

6 Kiogle Street
Wahroonga NSW 2076

30 October 2020

Independent Planning Commission
ipcn@ipcn.nsw.gov.au

Re: Wahroonga Estate Concept Plan – MP07_0166 MOD 8 – Addendum Report

Dear IPC Members

I again, I find myself, as a locally affected resident, writing to object to much the same issues as regards Wahroonga Estate Concept Plan MOD 8, and outlined in the NSW Planning, Industry and Environment's, Addendum Report Wahroonga Estate Modification 8 – October 2020, that have been essentially re-raised over and over again, "sand-bagging" and unnecessarily consuming the unpaid time of local community members, who are desperately attempting to manage an unacceptable state of affairs, blundering along in the hands of paid instruments of the state, to the advantage of developers.

This issue being addressed here should not even be requiring objections, as the correct action is extremely clear - the current building line for building C needs to be adjusted to comply with established, applicable building parameters. The irony is that were this entire development proposed today "from scratch", it would almost certainly be denied under current planning instruments.

While I will once again outline many objections to Modification 8, the removal of Block D is necessary for the well-being of the students and teachers at the Wahroonga Adventist School. The 2,000 sqm of land where Block D was to be located was required to be purchased by the Wahroonga Adventist School for a sum of money (in the millions).

The removal of Block D cannot be the overriding factor in increasing the height, mass and closeness of Blocks A, B, and C to the Wahroonga Adventist School. As the amenity of the Wahroonga Adventist School, Wahroonga Adventist Church, Fox Valley Community Church and Sovereign Grace Church must also be taken into consideration as they are also located on Precinct B: Central Church. It is important to note that the Wahroonga Adventist School has been on the Wahroonga Estate since 1905, for 114 years. And churches have been on this site since its inception in 1898, for over 120 years. It is in not in the Public Interest to approve the increase in height and footprint of residential buildings A, B, C and E in Precinct B: Central Churches

The Wahroonga Adventist School and Wahroonga Adventist Church have been on the Wahroonga Estate for over 100 years their needs and enormous benefits to the wider community must be taken into consideration in any decision making on Modification 8. There needs to be balance and thought given to the needs of each use on the Estate so they can operate independently and harmoniously together.

Objection: Block C – Not Complying to Asset Protection Zones

Residential Block C in Precinct B – must comply with Planning for Bushfire Protection 2019 and have an Asset Protection Zone of 56m. The Wahroonga Estate Concept Plan MP07_0166 approved in March 2010. Has the Condition '*B5 (1) All Asset Protection Zones are to be located outside of the conservation land as shown in the approved Concept Plan unless required for development constructed prior to the date of this instrument.*'

Furthermore, the NSW DPIE Modification Assessment Report MP07_0166 MOD 8 (Figure 1: below) provides an extract from the original approval Wahroonga Estate Concept Plan showing the APZ lines for Precinct B: Central Churches. APZs are measured from a line of undisturbed vegetation was adopted as the E2 Conservation Boundary line. Base Source: Final Preferred Project Plan – January 2010). The residential buildings and educational buildings complied to the APZ lines of 60m and 100m which were applicable in March 2010.

Figure 1 – Final Preferred Project Plan 2010

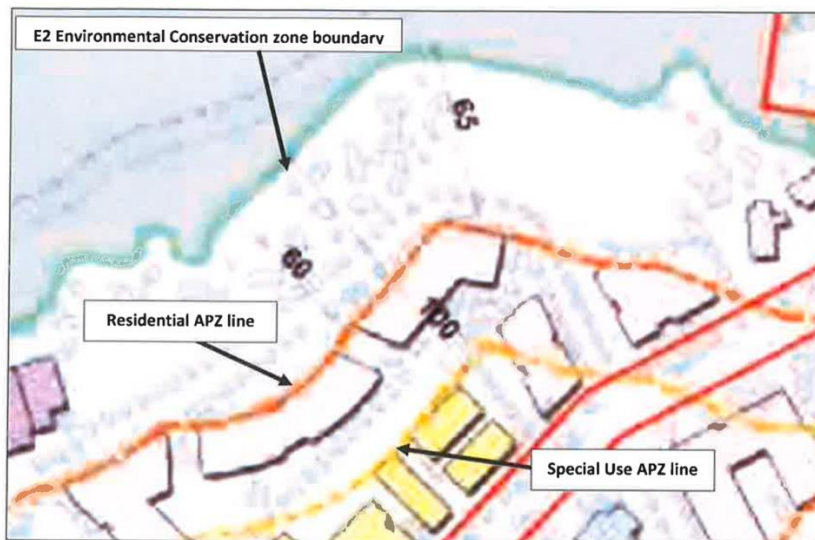


Figure 16 | Extract from original approval documents showing APZ lines. APZs are measured from a line of undisturbed vegetation which was adopted as the E2 Conservation Zone Boundary line (Base source: Final Preferred Project Report)

Furthermore, while there have been oversights by assessors in the past for not recognizing that the VTML was used to calculate APZs rather than the E2 Environmental Conservation Boundary for the following plans: Precinct B – Central Churches (MOD 5 – MP07_0166), Wahroonga Adventist School (SSD535) and the Sydney Adventist Hospital Expansion (Mp10_0070), is not a justification for approving non-compliant applications now.

The APZ 100m for the Wahroonga Adventist School was approved by SSD5535 using the VTML rather than the E2 Environmental Conservation Boundary as required by the Concept Plan B5 (1). Figure 2 highlights the area of the school site (not approved buildings) which does not meet the 100m APZ required.

The proponent has recommended a new APZ line that would predominately follow the E2 boundary as required by Condition B5 (1). The proponent has recommended an area of 263m² (Figure 2 blue shaded area) within the E2 zoned land that would be managed as an APZ. This would then be offset by 264m² (Figure 2 Red shaded area) within the R4 Residential Zone that adjoins the E2 zoned land that has similar ecological value. There can be no m² recommended by the proponent for the minimum area required by the school. As the 100m has to be measured from approved school buildings and not the school site.

Figure 3 below – highlighted by the red circle shows that there is **only a small portion of the Wahroonga Adventist School Junior School Building that is not within the 100m APZ line**. This small portion of the APZ for the school is currently being managed by Wahroonga Waterways Landcare as an APZ, it has separated trees and canopy, and absolutely no undergrowth. The justification for moving the E2 Environmental Conservation Boundary, to accommodate this small APZ area is not justified.

Figure 2: Precinct B: Central Churches – Asset Protection Zones

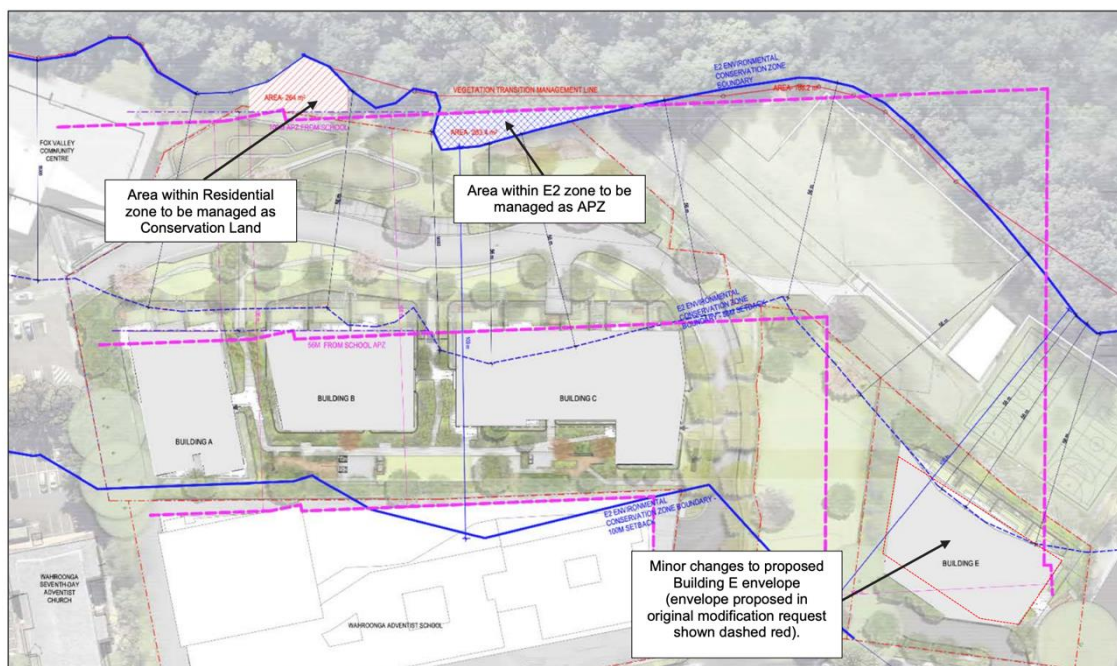
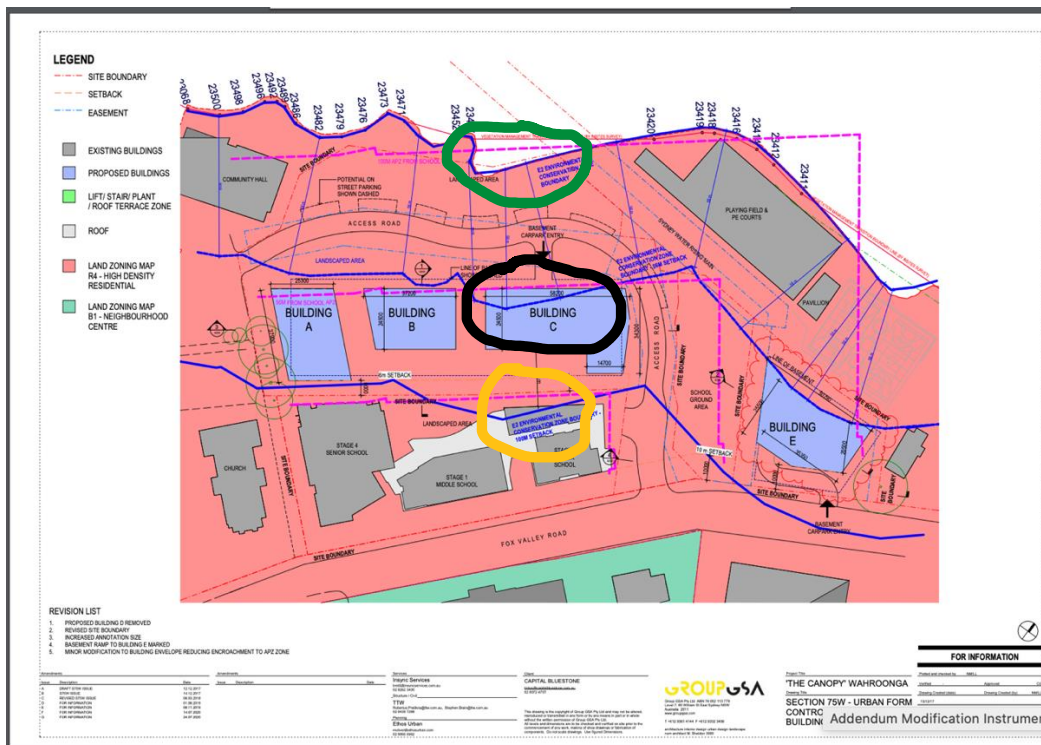


Figure 2 | Revised Scheme (source: Group GSA Architects plan submitted with revised request)

Figure 3 – Drawing A001 ‘Section 75W – Urban Form Control Diagram – Building Footprint Issue G dated 27.07.2020.

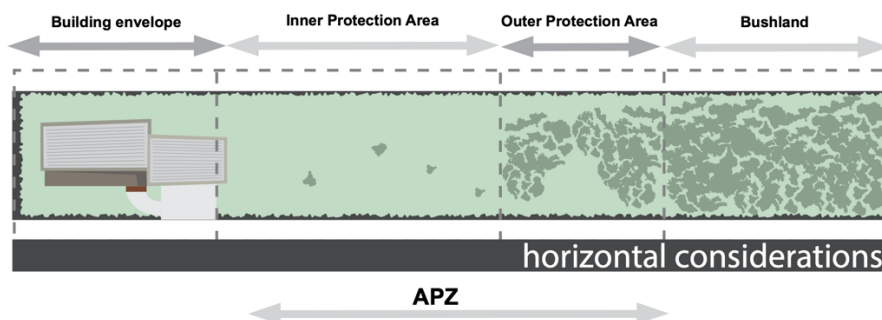


Ku-ring-gai Council in its document Wahroonga Estate MOD 8 IPC Meeting - has recommended that those areas between the E2 Zone boundary and VTML already being managed as APZs should be managed as Outer Protection Areas and the Biodiversity Management Plan should be amended to reflect this. Following on from this the Wahroonga Adventist School’s small portion of APZ in the E2 Zone boundary can be managed as an Outer Protection Area, rather than increasing the existing E2 Zone Boundary in Precinct B: Central Churches. As mentioned above the schools APZ in the E2 Zone is currently being managed by Wahroonga Waterways Landcare. They also manage the nearby Coups Creek Critically Endangered Community which is adjacent to Precinct B: Central Churches. Figure 4 from the Planning for Bushfires highlights how the Outer Protection of the schools APZ can be managed.

Figure 4: Planning for Bushfire Protection (November 2019) P.108

Figure A4.1

Typical Inner and Outer Protection Areas.



I agree with the NSW DPIEs recommendation Addendum Report Wahroonga Estate MOD 8 5.2.13 that APZs for residential buildings do not encroach into the E2 Zoned land with the exception of the minimum APZ area required for the school. APZs comply with Planning for Bushfire Protection 2019, allowing the APZs to be reduced from 60m to 56m for the residential buildings A, B, C & E. And with the updates to MP07_0166 MOD 8 Recommended Modifying Instrument conditions B5 (3) and B5 (4).

If the Residential Buildings A, B, C and E are required to comply B5(1), then the E2 Environmental Conservation Boundary would not need to be adjusted in Precinct B: Central Churches. The school was approved by SSD5535 in 2015, and an oversight was made by the assessors at the time in regard to the incorrect calculation of the APZ 100m by using the VTML instead of the E2 zone boundary. The APZ for the school in the E2 Zone boundary can be managed as an Outer Protection Area, by the Wahroonga Waterways Landcare who currently manage the 31 ha Conservation Area on the Wahroonga Estate.

The new condition in the MP07_0166 MOD 8 Recommended Modifying Instrument recommended by the NSW DPIE **B4 Biodiversity** that *'prior to approval of residential Buildings A, B, & C in Precinct B, the Biodiversity Management Plan be updated and approved by the Department of Agriculture Water and Environment (a) remove all APZs in the E2 environment Conservation zone adjacent to the proposed residential flat buildings in Precinct B with the exception of the minimum APZ required for the school...'* **would not need to be included in the Modifying Instrument.**

Objection: Height of Buildings – A, B C and D.

The height of Buildings A, B, C should be at 20.5m and 14.5m for Building E, in keeping with Ku-ring-gai Council Height Controls in LEP 2015.

The RLS heights should not be used, as the topography of the land is not acute as stated by the Proponent. The land is relatively flat as it is currently being used as a temporary carpark. Ku-ring-gai Council have outlined in their submission that the slope is 3 m. According, to the Wahroonga Adventist School Plans approved by SSD 5535 the topography plans of the School also indicate that the gradient is between 2m and 3m for Blocks A, B and C.

Blocks A, B, C and E can be staged as are other unit blocks built in the Ku-ring-gai area to keep within the Ku-ring-gai Council Height Controls in LEP 2015. Reducing the size and visual bulk of the buildings, will dramatically improve the amenity of the residential buildings for the school, church and local community. And be in keeping with the urban character of the surrounding residential area.

As a result, Condition A(J) should be removed from MP07_0166 MOD 8 Recommended Modifying Instrument.

'A(J) Precinct B: Central Church residential flat buildings shall be restricted to the maximum RLS as shown on Drawing A007 ' Section 75W – Urban Form Control Diagram – Roof Plan Issue G dated 24.07.2020 and the top levels shown in green on the plans are not to include any residential floor space.'

Furthermore, Ku-ring-gai Council does not support the proposed Condition A8 (J) (Page 13 Planning Study) and its associated RL Table which seeks to increase building heights. Council has also indicated that Condition A8 (2) of the approved concept plan should prevail with any requirements to increase heights being assessed at the development stage where all matters and impacts in regard to the individual building heights, and the requirements of A8 (2)(a)(b)(c) can be considered.

Therefore MP07_0166 MOD 8 Recommended Modifying Instrument A(J) needs to be removed so that A8 (2) can prevail at the assessment stage by council for residential blocks A, B, C & E.

Objection: Building Length

The proposed Length of Building A - 27.9m, Building B – 37.2m, Building C – 58.2m and Building E – 50.79 do not comply with Ku-ring-gai DCP as they exceed the maximum building length control of 26m. This length is to control the bulk and scale of residential buildings to relate to the sub-urban context and enable buildings within landscaped settings to be delivered.

Objection: Top Story - Footprint

The top level of Blocks A, B, C and E do not comply with Ku-ring-gai DCP as they exceed 60% of the Gross Floor Area (GFA) of the storey immediately below. Vertical and horizontal modulation being applied to reduce bulk and scale of the buildings is a DCP requirement for all residential flat buildings within the Ku-ring-gai locality.

All air-conditioning units should be placed in the basement carpark, to reduce any noise impact and visual impact on the Wahroonga Adventist School and three Churches operating on Precinct B: Central Church.

Objection: 6m Setback for Block A and C to the Wahroonga Adventist School.

The 6m setback for Block A and Block C from the boundary of the Wahroonga Adventist School is insufficient. The setback of 6m will be insufficient for deep soil planting. The Wahroonga Adventist School has a basement carpark located underneath the entire site, so the school is able to plant deep soil trees for privacy. There needs to be a larger setback between the units and the Wahroonga Adventist School so trees can be planted for screening and shade.

Objection: Overshadowing of Wahroonga Adventist School

Given the close proximity of Block A Block B and Block C to the school the height and mass will cause overshadowing of the school. This will be particularly acute during the winter months, reduction in sunlight for Vitamin D essential for the absorption of calcium for both students and teachers, light for well-being and reduction in anxiety and depression of students and teachers.

- Increased overshadowing to the school if these buildings are not restricted to 20.5 M
- Blocks A, B and C will be significantly tower above the school.
- Light reduction, particularly during winter months.

- Increase in mould due to lack of ventilation, light and high rainfall averages in Wahroonga.
- Afterschool care operates from 3.30 pm to 6 pm on the school premises, there will be no sunlight on the play areas and school buildings from 3 pm on as outlined on the Shadow Diagram provided by the winter Solis.
- The Middle School Building and Junior School Building will also overshadow the play grounds located in front of the school.
- Trees overshadow bottom greenspace and Block E overshadows the top greenspace.

Objection: To Height Due to Loss of Bush Views.

- Flat top buildings will appear to be like an extremely large prison wall to young children and teenagers. **A 'Prison Wall' affect across the back of the school.**
- There should be no increase in height as ALL views of the 31.4 hectares of Protected Bushland on the Wahroonga Estate for the 800 students and teachers will be blocked by the 'Prison Wall' of unit blocks.
- To reduce anxiety and depression in children and adults they need to view nature, there will be no views of bushland or the new green space.

Image 1: View of the Protected Bushland from the artificial turf play space on Level



Objection: Lack of Privacy

There will be a lack of privacy for both the residents and children. Residents will be able to view children throughout the day on the artificial green space at the back of the school. Furthermore, children will be able to view into the windows of residences lounges and bedrooms of the apartments given their closeness.

This is a list of times that children have breaks on the greenspace in Image X. Due to both the Middle School and Junior School building being multi-level it is operationally impossible to move the children to the greenspace on the other side of the road.

Wahroonga Adventist School – Break Times.

During recess times students only have access to the artificially turfled veranda spaces at recess times as they are only 20 mins. This space is viewed by residents during the day, before school and after school.

- Junior school (P-Yr 4) have lunch 11.00am-11.40am & recess 12.50pm-1.10pm
- Middle School (Yrs 5- 8) have recess 10.25am-10.45am & lunch 12.00pm-12.40pm, except Tuesdays have recess 10.35am -10.50am & lunch 12.05pm-1.00pm
- Senior School (Yrs 9 & 10) have recess 11.40am-12.00pm & lunch 1.15pm-1.55pm, except Tuesdays have recess 10.35am -10.50am & lunch 12.05pm-1.00pm

At lunch time (40 mins) students are able to access the greenspace which will be viewed by Residences in Block C and Block E. During ALL break times students from Prep to Yr 12 will be able to be viewed by residences. They can also be viewed walking on the external verandas and staircases which are used to move throughout the school.

Furthermore, all students Prep to Yr 12 have PDHPE lessons and sport throughout the school week where they will be able to be viewed by residences. Students while outside will be able to view into apartment windows.

Photo 1: View of Wahroonga Adventist School from Block A

Image 1: SW corner unit in Block A, at sixth floor window. Six metre set back from School boundary (fence line).



Photo 2: View of Wahroonga Adventist School from Block A – 6 metres from school

Image 2: SE corner unit of Block A, at sixth floor window. Six metre set back from School boundary (fence line).



Photo 3 - View from Block B of Wahroonga Adventist School from 22 metres

Image 4: SE corner unit of Block B at 22m set back and at sixth floor height



Objection: Increase in Envelopes for Block A, B and C.

In general, the bulky rectangle flat top Buildings A, B and C will lead to architecturally unimpressive apartment blocks and they are visually uninspiring. They will create a visual unsightly bulk and a 'Prison Wall' affect across the rear of the Wahroonga Adventist School.

The reduction in greenspace by the increase in mass of Blocks A, B and C cannot be justified by the Proponent or Ku-ring-gai Council based on the fact that there is 31.4 ha of surrounding bushland on the Wahroonga Estate.

Residences living in the apartments will require greenspace for privacy, children's play grounds, walking paths, recreational area, communal gardens and BBQ outdoor dining areas. The adjacent bushland will have accessibility issues for small children, prams, seniors with mobility issues requiring walking aids such as walkers and scooters and the disabled. It is also extremely difficult to kick a soccer ball or play on a swing in the adjacent Coups Creek

bushland. The additional foot traffic of residences and pet dogs will have a detrimental environmental impact on the Ecologically Endangered Community.

The Wahroonga Adventist School has had a sub-division approved by SSD5535 MOD 1, so it will be separately owned by the school a separate legal entity to that of the current landowner Australasian Conference Association Limited. Therefore, apartment holders which will be eventually owned as strata title will not be able to legally access the school grounds. Also, the apartments will be a gated community and the Body Corporate will not likely allow the church or school community to access the land surrounding the residential buildings.

The lack of greenspace and ventilation between the school and Block A, B and C will have an adverse impact on the Wahroonga Adventist School. Nature being so important to reduce anxiety and mental health issues for the children and teachers.

Objection: Wahroonga Estate Concept Plan MP07_0166 - MOD 5

The residential building footprints for Block A, B and C on Precinct B: Central Church approved by Modification 5 should be maintained. MOD 5 was approved on the 28th July 2014 at this time the layout of building footprints for the educational development and residential development of Precinct B: Central Church were approved together. MOD 5 also amended the access road to facilitate better access for the school and residential development.

A review of all of the submissions for MOD 5 on the NSW Planning portal, address major conflicting design issues which were approved by the original Wahroonga Estate Concept Plan MP07_0166 in March 2010.

Modification 8 which is proposing changes to the footprints of Blocks A, B and C was submitted in December 2017. The Wahroonga Adventist School was approved by SSD5535 on 29th April 2015 and commenced construction in 2015. The layout and footprint of the individual school buildings designed around the footprints and layout of the residential developments approved in Modification 5 on the 28th July 2014.

The architecture and design of the entire Wahroonga Adventist School was based on the location and height of the adjacent proposed footprints of Block A, B and C approved in Modification 5. **The school buildings were also designed on the basis that Block A, B and C had a height of 20.5 M. Please refer to the Architectural Design Report for the Wahroonga Adventist School SSD5535, page 8.** A copy of this report has been submitted with this submission. The location of the schools class rooms, verandas, privacy blades, computer room, music room, staff room, artificially turfed play verandas, library and hall.

Modification 5 has a significantly improved amenity for the school than Modification 8, having curved envelope (Block B), offset rectangular envelopes (Block A and C) and provision for improved visual amenity. Modification 5 has less severe envelopes and layout compared to the very large bulky rectangular buildings of Block A, B and C in Modification 8.

To ensure that the amenity of the residences and the school is maintained MOD 5 Building envelopes for Block A, B and C MUST BE MAINTAINED.

Objection: Access to Greenspace.

Modification 8 does not address at all safe access by the Wahroonga Adventist School to its greenspace either by road or tunnel. How the students are to access the greenspace needs to be clearly defined in Modification 8. Conditions on how the students are to access the greenspace needs to be clearly articulated in the Wahroonga Estate Concept Plan. It cannot be left to the DA stage, as the Proponent will not be required to provide access as it is not a condition in the Wahroonga Estate Concept Plan. KMC will also have no authority in determining the layout of the access to the greenspace at the DA stage.

Objection: Bushfire Risk Assessment

A Bushfire Risk Assessment needs to be completed for the entire Wahroonga Estate and surrounding residential area, before any determinations are made by the IPC Panel for Modification 8. There is a change in residential density behind the Wahroonga Adventist School, as there is no change to the number of units of 200 in Modification 8 after removing Block D. There will be an increase in the number of units adjacent to the Category 1. Bushfire Land Zone.

A catastrophic bushfire emergency was declared on the 12th November 2019, for the first time in the Greater Sydney Basin. I received a message on my phone that a grass fire had started in South Turramurra on Canoon Rd on Tuesday afternoon. Canoon Rd is directly behind Leuna Ave a small street of the The Broadway near the intersection of Fox Valley Rd and Comenarra Parkway. I could watch from my back deck a small amount of smoke then plumes of smoke from the South Turramurra fire. A fire that was out of control within 10 to 15 mins, and it was too late to evacuate for local residents. We were so lucky as plane could be diverted to drop fire retardant on the out of control fire. No building can withstand catastrophic fire conditions, what will happen when there are no resources to drop fire retardant, as it is at another fire emergency and unable to make it in time.

In light of Tuesday 12th November 2019, Blocks A, B and C should be eliminated completely and the temporary carpark be converted into an evacuation site and landing site for helicopters to refill. There are mains water 14.5 metre wide delivering the main water supply to Wahroonga and Normanhurst that could be used to refill helicopters equipped to fight fires.

Objection: Modification 8 - Environmental Impact.

The land behind the proposed residential development is Coups Creek - The Sydney Turpentine – Iron Bark forest which is an Endangered Ecological Community (EEC) and is listed as an EEC under the Threatened Species Conservation Act (1995). Coups Creek is also protected as an Ecological Community under s266B of the Environment Protection and Biodiversity Conservation Act 1999.

The following threatened species living in the Coups Creek EEC.

- Powerful owl (*Ninox strenua*), 1 breeding pair and 1 chick. Observed weekly by Powerful Owl advocate.
- Southern Myotis bat (*Myotis macropus*) call recorded by anabat recorder 17/01/17.
- Grey headed flying fox (*Pteropus poliocephalus*) last seen 08/05/18.
- Gang Gang Cockatoo (*Callocephalon fimbriatum*) Sighted by Cornell Lab Survey 2010.

The major concern in the case of these threatened species from the proposed residential development is light pollution (3 nocturnal species).

The two EEC Communities, (1) has a frontage that stretches from Elizabeth Street through to behind Fox Community Centre is classified as Sydney Turpentine Ironbark Forest and covers a total area of roughly 1.5 ha. (2) There is an area of Blue Gum High Forest 0.2 ha which exists off the end of Elizabeth Street as well. The major environmental concerns in the case of these two endangered ecological communities are as follows:

1. Increased foot traffic through these Endangered Ecological Communities encourages the spread of weeds, erosion and trampling of ground flora.
2. Increased impervious areas of the site will increase runoff that will impact the amount of soil moisture which can be detrimental to native ecosystems as well as promoting the introduction, spread and establishment of weeds. The management of stormwater has been an issue across the Wahroonga Estate site, many of the implemented controls such as detention basins and dispersion pits have been ineffective due to the sloping nature of the site and lack of proper maintenance. It will be very difficult to construct appropriate hydrology controls for stormwater discharge to bushland in such a protracted space between the existing road and the bushland that will meet the capacity requirements and allow for adequate dispersion of water and thus not increase the effect on the endangered ecological community in this area.

The detrimental impact the proposed residential impact on Precinct B: Central Church will have.

- Increased use of foot tracks will cause erosion of those tracks which will thus require an increased budget for upgrade and maintenance of those tracks.
- Increased use of foot tracks will cause increased spread of weeds which will require an increased budget for weed control activities in the bushland.
- Increases in potential dog walkers from both residents and visitors will cause increased disturbance to wildlife. This impact comes mainly from the sensory signals that dogs leave behind, including scent markings, droppings and urination which cause an increase in wildlife stress and reduction in basking and feeding behaviours.
- Potential increases in feral rodent populations caused by increases in human waste and rubbish.
- Landscape plantings will introduce weed species and/or increase seed sources of weeds which are a key threatening process for all vegetation communities on site. (eg. behind the San Clinic Parkway, ryecorn was introduced by hydroseeding as part of the landscaping on the slope above and is now a weed in the critically endangered Sydney Turpentine Ironbark Forest that exists in that area of the site).

Modification 8 – needs to consider and place conditions of the following.

- 1) Hydrology control design documents.
- 2) Planting lists for landscaping.
- 3) A budget for increased expenditure for the remediation and maintenance of the bushland against these impacts.
- 4) Narrow spectrum LED lighting with motion detection for street lights and external building safety lighting to reduce light pollution.

Objection: Church and Wahroonga Adventist School Carparking.

Modification 8 does not address the carparking needs of the following entities operating on Precinct B: Central Church. Each entity on the Wahroonga Estate needs to be self sufficient in regard to car parking. The SAN Hospital Carpark was only approved by the Wahroonga Estate Concept Plan to meet the needs of **ONLY** hospital, staff, patients and visitors to the hospital. I refer the IPC Panel to the various modifications made to the staging and alterations of the SAN hospital.

SAN Hospital could be sold in the future, as was the private Adventist Hospital in New Zealand, so no reliance should be placed on the SAN Hospitals carpark for other entities on the Wahroonga Estate.

- The Fox Valley Community Church only has 11 carparks and requires 125 carparks for its 415 church members to attend church on a Saturday and other community events.
- The Wahroonga Adventist Church – has the capacity to sit 1,000 people. It has a shortfall of 95 car parks. KMC requires 1 carpark for 6 seats.
- Sovereign Grace Church – operates out of the Fox Valley Community Centre on a Sunday and requires 110 carparking spaces.
- There is insufficient carparking spaces for the families of the Wahroonga Adventist School. There will be no on street parking in front of the school or along Fox Valley Road as it is planned to be widened to 2 lanes in either direction. If there is a whole school event there will be insufficient parking in the schools underground parking. There are only 124 basement car parking spaces planned for the Wahroonga Adventist School when it is fully completed.
- The school has 2 buses and there is no parking for them as they don't fit in the basement carpark.
- No off-street bus stop for the 800 students.

Thank you for considering my objections to Wahroonga Estate Concept Plan MP07_0166 Modification 8. In light of the Catastrophic Bushfire Condition on Tuesday, 12th November 2019 I believe Block A, B and C on Precinct B: Central Church should be completely removed from the Wahroonga Estate Concept Plan. The protection of our children needs to be considered with the utmost care, as your decision will impact future generations of children to come. Their mental health, anxiety levels, personal safety, physical health and overall well-being is really in your hands.

Yours sincerely

Mark Digby

Mark R W Digby