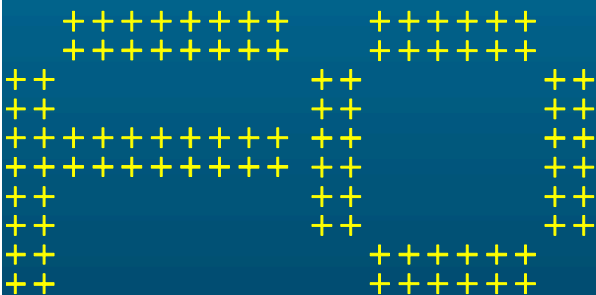
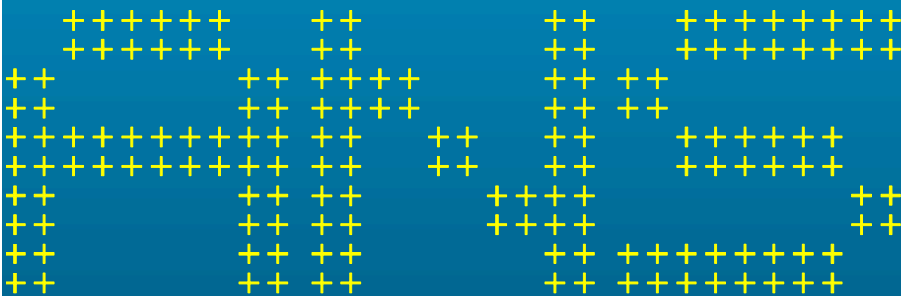
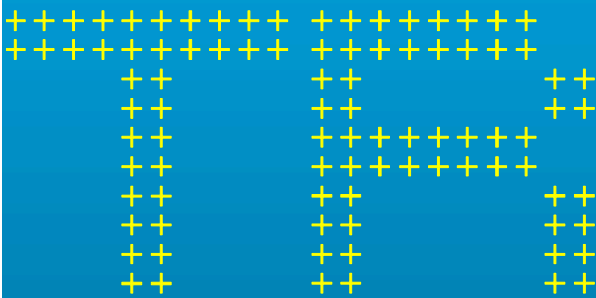


Wahroonga Estate Redevelopment Request for listing – Schedule 3 SEPP Major Projects

3 September 2009



Wahroonga Estate Redevelopment Request for listing – Schedule 3 SEPP Major Projects

Prepared for Johnson Property
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1 Introduction

This report has been prepared in support of an application for listing of the Wahroonga Estate site as a 'State Significant Site' (SSS) in Schedule 3 of State Environmental Planning Policy (Major Projects). It has been prepared on behalf of the proponent, Johnson Property Group. A draft Schedule 3 (development controls) listing is attached as Appendix 1.

The report details the basis upon which SSS listing is proposed, and includes consideration of:

- The Department of Planning's (DoP's) 'Guideline for State Significant Sites'; and
- The matters listed in the Minister for Planning's correspondence dated 12 December 2007.

On 12 December 2007 the then Minister for Planning agreed that the proposed redevelopment of the Wahroonga Estate site constitutes a potential State Significant Site for listing under the SEPP Major Projects and authorised the submission of a 'Concept Plan' under Part 3A of the EP&A Act. He also agreed to consider listing the site under Schedule 3 of the SEPP, subject to consideration of various matters by way of a study. The issues prescribed by the Minister for consideration to determine whether the site is to be included as a State Significant Site include:

- a) *The State or regional planning significance of the site;*
- b) *The suitability of the site for any proposed land use taking into consideration environmental, social or economic factors, the principles of ecologically sustainable development and any relevant State or regionally planning strategy;*
- c) *The implications of any proposed land use for local and regional land use, infrastructure, service delivery and natural resource planning;*
- d) *Those parts of the site which should be subject to Part 4 of the Environmental Planning and Assessment Act 1979 with either Ku-ring-gai Council or Hornsby Council as consent authority;*
- e) *The development controls for the site that should be included in Schedule 3 generally in accordance with the provisions of the Standard Instrument (Local Environmental Plans) Order 2006 (The Standard Instrument);*
- f) *The means by which local and regional developer contributions should be secured in respect of the site; and*
- g) *Natural conservation issues.*

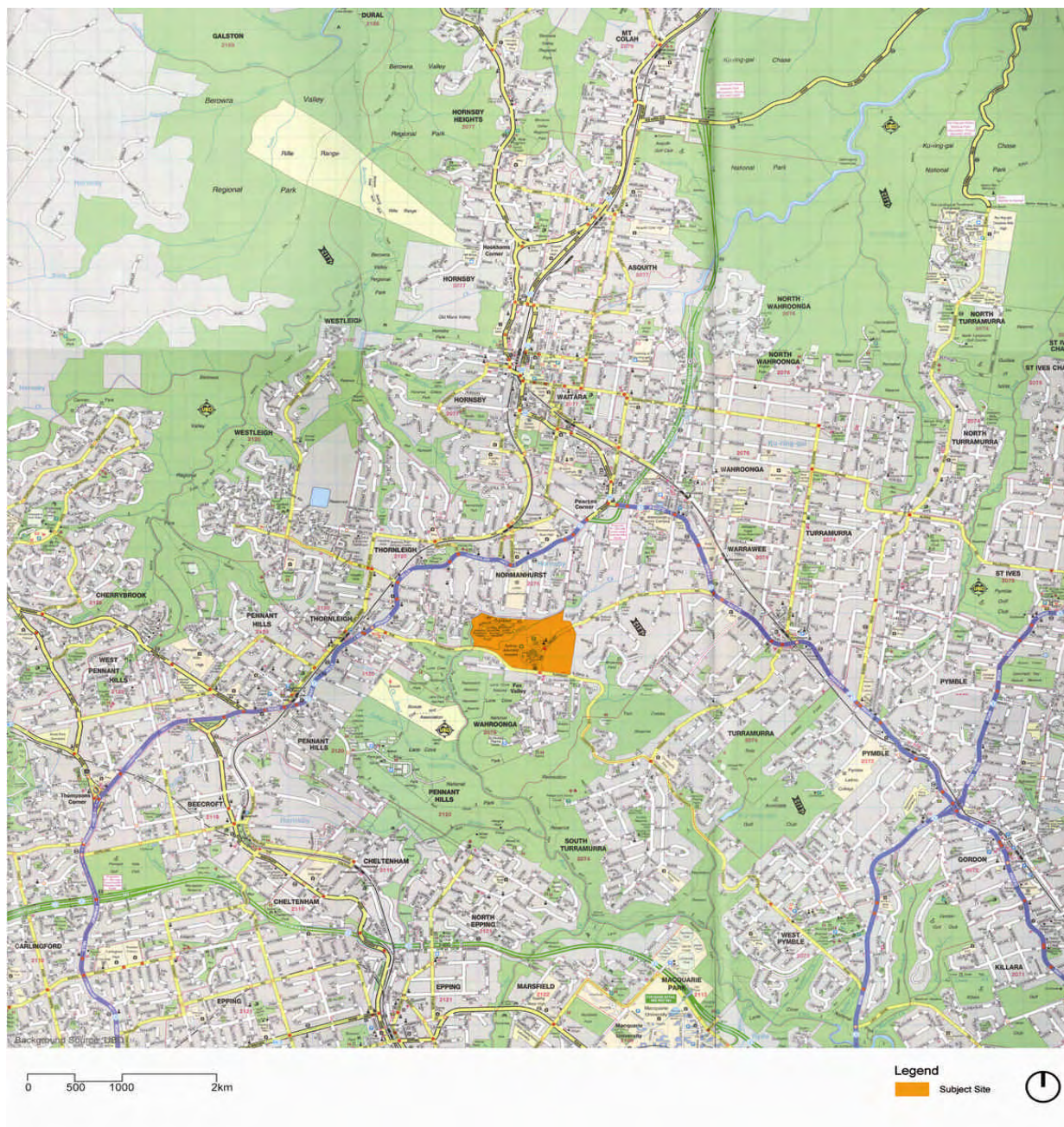
The above issues are addressed in Section 3 of this study.

2 The Wahroonga Estate Site

2.1 Location

The location of the Wahroonga Estate site is illustrated in Figure 1 below. The site is approximately 18km north-west of the Sydney CBD, and is located 1km south of where the Pacific Highway and Pennant Hills Road meet with the F3 Freeway. The majority of the land that is proposed as a SSS is in Ku-ring-gai LGA, with a small portion of the site located in the Hornsby LGA.

Figure 1 – Site Location



2.2 Land Subject of this Report

The subject site is shown in Figure 2. The site comprises approximately 66 hectares and accommodates existing urban development centred along Fox Valley Road, vacant land around the curtilage of the existing buildings, including parking; and urban bushland loosely connected to the Lane Cove National Park and recreation reserve to the south-west over Comenarra Parkway.

Figure 2 – Aerial Photograph: Site Context



The existing uses on the site are:

- Sydney Adventist Hospital, Specialist Clinic and ancillary development;
- Fox Valley General Practitioner and Dentist Clinic;
- Pacific Regional Headquarters of the Adventist Church;
- Media Network Centre;
- Adventist Development and Relief Agency;
- Seventh-day Adventist Churches;
- Faculty of Nursing;
- primary school;
- Normanhurst Adventist Retirement Village; and
- Staff housing and student accommodation.

2.3 Future Land Use Proposals

The SSS listing study is accompanied by a concept plan for development of the Estate. This concept plan features:

- An expanded hospital footprint in the centre of the site, including the SAN clinic and the faculty of nursing.
- A combination of residential development with a potential for approximately 1000 dwellings in the form of low density to medium density housing, including a component of on-site accommodation for the nursing school;
- An expanded aged care housing and nursing home facility;
- A small neighbourhood retail centre on the southern edge of the site;
- Church and school uses;
- A variety of other commercial uses primarily associated with the administration of the church and hospital; and
- A new road system that accommodates private and public transport catering for the overall anticipated use of the Estate.

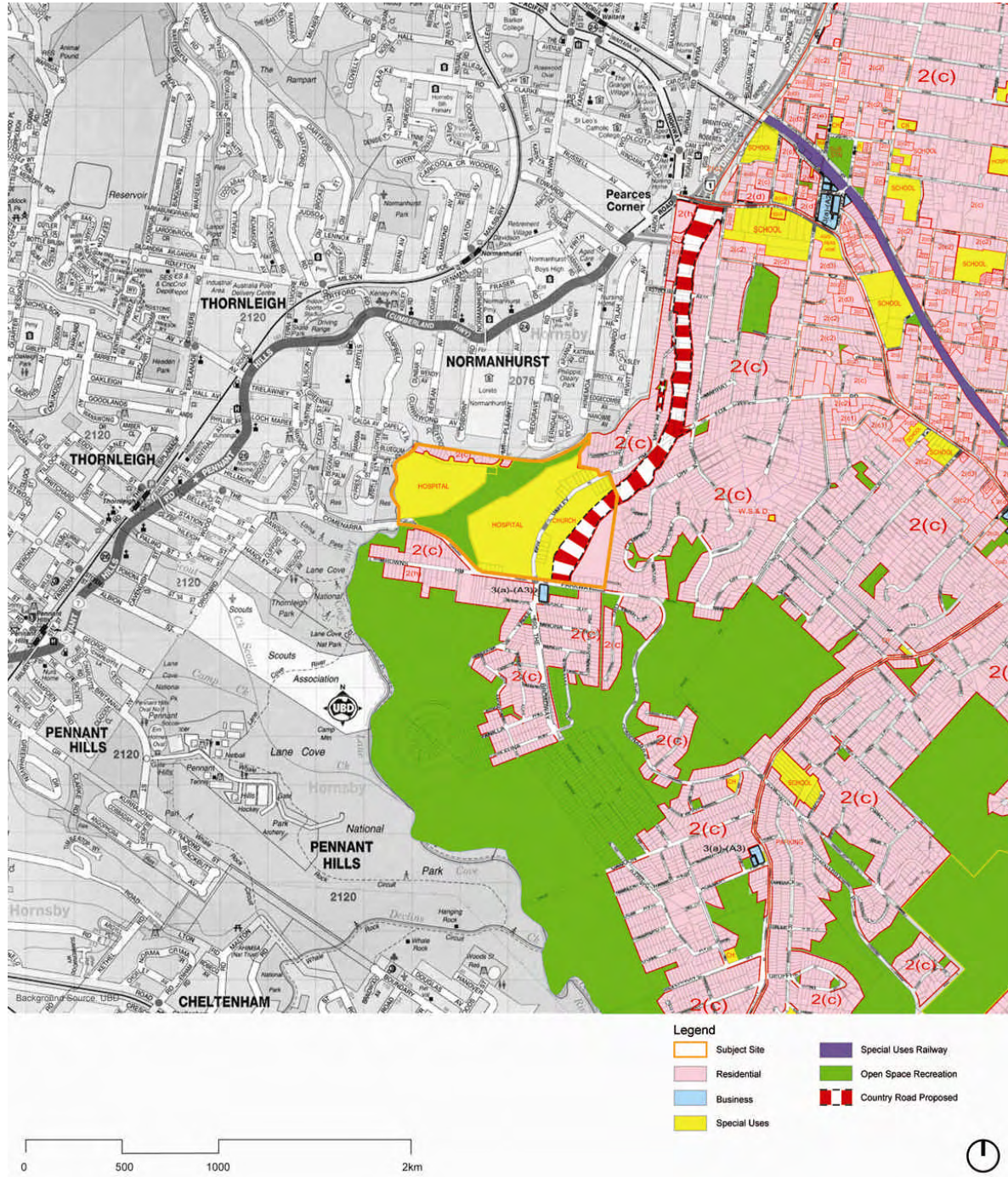
The concept plan report included a number of investigations by specialist consultants; including flora and fauna, bushfire, traffic, geotechnical, contamination, hydrology and stormwater, heritage, economic and social planning.

The proposed concept plan prepared for the site is included as an attachment to this report.

2.4 Current Zoning Context

The site is currently zoned 5(a) - Special Uses (Hospital), 5(a) - Special Uses (Church), 6(b) – Private Open Space, 2(c) – Residential and County Road Proposed under the Ku-ring-gai Planning Scheme Ordinance (KPSO), as shown in Figure 3. A small part of the site is within Hornsby Shire LGA. This area is zoned Residential A (low density) and relates to four (4) dwellings on Ferndale Avenue and one (1) dwelling on Nicholas Crescent, and the surrounding open space, at the far north of the site.

Figure 3 – Existing Site Zoning



3 State Significant Site Assessment

As indicated in a letter from the Minister of Planning, received 12 December 2007, the following issues will be considered and assessed as part of the study to be undertaken pursuant to clause 8 of the Major Projects SEPP to determine whether the site should be listed as a State Significant Site:

3.1 The State or Regional Planning Significance of the Site

The Department of Planning's (DoP's) Guidelines for State Significant Sites', provides that when considering whether a site can be categorised as being of State significance, the Minister will consider whether the site meets one or more of the following criteria:

- (a) *be of regional or state importance because it is in an identified strategic location (in a State or regional strategy), its importance to a particular industry sector, or its employment, infrastructure, service delivery or redevelopment significance in achieving government policy objectives; or*
 - (b) *be of regional or state environmental conservation or natural resource importance in achieving State or regional objectives. For example protecting sensitive wetlands or coastal areas; or*
 - (c) *be of regional or state importance in terms of amenity, cultural, heritage, or historical significance in achieving State or regional objectives. For example sensitive redevelopment of heritage precincts;*
- or*
- (d) *need alternative planning or consent arrangements where:*
 - (i) *added transparency is required because of potential conflicting interests*
 - (ii) *more than one local council is likely to be affected.*

The site is considered to be of regional planning significance because of the following factors, addressing the criteria identified above:

3.1.1 Regional or State Importance

In addition to the criteria related to its strategic location or its importance to a particular industry sector, this criterion also relates to a site's employment, infrastructure, service delivery or redevelopment significance in achieving government policy objectives. The context and significance of the Wahoonga Estate site is summarised below.

- The site is recognised in the Draft North Sub-Regional Strategy as an industrial cluster that should be considered for strengthening. The site is recognised as important education and medical infrastructure together with Hornsby TAFE and Hornsby Hospital.
- The site exists as a significant living-working community and represents an excellent example of planning to reduce dependency of car related travel. Proper planning of an expanded specialised centre and associated residential component will have further benefits in reducing reliance on car travel in the region.
- Over 1,000 operational jobs will be created in the short term: over the next five years. An additional 3,000 to 5,000 operational jobs will be generated over the medium term expansion phase. Over the course of the construction program the equivalent of 11,000 jobs will be created.
- The concentration of health related education and research facilities within the hospital precinct will have operational synergies and infrastructure savings in accordance with government policy objectives.

- The overall improvement of the existing facility accords with a key priority of the NSW State Plan to 'improve access to quality health care'.

3.1.2 Environmental Conservation or Natural Resource Importance

The Wahroonga Estate site contains some key vegetation communities that have the potential to contribute to the on-going biodiversity outcomes for this part of Sydney.

The proposal will include negotiation of environmental conservation measures enabling effective management of the environmental assets within a significant component of the site. This will include:

- Conservation of Endangered Ecological Communities and species
- Management plans for the ongoing management of environmentally significant areas.
- The environmental strategy for the site will also assist Ku-ring-gai Council in achieving an important piece of its LGA-wide Biodiversity Strategy, in particular assisting in the "Protection of Biodiversity" (Section 2.2).

3.1.3 Amenity, Cultural, Heritage, or Historical Significance

A Heritage Impact Assessment has been undertaken for the development of the Wahroonga Estate. Several heritage items have been identified but in general the site is not of such significance that would trigger this criterion.

3.1.4 Need for Alternative Planning Arrangements

The proponent contends that the Hospital's status as a specialised employment centre should be acknowledged in the context of the Draft North Sub-Regional Strategy.

The fact that Wahroonga Estate has been overlooked in the Draft Sub-Regional Strategy as a specialised centre is perhaps symptomatic of potential conflicting interests, as illustrated in the context of previous residential and seniors living development proposals which have previously been addressed at local government level. To avoid any impasse, it is considered that alternative arrangements are warranted.

The development proposal straddles two Council areas which adds to the complexity of assessing this significant proposal.

Furthermore, the proposal includes an increase in residential densities that requires weight to be given to the consideration of regional planning strategies and employment and housing targets. An approvals process under Part 3A is considered essential to ensure due consideration and integration of a significant number of stakeholders with interests in this large site.

3.2 The Suitability of the Site for any Proposed Land Use

The proposed future land uses are considered suitable for the site for the following reasons:

3.2.1 Environmental, social or economic factors

The proposed development of the Wahroonga Estate site includes a range of measures to protect the environmental features of the site. The Wahroonga Estate site contains a high amount of remnant bushland which is important to the local area. The bushland areas associated with Coups Creek and the Lane Cove River is located opposite the Lane Cove National Park (across Comenarra Parkway). These areas provide significant bushland corridors that have a high conservation value. The proposed concept plan retains significant tracts of the remnant vegetation on the site and includes a conservation strategy for the ongoing protection and management of important ecological communities on site.

In a social and economic sense, the Sydney Adventist Hospital is the largest tenant on the site and the growth of the hospital is a key driver for the overall development of the site. To meet the health needs of

the community, the existing Hospital intends to restructure and expand its operations by up to 50% over the long term, with the potential extra floor area in the short to medium term to increase to 28,000m². To complement the presence of a major hospital, there are opportunities to provide for a range of Ancillary health uses. Commercial uses will have a potential floor area of up to 4,000m² and will serve the greater Sydney region, as well as the local community.

The proposed redevelopment of the Wahroonga Estate site is likely to generate positive economic impacts for the surrounding area. The site has been identified as suitable for a significant supply of convenience retailing, possibly including a small supermarket, to serve the existing and future residents and workers on the site and surrounds. However, the proposed neighbourhood retail centre for the site, which is to include a small supermarket and speciality shops, will be limited in its size and capacity to ensure that it will not lead to unreasonable economic impacts upon the surrounding retail hierarchy.

3.2.2 Application of Ecologically Sustainable Development Principles

A biodiversity conservation strategy has been proposed for the subject site. The ACA is also investigating innovative water and energy management solutions to accompany the proposed development.

Best practise approaches to urban development will be incorporated in to the detailed design of the proposed development and ESD principles will be a key element of the redevelopment process.

3.2.3 The Metropolitan Strategy

The site is located within the Ku-ring-gai LGA which is part of the North Subregion of Sydney. Under the Metropolitan Strategy for Sydney, the North Subregion has a target of an additional 21,000 dwellings and an additional 4,500 jobs by 2031.

The development of the Wahroonga Estate has an important role in the achievement of these targets, with a proposed 1,000 dwellings and over 1000 operational jobs will be created in the short term, with an additional 3,000 to 5,000 operational jobs generated over the medium term expansion phase.

3.3 Implications of Proposed Land Use for Local and Regional Planning

The hospital itself is a vitally significant component of public infrastructure formally identified as having significance to the region and indeed the State. Additional associated development will facilitate the reinforcement of the Wahroonga Estate as a 'specialist centre' of health care employment in accordance with the specific recommendations of the Metropolitan Strategy.

Section 6 of the accompanying Concept Plan includes a detailed consideration of the amount and type of retail floor space required to cater for the existing and proposed incoming worker and resident populations without adversely impacting upon the retail functions of any existing surrounding retail centres.

It is important to note that the total Concept Plan is envisaged to take some ten years to fully implement, with individual buildings being incrementally released to the market over time. This will allow the established commercial office space market to gradually absorb the impact of new floor space, without creating vacancy 'shocks'.

3.4 Parts of the site to be subject to Part 4 of the EPAA with Council as Consent Authority

Under the provisions of the SEPP (Major Projects), the Minister may already declare any development on the site for 'hospital' purposes with a capital investment value of more than \$15 million, or any retail, commercial or residential development on the site with a capital value of more than \$50 million as a 'Major Project', for which the Minister is the consent authority under Part 3A of the Act. Notionally no change is proposed to this regime. However, for clarity it is proposed that the Minister declare as a part

of this SSS listing that any residential, commercial or retail projects with a value of greater than \$50 million be subject to a Part 3A application and that the Minister be the Consent Authority.

3.5 Development Controls to be included in Schedule 3

The proposed zoning regime and development controls are based upon the *Standard Instrument (Local Environmental Plans) Order 2006* (the Standard Instrument). Development Controls relating to land use, floor space ratio, heritage and height are included in the proposed Schedule 3 listing. In summary, the proposed controls are:

3.5.1 Height

The proposed height standards are derived to reflect and compliment the existing Sydney Adventist Hospital Building and to taper down toward the perimeter. This will minimise amenity impacts upon the surrounding area and remain consistent with the maximum height set by the Sydney Adventist Hospital Building, an iconic building for the local area which is 12 storeys tall. The maximum height of the precinct immediately surrounding this building is to match this 12 storey height and the proposed built form throughout the remainder of the site ranges from two storeys (maximum 9 metres) to a maximum of six storeys (maximum 21 metres).

Matters involving the topography, existing vegetation and views to and from the site have all been considered in setting the height parameters. These standards have been translated into a composite height map for each precinct on the site (Refer to Draft SSS listing in Appendix A).

3.5.2 Floor area and dwelling yield

Floor area is proposed to be limited on a precinct by precinct basis with maximum floor areas for each use nominated. Details of the proposed maximum floor areas and dwellings yields are provided in the Gross Floor Area and Dwelling Yield Map in Appendix A.

3.5.3 Heritage

Following a detailed assessment of the heritage significance of the site by Australian Museum Business Services, all items of significance have been identified for conservation and listing as 'heritage items' under the proposed SSS listing.

The only proposed 'heritage item' is:

- Adventist Administration Building

Standard incentives are included in the proposed SSS listing to allow this heritage item to be used for any purpose if that purpose is consistent with their heritage values, and an adopted Conservation Management Plan, in accordance with standard heritage incentive provisions. Such plan/s are required to be approved by the Minister prior to the submission of any project application relating to a heritage item.

3.6 Approach to developer contributions

A Draft Statement of Commitments is included in the Concept Plan submitted for the site. This details the various contributions, additional studies, applications and works the proponent commits to undertake in association with the project.

The project will comply with the relevant provisions of the Ku-ring-gai Section 94 Plan (2004-2009 -for Residential Development) and Ku-ring-gai S.94 Plan (2003 - for Commercial Development). These S.94 Plans facilitate developer funding for a range of community and recreation facilities; provision of additional open space, traffic, pedestrian and cycleway facilities; and other works in the public domain such as street tree planting within the surrounding area.

The provision of State infrastructure, services and environmental offsets will be subject to a Voluntary Planning Agreement, satisfactory arrangements clause or other appropriate arrangements that will be negotiated with the Department of Planning and relevant agencies.

3.7 Natural Conservation Issues

The proposed development of the Wahroonga Estate includes a range of measures to protect the environmental features of the site. The Wahroonga Estate contains some remnant bushland which is important to the local area. Riparian corridors and remnant bushland within the Estate provide important corridors, in particular the Coups Creek corridor linking the site with the Lane Cove National Park (across the Comenarra Parkway).

The proposed concept plan retains significant tracts of the remnant vegetation is to be zoned E2 – Environmental Conservation and will be managed in accordance with a Biodiversity Management Plan.

The area that forms a transition between the E2 zone and other urban zones is proposed to be zoned E3 Environmental Management. These will be environmental in character, with uses limited to the management of hazards (like bushfire) and stormwater detention.



Appendix A Proposed Listing in SEPP Major Projects – Schedule 3.

Part 4 Wahroonga Estate

Division 1 Preliminary

1. Definition of particular terms

In this Part:

Wahroonga Estate means the land as shown edged heavy black on the map marked “State Environmental Planning Policy (Major Projects) 2005 (Amendment No xxx)”.

Note. The land shown on the map is a site in Wahroonga either side of Fox Valley Road that contains a number of Seventh-day Adventist organisations including the Sydney Adventist Hospital, Australasian Conference Association and primary school.

dwelling and **gross floor area** have the same meanings as they have in the standard instrument prescribed by the Standard Instrument (Local Environmental Plans) Order 2006.

building height (or **height of building**) means the vertical distance between ground level (existing) at any point to the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.

bush fire hazard reduction work means:

- (a) the establishment or maintenance of fire breaks on land, and
- (b) the controlled application of appropriate fire regimes or other means for the reduction or modification of available fuels within a predetermined area to mitigate against the spread of a bush fire,

but does not include construction of a track, trail or road.

storey means a space within a building that is situated between one floor level and the floor level next above, or if there is no floor above, the ceiling above, but does not include:

- (a) a space that contains only a lift shaft, stairway or meter room, or
- (b) a mezzanine.

2 Maps

(1) A reference in this Part to a named map adopted by this Part is a reference to a map by that name:

- (a) approved by the Minister when the map is adopted, and
- (b) as amended from time to time by maps declared by environmental planning instruments to amend that map, and approved by the Minister when the instruments are made.

(2) Any 2 or more named maps may be combined into a single map. In that case, a reference in this Part to any such named map is a reference to the relevant part or aspect of the single map.

(3) Any such maps are to be kept and made available for public access in accordance with arrangements approved by the Minister.

3 Meaning of Development Purposes

Words and expressions used to refer to a development purpose in clause 8 or 9 have the same meaning as they have in the standard instrument prescribed by the Standard Instrument (Local Environmental Plans) Order 2006.

4 Application of this Part

Nothing in this Part applies to or with respect to development for the purposes of a public utility undertaking.

Note. Development for the purposes of a public utility undertaking may, by operation of another Schedule to this Policy, be a project to which Part 3A of the Act applies.

Division 2 Part 3A projects

5 Part 3A projects

(1) Hospitals:

- (1) Development that has a capital investment value of more than \$15 million for the purpose of providing professional health care services to people admitted as in-patients (whether or not out-patients are also cared for or treated there), including ancillary facilities for:
 - (a) day surgery, day procedures or health consulting rooms, or
 - (b) accommodation for nurses or other health care workers, or
 - (c) accommodation for persons receiving health care or for their visitors, or
 - (d) shops or refreshment rooms, or
 - (e) transport of patients, including helipads and ambulance facilities, or
 - (f) educational purposes, or
 - (g) research purposes, whether or not they are used only by hospital staff or health care workers and whether or not any such use is a commercial use, or
 - (h) any other health-related use.

- (2) For the purposes of this clause, professional health care services include preventative or convalescent care, diagnosis, medical or surgical treatment, psychiatric care or care for people with disabilities, care or counselling services provided by health care professionals.

(2) Such development within the Wahroonga Estate as has a capital investment value of more than \$50 million.

(3) Subdivision of land within the Wahroonga Estate, other than a strata title subdivision, a community title subdivision, or a subdivision for any one or more of the following purposes:

- (a) widening a public road,
- (b) making an adjustment to a boundary between lots, being an adjustment that does not involve the creation of a greater number of lots,
- (c) a minor realignment of boundaries that does not create additional lots or the opportunity for additional dwellings,
- (d) a consolidation of lots that does not create additional lots or the opportunity for additional dwellings,
- (e) rectifying an encroachment on a lot,
- (f) creating a public reserve,
- (g) excising from a lot land that is, or is intended to be, used for public purposes, including drainage purposes, rural fire brigade or other emergency service purposes or public conveniences.

Division 3 Provisions applying to development within Wahroonga Estate

6 Application of Division

This Division applies with respect to any development within the Wahroonga Estate and so applies whether or not the development is a project to which Part 3A of the Act applies.

7 Land use zones

(1) For the purposes of this Policy, land within the Wahroonga Estate is in a zone as follows if the land is shown on the map marked “State Environmental Planning Policy (Major Projects) 2005 (Amendment No 6)—Zoning Map” as being within that zone:

Residential Zones

R1 General Residential

R2 Low Density Residential

Business Zones

B1 Neighbourhood Centre

Special Purpose Zones

SP2 Infrastructure

Environment Protection Zones

E2 Environmental Conservation

E3 Environmental Management

(2) The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.

Land Use Table

8 Zone R1 General Residential

1 Objectives of zone

- To provide for the housing needs of the community.
- To provide for a variety of housing types and densities.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To provide housing that is compatible with the existing environmental character of Ku-ring-gai.

2 Permitted without consent

Home based child care; Home occupations

3 Permitted with consent

Attached dwellings; Bed and breakfast accommodation; Boarding houses; **Building identification signs**; **Business identification signs**; Child care centres; Community facilities; **Drainage**; Dwelling houses; **Earthworks**; **Educational establishments**; **Environmental Protection Works**; **Filming**; Group homes; **Health Consulting rooms**; **Home businesses**; **Home industries**; **Hospitals**; **Hostels**; Medium Density Housing; Neighbourhood shops; Places of public worship; **Public utility undertakings**; **Recreation areas**; **Residential Flat Buildings**; **Roads**; **Secondary dwellings**; Semi-detached dwellings; Seniors housing; Shop top housing; **Signage (in association with Neighbourhood shops)**; **Telecommunications facilities**.

4 Prohibited

Any development not specified in item 2 and 3.

9 Zone R2 Low Density Residential

1 Objectives of zone

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To provide housing that is compatible with the existing environmental character of Ku-ring-gai.

2 Permitted without consent

Home based child care; Home occupations

3 Permitted with consent

Bed and breakfast accommodation; Boarding houses; Building identification signs; Bushfire hazard reduction work; Business identification signs; Child care centres; Community facilities; Drainage; Dual Occupancy; Dwelling houses; Earthworks; Educational establishments; Environmental Protection Works; Filming; Group homes; Health Consulting rooms; Home businesses; Home industries; Hospitals; Neighbourhood shops; Places of public worship; Public utility undertakings; Recreation areas; Roads; Secondary dwellings; Seniors housing; Signage (in association with Neighbourhood shops); Telecommunications facilities.

4 Prohibited

Any development not specified in item 2 and 3.

10 Zone B1 Neighbourhood Centre

1 Objectives of zone

- To provide a range of small-scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhood.

2 Permitted without consent

Home based child care; Home occupations

3 Permitted with consent

Advertising structures; Bed and breakfast accommodation; Boarding house; Bushfire hazard reduction work; Business premises; Car parks; Child care centres; Community facilities; Drainage; Earthworks; Environmental facilities; Environmental protection works; Filming; Food and drink premises; Health services facilities; Home businesses; Hospitals; Hotel or motel accommodations; Neighbourhood shops; Places of public worship; Public utility undertakings; Roads; Shop top housing; Signage; Telecommunication facilities; Temporary structures.

4 Prohibited

Any development not specified in item 2 and 3.

11 Zone SP2 Infrastructure (Sydney Adventist Hospital)

1 Objectives of zone

- To provide for infrastructure and related uses.
- To prevent development that is not compatible with or that may detract from the provision of infrastructure.

- To provide for a range of uses that are ancillary to the use of the Sydney Adventist Hospital including educational facilities and accommodation facilities.

2 Permitted without consent

Nil.

3 Permitted with consent

The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose. **Earthworks; Filming; Roads; Public utility undertakings; Telecommunications facilities.**

4 Prohibited

Any development not specified in item 2 and 3

12 Zone E2 Environmental Conservation

1 Objectives of zone

- To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values.
- To prevent development that could destroy, damage or otherwise have an adverse effect on those values.

2 Permitted without consent

Environmental protection works;

3 Permitted with consent

Drainage; Earthworks, Environmental facilities; Filming; Public utility undertakings; Roads;

4 Prohibited

Business premises; Hotel or motel accommodation; Industries; Multi dwelling housing; Recreation facilities (major); Residential flat buildings; Retail premises; Seniors housing; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3

13 Zone E3 Environmental Management

1 Objectives of zone

- To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.
- To provide for a limited range of development that does not have an adverse effect on those values.

2 Permitted without consent

Home occupations

3 Permitted with consent

Bushfire hazard reduction work; Earthworks; Environmental Protection works; Drainage; Dwelling houses; Home industries, Kiosks, Cellar door premises, Neighbourhood shops; Roads; and Roadside stalls

4 Prohibited

Industries; Multi dwelling housing; Residential flat buildings; Retail premises; Seniors housing; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3

14 Development controls

- 1) The height of a building on any land is not to exceed the maximum height shown for the land on the map marked “State Environmental Planning Policy (Major Projects) 2005 (Amendment No xxx)—Building Height Map”.
- (2) The floor area and dwelling yield of a proposed land use is not to exceed that shown for the land on the map marked “State Environmental Planning Policy (Major Projects) 2005 (Amendment No xxx)—Gross Floor Area and Dwelling Yield Map”.

15 Heritage conservation

- (1) A person must not, in respect of a building, work, relic, tree or place that is a heritage item:
 - (a) demolish, dismantle, move or alter the building, work, relic, tree or place, or
 - (b) damage or remove the relic, or
 - (c) excavate land for the purpose of discovering, exposing or moving the relic, or
 - (d) damage or despoil the tree or place, or
 - (e) erect a building on, or subdivide, land on which the building, work or relic is situated or that comprises the place, or
 - (f) damage any tree or land on which the building, work or relic is situated or that comprises the place, or
 - (g) make structural changes to the interior of the building or work,except with the consent of the consent authority.
- (2) However, consent under this clause is not required if the applicant has notified the consent authority of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development:
 - (a) is of a minor nature, or is for the maintenance of the heritage item, and
 - (b) would not adversely affect the significance of the heritage item.
- (3) In this clause, **heritage item** means a building, work, relic, tree or place that is indicated as a heritage item on the map marked “State Environmental Planning Policy (Major Projects) 2005 (Amendment No xx)—Wahroonga Estate Heritage Conservation Map”.

Division 4 Miscellaneous

16 Exceptions to development standards

- (1) The objectives of this clause are:
 - (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development, and
 - (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.
- (2) Consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.
- (3) Consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:
 - (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and

- (b) that there are sufficient environmental planning grounds to justify contravening the development standard.
- (4) Consent must not be granted for development that contravenes a development standard unless:
 - (a) the consent authority is satisfied that:
 - (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and
 - (ii) 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, and
 - (b) the concurrence of the Director-General has been obtained.
- (5) In deciding whether to grant concurrence, the Director-General must consider:
 - (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and
 - (b) the public benefit of maintaining the development standard, and
 - (c) any other matters required to be taken into consideration by the Director-General before granting concurrence.
- (6) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).
- (7) This clause does not allow consent to be granted for development that would contravene any of the following:
 - (a) a development standard for complying development,
 - (b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004* applies or for the land on which such a building is situated.

17 Bush fire hazard reduction [compulsory]

Bush fire hazard reduction work authorised by the [Rural Fires Act 1997](#) may be carried out on any land without consent.

Note. The [Rural Fires Act 1997](#) also makes provision relating to the carrying out of development on bush fire prone land.

18 Public utility undertakings excepted

Development for the purpose of a public utility undertaking that is carried out on land within the Wahroonga Estate does not require development consent.

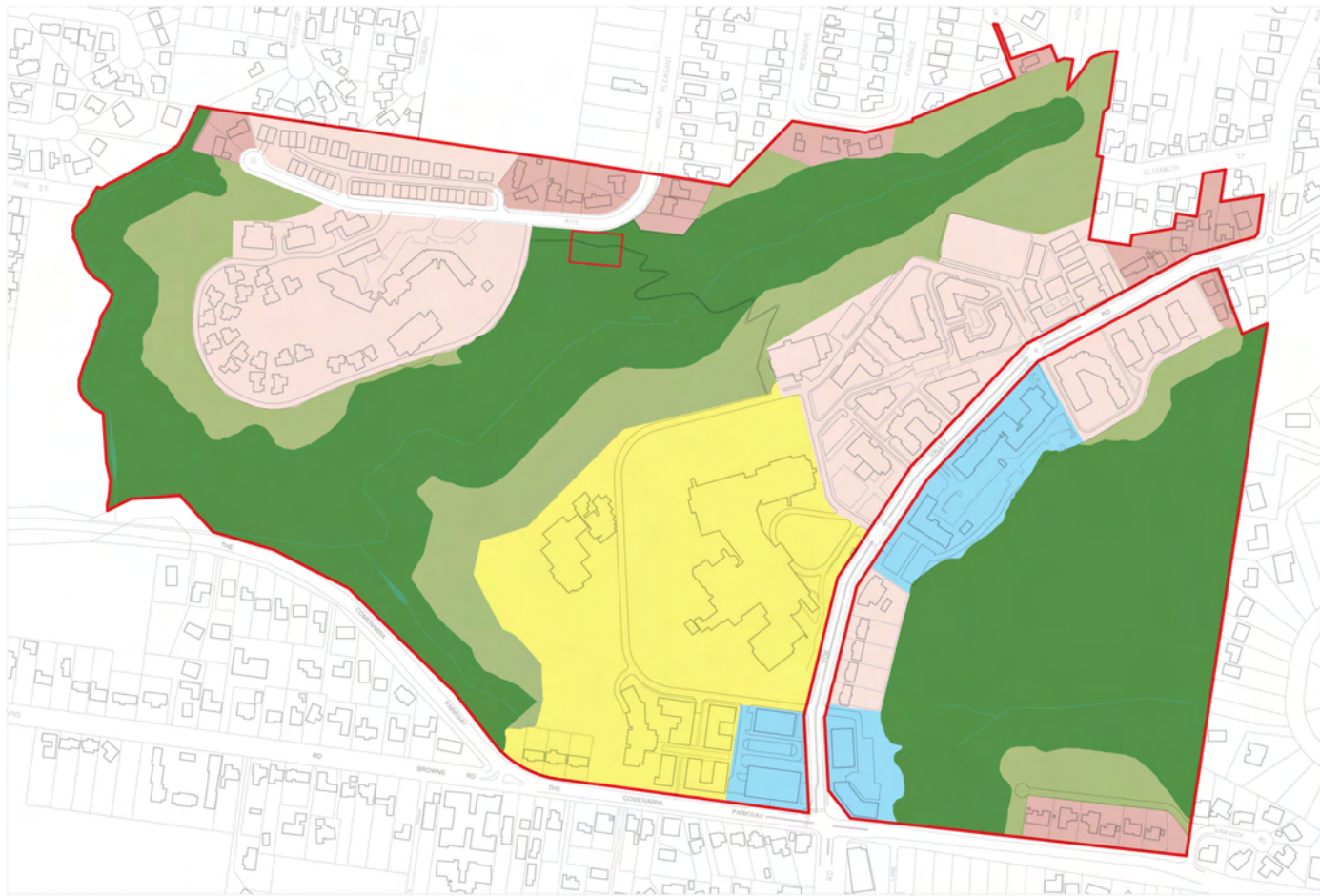
Note: As a consequence of the removal of the requirement from development consent under Part 4 of [the Act](#), development for the purposes of public utility undertakings is subject to the environmental assessment and approval requirements of Part 5 of [the Act](#) or, if it is applicable, Part 3A of [the Act](#).

19 Exempt and complying development

Development within the Wahroonga Estate that satisfies the requirements for exempt development or complying development specified in State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, Ku-ring-gai Council Local Environmental Plan (LEP) 180 and Development Control Plan (DCP) 46 is exempt development or complying development, as appropriate.

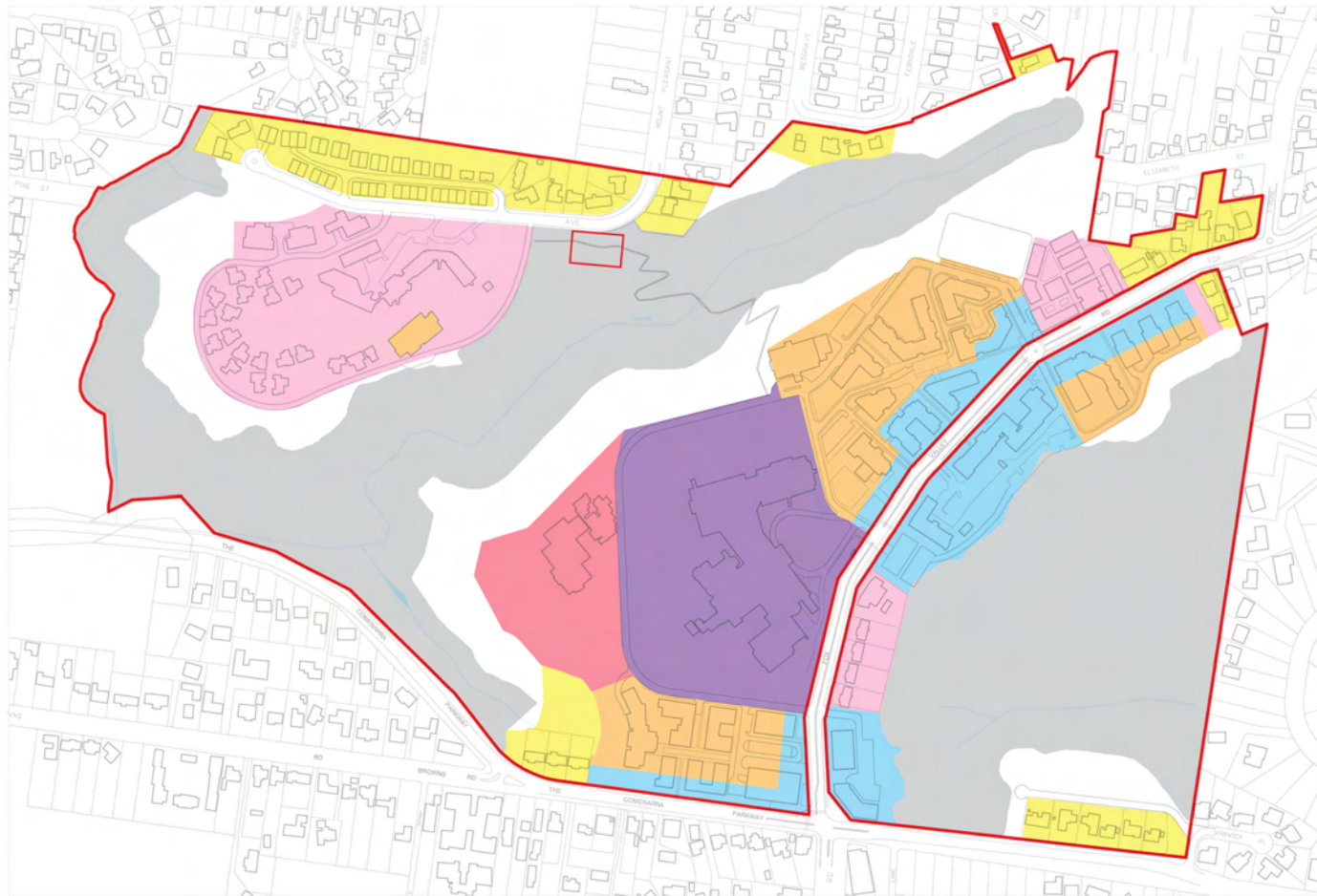
Schedule 1 Additional Permitted Uses

Office premises in the Neighbourhood Business zone.



- R1 General Residential
- R2 Low Density Residential
- E2 Environmental Conservation
- E3 Environmental Management
- B1 Neighbourhood Centre
- SP2 Infrastructure

Scale: 1:5,000 @ A3

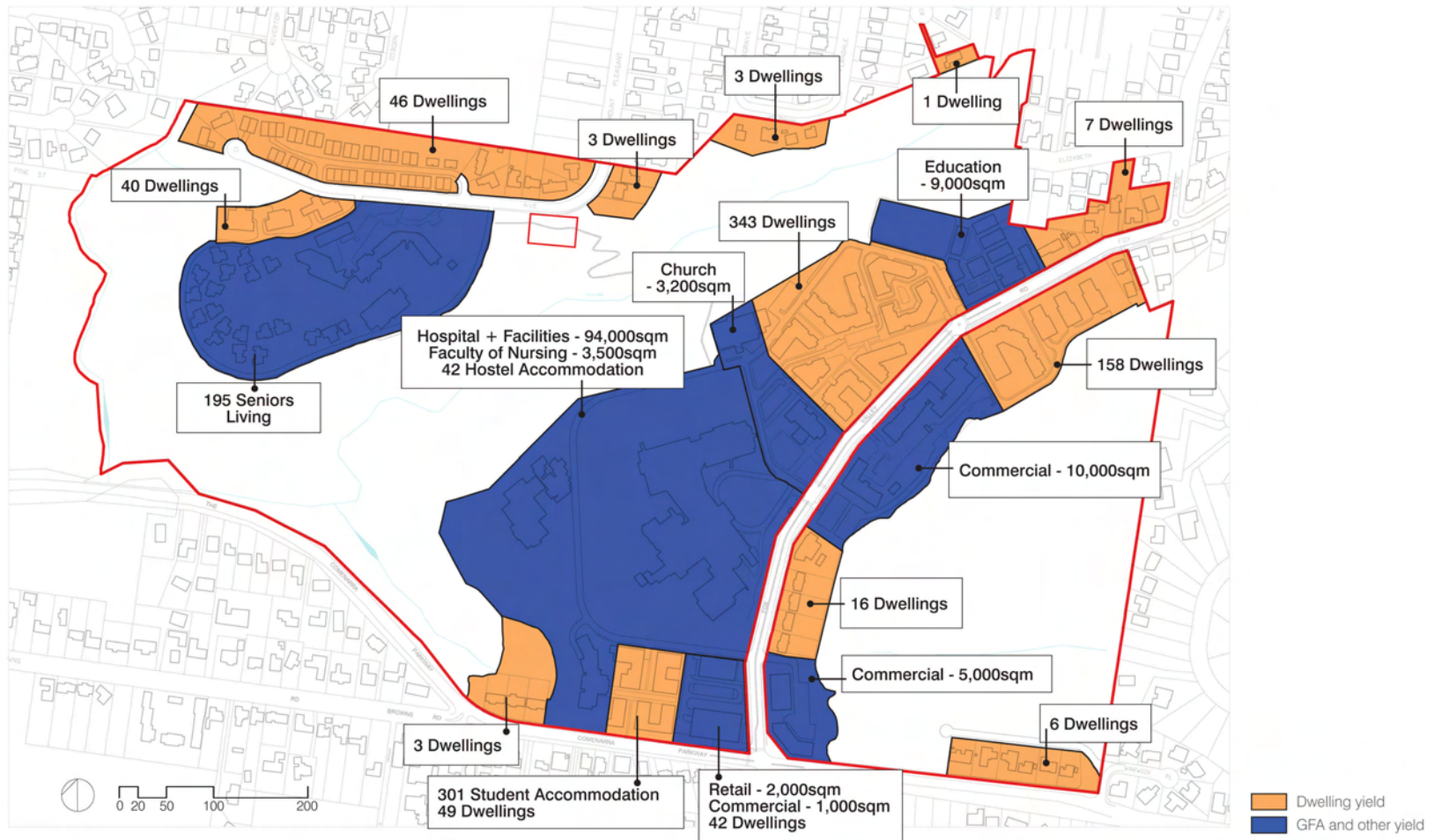


- Two Storey (maximum 9m)
- Three Storey (maximum 12m)
- Four Storey (maximum 15m)
- Six Storey (maximum 21m)
- Eight Storey (maximum 28m)
- Twelve Storey (maximum 42m)

* Hospital layout is only indicative and subject to separate hospital master plan

** Maximum building height means the vertical distance between ground level (existing) at any point to the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.

Scale: 1:5,000 @ A3



Scale: 1:5,000 @ A3

WAHROONGA ESTATE GFA & DWELLING YIELD

