

2 June 2020

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Attachment A – Response to Submissions

Extracts from Government agency and authority submissions, and submissions from the general public received in relation to MP10_0198 MOD 4, and proponents response to each of these matters, has been provided in the sections below.

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1.0 State and Local Government Agencies

The following tables include a response to the full text of submissions provided by or on behalf of State and local Government agencies. For completeness, the full text of each submission is provided in the left-hand column, accompanied by the proponent's corresponding response in the right-hand column. The proponent's responses have been informed by input by the expert consultant team, and should be read in conjunction with the publicly exhibited Environmental Impact Statement and accompanying technical reports.

1.1 NSW Department of Planning, Industry & Environment

No.	Extract	Comment
DPIE1	The Department raises concern that the four to five storey Building K envelope is inconsistent with the three storey street frontage heights to Richmond Avenue established by the Concept Approval. Consideration should be given to refinements to the building envelope to ensure the building maintains an appropriate built form relationship with Richmond Avenue. Further justification is required for any elements of the building above three storeys fronting Richmond Avenue.	Please refer to Section 1.1 of Attachment B – Design Response Report prepared by Chrofi Architects.
DPIE2	Demonstrate that the setbacks enable the building to sit in a bush setting with canopy planting. In particular consideration should be given to whether the southern setback is adequate to enable trees between the building and the escarpment.	Please refer to Section 1.2 of Attachment B – Design Response Report prepared by Chrofi Architects.
DPIE3	Provide indicative apartment layout plans to demonstrate the future building is capable of delivering a high level of amenity in line with the ADG in terms of solar access and natural ventilation.	Please refer to Section 1.4 of Attachment B – Design Response Report prepared by Chrofi Architects.
DPIE4	Address the requirements of clause 9 of SEPP 19 – Bushland in Urban Areas noting the site adjoins open space and land reserved for public open space in the road reserve.	Please refer to Attachment C – Footprint Green Comments Relating to SEPP 19 letter prepared by the Arborist.

1.2 Willoughby City Council

No.	Extract	Proponent Response
Submission		
WCC1	<p>Recent Approval History</p> <p>The Concept Plan Approval (MP 10_0198) for the site was issued on the 23 December 2014 in accordance with Part 3A of the Environmental Planning & Assessment Act 1979 (EP & A Act), which has since been repealed.</p> <p>Notwithstanding the repeal of Part 3A, the EP & A Act includes transitional provisions for concept plans and project applications approved under Part 3A to allow for modifications to be made, assessed and determined as though Part 3A had not been repealed. It is noted that Modification 4 has been lodged on this basis.</p> <p>In regards previous modification applications on this site, Modifications 1 and 3 were withdrawn. Modification 2 was granted by the Independent Planning Commission, on behalf of the Minister for Planning, on 31 January 2018. This amended the concept plan as follows:</p> <ul style="list-style-type: none"> Removed Scott Street from the concept plan site. 	No response required.

No.	Extract	Proponent Response
	<ul style="list-style-type: none"> Increased the number of building envelopes by 2 to 9. Increased total GFA by 7,449 m² to 43,907 m² (being up to 42,557 m² floor space of new residential). Increased maximum number of dwellings by 60 to 460. Reconfigured the layout of building envelopes, open spaces and the internal road network. Allowed child care facilities as a permissible use. <p>The Modification 2 approved Concept Plan involved an overall site that included the main Channel 9 site, being Lot 10 DP 1162507 (28,981.3m² and the isolated Lot 12 DP 1162507 (738.7m²). The transmission tower site, being Lot 11 DP 1162507 and in the middle of the aforementioned Lots 10 and 12, was excluded from the approved Concept Plan.</p>	
WCC2	<p>Modification under Part 3A</p> <p>Clause 3BA (5) (c) of the Environmental Planning and Assessment (Savings, Transitional and Other Provisions) Regulation 2017 (the Transitional Regulation) requires the consent authority to be satisfied that the consent as proposed to be modified is substantially the same as the existing consent (incorporating any modifications previously made). In regards the current Modification 4, the comparison is therefore with the Concept Approval as approved under MP10_0198 Modification 2.</p> <p>"The Concept Approval remains fundamentally the same, being for the demolition of existing media and broadcasting structures and the redevelopment of the site for a residential master planned community. No change to the approved land uses is proposed. No change is proposed to the scale or configuration of existing building envelopes approved under the Concept Approval. The Modification Application simply provides for the incorporation of a small parcel of additional land upon which the already approved number of dwellings will continue to be distributed, consistent with the scale of development already approved under the Concept Plan."</p> <p>It should be noted that Council would be concerned with this issue if there were more significant changes proposed, including increasing the maximum number of dwellings and height or modifying overall design significantly (further discussed below).</p>	No response required.
WCC3	<p>Changes to conditions</p> <p>The proposed modification will not amend the majority of the existing provisions currently approved under Modification 2 of the Concept Plan. Therefore, all of the following development parameters will remain unchanged as part of the proposed modification:</p> <ul style="list-style-type: none"> Maximum of 460 dwellings across the expanded site area; Up to 300m² floor space 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 1,050m² 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; and Superlot subdivision. 	No response required.

No.	Extract	Proponent Response
WCC4	<p>Reason for increase in Gross Floor Area (GFA)</p> <p>The proponent has provided the following explanation for the increase in gross floor space while not increasing unit numbers:</p> <p>It "will allow for a more diverse dwelling mix, enabling a greater number of two and three bedroom apartments to cater to the needs of different household types, including first-home buyers, couples without children, families, downsizers and retirees."</p> <p>It should be noted that any increase in the number of dwellings would not be supported, with considerable analysis and community consultation having arrived at the current permitted maximum of 460.</p>	Confirming the Concept Plan Modification 4 retains the existing maximum of 460 dwellings.
WCC5	<p>Amalgamation of transmission tower site with approved Concept Plan site</p> <p>The Modification proposes to link the transmission tower site, being Lot 11 DP 1162507, with the main Channel 9 site, being Lot 10 DP 1162507, and the isolated Lot 12 DP 1162507.</p> <p>This results in a continuous development site from Artarmon Road to the end of Richmond Avenue.</p> <p>Building K is proposed on what is currently the transmission tower site, being Lot 11 DP 1162507, and on Lot 12 DP 1162507 (which under the approved Concept Plan did not have a specified development identified).</p> <p>The amalgamation of the approved Concept Plan site with the transmission tower site is supported.</p>	No response required.
WCC6	<p>Height</p> <p>In regards the height of the three approved buildings facing Richmond Avenue under the Concept Plan:</p> <ul style="list-style-type: none"> • Building A, on the corner of Richmond Avenue and Artarmon Road, has a parapet height of RL 93.3m and a plant height of RL 94.8m. • Building C to the south shows a parapet height of RL 93.3m and plant height of RL 94.8m, stepping down to a parapet of RL 90.2m and a plant height of RL 91.7m. • Building H further to the south shows a parapet height of RL 87.965m and plant height of RL 89.465m on approximately half of the building as it faces Richmond Avenue. • The other half of Building H, further away from Richmond Avenue to the east, has an increased parapet height and plant height of RL 94.065m and RL 95.665m respectively. <p>The following points are noted in regards the design of Building K:</p> <ul style="list-style-type: none"> • The building is stepped in height to follow the topography of the site, being in two parts: • Northern section having a parapet height of RL 87.965m and plant height of RL 89.985m. • Southern section having a parapet height of RL 85.865m and plant height of RL 86.865m. <p>Consistent with the approach to height along Richmond Avenue in the approved Concept Plan, it is considered that Building K should step down with the topography of the site and be lower in height than Building H immediately to the north with both parapet and plant.</p>	Please refer to Section 1.1 of Attachment B – Design Response Report prepared by Chrofi Architects.

No.	Extract	Proponent Response
WCC7	<p>Design</p> <p>The approved design was the result of an informal design competition process conducted by the previous owners. Chrofi Architects won that competition, and continue to be involved.</p> <p>The Urban Design Report prepared by Chrofi notes that the approved Concept Plan features 3 architectural typologies that bring diversity to the overall development:</p> <ul style="list-style-type: none"> • "'Street buildings', responding to the grain and scale of Artarmon Road and Richmond Avenue. • 'Mid-rise towers', grouped around the main public spaces at the Centre of the site. • 'Bush buildings, organic in form and sitting within the broader green grid context.' <p>The rear of the approved Concept Plan (along the southern boundary) involves 'bush buildings', organic in form, sitting within the broader green grid context. In regards planning for Building K, the Urban Design Report concluded that a 'bush building' typology was appropriate.</p> <p>It should be noted that the other buildings in Richmond Ave have a different typology in the Urban Design Report. Therefore the character of building K is to be assessed independently of the qualities and character of Buildings A, C and H, and these buildings not be a determinate of "existing or future character" of the streetscape.</p> <p>The Building K setbacks to Richmond Avenue are provided as follows:</p> <ul style="list-style-type: none"> - Northern section having a 10m setback. - Southern section having a 6m setback. <p>The southern side of Building K is setback 3m to the bushland located on the southern boundary for the section closest to Richmond Avenue, with the rear section having an increased set back of 6m.</p> <p>The 6m setback which characterizes part of this building is considered more sympathetic to the surrounding bushland and 'bush building' character identified by Chrofi, broader green grid context and would be more in keeping with Council's future plans for the embellishment of Walter Street Reserve including with contributions levied under the Concept Approval.</p> <p>The southern boundary of Lot 12 (which while part of the approved Concept Plan site, did not have any identified development previously approved, but is now, with Lot 11 the location of proposed Building K) is located along an escarpment line, below which is located a strip of bushland and then the Gore Hill Freeway. It is considered that the elevated Building K, with a 3m setback, would be highly visible when viewed from the south, and should be appropriately setback from the lower bushland strip as well as the Gore Hill Freeway. A 6m setback would permit greater substantial planting on the ridge to screen Building K from the nearby and lower level Gore Hill Freeway and more satisfactorily integrate Building K into it's bushland and green canopy setting - consistent with the 'bush building' typology discussed above.</p>	<p>Please refer to Section 1.2 of Attachment B – Design Response Report prepared by Chrofi Architects.</p>

No.	Extract	Proponent Response
	It is proposed that an amendment condition require a minimum 6m setback for Building K from the southern boundary.	
WCC8	<p>Design Excellence</p> <p>Notwithstanding the approved Concept Plan, it is noted that Willoughby Council now has a design excellence policy - the Willoughby Design Excellence Policy. It is considered that this policy will be applied to review and consider design proposals post major project stage and as part of the development application process.</p>	<p>It is noted that Council's Design Excellence Policy as adopted applies only to land within the Chatswood CBD boundary and other land identified within the LEP, which does not include the subject site.</p> <p>Notwithstanding this, the proponent notes the existing Design Excellence conditions within the current Concept Plan Approval:</p> <p>Design Excellence</p> <ol style="list-style-type: none"> 1. <i>Future Development Applications shall demonstrate that the development achieves design excellence, incorporating a high level of modulation and articulation to the buildings, in particular to the facades of the residential flat buildings, and the incorporation of a variety of high quality materials and finishes.</i> 2. <i>Future Development Applications shall demonstrate variety in the presentation between each of the residential flat buildings, including incorporation of a different palette of materials and finishes for each building.</i> <p>The proponent is committed to the above conditions of which is intended to also apply to the proposed Building K. No change to the Concept Plan Approval conditions is proposed in this regard.</p>
WCC9	<p>Vehicle Access and car parking</p> <p>Vehicle access to the site remains unchanged from the approved Concept Plan, with the proposed Building K to be accessed via the existing vehicle entry point from the internal site road through an internal basement connection.</p> <p>No change is proposed to the car parking rates set out in Condition 29 of the approved Concept Plan. All residential parking will be located in the basement of buildings on site and will only be accessed from the internal site road (with no additional driveways to Artarmon Road or Richmond Avenue). Future servicing is also to be via the basement.</p> <p>The existing vehicle access point from Richmond Avenue to the tower site is to be removed.</p> <p>The Modification has been referred to Council's Traffic Section, who have made the following comments:</p> <ul style="list-style-type: none"> • The plans provided with the modification show a roundabout at the intersection of Artarmon Road/ Scott Street, instead of Artarmon Road/ Richmond Avenue as approved. Schedule 3, Condition 11 of the approved Concept Plan requires the roundabout to be at the Artarmon Road/ Richmond Avenue intersection, unless otherwise agreed by Council. • The internal road servicing the site, including the modification, should be consistent with Australian Standards and Council's specifications. • As the internal road is a publicly accessible road, the on-street parking restrictions should align with Council's parking strategy. 	<p>No response required.</p> <p>No response required.</p> <p>No response required.</p> <p>The proponent acknowledges the condition will continue to have effect. Roundabout to be located at Artarmon Road/Richmond Avenue intersection in the detailed Development Application for the main Channel Nine site.</p> <p>No response required. No amendment is proposed to the internal road network as part of this Modification Application.</p> <p>No response required. No amendment is proposed to the internal road network as part of this Modification Application.</p>

No.	Extract	Proponent Response
	<ul style="list-style-type: none"> According to the Traffic and Transport Assessment prepared by Ason Group, the traffic distribution will remain generally the same as the original proposal, and the Level of Service (LoS) on the two intersections (Artarmon Road / Richmond Avenue and Artarmon Road/ Scott Street) will be acceptable. All new traffic and pedestrian infrastructure, including the internal road, should have lighting compliance with Australian Standards (e.g. new roundabout and pedestrian crossing points and on-street parking areas). The number of car parking spaces (including visitor spaces) required is the same as that previously approved. Requirements for bicycle parking are to address DCP rates but can also exceed these. 	<p>No response required.</p> <p>No response required. No amendment is proposed to the internal road network as part of this Modification Application.</p> <p>No response required.</p> <p>No response required.</p>
WCC10	<p>Removal of transmission tower</p> <p>In regards the removal of the transmission tower, the proponent has stated:</p> <p><i>"The redundant transmission tower is highly visible throughout the surrounding residential neighbourhoods. Replacement of the transmission tower with a low/medium-scale residential building will significantly improve the character of the neighbourhood, and vistas from a broader Sydney context."</i></p> <p>The removal of the tower will also remove the issue of future ongoing servicing/maintenance.</p> <p>The removal has been considered with regard to its urban design significance. Council's Urban Design Section has concluded that while the transmission tower structure reflects an element of the sites history in supporting wireless broadcast in Sydney and Australia, proposed demolition and removal is supported.</p> <p>In terms of recognizing the past on the site, Council's Urban Design Section has concluded: <i>"Elements of the structure should be purposefully and artistically re-used within the subject site as an element of art or as a Public Art contribution"</i>. An amendment condition has been proposed to this effect in Attachment 2.</p> <p>The removal has also been considered with regard to its heritage significance. See discussion below.</p>	<p>The current Concept Plan Approval is considered to have already addressed this item with the following condition:</p> <p><i>21. The landscape plans shall include details of a commemorative feature/s to be sited within the open space area which acknowledges Channel Nine's contribution to the locality and to telecommunications in general.</i></p> <p>The proponent is committed to the above condition as a means of satisfying the councils comment as a way to recognise the sites past. No amendment to this condition is proposed. This is proposed to be addressed at the Development Application stage.</p> <p>Notwithstanding the above, reintroduction of transmission tower materials may not be appropriate due to the potential structural and environmental condition of tower elements.</p>
WCC11	<p>Heritage</p> <p>The original Concept Plan site and the TX Tower are not heritage listed or located within any heritage conservation area. The site is located in the broader vicinity of the locally listed Artarmon Heritage Conservation Area listed in Schedule 5 of Willoughby Local Environmental Plan 2012 (WLEP 2012).</p>	<p>No response required.</p>

No.	Extract	Proponent Response
	<p>A Heritage Assessment has been prepared by Urbis, and this contains an assessment of heritage significance in accordance with the seven criteria developed by the Heritage Council of NSW. The Heritage Assessment finds that:</p> <ul style="list-style-type: none"> • <i>"The current transmission tower is the second television transmission tower constructed on the subject site. While Channel 9 was the first broadcaster to broadcast across Australia on 16 September 1956, this broadcast was undertaken from a different site in Surry Hills. The first transmission tower on the subject site was constructed in 1956 and was eventually replaced by the current transmission tower which was constructed in the 1960s (by 1964). The first transmission tower was demolished in 1972.</i> • <i>While the transmission tower has associations with the Channel 9 broadcasting history of the site and the adjoining studio site, it was not the first ...</i> • <i>The subject tower does not demonstrate aesthetic significance. The design and construction of the tower is typical of its type as a functional piece of infrastructure. The overall design intention of the structure is not to demonstrate a particular style or architectural quality. While associated with an advancement in technology, there are other earlier and more important examples of the type in the immediate area. While the tower itself is visible in distant views, this does not necessarily equate to significance.</i> • <i>Transmission towers are common and are located throughout the immediate North Shore area, as well as the broader Sydney region. These pieces of infrastructure are required for television broadcasting and are not rare. The subject tower is of typical design and construction for the typology and has no distinguishing features which make it rare from the other examples identified in the immediate area or in Sydney."</i> <p>The conclusion is that the transmission tower does not meet the threshold for heritage listing and does not need to be retained on heritage grounds.</p> <p>The above conclusion is not questioned by Council's Heritage Section, who conclude:</p> <p>"The subject tower for removal is not an item of heritage significance. Although the tower has been a local landmark for a long period of time, the removal of it will not have any impact on the significance of the area. As the tower has been in existence for a long period of time, it is considered appropriate that a photographic survey be carried out of the site and lodged with Council for its archival records. "</p> <p>A condition is therefore proposed to require a heritage photographic survey of the site and transmission tower structure be carried out prior to issue of the Construction certificate. The issue of preserving the Channel 9 legacy on the overall site is further considered below.</p>	<p>The proponent can agree to this condition, however recommends that it be addressed in the assessment of a future detailed Development Application for the removal of the transmission tower as a condition of consent.</p>
WCC12	<p>Preservation of Channel 9 legacy on the overall site</p> <p>The importance of the Channel 9 occupation of the site and contribution to Willoughby and beyond is recognized.</p> <p>Existing Condition 21 of the Approved Concept Plan states:</p>	<p>Refer to proponent response above – reference WCC10.</p>

No.	Extract	Proponent Response
	<p><i>"21. The landscape plans shall include details of a commemorative feature is to be sited within the open space area which acknowledges Channel Nine's contribution to the locality and to telecommunications in general."</i></p> <p>This condition, requiring commemoration of Channel Nine's contribution to the locality, is unchanged by Modification 4 and will continue to have effect being considered as part of future Development Applications.</p> <p>Consistent with the above condition, the subject modification provides the opportunity for further conditions to address adaptive reuse and public art as follows:</p> <p>"The adaptive reuse of elements of the transmission tower should be retained for use in the future development of the subject site. This reuse shall include the input of an artist in accordance with the Willoughby Public Art Policy. Details to be provided to the satisfaction of Council Prior to the issue of the Construction Certificate.</p> <p>(Reason: History of site)"</p> <p>"Public art involving the adaptive reuse of elements of the transmission tower is to be installed and finalised Prior to occupation of the development."</p> <p>(Reason: (Reason: History of site, Ensure Compliance))"</p>	
WCC13	<p>Environmental Health and Contamination</p> <p>Concern is raised in regards potential contamination of the broadcasting site. A Preliminary Site Investigation (PSI) Report has been submitted by JBS and G Australia. This report has concluded:</p> <ul style="list-style-type: none"> • <i>"The site comprised a cleared parcel of land assumed to be used for dairy farming purposes until it's redevelopment in the 1950s, to accommodate the telecommunications tower, with associated services/infrastructure added in 2014- 2015 to the current TX Tower configuration.</i> • <i>The investigation identified the potential for soil and groundwater impacts to be present at the site, however, the investigation did not identify the potential for gross or widespread contamination which may preclude redevelopment of the site in accordance with the proposed Concept Plan modification and associated residential use. Identified potential soil and groundwater impacts are considered representative of common contaminants and potentially contaminating land use activities which can be readily dealt with during the Development Application (DA) stage (i.e. including completion of detailed site investigations consistent with relevant Council Development Control Plans (DCPs) and SEPP 55 requirements) for redevelopment and assessment for site suitability.</i> • <i>Based on the PSI, the site is considered to be capable of being suitable for the proposed land use."</i> <p>It is recommended that prior to the commencement of removal of the transmission tower, a Detailed Site Investigation (OSI) is to be undertaken in accordance with State Environmental Planning Policy 55 – Remediation of Land (SEPP 55), with any findings acted on as required. A condition has been recommended to address this concern in Attachment 2 – Conditions.</p>	<p>In accordance with the requirements of SEPP 55, a Detailed Site Investigation will be undertaken and submitted to Willoughby City Council with the relevant Development Application. No change is required to the existing Concept Plan conditions.</p>

No.	Extract	Proponent Response
	<p>Concern is also raised in regards environmental health and contamination issues associated with the removal of the transmission tower. No objections are raised, however Council seeks that appropriate care is taken regarding the removal of the tower and investigation of the site prior to a residential use. Particular regard is made to the potential of lead paint on the tower, the possible deterioration of this paint and the safe removal of the tower without any adverse safety impacts on neighbouring properties or the locality.</p> <p>No objection is raised to the deletion of Condition 40 from the Concept Plan Approval regarding electromagnetic radiation issues related to the transmission tower, as it is now proposed to be removed.</p>	<p>A Development Application will be submitted to Willoughby City Council for removal of the transmission tower, which will be accompanied by sufficient information to allow for an assessment and imposition of suitable conditions to address these matters.</p>
WCC13	<p>Public access</p> <p>Council seeks to maximise public access across the entire site via linkages to the larger areas of public open space within. Public access is already required under the approved Concept Plan across various sections of the overall site. In this regard, and consistent with the permeable approach already taken, pedestrian public access in the form of a right of way is requested, as a minimum, between proposed Building K and approved Building H, connecting the end of Richmond Avenue with the southern part of the central publicly accessible open space.</p> <p>An amendment condition has been proposed to this effect in Attachment 2.</p>	<p>A right of way between Buildings H and K is considered unnecessary based on the existing Concept Plans public connections, likely pedestrian desire lines, ground plane and public domain design.</p> <p>For users of the public open space wishing to access Richmond Avenue, the safest and most legible connection will be to use the new Scott Street that connects directly to Richmond Avenue. This would be a similar travel distance, and a more likely path taken as most residents will be heading north to other streets and homes, rather than south towards the cul de sac end of Richmond Avenue. If any future connection is created at the end of Richmond Ave through council owned land and Walter Street Reserve, the street will still be a similar distance to travel and will likely be the preferred path taken due to its open and safe street character, footpaths, street lighting and good passive surveillance.</p> <p>A public accessway between Building H and K would also compromise the privacy and occupant amenity of respective apartments facing this zone.</p>
WCC13	<p>Scott Street</p> <p>Scott Street is not part of Modification 4 or the approved Concept Plan site. It is currently surrounded by the Concept Plan site and remains currently in Council ownership.</p> <p>Council had written to the previous owner of the Concept Plan site in regards their desire to acquire the remnant portion of Scott Street.</p> <p>At the Council Meeting of 13 May 2019, it was resolved that Council:</p> <p><i>"Delegate to the General Manager to negotiate with the owner of 6-30 Artamon Road, Willoughby regarding the future of Scott Street, Willoughby and report back to Council on the outcome of such discussions."</i></p> <p>On the basis of the abovementioned resolution, Council has written to the new owner and is prepared to progress negotiations regarding the remnant portion of Scott Street. The inclusion of Scott Street in the development site is a logical and appropriate outcome for development of the site. As such, Council invites the new owner to provide an initial offer as a basis to commence discussions.</p>	<p>Item not relevant to this Modification Application and is subject to separate discussions between the Proponent and Council.</p>

No.	Extract	Proponent Response
Willoughby City Council Proposed Conditions		
WCC C1	1. Detailed Site Investigation (DSI) Prior to the commencement of removal of the transmission tower, a Detailed Site Investigation (OSI) is to be undertaken in accordance with SEPP 55 - Remediation of Land, with any findings acted on as required. (Reason: Environmental compliance and Safety)	This condition relates to detailed design/construction and is not relevant to the Concept Approval. Council may impose conditions to this effect as part of its assessment and determination of the relevant future Development Application. A Development Application will be submitted to Willoughby City Council for removal of the transmission tower, which will be accompanied by sufficient information to allow for an assessment and imposition of suitable conditions to address these matters.
WCC C2	2. Hazardous Building Material Survey (HBMS) Prior to the commencement of removal of the transmission tower, a Hazardous Building Material Survey (HBMS) be undertaken, with any findings acted on as required. (Reason: Environmental compliance and Safety)	This condition relates to detailed design/construction and is not relevant to the Concept Approval. Council may impose conditions to this effect as part of its assessment and determination of the relevant future Development Application. A Development Application will be submitted to Willoughby City Council for removal of the transmission tower, which will be accompanied by sufficient information to allow for an assessment and imposition of suitable conditions to address these matters.
WCC C3	3. Construction Environmental Management Plan Prior to commencement of removal of the transmission tower, a Construction Environmental Management Plan (CEMP) shall be prepared by the Principal Contractor or the Principal Contractor's removal Contractor, which documents the environmental monitoring and management measures required to be implemented during the removal of the transmission tower. Particular mention is made to any lead paint located on the tower. (Reason: Safety)	This condition relates to detailed design/construction and is not relevant to the Concept Approval. Council may impose conditions to this effect as part of its assessment and determination of the relevant future Development Application. A Development Application will be submitted to Willoughby City Council for removal of the transmission tower, which will be accompanied by sufficient information to allow for an assessment and imposition of suitable conditions to address these matters.
PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE The following conditions of consent must be complied with prior to the issue of a construction certificate.		
WCC C4	4. Amended Plans Prior to the issue of the Construction Certificate, amended plans are to be submitted showing: <ul style="list-style-type: none"> (a) Building K is to step down with the topography of the site and be lower in height than Building H immediately to the north with both parapet and plant. In this regard the parapet of Building K, at any one point, shall be lower than Building H. In addition the plant of Building K shall be lower than Building H at any one point. (b) A minimum 6 metre setback for all of Building K from the southern site boundary. (c) The roundabout deleted at the Artarmon Road / Scott Street intersection and proposed at the Artarmon Road / Richmond Avenue intersection. (Reason: Ensure compliance, Safety) <ul style="list-style-type: none"> (d) A public right of way provided between Building K and Building H to the central publicly accessible open space. (Reason: Bushland conservation, visual Amenity, traffic, public access)	<ul style="list-style-type: none"> (a) Please refer to Section 1.1 of Attachment B – Design Response Report prepared by Chrofi Architects. No change proposed to submitted application. (b) Please refer to Section 1.2 of Attachment B – Design Response Report prepared by Chrofi Architects. No change proposed to submitted application. (c) Please refer to proponent response above. Reference WCC9. (d) Please refer to proponent response above. Reference WCC13. No change proposed to submitted application.
WCC C5	5. Adaptive reuse of elements of the transmission tower The adaptive reuse of elements of the transmission tower should be retained for use in the future development of the subject site. This reuse shall include the input of an artist in accordance with the Willoughby Public Art Policy. Details to be provided to the satisfaction of Council Prior to the issue of the Construction Certificate. (Reason: History of site)	Please refer to proponent response above. Reference WCC10. No change required to existing Concept Plan Approval conditions.

No.	Extract	Proponent Response
WCC C6	<p>6. Construction Management Plan (CMP)</p> <p>Submit, for approval by the Principal Certifying Authority, detailed Construction Management Plan (CMP). The CMP shall address:</p> <ul style="list-style-type: none"> (a) Construction vehicles access to and egress from the site. (b) Parking for construction vehicles. (c) Locations of site office, accommodation and the storage of major materials related to the project. (d) Protection of adjoining properties, pedestrians, vehicles and public assets. (e) Location and extent of proposed builder's hoarding and Work Zones. (f) Tree protection management measures for all protected and retained trees. <p>(Reason: Compliance)</p>	<p>This condition relates to detailed design/construction and is not relevant to the Concept Approval. Council may impose conditions to this effect as part of its assessment and determination of the relevant future Development Application.</p>
WCC C7	<p>7. Local Area Traffic Management Plan (LATM) regarding removal of transmission tower</p> <p>Prior to the issue of the Construction Certificate for the removal of the transmission tower, a detailed Local Area Traffic Management Plan shall be prepared, and be submitted to Council's Engineering Section for approval. The plan shall: -</p> <ul style="list-style-type: none"> (a) Be prepared by a RMS accredited consultant. (b) Be in accordance with the current version of AS1742.3 and its associated handbook; and the RMS's Traffic Control at work site manual. (c) Implement a public information campaign to inform any road changes well in advance of each change. The campaign shall be approved by the Traffic Committee. (d) Nominate a contact person who is to have authority without reference to other persons to comply with instructions issued by Council's Traffic Engineer or the Police. (e) Confine temporary road closures to weekends and off-peak hour times and shall be the subject of approval from Council. Prior to implementation of any road closure during removal of the transmission tower, Council shall be advised of these changes and a Traffic Control Plan shall be submitted to Council for approval. This Plan shall include times and dates of changes, measures, signage, road markings and any temporary traffic control measures. <p>(Reason: Public safety and amenity)</p>	<p>This condition relates to detailed design/construction and is not relevant to the Concept Approval. Council may impose conditions to this effect as part of its assessment and determination of the relevant future Development Application.</p>
WCC C8	<p>8. Heritage Photographic Survey of the transmission tower</p> <p>Prior to the demolition of the tower, a photographic survey of the transmission tower site is to be lodged with Willoughby City Council for its historical archives. The photographic survey is to be submitted in a report format, and shall include:</p> <ul style="list-style-type: none"> (a) A front cover marked with: <ul style="list-style-type: none"> (i) the name/location of the property; (ii) the date of the survey; (iii) the name of the company or persons responsible for the survey. (b) A layout plan of the existing tower and any building on the site; identifying the features of the tower shown in the photographs. (c) Photographs of the tower, grounds and a streetscape view of the tower, labelled to indicate their location in relation to the layout plan. Photographic records of each elevation and distant views of the tower are to be included. 	<p>This condition relates to detailed design/construction and is not relevant to the Concept Approval. Council may impose conditions to this effect as part of its assessment and determination of the relevant future Development Application.</p>

No.	Extract	Proponent Response
	Documentary evidence from the applicant confirming lodgement is to be provided to the Accredited Certifier. (Reason: Heritage conservation)	
WCC C9	9. External Finishes External Finishes All external building materials shall be in colours and textures, which are compatible with the bushland character of the locality. In this regards, a Schedule of Colours and Finishes is to be submitted with the documentation for Construction Certificate prior to the issue of Construction Certificate. (Reason: Visual amenity and heritage conservation)	This condition relates to detailed design/construction and is not relevant to the Concept Approval. Council may impose conditions to this effect as part of its assessment and determination of the relevant future Development Application.
	PRIOR TO COMMENCEMENT OF WORKS The following conditions of consent have been imposed to ensure that the administration and amenities relating to the proposed development comply with all relevant requirements. All of these conditions are to be complied with prior to the commencement of any works on site.	
WCC C10	10. Licensee Details The name, address and contractor licence number of the licensee who has contracted to carry out the work or the name and permit number of the owner-builder who intends to carry out the work, for each site, shall be furnished in writing to the Principal Certifying Authority. NB: Should changes be made for the carrying out of the work the Principal Certifying Authority must be immediately informed. (Reason: Information)	This condition relates to detailed design/construction and is not relevant to the Concept Approval. Council may impose conditions to this effect as part of its assessment and determination of the relevant future Development Application.
	DURING DEMOLITION, EXCAVATION AND CONSTRUCTION The following conditions are to be complied with throughout the course of site works including demolition, excavation and construction.	
WCC C11	11. Hours of Work All construction/demolition work relating to this approval must be carried out only between the hours of 7 am to 5 pm Mondays to Fridays and 7 am to 12 noon on Saturdays. No work is permitted on Sundays or Public Holidays. (Reason: Ensure compliance and amenity)	This condition relates to detailed design/construction and is not relevant to the Concept Approval. Council may impose conditions to this effect as part of its assessment and determination of the relevant future Development Application.
WCC C12	12. Construction Information Sign A clearly visible all weather sign is required to be erected in a prominent position detailing: <ul style="list-style-type: none"> (a) that unauthorised entry to the work site is prohibited; (b) the excavator's and I or the demolisher's and / or the builder's name; (c) contact phone number/after hours emergency number; (d) licence number; (e) approved hours of site work; and (f) name, address and contact phone number of the Principal Certifying Authority (if other than Council) ANY SUCH SIGN IS TO BE REMOVED WHEN THE WORK HAS BEEN COMPLETED. Council may allow exceptions where normal use of the building/s concerned will continue with ongoing occupation, or the works approved are contained wholly within the building. (Reason: Ensure compliance)	This condition relates to detailed design/construction and is not relevant to the Concept Approval. Council may impose conditions to this effect as part of its assessment and determination of the relevant future Development Application.

No.	Extract	Proponent Response
WCC C13	<p>13. Building Site Fencing</p> <p>Public access to the site and building works, materials and equipment on the site is to be restricted, when work is not in progress or each site is unoccupied.</p> <p>A temporary safety fence is to be provided to protect the public, located to the perimeter of the site (unless separated from the adjoining land by an existing structurally adequate fence, having a minimum height of 1.5m). Temporary fences are to have a minimum height of 1.8m and be constructed of cyclone wire or similar with fabric attached to the inside of the fence to provide dust control.</p> <p>Fences are to be structurally adequate and be constructed in a good and workmanlike manner and the use of poor quality materials or steel reinforcement mesh as fencing is not permissible.</p> <p>The public safety provisions and temporary fences must be in place and be maintained throughout construction.</p> <p>(Reason: Safety)</p>	This condition relates to detailed design/construction and is not relevant to the Concept Approval. Council may impose conditions to this effect as part of its assessment and determination of the relevant future Development Application.
WCC C14	<p>14. Provide Erosion and Sediment Control</p> <p>Erosion and sediment control devices shall be provided whilst work is being carried out in order to prevent sediment and silt from site works (including demolition and/or excavation) being conveyed by stormwater into Council's stormwater system natural watercourses, bushland, trees and neighbouring properties. In this regard, all stormwater discharge from the site shall meet the requirements of the Protection of Environment Operations Act 1997 and the Department of Environment, Climate Change and Water guidelines. The control devices are to be maintained in a serviceable condition AT ALL TIMES.</p> <p>(Reason: Environmental protection)</p>	This condition relates to detailed design/construction and is not relevant to the Concept Approval. Council may impose conditions to this effect as part of its assessment and determination of the relevant future Development Application.
WCC C15	<p>15. No Storage on public areas</p> <p>Building materials, plant and equipment and builder's waste, are not to be placed or stored outside the site, unless in an authorized manner.</p> <p>(Reason: Safety)</p>	This condition relates to detailed design/construction and is not relevant to the Concept Approval. Council may impose conditions to this effect as part of its assessment and determination of the relevant future Development Application.
WCC C16	<p>16. Skips and Bins</p> <p>Rubbish skips or bins are not to be placed outside the site. (Reason: Safety)</p>	This condition relates to detailed design/construction and is not relevant to the Concept Approval. Council may impose conditions to this effect as part of its assessment and determination of the relevant future Development Application.
WCC C17	<p>17. Public Tree Protection</p> <p>Unless identified by the development consent, no tree roots over 50mm diameter are to be damaged or cut and all structures are to be bridged over such roots.</p> <p>Should any problems arise with regard to the existing or proposed trees on public land during the construction or bond period, the applicant is to immediately Contact Council's Open Space section and resolve the matter to Council's satisfaction.</p> <p>(Reason: Tree management)</p>	This condition relates to detailed design/construction and is not relevant to the Concept Approval. Council may impose conditions to this effect as part of its assessment and determination of the relevant future Development Application.
WCC C18	<p>18. Unexpected Finds Protocol</p> <p>An unexpected finds contingency plan should be incorporated into site redevelopment works. In the event that previously unidentified contaminated soils or materials are identified during site redevelopment, works should cease in the immediate vicinity and the affected area isolated to minimise</p>	This condition relates to detailed design/construction and is not relevant to the Concept Approval. Council may impose conditions to this effect as part of its assessment and determination of the relevant future Development Application.

No.	Extract	Proponent Response
	disturbance. A suitably qualified contaminated site consultant should be engaged to assess the degree, type and extent of contamination and establish a suitable remediation plan. The Site Manager/landowner shall notify Council in writing when they become aware of any contamination. (Reason: Environment & Health Protection)	
	PRIOR TO OCCUPATION OF THE DEVELOPMENT The following conditions of consent must be complied with prior to the issue of an occupation certificate.	
WCC C19	19. Removal of Redundant Crossings Remove all redundant crossings together with any necessary works and reinstate the footpath, nature strip and kerb and gutter accordingly. Such work shall be carried out in accordance with Council's specification. (Reason: Public amenity)	This condition relates to detailed design and is not relevant to the Concept Approval. Council may impose conditions to this effect as part of its assessment and determination of the relevant future Development Application.
WCC C20	20. Public Art Public art involving the adaptive reuse of elements of the transmission tower is to be installed and finalised Prior to occupation of the development. (Reason: (Reason: History of site, Ensure Compliance))	Please refer to proponent response above. Reference WCC10. No change proposed to existing Concept Plan Approval condition.

1.3 Transport for NSW

No.	Extract	Comment
TfNSW1	TfNSW has reviewed the submitted documentation and note that the proposed amendment to include the TXA Transmission Tower site will not increase the 460 dwelling cap, will not increase the approved retail gross floor area, nor change the approved road layout. Therefore, TfNSW does not raise any objections to the proposed modification application subject to the comments provided in the TfNSW letter dated 6 March 2018 remain applicable.	No response required.

1.4 Sydney Water

No.	Extract	Comment
SW1	The development must have frontage to a water main that is the correct size and can be used for connection. Preliminary investigation shows that a 200mm drinking water main amplification and extension within the development boundary may be required for the existing water main in Scott Street. The amplification and extension would need to comply with the Water Supply Code of Australia requirement for minimum sized mains for this scope of development. Detailed water requirements will be subject to the connection points to the existing system which will be provided at the Section 73 Application phase.	No response required. The site is capable of being serviced and the provision of infrastructure will be dealt with as part of the relevant Development Application.
SW2	The proposed development site is traversed by a number of existing wastewater mains. Where proposed works are in close proximity to a Sydney Water asset, the developer may be required to carry out additional works to facilitate their development and protect the wastewater main. Subject to the scope of development, servicing options may involve adjustment/deviation and or compliance with the Guidelines for building over/adjacent to Sydney Water assets.	No response required. The site is capable of being serviced and the provision of infrastructure will be dealt with as part of the relevant Development Application.

No.	Extract	Comment
	Subject to the location of the connection points of buildings to the existing sewer mains, amplification of the existing reticulation mains may be required. In order to determine detailed requirements, the developer is to submit their proposed wastewater servicing brief at the Section 73 application phase.	

1.5 Heritage NSW

No.	Extract	Comment
HC1	The former Channel 9 site is not listed on the State Heritage Register (SHR), nor is it in the immediate vicinity of any SHR items. Further, the site does not contain any known historical archaeological deposits. The accompanying reports have found the transmission tower, which is scheduled for demolition, is not of state heritage significance. Therefore, no further heritage comments are required. The Department does not need to refer subsequent stages of this proposal to the Heritage Council of NSW.	No response required.

2.0 Public and organisation submissions

The S75W Modification Application received 10 submissions from the general public. Of these 10 submissions, 7 were objections and 3 were in support.

The below table provides a response to each of the matters raised in the public submissions.

Reference	Submission By	Feedback	Proponent Response
344043	Andrew Cubie, of Willoughby NSW	Although I understand and have sympathy for the overall aims of the modification, I believe that the proposed building has significant negative impacts that could be resolved through modifications to the height, setback, access and relation to nature reserves.	<i>Addressed below.</i>
		The building height: the proposed building is not consistent with the current Concept Plan in its relation to the low-rise buildings of Richmond Avenue or the topography of the site. The plans make the new building K look lower than the adjacent building H, but in fact the street facing part of Building H is 2 storeys lower than the rear part of Building H. Building K is set to have the same RL height as the front part of Building H, despite being downhill of it. The effective extra storey can clearly be seen in the cross section in section 3.10 (page 30) of the Urban Design Report by following the dotted lines of the car park levels compared to the ground level. This makes it out of scale with the existing buildings on Richmond Avenue. To respect the scale of the buildings along Richmond Ave (both existing and in the approved development), and the slope of the site, Building K needs to be at least one storey lower in height.	Response to building height addressed in Section 1.1 of Attachment B – Design Response Report prepared by Chrofi Architects.
		The set-back from Richmond Ave: because Building H is taller than Building C to its north on Richmond Ave, it has a greater set-back of 10m rather than 6m. As Building K is of a similar height, to remain consistent with the Concept Plan and respect the relationship with the existing low-rise buildings on Richmond Avenue it needs to continue the 10m set-back throughout, rather than the southern part being only 6m.	Response to setbacks addressed in Section 1.2 of Attachment B – Design Response Report prepared by Chrofi Architects.
		Access: although the underground car park is accessed from Scott Street, the only pedestrian access appears to be from Richmond Avenue, with no pedestrian links to the rest of the site except via Richmond Avenue. This suggests that visitors, deliveries, and quite possibly residents, will find it more attractive to use Richmond Avenue to access the building causing extra traffic and parking impacts (including the potential for delivery vehicles blocking the driveway accesses at the end of Richmond Ave). This could be addressed by making Building K more clearly part of the main site with ground-level pedestrian links.	Response to access addressed in Section 1.3 of Attachment B – Design Response Report prepared by Chrofi Architects.

Reference	Submission By	Feedback	Proponent Response
		Nature reserves: there is currently a reasonably significant system of green linkages forming a wildlife corridor all the way from the Lane Cove River to Middle Harbour. This includes green links from Artarmon Reserve past the small reserve at the end of Richmond Avenue through the southern end of the development site to Walter Street Reserve. The proposed southern setback is so small as to potentially have quite a negative impact on that compared to the existing development and Concept Plan, as well as preventing the connection of pathways shown in the MOD 2 application (eg figures 4, 15 and 21 of the MOD2 Environmental Assessment Report).	<p>Response to setbacks addressed in Section 1.2 of Attachment B – Design Response Report prepared by Chrofi Architects.</p> <p>An Arboricultural Assessment has been undertaken on the subject site and immediate surrounds with the proponent committed to retaining high value trees while also providing a net positive tree coverage outcome across the broader Concept Plan.</p> <p>The landscape design will deliver a bush landscape setting for the proposed Building K that blends with the natural context and character of the site's location. Suitably sized shrubs and trees will be planted to respond to this design intent. The boundary fence along the south west portion of the site is intended to be of a palisade type so to disappears into the landscape and provides a seamless relationship with the green context and the large retained trees.</p>
343919	David Short, of Naremburn NSW	Increase of additional floor space of approx 4,500sq m	460 maximum dwellings retained.
		What is the Use?	Residential.
		No EIS provided?	Environmental Assessment Report dated 08 April 2020 prepared by Ethos Urban was submitted as part of the S75W application.
		No advice and or update on wild life fauna or flora?	Arboricultural Impact Assessment dated 01 April 2020 prepared by Footprint Green was submitted as part of the S75W application.
		No traffic management plan update?	Traffic and Transport Assessment dated 02 April 2020 prepared by Ason Group was submitted as part of the S75W application. A detailed Traffic Management Plan is proposed to be submitted as part of the relevant future Development Application.
		No flood plan review?	Not relevant for a Concept Approval. The site is currently developed and has existing stormwater infrastructure. It is not identified in Willoughby Council Flood studies as being located in a flood prone area. A Stormwater Management Report will be prepared for the development in accordance with Willoughby Council DCP as part of the Development Application Process.
		No advice on how public transport will be impacted?	Traffic and Transport Assessment dated 02 April 2020 prepared by Ason Group was submitted as part of the S75W application.
		No update of how construction traffic will be managed?	Not relevant for a Concept Approval. A detailed Construction Traffic Management Plan is proposed to be submitted as part of the relevant future Development Application.
		No consideration or advice as to how the proposed development will impact our community?	Environmental Assessment Report dated 08 April 2020 prepared by Ethos Urban was submitted as part of the S75W application.
		What allowance per dwelling (residential and commercial) for car?	No change is proposed to the car parking rates set out in the existing Concept Plan Approval.

Reference	Submission By	Feedback	Proponent Response
		No advice on car parking for residential, commercial or visitor?	No change is proposed to the car parking rates set out in the existing Concept Plan Approval.
		No advice to/from Willoughby Council?	Willoughby City Council has provided feedback as part of exhibition process.
		No funding included to upgrade and or improve open space or parklands?	Significant public open space provided across the broader Concept Plan with infrastructure and reserve upgrade funding included within VPA. Material public benefit to immediate area and broader Sydney by removing existing transmission tower.
		Is this proposed development being rushed through due to the current COVID 19 Crisis?	Applicant progressing application in accordance with the Environmental Planning & Assessment Act.
		What are the benefits to our community?	Removal of the existing 233m transmission tower will deliver a significant public benefit to the immediate and broader local community with regard to the visual quality of the locality and a reduction in perceived health impacts as a result of electromagnetic radiation. This is consistent with and in addition to the existing positive contributions made in accordance with the approved project with regard to publicly accessible open space and contributions to new local infrastructure and improvements to existing public open space.
343542	Jillian Jenkins, of Willoughby NSW	I live with my family close by the Channel 9 site and wish to express my approval of the modified plans submitted by Mirvac Residential (NSW) Developments Pty Ltd. I am pleased they have maintained the approved maximum of 460 dwellings and believe the removal of the TXA Transmission Tower will provide a greater aesthetic outlook for all future occupants of the development as well as the surrounding neighbourhood. I approve.	The proponent concurs noting the significant benefits of removing the transmission tower and commitment to maintain the approved 460 maximum number of dwellings.
344033	Juliet Reiner, of Willoughby NSW	We write in objection to MP10_0198 MOD 4, at Channel 9, Willoughby. In summary our primary concerns centre around the increased residential gross floor area. We are a close neighbour, residing within 500m of the proposed development, with a direct view of the proposed development and sharing local public green space / parklands, amenities and roads. Our objections are detailed below.	Refer to responses below.
		1. The proposed increase in residential gross floor area of 4,296sqm is a significant increase in residential floor space. This will obviously take away from public areas/green space which would otherwise have been available on the site for residents. With the proposed 460 dwellings, and less green space available on site, an increase in building floor area will	The proposed additional residential gross floor area represents a less than 10% increase in GFA across the Concept Plan. Further to this the proponent has made a commitment to retain the maximum number of permissible dwellings at 460. Maintaining the dwelling maximum results in

Reference	Submission By	Feedback	Proponent Response
		place a significant burden on the nearby parklands and greenspaces that are currently available. This seems an additional unfortunate impact to the local community, which will already be burdened by increased traffic and overcrowding concerns within local schools etc, due to this large development.	the developments expected future population and traffic movements to be substantially consistent with the existing Concept Plan Approval.
		2. This modification appears to be step 1 in the developer's potential larger plan - to increase the total number of dwellings. Based on the history of development applications for the Channel 9 site, and also taking into account aspects of these plans which have previously been approved or rejected; the current developers appear to be making steps towards another attempt to increase the number of dwellings on the site. Once again this would not be in the best interests of the local community, for the reasons mentioned above in point 1.	There is no intent for a stepped process. The proponent is committed to maintaining the approved 460 maximum number of dwellings.
344049	Neil Mulcahy, of Sydney NSW	<p>My wife Christine and I strongly object to a proposal from Mirvac Residential (NSW) Developments Pty Ltd for a pathway alongside, and encroaching upon, Richmond Avenue's road reserve - the latter situated between the western side of the proposed Building K and a parallel bitumen driveway serving Nos. 14 (our house) & 16 Richmond Avenue opposite.</p> <p>We want them to move the proposed Building K further back from their western boundary away from the reserve and place the pathway within their boundary to connect with the main footpath serving Richmond Avenue, negating the need to remove impacted reserve trees Nos. 183 & 199, according to the plan diagram drawn up by Footprint Green Pty Ltd.</p>	<p>A future pedestrian connection heading south from Richmond Avenue has indicatively been shown on the landscape concept drawing within the Urban Design Report. The inclusion of this connection is understood to be the desire of the Willoughby City Council as a potential link to the Walter Street Reserve.</p> <p>The proponent can agree to exclusion of a pedestrian connection at the detailed Development Application stage subject to consultation with Willoughby City Council.</p> <p>No removal of trees has been proposed to facilitate the mentioned indicative pedestrian connection.</p>
		In planning the landscaping at the southern extremity of the Building K envelope, on Lot 12 DP 1162507, we want them to factor in replacing the weeds with a stretch of dense native shrubbery to link up with Walter St Reserve and our small road reserve. This is extremely important for the protection of resident and migratory birdlife, which are dependent on the weed-infested strip currently there for much needed cover from predators. There has been no mention of what is to become of this site on any of the Footprint Green plans, despite this being of significant worth for the community at large.	<p>As identified by McGregor Coxall Landscape Design in the Urban Design Report, the existing bush along the escarpment is identified as an important feature of the Richmond Avenue cul de sac. The indicative landscape design proposes to enhance this feature and blend into the natural context.</p> <p>Resolution of this item is proposed to be resolved at the detailed Development Application stage. Subject to detailed design, the proponent understands and agrees with this feedback.</p>
		A wildlife corridor extends from Bicentennial Reserve to Artarmon Reserve, with Walter St reserve, Lot 12 (the weed-infested strip), our road reserve and our backyard native garden all crucial links in between. Christine and I have tended the road reserve for well over 10 years now, having both completed a Willoughby Council Bush Regeneration Course	Refer to above response regarding intention to maintain and embellish green grid as part of future detailed landscape design and willingness to negate any proposed pedestrian connection within the road reserve. The proposed building envelope is not contingent on the delivery of the pedestrian path along Richmond Avenue, and the effects of delivering this footpath is ultimately a matter to be considered by Council as the owner of the Richmond Ave road reserve. We note that the location of the mentioned area is located in immediate proximity to the Walter Street Reserve which is to be regenerated over time, including through contributions made by the proponent via

Reference	Submission By	Feedback	Proponent Response
		<p>(not only out of interest, but because it was a requirement in order to have permission to do so).</p> <p>We mindfully planted only locally sourced, indigenous plants – and provided mulch, hollow logs and sandstone rocks for the frogs and skinks at our expense. Some established plants were destroyed, along with a protective stick-pile for the birds, when TXA had a stormwater pipeline installed in the corner next to the corridor, resulting in a resident pair of Eastern Whipbirds disappearing through probable predation, but we are proud to report that most of the wildlife we sought to protect back then are still surviving, despite the futile call-out for assistance (see Christine's attached PDF 'A Place for our Wildlife', 2013). We still continue to get our regular migratory visitors come through annually (e.g. Rufous Fantails and Black-faced Monarchs – both all the way from New Guinea!), although I fear that if the corridor link for these birds is broken, there will be fewer visitors and fewer survivors.</p> <p>We also still have a Peregrine Falcon visit the TXA Transmission Tower on a regular basis (recently 29th April at 8.30am), so we are saddened to see the Tower go for that reason - but it is the height of Building K, the removal of the protective weed corridor (which we'd like to see replaced with natives) and especially the proposed pathway alongside our road reserve that are our main concerns. The inevitable disturbance in having people pass close by the reserve and our house frontages is not only a threat to the wildlife, but also to our privacy.</p> <p>As it is, within a metre of the proposed path, there is an active Brush Turkey nest mound on the reserve with a male Turkey tending to it daily, having raised chicks there successfully last summer – therefore, pedestrian traffic on a pathway in close proximity to the reserve would be a disruption and a source of stress for all of the birds reliant on the area for sanctuary. Christine and I oppose the planned removal of healthy trees on our road reserve in order to accommodate the pathway, as this would not only deprive the local wildlife of food, shelter and shade (the reduction of the latter having a detrimental effect on the Brush Turkey eggs hatching, as the right amount of tree cover is imperative to prevent overheating), but also the existing understory shrubbery would be negatively impacted by too much sun and light.</p> <p>We residents opposite will lose some privacy screen as well if the trees in question were to be removed - a totally unnecessary and preventable course of action if the pathway was to be set back on the Tower site (within the proposed 6 metres between Building K and our street reserve) and the exit onto Richmond Avenue along this pathway moved a little further up the street. We also want a fence separating the building and our reserve.</p>	<p>the VPA associated with the Concept Plan, that would contribute to improved biodiversity values in the local area.</p> <p>As mentioned above, the removal of any trees within the Council's road reserve would be subject to Council's decision as part of any future Development Application. The building envelope provides substantially greater building separation to nearby dwellings on Richmond Ave than is required under the Apartment Design Guide.</p>

Reference	Submission By	Feedback	Proponent Response
		<p>If the demolition of the TXA Transmission Tower is approved, then before this occurs, for those of us living opposite the proposed Building K where the Tower is situated, we would appreciate seeing markers on the Tower indicating to us where the approximate window height will be on each level of the building. This would be a tangible visual aid in deciding which screen tree species to plant on our nature strips (if space permits), well in advance of the building construction.</p> <p>Ideally, we would prefer the Building K height to be reduced to a maximum of three storeys, as no existing trees in the reserve are ever going to attain enough height to conceal the building's windows from view of the Richmond Avenue residents if it is higher than this. Lack of privacy from people looking out from a cluster of line-of-sight windows is a huge issue.</p>	<p>This appears to be a personalised request. The proponent is willing to engage with this community member directly.</p> <p>Please refer to Section 1.1 of Attachment B – Design Response Report prepared by Chrofi Architects in relation to building height.</p>
		<p>In summary, we want the Building K height lowered, the building pushed back further onto their site and the pedestrian pathway repositioned to avoid the reserve so there is no encroachment physically or visually on our street – and a wildlife corridor link at the southern end retained.</p>	<p>Please refer to Section 1.2 of Attachment B – Design Response Report prepared by Chrofi Architects in relation to building height and setbacks.</p>
344079	(Name withheld), of Willoughby NSW	<p>In reference to MP_0198MOD4 the current tower site at 15 Richmond Ave Willoughby we raise the following concerns in relation to building K and building H.</p>	<p>Refer to responses below.</p>
		<p>Building H is setback 10m, while building K is setback 6m, even though both buildings are similar in height in comparison to building C which is also setback 10m. It should that all buildings of similar height be set back 10m.</p>	<p>Please refer to Section 1.2 of Attachment B – Design Response Report prepared by Chrofi Architects in relation to setbacks.</p> <p>It is noted Building C is in fact set back 6m.</p>
		<p>Based on building height the buildings do not cascade down the hill in line with the street. From that, the buildings along Richmond Ave both in existing and approved should be one storey lower in height. The sun and aspects to current residents should be taken into consideration.</p>	<p>Please refer to Section 1.1 of Attachment B – Design Response Report prepared by Chrofi Architects in relation to building height.</p>
		<p>All pedestrian access is coming through Richmond Avenue, making it the most attractive route for residents, visitors, deliveries, etc making it a potential risk to driveways, parking, and traffic congestion in Richmond Avenue. Why is there no, or limited access from Scott Street? It appears that Richmond avenue has been overlooked in traffic, building height, safety, and congestion concerns.</p> <p>The proposed pedestrian access walkway to Building K should be set further North in Richmond Ave - In line with the current TX Tower driveway. There is no need to obstruct, disrupt or destroy the nature reserve at the bottom of Richmond Avenue. The pedestrian access</p>	<p>Please refer to Section 1.3 of Attachment B – Design Response Report prepared by Chrofi Architects in relation to access.</p>

Reference	Submission By	Feedback	Proponent Response
		should be linked directly to the street, it is only logical to do so and create another pedestrian access point from Scott Street as mentioned above.	
344075	(Name withheld), of Willoughby NSW	I have declined to look at the modification Channel 9, Willoughby Concept Plan (MP10_0198 MOD 4). This fiasco has been going on for many years and each time a developer gets knocked back they on sell to another developer. The Planning Department should be ashamed of themselves, this site has been subject to so many building applications and each application means that residents have to start the process to object to each unsuitable development proposal in regard to height, space, number of units proposed and ensuing traffic problems all over again, and at time and cost to themselves.	Applicant progressing application in accordance with the <i>Environmental Planning & Assessment Act 1979</i> .
344020	(Name withheld), of Willoughby NSW	Thank you for the opportunity to comment on MP10_0198 MOD 4 - Modification to approved Concept Plan. Like all my other submissions, I doubt anything I say will be taken into account given the size and scale of this development.	Refer to responses below.
		From a Richmond Avenue resident's perspective we continue to be concerned about increase in traffic (through traffic and resident parking).	Traffic matters have been assessed as part of the Traffic and Transport Assessment prepared by Ason, which indicates traffic conditions are acceptable and substantially consistent with the existing Concept Plan Approval given the 460 dwelling count is not proposed to increase.
		1. Building K is accessible via Richmond Avenue only. Is there going to be access into the site for vehicles and pedestrians also, or is it only accessible via Richmond Avenue? It's a no through road and local resident access needs to be considered.	Pedestrian access is proposed from Richmond Avenue. Vehicle access is proposed via Scott Street consistent with the existing Concept Plan Approval.
		2. Building set back is so important. Why isn't Building K set back consistent with Building H next to it.	Please refer to Section 1.2 of Attachment B – Design Response Report prepared by Chrofi Architects in relation to setbacks.
343994	(Name withheld), of Willoughby NSW	1) As a local resident I fully support the removal of the TXA transmission tower.	Noted.
		2) Any future DA approval should NOT allow the traffic generated from this development to access Edward St. The local roads are already used as a "rat run" to avoid the Artarmon Rd and Sydney Rd intersection.	Item is not relevant to the S75W application. Relevant to be addressed at the detailed Development Application stage.
343500	(Name withheld), of Willoughby NSW	I am resident who lives very close to the proposed development and I am in support of the amended proposal. The removal of the TV tower would be a fantastic result for residents as would be the proposed green communal spaces.	Noted.