

SJB Planning



Review of Planning
Proposal

111 Wicks Road,
29 Epping Road and
31-35 Epping Road,
Macquarie Park

15 August 2013

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Executive Summary

Purpose of the Report

SJB Planning NSW Pty Ltd has been engaged to undertake a review of a Planning Proposal submitted on behalf of the Harvey Norman Group to amend the planning controls applying to a site at 111 Wicks Road, 29 Epping Road and 31-35 Epping Road, Macquarie Park ('the site').

The key task involves a critical review of the proposal in order to make a recommendation to Council as to whether the matter should proceed to a Gateway determination for the matter to be exhibited, or otherwise.

The Process

The Planning Proposal is at the initial stage of the Gateway Process. In accordance with Section 55 of the *Environmental Planning and Assessment Act 1979 (EP&A Act 1979)*, the Relevant Planning Authority is required to prepare a Planning Proposal before an environmental instrument (LEP) can be made. Where a proponent initiates a Planning Proposal, the Relevant Planning Authority (Council) is required to form an opinion within 90 days from lodgement as to whether the matter should proceed or otherwise.

The Site and its Context

The land the subject of the Planning Proposal is known as 111 Wicks Road, 31-35 Epping Road and 29 Epping Road, Macquarie Park.

The site comprises three separate land holdings and is an irregular shape comprising some 1.97 hectares in area. The site is located on the northern side of Epping Road east of its intersection with Wicks Road. The existing pedestrian bridge landing is located between 29 and 31-35 Epping Road.

The site accommodates:

- An industrial warehouse accessed from Wicks Road – 111 Wicks Road;
- Domayne / Harvey Norman Bulky Goods retail premise – 31-35 Epping Road; and
- North Ryde Smash Repairs – 29 Epping Road.

The site is located on the south-eastern end of the Macquarie Park Corridor. Immediately to the east, the site adjoins an area known as the North Ryde West sub-precinct of the North Ryde Station Precinct and more recently the North Ryde Station Urban Activation Precinct (NRSUAP).

The site is located within the Macquarie Park Corridor which is located in the northwest of Sydney, approximately 12 kilometres from the Sydney CBD and 2 kilometres from Epping. It is a 75km² employment centre located equidistant from the CBD of Sydney and Parramatta respectively.

The Corridor comprises an area of land generally bound by the M2 Motorway and Delhi Road on the northeast, Epping Road and the Lane Cove River on the southwest, and Macquarie University. On the southern side of Epping Road, the Corridor is adjoined by low density residential development.

More than 800,000m² of the Corridor is commercially zoned comprising a mix of B3 Commercial Core, B4 Mixed Use and B7 Business Park.

The Macquarie Park Corridor is part of the Global Economic Corridor, a broad area of economic activity stretching from Port Botany and Sydney Airport, through the Sydney CBD, North Sydney, St Leonards to Parramatta. This region accounts for the majority of Sydney's global orientated commercial businesses and over 10% of gross domestic product. Employment within the Corridor exceeds 39,000 jobs, with over 30,000 students attending Macquarie University.

Statutory and Strategic Framework

The site is currently zoned part B7 Business Park and part B3 Commercial Core under Ryde LEP 2010. A variable height of 22m and 30m applies to different parts of the site. The site benefits from a FSR of 1.1 / 1.5:1. The site is also the subject of changes to controls under Ryde DLEP 2013 and Ryde DLEP 2013 – Amendment No. 1.

The Macquarie Park Corridor is identified as a Specialised Centre / Precinct in the Metropolitan Plan 2036 and Draft Metropolitan Plan 2031 these precincts are differentiated from other centres in that they perform a vital economic and employment role for the whole of the metropolitan area.

The Planning Proposal

The Planning Proposal seeks to:

- Change the zoning of 111 Wicks Road from part B7 Business Park and B3 Commercial Core to B4 Mixed Use;
- Change the applicable building height controls:
 - from 30m to 89m at 111 Wicks Road;
 - from 22m to 50m at 31-35 Epping Road;
- Change the FSR from 1.1 / 1.5.1 to 2.4.1 across the whole of the site;
- Maintain the existing B3 Commercial Core zone to 29, 31-35 Epping Road;
- Maintain the existing 22m height control to 29 Epping Road.

The Planning Proposal is accompanied by a Draft Voluntary Planning Agreement (VPA) offer.

The proponent in summary argues that the Planning Proposal should be supported as it:

- Will create a significant amount of jobs;
- Has been prepared in response to trends in Government policy and development initiatives with Macquarie Park, specifically the North Ryde Station Urban Activation Precinct and Ryde Council's work in increasing densities in the Macquarie Park Corridor;
- Is consistent with the Metropolitan Plan for Sydney 2036 and Draft Metropolitan Strategy 2031;
- Is consistent with SEPP and s117 Directive;
- Supports the existing character and urban structure;
- Is a logical location in proximity to transport services and residential use will contribute to better utilization of transport infrastructure;
- There is sufficient physical area within the Macquarie Park Corridor to support employment lands and this proposal would not diminish the potential employment capacity; and
- Responds to a new land use condition in the south east of the Corridor in a complementary way; and
- Is not likely to result in unreasonable environmental, social or economic impacts.

Assessment of Planning Proposal

This report assesses the following key issues:

- Whether the range of land uses sought – specifically residential – is appropriate and consistent with the strategic framework of the site and surrounding area, and whether there is strategic merit in the matter proceeding;
- Whether the built form resulting from a change in height and FSR is an appropriate outcome for the site when considered in the immediate and broader context of the site and whether there is site specific merit in the matter proceeding; and
- The value of the VPA offer.

The assessment has concluded that the proposal is inconsistent with Council's adopted approach to protecting the Macquarie Park Corridor as a preeminent strategic employment area.

The Macquarie Park Corridor, is a higher order specialised centre, whose primary purpose for employment and economic functions are protected through the adopted policy framework. It is structured as a business core with a residential ring. This is reinforced in the Ryde LEP 2010 and Ryde Draft LEP 2013. It is further reinforced by the initial planning for North Ryde Station Urban Activation Precinct and that being undertaken for the Herring Road Precinct.

The housing targets in Ryde are able to be met. The delivery of additionally zoned land as part of the Urban Activation Precinct is where priority should be focused, not on the addition of potentially piecemeal sites because they provide a land use mix.

It is concluded that the Planning Proposal should not proceed as it is inconsistent with the strategic direction being implemented by Council, and would result in a piecemeal and fragmented approach to planning for the Corridor, in an area with a primary function for employment and economic purposes. It has potential to undermine its direction. Furthermore the justification has not addressed the underlying policy positions and provided reasonable justification for change, on a site basis.

The competing interest of different land uses attracted to Specialised Centres/Precincts is recognised in the Criteria at Appendix B of the Draft Metropolitan Strategy 2013. This criteria recognises the competing demands but includes the following criteria:

- Specialised functions must be protected for the long-term and residential and other non-specialised but competing uses must not override the core employment activities in the precinct.

The primary significance of the Macquarie Park Corridor is as an employment destination.

Strategically, to alter the zoning and permit residential development is inappropriate given the strategic changes being provided to accommodate residential development in the vicinity and the fact that relevant targets can be met within the existing framework.

The function of the Corridor has been identified and planned. Boundaries have been drawn. The medium to long term protection of the Corridor as a preeminent place for employment overrides the need to consider the site for any residential use.

Conclusion

The proposed planning framework for the North Ryde Station Urban Activation Precinct has been a catalyst by the proponent to revisit the controls on the subject site.

The strategic approach and planning for the area has been considered with the principal aim of maintaining a suitable supply of employment generating lands with a fringe of residential for the medium to long term. This

strategy should continue to be applied given the timing and future needs of the area, and in recognition of the need to protect Specialised Precincts for the long-term and to ensure residential and non-specialised but competing uses must not override the core employment uses.

There needs to be a balance to ensure the primary employment function is not compromised. This has been achieved by focusing residential development on the fringes, and should be maintained. The current Planning Proposal does not achieve these objectives and in fact has the potential to undermine the strategy adopted for the Macquarie Park Corridor.

Recommendations

That the Planning Proposal for 111 Wicks Road, 29 Epping Road and 31-35 Epping Road not proceed to Gateway for the following reasons:

1. The Planning Proposal is inconsistent with the vision for the Macquarie Park Corridor as a Specialist Precinct whose primary purpose is for employment and economic functions;
2. It is inconsistent with the City of Cities – A Plan for Sydney’s Future (the Metropolitan Plan), Metropolitan Plan for Sydney 2036, Draft Metropolitan Strategy for Sydney 2031, Ryde Local Planning Study 2010, Ryde LEP 2010 and Ryde Draft LEP 2013 as amended.

1.0 Overview and Purpose of the Report

SJB Planning NSW Pty Ltd has been engaged to undertake a review of a Planning Proposal submitted on behalf of the Harvey Norman Group to amend the planning controls applying to a site at 111 Wicks Road, 29 Epping Road and 31-35 Epping Road, Macquarie Park ('the site').

The key task involves a critical review of the proposal in order to make a recommendation to Council as to whether the matter should proceed to a Gateway determination for the matter to be exhibited, or otherwise.

The Planning Proposal seeks to:

- Change the zoning of 111 Wicks Road from part B7 Business Park and B3 Commercial Core to B4 Mixed Use;
- Change the applicable building height controls:
 - from 30m to 89m at 111 Wicks Road;
 - from 22m to 50m at 31-35 Epping Road;
- Change the FSR from 1.1 / 1.5.1 to 2.4.1 across the whole of the site;
- Maintain the existing B3 Commercial Core zone to 29, 31-35 Epping Road;
- Maintain the existing 22m height control to 29 Epping Road.

The Planning Proposal is accompanied by an indicative Concept Plan and a Draft Voluntary Planning Agreement (VPA) offer.

Essentially the proposal seeks to:

- Include residential use and other uses as permitted uses, and increase heights and FSR above what is currently permitted on the site, and what is currently being considered by Council under Amendment No 1 to the Ryde Draft LEP 2013.

The Planning Proposal is at the initial stage of the Gateway Process. In accordance with Section 55 of the *Environmental Planning and Assessment Act 1979 (EP&A Act 1979)*, the Relevant Planning Authority is required to prepare a Planning Proposal before an environmental instrument (LEP) can be made. Where a proponent initiates a Planning Proposal, the Relevant Planning Authority (Council) is required to form an opinion within 90 days from lodgement as to whether the matter should proceed or otherwise.

These controls are proposed on a singular site basis and do not involve additional surrounding lands.

This report assesses the following key issues:

- Whether the range of land uses sought – specifically residential – is appropriate and consistent with the strategic framework of the site and surrounding area;
- Whether the built form resulting from a change in height and FSR is an appropriate outcome for the site when considered in the immediate and broader context of the site; and
- The value of the VPA offer.

The assessment has considered:

- Whether there is strategic merit in the matter proceeding; and
- Whether there is site specific merit in the matter proceeding.

The assessment has concluded that the proposal is inconsistent with Council's adopted approach to protecting the Macquarie Park Corridor as a preeminent strategic employment area.

The broader corridor includes the B4 Mixed Use zone within proximity to Macquarie University providing for residential accommodation (now the Herring Road Urban Activation Precinct). The North Ryde Station Urban Activation Precinct is currently being considered as an area for additional housing as is the Herring Road Urban Activation Precinct.

The planning controls for the Macquarie Park Corridor have been revisited in 2008 and again in 2011 and 2013, with Ryde Draft LEP 2013 and Amendment No. 1 and reinforce the primary function of the Corridor for employment and economic purposes.

For the reasons contained in this report, it is concluded that the Planning Proposal should not proceed as it is inconsistent with the strategic direction being implemented by Council, and would result in a piecemeal and fragmented approach to planning for the Corridor.

2.0 The Planning Proposal Process

2.1 Overview of the Planning Proposal Process

Amendments to existing LEP controls are undertaken by the preparation and assessment of a Planning Proposal. A Planning Proposal is the first step in preparing an LEP. In practice a Planning Proposal document can be prepared by a Council, land owner, developer or a third party on behalf of a landowner or developer. The Council or the Minister can initiate a Planning Proposal and are referred to as the Responsible Planning Authority (RPA).

The plan making process normally involves the following steps:

- The preparation of a Planning Proposal;
- The issuing of a Gateway Determination;
- Community and other consultation on the Planning Proposal;
- Consideration and finalisation of the Planning Proposal;
- Drafting of the LEP (legal instrument); and
- Making the plan, notifying the LEP on the NSW Government Legislation website.

In November 2012, two (2) review mechanisms were introduced into the plan making process – ‘Pre Gateway Review’ and ‘Post Gateway Review’.

The review mechanism allows Councils and proponents to seek a review of decisions made in relation to proposed LEPs. Where Council has failed to make a decision within 90 days of receipt of a Planning Proposal or has made a decision not to proceed, a proponent can request a ‘Pre Gateway Review’. In these instances, the matter may be referred to the Joint Regional Planning Panel for further consideration of the merits or otherwise of the proposal.

3.0 The Site and Surrounding Land

3.1 Site Description

The land the subject of the Planning Proposal is known as 111 Wicks Road, 31-35 Epping Road and 29 Epping Road, Macquarie Park.

The site comprises three separate land holdings and is an irregular shape comprising some 1.97 hectares in area.

The site has a frontage of 15.24m to Wicks Road, comprising a battle axe access handle. It has a longer frontage to Epping Road of some 90.6m.

The site is located on the northern side of Epping Road east of its intersection with Wicks Road, and generally abutting the existing pedestrian bridge across Epping Road east of Ryrie Street.

The site accommodates:

- An industrial warehouse accessed from Wicks Road – 111 Wicks Road;
- Domayne / Harvey Norman Bulky Goods retail premise – 31-35 Epping Road; and
- North Ryde Smash Repairs – 29 Epping Road.

Figure 1 illustrates the subject site and the three (3) land holdings.

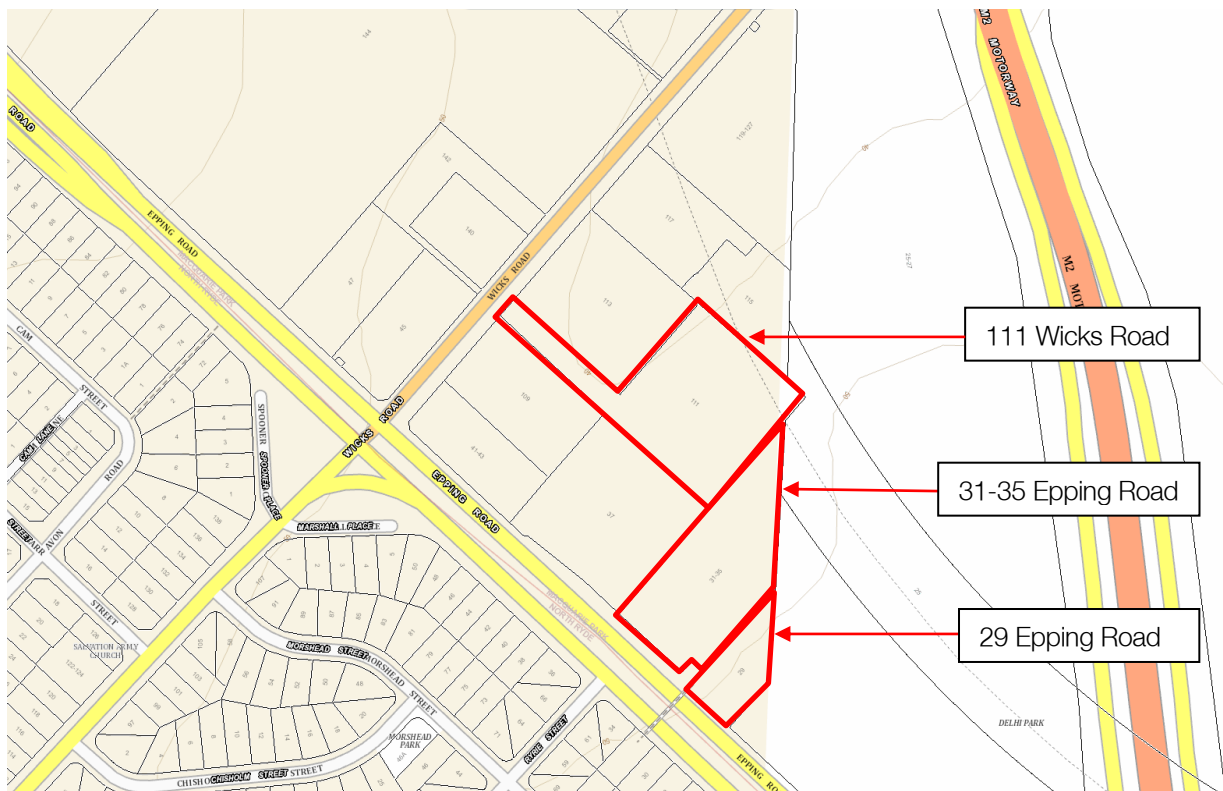


Figure 1: Cadastral view of subject site (Source: SIX Maps)

The industrial warehouse showroom is located on 111 Wicks Road at the end of an access handle from Wicks Road, and comprises a single story structure with car parking for some 40 cars.

The Domayne / Harvey Norman building at 31-35 Epping Road is a three (3) storey building, and is located on the Epping Road frontage with a triangular shaped parcel of land at the rear comprising landscaping. Vehicular access is available from Epping Road via a dedicated slip lane.

The smash repair premise at 29 Epping Road is a single storey structure at the Epping Road frontage and benefits from direct access from the slip lane.

The pedestrian bridge landing is located between 29 and 31-35 Epping Road.

Figure 2 illustrates the existing site conditions.



Figure 2: Existing site conditions (Source: SIX Maps)

3.2 Legal Description

The site includes three (3) parcels of land and these are detailed in Table 1.

Address	Property Description	Area	Owner
111 Wicks Road	Lot 10 DP1046090	9,805m ²	Calardu North Ryde No.1 Pty Ltd
31-35 Epping Road	Lot 1 DP1151499	7,718m ²	Calardu North Ryde No.1 Pty Ltd
29 Epping Road	Lot 2 DP528488	2,240m ²	G Swarley & Co Pty Ltd

Table 1: Legal Description of Land Parcels

The Planning Proposal document states that the sites are all within the control of the proponent. The site is affected by an easement in favour of Transport for NSW for the Epping to Chatswood Rail line tunnel, with a width varying from 13.0m to 38.0m across the north-eastern corner of the site. The easement comprises two (2) zones and places restrictions on above and below ground works.

No. 37-39 Epping Road, the Officeworks site to the south and west of the site, benefits from a right-of-way across the Wicks Road access handle.

3.3 Topography

The site has been modified to accommodate the current uses and building forms. The site slopes from the southern corner on Epping Road at RL 52.11 to the northern corner at RL 43.75, an approximate 8.4 metre level difference.

Given the modified nature of the site, it supports little vegetation other than a landscaped area behind the Domayne / Harvey Norman building.

3.4 Surrounding Context – Land Use and Development

3.4.1 Immediate Context

The site is located on the south-eastern end of the Macquarie Park Corridor. Immediately to the east, the site adjoins an area known as the North Ryde West sub-precinct of the North Ryde Station Precinct and more recently the North Ryde Station Urban Activation Precinct (NRSUAP).

The land immediately adjoining the site to the east is more commonly known as the TNSW M2 site and was previously used for the construction of the Epping to Chatswood rail line. It does not support buildings. This area is currently undergoing a strategic planning process to change the planning controls applying to the lands within the Urban Activation Precinct.

Buildings fronting Wicks Road to the west of the site comprise similar scale structures. The Officeworks building is located to the immediate south west of the site on the Epping Road frontage.

Lands immediately to the north comprise a range of commercial buildings and the balance of the North Ryde Station Urban Activation Precinct site.

Epping Road is to the immediate south of the site, a road reserve of some 40m and comprises a six (6) lane arterial road. Development on the southern side of Epping Road currently comprises low density detached residential housing.

3.4.2 Broader Context

The site is located within the Macquarie Park Corridor which is located in the northwest of Sydney, approximately 12 kilometres from the Sydney CBD and 2 kilometres from Epping. It is a 75km² employment centre located equidistant from the CBD of Sydney and Parramatta respectively.

The Corridor comprises an area of land generally bound by the M2 Motorway and Delhi Road on the northeast, Epping Road and the Lane Cove River on the southwest, and Macquarie University. On the southern side of Epping Road, the Corridor is adjoined by low density residential development.

More than 800,000m² of the Corridor is commercially zoned comprising a mix of B3 Commercial Core, B4 Mixed Use and B7 Business Park.

The Macquarie Park Corridor is part of the Global Economic Corridor, a broad area of economic activity stretching from Port Botany and Sydney Airport, through the Sydney CBD, North Sydney, St Leonards to Parramatta. This region accounts for the majority of Sydney's global orientated commercial businesses and

over 10% of gross domestic product. Employment within the Corridor exceeds 39,000 jobs, with over 30,000 students attending Macquarie University.

Macquarie Park is the location of many of Australia's leading companies including Optus and Foxtel, and plays a strategic role in this economy. It is a specialised centre offering a range of commercial research activities in the areas of information technology, telecommunications, pharmaceuticals, medicine, health and education.

The Corridor has developed into a major employment centre in the past 30 years.

Key assets within the Corridor include:

- Macquarie University and Hospital;
- Macquarie Shopping Centre;
- Three (3) rail stations on the Epping Chatswood Rail link;
- Home to several leading Australian and international companies including CSIRO, Optus, Foxtel, and Microsoft; and
- Adjacent to the Lane Cove River National Park.

This use is consistent with Council's vision for the area as Australia's leading technology park and a location for globally competitive business.

4.0 Existing Statutory Controls

4.1 Ryde Local Environmental Plan 2010

4.1.1 Zoning and Land Use

The subject site is zoned part B7 Business Park and part B3 Commercial Core under the Ryde LEP 2010. An extract of the zoning map is shown in Figure 3. The access handle is the only part of the site zoned as B7 Business Park.

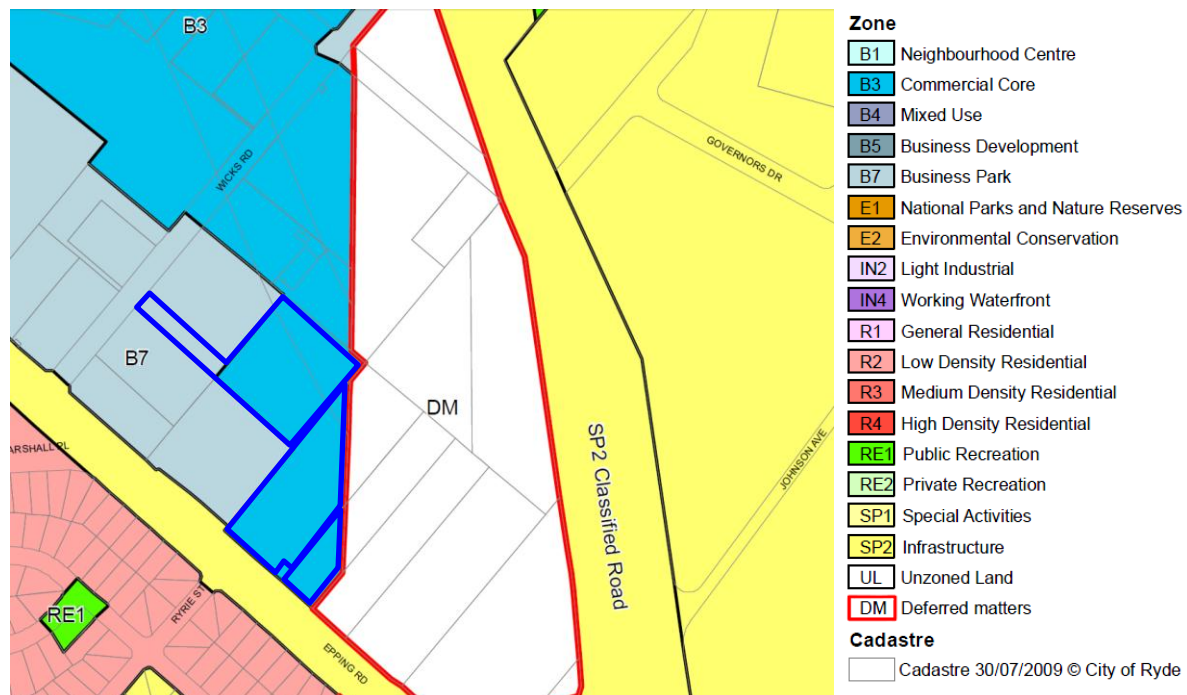


Figure 3: Extract of Zoning Map from Ryde LEP 2010

Both zones allow a slightly different range of land uses, but not all of those sought under the Planning Proposal. Key uses permitted in the B3 Commercial Core zone are hotel and motel accommodation, serviced apartments and commercial premises (retail, business and office premises). Residential accommodation is not permitted. The B7 Business Park zone is more restrictive in that it allows office and business premises, restaurants, coffee and function centres. Residential accommodation, retail premises, hotel and motel accommodation and serviced apartments are not permitted.

The overall objective of both zones when read together is to provide a broad range of employment opportunities in an accessible location. Surrounding lands on the northern side of Epping Road and west of Wicks Road are similarly zoned with the exception of the North Ryde Station Urban Activation Precinct which was deferred from the Ryde LEP 2010 and maintains the zones under the Ryde Planning Scheme Ordinance (RPSO). This is currently subject to change under the Planning Proposal for the North Ryde Station Urban Activation Precinct, which principally proposes higher density residential development.

4.1.2 Building Height

The applicable building height controls under the Ryde LEP 2010 are 22 metres on the Epping Road portion of the site and 30 metres on that portion of the site accessed from Wicks Road.

Figure 4 illustrates the relevant height controls of the subject site and surrounding sites.

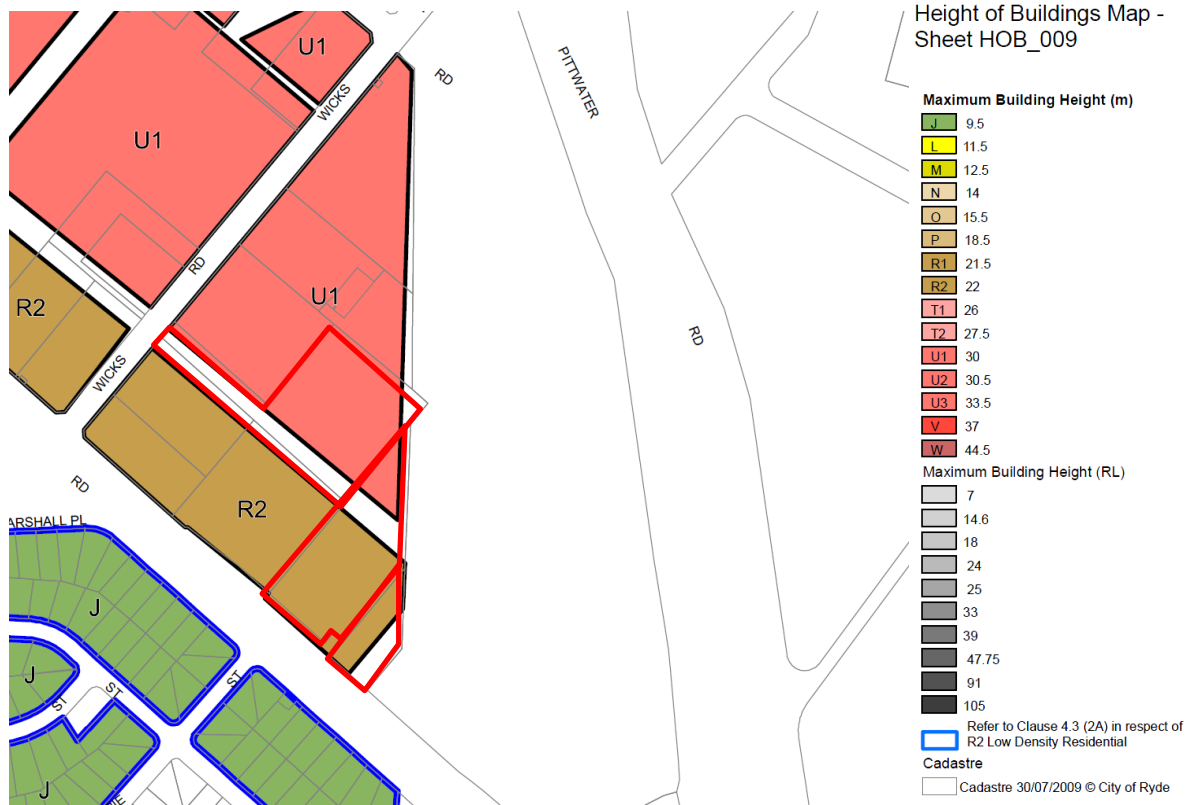


Figure 4: Extract of HoB Map from Ryde LEP 2010

Surrounding sites accommodating the lower heights of 22 metres, are maintained along the Epping Road frontage with increased heights commencing north of the access handle.

Of note is that the access handle to 111 Wicks Road does not have a specific height control. This portion of the site is identified on the Proposed Access Network Map in Figure 6.

4.1.3 Floor Space Ratio

The relevant floor space ratio for the site is principally 1.5.1 with the access handle from Wicks Road being 1.1. Figure 5 overleaf illustrates the applicable FSR of the site and surrounding lands which support similar FSR's.

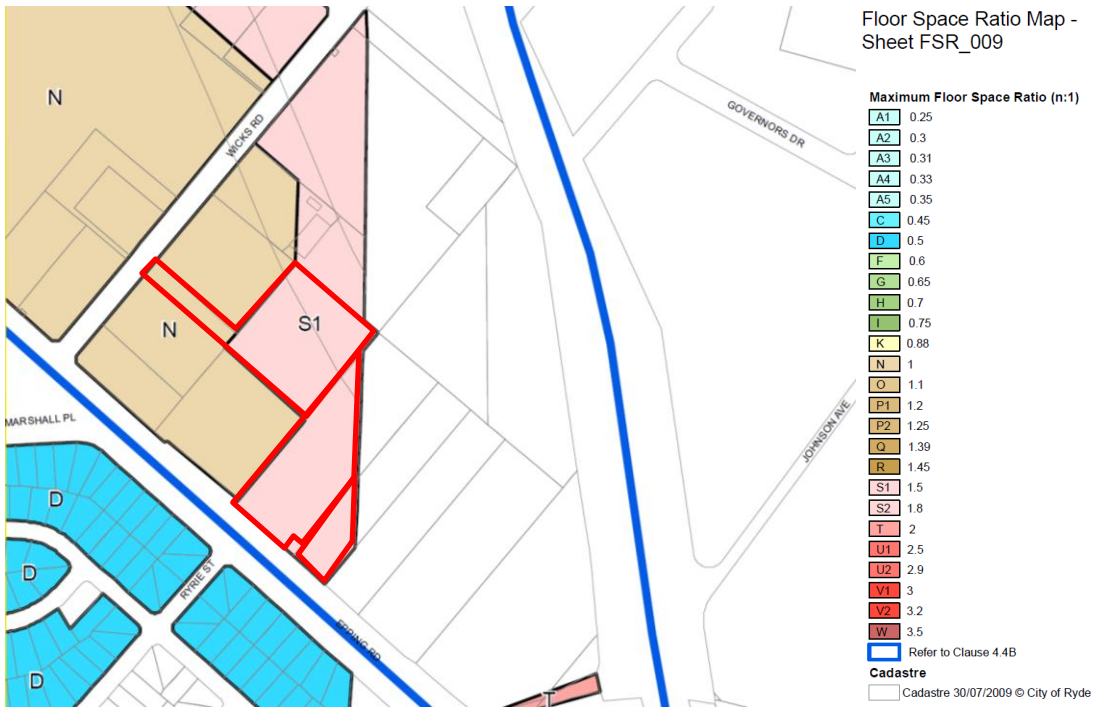


Figure 5: Extract of FSR Map from Ryde LEP 2010

Clause 4.4B Macquarie Park Corridor – Floor Space Ratio permits floor space in excess of that shown on the Floor Space Ratio Map, if the site contains part of the proposed access network shown on the Macquarie Park Corridor Proposed Access Network Map. The variation in FSR cannot be more than the actual area provided for the access network. The subject site would benefit from this provision as it does include part of the proposed access network, as shown in Figure 6 Proposed Access Network Map.

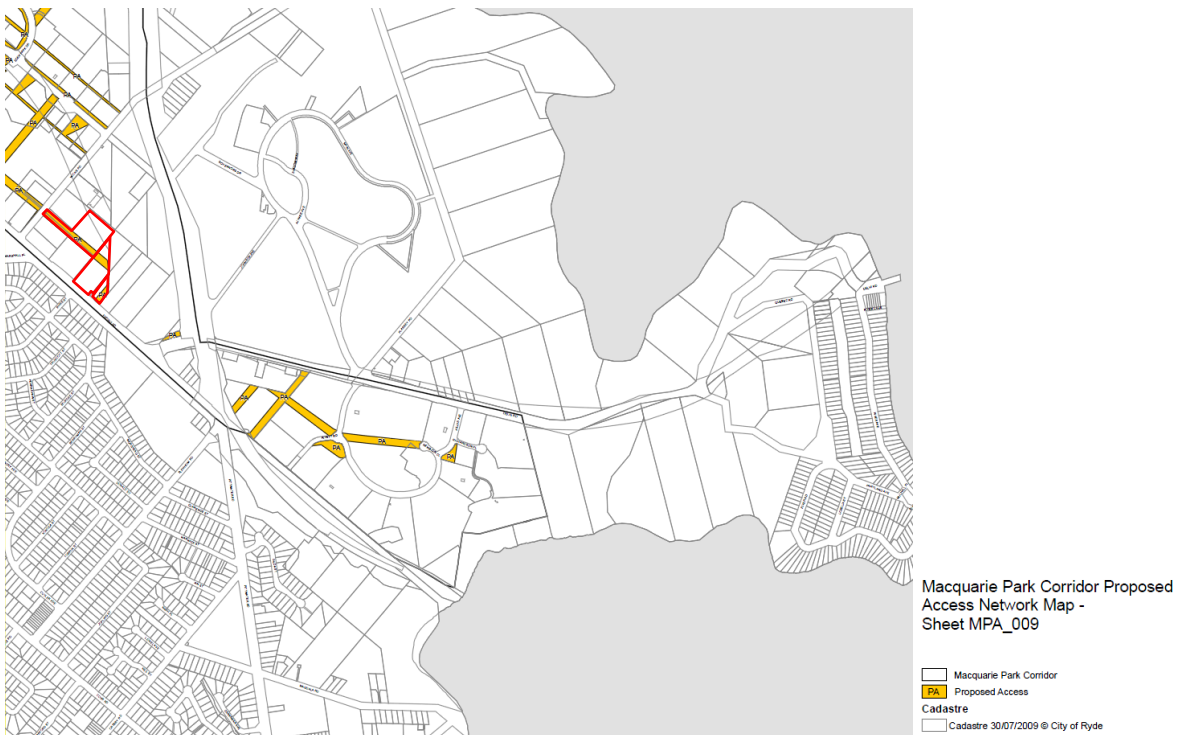


Figure 6: Extract of Macquarie Park Corridor Proposed Access Network Map (No.9)

4.1.4 Other Relevant Provisions

Clause 4.5E Macquarie Park Corridor includes a range of controls relating to off street car parking, use of land in B7 Business Park zone, serviced apartments in zone B3 Commercial Core and retail activities in zone B3 Commercial Core.

The off street car parking controls includes by reference to a map, specific restrictions relating to the maximum number of car parking spaces for commercial and industrial uses. The relevant restrictions are shown on Figure 7 as they apply to the site.

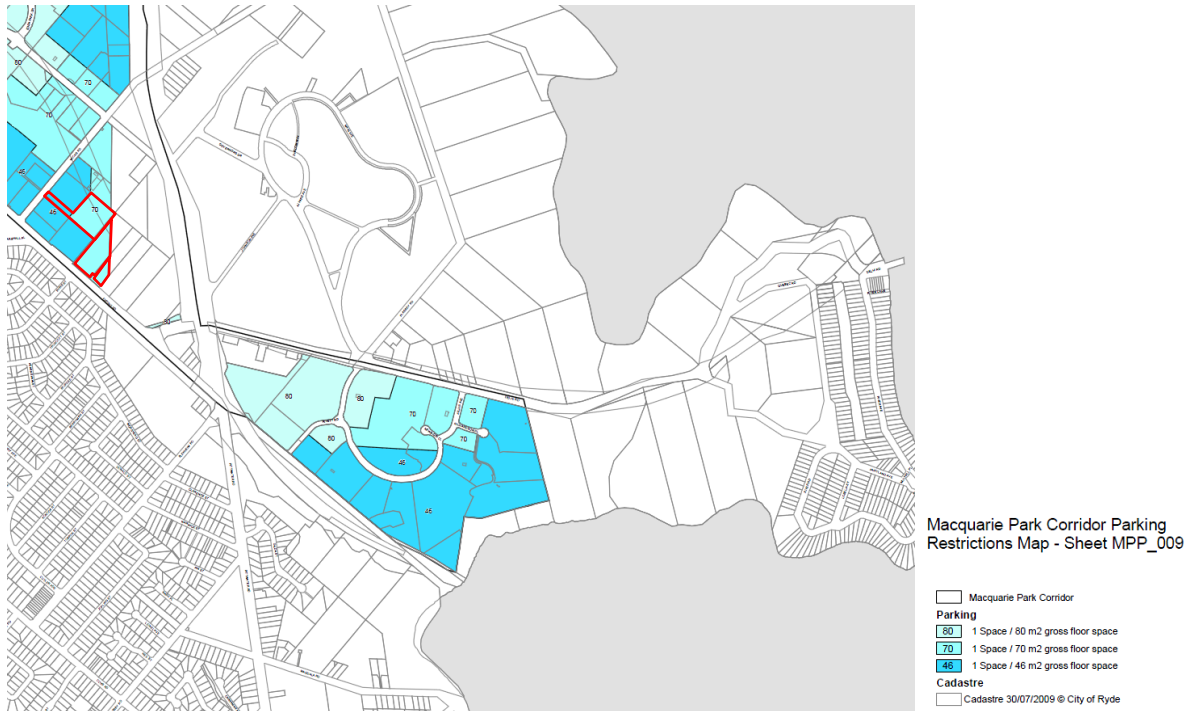


Figure 7: Extract of Macquarie Park Corridor Parking Restrictions Map (No.9)

Clause 4.5E(3) contains restrictions on the size and location of function centres, neighbourhood shops, registered clubs and restaurants in zone B3 Commercial Core. They must be located at ground level and the maximum amount for all development in the zone is 500m² or 5% of the total area of the zone, whichever is greater.

Clause 4.5E(5) provides for specific criteria for serviced apartments within the B3 Commercial Core zone.

Clause 4.5(6) places restrictions on retail premises in the B3 Commercial Core zone. They must be at ground level and not exceed 2,000m² or 250m² in the case of a pub.

Clause 6.6 Macquarie Park Corridor of the Ryde LEP 2010 contains provisions which must be considered as part of any DA Assessment.

4.2 Ryde Development Control Plan 2010

Part 4.5 Macquarie Park Corridor of the Ryde DCP 2010 contains detailed provisions which set the framework for the future development of Macquarie Park. The DCP provisions note that the controls are based broadly on the objectives and development principles contained in the Macquarie Park Corridor, North Ryde Master Plan, adopted by Council in 2004.

The broad structure plan for the Macquarie Park Network is contained at Section 3 and comprises the three (3) elements of Street Network, Open Space Network and Built Form Network.

Three (3) Special Precincts are also identified in Section 4 and include the North Ryde Station Precinct. While this area is deferred from the Ryde LEP 2010 controls, the Ryde DCP 2010 recognises that the provisions as included, are indicative only. The controls do identify the potential for a pedestrian bridge across the M2.

The DCP also includes specific parking provisions for the Macquarie Park Corridor.

4.3 Exhibited Draft Controls

4.3.1 Ryde Draft LEP 2013

The Ryde Draft LEP 2013 was forwarded to the Department of Planning and Infrastructure (DP&I) in March 2013, and is anticipated to be finalised by September / October 2013. This instrument does not change:

- Land use zoning and range of permitted uses – the site remains zoned B3 Commercial Core / B7 Business Park;
- FSR – the site retains FSR of 1.1 / 1.5; and
- Building Height – the site retains a maximum height of 22m / 30m, though a height now applies to the access handle.

Figures 8 to 10 are an extract from the relevant zoning, FSR and height maps. Residential uses continue to be prohibited - however the instrument does introduce additional objectives to the FSR controls.

The clauses relating to car parking and restrictions on certain uses of land in the B7 Business Park (function centre, neighbourhood shop, registered club or restaurant) are retained, as are the off street car parking restrictions at Clause 4.5B Macquarie Park Corridor. The clauses regarding restrictions on retail uses and serviced apartments are not retained.

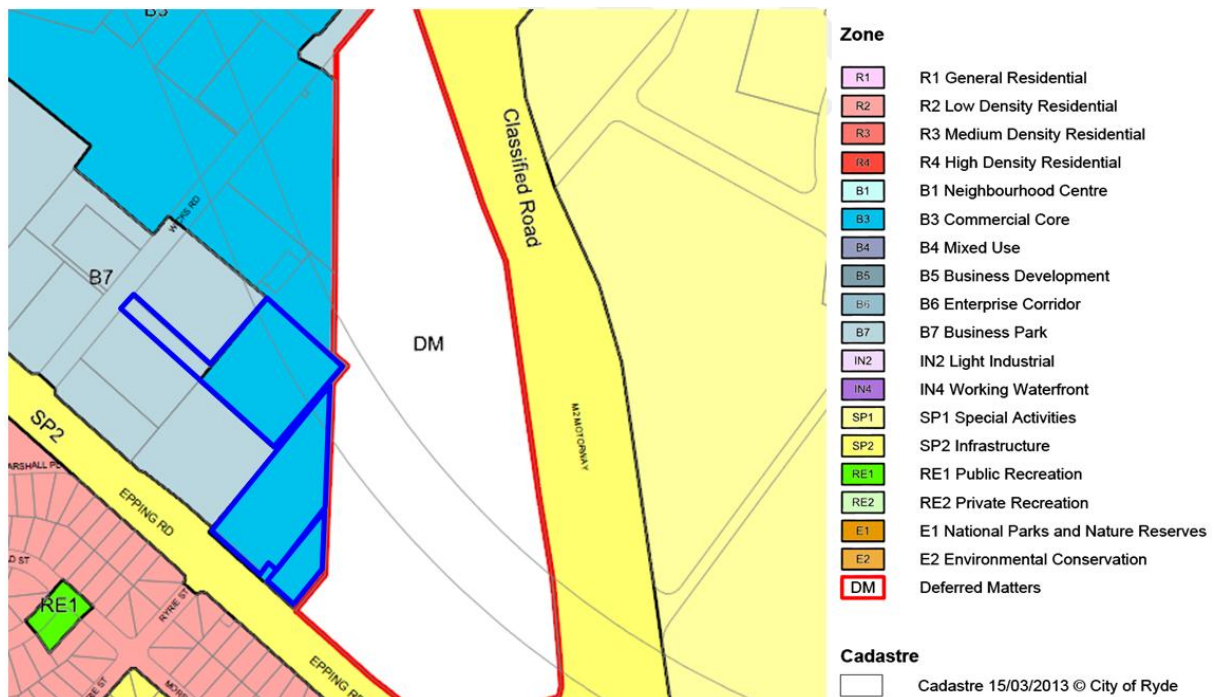


Figure 8: Extract of Zoning Map from Ryde Draft LEP 2013

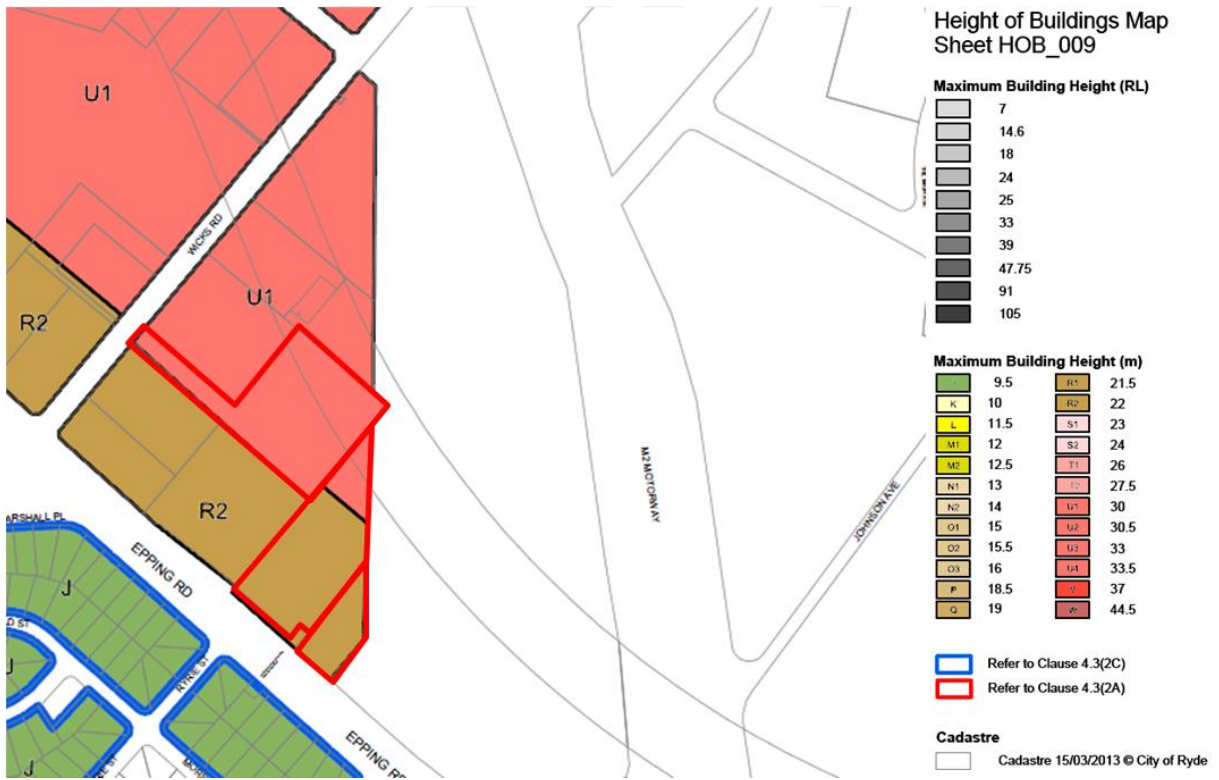


Figure 9: Extract of HoB Map from Ryde Draft LEP 2013

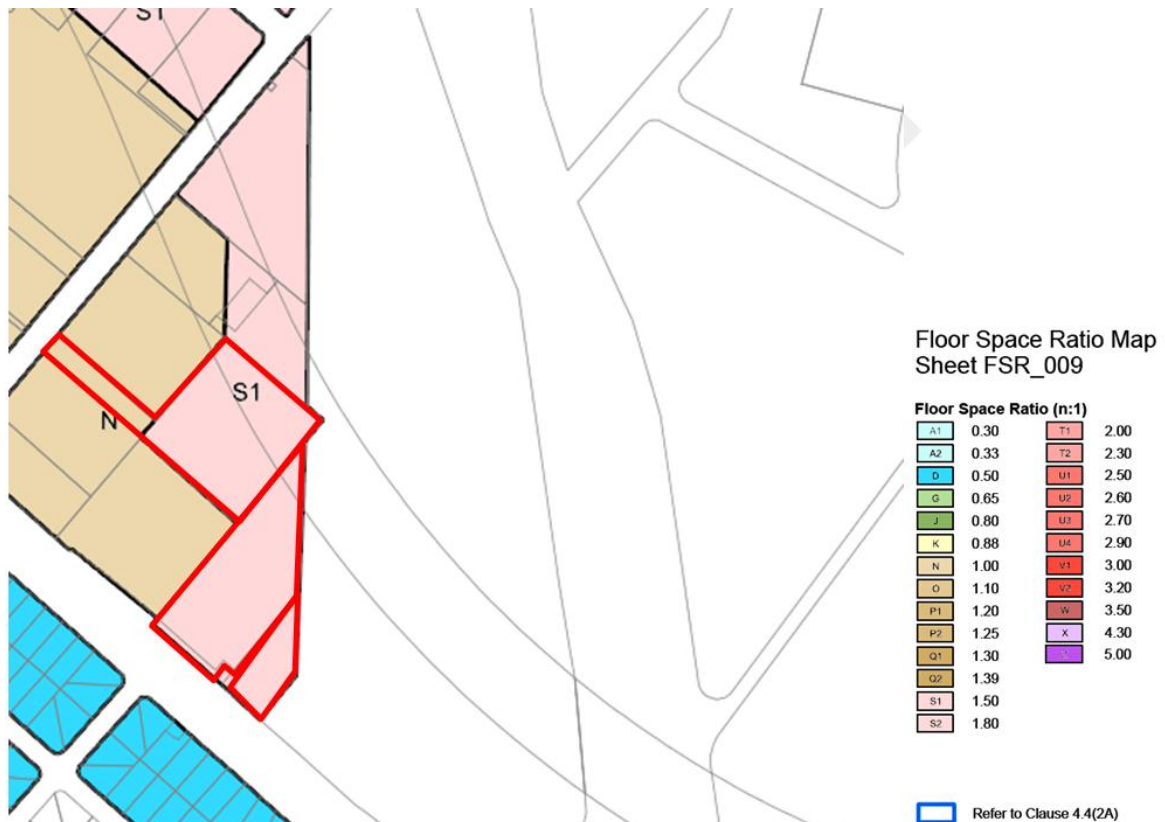


Figure 10: Extract of FSR Map from Ryde Draft LEP 2013

The FSR incentive clauses which are in the existing Ryde LEP 2010 and the associated Transport Access Map are not included in this instrument. They are the subject of a further Planning Proposal outlined at section 4.3.2.

A revised DCP was also exhibited as part of this package.

4.3.2 Ryde Draft LEP 2013 (Amendment No. 1)

This amendment has a long history and was the subject of a detailed report to Council on 9 April 2013. The Planning Proposal was exhibited from the 12 June 2013 to 19 July 2013.

The amendment proposes to include:

- Deferred provisions for increased FSR and building height controls to become available for development upon entering into a VPA with Council to provide key infrastructure - roads and open space; and
- Introduction of new maps with the highest FSR and heights concentrated along Waterloo Road and the lowest FSR and heights located towards the perimeter of the Macquarie Park Corridor.

Figures 11 and 12 illustrate the potential height and FSR available to the site under the new incentive scheme. This amendment is yet to be formally considered by Council.

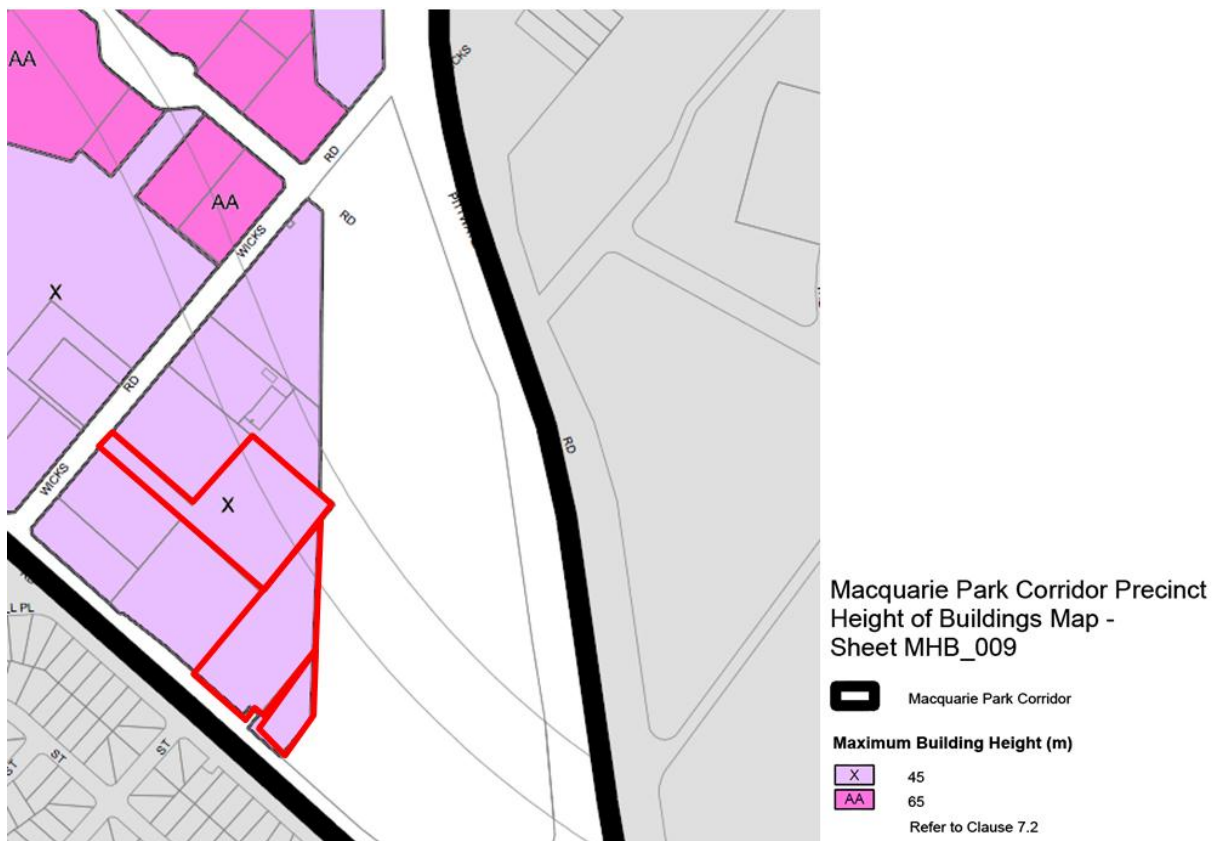


Figure 11: Potential Building Heights - Extract of HoB Map from Ryde Draft LEP 2013 - Amendment No. 1

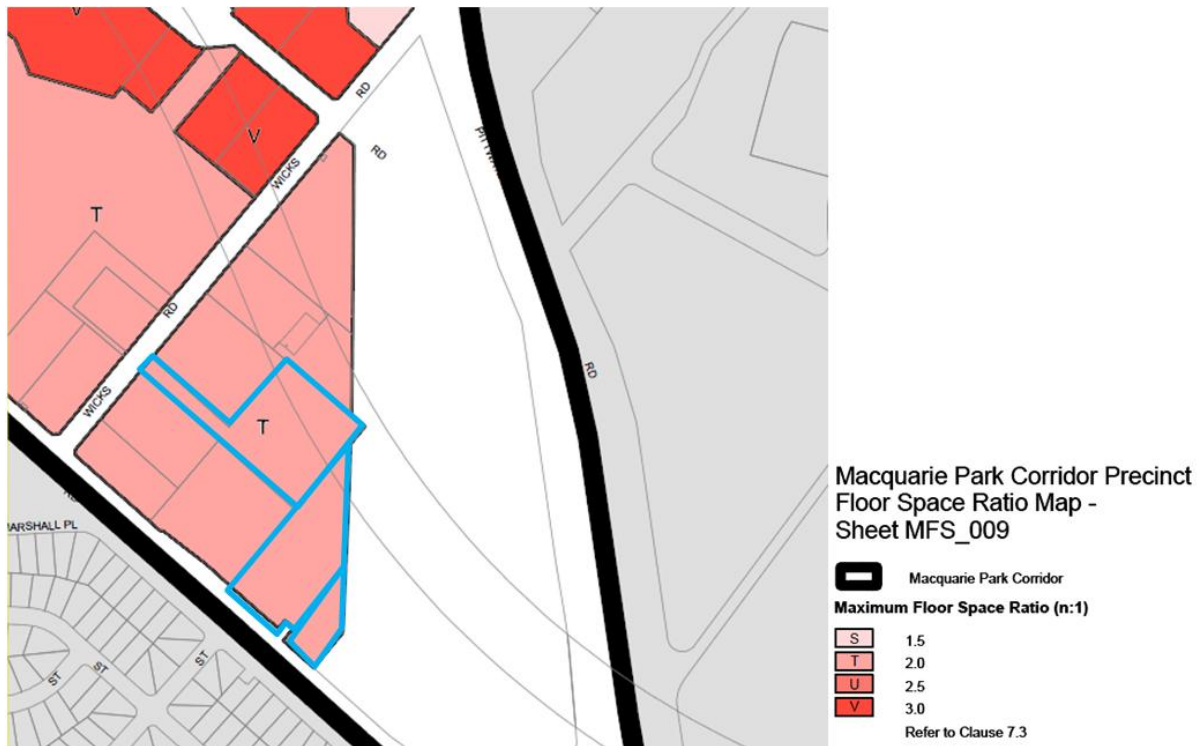


Figure 12: Potential FSR - Extract of FSR Map from Ryde Draft LEP 2013 - Amendment No. 1

These controls are subject to meeting VPA requirements and envisage development of the site and adjoining lands to a potential height of 45 metres and a FSR of 2.1. The controls proposed do not alter the zoning of the lands or the range of permitted uses.

4.3.3 North Ryde Station Urban Activation Precinct

The subject site is immediately adjoined to the east by the North Ryde Station Urban Activation Precinct (NRSUAP). This area remains a deferred matter from the Ryde LEP 2010 and Ryde Draft LEP 2013. It remains zoned under the Ryde Planning Scheme Ordinance. The Ryde DCP 2010 contains indicative controls for the precinct.

The NRSUAP is currently the subject of a planning process managed by the Department of Planning and Infrastructure to facilitate the rezoning of the site.

The Planning Report and supporting detailed information was exhibited from 16 March 2013 to 19 May 2013. The Department is currently considering submissions.

The following is an extract from the Planning Report's Executive Summary which describes the proposal:

The rezoning process seeks the establishment of a site specific planning regime for the Precinct by way of amendment to the Ryde Local Environmental Plan 2010 and the preparation of a site specific development control plan. The process will establish land use zones, building height, and floor space ratio to facilitate the ultimate redevelopment of the precinct for a mix of residential, commercial, retail, community and open space uses.

Detailed analysis of site opportunities and constraints has been undertaken to establish a proposed planning structure for the site. In summary the following is proposed:

- *Land use zones – the majority of the precinct is proposed to be zoned for residential land use (R4 High Density Residential and R3 Medium Density residential). To respond to the needs of the new residents parts of the precinct are also zoned RE1 Public Recreation, B4 Mixed Use and B3 Commercial Core.*
- *Heights – maximum building heights range across the site, allowing for buildings from 4 storeys up 33 storeys. The taller building heights are located closer to the M2 corridor to reduce the potential visual and overshadowing impacts.*
- *Floor space ratios – maximum floor space ratios across the Precinct have been determined based on the capacity of the supporting infrastructure and range from 1:1 and 4:1.*
- *Under the proposed zones and development controls it is estimated that a total gross floor area (GFA) of 341,000m² of residential and commercial development could be provided across the precinct as follows:*
 - *250,000 m² residential GFA (allowing for approximately 2,500 residential dwellings and potential for 125 student accommodation dwellings).*
 - *85,000 m² commercial GFA (including potential for 125 serviced apartments).*
 - *6,000 m² retail GFA (which could include a small supermarket).*

(Extract: North Ryde Station Precinct Planning Report – Page i)

Figures 13, 14 and 15 overleaf illustrate the proposed zones, building heights and FSRs.

The change in controls seeks to facilitate the development of the site as a Transit Orientated Development and a mixed use precinct. Council has made detailed submissions regarding the proposed rezoning.

Council raised a number of key issues with the Urban Activation Precinct, which are summarised as follows:

- The provision of large amounts of housing within the Urban Activation Precinct has potential to change the nature of the Macquarie Park Corridor;
- The Ryde LGA is more than capable of satisfying current dwelling targets without additional housing in this precinct;
- Lack of a holistic approach to the provision of infrastructure;
- Excessive height and density. The proposal had not demonstrated the ability to accommodate the proposed densities in terms of traffic and transport network and built form relationships; and
- Traffic access and capacity concerns.

In summary, the key matters that the Department were required to consider related to:

- The potential to erode the specialist commercial centre nature of Macquarie Park by allowing significant densities of residential development and the potential spill on effects;
- There is no sense of certainty regarding the delivery of the infrastructure necessary to support the scale and level of density; and
- OSL site and RMS should be excluded from consideration. Council raised concerns regarding the lack of an effective and cohesive partnership with Council and is of the view that planning for the precinct is best left with Ryde Council.

Notwithstanding Council's position, this is an area undergoing change with the likelihood of it becoming a mixed use precinct supporting a significant range of residential accommodation at scales greater than that contemplated by the 2:1 and 45 metres under the Ryde Draft LEP 2013 Amendment No. 1 on the adjoining lands.



Figure 13: Proposed Land Use Zones from North Ryde Station Precinct Planning Report

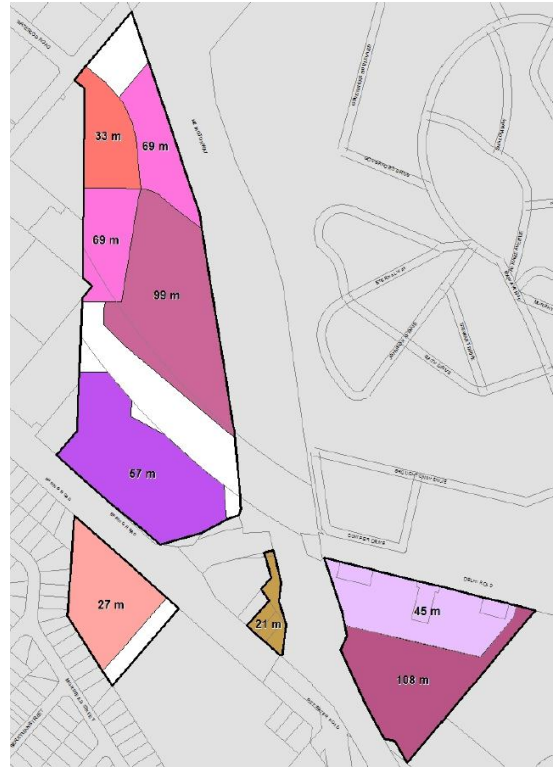


Figure 14: Proposed Building Heights from North Ryde Station Precinct Planning Report

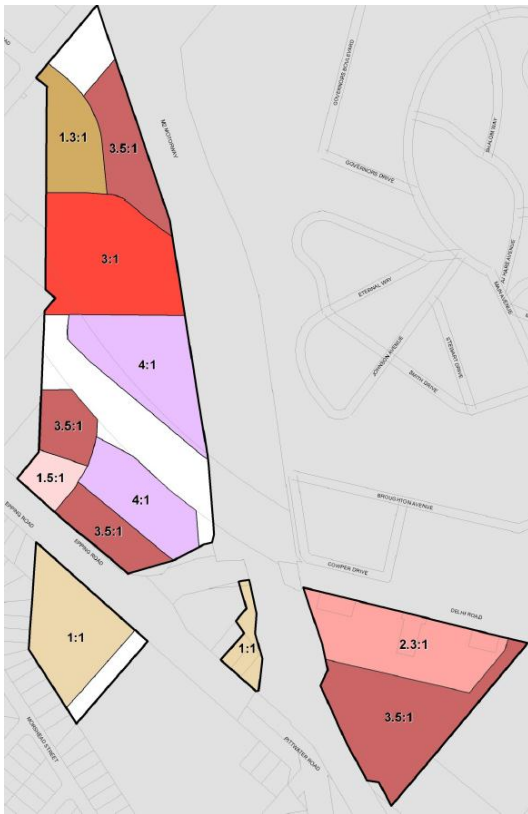


Figure 15: Proposed FSR from North Ryde Station Precinct Planning Report

5.0 Strategic Context

The strategic planning framework for this Planning Proposal is found in the following key documents:

- Metropolitan Plan 2036 for Sydney and the Draft Metropolitan Strategy for Sydney 2031;
- Inner North Subregion Draft Subregional Strategy
- City of Ryde Local Planning Study; and
- Macquarie Park Corridor – General Background Studies

5.1 Metropolitan Plan 2036 and Draft Metropolitan Strategy 2031

The Sydney Metropolitan Strategy sets the NSW Government's framework for the future growth and prosperity of Sydney. It was first released in 2005 and has since been updated twice as follows:

- Metropolitan Plan for Sydney to 2036, NSW Department of Planning and Infrastructure (2010); and
- Draft Metropolitan Strategy for Sydney 2031, NSW Department of Planning and Infrastructure, (2013).

Macquarie Park Corridor was identified in the City of Cities - A Plan for Sydney's Future (the Metropolitan Plan) as a Specialised Centre with a focus on education, employment, research and technology. This was further reinforced in the revised and updated versions of the Metropolitan Plan for Sydney 2036 released in 2010 and the Draft Metropolitan Strategy for Sydney 2031 released in 2013.

Macquarie Park Corridor is part of Sydney's Global Economic Corridor characterised by a concentration of jobs and business activities and a critical feature of Sydney's economy. The Global Arc stretches from Macquarie Park to North Sydney, the City to the Airport and Port Botany.

In the Metropolitan Plan 2036, Specialised Centres are differentiated from other regional and major centres in that they perform vital economic and employment roles for the whole metropolitan area. Specialised Centres are critical in sustaining Sydney's competitiveness, and the State Government has a strategic interest in their success.

A specialised centre is characterised by:

- A stronger employment or economic function than other centres, with a reduced focus for housing;
- Sufficient zoned land provided for business and enterprise in locations with high quality transport access;
- Major airports, ports, hospitals, universities, research and/ or business activities that perform vital economic and employment roles across the metropolitan area;
- Complex interaction with the rest of the city; growth and change in and around them must therefore be carefully planned; and
- An employment base, in common with Major Centres, of at least 8,000 jobs.

Macquarie Park is identified under the Metropolitan Plan 2036 as having a base of 39,000 jobs in 2006 and anticipated to grow to 58,000 by 2036 (p.135 Metropolitan Plan to 2036).

In the Draft Metropolitan Strategy 2031, Specialised Centres are referred to as Specialised Precincts. Appendix B of this document contains criteria for Specialised Precincts. Of particular relevance are the following criteria:

- The primary significant of Specialised Precincts is as employment destinations and / or as the location of essential urban services;
- Specialised Precincts have an amount of employment that is of metropolitan significant, but other uses in the Precinct are not necessarily at a scale currently of metropolitan significance;
- Specialised functions must be protected for the long-term, and residential and other non-specialised but competing uses must not override the core employment activities in these precincts. Some, however, will plan for ancillary uses which are suitable, such as staff or student accommodation near universities and hospitals; and
- The way a Specialised Precinct interacts with the rest of the city is complex, and growth and change in and around them must be carefully planned to ensure they continue to serve their primary employment and economic function.

5.2 Inner North Subregion - Draft Sub Regional Strategy

The Draft Metropolitan Strategy for Sydney 2031 is predicated on Sydney's population growing to 5.3 million and the need to provide an additional 640,000 dwellings by 2031. 60-70% of new housing is encouraged in existing urban areas supported by infrastructure and good transport.

The Inner North Subregion – Draft Sub Regional Strategy relates to Ryde, Hunters Hill, Lane Cove, Mosman, North Sydney and Willoughby LGA's.

The Inner North Subregion – Draft Sub Regional Strategy provided some guidance to the Metropolitan Plan 2036 and in particular targets for jobs creation and new dwellings for each local government area. The 2031 targets proposed for the sub-region involve:

- An increase in the number of dwellings by 30,000 from 129,000 to 159,000; and
- An increase in employment capacity by 60,000 from 228,000 to 288,000.

In the Ryde Local Government Area, the jobs creation target is 21,000 new jobs and 12,000 new dwellings by 2031. Local planning controls must allow the floor space capacity within commercial and industrial land use zones to deliver these targets.

The Inner North Sub Region – Draft Sub Regional Strategy identifies Macquarie Park as a specialised centre stating that:

"Macquarie Park will continue to evolve as Australia's leading Technology Park with jobs growth, further investment and improved public transport accessibility." (p.47)

The strategy also reinforces Macquarie Park as a Specialised Centre with an employment focus.

As a consequence of its role and significance most of the new jobs in the City of Ryde will be delivered in Macquarie Park. It is also anticipated that a large proportion of the dwellings target for Ryde will be delivered in the Herring Road and North Ryde Station Urban Activation Precincts.

5.3 Ryde Local Planning Study 2010

The Ryde Local Planning Study examined the capacity of Ryde's existing Planning Controls to implement the recommendations of the Metropolitan Plan 2036 and the growth targets of the Inner North Subregion – Draft Sub Regional Strategy. The study concluded that capacity existed within Ryde's existing controls to deliver

the jobs and dwelling growth targets. The study also supported the Metropolitan Plan 2036 in relation to the hierarchy and character of centres within the Ryde LGA.

The Local Planning study informed the preparation of the now Ryde Draft LEP 2013 and reinforced the role of the Macquarie Park Corridor as a major employment centre.

5.4 Macquarie Park Corridor – General Background Studies

5.4.1 Overview

The Council policy position regarding the Macquarie Park Corridor has been informed by a range of studies and included in more recent years:

- Allen Jack and Cottier Urban Design based Macquarie Park DCP 2008;
- Aspect Studios Macquarie Park Urban Design Manual 2008;
- Aspect Studios Open Space Network Structure Plan;
- Space Syntax Movement Study 2010;
- Space Syntax Pedestrian Network Structure Plan;
- Bitzios Macquarie Park Transport Management Plan;
- Stephen Collier Road Network Structure Plan;
- Hill PDA Opinion on the Value of Incentive Floor Space, 17 September 2007;
- City of Ryde Infrastructure Cost Study 2010; and
- Drew Bewscher and Associates Macquarie Park Flood Management Plan.

Previous studies that have informed the direction of the Macquarie Park Corridor also include:

- Macquarie Park Growth Model;
- Macquarie Park Pedestrian Movement Study 2009;
- Macquarie Park Public Domain Technical Manual 2008;
- Macquarie Park Traffic Study – Final Report 2008;
- Macquarie Park Corridor Master Plan;
- Macquarie Park Transport Management and Accessibility plan; and
- Macquarie Park Structure Plan 2002.

5.4.2 Ryde Community Strategic Plan

The Ryde Community Strategic Plan sets the vision for the City of Ryde as the place to be for lifestyle and opportunity at your doorstep. The plan has seven outcome areas – defined through community consultation - that guide city improvements, Council policy and city planning. The seven outcome areas are City of Prosperity, City of Liveable Neighbourhoods, City of Wellbeing, City of Environmental Sensitivity, City of Connections, City of Harmony and Culture, City of Progressive Leadership.

5.4.3 Ryde Integrated Open Space Plan

The Ryde Integrated Open Space Plan analyses existing open space in the City of Ryde, its function and size, and using population projections identifies areas in the city where there is a deficiency of open space. The Study recommends the provision of new open space both in terms of quantum and functionality within the City of Ryde. The study identifies an Open Space deficiency in the Macquarie Park Corridor.

6.0 The Planning Proposal

6.1 Overview of Planning Proposal

The Planning Proposal seeks to change the zoning, height and floor space controls applying to the site to facilitate the development options for a mixed use precinct that integrates commercial office, retail, hotel and residential uses on the site.

The increase in land uses and floor space and height has the potential to provide for a new public road and urban square. The development facilities are seen as a logical extension and integration of the planning framework being contemplated in the North Ryde Station Urban Activation Precinct.

The change in controls will support:

- The proposed headquarters for Harvey Norman;
- A new hotel operator; and
- Residential uses.

The Planning Proposal is accompanied by a Draft Voluntary Planning Agreement Offer which is addressed in section 7.4.

6.2 Objectives and Intended Outcomes

The proponent identifies the primary objective of the Planning Proposal as follows:

The primary objective of the proposed rezoning is the creation of a high quality mixed use development that, alongside the redevelopment of the NRSUAP lands, will make a meaningful contribution to the growth of Macquarie Park. This will be achieved by:

- *Providing compatible land uses that will create a vibrant and active community, including residential and commercial.*
- *Integrating the site with the broader local community through improved pedestrian and vehicular connections with the adjoining established commercial and residential areas and planned mixed use areas.*
- *Avoiding unacceptable impacts on the character and amenity of surrounding residential development by generally locating increased density and building heights away from existing residential dwellings to the south.*
- *Utilising the established physical and social infrastructure which currently services the site and adjacent urban areas.*

A detailed Concept Masterplan Urban Design report prepared by Allen Jack + Cottier accompanies the application and contains the following design principles:

- *Pedestrian and bicycle connectivity: promote walking and cycling and therefore reduce car trips and facilitate public transport use:*
- *Vehicle connectivity: maximise site permeability and vehicular connections to the site:*
- *Open space: provide a diversity of open spaces within walking distance of proposed dwellings. A central urban square complemented by a park will provide a focal point for the*

neighbourhood and responds to the proposed development of community uses on the adjacent NRSUAP site.

- View corridor and views: create a view corridor through the site to proposed open space within the adjoining site and arrange built form to allow views to Lane Cove National Park, Chatswood and Sydney CBD.
- Solar access: ensure that built form does not unreasonably impact on solar access:
- Use: Incorporate uses that are compatible with and will contribute to the objectives for the NRSUAP site.
- Ecologically Sustainable Development: Achieve best practice in sustainable design.
- Flood management: The proposal will improve the current situation, supporting a flood-free development that will improve the existing flooding condition affecting properties on the southern side of Epping Road.

The intent of the Planning Proposal as outlined by the proponent is:

“To allow high density mixed use development comprising commercial, retail, hotel and residential development on Lot 10 in DP1046090, Lot 2 in DP528488 and Lot 1 in DP151499... that successfully integrates with the adjoining NRSUAP development.”

6.3 The Concept Masterplan

6.3.1 The Concept Plan Assessed

The Planning Proposal is accompanied by an indicative Concept Plan, the purpose of which is to identify potential opportunities associated with the redevelopment of the site, independently. Details of the Concept Masterplan are provided in the following table:

Element	111 Wicks Road	31-35 Epping Road	29 Epping Road
Land Use:	Residential Hotel Café	Commercial Bulky goods retail	Commercial
Indicative Yield:	Approx. 160-170 apartments: – 1 bed units – 40% – 2 bed units – 55% – 3 bed units – 5% Approx. 200 hotel rooms		
Gross Floor Area:	Residential – 14,840m ² Hotel – 9,144m ² Café – 150m ²	Commercial – 11,289m ² Bulky goods – 8,663m ²	Commercial – 3,188m ²
Total Floor space:	47,274m ²		
Floor Space Ratio:	2.4:1		

Element	111 Wicks Road	31-35 Epping Road	29 Epping Road
Built Form:	Distinctive triangular shaped building. Single storey retail premises complemented by an urban square.	Existing Domayne / Harvey Norman store retained with new 8 storey addition to the rear of the building.	6 storey office building aligned with existing building frontage.
Building Heights:	23-27 storeys (89m) Single storey café (5m)	3 / 12 storeys (10 - 50m)	6 storeys (21m)

Table 2: Summary of Proposed Development (extract from Urbis Planning Proposal)

This indicative plan has been considered as part of the assessment of the Planning Proposal. The Concept Plan Masterplan and Urban Design Report are suggested as a basis for appropriate DCP controls for the site.

6.3.2 Alternate Concept Plan – The Preferred Concept Plan

The Planning Proposal also includes an alternative option for consideration that relies on a land swap with the adjoining North Ryde Rail Station Urban Activation Precinct and Transport for NSW (refer to Attachment 1).

The land swap would involve the:

- Transfer of land within the north eastern and south eastern corners of the subject site (746m²) to the NRSUAP; and
- Consolidation of a triangular shaped parcel of land currently in the NRSUAP site to be the subject site of the same size (746m²).

A preferred Concept Plan has been prepared for this site. The resultant site, while the same size as that within the control of the proponent, also seeks to achieve the same height, FSR and land use mix as that described in section 6.3.1.

The main difference and benefit as outlined by the proponent are identified as follows:

“Additional Benefits of Preferred Alternative Concept

The Preferred Alternative Concept has the potential to deliver additional benefits over and above those that would be gained from the Concept Master Plan as detailed below:

- *Improved vehicle access: The delivery of the Preferred Alternative Concept illustrated in Figure 13 relies on land outside the ownership of the applicant to facilitate access. The Preferred Alternative Concept envisages a new access road into the NRSUAP site in place of the access road located closer to the Epping Road / M2 junction currently proposed as part of the UAP proposal. This approach would result in an improved traffic management scenario than could otherwise be achieved by reducing the number of intersections on Epping Road (access to the subject site and the NRSUAP site would be shared).*
- *Broader range of services: The potential to incorporate a child care centre within the ground floor level of the residential building on 29 Epping Road has been explored.*
- *Opportunities for more open space: Changes to the eastern site boundary enable the building on 29 Epping Road to be sited further north and allow opportunities for the creation of an entry park which would provide an attractive visual landmark.*

The timing of the two proposals (this Planning Proposal request and the NRSUAP proposal) presents an invaluable opportunity to integrate the development planning of the two sites and to maximise the benefits that could be achieved through their redevelopment.”

Attachment 1 contains an extract of the two (2) Concept Plans, given it involves lands outside of the applicants control.

This report has not considered in any detail the Preferred Concept Plan.

6.4 Explanation of Provisions

The Planning Proposal seeks to change the:

- Zoning of part of the site at 111 Wicks Road from part B7 Business Park and part B3 Commercial Core to B4 Mixed Use;
- Height from 30m to 89m on 111 Wicks Road;
- Height from 22m to 50m on 31-35 Epping Road; and
- FSR across the whole of the site to 2.4.1.

The Planning Proposal maintains the:

- Existing B3 Commercial Core zone to part of 29, 31-35 Epping Road; and
- 22 metre height control to 29 Epping Road.

The Planning Proposal essentially seeks to increase the range of land uses on part of the site, specifically to include residential uses, and proposes increases to the applicable height and FSR, across the majority of the site.

The Planning Proposal also suggests an alternative mechanism to implement the proposal through the additional use provisions to Schedule 1 of Ryde LEP 2010 / Ryde Draft LEP 2013.

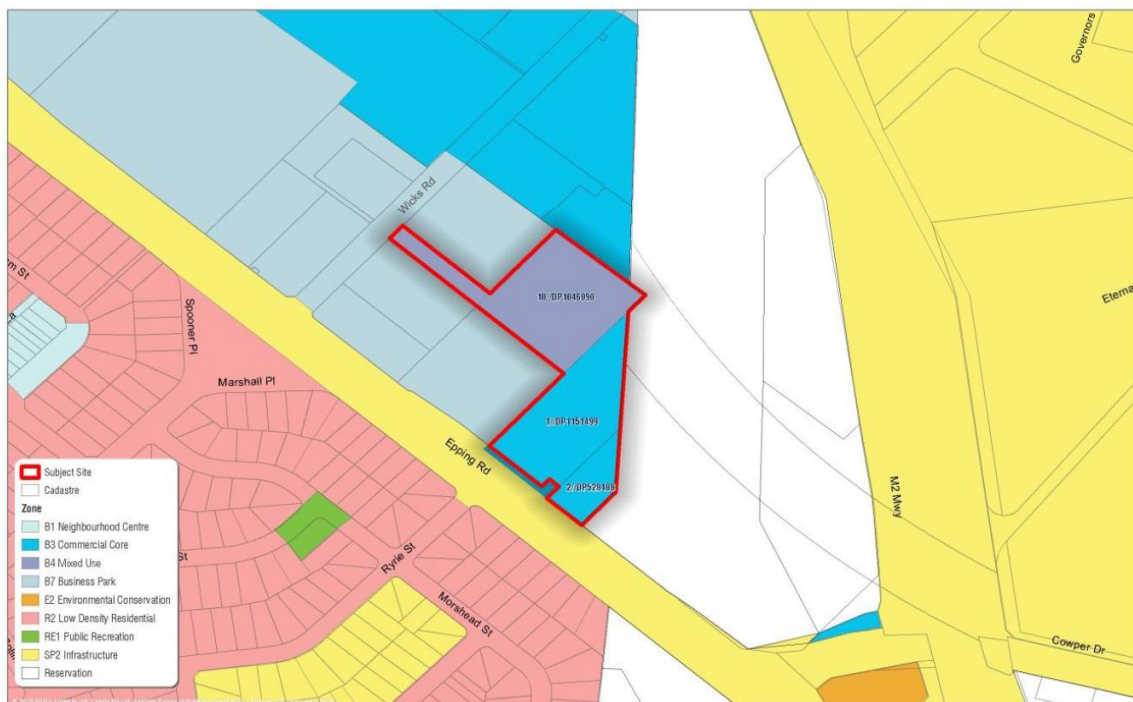


Figure 164: Proposed Land Use Zoning Map from Planning Proposal

6.5 Planning Justification

The key planning reasons in support of the Planning Proposal are outlined at page 38 and are extracted as follows:

The development of the site for mixed use including residential purposes is considered appropriate for the following reasons:

- Fundamentally the proposal will create a significant amount of new jobs in addition to the other proposed land uses and for that the proposal upholds a key strategic key direction for the centre. The creation of some 880 new jobs on site represents a substantial increase to what exists and positively contributes to the employment growth targets.*
- While strategic centres, and in particular Specialised Centres are primarily oriented towards employment growth, both the Metro and Subregional Strategies are clear that significant residential growth will also be accommodated. While certain Specialised Centres such as Port Botany and Sydney Airport are excluded from residential growth due to negative externalities, such as noise and heavy vehicles, these issues do not constrain development within Macquarie Park, which is identified as including significant residential areas. The residential areas within the Macquarie Park Specialised Centre can therefore reasonably be expected to significantly contribute to new residential development within the subregion, particularly given the recent significant government investment in the Epping to Chatswood Railway Line. The state government release of the two UAPs is evidence of the government's thinking that Macquarie Park can accommodate mixed uses, provided commercial use remains overall the dominant land use.*
- It is recognised that land within the Centre needs to be reserved for future employment purposes, but this limits the opportunity for centre-supporting housing that allows people to live and work in the same locality. It also compromises the potential vitality of the Centre, which tends to shut down outside business hours. The project provides an excellent opportunity to accommodate growth in a manner that supports the existing character and urban structure of Macquarie Park.*
- The importance of maintaining the employment growth potential of Macquarie Park is recognised. However, the introduction of residential use as proposed will not diminish the potential employment capacity of the centre or adversely impact on the strategic status of the Centre noting the physical land area of the centre which far exceeds the areas of Sydney and North Sydney CBDs and the potential for further intensification of development within the Corridor as supported by draft amendment No.1 to draft RLEP 2011.*
- The north-west end of Macquarie Park contains a mix of uses including residential to take advantage of the proximity to the Macquarie University station and the regional shopping centre, and now is subject of a UAP. The NRSUAP site will establish a new land use condition (including residential) in the south-east end of the Centre around the North Ryde station. The proposal will facilitate the provision of complementary uses that will strengthen the mixed use character of the south-eastern end of the Centre to create a vibrant mixed use zone.*
- The site represents a logical location to accommodate a range of uses in close proximity of high frequency public transport services. This is a clear direction of the draft Metro Plan as evidenced by the nomination of UAPs which are all accessible to major public transport infrastructure. Given the site is adjacent to the NRSUAP, the proposed land uses are consistent with the state government direction.*
- Most land within Macquarie Park has been reserved for employment consistent with the principal objective for the area, namely to promote employment. This approach limits opportunities for housing development within the vicinity of existing rail infrastructure. Usage of the North Ryde Station falls below its patronage capacity. In particular the station experiences a lack of outbound patronage in the morning and inbound patronage in the evenings owing part to the general absence of residential development in the vicinity of the station. The issue is further*

compounded by poor pedestrian, cycle and vehicular connectivity between the station and the existing residential catchments to the south and west. Strict control over land use within Macquarie Park would perpetuate this situation and worsen existing traffic problems experienced in the area. The introduction of new residential uses would contribute to the full utilisation of the train line and capitalise on the significant government investment that has been channelled into public infrastructure in the locality.

The proponent in summary argues that the Planning Proposal should be supported as it:

- Will create a significant amount of jobs;
- Has been prepared in response to trends in Government policy and development initiatives with Macquarie Park, specifically the North Ryde Station Urban Activation Precinct and Ryde Council's work in increasing densities in the Macquarie Park Corridor;
- Is consistent with the Metropolitan Plan for Sydney 2036 and Draft Metropolitan Strategy for Sydney 2031;
- Is consistent with SEPP and s117 Directions;
- Supports the existing character and urban structure;
- Is a logical location in proximity to transport services and residential use will contribute to better utilization of transport infrastructure;
- There is sufficient physical area within the Macquarie Park Corridor to support employment lands and this proposal would not diminish the potential employment capacity;
- Responds to a new land use condition in the south east of the Corridor in a complementary way; and
- Is not likely to result in unreasonable environmental, social or economic impacts.

The document does note that the Planning Proposal:

- Is not the result of any strategic study; and
- Is not consistent with Council's local strategy and local strategic planning.

The Ryde Local Planning Study finalised in December 2010 addressed the Macquarie Park Corridor and made specific recommendations regarding amendments to controls to be incorporated into the then Ryde LEP 2011. It did not recommend residential uses as currently proposed, or the scale and density of development.

The justification for the Planning Proposal is addressed in the following chapter.

6.6 Supporting Documentation

Detailed reports provided in support of the Planning Proposal are noted as follows:

- Planning Proposal prepared by Urbis, dated May 2012;
- Concept Master Plan and Urban Design Report prepared by AJ&C, dated May 2013;
- Traffic Report prepared by Traffix, dated 30 April 2013;
- Civil and Structural Planning Report prepared by Brown Smart Consulting, dated April 2013;
- Proposed LEP Zoning Map; and
- Proposed Voluntary Planning offer.

7.0 Assessment & Review of the Planning Proposal

7.1 Adequacy of Document

The land the subject of the Planning Proposal is known as 111 Wicks Road, and 29, 31-35 Epping Road, Macquarie Park. The Planning Proposal has been prepared in accordance with Section 55 of the *Environmental Planning and Assessment Act 1979 (EP&A Act 1979)* and is consistent with the requirements of the following documents:

- A Guide to Preparing Local Environmental Plans, dated April 2013; and
- A Guide to Preparing Planning Proposals, dated October 2012.

Attachment 1 to 'A Guide to Preparing Planning Proposals' includes an information checklist.

The documentation supporting the Planning Proposal includes:

- Planning Proposal prepared by Urbis, dated May 2012;
- Concept Master Plan and Urban Design Report prepared by AJ&C, dated May 2013;
- Traffic Report prepared by Traffix, dated 30 April 2013;
- Civil and Structural Planning Report prepared by Brown Smart Consulting, dated April 2013;
- Proposed LEP Map – Zoning only; and
- Proposed Voluntary Planning offer.

The documents are of sufficient detail to properly consider whether or not the matter should proceed to Gateway.

Should this matter proceed to Gateway there is a need for additional documentation to address SEPP55 and any potential contamination issues. A Phase 1 Contamination Assessment would need to be carried out prior to the matter being exhibited, to satisfy the provisions of clause 6 of SEPP55.

However for the reason contained in the following sections for a Planning Proposal to seek to alter Council adopted strategy regarding the retention of the Macquarie Park Corridor for predominately employment generating uses there should be some analysis of demand for and take up of commercial space and why allowing for residential development would not undermine the current planning strategy which has been developed for the medium and longer term. In this regard, while documentation on the areas provided is comprehensive, the submission does not provide sufficient analysis to vary the current strategic planning direction. The reasoning for this conclusion is outlined further in the following sections.

7.2 Strategic Merit Assessment

7.2.1 The Corridor's Principle Function

The preceding sections of this report have outlined the key strategic documents that provide the framework for development in and around the Macquarie Park Corridor. All of these documents recognise the importance of the role that the Macquarie Park Corridor plays in Sydney's Global Economic Corridor.

In all strategic documents, the importance of the Corridor as a specialist employment hub is recognised and is identified as its primary purpose. This importance has been reflected in the State Government's priorities to provide essential infrastructure to the area such as the Epping to Chatswood Rail Line.

Planning for the area generally needs to provide capacity for jobs in the short, medium and long term.

These strategic documents also make reference to:

- The need for job targets and growth;
- The need for a choice of housing in close proximity to transport options;
- The recognised benefits of transit orientated development;
- The broader benefits of locating employment opportunities close to housing and transport;
- The aim of ensuring people spend less time travelling to access employment, services, recreation and regional facilities; and
- Planning for well-designed higher density development within walking distances of existing transport infrastructure.

It can then be the case, that more often than not, mixed use developments or sites located within an 800 metre catchment of major transport facilities meet most, if not all, of these strategic objectives.

However areas for housing and employment cannot be planned on a site by site or development by development basis. In order to protect important key functions as part of strategic planning, city-wide, regional and even local choices regarding priorities need to be made. Decisions based on research and analysis are made about competing land use demands, higher order functions are identified and boundaries are drawn. This is what has occurred in the case of the Macquarie Park Corridor.

The Macquarie Park Corridor, is a higher order specialised centre, whose primary purpose for employment and economic functions are protected through the adopted policy framework. It is structured as a business core with a residential ring. This is reinforced in the Ryde LEP 2010 and Ryde Draft LEP 2013. It is further reinforced by the initial planning for North Ryde Station Urban Activation Precinct and that being undertaken for the Herring Road Precinct.

The housing targets in Ryde are able to be met. The delivery of additionally zoned land as part of the Urban Activation Precinct is where priority should be focused. Not on the addition of potentially piecemeal sites because they provide a land use mix.

The development of the Macquarie Park Corridor is in its early phases. It has developed more recently over the last 10 to 15 years. It currently supports approximately 39,000 jobs (at 2006) and is planned to accommodate 58,000 to 2031.

Council have recently reviewed the infrastructure requirements and supported a broad uplift in development capacity, to facilitate the provision of finer grain infrastructure to support the abovementioned strategic objectives.

The planning for the Specialised Precinct is still in its early phases with its full potential yet to be recognised, and it is not appropriate to deviate from this at this point in time.

The current Planning Proposal is a piecemeal approach to change within an area with a primary function for employment and economic purposes. It has potential to undermine its direction. Furthermore the justification has not addressed the underlying policy positions and provided reasonable justification for change, on a site basis.

The competing interest of different land uses attracted to Specialised Centres/Precincts is recognised in the Criteria at Appendix B of the Draft Metropolitan Strategy 2031. This criteria recognises the competing demands but includes the following criteria:

- Specialised functions must be protected for the long-term and residential and other non-specialised but competing uses must not override the core employment activities in the precinct.

The primary significance for the Macquarie Park Corridor is as an employment destination. Strategic decisions have been made about where the focus for residential development should occur. There is no reason to alter this approach.

The uses proposed other than the residential are permitted in the B3 Commercial Core zone which is the majority of the site, just not at the scale and density proposed.

Strategically, to alter the zoning and permit residential development is inappropriate given the strategic changes being provided to accommodate residential development in the vicinity and the fact that relevant targets can be met within the existing framework.

The function of the Corridor has been identified and planned. Boundaries have been drawn. The medium to long term protection of the Corridor as a preeminent place for employment overrides the need to consider the site for any residential use.

7.2.2 Assessment of Planning Justification

The following comments are provided in respect to the justification for the Planning Proposal presented by the proponent and as summarised at section 6.5.

Creation of Additional Jobs

The proposal suggests a creation of 880 new jobs. There are existing commercial and industrial / showroom uses currently occurring on site.

There is no analysis of the existing jobs currently provided on site and the job potential under the uplift and range of uses potentially available under Amendment No.1. Furthermore, residential uses once completed do not provide comparable supply of jobs when compared to ongoing commercial uses.

The only additional use is essentially the residential use. Other uses proposed are actually permitted in the B3 zone and would already contribute to employment targets.

It is considered that the basis for the job numbers are not adequately identified, and do not provide the same employment capacity when considered in the context of the preferred land use mix for the site.

Consistency with Government Policy Initiatives

State Government Metropolitan-wide strategies and decisions regarding mixed use precincts are considered at a metropolitan level. The Metropolitan Plan 2036 and Draft Metropolitan Strategy 2031 both identify Specialised Centres / Specialised Precincts as having stronger employment and economic functions than other centres – there is a reduced focus on housing.

Where housing is provided for, it is accommodated in a planned way. The decision to identify the North Ryde Station Urban Activation Precinct for housing essentially reinforces the pre-eminence of the remainder of the Corridor for its protection for employment generating uses.

The Specialised Precincts are not the same as Strategic Centres and are not planned in the same way. The Metropolitan Strategy differentiates between the two. To apply the same principles to Strategic Centres as

Strategic Precincts – which is essentially what the proponent has done - does not appropriately recognise the differentiation between their relative importance and different functions.

The bookend of potential residential uses to the remainder of the Macquarie Park Corridor means that residential uses are more than adequately catered for. Further encroachment into the Specialised Precinct would be inconsistent with State and Local strategic directions.

Council dwelling targets are able to be more than met within existing zoned lands and density.

Metropolitan Plan 2036 and Draft Metropolitan Strategy 2031

The direction of both these documents is very much about protection of Specialised Centres / Specialised Precincts. They perform vital economic and employment roles across the metropolitan area.

Both documents refer to the complex interaction with the rest of the city and the fact that growth and change in and around them must be carefully planned.

The identification as a Specialised Precinct and the fact that residential uses have been both planned in and around the Corridor in a coordinated way means that the current proposal is inconsistent with both strategies.

Single site addition of residential uses and significant changes in density and height does not represent a holistic approach.

The introduction of residential use will undermine the key strategic directions, which are best outlined at Appendix B of the Draft Metropolitan Strategy 2031 which is also a reflection of the position of the Metropolitan Plan 2036.

There is a distinction between a Strategic Centre and Specialised Precinct which is not recognised in this Planning Proposal.

Consistency with S117 Direction

The proposal will potentially result in the loss of employment lands for residential use. This is inconsistent with Direction 1.1 as it potentially undermines the viability of the strategic centre, given the potential for further proposals to be put forward and the loss of employment lands.

Supports the Existing Character and Urban Structure

The proposal provides potential for additional residential use on the fringe of the centre. The surrounding urban character is an employment area of a very different built form and scale.

Essentially, it is not necessary as the North Ryde Station Urban Activation Precinct will potentially provide this form of development.

Sufficient Physical Land in the Macquarie Park

The purpose of planning controls in the case of Specialised Precincts is to maintain their function as specialised employment areas. This justification fails to respond to the primary purpose of the nature of the controls applying to the centre. They are to restrict and protect for the short, medium and longer term. Changing the zone to allow residential development would undermine this approach, and potentially diminish capacity in the medium to longer term.

Responding to the Land Use Condition in the South-East

While the proposal does respond to the NRSUAP, the scale and land use relationships have not considered lands to the north and west. There needs to be a clear delineation of boundaries and limits to change in order to protect the primary purpose of the Corridor. The point of transition is at the property boundaries of the NRSUAP. It is not appropriate to encroach further.

Logical location in relation to transport services and promote better utilisation of the tram line

This justification is equally true of employment uses. While the location meets accepted distances, this is not the overriding factor that should determine land use.

Residential uses are already potentially adequately being catered for in proximity to rail use.

Strategically, the site and surrounding land's principal function should be as employment land to protect the importance of the broader function of the Macquarie Park Corridor. Strategically the employment and economic focus should override housing options.

7.2.3 Consistency with Ryde Draft LEP 2013 – Amendment No.1

The effect of the Ryde Draft LEP 2013 (Amendment No.1) permits access to bonus floor space ratio and height that captures some of the value to implement new roads and parks.

The new road and park infrastructure is outlined in the Planning Proposal relating to Amendment No.1 at Figures 4.02 and 4.03, and reflects the recommendation contained in the Architectus Report – Macquarie Park Plan Review – Recommendation Paper dated 14 May 2013.

The proposed road access specific to the current Planning Proposal is further south than that proposed by Council. It proposes a road and open space network not planned for, and is inconsistent with Council's current approach.

This Planning Proposal is not consistent with the road and park infrastructure as shown and therefore cannot be supported.

7.3 Site Specific Merit Assessment

7.3.1 Land Use

The proposal will result in an isolated pocket of B4 lands surrounded by B3 Commercial Core and B7 Business Development. It will result in residential uses being permitted on a site further west than the North Ryde Station Urban Activation Precinct.

While the other uses proposed are already permitted in the B3 Commercial Core zone, the location of residential uses changes the nature of the interface with existing zoned land.

As outlined in the supporting documents to Ryde Draft LEP 2013 Amendment No. 1, the fine grain infrastructure that provides good pedestrian and traffic circulation is missing. The introduction of residential uses on a piecemeal basis is inconsistent with the broader strategic approach taken to the planning of the area, and is not supported.

7.3.2 Density

The FSR sought are not significantly greater than those permitted under the incentive scheme proposed in the Ryde Draft LEP 2013 – Amendment No.1. However they undermine the strategic approach of larger FSR and heights along Waterloo Road with a stepping down to Epping Road. The increased FSR has not been

considered in the context of the adjoining sites to the west. Furthermore it has not been demonstrated that the appropriate infrastructure can support the level of density proposed.

7.3.3 Building Height and Form

The heights proposed are some 28 metres and 59 metres higher than those currently permitted and five (5) metres and 44 metres higher than those permitted under the Ryde Draft LEP 2013 (Amendment No. 1).

The corresponding heights have been considered in the context of the North Ryde Station Urban Activation Precinct as part of the documentation but not as part of the immediate lands within the Macquarie Park Corridor.

The 50 metre and 89 metre height and 2.4:1 FSR are significantly greater than the 45 metres permitted in the immediate vicinity and 65 metres permitted along the Waterloo Road spine and central core.

While building heights and FSR do not need to be the same, the approach to development in the Macquarie Park Corridor has been a well-considered and studied exercise. There have been urban design studies and feasibility studies that support the approach. The introduction of a site specific solution to one site that significantly changes the approach undermines this strategic and considered approach without any real justification.

The support of this proposal would undermine the strategic urban design approach to the Macquarie Park Corridor which has been planned and delivered in a holistic way. The current proposal does not continue to reinforce this approach.

The variation proposed cannot be supported as it is inconsistent with the structured, informed and planned approach taken to delivery of building forms and scale in the Macquarie Park Corridor.

7.3.4 Context and Visual Impact

The premise for the Planning Proposal is put forward as a means of integrating the adjoining North Ryde Station Urban Activation Precinct. The immediate scale of building height on the North Ryde Station Urban Activation Precinct proposes a range from 57 and 67 metres up to 99 metres along the M2 Motorway interface.

The proposed development seeks 50 metres to Epping Road and 89 metres to the Wicks Road site.

FSRs proposed across the North Ryde Station Urban Activation Precinct vary from 1.5:1, 3:1, 3.5:1 and 4.0:1 at different points across the sites.

The photo montages included as part of the Planning Proposal (AJ+C Urban Design Study p.19 & 20) have provided some analysis of the potential visual impacts of the proposed scale of buildings. It is not clear that these photo montages have been taken from the same place and appear to have different buildings from those shown in the North Ryde Station Urban Activation Precinct.

While the scale of buildings does not have to be exactly the same, the introduction of heights on the site greater than those proposed on the North Ryde Station Urban Activation Precinct has not been justified.

The testing of separation distances and potential impacts of shadows between the two (2) precincts has not occurred. Furthermore the testing of separation and shadow impacts on the potential adjoining 45 metre building forms to the west and north on the lands along Wicks Road and Epping Road has not been provided.

The location of an 89 metre tall building in close proximity to the shared common boundaries does not reasonably address separation distances to potential 45 metre building forms and impacts on the potential to recognise development on adjoining lands.

7.3.5 Traffic Consideration

An independent assessment of the Traffix report submitted with the Planning Proposal was undertaken by Bitzios Consulting. The review concluded:

“that the report is satisfactory overall, but there remain issues with the adequacy of the access and egress arrangements at Wicks Road, the over provision of parking proposed and the very high levels of non-car access assumed. Also, to a considerable extent, the efficiency of the access arrangements is dependent on the timing of the local roads associated with the adjacent NRSUAP development.

Specific conclusions and recommendations are:

- If the subject development proceeds without / before NRSUAP then there will be no convenient way to access the development from the east via Epping Road, Delhi Road or Pittwater Road or to egress to Lane Cove Road north. A signalised intersection would be required at the Wicks Road access to overcome this issue and be subject to the approval of RMS; which may not grant approval due to the proximity to the Wicks Road / Epping Road intersection.*
- The mode share targets are aspirational and unlikely to be achieved and additional traffic will be introduced into an already congested area. Further assessment is required as to whether this additional traffic can be accommodated in an already over-saturated network and what mitigative works could be introduced to return the network to the pre-development levels of service.*

The report is included at Attachment 2.

7.4 Value of Voluntary Planning Agreement Offer

The proponent has made the following offer to enter into a Voluntary Planning Agreement as outlined in Attachment 3.

Essentially the offer is to pay a:

- \$4.4 million contribution paid in stages as the site is developed prior to release of the Construction Certificate.

The amount of monetary contribution has been calculated as follows:

- Based on the additional commercial floor space above 1.5:1;
- Utilizing a ratio of \$250m² as the incentive bonus floor space ratio;
- Payment of any Section 94 or 94A Contribution; and
- All payments being offset by any works in kind including but not limited to roads and open space provided by the development.

The obligations under the VPA would only arise if:

- The land is rezoned in accordance with the Concept Master Plan;
- Development consents are obtained providing for the carrying out of the development; and
- The owner implements the development consents.

The draft offer is generally in accordance with the document exhibited with Ryde Draft LEP 2013 Amendment No.1, in that the \$4.4 million is based on an additional 0.9:1 comprising 17,786.7m² of additional floor area resulting in a calculation \$4,446,675.00 and comprises the monetary contribution.

This amount is proposed to then be discounted by agreed works in kind, with the final contribution calculated as:

Final Contribution = Monetary Contribution – Cost of Providing Infrastructure

Council officers have provided comment, details of which are attached at Attachment 4. In summary Council officers note that:

- The street network proposed does not comply with the public street grid in Amendment No. 1;
- The Urban Plaza and Urban Park abuts the lower tower are enclosed and would service the occupants rather than the general public and does not match the Open Space Network proposed by Council; and
- The offer of 4.4 million is acceptable in principle payable in accordance with the stages of the development, but no offset to that contribution would be claimable as the 'in kind' works do not offer the benefit or facilities to the public community;

If this were to proceed, Council would need to decide whether it would follow the same approach i.e. deferral/un-deferral mechanism that is proposed in Ryde Draft LEP 2013 Amendment No. 1. If it was not to proceed along a un-deferral path then the terms of the VPA would need to consider timing of the agreement and whether timing of payments should be brought forward.

It is noted that the current approach does allow for uplift in residential land uses in the B4 Mixed Use zone around the Herring Road Precinct.

For the reasons outlined in previous sections, the Planning Proposal should not proceed which means that the VPA offer would essentially be withdrawn.

7.5 Council Department Comments

Council departments have commented on the proposal, and are contained in Attachment 4. The following sections provide key summary points from the comments made.

7.5.1 Open Space

In summary:

- There appears to be no consideration of the priorities and expectation of the open spaces in the City of Ryde as detailed in the following strategic plans for open space planning and design - Integrated Open Space Plan (IOSP 2012), Street Tree Master Plan (2013) , Children's Play Implementation Plan (2013);
- The area has been identified as having a significant deficiency in public open space (IOSP 2012);
- The proposed parklands are too small to truly offer flexibility of use – the 'Urban Park';
- The overall provision of open space does not provide any opportunity for active open space areas – either as parkland areas or as indoor facilities, such as sports courts (netball, basketball, soccer etc.); and
- Should the proposal be accepted, the funds received through the VPA should be allocated towards the purchase of new open space areas in the Macquarie Park and North Ryde areas where the IOSP has documented deficiencies – within the catchment of this development.

7.5.2 Community and Culture Department

Page 46 of the Planning Proposal states:

"A comprehensive audit of existing facilities within the locality and the capacity of these facilities to accommodate increased demand associated with the development of the site will be undertaken to identify any gaps in the availability of social infrastructure."

In summary:

- Council is currently preparing a Social and Cultural Infrastructure Plan that identifies future facility needs in the community;
- This assessment has identified a need for additional facilities in the North Ryde area, with an approximate gross floor area (GFA) of 500m². A facility of this type would provide space for meetings, gatherings and small scale activities and programs used on a casual hire basis;
- The population growth proposed for the North Ryde area will result in the need for additional childcare facilities;
- Since 1999, there has been a trend towards an increased use of formal care which is likely to continue;
- Any population increase in the North Ryde catchment is anticipated to place demand on existing library services in Cox's Road, North Ryde;
- There is very little affordable housing available for purchase for households on low and very low incomes. There are also low rates of available rental dwellings. There is no indication or information identified in the Planning Proposal regarding affordable housing. Affordable housing intentions should be reflected in the Planning Proposal to indicate intention; and
- In general the North Ryde and Macquarie Park precinct has been identified for a significant population increase over the next 20 years. The area is significantly underrepresented in social infrastructure terms.

7.5.3 Infrastructure Integration

In summary:

- The flooding and overland flows analysis is based on the Council's flood level information;
- The site at 111 Wicks Road is subject to low to high risk flooding;
- The whole site is affected by the flooding;
- The site at 28 and 31-35 Epping Road are not subject to major overland flow flooding;
- Risk of flooding to the downstream properties is likely to be increased;
- The accompanying report did not address the impact on the flooding in the downstream properties. Therefore, the report is considered as incomplete; and
- Considering the scale of the project, Probable Maximum Flood (PMF) should be considered for all underground car parks and sensitive usage areas.

8.0 Conclusion

The proposed planning framework for the North Ryde Station Urban Activation Precinct has been a catalyst for the proponent to revisit the controls on the subject site. Council strategic documents – specifically the Ryde DCP 2010 and Draft Ryde DCP 2011 has considered the nature of the Urban Activation Precinct – as part of the broader planning for the Macquarie Park Corridor. The North Ryde Station Urban Activation Precinct has always been recognised as an area of potential residential development, as has the B4 Mixed Use zone around the Macquarie University, and now the Herring Road Urban Activation Precinct.

The location and introduction of residential development within the Macquarie Park Corridor has been considered and planned for in the recognition that there is a need to ensure that people have the ability to live close to areas of employment.

Provision of finer grain infrastructure to facilitate the evolution of the Macquarie Park Corridor has also been planned for and a planning framework for incentives is currently being considered as part of Ryde Draft LEP 2013 Amendment No. 1. There is a recognised need for more open space and better pedestrian and mid-block road links to improve pedestrian and traffic circulation.

The Macquarie Park Corridor's function and importance as part of the Global Economic Corridor is well documented and recognised. The Corridor while initially planned for in the 1960's, is barely 30 years old and has only really started to develop in the last 10 to 15 years.

The planning for the Macquarie Park Corridor is only just now being recognised. The strategic framework is being implemented. The Corridor is yet to recognise its full function and full development.

The strategic approach and planning for the area has been considered with the principal aim of maintaining a suitable supply of employment generating lands with a fringe of residential for the medium to long term. This strategy should continue to be applied given the timing and future needs of the area, and in recognition of the need to protect Specialised Precincts for the long-term and to ensure residential and non-specialised but competing uses must not override the core employment uses.

There needs to be a balance to ensure the primary employment function is not compromised. This has been achieved by focusing residential development on the fringes within clear boundaries, and should be maintained. The current proposal does not achieve these objectives and in fact has the potential to undermine the strategy adopted for the Macquarie Park Corridor.

9.0 Recommendations

That the Planning Proposal for 111 Wicks Road, 29 Epping Road and 31-35 Epping Road not proceed to Gateway for the following reasons:

1. The Planning Proposal is inconsistent with the vision for the Macquarie Park Corridor as a Specialist Precinct whose primary purpose is for employment and economic functions;
2. It is inconsistent with the City of Cities – A Plan for Sydney’s Future (the Metropolitan Plan), Metropolitan Plan for Sydney 2036, Draft Metropolitan Strategy for Sydney 2031, Ryde Local Planning Study 2010, Ryde LEP 2010 and Ryde Draft LEP 2013 as amended.

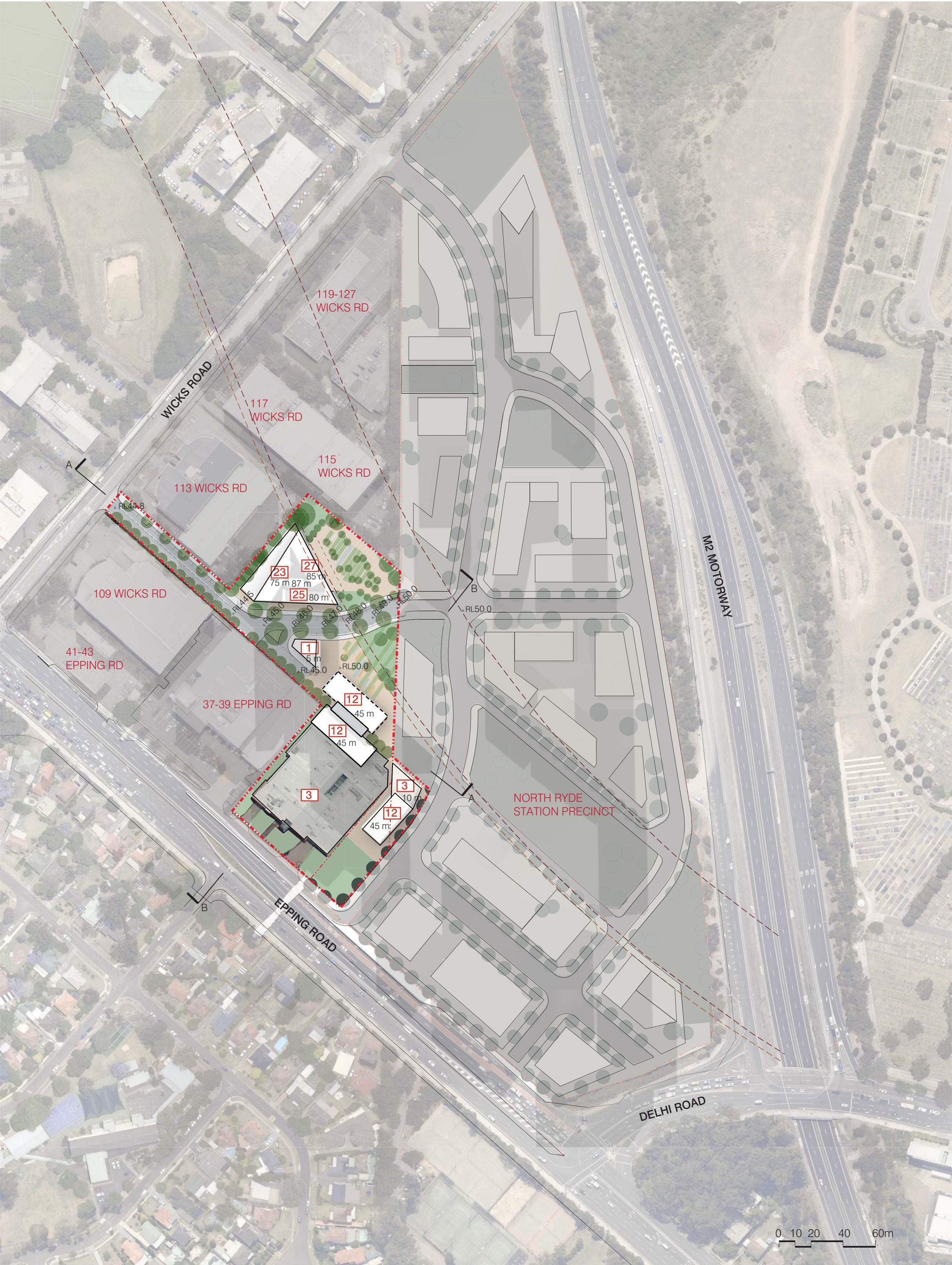


Attachments

Attachment 1: Concept Plan - Preferred Concept Plans

6922_11.2_Review of Planning Proposal_130815





Attachment 2: Review of Traffic Report

6922_11.2_Review of Planning Proposal_130815

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Our Reference: P1369 002L

Your Reference:

1 August 2013

Director
SJB Planning
Level 2, 490 Crown Street
SURRY HILLS NSW 2010

Attention: **Alison McCabe**
Sent via email: amccabe@sjb.com.au

Dear Alison,

**RE : PEER REVIEW OF PLANNING PROPOSAL TRAFFIC REPORT
HARVEY NORMAN, EPPING ROAD, MACQUARIE PARK**

Thank you for your request for Bitzios Consulting to undertake a peer review of the traffic report submitted as part of a Planning Proposal for the site at 29 and 31-35 Epping Road and 111 Wicks Road, in Macquarie Park. This letter details our review of the traffic report prepared by Traffix for Urbis. The scope of our review is commensurate with the considerations required for a planning proposal, focussing on system capacity issues, access location/configuration, proposed parking provisions, through road connections and public and active transport facilities.

1.0 APPRECIATION OF THE PLANNING PROPOSAL

Urbis has been commissioned by the Harvey Norman Group to prepare a Planning Proposal for a site comprising 29 and 31-35 Epping Road, and 111 Wicks Road, in Macquarie Park. The 1.97 hectare site is within the south-eastern edge of Macquarie Park and close to the North Ryde railway station. The Proposal seeks to vary the Ryde Local Environmental Plan 2010 (RLEP 2010) in terms of zoning for 111 Wicks Road; building heights for 111 Wicks Road and 31-35 Epping Road; and floor space ratios. In addition to the existing Domayne store fronting Epping Road, the proposed developments would include commercial offices, residential apartments, a 200 room hotel, neighbourhood shops, open space and a new local road. The location of the site is shown in Figure 1.

The site is immediately west of the North Ryde Station Urban Activation Precinct (NRSUAP), for which a Transit Oriented Development is planned. Recognising this, Urbis has included a "Preferred Alternative Concept Plan" that involves some land swaps with the NRSUAP, and consolidation of site access to just one 'left in only' access road off Epping Road, rather than separate access roads for the Harvey Norman and NRSUAP developments.

Traffix has been commissioned by Urbis to prepare a report on the traffic, transport and parking impacts of the Planning Proposal.



Source: Urbis report

Figure 1: Site Location

2.0 REVIEW OF THE TRAFFIX REPORT

The Traffix report is comprehensive and includes descriptions of the existing situation, the planning context, access requirements, transport strategy, traffic generation and parking provision. The report also compares the Epping Road access alternatives with a "Primary Scheme" and the "Preferred Alternative Concept".

Our comments on the Traffix report are summarised below, using the same sub-headings as included in their report.

2.1. Access Requirements

At the end of this section (middle of page 8), Traffix suggests that the Wicks Road access to the development would be either an unsignalised Left In/Left Out arrangement, or a signalised T-intersection. The latter would provide for right turns onto Wicks Road, but neither arrangement would allow for right turns from Wicks Road into the development.

Previous discussions between the City of Ryde (CoR) and the RMS have suggested that the RMS is unlikely to support traffic signals in the location of the site access off Wicks Road due to their proximity to the Epping Road signals, thereby restricting site access to left in-left out only. However, traffic signals in this location are supported by the Macquarie Park Structure Plan as they allow for improved local accessibility and a potential future local road connection into the intersection from the west of Wicks Road, as well as providing a formalised pedestrian crossing point.

Also, in the absence of (or prior to) the proposed upgrade of the Wicks Road/Waterloo Road intersection to a signalised cross intersection, and due to the restricted eastbound Left In Only access from Epping Road,

banning the right turn-in at the proposed Wicks Road access (if signalised) would not provide for any traffic with origins from Chatswood (via Delhi Road), Pittwater Road (North Ryde) or Lane Cove (via Epping Road westbound). Such traffic (generally from the east) would need to somehow execute U-turns or travel circuitous routes on already congested roads to proceed via the Wicks Road/Waterloo Road intersection and then turn left into the Wicks Road access.

Recommendation: *That the Wicks Road access be a “full movement” signalised intersection, subject to approval by the RMS. Should the RMS not approve signals in this location, then a left in-left out access is preferred.*

2.2. Transport Planning Context

At the beginning of this section (middle of page 8), Traffix claims that bus routes traversing Lane Cove Road and Epping Road are “both proximate and very convenient”. While we would agree that Epping Road routes are very close by and frequent, we question that Lane Cove Road bus routes are close enough to be considered easily accessible from the proposed development.

In the next paragraph, Traffix claims that many of the hotel patrons will walk to local destinations. We question if this would be the case, but we agree that the mixture of residential and commercial development, combined with the proximity to relatively good public transport, pedestrian and cycling networks, will assist in reducing car-based travel through “internalised” trips.

Recommendation: *Any roads through the site should have adequate pedestrian and cyclist facilities as per the Macquarie Park Structure Plan Road typologies.*

2.3. Traffic Generation

Traffix has used trip rates from both RMS guidelines and the TMAP study for NRSUAP. In our review of the proposed planning controls for the NRSUAP for the City of Ryde, we pointed out that the TMAP study had suggested non-car mode shares as high as 60% could be achieved, and we questioned if these were realistic (rather than aspirational). Accordingly, the Traffix report may have significantly underestimated traffic generation rates. More appropriate non-car mode shares for a development of this nature would be 40% based on the nature of uses proposed and expected ratios of residents/employees to customers/visitors.

Recommendation: *Any future traffic impact analysis be based on a 40% non-car mode share, not 60%.*

2.4. Parking Provision

Traffix suggests (on page16) that the over-provision of commercial parking spaces (300 instead of the required 204) is due to the specific needs of the proposed Harvey Norman head office, where franchisees are expected to visit in significant numbers during non-peak periods. Accordingly, it is claimed that the excess spaces would not create any additional peak period car trips. We question this as a basis for the Planning Proposal, given that the building may be used for different purposes in future. Also, the over-provision of parking contradicts the high non-car mode shares assumed and also contradicts Council's intent for Macquarie Park to evolve into an area with higher levels of non-car access.

In addition, the Traffix report contains no mention of car share scheme parking spaces.

Recommendation: *The over provision of parking not be supported.*

2.5. Preferred Alternate [sic] Scheme

The Preferred Alternative Concept Plan suggests one combined access road from Epping Road, to be used by both the Harvey Norman development and the NRSUAP developments. Traffix analysed the advantages and disadvantages of this arrangement, and their conclusion that the shared access road is the safer and superior solution, is supported.

However, the timing of the provision of this access needs further consideration as the access off Epping Road and the connection through the NRSUAP to the subject site may not occur for some time. Interim access easement arrangements may be required if the subject state were to be developed first, particularly considering the importance of this left turn-in access given the potential inability to turn right in off Wicks Road.

Recommendation: *The shared left turn-in access arrangement (with the NRSUAP access) off Wicks Road be supported subject to staging arrangements with the NRSUAP being confirmed in the future.*

3.0 CONCLUSIONS AND RECOMMENDATIONS


Bitzios Consulting has reviewed the Traffix report in support of the Urbis Planning Proposal. We conclude that the report is satisfactory overall, but there remain issues with the adequacy of the access and egress arrangements at Wicks Road, the over provision of parking proposed and the very high levels of non-car access assumed. Also, to a considerable extent, the efficiency of the access arrangements is dependent on the timing of the local roads associated with the adjacent NRSUAP development.

Specific conclusions and recommendations are:

- If the subject development proceeds without/before the NRSUAP then there will be no convenient way to access the development from the east via Epping Road, Delhi Road or Pittwater Road or to egress to Lane Cove Road north. A signalised intersection would be required at the Wicks Road access to overcome this issue and be subject to the approval of RMS; which may not grant approval due to the proximity to the Wicks Road/Epping Road intersection.
- The mode share targets are aspirational and unlikely to be achieved and additional traffic will be introduced into an already congested area. Further assessment is required as to whether this additional traffic can be accommodated in an already over-saturated network and what mitigative works could be introduced to return the network to the pre-development levels of service.

Please don't hesitate to contact me on 07 5562 5377 if you require any clarification or additional information.

Yours sincerely,



Damien Bitzios
Director
BITZIOS CONSULTING

Attachment 3: Voluntary Planning Offer

6922_11.2_Review of Planning Proposal_130815

Calardu North Ryde No 1 Pty Limited
B1 Richmond Road
Homebush West NSW 2140

16 May 2013

The Acting General Manager
Ryde City Council
Locked Bag 2069
North Ryde NSW 1670

Dear Ms Dickson

**Planning proposal relating to 111 Wicks Road, 29 Epping Road and 31-35 Epping Road,
Macquarie Park (Site)
Offer to enter into a voluntary planning agreement**

Calardu is lodging a planning proposal with the Council seeking amendments to *Ryde Local Environmental Plan 2010* to enable the development of the Site for a high density mixed use scheme comprising commercial, retail, hotel and residential development.

In conjunction with the changes sought to *Ryde Local Environmental Plan 2010*, Calardu offers to enter into a voluntary planning agreement with the Council in accordance with Subdivision 2 of Division 6 of Part 4 of the *Environmental Planning and Assessment Act 1979*.

Calardu offers to pay a monetary contribution to the Council in the amount of \$4.4 million to be paid to the Council in stages as each of the three parts of the Site are developed. Payment for each stage would be paid to the Council prior to the issue of a construction certificate for any construction works above ground level relating to the construction of the substantive building for that stage.

The amount of the monetary contribution has been calculated:

- (a) based on the additional commercial floor space that will be provided by the development above that would conform with the current floor space ratio control of 1.5:1 for the Site; and
- (b) using a rate of \$250 per m² which is the rate adopted by the Council for the deferred incentive bonus floor space ratio scheme in Draft Amendment No. 1.

Calardu's obligations under the voluntary planning agreement will provide that it is not required to pay any monetary contribution unless:

1. the amending LEP to RLEP 2010 is made so as to rezone 111 Wicks Road and amend the controls applying to 29 and 31-35 Epping Road to permit development in accordance with the Concept Master Plan submitted by Calardu Pty Limited; and
2. development consent(s) are granted for the carrying out of development in accordance with the Concept Master Plan and in particular consents have been granted that will enable the development to achieve the height and maximum FSR controls provided in the Concept Master Plan; and
3. Calardu seeks to implement the development consent(s).

Calardu is prepared to pay any section 94 of 94A contributions that will apply, in addition to the monetary contribution. However, the monetary contribution is to be offset by any works in kind including, but not limited to roads and open space provided by the development. That is, section 94(6) of the *Environmental Planning and Assessment Act 1979* will apply to any future proposed development on the Site.

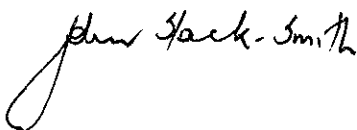
The voluntary planning agreement will provide for the registration of the agreement on title and include an obligation on the Council to remove the agreement on title upon Calardu satisfying its obligations under the voluntary planning agreement. Flexibility is to be provided to allow for the staged removal of the voluntary planning agreement from a title within a stage once the contributions relevant to that stage have been paid by Calardu.

The voluntary planning agreement will provide that the Council is required to refund the monetary contributions to Calardu and release it from its obligations to pay the contribution if there is a successful third party challenge to the rezoning LEP.

It is proposed that the detailed terms of the offer will be provided to the Council if this initial offer is acceptable to the Council. Once those terms are settled we will prepare a draft of the voluntary planning agreement.

If you have questions in relation to this offer please telephone the undersigned.

Yours Faithfully,



Calardu North Ryde No. 1 Pty Limited

Attachment 4: Council Department Comments

6922_11.2_Review of Planning Proposal_130815


MEMORANDUM

To: Susan Wotton – Strategic Planner

From: Malcolm Harrild – Development Contributions Coordinator

Date: 18 June 2013

Subject: Planning Proposal – 111 Wicks Rd/29, 31 – 35 Epping Road Macquarie Park (Harvey Norman Group)



The offer to enter into a Voluntary Planning Agreement (VPA) from Calardu North Ryde No.1 Pty Limited, dated 16 May 2013, attached to the Macquarie Park Planning Proposal by Harvey Norman Group offers a monetary contribution of \$4,400,000 to be paid in stages prior to the issue of the construction certificate for each of the three stages of development. This payment is offered in addition to s94 or s94A contributions that would apply to the development.

This sum is offered in exchange for the current floor space control ratio of the whole site (19,763m² land area) rising from 1.5:1 (29,645m² of development) to 2.4:1 (49,417m² of development) calculated on the basis of \$250/m² for the development area in excess of the control ratio. The exact calculation produces \$4,407,250 making “the amount of \$4.4 million” acceptable in principle as an indicative total.

Calardu states that the monetary contribution is to be offset by any works in kind including, but not limited to roads and open space provided by the development. The company also stipulates that the VPA is to be removed from a title in each stage when it pays the proportion of the monetary contribution attributable to that stage of development. Furthermore, should there be a successful third party challenge to the rezoning LEP, Council is to refund the monetary contributions received from Calardu and release it from its obligations to the monetary contribution.

The utilisation of the site area included in Harvey Norman Group’s Planning Proposal is,

1. 6,795m² development blocks
2. 2,403m² setbacks
3. 5,070m² streets
4. 1,985m² urban plaza
5. 2,885m² private open space
6. 625m² urban park.

The wording of the offered VPA for “in kind works” appears to seek an offset to the monetary contribution of the cost of providing areas 3 to 6.

Streets

The existing access into the development from 111 Wicks Road is preserved in the proposal but the new street from Epping Road into the site duplicates the parallel road further east shown in Council's LEP 2013 Draft (Amendment 1) Macquarie Park Corridor (Council's document) but not to the same width or public utility. The curved new street shown linking the 111 Wicks Road access provides additional access to the north eastern part of the development but does not comply with the public street grid Council proposes for this part of Macquarie Park and does not align with Council's preferred routes.

Urban Plaza and Urban Park

These facilities are linked entirely with the proposed developments on the site. The plaza functions as a forecourt to the northern-most 45 metre high commercial tower, particularly as it integrates with the open area immediately under the tower. The very small urban park abuts this plaza and would operate as part of it. Neither of these spaces matches the Open Space Network shown in the Council document and they are in an enclosed area which services the occupants of the development rather than the general public.

Private Open Space

This facility is for the use of the occupants of the major tower in the development and offers no public facility or benefit.

In conclusion, the offer of \$4.4 million is acceptable in principle subject to the approval to the change of the floor space ratio control. Were this to occur, this sum would become payable in accordance with the stages of the development but no offsets to that contribution would be claimable as the "in kind" works do not offer benefits or facilities to the public community.

regards

MEMORANDUM

To: Susan Wotton – Strategic Planner

From: Guna Veerasingham

Date: 11 July 2013

Subject: Planning Proposal – 111 Wicks Rd/29, 31 – 35 Epping Road Macquarie Park (Harvey Norman Group)

I refer to flooding and stormwater section in the Civil and Structural Report of the Trim Record **LEP2013/10/001**.

The flooding and overland flows analysis is based on the Council's flood level information. The site 111 Wicks Road is subject to low to high risk flooding. The whole site is affected by the flooding. The site 28 and 31-35 Epping Road are not subject to major overland flow flooding. The report addressed to extend the trunk drainage system for a short distance and relocating of the existing surcharge grates from the southern side to the northern side of the existing access road connecting to Wicks Road as well as minor modifications around the upstream end of the culvert at Epping Road.

The report also recommended drainage works to eliminate the risk of flooding within the site up to the 100 year ARI (Average Recurrence Interval) flood event.

Considering the above points, risk of flooding to the downstream properties is likely to be increased. The report mainly addressed to determine floor levels of the buildings using Council's flood level information. It did not address the impact on the flooding in the downstream properties. Therefore, the report is considered as incomplete.

The report stipulated Water Sensitive Urban Design principles that are to be adopted at the site. Concept WSUD plans were not included in the report. These shall be addressed during the development application stages.

Referring to page 17 in the report, it was stated that flood levels were obtained from the earlier Eastwood and Terrys Creek Flood Study Report. It should be noted Eatwood and Terry Creek catchments are located outside the sites.

Considering the scale of the project, Probable Maximum Flood (PMF) should be considered for all underground car parks and sensitive usage areas.

MEMORANDUM

To: Susan Wotton – Strategic Planner

From: Simon James – A/Manager Open Space

Date: 8 July 2013

Subject: Planning Proposal – 111 Wicks Rd/29, 31 – 35 Epping Road Macquarie Park (Harvey Norman Group)

Susan,
Following your request for a response from Open Space in regards to the above planning proposal I provide the following response from the perspective of the Open Space provisions.

Response to Open Space Provision

General Comments on the proposal :

- i. There appears to be no consideration of the priorities and expectation of the open spaces in the City of Ryde as detailed in the following strategic plans for open space planning and design - Integrated Open Space Plan (IOSP 2012), Street Tree Masterplan (2013) , Children’s Play Implementation Plan (2013)
- ii. The area has been identified as having a significant deficiency in public open space (IOSP 2012).
- iii. The proposed parklands are too small to truly offer flexibility of use.
- iv. The overall provision of open space does not provide any opportunity for active open space areas – either in parkland areas or indoor facilities, such as sports courts (netball, basketball, soccer etc.).
- v. Should the proposal be accepted, the funds received through the VPA should be allocated towards the purchase of new open space areas in the Macquarie Park and North Ryde areas where the IOSP has documented deficiencies – within the catchment of this development.

General Observations on Open Space Provision:

- The proposed “urban Park” is described as being 625m² in area (0.06ha). As outlined in the Integrated Open Space Plan, this is smaller than the minimum size for a Level 4 Park. In light of the number of future residents in this area and compounded by the

existing deficiency of open space in the Macquarie Park Precinct, the “urban Park” should be expanded to a minimum size of 0.5ha and a Level 3 Park defined as follows:

There is a provision for a ‘private park’ in the proposal which indicates it will only be accessible to a limited number of people and not accessible to the general public.

Level 3 open space caters for broader population catchments and provides convenient access to passive and active recreation opportunities for local residents of all age groups. These open spaces attract a greater levels of use, encourage longer stays and contribute to the identity and character of the local area (Page 96 IOSP 2012)

- Preferred Uses / Functions and Facilities of a Level 3 Park are as follows:
- play spaces
- sports facilities that accommodate informal
- and or junior sport training with no permanent
- sports infrastructure no floodlighting
- picnic / low key BBQ facilities and shade/tables
- informal active areas with passive elements for
- family recreation including kickabout
- potentially toilets, but preferably these would
- be in adjoining building in street
- other possible uses may include: community gardens, community / public art, dog off leash exercise areas (Page 96 IOSP 2012)

Comments on absence of Active Recreation Provision

- The future residents of this proposed development require provision of both Passive and Active Open Space. While a small amount of passive space will be provided in the form of paved terraced and private open space, only one small “Urban Park” is proposed as part of the development. There is no provision for active recreation and sports and consequently all demand for active recreation and sports will need to be catered for within the City’s existing parks and reserves. Many of these facilities are already operating at or above capacity, and the addition of 430 new dwelling will put additional pressure on these sites that is unsustainable.
- Current active parks and reserves in the Ryde area are designed, managed and used for organised sports, including netball, soccer, cricket, AFL, rugby union, rugby league, baseball and softball. These account for a significant proportion of the open space areas across the City and are also significant in total area.
- Previous reports provided to Ryde Council by specialist turf consultants indicate the majority of these sporting fields are at or nearing carrying capacity, based on 30-35hrs/week use (dependant on the type of use), with many booked for up to 40hrs/week for organised sport alone during peak seasons.
- Informal groups also regularly use sports fields in the Macquarie Park area, including corporate groups/teams participating in lunchtime activity, increasing the weekly use on these playing surfaces. Increased population in this area would possible result in increased informal activity, which would need to be managed by Council.

- Based on 2010 Australian Sports Commission statistics the national participation rate in organised sporting activities is approximately 40%, with 12% of the population participating in organised activities 3 or more times a week. Therefore it can be assumed that a similar percentage of new residents within the precinct will undertake organised sporting activities. Therefore connections to existing active open space facilities will need to be taken into consideration, and in some cases created or improved. Below are a list of the parks which will be accessed by the residents for active recreational use.

- o North Ryde Park
- o Magdala Park
- o Tuckwell Park
- o ELS Hall Park
- o Fontenoy Park
- o Pidding Park
- o Christie Park
- o Santa Rosa Park

Dear Sue

Thank you for the opportunity to make comment on 'The Planning Proposal' for an amendment to the local environmental planning controls for land at 111 Wicks Road 29 Epping Road and 31-35 Epping Road

Please see the comments from Community and Culture in response to the identified issues.

Page 46 of the Planning Proposal states:

A comprehensive audit of existing facilities within the locality and the capacity of these facilities to accommodate increased demand associated with the development of the site will be undertaken to identify any gaps in the availability of social infrastructure.

Council is currently preparing a Social and Cultural Infrastructure Plan that identifies future facility needs in the community. These needs are formulated according to an assessment of the capacity of existing facilities, a set of agreed principles that will drive future facility development, population projections and established standards (although caution has been used in applying standards to established residential areas).

This assessment has identified a need for additional facilities in the North Ryde area, with an approximate gross floor area (GFA) of 500m². A facility of this type would provide space for meetings, gatherings and small scale activities and programs used on a casual hire basis.

The population growth proposed for the North Ryde area will result in the need for additional childcare facilities. The Planning Proposal identifies 160 – 170 new dwellings which would contribute to this increase in childcare needs (the Planning Proposal states the development will "...potentially [have] a child care centre", but does not make a commitment. Given Sydney's housing shortage and the proximity these units have to public transport it is likely they will be attractive to young families.

Since 1999, there has been a trend towards an increased use of formal care. The proportion of children attending formal care has increased from 17% in 1999 to 22% in 2008. This was mainly due to an increasing proportion of children aged less than five years attending long day care over this period. In 2006, 45.6 % of women in Ryde with children aged under 1 were in the workforce. In 2011, 50.25 % of women in Ryde with children aged under 1 were in the workforce. These trends are likely to continue.

Any population increase in the North Ryde catchment is anticipated to place demand on existing library services at the library in Cox's Road, North Ryde.

The City of Ryde supports the need for affordable housing. As of September 2010, only 4.1% of dwellings in the City of Ryde were considered affordable for households with moderate incomes. This is a rapid decline from 24.2 % in June 2009. The Sydney SD rate in 2010 for affordable for households with moderate incomes was 15.7%. There is very little affordable housing available for purchase for households on low and very low incomes. There are also low rates of available rental dwellings.

There is no indication or information identified in The Planning Proposal regarding affordable housing. Affordable housing intentions should be reflected in The Planning Proposal to indicate intention.

In general the North Ryde and Macquarie Park precinct has been identified for a significant population increase over the next 20 years. The area is significantly underrepresented in social infrastructure terms. This is amplified for residents that will be located on the Eastern side of Epping Road, which provides a very real access barrier to other areas of the City.