

COUNCIL'S SUBMISSION FROM JANUARY 2011

Council's submission to the exhibition of this project application in December 2010 identified four main areas of interest or concern. Two of those issues related to the consultation process and issues associated with the Part 3A process as it then existed. The former is not a matter for the proponents to address and the latter has been the subject of legislative amendment since the change of State Government in March 2011. These are not matters that the proponents need to address in the Preferred Project Report (PPR). The other matters raised were under the headings of Urban Design and Traffic and these issues are revisited below. In addition, Council wishes to raise the issue of future planning controls affecting the site having regard to progress during 2010 on the mooted amendments to Draft Ryde Local Environmental Plan 2011 aimed at future development in Macquarie Park.

FUTURE PLANNING CONTROLS

Planning controls for Macquarie Park have been the subject of protracted consideration and discussion between the Department of Planning and Infrastructure and City of Ryde. Correspondence to the Director-General from Council dated 5 March 2009 details the controls then proposed and identified as "Amendment 1". Maps attached to Amendment 1 show controls for this site for Floor Space Ratio, Height of Buildings and Car Parking Rates.

It is Council's expectation that the draft controls should be given weight in the Department's consideration of the project. In this regard, the draft controls should not be exceeded without consideration of what impact that may have on other sites and controls in Amendment 1 as well as the wider Macquarie Park area.

The subject proposal is seeking to capture certain uplifts in FSR and height in advance of those controls being gazetted. Council strongly suggests that the department considers whether the wider development community of Macquarie Park will need to be convinced that any perceived generosity offered to this site will be offered to them in due course when the planning controls are finally put in place.

Zoning

The site is zoned B3 Commercial Core under Ryde LEP 2010 and the zone and zone objectives are not proposed to change with Amendment 1.

Council's position is that the proposed development should be commercial and retail in character and use. The form, design and structure of the development should be such that it supports such uses and is not capable of use for permanent residential use. Given its location above the Macquarie Park station, the site is critically important to establishing the new commercial core of Macquarie Park and Waterloo Road.

Floor Space Ratio

Amendment 1 shows the site as being affected by two FSR controls as shown below.

FSR "Amendment 1"	<p>Part V, Part Y V = 3:1 Y = 4.5:1</p> <p>The 4.5:1 FSR is the highest FSR offered to any site in Macquarie Park under Amendment 1.</p> <p>Based on a 50/50 split of site area, the FSR is approximately 3.75:1.</p>	<p>The higher FSR is at the "rear" of the site along the frontage of Coolinga Street between Giffnock Avenue. The lower FSR is at the station entry. Both include land above the railway easement which cannot be substantially built upon but the floor space is not lost to the development.</p>
FSR PROPOSED	5.1:1	83,368m²

The FSR proposed under the Concept Plan is 5:1 which generally exceeds the overall FSR proposed under Amendment 1 by approximately 1.25:1 or 25%.

The proposed development therefore does not comply with Amendment 1 in terms of FSR. While the strategic importance of this site is again recognised, the extent of non-compliance is significant in terms of the amount and the location of floor space. The Department's assessment needs to consider the impact of those differences on future planning controls for adjoining development sites and the physical impact on existing development, notably the *Hyundai* building to the south. If the 0.5:1 FSR is accepted for this site, it will become the benchmark for surrounding sites and the corridor as a whole. The potential impact on Amendment 1 needs to be recognised as well as the infrastructure, traffic and other implications that follow from a further uplift in FSR for Macquarie Park.

The Department's assessment also needs to consider the impact on existing planning controls for the Macquarie Park station precinct, particularly the "special precinct" controls in Ryde Development Control Plan 2010 – Part 4.5 Macquarie Park Corridor. The DCP contains objectives for the precinct in which this site is located including the establishment of an active "main street" in Coolinga Street off Waterloo Road with future connections towards Epping Road to the south. Any variation to the location or extent of FSR on the site needs to be fully considered against the DCP objectives for the precinct which are reiterated below.

Objectives for Macquarie Park Station precinct (DCP 2010 – Part 4.5 – Section 4)

1. To provide a large park suitable for active and passive recreation, for users of Macquarie Park Corridor.
2. To provide high quality public spaces around the new train station to accommodate a high level of pedestrian movement and activity.
3. To create a distinctive civic character to Waterloo Road around the stations.
4. To create a vibrant new main street along the extension of Coolinga Street, providing a local activity centre.
5. To provide a range of uses supporting the predominant commercial use, and generating activity at ground level.
6. To ensure that the scale and form of development contributes to the public domain and legibility of streets and places.

7. To ensure that development contributes to the provision of public infrastructure.
8. To provide built form that allows the train stations to be visually prominent within Macquarie Park.
9. To ensure that blocks and lots around the station are highly permeable.
10. To ensure that corner sites at the intersection of Lane Cove and Epping Roads create a quality identity for Macquarie Park.
11. To provide a highly accessible pedestrian movement network, increasing permeability and walkability.
12. To encourage walking and cycling.
13. To provide safe public places.

Building Height

Amendment 1 shows the site being affected by two Height of Buildings controls as shown below.

Height of Buildings (HOB) "Amendment 1" AMENDMENT MAP MAP 7	Part AA3, Part V AA3 = 75m V = 37m	The higher HOB is at the "front" of the site and INCLUDES the station plaza area. MAP 7 is not mentioned specifically in the letter to the Department of Planning dated 5/3/2009. However, it is presumed to be the operative map for proposed HOB if "Amendment 1" is gazetted.
HOB PROPOSED	MAIN BUILDING (Lane Cove Road): 17 storeys + plant shown as less than 71 metres (estimated at 68m marked by RL127 compared to RL130). The proponent's Executive Summary identifies RL129.3 as the maximum height – below the maximum now proposed. SUBSIDIARY BUILDINGS (Waterloo Road & Coolinga Street / Giffnock Avenue): 3 x 8 storeys up to 36.8 metres.	The higher HOB is at the "front" of the site at the corner of Lane Cove Road and Waterloo Road. In the Proponent's PPR, the HOB proposed has increased from RL127.9 to RL 129.3.

The proposed building generally complies with the height of buildings controls proposed in Map 7 of Amendment 1.

Again, the relationship between what is approved for the proposed concept plan and future height controls for Macquarie Park needs to be considered in any assessment. The "AA3" height is the most generous offered in amendment 1 and only applies to a few sites near the Macquarie University and Macquarie Park Railway Stations. It is only exceeded by the proposed height of buildings contained in the Macquarie University concept plan approval (under the former Part 3a legislation).

Council's position is that the HOB controls in Amendment 1 should be given weight in the Department's assessment. This recognises that the aim of Amendment 1 is to encourage development that is in keeping with the future role and function of Macquarie Park as a specialised centre under the Metropolitan Plan.

Car parking

Amendment 1 proposes a car parking rate for this site of 1 space per 80m². It is noted that a reduced rate is being sought by other agencies given the proximity of the railway station.

Consistent with its position that the controls proposed in Amendment 1 should have weight in assessment of the proposal, Council accepts that the adopted rate should apply but notes that a compliant FSR would mean that the actual number of car parking spaces required (and likely traffic impact) would be reduced.

Car parking	1 per 80m ²	<p>As per LEP2010 & "Amendment 1" Map 5a Proponent is arguing for compliance with Council's control.</p> <p>Provides 1042 spaces next to the railway station based on the proposed FSR of 0.5:1 and floor space of 83,368m².</p> <p>FSR of 3.75:1 would require approximately 782 spaces or 260 less than proposed.</p>
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Urban design issues

Beyond any determination for the concept plan, any future development application for the proposal will be subject to assessment under Part 4 of the Environmental Planning & Assessment Act.

It is Council's expectation that the design detail will fully comply with Council's relevant controls including Ryde DCP 2010. The development will be subject to urban design review in accordance with Council's policies. The comments made in Council's original submission are therefore relevant to any future development application for the site. In particular, the provision of appropriately sized, workable and pedestrian friendly spaces around and through the development are sought to enhance access to and from the railway station.

Plaza at station	Winten / Australand proposes the dedication of approximately 1,950m ² comprising the Macquarie Park Station - east plaza and civic streetscape. The proponent will also provide pedestrian through-site links and public footpaths generally in accordance with Council's public domain plan.	The final design will be the subject of the future development application(s) for the site.
Landscaping	Approximately 4,165m ² of deep soil landscaping (1.5 metres deep) is proposed to be provided, with a further 2,772m ² of landscaping with a soil depth deep enough to support medium to large tree planting. Under the landscape concept plan 52 trees will be removed and 28 trees will be	The Department should ensure that the appropriate threatened species legislation has been complied with including any required tests of significance.



	retained.	
Setbacks and active street fronts	Any future development application will be expected to include details of how the proposed setbacks will provide street activation (particularly at corners).	The nil setback proposed to Coolinga Street frontage is only acceptable if it contributes to the future development of this frontage as a “main street” pedestrian precinct.

Traffic

Council’s original submission raised concerns about the traffic data and analysis approach used for the proposal. It appears that these have been resolved with the more up to date information and modelling being used to inform the PPR.

Notwithstanding the updated information and modelling, Council has concerns regarding the extent of non-compliance with the FSR proposed under Amendment 1. As the Department of Planning and Infrastructure and the RMS are aware, there are existing issues facing the current traffic network within Macquarie Park. The proposed exceedance of Council’s envisaged controls has the potential to jeopardize the wider traffic network for Macquarie Park not only as a result of the proposed development but also as a result of future development on other sites seeking to match the proposed FSR. Accordingly, Council strongly recommends that the Department of Planning and Infrastructure carefully consider the proposed exceedance of Council’s intended controls for the subject site.

It is noted that Roads and Maritime Services identified the possible need for a new G-Turn manoeuvre to accommodate traffic movements associated with the project. The proponent’s position is that implementation of the G-Turn is not warranted. This is a matter that needs to be resolved with RMS prior to any determination for the project. Council’s position is that any roadworks required to implement a G-Turn or other requirements of RMS should be borne by the proponent and not transferred in any way to Council.

CONTRIBUTIONS

The proponent is proposing that a Voluntary Planning Agreement (VPA) be executed between it and the Council. The VPA will be resolved as part of the detailed design of the proposal during the Development Application stage. The proponent has identified that the VPA will outline the process for, and timing of, the payment of the Development Contribution and that part of the contribution may be made in the form of works in kind or dedication of land.

Winten / Australand has assessed the potential Development Contribution as having the following five components:

- monetary contribution in accordance with the City of Ryde Section 94 Contributions Plan - September 2010;
- provision of a roundabout at the intersection of Giffnock Avenue and Coolinga Street;

- land dedication consistent with Council's identified "Key Public Domain";
- provision of through-site links and public footpaths in accordance with Council's Public Domain Plan; and
- works-in-kind for the improvement of the area around the Macquarie Park Station site portal, being works to the East Plaza and Civic Streetscape.

The monetary contribution is indicatively identified as approximately 8.8 million (including credit for existing GFA).

Council makes no agreement in advance of any determination for the project. Negotiations for any future VPA and works-in-kind will be in accordance with Council's policy and procedures for Voluntary Planning Agreements. It must be noted that works considered necessary and consequential for the functioning of the proposed development will not be supported within any forthcoming Voluntary Planning Agreement offer. Any determination made for the Concept Plan should ensure that all applicable contribution levies will be paid.

