Modification of Minister's Approval

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

As delegate of the Minister for Planning and Infrastructure under delegation effective from 1 October 2011, the Planning Assessment Commission of NSW approves the modification of the concept plan referred to in schedule 1, subject to the modifications in schedule 2.

Abigail Goldberg
MEMBER OF THE COMMISSION

David Furlong
MEMBER OF THE COMMISSION

Sydney 8 April 2014

SCHEDULE 1

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

For the following: Wahroonga Estate Concept Plan, comprising:

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

Modification Number: MP07_0166 MOD 4:

- modifications to the layout of building footprints and maximum building height of the proposed residential and mixed use development in Precinct C: Central Hospital;
- provision for direct service vehicle access to Precinct C: Central Hospital via The Comenarra Parkway;
- modifications to the alignment of the internal hospital road in Precinct C: Central Hospital, retaining the existing constructed alignment;
- modifications to the layout of building footprints and maximum building height of the proposed commercial development in Precinct D: Fox Valley Road East; and
- modifications to the car-parking provisions and access arrangements of the proposed commercial development in Precinct D: Fox Valley Road East

SCHEDULE 2
MODIFICATIONS

- *Delete Part B – Definitions of Schedule 1 and replace with the following:*

PART B - DEFINITIONS

Act, the	NSW *Environmental Planning and Assessment Act, 1979* (as amended)
Building Height	*building height* (or *height of building*) means the vertical distance between ground level (existing) and the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.
Concept Plan	Plan approved by this instrument, as defined by the Environmental Assessment and Preferred Project Report
Council	Ku-ring-gai Municipal Council and Hornsby Shire Council
DEWHA	Commonwealth Department of the Environment, Water, Heritage and the Arts
Director-General, the	Director-General of Planning and Infrastructure (formerly the NSW Department of Planning and Infrastructure)
Environmental Assessment (EA)	The *Wahroonga Estate Redevelopment Incorporating Sydney Adventist Hospital Environmental Assessment and Concept Plan* prepared by Urbis and dated April 2009
GFA	Gross floor area
Wahroonga Estate site	has the same meaning as the land identified in Part A of this schedule
Minister, the	Minister for Planning and Infrastructure
Preferred Project Report (PPR)	*Wahroonga Estate Redevelopment Incorporating Sydney Adventist Hospital Final Preferred Project Report and Concept Plan,* prepared by Urbis on behalf of Johnson Property Group and dated January 2010
Proponent	Australian Conference Association Limited, or anyone else entitled to act on this Approval
Regulation	NSW Environmental Planning and Assessment Regulations 2000 (as amended)
RMS	Roads and Maritime Services
Statement of Commitments	Revised Statement of Commitments submitted as part of the Preferred Project Report.

- *Delete term of approval A2 and replace with the following:*

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.

- *Insert a new term of approval A8 after A7 as follows:*

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.

(2) Notwithstanding A8(1) above, development consent may be granted for development that exceeds the maximum building height stipulated in A8(1) if the consent authority has considered and is satisfied with a written request from the applicant that seeks to justify the contravention of the maximum building height by demonstrating:
   (a) that compliance with the maximum building height is unreasonable or unnecessary in the circumstances of the case;
   (b) that there are sufficient environmental planning grounds to justify exceeding the maximum building height; and
   (c) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out.

- *Insert a new term of approval A9 after A8 as follows:*

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.

(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.

- *Delete further assessment requirement B1 and replace with the following:*

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.