

Statement of Environmental Effects Section 4.55(1a)

PRIVATE HOSPITAL
33A MYOORA ROAD
TERREY HILLS

AUGUST 2022



QUALITY ASSURANCE

PROJECT:	Statement of Environmental Effects – Section 4.55(1a) to an approved private hospital
ADDRESS:	Lot 2 in DP1145029: No. 33A Myoora Road, TERREY HILLS
COUNCIL:	Northern Beaches Council
AUTHOR:	Think Planners Pty Ltd

Date	Purpose of Issue	Rev	Reviewed	Authorised
June 2022	Draft Issue	Draft	SK	AB
July 2022	Client Issue	Draft	SK/AB	AB
Aug 2022	Submission	Final	AB	AB

Integrated Development (under S4.46 of the EP&A Act). Does the development require approvals under any of the following legislation?

Coal Mines Subsidence Compensation Act 2017	No
Fisheries Management Act 1994	No
Heritage Act 1977	No
Mining Act 1992	No
National Parks and Wildlife Act 1974	No
Petroleum (Onshore) Act 1991	No
Protection of the Environment Operations Act 1997	No
Roads Act 1993	No
Rural Fires Act 1997	No
Water Management Act 2000	No
Concurrence	
SEPP (Industry and Employment) 2021	No
SEPP (Resilience and Hazards) 2021	No
SEPP (Transport and Infrastructure) 2021	No
SEPP (Planning Systems) 2021	No
SEPP (Precincts—Central River City) 2021	No
SEPP (Precincts—Eastern Harbour City) 2021	No
SEPP (Precincts—Regional) 2021	No
SEPP (Precincts—Western Parkland City) 2021	No
SEPP (Biodiversity and Conservation) 2021	No

CONTENTS

EXECUTIVE SUMMARY	5
BACKGROUND	7
SITE AND CONTEXT	8
SUBJECT SITE	8
AREA 18	9
ZONING CONTROL	11
BUSH FIRE PRONE LAND	12
WILDLIFE CORRIDORS	13
NATIVE VEGETATION	14
LANDSLIP RISK	15
KEY DEVELOPMENT INTENT	16
ASSESSMENT OF PLANNING ISSUES & CONTROLS	23
S.4.55(1A) EP&A ACT 1979	23
SEPP (RESILIENCE AND HAZARDS) 2021	25
SEPP (BIODIVERSITY AND CONSERVATION) 2021	25
SEPP (TRANSPORT AND INFRASTRUCTURE) 2021	26
WARRINGAH LOCAL ENVIRONMENTAL PLAN 2011	27
WARRINGAH DCP – PART B: BUILT FORM CONTROLS	31
WARRINGAH DCP– PART C: SITING FACTORS CONTROLS	32
WARRINGAH DCP – PART D: DESIGN CONTROLS	34
WARRINGAH DCP – PART E: NATURAL ENVIRONMENT	37
CONCLUSION	38

TABLE OF FIGURES

Figure 1: Aerial Map Extract of Subject Site (Six Maps).....	8
Figure 2: Aerial Extract of the Area 18 (Source: Google Maps)	9
Figure 3: Additional Permitted Use Map Sheet APU_006 Extract (Source: Warringah LEP 2011).....	10
Figure 4: Zoning Map Sheet LZN_006 Extract (Source: Warringah LEP 2011).....	11
Figure 5: Bush Fire Prone Land Map Extract (Source: Warringah Council).....	12
Figure 6: Wildlife Corridors Map Extract (Source: Warringah Council)	13
Figure 7: Native Vegetation Map Extract (Source: Warringah Council)	14
Figure 8: Landslip Risk Map Extract (Source: Warringah Council)	15
Figure 9: Landscape Masterplan (Source: Landscape Plan)	16
Figure 10: Zoning Map Sheet LZN_006 Extract (Source: Warringah LEP 2011).....	27
Figure 11: Additional Permitted Uses Map Sheet APU_006 Extract (Source: Warringah LEP 2011).....	28

EXECUTIVE SUMMARY

This Statement of Environmental Effects has been prepared by Think Planners Pty Ltd as part of the supporting documentation for a Section 4.55 (1a) modification application for a series of minor amendments to approved plans associated with DA2017/0385 at 33A Myoora Road, Terrey Hills.

The application was determined by the Sydney North Planning Panel on the 2nd August 2018 for the following:

‘Construction of a Private Hospital with associated car parking signage and landscaping’.

The subject land parcel is located within the Northern Beaches Council, however it is noted that the development site is still subject to planning instruments associated with the former Warringah Council, including the Warringah Local Environmental Plan 2011 & Warringah Development Control Plan 2011.

The proposal is to undertake a series of minor change to the approved design scheme including revising the loading dock layout level, additional driveway splay for hardstand along northern boundary, additional lift to run from Lower Ground Floor to Second Floor, additional staff parking within the second floor and concrete roof over Building 1 and Building 3. For full detail on the changes see the plans that have amendments clouded in red.

The 4.55(1a) modification is to also make amendments to consent condition – namely condition 1 of consent to reflect the amended plans.

With the proposed series of changes being of a minor nature, the proposed modifications will have no impact on the operation of the hospital in terms of specialist health services it is to provide including radiology, hydrotherapy, pathology, specialist consulting services and physiotherapy and with the overall bed and staff numbers to remain the same. The minor amendments to Level 01 associated with Building 03 to accommodate an additional theatre and storage under an approved ramp will positively support the overall function and operation of the approved hospital.

The proposed changes will also result in the overall parking arrangement to be reconfigured; however the development will continue to provide a total of 136 car parking spaces spread over the basement, lower ground floor and Level 02 as per DA2017/0385.

The modification will also have no noticeable impact on the key aspects of the proposal including the preservation of the approved ecological areas, setbacks to the street, waste management and vehicular and pedestrian access associated with the approved private hospital.

The modification proposes additional driveway splay and amendment to the loading dock.

The s4.55(1a) also seeks to undertake minor modifications to the façade presentation, including the façade louvers along Myoora Road and addition of split face blockwork finish in lieu of Gabion Walls, however the development will continue to present an attractive modern hospital to the public domain.

The subject site resides within an environmental sensitive area containing prominent rock outcrops, steep slopes with portion of the western half of the site containing endangered Duffy Forest Ecological Community and area of Coastal Upland Swamp. It is noted that DA2017/0385 has undertaken measures after extensive consultation with a wide range of experts to ensure that the development maintains minimal impacts on the existing Duffys Forest and the coastal upland swamp residing within the subject site. As such, the current modification is of a minor nature and predominantly contained within the approved buildings, and will have no impact on the endangered ecological community and coastal upland swamp on site. The modification has no impact on the Biodiversity Stewardship Agreement between Wyvern Health Pty Ltd and Northern Beaches Council, which will ensure that the threatened biodiversity within the development site continue to be conserved as per the previous DAs.

The development proposal is appropriately defined as substantially the same development as the original consent, with the proposal continuing to operate as a private hospital, noting potential impacts have been addressed via DA2017/0385.

After a review of the amended plans and consideration of the relevant planning controls it is recommended that Council grant consent to the modification application.

BACKGROUND

DA2017/0385

The application was determined by the Sydney North Planning Panel on the 2nd August 2018 for the following:

‘Construction of a Private Hospital with associated car parking signage and landscaping’.

Private Hospital

The Private Hospital will comprise a 2-3 storey form that is designed to follow the natural contours of the site and will provide a range of specialist health services including radiology, hydrotherapy, rehab, ICU, operating theatre, pathology, physiotherapy, pharmacy, associated administrative and front of house services and a total of 84 beds, noting a Consultation Room with 12 consulting rooms is also attached as part of the overall development.

Staff:

Total 99 with the following breakdown:

- 22 Doctors
- 8 Administration Staff
- 69 Nursing Staff

Parking:

Total of 136 car parking spaces across the site with the following breakdown

- Basement Level – 69 spaces including 6 accessible car parking spaces
- Lower Ground Floor – 28 spaces
- Ground Floor – 4 spaces
- 2nd Level – 32 spaces

The proposal also provides

- Drop-off / pick up zone & short-stay parking fronting Myoora Road
- Loading / Ambulance bay along the northern boundary to the lower ground level

Primary vehicular access to the site is provided via Myoora Road. Access is provided from Larool Road for fire truck only.

SITE AND CONTEXT

SUBJECT SITE

Residing within Area 18 of Schedule 1 of the Warringah Local Environmental Plan 2011 and within close proximity to an industrial precinct within Terrey Hills and a large business park within Belrose, the subject site is located near to the intersection of Coolowie Road and Larool Road to the north-west and south-east of Myoora Road, approximately 350m south-west from the intersection of Cooyong Road and Myoora Road, Terrey Hills.

The development site is a very large irregular land parcel with a frontage of 131.720m to Myoora Road, a frontage of 185.065m to Larool Road with a site area of 40.32 Ha.

The subject land parcel bounds a school and commercial property to the west and residential properties within large land parcels to the east with Larool Road separating the site from semi-rural land parcels to the north and Myoora Road separates the site from religious organisation, industrial and semi – rural / residential land uses to the south. This is illustrated by an aerial map below.

Figure 1: Aerial Map Extract of Subject Site (Six Maps)



AREA 18

The subject site is located within Area 18 associated with the WLEP 2011, which is bounded by Cooyong Road to the north, Mona Vale Road to the east, Larool Road and the National Park to the west and Myoora Road and portion of an existing golf course to the south.

The subject site is located towards the north-western portion of Area 18, as illustrated by an aerial map provided below and the Additional Permitted Use Map Extract associated with the WLEP 2011 provided overleaf, noting both demonstrate the boundary of the subject area and its relationship to the subject land parcel.

Figure 2: Aerial Extract of the Area 18 (Source: Google Maps)

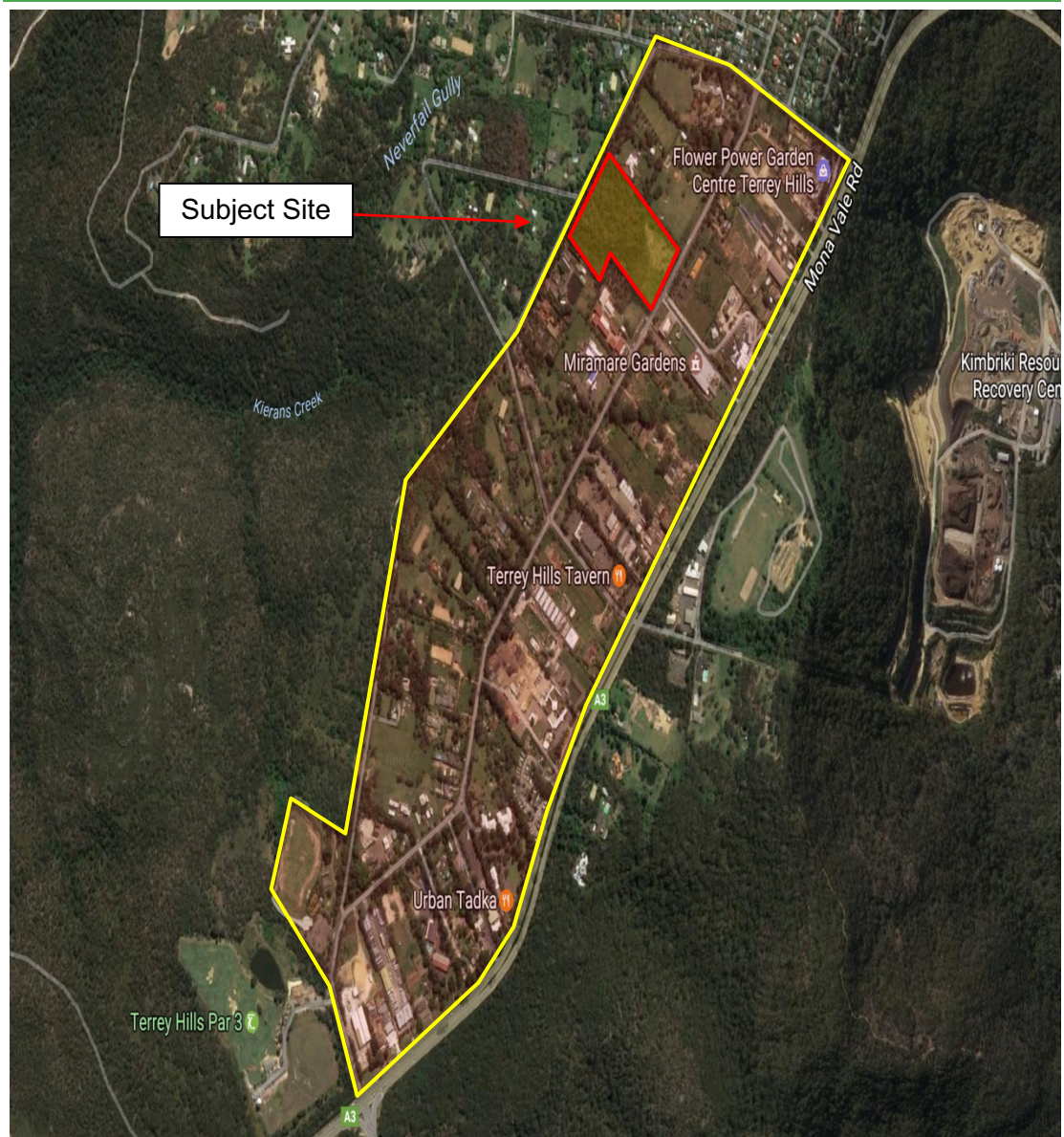
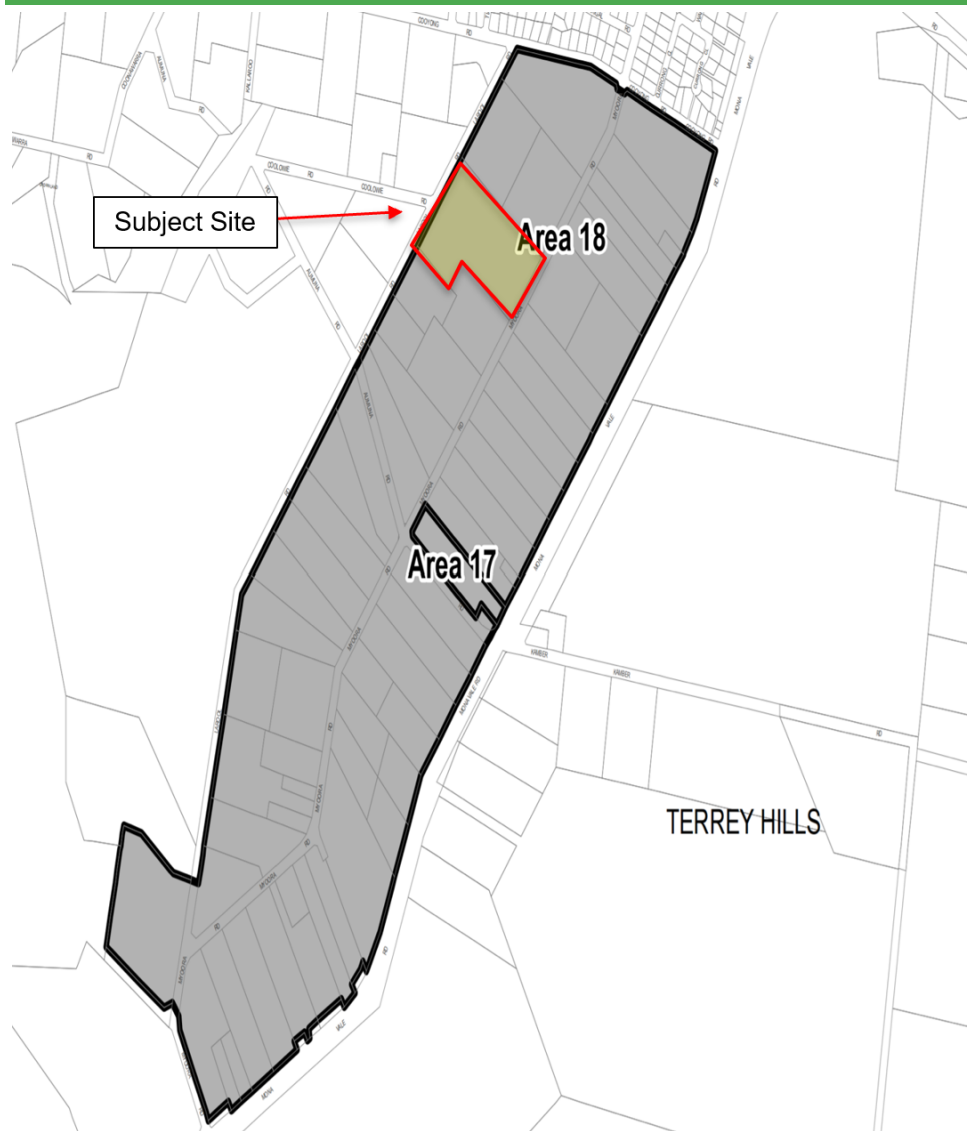


Figure 3: Additional Permitted Use Map Sheet APU_006 Extract (Source: Warringah LEP 2011)

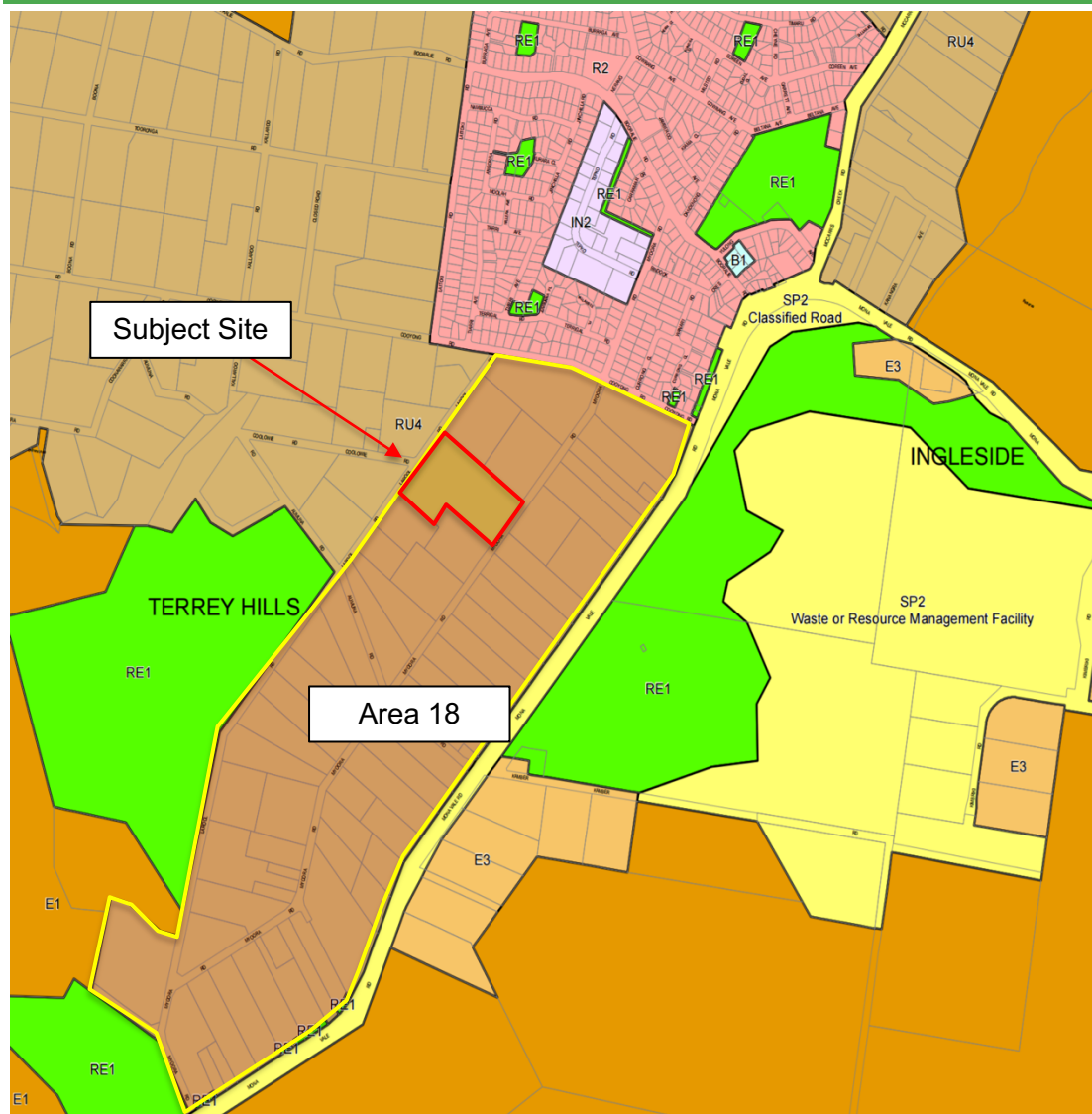


ZONING CONTROL

As evident via the zoning map extract below, the subject site is zoned RU4 – Primary Production Small Lots under the Warringah Local Environmental Plan 2011.

'Hospitals' are prohibited within the RU4 Zone, however with the site is identified under Schedule 1 of the Warringah Local Environmental Plan 2011 of being located within Area 18 which permits additional land uses including hospitals.

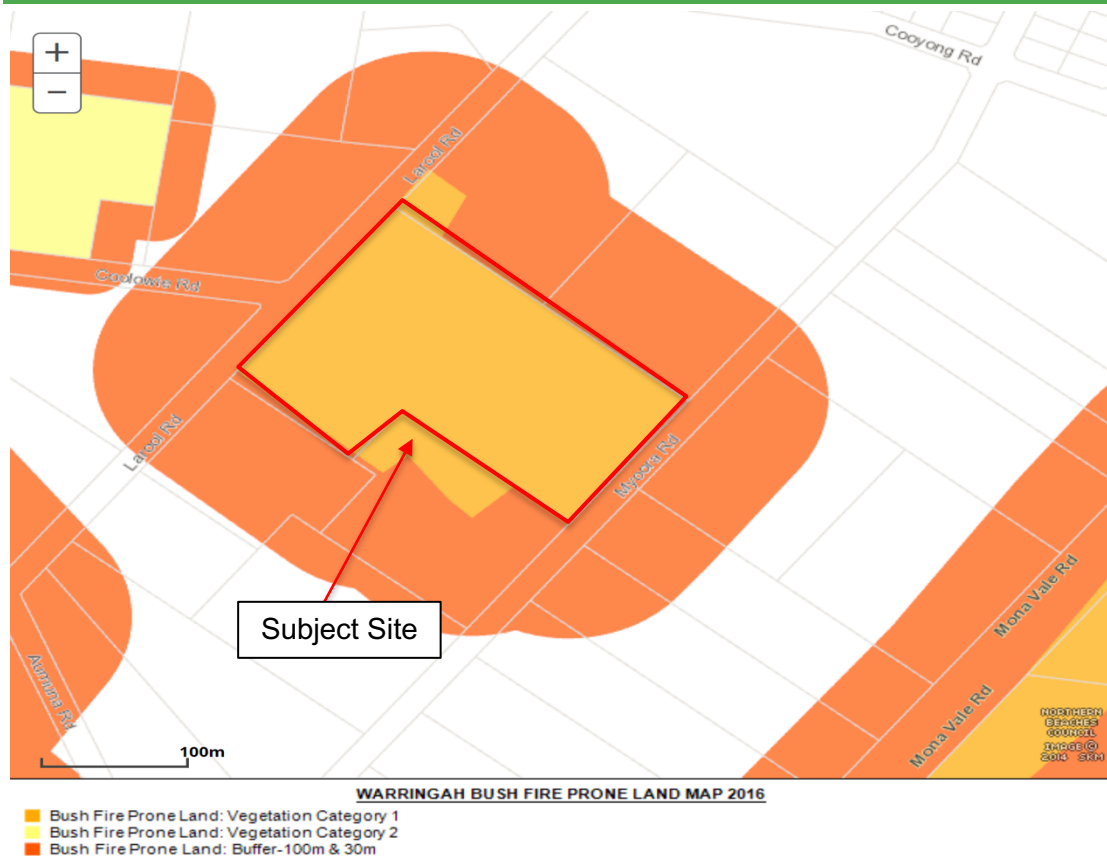
Figure 4: Zoning Map Sheet LZN_006 Extract (Source: Warringah LEP 2011)



BUSH FIRE PRONE LAND

The site is identified as being Bush Fire Prone Land: Vegetation Category 1 as illustrated by Councils Bush Fire Prone Land Map below.

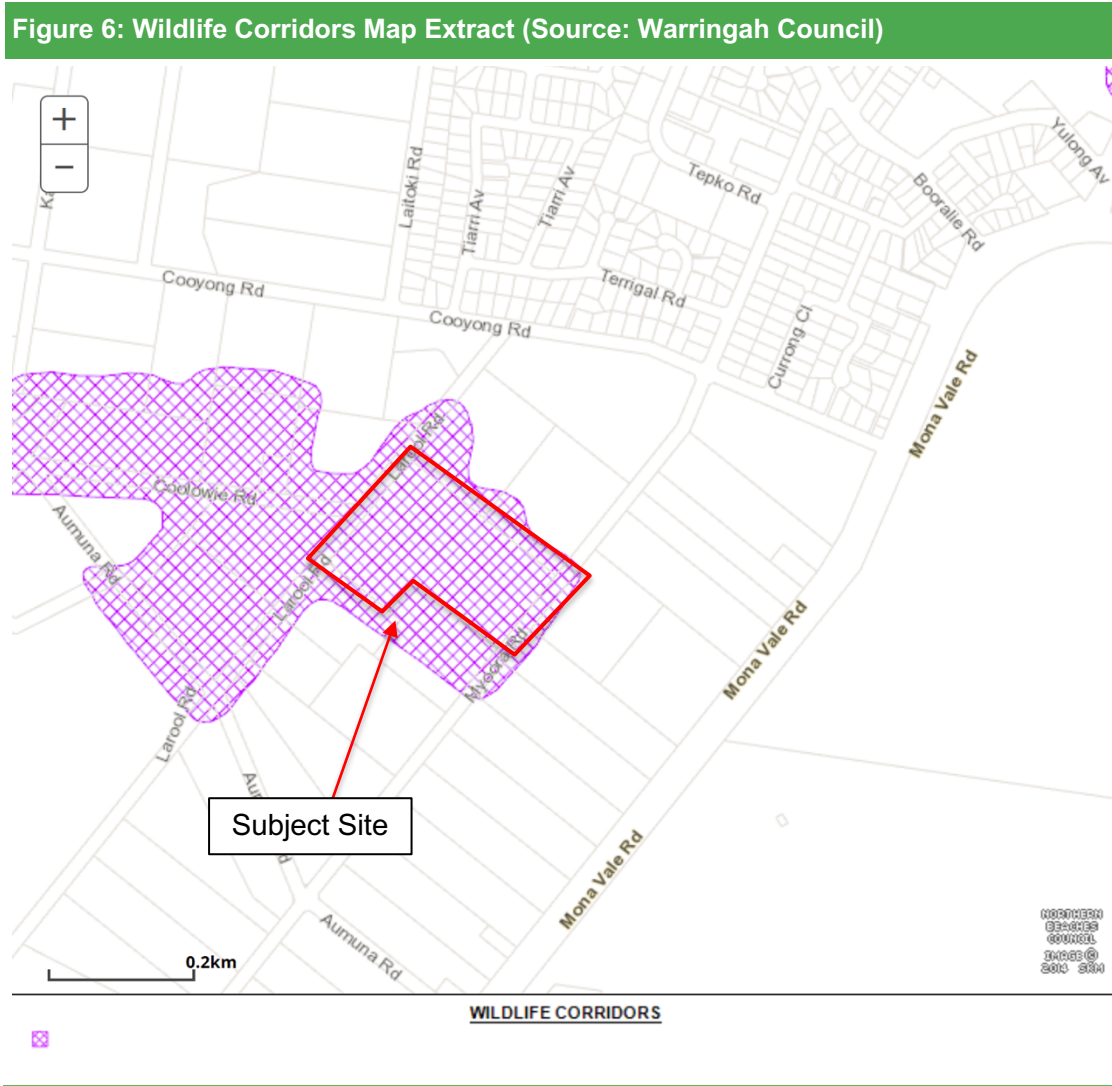
Figure 5: Bush Fire Prone Land Map Extract (Source: Warringah Council)



Potential bushfire hazards have been addressed via previous DAs including the site being subject to asset protection zones, however it is noted that the current proposal is limited to undertaking minor modification to the design scheme approved under DA2017/0385. As such no changes to the approved Bushfire Emergency Management arrangements including evacuation plans are proposed, noting no further bushfire investigation is considered necessary for the current application.

WILDLIFE CORRIDORS

The majority of the site is identified as containing wildlife corridors as illustrated by Council’s Wildlife Corridor Map Extract below. This matter has been addressed via DA2017/0385, noting that the current modification is of a minor nature, contained predominantly within the approved buildings and will have no impact on existing wildlife corridors.



NATIVE VEGETATION

The majority of the site is identified as containing native vegetation as illustrated by Council's Native Vegetation Map Extract below. This matter has been addressed via DA2017/0385, noting that the current modification is of a minor nature.

The modification does not give rise to any change to the status of the consent, which requires preservation of vegetation and also management of relevant APZ areas.

The landscape response is consistent with the species selected as per DA2017/0385 accepted by Council in the existing condition.

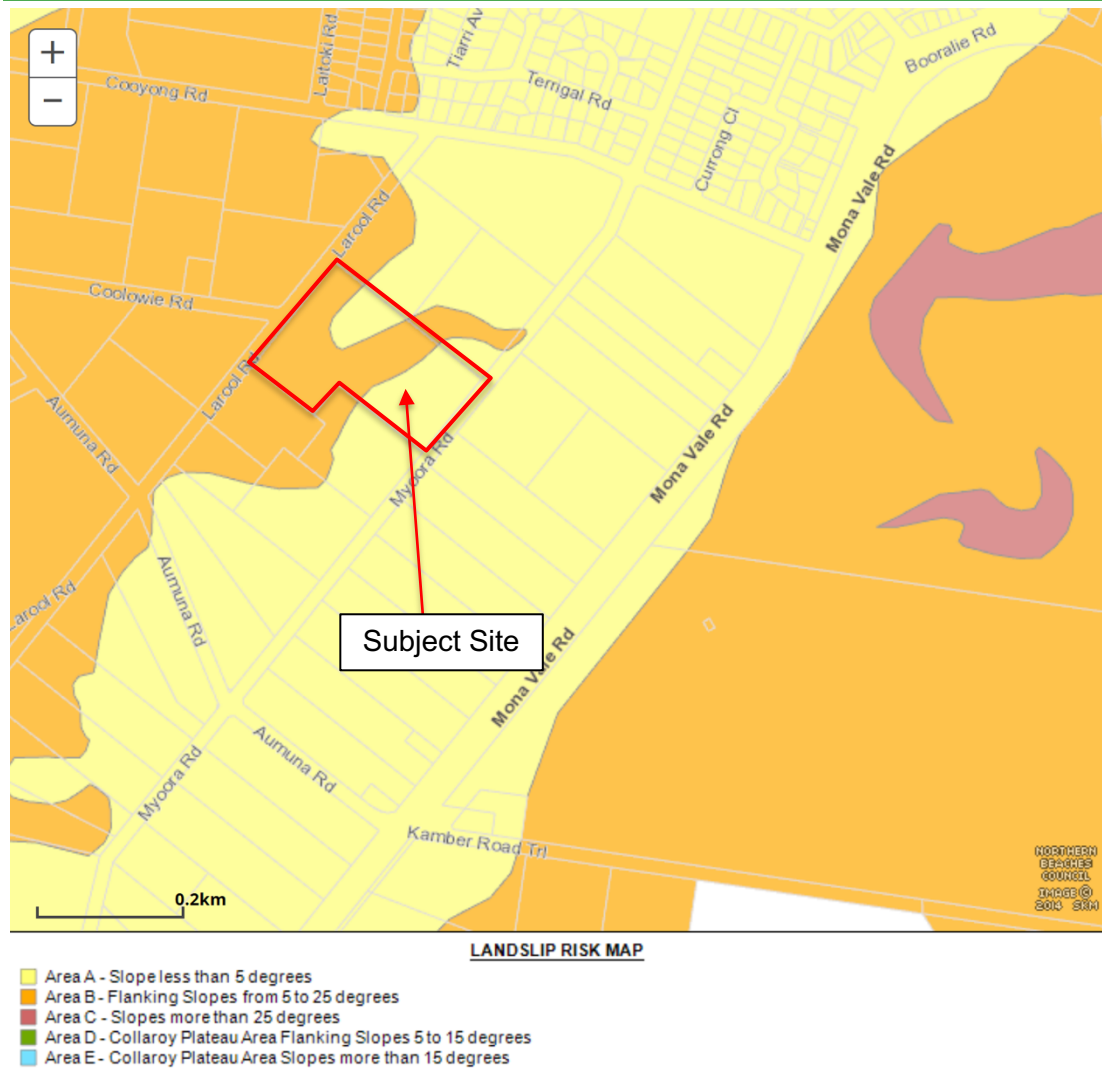
Figure 7: Native Vegetation Map Extract (Source: Warringah Council)



LANDSLIP RISK

The site is identified as containing slope less than 5 degrees and also flanking slopes from 5 to 25 degree as illustrated by Council's Landslip Risk Map Extract below.

Figure 8: Landslip Risk Map Extract (Source: Warringah Council)



The Landslip Risk as been addressed via previous DA, however it is noted that the approved hospital has been specifically sited to be developed predominantly within Area A to minimise landslip risk.

KEY DEVELOPMENT INTENT

The approved private hospital was designed and suited to minimise, protect, preserve and retain valuable fauna, flora and waterbodies (hanging swamp), with the diagram below demonstrating how the approved building footprint would minimise impacts on the endangered Duffy's forest vegetation zone onsite whilst also being sufficiently separated from the Coastal Upland Swamp.

Figure 9: Landscape Masterplan (Source: Landscape Plan)



The current modification is of a minor nature and predominantly contained within the approved buildings. The modification will also have no impact on the endangered ecological community and coastal upland swamp on site. The modification presents no impact on the Biodiversity Stewardship Agreement between Wyvern Health Pty Ltd and Northern Beaches Council, thus ensuring that the threatened biodiversity within the development site will continue to be conserved and protected as per the previous DA.

AMENDED DEVELOPMENT PROPOSAL

The application was determined by the Sydney North Planning Panel on the 2nd August 2018 for the following:

‘Construction of a Private Hospital with associated car parking signage and landscaping’.

The proposal is to undertake minor change to the approved design scheme including minor expanding of Building 03 to accommodate an additional theatre room and a new lift core. The development is to also introduce a new service vehicle cross over and driveway along the north-western portion of the site to facilitate fire brigade access. Other minor changes associated with the proposed modification includes the replacement of the approved metal deck roofing with pebble ballast dark grey concrete roof which will result in higher floor to ceilings and the addition of an additional plant room. In addition there is a revision to the loading dock layout and level.

The 4.55(1a) modification is to also make amendments to consent condition – namely condition 1 of consent to reflect the amended plans.

For full detail on the changes see the plans that have amendments clouded in red, with the key changes associated with the current 4.55(1a) modifications being:

Modification to Conditions of Consent

It is requested that relevant conditions of consent be amended, for the reasons set out below.

Condition 1

To be updated to reflect the amended plans submitted with this application

Modification to the Physical Form

- Landscaping Modifications:
 - Landscape buffer to Northern boundary reduced due to revised service locations
 - Access path along Northern boundary added/revised due to new services location (vehicular and pedestrian)
 - Swale along Northern boundary added as per Civil Engineer’s documentation

- Hardworks, softworks and grading revised to match new service locations (refer to Civil Engineer's Documentation for detailed grading and levels plans)
- Proposed tree locations have been adjusted to respond to the service location
- Plant Schedule and Tree Plant Schedule updated
- Tree schedule updated

- Condition 32 Tree Protection:

- The majority of the site is identified as containing native vegetation as illustrated by Council's Native Vegetation Map Extract below. This matter has been addressed via DA2017/0385, noting that the current modification is of a minor nature.
- The modification does not give rise to any change to the status of the consent, which requires preservation of vegetation and also management of relevant APZ areas.
- The landscape response is consistent with the species selected as per DA2017/0385 accepted by Council in the existing condition.

1.

- Civil Modifications:

- Modification to the stormwater arrangements as per the updated Stormwater Management Plan

- Basement Plan:

- Amended service room in basement
- Both lifts now serve the lobby on this floor
- Additional stair services the basement lobby linking it with the circular stair above
- Additional egress door added to stair along Grid J for security purposes
- Reduction in the overall car parking spaces from 68 to 66 places resulting from the addition of a turning bay and relocation of the accessible car parking spaces.
- Shoring line amended along grid line 1

- Egress door amended to stair along grip P
 - Planter amended along grid P to allow site line from car driveway
- Lower Ground Floor Plan:
- Addition of a new lift to run from Lower Ground Floor to Second Floor
 - Revised layout to loading dock including service rooms removed from lower ground storey
 - Revised level in loading dock to allow additional head clearance
 - Additional egress door to lower ground floor
 - Façade Louvers amended along Myoora Road, reduced in depth
 - Radiology area removed for additional parking
 - Removed equipment room for radiology
 - Body hold removed for additional parking
 - Façade Louvers amended along Myoora Road, reduced in depth
 - Building area removed and replaced with end of trip facility
 - 28 car park provided on this floor excluding loading dock area
 - Split face blockwork finish in lieu of Gabion Walls
 - Reduced horizontal louvers to southern section of Building 1
- Ground Floor Plan:
- Service located long northern boundary have been revised to be located on ground floor
 - Additional driveway splay for hardstand along northern boundary
 - Additional area for services at front entry
 - Façade Louvers amended along Myoora Road, reduced in depth
 - Split face blockwork finish in lieu of Gabion Walls
 - Pool room amended to suit operational amendments
 - Additional rooms required in plant undercroft space for services
 - Additional Lift to run from Lower Ground Floor to Second
 - Fire pump room located in area under suspended driveway ramp
 - Reduced horizontal louvers to southern section of building 1

- New driveway crossover for fire bridge access proposed from Myoora Road
- First Floor Plan:
 - Extent of building amended to be under ramp for additional theatre and storage area
 - Additional Lift to run from Lower Ground Floor to Second Floor
 - Skylight removed from awning
 - Removal of horizontal louvers from building 1 windows
 - Glazing building 2 has reduced to allow for larger structural wall
- Second Floor Plan:
 - Revision to the parking layout to increase car parking spaces to 42 staff car parks
 - Stair egress from car park roof amended
 - Building extent amended in north-western corner
 - Parapet heights consistent throughout, however top of parapet height amended to RL 199.550
 - Additional lift to run from Lower Ground Floor to Second Floor
 - Screen removed from services room on second floor staff parking area
 - Roof link between buildings are to be concrete
 - Services amended, cooling towers moved onto building 2
 - Concrete roof over Building 1 level 01
 - Rooftop planter removed for potted landscape design
 - Lift overrun amended
- Roof Plan:
 - Concrete roof proposed over Building 3 level 01
 - Lift overrun for additional lift shown
- Building Façade/Materials:
 - Replacement of gabion walls with spit face brickwork

- Horizontal louvers to be removed from second floor glazing

Parking

The proposed changes will also result in the overall parking arrangement to be reconfigured, however the development will continue to provide a total of 136 car parking spaces spread over the basement, lower ground floor and Level 02 as per DA2017/0385.

Breakdown of the revised parking arrangements is provided below:

- Basement level – 66 spaces including 4 accessible car parking space
- Lower Ground Floor – 28 spaces
- Level 2 – 42 spaces including an accessible car parking spaces

Building Height

The modification leads to a slight increase in the height of the lift overrun. The proposal is substantially the same and the lifts are recessed from the building edge, giving no rise to a visual impact or shadowing impact.

Setback

No change to the setback arrangements approved under DA2017/0385.

Landscaping

The modification leads to some adjustment to the landscape design and tree planting locations to respond to the service location with also an update to the plant schedule and tree plant schedule.

The landscape response is consistent with the species selected as per DA2017/0385 accepted by Council in the existing condition.

An amended landscape plan accompanies this application that addresses the minor areas that are to be modified.

Summary

With the proposed changes being of a minor nature, the proposed modifications will have no impact on the operation of the hospital in terms of specialist health services it is to provide including radiology, hydrotherapy, pathology, specialist consulting services and physiotherapy, and with the overall bed and staff numbers to remain the same. The minor amendments to Building 03 to accommodate an additional theatre and storage under a ramp will positively support the overall function and operation of the approved hospital.

The development proposal can be appropriately defined as substantially the same development as the original consent, with the proposal to continue to operate as a private hospital as approved under DA2017/0385.

The approved development continues complies with key planning requirements as discussed further within this statement.

ASSESSMENT OF PLANNING ISSUES & CONTROLS

The subject land parcel is located within the Northern Beaches Council, however it is noted that the development site is still subject to planning instruments associated with the former Warringah Council, including the Warringah Local Environmental Plan 2011 & Warringah Development Control Plan 2011.

Given the proposal is for amendments to the approved plans, only those planning instruments and controls relevant to the proposal are addressed in detail below.

S.4.55(1A) EP&A ACT 1979

Pursuant to S.4.55(1a) of the Act, Council may consider an application to amend a development consent provided that it is of minor environmental impact and is substantially the same development.

A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:

(a) it is satisfied that the proposed modification is of minimal environmental impact, and

(b) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and

(c) it has notified the application in accordance with:

(i) the regulations, if the regulations so require, or

(ii) a development control plan, if the consent authority is a Council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and

(d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.

Subsections (1), (2) and (5) do not apply to such a modification.

The proposal is to undertake a series of minor change to the approved design scheme including revising the loading dock layout an level, additional driveway splay for hardstand along northern boundary, additional lift to run from Lower Ground Floor to Second Floor, additional staff parking within the second floor and concrete roof over

Building 1 and Building 3. For full detail on the changes see the plans that have amendments clouded in red.

The 4.55(1a) modification is to also make amendments to consent condition – namely condition 1 of consent to reflect the amended plans.

With the proposed series of changes being of a minor nature, the proposed modifications will have no impact on the operation of the hospital in terms of specialist health services it is to provide including radiology, hydrotherapy, pathology, specialist consulting services and physiotherapy and with the overall bed and staff numbers to remain the same. The minor amendments to Level 01 associated with Building 03 to accommodate an additional theatre and storage under an approved ramp will positively support the overall function and operation of the approved hospital.

The proposed changes will also result in the overall parking arrangement to be reconfigured; however the development will continue to provide a total of 136 car parking spaces spread over the basement, lower ground floor and Level 02 as per DA2017/0385.

The modification will also have no noticeable impact on the key aspects of the proposal including the preservation of the approved ecological areas, setbacks to the street, waste management and vehicular and pedestrian access associated with the approved private hospital.

The modification proposes additional driveway splay and amendment to the loading dock.

The s4.55(1a) also seeks to undertake minor modifications to the façade presentation, including the façade louvers along Myoora Road and addition of split face blockwork finish in lieu of Gabion Walls, however the development will continue to present an attractive modern hospital to the public domain.

The subject site resides within an environmental sensitive area containing prominent rock outcrops, steep slopes with portion of the western half of the site containing endangered Duffy Forest Ecological Community and area of Coastal Upland Swamp. It is noted that DA2017/0385 has undertaken measures after extensive consultation with a wide range of experts to ensure that the development maintains minimal impacts on the existing Duffys Forest and the coastal upland swamp residing within the subject site. As such, the current modification is of a minor nature and predominantly contained within the approved buildings, and will have no impact on the endangered ecological community and coastal upland swamp on site. The modification has no impact on the Biodiversity Stewardship Agreement between Wyvern Health Pty Ltd and Northern Beaches Council, which will ensure that the threatened biodiversity within the development site continue to be conserved as per the previous DAs.

The development proposal is appropriately defined as substantially the same development as the original consent, with the proposal continuing to operate as a private hospital, noting potential impacts have been addressed via DA2017/0385.

After a review of the amended plans and consideration of the relevant planning controls it is recommended that Council grant consent to the modification application.

It is anticipated that the development application will be notified to adjoining property owners and a discussion against the relevant planning controls is provided further in this statement.

SEPP (RESILIENCE AND HAZARDS) 2021

This SEPP came into effect on 1 March 2022 and incorporated the provisions of three now repealed SEPP's being:

- State Environmental Planning Policy (Coastal Management) 2018;
- State Environmental Planning Policy No 33—Hazardous and Offensive Development; and
- State Environmental Planning Policy No 55—Remediation of Land.

Chapter 2 of the SEPP contains controls for coastal management and it not applicable to this development.

Chapter 3 of the SEPP contains controls for Hazardous and Offensive Development. This development is not for Hazardous and Offensive development and accordingly this chapter is not applicable to this development.

Chapter 4 of the SEPP contains a state-wide planning framework for the remediation of contaminated land and to minimise the risk of harm, however it is noted that potential site contamination has been addressed via DA2017/0385.

SEPP (BIODIVERSITY AND CONSERVATION) 2021

This SEPP came into effect on 1 March 2022 and incorporated the provisions of eleven now repealed SEPP's being:

- SEPP (Vegetation in Non-Rural Areas) 2017 (Vegetation SEPP)
- SEPP (Koala Habitat Protection) 2020 (Koala SEPP 2020)
- SEPP (Koala Habitat Protection) 2021 (Koala SEPP 2021)
- Murray Regional Environmental Plan No 2—Riverine Land (Murray REP)

- SEPP No 19—Bushland in Urban Areas (SEPP 19)
- SEPP No 50—Canal Estate Development (SEPP 50)
- SEPP (Sydney Drinking Water Catchment) 2011 (Sydney Drinking Water SEPP)
- Sydney Regional Environmental Plan No 20 – Hawkesbury – Nepean River (No 2 – 1997) (Hawkesbury–Nepean River SREP)
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (Sydney Harbour Catchment SREP)
- Greater Metropolitan Regional Environmental Plan No 2 – Georges River Catchment (Georges River REP)
- Willandra Lakes Regional Environmental Plan No 1 – World Heritage Property (Willandra Lakes REP).

Chapter 2 of the SEPP contains planning rules and controls from the former Vegetation SEPP relating to the clearing of native vegetation in NSW on land zoned for urban and environmental purposes that is not linked to a development application.

The current modification will result in adjustment to some tree location to respond to the service location with also an update to the plant schedule and tree plant schedule, noting that the revised design will have no impact on existing trees other than outlined in the Arborist Report prepared by Urban Arbor, noting no change in regards to tree removal or retention.

The landscape response is consistent with the species selected as per DA2017/0385 accepted by Council in the existing condition.

An amended landscape plan accompanies this application that addresses the minor areas that are to be modified.

SEPP (TRANSPORT AND INFRASTRUCTURE) 2021

This SEPP came into effect on 1 March 2022 and incorporated the provisions of four now repealed SEPP's being:

- State Environmental Planning Policy (Infrastructure) 2007;
- State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017;
- State Environmental Planning Policy (Major Infrastructure Corridors) 2020; and

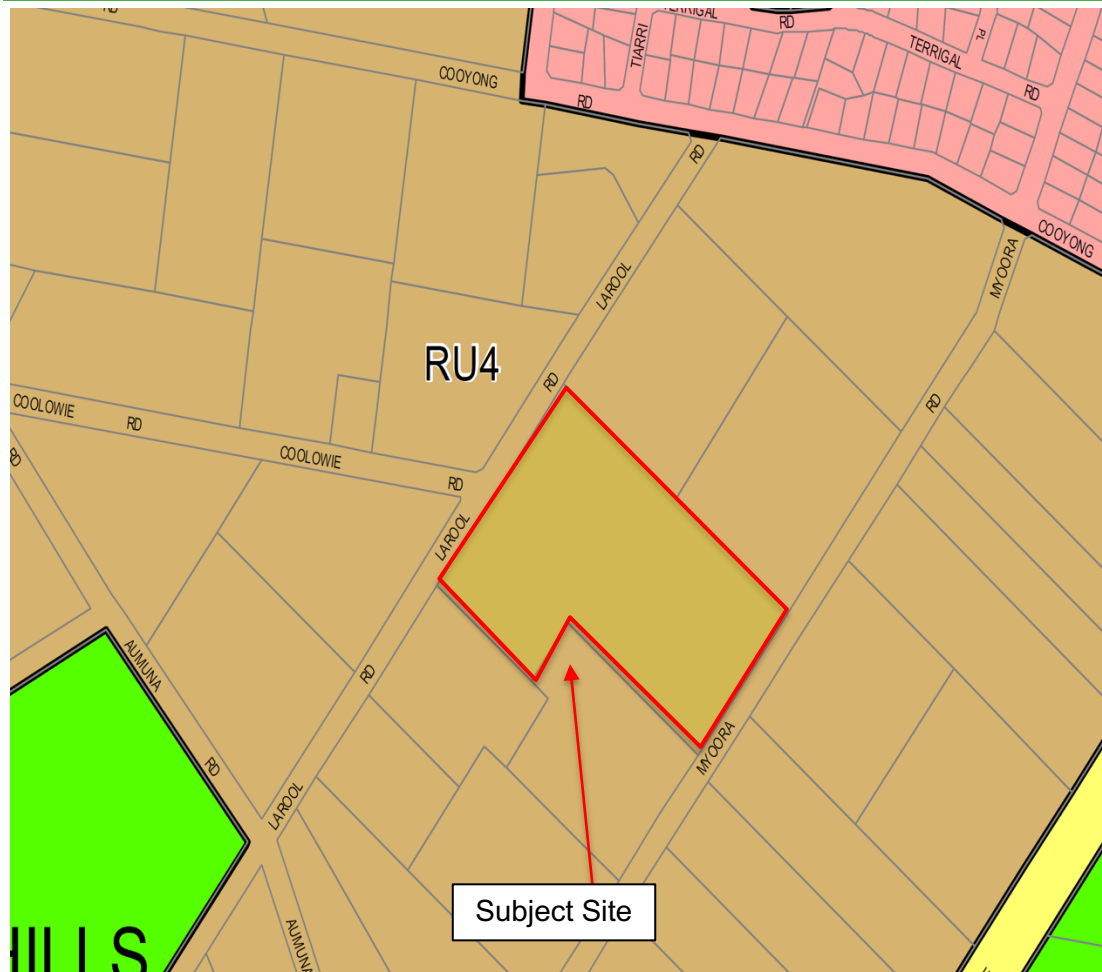
- State Environmental Planning Policy (Three Ports) 2013.

Chapter 2 – contains planning rules and controls from the former Infrastructure SEPP for infrastructure in NSW, such as for hospitals, roads, railways, emergency services, water supply and electricity delivery, nothing key issues relevant to the private hospital under this SEPP has been addressed via DA2017/0385.

WARRINGAH LOCAL ENVIRONMENTAL PLAN 2011

As shown on the zoning map extract below, the site is zoned RU4 Primary Production Small Lots under the provision of the Warringah Local Environmental Plan 2011.

Figure 10: Zoning Map Sheet LZN_006 Extract (Source: Warringah LEP 2011)



'Hospitals' are prohibited within the RU4 Zoning. However the 'Additional Permitted Uses Map Sheet Extract AUP_006' which is provided below indicates that the

development site resides within Area 18 under Schedule 1 – Additional Permitted Uses under the WLEP 2011.

Figure 11: Additional Permitted Uses Map Sheet APU_006 Extract (Source: Warringah LEP 2011)



Clause 18 permits the following additional land uses, including hospitals with council consent:

‘educational establishments, garden centres, hospitals, hotel or motel accommodation, places of public worship, recreation areas, recreation facilities

(indoor), recreation facilities (outdoor), registered clubs and restaurants or cafes'

The approved development continues to be consistent with the definition of hospital contained within the WLEP, noting that ancillary health consulting rooms are permissible.

Considering the minor nature of the proposal, the scenic character of the land through the protection of the knoll and its characteristic bushland setting will be maintained as per DA2017/0385.

The approved development will continue to provide a private hospital as per DA2017/0385.

The table below provides detail on the development standards relevant to the current proposal as well as other relevant provisions.

Warringah Local Environmental Plan 2011 – Compliance Table			
Clause	Controls	Comment	Complies
Zoning	RU4 – Primary Production Small Lots	The permissibility of the approved land use as been addressed via previous DAs, noting that Schedule 1 (Additional Permitted Uses) – permits hospitals with land residing within Area 18, including the subject site.	Yes
Part 2 Permitted or Prohibited Development			
2.3	Zone objectives and land use table	The approved development will continue to provide valuable health services to the locality community in the form of a private hospital as per DA2017/0385.	Yes
2.6	Subdivision – Consent Requirements	No subdivision is proposed as part of this application. Not applicable.	N/A
2.7	Demolition Requires Consent	No additional demolition works is proposed other than that approved via previous DAs.	N/A
Part 4 Principal Development Standards			
4.3	Height of buildings	The modification includes a minor increase in the lift overrun arising from design development and consultant advice. The proposal remains	No change

		substantially the same and the modest increase in lift overrun height does not lead to any visual or shadowing impacts having regard to their location that is setback from the building edges.	
4.4	Floor space ratio	N/A – development site not subject to any FSR controls.	N/A
Part 5 Miscellaneous Provisions			
5.10	Heritage conservation	Has been addressed via previous DAs, noting that previous Aboriginal Heritage Assessment has found that the site does not contain no documented Aboriginal sites or objects, or any areas of potential Aboriginal archaeological sensitivity. Finally, all significant rock outcrops on site will continue to be protected and not affected by the current modification application.	N/A
5.21	Flood planning	Has been addressed via DA2017/0385, noting that the subject site is not identified as being flood prone.	N/A
Part 6 Additional Local Provision			
6.1	Acid Sulfate Soils	The subject site is identified as not being affected by Acid Sulfate Soils.	N/A
6.2	Earthworks	Minor earthworks will be undertaken as a result of minor expansion of the Building C, however as per the approved development, appropriate measures will be undertaken during the construction and construction phase of the development application as per DA2017/0385.	Yes
6.4	Development on Sloping Land	Has been addressed via previous DAs, which was supported by a Geotechnical Report.	N/A
Schedule 1 Additional Permitted Uses			
18	Use of Certain Land in the vicinity of Mona Vale and Myoora Roads, Terrey Hills	As per DA2017/0385, the approved hospital is permitted as per Clause 18.	N/A
Schedule 5 Environmental Heritage			

	As per DA2017/0385, the current modification will have no impact on the existing significant rock outcrops on-site.	N/A
	Furthermore, an Aboriginal Heritage Assessment which accompanies the previous DA has found that the subject site does not contain documented Aboriginal sites or objects, or any areas of potential Aboriginal archaeological sensitivity.	

WARRINGAH DCP – PART B: BUILT FORM CONTROLS

All relevant Council controls have been identified and considered in the following compliance table.

Warringah Development Control Plan– Part B: Built Form Controls Compliance Table			
Clause	Controls	Comments	Complies
B1	Wall Heights	No change to the wall height approved under DA2017/0385.	N/A
B2	Number of Storeys	The subject site is not subject to storey control as per the DCP Map – Number of Storeys. Not applicable.	N/A
B4	Site Coverage	Development is subject to a maximum site coverage of 20% of the site area. The private hospital provided a total site coverage of 6,560m ² or 16% of the site area. Minor increase to the overall site coverage as per the proposed minor extension of the approved building and introduction of a new driveway crossing, however the development will continue to comply with the prescribed minimum site coverage.	Yes
B5	Side Boundary Setbacks	No change to the side boundary setback approved under DA2017/0385.	N/A
B7	Front Boundary Setback	No change to the front boundary setback approved under DA2017/0385.	N/A
B8	Rear Boundary Setback	No change, has been addressed via previous DAs, noting that the site having dual frontages technically does not contain a rear boundary.	N/A

Clause	Controls	Comments	Complies
B11	Foreshore Building Setback	Has been addressed via previous DAs, noting that the subject site is not subject to a foreshore building setback as per the DCP Map – Special Setbacks. Not applicable.	N/A
B12	National Park Setbacks	Has been addressed via previous DAs, noting that the subject site is not subject to a national park setback as per the DCP Map – Special Setbacks. Not applicable.	N/A
B13	Coastal Cliff Setback	Has been addressed via previous DAs, noting that the subject site is not subject to the coastal cliff setback as per the DCP Map – Special Setbacks. Not applicable.	N/A
B14	Main Roads Setback	Has been addressed via previous DAs, noting that the subject site is not subject to the main roads building setback as per the DCP Map – Special Setbacks. Not applicable.	N/A

WARRINGAH DCP– PART C: SITING FACTORS CONTROLS

All relevant Council controls have been identified and considered in the following compliance table.

Warringah Development Control Plan– Part C: Built Form Controls Compliance Table			
Clause	Controls	Comments	Complies
C1	Subdivision	No subdivision is proposed as part of this development application. Not applicable.	N/A
C2	Traffic, Access and Safety	<p>No change to the access and parking arrangements approved under DA2017/0385, noting that a comprehensive Traffic Report accompanies the previous DA.</p> <p>The development does propose to provide additional driveway splay and amendment to the loading dock, however as per Traffic advice, the ramp gradients, MRV works for the loading dock and fire hard stand areas are all workable and compliant with the relevant controls.</p>	N/A
C3	Parking Facilities	Warringah DCP does not prescribe car parking rates for Hospitals, therefore, car parking requirements for the hospital component of the	Yes

Clause	Controls	Comments	Complies																										
		<p>proposal will be against the RMS 'Guide to Traffic Generating Development' (2002).</p> <p>As per DA2017/0385, A Traffic and Parking Assessment was commissioned to undertake a comprehensive study of the parking demand that was to be generated by the proposed hospital.</p> <p>The report concluded the following: The development generated a total of 136 car parking spaces based on following assumptions:</p> <ul style="list-style-type: none"> - 1 space per doctor - Parking for administration staff based upon Journey to Work (JTW) of 86% car driver - 3 parking spaces per outpatient room <table border="1"> <thead> <tr> <th>Description</th><th>Scale</th><th>Rate</th><th>Parking Required</th></tr> </thead> <tbody> <tr> <td>Hospital Beds</td><td>84</td><td rowspan="2">-19.56_0.85(beds)+0.27(staff)</td><td rowspan="2">71</td></tr> <tr> <td>Nursing Staff</td><td>69</td></tr> <tr> <td>Doctor</td><td>22</td><td>1 per doctor</td><td>22</td></tr> <tr> <td>Outpatients</td><td>12</td><td>3 per outpatient room</td><td>36</td></tr> <tr> <td>Admin</td><td>8</td><td>0.86 per employee</td><td>7</td></tr> <tr> <td>Total</td><td>-</td><td>-</td><td>136</td></tr> </tbody> </table> <p>The proposed changes will also result in the overall parking arrangement to be reconfigured; however the development will continue to provide a total of 136 car parking spaces spread over the basement, lower ground floor and Level 02 and therefore will continue to be compliant with the parking figures approved under DA2017/0385.</p>	Description	Scale	Rate	Parking Required	Hospital Beds	84	-19.56_0.85(beds)+0.27(staff)	71	Nursing Staff	69	Doctor	22	1 per doctor	22	Outpatients	12	3 per outpatient room	36	Admin	8	0.86 per employee	7	Total	-	-	136	
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C3A	Bicycle Parking and End of Trip Facilities	The modification is to provide appropriate end of trip facility with the lower ground floor plan.	Yes																										
C4	Stormwater	Modification to the stormwater arrangements as per the updated Stormwater Management Plan	Yes																										
C5	Erosion and Sedimentation	Minor earthworks will be undertaken as a result of minor expansion of the Building C, however as per the approved development, appropriate measures will be undertaken during the construction and construction phase of the	Yes																										

Clause	Controls	Comments	Complies
		development application to ensure that all soil materials will be contained on the site.	
C6	Building over or adjacent to Constructed Council	Noted.	-
C8	Demolition and Construction	No change to the waste management arrangement approved under DA2017/0385.	N/A

WARRINGAH DCP – PART D: DESIGN CONTROLS

All relevant Council controls have been identified and considered in the following compliance table.

Warringah Development Control Plan– Part D: Design Controls Compliance Table			
Clause	Controls	Comments	Complies
D1	Landscaped Open Space and Bushland Setting	Has been addressed via previous DAs, noting that as per DA2017/0385, the approved development affects 16% of the subject site with the remainder of the site will continue to be retained as bushland and landscaped space, which is to be the subject of a separate VPA. A revised landscape plan has been prepared that responds to the minor modifications and reallocates some planting locations.	Yes
D2	Private Open Space	As per the previous DA, the development is seeking to undertake minor modification to an approved hospital and as such this provision is not applicable.	N/A
D3	Noise	Has been addressed via previous DA – noting that the currently application is only seeking to undertake minor modification to an approved hospital.	N/A
D4	Electromagnetic Radiation	N/A	Yes
D6	Access to Sunlight	Has been addressed via previous DA – noting that the currently application is only seeking to undertake minor modification to an approved hospital.	N/A

Clause	Controls	Comments	Complies
D7	Views	The modification to the lift overrun does not give rise to any impact upon views, noting the recessed location of the lifts.	Yes
D8	Privacy	Has been addressed via previous DA – noting that the currently application is only seeking to undertake minor modification to an approved hospital.	N/A
D9	Building Bulk	The minor extension to Building 03 will have no impact on the bulk and scale of the approved hospital as per DA2017/0385.	Yes
D10	Building Colours and Materials	Minor changes to the approved scheme with the proposal seeking to replace the gabion walls with spit face brickwork and horizontal louvers to be removed from second floor glazing, noting that the approved hospital will continue to provide colours and materials associated with the buildings have been sensitively selected to be complimentary and compatible with the surrounding area.	Yes
D11	Roofs	The development proposes to replace the approved metal meck roofing with concrete ballast dark grey concrete roof to Building 01 & 03, noting that the proposed roof scheme is acceptable for the location and will also increase the floor to ceiling height to both buildings. The proposal remains consistent with Condition 28 that requires a dark finish to the roof.	Yes
D12	Glare and Reflection	The development proposes to replace the approved metal meck roofing with pebble ballast dark grey concrete roof to Building 01 & 03, noting that the proposed new roof scheme will not result in excessive glare or reflectivity.	Yes
D13	Front Fences and Front Walls	No change to the approved fencing arrangements.	N/A
D14	Site Facilities	Has been addressed via previous DA – noting that the currently application is only seeking to undertake minor modification to an approved hospital.	N/A
D15	Side and Rear Fences	No change to the approved fencing arrangements.	N/A

Clause	Controls	Comments	Complies
D16	Swimming Pools and Spa Pools	Pool room to be amended to suit operational amendments, however the pool will continue to be incorporated into the design of the proposal, noting it is not located within the front building setback.	Yes
D17	Tennis Courts	No tennis courts are proposed as part of this development. Not applicable.	N/A
D18	Accessibility	No change to the accessible arrangements approved under DA2017/0385.	N/A
D20	Safety and Security	Has been addressed via previous DA – noting that the currently application is only seeking to undertake minor modification to an approved hospital, with the approved hospital to appropriately address Myoora Road.	N/A
D21	Provision and Location of Utility Services	Has been addressed via previous DA – noting that the currently application is only seeking to undertake minor modification to an approved hospital.	N/A
D22	Conservation of Energy and Water	Has been addressed via previous DA – noting that the currently application is only seeking to undertake minor modification to an approved hospital.	N/A
D23	Signs	Has been addressed via previous DA – noting that the currently application is only seeking to undertake minor modification to an approved hospital, with no changes to the approved signage arrangements.	N/A

WARRINGAH DCP – PART E: NATURAL ENVIRONMENT

All relevant Council controls have been identified and considered in the following compliance table.

Warringah Development Control Plan– Part E: Natural Environmental Controls Compliance Table			
Clause	Controls	Comments	Complies
E1	Private Property Tree Management	Has The current modification will result in adjustment to some tree location to respond to the service location with also an update to the plant schedule and tree plant schedule, noting that the revised design will have no impact on existing trees other than outlined in the Arborist Report prepared by Urban Arbor, noting no change in regards to tree removal or retention. The landscape response is consistent with the species selected as per DA2017/0385 accepted by Council in the existing condition.	Yes
E2	Prescribed Vegetation		
E3	Threatened Species, Populations, Ecological Communities	Has been addressed via previous DAs, however it is noted that the subject site is not mapped as containing threatened and high conservation habitat.	N/A
E4	Wildlife Corridors	Has been addressed via previous DAs, noting that Narla Environmental have completed a comprehensive assessment upon flora and fauna and has found that from a biodiversity conservation perspective that the approved development will see a long term net environmental gain, particularly through the implementation of the approved biodiversity management plan.	Yes
E5	Native Vegetation	Refer to above commentary.	Yes
E6	Retaining Unique Environmental Features	Has been addressed via previous DAs, noting that the current modification application will have no impact on the existing rock outcrops that resides within the development site.	N/A
E7	Development on Land Adjoining Public Open Space	Has been addressed via previous DAs, noting that the development site does not adjoin public open space.	N/A
E8	Waterways and Riparian Lands	Has been addressed via previous DAs, noting that proposed modification to the approved	N/A

Clause	Controls	Comments	Complies
		design scheme will have no impact on the Coastal Upland Swamp that resides within the subject site.	
E9	Coastline Hazard	Has been addressed via previous DAs, noting that the subject site is not located within close proximity to the coastline.	N/A
E10	Landslip Risk	Has been addressed via previous DAs, which was supported by a Geotechnical Report, noting that proposed modification to the approved design scheme will have no result in any additional landslip risk than that assessed under DA2017/0385.	N/A
E11	Flood Prone Land	Has been addressed via previous DAs, noting that the subject site is not located within flood prone land.	N/A

CONCLUSION

It is concluded that following a review of the relevant planning controls, the proposed modification application is an appropriate outcome on the site and remains consistent with the design intent of the original proposal.

Consideration has been given to the potential environmental and amenity impacts that are relevant to the proposed modifications and this report addresses these impacts.

Having regard to the benefits of the proposal and considering the absence of adverse environmental, social or economic impacts, the application is submitted to Council for assessment and granting of development consent. Think Planners Pty Ltd recommends the approval of the modification application, subject to necessary, relevant and appropriate conditions of consent.