

16 August 2018

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CPo/MO

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

Attention: Anthony Witherdin (Director Modification Assessment)

Dear Anthony,

**Response to Submissions – Section 75W MOD 8 to Concept Approval MP07_0166
185A, 161 and 163 Fox Valley Road, Wahroonga**

1.0 Introduction

This Response to Submissions (RtS) has been prepared by Ethos Urban on behalf of Bluestone Capital Ventures (Wahroonga) Pty Ltd (Capital Bluestone Pty Ltd) in relation to the Section 75W No.8 (MOD 8) to Concept Approval MP07_0166 which relates to the Central Church Precinct of the Wahroonga Estate at Fox Valley Road, Wahroonga (the site).

MOD 8 was publicly exhibited between 22 February 2018 and 8 March 2018 and received a total of 112 public submissions and submissions from Ku-ring-gai Council (Council), Roads and Maritime Services, Transport for New South Wales and New South Wales Rural Fire Service.

We note that the majority of the public submissions relate to the general principle of permitting residential apartment development on the subject site. This issue was the subject of the original Concept Approval 07_0166, which approved five building envelopes for 200 apartments within the Central Church Precinct. This modification does not seek to alter this.

Capital Bluestone and its specialist consultant team have reviewed and considered the issues raised in the public submissions and this RtS forms the response.

The RtS should be read in conjunction with the original Modification Application and:

- Amended Urban Form Control Diagrams, Indicative Floor Plans and Building Height Analysis prepared by Group GSA (**Attachment A**);
- Bushfire Statement prepared by Australian Bushfire Protection Planners Pty Ltd (**Attachment B**);
- A detailed response to each of the issues prepared by Ethos Urban (**Attachment C**);
- Proposed Modifications to the Conditions of Consent (**Attachment D**); and
- Architectural Design Report for State Significant Development 5535 for the redevelopment of the Wahroonga Adventist School as part of the Response to Submissions prepared by Stanton Dahl Architects (**Attachment E**).

This Response to Submissions provides an additional assessment of the proposed development against the relevant matters for consideration.

2.0 Description of Proposed Development (as amended)

Since public exhibition of the proposal, further design development has been undertaken which has resulted in minor amendments to the proposed building envelopes. In addition, a minor clarification is proposed to Condition B9 to provide for the consolidated basement beneath Buildings A,B,C and D.

2.1 Building Envelopes

The proposed building envelopes are seeking minor changes to the proposed building footprint and minor increase to the maximum height of the roof levels, minor decrease in the length of the blade walls and reconfiguration of the plant and rooftop terraces for the five residential flat buildings.

Building A

The amendments to Building A comprise minor changes to the proposed building footprint and the eaves having a minor encroachment into the Asset Protection Zone. The rooftop terrace, plant and stairs have been reconfigured and the maximum RL for the roof has been increased by 200mm from RL 183.100 to RL 183.300.

Building B

The amendments to Building B comprise minor changes to the proposed building footprint. The rooftop terrace, plant, lift and stairs have been reconfigured and the maximum RL for the roof has been increased by 200mm from RL 183.100 to RL 183.300.

Building C

The amendments to Building C comprise minor changes to the proposed building footprint and the eave and blade wall having a minor encroachment into the Asset Protection Zone. The rooftop terrace, plant and stairs have been reconfigured with the terraces having increased setbacks from the building only. The maximum RL for the roof has been increased by 200mm from RL 183.100 to RL 183.300.

Building D

The amendments to Building D comprise minor changes to the proposed building footprint and reconfiguration of the rooftop terrace, plant, lift and stairs.

Building E

The amendments to Building E comprise minor changes to the proposed building footprint and reconfiguration of the rooftop, with deletion of a terrace and reconfiguration of plant and stairs. The deletion of the rooftop terrace has reduced the maximum RL for the plant and roof from RL 178.400 to RL 178.000.

2.2 Car Parking

The proposed modification to Condition B9 Car Parking will enable future development applications to propose a single consolidated basement for Buildings A, B, C and D to accommodate the residential car parking spaces. Vehicle access to Building E is not shown on the Built Form Diagrams. The vehicle access to Building E is anticipated to be from Fox Valley Road and will be detailed in the relevant future development applications.

2.3 Final Description

Since public exhibition of the proposal, amendments have been made to the proposed building envelopes. The proposal seeks consent for provision of detailed residential building envelopes, amended car parking rates for Precinct B: Central Church Precinct and a consolidated podium to accommodate the residential car parking. The modification does not seek to alter the total maximum dwellings approved under the Concept Plan.

The application, as amended, seeks approval for:

- Further detail regarding the building envelope dimensions and heights, including dimensioned plans to allow for accurate detailed architectural design and assessment of future Development Applications by Council;
- Modification to Condition B9 Car Parking (1) Residential car parking to allow for additional residential car parking and reduced visitor car parking on the site; and
- Deletion of Condition B9 Car Parking (2) Residential car parking to allow for future detailed designs to provide a single consolidated podium to accommodate the residential car parking spaces.

This Modification Application seeks to amend and add greater detail to the residential apartment building envelopes and the provision for residential car parking rates for the Central Church Precinct under the Concept Plan Approval MP07_0166. An updated Concept Plan 07_0166 has been provided in **Figure 1** illustrating the proposed building envelopes within the Precinct B: Central Church. **Figure 2** has been prepared to show the proposed building envelopes overlaid on the currently approved buildings envelopes for the Precinct B: Central Church.

Proposed Amendments to Maximum RLs

The proposed amended 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). The amended building envelopes are provided in detail in the Urban Form Control Diagrams prepared by Group GSA (**Attachment A**).

Table 1 – 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	183.300	185.700	42	6
B	183.300	185.700	35	6
C	183.300	185.700	60	6
D	183.100	185.700	36	6
E	175.800	178.000	27	4

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**).

Car Parking

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 2** 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 2 – 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

The proposed modification to Condition B9(2) Car Parking requirements will enable future development applications to propose a single consolidated basement for Buildings A, B, C and D to accommodate the residential car parking spaces.

2.3.1 Proposed Modifications to the Consent

The proposed modifications to the conditions are provided in **Attachment D**.



Figure 1 Updated Concept Plan showing the Wahroonga Estate with the Proposed Building Envelopes in Precinct B: Central Church

Source: Group GSA



Figure 2 Extract of the Concept Plan showing the Approved Envelopes (red outline) overlaid over the Proposed Building Envelopes (shown in purple) in Precinct B: Central Church

Source: Group GSA

3.0 Request for Additional Information

3.1 Response to Request for Additional Information

The Department of Planning and Environment provided an email dated 15 March 2018 requesting additional information regarding the application. A response to each of these matters is provided in **Table 3** below and the following sections.

Table 3 Response to Request for Additional Information

Issue Raised	Proponent's Response
Department of Planning and Environment	
Built Form and Urban Design	
A site plan which overlays the approved building footprints and road layout with the proposed	Group GSA have prepared an extract of the Wahroonga Estate Concept Plan showing the proposed building footprints and road layout overlaid on the approved Master Plan (Figure 1).
A revised overall concept plan which incorporates the proposed changes	An amended concept plan for the Wahroonga Estate inclusive of all precincts have been updated to show the proposed amended building envelopes (Figure 2).
Justification for encroachment of the Building E roof into the front boundary setback and assessment of associated visual impacts	Refer to Section 3.2 .
Confirmation of where vehicular access to Buildings D and E would be provided from	The Built Form Diagrams (Attachment A) show the vehicle access to the shared basement for Buildings A, B, C and D being provided from the proposed two-way internal road. The vehicle access for Building E would be from Fox Valley Road (Attachment A) due to the location of the Sydney Water easement to the west which restricts the shared basement for Buildings A, B, C and D from being extended to Building E.
Bushfire	
Confirmation that the proposed encroachment of the building roofs into the APZ conforms with PFBP 2006 or removal of the encroachment.	A amended bushfire statement has been prepared to assess the amended buildings envelopes (Attachment B). Refer to Section 3.3 for further assessment.

3.2 Encroachment of the Building E roof into the front boundary setback

The Built Form Diagrams (**Attachment A**) show the building envelope for Building E the proposed southern portion of the roof eaves having an encroachment of 450-500mm into the 10m front setback along Fox Valley Road. The proposed building envelope for Building E is located wholly within the 10m front setback, except for this roof. The front setback between Fox Valley Road and the building envelope is 10m and allows for deep soil planting to maintain the garden character of Ku-ring-gai. The encroachment is limited to the eaves and will not adversely impact on the visual bulk of the building envelopes when viewed from the Fox Valley Road. In addition, the minor encroachment of proposed building envelope for Building E including the roof design is consistent with the building envelopes for all the residential flat buildings.

3.3 Bushfire

As the detailed design has developed, the blade walls for Buildings A, B, C and E and the roofs for all five buildings result in a minor encroachment into the asset protection zone. To provide a preliminary assessment of the proposal a bushfire statement (**Attachment B**) has been prepared to assess compliance with the relevant requirements of Planning for Bushfire Protection 2006.

The assessment in the bushfire statement has outlined that the proposed residential flat buildings are located within the required setback distance of 60 metres, with the roof and non-combustible nibs extending approximately 450-

500mm into the Asset Protection Zone. The statement concludes that the encroachment does not increase the bushfire risk to the building or residents.

4.0 Response to Submissions

This section provides a key summary of the key issues raised by Ku-ring-gai Council (Council), government agencies and authorities and the general public during the exhibition of the MOD 8.

A total 112 public submissions were received during the public exhibition period.

Issues raised in the submissions, are set out at **Attachment C** and the key issues are addressed in the following sections of this RtS, relating primarily to the impact of the proposed development on the amenity of the Wahroonga Adventist School and the surrounding properties. The key issues raised are increased traffic, over development, impacts from construction and loss of amenity of the Wahroonga Adventist School.

4.1 General Public Submissions

4.1.1 Built Form

The proposed amended built 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. The proposed amended built forms in the Concept Plan 07_0166 provide the details of the envisaged built form enabling Council to assess the detailed design future development applications against the envisaged built form controls which comply with SEPP 65 to provide the required 200 apartments.

4.2 Interface with the Sydney Adventist School

The Concept Plan 07_0166 for the Wahroonga Estate approved the building envelopes, land uses, gross floor area and maximum number of dwellings to be provided within the five precincts was approved by the Minister for Planning on 31 March 2010.

State Significant Development 5535 seeking consent for the redevelopment of the Wahroonga Adventist School was lodged with the Department of Planning on the 10 August 2012. The Director General's Requirements dated 6 September 2012 included specific requirements for the built form and urban design to address the future high density residential development envisaged under the Concept Plan 07_0166. As outlined in the Architectural Design Report for SSD 5535, the design and layout of the school considered the interface between the future residential developments immediately to the north and east specifically in relation to orientation of the buildings, built form, solar access, visual amenity, privacy and acoustics (**Figures 3 and 4**). SSD 5535 for the detailed design of the Wahroonga Adventist School was approved by the Department of Planning and Environment as a delegate of the Minister for Planning on the 29 April 2015.

The Architectural Design Report for SSD 5535 (**Attachment E**) outlines the detailed design considerations that were identified and incorporated into the design of the Wahroonga Adventist School. The design process of the school included 3D modelling (**Figure 3**) of the indicative building envelopes of the future residential flat buildings and the school to identify the design considerations. The school has been designed with the middle school play area to the north being located centrally within the school allowing for adequate separation between the future residential development sites and the school buildings and solar access to the play area. A summary of the each of the design considerations is provided below.



Figure 3 3D modelling study – precinct view showing the proposed building envelopes for the school and future residential building envelopes from the north western corner of Precinct B: Central Church

Source: Stanton Dahl Architects

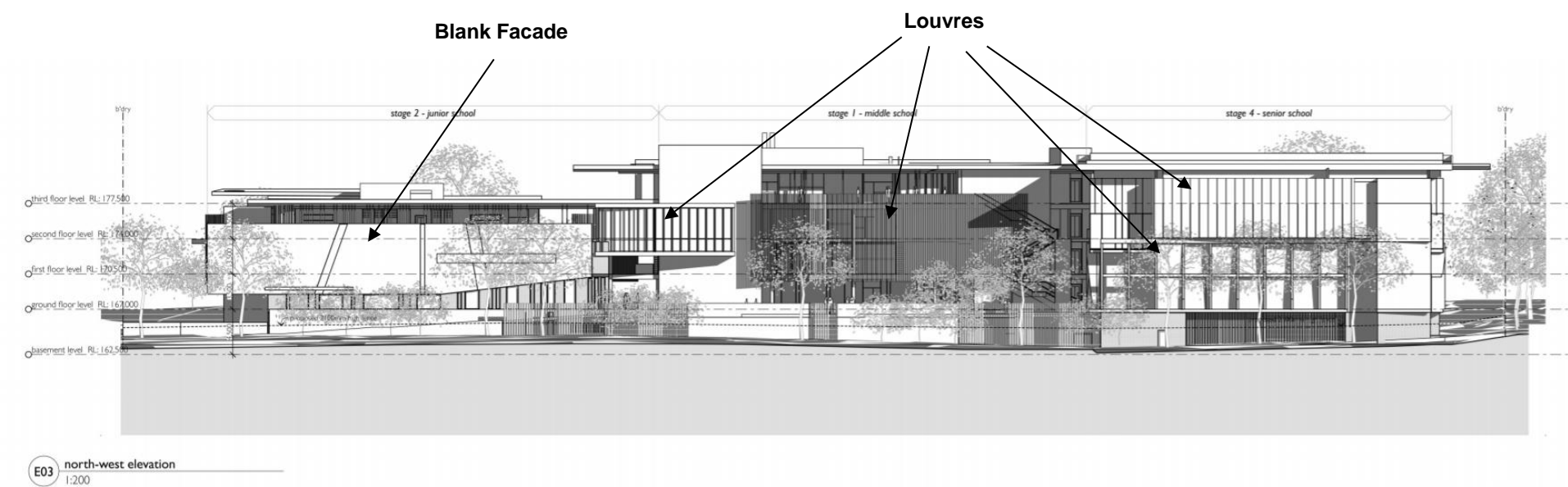


Figure 4 Approved North West Elevation of the Sydney Adventist School
Source: Stanton Dahl Architects

Source: Stanton Dahl Architects

4.2.1 Solar Access

As outlined in the Architectural Design Report for SSD 5535 (**Attachment E**), the layouts of the school have regard to the future residential flat buildings with the Central Church Precinct (**Figures 3 and 4**). The design of the school included a solar analysis of the future residential development showing that the new school along the north-west edge could be impacted by the overshadowing from future buildings. The site planning of the new campus is designed to respond to the future context of the adjoining residential development sites and maximise solar access, daylighting and natural ventilation for the school. The layout of the three 'schools' on the Wahroonga Adventist School site provides for maximum solar ingress and daylighting for the central outdoor play area. The built form of the school has been designed with the bulk of the development being orientated to address Fox Valley Road, to allow the central part of the campus to be used as outdoor play space (**Figure 5**) and provide adequate separation and amenity to the adjoining future residential buildings.

4.2.2 Visual Privacy

Visual privacy to the future residential development sites within the Central Church Precinct on the north west was considered in the layout of the school with the buildings being located towards Fox Valley Road (**Attachment E**).

The architectural design of the site has shielded the outdoor open space (**Figures 4 and 5**) on three sides with the Senior, Middle and Junior school buildings.

For visual protection and privacy of the students from external vantage points, the north western side of the outdoor play space adjoining the future residential site includes screen tree planting along the northern boundary and above the basement. The setback of the proposed building envelopes from the school is generally consistent with the current Concept Approval.

4.2.3 Acoustic Privacy

An acoustic assessment was provided with the SSD 5535 and is briefly discussed in the Architectural Design Report (**Attachment E**). The acoustic report for the school included an assessment of the potential acoustic impacts on the future residential development. The recommendations included that a noise management plan should be developed for use of the sports fields to minimise impacts on the future occupants of the residential flat buildings.

4.2.4 Open Spaces and Edges

The access within the site and to the playing fields was considered in the detailed design of SSD 5535 (**Attachment E**). The playing fields to the north of the site include an open turfed play area and sealed courts, the access to these areas will be managed under staff supervision.

4.2.5 Traffic and Car Parking

Concept Plan 07_0166 considered the overall traffic impact for the proposed land uses, gross floor area and maximum number of dwellings being provided within the Wahroonga Estate, including the school and the five residential flat buildings. The proposed modifications to the building envelopes do not change the total number of apartments approved under the Concept Plan. Modification to Condition B9 Car Parking (1) will enable the detailed design of future development applications to provide the proposed minimum total of 363 car parking spaces comprising of 329 residential spaces and 34 visitor spaces for the five residential flat buildings.

The deletion of Condition B9 Car Parking (2) to allow for single consolidated podium for the residential car parking spaces, does not result in additional car parking spaces and will not result in any additional impacts upon the local road network operations within the local area.

5.0 Conclusion

Capital Bluestone and its project team have considered the submissions made in relation to the public exhibition of the proposal. A considered and detailed response to all submissions has been provided in **Sections 3** and **4** and at **Attachment C**. A consolidated list of conditions proposed to be modified as part of this application is provided at **Attachment D**.

The exhibited Section 75W No.8 (MOD 8) assessed the potential impacts of the proposed amendments to Concept Approval 07_0166. The future minor amendments detailed in **Section 2.0** do not alter the original assessment against the relevant plans, policies and guidelines.

We trust the above information is sufficient to allow a prompt assessment of the modification. Should you have any queries about this matter, please do not hesitate to contact the undersigned.

Yours sincerely,



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