

17 June 2020

Amy Watson
Team Leader
Key Sites Assessments
Planning and Assessment
NSW Department of Planning Industry and Environment
4 Parramatta Square, 12 Darcy Street
Parramatta NSW 2150

Dear Amy,

**RE: COUNCIL COMMENTS ON PROPONENT 'RESPONSE TO SUBMISSIONS'
FOLLOWING EXHIBITION OF MP10_0198 MOD 4 MODIFICATION TO CHANNEL
9, WILLOUGHBY CONCEPT PLAN**

I write to you regarding the 'Response to Submissions' provided by the proponent following exhibition of the modification application to the Channel 9 site approved concept plan (Major Project 10_0198 Modification 4).

These comments are in addition to the Council submission dated 12 May 2020.

As stated in the Council submission, Council is generally supportive of the proposal which involves the removal of the transmission tower. The appropriateness of removing the transmission tower has been given serious consideration and it is concluded to be in the public interest. The main concerns raised in the submission are reflected in required amendments, managing the removal of the tower and addressing potential contamination issues. The following four amendments are sought:

- 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.
- A consistent minimum setback of 6m from Building K to the southern boundary with bushland.
- A public right of way access between Building K and H to connect with the central spine public open space on the main site.
- Adaptive reuse of elements of the transmission tower in the future development of the overall Concept Plan site, in appropriate locations and with the input of an artist in accordance with the Willoughby Public Art Policy.

In the interests of being supportive in the determination process, conditions were provided to address issues and introduce appropriate controls.

Further Council comments are provided in Attachment 1, with particular regard to the four amendments. The Council position on Dot Points 1, 2 and 4 is unchanged. In regards Dot Point 3, Council is supportive of a public right of way being provided either as already suggested or along the southern boundary with neighbouring bushland. Additional comments are also restated where relevant.

The previous submission stands unless altered in this further response.

Should you have any enquiries regarding this submission please contact Strategic Planner, Craig O'Brien on 9777 7647 or email Craig.Obrien@Willoughby.nsw.gov.au.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Ian Arnott', with a stylized flourish at the end.

Ian Arnott
PLANNING MANAGER

Attachment 1 – Response to Submissions

Height

Council has requested an amendment in regards the height of Building K.

In regards the height of the three approved buildings facing Richmond Avenue under the Concept Plan:

- 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.

The following points are noted in regards the design of Building K:

- 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.

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. In this regard the parapet of Buildings K and H should not be the same but rather the parapet of Building K should be lower than Building H. In addition the plant of Building K should not be higher but again should be lower than Building H. An amendment condition has been recommended to this effect.

The Ethos Urban response states:

“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.”

The Chrofi response states:

“The removal of the existing 233m transmission tower and replacement with a much lower and appropriately scaled residential building commensurate with the design of the existing Concept Plan represents a significantly improved outcome for the site.”

Further Council comment:

While the removal of the communications tower from this site is supported, Council considers that an appropriate assessment should take place of the replacement development. This assessment should have regard to the context of the surrounding

development with particular regard to neighbouring low density residential dwellings in Richmond Avenue and surrounding bushland.

The height issue has been reviewed by Council's Urban Design Section. The conclusion that Building K is appropriately scaled by following a 4 storey height datum along Richmond Avenue for the 'bush building' typology is not supported. The response provided has not addressed the RL details discussed in the Council submission. Council seeks a Building K that steps down towards the rear bushland boundary. It is also noted that the height of Building K (southern section) is setback to Richmond Avenue 6m, which is consistent with the 'street building' typology for Buildings A and C towards the Artarmon Road / Richmond Avenue corner of the site. The setback of 'bush building' H (and therefore its height), directly to the north of Building K, as well as the northern section of Building K itself, is 10m.

It is considered that the appropriate Building K response to height and setbacks is to be accommodated and addressed on-site and not rely on the existing road reserve. This is discussed further below.

It is considered that the requested height amendment from Council in regards Building K is reasonable and will result in a more appropriate 'bush building' outcome, particularly in light of the works that are to occur in Walter Street Reserve including access to the Reserve. The architectural typologies identified for the site are discussed further below.

Side setback to southern bushland

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.

The Urban Design Report prepared by Chrofi notes that the approved Concept Plan features 3 architectural typologies that bring diversity to the overall development:

- *"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.'*

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.

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 and C, and these buildings not be a determinate of "existing or future character" of the streetscape.

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. Council's Urban Design Section has concluded that the southern setback of 3m for a five storey residential flat building on the Richmond Avenue frontage is inadequate in this location and that a consistent minimum 6m setback should be required. 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.

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 its bushland and green canopy setting – consistent with the ‘bush building’ typology discussed above.

It is proposed that an amendment condition require a minimum 6m setback for Building K from the southern boundary.

Further Council comment:

Council’s Urban Design Section has reviewed the setback issue with regard to surrounding public open space.

The road reserve in front of the rear section of Building K represents publicly accessible open space and is intended to be part of a review of open space in Walter Reserve including access to the reserve, and which is part of the Voluntary Planning Agreement (VPA) committed to by the owner of this site and Council. The VPA includes:

“a monetary contribution of \$1,000,000 to Council towards future public access and regeneration works to Walter Street Reserve.”

The use of the public open space surrounding Building K, and the rear of the Channel 9 site, will increase following the future public access and regeneration works to Walter Street Reserve. The importance of the rear of Richmond Avenue will increase as a result, making a sympathetic relationship between public open space and the built form of Building K a relevant and important consideration under this Modification 4.

The position stated in Council’s original submission is unchanged. A consistent 6m setback should be provided for Building K along the southern bushland boundary. Council seeks a sensitive relationship between Building K, the road reserve, the bushland and Council’s future plans for this area. It is considered that the requested amendment from Council in regards Building K is reasonable and will result in a more appropriate ‘bush building’ outcome.

Public access

Further Council comment:

Council restates that it 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.

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 or along the southern boundary with neighbouring bushland.

The amendment condition already provided should be updated to reflect this additional option available to the proponent.

Preservation of Channel 9 legacy on the overall site

The importance of the Channel 9 occupation of the site and contribution to Willoughby and beyond is recognized.

Existing Condition 21 of the Approved Concept Plan states:

"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."

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.

Further Council comment:

As previously stated, and consistent with the above condition, the subject modification provides the opportunity for further conditions to address adaptive reuse and public art as follows:

*"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)"*

*"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))"*

The removal of the communications tower provides a unique opportunity that should not be missed. Council considers this requirement as reasonable in response to Modification 4 and an appropriate way to acknowledge the Channel 9 occupation of this site.

Other Issues:

Design Excellence

Notwithstanding the approved Concept Plan, it is noted that Willoughby Council now has a design excellence policy – the Willoughby Design Excellence Policy. It is restated that this policy will be applied to review and consider design proposals post major project stage and as part of the development application process.

Scott Street

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.

As previously stated Council has invited the new owner to provide an initial offer as a basis to commence discussions in regards Scott Street. As of the date of this submission, Council has not received a response.