



***MODIFICATION REQUEST:  
Wahroonga Estate Redevelopment  
Concept Plan  
(MP07\_0166 MOD 3)***

- Increase the maximum gross floor area of Precinct C: Central Hospital by 7,552 sqm (35,552 sqm total gross floor area).

Director-General's  
Environmental Assessment Report  
Section 75W of the  
*Environmental Planning and Assessment Act*  
1979

June 2013

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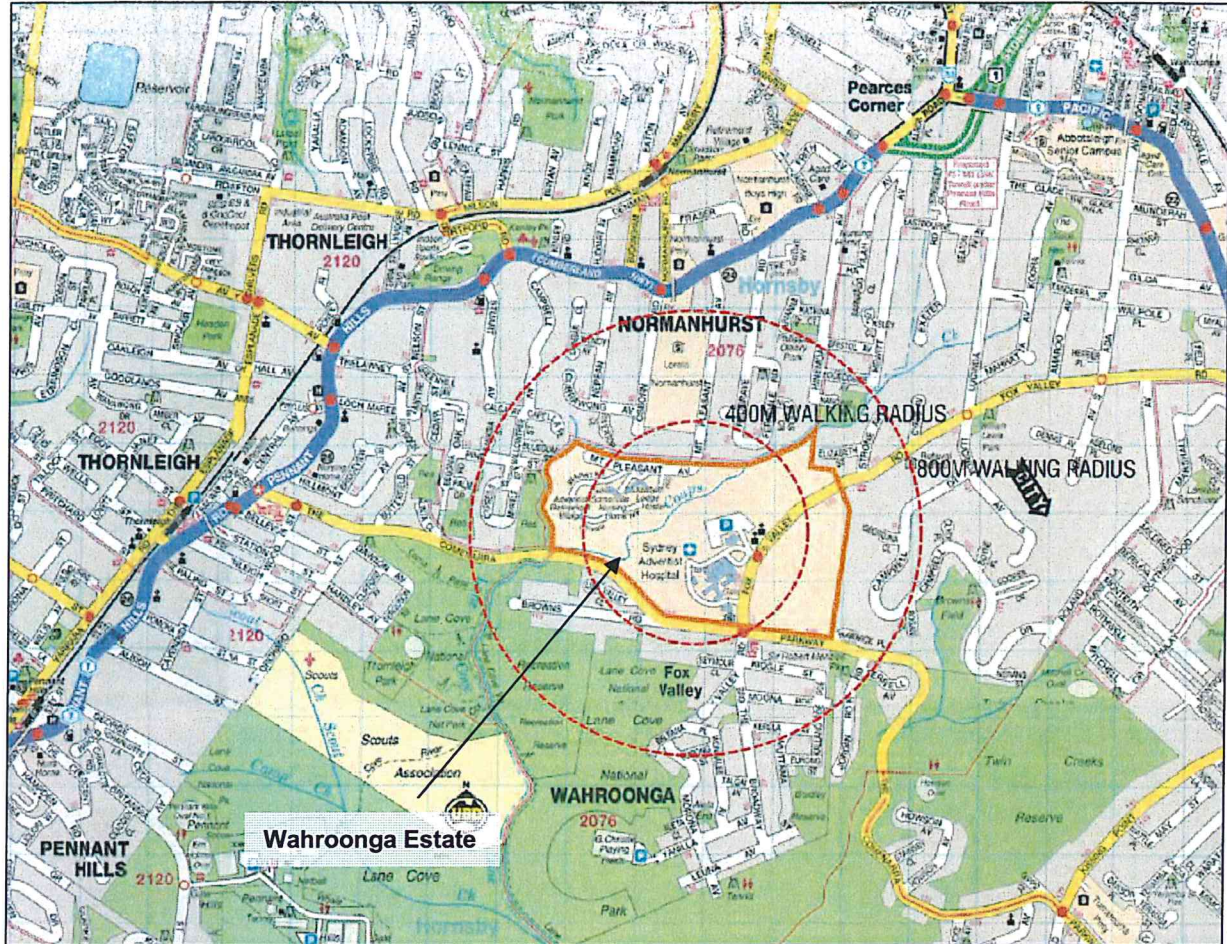
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## 1. BACKGROUND

The Wahroonga Estate (the site), comprising the Sydney Adventist Hospital, is a 62.4 ha site located approximately 18 km northwest of the Sydney CBD and 1 km south of the intersection of the Pacific Highway, Pennant Hills Road and the F3 Freeway. The project location is shown in **Figure 1**.

**Figure 1: Project Location**



On 18 December 2009, the site was listed as a State significant site within Schedule 3 of State Environmental Planning Policy (Major Development) 2005 to establish a number of land use zones and development standards to facilitate its proposed redevelopment.

On 31 March 2010, the former Minister for Planning approved a concept plan for the Wahroonga Estate Redevelopment (MP07\_0166) subject to modifications. The concept plan established five development precincts, with each containing separate GFA controls and restrictions on the type, and maximum number of dwellings. The concept plan granted approval for the following key elements:

- general layout of land uses;
- maximum gross floor areas (GFA) for land uses;
- the maximum number of dwellings and other accommodation types;
- building heights;
- road design and traffic management works; and



- landscape, open space and public domain treatments, including the protection and management of conservation areas.

The approved concept plan layout is shown in **Figure 2**.

**Figure 2: Approved Concept Plan Layout**



On 15 May 2010, the Director, Strategic Assessments, approved a modification to the concept plan to clarify the timing for the proponent to obtain an approval from the Commonwealth Department of Water, Environment, Heritage and the Arts for a Biodiversity Management Plan.

On 4 December 2012, the former Executive Director, Urban Renewal and Major Sites, approved a modification to the concept plan to amend the proponent's details and to amend the timing, funding and traffic infrastructure upgrade requirements.

On 3 March 2011, the Planning Assessment Commission (PAC), as delegate for the Minister, approved the first project application (MP10\_0070) within the Estate for the staged alterations and additions to the Sydney Adventist Hospital (SAH), including:

- refurbishment of existing hospital buildings;
- staged expansion of the clinical services building (CSB);
- construction of a three to four storey Education Centre;
- demolition and construction of a new Shannon Wing;
- relocation existing buildings and items of significance;
- staged construction of a multi-deck car park, expanded at-grade car parking and temporary car park;
- construction of a concourse;



- new entry to hospital;
- new perimeter road; and
- new and upgraded landscaping.

On 23 December 2011, the PAC approved a modification to the project application approval (MP10\_0070 MOD 1) to allow alterations to the car parking arrangements and pedestrian access to the SAH.

On 11 April 2012, the PAC approved a modification to the project application approval (MP10\_0070 MOD 2) to amend the CSB built form and floor layout and an amended development staging schedule.

On 13 June 2012, the PAC approved a modification to the project application approval (MP10\_0070 MOD 3) to amend the design and layout of the Education Centre, including a building height reduction, increased building footprint and additional car parking.

On 5 December 2012, a modification request (MP10\_0070 MOD 4) was lodged to further amend the project application approval, seeking to amend the design and layout of the Education Centre, proposing to increase the building floor space, height and footprint and to allocate additional GFA to the SAH site. The proposed MOD 4 modification request is currently on hold until the proposed concept plan modification request is determined, which deals with the proposed additional GFA that is sought to be allocated to the SAH.

## **2. PROPOSED MODIFICATION**

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The concept plan modification request (MP07\_0166 MOD 3) seeks approval for an additional 7,552 sqm of floor space to be redistributed across the Church Central Precinct, in addition to the 28,000 sqm of floor space approved.

The modification request proposes to allocate 3,550 sqm of floor space to the education centre and the remaining 4,002 sqm to the Shannon Building, both previously approved under MP10\_0070.

## **3. STATUTORY CONTEXT**

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### **3.1 Modification of the Minister's Approval**

In accordance with clause 3 of Schedule 6A of the *Environmental Planning and Assessment Act 1979* (the EP&A Act), section 75W of the Act as in force immediately before its repeal on 1 October 2011 and as modified by Schedule 6A, continues to apply to transitional Part 3A projects.

Section 75W(2) of the EP&A Act provides that a proponent may request the Minister to modify the Minister's approval of a project. The Minister's approval of a modification is not required if the approval of the project as modified would be consistent with the original approval. As the proposal seeks to increase the gross floor area permitted within the Central Hospital Precinct, the modification will require the Minister's approval.



## **3.2 Environmental Assessment Requirements**

Section 75W(3) of the EP&A Act provides the Director-General with scope to issue Environmental Assessment Requirements (DGRs) that must be substantially complied with before the matter will be considered by the Minister. Environmental Assessment Requirements were not issued for this modification as the proponent has addressed the key issues in the modification request.

## **3.3 Delegated Authority**

On 14 September 2011, the Minister for Planning and Infrastructure delegated his functions to determine Part 3A modification applications to the Planning Assessment Commission (PAC) where an application has been made by persons other than by or on behalf of a public authority.

The modification application is being referred to the PAC for determination as the proponent, Sydney Adventist Hospital, lodged a political disclosure statement with the subject modification application, disclosing a number of reportable political donations made during 2010, 2011 and 2012.

# **4. CONSULTATION AND SUBMISSIONS**

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## **4.1 Exhibition**

Under Section 75X(2)(f) of the EP&A Act, the Director-General is required to make the modification request publicly available. The request was made publicly available on the department's website from 23 November 2012 and referred to Ku-ring-gai Council and the Roads and Maritime Service (RMS) for review.

## **4.2 Public Authority Submissions**

The department received only one submission, from Ku-ring-gai Council. A summary of the issues raised and comments is provided below:

- the approved hospital gross floor area was the total of the proposed built form and estimate of the existing hospital GFA and not based on an assessment of the site as being capable of accommodating 94,000 sqm of GFA;
- the fact that the previous proponent made a substantial error in the calculation of the GFA of the existing hospital has no bearing on the concept design that was approved;
- there are no concept designs included to show how this floor space will be used and therefore no adequate assessment of the impact is possible;
- there has been a significant shift from basement car parking to at-grade parking reducing the ability to provide landscaped areas to soften built form, manage water or provide quality open space for staff and patients;
- additional parking for students would undermine the benefits of the SAH car sharing proposal and other transport initiatives outlined in the concept plan transport management and accessibility plan; and
- no justification is provided for the proposed amendments to the instrument of approval as they do not relate to the proposed modification to the floor space.

The department has considered the issues raised by council in its assessment of the proposed modification in section 5 of this report.



## 5. ASSESSMENT

The department considers the key issues that arise from the additional GFA proposed by the modification request to be:

- new floor space distribution;
- built form impacts; and
- traffic and transport.

### 5.1 Floor Space Distribution (Precinct C)

The original concept plan approved a total 115,000 sqm of maximum gross floor area within Precinct C: Central Hospital, part of which consisted of a maximum of 94,000 sqm of hospital floor space and 3,500 sqm of new floor space for the development of a new Faculty of Nursing (see **Table 1**). The total hospital floor space was made up of 66,000 sqm of existing SAH floor space and 28,000 sqm of proposed new floor space.

**Table 1: Approved Concept Plan Maximum Gross Floor Areas**

Precinct	Maximum Gross Floor Area (m <sup>2</sup> ) (excluding dwellings)	Maximum Gross Floor Area (m <sup>2</sup> ) by land uses
<b>Precinct A: Mount Pleasant</b>	17,700 m <sup>2</sup>	17,700 m <sup>2</sup> Seniors Housing
<b>Precinct B: Central Church</b>	12,200 m <sup>2</sup>	9,000 m <sup>2</sup> Education 3,200 m <sup>2</sup> Place of Public Worship
<b>Precinct C: Central Hospital</b>	115,000 m <sup>2</sup>	94,000 m <sup>2</sup> Hospital & Facilities 13,000 m <sup>2</sup> Student Accommodation 1,500 m <sup>2</sup> Hostels / Group Homes / Boarding Houses 3,500 m <sup>2</sup> Faculty of Nursing 2,000 m <sup>2</sup> Retail 1,000 m <sup>2</sup> Commercial
<b>Precinct D: Fox Valley</b>	15,000 m <sup>2</sup>	15,000 m <sup>2</sup> Commercial
<b>Precinct E: Residential East</b>	N/A	

The proponent now notes that the floor space of the existing SAH is not 66,000 sqm, but is 58,448 sqm. Therefore it is sought to 'claim' the difference, being 7,552 sqm of floor space, and redistribute this throughout the Central Hospital Precinct.

The proponent proposes to allocate 3,550 sqm to the approved education centre (referred to as 'Faculty of Nursing' under the concept plan), increasing its maximum gross floor area provision to 7,050 sqm (being 3,500 sqm + 3,550 sqm). The remaining 4,002 sqm of floor space is proposed to be allocated to the unbuilt new Shannon Building, approved as part of the SAH redevelopment under MP10\_0070, increasing the maximum gross floor area provision for SAH to 32,002 sqm (being 28,000 sqm + 4,002 sqm).

The 'unclaimed' SAH floor space would be in addition to the 28,000 sqm approved for the expansion of the SAH and 3,500 sqm approved for the development of the education centre (Faculty of Nursing) under the concept plan. The proposed



redistribution of floor space relating to SAH and education centre is shown in **Table 2**.

**Table 2: Central Hospital Precinct Maximum Gross Floor Areas (Modifications Shown Bold)**

Precinct	Maximum Gross Floor Area (m <sup>2</sup> ) (excluding dwellings)	Maximum Gross Floor Area (m <sup>2</sup> ) by land uses
<b>Precinct C: Central Hospital</b>	115,000 m <sup>2</sup>	<b>90,450 m<sup>2</sup> Hospital &amp; Facilities</b> (comprising 58,448 m <sup>2</sup> existing SAH floor space + 32,002 m <sup>2</sup> = approved 28,000 m <sup>2</sup> new floor space + 4,002 m <sup>2</sup> redistributed from "unclaimed" floor space) 13,000 m <sup>2</sup> Student Accommodation 1,500m <sup>2</sup> Hostels / Group Homes / Boarding Houses <b>7,050 m<sup>2</sup> Faculty of Nursing</b> (comprising 3,500 m <sup>2</sup> approved new floor space + 3,550 m <sup>2</sup> redistributed from "unclaimed" floor space) 2,000 m <sup>2</sup> Retail 1,000 m <sup>2</sup> Commercial

The department acknowledges council's comments and concerns about the proponent's approach to seeking an increased allowable gross floor area within the hospital precinct. However, the department notes that the approved concept plan provided little discussion on both the calculation of the existing SAH floor space or justification behind the additional 28,000 sqm, other than to make provision to upgrade and expand the health facility to accommodate the hospital's anticipated four per cent growth in demand for health services up to the year 2020.

Furthermore, whilst 28,000 sqm of additional floor area was sought for SAH under the concept plan, the design, siting and subsequent detailed environmental assessment of any future works was deferred to a separate future project application (MP10\_0070). In this respect, minimal detailed consideration of built form and building design was undertaken in the assessment of the concept plan, and to the potential environmental impacts associated with the proposed 28,000 sqm of additional floor space.

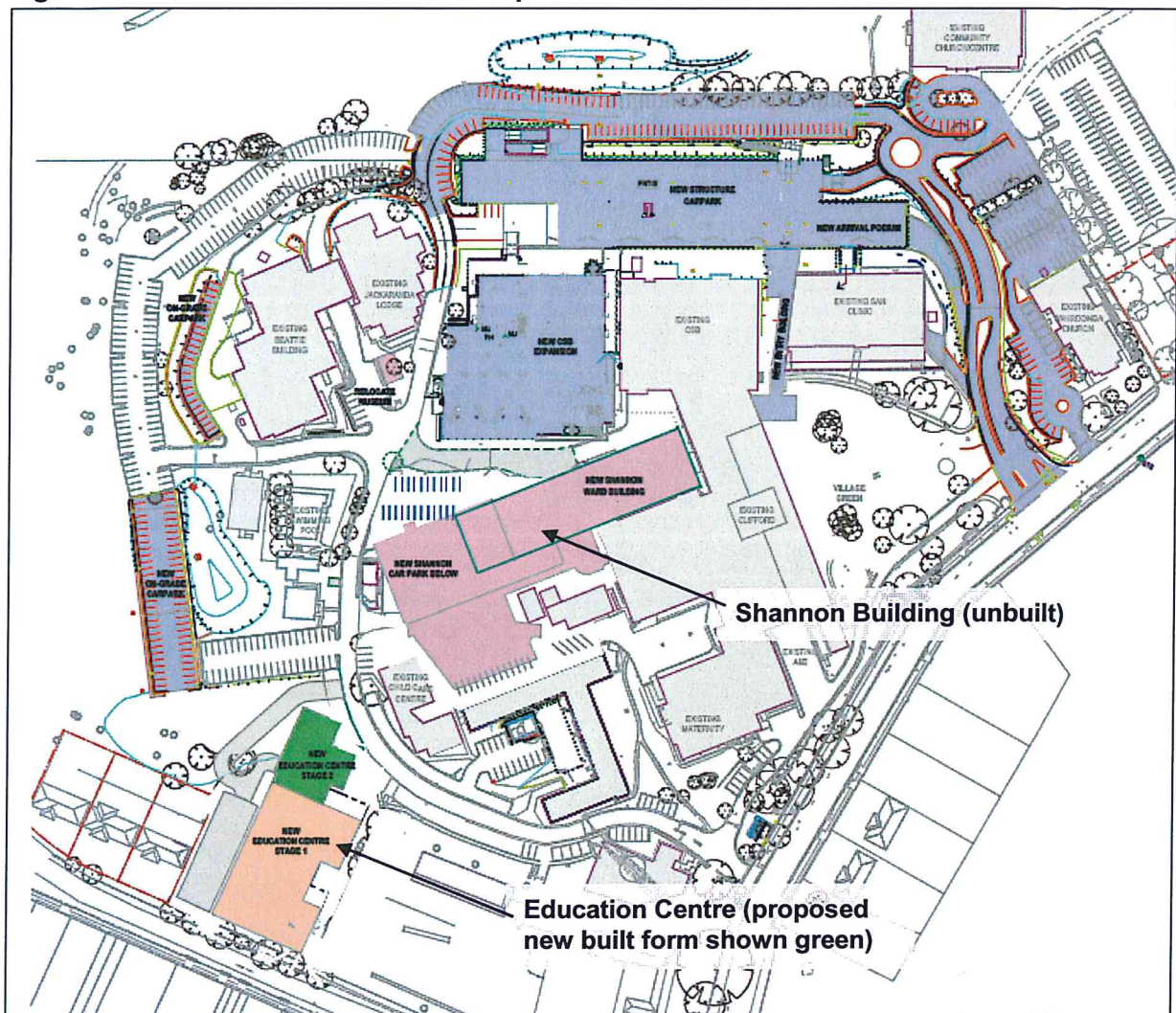
Notwithstanding, the concept plan also established maximum heights and an overall maximum gross floor area provision of up to 115,000 sqm within the Central Hospital precinct, which provide an overall restriction on development within the site. Future modification to the existing SAH project approval (MP10\_0070) will determine how best to incorporate the 'unclaimed' 7,552 sqm of floor space into the redevelopment of the site, ensuring compliance with the built form controls approved as part of the original concept plan.

In giving consideration to the proponent's modification request, the department notes that SAH is identified within the draft North Subregional Strategy as belonging to an existing business activity cluster associated with knowledge infrastructure utilising the skills of the resident workforce. Further, the draft North Subregional Strategy seeks to support and encourage the clustering of business activities around magnet infrastructure, such as SAH. In this regard, the department considers that allowing modification to the maximum gross floor area limits for the land uses within the Central Hospital precinct will further promote SAH as a business cluster and



## 5.2 Built Form

### Figure 3: Location of redistributed floor space



However and as noted above, the proposed allocation of the additional floor space will require the lodgement and assessment of a separate modification request to the



approved SAH project application. This approach is consistent with that taken under the concept plan, wherein the detailed assessment of the redevelopment of SAH was deferred in full to a project application. Further, it would not be appropriate to consider simple building envelopes when it is known that the additional floor space is proposed to be integrated into approved buildings. In this respect, it is considered that the department should firstly be satisfied that additional floor space is acceptable for the site, and secondly, that the location of the additional built form also acceptable.

In this respect, the buildings proposed to be enlarged as a consequence of the additional floor space are to be sited internally, restricting both visual and overshadowing impacts to within the existing SAH site. Further, the integration of the proposed additional floor space into existing built form would be required to demonstrate compliance with the other existing built form controls established under the concept plan.

The department considers that additional built form can be satisfactorily integrated into the design of the approved SAH project application and that existing built form controls in the concept plan will ensure that any potential visual, bulk and amenity impacts are restricted to the levels deemed acceptable under both the concept plan and SAH project approval.

### **5.3 Traffic and Transport**

Under the concept plan, assessments of the existing traffic and intersection operation conditions surrounding the Wahroonga Estate indicated that many of the key road networks were operating satisfactorily or approaching operational capacity during the peak and that key intersections were operating at poor levels of service during the peak. In particular, poor levels of intersection service were recorded at key intersections surrounding the SAH, including Fox Valley Road/The Comenarra Parkway, The Comenarra Parkway/Kissing Point Road and Fox Valley Road/SAH secondary entrance.

Based on the existing road network conditions, a number of road upgrades and intersection improvements were required to facilitate the increased traffic associated with the estate's redevelopment. The traffic assessment prepared was based on the Wahroonga Estate's redevelopment accommodating 690 new dwellings. However, the proposed dwelling yield was subsequently reduced from 690 dwellings to the approved yield of 500 dwellings.

The reduced dwelling yield, however, did not eliminate the need for the road upgrade works, although it essentially resulted in a reduction in traffic generation during the peak from 985 vehicles per hour to 894 vehicles per hour (as detailed in the traffic report prepared for the concept plan PPR submission).

In addition, the original concept plan traffic assessment noted that there was ability for the traffic capacity of the site to be increased by 20 per cent without any negative impacts on traffic flow in and around the site. In this respect and in conjunction with the original overestimation of traffic generation (based on 690 dwellings as originally proposed), the department does not consider that the proposed additional floor space will have a negative impact on the surrounding road network.



Furthermore, the allocation of the additional floor space will require further modification of the project approval for the SAH. At this time, consistent with the original project application, further detailed consideration of traffic impacts associated with the additional floor space will be undertaken. In this respect, the assessment of parking requirements associated with the proposed SAH redevelopment was deferred to major project MP10\_0070. In addition, the preparation and implementation of a work place travel plan and transport access guide for the SAH will assist in reducing private vehicle dependency for staff and students.

## 6. CONCLUSION

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The department has reviewed the proponent's modification request, accompanying plans and those views expressed by council and consider the key issues to be the distribution of the floorspace, built form and traffic impacts.

In this respect, the department is satisfied that the proposed additional built form can be satisfactorily integrated into the approved built form of SAH and ensure that any potential amenity, bulk and scale and traffic impacts are minimised and appropriately managed. The existing built form controls, established under the concept plan, will ensure that subsequent modification requests received for the SAH development to accommodate the proposed additional floorspace is appropriate and does not exceed those development standards considered acceptable for the redevelopment of the site.

In addition, the provision of additional floorspace across the SAH campus and adjacent Education Centre will ensure that the health and educational services provided within the precinct are developed to the highest potential, whilst having regard to the established built form controls and established character of the locality.

## 7. RECOMMENDATIONS

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The Department's recommends that the PAC:

- a) **consider** the findings and recommendations of this report;
- b) **approve** the modifications, subject to conditions, under section 75W of the *Environmental Planning and Assessment Act, 1979*, and;
- c) **sign** the attached instrument of modification approval (Appendix C).



Director  
**Metropolitan and Regional Projects  
North**

6.6.13



Executive Director  
**Development Assessment Systems  
& Approvals**

## **APPENDIX A      MODIFICATION REQUEST**

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Provided on disc or see the Department's website at:

[http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=5687](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=5687)



**APPENDIX B   SUBMISSIONS**

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PCU040108

818 Pacific Highway, Gordon NSW 2072

Locked Bag 1056, Pymble NSW 2073

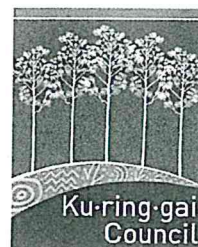
T 02 9424 0000 F 02 9424 0001

DX 8703 Gordon TTY 133 677

E kmc@kmc.nsw.gov.au

W www.kmc.nsw.gov.au

ABN 86 408 856 411



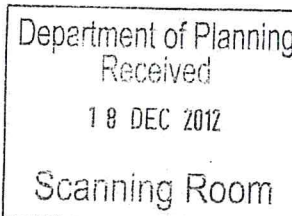
**Contact:** T Southwell

**Reference:** S05913 /2012/304546

13 December 2012



Metropolitan and Regional Projects, North  
Department of Planning and Infrastructure  
GPO Box 39  
SYDNEY NSW 2001



Att: Mr Peter McManus

Dear Sir

**Exhibition of Modification request for Wahroonga Estate Concept Plan (MP07\_1066)**

Thank you for the opportunity to comment on the latest modification request for the approved concept plan. Council's has a number of concerns, however the lack of adequate information makes it difficult to make a properly informed comment. Nevertheless, our submission is attached for your consideration in the assessment of the modification.

Should you have any queries about the submission, please contact Terri Southwell, Senior Urban Planner on 9424 0876.

Yours sincerely

Antony Fabbro  
Manager, Urban Planning and Heritage

Att



PCU040108

818 Pacific Highway, Gordon NSW 2072

Locked Bag 1056, Pymble NSW 2073

T 02 9424 0000 F 02 9424 0001

DX 8703 Gordon TTY 133 677

E kmc@kmc.nsw.gov.au

W www.kmc.nsw.gov.au

ABN 86 408 856 411



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Yours sincerely

Antony Fabbro  
Manager, Urban Planning and Heritage

Att





## Comments on Proposed Modification Request for Wahroonga Estate Concept Plan (MP07\_0166)

### 1. Increased gross floor area

#### General comments

The concept plan approval for 94,000sqm for the GFA for the hospital precinct was based on the proponent's advice that the existing floorspace was 66,000m<sup>2</sup> and that an additional 28,000m<sup>2</sup> would be provided in accordance with the Preferred Project Plan as amended by conditions of consent and subsequent modifications.

Therefore the basis of the concept approval within the hospital precinct was the proposed redevelopment of the hospital and approximate additional footprints and built form as outlined in the Preferred Project. The gross floor area that the proponent now seeks to rely on, was merely a total of the conversion of the proposed built form of the additional development, together with the proponent's estimate of the GFA of the existing development. It was not based on an assessment of the site as being capable of providing 94,000sqm of GFA. The fact that the proponent made a substantial error in the calculation of the existing floorspace has no bearing on the concept design that was approved.

Further, approving such a modification would set a precedent for other proponents to deliberately underestimate existing GFAs in the hope of gaining extra floor space in the future.

Additionally, there are no concept designs included to show how this floor space would be used, and therefore no adequate assessment of the impact of the floor space is possible. While it is stated that the additional floor space would be distributed internally within the site and as an addition to the education facility, it is noted that the DA for student and worker accommodation currently before Council shows an addition to the education facility with a much smaller footprint than that already approved, rather than a similar footprint, that one might expect if the GFA were to double. Where would the additional floor space be located? What effect would this have on dwellings nearby? Would it be possible to provide this while meeting height controls under the SEPP? Could the addition be provided while meeting the required setback to the bushfire prone land? Further, there has been a significant shift from basement parking to at grade parking, further reducing the ability to provide landscaped areas of the site to soften the built form, manage water or provide quality open space for staff or patients of the hospital. Where would the proposed additional parking be located?

These matters are particularly important as the concept designs and subsequent development approvals are quite tight, with a number of DA components failing to comply with specific conditions of the concept approval or the SEPP. Indeed, the proposed modification seeks further exemptions from a number of conditions of consent because of this difficulty. Further floor space would exacerbate this.

The proposed additional floor space, unaccompanied by any concept designs goes well beyond the bounds of the concept approval, and is contrary to the spirit of the transitional provisions for Part 3a projects.

#### Traffic and parking



should be exempt from the requirement to address the key design criteria listed in the SEPP, and detailed in the Residential Flat Design Code. With 54,000 sqm of GFA specifically allocated for residential flat building in the R4 zone, and a number of other high density parts of the development in other zones to which the SEPP is likely to apply, the rationale for this is inexplicable. SEPP 65 has resulted in significant improvements in residential flat design, and should not be ignored for the convenience of the developer. This exclusion could also set a very poor precedent for other development with potentially significant impacts across Sydney.

- e. B1(4), B2(1), B3(1) Deletion of requirement to address relevant council DCPs.

At this stage Council DCPs include DCPs in relation to water management, accessibility, design for low density residential development and medium density development. Council also has a schools code. These DCPs provide controls that assist in the design of development compatible with the local area. While this project is a transitional major project, it is nevertheless located within the Ku-ring-gai LGA, and should address issues that are relevant to the locality. It is acknowledged that the concept plan approval will prevail over DCP controls in terms of the general footprints, and heights and floor areas, however, the more detailed controls in the DCPs will provide guidance to the proponent and support a merit assessment by council improving the chances of good design outcomes for the final built forms.

- f. B4(1) Deletion of the requirement to implement the Biodiversity Management Plan prior to the commencement of any works.

*It is acknowledged that development approvals have already been given and works commenced without the full implementation of the Biodiversity Management Plan. The plan includes a number of measures that are to be applied in stages and over years, and accordingly it is understood that complete implementation at this stage is impossible. However, the deletion of any reference to implementation of the plan is not supported. There is no point in preparing a plan as part of a condition of consent, unless the plan is implemented in accordance with that consent. Any change to this condition should result in an improved link between the actions in the biodiversity management plan and stages of the development, eg, by linking a satisfactory monitoring report on the progress of the works in the management plan to particular stages of the development. An alternative would be to link a completed dedication of the E2 lands, with appropriate funding, to OEHL (or other body as required in the consent) prior to any further application after December 2012.*

- g. B5(1) Deleting the reference to E2 lands as the conservation lands which may not be used as asset protection zones, unless for existing development. A reference to the approved concept plan is suggested instead.

*The conditions of consent already require the development to be consistent with the concept plan in the preferred project report. However, as the boundaries of the conservation lands on the concept plan are not clearly identified, it is important to the conservation of these bushland and riparian corridors to provide a clear line beyond which APZ cannot go. The zoning boundaries of the SEPP are clear, available on GPS, and can be identified*

## **APPENDIX C    RECOMMENDED MODIFYING INSTRUMENT**

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