

4 February 2015

Mr Matthew Rosel
Senior Planner, Metropolitan Projects
NSW Department of Planning & Environment
GPO Box 39
Sydney NSW 2001

Dear Matthew,

Response to Submissions MP10_0165 MOD1 – 5 Whiteside Street & 14-16 David Avenue, North Ryde

Modification 1 to MP10_0165 was on public exhibition from 19 November 2014 until 19 December 2014. The Department of Planning and Environment (DoPE) received the following submissions during and following this exhibition period:

- A joint submission from RMS/TfNSW;
- A submission from Ryde City Council; and
- Eight public submissions.

This letter has been prepared to respond to the various submissions received on the Section 75W Modification Application.

1 Response to Government Submissions

1.1 RYDE CITY COUNCIL

Ryde City Council provided a submission on the S75W Application on 28 January 2015, some 40 days following the cessation of the 30 day public exhibition period. Council's submission does not object to the proposed amendments specifically, but requests a series of additional conditions relating to the future development application, and reiterates the need for the existing conditions of the Concept Plan.

A response to each of the issues raised by Ryde City Council is provided below.

TABLE 1 – RESPONSE TO COUNCIL SUBMISSION

ISSUE RAISED BY COUNCIL	RESPONSE
Unit mix and the provision of three bedroom units.	Council considers the proposed unit mix to be acceptable.
Provision of genuine studios (sic - studies) that are not enclosed bedrooms.	The proponent objects to the proposed condition suggested by Council requiring that "studios be in the form of a nook or similar layout" as being unreasonably prescriptive within a Concept Plan approval. The proponent understands the requirement for studies to be 'true studies' rather than

ISSUE RAISED BY COUNCIL	RESPONSE
	convertible to bedrooms, and as such the internal layout has accommodated this requirement. In any event, this is a matter for consideration at development application stage, for which Council is the consent authority.
Implementation of the existing conditions of approval in addressing traffic in local streets and improved pedestrian access	The proponent does not object or seek to remove this requirement. The proponent will work with Council as part of the future local development application to prepare a series of reports and recommendations to improve the local pedestrian and cycling networks and reduce potential adverse impacts of additional traffic generation.
Increase in approved heights for Building A and B.	<p>Council have stated in their submission that “the additional yield is not accommodated within Buildings A and B without an increase in the approved heights”. This statement is not correct.</p> <p>The proposal seeks to retain the maximum height control (excluding lift core – as was excluded within the original approval) as demonstrated in the proposed plans. Where the proposal does extend beyond the approved building envelope in parts, the building height is retained within the overall maximum building height.</p>
Increase in shadow impact.	The modification does not increase the shadow impacts of the approved Concept Plan, as demonstrated in the shadow diagrams prepared by Marchese Partners. The proposed amendments significantly improve the shadow impacts to adjacent properties fronting Parklands Road, and are a minor improvement to adjacent properties on David Avenue.
The proponent is to demonstrate compliance with SEPP 65 requirements.	The architectural plans submitted as part of the proposed modification demonstrates that the scheme can comply with the primary controls outlined in the Residential Flat Design Code (RFDC), specifically solar access and natural ventilation. A detailed assessment of the proposal against each of the guidelines within the RFDC will be provided as part of the local development application.
Increased traffic generation and car parking rates	Council accepts that the proposed modification adopts the lower rate for car parking as per Council’s Ryde Development Control Plan 2014. Further, Council notes that the scale of the increase in traffic does not warrant more than a reiteration of concerns already raised during the original Concept Plan and addressed in the original conditions of approval. The proponent is not seeking to amend these conditions of approval and as such the increased traffic generation is considered acceptable.
Capturing community benefit	Council have suggested that a proportion of the additional uplift could be returned to the community benefit in the form of Affordable Housing. Council has suggested that the community will not benefit from the additional uplift that may be approved within the S75W Application.

ISSUE RAISED BY COUNCIL	RESPONSE
	<p>This suggestion for an affordable housing contribution or a requirement for any additional kind of contribution for the amendments to the Concept Plan is considered inappropriate for the following reasons:</p> <ul style="list-style-type: none"> ▪ As noted by Council, the Section 75W process does not provide a mechanism for Council to seek additional benefits as a result of amendments to a Concept Plan. ▪ While the apartment mix is proposed to be modified no increase in GFA (i.e. yield) is proposed. ▪ With regard to the modified mix, Section 94 Developer Contributions are calculated on a per unit basis, and as such during the detailed development application Council will receive an increased monetary contribution to reflect the modified dwelling mix. ▪ The addition of 29 (smaller) units does not trigger any additional significant impacts for the community, particularly as Council has noted that the additional traffic impacts will be negligible, and there is no increase in scale of the built form. ▪ The proposal to provide an increased number of smaller dwellings will provide a more affordable product than the larger apartments they will replace. The modified mix will therefore not generate an increase in the demand for affordable housing.

1.2 ROADS AND MARITIME SERVICES/ TRANSPORT FOR NSW

One submission was received from Government Agencies being the RMS/TfNSW on the Section 75W Application. This submission raised no objection to the proposal, however provided the following comments relating to conditions of approval to the Concept Plan:

TABLE 2 – RESPONSE TO RMS/ TFNSW SUBMISSION

RMS/ TFNSW COMMENT	RESPONSE
“Schedule 3 Condition 10 development of a sustainable travel plan is supported overall. The merit of introducing a dedicated community bus between this location and Macquarie Park Station is questioned when there are frequent regular bus services available on Epping Road in conjunction with the availability of the nearby pedestrian bridge outside Epping Boys High School to provide a grade separated crossing of Epping Road.”	The proponent agrees with the comments made above, and will not provide a dedicated community bus between this location and Macquarie Park Station given that there are frequent regular buses in proximity to the site.
“Schedule 3 Condition 15, review of pedestrian and bicycle network to Macquarie Park Station is noted. In particular TfNSW requests that attention is given to what appears from aerial photographs to be a	The proponent reiterates their commitment to providing a review of the pedestrian and bicycle network

RMS/ TFNSW COMMENT	RESPONSE
<p>'missing link' of a formed footpath network from this development site to the commencement of a formed footpath about 120 metres to the West of the Epping Boys High School Pedestrian Bridge. The commitment to implement recommendations is noted."</p>	<p>between the site and the Macquarie Park Station and surrounding destinations.</p>
<p>"It is suggested that the proximity of the proposed development to future Corridor 7 Parramatta to Macquarie Park Corridor / Eastwood County Road Corridor as noted on page 210 of the Transport for NSW Long Term Transport Master Plan is noted in the Local Area Traffic Management Study. The following modification (in underlining) to Schedule 3 Future Environmental Assessment Requirements Section 1 Building Design sub section 'e' is suggested:</p> <p><i>The future development application shall include an acoustic assessment that demonstrates how the proposed development will comply with Development Near Rail Corridors and Busy Roads — Interim Guideline (Department of Planning, 2008). <u>In assessing the source of noise sources consideration must be given to the proposed Parramatta to Macquarie Park Corridor (Eastwood County Road) as well as Epping Road.</u></i></p>	<p>The proponent commits to considering the future Corridor 7 Parramatta to Macquarie Park Corridor / Eastwood County Road Corridor within the LATM Study.</p> <p>With regards to the requirement for consideration of a proposed road corridor within the acoustic report, this has no bearing on the current modification as the Concept Plan has already been approved and the proposed amendments to the built form are minor in context. Therefore it is unreasonable for the proponent to be responsible to assess the impacts of a proposed corridor as a retrospective amendment to this condition. Further, it is not feasible to monitor noise emissions from a non-existent road.</p> <p>Regardless the relevant assessment for acoustic impacts is a matter for consideration at the DA stage, and the proponent will be required to demonstrate how the proposed development will comply with the relevant guideline, being the Development Near Rail Corridors and Busy Roads — Interim Guideline (Department of Planning, 2008).</p>

2 Response to Public Submissions

Eight public submissions were received during and immediately following the public exhibition period. Within these submissions, the following issues were raised:

- The Section 75W Application process;
- Additional traffic impacts;

- Privacy impacts;
- Changes to the bulk and scale; and
- The removal of a tree at 16 David Avenue.

Each of these issues is responded in the following sections.

2.1 SECTION 75W APPLICATION PROCESS

Four of the eight public submissions raised questions regarding the eligibility for the applicant to propose amendments to the Concept Plan, and that these amendments are not assessed by Council. As you would be aware this application has been made under the transitional arrangements which confirm that Part 3A still applies to the project.

One submission requested that a Social Impact Study needs to be undertaken before any decisions are made. This is considered unreasonable firstly due to the extent of changes proposed as part of this modification application and secondly as the project is for a modest maximum five storey residential development within a residential area, rather than for a potentially incompatible use.

One submission requested that Ryde Council should be allowed to complete its strategic plan in relation to establishing Residential Transitional Areas to address the need for urban consolidation before any decision is made. No information is readily available on this study, and it is not a relevant consideration for this application.

One submission noted that this application or the proponent should not be able to 'chip away' at the gains made by local residents (during the original Concept Plan approval). It is reiterated that this modification does not seek to amend any of the requirements placed on the modification with regards to local traffic impact studies, or seeks to increase the floor area or height of the approved building.

2.2 TRAFFIC IMPACTS

2.2.1 ADDITIONAL TRAFFIC GENERATION

Several submissions noted that the proposal will impact on traffic flow in the local area. The submission received from the RMS/TfNSW included the following comment:

"The revised traffic generation rates of 31 AM peak hour trips and 25 PM peak hour trips using RMS Technical Direction TDT2013/04a is noted."

Further, the submission received from Ryde City Council notes that the scale of the increase does not warrant more than a reiteration of the concerns that resulted in the conditions of approval. As such, it is considered that the conditions of approval adequately address the change in traffic generation despite the lower rate being noted by the RMS/TfNSW.

2.2.2 REQUESTS FOR ADDITIONAL TRAFFIC STUDIES

One submission made particular comments relating to the Local Area Traffic Management (LATM) Plan. Whilst the lower trip rates adopted for the site have been noted by RMS/TfNSW, this submission suggests that this is not sufficient to not require the LATM. The proponent reiterates that they commit to undertaking/funding the LATM during the preparation and assessment of the detailed development application, in consultation with Ryde City Council.

The relevant submission requests additional items to be included within the scope of works for the LATM study. These suggestions are noted.

As per Schedule 3 Condition 14 of the Concept Plan Approval, the LATM is required to determine appropriate measures to improve the local traffic flow, reduce traffic speeds, improve safety, reduce potential for accidents and provide for pedestrian and cyclists. The LATM is to identify which aspects of the measures and infrastructure required is as a result from the development.

The proposed scope of the LATM Study included within the Traffic and Parking Statement addresses each of these issues. In particular responding to the submitters suggestions, the proposed scope of the LATM already includes a review of 'local travel behaviour' and may include recommendations to control vehicle speeds.

2.3 PRIVACY IMPACTS

One submission noted the following comments relating to privacy impacts at 166 Epping Road:

- *Dwellings adjacent to my property at 166 Epping Road, facing my backyard, bedroom, and bathroom windows; are to address privacy issues by ensuring permanent shutters / louvers are installed on all unit balcony's and windows*
- *The two adjacent perimeter fencing to be replaced with a solid brick wall; and to be minimum of 2 meters in height. I am to be consulted prior to construction in determining ideal colours and materials.*

Whilst these two items do not relate specifically to the proposed changes to the Concept Plan approval, with the minor exception of the fourth storey apartment presenting a stepped down treatment to Epping Road, these matters will be addressed within the local development application.

2.4 BULK AND SCALE

Four public submissions express concern over the bulk and scale of the development, particularly noting that the proposal will be adjacent to single and two storey dwellings.

As noted within the S75W Application, the proposal does not seek to increase the overall building height compared to that approved. Further, the proposal has maintained a maximum three storey development adjacent to dwellings on David Avenue, and provides attached dwelling houses on David Avenue to integrate the development with the surrounding residential properties. Whilst it is noted that a maximum five storey development is proposed on Epping Road, this has been approved within the original concept design, and further, a stepping down of Building A is provided to three storeys adjacent to 166 Epping Road.

Within the original application the PAC did place a restriction on the development to a maximum of 135 units. This restriction however was in response to concerns relating to traffic impact and the bulk and scale. It was deemed that the built form resulting from 135 units was acceptable. The proposal does not seek to materially amend this scale and both the RMS/TfNSW and Council have noted that the proposed additional traffic is negligible. As such, the proposed amendments to the buildings are consistent with the original PAC approval.

2.5 TREE REMOVAL

One submission requests the prompt removal of a tree on the boundary of 16 David Avenue and 166 Epping Road, which is currently causing nuisance to the resident of 166 Epping Road.

The proponent is supportive of the removal of any tree which is causing concern to their neighbouring property, with the relevant approvals. An Arborist Report has been prepared for the removal of various

trees on the site which is provided at Attachment 1. We understand that the subject tree is Tree 38 which the Arborist has noted is required to be removed to facilitate the proposed design.

While a Concept Plan approval does not authorise tree removal, the proponent will liaise with Council's Tree Preservation Officer as a separate matter.

3 Conclusion

Many of the submissions raise items that are to be resolved within the local development application, or were resolved as part of the original Concept Plan approval, rather than being relevant matters for consideration within this S75W Modification Application.

As outlined in this correspondence, there is no basis for Council to request additional community contribution as a result of the proposed amendments to the Concept Plan. Notably there is no increase in GFA (i.e. yield) and any increase in infrastructure requirements as a result of the proposed changes will be captured in increased Section 94 Developer Contributions and the recommendations of the LATM Study.

The proponent commits to undertaking the additional traffic, pedestrian, and bicycle studies as outlined within the original Concept Plan approval. The Council and RMS/TfNSW note the changes to the revised traffic generation rates and the proposed car parking rate for the development. Council note that the additional car parking spaces on the site will result in a negligible change from that approved within the original Concept Plan. As such it is reiterated that the proposed amendments to the unit mix and building configuration will not have a material impact on the local road network.

The proposed changes to the Concept Plan facilitate an amended unit mix and a slightly revised built form, whilst maintaining the maximum building height and gross floor area originally approved. As demonstrated within the S75W Application architectural package, the proposal does not result in any material increases in overshadowing and in most instances provides a significant improvement for adjacent properties compared to that originally approved.

Should you require any additional information relating to the proposed modifications or any comment made within this correspondence, please do not hesitate to contact me on (02) 8233 9900.

Yours sincerely,



Ashleigh Ryan
Senior Consultant – Urban Planning

Attachment 1– Arborist Report