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O/N H-1085269

INDEPENDENT PLANNING COMMISSION

**MEETING WITH DEPARTMENT OF PLANNING,
INDUSTRY AND ENVIRONMENT**

**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**

**DPIE: ANTHONY WITHERDIN
 MICHELLE NILES
 NATASHA HARRAS**

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

DATE: 9.30 AM, TUESDAY, 22 OCTOBER 2019

MR J. HANN: So before we begin, I'd like to acknowledge the traditional custodians of the land on which we meet and I would also like to pay 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 seeking approval for
5 modification 8 to the Wahroonga Estate Concept Plan to amend building envelopes, delete building D and amend car parking rates and change internal roadwork configuration.

10 My name is 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; Callum, who's – oh no. There you are, Callum. And also Michael Woodland and Brent Devine, who are consultants to the secretariat of the Commission.

15 Ah, in the interests of openness and transparency and to ensure the full capture of information, today's meeting is being recorded and a full transcript will be produced and made available on the Commission's website, and hence all the microphones here. Ah, this meeting is one part of the Commission's decision-making process.
20 It's taking place at the preliminary stage of this process and will form one of several sources of information upon which the Commission will base its decision. It is important for the Commissioners to ask questions of attendees and to clarify issues whenever we consider appropriate.

25 If you're asked a question and you're not in a position to answer, please feel free to take it on notice and provide any additional in writing to us, which we will then put up on the website. And I request that, ah, all members here today introduce themselves before speaking and just avoid talking over the top of each other so it's, ah, clear ultimately in the transcript. Thank you very much. I think we're – ah, we're ready to go.

30 MR A. WITHERDIN: Okay. Great. Thanks for having us.

MR HANN: That's all right. And we – um, look, as the – the first step, it's really good for you to take us through the assessment report and the key issues, and then
35 we'll – we'll go from there.

MR WITHERDIN: Okay. Great. Yeah. So I've asked Michelle Niles, um, to give us a brief background on the proposal, um, the site, ah, what was originally approved and just some findings – so, um, the key assessment issues that we, um, considered
40 through our assessment. So I'll just, ah, hand you over to Michelle.

MS M. NILES: Okay. Um, so the proposal relates to a concept plan approval for the Wahroonga Estate, ah, which is located but the Ku-ring-gai and Hornsby local government areas. The modification specifically relates to a land within the Ku-ring-gai LGA. Ah, Wahroonga Estate has a site area of about 62 hectares and is located at
45 the intersection – oh, generally located at the intersection of Fox Valley Road and the

Comenarra Parkway, ah, about 18 kilometres north-west of the Sydney CBD. Um, the concept plan was originally approved by the then Minister of Planning on, ah, the 31st of March 2012. It established five development precincts. Each precinct has separate land uses, a maximum number of dwellings and a maximum floor space.

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Ah, the key – oh, I guess, generally, the key elements of the concept plan are additional floor space for the upgrade and expansion of the Sydney Adventist Hospital and a new K to 12 school, being the Wahroonga Adventist School; up to five – ah, 500 private residential dwellings across the site; additional floor space for a range of land uses, including seniors' living, commercial and retail uses, ah, student accommodation, group homes, boarding houses and church uses; um, also approximately 50 per cent of the site as environmental conservation lands. Um, a number of consents have been granted for the development, including the construction of the Wahroonga Adventist School and the Sydney Adventist Hospital works.

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In terms of the location of the mod within the estate, ah, the mod relates to land within precinct B, which is also referred to as the central church precinct. Ah, within precinct B, the concept plan approved, ah, about 9000 square metres of educational floorspace for the Adventist school, um, additional floorspace for the public worship and, ah, retention of nine existing dwelling houses and about – ah, well, a maximum of 200 dwellings within the five established residential flat – proposed flat buildings.

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Um, in terms of what this modification relates to, it originally sought to amend the building footprints from a curved footprint to a more rectangular footprint and increase the depth of the building envelopes. Um, it increases – it proposes to increase the building heights about the existing applicable LEP height controls. Um, it sought to add more detail to the residential building envelopes, including dimensions and heights of buildings. It increase the residential car parking rates, reduces visitor car parking rates and removes a requirement to provide car share spaces, um, and it also sought to change the internal roadway configuration of precinct B. Ah, the proponent subsequently amended the proposal to delete building D, ah, to provide more open space for the school, remove the detail proposed for the building envelopes and clarified that on-street parking locations are indicative only.

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Um, in terms of, ah, notification process, the department received 112 public submissions, all of which objected to the development. The key concerns raised in the submissions mainly relate to the impacts of – impacts associated with the existing concept plan approval rather than the impacts of the modifications. Um, it's noted that the concept plan already permits RFBs on the site and, therefore, the general development of the site is not a matter for reconsideration as part of this modification process. In terms of the key concerns raised in the public submission, they relate – they relate to impacts on the Wahroonga Adventist School, traffic impacts, bushfire impacts, building design and car parking. Ah, four agency submissions were received from council, RMS, RFS and Transport for New South Wales.

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In terms of council's submission, ah, they raised a number of concerns, including the level of detail proposed in the plans, um, and the – and that building heights should be considered at the DA stage rather than at his concept stage. Ah, the – they raised that the proposed envelopes would impact on the amenity of the school and obstruct
5 the visual and physical link between the school and its playing fields. Ah, they raise that residential car parking proposed is in excess of the DCP, car share vehicle spaces should be provided as part of the development and a reduction in visitor parking was not supported. In terms of the building envelopes, they mentioned that it encroached into the APZ and were inconsistent with planning for bushfire.

10 Um, the department considered the proposal and the submissions it received and considers the modification as approvable subject to the recommended future assessment requirements. Ah, the key issues that we looked at as part of the modification were the impacts on the school, the future built form proposed, parking
15 and bushfire management. Um, firstly, in terms of parking, ah – oh, sorry, firstly, in terms of impacts to the Wahroonga Adventist School, the department notes that the modification would not result in any significant impacts to the school compared to the original approval. Ah, we note that, with the deletion of building D, the modification actually results in a net benefit to the school by increasing the size of
20 the school grounds. Ah, it improves connections between the school – main school area and the existing recreational areas, improves outlooks and increases all the access to the north-east corner of the school.

In terms of the future built form, the department is satisfied that the proposal – the
25 proposed changes to the building footprint, envelopes and setbacks are appropriate and would not result in any unacceptable impacts within the site or adjoining to the school as the variation to council's height controls are minor and generally are located at the rear of the buildings or set back from the building edges. Ah, the proposal would not result in any significant amenity or visual impacts compared to
30 the original approval. In terms of the footprints, the changes result in an overall net improvement to the amenity of the school as deletion of building D, as I mentioned earlier, results in improvements to outlooks and solar access to the school and is offset by – um, and offsets the impacts of the other areas of increased massing. Ah, the building footprints are also capable of delivering – ah, we consider the building
35 foot prints are also capable of delivering good levels of internal amenity subject to the – subject to appropriate design at the DA stage.

In terms of the level of detail proposed in the plans, we – ah, we consider it appropriate for – ah, it's noted that the level of detail in the revised plans are
40 considered appropriate, ah, for a concept plan and provide council with the flexibility of further articulation and modulation of the buildings. Um, to ensure that there's no ambiguity in DAs, a future assessment requirement has been recommended, specifying that the top level is not – is not to include residential floorspace and is limited to plant and rooftop terraces only.

45 Um, thirdly, the amendments to parking are considered acceptable subject to the future assessment requirements as the proposed increase in residential parking rates

would reduce the residents' reliance on on-street parking, and, ah, we note that lack of available parking was a key concern raised in the public submissions. However, requiring parking rates to be a maximum rather than the proposed minimum rate would strike the right balance between ensuring residents have sufficient parking to –
5 ah, sufficient access to private vehicles to meet their needs while encouraging use of alternative forms of transport. Um, we note that council – ah, council support the approach of, um, requiring a maximum rate rather than the proposed minimum rate by the proponent.

10 Um, in terms of the proposal to delete the car sharing spaces, ah, which was a rate of one space per six dwellings, um, it's noted that this rate was proposed by the original proponent to the estate as part of a suite of measures to improve traffic outcomes for the site. However, we consider that, ah, the approved rate would significantly exceed the likely demand for car share spaces. Um, based on the advice from council, the
15 department recommended a rate of one space per 90 dwellings, which results in three car – car share spaces for the – ah, for precinct B.

Um, as the proponent hasn't – ah, in terms of the visitor – reduced visitor parking rate, the proponent didn't provide any evidence to support the request. Ah, the
20 department considers that the DCP rate of one space per four dwellings should continue to apply to ensure that the proposal does not result in increased on-street parking impacts or – or that – or result in visitors having to use the commercial paid parking for the hospital.

25 Um, lastly, in terms of bushfire management, the department recommended that, as the protection zones comply with planning for bushfire protection requirements, APZs future DA applications do not encroach into the conservation zone and, where necessary, building footprints are adjusted so that they do not encroach into these
30 APZs. In terms of the location of the APZs for the site, we note that, during assessment of the original concept plan, in response to concerns about biodiversity impacts, the APZ was specifically amended so it did not encroach into the gazetted E2 environmental conservation zone and a future assessment requirement, ah, E5, was included to require all APZs be located outside of the conservation land. The final preferred project report identifies the APZs for the entire site.

35 The proponent advised that the line – ah, that the – ah, the line of the proposed APZ is measured from – ah, is derived from a survey that they carried out after the concept plan was approved. We note that the – we note that the revision to the APZs has never specifically been sought as a modification to the concept plan, um, and we
40 consider that the APZs shown on the modification plan would be inconsistent with the intention of the original approval – um, sorry. We consider that the APZ shown on the proposed modification will be inconsistent with the intent of the original approval as it would potentially require removal of vegetation in the conservation land or could prevent the rehab and revegetation of this area, including remnant
45 endangered ecological communities. As such, we recommended that the original approach and future assessment requirement in the concept plan that no part of the APZ be in the conservation land be maintained.

Overall, we consider the proposal – proposed modification to the building envelopes are minor, the deletion of building D would offset any increase in massing and result in a net benefit to the adjoining school and, subject to the recommended future assessment requirements, parking, building design and bushfire management would
5 be acceptable.

MR HANN: Okay. Can I ask, um, does the – the – the material you've just presented, um, does that take account of this most recent documentation that the applicant provided in relation to proposed changes to the consent conditions,
10 particularly in relation to the bushfire protection? So your – your – your, um – your points that you've just made, does that take account of, ah – of that, and, if not, could you give us your – your views on that most recent material?

MR WITHERDIN: Look, um, it doesn't, ah, take into, ah, account the proponent's latest response that you sent across to us last week. We have had a review of that information and, um, specifically in relation to car parking and for bushfire, um, and we're happy to get back to you separately on those points. Um, but just generally, we believe most of those issues that, um, the proponent raised have already been assessed within our, um, assessment report, but we will just, ah, double-check and
15 20 confirm that's the case.

MR HANN: Okay. No. Thanks, Anthony. Ah, perhaps we could, um, kick off with a little bit more detailed understanding of the landing that you've – you've reached on the bushfire protection. It's – its' somewhat confusing for us, but, ah, if
25 we could just understand that better in that it's – when we look at the conclusions that you've reached in the assessment report, ah, on the one hand it's crystal-clear in terms of protection of the E2 conservation zone and no encroachment, but, on the other hand it is indicating that there may be a requirement, ah, in order to comply with that, to adjust the building footprint. So, ah, in your discussions with the
30 applicant, how does that work, in other words? On the one hand, if this would be approved, then you've got a set of building footprints that are – are – are, um, articulated on the ground and, yet, the, ah, application of the condition in relation to E – ah, the asset protection zone will – will significantly impact those – those building footprints. So how – how is that – how does that get resolved?
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MR WITHERDIN: Um, so, look, so there's – there's the condition about the APZs, and that hasn't changed. The proponent has never sought to change that, um – ah, that requirement, and, as you can see in the report, we've gone through in quite a bit of detail sort of outlining how the APZ was to be measured, um, as recommended in
40 the original concept plan approval. And, um, in terms of, ah, how the proposal complies with that line, we acknowledge that there would be some encroachments into that APZ line. Um, so it would be a requirement for the proponent to adjust those APZ – ah, the building footprints, um, at the next stage when the applications get submitted to council, um, through DAs for their detailed assessment. So there
45 would be, um, potentially, some, ah, adjustments to those building envelopes.

MR HANN: So, on that basis, given that there's an approval, or that the 200 dwellings doesn't change across the site, building D, I think is – is – is part of the modification to be removed, so you're compressing, ah, one assumes, the 200 dwellings into those four building envelopes now. Ah, and, in addition to that, it potentially could mean, ah, quite a significant change to the building envelope or footprint should the asset protection zone require that in the DA stage. So how – how do you see that resolving itself?

MS N. HARRAS: So I think there's a conflict. So they – they used a line which – for their APZs, which was never approved by us and which we can't approve it without assessing it, um, so we're really in a position where they then have to amend their building envelopes to, um, comply with that line, unless they were to seek a modification, um, to amend that line and we – and the department assess the ecological impacts of that – um, of amending that APZ line, um, otherwise they will have to amend their building envelope to comply with the existing requirements for the APZ. Um, now, with the new planning for bushfire protection requirements, they're in draft form at the moment, um, but they – they're due to come into effect, they – they think this year, but it could be early next year, but they can – you can use them now for performance-based solutions.

20

MR HANN: Right.

MS HARRAS: And, if you use those, I think there would be a reduction in the width of the APZs.

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MR HANN: This goes to 60 metre, I think, that's – is that right? It goes from 100 metres to potentially 60.

MS HARRAS: It – it – you have to - - -

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MR HANN: It makes it more narrow or - - -

MS HARRAS: It depends on the - - -

35 MR HANN: Okay. It's not as straightforward as that.

MS HARRAS: On the slope and the – yeah.

MR HANN: No. Okay.

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MS HARRAS: So there's a – a wide – so they would – they may reduce slightly, so, well, based on that, um, it may no longer – it may be that they don't have to stick to the 60 metre setback that they have at the moment. It may be they get - - -

45 MR HANN: The 100 metre.

MS HARRAS: Well, I doubt – it wouldn't be that much. They might - - -

MR HANN: Okay.

MS HARRAS: They might get 65.

5 MS NILES: Yeah. Yeah.

MR HANN: Okay.

MS HARRAS: Yeah.

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MR WITHERDIN: Yeah. Just to clarify the APZ requirement, um, 100 metres is for the school, 60 metres is for the, um, the residential type buildings.

MS NILES: For the residential.

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MS HARRAS: For the residential.

MR HANN: Okay.

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MS HARRAS: Yeah. So the current 60-metre setback, um, APZ may be slightly bigger. So, on that basis, um, and they may be able to get still a fair bit of the envelopes as they – as they've shown there. But it – it will require further resolution one way or the other.

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MS NILES: Yeah, and it's a maximum. In terms of the number of dwellings, it's – it's to a maximum of 200.

MR HANN: Yeah.

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MS NILES: So they're not required to have 200 dwellings within the envelope. They just - - -

MR HANN: No. One would've thought economically they'd - - -

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MS NILES: Of course.

MR HANN: - - - want to have up to the maximum.

MS NILES: Yeah, yeah.

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MR HANN: Okay. Um, Wendy.

MS W. LEWIN: No, that – no.

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MR HANN: Russell, have you got any other questions in relation to that?

MR R. MILLER: No.

MR HANN: Okay. All right. Parking you've – you've addressed. Ah, is there – do you have any comments on that, Wendy? All right. So in terms of - - -

5 MS LEWIN: We're interested in the proposed parking along the – the northern road that seemed to be - - -

MR HANN: On the - - -

10 MS LEWIN: - - - slightly contentious – on the edges of it, um, in relation to the, ah – the, ah, landscaping and the – and the possibility of – oh, the possible effects on biodiversity. Ah, that's one area of - - -

MS NILES: Yeah.

15 MS LEWIN: - - - ah, the discussion we'd like to - - -

MR HANN: And that relates to the realignment as well, is that what you mean?

20 MS NILES: Yeah.

MS LEWIN: Yeah, and – and then that – as a separate thing, whether the – the road is permitted in such a form within the APZ and the parking, and so on and so on. So if you could expand on that a little, that would be fantastic.

25 MS NILES: Um, so initially they proposed to have the alignment of the road and the parking approved as part of this concept plan. Um, council raised some concern about that because they hadn't done an assessment on what the impacts would be in terms of the biodiversity on that site. Um, so we've made it clear in our assessment through – um, I think through a future assessment requirement to say, ah, it's just
30 indicative and a full assessment will need to be done at the DA stage to assess the impacts and potential kind of feel and how that will impact on, ah, the – the biodiversity in the E2 zone, um, and that the alignment will be – will be decided at that, you know, stage - - -

35 MS LEWIN: Okay.

MS NILES: - - - rather than locking it down now.

40 MR HANN: Okay. Russell?

MR MILLER: No. I'm fine.

45 MR HANN: On that matter. Um, you mentioned earlier on that, ah – just in terms of amenity and particularly the impacts on the school, what – what level of detail is there available in terms of understanding that at this – ah, admit this is modification of their concept plan. It's not DA and it's not the detail against, um, you know, 65 and – and the ADGs, but just interested to know what level of understanding you've

got in terms of things like overshadowing and solar access and things like that? Is that, um, at a concept plan level, um, you're – you're satisfied you've had – got information from the applicant - - -

5 MS NILES: Yeah.

MS HARRAS: Yeah.

MR HANN: - - - to - - -

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MS HARRAS: They submitted with their - - -

MR HANN: It's realistic. It can be - - -

15 MS HARRAS: With their original proposal, they submitted indicative floorplans of how they could lay out the floors and they did a, um – 65 analysis - - -

MR HANN: Yeah.

20 MS HARRAS: - - - to show that they could comply. Um, and, in our assessment report, I think we've said that – it doesn't really change very much the building envelopes in terms of their orientation and setbacks and that kind of thing. The main thing that changes is the depth of the – of the buildings.

25 MR HANN: Yeah.

MS HARRAS: Um, but we said that, subject to there being some recesses and, um – and subject to the future design, that – it's still capable of achieving, um, good levels of residential amenity or no reduced levels of residential amenity compared to
30 the existing envelopes.

MR HANN: Okay. All right. Any comment?

MS LEWIN: No, no. It's clearly something for the DA and - - -
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MR HANN: Okay.

MS LEWIN: - - - interim development.

40 MR HANN: One question in relation to this question and this application and the removal of building D and – and the dedication of that, then, for recreational activities associated with the school, again, okay, it's – it's the concept stage we're – we're dealing with, but what – what consideration is there for road safety in terms of the – the students and – and staff and so on being able to access that area, given that
45 you've got to cross the – the – the access road to the rest of those, ah, apartments and so on?

MR WITHERDIN: Yeah. In – in terms of, um, the proposal, whether building D is there or not, um, the impacts in terms of safety won't change because the children would've always needed to cross that road - - -

5 MR HANN: Yeah.

MR WITHERDIN: - - - to access those playing fields, ah, further to the north of the site. Um, so there's no change in that regard, and that level of detail about safety crossings and how that area will be managed will be considered in detail at the DA
10 stage by council.

MR HANN: With the management – you know, road safety management plans - - -

MS NILES: Yeah. Management, yeah.
15

MR HANN: - - - and all those kinds of – okay.

MS HARRAS: I think we've concluded that, if anything, this results in an improvement in safety. They currently would've had to cross the road, walk along a narrow footpath, potentially cross the driveway, ah, to get to their, um - - -
20

MR HANN: To get to the – the playing fields further to the north-west.

MS HARRAS: Fields. Now – now they would cross one road and they would be in the playing fields and it's all connected.
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MR WITHERDIN: So there's one less driveway.

MS HARRAS: So, on that basis - - -
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MR HANN: Okay.

MR WITHERDIN: Yeah.

35 MR HANN: All right.

MS HARRAS: - - - they didn't do any further assessment on safety and improvement.

40 MR HANN: Okay. All right. Wendy, Russell, are there any other points you wanted to – for me to raise at this stage? All right.

MS LEWIN: No. Thank you.

45 MR HANN: What about Michael, Frank?

MR WOODMAN: No.

MR HANN: Anything else? All right. Thank you very much. I think now that's covered it.

MS NILES: Thank you.

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MR HANN: Yeah, I appreciate it.

MR WITHERDIN: Thank you.

10 MR HANN: We can close that out now. Thanks.

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[9.55 am]