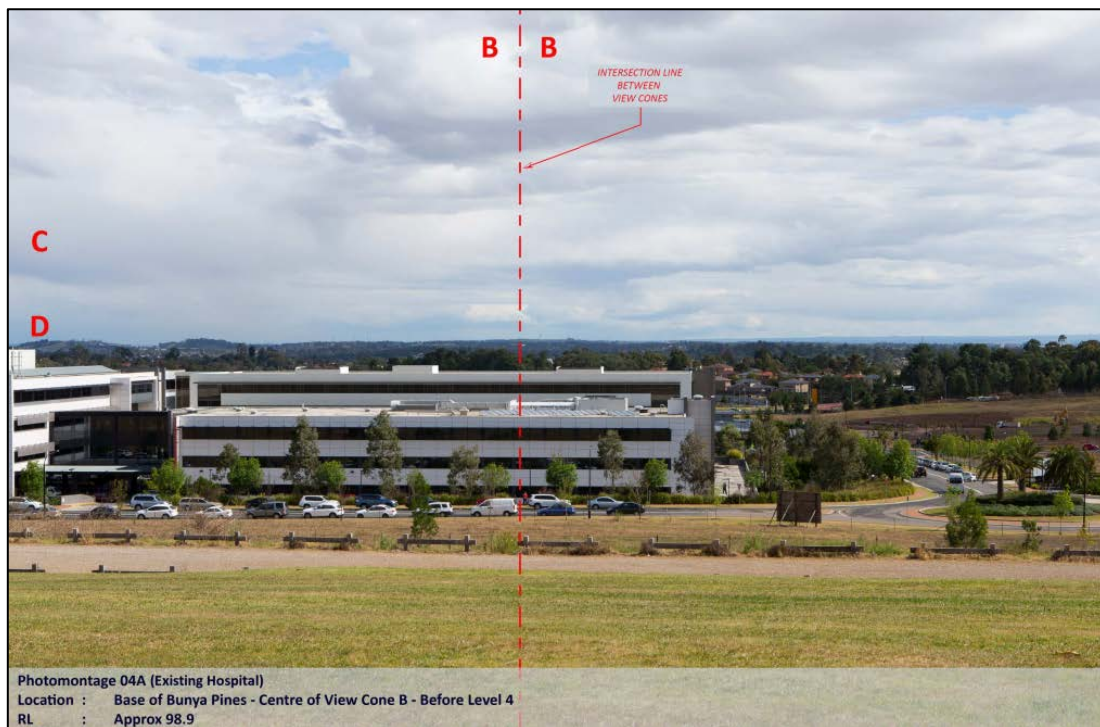


Figure 7

Existing view from bunya pines to Old Windsor Road already lost

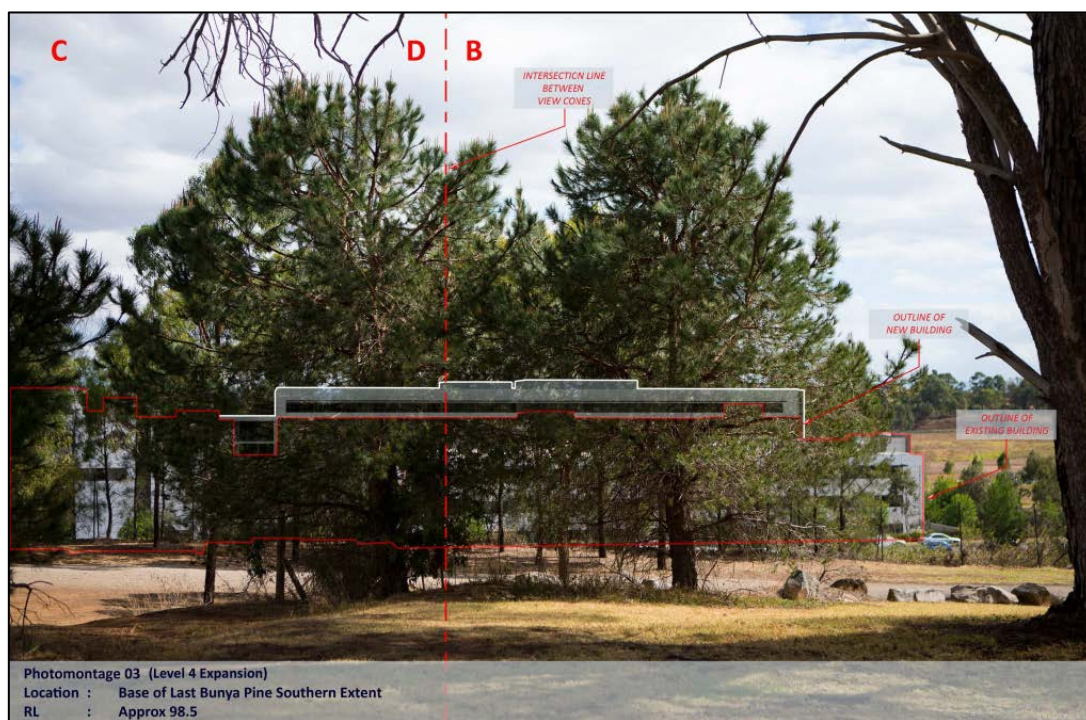


Figure 8

On-site vegetation obscures views to and beyond Norwest Private Hospital

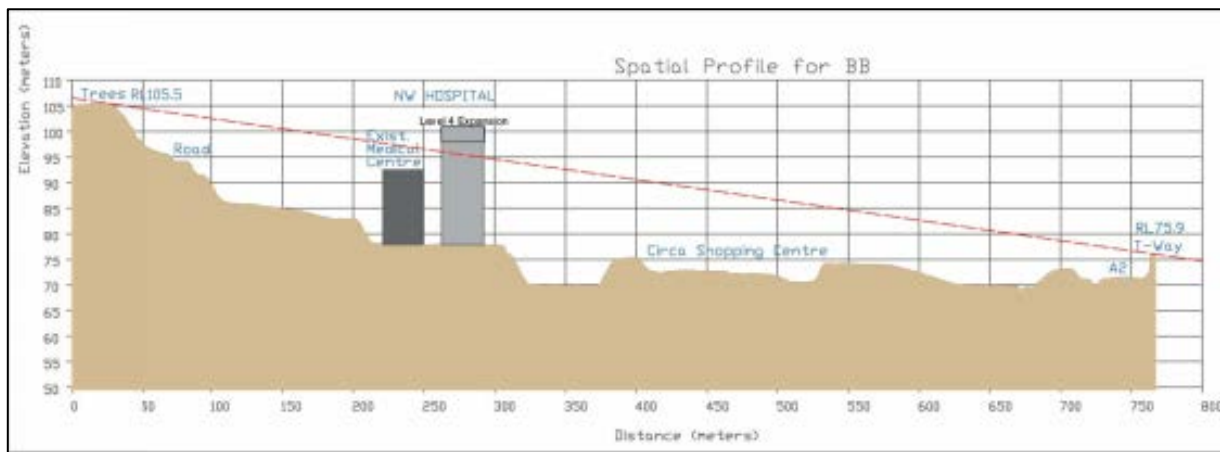


Figure 9

Section C views from base of bunya pines to T-way already lost from existing Norwest Private Hospital

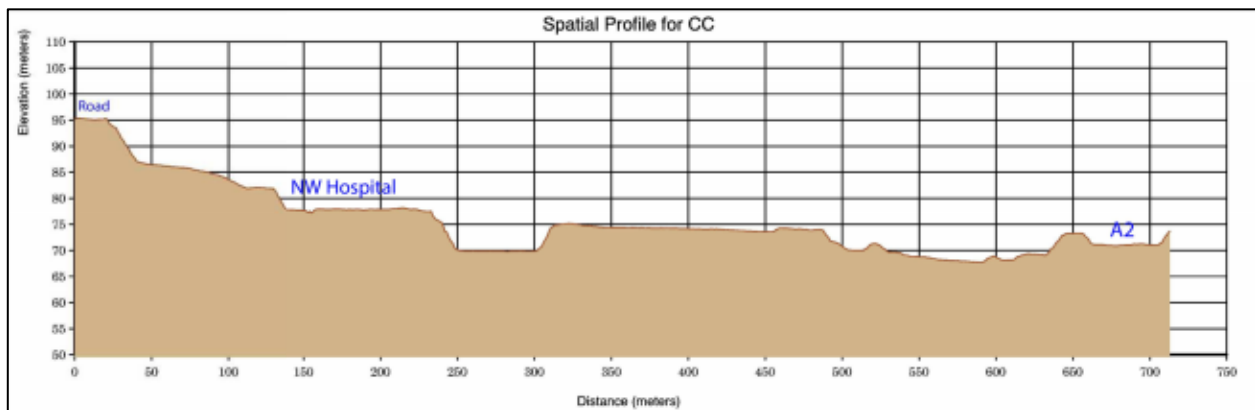


Figure 10

Section C Base of Bunya Pines to T-Way

Given the significance of the Bella Vista Conservation area, its relationship with the cemetery and its visual prominence in the surrounding area, it is considered that the view corridor controls should be considered in the assessment of the expansion of the hospital.

It is recommended that the following information be requested from the applicant to enable complete assessment of the application:

- Clarification of the visual relationship between Bella Vista Homestead and Pearce Family Cemetery via the inclusion of the yellow dotted line referred to in section 2.6(f) and Appendix D of the DCP on photomontage images 1 and 1A ;
- Revised photomontage images of the views and vistas from the Pearce Family Cemetery, Old Windsor Road T-Way and Old Windsor Road pedestrian overpass without indicative future built forms for the Circa Precinct Master Plan; and
- Revised Sections A and C with sightlines and existing and proposed building height of Norwest Private Hospital included.

Section 94 Comments:

The Hills Section 94A Contributions Plan is the only Plan applicable to the site. As outlined on page 8 of this Notice of Modification, the original condition is proposed to be retained. This is that 1% of the total cost of works shall be paid to Council prior to the issue of a occupation certificate.

The cost of works is estimated at \$6,180,590 which would attract a contribution of \$61,805.90.

If you have any questions please contact me on 9843 0334 or cdugan@thehills.nsw.gov.au.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'C. Dugan', with a large, sweeping flourish at the end.

CYNTHIA DUGAN
DEVELOPMENT ASSESSMENT CO-ORDINATOR