

From: [Michelle Niles](#)
To: [Casey Joshua](#)
Cc: [Anthony Witherdin](#)
Subject: RE: Wahroonga Estate MOD 8 - Further information from Applicant
Date: Friday, 25 October 2019 12:16:48 PM
Attachments: [image006.png](#)
[image007.png](#)
[image008.png](#)
[image009.png](#)
[image001.png](#)

Hi Casey,

Thanks for the opportunity to respond to the changes to the conditions requested by the Proponent.

The Department has reviewed the letter (dated 15 October 2019) submitted by the Proponent and does not support changes to the recommended conditions as:

- the proposed change to the APZ would be inconsistent with the intention of the original approval which required the APZ be located outside of the E2 Environmental Conservation zone for the entire Concept Plan site area. This is made clear by Future Assessment Requirement (FAR) B5(1) which requires all APZs (proposed as part of the Concept Plan) be located outside of the conservation land;
- the proposed increase to the two bedroom car parking rate would be inconsistent with the original objectives of the approval to reduce reliance on private vehicles. The Department considers our recommended condition, which increases parking spaces to match Councils parking rate, strikes the correct balance between ensuring residents have sufficient onsite parking to reduce impacts on surrounding streets while also encouraging use of alternative forms of transport; and
- the Council's visitor parking rate is considered the most appropriate rate to apply to the site ahead of parking rates for other local government areas. This is to ensure the proposal does not result in increased on-street parking demand or require visitors to use paid parking spaces required to satisfy parking generated by the Sydney Adventist Hospital.

In response to the points raised by the Proponent about the location of the APZ and zoning boundaries, the Department notes that the zone boundaries were based on independent vegetation mapping commissioned by the Department to resolve inconsistencies between the ecological mapping prepared by the then Proponent and Council. The results of the independent review were generally consistent with the mapping by Council. The SEPP Amendment gazetted in December 2009 set boundaries between the development and conservation zones and are based on the results of the independent vegetation mapping. The final Preferred Project Report (Final PPR) was then lodged to reflect the zoning changes and controls in the gazetted SEPP. The Final PPR included a revised layout to ensure APZs were outside of the E2 Environmental Conservation zone and identified the alignment of APZs measured from a line of undisturbed / mapped vegetation (which was adopted as the E2 Environmental Conservation zone) on Figure 101.

The Department's original assessment report notes that FAR B4 was required to address outstanding issues relating to direct and indirect impacts on critically/endangered ecological communities, long term management and financial support of the conservation areas and future land ownership details. The intent of FAR B4 Biodiversity was not to revisit the agreed

vegetation mapping or alter the APZ requirement of FAR B5(1).

Noting the late timing of the proposed amendment to FAR B5(1), that the discrepancy between the Vegetation Transition Management Line and the E2 Environmental Conservation zone extends across most of the interface between the conservation and development boundaries on the Concept Plan site and as government agencies have not been provided with an opportunity to comment on the change, the Department recommends that FAR B5(1) not be modified. However, it is noted that the Proponent can lodge a new modification request seeking to amend FAR B5(1).

In relation of the further additional information sent by the Proponent on 22 October 2019, the Department does not agree with Proponent's assumption that "actual alignment of bushland" equates to the Vegetation Transition Management Line. It is noted that the modification to the school boundaries was requested as the APZ traversed a portion of the originally approved school site (see Figure 1 below). The modification sought to change the boundaries to ensure that the school was wholly outside of the APZ. It is acknowledged that the Architectural Design Statement submitted with the modification request, identifies a different APZ alignment than the approved Concept Plan. However, the Proponent did not specifically seek to alter the APZ alignment approved in the original Concept Plan or amend FAR B5(1) which continues to require all APZs be outside of the conservation land. Noting this, the Department suggests the following additional Term of Approval could be added:

A11 Extent of Modifications Approved by Modification 07_0166 MOD 8

The modifications approved by Modification 07_0166 MOD 8 are limited to only those modifications expressly described and requested in the documents identified in A2(1)(e), as amended by the administrative terms of approval and further assessment requirements of this concept approval.

Finally, the Department notes the Shadow Analysis and Revised Intersection Modelling submitted does not alter the Department's assessment. The Department continues to be satisfied that the modification will not result in any significant overshadowing to the school compared to the approved building envelopes and that the modification would result in little difference to the operation of the local road network.



Figure 1 – Location of Special Uses APZ encroachment into original school boundary (Base Source: Figure 101 Final PPR)

If there are any questions, please feel free to call me.

Kind regards,

Michelle Niles

Senior Planner, Regional Assessments

Planning & Assessment | Department of Planning, Industry and Environment

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**Planning,
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The Department of Planning, Industry and Environment acknowledges that it stands on Aboriginal land. We acknowledge the traditional custodians of the land and we show our respect for elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

From: Casey Joshua <[REDACTED]>

Sent: Thursday, 24 October 2019 3:43 PM

To: Michelle Niles <[REDACTED]>

Subject: Wahroonga Estate MOD 8 - Further information from Applicant

Dear Michelle,

Please see attached letter and further information from the Applicant in relation to the Wahroonga matter. If you have any questions please let me know.

Regards,

Casey Joshua | Senior Planning Officer

Independent Planning Commission NSW

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