



MO/CS  
15709  
22 April 2016

Ms Caroline McNally  
Secretary  
NSW Department of Planning & Environment  
23-33 Bridge Street  
SYDNEY NSW 2000

Attention: Ben Lusher (Director, Key Sites Assessments)

Dear Ben,

**REQUEST FOR SECRETARY'S ENVIRONMENTAL ASSESSMENT REQUIREMENTS - S75W  
MODIFICATION TO MP10\_0198  
CHANNEL 9 SITE, 6-30 ARTARMON ROAD, WILLOUGHBY**

We write on behalf of LEPC9 Pty Ltd to request Secretary's Environmental Assessment Requirements (SEARs) for the preparation of an Environmental Assessment for a S75W Modification Application to the Concept Plan Approval (MP10\_0189) for the Channel 9 Site at 6-30 Artarmon Road, Willoughby.

Under Schedule 6A of the *Environmental Planning and Assessment Act 1979*, the Secretary of the Department may continue to issue environmental assessment requirements for modifications to an approved Part 3A Concept Plan in accordance with S75W(3) of the Act.

This letter provides some background to the Concept Approval, includes a preliminary description of the proposed modifications to the Concept Plan and provides a preliminary description and assessment of the planning and environmental assessment issues that are likely to inform the preparation of SEARs.

## **1.0 BACKGROUND**

### **1.1 Background to Concept Approval MP 10\_0198**

The Channel 9 Site was declared to be a site to which Part 3A of the EP&A Act applies by the Minister for Planning on 19 November 2010. Over the course of late-2012 to early-2014, the Concept Plan application submitted by Nine Network Australia was subject to design development, planning assessment and community and stakeholder consultation. During this process, the original master plan (providing for 600 dwellings and buildings up to 18 storeys in height) was subject to a series of modifications and compromises that resulted in a reduced scheme being recommended for approval by the NSW Department of Planning & Environment (450 dwellings and maximum of 12 storeys).

The Planning Assessment Commission (PAC) made further substantive cuts to the scheme's dwelling yield (to 350 dwellings), GFA and building heights in their determination to approve the Concept Plan. Subsequent mediation between the PAC, Willoughby City Council and Nine Network Australia through the NSW Land and Environment Court, however, resulted in the restoration of 50 dwellings and GFA. The current approved Concept Plan therefore provides for:

*Residential development and small scale non-residential uses incorporating:*

- *building envelopes for five residential flat buildings above basement level parking and two rows of terrace houses incorporating;*
  - *up to 400 dwellings; and*
  - *up to 500m<sup>2</sup> floor space of non-residential uses to support the development;*
- *retention and adaptive reuse of No 6 Artarmon Road for retail/commercial purposes;*
- *new internal roadways and other infrastructure works to support the development;*
- *publicly accessible open space and through site link;*
- *temporary exhibition homes and / or exhibition villages; and*
- *superlot subdivision.*

## **1.2 Sale of Site and New Ownership**

Nine Network Australia entered into an agreement to sell the site to LEPC9 Pty Ltd in August 2015. Under the contract of sale, Nine will occupy the site until 2020 (or earlier at Nine's election) on a sale and lease-back arrangement with LEPC9 until Nine transitions to other premises.

LEPC9 is a partnership between Australian property fund Lotus Property Fund No.8 and Hong Kong-based fund managers Euro Properties, who have delivered multiple residential projects in Australia, North America, Hong Kong, Singapore and China.

## **1.3 Design Competition and Architect Engagement**

LEPC9 commenced an architectural design competition for the Channel 9 Site to extract the best possible urban design solution for the site. The decision to review the Concept followed, review by prominent architect Andrew Andersons who identified a number of shortcomings with the final approved Concept Plan from an urban design, useability and marketing perspective. It was deemed that an improved outcome could be achieved on such a rare and important landholding in proximity to the Sydney CBD and local amenity.

The design competition was convened in late-2015 with five award-winning architectural firms – CHROFI, FJMT, SJB, BVN and Cox Richardson – engaged by LEPC9 to participate in the competition. The design competition was generally conducted in accordance with the NSW Department of Planning & Environment's *Director General's Design Excellence Guidelines*, and sought to achieve the best development outcome for the site on a range of urban design, amenity and development criteria. The design competition was largely run 'in house' as there is no statutory requirement to undertake one in the Willoughby LGA. All competitors were fully briefed on the site's context and the issues and challenges identified during the exhibition and assessment of the original Concept Plan.

The design competition produced a range of high quality potential outcomes for the site, with the CHROFI scheme being selected by a jury of design, planning and property experts as the scheme that delivered the best urban design and development outcome for the site. To introduce a mix of architectural expression and built form, it is envisaged that each of the competing architects will be involved in the delivery of individual buildings within the site following the resolution of CHROFI's master plan.

## **2.0 DESCRIPTION OF PROPOSED MODIFICATION**

The proposed modification to the Concept Approval will involve the substitution of the current approved master plan with the new CHROFI-led master plan and accompanying amendments to the approved plans and conditions under Concept Approval MP 10\_0198. The following sections provide a preliminary overview of the master plan and key development parameters for the purpose of providing SEARs. It is anticipated that the master plan will be developed and refined further through the community and stakeholder consultation phases and as further technical studies are undertaken.



## 2.1 Master Plan

CHROFI have prepared a Preliminary Master Plan document (**Attachment A**) that provides additional details regarding the key design principles and proposed master plan for the site. **Figure 1** illustrates the preliminary master plan, whilst **Table 1** summarises the key changes in development parameters from the approved Concept Plan.



**Figure 1** – Preliminary Master Plan



**Table 1** – Summary of preliminary changes from approved Concept Plan to preliminary CHROFI Master Plan

Indicator	Approved Concept Plan	Preliminary Master Plan	Change
Dwellings	400 dwellings	510 dwellings	+ 110 dwellings
Gross Floor Area	37,136m <sup>2</sup>	44,900m <sup>2</sup>	+7,800m <sup>2</sup> (Subject to further design)
Height in Storeys	Maximum of 8 storeys	Maximum of 12½ storeys	Increase of 4½ storeys
Building Volume	161,671m <sup>3</sup>	156,287m <sup>3</sup>	3.3% decrease
Public Open Space	5,178m <sup>2</sup>	7,055m <sup>2</sup>	+1,877m <sup>2</sup> 36% increase
Communal Open Space	4,160m <sup>2</sup>	7,018m <sup>2</sup>	+2,858m <sup>2</sup> 69% increase
Vehicular access points	3 driveways	2 driveways	1 less to Artarmon Road

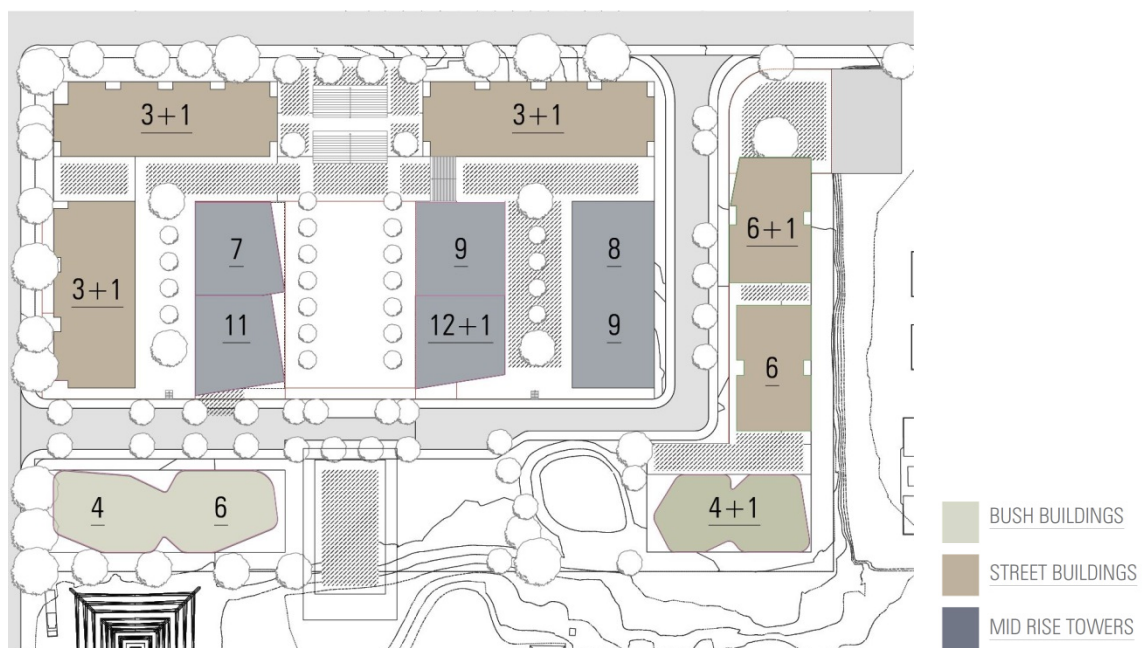
## 2.2 Residential Development

The proposed master plan establishes three typologies of buildings within the site to respond to the differing contexts and conditions within the three hectare site. **Figure 2** below illustrates the distribution of building typologies and maximum building heights proposed.

Whilst the edge buildings to Artarmon Road and Richmond Avenue are proposed to be up to four storeys, a combination of transitional site levels and setbacks to the upper level will result in a street presentation of only two levels along these edges. These buildings would be heavily articulated, and expressed with a high quality material palette that respects the surrounding street environment. **Figure 3** provides an illustrative concept of how these street buildings would present to Artarmon Road.

Taller buildings would be concentrated within the centre of the site, and offset from the main viewing axis through the site in order to minimise perceived visual height of buildings. This positioning reduces the visibility of these buildings from the south, mitigates potential overshadowing impacts and allows for the street-edge buildings and street trees to screen much of the visual building mass.

A fully-developed Master Plan to guide the future development of the site will be developed by CHROFI and submitted with the Section 75W Modification Application, including analysis and justification of the overarching design principles and built form outcome.

**Figure 2** – Preliminary building typologies and maximum heights



**Figure 3** – Illustrative view of the Artarmon Road frontage, looking towards Willoughby Road

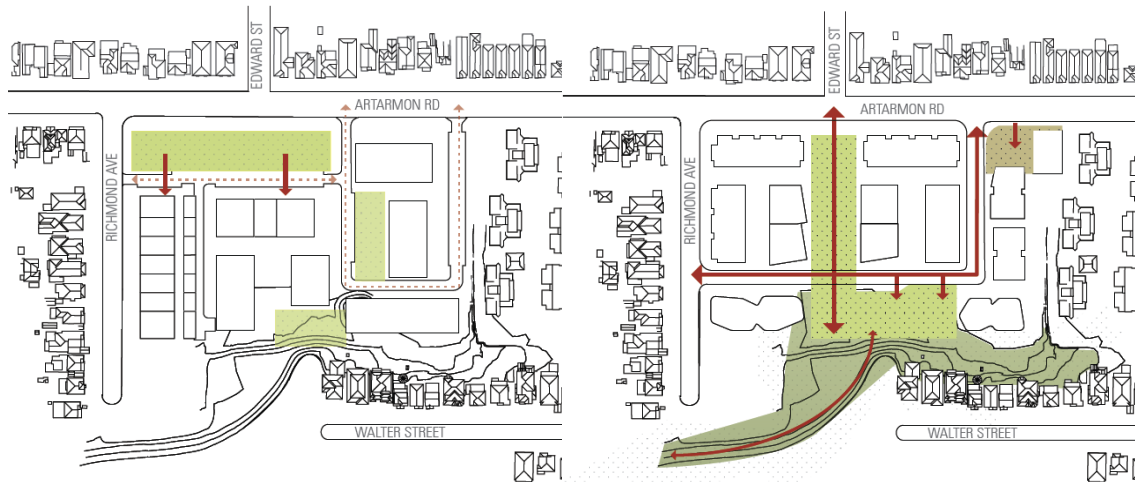
### 2.3 Open Space and Landscaping

A key move within the master plan is the re-orientation of the main public open space area from an east-west axis to a north-south axis aligned with Edward Street. This was a design change that was proposed by each of the five award-winning architects during the design competition process, and offers a number of significant benefits over the approved Concept Plan:

- Completes the strong north-south visual corridor running along Edward Street, minimising the visual impact of new residential buildings on the site;
- Provides a legible street presence to Artarmon Road and Edward Street,
- Creates a larger, wider and safer (particularly for children) central area of open space with higher amenity for all users through a reduction in the direct road interface;
- Improves casual surveillance of open space area;
- Providing a destination at the southern edge of the site (viewing point, connection to public reserve, active children's playground area) that encourages the public to use all of the public open space areas within the site;
- Provides a direct connection from Edward Street through the site to the public reserve and key regional pedestrian and cycling routes within the Gore Hill Freeway reserve;
- Truly encourages the public to interact with the overall site, rather than just the edge, providing better integration of the new community into the existing community; and
- Continues to support parking by public users on Artarmon Road and the internal loop road.

The proposal also seeks to include the regeneration of the Council reserve located between the site, Walter Street and the Gore Hill Freeway. This connection currently provides limited public benefit, and its regeneration by the Proponent as part of the revised master plan will result in an additional area of approximately 6,800m<sup>2</sup> being added to Council's publicly accessible reserves. The proposed dedication of Lot 12 DP 1162507 (to south of TXA transmission tower) would also add a further 700m<sup>2</sup> of land to this reserve.

**Figure 3** below provides a comparison of the approved and proposed public open spaces.



**Figure 4** – Approved (left) and proposed (right) public open space

## 2.4 Traffic and Parking

The CHROFI scheme proposes a simple internal loop road arrangement with a single access point to each of Artarmon Road and Richmond Avenue. The proposed site access points have been the subject of a preliminary review by GTA Consultants, who concluded that the proposed site access arrangements would be satisfactory and provide local safety benefits by providing a reduction in ingress/egress points, simplifying the circulation system and providing for a safe point of egress to Artarmon Road..

The internal loop road would include time-limited parking available for public and visitor use, and would be designed so as to be perceived as a public road. All basement entrance points would be contained within the site and accessed from the internal loop road. Basements would generally be confined within the footprint of small building clusters, ensuring that there is the opportunity to increase deep soil landscape planting on the site.

On-site parking rates are currently set out in the conditions of the Concept Approval. Parking rates were raised as an issue by the community during the assessment of the original Concept Plan, however, with concerns that an insufficient parking provision may impact on parking in surrounding local streets. As part of the s75W Modification, LEPC9 and the appointed traffic consultant will reassess these rates to determine whether they continue to be appropriate for the site to minimise impacts on the local community.

## 2.5 Public Infrastructure

It is the intention of LEPC9 to enter into a Voluntary Planning Agreement with Willoughby City Council in order to ensure that additional local public infrastructure is provided to support the additional development proposed as part of the planned modifications. To this effect, LEPC9 has held preliminary discussions with Council and reviewed Council's previous requests for local infrastructure contributions made during the previous Concept Plan assessment, which was not taken up by the Nine Network. Full details will be resolved with Council during the assessment process, however, it is envisaged that the package would entail:

- Monetary contribution of approx. \$3 million toward the upgrade of the Willoughby Rd – Artarmon Rd – Small Street intersection.
- Additional works for pedestrian and cyclist connections within local street and open space network.

In addition, the following contributions would also be made in accordance with the existing Concept Approval:



- Section 94 development contributions to Council for the enhancement of local open space, community and road infrastructure.
- Dedication of completed affordable housing dwellings to Council equating to 4% of gross floor area. Based on the proposed modifications, this would result in an additional 3-4 dwellings provided for local affordable housing, bring the total contribution to approximately 20 dwellings.

These combined contributions would make a significant positive contribution to the recreational, social and transport infrastructure available to both the local and future communities of the Artarmon/Willoughby area.

### 3.0 PLANNING CONTEXT

#### Section 75W Modifications

Section 75W of the EP&A Act provides a broad mechanism to modify an approval under Part 3A that is commensurate with the major and multi-year nature of projects approved under this assessment framework. It is common for major development sites to be on-sold by an incumbent owner-occupier to a developer following an initial Concept Plan approval. In subsequent ownership, it is not uncommon for the developer to identify opportunities for improvement of the master plan's design, public amenity and commercial outcomes. Select examples of this occurring within the context of Section 75W include:

- **Central Park, Broadway** – The original master plan for the Carlton & United Breweries site was significantly modified following the purchase of the site by Frasers Property Australia, with Foster + Partners preparing an entirely new master plan following a post-approval design competition conducted by Frasers. The Central Park development has received numerous international awards for design excellence and sustainable design.
- **Channel 7 Site, Epping** – Channel 7 obtained a Part 3A Concept Approval for its Epping site prior to its relocation to Australian Technology Park, Redfern. Following the sale of the site by Channel 7, the Concept Plan was subsequently modified to increase the number of apartments from 650 to 800 under a Section 75W Modification Application with an improved design and layout.
- **Former Royal Rehabilitation Centre, Sydney** – The Part 3A Concept Plan approval obtained by the Royal Rehabilitation Centre, Sydney for their Ryde landholdings was substantially modified when the residential component was purchased by Frasers Property Australia. Frasers conducted a short-form design competition that led to Cox Richardson developing a new master plan for the site that is currently in the process of being developed. The development has been well received, and has received a number of industry awards including a commendation in the master-planned development category at the Urban Development Institute of Australia NSW Awards for Excellence.

These projects illustrate the clear positive benefits achieved by planning facilitating the evolution of a master plan over time and after the exit of an institutional owner from the site, and incoming residential developer who is generally better able to anticipate the needs of a master planned community .

#### Strategic Planning Policies and Local Planning Context

Since the approval of the Concept Plan by the PAC in March 2014, there have been a number of significant changes to the NSW strategic planning framework, notable:

- Release of A Plan for Growing Sydney by the NSW Government.
- Release of updated Population, Household and Dwelling Projections (2014) by NSW Department of Planning & Environment.
- Commitment by NSW Government to the Sydney Metro City & Southwest project and forthcoming completion of the Northwest Metro.

Under the previous Draft Inner North Subregional Strategy, Willoughby was projected to require 6,800 additional dwellings between 2006 and 2031, or 272 extra dwellings per annum. Under the NSW Department of Planning & Environment's 2014 population and housing forecasts that informed A Plan for Growing Sydney, 8,650 additional dwellings are projected to be required between 2011 and 2031, or 433 dwellings per annum. This is a 59% increase in the dwelling growth that is expected to be accommodated within the Willoughby LGA. As such, government will need to explore opportunities to accommodate additional dwelling provision where it can be appropriately accommodated – going beyond the opportunities identified in pre-2014 planning strategies such as the Willoughby LEP. Revisiting the Concept Plan for the Channel 9 Site presents one such opportunity, being a large site in single ownership able to be effectively masterplanned for maximum residential amenity and responsive to surrounding context .

The completion of the Northwest Metro in 2019 and the NSW Government's commitment to the Metro City connection will significantly reduce bus congestion on the Gore Hill Freeway approach to the CBD, facilitating improvements to service levels for continuing bus services into the CBD such as those servicing the Channel 9 Site along Willoughby Road. This will contribute to an improvement in the public transport servicing of the Channel 9 site.

There have been no substantive changes to the local planning framework within the immediate locality of the Channel 9 Site since the Concept Approval. The Willoughby Local Environmental Plan 2012 was introduced during the previous assessment phase for the Concept Plan, and has not been subsequently amended to reflect the approved master plan.

#### **4.0 PRELIMINARY ASSESSMENT**

The following sections provide a preliminary, high-level assessment of the key planning assessment issues associated with the proposed modifications to the Concept Plan to assist with scoping of the Secretary's Environmental Assessment Requirements. Detailed assessment supported by technical documentation will be provided with the s75W Modification Application.

##### **4.1 Visual Impact and Height**

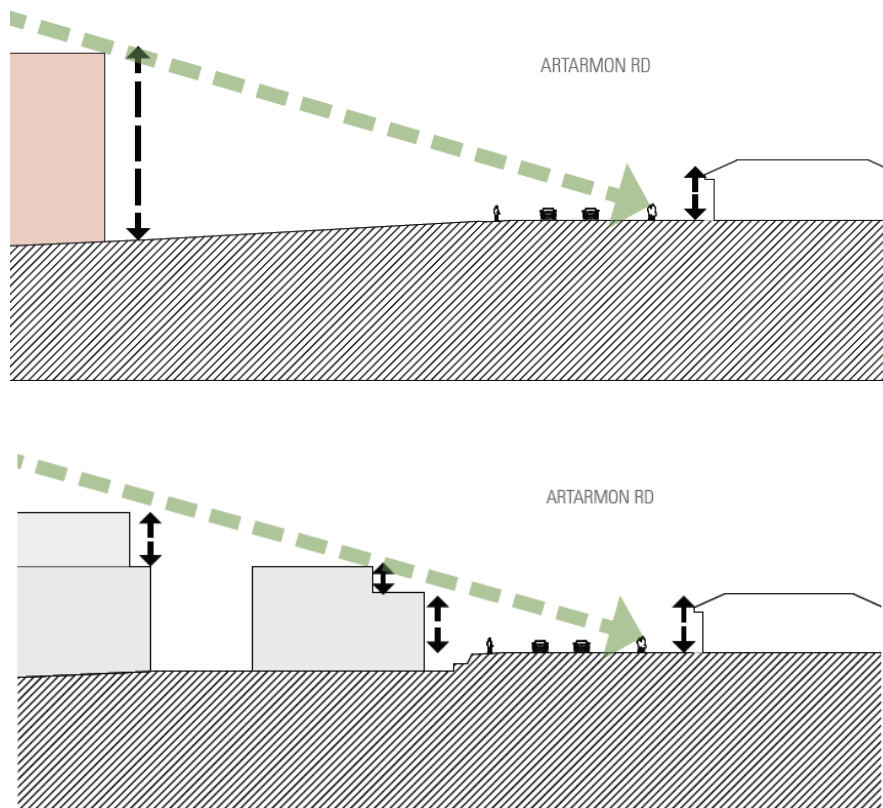
###### **Scale, Interface and Transitions**

The CHROFI master plan carefully considers the site interfaces with surrounding development, particularly to the low density edges at Artarmon Road, Richmond Avenue and Walter Street (albeit the latter is the subject of a medium density zoning allowing future development to approximately four storeys). Key design principles adopted to minimise potential impacts on the surrounding area include:

- Stepping back buildings at upper levels to create a human-scale street edge that reflects existing street conditions;
- Managing internal site levels to reduce the overall street wall height and clearly distinguish between the public and private domains; and
- Increasing the setback of taller buildings from the southern boundary to reduce building mass on this boundary and mitigate against potential overshadowing impacts.

**Figure 5** below illustrates this transition in the context of Artarmon Road with respect to the approved Concept Plan and proposed CHROFI scheme.





**Figure 5** – Transition from existing buildings to approved (top) and proposed (lower) at Artarmon Rd interface

### Density

The proposed master plan would support buildings with an overall Floor Space Ratio (FSR) of approximately 1.5:1. The FSR proposed is consistent with (or less than) the FSRs currently permitted under the Willoughby LEP in locations such as Northbridge and Willoughby that have a similar level of public transport servicing. Furthermore, the large consolidated site provides an opportunity for density to be delivered on the site in a manner that minimises impacts and delivers public benefits. Importantly, CHROFI's preliminary master plan demonstrates that additional density can be supported on the site whilst also delivering major improvements to the urban design outcome and overall public benefit.

It is noted that, notwithstanding the proposed amendments to height and floorspace within the scheme, the careful response to site levels and the smaller building envelopes proposed, the overall volume of building mass above existing ground level will be reduced by approximately 3% under CHROFI's preliminary master plan.

### Visual Impacts

The proposed master plan is considered to present a number of positive improvements to the overall visibility and visual impact of the redevelopment of the site, including:

- Creating a north-south view corridor through the site along the Edward Street alignment, substantially reducing the visibility of the proposed buildings from the north and creating a new view line to St Leonards which opens the site up to the surrounding community;
- Managing building mass along key street frontages to ensure that building scale and architecture is compatible with neighbouring low density residential areas at key site interfaces;
- Increasing the setback of buildings from the southern boundary in comparison to the approved scheme, reducing proximity and visibility from Walter Street and Naremburn;
- Providing slimmer building envelopes to reduce overall visual bulk and comply with the SEPP 65 and the Apartment Design Guide (the introduction of the Apartment Design Guide after the

Concept Approval means that the approved building envelopes would require substantive amendments to achieve compliance); and

- Substantially increasing the opportunity for deep soil landscaping and larger tree species by generally confining basements to proposed building footprints.

Visual impact analysis from key local viewpoints will be prepared and provided with the Section 75W Modification Application, including comparison of the approved and proposed master plans.

#### **Overshadowing**

Overshadowing has been carefully considered by CHROFI in the preparation of the preliminary master plan. The master plan will ensure that all existing dwellings in Walter Street achieve solar access that meets or exceeds the requirements under the Willoughby Development Control Plan and that SEPP 65/ Apartment Design Guide solar access compliance is achieved for residential flat buildings within the Castle Vale development.

The s75W Modification Application will include detailed overshadowing diagrams for 21 March, 21 June, and 21 December comparing the proposed master plan to the currently approved Concept Plan.

#### **4.2 Public Domain and Regional Connectivity**

The CHROFI master plan will increase the quantity of publicly accessible open space within the site by 36%, whilst also substantially increasing the total landscaped area with additional communal open space.

Importantly, the CHROFI master plan not only increases the quantity of public open space provided within the site, but provides a more legible connection of the spaces within the site to ensure that all public space is in fact publicly accessible.

The Channel 9 Site sits at the centre of a broad-reaching local open space network that traces the escarpment and valley between Artarmon and Willoughby Bay. Sitting at the junction of this east-west linkage and a key north-south local street connection (Edward St/Penshurst St), the site presents a significant opportunity to improve the connection of existing communities in Artarmon and Willoughby into this network. The regeneration of the existing public reserve to the south of the site as part of the indicative public benefit offering, as well as the establishment of usable pedestrian and cycling paths through this space, will enhance the broader community's access into this public space network.

McGregor Coxall have been engaged to prepare a Landscape Master Plan to accompany the Section 75W Modification Application that will provide additional details of the quality and nature of publicly accessible spaces and landscaping throughout the Channel 9 Site.

#### **4.3 Traffic, Transport and Parking**

The circulation arrangement proposed under the CHROFI master plan provides a more legible arrangement than the approved scheme and overcomes potential safety issues associated with the previous scheme that placed two vehicular access points to Artarmon Rd within close proximity of each other.

The findings of the Transport and Accessibility Impact Assessment prepared by AECOM (March 2013) for exhibited Concept Plan Application (with approximately 600 dwellings) with respect to weekday traffic impacts were summarised as follows:

*SIDRA analysis of the intersection of Willoughby Road with Small Street and Artarmon Road shows that this intersection will continue to operate at Level of Service B (good with acceptable delays and spare capacity) during both the AM and PM peak periods despite the development of the proposed Concept Plan scheme. The average delay at this intersection will increase from 23 seconds to 26.8 seconds during the AM peak hour and from 19.5 seconds to 23 seconds during the PM peak hour.*

However, during the assessment phase the combined impact of the Willoughby Leisure Centre/ Netball Courts and the proposed development on the weekend performance of this intersection was identified as a potential issue by the community and Council. A contribution toward part of the cost of the upgrade of this intersection was requested by Willoughby City Council in its submission on the original Concept Plan application.

As a central component of the indicative public benefit offer outlined in **Section 2.5**, the Proponent is proposing to make a financial contribution to the upgrade of the Artarmon Rd – Willoughby Rd – Small St intersection consistent with the cost of this intersection upgrade in order to contribute to the improvement of the local traffic network.

#### **4.4 Other assessment issues**

##### **Electromagnetic Radiation**

An assessment of potential human health impacts associated with proximity of proposed apartments to the TXA transmission tower will be included with the Section 75W Modification Application.

##### **Contamination**

A Remedial Action Plan (RAP) was provided with the original Concept Plan application which demonstrates that the site can be made suitable for the proposed residential uses. The RAP is considered to be equally applicable to the approved Concept Plan and the proposed CHROFI master plan.

##### **Stormwater**

An Integrated Water Management Plan was provided with the original Concept Plan application. Condition A7 of the approval requires a Stormwater Concept Plan to be submitted to Council for approval prior to the submission of the first subdivision certificate or application for development. As such it is not considered necessary to revise the Integrated Water Management Plan at this stage.

##### **Noise and Vibration**

A Statement of Commitment is provided in the current approval to ensure that future applications for development will be accompanied by a Noise Report. As the master plan generally increases the setback of residential buildings from the freeway, this commitment is considered to be adequate without need for further studies at this time.

##### **Heritage**

A revised Heritage Impact Statement will be provided with the Section 75W Modification Application.

#### **5.0 PUBLIC AND STAKEHOLDER CONSULTATION**

The preliminary CHROFI master plan draws on the extensive input from local and state government planning agencies, stakeholders and the general public into the original assessment phase for the approved Concept Plan.

It is the intention of the Proponent to undertake public and stakeholder consultation throughout the master planning and planning assessment phases of the S75W Modification Application, as well as on an ongoing basis over the lifetime of the site's development. In the short term, the following activities are planned to occur prior to lodgement of the S75W Modification Application:

- Targeted briefings/meetings with key local stakeholders to discuss the proposal and opportunities for public engagement with the final master plan.
- Conduct a public drop-in session to seek community feedback on the preliminary master plan.
- Establish a project website and communications channel to allow for the distribution of information and collect feedback from the community.



- Letterbox drops to immediate site surrounds and advertisements in local newspapers to make the community aware of the proposed modifications.

Further consultation and information distribution activities will be conducted during the formal public exhibition phase. We understand that the Department is seeking to engage with the community in a more active manner early in the planning process, and would welcome the Department's participation in the planned consultation activities. Ross Hornsey (Director, Communications) from JBA has been engaged by the Proponent and can be contacted on 9956 6962 to discuss opportunities for the coordination of consultation activities.

## 6.0 CONCLUSION

We trust that the above and accompanying information provides sufficient information for the Department to formulate and issue Secretary's Environmental Assessment Requirements for the proposed modification.

Should you have any queries about this matter, please do not hesitate to contact Michael Oliver on 9956 6962 or at [moliver@jbaurban.com.au](mailto:moliver@jbaurban.com.au).

Yours faithfully,



Michael Oliver  
*Senior Planner*



Clare Swan  
*Director*

### **Attachments:**

- **Attachment A** – Preliminary Concept Master Plan Design Report by CHROFI