

Julian Ledger, address to Council 15.10.24 on behalf of 416 Group – Eden Gardens Land and Environment Court case outcome

Mayor and Councillors, good evening, Julian Ledger of 53 Albert Drive, Killara. Thank you for the opportunity. Congratulations on your recent election.

The 416 Group is a long-standing community group which aims to represent the interests of Killara and Lindfield residents and especially those living west of Lady Game Drive and near the Lane Cove National Park.

Like many Ku-ring-gai residents our members go to Macquarie Park. For employment, the university and the Macquarie Centre. Or they may be commuting to Ryde, Epping or Olympic Park or beyond. If they travel by car or bus then it is via Lane Cove Road which in peak and other times is heavily congested.

We wanted to bring to your attention the outcome of a development proposal for an 18-storey office tower on the Eden Gardens site on the east side of Lane Cove Road just over the Lane Cove River. The DA was lodged in 2021. The tower would have set an Australian precedent for a high rise immediately adjacent to a national park.

The location is isolated, bounded by the National Park, the M2 and Lane Cove Road. On foot it is about a kilometer to the nearest Metro station and as such is generally accessed by car.

The City of Ryde unsuccessfully counselled the developer to moderate their proposal. In December 2022 the Sydney North Planning Panel refused the application on Council's recommendation. The developer appealed to the Land and Environment Court and the case was heard in January this year with Ryde Council 1st respondent, Transport for NSW 2nd. The development involved 570 parking bays and function centres for up to 700 people. Transport was involved because traffic issues were unresolved.

I attended a part of the hearing and became familiar with the term "saturated intersection" where for example traffic in left or right-hand turn lanes backs up and then impedes through traffic such that traffic jams up.

The Commissioner brought down her decision last month which was to deny the appeal. She said:

In relation to satisfaction of the jurisdictional prerequisite raised by the traffic contentions, after careful consideration of all the evidence and submissions of the parties, I am unable to reach the required state of satisfaction that is a precondition to grant the consent.

And further:

I am not satisfied that the precondition in the terms of s 2.119(2)(b)(i) and (iii) of the Transport and Infrastructure SEPP is achieved because the evidence is that the volume of traffic will have an adverse impact on the safety, efficiency and ongoing operation of the M2 Motorway and Lane Cove Road. Further, I am not satisfied that the design of the vehicular access to the land is sufficiently certain in order to achieve the requisite state of satisfaction that the adverse effect resulting from the nature, volume or frequency of vehicles using the classified road to gain access to the Site will be mitigated in order to result in no adverse effect. For these reasons I conclude that development consent cannot be granted for want of power to do so.

Now the State Government is proposing 20,000 new dwellings across four of our town centres here in Ku-ring-gai. It is refusing to acknowledge that increased density requires infrastructure. Worse than that, it has defunded infrastructure in the form of commuter parking at Lindfield and is reducing the frequency of trains on the North Shore line.

Traffic congestion in Sydney has profound social and economic consequences. Transport for NSW put the cost at \$7.7Bn in 2019, forecast to increase to \$12.3Bn in 2029. Other agencies put it higher.

The housing market demands parking in new developments which adds to traffic. And when onsite parking is inadequate new residents park out local streets used by train commuters who then may revert to their cars.

We may not be fans of the courts. But faced with a government that doesn't consult and refuses to acknowledge infrastructure then there is a future option to ensure housing development does not render Chatswood and our many saturated intersections even more chronically impassable. That is to invoke the existing Transport and Infrastructure SEPP which exists to try to maintain a livable city.

Thank you for your attention

[Thunderbirds Are Go Pty Ltd v Council of the City of Ryde and Transport for NSW - NSW Caselaw](#)