

Appendix Q: Environmental Planning Instruments, Policies and Guidelines

Plan/Policy

State Environmental Planning Policy (Infrastructure) 2007

The proposal exceeds the apartment number thresholds referred to in Clause 104 and Schedule 3 of the Infrastructure SEPP. Accordingly, it is anticipated that the modification application will be referred to the RMS as a 'Traffic Generating Development' during the formal public exhibition period. Section 6.7 of the Environmental Assessment Report and Appendix J include a detailed assessment of the impacts of the proposed modification on State/Regional roads in the vicinity of the site.

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

State Environmental Planning Policy No.19 – Bushland in Urban Areas (SEPP 19) seeks to protect remnant bushland for a range of ecological, aesthetic and recreational objectives. Historical aerial imagery shows that the Site was almost entirely cleared for grazing prior to the commencement of use for the Nine studios. Similarly, the (now) Walter Street Reserve was also devoid of vegetation in association with this land use. Existing vegetation on the Site is not a remainder of previous natural vegetation on the Site, and is not representative of the structure of natural vegetation due to the extensive existing development of the Site. As such, SEPP 19 does apply to the Site.

State Environmental Planning Policy No.55 – Remediation of Land

The Remedial Action Plan prepared by JBS Environmental (appended to original Concept Plan Application) identifies the site as being able to be made suitable for residential and commercial uses, subject to the implementation of the recommendations of the RAP. The remediation works required by the RAP are classified as Category 2 works under the provisions of SEPP55 and may be carried out without consent subject to the fulfilment of notification requirements.

State Environmental Planning Policy No.65 – Design Quality of Residential Apartment Development

The CHROFI Master Plan Report addresses the principles and key provisions of the SEPP 65 and the Apartment Design Guide (ADG). Whilst detailed assessment of compliance with the ADG will be undertaken as part of the assessment of future detailed Development Applications by Willoughby City Council, the CHROFI report includes an assessment of the amended master plan against the design principles and demonstrates the ability of future development within the proposed building envelopes to comply with the relevant criteria. The following sections are CHROFI's assessment of the master plan against the SEPP 65 Design Principles.

Context and neighbourhood character: The Channel 9 site on Artarmon Road Willoughby is a unique site in the heart of a growing inner-suburb of Sydney. The television studios no longer require this amount of physical space and are a remnant of large commercial activity in the area, surrounded primarily by residential development and local facilities. The once predominately single dwelling house context has developed to include duplexes, apartment buildings, retail businesses and high street commercial premises. The regional context has significant public transport, a hospital and recreational facilities. As approved for the site, residential uses with small scale commercial are a good use for the large scale of the site. Higher density living delivers diversity in housing choices within the immediate and broader context. The use and scale of the proposal sits comfortably in the context, with the 1970's development of Castle Vale to the east of the site. This CHROFI scheme offers a number of public open space and built form strategies to respond to a finer grain in the local site and context. These include:

- low scale buildings on Artarmon Rd and Richmond Ave respond to the single or two storey dwellings across the street.
- realignment of the public open space to allow the public to enjoy the unique escarpment position with panoramic views of the city.
- realignment of the built form to enhance the view corridor along Edward Street.
- significant increase in public open space over the approved scheme
- reconnects the public open space to the isolated Walter St Reserve to the south of the site
- extends the local street network with a loop road at a similar scale to the surrounding neighbourhood
- delivers a diverse range of built forms and apartments
- delivers a diverse range of public open spaces across the site

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Built form and scale: This scheme maintains the successful built form and public domain principals of Modification No.1, yet improves them further with the addition of a new courtyard for tree 32, and improved public through-site links. As supported by the Office of the Government Architect submission and the AJ+C Concept Plan Review conducted for Willoughby Council, the following built form and scale strategies were considered successful and have been retained:

- the location, configuration and interconnectedness of the open spaces
- the diversity of open spaces
- the intent and positioning of the cliff top reserve with district views
- the extension of the Edward St view corridor
- building massing that includes smaller deeply articulated forms along Artarmon Rd and Richmond Ave that provide a transition in scale to detached houses along these frontages
- a 4 storey podium datum and good building articulation to help break down the scale
- height moved more centrally into the site with two narrow footprints which work well to ameliorate impacts on surrounding existing residential areas and allows for a lower scale along the streets
- a diverse range of building typologies, with street buildings, mid-rise towers and the bush buildings.
- built form that crests and steps down with the natural topography
- built form that includes sound reasoning for building articulation

The amended CHROFI scheme proposed in Modification 2 further improves the masterplan with the following strategies:

- retention of tree 32 with a significant courtyard that links the Village Square and the Village Green.
- increased building separations across the new courtyard
- further improvement of solar access to Walter St and Castlevale with the refinement of built form.

Density: Modification No.2 seeks to increase the number of apartments on the site from 400 to 495. The site is well located with regards to existing infrastructure and public transport. The large scale of the site, in single ownership makes in a unique site for delivering greater housing densities and housing choice for the area. The increase in density has been well exceeded by the proportional increase in publicly accessible open space within the site, both in terms of quantity and quality of these space. The unique public open space offering ensures the proposed buildings have appropriately scaled for the site, and that the whole community has the ability to access and enjoy the amenity of the site in the future. The increase in density has been carefully designed to reduce existing approved impacts on the neighbouring community, for example with regard to overshadowing, which is reduced from the approved scheme, and built form and bulk is also reduced when viewed from the surrounding context. The increase in density has been reviewed by other consultants in regards to the impact on traffic and supported as being acceptable.

Sustainability: Good apartment amenity is at the core of this masterplan. The sound arrangement of public open space, buildings and roads has improved the quality of both external and internal spaces. Building footprints have been reduced in depth to allow for higher quality apartments, with better access to the facade, good solar amenity and more effective cross ventilation. These footprints allow for future development of each building with strong building articulation. The orientation of the buildings also makes the best use of passive design principles including solar access in winter. Across the site, all buildings individually achieve compliance with solar access and cross ventilation in line with the ADG. Each apartment in the reference scheme has access to a street or significant public open space for outlook and views. The site enjoys good views in all directions due to its topography, and the built form has been formed to step down to the boundaries to allow more apartments to access these views. Basement footprints primarily under buildings above, helps to provide significant areas for deep soil planting which reduces stormwater runoff. This modification offers at least 17% of the site area as deep soil. The interconnected public open spaces create strong flora and fauna corridors which connects to the Walter St Reserve.

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Landscape: Modification 2 focuses on a masterplan that creates generous, unique and diverse open spaces for both the new residents and local community. The CHROFI and McGregor Coxall public domain includes a series of interconnected, attractive open spaces that are all connected by public through-site links and view corridors. The Village Square, Village Green, Village Lawns and the new courtyard for tree 32 create a landscape which provides high amenity for the apartments and local residents. Many existing natural features of the site are celebrated, such as the existing views, tree 32 and the interesting existing 'bowl' topography of the proposed playground. These existing features are celebrated with generous, well-proportioned and connected spaces, that enjoy good solar access. Good boundary setbacks ensure further privacy with planting and good private open spaces for apartments. The loop of Scott St ensures all of the landscape spaces are connected by footpaths and a road. The increase in public open space is well in excess of the increase in apartments, ensuring the best features of the site are available for everyone to enjoy.

Amenity: The strength of this masterplan protects the internal and external amenity for residents and neighbours. The sound principles for built form and public open space allow for good apartment amenity, where apartments enjoy solar access, natural ventilation and good outlook. The apartments aspects are orientated towards Artarmon Rd to the north, Scott St and the views beyond to the east, city views and the bush canopy of Walter St reserve to the south, and Richmond Ave to the west. Building separations are in line with the ADG, often in excess of the ADG to help create good privacy, acoustic and visual separation. The creation of the new courtyard has further increased building separations and created a new significant open space for apartment amenity. All buildings individually meet the requirements of the ADG for solar access and natural ventilation. The flexible and well-proportioned building footprints allow for good apartment planning. Ease of access for all age groups and a high level of mobility across the site has been well considered across the whole site despite challenging natural ground level changes. As outlined in this report, key public open spaces are all flush with the adjoining buildings to create level access, active ground planes and good social interactions.

Safety: The logical layout of buildings, streets and public open spaces have improved access and sight lines across the whole site, thereby increasing safety for residents and the broader community. The ambiguous and poorly dimensioned communal open spaces of the approved scheme have been replaced with well proportioned, public open spaces with clear delineation between public and private spaces. The public open spaces are all visible and accessible from the existing Artarmon Rd and Richmond Rd. Scott street and the Village Green invite the public into the site with clear site lines. The simplified road system has removed dead ends and cul-de-sacs which can create poor site lines and safety. Flush building conditions create good passive surveillance and all building entries open to the street or the Village Green. The new location of the main park at 90 degrees to the busy road also increases safety for users.

Housing diversity and social interaction: The proposed scheme offers a good mix of studios, 1 bed, 2 bed and 3 bed apartments across every building. The mixture in building typologies helps to create unique apartment types with unique views and aspects. The scheme offers single level apartments which are easily accessible, and ground floor garden apartments which are flush with adjoining public open spaces. The scheme makes allowances for the provision of affordable housing across the site. Apartment sizing and mix is in line with ADG minimum sizes, and mix. The flexible floor plates will allow for future mix changes if required, and the distribution will ensure housing diversity is achieved in each stage of the delivery.

Aesthetics: The building aesthetics will be addressed through future Development Applications and approvals. However the concept plan includes a number of design principles which will influence the future aesthetics.

- A mixture of buildings with good footprints and envelopes with setback controls to ensure good building articulation
- Separate buildings and stages allowing for a variety of architects and builders to create diversity across the site
- A diverse range of building typologies with unifying design elements including the street buildings with a fine grain of deep articulation, mid-rise towers with a clear 4 storey podium and bush buildings with a more organic form.
- Setbacks and slender mid-rise tower footprints ensure balanced building proportions and composition of elements
- Reference layouts which include natural ventilated and lit corridors.

State Environmental Planning Policy (Building Sustainability Index: Basix) 2004

Schedule 4 of the existing Instrument of Approval for the Concept Plan includes a Statement of Commitment that future development will “*achieve [environmental performance] in excess of BASIX requirements*”. No amendment to this condition is sought as part of the current Modification Application.

Willoughby Local Environmental Plan 2012

The Willoughby LEP 2012 applies to the land which is the subject of this Modification Application. Notwithstanding this, the existing Concept Plan approval prevails over the provisions of the LEP in respect of the permitted land uses and floor space ratio allowed. Further consideration of the Modification Application is included in Section 6.2.2 of the Environmental Assessment Report.

Plan/Policy**NSW Long Term Transport Master Plan**

The NSW Long Term Transport Master Plan (2012) sets out the high-level strategic direction for transport upgrades and improvements for Sydney over coming decades. The recently released Draft Future Transport 2056 Strategy and Draft Greater Sydney Services and Infrastructure Plan updates the Master Plan and seeks to align with strategic land use and infrastructure planning. Modification No.2 is considered to support the objectives of these plans and strategies by:

- Increasing opportunities for people to live near where they work, supporting the 30-minute city concept by locating additional housing in close proximity to a strategic bus corridor and well-connected regional cycling/pedestrian corridor.
- Maintaining commitments in the Concept Plan to include provision for car sharing to be provided on the site in the future as part of detailed DAs, reducing the need for car ownership and promoting non-car travel options.
- Providing a revised master plan that is better integrated with the local street and pedestrian network, providing new opportunities for the community to traverse the site and making walking and cycling more desirable for existing and future residents.
- Voluntarily offering to provide additional funding for upgrades to the Willoughby Rd | Artarmon Rd | Small St intersection and pedestrian connections through the Walter Street Reserve, providing new community benefits in terms of improved local road performance and pedestrian accessibility.

Development Near Rail Corridors and Busy Roads – Interim guideline

Clause 102 of the Infrastructure SEPP requires the consent authority to take into account guidelines published in the Gazette (the Department of Planning's Development near Rail Corridors and Busy Roads – Interim Guideline 2008) for residential development on land adjacent to a road with an annual daily traffic volume of more than 40,000 vehicles (based on maps published for the purpose of the Infrastructure SEPP on the RTA's website). The Gore Hill Freeway carries over 40,000 vehicles per day but is not directly adjacent to the subject site, and as such assessment in accordance with this clause is not required.

Guide to Traffic Generating Developments

The Traffic and Parking Impact Assessment prepared by McLaren Traffic Engineering, and the accompanying and previously appended traffic/transport reports, provided at Appendix J of this Modification Application addresses all of the relevant objectives and requirements of the RMS Guide to Traffic Generating Development.

NSW Bicycle Guidelines

This Modification Application supports the aims and objectives of the NSW Bicycle Guidelines by providing new housing in close proximity to a significant established regional cycleway, promoting opportunities for future residents to cycle for recreation and commuting. Future Development Applications will detail specific provision of facilities for bicycle parking, storage and facilities within the site in accordance with the applicable development controls.

NSW Planning Guidelines for Walking and Cycling

The Department of Planning's "Planning Guidelines for Walking and Cycling" aim to improve the consideration of walking and cycling in urban environments, and provides a walking and cycling focus to the Integrated Land Use and Transport Policy. The Modification Application is consistent with the Planning Guidelines for Walking and Cycling as it includes increased densities within a site which is highly accessible to public transport along the Willoughby Road bus corridor and in the vicinity of the T1 North Shore Rail Line. The site is also in close proximity to other services and amenities, including local retail and dining at Willoughby, Artarmon and Naremburn and regional service centres such as Chatswood. Local open space areas are provided within and in the vicinity of the site, and the amended CHROFI master plan provides for better integration of the site into the existing local road and pedestrian network, promoting improved walkability.

Crime Prevention through Environmental Design Principles

The Department's '*Crime prevention and the assessment of development applications*' (2001) guidelines have been considered in the development of the CHROFI master plan, and specifically, the main CPTED principles of surveillance, access, territorial reinforcement and space management. The modification will make a positive contribution to safety as follows:

- The design and structure of the buildings on the site will provide a clear distinction between private and public spaces, employing architectural features such as entry awnings, fences and walls to encourage this distinction;

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- Living areas will generally be orientated towards public and communal open spaces to encourage casual surveillance;
- Opportunities for concealment will be minimised. Blind or dark alcoves will be avoided in proximity to lifts, stairwells, entries, within basement car parks or along corridors and walkways;
- Clear sightlines between spaces including public and private interfaces will be established through building design, orientation and landscape treatments;
- The Central Lawn has been designed to promote broad use by the wider community, with a highly-visible interfaces to the street whilst balancing the safety and amenity of this space as a useable public open space; and
- Optimise visibility, functionality and safety of buildings by orientating entrances towards the internal roads and providing clear lines of sight between entrances, foyers and the street.

Willoughby City Strategy

The *Willoughby City Strategy Community Strategic Plan 2013-2029* (the Strategy) establishes the broad strategic directions for the future of the Willoughby LGA and covers issues such as community and cultural life, the natural environment, housing, transport, the local economy and civic leadership. The proposed modifications to the Concept Plan approval are considered to be consistent with the Strategy by:

- Increasing the amount of publicly accessible open space within the Willoughby LGA through the provision of a larger and better-connected space within the Site;
- Support environmental objectives by contributing to the regeneration of the Walter Street Reserve in conjunction with Council;
- Promoting healthy living by locating new development in close proximity to local and regional open space and recreation networks, including key cycling and walking routes;
- Ensuring that future residential development achieves a high standard of environmental performance;
- Providing for increased housing choice within the Willoughby and Artarmon communities by delivering high quality residential apartment living with a mix of apartment styles and sizes;
- Facilitating the delivery of additional affordable housing within the Willoughby LGA;
- Ensuring appropriate interfaces and transitions between new housing development and established residential and heritage conservation areas;
- Contributing to the improvement of existing local traffic congestions through a voluntary contribution to the upgrade of Willoughby Road, Artarmon Road and Small Street; and
- Locating new development close to an established public transit corridor.

Compliance with the Strategy and sub-policies is discussed in further detail at Section 6.1.4 of the Environmental Assessment Report.

Willoughby Development Control Plan

The master plan has been designed with regard to the provisions of the Willoughby Development Control Plan 2012 (the DCP), in particular:

- residential and visitor parking rates are consistent with the provisions of the DCP for residential flat buildings;
- street setbacks to Artarmon Road and Richmond Avenue have been provided in accordance with the requirements of the DCP;
- solar access to surrounding residential dwellings on Walter Street has been assessed in accordance with the provisions of the DCP to ensure that all dwellings receive solar access in excess of Council's requirements; and
- the reference design has had regard for the DCP requirement that 50% of all apartments be designed and constructed as adaptable dwellings as confirmed in Section 3.33 of the Urban Design Report.

Future Development Applications will be required to address the applicable provisions of the DCP in further detail.