

3 November 2017

Secretary
NSW Department Planning and Environment
GPO Box 39
Sydney NSW 2001

Attention: Peter McManus and David Gibson

Dear Peter,

**Re: SECTION 75W MODIFICATION REQUESTS
MP 07_0166 (CONCEPT PLAN) MODIFICATION 6 &
MP 10_070 (PROJECT APPROVAL) MODIFICATION 7
SAN HOSPITAL, WAHROONGA - ROAD WORKS**

This correspondence seeks to modify Major Project Approval 07_0166 issued for the Wahroonga Estate 31 March 2010 and Major Project Approval MP 10_0070 for Staged alterations and additions to Sydney Adventist Hospital Wahroonga issued on 3 March 2011.

The modification requests outlined in this submission are sought pursuant to Section 75W of the Environmental Planning and Assessment Act 1979 (EP&A Act). This submission is also accompanied by a Traffic Assessment prepared by GTA consultants dated 11 October 2016.

1.0 Details of Modification Sought

MP 07_0166 (Concept Plan) - Modification 6

This application seeks to modify Condition B7 which states:

B7 Agency road requirements

- (1) *A binding Deed of Agreement is to be entered into between the Proponent and the RMS prior to issue of the first Occupation Certificate for future staged expansion and refurbishment of the Clinical Services Building on the site. The Deed is to:*
- (a) *detail the road upgrade works to be undertaken by the Proponent, including:*
- I. reconstruction of (including upgrading of the existing traffic signals to) the intersection of The Comenarra Parkway and Fox Valley Road;*
 - II. intersection improvements where Fox Valley Road intersects with site accesses;*
 - III. widening The Comenarra Parkway to provide two traffic lanes in each direction between Fox Valley Road and Browns Road;*
 - IV. widening Fox Valley Road between The Comenarra Parkway and the northern boundary of the site to accommodate two travel lanes in each direction. In addition, two southbound travel lanes must be provided along Fox Valley Road from the Pacific Highway to the site.*

V. *a monetary contribution or 'works in kind' (WIK) equivalent towards the estimated total cost of upgrading the Pacific Highway and Fox Valley Road intersection, comprising the equivalent of*

1. 25 % of the estimated total cost of traffic signal/civil upgrade works and land acquisition costs associated with the upgrade of the Pacific Highway and Fox Valley Road intersection; and

2. 100% of the estimated total cost of upgrading of The Comenarra Parkway and Kissing Point Rd intersection, being the following works:

a. a left turn slip lane (min 50m storage) for the movement turning into Kissing Point Road (north)

b. two eastbound through lanes;

c. one right turn lane (min 50m storage) for the movement turning into Kissing Point Road (south); and

d. a single westbound through lane.

e. outline the arrangements for the Proponent and RMS to negotiate the scope, value and timing of any WIK towards the estimated total cost of upgrading the Pacific Highway and Fox Valley Road intersection referred to above; and

f. outline the extent of road upgrade works to be undertaken by the Proponent, including lane configuration, timing of works and estimated costs.

Justification for Modification to Condition B7

Condition B7 of the Concept Approval requires the proponent to enter into an overarching 'Deed of Agreement' with the RMS for all road upgrade works and also details the works to be addressed in the Deed.

The RMS has subsequently advised that it is not prepared to enter into an overarching Deed of Agreement for works on roads, some of which do not fall under its control and that an alternate delivery mechanism or condition is required such as the entering into specific Works Authorisation Deeds (or similar) with RMS and/or Council for each intersection. As such Condition B7 is invalid and an alternative approach to secure the subject road upgrades is required.

Consistency with Concept Approval

Condition B7 of the Concept Approval requires that a binding overarching Deed of Agreement be entered into by the proponent and the RMS.

This Deed was to detail the road upgrade works to be undertaken by the proponent and include a monetary contribution or WIK equivalent of 25% of the estimated total cost of upgrading the Pacific Highway and Fox Valley Road intersection and also 100% of the estimated total cost of upgrading the Comenarra Parkway and Kissing Point Road intersection. It is confirmed that the Church will provide monetary contributions rather than WIK, which is reflected in the proposed modified condition below.

The requested modification requires the proponent to provide a monetary contribution to the RMS of \$309,833, as agreed with the RMS for upgrading the Pacific Highway and Fox Valley Road intersection, and \$670,000, as agreed with the RMS for upgrading the Comenarra Parkway and Kissing Point Road intersection. As agreed with the RMS, both figures above are subject to indexation from the base date 1 July 2012 in line with the percentage increase, if any, in the Bureau of Transport and Communications Economics Road Construction and Maintenance Price Index.

The required roadworks and monetary contributions are consistent with those of the current B7 Condition, only the requirement to enter into a Deed of Agreement has been removed.

Suggested Modified Condition

In light of RMS revised position, we propose that Condition B7 of the Concept Approval be modified to read as follows:

B7 Agency road requirements

- (1) As part of future development applications, the Proponent is to undertake detailed road upgrade works or monetary contributions prior to issue of Occupation Certificates for the staged development of the site as outlined below:
 - a. the road upgrade works to be undertaken by the Proponent, include:
 - i. Upgrade to the Main Hospital Entry intersection prior to Occupation Certificate for Stage 1A Hospital (note: works already completed);
 - ii. Upgrade of the intersection of The Comenarra Parkway and Fox Valley Road, prior to the Occupation Certificate of the Commercial building (DA 0053/13);
 - iii. New signalised intersection between Fox Valley Road and the Wahroonga School prior to the Occupation Certificate for the Wahroonga School – Stage 3 (Junior School) DA SSD 5535 ;
 - iv. Two southbound travel lanes along Fox Valley Road from the Pacific Highway to the development site, including reconstruction (or upgrade to a signalised intersection) of the existing roundabouts at the Fox Valley Road/Ada Avenue intersection and the Fox Valley Road/Lucinda Avenue intersection prior to the Occupation Certificate of the Hospital - Shannon Building (Stage 3);
 - v. Widening The Comenarra Parkway to provide two traffic lanes in each direction between Fox Valley Road and Browns Road, prior to the Occupation Certificate of Residential – Comenarra (DA 0453/12);
 - b. the monetary contributions to be provided by the Proponent include:
 - A monetary contribution to RMS towards the estimated total cost of upgrading the Pacific Highway and Fox Valley Road intersection, comprising an amount of \$309,833 for traffic signal/civil upgrade works and land acquisition costs associated with the upgrade of the Pacific Highway and Fox Valley Road intersection (subject to indexation from the base date 1 July 2012 in line with the percentage increase, if any, in the Bureau of Transport and Communications Economics Road Construction and Maintenance Price Index); and
(; The monetary contribution is to be made by the end December 2017.
 - i. A monetary contribution to RMS in the amount of \$670,000 (subject to indexation from the base date 1 July 2012 in line with the percentage increase, if any, in the Bureau of Transport and Communications Economics Road Construction and Maintenance Price Index), for the upgrading the Comenarra Parkway and Kissing Point Road intersection, being the following works:
 - a. a left turn slip lane (with min 50m storage) for the movement of traffic turning into Kissing Point Road (north);

- b. two eastbound through lanes;
- c. one right turn lane (min 50m storage) for the movement of traffic turning into Kissing Point Road (south); and
- d. a single westbound through lane.

The monetary contribution is to be made at the same time as the monetary contribution at item b. i. above and attributed to the Pacific Highway and Fox Valley Road intersection works.

MP 10_070 Project Approval – Modification 7

This application also seeks to delete condition E1 of Major Project Approval 10_0070 which states:

“Prior to issue of Occupation Certificate, road upgrade works relative to the stages of the hospital development as outlined in the Accessibility of Transport, Traffic and Parking Implications, prepared Transport and Traffic Planning Associates and dated July 2010 shall be undertaken. These works include:

Stage 1

- (a) Initial upgrade at The Comenarra Parkway/Fox Valley Road intersection.*
- (b) Install ‘No Parking’ along Fox Valley Road in accordance with the requirements of the Ku-ring-gai Traffic Committee and Council.*
- (c) Upgrade the hospital access intersection with an additional egress lane (LT ‘slip lane’).*

Stage 3

- (a) Ultimate upgrade at The Comenarra Parkway/Fox Valley Road Intersection.*
- (b) Upgrade scheme at Pacific Highway/Fox Valley Road intersection.”*

Justification to modify Condition E1 of the Project Approval

Condition E1 of the Project Approval establishes a timeline for the delivery of certain roadworks in association with specific elements of the hospitals redevelopment. Modification is justified for the following reasons:

- Condition E1 was based on the original cumulative traffic counts by Halcrow (now GTA) that were undertaken for the Concept Plan Application and based on a development staging plan which specifies dates and therefore the cumulative traffic effects for various stages of the estate’s redevelopment.
- Due to changes in market conditions, delays in statutory approvals for various stages of the estate’s redevelopment, as well as protracted negotiations with the RMS in relation to the scope of required works and the agreed mechanism for their delivery, the development of the estate will no longer take place according to the staging plan initially relied upon by Halcrow (GTA).
- The upgrade of the Main Hospital Entry intersection was completed in line with the occupation of the Stage 1A and 2 hospital development.
- It is appropriate that the sequencing of the road upgrade works, and their related costs, be amended to reflect the actual (current) staging of development rather than being dependent on a fixed time frame for development.
- It is also considered more appropriate that the road upgrades are conditioned within the overarching Concept Approval for the Wahroonga Estate so that all project approvals and development applications that fall under the Concept Approval have a single point of reference that outlines the estate wide road works and their intended delivery.

The current request to adjust the timing and funding mechanism for the road works is not an abrogation of responsibility on the landowners behalf to undertake or fund the necessary works. It is a response to RMS advice that it is no longer willing to enter into an overarching Deed of Agreement for the funding of subject works despite considerable expense incurred by the landowner in preparing and documenting a Deed to the point where there had been years of negotiation and the Deed had been through several iterations and developed to execution version. The modification now sought is a genuine effort to coordinate construction activity so as to minimise disruption to existing site uses and travelling public. It is logical that the roadworks are conditioned with development components under the overarching Concept Approval as opposed to being dependant on fixed timeframes.

Consistency with Project Approval

Condition E1 of the Project Approval requires the delivery of several roadworks in association with specific staged elements of the hospitals redevelopment.

The requested modification to Condition B7 of the Concept Plan requires detailed road upgrade works to be undertaken prior to issue of Occupation Certificates for the staged development of the site coinciding with completion of development on the site. The subject roadworks are consistent with those intended in the references to stages of the proposal.

2.0 Environmental Impacts

Although this modification seeks to alter the sequencing of road upgrade works, the potential environmental impacts are acceptable as the proposed sequencing reflects the likely stages of development. That is, as new stages of development come 'on line', commensurate road upgrade works will also be implemented. Those upgrade works and their timing have been developed by both traffic consultants who have worked on the project since its inception i.e TTPA and GTA Consultants. Their inputs reflect relevant standards and guidelines.

Appendix A is a recent report undertaken by GTA consultants which seeks to align the required road works to the sequencing of development that has occurred on the site to date and the staging of development that is expected to occur hereon.

3.0 Conclusion

This correspondence seeks to modify the sequencing and funding mechanism for the road upgrade works associated with the Wahroonga Estate redevelopment, as specified in Major Project Approvals 10_0070 and 07_0166.

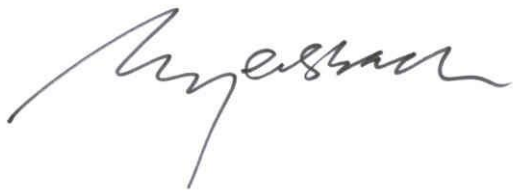
The physical configuration and contributions towards funding of the upgrades will not change, only their sequencing and associated funding mechanism. It is proposed to change the sequencing to reflect current and future staging of the estate development and alter the funding mechanism in response to current RMS advice that has rendered the current B7 Condition invalid.

It is important to note that our client has, at great expense, attempted to progress the preparation of the overarching Deed of Agreement and delivery of the subject roadworks, as detailed the RMS is now unwilling to enter into such a Deed and they have been unable to move forward with these works. The requested modifications are a reasonable means and genuine attempt to deliver the required works in a logical manner.

We believe the request to be reasonable and justifiable in traffic impact terms. We note that a portion of the required works have already been completed or instigated. Other intersection improvements are planned to take place in tandem with adjacent development works. Thereby minimising disruptions to the travelling public.

We would be pleased to discuss the recommended approach with the Department including any specifics relating to the suggested modifications. We can also make available our traffic consultants should you have any questions regarding the assessments that have been undertaken. Should you require any future clarification of this matter, please contact Carmel O'Connor on 9221 5211.

Yours sincerely,



Wayne Gersbach
General Manager – NSW