

Attachment C Issues and Responses to Submissions

Summary of Ku-ring-gai Council Comments

Issue Raised	Proponent's Response
Ku-ring-gai Council Council's submission notes: <i>The key consideration for Council is to ensure the integration of this development into the SAN site without compromising or delaying other aspects of the Concept Plan delivery, particularly those regarding delivery of items that improve the public domain, such as road works, high quality built form and landscape provision and appropriate bulk/scale to public access ways; and connectivity between the school buildings and their open space provided at the rear of the RFB sites.</i>	
General The proposal has submitted detailed plans and layouts that typically would be submitted at the DA stage. At DA stage such plans are assessed in relation to multiple elements, such as amenity, parking, landscaping, servicing, access etc. It is difficult therefore to properly assess these layouts in isolation. At this concept plan level, the key consideration is the change to the building envelope, including the ground floor footprint and the maximum heights as approved under the Concept Plan. Whilst it is understood that the included drawings illustrate the requirements for the building envelope changes, it is important to keep separate the overarching parameters of building envelope and the detailed drawings specifying the development. This separation ensures that there is no conflict at DA stage where the development will be considered holistically from all relevant facets and there is flexibility to accommodate Council's controls in the delivery outcomes. Therefore, all drawings proposed to be included in the concept plan approval list at Condition A2(1) (pg 12 Planning Study) should be deleted and only include high level diagrams that delineate building envelopes. This would be consistent with the level of detail at the concept level and ensure that suitable consideration can be given to the detailed resolution of all aspects of the development at DA stage. It is recommended the proposed modification of the Concept Plan be limited to drawings indicating <ol style="list-style-type: none"> 1) a ground floor footprint and 2) the height plane. 	
<p>The floor plans submitted are indicative only and have been provided to demonstrate how the future developed with the proposed building envelopes may occur. Detailed design will continue to be subject to future development applications.</p> <p>The proposed modifications are generally consistent with the approved building envelopes (as modified in MOD 5) in the Concept Approval 07_0166 and provide greater detail for future development applications.</p> <p>The proposed modifications are consistent with Condition A4 of the Concept Approval 07_0166 specifying the maximum number of dwellings in Precinct B: Central Church being 200 apartments.</p> <p>The floor plans are only indicative to demonstrate how future development within the proposed building envelopes may occur. It is not proposed that these plans would not form part of the approval as detailed in Attachment C.</p> <p>The additional drawings including the sections and indicative floor plans have been provided for the purposes of demonstrating additional detail and clarity to assist with the assessment.</p>	

Issue Raised	Proponent's Response
Building Height Plane	
<p>The building height development standards of 20.5m for buildings A to D (northern half of RFB D) and 14.5m for buildings D (southern half of RFB D) and E are currently prescribed by the Ku-ring-gai Local Environmental Plan 2015 under the Concept Plan approval.</p> <p>When these heights were formulated by Council they factored in the following site conditions and design requirements:</p> <ul style="list-style-type: none"> a) Sloping sites; b) Floor to floor heights of 3.1m metres; and c) Lift overruns. <p>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 contrary to the justification provided at section 4.2.2 of the planning report by Ethos Urban, dated 1 February 2018.</p> <p>The proposed modification can comply with the existing height requirements approved under the Concept Plan by locating all plant equipment in the basement. Council imposes as standard, a condition requiring all air conditioner condenser units to be located within the basement reducing roof top clutter and height projections.</p> <p>Further, where structure for communal use is required on the roof top and exceeds the height controls, communal private space can be located at ground level with the provision of adequate landscaping to establish a garden setting including tall trees, aligning with a key landscape objective for future RFBs in the Ku-ring-gai LGA.</p> <p>Complying with the building height development standards is not unreasonable when considering the above considerations which have gone into formulating Councils building heights.</p>	<p>The Ku-ring-gai Local Environmental Plan 2015 establishes the statutory maximum height controls for the site. The maximum height control for buildings A, B, C and D is 20.5m and Building E is 14.5m. However, the built form controls established under the Part 3A Concept Approval prevails over the LEP provisions.</p> <p>The proposed modifications to the height provide greater detail of the envisaged built form and differentiate between the required plant areas and the proposed roof heights. In addition to providing sufficient building height for the 200 apartments required by the Concept Approval 07_0166. The proposed building envelopes for plant and additional height of buildings have resulted from the development of the detailed design and will not result in any adverse impacts.</p> <p>Locating air conditioning plant within a basement would not be an efficient proposition in terms of energy consumption and efficiency of plant and potential overheating. The heat generated from the condensers would have nowhere to disperse to. Locating air conditioning condensers on balconies would result in visual and acoustic impacts.</p> <p>The proposed location of the building envelopes for the air conditioning condensers is located away from the perimeter of the rooftop and concealed within an enclosure. Their location with the condensers being enclosed will minimise any potential visual and acoustic impacts.</p> <p>The proposed rooftop terraces will be allocated to apartments for private use to provide enhanced amenity. Communal open space will be provided on the ground level.</p> <p>The Part 3A Concept Approval provides for 200 apartments across 5 residential flat buildings within the Central Church Precinct. The amended envelopes ensure that this can be achieved with good design.</p>
<p>With regards to Condition A8 (2) of the Concept Plan approval, a future development application to Council for the five residential flat buildings proposing a building height contravention against the prevailing standards of 20.5m and 14.5m will be required to satisfy the tests established under Condition A8(2) of the concept approval which are derived from the Clause 4.6 of the Standard Instrument. There is no guarantee that the above contravention will satisfy the tests in light of recent Land and</p>	<p>The proposed modifications to the building envelopes should be read in conjunction with all the conditions including Condition A8 Building Height (2) of the Concept Approval 07_0166. The amendments to the building envelopes including the RL heights are proposed to be reflected in Condition A8 Building Height (1) and will remove any requirements for any such variation to the height.</p>

Issue Raised	Proponent's Response
Environment Court judgements. It is strongly advised that compliance is upheld as part of this modification.	
The proposed Condition A8(j) (pg 13 Planning Study) and its associated RL Table seeking increase to building heights is not supported and it is recommended it be deleted.	The proposed modifications to the maximum building heights provides clarity and certainty for the detailed design of future development applications therefore, the table of the building heights is appropriate and will provide certainty to the future consent authority.
Condition A8 (2) under the approved concept Plan should continue to prevail with any requirement for increase in heights being assessed at the development application stage where all matters and impacts with regards to the individual building heights, and the stipulations of A8(2)(a)(b)(c), can be considered in detail.	Refer to the response above.
Ground Floor Footprint and Building Length	
<p>Buildings A, C and D are excessively long and exceed Council's building length control of 36m. This length is to control the bulk and scale of buildings to relate to the sub-urban context and enable buildings within landscaped settings to be delivered.</p> <p>Under Council's DCP, under which this development will be assessed, buildings can exceed this control provided that:</p> <ul style="list-style-type: none"> a) the façade is recessed in depth and width to appear as distinctive and separate building bays or wings; and b) the recess is retained as common area with landscaping which includes at least one medium tree (at least 8m canopy diameter at maturity). <p>It is recommended that the building footprints be reduced to 36m or demonstrate the inclusion of modulation, recesses and landscaping including trees as indicated in the current Concept Plan approval.</p>	<p>The modifications to the approved buildings envelopes of buildings A, C and D are consistent with the approved lengths of building in the Concept Approval 07_0166. The Concept Plan prevails over local DCP provisions to the extent that there is any inconsistency.</p> <p>The building footprints are generally aligned with the approved building envelopes and result in an acceptable built form outcome. The proposed building envelopes are capable of complying with the ADG.</p>
Ground Floor Footprint and Relation to the School Grounds	
The footprints proposed are dense and do not demonstrate adequate consideration of the school grounds and public domain adjacent to them. These RFBs will impact the northern aspect of the school and present potential issues of compromised amenity	The proposed building envelopes of the residential flat buildings are generally consistent with the approved, are capable of complying with the ADG and do not compromise the amenity of the school. Refer to Section 4.0 of the RtS for further discussion.
With the separation of the School from the playing fields, which provide the only open area for the K-12 school students, it is maintained that the proposed RFBs should not obstruct, but instead strengthen the visual and physical links between the school and the playing fields.	The approved concept masterplan, or previous modification has no physical or visual link to the playing fields. In addition to this, the approved school design has no opportunity for visual links to the playing field, as a vehicular car park entry and blank façade dominate the north-eastern and eastern façades. The connectivity and supervision of the children between the school and the sporting fields is managed through the school's operations and the provision of continuous footpaths connecting the two. Refer to Section 4.0 of the RtS for further discussion.

Issue Raised	Proponent's Response
<p>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. Building D has lost the chamfer to the NE corner indicated on the approved Concept Plan which allowed some visual link, instead proposing to protrude to a sharp point to maximise floor area at the loss of the visual link. Similarly, the proposed dog-leg return to building C obstructs the view corridor.</p>	<p>The proposed modifications to the building envelopes and internal road are generally consistent with the current approved envelopes. The modifications to the building footprints have considered the original concepts for movement of children including the pedestrian link between the school and the sporting fields and has maintained this approach.</p> <p>The Concept Plan 07_0166 does not identify any specific view corridors to be provided between the location of the school buildings and the sports fields. The detailed design of the Sydney Adventist School under State Significant Development 5535 does not make any provision for such visual connection.</p> <p>The Concept Plan 07_0166 does not identify specific pedestrian access between the school buildings and the sports fields for future development applications unrelated to the school.</p> <p>State Significant Development Application 5535 for the Sydney Adventist School includes a signalised crossing to be delivered for Fox Valley Road, as part of a traffic and safe pedestrian movement strategy. Future development applications for the residential flat buildings will be required to ensure that a safe pedestrian connection footpath between the school and the sports field is provided.</p>
<p>The design should allow safe access for school children between the school and the field – this should include adequate space for foot paths (including relevant consideration to disability access requirements).</p>	<p>The proposed building envelopes and site layout ensures that safe pedestrian access will be provided.</p>
<p>It is recommended that the building footprints be adjusted to ensure the view corridor connecting the school and its open area is not obstructed.</p>	<p>Refer to previous response.</p>
Ground Floor Footprint and Setbacks	
<p>The front setbacks between Buildings C and D to the access road are very limited and need to be extended to ensure a suitable scale to the narrow access street and its footpaths.</p>	<p>The proposed layout siting of the internal road and Building D is largely constrained by the location of the Sydney Water rising main. However, the width of the road and separation of built form at 24m is appropriate for a development of this scale and compliant with the ADG.</p>
<p>It is recommended that foot print be adjusted to increase the setbacks to the access road and create a suitable public domain.</p>	<p>Future development applications will be accompanied by detailed designs of the streetscape as viewed from the proposed internal two lane road and Fox Valley Road and the public domain. The proposed front setback for Building D complies with Condition B1 Urban Design (4) which requires a front setback of at least 10 metres from the street front boundary, to allow sufficient area for landscaping.</p> <p>Future development applications will be accompanied by detailed design of the footpath and landscaping along the internal access road adjacent to Buildings D and C.</p>
Top Storey Footprint	
<p>If the Department is of the mind to include detailed drawings as part of the Concept Plan Approval, then the following points are made:</p>	
<p>The top storey of buildings A, B, C and E are to be amended so that the GFA of the top storey of a residential flat building does not exceed 60% of the Gross Floor Area (GFA) of the storey immediately below it to ensure that all buildings are in keeping with the future desired character of the R4 zone, with vertical and horizontal modulation being applied to reduce the</p>	<p>The Concept Plan 07_0166 prevails over the provisions of the DCP to the extent of any inconsistency, including with respect to the top of the storey of a residential flat building not exceeding 60% of the Gross Floor Area of the storey immediately below it. No such requirement is made in the current approved envelopes nor those proposed.</p>

Issue Raised	Proponent's Response
bulk and scale of the buildings. This is a DCP requirement for all RFBs within the Ku-ring-gai locality and supported by the ADG.	
It is recommended that the top storey plans of all the buildings indicate a reduced floor plate to not exceed 60% of the Gross Floor Area (GFA) of the storey immediately below.	The Concept Plan 07_0166 prevails over the provisions of the DCP to the extent of any inconsistency, including with respect to the top of the storey of a residential flat building not exceeding 60% of the Gross Floor Area of the storey immediately below it. No such requirement is made in the current approved envelopes nor those proposed.
It is recommended that the detailed floor plans are not included in the Concept Plan approval (as preferred by Council), that the Department include a condition to clarify the reduced upper floor footprint requirement in accordance with Council's DCP requirement.	The detailed floor plans are indicative only to demonstrate that the 200 apartments required by Condition A4 of the Concept Plan 07_0166 are capable of being accommodated within the building envelopes and to demonstrate that good amenity can be achieved. It is not proposed that these plans form part of the approval as detailed in Attachment C .
Basement Footprint and Setbacks	
If the Department is of the mind to include detailed drawings as part of the Concept Plan Approval, then the following points are made:	
The plans and sections do not illustrate the accommodation of parking under the buildings. It is requested that Basement Levels plans be provided to ensure the basement setbacks are consistent with the building setbacks and sit under the building footprint. This is to guarantee the provision of deep soil landscaping, and ensure it can be achieved around the periphery of the site to accommodate trees of substantial mature height capable of framing and softening the building. This approach would be consistent with Council's objective of establishing a deep soil garden setting capable of supporting tall canopy trees in keeping with the character of the Ku-ring-gai LGA.	The 3D model plans in the amended urban built form control diagrams (Attachment A) identify the shared basement for buildings A, B, C and D and the separate basement for Building E. The proposed amended to delete Condition B9 Car Parking (2) and the proposed shared basement for buildings A, B, C and D will reduce the excavation required to provide the minimum of 363 car parking spaces within a single consolidated basement. Whilst being consistent with the approved building envelopes and landscaping layout envisaged by the Concept Plan. Future development applications will be accompanied by detailed landscape plans for the site including locations for deep soil landscaping.
It is recommended the proposed modification to Condition A2(1) (pg 12 Planning Study) be limited to only <ul style="list-style-type: none"> the ground floor footprint the top storey footprint the basement footprint identical to the footprint of buildings above the height plane all amended as per this submission.	The detailed floor plans are indicative only to demonstrate that the 200 apartments as required by Condition A4 Dwellings of the Concept Plan 07_0166. It is not proposed that these plans form part of the approval as detailed in Attachment C .
Condition A2(1)	
The proposal has inserted a new clause A2(1)(e) (pg 11 Planning Study). RMS has not agreed to any changes to the Deed of Agreement as evidenced by their submission to MP07 0166 MOD6. Such a clause cannot be included until the Department has made its investigations and determination. It is recommended that the proposed clause A2(1)(e) be deleted and that the further proposed clause (f) adjust its numbering to reflect the deletion.	The proposed Clause A2 forms part of Modification Application 6 to the Concept Plan MP07_0166 and is not the subject of MOD 8.

Issue Raised	Proponent's Response
Display Suite Currently Under Assessment With Council	
<p>Council is currently in receipt of an application by the applicant for an exhibition home (display suite) within the building envelope of Building E (DA0058/18). Council raises concern that this proposed building, while temporary, may frustrate the delivery and connection to parts of the Wahroonga Estate and recommends that the Department of Planning and Environment as part of MOD 7 advise the applicant to withdraw the DA and include it within the s.75W for completeness.</p> <p>It is recommended that the Department includes the temporary use proposed for an exhibition home (display suite) within this proposed MOD 7.</p>	<p>Not relevant to this application. The proposed display suite is defined as an 'exhibition home' under the Ku-ring-gai LEP 2012 and is permissible with consent in the R4 High Density zone. Accordingly, it is not necessary to rely on temporary use provisions or otherwise time limit the consent. The display suite has been sited to be compatible with the delivery of the future residential development in accordance with the Concept Plan 07_0166. Given that the exhibition home is proposed where the approved building footprint is for residential flat buildings, it is anticipated that the exhibition home will be occupied for a few years.</p>

Summary of State Government Agency Submissions

Issue Raised	Proponent's Response
Roads and Maritime Services	
General	
No objection to the proposed modification to increase the number of car parking spaces.	Noted.
The Department may wish to consider reducing proposed number of car parking and promote sustainable transport options (including car sharing scheme) since additional parking could have potential impact in the surrounding road network operations of signalised/un-signalised intersections.	The proposed car parking rates have been developed based on the understanding of the market expectations and occupancy profiles of apartments for this location and are aligned with Council's DCP and therefore considered to be justified.
New South Wales Rural Fire Service	
<p>No objection is raised subject to compliance with <i>Planning for Bush Fire Protection (PBP) 2006</i>. This includes but is not limited:</p> <ul style="list-style-type: none"> Provisions of Asset Protection Zones (APZs) in accordance with Appendix 2 of PBP 2006; The construction of future buildings in accordance with Australian Standard AS 395-2009 Construction of buildings in bushfire-prone areas; Access to be provided in accordance with the design specifications set out in <i>Section 4.1.3 of PBP 2006</i>; and Services to be provided in accordance with <i>Section 4.1.3 of PBP 2006</i>. 	Noted. Refer to the amended bushfire statement at Attachment B and Section 3.3 of the RtS. Further assessment will be provided in future development applications.
Transport for New South Wales	
The proposed change to the residential parking provision rates is to be determined in consultation with Council.	Noted, the proposed car parking rates are generally consistent with Council's DCP rates.
The Conditions of Consent for the original approval in relation to traffic and transport notably B6 to B8 and B14, should be retained.	There are no proposed changes to conditions B6 to B8 and B14.

Summary of Public Submissions

Issue Raised	Proponent's Response
Display Suite	
<ul style="list-style-type: none"> Oppose to location of the Display Suite on designated play space for the Wahroonga Adventist School, as per modification for the school Location should not be next to the Wahroonga Adventist School Placement of the display suite on the site without approval Concern with the signage associated with the display suite 	The display suite does not form part of the subject application. The Development Application for the display suite has been lodged with Council.
Noise	
<ul style="list-style-type: none"> Increased noise during construction 	Construction noise will be addressed as part of a Construction Management Plan to be prepared and submitted with future Development Applications for the residential flat buildings. It is expected that construction impacts will be adequately mitigated through standard construction management measures. The Concept Plan 07_0166 already provides for construction of the residential flat buildings in the Central Church Precinct.
Construction Impacts	
<ul style="list-style-type: none"> Concern with traffic and dust 	Refer to the response above.
Expansion of the School	
<ul style="list-style-type: none"> The proposal does not allow for future expansion of the school Land for residential flat buildings should be allocated for use as Wahroonga Adventist School playing fields and recreational space 	The proposed modifications to the building envelopes are consistent with the locations of the approved land uses including the Wahroonga Adventist School as approved in the Concept Plan 07_0166. The detailed design of the Wahroonga Adventist School is the subject of a separate development application State Significant Development 5535, which was approved on the 29 April 2015. Refer to Section 4.0 of the RtS.
Privacy	
<ul style="list-style-type: none"> Reduced privacy due to proximity to the Wahroonga Adventist School from the residential apartments 	Refer to Section 4.0 of the RtS.
Views	
<ul style="list-style-type: none"> Loss of views from the Wahroonga Adventist School to Coups Creek and the playing fields 	The Concept Plan 07_0166 does not identify any specific view corridors to be provided between the location of the school buildings, the sports fields and Coups Creek. The detailed design of the Sydney Adventist School under State Significant Development 5535 does not make any provision for such visual connections.
Solar Access	
<ul style="list-style-type: none"> Reduced sunlight for the Wahroonga Adventist School 	Refer to Section 4.2.1 of the RtS.
Pedestrian Access	

Issue Raised	Proponent's Response
<ul style="list-style-type: none"> Lack of provision for pedestrian access between the Wahroonga Adventist School and the playing fields 	<p>The approved concept masterplan, or previous modification has no physical or visual link to the playing fields. The pedestrian access between the school buildings and the sports fields are approved in principle in the Concept Plan and the specific details including the footpaths will be required to be addressed in future development applications</p>
Overdevelopment	
<ul style="list-style-type: none"> Suggestion that the proposal is overdevelopment of the site taking into consideration the surrounding area and is therefore not needed 	<p>As described in the Response to Submissions Report, the proposed modifications to the building envelopes maintain the already approved number of 200 apartments under the Concept Plan 07_0166.</p>
Inadequate Consultation	
<ul style="list-style-type: none"> Suggestion that there should be further community consultation and notification given the Wahroonga Estate Concept Plan was approved 8 years ago as Wahroonga Adventist School was unaware of the Concept Plan 	<p>The Concept Plan 07_0166 was approved in 2010 and was subject to extensive consultation at that time.</p> <p>This application is proposing modifications to the approved building envelopes which are generally consistent with the approved building envelopes for the delivery of 200 apartments approved under the original Concept Plan.</p>
Environmental Impacts on Coups Creek and Sydney Turpentine	
<ul style="list-style-type: none"> Increased pollution and run off due to the residential apartments to the Iron Bark behind the Wahroonga Adventist School which is listed as an Endangered Ecological Community (EEC) under the Threatened Species Act and the bushland is identified as protected Ecological Community under s266B of the Environment Protection and Biodiversity Conservation Act 1999 	<p>The proposed modifications to the approved building envelopes are generally consistent with the approved building envelopes for the delivery of the 200 apartments are required by Condition A4 in the Concept Plan 07_0166. Any future applications for the detailed design will be required to address potential impacts on water quality and ecology.</p>
Traffic	
<ul style="list-style-type: none"> Increased traffic congestion due to increased density Traffic has increased since the approval of the Concept Plan in 2010 Suggestion to undertake a new traffic study prior to anymore development in the precinct 	<p>MOD 8 seeks consent for changes to the already approved building envelopes to accommodate the delivery of the 200 apartments approved under Condition A4 in the Concept Plan 07_0166.</p> <p>The Concept Plan 07_0166 considered the overall traffic impact for the approved land uses, gross floor area and maximum number of dwellings being provided within the Wahroonga Estate.</p> <p>An amended traffic statement was provided with the subject application which concluded that the proposed increase in the car parking spaces will have only a minor impact on the level of service and average vehicle delay at the new proposed signalised intersection at Fox Valley Road.</p>

Issue Raised	Proponent's Response
Bushfire	
<ul style="list-style-type: none"> Concern with fire evacuation specifically limited vehicle access in the event of a bushfire for emergency vehicles and residents and the hospital Suggestion that residential apartments should not be constructed in a bushfire affected area 	<p>An amended bushfire statement has been prepared assessing the updated building envelope scheme (Attachment B) and further assessment is provided in Section 3.3 of the RtS.</p> <p>Any future development applications for the residential flat buildings will address the emergency evacuation of the site and will need to consider the Wahroonga Adventist School and the SAN Hospital.</p>
Safety	
<ul style="list-style-type: none"> The apartments will have an unlimited and unimpeded view of the Wahroonga Adventist School Suggestion that the apartments will reduce the safety of the children attending the Wahroonga Adventist School Location of the display suite is impacting on safety of the children 	<p>Refer to Section 4.0 of the RtS.</p>
Amenity of the School	
<ul style="list-style-type: none"> The new buildings will limit airflow to the Wahroonga Adventist School. 	<p>The Concept Plan 07_0166 considered the land uses and building envelopes on the site, refer to Section 4.0 of the RtS. further details.</p>
Commercial Nature	
<ul style="list-style-type: none"> Suggestion that the landowner is operating and profiting from commercial enterprise 	<p>The site is private land owned by Australasian Conference Associated Limited. This is not a relevant planning matter.</p>
Proximity to Public Transport	
<ul style="list-style-type: none"> Concern with the location being not within close proximity to a train station and buses 	<p>The Concept Approval 07_0166 considered the site's location and deemed it appropriate to approved 200 apartments within the Central Church Precinct.</p>
Share Bikes	
<ul style="list-style-type: none"> Suggestion to include share bikes and cycling infrastructure 	<p>Not relevant to this application.</p>
On-Street Car Parking	
<ul style="list-style-type: none"> At present there is limited car parking on Fox Valley Road 	<p>Proposed car parking rates are considered appropriate to meet demands generated by the future residential developments.</p>