

16/07/2015

Mr. Daniel Livermore
Project Officer
Regional Panels Secretariat
PO Box 39 Sydney NSW 2001

E: daniel.livermore@planning.nsw.gov.au

Dear Daniel,

Re: DA 0453/12 - SPD Residential (JRPP Reference: 2013SYW023) and DA 0053/13 - SPD Commercial (2013SYW034)

I refer to the decision of the Joint Regional Planning Panel on 16 June, 2015 with respect to the abovementioned Development Applications, and herewith provide our response to matters raised on behalf of our client, the Seventh Day Adventist Church (South Pacific Division).

This correspondence deals with both applications, beginning with the **SPD Residential** DA (JRPP Ref: 2013SYW023). In relation to this DA, the Panel determined to defer the application to allow the applicant to respond to the following:

- *Provide advice in regard to the design and land requirements required by the RMS for The Comenarra Parkway / Fox Valley Road intersection and related road improvements. The advice is required to define the impact of those works on the subject site. [In relation to this matter the Panel further commented that its further consideration of this application should include advice from RMS regarding required road works design and the extent of land that will be excised from the subject site].*
- *Consult with Council so as to provide clarification as to the disputed location of the cycle network and compliance in that regard with the Concept Plan.*
- *Amendment of the proposed subdivision to provide a minimum distance of 6 metres from the proposed allotment boundary to the eastern wall of the proposed buildings.*

Our response to each of these matters is provided below:

Intersection and Road Widening:

We have recently been advised by RMS that it is solely responsible for the approval of the traffic control signals at The Comenarra Parkway and Fox Valley Road and that Council will need to be satisfied with respect to other roadworks (i.e. approaches leading both to and from the intersection).

We received in-principle RMS approval for the proposed intersection upgrade in July 2012 (see attached correspondence, dated 26 July, 2012 from Mr. Owen Hodgson, Senior Land Use Planner for RMS). This in-principle support was based on a previously submitted plan that indicated a defined slip-lane configuration for left turning vehicles (into Fox Valley Road) for vehicles travelling east on The Comenarra Parkway (see attached Plan No. 7000.238.VV.1310, dated 03.04.2012).

Subsequent RMS approval for the traffic control signals (TCS) at the intersection of The Comenarra Parkway / Fox Valley Road was issued on 3 September, 2013 (see attached Plan No. 7000.238.VV. 1310 dated 15.08.2013).

The approved TCS plan denotes a slip-lane (C1) of 53m in length, a distance which stops east of works proposed as part of this DA.

We attach also written advice from our traffic consultant, Ross Nettle, Director of Transport and Traffic Planning Associates (TTPA), dated 15 July, 2015 verifying the appropriateness of the agreed road and intersection designs, in particular, the 53m slip-lane indicated on the RMS approved TCS plan.

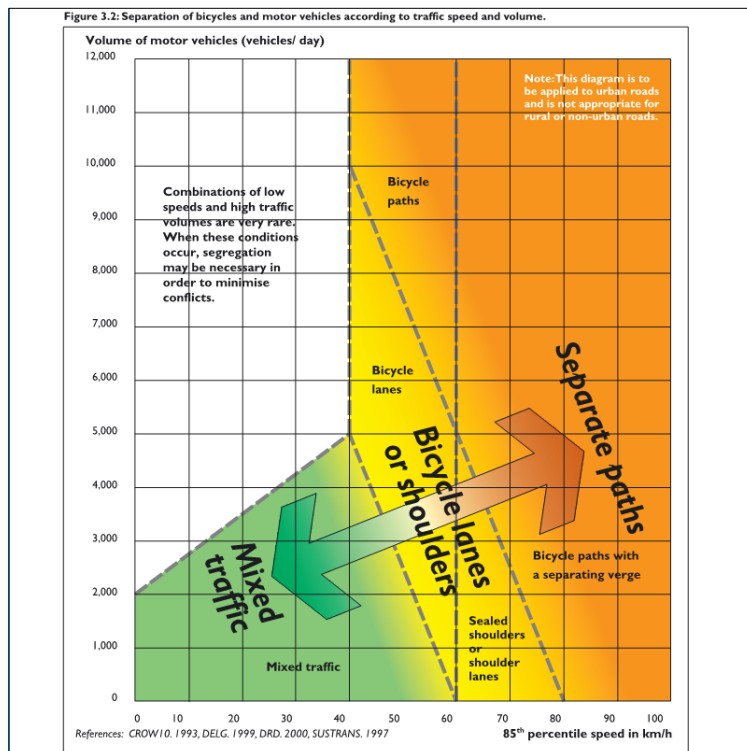
We have made separate arrangements for the proposed road alignment, based on the 53m slip-lane, to be pegged for Council's inspection.

Our position in relation to the proposed roadworks remains as previously stated. Our proposed lot boundary has been based upon and is consistent with the TCS plan approved by the RMS (i.e. incorporating a 53m slip-lane). The proposed 6m setback to the residential buildings can therefore be guaranteed. The attached plan (DA-49C-Setback from Kerb) clarifies the site boundary location with respect to the intended road widening.

Bicycle Network

It is our client's intention to incorporate a shared vehicle/bicycle network on the internal (non-public) hospital road, consistent with the original strategy of the Concept Plan approval. Austroads standards enable shared (mixed traffic) roads as detailed in table below.

The volume of motor vehicles on the shared road portion is less than 2,000 per day with the speed limit of the internal access road already set and signposted at 10km/h.



Our client is willing to accept a condition that requires that sufficient allocation of space and line-marking of the shared bicycle network be undertaken as part of this DA.

Proposed Subdivision Boundary

An amended subdivision plan (attached) has been prepared for this project. We have moved the proposed boundary approximately 3.5m to the east. We acknowledge that this does not achieve the 6m setback as recommended by the Panel. Our reasons for providing a lesser setback are:

- Providing a 6m setback will compromise the fire protection of an existing medical building located east of the SPD Residential project. If the boundary were to be located at 6m, a substantial engineering upgrade of this building would be required in order for the existing medical centre building to comply with Building Code of Australia, requiring any structure and opening within 3m of the site boundary to be 2hr fire protected.
- Our original view on this matter remains pertinent, i.e. that the boundary alignment in itself is somewhat irrelevant as the whole of the site will remain in the church's ownership and a generous setback is achieved under the concept plan which specifies a separation of the residential building to the future mixed use development of almost 11m. The subdivision merely serves as a line on a plan, rather than a fixed boundary that will be fenced and/or utilised to differentiate between site uses. The developments will sit side by side and share the space between the buildings. Accordingly, the boundary location does not compromise the amenity of the proposed residential buildings or their achievement of SEPP 65 specifications with respect to solar access and cross ventilation. No adverse environmental impact results from the proposed location of the boundary (see building separation plan attached).

If the Panel were of a mind to 'secure' a shared space between the proposed residential buildings and any development on the mixed use site, our client would be agreeable to a condition of approval that 'locks in' a 6m or greater building separation. The condition could also require that no boundary fence or structure be located between the two developments.

In relation to the **SPD Commercial** DA (JRPP Ref: 2013SYW034), the Panel's deferral requests the applicant's response in relation to:

- *Provision of a revised ecological statement addressing, on a precautions basis, the potential loss of five trees No. 66, 65, 63, 49 and 50, prepared by an appropriately qualified party.*
- *Amended plans addressing:*
 - *Street activation along Fox Valley Road and the corner of Comenarra Parkway to provide direct public access into the central atrium from the Fox Valley Road/Comenarra Parkway corner entry during business hours. This access is not to be via a private tenancy.*
 - *The pedestrian path along the western side of building 2 is to be widened to 2.5 m and a single avenue of trees and associated landscape is to be accommodated within the setback zone. These amendments are to be prepared in consultation with Council's landscape officer.*

Our response to each of these matters is provided below:

Ecological Statement

Attached please find a revised ecological statement provided by Dr David Robertson, Director of Cumberland Ecology. The statement considers the potential loss of three (3) to five (5) trees from Sydney Turpentine Ironbark Forest (STIF) at the subject site is ecologically sustainable.

The statement advises that Cumberland Ecology has taken a precautionary approach in considering the potential loss of all 5 trees and concludes that:

"We have assessed the potential loss of all five trees and conclude that this loss will not have a significant impact on STIF. In our view, having regard for the greater benefit derived as a result of the rezoning of the Wahroonga Estate and the inherent protection of substantial bushland under the E2 Environmental Conservation zoning, the proposed development of the subject site should be allowed to proceed, with conditions as recommended in this statement."

Revised Plans – street activation

Amended plans have been prepared and hereby submitted denoting a designated public entry now incorporated into the intersection corner of the proposed commercial building. The amendments provide a building entry that is greeted by a substantial and expansive paved footway area, within the building setback, that links to a proposed 'public' footpath from the Comenarra Parkway/Fox Valley Road intersection around to the north of the site. The new entry has been designed to provide an axial connection to the main pedestrian access for the main building entry.

Revised Plans – pedestrian path width

Amended plans have also been prepared indicating a 3m wide pedestrian path along the Fox Valley Road frontage of the building. We note that advice from the Panel suggested a 2.5m wide pedestrian path. A 3m path has been accommodated, providing greater capacity for pedestrians at the front of the site.

These amendments are supported by a separate landscape strategy report prepared by Place Design Group (July, 2015). The strategy provides for the judicious planting of appropriate indigenous tree species and ground plantings to complement the scale and quality of the built form. Seating is also proposed to promote public use of this space.

Conclusion

On behalf of our client I sincerely hope that the additional information included in this correspondence now provides sufficient clarity with respect to the compliance of the proposed DAs with the estate concept plan, enabling the Panel's development consent to be granted.

We note that the recent decision of the Panel also requested that without prejudice draft conditions of consent to be drafted for the respective applications. Our client has not yet been provided with a copy of such conditions but would welcome the opportunity to review such before the Panel next convenes to decide these matters. We will await further advice from the Panel in this regard.

In the interim, should there be any queries in relation to this advice, please do not hesitate to contact our office.

Yours respectfully,



Wayne Gersbach
General Manager NSW

cc. Mr. Michael Miocic
Director Development and Regulation
Ku-ring-gai Council
E: mmiocic@kmc.nsw.gov.au