

ATTACHMENT 1

City of Ryde Submission

161 Herring Road & 13-15 Lachlan Avenue,
Macquarie Park

SSD-74319712: Infill Affordable Housing

Residential development with infill affordable housing

Submission Date: 17 April 2025

EXECUTIVE SUMMARY

Introduction

Thank you for inviting City of Ryde to comment on the proposed Infill affordable housing development state significant development application at 161 Herring Road & 13-15 Lachlan Avenue, Macquarie Park.

This application seeks approval for a residential flat building that incorporates a percentage of affordable housing that is to be used for 15 years, pursuant to the Housing SEPP 2021 requirements. The proposal involves the construction of a new residential flat building at approx. 58.5m tall. Specifically including:

- Demolition of existing buildings.
- Early works including excavation, earthworks and tree removal.
- The construction of a part 16-17 storey residential flat building containing a total of 181 apartments including 29 affordable housing apartments which is 15% of the floor space.
- A single pedestrian access point to the building is proposed from Windsor Drive.
- Four basement levels are proposed with vehicular access to the site provided from Lachlan Avenue for 195 car parking spaces.
 - Affordable Housing , 15% of total Gross Floor Area (2,466sqm), including:
 - 1 bed - 9
 - 2 bed - 20
 - Total- 29
- Landscaping, civil and stormwater works.
- Site area of 3,161m²
- GFA/FSR of 16,437sqm / 5.2:1
- Deep Soil 365 square metres – 11.5%
- Communal Open Space 790 square metres - 25%
- Parking 195 car spaces comprising:
 - 190 residential car spaces
 - 5 visitor car spaces
 - 8 motorcycle spaces
 - 20 bicycle spaces

Council supports the applications intent of delivering additional housing within the Ryde LGA, however Council is not able to support the proposal in its current form as it fails to address a number of operational and environmental issues identified by Council in regard to the following matters:

- Previous engagement with Council and lack of engagement
- Planning and Urban Outcome Matters
- Landscaping and trees
- Developer Contributions
- Traffic
- Waste Removal
- Development Engineering

Please refer to below detailed explanation of issues

1. Previous engagement with Council and lack of engagement

It's noted that the Applicant engaged with Council's leadership on the 24 June 2024, however the applicant has not engaged with Council's technical experts that would consider a range of important planning and infrastructure issues that would inform an EIS.

Council's submission will raise numerous issues that could have been resolved prior to the lodgement of the EIS, should the applicant have engaged with Council's technical experts. This submission will raise issues which will require further engagement by the applicant with Council.

2. Planning and Urban Outcome Matters

Council has considered the EIS and supporting Appendix's and raises the following concerns that are require attention.

a. Gross Floor area and Floor Space Ratio

As noted later within this report, the development includes surplus parking over the maximum. It's understood the application requires 162 parking spaces, and the applicant proposes 195, that results in excessive parking contrary to the planning objectives of reducing car dependence in Macquarie Park. As per the definition of Gross Floor Area (GFA), surplus parking over the requirements of an environmental planning instrument, must be included in the GFA.

Based on the provided plans (Appendix 6) the applicant has omitted the surplus parking from its GFA calculation and as per Council's calculation the development will exceed the FSR control resulting in a variation to the FSR standard. The applicant has not provided a Clause 4.6 Variation Request to demonstrate there is sufficient environmental planning grounds and that compliance is unreasonable and unnecessary.

The additional parking is approx. 437.24m² of GFA based on a standard parking space (5.4m x 2.4m). This additional GFA results in a new GFA of 16,874.24 (437.24m² +16,437). The revised GFA outlined above, provides a Floor Space Ratio (FSR) off: 5.33:1. Council considers there unlikely to be any suitable environmental planning grounds to support such request, particularly as it relates to parking with the site being "well-located" to transport options, and the intent of Macquarie Park is to reduce reliance on parking.

It's recommended that the following occur:

- 1) The applicant provides compliant parking as to remove the need for a Clause 4.6 Request;
or
- 2) The applicant provides a clause 4.6 request for the exceedance of the FSR control.

Council is not supportive of surplus parking as it contravenes Transport Orientated Development (TOD) principles and is in conflict with the objectives of development within Macquarie Park.

b. Overshadowing

From an overshadowing perspective, Council raises concerns with the developments impacts on the following receivers:

- Quandong Reserve
- Land associated with LDA2022/0408

Quandong Reserve

The overshadowing of Quandong Reserve is a concern. It is recommended that a shadow analysis be undertaken that considers the impacts of the proposed development in addition to any shadowing impacts from existing approvals on the reserve. It should be demonstrated that a minimum of 2 hours of sunlight reaches the reserve at all times of the year.

Land associated with LDA2022/0408

Concern is raised regarding solar access to the neighbouring site at the southern side of Windsor Drive. This site is subject to an approval granted under LDA2022/0408 which provides for the construction of a 14-storey mixed use development comprising commercial premises at the ground level fronting Herring Road, 307 residential apartments.

The Application does not consider this receiver in its solar modeling and shows the site within its solar modeling shown as the proposed built form outcome under LDA2022/0408. The sites most significant shadow impact is from 9am – 12am, where LDA2022/0408 communal open space is entirely cast in shadow and without solar access.

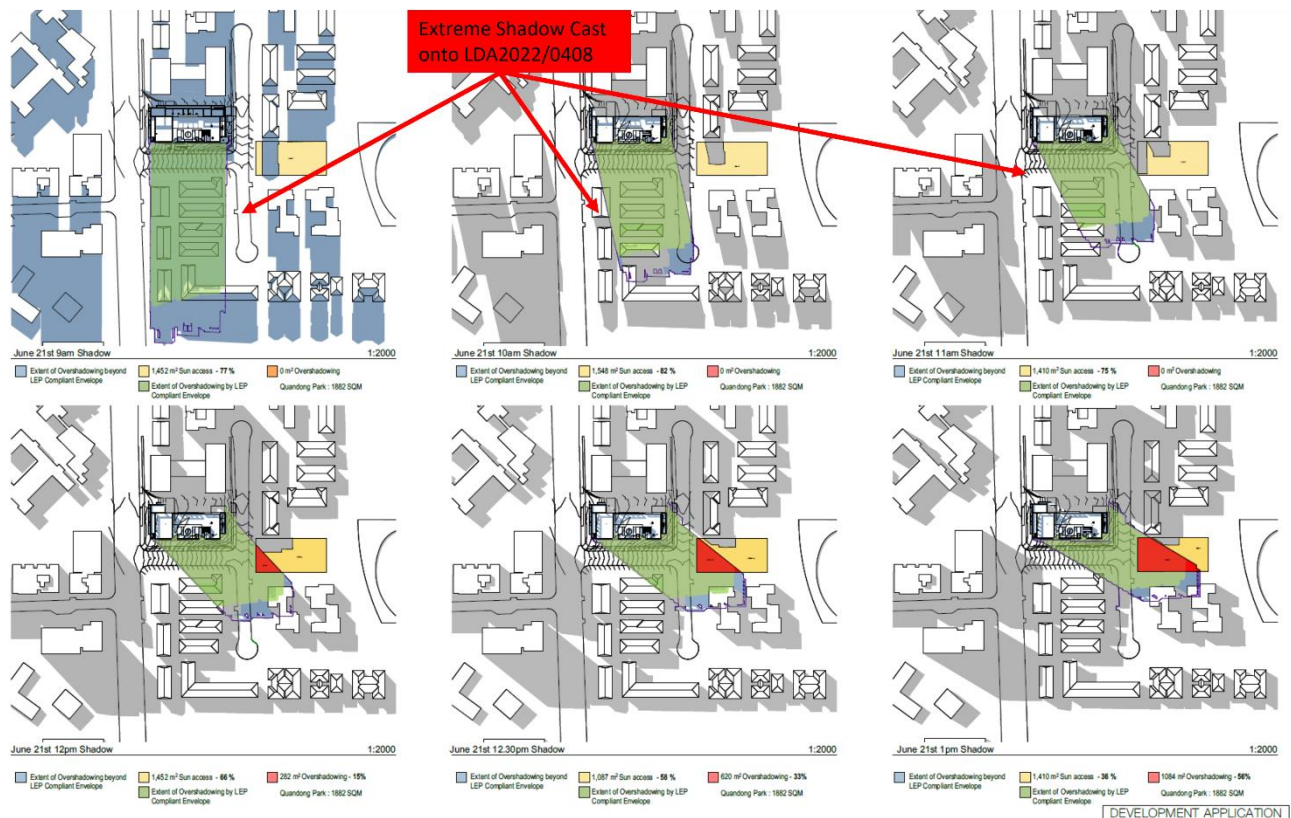


Figure 1: Markup of DKO Shadow Diagrams (Base Source: Appendix 6 – DKO)

This shadow cast is exacerbated by the fact that LDA2022/0408 only available solar access is from 9am – 11am. Land associated with LDA2022/0408 would be 100% cast in shadow during winter months as a result of the SSD proposal.



Figure 2: Markup of Shadow Diagrams of LDA2022/0408 (Base Source: Koichi Takada Architects)

The site layout of LDA2022/0408 includes a central communal open space area orientated in a north-south direction and therefore exposed to overshadowing by the street-wall design of the development at the subject site. By virtue of the design of LDA2022/0408, the central communal open space was only afforded sunlight access between 11.00am and 1.00pm.

Resolution to Shadow Cast

The developments-built form and unarticulated building height causes significant shadowing impacts to residential receivers and open space receivers. To alleviate this shadow cast and ensure that sufficient solar access is available to surrounding development a revised design is required.

It is recommended that the central section of the development is reduced sufficiently (possible by at least 4 storeys although this should be explored by shadow diagrams to ascertain the most appropriate reduction) to enable sunlight access to continue to penetrate into the neighbouring communal open space area during this time.

Council notes that the State Design Review Panel recommended that

Explore opportunities to adjust the overall building articulation to minimise overshadowing to Quandong Reserve, visually reduce the mass of the building and create diversity in relation to the height of surrounding buildings. In doing so:

provide legible steps in height that correspond to the vertical articulation of the built form – ideally within the allowable height plane. Note: exceeding the LEP height controls will require a clause 4.6 variation which could be considered by DPHI planning staff in the context of demonstrable urban design and public amenity benefits.

Council shares the SDRP's concerns with the built form and its impact onto overshadowing as

such requests that DPHI require revision to the architectural design to demonstrate an acceptable impact to overshadowing particularly as it relates to LDA2022/0408.

Council requests that the following additional information be provided:

- Revised architectural plans that include significant varied height that could include a two-tower form that provides a legible step in building height to allow light to filter to affected receivers.
- Provide detailed solar modelling on the approved development application for LDA2022/0408
- Provide cumulative solar modeling that includes surrounding development and its impact on Quandong Reserve

Council notes that the significant shadow cast results from the applicant applying the bonus height and GFA permitted under the Housing SEPP provisions. This bonus height and FSR is a blanket control that is not an inherit right for development. As a result, a reduction under this provision may be warranted to ensure impacts are mitigated on surrounding receivers.

c. Social Impacts

The Social Impact Assessment should be amended to consider the cumulative impact on community and open space infrastructure from the proposed development and any approved ones within a 2km radius of the proposed development site. An outline of how the existing infrastructure and any proposed new infrastructure from other developments can meet the community needs should then be provided.

d. Statement of consistency with the application against Place Strategy and Masterplan.

The *Environmental Planning and Assessment Regulations 2021 (EPAR 2021)* applies to the development. The site is mapped as “Macquarie Park Corridor” on the Macquarie Park Corridor Map of the Ryde Local Environmental Plan 2014. As the site is mapped as “Macquarie Park Corridor” Clause 35(2)(h) of the EPAR 2021 applies to the development, which states:

35 Additional requirements for development applications in certain areas of Sydney
(2) A person must not apply to a consent authority for development consent to carry out development on the following land unless the application is accompanied by an assessment of the consistency of the development with the relevant plan—
(h) land identified as “Macquarie Park Corridor” on the Macquarie Park Corridor Map under Ryde Local Environmental Plan 2014, other than land identified as “Macquarie Park Precinct”,

As the site is identified to be within the Macquarie Park Corridor, under the RLEP 2014, the clause applies. The clause requires any development application made to where this part applies, be accompanied by a statement of consistency against the ‘relevant plan’. For the purposes of the clause the relevant plans are known as *Macquarie Park Innovation Precinct Place Strategy (Place Strategy)* and *the Macquarie Park Innovation Precinct Master Plan (Master Plan)* published on the Department’s website on 30 September 2022.

In this regard the applicant is to provide a statement of consistency with the application against Place Strategy and Masterplan.

e. Affordable housing distribution and Amenity

Council raises concerns with the amenity afforded to the affordable housing units, and access to this amenity not being equal to that of the market dwellings. Council supports the provision of

affordable housing and recognized its value, however recently Council has been subject to complaints and inquiries from occupants of these approved social housing developments requesting Council considers the amenity afforded to these units as these occupants are suffering from the poor living conditions by virtue of inferior design outcomes.

Council has seen that these units are provided the least amount of amenity in the entire block and are subject to significant impacts. Simply allocating the most amenity impacted units within a complex to be used as affordable housing as its “affordable” isn’t supported. Occupants of the affordable housing should be afforded the same rights and respect as others in an equitable manner.

A suitable range of affordable units that are balanced throughout the tower and are afforded a reasonable amount of amenity is required. Appendix 6 shows that all affordable units are provided between levels Upper Ground – to Level 2” with majority of these units not having compliant solar access, ventilation or not complying with either amenity outcome. Clustering affordable housing units in an isolated section of the building does not improve social cohesion but rather worsens it by segregating affordable units off from the rest of the community within the building.

Based on Council’s review only 31% of these apartments comply with the ADG solar requirement and 55% complies with Apartment Design Guide (ADG) cross ventilation requirements. At minimum the affordable housing units should be evenly spread throughout the complex (across multiple levels of the building) and that each of these units have sufficient access to solar and ventilation complying with one or both requirements under the ADG.

Council notes that the proposing the lower levels of the building as affordable housing, that these levels receive the lowest amount of solar access and will be most heavily reliant on mechanical heat or ventilation. As the least financially able to pay for these bills, allocating these units as affordable housing will in essence increase their energy poverty perpetuating the affordability cycle.

It’s recommended that:

- Affordable housing units are evenly spread throughout the building (multiple levels)
- A reasonable amount of affordable housing units achieves compliant solar access and natural ventilation with these units at minimum complying with one or both of the ADG solar and ventilation requirements.

f. Application of the Ryde Development Control Plan Macquarie Park

In review of the EIS, it does not contain any analysis against the Applicable Macquarie Park DCP Section 4.5. Whilst the applicant has stated that DCP’s don’t apply to SSD applications which is given effect by Clause 2.10 of the Planning System SEPP, it does not mean its provisions and outcomes are to be disregarded in the assessment of the application.

Given that the surrounding locality contains developments approved by Council which apply the DCP in its assessment, to maintain consistency in the urban outcome, an assessment against its provisions and how the development responds to them is required.

In review of the application the following non-compliance are identified:

5.10 Art in Publicly Accessible Places

Development within Macquarie Park is to demonstrate that provision of public art is included in the application. As the development has greater than 10,000m² of floor space, public art at 0.1%

of the construction cost is to be provided.

The application does not demonstrate or make provision for public art on the site. Given the sites prominent location and its interface with Quandong Reserve an opportunity could be made on the site (Windsor Drive) for public art to improve activation.

It's recommended that:

- The applicant provides a site-specific Arts Plan.
- Applicant is to refer to Council's public art policy found here:
<https://www.ryde.nsw.gov.au/Community/Arts-and-Culture/Public-Art>

Basement Encroachment

The application proposes basement encroachment into the setback areas. This encroachment minimizes deep soil opportunity and does not promote mature tree growth. This encroachment is inconsistent with Councils DCP provisions (7.4 Setbacks and Build-to Lines and 7.6 Rear and Side Setbacks).

Its noted that the applicant proposes surplus parking to what is required, therefore increasing the basement size. The applicant could reduce the amount of parking, therefore reducing the basement size resulting in increased basement setbacks that would support additional deep soil planting. Noting that the development complies with the 7% deep soil requirement, the ADG recommends sites greater than 1500m² achieve 15%. By increasing basement setbacks, this would improve deep soil provisions achieving the targets of the ADG.

Its recommended that:

- The basement encroachments into the setbacks are reduced.

3. Landscaping and trees

The aboricultural report provided indicates that 23 trees are to be removed and 58 planted. Under Council's Draft DCP 9.5 (Undergone Public exhibition), Council requires a 3:1 tree replacement. This would require 69 trees to be planted. As such Council requires that the landscaping plant be updated to demonstrate that total 69 replacement trees be included on the site.

Should all replacement trees be unable to be provided on the site. Council would provide a recommended condition of consent that requires a replacement tree monetary contribution is made to Council in accordance with the City of Ryde's fees and charges for planting trees on public land.

4. Developer Contributions

The Ryde 7.11 Contributions Plan 2020 applies to the land. This Plan levies a contribution on developments that result in a net increase in dwellings. Chapter 2.6 identifies exemptions to the Plan. Importantly, Chapter 2.6 clearly states that affordable housing is only exempt if it is to be dedicated to Council.

The 29 housing dwellings are proposed to remain in private ownership and will only be managed as affordable housing for 15 years. Therefore, a 7.11 contribution will apply to the net increase in all dwellings on the land, regardless of any temporary use as affordable housing.

At a later dates Council will provide its recommended conditions of consent that includes a 7.11 payment at full rate.

5. Traffic

Council has reviewed EIS Appendix 12 - Transport Impact Assessment and is not supportive of its findings. Council raises the following matters from a traffic perspective that are unresolved.

The Transport Impact Assessment (TIA) report, prepared by JMT Consulting, dated 24 January 2025, includes SIDRA modelling to evaluate the performance of nearby intersections in response to the proposed development. The report concludes that the proposal is not expected to have a significant impact on the surrounding road network.

However, the traffic modelling results appear inconsistent with those from a separate assessment conducted for a development at 2-10 Cottonwood Crescent, Macquarie Park. That assessment indicated that the right-turn movement from Herring Road (northbound) to Windsor Drive would not operate within acceptable performance limits in terms of Degree of Saturation (DoS), average delay, and 95th percentile queues for the 2031 PM peak scenario. Furthermore, it suggested that additional traffic from all proposed developments in the area would further deteriorate the performance of this right-turn movement.

It is also noted that the submitted Appendix 12 provides only the outputs of the SIDRA modelling, without disclosing the input parameters used. To ensure a comprehensive review by Council, the applicant is required to submit the following information:

- Updated traffic generation estimates, incorporating the proposed development's traffic impact as well as that of approved or under-construction developments on Windsor Drive, Lachlan Avenue, and Cottonwood Crescent.
- Recent weekday peak-hour traffic survey results for the modelled intersections, conducted between 7:00 AM – 9:00 AM and 4:00 PM – 6:00 PM during school terms.
- Traffic distribution data for all modelling scenarios, based on the updated traffic generation estimates and recent survey results.

Complete inputs and outputs for all traffic modelling analyses across all scenarios. This information is requested to be provided to Council as apart of any RtS response to enable a complete review.

6. Waste Removal

Council has reviewed the EIS and raises the following concerns with the applicant waste removal strategy for the building. It's noted the design conflicts with the applicant's waste management report and is inconsistent with Council's waste requirements. The architectural plans and waste management plans are required to be updated to address the following:

- Ensure all doorways and corridors to transport bins are a minimum 1.5m wide. The plans demonstrate that this requirement is not met. Council notes that:
 - Additional clearances required at Basement 01 between chute discharge rooms and parking spaces to achieve compliance.
 - Bulky waste room at Lower Ground shows single doorways less than 1.5m.
- The design incorporates a waste chute only. Council requires that there be a dual waste chute system (e-diverters not supported), that provides a separate recycling hopper from general waste. The plans are to be updated to include:
 - Provide Dual waste chutes (General waste and recycling) on each residential level to ensure the safe and responsible disposal of recyclable materials
 - Councils notes with the provision of a recycling chute a bin decanter will not be required.

- Ensure each residential level contains a chute room with a waste hopper and a separate recycling hopper. These rooms must include a space for adequate food organics bin.
- The plans require the reconfiguration of the bin rooms and bulky waste storage rooms to open directly onto the loading area. The plans must:
 - Reconfigure the placement of bulky waste storage on Lower Ground to ensure the doorway opens directly into the loading area. The bulky waste storage room must retain dual 1.5m wide access to ensure residents can safely dispose of bulky unwanted goods.
- Council notes that the waste management plan requires a 16m² bulky waste room, whilst the applicant provides only 10m². The applicant must provide a minimum 16m² bulky waste storage in a regular shape and height to accommodate large and bulky good. The applicant is to amend their plans demonstrating consistency with their waste management plan.
- The applicants plans demonstrate there is 8/240 FOGO bins. As noted above, the applicant requires additional FOGO bins therefore, the waste room on the lower ground requires to be updated that includes 16x240L food organics bins.
- The applicants waste management plan requires to be updated to respond to the above requirements. The plan also must address the following matters:
 - Detail bin movement and transfer paths. Bin movement aids are required for sites with bulk bins travelling a distance greater than 10 metres or gradients 1:14
 - Bin movement aids must be securely stored in the waste room
 - Updated generate rates for food organics bins
- Provide and detail line marking in the loading area to ensure the waste collection vehicle can safely manoeuvre into the loading bay without impacting other traffic onsite. Waste collection vehicles must not overhang in the vehicle throughfare.
- Council has reviewed the swept path analysis, and it demonstrate that the proposed loading area and swept paths show the nose of the waste collection vehicle obstructing in bound traffic. The swept paths don't consider appropriate separation from the waste room rear wall to enable bins to be collected and lifted. Council requires 2m minimum separation from the rear of the vehicle to lift bins. The plans are to be updated to demonstrate:
 - Ensure the loading area can contain a HRV to AS2890.02 without overhanging into vehicle throughfare
- Provide vertical swept paths demonstrating 4.5m headroom for a HRV waste collection vehicle to AS2890.02. Headroom must be clear of overhang, roller doors, sprinklers, bulkheads and cabling.

7. Development Engineering

a. **Stormwater Management**

In review of the proposed stormwater management system, Council makes the following comments:

- The Stormwater Management Plan, the plan does not include detail of OSD calculation. This is not supported by Council's DCP requirements.
- The site area exceeds 2000m², therefore the simplified OSD calculation method as Council's DCP cannot be adopted for OSD calculation.
- OSD shall be designed using computational method such as DRAINS. Model files together with modelled results files shall be submitted to support the proposed OSD storage volume.

- An updated Stormwater Management Plan is to be prepared with the DRAINS files provided to Council for review.
- The centreline of orifice appears to be lower than the top of kerb at the discharge point to the street, which may lead to stormwater surcharge in the drainage system. Please revise and update the stormwater management plan to address this matter.

b. Vehicle Access and Parking

In review of the development, Council raises the following matters:

- The proposed development results in a surplus of 17 onsite resident parking spaces. One of Macquarie Park Corridor's objectives specified in Council's DCP – Part 4.5 Macquarie Park Corridor is to minimise car dependency for commuting and recreational transport use, and to promote alternative means of transport - public transport, bicycling, and walking. Council does not support surplus parking over the requirement and requests that the development decreasing the number of parking spaces given the proximity of the site to the metro station.
- Council's DCP requires development to provide 1 car share space per 50 proposed parking spaces. This development does not propose car share spaces. Revision to the design that converts resident parking spaces for car share use.
- The lower ground floor plan is overcomplicated as the applicant includes swept paths over this layout. The applicant is to provide a separate swept path diagram from the lower ground level.
- Clearly line mark the proposed HRV and SRV bay

Car parking

As noted earlier in this report, Council does not support excessive parking in Macquarie Park as its contrary to the planning objectives of the precinct. The site benefits from strong connection public transport options as such the need for excessive parking is not demonstrates. It is therefore recommended that either a reduced parking provision be proposed, or an updated Transport Impact Assessment (TIA) be provided which provides justification for this many parking spaces.

Conclusion

City of Ryde appreciates the need for affordable housing, additional housing and supports the development proposing to be used for affordable housing purposes; however the current format of the development is inappropriate due to the built form impacts particularly on overshadowing, surplus parking requirements, non-complaint waste management provisions and associated planning matters as such for these reasons Council objects to the developments.

The design requires further revision and consideration of the issues outlined in this submission.

Council will be able to provide recommended conditions of consent to DPHI at a later date when the above matters have been considered and addressed by the applicant.

It is recommended that the application be amended to address these issues and additional information be made available for Council to review the matter again before any approval is granted.

Should the Applicant or DPHI wish to engage with Council on this matter, Council would welcome the opportunity to discuss this further.

In the applications current form, Council **objects** to it.

End Advice