



Norwest Private Hospital

*Modification of State
Significant Development
(SSD 6074 MOD 2)*



November 2018

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Cover photo

Perspective view looking south-east towards the proposed west wing of the Norwest Private Hospital (Source: Applicant's RtS)

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Glossary

| Abbreviation | Definition |
|-----------------|---|
| Applicant | MacroPlan Dimasi |
| Council | The Hills Shire Council |
| Department | Department of Planning and Environment |
| EP&A Act | Environmental Planning and Assessment Act 1979 |
| EP&A Regulation | Environmental Planning and Assessment Regulation 2000 |
| EPBC Act | Environment Protection and Biodiversity Conservation Act 1999 |
| EPA | Environment Protection Authority |
| EPI | Environmental Planning Instrument |
| LEP | Local Environmental Plan |
| Minister | Minister for Planning |
| RMS | Roads and Maritime Services |
| RtS | Response to Submissions |
| Secretary | Secretary of the Department of Planning and Environment |
| SEPP | State Environmental Planning Policy |
| TfNSW | Transport for New South Wales |



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1. Introduction

1.1 Background

This report is an assessment of an application to modify the State significant development approval (SSD 6074) for the expansion of the Norwest Private Hospital at 7-11 Norbrik Drive, Bella Vista in The Hills Shire Local Government Area.

The proposal seeks approval for an additional storey, plant and plant enclosure above the west wing of the Norwest Private Hospital, resulting in an additional 2,066 m² GFA, expanded basement car park for 10 additional car parking spaces, new driveway from Norbrik Drive and landscaping.

The application has been lodged by MacroPlan Dimasi (the Applicant) on behalf of Healthscope Ltd pursuant to section 4.55(2) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

1.2 Subject site

The site is located within the Norwest Business Park, approximately 10 km north-west of Parramatta Central Business District (CBD) and 26 km north-west of the Sydney CBD. The site covers an area of 23,665 m², is bound by Norbrik Drive on three sides and contains the 3 to 4 storey Norwest Private Hospital (**Figure 1**).



Figure 1 | The Norwest Private Hospital site (outlined in red) and surrounding context (Base source: Nearmap)

Vehicle access to the hospital is from Norbrik Drive at four points via:

- a left-in, left-out loop road to the north-east
- a surface entry/exit point to the north-west

- and a ramp entry/exit point to the basement levels to the north-west
- service entry/exit point to the south-east

The site does not contain any heritage items. However, it is located approximately 400 m south-west of the historic Bella Vista Farm Park (now a park), which is listed on the State Heritage Register (SHR) and identified as a Heritage Conservation Area under The Hills Local Environmental Plan (HLEP) 2012.

1.3 Approval History

On 9 April 2004, the then Minister for Planning granted consent for the expansion of the Norwest Private Hospital (SSD 6074), which included construction of a new 3 storey wing to the west of the existing hospital comprising:

- new patient wards, surgical and medical suites
- revised car parking layout at basement and ground level
- a new entrance at the south-western elevation of the basement carpark for vehicle access to a new external parking area
- associated landscaping and infrastructure works.

On 7 August 2015, the Director, Regional Assessments approved the modification of the Original Approval (SSD 6074 MOD 1) allowing minor internal and external amendments to the west wing of the hospital.



2. Proposed Modification

On 7 November 2017, the Applicant lodged a section 4.55(2) modification application (SSD 6074 MOD 2) seeking approval to extend the west wing of the hospital and make internal and external amendments. The proposed modification is depicted in Figures 2 to 4 below, and includes:

- construction of an additional storey above the west wing of the hospital and rooftop plant, comprising:
 - o an increase of the maximum height of the west wing by 3.9 m (from RL 98.5 to RL 102.4) to provide for an additional level containing 15 medical suites
 - o an increase of 2,066 m² GFA (from 28,192 m² to 30,258 m²)
 - o an increase of the overall floor space ratio (FSR) by 0.09:1 (from 1.19:1 to 1.28:1)
 - o provision of a plant and plant enclosure located on the roof of the additional storey
- expansion of the basement car park and increase of 10 car parking spaces, including the removal of three existing spaces and creation of 13 new spaces at basement level
- construction of a new vehicle access point to the basement (entry only) from Norbrik Drive at the southern tip of the site, adjacent to the service entry/exit point.

The Applicant has requested the modification to allow for the expansion of the hospital to address current and predicated medical demand within the local and wider community.

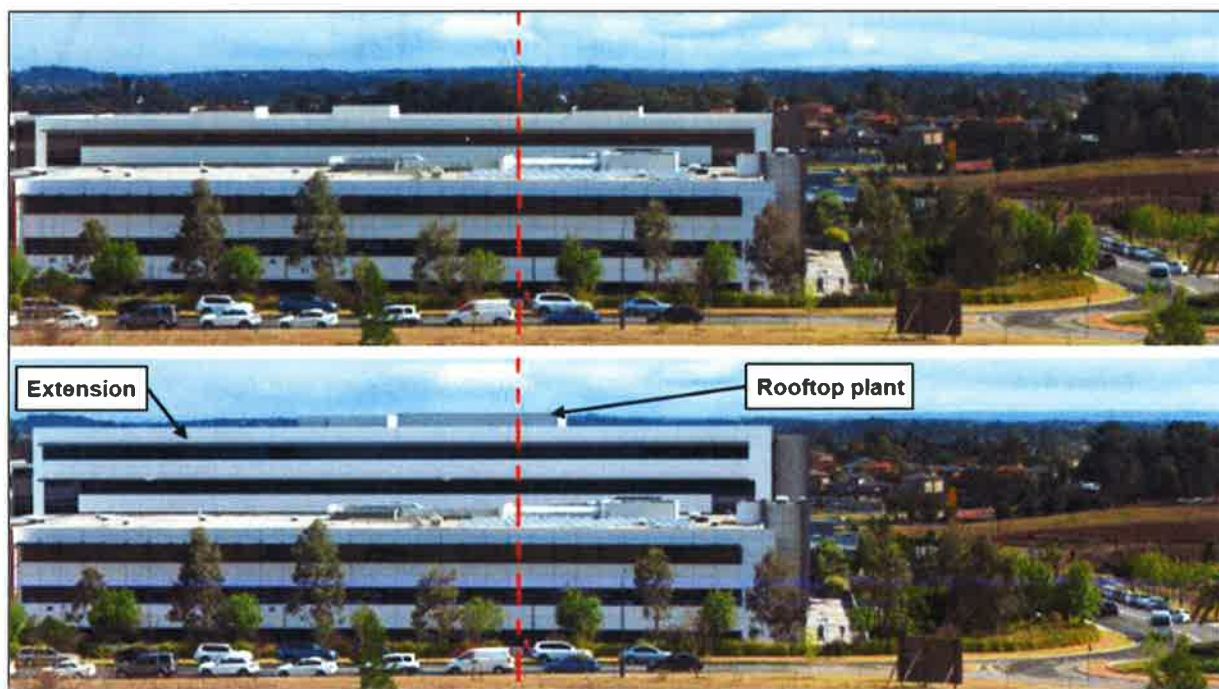


Figure 2 | View looking south-east towards the existing (top) and proposed (bottom) west wing of the hospital (Base source: Applicant's modification application)

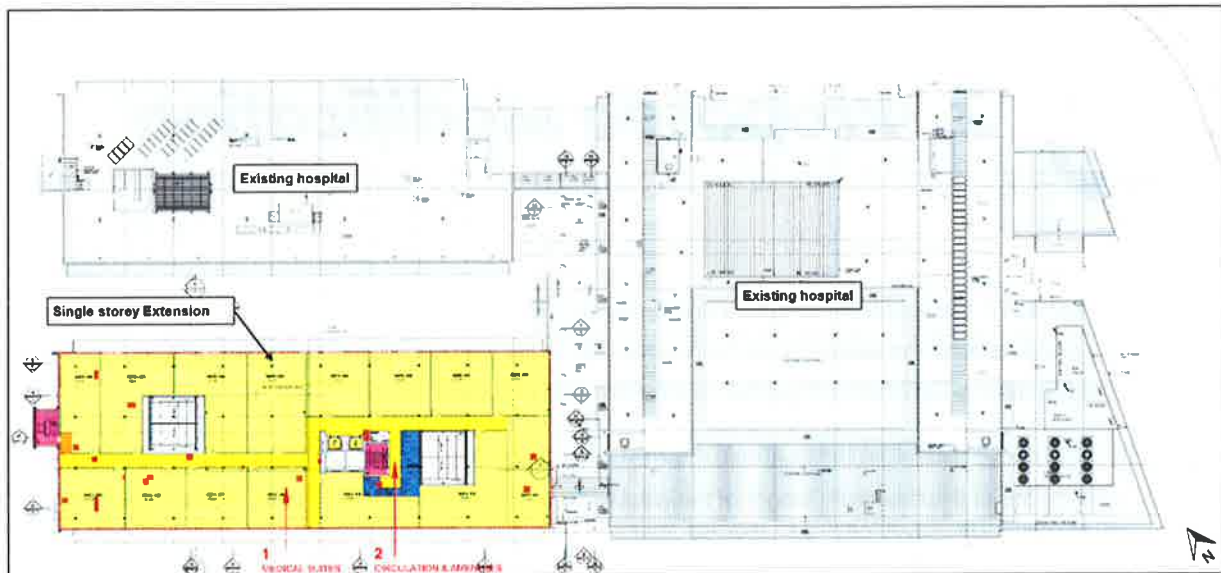


Figure 3 | Location and layout of the single storey extension (Base source: Applicant's modification application)

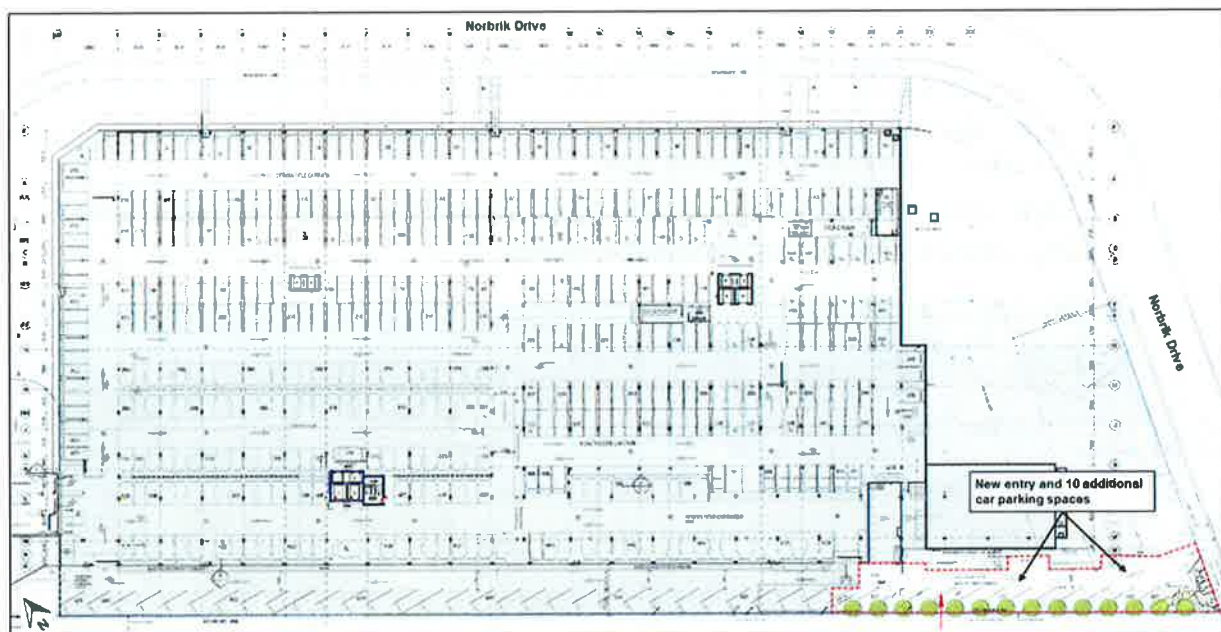


Figure 4 | Amended basement layout, new car parking and new entry point (Base source: Applicant's RtS)



3. Statutory Context

3.1 Section 4.55(2) matters for consideration

Section 4.55(2) of the EP&A Act requires the consent authority to be satisfied the following matters in **Table 1** are addressed in respect of all applications that seek modification approvals under section 4.55(2).

Table 1: S4.55(2) Matters for Consideration

| Section 4.55(2) matters for Consideration | Department's Consideration |
|--|--|
| a) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all) | The modification expands the existing hospital to provide for additional hospital accommodation. The proposed additions will not change the nature of the existing use of the hospital. The additional level above the west wing, including increase of 2,066 m ² GFA, will not substantially change the building form or scale of the building. The Department is therefore satisfied that the proposed modification is substantially the same development as the development originally approved by SSD 6074. |
| b) it has consulted with the relevant Minister, public authority or approval body in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent | The Department has consulted all relevant public authorities on the proposed modification application, and no objections were received from these authorities. Comments from public authorities are outlined in Section 4 of this report. |
| c) it has notified the application in accordance with the regulations, if the regulations so require | The modification application has been appropriately notified. Details of the notification are provided in Section 4 of this report. |
| d) it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be. | All submissions made during the exhibition are considered in Sections 4 and 5 of this report. |

3.2 Environmental Planning Instruments

The following EPIs are relevant to the application:

- State Environmental Planning Policy (State and Regional Development) 2011 [SEPP(SRD)]

- State Environmental Planning Policy No.33 – Hazardous and Offensive Development [SEPP 33]
- State Environmental Planning Policy No. 55 – Remediation of Land [SEPP 55]
- State Environmental Planning Policy (Infrastructure) 2007 [ISEPP]
- The Hills Local Environmental Plan 2012 [HLEP 2012].

The Department undertook a comprehensive assessment of the redevelopment against the above-mentioned EPLs in its original assessment. The Department has considered the above EPLs and is satisfied that the modification is generally consistent with the requirements of the EPLs.

3.3 Permissibility

The site is zoned B7 Business Park under the HLEP 2012 and hospital use is permissible in the zone. The modification expands the approved hospital use and is therefore permissible.

3.4 Approval Authority

The Minister for Planning is the approval authority for the application. However, the Executive Director, Key Sites and Industry Assessments may determine the application under the delegation as:

- the local council has not made an objection
- a political disclosure statement has not been made
- less than 25 public submissions have been received in objection to the proposal.



4. Engagement

4.1 Department's Engagement

The Department placed the modification application on public exhibition between 25 January 2018 and 8 February 2018. The modification application was made publicly available on the Department's website, at the Department's office in Sydney and at The Hills Shire Council's office.

The Department placed a public exhibition notice in The Hills Shire Times, Sydney Morning Herald and Daily Telegraph on 23 January 2018, and notified adjoining landholders and relevant State and local government agencies in writing.

The Department received a total of six submissions, comprising five submissions from government agencies and one submission (objection) from the public.

4.2 Government agency Submissions

Five government agency submissions were received in response to the notification of the modification application, all of which provided comments on the proposal. The key issues raised are summarised below.

The Hills Shire Council (Council) did not object to the modification and provided the following comments:

- the clause 4.6 request to vary the FSR development standard is incomplete and should be updated
- landscaping should be incorporated into the design of the new car parking spaces
- the traffic report should also consider the approved temporary car park north of the site
- details are required of ground level changes between the new vehicle entry and the adjacent lot
- the Bella Vista Conservation Area view corridor controls should be considered and the photomontages within the Heritage Impact Assessment should be updated for consistency
- a \$61,805.90 section 7.12 contribution is required.
- the proposal adequately addresses the relevant standards under The Hills Development Control Plan (HDCP) 2012.

The Heritage Council of NSW did not object to the modification as the modification would retain significant views of the Bella Vista Farm.

Transport for NSW (TfNSW) did not object to the modification and recommended the additional hospital visitors and staff should be provided with an adequate number of bicycle parking spaces and end-of-trip facilities.

Roads and Maritime Services (RMS) did not object to the modification and provided the following comments:

- an appropriate amount of car parking should be provided
- a Construction Traffic Management Plan is required
- all vehicles are to enter/exit the site in a forward direction
- all signage associated with the development is to be at no cost to RMS.

EPA did not object to the modification and confirmed the modification does not constitute a Scheduled Activity under Schedule 1 of the Protection of the Environment Operations Act 1997 and the proposal does not require an Environmental Protection Licence.

4.3 Public Submissions

One submission was received in response to the notification of the modification, which objected to the proposed hospital extension stating the extension should not be visible from Orangery Place.

4.4 Response to Submissions

Following the notification of the modification, the Department placed copies of all submissions received on its website and requested the Applicant provide a response to the issues raised.

On 24 September 2018, the Applicant provided a Response to Submissions (RtS) (**Appendix A**). The RtS contains further information and clarification of the key issues raised in submissions, including and updated clause 4.6 report, photomontages, traffic report and consideration of view corridors and land levels. The RtS also updated the proposal to incorporate landscaping into the design of the new car parking spaces and confirmed agreement to the Council's recommended \$61,805 development contribution.

The Department made the RtS publicly available on its website and re-notified the modification application between 2 October 2018 and 12 October 2018. Submissions were received from Council and TfNSW, no submissions were received from the public.

Council confirmed its comments relating to traffic, car parking, levels and section 7.12 contributions have been addressed. Council also confirmed the extension would not interrupt the view corridor beyond what already exists.

TfNSW confirmed it had no further comments on the modification.



5. Assessment

The Department has considered the modification application, the original approval as modified, the issues raised in submissions and the Applicant's RtS in its assessment of the application. The key issues associated with the proposal are considered in **sections 5.1** and **5.2** below.

5.1 Built Form

The existing west wing of the Norwest Private Hospital is a three-storey building above a basement level. The proposal seeks to modify the west wing of the hospital, to provide an additional level containing 15 medical suites with centrally located rooftop plant located above the single storey extension. These changes would increase the maximum height of the west wing by 3.9 m (from RL 98.5 to RL 102.4) and the GFA of the building by 2,066 sq.m.

The HLEP 2012 sets an FSR control of 1:1 for the site. The FSR control seeks to ensure development is compatible with the bulk, scale and character of existing and future development and the role of the centre.

The building as currently approved has an FSR of 1.19:1. This modification seeks to vary the FSR control further, by increasing the FSR from 1.19:1 to 1:28.

The Applicant submitted a clause 4.6 variation request to support the application. The Applicant argues the departure is minor in nature and the proposal is consistent with the zone objectives and the character of the Norwest Business Park. The Applicant also argues that compliance with the FSR control would unreasonably limit the provision of medical services on the site.

Council did not object to the proposal or the variation to the FSR control.

The Department considers the proposed variation to the FSR control is acceptable as:

- the proposed extension would be in keeping with the scale and massing of the existing hospital and other surrounding development within the Norwest Business Park
- the maximum height of the building (RL 102.4 m) would be 13.6 m lower than the maximum building height permitted under HELP 2012 for the Norwest Business Park (RL 116 m)
- the expansion of the hospital is consistent with the zone objectives and strict compliance with the development standard would unreasonably limit the provision of medical services on the site
- the proposal would not result in any adverse amenity impacts on surrounding properties with regards to overshadowing, overlooking or view loss
- the proposal would not result in any adverse car parking to traffic impacts (discussed further in **Section 5.2**)
- the proposal would not have an adverse impact on the heritage significance of, or views towards, the nearby Bella Vista Farm, which is listed on the State Heritage Register (*SHR*) (discussed further at **Section 5.2**)
- the proposed rooftop plant is located centrally within the roofscape of the west wing and would not dominate the development or be visible to pedestrians.

The Department also notes a public submission raised concern about whether the additions would be visible from Orangery Place. Orangery Place is located approximately 700 m to the west and separated from the site by numerous houses and vegetation including tall trees. The proposed extension would therefore not be visible

from a pedestrian perspective within Orangery Place and is not considered to unreasonably impact any properties in this location.

The Department's assessment therefore concludes the proposal is acceptable as it would continue to be in keeping with the existing and future character of the area and it would not result in any adverse amenity impacts. For these reasons the Department is satisfied there are sufficient grounds to justify a further variation to the FSR control in this instance.

5.2 Other issues

Table 2 | Assessment of other issues

| Issue | Department's Consideration | Recommendation |
|-----------------|--|--|
| Heritage | <ul style="list-style-type: none"> The subject site sits approximately 400 m south-west of the Bella Vista Farm which is a heritage item listed on the SHR. The Heritage Council and Council have not raised any objection to the height of the extended hospital or its impact on the heritage significance of, or views towards/from, the Bella Vista Farm. The Application was supported by a Heritage Impact Statement. The statement concluded that the modification would not impact on the heritage significance of the Bella Vista Farm. The Department undertook a comprehensive assessment of the potential heritage impacts in the original assessment, including potential visual impacts to and from Bella Vista Farm, and concluded the proposed hospital would not adversely impact the heritage significance of Bella Vista Farm. Given the minor nature of the proposed changes, the Department is satisfied that the proposed modifications would not result in any additional heritage impacts beyond those already assessed and approved. | No additional conditions or amendments necessary. |
| Parking/Traffic | <ul style="list-style-type: none"> The proposal has approval for 696 car parking spaces, which is 21 spaces more than currently required by the HDCP 2012 (675 spaces). Under the HDCP 2012, the proposal would require 66 additional car parking spaces (resulting in a site-wide total of 741 spaces). The proposed modification includes an increase of 10 car parking spaces (from 696 to 706 spaces). The proposal would therefore result in a 35 space shortfall from Council's controls. The Applicant provided a Traffic Report (TR) in support of the application. The TR includes the results of a parking survey undertaken on 7 December 2016 and concluded, at the peak demand time of 2:00pm there were between 120 and 147 vacant car parking spaces on-site, increasing to 200-400 spaces outside of peak time. Council does not object to the provision of only 10 additional car parking spaces as it notes the existing on-site car parking is underutilised. Council also sought clarification about whether a temporary car park to the north of the hospital was included in the parking calculations within the TR. The Applicant confirmed that the calculations of the existing and proposed car parking demand only included the previously approved onsite parking spaces. The Department considers the proposed car parking is acceptable as: <ul style="list-style-type: none"> the TR has demonstrated the development has a surplus of between 120-147 car parking spaces at the peak demand time of 2:00pm the site is well served by public transport including two bus services (routes T64 and 715) and two Sydney Metro stations (Norwest Station and Bella Vista Station) on the Northwest rail link (opening 2019), which are within 5-10 minutes' walk from the site. The Department is also satisfied that the proposal would not result in any adverse traffic impacts and the surrounding road network can accommodate the minor increase in traffic generation associated with the proposal. | The Department has recommended Condition B5 be updated to take account of the increase of 10 car parking spaces. |

| Issue | Department's Consideration | Recommendation |
|-------------------------|--|---|
| Developer Contributions | <ul style="list-style-type: none"> • <i>The Hills Section 7.12 Contributions Plan</i> applies to the site and requires 1% of the total cost of works paid to Council prior to the issue of an Occupation Certificate. • The proposal includes a Quantity Surveyors report, which confirms the cost of the modification works equals \$6,180,590. • Council recommends condition A8 be updated to take account of the cost of the modification works (a contribution of \$61,805.90). • The Department agrees Condition A8 should be updated to take account of the cost of the modification works. | The Department has recommended Condition A8 be updated to take account of the modification cost of works. |
| Construction traffic | <ul style="list-style-type: none"> • RMS recommended the preparation of a Construction Traffic Management Plan (CTMP). • The Department notes Condition C5 of the Original Approval requires the preparation of a CTMP prior to the commencement of any works on site, and therefore does not consider it necessary to impose a new condition. | No additional conditions or amendments necessary. |
| Bicycle parking | <ul style="list-style-type: none"> • TfNSW initially recommended an adequate amount of bicycle parking spaces and end-of-trip facilities be provided. Council raised no concern about bicycle parking provision. • The Applicant has stated the existing hospital includes 30 bicycle parking spaces and end-of-trip facilities and these facilities are infrequently used. • Given the existing facilities have ample capacity the Department is satisfied that the approved development provides adequate bicycle parking spaces and end-of-trip facilities to support the proposed hospital extension. | No additional conditions or amendments necessary. |



6. Evaluation

The Department has assessed the proposed modification in accordance with the relevant requirements of the EP&A Act. The Department's assessment of the proposed modification concludes the following:

- the departure to the HLEP 2012 FSR development standard is acceptable as the built form of the proposal is in keeping with the existing and future character of the surrounding area and it would not result in any unacceptable impacts
- the height of the extended west wing of the Norwest Private Hospital is less than the HLEP 2012 maximum height requirement
- the design of the extension is consistent with the existing hospital, the plant / plant enclosure would not dominate the building, and the extension would not be visible from Orangery Place
- the modification would not result in any additional heritage impacts on the SHR listed Bella Vista Farm beyond those already assessed and approved
- the increase of 10 car parking spaces would be sufficient for the proposal noting existing car parking on-site is underutilised.

The Department's assessment therefor concludes the modification is approvable, subject to the modified conditions outlined in **Appendix B**.



7. Recommendation

It is recommended the Executive Director, Key Sites and Industry Assessments, as delegate of the Minister for Planning:

- **considers** the findings and recommendations of this report
- **determines** that the modification application (SSD 6074 MOD 2) falls within the scope of section 4.55(2) of the EP&A Act
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for approving the modification application
- **modifies** the consent SSD 6074
- **signs** the attached Modification of Development Consent (**Appendix B**).

Recommended by:

Anthony Witherdin

Director

Modifications and Regional Assessments



8. Determination

The recommendation is **Adopted by:**

Sargent

4/12/2018

Anthea Sargent

Executive Director

Key Sites and Industry Assessments



Appendices

Appendix A – Relevant Supporting Information

The following supporting documents and supporting information to this assessment report can be found on the Department's website at:

1. Modification application
http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8886
2. Submissions
http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8886
3. Response to Submissions
http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8886

Appendix B –Modification of Development Consent

A copy of the modification of development consent can be found on the Department's website at:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8886