

Executive Summary

Council has reviewed the Preferred Project Report and continues to have significant concerns with the proposal. It is not considered that the majority of the issues raised in Council's previous submission have been adequately addressed by the revised scheme.

Council still firmly believes that the proposal should achieve compliance with Council's intended controls contained within Draft Ryde Local Environmental Plan 2011 and the associated Draft Part 4.2 Shepherd's Bay of Draft Development Control Plan 2011. The proposed urban form that will result from the Concept Plan and Project Application is not supported due to the resulting poor urban form and associated impacts.

The excessive yield represented by the proposal is not supported due to the amenity impacts of the proposal and spill on effects upon surrounding areas. The poor urban form results in a suite of negative impacts upon the amenity of surrounding areas and will not create a positive urban environment for future residents.

Whilst many of the outstanding issues could potentially be resolved subject to substantial amendments and additional details being submitted, of particular concern is the traffic modelling undertaken thus far and the results and data provided to Council. Whilst it is noted that the proponents have undertaken further traffic studies, a review of the data has identified several problems with the proposal that indicate that the proposal will not be able to be serviced adequately by the surrounding road network and will have significant impacts upon the development potential of the rest of the Meadowbank Employment Area.

Council is currently in the process of preparing a Mesoscopic traffic model that will provide the necessary rigour to make an informed decision on the acceptable level of density within the Meadowbank Employment Area with respect to traffic. Once this figure is determined, it is considered that a more nuanced discussion can take place regarding urban form and the appropriate levels of development. These matters are closely tied to the ongoing negotiation of a Voluntary Planning Agreement that must be endorsed by Council prior to any determination of the application.

Given the above, it is not considered that the proposed Concept Plan and Project Application can be approved in their current form.

Table of Contents

Executive Summary	1
Concept Plan	3
Height	3
Building Setbacks, Separation and Isolated Sites	4
Building Setbacks	4
Building Separation	4
Number of dwellings	7
Access network	8
Traffic	9
Open space	10
Land uses	11
Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005	11
Wider Meadowbank Employment Area	11
Voluntary planning agreement	12
Contributions	12
Schedule of Commitments	12
Flooding	12
Master plan and staging of development	13
ESD Guidelines and Report	13
Utilities	13
Waste	14
Project Application – Stage 1	15
Stormwater	15

Concept Plan

Height

Whilst the proposal has been revised, it is not considered that the amended heights adequately address Council's concerns raised in the previous submission. The proposal still substantially exceeds Council's intended controls for the Meadowbank Employment Area (MEA). The proposed heights are not supported.

The substantial increase afforded in the additional height as oppose to those proposed by Council will result in a poor outcome for the area. As identified previously, it is still considered that the increased height will:

- result in poor urban form that lacks human scale,
- have unreasonable and unacceptable impacts on views to and from the MEA,
- provide for additional dwellings that places further strain on the surrounding access networks **(see comments on traffic for more information)**,

The above concerns were detailed within Council's previous submission and are not considered to be adequately addressed in the Preferred Project Report (PPR).

With regards to the PPR, it is noted that the proponents have provided a 3 storey element along Constitution Road and other areas to provide improved built form relationship to surrounding low density residences. Whilst Council acknowledges the rationale behind this approach, its effectiveness is questionable given the minimal depth (generally 4m) of the 3 storey component which is directly adjacent to 7 storey elements. This minimal transitional zone will not result in built forms that relate to the surrounding development.

Within the PPR, the proponents have indicated that they still believe that the use of RLs associated to that of adjoining roadways should be the primarily method of determining heights. Council maintains that the interpretation of height should conform to those contained within the Standard Instrument. In this respect, it is still firmly believed that the application of building height and its interpretation should relate to existing ground level rather than assumed ground levels determined by the height of adjoining streets.

Notwithstanding the above, it is noted that whilst further clarification of the proposed RLs have been detailed within the PPR, the RLs for the roadways that are used as the basis for the proposed heights have not been provided.

Additionally, the PPR states that in determining the RLs the proponents have calculated the total number of stories proposed and added an allowance for lift overruns. This is of concern to Council. It is strongly believed that no additional allowance for lift overruns should be allowed as it will increase the risk of lift overruns not incorporated into the overall roof design of buildings and potentially allow for additional stories to be added within the maximum RLs.

Building Setbacks, Separation and Isolated Sites

Whilst it is noted that additional information on building separation and building setbacks have been provided, these areas continue to be a key source of concern with Council.

Building Setbacks

As identified in Council's previous submission, the proposed building setbacks of 3-5m from the street frontages is not supported. For further details see Council's previous submission.

Building Separation

Whilst it is noted that the proponents have provided further clarification for each building envelope within each of the stages, no details have been submitted for the minimum building separations between each Building Envelope. This must be provided as it is an important consideration in establishing appropriate building envelopes. It should also be noted that these distances, once provided, will also establish minimum building separation over public pathways or public open space areas. This is of particular concern to Council.

It is Council's position that the submitted Building Envelopes have failed to detail how development under the Concept Plan and Project Application will result in excellent design quality and provide a superior environment for future residents and users of the proposed public space.

Of particular concern, many of the proposed building separations do not adequately address the minimum standards contained within the Residential Flat Design Code (RFDC). When considering prospective building envelopes, it should be noted that the RFDC provides a range of building separations depending on overall building height and room type. The reduced building separation proposed will limit possible room orientation and location in order to ensure that the minimum requirements of RFDC are complied with. For example, the 7 storey portions with a separation of 12m would only allow for non-habitable rooms to face one another.

A review of the proposed building envelopes have raised the following as areas of concern:

- **Building Envelope 1**
 - Minimal building separation provided over 3 and 4 storey elements of 12m. This would allow only non-habitable rooms to be located on opposing building facades.
- **Building Envelope 2**
 - Minimal building separation provided over 2 / 3 storey elements of 12m. This would allow only non-habitable rooms to be located on opposing building facades.
 - Minimal building separation provided over internal open space area of 12m – 13.2m. This would allow only non-habitable rooms to address the internal space between buildings.
- **Building Envelope 3**
 - Minimal building separation provided over 4 storey elements. The distance has not been nominated on the envelopes.
 - Elevation 3 appears to display an addition wing to the eastern side of the building envelope not shown on the site plan.
- **Building Envelope 4**
 - Minimal building separation provided over 3 storey elements of 12m. This would allow only non-habitable rooms to be located on opposing building facades.
 - Minimal building separation provided over internal open space area of 9m – 20.3m. This is not in accordance with the RFDC.
- **Building Envelope 5**
 - The proposed building separations have not been nominated. Whilst it is noted that the 5 storey portion is not to be residential, it is unclear as to what the intended land use for this area will be.
- **Building Envelope 6**
 - The proposal only allows for a building setback of 3m from 12 Rothesay Avenue. This is premised on the current planning controls and does not take into account additional building height afforded by Council's proposed controls or additional height encouraged as a of the Concept Plan. This will place an unreasonable expectation on 12 Rothesay Avenue to provide the majority of the building separation should future development occur.
 - This site is bounded to the west by a public laneway. The setback of the proposed building envelope from the western boundary is not detailed. Also, it does not appear as though the relationship between the laneway and the proposed building envelope has been adequately considered.
 - The internal building separations have not been nominated.

- **Building Envelope 7**
 - Minimal building separation provided over internal open space area of 13m – 18m. This will severely limit the amenity of this internal space and will not comply with the RFDC.
 - This site is bounded to the east by a public laneway. The setback of the proposed building envelope from the western boundary is not detailed. Also, it does not appear as though the relationship between the laneway and the proposed building envelope has been adequately considered.
- **Building Envelope 8**
 - Minimal building separation provided over 3 storey elements of 12m. This would allow only non-habitable rooms to address the internal space between buildings.
 - Minimal building separation provided over internal open space area of 12m – 20.5m. This is not in accordance with the RFDC.
- **Building Envelope 9**
 - The envelope does not adequately detail what the building separation is to the approved development at 146 Bowden Street.
 - Minimal building separation provided over internal open space area of 9m to an unknown amount. This will severely impact upon the quality of the internal space and will not comply with the RFDC.
- **Building Envelope 10**
 - Minimal building separation provided over 3 storey elements of 12m. This would allow only non-habitable rooms to address the internal space between buildings.
 - The setbacks to Constitution Road shown on the site plan do not match those of the elevations.

In addition to the above, it is noted that *Building Envelope Control Diagrams* 1 and 3 depict recessed areas below the level adjoining roads (Hamilton Crescent and Nancarrow Avenue). The amenity of these areas would be highly questionable and result in buildings that do not relate to the street. It is noted that the Project Application requires a raised bridge / walkway to provide access to from Hamilton Crescent. This matter was raised in Council's previous submission against both the Project Application and the Concept Plan and remains unresolved.

Isolated Sites

With regards to the isolated site diagrams submitted with the PPR it is noted that applicant has indicated that the site diagrams have been designed in accordance with the current Development Control Plan. Whilst Council acknowledges the intent behind these site diagrams, it is not considered appropriate for these to be designed in accordance with

Council's current controls. They should take into account Council's intended controls for the area contained within *Draft Local Environmental Plan 2011* and the associated DCP. These documents can be provided to the Department of Planning and Infrastructure upon request. Furthermore, it must be recognised that should the Concept Plan be approved as is, it is likely that future developments will seek similar heights to those permitted under the Concept Plan. The possibility of this occurring has not been detailed in the PPR.

Notwithstanding the above, it should be noted that the building separation identified as part of the submitted diagrams between the isolated sites and those within the Concept Plan allow for only non-habitable rooms to be located along the side boundaries under the RFDC. Accordingly, it is not considered that adequate building separation has been allowed. Generally, it is considered that the setback applied to each site should equate to 50% of the total building separation required nominated within the RFDC.

Consideration of the isolated sites cannot be limited to the built form outcomes only, but must include consideration of access network capacity also. Given the modelling data submitted thus far and Council's consultant review of the data it has not been demonstrated that the development proposed under the Concept Plan and Project Application will allow for spare capacity within the access network to be utilised by surrounding sites. To this end, Council is in the process of arranging the preparation of an area wide traffic model for the MEA which will help the resolution of this issue.

Number of dwellings

As identified within Council's previous submission, it is still considered that the proposed number of dwellings within Concept Plan is excessive and unwarranted.

Council will shortly be placing on public exhibition amended planning controls that seek to increase the level of development permissible within the MEA. These revised controls will allow for approximately 1200 dwellings within the Concept Plan affected area. This is well below the total 2002 proposed within the Concept Plan. It must be recognised that the Concept Plan does not cover the entire MEA, with a total of 91, 343m² likely to be subject to substantial redevelopment in the near future. Under the Council's intended controls this is likely to result in approximately an additional 1600 dwellings.

This is of substantial concern to Council as insufficient information has been submitted demonstrating that the proposed concept plan will not sterilise the development potential of remaining sites within the MEA. The level of density proposed under the Concept Plan may restrict or prevent the redevelopment of the remaining commercial/industrial and low density residential areas contained within the MEA. This must be considered by the proponents in order to ensure that the long term future redevelopment of

the MEA as a precinct is not jeopardised by the Concept Plan and Project Application. Council is working to resolve this issue through the development of a Mesoscopic Traffic Model. See section titled Access Network for further information.

It should be noted that the PPR has continued to state that the Ryde LGA must cater for additional dwellings in order to meet the housing targets provided by the *Inner North Subregion: Draft Subregional Strategy*. This is incorrect. The Ryde LGA will be more than capable of satisfying the current dwelling house targets without the intensification of density within the MEA. Ryde's current Housing Strategy, contained within the *Local Planning Study*, indicates that the Ryde LGA will provide for approximately 15,751 new dwellings by 2036. This is 3,751 more dwellings than the target of 12,000 dwellings provided by the *Inner North Subregion: Draft Subregional Strategy*.

It should also be noted that within the PPR the proponents have continued to make reference to a report prepared on Council's behalf by Urban Horizon in relation to traffic generation. The proponents have indicated that the proposed development will be generally similar to the figures provided within the Urban Horizon report. It must be clearly stated that the Urban Horizon report considered the MEA as a whole, not the limited area covered by the Concept Plan. As such, comparison with the figures contained within the Urban Horizon report is inaccurate and misleading.

With regards to the proposed increase in dwellings it is noted that no Social Impact Assessment has been submitted. Council continues to believe that this must be provided as part of the proposal. Any such Social Impact Assessment must include consideration of, but not be limited to:

- Community facilities and their capacity to service the additional dwellings, and
- Requirements and opportunities for active/passive recreation.

Access network

In Council's previous submission substantial concerns were raised regarding the proposed access network. All of the matters raised in the previous submission are still considered to be outstanding and required to be resolved by the proponent. See Council's original submission for further details.

With regards to the additional information submitted within the PPR, it is noted that the proponents have stated they have no power to extend the cycle ways outside of the Concept Plan affected area. Whilst the difficulties in providing cycle routes outside of their land holdings is noted, this alone should not provide justification for the establishment of cycle routes within the subject site that do not connect into surrounding areas other than the foreshore cycleway. As part of any development, a

reasonable level of access to, from and within the area must be ensured. Accordingly, should a proponent seek development on any given piece of land it is not believed unreasonable that they are expected to ensure that adequate access to, from and within the site for all forms of transport are provided.

This matter was not only highlighted in Council's submission but also the RTA submission on the Concept Plan also.

It is noted that the proponents have stated that the Nancarrow Link Road should not form part of Stage 1 of the development due to time constraints. As detailed by within this submission, Council does not believe that the Concept Plan and Project Application are at a level where it can be determined favourably. Accordingly, Council believes that it is possible to incorporate the Nancarrow Link Road within Stage 1.

In addition to the above, it is noted that the proponents have still not provided any specific design details of the proposed access networks for vehicles, cyclists and pedestrians. This information is required to ensure that the proposed access networks are viable. The additional information submitted regarding the shared zones and potential accessible circulation routes are insufficient. Preliminary schematic designs for each access path for vehicles, pedestrians and cyclists should be provided to demonstrate that the existing network can be augmented / redeveloped to cater for the proposed networks and additional densities. Whilst it is recognised that the Concept Plan is intended to be a high level document, it should afford a level of certainty as to what is to be delivered by future applications.

As identified in Council's previous submission, the Concept Plan will function as a site specific DCP for the affected areas. It must contain a minimum level of detail that provides with a degree of certainty that the proposed infrastructure can be delivered.

Traffic

Whilst it is noted that the proponents have undertaken further traffic studies, a review of the data provided by Council's Consultant has identified several problems with the proposal. This review has been attached (**Attachment 1**).

Following the review, a meeting was held between Council Staff, Council's consultant and the proponents on 13 February 2012. At this meeting the following was raised as key areas of concern:

- The modelling has failed to consider development activity outside of the subject area
- The accuracy of the modelling to reflect future situation/development levels and the capacity of the road network was questionable

- The GEH values have not achieved the RTA requirements of ‘basic criteria of minimum 85% of assessed intersections within a value of no more than 5 and no GEH values should be 10 or above’
- The modelling of the intersections is inadequate and figures queuing times / distances and the results are not acceptable in 2016 or in 2026.
- Regional routes through the area are likely to be forced elsewhere due to queue length and the impacts of this on surrounding road networks have not been considered

Furthermore, insufficient information has been submitted demonstrating that the proposed concept plan will not sterilise the development potential of remaining sites within the MEA. The level of density proposed under the Concept Plan may restrict or prevent the redevelopment of the remaining commercial/industrial and low density residential areas contained within the MEA.

Council is in the process of preparing a Mesoscopic traffic model for the MEA which will assist in determining the capacity of the surrounding road network. This model is expected to detail what an acceptable level of development is for the subject area and the remainder of the MEA. Roads and Maritime Services (RMS) are part of the steering committee for the technical review and feedback on the model and it is recommended that their comments in relation to the proposal, modelling process and the resulting outputs be given consideration prior to the determination of the Concept Plan and Project Application. The creation of the model and the feedback of the RMS is crucial to the assessment process as given the concerns identified in relation to the modelling information submitted thus far. The current projected finalisation date for the mesoscopic model is June 2012.

Open space

Council's previous submission raised various concerns regarding the open space areas proposed within the Concept Plan. These concerns have still not been adequately addressed by the proposal. For further information please see Council's previous submission.

Particular reference is made to the amount of communal open space provided for each building, the differentiation between public, private and communal open space, and the accessibility of the public open space areas.

Within the PPR, it is noted that the proponents have stated that an additional plan detailing the areas of open space has been provided. A review of the provided documentation has been unable to identify which plan clearly details the areas of public open space referred to by the proponent. Whilst a separate plan is noted detailing the areas of deep soil areas, it appears as though this includes several areas that are to be hard paved and potentially not accessible to the public.

This documentation must be detailed and provide clear information on the nature of these public open space areas, their intended design and useability. Details as to how these areas are to be funded and whom will be ultimately responsible for their upkeep must be provided. Council will not support the dedication of assets that are considered necessary and consequential for the development to proceed. Whilst this matter has been raised between Council and the proponent, it has yet to be satisfactorily resolved.

In addition to the above it is noted that Figure 50 Provided within the PPR does not detail any Deep Soil Zone areas along street boundaries. This should be achieved by the proposal to ensure that adequate vegetation along property boundaries is achieved.

Land uses

As raised by Council's previous submission, concerns still remain regarding the proposed land uses within the Concept Plan area. The PPR refers to 10, 080m² of commercial / retail / community uses at ground level within activity nodes to activate public spaces. As identified within Council's submission the location of these areas must be further clarified by the applicant. This is of particular importance when considering the location, size and orientation of public open spaces.

Additionally, it is noted that the PPR states that the part of the building to within Building Envelope 5 will be a use other than residential. Clarification as to this use must be provided.

In addition to the above, it must be noted that no further identification of the supposed community spaces has been provided.

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

As highlighted in Council's previous submission, it is noted that the proposal has yet to give consideration to the *Sydney Harbour Foreshores and Waterways Area Development Control Plan 2005*. The proponents must give consideration to this document, or in the event that consideration is not considered necessary, justification.

Wider Meadowbank Employment Area

Consideration of the wider MEA has still not been detailed by the applicant. Whilst isolated site diagrams have been provided, the reduced Concept Plan area still remains a smaller portion of a larger area. Due consideration to the impacts of the proposal and its potential sterilising of development potential for the entire MEA must be undertaken. Of particular concern in this respect is the level of traffic generation resulting from the proposed development.

Voluntary planning agreement

Whilst the proponents have engaged Council in further discussions on the Voluntary Planning Agreement, Council has not supported any offer and cannot support the proposal in its current form. This matter is of substantial concern to Council and must be resolved prior to any determination.

Contributions

It is noted that the PPR makes reference to the Meadowbank Section 94 Plan. The current contribution plan that applies to the Meadowbank Employment Area is the Section 94 Contributions Plan 2007.

Schedule of Commitments

With regards to the Schedule of Commitments it is Council's opinion that the Concept Plan and Project Application are not at a level where they can be approved for the reasons detailed within this submission.

Notwithstanding the above, it is noted that several Schedule of Commitments for both the Concept Plan and Project Application include matters that require additional clarification or resolution. Of particular concern are the following:

- The location, size and accessibility of public open space areas,
- The scope, extent, cost and feasibility of the proposed road works,
- The Sustainable Trip Plan must be completed prior to any approval and should be approved by the Department of Planning and Infrastructure rather than a Principal Certifying Authority.
- A Waste Management Plan identifying all waste collection points must be prepared. It must also demonstrate that the proposed development and associated road network is capable of being serviced by Council's Waste Vehicles.

Flooding

Generally the proposed flood management methods are in accordance with Council's requirements and is supported in principle. However, the flood models still have not been provided and these must be verified independently to ensure the veracity.

Notwithstanding the above and the issues raised elsewhere in this submission regarding other problems with the proposal, should the Concept Plan be approved, a detailed Flood Impact Assessment Report for each precinct as they progress should be submitted to the relevant Consent Authority using the Flood Study Report findings.

With respect to the proposed trunk drainage line, it should be noted that Council is still negotiating with the proponent regarding the funding of this infrastructure, its ownership and the appropriate methods of access for maintenance. Generally, it is considered that the construction of this infrastructure will benefit the land owner as the floodplain width will be reduced, allowing for increased development potential on the subject site.

Master plan and staging of development

As highlighted within Council's previous submission and the above, it is not considered that the submitted proposal contains sufficient detail to adequately guide the future redevelopment of the MEA.

With regards to the staging of the development, Council continue to maintain that the construction of the Nancarrow link road should take place as part of the Stage 1.

In addition to the above, it is also noted that it has not been detailed how variation in building form, type, materials and overall design will be achieved across the concept plan area, given extent of the area affected by the Concept Plan and Project Application are largely under single ownership.

ESD Guidelines and Report

It should be noted that Council's original submissions raised concerns regarding the ESD Guidelines and associated report. It does not appear as though these previous concerns have been addressed by the amended proposal.

Further to the above it should be noted that the PPR states that the proponents have provided an amended BASIX Certificate for the Project Application. The documentation submitted to Council does not include an amended BASIX Certificate.

Utilities

As identified in Council's previous submission it is considered that additional work on the capacity of existing infrastructure needs to be undertaken. From the additional documentation submitted with the PPR this does not appear to have taken place.

With regards to the additional documentation, it is noted that Energy Australia has identified that the existing system needs to be upgraded to cater to the development resulting from Concept Plan and Project Application. Clear identification of the extent of these upgrades and the number of additional substations required must be detailed. Council will not support the location of these facilities within the public domain areas.

In particular, it is noted that whilst the architectural plans for the Project Application identify the substation to be located at the corner of Hamilton Crescent and Belmore Street, insufficient information has been submitted detailing how this will relate to the surrounding public domain. It appears as though no or minimal screen planting has been allowed for and that the substation location will result in the loss of Deep Soil areas along the street. The locating of the substation in the identified area is not supported by Council.

In addition to the above, it is noted that no further consideration of the location of the Shell Crude Oil Pipeline has been undertaken or the possible impacts of the development on this piece of infrastructure. This pipeline extends along the foreshore area. Whilst it is possible that potential impacts upon the Shell Crude Oil Pipeline could be considered against each project application to be lodged at a later date, this is not appropriate as the location of the Pipeline may prevent the construction of buildings in accordance with the Concept Plan, requiring substantial alteration to any Concept Plan.

Waste

As raised in Council's previous submission, further details are still required detailing that the proposed access roads and development will be able to be adequately serviced by Council's waste vehicles. This information must be provided prior to the determination of the application. Further information on this issue is contained within Council's previous submission.

Project Application – Stage 1

As identified above, Council has significant concerns regarding the Concept Plan. Given that the Project Application relies on the controls proposed under the Concept Plan, Council does not support the application in its current form.

Notwithstanding the above, it is noted that Council's previous submissions raised several concerns regarding the proposed development. Generally, it is not considered that these concerns have been satisfactorily addressed by the proponents with the additional information submitted under the PPR.

Stormwater

It should be noted that the proposal has still not addressed Council's concerns raised in its previous submission.

In this respect, of particular concern is that the flood study has continued to fail to address the flood management principles contained within the Eastwood and Terry's Creek Floodplain Risk Management and Study. This may require an Evacuation and Emergency Response Plan to be prepared. It is also noted that the Flood Study should also consider the impact from all storms up to and including the Probable Maximum Flood. The submitted study has only addressed the 1 in 100 year flood.

With regards to the Stormwater Plans for the Project Application, Council believes that the connection to Council's drainage system should be made directly to an existing pit located nearby and the 325mm pipe and pipes downstream of this pit upgraded where required to accept the flows rather than building a new separate line connecting to an existing headwall. It is noted that the plans do not show how other drainage lines and inlet pits are connected to the proposed stormwater line. This information must be provided by the applicants.