



Department of Planning and Environment
NSW Government
4 April 2018

**Re: Modification 4 to SSD 5093 - M2 site, North Ryde Station Urban
Activation Precinct**

Dear Sir/Madam,

We object strongly to the above modification to approval 5093 State Significant Development on exhibition until 5 April 2018. The main focus of our objection is GLN Planning's stated proposal to "remove an additional 17 trees (total 43 to be removed on the site) to facilitate the construction of the pedestrian bridge;"

We are not of the opinion that the modifications are substantially the same as approved under the original SSD-5093 or consistent with environmental constraints specified in the approved development. Nor do we consider that the proponent has properly justified their statement that the proposed modifications will not cause adverse impacts on the surrounding locality.

Further, there is the need for the State government to demonstrate transparency and rigor in the environmental assessment and approvals process for major projects such as at North Ryde and not assist development by creep as seems to be occurring in this instance.

INTRODUCTION AND LAND HISTORY

We are an incorporated local conservation group that was established just over 50 years ago. Under our constitution the aims and objects of RHHFFPS are:

- a. The education of the membership and the community, particularly in the local area, in nature conservation and protection of the environment.
- b. The promotion of ecologically sustainable land use and development.
- c. The promotion of nature conservation including an adequate system of national parks, wilderness areas, nature reserves, wildlife refuges and corridors and urban bushland reserves; adequate protection measures for native wildlife.
- d. Achieving satisfactory measures to safeguard the environment from all forms of pollution to ensure clean air, clean water and a healthy environment.

- e. To work for the permanent retention and conservation of all natural areas in the local district and increase in the area set aside for nature conservation.
- f. To undertake the management of the Field of Mars Reserve with Ryde City Council as a major conservation project.

With the completion of the M2, government identified a number of surplus public land parcels, some comprising natural bushland and some of which now comprise the land parcels in SSD 5093. In the late 1990s an assessment and community consultation process commenced to resolve the future land use options for these land parcels.

RHHFFPS argued for the retention of remnant bushland parcels and where appropriate that these be transferred into the National Parks Estate. Some of these parcels were consolidated into the Lane Cove National Park and others were transferred into the care and control of Ryde Council.

The “Jewel in the Crown” in land value of all the surplus land parcels was the parcel of land which now comprises Lachlan’s Line. This was packaged for development along with Wick’s Park, a former bushland Crown Reserve along Wicks Rd. Wick’s Park contained the only natural riparian zone along the largely piped Porter’s Creek which flows into Lane Cove National Park under the old Porter’s Creek tip.

Whilst Bundara Reserve had been a Council Reserve for many years, RMS owned the surplus land parcels adjoining it. To the east of Bundara Reserve is a private dwelling whose owners died in late 2016 and which is going through probate. Then there are three houses which were acquired by RMS and now are rented.

The North Ryde Station Urban Activation Precinct was declared in 2012/23 and a rezoning process was commenced to establish specific planning controls for the precinct, by amendment of Ryde Local Environmental Plan 2010 and then preparation of a specific development control plan to guide future development.

A Community Liaison Group was established in 2011 to play an advisory role in planning for the precinct. The group was established by TfNSW and consisted of 12 participants, who met eight times between December 2011 and March 2013. RHHFFPS had representation on the Community Liaison Group.

One of the matters considered during the rezoning process was whether the RMS land parcels (along with Tennis World) should be included with the NRSUAP. The North Ryde Station Urban Activation Precinct Finalisation Report dated July 2013 stated as a Recommendation:

“The department recommends the RMS site be removed from the precinct and the existing planning controls that apply under Ryde LEP 2010 be maintained.

The department recommends council consult with the site's owner, RMS, in relation to potential acquisition of the site for conservation purposes."

The State Environmental Planning Policy Amendment (North Ryde Station Precinct) 2013 (gazetted 13 September 2013) made amendments to Ryde LEP 2010 and identified the RMS site as outside of the NRSUAP with a continued SP2 - Infrastructure zoning. Tennis World was also placed outside the NRSUAP.

The Department of Planning and Environment website states that "in response to community feedback" both Tennis World and "a government owned site adjoining Bundara Reserve" were removed from the development area called North Ryde Station Precinct. The website has not been updated to include the current Ryde LEP 2014 and still references Ryde LEP 2010.

At the time of the gazetting of SEPP (North Ryde Station Precinct) 2013 the then Draft Ryde LEP 2013 was awaiting final signoff for its gazetting. Prior to the adoption of the standard instrument Ryde Council had commenced substantial consultation and assessment report to consolidate a very old planning instrument.

As Ryde developed its standard instrument LEP Council directed the following:

Bundara Reserve – the E2 zoning on this area/reserve has been expanded.

As part of LEP 2010 careful consideration was given to identifying appropriate land uses within the E2 zone. The uses are considered appropriate and are retained in DLEP 2011.....

Existing land adjoining Bundara Reserve to the east is zoned R2 the same as part of 390 Pittwater Rd. The zone allows dwelling houses, multi dwelling developments and dual occupancy (attached) buildings of up to 9.5m in height

This position was further stated following a Council open community workshop held over two days 5 and 7 February 2013

In the Minutes of the Council Meeting No. 4/13, dated 12 March 2013 it was resolved unanimously:

(i) That Council continue expressing its preferred planning outcomes regarding development of land within the North Ryde Station Precinct and surrounding areas, in particular the retention of the Tennis World site and land adjoining Bundarra Reserve as recreational/bushland with State Government agencies to ensure the best and most appropriate outcomes for the area.

When Ryde LEP 2014 was eventually gazetted the RMS land parcels were zoned E2 for those areas where Sydney Turpentine Ironbark Forest was present. This was considered the most appropriate land use given the sensitivity of the remnant endangered and protected forest which had been identified in a number of ecological assessments which had been undertaken to support the new Ryde LEP 2014.

REASONS FOR OBJECTION:

1. The outcome of biodiversity assessment of potential impacts on Bundara Reserve as specified in Director General's Environmental Assessment Requirements dated 14 May 2014 in the original approval is not clearly stated by the proponent and what this S96 (2) is seeking to modify from the original approval.

The revised DGRs for the North Ryde Station Precinct included in the description of works a pedestrian bridge over Delhi Rd to North Ryde Station. One of the 13 key issues identified in the DGs Directions was:

7. Biodiversity

- *Provide a biodiversity assessment of any potential impacts on Bundara Reserve, with particular regard to its Sydney Turpentine Ironbark Forest vegetation community which is listed as critically endangered under the Environmental Protection and Biodiversity Conservation Act 1999 and endangered under the Threatened Species Conservation Act 1995.*

Urban Growth quickly afterwards (30.5.2014) submitted SSD 5093 for North Ryde Station Precinct - State Significant Development Application - Stage 1 Preliminary Works for 'M2 Site' to establish super lots, public domain works, and construction of enabling infrastructure including roads, pedestrian/cycle links and drainage. Plans for the proposed pedestrian bridge accompanied the application.

In its Environmental Impact Statement, Urban Growth stated:

"No direct impacts from the proposal are expected to occur within Bundara Reserve given separation via Delhi Road. Indirect impacts from the proposal are assessed below....."

Assessment of the potential indirect impacts included erosion and sediment control, stormwater run-off, wastewater, pests, weeds and edge effects, fire and location of asset protection zones, boundary encroachments, visual, odour, noise, vibration, air quality and amenity impacts, threats to ecological connectivity and groundwater dependent ecosystems. No indirect impacts were identified for control or mitigation in the supporting ecological assessment.

During the submissions assessment Council and the community that there had been no ecological assessment of potential impacts on Bundara and the RMS lands from the pedestrian bridge raised concerns. In response, Planning requested information regards the assessment of the potential impacts on Bundara Reserve.

Urban Growth then provided further information to address the fact that the initial ecological assessments had not adequately considered the impacts of

the pedestrian bridge piers on Sydney Turpentine Ironbark Forest. This was in particular relation to pier 2 near Bundara Reserve.¹

A subsequent ecological assessment amended the original report.

Urban Growth stated in its response to submissions report that:

“...construction of the pedestrian and cycle bridge will result in the trimming of branches of the Ecologically Endangered Community Sydney Turpentine Ironbark Forest (STIF) estimated at 0.02 hectare (or 200sqm).”

This was based on the revised ecological assessment which stated:

“Construction of the pedestrian bridge will result in the trimming of branches. This has been estimated at 0.02 hectare of STIF in the northeast corner of the RMS Site. This is approximately only 4% of the STIF in the locality (0.489 ha) which includes Bundara Reserve. It is anticipated that works will include selective pruning of branches overhanging from Bundara Reserve.”

The revised Ecological Report included a revised biodiversity assessment for both the Bundara Reserve and the RMS site, which also contained Sydney Turpentine ironbark Forest, as required by the DG.

The potential indirect impacts were similar to those identified in the initial report all assessed to be managed with appropriate mitigation measures in place.

In regards the management of pests, weeds and edge effects it is stated:

“No trees are to be removed, thus not increasing fragmentation at these sites. Some overshadowing of the bridge may result in an increase in shade loving plants. Measures to mitigate this potential impact have been included in Section 7.”

Further in response to Planning’s questions as to whether offsets would be required Urban Growth stated:

“The recommendations of the amended Ecological Impact Assessment including contributions to bushcare works in Bundara Reserve have been included in the revised Mitigation Measures..”

The amended Ecological Impact Assessment recommended:

“The developer should consider contributing to Bushcare works in the Bundara Reserve to mitigate against potential impacts as a result of shading from the bridge. Due to the small amount of clearing of native vegetation, an off-site offset is not considered necessary as a mitigation measure.”

In the light of this additional information the Secretary’s Environmental Assessment Report concluded:

“As a result of the concerns raised, the applicant amended the bridge design and prepared a species impact assessment which considered the impact of

¹ It is noted that the proposed location of Pier 3 was still under discussion with

the bridge on the STIF community. The applicant considers that the impact on the STIF is acceptable for the following reasons:

- the clearing of STIF (up to 200m²) to facilitate the construction of the pedestrian bridge represents a maximum. This is a conservative approach and if construction allows it may only be necessary to trim, rather than clear, trees;*
- overshadowing impacts can be mitigated by appropriate bush care works and the applicant commits to provide contributions towards such works; and*
- lighting and impacts during the construction phase can be mitigated by construction protocols including a construction environmental management plan, lighting design, erosion and sediment control.....*

The Department is satisfied that the bridge support pylons have been aligned to minimise impacts on the reserve and STIF community and that any impacts can be appropriately mitigated/managed.”

We conclude from the trail of the assessments and statements used by Urban Growth to get SSD 5093 approved that:

- No trees were to be removed from Bundara Reserve though maybe selective trimming would be necessary;
- That trimming, possibly tree removal was proposed on 200sq metres in the NE corner of the RMS site. We understand that this is the area closest to the Transurban M2 corridor
- Statements by Urban Growth in their reports were contradictory to supporting assessment reports;
- No off site offsets were required;
- Mitigation of over shading impacts would be managed via a contribution from the proponent towards bush regeneration on site;
- No tree survey map for areas east of Delhi Rd was been included in the approved plans.

Overall, we have found it exceedingly difficult to determine the exact number of trees approved for removal in the accompanying approved plans. We could not locate supporting vegetation maps to identify the affected trees and trees approved for retention. Some trees identified as significant in the approved plans now seem proposed for removal.

We feel it is critical to clarify transparently what is actually approved in SSD 5093 regards the exact number of trees both for removal and retention. In the absence of this clarity it is impossible to properly assess the environmental impacts of the proposed changes.

This lack of clarity provides an opportunity for GLN Planning to engage in a process of “development by stealth” in getting this modification approved. Community confidence in the NSW Planning system is very low and it is vital to the public interest that this proposed modification is assessed rigorously.

The presumption by the new proponent GLN Planning that there has been previous approval to remove certain trees from Bundara and adjoining RMS land needs to be substantiated in a genuine and transparent way.

2. There are a number of significant changes which indicate that the Modification 4 does not meet the requirements for assessment under S4.55 (previously S96) of the Environmental Planning and Assessment Act 1979 No 203.

Firstly, the proponent is not Urban Growth which was the original proponent but GLN Planning private planning consultancy acting on behalf of Landcom. The relationship between these three entities needs clarification.

It is our understanding that modifications can only be granted in certain circumstances and only where the modification would have minimal environmental impact.

This modification is proposing the removal of significantly more trees, some marked as significant in the original approval.

Further this now includes complete removal of 450 sq. metres of Sydney Turpentine Forest which is protected under threatened species legislation. Unlike the original approval it is now stated that offsets will be required.

We would argue that this is a substantial change to the original approval. Whilst it is still a pedestrian bridge, the structure is substantially bigger and of a design type it is now claimed necessitates a significant (though unclear) increase in the number of trees to be removed including removal of an area of endangered ecological community.

The proposed changes are inconsistent with the original approval which considered that there would be limited direct and indirect impacts of the proposal on Bundara and adjoining RMS lands, all of which could be mitigated. We do not consider this S96 (2) in any way similar in its impacts to the environmental impacts identified in the original approval.

In the original approval some environmental disturbance could be explained as in the public interest in delivering a pedestrian bridge for the community. The redesign of the bridge does not deliver any increased benefit to the community in that it is still a pedestrian bridge but it will cause significant environmental impacts and loss of amenity for residents and commuters.

The proposed mitigation measures in the approval documents are meaningless with the new design and a new set of controls and mitigations measures will be required.

There also seems to be a significant increase in the cost of the bridge from \$7 million to around \$30 million which we do not consider in the public interest.

For the above reasons this development proposal is markedly different to that originally approved and should be treated as a new development.

3. Failure to provide adequate assessment of the environmental impact of the proposed modifications to approved SSD 5093.

As stated above in objection 1 it is unclear, especially to the community and media, what trees have been approved for removal across all three piers and what are the direct impacts on Sydney Turpentine Ironbark Forest in the area of pier 2.

It is ludicrous for GLN Planning to make statements such as:

“The AIA and Ecology assessment concludes that the additional vegetation removal is negligible and will not result in a significant impact to the state listed Sydney turpentine-ironbark Forest vegetation.”

It appears that this modification if approved will result in the removal of around 10% of the Sydney Turpentine Ironbark Forest on this site. It will cause weed invasion, changed microclimate conditions, exacerbate edge effects and further fragment an endangered ecological community struggling to keep a viable ecological hold within the local area.

Yet despite the clearly recognized potential ecological impacts of the changed design of the pedestrian bridge, GLN Planning seems to have engaged consultants who lack adequate skills and capacity to undertake the appropriate and necessary assessments.

The Arboricultural Report refers to the well-documented Sydney Turpentine Ironbark Forest on the subject site as “Turpentine Ironbark Margin Forest”². The newly engaged ecologists who have undertaken the necessary ecological impact assessments have failed to:

- get the extent of the Sydney Turpentine Ironbark Forest correct within the Sydney bioregion,
- state the precise remnant patch size on and near Bundara
- read the previous ecological assessments that stated that there was no fire risk at Bundara.

There is an urgent need for a proper ecological assessment of the cumulative impacts of this proposed modification. The presumption that complete clearing of 200 sq. metres has already been approved is arguable and needs to be substantiated by the new proponent. The full ecological impacts of 450 sq. metres on this small but currently ecologically viable forest remnant deserves proper assessment and not just presumed to equate to a dollar amount via the BioBanking Methodology (BBAM) (OEH 2014).

4. The new design has failed to consider the site’s environmental constraints as it developed from concept phase.

The North Ryde Pedestrian Bridge Urban Design Report, included in the original SSD application, stood out in its recognition of the potential impacts on Bundara Reserve³ and its “significant mature Eucalypts”. It noted six

² We note this Report is wrongly labeled as Holroyd Hospital Report

³ We are drawing on points raised by the late Ms Diane Michel for the following comments.

practical constraints affecting the bridge alignment including potential pier locations in the vicinity of Bundara and the need to mitigate impacts on significant vegetation.

The Bridge Design consultants also saw the opportunities to “express the bushland setting”, “visually engage with Bundara Reserve....integrate the alignment with existing vegetation north of the M2....and maximize user’s experience of existing trees”.

It is curious now, after approval of SSD 5093, that these opportunities and constraints dissipate with the S96 (2) submitted by GLN Planning. “Existing” “visually engaging” trees are proposed for obliteration with no proposals to replace them. Any post construction planting/landscaping limited by the need to protect the changed paint finishes and expanded blue bridge structure.

It needs to be understood that the proposed bridge that constituted the discussion of the Community Liaison Group was functional, of minimal impact and accessible to the Station.

Whilst RHHFFPS and some community members with an interest in the bridge alignment argued a preferred alignment over the M2 first, and then Delhi Road, Urban Growth rejected this. Such an alignment would provide better direct access to the cemetery from the station and we still urge that the State government and its agencies consider this.

Nor was the matter of how to improve access for residents south of Epping Rd included in the Community Liaison Group discussions. With the widening of the Epping and Delhi Road intersection as part of the “associated works” to the North Ryde Station approval, ten lanes are crossed to get to the station. Light phasing heavily favouring motorists and the access to the private tollways nearby. How to improve access for these residents would have been a sensible discussion in planning for the future pedestrian bridge at Lachlan’s Line but also rejected by Urban Growth.

It is unclear to RHHFFPS how the functional three metre wide bridge discussed during the community consultative phase of the bridge design has morphed into an eight metre spiral with seating at the Bundara corner. None of the significant changes made to the bridge design post exhibition involved public consultation.

The design which was progressed, failed to take account of site constraints. It is completely contrary to the concerns to protect Bundara Reserve and the Sydney Turpentine Ironbark Forest as raised during the Community Liaison Group and reflected in Council’s decision to protect this area in the Ryde LEP 2014.

For bridge engineers to decide post the consultative phase of the project that a five metre tree clearing offset is required for the pedestrian bridge so as mitigate the thermal effect of bushfire in a non fire risk location, the effect of bird droppings on the paint life from trees when the birds could poop directly

on the bridge and the effect of falling branches on an almost similarly high structure is absolutely bizarre.

It demonstrates an absolute disregard by Urban Growth of the original assessment and approvals process and the constraints identified originally.

It is also concerning to RHHFFPS that Transurban and RMS continue as “recalcitrants” in constructive discussions to align the bridge in ways to minimize vegetation loss and preserve the local amenity and air quality. It is our understanding that the bridge will transfer to RMS ownership on completion.

5. The proposed bridge pier 2 is not a permitted land use in E2 zoned land under Ryde LEP 2014.

The strategic planning undertaken by Ryde Council following the completion of the M2 and in preparation of the city’s new LEP is outlined in the introduction. This was not ad hoc planning but a deliberate vision by the Council at the time to attempt to consolidate the endangered shale forest to ensure the longer term ecological viability of a rare and high conservation value public land parcel.

Council recognized that the iconic Bundara bushland corner makes a significant contribution to the local amenity. The busy Delhi and Epping Road intersection provides an important gateway into the Ryde LGA. “The small but long fought-for, and now stubbornly enduring, Bundarra Reserve North Ryde is an oasis in a desert of bitumen, concrete, exhaust emissions and steel. It needs every tree it currently supports.”⁴

The E2 zoning is well justified, appreciated by the community and well recognized as being in the public interest.

The Environmental Conservation zoning which protects the trees is also consistent with the new Regional Plan for the area, the Greater Sydney Commission’s District North Plan. The Plan states on page 108 under Planning Priority N19 - Increasing urban tree canopy cover and delivering Green Grid connections:

“Sustaining boulevards of trees along the District’s busiest roads (such as Epping Road...) is an important step towards improving amenity and air quality, and cooling the North District.”

The removal of the trees on Bundara Reserve and adjoining RMS land will diminish the ecosystem values provided by the endangered shale forest. Visual amenity will also be reduced with any thinning of the forest and consequent sight lines from cars and buses will be through to the built form beyond the forest. The remaining trees will be vulnerable to further decline and degradation.

⁴ SMH Letters 3 April 2018 Lyn Langtry, East Ryde

6. Failure to protect the amenity of adjoining private property and rented dwellings.

The only private property adjoining Bundara Reserve is currently going through probate due to the deaths of the long-term owners in late 2016. The occupants of this house particularly, but also the RMS rented houses further along will lose their backyard privacy and amenity with the removal of the trees.

7. Potential indirect adverse impacts on Pages Creek catchment.

Bundara Reserve is within the pages Creek catchment. Unlike other creek lines in Ryde LGA it is primarily a natural watercourse passing through one of the Lane Cove Valleys best stands of Coachwood trees and one of its largest natural wetlands before discharging into the Lane Cove River.

Pages Creek makes a significant contribution to the overall water quality of the river in ways that piped systems cannot. Bundara Reserve represents the one of the head waters of Pages Creek and although stormwater from Bundara discharges under/across the road to the open creek line it still makes its contribution to the health of Sydney Harbour.

The removal of trees from Bundara and adjoining RMS lands will diminish these values. The Pages Creek habitat corridor is identified as providing local connectivity for native flora and fauna in the Ryde Biodiversity Plan 2016.

The Pages Creek corridor, which includes lands within the National Parks Estate, provides habitat for native species some of which are threatened species e.g. Powerful Owl, microbats.

8 Inadequate period of exhibition over the Easter holiday period.

The community's concern to see the removal of trees from Bundara Reserve has been obvious in recent media and the decision of Ryde Council to protect the reserve. It is unfair to the community to advertise over the Easter period given the strong public interest in the protection of Bundara Reserve.

9. In the public interest there is a need to clarify who is the consent authority for this development.

The State Significant Development planning approvals pathways (and the Part 3A process that proceeded it) are considered by many in the community to be weak in the protection of the environment and amenity and undemocratic for local communities.

This proposed modification raises a series of interrelated issues which are complex and confusing especially to the community. To ensure community trust and protect the public interest in this S96 (2) due process should occur and the planning pathway clearly stated and justified.

It is unfair that the label of “State Significant Development” facilitates planning approvals pathways that disregard the local environment and amenity “ad infinitum”. Such development must cease to be SSD at some point and take account of the local and regional planning controls.

Where developments have been progressed in consultation with the community and local Councils the State planning instruments that guided the initial development must be amended to reflect the updated controls. Without timely updates there would appear conflicts within the planning approvals system and confusion and distrust amongst the community.

Any changes to the original approval should also be required to take account of the local and regional planning controls, especially if they are substantial changes as we have argued with this S96 (2).

To clarify the above comments:

- the proposed activity for a bridge pier described in S96 (2) is not permissible within E2 zoned lands (refer Ryde LEP 2014) and the proposed modification will have a direct environmental impact on lands zoned E2;
- The North Ryde Station Development Control Plan 2013 (effective 4 December 2013) within the Ryde Council's planning controls applies over some lands within the S96 (2) (not lands proposed for pier 2) and the proposed modification will have a direct environmental impact on areas within NRS DCP 2013.
- There has been no amendment of the *State Environmental Planning Policy (State and Regional Development)* 2011 to reflect these amendments to the local controls⁵;

The proponent GLN Planning states:

“The consent authority is the Executive Director of Planning and Environment as delegate for the Minister of Planning.”

We feel that there is a need to explain how this is the presumed planning pathway.

Firstly, it is our understanding that the Minister has delegated SSD applications lodged by private developers to the Planning Assessment Commission and Department of Planning and Environment. Urban Growth as a developer-trading arm of government lodged the original application. This application is lodged by a private consulting company on behalf of Landcom.

There is need to clarify the relationship between Urban Growth, Landcom, GNL Planning and RMS whether PAC has a role in the planning assessment and approvals process for this S96 (2).

⁵ Despite government assurances Tennis World is still identified within this SEPP.

Secondly, part of this S96 (2) covers land zoned E2 in Ryde LEP 2014 i.e. pier 2.⁶ It is our understanding that where a local control partly prohibits a development consent may be granted but needs to be accompanied by a request to change the zoning. We are not aware of where this conflict has been considered by GLN Planning in their application. We are not aware of a request to change the local controls but we understand that such a request would need to involve referral to PAC.

There is need to determine the correct planning pathway to resolve this conflict in land use.

Thirdly, since Ryde Council is the consent authority for this precinct it is unclear what their role is in the assessment and approvals process. GLN Planning has not addressed this in their application.

There is need to clarify the role of the local consent authority in this application since it is arguable that this is not the same development as approved originally especially regards the proposed environmental impacts which arise with the changes and may require application to Ryde Council for assessment under their controls.

Fourthly, since SSD 5093 was approved the Greater Sydney Commission has finalized its plans for growth in Sydney. It is unclear what role they will play, if any, as a consent authority for major projects.

There is need to clarify how the new regional plan District North Plan fits with any proposed modifications to SSD 5093.

Additionally, the proponent GLN Planning has stated in their Statement of Environmental Effects that:

“The pedestrian bridge is generally zoned SP2 Infrastructure and also traverses over E2 Environmental Conservation with the bridge landing located on RE1 Public Recreation.”

We feel that “generally zoned SP2 Infrastructure” needs to be properly explained within the context of the current planning controls which apply to the land affected by this S96 (2) especially land proposed for the pier 2 and as raised above.

10. Failure by the proponent GLN Planning to properly take account of the controls in Ryde Council’s North Ryde Station Precinct DCP 2013.

As raised in the above objection the role of Ryde Council as consent authority needs clarification.

⁶ We do not have expertise to determine whether a pedestrian bridge would be permitted in a Recreational or Business zoning but certainly in an Environmental Conservation zoning such construction would conflict directly.

Regardless, GLN Planning needs to take account of these controls over the site in their S96 (2). We feel that this is poorly addressed and in a somewhat selective approach.

In particular we note the removal of the word “environmentally” in the stated purpose of NRS DCP 2013 in the section of the GLN Planning Report related to the assessment of the S96 (2) against the DCP 2013.⁷

To clarify the purpose of NRS DCP, which applies over most of the site excluding Bundara area that is under the Ryde LEP 2014 controls, we quote: *“The purpose of this plan is to:*

- Communicate the planning, design and environmental objectives and guidelines against which the consent authority will assess future development applications;*
- Ensure the orderly, efficient and environmentally sensitive development of the Precinct as envisaged by the Ryde Local Environmental Plan 2010;*
- Promote high quality urban design outcomes;*
- Provide more detailed planning and design controls for important components of the Precinct; and*
- Integrate the Precinct with the urban structure and connections to and within the wider Macquarie Park Corridor, in addition to reflecting the controls contained within the Ryde DCP 2010.”⁸*

GLN Planning further states that:

“The North Ryde Station Development Control Plan 2014 (NRS DCP) applies generally to developments in the vicinity of the station that are within the Ryde City LGA.”

This needs to be clarified.

The NRS CSP 2013 addresses the pedestrian bridge and vegetation management within the precinct. Whilst some of the controls in NRS DCP 2013 are outdated due to the previously approved pedestrian bridge which is designed to provide a direct link between Lachlan’s Line and the North Ryde Station, some controls remain relevant for the bridge design and construction.

These include:

5. The bridge is to be constructed of lightweight materials to minimise the overall bulk of the structure and adverse visual impacts in relation to the Macquarie Park Cemetery and Crematorium.

⁷ GLN Planning refers to the 2014 DCP but we are referring to the plan currently on the Ryde council website. We are unaware of any NRS DCP dated 2014.

⁸ It is stated elsewhere in the NRS DCP 2013 that:

In the event that Ryde Local Environmental Plan 2010 is superseded, development within the Precinct will need to have regard to any subsequently made local environmental plan that applies to the site.

9. *The link is to be designed to minimise impacts on native vegetation in Bundara Reserve.*

With regards to vegetation management the objective of NRS DCP 2013 is:
“a. Protect and enhance areas of significant native vegetation and riparian corridors.”

With regards to open Space one of the objectives in NRS DCP 2013 states:
“e. Contribute to ecological biodiversity and habitat by planting endemic species and consolidating vegetation corridors, including those connecting to Lane Cove National Park.”

With regards to Overshadowing one of the controls in NRS DCP 2013 states:
6. No overshadowing of Blenheim Park or Bundara Reserve is to occur after 9am on June 21.

GLN Planning has failed to consider any of these controls in their State of Environmental Effects Report for the S 96(2). Rather a blunt and somewhat erroneous statement that:

“The 17 additional trees which are proposed to be removed will have little impact on the Sydney turpentine-ironbark forest community.”

As indicated in our objection points above it is unclear what numbers of trees were approved previously and what number is now proposed to be cleared. There has also been no assessment of the cumulative impact of the changed design on the Sydney Turpentine Ironbark Forest.

We do not feel that GLN Planning has prepared an adequate and thorough assessment of the environmental impacts arising from the proposed modifications and how these impacts will be managed longer term.

As stated above it is arguable that the environmental impact of the now bigger redesigned bridge will have significant environmental impacts which are inconsistent with the original approval. It is unclear whether GLN Planning has considered alternative design options to prevent the proposed devastating environmental impact which is contrary to the planning controls on the site currently.

Further, GLN Planning, in their covering application state as justification that:
“It is considered that the modifications proposed will not cause any adverse impacts on the surrounding locality with the road designed to match approved levels of the adjoining development to the west.”

We feel this needs to be properly explained.

CONCLUSION:

In conclusion RHHFFPS feels strongly that Modification 4 to SSD 5093 needs to be refused for the following reasons elaborated above:

1. The outcome of biodiversity assessment of potential impacts on Bundara Reserve as specified in Director General's Environmental Assessment Requirements dated 14 May 2014 in the original approval is not clearly stated by the proponent and what this S96 (2) is seeking to modify from the original approval.
2. There are a number of significant changes which indicate that the Modification 4 does not meet the requirements for assessment under S4.55 (previously S96) of the Environmental Planning and Assessment Act 1979 No 203.
3. Failure to provide adequate assessment of the environmental impact of the proposed modifications to approved SSD 5093.
4. The new design has failed to consider the site's environmental constraints as it developed from concept phase.
5. The proposed bridge pier 2 is not a permitted land use in E2 zoned land under Ryde LEP 2014.
6. Failure to protect the amenity of adjoining private property and rented dwellings.
7. Potential indirect adverse impacts on Pages Creek catchment.
8. Inadequate period of exhibition over the Easter holiday period.
9. In the public interest there is a need to clarify who is the consent authority for this development.
10. Failure by the proponent GLN Planning to properly take account of the controls in Ryde Council's North Ryde Station Precinct DCP 2013.

Thank you for an opportunity to comment.

Yours sincerely
Cathy merchant
RHHFFPS Senior Vice President.

CC The Honorable Anthony Roberts, Member for Lane Cove and Minister for Planning
Mayor Jerome Laxale and General Manager City of Ryde
Greater Sydney Commission.