

31 August 2018

The Secretary
NSW Department of Planning & Environment
GPO Box 39
Sydney NSW 2001

Att: Carolyn McNally

Dear Ms McNally,

Re: SECTION 75W MODIFICATION REQUEST - a1703-02
Subject: **Modification No.9 - MP 07_0166, SAN HOSPITAL, WAHROONGA**

This correspondence seeks to modify the Concept Plan for the Wahroonga Estate (MP 07_0166) Major Project Approval issued by the Planning Assessment Commission (PAC) on 31st March 2011 for adaptive re-use to the Seventh Day Adventist Hospital at Wahroonga.

The modification request (number 9) outlined in this submission is sought pursuant to Section 75W of the Environmental Planning & Assessment Act, 1979 (EP&A Act). This submission is also accompanied by the following documents:

- Architectural Plans - prepared by Zanazan (Architecture Studio) Pty Ltd
- Bushfire Report - prepared by Bushfire Planning Services Pty Ltd



Site Context and Location

The proposal is located within a larger site which forms part of the Wahroonga Estate, including the SAN hospital buildings to the north and Avondale College to the west. It is bound by Fox Valley Road to the east and The Commenarra Parkway to the south. The site is characterised by a mixture of residential, commercial, educational and healthcare services buildings of various scales. The Estate is subject to a Concept Plan. The proposed centre-based childcare facility is to be located within an existing building previously used as a primary school (shaded red), which as part of the Concept plan (along with other buildings) marked for demolition [refer to Zanazan Architects Drawing A001(d)].

Details of Modification Sought

Until such time as the DA for Precinct C - (Mixed Use) is implemented, this modification seeks to make an application for the adaptive re-use of the former Wahroonga Adventist Primary School building (*The School*) as a centre-based child care facility, shown demolished as part of the Concept plan.

Justification for Modification

The School building's previous occupants, have relocated and the building is presently unoccupied. There is a significant shortage of quality child care facilities in this precinct and the introduction of such a facility will redress this in the short term.

The proposal ensures the existing building is utilised in full and therefore maintained until the owners lodge the DA for the Mixed Use development approved as part of the Concept Plan for this precinct.

Consistency with Concept Approval

The proposal seeks a 'short-term' change of use for The School building to permit its use as a child care centre until the Mixed Use Application is lodged. Therefore, the long term vision for the Wahroonga Estate is not compromised by the modification sought.

The proposal does not propose significant additions to the existing building footprint, and has been successful in being able to accommodate the childcare usage (in accordance with Education and Care Services National Regulation 2014) without significant and invasive alterations to the building fabric. A more detailed review of the national Regulations

Suggested Modification Condition

We propose an amendment to the Concept Approval with the addition of a new condition (B15) as follows:

B15 Exiting School Facilities

(1) The existing primary school on the site is to be adapted and utilised as a child care facility on a temporary basis until the relevant development component of Central Hospital Precinct is implemented. Development application(s) for the works are to address bushfire, acoustic, car parking and traffic impacts and implement appropriate control measures.

1. Environmental Planning Assessment

This section provides an environmental assessment of the proposed development in respect of the relevant matters for consideration under Section 4.15(1) of the Environmental Planning and Assessment Act, 1979 (EP&A Act).

Section 75W Modification

Clause 3BA(5) of the EP&A Act is the transitional provision which states that concept plans can continue to be modified under section 75W even if the modification application is lodged on or after the 1 March if the following provisions are satisfied:

- (a) the proposed modification is to correct a minor error, misdescription or miscalculation, or
- (b) the proposed modification is of minimal environmental impact, or
- (c) the project to which the concept plan as modified relates is substantially the same as the project to which the concept plan currently relates (including any modifications previously made under section 75W).

To that end, the proposed adaptive re-use of the Primary School as a Childcare Centre is considered to satisfy provision (b) above: **'a modification of a minimal environmental impact'** as:

- I. the proposal utilising the whole of the existing built form, thereby not requiring substantial demolition and rebuild;
- II. maintaining the existing fabric retains the existing embodied energy of the existing construction;
- III. the existing open (outdoor) spaces are converted into outdoor play areas;

Section 4.15(1)(a) - Planning Controls

Under Section 4.15(1)(a) of the EP&A Act, the consent authority must take into consideration the provisions of:

- Section 4.15(1)(a)(i) Environmental Planning Instruments;
- Section 4.15(1)(a)(ii) Draft Environmental Planning Instruments;
- Section 4.15(1)(a)(iii) Development Controls Plans;
- Section 4.15(1)(a)(iiia) Planning Agreements; and
- Section 4.15(1)(a)(iv) the Regulations.

The relevant environmental planning instruments & development controls plans are:

- State Environmental Planning Policy No. 1 - Development Standards
- Ku-ring-gai Local Environmental Plan 2015;
- Ku-ring-gai Development Control Plan 2017.

Ku-ring-gai Local Environmental Plan (KLEP 2015)

Pursuant to Clause 2.3 of KLEP 2015, the site is zoned B1 Neighbourhood Centre. Centre-based childcare centres are permissible with development consent in the B1 zone.

The objectives of the B1 Neighbourhood Centre zone are to:

"To provide a range of small-scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhood."

The proposal is considered to be consistent with the above objectives of the B1 Neighbourhood Centre zone as the proposal ensures that the needs of the community, living and working in the precinct are adequately met.

Section 4.15(1)(b)- Built Environment Impacts

The proposed alterations to The School, together the ancillary site landscaping will improve the presentation of the building and will contribute positively to the streetscape.

The School will remain compatible in scale and character with its surrounding and has been designed so as not to give rise to adverse privacy or amenity impacts to adjoining property owners.

Section 4.15(1)(b)- Social and Economic Impacts

The proposed works will update the existing building, now vacant, and thereby improve its appearance which will, in turn, positively contribute to the amenity of the locality.

The proposal will also generate local employment opportunities during both the construction and operational phases of the project.

Section 4.15(1)(c)- Suitability of the Site for Development

The existing building is located within a larger estate, comprising of educational, healthcare and residential uses. Moreover, the subject building was previously a primary school accommodating equal to or more than the same number of students as proposed as a childcare centre. The use of the subject site for the purpose of early childhood learning, compliments and continues the education of children on this site and contributes to the availability if such services within this precinct. This purpose is considered suitable.

Section 4.15(1)(d)- Submissions

The proposed development is required to be publicly notified in accordance with Council's Notifications DCP. Pursuant to Section 4.15(1)(d) of the EP&A Act, Council will be required to give due consideration to any submissions made during that notification period.

Section 4.15(1)(e)- Public Interest

As detailed throughout this S75 W report, the proposed adaptive re-use to The School have been designed to minimise additional shadows, to avoid overlooking opportunities that could adversely

impact privacy on surrounding sites and to improve the presentation of the existing building to the public domain. Accordingly, the proposal is expected to positively contribute to the amenity of the locality and is considered to be in the public interest.

Bushfire

A bushfire report has been prepared by Bushfire Planning & Design (dated September 2017) and is submitted for consideration with this application for modification. It has been determined, in that report, that any likely bushfire hazard is more than 100m from the closest point of the subject building, and therefore, based on the assumptions and measurements contained within the assessment the development is considered to be able to meet the requirements of clause 44 of the Rural Fires Regulation 2008.

Acoustic

The proposed adaptive re-use of the former primary school to a child care centre is unlikely to give rise to any additional acoustic impacts within the site or toward the broader urban context.

Parking & Traffic

The existing school site has adequate parking facilities to accommodate the requirements for on-site staff parking and also manage the morning and afternoon drop off and pick up of students by parents. No additional traffic is anticipated than that generated by the primary school (when operational). Moreover, the traffic and parking requirements of the temporary child care will be significantly less than the proposed mixed use building designated for this area of the precinct.

Conclusion

The proposal seeks to modify the sequencing of the demolition of the existing School building within the Wahroonga Estate redevelopment, as specified in the Major Project Approval MP 07_0166. The final configuration of the development is not intended to be altered as a result of this application, but rather to permit the temporary use of the School building as a childcare facility until the DA for the Mixed Use building (as denoted on the Concept plan for Precinct C) is lodged with Kuringai Municipal Council and its subsequent Construction Certificate is obtained.

Should you require any additional information, please do not hesitate to contact me.

Yours faithfully,



Shahe Simonian
Zanazan Pty Ltd
Director, Nominated Architect
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