

The proposed modifications to the Concept Plan detailed above require amendments to the Instrument of Approval. Words proposed to be deleted are shown in ~~bold strike through~~ and words to be inserted are shown in **bold italics**.

## SCHEDULE 1

### PART A: PARTICULARS

**Application No.:** MP10\_1098

**Proponent:** ~~LEPC9 Pty Ltd~~ ***Mirvac Residential (NSW) Development Pty Ltd***

**Approval Authority:** Minister for Planning and Infrastructure

**Land:** Channel Nine Site, 6-30 Artarmon Road, Willoughby ***and TX Australia Site, 15 Richmond Avenue, Willoughby***, including

- Lot 1, DP820327;
- Lot 1, DP327266;
- Lot 10, DP1162507;
- Lot 13, DP 6839; ***and***
- Lot 12, DP1162507; ***and***
- ***Lot 11 DP1162507***

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

- Building envelopes for ~~nine-ten~~ residential flat buildings above basement level parking incorporating;
  - Up to 460 dwellings;
  - Up to ~~42,557m<sup>2</sup>~~ ***46,853m<sup>2</sup>*** of new residential gross floor area;
  - Up to 300<sup>2</sup> of floorspace of non-residential uses to support the development.
- retention and adaptive reuse of No 6 Artarmon Road for retail/commercial purposes (within existing GFA of 1,050 m2);
- 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.

**Reason for modification:** These changes reflect the amended CHROFI scheme as described in the Environmental Assessment Report.

### PART B: NOTES RELATING TO THE DETERMINATION OF MP NO. 10\_0198

#### Summary of Modifications

Application	Status
MP10_0198	Approved by PAC on 23 December 2014

Application	Status
MP10_0198 MOD 2	<p>Approved by the IPC on 31 January 2019, for;</p> <ul style="list-style-type: none"> <li>removal of Scott Street from the Concept Plan site</li> <li>increase the number of building envelopes by 2 to 9</li> <li>increase total GFA by 7,449m<sup>2</sup> to 43,907m<sup>2</sup></li> <li>increase maximum number of dwellings by 60 to 460</li> <li>reconfigure the layout of building envelopes, open spaces and the internal road network</li> <li>allow childcare facilities as a permissible use.</li> </ul>
<b>MP10_0198 MOD 4</b>	<p><b>Approved by the IPC on XX, for:</b></p> <ul style="list-style-type: none"> <li><b>Inclusion of the TX Tower Site into the Concept Plan.</b></li> <li><b>Inclusion of the following as a part of the TX Tower Site:</b> <ul style="list-style-type: none"> <li><b>Residential flat building envelope above basement level parking.</b></li> <li><b>Additional GFA of 4,296m<sup>2</sup> across the whole site.</b></li> </ul> </li> </ul>

**Reason for Modification:** These changes reflect the proposed changes to the Concept Plan.

## PART C: DEFINITIONS

**Act** means the Environmental Planning and Assessment Act 1979 (as amended).

**Advisory Notes** means advisory information relating to the approved development but do not form a part of this approval.

**Council** means Willoughby City Council.

**Secretary** means the Secretary of the Department of Planning and Environment or their nominee.

**Environmental Assessment** means the Environmental Assessment prepared by JBA Urban Planning Consultants dated 26 March 2013.

**GFA** means gross floor area.

**Minister** means the Minister for Planning.

**MP No. 10\_0198** means the Major Project described in the Proponent's Preferred Project Report.

**Preferred Project Report (PPR)** means the Preferred Project Report and Response to Submissions prepared JBA Urban Planning Consultants dated 3 October 2013.

**Proponent** means ~~Nine Network Australia Pty Ltd~~ **Mirvac Residential (NSW) Developments Pty Ltd** or any party lawfully acting upon this approval.

**Certifying Authority** has the same meaning as Part 4A of the Act.

**Regulation** means the Environmental Planning and Assessment Regulation 2000 (as amended).

**Subject Site** has the same meaning as the land identified in this Schedule.

**Channel Nine site** means the main site of which the original Concept Plan related to.

***TX site refers to the secondary site to the south of the Channel Nine site, to which this application (MOD 4) seeks to include in the Concept Plan Approval.***

**Reason for this modification:** To ensure that the Proponent is correctly reflected, and to clarify the meaning of the various sites to which this application relates to.

## SCHEDULE 2

### PART A – TERMS OF APPROVAL

#### Development Description

A1. Concept approval is granted to the development as described below:

Use of the site for a residential development with small scale non-residential uses, incorporating:

- building envelopes for ~~nine~~ **ten** residential flat buildings above basement level, incorporating:
  - up to 460 dwellings, of which:
  - up to ~~42,557m<sup>2</sup>~~ **46,853m<sup>2</sup>** floor space of new residential; and
  - up to 300m<sup>2</sup> floor space of non-residential uses to support the development (incorporating neighbourhood shops; food and drink premises, centre based child care facilities, indoor recreation facilities or community facilities, indoor recreation facilities or community facilities).
- Retention and adaptive reuse of No 6 Artarmon Road for retail/commercial purposes (within existing GFA of 1,050m<sup>2</sup>)
- 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 village
- Superlot subdivision.

#### Development in Accordance with the Plans and Documentation

A2. The development shall be undertaken generally in accordance with:

- The Environmental Assessment dated 26 March 2013 prepared by JBA Urban Planning Consultants, except where amended by the Preferred Project Report dated 3 October 2013, including all associated documents and reports, as amended by the Section 75W Modification Application by Ethos Urban dated 27 October 2017, Response to Submissions dated March 2018 ~~and~~, Amended Proposal provided on 29 August 2018 **and the Section 75W Modification Application by Ethos Urban dated 08 April 2020.**
- The Statement of Commitments at Schedule 4; and
- The following drawings:

Drawing No	Name of Plan	Revision	Date
<b>Drawings prepared by CHROFI</b>			
A-S75W-101	Site Plan	<del>6</del> <b>1</b>	<del>29.08.2018</del> <b>02.04.2020</b>
A-S75W-401	Staging Plan	<del>6</del> <b>1</b>	<del>29.08.2018</del> <b>02.04.2020</b>
A-S75W-402	Roof Plan – Building Envelope Plan	<del>6</del> <b>1</b>	<del>29.08.2018</del> <b>02.04.2020</b>
A-S75W-408	Draft Plan of Subdivision	5	13.08.2018

**Reason for modification:** These changes reflect the amended CHROFI scheme as described in the Environmental Assessment Report.

#### **Maximum Gross Floor Area (GFA)**

A5. The maximum GFA for the development shall not exceed ~~43,907m<sup>2</sup>~~ **48,203m<sup>2</sup>** which may include:

- Up to ~~42,557~~ **46,853**m<sup>2</sup> new residential GFA (including affordable housing;
- Up to 300m<sup>2</sup> of non-residential GFA to support the residential use (incorporating neighbourhood shops; food and drink premises, centre based child care facilities, indoor recreation facilities or community facilities);
- 1,050m<sup>2</sup> adaptive retail/commercial reuse of No 6 Artarmon Road.

**Reason for modification:** These changes reflect the amended CHROFI scheme as described in the Environmental Assessment Report.

#### **Lapsing of Approval**

~~A8. Approval of Concept Plan shall lapse 5 years after the determination date shown on this Instrument of Modification of Minister's Approval (MP10\_0198 MOD 2), unless an application is submitted to carry out a project or development for which concept approval has been given.~~

**Reason for modification:** Two development applications were submitted to Willoughby City Council subsequent to MP10\_0198 MOD 2. Further development applications will be submitted to Willoughby City Council subsequent to the determination of the currently approved modification.

### **SCHEDULE 3**

#### **FUTURE ENVIRONMENTAL ASSESSMENT REQUIREMENTS**

##### **Landscaping**

20. Landscape plans are to incorporate high quality landscaping to all boundary setbacks to improve the visual impacts of the development. In particular, landscape plans are to incorporate measures, including tree retention or significant new tree plantings, within the southern setbacks to Buildings H ~~and J~~ **and K** to screen the lower levels of the buildings as viewed from Naremburn to the south.

**Reason for modification:** To ensure that the proposed Building K also incorporates landscape screening.

##### **Electromagnetic radiation**

~~40. Future Development Applications shall include electromagnetic radiation reports and incorporation of appropriate building design measures to demonstrate that residents of all new dwellings will not be exposed to radiation levels (general public reference levels) as recommended by ARPANSA and meet the requirements of Australian Standard RP3 (Electromagnetic Radiation — Human Exposure Standard 2003).~~

**Reason for modification:** The proposed modification will result in the transmission tower being removed. As a result, electromagnetic radiation is not a relevant consideration.

### **SCHEDULE 4**

#### **Proponent's Statement of Commitments**

Subject	Commitments	Approved by Whom	Timing
Affordable Housing	Completed dwellings with a gross floor space equivalent of at least 1,435m <sup>2</sup> plus 5% of any residential gross floor area on the site exceeding 35,886m <sup>2</sup> on the <b>Channel Nine Site</b> be dedicated to Council at no cost, to be made available for rental below market rate to essential community workers such as teachers, nurses and police officers in accordance with the Willoughby Local Environmental Plan 2012.	Relevant consent or approval authority	Relevant application for development.
<b>Electromagnetic Radiation</b>	<del>Future Development Applications for Blocks C, D, E, F, G and H shall be accompanied by the EMR reports addressing compliance with the ARPANSA general public reference levels.</del>	<del>Relevant consent or approval authority.</del>	<del>Relevant application for development.</del>
<b>Transmission Tower</b>	<i>A future Development Application will be submitted for the removal of the Transmission Tower on the TX Site.</i>	<i>Relevant consent or approval authority.</i>	<i>Prior to commencement of works.</i>