



Mr Joel Herbert
Planning Officer
Regional Assessment, Planning Services
Department of Planning and Environment
320 Pitt Street
SYDNEY NSW 2000
Via email: joel.herbert@planning.nsw.gov.au

6 September 2018

Dear Mr Herbert

Re: Wahroonga Estate Development

**Objections to Development Proposals MP 07 0166 MOD 6, 7 and 8
Reply to the response submissions by Ethos Urban on behalf of Bluestone Capital
Ventures**

Please be advised that the Wahroonga Seventh-day Adventist Church strongly objects to the proposed Wahroonga Estate residential development comprising four to five residential apartment blocks of up to six storeys high with approximately 160 to 200 units to be constructed right behind the Wahroonga Adventist School and alongside our Church and Fox Valley SDA Community Church.

We are aware that a number of objections and submissions have been received by the Department against the development including from Ku-ring-gai Council and residents in the local community.

We enclose a document which outlines our objections and also provides a reply to the response submissions (RtS) made by Ethos Urban on 16.8.18 on behalf of Bluestone Capital Ventures (Wahroonga) Pty Ltd, a joint venture partner in the development.

In summary our objections concern the following matters:

- inappropriate over development – four to five up to six storey buildings are not in keeping with the Ku-ring-gai Council planning instruments for the local area
- traffic congestion
- access to the residential units
- lack of parking

- adverse impacts on the Wahroonga Adventist School and the two Adventist Churches
- noise and pollution
- bushfire hazard
- stormwater and drainage
- negating the role of the local Council

We look forward to hearing from you regarding our strong objections to this development.

Yours faithfully

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David Swain
Senior Elder
For and on behalf of the
Wahroonga Church and Board

A handwritten signature in black ink, written in a cursive style that reads 'C Batchelor'.

Coralie Batchelor OAM
Church Clerk
For and on behalf of the
Wahroonga Church and Board

WAHROONGA SEVENTH-DAY ADVENTIST CHURCH

OBJECTIONS TO THE WAHROONGA ESTATE RESIDENTIAL DEVELOPMENT PROPOSAL MO 07 0166 MOD 8[6]

INTRODUCTION and GENERAL OBJECTION

The Wahroonga Seventh-day Adventist Church makes a general objection to the commercial residential development on the Wahroonga Estate because it is not in the best interests of the local community, the Estate, Wahroonga Church, and the Wahroonga Adventist School.

The Wahroonga Church believes that the proposed development will adversely impact upon the ministries, functions and operation of our Church as it endeavours to meet community needs.

This document is a reply to the response to submissions made by Ethos Urban on 16.8.18 on behalf of Bluestone Capital Ventures (Wahroonga) Pty Ltd.

We have as a Church endeavoured to deal with our strong objections internally within the Seventh-day Adventist Church governance structures, however, we have not met with success in preventing this inappropriate over-development.

Building 150 to 200 units is a gross and inappropriate over-development of the site and will have irreversible adverse impacts for the existing Estate users including both Churches and the School, and most importantly the local community.

The Wahroonga Church also objects to the other modification applications (6 and 7) currently before the Department of Planning and Environment. These are modifications to the Part 3A concept plan approved by the Department on 31.3.2010 which was the subject of a media release by the then Minister for Planning on 6.4.2010.

We note that the Part 3A approval is under State Significant Development (SSS) 5535. We also understand that the residential development is the subject of a joint venture between the South Pacific Division (SPD) of the Seventh-day Adventist Church and Bluestone Capital Ventures. The SPD is the land owner through a separate company, ACA Limited.

The Part 3A concept plan was approved over eight years ago and there have been many changes in the local area since then. The master plan is out of date and fails to consider the increased traffic congestion in the area, the massive Sydney Adventist Hospital (SAH) expansion, the building of an education centre, the Wahroonga Adventist School development, and the medical centre development currently being constructed.

It also does not consider the many multi-story high density units recently built on the Pacific Highway and Pennant Hills Road, and the Knox and Abbotsleigh school expansions which have all added to traffic congestion.

It is important that the State Government and local Council review the Part 3A concept plan to address the changed conditions that now exist in the local Wahroonga community. It is also important to appropriately respond to the concerns of the local people in the area about what they consider to be best for the area and how this development will adversely impact upon their everyday lives.

Specific objections are outlined below.

OBJECTION ONE: inappropriate over development

Modification 8 when taken cumulatively with the other modifications to the original Part 3A approval (especially from modification 4 onwards) has changed the original intention of the concept plan from additional buildings and ancillary use for the expansion needs of the Hospital including for key worker housing, to one that provides for high density residential unit blocks within the Estate under strata title freehold purchase by private owners.

Building four to five residential building blocks up to six storeys high with 160 to 200 units is a gross over-development of the site.

It will create a dense and heavily populated area built right on the boundary of the School and the two Churches. Buildings A, C and D are excessively long and exceed the Council's building length control of 36m and are excessively high for the site. The building footprints also do not provide adequate allowance for the school grounds and public domain and will create excessive overshadowing and privacy problems for the School and two Churches.

There could be a much smaller scale development as originally intended for Church and/or Hospital use that builds our local community rather than sacrifices or destroys it. A smaller development would allow for more green space and a full-sized playing field for the School located next to the school buildings. This would enhance safety and easy access for the students to these facilities and they would not have to contend with busy roadways or be transported to other venues.

If the development is to proceed the number of buildings and the size, length and height should be drastically reduced to be more compatible with housing development in the area and the needs of the local community and other nearby Estate users.

OBJECTION TWO: traffic congestion in the local Fox Valley area

The residential development will significantly add to the traffic congestion that already exists in the immediate area including on Fox Valley Road, the Comenarra Parkway and other local roads.

Traffic in the area is already heavily congested particularly in peak hour and school times. Vehicular access along Fox Valley Road and the Comenarra Parkway in the morning and evening peak is heavily banked up from the Pacific Highway, Lane Cove Road and Pennant Hills Road.

There will be upwards of 200 units in the residential housing blocks and possible over 400 residents with their vehicles. This will add possibly 200 to 300 vehicles into an already congested area that will cause more problems for traffic movement.

That is before including the major development on the corner of the Comenarra Parkway and Fox Valley Road for medical suites which will bring even more traffic into the area.

The additional heavy vehicle traffic during construction has the potential to adversely impact upon the safety of other road users and also pedestrians as they go about their daily business on the Estate, including the School students, their parents, and the wider local community.

The traffic studies relied upon for the proposed development have not been updated to properly reflect the material change that has occurred in the last 8 years. It does not adequately reflect the current situation regarding cycling, walking and greenspace needs, and the practical reality of school, workday and weekend traffic that is occurring in the near vicinity, and the development of over 1,000 units in the Thornleigh and Wahroonga areas. The existing traffic studies should not be relied upon to justify the development.

A further concern is the erection of another set of traffic lights at the corner of Fox Valley Road and the new access road to the residential development. There will then be three sets of traffic lights within very close proximity at the Comenarra Parkway, the Hospital and the proposed access road. It will cause traffic gridlock similar to what occurs with the three sets of lights on the Pacific Highway at Turramurra, especially in peak hour.

OBJECTION THREE: access to residential units

The residential buildings are only accessible by a proposed new private roadway from Fox Valley Road and not from an existing road within the Estate. Residents, many of whom most likely will not work within the Estate, will therefore have to access Fox Valley Road

from one roadway which will create major congestion for unit residents leaving the Estate and other traffic in the area.

OBJECTION FOUR: lack of parking

The provision for car parking on the wider Estate is at capacity and inadequate to meet the parking needs of all the Estate users. As a result, many cars are parking on nearby residential streets rather than utilising paid parking at the Hospital which causes safety issues for other road users. An example is Fox Valley Road between Lucinda Avenue and the Comenarra Parkway where parking is already congested from users of the Estate including employees, visitors and the School community.

The proposed parking under the development will only exacerbate the problem. The unit blocks will be built on an existing parking lot which provides parking for hundreds of vehicles. Underground parking for residents in the unit blocks will not be available for public parking. **These displaced vehicles will be forced to park elsewhere and as other parking on the Estate is at capacity, it will be on nearby residential streets. This will only add to traffic congestion. Proposed clearways on Fox Valley Road will also add to the problem. It is a highly undesirable outcome for the local community.**

Using Church car spaces for past development on the Estate has eroded the available car spaces for those attending the two Churches. Some spaces calculated for the use of the Churches are from previous modifications to the Part 3A approval located on a different site which may not be available to the Churches in the future.

The parking calculations for the development should not be borrowed from another entity on the Estate which results in a shortfall of parking spaces across the Estate. The proposed development also reduces car spaces available from other entities on the Estate site. All this means that attendees at the two Churches will be forced to park in very limited Church parking areas and when full, may overflow into other free access areas and congested streets on and around Fox Valley Road.

The proposed parking in the development does not meet the policy or statutory requirements for property use and parking ratios due to the overlapping ratios used between the Hospital and the two Churches. Wahroonga Church has a seating capacity of 1,000 plus but the allocated parking on the Estate is inadequate for its needs. On the basis of the Ku-ring-gai Council ratio of one car parking space for every six seats, there is a shortfall of 95 car parking spaces available for the Church to function satisfactorily. This lack of car parking is not adequately addressed in the proposed development despite the assertions of Ethos Urban in their response to submissions.

Adequate car parking space needs to be made available for the use and management of our Church precinct/curtilage to meet the public nature of the Church's ministries and avoid parking overflow onto residential streets. Any car parking should be freely available for the use of Church attendees at all times including on weekdays for funerals, weddings, community programmes and other Church ministries.

OBJECTION FIVE: other adverse impacts on the Wahroonga Adventist School and the two Churches

As a Church community we fully support the development and expansion of the Wahroonga Adventist School on the Estate to serve the local community, its residents, families and children.

The proximity of blocks A, B and C will clearly have an adverse impact on the amenity of the school as well as the two Churches. Blocks A and B will be within 6 metres of the School boundary and Block C within 20 metres. Blocks D and E will also be very close to the School, the oval and basketball courts.

There is no provision in the development for future expansion of the School and the needs of the school, its students and community are not adequately addressed. This was clearly recognised by the local Council in their submission but was dismissed by the developer relying on the original Part 3A approval.

As Sydney's population expands and as demographic studies demonstrate, the projected shortage of needed schools will become a problem. This is particularly so when factoring in the recent growth in constructed apartments around railway corridors and roads in the catchment area for the School. The School will not be able to expand to meet the projected schooling needs of the local community because of the current proposed development. No land is set aside or zoned for future expansion of the school.

The development will encase the school by surrounding it with high-density high-rise apartment blocks. Three blocks will be built right behind the School with two on the side of the School. It clearly reduces the green space and playing fields for the School.

We are very concerned that the proposed development will not only land lock the school but also place at risk the reasonable privacy and safety of the students.

The students and teachers will have no privacy as their play spaces and some of the inside of their classrooms could be viewed by many of the residents including PDHPE lessons and during playtime.

The bulk and scale of the development will overshadow the school and Churches both visually and physically. Blocks A, B, and C are located to the north west and their height will overshadow the solar access enjoyed by the School and Churches particularly in the afternoon. Building A is the block that will particularly cause a problem for Wahroonga Church.

The only views the students will have will be of apartment blocks, heavily congested Fox Valley Road and office buildings across the road. They will also no longer have a full view of the protected Coups Creek and the surrounding bushland which is very unfortunate. It will not be an ideal learning environment for the students.

The two Churches and School have served the local Wahroonga community for over 100 years and it would be a real setback to have their activities and ministries curtailed by the development and its potential impacts.

OBJECTION SIX: noise and pollution

There are two aspects to this objection.

Firstly, the development will bring considerable construction noise and pollution on top of what has already been endured by Estate users for nearly eight years as other construction was undertaken including the Hospital expansion, a University of Sydney medical school, and the Wahroonga Adventist School.

The very loud construction noises emanating from heavy machinery and trucks are not conducive to positive learning outcomes for the School students. It also raises health concerns for the students and other Estate users from dust, traffic and noise pollution.

A construction management plan will not nullify the noise and other pollution and will not adequately mitigate the problems associated with construction.

The second aspect concerns the long-term noise problems that a 150 to 200-unit development will cause once the residential towers are built. There will be noise from the units, School and Churches impacting upon each other as recognised by the developer at 4.2.3 of the Ethos Urban response. They acknowledge the need for a long-term noise management plan for use of the sports fields to minimise impacts on the future occupants of the residential unit buildings. **No noise management plan will obviate the problems and the only way to avoid future problems is to stop the development. It is the only way to avoid potential complaints and other resulting action in the future.**

The close proximity of the apartment blocks will also negatively impact upon the quiet enjoyment that the School and two Churches currently enjoy and can reasonably expect

from the Estate. It could well disrupt the ability of the School and two Churches to operate their programmes, activities and ministries as the noise from these may impact upon the quiet enjoyment of the owners and residents of the unit blocks.

There will also be an impact on Coups Creek and the surrounding bushland. Whilst this land is protected, any residential development always has an impact on bushland and native animals.

We are concerned that failing to object now to the very close proximity of the construction of these high-density, privately owned residential buildings could well result in residents and neighbours complaining about the noise from the School and Church activities. Examples include use of the Wahroonga Church organ, light from evening programmes, and noise from Church run community-based activities for infants, children, teens and youth.

OBJECTION SEVEN: bushfire hazard

The Fox Valley area is located in a known bushfire risk area with only two access roads for residents to escape from any bushfires.

Emergency vehicles and residents will be unable to enter and leave this area quickly when a bushfire emergency arises due to the severe traffic congestion that will be caused on Fox Valley Road and Comenarra Parkway.

There are approximately 350 houses south of the Comenarra Parkway in the area designated by Ku-ring-gai Council as a high fire risk zone. The development of high density units will add to the congestion in the area and create a significant safety hazard in the event of a bushfire and residents trying to escape or evacuate the area.

Drawings show a building encroaching on the APZ. Ku-ring-gai Council requires that all buildings that infringe the APZ be removed, and that any implications likely to result from future adoption of policy should be considered to ensure that the proposal will not result in increased APZ requirements.

The response from Ethos Urban to submissions acknowledges that the blade walls for buildings A, B, C and E and the roofs for all five buildings result in an encroachment into the asset protection zone (see 3.3). This is unacceptable within the Part 3A approval and represents a potential bushfire hazard.

The bushfire risk is similar to the situation at North Turrumurra where high rise residential development is prohibited because of the fire risk. The same should apply to the Fox Valley area.

OBJECTION EIGHT: stormwater and drainage

Similar to the traffic studies, the stormwater and drainage reports should also be updated. The relevant reports from Hyder and the Hospital development were completed in 2009 and 2010. With changes to the land use such as building footprints, the road alignment with the Hospital and School development, and other changes it is reasonable to expect that the original stormwater and drainage concept would be updated and revised. However, this does not appear to have occurred.

OBJECTION NINE: the role of the local Council and the detailed modification plans

This objection concerns the modifications essentially negating or limiting the role of the local Council, proper procedural matters and input from the local community.

The Part 3A is only a concept plan which typically sets the general location of building envelopes, footprints and height planes. It sets the maximum permissible development in principle only. Detailed designs and layouts are subject to detailed studies and further assessment which is properly within the province of Ku-ring-gai Council. It is very important that the modification process is not used to circumvent the proper planning processes envisaged by the relevant legislation.

Ku-ring-gai Council has a responsibility for local government in the Ku-ring-gai area which includes Wahroonga. It is responsible for planning and building approvals and for maintaining the environment and appropriate residential and commercial usages in the area. It is the Government body that is best placed to understand the needs of the area and its residents and to ensure that there is no inappropriate over-development.

To exclude or limit the Council's input and control over this development is wrong in principle and fails to safeguard and preserve the amenity and lifestyle enjoyed by residents in this local area. These are some of the reasons why Part 3A has been removed from the relevant legislation.

The developer has submitted detailed plans and layouts in the modification application that would typically be submitted at the development approval (DA) stage with Ku-ring-gai Council. It is important to keep separate the overarching parameters of building envelopes and the detailed drawings specifying the development. It is not appropriate to proceed on the basis that the submitted floor plans are indicative only.

The level of detail in the plans submitted for the Part 3A approval in 2010 and the subsequent eight modifications appear to either negate or limit the necessary and important role of the

local Council in upholding proper and considered planning and sustainability for the local community, in building and environmental matters, in safeguarding the local area from over-development, and in addressing the needs of the local community.

Any approval of the detailed building plans in the specific modifications, rather than broad concept level potential use options, clearly trespasses upon the responsibility of the local Council and should not be allowed. It has the potential to put at risk procedural processes that are properly within the ambit of the local Council. It could also lead to unnecessary litigation and legal expenses, and other consequences for all parties.

It should be noted that the four to six storey high-rise development is not in keeping with the Ku-ring-gai Council planning instruments for this area. For example, the top storey footprints of buildings A, B, C and E do not comply with the Council's DCP as they exceed 60% of the gross floor area of the storey immediately below.

CONCLUSION

The overall import of the response to submissions made by Ethos Urban is to minimise the adverse impacts of the high-rise development on other Estate users and the local community. It submits that the development is well within the original Part 3A concept approval and adequately deals with the interface with other Estate users such as the school and Churches.

The response recognises the impact of the development on other Estate users but tries to limit the impact by submitting that there will be adequate provision for such things as solar access, visual privacy, acoustic privacy, open spaces and edges, and traffic and car parking.

Building four or five residential unit blocks of up to six storeys high comprising 160 to 200 units is a gross over-development of the Estate site and is unsuitable for the local area and community.

Such a development is unlikely to have been approved by Ku-ring-gai Council at the time and even more so now with local councils imposing moratoriums on high-rise development and the repeal of Part3A from the relevant legislation.

There is already considerable community anger and opposition to the proposed development as evidenced by the community action groups, Facebook, the number of submissions made to Council and the Department, protest letter drops, and the posters and signs along Fox Valley Road and the Comenarra Parkway.

We thank you for considering our concerns that we believe will most likely have irreversible adverse impacts on the Estate, our Church ministries and functions within the community, the School, and most importantly the broader local community.

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David Swain
Senior Elder
For and on behalf of the
Wahroonga Church Board

A handwritten signature in black ink, written in a cursive style that reads 'C Batchelor'.

Coralie Batchelor
Church Clerk
For and on behalf of the
Wahroonga Church Board