

**15.15 OUTCOME OF PUBLIC EXHIBITION OF PLANNING PROPOSAL - 1-31
WALTER STREET AND 452-462 WILLOUGHBY ROAD, WILLOUGHBY**

ATTACHMENTS:	1. IMPLICATIONS 2. GATEWAY DETERMINATION DATED 14 FEBRUARY 2020 3. RESPONSE FROM TRANSPORT FOR NSW (TFNSW) 4. DRAFT DEVELOPMENT CONTROL PLAN 5. PUBLIC EXHIBITION – PLANNING ASSESSMENT OF ISSUES 6. SUMMARY OF SUBMISSIONS 7. DRAFT AMENDMENTS TO WLEP 2012 8. MLA TRAFFIC RESPONSE TO SUBMISSION FROM THE NAREMBURN PROGRESS ASSOCIATION
RESPONSIBLE OFFICER:	CHRIS BINNS – DIRECTOR PLANNING AND INFRASTRUCTURE (ACTING)
AUTHOR:	IAN SHILLINGTON - STRATEGIC PLANNER
CITY STRATEGY OUTCOME:	3.4- CREATE DESIRABLE PLACES TO BE AND ENJOY
MEETING DATE:	14 SEPTEMBER 2020

1. PURPOSE OF REPORT

To advise Council of the outcome from the public exhibition of the Planning Proposal to rezone the properties at 1-31 Walter Street and 452-462 Willoughby Road, Willoughby and to obtain Council's endorsement to forward to the Department of Planning, Industry and Environment the amendments to *Willoughby Local Environmental Plan (WLEP2012)* with Council support and to adopt changes to *Willoughby Development Control Plan (WDCP)*.

2. OFFICER'S RECOMMENDATION

That Council:

- 1. Notify the Department of Planning, Industry and Environment that it supports amendments to Willoughby Local Environmental Plan 2012 (WLEP2012) relating to 1-31 Walter Street and 452-462 Willoughby Road, Willoughby as exhibited.**
- 2. Endorse amendments to the site specific controls in Section D.2.16.17 of Willoughby Development Control Plan (Willoughby DCP) as modified.**
- 3. Recognise the need for increased bus services and additional school capacity and seek State Government support in addressing these needs in order to cater for increased density in line with the North District Plan.**
- 4. Request that the Department of Planning, Industry and Environment require the surrender of Development Consent 2016/263 for a Child Care Centre at 1-1A Walter Street and 452-460 Willoughby Road, Willoughby prior to making the Planning Proposal relating to 1-31 Walter Street and 452-462 Willoughby Road.**

3. BACKGROUND

At the meeting of 8 April 2019 Council resolved not to support Planning Proposals for two sites (1-1A Walter Street, 452-462 Willoughby Road) and 3-31 Walter Street which sought to amend the current R3 Medium Density Residential zoning to R4 High Density Residential. Following the Council decision the proponent applied to the Department of Planning, Industry and Environment (DPIE) for a Gateway Review which was subsequently issued on 14 February 2020.

On 22 July 2019, Council resolved to advise the Planning Panel Secretariat that if a gateway was issued it wished to be the Planning Proposal Authority (PPA) for a Planning Proposal at 1-31 Walter Street and 452-462 Willoughby Road as this would allow Council to continue to be involved in developing controls, oversee the public exhibition and negotiate a Voluntary Planning Agreement (VPA) for the site.

At the meeting of 20 April 2020, Council resolved to support and execute a Voluntary Planning Agreement (VPA) subject to the outcome of its public exhibition. The VPA documents a proposed community benefit by a monetary contribution towards a new pedestrian and cycle connection along Walter Street as well as upgrading of the Willoughby Leisure Centre.

4. DISCUSSION

The proponent, Walter Projects Pty Ltd request for Rezoning (Gateway) Review was considered by the Sydney North Planning Panel which determined that the Planning Proposals had strategic merit and recommended they proceed for a Gateway Determination subject to:

- the two sites be considered as an amalgamated site for rezoning;
- the heights and proposed floor space ratios across the integrated site be master planned to better respond to the site circumstances, including at the corner of Willoughby Road and Walter Street;
- the preparation of an amalgamated DCP prior to the matter going to Gateway; and
- any DCP ensuring that all vehicular access for the amalgamated site occur from Walter Street and not Willoughby Road.

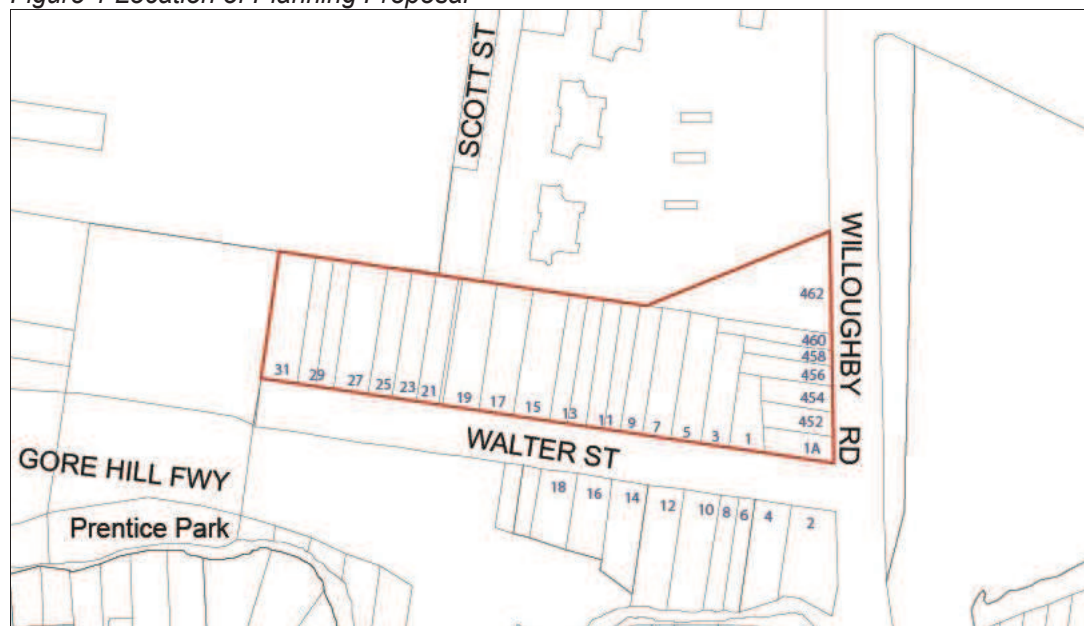
Reasons for the decision as outlined by the Panel included that the site is a remnant area of low density housing surrounded by high density residential at the former Channel 9 site and the freeway and that traffic generation of the consolidated proposal would be less than what would occur as a result of existing approvals in Walter Street for residential flat buildings and a childcare centre. It also noted that Transport for New South Wales had given conditional approval for traffic control signals at the intersection of Walter Street and Willoughby Road.

In response to the recommendations of the Sydney North Planning Panel, the Planning Proposals were amended and combined. Site specific Development Control Plan provisions were prepared (Attachment 2) incorporating a master plan for the integrated site. The controls require:

- that the site is considered as three consolidated land parcels allowing for heights ranging from 8-9 storeys in the north west of Walter Street stepping down to 4-5 storeys on the Willoughby Road frontage. This will be complementary to the scale and character of the approved master plan located to the north on the former Channel 9 site and the existing Castle Vale apartments at 2 Artarmon Road.

- that the corner of Willoughby Road and Walter Street is addressed through amalgamating 452–462 Willoughby Road and 1–13A Walter Street with a single vehicular access from Walter Street and a height transition from four storeys (adjacent to the Castle Vale development) up to five storeys towards the intersection of Walter Street and Willoughby Road but retaining the overall 1.5:1 Floor Space Ratio for the amalgamated allotment.
- The draft DCP controls also address the retention of significant trees as well as minimum setbacks so development is not read as a single mass from Willoughby Road or Walter Street. It also includes issues such as Design Excellence and minimum open space provisions.

Figure 1 Location of Planning Proposal



The Delegate of the Minister for Planning and Public Spaces subsequently issued a Gateway Determination (Attachment 3) authorising exhibition of the Planning Proposal on 14 February 2020. The Determination did not authorise Council to be the local plan-making authority to make the plan. Prior to exhibition the Planning Proposal was amended in accordance with the conditions of the Gateway Determination.

The exhibited Planning Proposal seeks to amend *Willoughby Local Environmental Plan 2012* to:

- Change the zoning from R3 Medium Density Residential to R4 High Density Residential.
- increase the maximum permissible floor space ratio from 0.9:1 to 1.5:1 (including 4% of gross floor area for affordable housing).
- increase the height on 452-462 Willoughby Road and 1-1A Willoughby Road to 17m (approximately five storeys); on 3-13A Walter Street to 24m (approximately eight storeys) and on 15-31 Walter Street to 27m (approximately nine storeys). (The current height allows 12m (four storeys) across the site).
- amend the minimum allotment size for development of the site
- include a design excellence clause.

Details of the planning issues and outcomes of the public exhibition process are included at Attachments 5 and 6.

Following consideration of the submissions and in view of advice from TfNSW and Council's Traffic and Transport Team Leader, it is considered that on balance, the development of the site as proposed for high density residential can be supported. Overall, the site's proximity to local and strategic centres, public transport and the open space network make it an appropriate location for increased residential density. Its proposed scale is consistent with adjoining sites to the north and the traffic generation of the consolidated proposal would be less than what would occur as a result of existing approvals in Walter Street for residential flat buildings and a child care centre. (Attachment 8)

Council does not have delegation to determine the Planning Proposal. It is recommended that should Council seek to advise the Department of Planning, Industry and Environment that it does not support the Planning Proposal (contrary to recommendation 1), that Council still resolve to adopt recommendations 2, 3 and 4 of this report should the Minister support the Planning Proposal. This includes the requirement that the court approved child care centre DA 2016/263 be surrendered prior to gazettal of amendments to *Willoughby Local Environmental Plan 2012*.

Changes to the Planning Proposal as a result of Public Exhibition Draft LEP Written Instrument and Maps

No changes are proposed to the intention of the exhibited amendments to *Willoughby Local Environmental Plan 2012*. It is noted that the wording of the clauses will be negotiated in consultation with Parliamentary Counsel if the Planning Proposal is supported. The Gateway Determination required that a plain English version of the amendment to the affordable housing clause 6.8 of *Willoughby Local Environmental Plan 2012* be exhibited.

The amendment to clause 6.8 proposes that the 4% affordable housing requirement be included in the 1.5:1 maximum floor space ratio for the site rather than excluded as is currently the case in WLEP 2012. It is proposed to submit a draft written clause for Parliamentary Counsel consideration to replace the plain English version. (Refer to Attachment 7)

The Special Area Provision Map of WLEP 2012 has also been amended to identify the site (1-31 Walter Street and 452-462 Willoughby Road) as being in Area 9 requiring that the floor space ratio includes 4% affordable housing. The site has also been identified as Area 12 so that it is subject to the Design Excellence Policy.

Draft Site Specific Development Control Provisions

Since the Planning Proposal was prepared Council has adopted amendments to *Willoughby Development Control Plan (WDGP)* requiring greater consideration of energy efficiency measures in Residential Flat developments (Clause C3), therefore no further change in relation to this issue is required. It is proposed to include a requirement in the DCP that a drainage easement be provided on the site in favour of the former Channel 9 site to the north. While it is understood that there is an existing arrangement in place, inclusion in the site specific Development Control Plan provisions is appropriate given that Walter Street is located downhill of the former Channel 9 site. (Refer to Attachment 4)

5. CONCLUSION

Council has previously refused rezoning of the subject site from R3 Medium Density Residential to R4 High Density Residential. It has subsequently been supported by the Sydney North Planning Panel and the Department of Planning, Industry and Environment for public exhibition. The main issues raised during public exhibition relate to over development, insufficient access to public transport including poor bus services, safety and access issues from increased traffic and parking as well as pressure on schools and open space.

Following consideration of the submissions received during exhibition and in view of advice from TfNSW and Council's Traffic and Transport Team Leader, it is considered that on balance, the development of the site as proposed for high density residential can be supported. Overall, the site's proximity to local and strategic centres, public transport and open space network make it an appropriate location for increased residential density. It's proposed scale is consistent with adjoining sites to the north and the traffic generation of the consolidated proposal would be less than what would occur as a result of existing approvals in Walter Street for residential flat buildings and a child care centre.

IMPLICATIONS	COMMENT
City Strategy Outcome	3.4 Create Desirable Places to be and Enjoy
Business Plan Objectives, Outcomes / Services	To ensure this Planning Proposal is in line with the <i>Local Strategic Planning Statement (LSPS) Willoughby Housing Strategy, A Metropolis of Three Cities</i> and the <i>North District Plan</i> in that it accommodates future growth needs.
Policy	Willoughby Local Environmental Plan 2012 and Willoughby Development Control Plan
Consultation	The Planning Proposal was exhibited from 11 May 2020 to 22 July 2020
Resource	Operating resources with legal input in relation to preparation of VPA
Risk	Risk of not achieving the objectives of the draft Housing Strategy and accommodating future growth requirements.
Legal	The Planning Proposal would amend <i>Willoughby Local Environmental Plan 2012 and WDCP</i>
Legislation	<i>Environmental Planning & Assessment Act 1979</i>
Budget/Financial	Future development following rezoning is subject to Section 7.12 Contributions under the Willoughby City Section 94A Contributions Plan Voluntary Planning Agreement is associated with this matter

ATTACHMENT 2



Planning,
Industry &
Environment

Gateway Determination

Planning proposal (Department Ref: PP_2019_WILLO_002_00): to amend the Willoughby Local Environmental Plan (LEP) 2012 to rezone land at 1-31 Walter Street and 452-462 Willoughby Road, Willoughby.

I, the Acting Executive Director, at the Department of Planning, Industry and Environment, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Willoughby Local Environmental Plan (LEP) 2012 for land at:

- 1-31 Walter Street and 450-462 Willoughby Road, Willoughby to:
 - rezone the land from R3 Medium Density Residential to R4 High Density Residential;
 - increase the floor space ratio (FSR) from 0.9:1 to 1.5:1;
- 1-1A Walter Street and 450-462 Willoughby Road, Willoughby to:
 - increase the maximum height of buildings from 12m to 17m;
- 3-13A Walter Street, Willoughby to:
 - increase the maximum height of buildings from 12m to 24m;
- 15-31 Walter Street, Willoughby to: and
 - increase the maximum height of buildings from 12m to 27m;

should proceed subject to the following conditions:

1. Prior to community consultation, the planning proposal is to:
 - (a) address North District Planning Priority N5 – providing housing supply, choice, and affordability, with access to jobs, services, and public transport;
 - (b) consider removing the proposed amendments to Clause 6.10 from the planning proposal relating to minimum lot sizes and address this within a site-specific DCP requirement relating to preferred lot sizes or amalgamation patterns;
 - (c) reconsider the amendments to Clause 6.8 (Affordable Housing) to ensure that affordable housing is included within the maximum FSR. If considered necessary, prepare a plain English explanation of the proposal's intentions for public exhibition;
 - (d) update the proposed LEP maps to Department standard;
 - (e) update overshadowing diagrams to demonstrate that development in accordance with the proposal can achieve Willoughby Council's DCP minimum solar access outcomes to the primary living areas and of existing properties to the south of the site along Walter Street;

- (f) update the project timeline.
2. Community consultation is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
- (a) The planning proposal must be made publicly available for a minimum of 28 days;
 - (b) The planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals identified in section 5.5.3 of *A guide to preparing local environmental plans* (Department of planning and environment 2016); and
 - (c) Council is to write to all affected landowners providing notice of the proposal and public exhibition.
3. Consultation is required with the following public authorities under section 3.34(2)(d) of the Act:
- NSW Department of Transport (former Transport for NSW and Roads and Maritime Services) in relation to the adjoining land zoned SP2 Infrastructure and land reserved for acquisition;
 - Sydney Water; and
 - Ausgrid.
- Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material and given at least 21 days to comment on the proposal.
4. A public hearing is not required to be held into this matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission to reclassify land).
5. The time frame for completing the LEP is to be 12 months from the date of the Gateway determination.
6. Given the nature of the planning proposal, Council is not authorised to be the local plan-making authority to make this plan.

Dated 14th day of February 2020.



Amanda Harvey

**A/ Executive Director
Eastern Harbour City
Greater Sydney Place, Design, and
Public Spaces**

**Delegate of the Minister for Planning
and Public Spaces**

PP_2019_WILLO_002_00 (IRF 19/7158)

WILLOUGHBY COUNCIL RESPONSE TO CONDITIONS OF GATEWAY DETERMINATION

1. Prior to community consultation, the Planning Proposal is to:

- (a) address North District Planning Priority N5 – providing housing supply, choice, and affordability, with access to jobs, services, and public transport.*

Council response

The Planning Proposal report has been amended to include consideration of North District Planning Priority N5 in the following way:

North District Planning Priority N5: The Planning Proposal allows an increase in the housing density (supply) in the subject area and offers a mix of housing choice by allowing a range of dwelling sizes across the site within a range of building heights from 4-5 storeys to 8-9 storeys. In line with the current LEP new development will include the requirement that 4% of the gross floor area be provided as affordable housing which could be in the order of 10-11 dwellings.

The site is well located in terms of access to jobs, services and bus transport and is within walking distance to Artarmon railway station. Future residential development will contribute to a liveable, walkable neighbourhood with direct, safe and universally designed pedestrian and cycling connections to shops, services and public transport consistent with this priority.

- (b) consider removing the proposed amendments to Clause 6.10 from the planning proposal relating to minimum lot sizes and address this within a site-specific DCP requirement relating to preferred lot sizes or amalgamation patterns.*

Council response

Council has not removed the minimum lot sizes as removal would be inconsistent with current practice. Council will pursue its intention to amend Clause 6.10 of the WLEP to include minimum allotment sizes as identified in the Planning Proposal. This is consistent with a number of other sites listed in Clause 6.10 and provides more certainty than a DCP that the master plan of the site as required by the Sydney North Planning Panel – particularly at the corner of Willoughby Rd and Walter St can be achieved. Further, if the preferred amalgamation pattern was included in a site specific DCP, it would be inconsistent with the minimum allotment size in the current clause 6.10 (g) of WLEP 2012.

- (c) reconsider the amendments to Clause 6.8 (Affordable Housing) to ensure that affordable housing is included within the maximum FSR. If considered necessary, prepare a plain English explanation of the proposal's intentions for public exhibition.*

Council response

As suggested the Planning Proposal report has been updated to include a Plain English Explanation of the Planning Proposal's intention to amend Clause 6.8 (Affordable Housing) to require 4% of GFA for affordable housing to be included within the proposed 1.5:1 floor space ratio for the subject land.

(d) the proposed LEP maps have been updated to the Department's required standard;

(e) update overshadowing diagrams to demonstrate that development in accordance with the proposal can achieve Willoughby Council's DCP minimum solar access outcomes to the primary living areas and of existing properties to the south of the site along Walter Street;

Council response

Clause D.2.13.3 of Willoughby DCP requires that north facing windows of living areas and the principal portion of the recreational open space of adjoining residential buildings should have at least 3 hours sunlight between 9am and 3pm on June 22. It also states that where existing overshadowing of buildings and fences is greater than this, sunlight should not be reduced by more than 20%.

The applicant has provided updated shadow diagrams indicating the impact to properties on the southern side of Walter St based on the concept plans. According to the diagrams two properties, 16 and 18 Walter St, will receive less solar access to their living rooms than existing. The property at 16 Walter St will receive 50% less sunlight to the main living area (2.25 hours compared with 5 hours as existing between 9.15 -10.15am and 12.00-13.15pm.)

Although the concept plans indicate non-compliance with Council's DCP solar access provisions, such details would be more thoroughly assessed and addressed at Development Application stage when solar access to the south of the site in Walter St would receive particular attention. It is also noted that the land is currently zoned SP2 Infrastructure and if developed for that purpose, solar access would be of minimal concern.

(f) The project time line has been updated in accordance with the Gateway Determination.



ATTACHMENT 3

9 July 2020

TfNSW reference: SYD20/00597

Strategic Planning Manager
Willoughby City Council
PO Box 57
Chatswood NSW 2057

Attention: Jane Hosie

Dear Ms Shankie-Williams,

PLANNING PROPOSAL TO AMEND ZONING FOR LAND AT 1-31 WALTER STREET, 1-1A & 452-462 WILLOUGHBY ROAD, WILLOUGHBY

I refer to your letter of 13 May 2020 inviting Transport for NSW (TfNSW) to comment on a planning proposal for 1-31 Walter St and 452-462 Willoughby Rd, Willoughby.

We apologise for the delay in providing a response to the proposal which we understand is to amend the Willoughby LEP 2012 to:

- change the zoning from R3 Medium Density Residential to R4 High Density Residential;
- increase the FSR from 0.9:1 to 1.5:1 (including 4% of gross floor area for affordable housing);
- increase the building height on 456-462 Willoughby Road and 1-1A Walter Street to 17m (~5 storeys); on 3-13A Walter Street to 24m (~8 storeys); and on 15-31 Walter Street to 27m (~9 storeys). The current height allows 12m (4 storeys) across the site;
- amend the minimum lot size for the development of the site; and
- include a design excellence clause.

The concept plan provided to Council details that the proposed planning controls could yield the order of 255 residential units and 332 car spaces.

TfNSW notes that this proposal differs from an earlier proposal for the site informally referred to us for comment in 2017. In particular, a child care centre is no longer included, which significantly reduces the traffic generation compared with the earlier proposal. As a result, the warrants for the provision of traffic control signals on Willoughby Road at the Walter Street intersection will no longer be met. On this basis, TfNSW is of the view that right turn movements at this intersection be prohibited in the weekday peak periods (6-10am and 3-7pm) on road safety and network efficiency grounds via regulatory signposting.

As Council would be aware, the above part time movement restriction requires preparation of a Traffic Management Plan (TMP) for review by both Council and TfNSW to identify the

Transport for NSW
27-31 Argyle Street, Parramatta NSW 2150 | PO Box 973, Parramatta CBD NSW 2124
P 131782 | W transport.nsw.gov.au | ABN 18 804 239 602

impact (if any) of displaced traffic movements on the adjacent road network and the need (if any) for mitigation measures.

These requirements can be addressed post gazettal of the planning proposal as part of a future Part 4 DA submission, and would need to also include consultation with affected residents undertaken to the satisfaction of Council as the relevant planning authority.

In addition to the above, the existing SP2 zonings on Walter Street are being maintained by TfNSW with no current plan to dispose of these properties.

Should you have any questions or further enquiries in relation to this matter, James Hall would be pleased to assist by phone 0418962609 or email:
development.sydney@transport.nsw.gov.au

Yours sincerely



Cheramie Marsden
Senior Manager Strategic Land Use
Land Use, Networks & Development, Greater Sydney

ATTACHMENT 4

452 - 462 Willoughby Road and 1 - 31 Walter Street, Willoughby
Proposed Site Specific DCP Provisions

To further guide the design of new development within the site, and to provide greater certainty regarding the future design outcome for the site, a site-specific development control plan (DCP) has been prepared to support the draft LEP amendment. Proposed DCP Controls in the general accepted format of the Willoughby DCP are outlined in the following sections.



General Provisions

The aims and objectives of the DCP site specific provisions are to:

- a) Ensure that the site is amalgamated, so as to enable the substantial redevelopment of the site for high density residential development;
- b) Ensure that the development is complementary to the scale and character of development in the area;
- c) Encourage energy efficient design and development;
- d) To encourage high quality, built form outcomes and achieve design excellence;
- e) Indicate the location of vehicle access points to the site and the general location of parking areas; and
- f) Mitigate impact of traffic generation from the development on the surrounding road networks;
- g) Control adverse environmental impacts such as wind and shadows from any development of the site;

ATTACHMENT 4

Specific Provisions

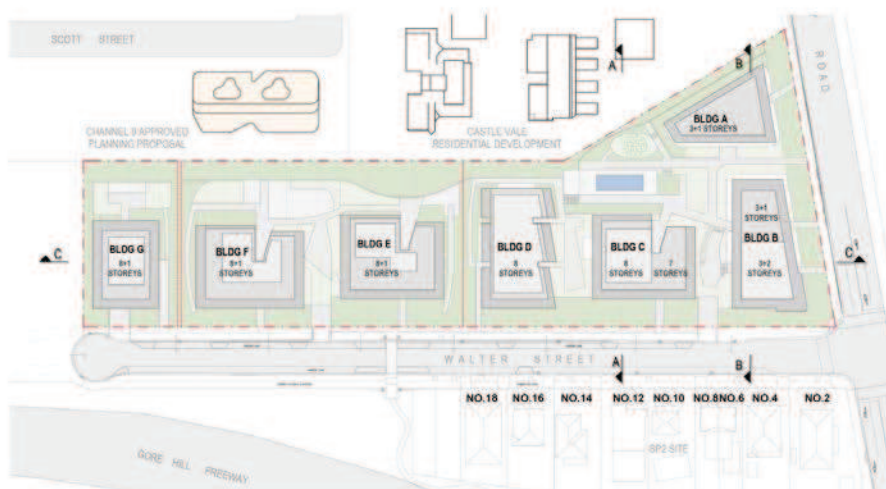
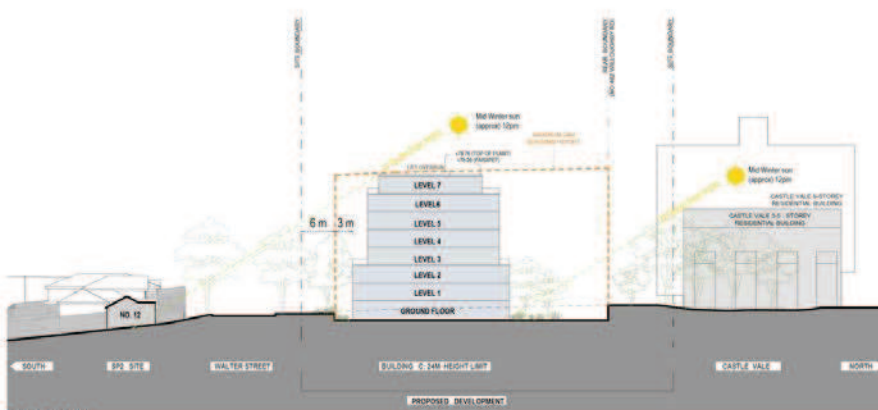
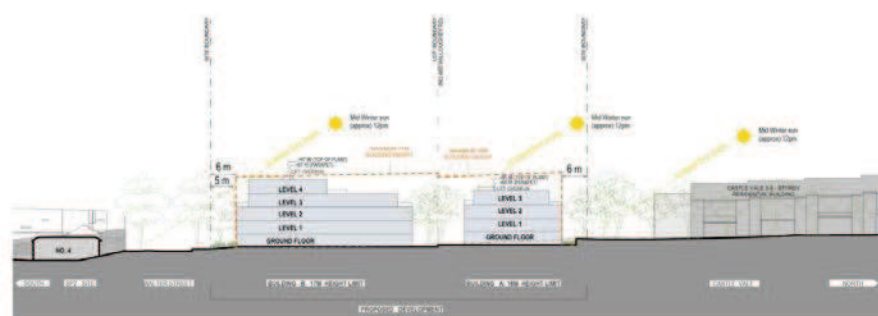


Figure 1 Building Envelope Plan



SECTION A



SECTION B

ATTACHMENT 4

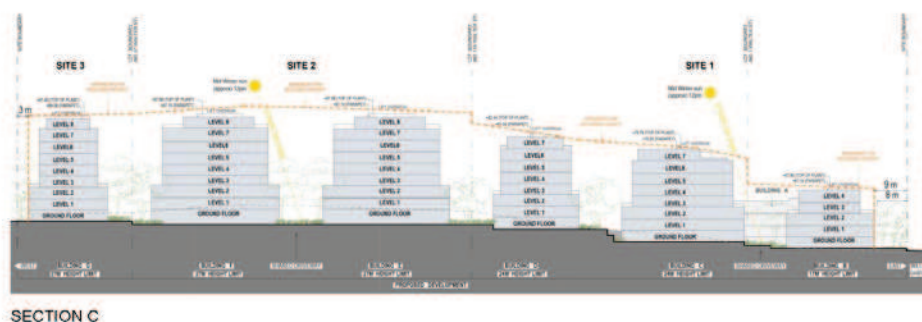


Figure 2 Indicative Building Envelope Sections

A – Height*Objectives*

- a) To achieve an appropriate height transition across the site responding to the existing and future desired context; and
- b) To provide various height controls that maintain reasonable solar access to the private open space of nearby residential development and enhance solar access through the site.

Controls

1. The height of buildings in storeys are to be in accordance with the Building Envelope Plan.
2. The development is to provide a three-storey podium to Walter Street with a 3m setback above to reduce impacts on the public domain and surrounding residential buildings and provide a transition in scale.

B – Design Excellence*Objectives*

- a) To encourage innovative, high quality architectural design; and
- b) To achieve long term durability of design and finish.

Controls

1. Before granting development consent for the erection of a new building development, the Council must consider the quality of the architectural design and the achievement of design excellence.
2. In considering the quality of the architectural design, the Council must consider feedback received from a Design Review Panel for developments of up to 35m high.
3. Achievement of design excellence will include achievement of higher building sustainability standards.
4. Any amelioration measures for environmental impacts such as architectural elements and landscaping are integrated into the design to achieve an overall high standard of design quality.

ATTACHMENT 4

C – Allotment Size and Consolidation

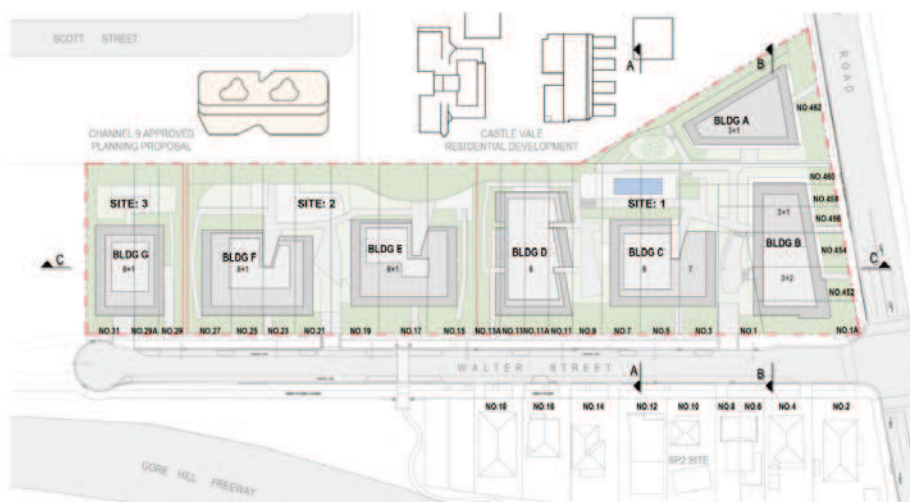


Figure 3 Site Amalgamation Plan-

Objectives

- Allotments should be amalgamated to ensure that sufficient site area is available to achieve the stated development potential, adequate provision for landscaping and to avoid isolating any allotments subject to this section of the DCP from future development;
- Ensure that the site is amalgamated, so as to enable the substantial redevelopment of the site for high density residential development;
- Ensure that the development is complementary to the scale and character of development in the area;
- To encourage high quality, built form outcomes and achieve design excellence;

Controls

- New development on the site will be required to consolidate all affected allotments;
- The sites should be amalgamated in accordance with Figure 3;
- A development application for the substantial redevelopment of fewer than all of the allotments, the subject of this section of the DCP, must be accompanied by evidence that consolidation of all allotments has been reasonably attempted in accordance with the Land and Environment Court's Planning Principles;
- Any basement car parking proposed on the site is to make provision for shared access where appropriate, with necessary easements on title in accordance with Section 88B of the NSW Conveyancing Act 1919, appropriate circulation paths, and siting of breakthrough walls to allow shared/integrated basements with access from Walter Street only.

ATTACHMENT 4

D – Setbacks and Streetscape*Objectives*

- a) To ensure future development appropriately recognizes the streetscape and contributes to the public domain; and
- b) To ensure residential development proposed on the site is consistent with the design criteria contained within the Apartment Design Guide.

Controls

1. A minimum 9m building setback to Willoughby Road but allowing an articulation zone of up to 2m within 10m from the corner of Walter Street and Willoughby Road;
2. A varied building setback alternating between 6m and 9m to Walter Street;
3. The below ground, basement parking to Willoughby Road to be setback a minimum of 7.5m;
4. The below ground basement parking to the northern boundary of 462 Willoughby Road to be setback a minimum of 6m;
5. The below ground, basement parking to Walter Street setback must follow that of the building above;
6. The upper level of the Willoughby Road buildings should be setback a minimum of 3m from the level below on all sides;
7. A further 3m setback to both street frontages is required above residential level 3 to create a podium;
8. The design of the development is not to be read as a single mass from Willoughby Road or Walter Street but should be broken into a rhythm of buildings of varying width.
9. The design of the development facades is to create a visually interesting form incorporating recessed and projecting elements.
- c) Separation between building forms is to be consistent with the criteria contained within the Apartment Design Guide.
- d) The rear setback is to be consistent with the criteria contained within the Apartment Design Guide at a minimum but must on average demonstrate the provision of greater rear setbacks to maximize northern exposure for ground level communal open space.

ATTACHMENT 4

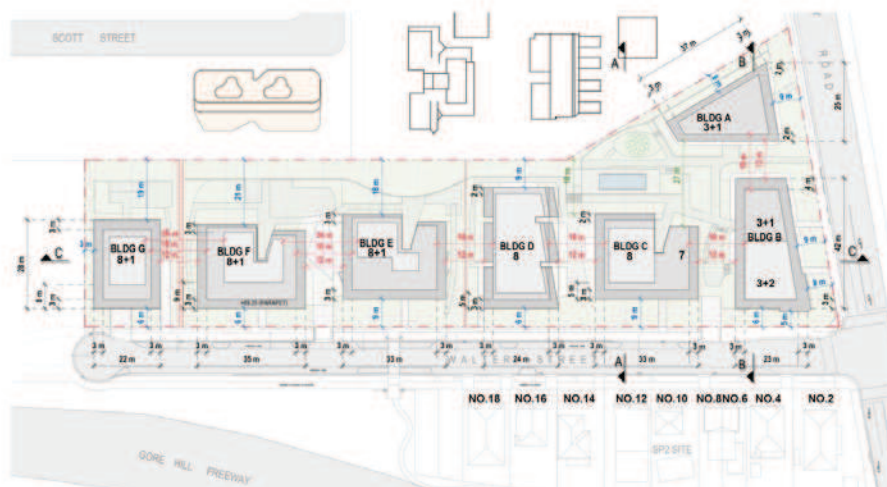


Figure 4 Building Envelope Plan and Setbacks

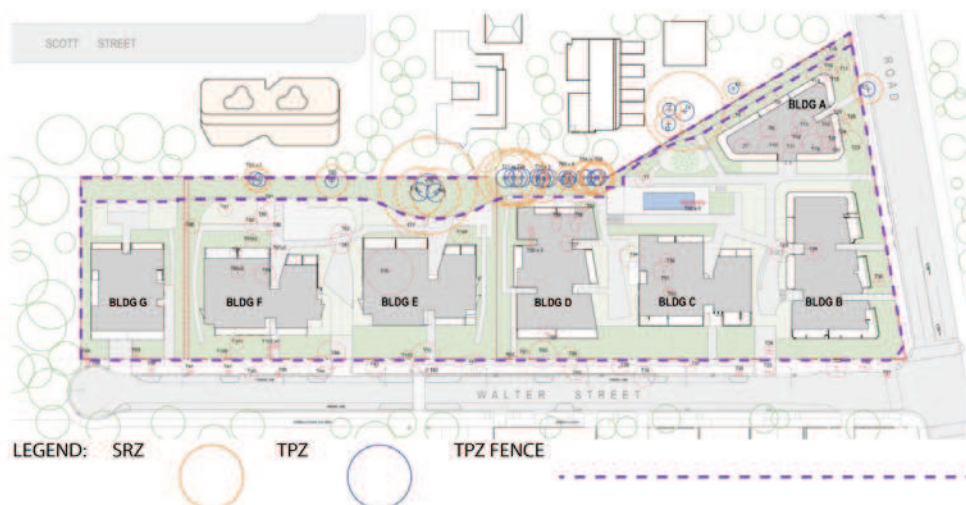
E – Open Space and Landscaping*Objectives*

- a) Landscaping is to soften and complement the development;
- b) Landscaping is to retain and complement the existing mature tree plantings along the northern boundary of the site; and
- c) Landscaping at street level shall improve the amenity and appearance of the pedestrian environment and public domain.

Controls

1. The trees nominated in Figure 5; the significant tree diagram below are to be retained.
2. The planting to the setback areas is to maintain clear sight lines between the entrances and the street and within planted areas;
3. Open spaces within the front setback area are to present useable and accessible open space that improves the public domain;
4. Additional street tree planting will be required for new development. The location and species of the new planting will be nominated by Council as part of any development consent;
5. Landscaped areas are to be adequately irrigated and drained;
6. The redevelopment of the site is to provide the inclusion of soft landscaping;
7. The maximum site coverage for each of the amalgamated sites is 30%.
8. The minimum communal open space is 25% of the site area and a minimum deep soil of 15% of the site area is to be maintained across each of the amalgamated sites.
9. Private open space is to be consistent with the criteria contained within the Apartment Design Guide;
10. The minimum recreational open space is 55% of the site area across each of the amalgamated sites.
11. The minimum soft landscaping is 35% of the site area across each of the amalgamated sites.

ATTACHMENT 4



Significant Tree Diagram-

1. Redgum Tree No. / Redgum Stand No.	2. Structural Root Zone SRZ (DARB) From centre of trunk (COT) Diameter Above Root Buttress AS4970 2009 Section 3, 3.3.5 (see Appendix D) where applicable (Minimum 1.5 metres)	3. Trunk Diameter at Breast Height DBH 1.4m above ground, AS4970 2009, or mm or m above ground where indicated. # = average, g = ground	4. Tree Protection Zone (TPZ) = 12 x DBH From centre of trunk (COT) in metres AS4970 2009 Section 3 (see Appendix D) (Minimum 2.0 metres)	5. Proposed distance of tree protection fence/works on the side closest to building construction ¹ , in metres by Redgum Horticultural.
2	2.1	330 est	4.0	4.0 ^{1,2}
3	1.9	290	3.5	>8.0 ^{1,2}
4	2.9 (720)	980	11.8	>7.5 (basement) 6.0 (Children's play area) ^{1,2}
5	1.6	190	3.0 x 2.5 E/W ^{2,4}	3.0 ^{1,2}
27	2.2	370	4.4	4.4 ^{1,2}
64	2.3	400#	4.8	4.8
65	2.3	400#	4.8	4.8
66	2.3	400#	4.8	4.8
67	2.3	400#	4.8	4.8
68	2.3	400#	4.8	4.8
69/6	2.0	300#	3.6	3.6
70/7	2.7	600#	7.2	5.0 (9.7% retaining wall)
71	2.8	650	7.8	5.0 (12.2% retaining wall)
72	2.8	700	8.4	5.0 (14.5% retaining wall)
73	2.8	700	8.4	5.0 (14.5% retaining wall)
74	2.8	700	8.4	5.0 (14.5% retaining wall)
78	2.7	600	7.2	7.0
79	3.6	1200	14.4	7.0 (18.8% retaining wall)
80	2.7	600	7.2	7.0
83	2.2	390	4.7	4.5
92/9	2.0	300#	3.6	3.6

TREE INVENTORY (Table 2.0, P 57, Report: Arboriculture Impact Assessment; 1-31 Walter Street & 452-462 Willoughby Road, Willoughby NSW, Redgum Horticultural 2019)

Figure 5 Significant Tree Diagram with Tree Inventory

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F – Access, Parking and Transport*Objectives*

- a) The development shall meet Council's car parking requirements for sites located on Major Public Transport Corridors;
- b) The number of vehicle access points are to be minimised;
- c) Traffic generated from the proposed development should be mitigated;
- d) Vehicular access points are designed to minimise their impact on pedestrians and the flow of traffic; and
- e) Vehicular access points should be unobtrusive in the streetscape but ensure visibility for motorists and approaching pedestrians.

Controls

- 1. Proposed vehicular access is to be limited to the Walter Street frontage, no vehicular access is permitted from Willoughby Road;
- 2. The number of vehicle access points are not to exceed one per amalgamated site;
- 3. Future development of the site must ensure that measures are put in place so that development will have no significant impact on the efficiency and operation of the existing surrounding road network;
- 4. Active transport facilities including resident and visitor bicycle parking are to be provided; and
- 5. Electric car charge points are to be provided within any basement car park.

G – Environmental Considerations*Objectives*

- a) The design of the new development shall minimise the overshadowing impact on adjoining development;
- b) The shape, location and height of buildings should be designed to satisfy wind criteria for public safety and comfort at ground level;

Controls

- 1. New development is to minimise additional overshadowing of main private open space or living rooms of residential properties during the mid-winter period where the shadows would reduce sunlight access to below 3 hours per day between 9am and 3pm on June 22;
- 2. Any wind amelioration measures shall be integrated into the overall architectural or landscape design of the site;

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H- Geotechnical Requirements*Objectives*

- a) Ensure the suitability of the site for high density housing
- b) Existing topography should be retained where possible

Controls

1. Future development is to be accompanied by provisions that examine all aspects of the geotechnical environment and suitability of the site for high density housing in accordance with the recommendations of the geotechnical assessment report prepared by JK Geotechnics dated 23 August 2019.

I. Drainage Easement*Objectives*

- a) Ensure appropriate Drainage between adjoining properties.

Controls

1. An easement is to be provided on the site in favour of the former Channel 9 site at 14 Artarmon Road to ensure satisfactory disposal of storm water. The exact location is to be determined in consultation with and approved by Willoughby Council's Development Control Engineer.

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PUBLIC EXHIBITION - PLANNING ASSESSMENT OF ISSUES

The Planning Proposal and amendments to *Willoughby Local Environmental Plan 2012*, site specific *Willoughby Development Control Plan (WDCP)* controls as well as the draft *Voluntary Planning Agreement (VPA)* were placed on exhibition from 14 May 2020 until 22 June 2020. Notification was undertaken with letters sent to 1,773 nearby owners and occupiers.. The exhibition was placed on Council's Have Your Say website and was also notified through Council's digital engagement newsletter to approximately 5,000 email addresses as well as local Progress Associations. Lane Cove and North Sydney Councils were also notified of the Planning Proposal.

The Gateway Determination required that the following public authorities be consulted:

- Transport NSW (TfNSW) in relation to the adjoining land zoned SP2 Infrastructure and land required for Acquisition.
- Sydney Water and Ausgrid.

No response has been received from Sydney Water or Ausgrid, The response from TfNSW (Attachment 4) advises that it no longer supports traffic control signals at the intersection of Walter Street and Willoughby Road given the likely decrease in traffic without the 215 place child care centre. Traffic issues are discussed in more detail later in this report.

No submissions were received on the *Voluntary Planning Agreement (VPA)* and there were no specific submissions relating to the draft site specific Development Control provisions although the majority of submissions did not support the proposed rezoning generally.

There was one representation from the State Local Member for Willoughby (The Hon Gladys Berejiklian MP) on behalf of a constituent of Lumsden Road, Cammeray.

There was no request for a public hearing into the issues raised in any submission.

Thirty One (31) submissions were received from the Naremburn Progress Association and residents of the surrounding area which have been summarised and assessed at Attachment 6. There was one letter of support and another with conditional support. The remaining 29 submissions did not support the Planning Proposal. The issues raised in the submissions related to:

- Overdevelopment of the site especially in conjunction with the approved masterplan for the former channel 9 site;
- safety of pedestrians and potential for increases in accidents on Willoughby Road;
- Increased traffic delays along Willoughby Road especially with additional traffic from development on the Channel 9 site;
- inconvenience for drivers if there is a restriction requiring no Right turn into Walter Street from Willoughby Road and no Right turn into Willoughby Road from Walter Street;

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- Increased car parking in local streets which is already a problem.
- Issues regarding the analysis of the proposal in the Proponent's Traffic Report prepared by TTP Traffic and Transport Planning;
- Insufficient access to Public Transport including poor bus service;
- Impact on properties zoned SP2 Infrastructure located on the southern side of Walter Street;
- Pressure on local Infrastructure, in particular schools and open space;
- Loss of rocky outcrops in the northern part of the site;
- Energy Efficiency Issues, site contamination and garbage truck access;
- The importance of site amalgamation and surrender of the Child Care Centre approval at 1,1A Walter Street and 452-460 Willoughby Road.

Issues relating to traffic and perceived over development were the main issues raised in submissions. In relation to traffic, TfNSW have advised that the current proposal without the inclusion of a child care centre significantly reduces the traffic generation compared to an earlier proposal. It now advises that traffic signals on Willoughby Road at the Walter Street intersection are not warranted. Instead, TfNSW advises that it supports right turn movements at the intersection being prohibited in the weekday peak periods (6-10am and 3-7pm) on road safety and network efficiency grounds via regulatory signposting. It advises that a Traffic Management Plan (TMP) for review by Council and TfNSW to identify the impact (if any) of displaced traffic movements on the adjacent road network and the need (if any) for mitigation measures should be provided at Development Application stage.

Council's Traffic and Transport Team Leader has reviewed the TfNSW **comments and Council's comments are outlined in the detailed assessment below**. Further assessment of the Planning Proposal and proposed amendments to Willoughby Development Control Plan (WDCP) in respect to issues in submissions is outlined below.

Strategic Context

Submissions have stated that the subject site is not suited to high density development which is better located in more strategic centres such as Chatswood or St Leonards.

Comment

The site is located close to bus services along Willoughby Road providing connections to Chatswood, Bondi Junction, Sydney CBD, Kingsford and Balmoral. Artarmon Train Station is within walking distance, located 1.2km from the site, through a network of open spaces along the Artarmon to Middle Harbour Walking Track. The area is close to road access provided by the Gore Hill Freeway and Willoughby Road. Bicentennial Reserve and Hallstrom Park, to the east of Willoughby Road, provides a significant regional park which contains recreational, children's playground and sporting

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facilities, as well as walking and cycling trails which link to Artarmon Reserve and Flat Rock Gully. The main retail shopping strip which runs north along Willoughby Road, is a 5-10 minute walk from the site, which provides local retail needs for the area.

Overall, the site's proximity to local and strategic centres, public transport and open space network make it an appropriate location for increased residential density.

Site Context and overdevelopment

Submissions have raised concern that the proposal is out of character with the existing low to medium density development of the area. There is concern that the proposal is an over development of the site especially when considered in conjunction with the adjoining development approved for the Channel 9 site which will result in approximately 715 additional units in total for the block bounded by Walter Street, Willoughby Road, Artarmon Road and Richmond Road.

Comment

The future Channel 9 site and the existing Castle Vale development at 2 Artarmon Road located to the north of the site include buildings comprising a range of heights up to 9 storeys. Therefore the character of the area will be changing to a higher density precinct. With the advent of new development at Channel 9, there is an opportunity for the site at 1-31 Walter St and 452-462 Willoughby Rd to complement and align its scale and massing to its nearby higher density residential context. The master plan and proposed planning controls of the Planning Proposal envisage a stepping in heights across the site from 8-9 storeys in the northwest down to 4-5 storeys along Willoughby Road. The adjoining Castle Vale development has a distinctive form. Garden setbacks achieve a lower three storey scale along Willoughby Road. In this regard, the master plan submitted with the Planning Proposal has been amended to reduce the proposed building height at 462 Willoughby Road to 4 storeys with a 7.5m setback on Willoughby Road. This will continue the vegetation setback of the Castle Vale development to the north and be more in keeping with its massing on the Willoughby Road frontage.

Existing single dwellings located on the southern side of Walter Street are zoned SP2 Infrastructure and have been identified for future acquisition. Transport for NSW has advised that there is no change to the existing status of those properties. It is therefore considered that it is likely that over time the existing dwellings will either be rezoned to a higher density or demolished for road infrastructure. As such, if there is future development on those sites, they can be designed having regard to the subject precinct to the north.

Future Development Applications should 1-31 Walter Street and 452-462 Willoughby Road be rezoned to R4 High Density Residential will be required to comply with the requirements of the proposed site specific DCP provisions as well as State Environmental Planning Policy 65 (SEPP 65) - Design Quality of Residential Apartment Development and the Guidelines of the NSW Apartment Design Guide. Further, a Design Excellence clause to be included in the LEP amendment will require that future Development Applications meet a high standard of urban design.

Traffic Generation and Parking

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Issues resulting from additional traffic were the main concerns highlighted in the submissions received during exhibition of the Planning Proposal. The issues included:

- safety of pedestrians and potential for increases in accidents on Willoughby Road;
- Increased traffic delays along Willoughby Road especially with additional traffic from development on the Channel 9 site;
- inconvenience for drivers if there is a restriction requiring no Right turn into Walter Street from Willoughby Road and no Right turn into Willoughby Road from Walter Street. This would result in drivers having to make u turns at nearby intersections at Garland Road if accessing Walter Street when travelling from the north and at Artarmon Road or Small Street if accessing out of Walter Street to go south.
- Increased car parking in local streets which is already a problem.
- Issues regarding the analysis of the proposal in the Proponent's Traffic Report prepared by TTP Traffic and Transport Planning.

Comment

There is currently a court approved development consent for a 215 place childcare centre at 1.1A Walter Street and 452-460 Willoughby Road.

Traffic studies prepared by The Transport Planning Partnership (TTPP) on behalf of the Proponent for a previous Planning Proposal (2017/001) seeking a rezoning of 3-31 Walter Street and 462 Willoughby Road to R4 High Density recommended the provision of traffic lights at the Walter Street intersection. TTPP concluded that growth in the background traffic alone would result in the Walter Street intersection with Willoughby Road operating poorly. It was previously concluded that additional traffic arising from the redevelopment of Walter Street in accordance with the current R3 zoning for Walter Street as well as traffic from the Channel 9 site and the proposed Walter Street childcare centre would trigger the need to upgrade the Walter Street intersection.

According to the Traffic report, traffic signals at the Walter Street intersection would provide more than adequate capacity to provide a good level of service in the future following the completion of all known developments. The traffic report stated that if the Walter Street intersection was to be upgraded to operate under signal control, widening of Walter Street would also be necessary to provide two-way independent flows to improve the efficiency of the new traffic signal at Willoughby Road.

TTPP further advised that if the approved child care centre at 1-1A Walter Street and 452-460 Willoughby Road is replaced by R4 High Density residential development (as requested in this Planning Proposal), the Walter Street intersection configured to permit left-in/left-out traffic movements would have sufficient traffic capacity to accommodate the development traffic arising from the Planning Proposal and other known and proposed developments. In other words, TTPP advise that traffic signals may no longer be required if the land is zoned R4 High Density Residential.

The table below is an extract from the TTPP report and compares the traffic generation from the different scenarios including the original Planning Proposal for 3-31 Walter Street and 462

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Willoughby Road which requested an R4 High Density Residential zoning with 2:1 floor space ratio. It also includes the approved child care centre at 1-1A and 452-460 Willoughby Road. The Table illustrates the significant reduction in vehicle trips if the child care centre is not constructed.

Scenario	Morning Peak	Evening Peak
Current Proposal/Planning Proposal (67 units)	13 vph	10 vph
Previous Proposal/Current Approvals	179 vph	156 vph
Net Difference (current proposal minus previous proposal)	-166 vph	-146 vph

Council's Traffic and Transport Team Leader had no objections to the TTPP report. Council's Traffic and Transport Team Leader has considered the traffic reports for this Planning Proposal and no longer supports traffic lights making the following comments:

Based on the review of the traffic reports and the existing road and pathway networks, it is considered that the most appropriate access management for motor vehicles and associated traffic management into/ out of Walter Street from Willoughby Road is left in and left out only for motor vehicle movements. Dedication for road widening at the intersection of Walter Street and Willoughby Road, for sight distance purposes would be required.

Notwithstanding, if Roads and Maritime Services (RMS) consider that traffic control signals is the most appropriate traffic management at the intersection of Walter Street and Willoughby Road for the 2 scenarios I would not raise an objection (Willoughby Road is a State Road and RMS is the decision making agency for traffic control signals in NSW).

Following further site inspections it is considered that the existing road and pathway arrangements in the vicinity of the intersection provide adequate access to nearby facilities including Bicentennial Reserve Oval and bus stops. In addition, the close proximity of the Walter Street and Garland Road intersections along Willoughby Road are noted.

Traffic control signals have been agreed by RMS in a previous scenario with a combination of planning proposals and childcare centre on the sites. The original desire for traffic control signals was primarily based on improving local community access. There will be an increased level of circulation in the local road network in any scenario should traffic control signals not be implemented however the traffic volumes generated by both scenarios to be relatively low, that reasonable alternate access routes are available and on balance the impact on the adjacent local road network is acceptable.

It would be desirable to retain the active transport facilities in Walter Street via on road treatment such as bicycle logos (or at least a shared path) on the southern side of Walter Street with improved bicycle accessible connection between Walter Street and the bicycle path along Flat Rock Creek.

The design of Walter Street with travel lanes, parking, active transport provision will need to be reviewed by Council's Traffic and Transport Team, considered by Local Traffic Committee and approved Council.

It is noted that Transport for NSW(TfNSW) has now advised (Attachment 4 dated 9 July 2020) that traffic control signals at the intersection of Willoughby Road and Walter Street are no longer

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necessary in light of the change in scale of the land use and exclusion of the child care centre. It is also noted that TfNSW has indicated it would accept right turn movements into and out of Walter Street at all times other than Monday to Friday 6 – 10 am and 3 – 7 pm.

Council have no objections to TfNSW's position that traffic control signals are not warranted and also concur with this position.

In regards to traffic management arrangement at Walter Street and Willoughby Road, without traffic control signals, Council's Traffic and Transport Team Leader has further commented:

- I accept the TfNSW request for a timed right turn restriction in Willoughby Road, south to west i.e. No Right Turn Monday to Friday 6 – 10 am and 3 – 7 pm. This is considered acceptable on road safety and traffic movement grounds.*
- I consider that traffic movement out of Walter Street should be restricted to left turn only at all times. I consider that this will deliver a greater road safety benefit with minimal impact on access and movement in Walter Street and the surrounding road network.*

Submissions have also raised concerns about existing car parking issues in the area particularly associated with the employees of Channel 9 and on weekends from patrons of the Willoughby Leisure centre. In the future, car parking for the residential developments will be provided on site whereas at the moment there is insufficient on-site parking so there is currently on-street car parking associated with employees at Channel 9. The redevelopment of the Channel 9 site and the Walter Street/ Willoughby Road precinct for residential flat buildings will be required to comply with the car parking rates in Council's DCP for residential flat development on major transport routes.

Insufficient access to Public Transport including poor bus service

Many submissions were concerned that the site is not well located in terms of public transport particularly given that there are long delays and that buses are at capacity by the time they arrive at the Garland Road bus stop heading towards Wynyard. The 1.2km walking distance to Artarmon station was also not considered convenient.

Comment

Advice from State Transit Authority (STA) is that if the Planning Proposal is supported, STA and Transport for NSW would monitor the loading at the bus stops closest to the site. If warranted extra buses or larger capacity would be implemented. They advised that it is not possible to predict the demand for services at this stage and requests that Council inform the STA of the progress of the Planning Proposal if approved as well as completion of dwellings so it can monitor and adjust services accordingly. It is recommended that Council lobby the STA for additional bus services to accommodate the increased residential density.

Pressure on Infrastructure, in particular schools and open space

Submissions were concerned that the additional density proposed will result in pressure on infrastructure, in particular schools and open space.

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Comment

A recent upgrade of Artarmon Public School is intended to deliver new permanent future-focused education facilities that will provide for current and projected growth in the area. Both Willoughby Public school and Willoughby Girls high schools are being upgraded. A new education precinct is also planned for St Leonards as part of the St Leonards Crows Nest Planned Precinct.

Notwithstanding these improvements it is acknowledged that further urban consolidation will add to existing pressure on schools in the LGA. Council will continue to advocate for additional school facilities.

In terms of the impact on open space facilities in the area as a result of greater usage it is noted that the proposed WLEP amendment will result in an increased density yielding approximately 255 dwellings at the development site. Therefore a contribution towards the provision of increased community infrastructure in response to this growth is necessary. The associated *Voluntary Planning Agreement* (VPA) includes an offer of \$2,520,660 towards upgrading of the leisure centre, Council works for existing or new active transport network, and Council works for public purposes.

Loss of Rocky Outcrops

Concern regarding the loss of rocky out crops was raised in the submissions.

Comment

Development Applications for residential flat development already approved in Walter St under the existing R3 Medium Density Residential zone involves alteration of the topography of the existing landscape through excavation for basement car parking and open space provision. There is a significant fall in topography from the north-west corner of Walter St to the opposite south-east corner and extensive excavation will be required to develop the site in accordance with the Planning Proposal. A geotechnical report prepared by JK Geotechnics notes that the main issue associated with developing the site to R4 High Density Residential will be the anticipated shallow depth to sandstone bedrock.

Future Development Applications will be required to address geotechnical considerations in accordance with Geo technical advice.

Energy Efficiency Issues

The Planning Proposal was criticised in submissions for the lack of energy efficiency measures.

Comment

Future Development Applications for the site will be required to comply with the Building Sustainability requirements recently adopted by Council in Clause C3 of the *Willoughby Development Control Plan* (WDCP.) for major developments. This means that for developments with an estimated cost between \$5 million and \$30 million, projects should seek to achieve a minimum 4-star rating using the most recent and relevant Green Star rating tool (or equivalent). It states that for developments with an estimated cost over \$30 million, projects should seek to achieve a minimum

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4-star rating and aspire to achieve a 5-star rating using the most recent and relevant Green Star rating tool (or equivalent)

Site Amalgamation and Surrender of Child Care Centre Approval

Submissions have advocated for the consolidation of the triangular site at 462 Willoughby Road which under the current controls of WLEP 2012 could be developed on its own for medium density residential.

Comment

The development of the property at 462 Willoughby Road on its own is not ideal in terms of safety and traffic flow on Willoughby Road. The draft amendment to Clause 6.10(g) of WLEP 2012 includes a requirement that the precinct be developed in an orderly way. It stipulates minimum allotment sizes so that it is developed as three consolidated development sites –

- Site 1 being 1-13A Walter Street and 452-462 Willoughby Road (7,960m²),
- Site 2 being 15-27 Walter Street (4,696m²) and
- Site 3 comprising 29-31 Walter Street (1,640m²).

This requirement will minimise the number of driveways on Walter Street as well as allow all vehicular access to be from Walter Street rather than Willoughby Road.

The proposed amendment requiring that the properties at 1-13A Walter St and 452-462 Willoughby Rd be amalgamated is a better outcome. It will ensure that the triangular site at 462 Willoughby Road is not isolated and all vehicular access is from Walter St. A condition of approval of a Development Application would be that the consolidation of the properties be registered with the Land Titles office.

It is agreed that any support of this Planning Proposal should include a requirement that the court consent for the Child Care Centre DA 2016/263 be surrendered prior to the making of the LEP amendment. The traffic analysis supporting the Planning Proposal is based on the assumption that the development of the precinct for residential flat buildings would have a lower peak morning and afternoon traffic generation than if development included a 215 place Child Care Centre at 1,1A Walter Street and 452-462 Willoughby Road as is currently approved.

Properties zoned SP2 Infrastructure

Submissions have raised concern that the amenity of the single dwelling houses located on the southern side of Walter Street will be impacted by the Planning Proposal. Loss of property value is also a concern if the density of the northern side of Walter Street is increased.

Comment

The existing dwellings are zoned SP2 Infrastructure under WLEP 2012 and have been identified for future acquisition. Transport for NSW has advised that there is no proposal to change the existing status of those properties. Transport for NSW owns all the properties with the exception of 4 and 6 Walter Street. It is therefore considered that it is likely that over time the existing dwellings will

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either be demolished for road infrastructure or rezoned to a higher density. As such, if there is future development on those sites, they can be designed having regard to the subject precinct to the north.

The applicant has provided shadow diagrams indicating the impact to properties on the southern side of Walter St based on the concept plans. According to the diagrams two properties, 16 and 18 Walter St, will receive less solar access to their living rooms than existing. Although the concept plans indicate non-compliance with Council's DCP solar access provisions, such details would be more thoroughly assessed and addressed at Development Application stage when solar access to the south of the site in Walter St would receive particular attention. It is also noted that as the land is currently zoned SP2 -Infrastructure under WLEP 2012 and if developed for that purpose, solar access would be of minimal concern.

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SUMMARY OF SUBMISSIONS AND COUNCIL OFFICER RESPONSE

PLANNING PROPOSAL 1-31 WALTER ST AND 452-462 WILLOUGHBY RD, WILLOUGHBY

	Submitter	Submission Summary	Council Officer Response
1.	Resident	<p>The need for increased bus services - bus services are already at capacity at peak hours, there is no other public transport option for commuters on this stretch of Willoughby Road</p> <p>School capacity issues in the area will already be strained with the Channel 9 development</p> <p>Inadequate infrastructure - parking issues in the area already, without the development of Channel 9 site and then this site.</p>	<p>Advice from State Transit Authority (STA) is that if the planning proposal is supported STA and Transport for NSW would monitor the loading at the bus stops closest to the site. If warranted extra buses or larger capacity would be implemented. They advised that it is not possible to predict the demand for services and request that Council inform the STA of the progress if approved and completion of dwellings so it can monitor and adjust services accordingly.</p> <p>A recent upgrade of Artarmon Public School is intended to deliver new permanent future-focused education facilities that will provide for current and projected growth in the area. Both Willoughby Public school and Willoughby Girls high schools are being upgraded. A new education precinct is also planned for St Leonards as part of the St Leonards Crows Nest Planned Precinct. Notwithstanding these improvements it is acknowledged that further urban consolidation will add to existing pressure on schools in the LGA. Council will continue to advocate for additional school facilities.</p> <p>Council recognises the need for increased bus services and additional school capacity and seeks State Government support in addressing these needs in order to cater for increased density in line with the North District Plan.</p> <p>Car parking for the future residential developments will be provided on site whereas there is currently on-street car parking associated with employees at Channel 9.</p>

Submitter	Submission Summary	Council Officer Response
	<p>Loss of natural rocky outcrop and green areas</p> <p>Over development of the site - lack of green areas for the proposed increase in density. Floor space ratio Council previously objected to which was 1.5:1 irrespective of affordable housing</p>	<p>The redevelopment of the Channel 9 site and the Walter Street/ Willoughby Road precinct for residential flat buildings will be required to comply with the car parking rates in Council's DCP for residential flat development on major transport routes.</p> <p>The site has a unique topography and significant excavation will be required to establish the bulk and scale proposed for development as envisioned by the planning proposal. However, it is acknowledged that Development Applications already approved for Residential flat development in Walter St under the existing R3 Medium Density Residential zone will also alter the natural rock outcrop and topography of the existing landscape.</p> <p>The future Channel 9 site and the existing Castle Vale development at 2 Artarmon Road located to the north of the site include buildings comprising a range of heights up to 9 storeys. Therefore the character of the area will be changing to a higher density precinct. With the advent of new development at Channel 9, there is an opportunity for the site at 1-31 Walter St and 452-462 Willoughby Rd to complement and align its scale and massing to its nearby higher density residential context. The master plan and proposed planning controls envisage a stepping in heights across the site from 8-9 storeys in the north west down to 4-5 storeys along Willoughby Road. The adjoining Castle Vale development has a distinctive form and garden setbacks achieve a lower three storey scale along Willoughby Road. In this regard, the site specific DCP controls for the subject site stipulate a maximum of 4 storeys with the 4th level setback at 462 Willoughby Road to be more consistent with the existing Castle Vale complex. A 7.5m front setback on Willoughby Road will continue the vegetation character of the Castle Vale development to the north and be more in keeping with its massing</p>

	Submitter	Submission Summary	Council Officer Response
		Energy efficiency issues	<p>on the Willoughby Road frontage.</p> <p>Existing single dwellings located on the southern side of Walter Street are zoned SP2 Infrastructure and have been identified for future acquisition. Transport for NSW has advised that there is no change to the existing status of those properties. It is therefore considered that it is likely that over time the existing dwellings will either be rezoned to a higher density or demolished for road infrastructure. As such, if there is future development on those sites, they can be designed having regard to the subject precinct to the north.</p> <p>Future development should the site be rezoned to R4 High Density Residential will be required to provide private and communal open space (green areas) for each consolidated site in accordance with the proposed site specific DCP provisions as well as State Environmental Planning Policy 65 (SEPP 65) - Design Quality of Residential Apartment Development and the Guidelines of the NSW Apartment Design Guide.</p> <p>The proposed floor space ratio (1.5:1 including affordable housing) is similar to the approved development at Channel 9 (1.5:1 excluding affordable housing).</p> <p>Future Development Applications for the site will be required to comply with the Building Sustainability requirements recently adopted by Council in Clause C3 of the Willoughby Development Control Plan (WDCP.) for major developments. This means that for developments with an estimated cost between \$5 million and \$30 million, projects should seek to achieve a minimum 4-star rating using the most recent and relevant Green Star rating tool (or equivalent). It states that for developments with an estimated cost over \$30 million, projects should seek to achieve a minimum 4-star rating and aspire to achieve a 5-star</p>

	Submitter	Submission Summary	Council Officer Response
		<p>Safety and traffic management along Willoughby Road - traffic is already at a standstill on weekends and peak hour, without any further development. Willoughby Road was not designed for high density traffic.</p> <p>Proposed Building A will directly overlook the Castlevale swimming pool with no screening proposed. The swimming pool is extensively used by families over summer.</p> <p>High density housing is better suited to Chatswood and St Leonards areas where there is both train, bus and light rail public transport within easy walking distance.</p>	<p>rating using the most recent and relevant Green Star rating tool (or equivalent)</p> <p>Refer to the discussion of traffic in report</p> <p>Assessment of future Development Applications would consider the impact of privacy to the swimming pool at the Castle Vale development located to the north of the site. The Master plan DCP proposes a 6m side setback along the northern boundary between the Castle Vale development and the proposed 4 storey building A on the subject site (462 Willoughby Road). The 4th level is further setback. This complies with existing WDCP side setback requirements for 4 storey residential flat developments. Appropriate privacy screening such as vegetation would be considered as part of an approval.</p> <p>The Planning Proposal is consistent with the principles of the Willoughby Housing Strategy 2036 as it focuses growth in an existing R3 Medium Density zone and is within walking distance of the Willoughby south local centre and within 400m of a bus stop.</p>
2.	Resident	<p>This is totally unacceptable. A pleasant quiet residential suburb will be turned into another high density Chatswood. Objects to traffic issues, inadequate public transport and lack of basic infrastructure regarding schools,</p>	<p>Comments as above. Council recognises the need for increased bus services and additional school capacity and seeks State Government support in addressing these needs in order to cater for increased density in line with the North District Plan.</p>

	Submitter	Submission Summary	Council Officer Response
		medical/hospitals, recreation areas, shopping The neighbourhood will be an extension of Chatswood	
3	Anonymous	Objection to height and floor space ratio. It is over-development, and infrastructure simply cannot cope.	Comments as above
4.	Resident	<p>Strongly object. This proposal comes on top of a significant redevelopment of the Channel 9 site with some 420 units approved and, while two separate developments, the impact of the two on the community and its' infrastructure will be significant. We, the community, with the support of Willoughby Council fought multiple development applications for Chanel 9 before agreeing to an acceptable level of development. All this including a State Planning Assessment Commission at significant expense to all parties involved. If this proposal goes ahead, we will be back to square one in relation to size of overdevelopment in a relatively small area and the years of work and negotiation will have been in vain and we will end up with some 700+ units.</p> <p>Walter Street is a one way in and one way out with associated traffic implications. The installation of traffic lights at the intersection of Willoughby Rd will mean three sets between Artarmon Rd and Garland Rd. Drivers will become frustrated leading to reckless driving and congestion on an already busy road will increase. The only public transport to service that area are the busses coming to and from</p>	Refer to previous comments regarding over development and to traffic comments in report.

	Submitter	Submission Summary	Council Officer Response
		<p>Chatswood which are already full by then in peak times. The Artarmon train station is not a suitable walking distance such that if residents chose to drive and park it will overload the available parking in Artarmon.</p> <p>Currently traffic circulation around the Artarmon Rd Willoughby Rd intersection is difficult especially at peak times for the leisure centre and the sports fields.</p> <p>The impact that construction of projects such as the Warringah Freeway Upgrade, Western Harbour Tunnel and Beaches link will further add to the traffic volume. Naremburn and Artarmon will not only receive all pain with not gain but will be left much worse off at the end of the day.</p> <p>I urge you to consider this proposal very carefully and reject it in its' entirety.</p>	
5.	Anonymous	Willoughby Road is too narrow to have the Walter Rd development and the Channel 9 site. Along with the proposed exit for Sydney Harbour Tunnel traffic moved to Willoughby Rd should the Northern Beaches tunnel be approved.	Refer to traffic comments in report.
6.	Resident	The approval for medium density development in Walter Street should be maintained. High density residential towers in this location will only exacerbate the already long queue for the bus to the city. Traffic lights from Walter Street into an already congested Willoughby Road in the AM and PM peak will slow traffic flow even more with negative impact on surrounding	Refer to traffic comments in report.

	Submitter	Submission Summary	Council Officer Response
		streets. It is plain and simple overdevelopment in this location with this level of density better suited to Chatswood, Artarmon or Crows Nest where train stations create alternative transport options.	
7.	Resident	<p>I object to the rezoning of 1-31 Walter St and 452-462 Willoughby Rd from R3 medium density to R4 High Density Residential.</p> <p>I ask the question is this scale of development really necessary on such a small plot?</p> <p>Does it really enhance the area with the loss of precious rock outcrop and bush at the end of Walter St.?</p> <p>We have plenty of R3 development in the area and much in keeping with terrain. Take a look at Garland Rd.</p> <p>This proposal appears to only to be for the benefit of the developer's financial gain.</p> <p>The height will be totally out of balance with the street scape of the R2 zoning on the lower side of the road.</p> <p>These houses will be overwhelmed by the size of the proposed construction.</p> <p>Some properties will have their winter sunlight impeded and reduced below acceptable levels.</p> <p>Their privacy will be lost with upper levels viewing into front and back gardens.</p> <p>The RTA traffic lights at Walter St have no provision to turn right from Willoughby Road in the peak periods. This means cars travelling from the north will be tempted to turn left into Garland Rd and perform U turns at the Claire St</p>	<p>Refer to comments above and in report to Council regarding traffic issues.</p> <p>The existing dwellings are zoned SP2 Infrastructure under WLEP 2012 and have been identified for future acquisition. Transport for NSW has advised that there is no proposal to change the existing status of those properties. Transport for NSW owns all the properties with the exception of 4 and 6 Walter Street. It is therefore considered that it is likely that over time the existing dwellings will either be demolished for road infrastructure or rezoned to a higher density. As such, if there is future development on those sites, they can be designed having regard to the subject precinct to the north.</p> <p>The applicant has provided shadow diagrams indicating the impact to properties on the southern side of Walter St based on the concept plans. According to the diagrams two properties, 16 and 18 Walter St, will receive less solar access to their living rooms than existing. Although the concept plans indicate non-compliance with Council's DCP solar access provisions, such details would be more thoroughly assessed and addressed at Development Application stage when solar access to the south of the site in Walter St would receive particular attention. It is also noted that as the land is currently zoned SP2 - Infrastructure under WLEP 2012 and if developed for that purpose, solar access would be of minimal concern.</p>

	Submitter	Submission Summary	Council Officer Response
		<p>junction. There appears no proposal to modify that junction.</p> <p>Increased pedestrians crossing Willoughby Rd will increase traffic delays and congestion.</p> <p>More passengers trying to board at the last stop into the city will cause more delays to traffic flow as buses stop longer and causing the blocking of one lane.</p> <p>Channel 9 has a far greater area and has only been permitted 510 units (still regarded by many as an over development of the site), in comparison 255 units is massive for this site. 255 units will increase further strain (in conjunction with the already approved CH 9 DA) on the local schools which are only recently playing catch up with additional buildings from increased capacity with previous developments.</p>	
8.	Resident	<p>Concerned about traffic. No amount of public transport can fix the fact that traffic becomes one lane going onto the freeway - buses get stuck in that too. Is this on top of the additional traffic from the channel 9 development?? Plus the other developments in progress on Willoughby Rd??</p>	<p>Refer to comments above and in report to Council regarding traffic issues.</p>
9.	Resident	<p>1. How complementary is this rezoning proposal with the proposal for west facing road ramps from Willoughby Road to the Gore Hill Freeway (for which land is already zoned)?</p> <p>2. What link is proposed between Walter Street and the development at the Channel 9 site?</p> <p>Would this meet DDA standards (i.e. is there a</p>	<p>The northern side of Walter Street is already zoned for residential flat buildings. Appropriate acoustic measures will be required to be provided in future development of the precinct.</p> <p>There is no linkage connection proposed between the Channel 9 site and the subject site as part of this Planning Proposal.</p>

	Submitter	Submission Summary	Council Officer Response
		<p>ramp?)</p> <p>3. What link is there between Walter Street and the cycleway underneath the Gore Hill Freeway?</p> <p>4. What is the trade-off between additional delays to people (not vehicles) travelling along Willoughby Road and the supposed increased bus services to be provided to accommodate additional demand (which will not be provided by the proponent)?</p>	<p>The Planning Proposal is associated with a Voluntary Planning Agreement for the developer to provide a monetary contribution towards the provision of a pedestrian and cycle path underneath the Gore Hill Freeway.</p> <p>Refer to traffic comments in report.</p>
10	Resident	<p>I am against the rezoning of the land and the proposed building heights. There are so many apartments already being built in that area with the Channel 9 development. It will cause overdevelopment with no provision for extra green space. The green space at Hallstrom Park facing Willoughby Road will feel a lot more crowded.</p> <p>I'm not convinced the shadow diagrams are correct. The overshadowing will be detrimental to the houses opposite at the time of year when the sun is most valued.</p> <p>There is absolutely no reason to ruin every area with visually intrusive high rise boxes. Best keep</p>	<p>The Voluntary Planning Agreement associated with the Planning Proposal includes a financial contribution towards public improvements. In terms of the impact on open space facilities in the area as a result of greater usage it is noted that the proposed WLEP amendment will result in an increased density yielding approximately 255 dwellings at the development site. Therefore a contribution towards the provision of increased community infrastructure in response to this growth is necessary. The associated Voluntary Planning Agreement (VPA) includes an offer of \$2,520,660 towards upgrading of the leisure centre, Council works for existing or new active transport network, and Council works for public purposes.</p> <p>Although there will be some overshadowing to the rear of properties on the southern side of Walter Street, the properties at 2-18 Walter St are zoned SP2 Infrastructure under WLEP2012 and are also identified as land to be acquired. All of the properties on the southern side with the exception of two are currently owned by Roads and Maritime Services.</p> <p>Council agrees with desire to maintain low density housing opportunities in the LGA. Part of the Housing Strategy objective is to</p>

	Submitter	Submission Summary	Council Officer Response
		high rise close to the train in Chatswood, Artarmon and St Leonards. In my view, people aspire to live in homes with gardens close to work, more apartments are not required, more houses are. By continually taking away houses to build apartments less people get to live the 'aussie dream'.	offer higher density options such as proposed for Walter Street which is well serviced by public transport, open space and within walking distance to local centres. This will assist Council satisfy Greater Sydney Commission growth targets as well as retain the majority of the existing low density areas of the LGA.
11	Resident	Strongly against submission to change the zoning of this site to R4 High Density Residential. It is not in the interests of the area from an appearance and traffic flow. It will have adverse impacts on the local community and is not something that will enhance the area. Medium density is the maximum the council should be considering for this space.	Refer to comments above.
12	Resident	It would be a gross overdevelopment of the site. It is not keeping in line with the essential character of the area which is R3 Medium density residential and the proposed site would be an eye sore. Out of place and imbalanced and not to mention the overshadowing that will result from the sheer size and height of the proposed plan. Presently, traffic along Willoughby Rd especially around Walter St and during peak times is extremely busy. The car space ratio proposed to the number of dwellings is not enough and will make street parking even more difficult than it already is, due to the clearways on Willoughby Rd and narrow side streets in the area.	Refer to comments above as well as traffic comments in the traffic section of this report.

	Submitter	Submission Summary	Council Officer Response
		<p>Safety and traffic management along Willoughby Rd will without a doubt be detrimental not only for vehicles but indeed also for pedestrian safety, keeping in mind the large proportion of families with children that live in the area. Traffic congestion along Willoughby Rd will be even more highly affected and will increase travel times especially during peak times.</p> <p>Presently, if there is a car accident or incident on the Sydney Harbour Bridge, which can be a regular occurrence, northbound and southbound traffic comes to a halt and the main congestion site is 452-562 Willoughby Rd Willoughby. The proposed site would magnify and exacerbate the existing problem.</p> <p>Nearby bus stops at peak times are already at their maximum capacity and would not be able to keep up with demand. Adding to the congestion and traffic already present.</p>	
13	Resident	<p>Objects to the Planning Proposal. The development is way too high - this is Naremburn/Willoughby - NOT St Leonards. We are some distance from rail links (St Leonards some way away) and the bus service that will be called upon to move many of the occupants of 255 dwellings into and back from the city and its surrounds are currently woefully inadequate</p>	Refer to comments above and to traffic comments in this report.

	Submitter	Submission Summary	Council Officer Response
		- queues for city bound busses along Willoughby Road at Garland Road and Small St (which will be called upon to serve these residents) witness every day fully laden buses pass by without stopping.	
14	Resident	<p>The proposal is an aggressive development of this site driven by profit maximization at the expense of local residents. It is out of character to approve a high density development in a location where the surrounding developments are by & large low to medium density. There are no major public transport facilities near the site & irrespective of the developer's traffic consultant says in support of the development, it will generate traffic & create parking shortage in the area through on-site parking minimisation tactic that is used to justify low trip generation.</p> <p>Approval or Council's no objection to this development will fuel greed & bring other developers to the area that eventually will turn Naremburn to an extension of Chatswood within a few years if precedence is allowed to be set.</p>	Refer to comments above.
15	Resident	<p>I am opposed to the proposal for the following reasons:</p> <ul style="list-style-type: none"> Overcrowding The need for increased bus services School capacity issues Inadequate infrastructure Loss of natural rocky outcrop 	Refer to previous comments above.

	Submitter	Submission Summary	Council Officer Response
		<p>Energy efficiency issues</p> <p>Overdevelopment of the site</p> <p>Floor space ratio Council previously objected to which was 1.5:1 irrespective of affordable housing</p> <p>Safety and traffic management along Willoughby Road</p>	
16	Resident	As above	Noted. Refer to previous comments above.
17.		<p>I am strongly opposed. Mirvac's site (the former Channel 9) of 3.2 hectares on Artarmon Road is one street parallel, with a total of 460 planned apartments to be constructed. This area cannot take any more development. Willoughby Road is a car park most days, especially in peak hour and adding another 715 apartments into the mix would be a disaster. Walter Street is a dead end so all 255 apartment owners, with say 332 cars trying to push their way out onto Willoughby would be horrendous.</p> <p>Questions what a 'design excellence clause' actually means. Money handed over to Council from developers wishing for rezoning to allow them increases in apartments and added height??</p> <p>Our schools, roads and local services cannot handle any more massive increases in planned apartment dwellings.</p>	<p>Refer to previous comments regarding over development and infrastructure. Refer to the traffic section in this report.</p> <p>The Design Excellence clause is intended to be an additional tool to assist a high standard of architectural , urban and landscape design in high density mixed use and residential development. It is anticipated that the design clause will also apply to all higher density rezoning in the LGA..</p> <p>The Design Excellence Clause is consistent with directions from the NSW Government Architect and has already been adopted by a number of Sydney Councils.</p>

	Submitter	Submission Summary	Council Officer Response
18	Anonymous	<p>Objects. This site is currently zoned Medium Density R3 which is more in keeping with the surrounding suburbs of Naremburn and Willoughby.</p> <p>The reasons for my objections are:</p> <p>1) The surrounding area is mainly residential (houses or low rise apartments) and park land which already has significant planned development. The Channel Nine site in Artarmon Rd will add 460 dwellings to the area. Adding another 225 dwellings in an adjacent street to the Channel Nine site and next to the Castle Vale complex (2 Artarmon Road) will create an 'Apartment Ghetto'.</p> <p>2) Another 332 cars trying to access Willoughby Road at peak times will cause traffic chaos. Willoughby Rd is already regularly congested and you often end up queuing from Naremburn. It is particularly bad on Saturdays when schools sports are held at the Willoughby leisure centre.</p> <p>3) Another 223 dwellings on top of the already approved 460 from the Channel Nine site in Artarmon road will only create further congestion on the buses. The buses already go past the bus stops at Small St and Garland St full and you often have to watch several buses go past before one can stop with adequate space...and that is before the Channel Nine site</p>	Issues raised are discussed in comments above.

	Submitter	Submission Summary	Council Officer Response
		<p>is developed.</p> <p>I understand the area will be developed. The key issue is keeping the density within the capacity of the infrastructure and not destroying the street scape and amenity for the residents of the surrounding area. I therefore support retaining a Medium Density R3 zoning for the site.</p>	
19	Anonymous	<p>This proposal has caused an insurmountable amount of stress to over many many years, in more ways than I can fully describe to you. Developers have been relentless, firstly, with the rezone to R3 on one side of the street only, secondly with the proposed child care construction, and now with this potential rezone to R4. Prior to this, the construction of the Gore Hill Freeway threatened my family's property, this rezoned the southside of Walter street making it IMPOSSIBLE to sell.</p> <p>This is again a disappointing turn of events. If council approves high density residential and the development of a concrete jungle, then you have lost sight of the very people you seek to serve. The developers win, and Willoughby and its residents lose. ENOUGH IS ENOUGH!</p> <p>I suggest if council insists on making this a high</p>	<p>Existing single dwellings located on the southern side of Walter Street are zoned SP2 Infrastructure and have been identified for future acquisition. Transport for NSW has advised that there is no change to the existing status of those properties. It is therefore considered that it is likely that over time the existing dwellings will either be rezoned to a higher density or demolished for road infrastructure. As such, if there is future development on those sites, they can be designed having regard to the subject precinct to the north.</p> <p>In terms of ability to sell it is noted that properties located on the southern side of Walter Street are identified as Land for acquisition and subject to Clause 5.1 of WLEP 2012 which requires the land to be acquired by the Roads and Maritime services if requested by the owner.</p>

	Submitter	Submission Summary	Council Officer Response
		density residential zone, that they look to rezone the southside of Walter Street also, give those that privately own an opportunity to get out, and live the rest of their lives in peace.	
20.	Anonymous	<p>'As a resident of Willoughby, living in Naremburn in close proximity to Walter Street, I would like to raise my objections to the modified planning proposal for 3-31 Walter Street.</p> <p>The modified planning proposal will mean:</p> <ul style="list-style-type: none"> - the rezoning of the area from R3 medium density to R4 high density residential; - increase in floor space ratio from 0.9 to 1.5 - increased height of the buildings (from 4 storeys to 8/9 storeys); and - an increase from 101 units to 255 residential units, plus 332 car spaces. <p>The reasons for my objections are as follows:</p> <ul style="list-style-type: none"> - The increase in the number of units, with the associated increase in residents and vehicular movement will cause increased local traffic congestion and will put an enormous strain on local public transport and bus services which are already over subscribed, as well as on other local amenities (such as Hallstrom Park in Bicentennial Reserve, as well as Artarmon Reserve) - The increased traffic on Willoughby Road will 	Issues raised in the submission are discussed above.

	Submitter	Submission Summary	Council Officer Response
		<p>create safety and traffic management issues, as well as parking issues in the immediate local streets;</p> <p>- it will place further demand on nearby schools, which already have capacity issues;</p> <p>- the local area is already be heavily impacted by a number of major projects over the next few years, such as the Western Harbour Tunnel and Warringah Expressway Upgrade, and Beaches Link Tunnel (with the dive site being located in Flat Rock Gully). In addition, there is the proposed redevelopment of the Channel Nine site and the proposal to build 66 storeys of residential units on the site of the Old College of Law on Chandos Street. The volume of construction in the local area in the next few years is extraordinary and this will inevitably have a significant detrimental impact on local residents living in the vicinity during the construction phases of all these projects (such as noise, pollution etc).</p>	
21.	Resident	<p>The present zoning allows for buildings of 4 storeys. This zoning is appropriate for the site, particularly in light of the massive development scheduled for the adjoining Channel 9 site. An increase to R4, which would allow buildings of 8 storeys along Walter Street and 5 storeys on Willoughby Road, would almost double the population density of the site from the present R3 zoning. This would have significantly detrimental impacts on the surrounding area. These would include an increase in vehicle</p>	<p>Issues raised in the submission are discussed above. Impact of traffic is discussed in the Council report.</p>

	Submitter	Submission Summary	Council Officer Response
		traffic on Willoughby Road and surrounding roads (Artarmon, Mowbray, Frenches and Alpha Roads) as well as a potential increase in public transport use on already heavily used services.	
22.	1 Resident	<p>The soil assessment undertaken as part of the Detailed Site Investigation (DSI) identified benzo(a)pyrene TEQ, lead and/or asbestos exceeding human health screening criteria for the proposed high-density residential land use and/or communal open space areas in soil samples at four locations.</p> <p>One soil sample collected during a previous EIS (2018) investigation in the eastern portion of the site also reported benzo(a)pyrene TEQ above the human health screening criteria for high density residential and recreational/open space land uses.</p> <p>A number of soil samples collected across the site reported concentrations of TRH, copper, zinc and/or benzo(a)pyrene above the ecological assessment criteria for urban residential/public open space land uses, which may present a risk to future on-site ecological receptors.</p> <p>Metals were reported in the analysed groundwater samples at concentrations exceeding the GILs.</p> <p>Due to the presence of buildings across most of the site, the investigated locations were limited to accessible areas of the site and assessment of the soil beneath the existing building footprints could not be completed. In addition,</p>	<p>Council's Environmental Health Officer has reviewed the documentation and advises that there is no contamination outlined in the Detailed Site Investigation (DSI) report by Trace Environmental that prevents the site from being remediated, hence the statement in the Conclusion:</p> <p>Based on the findings of the DSI, it is considered that the site can be made suitable for the proposed high density residential land use, subject to the recommendations outlined in the report.</p> <p>A Remedial Action Plan (RAP) has been submitted outlining the proposed remediation strategy and validation program in order to render the site suitable for high density development. Further detailed assessment would be required at Development Application stage if the Planning Proposal is supported.</p>

	Submitter	Submission Summary	Council Officer Response
		<p>as asbestos was reported in soil exceeding the applicable guideline criteria.</p> <p>Based on the findings of the DSI, I disagree with the consultant's conclusion the site can be made suitable for the proposed high-density residential land use.</p>	
23.	Resident	<p>While we do not object to the development of higher density housing in principle, and we acknowledge the need for affordable housing in the area, we would like to express our concerns around the impact on traffic flow, congestion and safety.</p> <p>With the addition of 332 cars spaces we believe this will add to an already over burdened segment of Willoughby Rd, where Walter Street residents already struggle to get in and out of their road, particularly when turning right.</p> <p>One need only observe this intersection for several minutes in peak time to know that that the estimated volume of traffic turning in out of Walter Street (or driveways on Willoughby Road) will be impossible without the assistance of traffic lights, particularly when heading south. Moreover, consideration must also be given to the other higher density developments currently being proposed for Channel Nine 9 Site and the surrounding area, which will exacerbate the problem. Not only will this create excessive traffic congestion, but is highly likely to create dangerous traffic conditions where drivers are compelled to take risks in</p>	Concerns are noted. Refer to the Council report for discussion on traffic issues associated with the Planning proposal.

	Submitter	Submission Summary	Council Officer Response
		<p>order to force their way into heavy and/or fast moving traffic on Willoughby Road. We firmly believe that there will be a significant increase in car accidents if volumes increase to this level.</p> <p>Presumably, the proximity of the Garland Street and Artarmon Road intersections preclude the installation of more traffic lights, else that segment of road will become a severe bottleneck for southbound traffic.</p> <p>The other alternative is to enforce a left in/left out only arrangement, although our concern is that such an arrangement would add to the growing volume of drivers who turn into Artarmon Rd and perform dangerous U-turns in front of the Castle Vale and Channel 9 entrances, creating a hazard for local residents (both pedestrians and drivers) and for the other traffic on Artarmon Rd (scarcely a day passes without a u-turning driver cutting off cars that have just entered Artarmon Rd or who are coming down the hill towards the lights).</p> <p>Given that previous traffic studies for smaller developments on these sites were challenged for their lack of viability and practicality, we question the suitability of this site for such a large capacity facility and object to the proposal for rezoning on that basis.</p>	
24	Resident	The impact of increased traffic, major disruptions during construction and after is	Council's Resource Recovery Team Leader advises that from a waste management perspective, the increase in height/density has no impact

	Submitter	Submission Summary	Council Officer Response
		enormous. As it is now the council rubbish collection trucks have difficulty manoeuvring through the street. It is a lovely quiet street which is why we chose to live here, and whole fabric is going to be destroyed. The increased development that Willoughby Council has allowed over the last few years is out of control. I opposed the original proposal - but this is now just developer greed. I hope you too will strenuously oppose this.	on the ability to provide waste services. Each residential building will need to include waste rooms suitable to accommodate the number of bins needed. The proposal to change the level and width of the road will have a positive impact on the access of waste from this development. Truck access to the basement level car park/loading zones will assist waste collection, improving safety and efficiency of the services and removing negative impacts such as noise and the aesthetic issues of bins on nature strips.
25	Resident	Concern at the proposal to install traffic signals at Walter St and Willoughby Road to service the occupants, visitors, tradespeople etc for the 255 new apartments in the proposed development. We note that 'maritime' are happy that the signals will work satisfactorily at peak times with the very close signals at Garland Road. We are concerned that at peak time entering from Garland onto Willoughby in both directions but in particular turning right could be compromised by traffic build up at the Walter Street lights. Particularly given the level of traffic on Willoughby Road now. We request that allowance be made for the two sets of lights be linked and coordinated to ensure smooth traffic movement before any approval is granted.	Concerns are noted and traffic issues are addressed in the attached Council report. Traffic signals are no longer supported by TfNSW with the deletion of the child care centre at the corner of Willoughby Road and Walter St.
26.	Resident	I am against the Re-Zoning of this project which would see this project grow to 8 and 9 storeys, which means increased traffic to the area. Where will future children of this project attend	Refer to comments discussed above regarding traffic and school infrastructure .

	Submitter	Submission Summary	Council Officer Response
		school ? Local schools already at capacity numbers. The area cannot sustain these large developments.	
27	Naremburn Progress Association	<p>Naremburn Progress Association objects to the Walter St/Willoughby Rd Planning Proposal as tabled because it will simply extend and intensify the effects foreseen with the redevelopment of the Channel Nine site on Artarmon Road.</p> <p>The community has argued long and hard over a number of years to keep unit numbers on that site to an acceptable level and that now appears locked in – what we are facing with the addition of the Walter St Proposal is the cumulative effect of 715 additional apartments across a range of building height and scale, additional load on an already stressed public transport system (particularly buses that often do not stop at Garland Rd because they are full during peak hour) and a specific set of concerns around the traffic congestion generated at the Walter St and Garland Road intersections with Willoughby Road.</p> <p>The TTPP Traffic and Parking report suggests that any further degradation of traffic flows in the area will be marginal, but assumes the following:</p> <ul style="list-style-type: none"> • That the Willoughby Road/Artarmon Road intersection has been/will be upgraded. This is not a valid assumption as currently any mooted 	<p>Refer to discussion of Traffic issues in Attachment 5 concerning the issues raised in this submission.</p> <p>The applicants' response (MLA Traffic) to the submission prepared by the Naremburn Progress Association on traffic matters is included at Attachment 8.</p>

	Submitter	Submission Summary	Council Officer Response
		<p>improvements are largely unfunded;</p> <ul style="list-style-type: none"> • That right-hand turns from Willoughby Road into Walter Street will be prohibited between 0600-1000 and 1500-1900 (ie during morning and afternoon peak times); • That all other background traffic increases have been recognised and incorporated. However no allowance has been made for traffic increases caused by such mega-projects as the Warringah Freeway Upgrade, Western Harbour Tunnel and Beaches Link (and possibly even the Gore Hill Freeway upgrade), which will have the effect of forcing large volumes of additional traffic onto Willoughby Road, especially during the peak periods. Nor does consideration appear to have been given to proposed development sought along Garland Rd (eg DA 2019/343) plus potential future development in this R3 corridor in Garland Rd, or changes arising from the Willoughby Local Centres Strategy <p>It is acknowledged that placing “No Right Turn” restrictions at the Walter Street intersection during peak periods should streamline southbound traffic and potentially reduce accident frequencies. However, such action will</p>	

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		<p>force intending right-turners to travel through the Walter Street intersection, then turn left into Garland Road and attempt to perform a U-turn somewhere in Garland Road, following which they turn right back onto Willoughby Road and left into Walter Street. Such a sequence is potentially quite dangerous, and will lead to further congestion at an intersection which is often at capacity (see below).</p> <p>One aspect of the Traffic Review which is very puzzling is that the Turning Delay Simulations only consider traffic turning FROM Willoughby Road into sideroads such as Garland Road, Walter Street, Artarmon Road and Small Street. Whilst larger traffic numbers may be on Willoughby Road, it is respectfully suggested that the real turning delays are being experienced by traffic attempting to turn ONTO Willoughby Road. This is where observers will witness drivers becoming very frustrated at the extended delay times, and which will underline the limited entry capacity for drivers seeking to turn right out of Walter Street onto Willoughby Road, even with the proposed traffic lights and appropriate synchronisation. They will only be able to travel as far as Garland Road, as it is assumed Garland Road traffic will be entering Willoughby Road at the same time. Factor in the additional congestion between the two sets of lights during peak periods, with a bus stop adjacent to Garland Road that is so busy many</p>	

	Submitter	Submission Summary	Council Officer Response
		<p>buses just don't stop and the outcome appears unworkable.</p> <p>The use of a ten year traffic growth horizon appears short sighted and a minimum of 20 years should be addressed, consistent with other strategic plans.</p> <p>Please reconsider this Proposal. The existing zoning at this site should remain unchanged.</p>	
28	Resident	<p>Generally supports the application The proposal is meritorious with the application benefiting from the developers having consistently engaged with the broad community during this protracted proposal.</p> <p>Supports the introduction of a signalised intersection at the junction of Walter Street and Willoughby Rd Willoughby.</p> <p>The vacant triangle block at 462 Willoughby Rd Willoughby being the ex RMS block must be title consolidated with the titles of the adjoining blocks 452-460 Willoughby Rd Willoughby as this block 452-460 has a current approval for a 215 place day care centre.</p> <p>The title consolidation MUST be an essential condition of any approval.</p> <p>It has been indicated at earlier public meetings</p>	<p>The Planning Proposal includes a requirement that the precinct be developed in an orderly way which will ensure all vehicular access to be from Walter St rather than busy Willoughby Rd and minimise the number of driveways in Walter St. It stipulates three consolidated development sites. The proposed amendment to WLEP 2012 includes a clause requiring that the properties at 1-13 Walter St and 452-462 Willoughby Rd (7960m²) be amalgamated. This would allow all vehicular access to be from Walter St. A condition of approval of a Development Application would be the consolidation of the properties be registered with the Land Titles office.</p> <p>It is agreed that any support of this Planning Proposal should include a requirement that the consent for the Child Care Centre DA be surrendered prior to the making of the LEP.</p>

Submitter	Submission Summary	Council Officer Response
	<p>that the developer indicated to council that the site/title of 462 had been consolidated with titles 450-460 Willoughby Rd. This has been confirmed in conversations with Councils officers.</p> <p>This is an important factor to consider in any approval</p> <p>I find there is no record of the titles being consolidated. I understood the developers had given undertakings that these titles had been consolidated/amalgamated. This was to extinguish the current right of direct access upon Willoughby Rd by 462 and prevent the possible isolation of 462 or the possibility of 462 being independently developed. If not consolidated with 450-460 Willoughby Rd, 462 would maintain its current right to directly access Willoughby Rd.,</p> <p>History</p> <p>462 Willoughby Rd was re zoned to R3 in the LEP of 2012 and by site specific exemption maintains an independent right to access to ingress and egress directly onto Willoughby Rd.</p> <p>462 Willoughby Rd with an area of approx 1682m2 currently meets the min lot size for R3. It will not meet the proposed min lot size under the R4 PP should titles not be amalgamated.</p>	

	Submitter	Submission Summary	Council Officer Response
		<p>Currently 462 can be independently developed under current R3 zone in the LEP of 2012 with a potential 22 units with up to 50 car spaces and I expect if not amalgamated with 450-460 Willoughby Rd would continue to maintain its existing use rights and so develop. This is not a satisfactory outcome for the community or for traffic moderation in this location.</p> <p>It appears that the 1.5:1 FSR proposed under the PP would be applied in a way that sees .2:1 of the Bonus .6:1 FSR avail on the Willoughby Rd frontage being applied to the Willoughby Rd Frontage so to keep the height down in this location and the balance from this location being .4:1 bonus FSR being applied over that part of the site up to 13a Walter Street.</p> <p>It should be an essential condition of this proposal that there be no direct access from the Willoughby Rd frontages onto Willoughby Rd and that titles of 450-462 Willoughby Rd be amalgamated so they can not be developed independently of each other and that the bonus .6:1 FSR not be applied to the Walter Street titles until such time as the amalgamation is confirmed and titles recording the amalgamation of 450-462 Willoughby Rd be registered.</p>	

	Submitter	Submission Summary	Council Officer Response
		<p>Proposed Special Condition.</p> <p>To maintain this precedent condition the consolidation of lots 450-462 Willoughby Rd MUST be amalgamated in title and jointly developed so to remove the possibility of 462 being isolated or developed independently which would see it maintaining its existing rights for vehicular ingress and egress to Willoughby Rd.</p> <p>Should the Planning Proposal be generally supported it should also be conditioned that no day care centre is to be built in this location due to the excessive traffic burden such a centre would create.</p>	
29	Resident	<p>Mostly supportive of the application as lodged however there is a lack of certainty surrounding the consolidation of the lots and the proposed min lot sizes under the site specific DCP. Council proposes minimum lot sizes to ensure that the developers undertaking to consolidate and amalgamate titles in particular 450-462 Willoughby Rd and 1A to 13A Walter Street must take place or has taken place.</p> <p>This is Site 1 and this is to ensure that 462 cannot be developed in isolation and that 462 Willoughby Rd relinquishes its independent right to directly access Willoughby Rd. Supports council's proposed changes to the</p>	Comments noted.

	Submitter	Submission Summary	Council Officer Response
		<p>WLEP 2012 including the proposed min lot sizes and the site specific DCP. Any approvals should be so conditioned to reflect this intent.</p> <p>Further the applicant should be bound by conditions preventing the extra FSR from the Willoughby Rd properties including 462 being transferred from the Willoughby Rd properties up the Walter Street properties to 13a until such time as there is evidence that the titles in Site 1 are fully amalgamated. I support the introduction of a signalised intersection at the junction of Walter Street and Willoughby Rd Willoughby.</p> <p>This is necessary to moderate traffic in this location.</p> <p>The day care centre approval must be cancelled as a condition of any PP approval.</p>	

ATTACHMENT 7

**Proposed written Changes to Willoughby Local
Environmental Plan (WLEP 2012)- :**

- a) To amend the Land Zoning Map (Sheet LZN_004) for 1-31 Walter St and 452-462 Willoughby Rd, Willoughby from R3 Medium Density Residential to R4 High Density Residential.
- b) To amend the Height of Buildings Map (Sheet HOB_004) to 17m for 1-1A Walter St and 452-462 Willoughby Rd, 24m for 3-13A Walter St and 27m for 15-31 Walter St, Willoughby.
- c) To amend the Floor Space Ratio Map (Sheet FSR_004) for 1-31 Walter St and 452-462 Willoughby Rd, Willoughby from 0.9:1 to 1.5:1 (including affordable housing).
- d) amend the Special Provisions Area Map (Sheet SPA_004) to show 1-31 Walter Street and 452-462 Willoughby Road as Area 9 and Area 12.
- e) To amend Clause 6.10(g) of the written instrument to require a minimum lot size of 7,960 sqm consolidating 1-13A Walter St and 452-462 Willoughby Rd, Willoughby, a minimum lot size of 4,969sqm consolidating 15-27 Walter St and a minimum lot size of 1,640sqm consolidating 29-31 Walter St.
- f) replace Clause 6.8 'Affordable Housing', (2) with the following:
 - (2) Development consent must not be granted to the erection of residential accommodation on land identified as "Area 3" and "Area 9" on the Special Provisions Area Map unless the consent authority has taken the following into consideration:
 - (a) the Willoughby Affordable Housing Principles,
 - (b) the impact the development would have on the existing mix and likely future mix of residential housing stock in Willoughby,
 - (c) whether one of the affordable housing conditions should be imposed on the consent for the purpose of providing affordable housing in accordance with the Willoughby Affordable Housing Principles.

Note. The affordable housing principles set out in Schedule 2 to State Environmental Planning Policy No 70—Affordable Housing (Revised Schemes) may also apply to the development."

- a) replace Clause 6.8 "Affordable Housing" (7) with the following:
 - (7) In this clause:
 - accountable total floor space means:

- a) If in Area 3 on the Special Provisions Area Map, the gross floor space of the residential component of the development to which the development application relates, excluding any residential floor area of the building that is used for affordable housing purposes.
 - b) If in Area 9 on the Special Provisions Area Map, the gross floor space of the residential component of the development to which the development application relates, including any residential floor area of the building that is used for affordable housing purposes.
- g) To add Clause 6.24 as follows:
- "6.24 Design excellence
- 1) The objective of this clause is to deliver the highest standard of architectural, urban and landscape design.
 - 2) This clause applies to the following development:
 - a) development that is the erection of a new building on land covered by the Design Excellence Policy, and shown in Area 12 on the Special Provisions Area Map,
- Note.
- In determining an application for a modification of a development consent granted under this clause, the consent authority must again take the requirements of this clause into consideration (see section 96 (3) of the Act).
- 3) Development consent must not be granted to development to which this clause applies unless:
- a) Where a building will be >35m in height
 - i) an architectural design competition that is consistent with Guidelines for Design Excellence Review and Competitions has been held in relation to the development, and
 - ii) the design of the development is the winner of the architectural design competition, and
 - iii) the consent authority considers and acknowledges that the development exhibits design excellence.
 - b) Where a building will be up to 35m in height

i) The design is subject to review by a Design Excellence Review Panel, that is consistent with Guidelines for Design Excellence Review and Competitions, who consider that the design exhibits design excellence to a sufficient level to recommend that the project proceed to consideration by the consent authority

ii) the consent authority considers and acknowledges that the development exhibits design excellence.

4) An architectural design competition is not required under subclause (3) if the Minister or their delegate is satisfied that:

(a) such a process would be unreasonable or unnecessary in the circumstances,

5) In deciding whether to grant development consent to development to which this clause applies, the consent authority must take into consideration the results of the architectural design competition.

6) In this clause:

Design Excellence is a process and an outcome achieved through the comparative evaluation of different design approaches.

Architectural Design Competition means a competitive process conducted in accordance with the Guidelines for Design Excellence Review and Competitions.

Design Excellence Review Panel means a Council selected and appointed Panel or a Panel endorsed by the NSW Government Architects Office (Secretary).

Guidelines for Design Excellence Review and Competitions means the Government Architects Design Excellence Competition Guidelines or, Guidelines endorsed by the NSW Government Architects Office (Secretary).

Design Excellence Policy means the Willoughby City Council Design Excellence Policy

ATTACHMENT 8



Our Ref: 20033101B-200715

15 July 2020

Walter Projects
C/- Architecture Urbaneia Pty Ltd
1/53 Hume Street
CROWS NEST NSW 2065

Attention: Mr Mo Chehelabi

Dear Mo,

**RE: 1-31 WALTER ST & 452-462 WILLOUGHBY RD, WILLOUGHBY
RESPONSE TO COMMENTS FROM SUBMISSION**

As requested, MLA Transport Planning (MLA) has reviewed the comments in submission made by the Naremburn Progress Association in relation to a planning proposal for the above site. MLA provides herein our responses to the matters raised.

Background

The Naremburn Progress Association has made a submission objecting to a planning proposal for the above site. MLA has been requested to respond to the comments.

The comments in the submission can be summarised as follow:

- the planning proposal will extend and intensify the effects foreseen with the redevelopment of the Channel 9 development and the cumulative effects of 715 additional apartments adding additional load on an already stressed public transport system and traffic congestion generated at the Walter Street and Garland Road intersections with Willoughby Road
- the traffic and parking report prepared by TTPP includes the following assumptions:
 - the Willoughby Road intersection with Artarmon Road will be upgraded, however there is no funding for it
 - right turn from Willoughby Road into Walter Street will be prohibited during peak times which will force intending right-turners to travel through the Walter Street intersection, then turn left into Garland Road and perform a u-turn on Garland Road to turn right back onto Willoughby Road and left into Walter

MLA Transport Planning
Zenith Towers, Level 20, Tower A, The Zenith
821 Pacific Highway
Chatswood NSW 2067



Street which is potentially quite dangerous and will lead to further congestion at an intersection often at capacity

- background traffic increases have no allowance for traffic increases caused by Warringah Freeway Upgrade, Western Harbour Tunnel, Beaches Link and Gore Hill Freeway upgrade as well as additional developments along Garland Road and Willoughby Local Centres Strategy
- turning delay simulations only consider traffic turning from Willoughby Road into sideroads, however the real turning delays are being experienced by traffic attempting to turn into Willoughby Road, there is limited entry capacity for right turn movement from Walter Street to Willoughby Road even with proposed traffic lights and synchronisation, and
- the use of 10 year traffic growth horizon is short sighted and a minimum of 20 years should be addressed.

In addition, this letter also provides further commentaries in relation to the crash history at the Walter Street intersection with Willoughby Road.

MLA's Responses to Comments Made in the Submission

Below is an extract of the relevant comments made in the submission followed by MLA's responses to the comments.

Cumulative Transport Effects

Naremburn Progress Association objects to the Walter St/Willoughby Rd Planning Proposal as tabled because it will simply extend and intensify the effects foreseen with the redevelopment of the Channel Nine site on Artarmon Road.

The community has argued long and hard over a number of years to keep unit numbers on that site to an acceptable level and that now appears locked in - what we are facing with the addition of the Walter St Proposal is the cumulative effect of 715 additional apartments across a range of building height and scale, additional load on an already stressed public transport system (particularly buses that often do not stop at Garland Rd because they are full during peak hour) and a specific set of concerns around the traffic congestion generated at the Walter St and Garland Road intersections with Willoughby Road.

The traffic model developed to assess the cumulative traffic effects of the planning proposal includes development traffic generated by subject planning proposal for up to 350 dwellings as well as allowance for development traffic generated by the following known developments at the time:



- Channel 9 site with 510 apartments and 1,737m² of commercial/retail uses, and
- proposed childcare centre at 1-1A Walter Street and 452-460 Willoughby Road with 225 children and 35 staff.

It is noted that the proposed childcare centre development is no longer being pursued and instead this land has been amalgamated into the land relating to the subject planning proposal which will be redeveloped as residential apartments. The childcare centre has been estimated to generate 174 vehicles per hour (vph) during the busiest peak period. This is in contrast to 67 vph being generated by the original planning proposal with 350 dwellings during the busiest peak period i.e. the childcare centre would generate almost three times more traffic than the original planning proposal.

Furthermore, it is noted that before the amalgamation of the childcare centre site into the planning proposal, the original planning proposal envisaged that the land was capable of being redeveloped to provide 350 dwellings. However, with the amalgamation of the childcare centre site the revised planning proposed as it currently stands is envisaged to accommodate 255 dwellings. The 95 less dwellings translate to the revised planning proposal generating some 18 vph less than the original planning proposal in the busiest peak period.

In relation to the Channel 9 site, the proponent has recently submitted an application to modify the existing Concept Plan to include the TX Australian site, whilst maintaining the 460-dwelling cap.

The traffic model prepared for the planning proposal on the subject site has an allowance of 171 vph in both peak periods for the Channel 9 site. The traffic assessment report for the recent application submitted by the proponent for the Channel 9 site indicates the development traffic would reduce to 149 vph (a reduction of 22 vph).

Table 1 below compares the development traffic assessed in the traffic model (as estimated for the original planning proposal and other known developments) with those generated by the revised planning proposal and the updated Concept Plan for the Channel 9 site.



Table 1: Development Traffic Comparison

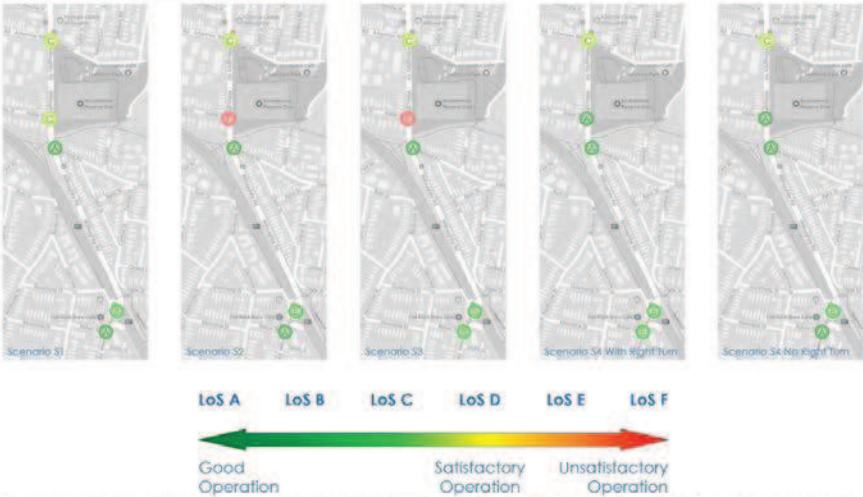
Planning Proposal	Development Yield	Morning Peak Traffic Generation	Evening Peak Traffic Generation
Original Planning Proposal			
- Subject Site	350 Dwellings	67 vph	53 vph
- Channel 9 Site	510 Apartments + 1,737m ² commercial/retail	171 vph	171 vph
- Childcare Centre Site	225 Childcare Places + 35 Staff	174 vph	152 vph
- Total Development Traffic (1)	-	412 vph	376 vph
Revised Planning Proposal			
- Subject Site	255 Dwellings	48 vph	38 vph
- Channel 9 Site	460 Apartments + 1,350m ² commercial/retail	149 vph	149 vph
- Childcare Centre Site	No Longer Pursued, Land Amalgamated into Subject Site	0 vph	0 vph
- Total Development Traffic (2)	-	197 vph	187 vph
Difference ((1) – (2))	-	215 vph	189 vph
Per Cent Difference		52%	50%

From Table 1, it can be seen that the traffic model has assessed the cumulative traffic effects based on a higher traffic level than that would be generated by the revised planning proposal. Indeed, the traffic model has assessed some 50 per cent more traffic than that would be generated by the revised planning proposal. As such, the traffic modelling prepared as part of the original planning proposal provides overly conservative results.

Furthermore, the traffic model based on highly conservative traffic estimates as discussed above found that the nearby assessed intersections would continue to operate satisfactorily with LoS C or better in the future as shown in Figure 1.



Figure 1: Traffic Modelling Results



Source: Traffic Report prepared by TTPP (Ref: 18238-L02v04-1909)2 PP Traffic Statement dated 12 September 2019)

In addition, the traffic model has been assessed and approved by both Transport for NSW (TfNSW, formerly Roads and Maritime Services) and Willoughby City Council. The traffic model went on to inform the decision made by TfNSW to approve the traffic signals at the Walter Street intersection with Willoughby Road with the support of the Traffic and Transport Team Leader of Willoughby City Council. Furthermore, the letter from TfNSW (Ref: SYD16/01432 dated 7 November 2017) states that the traffic model submitted is “deemed ‘fit for purpose’ by Roads and Maritime”.

From the above, the traffic model is robust and provides reliable modelling results acceptable to the consent authorities.

For the submission by the Naremburn Progress Association to simply say that the planning proposal “will simply extend and intensify the effects foreseen with the redevelopment of the Channel Nine site on Artarmon Road” is simply misleading and misconstruing the facts without any basis. The traffic model assessing the cumulative traffic effects of the subject planning proposal and the Channel 9 site has been endorsed by independent traffic experts within both TfNSW and Willoughby City Council and accepted as ‘fit for purpose’.

In relation to “stressed public transport system” in the area as indicated in the submission this is an existing problem. This is a matter for the NSW State Government through its public transport agency, namely TfNSW, to consider. Provision of additional public transport capacity is not a consideration based on a specific site or location. It is an issue across an entire regional. As such, this will need to be assessed holistically. The NSW State Government through TfNSW is responsible for the efficient management of



the transport network include public transport and provides additional capacity as required. Inefficiency in the public transport network will result in greater reliance on and use of private vehicles which will in turn lead to further road congestion and delays with detrimental effects on the economy of the State.

Furthermore, it is noted that new developments will generate additional public transport demand to provide the additional impetus and critical mass in order to justify additional capacity improvement to existing public transport infrastructure. If public transport demand remains as under existing status quo, and no new developments to generate new public transport demand, public transport capacity would never be improved.

In relation to the "concerns around traffic congestion generated at the Walter Street and Garland Road intersections", the nearby assessed intersections including the Walter Street and Garland Road intersections with Willoughby Road will continue to operate satisfactorily. The traffic model found that the Walter Street and Garland Road intersections will operate with LoS A in the future. LoS A as defined by TINSW indicates that the intersections will operate with good operation with minimal traffic delays. The intersections will operate as efficient as possible without any congestion as misconstrued by the statement made in the submission by Naremburn Progress Association.

Traffic and Parking Report Assumptions

The TPP Traffic and Parking report suggests that any further degradation of traffic flows in the area will be marginal, but assumes the following:

- *That the Willoughby Road/Artarmon Road intersection has been/will be upgraded. This is not a valid assumption as currently any mooted improvements are largely unfunded;*
- *That right-hand turns from Willoughby Road into Walter Street will be prohibited between 0600-1000 and 1500-1900 (ie during morning and afternoon peak times);*
- *That all other background traffic increases have been recognised and incorporated. However no allowance has been made for traffic increases caused by such mega-projects as the Warringah Freeway Upgrade, Western Harbour Tunnel and Beaches Link (and possibly even the Gore Hill Freeway upgrade), which will have the effect of forcing large volumes of additional traffic onto Willoughby Road, especially during the peak periods. Nor does consideration appear to have been given to proposed development sought along Garland Rd (eg DA 2019/343) plus potential future development in this R3 corridor in Garland Rd, or changes arising from the Willoughby Local Centres Strategy*



It is acknowledged that placing "No Right Turn" restrictions at the Walter Street intersection during peak periods should streamline southbound traffic and potentially reduce accident frequencies. However, such action will force intending right-turners to travel through the Walter Street intersection, then turn left into Garland Road and attempt to perform a U-turn somewhere in Garland Road, following which they turn right back onto Willoughby Road and left into Walter Street. Such a sequence is potentially quite dangerous, and will lead to further congestion at an intersection which is often at capacity (see below).

The upgrade of the Willoughby Road intersection with Artarmon Road involves adding a 100m long right turn bay on the Willoughby Road southern approach and a left turn slip lane on Small Street eastern approach. This intersection upgrade has been developed as part of the proposed expansion of the Willoughby Leisure Centre. It was identified in the traffic study undertaken by GTA Consultants (Ref: 12S1129000) on behalf of Willoughby City Council who owns and manages the Centre. This intersection upgrade has been identified by the GTA traffic study to provide traffic relief and improve access to and from the Leisure Centre.

Due to the nature of the local road network, development traffic from subject planning proposal will not require to turn to/from Small Street at Willoughby Road. In addition, the right turn from Willoughby Road into Small Street is prohibited in the evening peak period. Records show this has been the case as far back as June 2013.

The upgrade of the intersection could provide some benefits to the overall operation of the intersection, but it is not necessary to cater for development traffic arising from the subject site.

In relation to the right turn from Willoughby Road into Walter Street, it is noted that the vast majority of the right turn volume is due to the proposed childcare centre. However, the proposed childcare centre is no longer being pursued as indicated previously. At any rate, right turn movement can be accommodated by a number of alternative routes. Furthermore, the traffic model prepared as part of the original planning proposal as discussed forecast the Walter Street and Garland Road intersections with Willoughby Road will continue to operate satisfactorily in the future. The modelling results have been accepted by TfNSW and Willoughby City Council with TfNSW deemed the traffic model as 'fit for purpose'.

In relation to background traffic growth, the traffic model included background traffic increases derived from 2016 and 2026 Sydney Strategic Travel Models provided by TfNSW. The 2026 STM provided by TfNSW at the time includes a number of road projects such as WestConnex, NorthConnex, Kingsford Smith Airport Upgrades. At the time, this represents the latest information available. The Western Harbour Tunnel and Beaches Link projects were not expected to come online until 2031 and 2041 respectively which



reflects State Government infrastructure planning policies at the time, as such they were not included in the 2026 traffic models.

At any rate, although these projects could result in changes to the traffic flows on the nearby surface roads, it is not expected that they would detrimentally affect the efficient operation of the surface roads including Willoughby Road. The agency charged with the delivery of these projects will be required to maintain the same level of efficiency on the surface roads as that under pre-existing traffic conditions.

In relation to the R3 corridor along Garland Road and DA 2019/343, these predates the traffic model and as such were not included in the traffic model. At any rate, based on our assessment the site area of the R3 corridor along Garland Road excluding land relating to DA 2019/343 is approximately 21,880m². Applying an FSR of 0.7:1 with 85 per cent efficiency, the gross floor area would be approximately 13,020m². Assuming an average apartment size of 75m², the R3 corridor would result in approximately 174 apartments. The additional development traffic resulting from this would be 33 vph during the busiest peak period.

As for DA 2019/343, the traffic report for this application indicates the proposed development is expected to generate 6 vph.

Therefore, this could potentially add up to 39 vph to the road network (noting that the 33 vph arising from the R3 corridor has not accounted for the existing traffic generation due to the residential dwellings that will be displaced by the R3 developments).

As indicated previously, the traffic model has overestimated development generated by the known developments by a minimum of 189 vph – see Table 1. On this basis, the additional development on Garland Road is not expected to alter the performance of the intersections especially noting that the Walter Street and Garland Road intersections are expected to operate with LoS A in the future. The assessed intersections are expected to continue to operate satisfactorily even with the additional development traffic from the R3 corridor on Garland Road.

Traffic Delays

One aspect of the Traffic Review which is very puzzling is that the Turning Delay Simulations only consider traffic turning FROM Willoughby Road into sideroads such as Garland Road, Walter Street, Artarmon Road and Small Street. Whilst larger traffic numbers may be on Willoughby Road, it is respectfully suggested that the real turning delays are being experienced by traffic attempting to turn ONTO Willoughby Road.

This is where observers will witness drivers becoming very frustrated at the extended delay times, and which will underline the limited entry capacity for drivers seeking to turn right out of Walter Street onto Willoughby Road.



even with the proposed traffic lights and appropriate synchronisation. They will only be able to travel as far as Garland Road, as it is assumed Garland Road traffic will be entering Willoughby Road at the same time. Factor in the additional congestion between the two sets of lights during peak periods, with a bus stop adjacent to Garland Road that is so busy many buses just don't stop and the outcome appears unworkable.

It is unclear how the submission came to the conclusion that the "Turning Delay Simulations only consider traffic turning FROM Willoughby Road into sideroads such as Garland Road, Walter Street, Artarmon Road and Small Street". In traffic modelling, it is not possible to consider only specific traffic movements at a modelled intersection as this will not result in reliable modelling results. In addition, such traffic models will be rejected in a peer review and by the authorities immediately.

The traffic model prepared for the planning proposal includes all permissible traffic movements at all assessed intersections including the traffic turning into Willoughby Road.

Furthermore, as mentioned previously the traffic model has been submitted to TfNSW for their review and approval. The model has been accepted by TfNSW and deemed 'fit for purpose'.

The statement "Turning Delay Simulations only consider traffic turning FROM Willoughby Road into sideroads such as Garland Road, Walter Street, Artarmon Road and Small Street" made in the submission is grossly incorrect and misleading. There is no basis for this statement.

The submission also made reference to the "limited entry capacity" for "turn right out of Walter Street onto Willoughby Road" which "will only be able to travel as far as Garland Road" which apparently will be exacerbated by "the additional congestion between the two sets of lights during peak periods, with a bus stop adjacent to Garland Road that is so busy many buses" and "the outcome appears unworkable". Again, this statement is simply incorrect and misconstruing the fact.

The traffic model indicates that the Walter Street and Garland Road intersections will operate with LoS A indicating good operation with minimal delay in the future. The traffic model including the modelling results has been accepted by TfNSW and is deemed as 'fit for purpose'. If this is not the case, TfNSW will not provide their approval for the proposed development and the proposed traffic signals at Walter Street.

Furthermore, all traffic signals in Sydney are operated and managed under the SCATS (Sydney Coordinated Adaptive Traffic System) system. It is an intelligent transport system that coordinates traffic signals to optimise traffic flow along a road corridor or region. It uses real-time data to dynamically manage the timing and sequencing of signal phases to ensure the most efficient operation of the traffic signals under its management. SCATS will be used to coordinate the traffic flow along Willoughby Road



through the traffic signals at Walter Street and Garland Road as well as other nearby traffic signals to ensure the optimal and efficient operation of the traffic signals. TfNSW in approving the traffic signals at Walter Street has no concerns about the operation of these traffic signals.

In relation to the buses near the Garland Road intersection, these have been captured in the traffic surveys conducted as part of the traffic model and appropriately accounted for in the traffic model.

Traffic Growth Horizon

The use of a ten year traffic growth horizon appears short sighted and a minimum of 20 years should be addressed, consistent with other strategic plans.

Assessment of 10-year background traffic growth has long being a standard practice and requirement of TfNSW (including all of its predecessors) for any proposed land use developments.

Furthermore, before the commencement of the traffic model development the traffic modelling methodology was discussed and agreed with TfNSW. The traffic modelling methodology included a 10-year growth of the background traffic for future case scenarios which was agreed by TfNSW. TfNSW also provided traffic forecasts from their strategic highway models to enable 10-year growth factors to be derived.

Walter Street Intersection Crash History

Separately, Council has made the comment regarding the crash history at the Walter Street intersection with Willoughby. Council is concerned in particular of crashes due to traffic turning right into and from Walter Street.

This issue was addressed in the traffic report prepared by TTPP (Ref: 16186r01 Walter St Traffic Report170822 dated August 2017). At the time, it was reported that for the 5-year period to 31 December 2015, a total of three crashes occurred at the Walter Street intersection.

In more up to date data available from TfNSW website (for the 5-year period to 31 December 2018), a total of two crashes has been reported at the Walter Street intersection – see Figure 2.

Records indicate there is a consistent low number of crashes occurring at this location, especially noting that Willoughby Road carries traffic flows exceeding 3,000 vehicles per hour during the peak period.



Figure 2: Walter Street Intersection Crash Data

Crash and casualty statistics - LGA view



At any rate, the provision of a new traffic signals (or the conversion of the intersection to permitting left in and left out movements only) at the Walter Street intersection will address this issue.

Summary and Conclusion

In summary, the submission made by the Naremburn Progress Association contains a number of erroneous statements and has grossly misconstrued the facts in their interpretation of the traffic modelling results.

The traffic model prepared for the planning proposal is robust and provides reliable (although conservative) modelling results. It has been accepted by the consent authorities. The traffic model forecast the assessed intersections will continue to operate satisfactorily in the future.



Crash history at the Walter Street intersection is consistently low. However, a new traffic signals or the conversion of the intersection to permit left in and left out movements only at the Walter Street intersection will address any perceived crash issues.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'Michael Lee', written over a circular stamp.

Michael Lee
Director