

Joel Herbert
Planning Officer
NSW Planning

From FRAG

30 August 2018

Dear Mr Herbert

Re: Response to submissions MP 07_0166 MOD 8, WAHROONGA ESTATE

We wish to make the following comments on the response by Ethos Urban to submissions on this matter, particularly in relation to Attachment C.

We have never made any political donations.

General comment

There is nothing new in these responses, just a reiteration of the fact that the various issues raised in submissions were all covered by the Concept Plan, which was approved (under Part 3A of the legislation) by the then State Government in 2010. This is consistent with the attitude of both the Adventist management and their (new) developers in their refusal to accept that the local environment has changed to such an extreme extent as to warrant rethinking of the entire Wahroonga Estate development. The proposed units are also totally out of keeping with the Federation style of other properties in the road, both in height and appearance and would completely change the nature of the area and the ability to move freely around it.

Another Concept Plan decision, that on the Catherine Hill Bay proposal, had been approved by the then Minister for Planning, Frank Sartor under Part 3A. This was appealed, and resulted in Mr Sartor being strongly criticised in the Land and Environment Court. The judge said that Mr Sartor *"far from bringing an impartial mind to his determinations, he committed himself to bringing a partial mind to the applications"*. This was almost certainly true of Mr Sartor's decision to approve the Wahroonga Estate Concept Plan which he himself had described as a *"suburb within a suburb"*.

Section 3A was quickly repealed by the incoming Liberal Government after they were elected in March 2011 and, in keeping with established law, the changes were not made retrospective. This is why we are now in the position of having proposals for unwanted and inappropriate blocks of units foisted upon us. Proposals made almost a decade ago based on population, traffic, transport conditions that are no longer representative of current conditions, let alone factually correct.

The consultation undertaken by the then developers of this Concept Plan in 2007 was not (as they state) *"extensive"* as it was with hand-picked local residents. Submissions from 160 members of the public were received and 95% of these were totally opposed to the development. Many other residents were totally unaware of it.

Those who were on the consultative committee have said that most of their concerns were swept aside, and they even noted some sniggering behaviour among the representatives of the developers at the meetings. However, the concerned residents did achieve the scaling back of the number of units, the relocation of parts of the school and a reduction in the development footprint, which increased the amount of conservation land. Their concerns about a further increase in traffic movements, which had already increased, were, however, ignored. The Concept Plan was approved regardless of the submissions. The developers, it was noted, had made large donations to the Labor Party.

The use that was to be made of the units was not fully understood by some local residents when the Plan was passed. The assumption seems to have been that they could be for hospital staff. Despite the many concerns, unfortunately, no consideration appears to have been given to an appeal to the Land and Environment Court.

Comments on specific issues

The *display units* were placed onto this site prior to any consideration by Ku-ring-Gai Council of the DA for the demolition of the houses they were to replace. Whilst the Adventist organisation may control what goes on its land, these are *buildings* which form part of the DA. Moving them onto the Estate has **not yet been approved**. This was provocative behaviour which caused, and deserved, widespread condemnation. It also failed to comply with safety provisions posing an unnecessary risk to pedestrians.

But why did we raise this? Because no-one from Ku-ring-gai Council, or the State Government, took any action at the time. Residents saw it as an example of the dismissive and arrogant attitude of both of the development companies involved with this Concept Plan. As Bluestone did not consider it necessary to comment on our submissions at this stage, it will most certainly be raised again when the DA is considered by Council.

The traffic, bushfire and other reports are prepared by people who do not reside in the area. They have not witnessed, first-hand, the excessive increase in noise, traffic, dust, street parking etc. since 2010. Instead they depend on inaccurate criteria ("guesstimates") which are no longer relevant, let alone reliable as they were established some time ago. Anyone who resides in the area can tell you that the reports do not reflect the true situation, particularly those relating to traffic and bushfire evacuation. The situation has changed dramatically since 2010, the criteria have not. They must be re-evaluated. Not only that, the development proposal must be rescinded in the face of drastically changed conditions.

We are concerned about our safety, particularly in lower Fox Valley Road, and at the junction of Browns Road and The Comenarra Parkway. This response, however, seems to focus only on the safety and the evacuation of potential residents in the Wahroonga Estate, as if the effect on local residents is of no consequence.

In relation to *public transport*, this remains another major issue. The concern is that although the bus services may currently satisfy the needs of residents and visitors, if the various new buildings are approved or finalised and the traffic increases, extra services would be needed.

The current timetables would not allow for the increased number of passengers to get in and out of the area quickly. Any attempt to put on a large number of extra services would, however, only exacerbate the traffic situation. There are to be 800 students who will need to get to and leave from the school. Parents are already reporting that they cannot park anywhere to pick up and drop off their children and so some have resorted to walking them to school. Add to those the patients, visitors at the hospital and medical suites, parents of children in childcare facilities and residents of the proposed units, none of whom would be able to leave the area quickly. This would also impact on the ability of current local residents to move around. Once again, the developer's response relied on the approval of the Concept Plan which deemed the site's location to be appropriate. It was inappropriate **in 2010**, and is even **more** inappropriate in 2018. They are simply not getting the message.

The Adventist organisation must be aware that its congregations, school staff and parents stand as one with the local residential community in their opposition to the planned units. They have been told this many times. Never in the history of this area has such anger been displayed by so many, for so long, as has been directed at this whole proposal. The Adventist organisation, and its developer may choose to ignore this, but if they do, then they must be prepared to suffer the backlash from their own members and from the whole local residential community. A residential community that has, in the past, supported the Adventist organisation by patronising the hospital and school and enduring the numerous expansions, a recent example being the medical suites being constructed on the Fox Valley Road junction with The Comenarra Parkway.

Enough is enough. No more corporate greed and irresponsible financial decisions made for commercial advantage, at the expense of our local residential community and environment.

Yours sincerely

Patricia H White

For, and behalf of FRAG