

PCU065514

Ms Karen Armstrong
 Director, Sydney Region East
 Planning Services
 Department of Planning and Environment
 GPO Box 39
 Sydney NSW 2001



26 May 2016

LEP2015/4

Dear Ms Armstrong

Planning Proposal- 86 Blenheim Road, 12A and 14 Epping Road, North Ryde (PGR_2016_RYDEC_001_00)

Thank you for your letter dated 6 May 2016 regarding the pre-Gateway review request that has been submitted to the Department for the subject property. I would like to outline the background of the proposal and provide a response detailing why the Planning Proposal was not supported.

Background information

During the preparation of Ryde Local Environmental Plan 2014 (RLEP2014) in March 2013, Council resolved that a Planning Proposal be accepted for consideration by Council for a number of properties including the subject site. This was in response to a community workshop on the draft LEP. It is understood that the intention of the proponent at that workshop was to seek Council support to permit greater development opportunities on the land for high rise residential development up to 7 storeys in height (see Council's letter attached).

A Planning Proposal for the property was received by Council in June 2015. The PP amends Ryde Local Environmental Plan 2014 by:

- Rezoning the site from R2 Low Density Residential to R4 High Density Residential;
- Amending the Floor Space Ratio (FSR) Map to increase the maximum FSR from 0.5:1 to 4.3:1; and
- Amending the Height of Buildings Map to increase the maximum height of buildings from 9.5m to 45m (approximately 16 storeys).

Council officers expressed a number of concerns with high density residential development on the site and the bulk and scale proposed, and advised that Council would be unlikely to support the Proposal. In November 2015 supplementary information was lodged by the proponent indicating a reduction in FSR to 2.5:1 and a height reduction to 22m, which would result in a building of 7 storeys with approximately 50 dwellings. The supplementary information outlined the benefits of the revised scheme, being:

- *“... ensuring that the site better relates to the overall character of the area and integrates appropriately with its surrounds”;*

Further, the revised PP included *“... reduced height that better provides a transition between the heights to the north east of the site (up to 92m) and the 2 storey dwelling heights to the south west of the site”.*

In January 2016 the proponent advised Council that they wished to proceed with the original proposal as submitted (i.e. with an FSR of 4.3:1 and 45m height limit).

On 8 March 2016 Council resolved not to support the Planning Proposal. A copy of the Council report and resolution is attached.

Key issues of concern

Council's primary concerns with the Planning Proposal are discussed below and include:

- Bulk and scale;
- Site context;
- Shadowing of adjacent public open space;
- Lack of policy context; and
- Traffic issues.

Bulk and scale

Bulk and scale issues include the lack of urban design rationale to justify the excessive height and FSR, the visual bulk when viewed from the adjacent low density residential area and the inconsistency with other similar developments approved by the State Government on the southern side of Epping Road, as outlined below.

The proposed built form appears to take its cues for its scale and character from development across Epping Road and the M2 Motorway (the 'Country Gardens' site) which faces Delhi Road and immediately adjoins North Ryde Station. Council's position is that Epping Road and the M2 are a natural boundary between the Macquarie Park Corridor and the existing suburban

neighbourhoods of North Ryde. This needs to be considered when reviewing the Proposal. The PP fails to consider the relationship of the site to the adjacent low density residential neighbourhood. There is no urban design rationale for high rise development in this suburban setting.

The proposed Floor Space Ratio of 4.3:1 far exceeds the FSR control for the adjacent low density residential land in Morshead and Clarence Streets of 0.5:1. The Floor Space Ratio controls for sites in the North Ryde Station Precinct vary from between 2:1 and 2.3:1, apart from higher density on the major Country Gardens and Lachlan's Line sites which are up to 3.5:1 (other than one small portion of the Lachlan's Line site which has an FSR control of 4.3:1).

The building form is excessive in height and FSR. The PP fails to provide adequate analysis of existing built forms and consideration of future impact on the streetscape and adjoining open space. The building bulk and massing is excessive and does not respond sensitively to the surrounding context or provide a transition to the nearby low density residential area.

The justification provided for the controls is not based on a considered appraisal and does not demonstrate the suitability of the proposed controls and scale of built form for the site.

With regard to height, Council's Urban Design Review Panel commented that *"the Planning Proposal is to allow a 15 storey plus ground floor tower containing apartments. This height is not justified in terms of the Planning Proposal. The urban study is inadequate in its consideration of any real context and does not explain how a height of 15 storeys relates to any other built form or elements on this side of the precinct or why this height is appropriate even in the context of the North Ryde development precinct. The study appears to focus solely on the site itself and has no consideration of the urban character of each side of Epping Road, other approved development in the vicinity and the relationship of any proposed height on this site or the need to achieve transition in form to the edges of the site such as the park and Blenheim Rd"*.

The PP articulates the merits for greater height and FSR based on location and the principles of transit oriented development and that the site is free of many of the "edge amenity impacts" often associated with up zoning as it is an "island" significantly separated from other residential uses.

Council's Urban Design Review Panel commented that:

"the fact that the site has no near neighbours also does not justify a major height increase as an appropriate outcome either. The site forms

part of the park edge and therefore any building form on this site will impact the park in terms of overshadowing and bulk and scale. It will be more visually prominent than if it was within a larger and linked block”.

The visual bulk is likely to be overwhelming when viewed from the adjoining park and adjacent low density residential area, in particular from Morshead Street. Council’s Urban Design Review Panel with respect to the original proposal commented that:

“a view study has been included in the package but a number of the views are not accurate and use Google Earth images that are not from eye level or in an appropriate location to consider the impacts of such a large tower on this side of Epping Road. Even with these inaccuracies and a view line that reduces the real impact of such a development the building form appears massive and incongruous in the view from Blenheim Road. The view from Epping Road also shows that it would be the only tower in this visual catchment and that it dominates the ‘green’ edge and character of this side of Epping Road”.

The subject PP proposes a much higher scale of development than that approved within the two former Part 3A Approvals on the southern side of Epping Road, with no strategic justification provided for this. The Concept Plan Approval for Allengrove Crescent/ Lane Cove Road, North Ryde was originally refused by the Planning Assessment Commission as it would be out of character with the surrounding residential area. It was approved following Land and Environment Court proceedings after reducing the height from the original proposal to 5 storeys (with 2-3 storeys facing Allengrove Crescent). The Concept Plan Approval for Whiteside Street/ David Avenue, North Ryde allowed a residential flat development 3 storeys in height (stepping up to 5 storeys).

Site context

The subject site does not have a direct relationship with the North Ryde Station Precinct/ Macquarie Park Corridor, is not a suitable form of development for the southern side of Epping Road.

The subject site is outside the Macquarie Park Corridor and the North Ryde Station Precinct and is geographically separated from these areas. There is no justification for the proposal based on its contribution to the Macquarie Park Corridor or North Ryde Station Precinct.

Comments from Council’s Urban Design Review Panel supported this view:

"The sites that are to be amalgamated form an isolated pocket of left over land that adjoin Blenheim Park and have frontage to Epping Road. Visually their strongest dialogue is with other properties along Epping Road to the north of Pittwater Road.

It is not considered that there is a strong relationship between this land parcel and the major development node occurring in North Ryde at the station on the other side of the M2.

The location of the sites on the western side of Epping Road mean that they form part of the residential neighbourhood in this part of Ryde. Epping Road itself acts as a significant visual and physical barrier when combined with the M2 between the subject precinct and the new development area. As such it is important that this site has a development form and scale that is not overly dominant and is comfortable with the interface both to Epping Road and to the park.

The planning proposal makes repeated references to the Macquarie Park corridor and the scale of buildings in the commercial hub yet this site has no connection to this hub and is not part of the physical or visual catchment around it. Therefore the forms seen in that hub are not deemed relevant to the consideration of this site. The isolation of this site and its location across a major road from these areas also reduces its opportunity to contribute in any meaningful way.

To seek to transfer the height and scale of the North Ryde precinct to this side of Epping Road would result in an incongruous form that dominates the precinct and yet does not relate well to the high rise precinct either. If Council proposes at some time in the future to increase the scale and height and change the zoning to lands around the park and along the edge of Epping Road then perhaps a greater scale could be considered if it forms part of a holistic strategy for the corridor. Otherwise a single one-off increase in scale for such an isolated pocket of land in a very prominent location is not considered to be a positive result.

Other developments on key sites have been proposed on this side of the road in closer proximity to Macquarie Park... such schemes have sought building forms around 4-6 storeys in height with upper floors setback".

No specific planning study has yet been undertaken for areas south of the Macquarie Park Corridor (i.e. south of Epping Road) which are currently low density residential suburbs. As such, the broader community and infrastructure needs and appropriate development densities for the area have not been investigated or assessed.

The Proposal is inconsistent with a number of decisions made by the State Government relating to development on the southern side of Epping Road which have generally supported the view that lower scale development is appropriate in this location and that Epping Road is the delineation between high density and lower density development. (e.g. the Tennis World site at 16-18 Epping Road, North Ryde which was removed from the North Ryde Station Precinct by the Department of Planning and Environment in their Finalisation Report in July 2013 for reasons including:

- The proposed development would be out of context with the surrounding residential homes;
- The site would have poor vehicular access and create a rat run on narrow local streets for cars travelling to the city from the site;
- Medium density housing would set a precedent for increases in density on the southern side of Epping Road which would be a poor planning outcome in terms of residential amenity and potential access constraints to Epping Road; and
- The Department considers a comprehensive strategic planning framework be developed that identifies the long term objectives, planning policies and actions for the southern side of Epping Road).

The Department's Finalisation Report also recommended removal of 21, 21A, 23 and 23A Epping Road from the Precinct, given their limited capability for high density uses, their small size, poor residential amenity and the site being effectively an isolated "island" surrounded by major arterial roads. The subject site has similar characteristics.

The Planning Assessment Commission's view for the Whiteside Street/ David Avenue proposal was that Epping Road provides an effective physical divide between the business park to the north and lower density development to the south of Epping Road.

The project seeks to justify the uplift in height and density for the site on the basis of accessibility to public transport, particularly North Ryde Station and styles itself as Transit Oriented Development based on distance from this Station and access to Epping Road bus services. The site is located 700m from North Ryde Station via Epping Road and Delhi Road. The distance on foot from the site to North Ryde Station via Epping Road, Lucknow Road and the proposed new Road 38 would also be 700m.

At this distance from the railway station, the density proposed cannot be justified. The realities of the journey by foot or bicycle are not addressed. There is no exploration of the current journey across busy Epping Road and the significant impediments to access for pedestrians and cyclists across such a busy transport corridor.

Shadowing of adjacent public open space

The submitted shadow study shows that the impact on Blenheim Park is considerable and that it will create a significant reduction in amenity within the park and adjacent reserve for much of the day.

The submitted shadow diagrams appear to amplify the shadow impacts of the approved developments in the North Ryde Station Precinct (and therefore not accurately depict the extent of shadowing caused by the subject site). The southern end of Blenheim Park is overshadowed by existing trees within the Park which is not indicated on the submitted shadow diagrams.

Lack of policy context

The PP does not have its basis in any strategic planning study or report. "A Plan for Growing Sydney" identifies Lane Cove Road as a potential growth corridor, but not Epping Road.

Ad-hoc proposals have the ability to undermine the broader function of the adjoining Precinct/s and weight should be given to the existing centres by maintaining a restrictive policy approach regarding increasing densities in the low density residential areas.

Other issues

A number of other minor issues with the Planning Proposal have been identified:

- The Proposal does not address State Environmental Planning Policy (Infrastructure) or the Department of Planning and Environment's "Development near rail corridors and busy roads- Interim Guideline" which may affect the overall design of the site in terms of building setbacks.
- The proposal also results in a poor interface with Epping Road. The Preliminary Development Analysis shows the proposed café/ neighbourhood shop at the Blenheim Park frontage of the site (lower than Epping Road) with the first floor of the residential development being at approximately Epping Road level. This issue could be addressed through development controls in Ryde Development Control Plan 2014.

- The number of dwellings quoted in the Traffic and Parking Impact Assessment was inconsistent with the number of dwellings quoted in the Planning Proposal. The values incorporated as part of the assessment of the Level of Service (LoS) for the adjacent intersections to the site are questionable. The traffic assessment rate of 0.19 vehicles in the peak hour is too low.
- The community benefits identified in the proponent's VPA offer are considered to be inadequate in proportion to the nature and value of exceedance of the planning controls.
- The café indicated on the submitted Preliminary Design Analysis is defined as a food and drink premises which is not a permitted use in the R4 zone.
- The Planning Proposal should include removing the minimum lot size for the site as shown on Ryde Local Environmental Plan 2014 Minimum Lot Size Map.
- The proposed building height of 45 metres does not align with the building section provided in the submitted Preliminary Development Analysis which shows a 16 storey building which would be in the vicinity of approximately 48.5 metres (consuming 3.5m floor to ceiling height on the ground floor and 3m floor to floor heights on the apartment levels).
- The proposed floor space ratio of 4.3:1 does not appear to align with the proposed height in so far as the submitted Preliminary Development Analysis drawings reflect more than the 8619m² of floor space which would be permitted with the proposed Floor Space Ratio control.

Note: Proposed land acquisition

Council also resolved at the meeting of 8 March 2016 to delegate authority to the General Manager to investigate and action the acquisition of the land for open space to be incorporated into Blenheim Park.

On 26 April 2016 Council considered a Notice of Motion and resolved to prepare a Planning Proposal to rezone the subject land from R2 Low Density Residential to RE1 Public Recreation in order to facilitate the expansion of Blenheim Park and reserve the land as public open space. This Planning Proposal has been forwarded to the Department of Planning and Environment for a Gateway Determination.

Conclusion

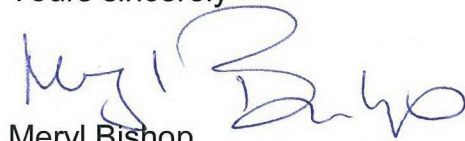
Council strongly urges the Department not to support the Planning Proposal proceeding to gateway for the reasons outlined above. It is recommended that

the Proposal be rejected in its current form and the proponent be invited to confer with Council about a revised Proposal.

We would welcome the opportunity to meet with you to outline our concerns with the Proposal further.

Should you have any questions regarding this letter, please contact Lara Dominish, Senior Strategic Planner on 9952 8455.

Yours sincerely



Meryl Bishop
Manager, Strategic City