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# City of Ryde

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Mr Michael Woodland  
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NSW Department of Planning  
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SYDNEY NSW 2001

18 January 2011

MIN2010/10

Dear Mr Woodland

**COUNCIL SUBMISSION** in response to public exhibition of  
**Concept Plan Application for a Residential Development at**  
**Nos 1-9 Allengrove Crescent, Nos 116a - 122b Epping Road and**  
**Nos 259 - 263 Lane Cove Road, North Ryde (MP10\_0037)**

Attention: Andrew Smith / Luke Murtas

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  
Concept Plan Application for a Residential Development at  
Nos 1-9 Allengrove Crescent, Nos 116a - 122b Epping Road and  
Nos 259 - 263 Lane Cove Road, North Ryde (MP10\_0037)**

**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
- Incorrect assumptions regarding Council's Local Strategy and Housing Targets
- Issues associated with Pedestrian Accessibility
- Confused association with the role of Macquarie Park as a Specialised Centre
- Lack of any genuine social impact assessment
- Urban Design issues
- Amenity issues including impacts on surrounding residents
- Traffic issues

**Inadequate community consultation and inappropriate timing of public exhibition**

The subject proposal is located in a low density residential precinct. The prevailing character of surrounding residential development is one and two storey dwellings. The land is zoned R2 in keeping with the low density character of the area. Council therefore has concerns about the scale of this proposed development and the lack of transition in dimension between the proposed towers and the adjoining low density neighbourhood. Council and the councillors have also received a number of enquiries and comments from residents concerns regarding the timing of the exhibition period, the initial difficulty in locating the plans on the Department's website (they were not able to be located through the Council area search function) and the absence of the contact officer for the majority of the exhibition period.

Placing the project on exhibition at the time when Council goes into recess for the Christmas break effectively denied Councillors and the community they represent an opportunity to become fully informed on the project and also removed any opportunity for considered debate prior to submissions being made. This has also provided a disservice to the proponent as well as the community with the application being viewed with suspicion and concern from the outset.

The manner and timing of the public exhibition fails the test of the Department's own Guidelines for Major Project Community Consultation (October 2007). It is neither "adequate" nor "appropriate". On any fair test, it has not aimed for accessibility. It has not chosen *engagement techniques that offer opportunities to participate across all relevant groups*. It has not genuinely considered the timing of engagement events. It has certainly not avoided notifying ...during holiday periods (see page 4 of the Guidelines).

On the issue of "Consultation", the Director General's Requirements for this project include a requirement for the proponent to undertake an appropriate and justified level of consultation in accordance with the abovementioned Guidelines. It is apparent from Section 6.10 of the EA Report that no community consultation was



proposed or carried out prior to the public exhibition. Whilst “Community Information Days” and “Stakeholder Meetings” were proposed to be held during the public exhibition Council are not aware if these occurred. If these “Stakeholder” meetings were expected to include Council (elected and staff), then scheduling them when Council is in recess is problematic.

Council is not satisfied that appropriate community consultation has been undertaken for this project and considers that the timing of the public exhibition is inappropriate and, as a result the duration of the exhibition period is inadequate. At its meeting of 14 December 2010, Council resolved:

- (a) *That Council write to the Department of Planning in support of community concerns and objections regarding this project and that Council request an extension of time to allow further consultation to 31 January 2011.*
- (b) *That Council seek a delegation to Minister for Planning to represent the concerns of the community in regards to this proposed development. That this delegation consist of the Mayor, any other interested Councillors, the Group Manager, Environment and Planning, and representatives from the community.*

### **Issues associated with probity in the Part 3A process**

Council notes 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*** 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)

### **Incorrect assumptions regarding Council's Local Strategy and Housing Targets**

In seeking to justify the significant uplift in residential density proposed, the assertion is made that Council's Local Strategy will not meet or is struggling to meet the Housing Targets set for it by the Department of Planning. This is mentioned in both the Executive Summary (page ii) and in the body of the EA Report (page 18).

The assertion is erroneous and in actual fact the City of Ryde is on track to meet its housing targets can be confirmed by contacting the Sydney East Regional Team within the Department of Planning. Council has worked closely with the Department and the community to implement planning controls to achieve the required targets.

This advice had previously been conveyed to the proponent in meetings with Council staff relating to an earlier and more extensive Planning Proposal in 2009. However, the EA Report relies on superseded information from 2006 (page 18) to argue its case. Since 2006, Council has consolidated its former planning scheme into Ryde Local Environmental Plan 2010 and is working towards a new comprehensive LEP



for 2011. All Council reports on that process including progress on the Housing Strategy are available on Council's website.

### **Issues associated with Pedestrian Accessibility**

The project seeks to justify the uplift in density for the site on the basis of accessibility to public transport, particularly Macquarie Park Railway Station. The justification is based solely on distance. However there are significant impediments to access for pedestrians and cyclists across such a busy transport corridor. For example, there are at least four pedestrian crossings (with two signalised on different phases) in the first 100 metres heading for the station, before the notional 400 metres starts. At this stage, there are no "local amenities" associated with the railway station. Any local shops are about one kilometre in the opposite direction (Cox's Road, North Ryde) or another 250 metres further on (mainly food shops). Macquarie Centre is about 1.6 km away (but has its own railway station). The project does not offer a solution to the current impediments to pedestrian accessibility.

The project also offers "optimisation" of local infrastructure and local amenities without specifying what these might be and what optimisation of them involves. A Social Impact Assessment would have been useful in helping to add specificity to this stated outcome.

### **Confused association with the role of Macquarie Park as a Specialised Centre**

The EA Report correctly identifies Macquarie Park as a Specialised Centre, with a focus on employment generation. However, it then confuses this role with that of a dormitory suburb where residents within the corridor will live here and work elsewhere. The justification for higher density next door to the commercial core is not given as better access to employment but the need to increase patronage on outbound trains in the morning and on inbound trains in the afternoon. Other than providing a minor increase of population in the catchment of Macquarie Park Railway Station, the report does not provide a compelling case for this style and density of development as the model for residential development adjacent to the Macquarie Park corridor.

### **Lack of any genuine social impact assessment**

Council has consistently sought a Social Impact Assessment to be undertaken with residential development proposal that involve a significant increase in the local population (in this case estimated to be up to 600+ new residents). This style of apartment dwelling is also new to the City of Ryde. Typically, "high rise" living has meant three storeys in CoR with a more recent increase of up to eight storeys in parts of Macquarie Park and Meadowbank. The needs and expectations of such residents can be different to those who live in detached dwelling-houses. The collection of eight storey residential flat buildings at the corner of Lane Cove Road and Fontenoy Road overlooks Lane Cove National Park and has immediate access to playing fields and large parks (Tuckwell Park, Yarrah Reserve, Fontenoy Park). In contrast, this site overlooks the Epping Road overpass and has no large park within a kilometre. While a community garden like the one proposed is a worthwhile facility in itself, it does not lend itself to active play or organised sport. Similarly, there has



been no exploration of whether the local schools have capacity to cater for the future needs. Good access to a railway station may go unused if the journey to schools and shops is in the opposite direction or involves negotiating a six lane transport corridor. By car, the journey is further with a left in / left out restriction on turning into Lane Cove Road and a circuitous trip to the destination.

A detailed Social Impact Assessment is clearly warranted. As a minimum, the SIA should address:

- Impacts on current residents.
- Impacts on current services.
- The needs of future residents and how these will be delivered.
- How the proposal will link to other community facilities within Macquarie Park, North Ryde, other parts of City of Ryde and the broader region. Are appropriate support facilities available?
- How the proposed development will contribute to meeting the needs of the future residents.

### **Urban Design issues**

Council's City Urban Designer has reviewed the 19 architectural drawings from DA 1000 – DA 1701 against Council's LEP 2010 and Sections 3.3 and 3.5 of Council's DCP 2010. The proposed development is for 3 residential buildings ranging in height between 5 – 12 storeys. The area is zoned R2 – Low Density Residential with a maximum height of 9.5m (2 storeys) and an FSR of 0.5:1.

Overview:

All aspects of the proposed project fall outside the planning controls of Council's LEP and DCP. The extent and scale of the non-compliance is such that the proposal in its current form cannot be supported.

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. It is important to note that reduced height and density is recommended and hence a reduced yield and fewer car parking spaces for the site.

#### **1. Location and building form**

- The proposed development is located on the corner of Epping and Lane Cove Roads and continues through in part to Allengrove Crescent, North Ryde. Access to the site is via Allengrove Crescent which is a small dead end road.
- The site is affected by traffic and traffic noise from Epping and Lane Cove Roads. The site adjoins the Epping Road overpass.
- **The building form is too high for its location.** This comes from both an analysis of the existing building forms and consideration of the future impact on the streetscape. The proposed height is of particular concern on Allengrove Crescent where it meets and faces existing single and two storey houses. A better transition to these houses is required.



## 2. Land Use

The existing zone is R2 – low density residential. If this is to be changed it using the Part 3A process, it would be appropriate to consider a commercial use for the corner of Epping and Lane Cove Roads. This would be consistent with the *Department Of Planning, Development Near Rail Corridors And Busy Roads – Interim Guideline*. It would also be consistent with what occurs on the opposite corner of Lane Cove Road (Medical centre). If the remainder of the site was residential, the dwellings in the middle and back of the site could be less adversely affected by traffic.

## 3. 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 recommends that the articulation of the façade needs to be further developed. This includes:

- Better definition of the top and base of the building.
- Recognition of corners and entries.
- Stronger articulation of the elevations. The elevations and photomontages do not indicate a strong articulation of the facades. This is particularly the case on the north-west (Lane Cove Road) and south-east façades. These façades appear monolithic (partly due to the height, partly due to the louvres).
- Adequate consideration to the residential dwellings opposite the development on Allengrove Crescent. (The elevations are very modular in character currently.)
- Consideration of a larger palette of materials and finishes to provide highlights to the façade and assist in building identification within the development. For example a mixture materials, opacity and colour could be used to better differentiate the louvres bays.

## 4. Building – Street interface:

The way the building interacts with the street should be reconsidered along Allengrove Crescent and Lane Cove Road.

- Activity at this corner site (both pedestrian and vehicular) will grow over time. The applicant notes pedestrian activity to Macquarie Park should be encouraged. However both Epping and Lane Cove Roads are a natural barrier for pedestrians. It is not clear what strategies are being put in place to overcome this. It is recommended that issues such as human scale, building articulation (see above) and public amenity should be developed further at street level. These are complex issues and should be subject to separate discussions with the City of Ryde.
- The building has a number of solid walls/fences immediately on the site boundary (Allengrove Crescent, Lane Cove Road). Large areas of blank solid walls do not promote street activation or pedestrian amenity. They isolate the building from the street. These are actively discouraged in the Ryde DCP. Typically solid fences should be no more than 1m height above the footpath level. It is recommended that any long, high areas of blank solid wall be redesigned and the interface with the street be reconsidered.
- In addition to the fences the extensive use of louvres creates a very 'closed' façade which again could have an impact on street activation and a pedestrian's sense of safety.
- In terms of improving the streetscape for pedestrians and neighbours it is recommended that the apartments on Allengrove Crescent 'front' the street.



Currently service stairs etc are located on this façade. In their current form this is not acceptable for the residents opposite.

#### 5. Access.

Car access into the site is limited to left in, left out of Allengrove Crescent. Access to local amenities will be affected by this. The proposal relies in large part on pedestrian access to Macquarie Park.

#### 6. Public / semi public spaces

- The proposed development does not provide active outdoor recreation spaces such as playgrounds.
- The proposed development is relatively isolated by its location and access from local shops. Consideration should be given for a 'corner' shop for the amenity of the development and immediate neighbours.
- It is recommended that a requirement for a semi-public park/ playground be made. It should be located to best integrate the development into the existing community. For example, it could incorporate and extend the existing reserve further along Lane Cove Road or be located in Allengrove Crescent.

#### 7. Orientation:

The building addresses solar orientation well. However, the northern outlook is to Epping Road and the overpass. This means a number of living rooms face directly onto Epping Road and into the overpass. In consideration of other competing issues such as noise, natural ventilation, pollution and views this is not ideal. The design of the units looking towards the overpass should be reconsidered.

### **Amenity issues including impacts on surrounding residents**

The potential impacts on existing local residents take a number of forms. They include traffic, solar access, privacy, social amenity, streetscape and concerns regarding precedence.

The proposal does indicate planning controls with which it can comply. For example, notwithstanding discussion about reducing dependency on private vehicles in the DGRs, the proposal fully complies with Council's car parking requirements although it should be noted no attempt is made to reduce the availability of car parking given the access to public transport. Another example - in considering whether or not the shadow affect is acceptable, the criterion of a minimum of three hours solar access in mid winter is used. However, for some adjoining properties, this minimum standard may represent a very significant reduction in the amount solar access currently enjoyed.

Council requests that the concerns raised by local residents in submissions to the Department be fully and fairly considered.

### **Traffic issues**

The submitted Transport and Accessibility impact study suggests that the proposed development can be accommodated within existing traffic flows around the intersection of Lane Cove Road and Epping Road and around Lane Cove Road and



Allengrove Crescent with no need to change anything about the road or traffic control in the locality. The street which currently provides for the vehicles from 20 homes is expected, without further embellishment or adjustment, to cater for vehicles from an additional 269 homes plus visitors plus any service vehicles.

Council is of the view that the existing carriageway of Allengrove Crescent is too narrow to adequately cater for the proposed development or allow for appropriate manoeuvring in the street if it goes ahead as proposed. The proposal should be amended to include widening of Allengrove Crescent along the boundary of the development site. The extent of widening required should be the subject of discussions with Council staff although a road width of 20 metres (i.e. widening of 5 metres) is envisaged. Ideally, when the isolated property the corner of Lane Cove Road and Allengrove Crescent (No. 253 Lane Cove Road) is developed, the road should be widened here as well.

The current left in / left out arrangement for Allengrove Crescent means that even short journeys will require a circuitous route "around the block". This necessity undertaken many times over, in heavy traffic and through failing intersections, remains a significant issue and is clearly an inefficient means of access for the 20 existing properties in the street. To subject an additional 400 vehicles to such ingress and egress arrangements is clearly inefficient and undesirable.

Council also queries the Transport and Accessibility impact study when it comes to considering the intersections of Epping Road and Lane Cove Road and Epping Road with Wicks Road which "generally operate at unsatisfactory levels during the AM and PM peaks". The report goes on to say that "Nevertheless...the most relevant use of this analysis is to compare the relative change in performance parameters as a result of the proposed development". (Appendix L, Page 9). In other words, the operation of those intersections through which all vehicles accessing this development must pass is unsatisfactory but that doesn't matter because this development won't make any difference – both intersections will continue to be unsatisfactory but not to any additional extent that can be easily attributed to the proposed development. Clearly improved traffic management arrangements are warranted to cater for the extra demand.

### **Other Matters**

It is Council's expectation that any Section 94 contributions payable for the proposed development will be paid in full. Council's policy is to include any room capable of being used as a bedroom for the purposes of calculation so that a separate study would be included.

There needs to be further consideration of any public benefit proposed or claimed by the project. For example, the park at the corner of Lane Cove Road and Epping Road (known as Nimbin Reserve) proposed to be "upgraded" is not owned by Council. The land is owned by the NSW Roads and Traffic Authority. The proponents will need to negotiate with the RTA on landscape proposals for this property. However, Council does not see it as a public benefit and certainly not one that would reduce the S94 obligation.

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