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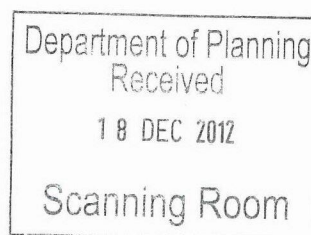


Contact: T Southwell

Reference: S05913 /2012/304546
13 December 2012



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



Att: Mr Peter McManus

Dear Sir

Exhibition of Modification request for Wahroonga Estate Concept Plan (MP07_1066)

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

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

Yours sincerely

Antony Fabbro
Manager, Urban Planning and Heritage

Att



Translated Extract

Need help?

This document contains important information. If you do not understand it, please call the Translating and Interpreting Service on 131 450. Ask them to phone 9424 0000 on your behalf to contact Ku-ring-gai Council. Business hours: Monday to Friday, 8.30am-5pm.

Simplified Chinese

需要帮助吗？

本文件包含重要信息。如果您不理解本文件，请致电翻译口译服务 131 450。让其代表您致电 9424 0000 联系Ku-ring-gai议会。营业时间：周一至周五，上午8.30—下午5:00。

Traditional Chinese

需要幫助嗎？

本檔包含重要資訊。如果您不理解本檔，請致電翻譯口譯服務131 450。讓其代表您致電9424 0000聯繫Ku-ring-gai議會。營業時間：週一至週五，上午8.30—下午5:00。

Japanese

お困りですか？

この文書には、重要な情報が含まれています。ご不明な点があれば、「翻訳・通訳サービス」(電話131 450)までお電話いただき、あなたに代わって、クーリングイ(Ku-ring-gai)議会に連絡するよう、ご依頼ください。営業時間：月曜日～金曜日(8.30am-5pm)。

Korean

도움이 필요하십니까?

이 문서에는 중요한 정보가 담겨 있습니다. 여러분이 이해할 수 없다면, TIS (번역 및 통역 서비스)의 131 450 번으로 전화하십시오. 9424 0000 번으로 여러분을 대신하여 전화해서 쿠링가이 카운슬을 연락해 달라고 요청하십시오. 영업 시간: 월요일-금요일, 오전 8시30분-오후 5시.

Comments on Proposed Modification Request for Wahroonga Estate Concept Plan (MP07_0166)

1. *Increased gross floor area*

General comments

The concept plan approval for 94,000sqm for the GFA for the hospital precinct was based on the proponent's advice that the existing floorspace was 66,000m² and that an additional 28,000m² would be provided in accordance with the Preferred Project Plan as amended by conditions of consent and subsequent modifications.

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

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

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

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

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

Traffic and parking

Approval of the concept plan was based on reduced on-site parking provision in part due to the implementation of a car sharing proposal to be used by staff, students and residents. As the number of student accommodation dwellings is not expected to increase, additional parking for students would undermine the benefits of the car sharing proposal and other transport initiatives outlined in the Wahroonga Estate Transport Management and Accessibility Plan (Masson Wilson Twiney, 2009). Similarly, due to the close proximity of the proposed (now larger) educational facility to the student residential quarters, the justification for increased parking for this facility is unclear, and would also impact on Wahroonga Estate Transport Management and Accessibility Plan's trip containment goals and mode split targets.

2. Changes to conditions of consent

The proposed modification also requests a number of changes to conditions of consent. Several of the proposed changes do not relate to the additional floor space. There is absolutely no justification provided for the changes, and therefore a proper assessment cannot be provided. It is noted that some of the changes appear to be aimed at circumventing issues and concerns raised by Council at Pre-DA meetings. The comments below express concerns in relation to some of these proposed changes.

Proposed changes to the Urban Design conditions (numbering based on existing condition numbers) include the following:

- a. B1(1) Replacing 'respect existing natural topography' with 'achieve balance between cut and fill'

This would encourage buildings which have no relationship to the existing topography, and is likely to result in higher and more dominant built forms

- b. B1(1) Limiting the consideration of privacy and overshadowing to the impact on surrounding residential uses

This would allow unrestricted overshadowing of buildings that have been approved under the concept plan as 4 star Green Star buildings, reducing the energy efficiency of these structures.

- c. B1(2) Eliminating the requirement for development at the corner of the Comenarra Pkwy and Fox Valley Rd to demonstrate a good relationship with this prominent corner, instead requiring ground level activation for development on the western side of Fox Valley Rd, not for development facing the neighbourhood centre.

This would result in poor urban design at this prominent corner. It could totally change the relationship between the neighbourhood centre and the hospital precinct to the detriment of the viability of the existing neighbourhood centre.

- d. B1(4) Seeks the deletion of the requirement to meet SEPP 65 *Design Quality of Residential Flat Development*.

SEPP 65 was brought in to specifically address poor design of residential flat buildings. There is no reason that development under this concept approval

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

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

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

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

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

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

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

accurately on the site. Retention of the condition as it stands will ensure that these areas are not inadvertently compromised by APZs.

- h. B13(2) Deletion of the requirement to address SEPP 55 Remediation of Land and associated guidelines.*

There appears to be no valid reason to delete this condition. Compliance with Condition B13(1) will in most instances address this requirement, however, should additional contamination be found during works the development should still comply with the SEPP.

Advisory Note: Deletion of note in reference to compliance with public authorities.

The deletion of the note would presumably have no impact on the need to comply with the requirements of public authorities. It is important that these requirements are satisfactorily met as required at the construction certificate stage. There is no reason to delete the note.