

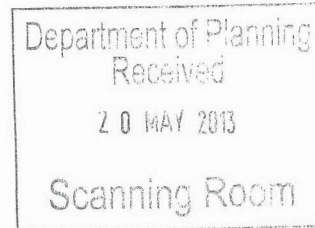


ENVIRONMENTAL SERVICES

Strategic Planning

15 May 2013

The Director
Metropolitan Projects
Department of Planning and Infrastructure
PO Box 39
SYDNEY NSW 2001



Attention: Natasha Harras

Dear Ms Harras,

**RE: Major Project MP10_0198
Concept Plan Application for Channel 9 site, Artarmon Road Willoughby**

Council has reviewed the proposed concept plan application at the Channel 9 site, Artarmon Road Willoughby for a residential flat development with up to 600 apartments and commercial development.

Council requests the assessment of the application considers the Council's submission on the proposal which is attached to this letter (Attachment 1). The submission states that Council does not support the Concept Plan Application and recommends that the applicant be invited to submit a revised Concept Plan according to several guidelines.

Council resolved at its meeting of 13 May 2013 that:

"Council endorse the draft submission for lodgement with the Department of Planning and Infrastructure as Council's response to Major Project MP10_0198 at Artarmon Road, Willoughby, and request that the matter be referred to the Planning Assessment Commission for consideration and a public hearing."

While Council is opposed to the development as submitted it acknowledges that the site has significance for urban renewal and accordingly, the attached submission contains an alternative scheme for 300 apartments which has both Council and community support. If the Department is of a mind to approve the Concept Plan Application, a number of amendments to the Statement of Commitments and proposed Terms of Approval (as listed in the submission) should, as a minimum, be included with any consent for the site.

Council will be holding a meeting with the Minister for Planning and Infrastructure on this issue on Wednesday 22 May to present Council's position and the alternative concept.

Council officers would be pleased to meet with the Department Assessment Team to explain the alternative concept and Council's proposals for the development of the site.

ENGLISH

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ARABIC

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ARMENIAN

Եթե չէք հասկնար այս փաստաթուղթը, խնդրեմ այցելեցեք Քաղաքային խորհուրդի Վարչության Շենքը այդ մասին խօսելու Քաղաքային խորհուրդի աշխատակիցներու հետ որոնք ձեզի համար թարգման մը կը կարգադրեն: Վարչության Շենքը կը գտնուի 31 Victor Street, Chatswood եւ բաց է կ.ա. 8.30 – կ.ե.5.00, Երկուշաբթիէն փինչեւ Ուրբաթ: Կարելի է նաեւ հեռաձայնել Թարգմանութեան Սպասարկութեան 131450 եւ խնդրել որ թարգման մը կապ հաստատէ Քաղաքային խորհուրդին հետ ձեզի համար: Քաղաքային խորհուրդի հեռախօսի համարն է՝ (02) 9777 1000:

CHINESE SIMPLIFIED

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CHINESE TRADITIONAL

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CROATIAN

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GREEK

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ITALIAN

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JAPANESE

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KOREAN

이 문서를 이해하지 못하실 경우 시의회 청사를 방문하셔서 시의회 직원과 이에 대해 상의하십시오. 시의회 직원이 통역사 서비스를 추천할 것입니다. 시의회 청사는 31 Victor Street, Chatswood에 위치하고 있으며 월요일에서 금요일, 오전 8시 30분에서 오후 5시까지 오픈합니다. 아니면 여러분이 직접 번역통역서비스에 131 450으로 전화하셔서 통역사에게 시의회에 연락하여 여러분과 연결하도록 요청하십시오. 시의회 전화번호는 (02) 9777 1000입니다.

Willoughby City Council

Yours sincerely,



Greg P Woodhams
ENVIRONMENTAL SERVICES DIRECTOR

CC: Gladys Berejiklian MP
Minister for Transport
Member for Willoughby
Governor Macquarie Tower
Level 35
1 Farrer Place
SYDNEY NSW 2000

WILLOUGHBY CITY COUNCIL
SUBMISSION TO MP10_0198- CHANNEL 9 PART 3A CONCEPT PLAN APPLICATION

INTRODUCTION AND SUMMARY

This submission concerns the exhibition of MP10_0198 submitted by JBA Planning seeking submissions in relation to the Concept Plan for development at the Channel 9 site in Artarmon Road, Willoughby.

A review of the application has identified a number of serious concerns, primarily with the height and density of the proposed development and a number of consequential issues. Council wishes to express its strong objection to the proposal in its current form.

Council is of the opinion that the scale and density proposed will have significant adverse impacts on the local infrastructure including the local road network, school facilities and recreational services, and is completely inappropriate in the context of the surrounding development that will result in unacceptable amenity impacts for neighbouring residents and the local community in Artarmon, Naremburn and Willoughby. The scale and density of the development will also result in a poor living environment for new residents on the site.

Council asserts that the density of the proposed development should be reduced by at least 50% in order to ameliorate the significant negative impacts as outlined below.

Council requests that consideration of the development will be undertaken by the Planning Assessment Commission and that a public hearing be held to enable Council officers, elected representatives and the local community to voice their concerns.

A public meeting was held on 9 May 2013 between local residents and the local member Ms Gladys Berejiklian MP and the notes from this meeting are attached (Attachment 1). Approximately 180 residents were in attendance.

In summary, Council recommends:

- 1. That the applicant is invited to submit a revised Concept Plan for residential development on the site according to the following guidelines:**
 - a. Dwelling density in the order of 0.8:1 up to a maximum of 1:1, resulting in a yield of 250-300 dwellings;**
 - b. A maximum height limit of 8 storeys on any part of the site;**
 - c. A maximum 2 storeys (with a possible 3rd storey set back) for villas fronting Richmond Avenue;**
 - d. Provision of a park on Artarmon Road generally as indicated on the Concept Plan for public use (not dedicated to Council);**
 - e. Provision of private open space comprising landscaped recreational space of at least 12000m², retention of all significant trees and trees adjoining the site boundaries and setting back all structures, driveways and basements from the southern boundary to create a landscape buffer;**
 - f. Provision of or contributions towards Council's local community "Loop" bus services providing transport for residents, at least in peak hours, to Artarmon Railway Station;**
 - g. The height of development adjoining the southern boundary is to satisfy a building envelope control maintaining solar access to the northern façade of the dwellings in Walter Street in mid-winter;**
 - h. Provision of a Statement of Commitments that make a contribution toward upgrading local community facilities to meet the increased demand generated by the increased population;**

- i. **Modification of the internal road network so that Blocks A, B, C and E use the access to and from the site on Artarmon Road and Blocks F, G and H use the Richmond Avenue access;**
- j. **Incorporation of the entire area of Scott Street in the proposal; and**
- k. **A building layout generally as indicated in the Alternative Preferred Concept Plan accompanying this submission.**

SITE DESCRIPTION AND HISTORY

The site is located at 6 and 14 Artarmon Road and 25 Richmond Road, Willoughby, on the southern side of Artarmon Road to the west of Willoughby Road. The site is currently used as the Nine Network Australia television studios. Vehicular access to the site is from Artarmon Road. Scott Street intersects the site at the eastern end, and this street is partly in Council ownership.

The three sites have a combined site area of 28982m² (6 Artarmon Road- Lot 1 DP 327266- 556.44m², 14 Artarmon Road- Lot 1 DP 820327 and Lot 10 DP 1162507- 27711m², and 25 Richmond Avenue- Lot 13 DP 6849- 714.52m²). Channel 9 also owns a separate parcel of land (Lot 12 DP 1162507) which is located to the south of the transmission tower and is isolated from the rest of the site. That land is not included in the Concept Plan.

Part of Scott Street (in Council ownership) forms part of the development site in the applicant's preferred concept (see further information below) and this site has an area of 920m². The site area including Scott Street is 29902m².

The site comprises television studios, offices, a helipad, satellite dishes and associated car parking. At the eastern end of the site, 6 Artarmon Road is a three storey office building. The remainder of the Artarmon Road frontage to the Channel 9 premises is characterised by a single storey dwelling house used for office purposes, the entrance gates and a two storey office building on the corner of Richmond Avenue.

The site is generally lower than Artarmon Road and falls to the south-western boundary of the site. Immediately to the south of the site the land falls steeply to properties in Walter Street and to the Gore Hill Freeway across a Council reserve.

The studio building is currently the highest building on the site with a height of around 16 metres or RL 97.7 metres.

The television station has been in operation since circa 1956. There is a helipad on site which has been operating since the late 1970's. The operation of the helicopter is subject to a Ministerial consent issued in the 1970's.

In 2011 the transmission tower was subdivided from the lot at 14 Artarmon Road and this site is now in separate ownership (discussed further in the submission below).

The site is one of the largest landholdings within the City and is visually prominent being located on a ridgeline. It represents an important urban renewal opportunity within the local community. The site is owned by TCN Channel 9 Pty Ltd.

In 2007 there was an expression of interest for the sale of the Channel 9 site. Council officers met with several interested parties and informed them that a planning proposal would be required to rezone the land.

On 8 October 2007 Council considered a Notice of Motion regarding the site, and resolved the following:

“That Council, as a matter of urgency, recognises the opportunity for urban renewal presented by the proposed sale of the Channel 9 TV station's site and instigates the following actions:

- 1. advocates for the cessation of EMR transmissions from the tower and its demolition, unless such cessation gives rise to significant increased radiation hazard elsewhere.*
- 2. confirms an interest in master-planning of the site and environs to provide both an economically viable development and essential infrastructure for the City of Willoughby, particularly playing fields and green linkages.*
- 3. that any masterplanning, as suggested in 2 above, gives consideration to opportunities for phased development of surrounding lands to provide an expanded number of residential dwellings in a cooperative venture between Council, the State Government (RTA-owned sites) and the Channel 9 site developers.*
- 4. That Council advise future owners/developers in accordance with points 1 to 8 within the report, with an additional point being the desirability of establishing a Wildlife Corridor Linkage”.*

Some discussions occurred between Council and consultants for Channel 9, however since this time the development proposal for the site has evolved and become subject to the Part 3A approval process.

SURROUNDING CONTEXT

To the north of the site (on the opposite side of Artarmon Road) are single dwelling houses. Some of these are elevated from the roadway by a raised retaining wall and these properties have vehicular access from Armstrong Street (1-25 Artarmon Road). The predominant character of the area to the north (including Edward Street), is single dwelling houses, as are the dwellings on the western side of Richmond Avenue. Under Willoughby Local Environmental Plan 2012 these areas are zoned R2- Low Density Residential, with a maximum building height of 8.5 metres.

To the south east of the site are a number of dwelling houses and dual occupancy developments on the northern side of Walter Street which were zoned R3 Medium Density Residential with a maximum FSR of 0.9:1 and a height limit of 12 metres under Willoughby Local Environmental Plan 2012 in anticipation of future redevelopment of the Channel 9 site.

In the centre to the south of the site is a Council owned reserve (Walter Street Reserve) which is dominated by thick bushland and is therefore currently inaccessible for recreational use. The Gore Hill Freeway runs parallel to the southern boundary of the site approximately 70 metres away adjacent to this Reserve and the Walter Street properties. A transmission tower with a height of 233 metres is located adjoining the south-western boundary of the site, facing Richmond Avenue.

Immediately to the east, on a site sloping down to Willoughby Road is a residential flat complex known as Castle Vale (2 Artarmon Road, Willoughby). The site includes a number of residential flat buildings (with the tallest 3 buildings on the western side of the site up to 27.5m in height to the lift tower or 8 storeys), communal recreational facilities, a child care centre and a small shop. Under Willoughby Local Environmental Plan 2012 this site is zoned R4- High Density Residential, with a permitted maximum height of 27 metres and a maximum floor space ratio of 1:1. The site has approximately 160 units.

Public transport is available along Willoughby Road (buses to Sydney City and Chatswood), however the closest access to the train network is at Artarmon Station which is located 1.5

kilometres to the west. Channel 9 currently provides a shuttle bus service for its employees to Artarmon Station.

POLICY CONTEXT

Willoughby City Strategy

The Willoughby City Strategy is the long term plan for the future of Willoughby City and is Council's community strategic plan. The City Strategy 2013 is currently being reviewed by Council with the community and a draft was formally on public exhibition in April/ May 2013 for comment.

There are a number of relevant provisions within the current Willoughby City Strategy 2010-2025, including:

3.1.3 "New housing is located in areas where housing densities are appropriate to the infrastructure and services and where quality living amenity for residents is ensured.

a. Ensure future development can be provided with adequate infrastructure and services.

b. Assess development for its quality and amenity for living".

These principles as they apply to the Concept Plan are discussed in the submission below.

Section 117 Directions

Planning proposals (to change the zoning of land) are required to be assessed against the Minister for Planning and Infrastructure's Directions under Section 117 of the Environmental Planning and Assessment Act. While this application is not subject to the normal procedures for a planning proposal, there will be a major change in the use of the land and consequential environmental impacts on the locality.

The following Section 117 Directions would apply to this development:

1.1 Business and Industrial Zones- this Direction requires that planning proposals retain the areas and locations of existing business and industrial zones and not reduce the total potential floor space area for employment uses. If a proposal is inconsistent with the direction, it must be justified by a strategy, study, regional strategy or be of minor significance.

The proposal is inconsistent with this Direction and the loss of this employment generating land is not of minor significance nor has it been justified by a strategy or study.

3.1 Residential Zones- this Direction requires planning proposals to include provisions that encourage the provision of housing that will broaden the choice of building types and locations available in the housing market, make more efficient use of existing infrastructure and services, reduce the consumption of land for housing and associated urban development on the urban fringe, and be of good design.

The proposed development complies with this Direction in relation to housing choice however, the impacts of the proposed density are not a more efficient use of existing infrastructure and services, especially transport, recreation and school facilities which are operating beyond capacity.

Willoughby Local Environmental Plan 2012

The site is zoned SP2 Infrastructure- Telecommunications Facility under Willoughby Local Environmental Plan 2012 with a maximum floor space ratio of 0.5:1. The site is not subject to height controls (height controls do not generally apply to sites zones Special Purpose).

Under Part 3A of the Environmental Planning and Assessment Act 1979, approval can be given for applications which are not permitted under the current zoning and with planning controls which differ to those in the local environmental plan. In this case, the application effectively zones the land R4- High Density Residential and provides height and floor space controls for the site, however the Land Zoning Map, Height of Building Map and Floor Space Ratio Map in WLEP2012 will remain unchanged should a Concept Plan be approved for the site under Part 3A of the Act.

Willoughby Development Control Plan and State Environmental Planning Policy 65- Design Quality of Residential Flat Buildings

Any future development applications for the residential development of the site can be assessed against the provisions of Part D2 of the Willoughby Development Control Plan and SEPP65. This is discussed where appropriate in the submission below.

ENVIRONMENTAL ASSESSMENT OPTIONS

The Environmental Assessment provides two options for the development of the site- Option A (the applicant's preferred option) and a supplementary option (Option B) in the event that Council's landowners consent is not secured for the remnant of Scott Street.

Option B is considered inferior to Option A as it involves reducing the size of the proposed Artarmon Road park, including an additional 3-4 storey building facing Artarmon Road and combining buildings B and D with an increase in the height of Building B to 12 storeys. For this reason Council has agreed to give landowner's consent to the Part 3A Application, however does not in any way imply support for the Concept Plan as submitted to the DOPI.

The issues raised in this submission relate to the applicant's preferred option (Option A).

ISSUES

A number of issues with the preferred Option A have been identified, including the following matters:

1. Built Form
2. Commercial land uses
3. Transport
4. Open space/ site linkages
5. Tree management
6. Developer contributions
7. Telecommunications tower transmissions
8. Social impact and infrastructure considerations
9. Loss of employment generating lands
10. Heritage
11. Aboriginal Heritage
12. Contamination
13. Affordable housing
14. Adaptable housing

- 15. Sustainability
- 16. Development staging
- 17. Stormwater management
- 18. Noise
- 19. Unit mix
- 20. Consultation with Council and the community

1. **Built form**

Since the Preliminary Environmental Assessment was released, Council has continuously informed the applicant both in writing and at meetings that the proposed density, bulk and height of the development is considered to be excessive. Despite this, from the original plans discussed with the applicant, no other options have been explored other than ones involving a density of around 600 units. All options have simply been a rearrangement on the site of the proposed 600 dwellings.

While it is understood that the proposed number of dwellings has decreased approximately 10% from the Preliminary Environmental Assessment, the proposed number of dwellings (up to 600) is still considered to be a major overdevelopment of the site. The Department of Planning and Infrastructure when issuing **the Director-General's Requirements for the site in February 2011 raised concerns regarding the density and height of the development, particularly the proposed height of 20 storeys, given the surrounding built form and the visually prominent nature of the site.**

Council's general concerns with the overall built form are as follows:

- Site coverage is excessive and apart from the proposed park on Artarmon Road, the soft landscaped areas remaining are poorly dimensioned leftover spaces. For example, the proposed principal communal open space area between buildings E and G is narrow and mostly overshadowed during the day at the winter solstice. The amenity of this space between two overwhelming tall tower blocks of 18 and 14 storeys is diminished. The intensive site coverage and narrow spaces between buildings also creates visual bulk when viewed from surrounding low density residential areas and streets.
- Block building bulk and massing is excessive and does not respond sensitively to the surrounding context.
- All of the proposed buildings are over 50 metres in length and present long edges. The buildings in the form proposed in the Concept Plan create repetitive block scales and length.
- Visual impact, in particular to properties to the south in Naremburn and for the surrounding residents in Willoughby and Artarmon. It is recommended that the existing mature trees along the southern boundary be retained, creating an opportunity for a landscaped edge, especially in the south eastern corner adjacent to Walter Street properties. The two driveway access points to basement parking should be relocated further north and the extent of basement levels be set back 10 metres from the southern boundary to allow for planting and retention of existing trees.
- Potential privacy impacts to existing Castle Vale and Walter Street properties to the east and south have not been adequately assessed and this should be addressed by increasing the setback of Blocks A and B from the eastern boundary.
- An analysis of the ability of the intersection of Artarmon Road and Richmond Avenue to cope with queuing in the AM peak has not been provided. Furthermore an analysis of options for potential intersection upgrades, a roundabout and/ or signals at the intersection of Artarmon Road and Richmond Avenue should be provided.

- The 18 and 14 storey towers will be inimical to the context of the surrounding area. The towers will be intrusive elements on the skyline as viewed from Artarmon, Naremburn and Willoughby. A lower building height, in the order of 8 storeys, would result in a more compatible building form when viewed from surrounding locations. At that height, the buildings will generally stand at the same height as the existing tree canopy as seen from the surrounding residential areas.
- The proposal is not a more efficient use of infrastructure.

The following section discusses Built Form under the headings of height, density, site coverage and bulk and scale.

1.1 Height

The application proposes 8 building areas including:

- A row of 15 townhouses along Richmond Avenue (Block H)
- One 18 storey tower (on the southern boundary between Block G and H- Building G)
- One 14 storey tower (on the southern boundary between Blocks C and G- Building E)
- One 10 storey tower (on the eastern boundary adjoining Castle Vale- Building B)
- Two 6 storey buildings (one facing Artarmon Road- Building A and another in the middle of the site south of the proposed park- Building F)
- One 4 storey building (adjoining Block B- Building D)
- One 3-4 storey building (Building C- on the southern boundary adjoining the rear of Walter Street properties)

The height of the tallest component, the 18 storey tower (Building G), would equate to 54 metres. Similar or higher building height controls in Willoughby are only located in the Chatswood CBD and in the immediate vicinity of St Leonards Station. The building height control for the adjoining property Castle Vale is 27 metres (8 storey).

The surrounding height controls are generally 8.5 metres reflecting the low density residential land uses surrounding the site, with the exception of the land zoned medium density in Walter Street to the south of the site which has a building height control of 12 metres and the adjoining Castle Vale development as mentioned above.

The adjoining telecommunications tower has a height of 233 metres, so Building G would be approximately $\frac{1}{4}$ of the height of the transmissions tower. The existing Channel 9 studio building is currently the highest building on the site with a height of around 16 metres, so Building G would be approximately 3.5 times the height of the studio building.

The Environmental Assessment states that the two taller buildings (Building G and Building E) have been designed with short edge facing the southern boundary to result in thin long shadows and minimise the visual impact from Naremburn. This is clearly misleading.

The Environmental Assessment includes shadow diagrams which show that during the winter solstice, the property at the western end of the northern side of Walter Street (31 Walter Street) will be in shadow all day. The shadow diagrams also show that the properties at 21-29A Walter Street will be in shadow for most of the day although at 12pm the line of shadow will hit the back wall of the houses.

Additional shadow diagrams are required to determine whether 2 hours of solar access will be retained to the western buildings within the adjoining Castle Vale or to properties in Walter Street (which has been rezoned for medium density development) as required by State Environmental Planning Policy 65- Design Quality of Residential Flat Buildings.

The Concept Plan should be revised so that the shadow from buildings on the site fall within a building envelope sunlight plane at mid-winter to retain solar access to the rear façades of all dwellings in Walter Street and the balconies of any units in Castle Vale.

The site is visually prominent due to its location on a ridge and the proposed development will have a visual impact for properties both in close proximity to the site and more distant properties. The two tallest buildings will be particularly visible from Naremburn (properties on the opposite side of the Gore Hill Freeway) due to their location adjoining the southern boundary of the site and the steep fall in the site at the southern boundary. They will also be visible from the surrounding low density Artarmon Conservation Area and residential areas in Willoughby and Artarmon, and from Artarmon Reserve to the west.

Clause 4.3(a) to (f) of Willoughby Local Environmental Plan 2012 provides the following objectives for height controls:

(a) to ensure that new development is in harmony with the bulk and scale of surrounding buildings and the streetscape,

The proposed development is not harmonious with the surrounding bulk and scale, including the high density development at Castle Vale which is up to 8 storeys in height. The applicant has not provided any compelling arguments why, in urban design or local amenity terms, the scale of the development is acceptable.

(b) to minimise the impacts of new development on adjoining or nearby properties from disruption of views, loss of privacy, overshadowing or visual intrusion,

The proposed development has significant impacts for adjoining properties in terms of visual intrusion and overshadowing.

(c) to ensure a high visual quality of the development when viewed from adjoining properties, the street, waterways, public reserves or foreshores,

The visual quality of the development will be poor particularly when viewed from properties to the east of the site which will be presented with the long edge of Building B (at 10 storeys which is effectively 13-14 storeys as the ground level is approximately 10 metres higher than the adjacent Castle Vale) in addition to the two higher towers beyond. The bulk of the proposed development is discussed further below.

(d) to minimise disruption to existing views or to achieve reasonable view sharing from adjacent developments or from public open spaces with the height and bulk of the development,

The proposed development is not considered to impact on any significant views.

(e) to set upper limits for the height of buildings that are consistent with the redevelopment potential of the relevant land given other development restrictions, such as floor space and landscaping,

There are no other development restrictions as this is a Part 3A Application. However, Council considers that the height proposed is a consequence of the applicant seeking an outcome of 600 dwellings on the site rather than an investigation of what is appropriate for the site in its locality.

(f) to use maximum height limits to assist in responding to the current and desired future character of the locality,

The height limits proposed do not respond to the current character of the locality nor do they reflect the desired future character of the locality. The land in Walter Street was recently rezoned for medium density housing in recognition of the changing character along Willoughby Road and at the neighbouring Castle Vale with a height control of 12 metres.

The taller towers proposed will also be visible from the Artarmon Conservation Area.

It is noted that a number of photomontages have been submitted with the Environmental Assessment. The adequacy of these photomontages is questioned in the following respects:

- No photomontages have been provided as viewed from the single dwelling houses directly opposite in Artarmon Road (i.e. providing a direct "front-on" view).
- The photomontages include the "proposed" street trees which may not be possible due to the necessity to maintain sight distance for exiting traffic.
- The photomontage for Walter Street is depicted from halfway up the street, not from the properties at the lower western end of the street closest to the Channel 9 site and which are likely to suffer the greatest visual impact.

It is acknowledged that the building heights proposed in the Environmental Assessment have been reduced from those proposed in the Preliminary Environmental Assessment, however the reduction from 20 storeys to 16 storeys is not considered adequate to ameliorate the significant amenity impacts for surrounding residents.

The height of the existing adjoining transmission tower is not considered to be relevant to this issue as it is a transparent light structure and could be removed in the future as technology changes.

Council submits that a more appropriate development outcome which responds to the neighbouring suburbs and streets would be achieved for the site by limiting the height and reducing building footprints for each building as outlined below:

Building	Proposed height	Council's preferred height	Reason
A	6 storeys	Reduce to 3 storeys	Reduce visual impact to Artarmon Road properties and create a transition. Resulting height will be commensurate with properties on the northern side of Artarmon Road (as proposed in Richmond Avenue).
B	10 storeys	Reduce height to 6 storeys and increase setback to eastern boundary	Reduce visual impact, particularly to Castle Vale, and shadow impact to properties in Castle Vale.
C	3-4 storeys	3-4 storeys (with additional setback on southeastern corner)	The additional setback on the south-eastern corner would reduce the visual impact and maintain privacy for properties in Walter Street below.
D	4 storeys (terrace houses)	Delete (see Block B above)	This building provides only 10 units and results in excessive site coverage. The proximity with Building B results in a poor urban design relationship. Provision of open space in this area would enhance the amenity and outlook from Block A, B and C. The resultant open space will provide a good link to Artarmon

			Road and the Council reserve at the rear of the site and better amenity for new residents of the site.
E	14 storeys	Reduce to 8 storeys, reduce footprint by half (from north and south)	Reduce visual impact and site coverage. Better urban design potential.
F	6 storeys	6 storeys, reduce size by 1/3	Reduce site coverage and allow additional solar access to Block C and open space link to Artarmon Road park and through site. Provide additional open space to improve the amenity of Block E and F.
G	18 storeys	Reduce to 8 storeys and reduce footprint by half	Reduce visual impact and site coverage. Provide additional setback to southern boundary and area of northern open space to enhance the amenity of Block F, G and E. Provides privacy for Richmond Avenue residents in line of sight provided by street trees.
H	2 ½ storeys	2 ½ storeys	No objection is raised to the height and form of these buildings.

This proposed amendment is illustrated by the accompanying variations to the Option A layout plan at Attachment 2. The changes outlined above would result in a development which was more acceptable in terms of height, transition to the surrounding low density development, visual impact (including to the adjoining heritage conservation area) and shadowing impacts. The resultant decrease in dwelling numbers (to around 250- 300 dwellings) would also reduce traffic impacts. It would also reduce the potential EMR risk of dwellings at heights proximate to the transmissions tower.

Any approval of the submitted Concept Plan Application should modify the built form on site as outlined above and as illustrated in Attachment 2.

1.2 Density

The Environmental Assessment states that the floor space ratio of the preferred option (Option A) is 1.98:1 (with 59117m² of residential floor space). It is unclear in the Environmental Assessment whether the stated floor space of 59117m² includes the potential commercial uses that the applicant is seeking to be permissible on the site. The applicant has made no assessment of the impacts or planning controls that should apply to the additional non-residential uses.

If the floor space ratio was calculated across the site area excluding the Artarmon Road park, the FSR would be 2.2:1.

Similar to the height controls, comparable or higher floor space ratio controls in Willoughby are only located in the Chatswood CBD and in the immediate vicinity of St Leonards Station.

The surrounding area has FSR controls ranging from nothing (bushland), 0.4:1 and 1:1. The floor space control for the adjoining high density residential property Castle Vale to the east is 1:1.

The surrounding floor space ratio to the north and west is generally between 0.4:1 and 0.65:1 reflecting the low density residential land uses. To the south is bushland and land zoned medium density on the northern side of Walter Street which has a floor space ratio control of 0.9:1.

Given the surrounding floor space ratios, Council's view is that any development on the site should reflect the surrounding controls and provide a transition between the low density residential development to the west of the site and the higher density development at Castle Vale. This would result in an FSR in the order of 0.75:1 to 0.8:1. Any development of more than a total of 1:1 for the site is totally out of character and inappropriate at a location with limited public transport access.

Council's intent for the urban renewal of a site of this scale would be to ensure that the amount of floor space proposed does not preclude the provision of adequate areas of soft landscaped area, achieves a better quality of urban design on the site, plans for a more compatible response to the context of the site and responds to the infrastructure conditions of the locality, whilst retaining appropriate height limits that limit the impact on the surrounding areas, as discussed in 1.1 Height above.

Objectives (a) to (e) of floor space ratio in Clause 4.4 of WLEP 2012 are:

(a) to limit the intensity of development to which the controls apply so that it will be carried out in accordance with the environmental capacity of the land and the zone objectives for the land,

The zone objectives of the land are not relevant to a Part 3A Application.

(b) to limit traffic generation as a result of that development,

The traffic generated by the proposed development is excessive given the local and arterial road conditions and capacity of public transport, and results in a major departure from vehicle trip generation compared to the current site during peak periods.

(c) to minimise the impacts of new development on adjoining or nearby properties from disruption of views, loss of privacy, overshadowing or visual intrusion,

The proposed development has unreasonable and unjustified impacts for adjoining properties in terms of privacy loss, visual intrusion and overshadowing.

(d) to manage the bulk and scale of that development to suit the land use purpose and objectives of the zone,

This consideration is not relevant to a Part 3A assessment.

(e) to permit higher density development at transport nodal points,

While the site is located in proximity of a bus route along Willoughby Road, the location is not considered to be a transport nodal point, and therefore the proposed degree of density with 600 dwellings is not appropriate at this location. The current Channel 9 use recognises the constraints of the transport services providing its own bus services to Artarmon Station for employees.

The proposed population density is likely to have significant impacts on the capacity of the local bus services to meet the increased demand for a service which is already

insufficient for existing demand. Peak hour patronage of services on Willoughby Road are already at or exceed capacity as indicated by the long queue lines for passengers at peak hours. Insufficient public transport capacity will likely result in increased car dependence.

The density proposed in the application is much higher than similar development sites in Sydney. For example, the former Channel 7 site in Epping (located 1.6kms from the Eastwood Railway Station) has 900 units with a site area of 8.9 hectares (101 dwellings per hectare) and 150 Epping Road has 440 units on a site of 3.17 hectares (138 dwellings per hectare). The Channel 9 development (1.5 kms from railway station) proposes 214 dwellings per hectare, more than double that of the Channel 7 site.

Council has proposed a number of reductions in building height and reduction in site coverage (as discussed in Section 1.3 below) to result in a more acceptable development in terms of amenity impacts and creating a quality living environment for residents of the proposed development. These reductions would result in an FSR in the order of 0.8:1 to 1:1, and a total number of 250-300 dwellings.

Council would prefer for the development to provide a transition between the low scale surrounding residential development up to the Walter Street and Castle Vale developments, and so a development of around 0.8:1 and a maximum of 8 storeys in the centre of the site would be acceptable. The development even at this reduced scale should provide significant community benefits to mitigate the increased demand on local community, recreation, school and transport services.

Council would be unwilling to provide support for a development in excess of these parameters. Council has throughout its discussions with the applicant consistently emphasised the importance of achieving a significant reduction in the height and density on the site (as emphasised by the Director-General's Requirements for the site). The responses made by the applicant have been no more than token changes to the original proposal. For these reasons, Council does not support the Concept Plan application as submitted.

1.3 Site coverage

The proposed density and building configuration compromises the urban design potential and amenity of the project. As a guide, the Willoughby Development Control Plan requires maximum site coverage of 20% for buildings 8 storeys or higher. The Environmental Assessment states that the Concept Plan results in a site coverage of approximately 36% for buildings and 21% for other hard surface area (streetscapes, roads and footpaths).

The main area of private communal open space for the development is provided between the two tallest buildings, Buildings G and E. This area of open space is a narrow strip, much of which is shadowed during the day in winter (Willoughby Development Control Plan requires a minimum of 3 hours of sunlight at the winter solstice). The WDCP also requires 30m² of communal open space per dwelling (in this case, 17550m²) and recreational area of 70% of site area for buildings 12 storeys and above. The proposal provides 43% open space.

The Willoughby Development Control Plan site coverage controls aim to achieve adequate open space and reasonable privacy between buildings as well as environmental benefits for site runoff and Water Sensitive Urban Design. The development provides inadequate communal open space for the future residents of the development.

Other high density sites within Willoughby City such as the West Artarmon precinct (west of the Artarmon Railway Station) and Locality J in Chatswood (to the west of the Pacific

Highway) provide larger setbacks between buildings and have less site coverage, creating a better living environment for both residents and the surrounding community. The controls for Locality J in the Willoughby Development Control Plan have a maximum site coverage of 24% for buildings higher than 6 storeys.

Council's suggested reductions in building footprint as outlined in the above table under Section 1.1 Height result in a much more acceptable outcome, both in terms of the visual character of the development and the residential amenity for future occupants and would provide an opportunity to improve the outcomes for communal open space for residents living in a high density environment. It is estimated that Council's preferred option (at Attachment 2) would reduce built area by approximately 35% and increase open space by approximately 2800m².

Council's Open Space Manager has provided the following specific comments regarding the provision of communal open space for residents:

1. *Whilst the linkages are supported, it is considered that the height and bulk of Blocks G and E in particular as proposed are such that the space created between them (marked as 7 on the plans) will provide poor amenity via overshadowing, overlooking and wind tunnel effects.*
2. *A reduction of heights is still recommended to create a space more acceptably human in scale and more conducive to use by occupants.*

These comments support Council's position that the site coverage should be substantially reduced.

1.4 Bulk and scale

Although it is recognised that the detailed architectural design of individual buildings is not a matter for consideration in the Part 3A Concept Plan assessment process, the proposed buildings are excessive in length (all of the proposed buildings are over 50 metres in length and present long edges). The development applications for individual stages should address this matter along with compliance with the urban design requirements of SEPP65. Individually the buildings are bulky and their parallel domino-like distribution exacerbates the visual impact (particularly given the high site coverage as discussed above). From some views several of the buildings are excessively dominant (for example the view of Block G from the west) and in combination present a long walled effect with no spatial relief.

2. Commercial land uses

The Environmental Assessment proposes the following uses on the site:

- residential accommodation (the definition of this in WLEP2012 includes attached dwellings, boarding houses, dual occupancies, dwelling houses, group homes, hostels, multi dwelling housing, residential flat buildings, rural workers' dwellings, secondary dwellings, semi-detached dwellings, seniors housing and shop top housing)
- neighbourhood shops up to a total floorspace of 1500m²
- food and drink premises (the definition of this includes pubs and restaurants)
- recreation areas
- community facilities
- child care centres
- exhibition homes
- exhibition villages
- recreation facility (indoor).

The Environmental Assessment states that the location of these uses will be identified in future development applications. There is no overall limit proposed for the total amount of commercial floor space.

Child care centres should not be permissible given the sites exposure to electromagnetic radiation from the adjoining transmissions tower.

The Willoughby Local Environmental Plan 2012 prescribes a maximum floor area of 80m² for a neighbourhood shop. The applicant has proposed up to 1500m² of neighbourhood shops. This would mean that the development could include 18 neighbourhood shops. Food and drink premises include cafes, restaurants and pubs and the Concept Plan proposes no limitations on this. The site should not reduce the economic viability of the Willoughby Road shopping strip.

It is recommended that the approval for the Concept Plan include an overall restriction on the amount of commercial development on the site, as extensive commercial development will have traffic generation impacts and would also impact on the viability of surrounding centres. A maximum GFA of 500m² is recommended for any non-residential floor area which would be part of the total permitted floor area for the site. This is recommended in the Terms of Approval.

3. Transport

The construction of 600 new dwellings in a location not within an existing centre or proximity to a railway station creates significant traffic concerns as discussed in this section under the headings of traffic generation, traffic management, public transport and car parking. It is noted that none of the issues raised by Council in their previous correspondence to the applicant regarding traffic matters (including the previous email of 1 March 2013) appear to have been addressed by the applicant.

At the community meeting held on 9 May 2013, residents requested that Council commission an independent traffic study. The Department of Planning was contacted on 15 May 2013 in relation to the traffic study. The Council will consider engaging an independent traffic consultant at its meeting of 20 May 2013. If the Council does engage a traffic consultant Council requests that the Department receive this report as an addendum to the Council's submission. We would expect the report to be available within 3-4 weeks.

3.1 Traffic generation

The submitted traffic study identifies that the existing site generates 170 vehicle movements in the AM peak and 149 vehicle movements in the PM peak. However the change of use of the site from a commercial use to residential use will result in a change in the direction of those vehicle movements as it is anticipated that for a residential development the majority of vehicle movements will be outgoing in the AM peak and ingoing in the PM peak.

Table 1: Applicant's traffic data

	Current site outgoing	Current site ingoing	Current site total	Proposed development outgoing	Proposed development ingoing	Proposed development total
AM peak	43	127	170	126*	14*	140**
PM peak	127	22	149	14*	126*	140**

*Applicant assumes 90% leave the site in the AM peak and vice versa

** See discussion of rate used in Traffic Study below

Council's Traffic and Transport Group Leader has provided the following advice with regard to traffic generation:

Very little information has been provided as to how the post development traffic volumes have been sourced. It also appears to have been based upon observed data from only one site, the adjacent Castle Vale development. This data could not be considered sufficient and is unlikely to provide a true indication of probable traffic generation for the site. Therefore data would need to be provided from several other sites of a similar scale and nature to provide a more accurate representation of the likely traffic volumes.

Whilst the figures in Table 1 are provided by the applicant, Council believes that an incorrect traffic generation rate has been used. Moreover the current site generation excludes employee parking that occurs on surrounding streets.

The traffic generation figures provided by the applicant are based on the incorrect rate from the RTA Guide to Traffic Generating Developments. The rate used in the traffic report is 0.24 vehicle trips per hour (vtp/h). This is based on the rate for Metropolitan Regional CBD Centres. The rate for medium density residential flat development (0.5-0.65 vehicle trips per hour during peak times) should be used.

Assuming a rate of say 0.5 vehicle trips per hour (the lowest generation rate for medium density residential flat development), the number of vehicle movements generated by the proposed development during the AM and PM peak would be 300 trips per hour, almost double those currently experienced and predicted by the submitted traffic study. This figure does not account for any potential commercial land uses which are proposed to be permissible on the site under the R4 zone including neighbourhood shops and food and drink premises.

The table on the previous page should be corrected as follows:

Table 2: Revised parking rate

	Current site outgoing	Current site ingoing	Current site total	Proposed development outgoing	Proposed development ingoing	Proposed development total
AM peak	43	127	170	270*	30*	300
PM peak	127	22	149	30*	270*	300

**Applicant assumes 90% leave the site in the AM peak and vice versa*

With regard to weekend traffic, a traffic and parking study was prepared by GTA Consultants for Council in May 2012, which recommend some measures to improve the intersection of Small Street and Willoughby Road. The applicant's submitted traffic study argues that the weekend peak hour trip generation is lower than during weekdays and the traffic movements are more dispersed throughout the day and concludes that the proposed development "will not exacerbate the impacts of the surrounding road network on the weekend".

The applicant has not provided any evidence to substantiate this assumption, particularly given the observation of high traffic generation on Saturdays due to shopping, recreation and sporting trips across the Sydney Metropolitan Area, including Artarmon.

In summary, the proposed Concept (based on the applicant's assumed rate) is 6 times the current traffic generation outgoing in the AM peak and 12 times the current traffic generation ingoing in the PM peak when compared with current site generation.

Artarmon Road experiences queuing in the AM peak at present from Willoughby Road generally up to Edward Street. Despite the applicant's statements, Artarmon Road could not absorb the applicant's additional traffic generation. Council considers that the applicant has used the incorrect traffic rate and so the impact on Artarmon Road is expected to be double that which the applicant has projected.

At least halving the proposed residential density would produce a more acceptable outcome but one which would still cause impacts on the local road network.

3.2 Traffic management

The Concept Plan proposes a vehicular entry point on Artarmon Road, to the east of the current Channel 9 driveway, and another vehicular entry point at the northern end of Richmond Avenue. Vehicular access to Artarmon Road near the Edward Street intersection was not considered as an option in the Concept Plan due to the poor sight distances and safety considerations in that section of Artarmon Road. The Environmental Assessment Report states that details of any required intersection control measures will be provided at DA stage.

Council's Traffic and Transport Group Leader has provided the following advice with regard to traffic management:

1. *Council needs to be provided with the SIDRA output files for the pre and post development scenarios, so Council officers can review the modelling. The summary shown in the report is of little use as it does not provide any information about individual turning movements at the 2 intersections modelled. Modelling should also be carried out to show the impact of right turn bays southbound and northbound on Willoughby Road at Artarmon Road.*

The summary of the SIDRA outputs does not include the intersection of Richmond Avenue and Artarmon Road. Analysis of this intersection is necessary as the number of vehicles entering and exiting Richmond Avenue would increase significantly as a result of the development.

2. *It is likely that there could be extensive queuing on Richmond Avenue at Artarmon Road, particularly during peak periods. Given that the Richmond Avenue entrance to the site is only 40m from Artarmon Road, it is likely that vehicles could be queued back into the site. The increase in the number of vehicles exiting Richmond Avenue would also greatly increase the likelihood of accidents occurring at the intersection.*

If the development does proceed then it should be a condition of consent that a roundabout be constructed at the intersection of Richmond Avenue and Artarmon Road. Construction of the roundabout would be dependent upon the results of the SIDRA modelling of the intersection, which would need to be checked and verified by Council officers. The roundabout would be paid for by the developer and designed and constructed to Council requirements.

This is proposed as an inclusion in the Statement of Commitments.

3. *Although the Artarmon Road access is slightly further down the hill than the current Channel 9 access, it is still located near the crest of a hill with limited sight distance. There is a risk of rear end accident as sight distance would be limited when coming over the crest of the hill and a vehicle is waiting to turn right into the site. Right turns into Artarmon Road would also be hazardous as vehicles would be coming over the*

crest of the hill and possibly speeding up to get through the lights before they went red at the bottom of the hill.

If the development does proceed then it should be a condition of consent that a concrete median be constructed on Artarmon Road adjacent to the Artarmon Road access to the site, so that only left in/left out movements would be possible. This is necessary to ensure safety at the intersection. The median would be paid for by the developer and designed and constructed to Council requirements.

The concrete median would have the effect of increasing the volume of traffic using the Richmond Avenue access, thereby increasing the need for a roundabout at the intersection of Richmond Avenue and Artarmon Road.

In addition to the Traffic Engineers advice the median island in Artarmon Road may also result in left turn movements out of the site then using the roundabout to go east to Willoughby Road (then either north or south on Willoughby Road). The capacity of the roundabout needs to be addressed at this stage when the dwelling density for the site is determined.

Intersection safety measures are proposed as an inclusion in the Statement of Commitments.

4. *There are currently 'No Right Turn' restrictions in place on Willoughby Road southbound at the Artarmon Road intersection during peak periods. The proposed development would lead to an increase in traffic volumes during these times. It would be preferable to allow right turns on Willoughby Road during these times to provide the most direct route to and from the site, to minimise the need for traffic to use local streets.*

Therefore the developer needs to explore possible road widening on Willoughby Road to enable dedicated right turn bays to be constructed for both northbound and southbound movements on Willoughby Road. This is considered necessary to reduce the impact of the additional traffic on local roads, such as Sydney Street.

A dedicated right turn lane in Willoughby Road would require adjustment of the kerb and road width on the Small Street/ Willoughby Road intersection. This is proposed as an inclusion in the Statement of Commitments.

3.3 Public transport

Public transport is available along Willoughby Road (buses to Sydney City and Chatswood), however the closest access to the train network is at Artarmon Station which is located 1.5 kilometres to the west. Channel 9 currently provides a shuttle bus service for employees to Artarmon Station.

Council currently operates a free Loop Bus service from Chatswood to Northbridge via Artarmon Road (past the subject site) on Wednesdays and Fridays every 45 minutes between 10:15am and 2:45pm (the State government prevents a service that charges customers).

Peak hour patronage of services on nearby Willoughby Road are already at or exceed capacity as indicated by the long queue lines for passengers at peak hours. Insufficient public transport capacity in proximity of the site will likely result in increased car dependence.

Furthermore it is understood that the existing primary bus routes along Willoughby Road (272, 273 and 257 buses) are to be affected by service changes which will result in 7 less services during each weekday AM peak.

Council's Traffic and Transport Group Leader has provided the following advice with regard to public transport:

1. *The report states that the site has good accessibility to public transport. The nearest bus stop on the northbound side of Willoughby Road is approximately 200m from the site, although it requires walking up a steep hill from the bus stop, as well waiting to cross at the signalised intersection on Artarmon Road. For people catching the bus into the city, they would have to cross 2 legs of the signalised intersection to get to the bus stop on the eastern side of Willoughby Road.*

The site is approximately 1.4km via the shortest walking route from Artarmon Station, and is quite steep in sections. It would take approximately 20 minutes to walk to the station from the site, which would discourage many pedestrians. It is generally considered that 800m is the walking catchment to a station, and therefore the site could not be considered to be readily accessible to Artarmon Station.

While there is bike parking at Artarmon Station and St Leonards Station, it is limited, and it is considered unlikely that many residents would choose to ride to the station, park their bikes and then catch the train to the city. There are also no dedicated bike routes leading directly from the site to Artarmon Station. In order to encourage cycling amongst the residents of the site as an alternative form of transport, the developer should consider providing funding for Council to construct cycleway facilities between the site and Artarmon Station, and also between the site and the existing cycle route in Bicentennial Reserve.

2. *As the site is not considered to be within walking distance of Artarmon Station for many people, the developer could improve access to public transport and offset some of the shortfall in parking by providing a shuttle bus service to and from the station in peak periods. Channel 9 currently runs a shuttle bus service to and from Artarmon Station due to the difficulties many of its employees face in getting to and from the site using public transport. Alternatively the developer could assist with funding of Council's shuttle bus services, which currently pass the site via Artarmon Road en route to Artarmon Station two days a week.*

A contribution for the expansion of Council's existing Loop bus service is proposed as an inclusion in the Statement of Commitments. This would need an ongoing contribution from the sites Owners Corporation to fund the service into the future. This is similar to the arrangement that Council has in place with the owners of the Gore Hill Technology site in St Leonards.

3.4 Car parking

The Channel 9 site currently has 356 parking spaces. The Concept Plan Application Option A proposes providing 735 parking spaces on site, being 589 residential and 146 visitor spaces on site. The parking rates proposed in the Environmental Assessment are as follows:

- Studio: 0.5 spaces per dwelling
- 1 bedroom: 1 space per dwelling
- 2 bedroom: 1 space per dwelling
- 3 bedroom: 1.25 spaces per dwelling
- Visitor parking: 1 space per 4 dwellings.

This is consistent with the rate of car parking spaces required per unit for sites located within a major public transport corridor as per the definition in Willoughby Development Control Plan. These rates apply to sites within a railway precinct (500 metres of a railway station) or located on a major public transport route (in this case Willoughby Road).

No on-site parking has been proposed for the possible commercial uses on the site (as mentioned in the commercial land uses section of the submission above, approval is sought for a number of commercial uses including child care centres, neighbourhood shops and food and drink premises).

Council's Traffic and Transport Group Leader has provided the following advice with regard to car parking:

There has been no allocation of parking for the proposed retail areas of the site. Information needs to be provided regarding the overall size of the retail area, as well as its likely use. Additional parking would then need to be provided on-site to cater for the retail area. The traffic generated by the retail area also needs to be added to the overall traffic generation figures.

The parking for individual aspects of the development will be assessed in future development applications.

The Environmental Assessment does not indicate the ownership of the proposed roads within the development site. Council's Traffic and Transport Group Leader has provided the following comments in this regard:

"Council would not be interested in taking over the ownership of the internal roads within the site. These roads would remain private roads, and therefore lie under the care and control of the owners of the site".

This is recommended to be included as a condition of approval.

4. Open space/ site linkages

A publicly accessible park is proposed on the south-eastern corner of Artarmon Road and Richmond Avenue, running lengthwise parallel to Artarmon Road. This park is approximately 3250m² in area (25m x 130m). (Note: Under the supplementary option B provided in the Concept Plan which does not include the remnant portion of Scott Street owned by Council, the size of this park is reduced to 1957m² and another publicly accessible area of open space is located between Blocks B and F which has an area of 1166m²). It is intended that the park along Artarmon Road will be used for passive recreation with possible BBQ facilities and children's playground.

The Concept Plan states that the park will have a level change between the two components (open green space and playground areas). While Council supports the dimensions and layout of the proposed park at Artarmon Road, the park should be at grade with Artarmon Road. Sections need to be provided through the park to understand how the levels relate to Artarmon Road and the internal street parallel to Artarmon Road, and the visual impact of the retaining wall opposite Block F. These details could be provided as part of a later Development Application for the park with further negotiation and discussion with Council staff. The Concept Plan approval, however, needs to establish the parameters for the park including being at grade with Artarmon Road, ability for the public to park on the site in visitor spaces, and access from the internal road to the park level.

The park is proposed as the final stage (Stage 4) of the development. The park should be delivered as part of Stage 1 as it will provide a key area of communal open space for the residents. This should be reflected in the Statement of Commitments.

The Environmental Assessment states that "at this stage it is anticipated that the proposed publicly-accessible park at the corner of Artarmon Road and Richmond Avenue will remain in the ownership of the future Owner's Corporation(s) for the residential development and will be managed under Community Title. Given the deliberately public nature of the proposed park, however, it may be more appropriate for this land to be dedicated to Willoughby City Council to be owned by the whole community in perpetuity. Any dedication of this site will need to be negotiated with Council prior to the commencement of works". **Council has stated a number of times to the applicant that they do not want the land to be dedicated to Council because of the long term maintenance costs.** This park is primarily for the use of the redevelopment site.

Council's Open Space Manager has provided the following comments with regard to the proposed park:

- 1. In general terms the open space fronting Artarmon Road is considered acceptable. The reduced parkland indicated on the Supplementary Option (Option B) is not supported.*
- 2. It is considered preferable to have the quantum of open space amalgamated to enable a more useable space to be created at the Artarmon Road frontage and a more effective buffer to the proposed buildings.*
- 3. Open Space is opposed to transfer of ownership of the open space on the site to its care control and management and considers that such responsibility should remain within the management of the site as a whole.*

A Council owned bushland reserve (Walter Street Reserve) is located to the south of the site. The Naremburn Ward Parks Plan of Management identifies an opportunity for a track to be constructed through this reserve. A bushland track should be provided from the southern end of the site linking through Council's existing reserve to Walter Street and the Prentice Park cycleway/ regional shared route. Documentation should be provided by the applicant indicating that this track can be established given the level difference between the Channel 9 site and Council's Reserve. Pedestrian access to the Council reserve should be easily readable through the Channel 9 site. Provision of the bushland track (at the applicant's expense) should be reflected in the Statement of Commitments. The estimated cost of works is \$200,000.

Council's Open Space Manager provided the following further comments with regard to this proposed linkage:

Open Space supports the provision of linkages to the public open space to the rear (south) of the site. Detailed plans will need to address the transition between the existing public open space and the development and provide for the creation of access into and through the public open space as part of development works.

There is an existing cycle path on the opposite side of the Gore Hill Freeway linking to the Sydney CBD and Artarmon Reserve to the west. This is not accessible from the northern side of the Freeway as there is one private property at the southern end of Chelmsford Avenue which abuts the Freeway wall. The development could provide an opportunity for Council to explore the option of creating access to Artarmon Reserve which would then link through Council owned land and the Walter Street Reserve to Walter Street. This should be

considered in the design of the proposed track from the Channel 9 site through the Walter Street Reserve.

5. Tree management

The submitted Environmental Assessment does not include a vegetation survey or any information on tree management and removal. The site has a number of significant trees and no justification has been provided for the removal of these trees or their location in relation to the proposed building layouts, despite a number of requests from Council for this information to be provided.

The existing mature trees are located in Scott Street, on the Artarmon Road frontage, at the southern boundary of the site above Walter Street, and some in the centre of the site near the proposed location of Blocks B/D and H.

The Environmental Assessment discussed providing landscaping in particular along the southern boundary of the site. However the landscaping provided is inadequate and the two major driveways which access basement parking for the site are located hard up against the southern edge of the site, providing no opportunity for landscape treatments in this area.

Setting back these basement levels from the rear boundary to enable the provision of this deep soil landscaped area is recommended for a revised Concept Plan.

6. Developer contributions

Future Development Applications for the site would be assessed in accordance with the Willoughby City Section 94A Contributions Plan which in this area requires a levy of 1% of the estimated cost of development for developments over \$200,000 in value. The estimated Capital Investment Value of the Concept Plan as proposed is \$233,300,000 and this would require contributions of a mere \$2.3 million. However it is recommended that the development be significantly reduced in density and this would reduce the contributions to be received.

If contributions were received at the rate in place when the Preliminary Environmental Assessment was lodged (the former Willoughby Section 94 Contributions Plans), the 600 dwellings would generate contributions in the vicinity of \$6 million.

Given the extensive impacts of the proposed development, and given the Section 94A requirements for other high density areas in the City (Chatswood CBD which requires 3%), increasing the required amount of contributions is recommended. This additional funding would be used to fund the following local projects:

Project	Cost
Implementation of Leisure Centre Masterplan	\$1,200,000
Bicentennial Reserve improvements: <ul style="list-style-type: none">- Upgrade to district playground- Lighting of oval- Public amenity block improvements- Upgrade to open space area to rear of Incinerator	<ul style="list-style-type: none">\$500,000\$300,000\$100,000\$1,000,000
Artarmon Reserve Landscape Masterplan improvements: <ul style="list-style-type: none">- Exercise stations	<ul style="list-style-type: none">\$40,000

- Upgrade to amenity block	\$250,000
- Lighting	\$150,000
- Basketball court hard paving to synthetic surface	\$100,000
- Stormwater upgrade	\$400,000
Naremburn Park Masterplan Improvements:	
- Lighting	\$500,000
- Perimeter exercise path	\$300,000
Local cycleway implementation including signage	\$25,000
Land acquisition of cycle access to the RMS bike path and improved access to Artarmon Reserve	\$1,000,000
Footpath upgrades within the locality for additional pedestrian use	\$150,000
<i>Walter Street Reserve improvements (pedestrian link and bushland regeneration)</i>	<i>(Included in list of Statement of Commitments)</i>
Total	\$6.015 million

The additional population of over 1200 potential residents on the Channel 9 site would place enormous pressure on existing leisure and recreational facilities in the vicinity.

The requirement for additional developer contribution funds to be received for this site would need to be arranged through a planning agreement under Section 93F of the Act with the applicant. This should be reflected in the Statement of Commitments for the Concept Plan approval. This is discussed further in the submission below with specific wording for each suggestion.

7. Telecommunications tower transmissions/ EMR

On 8 October 2007 Council resolved to advocate for the cessation of EMR transmissions from the tower and its demolition, unless such cessation gives rise to significant increased radiation hazard elsewhere.

A 1999 study found that the highest level measured in proximity of the tower was 6.23 $\mu\text{W}/\text{cm}^2$ outside 14 Richmond Avenue which was less than 3.1% of the allowable limit for continuous exposure under the ARPANSA standard.

The telecommunications transmission tower located to the south of the site was subdivided from the lot at 14 Artarmon Road in 2011 and became known as Lot 11 DP 1162507. The site is now owned by TX Australia (a joint venture company of the Seven, Nine and Ten television networks).

As part of the Environmental Assessment a Radiofrequency Hazard Report dated 9 November 2012 has been undertaken by Kordia. A hazard assessment has been undertaken with an on-site field survey of the electric field generated by communication equipment mounted on the tower. The consultant concluded that *'measurements found that the electric field readings were within the General Public Reference Level'* as set by the Australian Protection and Nuclear Safety Agency (ARPANSA).

The Application was referred to Council's Environmental Health Coordinator who advised that:

The Director General's Environmental Assessment Requirements for Electromagnetic Radiation required the EA to address concerns with the proximity of the buildings to the adjoining telecommunications tower and any impacts from the tower upon future occupants of the site. In reviewing the RF Hazard Report included in the EA it is determined that this requirement has not been addressed.

The report states compliance with the ARPANSA General Public reference Level as a percentage with all measurements made at ground level. The concept plan shows residential buildings of a maximum of 18 storeys. Block G being 18 storeys is on the southern part of the site closest to the tower. The EA does not address the likely impact of electromagnetic radiation to occupants who may be in the direct line of sight of communication equipment on the tower. The concern is that radiation levels above ground will be much higher than the levels measured at ground. Further assessment is required of likely RF levels to occupants in the proposed buildings.

Furthermore, the Concept Plan seeks consent for the inclusion of a child care centre as a permissible use on the site. Research undertaken has determined that a precautionary approach in dealing with RF in particular to children's health needs to be taken. Hence, Council would not accept the inclusion of a childcare centre on this site.

The impact of the proposed development on the transmissions (current and future potential) from the tower has not been properly assessed. This was a significant issue with the redevelopment of the former ABC site at Gore Hill and the adjacent transmission tower owned by Broadcast Australia. The state government imposed height limits on the ABC site redevelopment which might be applicable to the Channel 9 redevelopment site.

Council's alternative concept option proposes lowering the height of the towers to 8 and 10 storeys. This height puts residential units below the level of transmission equipment on the transmission tower. Council recommends that the Concept Plan approval limit the building heights as indicated in Council's alternative concept option and that proper EMR assessment be required to be undertaken as part of any approval based on maximum a height of 8-10 storeys only.

8. Social impact and infrastructure considerations

The submitted Environmental Assessment estimates that the number of children living in the development will be approximately 140 school aged children and 73 pre-school aged children. However Council staff estimates indicate the number of school aged children is more likely to be between 200-250 school aged children.

Northern Sydney had by far the highest growth in public school enrolments for any Sydney region between 2007 and 2012, more than twice the rate of Western Sydney. Local schools already rely on several demountable classrooms for existing enrolments and additional demountables will be expected at Artarmon and Chatswood schools.

Public schools in Willoughby experienced high enrolment growth rates between 2012 and 2013, between 0.4% (for Willoughby Girls High School which has a fixed enrolment due to site limitations) to 9.5% for Mowbray Road Public School. Five of these schools are operating well over intended capacity. Before and after school care is also at crisis point in a number of schools.

The Concept Plan argues that public school capacity should be addressed at a state strategic level. This is an unsatisfactory position given the expected school aged population

of the development. A significant reduction in dwelling numbers may assist in mitigating the likely impacts on the local school services.

The proponents should also be required to contribute the cost of providing at least one x 2 storey demountable at a local public school to contribute to meeting the expected demand.

Public transport capacity is discussed in the submission above.

9. Loss of employment generating lands

The Environmental Assessment states that Channel 9 site currently has 1500 employees in the Sydney region, of whom 600 regularly work at the Artarmon Road campus. The Environmental Assessment argues that residential development of the Nine Network Australia site would not result in the loss of strategic employment lands.

As discussed in the submission above, the application is clearly inconsistent with Section 117 Direction 1.1 Business and Industrial Zones. Little justification has been provided in the Environmental Assessment for the loss of this land. Council proposed the loss of employment generating land to be addressed in the Environmental Assessment in the Director General's Requirements, however this was removed from the Director General's Requirements by the Department of Planning.

The draft Metropolitan Strategy for Sydney has jobs target of an additional 135,000 jobs by 2021 and an additional 230,000 jobs by 2031 for the Central Sydney subregion (at this stage, specific employment targets are also set within this for Chatswood and St Leonards). It is anticipated that Willoughby will have a jobs target specific to the LGA within the subregional delivery plan. A net loss of 600 jobs from the Willoughby LGA will have a significant impact on the ability of Willoughby LGA to achieve those employment targets.

Council encourages the Channel 9 operation to be continued in part of the site redevelopment or alternatively in the nearby Artarmon industrial area where a number of businesses associated with television production exist. This would need to be included in the Statement of Commitments. The loss of Channel 9 from the City will impact on the associated television production activities in Artarmon and hence may lead to a much larger number of job losses in the City.

10. Heritage

A Heritage Impact Statement was submitted with the Environmental Assessment. The Environmental Assessment and Heritage Impact Statement was referred to Council's Heritage Architect for comment, who advised:

"The subject site is the Channel 9 site in Artarmon Road, which is proposed to be developed into a high density, mixed use residential and commercial facilities, which is within the vicinity of the Artarmon Conservation Area and nearby heritage items. Godden Mackay Logan has provided a heritage impact statement assessing the heritage impacts upon the Artarmon Conservation Area and 2 Small Street, Willoughby, the Griffin Incinerator, Flat Rock Bridge, 16-18 Salisbury Road, 35 Frenchs Road, The Bridgeview Hotel, 76 Marlborough Road, 18-24 Penkivil Street, 50 Sydney Street, Artarmon, 6 Pyrl Road, Artarmon, 12 Harden Road, Artarmon and Wilkes Plaza. It also assesses the impact of the development upon the built heritage values of the site. The site is not listed as a heritage item nor is it contained within a heritage conservation area.

It is noted in the accompanying Heritage Impact Statement that "the site does have some historic value as one of the first campus style television studios in Australia... The tower located immediately adjacent to the site, has some landmark value, being a symbol of the site's broadcasting function." The proposal for the site (i.e. preferred option) provides for 6 residential flat buildings, providing 3 buildings between 4 and 6 storeys in height, a 10 storey building, a 14 storey building and an 18 storey building, as well as approximately 30 attached dwellings up to 2 storeys in height.

In terms of impact of development on the site, it is noted that neither the Channel 9 site or its adjacent tower are listed as heritage items, nevertheless, there is potential for archaeological impacts associated with the proposed development and as such, it is recommended that an archaeological survey should be undertaken.

Given the distance of the development from the heritage items listed above, and the prevailing topography the towers will be viewed as a "backdrop" and as such will not significantly impact their visual setting. The subject site is located to the east and south-east of the Artarmon Conservation Area. The statement of significance for the Artarmon Conservation Area is as follows:

"The Conservation Area is outstanding for its intactness, with few unsympathetic intrusions occurring. The wide range of largely intact California and Inter-war bungalows as well as Federation housing in general good condition, occur in either groupings of consistent styles or subtle blends of successive periods to produce a mix of interesting and varied streetscapes. The area is significant as a harmonious and unified 1910-1920's lower North Shore residential area whose development relates to the development of the railway".

The proposed development is located to the east and southeast of the Artarmon Conservation Area, with the eastern section of the Conservation Area one block west of the subject site.

I concur with the statement outlined in the accompanying Heritage Impact Statement that "the visual setting of the area, as viewed from within the streetscapes and other areas of the public domain, would be impacted by the proposal to varying degrees". i.e. the greatest visual impact of the new buildings ranging from 10 to 18 storeys would be from the south-eastern portion of the Artarmon Conservation Area, where the towers would adversely impact on streetscape views and the skyline.

It is further noted that the proposal would also impact adversely on the landscaped character of the Artarmon Reserve. It would appear as a major built form above the existing tree canopy skyline flanking the Reserve.

In summary, therefore given the scale of the proposed towers it is considered that there would be an adverse heritage impact upon the visual setting particularly within the south-eastern portion of the Artarmon Conservation Area and the Artarmon Reserve".

It is considered that the proposed amendment to the Concept Plan to reduce the heights of the central buildings from 18 to 8 storeys and 14 to 10 storeys will assist to reduce the impact of the proposal on the Artarmon Conservation Area.

11. Aboriginal Heritage

An Aboriginal Archaeological Due Diligence Report was submitted with the Environmental Assessment. This report considered the site to have very low to no level of potential for containing subsurface Aboriginal archaeological deposits.

This Report was referred to Council's Aboriginal Heritage Manager who provided the following comments:

"The Due Diligence Aboriginal Heritage Assessment report states that no sites are recorded in the proposed redevelopment area and the area has been subject to previous disturbance reducing the likelihood of surviving unrecorded Aboriginal sites. The assessment was of a preliminary nature only and no Aboriginal community letter of support has been included. The report also notes that the southern area of the land could not be inspected due to its steep nature and level of vegetation cover. The report notes that this southern area is not proposed for redevelopment.

Given the above, the Aboriginal Heritage Office considers that there are no Aboriginal heritage issues for the proposed development provided that the southern area (where there is outcropping sandstone indicated in 1943 aerial photos) is not affected. If the southern area with sandstone outcrops is to be affected, the AHO would recommend further Aboriginal heritage assessment.

Should any Aboriginal sites be uncovered during earthworks, works should cease and Council, the NSW Office of Environment and Heritage (OEH) and the Metropolitan Local Aboriginal Land Council should be contacted".

This is recommended to be included in the Statement of Commitments as outlined at the end of this submission.

12. Contamination

As part of the EA a Remedial Action Plan dated November 2012 has been undertaken by JBS Environmental. JBS Environmental also conducted an Environmental Site Assessment (this report is not included in the EA).

The application was referred to Council's Environmental Health Coordinator who provided the following comments:

"A summary of the assessment is included in Section 7.9 Contamination which lists the likely contaminants of concern including asbestos in fill and hydrocarbon contamination from fuel storage tanks. The consultant has concluded that 'the site is able to be made suitable for the proposed residential land use'. The consultant has also recommended that 'further investigation of the site will be required to develop a detailed remediation action strategy for the site'.

The conclusion made by the consultant that the site is suitable for residential land use is not clear as it does not state which exposure setting will be or can be achieved. The different Health Investigation Levels exposure settings are:

A. 'Standard' residential with garden/accessible soil (home-grown produce contributing less than 10% of vegetable and fruit intake; no poultry): this category includes children's day-care centres, kindergartens, pre-schools and primary schools.

B. Residential with substantial vegetable garden (contributing 10% or more of vegetable and fruit intake) and/or poultry providing any egg or poultry intake.

C. Residential with substantial vegetable garden (contributing 10% or more of vegetable and fruit intake); poultry excluded.²

D. Residential with minimal opportunities for soil access; includes dwellings with fully and permanently paved yard space such as high-rise apartments and flats.

E. Parks, recreational open space and playing fields; includes secondary schools.

F. Commercial/Industrial: includes premises such as shops and offices as well as factories and industrial sites. It is assumed that thirty years is the duration of exposure.

Where land is used predominantly for one purpose, but contains within it a more “sensitive” use, then the exposure setting relevant to that more sensitive use must be adopted for that particular parcel of land.

In this case it is considered necessary that an independent review of all stages of site investigation process be conducted. A site audit should be undertaken to review the preliminary investigation, detailed investigation, remedial action plan and validation report. Therefore a site auditor accredited by the EPA under the Contaminated Land Management Act should be engaged to review all contamination matters.

Furthermore, a Site Audit Statement should be issued by the site auditor prior to any approval of the Concept Plan.

This is proposed to be reflected in the terms of any approval as discussed at the end of this submission.

Note: It is not clear if JBS Environmental have taken into consideration matters relating to contamination from lead based paint which was used to paint the TV tower”.

These matters are recommended to be reflected in the terms of approval as discussed at the end of this submission.

13. Affordable housing

The Environmental Assessment states that affordable housing should be provided to the local community housing provider based on Council's Willoughby LEP 2012 Clause 6.8 (being 4% of the floor space of the development). However these units should be provided to Council as outlined in Clause 6.8. Council has a programme for managing its affordable housing stock and this is consistent with the WLEP 2012 and Willoughby Development Control Plan provisions. Providing 4% of the total accountable floor space is consistent with the requirements of Clause 6.8.

14. Adaptable housing

The Environmental Assessment Report proposes that only 20% of the dwellings are constructed as adaptable housing. The draft Statement of Commitments included in the EA reflects this proposal.

Willoughby Development Control Plan requires the following provision of adaptable housing units:

Development type	Minimum Requirement
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Single storey attached dwellings and multi dwelling housing (e.g. attached or detached villas)	10% of units to be adaptable.
Two storey attached dwellings, multi dwelling housing and residential flat buildings	25% of all dwellings to be adaptable.
Three storey attached dwellings, multi dwelling housing and residential flat buildings	33% of all dwellings to be adaptable.
Multi dwelling housing and residential flat buildings greater than 3 storeys.	50% of dwellings to be adaptable.
Shop top housing	If lift access is to be provided, 50% of all dwellings to be adaptable.

The justification provided for the lower rate of adaptable housing is that other councils require less adaptable housing and that the cost of providing adaptable housing on the site is excessive.

This is not a valid argument, particularly as most of the buildings will have lifts and each level will reflect the one below.

The current adaptable housing requirements in the WDCP have been in place since 2004 and other developments within the City of all densities have complied with the provision at the required rate. The justification provided by the applicant for non-compliance with the standard rate is inadequate and full compliance with the rate in the WDCP should be achieved. It is recommended that the Statement of Commitments be amended to reflect this.

15. Sustainability

The Environmental Assessment states that the development will consider providing higher water and energy targets than BASIX.

In commenting on the draft Director General's Requirements for the site, Council requested that the redevelopment was to include a co-generation plant on site and solar power generation so that the site maximises its energy self-sufficiency. However the Department did not include this suggested alteration.

It is recommended that the Terms of Approval and Statement of Commitments include a requirement for the applicant to incorporate in the design:

- Provision for stormwater harvesting from hard surfaces and roof tops for landscaping irrigation (particularly the park), toilet flushing and laundry services for units;
- Solar gas boosted hot water facility for all units;
- Solar collectors for lighting of communal areas and basement parking;
- The first application to outline how the development will meet the principles of sustainable design including:
 - o Green Building Council minimum 5 star rating;
 - o Demonstrating that the passive design will reduce the demand for electricity, water and gas;
 - o Some form of renewable energy onsite or other decentralised energy systems;
 - o Water Sensitive Urban Design on site.

16. Development staging

The Environmental Assessment proposes staging the development into 4 stages:

- Stage 1- the eastern portion of the site, including Blocks A-D (210 units)
- Stage 2- the southern portion of the site, including Blocks E-G (360 units)
- Stage 3- the townhouses facing Richmond Avenue (Block H) (15 townhouses)
- Stage 4- the park.

As discussed above, the park should be provided in Stage 1 of the development, to service the recreational needs of the residents of the first stages of the development and to ensure that it is provided. If left to the last stage, there is no guarantee that it will be constructed at all.

The development is expected to be subdivided with a Community Title scheme with an Owners Corporation to oversee community property such as roads and open space areas, and three separate body corporate entities for each superlot. The terms of approval will need to provide for reciprocal rights between the superlots for stormwater, services, access and waste collection.

17. Stormwater Management

Council's development engineers have provided the following comments in relation to stormwater management. The matters need to be addressed in the terms of approval as notice for subsequent development applications:

"A preliminary review of the Part 3A concept plan and the Integrated Water Management (IWM) Plan prepared by Cardno have identified the following concerns with regard to on-site stormwater management which shall be considered/addressed with future development applications:

It is noted from the submitted IWM Plan that the subject site is defined by 4 stormwater catchment areas. As such, comments have been made to each catchment area as follows:

Catchment A

i. Council's catchment map revealed that there is no apparent overland flow path within the Council Reserve (Walter Street Reserve). In order to minimise any adverse impacts to the Council Reserve caused by the proposed development, all stormwater runoff generated from this catchment shall be collected and discharged to Richmond Ave via an approved on-site detention (OSD) system and rainwater retention and reuse system. The finished level of the internal road and buildings shall be designed and graded in such a way that gravity drainage to the Richmond Ave is achievable.

ii. In light of point (i) above, Council's records indicate that there is existing drainage infrastructure at the end of Richmond Ave. As such, stormwater that discharges to Richmond Ave shall be connected to the existing kerb inlet pit via the extension of an appropriate size of reinforced concrete pipe. The existing kerb inlet pit shall also be upgraded to cater for the proposed development.

iii. In order to partially offset the total required OSD volume by installing the rainwater retention and reuse system, roof water from the rainwater retention and reuse system shall be connected to non-potable use such as garden irrigation as well as toilet flushings and laundry cold water devices to all units. The applicant is required to submit

a Total Stormwater Management Plan including a water balance analysis with the development application. Note that a maximum of 25% offset (to OSD) is given if the Total Stormwater Management Plan is considered satisfactory.

iii. An OSD system shall be provided to collect stormwater runoff generated from all hard surface areas including internal roads and discharged to the street drainage system in Richmond Ave.

Catchment B and D

i. Stormwater runoff generated from this catchment shall be collected and discharged to the underground drainage system in Artarmon Road via an approved OSD system and rainwater retention and reuse system. The applicant is required to construct a new kerb inlet pit within the frontage of the site via the extension of an appropriate size of reinforced concrete pipe from the existing kerb inlet pit located in the intersection of Artarmon Road and Willoughby Road. This existing kerb inlet pit shall be upgraded to cater for the proposed development. The applicant shall submit supporting calculations with the formal application demonstrating that the new pipeline will have adequate capacity to cater for the runoff generated from the development site.

ii. In order to partially offset the total required OSD volume by installing the rainwater retention and reuse system, roof water from the rainwater retention and reuse system shall be connected to non-potable use such as garden irrigations as well as toilet flushings and laundry cold water devices to all units. The applicant is required to submit a Total Stormwater Management Plan including a water balance analysis with the formal application. Note that a maximum of 25% offset is given if the Total Stormwater Management Plan is considered satisfactory.

iii. An OSD system shall be provided to collect stormwater runoff generated from all hard surface areas including internal roads and discharged to Artarmon Road.

Catchment C

i. For any stormwater runoff generated from this catchment which is to be discharged to Walter Street via the "interallotment drainage line", the applicant shall submit documentary evidence by way of title documents with the formal application demonstrating that the subject property benefits from such interallotment drainage line.

ii. The applicant shall also demonstrate by way of supporting calculations that the interallotment drainage pipeline has sufficient capacity to cater for the uncontrolled stormwater runoff generated from the catchment for storm event up to 1 in 100 yr ARI. The interallotment drainage pipeline shall be upgraded if it is found to be under capacity.

iii. The existing kerb inlet pit in Walter Street where the interallotment drainage pipeline is connected to shall be upgraded to cater for this proposed development.

iv. An OSD system shall be provided to collect stormwater runoff generated from all hard surface areas including internal roads and discharged to Walter Street via an approved and legalised interallotment drainage easement.

Detailed stormwater management plans including a Total Water Management Plan and water balance analysis addressing the above mentioned matters shall be submitted with the formal application for assessment.

The engineering comments are recommended to be reflected in Terms of Approval.

18. Noise

Council's Environmental Health Coordinator provided the following comments with regard to noise:

"The Environmental Assessment Report (EA) does not include a separate acoustic report and includes details on the assessment of noise in Section 7.7 Noise and Vibration Impact.

In summary the consultant has stated that at concept stage the 'treatment of noise from the Gore Hill Freeway south of the site, has been managed by the design, orientation and location of buildings and open spaces'. The recommendation made by the consultant is that a 'detailed noise assessment will be prepared as part of future detailed Development Applications'.

This is considered to be acceptable as in most cases noise attenuation measures can be implemented in the detailed design of the building through screening, material selection and double glazing. At each DA stage environmental health will require an acoustic report which makes recommendations on attenuation measures. A condition of consent will be applied which will require internal noise levels to comply with a specified criteria.

This requirement is recommended as a draft Term of Approval.

The EA does not include an assessment of the potential noise impact from the proposed development in particular to noise generated by additional traffic movements.

The proposal of 600 units has the potential to increase traffic and therefore increase noise on the existing local road network. A noise assessment at concept plan stage should be made with reference to the NSW Road Noise Policy published by the Department of Environment, Climate Change and Water NSW, March 2011 (now known as the Office of Environment & Heritage). Therefore, an acoustic report prepared by a suitably qualified acoustic consultant should be undertaken which addresses the noise assessment criteria as stipulated in the NSW Road Noise Policy being for existing residences affected by additional traffic on existing local roads generated by the proposed land use development. It is important that this is addressed prior to any approval being granted to the concept plan".

The latter comments are particularly relevant to the significant likely increase in queuing in Richmond Avenue and in Artarmon Road due to the high volume of peak hour movements. Lowering the density as recommended in the submission would assist in reducing this potential impact though, realistically, there is little that the proponent can do to mitigate the noise. The terms of approval, however, should ensure that the design of the park includes a noise assessment with measures to minimise the impact on the park users.

19. Unit mix

The proposed unit mix in the Environmental Assessment is as follows:

One bedroom 33%
Two bedroom 64%
Three bedroom 3%

It is recommended that the Statement of Commitments be amended to require the applicant to commit to providing a mix of unit sizes in the development, within the following ranges-

One bedroom- up to 35%
Two bedrooms- between 50% and 70%

Three bedrooms- up to 20%

20. Consultation with Council

Council officers have had a number of discussions with the applicant and sent correspondence expressing its serious concerns with many elements of the application, however little has been done to address these concerns in real terms by amending the proposal.

Council met with Channel 9 on 9 October 2012 and were advised that new consultants had been engaged to prepare the EA (SJB Architects and JBA Planning), and that community consultation and preparation of the EA was commencing and would be finalised within 6 weeks (by 30 November 2012). **Since this time, Council has been vigilant in attempting to negotiate with the applicant on the possibility of an alternative development outcome for the site that will not result in significant amenity impacts for the local community, to no avail.** The applicant has not addressed the substantive issues that have been raised by Council, particularly the density and height.

Council officers sent a letter to Lend Lease (who are providing project management services for the project) on 22 October 2012 which provided an initial list of concerns with the proposed development (at Attachment 3) including the following issues:

- Community consultation process
- Change of use/ retention of employment lands
- Built form
- Transmission tower
- Provision for public facilities/ open space
- Transport
- Ecologically sustainable development
- Contamination
- Scott Street land
- Acoustic privacy
- Stormwater
- Developer contributions
- Affordable Housing
- Retail component
- Social impact.

On 21 November 2012 Council officers met with the applicant to review the issues and consider 12 options (all with the same number of dwellings) for the development of the site, one of which proposed a 42 storey tower. Subsequently Council officers sent the an email dated 21 November 2012 (at Attachment 3) reiterating the issues raised at the meeting.

The Department advised the applicant by letter dated 8 January 2013 that the EA as submitted was not satisfactory and that additional information had been requested. In this letter, the Department required the applicant to confirm that an appropriate level of consultation has been undertaken, **including with the local council on the preferred form of development.** This has not occurred. Council officers were not briefed on the final plan for submission to the Department.

A meeting was held with the Director General of the Department of Planning on 22 January 2013. The Mayor, Council officers and 2 community representatives attended. At this meeting, Council and community representatives expressed the view that the time period for the consultants to prepare the Environmental Assessment in order for it to be submitted prior

to the 30 November deadline was insufficient to enable appropriate consideration of issues and discussion with Council and the community, including:

- Adequate discussion regarding the proposed height and density of the site. Insufficient information was available on various aspects of the development to allow Council to have an informed opinion on the proposed scale of the development, including the predicted unit mix (and therefore population), anticipated traffic generation, detailed shadow diagram analysis, social impact (particularly on local educational facilities), interface with adjoining low density residential etc.
- Two community information sessions were held with the public, however there was insufficient time for alternative proposals to be considered and commented on by the public.
- Details regarding the transfer of Council owned land in Scott Street has not been discussed in any detail with the applicant, however the Environmental Assessment to includes this land (which Council proposed in order to obtain a better overall site plan, land utilisation and access).
- Council continues to be concerned at the loss of employment generating uses on the site and this has been seriously considered as a viable option in the Environmental Assessment.
- Detailed discussion has not occurred with Council on traffic impacts and proposed traffic management measures, on site open space land, developer contributions and the provision of affordable housing consistent with Council's WLEP2012 for new or upzoned residential land.
- The applicant declined to give Council a copy of the EA submitted to the Department in November, yet requested the Council owner's consent to the application, due to the inclusion of Scott St in the chosen development option for the site.

The Director General also committed to convening another meeting of all parties to discuss issues and the future direction on the matter. This did not occur.

On 30 January 2013 Council wrote to the Department raising a number of issues with the Environmental Assessment including inconsistencies with the submitted material. No further meeting was convened by the Director General to discuss the issues prior to the commencement of the exhibition.

Further to this, a meeting was held on 18 February 2013 with the applicant at which Council officers again expressed concerns relating to a number of matters including density and height. Council officers presented an alternative site layout for future discussion. Despite agreeing to respond to Council's suggestions and concerns the applicant has made no further amendments. A further email was sent on 27 February 2013 reiterating these concerns (at Attachment 3).

The development proposed in the Concept Plan is not an acceptable outcome for this site. A true communication process with Council and the community would have resulted in a significant reduction in the proposed development outcome for the site.

It is apparent that the Concept Plan is being driven by an expected financial return to Channel 9 for its relocation purposes fixated on a particular development yield rather than a proper planning process to determine an appropriate urban renewal solution.

Statement of Commitments

Part 3A Concept Plan applications generally have a statement of commitments which outline undertakings the applicant will commit to deliver as part of the development of the site.

The Draft Statement of Commitments submitted with the Environmental Assessment provides commitments relating to:

- Approved development (future applications to be in accordance with the concept plan)
- Stormwater and flooding
- Affordable housing
- Closure of Scott Street (negotiating closure and purchase of Scott Street)
- Noise report (to be submitted with future DA's)
- Environmentally Sustainable Development (to comply with the principles outlined in the Environmental Assessment, which have been discussed above)
- Accessibility (compliance with the Premises Standard and providing 20% adaptable housing as discussed in the submission above)
- Archaeology (if Aboriginal objects are found during the construction phase).

The Draft Statement of Commitments is inadequate for this scale of project and potential impacts in a number of respects and should be amended to include the items below, if the Department is of a mind to recommend approval of the application (in addition to the Draft Statement of Commitments submitted with the Environmental Assessment):

Developer contributions	<p>The applicant will enter into negotiations with Willoughby City Council with a view to making a development contribution in the order of \$6.015 million to go towards community, recreation and other facilities in the locality (this submission includes a list of proposed works).</p> <p>This amount should be indexed to the current Consumer Price Index (Sydney All Groups) as published by the Australian Bureau of Statistics from the date of the Part 3A Approval.</p>
Design excellence	<p>The applicant commits to achieving design excellence of the Project in accordance with Clause 22 Part 5 Division 3 of State Environmental Planning Policy (Major Projects) 2005 as follows:</p> <ul style="list-style-type: none"> (a) A high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved; (b) The form and external appearance of the building will improve the quality and amenity of the public domain; (c) The building meets or exceeds sustainability design principles in terms of sunlight, natural ventilation, wind, reflectivity, visual and acoustic privacy, safety and security and resource, energy and water efficiency. <p>Different architects are to design each stage of the development with one architect to oversee the overall implementation of the Concept Plan.</p>
Open space	<p>The applicant commits to providing the publicly accessible open space on Artarmon Road constructed generally in accordance with the Landscape Masterplan in the application, with an approximate area of 3250m². This park is to be provided simultaneously with Stage 1 of the development and will remain in private ownership of the Owners Corporation for the site.</p> <p>The applicant commits to submit a detailed Landscape Plan which:</p> <ul style="list-style-type: none"> - Demonstrates how the park can be achieved without level changes

	<ul style="list-style-type: none"> - Includes children's play equipment - Incorporates water sensitive urban design principles - Provides high quality landscape treatments and public furniture - Provides a continuous accessible path of travel from Artarmon Road. - Provides appropriate boundary fencing to ensure safety and security, particularly near the children's playground area. - Provides for deep soil planting. - Incorporates noise attenuation measures to mitigate the impact of traffic noise.
Pedestrian link	The applicant commits to the provision of \$200,000 to Willoughby City Council for the construction of the proposed pedestrian link from the site to the Walter Street Reserve. The title for the development site must include an easement with a right of public access through the site to the pathway.
Maximum commercial floor space	The maximum amount of commercial floor space on the site (including neighbourhood shops and food and drink premises) will be 500m ² .
Remedial Action Plan	The applicant commits to undertake remedial works as specified in the Remedial Action Plan dated November 2012 by JBS Environmental.
Transport	<p>The applicant commits to constructing a roundabout at the intersection of Richmond Avenue and Artarmon Road. Construction of the roundabout would be dependent upon the results of the SIDRA modelling of the intersection, which would need to be verified by Council officers. The roundabout and any associated kerb adjustments to drainage modifications are to be paid for by the applicant and designed and constructed to Council requirements.</p> <p>The applicant commits to construct a concrete median on Artarmon Road adjacent to the Artarmon Road access to the site, so that only left in/left out movements are possible. The median island is to be paid for by the applicant and designed and constructed to Council requirements.</p> <p>At the intersection of Artarmon Road, Small Street and Willoughby Road, the applicant commits to undertake investigation and design of road widening on Willoughby Road to enable dedicated right turn bays to be constructed for both northbound and southbound movements on Willoughby Road. The applicant will pay for any construction and private land acquisition required.</p> <p>The applicant commits to provide funding of \$200,000 to the Council for the expansion of Council's existing free Loop bus service to provide peak hour access from the site to Artarmon Railway Station, Chatswood CBD and Northbridge shopping centre; further that a Deed of Agreement be entered into providing the future Owners Corporations of the superlots to contribute a total of \$150,000 per annum toward the operation of the Loop service to the site.</p>

	The applicant commits to providing an on-site car sharing scheme such as Go Get.
Sustainability	<p>The applicant commits to achieve higher targets than BASIX and the provision on site of solar or other renewable methods of energy generation, including:</p> <ul style="list-style-type: none"> - Stormwater harvesting from hard surfaces and roof tops for landscaping irrigation (particularly the park), toilet flushing and laundry services for units; - Solar gas boosted hot water facility for all units; - Solar collectors for lighting of communal areas and basement parking; - The first application to outline how the development will meet the principles of sustainable design including: <ul style="list-style-type: none"> o Green Building Council minimum 5 star rating; o Demonstrating that the passive design will reduce the demand for electricity, water and gas; o Some form of renewable energy onsite or other decentralised energy systems; o Water Sensitive Urban Design on site.
Aboriginal heritage	The applicant commits to ceasing works and contacting Willoughby City Council, the NSW Office of Environment and Heritage (OEH) and the Metropolitan Local Aboriginal Land Council should any Aboriginal sites be uncovered during earthworks.
Stormwater	The applicant commits to undertaking the works required by Council engineers as set out in the Council's submission.
Community communication	<p>The applicant commits to developing a communication plan to establish ongoing consultation with the community during demolition and construction phases, including:</p> <ul style="list-style-type: none"> - The methods of consultation to communicate information about the progress of the development status to the community - Providing contact details for enquiries and matters related to the site's development - Providing details regarding development applications and construction management, especially truck movements, construction vehicle access and measures to minimise disturbance to local residents.
Channel 9 in the local area	The applicant commits to consider continuing the Channel 9 operation in part of the site redevelopment or alternatively in the nearby Artarmon industrial area where a number of businesses associated with television production exist
Car parking	<p>The applicant commits to providing car parking at the following rates:</p> <p>Studio: 0.5 spaces per dwelling 1 bedroom: 1 space per dwelling 2 bedroom: 1 space per dwelling 3 bedroom: 1.25 spaces per dwelling Visitor parking: 1 space per 4 dwellings.</p>
Educational facilities	The applicant commits to contributing the cost of providing at least one x 2 storey demountable at a local public school to

	contribute to meeting the expected demand.
Unit mix	<p>The applicant commits to providing a mix of unit sizes in the development, within the following ranges:</p> <p>One bedroom- up to 35%</p> <p>Two bedrooms- between 50% and 70%</p> <p>Three bedrooms- up to 20%</p>

Further the following amendments should be made to the Draft Statement of Commitments in the submitted Environmental Assessment:

Adaptable housing	Should be amended to read "The applicant commits to 50% of dwellings being adaptable". (consistent with the WDCP)
Affordable housing	<p>Should be amended to read:</p> <p>"The applicant commits to providing completed dwellings of the same standard with a gross floor area equivalent of at least 4% of the total accountable residential floor space as affordable housing dedicated to Council to be made available for rental to eligible tenants through the Council's affordable housing programme in accordance with the requirements of the Willoughby Local Environmental Plan 2012. Affordable housing is to be spread throughout the development and provided at each development stage. The applicant should discuss the appropriate dwelling size with Council prior to the lodgement of any DA in order to reflect the current affordable housing needs in the locality".</p>

Terms of Approval

If the Department proposes to recommend approval of the application, then in addition to any conditions proposed by the Department, Council urges the following Terms of Approval to be included:

- The site shall have a maximum of 300 dwellings with an FSR of 1:1.
- The buildings on site will be as follows:

Building	Height
A	3 storeys
B	6 storeys (with additional setback to eastern boundary)
C	3-4 storeys (with additional setback on southeastern corner)
D	Delete (see Block B above)
E	8 storeys, reduce footprint by half (from north and south)
F	6 storeys, reduce size by 1/3
G	8 storeys and reduce footprint by half
H	2 ½ storeys

- The two driveway access points to basement parking should be relocated further north to enable reduction of the extent of basement levels (to be set back 10 metres from boundary) to allow for deep soil planting and retention of existing trees along the southern boundary

- Tree management- all street trees and existing mature trees on the site's perimeter shall be protected and retained.
- All roads are to remain private roads, and lie under the care and control of the owners of the site.
- All open space, community rooms and the like are to remain in the ownership of the Owners Corporation.
- A further assessment is to be undertaken of likely radiofrequency levels to occupants in the proposed buildings along with measures to reduce any long term exposure by lowering of buildings, reorienting or repositioning buildings or modifications to building façades.
- Prior to the lodgement of any Development Application for the site, a site auditor accredited by the EPA under the Contaminated Land Management Act is to be engaged to review all contamination matters. The potential contamination from lead based paint which was used to paint the TV tower should be assessed in conjunction with the remediation report works.
- At each DA stage an acoustic report shall be submitted which makes recommendations on noise attenuation measures for the internal amenity of the new dwellings, and associated with traffic on Artarmon Road, Gore Hill Freeway and for users of the park.
- Stormwater management requirements as outlined in the submission above
- The superlot subdivision will provide for reciprocal rights between the superlots for stormwater, services, access and waste collection.
- Child care centres are not permitted on the site due to potential EMR impacts from the neighbouring transmission tower.
- Any commercial floor space on the site shall not exceed a total of 500m² in area and this floor space will be included in the total floor space permitted on the site.
- Undergrounding of all utility services including gas, electricity and telecommunications.
- The first development application for the site is to outline how the development will meet the principles of sustainable design including:
 - o Green Building Council minimum 5 star rating;
 - o Demonstrating that the passive design will reduce the demand for electricity, water and gas;
 - o Some form of renewable energy onsite or other decentralised energy systems;
 - o Water Sensitive Urban Design on site.

Council owned land- Scott Street remnant

Council owns a remaining portion of Scott Street measuring 920m². The remnant portion owned by Council only accesses the Channel 9 site.

As landowners consent has not yet been secured by the applicant for Council's remaining portion of Scott Street, a supplementary option (Option B) was included in the Concept Plan in the event that landowners consent was not secured. Council considers that Option B is an inferior option to Option A and hence is prepared to give its consent to the Part 3A application for Option A. Option B is considered inferior to Option A as it involves reducing the size of the proposed park, including an additional 3½ storey building facing Artarmon Road and combining buildings B and D and increasing the height of Building B to 12 storeys.

Council is prepared to grant owners consent in respect to the inclusion of the Council owned portion of Scott Street in the concept.

At its meeting of 13 May 2013 Council resolved to:

1. Give landowners consent to the Part 3A Application for Option A on the Channel 9 site
2. Give delegation to the General Manager to commence discussions regarding the sale of the remaining Council owned portion of Scott Street to Channel 9, in accordance with the required legislative processes, and enter into a Deed of Agreement with Channel 9 to sell the site. This is reflected in the proposed amendments to the Statement of Commitments as outlined in the submission above. Therefore Option A (the applicant's preferred option) could now proceed to consideration by the PAC and determination by the Minister with amendments as indicated in this submission.

Conclusion

Council does not support the Concept Plan for the following reasons:

- The inadequate Environmental Assessment and associated studies, as outlined in this submission.
- The proposal is of a scale and intensity which is inappropriate given the local context and the scale of the residential development is incompatible with the surrounding built form. Despite the location of the site within proximity to some public transport along Willoughby Road, it is not located in a centre with a public transport node and the density proposed far exceeds that in other similar high density developments within Willoughby or similar developments in Sydney.
- The elevation of the site coupled with the proposed 18 storey, 14 storey and 10 storey towers as proposed will result in a poor visual outcome for neighbouring residents and will impact on the significance of the Artarmon Conservation Area.
- The application has referred to the incorrect rate for traffic generation and the true traffic impacts would have significant impacts on surrounding road infrastructure and residential amenity.
- The traffic study is inadequate and based on false and incorrect RMS Guidelines. Traffic generation from the site will result in safety concerns for surrounding streets and create excessive congestion at the density proposed.
- The application is inconsistent with Section 117 Direction 1.1 Business and Industrial Zones and inadequate justification has been provided for this inconsistency.
- The applicant has made no meaningful attempt to engage with the Council or local community to address the concerns.
- The density of development and expected population will place unreasonable and excessive demands on local community infrastructure including schools, childcare services, bus services and recreation facilities.
- The proposed development concept is not an efficient use of existing infrastructure.
- The Concept Plan is likely to have amenity impacts on the residents of Walter Street, Richmond Avenue and Artarmon Road.
- The applicant has not adequately addressed noise, EMR, traffic generation, shadowing impacts as well as the recreational needs of the new residents.

Council recognises that the site is suitable for medium density residential development, consistent with the most densely developed site in the local area- the adjacent Castle Vale development which is 1:1 and has a maximum height of 27 metres.

Council's alternative proposal for the site provides for 300 dwellings, a better urban design outcome and amenity both for future on-site residents and for the neighbouring residents and Conservation Area.

Council is prepared to support a revised scheme that incorporates the following matters, a revised Statement of Commitments and terms of approval as outlined in the submission.

In summary, Council recommends:

1. That the applicant is invited to submit a revised Concept Plan for residential development on the site according to the following guidelines:
 - a. Dwelling density in the order of 0.8:1 up to a maximum of 1:1, resulting in a yield of 250-300 dwellings;
 - b. A maximum height limit of 8 storeys on any part of the site;
 - c. A maximum 2 storeys (with a possible 3rd storey set back) for villas fronting Richmond Avenue;
 - d. Provision of a park on Artarmon Road generally as indicated on the Concept Plan for public use (not dedicated to Council);
 - e. Provision of private open space comprising landscaped recreational space of at least 12000m², retention of all significant trees and trees adjoining the site boundaries and setting back all structures, driveways and basements from the southern boundary to create a landscape buffer;
 - f. Provision of or contributions towards Council's local community "Loop" bus services providing transport for residents, at least in peak hours, to Artarmon Railway Station;
 - g. The height of development adjoining the southern boundary is to satisfy a building envelope control maintaining solar access to the northern façade of the dwellings in Walter Street in mid-winter;
 - h. Provision of a Statement of Commitments that make a contribution toward upgrading local community facilities to meet the increased demand generated by the increased population;
 - i. Modification of the internal road network so that Blocks A, B, C and E use the access to and from the site on Artarmon Road and Blocks F, G and H use the Richmond Avenue access;
 - j. Incorporation of the entire area of Scott Street in the proposal; and
 - k. A building layout generally as indicated in the Alternative Preferred Concept Plan accompanying this submission.

Further, Council requests that consideration of the development will be undertaken by the Planning Assessment Commission and that a public hearing be held to enable Council officers, elected representatives and the local community to voice their concerns.

**WILLOUGHBY CITY COUNCIL
SUBMISSION TO MP10_0198- CHANNEL 9 PART 3A CONCEPT PLAN APPLICATION
ATTACHMENTS**

- 1. NOTES FROM COMMUNITY MEETING 9 MAY 2013 WILLOUGHBY CITY COUNCIL**
- 2. COUNCIL'S ALTERNATIVE CONCEPT PLAN**
- 3. CORRESPONDENCE WITH THE APPLICANT**

Channel 9 Redevelopment Public Forum

Thursday 9th May at Community Centre Central Street Naremburn

The forum was organised by the Progress Associations of Willoughby South, Artarmon and Naremburn and respective Presidents, Bob Taffel, Dale McKay and Fran O'Brien

167 attendees signed the attendance sheet and it is estimated that a total of approximately 180 were in attendance.

Introduction

Gladys Berejiklian was in attendance and expressed her unreserved support of the community over this matter. Councillors Michelle Sloane, Stuart Coppock and Wendy Norton were in attendance with an apology from Willoughby Mayor Pat Reilly. All councillors present also expressed their support for the community's stance.

In February, March and April a petition was circulated requesting the NSW Government to undertake effective community consultation and that, in view of the surrounding residential character and limited local infrastructure, the NSW Government prevail upon the proponent to adopt a floor space ratio more commensurate with the existing surrounding building density and to reduce the maximum height of any single building to eight levels. This petition with 2,800 signatures was presented to Gladys by Bob Taffel. Gladys has undertaken to write a covering letter and present the petition to the Minister, Brad Hazzard, on our behalf.

An overview of the current situation and the Concept Plan proposed by Channel 9 with 585 dwellings, of which 570 are units and 15 are townhouses, and with 736 car parking spaces was presented by Bob Taffel.

Willoughby City Council (WCC) has developed an alternate plan for the site comprising 300 dwellings and a maximum height of 8 storeys which has been presented to the Corporate and Transport Committee for discussion and acceptance. It will now go to a full council meeting to be held on Monday 13th May. This draft can be seen on council's website.

Discussion

Dale McKay chaired the meeting and invited comments from the floor.

The following points were raised by a resident from Walter St – the loss of privacy, significant overshadowing and potential loss of up to 20% in value of his and other properties in Walter St. Transport infrastructure and parking were also raised as major problems and concerns were raised that Channel 9's survey of traffic movements was undertaken on one day only. No consideration was given to the weekend traffic, particularly when the winter netball competition is being run. WCC have identified that peak times are 7-9am Mon-Fri, 3-4pm Mon-Fri (due to school runs), 5-7pm Mon-Fri and Sat

mornings. Generally it was felt that all day sat is difficult due to sports. Bob Taffel informed the meeting that he and other volunteers are currently monitoring the traffic movements in Artarmon and Willoughby Rds to run a check on Channel 9's consultant's doubtful figures.

It was stated that a precedent has been set with high rise in Chatswood and St Leonards CBDs. We do not need this to continue through Willoughby City on inappropriate sites like Channel 9.

School overcrowding will be exacerbated. In answer to a resident's question, Gladys informed the meeting that schools now are part of NSW Infrastructure as this has been raised as a significant issue. Councillor Sloane informed the meeting that the Combined P&Cs would not support the site as suitable for a school due to the still unknown long term effects of Electromagnetic Radiation (EMR). The question was then raised, is it safe to incorporate a child care centre in the plan? It was noted that WCC is opposed to child care in the vicinity of EMR and has ruled it out in its alternate plan.

Can the tower go or be consolidated with another in Sydney? It was stated that Channel 9 say that current transmission technology will be phased out in 5 years but the owners of the tower have no plans to remove it.

Further discussion related to traffic generation and WCC in their submission have pointed out that Channel 9 have used an incorrect factor in estimating the future traffic that will be generated by their concept. The generally accepted formula for medium density residential is – number of dwellings x 0.5 to 0.65 = number of peak hour traffic movements. If the lower factor of 0.5 is used it gives twice the traffic movements shown in Channel 9's Environmental Statement.

It was identified that the community requires an independent traffic study because Channel 9's traffic consultant's figures appear to be unreliable. An independent consultant could provide a more accurate prediction of the traffic flows and impact to the area. It was further suggested that WCC be asked to fund this study with specific terms of reference. This report would substantiate and add value to WCC's predictions of substantially increased traffic flow.

It was also suggested that ongoing funding should be made available by the developers to provide a regular Willoughby Loop Bus service to Artarmon Station, at least in peak hours.

It was agreed that the community is not opposed to a residential development on the site, however the scale of Channel 9's Concept Plan is not acceptable. After much discussion it was agreed that the biggest issues are density and building height with flow-on effects to transport, parking in surrounding streets, overshadowing, schools, hospitals and other ageing infrastructure such as storm water and sewerage. The government needs to ensure that contributions come from the developers to upgrade the ageing infrastructure and local transport.

Where to next?

Bob Taffel proposed the following motion and seconded by Fran O'Brien

That, having regard to the significant adverse impacts of the Channel 9 Concept Plan on the local and wider community, including:

traffic generation,

loss of privacy,

overshadowing,

creating a precedent in the locality,

the existing over-crowding of local schools,

excessive density of dwellings,

constraint on the use of the site due to EMR,

inability of public transport to cope with the density proposed,

building heights and visual impact,

cumulative impact of the traffic at peak times on the arterial road network,

this public meeting of residents of Artarmon, Naremburn and Willoughby request that the Minister reject the Concept Plan and:

1. support the submission to the public exhibition by Willoughby Council

2. in particular:

limit the maximum absolute building height to 8 storeys and

limit the density to a maximum of 300 dwellings.

This motion was carried unanimously.

It is essential that we engage in the process by mobilising the community, involving the media and most importantly not giving up.

The Channel 9 concept plan including a 3D model is currently available for all to view at WCC chambers in Victor St until Friday, 17th May. This date is the last day that submissions/comments can be made to the Dept of Planning and Infrastructure. We urge all to view this either in person or via the Channel 9 website www.ninewilloughby.com.au. Go to "The Project" and scroll down to "To view the Concept Plan Application and Environmental Assessment Report on exhibition on the NSW Department of Planning and Infrastructure website [CLICK HERE](#)". Comments can be submitted through this website or go directly to http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=4326.

The strongest way to make your voice heard on this project is to write to the Public Exhibition of the Environmental Statement at the above link. A sample letter is attached to the email containing this report.

At the end of the meeting it was stated by one of those present that a major development proposal for the Ritz Carlton at Double Bay was overturned due to the outcry from the local community including demonstrations and protest rallies.

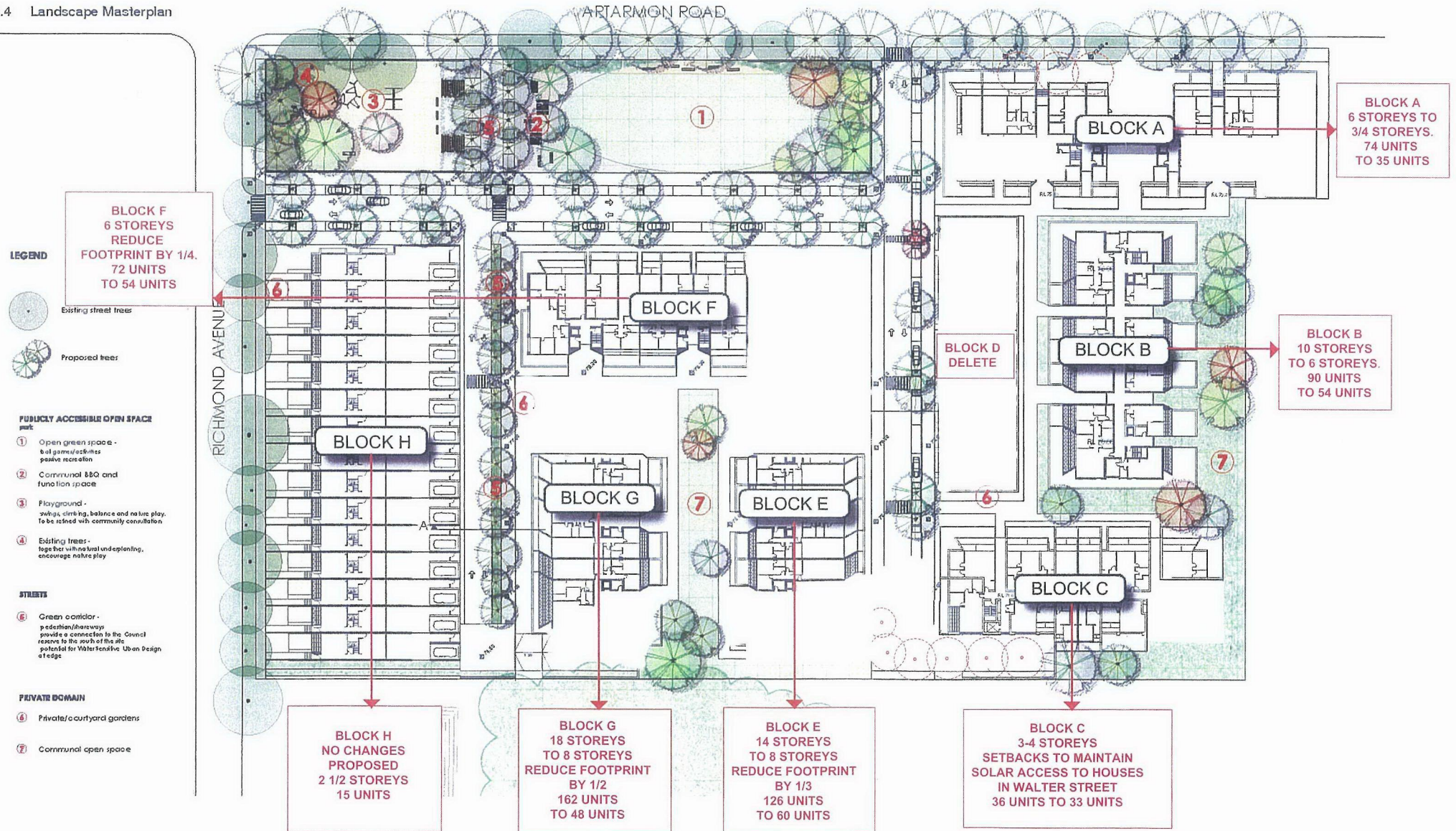
After some discussion it was agreed that a protest march be organised, up Artarmon Rd culminating outside the gates of Channel 9. Volunteers were asked for to help coordinate this rally and three people, Matt Gilligan, Meshlin Khouri and Peter Wilton agreed to do this. All those present were asked to disseminate the information about the march within their local area and a letter box drop will be organised to inform the broader community. It was agreed that Sat 18th would have the greatest impact due to available numbers.

Fran O'Brien identified that to be successful we would need a fighting fund for such items as the printing of flyers and posters. It was then suggested from a member of the audience that we make a donation on the way out. Many thanks to those who contributed – it goes to show your passion and commitment.

CHANNEL 9 REDEVELOPMENT

ALTERNATIVE PREFERRED OPTION

7.4 Landscape Masterplan



22 October 2012

Mr Warwick McInnes
Project Director Development
Lend Lease
30 The Bond, 30 Hickson Road
MILLERS POINT NSW 2000

Dear Mr McInnes

I am writing to you regarding the proposed development of the Channel 9 site in Artarmon Road, Artarmon following our meeting of 9 October 2012. I understand that Channel 9 is seeking to continue with this project under the former Part 3A of the Environmental Planning and Assessment Act 1979 and is therefore required to prepare and submit the Environmental Assessment to the Department of Planning and Infrastructure by 30 November 2012 in order to have the project determined under Part 3A.

The following preliminary information is provided for your consideration in the preparation of the Environmental Assessment. Further information may be forwarded at a later date and as part of the consultation programme, however this preliminary advice should assist the applicants by specifying the additional issues which should be considered in the Environmental Assessment and also by detailing Council's expectations for the development of the site and preferred outcomes.

A number of the issues raised are required to be addressed in the Environmental Assessment by the Director-General's Requirements.

Community consultation process

Condition 20 of the Director General's requirements specified that an appropriate and justified level of consultation should be undertaken with Council, state government departments and interested community groups and that the Environmental Assessment (when submitted) should indicate how matters raised during the consultation have been addressed.

Adequate consultation on this project is extremely important and local Progress Associations should be involved along with neighbouring and other interested residents and businesses and Council staff. Given the short timeframe for preparing the Environmental Assessment, it seems unlikely that an appropriate and justified level of consultation and adequate environmental assessment can be undertaken and Council has serious concerns in this regard. In particular, it is doubtful that there is sufficient time to establish meaningful consultation and input into the determination of the preferred option with the broader community, not just a few representatives.

Willoughby City Council

Change of use/ retention of employment lands

The loss of the current television studio and associated uses is of concern to Council.

Issue 6 of the Director General's requirements requires the EA to address the loss of existing jobs on the site by conversion from employment land to residential land.

As previously stated, Council encourages the Channel 9 operation to be continued in part of the site redevelopment or alternatively in the nearby Artarmon industrial area where a number of business associated with television production exist.

Built form

The Preliminary Environmental Assessment discussed potential heights on the site to 20 storeys. The Department of Planning and Infrastructure expressed concerns with this proposed height at the time of issuing the Director General's requirements and Council is also concerned with the proposed height of the development.

The proposed height is of concern to Council in the following respects:

1. Relationship of the proposed development to the surrounding low density, low scale residential areas, including the Artarmon Conservation Area, Walter Street (which adjoins the site to the south) and parts of Naremburn in the vicinity of Olympia Road.
2. Potential shadowing impacts to Walter Street
3. Shadowing impacts on the proposed public domain to be provided on site. This is discussed further in the letter below.
4. The interface with "Castle Vale" the adjoining development immediately to the east of the site, which due to the topography, presents as a 3-4 storey development to the Channel 9 site.

The EA should provide a detailed justification for the proposed density and height as specified in the Director-General's Requirements. The required view analysis should also consider views from Naremburn (in the vicinity of Olympia Road).

Transmission tower

The Department of Planning and Infrastructure expressed concerns with the potential impacts of electromagnetic emissions on the future residents of the development at the time of issuing the Director General's requirements. The Environmental Assessment should include information as per Issue 15 of the DGR's.

The potential impact of the proposed buildings on transmissions from the tower should also be investigated. This issue was explored with the development of the former ABC site on the Pacific Highway in Artarmon and the height limit for the adjacent site was amended to minimise impacts on the transmissions from the adjoining TV tower.

Willoughby City Council

Provision for public facilities/ open space

Council would prefer a monetary contribution for open space as required under Section 94 rather than the provision of public open space on site. This contribution would be used toward the nearby proposed Willoughby Leisure Centre redevelopment as outlined in the Willoughby Leisure Centre Masterplan (attached).

Any communal open space provided on site should be publicly accessible (but not owned or maintained by Council) and be provided in a location which has good solar access and easily accessible by residents from surrounding areas. The site indicated in the concept plan in the Preliminary Environmental Assessment would be completely overshadowed by the taller buildings on the site.

A linkage to the existing public open space south of the site should be incorporated into the design. For your information the Willoughby Open Space and Recreation Plan is attached.

Transport

There may be a need for a set of traffic signals at the intersection of Artarmon Rd and Edward Street to cater for additional traffic generated by the development and exiting at this point to Artarmon Rd. A roundabout could be another option however as the location is at the crest of a hill there are concerns about the safety of this option.

To prevent traffic infiltration from the development into adjacent residential streets, the closure of Edward Street at Artarmon Rd may be an option. If this were to occur, traffic from the residential streets to the north of Artarmon Rd could exit left and enter left from Willoughby Rd via Gorman, Borlaise or Julian Streets with safety. Right turns to and from these streets would however be difficult to achieve with safety so residents from these streets would still be reliant on making right turns to and from Willoughby Rd at Artarmon Road. This option would therefore only be proposed with some caution.

The Preliminary Environmental Assessment suggests that the developer may be seeking to give the new roads within the development to Council. Council will not accept responsibility for any new roads and they should remain in private ownership and maintained by the owners of the land.

Scott Street should be incorporated within the land to be developed with the developer to purchase that land from Council (as previously discussed with Council some years ago). Scott Street does not perform a vital traffic function or provide access to any residential development not included in the land to be redeveloped. This is discussed further below.

There may be a need to undertake some intersection modifications at the intersection of Willoughby Rd and Artarmon Rd to cater for development related traffic. These modifications could include:

- 1) creation of an additional eastbound lane on Artarmon Rd.
- 2) creation of an additional lane on Willoughby Rd to provide for turning or through traffic movements on Willoughby Road north or southbound, purchase/dedication of some land on the Bicentennial Reserve side of Willoughby Road would be required.

Willoughby City Council

- 3) modifications to the phasing arrangements to cater for amended traffic patterns resulting from the redevelopment.
- 4) provision of a signalised pedestrian phase on the southern leg of the intersection.

It should be noted that the Traffic Study completed in conjunction with the Willoughby Leisure Centre Masterplan proposes upgrades to the intersection of Willoughby Rd/Small St and Artarmon Road. Most notably a right turn bay and phase from Willoughby Road into Small St together with an extra lane exiting from Small Street to Willoughby Road.

A monetary contribution should be provided by the site developers towards the provision of shuttle bus services between the development, Artarmon Station and Northbridge Town Centre. Council currently has a shuttle service between Northbridge and Chatswood via Artarmon Rd which operates on Wednesdays and Fridays during off peak times only, from 10:15am to 3:30pm. There may be scope to extend this service to other week days, to operate it during peak periods or to operate it on Saturdays during the winter sport season but only if a developer contribution could be obtained. Expanding the service is unlikely without developer contributions. This service provides an important cross-City link.

It is unlikely that we would be seeking the provision of a bicycle link through the development site to connect with the Gore Hill Freeway Cycleway. The gradients at the lower end of the site are excessive and not conducive to cycling and the Gore Hill Freeway cycleway is on the southern side of the Freeway so a link to that facility would be problematic. A shared path link along the southern side of Artarmon Rd across Willoughby Rd via a signalised pedestrian/cyclist phase and linking with existing shared paths within Bicentennial Reserve could be pursued. There is also an on-road cycle route currently being introduced along Julian Street and Hector Street. A link from the development site to this bike route via Edward Street could be explored. If this were to occur, a safe crossing facility for cyclists over Artarmon Rd (preferably signalised) would be necessary. It should be noted that Council's bike plan which was updated this year proposes no new bike routes past the Channel Nine site.

Council has some traffic data available including Saturday intersection counts at Willoughby Rd/Artarmon Rd and will also obtain weekday peak period counts at Willoughby Rd/Artarmon Rd and at Artarmon Rd/Edward Street so we have some background data representing existing conditions.

Parking for the site should be provided in accordance with Council's Willoughby Development Control Plan.

Ecologically Sustainable Development

Council notes the requirements under Issue 10 of the DGR's. Council also requests that the development incorporate a co-generation plant on site and solar power generation so that the site maximises its energy self-sufficiency.

Contamination

The potential for land contamination on the site should be investigated given its former use as part of the Hallstrom refrigerator factory. Potential contamination impacts from the TV tower should also be considered given the use of lead paint on the tower. These two issues are reflected in Issue 14 in the Director-General's Requirements.

Willoughby City Council

Scott Street land

As mentioned in the transport comments above, Council considers that the remaining portion of Scott Street should be acquired from Council and included in the proposed development site.

Acoustic privacy

In accordance with issue 17 of the DGR's, the noise impacts on future residents from the Gore Hill Freeway should be considered in the design of the proposed dwellings.

Due to the scale of the development, the potential noise impacts of the proposed development on the existing surrounding residents should also be considered, including impacts during construction and noise impacts from the additional traffic and different traffic patterns associated with the proposed development in Artarmon Road.

Stormwater

In relation to Issue 12 of the DGR's, development should be consistent with Council's WDCP for Stormwater Detention.

Developer Contributions

As required by Item 11 of the DGR's developer contributions will be required in accordance with Council's S94 Plans in place at the time of the lodgement of the Part 3A proposal, which are:

- Open Space, Recreational Community Facility's
- Childcare;
- Road and Traffic Transport Management
- Drainage

Affordable housing

The development should provide affordable housing consistent with the requirements of Clause 6.8 of Draft Willoughby Local Environmental Plan 2012. Normally, under a Planning Proposal for the rezoning of the site, under Council's inclusionary zoning policy for affordable housing, the site would be included at that stage as part of Area 3 on the Special Provisions Area Map under the Draft WLEP 2012 (and therefore required to provide affordable housing in accordance with Clause 6.8). As this application is made under Part 3A but involves introducing residential development to the site, it is important that the standard affordable housing requirements for any site rezoned for additional residential development are applied.

This would involve 4% of the floor space of the dwellings being provided as affordable housing. The units would be dedicated to Council in perpetuity and managed by the local community housing organisation.

Retail component

The Preliminary Environmental Assessment proposed 600m² of retail development.

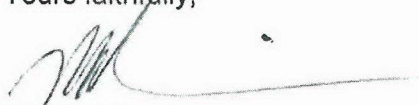
Willoughby City Council

Council requests that the Environment Assessment includes an analysis of the impact of the proposed additional retail development on the nearby Willoughby Road shops.

Social Impact

In relation to Item 7 of the DGRs, Council requests that the Environmental Assessment include an analysis of the impact of the additional population on the local public education facilities in particular Artarmon Public School, Willoughby Public School and Willoughby Girls High School.

Yours faithfully,



Nick Tobin
GENERAL MANAGER

CC: Department of Planning
GPO Box 39
SYDNEY NSW 2001

Gladys Berejiklian
Minister for Transport
Member for Willoughby
PO Box 311
WILLOUGHBY NSW 2068

Nguyen, Lara

From: McClure, Linda
Sent: Wednesday, 21 November 2012 4:28 PM
To: 'ahaddow@sjb.com.au'
Cc: Tobin, Nick; Nguyen, Lara
Subject: FW: Channel 9- meeting notes

Hi Adam,

Thanks for our meeting today regarding the Channel 9 site redevelopment.

Council would like to reiterate our major concerns with the proposed density of the site and the impact that this has on the height of buildings. As you are aware the Department of Planning expressed concerns with the proposed density and height and require a detailed justification as part of the Environmental Assessment.

Council continues to express concern with the proposed height and in particular has concerns regarding any impacts of the proposed development in terms of overshadowing to neighbouring residential properties in Walter Street and Castle Vale.

As indicated in the 12 options presented, the proposed heights in the south eastern corner of the site in particular needs careful consideration, possibly with some setback/ open space in proximity of the Walter Street properties (this is especially important to ensure that any future medium density development in Walter Street is capable of achieving SEPP65 requirements).

Additionally Council is concerned at the potential traffic and infrastructure impacts of the proposed number of dwellings.

The proposed density, which appears to be in the vicinity of 245 dwellings/ hectare far exceeds that of other comparable development sites in Sydney (Channel 7 site Epping- 100 dwellings/ hectare, Harold Park 118 dwellings/ hectare, Camperdown Children's Hospital site 150 dwellings/ hectare).

Council would like to see some breaking up of the proposed building footprints enabling better solar and pedestrian access to the southern part of the site and enhance site permeability. Some additional variation to the building heights within each block proposed throughout the site is recommended.

Any tower element on the site should be carefully located to minimise overshadowing and should not compete with other buildings within major centres such as St Leonards. If a tower component is considered appropriate, it should be compensated by demonstrated additional open space on the site.

With regard to the road layout, any access directly onto Artarmon Road should be left in/ left out only or one way only Artarmon Road to Richmond Avenue.

Opportunities for managing stormwater and stormwater reuse on the site should be investigated so that no additional runoff is created from the site redevelopment.

If you need any further advice from Council before 30 November please contact Lara Nguyen or myself.

Regards,

Linda McClure
Strategic Planning Manager
Willoughby City Council
Phone 97777671

From: Woodhams, Greg
Sent: Wednesday, 27 February 2013 4:07 PM
To: 'ahaddow@sjb.com.au'
Cc: 'Chris.Wilson@planning.nsw.gov.au'; McClure, Linda; Nguyen, Lara
Subject: FW: Channel 9 Part 3A Application- response to applicant
Attachments: Channel 9 Diagram 2.pdf; Channel 9 Diagram 1.pdf

Dear Adam,

I am writing regarding the Part 3A Concept Plan Application for the Channel 9 site at Artarmon Road, Artarmon. Following our meeting of 18 February 2013, it is understood that the applicant seeks clarification on Council's position on the Environmental Assessment submitted to the Department of Planning and Infrastructure on 30 November 2012. Council would like to provide the following advice. This information is in addition to advice provided to the applicant in earlier meetings and also in writing by letter dated 22 October 2012 and addressed to Warwick McInnes. These represent initial comments from Council officers to the submitted Environmental Assessment and have not been endorsed by the Councillors. These also refer to the attached drawings for illustration of the points raised and the drawings need to be read in conjunction with the text below.

The following comments have been provided as a basis for discussion with the proponents to identify options that might address the issues raised.

Density and height

Council has repeatedly expressed concerns with the proposed height and FSR of the development, in particular in relation to the overshadowing, transport, visual bulk, site coverage and amenity impacts. While it is understood that the proposed number of dwellings has decreased approximately 10% from the original concept plan discussed during the community engagement phase, the proposed 585 dwellings is still considered to be a major overdevelopment of the site. The Department of Planning and Infrastructure when issuing the Director-General's Requirements for the site in February 2011 raised concerns regarding the density and height of the development, particularly the proposed height of 20 storeys, given the surrounding built form and the prominent nature of the site.

Council's general concerns with the overall site density are as follows:

- Site coverage is excessive and the soft landscaped areas remaining are poorly dimensioned leftover spaces. For example, the proposed principal communal open space area between buildings E and G is narrow and overshadowed most of the day during the winter solstice. The amenity of this space between two tall tower blocks is questionable. The intensive site coverage and narrow spaces between buildings also creates visual bulk when viewed from surrounding low density residential areas and streets. As a reference point, the Willoughby Development Control Plan specifies a maximum site coverage of 20% for buildings 8 storeys and above.
- Block building bulk and massing is excessive and does not respond sensitively to the surrounding context.
- Building length- all of the proposed buildings are over 50 metres in length and present long edges. The buildings in the form proposed in the Concept Plan create repetitive block scales and length.
- Visual impact, in particular to properties to the south in Naremburn. The retention of existing trees along the southern boundary and creating an opportunity for a landscaped edge, especially in the south eastern corner are recommended. The two driveway access points to basement parking should be relocated further north to enable reduction of the extent of basement levels (to be set back 10 metres from boundary) to allow for planting and retention of existing trees along the southern boundary.
- Potential privacy impacts to Castle Vale and Walter Street properties have not been adequately assessed.
- An analysis of the ability of the intersection of Artarmon Road and Richmond Avenue to cope with queuing in the AM peak has not been provided. Furthermore an analysis of options for potential

intersection upgrades and/ or signals at the intersection of Artarmon Road and Richmond Avenue should be provided.

- The proposed population density is likely to have significant impacts on the capacity of the local bus services to meet the increased demand. Peak hour patronage of services on Willoughby Road are already at or exceed capacity as indicated by the long queue lines for passengers at peak hours. Insufficient public transport capacity will likely result in increased car dependence.

Specific comments

Block E and G

The proposed height of these two tower buildings has significant visual impact from a number of neighbouring locations, in particular Walter Street, Olympia Road and Edward Street. The two buildings create overshadowing to Walter Street west (particularly 29A and 31 Walter Street) during the winter solstice. As acknowledged in the submitted Heritage Impact Statement, "given the scale of the tallest of the towers there would be an appreciable impact on the visual setting and identified streetscape significance of the south-eastern portion of the (adjoining Artarmon) conservation area". The potential privacy and visual impacts of these towers to properties in Walter Street have not been adequately assessed. No transition in height has been provided at the southern edge of the site adjoining Blocks E and G and the basement levels are proposed to be constructed almost to the boundary which eliminates the opportunity for a landscaped edge to be provided. The buildings have long edges of 50 metres.

Given this, Council considers that Building G should have a smaller footprint (half the size).

The height of Building E should be lowered to 10 storeys and the footprint reduced by half.

Additionally as mentioned above, a landscaped rear setback should be created along the southern boundary to mitigate the visual impact of these buildings, particularly as viewed from Naremburn and to provide a landscaped buffer to the public open space south of the site.

Block A

- The scale of Block A does not relate to the Artarmon Road frontage. The height of Block A should be reduced to 3 storeys to minimise visual impact to properties on the opposite side of Artarmon Road. The building should also be broken up to minimise the appearance of a solid 79 metre wall.
- Block A should be setback a minimum of 6 metres from the eastern boundary to minimise visual impact for Castle Vale and reduce the appearance of a hard edge travelling west on Artarmon Road.

Block B and Block D

- Block D should be deleted as Block B and D are too close and it is only providing 10 dwellings (clarification was sought on this matter by email dated 20 February 2013, with no response received to date). This will enable less site coverage in this part of the site.
- The height of Block B should be reduced to 6 storeys to reduce visual impact to Naremburn, Willoughby and Castle Vale

Block F

- Block F should be reduced in size by approximately 1/3 to allow for the creation of a more significant area of communal open space (which will not be overshadowed as the proposed inadequate area of communal open space is).

Block C

- Documentation should be submitted indicating that the height of Block C will not result in additional overshadowing to existing properties in Walter Street. The scale of the submitted shadow diagrams does not provide sufficient analysis of this issue. Furthermore no assessment has been provided as to how the Walter Street properties could redevelop to their 4 storey potential and satisfy the solar access requirements of SEPP 65. Block C should be set back on the eastern side.
- A landscaped setback area should be provided along the southern boundary as mentioned above.

Block H

Zero lot lines may be less attractive for sale, possibly consider breaking them up as semi-detached dwellings.

With regard to the photomontages in the Environmental Assessment, a location map indicating the exact location of each would be useful to assess the suitability of the locations chosen.

Open space

Council supports the dimensions and layout of the proposed park at Artarmon Road. The park should be at grade with Artarmon Road. Sections need to be provided through the park to understand how the levels relate to Artarmon Road and the internal street parallel to Artarmon Road, and the visual impact of the retaining wall opposite Block F.

A bushland track should be provided from the southern end of the site linking through Council's existing reserve to Walter Street and the Prentice Park cycleway/ regional shared route. Documentation should be provided indicating that this track can be established given the level difference between the Channel 9 site and Council's Reserve. Pedestrian access to the Council reserve should be easily readable through the site. Provision of the bushland track (at the applicant's expense) should be reflected in the Statement of Commitments.

Scott Street

It is noted that the Council owned section of Scott Street is included in the proposal. This is a sensible outcome, however, the proposal would need to provide for acquisition of the Council owned land based on an agreed valuation.

Additional information required and matters for clarification

In addition to the information requested in Council's email to the Department of Planning dated 30 January 2013 (attached), the following information is required:

- Site survey
- Arborist report identifying all existing vegetation on site, and those trees proposed to be removed with justification for doing so.
- Clarification of the number of units proposed. Block D is 4 storeys in height but the Schedule of Accommodation in the submitted Concept Plan says there are only 10 dwellings in this building.

Council is of the opinion that the applicant has not adequately responded to the concerns raised by the Department of Planning and Infrastructure, Council and the community, which have articulated their concerns with the proposed height and density of the development. The options canvassed in the proposal are based on similar high density (600 dwellings) rather than options involving a substantially reduced scale and density.

Given the heights proposed, the overall concept plan does not deliver, in return, an associated decrease in site coverage or reduction in building footprints.

Overall the changes to the proposal as outlined above would result in a reduction to around 300 dwellings which would improve the traffic, shadowing, built form and site coverage concerns outlined above and make the development a more pleasant place to live.

As mentioned above, the views expressed in this email at this stage represent the views of Council officers and not the elected representatives. Council officers are willing to work with the proponents on an alternative proposal that addresses the issues at our next meeting.

Greg Woodhams
Environmental Services Director
Willoughby City Council

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From: Woodhams, Greg
Sent: Wednesday, 30 January 2013 12:46 PM
To: 'Chris.Wilson@planning.nsw.gov.au'
Cc: Tobin, Nick; McClure, Linda; Nguyen, Lara
Subject: Channel 9 Part 3A

Hi Chris,

I have just returned from extended leave and have received a briefing from my staff on the Channel 9 project.

We received the Environmental Assessment for the Channel 9 Part 3A project and a copy of the Department's letter dated 8 January 2013 to Council last week. A preliminary look at the Channel 9 Environmental Assessment by Council staff has identified a number of inconsistencies and missing information from the report in addition to those raised by the Department in its letter. Council understands that the applicant has been given until 1 February to submit additional information to the Department, and some of the items listed below should also be required to be submitted prior to exhibition to rectify a number of inconsistencies throughout the submitted documents. I must say that the documentation is quite poor for a project of this size.

Council agrees with the Department's position as specified in the Department's letter that the key planning issues requiring further clarification include the height and floorspace. Council agrees that the information submitted does not adequately justify the significant increase in building height and floorspace. Council believes this information should include:

- Discussion of the interface of Building A (6 storeys) to properties on the opposite side of Artarmon Road and Building B (10 storeys) to the adjoining buildings at Castle Vale which are at a lower height;
- Additional shadow diagrams to determine whether 2 hours of solar access will be retained to the western buildings within the adjoining Castle Vale or to properties in Walter Street (which has been rezoned for medium density development) as required by SEPP 65.

Council has continuously informed the applicant that the proposed density, bulk and height of the development is excessive, in writing and at a number of meetings. It is disappointing that they have not considered options other than ones involving a density of around 600 units.

Furthermore the Department required the applicant to confirm that an appropriate level of consultation has been undertaken, including with the local council on the preferred form of development. Council has not been approached by the applicant for further discussions since the Department's letter and is only aware of the preferred development concept from the information forwarded to Council by the Department. I note that the conclusion of the Concept Plan report states that *"The plan makes sense, and ultimately it is not the concern of the community and Council"*. This statement by the proponent is quite alarming given the significance of the site.

We believe that further clarification on the following issues is also required:

- The proposed floor space ratio- three different floor space ratios are referred to in the documentation (1.97:1, 1.98:1 and 2:1).
- The proposed uses on the site:
 - The traffic study mentions a child care centre (which does not appear to be included in the Concept Plan)
 - The Environmental Assessment report mentions permitting neighbourhood shops, whereas the page 202 of the Concept Plan says "a small café/ retail shop will be located at xxxx" and a shop does not appear to be indicated on the submitted Level 01 plans in the Concept Plan.
- The adequacy of solar access to the communal open space between buildings E and G (Willoughby Development Control Plan requires a minimum of 3 hours of sunlight at the winter solstice). The WDCP also requires 30m² of communal open space per dwelling (in this case, 17550m²) and recreational area of 70% of site area for buildings 12 storeys and above. These may be negotiable within the context of a new concept plan but we believe that the currently proposed density and building configuration compromises the amenity of the project.
- Justification of the proposed unit mix of the development (33% 1 bedroom, 64% 2 bedroom and 3% 3 bedroom) and how this caters to the target demographics;
- The total site area of the development site. As mentioned in the Department's letter the Environmental Assessment should clearly specify the land to be included in the development site. On this point, the ownership of the Council owned Scott Street land has not been resolved. Council is of the opinion that while it forms an important part of the development site and its inclusion will lead to a better site outcome, Council will not agree to the use of this land until it is satisfied with the submitted development proposal and there is a proper dialogue between the two parties.
- Information on tree management and removal (none has been provided and the site has a number of significant trees)
- Council has previously advised the applicant that Section 94 will be levied as per the plan in place when the Preliminary Environmental Assessment was lodged, not at the date of lodgement of each DA as indicated in the Environmental Assessment Report. This could be addressed in a VPA.
- Affordable housing should be provided to Council based on Council's Willoughby LEP 2012 Clause 6.8 (4%), not to the community housing provider as indicated in the Environmental Assessment Report and Concept Plan. Council has a programme for managing its affordable housing stock and this is consistent with the WLEP 2012 provisions.
- The traffic study uses the incorrect rate from the RTA guide to traffic generating development (0.24 vehicle trips per hour which is the rate for Metropolitan Regional (CBD) Centres) - it should use the traffic generation rate for medium density residential development. The project has not addressed the impact on the bus services on Willoughby Rd that are already at full capacity
- The number of car parking spaces per unit to be provided is incorrect as the site is not located within a major public transport corridor as per the definition in Willoughby Development Control Plan (i.e. more parking spaces should be provided);
- The impact of the proposed development on the transmissions (current and future potential) from the tower has not been assessed. This was a significant issue with the redevelopment of the former ABC site at Gore Hill and Broadcast Australia imposed limits on that development which might be applicable to this site;

- The Draft Statement of Commitments is inadequate and should refer to completing the required works in the Remedial Action Plan, providing all of the site improvements including the areas of public open space, proposed contributions including the expansion of the existing community bus service etc. There has been no discussion with Council about the detail of any proposed VPA.

We are happy to provide further advice and comments once the additional information is received including a proper analysis of the specialist reports on traffic, contamination, stormwater etc, however would like to reiterate our major concerns with the density of the proposed development which should be substantially reduced. The Concept Plan appears to be little more than opening gambit for bargaining and the density is an overdevelopment of the site- it is much greater than any similar Part 3A project of which Council is aware.

Chris, we would be pleased to meet with you and your team to go over the issues. Council wants to see a great development on this site but the current concept does not bode well for a positive outcome.

If you have any questions about this, please give me a call or the Council contact officer is Lara Nguyen, Strategic Planner on 9777 7690 or lara.nguyen@willoughby.nsw.gov.au

Greg Woodhams
Environmental Services Director
Willoughby City Council
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