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David Rohloff - Preferred Project Report for proposed residential development with basement parking - 5 Whiteside Street and 14-16 David Avenue, North Ryde (10_0165)

From: "Gail Veness" <macness59@optusnet.com.au>
To: <plan_comment@planning.nsw.gov.au>
Date: 5/28/2012 8:56 PM
Subject: Preferred Project Report for proposed residential development with basement parking - 5 Whiteside Street and 14-16 David Avenue, North Ryde (10_0165)
CC: <"david.rohloff@planning.nsw.gov.au."@mail09.syd.optusnet.com.au>
Attachments: WAG - Document to object to PPR FINAL.pdf; APPENDIX A - WAG Statement of Objections May 2011.pdf; APPENDIX B - WAG Reviewed Statement of Objections Sept 2011.pdf

Dear Mr Bright,

Please find attached the submission from the Whiteside Action Group (WAG) regarding the development listed above, as a response to calls by NSW Dept Planning & Infrastructure (DPI) dated 3rd May 2012, for submissions on the **Preferred Project Report for proposed residential development with basement parking - 5 Whiteside Street and 14-16 David Avenue, North Ryde (10_0165)**, closing 4th June 2012.

Your confirmation of receipt of this email/response would be most appreciated.

With regards,
Gail Veness (co-ordinator, WAG)

59 Parklands Road
North Ryde 2113

-- WHITESIDE ACTION GROUP --

OBJECTION TO PREFERRED PROJECT REPORT (April 2012)
for high-rise development at
5 WHITESIDE ST AND 14-16 DAVID AVE, NORTH RYDE (MP10_0165)

May 2012

The **Whiteside Action Group (WAG)** was formed in response to the original proposed Concept Plan for a high-rise development at 5 Whiteside Street, North Ryde, including an 11 storey building and comprising 257 units and 366 parking spaces (Jan 2011) – see Appendix A.

After vehement community opposition the project was revised to 4 buildings including one L-shaped 8 storey building, one 2-3 storey and two 2 storey buildings, comprising 213 units and 311 parking spaces (Aug 2011).

After public exhibition of the proposal, **94 public submissions**, as well as a detailed submission from **Ryde City Council**, a submission from the **Hon. Victor Dominello MP** (Member for Ryde and NSW Minister for Citizenship and Communities, and Minister for Aboriginal Affairs), a detailed submission from **WAG representing residents of 110 addresses** immediately affected by the development (see Appendix B), and a **petition of some 1400 local signatories**, were forwarded, **every** submission being **OPPOSED** to the proposal. Proponent EGC has now revised its plans once more and is seeking approval from the NSW Department of Planning and Infrastructure (DPI) for their Preferred Project Plan (May 2012) comprising **4 buildings including one L-shaped 6 storey building, one 2-3 storey and two 2 storey buildings, comprising 163 units and 225 parking spaces.**

This development will be adjacent to existing 1 and 2 storey low density residences. The height of buildings and the density of the development **substantially exceeds the current zoning restrictions.**

The same proponent has, only weeks ago (3rd May 2012), had a similar development at the corner of Lane Cove and Epping Roads, at Allengrove Crescent, North Ryde, **refused approval by the Planning Assessment Commission (PAC)**, see reference: MP10_0037 (DPI) AND D128/12 (PAC) for reasons which also fully apply to this proposal.

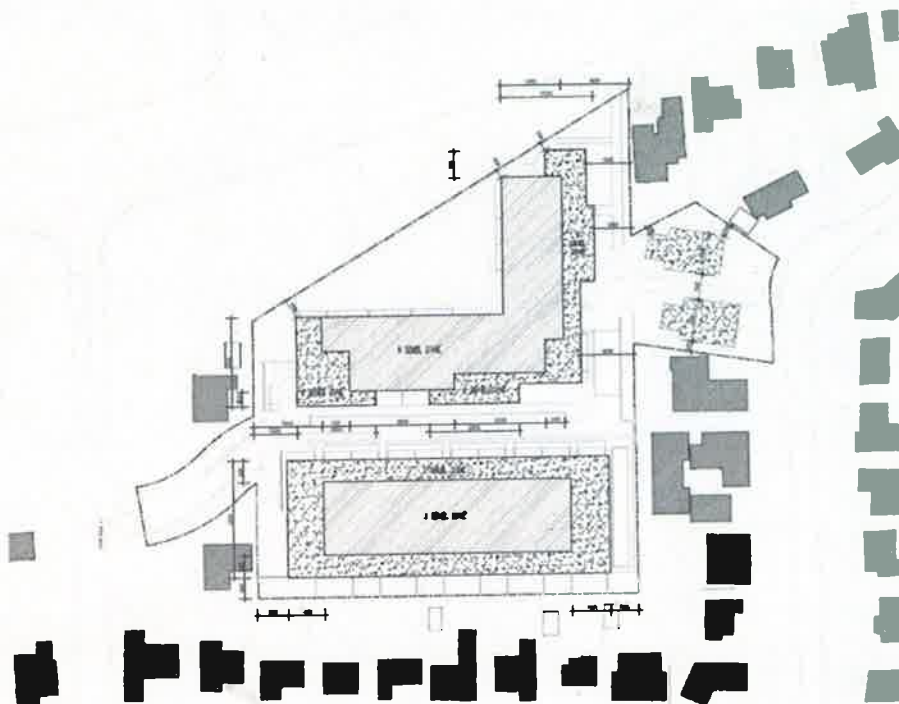


Figure 1 Whiteside Street Preferred Project Concept Plan as per PPR (April 2012)

WAG, once more, wishes to stress that they are **fully in favour of development of the site for residential purposes**, provided it is in keeping with the **current zoning restrictions** (low-density residential) which all the current property owners have to abide by.

This document details WAG's objections to the development, as a response to calls by NSW Dept Planning & Infrastructure (DPI) dated 3rd May 2012, for submissions on the *Preferred Project Report for proposed residential development with basement parking - 5 Whiteside Street and 14-16 David Avenue, North Ryde (10_0165)*, closing 4th June 2012.

WAG urges the DPI to decline the approval of this development, which we overwhelmingly oppose, and which we believe does not meet the guidelines of the LEP 2011 set out by Ryde Council. In addition we believe this development is NOT in the interest of the state of NSW, as is the requirement of the Part 3A provision by which it was originally accepted

As stated above, the PAC determined on 3rd May 2012 that the 'sister' development at Allengrove Cres, North Ryde, would be **REFUSED approval** for the following reasons (see <https://majorprojects.affinitylive.com/public/395a5118f95e892b1f2597f2f7aff6e0/Instrument%20of%20Refusal.pdf>) :

REASONS FOR REFUSAL (OF ALLENGROVE PROPOSAL, BY PAC)

1. It is not in the public interest to approve the proposed development because it would be inconsistent with the provisions of the *Ryde Local Environmental Plan 2010* and would adversely impact on the orderly development of land in the City of Ryde.
2. The proposed development would be incompatible with the *Ryde Local Environmental Plan 2010* R2 low density residential zone objectives and out of character with the surrounding residential area.
3. The proposed development would give rise to traffic generation and access constraints that would detrimentally impact on existing and future residents, and the local road network.
4. The proposed development would adversely impact on the amenities of residents by way of noise and disturbance, traffic, overlooking and visual intrusion.

WAG contends that all four reasons for refusal are equally applicable to the Whiteside proposal, and therefore requests that DPI recommend refusal of the Whiteside proposal, to be consistent with PAC's determination for the Allengrove proposal.

Please find below a list of the WAG's objections to the proposal submitted for public exhibition in September 2011, most, if not all, of which still apply to the latest Preferred Project Plan. A discussion of the proponent's responses to these objections follows, for your consideration.

In addition, we ask you to consider the **substantial** amount of residential development in the process of application, or already approved, in the **immediate** vicinity of this proposal (see pg 5) which will result in a considerable increase in the traffic infrastructure burden in the immediate local area, and which negates the need for this development at this time and place. The resulting increase in traffic needs to be seen as a whole to assess the impact, rather than by individual project. **We, the residents of this area, ask that you take this into account in assessing this proposal.**

SUMMARY OF OBJECTIONS (September 2011)

WAG is opposed to the proposed high-rise development at Whiteside Street and David Avenue on the following grounds.

1. THIS PROPOSED DEVELOPMENT IS NOT IN THE STATE INTEREST AS REQUIRED BY THE TERMS OF PART 3A UNDER WHICH IT IS TO BE ASSESSED

- A. There is already provision for high density residential development in the Macquarie Park Corridor
- B. The City of Ryde is on track to meet its Housing Targets, it doesn't need to change its zoning plans
- C. Epping Road provides the logical buffer zone between high and low rise development, it prevents major infringements on sunlight, privacy and aesthetic amenity.
 - i. The proposal exceeds both height and density provisions of the Ryde DLEP 2011
 - ii. EGC wrongly claims consistency with the Ryde Draft Housing Study 2010
 - iii. The proposal cannot be seen as 'medium density' or a 'transition area' by the terms of the very study EGC is quoting from.

2. THE PROPOSED DEVELOPMENT WILL RESULT IN TRAFFIC CHAOS IF THE PROMISED PROVISIONS ARE NOT MADE

- A. Major traffic congestion already exists
- B. The proposed new development will substantially increase traffic congestion.
- C. There are no viable solutions to the problem of increasing traffic congestion.
 - i. The solution offered by EGC to stop residents of the proposal turning left into Whiteside St is vague and no evidence of an effective deterrent is presented. The traffic study, which relies on an assumption of this provision, is therefore invalid
- D. There are no viable solutions to the problem of increasing demand for street parking.

3. THE PROPOSED DEVELOPMENT REPRESENTS A SIGNIFICANT IMPACT ON THE LOCAL COMMUNITY

- A. Significant impacts on sunlight, access, amenity and privacy
- B. Impact on social infrastructure
- C. Impact on property prices for affected properties

4. THE PROPOSED DEVELOPMENT REPRESENTS A SIGNIFICANT IMPACT ON LOCAL SERVICE NETWORKS SUCH AS SEWER AND STORMWATER

5. APPROVAL OF THE PROPOSED DEVELOPMENT REPRESENTS A DANGEROUS PRECEDENT FOR LAND USE ON THE SOUTHERN SIDE OF EPPING ROAD

6. INFORMATION PROVIDED IN THE ENVIRONMENTAL ASSESSMENT IS MISLEADING AND DECEPTIVE

- A. Information provided by the proponent is misleading and deceptive, downplaying the impact of the development
- B. EGC and Urbis claim they have made changes to their proposal as a result of community consultation. But the changes do not reflect the community's views. Changing from 11 storeys to 8 storeys does not in any way reflect the community's request that EGC respect the current 2 storey height restriction as provided in the Ryde LEP 2010 and the recommendations in the Ryde Housing Study 2010.

7. THIS PROJECT IS NOT CONSISTENT WITH THE NEW LIBERAL STATE GOVERNMENT'S ELECTION PROMISES

- A. The community has universally rejected this proposal.
- B. What would be point of repealing Part 3A laws if projects such as this end up being approved anyway?
- C. The Ryde community has faith in the new Liberal State Government's commitment on handing back planning decisions to the local community by repealing the Part 3A laws. But if this high rise development is approved, it would stand as a towering beacon of proof that the Liberal Party has not delivered on its promise to the people of Ryde.

WAG appreciates the opportunity to address the responses from the proponent on our previous objections:

| WAG objection | Urbis/EGC response | WAG response |
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| Not consistent with Council's development controls | The project is consistent with the broader scale strategic planning for the area and does not result in unreasonable impacts. The project represents one of very few opportunities to provide transit oriented housing to complement the Macquarie Park Corridor and rail. | <p>Quoting from the recent PAC determination refusing approval for a similar development at Allengrove Cres (D128/12):</p> <p><i>"City of Ryde has undertaken strategic precinct planning in consultation with the community through both its Ryde LEP 2010 and draft Ryde LEP 2011. Through its strategic planning process it has zoned land north of Epping Road to accommodate employment and medium/high density residential sites, and determined that the site and its surrounds (and generally south of Epping Road) should, pending further study, remain in R2 low density residential."</i></p> <p><i>"Through the Housing Study findings and LEP process it is possible that there may be future rezoning of these residential areas south of Epping Road. However, by pre-empting the strategic planning process, the development would not constitute orderly development of land and it would potentially establish a precedent inconsistent with the desired future character of the area".</i> (WAG's emphasis).</p> <p><i>"In addition justification on the basis of the site forming a "transition" to the sites north of Epping Road must be considered against whether there is any particular "need" for transition"</i></p> |
| Setting a precedent | The project is consistent with the broader scale strategic planning for the area and does not result in unreasonable impacts. The project represents one of very few opportunities to provide transit oriented housing to complement the Macquarie Park Corridor and rail. | As above. <i>"However, by pre-empting the strategic planning process, the development would not constitute orderly development of land and it would potentially establish a precedent inconsistent with the desired future character of the area".</i> (WAG's emphasis) |
| Increase in traffic congestion and generation | It is acknowledged that there will be an increase in traffic as a result of the proposed development. However, the environmental capacity for the development is 300 vehicles/hr in accordance with the RMS's Guide to Traffic Generating Developments. The proposed development poses an increase in traffic from 160 vehicles/hr to 234 vehicles/hr. This remains significantly below its environmental capacity. The proposal also presents a number of mitigation measures to minimise these | PAC rejected the proponent's reliance on the RMS guide for the Allengrove proposal. Quoting from the recent PAC determination at Allengrove Cres (D128/12), <i>"In its decision, the Commission notes that the Council's current zone for the site is R2 low density residential, and hence the traffic increase is not an unavoidable consequence of the Council's zoning. The Commission also has regard to the significant relative increase in traffic generation and the potential exacerbation of current traffic</i> |

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| | impacts, including allowing egress from Whiteside Street to Epping Road, and restricting internal road connection to David Avenue using boomgates. | <p><i>conditions in the area."</i></p> <p>Allowing egress from Whiteside St to Epping Rd will effectively make Whiteside St a 2-way street and will invite an increase in through traffic by non-local vehicles trying to avoid the busy intersection of Lane Cove and Epping Rds. There is also no practical way of preventing residents of the development turning left onto Whiteside St and into Parklands Rd.</p> <p>There is also no evidence whatsoever that there is any binding commitment by RMS to allow changes to the direction of traffic on Whiteside St, and if this does not occur, all traffic from this development will have to exit on to Parklands Rd and David Ave.</p> <p>There is no way to mitigate the significant increase in traffic on local streets that this development will cause.</p> |
| Rat running | The proposed access arrangements ensure that there will be no additional opportunities for rat-running in the local network as the road layout restricts movements from the site into the local road network under boomgates. | <p>The proponent's response does not address the community's objection that its proposed development will add a significant number of rats to the existing rat run. The PPR has again failed, at its third attempt, to address the issue.</p> <p>There is no viable solution to the proponent's problem of increasing traffic congestion on our local road network that is plagued by rat runners.</p> |
| Streets are too narrow | It has been recommended that Council re-evaluate its current local parking restrictions. By reducing the availability of on-street car parking, the narrowness of local roads will not present any significant traffic impacts. | <p>It is insulting to suggest that existing residents in a low density residential neighbourhood should lose their amenity of on-street parking to reduce the impact of this proposal on local traffic.</p> <p>There is no viable solution to the proponent's problem of increasing traffic congestion and there is no viable solution to the problem of increasing of increasing demand for on-street parking.</p> |
| Cannot practically prevent drivers turning left onto Whiteside Street | Comment noted. | <p>The PPR represents the proponent's third unsuccessful attempt to resolve its problem of increasing traffic congestion. The provision of a David Ave exit will legitimise what residents of the proposed development would do if they wanted to travel south, east or west. The proposed David Ave exit does not solve the issue and will result in traffic chaos.</p> |
| Density and increase in population is inappropriate | The project represents one of very few opportunities to provide transit oriented housing to complement the significant public and private Macquarie Park Corridor and rail. | <p>This is untrue. Developments in process of determination or already approved include 680 residential units at Morling College site on Herring Rd (MP09_0218, MP09_0195), 7 residential buildings 2-22 storeys in height at Stamford Hotel site on cnr Herring and Epping Rds</p> |

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| | | <p>(MP10_0112), new accommodation for some 5000 students as part of Macquarie Uni redevelopment (MP06_0016) and 3100 proposed new residential units as part of the North Ryde Station Precinct (MP11_0030).</p> <p>Quoting again from the recent PAC determination at Allengrove Cres (D128/12), <i>"Although the Commission agrees that the housing targets should be treated with flexibility; the potential social and environmental impacts of the proposed high density residential development in a predominantly low density area must be carefully considered. Meeting housing demand is an important factor, but not the only consideration."</i> (WAG's emphasis).</p> |
| Impact on property prices | Urban renewal and increased densities are widely recognised to increase surrounding land values, and this would be expected to occur as a result of the project. | WAG members, all residents of land surrounding this development, have paid premium prices to buy houses and land in this vicinity with a desire to live in a low-medium density residential area, and an expectation that any future development would be in the same nature, following the same building and zoning restrictions that the residents themselves are required to follow. It is ludicrous to refer to this project as "urban renewal" or to expect that a 2-storey house would go up in value if it had a 6-storey block of flats hovering over it. |
| Solar access - overshadowing | The Concept Plan was amended after community consultation in order to reduce overshadowing for properties on Parklands Avenue. Building A has been reduced to 6 storeys in height and setback substantially from the boundary. | <p>Although there has been a reduction of the height of the buildings behind Parklands Rd properties from the original 5 storeys to 3 storeys, the setback from the boundary has been reduced from 9m to 6m, bringing the whole development closer to existing residences.</p> <p>Diagrams such as Fig 34 (pg 82 PPR) show the solution to the problem of privacy is very tall trees both sides of existing boundaries. The proponent has neglected to include the impact of the privacy trees in its assessment of impacts on solar access.</p> |
| Inconsistent with surrounding character | As mentioned above, the proposed development has been reduced in height in order to be more consistent with the surrounding network. | <p>The proponent's response is misleading. Any proposal to develop structures greater than 2 storeys high is NOT CONSISTENT with the surrounding network. How can a 6 storey building be described as "more consistent"?</p> <p>Quoting from the proponent's PPR <i>"the project will have a transformational effect on the local area and departs from the underlying low density zoning"</i> (Executive Summary – Summary, pg 10).</p> |

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| | | Quoting from the recent PAC determination for development at Allengrove Cres (D128/12), was " <i>The proposed development would be incompatible with the Ryde Local Environmental Plan 2010 R2 low density residential zone objectives and out of character with the surrounding residential area.</i> " (WAG's emphasis). |
| Inappropriate scale | Building heights have been reduced to more appropriately respond to the surrounding context. Building A has been reduced in height from 8 storeys to 6 storeys with all other buildings being 2-3 storeys. As such, the proposed development is more consistent with the surrounding character of the area. | see above. |

Whiteside Action Group – CONCLUSION

In conclusion, Whiteside Action Group, which represents some 110 local households (names and addresses available if required), is strongly opposed to the amended proposal for **5 WHITESIDE ST AND 14-16 DAVID AVE, NORTH RYDE (MP10_0165)**, and any development on this site which is over the 2-storey zoning restriction.

In addition, WAG would like to reiterate the following points which we believe are significant and should be considered by any approving body:

- WAG considers this proposal is an opportunistic attempt by the proponent to use the Part 3A provisions to maximise the value of their asset by attaining development consent for a development which is much bigger than planning restrictions allow.
- Contrary to EGC/Urbanis' unsubstantiated claim that this development "*will provide very significant urban benefits*" (Conclusion, p89, PPR), WAG believes that the proposed development will have a negative impact on the local area, and will result in significant impacts on property prices. The local residents will stand to make substantial losses and suffer a significant reduction in enjoyment of their property and neighbourhood.
- In contrast however, the developer, EGC Custodian Services P/L, will stand to make considerable profit if the land is rezoned to high-rise residential development. EGC Custodian Services is associated with EG Funds Management, whose strategy "*is to acquire and amalgamate residential properties surrounding stations on the Epping to Chatswood Rail Link. These are then rezoned to achieve higher density and are sold as development sites.*" (<http://www.egfunds.com/index.html>)
- One of the key underlying directions of the Metro Strategy (Strategic Direction D) is quoted as "*A key action of this plan is the aim to locate 80 per cent of all new housing within walking distance of centres of all sizes with good public transport. This will reduce car dependency and make walking, cycling and public transport more viable to more residents*" (pg 21, PPR). WAG agrees with this strategy but feels that villas, duplexes, dual occupancies and townhouses could also serve this purpose, increase the current housing density, maintain amenity for the existing residents, and sit within the current regulations and Ryde Council's LEP strategy.

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Whiteside Action Group
24/05/2012

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- Michael Woodland, Dept of Planning and Infrastructure
- Victor Dominello, Member for Ryde and Minister for Citizenship and Communities, and NSW Minister for Aboriginal Affairs
- Brad Hazzard, Member for Wakehurst and NSW Minister for Planning and Infrastructure, and Minister Assisting the Premier on Infrastructure NSW
- Federal Member for Bennelong, John Alexander
- Dominic Johnson, Group Manager, Environment and Planning, Ryde City Council
- Glenn Ford, Client Manager, Environment and Planning, Ryde City Council
- Cllr Nicole Campbell, Ryde Councillor
- Cllr Bill Pickering, Ryde Councillor
- Cllr Jeff Salvestro-Martin, Ryde Councillor
- Cllr Sarkis Yedelian OAM, Ryde Councillor
- Cllr Roy Maggio, Ryde Councillor
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- Cllr Justin Li, Ryde Councillor
- Cllr Terry Perram, Ryde Councillor