

29 September 2020

Christine Gough
Director Central District (GPOP)
NSW Department of Planning, Industry & Environment
Locked Bag 5022
PARRAMATTA NSW 2124

Attention: Frankie Liang

Dear Ms Gough,

RE: 2020 revised draft master plan for the Carter Street Precinct and planning controls

I refer to the 2020 revised draft Master Plan and planning controls for the Carter Street Precinct which have been prepared in response to the proposed Sydney Metro West station at Sydney Olympic Park. Macroplan has reviewed the Explanation of Intended Effects (EIE) and draft Development Framework 2020 (DF) for the Carter Street Precinct on behalf of our client Australia YMCI Pty Ltd (AYMCI), a major landholder in the Carter Street Precinct. AYMCI support the amendments made to the revised Master Plan for the Precinct. Macroplan provides the below comments for the Department of Planning, Industry and Environment's (Department's) consideration in the finalisation of the DF and legal drafting of the legislative amendments to *State Environmental Planning Policy (State Significant Precincts) 2005 (SEPP)* and *Auburn Local Environmental Plan 2010 (ALEP)*.

1) Calculation of Floor Space Ratio (FSR) and consistency with the VPA

The revised draft Land Zoning Map and FSR Map (Figures 5 and 11 of the EIE) have zoned the roads and allocated FSR to the proposed road network. This confirms the intention that the roads identified in the revised Master Plan are to be included in the Gross Floor Area (GFA) calculation for the Precinct. Notwithstanding this, the development of the Carter Street Precinct is likely to be developed over the next 10-20 years and therefore the road network will need to be established, subdivided and operational to facilitate the Precinct's development. This will include the dedication of roads to public authorities. Once the roads are dedicated and no longer in the ownership of our client, the road area will not form part of the site's developable area for the purpose of calculating the FSR (refer to clauses 4.5(4)(b) and 4.5(6) of the ALEP).

To address this matter, it is requested that the following clause is inserted into clause 4.5 the ALEP:

(3A) Despite subclause (6), for the purposes of calculating the floor space ratio of development within the Carter Street Precinct, where a development application for development within the Carter Street Precinct proposes development on land within Area A of the Clause Application Map, the land within Area A that is the subject of the development application may be included in the site area for the purposes of calculating the floor space ratio of the proposed development regardless of whether:

1. *part of the land in Area A that is the subject of the development application is a public place or community land;*
2. *part of the land within Area A that is the subject of the development application is proposed or required to be dedicated to a public authority; or*
3. *significant development is proposed on only part of the land in Area A that is the subject of the development application.*

For the above to apply, it is recommended that the following amendments to the ALEP are also made:

- clause 4.5(4)(b) is amended to also include the words “...(except as provided by subclause (7) and (3A)); and
- clause 4.5(6) is amended to also include the words “...(except as provided by subclause (3A))”.

The proposed amendments to the ALEP will ensure the intended GFA for our client’s land can be achieved in line with what is envisaged by Voluntary Planning Agreement (SVPA-2018-9761). Clause 3 of the VPA states:

3 Operation and commencement of this document

(a) This document will commence on the later of the following dates:

- (i) the date of commencement of an environmental planning instrument which amends the ALEP and results in the total permissible GFA for buildings (including proposed buildings) on the Land (excluding the Education Land and the Open Space Land) being no less than 348,000m²; and
- (ii) the date that this document is entered into in accordance with clause 25C(1) of the Regulation,

(Commencing Date).

- (b) For the purpose of **clause 3(a)(i)**, the total permissible GFA for buildings (including proposed buildings) on the Land concerned is the sum of the areas (in square metres) calculated by multiplying each floor space ratio control that applies to any part of the Land by the area of that part.

Therefore, the site area of the roads is required to be included in the calculation of the FSR for our client’s land to achieve a GFA of no less than 348,000m². This is the basis upon which the VPA was drafted and negotiated. If the above requested changes to the ALEP are not made, the required minimum achievable GFA of 348,000m² may no longer be possible for Area A, for example, where roads are required to be dedicated prior to development applications (DAs) for adjoining land within Area A of the Clause Application Map being determined. The requested changes to ALEP address this situation and ensure the valid commencement of the VPA.

We note that City of Parramatta Council (Council) is currently in the process of reviewing and consolidating the LEPs applying to its local government area into one LEP instrument (currently on exhibition). This will include ALEP. We therefore request that the Department ensure that the intent of the amendment proposed above is appropriately incorporated within Parramatta’s new LEP prior to gazettal.

2) Freight deliveries and servicing

It is noted that Figure 4 of the DF presents the street hierarchy and network for the Precinct including noting tonnage restrictions on “primary” roads as well as which roads are identified as “laneways / sharedways”. Under section 5.10 of the DF, laneways and shareways are identified as “pedestrian priority” areas while also being identified under section 10.10 as the preferred servicing roads for vehicles and trucks. Given the priority of the precinct is to avoid servicing activities on main roads, it is important that servicing vehicles are acknowledged as a priority in the laneways (refer to Figure 33 of the DF). This needs to include consideration of tree planting and branches overhanging the roadway to ensure trucks are able to pass through these streets as well as providing adequate widths for truck turning into driveways and loading areas. Figure 16 of the DF should also be updated to reflect this.

Macroplan is also of the opinion that Section 5 and 10.10 of the DF would also benefit from an objective which acknowledges the importance of facilitating efficient freight movements, deliveries and the servicing of the Precinct for both businesses and residents.

Reference is made under Section 10.10, control c.11 (p71) of the DF for developments to comply with the car parking and loading requirements of Auburn DCP 2010 except for any inconsistency with the DF. The Auburn DCP does not address the rise in deliveries for residential developments as a result of e-commerce. Macroplan recommends that the DF include requirements for loading bays to be incorporated within residential developments to accommodate the rise in parcel and home deliveries and services (e.g. supermarket delivers, uber eats, online shopping, etc). These parking / “unloading” areas need to be open and “publicly” accessible and not located within secure / restricted parking areas such as basement car parks.

3) Green Travel Plan

The requirement to prepare a Green Travel Plan under control 10.10.2 c.17 of the DF (p73) is not supported due to the requirements specified in control 10.10.2 c.18. The DF and EIE include a number of provisions to restrict the provision of car parking spaces to reduce private vehicle movements and usage in the Precinct. This includes the requirement to provide bicycle parking areas and parking spaces for shared vehicles. These provisions are within a developer’s ability to influence and undertake at the time of preparing a DA.

The ability to reduce single occupant car trips to the site for journeys to work and reduce business travel movements particularly single occupant car trips, once the development is constructed, is outside the control of the developer and strata building managers and is highly influenced by factors outside the control of the developer or strata building manger. Specifically, government authorities have the greatest influence on this matter through:

- the timing and delivery of public transport infrastructure investment to the Precinct (e.g. Sydney Metro and light rail projects);
- land use planning decisions i.e. the location / proximity and type of employment lands being provided within the Precinct and surrounding lands and connectivity to these areas through active transport modes such as bicycle pathways; and
- car parking restriction imposed within a development (both residential and commercial) and the provision of time-restricted on street parking spaces.

The requirement under c.18 to undertake annual travel surveys and collect travel data to estimate the change in travel behaviour to and from the site and review target measures are matters for local planning and transport authorities to undertake at a Precinct / regional level. Macroplan objects to this control being included in the DF on the basis that it would be an additional cost burden on the strata building manager with little ability to influence changes to people's travel behaviours. In addition, this information would only be provided to the consent authority on request and therefore would be collected with no clear intention by Council to use this data. Should the intention be to ensure compliance with approved parking and access arrangements then this is a matter for the consent authority to consider at the time of issuing a DA consent. It is also noted that a Traffic Impact Assessment would consider travel data as part of preparing the Assessment.

4) Risk and Hazards

Macroplan has reviewed the Land Use Safety Study (LUSS) prepared for the Carter Street Precinct by Arriscar (dated 12 June 2018) as part of considering the controls and assessment requirements proposed in Section 13 of the DF. Macroplan requests that the Department address the below matters as they relate to Section 13.1.2 of the DF:

- Control c.2. refers to residential development not being permitted in Hazard risk area 1 of Figure 35 which appears to include part of AYMC's land (based on Figure 35). It is noted that the LUSS recommended that the location of the pipeline easement is surveyed and marked on an appropriate plan (refer to section 6.2, recommendation No.2 of the LUSS). Given what appears to be a slight incursion of the Hazard risk area 1 onto our client's land, Macroplan requests confirmation that this figure has been based on a survey which is available to our client for future reference.
- Given the above, clarification is sought under control c.2. to the ability to construct "residential development" on land in Hazard risk area 1 which does not include habitable areas. Specifically, clarification is required to ensure a DA could be submitted to include land within Hazard risk area 1 for development associated with a residential development e.g. footpaths, driveway access, awnings, car parking, etc.
- It is noted under control c.3. that "sensitive land uses" includes child care centres, hospitals, schools, senior housing, etc, however the list of 'uses' is not definitive. It is recommended that a definition is included in the DF as recommended in item 5) below.
- Control c.5. applies to the whole Carter Street Precinct and requires a risk assessment to be undertaken in accordance with Hazard Industry Planning Advisory Paper No. 6 – Hazard Analysis demonstrating the development complies with the relevant quantitative and qualitative societal risk criteria in Hazardous Industry Planning Advisory Paper No 10 – Land Use Safety Planning. We note that the Department has already prepared a Quantitative Risk Assessment (QRA) and LUSS for the Precinct. The LUSS recommends that such an assessment is required where the population intensification is beyond that considered in the QRA and LUSS (section 2.3) as stated in section 6.1.1 of the LUSS. Therefore, a DA which is consistent with the assessment assumptions of the LUSS would not require a risk assessment. It is requested that amendments to control c.5. are made to confirm when an assessment is required and that it is triggered by a "population increase" or significant change to the assumed building heights and layout and not all developments. For example, control c.5. should not be triggered for all new developments such as a commercial fitout, minor alterations and additions to a residential building, road works, etc. The control needs to be redrafted to make it clear when a new risk assessment is required.

- Given the above, it is recommended that reference is made to the existing QRA and LUSS in control c.5 and that a risk assessment is only required if the development and planning assumptions are likely to change the individual and or societal risks. In addition, should the QRA and / or LUSS be updated or revised, the most recent version of the LUSS should be considered.

5) Other matters

Macroplan notes that the following terms are referenced in the DF however these terms are not defined:

- “streetwall” (p53-54)
- “freestanding tower” (p55)
- “sensitive uses” (p87).

Under control 10.3.2 c.3. of the DF a number of references have not been included and need to be inserted into the document (p56).

We would welcome the opportunity to work with the Department to address the matters in this submission, particularly the matters identified under item 4). I can be contacted on 0427 664 128 or daniela.vujic@macroplan.com.au.

Yours sincerely,



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