

Planning Officers
NSW Department of Planning and Environment

22 June 2018

*Do you wish to remain anonymous? No. Graeme Burgoyne
Have you made any political donations? No.*

OBJECTION TO DEVELOPMENT PROPOSAL MP_07 0166 MOD 8

Dear Mr Herbert

I am writing to object to Modification 8 for the Wahroonga Estate.

The issues I wish to object to are set out below.

Thank you for the opportunity to lodge this objection.

Regards

Issue 1: Due Process – Proposal is no longer a “Concept Plan”

- A concern is raised over the level of detail submitted at this stage of the planning process (Master Planning stage).
- The proposal involves very detailed plans and can no longer be described as a “Concept Plan”. It is therefore NOT a “modification” to the approved Concept Plan.
- The proposed “modifications” should be limited to proposed amendments to the building envelopes, footprints and height planes only.
- If the Department of Planning & Environment (or the Minister) approves the current detailed plans proposed in MOD 8, the correct planning process will be compromised and due process will not have been followed, as the approval of detailed plans will circumvent Kuring-gai Council’s authority and lock the Council into the approving the detailed plans.

Issue 2: Building Design

As mentioned above, it is considered that it would be inappropriate and would circumvent the planning process if the current detailed plans were to be approved at this stage by Department of Planning & Environment (or the Minister). However, the following objections are raised to the proposed plans for the following reasons:

Building Height Planes

- It is noted that some measurements on the plans appear to be incorrect (scale and location of buildings).

- The application proposes to encroach the approved height planes and limits and will contravene the prescribed heights under the provisions of the Ku-ring-gai Local Environmental Plan 2015.
- The applicant's justification for the proposed encroachments on the approved height planes in that the site is an "acute slope" is inaccurate, inappropriate and unjustified. The site has an approximate fall from the rear of the School to Buildings A to C of 3m and is not considered to be acute slope condition.
- The proposed building heights contravene the height standards of 20.5m and 14.5m and will not likely satisfy the tests established under Condition A8(2) of the concept approval which are derived from the Clause 4.6 of the Standard Instrument.

Ground floor footprint and building length

- The proposed length of Buildings A, C and D do not comply with the Kuring-gai DCP as they exceed the maximum building length control of 36m and are therefore excessive in bulk and scale.

Top Storey footprint

- The top storey footprints of buildings A, B, C and E do not comply with the Kuring-gai DCP as they exceed 60% of the Gross Floor Area (GFA) of the storey immediately below which contravenes the future desired character of the R4 zone.

Basement footprint and setbacks

- The application proposes to increase the number of private car parking spaces yet the plans and sections do not indicate the accommodation of parking under the buildings.
- The proposed setbacks under the building footprint are unclear and cannot guarantee the provision of deep soil landscaping.

Orientation of units

- Many of the units proposed are entirely south facing. This is not best practice design for light and amenity reasons and will be further compromised by the need to provide small windows and louvre systems across the southern elevations of Buildings A, B and C due to their close proximity to the School buildings.

Issue 3: Traffic

- The traffic situation within the Estate and the surrounding area (between Pennant Hills Road, The Comenarra Parkway, Fox Valley Road and the Pacific Highway) has changed considerably since the original traffic studies were undertaken, including expansion of the hospital, school site opening (and expanding) and a number of other high density new developments in the area (notably along the Pacific Highway). The original traffic studies (collected in 2012 and now 6 years old) are being relied on for the predicted traffic counts, parking and vehicular movements in and around the site. Over 1000 additional units (within residential developments) have been approved within the Thornleigh and Wahroonga area, and major school, childcare and commercial developments also approved, and it is therefore considered that the original traffic studies are no longer relevant. They should not be used as the basis for calculating traffic and parking requirements for the site or for analysing traffic impacts and a new traffic study should be required to be undertaken.

- The pedestrian demand flows of 53 per hour across all approaches uses the TTPA report data collected back in 2012. There is no evidence provided within the TTW TIA report of the where the pedestrian demand flows have been derived from as the 2012 traffic survey data (from TTPA report) did not include pedestrian volumes. Since that time, the school has been approved, partially constructed and is operational and the hospital has undergone a major upgrade. Pedestrian volumes have increased substantially in around the site: the school currently has over 450 students (and will increase to over 800 students); the hospital has 550 beds, 2300 staff (including casuals), 1350 full time employees and a day surgery, clinic, day infusion centre, radiology, ultrasound, wound clinic, medical centre, Emergency, physiotherapy, visitors, contractors and volunteers; and the Wahroonga Church has a 1200 person capacity and the Fox Valley Community Centre has a 500 person capacity (also used as the Fox Valley Church on weekends).
- The TTW TIA does not adequately address the location and design of all site access and exit roads provided, in particular the potential conflicts with pedestrian movements during school hours.
- The TTW TIA does not show the Public Transport Accessibility Level of the proposed development and its accessibility to the public transport network, taking into account walk access time and service availability. It is noted that the site is NOT located within the vicinity of a railway station – the only public transport available to and from the site is via bus services. As such, cars are heavily depended upon.
- The TTW TIA does not address bicycle and pedestrian safety which is critical issue in the design of the proposed development to ensure that the internal circulation system and the external access points are designed for bicycle and pedestrian safety minimising bicycle/pedestrian conflicts with vehicles particularly during school hours.
- The proposal intends for the insertion of a new clause A2(1)(e) (pg 11 Planning Study). The RMS has not agreed to any changes to the Deed of Agreement as evidenced by its submission to MP07 0166 MOD6. It is therefore considered that such a clause cannot be included until the appropriate investigations are made.

Issue 4: Parking

- There appears to be a major shortfall in the number of car spaces across the Estate allocated to the different uses of buildings within the site. Buildings A, B and C are proposed on the site of the temporary carpark. Whilst this carpark was intended to be temporary, the carpark currently provides parking for the school (until the school construction is completed), as well as for the Fox Valley Community Centre.
- Wahroonga Church (which has a capacity of 1200 people) previously had an additional 50 spaces, but lost them when the Fox Valley Community Centre was developed. Wahroonga Church has a capacity of 1200 people and has a total of 72 parking spaces (including 4 disabled parking spaces). The Fox Valley Community Centre (which also holds church services every Saturday Sabbath at the same time as the Wahroonga Church) has a capacity of 500 people and has a total of only 11 allocated spaces (including 3 disabled spaces). The parishioners of both churches use the Temporary Carpark, which is located on the site of the proposed development. It is proposed to offer free parking for church goers in the hospital carpark on Saturdays, however the hospital carpark has been calculated for the use of the hospital (which operates 24/7). It would appear that there is a shortfall in parking within this precinct of the Estate, based on the approved use of each building against Kuring-gai Council's minimum parking requirements.

- The parking calculations should not be 'borrowed' from the use of another building on site – it will result in a shortfall of spaces across the Estate and force church goers to park in surrounding streets. The temporary parking was not part of the calculations, but is currently absorbing much of the overflow. If the proposed development is constructed to its maximum potential, insufficient parking will be available for the approved use of both the Wahroonga Church and the Fox Valley Community Centre.
- The Minister for Planning originally declared the site to be a Site Significant Site and Major Project on the basis that the housing to be provided on the site would be ancillary to the use of the hospital (aged care and student/nursing accommodation). This would also reduce the traffic and parking impacts with residents living and working within the site and negate the need for parking associated with the housing. The current proposal is proposing additional carparking, but solely for the use of private residents who will reside in the proposed residential flat buildings.
- The reduction in on-site visitor parking provision (on the basis of a paid parking facility available nearby) is not supported.
- Visitors to the residential developments should not be required to pay for parking to visit residents, and the paid parking in the Hospital offers an impractical free period (around 15 minutes).
- While the results of the intersections modelling show minor impacts, a cumulative assessment of the full build-out of the Wahroonga Estate needs to be undertaken.

Issue 5: Impact on the Wahroonga Adventist School

- The apartments as they are currently proposed are too large, and too close to the school to provide adequate and appropriate safety between the school and its oval.
- The proposed unit developments will look directly onto and over all the school play and recreation spaces, thereby creating privacy issues and child safety concerns. The setbacks are insufficient between the proposed residential flat buildings and the school grounds. Whilst louvres are proposed on the windows that overlook the school, louvres only provide privacy from those looking IN – louvres do NOT prevent looking OUT of windows.
- There is no land provided for school expansion in the future and across Sydney (particularly the North Shore), there is currently insufficient land for schools to expand and cater to the growing population. The proposed residential flat buildings will build out all developable land within the site, thereby preventing any future expansion of the school and/or provision for adequate play/recreation spaces.
- The height of the proposed apartment blocks do not reflect best practice design, in that the heights of the buildings should follow the topography of the land, stepping down the slope. The proposed design, that does NOT incorporate stepped heights following the topography of the land, will have an adverse impact on amenity, restrict viewing corridors and will not minimise overshadowing.
- The building footprints proposed are dense and do not demonstrate adequate consideration of the school grounds and public domain adjacent to them. The proposed flat buildings will impact the northern aspect of the school and will compromise amenity.
- The proposed flat buildings will obstruct the visual and physical links between the school and the playing fields, which are the main open area recreational spaces for the Prep-Year 12 school students.

- The proposal does not accommodate any view corridors, nor does there appear to be any consideration of movement of large numbers of children between the sites, resulting in child safety issues.
- The design in its current form does not allow safe access for school children between the school and the playing fields/basketball courts
- The proposal does not include adequate space for foot paths (including disability access requirements).
- An additional set of traffic lights is proposed (required) on Fox Valley Road at the entry point for the school. The distance between the traffic lights and the entry point to the drop off/pick up area (under the school buildings at basement level) is approximately only 20m long (space for only 3-4 cars) in the internal road system. A large percentage of students will be driven to school (given the limited public transport and the age of the students ranging from 4-18 years of age). It is likely that each drop off/pick up will take at least 3-4 minutes (conservative estimate). With the proposed 200 privately owned units also needing to use this intersection (350+ cars) during peak hour, this intersection (and subsequently the adjoining intersection to the hospital) is likely to become “choked”, causing gridlock in both directions (especially during the 8-8.45am period).
- The temporary carpark is currently providing parking for the school and its temporary drop off/pick up zones. The construction of the school is not yet complete (the second building is currently under construction and is due to open in 2019, and construction of the third building is yet to commence). The approved drop off/pick up zone for the school is located under all 3 school buildings, along with all the parking for the school (basement level). This will not be available for use until all 3 school buildings are constructed. The original staging of the proposed residential development was not due to start for several years after the school buildings were fully constructed, occupied and operational. The current proposal brings forward the staging of the development and will result in residential developments being located on the site of the temporary carpark and drop off/pick up zones. If the residential development occurs prior to the school construction being completed, it will result in the school having NO drop off/pick up zones or adequate parking facilities. This will result in major safety issues for children, pedestrians and drivers and will result in traffic chaos. As such, if the application is approved, no development of the temporary carpark should be permitted to occur until such time as the construction of all three school buildings are complete and fully operational. **It is therefore requested that, if the current modification application is approved (which, as outlined above, is considered to be inappropriate), the following condition is placed on the consent:**

“Any construction work on the site of the temporary carpark for residential development is prohibited until all Construction Certificates and Occupation Certificates have been issued for all three approved school buildings on the adjacent school site”.

Issue 6: Stormwater Management & Drainage

- The proposal relies on The *Ku-ring-gai Council Water Management Development Control Plan – DCP 47* which was used to inform the stormwater concept. However future development applications lodged with Ku-ring-gai Council will need to be in accordance with the current Ku-ring-gai Development Control Plan (DCP) that came into effect in June 2016. The part of this DCP that is applicable to stormwater management is within *Section C: Part 24 – Water Management*.

- The proposal relies on different stormwater reduction targets to those that will be required under Clause 1 in *Section 24C.6 Stormwater Quality Control* of Council's DCP. The current TSS and TP targets are higher than those on which the Concept Plan is based.
- The proposal relies on daily rainfall and evapotranspiration data, from January 1, 1968 to January 1, 2008 were obtained from the SILO services of the Bureau of Meteorology. However, within the *NSW MUSIC Modelling Guidelines* prepared by BMT WBM Pty Ltd in 2015 it is noted that "For stormwater quality modelling in MUSIC, continuously recorded rainfall data at six minutes intervals is typically required.". This is because storm events are typically less than a day in length, and sometimes can be over within minutes, and therefore it is recommended that six-minute rainfall data be used when undertaking MUSIC modelling.
- Based on the information provided in the report, it appears that a single urban node has been modelled for each catchment. A more representative approach would be to model roads, buildings and open space as separate nodes. Within the *NSW MUSIC Modelling Guidelines* prepared by BMT WBM Pty Ltd (2015) typical stormwater concentrations are presented for various land use types.
- The pollutant concentrations adopted are different to those adopted in the July 2010 report titled *Stormwater Management Plan for Sydney Adventist Hospital Redevelopment* was prepared by C&M Consulting Engineers Pty Ltd. For consistency it would be expected that the same concentration would be used.
- In July 2010 a report titled *Stormwater Management Plan for Sydney Adventist Hospital Redevelopment* was prepared by C&M Consulting Engineers Pty Ltd. The Hyder (2009) report is listed within Section 1 of the C&M Consulting Engineers report, however the stormwater measures proposed by C&M Consulting Engineers (2010) do not align with what was presented in the Hyder (2009) report and the statements made in the documentation submitted with the application. For example, a detention basin is shown in drawing C120 in the C&M Consulting Engineers report (2010) to the south-west of the existing community centre and on the eastern side of the temporary car park, however a basin in this location is not shown in the Hyder (2009) report. Note, this basin has been constructed. Similarly, a combined OSD and rain garden basin (labelled as No. 4) is shown in the Hyder (2009) report adjacent to the school oval, however this basin has not been constructed as part of the school oval works. Therefore the as-built arrangement does not align with the statements in the documentation submitted with the application.
- It appears that the stormwater plan (Hyder, 2009) was developed on the basis of an old version of the Wahroonga Estate layout, as the school buildings are shown further west along Fox Valley Road then they are in the Final Approved Concept Plan. Within the document titled *Wahroonga Estate Redevelopment Incorporating Sydney Adventist Hospital – Final Preferred Project Report & Concept Plan* prepared in January 2010 it states in *Section 10 Draft Statement of Commitments* "Water sensitive urban design measures will be provided generally in accordance with the recommendations of the Wahroonga Estate Flooding and Stormwater Master Plan (Hyder Consulting, February 2009) and the approved concept plan". This statement implies that the stormwater management concept was not revised to reflect the latest Wahroonga Estate layout.
- Drawing SKC009 (Detention Basins Typical Section) indicates that the OSD volume is 1.2 metres in depth and extends to the top of the filtration media. An important component of a raingarden (also known as bioretention system) is what is referred to as the extended detention depth (EDD) which extends from the surface of the filtration media up. The EDD assists with the removal of pollutants from the stormwater. The EDD should not be included

in the determination of the OSD volume as the EDD is typically drawn down via the filter media at a slower rate than the dedicated flood storage volume. Therefore, either the reported detention volumes in each basin need to be reduced and therefore the overall site OSD requirements will not be met, or the footprint of each basin must be increased to cater for both the OSD requirements and raingarden requirements.

- Subsequent modifications: Stormwater management was not discussed as part of MODS 1 to 4 and 6 to 8. A submission by Ku-ring-gai Council in response to MOD 5, correctly identified that “the concept approval showed a combined detention basin and raingarden where the playing fields are now proposed. This facility was required to achieve the environmental and water quality targets of the water cycle management strategy adopted by Hyder. The facility has been removed from that area on the new concept plan.” It would be expected that with changes to land use, i.e. building footprint changes, road alignment changes, that the original stormwater concept would be updated and revised as required, but this does not appear to have occurred.

Issue 7: Bushfire

Drawing Nos. A005, A006, A007, A011 and A012 (Attachment A) show a building encroaching on the APZ. Kuring-gai Council has indicated that all buildings outside the APZ need to be removed and has requested that any implications likely to result from future adoption of the Planning for Bush Fire Protection 2017 be considered (<https://www.rfs.nsw.gov.au/plan-and-prepare/building-in-a-bush-fire-area/planning-forbush-fire-protection/planning-for-bush-fire-protection-2017-public-exhibition>), to ensure that the proposal will not result in increased APZ requirements within the E2 zone.