

## JOINT REGIONAL PLANNING PANEL (Sydney West Region)

<b>JRPP No</b>	<b>2013SYW023</b>
<b>DA Number</b>	<b>0453/12</b>
<b>Local Government Area</b>	<b>Ku-ring-gai Council</b>
<b>Proposed Development</b>	<b>Sydney Adventist Hospital - Construct 2 residential buildings (4 and 6 storeys) for student accommodation containing 126 studios, construct 2 residential buildings (4 and 6 storeys) for key worker accommodation containing 35 x 1 bedroom and 25 x 2 bedroom units (60 units), basement carparking, landscaping and stormwater works and subdivision - DA0453/12 lodged pursuant to the Minister of Planning Major Project Approval No.07_0166 MOD 4, Concept Plan for Wahroonga Estate (Precinct C: Central Hospital)</b>
<b>Street Address</b>	<b>185 Fox Valley Road, WAHROONGA</b>
<b>Applicant</b>	<b>Seventh-Day Adventist Church (Spd) Limited</b>
<b>Owner</b>	<b>Australasian Conference Association Limited</b>
<b>Number of Submissions</b>	<b>Twenty eight for original plans; two for amended plans</b>
<b>Recommendation</b>	<b>Refusal</b>
<b>Report by</b>	<b>Joshua Daniel, Executive Assessment Officer</b>

## EXECUTIVE SUMMARY

<b>Primary Property</b>	185 Fox Valley Road, WAHROONGA NSW 2076
<b>Lot &amp; DP</b>	Part Lot 621 DP 1128314
<b>Additional Property(/ies)</b>	N/A
<b>Lot(s) &amp; DP (s)</b>	No related land
<b>Proposal</b>	Sydney Adventist Hospital - Construct 2 residential buildings (4 and 6 storeys) for student accommodation containing 126 studios, construct 2 residential buildings (4 and 6 storeys) for key worker accommodation containing 35 x 1 bedroom and 25 x 2 bedroom units (60 units), basement carparking, landscaping and stormwater works and subdivision - DA0453/12 lodged pursuant to the Minister of Planning Major Project Approval No.07_0166 MOD 4, Concept Plan for Wahroonga Estate (Precinct C: Central Hospital)
<b>Development application no.</b>	DA0453/12
<b>Ward</b>	COMENARRA
<b>Applicant</b>	Seventh-Day Adventist Church (Spd) Limited
<b>Owner</b>	Australasian Conference Association Limited
<b>Date lodged</b>	6/11/2012
<b>Issues</b>	Insufficient information, setbacks, landscaping, bicycle and car parking provision
<b>Submissions</b>	Yes – 28 for original plans; 2 for amended plans
<b>Land &amp; Environment Court Recommendation</b>	N/A
<b>Assessment Officer</b>	Refusal Joshua Daniel

### LEGISLATIVE REQUIREMENTS:

<b>Zoning</b>	SP1 – Special Activities
<b>Permissible under</b>	SEPP (Major Development) 2005
<b>Relevant legislation</b>	Wahroonga Estate Concept Plan – Major Project No. 07_0166 SREP (Sydney Harbour Catchment) 2005 SEPP (BASIX) 2004 SEPP (Infrastructure) 2007 SEPP 55 SEPP 65 – Design Quality of Residential Flat Buildings
<b>Integrated development</b>	Yes (Rural Fires Act 1997)

## **PURPOSE FOR REPORT**

To determine Development Application No. 0453/12, which seeks consent to construct 2 residential buildings (4 and 6 storeys) for student accommodation containing 126 studios, construct 2 residential buildings (4 and 6 storeys) for key worker accommodation containing 35 x 1 bedroom and 25 x 2 bedroom units (60 units), basement carparking, landscaping and stormwater works and subdivision - pursuant to the Minister of Planning Major Project Approval No.07\_0166 MOD 4, Concept Plan for Wahroonga Estate (Precinct C: Central Hospital).

The application is required to be reported to the Joint Regional Planning Panel as the stated Capital Investment Value (CIV) of the works of \$34 million exceeds \$5 million and the proposal is for private infrastructure.

## **HISTORY**

### **Site history:**

The site has historically been used for the purposes of the Wahroonga Adventist School, which forms part of the wider 'Wahroonga Estate' site, incorporating the Sydney Adventist Hospital.

### **Background:**

The site is the subject of Project Approval No. 07\_0166, Concept Plan for Wahroonga Estate. The Concept Approval was granted by the Minister for Planning under Part 3A of the Act on 31 March 2010 for the layout of land uses, maximum number of dwellings, gross floor area and building height controls, conceptual road design and traffic management works, landscaping and public domain treatments.

The development approved under the Concept Plan involved the following main elements:

- upgrade and expansion of the existing hospital to create a total floor area of 94,000m<sup>2</sup>;
- 500 new low, medium and high density private residential dwellings;
- 538 other accommodation types including seniors living and student accommodation;
- educational facilities including a school and faculty of nursing;
- commercial/retail floor space; and
- 31.4 hectares of environmental conservation lands.

The Concept Plan is arranged into five precincts (Precinct A, B, C, D & E) with details of existing and proposed development permitted in each precinct as specified by gross floor area and maximum number of dwellings for a range of land uses.

The subject site is located within 'Precinct C: Central Hospital' of which Conditions A3 and A4 the Concept Approval specify the following parameters:

Precinct	Maximum Gross Floor Area (excluding dwellings)	Maximum Gross Floor Area by land uses	Maximum Dwellings
Precinct C: Central Hospital	115,000m <sup>2</sup>	<ul style="list-style-type: none"> <li>• 94,000m<sup>2</sup> Hospital &amp; Facilities</li> <li>• 13,000m<sup>2</sup> Student Accommodation</li> <li>• 1,500m<sup>2</sup> Hostels/Group Homes/Boarding Houses</li> <li>• 3,500m<sup>2</sup> Faculty of Nursing</li> <li>• 2,000m<sup>2</sup> Retail</li> <li>• 1,000m<sup>2</sup> Commercial</li> </ul>	<ul style="list-style-type: none"> <li>• 3 Dwelling Houses</li> <li>• 105 Residential Flat Building Dwellings</li> </ul>

As specified by Condition A2 of the Concept Approval, 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.

The Concept Approval has been subject to several previously approved Modification applications as summarised below:

Date of Approval	Application Ref.	Proposal
14/05/2010	MP07_0166 MOD 1	Deletion of Condition B4(1) and replacement with a new condition requiring a Biodiversity Management Plan
04/12/2012	MP07_0166 MOD 2	Deletion of Condition B7 and replacement with a new condition requiring a Deed of Agreement with the RMS for road upgrade works to be undertaken by the Proponent
18/06/2013	MP07_0166 MOD 3	Deletion of Conditions A1, A2 & A3 and replacement with new conditions involving: <ul style="list-style-type: none"> <li>• Confirmation that the maximum GFA of Precinct C: Central Hospital is 115,000m<sup>2</sup>; and</li> <li>• Modification to maximum GFA of the Hospital land use to 90,450m<sup>2</sup>; and</li> <li>• Modification to the maximum GFA of the Faculty of Nursing land use to 7,050m<sup>2</sup></li> </ul>
08/04/2014	MP07_0166 MOD 4	Deletion and replacement/modification of conditions involving: <ul style="list-style-type: none"> <li>• modifications to the layout of building footprints and maximum building height of the proposed residential and mixed use development in Precinct C: Central Hospital;</li> <li>• provision for direct service vehicle access to Precinct C: Central Hospital via The Comenarra Parkway;</li> <li>• modifications to the alignment of the internal hospital road in Precinct C: Central Hospital,</li> </ul>

		retaining the existing constructed alignment; <ul style="list-style-type: none"> <li>• modifications to the layout of building footprints and maximum building height of the proposed commercial development in Precinct D: Fox Valley Road East; and</li> <li>• modifications to the car-parking provisions and access arrangements of the proposed commercial development in Precinct D: Fox Valley Road East</li> </ul>
28/07/2014	MP07_0166 MOD 5	Deletion and replacement of conditions involving modifications to the Precinct B: Central Church development.

The subject application seeks consent for works within 'Precinct C: Central Hospital' as modified by MP07\_0166 MOD 4 referenced above.

### **Pre-Development Application meetings:**

Two pre-DA meetings were held on 12 June 2012 and 31 July 2012 (Ref. PRE0024/12) in relation to the subject proposal. The compatibility of the proposal with the Concept Approval along with design issues were raised at the pre-DA meetings.

### **Development Application history:**

6 November 2012	The Development Application was lodged.
23 November 2012	<p>A letter to applicant was sent requesting additional plans and information to enable assessment, including validated BASIX Certificates.</p> <p>The application was notified/advertised for 30 days.</p>
4 December 2012	Additional plans and information were provided in response to Council's request.
14 December 2012	The application was re-notified/advertised for 30 days to include location plan.
17 December 2012	A request was sent to the applicant to provide a BCA report.
15 January 2013	A BCA report was submitted.
26 February 2013	A preliminary assessment letter was sent to the applicant advising that the proposed scheme is incompatible with the Concept Approval in addition to issues relating to urban design, built form, road widening works, landscaping and tree impacts,

	engineering, water management, environmental health and neighbour objections.
18 March 2013	A letter sent to the JRPP and DP&I advising of Council's conclusion that the application represents a significant departure from the Concept as approved by the Minister for Planning.
17 April 2013	The applicant provided a response to Council's assessment letter.
9 May 2013	A JRPP briefing was held regarding application status.
13 May 2013	A letter was sent to the JRPP outlining multiple inconsistencies identified between the DA and the Concept Approval.
24 May 2013	A letter was received from DP&I regarding inconsistencies between the DA and the approved Concept Plan.
16 July 2013	A letter was received from the applicant advising of their intention to submit an application to modify the Concept Approval and requesting Council to put the DA on hold until a modification application is determined.
15 August 2013	A JRPP briefing meeting was held.
13 September 2013	Council advised the applicant to withdraw the DA and resolve matters relating to consistency with the Concept Approval prior to re-visiting the proposal.
19 September 2013	The applicant advised Council that a modification application has been submitted to the Department of Planning & Infrastructure.
20 September 2013	The JRPP was notified of the application's status.
8 April 2014	Modification Application (MP07_0166 MOD 4) was approved by the Minister for Planning to resolve inconsistencies between the DA and the Concept Approval.
21 May 2014	Council requests the applicant to provide a timeframe for lodgement of an amended proposal.

16 June 2014	The applicant lodged amended plans and documentation to update the DA pursuant to the approved modification application.
27 June 2014	The amended DA was notified/advertised for 30 days.
5 August 2014	Application status update comments were provided to the applicant.
14 August 2014	Further application status update comments were provided to the applicant.
5 September 2014	Council advises the applicant of issues that need to be addressed relating to road widening works, urban design, engineering, transport/traffic, and landscaping.
10 September 2014	Council proposed a meeting with the applicant to discuss outstanding issues.
21 October 2014	The applicant lodged a response to Council on comments/outstanding issues.
16 December 2014	Council comments were sent to the applicant further advising of issues to be addressed relating to road widening works, urban design, engineering, transport/traffic (including road widening works), and landscaping.
17 December 2014	A meeting was held with the applicant to discuss outstanding issues.
19 December 2014	Additional information was received from the applicant including design of road upgrades (no indication of RMS endorsement).
7 January 2015	Meeting notes regarding outstanding issues were provided to the applicant.
9 February 2015	Additional information was received from the applicant in response to the outstanding issues.
4 March 2015	Council held meeting with the RMS to discuss the status of the road widening issue.
10 March 2015	Council comments were sent to the applicant including specialist referral comments and summarising outstanding issues requiring

response, including road widening status, engineering, urban design and landscaping.

18 March 2015

The applicant provides a final response to the outstanding issues identified by Council.

## **THE SITE AND SURROUNDING AREA**

### **The site:**

Heritage Item:	No
Heritage conservation area:	No
In the vicinity of a heritage item:	No
Bush fire prone land:	Yes
Endangered species:	No
Urban bushland:	No
Contaminated land:	No

The site is located at 185 Fox Valley Road, Wahroonga and comprises part of the site known as 'Wahroonga Estate', which Wahroonga Estate incorporates the Sydney Adventist Hospital and has an overall area of 62.4ha.

The site subject to the development (Precinct C: Central Hospital) has an approximate area of 5246m<sup>2</sup> and comprises Part Lot 621 in DP 1128314. The site has frontage to The Comenarra Parkway. The proposal involves subdivision of the site from the broader Wahroonga Estate site and various iterations of plans have indicated proposed boundary alignments that are inconsistent, however the site is irregular, square-like shape, with a curved northern boundary in response to the alignment of the private road. The site has a gradual southerly fall to the street.

The site has historically been used for the purposes of the Wahroonga Adventist School, and is presently largely vacant. Numerous substantial trees exist adjacent to the site's southern (The Comenarra Parkway frontage), western and northern boundaries.

### **Surrounding development:**

The site is bounded by The Comenarra Parkway to the immediate south, and a private road servicing the hospital to the north. The site is some 80 metres from the intersection of The Comenarra Parkway and Fox Valley Road.

Development associated with Wahroonga Estate exists in the immediate vicinity including the Sydney Adventist Hospital to the north, the Education Centre to the west, and former school buildings to the east (subject to future mixed use development as per the Concept Approval).



The area surrounding the Wahroonga Estate site is generally characterised by low density residential development, including properties on the opposite side of The Comenarra Parkway.

## **THE PROPOSAL (AS AMENDED)**

The subject works are pursuant to Project Approval No. 07\_0166 MOD 4, Concept Plan for Wahroonga Estate within Precinct D: Fox Valley Road East.

The amended proposal is for the construction of four (4) new residential buildings on the site as follows:

- 2 buildings (4 and 6 storeys) for student accommodation containing 126 studios
- 2 residential buildings (4 and 6 storeys) for key worker accommodation containing 35 x 1 bedroom and 25 x 2 bedroom units (60 units)
- associated works include basement carparking, landscaping and stormwater works

The proposed 2 x 4 storey buildings front The Comenarra Parkway and the proposed 2 x 6 storey buildings are to the rear (north).

Additional details of the proposed works include:

- the two key worker accommodation buildings will contain a mixture of one and two bedroom dwellings for hospital staff and associated basement parking
- the two student accommodation buildings will provide ancillary housing (126 studio dwellings) for students of the education centre and associated basement parking
- removal of existing trees within the proposed building footprints
- demolition of existing structures on the site
- subdivision of the residential lot from Lot 621 in DP 1128314

The accommodation will be managed and operated by the SAN Hospital as part of the overall Wahroonga Estate development.

## **COMMUNITY CONSULTATION**

### **Notification of original proposal - 23 November 2012**

Owners of surrounding properties were given notice of the application. In response, submissions from the following were received:

1. *Ian Macdonald, 45 The Broadway, Wahroonga*
2. *RB Skeoch, 124 Fox Valley Road, Wahroonga*
3. *Robert and Sophia Lawrie (Address not provided)*
4. *Megan Baker and Mark Digby (Address not provided)*
5. *Lyn Chesterton (Address not provided)*
6. *The Howell Family, 10 Lisa Close, Wahroonga*
7. *Graham Phipps, 65 Browns Road, Wahroonga*
8. *Mark and Darlene Harvey, 69 Browns Road, Wahroonga*
9. *Ian and Margaret Cheyne, 196 The Comenarra Parkway, Wahroonga*
10. *Raman Viswa Nath, raman.v.nath@gmail.com (Address not provided)*
11. *Stuart & Simone Quirk, 208 The Comenarra Parkway, Wahroonga*
12. *Paul Rogers (Address not provided)*
13. *Mr and Mrs Soros, 194 The Comenarra Parkway, Wahroonga*
14. *Ian and Vicki Hanson, 80 Browns Road, Wahroonga*
15. *Alex Stitt, 82 Browns Road, Wahroonga*
16. *Richard & Carol Stoneham, 97 Browns Road, Wahroonga*
17. *Jan & Peter Barber (Address not provided)*
18. *Matthew & Sally Wilson, 3 Yanilla Avenue, Wahroonga*
19. *Nicola Smith and Lindsay Kirschberg, 92 Browns Road, Wahroonga*
20. *J Gardiner-Ward (Address not provided)*
21. *Kelly & Mark Rowling (Address not provided)*
22. *Diane Kerby (Address not provided)*
23. *Steve Turnbull, 180 The Comenarra Parkway, Wahroonga*
24. *Chris & Sandra Allen, 63 The Comenarra Parkway, Thornleigh*
25. *Michelle Leishman, 114 Browns Road, Wahroonga*
26. *John Burke, 116 Browns Road, Wahroonga*
27. *Stephen Procter, 3 Lisa Valley Close, Wahroonga*
28. *Bettina Skinner (Address not provided)*

The submissions raised the following issues:

### ***Traffic, access and parking***

The proposal as amended has been assessed by Council's Development Engineer and Strategic Transport Engineer having regard to issues of traffic, access and parking. In response, concerns have been raised regarding uncertainty of the extent of future RMS roadworks required at the site frontage and nearby intersection of The Comenarra Parkway and Fox Valley Road. These roadworks are expected to cater for the additional traffic flows in the area and improve safety for vehicles and pedestrians, however final plans have not been endorsed by the RMS. Concerns are also raised regarding bicycle and pedestrian movements on site and excessive car parking provision.

### ***Development increased from 2-3 storeys to 4-6 storeys, not part of the original concept master plan***

The proposed development as amended satisfies the building height provisions of the Concept Approval as modified.

### ***Overdevelopment of the site***

The proposed development as amended satisfies the gross floor area provisions of the Concept Approval as modified and, as such, generally conforms with the scale of development envisaged for the site. Notwithstanding, the proposed development is not supported for reasons including uncertainties regarding the front boundary alignment and prevailing front setback, as well as insufficient eastern side setbacks and associated built form and landscaping amenity impacts.

### ***Excessive height, out-of-character with surrounding development***

The proposed development as amended satisfies building height provisions and is consistent with the character of development envisaged by the Concept Approval as modified. Notwithstanding, the proposed development is not supported for reasons including uncertainties regarding the front boundary alignment and prevailing front setback, as well as insufficient eastern side setbacks and associated built form and landscaping amenity impacts.

### ***Loss of privacy***

The proposed development is not likely to create any significant loss of privacy to neighbouring properties having regard to outcomes envisaged by the Concept Approval as modified.

### ***Overshadowing***

The proposed development has a north-south orientation and is not likely to create any significant overshadowing impacts to neighbouring properties having regard to outcomes envisaged by the Concept Approval as modified.

### ***Streetscape impacts***

The proposed development is not supported for reasons including uncertainties regarding the front boundary alignment and prevailing front setback, as well as insufficient eastern side setbacks and associated built form and landscaping amenity impacts. Accordingly, insufficient information has been provided to assess streetscape impacts.

### ***Excessive night time light emission***

Light emission levels attributable to the proposed development would be consistent with those envisaged by the Concept Approval as modified and are acceptable.

### ***Setback considerations – footpaths, streetscape trees, future road***

### ***widening***

The proposed development is not supported for reasons including uncertainties regarding the front boundary alignment and prevailing front setback, as well as insufficient eastern side setbacks and associated built form and landscaping amenity impacts. Insufficient information has been provided to assess streetscape impacts.

### ***Environment (noise and air quality)***

Noise and air quality impacts of the proposed development would be consistent with those envisaged by the Concept Approval as modified and are acceptable.

### ***Building setbacks and road widening***

Concerns have been raised regarding uncertainty of the extent of future roadworks required at the site frontage and nearby intersection of The Comenarra Parkway and Fox Valley Road given the submitted roadworks plans have not been endorsed by the RMS. Accordingly, the extent of the required road widening and resultant front building setbacks are not established.

### ***Tree removal and footpaths along The Comenarra Parkway***

The proposed development is not supported for reasons including uncertainties regarding the front boundary alignment and landscaping impacts, including proposed tree removal adjacent to the site frontage.

### ***Density out of character with surrounding environment***

The proposed development as amended satisfies applicable gross floor area provisions and is generally consistent with the density and character of development envisaged by the Concept Approval as modified. Notwithstanding, the proposed development is not supported for reasons including uncertainties regarding the front boundary alignment and prevailing front setback, as well as insufficient eastern side setbacks and associated built form and landscaping amenity impacts.

### ***Loss of school playground space***

The Concept Approval permits residential development in the location of the site previously used by the Wahroonga Adventist School and its playground space.

### ***Bushfire risk***

A bush fire safety authority has been issued by the Commissioner of the NSW Rural Fire Service as required under the provisions of s.100B of the *Rural Fires Act 1997* without any specific conditions. Accordingly, the development is not likely to result in any significant bushfire risk.

### ***Impacts from driveway entry/exit to The Comenarra Parkway***

The proposal as amended has been assessed by Council's Development Engineer and Strategic Transport Engineer having regard to issues of traffic, access and parking. In response, concerns have been raised regarding uncertainty of the extent of future RMS roadworks required at the site frontage and nearby intersection of The Comenarra Parkway and Fox Valley Road. These roadworks are expected to cater for the additional traffic flows in the area and improve safety for vehicles and pedestrians, however final plans have not been endorsed by the RMS. Concerns are also raised regarding bicycle and pedestrian movements on site and excessive car parking provision.

### ***Buffer zone not provided to The Comenarra Parkway***

Concerns have been raised regarding uncertainty of the extent of future roadworks required at the site frontage and nearby intersection of The Comenarra Parkway and Fox Valley Road given the submitted roadworks plans have not been endorsed by the RMS. Accordingly, the extent of the required road widening and resultant front building setbacks/buffer zone to the proposed buildings are not established.

### ***Construction period traffic/disruption***

Construction traffic impacts of the proposed development would be consistent with those envisaged by the Concept Approval as modified.

### **Notification of amended proposal - 27 June 2014**

Owners of surrounding properties were given notice of the amended plans. In response, submissions from the following were received:

1. Mr Soros, 194 The Comenarra Parkway, Wahroonga
2. Mr J Derrett, 4 Warwick Place, Wahroonga

The submissions raised the following issues:

### ***Inadequate pedestrian access/footpath provision along The Comenarra Parkway***

Concerns have been raised regarding uncertainty of the extent of future roadworks required at the site frontage and nearby intersection of The Comenarra Parkway and Fox Valley Road given the submitted roadworks plans have not been endorsed by the RMS. Accordingly, the extent of the

required road widening and resultant pedestrian access/footpath provision and front building setbacks to the proposed buildings are not established.

### ***Building setback to The Comenarra Parkway and road widening conflict***

Concerns have been raised regarding uncertainty of the extent of future roadworks required at the site frontage and nearby intersection of The Comenarra Parkway and Fox Valley Road given the submitted roadworks plans have not been endorsed by the RMS. Accordingly, the extent of the required road widening and resultant front setbacks from The Comenarra Parkway to the proposed buildings are not established.

### ***Waste of Council resources by notifying amended Development Application and insufficient information provided in notice***

Council has a statutory obligation to notify affected stakeholders of proposed changes to development applications during the assessment process. The letter notifying of the amendments states that the information mailed to residents may not provide sufficient detail, and that all the full-scale plans and documents can be viewed at Council offices during business hours.

## **INTERNAL REFERRALS**

### **Engineering**

Council's Development Engineer commented on the proposal as follows:

#### ***Insufficient information to enable assessment – road widening plans***

*“The scale of the concept plan for the whole site, approved under MP07\_0166, required works to the surrounding road network, concept plans for which were approved subject to community consultation by the Ku-ring-gai Traffic Committee at its meeting of 20 October 2011.*

*There were two stages to the approved works, the interim and ultimate designs. The ultimate design approved by the Ku-ring-gai Traffic Committee was shown on Northrop drawing KC-04 Revision 1 and required the boundary to be relocated along The Comenarra Parkway frontage of the development site. No dimension was given on the drawing but the resumption scaled off the drawing at about 3 metres.*

*DA0453/12 was lodged on 6 November 2012.*

*The designs included in Appendix D of the accompanying traffic engineer's report were for boundary changes at the traffic signals but did not extend back along The Comenarra Parkway as far as the subject site frontage.*

*The report stated “Subsequent assessment as part of the detail road design process has identified that a significantly better upgrade could be achieved at the intersection of The Comenarra parkway and Fox Valley Road with the introduction of left turn slip lanes” and stated that the modified proposal had been referred to RMS for approval.*

*Mod 02 to the Concept Approval was approved on 4 December 2012 and required the Proponent to enter into a Deed of Agreement with RMS in relation to the reconstruction of the intersection of The Comenarra Parkway and Fox Valley Road, including upgrading of the existing traffic signals (Condition B7(1)(i) as well as other improvements to the road network.*

*No documentation has been submitted to date to confirm that any proposal had been endorsed by the RMS in relation to the improvements to the road network including the reconstruction of the subject intersection. Accordingly, there is uncertainty regarding the location of the final alignment of the boundary.*

*The proponent advised Council by email on 17 March 2015 that plans for the improvements at the intersection and extending back along the site frontage were sent to RMS on 16 March 2015.*

*Until such time as RMS gives formal approval to the plans, the future boundary alignment of the site along The Comenarra Parkway is unknown and the setback and location of the proposed buildings cannot be confirmed”.*

#### Planning comment

The issue regarding uncertainty of the road widening plans/boundary of the site along The Comenarra Parkway is discussed below in relation to the assessment against the Concept Approval.

#### **Landscaping**

Council's Landscape and Tree Assessment Officer commented on the proposal as follows:

##### ***“Tree impacts***

*An arborist report prepared by Tree IQ dated 26/05/14 has been submitted with the application. Tree numbers refer to this report. The arborist report does not refer to the proposed amended plans.*

##### ***Removal of significant trees***

*Four mature trees of moderate significance located along the internal access driveway (Trees 20-23) are proposed to be removed for the development. The trees are located within the building footprints approved under the Concept Approval. There is no landscape objection to their removal.*

##### ***Trees to be retained***

*Trees F59 and F60 are both identified as mature Syncarpia glomulifera (Turpentine) located along the eastern boundary of the site. The trees are between 7 and 7.5m from the building. Tree 60 is approximately 6m from the basement of Building B. The construction will result in a minor encroachment within the tree protection zone and is considered acceptable.*

*Tree F61 is a mature Lophostemon confertus (Brushbox) located along the eastern boundary of the site. The tree is 6 metres from Building B and*

4.5m from the basement. The tree will also be 4m from the retaining wall to the pedestrian link. The proposed paving to the nurse's education building is laid above existing ground levels. All fill material to be in accordance with arborist recommendations. The construction will result in a major encroachment within the tree protection zone, however this species can tolerate higher levels of disturbance and is therefore considered acceptable.

Trees F62 to F63 are both identified as mature *Eucalyptus microcorys* (Tallowood) located on the eastern boundary of the site. The trees are 6.5m from basement of Building A. Further encroachments of a balcony and retaining wall will increase the impact. The proposed paving to the nurses education building is laid above existing ground levels. All fill material to be in accordance with arborist recommendations. The construction will result in a minor encroachment within the tree protection zone and is considered acceptable.

F65 is a mature *Eucalyptus microcorys* (Tallowood) located on the eastern boundary of the site. The tree is 5.5 metres from the basement of Building A. The tree will also be 6m from the pedestrian ramp. The proposed paving to the nurse's education building is laid above existing ground levels. All fill material to be in accordance with arborist recommendations. The basement excavation will result in a major encroachment when associated with impacts from the adjoining site. The arborist considers that the health and species of tree and the interval between construction encroachment will mean that the tree will remain viable. The proposed impacts are therefore considered acceptable.

Pruning recommendations are included in the arborist report for Trees F59 to 65 (Section 3.10). The most significant pruning for building clearance is to Tree F63, a *Eucalyptus microcorys* (Tallowood). The proposed pruning is considered acceptable, subject to condition.

**Street trees along The Comenarra Parkway (p63, Figure 50, Section 8.8, WER/SA Concept Plan dated January 2010)**

The concept plan proposes 'existing trees retained along The Comenarra Parkway' emphasising that 'the retention of existing mature trees together with additional street tree planting will create attractive shaded streets on all sides' (p63, Section 8.8 WER/SA Concept Plan, dated January 2010).

**Assessment:**

- a) Trees 1 to 7/ An existing row of mature *Syncarpia glomulifera* (Turpentine) are located along the southern boundary along The Comenarra Parkway. The group also includes Tree 1A/ *Angophora costata* (Sydney Red Gum). The trees are visually prominent and are in good condition.
- b) The proposed removal of the trees as part of the road widening (2.2.6. Arboricultural Impact Assessment, Tree IQ, 20/10/14) is inconsistent with the recent road design plans provided to Council from RMS (The Comenarra Parkway and Fox Valley Road Intersection Siteworks Plan Sheet 1, Dwg C502 Revision 11, dated 20/06/13, Taylor Thomson Whitting).



- c) *The ecologist report states that the trees are to be retained as part of the proposal however the a further letter includes a 7-part test for the removal of these trees as 'future road widening works in the future have the potential to impact these trees' (Sydney Adventist Hospital Ancillary Building Area 7-part test, Cumberland Ecology, 17/10/14). This is inconsistent with the recent road widening plans referred to in item b).*
- d) *The architectural plans indicate the removal of the existing Turpentine located along The Comenarra Parkway frontage. This is inconsistent with the recent road widening plans referred to in item b).*
- e) *The RMS has not provided to Council an endorsement of the plan referred to in item b). If there is to be a resumption of land for the extended left-turn lane as indicated in earlier 'ultimate' Northrop plans and as assumed by the design and environmental consultants, the building setback as proposed will be reduced to approximately 3m width. The reduced frontage to the development will provide insufficient deep soil for the proposed canopy tree planting to The Comenarra Parkway. The proposed encroachments by Building B and D into the building setback will result in a further reduction to The Comenarra Parkway front setback. This outcome is inconsistent with the concept approval and is not supported on landscape grounds.*

### **Landscape design**

#### **Central Pedestrian Avenue (p63, Figure 50, Section 8.8, WER/SA Concept Plan, dated January 2010)**

*The landscape design within the campus area is to provide 'high levels of pedestrian accessibility' while 'avenue tree plantings and larger areas of open lawn are to provide a strong green structure' within the existing environmental context of the site. ((p57) Section 8.7, WER/SA Concept Plan dated January 2010).*

#### **Assessment:**

- *The proposal integrates the residential precinct with the entry plaza of the adjacent training facility and the future neighbourhood centre, by way of the central pedestrian spine.*
- *The proposed planter along the southern side of the east-west pedestrian link optimises planter bed widths for canopy tree planting.*
- *To create avenue planting, the proposed planting of Magnolia 'Exmouth' should be planted in association with a canopy forming deciduous tree. This could be conditioned.*

#### **Courtyards to provide residential amenity (p63, Figure 50, WER/SA Concept Plan, dated January 2010)**

*'The building envelopes have been carefully separated and articulated to reduce the visual bulk of the building and allow the creation of interest ' in the form of residential courtyards (p93, Section 9.3, WER/SA Concept Plan dated January 2010). The landscape design of the central courtyards should provide a hierarchy of spaces that integrate both deep soil and podium planting, as well as provide for both public and private*

*amenity. Casual surveillance and clear view lines are to be provided from developments to the communal open space areas.*

*Assessment:*

- *There are two courtyards located between the buildings on the north south axis. The courtyards include entrance to the buildings as well as an accessible area of lawn and seating for passive recreation amenity. The courtyards all receive an adequate level of casual surveillance.*

***Avenue tree planting between residential precinct and commercial precinct Basement Parking (Figure 50, WER/SA Concept Plan, dated January 2010)***

*Sufficient deep soil is to be provided within the side setback between the residential and commercial precinct to ensure effective tree planting. Ground floor private terraces should not prevent the objectives for building setbacks being satisfied.*

*Assessment:*

- *The subdivision boundary provides nil setback to proposed Building C unit courtyards. The proposed nil setback to Building C fails to provide sufficient planting bed width for the viable establishment of effective tree planting between the residential precinct and the commercial precinct to the east and is not supported. If this development is to be subdivided from the adjoining commercial precinct, to ensure certainty of long term establishment and amenity of plantings associated with the residential precinct, the tree planting requirements should be included as part of the subject subdivision lot.*

***Basement Parking (Figure 79, WER/SA Concept Plan, dated January 2010)***

*The approved basement design includes two basements and a linking driveway to enable 'significant deep soil planting opportunities' along the central pedestrian spine for avenue tree planting (Figure 79, WER/SA Concept Plan, dated January 2010).*

*Assessment:*

- *Avenue tree planting has been achieved by the use of a 1500mm depth planter located along the southern side of the pedestrian link. The depth of soil provided is in accordance with RFDC guidelines for on-slab planting of large trees.*

***Pedestrian access (Figure 80, WER/SA Concept Plan dated January 2010)***

*The concept plan proposes improved local amenity through 'improved access to waterways and open space'. The proposal should 'allow community interaction in a number of spaces' (p93, Section 9.3, WER/SA Concept Plan, dated January 2010).*

*A strong network of paths and cycleways with an emphasis on pedestrian movement are to link key focal spaces relating to the hospital church and residential communities (p57, Section 8.7, WER/SA Concept Plan, dated January 2010). The landscape works along the western setback to the*

*buildings should be integrated with the proposed landscape design for the training facility. A Bicycle and Pedestrian Linkages plan for the site is to be submitted for approval with the first project in the Central Hospital or Central Church precincts.*

*Assessment:*

- An Estate Access (DWG DA-29) plan has been submitted with the application indicating pedestrian pathways. The path connections through the developments to The Comenarra Parkway are incomplete. Pedestrian access to The Comenarra Parkway is to be conditioned (p78, Figure 80, Section 8.9, WER/SA Concept Plan, dated January 2010).*
- The proposed landscape design provides a legible hierarchy of pedestrian paths through the subject site. Secondary paths lead from the main axial paths to the residential building entries.*

***Deep soil zones for significant plantings between buildings (Section 9.3, WER/SA Concept Plan, dated January 2010)***

*The provision of areas to retain the existing landscape characteristic in the form of significant plantings in deep soil zones also provide an effective visual separation between buildings as well as framing and softening the scale of the building'. (p93, Section 9.3, WER/SA Concept Plan, dated January 2010). Deep soil zones are defined as 'areas of natural ground with relatively natural soil profiles' (Part 2, Residential Flat Design Code). 'Between the buildings rain gardens and deep soil zones further assist in improving the landscape amenity' (Section 9.3, WER/SA Concept Plan, dated January 2010).*

*Assessment:*

- The Urban Design Statement refers to 'deep root planting' where it is actually 'on-slab planters'. By definition, deep soil areas are natural ground with relatively natural soil profiles, unencumbered by structures such as basements.*
- The proposal retains an area of deep soil within the western and southern setback and the turf area between Buildings B and D. To ensure their viable establishment, the proposed canopy trees should be planted more than 3 metres from proposed buildings. This can be conditioned.*

***Cut and fill (B1(2) Part B Concept Approval)***

*To preserve natural landscape, the proposed development should reflect the existing topography and excessive cut and fill should be avoided.*

*Assessment:*

- The proposed buildings and their surroundings are set close to the natural ground levels.*

***Private open space (SEPP65)***

*The ground floor private courtyard to the living area must not be more than 900mm below existing ground level.*

*Assessment:*

- The private courtyard of Unit G03, Building C is 1.3m below existing ground level. The private courtyard for Unit G02, Building D, is 1.2m above natural ground level. There is no landscape objection to the height variations.

### **Communal open space (SEPP65)**

In addition to the design requirements of SEPP65 principles, the communal area should be both accessible and safe. The communal open space should be approximately 30% of the site area. At least 50% of the communal open space must receive direct sunlight for at least 3 hours between 9am and 3pm on 21<sup>st</sup> June.

#### **Assessment:**

- The site provides 45% of the site area as communal open space (DWG DA-34).
- A proportion of the communal open space area is taken up with a public walkway.
- Two areas of communal open space are located between the proposed buildings providing amenity to the two residential flat buildings.
- The lawn area within the southern courtyard is within an area of deep soil that is proposed to support significant plantings. This will enhance building separation and streetscape amenity.

### **Fences**

Private courtyard fencing is to be a maximum 1.8m in height, with solid and transparent components.

#### **Assessment:**

- The architectural sections indicate horizontal battens for ground floor courtyard fencing. This is considered acceptable on landscape grounds.

### **Stormwater plan**

No issue.

### **BASIX**

The Basix Certificate is consistent with the landscape plans.

### **Conclusion**

The proposal is not supported in its current form:

1. **Street trees along The Comenarra Parkway (p63, Figure 50, Section 8.8, WER/SA Concept Plan dated January 2010)**

The proposed removal of the existing mature locally occurring trees (Trees 1 to 7) located along The Comenarra Parkway frontage (2.2.6. Arboricultural Impact Assessment, Tree IQ, 20/10/14) is inconsistent with the recent road design plans provided to Council from RMS that indicate that a resumption of land is not required (The Comenarra Parkway and Fox Valley Road Intersection Siteworks Plan Sheet 1, Dwg C502

Revision 11, dated, 20/06/13, Taylor Thomson Whitting). The trees are visually and ecologically prominent and should be retained within the building setback in accordance with the Concept Approval.

The RMS has not provided to Council their endorsement of the plan referred to in item b). If there is to be a resumption of land for the extended left-turn lane as indicated in earlier 'ultimate' Northrop plans and as assumed by the design and environmental consultants, the building setback as proposed will be reduced to approximately 3m width. The reduced frontage to the development will provide insufficient deep soil for the proposed canopy tree planting to The Comenarra Parkway. The proposed encroachments by Building B and D into the building setback will result in a further reduction to The Comenarra Parkway front setback. This outcome is inconsistent with the Concept Approval.

**2. Avenue tree planting between residential precinct and commercial precinct Basement Parking (Figure 50, WER/SA Concept Plan, dated January 2010)**

The subdivision boundary provides nil setback to proposed Building C unit courtyards. The proposed nil setback to Building C fails to provide sufficient planting bed width for the viable establishment of effective tree planting between the residential precinct and the commercial precinct to the east.

**Insufficient information**

**1. Site plan**

The site plan should indicate the existing buildings on the site and adjoining land.

**2. Landscape Plan**

The landscape plans are considered unsatisfactory for the following reasons:

- The landscape plans are conceptual and provide insufficient detail to enable assessment of the proposed landscape works including location of all proposed planting in accordance with Council's DA Guide. The landscape plan is to indicate all site boundaries including the street boundary. Proposed drainage pits and tanks are to be shown.
- The street tree planting to Building A along the internal access road conflicts with the proposed basement (Section AA, Dwg DA16).
- Roads are to be shown in accordance with proposed civil works plans. They are currently inconsistent and indicate areas of planting that are not possible with the proposed civil works.
- Unit numbers to be shown.

- *The landscape plan should show retention of the existing Syncarpia glomulifera (Turpentine) along The Comenarra Parkway frontage. These trees should be shown retained in association with the existing stone retaining wall.*

### **3. Environmental Site Management Plan**

*To preserve health and condition of existing trees, proposed temporary access, stockpiles and areas for plant and material storage areas should be shown in accordance with Council's DA Guide".*

#### **Planning comment**

The abovementioned landscaping matters are fundamental aspects of the proposal that have not been resolved (refer to below Recommendation).

#### **Urban Design**

Council's Urban Design consultant commented on the proposal as follows:

*"Urban design issues that do not enable support for the development application are as follows:*

##### **1. Road widening**

*The road widening becomes an urban design issue if the RMS requires a different alignment than the alignment proposed in the current DA. The alignment needs to be signed off by the RMS so that the required setback along The Comenarra Parkway can be achieved.*

##### **2. Eastern boundary**

*It is noted that Figure 14 of MacroPlanDimasi's letter (excerpt DGEAR MP07\_0166 MOD4) indicates the location of the eastern boundary achieves the 6-metres deep soil landscape setback which forms the PAC's modified Concept Approval.*

*The most recent location of the eastern boundary (between the residential site and the future Mixed Use Centre) has moved to propose a zero-boundary setback along the eastern side of Building C and Building D. This cannot meet the DCP requirements for residential buildings to be in a landscape setting nor the Approved Concept Plan Campus Landscape Character, and appears to be inconsistent with the modified Concept Approval.*

*The residential development is to ensure all (deep soil) landscape setbacks are achieved within the subject development site boundaries of the subject development application. This applies to all development sites across the Wahroonga Estate.*

*It is not accepted that a satisfactory landscape outcome can be demonstrated where the landscape obligations of one site are transferred to another site. This results in landscape provision and maintenance obligations on one site being subject to a separate future development application.*

*Meeting the landscape obligations within the subject site will ensure SEPP 65 (RFDC) building separations can be achieved so that satisfactory visual, acoustic, and solar amenity can be retained in the future. All other RFB development within Ku-ring-gai is required to provide a 6 metres side setback that will support large trees between developments and thus achieve Ku-ring-gai's desired landscape character.*

#### **Cycle path**

*Allowance for the cycle path is to be indicated. It appears likely that this will not be a dedicated cycle path but rather a shared roadway given there appears to be inadequate space within the proposed road width to accommodate a dedicated path".*

#### **Planning comment**

The abovementioned urban design issues are fundamental aspects of the proposal that have not been resolved (refer to below Recommendation).

#### **Transport**

Council's Strategic Transport Engineer commented on the proposal as follows:

##### ***Proposed road upgrades – intersection Fox Valley Road and The Comenarra Parkway***

*The traffic assessment for the project acknowledges that, as part of the Concept Approval, there is a requirement to upgrade the intersection of Fox Valley Road and The Comenarra Parkway, and these upgrades are expected to cater for the additional traffic flows in the area and improve safety for vehicles and pedestrians. The timing of these works has been subject to an approved modification NSW Planning and Environment.*

##### ***Car parking and car share provision***

*The Transport Management and Accessibility Plan (TMAP) prepared for the Wahroonga Estate Concept Plan (Masson Wilson Twiney, 2009) proposed parking provision for residential dwellings within the site as follows:*

<b><i>Dwelling type</i></b>	<b><i>Car parking rate</i></b>
<i>Studio</i>	<i>1 space per 4 units</i>
<i>1 bedroom</i>	<i>1 space per 2 units</i>
<i>2 bedroom</i>	<i>1 space per unit</i>
<i>3 bedroom</i>	<i>1 space per unit</i>
<i>Houses/Townhouses</i>	<i>2 spaces per dwelling</i>

*These reduced rates (compared to the Ku-ring-gai DCP at the time) were complemented by access to the proposed car share scheme by residents.*

However, in the proposal for the SPD Residential, the rate used for the studio dwelling/student accommodation was 1 space per 2 units, which would result in an excessive number of parking spaces. This may have the effect of undermining the benefits that the car sharing scheme would provide in reducing traffic impacts and the need for car ownership. Based on 126 student accommodation (studio) units proposed, the number of residential spaces for this dwelling type should be reduced from 63 spaces under the proposal, to 32 spaces.

### **Shared pedestrian/bicycle path**

The Estate Access Diagram (Drawing No. DA-29) indicates a proposed shared pedestrian/bicycle path on the northern edge of the site/southern side of the internal road. This is consistent with the Sustainable Transport Initiative (GTA Consultants, 2010), which supported the concept plan. However, there are no details of this facility on the plans, and even though the photomontage (from the North-west) shows cyclists in this area, it is difficult to see evidence of a shared path in this location.

The Sustainable Transport Initiative recommends a shared facility 4m wide, and this is considered essential as part of the delivery of the main pedestrian/cycle internal access route within the site. This facility would also link to the proposed bicycle racks on the northern side of Building C, as well as the secure bicycle storage in Buildings A and C. However, there is concern that such a shared facility may not be able to be accommodated due to the proximity of Buildings A and C to the access road.

MacroPlan Dimasi's response, that bike path details are not crucial to recommendation and can be confirmed at CC stage, is not satisfactory. As it stands, there appears to be little possibility of incorporating a proposed shared pedestrian/bicycle path on the northern edge of the site/southern side of the internal road, so this would need to be clarified early, as it could be too late at CC stage to make modifications to incorporate a (substantial) 4m wide shared pedestrian/bicycle facility as per the recommendations from the Sustainable Transport Initiative (GTA Consultants, 2010).

### **Bicycle storage**

Secure bicycle storage would difficult to access from northern edge of proposal (where 4m wide shared pedestrian/cycle path would be located) due to presence of steps. Also, the secure bicycle storage location (in Buildings A and C) would not be convenient for residents of Buildings B and D.

The SEE suggests that provision is made for bicycles to be stored within the required storage spaces for each unit. However, a number of the storage spaces are significantly less than the bicycle storage size indicated in AS2890.3".

### **Planning comment**

The abovementioned transport matters are fundamental aspects of the proposal that have not been resolved (refer to below Recommendation).

### **Ecology**



Council's Ecological Assessment Officer commented on the proposal as follows:

*“During the site inspection Sydney Turpentine Ironbark Forest an endangered ecological community listed under the Threatened Species Conservation Act 1995 (TSC Act) was recorded adjacent to the southern boundary of the proposed development.*

*No intensive targeted searches were conducted for flora or fauna, however it was noted that within and adjacent to the site that suitable habitat was present for a number of threatened fauna species listed under both TSC Act and Environmental Protection and Biodiversity Conservation Act 1999 (EPBC Act). The habitat adjacent to the development area is proposed to be retained under this proposal and as such no threatened fauna species are likely to be impacted upon through the loss of foraging/roosting habitat.*

*The endangered STIF vegetation is comprised of a row of Sydney Turpentine (Syncarpia glomulifera) adjacent to The Comenarra Parkway.*

*The native vegetation within the site which occurs primarily within the frontage and along the western boundary of the site has been mapped as an area of biodiversity significance under the KPSO (2013).*

### **Ecological assessment**

*An impact assessment (7-part test) has been prepared to assess the ecological impacts of the development upon the endangered onsite STIF community in accordance with section 5a of the Environmental Planning Assessment Act 1979.*

*The row of Turpentine's are proposed to be retained under this proposal. The following conclusion of the impact assessments below is supported. The proposed action will not result in any loss of remnant, canopy tree species that are characteristic species of the STIF EEC. Furthermore, the proposed action will not isolate or fragment any habitat for STIF as the subject site is surrounded by disturbed/developed lands and not interconnected to any nearby bushland. No significant impact is predicted to occur to EEC vegetation as a result of the proposal.*

*The application is supported on ecological grounds without conditions”.*

### **Environmental Health**

Council's Environmental Health Officer has raised no objections to the proposal, subject to conditions.

### **Building**

Council's Building Officer has raised no objections to the amended proposal, subject to conditions.

### **EXTERNAL REFERRALS**

## **Rural Fire Services**

Under the provisions of section 91 of the Environmental Planning and Assessment Act 1979, the proposal is Integrated Development on the basis that a bush fire safety authority from the Commissioner of the NSW Rural Fire Service is required under the provisions of s.100B of the Rural Fires Act 1997.

*I refer to your letter dated 30 June 2014 seeking general terms of approval for the above Integrated Development in accordance with Section 91 of the 'Environmental Planning and Assessment Act 1979'.*

*This response is to be deemed a bush fire safety authority as required under section 100B of the 'Rural Fires Act 1997' and is issued without any specific conditions.*

## **Roads and Maritime Services**

The application was referred to Roads and Maritime Services (RMS) for comment in accordance with SEPP (Infrastructure) 2007. The following comments were received in response:

*"I refer to Council's letter dated 30 June 2014 (Council Reference: DA0453/12) with regard to the abovementioned development application, which was referred to the Roads and Maritime Services (Roads and Maritime) for comment.*

*Roads and Maritime has reviewed the application and raises no objection, as the proposed modifications are considered to be substantially the same development as that originally approved in that the changes proposed are only minor in the context of the consented residential development.*

*Therefore, the comments provided in the previous Roads and Maritime's letter dated 23 January 2013 still remain applicable.*

The following previous comments were received by RMS in the abovementioned letter, dated 23 January 2013:

*"RMS has reviewed the development application and provides the following comments to Council for consideration in its determination of the development application:*

*1. All works/regulatory signposting associated with the proposed development are to be at no cost to RMS.*

*2. Council is to ensure that the proposed service area located at the lowest basement parking level is used exclusively for service vehicles and furniture removalist vehicles. The service area is to be physically separated (or gated if emergency vehicles require access), from the general car parking area to prevent light vehicles circulating within the designated service area. Appropriate sign posting is to be erected at the entrance on The Comenarra Parkway to notify motorists that the access is to be used for service vehicles only.*

3. Council is to ensure that the truck access driveway on The Comenarra Parkway is constructed in such a way that vehicles can only enter and leave the driveway in a forward direction, from and to the kerbside lane. The splays and island are to be constructed to accommodate the largest vehicle to enter the site so that it can enter and leave from the kerbside lane.

4. Council is to ensure that the service area for the adjoining development of mixed usages (on the eastern side) is also separated in the same manner so that general traffic is prevented from entering the service area. It is noted on the sketch opposite page 3 in the Traffic Report that this access is to be used for the residential development and the mixed use development.

5. RMS does not support the temporary access option located on the western side of the development being made permanent.

6. A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council prior to the issue of the Construction Certificate. The TMP must detail the traffic impact of the construction works on the local area and the means proposed to manage construction works to minimise such impacts. In particular, the report must consider the impact of truck movements to and from the site. Heavy truck movements are to occur outside of peak traffic periods and school zone periods. All construction vehicles are to be accommodated on site.

7. If not already in place, full time 'No Stopping' restrictions are to be implemented along the full Comenarra Parkway frontage of the development site. This restriction should be implemented prior to the commencement of any demolition works relating to the proposed development.

8. The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1- 2004 and AS 2890.2 - 2002 for heavy vehicle usage.

9. The swept path of the longest vehicle (including garbage trucks) entering and exiting the subject site, as well as manoeuvrability through the site, shall be in accordance with AUSTROADS. In this regard, a plan shall be submitted to Council for approval, which shows that the proposed development complies with this requirement.

10. The required sight lines to other vehicles and pedestrians in or around the car park or entrances should not be compromised by landscaping, signage, fencing or display materials. Minimum sight lines for pedestrian safety are outlined in AS2890.1 (Figure 3.3).

## **STATUTORY PROVISIONS**

### **State Environmental Planning Policy No. 55 - Remediation of Land**

The provisions of SEPP 55 require the consent authority to consider the potential for a site to be contaminated. The subject site has a history of use for the purpose of an educational establishment.

A Preliminary Stage 1 Environmental Site Assessment was submitted with the application to determine the potential for soil and groundwater contamination on the site. The assessment report revealed that the potential for significant soil contamination is relatively low and concluded that the site is considered to be suitable for the proposed residential development.

The proposed development is satisfactory having regard to the provisions of SEPP 55.

#### **State Environmental Planning Policy (Infrastructure) 2007**

The proposed development is subject to the provisions of State Environmental Planning Policy (Infrastructure) 2007 and has been referred to the RMS for comment. In response, the RMS raised no objections to the proposal (refer above comments).

#### **State Regional Environmental Plan (Sydney Harbour Catchment) 2005**

Matters for consideration under SREP 2005 include biodiversity, ecology and environmental protection, public access to and scenic qualities of foreshores and waterways, maintenance of views, control of boat facilities and maintenance of a working harbour. The proposal will not detract from the scenic qualities of nearby watercourses and includes a storm water management system that has been designed to ensure environmental protection. The proposal is considered to meet the requirements of the SREP.

#### **State Environmental Planning Policy (BASIX) 2004**

A valid BASIX certificate has been submitted. The certificate demonstrates compliance with the provisions of the SEPP and adequately reflects all amendments to the application.

#### **State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Buildings**

Council's Urban Design Consultant has reviewed the application against the design quality principles of SEPP 65 (refer above comments). In summary, it is considered that the development fails to demonstrate SEPP 65 compliance due to insufficient information and unsatisfactory outcomes with regard to principles of context and landscape. These are discussed below in relation to the Concept Approval.

#### **State Environmental Planning Policy (Major Development) 2005**

In December 2009, the Wahroonga Estate was declared a State significant site under Schedule 3 of the Major Development SEPP. The resulting SEPP

Amendment rezoned the land to facilitate development proposed under the Concept Plan.

### **Concept Approval – Major Project No. 07\_0166**

The Concept Approval was issued in March 2010 and has been subject to various modifications as discussed above (refer to History).

The function of the Concept Approval is to give in-principle approval for the Wahroonga Estate redevelopment incorporating Sydney Adventist Hospital. The approval provides certainty and direction with regard to the redevelopment potential of the site and guides further considerations to be made and addressed in order to realise the development envisaged under the Concept Approval.

The Concept Approval requires that future development subject to Part 4 of the Act is to be generally consistent with the terms of the approval of the Concept Plan as specified by Condition A2 (3).

A compliance assessment of issues and inconsistencies relating to the subject proposal against the relevant terms and further assessment requirements of the Concept Approval (as modified) in relation to Precinct C: Central Hospital is provided below.

#### **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:*

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

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

#### **Planning comment**

The proposed development within Precinct C: Central Hospital satisfies the above criteria.

#### **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.*

*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.*

#### Planning comment

The proposed development does not satisfy Condition A2 on the basis that insufficient or unsatisfactory information has been submitted to demonstrate that the proposal is generally consistent with the abovementioned plans and documentation and terms of the approval of the Concept Approval. The reasons for this are discussed below in relation to the specific terms of the Concept Approval.

#### **A3 & A4      Gross Floor Area & Dwellings**

Precinct	Maximum Gross Floor Area (excluding dwellings)	Maximum Gross Floor Area by land uses	Maximum Dwellings
Precinct C: Central Hospital	115,000m <sup>2</sup>	<ul style="list-style-type: none"> <li>13,000m<sup>2</sup> Student Accommodation</li> <li>1,500m<sup>2</sup> Hostels/Group Homes/Boarding Houses</li> </ul>	<ul style="list-style-type: none"> <li>3 Dwelling Houses</li> <li>105 Residential Flat Building Dwellings</li> </ul>

### Planning comment

The proposed development contains:

- 12,097m<sup>2</sup> gross floor area
- 6,540m<sup>2</sup> gross floor area dedicated to student accommodation (126 studios)
- 60 residential flat building dwellings

Accordingly, the proposed allocation of gross floor area and dwellings satisfies the provisions of the Concept Approval.

### **A8 Building Height**

- (1) *Buildings shall generally comply with the Wahroonga Estate Height of Buildings Map, except as follows:*
- (a) *Precinct C: Central Hospital residential building C shall be restricted to a maximum building RL of +180.0 m with plant and lift overrun protrusions up to a maximum RL of +182.0 m;*
  - (b) *Precinct C: Central Hospital residential building D shall be restricted to a maximum building RL of +170.4 m with plant and lift overrun protrusions up to a maximum RL of +172.2 m;*
  - (c) *Precinct C: Central Hospital student accommodation building A shall be restricted to a maximum building RL of +180.1 m with plant and lift overrun protrusions up to a maximum RL of +182.0 m;*
  - (d) *Precinct C: Central Hospital student accommodation building B shall be restricted to a maximum building RL of +170.1 m with plant and lift overrun protrusions up to a maximum RL of +172.2 m;*
  - (e) *Mixed use development in Precinct C: Central Hospital at the intersection of The Comenarra Parkway and Fox Valley Road shall be restricted to a maximum RL of +172.9 m; and*
  - (f) *Commercial development in Precinct D: Fox Valley Road East sited at the intersection of The Comenarra Parkway and Fox Valley Road shall be restricted to a maximum building RL of +171.7 m, with plant and lift overrun protrusions up to a maximum RL of +173.5 m.*

## Planning comment

The proposed residential/student accommodation buildings match the above specified building height provisions for Precinct C. Accordingly, compliance is achieved in this regard.

### **A9    *Precinct C: Central Hospital Service Vehicle Access***

*(1) Provision may be made for a single service vehicle access point from The Comenarra Parkway for use by service vehicles only in conjunction with the management of the future residential and mixed use development in Precinct C: Central Hospital.*

The proposal involves the provision of a single service vehicle access point from The Comenarra Parkway in accordance with the above condition.

*(2) Details of the use and management of the service vehicle access point are to be outlined within a management plan prepared in consultation with and in agreement with Ku-ring-gai Council prior to the occupation of the any future residential development within Precinct C: Central Hospital.*

The above details would be required prior to an occupation certificate being issued for such development and as such is not applicable at this stage.

### **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) Assess Protections 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, 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 Comenarra 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.*

#### Planning comment

The proposed development is not generally consistent with the indicative elements of the approved Concept Plan having regard to the building footprints in relation to setbacks/boundary alignment and is considered to not satisfy the SEPP 65 having regard to context and landscape principles.

#### **Building C & Building D (eastern boundary)**

It is noted that Figure 14 of MacroPlanDimasi's letter (excerpt DGEAR MP07\_0166 MOD4) indicates the location of the eastern boundary achieves the 6-metres deep soil landscape setback which forms the PAC's modified Concept Approval.

The location of the proposed eastern boundary (between the residential site and the future mixed use centre) has been amended to involve a zero-boundary setback along the eastern side of Building C and Building D. This is not satisfactory having regard to SEPP 65 context and landscape principles, nor the Approved Concept Plan Campus Landscape Character, and Modified Concept Approval.

The residential development is to ensure all (deep soil) landscape setbacks are achieved within the subject development site boundaries. This applies to all development sites across the Wahroonga Estate.

It is not accepted that a satisfactory landscape outcome can be demonstrated where the landscape obligations of one site are transferred to another site. This results in landscape provision and maintenance obligations on one site being subject to a separate future development application.

Meeting the landscape obligations within the subject site will ensure SEPP 65 (RFDC) building separations can be achieved so that satisfactory visual, acoustic and solar amenity can be retained in the future. All other residential flat building development within Ku-ring-gai is required to provide a 6 metres side setback that will support large trees between developments and thus achieve Ku-ring-gai's desired landscape character.

#### **Building B & Building D (southern boundary)**

Insufficient information has been provided to demonstrate the future boundary alignment of the site along The Comenarra Parkway frontage. As such, the front setback of the proposed buildings cannot be confirmed and an informed

assessment of building footprints and resultant impacts of built form cannot be made. Accordingly, the proposed development is not supported given the absence of such information. Further details of this issue are discussed in relation to the below condition regarding road widening.

**B7    *Agency road requirements***

*(1) A binding Deed of Agreement is to be entered into between the Proponent and the RMS prior to issue of the first Occupation Certificate for the staged expansion and refurbishment of the Clinical Services Building on the site. The Deed is to:*

*a. detail the road upgrade works to be undertaken by the Proponent, including:*

*i. reconstruction of (including upgrading of the existing traffic signals to) the intersection of The Comenarra Parkway and Fox Valley Road;*

*ii. intersection improvements where Fox Valley Road intersects with site accesses;*

*iii. widening The Comenarra Parkway to provide two traffic lanes in each direction between Fox Valley Road and Browns Road;*

*iv. 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.*

*v. a monetary contribution or 'works in kind' (WIK) equivalent towards the estimated total cost of upgrading the Pacific Highway and Fox Valley Road intersection, comprising the equivalent of:*

*1. 25% of the estimated total cost of traffic signal/civil upgrade works and land acquisition costs associated with the upgrade of the Pacific Highway and Fox Valley Road intersection; and*

*2. 100% of the estimated total cost of upgrading The Comenarra Parkway and Kissing Point Rd intersection, being the following works:*

- a. a left turn slip lane (min 50m storage) for the movement turning into Kissing Point Road (north);*
- b. two eastbound through lanes;*
- c. one right turn lane (min 50m storage) for the movement turning into Kissing Point Road (south);*
- and*

*d. a single westbound through lane.*

*b. outline the arrangements for the Proponent and RMS to negotiate the scope, value and timing of any WIK towards the estimated total cost of upgrading the Pacific Highway and Fox Valley Road intersection referred to above; and*

*c. outline the extent of road upgrade works to be undertaken by the Proponent, including lane configuration, timing of works and estimated costs.*

#### Planning comment

The above condition was part of MOD 2 to the Concept Approval which was approved on 4 December 2012. The condition required the proponent to enter into a deed of agreement with RMS in relation to the reconstruction of the intersection of The Comenarra Parkway and Fox Valley Road, including upgrading of the existing traffic signals (Condition B7(1)(i) as well as other improvements to the road network.

No documentation has been submitted to date to confirm that any proposal had been endorsed by the RMS in relation to the improvements to the road network, including the reconstruction of the subject intersection. Accordingly, there is uncertainty regarding the final alignment of the boundary.

Though no RMS endorsed plans have been submitted, previous iterations of plans submitted during the application's assessment (and approved in principle by Ku-ring-gai Traffic Committee) indicate that the boundary of these future roadworks encroaches some 3 metres within the front setback to The Comenarra Parkway as compared with the current amended architectural and landscape plans.

Such an outcome would result in likely unacceptable impacts of the built form to the streetscape. However, an assessment of such impacts cannot be made without certainty regarding the roadworks alignment and respective front setback. Accordingly, there is insufficient information to enable proper assessment in this regard.

#### **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.*

#### Planning comment

Condition B8(3) requires the submission of a Bicycle and Pedestrian Linkages Plan for the subject site (Central Hospital) to be submitted for approval. The applicant has not provided satisfactory information in this regard.

#### **1. Shared pedestrian/bicycle path**

The Estate Access Diagram (Drawing No. DA-29) indicates a proposed shared pedestrian/bicycle path on the northern edge of the site/southern side of the internal road. This is consistent with the Sustainable Transport Initiative (GTA Consultants, 2010), which supported the concept plan. However, there are no details of this facility on the architectural plans and, even though the photomontage (from the North-west) shows cyclists in this area, it is difficult to see evidence of a shared path in this location.

The Sustainable Transport Initiative recommends a shared facility 4 metres wide and this is considered essential as part of the delivery of the main pedestrian/cycle internal access route within the site. This facility would also link to the proposed bicycle racks on the northern side of Building C, as well as the secure bicycle storage in Buildings A and C. However, there is concern that such a shared facility may not be able to be accommodated due to the proximity of Buildings A and C to the access road.

There appears to be little possibility of incorporating a proposed shared pedestrian/bicycle path on the northern edge of the site/southern side of the internal road, so this would need to be clarified at the Development Application stage, as it could be too late at Construction Certificate stage to make modifications to incorporate a (substantial) 4m wide shared pedestrian/bicycle facility as per the recommendations from the Sustainable Transport Initiative (GTA Consultants, 2010).

#### **2. Bicycle storage**

Secure bicycle storage would difficult to access from northern edge of proposal (where 4m wide shared pedestrian/cycle path would be located) due to the presence of steps. Also, the secure bicycle storage location (in Buildings A and C) would not be convenient for residents of Buildings B and D.

The SEE suggests that provision is made for bicycles to be stored within the required storage spaces for each unit. However, a number of the storage

spaces are significantly less than the bicycle storage size indicated in AS2890.3.

### **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.*

#### Planning comment

The Transport Management and Accessibility Plan (TMAP) prepared for the Wahroonga Estate Concept Plan (Masson Wilson Twiney, 2009) proposed parking provision for residential dwellings within the site as follows:

Dwelling type	Car parking rate
Studio	1 space per 4 units
1 bedroom	1 space per 2 units
2 bedroom	1 space per unit
3 bedroom	1 space per unit
Houses/Townhouses	2 spaces per dwelling

These reduced rates (compared to the Ku-ring-gai DCP at the time) were complemented by access to the proposed car share scheme by residents.

However, in the amended proposal, the rate used for the studio dwelling/student accommodation was 1 space per 2 units, which would result in an excessive number of parking spaces. This may have the effect of undermining the benefits that the car sharing scheme would provide in reducing traffic impacts and the need for car ownership. Based on 126 student accommodation (studio) units proposed, the number of residential spaces for this dwelling type should be reduced from 63 spaces under the proposal, to 32 spaces.

### **Additional issues/inconsistencies with Concept Approval**

#### Street trees along The Comenarra Parkway

As discussed above in relation to Condition B7, documentation has not been submitted to confirm the final alignment of the future roadworks along The Comenarra Parkway boundary, and the resultant front setback of the proposed development as amended.

The proposed removal of the existing mature locally occurring trees (Trees 1 to 7) located along The Comenarra Parkway frontage (2.2.6. Arboricultural Impact Assessment, Tree IQ, 20/10/14) is unnecessary having regard to the prospective alignment of future roadworks in this area. The trees are visually and ecologically prominent and should be retained within the building setback in accordance with the Concept Approval.

If there is to be a resumption of land for the extended left-turn lane for the intersection of The Comenarra Parkway and Fox Valley Road as indicated in earlier 'ultimate' Northrop plans and as assumed by the design and environmental consultants, the building setback as proposed will be reduced to approximately 3 metres in width. The reduced frontage to the development will provide insufficient deep soil for the proposed canopy tree planting to The Comenarra Parkway. The proposed encroachments by Building B and D into the building setback will result in a further reduction to The Comenarra Parkway front setback. This outcome is inconsistent with the Concept Approval and is not supported on landscape grounds.

#### Avenue tree planting adjacent to eastern boundary

The proposed development as amended provides nil setback between the Building C unit courtyards and the eastern boundary. The proposed nil setback fails to provide sufficient planting bed width for the viable establishment of effective tree planting between the residential precinct and the commercial precinct to the east.

### **Local Environmental Planning Instruments**

In December 2009, the Wahroonga Estate was declared a State significant site under Schedule 3 of the Major Development SEPP and the resulting SEPP Amendment rezoned the land to facilitate development proposed under the Concept Plan. Part 25 of Schedule 3 provides that no local environmental planning instruments apply to land within the Wahroonga Estate site.

### **Section 94 Development Contributions**

The Concept Approval provides Section 94 Development Contributions which would be attracted by the proposed development in the event of an approval.

### **LIKELY IMPACTS**

As indicated in the above assessment, the proposed development is assessed as having an unacceptable environmental impact upon the surrounding natural, social, economic and built environments, particularly given the requirements of the Concept Approval.

## **SUITABILITY OF THE SITE**

The site is considered to be suitable for development pursuant to the Concept Approval, however the submitted proposal is unsatisfactory for the reasons provided in the below Recommendation.

## **ANY SUBMISSIONS**

The submissions received have been considered in the assessment of this application.

## **PUBLIC INTEREST**

Approval of the application is not considered to be in the public interest.

## **CONCLUSION**

Having regard to the provisions of section 79C of the Environmental Planning and Assessment Act 1979, the proposed development is not considered to be satisfactory. Therefore, it is recommended that the application be refused.

## **RECOMMENDATION**

### **PURSUANT TO SECTION 80(1) OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979**

THAT the Sydney West Joint Regional Planning Panel, as the consent authority, refuse development consent to Development Application No. 0453/12, which seeks consent to construct 2 residential buildings (4 and 6 storeys) for student accommodation containing 126 studios, construct 2 residential buildings (4 and 6 storeys) for key worker accommodation containing 35 x 1 bedroom and 25 x 2 bedroom units (60 units), basement carparking, landscaping and stormwater works and subdivision - pursuant to the Minister of Planning Major Project Approval No. 07\_0166 MOD 4, Concept Plan for Wahroonga Estate (Precinct C: Central Hospital), at 185 Fox Valley Road Wahroonga, for the following reasons:

### **REASONS FOR REFUSAL**

1. ***Insufficient information to enable proper assessment of the application in the following respects:***
  - (a) **Front setbacks/southern boundary alignment**

It has not been confirmed that the scheme has adopted the final alignment of future roadworks to occur along The Comenarra Parkway adjacent to the front (southern) boundary of the site as required by RMS.

Accordingly, there is uncertainty regarding the alignment of the front boundary, resultant front setbacks and landscaping provision as required and potential impacts associated with building form of Building B & Building D.

#### Particulars

- (i) Condition B7 required the proponent to enter into a deed of agreement with RMS in relation to the reconstruction of the intersection of The Comenarra Parkway and Fox Valley Road, including upgrading of the existing traffic signals (Condition B7(1)(i) as well as other improvements to the road network.
- (ii) No documentation has been submitted to date to confirm that the alignment of the roadworks indicated on the plans along The Comenarra Parkway has been endorsed by the RMS pursuant to Condition B7.
- (iii) There is uncertainty regarding the final alignment of the boundary given inconsistencies in plans submitted to date.
- (iv) The proposed removal of the existing mature locally occurring trees (Trees 1 to 7) located along The Comenarra Parkway frontage (2.2.6. Arboricultural Impact Assessment, Tree IQ, 20/10/14) is inconsistent with the recent road design plans provided to Council from RMS that indicate that a resumption of land is not required (The Comenarra Parkway and Fox Valley Road Intersection Siteworks Plan Sheet 1, Dwg C502 Revision 11 dated, 20/06/13, Taylor Thomson Whitting). The trees are visually and ecologically prominent and should be retained within the building setback in accordance with the Concept Approval.
- (v) The resultant building setback may provide insufficient deep soil for the proposed canopy tree planting along The Comenarra Parkway frontage. This outcome is inconsistent with the concept approval (p63, Figure 50, Section 8.8, WER/SA Concept Plan, dated January 2010).

#### **(b) Plan details**

Details provided on the site plan and landscape plan are unsatisfactory.

#### Particulars

- (i) The site plan should indicate existing buildings/structures on the site and adjoining land.
- (ii) The landscape plans are conceptual only and provide insufficient detail to enable assessment of the proposed landscape works including



location of all proposed planting. The landscape plan is to indicate all site boundaries including the street boundary. Proposed drainage pits and tanks are to be shown.

- (iii) The street tree planting to Building A along the internal access road conflicts with the proposed basement (Section AA, Dwg DA16).
- (iv) Roads are to be shown in accordance with proposed civil works plans. They are currently inconsistent and indicate areas of planting that are not possible with the proposed civil works.
- (v) The landscape plan should show retention of the existing *Syncarpia glomulifera* (Turpentine) along The Comenarra Parkway frontage. These trees should be shown to be retained in association with the existing stone retaining wall.
- (vi) The environmental site management plan should show proposed temporary access, stockpiles and areas for plant and material storage areas to preserve health and condition of existing trees.

**2. *The proposed development is inconsistent with the Concept Approval in the following respects:***

**(a) Side setbacks/eastern boundary alignment**

Insufficient or nil side setback is provided between Building C & Building D due to the eastern boundary alignment (adjoining the future mixed use centre) having regard to the Concept Plan Approved Campus Landscape Character as modified.

**Particulars:**

- (i) The boundary alignment does not provide a setback zone landscaped by an avenue of trees as envisaged by the Concept Approval MOD 4 Landscape Plan.
- (ii) Landscaped setback zones are to be provided to all boundaries of each development site to ensure equitable separations are achieved, adequate landscape is delivered and a landscape character consistent with the 'Campus' character of the Wahroonga Estate is demonstrated.
- (iii) SEPP 65 RFDC separations would require a 6m setback to achieve equitable building separations between the two sites so that satisfactory visual, acoustic, and solar amenity can be retained in the future.
- (iv) SEPP 65 Principle 1 (Context) includes the desired future character as stated in planning and design policies. The proposed boundary adjustments do not appear to be consistent with the urban character as approved under MOD 4.

**(b) Pedestrian/bicycle path and bicycle storage provisions**

The proposed development has not shown or provided a satisfactory spatial allocation on architectural plans for a shared pedestrian/bicycle path on the northern edge of the site/southern side of the internal road.

Particulars:

- (i) Condition B8(3) of the Concept Approval requires the submission of a Bicycle and Pedestrian Linkages Plan for the subject site (Central Hospital) to be submitted for approval. This is consistent with the Sustainable Transport Initiative (GTA Consultants, 2010), which supported the concept plan.
- (ii) The Sustainable Transport Initiative recommends a shared facility 4 metres wide, and this is considered essential as part of the delivery of the main pedestrian/cycle internal access route within the site. This facility would also link to the proposed bicycle racks on the northern side of Building C, as well as the secure bicycle storage in Buildings A and C. There is concern that such a shared facility may not be able to be accommodated due to the proximity of Buildings A and C to the access road.
- (iii) Secure bicycle storage would be impractical to access from northern edge of proposal (where 4m wide shared pedestrian/cycle path should be located) due to presence of steps.
- (iv) The secure bicycle storage location (in Buildings A and C) would not be convenient for residents of Buildings B and D. The SEE suggests that provision is made for bicycles to be stored within the required storage spaces for each unit. However, a number of the storage spaces are significantly less than the bicycle storage size indicated in AS2890.3.

**(c) Excessive car parking allocation**

The proposed development provides an excessive number of parking spaces which is likely to have the effect of undermining the benefits of the car share scheme associated with the Concept Approval to reduce traffic impacts and the need for car ownership.

Particulars:

- (i) Based on student accommodation (studio) units proposed, the number of residential spaces provided for this dwelling type exceeds the number of spaces envisaged by the Concept Plan (Transport Management and Accessibility Plan) by 31 spaces.

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**ATTACHMENTS:**

- A. Location Sketch: (TRIM: [2015/120347](#))
- B. Zoning Extract: (TRIM: [2015/120330](#))
- C. Concept Plan Determination MP07\_0166: (TRIM: [2015/119633](#))
- D. Concept Plan Determination MP07\_0166 MOD 1: (TRIM: [2015/119936](#))
- E. Concept Plan Determination MP07\_0166 MOD 2: (TRIM: [2015/119778](#))
- F. Concept Plan Determination MP07\_0166 MOD 3: (TRIM: [2015/119768](#))
- G. Concept Plan Determination MP07\_0166 MOD 4: (TRIM: [2015/119742](#))
- H. Concept Plan MOD 4 – Figure 19[A] (TRIM: [2015/119755](#))
- I. Rural Fire Service Bush Fire Safety Authority (TRIM: [2015/120208](#))
- J. Site Plan - Amended (TRIM: [2014/269459](#))
- K. Ground Floor Plan – Amended (TRIM: [2014/269463](#))
- L. Level 1 Plan – Amended (TRIM: [2014/269468](#))
- M. Level 2 Plan – Amended (TRIM: [2014/145839](#))
- N. Level 3 Plan – Amended (TRIM: [2014/145845](#))
- O. Level 4 Plan – Amended (TRIM: [2014/145852](#))
- P. Level 5 Plan – Amended (TRIM: [2014/145856](#))
- Q. Level 6 Plan – Amended (TRIM: [2014/145860](#))
- R. Roof Plan – Amended (TRIM: [2014/145864](#))
- S. Basement 1 Plan – Amended (TRIM: [2014/269472](#))
- T. Basement 2 Plan – Amended (TRIM: [2014/269476](#))
- U. Basement 3 Plan – Amended (TRIM: [2014/269482](#))
- V. North Elevation – Amended (TRIM: [2014/269488](#))
- W. East Elevation – Amended (TRIM: [2014/269492](#))
- X. South Elevation – Amended (TRIM: [2014/146164](#))
- Y. West Elevation – Amended (TRIM: [2014/146167](#))
- Z. Landscape Plans – Amended (TRIM: [2014/269515](#))
- AA. Roadworks Plans – Amended (TRIM: [2015/120673](#))
- BB. Existing Survey (TRIM: [2014/145817](#))
- CC. Survey Sheet 1 (TRIM: [2014/269526](#))
- DD. Survey Sheet 2 (TRIM: [2014/269530](#))
- EE. Sample Board (TRIM: [2014/146220](#))
- FF. Building Data Schedules (TRIM: [2014/145796](#))
- GG. Statement of Environmental Effects (TRIM: [2014/145665](#))
- HH. Contamination Report (TRIM: [2014/145635](#))
- II. Design Verification Report (TRIM: [2014/145647](#))
- JJ. Transport Traffic and Parking Report (TRIM: [2014/145704](#))
- KK. BCA Report (TRIM: [2014/145628](#))
- LL. BASIX Certificate (TRIM: [2014/145627](#))
- MM. Accessibility Report (TRIM: [2014/145613](#))
- NN. 7-Part Test (TRIM: [2014/145601](#))
- OO. Bushfire Protection Report (TRIM: [2014/145632](#))