

Mr Alan Bright  
Acting Director, Metropolitan Projects  
NSW Department of Planning  
GPO Box 39  
SYDNEY NSW 2001

26 April 2012

MIN2010/6

Dear Mr Bright

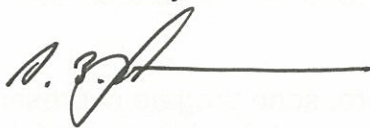
**COUNCIL SUBMISSION ON PREFERRED PROJECT REPORT for  
MP10\_0112 being a Concept Plan Application for a Mixed Use Residential  
Development at 110-114 Herring Road, Macquarie Park and MP10\_0113 being a  
Project Application for Stage 1 works (Buildings H, W, C & Y) - Stamford Grand  
Hotel site.**

**Attention: Jodie Leeds**

Thank you for the opportunity to make a submission on the above Major Project applications which is herewith attached.

Should you have any queries on the submission, please contact Glenn Ford, Client Manager on 9952 8227.

Yours sincerely



Dominic Johnson  
**Group Manager**  
**Environment and Planning**

# **RESPONSE TO PREFERRED PROJECT REPORT FOR MP10\_0112 & MP10\_0113) 110-114 Herring Road, Macquarie Park Concept Plan & Stage 1 Project Application (STAMFORD SITE)**

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## **SUMMARY OF CHANGES**

The Preferred Project Report (PPR) submitted to the Department of Planning and Infrastructure (DoPI) advises that the project has been amended principally in response to issues of:

- Height, built form and density
- Open space, public domain and streetscape; and
- Traffic and parking

In seeking to address these issues, the following aspects of the proposal have been changed:

- Changes to building heights
  - Building L has been reduced from 22 to 20 storeys
  - Building W has been reduced from 18 to part 8, part 13 storeys
  - Building C has been increased from 11 to 15 storeys
- Reduction in building footprints and bulk of Buildings L, M and D
- Increase in building setback from 5m to 7m at the corner of Epping and Herring Roads (i.e. Location of 20 storey high Building L)
- Reduction in Gross Floor Area (GFA) from 56,912m<sup>2</sup> to 52,059m<sup>2</sup>
- Reduction in Floor Space Ratio (FSR) from 2.54:1 to 2.32:1
- Reduction in apartment numbers from 626 to 576
- Reduction in total car parking from 790 to 741 spaces
- Reduction of on grade parking from 79 to 46 spaces
- Increase in publicly accessible open space from 10,506m<sup>2</sup> to 11,530m<sup>2</sup>
- Internal roadway reduced in width to increase internal open space and landscaping
- Increase in size of community facility from 90m<sup>2</sup> to 200m<sup>2</sup>
- Dedication of 2 units for affordable housing
- Provision of improved landscaping, and proposed landscaping on the new Type 3 roads.

Other changes cited in the PPR include:

- Improved solar access to open space
- Increased justification of acoustic issues
- Revised height distribution along Epping Road from west to east in line with DoPI comments

Elements of the original project that are retained in the revised proposal include commitments to:

- Upgrade the existing bus stop on Epping Road and provision of a lift and staircase from the site to Epping Road with access provided 24/7
- Street activation to Herring Road
- Commitment to achieving 4 Star Green Star rating for Stages 1 and 2 of the development
- Commitment to preparing a Public Art Strategy for the site
- Provision of bicycle vouchers, for 50% off a range of bicycles approved by Stamford, for residents of the development, as well as one voucher per 100m<sup>2</sup> of non-residential GFA
- Commitment to providing a communal herb/vegetable garden for residential use
- Construction and proposed dedication of two Type 3 roads
- Financial contributions in accordance with City of Ryde Section 94 Contributions Plan

## SUMMARY OF ISSUES IN COUNCIL'S SUBMISSION ON THE ORIGINAL PROJECT

The major issues of concern raised by Council in its first submission were:

- Non-compliance with adopted planning controls particularly height and density
- Additional to Council's Housing Strategy Targets
- Traffic issues
- Impact on adjoining residential properties

These concerns remain unresolved by the changes made to the proposal through the PPR. The height and density of the proposal has been adjusted but not to an extent that Council is in a position to support. In its earlier submission, Council identified an on-going review of planning controls for the Macquarie Park corridor that may include some uplift in height and density for certain sites. However, the revised proposal remains even well outside the scale and scope of any mooted changes to the planning controls for this site and locality.

That above review has been carried out in conjunction with the Department of Planning and Infrastructure. The information is available to the Department to guide its consideration of the suitability of the proposed development.

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## PROPONENT'S RESPONSE TO COUNCIL'S SUBMISSION

### *ISSUE: Non-compliance with adopted planning controls particularly height and density*

The height of the project has been adjusted in response to a general direction by the DoPI. The direction by the Department was not specific with regard to the number of storeys to be deleted.. However, the extent of change is not sufficient to alleviate Council's concerns over height and density. A further reduction in the scale of development is warranted, particularly in the heights of buildings L, C, W, and D which should be reduced by a minimum of 8, 3, 1 and 3 stories respectively. It should be noted that such a reduction would also reduce the Floor Space Ratio (FSR) to an acceptable level.

An analysis of the height and FSR is provided in the following tables.

### **Height of Buildings:**

<i>RLEP2010 &amp; DRLEP2011</i>	<i>REVISED Proposal (Table 1 -Page 5 of PPR &amp; Figure 17 – Page 35)</i>	<i>VARIATION BETWEEN REVISED HEIGHT &amp; COUNCIL'S CONTROL</i>
15.5 metres (equivalent to 5 to 6 storeys)	32 metres 45 metres 54 metres 57 metres 68 metres  (Range: 4 to 20 storeys)	+ 16.5 m / + 107% + 29.5m / + 190% + 38.5 m / + 248% + 41.5 m / + 268% + 52.5 m / + 339%

**PPR Changes to Height of Buildings (Pages 27 & 35 of PPR)**

<i>BUILDING NAME</i>	<i>Original Proposal (RL / Storeys)</i>	<i>REVISED Proposal (RL / Storeys)</i>	<i>DIFFERENCE</i>
<b>LOFTUS (L)</b>	<b>144.65 / 22</b>	<b>138.45 / 20</b>	<b>- 6.2 m (- 4.2%) - 2 Storeys (- 9%)</b>
<b>CUTLER (C)</b>	<b>110.45 / 11</b>	<b>122.25 / 15</b>	<b>+ 11.8 m (+ 10.7%) + 4 Storeys (+ 36%)</b>
<b>WOODWARD (W)</b>	<b>132.85 / 18</b>	<b>115.05 / 13</b>	<b>- 21.8 m (- 16.4%) - 5 Storeys (-27.7%)</b>
DARLING (D)	126.8 / 15	126.8 / 15	No change
MARTIN (M)	101.60 / 8		No change
YOUNG (Y)	100.2 / 8		No change
HUNTER (H)	99.55 / 8		No change

**Floor space ratio:**

<i>RLEP2010 &amp; DRLEP2011</i>	<i>Original Proposal (Section 3.5 – Page 24 of EA)</i>	<i>REVISED Proposal</i>	<i>CHANGE FROM ORIGINAL TO REVISED PROPOSAL</i>	<i>VARIATION BETWEEN REVISED PROPOSAL &amp; COUNCIL'S FSR CONTROL</i>
1:1	2.54:1	2.32:1	-0.22:1 (-8.7%)	+1.32:1 (+132%)
Site Area = 22,433 m <sup>2</sup>	Residential Floor space = 56,921m <sup>2</sup>	Residential Floor space = 52,059m <sup>2</sup>	-4,862m <sup>2</sup> (-8.6%)	
	Non-Residential Floor space = 1,110m <sup>2</sup>	Non-Residential Floor space = 1,210m <sup>2</sup> #	+100m <sup>2</sup> (+9%)	
	Total Floor space = 58,031m <sup>2</sup>	Total Floor space = 53,269m <sup>2</sup>	-4,762m <sup>2</sup> (-8.2%)	+30,836m <sup>2</sup> (+72.7%)

# As a percentage, Non-Residential Floor space represents 2.3% of the total Mixed Use proposal

In its first submission, Council acknowledged that a review of the current planning controls for Macquarie Park is warranted. The on-going exercise known as "Amendment 1" was raised and has been referred to again above. The relevance of "Amendment 1" is in identifying suitable parameters for the site beyond those that apply under RLEP 2010. The most recent iteration of the height controls under "Amendment 1" is presented in the table below:

<i>Site location</i>	<i>Height of Buildings</i>
Signature Building (Corner of Epping and Herring Roads)	52 metres
Herring Road frontage	37 metres
Mid-section	30 metres
Western edge	37 metres

A new proposal that meets the general height limits outlined above combined with the modulation and articulation evident in the PPR proposal would be more acceptable to Council. This would inevitably reduce the density of the development to one that is considered more in keeping with Council's expectations for the site (which Council contends should be a maximum of 2:1 as envisaged in the draft "Amendment 1").

### *ISSUE: Dwelling Units are additional to Council's Housing Strategy Targets*

Council's Local Strategy and Housing Strategy have been successful in proposing means to meet the Housing Targets set for it by the State Government under the Metropolitan Strategy. Achievement of the target does not rely on any height or density controls beyond those proposed in Draft Ryde LEP 2011 and Major Projects within the City of Ryde that have already been approved. Any suggestion that the proposed development is required to enable Council to meet its target is unfounded. The PPR has recognised this and instead presents the additional units provided by this as an inherently a good outcome. Council does not accept this position and contends that a better outcome is that the State Government keeps faith with the community's expectations that strategic planning instruments will be observed and that the community has certainty as to what built form will eventuate following their input into the creation of those plans. The City of Ryde can demonstrate a commitment to, and delivery of, its housing targets in the Metropolitan Strategy.

The City of Ryde is also not adverse to significant development in Macquarie Park and the level of investment, employment capacity, and current commercial standing is a testament to Council's ability to manage this specialised centre in a sustainable manner. Unfortunately Council's carefully considered and modelled strategic planning for Macquarie Park is being undermined by significant and ad-hoc Part 3A developments which place excessive yield within and potentially around Macquarie Park and these are not assessed or determined with regards to their cumulative impacts. By observing Council's current controls and future strategic planning intent, the State Government can have greater confidence that issues such as traffic, drainage, and the brand value of Macquarie Park are not eroded to the extent that it no longer provides the investment outcomes and employment generation that are at the heart of the Metropolitan Strategy objectives for a specialist centre of this type.

### *ISSUE: Traffic issues*

#### **Car Parking:**

The reduction in unit numbers from 626 to 576 has been matched by a reduction in car parking spaces from 790 to 741 spaces including an on-grade reduction from 79 to 46 spaces. Council previously raised no issues with the reduced level of car parking provision. However, the point remains that the actual car parking requirement and the volume of traffic generated by the proposed development are significantly higher than for a development that conforms to the current planning controls.

#### **Traffic**

A letter has been prepared by TRAFFIX in response to comments made by Council in its first submission on the Stamford site. The letter refers to the Council's policy for the use of the Macquarie Park Growth Model (Paramics) to model the cumulative effect of traffic. TRAFFIX is correct in observing that the purpose of Paramics is to model to cumulative effects of development applications. The point made by Council is that all the potential approvals around Herring Road need to be considered when forming a view on whether a development that does not conform to (and in fact goes well-beyond) any identified planning control should be approved.

TRAFFIX is also correct in its observation that access to the Paramics modelling:

*...enables Council to undertake a network wide assessment and Council is thereby uniquely placed to control the strategic planning process.*

However, the proposed development (both in its original form and its revised form) falls a considerable distance outside Council's adopted strategic planning position (Ryde LEP 2010) and any mooted outcomes from a strategic review of that position. Council may be uniquely placed to control the strategic planning process but Major Projects do not respect Council strategic planning controls.

TRAFFIX also makes the observation that:

*... the cost of obtaining the base model from Council (as occurred) is substantial and includes an allowance for a peer review for Council to engage its own consultants to undertake this review.*

The State Government has access to the Paramics modelling through the NSW Roads and Maritime Services (RMS). The developments to which Council has referred are Major Projects for which the DoPI is the approval authority. They are not development applications captured by Council's policy although the Paramics model can be used for Major Projects. In fact, it has been used to examine the traffic impact for Major Projects in Macquarie Park – for each one individually. Some Major Project applications are for developments outside Macquarie Park but due to their proximity to the Macquarie Park Corridor, they rely on the same main roads and busy intersections that the Stamford project will rely on. All of the Major Projects seek to go beyond the limits of Council's planning controls. As the State Government is the approval authority, Council contends that it is the obligation of the DoPI to model the impacts of this development concurrently with modelling the impacts of the four other Part 3A developments currently being assessed by the Department in and immediately adjacent to Macquarie Park. The Department also has to give regard to the significant impacts of the Transport Construction Authority (TCA) State Significant Site (North Ryde Station Precinct) at the other end of Macquarie Park as well as the recent Ministerial announcement regarding the redevelopment of the Ivanhoe Place Housing Estate immediately opposite the Stamford site. The Minister of Finance and Services thought it important enough to have a co-ordinated approach for that proposal to form an inter-agency taskforce (which includes CoR as a member). However, such co-ordinated thinking is undermined by ad-hoc Part 3A approvals which are considered on individual merits not on a co-ordinated or holistic strategic planning basis.

Council is happy for the determination of this application to await a genuine and updated strategic planning analysis of the Macquarie Park Corridor and surrounds or alternatively that the proposal is reduced in size and impact to ensure that the future development potential and traffic movement of the rest of the Macquarie Park corridor is not more significantly compromised.

It is recognised that the proposal to include some of the proposed fine-grain roads (from the Macquarie Park Structure Plan) on the site will allow for other access options for the subject site in the future but, from a strategic planning point of view, the size and scaling of these streets were predicated on a much smaller scale of development for the site and surrounding land.

#### *ISSUE: Impact on adjoining residential properties*

Council notes that additional information has been provided relating to the impact on adjoining properties as requested. Council will be interested to see the Department's views on the compatibility of a 15 to 20 storey development adjoining the existing 2 storey townhouse development.

## OTHER ISSUES:

### Stormwater Drainage over adjoining land:

The development appears to rely on stormwater being disposed of over adjoining properties. Council considers that the agreement of the downstream owner for an easement needs to be confirmed prior to approval. The proponent's response that it will be provided at Construction Certificate stage is too late. What happens if the site cannot be appropriately drained? If the proponent is going to rely on a pumped system or other method that does not comply with Council's stormwater policy, Council wishes to be informed prior to any consent being issued. This is particularly the case if Council will be responsible for dealing with a future development application for Stage 2 of the project.

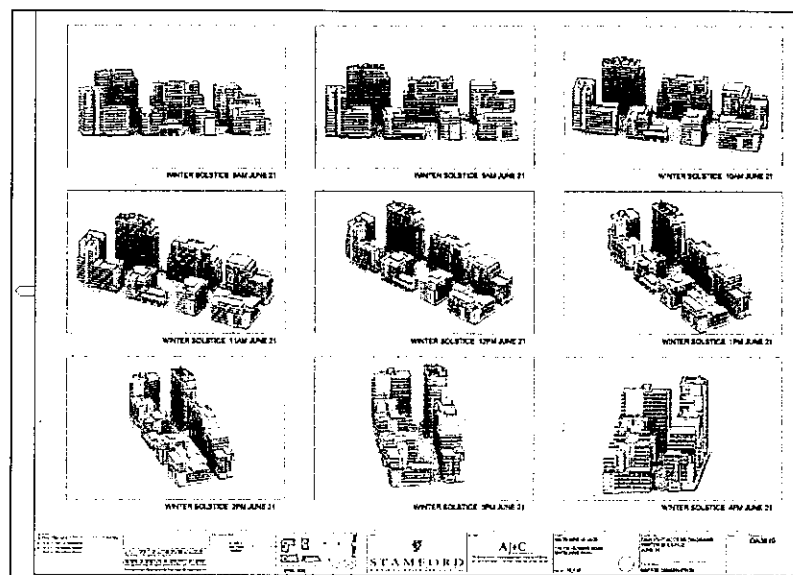
### Mixed Use:

The non-residential floor space for the "mixed use" proposal represents about 2.3% of the total floor space and includes the proposed community room which is a facility targeted for use by future residents on the site. In its assessment, the DoPI needs to be satisfied that this percentage is sufficient to meet the objectives of the B4Mixed Use Zone. Council would normally require a greater percentage (generally the ground floor of buildings which address major streets) to be commercial or retail.

### Open Space and Internal Shadows

Council notes the direction by the DoPI to the proponent to *reconsider building locations and configurations to improve residential amenity, solar access and areas of open space. The height and design of Buildings M and Y should be reconsidered to improve solar access to the pool area.*

Council also notes the proponent's response which variously purports to provide "increased", "improved", "optimised" and "maximised" solar access. Nowhere in the PPR does solar access appear to be actually "quantified". The word "shadow" does not appear in a search of the PPR and an exploration of the plans on the DoPI website reveals daylight access diagrams as reproduced below but it is not clear exactly what the diagrams are intended to demonstrate.



Council appreciates the efforts of the Department in seeking better solar access outcomes for the proposed development. It would appear that there is still some way to go before it will be in a position to understanding the real extent of shadowing that will occur between the buildings on the site.

Dwelling Mix:

Experience with other Concept Plan approvals is that the dwelling mix has inevitably changed after the initial plan has been approved. Changes to the dwelling mix require a modification to the Concept Plan to be approved by DoPI.

Affordable Housing:

Council supports the provision of Affordable Housing units with the expectation that they will be dedicated to Council and would not result in a reduction of Council's Section 94 contribution payments.

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