

10 September 2013

NSW Planning Commission Determination Report Proposed Concept Plan for Whiteside Street, North Ryde

1. The Proposal

The Concept Plan (as amended by the Preferred Project Report (PPR) dated April 2012 and further revised PPR dated 25 February 2013) seeks approval for:

- Four building envelopes of two to six storeys with a capacity of 157 residential units;
- an FSR of 1.29:1;
- a Gross Floor Area of 17,978 m²;
- an internal road connection enabling site access from both Whiteside Street (to the west) and David Avenue (to the east); and
- public domain works including new vehicle access points and associated road works.

2. Delegation to the Commission

On 27 June 2013, the Concept Plan (MP10_0165) was referred to the Planning Assessment Commission (the Commission) for determination under Ministerial delegation issued 14 September 2011, as the City of Ryde Council objected to the proposal and the Department of Planning and Infrastructure (the Department) received more than 25 public objection submissions.

For this determination, Ms Gabrielle Kibble AO, Chair of the Planning Assessment Commission, nominated Mr Garry West (chair), Ms Donna Campbell and Mr Richard Thorp to constitute the Commission for the project.

3. Department's Assessment Report

The Director-General's Assessment Report provided an assessment of the following key issues:

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

The Department considers the project has merits however modifications to the Concept Plan were recommended by the Department to improve the development's transition to neighbouring dwellings and provide a greater level of amenity. These include:

- Ensuring development applications demonstrate compliance with the Residential Flat Design Code 2002.
- Reducing the building envelope of Building A and including a maximum RL81.8m.
- Increasing articulation to the facade of Building A.
- Removal of first floor balconies to the southern elevation of Building B.

- Details for the location of privacy screens to all windows in elevations that have the potential to overlook other windows or private open space areas within the applicable building separation distance recommended in the Residential Flat Design Code.

The Assessment Report recommends approval, and attached a set of recommended conditions for the Concept Plan including securing the recommended modifications and future assessment requirements.

4. Commission's Site Visit

Site visit

After reviewing the Department's Assessment Report and public submissions, the Commission visited the site and the surrounding residential area on the afternoon of Tuesday 13 August 2013 prior to the public meeting.

5. Consultation

Meeting with the City of Ryde Council

On 13 August 2013 the Commission met with representatives for the City of Ryde Council for a briefing of issues of concern to Council.

Council provided a brief history of the site and acknowledged the site has both opportunities and constraints.

Ryde Council reiterated its objection to the proposed concept plan, and requested that the Commission refuse the application.

Council advised that it has implemented planning controls for the site and the locality in general and these should be applied. Further, these controls have been consistently applied to recent residential development around the site to ensure that redevelopment is appropriate to the local character and setting.

Key concerns include:

- Traffic
- Infrastructure
- Public transport – the site is greater than a kilometre from a train station
- Site fragmentation and isolation – the proposal, if approved, will prevent 4 Whiteside Street from redevelopment;
- Adequacy and suitability of accessible units;
- Unit sizes
- FSR non-compliance
- Noise – from Epping Road
- Built form, height, bulk, density, adequacy of open space;
- Overshadowing – the development would overshadow the adjoining residential properties especially during the winter months when sun is needed the most;

Meeting with the Proponent

Following the meeting with the Council, the Commission met with the proponent for a briefing on the Department's assessment report and recommended conditions. The Applicant discussed the building design, noting a number of refinements to the drawings since the plans were submitted.

The proponent advised that the site represents one of very few opportunities to provide transit oriented housing to complement the Macquarie Park Corridor and rail. The proponent also advised that a number of refinements to the project design and layout have been

carried out since the original EA was exhibited during August/September 2011 to address issues raised by the Council and in public submissions. These included a reduction in the number of units (213 to 157), a reduction in the FSR (1.59:1 to 1.29:1), a reduced building height from 8 to 6 storeys, and the addition of an internal road connection to David Avenue.

The proponent's traffic consultant confirmed his conclusion that the proposal would not significantly reduce the level of service for the local environment and would have minimal interruption to Epping Road.

The proponent indicated key benefits include:

- Diversity of residential product being made available;
- The vicinity to Macquarie Park would promote the use of existing services including Macquarie University and Macquarie Shopping Centre;
- The site is within 1 km of two alternative train stations in addition to bus routes;
- Macquarie Park is an employment hub;
- The proposed entry locations would minimise vehicle disruption on surrounding residential development.

Public Meeting

On Tuesday 13 August 2013 the Commission held a public meeting to hear the community's views on the assessment and recommended conditions. Ten **(10)** speakers registered to speak at the meeting (refer **Appendix 1**). One participant requested to speak which the Commission facilitated and two of the registered speakers did not attend.

Approximately **36** people attended the meeting.

The City of Ryde Council was represented in the meeting and presented a number of reasons why the proposal should not be supported in its current form. The reasons are similar to the issues discussed with the Commission in the meeting on 13 August 2013. Council concluded that the proposal is not in the public interest.

Appendix 2 provides a brief summary of the issues raised by the speakers that were not included in the concerns raised in Council's presentation.

6. Commission's Consideration

The Commission has reviewed the Department's assessment report and associated documents, including submissions from the City of Ryde Council, agencies and the public. It has also considered the views expressed by the Council and of the presenters who spoke at the Commission meeting on 13 August 2013 and the written submissions received prior to, and at, the meeting. The Commission's comments of relevant issues are as follows.

6.1 Density

The Department places primacy on the achievement of high density residential development close to public transport, services and employment opportunities, and in line with the objectives of the Metropolitan Plan and draft Inner North Subregional Strategy.

Ryde Council has advised however that it will meet, if not exceed, current sub-regional dwelling targets when current planning controls are adhered to. It therefore considers that there is no justification for the controls to be exceeded in the current case.

The Commission notes both positions. Following careful consideration of the location and size of the site, its proximity to public transport and services, and the potential of the

proposal to deliver public infrastructure such as stormwater and road upgrades, the Commission agrees that the site can accommodate higher density residential development that the current Council development controls permit.

However, the Commission considers that any higher density development should have regard to the existing local and emerging neighbourhood character, minimise impacts on the local road network and residential amenity and should also be subject to built form and urban design measures, as outlined below.

6.2 Built Form

Height

The Commission disagrees with the proponent that a higher form of development is suitable for the site due to the high density development on the northern side of Epping Road within the Macquarie Park precinct. In the Commission's view, Epping Road is an effective physical divide between the business park to the north and the lower density development to the south. The Commission also notes that the existing character of the southern side of Epping Road has been achieved by the consistent application of Council's local planning controls over the redevelopment history of the area.

Although the Department's Assessment Report has recommended setbacks to the 6 storey element of Building A to provide better transition, the Commission finds a 6 storey building in this location is excessive. A reduction in building height to 3 storeys with a step up to 5 storey's in the centre of Building A will significantly improve the transition from the site to the low rise buildings in the surrounding areas (refer **Appendix 3**).

The Commission has also added a condition to the approval imposing an upper limit of 135 units.

The maximum height plans in **Appendix 3** to this report reflect this change and a condition requires the concept plan to be amended and resubmitted to reflect this.

Given the reduced maximum height of five (5) storeys for the site, a design competition is not required. However as the site is in a highly visible location, future development applications should achieve design excellence in accordance with the Director General's Design Excellence Guidelines.

Compliance with SEPP 65 and Residential Flat Design Code

The Commission notes that the Concept Plan does not comply with certain requirements contained within SEPP 65 - Design Quality of Residential Flat Development and the supporting Residential Flat Design Code (RFDC) with regard to building depth and building separation. The Commission agrees that subject to the conditions recommended by the Department, the non-compliances are acceptable.

6.3 Amenity Impacts – Adjoining Residences

The Assessment Report carried out an in-depth analysis of the proposed building envelopes and their relationship with adjoining properties and concluded that the proposed building forms would have an acceptable impact on amenity when considering key issues of visual bulk, overshadowing and privacy impacts.

Public submissions dispute this conclusion and argue that the report does not adequately address traffic, privacy and overshadowing issues. These concerns were reiterated by the speakers at the public meeting.

The Commission acknowledges these concerns and considers the required modification to Building A (the reduction in height) and limiting the maximum number of units and car parking (referred to below) will address the potential traffic and amenity impacts.

6.4 Traffic

Residents and Council are very concerned that the additional traffic and parking generated by the proposed development will exacerbate the existing traffic and parking conditions in the area to a significant extent.

The Commission considers that the potential impacts from the development can be mitigated so they are not significant noting:

- The traffic studies submitted in support of the proposal state the existing major intersections generally operate with unsatisfactory delays during both the AM and PM peak but finds that the number of vehicle trips generated by this proposal would have a negligible impact on levels of service at these intersections;
- The RMS raised no objection to the proposal;
- The Department engaged a traffic consultant to undertake an independent traffic assessment (PB Traffic Study) which concluded that the proposed development (as originally submitted) would generate a low amount of additional traffic onto the surrounding road network; and
- The Commission's decision to reduce the building height and therefore the number of units.

To ensure traffic impacts from the development are not significant, the Commission has clarified and strengthened the condition requiring the proponent to carry out a Local Area Traffic Management Study before the first development application is lodged. The condition will require the proponent to prepare the Study in consultation with Council and the RMS and the Study must identify measures to mitigate the traffic impacts of the development. The proponent is to pay for those mitigation works.

The Commission considers the existing intersection of Whiteside Street and Epping Road has the potential to create vehicular conflict due to vehicles exiting Whiteside Street entering the 70 km zone of Epping Road. To minimise conflict, the Commission has determined that the existing left in only from Epping Road should be retained.

6.5 Accessibility to Macquarie Park and Macquarie University Railway Stations

One of the issues raised by Council and the community was the pedestrian routes to the railway stations. The pedestrian routes, particularly Shrimpton's Creek, have been identified as providing poor amenity. The Commission agrees that a review of the existing pedestrian network between the development and Macquarie University and Macquarie Park railway stations should be carried out and improvement measures should be identified to ensure a safe and secure (particularly at night) environment is maintained. A condition is included in the approval accordingly.

7. Commission's Determination

The Commission has carefully reviewed the application, the Director-General's Assessment Report, and stakeholder submissions.

The Commission considers that higher density is possible on this site, concluding that a maximum of five (5) storeys in the centre of the site transitioning down to two storeys as

proposed for Buildings C and D. This provides an acceptable transition in height from Epping Road to the surrounding low density residential area while also minimising amenity impacts such as solar access reduction, privacy loss and overshadowing.

The Department's recommended reduction in density and the further reduction proposed by the Commission will result in a development that balances the competing interests of the need to provide housing in accessible locations and maintaining residential amenity.

The Commission is satisfied the impacts of the proposal can be adequately minimised and managed and has determined to approve the Concept Plan as recommended by the Department subject to the following modifications:

1. The maximum height for Building A is RL 78.6 (excluding building plant, lift overruns and similar which shall not exceed RL 79.8).
2. The internal driveway between the townhouses fronting David Avenue is to be designed to accommodate two-way traffic.
3. The maximum yield for the site is 135 units.
4. The Local Area Traffic Management Study is to include identification of mitigation works which are a direct result of the proposal and which are to be funded by the proponent.
5. Left in only from Epping Road to Whiteside Street.

The instrument of approval is attached in Appendix 4.

Garry West
Member of the Commission

Donna Campbell
Member of the Commission

Richard Thorp
Member of the Commission

Appendix 1 List of Speakers

Planning Assessment Commission Meeting Project Application Whiteside Street, North Ryde

Date: 4 pm, Tuesday, 13 August 2013
Place: The Ranch Hotel, Epping Road, North Ryde

1. City of Ryde Council
TBC
2. Mr Victor Dominello MP
3. Whiteside Action Group
Mr Tim Nightingale
4. Ryde Community Alliance
Ms Jennie Minifie
5. Ms Lynette Miller
6. Mr Samuel Tadevosian
7. Mr George Sachse
8. Mr Victor Dominello MP
9. Ms Julie Worsley
10. Mr Karsten Pederson

Appendix 2

Speakers Comments

Planning and Built Form

- The proposal is inconsistent with the objects of the EP&A Act and Ryde LEP as it will have a detrimental effect to the existing nature of the community.
- The proposal would be incompatible with the low density zone objectives and out of character with the surrounding residential area;
- The interface between the proposed high and existing low rise buildings is inadequate; particularly 6 storeys next to 2 storey houses.
- The proposed height of 6 storey's too high for the street.

Traffic, parking, and pedestrian access

- The local road network and Epping Road are already heavily congested.
- Peak hour traffic in the area only allows for single flow movement due to parked cars;
- The entry/exit to David Street will impact on traffic flow.
- Pedestrian access is unsafe, with foot traffic having to cross the road which incorporates a truck loading bay.
- Is the layback to the western egress wide enough to provide a left turn or does traffic leaving via Whiteside Street have to be directed to Epping Road.
- There is inadequate parking provided for the number of units with only one space for 2 bedroom units when most people now have a car each which will result in residents parking on the surrounding streets.
- The existing road network is too narrow and will not accommodate the additional traffic especially David Street which is single direction movement only most of the time due to street parking.

Transport

- The site is greater than one kilometre from the train stations of Macquarie Park and North Ryde and the pedestrian links are not adequate.

Visual Impact

- The buildings would have a significant visual and privacy impacts on adjoining residences.

Other issues

- The proposal fails to respect the particular low density character of the southern side of Epping Road;
- Impacts on adjoining properties during construction not considered;
- Loss of quiet enjoyment of street;
- Loss of property value;
- There will be significant overshadowing of properties in Parklands Road;
- There will be a significant loss of privacy for properties in Parklands Road; and
- Trees proposed on the boundary, if higher than 3 metres, will result in a loss of solar access.

Appendix 3 Maximum Height

