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TRANSCRIPT OF PROCEEDINGS

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INDEPENDENT PLANNING COMMISSION

MEETING WITH APPLICANT

**RE: MP07_0166 MOD 8
 WAHROONGA ESTATE CONCEPT PLAN**

**PANEL: JOHN HANN
 RUSSELL MILLER
 WENDY LEWIN**

**ASSISTING PANEL: CASEY JOSHUA
 CALLUM FIRTH
 MICHAEL WOODLAND
 BRENT DEVINE**

**APPLICANT: MICHAEL OLIVER
 THOMAS ZDUN
 RICHARD DE CARVALHO
 CANDICE PON
 ALISTER EDEN
 GRAHAM SWAIN
 PAUL YANNOULATOS**

**LOCATION: IPC OFFICES
 LEVEL 3, 201 ELIZABETH STREET
 SYDNEY, NEW SOUTH WALES**

DATE: 11.06 AM, TUESDAY, 22 OCTOBER 2019

MR J. HANN: Good morning and welcome. Before we begin, I'd like to acknowledge the traditional custodians of the land on which we meet. And, also, I'd like to pay my respects to their elders, past and present, and to the elders from other communities who may be here today. Welcome to the meeting today on the proposal
5 seeking approval for modification 8 to the Wahroonga Estate Concept Plan, to amend building envelopes, delete building D, amend carparking rates and change internal roadway configuration. My name's John Hann. I'm the Chair of this IPC panel. Joining me are my fellow commissioners, Russell Miller and Wendy Lewin, and the other attendees of the meeting are Casey Joshua, ah, and Callum Firth. And also
10 assisting the Commission Secretariat: Michael Woodland and Brent Devine who are consultants to the commission secretariat.

So in the interests of openness and transparency and to ensure a full capture of the information of today's meeting, it is being recorded and a full transcript can be
15 produced, and we pop that up on our, ah, website. This meeting is one of the Commission's decision-making processes. It is taking place at the early stage, preliminary stage of the process, and will form one of several sources of information, ah, on which the Commission will base its decision. It's important for the commissioners, for us, to ask questions of you and to clarify issues when we consider
20 we need to. If you're asked a question and you're not in a position to answer, then please feel free to take that on notice and provide us with the information, ah, in writing at a later date, ah, and we'll put that up on the website.

And just on that note, you did provide us with, ah, or suggest there was some
25 additional information. You need to understand that that is public and will go up on the website, so, ah, you're clear on that. And, look, with speaking today, if, ah, you are talking, if you can just avoid talking over the top of each other, just in terms of being able to ensure we've got a clear transcript, that would be appreciated. Ah, and on that basis, I think we're ready to go. So the most useful thing for us is if you take
30 us through the key issues in terms of the application, and then we'll work from there.

MR M. OLIVER: Okay. Um, so I'll start. Um, my name's Michael Oliver from Ethos Urban.

35 MR HANN: Thank you, Michael.

MR OLIVER: Um, I might just introduce the team, starting with Alister.

MR A. EDEN: I'm Alister Eden from Group GSA, the architects on the job.
40

MR P. YANNOULATOS: Paul Yannoulatos from Taylor Thomson Whitting. We're traffic engineers. That's all.

MR T. ZDUN: Ah, Thomas Zdun, Senior Development Manager at Capital
45 Bluestone. We are the development partners for the landowner.

MS C. PON: Candice Pon from Ethos Urban.

MR G. SWAIN: Graham Swain from Australian Bushfire Protection Planners.

5 MR R. DE CARVALHO: Ah, Richard De Carvalho from Capital Bluestone.

MR OLIVER: Thanks. Okay. Um, so we're here today about modification 8 to the concept approval for Wahroonga Estate. Um, the existing concept approval has shown up on the screen. Um, it covers the entire estate including the hospital, the school and a series of land in the west, the western side of the creek, and also then down on the Comenarra Parkway and along Fox Valley East. Ah, we're here today talking about the Central Church Precinct, which is this area up here, adjacent to the school and to the north of the hospital. Um, I'll let Tom Zdun, um, provide a short overview of Bluestone and their agreement with the Church to deliver this precinct. Um, and then I'll pass to Alister for just a short overview of the modification, and then we'll come to the two key issues, really, that we'd like to discuss with the Commission.

MR HANN: Okay.

MR OLIVER: Thanks.

MR ZDUN: Great. Ah, just briefly, um, so Capital Bluestone was selected as the, ah, development partners for the Church back in 2017, following a, ah, two-year consultation period. Um, this whole master plan originated, as you may know, in 2010, and there was quite an extensive, ah, public consultation period leading up to that part 3A approval. Um, when we came on board in 2017, we had a look at the site, engaged, um, obviously, a team of consultants including, um, Group GSA. And one of the key things that, um, was quite evident is that the existing, ah, building footprints as approved under the part 3A approval, um, didn't work from a, um, ADG compliance or maximising ADG compliance, ah, for the site. I'll let Alister go into the detail in terms of those particular, ah, nuances. Um, that then formed, ah, I guess, a key part of the section 75W application that was subsequently submitted late in 2017, um, regarding the building envelopes and the height for ADG, ah, maximising ADG compliance.

And the other component for that application relates to carparking. So the part 3A approval, as you know, defined, ah, certain carparking available for up to 200 apartments. That wasn't in line with the DCP, but also wasn't in line with, ah, the market. And I say that from, ah, we consulted with Colliers International to have a look at the site location relative to public transport, and also relative to the current demand for parking for a one-bed, two-bed, three-bed apartment. Um, so our application proposed to increase, um, parking allowances for the apartments and to meet, I guess, market demand, but also to reduce the, um, pressure of parking on the street which is something that was quite evident through the, um, public consultation, um, sessions that were held over the last two years. And, I guess, the last component

regarding our application on a higher level is we, ah, presented on a number of occasions to the school, um, parents which they were 200 and 300.

5 One of the key concerns raised by the parents which was more so, I guess, directed to the landowner, was the, um, they felt that the existing play space wasn't sufficient, but also wasn't, ah, directly connected to the school. We, um, and they were quite vocal in that regard. We subsequently sat down with the Church, being the landowner, um, reached an agreement whereby we, um, I guess, opted to delete building D, and that was subsequently an amendment to the current 75W application.
10 And by deleting building D, that provided an additional, I think it was 2100 square metres of, um, play space for the school, but also allows a direct connection via a proposed, or to be proposed, underpass from the school, um, into the open play space and out onto the existing, um, school oval and playing fields. So that was an amendment that we, ah, subsequently made once the agreement with the Church was
15 reached to delete building D.

Um, I guess, finally, the whole part 3A approval with the whole Wahroonga Estate, um, is, um, a concept plan that facilitates the expansion of the hospital which has occurred; the expansion of the school which is occurring; um, the development of a
20 brand new medical facility which has recently been completed on the corner of Comennara and Fox Valley Road; the provision for additional residential housing; key worker housing; importantly, the retention and management of that 31 hectares of bushland which, following the part 3A approval, gave rise to the Biodiversity Management Plan that's in place and managed by the – um, managed by the Church.
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Um, so the residential component within the Central Church Precinct is really a piece of the whole master plan and it's part of the wholistic vision for the Wahroonga Estate. I might hand it over to Alister, um, from Group GSA, just to run through the, ah, the rationale or some of the nuances as far as the existing building
30 footprints and why, I guess, they didn't work and why we ended up submitting the 75W application to amend the building footprints.

MR EDEN: Okay. Thanks, Tom. Um, so I'll just talk you through, as Tom, um, has asked, to run through the evolution of the plan and where we are today. Um,
35 when we started on the project, um, the sites, ah, configurations similar to, as you see, um, here. I'll just jump back to this, um, slide, however. You'll notice the school is shown here in, ah, in the yellow, and to the north and the north east is, in that salmon pink colour, is the residential, um, buildings we're talking about. Um, this detailed plan identifies, um, those zones for residential accommodation that was envisaged as that master plan. Um, so I guess, our starting point was just to look at it
40 from a technical perspective, looking at, ah, the easement that dissects the site, um, which is shown, um, as this – have we got a pointer?

MR HANN: Is that shown as what's currently approved under mod 5 or what was
45 originally approved as the concept plan?

MR OLIVER: That's under mod 5.

MR HANN: So that's as approved for mod 5.

MR OLIVER: Yeah, that's right.

5 MR HANN: Okay. Thank you.

MR EDEN: Um, so there was a technical overlay in terms of understanding the constraints of the site. We have an easement that dissects the site, that's a city water pipe. Um, we've also got bushfire, and I'll let Graham Swain talk to that a little bit
10 later, um, that was another aspect we had to overlay. Um, but then understanding how we would plan these building forwards, from an ADG perspective, a lot of these envelopes that you see in front of you here would've been developed back in the RFDC days, um, and to be honest, my gut feel was it planned by somebody who didn't understand residential. Ah, we have building depths, particularly on this end
15 building which would be in excess of 30 metres. And if anyone's familiar with residential planning, you couldn't get that to comply with, um, the ADG as it would stand today. So it was that overlay that, um, and technical review that we had to undertake.

20 Um, if I just fast forward. I'll come back to this slide. Um, yeah, as mentioned, the bushfire was certainly one aspect. Um, from the original mod, the mod 5 that you saw before, um, there was, um, a more detailed study of the, um, ah, potential bushfire and setbacks. Graham, as I said, will talk to this, but there was an understanding we were now to be considering the red line as the set back for
25 residential development. Previously, it was the blue line which, um, I've indicated here. So in, um, overlaying the new bushfire, um, setbacks, we were allowed to, um, provide more rational footprints. I'm just going to fast forward to a different slide. Um, so I understand that you need your constraints for the bushfire.

30 The buildings were away able to move further away from the school which was, um, a great outcome from the school's perspective, um, certainly increasing the amenity for the children and the play area which sits on that northern frontage of the school. Um, the buildings then have more rational footprints. Um, you'll notice, previously, this building, um, was problematic in a sense that that acute angle would've created,
35 um, privacy issues between the two apartments if you were to try and plan that out. Um, so these were just some of the things that we picked up that it generally wasn't working.

40 So, um, we've done a more detailed study which is not part of this plan and is not something we're asking, obviously, for approval for today, but that's driving, um, these, ah, revised footprints. You'll notice the building to the right-hand side has become more rational as well, um, that's nowhere near that 30 metres in depth. Um, and as Tom has mentioned, building D had since been removed. The buildings are, we refer to them as building A, um, starting on the left-hand side and working across
45 to building E on the right-hand side.

MR HANN: And – sorry – I was just solar compliance out of that, relate?

MR EDEN: Oh, yes. So solar compliance was also another aspect of this, as well as, um, natural cross-ventilation, just in the general planning of this. This building was actually self-shadowing itself, um, which was an issue. Um, again, the back face of that building was problematic. We have done a detailed review and we now can
5 comply with the principles of the ADG, um, as well complying with the amount of apartments that face south or have zero hours of sunlight. So the detailed scheme that we have, um, as the underlay to these envelopes is fully compliant with the ADG.

10 UNIDENTIFIED FEMALE: So – excuse me, Alister – north is up the page?

MR EDEN: North would be directly up the page, yes. Yep. Um, so, yeah, again, in moving the buildings, um, up hard against the new APZY, um, we've been able to create a more generous, ah, landscape area between the school and the residence
15 itself. Um, I think we're at 18 metres, 18 to 19 metres off the sheer boundary of the school, so it's a considered set back, um, over and above what would be required from the ADG. The detailed planning doesn't show that there's no direct, ah, views from any of the apartments to the ends of, ah, buildings A or C itself. Um, and the few apartments that do face south, I guess, towards the school, has been minimised
20 around, um, only two per, um, sorry, one per building. So there's been a lot of detailed planning to ensure that there is no, um, overlooking or privacy concerns for the school itself.

UNIDENTIFIED FEMALE: And solar access?
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MR EDEN: And solar access is part of that as well, yep. Um, as Tom mentioned, building D has been removed, um, but also as part of the negotiations, um, or consultation with the school, we've since chopped off the top three storeys of building C. Um, this is about, um, opening up views from an upper level play area
30 for the children, out towards, um, the bushland itself.

MR HANN: Great.

MR EDEN: And that's the master plan, um, the envelopes we've them and as you have in front of you today. We have on the upper level again, through the
35 detailed study, looked at, um, where plant lift overrun, um, where that volume would be contained, and, again, that's, um, and obviously within the green shaded area, um, set back, so it's not visible from the street, um, and also to help reduce, you know, the bulk and scale of the building itself.

MR ZDUN: And there was slight revision in heights, um, that resulted from ADG compliance now dictating, basically, 3.1, floor to floor which I think, previously, buildings were designed as three metres, floor to floor, so that just pushed everything
40 up slightly. But there isn't any overshadowing impact or, like I said, view loss impact which may be more typical in developments, generally.
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MR EDEN: This plan shows you the, ah, where building D was, and it's now, as Tom as has mentioned, been given over as the school, um, open space.

MR OLIVER: Okay. Um, so, sorry, Alister.

5

MR EDEN: Yep. I think I've covered - - -

MR OLIVER: Yep. Okay. So from a planning perspective, we've worked with the department over the last two years on these built form issues and we fully support the department's recommendation to approve and their assessment of the built form issues. We've worked extensively with the department, our council and the community, um, in resolving some of the concern around the interface between the school and obviously, the deletion of building D is a major nett improvement for the school in terms of the open space that's provided there. Um, and, so, yes, we fully support the department's assessment and, um, recommendation in relation to the built form and the envelopes that we've arrived at. Um, the two matters, um, that have arisen quite late in the assessment process, relate to the bushfire protection and the asset protection zones and the carparking rates for two-bedroom apartments and visitor parking, um, which are in conditions B5 and condition B9 - - -

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UNIDENTIFIED MALE: Yep.

MR OLIVER: - - - of the concept approval. So we've provided - - -

MR HANN: And that's what you dealt – in terms of that additional material you provided last week, I think it was - - -

MR OLIVER: That's right.

MR HANN: - - - that's specific to that. Okay.

MR OLIVER: That's right. Um, so they're the two conditions that we would like to talk to you in a little bit more detail today.

MR HANN: Okay.

MR OLIVER: I'll pass over to Graham on the bushfire, but, I guess, before he starts, from a planning perspective, the original concept approval set out a framework of conditions for master planning the site and the future delivering of buildings within the site. Ah, during the assessment period and throughout this recommendation, ah, they've come to the view that condition B5 which relates to asset protection zones being located outside of conservation lands, it's to be taken from the boundary of the E2 conservation zone.

Um, and that zone boundary came about in the SSS, ah, site listing in 2009, before the concept approval, um, was approved and before the detailed biodiversity studies and fire studies that were required under the concept approval were carried out to the

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satisfaction of the Commonwealth, um, following the concept approval. And so, specifically, there, I'm talking about condition B4 of the concept approval which requires that a biodiversity management plan be prepared.

5 But take into consideration – if you refer to the condition, it sets out a vegetation management plan: the pest and weed management plan, hydrology, habitat, fire, um, and management processes for how those 31 hectares of land are looked after. Um, and so I'll pass over to Graham, but it's important to note that that biodiversity management plan is the framework for the conversation of the land.

10 It was established under the concept approval and it was approved by the Commonwealth in relation to the nationally ecologically significant biodiversity and ecological communities in that space. Um, and that Biodiversity Management Plan, and particularly the vegetation transition management line, which Graham will talk to you in more detail, um, that plan and that line has formed the basis for subsequent planning up until this point on the site.

15 So that line was adopted, um, for the hospital and it was adopted – which was assessed by the Department of Planning and approved as a part 3A project approval, and, most importantly, it was adopted for the state consent for the school, ah, which has a special fire protection purpose, has a 100 metre APZ requirement which is shared, um, and the same APZ, um, that's shared with this development here. So I'll pass over to Graham to provide a bit more of about history and context, um, and

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MR SWAIN: Thank you.

MR HANN: Can I just ask a quick question - - -

30 MR OLIVER: Yep.

MR HANN: - - - before Graham provides his briefing?

35 MR OLIVER: Mmm.

MR HANN: With the, um, with mod 5 which is - - -

MR OLIVER: Yep.

40 MR HANN: - - - the most – that's the current, approved - - -

MR OLIVER: It is.

45 MR HANN: Did that come into play there, just from - - -

MR OLIVER: Yeah. So mod 5, mod 5 preceded immediately the school SSD.

MR HANN: Yeah.

MR OLIVER: So I - - -

5 MR HANN: Yeah. Okay. So in terms of the bushfire protection - - -

MR OLIVER: Yeah.

MR HANN: - - - for mod 5 - - -

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MR OLIVER: I think – I don't know off the top of my head whether it was specifically considered in the mod 5 assessment.

MR HANN: Okay.

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MR OLIVER: Um, but the APZ was specifically considered in the SSD assessment for the school, um, which was - - -

MR HANN: No. Understood, but I'm - - -

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MR OLIVER: - - - assessment.

MR HANN: - - - particularly interested in mod 5.

25 MR OLIVER: Yeah. I understand.

MR HANN: Okay. Thank you.

MR OLIVER: We can clarify that, um - - -

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MR HANN: All right.

MR OLIVER: Yeah.

35 MR HANN: No. Thanks.

MR OLIVER: Graham, sorry.

40 MR SWAIN: Thank you. No, you're all right. Um, just starting with the history, I've been involved with this site for the Church since 2002. And I'd like to go up there actually, and pull up an air photo, please. Have we got one? Of the site.

MR HANN: the recording people will tell you if you're being – if you're able to be heard, so you just need to be closer to a microphone.

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MR SWAIN: Um, okay. If I can just point to – this is the, ah, hospital complex here, before, um, the extension were done for the carpark the Church's main

objective when I started work with them was to increase the medical facilities onsite, paramount. All that came after that was sort of secondary to their requirements. The Rural Fire Service went to the Church or the Church went to the Rural Fire Service, and what the Church wanted to do was to extend that way and the RFS said no, we
5 need 100 metres back to the, um, the main building.

Bearing in mind, of course, that what they really needed to do was expand the operating theatre. That was absolutely critical. Um, the 100 metres back, actually, really impacted the site and impacted the We negotiated with the RFS to put the
10 carpark, the multistorey carpark in here, 50 metres back, because they agree that that was not a non-core special fire protection um, Cumberland Ecology did the ecology, ecological work.

Um, Insight surveyed the creek, surveyed the set back here and determined there
15 corridor requirements and we finished up with not a bad outcome. Um, then at the same time that that process was underway, all of this land over here was supposed to be, well, it was, um, residential. And, ultimately, this vegetation in here was identified as blue gum, ah, sorry, Turpentine-Ironbark forest EEC, so that was off the agenda. Coming back to Coups Creek, there was nothing special in terms of
20 vegetation here as opposed to EEC in here.

Um, Cumberland did some lines for us, confirmed that 40 metres away, a set back here was the corridors. We can substantiate that. They then produced a line in here, there's a defined edge of the EEC. The department didn't really – I think
25 because the public, um, concern of the whole program, um, they went to SKM, and SKM reviewed the Cumberland report, particularly in reference to here, vegetation, and then the department came up with a line that was devised by SKM in terms of the edge of the critical vegetation. And that's the – that line there, the yellow line, and on this side here, the yellow line in here.

30 Um, you'll notice that there's some bumps up here, around here, and odd shapes like that. The, ah, the project team sort of said, well, we're not going to really achieve in the hospital, achieve our, um, um, operating theatre extension up here, because what it really did was started to cut into the operating theatres. Um, and that's the original
35 scheme that we were working to with the operating theatres. With the we were then commissioned, ah, along with David Robertson and a guy called Colin Weatherby from Insight, who's a surveyor, to go to the site and walk the edge.

So if we go back to the eastern side, we were given, as a zoning line, this yellow line,
40 but in fact, all underneath here, the Church has been managing that under the tree canopy for years. There was nothing there except grass. And these two bumps were, um, tree canopies in the backyard of a residential development. So they've basically gone around this tree because it happened to be one of the species in the EEC. The line through here, went straight through the centre of the tennis court which just
45 didn't make any sense. So we actually walked the whole line, and David Robertson defined this line, it was actually pegged on the day with star posts, right through here. And he then, ah, said that that's the line that he was satisfied with. Okay.

And on the other side, we did the same, we walked the line here. And you'll see this yellow line in here, if we had to work to that line, the nurse's cottage wouldn't work. Those nurse's cottages in there only has to be set back in at a certain distance. And very critically, the new line – and we did this – we weren't there deliberately to
5 massage the line for any great benefit other than it being a realistic line, but there was the kick that was defined by SKM. And the 100 metres came back here and cut the corner out of the operating theatres.

10 And when we walked the line, we found weeds and all – in there, and we walked through here to find the line. And we got up here and the same thing there, this is tree canopy, like, over here that's managed underneath, managed So that's the purple line and that's how it was devised, one side measured and surveyed, and then recorded on a survey plan. Ah, Cumberland used that line, ah, as part of their defined line the Vegetation Management Plan and the, um, that document
15 identifies what needs to occur on an ongoing basis in that stone through there.

And then a lot of this area had to be rehabilitated. So when it came to the DA for, um, the hospital precinct, um, everyone used the purple line the realistic, extended APZ or commencement of the APZ. The hospital got their rectangular
20 building rather than a striated area there. And the school, which is in there, we worked off the purple line. The, ah, cottage, we worked off there. And the commercial entity in here, we worked off there. And likewise, the advice on this particular residential development is where it's off the purple line and not the yellow line. So that's the background of what occurred in the finding of where the APZ
25 should commence, not the yellow zone line, but at the line, the surveyor line defined onsite and recognised in the BMP as being the starting point of the APZ.

MR HANN: Thank you.

30 MR OLIVER: So I think, Graham's just set out the process which I think is – that process was all under the Biodiversity Management Plan and has formed the view, the basis, um, I'll bring up a slide in a moment that shows, ah, how that vegetation transition management line, um, established under the Biodiversity Management Plan, um, was applied for the SSD, um, for the Adventist school, ah,
35 which adjoins our site. Um, bear with me for a moment. Sorry.

MR HANN: How about you pull it up?

40 MR OLIVER: Um - - -

UNIDENTIFIED MALE: This one?

UNIDENTIFIED MALE: Just the 60-metre and the 100-metre ones.

45 MR OLIVER: Just the school, just the – for the school.

UNIDENTIFIED MALE:

MR OLIVER: Um, so there's a plan, um, which we've provided as well, um, which is, ah, this plan, um, which sets out, ah, the difference between at a smaller scale, in the Central Church Precinct, the difference between, ah, the E2 zone which is in blue.

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UNIDENTIFIED MALE: There you go.

MR OLIVER: Um, and then the um, and the vegetation transition management line, um, in red, um, at the top of the page, and then the 60 and 100-metre, ah, APZs that are required; the 60-metre for a residential building, and the 100 metre that's required for a special fire protection purpose which is the school. Um, and what that shows at the bottom edge of the page is that the school has very clearly adopted the vegetation transition management line, um, as a basis for the planning and in doing so requires 100-metre protection zone to be managed under that consent, um, up to the red line at the top of the page. Um, and that's the same line and the same basis of planning that we've approached mod 5 on – um – sorry – mod 8 on.

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UNIDENTIFIED MALE: Yeah.

MR OLIVER: And you can see that in the difference in the centre of the page between the red and the blue line. It's important to note that then at the top of the page at the E2 boundary the area between the red line and the blue line is required for an Asset Protection Zone under the school consent, has previously been managed as an Asset Protection Zone, hence why there is a difference between those two lines because that land was already managed as an Asset Protection Zone.

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It was then identified under the Biodiversity Management Plan, it's continuing to be managed for APZ, identified under the school consent as being required for APZ and that's an ongoing requirement as the school continues to operate. So you can see then the rationale and the basis that we've adopted in using that line which is under the framework of the Concept Approval.

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We do fully acknowledge that the wording of condition B5 and the difference between – in that approach between the Biodiversity Management Plan and condition B5 may give rise to some confusion and hence how the department has arrived at its view, that potentially the E2 zone boundary should remain as the APZ boundary. And to that effect, you know, for the reasons that Graham has outlined and I've just outlined I suppose we believe that it's been necessary to clarify condition B5 to make it abundantly clear that the Biodiversity Management Plan established under condition B4 is the appropriate line for continuing planning in this precinct and for other precincts as well.

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The effect obviously adopting the department's recommendation that the E2 boundary is the blue line that cuts through buildings B, C and E on the plan shown above which would have a severe effect on building envelopes. The condition suggested by the department does allow for redesigning on building envelopes to comply with that APZ that they've suggested. However, if you look at that image it

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becomes quite clear that that redesign is likely to not be fully complete in kind of delivering the 200 apartments that are envisaged for this precinct under the Concept Approval. But more importantly, it will result in building mass shifting to the bottom of the page area is east and then closer to the school which has been a major point of community concern and - - -

MR ZDUN: And angst.

MR OLIVER: - - - and angst through this two-year process. We've had a lot of - and you would have seen from the department's report and the community submissions that the interface between the school and the proposed residential buildings is an area of concern and we've made adjustments along the way including, as Alister mentioned before, obviously the of building B, but also carving back part of building C at the closest point of the interface there.

So from our perspective the department's recommendation I think is not consistent with the planning approach that's been taken to date and it would result in a perverse outcome because the area - that 100 metre area for the school to the red line at the top of the page, the vegetation transition management line, is already required to be managed as an Asset Protection Zone for the operation of the school, and it always has been as long as this site has been occupied and managed by the church.

So imposing what - the more onerous of the E2 zone line would not change that situation, that area between the blue line and the red line will continue to be managed as an APZ for the school, but it would have a significant impact that's on the residential development, potentially on the school as well if that redesign results in a less sensitive interface I suppose for no real benefit. What we're proposing here is really just a continued use of an APZ - - -

MR HANN: And - sorry - in line with the BMP that's in the place?

MR OLIVER: That's right.

MR HANN: Otherwise it's still ongoing ambiguity as to what is the correct line.

MR OLIVER: Yes. So I think that probably concludes our discussion on the bushfire. So I suppose if you guys - if the panel has any questions on that issue - - -

MR HANN: Wendy and Russell, do you have any - - -

MS W. LEWIN: No, I think that clarifies quite a bit for us, thank you.

MR HANN: Yes. No, thanks - - -

MR OLIVER: Thank you.

MR HANN: Thanks for the detail on that.

MS LEWIN: It's good to have an

MR HANN: Okay.

5 MR OLIVER: Yes. Okay. Okay. Well, we might push on to our only other matter
that we would like to discuss with you today, is in relation to the car parking rates
that are set out in – by the department in condition B9. We've provided in 11 a bit of
a comparison I guess between the Concept Approval, the Ku-ring-gai DCP, what we
originally proposed, what the department's recommended and what our response is
10 then, now and the issues that we're seeking to clarify with you further. Effectively,
the original Concept Approval established parking rates that were very low for this
location in transport context.

The reality is that this site in the upper north shore of Sydney, while it is serviced by
15 public transport and has, you know, bus connections focussed around the hospital
and by the consequence the site, those services are fairly infrequent, particularly
through the day and as a result like other households in this area there is a greater
demand for residential car parking. Many households in this area, two-thirds in
Wahroonga own two cars or more.

20 And so while we – and the parking rates for the three-bedroom dwellings reflects that
and – but where we have deviated from the department's recommendation on the
proposed parking rate is for two-bedroom car parking. So the Ku-ring-gai – the
Concept Plan Approval originally required one space per dwelling as a set rate. The
25 Ku-ring-gai DCP requires a minimum of 1.25 spaces per dwelling, and the
department has recommended that rather than a minimum that rate be applied as a
maximum.

We had proposed initially a higher rate of 1.67 per dwelling which we revised to 1.5
30 spaces per dwelling as a minimum which we feel is reflective of the likely car
ownership patterns given the location of the transport context of this site. And that
rate is consistent with the rate that's required under the Ku-ring-gai DCP which is a
minimum rate of 1.25 and it's consistent with the rates for two-bedroom parking in
other areas with similar transport context in northern Sydney as well.

35 We note the department's recommendation that they feel that limiting car spacing is
still a desirable outcome and we've reinstated car sharing on to the site which we'd
initially sought to delete, and we've accepted to an extent the department's
recommendation that the parking rate should be applied as a maximum, but we do
40 feel that the department's recommendation of a maximum at 1.25 spaces per
dwelling is too low for this location. And we say that based on the market feedback
that we've had, we say that based on also what the demographic characteristics and
patterns of car ownership in this location.

45 MR ZDUN: And the concerns by the local community regarding on street parking.

MR OLIVER: Exactly. Through this process we've had a lot of feedback and you'll see in the department's assessment report that the availability of on street car parking is one of the big concerns of this community in this location. There's obviously existing operational management, and you have the hospital which is a large parking attractor and, obviously, the other functions of the school and the church and the other uses on the estate.

So we feel that in this location I would be maximising – sorry; capping the number of spaces for two-bedroom dwellings at a rate that's too low won't have a desired effect of reducing car ownership to the level the department sees in. It is more likely to result in those cars still being owned by households but being parked on the street in locations that reduce the availability of parking for other residents.

The other aspect of the parking rates which we don't agree with the department on is the visitor parking rate. The department has recommended one space per four dwellings. We had proposed one space per six dwellings, but we feel that one space per five dwellings is a nice compromise, but it's also consistent with the parking rates for other surrounding areas with similar transport context like the like the Hills and like Hornsby Council, and we feel that that comparable benchmark is here.

I think the other factor to consider here as well is that there is at a lot of times during the week an abundance of car parking on the Wahroonga Estate site more generally. There's 2,000 car spaces approximately provided across the entire estate including light multideck car parking which is paid car parking. There's, nonetheless, substantial provisional parking that's within short distance of the precinct.

So we feel that that's also an option in instances where the parking provision in peak times when a lot of visitors are around for the residence. Paul from TTW and his team have been responsible for traffic engineering for the site and I guess Paul might speak to I guess the traffic impacts and the traffic analysis that they've done demonstrates the car parking provision and car ownership.

MR YANNOULATOS: We certainly have. We've looked at the parking requirements and they're fairly consistent with what we've done in the past. The other thing that looked at is the traffic modelling. We did a lot of traffic modelling for not only that intersection, but the adjoining intersections as well, and looked at what the impacts would be with the traffic. And the level of service for all those intersections when they're finally put into place are a good level of service.

We've even looked at 2036 projection, and again the level of service for those three intersections would perform well, a satisfactory level of service. The Comenarra Parkway and Fox Valley Way is currently being upgraded with the RMS doing quite a lot of work there at the moment, the intersection is performing poorly. With these improvements the whole area will be working a lot better for traffic.

MR HANN: Paul, just on the traffic data, in the submissions there's concern about the fact that the last surveys, and I'm quoting, is back in 2012 or thereabouts

presumably. So are you talking about new information in terms of survey, you know traffic - - -

MR YANNOULATOS: Correct.

5

MR HANN: Taking account of subsequent developments and traffic movements?

MR OLIVER: Yes.

10 MR YANNOULATOS: Correct.

MR HANN: Okay.

15 MR YANNOULATOS: We recently did an update on all the existing traffic counts - - -

MR HANN: Right.

20 MR YANNOULATOS: - - - and took that into account - - -

MR HANN: And the level of service at the intersections - - -

MR YANNOULATOS: - - - into this level of - - -

25 MR HANN: - - - is that - - -

MR YANNOULATOS: Is poor now - - -

MR HANN: Yes.

30

MR YANNOULATOS: - - - for the areas that we're talking about, Comenarra Parkway being the main one. But then what we did is we looked at the new design that's going to be implemented and the traffic signals that we're proposing at this access entry and modelled that - we networked - what's called network modelled - - -

35

MR HANN: Yes.

40 MR YANNOULATOS: - - - that whole - those three intersections, the existing intersection with the hospital, those three intersections, and updated the counts to what's recent now and used that information in - - -

45 MR OLIVER: Just to add to that because there is quite a lot of discussion that's been occurring with RMS over the last two years. So the main entry to the school and the residential estate is through here.

MR HANN: Yes.

MR OLIVER: Or proposed to be through here.

MR HANN: Yes.

5 MR OLIVER: It's part of the part 3A approval. There's the intention of having a signalised intersection constructed here.

MR HANN: Yes.

10 MR OLIVER: We've been in discussions with RMS for two years now to try to secure their approval for a design here, and it's ongoing. Unfortunately, it's protracted. As part of those discussions RMS required us to update the traffic modelling - - -

15 MR HANN: Right.

MR OLIVER: - - - which was done I think around May/June of this year, and that traffic modelling as Paul mentioned was based on existing traffic flow, based on the whole estate being developed out which I think included notwithstanding we're
20 under that, and also traffic modelling based on 2036 projections, and RMS provided the assumptions as far as what the growth would be in that vicinity which then informed the modelling - - -

MR YANNOULATOS: Modelling that we did.
25

MR OLIVER: - - - that Paul undertook. So that report was done and issued to RMS and the level of service for this intersection was A now and would continue to be level service A as defined by RMS now to 2036.

30 MR YANNOULATOS: That's correct, yes.

MR OLIVER: And that was predicated on the traffic yield or the car parking rates that we submitted as part of our original 75W application.

35 MR HANN: But this most recent traffic modelling of 2019, is that on the department's website? Is that in the documents on - - -

MR ZDUN: It is included in the traffic assessment that we provided to the department, yes.
40

MR HANN: Yes. I had a look and I couldn't find it. That may about the department's website - - -

MR ZDUN: Okay.
45

MR HANN: - - - as about the - - -

MR YANNOULATOS: Yes.

MR ZDUN: It may, yes.

5 MR HANN: It would be helpful to provide a copy of that.

MR YANNOULATOS: We can certainly see to - - -

10 MR HANN: Would you mind?

MR OLIVER: Yes.

MR HANN: Yes, that would be good.

15 MR HANN: This is the most recent modelling you've done?

MR YANNOULATOS: Yes.

MR HANN: And your projections out to 2036?

20

MR YANNOULATOS: Yes.

MR HANN: No, that's great. Thanks. And the service level – level of service you talk about is the signalised intersection for the proposed - - -

25

MR OLIVER: It was done on three intersections.

MR YANNOULATOS: It was done on the three.

30 MR HANN: On Comenarra Parkway as well. Okay.

MR YANNOULATOS: Because we – yes.

MR OLIVER: And the hospital entry and this entry.

35

MR YANNOULATOS: Yes.

MR HANN: Right. Okay. When will the Comenarra Parkway upgrade, the intersection upgrade occur?

40

MR YANNOULATOS: Well, RMS have indicated that they'll be starting next year I thought.

MR OLIVER: Not Comenarra. Comenarra, Fox Valley Road - - -

45

MR YANNOULATOS: Yes.

MR HANN: Yes.

MR OLIVER: - - - that intersection was due to start mid this year.

5 MR HANN: Okay.

MR OLIVER: So it's imminent. I think there's one final approval pending by RMS. We aren't involved.

10 MR HANN: Okay.

MR OLIVER: By the church has engaged project managers for that, but it's - - -

MR HANN: Sure. That's the start.

15

MR OLIVER: It's to start the works, yes.

MR YANNOULATOS: To start, yes.

20 MR HANN: Yes. Okay. Yes.

MR OLIVER: Yes.

25 MR YANNOULATOS: But I can't see it starting – this is what I'm saying, it will probably start next year.

MR HANN: Okay.

30 MR OLIVER: Yes. Okay. Now I'm - - -

MR HANN: All right.

MR YANNOULATOS: Yes. We don't know - - -

35 MR OLIVER: It's been in the works for a while.

MR HANN: Okay. All right. Any questions on the traffic side of it, Wendy?

40 MS LEWIN: In the public realm not so much. Quite interested in how the traffic management road infrastructure will be put in place for the development and the concurrent use of the school and - - -

MR HANN: Are you talking about the construction phrase?

45 MS LEWIN: Throughout actually and - - -

MR HANN: Okay.

MS LEWIN: - - - and in both of them there's this sort of safety issue related to the use of this – both sides of the campus, school campus.

MR OLIVER: Yes.

5

MS LEWIN: And I think earlier you mentioned there was a – sorry, it was mentioned that there would be a pedestrian underpass that connects - - -

MR OLIVER: Yes.

10

MS LEWIN: - - - the two sites.

MR OLIVER: I could probably talk to that. So our intention is to construct the signalised intersection prior to starting any works on the residential estate, and the reason for that is – well, it's twofold. One, is that it will facilitate a better outcome for the school in terms of access and safety, whether it's be pedestrians or school drop off and pick up, but also, at the moment, the school parents in the drop off needs to go through the residential component of the estate.

15

20

MS LEWIN: Mmm.

MR OLIVER: So the intent is to secure the approval of RMS and construct the signalised intersection prior to starting the residential works, and timing in terms of where we're at in the program that that should eventuate. As far as ongoing – or further down the track the traffic and construction safety and how that's to be developed, that's something that we would work with a builder once we get to the point of appointing a builder for the site. We would work together with the church and importantly the school in developing a traffic and construction management plan to ensure that any construction activity on the residential component is undertaken in a – obviously, in a safe manner for the key areas and that, and we have that direct interface with the school right on our doorstep and - - -

25

30

UNIDENTIFIED MALE: Well, from a planning perspective when we – we'll proceed to the stage of lodging a DA with council for the detailed design and construction of these buildings as well we'll obviously be required to prepare a construction traffic management plan that's - - -

35

MR OLIVER: As part of a DA submission.

40

MR YANNOULATOS: Yes.

UNIDENTIFIED MALE: - - - with the details of that arrangement as well.

MR YANNOULATOS: That would be a preliminary one, but as Phillip said - - -

45

UNIDENTIFIED MALE: Yes.

MR YANNOULATOS: - - - we'd do a detailed with the builder - - -

UNIDENTIFIED MALE: Yes.

5 MR YANNOULATOS: - - - when they're on board.

MS LEWIN: And are there early indications that the proposal will be staged in its construction or is it to be built - - -

10 MR OLIVER: No, at the moment – at the moment we are proposing the stage the delivery of the - - -

MS LEWIN: Okay.

15 MR OLIVER: - - - four residential buildings, with stage 1 being building A, B and C.

MS LEWIN: Yes.

20 MR OLIVER: Principally, because there's one larger basement beneath those three buildings and there's services that might be located on one end of the basement that needs to service, say, building A and vice versa. So we're not able to, for example, construct building A without constructing the whole basement because services need to be located in certain locations.

25

MR HANN: So it's one continuous basement?

MR OLIVER: So it's one continuous basement - - -

30 MR HANN: Yes. Okay. Yes.

MR OLIVER: - - - over one and a half levels essentially.

MR HANN: Yes.

35

MR OLIVER: And then building E would be a subsequent stage that would be marketed separately, constructed separately and it would be delivered at a later date.

MS LEWIN: Thank you.

40

MR HANN: Thanks. Okay. Okay.

MS LEWIN: Okay.

45 MR HANN: Awesome. All right. And I think you mentioned the underpass, so somewhere in that access road you - - -

MR OLIVER: Yes. So the underpass – we originally I guess had anticipated that the school children would walk up to the signalised intersection, cross there safely and back down.

5 MR HANN: Right.

MR OLIVER: Through consultation with the school their concern was the amount of time taken for school children of limited amount of playtime to walk up and down. We then discussed whether it's a zebra crossing. There was still concern about
10 safety for kids and the school proposed an underpass which we're working with the school and will work with the school to construct an underpass directly from the school to where building D was, and the intention is for that to be constructed when we undertake the signalised intersection works because it's logical for that to occur at that point in time.

15 MS LEWIN: Good.

MR HANN: Okay.

20 MS LEWIN: Good.

MR HANN: Thanks.

MS LEWIN: Thank you.

25 MR HANN: All right. Anything else, Wendy?

MS LEWIN: No.

30 MR HANN: No. Was there anything else say in terms of the department's assessment report you wanted to draw attention to?

MR OLIVER: Look, the only thing I failed to mention before was that we obtained some legal advice regarding the bushfire and interpretations of conditions B4 and B5
35 which - - -

MR HANN: And I did mention earlier that when you table it - - -

MR OLIVER: Yes. No, that's about that.
40

MR HANN: - - - that that was publicly available.

MR OLIVER: So we've emailed that this morning - - -

45 MR HANN: So we understood - - -

MR OLIVER: - - - but I'll just provide you with a copy of it as well.

MR HANN: Okay. Thank you.

MS LEWIN: Thanks.

5 MR OLIVER: Obviously, if there's any questions that arise that we're happy to answer them - - -

MR HANN: Okay.

10 MR OLIVER: - - - following the meeting.

MR ZDUN: And apologies it was sent late, we were waiting for conflict clearance by the solicitor which was received this morning.

15 MR HANN: No, that's fine.

MR ZDUN: Hence the delay in this meeting.

MR HANN: No. Thanks for that. So that will be noted in the transcript that we've received.

MR OLIVER: Yes, correct.

MR HANN: Yes. Was there anything else in the department's assessment report you wanted to draw attention to?

MR OLIVER: No.

MR HANN: Okay. I think we've covered the amenity – we were interested in the amenity issues of – and these will come out of your DAs for each of the building - - -

MR OLIVER: Yes.

MR HANN: - - - you know, A, B, C in relation to the school.

MR OLIVER: Yes.

MR HANN: And we understand from the document material that, you know, you've already gone to a fair degree of detail which is not in the Concept Application - - -

MR OLIVER: No.

MR HANN: - - - that allows you to, from what you said earlier - - -

MR OLIVER: Yes.

MR HANN: - - - to be satisfied that SEPP 65/ADGs - - -

MR OLIVER: Yes.

5 MR HANN: - - - there will be a good outcome in that regard.

MR OLIVER: Yes.

MR HANN: Is that correct?

10

MR OLIVER: Yes, that's correct and we've obviously done a lot of – and that was part of the discussion with the department, was demonstrating that these envelopes are – will result in good design from ADG and compliance, but also around that interfacing and probably – it's worth noting, and I didn't make this point earlier I
15 guess, but when you go up to undertake your site visit you will see that the school here has been very carefully designed knowing that these residential buildings were coming. So there's really – there is no surprise between the delivery of the school and the delivery of these residential apartment buildings. Both were approved under the Concept Approval back in 2010. There was always going to be an inter facia
20 between the school and residential apartment buildings of the scale that's proposed now.

MR HANN: Okay.

25 MR OLIVER: And so with that in mind the design good and you'll see the first stages there. It takes that into account and the school buildings themselves have also been designed to be sensitive of the interface with these residential apartment buildings to take into consideration things like privacy and those type of issues as well. And so you'll be able to see that in the building that's been constructed there
30 and it's showing in the SSD as well in the drawings for the future stages that are still to be delivered.

But the management and interface goes both ways. When the school buildings were designed it was always known that these residential apartment buildings would be
35 coming at a later date and so they were designed that way, and also consequently we're designing in response to the school building, so it has been a two-way design process, albeit at different stages of the process.

MR SWAIN: I had a comment about the school if I may?

40

MR HANN: Right.

MR SWAIN: The original concept was to put the school close to Coups Creek for the amenity, but we realised with the 100-metre setback everything would have to be
45 pushed back and then of course the whole thing sort of reversed from the residential being on Fox Valley Road to them behind the school. So a bit unfortunate – you know, we have to apply the requirement of the RFS unfortunately as in most cases.

MR HANN: Okay. No. Thanks, Graham. Russell, you had a query?

MR R. MILLER: Michael, in terms of community consultation on - - -

5 MR OLIVER: Mmm. Yes.

MR MILLER: - - - can you tell us what you've undertaken to date?

10 MR OLIVER: Yes, we can. We've done extensive consultation, probably Tom can speak to the details better than - - -

MR ZDUN: Yes, I guess the consultation has occurred prior to MOD 8, but I can maybe focus on - - -

15 MR MILLER: So the question is how - - -

MR ZDUN: - - - the MOD Act process.

20 MR MILLER: Well, the question really is, is how familiar is the community with MOD 8?

MR ZDUN: We – about a year and a half ago we setup a website, WahroongaEstate.com.au, because we identified a lack of I guess regular communication by the landowner to all stakeholders on the estate where there's a residential or medical facility or a hospital and school and so on and so forth. So we've been using that as a – I guess a portal for the community or for anyone to receive up to date information or to submit a query which we then engaged a third party, which was Straight Talk now known as RPS, to manage that process for us. We also provide quarterly newsletters which we do a physical mail drop to all the residents. And those newsletters and the website provide an update in terms of what is happening on the estate, whether it's intersections or the MOD 8 as an example.

35 We've also leading up to DA lodgement which has yet – well, that hasn't occurred as yet, we held information sessions for church staff, the hospital staff and also public informations. One was held for the school parents principally and a subsequent evening was held for the community, and we advised the community of that through a mail drop to the same residents as identified by council when a DA goes on exhibition. They were display and discuss sessions, so we presented a level of detail in terms of what's proposed and what we have done in response to previous sessions where we presented to the school parents that we made those changes as far as building D and deleting of building C.

45 So we continued to update all of the stakeholders and the residents on a regular basis. There is a lot of angst in the community, particularly from a couple of action groups. There is a lot of angst by school parents some of which weren't aware of the residential forming part of the master plan and we identified that sometime ago and have – are trying to address the lack of information and provide regular updates and

be a conduit to inform people in terms of what's proposed and the timing of the delivery under the part 3A approval.

5 MR OLIVER: I think that's – well, what we found that is that whilst there was a series of extensive consultation back in the original Concept Approval - - -

MR MILLER: Yes, yes.

10 MR OLIVER: - - - back in 2007 through to 2010, that is now nine years ago and so whilst it was at the time was consulted quite extensively I think there's probably, you know, a period where people haven't been reminded the fact that the Concept Approval is there, and so there has been a bit of community attention drawn back on this modification because whilst the building envelopes and the number of is consistent generally with what was approved I think it's drawn back to the current
15 kind of – the current community as well, people have changed in the community, but also it's drawn back to people's attention that there is this development that is there under the Concept Approval, but may not have kind of been thought about in the last kind of, you know, eight or nine years.

20 MR MILLER: Okay.

MR ZDUN: Yes. And I guess also the MOD 8 being – it was submitted almost two years ago, I think it's gone out to the public at least twice - - -

25 MR OLIVER: Yes.

MR ZDUN: - - - in terms of further information and response to council's – sorry, in response to the community's response.

30 MR OLIVER: Yes.

MR ZDUN: We've, I think, gone back and forth over the last two years at least twice.

35 MR OLIVER: Three times, yes.

MR ZDUN: Three or four times.

40 MR OLIVER: We've also had the DA lodged for a display suite as well that's also attracted community attention in the same spirit.

MR ZDUN: Yes.

45 MR MILLER: All right. Okay.

MR HANN: Yes. Thanks.

MR OLIVER: Yes.

MR MILLER: That's fine.

5 MR HANN: All right. Anything else, Wendy, in terms of the - - -

MS LEWIN: No, I think the earlier presentation that Michael offered answered my question about the ADGs and SEPP 65.

10 MR HANN: Sure.

MR OLIVER: Yes.

MR HANN: Okay.

15

MS LEWIN: And the – generally I think the solar access issues will come out later, but it's to do with the - - -

20 MR OLIVER: Yes. We have provided overshadow modelling. If that's in relation to the school we have provided that modelling - - -

MS LEWIN: Mmm. Yes. That would be good, actually.

25 MR OLIVER: - - - as part of the application, so we can forward that to you, yes.

MS LEWIN: Thank you.

MR HANN: All right.

30 MR OLIVER: Yes.

MR HANN: Okay.

35 MR OLIVER: We may not have undertaken that – updated that since we deleted building D, but we can look at - - -

MR HANN: Okay.

MR OLIVER: Yes.

40

MS LEWIN: Thank you.

45 MR HANN: Well, I think that completes our queries. You've given us a great deal of detail and particularly obviously the bushfire protection issue is of a particular interest, and in particular the way the department have addressed in the AR and conditions.

MR OLIVER: Yes.

MR HANN: So you've given us a great deal information on that. So thank you.

5 MR OLIVER: Okay.

MR HANN: So we'll call the meeting closed.

10 **RECORDING CONCLUDED**

[12.08 pm]