

Response to Agency and Key Stakeholder Submissions on Concept Plan Application

Agency/Stakeholder	Issue Raised in Submission	Proponent's Response
NSW Environment Protection Authority	The EPA has reviewed the EA and has no objection to the project going ahead.	Noted.
NSW Department of Education and Communities	The Department's demographers have assessed the impact that the 585-residential unit development would have on the local area. The Department believes that it has the potential to generate about 40 additional school aged students which translates to extra 1-2 classes of primary school students, depending on the age group.	Noted. This is consistent with the population projections contained within the EAR. Refer Section 4.3 of PPR.
	The Department has assessed the surrounding schools and it has been agreed that this development, on its own, will not generate a need for a new school however it will require additional school classrooms to be built on existing local schools sites.	Noted. The NSW State Budget 2013/14 includes funding for twelve new classrooms at existing schools within the Lower North Shore and two new schools. Refer to Section 4.3 of the PPR for further detail.
	With a development of this size the Department of Education and Communities request that provision be made to seek contributions from the developer to contribute to the cost of providing additional permanent classrooms in nearby schools.	This is inconsistent with NSW State Government policy regarding the levying of development contributions, as discussed in detail at Section 4.0 of the PPR.
	I assure you that the Department is continually working to address and plan for future levels of government school utilisation in Sydney's lower north shore.	Noted.
Transport for NSW	The Transport and Accessibility Impact Assessment report prepared by AECOM Pty Ltd, does not address the capacity of bus services to support the subject site's forecast number of residents. The Concept Plan should consider the potential impacts of the proposal on the capacity of bus services operating on Willoughby Road.	The proposed development could generate up to 160 additional peak hour bus trips upon full completion and occupation. Given that this is not likely to occur for a number of years, and that the responsibility for bus capacity and timetabling lies with TfNSW, it is recommended that should the Concept Plan be approved it should be factored into TfNSW's demand forecasting.

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	<p>Additionally, the Concept Plan should include a full assessment of pedestrian and bicycle accessibility to bus stops located on Willoughby Road and at Artarmon Train Station to identify the priority infrastructure upgrade works required to ensure the safe and efficient movement of people from these locations to the subject site.</p>	<p>Existing pedestrian footpaths are provided on both sides of Artarmon Road and Tindale Street between the site and Artarmon Station. Cyclists may ride to Artarmon Station via existing local road, or via the off-road path from Chelmsford Avenue through Artarmon Reserve to Burra Road.</p> <p>Pedestrian footpaths are provided along both sides of Artarmon Road between the site and Willoughby Road. The intersection at Willoughby Road has signalised pedestrian crossings for the north, west and east sides, allowing direct paths of travel to the bus stops.</p>
	<p>Should the Concept Plan be approved, the approval must include a condition requiring the Stage 1 Project Application to investigate any potential impacts to regular bus services and school bus services operating on roads within the vicinity of the subject site from construction vehicles during construction of the proposed Stage 1 works.</p>	<p>Future detailed Development Applications will detail provisions for consultation with the relevant service providers during the construction period.</p>
	<p>Potential impacts of pedestrian access to public transport infrastructure, including train stations and bus stops must also be investigated. Should any impacts be identified, the duration of the impacts and the measures proposed to mitigate these impacts must be clearly explained.</p>	<p>It is not anticipated that the development of the site in accordance with the Concept Plan would impact upon pedestrian access to public transport infrastructure. Whilst temporary pedestrian diversions may be required during works along the site boundaries, these would be detailed as part of future Development Applications and not affect the ability to safely access existing public transport stops.</p>
	<p>In terms of vehicular access to the subject site, the proposed access via Richmond Avenue is in close proximity to the intersection with Artarmon Road and there is potential for the traffic generated from the proposed development to queue back onto Artarmon Road. As both of these roads are local roads, advice should be sought from Willoughby City Council.</p>	<p>The proposed site access has been reviewed by Arup, who recommend the implementation of a raised pedestrian crossing to the west of the site access point as a traffic calming measure to allow safe access. The provision of this crossing is included within the Final Statement of Commitments.</p>
Sydney Water	<p>Detailed water requirements will be subject to the connection points to the existing system which will be provided at the section 73 Application phase.</p>	<p>Noted.</p>

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	Where proposed works are in close proximity to a Sydney Water asset, the developer may be required to carry out additional works to facilitate there development and protect the wastewater main. Subject to the scope of development, servicing options may involve adjustment/deviation and or compliance with the Guidelines for building over/adjacent to Sydney Water assets. Refer to your WSC for details of requirements.	Noted.
	Subject to the location of the connection points of buildings to the existing sewer mains, amplification of the existing reticulation mains may be required. In order to determine detailed requirements, the developer is to submit their proposed wastewater servicing brief at the section 73 application phase.	Noted.
Willoughby City Council	1. <u>Built form</u>	
	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.	Refer to Section 2.1 and 4.0 of PPR.
	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.	Refer above.

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	Council's general concerns with the overall built form are as follows:	
	<ul style="list-style-type: none"> 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. 	These matters are addressed in the design amendments to the proposed scheme under the Preferred Project which are described at Section 2.0 of the PPR.
	<ul style="list-style-type: none"> Block building bulk and massing is excessive and does not respond sensitively to the surrounding context. 	These matters are addressed in the design amendments to the proposed scheme under the Preferred Project which are described at Section 2.0 of the PPR.
	<ul style="list-style-type: none"> 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. 	Refer to Section 2.0 and 4.0 of PPR.
	<ul style="list-style-type: none"> 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. 	These matters are addressed in the design amendments to the proposed scheme under the Preferred Project which are described at Section 2.0 of the PPR.
	<ul style="list-style-type: none"> 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. 	The Preferred Project provides for increased building separation distances to surrounding properties which are well in excess of the requirements of SEPP 65 in order to ensure privacy.

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	<ul style="list-style-type: none"> 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. 	This matter has been considered by Arup, who have concluded that no additional works are required.
	<ul style="list-style-type: none"> 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. 	These matters are addressed in the design amendments to the proposed scheme under the Preferred Project which are described at Section 2.0 of the PPR.
	<ul style="list-style-type: none"> 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. 	The Concept Plan locates new housing in an area which is well serviced by existing open space, public and private transport, physical and social infrastructure.
	<i>1.1 Height</i>	
	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 storeys).	These matters are addressed in the design amendments to the proposed scheme under the Preferred Project which are described at Section 2.0 of the PPR.
	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.	These matters are addressed in the design amendments to the proposed scheme under the Preferred Project which are described at Section 2.0 of the PPR.

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	The adjoining telecommunications tower has a height of 233 metres, so Building G would be approximately 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.	These matters are addressed in the design amendments to the proposed scheme under the Preferred Project which are described at Section 2.0 of the PPR.
	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.	Building G and E have clearly been aligned in a north-south fashion which reduces the visible building bulk when viewed from the north and south, which are the site's most prominent visual catchments. Whilst shadows are not completely removed, shadowing during the middle of the day is reduced and the proposed building form allows for maximum solar penetration at this time.
	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.	Refer to Section 4.1.5 .
	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.	Refer to Section 4.1.5 .
	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 facades of all dwellings in Walter Street and the balconies of any units in Castle Vale.	Refer to Section 4.1.5 .

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	<p>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.</p>	<p>These matters are addressed in the design amendments to the proposed scheme under the Preferred Project which are described at Section 2.0 of the PPR.</p>
	<p>Clause 4.3(a) to (f) of Willoughby Local Environmental Plan 2012 provides the following objectives for height controls:</p>	<p>See below.</p>
	<p><i>(a) to ensure that new development is in harmony with the bulk and scale of surrounding buildings and the streetscape,</i></p> <p>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.</p>	<p>These matters are addressed in the design amendments to the proposed scheme under the Preferred Project which are described at Section 2.0 of the PPR.</p>
	<p><i>(b) to minimise the impacts of new development on adjoining or nearby properties from disruption of views, loss of privacy, overshadowing or visual intrusion,</i></p> <p>The proposed development has significant impacts for adjoining properties in terms of visual intrusion and overshadowing.</p>	<p>These matters are addressed in the design amendments to the proposed scheme under the Preferred Project which are described at Section 2.0 of the PPR.</p>

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	<p><i>(c) to ensure a high visual quality of the development when viewed from adjoining properties, the street, waterways, public reserves or foreshores,</i></p> <p>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 8 (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.</p>	<p>These matters are addressed in the design amendments to the proposed scheme under the Preferred Project which are described at Section X.X of the PPR.</p>
	<p><i>(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,</i></p> <p>The proposed development is not considered to impact on any significant views.</p>	<p>Noted.</p>
	<p><i>(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,</i></p> <p>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.</p>	<p>These matters are addressed in the design amendments to the proposed scheme under the Preferred Project which are described at Section 2.0 of the PPR.</p>

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	<p><i>(f) to use maximum height limits to assist in responding to the current and desired future character of the locality,</i></p> <p>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.</p>	<p>These matters are addressed in the design amendments to the proposed scheme under the Preferred Project which are described at Section 2.0 of the PPR.</p>
	<p>The taller towers proposed will also be visible from the Artarmon Conservation Area.</p>	<p>Reductions in building heights have substantially reduced the visibility of the proposed building envelopes from the Artarmon Conservation Area.</p>
	<p>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).</p>	<p>Photomontages and massing models are provided from a range of viewing points. Mature vegetation along the southern side of Artarmon Road and Richmond Avenue Street largely obscure views towards the site and future development.</p>
	<p>The photomontages include the "proposed" street trees which may not be possible due to the necessity to maintain sight distance for exiting traffic.</p>	<p>TfNSW has not raised any issue with the proposed landscape concept scheme.</p>
	<p>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.</p>	<p>This viewing point has been selected to provide an indication of the views from this street as a whole.</p>
	<p>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.</p>	<p>These matters are addressed in the design amendments to the proposed scheme under the Preferred Project which are described at Section 2.0 of the PPR.</p>

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	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.	Noted.
	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 in Council's Alternate Preferred Scheme.	The building footprints and heights proposed by Council are considered to represent a poor outcome at ground level and an under-utilisation of the site in terms of its potential to deliver much-needed housing within the Sydney metropolitan area.
	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.	Refer above.
	1.2 Density	
	The Environmental Assessment states that the floor space ratio of the preferred option (Option A) is 1.98:1 (with 59,117m ² of residential floor space). It is unclear in the Environmental Assessment whether the stated floor space of 59,117m ² 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.	The provision of non-residential floorspace is reduced to 500m ² under the Preferred Project, and is included within the overall floorspace limit.
	If the floor space ratio was calculated across the site area excluding the Artarmon Road park, the FSR would be 2.2:1.	Refer to PPR.

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	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.	Give the site's proximity to employment, transport, recreation and services, and the ability to deliver improved urban design and built form transitions to surrounding properties due to the site's large size, the proposed building heights and density is considered appropriate.
	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.	Refer above response.
	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.	Refer above response.
	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.	Refer above response.
	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.	Council had the opportunity to facilitate and develop alternate land-use and development options as part of the preparation of their new LEP. Council did not approach Nine Network Australia during this time, despite nominating the site as a potential future redevelopment site in supporting documentation to the LEP.

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	Objectives (a) to (e) of floor space ratio in Clause 4.4 of WLEP 2012 are:	
	<p><i>(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,</i></p> <p>The zone objectives of the land are not relevant to a Part 3A Application.</p>	Noted.
	<p><i>(b) to limit traffic generation as a result of that development,</i></p> <p>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.</p>	Refer AECOM report.
	<p><i>(c) to minimise the impacts of new development on adjoining or nearby properties from disruption of views, loss of privacy, overshadowing or visual intrusion,</i></p> <p>The proposed development has unreasonable and unjustified impacts for adjoining properties in terms of privacy loss, visual intrusion and overshadowing.</p>	Refer PPR.
	<p><i>(d) to manage the bulk and scale of that development to suit the land use purpose and objectives of the zone,</i></p> <p>This consideration is not relevant to a Part 3A assessment.</p>	Noted.

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	<p><i>(e) to permit higher density development at transport nodal points,</i></p> <p>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.</p>	<p>The site is in proximity of <u>several</u> bus routes, which include direct services to major employment and service centres in the region. Channel 9's service facilitates an irregular</p>
	<p>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.</p>	<p>Refer AECOM report.</p>
	<p>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.</p>	<p>The Nine Network Australia site is within 3.5km of several major centres including North Sydney, St Leonards and Chatswood. The Nine Network Australia site is less than half the distance to the Sydney CBD by bus/road than the Channel 7 and Epping Road sites. The comparison of these two sites to the Nine Network Australia site is disingenuous and does not take into account other relevant factors to the determination of appropriate density.</p>

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	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.	Refer to PPR.
	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.	Refer to PPR.
	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.	Refer to PPR.
	<i>1.3 Site coverage</i>	
	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 site coverage of approximately 36% for buildings and 21% for other hard surface area (streetscapes, roads and footpaths).	Refer to PPR and SJB design report.

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	<p>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.</p>	<p>Willoughby's requirement of 70% of site area for communal open space is 2.5 times the Residential Flat Design Code 'Rule of Thumb' for larger sites (30%). The Preferred Project provides for communal open space provision well in excess of the RFDC requirement, including a large publicly accessible space on the northern edge of the site with full sunlight. It is also noted that the site is located in close proximity to substantial public open space areas.</p>
	<p>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.</p>	<p>Refer above. The proposed building envelopes achieve minimum separation distances and communal open space provisions required under SEPP 65.</p>
	<p>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 <i>coverage</i>, creating a better living environment for both residents and the surrounding community. The controls for Locality J <i>in</i> the Willoughby Development Control Plan have maximum site coverage of 24% for buildings higher than 6 storeys.</p>	<p>Refer to PPR and SJB urban design report.</p>
	<p>Council's suggested reductions in building footprint as outlined in the <i>above</i> 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.</p>	<p>Refer to PPR and SJB urban design report.</p>

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	<p>Council's Open Space Manager has provided the following specific comments regarding the provision of communal open space for residents:</p> <ol style="list-style-type: none"> <i>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.</i> <i>2. A reduction of heights is still recommended to create a space more acceptably human in scale and more conducive to use by occupants.</i> <p>These comments support Council's position that the site coverage should be substantially reduced.</p>	<p>These matters are addressed in the design amendments to the proposed scheme under the Preferred Project which are described at Section 2.0 of the PPR.</p>
	1.4 Bulk and scale	
	<p>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 <i>over</i> 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 <i>given</i> 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.</p>	<p>Refer to PPR and SJB urban design report.</p>
	2. Commercial land uses	
	<p>The Environmental Assessment states that the location of non-residential uses will be identified in future development applications. There is no overall limit proposed for the total amount of commercial floor space.</p>	<p>Whilst the EAR <u>did</u> limit non-residential floor space to 1,500m², this is reduced in the PPR as described at Section 2.0.</p>
	<p>Child care centres should not be permissible given the sites exposure to electromagnetic radiation from the adjoining transmissions tower.</p>	<p>Child care centres have been removed from the list of proposed permissible uses.</p>

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	The Willoughby Local Environmental Plan 2012 prescribes a maximum floor area of 80m ² for a neighbourhood shop. The applicant has proposed up to 1500m ² 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.	The location and size of proposed non-residential floor space (which has been reduced) is identified in Section 2.0 of the PPR.
	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 500m ² 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.	Noted.
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.	Refer to AECOM report.
	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.	The Department of Planning and Infrastructure engaged Arup to undertake an independent review of the proposal
3.1 Traffic generation		

Agency/Stakeholder	Issue Raised in Submission	Proponent's Response
	<p>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.</p>	<p>Refer to AECOM report.</p>
	<p>Council's Traffic and Transport Group Leader has provided the following advice with regard to traffic generation:</p> <p><i>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.</i></p>	<p>Arup's study took into account additional information from a more recent residential flat building at Penshurst Street, which indicated lower traffic generation rates than Castle Vale are appropriate.</p>
	<p>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.</p>	<p>Refer AECOM report.</p>
	<p>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 (vtph). 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.</p>	<p>Refer AECOM report.</p>

Agency/Stakeholder	Issue Raised in Submission	Proponent's Response
	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.	Refer AECOM report.
	The table on the previous page should be corrected to reflect Council's suggested trip generation rate.	Refer AECOM report.
	With regard to weekend traffic, 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 " <i>will not exacerbate the impacts of the surrounding road network on the weekend</i> ".	The intersection improvements recommended by GTA relate to existing issues caused by traffic entering and exiting Small Street to access the Willoughby Leisure Centre. Residents have greater discretion in trip timing, destination and route of travel on weekends to avoid local road congestion.
	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.	Refer AECOM report.
	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.	Refer AECOM report.
	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.	Refer AECOM report.

Agency/Stakeholder	Issue Raised in Submission	Proponent's Response
	At least halving the proposed residential density would produce a more acceptable outcome but one which would still because impacts on the local road network.	Refer AECOM report.
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.	Refer to Section 2.0 of PPR.
	Council's Traffic and Transport Group Leader has provided the following advice with regard to traffic management:	
	<p><i>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.</i></p> <p><i>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.</i></p>	Refer to AECOM report.

Agency/Stakeholder	Issue Raised in Submission	Proponent's Response
	<p>2. <i>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.</i></p> <p><i>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.</i></p> <p>This is proposed as an inclusion in the Statement of Commitments.</p>	<p>Refer AECOM report and Section 4.2 of PPR.</p>

Agency/Stakeholder	Issue Raised in Submission	Proponent's Response
	<p>3. <i>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.</i></p> <p><i>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.</i></p> <p><i>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.</i></p> <p>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.</p> <p>Intersection safety measures are proposed as an inclusion in the Statement of Commitments.</p>	<p>Refer AECOM report and Section 4.2 of PPR.</p>

Agency/Stakeholder	Issue Raised in Submission	Proponent's Response
	<p>4. <i>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.</i></p> <p><i>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.</i></p> <p>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.</p>	Refer AECOM report and Section 4.2 of PPR.
	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.	Passengers are able to interchange from bus services to train services at several nodes, including Chatswood, North Sydney and Wynyard.
	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).	Refer to Section 4.0 of PPR.
	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.	TfNSW has responsibility for bus timetabling and capacity and, given the long lead-in time to future residential redevelopment of the site should the Concept Plan be approved, will be able to factor future residents into patronage modelling for the site.

Agency/Stakeholder	Issue Raised in Submission	Proponent's Response
	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.	Refer to response above.
	Council's Traffic and Transport Group Leader has provided the following advice with regard to public transport:	See below responses.
	<p><i>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.</i></p> <p><i>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.</i></p> <p><i>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.</i></p>	<p>Refer to AECOM report.</p> <p>The existing Gore Hill Freeway separated bike network is located only a short distance from the site on local roads, which are suitable for cycling on-road.</p>

Agency/Stakeholder	Issue Raised in Submission	Proponent's Response
	<p>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.</p>	<p>Passengers are already able to interchange from bus services to train services at several nodes, including Chatswood, North Sydney and Wynyard.</p>
	<p>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.</p>	<p>Refer to Section 4.0 of PPR.</p>
	<p>3.4 Car parking</p>	
	<p>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.</p>	<p>Refer to Section 2.0 of PPR.</p>
	<p>This [the proposed parking rates] 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).</p>	<p>Noted.</p>

Agency/Stakeholder	Issue Raised in Submission	Proponent's Response
	<p>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).</p> <p>Council's Traffic and Transport Group Leader has provided the following advice with regard to car parking:</p> <p><i>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.</i></p>	<p>This can be addressed as part of the assessment of future detailed Development Applications for the site. Given the small-scale nature of the proposed non-residential uses, it is considered that these uses will have negligible impact on site traffic generation, particularly during peak hours.</p>
	<p>The parking for individual aspects of the development will be assessed in future development applications.</p>	<p>Noted.</p>
	<p>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:</p> <p><i>"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".</i></p> <p>This is recommended to be included as a condition of approval.</p>	<p>Noted.</p>
<p>4. <u>Open space/ site linkages</u></p>		

Agency/Stakeholder	Issue Raised in Submission	Proponent's Response
	<p>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.</p>	Noted.
	<p>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.</p> <p>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.</p>	Refer Section 4.6 of PPR.

Agency/Stakeholder	Issue Raised in Submission	Proponent's Response
	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.	Noted.
	Council's Open Space Manager has provided the following comments with regard to the proposed park:	See below responses.
	<i>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.</i>	Noted.
	<i>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.</i>	Noted.
	<i>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.</i>	Noted.

Agency/Stakeholder	Issue Raised in Submission	Proponent's Response
	<p>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.</p>	<p>Refer to Section 4.6 of PPR.</p>
	<p>Council's Open Space Manager provided the following further comments with regard to this proposed linkage:</p> <p><i>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.</i></p>	<p>These matters are best addressed as part of detailed Development Applications.</p>
	<p>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.</p>	<p>Refer to Section 4.5 of PPR.</p>

Agency/Stakeholder	Issue Raised in Submission	Proponent's Response
	5. <u>Tree management</u>	
	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 <i>removal</i> 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.	Refer to Section 4.4 of PPR.
	The existing mature trees are located in Scott Street, on the Artarmon Road frontage, at the southern boundary of the site <i>above</i> Walter Street, and some in the centre of the site near the proposed location of Blocks B/D and H.	Refer to Section 4.4 of PPR.
	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.	Refer Section 2.0 of PPR and SJB urban design report.
	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.	Refer Section 2.0 of PPR.
	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 <i>levy</i> of 1% of the estimated cost of development for developments over \$200000 in value. The estimated Capital Investment <i>Value</i> 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 <i>received</i> .	Refer Section 4.3.2 of PPR.

Agency/Stakeholder	Issue Raised in Submission	Proponent's Response
	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.	Refer Section 4.3.2 of PPR.
	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: [refer to submission for details]	Refer Section 4.3.2 of PPR.
	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.	Refer Section 4.3.2 of PPR.
	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.	Refer Section 4.3.2 of PPR.
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.	The TXA Tower is not owned by Nine Network Australia, and does not form part of the site.
	A 1999 study found that the highest level measured in proximity of the tower was 6.23 W/cm2 outside 14 Richmond Avenue which was less than 3.1% of the allowable limit for continuous exposure under the ARPANSA standard.	Noted, this is substantially below the allowable limit for continuous exposure.
	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	Noted.

Agency/Stakeholder	Issue Raised in Submission	Proponent's Response
	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 Cordial. 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 <i>'measurements found that the electric field readings were within the General Public Reference Level'</i> as set by the Australian Protection and Nuclear Safety Agency (ARPANSA).	Noted.
	<p>The Application was referred to Council's Environmental Health Coordinator who advised that:</p> <p><i>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.</i></p> <p><i>The report states compliance with the ARPANSA General Public reference Level as a percentage with a/! 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.</i></p> <p><i>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.</i></p> <p>The impact of the proposed development on the transmissions (current</p>	<p>Future Development Applications for Blocks E,F and D shall be accompanied by EMR reports addressing compliance with the ARPANSA general public reference levels. A new Statement of Commitment is included at Section 5.0 of the PPR.</p>

Agency/Stakeholder	Issue Raised in Submission	Proponent's Response
	<p>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.</p> <p>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.</p>	
	8. <u>Social impact and infrastructure considerations</u>	
	<p>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.</p>	<p>Refer to Section 4.3 of PPR.</p>
	<p>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.</p>	<p>Refer to Section 4.3 of PPR.</p>
	<p>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.</p>	<p>Refer to Section 4.3 of PPR.</p>

Agency/Stakeholder	Issue Raised in Submission	Proponent's Response
	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.	Refer to Section 4.3 of PPR.
	The proponents should also be required to contribute the cost of providing at least one x 2 storeys demountable at a local public school to contribute to meeting the expected demand.	Refer to Section 4.3 of PPR.
	9. <u>Loss of employment generating lands</u>	
	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.	The Nine Network Australia site is not identified as strategic employment lands in the <i>Draft Inner North Subregional Strategy</i> and is a historical business land use in a residential context.
	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.	As discussed in the EAR, modern television studios are in the process of relocating to the Sydney CBD fringe to take advantage of creative and media hubs present on the western CBD fringe. Council has previously identified that a residential use, rather than an employment use, is appropriate for the site should the Nine Network choose to relocate away from the site.
	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.	Refer to response above.

Agency/Stakeholder	Issue Raised in Submission	Proponent's Response
	<p>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.</p>	<p>Refer to response above. The forced relocation of the Nine Network to an unsuitable site is likely to have a detrimental impact on employment as a whole.</p>
	10. Heritage	
	<p>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:</p> <p><i>"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.</i></p> <p><i>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.</i></p>	<p>Refer to EAR and Section 2.0 of PPR.</p>

Agency/Stakeholder	Issue Raised in Submission	Proponent's Response
	<p><i>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.</i></p> <p><i>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:</i></p> <p><i>"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".</i></p> <p><i>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></p> <p><i>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</i></p>	

Agency/Stakeholder	Issue Raised in Submission	Proponent's Response
	<p><i>towers would adversely impact on streetscape views and the skyline.</i></p> <p><i>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.</i></p> <p><i>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".</i></p>	
	<p>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.</p>	<p>Refer to EAR and Section 2.0 of PPR.</p>
	11. <u>Aboriginal Heritage</u>	
	<p>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.</p>	<p>Noted.</p>

Agency/Stakeholder	Issue Raised in Submission	Proponent's Response
	<p>This Report was referred to Council's Aboriginal Heritage Manager who provided the following comments:</p> <p><i>"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.</i></p> <p><i>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.</i></p> <p><i>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".</i></p>	<p>A Statement of Commitment to this effect is included within the Final Statement of Commitments.</p>
	<p>This is recommended to be included in the Statement of Commitments as outlined at the end of this submission.</p>	
	12. Contamination	
	<p>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).</p>	<p>See responses below.</p>

Agency/Stakeholder	Issue Raised in Submission	Proponent's Response
	The application was referred to Council's Environmental Health Coordinator who provided the following comments:	
	<i>'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/and 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'.</i>	Further investigation of the site will be required to develop a detailed remediation action strategy for the site which is appropriate to the detailed design of future buildings. This remediation strategy will need to address the removal of any petroleum storage tanks and associated petroleum hydrocarbon impacted soil and groundwater at the western boundary, asbestos in fill material within the current carpark in the northern portion of the site and any other potentially unidentified impacts in fill. This strategy will be required to be implemented to the satisfaction of an EPA accredited site auditor.
	<p><i>The conclusion made by the consultant that the site is suitable for residential/and 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:</i></p> <ul style="list-style-type: none"> <i>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.</i> <i>B. Residential with substantial vegetable garden (contributing 10% or more of vegetable and fruit intake) and/or poultry providing any egg or poultry intake.</i> <i>C. Residential with substantial vegetable garden (contributing 10% or more of vegetable and fruit intake); poultry excluded.</i> <i>D. Residential with minimal opportunities for soil access; includes dwellings with fully and permanently paved yard space such as high-rise apartments and flats.</i> <i>E. Parks, recreational open space and playing fields; includes secondary schools.</i> <i>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.</i> 	Refer to response above.

Agency/Stakeholder	Issue Raised in Submission	Proponent's Response
	<i>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.</i>	Refer to response above.
	<i>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, and 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.</i>	Refer to response above.
	<i>Furthermore, a Site Audit Statement should be issued by the site auditor prior to any approval of the Concept Plan.</i>	Refer to response above. This has been included as a Statement of Commitment in the PPR.
	This is proposed to be reflected in the terms of any approval as discussed at the end of this submission.	Refer to response above.
	<i>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".</i>	Refer to response above.
	These matters are recommended to be reflected in the terms of approval as discussed at the end of this submission.	Refer to response above.
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.	Noted.
14. <u>Adaptable housing</u>		

Agency/Stakeholder	Issue Raised in Submission	Proponent’s Response
	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.	Noted.
	<p>Willoughby Development Control Plan requires 50% of dwellings to be adaptable for residential flat buildings over three storeys.</p> <p>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.</p> <p>This is not a valid argument, particularly as most of the buildings will have lifts and each level will reflect the one below.</p> <p>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.</p>	Refer to Section 6.4.3 of EAR.
	15. Sustainability	
	The Environmental Assessment states that the development will consider providing higher water and energy targets than BASIX.	Noted.
	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.	Refer to Section 4.7 of PPR.

Agency/Stakeholder	Issue Raised in Submission	Proponent's Response
	<p>It is recommended that the Terms of Approval and Statement of Commitments include a requirement for the applicant to incorporate in the design:</p> <ul style="list-style-type: none"> ▪ 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; <p>The first application to outline how the development will meet the principles of sustainable design including:</p> <ul style="list-style-type: none"> ▪ Green Building Council minimum 5 star rating; ▪ Demonstrating that the passive design will reduce the demand for electricity, water and gas; ▪ Some form of renewable energy onsite or other decentralised energy systems; ▪ Water Sensitive Urban Design on site. 	<p>Refer to Section 4.7 of PPR.</p>
	16. Development staging	
	<p>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.</p>	<p>The proponent acknowledges the importance of delivering the park to ensure the amenity of future residents, however, in order to ensure the amenity of the surrounding neighbourhood throughout the construction process it is envisaged that it may be desirable to use all or part of this space for construction activities during the development of the site. Should the Department deem it appropriate, a condition may be imposed requiring the park to be completed within 12 months of the issuing of an Occupation Certificate for residential dwellings on the site.</p>

Agency/Stakeholder	Issue Raised in Submission	Proponent's Response
	<p>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.</p>	<p>Noted, this can be addressed as part of future detailed Development Applications.</p>
	<p>17. <u>Stormwater Management</u></p>	
	<p>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:</p> <p><i>"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:</i></p> <p><i>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:</i></p>	<p>Council's comments relate to detailed design issues which are able to be resolved as part of the preparation and assessment of future detailed Development Applications.</p>

Agency/Stakeholder	Issue Raised in Submission	Proponent's Response
	<p><i>Catchment A</i></p> <p><i>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.</i></p> <p><i>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.</i></p> <p><i>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.</i></p> <p><i>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.</i></p>	

Agency/Stakeholder	Issue Raised in Submission	Proponent's Response
	<p><i>Catchment B and D</i></p> <p><i>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.</i></p> <p><i>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.</i></p> <p><i>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.</i></p>	<p>Refer response above.</p>

Agency/Stakeholder	Issue Raised in Submission	Proponent's Response
	<p><i>Catchment C</i></p> <p><i>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.</i></p> <p><i>ii. The applicant shall a/so 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 AR/. The interallotment drainage pipeline shall be upgraded if it is found to be under capacity.</i></p> <p><i>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.</i></p> <p><i>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.</i></p> <p><i>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.</i></p>	<p>Refer response above.</p>
	18. Noise	

Agency/Stakeholder	Issue Raised in Submission	Proponent's Response
	<p>Council's Environmental Health Coordinator provided the following comments with regard to noise:</p> <p><i>"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.</i></p> <p><i>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'.</i></p> <p><i>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.</i></p>	Noted.

Agency/Stakeholder	Issue Raised in Submission	Proponent's Response
	<p><i>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.</i></p> <p><i>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</i></p> <p><i>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".</i></p> <p>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.</p> <p>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.</p>	<p>Refer to AECOM report.</p> <p>This comment relates to detailed design issues which are able to be resolved as part of the preparation and assessment of future detailed Development Applications.</p>

Agency/Stakeholder	Issue Raised in Submission	Proponent's Response
	19. <u>Unit mix</u>	
	<p>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-</p> <p>One bedroom- up to 35%</p> <p>Two bedrooms- between 50% and 70%</p> <p>Three bedrooms- up to 20%</p>	The Concept Plan does not seek approval for apartment mix. Future applications will be required to address the relevant provisions of the Willoughby DCP.
	20. <u>Consultation with Council</u>	
	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.	Refer to PPR.
	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.	Refer to PPR.
	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	Refer to PPR.
	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 email dated 21 November 2012 (at Attachment 3) reiterating the issues raised at the meeting.	Refer to PPR.

Agency/Stakeholder	Issue Raised in Submission	Proponent's Response
	<p>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.</p>	Refer to PPR.
	<p>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:</p> <ul style="list-style-type: none"> ▪ 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 	Refer to PPR.

Agency/Stakeholder	Issue Raised in Submission	Proponent's Response
	<p>a viable option in the Environmental Assessment.</p> <ul style="list-style-type: none"> 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 up zoned 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.	Noted.
	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.	Noted.
	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).	Refer to PPR.
	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.	Refer to PPR.

Agency/Stakeholder	Issue Raised in Submission	Proponent's Response
	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.	Refer to PPR.
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.	Noted.
	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):	Refer comments below.
	<p>Developer contributions</p> <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>	Refer to Section 4.3.2 of PPR.

Agency/Stakeholder	Issue Raised in Submission	Proponent's Response
	<p>Design excellence</p> <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>	<p>This can be imposed as a condition of consent.</p>

Agency/Stakeholder	Issue Raised in Submission	Proponent's Response
	<p>Open space</p> <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 ▪ 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. 	Refer to Section 4.6 of PPR.
	<p>Pedestrian link</p> <p>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.</p>	Refer to Section 4.3.5 and 4.5 of PPR.
	<p>Maximum commercial floor space</p> <p>The maximum amount of commercial floor space on the site (including neighbourhood shops and food and drink premises) will be 500m².</p>	Refer to Section 2.0 of PPR.

Agency/Stakeholder	Issue Raised in Submission	Proponent's Response
	Remedial Action Plan The applicant commits to undertake remedial works as specified in the Remedial Action Plan dated November 2012 by JBS Environmental.	Refer to Section 5.0 of PPR.
	Transport	
	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.	Refer to Section 4.2 of PPR – this work is not required to manage predicted traffic movements.
	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.	Refer to Section 4.2 of PPR – this work is not required to manage predicted traffic movements.
	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.	Refer to Section 4.2 of PPR – this work is not required to manage predicted traffic movements.
	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.	Refer Section 4.2 and 4.3.2 of PPR.
	The applicant commits to providing an on-site car sharing scheme such as Go Get.	A condition of consent can be imposed requiring the investigation of car sharing on the site. The condition should not, however, require the provision of such a service if it is not commercially feasible to do so.

Agency/Stakeholder	Issue Raised in Submission	Proponent's Response
	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; <p>The first application to outline how the development will meet the principles of sustainable design including:</p> <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. 	Refer to Section 4.7 of PPR.
	<p>Aboriginal heritage</p> <p>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.</p>	Refer to Section 5.0 of PPR.
	<p>Stormwater</p> <p>The applicant commits to undertaking the works required by Council engineers as set out in the Council's submission.</p>	These issues relate to detailed design and are able to be detailed and assessed as part of future Development Applications for the site without need for a condition in the Concept Plan.

Agency/Stakeholder	Issue Raised in Submission	Proponent's Response
	<p>Community communication</p> <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. 	<p>This can be imposed as a condition of consent.</p>
	<p>Channel 9 in the local area</p> <p>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</p>	<p>No. This condition is an unreasonable restriction on a commercial business, and is not a planning consideration.</p>
	<p>Car parking</p> <p>The applicant commits to providing car parking at the following rates:</p> <p>Studio: 0.5 spaces per dwelling</p> <p>1 bedroom: 1 space per dwelling</p> <p>2 bedroom: 1 space per dwelling</p> <p>3 bedroom: 1.25 spaces per dwelling</p> <p>Visitor parking: 1 space per 4 dwellings.</p>	<p>Refer to Section 2.0 of PPR.</p>

Agency/Stakeholder	Issue Raised in Submission	Proponent's Response
	<p>Educational facilities</p> <p>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.</p>	<p>Refer to Section 4.3 of PPR.</p>
	<p>Unit mix</p> <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>	<p>Apartment mix will be assessed by Willoughby Council as part of future Development Applications. Apartment mix should not be included as a condition of Concept Approval.</p>
	<p>Affordable Housing Statement of Commitment 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>	<p>Refer to Section 5.0.</p>
	<p>Adaptable housing</p> <p>Should be amended to read "The applicant commits to 50% of dwellings being adaptable". (consistent with the WDCP)</p>	<p>Refer to Section 6.4.3 of EAR.</p>
	<p>Terms of Approval</p>	

Agency/Stakeholder	Issue Raised in Submission	Proponent's Response
	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 described in Council's Alternate preferred Scheme.	Refer Section 2.0 of PPR.
	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.	Refer Section 2.0 of PPR.
	Tree management- all street trees and existing mature trees on the site's perimeter shall be protected and retained.	Refer Section 2.0 and 4.4 of PPR.
	All roads are to remain private roads, and lie under the care and control of the owners of the site.	Noted.
	All open space, community rooms and the like are to remain in the ownership of the Owners Corporation.	Noted.
	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 facades.	Noted.
	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.	Noted.
	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.	Traffic noise and acoustic amenity is already addressed by the requirements of <i>State Environmental Planning Policy (Infrastructure) 2007</i> .

Agency/Stakeholder	Issue Raised in Submission	Proponent's Response
	Stormwater management requirements as outlined in the submission above.	These issues relate to detailed design and are able to be detailed and assessed as part of future Development Applications for the site without need for a condition in the Concept Plan.
	The superlot subdivision will provide for reciprocal rights between the superlots for stormwater, services, access and waste collection.	These issues relate to detailed design and are able to be detailed and assessed as part of future Development Applications for the site without need for a condition in the Concept Plan.
	Child care centres are not permitted on the site due to potential EMR impacts from the neighbouring transmission tower.	Refer Section 2.0 of PPR.
	Any commercial floor space on the site shall not exceed a total of 500m ² 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.	Refer Section 2.0 of PPR.
	<p>The first development application for the site is to outline how the development will meet the principles of sustainable design including:</p> <ul style="list-style-type: none"> ▪ Green Building Council minimum 5 star rating; ▪ Demonstrating that the passive design will reduce the demand for electricity, water and gas; ▪ Some form of renewable energy onsite or other decentralised energy systems; ▪ Water Sensitive Urban Design on site. 	Refer Section 4.7 of PPR.
	Council owned land- Scott Street remnant	
	Council owns a remaining portion of Scott Street measuring 920m ² . The remnant portion owned by Council only accesses the Channel 9 site.	Noted.

Agency/Stakeholder	Issue Raised in Submission	Proponent's Response
	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 3storey building facing Artarmon Road and combining buildings B and D and increasing the height of Building B to 12 storeys.	Refer to Section 2.0 of PPR.
	Council is prepared to grant owners consent in respect to the inclusion of the Council owned portion of Scott Street in the concept.	Noted.
	<p>At its meeting of 13 May 2013 Council resolved to:</p> <ol style="list-style-type: none"> 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. 	Noted.