



Planning &  
Infrastructure

***TRANSITIONAL PART 3A ASSESSMENT:  
Concept Plan for 5 Whiteside Street & 14-  
16 David Avenue, North Ryde  
(MP10\_0165)***



Director-General's  
Environmental Assessment Report  
Section 75I of the  
*Environmental Planning and Assessment Act 1979*

June 2013

## ABBREVIATIONS

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CIV	Capital Investment Value
Department	Department of Planning & Infrastructure
DGRs	Director-General's Requirements
Director-General	Director-General of the Department of Planning & Infrastructure
EA	Environmental Assessment
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
EPI	Environmental Planning Instrument
MD SEPP	State Environmental Planning Policy (Major Development) 2005
Minister	Minister for Planning and Infrastructure
PAC	Planning Assessment Commission
Part 3A	Part 3A of the <i>Environmental Planning and Assessment Act 1979</i>
PEA	Preliminary Environmental Assessment
PPR	Preferred Project Report
Proponent	EGC Custodian Services Pty Ltd

Cover Photograph: Photomontage as proposal would be seen from northern side of Epping Road

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## EXECUTIVE SUMMARY

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EGC Custodian Services Pty Ltd (the proponent) is seeking concept plan approval for a multi-storey residential flat development at 5 Whiteside Street and 14-16 David Avenue, North Ryde. The site is currently occupied by two dwelling houses and is used as a horse riding school. The site is immediately adjacent to an RMS road reserve, is setback from Epping Road and is located to the south of the Macquarie Park Corridor, a key employment hub.

The site is within the Ryde Local Government Area and is currently zoned R2 – Low Density Residential zone pursuant to Ryde Local Environmental Plan 2010 (Ryde LEP 2010). The proposal is a transitional Part 3A Major project under the *Environmental Planning and Assessment Act 1979* (EP&A Act).

The application, as originally submitted, sought approval for a concept plan comprising four building envelopes of two to eight storeys in height, with an overall capacity for 213 units. The gross floor area of the concept plan was 21,715sqm, equivalent to a floor space ratio of 1.59:1. The application also included basement parking for 311 cars over three (3) levels; site access arrangement, landscaping and associated works.

The Environmental Assessment (EA) was exhibited from 11 August 2011 until 9 September 2011. The department received a total of 101 submissions during the exhibition of the EA, which included 94 submissions from the public, 1 submission from Victor Dominello MP, 6 agency submissions (including an objection from Ryde Council (Council)) and 1 petition in objection containing 1,412 signatures. Issues raised included traffic impact, inappropriateness of the scale, density and form of the development, and the inconsistency of the proposal with Council planning controls. A number of submissions also suggested that the proposal, if approved, would set an undesirable precedent for future development in the area, which would be contrary to the prevailing form and character of residential development.

In response to submissions received, the proponent submitted a Preferred Project Report (PPR) in April 2012 that reduced the overall development capacity to 163 units, reduced the maximum height to six storeys, and stepped the building heights which resulted in a reduction in FSR from 1.59: to 1.29:1. The PPR also included the addition of an internal road connection to David Avenue, in order to provide an alternative access route from the site, as well as the retention of the proposed access to Whiteside Street.

The PPR was notified to surrounding residents and sixty-six public submissions were received, all objecting to the proposal. The issues raised remain consistent with those raised during the EA exhibition with the exception that new objections were raised in relation to the proposed internal access road due to potential impacts on the local road network. Council also maintained its strong objection to the proposal.

Following the detailed consideration of submissions and the proponent's PPR, the department requested further design amendments to improve the level of compatibility with the established residential character of the area. The amended concept plan responding to the department's requests was submitted on 26 February 2013 (February 2013 amended concept plan) and in its amended form, seeks approval for four building envelopes of two to six storeys with an overall capacity of 157 units with a gross floor area of 17,978sqm, equivalent to an FSR of 1.29:1. In conjunction with the changes detailed in the PPR, the department acknowledges that the development yield and the urban form of proposal has been significantly reduced and in doing so, has resulted in an improved relationship with neighbouring development.

The February 2013 amended concept plan was made available on the department's website and as a consequence, a further three submissions were received. These submissions reiterated prior concerns raised during the exhibition of the EA and the PPR.



Having considered the February 2013 amended concept plan in detail, including its context within the broader R2 low density residential zone, the department has recommended further design amendments to the building envelope in order to substantially improve the proposal's relationship with neighbouring development and in particular, its low density residential context. These amendments focus on further reductions to the height of Building A, which otherwise presents a dominant form to Epping Road.

The department has considered the merits of the proposal in accordance with the objects of the EP&A Act and also the issues raised in submissions and is satisfied that submissions in relation to traffic impacts can be addressed by condition and that the traffic generated by the development will not significantly impact on the local road network. The department notes that this application comprises a concept plan, which seeks approval for building envelopes. A future development application for the construction of the buildings themselves, which would resolve the architectural detailing and treatment of these buildings, would be required.

The department is aware that the Council is investigating residential transition areas on the southern side of Epping Road. Although this development may occur ahead of the Council's strategic studies, the department is of the view that the site is capable of accommodating higher density residential development and furthermore, that the site is well located strategically to employment opportunities in the Macquarie Park Corridor, public transport infrastructure and nearby centres. In this regard, the development will contribute to the broader planning objectives established in the *draft Metropolitan Strategy for Sydney, the Metropolitan Plan for Sydney 2036* and the *Draft Inner North Subregional Strategy*, as it will provide housing and employment close to Sydney's global economic corridor and public transport infrastructure; and the density will assist in achieving the nominated housing targets.

On balance, the department finds the proposal to be acceptable, subject to the amendments outlined, and recommends that the Concept Plan be approved subject to conditions.

In accordance with the Minister's delegation dated 14 September 2011, the Planning Assessment Commission may determine the application as the Council has objected and there were more than 25 public submissions in the nature of objections received. No reportable political donations have been declared.



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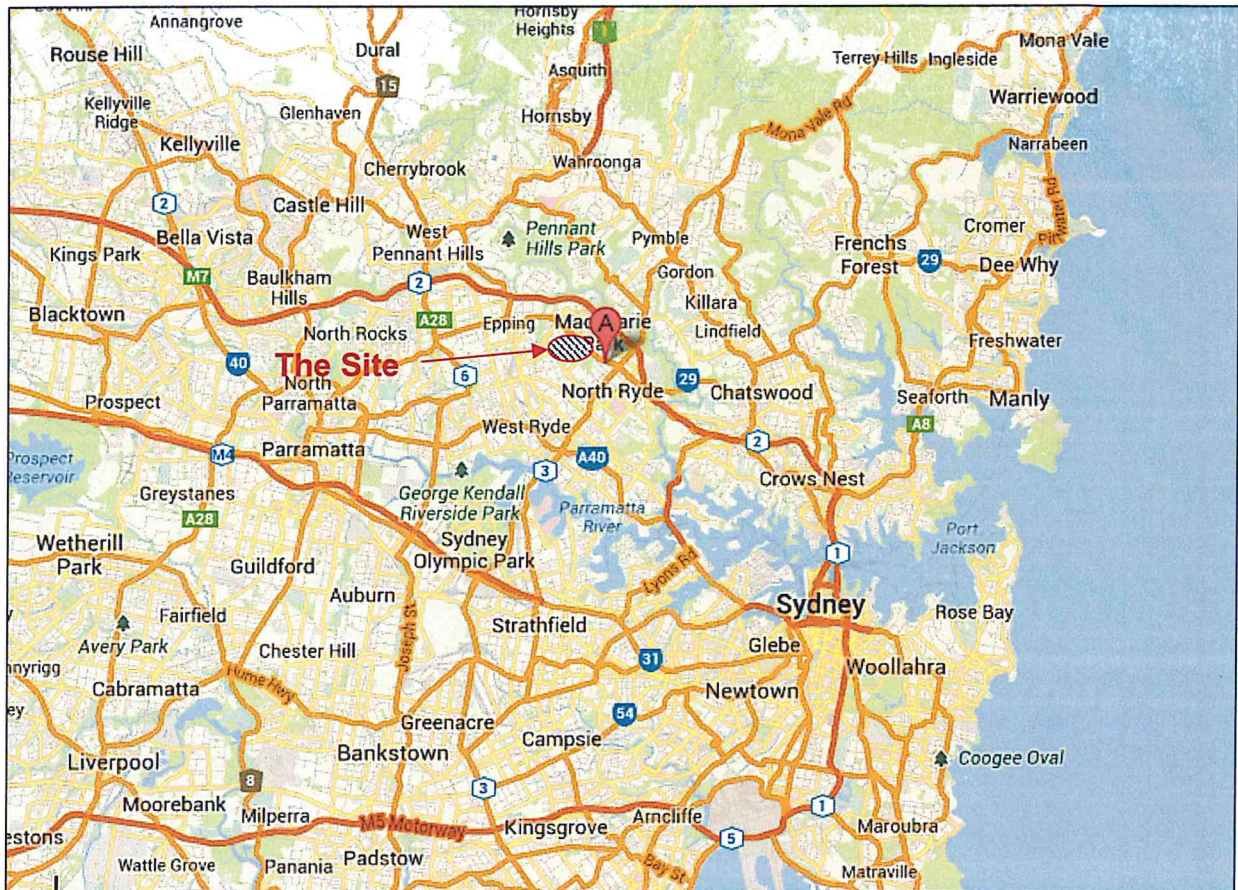
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## 1. BACKGROUND

### 1.1 The Site

The site is located at 5 Whiteside Street and 14 & 16 David Avenue, North Ryde, approximately 12 kilometres west of the Sydney CBD and is within the Ryde local government area (LGA) refer to **Figure 1**. The site has a consolidated area of 13,937sqm and is formed from three lots, the details of which are provided in **Table 1** below.

**Figure 1:** Site Location (source: Google Maps)



**Table 1: Site Details**

Street address	Area	Legal Description	Current Use
5 Whiteside Street, North Ryde	12 500m <sup>2</sup>	Lot 6 DP 260000	Horse Riding School
14 David Avenue, North Ryde	735m <sup>2</sup>	Lot 4 DP 25688	Residential
16 David Avenue, North Ryde	702m <sup>2</sup>	Lot 3 DP 25688	Residential

The site has an irregular shape as illustrated in **Figure 2**.

The northern and southern boundaries are not parallel and the eastern and western boundaries are stepped. The front boundary is at an angle to Epping Road, an arterial road and is approximately 123.9m in length. The site falls generally from east to west and is largely vacant, with the exception of 3 dwellings located at 5 Whiteside Street, and 14 and 16 David Avenue. There are 76 trees on the site. Easements for services (water supply and mains) affect the western most portion of the site adjacent to Whiteside Street.





Figure 2: Subject site as outlined in red

## 1.2 The Surrounds

The site adjoining the northern boundary is owned by Roads and Maritime Services (RMS). This land is being held by the RMS for a future county road between North Ryde and Dundas, via Eastwood. This road reserve is currently used as a works depot by the RMS. Recent advice received by the RMS (May 2013), has confirmed that there are no current plans to enact the county road.

To the north of the RMS land is Epping Road, a classified road. To the north of Epping Road, is 'Macquarie Park' which is a suburb containing a cluster of high technology businesses with campus type working environment and large scale commercial buildings. Key land uses within Macquarie Park include Macquarie University, Macquarie shopping centre, various business parks and 3 new railway stations. Macquarie University and Macquarie Park train stations are closest to the site, being located approximately 1.2km walking distance (within a 800m radius of the site).

To the east of the site there is a pedestrian bridge crossing over Epping Rd (refer **Figure 3**). This bridge is approximately 230m from the north-eastern corner of the site. There are two bus stops in close proximity to the site, one each on the northern and southern sides of Epping Road. These services provide transport to the Sydney CBD, Chatswood, Ryde, Gordon, Manly, Blacktown, Epping and Parramatta.

The majority of the eastern boundary of the site adjoins the side and rear boundaries of low density residential properties, which front Epping Road or David Avenue. The developments on these properties include detached and attached dwellings and have a varied relationship to the site, due to their orientation and setbacks.

The David Avenue frontage of the site currently contains two-single storey detached dwellings at (14-16 David Avenue). The site frontage to David Avenue is 30m. David Avenue is a low density

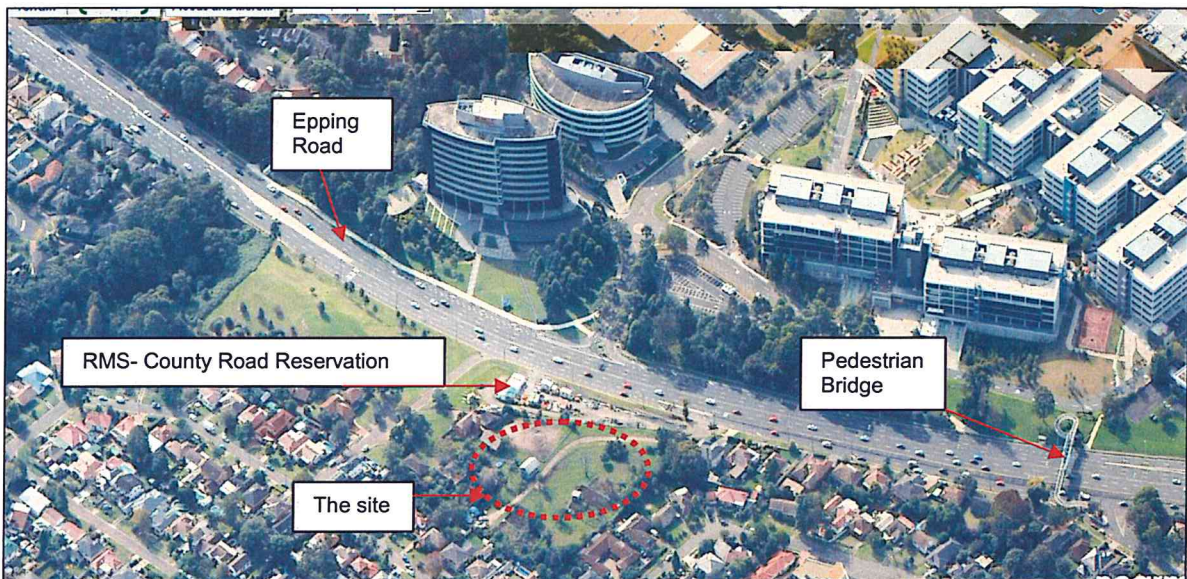


residential environment characterised by detached dwellings and contains a small set of shops, which are predominately occupied by office uses.

Along its southern boundary, the site adjoins a row of low density residential properties which front Parklands Road. The open space of these properties is generally located adjacent to the common boundary with the site. Parklands Avenue is a low density residential environment characterised by detached dwellings.

The site has a 17m frontage to Whiteside Street. Whiteside Street connects with Epping Road and is a key access road into the surrounding residential area. Vehicles are able to turn left from Epping Road into Whiteside Street only. Exit onto Epping Road from Whiteside Street is currently not permitted. The site adjoins the rear boundaries of No's 4 and 8 Whiteside Street. The dwellings on these lots are located close to the common boundary given that the western portions (frontage to Whiteside Street) of these sites are encumbered by easements.

The aerial photographs provided at **Figures 3 and 4** below, show the site within its immediate context. Most evident is the disparity with respect to the land use and built form on the northern and southern sides of Epping Road. The predominance of the traditional residential subdivision on the southern side of Epping Road, is in contrast to the consolidated form and size of the development site.



**Figure 3:** The site and its surrounds – looking north (Source: nearmap)



**Figure 4:** The site and its surrounds – looking southwest (Source: nearmap)



The site is well located in terms of accessibility to a range of retail services and local facilities in the surrounding area, as illustrated in **Figure 5** below.

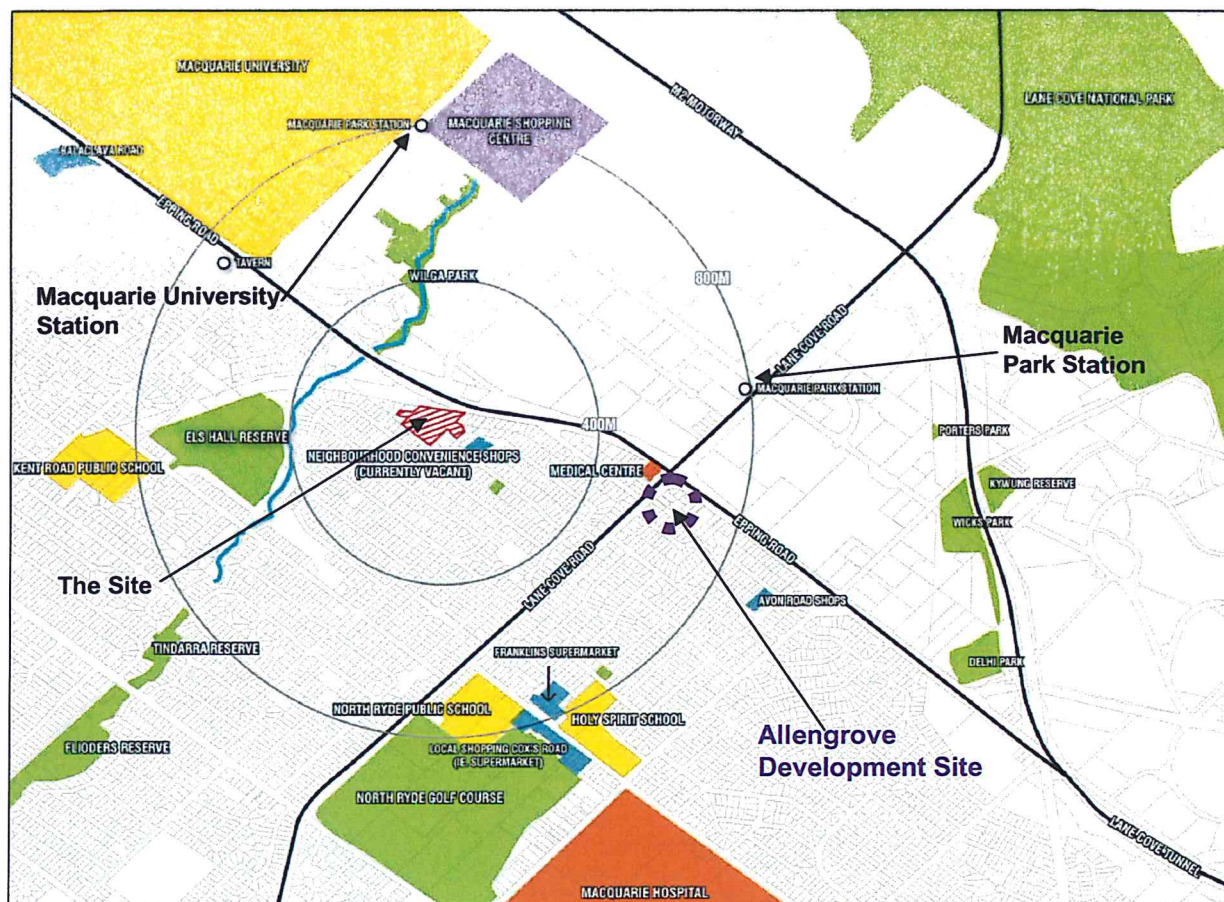


Figure 5: Surrounding services and facilities within 400m and 800m radius of the site (Source: Urbis)

## 2. PROPOSED PROJECT

### 2.1. Background to current project

EGC Custodian Services Pty Ltd (the proponent) seeks concept plan approval for a residential flat development at 5 Whiteside Street and 14 & 16 David Avenue, North Ryde. The application was originally lodged with the department on 19 October 2010 and has been subject to various amendments throughout the assessment phase.

The amendments to the concept plan have largely been in response to public and Council submissions on the proposal which have identified key concerns in relation to traffic impacts, the inappropriateness of the scale and density of the development, and the inconsistency of the proposal with Council's development controls. Concerns have also been raised regarding the proposal pre-empting the outcome of the current investigation being undertaken by Council with respect to the future housing potential of land on this southern side of Epping Road.

The department has also raised a number of concerns in relation to the appropriateness of the scale and height of Buildings A and B and has recommended further amendments to the proposal in order to reduce potential amenity impacts and to ensure that the scale of the development does not dominate its low density context. The most recent amendments to the proposal were submitted by the proponent in February 2013 and are provided at **Attachment D**.



The various amendments to the proposal are summarised in **Table 2** below.

**Table 2: Summary of Amendments to Proposal**

Element	Project (as initially lodged)- Version 1	Project (as amended by PPR)- Version 2	Project as amended 26 February 2013)- Version 2	Comment by department-comparing Version 1 to Version 2
<b>Gross Floor Area</b> <b>Site Area=</b> <b>13,973m<sup>2</sup></b>	Building A: 16,423.7m <sup>2</sup> Building B: 4,569.7m <sup>2</sup> Building C/D: 722.4m <sup>2</sup> <b>Total= 21,715m<sup>2</sup></b>	Building A: 12,155.4m <sup>2</sup> Building B: 5,167.8m <sup>2</sup> Building C/D: 704.6m <sup>2</sup> <b>Total= 18,027.8m<sup>2</sup></b>	Building A= 12,087.5m <sup>2</sup> Building B=5,167.8m <sup>2</sup> Building C/D=722.4m <sup>2</sup> <b>Total = 17,978m<sup>2</sup></b>	The total GFA has been reduced by 3,737sqm or 17%).  <i>Note:</i> Further design amendments are recommended by the department and will result in further reductions to the overall FSR. Refer to further discussion in <b>section 5.2</b> of this report.
<b>Floor Space Ratio</b>	1.59:1	1.29:1	1.29:1	The FSR has been reduced by 0.30:1. <i>Note:</i> Further design amendments recommended by the department will result in reduction of the FSR. Refer to further discussion in <b>section 5.2</b> of this report.
<b>Height</b>	2 to 8 storeys Building A: 8 storeys (27.5m) Building B: 2-3 storeys (11.4m) Buildings C+D= 2 storeys (7.8m)	2 to 6 storeys Building A: 4-6 storeys (19.2m) Building B: 2-3 storeys (11.4m) Buildings C+D= 2 storeys (7.8m)	2 to 6 storeys Building A: 4-6 storeys (19.2m roof level or 21m to lift over-run) Building B: 2-3 storeys (11.4m) Buildings C+D= 2 storeys & attic level (7.8m)	Building A has reduced in height by 2 storeys or 8.3m. All other buildings remain the same height although, the envelopes of Buildings B-D have been refined.  <i>Note:</i> Further height reductions to Building A are recommended by the department- refer to further discussion in <b>section 5.2</b> of this report.
<b>Number of Units</b>	213 units comprising: 1x bed units= 63 (29.6%) 2x bed units= 100 (46.9%) 3x bed units= 50 (23.5%)	163 units comprising: 1x bed units= 45 (27.6%) 2x bed units= 103 (63.2%) 3x bed units= 15 (9.2%)	157 units comprising: 1x bed units= 37 (23.6%) 2x bed units= 112 (71.3%) 3x bed units= 8 (5.1%)	The number of units has reduced overall by 56.  <i>Note:</i> further reductions in the dwelling yield will result from the department's recommended changes to built form of Building A- refer to further discussion in <b>section 5.2</b> of this report.



<b>Number of car parking spaces</b>	311 car parking spaces	241 car parking spaces	225 car parking spaces	The number of car parking spaces has reduced by 86 or 28%. <i>Note:</i> further reductions to the number of car parking spaces will result from the department's recommended changes to the built form of Building A- refer to further discussion in <b>section 5.4</b> of this report.
<b>Landscaped Area</b>	4859sqm or 34.7% of site area	5150sqm or 36.95% of site area	6301sqm or 45.22% of site area	The percentage of landscaped area has increased by 10.5%

In light of the amendments made to the concept plan, this report focuses its assessment on the revised proposal submitted to the department on 26 February 2013 (hereafter referred to as the "February 2013 amended concept plan").

## 2.2. Project Description

The proponent submitted an amended proposal on 26 February 2013 to address issues raised by the department. The February 2013 amended concept plan, seeks concept plan approval for the following:

- Four (4) building envelopes (Buildings A-D) of two (2) to six (6) storeys with an overall capacity of 157 units;
- Basement parking for 225 cars over two stepped basement levels;
- A gross floor area of 17,978sqm or 1.29:1;
- A mix of 1, 2 and 3 bedroom units; and
- A landscaped area equivalent to 45.2% of the overall site area.

A plan illustrating the site layout of the February 2013 amended concept plan is provided in **Figure 6**. The northern elevation of Building A and the eastern elevation of Buildings A and B are illustrated in **Figures 7A and 7B**. The photomontage below at **Figure 8**, illustrates the February 2013 amended concept plan for Building A. Matters in relation to the departments assessment of the amended concept plan are provided in **Section 5** of this report.

Architectural Plans of the February 2013 amended concept plan are included at **Appendix D**.

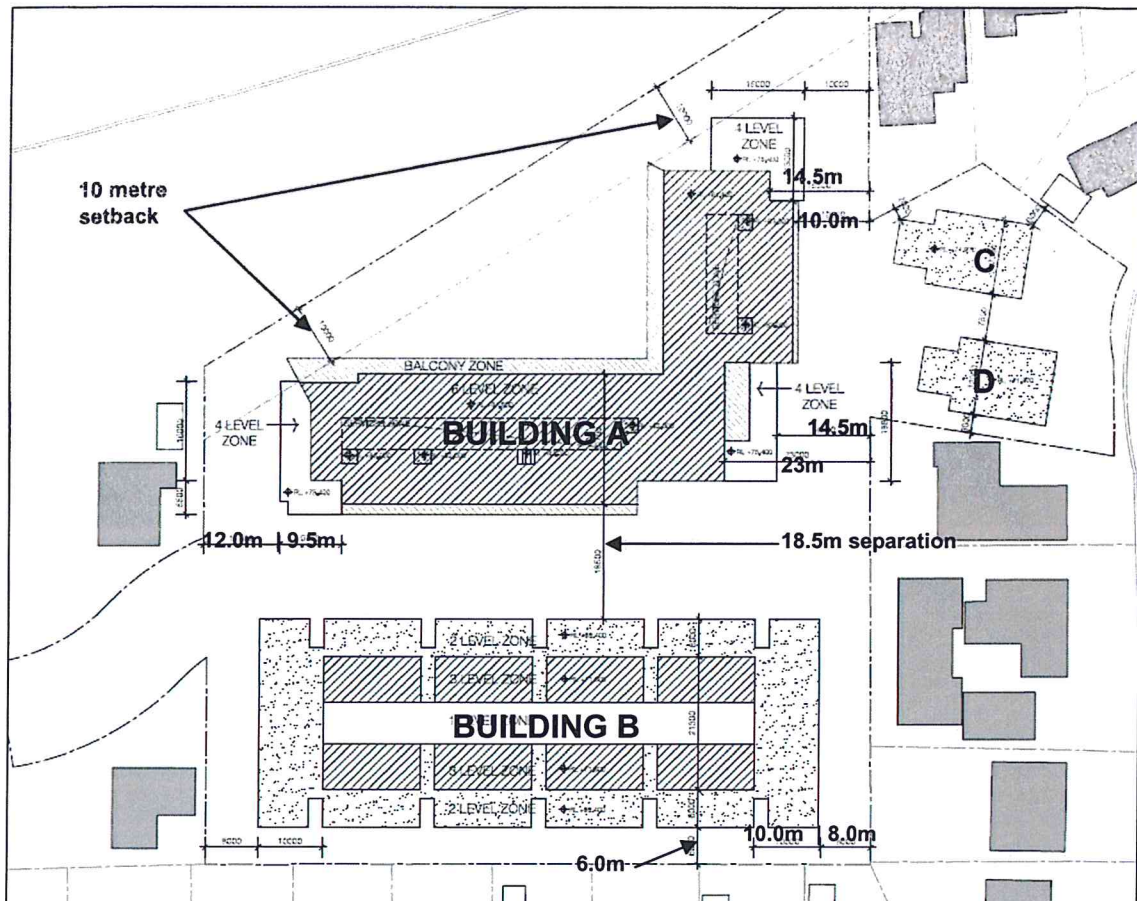


Figure 6: February 2013 Amended Concept Plan- building envelop and site layout plan (source: SJB Architects)





Figure 7A: Northern elevation illustrating Building A- February 2013 Amended Concept Plan (source: SJB Architects)

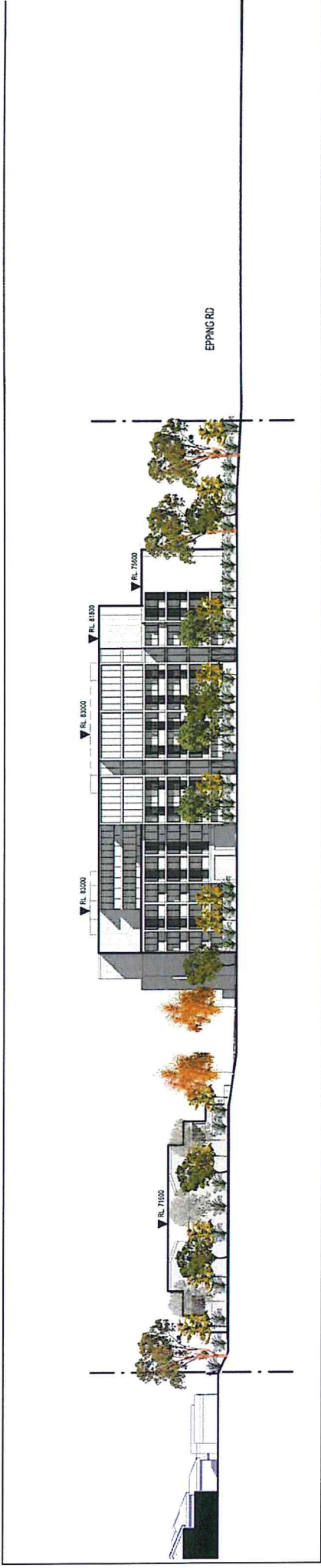


Figure 7B: Eastern elevation illustrating Building A and Building B- February 2013 Amended Concept Plan (source: SJB Architects)



**Figure 8:** Photomontage of February 2013 Amended Concept Plan as viewed on approach from the west on Epping Road (source: SJB Architects)

## 2.3. Project Need and Justification

### NSW 2021

NSW 2021 replaces the State Plan as the NSW Government's strategic business plan, setting priorities for action and guiding resource allocation. It is a 10-year plan to rebuild the economy, provide quality services, renovate infrastructure, restore government accountability and strengthen the local environment and communities.

Of relevance to this project are the following goals:

- Goal 1 (Improve the Performance of the Economy) which aims to grow the NSW economy, including growing employment; and
- Goal 20 (Building Liveable Cities) which aims to locate people closer to jobs.

The project is consistent with these goals as it will provide housing in close proximity to a major employment centre of Macquarie Park and furthermore, will create employment opportunities linked both to the construction stage and the ongoing operation of the development.

### Draft Metropolitan Plan for Sydney to 2031

The Draft *Metropolitan Strategy for Sydney (Draft Strategy)* is a new plan which sets the framework for Sydney's growth and prosperity to 2031 and beyond.

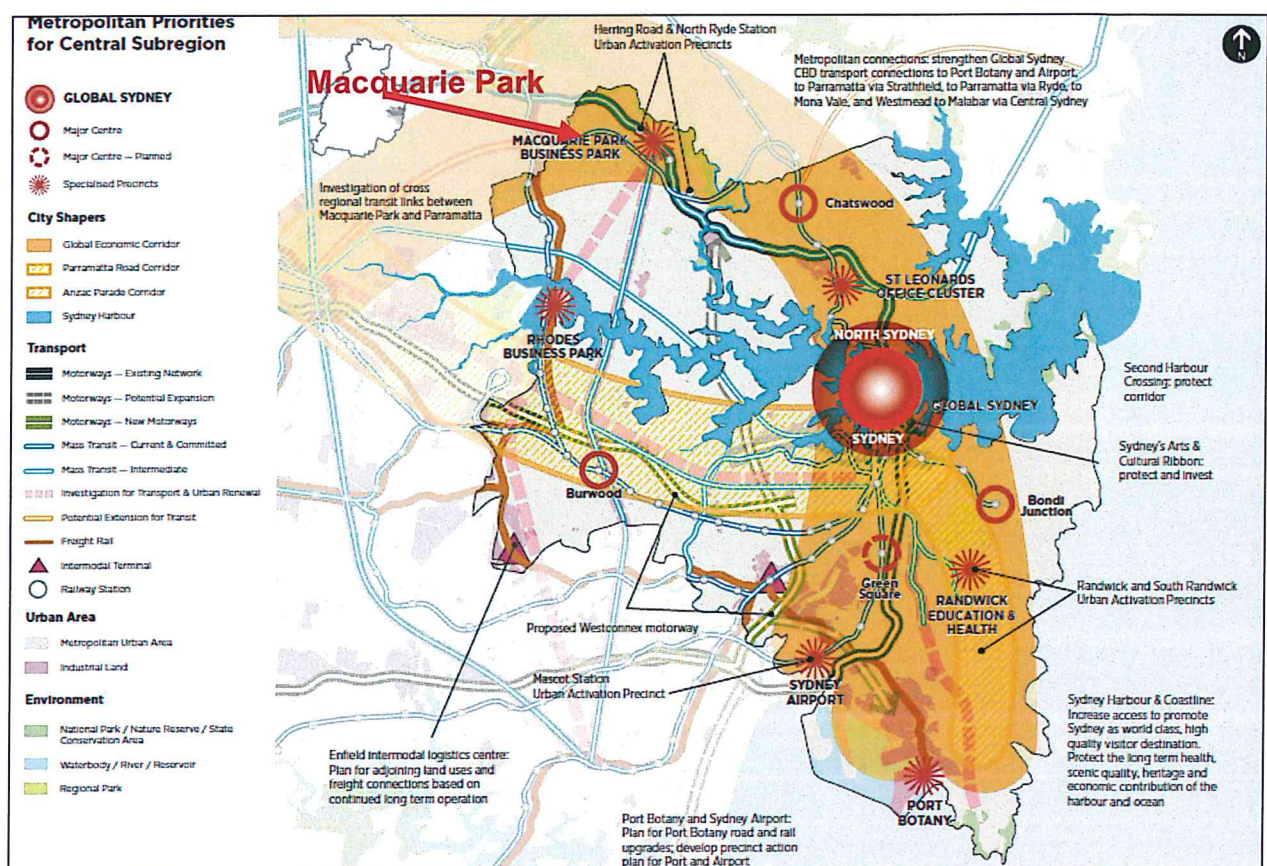


The Draft Strategy anticipates that the population of metropolitan Sydney will increase by 1.3 million by 2031 and this will result in the need for around 545,000 new homes and 625,000 new jobs across the metropolitan area.

The Draft Strategy aims to locate new housing and jobs in places to give people a choice of housing that is more affordable and enable them to work closer to where they live.

The Draft Strategy emphasizes the importance of strengthening and reinforcing the global economic corridor, within which Macquarie Park is located, and an importance influence and contributor to the expansion of Sydney's economy.

Of particular relevance to the Ryde LGA, the Draft Strategy identifies Macquarie Park as being a specialist centre within the Central Subregion (a metropolitan business park/office cluster), and identifies the importance of its metropolitan connections to other major centres and specialist centres within the metropolitan region (refer **Figure 9**). Specialist precincts are identified in the Draft Strategy as having an important economic and employment role for the metropolitan significance in Sydney.



**Figure 9: Central Subregion- Draft Metropolitan Strategy for Sydney**

The Draft Strategy encourages balanced growth throughout Sydney by stimulating housing growth in both infill and greenfield areas. This aims to make the best use of public assets such as transport and infrastructure and make Sydney more sustainable and efficient. In planning for balanced growth, the Draft Strategy focuses urban renewal in areas that are close to transport hubs and corridors, advocates the effective and efficient use of land in infill areas.

The proposed development supports the strategic direction of the Draft Strategy by placing housing close to employment and education facilities and will encourage the use of public transport due to its proximity to the railway stations and bus services.



## **Metropolitan Plan for Sydney 2036**

The *Metropolitan Plan for Sydney 2036* (the Metropolitan Plan) aims to sustainably manage growth, enhance Sydney's position in the global economy, achieve greater housing affordability, enhance liveability and ensure equity for future generations.

The Metropolitan Plan forecasts a population increase for Sydney of 1.7 million people by 2036, taking the total population to 6 million. As a result, the plan forecasts that Sydney will need 760,000 additional dwellings by 2036, a 46% increase on the current housing stock of 1.68 million dwellings. The Inner North Subregion, within which the site is located, is targeted to provide 44,000 new dwellings and 62,000 jobs.

Further to the above, the Metropolitan Plan identifies Macquarie Park as being located within Sydney Global Economic Corridor and as a specialist centre. Its importance as an economic and employment centre is emphasised in the Plan including its connections to major transport infrastructure.

The Metropolitan Plan aims to locate 70% of new houses in existing urban areas. It identifies that each centre is unique and specific consideration needs to be given to appropriate height and design requirements.

The proposal is consistent with the Metropolitan Plans strategic direction as it will provide additional housing in a location near to employment, educational facilities and services. A major justification purported by the proponent for the increased density on the site, is its proximity to transport and Macquarie Park Corridor.

These matters are discussed in further detail in **section 5** of this report.

## **Draft Inner North Subregional Strategy**

The Draft Inner North Subregional Strategy (Draft INS Strategy) sets Ryde Council a target of providing an additional 12,000 dwellings by 2031. Council has advised that this target can be met through existing zoned lands and therefore, the future study to investigate the possibility of residential transition areas on the southern side of Epping Road is not contingent in meeting this target.

The Draft INS Strategy identifies the need to locate residential development around centres and corridors with access to public transport and local services. It further identifies the opportunity to provide transit-oriented development around new train stations, as exist within Macquarie Park. The Draft Strategy reinforces the importance of Macquarie Park as a specialised centre.

The proposed development will increase housing density which will support public and private facilities within Macquarie Park, as well as neighbourhood centres on David Road and Avon Road. Whilst the site is located outside of the Macquarie Park centre, being approximately 1.2km walking distance (which is beyond the 1km walking catchment to transport nodes nominated in the Metropolitan Plan) from a train station, the department considers that the site is provided with reasonable and efficient accessibility to public transport.

## **City of Ryde Local Planning Study 2010**

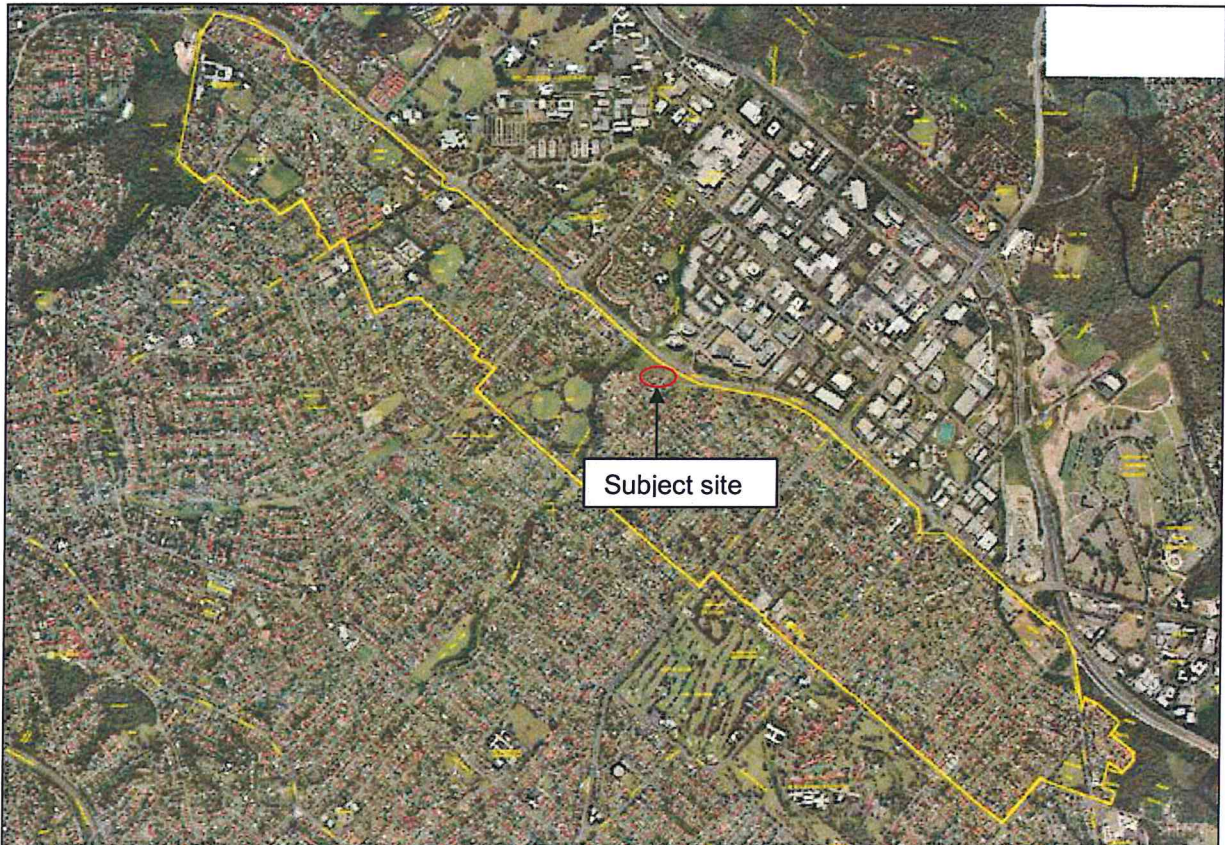
The City of Ryde Local Planning Study 2010 (the Study) was formally adopted by Council on 7 December 2010 and developed for the purposes of guiding growth over the next 20 years and to inform the comprehensive Ryde LEP. The Study was also to review and respond to the directions and actions of the Metropolitan Strategy and Draft Inner North Subregional Strategy including the need to meet the 12,000 dwelling target set for the City of Ryde.



The Study identified an area for investigation as a potential future residential transition zone on the southern side of Epping Road (which the subject site is a part of) and furthermore, identified that the potential future transition zone had the following attributes which supported increased housing densities:

- Relatively good access to employment, retail, entertainment and public transport opportunities within Macquarie Park;
- Access to nearby Lane Cove Park; and
- Good access to the regional road network.

The location of the potential transition zone is illustrated in **Figure 10** below.



**Figure 10** – Potential Future Transition Area – South of Epping Road

Whilst the proposal pre-empts the outcome of the Study, the department's assessment of this application has concluded that the site is capable of accommodating higher density development without compromising the amenity of neighbouring land. The site is well located to take advantage of employment and public transport links in Macquarie Park and therefore, satisfies the strategic intent of the various Plans identified above. The favourable determination of this application will also allow for the residential redevelopment of the site in a timely manner. In this regard, the department considers it unreasonable to delay any decision in relation to this land whilst further investigations are undertaken into this potential future residential transition area.

### **2.3.1. Allengrove Development**

A Concept Plan referred to as "The Allengrove Project" was approved by the Planning Assessment Commission (PAC) on 28 September 2012. This approval was for a residential flat development located at 116a-122b Epping Road, 259-263 Lane Cove Road and 1-9 Allengrove Crescent, North Ryde. Like the subject development, this site is also located on the southern side of Epping Road, within the Ryde LGA and it is located within the residential transitional area identified by Council for future investigation- refer to **Figure 10**.



The application originally sought approval for:

- 5 building envelopes of 4 to 8 storeys with capacity for 196 units and 273 basement car parking spaces;
- a gross floor area of 19,916m<sup>2</sup> equivalent to an FSR of 1.62:1;
- a mix of 1, 2 and 3 bedroom units; and
- a landscaped area of 5,334m<sup>2</sup>.

The determination of this application followed a refusal of the concept plan by the PAC on 23 May 2012 and subsequent Class 1 proceeding in the Land and Environment Court initiated by the proponent. Based on amended plans discussed at a subsequent section 34 conciliation conference, consent orders were issued.

The approved development was for the use of the site for residential flat buildings comprising indicative building envelopes for 7 buildings having a maximum height of 5 storeys, car parking and associated works. The approved plans achieved the following:

- significant reductions in the height of the development from 8 storeys to 5 storeys (at the corner of Epping Road and Lane Cove Road), and 2 storeys to 3 storeys fronting Allengrove Crescent which would substantially improve the proposal's relationship to the surrounding development, while minimising amenity impacts on neighbours;
- consequential reductions in density and number of car parking spaces, which in conjunction with the site's location, surrounds and proximity to public transport (including bus services and Macquarie Park Station) would subsequently reduce the development's impacts on its neighbours and the road network; and
- secure reasonable amenity for future residents.

The determination of the Allengrove project is significant and relevant to the determination of the Whiteside Project for the following reasons:

- The proposal will also create appropriate housing densities (and housing choice) within close proximity to Macquarie Park (employment and services) and also in close proximity to public transport service (Macquarie Park Station and commuter bus services). This will assist in achieving the strategic direction of the Draft Metropolitan Strategy for Sydney, the Metropolitan Plan for Sydney 2036 and the Draft Inner North Subregional Strategy, as it will provide additional housing in a location near to employment, educational facilities and services;
- That proposal was not permitted in the R2-low density residential zone that applies to the sites, which prohibits residential flat buildings. Notwithstanding this, concept plans may be determined irrespective of any prohibitions in any environmental planning instrument and may be assessed on their merits;
- The proposal is also located in the transition zone identified by Council (**Figure 10**), on the southern side of Epping Road, where the character is predominantly single and two storey dwelling houses. It will also pre-empt a comprehensive Housing Study to be undertaken by Council to investigate the possibility of a residential transition zone on this southern side of Epping Road, and in doing so will permit development of the site in a timely manner; and
- The proposed scale of the concept plan, as originally submitted was incompatible with prevailing scale of development and represented an over-development of the site. In its amended form, the proposal is considered to have a density and scale which will minimise potential amenity impacts to the surrounding area (including local traffic impacts) and deliver reasonable amenity to the future residents.

The above points are considered further throughout this assessment report, as relevant to the Whiteside project.



### 3. STATUTORY CONTEXT

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#### 3.1. Major Project

The proposal is a transitional major project under Part 3A of the *Environmental Planning and Assessment Act 1979* (EP&A Act) because it was development for the purpose of commercial, residential or retail development with a CIV over \$100 million under clause 13, Schedule 1 of State Environmental Planning Policy (Major Development) 2005.

Part 3A of the EP&A Act, as in force immediately before its repeal on 1 October 2011 and as modified by Schedule 6A to the Act, continues to apply to 'transitional Part 3A projects'. Director-General's environmental assessment requirements (DGRs) were issued in respect of this project prior to 1 October 2011, and the project is therefore a transitional Part 3A project.

Consequently, this report has been prepared in accordance with the requirements of Part 3A and associated regulations, and the Minister (or his delegate) may approve or disapprove of the carrying out of the concept plan under s75M of the EP&A Act.

#### 3.2. Permissibility

The site is zoned R2 Low Density Residential under *Ryde Local Environmental Plan 2010*. A key objective of this zone is to provide for the housing needs of the community within a low density residential environment. Residential flat buildings are prohibited in the zone.

The site is proposed to be zoned R2 Low Density Residential under *Draft Ryde Local Environmental Plan 2011*. The proposal would remain prohibited development in the zone.

Despite being prohibited development under the Ryde LEP 2010, permissibility under a Local Environmental Plan is not a consideration for concept plans under section 75R of the EP&A Act.

#### 3.3. Environmental Planning Instruments

Under Sections 75I(2)(d) and 75I(2)(e) of the EP&A Act, the Director-General's report for a project is required to include a copy of, or reference to, the provisions of any State Environmental Planning Policy (SEPP) that substantially governs the carrying out of the project, and the provisions of any environmental planning instruments (EPI) that would (except for the application of Part 3A) substantially govern the carrying out of the project and that have been taken into consideration in the assessment of the project.

The department's consideration of relevant SEPPs and EPIs is provided in **Appendix D** of this report. The proposal is generally consistent with the relevant requirements of the EPIs.

#### 3.4. Objects of the EP&A Act

Decisions made under the EP&A Act must have regard to the objects of the Act, as set out in Section 5 of the Act. The relevant objects are:

- (a) to encourage:
  - (i) the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,
  - (ii) the promotion and co-ordination of the orderly and economic use and development of land,
  - (iii) the protection, provision and co-ordination of communication and utility services,
  - (iv) the provision of land for public purposes,
  - (v) the provision and co-ordination of community services and facilities, and



- (vi) *the protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats, and*
- (vii) *ecologically sustainable development, and*
- (viii) *the provision and maintenance of affordable housing, and*
- (b) *to promote the sharing of the responsibility for environmental planning between the different levels of government in the State, and*
- (c) *to provide increased opportunity for public involvement and participation in environmental planning and assessment.*

The department considers that the proposal is generally consistent with objectives of the Act. In this regard, the concept proposal does not raise any significant issues in relation to the objectives of the Act.

### 3.5. Ecologically Sustainable Development

The EP&A Act adopts the definition of Ecologically Sustainable Development (ESD) found in the *Protection of the Environment Administration Act 1991*. Section 6(2) of that Act states that ESD requires the effective integration of economic and environmental considerations in decision-making processes and that ESD can be achieved through the implementation of:

- (a) *the precautionary principle,*
- (b) *inter-generational equity,*
- (c) *conservation of biological diversity and ecological integrity,*
- (d) *improved valuation, pricing and incentive mechanisms.*

The concept proposal is considered consistent with the ESD principles as described in section 8.9 of the proponents PPR, as discussed in more detail in **Appendix F**. The department is satisfied that future development applications are capable of incorporating appropriate sustainability initiatives to minimise water and energy consumption. A requirement is recommended to ensure this matter is addressed in future development applications.

### 3.6. Environmental Planning and Assessment Regulations 2000

Subject to any other references to compliance with the Regulation cited in this report, the requirements for Notification (part 6, Division 6) and Fees (part 15, Division 1AA) have been complied with. The submissions received as a result of notification are detailed in section 4.0 of this assessment report.

### 3.7. Statement of Compliance

The Savings and Transitional provision for Part 3A that come into effect on 24 August 2012 removed the need for transitional Part 3A projects to address compliance with section 75I of the EP&A Act. Notwithstanding this, the department is satisfied that the Director-General's environmental assessment requirements have been complied with.

## 4. CONSULTATION AND SUBMISSIONS

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### 4.1. Exhibition

Under section 75H(3) of the EP&A Act, the Director-General is required to make the EA publicly available for at least 30 days. The department publicly exhibited the EA from 11 August 2011 until 9 September 2011 on the department's website, at the department's Information Centre and Ryde City Council Customer Service Centre. The department also advertised the public exhibition in the Northern District Times, Ryde Gladesville Weekly Time, Sydney Morning Herald and Daily Telegraph on 10 August 2011 and notified landholders and relevant state and local government authorities in writing.



The department received 101 submissions during the statutory exhibition period including six submissions from public authorities, 94 submissions from the general public and special interest groups, and one submission from Victor Dominello MP. Ryde Council made a submission objecting to the proposal.

In addition, a petition objecting to the proposal and containing 1,412 signatures was received.

The department notified surrounding residents of the submission of the PPR and received comments between 2 May 2012 and 4 June 2012. A total of 66 public submissions were received, all objecting to the proposal. In addition, council made a further submission maintaining its objection to the proposal.

Further to the above, the department made the amended proposal (February 2013) available on its website on 8 March 2013. Prior to the preparation of this assessment report, an additional three submissions had been received, all objecting to the proposal on grounds previously stated.

## 4.2. Public Authority Submissions

Six submissions were received from public authorities, as summarised below:

**Ryde City Council** objects to the project on the following basis:

- The CIV of the proposal is only \$86.7 million and therefore below the \$100 million Part 3A threshold. If the application had been submitted in this form originally, it would not have qualified as a major project.
- The project would be pre-empting council's strategic planning processes. Council states that its preferred approach is 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 a proposal in the next 5 years and this will include all the residential area to the south of Epping Road.
- The proposal is non-compliant with Ryde LEP 2010. The height, bulk and scale are all beyond the expectations of development potential of all its similarly zoned neighbours. This raises the question of equity for local residents, as the proposed residential development is a prohibited use in the R2 zone under Ryde LEP 2010. Council states that any determination of this concept plan should fully consider the provisions of Ryde LEP 2010 for reasons of co-ordinated planning and equity.
- Given the negative public perception of Part 3A, it is the community's expectation that decision making affecting local areas will have proper consideration of local issues and concerns.
- Pedestrian and cycle accessibility are not addressed. It is questionable whether the development is a transit orientated development.
- Traffic impacts and in particular, the impacts on the local road network are not adequately addressed. The application proposes no substantive works to accommodate the increase in traffic flow on the local road network and related intersection with the exception of the Whiteside Street/Epping Road connection, which may not eventuate. A Local Area Traffic Management Study should be undertaken prior to the determination of the concept plan and should consider cumulative impacts of other approved and proposed development.
- There is a lack of a social impact assessment.
- Concern is raised with the urban design and architectural merit of the proposal. In this regard Council states that *"the proposed development is located in an established urban neighbourhood. While it will rely on connection to the existing low density urban fabric, it takes its cues for its scale and character from 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.... it is council's contention that the scale of the development is so far beyond applicable planning controls that a detailed assessment of the architectural merit is premature."*

- The assessment of the sites contamination risk is not complete.
- If approved, request that s94 contributions be paid in full. (Note: a concept plan does not attract s.94 contributions. Notwithstanding the proponent has committed to pay the relevant s.94 contribution)

**State Transit Authority of NSW** does not object to the project and made the following comments:

- Raises concerns on the appropriateness of the proposal given there are little or no parking controls within the area. State Transit suggests that limiting parking will do little to detract from private vehicle usage.
- The bus bay (proposed to be located on the crown road reserve and accessed from Epping Road) needs to be approximately 50m in length to accommodate the current level of bus service. The department notes that in response to this comment, the Proponent's PPR includes the removal of the bus bay.

**Sydney Water** does not object to the project and made the following comments:

- The 100mm drinking main in Epping Road does not comply with the Water Supply Code of Australia and will need to be extended.
- Wastewater extension is required to service the development.

**Roads and Maritime Services** (formerly RTA) does not object to the project but made the following comments:

- The RMS has no plans in the short to medium term which would require any part of the subject property for road purposes. The RMS has advised that access is denied for the full length of the northern boundary of the property to the County Road Reservation and furthermore, that this land may/will be subject to a road closure in the long term.
- Raised no objection to the David Avenue access and noted that access may not be available to Whiteside Street from Epping Road if a road is to be constructed in the future.
- Does not support the indented bus bay on RMS owned land (as noted above, the PPR has removed this aspect of the proposal).
- Require a detailed landscape plan for the RMS owned land if landscape works are proposed on this land. The RMS advise that this land is currently used as a works compound site and any proposed landscaping should not should compromise site access or be a maintenance issue for the RMS.
- The design of the car parking areas should be consistent with the relevant Australian Standards.
- Construction vehicles should be appropriately managed. A construction zone will not be permitted on Epping Road.
- Setbacks must be appropriate to the northern boundary.
- Acoustic privacy should be suitably addressed so that road noise from Epping Road is suitably addressed.

As the initial comments from the RMS (then, formerly the RTA) were received on 18 October 2011, the department has sought further advice from the RMS/Transport for NSW with respect to the relevance and currency of the above comments. The RMS/Transport for NSW has advised that their prior comments remain applicable and valid and in doing so, has confirmed that there are no short to medium term plans for construction in the road reservation.

**NSW Office of Water** does not object to the project but made the following comments:



- There will likely be groundwater interception with the below ground level works. This should be the subject of an assessment at the development application stage.
- Does not support any permanent or semi-permanent pumping/extraction of the groundwater to protect the buildings. The basement car park should incorporate a water proof retention system.
- Assessment of any groundwater dependent ecosystems is required at the development application stage.

The department notes that the recommended terms of approval address the issues raised by the Office of Water.

#### 4.3. Public Submissions

A total of 94 submissions were received from the public during the statutory exhibition period associated with the original EA. This included submissions from the Whiteside Action Group (WAG).

All of the 94 public submissions objected to the proposal. The key issues raised in public submissions are listed in **Table 3**.

**Table 3: Summary of Issues Raised in Public Submissions**

Issue	Proportion of submissions (%)
Increase in traffic congestion and generation	36
Inappropriate scale	22
Inconsistent with council's development controls	21
Sets a precedent	19
Impact on property prices	17
Insufficient infrastructure capacity	15
Increase in on-street parking	13
Safety concerns due to traffic increase	12
Rat running on the local street network	12
Plans are misleading	12
Density and increase in population is inappropriate	8

Other issues raised include lack of assessment in relation to traffic impacts, inappropriate density and overshadowing. The department has considered the issues raised in submissions in its assessment of the project.

#### 4.4. Proponent's Response to Submissions

The proponent provided a response to the issues raised in submissions as outlined in section 2.1.1 above. The response included a PPR (refer **Attachment C**) and the scope of amendments proposed to the concept plan are addressed at **Attachment E**.

The PPR was notified to surrounding residents, with 66 submissions received from the public, all objecting to the proposal. The issues raised in submissions align with those issues raised to the EA. In addition, objection was also raised to the provision of the new access to David Avenue. There was also reference to the decision of the PAC to refuse the Allengrove Project (refer discussion in Section 1.4 above).



#### 4.5. Public submissions in response to February 2013 amended concept plan

Whilst not formally exhibited, the February 2013 amended concept plan was made available on the department's website. As a consequence, a further three (3) submissions were received. These submissions reiterated prior concerns raised during the exhibition of the EA and the PPR, as outlined in section 4.3 and 4.4 above.

No comments were received from Council with respect to the February 2013 amended concept plan.

### 5. ASSESSMENT

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The department considers the key environmental issues for the project to be:

- Strategic context
- Built form
- Landscaping and public domain works
- Traffic, Access and Parking
- Contamination
- Other matters

#### 5.1. Strategic Context

As identified in **section 2.2**, the proposal is consistent with the strategic intent of the Draft Metro Strategy, the Metropolitan Plan and the Draft INS Strategy, as it will provide for increased housing density within reasonable walking distance to the Macquarie Park and will assist in promoting the viability of the Global Economic Corridor and associated public transport infrastructure.

The concept plan, by increasing housing density on the site, will contribute to the achievement of the State Government's housing targets and will also increase the diversity of housing supply in a timely manner. Furthermore, it will support and promote the efficient use of public and private resources and the continued economic growth of the locality by integrating housing and employment opportunities. The project will ensure that existing transport infrastructure is better utilised and provide residents with greater opportunity to access key strategic centres within 30 minutes of home by public transport.

The site is also conveniently located to support a range of commercial, medical retail and educational facilities including the Macquarie Centre and Macquarie University. A number of small centres are also located in close proximity to the site including the David Avenue shops and Avon Road shops, which are identified neighbourhood centres in the Draft INS Strategy.

The department considers, on merit, that the proposal is strategically justifiable for the reasons stated above and furthermore, that the approval of the project will not influence any strategic planning process to be undertaken by council to inform the long-term outcome of the transition zone. The proposal is in fact consistent with the likely form of development that will result from any study ie. density and height that are a transition from Macquarie Park to low scale residential development to the south. The department considers that the amended design of the proposal, as detailed in Section 5.2 of this report, is of sufficient merit to justify approval in concept.

#### 5.2. Built Form

The department has considered the built form of the proposal in the context of the site's location, surrounding development and the potential amenity impacts. It has also considered the issues raised by Council and the public which have been outlined in section 4 of this report.



As illustrated in **Figure 6**, the proposal seeks approval for 4 building envelopes referred to as Buildings A-D. The built form and scale of the buildings vary markedly across the site and in part, is responsive to the site context, as summarised below:

- **Building A:** presents a strongly defined and dominant built form adjacent to the Epping Road frontage of the site. The building is L-shaped and is proposed to maximise its northerly orientation. This building constitutes two wings, with one wing running north/south being approximately 60 metres in length and the other wing running east/west measuring approximately 84 metres in length. This building has a maximum height of six storeys, before stepping down to four storeys on the edges. Building A is setback from Epping Road by 10 metres.
- **Building B:** this building is located on the southern portion of the site and runs in an east to west direction for a length of approximately 88 metres. It has a maximum height of three storeys before stepping down to two storeys around its perimeter. The building is provided with vertical recesses (north-south) through the building envelope to articulate and break down the built form.
- **Building C/D:** Buildings C and D are located on the eastern portion of the site. These buildings are significantly smaller and have maximum height of two storeys.

The focus of this assessment is on Buildings A and B due to their bulk and amenity impacts, as the building envelopes proposed for Buildings C/D are generally considered to be acceptable. Consideration of the built form includes an assessment of the following matters:

- Building height, bulk and scale;
- Visual impact;
- Building footprints and setbacks;
- Density and unit mix; and
- SEPP 65 and RFDC Assessment.

#### Building height, bulk and scale

The department finds the three-storey form of Building B and the two-storey form of Buildings C & D to represent an appropriate height and scale having regard to the low scale residential context. Buildings C and D are approximately 7.8 m in height and comply with the 9.5 metre height limit in Ryde LEP 2010. This height is generally consistent with the prevailing height of neighbouring residential buildings.

Building B has a proposed height of approximately 11.4 metres and therefore, exceeds the nominated height limit by 1.9 metres. Given that Building B has an upper level setback of 12 metres from the southern boundary of the site, and that the proposal does not result in adverse overshadowing impacts to residential properties to the south fronting Parklands Road (refer to further discussion below), the height of the building is considered acceptable. The department notes that the articulated form of Building B, assists in breaking down the horizontal length and scale of the building into smaller elements (two units wide), which better represents the residential scale of the neighbouring dwellings. **Figure 11** below, illustrates a photomontage of Building B, with its refined scale and proportion. The department considers this form to be acceptable and to satisfy the key principles in SEPP 65 with respect to scale and built form.

Whilst the department considers that the site, given its location and consolidated size presents unique opportunity to provide higher density housing form, it is considered that the form of Building A needs to provide a reasonable balance between the surrounding modest scale residential development and future housing densities which may result from Council's review of the transition area.

The department considers it to be contextually inappropriate to rely on the established and permitted form of development on the northern side of Epping Road within the Macquarie Park corridor to justify the proposed height and scale. Ryde LEP 2010 establishes heights