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**MM18/16 SECTION 75W MODIFICATION APPLICATION TO THE  
CONCEPT PLAN FOR A MIXED USE DEVELOPMENT -  
SHEPHERDS BAY MEADOWBANK - The Mayor,  
Councillor Bill Pickering**

**File Number: MYR/07/10/20 - BP16/1359**

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Councillors may be aware that the Department of Planning and Environment ('DoPE') has been requested by the Developer of Shepherds Bay (Holdmark) to modify the concept plan applicable to the development.

The modification seeks to, amongst other things;

1. vary the building height/s
2. relocate a community facility (that is required to be transferred to Council ownership)

As part of the modification requested, the Developer has offered to enter into a number of Voluntary Planning Agreements (VPAs). These VPAs are in varying stages of negotiation with Council's senior staff and Executive Team. One of these VPAs is being reported to Council at this meeting, 25 October 2016 (Confidential Item – Item 7 – Holdmark Offer to Enter into a Voluntary Planning Agreement in Association with Section 96 Application to Modify Stages 2/3 Shepherds Bay Meadowbank). The request to modify the Concept Approval and the VPA referred to in Item 7 of this Meeting, are interrelated.

The DoPE publically exhibited the request to modify the Concept Approval from Friday 8 July 2016 until Monday 8 August 2016.

On 3 August 2016, Council staff circulated to all Councillors, a Memorandum enclosing the proposed submission from Council to DoPE in relation to the request to modify the Concept Approval (**ATTACHMENT 1**). Council staff forwarded its final submission to the DoPE on 8 August 2016, and a copy of this submission is **ATTACHMENT 2**.

It is recommended that Council note the information in Council's submission and consider this item in conjunction with Confidential Item 7 – Holdmark Offer to Enter into a Voluntary Planning Agreement in Association with Section 96 Application to Modify Stages 2/3 Shepherds Bay Meadowbank).

**RECOMMENDATION:**

That Council note the information provided in this Mayoral Minute and that this matter be considered in conjunction with Confidential Item 7 – Holdmark Offer to Enter into a Voluntary Planning Agreement in Association with Section 96 Application to Modify Stages 2/3 Shepherds Bay Meadowbank).

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Council, dated 25 October 2016, submitted on 25 October 2016.

**MM18/16 (continued)**

**ATTACHMENTS**

- 1 Memo to Councillors - Proposed Submission to Section 75W Application to Modify Shepherds Bay Concept Plan (3 August 2016)
- 2 City of Ryde Submission to Section 75W Application to Modify Shepherds Bay Concept Plan (8 August 2016)

Report Prepared By:



**Councillor Bill Pickering**  
**The Mayor**

**MM18/16 (continued)**

**ATTACHMENT 1**

**MEMORANDUM**

**To:** All Councillors and Executive Team  
**From:** Liz Coad – Acting Director City Strategy and Planning  
**Date:** 3 August 2016  
**Subject:** Council Submission to Section 75w Application to modify Shepherds Bay Concept Plan

Dear Councillors,

As previously advised (in the Councillor Information Bulletin of 18 February 2016) the proponent (Holdmark Property Group) has submitted an application to the Department of Planning and Environment (DPE) seeking modifications to its Concept approval for multiple residential buildings.



Approved stages under the Shepherds Bay Concept Plan (MP09\_129)

Proposed modifications include:

- Relocation of the community facility from Stage 2-3 to Stage 8-9;
- Reduction in size of the Community Facility from 1000m<sup>2</sup> to 500m<sup>2</sup> and provision of parking;
- Provision of 45 additional dwelling units to Stage 2-3;
- Provision of additional storeys to Stage 2-3 and Stage 8-9;
- Change to Stage A building envelope;
- Exclusion of Stage A from dwelling cap and car parking cap; and
- Modifications to certain conditions of the Concept Plan approval.

Council raised a number of concerns in an initial submission previously circulated to Councillors regarding the application including the increase in height, the lack of genuine

**MM18/16 (continued)**

**ATTACHMENT 1**

public benefit, and the need for further information to be provided relating to traffic, urban design, and overshadowing.

The proponent has provided further information to the DPE and this has been provided to Council for comment (Submissions close Monday 8 August 2016 see attached advice from DPA dated 7 July 2016). The Preferred Project Report documents submitted by the proponent can be viewed on the DPE website at:

[http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=7454](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7454)

Staff have reviewed the information and have identified a number of concerns including:

- The proposed height of the Stage A building is excessive
- The increase in apartment numbers remains unclear
- The increase in parking spaces remains unclear
- Shadow diagrams do not clearly and accurately show affected residences
- Sufficient Public Benefit should be provided noting the significant amenity impacts and increase in density.

Council's draft submission addressing these issues is attached for Councillors' review. I welcome comments and ask that they be provided by **COB Friday 5 August 2016**.

Attachment 1- Notification of Preferred Project Report  
Attachment 2 – Draft Council Submission

Regards,

  
Liz Coad  
Acting Director  
City Strategy and Planning

MM18/16 (continued)

ATTACHMENT 1



7 July 2016

Contact: Matthew Rosel  
Phone: 02 9228 6213

Our Ref: MP 09\_0216 MOD 2

Mr Roy Newsome  
Acting General Manager  
City of Ryde  
Locked Bag 2069  
North Ryde NSW 1670

Email: cityofryde@ryde.nsw.gov.au

Dear Mr Newsome

**Section 75W Modification Application to the Concept Plan for a Mixed Use Development –  
Shepherds Bay, Meadowbank (MP 09\_0216 MOD 2)**

**Notification of Preferred Project Report**

Holdmark Property Group has submitted its Preferred Project Report (PPR) and response to submissions in relation to the above Section 75W modification application located at Shepherds Bay, Meadowbank.

The PPR includes a response to public and government authority submissions received during the public exhibition and provides additional information, plans and reports to clarify the application.

The PPR may be viewed on the Department's website at:

[http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=7454](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7454)

Alternately, please find attached two hard copies and one CD of the modification request.

Submissions should be made between **Friday 8 July 2016** and **Monday 8 August 2016** using the online form, if possible. Alternatively you can write to the address provided below and mark your submission to my attention. Your submission must reach the Department by **Monday 8 August 2016**.


Yours sincerely



Brendon Roberts  
A/Team Leader  
Key Sites Assessments

**MM18/16 (continued)**

**ATTACHMENT 2**

 City of Ryde

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# Shepherds Bay Redevelopment



## Modification request for Concept Plan MP 09\_216 and Project Application MP09\_219

1. Modification to building heights in Stages 3,9 and A including:
  - an increase of one storey in portions of the Stage 3 building envelope (from 4 to 5 storeys, 7 to 8 storeys and 8 to 9 storeys);
  - an increase of one storey in the southernmost portion of the Stage 9 building envelope (from 1 to 2 storeys); and
  - an increase of 14 storeys in the maximum height of the Stage A building envelope (from 10 to 24 storeys).
2. Amendment of Future Assessment Requirement 3A to allow more than one storey on steeply sloping land in Stages 2 and 3.
3. Relocation of the community facility from Stage 3 to Stage 9 building envelope and a reduction in its size from 1000m<sup>2</sup> to 500m<sup>2</sup>.
4. Exclusion of future development within the Stage A building envelope from the maximum dwelling and parking caps across the Concept Plan site.



**MM18/16 (continued)**

**ATTACHMENT 2**

**Submission from City of Ryde Council**

**EXECUTIVE SUMMARY**

This submission will concisely address Modification 2 to MP09\_0216 - Concept Plan - Mixed Use Residential, Commercial/Retail Development, Meadowbank & Ryde:

1. Modification to building heights in Stages 2, 3, 9 and A (from 10 to 24 storeys).
2. Relocation of the community facility from Stage 3 to Stage 9 and a reduction in its size from 1000m<sup>2</sup> to 500m<sup>2</sup>.
3. Exclusion of future development within the Stage A building from the maximum dwelling and parking caps across the Concept Plan site.

**Community Submissions**

In addition to submissions from government agencies, 161 submissions were received from the community to the original Concept Application. All 161 public submissions objected to the proposal. The key issues raised in public submissions to the application are listed in the Table below.

| Summary of Issues Raised in Public Submissions                                                              |                               |
|-------------------------------------------------------------------------------------------------------------|-------------------------------|
| Issue                                                                                                       | Proportion of submissions (%) |
| Traffic generation (including impacts on the local road network, pedestrian safety and residential amenity) | 83                            |
| Excessive height                                                                                            | 55                            |
| Excessive density and overdevelopment                                                                       | 55                            |
| Infrastructure capabilities (including social, health, road, public transport and utilities)                | 47                            |
| Need for increased usable public open space                                                                 | 32                            |
| Objects to the planning process under Part 3A and/or inadequate community consultation                      | 25                            |
| Insufficient parking in the existing locality and within the proposal                                       | 14                            |
| Loss of amenity for existing residents                                                                      | 13                            |
| Visual impacts and view loss                                                                                | 12                            |

Source: Director-General's Environmental Assessment Report, December 2012

The same community concerns still exist and have been raised with respect to development applications received by Council.

**Status of the project**

DAs lodged to date with Council include the following:

| Stage        | 1 Bed & 1 Bed + study | 2 bed & 2 bed + study | 3 bed | Other (e.g. loft/studio) | Total Apartments | Parking     |
|--------------|-----------------------|-----------------------|-------|--------------------------|------------------|-------------|
| Stage 1      |                       |                       |       |                          | 246              | 342         |
| Stage 2 & 3  | 228                   | 195                   | 17    | 14                       | 454              | 607         |
| Stage 4 & 5  | 341                   | 134                   | 13    | 13                       | 511              | 647         |
| Stage 6 & 7  | 134                   | 148                   | 29    | -                        | 311              | 427         |
| Stage 8 & 9  | 168                   | 215                   | 39    | -                        | 422              | 581         |
| <b>TOTAL</b> |                       |                       |       |                          | <b>1944</b>      | <b>2604</b> |

The Consent Instrument stipulates a dwellings cap of 2005 (current DA approvals indicate that the development is 61 dwellings short of the cap). The parking cap stipulated by the Consent Instrument is 2976. Approved parking is currently 2604 and 372 parking spaces short of the cap.



## MM18/16 (continued)

## ATTACHMENT 2

### **City of Ryde Submission**

Council has consistently held that the proposed development densities and heights across the Shepherds Bay subject site are excessive resulting in poor built form outcomes, traffic issues and demand for new infrastructure. The proposals exceed planning outcomes upon which City of Ryde infrastructure planning and s94 contributions rates are based and as a result Council remains concerned for the provision of a satisfactory level of infrastructure and urban design outcomes within Shepherds Bay. Detailed below is a summary of the major concerns Council has with the proposed Modification 2 with detailed information on the various issues provided in the body of the submission.

### Building Height

Council acknowledges that the modifications to Stage A arise from the Concept Approval Design Excellence requirements to undertake a design competition in accordance with the Director General's Design Excellence Guidelines. However, the subject Modification application seeks building heights and densities that exceed both the Concept Approval for the site (which is 10 storeys) and the competition winning scheme. Both the 19 storey competition winning scheme and the taller 24 storey scheme proposed in this Modification application dominate the skyline and the adjacent heritage listed Ryde Bridge and significantly increase the view catchment for the project.

### Development Density

The application also seeks to exclude the Stage A dwellings and parking from the approved dwellings and parking caps across the Concept Plan site. This will increase both the density on the Stage A site and the density within the other stages of the proposal. The current dwellings cap under the approval is 2005 dwellings. The proposed total number of dwellings in stage A is 189. Council argues that a definitive dwellings cap should still be specified in the consent and that the cap should be increased by the number of dwellings in the concept scheme (152) minus the dwellings in the approved Stage A scheme (62). In other words, the allowance for increased development density in Stage A should be 90 additional dwellings.

Under the terms of a proposed VPA Council has agreed in principle, to the inclusion of additional dwellings within the area that was originally offered for the community facility (17 dwellings). The modification application will allow a further 28 dwellings, amounting to 45 additional dwellings in Stages 2 and 3. The dwellings cap should therefore be 2140 (2005 + 90 + 45).

### Parking

The parking cap of 2976 spaces is based on 2005 dwellings and 10,000sqm commercial floor space. The subject Modification application proposes Stage A be excluded from the parking cap. This is strongly opposed because the commercial floor space has been substantially reduced, the area is well served by public transport, and it is likely that the proposal will exceed City of Ryde development controls for parking. The City of Ryde supports parking quantum consistent with the Development Control Plan.

### Infrastructure

Despite applying to increase the number of dwellings the Modification application seeks to reduce the size of the community centre from 1000m<sup>2</sup> to 500m<sup>2</sup>. The application seeks to place the community centre within Stage 9, located over the subterranean gas pipeline. As a result of the clearance requirements for the pipeline and the floor to ceiling requirements for a multi-purpose community hall, the overall height for this community centre building (16m+), when combined with the proximity to the adjacent apartment building and consequent impacts, cannot be supported by



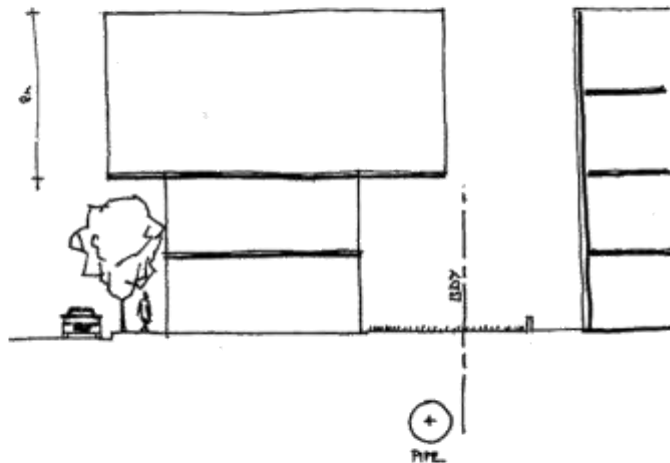


**MM18/16 (continued)**

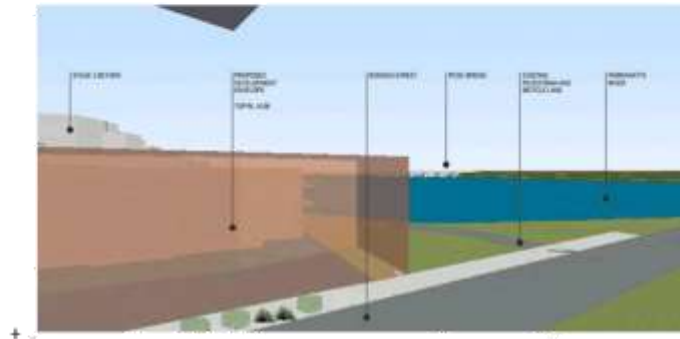
**ATTACHMENT 2**

Council (indicative section provided below). As a result of these concerns Council proposes that this building is restricted to 1 storey maximum. As options put forward for the community centre have proved unsatisfactory, it is suggested that conditions of consent allow Council and the Developer to continue to work together to achieve a satisfactory solution.

Indicative section of proposed Community Facility in Stage 9:



Proposed Development Envelope – Stage 9:



In November 2015, Council adopted an Affordable Housing Policy which requires 2% of the dwellings for DAs and 4% of the dwellings for rezoned land to be provided as affordable housing. In response, Council and Holdmark have agreed in principle to 8% of the dwellings uplift of stage 2 and 3 to be provided as affordable housing. Council requests that a condition of consent require both 8% affordable housing in respect of Stage 2/3 and 2% in respect of Stage A.

As a result of the increased vehicle volumes and traffic generation from the proposed retail/supermarket a number of intersections around the Stage A site are required to be upgraded to mitigate impacts.



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**ATTACHMENT 2**

Council does not support the Modification 2 Application. However, should the application be approved it is recommended that the following conditions are applied:

- Amend the maximum number of storeys in Stage A to be consistent with the Competition winning scheme i.e. a 19 storey tower and 4 storey podium.
- Amend the maximum number of storeys for Stage 9 (café) building adjoining 146 Bowden St to 1 storey.
- Amend the dwellings cap for the site from 2005 to 2140 dwellings across the entire site.
- Retain the parking cap at 2976. Add a subclause as follows:
  - Notwithstanding the parking cap, a proposal to provide additional parking may be considered by the Consent Authority in accordance with Ryde Development Control Plan Part 9.3 Parking and clauses relating to large sites.
- Insert a new condition with respect to community benefit to require that an agreement is entered into with Council with respect to Stage A (similar to that contained within the Royal Ryde Rehabilitation Centre Concept Consent Instrument MP.05\_0001) as follows:

Prior to the lodgement of a Development Application for Stage A a planning agreement between the proponent and Council, pursuant to Sections 93F to 93L and Sections 94A to 94E of the Act shall be formalised to provide the following measures:

- Community facilities.
  - Affordable Housing.
  - Public domain and pedestrian infrastructure upgrades.
  - Traffic mitigation measures.
- Insert a new condition requiring:
    - 8% of the dwellings uplift in stage 2 and 3 as affordable housing (Note: The outcome of this condition is between 3 and 4 dwellings) and;
    - 2% of the dwellings in Stage A as affordable housing.
  - Amend Condition 18 Modification 1 MP09\_0216 to read:

**18. Community Facilities.**

Any future Development Application for Stage A shall include, at no cost to Council, the delivery of an appropriate community space within the development, which can be used by Council and members of the community for community purposes and related uses as follows:

- a. Prior to the issue of a Construction Certificate for Stage A, the developer is to nominate a location and provide a design to Council's satisfaction for the delivery of an appropriate community space, which can be used by Council or members of the community for community purposes and related uses.
- b. Should the developer be unable to provide appropriate community space to Council's satisfaction by 30 June 2018, the developer is to provide a monetary contribution to Council under Section 94EE of the Environmental Planning and Assessment Act (1979) within fourteen (14) days to the amount of \$7.5 million indexed by Sydney CPI annually from the date of this consent.



**MM18/16 (continued)**

**ATTACHMENT 2**

- c. The provision of community floor space is to be at no cost to Council and in addition to Council's Section 94 Contributions for the development.
- Insert a new Design Excellence condition of consent requiring Design Integrity Panel certification at key project milestones, including lodgement of the DA (or as subsequently modified), issue of construction certificate and at completion of the project.
- Insert into Condition 24 *Road and Pedestrian Infrastructure Upgrades* a requirement to undertake a Stage 1 Road Safety Audit of the access intersection configuration and existing roundabouts.
- Amend Condition 24 to require intersection upgrades in accordance with the Stage 1 Road Safety Audit and to Council satisfaction at:
  - Parsonage Street / Well Street / Porter Street
  - Parsonage Street / The Loop Road
  - Well Street / Church Street.

**GENERAL COMMENTS**

**Determination**

Given that this matter was originally considered by the Planning Assessment Commission which was directly responsible for many of the conditions and limitations which the current modification application seeks to amend, Council requests that the determination of the modifications is by the PAC.

**Documentation**

- The documentation lacks clarity with respect to the outcomes of the proposed modifications sought, for example:
  - The proposed increase in apartment numbers is unclear.
  - The proposed total number of parking spaces is unclear.
  - The shadow diagrams for Stage A are inaccurate (this is addressed in more detail later in this submission).
  - Impacts on views are not adequately considered (discussed later in this submission).

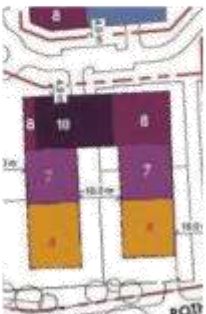

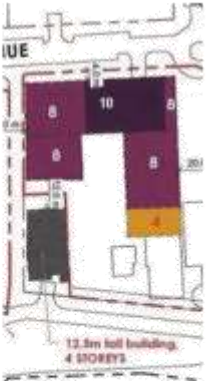

**1.1 Proposed Modification to building heights in Stages 3,9 including:**

- an increase of one storey in portions of the Stage 3 building envelope (from 4 to 5 storeys, 7 to 8 storeys and 8 to 9 storeys)
  - an increase of one storey in the southernmost portion of the Stage 9 building envelope (from 1 to 2 storeys)



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|                                                                                                                         |                                                                                                                         |                                                                                                                                                                                                                                                                                                                                     |
|-------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>Stage 2 built form - approved</p>   | <p>Stage 2 built form - proposed</p>   | <p>The increases are at the street frontage (4 to 5 storeys) and at the rear (8 to 9 storeys).</p> <p>Due to increased dwellings, Council expresses concern for the provision of a satisfactory level of infrastructure and urban design outcomes</p>                                                                               |
| <p>Stage 3 built form - approved</p>  | <p>Stage 3 built form - proposed</p>  | <p>comment</p> <p>The increases are on the eastern side of the building (8 storey element to be 9 and 10 storeys). It is unclear whether or not the 4 storey element remains</p> <p>Due to increased dwellings, Council expresses concern for the provision of a satisfactory level of infrastructure and urban design outcomes</p> |

The outcome of the increased heights proposed in Stages 2 and 3 will be an additional 45 dwellings over the current approvals.

**1.2 Proposed Stage A modification / increase in height from 10 to 24 storeys**

- Council notes that the competition winning scheme comprises:
  - Expressed steel exoskeleton drawing inspiration from the heritage listed Ryde Bridge steel structure.
  - Height 4 storey podium and 19 storey tower.
  - 152 dwellings an increase from 62 dwellings.
  - FSR 4:1.

Source: Competition Jury Report
- Council notes that the application lacks clarity and includes some discrepancies with respect to the detail of the proposal; further information is required to allow a comprehensive assessment of the impacts.



**MM18/16 (continued)**

**ATTACHMENT 2**

| Table 1<br>Comparison of the approved Stage A building, Competition Scheme and MOD.2.75W |                                                        |                                                         |                                               |
|------------------------------------------------------------------------------------------|--------------------------------------------------------|---------------------------------------------------------|-----------------------------------------------|
|                                                                                          | Concept Approved Scheme                                | Competition                                             | 75W application                               |
| Height (storeys)                                                                         | Tower – 6 and 10<br>Podium - 2                         | Tower – 19<br>Podium – 4                                | Tower – 24<br>Podium - 6                      |
| Dwellings                                                                                | 62<br><small>(source: Competition Jury Report)</small> | 152<br><small>(source: Competition Jury Report)</small> | 189<br><small>(source: Traffic Study)</small> |




- The modification application proposes a height increase from 10 to 24 storeys (i.e. 5 storeys over the competition winning scheme).
- COR expresses concerns with respect to the height of the Stage A tower as it:
  - Dominates the heritage listed bridge adjacent and reduces its prominence and significance as a landmark.
  - Will significantly increase the view catchment of the proposed Stage A tower.
  - Being significantly taller than the context, the proposal will have a visual impact akin to Blues Point Tower and its visual prominence in the landscape context. Refer to the table below.
  - Appears slender when viewed from the north, but from other vantage points (such as from the east and west) it is visually bulky - i.e. From the residential areas to the east and west it will appear bulky (refer also to Table 2 and comparison with the Horizon and Blues Point Towers).
- The views analysis undertaken by Richard Lamb and Associates (RLA) considers:
  - views character with reference to the Civic Hub (council site at Top Ryde currently undergoing a design competition, for which some of the schemes are quite low scale and no decision has yet been made to proceed with any development) and the taller developments at Rhodes separated from the proposal by the Parramatta River.
  - Views loss concluding that views loss is reduced.
  - Views catchment concluding that the views catchment is significantly increased.
- It is noted that the views catchment is significantly increased and the building overwhelms the adjacent bridge.
- The views analysis undertaken by RLA appears to consider 4 storey podium (as the proposed s75W envelope) and a 3 storey podium as a reduced scheme. See below. It is understood from other submitted documentation that the 75W podium envelope is 6 storeys. It is requested that this anomaly be addressed and the RLA conclusions be updated to address the podium height. Notwithstanding this anomaly, it is clear that the lower the podium height, the less the visual impact as this element is experienced in the foreground of many local views.





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**ATTACHMENT 2**

| Table 2:<br>Comparison Proposed Stage A building with Blues Point Tower and the Horizon Tower                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                     |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|  <p>Proposed Stage A Building Shepherds Bay</p> <ul style="list-style-type: none"> <li>• Appears bulky when viewed from the east and west</li> <li>• Is out of context with neighbouring development</li> <li>• Visually dominates the Ryde Bridge - a heritage item</li> <li>• Will exceed the ridgeline</li> </ul> |                                                                                                                                                                                                                                                     |
|  <p>Blues Point Tower</p> <ul style="list-style-type: none"> <li>• Appears slender and tall</li> <li>• Is out of context with its neighbours</li> </ul>                                                                                                                                                              |  <p>Horizon Tower Surrey Hills</p> <ul style="list-style-type: none"> <li>• Appears slender and tall</li> <li>• Is out of context with its neighbours</li> </ul> |

- The views analysis by RLA does not address the Sydney Harbour Foreshore Catchment Regional Environmental Plan (REP) requirements that:
  - *Development should minimise any adverse impacts on views and vistas to and from public places, landmarks and heritage items,*
  - *The cumulative impact of development on views should be minimised.*
- With respect to visual character; COR supports the industrial language of the competition winning scheme and argues strongly for the retention and expression of the steel exoskeleton and that these elements should not be filled in.
- The proposed increases over and above the concept approval heights are not supported and objection is raised (however, should approval be given, it should be restricted to the winning competition scheme heights and built form i.e. a tower of 19 Storeys).



**MM18/16 (continued)****ATTACHMENT 2**

- The proposed changes to the podium of the competition winning scheme (from 4 to 6 storeys) are not supported as they add to the bulkiness of the proposal and impact views to and from the site and of the heritage listed bridge. Should the proposal be approved, the podium should be limited to 4 storeys maximum (15.5m).

**Design Excellence**

- The proponent submits that legislation does not require developments that are subject to a design competition to remain entirely consistent with the competition's winning scheme.
- Council comments that the *Concept Approval issued 26 March 2013 required Future Development Application/s for Stage 5 (the signature building fronting Church Street) shall demonstrate design excellence in accordance with the Director General's Design Excellence Guidelines. According to the DGs Design Excellence Guidelines a Design Integrity Panel should be convened to ensure the competition winning scheme is implemented. In particular Design Integrity Panel certification that the "design is substantially the same and retains the design excellence exhibited in the winning submission will be required at key project milestones, including lodgement of the DA [or as subsequently modified], issue of construction certificate and at completion of the project"* is required.
- A Design Integrity Panel (DIP) has been convened and minutes indicate that the panel has met twice to consider matters such as materials, loading dock configuration and the expression of the steel exoskeleton and signed-off on some changes to the winning scheme. However, it appears that the DIP have not certified the 75W proposed amendments - in particular the height increases over and above the competition winning scheme to both the podium and the tower.
- Should the proposal be supported, a condition of consent requiring Design Integrity Panel certification at key project milestones, including lodgement of the DA (or as subsequently modified), issue of construction certificate and at completion of the project should be included in the consent instrument.

**Overshadowing**

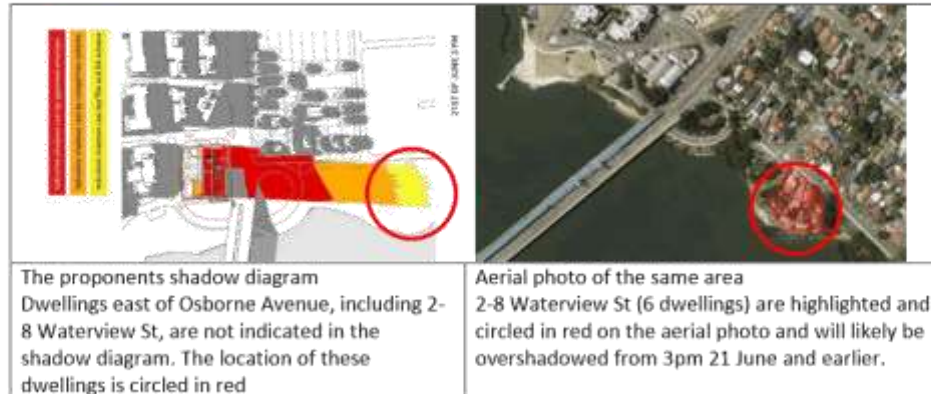
- The shadow diagrams are not correct and a complete assessment of the overshadowing impact cannot be made. However, it appears that the competition winning scheme and the further increases to the tower height will likely result in overshadowing to homes at 2-8 Waterview St from around 2.30pm onwards mid-winter. Objection is raised to this impact.

Note: The increased overshadowing is both on the public domain/sensitive foreshore and mangrove areas and probably on private homes east of Osborne Avenue at 2-8 Waterview St Putney. The shadow diagram for 3pm 21 June indicates that shadows extend appreciably east of Osborne Avenue but the diagram does not show the residential development in this area. This is illustrated in the below comparison of the proponent's shadow diagram and aerial photo. 2, 2A, 4, 6, 6A and 8 Waterview St sites are highlighted on the aerial photo.



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**ATTACHMENT 2**



- The shadow diagrams for 21 June need to be accurately updated in order to make a proper assessment of the impact of overshadowing as a result of the additional height. The residents of 2-8 Waterview St should have further opportunity to comment on the impacts upon the preparation of accurate shadow diagrams.
- It is noted that the competition scheme at 19 storeys is preferable in terms of overshadowing impacts to the proposed 24 storey tower.

**2. Amendment of Future Assessment Requirement 3A to allow more than one storey on steeply sloping land in Stages 2 and 3.**

- No objection is raised.
- With respect to steeply sloping land Council continues to be concerned regarding dwellings located entirely below the finished ground level. In addition to the concern for compliance of the overall building with SEPP 65 and the consent instrument with respect to sunlight and ventilation access requirements, concern is also raised with respect to air quality and outlook for apartments wholly located below the finished ground level.

**3. Community Benefit**

On 16 March 2016 Council received a letter of offer from Holdmark to enter into a Voluntary Agreement (VPA) in respect to the value uplift and modifications sought under the subject application for the Stage A. A separate offer has been made with respect to Stages 2 and 3 and 9 and negotiations are progressing.

The offer in respect of the Stage A building uplift is approx. \$4.13 million if the podium is 6 storeys and \$2.77 million if the podium is 4 storeys. However, the figures relating to the 4 storey podium are not justified and Council is of the view that the reduction is too great and the figure should be closer to \$4 million.

The letter of offer also includes a number of matters which do not constitute "material" community benefit such as sunlight access, reduced views loss etc. This matter is yet to be concluded and negotiations are ongoing.



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**ATTACHMENT 2**

It is requested that a condition of consent require that an agreement is entered into with Council with respect to the value uplift for Stage A (similar to that applied to Royal Ryde Rehabilitation Centre Concept approval) as follows:

Prior to the lodgement of a Development Application for Stage A a planning agreement between the proponent and Council, pursuant to Sections 93F to 93L and Sections 94A to 94E of the Act shall be formalised to provide the following measures:

- Community facilities.
- Affordable Housing.
- Public domain and pedestrian infrastructure upgrades.
- Traffic mitigation measures.

**4. Community facilities and relocation of the community facility from Stage 3 to Stage 9 building envelope and a reduction in its size from 1000m<sup>2</sup> to 500m<sup>2</sup>**

Council has received two separate offers to enter into a Voluntary Planning Agreement from Holdmark in relation to community facilities and other matters. In response, Council has indicated that a community facility of 500m<sup>2</sup> (reduced from 1000 m<sup>2</sup>) may be acceptable based on a location that would have water views, street frontage, close proximity to foreshore parks, dedicated parking and nearby on street parking. The cost of the community centre to be provided in Stage 9 by Holdmark is agreed in the "Deed relating to Shepherds Bay Development" dated 8 October 2015 and entered into by Council, Holdmark and Bayone Projects Pty Limited. The amounts in the deed are not less than \$3.4 million and not more than \$3.6 million for the provision of the community centre.

The proposed location of the community centre within stage 9 satisfies some of the abovementioned requirements. However, the proposed configuration and narrow floor plate does not support a broad range of community uses and the likely impacts on residents of 146 Bowden St cannot be supported.

- Objection is raised to the proposal to relocate the community facility to the stage 9 building on the basis of:
  - The overall height of the building will result in a negative impact on the residential apartment building under construction at 146 Bowden Street, overshadowing, views, outlook, ventilation and sunlight access.

Note: The community facility is to be approx. 8m floor to ceiling clearance to ensure flexibility for a range of uses and construction over the subterranean oil pipeline requires an 8m clearance resulting in a building over 16m tall – taller than the apartment building at 146 Bowden Street. Refer diagrams below – particularly the diagram bottom right.





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As part of the discussions with Holdmark to date, it has been indicated that City of Ryde agrees in principle to enter into a planning agreement for dedication of 8% of affordable housing units in Stages 2 and 3.

Similarly, should the application be approved, Council requires dedication of 2% of affordable housing units within Stage A in accordance with Council's Affordable Housing Policy adopted November 2015. Together with the previous offer (discussed above) Council anticipates a monetary contribution in the order of \$7.5 million (\$4 million with respect to Stage A uplift and \$3.5 million with respect to a previous agreement for the Community Centre) in addition to applicable s94 Contributions.

As options put forward for the community centre to date have proved unsatisfactory, it is suggested that conditions of consent allow Council and the Developer to continue to work together to achieve a satisfactory solution, with the following condition being proposed:

**18. Community Facilities.**

Any future Development Application for Stage A shall include, at no cost to Council, the delivery of an appropriate community space within the development, which can be used by Council and members of the community for community purposes and related uses as follows:

- d. Prior to the issue of a Construction Certificate for Stage A, the developer is to nominate a location and provide a design to Council's satisfaction for the delivery of an appropriate community space, which can be used by Council or members of the community for community purposes and related uses.



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- e. Should the developer be unable to provide appropriate community space to Council's satisfaction by 30 June 2018, the developer is to provide a monetary contribution to Council under Section 94EE of the Environmental Planning and Assessment Act (1979) within fourteen (14) days to the amount of \$7.5 million indexed by Sydney CPI annually from the date of this consent.
- f. The provision of community floor space is to be at no cost to Council and in addition to Council's Section 94 Contributions for the development.

**5. Exclusion of future development within the Stage A building envelope from the maximum dwelling and parking caps across the Concept Plan site.**

- The dwellings cap in accordance with the Concept Approval MOD 1 is 2005 dwellings with future "Development Applications to include a projected dwelling forecast for each remaining stage demonstrating that the total dwelling numbers will adhere to the dwelling cap."

- DAs lodged to date include the following:

| Stage        | 1Bed & 1 Bed + study | 2bed & 2 bed + study | 3 bed | Other (e.g loft/studio) | Total Apartments | Parking     |
|--------------|----------------------|----------------------|-------|-------------------------|------------------|-------------|
| Stage 1      |                      |                      |       |                         | 246              | 342         |
| Stage 2 & 3  | 228                  | 195                  | 17    | 14                      | 454              | 607         |
| Stage 4 & 5  | 341                  | 134                  | 13    | 13                      | 511              | 647         |
| Stage 6 & 7  | 134                  | 148                  | 29    | -                       | 311              | 427         |
| Stage 8 & 9  | 168                  | 215                  | 39    | -                       | 422              | 581         |
| <b>TOTAL</b> |                      |                      |       |                         | <b>1944</b>      | <b>2604</b> |

- DAs lodged to date will deliver 97% of the Consent Instrument dwellings cap and 75% of the parking cap (excludes this modification application).
- The application lacks clarity and detail with respect to the increase in dwellings numbers over and above dwellings permissible under the Concept Approval. The traffic study submitted with the 75W Modification 2 application indicates that 189 dwellings are proposed to be developed within Stage A. From this it is assumed that the proposed dwellings will exceed 2,194 (2005+189) across the Shepherds Bay site. This is not supported as it allows an increase in density not only within Stage A; but across the entire site.
- The application also seeks to exclude the Stage A dwellings and parking from the approved dwellings and parking caps across the Concept Plan site. This will not only increase the density on the Stage A site, but also within the other stages of the proposal. The current dwellings cap under the approval is 2005 dwellings. The proposed total number of dwellings in Stage A is 189 taking the total now proposed to 2194. Council argues that a definitive dwellings cap should still be specified in the consent and that the cap should be increased by the number of dwellings in the concept scheme (152) minus the dwellings in the approved Stage A scheme (62). In other words, the allowance for increased development density in Stage A should be 90 additional dwellings.

Council has agreed in principle, to the inclusion of 17 additional dwellings within the area that was originally offered for the community facility in Stages and 3. The modification application will allow a



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further 28 dwellings, amounting to 45 additional dwellings in Stages 2 and 3. The cap should therefore be 2140 (2005 + 90 + 45).

- If an increase in the dwellings cap were to be approved COR argues that:
  - The increase should be capped in line with the increase in dwellings for the competition winning scheme over the permissible dwellings within the existing Stage A Concept approval. In other words the dwellings should be capped 2140 across the entire site.
  - A proportional increase in contributions (either in-kind or monetary over and above COR s94 Plan) toward infrastructure provision such as road, open space and the community facility should be provided for as part of a structured VPA agreement. Note: The s94 plan Works Schedule was prepared in 2007 and based on anticipated population levels that have now been exceeded.

### 6. Traffic

In order to provide an integrated traffic assessment of the original proposal, Council prepared the *2031 Meadowbank SATURN Model*. This model has been updated based on the 75W Modification application. In addition, a review of the *'Shepherds Bay Stage A Traffic Impact Assessment Report' Revision G* prepared by Road Delay Solutions Pty Ltd (RDS) has been undertaken. The following comments are provided by Council. However, it is noted that Roads and Maritime Services may provide additional requirements.

The key conclusions from the update of the Meadowbank 2031 modelling are as follows:

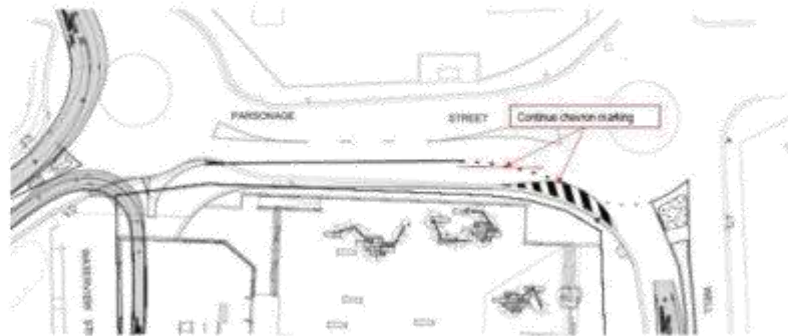
- The 2031 SATURN model has been updated with the modified Holdmark Site development levels (including Stage A) and this will introduce approximately 200 more peak hour trips compared to the previously modelled scenario.
- The existing configurations of the roundabouts at the Parsonage/Well/Porter Street intersection and the Parsonage Street/The Loop/Stage A Egress intersection were tested to determine any upgrades required to accommodate the additional traffic and it was found that both intersections operated within the practical operating capacity for a roundabout.
- In addition, a review of Shepherds Bay Stage A traffic report identified the following traffic issues:
  - The use of discounted traffic generation rates based on the RMS Technical Direction for a high density residential development is not supported as the location of the development is dissimilar to the locations of the developments from which the high density residential rates were derived.
  - The SIDRA analysis by RDS used isolated intersection methods with approach lengths much longer than the available lengths. Notwithstanding this, an analysis of the intersections has shown that they are likely to operate within practical capacity and without excessive queue lengths and delays.
- The proposed access arrangement immediately south of the Parsonage/Well/Porter Street roundabout provides opportunities for unnecessary weaving, introducing potential operational and safety issues. It is recommended to maintain a single southbound lane



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departure from this roundabout prior to developing the access left turn lane (refer to **Figure 1** below).



**Figure 1 – Parsonage Street / Well Street / Porter Street Preferred Configuration**

- The proposed access onto the Parsonage Street/The Loop Road roundabout introduces sight distance and turn radius concerns which require further investigation, particularly for traffic approaching from The Loop Road and their ability to observe a vehicle exiting the development's driveway (refer to **Figure 2** below).

**Figure 2**



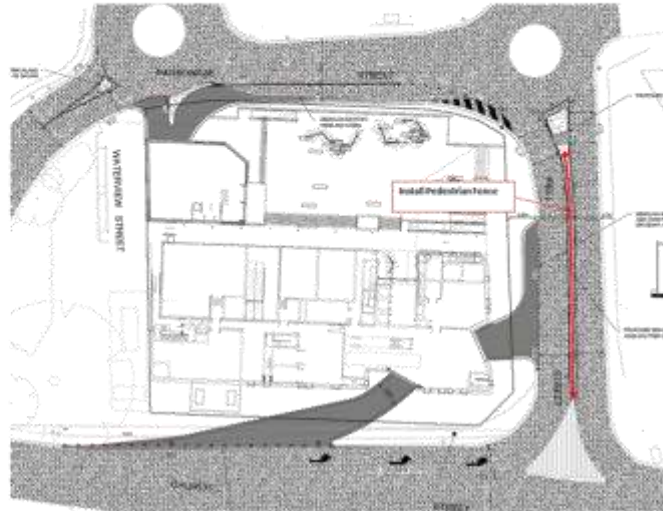
- Undertake a Stage 1 Road Safety Audit of the access intersection configuration/ existing roundabouts.
- It is noted that 900mm wide splitter island in Well Street will be extended to the pedestrian refuge. It is recommended that the pedestrian fence be installed to prevent pedestrians from walking across Well Street and to encourage using the proposed pedestrian refuge (refer to **Figure 3** below). It is recommended that the provision of these works be conditioned in any consent.

**Figure 3**



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In summary, the above traffic issues should be addressed by the proponent, prior to any consent being activated in full.

**Pedestrian connections and permeability**

Careful design attention is needed to ensure linkages to the rail station and to the foreshore and adequate footpaths etc. Some concern is raised with respect to pedestrian access around Stage A as follows:

- The proposed slip lane treatments on Church Street frontage and Parsonage Street present a very poor outcome for pedestrian amenity and safety. Namely the slip lane on the Church Street frontage presents significant exposure of pedestrians at this vehicle access point which extends some 32 metres across the property frontage. Similarly the proposed road widening along the Parsonage Street frontage reduces the footpath width to a significant degree.
- The proposed slip lane vehicle entry to the Stage A development on Parsonage Street presents as a public roadway entering the facility. This raises some concern with traffic speeds approaching a vehicle control point, pedestrian safety and amenity and the need to demarcate infrastructure between the private and public domain. Ideally there should be a driveway crossover, footpath and verge at the vehicle entry point.

**7. Car parking**

Under the provisions of the existing Concept approval Mod 1 the "car parking rate which relates to the site-wide car parking provision and demonstrates that car parking may be provided for future stages within the total car parking figure of 2,976"

The level of approved parking spaces so far is presented as:



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| STAGE        | Resident    | Visitor. | Car Share | Ret/ Comm. | TOTAL       |
|--------------|-------------|----------|-----------|------------|-------------|
| 1            | 293         | 49       |           |            | 342         |
| 2 & 3        | 501         | 91       | 7         | 8          | 607         |
| 4 & 5        | 536         | 103      | 8         |            | 647         |
| 6            | 236         | 41       | 3         |            | 280         |
| 7            | 123         | 22       | 2         |            | 147         |
| 8            | 180         | 31       | 1         |            | 212         |
| 9            | 308         | 54       | 7         |            | 369         |
| Sub Totals   | 2177        | 391      | 28        | 8          |             |
| <b>TOTAL</b> | <b>2568</b> |          |           |            | <b>2604</b> |

The parking cap imposed under the Consent Instrument is based on 2005 dwellings and 10,000sqm commercial floor space. The subject Modification application proposes Stage A be excluded from the parking cap. Amendment to the parking cap is opposed because the commercial floor space has been substantially reduced, because the area is well served by public transport and because it is likely that the proposal will exceed City of Ryde development controls for parking.

City of Ryde argues that the parking cap should remain in place. However, a subclause should be added to allow the Consent Authority to vary the cap subject to compliance with Ryde Development Control Plan Part 9.3 and clauses relating to large sites. This will enable assessment of the parking quantum together with more complete detail regarding the proposed development breakdown.

