

# Modification of Minister's Approval

## Section 75W of the *Environmental Planning & Assessment Act 1979*

As delegate of the Minister for Planning under delegation effective from 1 October 2011, I approve the modification of the concept plan referred to in schedule 1, subject to the modifications in schedule 2.

### MEMBER OF THE COMMISSION

Sydney

2013

#### SCHEDULE 1

#### Project Approval:

MP07\_0166 granted by the Minister for Planning on 31 March 2010

#### For the following:

Wahroonga Estate Concept Plan, comprising:

- 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.

#### Modification Number:

MP07\_0166 MOD 5:

- modifications to the layout of building footprints of the proposed educational development in Precinct B: Central Church;
- the layout of building footprints of the proposed residential development in Precinct B: Central Church;
- modifications to Precinct B: Central Church vehicular access arrangements, alignment of the internal road and connection to a new signalised Fox Valley Road intersection.

## **SCHEDULE 2 MODIFICATIONS**

- *Delete term of approval A2 and replace with the following:*

### **A2      *Development in Accordance with Plans and Documentation***

- (1) The development shall generally be in accordance with the following plans and documentation (including any appendices therein):
  - (a) *Wahroonga Estate Redevelopment Incorporating Sydney Adventist Hospital Environmental Assessment and Concept Plan* dated April 2009, as amended by the *Wahroonga Estate Redevelopment Incorporating Sydney Adventist Hospital Final Preferred Project Report and Concept Plan* dated January 2010, and the appendices of the document titled *Wahroonga Estate Redevelopment Incorporating Sydney Adventist Hospital Preferred Project Report and Concept Plan* dated September 2009, prepared by Urbis.
  - (b) Section 75W Modification Request '*Claiming and Redistribution of Approved Wahroonga Estate Hospital Floorspace (07\_0166)*' dated 23 November 2012 and Response to Submissions letter dated 22 February 2013, prepared by MacroPlanDimasi.
  - (c) Section 75W Modification Request '*(MP07\_0166 MOD 4) Modification of Wahroonga Estate Concept Plan to better articulate residential and commercial development components*' dated 18 September 2013 and Response to Submissions letter dated 19 November 2013, prepared by MacroPlanDimasi.
  - (d) Section 75W Modification Request '*(MP07\_0166 MOD 5) Modification to Building Footprints and Road Alignment at Precinct B: Central Church under the Wahroonga Estate Concept Plan*' dated 12 November 2013 and Response to Submissions dated 14 April 2014, prepared by MacroPlanDimasi.

Except as otherwise provided for in the Department's administrative terms of approval and further assessment requirements as set out in this Schedule.

- (2) In the event of any inconsistencies between the administrative terms of approval and further assessment requirements of this concept approval and the plans and documentation described in this Schedule, the administrative terms of approval and further assessment requirements of this concept approval prevail.
- (3) Future development subject to Part 4 of the Act is to be generally consistent with the terms of the approval of the Concept Plan, under section 75P(2)(a) of the Act.

- *Delete term of approval A8 and replace with the following:*

### **A8      *Building Height***

- (1) Buildings shall generally comply with the Ku-ring-gai Planning Scheme Ordinance Wahroonga Estate Height of Buildings Map, except as follows:
  - (a) Precinct C: Central Hospital residential building C shall be restricted to maximum RL 180.0 m with plant and lift overrun protrusions up to maximum RL 182.0 m;
  - (b) Precinct C: Central Hospital residential building D shall be restricted to maximum RL 170.4 m with plant and lift overrun protrusions up to maximum RL 172.2 m;
  - (c) Precinct C: Central Hospital student accommodation building A shall be restricted to maximum RL 180.1 m with plant and lift overrun protrusions up to maximum RL 182.0 m;
  - (d) Precinct C: Central Hospital student accommodation building B shall be restricted to maximum RL 170.1 m with plant and lift overrun protrusions up to maximum RL 172.2 m;



- (e) Precinct C: Central Hospital mixed use development at the intersection of The Comenarra Parkway and Fox Valley Road shall be restricted to maximum RL 172.9 m;
  - (f) Precinct D: Fox Valley Road East commercial development sited at the intersection of The Comenarra Parkway and Fox Valley Road shall be restricted to maximum RL 171.7 m, with plant and lift overrun protrusions up to maximum RL 173.5 m;
  - (g) Precinct B: Central Church education development senior school building shall be restricted to maximum RL 182.8 m;
  - (h) Precinct B: Central Church education development middle school building plant shall be restricted to maximum RL 183.3 m;
  - (i) Precinct B: Central Church education development playing fields amenities and store building shall be restricted to maximum RL 164.0 m.
- (2) Notwithstanding A8(1) above, development consent may be granted for development that exceeds the maximum building height stipulated in A8(1) if the consent authority has considered and is satisfied with a written request from the applicant that seeks to justify the contravention of the maximum building height by demonstrating:
- (a) that compliance with the maximum building height is unreasonable or unnecessary in the circumstances of the case;
  - (b) that there are sufficient environmental planning grounds to justify exceeding the maximum building height; and
  - (c) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out.