

Dale McKay

Madam Chair and Commissioners, my name is Dale McKay and live at [REDACTED] I am part of the Willoughby Area Action Group (WAAG) a group which I helped form in 2013 to co-ordinate the community response to the issues associated with the Channel 9 development.

The points I'd like to make today are:

1. WAAG since its inception has supported the development of the Channel 9 site for medium density residential as incorporated in the approved development plan;
2. The site is isolated, located in a suburban area with little commercial amenity and mass transport within walking distance;
3. The Proposed Channel 9 development is still too high and too dense for its location as nothing has changed to justify the increases proposed.

The Department of Planning's recommendation to approve the proposed modifications should not be followed.

### **Prolonged One-Sided Engagement**

The proposed Channel 9 site development has been drawn out. It began in November 2010 in the final months of the Keneally NSW Government when it granted Channel 9's apartment development proposal "state significant" status. This allowed the project to be assessed under the Part3A planning regime and thereby avoid local planning controls.

In 2011 the incoming O'Farrell government repealed the Part 3A process and implemented transitional arrangements to deal with projects that had not yet been determined. This was part of the Government's desire to establish a more objective planning regime, they championed "community consultation" as the means by which local communities could participate and be involved in the outcome of transitional Part 3A projects.

WAAG and the Willoughby community embraced this approach. We engaged. From the outset we accepted the residential needs of the area and the development opportunities that the site offered. We supported the development of the site to a higher density than the neighbouring single dwelling lots. We did not protest about the development per se, but identified specific issues involved.

The high level of community engagement is shown through the number of public submissions provided at the various stages:

- In April 2013, 270 submissions on the initial concept plan;
- In November 2013, 136 submissions on the Preferred Project Plan;
- In February 2014, 40 speakers at the PAC meeting, with a further 130 in attendance;
- In September 2014, 10 speakers at the Land & Environment Court site meeting;
- In September 2016, 234 submissions to Modification 1;
- In December 2017, 452 submissions to Modification 2.

This chronology of submissions demonstrates the long period of time over which this approval process has taken and the numerous development schemes that the site's owners have subjected the community to evaluate.

Even though the community has engaged, the same cannot be said for the Proponent. Their consultation for Modification 1 was perfunctory, the Proponent was not interested in our views, they appeared interested in one thing - more apartments. Their lack of interest is shown by their failure to provide any response to the 234 submissions made.

With Modification 2 the Proponent did not even bother to hold any public consultation, even though the proposed scheme was substantially altered from the previous. The Proponent's dismissive opinion of community consultation and the view of the community is best summed up in their own words contained in their March 2018 Response, Section 2.2, in which they consider the 411 written public objections as "indicating that there is neither broad-based objection to, or interest in, the overall project and proposed modification".

Nothing could be further from the truth, there is wide spread community interest in this project and the modification.

The engagement for this modification has been one-sided, it's been the community that's engaged, the Proponent has not.

The Proponent has undertaken an extended, drawn out process in which they lodged three sets of modifications to the approved development. Their approach affects the ability of the community to understand what is being proposed, what has changed, what the issues are, and limits their ability to engage.

The Proponent's series of competing modifications lodged over an extended period appears to be a deliberate attempt at creating fatigue within the community and deadening any real engagement. Their behaviour means that it is difficult for the determination of this development to meet objective J of the EPA Act, which states that the objective is: "(J) to provide increased opportunity for community participation in environmental planning and assessment".

### **Substantive Issues**

The community that lives near Channel 9 knows that it is a nice, suburban area that is not within walking distance of any retail, medical, mass transport and other commercial amenities. Residents in this area are dependant upon car transport with most households owning at least one motor vehicle.

It is a location that is not suited too higher density residential housing. The PAC made this point very clearly in their March 2014 report.

Nothing has changed at this location that alters this and which now justifies the proposed increase in apartment numbers. In fact community benefit has been reduced by building closer to Artarmon Rd and relocation of the community accessible park to an area that will ostensibly make it a private park for the residents.

Being an isolated site, it will have higher levels of car ownership and traffic movements than would normally be expected of a similar sized development, which are usually located much closer to amenities. As a result, this development will have greater traffic and parking impacts than that suggested by the Proponent and the RMS benchmarks used.

The real issue here is the size of the development both the number of storeys and apartment numbers.

If the Proponent was proposing modifications to just the road., building and open space layout, and retained the existing storey & apartment limits , it is unlikely that we would be here today objecting to them.

### **Housing Targets**

The Department of Planning's assessment report implies that the increase in unit numbers at Channel 9 is needed so that the North District's and Willoughby City Council's housing targets are achieved. This is incorrect. These housing targets are well covered by Willoughby City Council's draft housing strategy.

It also implies that the modification to the Channel 9 development is consistent with Willoughby City Council's strategy. Again this is incorrect. Council's strategy aims to have higher density near railway stations and in CBD areas with pockets of medium density in other areas. Under Council's strategy the Channel 9 site would have less unit numbers rather than more units.

### **Precedent**

The determination of the Channel 9 modification provides an opportunity for the Commission to establish a precedent.

Not a precedent about future zoning but a precedent about good planning outcomes and community engagement.

I hope that your determination of this modification does not reward Proponents who game the planning process to the detriment of the community; that instead your determination creates a precedent that shows that good planning outcomes occur when a community gets involved in the planning process, where the community and council are serious about achieving new dwelling targets.

A decision rejecting the proposed increases in storeys and apartment numbers would create this positive precedent for the benefit of not just Willoughby but also the entire state,

### **Conclusion**

I request that the Independent Planning Commission:

- reject the increase in unit numbers, and maintain the limit set by PAC and the Land & Environment Court;
- And it reduces the height and storey levels of the buildings to that set by PAC & the L&E Court.

Thank you for allowing me to present this to you today.