

COUNCIL SUBMISSION ON PREFERRED PROJECT REPORT FOR MP10_0165 Concept Plan Application for a Residential Development at No 5 Whiteside Street and 14-16 David Avenue North Ryde.

Background

Council's previous submission on the subject application included a Summary of Issues as shown below.

Summary of Issues

The major issues of concern to Council previously expressed were:

- Inappropriate in the broader planning context.
- Issues associated with Pedestrian Accessibility
- Traffic issues
- Lack of any genuine social impact assessment
- Impacts on surrounding residents

This submission to the Preferred Project Report (PPR) will address the changes made to the proposal in the response made to the Department of Planning and Infrastructure (DoPI) and will then address the responses to issues raised by Council. Some new issues arising from consideration of the PPR are then discussed.

RESPONSES TO DoPI & PUBLIC SUBMISSIONS

The PPR has identified the following key changes between the original Concept Plan and the revised Concept Plan:

Density

The Preferred Concept Plan proposes 163 units compared to 213 units proposed under the original Environmental Assessment. The overall floor space has been reduced from 21,715m² (FSR 1.59:1) to 18,027m² (FSR 1.29:1). The reduction in density is reflected in the bulk and scale of the proposed built form.

COMMENT: The inflated density sought for this site drives all other design considerations. Higher density means more building height, more car parking spaces and more traffic. The overall floor space has reduced from a non-compliance of 1.05:1 to a non-compliance of 0.79:1 (+63.3%). The extent of non-compliance is not yet at a figure that could reasonably be supported by Council.

Height

Building A has been reduced from 8 storeys to 6 storeys (19.2 metres).

COMMENT: Again, the proposed maximum building height exceeds Council's adopted controls by more than 100%. The extent of non-compliance is well beyond a figure that can be supported by Council.

Setbacks

The setback of building A to adjoining properties has been increased to mitigate the difference in scales. Additionally the upper two levels of the building have also been setback, to create a more transitional form.

COMMENT: The modulation of setbacks as a consequence of the reduced density is noted. Concerns regarding the height and floor space ratio remain.

Access / Traffic and Parking

Direct access to David Avenue was originally proposed by the applicant at the "Test of Adequacy" stage. Following concerns raised during community consultation about "rat running in local street network, the access was deleted from the EA scheme.

However, the RMS has specifically supported the reintroduction of the provision of egress only access to David Avenue and such access is therefore again proposed. This access will be restricted to exit for residents under boom gate control.

The additional bus bay proposed on Epping Road within the exhibited Environmental Assessment has been removed from the proposal as requested by the RMS.

Council objects to the proposed connection to David Avenue on the following grounds:

1. If the project is approved at the scale proposed, then all vehicle access should be directly to Epping Road or via Whiteside Street to Epping Road. The additional traffic should not be directed into the local street network.
2. Providing a vehicle connection via David Avenue will introduce traffic into the local street system beyond the level that would be expected for a compliant development. Council would prefer a scale of development that is compatible with the surrounding community so that such control devices are unnecessary.
3. Using a boom gate leaves traffic movement control to the site at the mercy of possible mechanical failure and intervention. The entry would need to provide a turning area to enable misdirected traffic to turn safely off the site when unable to gain entry.
4. For a Transit Oriented Development, this connection to the local community should be in the form of pedestrian and bicycle pathways. Access for emergency vehicles could be allowed and protected by removal bollards.
5. For a Transit Oriented Development, the development should have a conveniently located and designed bus bay. Council is concerned that one of the elements supporting TOD has been deleted.

Supporting Documentation Updated

All supplementary documents ... have been amended to reflect the above modifications.

The proponent's advice that all supplementary documents, such as the Traffic Report and SEPP 65 Documentation, have been amended to reflect the above modifications is noted. However, a revised assessment of the Capital Investment Value (CIV) for the project has not been found (Appendix J). Similarly, the Crime Prevention Through Environmental Design (CPTED) analysis appears not to have been amended to address the new vehicle access to David Avenue.

RESPONSE TO COUNCIL ISSUES**BROADER PLANNING CONTEXT**Capital Investment Value

To qualify as a Major Project under the former legislation, the project needed to demonstrate a Capital Investment Value (CIV) exceeding \$100 million. The exhibited proposal had a CIV of \$86.7 million (Appendix J). The PPR does not include an amended CIV for the further reduced proposal. It does, however, recognise that the project falls within the transitional arrangements put in place which enable the application to proceed to determination.

Nothing has changed to alter Council's position. Had the application been submitted in this form originally, it would not have qualified as a Major Project. It would have been required to follow a different path of assessment as a Planning Proposal including Council being the approval authority for the initial assessment. Based on its current position, Council would not have supported the project in the form of a Planning Proposal for a number of sound planning reasons as detailed below.

The proposal clearly is not State Significant. It is an overly large residential unit development. It is not essential infrastructure and it does not provide anything that makes it stand apart from other large residential development in the Metropolitan area or State other than it is oversized and imposing upon the character of its low density neighbours.

Premature and Piecemeal

Comments made in Council's previous submission still apply to the PPR proposal as reiterated below.

The planning controls for the Macquarie Park Employment Corridor came at the conclusion of a structured planning exercise over an extensive area over several years. The plans for this Specialised Centre are still being refined to better address the effective and equitable provision of infrastructure and services. No targeted planning exercise has yet been undertaken for areas south of the Macquarie Park corridor (i.e. south of Epping Road) which are currently low density residential suburbs. As such, the broader

community and infrastructure needs for the area have not yet been investigated or assessed in a coordinated way. The subject proposal relies on the existing infrastructure and existing levels of service in many areas to meet its needs and the needs of its future residents. This includes unsubstantiated assumptions about the capacity of State Government services such as schools and community services to take on extra population.

It is Council's preferred approach to identify new development sites out of a comprehensive planning exercise rather than have individual development sites or one-off proposals drive strategic planning outcomes. Council has resolved to commence such an exercise within the next five years. The area for consideration will include all the residential area immediately to the south of Epping Road.

Non-compliance with current planning controls

Similarly, nothing has changed with regard to non-compliance with current planning controls except the extent of non-compliance has been reduced. Council's previous comments still apply.

The proposal does not comply with the current planning controls that apply to every other property zoned R2 (Residential Low Density). The height, bulk and scale are all beyond the expectation of development potential of all its similarly zoned neighbours. This raises a question of equity for local residents who expect that identified planning controls should have some weight and certainty which gives them protection from unexpected and piecemeal development.

Ministerial discretion

The Minister has delegated his decision making function for Major Projects to the Planning and Assessment Commission (PAC) or officers from his Department. However, the same consideration raised in Council's previous submission should apply to any future assessment of this proposal.

Except for the provisions of the Major Projects applications, the proposed residential flat development is a prohibited use in the R2 zone under Ryde LEP2010. ...

.... Council's position is that, in this case, any determination for this Concept Plan should fully consider provisions of RLEP2010 for reasons of co-ordinated planning and equity. This is one site and one landowner in a corridor of land that extends for many kilometres alongside the Macquarie Park corridor.

If the Department is of a mind that higher density development should be considered in this locality, then processes are underway to present it a more equitable and strategic way including, but not limited to Draft Ryde LEP 2011. However, Council's preferred option at this time would be to commence the planning study mentioned above to avoid any delay with the exhibition of Draft Ryde LEP2011.

Issues associated with the Part 3A process

Council applauds the DoPI for undertaking a full exhibition of the PPR for this project so that the community has had an opportunity to review and comment on the revised proposal. Notwithstanding this positive step, Council's earlier observation cited below still applies.

...It is the community's expectation that the decision making affecting local areas will have proper consideration of local issues and concerns. As such, a more strategic approach is seen as both fair and warranted. A windfall decision for a single site is seen as the opposite.

Council's Local Strategy and Housing Targets

Council's position on this matter remains unaltered.

Earlier submissions that incorrectly asserted that the proposed development would assist Council in meeting Housing Targets set by the former Department of Planning as part of the Metropolitan Strategy have been updated and corrected. However, the Environmental Assessment Report still presents the proposal as a "very limited opportunity" to provide additional housing in the City of Ryde. The main limitation appears to be that it is only this site. It is Council's position that additional opportunities for housing should be within the Council's Housing Strategy, not outside it.

ISSUES WITH PEDESTRIAN ACCESSIBILITY

The project seeks to justify the uplift in height and density for the site on the basis of accessibility to public transport, particularly Macquarie University and Macquarie Park Railway Stations and styles itself as Transit Oriented Development based on distances from these two railway stations and access to Epping Road bus services. The PPR attaches some figures to the distances (less than 1 km) to the local Railway Stations. However, the realities of the journey by foot or bicycle remain unaddressed particularly, the impact of Epping Road as a barrier and as a consequence, the circuitous nature of the route. Council's previous submission noted that the CPTED analysis does not extend beyond the boundaries of the subject site. It examines accessibility to the site only by car or by a person who has already negotiated safe passage to one of the front entries.

TRAFFIC ISSUES

The community has expressed concern that the proposed development will increase traffic in local streets. Direct connection to Epping Road is the preferred option.

With regard to the proponent's commitments to fund Local Area Traffic Management (to an extent that is considered "reasonable" by the proponent) was addressed in Council's original submission.

The value of the commitment to undertake a Local Area Traffic Management study “to identify measures to improve existing traffic conditions” after the Concept approval has been granted lacks logic and rigour. Firstly, a LATM should be carried out before any development is approved and its task should be to identify measures to satisfactorily accommodate the additional loads that will be placed on the local road network as a result of this development. A worthy commitment would then be for the proponent to fund any works required to bring the network up to scratch.

A commitment to fund a study to suggest solutions to a problem that will only occur if the application is approved without any commitment to funding those solutions is highly questionable. The implication is that not only the burden of inconvenience and increased traffic congestion will fall on the local community; it will also be directly responsible for funding the costs of any identified solution as a result of the proposed development. This is clearly unacceptable.

Even when factoring in the unlikely future connection to Epping Road from Whiteside Street, the Traffic Report (Appendix L -Tables 1 & 7), shows that for all other measured intersections around the site, there is

- Increased degree of saturation*
- Increased Intersection delay*
- Level of Service reduced*

For all the intersections connecting to Lane Cove Road, this includes an existing and proposed Level of Service equal to “F”. There is no Level of Service worse than “F”. So the intersection with Epping Road remains “F”, the intersection with Trevitt Road, Paul Street and Napier Crescent (all local streets) remain as “F” – or as the Table 7 coyly puts it: “Existing Conditions Maintained”. Without the Whiteside Street connection, this realistically becomes “Existing Conditions Worsened”.

Council’s previously expressed view still applies in that

Assessment of the traffic impacts of this development cannot be made in isolation from the impacts of other approved and proposed developments. While the thrust of all the separate Traffic Reports is that no-one will notice the failing intersections continuing to fail, it is Council’s contention that unless a more integrated and strategic approach is taken to traffic issues for these roads, people will eventually notice as the levels of saturation increase and levels of service fall further

CLAIMS AS TRANSIT ORIENTED DEVELOPMENT

The PPR promotes the proposed development as Transit Oriented Development. The thrust of this claim appears to rest mainly in the fact that it is 800 metres walking distance from railway stations in Macquarie Park and has bus services available on Epping Road. These are attributes that are shared by much of the adjoining R2 zoned properties adjoining the site. So what sets this site apart for special consideration other than its size?

The proponents say it is an example of Transit Oriented Development. They don't say that it is "best practice" TOD or that it is "cutting edge" TOD or even that it sets a benchmark for future TOD here or anywhere else. In fact, its claims as Transit Oriented Development relate solely as a big residential flat building with the full complement of car parking required that is located within one kilometre of a railway station on a busy main road which is also a bus route. So much the same as every other large residential flat building on a main road within one kilometre of a railway station. Based on these criteria, they are all TODs.

Council's previous submission put it this way:

Contrary to the general exposition in the EA that the subject site is superbly located to all services including public transport (trains and buses) and to social infrastructure, the Traffic Report supports car parking provision in accordance with Council's Development Control Plan (DCP) on the basis that any significant deviation could cause "adverse amenity impacts". The Traffic Report also notes that the minimum rates are mandatory under Council's DCP. Remarkably, these are adhered to while planning controls with greater statutory weight under the Council's Local Environmental Plan (LEP) can be readily set aside. A smaller, more compliant development that complied with Council's car parking DCP would be another means to reduce potentially "adverse amenity impacts".

If the Department in its assessment of the proposal is of a mind to put aside the planning controls of the site to consider this proposal and is willing to ignore the concerns raised by the community on its potential impact, then Council asks that it consider how the proposed development can be adjusted to provide a genuine and compelling example of Transit Oriented Development.

If it is so close to shops and services and schools as is claimed in the PPR, then why would the future residents need cars and car parking spaces to the extent proposed?. If it so accessible to public transport by bus or by train, then again, why do the future residents need so many cars and car parking spaces. Future residents will be able to just hop over Epping Road via the nearby pedestrian bridge and directly to their place of employment. So why not minimise the parking requirement for the project and instead encourage shared transport options or sustainable options such as bicycles. In fact, the route described in the PPR for the shortest access to Macquarie University railway station is along Council's existing bicycle path in nearby Shrimpton's Park.

If the case for this site is so compelling then make this an example of "best practice TOD" or "cutting edge TOD", not just "the same as everywhere else TOD".

The same questions arise for this proposal as with the nearby Allengrove proposal. If the provision of a relatively high level of parking is justified as residents would still require access to shopping, recreational, educational and other trip purposes, many of which will occur in the evening, how does this fit with the concept of Transit Oriented Development and with objectives to enliven the Macquarie Park Corridor and promote public transport use? If the residents are driving elsewhere for everything but a bus or train ride, then how different is that to any block of flats near a railway station?

The reliance of the proposed development on the local street network for all access means that even short journeys will require a circuitous route "around the block". This convoluted manoeuvre undertaken many times over, often in heavy traffic and through failing intersections will undermine any sustainability or transit orientation otherwise claimed for the project.

Confused association with the role of Macquarie Park as a Specialised Centre

Proximity to a railway station was seen as a driver for this development on the basis that it provided for access to areas away from Macquarie Park. This is seen as misunderstanding the role of Macquarie Park as commercial attractor and employment destination.

LACK OF ANY GENUINE SOCIAL IMPACT ASSESSMENT

The PPR does not address the issue of Social Impact Assessment previously raised by Council.

Council has consistently sought a Social Impact Assessment to be undertaken with residential development proposals that involve a significant increase in the local population and a style of apartment dwelling that is new to the City of Ryde. The project also claims to offer "optimisation" of local infrastructure and local amenities without specifying what these might be and what optimisation of them involves. A Social Impact Assessment would have been useful in helping to add specificity to this stated outcome.

The proponent's response is that by their assessment the area is well served by social infrastructure (whatever that means) and in any case, the Department of Planning didn't require such an assessment to be undertaken. Neither response is helpful or adequate in addressing the future needs of a new population of up to 500 people. Clearly the expectation is that any unmet needs will be provided by someone other than the proponent. This is another illustration as to why this development is premature in its timing and piecemeal in its approach.

IMPACTS ON SURROUNDING RESIDENTS

The potential impacts on existing local residents have been identified in the local residents' submissions to the Department. The main concerns arise from the bulk and scale of the proposal and the additional traffic. As a consequence of height and density of the development, the impacts on privacy and amenity of residents and local traffic conditions are potentially greater than for a compliant development.

The community's expectation for this land is for a development that meets the same planning rules that apply to them. It has been a matter of great confusion to local residents on how a site that is zoned for low density development can seek approval for building of up to six storeys in height and a density in excess of the 0.5:1 that applies to them. While the developer has the opportunity for windfall profit, the local residents have no means to mitigate or offset the impacts of the development as they must abide by Council's planning control and application process.

A more strategic and equitable planning process that engages all residents in determining the future character of their community is therefore warranted.

Other Matters Raised in Council's submission to the EA

Site Contamination: Council's previous submission argued that the extent of site contamination and the extent of remediation required needs to be determined prior to the lodgement of any Project Application. This remains a relevant issue for Council as the future assessment authority should a Concept Plan approval be

Section 94: It is Council's expectation that any Section 94 contributions payable for the proposed development will be paid in full.

LOCAL STREETS – THE PPR'S SOLUTION

In addressing the issue of accommodation extra traffic in the “narrow” residential streets surrounding the development site, the proponent's planning consultant has apparently recommended that Council should review its on street parking scheme with a view to providing more width within the carriageway. Council's response is that it is not the role of the proponent's planning consultant to give direction on Council policy and how it should manage its assets. The Parking Scheme operating in the local streets has been implemented following consultation and with the support of the local community.

Council's role is not to put aside the interests of the local community to facilitate the intrusion of a development that does not comply with the basic planning controls and does not meet the community's expectations for development.

ALLENGROVE MAJOR PROJECT REFUSAL

The Department will be familiar with the Allengrove Major Project (MP10_0037), a similarly scaled and configured development by the same proponents on the southern side of Epping Road in close proximity to the Whiteside site. The application was refused by the Planning and Assessment Commission in April 2012 and is currently the subject of an appeal against that determination.

Council recognises that any application for development must be considered on its merits, consideration of this application must also take account of both its physical and planning context. Council supported the determination of the PAC for Allengrove and considers that similar circumstances apply in this case.

They are both close to, but outside the Macquarie Park Employment Corridor...Each proposal is a “one-off”; two large sites in an area currently zoned for low density residential development with a scale and character of development that reflects that zoning and a local community that respects that zoning... The development proposal is so far out of scale with the adjoining residential development and so far away from any of Council's adopted planning controls that it cannot be supported...

CONCLUSION

The density of the proposed development has been gradually reduced through the Director-Generals Requirements stage, the Exhibition stage and the Preferred Project Report stage. Had the current proposal been put forward, it would not have qualified as a Major Project. Even so, the proposed development has not reached a scale that goes close to respecting the local planning controls. And while ignoring the adopted height and floor space ratio controls under Council's LEP – in the name of Transit Oriented Development, it embraces the car parking provisions in Council's DCP.

The proposed high density residential development is located in an established urban neighbourhood and while it will rely on connection to the existing low density urban fabric, it takes the cues for its scale and character from commercial development in Macquarie Park across Epping Road.

Council's position is that the effect of Epping Road as a separating element between the Macquarie Park Employment Corridor and the existing urban area of North Ryde needs to be taken into account. In the absence of a more strategic consideration, the Major Project process should not be used to allow leverage or leakage of one form of development into areas that have not been appropriately zoned nor had the benefit of any broader planning study that has determined a suitable scale of development for the area.
