



CAPITAL
CORPORATION

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Attention: Renah Givney, Senior Planning Officer

21 May 2025

Dear Ms Givney

WAHROONGA ESTATE MP 07_0166 - SECTION 75W MODIFICATION 10

Please find enclosed additional information to assist the Department's assessment, and address some matters raised by Ku-ring-gai Council in their second submission of 28 April 2025.

1.0 THE MODIFIED BUILDING ENVELOPES

Attachment A responds in detail to Council's comments and suggestions on page 3 (Points 4 – 7) and page 4 (figures).

1.1 Aims

Turner focused the modified building envelopes generally in the site's east and south to:

- allow optimal and compliant levels of sun access into The Quarters;
- provide an enclosed communal open space that is separated from public spaces and roads by the buildings;
- define The Comenarra Pkwy and Fox Valley Rd street edges;
- reinforce the intersection as a focus for the Fox Valley Rd local centre; and
- set active retail spaces onto street frontages to maximise visibility and integration with the Fox Valley Rd local centre.

1.2 The pedestrian through-site link

The pedestrian through-site link defines the northern and southern envelopes and connects the local centre with the hospital precinct's residential, education and health buildings.

The width and orientation of the through-site pedestrian link integrates with link the through The Quarters.

The through-site link has a pedestrian scale, and active frontages. It is flanked by single storey retail podiums on both sides. The modified building envelopes are set back above ground level. In particular, the northern envelope presents a single, storey, retail podium to the pedestrian link, allowing sun into the space.

The link will be an attractive, safe and car-free environment for pedestrians. The 36 approved at-grade parking spaces within the through site link have been relocated to the basement.

1.3 Residents communal area

A communal area for residents is provided on Level 1 of the northern envelope. The amenity and privacy of the communal area is enhanced by its location, which is above the ground level, public through site link and separated from The Comenarra Pkwy and Fox Valley Rd by the building envelopes.

1.4 The northern envelope

The L-shaped northern envelope avoids overshadowing The Quarters by stepping from 3 storeys closest to the western boundary, up to 6 and 10 storeys along the Fox Valley Rd frontage. Providing articulation and variable heights within the envelope breaks the building mass and provides opportunities for an architecturally interesting building.

The northern envelope's scale along Fox Valley Rd is mitigated by stepping it to match the site slope, and breaking it into 2 components of 6 and 10 storeys. The perceived height of the 10 storey component when viewed from the ground level public domain is reduced by setting the 6th to 10th storeys back so the higher storeys recede from view.

Preventing shadows on The Quarters constrained other options for the northern envelope. While additional volume could be provided along Fox Valley Rd, it would be confined to smaller floor plates, resulting in an overall height of 12 storeys. This taller option was considered incompatible with the site's urban context and discounted.

A 6 storey building in the north-western corner of the site will cast shadows onto The Quarters, accordingly the modified building height in that location is limited to 3 storeys.

An alternate wedge-shaped northern envelope was also considered. It maximized separation to The Quarters by placing all the floor area in a single building to Fox Valley Rd. The option was discounted as articulation and interest could not be incorporated into the road elevation. Other options could not facilitate buildings that comply with the NSW Apartment Design Guide and were therefore not pursued.

1.5 The southern envelope

The southern envelope considers:

- views from public domain vantage points;
- its location on a significant intersection; and
- its relationship with The Quarters and Avondale Uni.

The southern envelope's scale is reduced by incorporating a vertical break and varying the setback to The Comenarra Parkway on either side, which effectively divides it into distinct eastern and western components. The detailed architectural design will reinforce the articulation between the components, for example by incorporating curved walls or balcony detailed as illustrated in the Reference Design.

The appearance of height is mitigated by the extensive use of exterior glazing on the upper levels and stepping them back from The Comenarra Pkwy, so they will be recessive elements when viewed from the ground level public domain. The 6th to 10th storeys of the eastern and western components will be set back from the building's front face, and the eastern component will have second step at the 9th storey.

The set back at the 6th storey also creates visual continuity along The Comenarra Pkwy by relating to The Quarter's adjoining 4 and 6 storey buildings. The relationship will be reinforced by the use of more solid external materials such as masonry on the lower levels.

The visual distinction between the lower and upper levels will be addressed in the detailed architectural design, and is illustrated in the Reference Design.

The eastern component facilitates incorporation of a strong corner element that:

- terminates the southern envelope's street elevation;
- marks the site's Wahroonga Estate's 'gateway' location on a highly visible road intersection; and
- draws attention to the pedestrian link and the ground level shops, which will wrap the corner and integrate with the Fox Valley Rd local centre's commercial, retail and childcare uses around the intersection.

The southern envelope's upper storeys will offer a high level of amenity, particularly as apartments will access views to the Sydney skyline that are not available from lower levels or the northern envelope.

The maximum modified envelope height of 10 storeys across the site is consistent with the substantial existing and approved hospital, commercial, residential and education buildings that dominate the hospital precinct where the site is located.

1.6 Pedestrian network

The modified pedestrian network:

- connects destinations around the site and further afield in the Wahroonga Estate; and
- separates people from vehicles.

The pedestrian through site link connects the Fox Valley Rd local centre, and future commercial and retail facilities on the site, through to Ludowici Way, The Quarters, Avondale University and the Wahroonga Estate beyond.

Destinations in Wahroonga Estate to the north of Ludowici Way are connected to the site by an existing footpath network.

Therefore, a pathway on the southern side Ludowici Way is not required to provide safe and affective pedestrian connections.

1.7 Site Coverage

The Ground Level as approved in 2010, and modified in 2014 had large areas of paving, with basement car parking under the southern envelope, reflecting the site's location within a local centre and comprising car parking, retail and commercial uses at the ground level. A strip of deep soil planting was provided adjoining Fox Valley Rd to support retention of the indigenous trees.

The modified ground level has a similar extent of site coverage, and provides the deep soil area for retained indigenous trees, within the required setbacks.

2.0 KEY STATISTICS

Attachment B responds to Council's incorrect description of the proposed modification on page 3, (point 3), which exaggerates the scale of the proposal by 70 apartments. Council states that an additional 182 apartments will be delivered on the site, however the proposed modification only seeks an additional 112 apartments.

3.0 THE SITE

Attachment C responds to Council's incorrect understanding of the site's size, shape and orientation on page 36, point 22, which changed its relationship with adjoining properties.

4.0 PUBLIC TRANSPORT

The site is served by the 589 and 573 bus routes.

Substantial growth of the residential and student population over the next few years within the Wahroonga Estate will increase demand for bus services, and therefore the feasibility of increasing bus service frequency on both routes. Hundreds of new apartments will be delivered, and the existing Adventist 7 -12 school and Avondale Uni Campus have approvals for second phases.

See **Attachment D**.

The site is approximately 15 minutes by car to Hornsby Strategic Centre, and 25 minutes by bus. This is consistent with Ku-ring-gai Council (2020) *Local Strategic Planning Statement*, Local Planning Priority K21 ‘*Prioritising new development and housing in locations that enable 30 minute access to key strategic centres*’ (page 21).

Council’s Planning Statement also includes a commitment to work with Transport for NSW to improve public transport along Local Public Transport Corridors, including Fox Valley Rd and The Comenarra Parkway (pages 122 and 124). **See Attachment D**.

Achieving successful results with TfNSW is supported by focusing residents on a Local Public Transport Corridor, as proposed in Mod 10.

The site is within an ‘accessible area’ as defined in SEPP (*Housing*) 2021:

accessible area means land within—

- (a) [...]
- (b) *Repealed*
- (c) *400m walking distance of a bus stop used by a regular bus service, within the meaning of the Passenger Transport Act 1990, that has at least 1 bus per hour servicing the bus stop between—*
 - (i) *6am and 9pm each day from Monday to Friday, both days inclusive, and*
 - (ii) *8am and 6pm on each Saturday and Sunday.*

Route 589 provides an hourly service between 6:30 am and 6:30pm to and from Hornsby Strategic Centre, which takes approximately 25 minutes. On Saturday it is every 1.5 hours, but there’s no service on Sunday (<https://transportnsw.info/routes/details/sydney-buses-network/589/37589>).

Route 573 provides access to and from Turrumurra Station within 5 – 20 minutes:

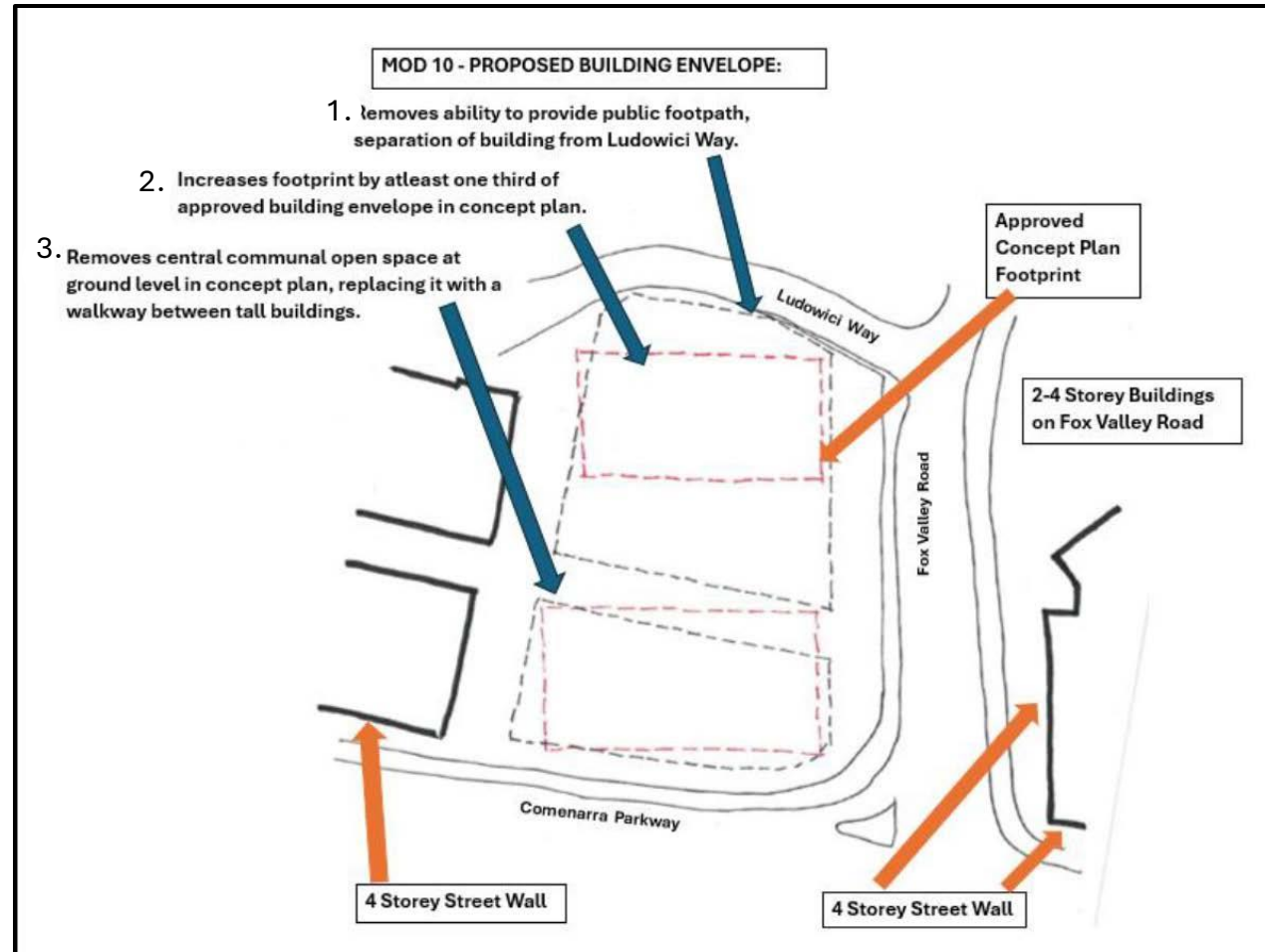
- Monday to Friday, between 6:00am and 7:52am there are 7 services to Turrumurra Station, and 7 services from Turrumurra Station
- Monday to Friday, between 6:00pm and 9:30pm there are 8 services from Turrumurra Station, and 8 services from Turrumurra Station.
- Saturday, between 7:30am and 7:40pm there are hourly services in both directions.
- Sunday, between 8:00am and 6:00pm, there are hourly services in both directions.

(<https://transportnsw.info/routes/details/sydney-buses-network/573/37573>)

ATTACHMENT A

RESPONSE TO KU-RING-GAI COUNCIL'S COMMENTS AND SUGGESTIONS

COUNCIL COMMENT



RESPONSE

1. A pedestrian arcade links Fox Valley Rd through to Ludowici Way, The Quarters, Avondale University and the Wahroonga Estate beyond. **See page 3**

Destinations on the northern side of Ludowici Way are connected by an existing footpath network.

2. MP 07_0166 approved coverage of the majority of the site, aside from retained indigenous trees. The modified site coverage is directly comparable **See page 4.**
3. The central open area between the building envelopes as approved incorporated 36 x at-grade car parking spaces with driveways and maneuvering. It was not a 'communal area'. **See page 4.**

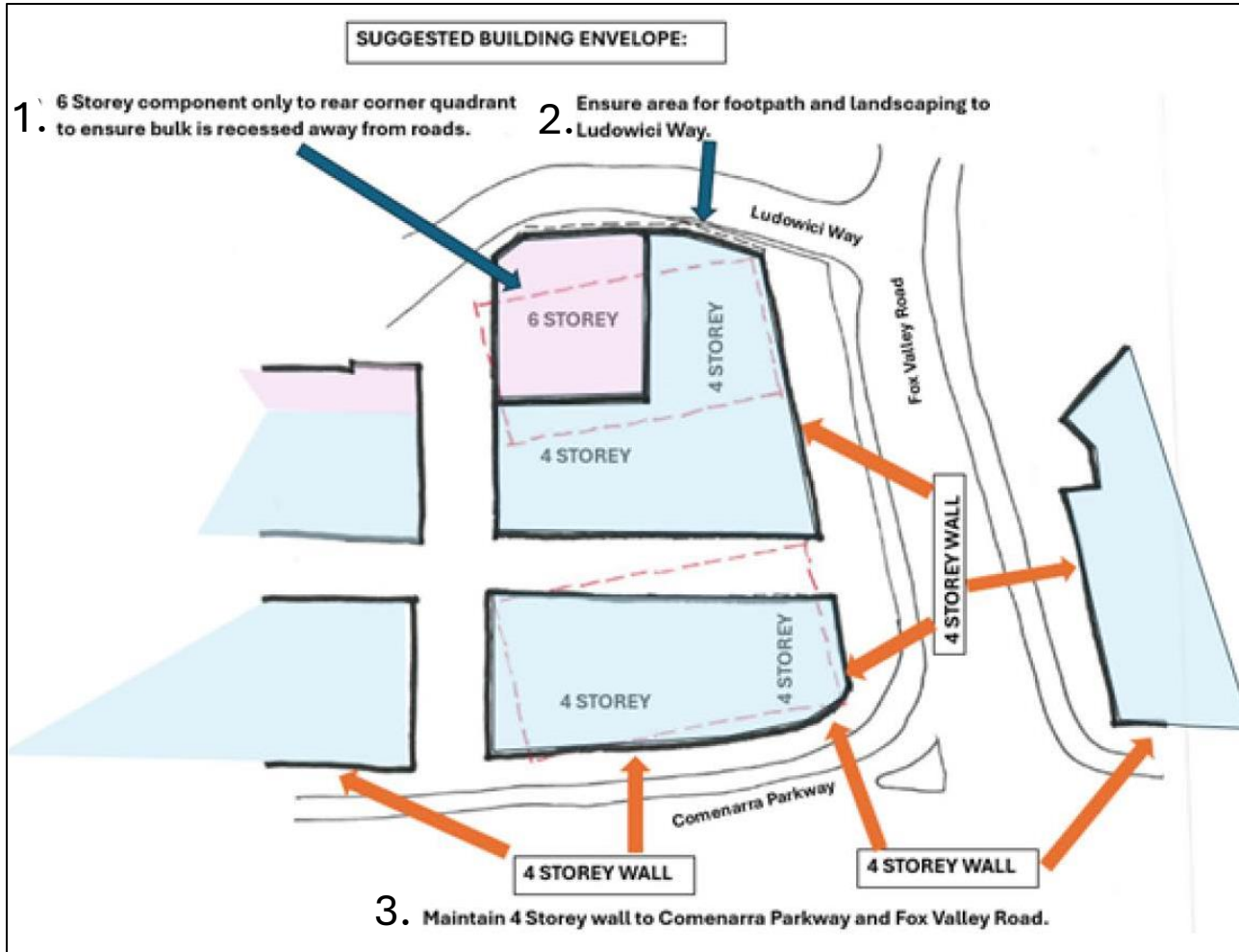
The modified building envelopes and site layout retain the approved central pedestrian link. However, approved at-grade car parking has been removed, and parking will be in the basement. The ground level will be devoted to people. A communal area is provided on Level 1, separate from public spaces and roads.

The link is flanked by single storey podiums with retail frontages. Its width and orientation have been modified to directly integrate with the link through The Quarters. **See page 3.**

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RESPONSE TO KU-RING-GAI COUNCIL'S COMMENTS AND SUGGESTIONS

COUNCIL SUGGESTIONS



RESPONSE

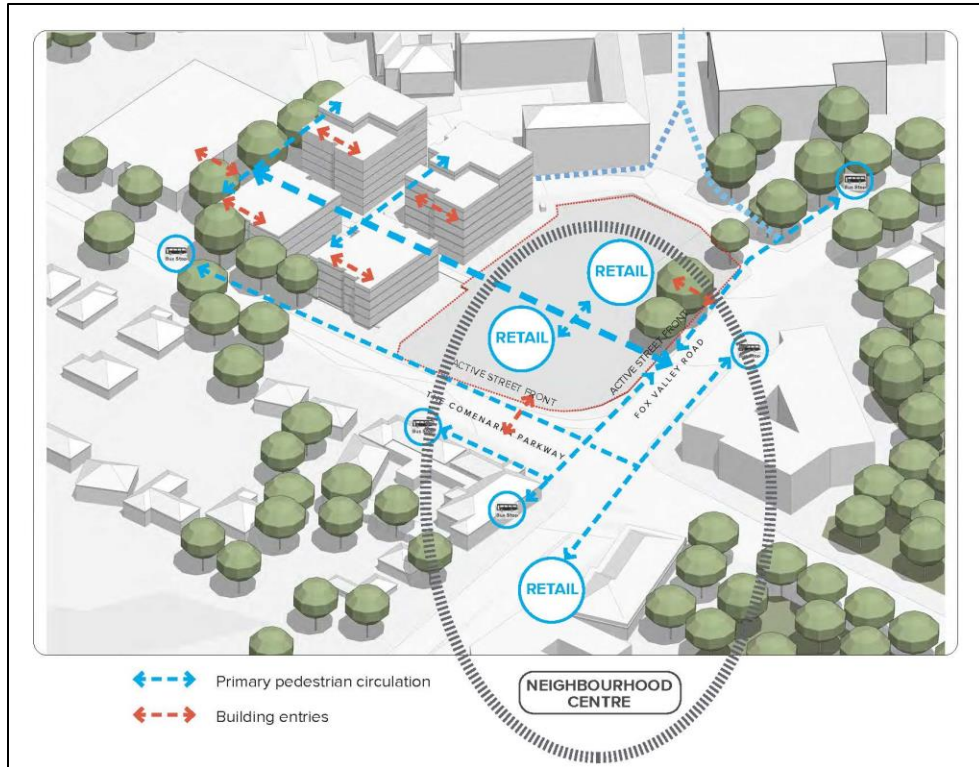
1. A 6 storey building in this location will cast shadows over The Quarters that will not comply with the NSW Apartment Design Guidelines.

Accordingly, the modified envelopes are stepped away from The Quarters, as discussed in this letter.

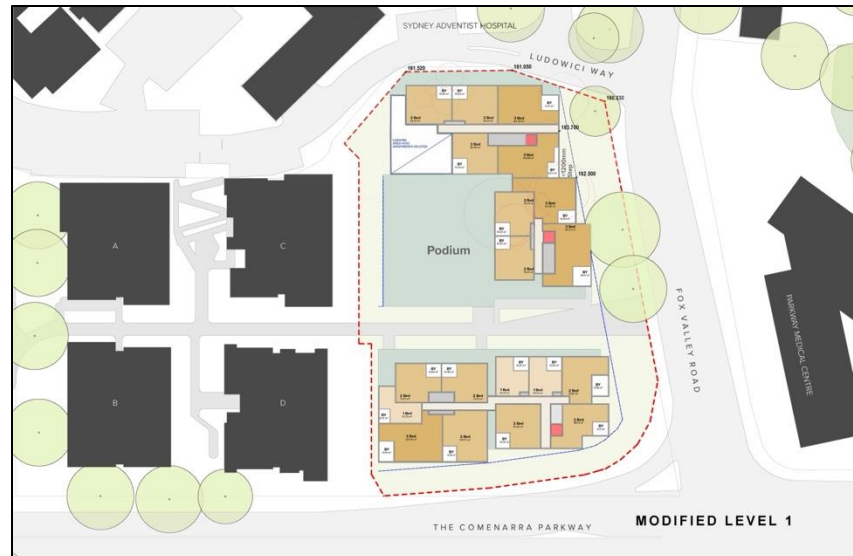
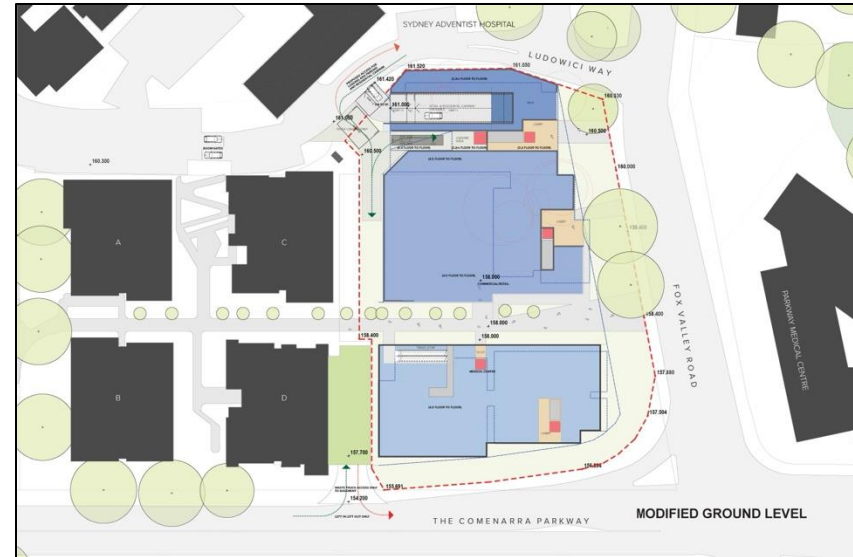
2. A network of connecting footpaths are provided through and around the site and modified building envelopes. Pedestrians are separated from vehicles, particularly heavy vehicles servicing the retail and commercial/retail components. This will improve safety and amenity. Further, Ludowici Way is not a public road. **See page 3.**
3. The urban design principles that were applied to the modified arrangement of building envelopes on the site were discussed in this letter. The relationship between the modified envelopes, the intersection and adjoining buildings and land uses was described in detail.

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RESPONSE TO KU-RING-GAI COUNCIL'S COMMENTS AND SUGGESTIONS



Source: Turner (2024) 187 – 189 Fox Valley Rd, Wahroonga, NSW 2076:
Section 75W Application: Urban Design Report



The pedestrian network connects destinations around the site and further afield in the Wahroonga Estate.

People are separated from vehicles.

The width and orientation of the through-site pedestrian link integrates with The Quarter's link.

The through-site pedestrian link is flanked by single storey retail areas. Taller components are set back.

A communal area for residents is provided at Level 1, which is separate from the public, pedestrian link, and Fox Valley Rd and The Comenarra Pkwy.

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RESPONSE TO KU-RING-GAI COUNCIL'S COMMENTS AND SUGGESTIONS



Figure 50 – Precinct C: Central Hospital Detail (Scale: 1:2,000 @ A3)



FIGURE 50[A] - PRECINCT C: CENTRAL HOSPITAL DETAIL REVISED
[Refer page 63 Final Preferred Project Report & Concept Plan]

MP 07_0166 Approval – Site Coverage

31 March 2010 (original)

- Site covered with hardscaping.
- Central area incorporated 36 x at-grade car parking spaces
- Remnant indigenous trees retained

Sources:

- Urbis (2010) *Wahroonga Estate Redevelopment: Final Preferred Project & Concept Plan*, Page 63 and Figure 79
- MP 07_0166, Condition B9

8 April 2014 (Mod 4)

- Site covered with hardscaping
- Central area incorporates 36 x at-grade car parking spaces
- Remnant indigenous trees retained

Sources:

- Dept. of Planning & Infrastructure (2014) *Director General's Environmental Assessment Report: Modification Request Wahroonga Estate Redevelopment Concept Plan (MP07_0166 Mod 4, pages 7 & 14)*
- Notes by Morris Bray Architects

ATTACHMENT B KEY STATISTICS

CONCEPT PLAN APPROVAL MP07 0166 - PRECINCT C: CENTRAL HOSPITAL - DWELLING PROVISION			
COUNCIL'S NUMBERS			CAPITAL CORP RESPONSE
Approved Concept Plan Condition	Current delivery	MOD 10 proposal	Actual Mod 10 proposal
A4 (1) <ul style="list-style-type: none"> 3 Dwelling Houses 105 Residential Flat Building Dwellings 	<ul style="list-style-type: none"> 60 key-worker housing units (35 x 1 bedroom and 25 x 2 bedroom units) <div> Remaining potential within Precinct C: 45 residential flat units </div>	<ul style="list-style-type: none"> 227 apartments within 2 buildings <p>Note: The proposal seeks 182 units above the allowable number permitted within this Precinct.</p>	<ul style="list-style-type: none"> 157 apartments within 2 building envelopes: (45 remaining under Condition A4(1) + 112 re-distributed dwellings = 157) <p>Note: Council's numbers exaggerate the proposed modification, and do not match the submitted application. In fact, the proposal seeks to:</p> <ul style="list-style-type: none"> increase the number of apartments in Precinct C by 112, not 182 as presented by Council. Increase the number of apartments delivered on the site from 45 to 157, not 227 as presented by Council. <p>Using Council's numbers, there would be 287 apartments in Precinct C: 60 (The Quarters) + 45 (remaining) + 182 (Council's number) = 287</p> <p>In fact, the modification proposes only 217 apartments in Precinct C: 60 (The Quarters) + 45 (remaining) + 112 (correct modified number) = 217</p> <p>See Ethos Urban (2024) <i>Sec 75W Modification Application: Planning Report, Figure 13, Table 6, and page 27</i></p>
A3 (1) <ul style="list-style-type: none"> 14,500m² Student Accommodation. 1,500m² Hostels / Group Homes / Boarding Houses 	<ul style="list-style-type: none"> 2,144 m² student accommodation (126 studio units) <div> Remaining potential within Precinct C: 12,356 m² of student accommodation 1,500m² Hostels / Group Homes / Boarding Houses </div>	<ul style="list-style-type: none"> 0 <p>Note: The proposal fails to include any of the affordable housing typologies likely to suit hospital staff (cleaners, carers, kitchen aids, security personnel etc) stipulated in the Approved Concept Plan for Precinct C.</p>	<ul style="list-style-type: none"> 0 <p>Note: Council's numbers for maximum and remaining floor area do not match the approved Concept Plan. Condition A3(1) as approved on 31 March 2010, and as modified on 18 June 2013 (Mod 3) allowed:</p> <ul style="list-style-type: none"> 13,000m² of student accommodation, not 14,500m² as Council presents; and 1,500m² of hostel/group homes/boarding houses. <p>This Mod 10 does not seek to modify Condition A3(1). It does not include any changes to floor area available for student accommodation, hostels, group homes or boarding houses within Precinct C - Central Hospital.</p> <p>The proposed modification complies with the Concept Plan's approved distribution of land uses.</p> <p>The site is approved for a mixed use project, with retail, commercial and residential. Accordingly, the modified proposal is for a mixed use project comprising retail, commercial and residential.</p> <p>The approved Concept Plan does not 'stipulate' delivery of student accommodation, hostels, group homes or boarding houses on the site.</p> <p>This type of accommodation is available in other, existing buildings within Precinct C – Central Hospital, and in The Quarters.</p>

ATTACHMENT C

RESPONSE TO KU-RING-GAI COUNCIL'S SITE DESCRIPTION



Figure 1: The site (part Lot 103, DP 1293107)
Source: NSW Explorer <https://portal.spatial.nsw.gov.au/explorer/index.html#>

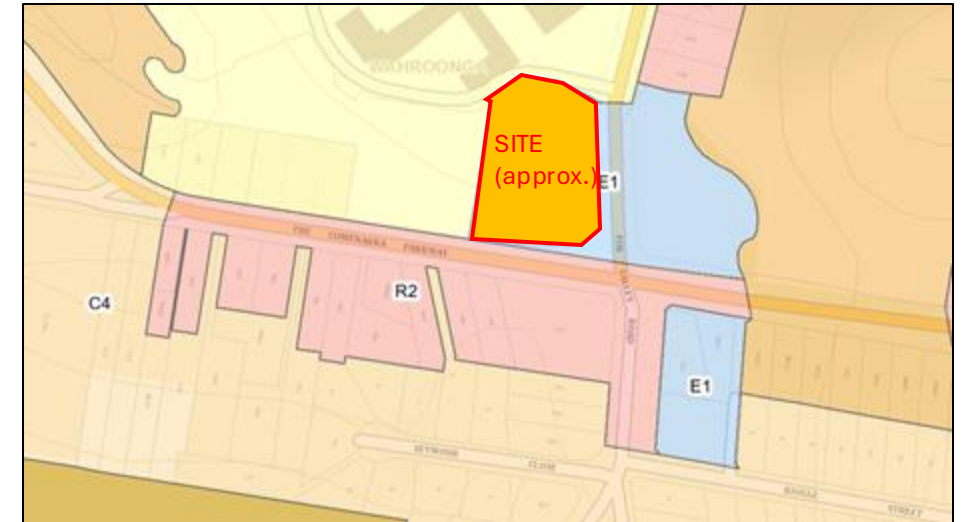


Figure 2: The site (part Lot 103, DP 1293107)
Source: Turner (2024) 'Section 75W Application: Urban Design Report', page 7 – Site Survey

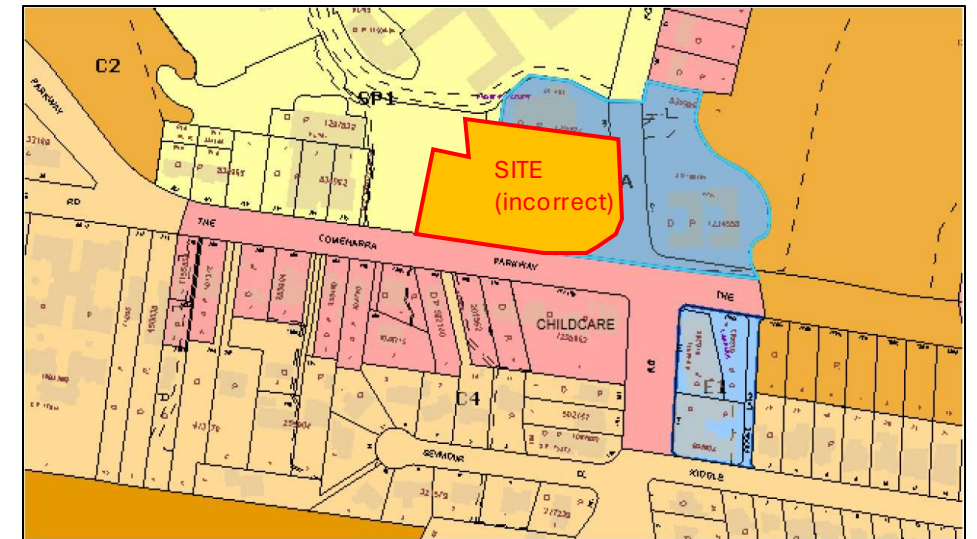


Figure 3: Incorrect site
Source: Ku-ring-gai Council submissions dated 19 Feb 25, page 2 and 28 April 25, page 36

ATTACHMENT D
PUBLIC TRANSPORT

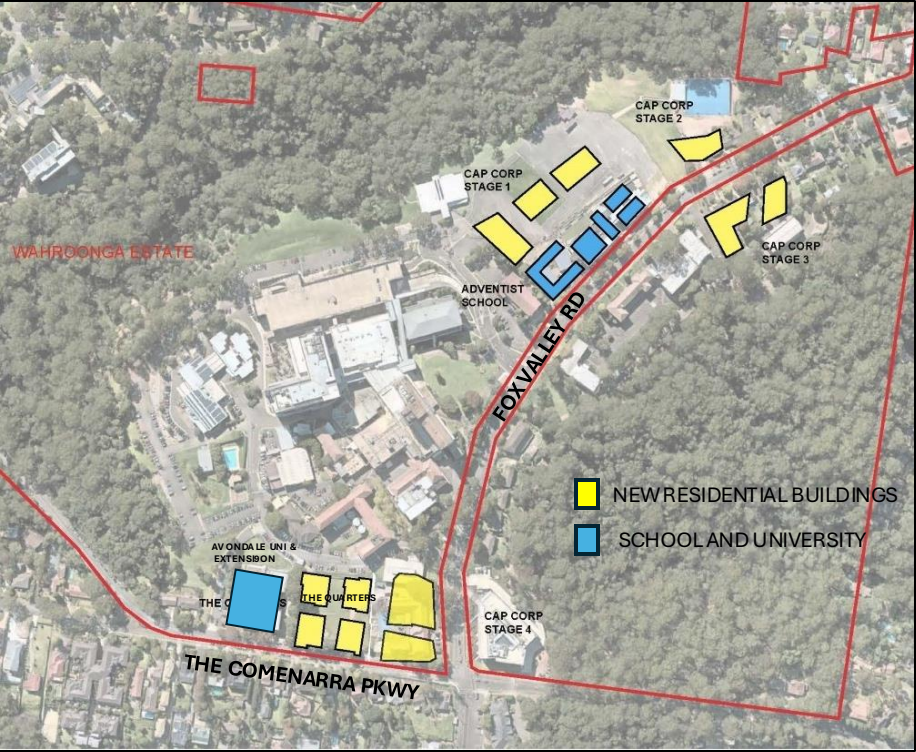


Figure 1: Future resident and student population on Bus Routes
Note: Includes Mod 10 envelopes

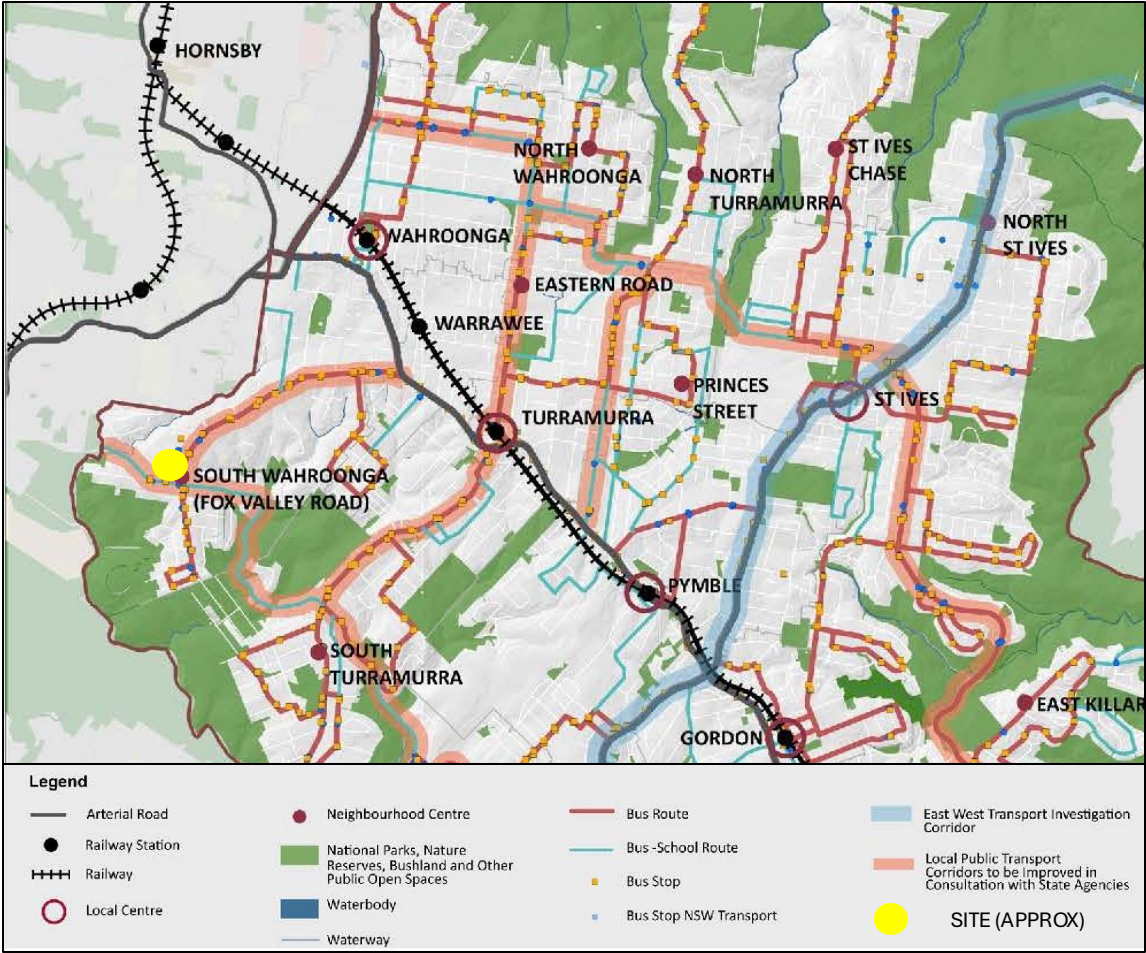


Figure 2: Council's Public Transport Network
Source: Ku-ring-gai Council (2020) Local Strategic Planning Statement, page 124, Figure 3-3