

2 May 2013

Ms. Heather Warton  
Director - Metropolitan & Regional Projects North  
Department of Planning and Infrastructure  
GPO Box 39  
SYDNEY NSW 2001

Cc: Mr David Gibson, Team Leader, Metropolitan & Regional Projects North  
Mr Peter McManus, Senior Planner, Metropolitan & Regional Projects North

Dear Heather,

**Re: Modification Request for Wahroonga Estate Concept Plan (MP07\_0166 MOD3) – Response to Ku-ring-gai Council's Submission**

I refer to your correspondence of 7 March 2013 relating to the above matter and provide the following written response to the concerns raised by Ku-ring-gai Council in their submission.

**Capability of the Site and Precedent**

It is our understanding that the 94,000m<sup>2</sup> stipulated in the approval was assessed with regard to the capacity of the whole Wahroonga Estate site. The proposed additional provision 7,552m<sup>2</sup> is justifiable in its own right and in the context of cumulative floorspace totals for the various permissible uses on the Wahroonga Estate. The additional floor space can be accommodated on the site with no extra traffic generation or visual impacts. In addition, the extra floor space does not trigger the need to change any maximum development standards stipulated in the concept approval, such as building height. We believe that this is a crucial point of clarification as in effect the assessment of development as a result of the proposed modification will still be required to meet necessary development standards. Such development standards, being the principle relevant matters for consideration that will ensure the built form and scale is in keeping with the Wahroonga Estate Concept Plan and relevant EPI.

The *Wahroonga Transport Management Access Plan and Traffic Report – Appendix J*, completed by Masson, Wilson and Twiney in 2009, indicated that there was enough flexibility in the current and proposed on site parking provision as approved under the concept plan to be able to increase the traffic capacity of the site by approximately 20% without any negative impacts on traffic flow in and around the site. This modification is in line with this finding by proposing an overall increase in floor space across the site of 20%.

We dispute the claim that approving this modification is contrary to the spirit of the transitional provisions for Part 3A projects, as this modification request has been justified through the site being able to accommodate the additional floor space and the associated demands of the site without any negative impacts on the site or surrounding land uses.

**Provision of Concept Designs**

Whilst no concept design plans have yet been provided for the proposed modifications, it is anticipated that the additional floor space of 3,602m<sup>2</sup> will be added to the core services of the hospital, i.e. the Shannon Wing. We would be happy to accept conditions that alleviate any concerns

regarding the location of the additional floor space through the imposing conditions of approval to restrict the location of the floor space to the ground level, level one and level two of other proposed buildings.

#### **Parking Affecting Landscaping**

Given the size of the site being 63ha, with approximately 40% reserved for purposes such as open space and bushland ranging from managed landscaped gardens and open mown lawns to remnant urban bushland along riparian corridors, in addition to the provision of landscaping across the site, we can state that the quality of landscaping provided is not compromised by the provision of at grade car parking.

#### **Non-compliance with Approval Conditions**

We dispute that the current proposals submitted to Council fail to comply with conditions of the concept approval, considering the indicative nature of the concept plan which was always subject to refinement through more detailed site assessment and design analysis.

#### **Parking**

A S75W modification was approved for the Education Centre on 13 June 2012. This allowed for 43 at-grade car spaces, located adjacent to the Education Centre. This current modification seeks to increase the provision of car parking for the student accommodation component of the development by 32 spaces. The separate modification request for the Education Centre seeks to amend the currently approved provision from 43 to 40 car spaces, including 14 basement car spaces.

The increase in the provision of parking by a total of 60 spaces maintains the amount of parking above the minimum requirements specified in the concept approval, and as such justification is not required. There is no obligation on the proponent to justify adequate supply of parking spaces.

It is noted that to date there has been no timeframe set for the implementation of the car-sharing condition of the concept approval. We undertake to provide a report on this arrangement prior to the issue of a construction certificate for the development.

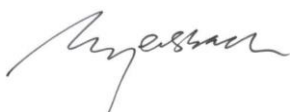
#### **Word Changes to Concept Approval**

As stated in previous correspondence to the Department, we have noted that our proposed changes to the wording of the Concept Plan approval were incorporated with other previously made by the Department themselves, which has caused some confusion with Ku-ring-gai Council. This has been clarified with Council by both MacroPlan Dimasi and the Department of Planning and Infrastructure.

We are aware that your report to the Executive for this modification is being finalised and will be referred to the Planning Assessment Commission for determination in due course. We welcome this opportunity to formally respond and clarify the above.

Thank you in anticipation of your further prompt handling of this matter.

Yours sincerely,



Wayne Gersbach  
**General Manager – NSW**