



Wahroonga Estate Concept Plan

*Part 3A Section 75W
Modification Assessment
(MP07_0166 MOD 8)*

September 2019

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Glossary

Abbreviation	Definition
APZ	Asset Protection Zone
Council	Ku-ring-gai Council
Department	Department of Planning and Environment
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
EPI	Environmental Planning Instrument
ESD	Ecologically Sustainable Development
FAR	Future Assessment Requirement
LEP	Local Environmental Plan
Minister	Minister for Planning
OEH	Office of Environment and Heritage
Proponent	Capital Bluestone Pty Ltd
RMS	Roads and Maritime Services
RtS	Response to Submissions
Secretary	Secretary of the Department of Planning and Environment
SEPP	State Environmental Planning Policy
SRtS	Supplementary Response to Submissions



Executive Summary

This report is an assessment of a request to modify the Concept Plan Approval (MP07_0166) for the redevelopment of the Wahroonga Estate in the Ku-ring-gai Local Government Area.

The proposal, as originally submitted, sought approval to make minor amendments to the approved residential building envelopes, amend car parking rates and amend the internal roadway configuration in Precinct B of the estate. The request was lodged by Ethos Urban on behalf of Capital Bluestone Pty Ltd (the Proponent) pursuant to section 75W of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

The modification request was notified to adjoining landholders, Ku-ring-gai Council and relevant State agencies. The Department received a total of 116 submissions, comprising four submissions from government agencies and 112 submissions (all comprising objections) from the general public. The key issues raised in submissions included impacts of the development on the adjacent school, built form impacts, traffic and parking impacts and the level of detail provided in the modification plans.

In response, the Proponent amended the proposal by deleting Building D and converting this space into additional school grounds. The Proponent also provided additional information to justify the proposed changes and simplified the proposed building envelopes.

The Department has assessed the proposed modification in accordance with the relevant requirements of the EP&A Act and has carefully considered the issues raised in public submissions. The Department's assessment concludes the proposal is acceptable as:

- the deletion of Building D would result in a net benefit to the adjacent school by increasing the size of the school grounds, improving connections between the main school area and the existing playgrounds, and improving outlook and solar access to the north-eastern edge of the school
- the proposed changes to the remaining building envelopes are minor and any increase in the massing of Building A, B, C and E would be offset by the deletion of Building D
- the revised envelopes would not result in any significant or unacceptable amenity or visual impacts on the adjoining school or the surrounding area compared to the original approval
- the proposal would not result in any significant increase in traffic as the number of dwellings permitted on the site would stay the same
- the provision of additional carparking spaces would reduce pressure on the availability of on-street car parking spaces
- all other impacts including the final building design, amenity, bushfire risk, environmental and construction impacts would be considered in further detail by Council during the assessment of future development applications.

Therefore, the Department considers the modification request is approvable, subject to Future Assessment Requirements (FAR) (outlined in **Appendix B**). This assessment report is hereby presented to the Independent Planning Commission (Commission) for determination, given the level of public interest in the proposal.



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1. Background

1.1 Background

This report is an assessment of a request to modify the Concept Approval (MP07_0166) for the redevelopment of the Wahroonga Estate in the Ku-ring-gai Local Government Area.

The request has been lodged by Ethos Urban on behalf of Capital Bluestone Pty Ltd (the Proponent) pursuant to section 75W of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

The proposal seeks approval to amend the Concept Approval by amending the residential flat building envelopes and the parking rates for residential development within Precinct B of the estate.

1.2 Subject site

The site is known as the Wahroonga Estate and is located on Fox Valley Road and the Comenarra Parkway, approximately 18 km north-west of the Sydney CBD. The site has an area of 62.4 ha and is located within the Ku-ring-gai and Hornsby Local Government Areas. The Wahroonga Estate incorporates the Sydney Adventist Hospital and the Wahroonga Adventist School. The location of the site is shown in **Figure 1**.

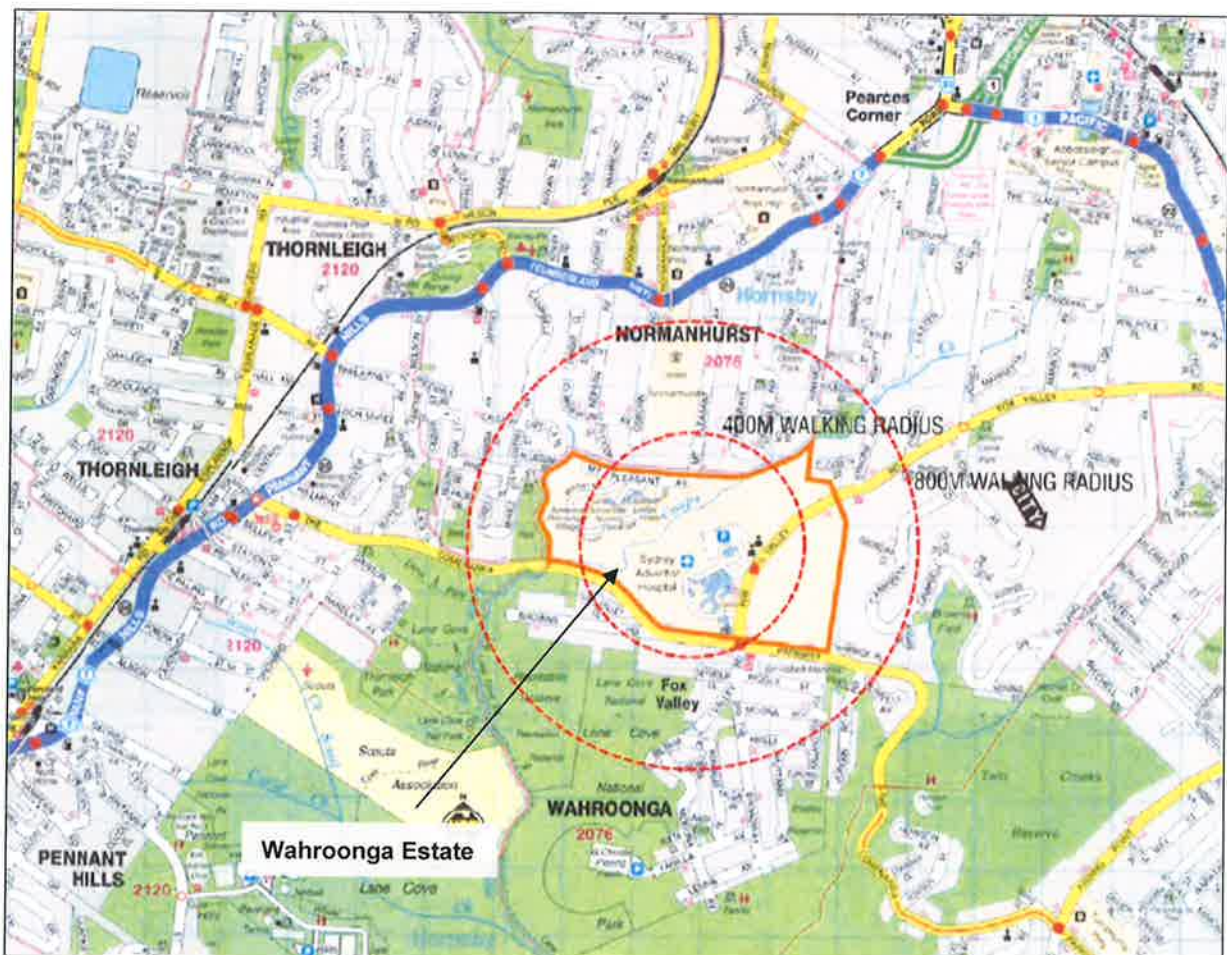


Figure 1 | Site Location.

The site is divided into 5 Precincts and this modification application relates to Precinct B, also referred to as the Central Church Precinct (outlined in orange in **Figure 2**). The area approved for development of five residential flat buildings is outlined in yellow.

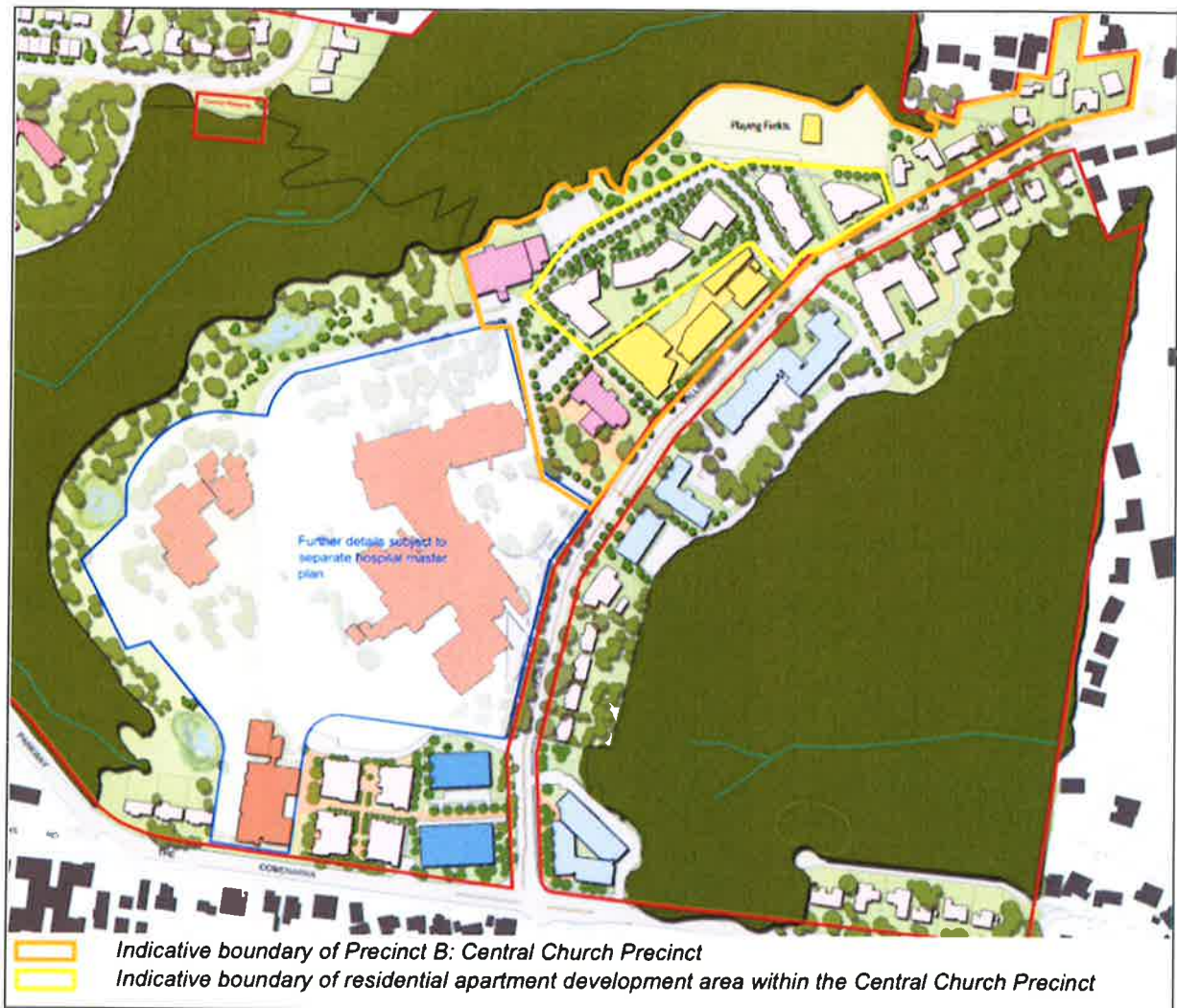


Figure 2 | Extract from Existing Concept Plan showing boundary of Precinct B: Central Church and boundary of the residential apartment development area. Base source: Modification Request (Ethos Urban))

Currently Precinct B includes dwelling houses fronting Fox Valley Road, the Wahroonga Adventist School (occupied, but under construction), the Wahroonga Seventh Day Adventist Church, playing fields associated with the school, stormwater detention basin, Fox Valley Community Centre and a large at-grade carpark (**Figure 3**). The rear of the site adjoins bushland which includes Coups Creek and is zoned as environmental conservation land. The Sydney Adventist Hospital adjoins Precinct B to the south-west.

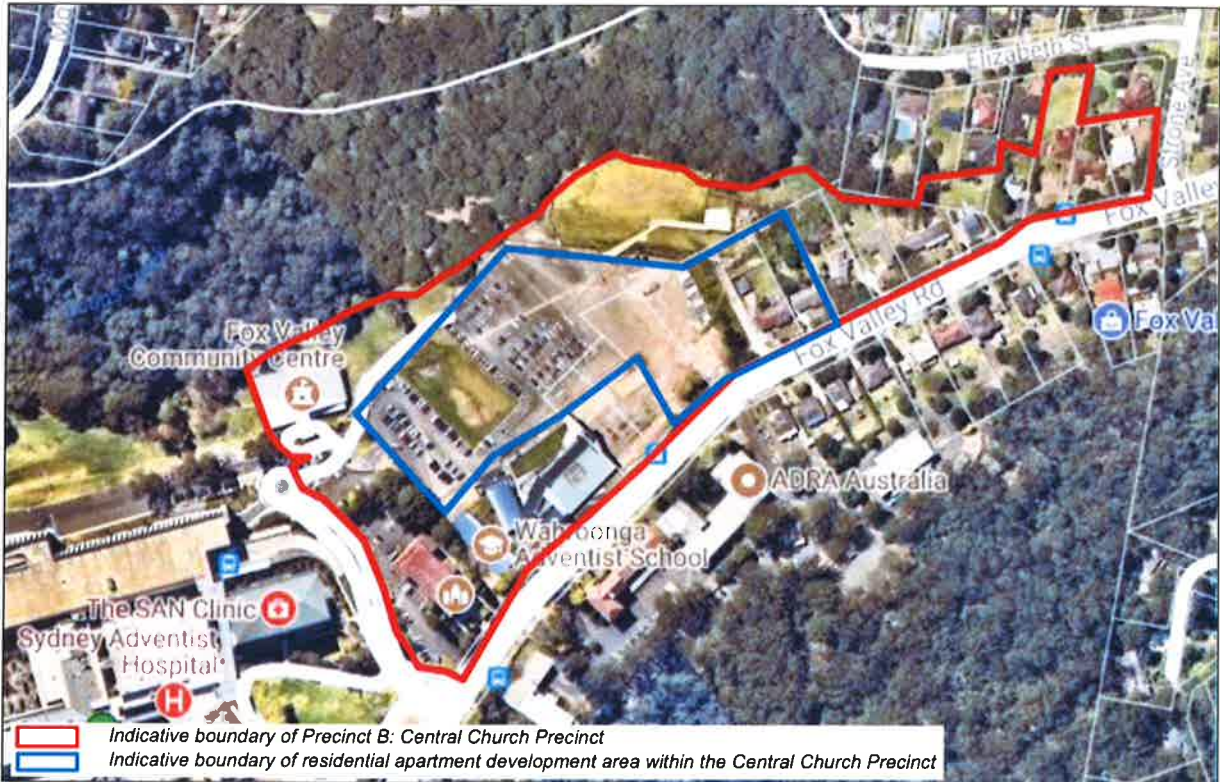


Figure 3 | Aerial View of site showing boundary of Precinct B: Central Church and boundary of the residential apartment development area (Base source: Modification Request (Ethos Urban))

1.3 Approval History

State Significant Site Listing

On 18 December 2009, the site was listed as a State significant site within Schedule 3 of State Environmental Planning Policy (Major Development) 2005 (now State Environmental Planning Policy (State Significant Precincts) 2005) (SSP SEPP). The provisions established a number of land use zones and development standards to facilitate its proposed redevelopment. Those provisions, including building height controls have subsequently been removed from the SSP SEPP and incorporated into Ku-ring-gai LEP 2015.

Concept Plan

On 31 March 2012, the then Minister for Planning approved a Concept Plan for the Wahroonga Estate redevelopment (MP07_0166). The Concept Plan established five development precincts, with each containing separate land uses, restrictions on the type and maximum number of dwellings and restrictions on floor space. The Concept Plan included approval for the following key elements:

- An additional 28,000 sqm of floor space (providing a total of 94,000 sqm) for upgrade and expansion of the Sydney Adventist Hospital
- Up to a total of 500 private residential dwellings across the site
- 17,000 sqm for seniors living in the Mount Pleasant Precinct
- 16,000 sqm of commercial floor space in the Fox Valley Road East and Central Hospital Precincts
- 14,500 sqm of floor space for Student Accommodation / Hostels / Group Homes / Boarding Houses in the Central Precinct

- 9,000 sqm of floor space for a K-12 school in the Central Church Precinct
- 3,500 sqm for expansion of the Faculty of Nursing in the Central Hospital Precinct
- 3,200 sqm of floor space for church uses in the Central Hospital Precinct
- 2,000 sqm of retail floor space in the Central Hospital Precinct
- The provision of 31.4 hectares of environmental conservation lands.

The application has been subject to the following modification applications:

Table 1 – Modifications to the Approval

Reference	Description of Modification	Status
MP07_0166 MOD 1	Clarify the timing the Proponent has to obtain an approval from the Commonwealth Department of Water, Environment, Heritage and the Arts for Biodiversity Management Plan	Approved 15 May 2010
MP07_0166 MOD 2	Amendments to Proponent details and the timing, funding and traffic infrastructure upgrade requirements	Approved 4 December 2012
MP07_0166 MOD 3	Increase the maximum gross floor area within Precinct C: Central Hospital by 7,552 m ²	Approved 18 June 2013
MP07_0166 MOD 4	Modification to building footprints and heights, car parking provisions, access arrangements and internal road alignment of Precinct C: Central Hospital and Precinct D: Fox Valley Road East	Approved 8 April 2014
MP07_0166 MOD 5	Modifications to the layout of building footprints, access arrangements and internal road alignment of Precinct B: Central Church and connection to a new signalized Fox Valley Road Intersection.	Approved 28 July 2014
MP07_0166 MOD 6	Modification to Future assessment requirement B7 to enable payment of a monetary contribution in lieu of a Deed of Agreement with Roads and Maritime Services	Under Assessment
MP07_0166 MOD 7	Modification to allow adaptive reuse of the existing Primary School building as a child care facility within Precinct C: Central Hospital	Under Assessment

Within Precinct B, the Concept Plan approved 9,000 sqm of educational floor space for a K-12 school, 3,200 sqm of floor space for a place of public worship, and provision for nine dwelling houses (retained) and 200 dwellings within five residential flat building dwellings. The layout of Precinct B, as originally approved, and as modified by MOD 5 are shown in **Figures 4** and **5**. An artist's impression of the likely future built form of the residential flat buildings, as approved within the original Concept Plan application, is shown in **Figure 6**.



Figure 4 | Originally Approved Residential layout (Base source: MP 07_0166)



Figure 5 | Current Approved Residential layout (Base source: MP07_0166 Mod5)



Figure 6 | Sketch of potential future built forms based on original Concept Plan approval (Base source: MP07_0166)

School Approval

On 29 April 2015, the Department Approved a State Significant Development Application (SSD 5535) for the development of the Wahroonga Adventist School, comprising:

- staged construction of a new 8,158 sqm, three to four storey school and associated landscaping
- provision for a maximum of 800 K – 12 students
- construction of associated basement car park, with provision for a total of 124 parking spaces and associated set down / pick up facilities
- construction of associated playing fields
- construction of a new access road and signalised intersection on Fox Valley Road.

The first three of six stages of the school have been developed and the school is currently occupied.

The approval has been modified on two occasions, including:

- Incorporation of subdivision into the development (MOD 1, approved 7 August 2015)
- Change to the timing of the new signalised intersection and temporary vehicle access arrangements (MOD 2, approved 25 January 2019).



2. Proposed Modification

Original Proposal

On 21 December 2017, the proponent lodged a section 75W modification request (MP07_0166 MOD 8) seeking approval to make minor amendments to the approval, including:

- increasing the depth of the building envelopes
- amending the building footprints from a curved to a more rectangular footprint
- increasing the building heights above the existing applicable LEP height controls, but retaining the approved maximum number of apartments (200)
- adding more detail to the residential building envelopes (including dimensions and heights)
- amending car parking rates to allow additional residential car parking, reduce visitor parking rates and remove the requirement to provide car share spaces
- changes internal roadway configuration in Precinct B.

The Proponent requested the modification on the basis that the amended building envelopes would allow for improved outlooks, privacy and building separation and parking rates align more closely with Council's controls for carparking.

Amended Proposal

Following the notification of the request and the concerns raised about the approved residential components, the Proponent submitted a Response to Submissions (RtS), and a further Supplementary Response to Submissions (SRtS) which amended the proposal (refer to **Section 4.4**). Key amendments made by the SRtS included:

- deletion of Building D to provide more open space for the School
- simplification of the remaining building envelopes
- clarifying the on-street parking locations are indicative only.

The key components and features of the modification request (as refined in the SRtS) are provided in **Table 2** and are shown in **Figures 7 and 8**.

Table 2 | Main components of the modification request

Aspect	Description																		
Built form	<ul style="list-style-type: none"> • Buildings A, B and C: Change from curvilinear building footprints to more regular footprints; building depths and overall building footprints enlarged; Buildings A and C located closer to school boundary; building heights / envelopes specified in RLS • Building D: deleted • Building E: Change from triangular building footprint to more regular footprint; overall building footprint enlarged; majority of the building setback further from Fox Valley Road; building heights specified in RLS 																		
Building Height	<ul style="list-style-type: none"> • It is proposed to set maximum building heights in terms of RLS, which would override Councils LEP controls which would otherwise apply. The following changes to building heights are sought: <table border="1" style="margin-left: 40px; margin-top: 10px;"> <thead> <tr> <th></th> <th style="text-align: center;"><i>LEP height control</i></th> <th style="text-align: center;"><i>Proposed roof height</i></th> <th style="text-align: center;"><i>Proposed roof plant / terrace</i></th> </tr> </thead> <tbody> <tr> <td style="text-align: center;"><i>Buildings A, B, C</i></td> <td style="text-align: center;"><i>20.5m</i></td> <td style="text-align: center;"><i>RL183.3</i></td> <td style="text-align: center;"><i>RL 185.7</i></td> </tr> <tr> <td style="text-align: center;"><i>Building E</i></td> <td style="text-align: center;"><i>14.5m</i></td> <td style="text-align: center;"><i>RL175.8</i></td> <td style="text-align: center;"><i>RL 178</i></td> </tr> </tbody> </table>		<i>LEP height control</i>	<i>Proposed roof height</i>	<i>Proposed roof plant / terrace</i>	<i>Buildings A, B, C</i>	<i>20.5m</i>	<i>RL183.3</i>	<i>RL 185.7</i>	<i>Building E</i>	<i>14.5m</i>	<i>RL175.8</i>	<i>RL 178</i>						
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Number of Dwellings	<ul style="list-style-type: none"> • Approved: Max 200 across 5 buildings • Proposed: Max 200 across 4 buildings 																		
Uses	<ul style="list-style-type: none"> • The area previously designated for construction of Building D would become part of the school grounds. 																		
Access	<ul style="list-style-type: none"> • Changes to indicative access road layout including potential for at-grade parking • Separate driveway access provided for Building E. 																		
Car parking	<ul style="list-style-type: none"> • Change to carparking rates as follows: <table border="1" style="margin-left: 40px; margin-top: 10px;"> <thead> <tr> <th></th> <th style="text-align: center;"><i>Existing Rates spaces per dwelling</i></th> <th style="text-align: center;"><i>Proposed Rates spaces per dwelling</i></th> </tr> </thead> <tbody> <tr> <td style="text-align: center;"><i>1 Bedroom Apartment</i></td> <td style="text-align: center;"><i>0.5</i></td> <td style="text-align: center;"><i>1</i></td> </tr> <tr> <td style="text-align: center;"><i>2 Bedroom Apartment</i></td> <td style="text-align: center;"><i>1</i></td> <td style="text-align: center;"><i>1.5 (Buildings A-C) 1 (Building E)</i></td> </tr> <tr> <td style="text-align: center;"><i>3 Bedroom Apartment</i></td> <td style="text-align: center;"><i>1</i></td> <td style="text-align: center;"><i>2</i></td> </tr> <tr> <td style="text-align: center;"><i>Visitor Parking</i></td> <td style="text-align: center;"><i>0.25</i></td> <td style="text-align: center;"><i>1</i></td> </tr> <tr> <td style="text-align: center;"><i>Car Share Parking</i></td> <td style="text-align: center;"><i>0.17</i></td> <td style="text-align: center;"><i>Nil</i></td> </tr> </tbody> </table>		<i>Existing Rates spaces per dwelling</i>	<i>Proposed Rates spaces per dwelling</i>	<i>1 Bedroom Apartment</i>	<i>0.5</i>	<i>1</i>	<i>2 Bedroom Apartment</i>	<i>1</i>	<i>1.5 (Buildings A-C) 1 (Building E)</i>	<i>3 Bedroom Apartment</i>	<i>1</i>	<i>2</i>	<i>Visitor Parking</i>	<i>0.25</i>	<i>1</i>	<i>Car Share Parking</i>	<i>0.17</i>	<i>Nil</i>
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<i>Car Share Parking</i>	<i>0.17</i>	<i>Nil</i>																	
Amendments to FARs	<ul style="list-style-type: none"> • Associated amendments to FAR A2 (Plans and Documentation) A8 (Building Height) and B9 (Car Parking) to reflect the above changes 																		



Figure 7 | Proposed building footprints and road alignment shown coloured compared to approved footprints and road alignment shown outlined in red (Base source: SRTS)

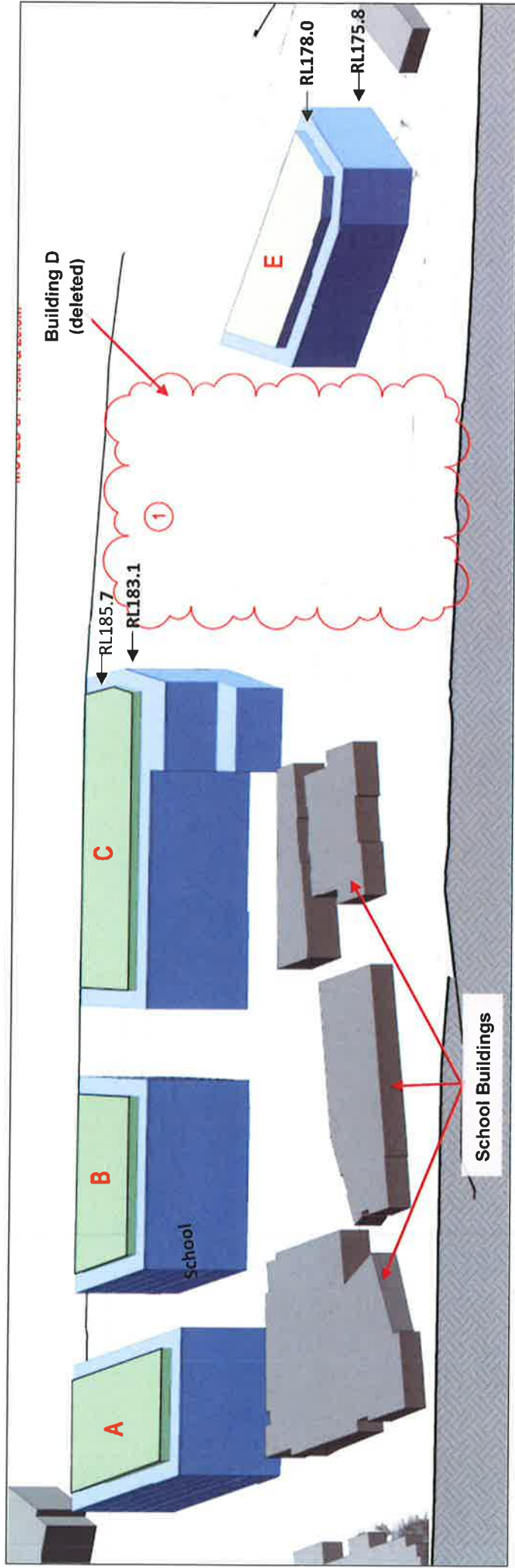


Figure 8 | 3D view of proposed building envelope controls (Base source: SRTS)



3. Statutory Context

3.1 Modification of the Minister's Approval

The concept plan was originally approved under Part 3A of the EP& A Act. This means the project satisfied the definition of a 'transitional Part 3A project' under clause 2(1) Schedule 2 to the Environmental Planning and Assessment (Savings, Transitional and Other Provisions) Regulation 2017 (STOP Regulation), which came into effect on 1 March 2018.

Under the ST&OP Regulation, the power to modify transitional Part 3A projects under section 75W of the Act, as in force immediately before its repeal on 1 October 2011 is being wound up – but as the request for this modification was made before the 'cut-off date' of 1 March 2018, the provisions of Schedule 2 (clause 3) continue to apply. Consequently, this report has been prepared in accordance with the requirements of Part 3A and associated regulations, and the Minister (or his delegate) may approve or disapprove the carrying out of the project.

The Department of Planning and Environment (Department) is satisfied the proposed changes are within the scope of section 75W of the EP&A Act, and the proposal does not constitute a new application.

3.2 Approval Authority

In accordance with the Minister's delegation, the request may be determined by the Commission as more than 25 public submissions were received objecting to the modification.



4. Engagement

4.1 Department's Engagement

The Department placed the modification request on its website and notified adjoining landholders and relevant State and local government agencies in writing, between 28 February and 8 March 2018.

The Department received a total of 116 submissions, comprising four submissions from government agencies and 112 submissions (all objections) from the public.

4.2 Government Agency Submissions

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

Table 3 | Summary of Agency Submissions

Ku-ring-gai Council (Council)

Council confirmed it does not support the modification request and provided further commentary in relation to key issues:

- The proposed plans are too detailed and only high-level plans should be included to enable flexibility at the DA assessment stage.
- Council does not support proposed increases in building heights, and any requests for variations to the height control can be considered at the development application stage.
- If detailed drawings are to be supported, then the top storey of the buildings should be amended so that it does not exceed 60% of the storey below, consistent with the desired future character for the zoning.
- Buildings A, C and D are excessively long and should be reduced to 36m, consistent with Council's controls, or demonstrate the inclusion of modulation, recesses and landscaping to reduce visual bulk.
- The proposed envelopes will impact on the amenity of the school and obstruct the visual and physical link between the school and its playing fields.
- The proposal does not allow adequate space for footpaths.
- Basement plans should be provided to ensure basements are setback consistent with the buildings.
- Any proposed exhibition homes on the site should be included as part of this modification
- Parking in excess of Council's DCP is not supported and instead car share vehicles should be provided to provide residents with an option for additional vehicle use, when needed. The proposed reduction in visitor parking is also not supported

- Building envelopes encroach into the bushfire asset protection zones, inconsistent with *Planning for Bush Fire Protection*.
- Consideration should be given to biodiversity management, including compliance with the existing Biodiversity management plan, ongoing work and maintenance and potential management of lands under a Conservation Agreement.
- Development Contributions will need to be paid as part of future applications.

Transport for NSW (TfNSW)

TfNSW advised the proposed change to residential parking rates should be determined in consultation with council and existing FARs relating to traffic and transport should be retained.

Roads and Maritime Services (RMS)

RMS advises it has no objection to the proposed increase in parking but suggests the Department may wish to consider reducing the number of car parking spaces to promote sustainable transport options and as additional parking could have potential impact on the surrounding road network.

NSW Rural Fire Service (RFS)

RFS does not object to the proposal subject future development complying with Planning For Bush Fire Protection, particularly with respect to Asset Protection Zones, building construction, access and services.

4.3 Public Submissions

A total of 112 public submissions were received, mostly from residents surrounding the site. All public submissions objected to the proposal. Concerns raised in the submissions mainly relate to the impacts associated with the existing approval, rather than the impacts associated with the proposed modification. The Department notes the approved Concept Plan already permits the development of the site for residential flat buildings with up to 200 apartments and the application is not seeking to increase the number of buildings nor the number of dwellings and therefore the general development of the site is not a matter for re-consideration in the assessment of this modification. The key issues raised in submissions are summarised in **Table 4**.

Table 4 | Summary of the public submissions to the modification

Issue	Proportion of submissions
Impacts to Wahroonga Adventist School and Student safety	99%
Traffic Impacts	97%
Bushfire Impacts	95%
Impacts to Due Process / Future DA assessment	93%
Building Design – height, bulk, setbacks and internal design	93%
Insufficient on-site parking	93%

Stormwater Management	93%
Construction Impacts	5%
Biodiversity Impacts	4%
Emergency Vehicle Access	1%

4.4 Response to Submissions

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

On 19 December 2017, the Proponent provided a RtS, which was updated on 20 February 2018 and 2 October 2018 (**Appendix A**). The RtS contains further information and clarification of the key issues raised in public submissions. The RtS also includes the following minor amendments to the proposal:

- minor changes to building footprints and removal of eaves previously encroaching into identified asset protection zones
- reconfiguration of rooftop plant, terrace and stairs on each building and minor change to maximum roof level RLS (increase by 200mm).

The Department made the RtS publicly available on its website and re-notified the modification request between 22 August and 7 September 2018. Council, RMS and RFS provided comments, which are at **Table 5**. 37 public submissions were received, all objecting to the proposal. The submissions reiterated the concerns previously raised as set out in **Table 4**.

Table 5 | Council and Agency submissions to the RTS

Ku-ring-gai Council (Council)

Council advised that the points raised in its initial submission generally still apply and reiterated:

- The proposed plans are too detailed, locking in the future design and removing the ability to address concerns and impacts at the DA stage. The detailed plans would also have the effect of overriding a number of the existing controls which would otherwise apply to the assessment of future DAs, including the size of the top floor, massing and modulation.
- The proposal has not been amended to address the concerns relating to school and Council does not support the proposed increases in building heights, or changes to the carparking rates.
- The proposed changes to the road alignment and provision of surface parking is not supported as it is likely to result in additional impact to the Environmental Conservation zone to the north, and no study or investigation has been provided to consider or address the impacts of the amendments.

Roads and Maritime Services (RMS)

RMS confirmed it has no further comment, but noted parking is to be to the satisfaction of Council.

NSW Rural Fire Service (RFS)

RFS confirmed it does not object to the proposal subject future development complying with Planning for Bush Fire Protection.

4.5 Supplementary Response to Submissions

Following the significant number of concerns raised by Council and the public in response to the RtS, the Proponent submitted an SRtS which made the following key changes to the proposal:

- deletion of Building D in order to provide additional open space for the school
- deletion of much of the detail within the proposed building envelopes. In particular, individual floor levels for each floor have been removed and the exact location of lift overruns and plant has been removed. The changes will allow for greater flexibility in the detailed design / DA stage.
- annotation clarifying that the on-street parking is indicative / potential only, ensuring flexibility in the location of any at-grade parking
- clarification of vehicle access arrangements and a minor change to proposed parking rates

No changes are proposed to the maximum number of apartments (200) permitted in the precinct. The final number of apartments permitted in each building will be determined by Council at the DA stage. The Department made the RtS publicly available on its website and re-notified the RtS between 5 June and 19 June 2019.

Council noted the SRtS deleted the unit layouts and linked the proposal to core building envelopes only, thereby addressing a number of Council's earlier concerns. Key outstanding concerns or suggested FARs included:

- a condition should be included to ensure the top level is limited to plant and roof top terraces only
- the basement footprint, location of access into the basement and on-street car parking should be deleted from the plans as these are matters for assessment at the DA stage
- the plans must ensure no part of any building footprint encroaches into the asset protection zones
- the proposed modification must be assessed to ensure the proposal causes no additional impacts to biodiversity, water, contamination or Aboriginal Heritage
- the car share scheme should be retained.

Three **public** submissions were received. The submissions objected to the overall principle of development on the site the impact of the development on the school, reiterating previous concerns relating to overshadowing, overlooking, student safety, traffic, access to the school fields.



5. Assessment

In assessing the merits of the proposal, the Department has considered:

- the modification request and associated documents
- the Environmental Assessment and conditions of approval for the original Concept Plan
- all submission received on the proposal and the Proponent's RtS
- relevant environmental planning instruments, policies and guidelines
- the requirements of the EP&A Act.

The Department considers the key assessment issues associated with the proposal are:

- impacts to the school
- future built form and associated impacts to the school
- traffic, parking and access
- bushfire management.

All other assessment issues are considered in **Section 5.5**.

5.1 Impacts to the School

Public submissions raised concerns about the impacts of the proposal on the adjoining Wahroonga Adventist School. In particular, concern was raised about the lack of room for school expansion / provision of sufficient recreational space, the lack of a physical or visual link between the main school area and the playing fields and concerns about student safety when moving between the sites.

In response, the Proponent deleted Building D and converted this space into additional school grounds. The Department considers the deletion of Building D and the conversion of this land into additional school grounds results in a significant overall benefit to the school. This includes expanding the school grounds and recreational space, providing a much more direct connection between the main school site and the recreational areas and improving the amenity of the school and safety of students.

Concerns were also raised about overshadowing, overlooking, and visual impacts. These issues have been considered in detail in **Section 5.2** of the report. The Department is satisfied the proposed modifications to the building envelopes are minor and would not result in any significant amenity impacts to the school compared to the approved envelopes.

Traffic and parking impacts have been considered in detail in **Section 5.3**. The Department is satisfied the proposal would not result in any significant traffic or car parking impacts compared to the original approval.

Other concerns raised in the submissions relate to the redevelopment of the site generally and are not specific to the modified proposal. These include loss of existing views from the main school site, as well as concerns

relating construction noise and pollution impacts. The Department is satisfied the proposed modification would not result in any additional view loss or construction impacts compared to the existing approval.

Overall, the Department is satisfied the proposal would not result in any significant impacts to the school compared to the original approval. Rather, the Department considers the deletion of Building D would result in a net benefit to the school by increasing the size of the school grounds, improving connections between the main school area and the existing recreational areas, and improving outlook and solar access to the north-eastern corner of the school.

5.2 Future Built Form

Key concerns in relation to the impacts of the modification on future built form related to:

- the level of detail in the plans and how that would affect the built form in future DAs
- building height, including non-compliance with Ku-ring-gai LEP2015 and associated impacts to the school
- building footprints and setbacks and associated impacts to the school.

Level of Detail

Council and public submission raised concern about the level of detail provided in the proposed plans, which would significantly affect the future built form on the site.

The modification and RTS initially proposed detailed plans which established the internal floor levels for each building (**Figure 9**) and set specific locations for the provision of rooftop plant, terraces and lift overruns (**Figure 10**). The submitted plans also included indicative internal floorplan layouts for each building.

Concern was raised about the proposed plans being too detailed for a Concept Plan approval and would effectively lock in the future design of buildings, circumventing Council's authority to require material amendments at the DA stage to address amenity, design and environmental impact issues which have not been assessed in detail as part of the Concept Plan approval. Council also advised that the detailed plans would also have the effect of overriding a number of existing controls which would otherwise apply to the assessment of future DAs, including the size of the top floor and modulation to massing to minimise apparent building length.

In response, the Proponent amended the building envelope plans in the SRtS to remove internal floor levels and allow for the provision of roof level plant and services within any part the roof, subject to a setback of three metres from the building line, as can be seen in **Figures 11 and 12**.

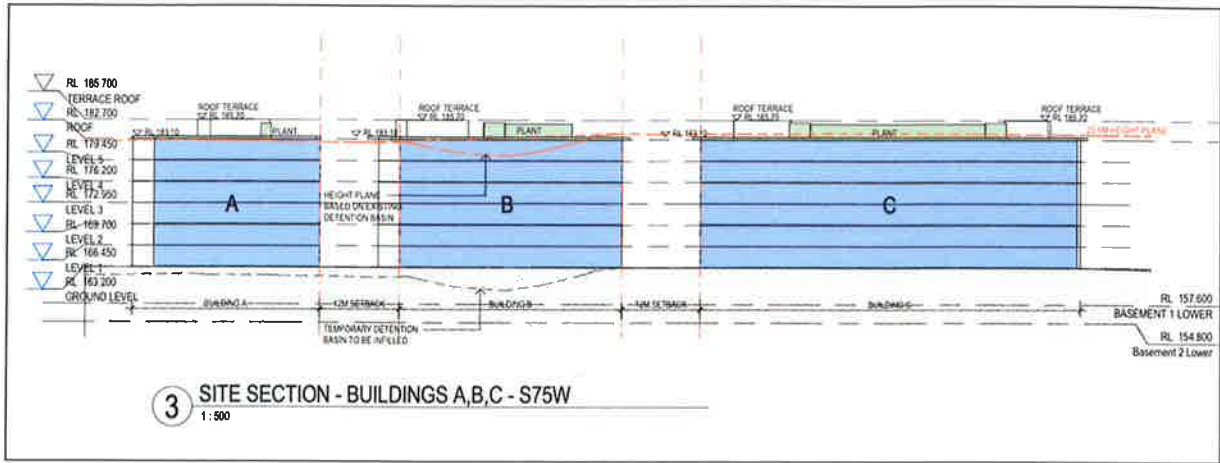


Figure 9 | RTS plans showing specific floor levels and location of plant and roof terraces (Base source: RtS)

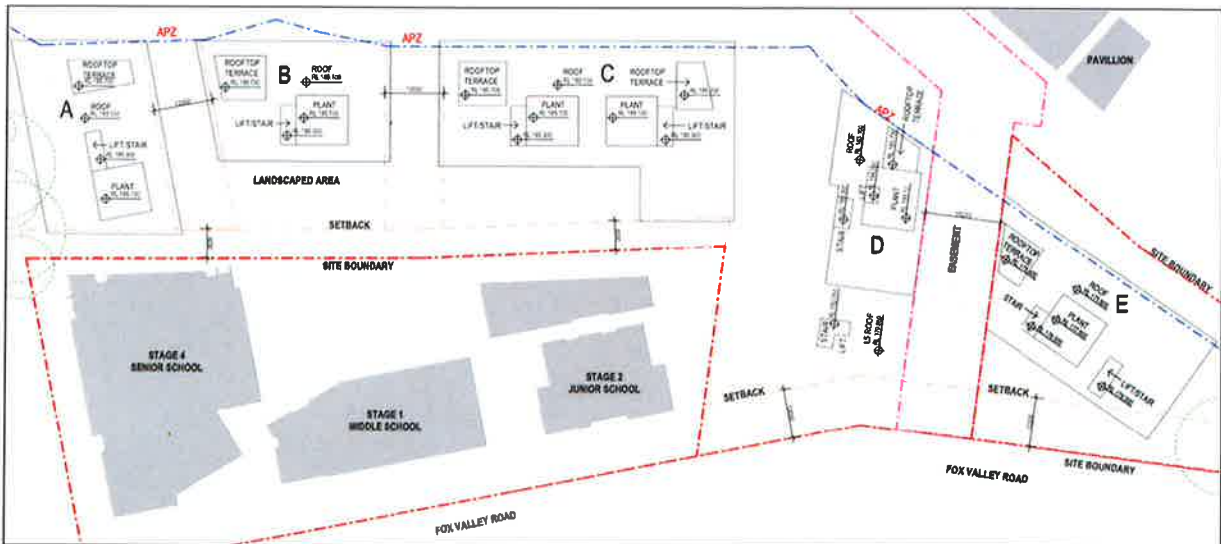


Figure 10 | Extract from plans submitted with modification application showing specific location of roof plant, terraces and lift overruns. (Base source: Modification Application)

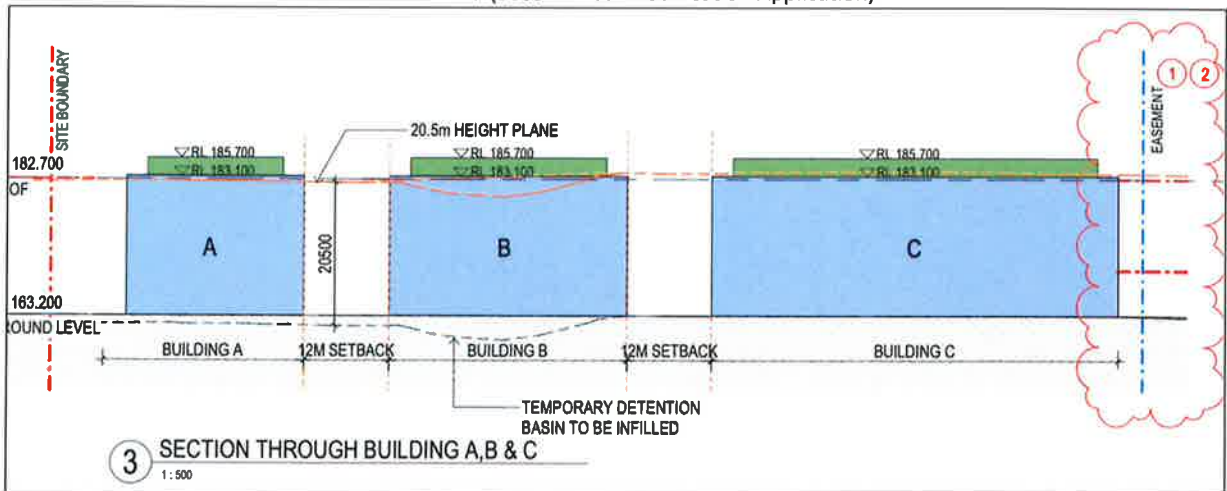


Figure 11 | Extract from updated plans removing specific floor levels and specific location of plant and roof terraces (source: SRTS)

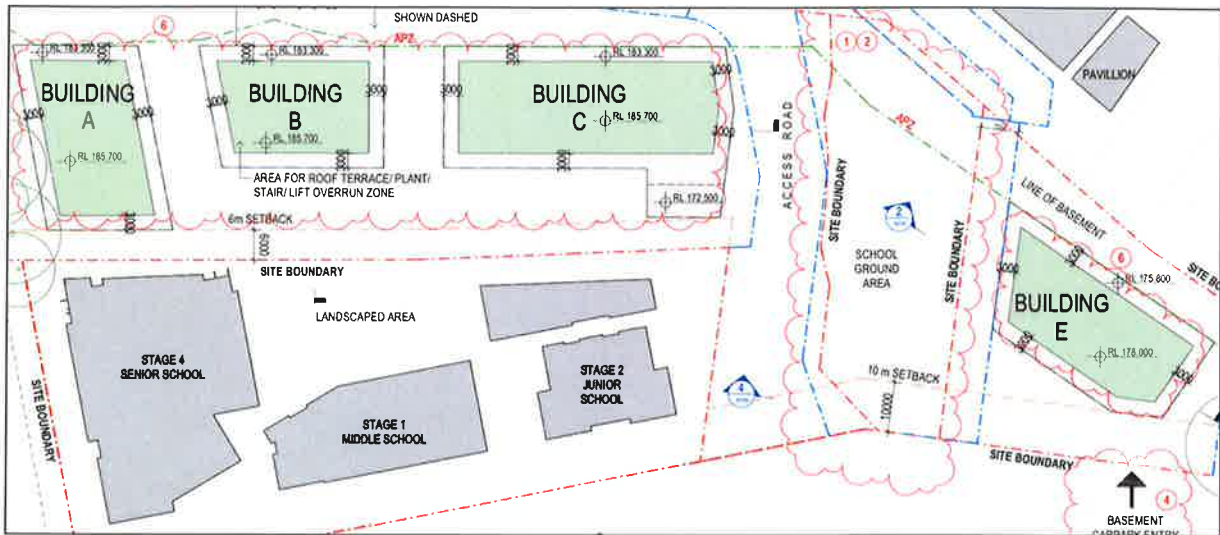


Figure 12 | Extract from updated plans removing specific location of plant and roof terraces (source: SRtS)

Council subsequently advised that the amended building envelopes has addressed its earlier concerns in terms of the level of detail required at the Concept Plan stage. It recommended that a condition be included to ensure the top level is limited to plant and roof top terraces only, as per the proposed plans.

The Department considers the level of detail in the revised building envelope plans is appropriate for a Concept Plan. The envelopes will still allow Council to require further modulation, articulation and detailed design of the buildings. To ensure there is no ambiguity in future DAs, a FAR has been recommended specifying that the top level is not to include residential floor space and is limited to plant and roof top terraces only.

Building Height

As currently approved, the Concept Plan only establishes a footprint for the future buildings (as seen in **Figures 2 and 5**), with future building heights separately established by Ku-ring-gai LEP 2015. The LEP permits a maximum building height of 14.5 metres in the south-eastern part of the site (street front) and 20.5 meters in the north-western (rear) part of the site. The proposed modification would establish building envelopes which would allow future buildings to exceed the LEP height controls in certain parts of the site. The extent of potential encroachments relate primarily to future roof plant / terraces and to the rear top storey of the buildings as can be seen in **Figure 13**. The Proponent advises the variation from the LEP height controls is due to the sloping nature of the site and uneven topography.

Council and the community considered that any variation from the LEP height controls should be a matter for Council to assess as part of the assessment of future DAs. Council also advised the LEP rates were formulated considering the sloping nature of the site and the need for lift overruns. Submissions also noted that the site is not steeply sloping, with a fall (from the front to the rear of buildings) of approximately three metres. As such, inadequate justification has been provided for the variation from the height controls. Community submissions also raised concerns that the building heights would have adverse impacts on the school in terms of overshadowing, visual impacts and overlooking.

The Department is satisfied the proposed variation from the LEP height controls would not result in any significant overshadowing or overlooking impacts to the school, compared to building envelopes which comply

with the controls. Other than a negligible encroachment at the top of the front façade of Building B, the encroachments of the LEP height controls would be limited to the rear of the buildings and the rooftop plant which would be setback from the building edge (as seen in **Figure 13**). The Department is therefore satisfied these encroachments are relatively minor and would not result in any significant increase in overshadowing or overlooking impacts upon the school.

The Department is also satisfied the proposal would not result in any adverse visual impacts as the building envelopes would be consistent with the height controls when viewed from the school and Fox Valley Road.

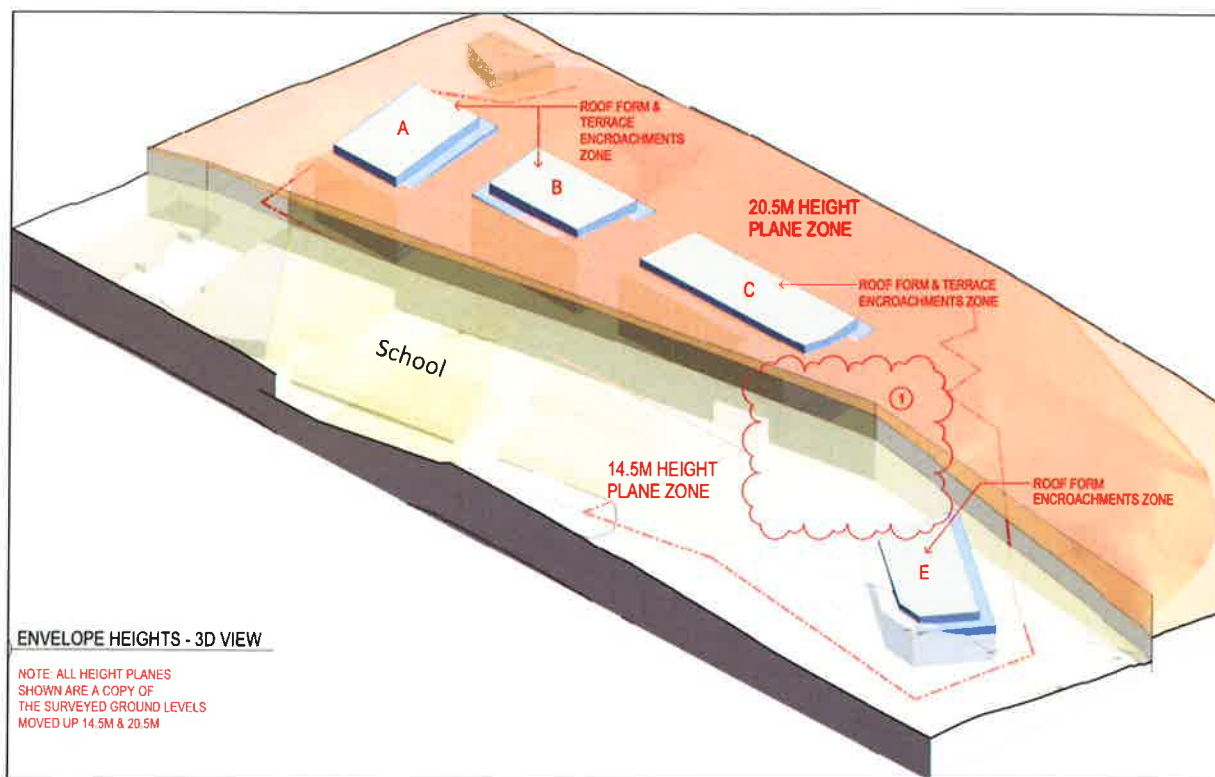


Figure 13 | 3D view of proposed building envelope controls compared to existing LEP 20.5m and 14.5m controls (Base source: SRTs)

While the proposed building envelopes would present one storey higher than currently permitted by the controls from the rear of the site, the Department is satisfied that no significant visual impacts would arise given the height increase is minor and the site predominantly backs onto bushland with limited viewing opportunities. The Department also notes that through careful design at the DA stage, future buildings can be designed to ensure visual impacts, shadowing and overlooking are minimised where appropriate.

Finally, the Department considers that in the context of the overall changes to the approved scheme, the minor height encroachments would be negligible compared to the benefits of deleting Building D, which has increased the size of the school grounds, improved connections for students to the recreational facilities, and improved outlook and solar access at the north-eastern edge of the school.

The Department therefore considers that the proposed building heights are acceptable, as the variation to Council's height controls are minor, the proposal would not result in any significant amenity or visual impacts compared to the original approval and the deletion of Building D would result in a net benefit to the school.

Building Footprint: building length, depth, and setbacks

As can be seen in **Figure 14**, the proposed building envelopes would be similar to the approved envelopes in terms of building lengths and internal building separation. However, the proposed envelopes differ from the approved envelopes in that:

- they would have a deeper building footprint than the approved Concept Plan footprints
- Buildings A, B and C would have smaller setbacks from the school
- the proposed envelopes present as unbroken rectilinear forms, compared with the approved varied and curvilinear forms which incorporated recesses to break up visual massing.

The Proponent advises the proposed envelopes arise from detailed design work which identified opportunities for improvements, including rationalisation of curved building forms to improve residential outlooks, visual privacy, building separation between apartment buildings and the Wahroonga Adventist School and communal open space.

Council and public submissions raised the following concerns with respect to the building massing proposed by the modification application and RtS:

- buildings exceed the DCP control of 36 metres, and in accordance with the DCP, should be reduced or include recesses in the façade to present as distinctive building bays or wings
- massing and setbacks impact the amenity of the school, with impacts including overlooking, overshadowing, loss of view corridors and no visual or physical links between the school and the playing fields
- the top storeys should not exceed 60% of the floor below, in keeping with Council's DCP
- the setback of Building C to the access road is too narrow.

The revised scheme, as submitted with the SRtS addresses some of the above concerns by:

- deletion of Building D, which will open up view corridors, visual and physical links between the school and the playing fields, and reduce overshadowing and overlooking from the north-east (as illustrated in **Figure 14**)
- stepping down the proposed height of the south-west wing of Building C so that it would be only 3 storeys tall close to the school
- removing most of the details from the submitted plans, which will enable future DAs to incorporate modulation and massing to address amenity impacts and Council's controls.

Following submission of the SRtS, Council have not raised any concerns with the proposed envelopes.

The Department considers that the proposed modifications to the building envelopes, footprints and setbacks would result in an overall net improvement to the amenity of the school, noting that:

- the overall length of the façades of Buildings A, B and C facing towards the school remains the same
- the deletion of Building D results in significant improvements in terms of outlook and solar access to the north-east which offsets the impacts of other areas of increased massing
- the area of Building C closest to the school would be 3 storeys in scale to minimise impacts
- other areas of increased massing on the façades of Buildings B and C are at least partially offset by reduced massing elsewhere on the façades
- a minimum boundary setback of 6 metres is retained, which is sufficient to provide a dense landscaped setback to partially screen and reduce visual impacts to the school.

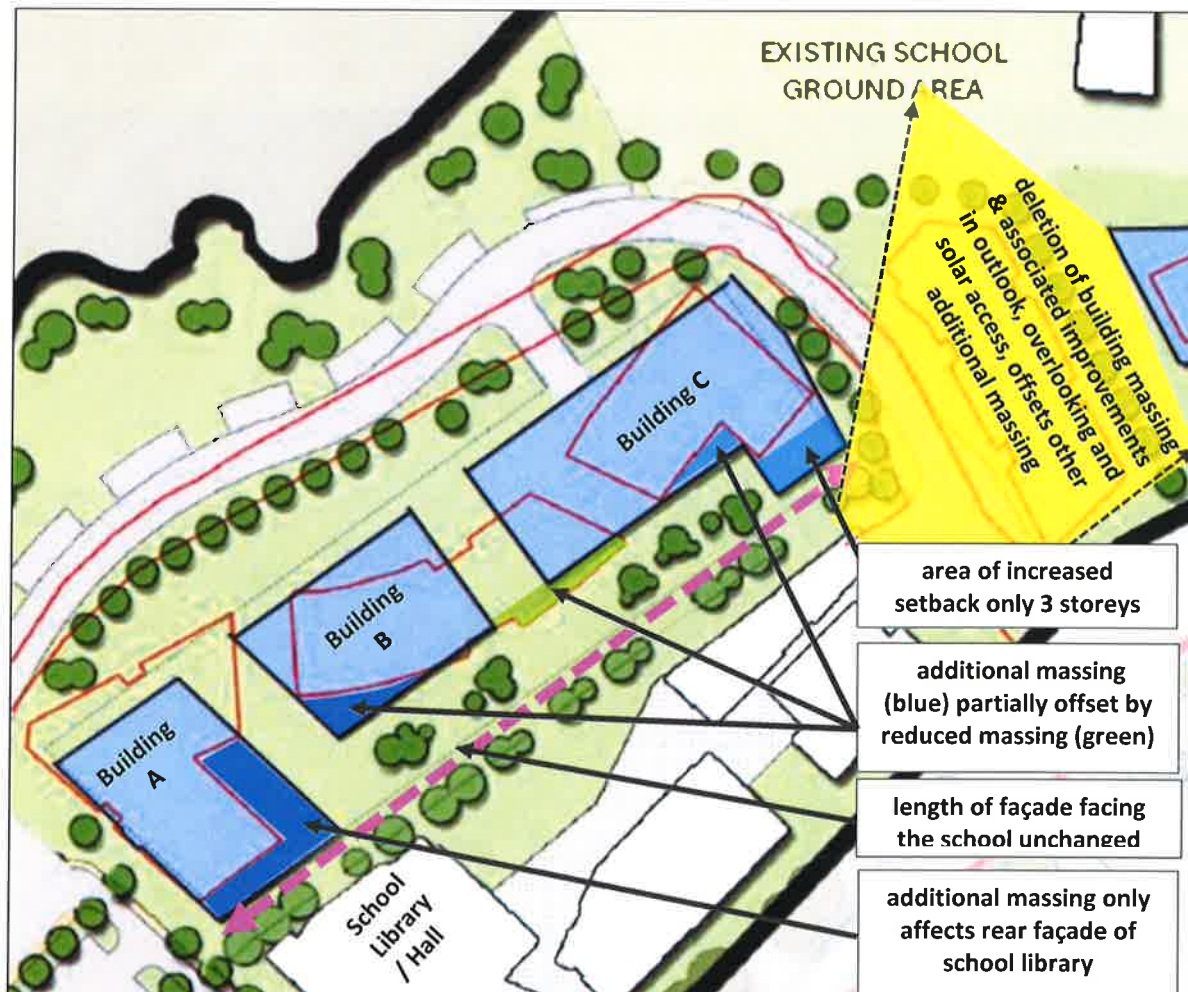


Figure 14 | Proposed building footprints compared to approved footprints (Base source: SRTS)

The most noticeable change to the building massing when viewed from the school site is at Building A, shown above in **Figure 14**. However, the Department considers the proposed changes are acceptable as the additional massing in this location only affects the north-western façade of the future school hall / library building, rather than the main open space or circulation area of the school.

The Department is satisfied the Proponent has appropriately located the building footprints to minimise impacts to the school as much as possible. Overall, the Department considers the amenity of the school would be improved by the modification, particularly given the benefits arising from the deletion of Building D.

The Department also considers that the proposed building depths and lengths are acceptable in terms of on-site impacts. Potential amenity impacts are considered in **Section 5.5** below and the Department is satisfied the subject to appropriate design at the DA stage, the envelopes are capable of delivering future buildings with good levels of internal amenity. In addition, it is considered the building envelopes do not need to specify the location of recesses in the façade, or the location and size of recesses at this stage. These detailed design matters can be appropriately considered by Council at the DA stage.

In terms of the setback of Building C, the Department notes that the setback of Building C to the access road is similar to the setback of the closest point of the approved envelope. Further, the final location and design of the access road (and associated footpaths) will be a matter for determination at the DA stage.

The Department is therefore satisfied the proposed changes to building footprints and setbacks are appropriate and would not result in any unacceptable impacts within the site or to the adjoining school.

5.3 Parking, Traffic and Access

Parking

The proposed modification seeks to increase residential parking rates, reduce visitor parking and remove car share parking. The Proponent has justified the changes on the basis that they more closely align with Council's DCP parking rates and the changes would better meet the likely demand for resident parking, noting the site is not located in close proximity to a town centre or transport hub. Visitor parking is reduced on the basis that the site is in close proximity to the public carpark associated with the hospital. A comparison of the approved rates, the DCP rates, and the proposed rates is shown in **Table 6**.

Table 6 | Comparison between the original approval, DCP requirements and proposed parking rates

	Concept Plan Approved Rates (spaces per dwelling)	Ku-ring-gai Council DCP 2015 Parking Rates	Proposed Rates (spaces per dwelling)
1 Bedroom Apartment	0.5	1	1
2 Bedroom Apartment	1	1.25	1.5 (Buildings A-C) 1 (Building E)
3 Bedroom Apartment	1	2	2
Visitor Parking	1 per 4 dwellings	1 per 4 dwellings	1 per 6 dwellings
Car Share Parking	1 per 6 dwellings	No requirement	Nil

Council advised that residential parking should be provided in accordance with the Council DCP rates. The proposed rates for two-bedroom units in buildings A to C would not comply with the DCP, although all other proposed residential rates would. Council also advised that car share spaces should be provided to supplement and provide options for those residents who need access to a second (or third) vehicle on occasion. Council suggested that based on discussions with car share operators, provision of one car share vehicle per 90 dwellings would be appropriate. Maintaining lower parking provision and supplementing it with car share schemes would reduce congestion and emissions and improve the affordability of the dwellings. Council also raised concerns

with the proposed reduction in on-site visitor parking on the basis of visitors using a paid parking facility nearby, as it is not appropriate for visitors to be required to pay for parking.

TfNSW and RMS did not object to the parking rates but advised that parking rates should be determined in consultation with Council and consideration should be given to reducing the proposed parking and to promoting sustainable transport options including car share as additional parking could have impacts on the surrounding road network.

Public submissions raised concerns that there was a shortfall of parking across the Wahroonga Estate site, and as such, submissions advised that the proposed reduction in visitor carparking should not be supported. Concern was also raised about the proposed buildings being located on the site of a temporary carpark, which is needed to serve the overflow parking needs of the church and the community centre and the temporary parking needs of the school during the construction phase. Submissions recommended that the development of the residential buildings not be allowed to proceed until access to the school basement parking and drop-off is provided at the school.

In response to the concerns raised by Council, the Proponent amended the parking rates for two-bedroom dwellings in Buildings A to D from 1.67 spaces per dwelling as originally sought to 1.5 spaces per dwelling. Other proposed rates remained unchanged. It also advised that the proposed visitor parking rates would adequately service the development but did not provide any studies or assessment to support this statement. The Proponent also noted that Council's DCP does not require car share spaces.

While the Department supported the original Concept Plan's minimalist approach to parking provision, as it would reduce the reliance on private vehicles, the provision of additional on-site parking would also reduce residents' reliance on on-street parking, noting the lack of available parking is a key concern raised in the submissions. The Department also appreciates that the site is not located near a town centre or transport hub.

The Department considers that Council's DCP provides appropriate guidance in terms of the likely demand for resident parking associated with development. However, to assist with preserving the original objectives of the Concept Plan to reduce reliance on private vehicles and encourage alternative forms of transport where possible, the Department agrees with Council that DCP resident rates should be applied as a maximum in this case. This would result in a slightly reduced rate of parking compared to that sought for two-bedroom apartments in Buildings A to C, but all other proposed rates would be consistent with this approach. The Department considers that applying the DCP car parking rates as a maximum would strike the right balance between ensuring residents have sufficient access to private vehicles to meet their needs without heavily relying on surrounding streets and encouraging use of alternative forms of transport.

The Department also notes that a car share scheme was an important component of the suite of measures proposed by the original Proponent of the Concept Plan to improve the transport and traffic outcomes of the development. The Department considers the proposed removal of the car share spaces would be inconsistent with the objectives and intention of the approved Concept Plan. However, the Department also considers that the approved rate of one space per six dwellings was ambitious and would significantly exceed the likely demand for car share vehicles. Based on the advice from Council, the Department recommends the provision of at least

one car share space per 90 dwellings, resulting in the provision of 3 car share spaces for the residential development, in the precinct. The Department considers this would provide an alternative option for those dwellings that occasionally needed the use of an additional vehicle.

In the absence of any evidence to support reduced visitor parking, the Department also considers the DCP rate of one space per four dwellings should continue to apply, to ensure the proposal does not result in increased on-street parking impacts or visitors having to use commercial carparks.

A FAR is therefore recommended which applies the DCP residential parking rates as a maximum, visitor parking to be provided at a rate of one space per four dwellings and one car share space to be provided per 90 dwellings. Subject to this FAR, the Department considers the modification would ensure adequate parking is provided to meet residential demand, while also providing alternative options that will assist with reducing overall reliance on private vehicles, consistent with the intention of the original Concept Plan.

Finally, in terms of the impact of the proposal on the temporary school carpark, the Department notes the Concept Plan approved the use of the site for a residential development rather than a temporary carpark. Further, the proposed modification does not seek to make any changes to the approved uses on the site. The provision of carparking for the school during the construction phase is therefore a matter for the school and the Proponent.

Traffic

The Proponent submitted a traffic assessment to assess the potential traffic impacts associated with providing additional car parking on the site. Using a conservative approach, the assessment demonstrated the additional parking would generate up to 37 additional peak hour traffic movements, resulting in no change to the 'Level of Service' at the proposed intersection adjacent to the site compared to the approved Concept Plan. Overall, the traffic impacts of the modification were demonstrated to be minor.

Concerns were raised in public submissions that the proposed development would result a significant impact to traffic in the surrounding area. Concerns were also raised that as there had been a considerable increase in traffic since the original traffic studies were undertaken, those studies should not be used for analysing the traffic impacts of the proposed development. In addition, concerns were raised that the traffic assessment did not adequately address a range of other issues including the location of the access road, public transport, and pedestrian and bicycle safety.

Council and RMS did not raise specific concerns regarding traffic but noted that parking rates should be considered in light of the potential impacts to the local road network.

The Department considers that as there would be no change to dwelling numbers or occupancy, the modification is unlikely to result in significant impacts to local traffic movements. The Department accepts the findings of the Proponent's traffic assessment and notes that in the context of all traffic movements, 37 additional peak hour movements (generated by the additional car parking spaces) would result in little difference to the operation of the local road network, regardless of the background traffic levels.

Further, in terms of impacts to the school, the Department notes the peak hour traffic movements associated with the site would not directly correlate with the peak school movements, with residential vehicles typically departing earlier and arriving later than school drop off and pick up times. Given the proposal includes no changes to site density or dwelling yield and impacts of the additional parking have been shown to be minor, the Department is satisfied that an updated traffic study is not required for the assessment of the modification. Similarly, the Department is satisfied the modification would not result in any significant changes that would affect the previous assessments in relation to the location of the access road, public transport, pedestrian or bicycle safety.

Overall, the Department is satisfied that the traffic impacts associated with the provision of additional parking spaces would be minor and the proposal would not result in any significant impacts on the operation of the surrounding road network.

Driveway access and at-grade parking

As shown in **Figure 15**, the proposal also includes modifications to the internal road and driveway access arrangements, including:

- realignment of the access road further to the rear (northwest) of the site
- inclusion of new potential locations for on-street or at-grade parking
- provision of a separate driveway to Building E from Fox Valley Road.

Council advised that proposed changes to the internal alignment and provision of surface parking is not supported as it is likely to result in additional impact to the Environmental Conservation zone to the north which includes remnant endangered ecological communities (EEC), and no study or investigation has been provided to consider or address the impacts of the amendments and insufficient information is provided to confirm if the road design aligns with the requirements of Planning for Bushfire Protection. It therefore suggests these aspects, including location of access into the basement and on-street car parking should be deleted from the plans as these are matters for assessment at the DA stage.



Figure 15 | changes to internal access road (Base source: SRTS)

The Proponent noted that the existing use of the site is an at grade carpark and as the proposal is not seeking approval for removal of vegetation there would be to impact on EEC. However, no details were provided demonstrating the extent of cut, fill, construction or associated ecological impacts which the Proponent advised would be provided as part of the future DAs.

Given the environmental values of the bushland adjoining the site, and the potential impacts of the cut and fill needed to create the roadway, the Department agrees that the final location and design of the internal roadway, including provision of any at-grade parking should be a matter for determination at the DA stage, subject to full assessment of the environmental impacts. Similarly, the Department also considers the design of the driveway to Building E should be a matter for consideration at the DA stage, as a better outcome may be able to be achieved than the proposed driveway which is shown to occupy most of the front setback, with little room for landscaping. A FAR is therefore recommended to clarify that the proposed driveways / roadways are indicative only and the final design and location are to be determined subject to an assessment of the impacts at the DA stage.

5.4 Bushfire Management

Council and public submissions raised concern about the revised building envelopes encroaching into the bushfire asset protection zones (APZs) shown on the plans. Council also advised that the placement of the buildings, internal roadway configuration and water supply should be considered in terms of bushfire safety. In response, the Proponent amended the plans so that the envelopes aligned with the APZ identified on the plans. Council reviewed the plans and reiterated that the plans must ensure no part of any building footprint encroaches into the APZ.

RFS advised it does not object to the proposal subject to future development complying with Planning for Bush Fire Protection 2018 and subsequent versions, particularly with respect to APZs, building construction, access and services.

The Department is satisfied the revised plans comply with the APZs shown on the modification plans but notes that the APZ lines shown on the plans are inconsistent with the APZs required under the original Concept Approval.

Under the original approval, an APZ of 60 m (Buildings A B and C) and 65m (Building E) was established. During the assessment of the original application, and in response to concerns regarding biodiversity impacts, the APZ was specifically amended so that it did not encroach into the E2 Environmental Conservation zone. FAR B5(1) was also included in the approval as follows:

“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.”

The Proponent has advised that the APZs shown on the modification plans is not based strictly on the E2 Environmental Conservation zone boundary, but rather, another line located partially within the E2 Conservation zone. The difference between the APZ shown on the approved Concept Plan and the APZ shown on the modification plans is shown in **Figures 16 to 18**.

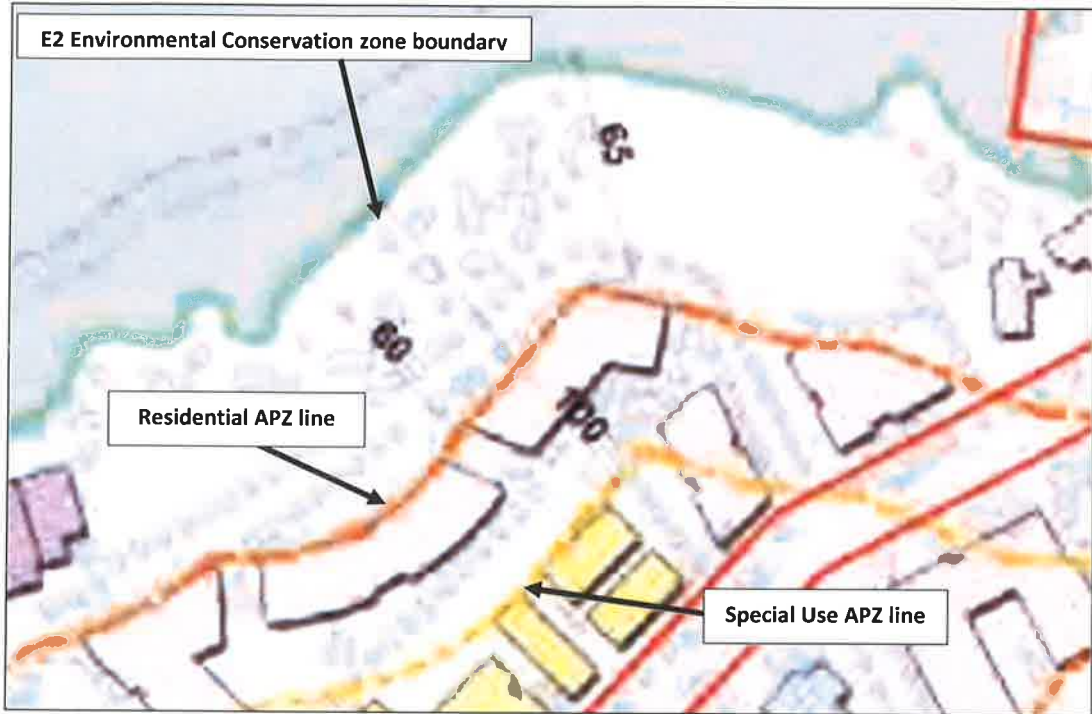


Figure 16 | Extract from original approval documents showing APZ lines. APZs are measured from a line of undisturbed vegetation which was adopted as the E2 Conservation Zone Boundary line (Base source: Final Preferred Project Report)

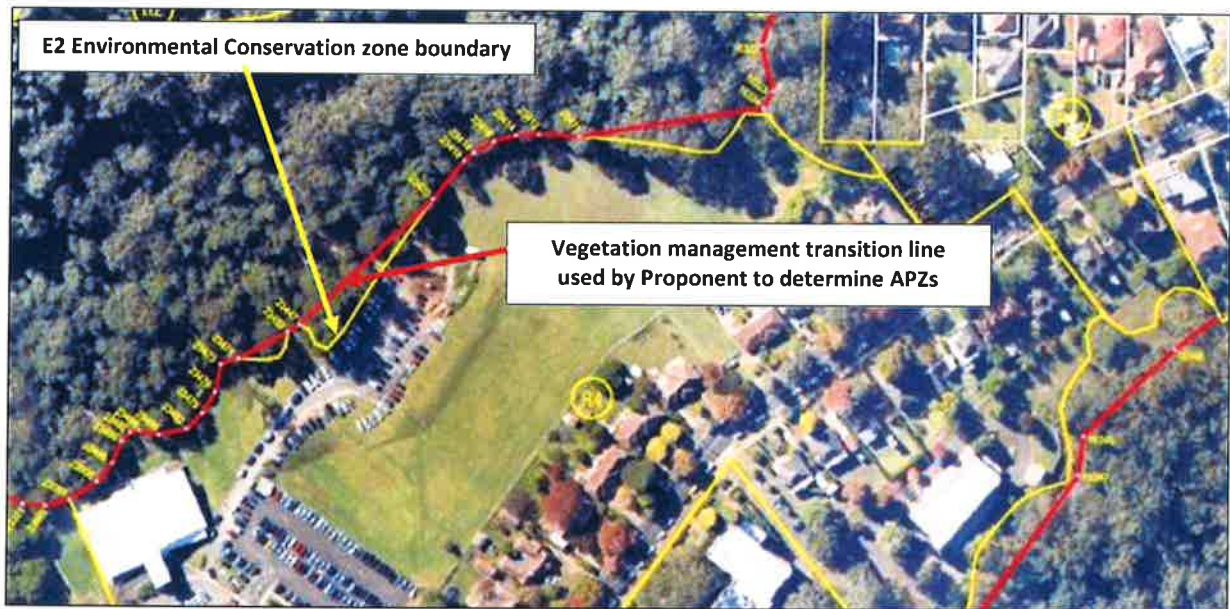


Figure 17 | Difference between E2 zone boundary and line used by Proponent for APZs (Base source: SRTs)

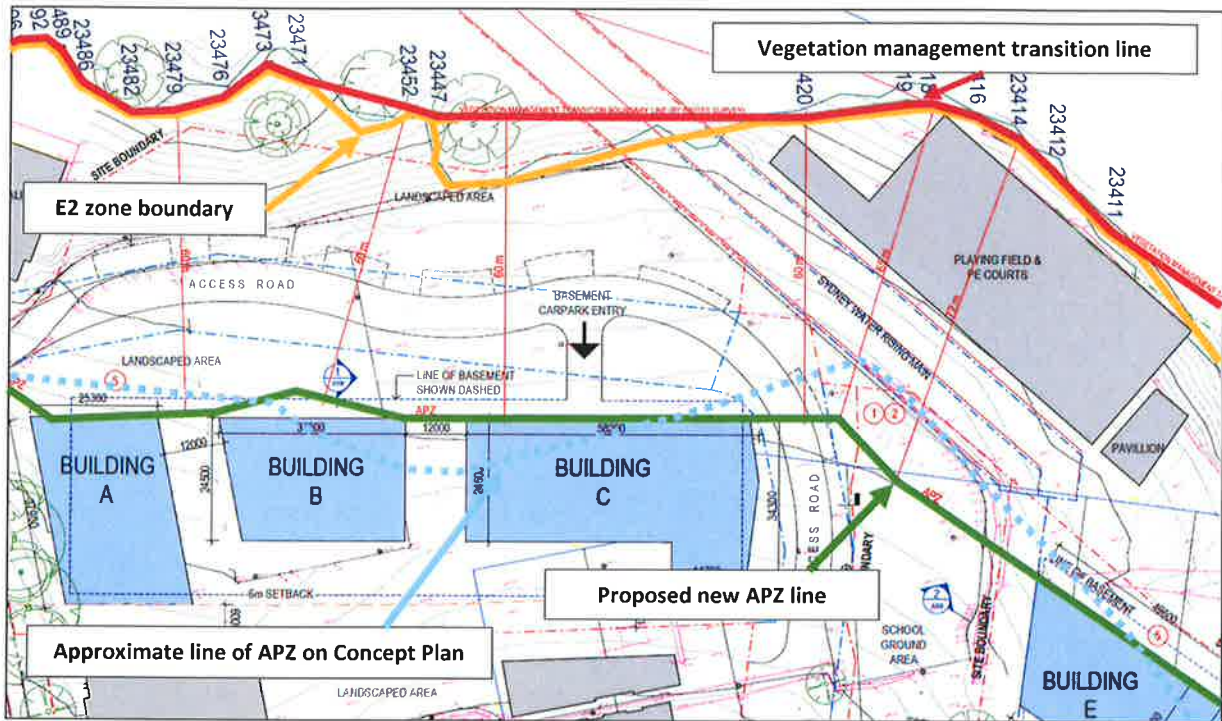


Figure 18 | Proposed plans showing relationship of APZ with Vegetation Management Transition line (Base source: SRTS)

The Proponent advises that the line on which the APZ is derived from a survey carried out following approval of the original Concept Plan. It advises that this line (known as the Vegetation Management Transition Line) was agreed to by RFS and has been adopted and relied on for other stages under the Master Plan.

However, the Department notes that the revision to the APZs has never been specifically sought as a modification to the Concept Plan. The Department considers the APZ shown on the modification plans would be inconsistent with the intention of the original approval, as it would potentially require removal of vegetation within the conservation land and / or could prevent rehabilitation and revegetation of this area with associated potential biodiversity impacts, contrary to the intention of the zone and FAR B5 (1). The Department therefore maintains its original position that no part of the conservation zone should form part of the APZ. FAR B5(1) is recommended to be retained and a further FAR is recommended requiring that building footprints be adjusted, if necessary, to comply with the APZ requirements.

In this regard, the Department also notes that the 2018 version of Planning for Bushfire Protection is due to supersede the 2006 requirements this year and is currently able to be used in performance solutions. The Proponent has advised that it is likely that a revised assessment of APZ requirements under the updated version of Planning for Bushfire Protection may result in a slightly reduced width of the required APZ. This may enable the building footprints as shown on the plans to be largely retained as proposed, whilst still ensuring the APZ does not encroach into the conservation zone. The Department therefore recommends FAR B5 be updated to require that future applications comply with the requirements of Planning for Bushfire Protection applicable at the time of the assessment of future DAs. This is consistent with the advice from RFS that future development should comply with Planning for Bush Fire Protection 2018 and subsequent versions.

The Department is satisfied that the proposal would retain the biodiversity objectives of the original approval whilst still achieving appropriate bushfire safety outcomes, subject to the recommended FARs ensuring:

- APZs in future DA applications do not encroach into the conservation zone
- APZs comply with BPB requirements
- where necessary, building footprints are adjusted so that they do not encroach into these APZs.

Subject to the recommended FARs, the Department is satisfied the modification would not result in any significant bushfire risks or biodiversity impacts.

5.5 Other Assessment Issues

Table 4 | Summary of other issues raised

Issue	Findings	Recommendation
Basements and Landscaping	<ul style="list-style-type: none"> • Council raised concern about the size of the proposed basement carparks. Council recommended the basement footprints be deleted from the plans as they are shown to significantly exceed the building footprints, resulting in associated impacts for the provision of deep soil landscaping. Council also recommends the footprint and location of the access to the basements be determined at the DA stage. • The Department agrees that the size of the basements should be determined at DA stage, to allow the footprints to be considered having regard to the need to maximise deep soil landscaping, meet parking requirements, and respond to the building design and site constraints, which won't be known until the detailed design phase. 	A FAR is recommended clarifying that the line of the basement shown on the plans does not apply and that the location of the basements are a matter for determination at the DA stage.
Internal Amenity	<ul style="list-style-type: none"> • Public submissions raised concerns that the modification would result in numerous south-facing apartments with associated internal amenity impacts. • The application was accompanied by an ADG Statement and indicative floor plans to demonstrate the proposed envelopes are capable of complying with SEPP 65 and the Apartment Design Guide (ADG), including solar access requirements. • The Department considers the modification does not significantly change the overall orientation of the buildings or building separation and that the only change to the envelopes that could materially affect internal amenity and compliance with the ADG is the increase in building depth. • Although the depths of the proposed envelopes, at approximately 24 metres, exceed ADG recommendations of 12 to 18 metres for building depths (glass line to glass line), subject to the final design of the buildings incorporating modulation, recesses and balconies, the Department is satisfied the envelopes could still achieve buildings with good levels of solar access, ventilation and amenity, consistent with the objectives of the ADG. • The Department is therefore satisfied the proposal would not result in any unacceptable impacts with respect to internal amenity. 	No additional FARs or amendments necessary.
Biodiversity	<ul style="list-style-type: none"> • Public submissions raised concerns that the proposed development would result in adverse environmental impacts for the adjoining bushland which includes endangered ecological communities. However, the submissions appear to be concerned with the impacts of any development on the site, and do not raise any specific concerns in relation to the proposed modification. • As discussed in Section 5.3, Council raised concerns that the proposed at grade parking and road alignment may result in adverse impacts to the adjoining bushland. Council also sought clarification and feedback as to how the overall 	No additional FARs or amendments necessary.

Issue	Findings	Recommendation
	<p>Wahroonga Estate Site was being managed in accordance with the approved Biodiversity Management Plan and recommended management of lands under a Conservation Agreement.</p> <ul style="list-style-type: none"> As also discussed in Section 5.3, it has been recommended that the road alignment and the potential for at-grade parking be a matter for determination at DA stage, to enable the proposal to be designed to minimise impacts to the adjoining bushland. As discussed in Section 5.4, it has also been recommended to retain an existing FAR to ensure APZs are located outside of the conservation zone land to minimise impacts to the bushland and the conservation zone. The Department considers that otherwise, the proposed changes to building envelopes and parking rates would not materially affect the adjoining bushland, as the proposed envelopes do not encroach on the adjoining bushland. On this basis, the Department is satisfied the modification to the Concept Plan would not result in any material biodiversity impacts, beyond those already assessed and approved. The Department also notes there are no proposed changes which would affect management of the site under the approved Biodiversity Management Plan or would affect the long-term management of lands. As such, further consideration of a Conservation Agreement is beyond the scope of this modification application. 	
Stormwater Management	<ul style="list-style-type: none"> Public submissions raised concerns that the original Concept Plan Approval requires future DAs to be in accordance with Councils previous DCP for Stormwater Management, which has since been superseded. As a result, future DAs would have different stormwater reduction targets and stormwater measures compared to requirements applicable to other DAs in the locality. Concerns were also raised in respect to the stormwater plan approved as part of the Concept Plan approval. Stormwater management was considered in detail in the original assessment of the Concept Plan. The Department notes that with the deletion of Building D, the proposed modification would not result in an overall increase to the total building footprint area on the site and includes no other changes that would impact stormwater management. As such, the Department is satisfied the modification does not give rise to any additional stormwater impacts or the need to modify the existing approval with regard to stormwater management measures. 	No additional FARs or amendments necessary.
Exhibition home	<ul style="list-style-type: none"> Council recommended that a DA submitted to Council for a proposed exhibition home on another part of the site be withdrawn and included as part of this modification. The Department notes the DA for the exhibition home has been subsequently approved by the Council. 	No additional FARs or amendments necessary.
Other Impacts	<ul style="list-style-type: none"> Council's response to the SRTS included a general recommendation that consideration should be given to ensuring the modification results in no additional impacts to biodiversity, water, contamination or Aboriginal heritage. The Department is satisfied that given the proposal results in no material change to the overall development footprint, the potential environmental and Aboriginal heritage impacts are unlikely to be changed by the proposal. Further, it is unlikely the proposed changes to approved building envelopes would result in any additional biodiversity, water or contamination impacts, subject to appropriate assessment as part of future DAs. 	No additional FARs or amendments necessary.



6. Evaluation

The Department has assessed the proposed modification in accordance with the relevant requirements of the EP&A Act. The Department's assessment concludes that the proposal is acceptable as:

- the deletion of Building D would result in a net benefit to the adjacent school by increasing the size of the school grounds, improving connections between the main school area and the existing recreational areas, and improving outlook and solar access to the north-eastern edge of the school
- the proposed changes to the remaining building envelopes are minor and any increase in the massing of Building A, B, C and E would be offset by the deletion of Building D
- the revised envelopes would not result in any significant or unacceptable amenity or visual impacts on the adjoining school or the surrounding area compared to the original approval
- the proposal would not result in any significant increase in traffic as the number of dwellings permitted on the site would stay the same
- the provision of additional carparking spaces would reduce pressure on the availability of on-street car parking spaces
- all other impacts including the final building design, amenity, bushfire risk, environmental and construction impacts would be considered in further detail by Council during the assessment of future development applications.

The Department's assessment therefore concludes the modification request is approvable, subject to the recommended FARs (outlined in **Appendix C**). This assessment report is hereby presented to the Commission for determination.

Recommended by:

Anthony Witherdin
Director
Regional Assessments

Recommended by:

Anthea Sargeant 24/9/19
Executive Director
Compliance, Industry and Key Sites



Appendices

Appendix A – Relevant Supporting Information

Appendix B – Notice of Modification

Appendix A – Relevant Supporting Information

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

1. Modification request
http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=9011
2. Submissions
http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=9011
3. Response to Submissions
http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=9011

Appendix B – Notice of Modification

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

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=9011