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Our ref: S06/01212

Mr Keith Johnson
Managing Director
Johnson Property Group
PO Box A1308
SOUTH SYDNEY NSW 1235

Dear Mr Johnson,

Subject: Wahroonga Estate Redevelopment (MP 07_0166 Concept Plan)
Modified Director General's Requirements

I refer to my letter dated 9 April 2008 setting out the Director-General's Environmental Assessment Requirements for the above Major Project.

As you are aware, the Commonwealth Department of the Environment, Water, Heritage and the Arts (DEWHA) subsequently determined on 5 November 2008 that your proposal:

1. is a "controlled action" under the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) and
2. will be assessed under the Bilateral Agreement which accredits the assessment regime under Part 3A of the EP&A Act for assessment purposes under the EPBC Act.

DEWHA has identified the need to ensure the Environment Assessment comprehensively addresses the potential impacts on, and proposed mitigation measures for, certain listed threatened and migratory species listed under the EPBC Act.

Therefore pursuant to 75F(3) of the Environmental Planning and Assessment Act 1979 please find attached modified Director-General's Environmental Assessment Requirements. The modifications involve amendments to item '8. Biodiversity' under Key Assessment Requirements and the inclusion of two attachments.

You should keep the contact officer for this project up to date with the preparation of the Environmental Assessment Report and, where relevant, any emerging issues. The officer, Emma Hitchens is available on (02) 9228 6434 or via email emma.hitchens@planning.nsw.gov.au.

Yours sincerely

Jason Perica
Executive Director
Strategic Sites and Urban Renewal

3/12/08

Director-General's Requirements – Attachment 1

Section 75F of the *Environmental Planning and Assessment Act 1979*

Major Project No.	MP07_0166 (Concept Plan)
Project Description	Concept Plan – Sydney Adventist Hospital, Wahroonga The proponent is seeking concept plan approval to redevelop the site. The main elements include upgrade and expansion of existing hospital; new low, medium and high density dwellings; educational facilities and commercial/retail floor space.
Site	Sydney Adventist Hospital, Wahroonga , comprising 191-213 Comenarra Parkway; 128-172 & 145-189 Fox Valley Road; 73-79 & 64-104 Mt Pleasant Avenue; 21 Elizabeth Street; 76 Hinemoa Avenue, 7 Nicholas Crescent.
Proponent	Johnson Property Group (acting on behalf of ACA)
Date of Issue	09 April 2008, as amended 03 December 2008 (<i>If the Environmental Assessment is not exhibited within 2 years after this date, the applicant must consult further with the Director-General in relation to the preparation of the environmental assessment.</i>)
General Requirements	The Environmental Assessment (EA) must include: <ol style="list-style-type: none"> (1) Executive summary. (2) Description of the proposal comprising: <ol style="list-style-type: none"> (a) project vision, objectives and need; (b) description of the site, including cadastral and title details; (c) various precincts and staging (including infrastructure staging); and (d) alternatives considered. (3) Consideration of: <ol style="list-style-type: none"> (a) all relevant State Environmental Planning Policies; (b) Ku-ring-gai Planning Scheme Ordinance and any relevant DCP's; (c) Metropolitan Strategy "City of Cities" and draft North Subregion Strategy. (4) Draft Statement of Commitments outlining commitments to public benefits including State and local infrastructure provision or contributions, environmental management, mitigation and monitoring measures and clear indication of responsibilities. (5) Signed statement from the author of the EA confirming that the information is neither false nor misleading. (6) Report from a quantity surveyor identifying the capital investment value of the Concept Plan.
Key Assessment Requirements	<ol style="list-style-type: none"> 1. Site Analysis <ul style="list-style-type: none"> • Site opportunities and constraints, identifying natural and built environmental features within and adjoining the site. 2. Land Use <ul style="list-style-type: none"> • Identify proposed precincts, stages, timing, uses contained in each precinct, road and pedestrian networks. • Existing and proposed zones. • Table outlining different land uses, FSR, development yield, site coverage for each use and total GFA for the development. • Consider surrounding land use, patterns, density and character and assess/resolve potential land use conflicts. • Justify proposed commercial development with particular regard to impacts on existing local town centres. 3. Ownership and Title <ul style="list-style-type: none"> • Identify proposed staging, ownership and titling arrangements for each of the proposed land uses. • Identify measures to ensure residential accommodation for hospital and church staff will be retained for that purpose. 4. Urban Design – Built Form <ul style="list-style-type: none"> • Typical plans (elevations and sections) and associated development controls, identifying the height, bulk, scale, density and typologies of the proposed built form in relation to existing development site, surrounding development and landscape.

- Typical plans and sections of the proposed public domain, identifying the proposed street network and car parking, pedestrian and bicycle linkages and landscape treatments.
- Assessment of any potential visual impacts using photomontages and view analysis.

5. Heritage

- Heritage Impact Statement assessing impacts on the Adventist Administration Building (local heritage item under KPSO), Mahratta Urban Conservation Area, views from distant sites along the ridge tops on either side of the Lane Cove River (eg Cheltenham and West Pymble) and timber framed houses north of Fox Valley Road for any significance.
- Assess the development against the Department of Environment and Climate Change's draft *Guidelines for Aboriginal Cultural Heritage Impact Assessment and Community Consultation*.

6. Traffic, Transport and Car Parking

- Traffic Study in accordance with the Roads and Traffic Authority's *Guide Traffic Generating Developments*, with particular regard to:
 - Existing road capacity, expected impacts on local and regional roads and any upgrade requirements;
 - Internal road layout and access arrangements;
 - Pedestrian and bicycle linkages; and
 - Access for emergency vehicles.
- Transport Management and Accessibility Plan (TMAP) for the entire site, in accordance with the Ministry of Transport's *Interim TMAP Guidelines*, also including:
 - Staging/ Sequencing Plan;
 - Construction Management Plan; and
 - Voluntary Planning Agreement addressing MoT's requirements.
- Car parking plans showing location and number of existing and proposed car parks, allocation to proposed uses and evidence confirming adequacy.

7. Bushfire

- Demonstrate compliance with NSW Rural Fire Service's *Planning for Bush Fire Protection 2006*, with particular regard to ensuring Special Fire Protection purpose developments are located away from the bushland interface; and
- Identify vegetation types, ownership and ongoing management of any proposed Asset Protection Zones.

8. Biodiversity

- Identify the location, extent and species of vegetation proposed to be cleared.
- Assess impacts of proposed vegetation clearing and development generally on critically endangered and endangered communities, identified threatened species, having regard to the Department of Environment and Climate Change's *Threatened Species Assessment Guidelines*.
- Biodiversity conservation strategy including offset and/or rehabilitation measures to avoid or mitigate impacts.
- Assess and mitigate impacts on edge effects, ecological corridors, watercourses and associated riparian vegetation, existing rock outcrops and Lane Cove National Park.
- Identify the location, extent, timing of dedication, intended ownership and long term management for conservation lands.
- Comprehensively address potential impacts on, and proposed mitigation measures for listed threatened species under the *Environment Protection and Biodiversity Conservation Act (EPBC Act)* (including Blue Gum High Forest and Turpentine Ironbark Forest, Grey Headed Flying Fox and Swift Parrot). See Attachments 1

	<p>(Specific Requirements) and 2 (General Requirements) for reference.</p> <p>9. Ecologically Sustainable Development</p> <ul style="list-style-type: none"> • Demonstrate how the development will satisfy ESD principles, including BASIX, water sensitive urban design measures, energy efficiency and recycling and waste disposal. <p>10. Geotechnical and Contamination</p> <ul style="list-style-type: none"> • Geotechnical report assessing matters such as the suitability of the site for its proposed uses, slope stability, erosion hazard, proposed earthworks and retention methods. • Assess suitability of site for proposed uses in accordance with SEPP 55. <p>11. Utilities and Social Infrastructure</p> <ul style="list-style-type: none"> • Utility and infrastructure servicing strategy, demonstrating the development can be adequately serviced for water supply, wastewater, stormwater, electricity, gas, communications and fire fighting. • Demonstrate appropriate provision of social infrastructure and services to support expected population increase. • Assess appropriateness of footprint size proposed for the school. <p>12. Drainage, Stormwater and Groundwater Management</p> <ul style="list-style-type: none"> • Identify drainage, stormwater and groundwater management issues, including riparian areas, topography, on site stormwater detention, water sensitive urban design measures and drainage infrastructure. • Identify and address any potential flooding risk. • Identify the location of water quality control measures (eg basins) relative to existing bushland. <p>13. Developer Contributions</p> <ul style="list-style-type: none"> • Scope and justification of developer contributions between the proponent and the State (via relevant agencies including Roads and Traffic Authority, Department of Education and Ministry of Transport), based on the demand for services generated by the development and Department of Planning guidelines. • Scope and justification of developer contributions between the proponent and Ku-ring-gai Council, based on existing Section 94 plans and Department of Planning guidelines.
<p>Consultation Requirements</p>	<p>An appropriate and justified level of consultation should be undertaken with the following relevant parties during the preparation of the environmental assessment, having regard to any previous consultation.</p> <p>a) <i>Agencies and other authorities:</i></p> <ul style="list-style-type: none"> • Ku-ring-gai Council; • Hornsby Council; • NSW Department of Water and Energy; • NSW Health; • NSW Ministry of Transport; • NSW Roads and Traffic Authority; • NSW Department of Education and Training; • NSW Department of Conservation and Climate Change; • NSW Rural Fire Service; • Commonwealth Department of Environment and Water Resources; and • All relevant utility providers. <p>b) <i>Public</i></p> <ul style="list-style-type: none"> • Community Reference Group; • Existing users of the site; and • Surrounding residents.

	<p>Document all community consultation undertaken to date or discuss the proposed strategy for undertaking community consultation. This should include any contingencies for addressing any issues arising from the community consultation and an effective communications strategy.</p> <p>The consultation process and the issues raised should be described in the Environmental Assessment.</p>
Landowner's Consent	Landowner's consent is to be provided within the EA in accordance with clause 8F of the Environmental Planning & Assessment Regulation 2000.
Deemed refusal period	120 days (see Clause 8E of the <i>Environmental Planning & Assessment Regulation 2000</i>)
Application Fee Information	The application fee is based on Capital Investment Value of the project as defined in the Major Projects SEPP and as set out in Clause 8H of the <i>Environmental Planning and Assessment Regulation 2000</i> .
Documents to be submitted	<p>Fifteen (15) hard copies of the environmental assessment with plans to be to scale and A3 in size.</p> <p>Fifteen (15) copies of the environmental assessment and plans on CD-ROM (pdf format)</p>

Director-General's Requirements

Attachment 1 – EPBC Act Specific Requirements

1. EPBC Listed Ecological Communities: Turpentine Iron-Bark Forest (TIF) & Blue Gum High Forest (BGHF)

- Surveys and information on the extent and quality of BGHF and TIF present on site. Information on how much of this is proposed to be cleared, altered and maintained on site.
- Information on the extent and quality of TIF on site and within surrounding areas, significance of stands and whether they meet the requirements of ecological communities as defined by the EPBC Act. Comment on if they do not meet listing requirements whether they still provide linkages to surrounding communities and biodiversity values.
- Information on the interconnectedness of BGHF on site and in surrounding areas especially the significant stand located on the Eastern side of Fox Valley Rd.
- Confirm effects run-off will have on BGHF and TIF both on site and in the adjoining areas, including information on the nutrient loads that these communities will be exposed to as well as the potential edge effects of runoff for weed infestation and degradation of these ecological communities.
- Information on the interaction and impacts of increased human access and traffic through pedestrian and bicycle linkages, and increased traffic resulting from the proposed access road which will fragment the BGHF.

2. EPBC Listed Threatened and Migratory species

- Surveys on what EPBC listed threatened and migratory species use this site. In particular but not limited to Grey Headed Flying Fox (GHFF), Swift Parrot and the Large Eared Pied Bat. Clearly demonstrate to what extent EPBC listed species will be impacted by the development.
- Information on the extent GHFF use the site and whether there are links with the flying fox reserve located at nearby Lane Cove (this area is relatively close and therefore may provide a substantial component to the food resource of GHFF in the area).
- Assessment as to how the clearing of vegetation required may impact on EPBC listed migratory and threatened species through removal of foraging and nesting/roosting habitat.

3. Asset Protection Zones

- Information on Asset protection zones in relation to the quality and quantity of vegetation that will be cleared or affected to accommodate Asset protection zones.
- Confirm State/local government requirements for Asset Protection Zones for the site (the extent of Asset protection zones is of concern to DEWHA as the width required may result in more fragmentation of the communities both on the site and to those communities adjoining the site).
- Information on the ongoing requirements to alter understorey of the EPBC listed communities through Asset Protection Zone management (DEWHA is concerned the requirement to clear understorey which is an integral part of the BGHF community will degrade the integrity of the remaining communities).

Mitigation Measures

- Information on mitigation measures which will be employed to protect and minimise impacts to the EPBC listed ecological communities, threatened species and migratory species that are on site and in surrounding areas, including measures which have been investigated to reduce edge effects and fragmentation and minimise the need to remove or impact upon the communities listed. Also details confirming any commitments to these measures.
- Details of any consideration given to redesigning the development to minimise impacts to EPBC listed ecological communities and listed threatened species.
- Details of any consideration of offsets.

Director-General's Requirements

Attachment 2 – EPBC Act General Requirements

The Environmental Assessment (EA) must include a consideration of the following with any variations to be justified:

- Commonwealth *Environment Protection and Biodiversity Conservation Act 1999*

Key Assessment requirements:

EPBC Act Controlled Action

- (1) Impacts on species listed under Section 18 and 18A of the *Environment Protection and Biodiversity Conservation Act 1999*;
- (2) Impacts on other threatened species, populations or ecological communities, critical habitat (including riparian habitat) and native vegetation generally;
- (3) Impacts on migratory species listed under the *Environment Protection and Biodiversity Conservation Act 1999*;
- (4) Impacts on RAMSAR Wetlands;
- (5) Any relevant State and Commonwealth Government technical and policy guidelines, including the NSW Department of Planning's *Environment Protection and Biodiversity Conservation Act 1999: Guide to implementation in NSW* (May 2007);
- (6) Proposed offset measures to avoid or mitigate impacts on matters of national environmental significance; and
- (7) Matters outlined in Schedule 4 of the *Environment Protection and Biodiversity Conservation Regulation 2000*.

Guidelines on EPBC Act matters – for reference

The Commonwealth Minister for the Environment has declared the project to be a controlled action under section 75 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

Under the provisions of the Bilateral Agreement between New South Wales and Commonwealth Governments, the environmental assessment of the impacts of the controlled action must be assessed under Part 3A of the EP&A Act.

The Assessment should also include enough information about the controlled action and its relevant impacts to allow the Commonwealth Environment Minister to make an informed decision whether or not to approve the controlled action under the EPBC Act.

This assessment is to be integrated into the assessment required for Part 3A of the EP&A Act. As a guide, the following matters in the EPBC Act and Schedule 4 of the EPBC Regulations 2000 should be considered.

1. General information

The background of the action including:

- (a) the title of the action;
- (b) the full name and postal address of the designated proponent;
- (c) a clear outline of the objective of the action;
- (d) the location of the action;
- (e) the background to the development of the action;
- (f) how the action relates to any other actions (of which the proponent should reasonably be aware) that have been, or are being, taken or that have been approved in the region affected by the action;
- (g) the current status of the action;
- (h) the consequences of not proceeding with the action.

2. Description of the controlled action

A description of the action, including:

- (a) all the components of the action;
- (b) the precise location of any works to be undertaken, structures to be built or elements of the action that may have relevant impacts;
- (c) how the works are to be undertaken and design parameters for those aspects of the structures or elements of the action that may have relevant impacts;

(d) to the extent reasonably practicable, a description of any feasible alternatives to the controlled action that have been identified through the assessment, and their likely impact, including:

- (i) if relevant, the alternative of taking no action;
- (ii) a comparative description of the impacts of each alternative on the matters protected by the controlling provisions for the action;
- (iii) sufficient detail to make clear why any alternative is preferred to another.

3. A description of the relevant impacts of the controlled action;

An assessment of all relevant impacts that the controlled action has, will have or is likely to have on:

- (a) threatened ecological communities and threatened species potentially present and listed under sections 18 and 18A of the EPBC Act;
- (b) migratory species listed under the EPBC Act;
- (c) RAMSAR Wetlands;
- (d) places listed on the National heritage list and protected under the EPBC Act;
- (e) World heritage areas.

Information must include:

- (a) a description of the relevant impacts of the action on matters of national environmental significance;
- (b) a detailed assessment of the nature and extent of the likely short term and long term relevant impacts;
- (c) a statement whether any relevant impacts are likely to be unknown, unpredictable or irreversible;
- (d) analysis of the significance of the relevant impacts;
- (e) any technical data and other information used or needed to make a detailed assessment of the relevant impacts.

4. Proposed safeguards and mitigation measures

A description of feasible mitigation measures, changes to the controlled action or procedures, which have been proposed by the proponent or suggested in public submissions, and which are intended to prevent or minimise relevant impacts. Information must include:

- (a) a description, and an assessment of the expected or predicted effectiveness of, the mitigation measures;
- (b) any statutory or policy basis for the mitigation measures;
- (c) the cost of the mitigation measures;
- (d) an outline of an environmental management plan that sets out the framework for continuing management, mitigation and monitoring programs for the relevant impacts of the action, including any provisions for independent environmental auditing;
- (e) the name of the agency responsible for endorsing or approving each mitigation measure or monitoring program;
- (f) a consolidated list of mitigation measures proposed to be undertaken to prevent, minimise or compensate for the relevant impacts of the action, including mitigation measures proposed to be taken by State governments, local governments or the proponent.

5. Other approvals and conditions

Any other requirements for approval or conditions that apply, or that the proponent reasonably believes are likely to apply, to the proposed action. Information must include:

- (a) details of any local or State government planning scheme, or plan or policy under any local or State government planning system that deals with the proposed action, including:
 - (i) what environmental assessment of the proposed action has been, or is being, carried out under the scheme, plan or policy;
 - (ii) how the scheme provides for the prevention, minimisation and management of any relevant impacts;
- (b) a description of any approval that has been obtained from a State, Territory or Commonwealth agency or authority (other than an approval under the Act), including any conditions that apply to the action;
- (c) a statement identifying any additional approval that is required;
- (d) a description of the monitoring, enforcement and review procedures that apply, or are proposed to apply, to the action.

6. Environmental record of person proposing to take the action

(1) Details of any proceedings under a Commonwealth, State or Territory law for the protection of the environment or the conservation and sustainable use of natural resources against:

- (a) the person proposing to take the action; and
- (b) for an action for which a person has applied for a permit, the person making the application.

(2) If the person proposing to take the action is a corporation — details of the corporation's environmental policy and planning framework.

7. Information sources

For information given in an environment assessment, the draft must state:

- (a) the source of the information; and
- (b) how recent the information is; and
- (c) how the reliability of the information was tested; and
- (d) what uncertainties (if any) are in the information.

8. Consultation

(a) Any consultation about the action, including:

- (i) any consultation that has already taken place;
- (ii) proposed consultation about relevant impacts of the action;
- (iii) if there has been consultation about the proposed action — any documented response to, or result of, the consultation.

(b) Identification of affected parties, including a statement mentioning any communities that may be affected and describing their views.