

2 June 2020

2190948

Mr Jim Betts
Secretary
NSW Department of Planning, Industry and Environment
4 Parramatta Square
Parramatta NSW 2150

Attention: Amy Watson (Team Leader, Key Sites Assessments)

Dear Amy,

Response to Submissions
Channel 9 Site, Willoughby – MOD 4 to Concept Plan Approval MP10_0198

Further to your email of 27 May 2020, thank you for the opportunity to provide our Response to Submissions received during the public notification of MOD4 to Concept Plan Approval MP10_0198 between 29 April and 12 May 2020. This letter addresses the matters raised during the exhibition and particularly those raised by the Department.

We note that the Proponent's proposal to repurpose the subject site by removing a significant telecommunications tower in the order of 233m and replacing it with a small low-rise residential building, all while remaining within the existing 460 dwelling cap is a material benefit for local residents and the broader community.

This letter should be read in conjunction with the following documents:

- Detailed response to Council, agency and public submissions (**Attachment A**);
- Urban design response prepared by Chrofi (**Attachment B**);
- Statement on vegetation management prepared by Footprint Green (**Attachment C**); and

Building Height and Setbacks

The proposed modification involves the demolition of the 233 metre-high steel transmission tower, and its replacement with a low scaled residential building. The cost of acquiring the land from TXA and of demolishing and repurposing the tower site is considerable and requires a commensurate scale of development on the TX Site. Mirvac as the proponent has made a significant undertaking to maintain the approved maximum cap of 460 dwellings across both the current Concept Plan site and the addition of the TX Site, recognising the significance of this parameter to the community, whilst providing a modestly-sized building envelope that is consistent with the framework set by the Concept Plan Approval, with floorspace commensurate with the extent of additional land added by this modification.

The proposed Building K envelope is well thought out and respectfully conceived by architects and urban designers Chrofi. It seeks to be consistent with the form and scale of buildings established under the existing Concept Approval along Richmond Avenue, notwithstanding the dominating height of the existing transmission tower in the existing streetscape. As illustrated in **Figure 1** (refer to **Attachment B** for further detail), the proposed Building K would result in a significantly less obtrusive built form that is in keeping with the adjacent approved building envelopes. **Figure 2** identifies how the height plane of the adjoining 4-storey 'bush building' - Building H – has been maintained, consistent with the approach taken to the relationship between Buildings A and C further to the north along the street where a similar change in levels also occurs. Whilst the existing street levels fall gradually towards the southern extent of Richmond Ave, maintaining the height datum of the bush buildings is an appropriate urban design response that will create a high-quality and legible streetscape.

The proposed Building K is separated from the existing dwellings across Richmond Ave by a distance of 32-36 metres, being approximately 2-3 times the minimum separation between buildings of this scale required under the Apartment Design Guide. The proposed building height will not result in any adverse impacts in terms of visual privacy, overshadowing or views, and would remain entirely within the street scale and character established by approved Buildings A, C and H.

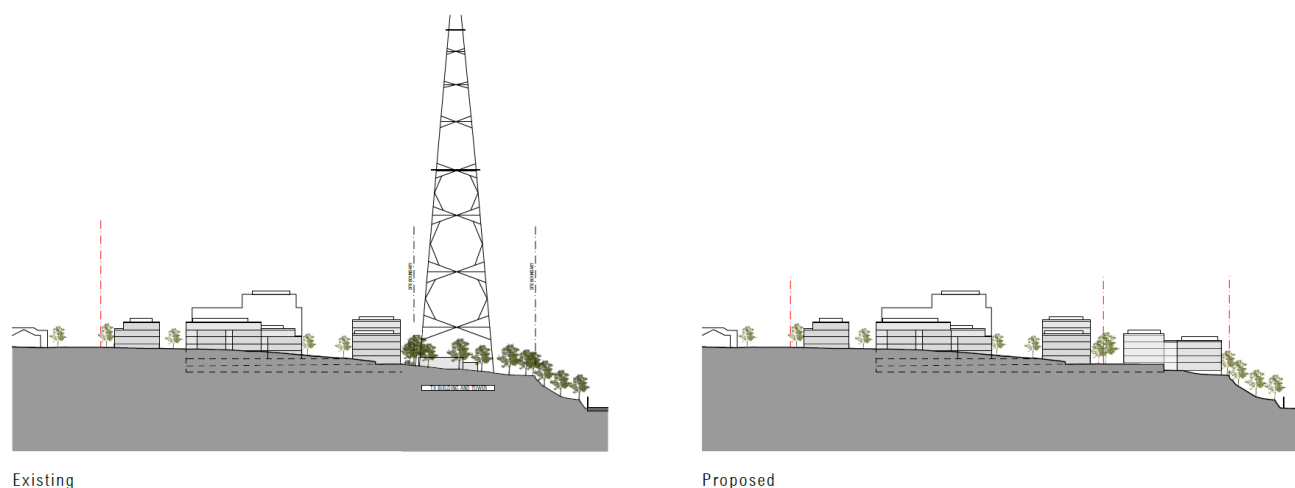


Figure 1 Comparison of existing/approved and proposed – Richmond Ave elevation

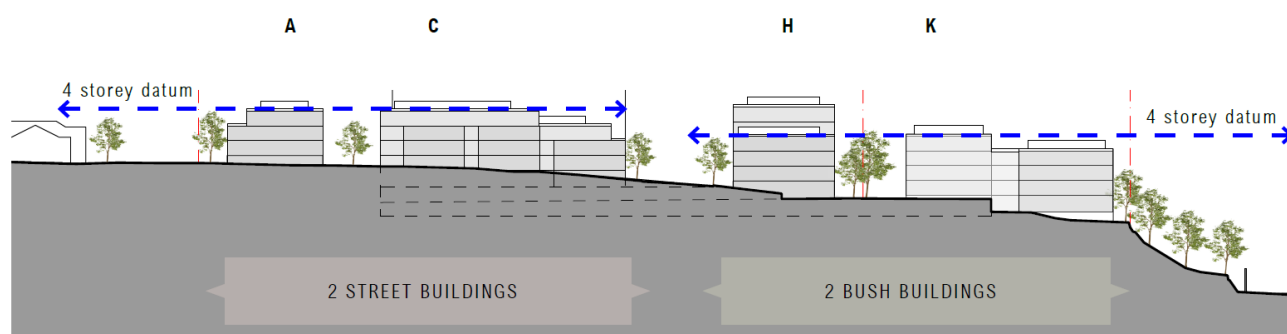


Figure 2 Establishment of consistent height datums along street edge

At the southern edge of Building K a variable setback of 3-6 metres is proposed. The southern elevation of the proposed building would be over 100 metres away from the nearest residential dwellings with a line of sight to this building, on Olympia Road in Naremburn. As illustrated in **Attachment B**, these distant views from the south are broken up by significant vegetation in Flat Rock Creek, Prentice Park and the Walter Street Reserve (which is to be the subject of further bushland regeneration as part of the Planning Agreement that is the subject of the existing Concept Approval). Closer views to the southern façade of the proposed building are obtained by motorists on the Gore Hill Freeway, which is a low-quality visual environment that nonetheless benefits from substantial vegetated screening within the Walter Street Reserve.

Views to residential buildings from the south is consistent with the existing and future character of this area, noting the existing Castle Vale buildings to the east and the progression of Planning Proposal PP_2019_WILLO_002_00 for buildings up to 9 storeys on Walter Street that is currently being exhibited by Willoughby Council. Accordingly, it is not reasonable to expect that new buildings would be entirely screened by vegetation – particularly noting the high visual prominence of the existing TX Tower which has substantive visual impacts throughout the Sydney Basin, and the significant visual benefits associated with removing this tower as part of this proposal. Notwithstanding this, substantial screening will be provided of the southern elevation by existing retained trees within the adjoining Walter Street reserve. It should also be noted that future residents of Building K will gain a high level of amenity from wide

south-facing district views and indirect light, and the provision of dense vegetation close to the façade would reduce this amenity.

Having regard to the above, it is considered that the proposed building height and setback are consistent and compatible with the existing, approved and future character of the locality. The small proposed residential building is a far greater outcome for the site and locality than the existing telecommunications tower. Its envelope and building form are entirely acceptable and exceed ADG requirements with respect to separation between adjoining residents. Accordingly, it is our view that amendments noted in selected submissions to the building envelope are not warranted in these particular circumstances as they would not result in any significant benefit and would compromise the ability of the proponent to deliver a building with high-amenity to facilitate the demolition of the TX Tower. Additionally there is no environmental impact difference between what is proposed and suggested amendments.

Indicative floor plans and residential amenity

Indicative floor plans are provided at **Attachment B**. The floor plans include indicative apartment layouts and demonstrate how 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. Whilst the layouts may not represent the final detailed design, as this is yet to occur, the indicative plans demonstrate that 26 out of the indicative 37 apartments (70%) would achieve at least 2 hours of direct sunlight at mid-winter, and 22 apartments would be naturally cross-ventilated (60%). This is delivering a high level of amenity in line with the ADG design objectives.

As mentioned above, these plans are indicative only and approval is not sought for these layouts as part of this proposed amendment to the Concept Plan. The plans provided demonstrate just one potential design response which demonstrates that numerical compliance with the Apartment Design Guide design objectives for solar access and cross-ventilation is possible within the proposed building envelopes. Detailed architectural drawings would be prepared and submitted to Willoughby City Council for assessment and approval as part of a future detailed Development Application for the TX Site should a suitable determination of this Modification Application be received.

State Environmental Planning Policy No.19 – Bushland in Urban Areas

Clause 9 of SEPP 19 applies where a public authority proposes to grant approval or development consent on land which adjoins bushland zoned for public open space purposes (i.e. Walter Street Reserve). We note that the proposed modification to the Concept Approval does not seek the granting of development consent for any works, and relates to an establishment of a building envelope on the TX Site only. Specifically, any works or vegetation removal from within the adjoining Council-owned road reserve would be subject to detailed design and assessment by Council as part of a future Development Application for this land. We note that the proposed building envelope itself is not contingent on the removal of any vegetation on public land, and that the treatment of public domain outside of the site boundary will be subject to assessment by Council. With regard to the specific requirements of Clause 9:

- Sub-clause 2(c) – the proposed building envelope is wholly contained within private land. The Arboricultural Impact Assessment provided as Appendix E of the original Section 75W Application identified a small number of trees (4) that exist within a highly-disturbed environment on the TX Site and Lot 12 that would be required to be removed to facilitate the proposed building envelope, which is not considered to impact on the integrity of the adjoining vegetation within Walter Street Reserve.
- Sub-clause 2(d) – detailed construction impacts on the Walter Street Reserve with regards to potential for the erosion of soils, the siltation of streams and waterways and the spread of weeds and exotic plants within the bushland would all be addressed as part of standard measures in a future Development Application.
- Sub-clause 2(e) – the proposed modification would not result in any negative impact on the protection and preservation of bushland within the Walter Street Reserve.

Accordingly, it is evident that the proposed modification is consistent with the requirements of SEPP 19, which will be subject to further detailed design and assessment as part of a relevant future Development Application should a suitable determination of this Modification Application be received.

Conclusion

This letter and the accompanying documents set out the Proponent's response to the matters arising from the public exhibition of MOD 4. As outlined in the original S75W Modification Application and this letter, the proposed modification would result in a significant public benefit associated with the removal of the TX Tower, facilitated by a low-scale residential building envelope on the TX Site whilst maintaining the established cap of 460 apartments across the site. The proposed modification would result in a significant improvement to the character of the local area and the wider district, whilst the proposed building envelope is modest in scale and would not result in any significant adverse environmental impacts. Accordingly, we have no hesitation in recommending the approval of this application.

We also note that the proposed Modification Application would generate significant positive economic benefits, with determination of the application allowing for the project to proceed to DA lodgement within the immediately preceding months. Demolition of the transmission tower and construction of the proposed residential building would generate jobs in the construction industry and related sectors, which will deliver a significant positive economic outcome for the local and broader NSW community.

We trust that this response provides the Department with sufficient information to complete its assessment. Should you have any queries regarding this project, please do not hesitate to contact the undersigned.

Yours sincerely,



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