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Mr Michael Woodland
Director, Metropolitan Projects
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MIN2010/6

Dear Mr Woodland

COUNCIL SUBMISSION ON MP10_0112 being a Concept Plan Application for a Mixed Use Residential Development at 110-114 Herring Road, Macquarie Park and MP10_0113 being a Project Application for Stage 1 works (Buildings H, W, C & Y) - Stamford Grand Hotel site.

Attention: Jodie Leeds

Thank you for the opportunity to make a submission on the above Major Project applications which is herewith attached.

Should you have any queries on the submission, please contact Glenn Ford, Client Manager on 9952 8227.

Yours sincerely

Sam Cappelli
Acting Group Manager
Environment and Planning

COUNCIL SUBMISSION ON MP10_0112 being a Concept Plan Application for a Mixed Use Residential Development at 110-114 Herring Road, Macquarie Park and MP10_0113 being a Project Application for Stage 1 works (Buildings H, W, C & Y) - Stamford Grand Hotel site.

BACKGROUND

Council provided comments on the Director-General's requirements for this project in November 2010. The project was publicly exhibited by the Department of Planning and Infrastructure (DoPI) from 10 August to 14 September 2011. The exhibited proposal remains well outside the scale and scope of Council's adopted planning controls relating to height and residential density and is therefore in a form that Council cannot support.

Summary of Issues

The major issues of concern to Council are:

- Non-compliance with adopted planning controls particularly height and density
- Additional to Council's Housing Strategy Targets
- Traffic issues
- Impact on adjoining residential properties

Other Relevant Issues

- Review of Macquarie Park Planning Controls
- Fine-grain road network
- Social Impact assessment

NON-COMPLIANCE WITH ADOPTED PLANNING CONTROLS

The site is zoned B4 (Mixed Use) under Ryde Local Environmental Plan 2010. A Mixed Use / Residential development is permissible in the zone. Other controls that apply and are proposed to still apply under Draft Ryde Local Environmental Plan 2011 are:

Height of Buildings:

RLEP2010 & DRLEP2011	Proposal (Figure 24 – Page 26 of EA)
15.5 metres (equivalent to 5 to 6 storeys)	41 metres 56 metres 63 metres 74 metres (Range: 4 to 20 storeys)

Floorspace ratio:

RLEP2010 & DRLEP2011	Proposal (Section 3.5 – Page 24 of EA)
1:1 Site Area = 22,433 m ²	2.54:1 Residential Floor space = 56,921m ² Non-Residential Floor space = 1,110m ² Total Floor space = 58,031m ²

DCP 2010 – Part 4.5 Macquarie Park

The Built Form strategy within Council's DCP for Macquarie Park contains elements that affect the subject site. (DCP2010 – Part 4.5 – Page 16).

(Built Form) Strategy

The height distribution for buildings in the Macquarie Park Corridor reinforces the Built Form structure plan. The following strategies have been adopted:

- 1. A predominant height of 6-8 storeys relates to the scale of streets within the Corridor.*
- 2. The built form reinforces the north-south open space corridors, as well as significant streets and edges.*
- 3. Taller buildings are located to respond to special places within the Corridor such as train stations and major entry points into the corridor.*
- 4. Sites within Special Precincts are subject to more detailed controls, limiting the extent to of buildings which may achieve this height.*

The strategy recognises the Herring Road frontage of the site as a location for a “secondary significant building” as a major entry point and a significant edge. However, the scale of that building is encapsulated in item 1 (6-8 storeys) and the LEP controls for the site. The submitted proposal adopts the principle of a higher building on the corner but significantly escalates the height to 20 storeys. The nearest similar “secondary significant building” site (at 109-123 Epping Road) is an existing 14 storey building approved well before the current planning controls were adopted. Furthermore, 109-123 Epping Road is located in the valley of Shrimptons Creek which makes it less prominent than the subject site which is located at the top of a rise. Even if the height of the approved Major Project at 120-128 Herring Road is adopted as a benchmark (12 storeys), the Stamford gateway building would be just under twice the height of that. Also contrary to the Built Form Strategy, the project proposes a tall building facing Epping Road in the south-western corner of the site.

The scale of the project is clearly well beyond that envisaged in Council's Built Form Strategy for Macquarie Park.

Mixed Use:

The ratio of non-residential to residential floor space (i.e. the amount of “mix” in the mixed use) is not controlled. The total project includes a mix ratio of just under 2% non-residential floor space (and this may include a proportion of the so called SOHO units which provide scope for home occupations – Section 3.7.3). In other words, the proposal is more than 98% residential. The question arises as to the extent to which the proposed mixture satisfies the objectives of the B4 zone particularly with regard to the desire to:

- To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.*
- To create vibrant, active and safe communities and economically sound employment centres.*

Council is not convinced that a 2% non-residential component in a development of this scale justifies as a “mixed use”.

It is also noted that the whole of Stage 1 (MP10_0113) seeks approval for residential floor space (including some SOHOs) only. The non-residential floor space that is proposed is left to Stage 2. What guarantees are there that changing circumstances will not promote later amendment to the Concept Plan to further deplete the total area of non-residential floor space?

Ministerial discretion

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 consider the provisions of RLEP2010 for reasons of co-ordinated planning and equity.

However, Council also recognises the impact of recent State Government planning determinations for nearby land has had on raising the expectations of surrounding landowners. The Concept Plan approvals for Macquarie University (MP06_0016) and for 120-128 Herring Road (MP09_0195) in particular have allowed height and floor space ratios in excess of Council's controls for site along the western edge of Herring Road. The Proponent uses this to place this proposal in a "future building context" which uses a potential building height of 108 metres in Herring Road as a benchmark (Section 2.4 & Figure 19).

If the Department is of a mind that higher density development should be considered in this locality, then a more equitable and strategic way should be pursued such as amendment to Council's planning controls. While this could include Draft Ryde LEP 2011, Council's preferred option at this time would be to actively pursue a separate review of current controls affecting Macquarie Park (often referred to as "Amendment 1") rather than delay with the exhibition of Draft Ryde LEP2011.

COUNCIL'S LOCAL STRATEGY AND HOUSING TARGETS

Council's Local Strategy and Housing Strategy have been successful in proposing means to meet the Housing Targets set by the former Department of Planning under the Metropolitan Strategy. Part of this increase would have been factored into the Council's strategies as the subject land is zoned to permit such a use but not at the proposed density. At a FSR of 1:1 and a height of 15.5 metres, the increase would have been less than the now projected 625 dwellings with a potential population increase (depending on occupancy rates) of between 1100 to 1500 people.

TRAFFIC ISSUES

Traffic generation and management are constant issues for development in Macquarie Park. The reduced car parking rate for the site (790 instead of 869) is noted without alarm although the actual volume of traffic generated by the proposed development will be significantly higher than for one that came close to complying with current planning controls.

Cumulative Impact of Traffic in Herring Road

Herring Road is a local road. However, it provides a major north-south link through Macquarie Park and currently provides a partial connection between a major State road (Epping Road) and the M2 Motorway. In the near future, this will be a full connection with upgrade works in progress.

Predictably, the proponent's Transport and Accessibility Impact Study (i.e. Traffic Report) has found that the subject development can be accommodated within the existing road network with no need for any external road works to support it.

However, the road environment described in the traffic report is that which exists today. Unfortunately, the proponent's consultant is not in a position to consider a changing road environment into the very foreseeable future that will impact on traffic movement in Herring Road and surrounding streets. For example, the road into 120-128 Herring Road (approved under MP09_0195) is not mentioned. It will be the new single point of entry and exit for 561 dwellings. The cumulative impact on the effectiveness of the nearby Herring Road / Ivanhoe Place roundabout is not assessed nor the impact on this roundabout as a U-Turn facility for the proposed Stamford development. The performance of the Herring Road / Windsor Drive intersection is not considered in detail. The proposed connection of the M2 Motorway to Herring Road (under construction) is not mentioned. Works proposed in the Herring Road / Waterloo Road intersection as a consequence of determinations under Part 3A on Macquarie University campus are not mentioned.

Also unable to be factored in are the potential traffic impacts of MP10_0037 (Allengrove), MP10_0165 (Whiteside / David) and MP09_0209 (396 Lane Cove Road & 1 Giffnock), all current Major Projects applications yet to be determined. This is not surprising as these matters are beyond the individual traffic consultant's brief.

It is clearly the Department's role in its dealings with the plethora of Major Project applications affecting the road network in this locality to draw all the pieces together and to give full consideration to the traffic issues that confront Macquarie Park. Each application cannot be viewed in isolation.

Assumptions are made about the number of vehicles entering or leaving the site in peak times (less than one-third of cars on site in this case) and the likely direction of flow toward critical intersections. The basis of the assumptions are appropriately explained and sourced but whether they reflect the future reality of the site is questioned. For example, one assumption appears to be that all cars are used only for predictable and discrete journeys and not for multiple trips such as taking the kids to soccer training or piano lessons as well as the journey to work and elsewhere.

With regard to intersection performance, the following comments reflect a prevailing analysis arising from all the individual traffic reports for all the individual Major Projects in and around Macquarie Park that the major intersections operate at unsatisfactory levels now and will continue to operate at unsatisfactory levels when each individual development occurs. This emphasises the need to establish public transport modal splits for each development such as provided for the development of the OPTUS Campus at 107 Epping Road, Macquarie Park (as a consent condition).

Notwithstanding any low performance levels within the road system, external road works are never suggested as being necessary to ameliorate any operational dysfunction. And yet the number of vehicles entering the system is proposed to continue to grow and grow. A more pragmatic and integrated consideration of traffic as it affects Macquarie Park and surrounding suburbs is required by the Department before making determinations that may collectively bring these parts of the local and State road network to a very unsatisfactory level of service.

It should be noted that Council has not been provided with the opportunity to review the proponent's traffic modelling results as derived through the application of *Paramics*. In this regard, the proponent's consultant should be requested to provide the required information to Council as soon as possible.

IMPACT ON ADJOINING RESIDENTIAL PROPERTIES

The site adjoins or is close to a number of residential properties on the northern side of Epping Road. Council expects that the Willandra Village (owners of the site to the west) and the Department of Family and Community Services - Housing NSW (owners of the site on the eastern side of Herring Road) will have made submissions on issues affecting their residents. Similarly, individual owners or the Owners' Corporation of Strata Plan 9577 (116-118 Herring Road, Macquarie Park) which adjoins the site to the north were in a position to make a submission on issues that may concern them.

From Council's point of view, concern is expressed on the potential for a series of high rise buildings to impact on the privacy of dwellings in SP 9577. Detailed information on the nature and extent of the impact on SP 9577 is difficult to glean from the submitted EA. The report does point out that *many of the existing residential developments in the zone along Herring Road are within strata title and are therefore unlikely to be redeveloped in the current statutory climate*. In other words, the residents and dwelling of SP9577 are here to stay for the foreseeable future and so the impact on them is a critical consideration in any assessment of the proposal. However, while the tenure of residents in Willandra Village is of a different character and duration, the need to fully consider the potential impact on the amenity of residents is not diminished.

If this proposal proceeds to a Preferred Project Report, Council would expect that that report will be accompanied by a more focussed and extensive consideration of impacts on adjoining residential properties. This should bring together any disparate consideration from the various appendices (e.g. Acoustic, Civil engineering design etc.) and be accompanied by an analysis that covers things like the extent of cut and fill across the shared boundary, impact on trees (on 116-118 Herring Road and 143-145 Epping Road), impact on acoustic and visual privacy (recognising that a number of backyards will front onto the new road along the northern and western boundaries of the site) and impacts on buildings near the boundary.

Submitted reports dealing with noise, visual amenity and wind effects have confined themselves to the effects of proposed buildings on the subject site. Consideration of the environmental impact on adjoining existing buildings and residential amenity is inadequate and should be resolved in the PPR. Something as simple as a photomontage drawn close to ground level along each of the site boundaries (and not obscured by proposed trees) would be useful to help ascertain the visual effect for neighbours and for passers-by in Epping Road and Herring Road.

OTHER RELEVANT ISSUES

Council staff and more recently, Councillors, have received presentations from the proponents as the design has progressed and been exhibited. Council appreciates the effort of the proponents in seeking to keep it informed and the EA reflects that there have been a number of discussions with Council staff along the way to assist in providing information in an appropriate way. However, the concerns raised in this submission have also been raised in discussions and remain as issues for the assessment of the application.

Review of Macquarie Park Planning Controls

The issues of height and density (FSR) and other planning controls have been dealt with above. As stated in the submission for the Director General Requirements, this project has been devised independently of Council's planning controls or studies.

There is no effective statutory regime against which it can be assessed. The project sets its own limits for height, floorspace ratio, mix of uses, fine-grain access network and any other design parameter.

However, Council has recognised that there is a need to review the controls that relate to Macquarie Park and that this may include some increase in density and height for some properties. As a consequence of an initial review in 2008, the Council's DCP has been amended to reflect a thinking that the LEP does not. Council has recently received endorsement from the Department to reactivate the review of current controls but it will still be some time before it is implemented and the outcomes are not guaranteed to match all the expectations of Macquarie Park landowners.

The EA includes a discourse on the Concept Plan vision and a built form strategy and building heights that has no regard to what could be achieved under the current controls. Any Preferred Project Report should include the outline of a compliant scheme for the site for comparison purposes. What would be lost to the project by comparison to what is currently proposed?

Any consideration of extra height that may be warranted for this site should be guided by Ryde DCP2010 – Part 4.5 and recognising the reality of approvals granted by the former Department of Planning on part of the former Morling College site in Herring Road. As well there should be some uplift to FSR for construction and dedication of the proposed roads on the site as per Council's LEP2010. However, at this time, Council is not convinced that the maximum heights and density proposed for the site by the submitted application are appropriate. Subject to detailed consideration, something of the order of 12 to 14 storeys may be appropriate for the signature building with the remainder of the site meeting current controls.

Fine-grain road network

Council supports the implementation of the fine-grain road network on the site. The proposed layout represents a compromise on the network shown in the Structure Plan for Macquarie Park but recognises that:

- Connection to Herring Road is at the furthest point from its intersection with Epping Road.
- The east-west road is of the required type (Type 3) and dimensions.
- The east-west road provides future access options for the redevelopment of SP9577 to the north.
- The location of the east-west road does not preclude a future north-south connection through SP9577.
- The north-south half road has been relocated from the riparian corridor to the boundary shared with 143-145 Epping Road. The Department should ensure that no objection has been raised in any submissions from that landowner to the relocation of the road.
- The north south road provides a limited connection to Epping Road. Connection to Epping Road is fully supported by Council.
- Other north-south connections across the subject site have been modified to internal roads and pedestrian paths having regard to the difficulty of providing safe and practical vehicle connection to Epping Road in the slip lane to Herring Road. Council supports this variation.
- Council supports the provision of public pedestrian access across the site including connections to the Epping Road bus stop.
- Council supports the proposed dedication of the roads along the boundaries of the site.

Public Open Space

In addition to the fine-grain road network, Council is keen to ensure that local residents are not excluded from the appropriate use of open space proposed to be provided on the development site. The design of publicly accessible open space should be clearly delineated, inviting and useable to local residents. It is stated as a principle in the EA but more detail should be provided in any Preferred Project Report on how this is expected to be achieved without impacting on the privacy and security of residents living on the site.

Social Impact assessment

It is to the credit of the proponents that they have commissioned a Social impact Assessment for the proposed development although not required to do so under the DGRs. This has also generated some interchange with Council staff on possible future needs although nothing concrete has been agreed at this stage.

Developer contributions

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 for example. It is noted that the submitted plans do not show this form of extra room.

Some very preliminary discussions have been held with the proponents on works in kind that may be provided to meet the needs of future residents but as indicated above, no firm decisions have been made in advance of the Department's assessment of the project. In any case, it is considered too early to calculate figures for Section 94 having regard to the proponent's commitments made to works in kind.

Stormwater

The civil engineering design identifies a proposed easement to drain across the adjoining downstream land (Willandra Village – 143-145 Epping Road) – Refer Page 5 - Appendix L. The report identifies that "Stamford Properties are in the early stages of negotiation with No. 143 Epping Road to obtain an easement down their eastern boundary...". If the drainage of the site relies on this connection, then the agreement of the downstream owner needs to be confirmed prior to any determination. Details of the connection to Council's stormwater system will also be required prior to any determination.

Minor matters

Statement of Validity should be amended to show the correct address. This is just a typographical error. The number "118" should be "114".

Photomontages in Appendix V should be labelled and referred back to the relevant section in the EA.

CONCLUSION

It is not certain that a compliant scheme or even one with some uplift in density and height to the degree suggested above may not have a Capital Investment Value (CIV) sufficient to have qualified it as Major Project under the former Part 3A of the Environmental Planning and Assessment Act. The current CIV is \$176million for 625 units. On a pro rata basis, a CIV that is close to \$100million would yield about 355 units. While the proponent had every right to lodge an application that met the criteria for a Major Project, the question arises as to whether the resultant development one that is a suitable scale and density for the subject site and locality.

The site does have certain advantages with regard to access to public transport, tertiary education facilities and employment opportunities. It is on the edge of a precinct slated for growth. However, the attractions of the precinct also bring issues of traffic congestion and the need to plan for and accommodate the expected growth. In this regard, Council is not convinced that the scale and density of the development as proposed is appropriate. However, Council does not deny that there is a need to review the current controls applying to the Macquarie Park corridor in general and including this site. Council's position is that piecemeal approval of developments that are well outside the limitations of current controls does not provide a strategic and equitable approach to achieve that review.
