

## **Channel 9 Project Submission**

**I write to oppose any change to the existing approvals on the development of the Channel 9 site.**

### **Key Message**

1. The site is isolated, located in a suburban area with little commercial amenity and mass transport within walking distance;
2. The Proposed Channel 9 development is too high and too dense for its location;
3. I support the development of the Channel 9 site as currently approved.

### **Conclusion**

I request that the Independent Planning Commission:

- reject the increase in unit numbers, and maintain the limit set by PAC and the Land & Environment Court,
- reduce building height and storey levels to that set by PAC & the L&E Court.

**Yours faithfully.**

**Phillip Roberts**

**My submissions follow-**

### 3 Issues – why the proposed modification should not be approved

#### Strategic Context

The Department's assessment report statements regarding how the proposed modifications are strategically consistent with various NSW Government plans contain half-truths and fail to document the complete situation:

- The modification may be consistent with some of the NSW Premier's priorities but goes contrary to her stated goal of development appropriate for given sites, co-ordinated planning and the end of spot (site specific) zoning;
- That both the North District's and Willoughby Council's housing targets will be achieved without the increase in density at Channel 9;
- The proposed density at Channel 9 is contrary to that of Willoughby Council's LEP for the neighbouring area and draft strategic plan:
  - Both of which would require a smaller (rather than larger) development than the existing approval;
  - Council's strategic plan involves the increased density at CBD locations and near railway stations, with modest increases elsewhere;
- Both Willoughby Council and the North District strategic objective is for co-ordinated planning across areas with consistency and appropriate infrastructure and without "spot zoning" site specific variations.
- The proposed modification at Channel 9 is not consistent with either the planning goals, philosophy or strategy of either the North District or Willoughby City Council.

Council has recently released its draft planning strategy. Under this strategy, the development at the Channel 9 site would be smaller, rather than larger, than the approved development. It is incorrect for the Department to imply that proposed development increase is consistent with Council's strategy.

The Department's report implies that the Channel 9 modification is needed in order for the Northern Districts & Council's housing targets. However this implication is incorrect as both, these housing targets will be achieved without the changes proposed for the Channel 9 site.

#### Unsuitable Isolated Site –will result in high traffic movements

- The Channel 9 site is unsuitable for higher unit numbers because it is isolated from key amenities and mass transport; for example:
  - Artarmon railway station, the nearest station, is 1.5KM from the site;
  - Northbridge shops, the nearest shopping, are 1.3KM from the site;
  - Negligible medical facilities, retail & other amenities within walking distance of the site;
  - Existing bus services on Willoughby Road are at peak capacity now in peak times;
  - People from outside the Willoughby drive to nearby streets to catch the already crowded city buses.
- Residents in this area are dependent upon car transport to travel to services and amenities;
- The site's isolation will result in higher traffic movements per residence than the level provided by Roads and Maritime Services (RMS) guidance since the RMS' level is based on sites that are not as isolated;

These issues were recognised by PAC in reaching their determination.

#### Changes will increase traffic impact

Traffic on local roads will be increased due to the proposed changes as a result of:

- The increase in unit numbers from 400 to 460;

- Artarmon Road is already used as a “rat run” by many to avoid Willoughby Road;
- The reduction in non-residential of 200m<sup>2</sup>
  - Non-residential development provides amenities for site’s residents, reducing the need to travel (drive);
  - Reduction in non-residential will reduce the amenities included at the site and increase the need for residents to drive;
- Inclusion of child care centre
  - Child care attracts traffic, mostly at peak hours, which worsen the development’s traffic impact.

#### Changes will increase parking impact

Channel 9’s isolated location results in higher car ownership than normally associated with high rise apartment buildings. Car ownership will be higher than 1 vehicle per apartment and will result in higher residential demand for parking than allowed for in the development and Council’s parking control guidelines. These vehicles will end up being parked on adjoining streets.

The proposed modification will worsen this parking further because of:

- Higher unit numbers (i.e. density),
- Loss of internal road parking due to the reduced amount of internal roads, this loss of on street parking is not offset by underground visitor parking which is often inconvenient to use and difficult to find,
- Location of buildings on Artarmon Rd & Richmond Ave will attract parking on these public roads rather than on the site’s internal roads.

#### Private Use of Public Street

The exclusion of Scott Street from the development site reduces the public benefit from the development. Although Scott St remains a public street it will be used exclusively by the development - but at no cost to the developer:

- Willoughby City Council’s (**Council**) 1,003m<sup>2</sup> Scott St property was incorporated in the approved plan, to be purchased by the land owner;
- The Channel 9 site sold for around \$5,000/m<sup>2</sup>, this values WCC’s Scott St property at around \$5M;
- The residents of Willoughby are \$5M worse off as a result of the proponent no longer purchasing the property;
- The proponent utilises the Scott St public road for their exclusive use:
  - The road only services the Channel 9 site;
  - The Proposed building set-backs are reduced and less than that which normally apply for public roads;
  - This provides an unfair advantage to the developer.

#### Reduced Public Benefit

The proponent and Department suggest that the proposed increase in unit numbers is justified by the proposed “Voluntary Planning Agreements” of \$1.5M in tied expenditure.

However the proposed “Voluntary Planning Agreements” of \$1.5M is tied to expenditure directly related to the development with little net benefit to the community.

- \$0.5M on Willoughby & Artarmon Roads in an effort to mitigate the traffic impact caused by the development, a stop gap proposal WHICH IS OF NO BENEFIT;
- \$1M to upgrade Walter St Reserve that will be largely to the benefit of residents of the new development.

In addition there is a reduction in community benefit since:

- The public loses the benefit of the \$5M from the sale of Scott St property;
- The proposed VPA is less than the \$4M VPA offered to WCC as part of the approved development plan.

#### Too High

- The proposed 9 storey buildings are too high:
  - The buildings achieve the approved RL height through excavating the site and setting part of the building below ground level;
  - It results in:
    - an overdevelopment of the site
    - inadequate amenity for the residents living in the below-ground levels
    - a 9 storey building precedent in a predominantly low rise area
- the buildings on Artarmon and Richmond are increased in height to the detriment of the transition that exists between the approved development and surrounding low rise development on Artarmon Rd and Richmond Ave.

#### Amenity of Neighbouring Residents on Richmond Ave and Artarmon Rd

Amenity of neighbouring residents on Richmond Ave and Artarmon Rd (noise, traffic, parking, privacy) is adversely impacted by:

- The relocation of the public park on the corner of Artarmon & Richmond significantly reduces the set back from the new apartments
- The increased number of units housed in the 1 storey higher buildings along Richmond Ave and Artarmon Rd.
- The relocation of the site's Richmond Ave exit to the south will result in more Richmond Ave residences that will have traffic from the site travelling past them.

#### No Benefit in "Design Excellence"

- The Proponent's main justification for increasing the height and density is "design excellence";
- but design excellence is a condition of the existing approval;
- consequently the Proponent must incorporate design excellence in its implementation of the approved scheme;
- if the modifications being considered were limited to the changes in the design and site layout, with no increase in height and density, then it is unlikely there would be many objections

#### No Benefit in Increase in Open Space

The 907 m2 increase in open space provides little community benefit:

- there is a small increase in only GREEN space of 907m2 but a reduction in total open space, that is space that does not have a building structure on it;
- the increase in GREEN space is achieved by reducing the open area devoted to internal roads, which comes at the cost of worse parking and traffic movement
- the increase is not associated with a reduction in building bulk or building footprint, which have both increased,
- there is no reduction in built form or visual density
- the increase is minor, equivalent to little more than a single residential block

### Flawed Justification

- The Department of Planning & Environment (**Department**) fails to justify the increase in unit numbers.
- The Department provides 6 reasons to justify the Proposed increase (see section 6.2) each are either incorrect or irrelevant:
  1. Building heights are no greater than the existing approval
    - \* incorrect, building heights are increased, there are more storeys and greater mass
    - \* the maximum headline RL heights are maintained via subterranean construction
    - \* building 8/9 now 3.2m higher than in approved concept plan
  2. Built form on the site edges provides a transition to the neighbouring low scale
    - \* incorrect the transition on the edges are worse than in the approved scheme, the heights are higher, there is less set-back and greater density closer to the low scale residential
  3. Over shadowing is improved
    - \* minor improvement but irrelevant to the question of the number of units and housing density
  4. Open space is improved
    - \* total open space is reduced, green open space is marginally improved but at the cost of reduction in internal roads and worsened parking issues;
    - \* there is no reduction in built form
  5. Traffic generation remains acceptable
    - \* this is isolated site where residents are dependent upon cars
    - \* the 15% increase in apartment numbers will increase traffic impact by at least 15%
  6. Public benefit from the Voluntary Planning Agreement
    - \* the proposed Voluntary Planning Agreement is not for the public but targeted to the needs of the development;
    - \* the public benefit is significantly inferior to that of the approved development

### PAC and L&E Determination

The unit numbers and building storeys are not minor incidental aspects of the Channel 9 development but are the key issues involved, they were:

- the main aspects of the Channel 9 development that was determined by the Planning Assessment Commission;
- the focus of the subsequent appeal to the L&E Court and conciliation hearings;
- clearly stipulated in the final approval

PAC determined that the Channel 9 site was unsuitable for a 450 unit development. The Department overrides this determination with the statement (in Section 6.2) that the site is “well located provide additional density”. The Department makes this statement without:

- providing evidence to support the statement
- identifying any flaws in PAC’s determination;
- identifying any change in the site’s location that now justifies the increases proposed;
- identifying any other valid justification for the proposed increase;

The Department fails to make the case that the prior decisions of PAC and L&E should now be overturned. Overturning the decisions of NSW's two highest independent planning bodies without clear justification and cause undermines NSW planning process and the integrity of the planning regime.

P. Roberts

2/12/2018