

Attachment A – Response to Council/Agency Submissions on Channel 9 Concept Plan Modification No.2

Issue Raised	Proponent's Response
Willoughby City Council	
<i>Note: The following sections include only those parts of Council's submission which differ from its submission made in respect of Modification No.1 For a detailed response to the issues raised in the original submission, please refer to Appendix F of the exhibited Modification No.2 application.</i>	
Design Excellence Due to the timing of the public exhibition period, and the period provided of one month, Council has been unable to obtain further advice from Allan Jack and Cottier by 15 December 2017. Council has tested the design excellence of the proposed Concept Plan by having regard to the previous architectural advice from Allan Jack and Cottier. It is considered that the Concept proposed is an improvement in many ways on the approved scheme, however the proposed scheme could be further improved by reducing the density of the development and making other design changes. The following conclusions are submitted: • The outlook from many units would be inferior to what has already been approved as the Modification has, in parts, significantly longer residential flat building forms that face other residential flat building forms. Particular reference is made to Buildings C and D. • Adverse amenity impacts of Building J on the outlook from units in the adjacent Castle Vale and solar access to the properties in Walter Street. These impacts could be addressed by reducing the building bulk and scale. • Units facing Artarmon Road on the lowest level of Building B should be deleted, being inconsistent with the low scale residential context of Artarmon Road. • Inadequate street parking for visitors. This can be addressed by widening the internal street. The overall conclusion is the scheme would benefit from a reduction in the number of units proposed. Council does intend to seek further advice from Allen Jack and Cottier to ensure that it has fully considered Modification 2. It is expected that this additional advice will be forwarded to the Department in January 2018.	Refer to Section 6.0 of the exhibited S75W Planning Report and CHROFI Urban Design Report which set out the urban design justification for the amended master plan, including the proposed density and height. We note that Council has not provided the further external design advice referenced in its submission. With respect to Council's specific issues: • The proposed building envelopes are consistent with the building separation requirements of the ADG (subject to detailed design) and provide a range of high-quality apartment outlooks. A number of high-quality communal and publicly accessible open spaces within the site will provide good amenity and outlook for apartments facing into the site. • Proposed Building J has been designed to minimise potential overshadowing impacts, as set out in Section 4.2 of the Response to Submissions, and complies with the ADG building separation requirements. • The lower-level apartments and ground-floor commercial tenancy shown on the indicative plans for Building B are considered to be appropriate given the sloping nature of the site, significant level difference between the northern and southern sides of Artarmon Road and the proximity of this portion of the site to Willoughby Road and the adjoining high-density Castle Vale development. Refer to Section 4.2.1 of RTS and CHROFI Urban Design Response for further discussion. • No change is proposed to the visitor parking requirements already approved under the Concept Approval. The approved visitor parking rate is as per Council's DCP.
Public Infrastructure Contributions The affordable housing offer at point 3 is presented as 5% of additional gross floor area (above existing Concept Plan Approval), which would therefore involve the additional dwellings sought as part of this Modification Application (95 dwellings). In addition, it should be noted that affordable housing is a requirement of Willoughby Local Environmental Plan 2012 and therefore should not be included in any VPA.	LEP 2012 requires the provision of 4% of GFA as affordable housing, whereas the Modification Application proposes the provision of an increased rate of 5% of total GFA in excess of the existing Concept Plan Approval.

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Transport Concern is raised with the proposed roundabout at the Artarmon Road access point. Arup have previously concluded: <i>"Given the slope of Artarmon Road (approximately 10% gradient the provision of a roundabout to provide controlled entry and exit from the site may not be appropriate. The Austroads Guide to Road Design (Part 48 - Roundabouts) notes that "Generally, it is desirable that the gradient on approaches to roundabouts be limited to 3% to 4% and should not exceed 6%". Treatments may include the installation of wide splitter islands and blisters to reduce vehicle speeds on approach.</i> <i>This will have implications for the roundabout design - requiring a larger footprint compared to a typical roundabout. Therefore further investigation regarding the suitability of roundabout control at this location is required, including a concept plan of the proposed layout."</i> This concern remains unchanged.	The proposed site access arrangements have been assessed and deemed to be satisfactory by McLaren Traffic Engineering. Based on the reference design by McLaren Traffic Engineering provided at Annexure C of the exhibited Traffic and Transport Assessment, the spatial requirements for the roundabout are able to be achieved within the subject site and existing road reserve.
Internal traffic Circulation Concerns are raised with the internal road system. Arup have previously concluded: <i>"The design of the internal road system has been reviewed against relevant standards and guidelines. While the internal road allows for two standard cars to pass one another at any one time, vehicle swept path analysis indicates a 9.8m long garbage vehicle crosses the road centre line when manoeuvring within the site. This is illustrated in Figure 3, and would mean that a standard car could not pass this vehicle type when driving within the site - creating safety issues. The vehicle swept path diagram provided by the applicant does not indicate any on-street parking bays on the internal road within the site.</i> <i>An amended design should be prepared which demonstrates a service vehicle can safely pass an oncoming car, including the presence of vehicles parked on the internal street</i> <i>A further issue with the internal road design noted in this review included that a medium rigid vehicle (8.8m long garbage truck) was adopted as the largest design vehicle. Given some furniture removalist trucks may be larger/longer than this, a 12.5m heavy rigid vehicle is typically adopted as the design vehicle."</i> This concern remains unchanged. The opportunity exists to ensure adequate internal traffic circulation.	This matter has previously been addressed on pages 3 and 4 of the exhibited Traffic and Transport Assessment by McLaren Traffic Engineering. It is noted that this requirement in relation to removalist vehicles is in excess of the requirements of the Willoughby DCP 2006.

On-street parking

Concerns are raised with the loss of on-street parking in Artarmon Road and Richmond Avenue. Car spaces in the public domain have more utility and value than car spaces in the private domain. Parking within the internal road should be utilised to compensate for loss of parking on Artarmon Road and Richmond Avenue. There is concern that the loss of on-street car spaces and their relocation within the redevelopment site will deter their use by the local community, and result in these car spaces being used solely by occupants of the site. Council's preferred position is that the loss of any on-street parking as a direct result from the Modification be kept to a minimum.

If the Modification is to be approved in its current form, then attention would need to be given to the location of the lost on-street car spaces replaced within the redevelopment site and the on-going management to ensure that the issue of their communal use and value are adequately addressed. Consideration of this public domain issue should not be tokenistic but rather meaningful with future outcomes ensured.

The establishment of a resident parking scheme for these spaces is considered necessary to ensure the intended residents are able to use these lost on-street car spaces.

Council also seeks confirmation that replacing on-street parking is in addition to any off-street car parking required and discussed further below.

Off-street parking

The rate at which off-street car parking will be provided is consistent with Willoughby Development Control Plan rates as well as Condition 29 of the concept plan approval for the site. A total of 674 car spaces are required, with 128 of these to be visitor car spaces. The majority of parking is to be provided within the basements of the proposed buildings, with two access points under Building G near the Artarmon Road site entry I exit point and Building D towards Richmond Avenue .

Concern is raised with the location of visitor car parking. Arup have concluded:
"on-street parking was intended to replace that lost on Artarmon Road and Richmond Avenue and therefore may not be available for visitor use."

The Modification does not propose to change Condition 30 of the existing approval, which states:

"30. Visitor parking required by condition 29 shall be provided where possible as kerbside parking at street level. In this regard all streets are to incorporate visitor kerbside parking."

The extent of visitor kerbside parking and how Condition 30 is to be addressed requires clarification with particular regard to location. While the above comments relating to on-street parking are relevant, a reasonable percentage of visitor parking should be easily accessible and not hidden within basement car parking areas.

Only 17 existing on-street spaces would be required to be removed within Artarmon Rd and Richmond Ave as a result of the Modification Application, compared to a total of 66 spaces which would be provided within Scott Street and new internal road network. It is noted that the cessation of Nine Network's operations on the site is expected to result in a significant reduction in existing demand for on-street parking, and the provision of on-site parking in accordance with the DCP requirements for a new residential apartment development will ensure that sufficient on-site parking is provided to meet visitor demand.

The establishment of a resident parking scheme is solely within the purvey and powers of Council. Council is able to implement such a scheme.

The Departments' Assessment Report for the original Concept Approval did not require removed car parking spaces to offset with additional on-street parking within the site, as is evident in Section 5.5.2 of the DP&E report and Condition 30 of the Instrument of Approval. The exclusion of Scott Street from the Concept Plan means that there will be no reduction in parking availability on the eastern side of this street. As a result, the amount of available at-grade parking will increase from 57 to 66 spaces as a result of this Modification Application.

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Traffic Modelling Approach Arup state that based on existing travel patterns of Willoughby residents and workers, the majority of trips will be directed to the Artarmon Road I Willoughby Road intersection. Traffic modelling would have to be reassessed by ARUP to test the capacity of the intersection to cope with the proposed redevelopment. Concern is raised with the proposed Willoughby Road I Artarmon Road intersection upgrade plan which does not show the full extent of any required acquisition land for road widening. A complete intersection plan is required showing all affected land including all traffic related features. Acquisition land should include dimensions and area. This plan is to clearly show what is impacted in any required acquisition land for road widening, including trees along the Willoughby Road I Bicentennial Reserve frontage. This plan should also acknowledge any owners impacted and whether agreement has been obtained. Council considers the responsibility of the upgrade of the Artarmon Road I Willoughby Road intersection as the responsibility of the proponent, due to the increased pressure on this intersection coming as a result of the development. The original approval contained the following condition: <i>"33. Future Development Applications for each stage of development shall include a traffic study which includes figures on the current number of vehicles movements through the Artarmon Road Willoughby Road I Small Street intersection. The traffic study is to be carried out to the RMS's and Council's satisfaction and shall model the impact of the anticipated increase in vehicle traffic for that stage. Where the study reveals that the proposal would result in an unacceptable deterioration of the level of service at the intersection, concept design of the upgrade or modification of the intersection to mitigate those impacts is to be included with the Development Application. If considered appropriate by RMS and council, the works are to be completed by the proponent prior to occupation of any of that stage."</i> Council is concerned with any deterioration in the intersection and places the responsibility for the upgrade on the owner as this is a matter directly linked to the existing approval as well as the modification. Council does not support inclusion of the cost of this upgrade in any Voluntary Planning Agreement, including any acquisition required, utility service adjustments, any associated construction and any new features such as the pedestrian crossing. Council does intend to seek further advice from ARUP to ensure that it has fully considered Modification 2. It is expected that this additional advice will be forwarded to the Department in January 2018.	Council has not provided any further advice from Arup subsequent to its submission. As outlined in the exhibited S75W Planning Report, the Traffic and Transport Assessment by McLaren Traffic Engineering and the Transport Impact Assessment prepared by GTA Consultants, the proposed development is not expected to result in a significant deterioration in the performance of the Willoughby Rd Artarmon Rd intersection that would warrant the full upgrade suggested by Council. During the worst-case peak periods modelled the intersection would perform at LoS B 'Good with acceptable delays' during the Weekday AM Peak and LoS C 'Satisfactory' during the Weekday PM and Weekend Peak periods. We note that RMS is the relevant roads authority for Willoughby Road, and has not raised any objection to this Modification Application. Notwithstanding the above, in the absence of engagement from Willoughby Council in relation to the contents of the proposed Public Benefit Offer which accompanies the Modification Application, and recognising that the existing performance of the Willoughby Rd Artarmon Rd intersection is a matter of concern to the surrounding community, the Public Benefit Offer includes a proposed financial contribution of \$500,000 to Council which can assist in the cost of this upgrade. It is noted that Council has previously undertaken its own reference design for the future upgrade of this intersection in order to support its own proposal to upgrade the Willoughby Leisure Centre, and will be able to utilise this contribution if it is deemed necessary by Council to resolve the existing traffic condition or to support Council's Willoughby Leisure Centre Master Plan. This is considered to represent a significant public benefit, given that the intersection is expected to perform at a 'Satisfactory' or better level of service notwithstanding the proposed Modification Application.

Issue Raised	Proponent's Response
Open Space/ Site Linkages Open Space Council is concerned that the private benefit of an increase in site density and yield is not supported by a proportionally equivalent public benefit regarding access to open space. The existing approval states: <i>"13. The future Development Application for the park is to incorporate an appropriate legal mechanism for creating a right of public access to the open space, with the relevant instruments to be executed prior to occupation of any part of Stage 2. The future Development Application is also to incorporate appropriate measures to ensure the park is managed and maintained to a high standard by the future body corporate."</i> Council continues to support all publicly accessible land on the site being owned by the proponent, with all open space provided by the development being maintained in the future by the development. The Ethos Urban report states that Modification 2 results in the overall publicly accessible open space being increased by 164%. This figure is considered by Council to be misleading and requires further explanation. Figure 15 'Public Open Space Strategy' on P. 27 of the Ethos Planning Report compares the approved and proposed schemes. The approved public open space shown is as follows: • Park on corner of Artarmon Road and Richmond Avenue Total: 3178m² Cow Paddock Park, Heli Pad Reserve and other soft landscaped areas totalling 6178m² have not been included as public open space. These have been considered as communal open space. This space, combined with the Artarmon Road I Richmond Avenue Park totals 9356m². This figure involves all large open space areas on the redevelopment site. Under Modification 2, a public open space is identified of 8396m² which involves all large open space areas. In effect, Modification 2 results in a reduction of large open spaces on the site. Under the approved Concept Plan, the site was still to allow public access over the site to the large public spaces and rear of the site. There was no approval in the Concept Plan to erect fencing and deny public access to these spaces. Council seeks to discourage gated communities as development that in effect is turning its back on the surrounding community. The proponent is seeking to magnify the public benefit when in reality such a benefit already exists under the Concept Approval.	The increase in public open space under the amended CHROFI master plan (134% increase taking a conservative approach as outlined in Section 4.3.1 of the RTS) is significantly greater than the proportionate increase in apartments (23.75%) sought under the Modification Application. In addition to the quantitative increase in public open space, the newly proposed public spaces represent a significantly improved design outcome which provide a safer and more useable space which connects into the existing grid of open spaces within the locality. This represents a significant benefit to the local community. For clarity, it is noted that Condition 13 specifically refers only to the open space located on the corner of Artarmon Road and Richmond Avenue under the existing Concept Plan Approval. It does not relate to the areas identified as Cow Paddock Park or Heli Pad Park under the existing Concept Approval. The full text of Condition 13 is reproduced below: <i>"13. A minimum of 3,178m² of publicly accessible open space at the corner of Artarmon Road and Richmond Avenue shown as the Nine Network Reserve on plan no. A-0212 Revision 5 Staging Plan shall be provided prior to occupation of any part of Stage 2. The future Development Application for the park is to incorporate an appropriate legal mechanism for creating a right of public access to the open space, with the relevant instrument/s to be executed prior to occupation of any part of Stage 2. The future Development Application is also to incorporate appropriate measures to ensure the park is managed and maintained to a high standard by the future body corporate."</i> None of the other 'large open space areas' which Council has identified are required to be made public under the terms of the existing Concept Plan Approval – as set out in Conditions 14 and 15 in relation to the communal areas designated as Cow Paddock and Heli Pad Parks. It is noted that Council's 6,178m² figure exceeds the combined area of these spaces in any case, and includes smaller landscaped areas which could not be considered to be 'large open space areas'. In its Assessment Report of the original Concept Plan Application, the Department on Page 43 of its report stated that: <i>"The Department considers the proposed primary park on the corner of the corner of Artarmon Road and Richmond Avenue provides sufficient public benefit to the community and that it is not necessary for a secondary area of open space to be made publicly accessible. The location of that secondary space [Cow Paddock Park] within the central part of the site better lends itself to use as a communal open space for the exclusive enjoyment of future residents on the site and specific requirements for public easements have therefore not been recommended in relation to this space"</i> (our emphasis added).

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	This approach was supported by the Planning Assessment Commission in its Determination Report dated 5 March 2014. Ultimately, the specific wording of Conditions 13, 14 and 15 of the Concept Plan Instrument of Approval making clear that only the corner park was required to be made publicly accessible. Council's approach to the open space calculations is therefore inconsistent with the Concept Plan Approval. It is entirely correct to state that the proposed Village Lawn, with an area of 5,129m² <u>plus</u> footpaths/hard landscaping, is a significant increase in public open space in comparison to the requirements of the existing Concept Approval which only require the 3,178m² corner park to be publicly accessible. The above calculations are conservative as they exclude the Tree 32 courtyard space from the calculation of public open space, notwithstanding the fact that this space is intended to be publicly accessible and that detailed design at the DA stage will include pedestrian routes, wayfinding signage and other measures to clearly indicate that this is the case. Council's implication that the provision of separate communal open space within the site would result in the development 'turning its back on the community' is not supported by the clear improvements to public access to the site under the amended CHROFI master plan, which includes a legible, connected and central public open space which is integrated with public access to key pedestrian desire lines, includes connections to the Walter Street Reserve and accessible from a legible and publicly accessible internal street network. It is noted that the external design reviews conducted by Architectus, AJ+C and the NSW Government Architect's Office all generally support the revised open space layout over the existing approved scheme.
Tree Management	
The Ethos Urban report notes that Tree T32 is to be retained. An Arboricultural Impact Statement has been provided with the Modification. The Report indicates that in addition to trees to be removed under the previous scheme, 4 additional trees are to be removed to accommodate the development. The trees are identified in the report as Trees 25,26, 32 and 96. T25 & T26 were rated as High Significance with Moderate Retention Value and T32 and T96 rated as High Significance and High Retention Value. The Ethos Urban report conflicts with the Arboricultural report regarding T32. T32, a Sydney Blue Gum (<i>Eucalyptus saligna</i>), was retained in the approved scheme in an open space area indicated on the approved plans as Tree 32 Park.	Both the S75W Planning Statement and the Arboricultural Impact Statement includes numerous references and to Tree 32 being retained. One erroneous reference to its removal, located in Appendix E (p.41) of the exhibited Arboricultural Impact Statement, has been corrected and an updated Arboricultural Impact Statement reflecting this correction is included at Attachment G to the RTS.

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Appendix E of the Arboricultural Impact Statement shows trees to be retained to be located around the boundary of the site, with all trees within the site to be removed, including T32. Concern is raised with the removal of all existing mature trees within the main part of this large site. While it is noted that approximately 100 replacement trees of varying heights at maturity are proposed to be planted following construction, it will take some years before the new plantings reach anything close to maturity. The Council sees value in the retention of the existing T32 tree, being a Sydney Blue Gum (<i>Eucalyptus saligna</i>), retained in the previous scheme and protected within an open space area indicated on the approved plans as Tree 32 Park. If the intention is to retain this tree, as stated in the Ethos Urban report, then the Arboricultural Impact Statement should be updated.	
Consultation with Council and the community	
Prior to the exhibition of the proposed Modification, Council and the community were informed of the proposed Modification by the proponent. However there has not been input by Council into the preparation of the new Concept or amendments made by the proponent as a result. While the Modification may result in a better outcome with regard to certain design features, it does not satisfactorily address continuing concerns over number of dwellings, floor space ratio and height on the site. In addition further concerns have been raised in the Concept Plan Review carried out by Allen Jack and Cottier at Council's request. It would appear that the Modification and accompanying Concept Plan is being driven by a desire to increase the dwelling yield rather than working within already established development parameters to achieve a well-mannered solution acceptable to all stakeholders.	The Proponent has considered feedback received from Council and the community in its preparation of the proposed Concept Plan modifications. This includes clear changes to the CHROFI master plan between Modifications No.1 and No.2 to respond to the recommendations of Council's urban design advisor, AJ+C. The amended masterplan has been developed using a performance-based approach to the key planning assessment issues identified during the original assessment, rather than a simplistic numerical approach. The exhibited Planning Report demonstrates how the amended master plan delivers a superior approach with regard to key issues including built form interface and transitions, reduced overshadowing, improved vehicle access and circulation, increased public open space and additional public infrastructure contributions.
TfNSW and RMS	
Roads and Maritime raises no objection to the above modifications subject to the following comments being considered by the Department prior to its determination of the proposal and the inclusion of appropriate conditions:	We note that RMS, being the relevant roads authority for Willoughby Road, does not object to the proposed modification.
1. Any future development of a child care centre to the site would be subject to a traffic impact study and subsequent modelling with necessary upgrade (if any) to Willoughby Road & Artarmon Road intersection.	Noted, all future development on the site in accordance with the Concept Plan will be subject to further traffic assessment.
2. Roads and Maritime accepts the offer of \$500,000 as a voluntary contribution, due to the impact of the above development in the road network. Roads and Maritime will use this fund to improve regional road infrastructure rather than a specific intersection (Willoughby Road & Artarmon Road intersection). A Voluntary Planning Agreement (VPA) should be prepared and executed to the satisfaction and at no cost to Roads and Maritime, for the above contribution, prior to issue of any Construction Certificate for the site.	The Public Benefit Offer which accompanied the exhibited S75W Modification Application proposed to make this contribution to Willoughby City Council as the relevant local roads authority. The Proponent does not object to Council and RMS negotiating between themselves as to how these funds are allocated, however, note that the primary intention of the offer is to provide a public benefit for the local community and the outcomes of this funding should reflect this. We note that RMS, as the relevant roads authority for Willoughby Road, does not believe that an upgrade to the Willoughby Road/ Artarmon Road intersection is necessitated by the proposed modification.

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Government Architect's Office	
The other changes to the masterplan are consistent with MOD 1 and in the case of the larger publicly accessible garden square and introduction of childcare uses, represent an improvement. The changes are supported, subject to addressing the concerns raised in our review of MOD 1 – attached to this email.	Noted. Refer to Appendix F of the exhibited S75W Modification Application for a full response to the previous Government Architect Office's submission and how their recommendations have been incorporated/addressed.
It is not clear what impact on GFA the MOD 2 changes make. Generally, however, we understand the proposed GFA to remain significantly over the quantity that has been approved. Our comments on this matter remain as per our comments in regard to MOD 1.	The changes to the exhibited building envelopes reflected in the RTS are GFA-neutral from the exhibited S75W Modification Application. Refer to Appendix F of the exhibited S75W Modification Application for a full response to the previous Government Architect Office's submission.
The GA supports the masterplan competition process the Proponent chose to undertake and would recommend retention of the masterplan competition winning architects as the lead masterplan architects for the project. A proposed approach to the delivery of design excellence and diversity for subsequent stages should be requested as part of any MOD Approval, to be developed in consultation with GANSW. This is consistent with recent SEARs requirements on other sites.	It is the intention of the Proponent that CHROFI will be retained and oversee the delivery of the masterplan as part of future Development Applications for the site. Conditions 1 and 2 of Schedule 3 of the Concept Approval already require design excellence in the detailed building design to be demonstrated as part of future Development Applications, and it is not proposed to alter these conditions.
Sydney Water	
We have reviewed the amended development application and have no further comments to make to our previous correspondence in the attachment.	Noted.
NSW Heritage Council	
The Heritage Council had provided delegated comments on the previous Environmental Assessments in August 2013 and September 2016 stating that due to the distance of identified heritage items in the vicinity of the development and the low probability of the site containing any archaeological remains with historical significance or research potential, the proposed development was likely to have negligible heritage impacts. The updated Environmental Assessment (EA) is on exhibition for public comment from 16 November 2017 to 15 December 2017. The updated EA includes a Supplementary Heritage Impact Statement (HIS) prepared by GML Heritage. The Supplementary HIS notes that the amendments outlined in the modified concept plan have minor additional impact on the visual setting and identified streetscape significance of the south-eastern portion of the Artarmon Conservation Area (listed within Willoughby Local Environmental Plan 2012). However, the heritage impacts of the proposed s.75W modification are substantially the same as those assessed in 2012 and is likely to have negligible impact on historical items located in the vicinity of the site. Therefore, no objection is raised to the proposed s.75W modification application.	Noted.