

27 May 2019

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CPo/MO

Mr Jim Bettie  
Secretary  
Department of Planning and Industry  
320 Pitt Street  
SYDNEY NSW 2000

Attention: Anthony Witherdrin (Director Regional Assessment)

Dear Anthony,

**Responses 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).

Capital Bluestone and its specialist consultant team have reviewed and considered the issues raised in the email from the Department dated 21 December 2018 and this RtS forms the response.

The RtS should be read in conjunction with the original Modification Application, the Response to Submissions dated 16 August 2018 and the Amended Urban Form Control Diagrams prepared by Group GSA (**Attachment A**) and the Traffic Statement prepared by Taylor Thomson Whitting (**Attachment B**).

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

## 2.0 Background

Following the public exhibition of the application 22 February 2018 and 8 March 2018, the applicant has reviewed the submissions and reassessed the extent of school grounds within the Wahroonga Estate. Community consultation was also undertaken, and the project team had a meeting with the Department to discuss the key issues raised in the submissions. In conclusion, the applicant has revised the modification application and amended the proposal to seek consent for the removal of the Building D building envelope and for the area to be used as area for the school grounds.

### 3.0 Request for Additional Information

The Department provided an email dated 21 December 2018, outlining a request for additional information. A response to each of the comments is provided below.

Issue Raised	Proponent's Response
<p>The Department notes the Proponent made a public statement about removing one of the residential apartment buildings in response to concerns raised by the community. However, the addendum RtS does not propose removal of buildings. Clarification is sought regarding this matter and the reasons for keeping the building contrary to the Proponent's previous stated position;</p>	<p>Following the most recent response to submissions the application has been amended and seeks to delete Building D (<b>Attachment A</b>) in order to provide additional open space for the school.</p>
<p>The approved Concept Plan included simple maximum building envelopes which allowed for flexibility in the building design at DA stage. The proposed modified envelopes remain too detailed as they:</p> <ul style="list-style-type: none"> <li>○ specify floor levels for each floor</li> <li>○ set out specific locations for roof level plant and lift overruns</li> </ul> <p>The Department does not consider it is appropriate to approve internal floor levels at the Concept Plan stage, which may need to be varied depending on detailed design considerations at a subsequent DA stage. Additionally, the location of the roof plant/lift overruns is too specific and locks in the internal location of services, and in turn, removes flexibility in the future design of the floor plan layouts. A more generic area on each roof which is appropriately setback from the building facades but which otherwise allows for much greater flexibility should be provided.</p> <p>The Department therefore requests the plans be updated. A single plan showing the ground floor footprint of each building, the maximum RL of each building footprint, along with the footprint of the rooftop plant /services zone on each building and maximum RL for those elements should be provided;</p>	<p>In response to the Department's query advising that the proposed building envelopes have been simplified to allow flexibility for the design of future development applications. The built form package has been amended accordingly to provide a simplified package comprising of a: site plan, roof plan, sections and a 3D building envelope plan.</p> <p>The internal floor level references have been removed from the amended built form package. The roof plan has been amended to provide the maximum RLs of each of the building envelopes and removed the references to the internal floor levels and level references. The roof design has been revised to provide roof zones for terrace, plant, stairs and lift overruns, to providing greater flexibility for the design of future development applications to accommodate the required roof elements.</p> <p>The built form plans have been updated to reflect the following:</p> <ul style="list-style-type: none"> <li>- the site plan shows the building footprint for buildings A, B, C and E; and</li> <li>- the section and roof plans have been amended to show the maximum RLs of the proposed buildings and the roof zones.</li> </ul>
<p>Similarly, the Concept Approval incorporated a general road layout, but did not include details such as on-street parking arrangements. The exact number and location of any on-street parking spaces should be determined at DA stage, subject to assessment of demand, design, and environmental considerations. The on-street parking shown on the plans should therefore be removed. To ensure flexibility in the future, a notation on the plans such as 'potential location of future on-street parking to be considered at DA stage' should be included; and</p>	<p>The ground floor plan has been amended to remove the specific layout of the car parking and replaced with an annotation clarifying that the area is for potential car parking. This will allow for the detailed design in future development applications to have flexibility with the location of the at grade car parking spaces.</p>
<p>The approved Concept Plan included a site layout with access arrangements to allow all buildings to be accessed from the internal roadway. Similarly, the proposed modified Concept Plan should show indicative access arrangements to each of the buildings from the internal roadway. If alternative access arrangements are proposed, such as a separate / additional driveway on Fox Valley Road, this would necessitate a modification to the approved layout and should be shown on the plans and an assessment of the impacts of the additional driveway should also be provided.</p>	<p>The site plan has been amended to show the vehicle access from the internal road to the consolidated basement for buildings A, B and C and the vehicle access from Fox Valley Road to Building E.</p> <p>Taylor Thomson Whitting have provided an assessment of the proposed indicative location of driveway for building E in <b>Attachment B</b>. The assessment considers the number of driveways access from Fox Valley Road, the site grading and safety and concludes that the proposed driveway is acceptable from a traffic perspective.</p>

## 4.0 Description of Proposed Development (as amended)

This modification application does not seek to amend the maximum number of apartments (200) approved within the Central Church Precinct under the Concept Approval. Whilst modifications are proposed to the building envelopes, this does not alter the previous assessment that the site has the capacity to accommodate up to 200 apartments with regard to transport and access, built form and other factors. Future detailed Development Applications will be required to demonstrate that detailed apartment configurations and layouts within the building envelope are consistent with the relevant planning policies including the Apartment Design Guide.

### 4.1 Building Envelopes

The proposed building envelopes are seeking minor changes to the proposed building footprint and reconfiguration of the roof to accommodate indicative plant zones and rooftop terraces for the four residential flat buildings.

#### Building A

Removal of the minor wall encroachments into the Asset Protection Zone and removal of references to the internal floor levels. Reconfiguration of the roof to provide roof zones to accommodate roof terraces, plant, stairs and lift overruns zones.

#### Building B

Removal of the minor wall encroachments into the Asset Protection Zone and removal of references to the internal floor levels. Reconfiguration of the roof to provide an area to accommodate roof terraces, plant, stairs and lift overruns zones.

#### Building C

Removal of the minor wall encroachments into the Asset Protection Zone and removal of references to the internal floor levels. Reconfiguration of the roof to provide an area to accommodate roof terraces, plant, stairs and lift overruns zones.

#### Building E

Removal of the minor wall encroachments into the Asset Protection Zone and removal of references to the internal floor levels. Reconfiguration of the roof to provide an area to accommodate roof terraces, plant, stairs and lift overruns zones.

### 4.2 Vehicle Access Arrangements

The plans have been updated to show the indicative vehicle access arrangements with a vehicle access from the internal road to the basement car parking entry being provided for buildings A, B and C and a vehicle access from Fox Valley Road to the basement car park entry for building E.

### 4.3 Car Parking

The removal of the building D building envelope has resulted in a review of the requirements for residential car parking spaces. The removal of the building D envelope has allowed for a reduced in the minimum number of car parking spaces to 1.5 spaces for 2-bedroom apartments which is closer to the alignment with the DCP controls.

### 4.4 Final Description

Since the review of the design, amendments have been made to the proposed building envelopes. The proposal seeks consent for provision of detailed building envelopes, deletion of the building envelope for Building D, amended car parking rates for Precinct B: Central Church Precinct and a consolidated podium to accommodate the residential car parking for buildings A, B and C.

The application as amended seeks approval for:

- Deletion of the building envelope for building D;
- Amendments to the heights, plant zones and building footprints of building A, B, C and E envelopes to allow for assessment of detailed designs forming 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;
- Indicative vehicle access arrangements to the consolidated basement for buildings A, B and C and vehicle access to building E; and
- Deletion of Condition B9 Car Parking (2) Residential car parking to allow for future detailed designs to provide a single consolidated car park for buildings A,B and C and a separate basement to accommodate the residential car parking spaces.

This Modification Application seeks to delete the building envelope for Building D, amend and provide indicative plant zones for 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 building envelopes for the Precinct B: Central Church.



**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

#### 4.4.1 Modifications to consent

The proposed modifications described above necessitate amendments to the consent conditions which are identified below. Words proposed to be deleted are shown in ~~**bold strike through**~~ and words to be inserted are shown in ***bold italics***.

#### A2 Development in Accordance with Plans and Documentation

- (1) The development shall generally be in accordance with the following plans and documentation (including any appendices therein):
  - (a) Wahroonga Estate Redevelopment Incorporating Sydney Adventist Hospital Environmental Assessment and Concept Plan dated April 2009, as amended by the Wahroonga Estate Redevelopment Incorporating Sydney Adventist Hospital Final Preferred Project Report and Concept Plan dated January 2010, and the appendices of the document titled Wahroonga Estate Redevelopment Incorporating Sydney Adventist Hospital Preferred Project Report and Concept Plan dated September 2009, prepared by Urbis.
  - (b) Section 75W Modification Request 'Claiming and Redistribution of Approved Wahroonga Estate Hospital Floorspace (07\_0166)' dated 23 November 2012 and Response to Submissions letter dated 22 February 2013, prepared by MacroPlanDimasi.

- (c) Section 75W Modification Request '(MP07\_0166 MOD 4) Modification of Wahroonga Estate Concept Plan to better articulate residential and commercial development components' dated 18 September 2013 and Response to Submissions letter dated 19 November 2013, prepared by MacroPlanDimasi.
- (d) Section 75W Modification Request '(MP07\_0166 MOD 5) Modification to Building Footprints and Road Alignment at Precinct B: Central Church under the Wahroonga Estate Concept Plan' dated 12 November 2013 and Response to Submissions dated 14 April 2014, prepared by MacroPlanDimasi.
- (e) Section 75W Modification Request '(MP 07\_0166 MOD 6) Modification to 'Deed of Agreement' dated 26 April 2017 and Response to Submissions dated 3 November 2017, prepared by MacroPlanDimasi.
- (f) **Section 75W Modification Request '(MP07\_0166 MOD 8) Modification to Building Envelopes of Precinct B: Central Church and Car Parking Requirements for Residential Flat Buildings, and Response to Submissions dated 27 May 2019 prepared by Ethos Urban, and Amended Building Envelope Plans and Indicative Floor Plans prepared by Group GSA listed in the table below**

<b>Drawing No.</b>	<b>Revision</b>	<b>Name of Plan</b>	<b>Date</b>
<b>A001</b>	<b>D</b>	<b>Section 75W – Urban Form Control Diagram – Building Footprint</b>	<b>21.05.2019</b>
<b>A007</b>	<b>E</b>	<b>Section 75W – Urban Form Control Diagram – Roof Plan</b>	<b>21.05.2019</b>
<b>A008</b>	<b>E</b>	<b>Section 75W -Urban Form Control Diagram – Sections</b>	<b>21.05.2019</b>

Except as otherwise provided for in the Department's administrative terms of approval and further assessment requirements as set out in this Schedule.

- (2) In the event of any inconsistencies between the administrative terms of approval and further assessment requirements of this concept approval and the plans and documentation described in this Schedule, the administrative terms of approval and further assessment requirements of this concept approval prevail.
- (3) Future development subject to Part 4 of the Act is to be generally consistent with the terms of the approval of the Concept Plan, under section 75P(2)(a) of the Act.

## **A8 Building Height**

- (1) Buildings shall generally comply with the Ku-ring-gai Planning Scheme Ordinance Wahroonga Estate Height of Buildings Map, except as follows:
  - (a) Precinct C: Central Hospital residential building C shall be restricted to maximum RL 180.0 m with plant and lift overrun protrusions up to maximum RL 182.0 m;
  - (b) Precinct C: Central Hospital residential building D shall be restricted to maximum RL 170.4 m with plant and lift overrun protrusions up to maximum RL 172.2 m;
  - (c) Precinct C: Central Hospital student accommodation building A shall be restricted to maximum RL 180.1 m with plant and lift overrun protrusions up to maximum RL 182.0 m;
  - (d) Precinct C: Central Hospital student accommodation building B shall be restricted to maximum RL 170.1 m with plant and lift overrun protrusions up to maximum RL 172.2 m;
  - (e) Precinct C: Central Hospital mixed use development at the intersection of The Comenarra Parkway and Fox Valley Road shall be restricted to maximum RL 172.9 m;
  - (f) Precinct D: Fox Valley Road East commercial development sited at the intersection of The Comenarra Parkway and Fox Valley Road shall be restricted to maximum RL 171.7 m, with plant and lift overrun protrusions up to maximum RL 173.5 m;
  - (g) Precinct B: Central Church education development senior school building shall be restricted to maximum RL 182.8 m;
  - (h) Precinct B: Central Church education development middle school building plant shall be restricted to maximum RL 183.3 m;

- (i) Precinct B: Central Church education development playing fields amenities and store building shall be restricted to maximum RL 164.0 m.
- (j) ***Precinct B: Central Church residential flat buildings shall be restricted to the maximum RLs as follows:***

<b>Building</b>	<b>Maximum RL - Roof</b>	<b>Maximum RL – Plant and Roof Terraces</b>
<b>A</b>	<b>183.300</b>	<b>185.700</b>
<b>B</b>	<b>183.300</b>	<b>185.700</b>
<b>C</b>	<b>183.300</b>	<b>185.700</b>
<b>E</b>	<b>175.800</b>	<b>178.000</b>

- (2) Notwithstanding A8(1) above, development consent may be granted for development that exceeds the maximum building height stipulated in A8(1) if the consent authority has considered and is satisfied with a written request from the applicant that seeks to justify the contravention of the maximum building height by demonstrating:
- (a) that compliance with the maximum building height is unreasonable or unnecessary in the circumstances of the case;
  - (b) that there are sufficient environmental planning grounds to justify exceeding the maximum building height; and
  - (c) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out.

## **B9 Car parking**

- (1) Residential car parking rates are to be determined having regard to the rates specified in the Preferred Project Report.

***(1A) Notwithstanding (1) above, minimum residential car parking rates are to be as follows for the Central Church Precinct:***

- a) 1 bedroom apartment: At least 1 space per dwelling***
- b) 2 bedroom apartment: At least 1.5 spaces per dwelling for Buildings A-C and at least 1 space per dwelling for Building E***
- c) 3 bedroom apartment: At least 2 spaces per dwelling***
- d) Visitor parking: 1 visitor space per 6 dwellings***

~~***(2) Residential car parking is to be provided at grade or below ground level within the footprint of the building.***~~

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## **5.0 Conclusion**

Capital Bluestone and its project team have considered the additional information request from the Department and provided a detailed response in **Section 3.0**.

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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