

7 August 2020

16675

Mr Brendon Roberts
A/Director, Regional Assessments
NSW Department of Planning, Industry and Environment
4 Parramatta Square
Parramatta NSW 2150

Attention: Michelle Niles (Senior Planner, Regional Assessments)

**Section 75W Modification No. 8 to Concept Approval MP_07_0166
Central Church Precinct, Wahroonga Estate**

We write on behalf of Capital Corporation Pty Ltd (the Proponent, formerly known as Capital Bluestone Pty Ltd) in response to your emails dated 2 and 3 June 2020 in relation to the abovementioned project.

We note that Ku-ring-gai Council is supportive of the approach set out in our previous response dated 15 October 2020 with regards to the reliance by the Central Church Precinct residential buildings on the existing Asset Protection Zones (APZs) established for the Wahroonga Adventist School.

The response provided by the Department's Environment, Energy and Science Group (EES) fails to acknowledge the well-established position that APZs in the E2 Zone are already approved and managed, and required to continue the operation of the Wahroonga Adventist School. Accordingly, this submission should be given little or no weight in your assessment as it is not consistent with the existing planning approval and actual land use situation on the site.

You have requested that a single map indicating the outer extent of the APZ required for the Wahroonga Adventist School, the outer extent of the APZ for the proposed residential apartment building envelopes, and the zone boundary between the E2 Environmental Conservation Zone and the R4 High Density Residential Zone. This plan is provided at **Attachment A**. This plan indicates that the APZs required for the school do not extend fully to the Vegetation Transition Management Line (VTML) established under the Biodiversity Management Plan in some positions to the west of Building C and to the north-west of Building E. This is discussed in further detail below.

Buildings A and B

The required 56 metre APZ¹ required for Buildings A and B continue to be located wholly outside of the E2 Zone.

Building C

The required APZ for Building C relies on a small area of land within the E2 Zone (and within the VTML) that is currently managed as APZ for the Wahroonga Adventist School (marked in blue hatch in **Attachment A**). Building C does not require any additional land within the E2 Zone to be managed as APZ, and therefore there is no effect on the E2 Zone other than that already approved and created under the approval for the Wahroonga Adventist School.

Notwithstanding the above, the Proponent considers that the delivery of the residential component of the Central Church Precinct could contribute to an improved environmental outcome. Whilst the ongoing use of the Wahroonga Adventist School precludes any further revegetation of the area in blue hatch, there is an opportunity to provide new ecological planting on land contiguous with the E2 zoned land (shown in red hatch in **Attachment A**) of an

¹ *Planning for Bushfire Protection 2019* (PFBP 2019) was released on 1 March 2020 and replaces *Planning for Bushfire Protection 2006*. PFBP 2019 reduces the required APZ for residential apartment buildings from 60 metres to 56 metres. This is confirmed in correspondence from Australian Bushfire Protection Planners provided at **Attachment D**.

equivalent size. This is considered to be a significant positive benefit provided by the project. The reliance on this area by Building C would have no ecological impact given its required use for the Wahroonga Adventist School, and therefore the proposed additional ecological planting would be a net public benefit.

Cumberland Ecology have provided advice at **Attachment C** that confirms that the vegetation adjoining to the red-hatched area within the E2 Zone is Sydney Turpentine Ironbark Forest, a Critically Endangered Ecological Community under the *Biodiversity Conservation Act 2016* (NSW) and the *Environment Protection and Biodiversity Conservation Act 1999* (Cth). Furthermore, Cumberland Ecology have confirmed that the area marked in red-hatch in **Attachment A** is suitable for revegetation to with species consistent with this ecological community.

Having regard to the above, we consider that the Independent Planning Commission (IPC) could impose an additional condition when determining the S75W Modification Application that requires the revegetation of the red-hatched area to achieve this positive outcome, with suggested wording of the additional condition as follows:

The future Development Application for Building C within the Central Church Precinct is to demonstrate that the area marked in red hatch on Drawing SK-R0001 by Group GSA dated 04/08/2020 will be revegetated with species and planting characteristics equivalent to the Sydney Turpentine Ironbark Forest ecological community.

Building E

As illustrated in **Attachment A**, a small portion of Building E would be affected by a requirement to provide a 56 metre APZ wholly outside of the E2 Zone, if the VTML established under the approved BMP was to be ignored (notwithstanding the previous reliance upon the VTML by the Australian Government Department of Agriculture, Water and the Environment and by the Department in the Wahroonga Adventist School SSD DA).

In response to this issue, an alternative Urban Form Control Diagram has been prepared (**Attachment B**) which demonstrates how this very small area of the building envelope could be redistributed to the northern and southern portions of the western building edge, to accommodate the 56 metre APZ wholly on land zoned R4 High Density Residential. The Proponent would accept the approval of this revised building envelope for Building E, as an alternative to the previously submitted Urban Form Control Diagrams.

The proposed amendment to the building envelope is very minor, would not result in any change to the previously assessed environmental impacts, has no interface with the public domain or adjoining private land, and is in direct response to a perceived need to provide the APZ on land zoned R4 High Density Residential. Accordingly it is our view that the Department is able to recommend the adoption of the revised Urban Control Diagram by the IPC without the need for further referrals or notification.

Conclusion

We trust that the attached information is sufficient for the Department and the IPC to finalise their assessment and determine the Modification Application. This response provides for a further improved outcome, by fully locating the APZ for Building E on land zoned R4 High Density Residential, and by supporting an improved environmental outcome by offsetting the part of the existing APZ for the Wahroonga Adventist School that is relied upon by Building C with new land for environmental rehabilitation within the R4 zoned land. This ensures that the proposed development will have a net beneficial environmental outcome compared with the existing land uses, and is entirely consistent with the objectives of the Concept Plan approval. Should you have any further queries, please do not hesitate to contact the undersigned.

Yours sincerely,



Michael Oliver
Associate Director, Planning
0402 644 681
moliver@ethourban.com

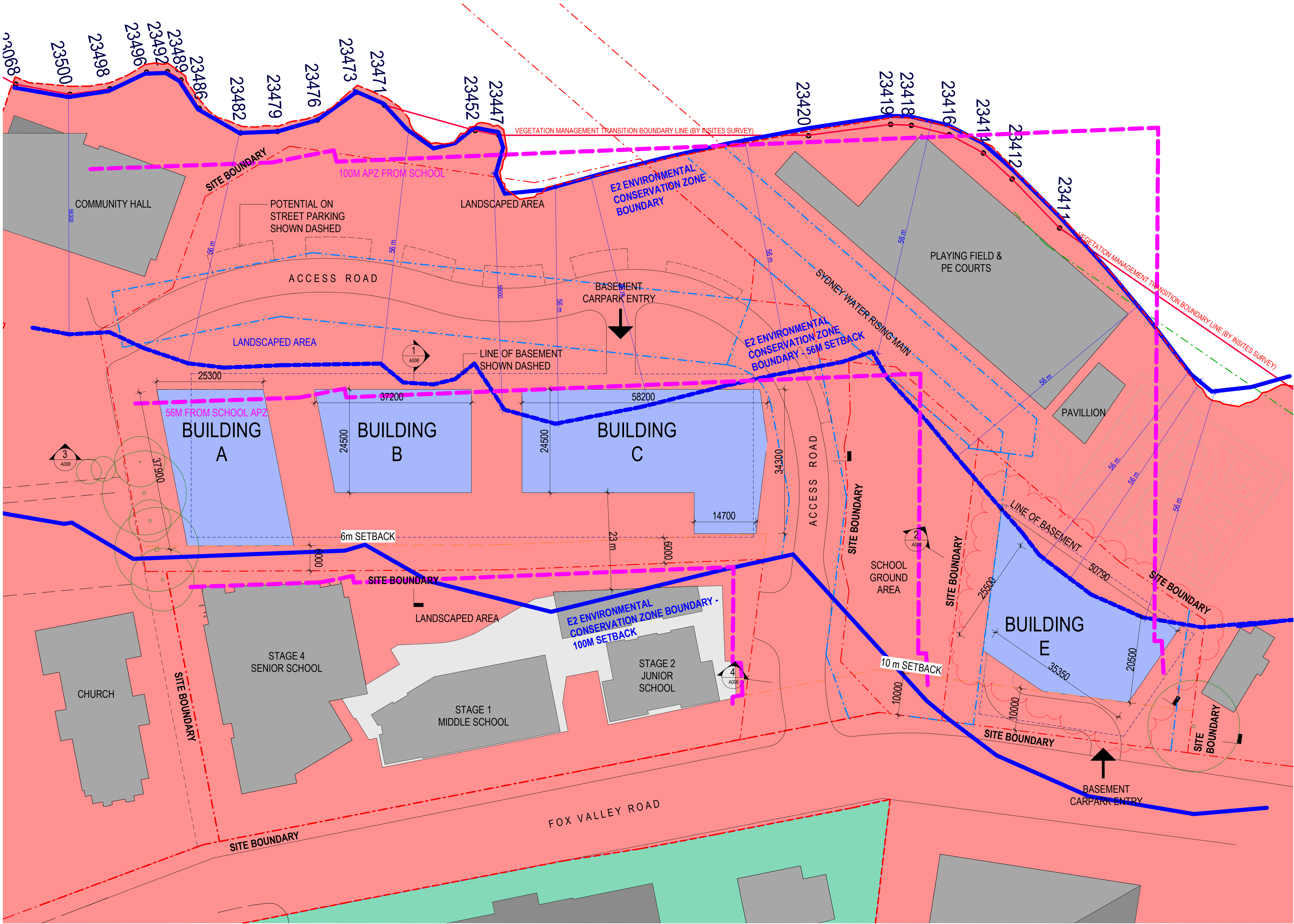
Attachments:

- APZ, VTML and Zone Boundary Plan prepared by Group GSA (**Attachment A**)
- Revised Urban Form Control Diagram prepared by Group GSA (**Attachment B**)
- Ecological advice provided by Cumberland Ecology (**Attachment C**)
- Bushfire management advice provided by ABPP (**Attachment D**)



LEGEND

- SITE BOUNDARY
- SETBACK
- EASEMENT
- EXISTING BUILDINGS
- PROPOSED BUILDINGS
- LIFT/ STAIR/ PLANT
/ ROOF TERRACE ZONE
- ROOF
- LAND ZONING MAP
R4 - HIGH DENSITY
RESIDENTIAL
- LAND ZONING MAP
B1 - NEIGHBOURHOOD
CENTRE



REVISION LIST

1.

PROPOSED BUILDING D REMOVED
2.

REVISED SITE BOUNDARY
3.

INCREASED ANNOTATION SIZE
4.

BASEMENT RAMP TO BUILDING E MARKED
5.

MINOR MODIFICATION TO BUILDING ENVELOPE REDUCING ENCROACHMENT TO APZ ZONE

| Amendments | | |
|------------|--------------------|------------|
| Issue | Description | Date |
| A | DRAFT S75W ISSUE | 12.12.2017 |
| B | S75W ISSUE | 14.12.2017 |
| C | REVISED S75W ISSUE | 08.03.2018 |
| D | FOR INFORMATION | 01.08.2019 |
| E | FOR INFORMATION | 08.11.2019 |
| F | FOR INFORMATION | 14.07.2020 |
| G | FOR INFORMATION | 24.07.2020 |

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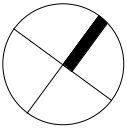
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architecture interior design urban design landscape
nom architect M. Sheldon 3990

| Project Title | | | |
|---|--|--|--|
| 'THE CANOPY' WAHROONGA | | | |
| Drawing Title | | | |
| SECTION 75W - URBAN FORM CONTROL DIAGRAM - BUILDING FOOTPRINT | | | |

| FOR INFORMATION | | | |
|------------------------------|------------|----------------------|-------|
| Plotted and checked by NM/LL | | | |
| Verified | - | Approved | CG |
| Drawing Created (date) | 13/12/17 | Drawing Created (by) | NM/LL |
| Scale | Project No | Drawing No | Issue |
| 1 : 500 @ A1 | 15044 | A001 | G |



24/07/2020 10:15:22 AM

5 August 2020

Lucy Ford
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ABN 14 106 144 647
Web: www.cumberlandecology.com.au

Vegetation Mapping of APZ Area within E2 Zoning of Church Precinct

Dear Lucy,

This letter is to detail ecological issues pertaining to use of an area of vegetation for the Church Precinct of the Wahroonga Estate Redevelopment as an Asset Protection Zone under MOD 8 of the approved Wahroonga Estate Concept Plan. The Department of Planning, Industry and Environment have queried the discrepancy between the E2 Conservation Zone boundary and the Vegetation Transition Management Line that was developed in accordance with the Biodiversity Management Plan for the purpose of developing Asset Protection Zones within the Wahroonga Estate.

Cumberland Ecology has been asked to provide commentary regarding the vegetation community present within the APZ area within the E2 zoning, and the suitability of a proposed area outside of the E2-zoned land for revegetation to offset the continued utilisation of part of the E2 zoned area as an APZ.

We can confirm that the area in question, detailed by blue hashing in **Figure 1** (attached) is Sydney Turpentine Ironbark Forest, a Critically Endangered Ecological Community under the NSW *Biodiversity Conservation Act 2016* and the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999*. Cumberland Ecology's vegetation mapping of the site is attached to this letter (**Figure 2**). The remnant Sydney Turpentine Ironbark Forest is at the boundary of the shale/sandstone transition area, with upslope cleared areas on what would have historically been a shale cap over Hawkesbury Sandstone. Downslope areas transition into the Coastal Enriched Sandstone Moist Forest community on shale enriched Hawkesbury Sandstone derived soils. As such, the proposed revegetation area (indicated by red hashing in **Figure 1**) which occurs upslope of remnant areas of Sydney Turpentine Ironbark occurs on Wianamatta Shale derived soils and is suitable for revegetation with Sydney Turpentine Ironbark Forest species to offset the retention of an area of Sydney Turpentine Ironbark Forest with E2 zoning within the APZ.

Please do not hesitate to contact me if you have any further questions on (02) 9868 1933.

Yours sincerely,

A handwritten signature in black ink that reads "Bryan Furchert". The signature is written in a cursive, flowing style.

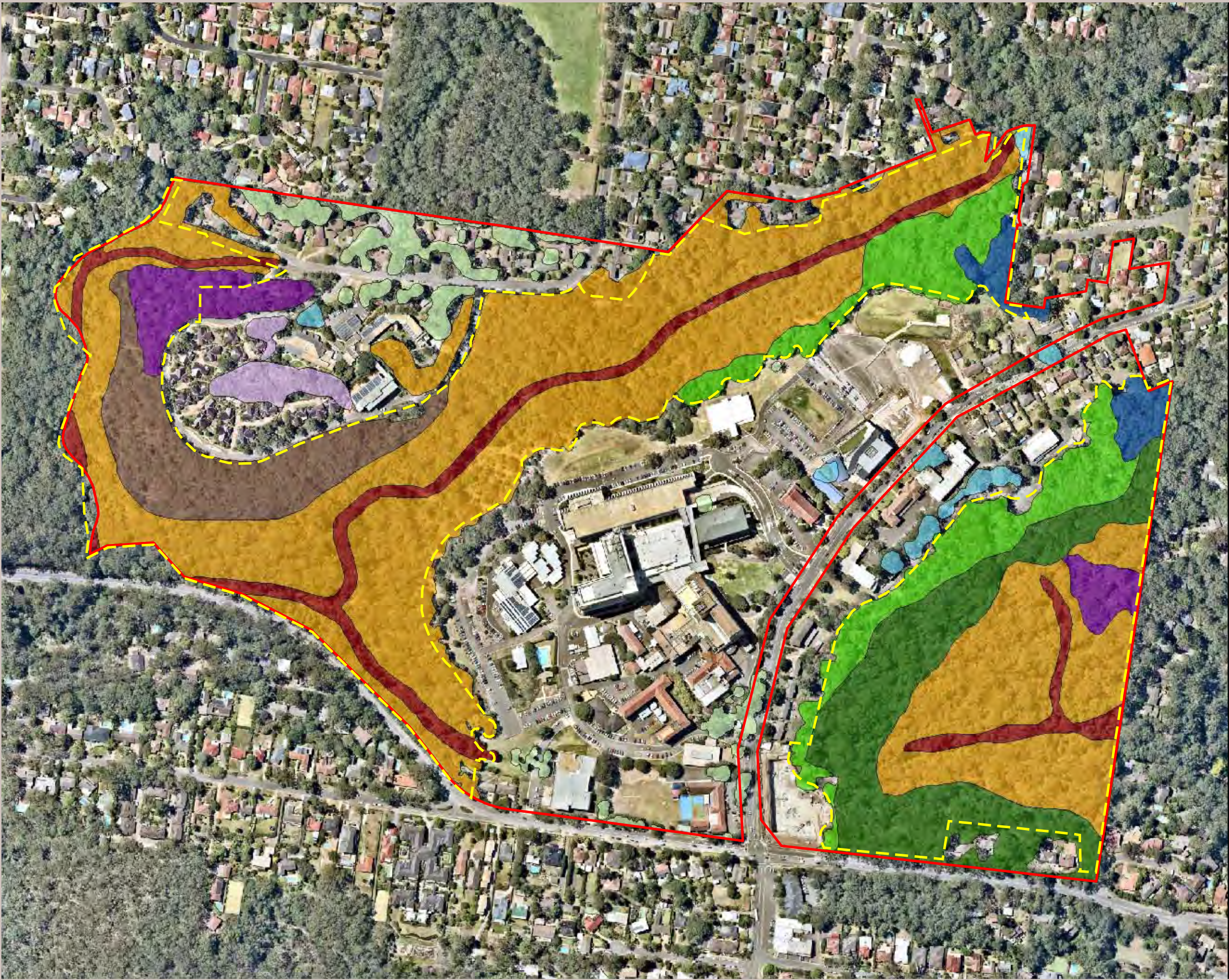
Bryan Furchert
Project Manager/Botanist
Bryan.Furchert@cumberlandecology.com.au

FIGURES





Figure 1 Area of APZ encroachment in E2 zoning (blue hashing) and proposed potential revegetation area (red hashing)



Legend

- Subject land
- E2 boundary
- Vegetation Community**
 - Blue Gum High Forest (Moderate-High)
 - Blue Gum High Forest (Canopy Only)
 - Sydney Turpentine-Ironbark Forest (Very High)
 - Sydney Turpentine-Ironbark Forest (Moderate-High)
 - Sydney Turpentine-Ironbark Forest (Canopy Only)
 - Coastal Enriched Sandstone Moist Forest (High)
 - Coastal Enriched Sandstone Dry Forest (High)
 - Coastal Enriched Sandstone Dry Forest (Canopy Only)
 - Coastal Sandstone Gallery Rainforest (Moderate-High)
 - Coastal Sandstone Gully Forest (High)

Image Source:
Nearmap © Image
(18/01/2018)



Coordinate System: MGA Zone 56 (GDA 94)



0 50 100 150 200 m

Figure 2 Vegetation Communities of the Subject Land (Wahroonga Estate)

Aoyuan
Level 30
420 George Street,
Sydney
NSW 2000

Attention: Lucy Ford

Re: SPD Residential - 185 Fox Valley Road, Wahroonga



Australian Bushfire
Protection Planners Pty Ltd
ACN 083085474
Bushfire Mitigation Consultants

Dear Lucy,
Thank you for your request.

Planning for Bushfire Protection 2019 was released on the 1st March 2020 and replaces *Planning for Bushfire Protection 2006*.

Planning for Bushfire Protection 2019 reduces the widths of the Asset Protection Zones identified in the 2006 document.

In the case of the SPD Residential Development at 185 Fox Valley Road Wahroonga the 60 metre wide Asset Protection Zone required by *Planning for Bushfire Protection 2006* has been reduced to 56 metres in the *Planning for Bushfire Protection 2019*.

Graham Swain.
Managing Director
Australian Bushfire Protection Planners Pty Limited
05/08/2020.

Fire Protection Association Australia Member No. 48781