

**-- WHITESIDE ACTION GROUP --  
OBJECTION TO PROPOSED RESIDENTIAL DEVELOPMENT,  
5 WHITESIDE ST AND 14-16 DAVID AVE, NORTH RYDE (10\_0165)**

September 2011

**The Whiteside Action Group (WAG) was formed in response to the original proposed Concept Plan for a high rise development at 5 Whiteside Street, North Ryde.**

**BACKGROUND**

Developer EGC is seeking approval from the NSW Department of Planning for a Concept Plan for 5 Whiteside Street, including 14 and 16 David Avenue, North Ryde (DoP ref: MP10\_0165).

The Environmental Assessment/Concept Plan, REVISED by the proponent after consultation with the public, now includes the construction of FOUR residential buildings including one L-shaped 8 storey building, one 2-3 storey and two 2 storey buildings, with associated underground parking. The development proposes 213 new residential dwellings and 311 car parking spaces on a small block of 1.39 hectares.

The development will be adjacent to existing 1 and 2 storey low density residences. The height of buildings and the density of the development substantially exceeds the current zoning restrictions.



**Figure A Revised Whiteside Street Development Concept Plan**

The same proponent currently proposes a similar development at the corner of Lane Cove and Epping Roads at Allengrove Crescent, North Ryde.

## WHITESIDE ACTION GROUP

WAG has been formed by residents who are opposed to the scale and the size of the proposed development south of Epping Rd and the inappropriateness of the proposal for the site. Following first notification by EGC in late February 2011, the 140+ members of WAG quickly collected over 800 signatures from residents who opposed the original proposal.

After vehement community opposition to the project at the public consultation, the project has now been revised from max 11 storeys to max 8 storeys, the no. of residential units from 257 to 213 (17% less), and the number of parking spaces from 366 to 311 (15% less).

WAG enjoys the support of elected representatives at Council, State and Federal levels. WAG members have received letters of support, **opposing** the development from NSW State Member for Ryde (and Minister for Citizenship and Communities, and Minister for Aboriginal Affairs), Mr Victor Dominello and Federal Member for Bennelong, Mr John Alexander. WAG has also received support from Ryde City Council Councillors Sarkis Yedelian, Nicole Campbell, Terry Perram, Roy Maggio and Ivan Petch and the Mayor of Ryde, Cllr Artin Etmekdjian.

**WAG wishes to stress that they are fully in favour of development of the site for residential purposes, provided it is in keeping with the current zoning restrictions (low-density residential) which all the current property owners have to abide by.**

This document details WAG's objections to the development, as a response to calls by NSW Dept Planning & Infrastructure (DoPI), for submissions on the Environmental Assessment document, during the exhibition period ending 9<sup>th</sup> September 2011.

**WAG urges the DoPI to decline the approval of this development which we overwhelmingly oppose, and which we believe does not meet the guidelines of the LEP 2011 set out by Ryde Council, nor is it in the interest of the state of NSW.**



## SUMMARY OF OBJECTIONS

WAG is opposed to the proposed high-rise development at Whiteside Street and David Avenue on the following grounds.

### 1. THIS PROPOSED DEVELOPMENT IS NOT IN THE STATE INTEREST AS REQUIRED BY THE TERMS OF PART 3A UNDER WHICH IT IS TO BE ASSESSED

- A. There is already provision for high density residential development in the Macquarie Park Corridor
- B. The City of Ryde is on track to meet its Housing Targets, it doesn't need to change its zoning plans
- C. Epping Road provides the logical buffer zone between high and low rise development, it prevents major infringements on sunlight, privacy and aesthetic amenity.
  - i. The proposal exceeds both height and density provisions of the Ryde DLEP 2011
  - ii. EGC wrongly claims consistency with the Ryde Draft Housing Study 2010
  - iii. The proposal cannot be seen as 'medium density' or a 'transition area' by the terms of the very study EGC is quoting from.

### 2. THE PROPOSED DEVELOPMENT WILL RESULT IN TRAFFIC CHAOS IF THE PROMISED PROVISIONS ARE NOT MADE

- A. Major traffic congestion already exists
- B. The proposed new development will substantially increase traffic congestion.
- C. There are no viable solutions to the problem of increasing traffic congestion.
  - i. The solution offered by EGC to stop residents of the proposal turning left into Whiteside St is vague and no evidence of an effective deterrent is presented. The traffic study, which relies on an assumption of this provision, is therefore invalid
- D. There are no viable solutions to the problem of increasing demand for street parking.

### 3. THE PROPOSED DEVELOPMENT REPRESENTS A SIGNIFICANT IMPACT ON THE LOCAL COMMUNITY

- A. Significant impacts on sunlight, access, amenity and privacy
- B. Impact on social infrastructure
- C. Impact on property prices for affected properties

### 4. THE PROPOSED DEVELOPMENT REPRESENTS A SIGNIFICANT IMPACT ON LOCAL SERVICE NETWORKS SUCH AS SEWER AND STORMWATER

### 5. APPROVAL OF THE PROPOSED DEVELOPMENT REPRESENTS A DANGEROUS PRECEDENT FOR LAND USE ON THE SOUTHERN SIDE OF EPPING ROAD

### 6. INFORMATION PROVIDED IN THE ENVIRONMENTAL ASSESSMENT IS MISLEADING AND DECEPTIVE

- A. Information provided by the proponent is misleading and deceptive, downplaying the impact of the development
- B. EGC and Urbis claim they have made changes to their proposal as a result of community consultation. But the changes do not reflect the community's views. Changing from 11 storeys to 8 storeys does not in any way reflect the community's request that EGC respect the current 2 storey height restriction as provided in the Ryde LEP 2010 and the recommendations in the Ryde Housing Study 2010.

### 7. THIS PROJECT IS NOT CONSISTENT WITH THE NEW LIBERAL STATE GOVERNMENT'S ELECTION PROMISES

- A. The community has universally rejected this proposal.
- B. What would be point of repealing Part 3A laws if projects such as this end up being approved anyway?
- C. The Ryde community has faith in the new Liberal State Government's commitment on handing back planning decisions to the local community by repealing the Part 3A laws. But if this high rise development is approved, it would stand as a towering beacon of proof that the Liberal Party has not delivered on its promise to the people of Ryde.



## EXPLANATION OF OBJECTIONS

### 1. THIS PROPOSED DEVELOPMENT IS NOT IN THE STATE INTEREST

The proponent claims their high rise development is in the state interest because the NSW State Government has projected a housing shortage in Sydney unless substantial numbers of new dwellings are constructed. They claim that properties within walking distance of train stations, bus stops and major roads are ideal locations for high rise development.

It is WAG's opinion that these reasons alone do not sufficiently demonstrate that a development is in the state interest, because the unique circumstances of each case should be considered on their merits. WAG considers this proposal is an opportunistic attempt by the proponent to use the Part 3A provisions of the Planning Act to maximise the value of their asset by attaining development consent for a development which is much bigger than planning restrictions allow.

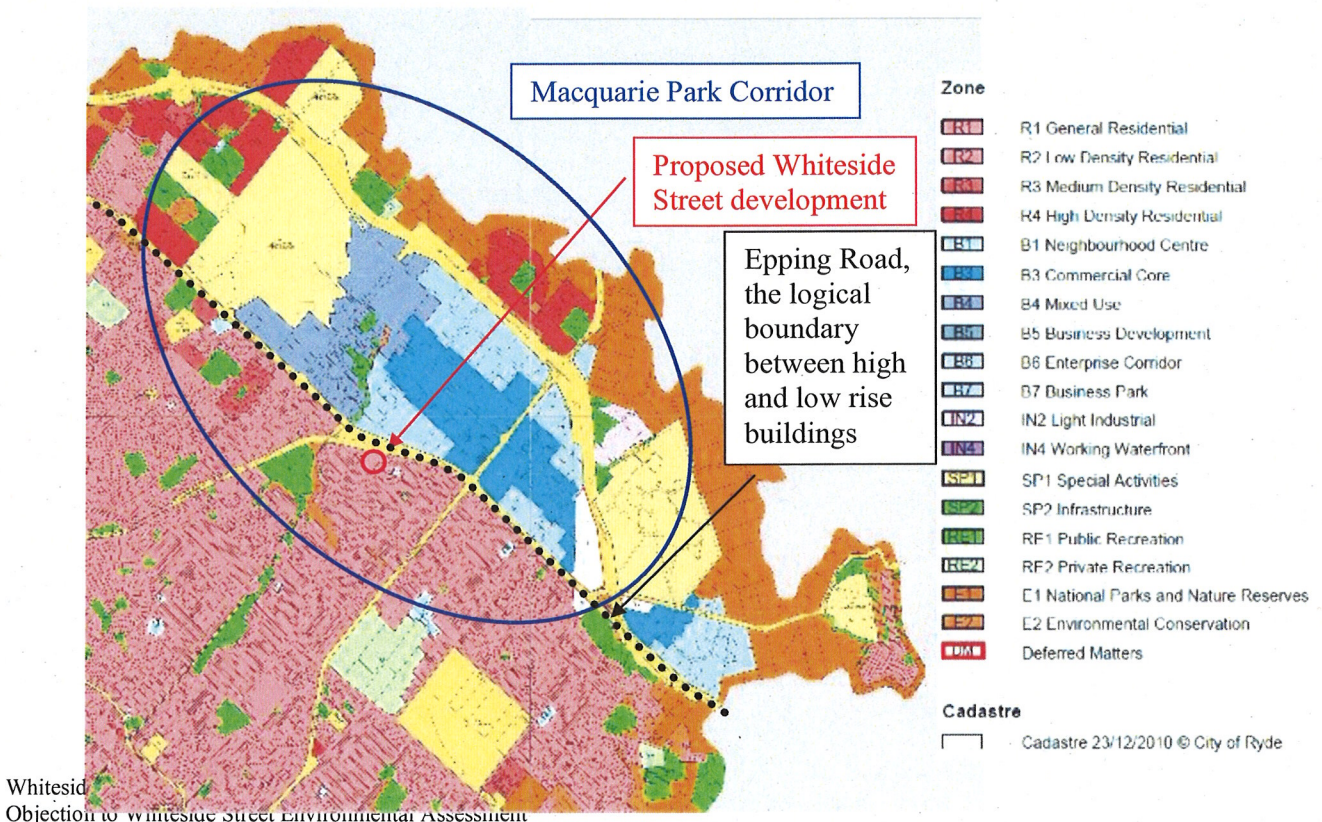
Part 3A of the Planning Act (which allows for developments with a capital investment of over \$100M to be approved provided they are deemed to be in the state interest), as correctly pointed out by the proponent on page 5 of the Executive summary, **is to be repealed by the incoming NSW government**. This was promised before the election following public outrage at the exploitation by developers of this loophole to avoid local council planning restrictions. Therefore, although the project is still legally allowed to be assessed under this criteria, albeit that the revised plan would no longer be over \$100M cut-off, the mandate has been given by the voters of NSW against this type of opportunistic and inappropriate development. **WAG encourages those with approval authority to keep this in mind.**

In the case of the Whiteside Street site, extending the boundary between high and low rise development south of Epping Road does not make sense. The unique circumstances of this area are as follows:

#### A. There is already provision for high density residential development in the Macquarie Park Corridor

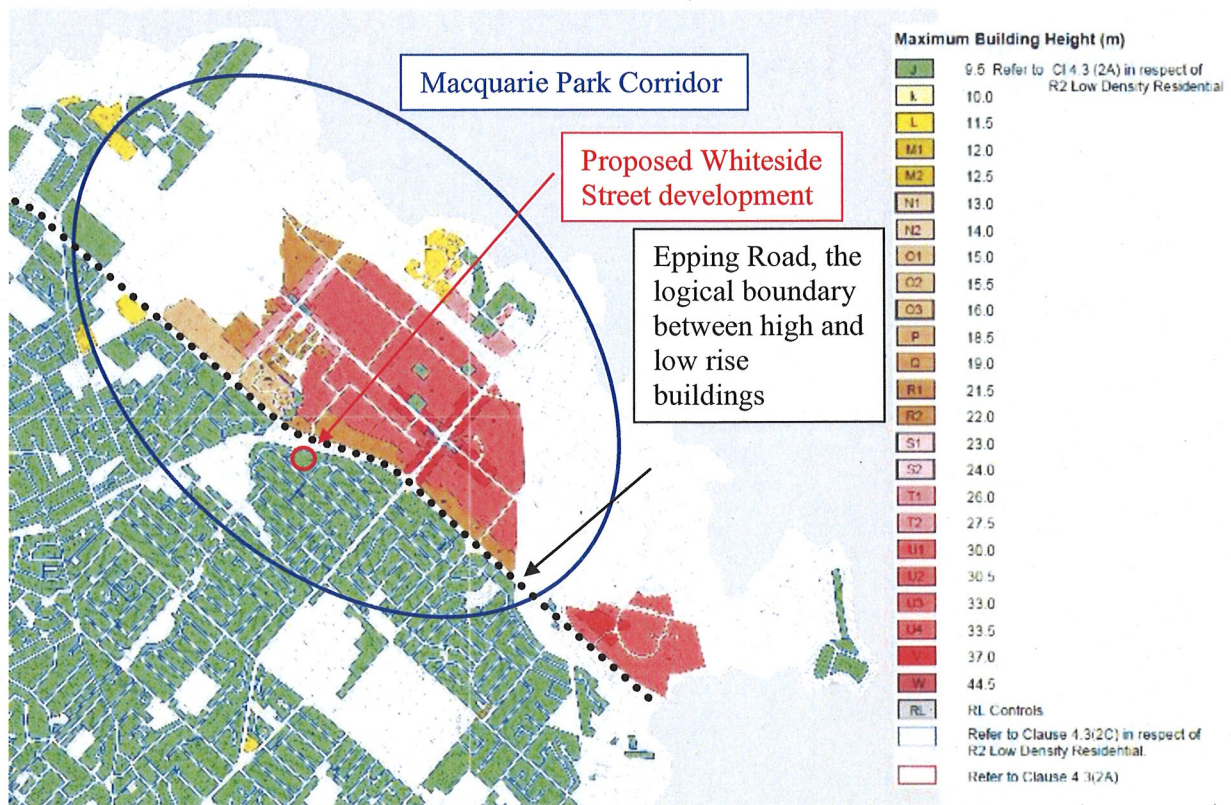
This area differs from most other suburban areas in Sydney, as nearby Macquarie Park and Macquarie University train stations are located within a designated high rise development area called the Macquarie Park Corridor.

The City of Ryde has recently prepared its Local Planning Study on 7 December 2010. This study has been used to guide the preparation of the 2011 Draft Local Environment Plan (LEP). Consolidated maps are shown below for reference.





**Figure B Consolidated Maps 4, 5, 8 and 9 of 2011 City of Ryde Draft Local Environment Plan  
Zone Maps**



**Figure D Consolidated Maps 4, 5, 8 and 9 of 2011 City of Ryde Draft Local Environment Plan  
Height of Building Plans**

The planning study has noted that the Macquarie Park corridor currently contains 4,300 dwellings, with a capacity for an additional 3,780 dwellings by year 2031. The extra capacity is substantial, even if it is anticipated that development take up rates will deliver only 60% of the floor space, as estimated by Council in the Local Planning Study.

EGC's claim that the existing train stations are under utilised as a justification for its development is laughable. It is obvious that the current planning strategies have been developed to further utilise these stations. Council does not need this development to help them achieve these goals. There is also no evidence offered to back up this claim. It is already "standing room only" on city bound trains leaving Macquarie Park during the morning peak, and Epping bound trains arriving at Macquarie Park during the afternoon peak. Passenger numbers provided by City Rail to WAG show that these stations are busy already.

It is WAG's opinion that the Macquarie Park corridor currently provides plenty of opportunity to meet the State's housing supply requirements for the City of Ryde within the existing defined housing zones. There are substantial developments already with the Dept of Planning and Infrastructure (see MP10\_0113 Construction of Stage 1 of Concept Plan - Residential Mixed Use Development and MP09\_0218 - Project Application - Mixed use Residential/Retail Development, already approved). There is no need to allow high rise development to jump across Epping Road.

**B. The City of Ryde is on track to meet its Housing Targets, it doesn't need to change its zoning plans**

It is common for developers to claim that it is difficult to purchase sites to develop due to a combination of multiple land or strata ownership, and/or council zoning restrictions. The presence of a developer with a block of land and willingness to develop is often attractive to governments who are keen to meet their housing targets.

EGC has predictably played this age old tune already. In its recent January 2011 objection to EGC's proposed Allengrove Crescent development, Council repudiated EGC's claim in its Environmental



Assessment that Council's strategy will not meet or is struggling to meet the Housing Targets that have been set for it by the Department of Planning.

The City of Ryde states that it is on track to meet its housing target, and this can be confirmed by the Sydney East Regional Team within the Department of Planning.

Given the potential for 3,780 dwellings in the Macquarie Park Corridor alone, it is not surprising that Council is on track. Here are some recent examples within areas zoned as B4 (Mixed Use), as shown in Figure B:

- The DoP has just approved (20th January 2011) the construction of 5 residential apartment buildings comprising 557 new dwellings at 120-128 Herring Road, Macquarie Park (ref: MP09\_0195), **NORTH OF EPPING RD.**
- There are plans currently on exhibition for the redevelopment of the Stamford Grand North Ryde site at 110-114 Herring Road, Macquarie Park (ref: MP10\_0113) involving the construction of two new residential buildings (12 and 13 storeys in height) comprising 625 new residential apartments, **NORTH OF EPPING RD.**

WAG notes that if, in the future, it appears that Council is not on track to meeting its housing targets, it would make sense for Council to consider amending its current zone plans to allow mixed use development around Macquarie Park Station, where high-rise development up to 44.5 metres will be permitted (2011 DLEP).

For example, there is a suitable site for residential development at 144 Wicks Road in the old Peter Board High School site on the northern side of Epping Rd. This land has front and rear access on major roads. It is close to the existing train stations and there is plenty of space to include a decent recreation area. City bound vehicular traffic from this development only has to turn left and merge onto a four lane road. This land is currently zoned by Council as B7 (Business Park) with allowable building heights of 22 to 30 metres. It is owned by the Dexus Property Group, who, on its website, advises that master planning of the site has commenced for a "Campus Office" estate. WAG submits that if Council finds that it is not on track to meeting its housing targets, property such as this could be rezoned to B4 (Mixed Use).

With housing targets on track, it makes a lot more sense to develop within the existing boundary of the Macquarie Park Corridor. There is no need to allow high rise development to jump across Epping Road.

**C. Epping Road provides the logical buffer zone between high and low rise development, it prevents major infringements on sunlight, privacy and aesthetic amenity.**

This is obvious. The orientation of Epping Road is not conducive to building high rise development on its southern side. It immediately places adjoining houses and backyards to the south and west in shadow.

**The project exceeds the height and density provisions of the R2 Low Density Residential zone under Ryde Local Environmental Plan 2011.**

Page 2 (Executive Summary) of the project's Environmental Assessment cites the Draft Ryde Housing Study 2010, noting that the project site is within the area in which it is recommended to:

*"Explore the introduction of transition areas fronting Epping Road to allow for a mix of housing styles including **medium density residential housing** to cater for the increasing student and worker population from the University and within Macquarie Park Corridor. Epping Road acts as a barrier, separating Macquarie Park from the residential areas to the south. However the southern side of Epping Road still has relatively good access to the employment, retail, entertainment and public transport opportunities within Macquarie Park, as well as good access to the nearby Lane Cove National Park. The area south of Epping Road also has good access to the regional road network".*

Contrary to the proponent's view that the Draft Ryde Housing Study 2010 helps to justify the project, this recommendation from the Study clearly refers to exploration of **medium density** residential housing rather than the **high density residential development** proposed by the proponent. Furthermore, this study was conducted in 2008/9 as input into the City of Ryde LEP 2011 (currently in Draft form and submitted to the DoP on 23<sup>rd</sup> Dec, 2010). The City of Ryde DLEP 2011 *"is a comprehensive LEP that within the constraints of the Standard LEP is looking to the future development of Ryde for the next 10 years. The draft LEP has been based on the City of Ryde Local Planning Study 2010"*

([http://www.ryde.nsw.gov.au/Development/Planning+Controls/Planning+Controls+on+Exhibition/Draft+Ryde+LEP+\(DLEP\)+2011](http://www.ryde.nsw.gov.au/Development/Planning+Controls/Planning+Controls+on+Exhibition/Draft+Ryde+LEP+(DLEP)+2011)) and a link can be found from this webpage. The City of Ryde DLEP 2011 does not then



make any changes to the zoning of areas south of Epping Rd from their current R2 low-density zoning. **High density** development at this location is not consistent with the recommendations of the housing Study cited (see table of **Principles** which form the “strategy for housing which will meet the needs of present and future residents of the City of Ryde” below), nor the local government instruments. Therefore over-riding the current low-density residential zoning is not justified in this case.

<b>PRINCIPLE</b>	
<b>P1</b>	<b>Meet dwelling target set by the Metropolitan Strategy and draft Inner North Subregional Strategy.</b>
<b>P2</b>	<b>Maintain the City of Ryde’s current strategic planning direction to focus the majority of residential growth within Macquarie Park and the town centres.</b>
<b>P3</b>	<b>Encourage additional dwellings in small centres.</b>
<b>P4</b>	<b>Dwelling numbers and types should be appropriate to the nature of the centre.</b>
<b>P5</b>	<b>Protect the character of low density residential areas</b>
Because: <ul style="list-style-type: none"> <li>▪ The community expects that the character of the low density residential areas will be protected.</li> <li>▪ Protection of the character of low density residential areas is consistent with the Metropolitan Strategy and draft Inner North Subregional Strategy.</li> <li>▪ The low density residential areas provide high levels of residential amenity.</li> <li>▪ The low density residential areas provide for a range of dwelling types to meet the needs of present and future communities.</li> <li>▪ The low density residential areas are a defining characteristic of the City of Ryde.</li> </ul>	
<b>P6</b>	<b>Provide a diversity of housing types.</b>
<b>P7</b>	<b>Provide a high levels of residential amenity</b>
Because: <ul style="list-style-type: none"> <li>▪ High levels of residential amenity enhances the well being of residents.</li> <li>▪ Delivers economic benefits through preservation of property and rental values</li> </ul>	
<b>P8</b>	<b>Encourage residential development which is sustainable.</b>

In addition, the current Ryde LEP (2010) has **strict restrictions** on building heights on the NORTH side of Epping Rd. The building height restriction on the north side of, and adjacent to Epping Rd is currently **22m**. The **AVAYA** building, which is used in many of the diagrams provided by Urbis as a comparison, is an **anomaly**, being 10 storeys high and **way above the existing height restrictions**. This building would not be allowed to be built under the guidelines today. The DLEP 2011 maintains this restriction.

The OPTUS campus, next to AVAYA, is an indication of the current height restrictions (6 storeys) on Epping Rd, and, notwithstanding the ensuing increase in traffic and parking problems on the residential side of Epping Rd as a result of this development, it provides no major infringements on sunlight, privacy and aesthetic amenity for the residents south of Epping Rd.

**The proposed 8 storey building reaches a height of 8 storeys, or 27.5m, which cannot in any way be seen as a “transition” between 22m buildings and 9.5m residences.**



## THE PROPOSED DEVELOPMENT WILL RESULT IN TRAFFIC CHAOS

### A. Major traffic congestion already exists

The proposed development is located in an area with unique traffic issues. The major regional intersection is Epping Road and Lane Cove Road. Vehicles travelling from regions located to the south and west of Epping Road flow towards this intersection to either reach the Macquarie Park Corridor or turn right and head towards the Sydney CBD and other major employment centres in Sydney.

Major congestion is already experienced. The queue length on Lane Cove during morning peak hour is horrendous.

This neighbourhood already experiences problems with 'rat-runners' from regional areas driving through the local streets trying to get onto Lane Cove Road or Epping Rd via Paul Street and Napier Crescent. Traffic and parking problems have still not been resolved despite the efforts of the RTA and the City of Ryde. The situation is worsening, particularly since the completion of the Optus campus some years ago.

A map illustrating the rat run is shown below.

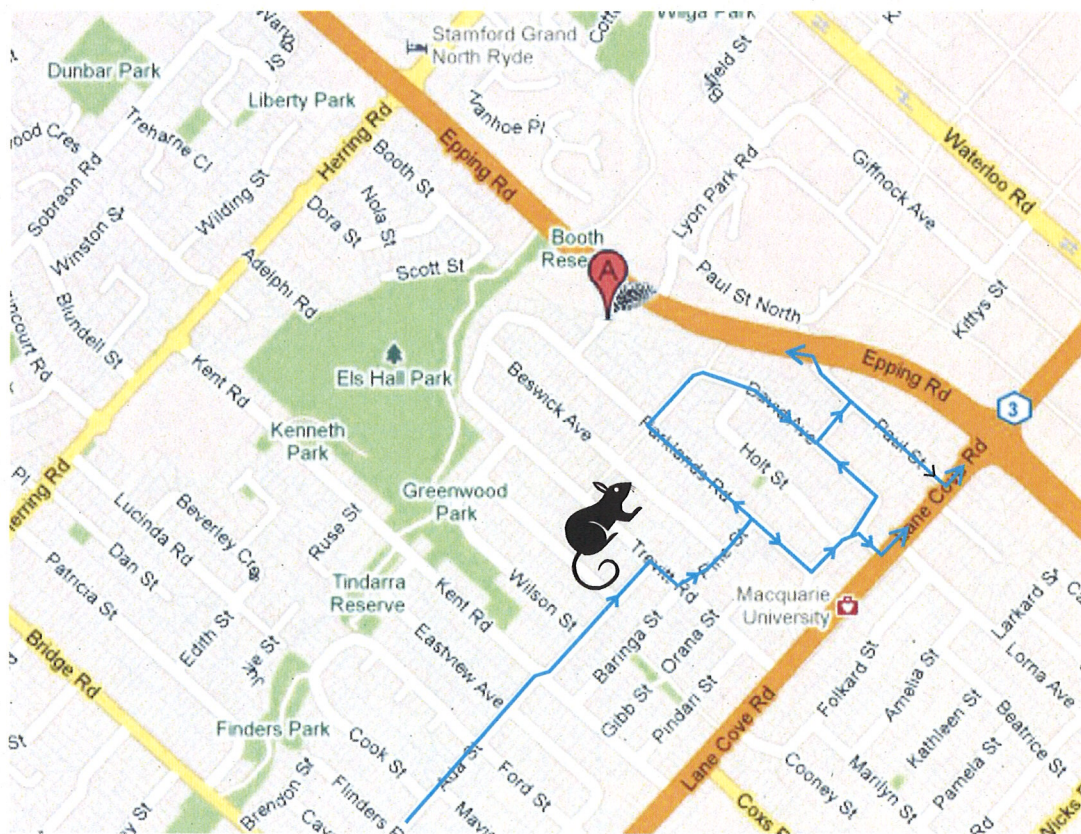


Figure E Map showing "rat run" through local streets during morning peak

Residents living along the rat run already have major difficulty getting out of their driveways or streets in the morning. Traffic jams are present on Paul Street and Napier Crescent on weekdays, with long queues sometimes extending into Parklands Road and McGregor Street.

Paul Street is effectively a one way street during morning peak hour. In desperation, some residents of that street have been known to drive along the nature strip just to get into or out of their own street. Photographs of a typical morning's congestion are shown on the next page.





**Figure F Photograph of congestion on Napier Crescent, North Ryde during morning peak**



**Figure G Photograph showing effect of parked cars on driving lines on narrow streets**



### **B. The proposed new development will substantially increase traffic congestion**

It is obvious that adding an additional 213 households or 311 vehicles will make things substantially worse. EGC and Urbis downplayed the impact on traffic due to this development during its public consultation. WAG successfully pointed out, in a prior objections document, the huge impact that the previous proposal would have on the local area and this emerged as a key issue during the consultation period.

The proponent has addressed this by proposing an access arrangement that now prevents access to or from the site via David Avenue, and also *"allows egress onto Epping Road, but restricts ingress and egress to the site via Whiteside Street only. Left in/right-out movements only to Whiteside Street to restrict traffic flow into surrounding local streets"*(EA, pg 29).

Although this arrangement appears to solve the immediate issues raised by WAG in regards to traffic volumes, it relies totally on a few major conditions

- An 'in principle' agreement with the RTA to allow two-way traffic on Whiteside St which is currently one way southbound from Epping Rd until it meets the cul-de-sac in the centre. This proposed change is **crucial** to the "solution" proposed. WAG feels that an in-principle agreement cannot in any way be a guarantee that this will happen, especially with future of the RTA as a body being in doubt.
- *"channelisation of vehicles into a position which makes let (sic) turn movements not possible"*(Appendix L, pg 35). There is no explanation of how this may effectively be achieved and WAG believes that unless the road levels are somehow different, to allow local traffic to continue southbound past the site but making left turns impossible from the site, there will be no way to guarantee that traffic does not turn left illegally, voiding the "solution" altogether.

WAG would welcome an independent traffic study to really assess the impact to the local traffic of all development applications currently with the DoP, as these should be seen as a whole rather than individually. Channelling all vehicles left on to Epping Rd will immediately put more stress on to the intersection of Herring and Epping Rd. This, in combination with the recent approval of 557 new residential dwellings at 120-128 Herring Rd (DoP ref: MP09\_0218) also under Part 3A, 310 new residences currently on exhibition for Stage I of the redevelopment of the Stamford Grand North Ryde site, at 110 – 114 Herring Road for residential and mixed uses (ref: MP10\_0112) applied for under Part 3A again, and the approved Macquarie University Concept Plan (ref: MP06\_0016), makes it obvious that these matters, when relating to traffic, should be viewed as a whole.

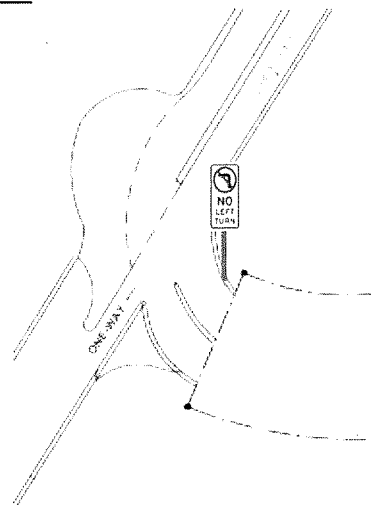
WAG's objections to the proposal on the basis of increased traffic congestion, presented at community consultation stage and quoted in APPENDIX A, are still valid.

### **C. There are no viable solutions to the problem of increasing traffic congestion.**

WAG believes that the proposed solution to make left turn movements from the development "not possible" whilst allowing inbound access to local residents is not viable. Certainly, a bit of roadscapeing and a 'no left turn' sign will not be an effective deterrent. Therefore the traffic study, which relies totally on this assumption, is invalid in WAG's opinion.

Therefore, WAG's objections to the proposal on the basis of increased traffic congestion, presented at community consultation stage and quoted in APPENDIX A, are still valid.

**"No Left Turn" – Is this seriously EGC's solution to preventing traffic chaos in local streets? This will not work. There is no viable solution to traffic congestion.**





**D. There are no viable solutions to the problem of increasing street parking**

With 413 bedrooms in the new proposal, it is estimated by WAG that there will be between 400 and 800 residents proposed to be housed in a development with 311 parking spaces. It is clear that residents will desire to park vehicles on local streets. Also, there is no guarantee that the parking provided will be used for residents' cars. It is common for people to use their allocated secure parking for storage and park their cars in residential streets where no restrictions exist.

There are 2-hour parking restrictions currently in force on weekdays in local streets all the way to Kent Road, to discourage parking by office workers in Macquarie Park. Although it is proposed that the current residents' parking Scheme is not extended to the residents of this development, this restriction may be challenged by EGC, and in the event of approval of the Concept Plan, future developers or its new residents. It is understandable that residents and visitors to the new development would object to being forced to park their cars many blocks from Whiteside Street. But if Council relaxes parking restrictions, the area will immediately be flooded by workers within the Macquarie Park Corridor.

Despite the Traffix report (Appendix L) review of Nearmap's periodic satellite imaging, stating "*Review of these images indicates a high level of on-street parking availability during weekdays. We understand that this evidence differs to resident's perception of this situation raised during the recent community consultations sessions*", WAG insists that the residents in streets near to Epping Rd are still having problems with parking of cars from Optus workers in their streets. These cars are moved every 2 hours to avoid parking fines, and they effectively make these street into no passing streets and very dangerous to traverse. Optus already 2000-odd more employees than originally intended to occupy these buildings and we have recently been informed that Optus has just bought an additional building on Griffnock St to house their extra employees. Casual parking provided at the Optus campus does not cater for the number of employees currently driving to work each day. **Any** local resident can attest to the traffic problems which now exist. Please also note that the satellite photos published do not have times against them. The following pages show photographs recently taken on a Sunday, mid-morning, and a Tuesday, mid-morning, for comparison.



**SUNDAY - Cnr Epping Rd and Paul St**

**SUNDAY - Epping Rd from overpass  
looking north**







**SUNDAY - Paul St from overpass**



**SUNDAY - McGregor St from Paul St**



**SUNDAY - South side Epping Rd**





**TUESDAY - Paul St from overpass**



**TUESDAY - McGregor St from Paul St**



**TUESDAY - Paul St looking from cnr McGregor St**





**TUESDAY – South side Epping Rd**



**TUESDAY - north side Epping Rd from overpass**



## 2. THE PROPOSED DEVELOPMENT REPRESENTS A SIGNIFICANT IMPACT ON THE LOCAL COMMUNITY

The proposed residential blocks are simply too close to boundaries and are too tall. No matter what angle this development is viewed from, it will be nothing short of an eyesore. It is environmental vandalism.

### A. Significant impacts on sunlight, access, amenity and privacy

The Environmental Assessment claims that *"The bulk, height and scale of the project have been carefully considered to address the surrounding properties and the scale of the street. In particular, lower scale 2-3 storey buildings are located adjacent to adjoining low density housing, with a maximum height of 8 storeys concentrated towards Epping Road. This ensures that solar access, privacy and boundary treatments are sympathetic to neighbouring properties"* (EA, pg 62)

This is an extremely misleading statement and an insult to local residents. We agree that the project has been "carefully considered" but not with any "surrounding properties" or local residents in mind.

Although the buildings adjoining properties in Parklands Rd are now 3 storeys rather than 5, they are now only 6 metres from the boundary fences rather than the 9 metres they were in the earlier proposal. How can 6 metres be called "generous setbacks" (EA, pg32)?

A "minimum of 3 hours sunlight to the private open space areas are achieved on the winter solstice" (EA, pg 74) is a **huge** impact to the adjoining properties that now enjoy full sunlight from their northern aspect all day. The current council zoning of R2 would not significantly affect this amenity to residents. **The 3 hour sunlight criterion is not appropriate and is unacceptable.**

Many residents currently enjoy their breakfast in the morning winter sunlight. This is one feature of these properties residents are most grateful for. Shadow diagrams provided by Urbis demonstrate that residents adjoining the development on Parklands Road will see very little sun in the morning in mid winter. Local residents will be forced into using clothes dryers to dry washing, using additional power for extra heating and lighting, due to the reduced natural sunlight. One resident has already installed solar panels on the roof and others have suspended plans to do so due to the potential impact of this development. Solar power hot water systems will be less effective.

Residents at no. 59 Parklands Rd, converted their garage to an art studio last year to take advantage of the northern aspect and the abundance of natural light. This studio is 2.8 metres from the boundary and will be drastically affected by 3 storey and 8 storey developments. The owners did not take this impact into account when choosing to make the investment to renovate, as they were assured that a 2 storey development would not impact their sunlight access or their privacy markedly. **Please note that this garage/studio was conveniently left off the diagram on pg 18 of the EA and all the shadow diagrams on Pg 75 and in Appendix G, as was the extension to the back of the house which was completed in 1990! Both of these are clearly illustrated in the satellite image in their own document (pg 12).**

The property at 12 David Ave will fare even worse! The shadow diagrams clearly show these residents will be overshadowed before 11am in the morning and will have little or no direct sunlight in their backyard after about 12noon. **This is clearly not acceptable and immediately devalues their home dramatically.** The EA (pg 75) acknowledges this but assures them that *"In summer, when a pool would ordinarily be used more frequently, it will receive direct sunlight up until late afternoon"*. How comforting this will be to the residents.

Similarly, the adjacent residents at 166 Epping Rd will have no direct sunlight on their rear yard from 1pm in mid-winter where currently they enjoy full sunshine at this time, and would not be affected in this way by a 2-storey dwelling, as zoning allows.





**Figure H Nearmap image of Epping Road on 15 June 2010, showing extensive shading from Avaya Building and trees, hence the logic of keeping Epping Road as the boundary between high and low rise development.**

The shadow diagrams provided by EGC downplay the true impact on sunlight. As shown in Figure H, trees can contribute a substantial impact on shading. EGC's shadow diagrams and calculations haven't taken into account the impact of shading from new trees that it proposes to plant in order to reduce the substantial impacts that the proposed development will have on aesthetic outlook and privacy for adjoining properties. The planting of the new trees will further reduce the amount of sunlight that will shine into adjoining properties.

As for privacy, the diagram on pg 66 of the EA shows the distance from the boundary of **just 6 metres** and clearly relies on mature trees in the backyards of the Parklands Rd properties to screen for privacy from those overlooking their backyards. These are repeated in the concept plan diagram on pg 39 (along with the ubiquitous Avaya building that is over height restrictions but inserted in every diagram). Where are these mature trees coming from? Are EGC supplying these as well? Furthermore, having these trees on the boundary would mean surrendering almost all sunlight in backyards as a trade-off for greater privacy. **This is a clear manipulation of the facts to minimise the real impact to existing residents. It seems EGC and Urbis have spent a disproportionate amount of time and money on methods to window dress the clearly inappropriate scale of this development.** The majority of this information is irrelevant and non-binding as EGC is only seeking approval of a Concept Plan.

The architectural and landscaping solutions offered by EGC cannot account for the massive impact that this proposed development will have on amenity, privacy, sunlight and access that is currently enjoyed by local residents.

Some "environmental sustainability" benefits promoted by the EGC and Urbis significantly impact on environmental sustainable elements of existing neighbouring houses. That is, breezes and sunlight captured by the proposed buildings come only with the direct consequence of loss of breezes (ventilation) and loss of sunlight and for some houses, loss of solar electricity generation. This is a direct contradiction of the principles of sustainability.



Put simply, EGC's proposed development is an elephant. Their architects and landscape designers have tried to dress it up with pretty pink ribbons. Urbis have tried to inflate its image with catchphrases like "environmental sustainability". But it still 'looks like an elephant, sounds like an elephant and smells like an elephant'.

### **B. Impact on social infrastructure**

EGC and Urbis have not assessed the potential impacts on the local community as part of the Environmental Assessment process. This is not acceptable.

In addition to traffic, parking, amenity, privacy, reduced sunlight, the introduction of high rise residential development will place an increased burden on social services within this community.

In its recent January 2011 objection to EGC's proposed Allengrove Crescent development, the City of Ryde commented on the need for a Social Impact Assessment.

WAG is concerned how this development might impact on social infrastructure such as local schools, childcare facilities and local GP medical services. High schools in the northern districts are already "bursting at the seams". "The particular problems for High Schools in the continuum from Mosman and the lower north shore, up the north shore line to Turramurra and Killara are particularly pressing and well known. All high schools in this area are basically full, and most have little or no room for expansion. (Quotes from P&C Northern Sydney Region Enews - 13 August 2011).

### **C. Impact on prices of nearby properties**

Many people have invested over a million dollars to purchase a home in this quiet, low density residential area. Other residents have plans for the future to sell and realise the high value of their investment.

Approval of the proposed development, with its negative impact on the local area, will result in significant impacts on property prices. The local residents will stand to make substantial losses and suffer a significant reduction in enjoyment of their property and neighbourhood.

**In contrast however, the developer, EGC Custodian Services P/L, will stand to make substantial profit if the land is rezoned to high rise residential development.** EGC Custodian Services is associated with EG Funds Management whose website (<http://www.egfunds.com/index.html>) lists as a "specialist property asset funds manager. Established in 2000 to capitalise on property investment opportunities arising from new community and transport infrastructure and land use changes".

This website also explains "The Epping Rail Link Property Trust was launched in May 2002 to focus on opportunities arising from the construction of the \$2.3 billion Epping to Chatswood Rail Link. The fund's strategy is to acquire and amalgamate residential properties surrounding stations on the Epping to Chatswood Rail Link. These are then rezoned to achieve higher density and are sold as development sites.

The same developer, and indeed the same company producing the Environmental Assessment, Urbis, are involved in the proposed redevelopment of the 'sister development' (currently being considered by DoP) at 1-9 Allengrove Crescent, 116a-122b Epping Road, 259-263 Lane Cove Road, North Ryde (ref: MP10\_0037). **It appears that the proponents have no intention of developing these sites themselves but to re-sell the developments to a third-party and collect the substantial profits.** This is not illegal but should be kept in mind by those that have approval authority, as the statements made, unless contained in the Statement of Commitments, may not be honoured by the eventual developer of the site.

Also, is it possible that Urbis, having been paid by EGC to produce its EA and a recommendation to the Minister, is likely not to recommend the proposal? This is akin to an advertising company being employed by a tobacco company to sell the benefits of smoking, surely? And to the great benefit to the state of NSW!



### **3. THE PROPOSED DEVELOPMENT REPRESENTS A SIGNIFICANT IMPACT ON LOCAL SERVICE NETWORKS**

Many local residents report experiencing issues with sewerage services. The proposed development will place an undue load onto existing sewer services.

WAG is concerned that the development will impact on sewer, potable water, stormwater, electricity and telecommunications infrastructure. There is no information on how the proposed development would affect local services such as sewerage and water. Will the proposed development result in the construction of new pipes along local streets? How can the community provide feedback when it does not know what EGC and Urbis are planning?

EGC and Urbis have been silent on these issues, apart from assigning these concerns to a later stage of development (EA, pg 34).

### **4. APPROVAL OF THE PROPOSED DEVELOPMENT REPRESENTS A DANGEROUS PRECEDENT FOR LAND USE ON THE SOUTHERN SIDE OF EPPING ROAD**

**This is a major concern for WAG and the local residents.**

The Whiteside Street and Allengrove Crescent developments are the first two proposed developments south of Epping Road, beyond the Macquarie Park Corridor.

If EGC's application is successful, other developers will justifiably demand equal consideration of more high rise development on the southern side of Epping Road.

The potential impacts on the local community that have been raised by WAG will only be multiplied if further high rise developments are introduced.

**Given that this project is not in the state interest, EGC does not deserve special treatment. Approval of this Concept Plan would represent a dangerous precedent.**

In its Local Planning Study, the City of Ryde declared that "*Epping Road will continue to define the edge between taller built form in Macquarie Park and largely low scale residential areas.*" (Page 2-194 - <http://www.ryde.nsw.gov.au/Development/Planning+Controls/Local+Planning+Study> )

**WAG pleads with the NSW Planning Minister to respect this planning strategy.**



## 8. INFORMATION PROVIDED IN THE ENVIRONMENTAL ASSESSMENT IS MISLEADING AND DECEPTIVE

### A. Information provided by the proponent is misleading and deceptive, downplaying the impact of the development

WAG believes that EGC and Urbis are making some **misleading and deceptive statements** in order to attain approval for this project. In addition to the points already mentioned above, here are some examples from the current Environmental Assessment.

- EGC claims in the Executive Summary (pg 7) to incorporate ESD principles into the design, construction and operation of the project. One of the ESD objectives is to “*significantly contribute*” to “*reduced private car use and associated congestion and CO<sub>2</sub> emissions*”. Yet the only evidence provided, apart from the proximity to public transport, is:
  - The provision of parking at a level slightly below Council's minimum (Pg 73)
  - A single and one-off yearly rail pass from Macquarie Park to the Sydney CBD will be provided to the purchaser/s of each apartment (Statement of Commitments, pg 48)
- As pointed out in WAG's previous objection document the North Ryde Golf Course is listed under **Parks** (pg14), but this facility is not open to the public so it is not a valid point under that category. On the same page, Macquarie Hospital is again listed as being close to the site, and even though it has now been recognised and stated that this hospital treats mental illness and disorder, it is not open to the general public and is therefore misleading to list under **Medical** facilities available to the residents.
- Pg 17 of the EA shows a housing stock diagram which indicates that Ryde LGA (which includes North Ryde although it is shown separately), has a 30% proportion of residential flats, which is already over the 25.7% average whole of Sydney. This seems to go against the argument that the local area needs more flats. Given that the flats make up only 4.2% of the housing stock in North Ryde, it seems logical that there is a much greater proportion of flats in other parts of Ryde LGA. This indicates to WAG that there is already a wide range of housing options in the Ryde LGA and residents choose to live and buy where the housing stock suit them best.
- One of the key underlying directions of the Metro Strategy (Strategic Direction D) is quoted as “A key action of this plan is the aim to locate 80 per cent of all new housing within walking distance of centres of all sizes with good public transport. This will reduce car dependency and make walking, cycling and public transport more viable to more residents” (pg 21). WAG agrees with this strategy but feels that villas, duplexes, dual occupancies and townhouses could also serve this purpose, increase the current housing density, maintain amenity for the existing residents, and sit within the current regulations. This point then cannot be used as an argument to justify high rise development.
- The response from the proponent to the residents' objection to the scale of the development (pg 32) is “the scale of the proposal is consistent with the surrounding context. Building A is higher to reflect a **strong edge element** along Epping Road and to take advantage of close proximity to nearby public transport infrastructure”(our emphasis). WAG questions what a **strong edge element** is, apart from gobbledegook, and how an 8 storey development can take advantage of the close proximity to the station more than a 2 storey structure?
- Section 6.3 shows some ‘indicative’ illustrations and photomontages of the proposed structures with some very creative use of Photoshop or equivalent to add huge trees where none exist today and to conveniently leave out things which may be detrimental to their aim. Figure 22B shows a montage of the 3 storey building behind some Parklands Rds properties, but seems to miss the 8 storey block behind which would have to be obvious behind a 2 storey street front. It is unrealistic to infer that the residents on the south side of Parklands Rd will not have a view of the 8 storey block behind. Figure 23 shows a view from Epping Rd looking towards the 8 storey frontage of the development, which conveniently has a row of 7 storey trees in front to minimize the visual impact. How long does it take to grow a tree the height of a 7 storey building? WAG believes this is deceptive conduct. Figures 24, 25 and 26 also seem to have some conveniently located trees added that don't exist today.



- According to the DLEP 2011 from Ryde Council website (accessed 23/08/2011) the Objectives of the R2 Low density residential zone are:
  - *To provide for the housing needs of the community **within a low density residential environment**.*
  - *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
  - *To provide for a variety of housing types.*

Under Response to the DGRs, Urbis and EGC claim (pg 53) that the DLEP 2011 objectives of the R2 zone are to:

- *To provide for the housing needs of the community.*
- *To provide for a variety of housing types **and densities**.*
- *To enable other land uses that provides facilities or services to meet the day to day needs of residents.*

A quick comparison shows some manipulation of the objectives. WAG suggests that this manipulation serves as evidence of deception and misleading conduct to further their own argument for the proposal.

- On pg 54, under Permissibility, the EA states "*Buildings A and B are taller elements which have been designed to respond to the height of the Avaya Building on the northern side of Epping Road, and create a symmetrical framing and strong edge along Epping Road*". As pointed out earlier the Avaya Building is some 4 storeys higher (10 storeys) than the current **permissible building heights** on the north side of Epping Rd and stands as an anomaly in this area. Comparisons to the height in diagrams (see pg 58 and Appendix G) or otherwise then are deceptive and misleading.
- Under the heading **Privacy** (pg 77) it is stated "*In addition to building separation, the proposed development seeks to protect privacy by the skewed arrangement of windows and the use of devices such as fixed louvres, high and deep sills and planter boxes*". This is a feature of the current design that cannot be guaranteed if the rezoned land is re-sold to another developer. It may not be guaranteed even if it not re-sold. As this is crucial to the provision of privacy for adjoining properties but not contained in the *Statement of Commitments*, WAG feels that this should not be taken into account by the approving authority.
- Urbis have been retained to provide both the 'independent' community consultation for the Whiteside development and the Environmental Assessment and recommendation. Therefore, it is understandable that residents and WAG are greatly concerned that the Planning Minister may not have much other input to his decision. A truly independent assessment, such as that provided by the NSW Planning Assessment Commission, would be much more acceptable to WAG and would ensure greater transparency and community confidence.
- EGC have chosen to by-pass Ryde Council as determining authority and has asked the NSW Planning Minister to approve construction using Part 3A of the Environmental Planning Assessment Act. The Member for Ryde, Victor Dominello, quotes the Independent Commission Against Corruption's (ICAC) concerns with the Part 3A system:

*"The Part 3A system is characterised by a lack of published, objective criteria. There are also various elements of Part 3A that are discretionary, particularly as regards residential and commercial development, which are prohibited or exceed existing development standards. The existence of a wide discretion to approve projects that are contrary to local plans and do not necessarily conform to state strategic plans has the potential to deliver sizable windfall gains to particular applicants. This creates a corruption risk and a community perception of a lack of appropriate boundaries"*

**ICAC's concerns are directly relevant to this proposed development.**



## Whiteside Action Group – CONCLUSION

**In conclusion, WAG is strongly opposed to the proposed development outlined in DoP ref: MP10\_0165 and to any high rise development at No. 5 Whiteside Street, North Ryde.**

WAG welcomes the extensive support of the local community and is currently collecting signatures on an additional petition. We expect to be able to present at least 2000 signatures of residents opposing this development to be presented to the relevant approving authority shortly.

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Whiteside Action Group  
FINAL 1/9/2011

### Distribution to:

- Jane Flanagan, Dept of Planning and Infrastructure
- Michael Woodland, Dept of Planning and Infrastructure
- Victor Dominello, Member for Ryde and Minister for Citizenship and Communities, and NSW Minister for Aboriginal Affairs
- Brad Hazzard, Member for Wakehurst and NSW Minister for Planning and Infrastructure, and Minister Assisting the Premier on Infrastructure NSW
- Federal Member for Bennelong, John Alexander
- Glenn Ford, Ryde Planning Officer
- Cllr Nicole Campbell, Ryde Councillor
- Cllr Bill Pickering, Ryde Councillor
- Cllr Jeff Salvestro-Martin, Ryde Councillor
- Cllr Sarkis Yedelian OAM, Ryde Councillor
- Cllr Roy Maggio, Ryde Councillor
- Cllr Gabrielle O'Donnell, Ryde Councillor
- Cllr Ivan Petch - Deputy Mayor of Ryde
- Cllr Vic Tagg, Ryde Councillor
- Cllr Michael Butterworth, Ryde Councillor
- Cllr Artin Etmekdjian – Mayor of Ryde
- Cllr Justin Li, Ryde Councillor
- Cllr Terry Perram, Ryde Councillor



## • APPENDIX A

### C. The proposed new development will substantially increase traffic congestion

It is obvious that adding another 257 households or 366 vehicles will make things substantially worse. With the proposed development at Whiteside Street, the existing extent of traffic congestion will extend to Parklands Road and Trevitt Road. A flow diagram showing impact on traffic during the morning peak is shown in Figure I.

EGC and Urbis estimate that the proposed development will generate an additional 103 vehicles per hour onto the local streets.



**Figure I Flow diagram showing impact of Proposed Whiteside Development on traffic during morning peak**

As shown in the above figure, the proposed development will generate increased traffic on local roads, with significant increases compared to current conditions for some streets. It will also generate an increase in existing queue lengths and travel times. The dotted orange lines are representative only and WAG requests an analysis by EGC's traffic consultant Traffix, cross checked by the RTA.

The map also shows, however, disturbing new traffic issues that will occur for local streets:

- **New two-way traffic and congestion**

The current direction of traffic flow is predominantly one-way. The introduction of a new and significant entry point at Whiteside Street will introduce two-way traffic flows. This is a major new issue as it will lead to substantially increased new congestion in the narrow streets. Vehicles will be forced to stop and give way to each other when travelling in opposing directions. This will result in an increase in traffic noise.

- **New three-way bottlenecks at intersections**

It will not take long for new residents from the proposed development to realise that if they wish to join Lane Cove Road at Napier Crescent (so they can turn right onto Epping Road), the best way will be to drive down David Avenue and enjoy a right of way against the current rat runners. This will introduce a new bottleneck. Other bottlenecks will likely occur at other intersections, as highlighted in Figure I.



The narrow local streets will experience unprecedented stress as result of this new development. In some locations, it will become dangerous to get into a car parked on the street or simply to cross the road. Public safety will be at significantly increased risk.

EGC and Urbis have downplayed the impact on traffic due to this development during its public consultation. To mention that traffic volumes will remain below the "desirable" threshold of 200 vehicles per hour is deceptive and an insult to residents.

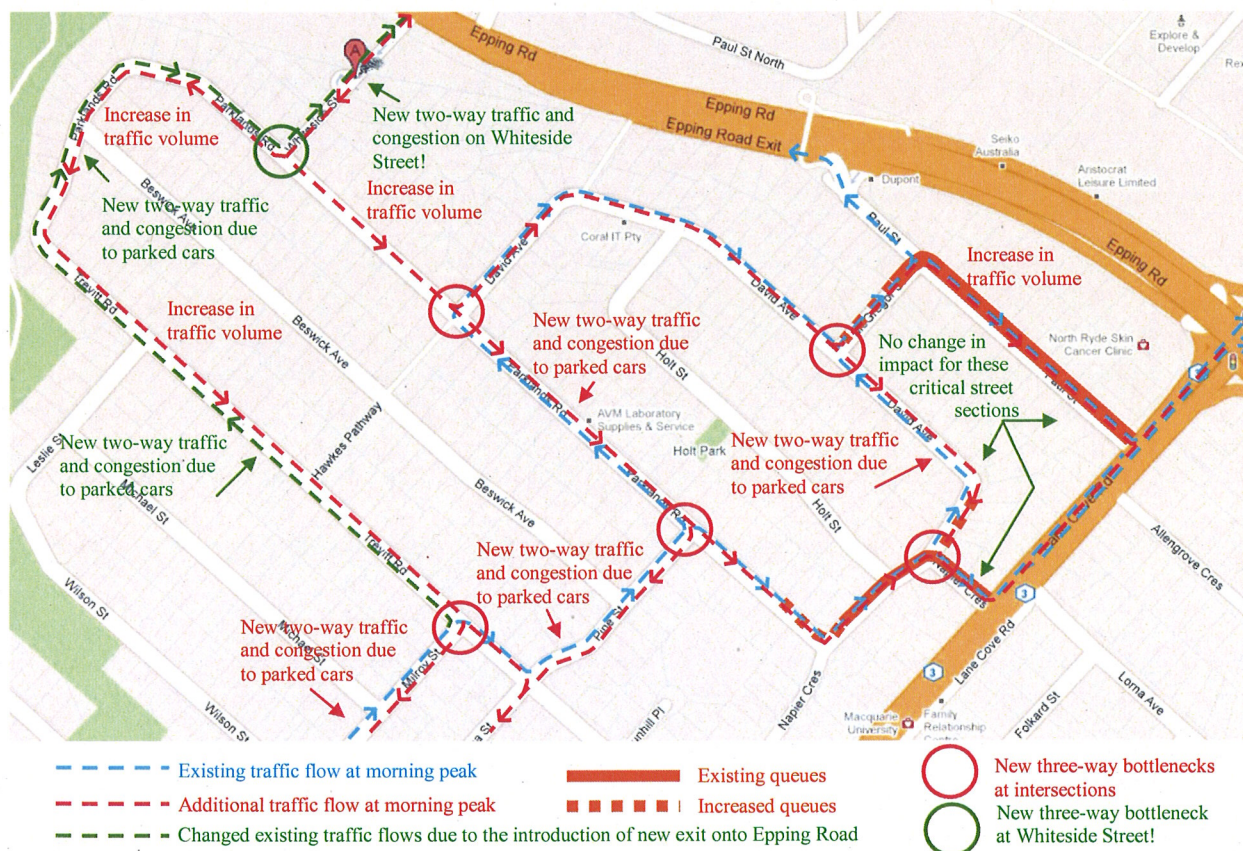
With only 2 to 4 cars merging onto Lane Cove Road from Paul Street and Napier Crescent for every traffic light cycle at the intersection of Lane Cove Road and Epping Road, 200 vehicles per hour represents very long queues and very long travel times at Paul Street and Napier Crescent.

WAG believes traffic congestion, which can be quantified by traffic speed, queue length and travel time are much more appropriate measures of traffic congestion. The number of vehicles per hour means little to someone who cannot back out of their driveway.

EGC's consultant Traffix advised during the information session on 16 March 2011 that SIDRA intersection analyses have been undertaken for many of the congested streets and the effect of the development on queuing and travel time has been estimated. WAG asks why EGC and Urbis chose not to provide this information but instead chose to cherry pick Traffix' advice, referencing only a "desirable" threshold of 200 vehicles per hour. WAG also questions whether the SIDRA analysis took into account the effect of parked cars on the narrow local streets.

#### **D. There are no viable solutions to the problem of increasing traffic congestion**

EGC have raised a proposal of turning Whiteside St into a two-way road rather than the current one-way access from Epping Rd to provide amenity to local residents. This will facilitate traffic flow towards Epping Road. This makes no sense.



**Figure J Flow diagram showing changes to impact of Proposed Whiteside Development on traffic during morning peak if a new exit is permitted at Whiteside Street onto Epping Road**

The following can be seen from the traffic flow diagram in Figure J.



- **Generation of even more new two-way traffic and congestion hot spots**  
A new two-way road will entice rat runners who currently turn north-west onto Epping Road via Paul Street. These rat runners are mainly travelling to the Macquarie Park Corridor via Herring Road. Enticing these vehicles onto Whiteside Street against the flow of vehicles exiting from the proposed development does not make sense.  
The change in existing traffic flows will also result in the introduction of new two-way flows along Trevitt Road and Parklands Road.
- **Little effect on issues on Paul Street and Napier Crescent**  
Traffic advised at the community information session on 16 March that the majority of traffic leaving from the proposed development is expected to be heading out of the local streets via Paul Street and Napier Crescent. Vehicles heading in this direction would not use the proposed new exit onto Epping Road because it heads in the opposite direction. So the introduction of a new exit onto Epping Road will have no effect on the proposed development's substantial impact on traffic travelling via Paul Street and Napier Crescent.
- **A new exit onto Epping Road might not be a long term solution anyway**  
The City of Ryde zoning maps (refer Figure B) show that the RTA have long term plans to construct a link road from Epping Road to Eastwood. If this project goes ahead, it is likely that a two-way road would not be viable as the Whiteside Street intersection is located where the traffic turns out to Eastwood. Furthermore, the exit will not allow vehicles to travel onto Epping Road. The vehicles would only be allowed to travel on the new Eastwood Road. Therefore, the proposed two-way street might not be a long-term solution anyway.

**EGC vaguely offers to investigate further traffic options.**

WAG believes that there are no viable options. The proposed development will substantially increase impacts on traffic.