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Mr Michael Woodland
Director, Metropolitan Projects
NSW Department of Planning
GPO Box 39
SYDNEY NSW 2001

11 January 2011

MIN2010/1

Dear Mr Woodland

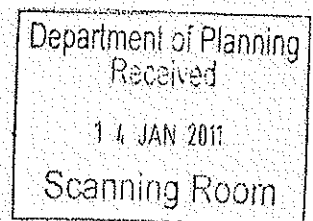
**COUNCIL SUBMISSION in response to public exhibition of Proposed
Commercial Development at No. 396 LANE COVE ROAD (Nos 32-46
WATERLOO ROAD) & No. 1 GIFFNOCK AVENUE, MACQUARIE PARK
(MP 10_0209)**

Attention: Andrew Smith / Shivesh Singh

Please find attached Council's final submission for the above application.

Yours sincerely

Dominic Johnson
Group Manager
Environment and Planning



COUNCIL SUBMISSION in response to public exhibition of Proposed Commercial Development at No. 396 LANE COVE ROAD (Nos 32-46 WATERLOO ROAD) & No. 1 GIFFNOCK AVENUE, MACQUARIE PARK (MP 10_0209)

Summary of Issues

The major issues of concern to Council may be summarised as:

- Inadequate community consultation and inappropriate timing of public exhibition
- Issues associated with probity in the Part 3A process
- Urban Design issues
- Traffic issues

Inadequate community consultation and inappropriate timing of public exhibition

The proposed development is located in a commercial precinct. It occupies a very important site within Macquarie Park corridor being immediately located next to the new Macquarie Park Railway Station. The Department has chosen to place the proposal on public exhibition in the lead up to the Christmas- New Year break. The truncated and ill-timed exhibition period means that it has not been possible to fully engage Council in an assessment of the project nor to present the proposal to other bodies set up to promote development in Macquarie Park. As a result, examination of the project and what it may have to offer Macquarie Park has been severely diminished. Coupled with the coincident exhibition of the nearby Allengrove Major Project Application.

It is noted that Council raised this issue in response to the issuing of the DGRS for the project on the day before Good Friday. In its letter dated 21 April 2010, Council made the following request.

Further, Council asks that the Department consider sending future requests for information relating to Part 3A projects away from significant holiday periods including Christmas – New Year and Easter. The Department will no doubt appreciate that these are times when all organisations are short staffed (particularly when coupled with school holidays) making a response within the "14 day request period" unreasonable and impractical. It is noted that the current request dated 1 April 2010 was received by Council 7 days after the notional commencement of the 14 day request period.

It is disappointing that the request has been unheeded. The manner and timing of the public exhibition clearly fails the test of the Department's own Guidelines for Major Project Community Consultation (October 2007). It is considered neither "adequate" nor "appropriate". It has certainly not avoided notifying...during holiday periods (page 4 of the Guidelines).

Issues associated with probity in the Part 3A process

Associated with the above issue, the Department needs to be mindful of the findings of the **ICAC report into the exercise of discretion under Part 3A of the Environmental Planning and Assessment Act 1979 and the State Environmental Planning Policy (Major Development) 2005**, coincidentally released

in December 2010. The Commission notes that the Part 3A system is characterised by a lack of published, objective criteria and contains elements that are discretionary, particularly with regard to land uses that would otherwise be prohibited or exceed existing development standards. It observes that notwithstanding safeguards in process, the existence of this wide discretion to approve projects that are contrary to local plans can create a community perception of a lack of appropriate boundaries and provide difficulty for observers in knowing what might or might not be a reasonable decision in particular circumstances (Chapter 2, page 9). Where a project involves significant departures from adopted planning controls, it is particularly important to ensure that the process of assessment and consideration is open and transparent. For these reasons, the Department should consider extending the exhibition period for this project.

Urban Design issues

Council's City Urban Planner has reviewed the 29 architectural drawings from PA-02-001 to PA-06-04 against the Macquarie Park planning controls.

Overview:

1. The proposed project is outside the Ryde Local Environmental Plan 2010.
2. Development Control plan 2010 – part 4.5 – Macquarie Park corridor requires that new buildings to have a minimum 4 *Greenstar* Office rating. It is not clear what the proposed *Greenstar* rating of this building will be.

The following comments aim to explain why this is the case but also include suggestions on how the urban design aspects of the project may be improved.

1. Location and building form

- The proposed building is located on the prominent corner of Waterloo and Lane Cove Roads. It is adjacent to the Macquarie Park railway station.
- The building form is consistent with the Macquarie Park DCP and the as yet unrealised "Amendment 1" of RLEP 2010. It has the potential to provide a dramatic corner in the streetscape. Height and massing are appropriate to its immediate context and the wider Macquarie Park area in relation to the DCP but does not comply with the existing LEP.
- The smaller buildings have a very similar building form, footprint and separation along Waterloo Road. Whilst this is generally consistent with the DCP there is an opportunity to create a more dynamic group of buildings by varying the footprint and separation. This could also assist in providing different character to the landscape areas between the buildings.

2. Building articulation:

Building articulation refers to the three dimensional modulation and modelling of a building façade (such as the interplay of light and shadow). Articulation should assist in providing visual interest, human scale and a hierarchy of texture and detail to a façade. It is distinct from the building massing and form (which has been recognised above). An urban design review of the development suggests that the articulation of the façade needs to be further developed. This includes:

- Better definition of the top and middle of the building.
- Stronger definition of the corner of Waterloo and Lane Cove Road.

- Stronger articulation of the elevations. The elevations do not show sufficient articulation of the facades. There is some attempt to break up the façade of the smaller buildings on Waterloo Road but this is not continued through to Coolinga Street.

3. Building – Street interface:

- Pedestrian activity at this corner site will grow as the precinct develops. The proposal encourages pedestrian activity and provides pedestrian links through the site.
- The area around the station forecourt needs to be contained to define the streetscape and separating it from the large landscape area. (alternatively see below)
- The colonnade (or an awning) should extend between buildings to provide protected pedestrian access.
- Each of the landscape areas should have its own character which should be reflected in their physical size. For example widening the area closest to Lane Cove Road could help this area function as a semi public plaza and extension of the station forecourt/ civic frontage. Another example, the next area could narrow and be an active retail 'street' encouraging the pedestrians to Giffnock Avenue.
- The DCP calls for active street fronts in the precinct. The proposal is largely compliant however it should further consider
 1. Having active uses on all building corners
 2. Placing the building lobbies away from corners.
 3. Activating the internal 'streets' between buildings.

Traffic Issues

Council's Senior Traffic Engineer has reviewed the traffic reports submitted with the application and has raised significant concerns regarding the veracity of the data and outcomes. These concerns are detailed below.

Incorrect and outdated data used

The applicant's traffic consultant (ARUP) has not used the most up-to-date version of the Macquarie Park Base Paramics Model which has been updated progressively during 2010 to reflect significant transport management changes within the existing road network that influences the operation of Macquarie Park from a transport management perspective. Without the use of appropriate calibration techniques (which are not documented in the written part of the report, in any form) for the localised area as detailed in Council's *Traffic Impact Assess process for Macquarie Park Corridor Development Applications*, the modelling outcomes generated will not be a reasonable representation of likely traffic demands in the area. It is understood that the NSW Roads and Traffic Authority shares this concern.

Council recommends that the Department of Planning direct the applicant to undertake the following actions/processes, so that the impacts of the proposed development on the existing road network are determined to a moderate / high degree of certainty, given the scale of the development:

- The applicant purchase the most up-to-date modelling information from Council which can be sent out almost immediately subject to the payment of appropriate fees being paid in full through Council's Customer Service Team (this has already been discussed with the applicant's consultant who is very much aware of the appropriate

process and fees as this has been discussed with them at length in the early part of 2010). The base line information used for modelling purposes was NOT sourced from the City of Ryde and therefore the accuracy of the outcomes derived from this base line modelling information cannot be guaranteed); and

- The applicant follows the detailed methodology (in FULL) prescribed in the supporting documents (Reference Document No.1 and No.2) which can be downloaded from the City of Ryde website.
- The applicant (at the time of submission) of the updated report to DoP (including modelling information – files etc), jointly submit the documentation to Council to expedite a parallel review process to ensure that appropriate responses can be provided.

Note: The above process is predicated that the applicant's traffic consultant purchasing the appropriate traffic modelling information.

Other traffic matters

No details are provided in the Traffic report on current intersection performance (LoS, Delays, Queue Length etc.) and the relative change due to the new development superimposed. This must be undertaken to allow ease of review, utilising *aaSIDRA* which is industry standard. It is understood that the RTA concurs on this point.

Council is surprised that for such a scale of development there is no mention of infrastructure improvements, especially at adjoining intersections where the impacts of the development from a traffic generation perspective (cumulative additional traffic generation impact of 800vph) are likely to be the worst.

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