



Mr Ben Lusher  
Acting Director  
Industry, Key Sites and Social Projects  
Department of Planning and Infrastructure  
GPO Box 39  
SYDNEY NSW 2001

**Attention: Simon Truong**

7 August 2014

Dear Mr Lusher

**MODIFICATION APPLICATION MP10\_0112 MOD 3 & MP10\_0113 MOD 3**

Thank you for the opportunity to provide comment on the above application.  
Please find attached a submission from Council on this matter.

If you have any questions or wish to discuss the matter further, please contact  
me or Glenn Ford (Client Manager) on 9952 8227 or [gford@ryde.nsw.gov.au](mailto:gford@ryde.nsw.gov.au).

Yours faithfully



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

*Attachment*

**For the approved Concept Plan and Project Plan for redevelopment of Stamford Hotel site at 110-114 Herring Road, Macquarie Park**

The Proponents for the development permitted under MP10\_0112 have sought a further modification to increase the rate of car parking for the site and to increase the amount of car parking on the site by 78 spaces (or +12.3%) above that approved by the Planning Assessment Commission (PAC). Council objects to the proposed modification for reasons identified in this submission and requests that the application be referred to the PAC for determination.

The subject site is located in the Macquarie Park corridor and the proposed development was submitted as an application under the former Major Project legislation. The Concept Plan proposal has always been accompanied by a Project Plan proposal for Stage 1 of the development with the Department of Planning in its various forms being the assessing authority.

In summary, Council objects to the modification to increase the rate of car parking and the amount of car parking on the development site. The development has historically been presented as a Transit Oriented Development (ToD) and its proximity to public transport options and its location within the Macquarie Park Corridor (and more recently within the Herring Road Urban Activation Precinct) have been used to justify a significant uplift in height and density than that which had been prescribed under the relevant planning controls (Ryde Local Environmental Plan 2010). While the development sought to exceed those statutory planning controls applying to the site, it has steadfastly sought to use Development Control Plan standards to justify a level of car parking that fully accommodates the scale of development proposed. In recognising the locational advantages of the site, the PAC has approved the uplifted scale of the development but has also provided limits to the number of vehicles that can be accommodated on the site. This has recognised the constraints to traffic movement in the Macquarie Park corridor and the need to encourage a reduced provision of car parking associated with development and to encourage the use of non-car modes of transport.

This is consistent with Council's approach in Macquarie Park to not require additional car parking for commercial floor space where the proposed provision complies with the maximum rates specified in Council's LEP 2010. The alternative is for traffic movement in Macquarie Park to grind to a halt as redevelopment occurs or for redevelopment to stall until the traffic issues are resolved.

Council supports the action taken by the PAC in this regard and objects to the modification to increase car parking on the Stamford development site. Council notes that the proponent expressed dissatisfaction with the PAC's position and signalled some time ago its intention to seek an increase in the rate of car parking on site. Page (iv) of its submission to modify the Concept and Project plans in 2013 included advice that:

*Whilst this s75W application does not seek to alter the carparking ratios provided in condition C5 of the Concept Plan Approval as modified on 3 June 2013 (MP10\_0112 MOD 1), the Proponent maintains its view (as expressed in its Section 75W Modification Application dated January 2013) that greater numbers of carparking spaces should be allowed for the site in accordance with the City of Ryde DCP 2010, and consistent with several recently approved developments of a similar scale in the immediate locality. The Proponent therefore reserves its position in this regard to seek to vary condition C5 of the Concept Plan Approval in a future application.*

The following section provides comments on the reasons put forward by the proponent to seek an increased quantum of car parking on the site.

## Response to Reasons for the Proposed Modification

The key reasons for the proposed modifications are shown in Column 1 of the following table. Council's response is contained in Column 2.

<b>Proponent's Reasons for the Proposed Modifications</b>	<b>Comment and Response</b>
<p>The approved parking rates are lower than those provided in major Sydney metropolitan sub regional and regional centres including North Sydney, Chatswood and Parramatta.</p>	<p>A comparison table for the nominated centres has been included in the proponent's Traffic Report and the parking controls for North Sydney, Willoughby and Parramatta Councils and City of Sydney can be accessed from their respective websites. Each one is different from the other and it is hard to judge which one, if any, is better than the other. In any case, the relevance of the comparison is not understood. Each Council has adopted controls to suit its objectives and circumstances. In each case, those objectives include words to the effect of seeking to reduce reliance of car based journeys. In each Council area, different controls apply to the built form and different geographical circumstances apply. So, if differential car parking rates can apply to North Sydney and to Chatswood and to Parramatta and to parts of the City of Sydney, why can they not apply to Macquarie Park?</p> <p>The City of Sydney's car parking controls for Green Square and for Harold Park require only 0.5 spaces for 1 bedroom units and 1 space per 75 m<sup>2</sup> of business premises. Is such a rate not equally suitable for a development at the scale proposed for the Stamford site? The Parramatta Development Control Plan includes provisions requiring car share spaces within certain distances from public transport. For example, (under section 3.6.1.C4) <i>1 car share space can be provided in lieu of 3 car parking spaces</i>. Again, something that may have merit for the Stamford site (with its car share spaces) but a control which has not been applied.</p> <p>Another reason why differential rates may be warranted is that Macquarie Park is identified in the Metropolitan Plan as a Specialised Centre. It is proposed to serve a different function to regional and sub-regional centres within the metropolitan context. There is no reason why the car parking rates for Macquarie Park have to mimic those of other centres. In fact, a strong justification in that difference is the need to ensure that Macquarie Park can continue to operate and grow into the future and as envisaged in the Metropolitan Plan.</p> <p>Council's traffic modelling has shown that there is a limit to the amount of growth that can occur in the Corridor unless there is reduced growth in traffic and a significant modal shift towards non-car options for transport. Council's aim is for a modal shift to 40% public transport by 2031. This is a significant challenge by itself and will require a number of strategies working together to achieve. Limiting the rate of car parking provision for new development is only one important method to be used to achieve this goal.</p>

The proposed rates are directly consistent with those proposed to be implemented in the North Ryde Station and Epping Town Centre Urban Activation Precincts, which are fundamentally similar to the Herring Road Urban Activation Precinct, within which the site is located.

The current rates applying to the Stamford site are consistent with NSW Roads and Maritime Services (RMS) controls. RMS forms part of Transport for NSW (TfNSW). Ryde Council has incorporated the RMS rates into its own planning controls to provide a parking rate that is consistent with one that would be applied on a State wide basis and is in keeping with the direction of that the State Government is taking to reduce parking rates. It is also consistent with the approach taken by Council and endorsed by the various Departments of Planning over the years to establish car parking maximums in the Local Environmental Plan applying to commercial and industrial development for Macquarie Park.

The exhibited car parking rates for the North Ryde Urban Activation Precinct (NRUAP) do not have the support of Transport for NSW. In its submission to the Department of Planning and Environment for the NRUAP, TfNSW recommends that the following rates should apply to development in that UAP:

- 1 bedroom apartment – 0.6 space per dwelling
- 2 bedroom apartment – 0.9 space per dwelling
- 3 bedroom apartment (if any) – 1space per dwelling)
- Visitor parking – 0.1 space per dwelling

TfNSW also acknowledges that such rates are warranted even though the North Ryde UAP is not currently well served by public transport (other than trains). On the other hand, the Herring Road UAP is well served by a number of local and metropolitan bus routes, immediate access to the M2 Motorway as a public transit corridor and proximity to Macquarie University Railway Station. The suggestion is that there should be scope to further reduce car parking rates in the Herring Road UAP, particularly towards the railway station. The current rate applying to the Stamford development at the edge of the precinct should be retained as a maximum rate of parking provision for properties at the edge of the UAP. Consideration should be given to reduced rates closer to the centre of the UAP (similar to how Council's current LEP control for Macquarie Park corridor operates).

The proposed parking rates are 13.9% below the maximum rates specified in the Ryde Development Control Plan 20(10). If the proposal was lodged under Part 4 of the Act, pursuant to Section 79C(3) of the Act, Council would not be permitted to impose a more onerous requirement

Council's current Development Control Plan 2010 came into effect on 30 June 2010. Part 9.3 of the DCP relating to Car Parking controls was updated and came into effect on 14 December 2011. It is noted that the first Concept Plan approval for the site was issued by the PAC on 26 September 2012, well after Council's current car parking controls were adopted.

The DCP includes a range of controls for residential development – between a minimum and a maximum rate. The existing condition by the PAC represents the minimum. The rate of variation cited by the proponent is against the maximum. According to Table 3 (Page 15) of the proponent's submission, the minimum DCP rate would yield 483 spaces and application of the approved rate (by the PAC) would yield 637 spaces. Based on these figures, the proposed modified rate would yield 715 car spaces + 4 car share spaces – being an increase of approximately 12.3% above the total number of car parking spaces under the current PAC approval. The increase above the minimum DCP rate (i.e. 48%) seems anomalous.

In any case, Council's past submissions to the Department make it very clear that if the development had been lodged under Part 4 of the Environmental Planning and Assessment Act, it would have been refused by Council on the grounds that it did not comply with the applicable Height of Buildings control and the Floor Space Ratio control and for reasons to do with traffic impact and many other matters. The issue of seeking to impose a car parking rate other than that contained in Ryde DCP 2010 would not have arisen.

The fact is that the PAC has applied a car parking rate that it considered to be appropriate to the development and the context of the development site. As such, the PAC's determination has allowed significant uplift in height and floor space based on presentation of the development as a Transit Oriented Development and has been matched by a level of car parking that recognised the superior accessibility to public transport options available to the site.

The approved parking rates are lower than comparable developments recently approved in Macquarie Park, all of which are located closer to major public transport and critical infrastructure than the site.

The proponent's submission identifies the comparable developments at Page 16.

Three of the four developments nominated were assessed by the then Department of Planning and Infrastructure and approved respectively by the:

1. Land and Environment Court following refusal by the PAC for 1-9 Allengrove Crescent
2. Minister for Planning for – 120-126 Herring Road; and
3. PAC for 110-114 Herring Road (Stamford) which is the proponent's development site.

In each case, Council was not the consent authority. In each case, Council objected to each proposal due to the non-compliance with established planning controls (Ryde Local Environmental Plan 2010, particularly with regard to height and density) and concerns regarding the additional traffic that would be generated by each individually and cumulatively. While each development posed as a Transit Oriented Development to claim that extra density and height, each also sought to maximise the number of car parking spaces to be located on the site.

For the development at 84-92 Talavera Road, the original approval has been modified. The car parking rate applied for MOD2013/1 was in accordance with Council's DCP – Part 9.3 (as adopted on 14/12/2011). Importantly, the approved development also complied with the height of building and floor space ratio controls that applied to the site. It also met objectives of the B4 (Mixed Use) zone by including a commercial development (serviced apartments) that comprised nearly 50% of the Gross Floor Area. By comparison, the Stamford project is significantly higher, much more dense and the non-residential component of the development is of the order of 2% of GFA.

The Allengrove project is located outside the Macquarie Park Corridor so by definition should not be closer than the Stamford site to features within the corridor. In particular, the Allengrove site is approximately 1.7 km from Macquarie Shopping Centre whereas the Stamford site is only 600 metres away. Further, the Allengrove site is not in an Urban Activation Precinct.

The 2011 Journey to Work Data demonstrates that accessibility to public transport has a greater influence on the use of non-car travel modes than the suppression of residential car parking.

A Transit Oriented Development should seek to maximise opportunities for modal shift to non-car travel. It is no surprise that accessibility to public transport alternatives has a strong influence on the use of non-car modes. If they do not exist, then there is no alternative. Imagine however, the COMBINED effect of accessibility AND reduced car parking availability on Journey to Work behaviour and transport choices.

A consideration that one technique is more effective than another technique is not a reason to implement only one (accessibility) and then undermine it by not implementing the other. Reducing car parking availability at the source and the destination will have strong influences on choices made by residents to use public transport options that are available.

It is essential that planning authorities use all the tools available to help manage growth and development.

For many years, Council has taken the approach that the provision of additional car parking should be limited in Macquarie Park to assist in achieving outcomes for modal shift and to help manage projected long term traffic and employment growth in the area. This strategy has been expressed in all of Council's planning documents for Macquarie Park and has been supported and underpinned by the construction of the Chatswood to Epping Railway. Council has been active in promoting reduced car parking provision and in providing or pressing for services that encourage alternatives to car travel to employment. This includes its membership and promotion of the Macquarie Park Transport Management Association (TMA). A major function of the TMA is to assist businesses in Macquarie Park to develop ways to promote more sustainable journeys to work for employees.

The proposed parking rates will ensure that all parking demands associated with the development are met on-site, with no reliance on on-street parking.

The site is located at the intersection of two major roads. There is no availability for on-street parking in Epping Road and Herring Road. Clearway and Bus Lane restrictions are in force. Any overflow would need to travel much further afield to find unrestricted on-street parking. On street parking is limited in other streets in the locality including local parking schemes and pay-for-parking.

The proponent's remark implies that the development as approved will need to rely on the availability of on-street parking if it is constrained from providing additional parking on site. This was not part of the presentations made to successive PACs when the issue of traffic was discussed. None of the Traffic Reports presented with the applications have forewarned that a development of this size and scale could present a problem with on-street parking although it now seems that there is a level of risk and the only way to deal with it, according to the proponent's submission, is to increase car parking availability on the site. .

What then is the level of risk that there is unmet need for car parking on the site that could overflow onto local streets? Is it possible that the size and scale of the development should have been reduced to avoid such an eventuality? Alternately, the proponent may consider sponsoring the introduction of a local area parking management scheme as it implements the redevelopment of its site.

The Department's literature on the Herring Road UAP encapsulates the direction required to reinforce the principles of Transit Oriented Development and development in UAPs. The following extract (Page 5 Herring Road UAP Planning Report Volume 1 – June 2014) identifies reasons to encourage 'active transport', such as walking and cycling, by planning for apartments close to public transport, shops and services:

#### **Convenient transport options**

*People want to live close to their workplace, shops and services. By locating apartments close to public transport, it is easily accessible to more people. Increased use of public transport benefits the community through lower greenhouse emissions and reduced traffic congestion. Rising costs of car ownership and fuel, traffic congestion and an awareness of the impacts of climate change, have lead some people to reconsider their need for a car. A car share scheme is an option chosen by an increasing number of people. According to a Sydney car share scheme, one car share vehicle can replace the need for 9-13 private cars. Many new apartment complexes include car share parking spaces. Fewer young people are getting their driver's licence and fewer young people own a car. Instead many utilise social media and shop online, so owning a car is not a priority.*

This aligns to arguments previously presented by the proponent in the modification to exclude 3 bedroom units from Stage 1 of the development and which are also contained in the Departments document. (i.e. Changing to preferences and lifestyles / Desire to live near centres / Preference for apartments). If arguments relating to the lifestyle benefits of ToD living are to hold sway, then it must include limiting the provision of car parking.



The traffic generation of the development will have no measurable impact on the existing operation of key intersections.

It has already been shown that key intersections in to Macquarie Park are failing. A consistent presentation by all proponents for development in Macquarie Park is that their development will not make the situation *measurably* worse. This remark can be interpreted to mean that where an intersection is failing or a road network is nearing capacity, adding additional traffic movements from any site will not make the situation worse. However, logic suggests that eventually the network must reach a point of saturation where it no longer operates at all.

Studies undertaken by the Department of Planning and Environment for the Herring Road UAP reinforce this point. In the Planning Report (Volume 2) Appendix F (page 47) the examination of horizon impacts to 2011 for traffic present the afternoon Level of Service (LoS) for the two main intersections providing access to this site (i.e. Epping x Herring / Herring X Waterloo ) as "F" – which is the lowest category of LoS available. The morning performance is F and E respectively. Already, the queuing of traffic in Herring Road has reached a point where it is generating negative comment in the readers' columns of the local newspaper.

Council's traffic modelling has also made projections for the long term development of Macquarie Park with assumptions for local and major road work, increasing local road capacity, modal shifts in journeys to work and encouraging non-car alternatives to transport options including journeys other than the journey to work. The aim is for Macquarie Park is for it to develop in such a way that it provides a mixed and vibrant community that offers not only jobs but other lifestyle opportunities. In this way the option to not have a car and a designated car parking space becomes achievable.

In his context, it is also important for the Department of Planning and Environment to consider what the appropriate parking rates should be for the future development in the whole of the Herring Road UAP.

## Summary and Conclusion

Council supports the current condition for car parking rates applying to the Stamford development site in Macquarie Park. The condition has been applied to the proposal by the NSW Planning Assessment Commission.

The move towards reducing car parking provision needs for development in congested areas needs a starting point. Reducing car parking rates for sites located in area with access to public transport options is a reasonable approach which should be supported. Increasing the rate of car parking for a Transit Oriented Development is seen to be a step backwards in managing the future growth and development of Macquarie Park.

Council will be submitting a separate and detailed submission on the Herring Road UAP which is currently on public exhibition. The submission will provide a substantive and detailed presentation of Council's views on the implementation of planning and other controls to achieve the outcomes of the UAP. This submission should be read in conjunction with Council's submission of the UAP in general.

In conclusion, with regard to the reasons put forward by the proponent to modify the current approval to increase the rate and amount of car parking on the development site, Council considers that:

- There is ample justification for differential car parking control in Macquarie Park and Herring Road UAP particularly having regard to the Department's presentation of the changing lifestyle and expectations that underpin the promotion of UAPs and Transit Oriented Development;
- The car parking conditions applied to the development by the Planning Assessment Commission are appropriate, particularly for a Transit Oriented Development;
- Transport for NSW has not expressed support for the exhibited car parking rates for the UAP and recommends a general rate that is lower and more in keeping with the rate applied by the PAC.
- The proponent's discussion of controls that might apply under Part 4 of the Act is irrelevant as they chose to lodge the application under the former Part 3A of the Act and it has been assessed and determined under that Part;
- Comparison with other Part 3A development approvals and Joint Regional Planning Panel approvals does not support a higher rate of car parking provision;
- Other methods to discourage on-street parking as a consequence of development exist or are available; and
- Traffic Modelling, including work commissioned by the Department of Planning and Environment specifically for the Herring Road UAP, shows the inevitable deterioration of surrounding intersections to a Level of Service of "F" (the lowest category of operation) unless significant remedial measures are implemented in the meantime.

**It is therefore Council's position that the Modification Application should be refused.**

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