

# City of Ryde

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

16 September 2011

MIN2010/10

Dear Mr Woodland

**COUNCIL SUBMISSION ON PREFERRED PROJECT REPORT FOR MP10\_0037  
(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).**

**Attention: Jane Flanagan**

Thank you for the opportunity to review the Preferred Project Report for the above  
Major Project application. Please find attached Council's submission on the PPR.

Should you have any queries on the submission, please contact Glenn Ford, Client  
Manager on 9952 8227 or [gford@ryde.nsw.gov.au](mailto:gford@ryde.nsw.gov.au).

Yours sincerely



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

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(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.**

**Background**

Council's submission on the above application included a Summary of Issues as shown below. Council is not satisfied that the issues have been satisfactorily dealt within the Preferred Project Report. While it is noted that the design of the development on site has been amended, Council retains its concerns regarding the broader planning context and the impacts of the proposal on the amenity of local residents.

**Summary of Issues**

The major issues of concern to Council previously expressed were:

- 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

**Broader Planning Context**

**Capital Investment Value**

The PPR discusses the changes to the Major Projects Legislation that have taken place since the change of government in March 2011. In submitting the original application as a major Project, the proponents relied on a Capital Investment Value exceeding \$100 million. Appendix B of the PPR includes a Quantity Surveyor's Report dated 1 October 2010 showing a CIV for the original project at \$101,500,000.

The project has now been reduced from a FSR of 2.25:1 to 1.6:1. The number of storeys has been reduced, the number of units has been reduced and the number of parking spaces has been reduced. Logically the CIV of the new proposal must now be less than \$100 million. Had the application been submitted in this form originally, it would not have qualified as a Major Project. It would have been required to follow a different path of assessment as a Planning Proposal. Had it been lodged as a Planning Proposal, Council would be the approval authority for the initial assessment. Based on its current position, Council would have not have supported the project in the form of a Planning Proposal at this time. There are a number of planning reasons why this would be the case.

**Premature and Piecemeal**

The planning controls for the Macquarie Park Employment Corridor came at the conclusion of a structured planning exercise over an extensive area over several

years. The plans for this Specialised Centre are still being refined to better address the effective and equitable provision of infrastructure and services. No targeted planning exercise has yet been undertaken for areas south of the Macquarie Park corridor which are currently low density residential suburbs. As such, the broader community and infrastructure needs for the area have not yet been investigated or assessed in a coordinated way. The subject proposal relies on the existing infrastructure and existing levels to meet its needs and the needs of its future residents. As a one-off development, it precludes consideration of alternatives or other options. The only options shown in the PPR are the different layouts that were originally considered for this site alone in order to achieve a development with a CIV of \$100 million.

It is Council's preferred approach to identify new development sites out of a comprehensive planning exercise rather than have individual development sites drive planning outcomes. Council has resolved to commence such an exercise within the next five years. The area for consideration will include all the residential area immediately to the south of Epping Road

#### Non-compliance with current planning controls

The proposal does not comply with the current planning controls that apply to every other property zoned R2 (Residential Low Density). The height, bulk and scale are all beyond the expectation of development potential of all its similarly zoned neighbours. This raises a question of equity for local residents who expect that identified planning controls should have some weight and certainty which gives them protection from unexpected and piecemeal development.

#### Ministerial discretion

Except for the provisions of the Major Projects applications, the proposed residential flat development is a prohibited use in the R2 zone under Ryde LEP2010.

Pursuant to Section 75O and Section 75R of the Environmental Planning and Assessment Act, the Minister in deciding to give a determination for a Concept Plan may take into account the provisions of any environmental planning instrument. Council's position is that, in this case, any determination for this Concept Plan should fully consider provisions of RLEP2010. One good reason for this is in the proponent's own words: "The Project will have a transformational effect on the local area and departs from the underlying low density zoning" (p. ix).

If the Department is of a mind that higher density development should be considered in this locality, then processes are underway to present it a more equitable and strategic way including, but not limited to Draft Ryde LEP 2011. However, Council's preferred option at this time would be to commence the planning study mentioned above to avoid any delay with the exhibition of Draft Ryde LEP2011.

### **PPR Response to Council's submission**

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

Council's submission raised concern about the timing, methods and type of consultation undertaken. The manner and timing of the public exhibition clearly failed



the test of the Department's own Guidelines for Major Project Community Consultation (October 2007) in that it was neither "adequate" nor "appropriate" occurring in the lead up to the Christmas – New Year break.

The proponent's response in the PPR that consultation was undertaken in accordance with the Department of Planning Guidelines is not substantiated. Appendix T references a single "Community Information Day" immediately prior to the formal exhibition in December 2010, and a website and e-mail are shown to have few hits other than sale enquiries (3 and nil). A survey was commissioned to "determine perceived attitudes towards the future benefits the development may provide" Appendix T page 2) which is hardly objective in scope.

On the other hand, however, the number and content of public submissions received by the Department and objecting to the proposal is a better indicator of the genuine concerns of local residents.

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

Council referred to 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*. The PPR response does not comment on this aspect of Council's submission which was directed more to the Department and has been addressed in more recent changes to the Major Projects legislation.

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

The proponent's original submission made the assertion that the proposed development would assist Council in meeting Housing Targets set by the Department of Planning as part of the Metropolitan Strategy. The PPR has now acknowledged that this is not the case but still insists that the project will still provide "additional opportunities" for housing. It is Council's position that such additional opportunities should be within the Housing Strategy, not outside it.

#### 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 and styles itself as Transit Oriented Development based on distances to that railway station (plus bicycle parking and discussions with a hire-car provider). Council's submission raised concerns on the practical accessibility for pedestrians and cyclists around one of the busiest and fragmented intersections in Australia. This has not been addressed in the response to submissions in the PPR.

It is noted in the PPR that the Macquarie Park Pedestrian Movement Study (2009) does not propose any significant upgrades around the site (8.1.11). A likely reason for this is that the study also did not envisage any significant uplift in dwelling numbers and residential population on the site as it is zoned R2 (Low Density Residential). The PPR Traffic Report (Appendix K) also cites the lack of proposed upgrades as determining that the pedestrian access across Lane Cove Road and Epping Road is "acceptable". In the same way, the PPR assumes that the Avon Roads shops will serve the needs of the future residential population by virtue of

"convenient access" without consideration of the light industrial and commercial nature of most uses in that centre.

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

Council's submission raised concern that proximity to a railway station was seen as a driver for this development on the basis that it provided for access to areas away from Macquarie Park. This was seen as misunderstanding the role of Macquarie Park as an employment destination. The PPR makes no comment on this point

#### 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 and a style of apartment dwelling that is new to the City of Ryde. The project also claims to offer "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.

The proponent's response is that by their assessment the area is well served by social infrastructure, although how this is the case is not made clear and in any case, the Department of Planning didn't require such an assessment to be undertaken. Neither response is helpful or adequate in addressing the future needs of a new population of up to 500 people. Clearly the expectation is that any unmet needs will be provided by an entity other than the proponent. This is another illustration as to why this development is premature in its timing and piecemeal in its approach.

#### Urban Design issues

Council's submission provided a detailed assessment of many aspects of the proposed development including location and building form, land use, building articulation, building – street interface, access, public and semi public spaces and orientation. Arising from that, the only issue addressed by the proponent in the PPR is height.

In this regard, the PPR presents a proposed development has been redesigned to reduce the number of dwellings with a consequent reduction in height, floor space and car parking numbers. However, the height, bulk and scale of the proposal far exceeds any development that would be possible under Council's planning controls. The degree of non-compliance is so great as to be beyond assessment against that the controls that Council considers are currently appropriate for the area.

In any case, the approval sought is for a Concept Plan and as experience has already shown with approved Major Projects within the City of Ryde, Concept Plans can change and change again as new players arrive and circumstances change.

#### Amenity issues including impacts on surrounding residents

The potential impacts on existing local residents may take a number of forms which have been mentioned in Council's previous submission and are clearly espoused in the local residents' submissions to the Department.

Council is not aware of the extent to which people who made a submission to the department of Planning have been given the opportunity to view and comment on the PPR. Council notes verbal advice from the Department that people who made submission were not individually notified. Some residents contacted Council and the report was made available for viewing or direction given to the Department's website.

This is a relevant issue for the public participation process. Submissions on the original application should not be simply discounted because the design has changed, particularly if residents have not been given notice or the opportunity to view the amended design. In the same way, residents want the opportunity to be heard in the determination process including any proceeding by the Planning Assessment Commission (PAC). The Department should notify any person who made a submission in advance of any PAC proceedings dealing with this application.

### **Traffic issues**

Council's previous submission raised serious concerns about traffic generating from the proposed development. Although the development concept has been downsized, the substantive concerns relating to traffic remain. Public vehicle access for the proposal relies fully on the use of narrow local streets to off-set the inability of the development to obtain access from the adjoining arterial roads (Epping Road and Lane Cove Road).

Council's previous submission pointed to the suggestion of the proponent's Transport and Accessibility Impact Study (i.e. Traffic Report) 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 196 homes plus visitors plus any service vehicles feeding onto one of the nation's busiest roads.

Even at the reduced scale, the Traffic Report (Appendix K -Tables 1 & 7), shows that for all measured intersections around the site, there is

- Increased degree of saturation
- Increased Intersection delay
- Level of Service reduced

It is noteworthy that the intersection of Wicks Road and Epping Road is pushed from a Level of Service of "E" to "F". There is no Level of Service worse than "F".

Again, the report asserts that no-one will notice a failing intersection continuing to fail (p.11). They will continue to "operate with unsatisfactory delays" including the additional loads imposed by this model *Transit Oriented Development*.

The PPR identifies that "improved traffic arrangements have been proposed". A further search of the PPR including Appendix K (Traffic Report) does not reveal what these are. The only changes seem to be changes on the subject property itself to accommodate the amended design. There is nothing proposed for the public road network except more saturation, more delay and less level of service.



In its previous submission, Council expressed 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. Subject to further consideration, a minimum road width of 20 metres (i.e. widening of 5 metres) was mooted. The PPR talks about a widening of 2 metres and gives a loose undertaking to consider it if approved. Clearly this is not acceptable and in any case, the isolated property the corner of Lane Cove Road and Allengrove Crescent (No. 253 Lane Cove Road) would be an impediment to achieving a workable useful width for the connection with Lane Cove Road.

Just as the Traffic Report's assertion of "Council's desire to increase the width of Allengrove Road (sic) by 2.0 metres" is erroneous, its suggestion that "No Stopping Signs" in the street would achieve the same objective is unsubstantiated. Just who will install the signs in Council's street is not indicated and the potential impact on remaining residents is ignored.

Contrary to the general exposition in the PPR that the subject site is located close to all services and social infrastructure, the traffic Report emphasises "that provision of a relatively high level of parking... is justified as residents would still require access to shopping, recreational, educational and other trip purposes, many of which will occur in the evening". How this sits with the concept of *Transit Oriented Development* promoted here and with the projects' own stated objective to "enliven the Macquarie Park Corridor" and "shift movements from cars to public transport" is questioned. If the residents are driving elsewhere for everything but a train ride, then how different is that to any block of flats near a railway station.

The one Council planning control that the project respects is Council's parking controls for residential flat buildings. The Traffic Report says that "significant deviation from these minimum rates is not considered appropriate and is likely to lead to adverse amenity impacts caused by on street parking effects in particular". Beyond the proponent's decision to adhere to Council's controls, only when deemed beneficial to its purposes, it negates the opportunity to build on its claim that this is a Transit Orientated development.

Council's previous submission raised the issue that the current left in / left out arrangement for Allengrove Crescent means that even short journeys will require a circuitous route "around the block". It was argued that this convoluted manoeuvre undertaken many times over, often in heavy traffic and through failing intersections will undermine any sustainability or transit orientation otherwise claimed for the project. The traffic solution for the project is fatally flawed due to its location at one of Australia's busiest intersections and its reliance on the use of an existing narrow dead-end street with limited access to a busy main road for all its vehicle access.

#### 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.

#### Nimbin Reserve

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" in the Statement of Commitments and elsewhere in the PPR 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 any Section 94 obligation.

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