

Modification of Concept Plan

Section 75W of the *Environmental Planning & Assessment Act 1979*

As delegate of the Minister for Planning and Public Spaces, the Independent Planning Commission modifies the Concept Plan Approval referred to in Schedule 1, subject to the conditions in Schedule 2.

Member of the Commission Member of the Commission Member of the Commission

Sydney

2020

SCHEDULE 1

Concept Approval: **MP07_0166** granted by the Minister for Planning on 31 March 2010

For the following:

Wahroonga Estate Concept Plan comprising:

- An additional 28,000 sqm of floor space (providing a total of 94,000 sqm) for upgrade and expansion of the Sydney Adventist Hospital
- Up to a total of 500 private residential dwellings across the site
- 17,000 sqm for seniors living in the Mount Pleasant Precinct
- 16,000 sqm of commercial floor space in the Fox Valley Road East and Central Hospital Precincts
- 14,500 sqm of floor space for Student Accommodation / Hostels / Group Homes / Boarding Houses in the Central Precinct
- 9,000 sqm of floor space for a K-12 school in the Central Church Precinct
- 3,500 sqm for expansion of the Faculty of Nursing in the Central Hospital Precinct
- 3,200 sqm of floor space for church uses in the Central Hospital Precinct
- 2,000 sqm of retail floor space in the Central Hospital Precinct
- The provision of 31.4 hectares of environmental conservation lands

Modification:

MP 07_0166 MOD 8: the modification includes:

- modifications to the building envelopes of the proposed residential flat buildings in Precinct B: Central Church
- deletion of Building D and use of the associated land as area for the school grounds
- modifications to the car parking rates for the residential flat buildings in Precinct B: Central Church

SCHEDULE 2

The above approval is modified as follows:

- (a) Schedule 2 Part A – Administrative Terms of Approval Condition A2 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struck-out~~ words/numbers as follows:

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. Central Church Precinct Wahroonga Estate | Response to Council Email | 27 May 2019 Ethos Urban | 16675
 - (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 Application (MP07 0166 MOD 8) Central Church Precinct, Wahroonga Estate dated 1 February 2018 and Response to Submissions dated 16 August 2018 and 10 December 2018, as amended by Response to Submissions dated 27 May 2019 prepared by Ethos Urban, and additional information dated 15 October 2019, 2 April 2019 and 7 August 2020 prepared by Ethos Urban.**
- (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.
- (b) Schedule 2 Part A – Administrative Terms of Approval Condition A8 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struck-out~~ words/numbers as follows:

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 shown on Drawing A007 ' Section 75W – Urban Form Control Diagram – Roof Plan Issue G dated 24.07.2020 and the top levels shown in green on the plans are not to include any residential floor space.**
- (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.
- (c) Schedule 2 Part B – Further Assessment Requirement B1 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struck-out~~ words/numbers as follows:

B1 Urban Design

- (1) Future development applications are to be generally consistent with the following indicative elements of the approved Concept Plan unless it can be

satisfactorily demonstrated to the consent authority that a superior built form and / or urban design outcome can be achieved with an alternative layout, while remaining consistent with the terms of approval and intent of the approved Concept Plan:

- (a) Building footprints
- (b) Asset Protection Zone widths
- (c) Internal road location
- (d) Detention basin location

However, driveways and internal road design and locations shown on the plans associated with MP 07- 0166 MOD 8, including Drawing A001 ‘ Section 75W – Urban Form Control Diagram – Building Footprint’ Issue G dated 27.07.2020 and Drawing A007 ‘ Section 75W – Urban Form Control Diagram – Roof Plan Issue G dated 24.07.2020 are indicative only and the final design and location of internal roads is to be determined at the DA stage having regard to Council’s controls and the potential environmental impacts of the proposal.

Further, basement locations shown on the plans associated with MP 07- 0166 MOD 8, including Drawing A001 ‘ Section 75W – Urban Form Control Diagram – Building Footprint’ Issue G dated 27.07.2020 and Drawing A007 ‘ Section 75W – Urban Form Control Diagram – Roof Plan Issue G dated 24.07.2020 are not approved and the final design and location of the basements is to be determined at DA stage having regard to Council’s controls and the potential environmental impacts of the proposal.

- (2) Buildings are to be sited to avoid critically / endangered ecological communities, achieve balance between cut and fill, minimise earthworks, provide adequate solar access and minimise impacts on privacy and overshadowing of residential uses within and surrounding the site, in accordance with SEPP 65 (State Environmental Planning Policy NO 65 – Design Quality of Residential Flat Development) and the Residential Flat Design Code
 - (3) Development sited at the intersection of The Commenara Parkway and Fox Valley Road is to provide activation at ground level to both street frontages, and is to address both street frontages and the intersection, and respond to the intersection’s location forming a gateway to the precinct.
 - (4) Buildings with frontage to Fox Valley Road must have an active street frontage and provide a setback of at least 10 metres from the street front boundary.
- (d) Schedule 2 Part B – Further Assessment Requirement B4 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struck-out~~ words/numbers as follows:

B4 Biodiversity

A Biodiversity Management Plan is to be prepared by the Proponent and approved by DEWHA prior to determination of the first project or development application. The Plan is to include:

- (a) Vegetation Management Plan
- (b) Pest and Weed Plan
- (c) Hydrology and Nutrient Management Plan
- (d) Habitat Corridor and Linkages Management Plan
- (e) Fire Management Plan

- (f) Management Plan outlining public access and impacts on the conservation land (E2 Environmental Conservation zone)
- (g) Ownership, management, maintenance and monitoring responsibilities for conservation land (E2 Environmental Conservation zone) and funding arrangements.

Prior to approval of development applications for Residential Buildings A, B or C in Precinct B, the Biodiversity Management Plan is to be updated, in consultation with the Department of Agriculture Water and the Environment, to:

- (a) **remove all APZs in the E2 Environmental Conservation zone adjacent to the proposed residential flat buildings in Precinct B with the exception of the minimum APZ required for the school. In this regard APZs for the school are limited to a distance of 100 metres from the approved school buildings in all directions. Areas within the E2 Environmental Conservation zone located more than 100 metres from the school buildings may not be managed as APZs.**
- (b) **adjust the associated vegetation management transition line adjacent to the residential flat buildings in Precinct B to be consistent with the E2 Conservation Zone boundary, but excluding the APZ for the school and including a new offset area in the residential zone adjacent to the conservation zone that is equivalent in size to the APZ in the E2 Conservation zone that can be revegetated with STIF and will not be required to be managed as an APZ**
- (c) **include active regeneration and weed management of the new offset area, in the residential zone adjacent to the conservation zone that is equivalent in size to the APZ in the E2 Conservation zone, to ensure regeneration to a natural habitat**
- (d) **include provisions for fencing and / or signage as appropriate on the boundary of the new offset area in the residential zone adjacent to the conservation zone that is equivalent in size to the APZ in the E2 Conservation zone.**

The updated plan is to be approved by the Department of Agriculture Water and the Environment

- (e) Schedule 2 Part B – Further Assessment Requirement B5 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the struck-out words/numbers as follows:

B5 Bushfire Protection

- (1) All Asset Protection Zones are to be located outside of the conservation land as shown in the approved Concept Plan unless required for development constructed prior to the date of this instrument, **or unless required for the School following the changes to the school APZ required by Term of Approval A9.**
- (2) Uses constituting ‘Special Fire Protection Purposes’ as defined in Planning for Bushfire Protection 2006 **2019** are to be undertaken in consultation with the NSW Rural Fire Service.
- (3) All Asset Protection Zones and other bushfire protection measures are to comply with Planning for Bushfire Protection 2006 **2019, as amended.**
- (4) **Future development in Precinct B: Central Church is to demonstrate compliance with Planning for Bushfire Protection 2019, as amended. If necessary, building footprints shown on the plans approved under MOD 8, are to be reduced to ensure compliance with APZ requirements.**

- (f) Schedule 2 Part B – Further Assessment Requirement B9 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struck-out~~ words/numbers as follows:

B9 Car parking

- (1) Residential car parking rates are to be determined having regard to the rates specified in the Preferred Project Report, **with the exception of residential car parking rates for the Residential Flat Buildings within the Central Church Precinct which are to be as follows:**
- (a) **1 bedroom apartment: a maximum of 1 space per dwelling**
 - (b) **2 bedroom apartment: a maximum of 1.25 spaces per dwelling**
 - (c) **3 bedroom apartment: a maximum of 2 spaces per dwelling**
 - (d) **visitor parking: 1 visitor space per 4 dwellings**
 - (e) **car share spaces: a minimum of 1 car share space per 90 dwellings or part thereof**
- (2) Residential car parking is to be provided at grade or below ground level within the footprint of the building.
- (3) The consent authority is to have regard to the provisions of the relevant Council Development Control Plan regulating car parking at the time of the application, the final Preferred Project Report and any other relevant traffic, transport and car parking reports when determining car parking requirements for employment generating land uses.
- (4) Applications for non-residential land uses must be accompanied by a traffic and car parking assessment prepared by a suitably qualified traffic planner, demonstrating that sufficient car parking has been provided having regard to the RTA's Guide to Traffic Generating Developments and Council's DCP requirements.

**End of Modification
(MP 07_0166 MOD 8)**