



Response to Submissions and Preferred Project Report Concept Plan Application



6-30 Artarmon Road, Willoughby

Nine Network Australia Site Redevelopment (MP10_0198)

Submitted to NSW Department of Planning and Infrastructure
On Behalf of Nine Network Australia Pty Ltd

Volume 1 of 1

October 2013 ■ 12646

Reproduction of this document or any part thereof is not permitted without prior written permission of JBA Urban Planning Consultants Pty Ltd.

JBA Urban Planning Consultants Pty Ltd operates under a Quality Management System. This report has been prepared and reviewed in accordance with that system. If the report is not signed below, it is a preliminary draft.

This report has been prepared by:

Michael Oliver



Date 3/10/13

This report has been reviewed by:

Gordon Kirkby



Date 3/10/13

Contents

Executive Summary	i
1.0 Introduction	1
2.0 Preferred Project	2
2.1 Key Changes to Exhibited Concept Plan	2
2.2 Description of Final Concept Proposal	3
3.0 Summary of Submissions	7
3.1 Approach to General Public Submissions	7
3.2 Analysis of Public Submissions	7
3.3 Community Organisations	11
3.4 Petition	11
3.5 Submissions by Public Agencies	12
4.0 Proponent's Response to Key Issues and Further Environmental Assessment	13
4.1 Height, Built Form and Setbacks	13
4.2 Traffic and Parking Impacts	20
4.3 Social and Community Impacts and Facilities	24
4.4 Tree Retention	32
4.5 Internal Roadways, Cycle and Pedestrian Access	32
4.6 Open Space	35
4.7 Ecologically Sustainable Development	36
4.8 Additional Information	37
5.0 Final Statement of Commitments	38
6.0 Conclusion	41

Figures

1 Figure 1 – Preferred Project site layout (height in storeys)	6
2 Figure 2 – Breakdown of submissions received by residential suburb	8
3 Figure 3 – Breakdown of Submissions on the Concept Plan by Issue Category	10
4 Figure 4 – Willoughby City Council's Preferred Option	14
5 Figure 5 – View to exhibited Concept Plan Option B building envelopes from Naremburn	15
6 Figure 6 – View to Preferred Project building envelopes from Naremburn	15
7 Figure 7 – View to exhibited Concept Plan Option B building envelopes from Artarmon Road near Richmond Avenue	17
8 Figure 8 – View to Preferred Project building envelopes from Artarmon Road near Richmond Avenue	17
9 Figure 9 – Shadow Diagram for Preferred Project – 9am 21 June	19
10 Figure 10 – Shadow Diagram for Preferred Project – 12 noon 21 June	19

Contents

11	Figure 11 – Shadow Diagram for Preferred Project – 3pm 21 June	19
12	Figure 12 – Inner North Subregion supply of public open space (persons per park)	26
13	Figure 13 – Preferred Project site access and permeability concept	33
14	Figure 14 – Existing on-road and off-road cycle routes and proposed connection	35

Tables

1	Table 1 – Modifications to proposed building envelope heights	2
2	Table 2 – Key Concept Plan Development Parameters	4
3	Table 3 – Concept Plan development parameters for Preferred Project	4
4	Table 4 – Description of Issue Categories Used to Summarise Submissions from the General Public	8
5	Table 5 – Summary of Analysis of Issues Raised in Submissions from the General Public	11
6	Table 6 – Comparison of traffic generation for the Nine Network Australia Site	21
7	Table 7 – Comparison of Council’s proposed development contributions for Nine Network Australia site with <i>Willoughby City S94A Development Contributions Plan</i>	29
8	Table 8 – Additional information provided in response to DP&I request	37
9	Table 9 – Final Statement of Commitments	38

Appendices

A Response to Government Agency Submissions

JBA

B Summary of Public Submissions

JBA

C Revised Traffic Study

AECOM

D Arborist’s Report

Botanics Tree Wise People

Under Separate Cover

Preferred Project Urban Design Report and Concept Plan Drawings

SJB

Executive Summary

Purpose of this report

This submission to the Department of Planning and Infrastructure (the Department) comprises a Response to Submissions and Preferred Project Report made in response to comments received from the Department, local and State government agencies and the general public during the public exhibition of the Concept Plan Application for the Nine Network Australia site at 6-30 Artarmon Road, Willoughby (MP10_0198).

Consultation and Public Submissions

The Environmental Assessment Report for the Concept Plan was publicly exhibited by the NSW Department of Planning and Infrastructure online and at three physical locations for an extended period of two months between 3 April 2013 and 17 May 2013. During this period a total of 296 public submissions and one petition were made regarding the project by the general public and 9 submissions by public agencies.

In addition to the formal public exhibition of the Concept Plan application by the Department, the proponent also undertook additional consultation with the community in the form of two evening information sessions, a stakeholder breakfast and distribution of information to the community by mail and online.

The following key issues raised in submissions were identified as requiring a response or clarification:

- Height, built form and building setbacks;
- Building envelope massing;
- Visual impacts;
- Interface with Castle Vale;
- Solar access to surrounding dwellings;
- Basement positions;
- Traffic and parking impacts;
- Social and community impacts and facilities;
- Development contributions;
- Commercial floorspace;
- Trees and vegetation;
- Internal access and site permeability;
- Open space; and
- Ecologically sustainable development.

Revisions to Exhibited Concept Plan and Preferred Project

In response to feedback received via community consultation and submissions on the Concept Plan application by the public and government agencies, the proponent has developed a Preferred Project which in particular addresses concerns regarding building height, bulk and scale, dwelling density and overshadowing.

Key changes to the project include:

- Reduction in building heights across the site, including reducing the two tallest towers from 18 storeys to 12 storeys and from 14 storeys to 10 storeys;

- Deletion of one building envelope;
- Reduction in maximum gross floor area from 60,000m² to 47,840m² (including 1050m² retained GFA in the “Loft Building”);
- Re-aligned vehicular access to current Scott Street ingress/egress;
- Pedestrian crossing and traffic calming on Artarmon Road east of Edward Street; and
- Reduction in non-residential floorspace allowance from 1,500m² to 500m².

It is anticipated that the proposed reductions to building envelopes and development density will result in the indicative dwelling yield falling from 600 dwellings (as exhibited) to approximately 450 dwellings (Preferred Project). The maximum floor space ratio for the Preferred Project would be 1.6:1 (reduced from 2.03:1).

The Preferred Project includes the portion of Scott Street owned by Willoughby City Council as part of the development site, as had been proposed in the preferred option outlined in the exhibited Environmental Assessment Report. A Heads of Agreement has been reached between Nine Network Australia and Council with regard to the future transfer of ownership of this land should the development proceed.

Environmental Assessment

The amendments to the exhibited Concept Plan scheme described in the Preferred Project Report have been purposely made in order to minimise the environmental impacts of the future residential redevelopment of the Nine Network Australia campus.

Reductions to building heights and the amount of residential and non-residential floorspace have the impact of substantially reducing the visibility and mass of the proposed building envelopes (and therefore the visual impact) and delivering a development outcome that is appropriate within the local context. In addition, SJB have refined the layout and massing of building envelopes within the site to maximise publicly accessible open space, reduce building bulk and improve solar access and privacy for new and existing dwellings.

The reduction in the scale and massing of proposed building envelopes under the Preferred Project will provide a substantial improvement in solar access to existing properties on Walter Street. As a result of the proposed amendments, all Walter Street properties will receive a minimum of 2 hours direct sunlight to the northern dwelling façade on 21 June (mid-winter), which is a positive outcome in light of the topographical constraints on these sites.

The reduction in the total proposed floor space by 21% from the Concept Plan application will substantially reduce traffic generation from the site compared to the existing operations of Nine Network Australia. The traffic generation for the Preferred Project has been reviewed by both AECOM and the NSW Department of Planning and Infrastructure’s independent consultant, Arup. Based on the revised development density, and based on analysis of trip generation rates for comparable development and intersection modelling, it is evident that the proposed development will not result in any adverse impact upon the level of service at the Willoughby Road/Artarmon Road/Small Street intersection.

The demographic analysis of the demand for education facilities generated by the redevelopment of the site which was contained within the Environmental Assessment Report was validated by the NSW Department of Education. With a reduction in the development density by 21%, the demand for education facilities as a result of the Preferred Project is anticipated to be substantially reduced. The

NSW Government recently announced substantial capital works to expand schools within the Lower North Shore as part of the 2013/2014 State Budget, with this new capacity to be delivered well in advance of the occupation of any future residential dwelling on the Nine Network Australia site. As such, the residential redevelopment of the Nine Network Australia site as envisaged in the Preferred Project is not predicted to result in any adverse impacts on the capacity of local schools.

Conclusion and Recommendation

The Concept Plan scheme provides for approximately 450 dwellings in proximity to employment, open space and recreational facilities, community services and public transport. The proposal is consistent with delivery of diverse, modern and affordable housing to meet the needs of Sydney's future population, and will deliver benefits to the local community through the provision of a new publicly accessible park and the integration of the existing secure site into the local neighbourhood.

The Final Statement of Commitments will inform the detailed design and environmental assessment of future detailed applications for development and ensure that all potential environmental impacts are appropriately managed.

1.0 Introduction

An Environmental Assessment Report (EAR) for a Concept Plan for the Nine Network Australia site at 4-30 Artarmon Road, Willoughby, was publicly exhibited for a period of two months between 3 April 2013 and 17 May 2013.

In total 296 public submissions, one petition and 9 local and state government agency submissions were received in response to the public exhibition of the Concept Plan. The following key issues raised in submissions were identified as requiring a response or clarification:

- Height, built form and building setbacks;
- Building envelope massing;
- Visual impacts;
- Interface with Castle Vale;
- Solar access to surrounding dwellings;
- Basement positions;
- Traffic and parking impacts;
- Social and community impacts and facilities;
- Development contributions;
- Commercial floorspace;
- Trees and vegetation;
- Internal access and site permeability;
- Open space; and
- Ecologically sustainable development.

In addition to the public exhibition of the Concept Plan application by the Department of Planning and Infrastructure, the proponent also undertook additional community consultation during the exhibition period. This consultation was undertaken by a specialist community consultation firm and included:

- distribution of information leaflets to households in the vicinity of the site;
- distribution of information online at www.ninewilloughby.com.au and referral to the exhibition material and submissions page on the Department's website;
- two public information evenings hosted on site including a presentation of the scheme by the project team followed by a Q&A session; and
- stakeholder breakfast attended by key community representatives including local Councillors, Council staff and local progress associations.

The proponent; Nine Network Australia Pty Ltd, and its specialist consultant team have reviewed and considered the Department of Planning and Infrastructure's and public agency's comments and the public submissions and, in accordance with clause 75H(6) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), has responded to the issues raised. This Preferred Project Report (PPR) sets out the proponent's response to the issues raised, details the final project including a number of revisions to the Concept Plan and a revised Statement of Commitments for which approval is now sought.

This report should be read in conjunction with the Environmental Assessment Report (EAR) dated 26 March 2013 and forms part of the Concept Plan application.

2.0 Preferred Project

In accordance with its commitment to address the concerns of the Department of Planning and Infrastructure, Willoughby City Council, other government agencies and the general public, Nine Network Australia has modified its proposal.

The Preferred Option is described in the following sections and in the Preferred Project Urban Design Report and Concept Plan Drawings prepared by SJB (under separate cover).

2.1 Key Changes to Exhibited Concept Plan

The following sections summarise the key changes to the Concept Plan since the exhibition of the Environmental Assessment Report in April/May 2013 and the submission of the Preferred Project Report.

2.1.1 Selection of Preferred Site Layout

The site layout shown in **Figure 1** includes amendments which reflect further design refinement of the options presented in the exhibited Environmental Assessment Report. Key changes to the site layout include:

- new U-shaped internal road (from Scott Street alignment) to provide street address to Block B and Block C;
- change Block C from residential flat building to townhouse row;
- deletion of Block D, increased eastern setback to Block B and introduction of new public open space;
- retention and adaptive reuse of The Loft building;

Scott Street

Nine Network Australia and Willoughby City Council have reached an agreement for this road to be closed and transferred to a future developer of the site should the Concept Plan be approved. As a result, Scott Street is now included within the Concept Plan site, and will be included to provide the entrance/exit to a new internal street.

2.1.2 Reduction in Building Heights

The proponent has reduced building heights to improve the interface with surrounding residential development and to reduce the overshadowing of properties to the south. Changes to building heights are summarised in **Table 1** below.

Table 1 – Modifications to proposed building envelope heights

Building	EAR Option B Height (Storeys)	PPR Height (Storeys)	Difference
A	6	5	-1
B	10	10	No change
C	3.5	2 ½	-1
D	3.5	Building deleted	Building deleted
E	14	10	-4
F	6	6	No change
G	18	12	-6
H	2 ½	2 ½	No change

2.1.3 Reduction in Gross Floor Area and Density

The Preferred Project seeks concept approval for an overall quantum of gross floor area for the site of 47,840m², which includes all residential and non-residential development and also includes the retention and refurbishment of “The Loft” building (1050m²). This is a reduction of approximately 12,000m² from the exhibited Environmental Assessment Report, or 21 % of the total yield.

As a result of the reduction in floor space and the inclusion of Scott Street within the site, the floor space ratio for the Concept Plan falls from 2.03:1 (as exhibited) to 1.6:1.

Approval is not sought for a fixed number of dwellings on the site, due to the need for flexibility to meet future market conditions in respect of dwelling size and mix. Notwithstanding this, it is expected that the reduction in the total floor space proposed for the site from 60,000m² to 47,840m² will result in the indicative dwelling yield for the site falling from 600 dwellings to 450 dwellings.

2.1.4 Reduction in Non-Residential Uses

In light of comments made by the community in regard to the desired quantum and mix of non-residential uses provided within the future redevelopment of the site, the Concept Plan has been revised.

The quantum of non-residential floor space for which concept approval is sought has been reduced from 1,500m² to 500m². This floor space will be located within the ground floor of Block F.

Child care centres are also proposed to be removed from the land uses for which concept approval is sought.

2.2 Description of Final Concept Proposal

Concept Approval is being sought for the following:

- Land use;
- Building envelopes, including heights and setbacks;
- Maximum allowable Gross Floor Area;
- Indicative layout of internal access roads and pedestrian linkages;
- Indicative open space and public domain works;
- Transport and site access concepts;
- Water cycle management concepts;
- Infrastructure and services concepts;
- Indicative project staging;
- Superlot subdivision; and
- Developer contributions.

Table 2 identifies where key development parameters for which approval is sought are described.

Table 2 – Key Concept Plan Development Parameters

Element	Section of EAR	Amended in Section of PPR
Permissible Land Use	3.3	2.1.2
Building Envelopes	3.4	2.1.2 and SJB Urban Design Report
Maximum Gross Floor Area (GFA)	3.4	2.1.2 and SJB Urban Design Report
Indicative Open Space	3.5	2.1.2 and SJB Urban Design Report
Access and Transport	3.6	2.1.2 and SJB Urban Design Report
Ecologically Sustainable Development (ESD)	3.7	No change from EA
Project Staging	3.8	No change from EA – updated plans in SJB Urban Design Report
Superlot Subdivision	3.9	No change from EA – updated plans in SJB Urban Design Report
Approvals Framework	3.10	No change from EA
Developer Contributions	3.11	No change from EA

2.2.1 Summary of Preferred Project

Table 3 below identifies the key details and parameters for the Preferred Project for which Concept Approval is sought, whilst **Figure 1** illustrates the proposed site layout and building heights.

Table 3 – Concept Plan development parameters for Preferred Project

Issue	Outcome
Permissible Uses	Residential accommodation; neighbourhood shops; food and drink premises; recreation areas; community facilities; exhibition homes; exhibition villages; recreation facility (indoor).
Number of Buildings	5 residential flat buildings 26 terrace dwellings The Loft (existing building conversion)
Maximum Building Height	Building A: 5 storeys Building B: 10 storeys Building C: 3 storeys (attached dwellings) Building E: 10 storeys Building F: 6 storeys Building G: 12 storeys Building H: 3 storeys (attached dwellings) The Loft (existing building): 2 storeys
Maximum GFA	Maximum of 47,840m ² for all development including: <ul style="list-style-type: none"> Maximum 46,290m² of new residential development Maximum of 500m² for non-residential uses 1050m² of retained development (The Loft building)
Maximum FSR	1.6:1
Indicative Dwelling Yield	450 dwellings
Key Vehicular Access Points	Artarmon Road (Scott Street alignment) Artarmon Road (new access point) Richmond Avenue (north – new access point)
Parking Rates	<ul style="list-style-type: none"> Studio: 0.5 spaces 3+ bedrooms: 1.25 spaces 1 bedroom: 1 space Visitor parking: 1 space per 4 dwellings

Issue	Outcome
	<ul style="list-style-type: none"> 2 bedrooms: 1 space
Publicly Accessible Open Space	Two areas: along Artarmon Road frontage, minimum area of 3,250m ² and central part of the site between Blocks B and F, minimum area 1,160m ²
ESD	Exceed BASIX minimum requirements
Project Staging	Development in four stages.
Superlot Subdivision	Superlot subdivision approval under s.74P of the EP&A Act
Development Contributions	Development contributions to be paid to Willoughby City Council in accordance with the S94A Development Contributions Plan applicable at the time of DA lodgement.



Figure 1 – Preferred Project site layout (height in storeys)

3.0 Summary of Submissions

The following section provides a detailed summary of the key issues raised by members of the general public.

3.1 Approach to General Public Submissions

Each submission from a member of the general public, including local residents, local or special interest groups, and other interested persons has been summarised. Because a large number of submissions raise similar issues, rather than addressing each submission individually, the issues raised in submissions have been summarised and, where possible, bundled into Issue Categories. A description of these Issue Categories is described in Section 2.2 below.

To ensure that interested parties can cross check the issues raised in their own submissions with the proponent's response **Attachment B** provides the detailed summary of each submission (generally by submission number as allocated by the Department of Planning), including:

- A description of each issue raised in each submission
- Allocation of each issue into the appropriate Issue Category (where possible).

3.2 Analysis of Public Submissions

This section provides an understanding of who has made submissions as well as a brief analysis of the numerical significance of issues raised in submissions from the general public. This analysis has not been carried out to discount issues that are raised within fewer submissions, but is intended to help the decision makers understand which issues are of more concern to more people. A full breakdown of public submissions is provided at **Attachment B**.

3.2.1 Geographic Distribution of Submissions

Of the submissions made by members of the general public, the majority (53%) of total submissions were received by residents who identified their address as being within the suburb of Willoughby. Where the address of the submitter was disclosed, residents of Willoughby, Artarmon and Naremburn represented 88% of submissions. This indicates that interest in the Concept Plan is primarily local. Other submissions on the Concept Plan included submissions from residents of Northbridge, Chatswood, Lane Cove, Neutral Bay, Castlecrag and Sydney.

A breakdown by suburb of these submissions is included at **Figure 2** below.

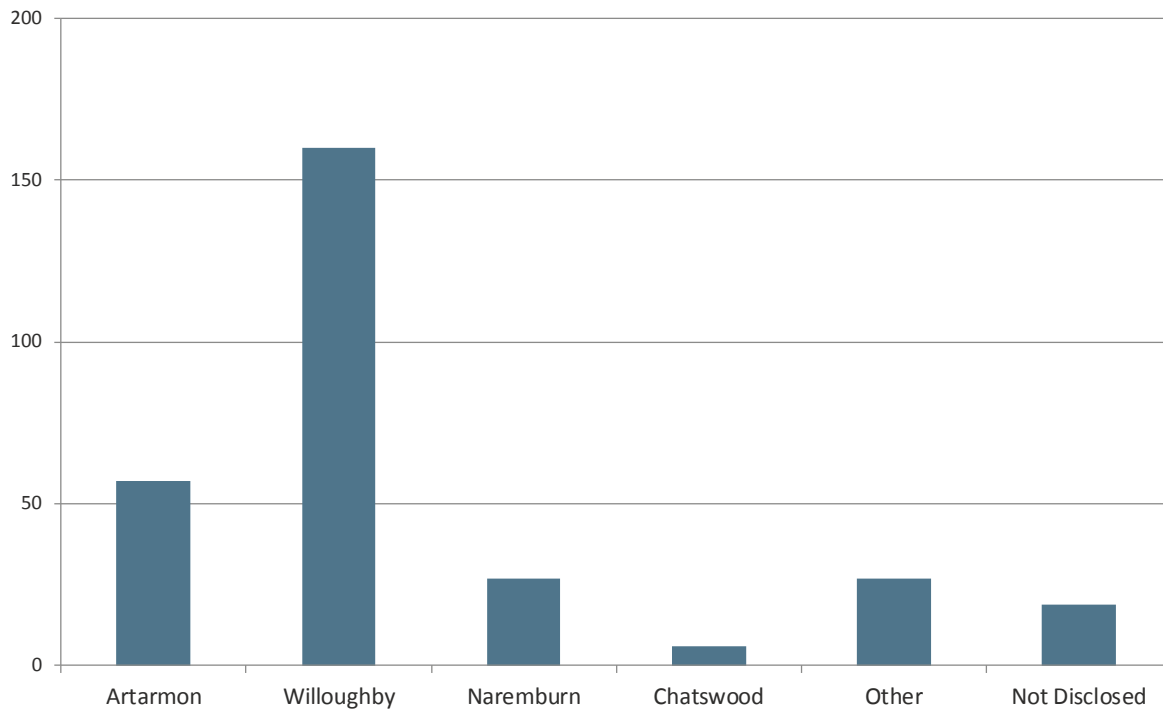


Figure 2 – Breakdown of submissions received by residential suburb

3.2.2 Description of Issue Categories

This section provides a summary of the range of issues that have been raised in the submissions from the general public. For each Issue Category that has been identified, **Table 4** provides a high level description of the matters raised in these submissions.

Table 4 – Description of Issue Categories Used to Summarise Submissions from the General Public

Issue Category	Description of the Issue Category
Community Consultation	Includes any reference to the adequacy of community consultation undertaken by the proponent, including comments on the information sessions, site visits, letterbox drops and consultation website undertaken for the project.
Density of Dwellings	Includes any reference to the residential density of the proposal, including references to the number of dwellings and Floor Space Ratio of the proposal and the compatibility of the density with the surrounding neighbourhood. A number of submissions referenced the density of other developments, including the Castle Vale site.
Education and Schools	Includes any reference to the existing and future capacity of local education facilities, including local public primary and secondary schools, and the potential impact of the Concept Proposal. Includes submissions which queried the demographic analysis contained within the EAR with regard to the projected school-age population of the site.
Electromagnetic Radiation	Includes any reference to potential effects of electromagnetic radiation (EMR) produced by the TXA transmission tower on existing and future residential development.
Height	Includes references to the height of the proposed building envelopes, including any reference to the visibility and visual impact of these envelopes from surrounding areas.

Issue Category	Description of the Issue Category
Infrastructure Capacity	Includes any reference to the capacity of local infrastructure to service the site, including references to community infrastructure, existing recreational facilities and utility infrastructure, but <u>not</u> including any reference to local transport or educational facilities.
Masterplan for Surrounding Area	Includes any reference to the need to undertake a masterplanning exercise which includes surrounding properties, including those in Walter Street, Richmond Avenue and Chelmsford Avenue.
Non-Residential Land Uses	Includes any reference to the provision for non-residential uses within the Concept Plan site, including neighbourhood shops, food and drink premises and childcare centres.
Overshadowing	Includes any reference to the impact of shadows cast by the proposed building envelopes on neighbouring properties.
Parking	Includes any reference to the adequacy or capacity of the current and future provision of parking onsite and in surrounding streets.
Public Transport	Includes any reference to the accessibility of the site to public transport, including public bus and rail services and the Willoughby City Council Loop Bus, and the capacity of existing services to accommodate the projected population of the subject site.
Process Related	Includes any reference to process and procedural issues relating to the assessment process.
Traffic and Local Roads	Includes any reference to the capacity of local roads and intersections during weekday and weekend peak periods. Submissions include those relating to road safety, intersection queuing distances, access to the site, road infrastructure and traffic patterns. Submissions also related to the accuracy and adequacy of the methodology used in AECOM's Transport and Accessibility Impact Assessment (Appendix D of EAR).
TXA Tower	Includes any reference to the TXA television transmission tower and requests for the tower to be removed as part of the Concept Plan redevelopment, but <u>not</u> submissions relating to EMR.
Other	Includes any submission which does not clearly state an issue or where the issue falls outside of the categories identified above.

3.2.3 Analysis of Issues

A statistical profile of the issues raised in submissions has been compiled in order to provide an understanding of the high-level issues which are more important to more people. The results of this analysis are included in **Figure 2** and **Table 2**.

As shown in **Figure 3** and **Table 5**, the most important aspects of the proposal to the general public were:

- Traffic and transport;
- Height;
- Density of residential development;
- Education and Schools; and
- Public Transport.

The issues raised in the public submissions which have been identified by the NSW Department of Planning and Infrastructure and the proponent as key assessment issues are addressed in detail at **Section 4.0** of this report.

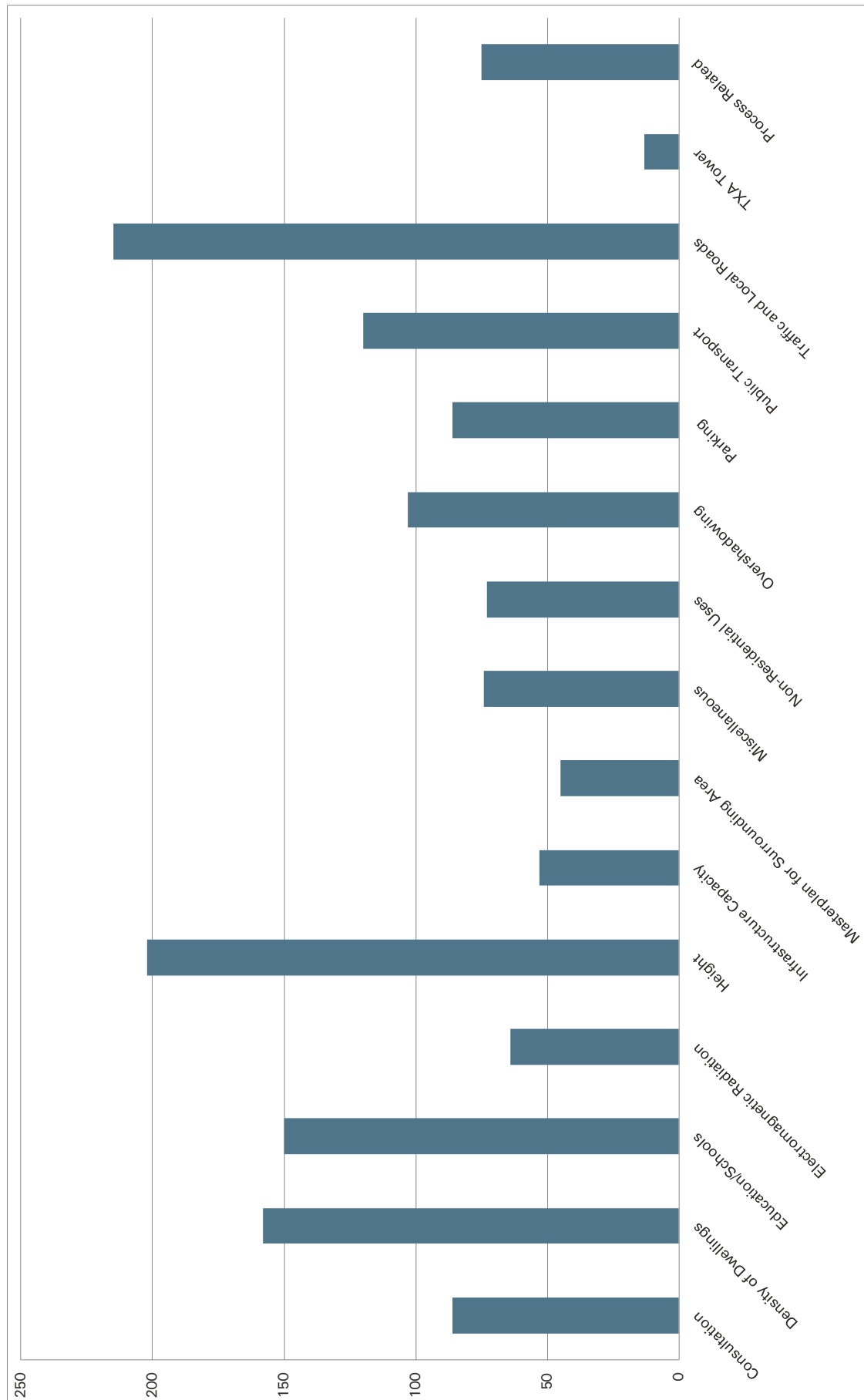


Figure 3 – Breakdown of Submissions on the Concept Plan by Issue Category

Table 5 – Summary of Analysis of Issues Raised in Submissions from the General Public

Issue Category	Number of Submissions Issue Raised In	Percentage of Total Submissions Issue Raise In
Traffic and Local Roads	215	73%
Height	202	69%
Density of Dwellings	158	53%
Education and Schools	150	51%
Public Transport	120	41%
Overshadowing	103	35%
Community Consultation	86	29%
Parking	86	29%
Process Related	75	25%
Other	74	25%
Non-Residential Land Uses	73	25%
Electromagnetic Radiation	64	22%
Infrastructure Capacity	53	18%
Masterplan for Surrounding Area	45	15%
TXA Tower	13	4%

3.3 Community Organisations

In addition to the submissions identified at **Section 2.2.3** above, submissions were received from the following community organisations or resident bodies:

- Castle Vale Owners Corporation;
- Willoughby South Progress Association;
- Artarmon Progress Association;
- Naremburn Progress Association; and
- Federation of Willoughby Progress Associations.

The issues raised in these submissions were generally consistent with the main issue categories identified in the main body of public submissions.

3.4 Petition

A petition was received which was signed by 1,170 persons online via the website www.communityrun.com.au and approximately 1,740 persons manually. There has been no validation of the identity of signatories to this petition, nor has there been a cross-check of the manual signatories for duplication.

In full, the petition states:

This petition of the undersigned seeks that the NSW Government undertake effective community consultation for the development of the Channel 9 site in Willoughby NSW with a view to creating a viable and sustainable solution for the greater community.

We further request that in view of the surrounding residential character and limited local infrastructure, the NSW Government prevail upon the proponent to adopt a floor space ratio more commensurate with the existing surrounding

building density and to reduce the maximum height of any single building to eight levels.

Why is this important?

We, the undersigned, believe that community consultation to date has been a rushed process that has not informed or engaged with the community efficiently nor has it provided citizens with the opportunity to participate adequately in the discussion of the future of their area.

3.5 Submissions by Public Agencies

The proponent has been involved in ongoing discussions with Willoughby City Council, the NSW Department of Planning and Infrastructure, the NSW Department of Education and Communities and other government agencies throughout the course of the Concept Plan application. 9 submissions were received from government agencies during the public exhibition period, including:

- Department of Education and Communities
- Environment Protection Authority
- Sydney Water;
- Transport for NSW;
- Willoughby City Council.

Responses to the key issues raised by the agencies identified above are addressed at **Section 3.0** and in the detailed response to stakeholder submissions at **Appendix A**.

4.0 Proponent's Response to Key Issues and Further Environmental Assessment

The following section provides a detailed response to the key issues raised by the public and local and state government agencies. Matters identified as key assessment issues by the NSW Department of Planning and Infrastructure are addressed in the following sections, whilst a detailed response to government agency submissions is provided at **Appendix A**.

In responding to the key issues raised in submissions made by the public and government agencies, the proponent has made a number of substantial changes to the Concept Plan. These changes are described in full in **Section 4.0** of the PPR and include reductions to building heights and the bulk and scale of the proposed building envelopes, as well as additional management of the site interface to surrounding residences.

4.1 Height, Built Form and Setbacks

Building height and form was one of the key issues raised in public submissions throughout the public consultation period. In total, 202 or 69% of all public submissions raised issues relating to the height and scale of the Concept Plan.

4.1.1 Building Height

Key Issues Raised

A number of submissions raised concern with regard to the height of the proposed building envelopes, and submissions particularly focussed on the tallest building height of 18 storeys. The Department has advised the proponent that:

The Department does not support heights of 14 and 18 storeys on this site. Building heights should relate appropriately to the scale of surrounding development and not result in any unacceptable visual impacts on surrounding areas. Consideration should be given to reducing maximum building heights to respond appropriately to the site topography and surrounding local context.

Willoughby City Council's submission recommended that an eight storey height limit be imposed upon the site, with a two/three storey limit for dwellings fronting Richmond Avenue. The basis for the eight storey limit nominated by Council centres around the visibility and visual impact of taller buildings and overshadowing impacts on neighbouring properties. Council's proposed development scheme is shown at **Figure 4**.

A number of public submissions and the petition also nominated a height limit of eight storeys for the site, drawing comparison to the adjoining Castle Vale site. Public submissions relating to height raised concern regarding the visual impact of views to the proposed buildings from surrounding areas.

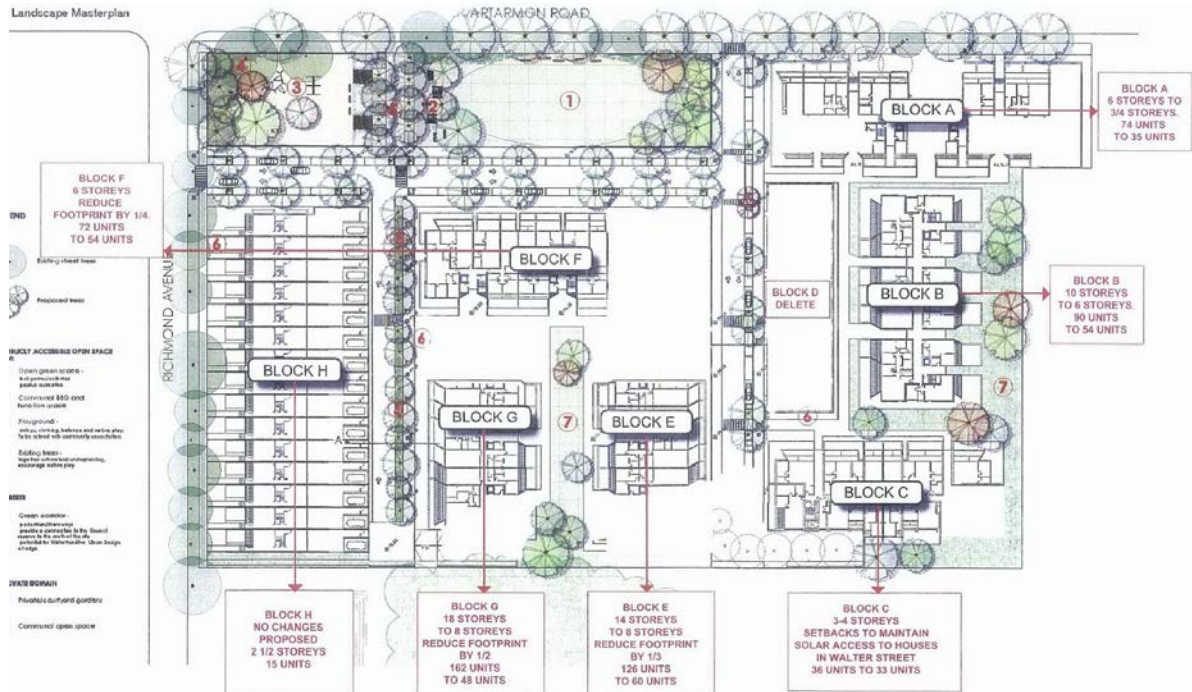


Figure 4 – Willoughby City Council's Preferred Option

Proponent's Response

As detailed in **Section 2.1.2** of this report, the proponent has taken the issues raised in public submissions into account and substantially reduced the maximum building heights for which Concept Approval is sought and deleted one building envelope. In particular, the maximum building height sought on the site has been reduced by over 20% from 18 storeys to 12 storeys, and one building envelope is deleted.

Due to the nature of the site's topography, it is inevitable that any development over 4-6 storeys will be visible to surrounding land, as evidenced by the existing views to the main studio building present within the site from Naremburn and surrounding areas. Whilst the proposed building envelopes will continue to be visible as a result of the surrounding landform, the reduction in the tallest two buildings from 18 storeys to 12 storeys and from 14 storeys to 10 storeys will substantially reduce the visual presence of the site within the landscape, as illustrated by a comparison between the Exhibited Concept Plan and the revised Preferred Project (**Figures 5 and 6**).



Figure 5 – View to exhibited Concept Plan Option B building envelopes from Naremburn



Figure 6 – View to Preferred Project building envelopes from Naremburn

Figure 6 demonstrates a substantial reduction in the visible bulk and scale of the building envelopes, with Building B and Building D only slightly protruding above the existing horizon. Future architectural design and treatment will further enhance the appearance of these buildings

The proposed height reductions are substantial and in direct response to public and government agency submissions. The Preferred Project provides a suitable balance between reducing the bulk and scale of the project and providing diverse housing types in a location with good access to open space, employment, services and public transport.

4.1.2 Building Envelope Massing

Key Issues Raised

A number of public submissions raised concern regarding the bulk of the proposed building envelopes, raising concern that the larger buildings appeared 'blocky' in the indicative montages.

Whilst Willoughby Council noted that detailed design of the proposed building does not form part of the assessment of a Concept Plan Application, Council raised concern regarding the unbroken length of the envelopes in terms of potential visual impact. It is noted that Council did not raise any concerns relating to the proposed building depth.

The Department has request that the proponent investigate options for revised building envelopes with a reduction in the overall bulk and scale of the proposed envelopes, consistent with recommendations of the Residential Flat Design Code.

Proponent's Response

It should be noted that the Concept Plan seeks approval for maximum building envelopes as a control for future development on the site, and the actual width and depth of future apartment buildings would not 'fill out' these envelopes. Instead, the wider building envelopes are included to allow for greater building articulation to create a built form which is architecturally interesting and allows greater flexibility in providing solar access, natural ventilation and privacy to future apartments.

The Residential Flat Design Code (RFDC) 'Rule of Thumb' for building depth states that *"in general, an apartment building depth of 10-18 metres is appropriate. Developments that propose wider than 18 metres must demonstrate how satisfactory daylight and natural ventilation are to be achieved"*. The assessment of all future Development Applications on the site by Willoughby City Council will take into consideration the provisions of the RFDC as required by SEPP65.

4.1.3 Potential Visual Impacts to Artarmon Road

Key Issues Raised

A number of public submissions raise concern regarding the impact of the proposed bulk and scale of the development when viewed from Artarmon Road. The Department of Planning and Infrastructure and Council encouraged the proponent to consider the provision of a more appropriate relationship with the street through design measures such as increased setbacks, additional landscaping and a reduction in heights and/or setting back upper levels from Artarmon Street.

Proponent's Response

As discussed above and detailed in **Section 2.1.2**, the proponent has reduced the maximum building heights which are sought on the site and this has substantially reduced the visibility of the proposal from Artarmon Road.

Figures 7 and **8** illustrate the reduced visual impact of the Concept Plan building envelopes as a result of design changes to the Preferred Project.



Figure 7 – View to exhibited Concept Plan Option B building envelopes from Artarmon Road near Richmond Avenue



Figure 8 – View to Preferred Project building envelopes from Artarmon Road near Richmond Avenue

As seen in **Figure 8** above, the Preferred Project building envelopes are substantially less visible from Artarmon Road than in the exhibited Concept Plan. Key views from this location are towards Block G and Block F, where the visual impact has been substantially reduced by six storeys (from 18 storeys to 12 storeys). From this location, building heights sit well below the existing tree line and will be set back a substantial distance from the road.

4.1.4 Interface with Castle Vale

Key Issues Raised

A number of submissions raised concern regarding the interface between the proposed Concept Plan building envelopes and the existing Castle Vale buildings

located immediately east of this site. Submissions particularly identified concern regarding the proximity of Block B in the exhibited Option A to the eastern site boundary and the potential overshadowing, privacy and visual impacts of this building on adjoining residential development.

Proponent's Response

The Preferred Project adopts a site layout more similar to that of the exhibited Option B, significantly increasing separation distance between Block B and Castle Vale to approximately 50m. The Preferred Project fully complies with the 'Rules of Thumb' for building separation contained within the Residential Flat Design Code (min. separation distance of 24m between habitable rooms/balconies).

The increased setback also substantially reduces overshadowing of dwellings within the Castle Vale site as discussed in **Section 4.1.5** below.

4.1.5 Solar Access to Surrounding Dwellings

Key Issues Raised

The Department of Planning and Infrastructure and a number of public submissions raised concern regarding the potential impact of shadows cast by the proposed building envelopes on adjoining properties, particularly with regard to detached dwellings in Walter Street and apartments within Castle Vale. Overshadowing was raised in 103 public submissions, representing 35% of total submissions.

Willoughby City Council's submission requested that additional shadow diagrams be prepared demonstrating whether two hours of solar access could be achieved to dwellings within Castle Vale and properties within Walter Street at 21 June (mid-winter) as required by the RFDC 'Rule of Thumb' for solar access.

Proponent's Response

Walter Street

Detailed shadow diagrams including perspectives of the northern façade of Walter Street dwellings are included in the Preferred Project Concept Plan Drawings prepared by SJB (under separate cover).

The plan analysis prepared by SJB illustrates that the Walter Street properties receive access to sunlight during the morning in mid-winter as a result of the reduction in height of Blocks B and C, and their increased setback from the southern boundary of the site. From midday onwards Blocks E and G begin to overshadow Walter Street properties starting at No.31 and reaching No.14 on the southern street frontage by 3pm. The improvements in solar access for surrounding development from the revised PPR concept compared to the exhibited concept are shown in **Figures 9 -11**.

Further to the above, it is noted that the extent of overshadowing is significantly reduced outside of the worst-case scenario of the winter solstice. Shadow studies undertaken for the equinox (provided in SJB Urban Design Report) indicate that for the majority of the year, shadows cast by the proposed building envelopes will not overshadow 27B Walter Street or any properties to the south or east. Shadows cast on 29 and 31 Walter Street will be limited, with the only overshadowing of dwellings confined to the rear, first storey façade of No.31. These portions of the dwelling are already subject to substantial overshadowing from the vegetation and existing topography. There will be no overshadowing of the dwelling at No.20 as a result of the proposal, and no overshadowing of the dwelling at No.31 before 11.30am or after 3pm. In light of the above, it is considered that the extent of overshadowing is acceptable.

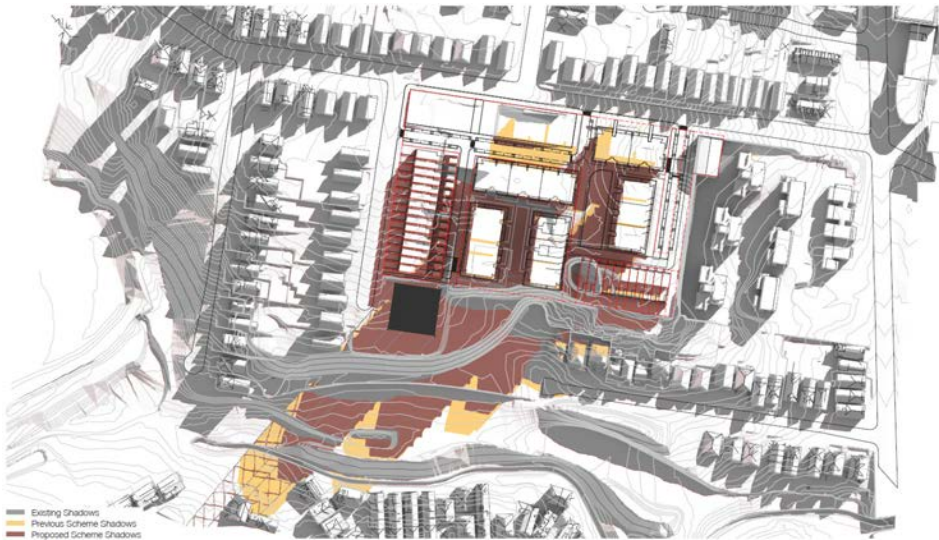


Figure 9 – Shadow Diagram for Preferred Project – 9am 21 June



Figure 10 – Shadow Diagram for Preferred Project – 12 noon 21 June

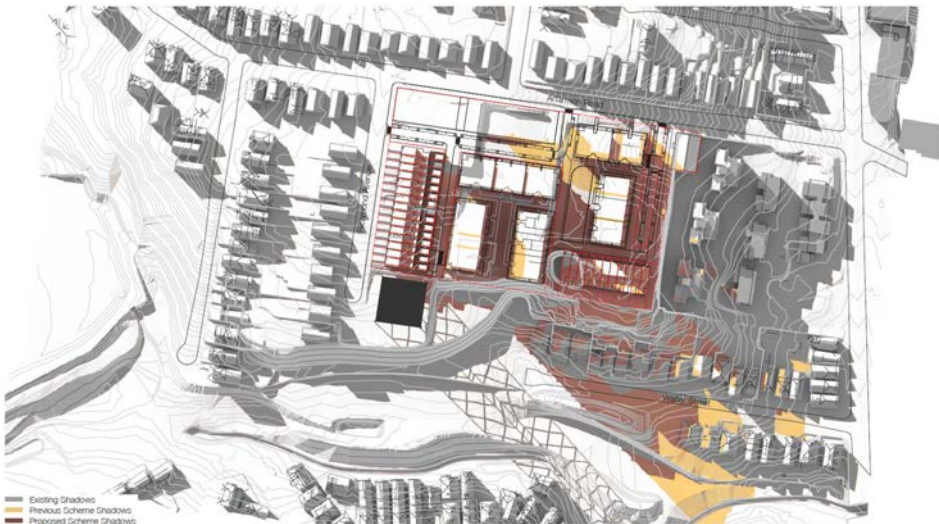


Figure 11 – Shadow Diagram for Preferred Project – 3pm 21 June

Castle Vale

Detailed shadow diagrams including perspectives of the western façades of Castle Vale Apartments are included in the Preferred Project Concept Plan Drawings prepared by SJB (under separate cover).

The analysis concludes that the western elevations of Castle Vale continue to receive sunlight between 12pm and 3pm, after which the shadow coverage moves up the western elevation of the southern-most block. It should be noted that the Castle Vale apartments include double-frontage apartments that have living areas facing east with bedrooms facing west. As such the impact of the development on the southern-most block will be negligible. Overshadowing of the lower levels of the Castle Vale blocks already occurs due to the impact of the retaining wall below Scott Street.

4.1.6 Basement Positions

Key Issues Raised

The Department of Planning and Infrastructure and Willoughby City Council requested that the position of the basement within the southern portion of the site be reconsidered in order to minimise visual impacts and retain natural topography.

Proponent's Response

The Preferred Project scheme provides for increased basement setbacks at the southern and south-eastern site edges to ensure that basement areas are contained below and within the natural site topography.

4.2 Traffic and Parking Impacts

Potential traffic and local road impacts were raised in 215 submissions (73% of total), making this the single largest issue raised during public exhibition. These submissions included a range of issues and particularly focused on the performance of local intersections, proposed site access arrangements and the methodology of the Transport and Accessibility Impact Assessment prepared by AECOM which accompanied the Concept Plan application.

The Department of Planning and Infrastructure engaged Arup to review the Transport and Accessibility Impact Assessment prepared by AECOM for the Concept Plan. In preparing their independent review, Arup undertook additional traffic surveys of both the site and of comparable sites in the local area, and consulted with Willoughby City Council, AECOM and the proponent.

AECOM have prepared a revised Traffic and Accessibility Impact Statement (**Appendix C**) based on the Preferred Project and the outcomes of the Arup study and consultation with the NSW Department of Planning and Infrastructure.

4.2.1 Traffic Generation

Issues Raised

Willoughby City Council and a number of public submissions stated that the traffic generation rates adopted by AECOM in their assessment were incorrect, with Council instead nominating a rate of 0.5 vehicle trips per hour per apartment as being more appropriate for the weekday peak periods. The community submission provided as an addendum to Willoughby City Council's submission concluded that a trip generation rate of 0.5 to 0.65 trips per hour per apartment was appropriate.

Council's submission queried the accuracy of surveys of existing site traffic generation rates, noting that the surveys fail to take into account traffic generated by employees and visitors to the Nine Network Australia site who park on the street.

Proponent's Response

The proponent has reduced the residential density of the Concept Plan by approximately 21 %. This will substantially reduce the amount of traffic generated by the site during both the weekday commuter peaks and on weekends. In particular, the Preferred Project will generate less traffic during the weekday AM and PM peak periods than the existing television network use.

Arup concluded that a weekday trip generation rate of 0.32 vehicle trips per hour per apartment for the AM and PM weekday peaks was appropriate as a conservative figure for the modelling of impacts on the local road network. This rate is within the range contained in the *RMS Guide to Traffic Generating Development 2002* and RMS Technical Direction TDT 2013/04, and is higher than the 0.24 trips per hour per apartment adopted by AECOM.

Arup's report does, however, state that a rate of 0.19 trips per dwelling during the weekday peak periods is a more realistic assumption of the trip generation for the Concept Plan site based on the travel behaviour of residents of modern apartments in proximity to public transport. This conclusion has been based on evidence gathered from traffic generation from the Castle Vale site (0.25 to 0.32 trips per hour) and a more recent development at 260 Penshurst Street, Willoughby (0.19 trips per hour). The market demographic for new apartments, such as at 206 Penshurst Street and the future Nine Network Australia site, tends to favour higher public transport use and lower car parking demand, which supports the lower trip generation rate.

Council's submission notes that the Nine Network Australia site is currently generating more traffic than has been surveyed due to the inability of surveys to identify vehicles visiting the site but utilising on-street parking in the vicinity. The implication of Council's comment is that should Nine Network Australia vacate the site and be replaced by a residential use, the modelled impact on traffic generation would be conservative and the impact of a residential development on local intersections would in fact be less than predicted.

As described in **Section 2.0**, the Preferred Project reduces the maximum number of dwellings from 600 to 450. This will have the effect of substantially reducing the overall traffic generation of future residential development on the site as summarised in **Table 6** below. As discussed in **Section 4.2.2** below, the additional traffic generated by the Preferred Project is within the capacity of the local road network.

Table 6 – Comparison of traffic generation for the Nine Network Australia Site

Peak Hour	Existing Generation*	Exhibited Concept Plan Generation	Preferred Project Generation	Difference (Existing vs. Preferred Project)
Weekday AM	170-198	140	86	-84 to -112
Weekday PM	149-176	140	86	-63 to -90
Saturday	24	144 ⁺	99	+ 75

* Council's submission notes that the actual rate is likely to be higher than surveyed.

⁺ Arup 2013

4.2.2 Local Intersections

Issues Raised

Public submissions largely related to the impact of the Concept Plan on the performance of the Willoughby Road/ Artarmon Road/ Small Street intersection during weekday morning peak and on Saturday mornings. Public submissions questioned the ability of this intersection to accommodate the additional weekend traffic generated by the site in light of existing capacity and performance issues.

Willoughby City Council's submission recommends that the proponent fund the design, land acquisition and construction of a new right-hand turn lanes on Willoughby Road for northbound traffic entering Small Street and southbound traffic entering Artarmon Road.

Arup undertook additional traffic surveys and counts for the weekday AM and PM peak periods and for the Saturday AM peak period. These results were used to assess the existing performance of this intersection and the impact of both the Nine Network Australia Concept Plan (Exhibited Concept Plan Option A with 585 dwellings) and the Willoughby Leisure Centre Master Plan.

Proponent's Response

With the reduction in the number of residential floorspace proposed on the Nine Network Australia site, AECOM's updated modelling indicates the following in terms of the Level of Service (LoS) at the Willoughby Road/Artarmon Road intersection post-development:

- AM Weekday Peak:
 - No change from existing LoS B for overall intersection.
 - Improvement in conditions for east-bound traffic exiting Artarmon Road from LoS E (pre-development) to LoS D (post-development).
 - Average delay for east-bound traffic exiting Artarmon Road reduced by approximately 8 seconds.
- PM Weekday Peak:
 - No change from existing LoS B for overall intersection.
 - No change to average LoS for any intersection approach.
- Saturday AM Peak:
 - No change from existing LoS D for overall intersection.
 - Minor decrease in average delays for north-bound and south-bound traffic on Willoughby Road between 8 and 14 seconds.

As a result it can be concluded that the development of the site in accordance with the Preferred Project Report will not significantly impact on general traffic, and will in fact improve weekday morning traffic conditions for vehicles entering the intersection from Artarmon Road. The proposal will not significantly impact upon existing weekday evening traffic conditions.

A key issue raised in submissions received from the general public was the potential impact on the intersection of Artarmon Road/Willoughby Road/Small Street on weekends, and particularly during the Saturday mid-morning peak hour associated with the use of the Willoughby Leisure Centre and netball courts. Based on traffic surveys undertaken by Arup, this intersection currently operates at LoS D on Saturday mornings during netball season.

GTA Traffic Consultants have previously recommended to Willoughby Council that, should they proceed with the recently exhibited Willoughby Leisure Centre Master Plan, Council upgrade this intersection to provide a dedicated right-hand

turn lane from Willoughby Road into Small Street and a slip lane for traffic exiting Small Street southbound onto Willoughby Road. This upgrade was recommended to deal with existing delays caused at this intersection by the use of the netball courts and leisure centre, and bears no relation to the Nine Network Australia site. Whilst the Willoughby Leisure Centre Master Plan has been drafted and publicly exhibited, this plan has not been finalised or endorsed by Council, and no Development Application for the site has been lodged.

Despite GTA's recommendations relating to the Willoughby Leisure Centre, Council's submission on the Concept Plan recommended that the future proponent of the Nine Network Australia site be required to design and fund this intersection upgrade. However, Willoughby City Council's Corporate & Transport Committee Meeting on 6 May 2013 ranked the proposed upgrade to the Willoughby Road/Artarmon Road intersection as only Priority No.41 in terms of other potential intersection improvements within the local government area, based on the cost of the proposed upgrades and the limited overall improvement to traffic flow. During Saturday morning peak periods, the proposed upgrade would improve the overall performance of the intersection from either LoS F (based on Arup's review of 600 dwellings) or LoS D (based on AECOM's review of 450 dwellings) to LoS C.

AECOM has recommended that the option of extending the existing weekday 'no right turn' control that prevents traffic from turning right from Willoughby Road into Artarmon Road should be considered. Banning right hand turn movements from Willoughby Road into Artarmon Road on Saturday mornings (as per current weekday arrangements) would improve the current (LoS D) and future (LoS D) operation of the Willoughby Road/Artarmon Road intersection by to achieve LoS C which is considered by the RMS to be 'satisfactory', and is the same LoS achieved by the intersection upgrade recommended by Council. The impact of banning this movement would be to redistribute less than 20 vehicles per hour to alternate intersections and roads. This measure would also address the impact of vehicle movements directly associated with the Concept Plan development and ensures that the Willoughby Road/Artarmon Road will operate at a satisfactory level of service during this peak period.

Based on the above, Arup recommends that further traffic counts and modelling be undertaken during the future development of the site and that if the intersection is found to be failing at that stage, it is recommended that further discussions be held with Council and RMS to facilitate the upgrade of the intersection to implement the ban on 'No Right-Turn' movements. A new Statement of Commitment is included at **Section 5.0** to this effect.

4.2.3 Site Access

Issues Raised

Several public submissions raised concern regarding the proposed site access arrangements, particularly with regard to the ability of vehicles to exit the site in an eastbound direction towards Willoughby Road during the AM peak period. These submissions were based upon existing concerns regarding the ability of vehicles to safely enter eastbound traffic flow along Artarmon Road from the Castle Vale site.

Proponent's Response

Crash data provided by RMS indicates that there have been no more than five crashes occurring each year on Artarmon Road between Willoughby Road and Richmond Avenue for the last five years of available data (2007-2011), with the majority of crashes occurring in the approach to the Willoughby Road intersection.

The Preferred Project provides for site access via the existing Scott Street/Artarmon Road intersection. As part of the Preferred Project, a new raised pedestrian crossing will be provided on Artarmon Road located a short distance to the east of Edward Street. This pedestrian crossing will include appropriate signage and treatments to support traffic calming in this location, particularly by for eastbound vehicles approaching Willoughby Road. This measure is supported by Arup's independent review and will substantially improve safety for vehicles exiting from both the Nine Network Australia site and from Castle Vale, as well as improving pedestrian safety in the vicinity of the site.

4.2.4 Parking

Issues Raised

Issues relating to parking were raised in 86 submissions (29% of total) and including concerns relating to the proposed provision of parking onsite and the potential impacts on the availability of existing on-street parking.

Willoughby City Council's submission notes that the proposed car parking rates are consistent with the Willoughby DCP 2006, however notes that there is no clear provision for parking for non-residential uses.

Proponent's Response

As noted by Willoughby Council, the proposed parking provision is consistent with the rates identified in the Willoughby DCP. In addition to resident and visitor parking available within the basement levels, publicly available on-street parking will be provided on internal roads for use by visitors to the park and non-residential uses. It is anticipated that some form of time-restriction would be provided for this new on-street parking, which would be detailed as part of future detailed applications for development.

Notwithstanding the above, it is noted that as described in **Section 2.2.4** the amount of non-residential floorspace has been substantially reduced to ensure that these tenancies are catering primarily to the needs of residents of the site, such that they will not generate any traffic or demand for parking. Consideration may be given to the need for the provision of staff parking (if any) for these tenancies as part of future detailed applications for development.

It is also noted that should Nine Network Australia vacate the site and residential redevelopment occur, it is likely that the future residential development would generate less demand for on-street parking in Richmond Avenue, Artarmon Road and Edward Street than the existing use. This would benefit local residents who have access to Council's Residential Parking Permit scheme through increased availability of on-street parking.

4.3 Social and Community Impacts and Facilities

4.3.1 Social and Community Infrastructure

Key Issues Raised

The key issue relating to social and community infrastructure which was raised in public submissions was the capacity of local public schools to accommodate any additional school children generated by the residential redevelopment of the Nine Network Australia site. This issue warranted its own issue category in the review of submissions, and was raised as an issue in 150 submissions from the general public (51% of total).

The Department of Education and Communities submission generally concurred with the likely number of school aged children generated by the site, which equates to an extra 1-2 classes of primary school students. The Department of Education and Communities submission states that, based on the existing capacity of local schools, this increase will require the construction of additional classrooms.

Both Willoughby Council and the Department of Education and Communities requested that the proponent contribute financially to the development of new classrooms, which is addressed separately at **Section 4.3.2** below.

Proponent's Response

The EAR contained a demographic analysis of the likely future residential population of the site based on the proposed dwelling typology and the likely dwelling mix. This analysis was based on Australian Bureau of Statistics 2011 Census data for residents of apartment buildings with four or more storeys within the Willoughby Local Government Area, and has informed the assessment of likely demand for social and community infrastructure. It is noted that the number of dwellings in the Preferred Project is 25% lower than that which was assessed in the exhibited EAR, and as such the projected demand for infrastructure is expected to be reduced accordingly.

Educational Facilities

Since the public exhibition of the Concept Plan application, the NSW State Budget 2013/14 has been released with substantial new funding to increase the capacity of public schools within Northern Sydney. The Budget provides \$70 million of funding from general revenue for the following new works:

- Northern Sydney Primary Schools Upgrade Stage 1 to be completed in 2014, including:
 - 12 new classrooms at Chatswood Public School.
 - 4 new classrooms at Artarmon Public School.
 - 4 new classrooms at Lane Cove West Public School.
- New primary school for the Lower North Shore opening for the 2016 school year.
- New comprehensive co-educational high school at Crows Nest (former Bradfield College) opening for the 2015 school year.
- Mowbray Public School Upgrade to be completed in 2016.

All of the above school upgrades, which include significant new capacity in government public and private schools in the locality, would be completed well in advance of the first residents occupying the Concept Plan site, even if the Nine Network made an immediate decision to relocate from the site.

The Budget provides for 20 new classrooms at existing public primary schools to be completed in 2014 (i.e. next year) and a new primary school with additional capacity opening for the 2016 school year (i.e. 2.5 years from now). This capacity expansion is expected to easily accommodate the additional school-aged children generated by the residential redevelopment of the Nine Network Australia site well in advance of this demand being created. As noted above, the Preferred Project reduces the proposed number of dwellings by 25%, which will further reduce the number of school-aged children generated by the redevelopment of the Nine Network Australia site.

In light of the above, it is evident that there will be sufficient capacity within local schools to accommodate additional public primary and secondary school students

which may be generated by the potential future residential redevelopment of the Nine Network Australia site.

Open Space and Recreation Facilities

The Nine Network Australia site is located in close proximity to a range of existing local and regional open space and recreation facilities. As identified in the Draft Inner North Subregional Strategy, the supply of both active parkland and local and regional passive parklands on a per-person basis within the subregion is well above the Sydney average as identified in **Figure 12**.

PERSONS PER PARK		
SETTING TYPE	INNER NORTH	SYDNEY AVERAGE
ACTIVE PARK	2,339	3,417
PASSIVE PARK	530	601

Figure 12 – Inner North Subregion supply of public open space (persons per park)

Source: NSW Department of Planning 2007

The Nine Network Australia site is within 800m walking distance of Sanders Park, Artarmon Reserve, Bicentennial Reserve and Naremburn Park. In addition, the Preferred Project includes a local park approximately 3,250m² in area and the addition of a smaller internal site park of 1,160m². There are also publicly accessible and communal open space areas within the site.

Willoughby City Council has recently exhibited a masterplan for the expansion of the Willoughby Leisure Centre, which is located between 500m and 700m to the east of the Nine Network Australia site. This facility will provide additional indoor recreational space including a new indoor swimming pool and water play area, health club and indoor sports club. Willoughby Council has stated that this facility is intended to meet the needs of the current and future residents of the LGA.

In light of the above, it is considered that the Nine Network Australia site is well served by existing open space and recreational facilities. It is anticipated that Council will continue to re-invest some of the monies collected from the site in the form of future S94 Development Contributions and rate payments by future residents into recreation facility and open space upgrades, as occurs with all other residential development within the Willoughby LGA.

Other Community Facilities and Infrastructure

As outlined at **Section 7.5** of the EAR, Willoughby City Council provides a range of community facilities within the vicinity of the site and within the broader LGA, including libraries, community halls, meeting rooms and art spaces. Some facilities, such as Northbridge Library and Artarmon Library, currently operate only during limited hours. These facilities are funded through Council's general revenue, including from rate payments by land owners.

The residential redevelopment of the Nine Network Australia site is expected to generate a significant increase in the rate revenue collected by Council from the site. Whilst the proposed development is expected to result in only a small increase in the population using these facilities (less than 5%), Council may deem it appropriate to use a portion of the additional rate revenue collected to extend the opening hours of these community facilities.

Given the available capacity in these facilities, however, it is not considered that new capital works are required to support the additional residential population generated by the Concept Plan scheme.

4.3.2 Development Contributions

Key Issues Raised

A small number of public submissions and the submissions by Willoughby Council and the Department of Education and Communities made recommendations regarding the levying of development contributions for the proposed redevelopment of the site.

Willoughby City Council's submission requests that Council's current S94A Development Contributions plan be set aside, which requires development contributions for future development on the site to be provided at a rate of 1% of Capital Investment Value (CIV). Council instead requests that development contributions be levied at 3% of CIV for the following works:

- Willoughby Leisure Centre Masterplan - \$1.2 million
- Bicentennial Reserve improvements - \$1.9 million
- Artarmon Reserve Landscape Masterplan - \$940,000
- Naremburn Park Masterplan - \$800,000
- Land acquisition and signage for cycleways - \$1.025 million
- Footpath upgrades - \$150,000
- Walter Street Reserve pedestrian link and bush regeneration – \$200,000

In addition to the above works, Council's submission also requests the following contributions:

- Willoughby City Council Loop Bus - \$200,00 upfront and then \$150,000 per annum
- Two-storey demountable classroom at local public school – no cost assigned (likely to be in excess of \$500,000)

Willoughby City Council also requests that the Body Corporate of the future residential development be responsible for the full cost of maintaining the proposed park located at the corner of Richmond Avenue and Artarmon Road.

Council also supports the Statement of Commitment contained within the EAR, and which is consistent with the requirements of the Willoughby LEP 2012, that requires 4% of the final developed residential floor area be constructed by the proponent and dedicated at no cost to Willoughby City Council.

Council's request for funding of a demountable classroom at a local school is similar to a recommendation contained within the NSW Department of Education and Training (DET) submission, which states that:

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.

Proponent's Response

Development Contributions

Under Section 75R of the *Environmental Planning and Assessment Act 1979* (now repealed), Division 6 and 6A of Part 4 of the *Environmental Planning and Assessment Act 1979* (the Act), which relate to the levying of development contributions, do not apply to Concept Plan applications. This is because a Concept Plan does not authorise the carrying out of works which would create a

demand for infrastructure – this authority is instead granted through the determination of later applications for development.

Under Schedule 6A Transitional Arrangements – Repeal of Part 3A of the Act, future applications for approval to carry out development on the Nine Network Australia site will be assessed under Part 4 of the Act. Under Part 4, development contributions are levied in accordance with either S94 or S94A of the Act. As such, future Development Applications for the site will be submitted to and assessed by Willoughby Council in accordance with the Concept Plan and Council's plans and policies, including any policies on development contributions which are applicable at the time of DA lodgement.

Under S94B of the *Environmental Planning and Assessment Act 1979* states that:

(1) A consent authority may impose a condition under section 94 or 94A only if it is of a kind allowed by, and is determined in accordance with, a contributions plan (subject to any direction of the Minister under this Division).

Under Willoughby City Council's current policy framework, Council has elected to charge a fixed levy of 1% on the cost of works on development requiring consent and complying development under the *Willoughby S94A Development Contributions Plan 2011*. This plan applies to all types of development within the Willoughby LGA except for the Chatswood CBD, including any future Development Applications lodged on the Nine Network Australia site. This 1% charge is levied on all residential development with a cost of works greater than \$200,000, irrespective of the scale of the proposed development. The purpose of having a proportional development contribution of 1% is to ensure that the amount of development contributions payable is related directly to the scale of the development (and therefore demand for infrastructure generated).

Notwithstanding the above, Willoughby City Council has nonetheless requested in its submission that the proponent and future residents of the Nine Network Australia site:

- Pay a total of \$6.015 million to Council in development contributions for off-site works (3% of CIV);
- dedicate 4% of the finished residential floor area to Council at no cost;
- construct a new demountable classroom (anticipated value over \$500,000);
- pay \$150,000 per annum for the operation of a shuttle bus service operating between Chatswood, Artarmon and Northbridge; and
- pay for ongoing maintenance of the proposed publicly accessible park.

These costs are well in excess of the 1% contribution which is the requirement for all residential dwellings within Willoughby City Council outside of the Chatswood CBD. These charges will significantly impact upon the affordability of future dwellings provided within the site, and are contrary to Council's current policy framework for levying development contributions on residential development within the LGA.

Council's submission seeks to justify the higher contributions on the following basis:

"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".

The Chatswood CBD is the only location in the Willoughby LGA where S94A levies are greater than 1%. There are numerous other areas outside the Chatswood within the Willoughby LGA where medium and high density residential development is permissible and development contributions levied at 1%. The reason given in Council's submission for Chatswood's higher S94A contribution (i.e. higher density) is different to the reasons upon which IPART and the NSW Department of Planning and Infrastructure approved this higher contribution rate. In fact, the higher S94A contributions rate for the Chatswood CBD applies on the basis that this centre is required to provide substantial increases in employment floorspace and associated services under the metropolitan strategic planning framework. In permitting Council to charge S94A levies at the higher 3% rate, the Department of Planning and Infrastructure wrote to Willoughby City Council on 24 March 2010 and noted that:

This decision was based on the understanding that the draft Willoughby Local Environmental Plan 2009 (the principal LEP) will achieve its employment capacity target of 30,300 jobs for Chatswood under the under the Metropolitan Strategy, and in recognition of the centre's key subregional functions as a retail destination, transport hub, and focus for the arts. These functions require an appropriate level of investment in public infrastructure and services.

The Department's letter to Council makes no reference to residential development in the Chatswood CBD, and it is evident that this is not the rationale for the levying of higher development contributions. In light of this, the Chatswood CBD is not considered to be an appropriate precedent for the levying of development contributions on a proposed residential site in Willoughby.

Council's submission also suggests that development contributions for the site should be higher to reflect the environmental impact of the Concept Plan scheme. Development contributions are not levied on the basis of environmental impact, but rather on the demand that is created for local services and infrastructure. The residents of a future apartment within the Concept Plan site will create no more demand for parks, libraries, local roads and community facilities than would be generated by residents of apartments located elsewhere in the local government area.

Council's submission states that the \$6.015 million identified by Council as an appropriate contribution amount would be apportioned to specific projects which are (predominately) identified in the *Willoughby S94A Development Contributions Plan 2011*. The relationship between the cost of the works identified in Council's submission and the value of works identified in the S94A Plan is identified in **Table 7** below.

Table 7 – Comparison of Council's proposed development contributions for Nine Network Australia site with *Willoughby City S94A Development Contributions Plan*

Development Contribution Project	Nine Network Australia Site (Willoughby Council submission)	Whole LGA (S94A Contributions Plan 2011)	Portion funded by Nine Network Australia under Council's submission
Implementation of Leisure Centre Masterplan	\$1,200,000	\$20,000,000	6%
Bicentennial Reserve improvements	\$2,000,000	Not included	N/A
Artarmon Reserve Landscape Masterplan improvements	\$940,000	\$300,000	313%

Naremburn Park Masterplan Improvements	\$800,000	\$900,000	89%
Local cycleway implementation including signage	\$25,000	No cycleway improvements identified in vicinity of the site	N/A
Land acquisition of cycle access to the RMS bike path and improved access to Artarmon Reserve	\$1,000,000	Not identified in Plan	N/A
Footpath upgrades within the locality for additional pedestrian use	\$150,000	Willoughby City wide Missing Links Footpath Masterplan: \$350,000	43%
Walter Street Reserve improvements	\$200,000	Not included in plan	N/A
Provision of shuttle bus	\$200,000 upfront + \$150,000 per annum	Willoughby City wide \$100,000	200% + Ongoing running costs

As seen in **Table 7**, Council's submission requests \$3,225,000 worth of contributions for projects that have not been previously identified in Council's development contributions plan. In addition to this, contributions suggested by Council for projects such as the ongoing operation of Council's Loop Bus service and for upgrades to Artarmon Reserve are well in excess of the funding requirements identified in Council's plan. These contributions are at odds with the community infrastructure priorities identified in the Council's development contributions plans, and disproportionately burden the proposed redevelopment of the Nine Network Australia site with bearing the cost of those projects which have previously been identified.

The requirement of higher development contributions on the Nine Network Australia site than those currently required under Council's development contributions policy will unnecessarily impact upon the affordability of housing within the site, and is contrary to Council's established policy framework and to the objects of the *Environmental Planning and Assessment Act 1979*.

In addition to upfront development contributions, Willoughby Council will also receive ongoing revenue from rates levied on the site. Council's application for an increase in the minimum annual rates for apartments was recently approved by IPART.

Council's 2013/14 Operational Plan and Budget projects total revenue from residential rates in the current financial year to be in the order of \$23.5 million. At the current minimum rates, the redevelopment of the Nine Network Australia site for approximately 450 apartments would result in a \$410,000 (\$500,000 [new rates] minus \$90,000 [existing]) net increase in Council's rate revenue compared to the existing television station. This increase in revenue from the site will make a significant direct contribution to Council's ability to fund community services and facilities for all residents of the LGA.

Educational Facilities

Planning System Circular PS 07-018 Development Contributions dated 6 November 2007 clearly sets out the NSW State Government's policy for the funding of educational facilities:

The costs of the construction and operation of social infrastructure facilities such as schools and TAFEs, hospitals and emergency services will be borne by the State Government. It is the NSW Government's intention that there will be

no reduction in the type, amount or delivery of infrastructure to be provided, only in how this will be funded.

The requests included in the submissions from the Department of Education and Communities and Willoughby City Council for monetary contributions by the proponent to the cost of constructing new educational facilities are clearly inconsistent with the State Government's policy for development contributions as articulate in this Planning System Circular. Therefore, no provision is made in the Final Statement of Commitments for such contributions.

As discussed at **Section 4.3.1** above, the NSW State Budget 2013/14 includes funding for the construction of new classrooms and schools in the Lower North Shore which will ensure that there is sufficient capacity for future school age residents of the Nine Network Australia site.

4.3.3 Community Facilities and Ancillary Retail Floorspace

Key Issues Raised

Community response to the proposed ancillary non-residential floorspace was mixed, with a total of 73 submissions (25% of total) raising this issue. A number of submissions supported the inclusion of small local shops such as cafes. Some submissions also supported the provision of a small childcare centre, however, a larger number raised concern regarding the demand for such a facility and the potential for additional traffic impacts of the local road network. Public submissions largely objected to the overall quantum of non-residential floorspace (1,500m²) proposed under the Concept Plan.

A number of public submissions raised concerns regarding the demand for a childcare centre within the site and the potential traffic impacts of such a facility.

Willoughby Council's submission states that childcare centres should not be permissible due to the potential for health impacts from the adjacent TXA transmission tower.

The NSW Department of Planning and Infrastructure requested that the size and location of the non-residential floorspace proposed be shown in plan form with the Preferred Project.

Proponent's Response

As a direct result of consultation with the community, Willoughby City Council and the NSW Department of Planning and Infrastructure, the proponent has made a number of changes to the nature and scale of the non-residential uses proposed for the site under the Concept Plan.

The overall quantum of non-residential floorspace for which the Concept Plan seeks consent has been reduced from 1,500m² to 500m². This is a significant reduction and will ensure that future non-commercial uses are sized only to meet the needs of residents and visitors to the site (i.e. a small convenience shop and a café) and will not detract from the existing trade of local shops at Artarmon and Willoughby.

Non-residential floorspace will be located at ground level within Block F and oriented towards the publicly accessible park, as shown in the amended concept plan drawings (under separate cover).

Childcare centres have been removed from the list of land uses for which the Concept Plan seeks consent in response to community concerns regarding

potential traffic impacts. In light of the reduction in the overall dwelling yield and scale of development, it is considered that the childcare needs of future residents will be met by existing childcare providers within the locality.

4.4 Tree Retention

Key Issues Raised

DP&I requested that the potential to retain existing vegetation on the eastern and southern site boundaries be further investigated by a qualified arborist.

Proponent's Response

An Arboricultural Assessment Report has been prepared by Botanics Tree Wise People and is provided at **Appendix D**. This report details the health and condition of the trees, and makes an assessment of their retention value based on their health and size. Based on this assessment, the arborist recommends that only five trees within the site are worthy of retention as part of any future redevelopment of the site (Trees 19, 25, 26, 32 and 96).

Whilst the trees are in good health, these species are currently prone to dropping branches of varying sizes. This already requires ongoing maintenance and proactive tree pruning by the Nine Network to manage risk to pedestrians and vehicles within the site. If these trees were to be retained as part of any future residential redevelopment of the site, it is unlikely that this maintenance regime could be financially sustained by the residential bodies corporate.

From a public risk and liability perspective for the future body corporate, it is also likely that the area beneath the canopies of these trees would be required to be fenced off in order to manage the potential risk to members of the general public (the trees are currently within the secure site), thereby rendering this space unusable. This would be a poor outcome at ground level.

In light of the above, it is considered to be more appropriate that the existing trees be removed and be replaced with new species which are capable of maturing within the site whilst remaining compatible with the residential land use. To mitigate the loss of significant trees, the area of deep soil landscaped open space within the site has been increased. Future Development Applications will be required to demonstrate the inclusion of tree species within the public domain and park that are suitable for public spaces and the local area generally in accordance with the Landscape Concept included within the SJB Report.

The 4m-high Cabbage Palm (Tree 96) located within the south-east corner of the site is able to be transplanted relatively easily and a new Statement of Commitment is provided at **Section 5.0** which requires this tree to be replanted within the site, with details of the exact location to be provided in future Development Application relating to this portion of the site.

4.5 Internal Roadways, Cycle and Pedestrian Access

4.5.1 Site Permeability and Development Address

Key Issues Raised

The Department of Planning and Infrastructure requested that further consideration be given to site permeability and providing all buildings with clear street addresses.

Proponent's Response

As described in **Section 2.2.1**, the amended site layout improves permeability for pedestrians and ensures that all buildings have a clearly discernible street address.

Figure 13 below identifies the site access and circulation arrangements.

In particular, the revised site layout improves permeability within the eastern portion of the site, and provides clearer street addresses to Block B and Block C. This is achieved through the deletion of Block D in the Preferred Project and the introduction of a U-shaped looped road from Scott Street to the corner park.

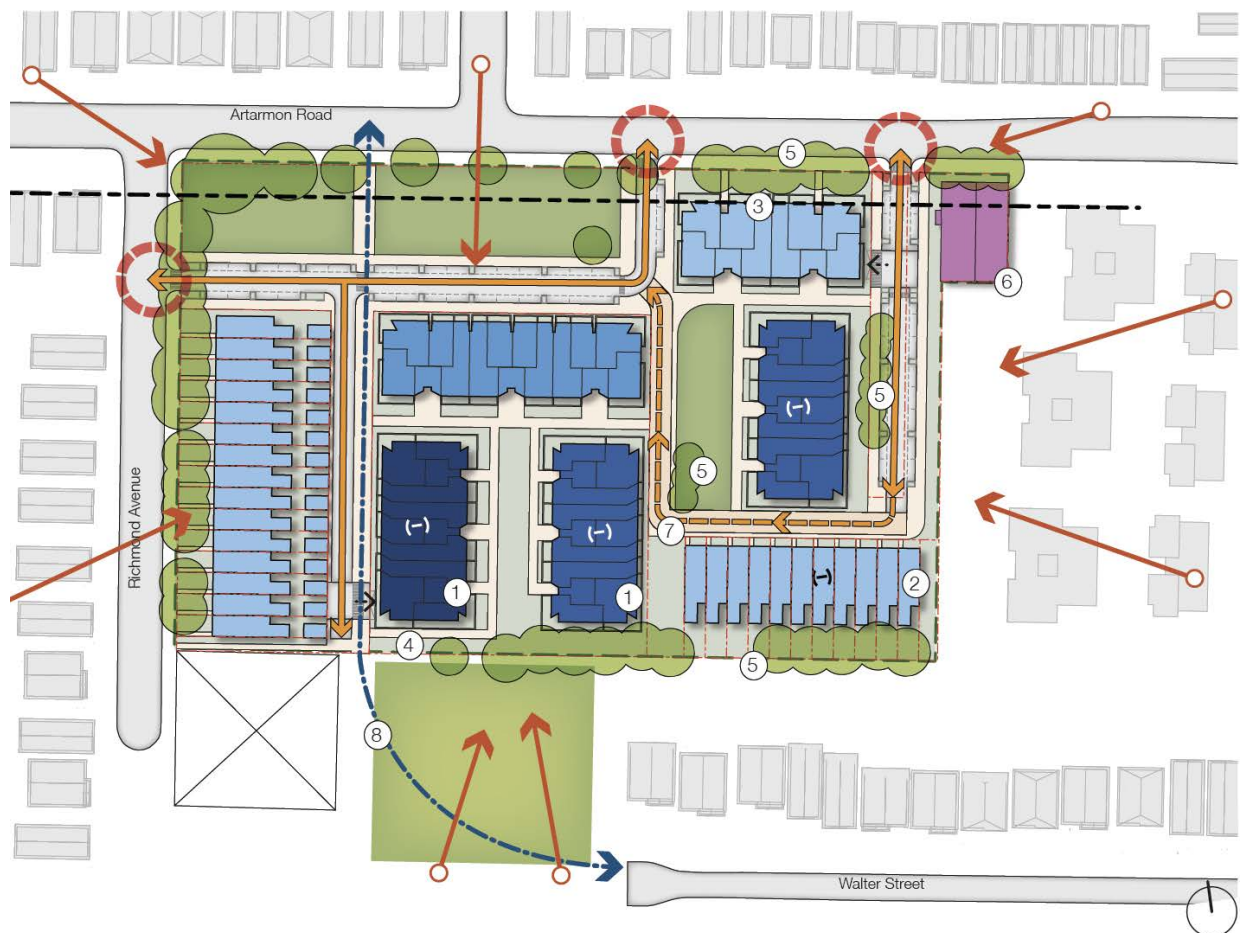


Figure 13 – Preferred Project site access and permeability concept

4.5.2 Pedestrian and Cycle Links

Key Issues Raised

The site provides opportunities for improved pedestrian and cycle links in the area. Opportunities to provide links through the site should be further discussed with Council. Details of any infrastructure and/or works proposed to be delivered on the site and/or the surrounding area, should be provided. This could include the provision of pedestrian and cycleway ramps or level changes to allow for potential connections to Walter Street Reserve. Any proposed connection to Walter Street Reserve should be clearly visible and attractive to users to promote its use.

Willoughby City Council's submissions states that:

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 Walter Street Reserve.

Council's request for additional development contributions in its submission includes a contribution by the proponent of \$1,000,000 for the purchase of the property at 21 Chelmsford Avenue, which is currently owned by the RMS.

Proponent's Response

As identified in **Figure 14** below, there are already a number of available cycle access points to the Gore Hill Freeway cycle path, and the need for a new cycle path running parallel to the existing path along the northern side of the Freeway is not clear. There are a number of existing options for cyclists travelling to/from the Concept Plan site and past it. The linkage proposed by Council does not provide any substantive benefit in terms of a reduction in journey distance and would virtually duplicate the alignment of the existing Gore Hill Freeway cycle route. The path identified in Council's submission which would necessitate the acquisition of Chelmsford Avenue is not identified in the Draft Bike Plan which was exhibited by Council in June/July 2012.

The proponent supports the creation of a pedestrian and cycle linkage from the Nine Network Australia site to Walter Street (subject to topographical restrictions), and has included a Statement of Commitment which will fund the establishment of this connection. The limited benefits of providing an additional new linkage between Chelmsford Avenue and Walter Street, however, are not considered to warrant the substantial cost of the land acquisition and construction required for this secondary link.

Given that 21 Chelmsford Avenue is currently in the ownership of the Roads and Maritime Service, who have previously acquired the property as part of the Gore Hill Freeway road reserve. The RMS is responsible for the provision of regional cycle infrastructure, and has previously constructed and retains ownership of the bicycle path located below the Gore Hill Freeway viaduct in the vicinity of the site. Should the RMS deem the connection proposed by Council to the RMS' existing cycle network to be of regional significance, the RMS has the discretion to demolish the structures at 21 Chelmsford Avenue as suggested by Council and provide this linkage.



Figure 14 – Existing on-road and off-road cycle routes and proposed connection

4.6 Open Space

Key Issues Raised

The issue of open space provision did not feature as a significant issue in public submissions, with very few submissions raising this issue. A number of submissions supported the provision of some form of open space on the Nine Network Australia site, including some submissions which supported the general location and form of the park as proposed in the exhibited Concept Plan Option A and retained in the Preferred Project.

Willoughby Council supports the location, dimensions and layout of the proposed public park, however raised comments relating to the need for an appropriate interface and relationship between the Artarmon Road footpath level, the proposed park and the remainder of the subject site. Council's submission notes that these details can be included within future Development Applications, however requests that the Concept Plan approval establishes the parameters for the park, including the park 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.

Proponent's Response

The proponent notes Council's comments and has included a new Statement of Commitment at **Section 5.0** which generally adopts the parameters suggested by Council.

4.7 Ecologically Sustainable Development

Key Issues Raised

A number of submissions, including Willoughby Council's, recommended that the proposal incorporate on-site energy generation through technologies such as trigeneration or solar photovoltaic (PV) panels. Willoughby Council's submission recommends that the proposal be compelled to achieve a 5 Star Green Star rating under the Green Building Council of Australia's (voluntary) rating tool.

The Department of Planning and Infrastructure requested that the proponent give further consideration to sustainability measures able to be incorporated into the proposal, including measures identified in Council's submission. The Department also noted that the proposal must be assessed against a suitably accredited rating scheme to meet industry best practice in accordance with the Director General Requirements for the Concept Plan.

The Director General's Requirements issued for the Concept Plan require that the:

The EA shall detail how the development will incorporate 'best practice' ESD principles in the design, construction and ongoing operation phases of the development. The buildings shall achieve maximum ESD rating.

The EA must demonstrate that the development has been assessed against a suitably accredited rating scheme to meet industry best practice.

Proponent's Response

Sustainability Benchmarking

The NSW Department of Planning and Infrastructure administers the Building Sustainability Index (BASIX), which is an accredited ESD rating scheme which applies to all new residential dwellings under *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*.

The Department of Planning and Infrastructure's BASIX website states that:

BASIX is one of the strongest sustainable planning measures to be undertaken in Australia.

*An ongoing comprehensive analysis of sustainable technology ensures that BASIX is contemporary **and reflects best practice in sustainable housing (our emphasis)**.*

SJB have assessed the Preferred Project against the high level sustainability principles and targets contained within BASIX (the tool does not facilitate a detailed assessment for conceptual development schemes where detailed design has not yet occurred) and have confirmed that the proposal is readily capable of achieving the sustainability targets required under BASIX. Correspondence to this effect is included within the SJB Urban Design Report.

BASIX is the only mandatory ESD standard which applies to residential development on the site. Whilst future buildings may well be designed and constructed to achieve superior environmental performance to that required under BASIX, including to achieve accreditation under a voluntary ESD standard such as Green Star, it is not appropriate that any determination of the Concept Plan mandates compliance with a voluntary rating scheme or requires a higher standard

than the Department of Planning and Infrastructure's own existing 'best practice' sustainability accreditation scheme.

The Statement of Commitment included at **Section 5.0** that assessment of future development on the site against BASIX therefore satisfies the Director General's Requirements.

Sustainability Measures and Technologies

The Concept Plan Application includes high level design principles which support the achievement of industry best practice in terms of ecologically sustainable design (ESD). Detailed sustainable design treatments would be detailed as part of future Development Applications for the site.

The deferment of any commitments to specific sustainability measures or technologies to DA stage is considered to be particularly appropriate particularly in light of the open-ended nature of Nine Network Australia's decision as to whether to relocate from the site. Given current innovation and rapid maturing of existing sustainable building measures in Australia, any specific technologies or measures locked in at this stage are likely to have become out-dated by the time any physical development occurs on the site. In light of this, it is considered that a better sustainability outcome can be achieved by assessment of the sustainability credentials of future Development Applications against the relevant state and local environmental planning policies and controls in place at the time.

A Statement of Commitment is included at **Section 5.0** which ensures that future development achieves industry 'best practice' by exceeding the sustainability targets required for residential development in accordance with BASIX.

4.8 Additional Information

DP&I requested the provision of additional information to assist in its assessment. **Table 8** identifies where this information is provided within the PPR.

Table 8 – Additional information provided in response to DP&I request

Information Requested	Location in PPR
The Director-General, pursuant to Section 75H(6) of the Act, requires that you provide a response to the issues raised in the submissions.	Section 3.0 and Appendix A
A Preferred Project Report should be prepared identifying how you have addressed these issues (including those raised by the Department), to minimise the environmental impacts of the proposal.	Section 3.0 and 4.0 and Appendix A
A revised Statement of Commitments should also be provided incorporating any amendments to the proposal.	Section 5.0
The location of and size of any proposed community facilities or retail floorspace should be identified on the architectural plans.	SJB Urban Design Report
A detailed shadow analysis illustrating impacts on adjoining development, including floor plan and elevation views, for every hour between 9am and 3pm, at midwinter.	SJB Urban Design Report
All architectural plans and EA reports should be updated, as required to take account of any amendments to the proposed Concept Plan.	SJB Urban Design Report

5.0 Final Statement of Commitments

In accordance with Part 3A of the EP&A Act, the following are the commitments made by the proponent to manage and minimise potential impacts arising from the proposal. These commitments replace the draft commitments within the EAR.

Key changes from the initial draft Statement of Commitments are provided in **bold underline** below. The Statement of Commitments has been simplified to refer to compliance with relevant specialist reports submitted with the Project Application.

Table 9 – Final Statement of Commitments

Subject	Commitments	Approved by Whom	Timing
Approved Development	Future applications for development will be generally in accordance with the Preferred Option A described at Section 3.0 of the Environmental Assessment Report and in the Concept Plan Design Report prepared by SJB Australia.	Relevant consent or approval authority	Ongoing.
Stormwater and Flooding	Future applications for development shall include a detailed Stormwater Management Plan addressing on-site stormwater detention measures, opportunities for rainwater reuse, water quality management measures to be implemented including Water Sensitive Urban Design.	Relevant consent or approval authority	Relevant application for development.
	Future applications for development will be accompanied by a draft Erosion and Sediment Control Plan	Relevant consent or approval authority	Relevant application for development.
Affordable Housing	Completed dwellings with a gross floor space equivalent to at least 4% of the total residential floor space developed within the site will be dedicated to an appropriate community housing organisation Council to be made available for rental below market rate to essential community workers such as teachers, nurses and police officers.	Relevant consent or approval authority	Relevant application for development.
Closure of Scott Street	The proponent shall negotiate the closure and purchase of Scott Street with Willoughby Council.	Relevant consent or approval authority	Prior to Development Application for relevant development stage
Noise Report	Future applications for development will be accompanied by a Noise Report which demonstrates compliance with the relevant standards for internal amenity.	Relevant consent or approval authority	Relevant application for development.

Subject	Commitments	Approved by Whom	Timing
Environmentally Sustainable Development	Future applications for development shall address the environmental performance principles included at Section 3.7 of the Environmental Assessment Report and achieve in excess of BASIX requirements.	Relevant consent or approval authority	Relevant application for development.
Accessibility	Future applications for development will demonstrate compliance with the relevant provisions of the DDA Premises Act, Building Code of Australia 2011 and the applicable Australian Standards for access.	Relevant consent or approval authority	Relevant application for development.
	A minimum of 20% of all dwellings shall be provided as 'adaptable housing' in accordance with the Class B specifications of Australian Standard 4299-1995 Housing.	Relevant consent or approval authority	Relevant application for development.
Archaeology	If Aboriginal objects are identified during the development, works must stop immediately and the Office of Environment and Heritage and an archaeologist be contacted	Relevant consent or approval authority	Ongoing
<u>Sustainability</u>	<u>Future Development Applications for residential development on the site will demonstrate that the project exceeds the minimum BASIX targets.</u>	<u>Relevant consent or approval authority</u>	<u>Relevant application for development.</u>
<u>Development Contributions</u>	<u>Development contributions shall be paid to Willoughby City Council in accordance with the S94 or S94A Development Contributions Plan which applies to the site at the time of lodgement for each future Development Application.</u>	<u>Relevant consent or approval authority.</u>	<u>Relevant application for development.</u>
<u>Willoughby Road/Artarmon Rd Intersection</u>	<u>Prior to the determination of the first Development Application for residential development on the site, the proponent shall liaise with the NSW Roads and Maritime Service to determine whether the weekday 'No Right Turn' signal for southbound traffic on Willoughby Road should be extended to include Saturdays.</u>	<u>Relevant consent or approval authority</u>	<u>Prior to determination of first residential Development Application.</u>
<u>Contamination</u>	<u>A Site Audit Statement shall be issued by an accredited Site Auditor prior to the issue of a Construction Certificate for any future residential development on the site.</u>	<u>Relevant certifying authority.</u>	<u>Prior to issue of Construction Certificate for residential development.</u>

Subject	Commitments	Approved by Whom	Timing
<u>Park Design</u>	<p><u>The Development Application for the park fronting Artarmon Road and Richmond Avenue will demonstrate:</u></p> <ul style="list-style-type: none"> ▪ <u>minimum park size of 3,250m²;</u> ▪ <u>at-grade access from Artarmon Road;</u> ▪ <u>provision of publicly accessible on-street parking on adjoining internal road; and</u> ▪ <u>protection of street trees along park perimeter or planting of replacement mature trees.</u> 	<u>Relevant consent or approval authority</u>	<u>Application for development of park.</u>
<u>Electromagnetic Radiation</u>	<u>Future Development Applications for Blocks E, F and D shall be accompanied by EMR reports addressing compliance with the ARPANSA general public reference levels.</u>	<u>Relevant consent or approval authority</u>	<u>Relevant application for development.</u>
<u>Tree Retention</u>	<u>The condition of the Cabbage Palm located within the south-western corner of the site will be assessed by a qualified arborist prior to the commencement of works on site. Should the condition of the tree continue to be suitable for retention, the tree would be transplanted to a suitable landscaped location within the site.</u>	<u>Relevant consent or approval authority</u>	<u>Relevant application for development.</u>

6.0 Conclusion

Preferred Project

Following on from feedback received from key stakeholders and the community during the public exhibition of the Environmental Assessment Report as detailed at **Sections 3.0** and **4.0**, the proponent has made a number of changes to the proposed Concept Plan. These revisions to the Concept Plan seek to improve the environmental, social and economic benefits of the proposal and manage potential environmental impacts, and include a reduction in building heights across the site, a reduction to the density and residential floor space, and finalisation of the site layout. In addition to the formal exhibition of the project, the proponent has sought to engage further with several key project stakeholders and the broader community to clarify and further articulate the proposal as detailed at **Section 1.0** in order to progress further design refinement and resolve all relevant outstanding issues.

Environmental, Economic and Social Benefits

As discussed in Section 4.0 above, the key changes to the Concept Plan resulting in the Preferred Project have been progressed in order to minimise and mitigate the environmental, economic and social impacts of the proposal and ensure that the future development of the Nine Network Australia site provides a positive outcome for both the existing and future community of Willoughby.

The Preferred Project provides for a diverse range of housing types in close proximity to employment, services, public transport, open space and recreational facilities and community services. As a large, consolidated land holding located within a residential area in the heart of Sydney's Global Economic Corridor, the Nine Network Australia site presents a significant opportunity to deliver housing close to jobs and public transport while increasing housing diversity and affordability in an established suburb.

The Preferred Project demonstrates how environmental and social impacts have been addressed, including with regard to traffic generation, visual impact, density, social and community impact and urban design. The proponent has consulted with the community in a number of different forums, and has taken on board their comments to develop an improved scheme which balances the strategic objectives for housing with local environmental planning considerations.

In our assessment, the proposed Concept Plan raises no adverse impacts that cannot be effectively managed via the Statement of Commitments or be more appropriately dealt with during the assessment of future detailed applications for development.

Recommendation

Given the justification for the proposal, its fulfilment of strategic objectives and the positive urban renewal outcome for the site, we have no hesitation in recommending the Concept Plan for approval.