

18 July 2016
Our Ref: GLN10495_S96 UrbanGrowth

Department of Planning & Environment
GPO Box 39
SYDNEY NSW 2001

Attention: Fiona Gibson

By Email: fiona.gibson@planning.nsw.gov.au

Dear Fiona,

STATE SIGNIFICANT DEVELOPMENT NO.5093 – MOD 2 RESPONSE TO SUBMISSIONS

Thank you for your email dated 27 June 2016 which included submissions received in response to the exhibition of SSD No.5093 MOD2.

The following information address the matters raised in the submissions so that the Department of Planning and Environment (**DPE**) can complete its assessment of the modification application. The submissions and comments are:

- Department of Primary Industries
 - Excavation of borrow pit – interception of ground water

Based on geotechnical investigations, ground water is located approximately 5 to 8 metres below the ground level in the vicinity of the borrow pit. The borrow pit is proposed to be cut to a maximum depth of 3 metres and hence it is not anticipated and most unlikely that ground water will be encountered with this work. If DPE sees it necessary, the following condition could be imposed to address this concern:

‘Should groundwater be intercepted during the excavation of the borrow-pit, the works shall cease and the applicant shall consult with Department of Primary Industries to confirm whether a licence for temporary dewatering associated with the construction activity is required. Should DPI determine a licence for dewatering is necessary, this shall be obtained prior to any further works continuing.’

- Condition D3 – Vegetation Management Plan

The purpose of amending this condition is to ensure that the subdivision certificate is able to be released following the completion of the site establishment works identified in the VMP area shown in **Figure 1**. On-going regeneration works would then be undertaken in accordance with the VMP as specified in Section 3 and outlined at Section 6 for the 5-year period nominated.

Following a review of the comments from the Department of Primary Industries, the condition could be amended to reference Section 3.1 and 3.2 as set out below:

COMPLIANCE WITH CONSENT

D3 *Prior to the issue of any subdivision certificate, certification from an appropriately qualified ecologist shall be submitted to the satisfaction of the Certifying Authority confirming that the riparian zone rehabilitation works outlined in **Section 3.1. to 3.2** in the Vegetation Management Plan (VMP) have been completed.*



Figure 1 Area where works will be undertaken under the VMP

- Transport – Roads and Maritime Services (**RMS**)

The issues raised by RMS are all able to be satisfied. Where appropriate, this can be achieved by conditions of consent. A response to each of the points raised in the RMS submission is outlined below.

- *RMS requests access to all the elements of the bridge structure (under and above), bridge landings and piers within the area. A minimum area of 3m envelope around the structure and access to structure from the road is required for maintenance. This required area should be considered in property subdivision and dedication.*

The land on which the base of the bridge is located will be excised into a separate allotment which will then be dedicated to RMS as a public road. Suitable buffer around the structure will be provided to undertake maintenance of this structure. These arrangements are currently being worked through with RMS under a Works Authorisation Deed (**WAD**) related to the bridge.

- *Access across the Motorway boundary is denied.*

Access to the motorway will be via an Interface Deed which is currently being negotiated between UrbanGrowth, RMS and Trans Urban.

- *All works is to be at no cost to the RMS.*

The overall scope of works has previously been approved with appropriate conditions of consent imposed to cover the various aspects of the project and obtain RMS approval at key milestones of the project. Works have currently progressed on the basis of detailed discussions with RMS with no further action considered necessary to satisfy this requirement.

- *Proposed condition by RMS stating 'Updated subdivision plans to allow for dedication of the pedestrian bridge landing pad as public road'.*

UrbanGrowth NSW raise no objection to a condition imposed to this effect. The proposed lot to be dedicated is Lot 113 measuring 514.5m². A suggested condition is proposed below:

'Lot 113 shall be dedicated to NSW Roads and Maritime Services as a public road'.

- City of Ryde

Council's comments generally support the various changes proposed to the SSD consent with the exception of Condition A8 relating to Gross Floor Area (**GFA**). Council raised concerns relating to the additional potential building massing and amenity outcomes from enabling developments to utilise bonus floor space provisions for affordable rental housing where permitted by certain State Environmental Planning Policies (**SEPP**) that may apply to the land. These issues are discussed further below.

Affordable Rental Housing

Bonus floor space provisions proposed to be recognised in the modified condition are already existing provisions contained *State Environmental Planning Policy (Affordable Rental Housing) 2009* and *State Environmental Planning Policy (Housing for Seniors or*

People with a Disability) 2004, to be applied where a development proposes a specified component of affordable rental housing. The bonus floor space provisions apply in addition to and on top of the maximum floor space permitted under the local environmental planning instrument, in this case Ryde LEP 2014.

The incorporation of the bonus floor space provisions in a State Environmental Planning Policy is an important mechanism to provide some incentives for developers to help redress the significant shortfall in the affordable rental housing market across NSW. Unfortunately, the allocation of GFA to each development lot under SSD No 5093, as a Staged Consent, has the unintended consequence of negating these provisions.

UrbanGrowth NSW (**UG**) is seeking to increase the provision of Affordable Rental Housing (**ARH**) especially within Ryde which is identified as an area of high need. UG's current proposal for the inclusion of ARH at Lot 206 represents approximately 3.5% of the total dwellings proposed at Lachlan's Line. This is in accordance with the City of Ryde's draft Affordable Housing Policy (2016 – 2031).

Lachlan's Line is located in a highly accessible area serviced by both rail and bus links and hence would be a good location for a development incorporating a component of affordable rental housing. Any development that seeks to rely on the bonus gross floor area provisions would still be assessed against the package of other planning controls applying to each development lot. This would include maximum height controls under Ryde LEP 2014 and amenity provisions under both the Apartment Design Guide and Council's DCP as part of the assessment required under Section 79C of the *Environmental Planning and Assessment Act 1979 (EP&A Act)* once detailed plans were prepared for the DA.

Traffic

ARC Traffic + Transport was engaged to review the traffic and parking issues associated with those developments that may wish to utilise the bonus floor space provisions under relevant SEPPs relating to affordable rental housing. A copy of the traffic and parking review has been provided at **Appendix A**.

The ARC review notes that the site is within an accessible area and hence, should developers seek to apply the bonus floor space provisions for affordable rental housing, parking and traffic generation would be subject to minimum parking rates under the *State Environmental Planning Policy (Affordable Rental Housing) 2009*.

Importantly, ARC found that trip rates based on the reduced parking spaces provided for developments with affordable rental housing will generate less vehicle movements than a typical residential flat building with higher car parking rates, in turn reducing the impact on the local and sub-regional traffic network. This observation was tested against a property that UrbanGrowth NSW is currently considering Lot 206 for ARH with reduced car parking, and then against a typical residential flat building originally tested on the site. The traffic and parking review demonstrates reduced car parking and hence traffic impacts notwithstanding the bonus GFA achievable under the ARH SEPP. As with any other development, future proposals within the Precinct will need to suitably consider traffic impacts to ensure there are no adverse impacts on the local and regional traffic network.

Conclusion

The submissions received are not considered to warrant refusal of the proposed modification to SSD consent 5093.

As highlighted, regardless of whether a developer utilises a bonus floor space provision or not, the application would need to satisfy relevant planning legislation including Section 79C of the EP&A Act and other planning instruments in place to ensure a suitable outcome is achieved. This would be done at the development application stage once detailed plans are prepared.

If you require clarification on any of the above matters, please do not hesitate and contact Peter Lawrence or Pip Sanders on (02) 9249-4100.

Yours faithfully
GLN PLANNING

A handwritten signature in blue ink that reads 'Peter Lawrence'.

PETER LAWRENCE
DIRECTOR

APPENDIX A



21st July 2016

Urban Growth NSW
PO Box 237
Parramatta NSW 2124

Att: Vy Nguyen

Lachlan's Line – Affordable Housing

Traffic Review

Dear Vy,

Further to our recent discussions, ARC Traffic + Transport (ARC) has had the opportunity to examine the potential traffic impacts associated with an Urban Growth Section 96 application (submitted to the Department of Planning & Environment, 19th May 2016) to permit bonus floor space provisions related to affordable rental housing at Lachlan's Line (the LL Site).

This traffic review has been considered in the context of Lot 206, which Urban Growth are considering for Affordable Rental Housing (though the issues discussed below would be equally relevant to other developments within the LL Site). It is our understanding that the provision of affordable rental housing at Lot 206 would entitle an increase in floorspace (for residential units) under the auspices of the Affordable Rental Housing SEEP (ARH SEPP) such that the previously estimated yield for Lot 206 (62 units with reference to the 2014 Urban Design Report accompanying the North Ryde Station Precinct – M2 Site State Significant Development Application – the SSDA) would increase to a total of 92 units.

In response to the S96 application, Council's correspondence of 16th June 2016 identified potential issues in regard to a number of factors including the potential for traffic impacts, positing: -

...a more rigorous assessment need to be undertaken with particular consideration given to potential impacts on...traffic and parking issues.

And further: -

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...a 20% increase is substantial and would have a significant impact on the local road network and access to local amenities and services.

It is noted that the RMS also provided a response in regard to the S96 application but did not identify any issues in regard to general traffic impacts.

In response to the issues raised by Council, ARC provides the following response.

1 SSDA Traffic Flow Forecasts

As you are aware, in 2014 ARC prepared the North Ryde Station Precinct - M2 Site State Significant Development Application Traffic & Transport Impact Assessment (SSDA TIA) to accompany the SSDA. The SSDA TIA provided an assessment of future traffic conditions largely based on trip rates provided in the RMS Technical Direction 2013 04a – Guide to Traffic Generating Developments; Updated Traffic Surveys (GTGD Update).

Two trip rates were identified in the SSDA TIA, being a trip rate per unit (0.19 and 0.15 trips per unit in the AM and PM peak hours respectively) and a trip rate per parking space (0.15 and 0.12 trips per parking space in the AM and PM peak hours respectively).

The SSDA TIA identified that the application of the trip rate per unit would result in a generation (across the LL Site) of some 451vph and 356vph in the AM and PM peaks respectively for the residential component of the LL Site, noting that an even higher residential trip total was actually assigned (490vph and 380vph in the AM and PM peak respectively) based on additional mode choice considerations, and moreover to provide an assessment commensurate with the earlier TMAP assessment of the LL Site prepared by Parsons Brinkerhoff.

Notwithstanding, the application of the trip per unit rates to Lot 206 (62 units) would equate to a trip generation of 12vph and 10vph in the AM and PM peaks respectively.

Section 3.2.1 of the SSDA TIA specifically identified the potential for further residential trip reductions through the application of lower parking requirements.

ARC notes that the RMS Guide Update also provides trip rates per parking space, which are lower again; given that the NRSP DCP will specifically restrict parking provision (to a maximum of one space per unit) it would not be inappropriate to use these lower rates for assessment, i.e. a further reduced residential vehicle trip generation (without detailed consideration of mode split, to approximately 390 vph in the AM peak and 310 vph in the PM peak).

The application of the trip rate per parking space to Lot 206 – which would provide 68 spaces based on the North Ryde Station Precinct DCP rates of 1 space per unit plus 1 space per 10 units for visitor parking - would equate to a trip generation of 11vph and 9vph in the AM and PM peaks respectively.

2 The S96 Amendment

As stated, the S96 amendment provides for an increase in unit numbers at Lot 206 to accommodate affordable rental housing with reference to the ARH SEPP; the total number of units proposed would increase to 96 units, including: -

- 39 studio or one-bedroom units
- 50 two-bedroom units
- 7 three-bedroom unit

The application of the RMS trip per unit rates to the Lot 206 proposal would equate to a trip generation of 19vph and 15vph in the AM and PM peaks respectively. Alternatively, application of the NRSP DCP parking rates to the Lot 206 proposal would allow a total of some 102 parking spaces, and a trip generation with reference to the RMS trip rate per unit of 16vph and 13vph in the AM and PM peaks respectively). In and of itself, ARC would not consider these minor trip generation increases to be in any way significant.

Critically though, the S96 amendment will specifically provide parking with reference to the ARH SEPP. As Lot 206 (and the broader LL Site) lies within an "accessible area" (as defined in the ARH SEPP) parking is required at the following minimum rates: -

- 0.4 spaces per one bedroom unit
- 0.5 spaces per two bedroom unit
- 1 space per three bedroom unit
- No visitor parking requirement

Application of these parking rates to the Lot 206 proposal results in a total requirement for 41 parking spaces.

The application of the trip rates per parking space to this parking total equates to a trip generation of 7vph and 5vph in the AM and PM peaks respectively. This is a level of trips significantly (in relative terms) less than originally estimated for Lot 206 in the SSDA, representing some 50% - 60% of the SSDA trip generation estimate for Lot 206.

As such, ARC has concluded that the S96 amendment could in no way be considered to have an adverse impact on the local or sub-regional traffic network, as it would demonstrably generate fewer trips to the local and sub-regional network than provided for under the (approved) SSDA as a simple function of parking supply.

ARC notes a similar conclusion (in regard to a reduction in vehicle trips arising from a reduction in parking spaces) was agreed with Ryde City Council in our 2015 discussions in regard to the Station Street sites, parking for which has since been approved at levels significantly lower than provided for in the NRSP DCP specifically as a means of minimising trip generation.

Finally, and as discussed at the outset, while the assessment above has focused on Lot 206, the principles of the assessment would be equally applicable across the broader LL Site. Simply, the provision of parking is the key driver of traffic generation, and as such if broader parking reductions (in line with the ARH SEPP) are attendant to increased unit yield, then the overall traffic generation (of a site) could be reduced so as not to be higher than previously assessed (for each site, and the broader LL Site). ARC would recommend that any such proposals be accompanied by an appropriate traffic and parking assessment to ensure that any Affordable Rental Housing yield increases do not result in a commensurate increase in LL Site traffic generation.

We hope this information will assist you. If you or Council/RMS/TNSW officers have any further questions in regard to the issues discussed above, please do not hesitate to contact Anton Reisch on 0427 995160, or by email at antonreisch@optusnet.com.au.

Yours sincerely,



Anton Reisch
Director, ARC Traffic + Transport