

1 February 2018

16675

Carolyn McNally
Secretary
Department of Planning and Environment
320 Pitt Street, Sydney NSW 2000

Attention: Ben Lusher (Director, Key Sites Assessments)

Dear Ben,

SECTION 75W MODIFICATION APPLICATION – CONCEPT PLAN APPROVAL MP07_0166 CENTRAL CHURCH PRECINCT, WAHROONGA ESTATE

This Section 75W Modification Application has been prepared by Ethos Urban on behalf of Capital Bluestone Pty Ltd pursuant to section 75W and Clause 12 of Schedule 6A of the *Environmental Planning and Assessment Act 1979* (EP&A Act) to amend Concept Approval MP07_0166 relating to the Central Church Residential Precinct of the Wahroonga Estate (Seventh Day Adventist Church land) at Fox Valley Road, Wahroonga (the site).

The Modification Application seeks to provide detailed amended residential building envelopes and amended residential car parking rates for Precinct B: Central Church Precinct. The modification does not seek to alter the total maximum dwellings approved under the existing Concept Plan.

This application identifies the consent, describes the proposed modifications and provides an assessment of the relevant matters contained in Section 75W of the EP&A Act. This application is accompanied by:

- Urban Form Control Diagrams, Indicative Floor Plans and Building Height Analysis prepared by Group GSA (**Attachment A**);
- State Environmental Planning Policy 65 Design Statement and Apartment Design Guide Principles Assessment and calculations prepared by Group GSA (**Attachment B**); and
- Traffic and Parking Statement prepared by Taylor Thomson Whitting (**Attachment C**).

1.0 Background

On 31 March 2010, the (then) Minister for Planning approved a Part 3A Concept Plan for the Wahroonga Estate (MP07_0166) for the proposed expansion of the Sydney Adventist Hospital (the SAN) and a range of residential, commercial, education and religious development. Since the issuing of the original approval, the Concept Plan has been subject of a number of further modification applications (refer **Table 1**) as well as detailed planning applications which have obtained development consent for the delivery of individual elements of the overall master plan. The Concept Plan, as currently approved, provides for:

- An additional 28,000m² of floor space (providing a total of 94,000m²) for upgrade and expansion of the Sydney Adventist Hospital;
- Up to a total of 500 private residential dwellings across the site;
- 17,000m² for seniors living in the Mount Pleasant Precinct;
- 16,000m² of commercial floor space in the Fox Valley Road East and Central Hospital Precincts;
- 14,500m² of floor space for Student Accommodation/Hostels/Group Homes/Boarding Houses in the Central Hospital Precinct;
- 9,000m² of floor space for a K-12 school in the Central Precinct;

- 3,500m² for expansion of the Faculty of Nursing in the Central Hospital Precinct;
- 3,200m² of floor space for church uses in the Central Church Precinct;
- 2,000m² of retail floor space in the Central Hospital Precinct; and
- The provision of 31.4 hectares of environmental conservation lands.

The Concept Plan divides the Wahroonga Estate site into five precincts, being Central Church (Precinct B), Mount Pleasant, Hospital Central, Fox Valley and Residential East. This Modification Application relates to the Central Church Precinct, which is identified within the context of the master plan in **Figure 1** below.

For residential development within the Wahroonga Estate site, the Concept Plan provides building envelopes and limits on the maximum number of residential dwellings (refer **Table 2**). Within the Central Church Precinct, 200 apartments are approved to be delivered across five residential apartment buildings located on the northern side of Fox Valley Road and to the rear of the new Sydney Adventist School. The Concept Approval does not limit gross floor area (GFA) for residential uses. The residential building envelopes approved under the Concept Plan are drawn at a large scale, and establish highly-articulated building forms which were developed prior to any detailed architectural design for these buildings. The building envelopes for the Central Church Precinct have been previously modified in order to facilitate the refinement and architectural development of building design for the Wahroonga Adventist School (Modification No. 5). The current approved building envelopes for the Central Church Precinct are reproduced in **Figure 2**, with an indicative artist's impression of these buildings that was included in the original Concept Plan Application provided at **Figure 3**.

Table 1 – Summary of Concept Plan Approval and modifications

Application	Summary Description	Approved
Part 3A Concept Plan Approval (MP07_0166)		
Concept Plan	Concept Plan for the proposed expansion of the Sydney Adventist Hospital by an additional 28,000m ² of hospital floor space, the development of up to 500 low, medium and high density residential dwellings, student accommodation, seniors housing, 18,000m ² of retail and commercial uses, 9,000m ² for a K-12 school, 3,500m ² for an upgraded faculty of nursing, 3,200m ² for church uses, 31.4 hectares of conservation lands and associated infrastructure.	31 March 2010
MOD 1	Modification to requirements for a Biodiversity Management Plan.	14 May 2011
MOD 2	Administrative modification to consent to amend references to Proponent and government agencies.	4 Dec 2012
MOD 3	Amendments to distribution of gross floor area between the Sydney Adventist Hospital and the Faculty of Nursing.	18 June 2013
MOD 4	Modifications to building footprints, layouts and heights of residential and student accommodation buildings and mixed use and commercial development in the Central Hospital and Fox Valley Road East Precincts at the intersection of Fox Valley Road and The Comenarra Parkway.	8 April 2014
MOD 5	Modifications to building envelopes and changes to vehicular access arrangements and alignment of the internal road to a new future signalised Fox Valley Road intersection within the Central Church Precinct of the Wahroonga Adventist School.	28 July 2014
MOD 6	Modification to Condition B7 Agency road requirements as RMS has subsequently advised that they are not prepared to enter into a Deed Agreement for works on roads that do not fall under its control and that an alternate delivery mechanism or condition is required.	Under assessment
Part 3A Project Approval (MP10_0070)		
Project Approval	Project Approval for expansion and refurbishment of the Sydney Adventist Hospital, including temporary construction car parking within the Central Church Precinct.	3 March 2011
MOD 5	Modification to permit continued use of the temporary construction car park within the Central Church Precinct until the issue of a final Occupation Certificate for the hospital.	9 September 2013



Figure 1 – Part of the Existing Concept Plan containing the Precinct B: Central Church

Source: Stanton Dahl Architects

Table 2 – Maximum Approved Residential Dwellings under Concept Plan Approval MP07_0166

Precinct	Maximum Residential Dwellings
Precinct A: Mount Pleasant	16 Dwelling Houses 38 Townhouses 27 Residential Flat Building Dwellings
Precinct B: Central Church	9 Dwelling Houses 200 Residential Flat Building Dwellings
Precinct C: Central Hospital	3 Dwelling Houses 105 Residential Flat Building Dwellings
Precinct D: Fox Valley Road East	8 Dwelling Houses 88 Residential Flat Building Dwellings

Source: Condition A4, Concept Plan Approval MP07_0166

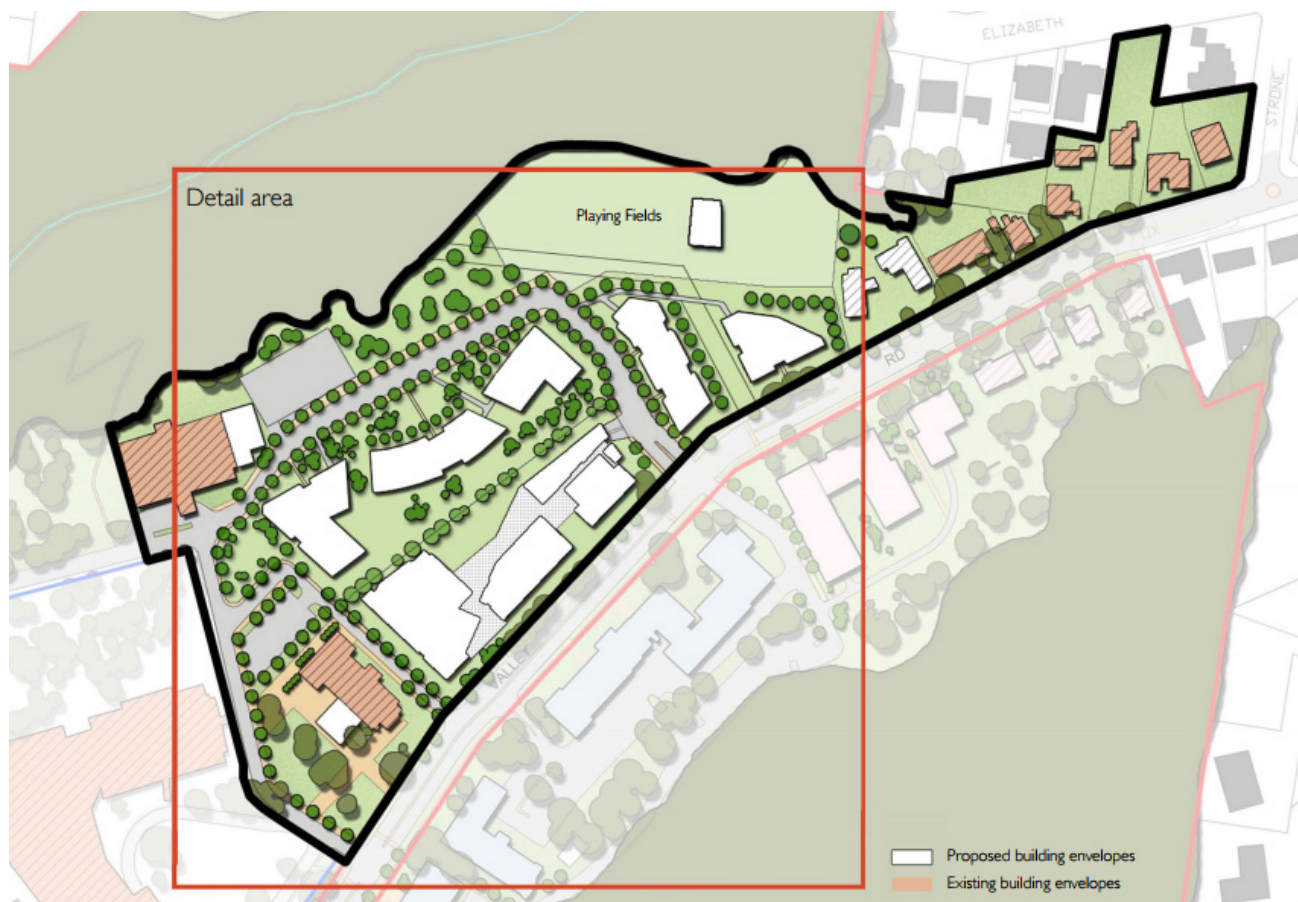


Figure 2 – Approved building envelopes for Precinct B: Central Church Precinct

Source: Stanton Dahl Architects



Figure 3 Artist's impression of internal road in Central Church precinct and residential blocks

Source: Final Preferred Project Report, Part 3A Concept Plan Application, Urbis

2.0 Site Description

The land to which the Concept Plan applies is known as 'Wahroonga Estate' and is located primarily within the Kuring-gai Local Government Area (LGA). The Wahroonga Estate site is 62.4ha in area and is generally centred around The Comenarra Parkway and Fox Valley Road. Existing site improvements include the Sydney Adventist Hospital (the SAN), Seventh-Day Adventist Church offices and associated administrative and training facilities, the Wahroonga Adventist School (approved under SSD12_5535), a number of established residential dwellings and bushland. The Wahroonga Estate site is owned by the Australasian Conference Association Limited.

This Modification Application refers to the Central Church Precinct, and specifically the residential part of this precinct generally outlined in **Figure 4**. The Central Church Precinct includes the Wahroonga Adventist School, the Wahroonga Seventh-Day Adventist Church and nine detached residential dwellings along the Fox Valley Road frontage, with a large at-grade car park (approved for temporary use during SAN construction works under MP10_0070), stormwater detention basin, playing fields and the Fox Valley Community Centre located back from the roadway within the site. The Concept Plan Approval provides for the residential apartment development to be located on the area currently occupied by two of the detached residential dwellings, a large portion of the at-grade car parking area and the stormwater detention basin. Photographs of the existing site condition are provided in **Figures 5 to 9**.



Figure 4 – Indicative Precinct B: Central Church Precinct and residential apartment boundaries

Source: Nearmap



Figure 5 – Existing site looking north from the existing car park

Source: Ethos Urban



Figure 6 – Existing stormwater detention basin and car parking area within the residential site, looking north

Source: Ethos Urban



Figure 7 Existing Vehicle access looking north from Fox Valley Road

Source: Ethos Urban



Figure 8 Existing dwelling at 159 Fox Valley Road looking north east

Source: Ethos Urban



Figure 9 Existing dwelling at 161 Fox Valley Road looking north from Fox Valley Road

Source: Ethos Urban

3.0 Proposed Modification to the Concept Plan Approval

This Modification Application seeks to amend and add greater detail to the residential apartment building envelopes and the residential car parking rates for the Central Church Precinct under the Concept Plan Approval MP07_0166. The proposed modifications are outlined in further detail below, and should be read in conjunction with the Urban Form Control Diagrams prepared by Group GSA (**Attachment A**).

3.1 Detailed Building Envelopes

The 2010 Concept Plan Approval (**Figure 5**) outlined high-level building envelopes for five residential apartment buildings containing 200 apartments within the Central Church Precinct, developed as part of a broader master plan for the entire Wahroonga Estate site. The Seventh-day Adventist Church has partnered with Capital Bluestone and project architect Group GSA to progress the design of the Central Church Precinct residential apartment development, which has identified opportunities to amend the configuration of building footprints to improve residential outlooks, visual privacy, building separation (between apartment buildings and the Wahroonga Adventist School) and communal open space. In addition, it is considered necessary to provide additional detail regarding the Concept Plan building envelopes to enable the assessment of a future Development Application for this precinct by Ku-ring-gai Council. The proposed amendments generally comprise:

- Rationalisation of curved building envelopes to improve residential outlooks, visual privacy, building separation (between apartment buildings and the Wahroonga Adventist School) and communal open space;
- Provide more detail regarding building envelope dimensions and heights, including dimensioned plans to allow for accurate detailed architectural design and assessment of future Development Applications by Council;
- Identification of zones for rooftop plant, lift overruns and rooftop private open space for apartments; and
- Amended internal roadway configuration.

The amended building envelopes for which consent is sought are detailed in the Urban Form Control Diagrams prepared by Group GSA (**Attachment A**). The amended building envelopes continue to provide for five apartment buildings in generally the same configuration as that approved under the concept plan, albeit with changes to some of the building envelope shapes to maximise residential amenity and compliance with SEPP 65 and the ADG. The proposed maximum RLs for the roof and plant and roof terraces, indicative storeys and numbers of apartments are provided in **Table 1** below. The amended building envelopes do not result in any change to the maximum number of apartments approved for the Central Church Precinct under the Concept Plan approval (200 apartments). An extract of the amended building envelope site plan is reproduced at **Figure 10**.

Table 3 – Proposed building envelopes, including maximum heights (as RLs) proposed

Building	Maximum RL for the roof	Maximum RL for plant and roof terrace	Indicative Number of Apartments	Indicative Number of Storeys
A	183.10	185.70	42	6
B	183.10	185.70	35	6
C	183.10	185.70	60	6
D	183.10	185.70	36	6
E	175.80	178.40	27	4

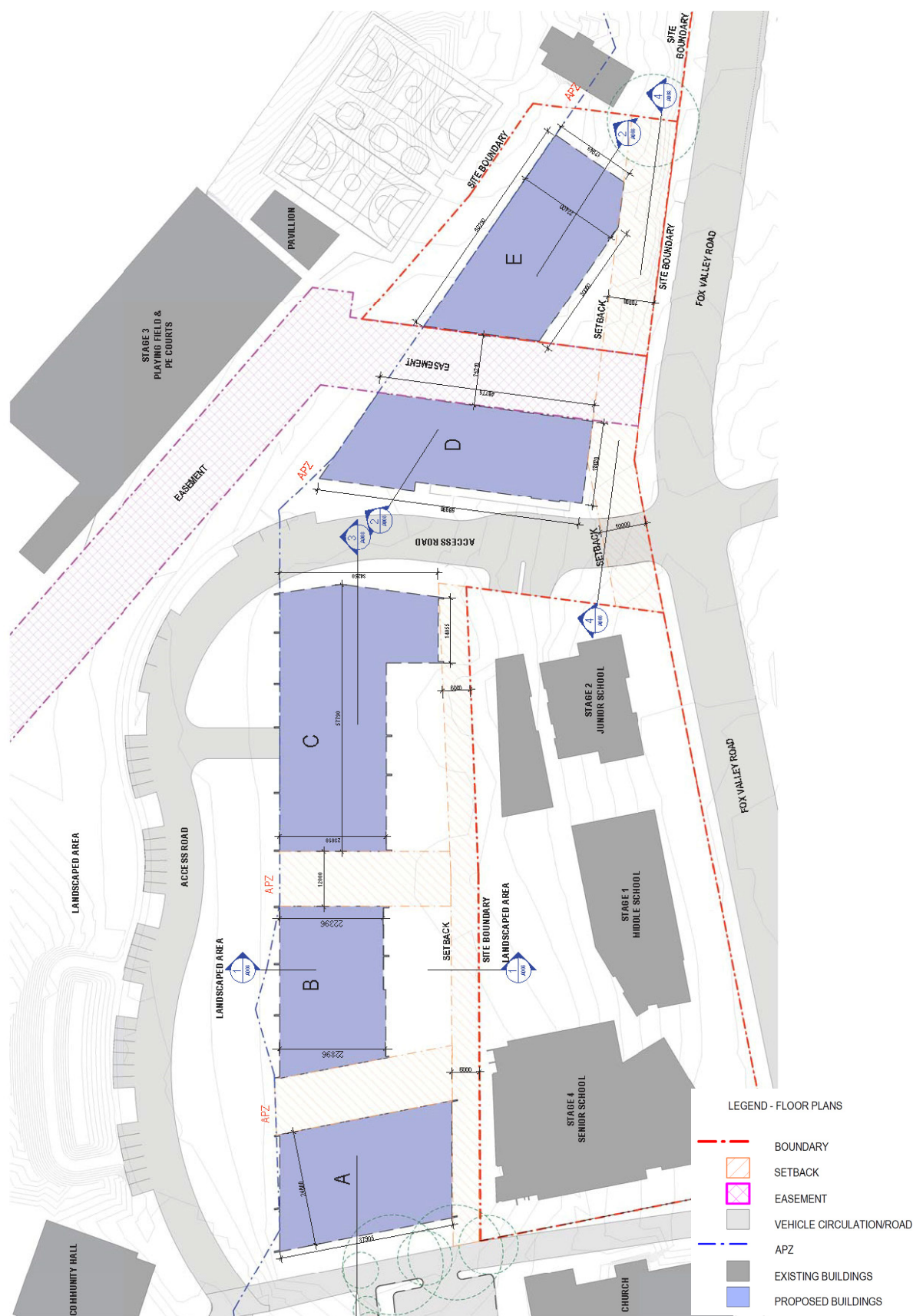


Figure 10 Proposed Concept Plan in Precinct B: Church Precinct

Source: Group GSA ku

3.2 Car Parking Rates

Condition B9(1) of the existing Concept Plan Approval states that “*residential car parking rates are to be determined having regard to the rates specified in the Preferred Project Report*”. Having regard to the location of the site, the local transport context and the anticipated future demographic of residents of the site (families and older couples), it is proposed to amend these parking rates to allow for additional on-site residential car parking within the Central Church Precinct. The modification also seeks to reduce the visitor parking rate required to be provided on-site, noting the close proximity of the site to additional visitor car parking capacity within the public car park associated with the SAN, and to remove the requirement to provide spaces for car share vehicles. **Table 4** below sets out the existing approved and proposed car parking rates, as well as the current parking rates for residential apartments under the Ku-ring-gai Council Development Control Plan 2015.

Table 4 – Proposed Car Parking Requirements

Apartment Layout	Concept Plan Approval MP07_0166 Parking Rates (Exact rate)	Ku-ring-gai DCP 2015 Parking Rate (Minimum rate)	Proposed Car Parking Rate (Minimum rate)
1-bedroom	0.5 spaces per dwelling	1 space per dwelling	1 space per dwelling
2-bedroom	1 space per dwelling	1.25 spaces per dwelling	<ul style="list-style-type: none"> Buildings A-D: 1.67 spaces per dwelling; and Building E: 1 space per dwelling
3- bedroom	1 space per dwelling	2 spaces per dwelling	2 spaces per dwelling
Visitors	1 space per 4 dwellings	1 space per 4 dwellings	1 space per 6 dwelling
Car Share	1 space per 6 dwellings	No requirement	No requirement

3.3 Modifications to Concept Plan Approval Conditions

The proposed modifications described above necessitate amendments to the consent conditions which are identified below. Words proposed to be deleted are shown in ~~bold strike through~~ and words to be inserted are shown in **bold italics**.

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.
 - (e) Section 75W Modification Request '(MP 07_0166 MOD 6) Modification to 'Deed of Agreement' dated 26 April 2017 and Response to Submissions dated 3 November 2017, prepared by MacroPlanDimasi.

- (f) **Section 75W Modification Request ‘(MP07_0166 MOD 7) Modification to Building Envelopes of Precinct B: Central Church and Car Parking Requirements for Residential Flat Buildings, and Response to Submissions dated 1 February 2018 prepared by Ethos Urban and Amended Building Envelope Plans and Indicative Floor Plans prepared by Group GSA listed in the table below**

Drawing No.	Revision	Name of Plan	Date
A001	B	Section 75W – Urban Form Control Diagram – Site Plan	12.12.2017
A002	B	Section 75W – Urban Form Control Diagram – Level 1	12.12.2017
A003	B	Section 75W – Urban Form Control Diagram – Level 2	12.12.2017
A004	B	Section 75W – Urban Form Control Diagram – Level 3	12.12.2017
A005	C	Section 75W – Urban Form Control Diagram – Level 4	30.01.2017
A006	C	Section 75W – Urban Form Control Diagram – Level 5	30.01.2017
A007	C	Section 75W – Urban Form Control Diagram – Roof Plan	30.01.2017
A008	C	Section 75W -Urban Form Control Diagram – Sections	30.01.2017

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.

A8 Building Height

- (1) Buildings shall generally comply with the Ku-ring-gai Planning Scheme Ordinance Wairoonga 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.
- (j) ***Precinct B: Central Church residential flat buildings shall be restricted to the maximum RLs as follows:***

Building	Maximum RL - Roof	Maximum RL – Plant and Roof Terraces
A	183.10	185.70
B	183.10	185.70
C	183.10	185.70
D	183.10	185.70
E	175.80	178.40

- (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.

B9 Car parking

- (1) Residential car parking rates are to be determined having regard to the rates specified in the Preferred Project Report.

(1A) Notwithstanding (1) above, minimum residential car parking rates are to be as follows for the Central Church Precinct:

- a) 1 bedroom apartment: At least 1 space per dwelling***
- b) 2 bedroom apartment: At least 1.6 spaces per dwelling for Buildings A-D and 1 space per dwelling for Building E***
- c) 3 bedroom apartment: At least 2 spaces per dwelling***
- d) Visitor parking: 1 visitor space per 6 dwellings***

4.0 Assessment of Planning Issues

4.1 Environmental Planning and Assessment Act 1979

The *Environmental Planning and Assessment Amendments (Repeal of Part 3A) Act 2011* (the Repeal Act) commenced on 1 October 2011. The Repeal Act amends the EP&A Act and replaces Part 3A with an alternative system for the assessment of projects of state significance whilst providing for appropriate 'transitional provisions' for projects already being assessed under the provisions of Part 3A.

The amended EP&A Act contains provisions for the assessment of further applications for development to which Part 3A does not continue to apply. Under these provisions, and subject to the Regulations, development which is covered by a Concept Plan approval under Part 3A but is subject to assessment under Part 4:

- is taken to be development which may be carried out under Part 4, despite anything to the contrary in an environmental planning instruments;
- must be consistent with any development standards within the terms of the Concept Plan approval;
- must be generally consistent with any development standard with the terms of the Concept Plan approval;
- must be generally consistent with the terms of the approval for the Concept Plan;
- the provisions of any environmental planning instrument or development control plan do not have effect to the extent of any inconsistency with the approved Concept Plan.

Future applications for the development of the site will be assessed under Part 4 of the EP&A Act by Ku-ring-gai Council, in accordance with the development parameters established under the Concept Approval (MP07_0166). Clause 3C(2) of Schedule 6A of the EP&A Act stipulates that Section 75W continues to apply for the purpose of modifying Concept Plans approved before or after the repeal of Part 3A. As such, the proposed modification is submitted in accordance with the provisions of Section 75W of the EP&A Act.

This Modification Application seeks to enable refinements to the approved residential apartment building envelopes and car parking rates within the Central Church Precinct to ensure that a future Development Application(s) for this component of the overall Concept Plan is able to be assessed by Ku-ring-gai Council and determined by the Sydney North Planning Panel whilst ensuring that the development is "*generally consistent with the terms of the approval*" as required under Schedule 6A of the EP&A Act.

4.2 Compliance with Environmental Planning Instruments

4.2.1 State Environmental Planning Policy No.65 – Design Quality of Residential Apartment Development

The proposed modifications to the approved building envelopes will result in a final residential development that provides for a higher overall level of residential amenity than a scheme that strictly complies with the currently approved residential building envelopes within the Central Church Precinct. The proposed amendments will ensure that all future apartments achieve high quality outlooks, appropriate visual privacy and separation, aspects which provide natural light, good solar access and natural ventilation. Group GSA have prepared a SEPP 65 Design Statement and an assessment of the proposed envelopes and indicative apartment layouts against the SEPP65 design principles and key Apartment Design Guide design criteria (**Attachment B**). The statement and calculations demonstrate that the proposed modifications to the building envelopes comply with the overall minimum requirements for cross ventilation and solar access:

- 62% of apartments complying with the Apartment Design Guide Cross Ventilation, which complies with the minimum of 60% of apartments.
- 71% of the apartments comply with the minimum of 2 hours of direct sunlight between 9:00am to 3:00pm on the 21 June, which complies with the minimum requirement of 70% of apartments.

- 15% of the apartments will not receive any direct sunlight between 9:00am and 3:00pm on 21 June, which complies with the maximum of 15% of apartments.

Whilst it is noted that, based on the indicative apartment configurations shown in **Attachment A**, strict compliance with the design criteria for solar access, cross ventilation and single-aspect units is not achieved for each individual building, over the five buildings the project achieves compliance with the design objectives. The building-level non-compliance is considered to be acceptable given that the amended building envelopes are generally consistent with the currently approved building envelopes, and in fact provide for improved residential amenity compared to the approved envelopes.

It is noted that future Development Application(s) for the construction of the proposed residential apartment buildings will be the subject of detailed design development and assessment against the applicable provisions of SEPP 65 and the Apartment Design Guide by Ku-ring-gai Council. The assessment undertaken by Group GSA to support this Modification Application demonstrates that the amended building envelopes are capable of accommodating a detailed design which achieves the objectives and requirements of the applicable guidelines to deliver a high level of residential amenity and design quality.

4.2.2 Ku-ring-gai Local Environmental Plan 2015

The Ku-ring-gai Council Local Environmental Plan 2015 (the LEP) incorporates the development standards for the Wahroonga Estate which were previously contained within Part 3 of State Environmental Planning Policy (Major Development) 2005. However, under Schedule 6A of the EP&A Act *"the provisions of any environmental planning instrument or development control plan do not have effect to the extent of any inconsistency with the approved Concept Plan"*. Accordingly, the Concept Plan generally prevails over the provisions of the LEP with regard to land use and key development standards.

The amended building envelopes are generally consistent with the maximum height controls that are applicable to the site under the LEP, being a 14.5 metre height limit (4 storeys) applying for the portion of the Central Church Precinct fronting Fox Valley Road and a 20.5 metre height limit (6 storeys) applying to land within the north-western portion of the Precinct set back from the public road (refer **Figure 13**). Buildings A-D have a maximum height of six storeys, with Building D stepping down to four storeys toward Fox Valley Road, whilst Building E has a maximum height of four storeys. However, due to the sloping and uneven topography of the site, which generally falls from a high point at Fox Valley Road, portions of the proposed building envelopes technically exceed the applicable 14.5m and 20.5m height limits when extrapolated from the existing ground levels within the site. Areas of non-compliance with the height limit are identified in the Group GSA Drawings A008 and A01000 in **Attachment A**, with extracts in **Figures 11** and **12**. These non-compliances are considered to be acceptable as:

- The Concept Plan and Major Development SEPP objectives of limiting the maximum height of buildings within the Central Church Precinct for four and six storeys is achieved notwithstanding the non-compliance with the height in metres development standard;
- The amended building envelopes are generally consistent with the approved residential apartment building envelopes for the Central Church Precinct in terms of location, footprint and height;
- Exceedances of the height limit generally occur along the north-western edge of buildings, which are internal to the site and will not be visible from the public domain along Fox Valley Road;
- The proposed exceedances will not give rise to any additional impacts beyond those already caused by the existing approved building envelopes in terms of built form relationships, visual privacy or overshadowing; and
- Exceedances of heights largely arise from the sloping topography of the existing levels within the site, rather than the future site levels that will exist after the proposed development.

In addition, a minor exceedance of the lower 14.5m height limit is proposed on Building D (which spans both the 14.5 and 20.5m height limit zones) in order to provide for a viable floor plate at the upper levels to the rear of this building. The exceedance generally equates to 1-1.5 storeys, and is set back from Fox Valley Road so that it will be shielded from view by the lower four-storey street wall element. In this manner, the objective of the control is achieved notwithstanding the non-compliance as the lower-scale built form edge to Fox Valley Road is still provided.

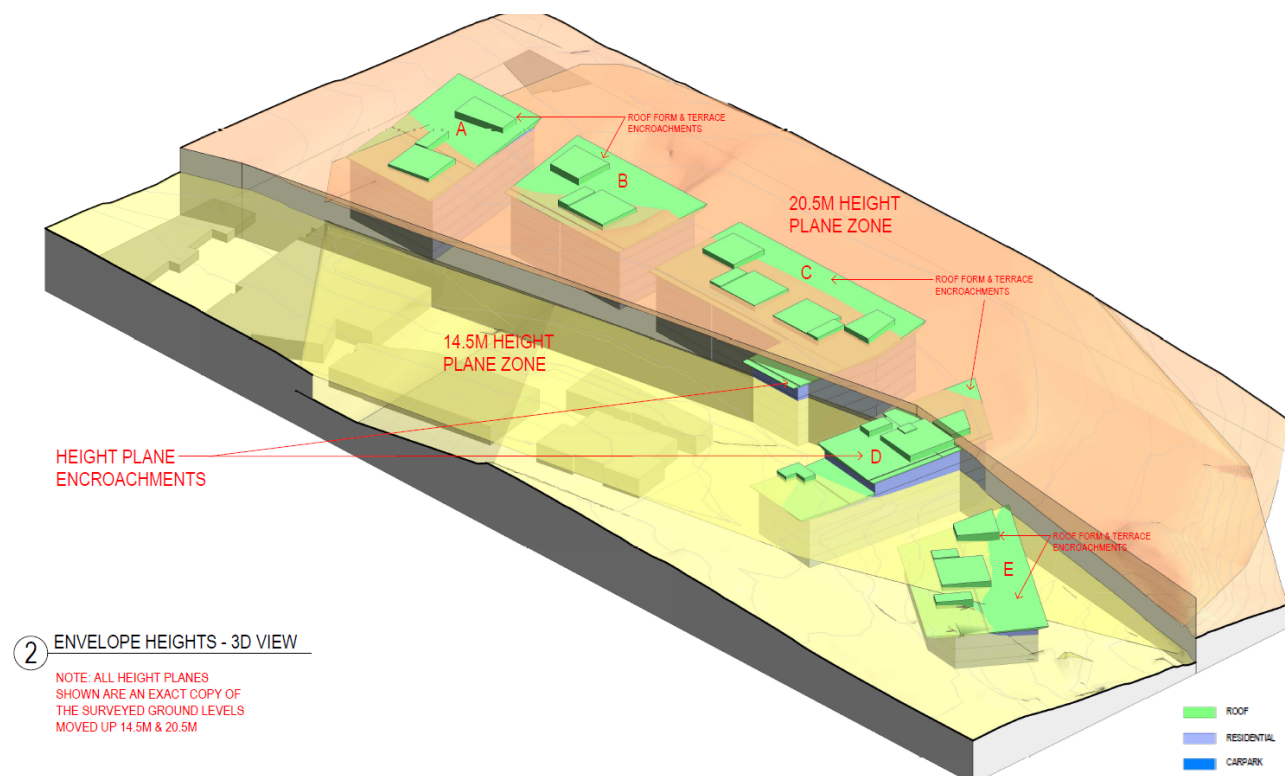


Figure 11 Proposed Building Envelopes

Source: Group GSA

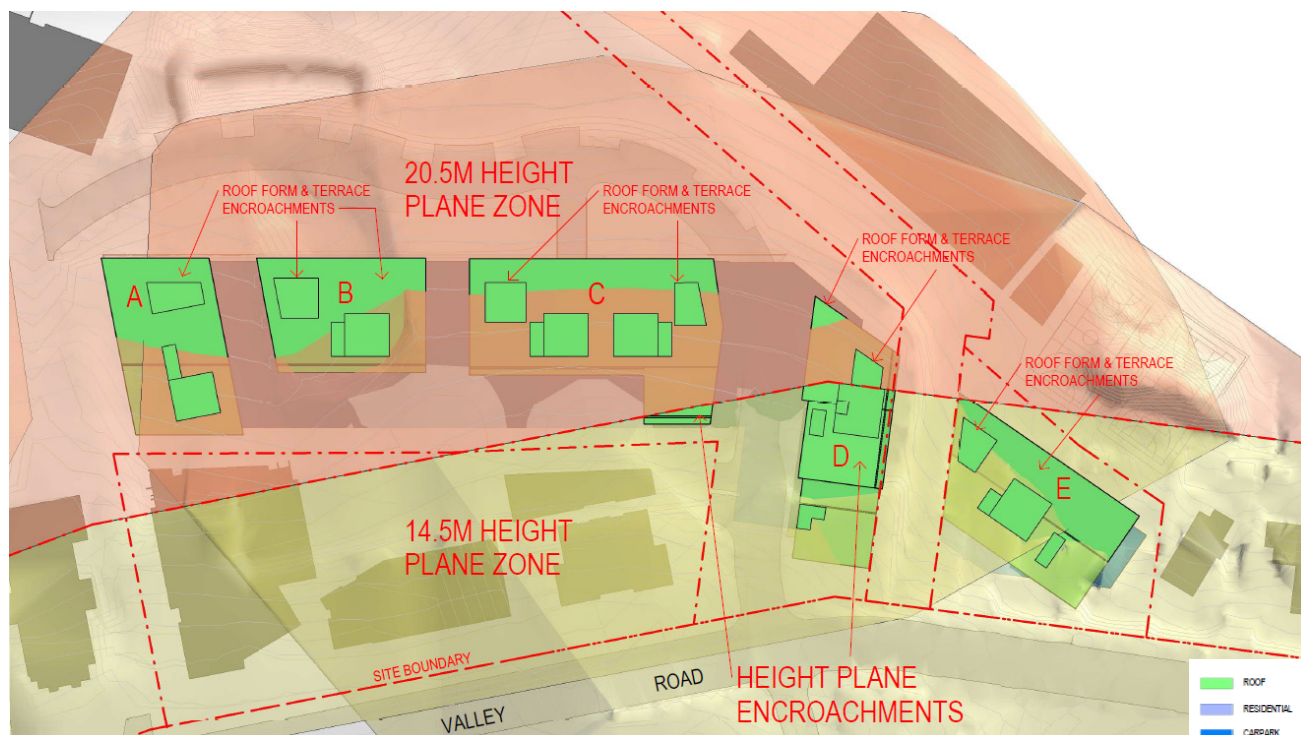


Figure 12 Proposed Building Envelopes

Source: Group GSA

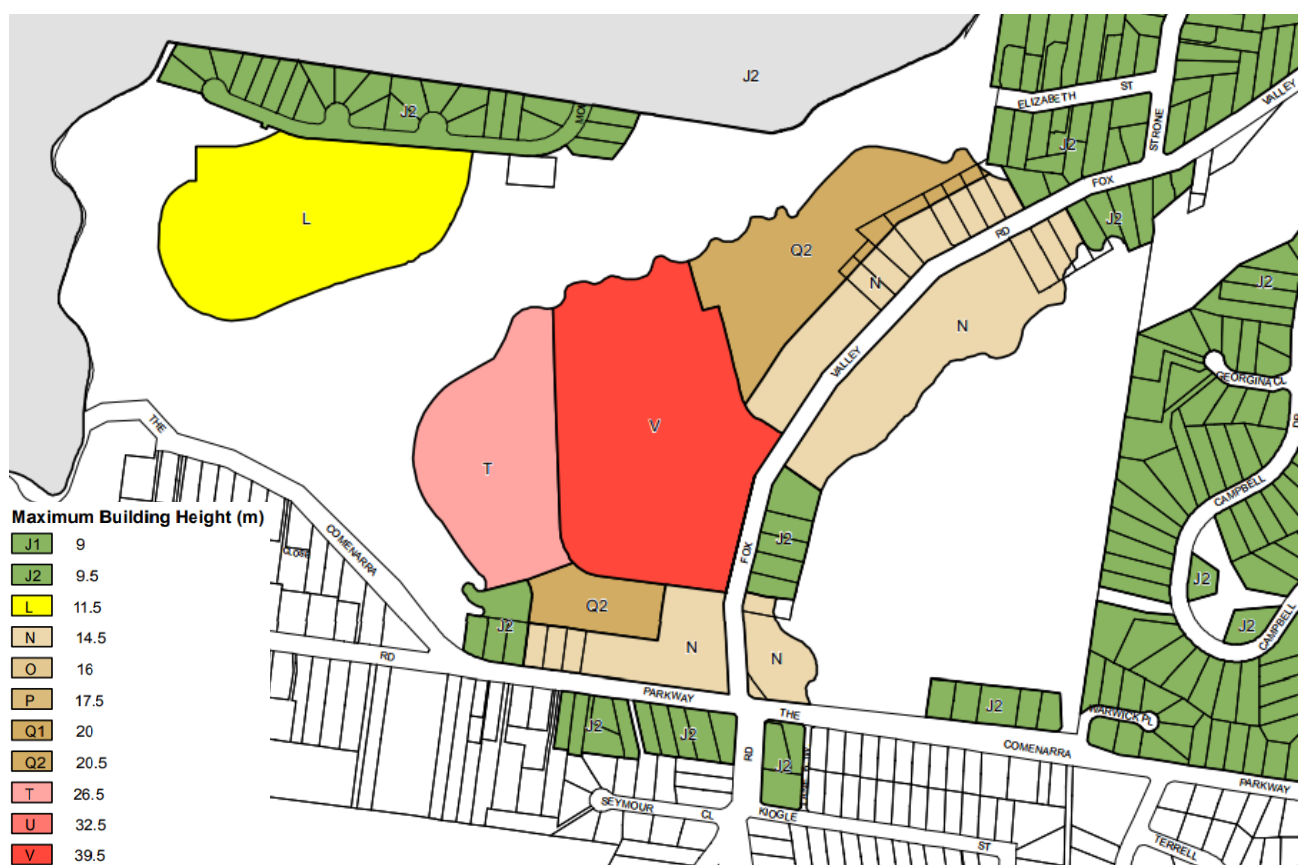


Figure 13 – Extract from Ku-ring-gai Council LEP Height Map

Source: NSW Legislation

4.3 Built Form and Urban Design

4.3.1 Density

The proposed building forms are generally consistent with the existing approved building envelopes in terms of location, height, orientation and separation from surrounding development (existing and future). The proposed modification does not alter the number of approved apartments to be delivered over the five buildings, being 200 apartments.

4.3.2 Building Heights

Refer to previous Section 4.2.2 for discussion of the proposed building heights. The need for the proposed variations to the height in metres development standard arises from a number of constraints which affect the site including:

- Naturally sloping site with high points at the Fox Valley Road interface and additional existing changes to site levels for temporary stormwater detention facilities;
- Asset Protection Zone separation distances which have been fixed under the existing Concept Plan Approval and which cannot be varied due to the requirement under the Concept Approval to protect significant biodiversity within the gully to the north of the precinct;
- Fixed easements for regional stormwater infrastructure traversing the site between Building D and E; and
- Existing and future development within the Wahroonga Adventist School site.

4.3.3 Urban design and streetscape

Condition B1 of the Concept Approval establishes design considerations for future development applications to ensure that an appropriate built form outcome is achieved. Whilst the subsequent detailed Development Application will also be assessed against this condition, it is also considered appropriate to address these considerations as part of this Modification Application in **Table 5** below.

Table 5 – Statement of compliance with Condition B1 Urban Design matters for consideration

Condition B1 Requirement	Response
Future development applications are to be generally consistent with the following indicative elements of the approved Concept Plan, unless it can be satisfactorily demonstrated to the consent authority that a superior built form and/or urban design outcome can be achieved with an alternative layout, while remaining consistent with the terms of approved and intent of the approved Concept Plan:	The amended building envelopes are considered to be generally consistent with the existing approved envelopes, with minor adjustments and clarification of precise envelopes providing for a superior outcome in terms of building form and residential amenity. It is noted that, notwithstanding the ability to modify the Concept Plan under S75W, Condition B1 specifically provides for flexibility in the application of that the original building envelopes and allows for these to be amended and improved upon as part of subsequent development stages.
(a) Building footprints	The proposed building footprints are generally consistent with the approved building footprints, with only minor adjustments and the inclusion of additional details and dimensions to aid the assessment of future Development Applications.
(b) Asset Protection Zone widths	The proposed building envelopes do not encroach upon the approved bushfire Asset Protection Zones.
(c) Internal road location	The internal road location servicing the residential component of the Central Church Precinct is generally consistent with the location shown in the existing Concept Approval.
(d) Detention basin location	The temporary stormwater detention functions currently present on the site will be relocated as part of the detailed development application, consistent with the intent of the existing Concept Approval.
Buildings are to be sited to avoid critically/endangered ecological communities, achieve balance between cut and fill, minimise earthworks, provided adequate solar access and minimise impacts on privacy and overshadowing of residential uses within and surrounding the site, in accordance with SEPP 65 (State Environmental Planning Policy No 65 – Design Quality of Residential Flat Development) and the Residential Flat Design Code.	<ul style="list-style-type: none"> The proposed development remains within the intended development footprint outlined in the Concept Approval and does not impact upon protected ecological communities within the Wahroonga Estate site. Detailed bulk earthworks plans will be prepared and provided with the future Development Application. The amended building envelopes improve residential amenity by providing improved outlooks and visual privacy whilst ensuring appropriate building separation distances, solar access and natural cross ventilation of apartments is accommodated.
Development site at the intersection of The Comenarra Parkway and Fox Valley Road is to provide activation at ground level to both street frontages, and is to address both street frontages and the intersection, and respond to the intersection's, location forming a gateway to the precinct.	Not applicable.
Buildings with frontage to Fox Valley must have an active street frontage and provide a setback of at least 10 metres from the street front boundary.	Future Development Applications will detail an active interface between the proposed Buildings D and E with casual surveillance of the street from apartments and balconies. A 10 metre setback to the main building line from Fox Valley Road is provided for.

4.4 Traffic and Transport

4.4.1 Car Parking Rates

Table 5 below provides a comparison of the total parking that would be provided within the Central Church Precinct for residential uses based on compliance with the existing requirements of the Concept Approval, the Ku-ring-gai Development Control Plan 2015 and the proposed car parking rates included in this Modification Application. This table demonstrates that the proposed car parking rates sought under this Modification Application are more closely aligned with the requirements of the DCP, which is considered to be appropriate given that the site is distant from local train stations and is expected to be occupied by a higher proportion of larger households owning more than one car.

Different car parking rates for Buildings A-D and Building E are sought due to the site-specific constraints that are applicable to Building E, which has an irregular site shape, steep slope from Fox Valley Road and immediate proximity to the regional stormwater infrastructure easement, all of which constrain the extent and depth of basement able to be provided beneath this building.

The reduced visitor car parking rate is appropriate given the proximity of the site to the public car park provided in the adjacent SAN Hospital, providing capacity for overflow visitor parking demand in rare instances where this may be required and ensuring that there are no adverse impacts upon the availability of on-street parking within the broader locality.

The current Concept Plan approval would require 34 parking spaces to be allocated for car share vehicles. On the North Shore, popular car share provider currently does not locate cars north of Lindfield, where only two car share vehicles are available for use by the entire existing local population. Accordingly, it is not expected that the level of car share provision anticipated under the Concept Plan would be viable or appropriate on the site.

Based on an indicative dwelling mix of 10% 1-bed, 55% 2-bed and 35% 3-bed apartments, the proposed parking rates would allow for 89 additional car parking spaces to be provided on the site compared to the existing Concept Plan approval. An assessment of the traffic implications of this additional parking is discussed in **Section 4.4.2**.

Table 6- Car parking provision based on indicative dwelling mix

Apartment Configuration	Approved Concept Plan 07_0166	Approved Concept Requirements	DCP Rate	DCP Car Parking Spaces	Proposed Car Parking Rates	Proposed Car Parking Spaces
1-bedroom units	0.5 space per unit	$21 \times 0.5 = 11$	1 space per unit	$21 \times 1 = 21$	1 space per unit	21
2- bedroom units	1 space per unit	$109 \times 1 = 109$	1.25 space per unit	$109 \times 1.25 = 137$	1.67 spaces per unit for Buildings A-D and 1 space per unit for Building E	168
3-bedroom units	1 space per unit	$70 \times 1 = 70$	1.5 spaces per unit	$70 \times 1.5 = 105$	2 spaces per unit	140
Visitor parking	1 space per 4 units	$200/4 = 50$	1 space per 4 units	$200/4 = 50$	1 space per 6 units	34
Car sharing scheme	1 space per 6 units	$200/6 = 34$	N/A	N/A	N/A	N/A
Total	-	274 (Precise requirement)	-	313 (Minimum requirement)	-	363 (Minimum requirement)

4.4.2 Traffic Impacts

TTW have prepared a Traffic Impact Statement (**Attachment C**) which estimates the traffic generated from proposed apartments based on the revised car parking provision and the forecasts the potential impacts of additional traffic on the surrounding public road network. This included an assessment of the impact of likely traffic generation based on two scenarios, being future residential development of the site using the existing approved car parking rates and the amended car parking rates sought under this Modification Application. It is noted that this is a conservative estimate which increases projected vehicle movements pro-rata to the increase in parking spaces, notwithstanding that it is not proposed to increase the number of apartments (or residents) located within the Central Church Precinct as part of this modification application.

The traffic assessment concluded that additional traffic movements associated with the amended car parking rates would have a minor impact on the average vehicle delay and Level of Service within the local road network as measured at the proposed signalised site access from the Central Church Precinct to Fox Valley Road. Specifically, TTW's modelling indicates that this key intersection access will continue to operate at Level of Service B (no change) notwithstanding the additional parking provision.

Having regard to the above, it is considered that the proposed modification to the approved car parking rates will not result in any significant impact upon local road network operations whilst ensuring that adequate parking is provided to meet the needs of future residents and minimise impacts on on-street parking availability within the local area.

5.0 Conclusion

This Section 75W application seeks to modify Concept Approval MP07_0166 for the Wahroonga Estate to provide for amended building envelopes and residential car parking rates in order to enable the delivery of a high-quality residential community on the site as envisaged in the original master plan. The proposed modifications will ensure that future apartment attain a high level of residential amenity, whilst remaining generally consistent with the built form objectives and principles established under the original Concept Plan Approval, and ensuring that adequate residential parking is provided to meet the needs of future residents.

In light of the merits of the proposal and in the absence of any significant adverse environmental, social or economic impacts, we recommend that the Modification Application be approved. Should you have any queries about this matter, please do not hesitate to contact me on (02) 9409 4961 or at moliver@ethosurban.com.

Yours sincerely,



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