ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

DETERMINATION OF MAJOR PROJECT NO. 07_0166

CONCEPT PLAN FOR WAHROONGA ESTATE

I, the Minister for Planning, having considered the matters in section 75O(2) of the *Environmental Planning & Assessment Act 1979* (the Act), determine:

a) under section 75O(1) of the Act, to approve the Concept Plan for the project as described in Schedule 1, subject to the terms and further assessment requirements set out in Schedule 2.

b) under section 75P (1)(b) of the Act, approval to carry out the project or any particular stage of the project is to be subject to the provisions of Part 4 of the Act, except where it meets the criteria in Schedule 1 of the Major Development SEPP.

c) under section 75P(1)(a) and 75P2(c) that future development be subject to the requirements set out in Parts A and B of Schedule 2.

This approval applies to the plans, drawings and documents cited by the proponent in their Environmental Assessment, Preferred Project Report and Statement of Commitments, subject to the further assessment requirements in Schedule 2.

The reasons for the further assessment requirements are to:

(a) ensure the site is appropriately managed for the proposed uses;

(b) adequately mitigate the environmental impacts of the development;

(c) reasonably protect the amenity of the local area; and

(d) protect the public interest.

SIGNED

The Hon Tony Kelly MLC
Minister for Planning

Sydney, 31 March 2010

SCHEDULE 1

PART A – PROJECT

Proponent:	Johnson Property Group
Application made to:	Minister for Planning
Major Project Number:	07_0166
On land comprising:	Lot 621 DP 1128314, Lots 50 to 61 DP 1017514, Lots 1 to 13 DP 834969, Lot 4 DP 213978, Lots 1 and 2 DP 834960, Lot 1 DP 834961, Lots 7 and 8 DP 834961, Lots 1 to 4 DP 834967, Lot 29 DP 1115041, Lot 3 DP 338598, Lot B DP 341601, Lots C and D DP 366127, Lots 1 and 2 DP 410875, Lots 1 to 4 DP 834963, Lots 3 to 6 DP 834964, Lots 7 and 8 DP 834966, Lots 4 to 6 DP 834965, Lots 1 to 3 DP 834962, Lot 800 DP 752031, Lots 50 to 52 DP 880017, Lots 1 and 2 DP 834968.
Local Government Area:	Ku-ring-gai Local Government Area and Hornsby Local Government Area
Approval in summary for:	Concept Plan for the proposed expansion of the Sydney Adventist Hospital by an additional 28,000m² of hospital floor space, the development of up to 500 low, medium and high density residential dwellings, student accommodation, seniors housing, 18,000m² of retail and commercial uses, 9,000m² for a K-12 school, 3,500m² for an upgraded faculty of nursing, 3,200m² for church uses, 31.4 hectares of conservation lands and associated infrastructure.
Capital Investment Value:	$573.31 million
Type of development:	Concept Plan approval under Part 3A of the Act.
Determination made on:	
Determination:	Concept Plan approval is granted subject to the terms and further assessment requirements in Schedule 2.
Date of commencement of approval:	This approval commences on the date of the Minister's approval.
Date approval will lapse:	5 years from the date of determination unless specified action has been taken in accordance with Section 75Y of the Act

PART B – DEFINITIONS

The following definitions apply to this approval:

Act, the	NSW *Environmental Planning and Assessment Act, 1979* (as amended)
Concept Plan	Plan approved by this instrument, as defined by the Environmental Assessment and Preferred Project Report
Council	Ku-ring-gai Municipal Council and Hornsby Shire Council
DEWHA	Commonwealth Department of the Environment, Water, Heritage and the Arts
Director-General, the	Director-General of the NSW Department of Planning
Environmental Assessment (EA)	The *Wahroonga Estate Redevelopment Incorporating Sydney Adventist Hospital Environmental Assessment and Concept Plan* prepared by Urbis and dated April 2009
GFA	Gross floor area
Wahroonga Estate site	has the same meaning as the land identified in Part A of this schedule
Minister, the	Minister for Planning
Preferred Project Report (PPR)	*Wahroonga Estate Redevelopment Incorporating Sydney Adventist Hospital Final Preferred Project Report and Concept Plan,* prepared by Urbis on behalf of Johnson Property Group and dated January 2010
Proponent	Johnson Property Group

Regulation	NSW *Environmental Planning and Assessment Regulations 2000* (as amended)
RTA	NSW Roads and Traffic Authority
Statement of Commitments	Revised Statement of Commitments submitted as part of the Preferred Project Report.

SCHEDULE 2

CONCEPT PLAN APPLICATION NO. MP 07_0166

PART A – ADMINISTRATIVE TERMS OF APPROVAL

A1 Development Description

(1) Concept Plan approval is granted only to the carrying out of development solely within the Concept Plan area as described in the document titled *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 including:

(a) An additional 28,000m^2 of floor space (providing a total of 94,00m^2) for upgrade and expansion of the Sydney Adventist Hospital

(b) Up to a total of 500 private residential dwellings across the site

(c) 17,000m^2 for seniors living in the Mount Pleasant Precinct

(d) 16,000m^2 of commercial floor space in the Fox Valley Road East and Central Hospital Precincts

(e) 14,500m^2 of floor space for Student Accommodation / Hostels / Group Homes / Boarding Houses in the Central Hospital Precinct

(f) 9,000m^2 of floor space for a K-12 school in the Central Church Precinct

(g) 3,500m^2 for expansion of the Faculty of Nursing in the Central Hospital Precinct

(h) 3,200m^2 of floor space for church uses of in the Central Church Precinct

(i) 2,000m^2 of retail floor space in the Central Hospital Precinct

(j) The provision of 31.4 hectares of environmental conservation lands.

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

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.

A3 Gross Floor Area

(1) The maximum gross floor area for each precinct is detailed in the following table:

Precinct	Maximum Gross Floor Area (m^2) (excluding dwellings)	Maximum Gross Floor Area (m^2) by land uses
Precinct A: Mount Pleasant	17,700m²	17,700m² Seniors Housing
Precinct B: Central Church	12,200m²	9000m² Education 3,200m² Place of Public Worship
Precinct C: Central Hospital	115,000m²	94,000m Hospital & Facilities 13,000m² Student Accommodation 1,500m² Hostels / Group Homes / Boarding Houses 3,500m² Faculty of Nursing 2,000m² Retail 1,000m² Commercial
Precinct D: Fox Valley	15,000m²	15,000m² Commercial
Precinct E: Residential East	N/A	

** Note the maximum 500 dwellings permitted in Condition A4 of this approval are not included in this table.*

A4 Dwellings

(1) The maximum dwellings / other accommodation types for each precinct is detailed in the following table:

Precinct	Maximum Dwellings
Precinct A: Mount Pleasant	16 Dwelling Houses 38 Townhouses 27 Residential Flat Building Dwellings
Precinct B: Central Church	9 Dwelling Houses 200 Residential Flat Building Dwellings
Precinct C: Central Hospital	3 Dwelling Houses 105 Residential Flat Building Dwellings
Precinct D: Fox Valley Road East	8 Dwelling Houses 88 Residential Flat Building Dwellings
Precinct E: Residential East	6 Dwelling Houses

A5 Approval authority

(1) In the event that Council is the consent authority for any future applications on the site, any reports specified in the Statement of Commitments to be submitted to the Director-General for approval, shall be submitted to the relevant Council for approval.

A6 Approvals by the Director-General

(1) If any of the terms of the approval specify that an agreement is to be made between the proponent and a government agency or council, all parties to the agreement are to act reasonably. If no agreement is reached within 3 months of the commencement of negotiations, the issue can be referred to the Director-General for a decision. Full details of the discussions and the dispute are to be provided in order for the Director-General to make a decision.

A7 Lapsing of Approval

(1) Approval of the Concept Plan shall lapse 5 years after the determination date in Schedule 1 Part A, unless an application is submitted to carry out a development for which concept approval has been given.

PART B – FURTHER ASSESSMENT REQUIREMENTS

B1 Urban design

(1) Future development applications are to be generally consistent with the following elements which are indicative in the approved Concept Plan:
   (a) Building footprints
   (b) Asset Protection Zone widths
   (c) Internal road location
   (d) Detention basin location

(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.

(3) Development sited at the intersection of The Commenara Parkway and Fox Valley Road in the Central Hospital Precinct is to provide activation at ground level to both street frontages.

(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.

B2 Proposed hospital facilities

(1) Any future application for the hospital is to address the following:
   (a) Layout of hospital buildings and associated facilities
   (b) Design of buildings and relationship with surrounding development
   (c) Traffic management measures (including facilities such as stopping bays, bus facilities, car parking and vehicular access arrangements).

B3 Proposed school facilities

(1) Any future application for the proposed school, is to address the following:
   (a) Layout of school buildings and associated facilities including the proposed oval
   (b) Design of buildings and relationship with surrounding development
   (c) Traffic management measures (including facilities such as stopping bays, bus facilities, drop off and pick up areas, car parking and vehicular access arrangements).

(2) The location of the proposed school oval must avoid direct and indirect impacts on critically / endangered ecological communities.

B4 Biodiversity

(1) A Biodiversity Management Plan is to be prepared by the Proponent prior to any further application and approved by DEWHA. 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.

(2) The design and location of buildings, driveways and access for new development in the Mount Pleasant and Residential East precincts should avoid direct and indirect impacts on Sydney Turpentine Ironbark Forest and maximise retention of the ecological community.

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.

(2) Uses constituting 'Special Fire Protection Purposes' as defined in *Planning for Bushfire Protection 2006* 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*.

B6 Road design and construction

(1) The final internal road network design should avoid critically / endangered ecological communities, respect existing natural topography and minimise earthworks.

(2) Development applications for the internal road network in the Central Church Precinct must demonstrate that the proposal accommodates the requirements for the proposed school, including appropriate vehicular access arrangements, that school car parking facilities are provided at grade or below ground, that provision has been made for necessary bus facilities and the location of allocated on-street parking spaces for the car share scheme.

(3) The internal road network is to be designed and constructed in accordance with relevant Council Development Control Plans and to the satisfaction of the relevant roads authority.

(4) Road works are to be carried out in accordance with the construction standards prescribed in *Planning for Bushfire Protection 2006*.

B7 Agency road requirements

(1) A binding Deed of Agreement is to be entered into between the Proponent and the RTA to undertake the following works, as detailed in the Authority's submission on the Environmental Assessment dated 18 June 2009:

1. Reconstruction / upgrading of the existing traffic signals at the following locations:
   a) The Comenarra Parkway / Fox Valley Road
   b) Pacific Highway / Fox Valley Road
   c) The Comenarra Parkway / Kissing Point Road
2. Intersection improvements at the following locations:
   (a) Fox Valley Road with site accesses to the Precinct
3. Widening The Comenarra Parkway to provide two traffic lanes in each direction between Fox Valley Road and Browns Road.
4. Widening Fox Valley Road between The Comenarra Parkway and the northern boundary of the site to accommodate two travel lanes in each direction. In addition, two southbound travel lanes must be provided along Fox Valley Road from the Pacific Highway to the site.

The Agreement is to outline the extent of work including lane configuration, timing of work and costs, and is to be signed and executed prior to the release of the first Construction Certificate for the site.

(2) The Proponent is to install full time No Right Turn signage at the intersection of Mount Pleasant Avenue and Pennant Hills Road prior to the release of the first Construction Certificate for the Mount Pleasant Precinct. A Traffic Management Plan (TMP) detailing the no right turn restrictions must be submitted to the RTA and Council's Local Traffic Committee for approval, prior to installation of the signage.

(3) Road works impacting Council's local road network are to be undertaken to the satisfaction of the relevant Council.

B8 Transport

(1) A Work Place Travel Plan and Transport Access Guide are to be submitted for approval with development applications proposing employment generating activities (eg. for commercial development in the Central Hospital and Fox Valley Road East Precincts, the proposed school, Faculty of Nursing and hospital activities)

(2) All signposting and other bus infrastructure improvement works required for the proposed development are to be funded by the Proponent.

(3) A Bicycle and Pedestrian Linkages Plan for the site is to be submitted for approval with the first project or development application in the Central Hospital or Central Church precincts. The plan is to include details in relation to:
   (a) Internal linkages within the site;
   (b) Linkages between the Mount Pleasant precinct and other areas within the site;
   (c) Linkages to existing formal Council networks for pedestrians and cyclists.

B9 Car parking

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

(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.

B10 Aboriginal heritage

(1) The consent authority is to consider during assessment of future project or development applications any measures that should be put in place for development in the Coups Creek corridor should Aboriginal sites be uncovered during construction activities.

B11 Stormwater management

(1) A Stormwater Management Plan is to be submitted for approval with all project and development applications for building works as relevant, and is to demonstrate that water sensitive urban design measures have been integrated into the development.

(2) The consent authority is to consider Ku-ring-gai Council's *DCP 47 – Water Management* and *Hornsby Councils Sustainable Water DCP* during the assessment of development applications.

B12 Geotechnical issues

(1) The consent authority is to be satisfied that future project or development applications incorporate high quality engineering design and that appropriate construction techniques are employed for development in the north-eastern portion of the site on land with gradients in excess of 10 degrees.

(2) The consent authority is to be satisfied that future project or development applications demonstrate that filled areas (especially along the northern edges of the car parks associated with the hospital) have been reviewed for stability.

B13 Contamination

(1) A Phase 2 Detailed Site Contamination Assessment in accordance with *State Environmental Planning Policy No 55 – Remediation of Land* and associated guidelines is to be submitted for approval with the first project or development application for development in or adjacent to potentially affected areas identified in the Phase 1 Contamination Assessment.

(2) Contaminated spoil should be treated and disposed of using best practice techniques.

(3) Uncontaminated fill is to be reused rather than land filled.

B14 Construction management and staging

(1) A Construction Management Plan addressing impacts on traffic, local amenity, noise, vibration, sediment and erosion control is to be submitted for approval with all project and development applications.

(2) A Staging Plan including details of proposed bulk earth works is to be submitted for approval with the first project or development application for building works in each precinct.