

Karen Jones  
Director, Metropolitan and Regional Projects South  
Department of Planning  
GPO Box 39  
SYDNEY NSW 2001

14 September 2012

Dear Ms Jones

**CONCEPT PLAN AND STAGE 1 PROJECT APPLICATION FOR A MIXED USE DEVELOPMENT, AND ASSOCIATED INFRASTRUCTURE AT THE SHEPHERDS BAY FORESHORE WITHIN THE MEADOWBANK EMPLOYMENT AREA, MEADOWBANK AND RYDE (MP09\_216 AND MP09\_219)**

I refer to your letter dated 13 August 2012 regarding the Part 3A Concept Plan and Project Application within the Meadowbank Employment Area, Meadowbank/Ryde.

The City of Ryde Council has once again reviewed the Addendum Preferred Project Report and continues to have significant concerns regarding the Concept Plan and Project Application. These issues have been detailed in the attachment to this letter.

Council continues to believe that the proposed Concept Plan and Project Application is of a scale and scope inappropriate for the Shepherds Bay Area. It still continues to result in a density that is unmanageable, unsustainable and entirely out of context with the surrounding development. It is noted that this has been identified previously by Council in all its previous submissions.

The proposed built form, whilst amended to address some of the issues raised previously by Council, will continue result in inappropriate impacts with respect to traffic, view loss, visual bulk and impact, community facilities and infrastructure.

Council continues to believe that the Concept Plan and Project Application should give due regard to Council's intended planning controls contained within Draft Ryde Local Environmental Plan 2011 and the associated Development Control Plan 2011.

In addition to the above, the level of detail provided within the Concept Plan continues to be an area of concern as detailed within the attached.

Prior to the determination of the applications, Council strongly believes that a public hearing by the Planning and Assessment Commission should be held. It is noted that whilst the Addendum to the Preferred Project Report has resulted in substantial amendments to the proposal, no further community consultation has taken place.

Also of particular concern is the ongoing negotiation of the Voluntary Planning Agreement. It is Council's position that the Voluntary Planning Agreement must be finalised and endorsed by Council prior to any approval for the subject proposal. Council notes that several constructive meetings have been held between Council and the proponents.

Any such VPA must be placed on public exhibition and agreed to by Council prior to any approval being granted. It should be noted that Council and the proponent are not in any position to agree on what matters are included as part of a VPA and this will likely be unable to be achieved until the development adequately addresses the issues raised within this submission.

For the reasons detailed above and within the attachment to this letter, Council firmly believes that the Concept Plan and Project Application cannot be supported in its current form.

The City Of Ryde thanks you for the opportunity to comment upon the Addendum to the Preferred Project Report.

Yours sincerely

A handwritten signature in black ink, appearing to read 'D. Johnson', with a stylized flourish extending from the end.

Dominic Johnson  
**Group Manager, Environment and Planning**  
**City of Ryde Council**

# **Executive Summary**

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

Council continues to believe 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 proposal will result in an built form for the Shepherds Bay area that will deliver a substandard environment for future residents within the development and existing residents in surrounding areas.

Any approval that endorses the proposed level of development will establish a precedent for the Meadowbank Area that will be expected to be achieved by all future development within the area. Council has already prepared a Draft Local Environmental Plan 2011 and Draft Development Control Plan 2011 which provides uplift upon the existing controls for the Shepherds Bay area. The proposal fails to give due consideration to these controls and will result in a development that is wildly out of context with the surrounding area.

Council has been advised by the Department of Planning and Infrastructure that a direction has been given to finalise the assessment process and prepare a recommendation to the Planning Assessment Commission in October 2012. Given the significant faults with the proposal in its current form, as detailed within this submission, and the vast number of questions remaining regarding the clarity of the information submitted and the certainty of development outcomes this can only result in a recommendation of refusal for the application.

# Table of Contents

<b>Executive Summary</b>	1
<b>Table of Contents</b>	2
<b>Concept Plan</b>	4
<b>Certainty in Development Outcomes</b>	4
<b>Building Height</b>	6
<b>Building Setbacks, Separation and Isolated Sites</b>	8
Building Setbacks	9
Building Separation	9
Isolated Sites	10
<b>Consultation</b>	11
<b>Number of dwellings</b>	11
<b>Access network</b>	12
Traffic Needs Assessment and Proposed Road Works	12
Alternate Forms of Travel	14
Cycle paths	15
Pedestrian Access	16
<b>Open space</b>	17
<b>Land uses</b>	20
<b>Applicable Planning Controls</b>	20
SREP (Sydney Harbour Catchment) 2005	20
Development Control Plan 2010	21
<b>Voluntary planning agreement</b>	21
<b>Contributions</b>	22
<b>Community Facilities</b>	22
<b>Public Art</b>	24
<b>Flooding</b>	25
Hydrology and Hydraulics Models	26
<b>Stormwater</b>	26
<b>Building Design Excellence</b>	27
<b>Property Ownership</b>	28
<b>ESD Guidelines and Report</b>	28
<b>Utilities</b>	28

Waste.....	29
<b>Project Application – Stage 1 .....</b>	<b>30</b>
Stormwater.....	31

# Concept Plan

## Certainty in Development Outcomes

The documentation submitted as part of the PPR is fundamentally flawed and cannot be relied upon for the future assessment of individual buildings to be delivered under the Concept Plan. Given the current planning framework, it is assumed that the majority of the buildings will be submitted to Council for assessment as individual Development Applications.

As identified in Council's previous submission, the Concept Plan will function as a site specific DCP for the affected areas. To this end, it must contain a minimum level of detail that can be used to guide and provide a rigorous framework against which future development will be assessed. Key areas of concern include:

- The design, location and height of the proposed buildings,
- The functionality and scope of landscaped open space areas, both public and private
- That the proposed works for the provision of roads, pedestrian pathways, cycle paths can be delivered to Council's satisfaction as proposed by the Concept Plan
- The design location and functionality of stormwater infrastructure.

These areas of concern are further articulated within this submission and Council's previous submissions.

With regards to infrastructure it is Council's opinion that the Concept Plan has failed to fully identify what works are required by the Concept Plan, whether they are achievable to Council's standards, who will be responsible for the delivery of these items and when they will take place.

Insufficient information has been detailed within the PPR to allow for an assessment of each building. In particular the Departments attention is drawn to the following:

- Insufficient information regarding the design, scope and location of pedestrian / cycle paths have been provided. It has not been demonstrated that each proposed transport form (car, walking, cycling) can be accommodated within the public domain areas identified by the proponent. To achieve this, it may be necessary to increase building setbacks to ensure that adequate widths for all forms of transport are provided. This information was requested in Council's previous submissions but was never provided by the proponent.
- Building heights fail to adhere to the standard practices identified within the Standard Instrument and DRLEP 2011. Particular

reference is made to the failure to provide maximum building heights measured to existing ground levels.

- Whether each of the proposed landscaped open space areas can be provided as detailed within Annexure 10: *Revised Landscape Report*. No details regarding topography or dimensions have been included within the indicative plans. This information is vital to the assessment of the concept plan and should not be left to the DA stage.

This will in turn influence the individual building envelopes and whether the floor space proposed by the proponent can be achieved. In this respect, Appendix 8 of Annexure 24 includes areas of supposed 'publicly accessible open space' that are identified as being private access routes in Figure 32A Potential Accessible Circulation Plan. This oversight raises significant concerns regarding the validity of the information submitted.

- A review of the Statements of Commitments has identified that many matters proposed must be resolved prior to any forthcoming approval. These include:
  - Environmentally Sustainable Development: The proponent has indicated that they will further investigate the opportunity for including ESD principles. This is considered unacceptable given the scope and size of the proposal. It will also fail to guarantee that any ESD principles will be applied to the developments other than BASIX. ESD principles must be tied to pre-prescribed Key Performance Indicators (KPIs) that are determined prior to any approval of the application.
  - Waste Management: The proponent has indicated that they will prepare a Waste Management Plan for each development stage which will demonstrate that the road network is capable of being serviced by Council's Waste vehicle. This must be determined prior to any approval as it is vital that adequate access by Council's Waste vehicles can be achieved and that sufficient room is available for kerbside collection.
  - Sustainable Travel Plan: Given that the proponent relies heavily upon a significant modal shift, details of how this is to be achieved must be provided prior to any approval. Any Sustainable Travel Plan must be associated to KPIs that are measurable and quantifiable.
  - Road Works: Whilst the proponent has detailed road works to be delivered as part of the proposed Commitments, no satisfactory information has been provided to Council detailing the extent or acceptability of these works. Given

that the majority of these roads will be in Council's control, Council must be satisfied as to the design, layout, and functionality of the proposed upgrades.

Given the extent of planning undertaken for the proposed heights and scope of the building footprints, it is unreasonable and impractical to leave these matters to be resolved on a stage by stage basis. There is no guarantee that these works can be delivered to Council's satisfaction.

- Stormwater Management: Whilst the proponent has stated that the necessary stormwater upgrades will be provide, insufficient details have been provided detailing how the extent of these stormwater upgrades, their deign, location, costing or interrelationship with the proposed building foot prints. In this respect, it is noted that the proponents have provided
- Community Facilities: The proposal has identified the need for community facilities but does not identify how this will be delivered. It has not been provided as a Commitment or any other mechanism.

## **Building Height**

As identified in Council's previous submissions, it is not considered that the proposed heights are appropriate for the subject sites. The Departments attention is again drawn to Council's Draft Ryde Local Environmental Plan 2011 (DRLEP 2011) and associated Draft Development Control Plan 2011 (DDCP 2011).

The DRLEP 2011 provides heights for the Meadowbank area between 21.5m and 15.5m and the DDCP 2011 provides for heights between 4-6 storeys. These controls have been carefully considered taking into account the context of surrounding development, resulting streetscapes and views to and from the water. Whilst the amended PPR states on page 33 that the proposal results in '*marginally taller buildings*', Council notes that the proposed controls allow for only a maximum of 6 storey buildings, not the 15 storey maximum proposed.

The DRLEP 2011 and associated DDCP 2011 have been publicly exhibited. Council's review of the submissions received for the parts of the documentation applicable to the Concept Plan area concluded that the proposed controls contained within the DRLEP 2011 and DDCP 2011 should apply.

It is noted that the proponents have increased the heights of development fronting Constitution Road and have identified that these heights are in keeping with the heights proposed under the DRLEP 2011. This cannot be confirmed due to the outstanding matter of the RL's provided as detailed below. Notwithstanding this, with regards to storeys, proposed 5 storeys



will exceed the maximum height of 4 storeys proposed under the DDCP 2011 along Constitution Road.

Council's height limits in metres has been designed to allow the storeys detailed within the DDCP 2011. These heights are based on adequate floor to ceiling heights to achieve high quality spaces and ground floor and first floor areas that are capable of being adapted to non-residential uses in the future. The heights are also designed to allow for interesting architectural roof forms that complement and improve the streetscape. From the proposed heights, it is not considered that this will be achieved by the proposal.

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

- result in poor urban form that lacks human scale,
- is out of context with the surrounding areas,
- have unreasonable and unacceptable impacts on views to and from the MEA,
- result in poor amenity for future and surrounding residents, and
- create a streetscape dominated by large scale buildings.

With regards to context and the surrounding development, it must be noted that the surrounding recent approvals have a maximum height of 8 storeys, not the nine storeys claimed with the amended PPR submitted by the applicant.

Council is still of the opinion that the standard practice of applying a maximum height limit in metres be applied to the Concept Plan affected areas. 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, the Standard Instrument states '**building height** (or **height of building**) means the vertical distance between ground level (existing) and the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.'

It is firmly believed that the application of building height and its interpretation should relate to existing ground level rather than assumed ground levels. This is standard practice and has been incorporated into

the Standard Instrument implemented by the Department of Planning and Infrastructure.

Whilst it is noted that the proponents have provided additional information detailing the RLs of each of the proposed Building Envelopes, no RLs have been provided for the surrounding undeveloped areas or streets. This makes it impossible to determine what the proposed heights for the buildings are. Whilst the proponents have provided additional sections detailing some RLs at key points, it is noted that these are only within the Building Envelopes themselves, not the surrounding lands or roadways. This fails to place the building envelopes in context with their surrounds.

Additionally, it is noted that the amended PPR continues to have allowed for an additional 1.5m for lift overruns, other services and parapets. This continues to be 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. This is of particular concern given the extent of basement areas protruding above ground.

The raised basement levels are clearly visible within the additional sections of Building Envelopes provided by the applicant. This will significantly impact upon the amenity of the streetscape and public pathways through the Shepherds Bay area. The inclusion of these areas within the proposed RL limit has the potential to provide the proponent with additional height and floorspace has the potential to complicate the future assessment of forthcoming development applications.

The southern most building of Stage 9 of the Concept Plan has a floor to ceiling height of approximately 6m. Figure 33 Indicative Community, Retail and / or indicative commercial uses locations maps identifies this area for a non-residential use, whilst Annexure 8 *Indicative Concept Plan Storeys Plan* identifies the site as a café/kiosk. Given the proposed use, it is highly questionable whether the 6m floor to ceiling height is necessary. It also raises queries regarding the veracity of the approximate floor space calculations for the proposed building envelope submitted in Annexure 24 – *Response to Additional Information Request Preferred Project Report*.

Whilst the proposed Concept Plan results in heights well above the DRLEP 2011 and DDCP 2011, little has been demonstrated by the proponent to offset the excessive building heights. The impacts of the increased heights are further exacerbated by the minimal building setbacks and reduced building separation.

## **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. The amended PPR has included a *State Environmental Planning Policy No. 65 – Design Quality of Residential Flat*

*Buildings and Residential Flat Design Code (RFDC)* assessment within Annexure 9, however from Council's consideration of the Concept Plan, the proposal has failed to adequately address all matters.

### **Building Setbacks**

As identified in Council's previous submissions, the proposed building setbacks are not supported. Whilst Council acknowledges the increase setbacks from Constitution Road, concerns still remain with all other setbacks. The proposed development seeks substantial increases in height above and beyond Council's proposed controls but fails to provide an associated increase to setbacks commensurate with the proposed heights.

It is highly questionable whether the proposed setbacks will allow for adequate landscaped planting to add to and enhance the streetscape. This is most notable around the proposed 12 storey buildings which will allow for a setback of only 4m from surrounding streets and the 0m setback to the stage 9 building along Bowden Street.

All setbacks to street and public domain areas must be free of all structures including basement parking to ensure that deep soil area along street frontages can be achieved.

Additionally, it is noted that in a meeting held 19 April 2012 the Department raised the possibility an increased front setback to the foreshore areas to augment the riverfront open space areas. It is noted that this has not been achieved by the amended proposal. This is of particular concern given the issues identified in relation to the provision of open space.

### **Building Separation**

It is noted that the proponents have provided additional information on the building separation between the building envelopes. Building separation is a vital consideration that will ensure that adequate amenity is provided to future residences and users of the public spaces between buildings.

Many of the proposed building separations have been amended to provide adequate separation, however, it is noted that some still continue to provide inadequate separation. A review of the proposed building envelopes have raised the following as areas of concern:

#### **– Building Envelope 1**

- The proposal results in:
  - 13m building separation between the 7 and 12 storey sections over the northern 3 storey portion,
  - 12m between 8 and 7 storey sections over western 4 storey portion, and
  - 12m between 7 and 6 storey sections over eastern 3 storey portion.

- These distances do not comply with the minimum requirements of the Residential Flat Design Code (RFDC), resulting in poor built form. This is covered in further details within the Project Application part of this submission.
- **Building Envelope 4**
  - It is unclear whether adequate building separation to Isolated Site No. 2 has been achieved by the proposed setback to Hamilton Crescent West of 4m. This is of particular concern, should the future redevelopment of the isolated site seek development yield similar to that proposed by the Concept Plan.
- **Building Envelope 5**
  - Whilst a building separation of 13m has been proposed between the commercial and residential towers of this site, it is questionable whether such a minimal building separation would provide adequate amenities to future residents. It is strongly considered that this separation should be further increased.
- **Building Envelope 6**
  - The proposal only allows for a building separation of 12m from 12 Rothesay Avenue. This setback does not take into consideration any future development that may occur on 12 Rothesay Avenue.
  - 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.
- **Building Envelope 9**
  - The proposal results in a building separation of 12m the 8 and 12 storey sections over the northern 6 storey portion. This does not meet the minimum requirements of the RFDC.

In addition to the above, it is noted that *Building Envelope Control Diagrams 1* continues to show a recessed area below the level of Hamilton Crescent. The amenity of this area would be highly questionable and result in a building not connected 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 submissions 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 revised the site diagrams to comply with the DDCP 2011. However, no isolated site diagram for 12 Rothesay Avenue

has been provided. In this respect, it is noted that this singular site is significantly limited in size due to the proposed Concept Plan. Council has significant concerns regarding the viability of this individual allotment for future redevelopment. Any such consideration of this Isolated Site must include consideration of adequate communal open space and solar access being achieved by the site.

In considering the isolated site diagrams 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. This may influence substantially the proposed setbacks for the individual sites.

## **Consultation**

It is noted that the summary of the proposal states that the next steps for the proposal are *“The final proposal is currently with the Department of Planning and Infrastructure for approval. There will be an opportunity for members of the public to view the detailed designs and accompanying technical information”*.

As the amended PPR has not been exhibited this is a false statement that has not been adhered to. Should the Department and proponent intend for the exhibition to take place during each stage of the building, this will result in a poor outcome for consultation as this will be too late for the views of the community to be considered. This is especially alarming given the substantial amendment of the proposal.

## **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 has placed on exhibition revised 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. It must be recognised that the Concept Plan does not cover the entire MEA, with a total of 91, 343m<sup>2</sup> likely to be subject to substantial redevelopment in the near future.

It should be noted that the amended 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.

The proposal represents a overall Floor Space Ratio (FSR) of approximately 3.0:1 whilst the proposed FSR controls under DRLEP 2011 for the Concept Plan affected sites are 2.7:1 for the signature building site and 2.0:1 for the remainder.

## **Access network**

In Council's previous submissions concerns were raised regarding the proposed access network. Many of the outstanding matters have not been resolved to Council's satisfaction.

## **Traffic Needs Assessment and Proposed Road Works**

Council has completed a Traffic Needs Assessment for the Meadowbank Employment Area. Copies of this study and its associated attachments have been provided to the Department and the proponent.

The Traffic Needs Assessment has identified that the local traffic network can cater to the proposed development, subject to the undertaking of the works identified within the study. These works are identified within Table ES4 which has been provided as **Attachment 1**.

Table ES4 identifies apportionment to be allocated to the individual works as well as their timing. These factors have been determined by detailed modelling undertaken by Bitzios Consulting based of the level of development proposed by the proponent within the concept plan area and the potential future development permissible by the DRLEP 2011. Should the Department recommend approval of the application despite the other outstanding matters detailed within this submission, the schedule of works must be endorsed.

Council does not support the staging of works proposed by the applicant and strongly recommends that the timing and staging of works be as identified by Council's Traffic Needs Assessment. Particular attention is drawn to the Nancarrow Avenue road link between Hamilton Crescent and Nancarrow Avenue. Council is of the opinion that this must be constructed as part of Stage 1 and not Stage 2 as proposed by the proponent.

The schematic designs provided by the proponent for this road link are not considered acceptable. The base design reference for any proposed road works is to be Council's Public Works Environmental Standards. However, with any construction project site conditions may predicate an addendum

to the base design reference as site conditions (eg steep gradients) dictate supplementary standards to ensure integrity of construction. In this respect, no details of the proposed or necessary road works to be undertaken by the applicant are inconsistent in relation to detailed engineering design. This information **MUST** be provided for review.

For example, the proposed "link" road between Nancarrow Avenue and Hamilton Crescent shows no further design detail apart from the horizontal and vertical alignment. Council has significant concerns with the horizontal alignment as the "chicane" type arrangement will blend itself to a pseudo "race track" to the detriment of local amenity. The issue of sight lines to approaching traffic et al becomes a risk when they have a skewed horizontal alignment, that Council should not inherit as the proponent is constructing a NEW road connection. Since a retaining wall or similar need to be considered along the southern side of the link road an independent pre-design road safety audit needs to be undertaken to ascertain the risks and then an appropriate mitigation strategy be developed. The audit **MUST** review all vehicle and service vehicle movement types, especially access to/from any "service or loading dock" areas.

This is of significant concern given that Council has identified that the level of detail provided for the proposed road link is unsatisfactory several times with the Department and that this matter has still not been addressed. It is noted that any such realignment will affect the proposed building footprints detailed within the Concept Plan and the position of the Stage 1 Project Application building and its relationship to surrounding areas.

Further Council's Traffic Needs Assessment Report for the MEA identifies further areas where traffic signal management needs to be employed to manage both pedestrian and vehicle risks and the alignment of the road connections at either end **MUST** be articulated to maximise intersection efficiency.

Council is of the opinion that the proponent should be responsible for construction and coordination of each of the matters listed within **Attachment 1** that are identified as an apportionment of 100%. For the matters with an apportionment of 50%, Council welcomes further discussions with the proponent to identify how these works will be delivered. It should be noted that the costings for the required works is indicative only at may change subject to further detailed design for each item. See the Voluntary Planning Agreement section within this submission for further consideration of this matter.

With regards to the proposed road link between Rothesay Avenue and Bowden Street, whilst the proposed road link and dedication of land has been proposed as part of a Voluntary Planning Agreement for the redevelopment of 146 Bowden Street, there is no guarantee that this

development will proceed. Local Development Approval LDA2008/729 is valid until 21 April 2014.

In a meeting held with the proponents on 28<sup>th</sup> August 2012 the proponents advised Council that the modelling undertaken by the proponent identified that Constitution Road needed to be lowered and realigned. Council strongly supports the lowering of Constitution Road not only on traffic management grounds but also to improve the existing problems with overland flow and flooding. It is Council's opinion that the cost of lowering Constitution Road should be borne by the proponent. This is as the lowering of Constitution Road to resolve flooding and traffic issues is necessary for the development proposed under the Concept Plan. This is discussed further within the Voluntary Planning Agreement section of this submission.

However, the amended PPR does not identify whether this work is to be included as part of the Concept Plan. It is not listed as part of the Statements of Commitments. It is noted that the proponents have provided Councils Indicative Plans for the lowering Constitution Road however these plans are not final and are not currently within Council's scope of works to be undertaken.

### **Alternate Forms of Travel**

In Council's opinion, given the extent of development proposed and the existing traffic problems within the Shepherds Bay area, the proponents should seek to achieve a significant uptake of alternate means of transport such as walking, cycling and public transport. It is not considered sufficient to simply lower the car parking rates and expect that individuals will no longer use cars. The applicant must seek to enhance the desirability of alternate forms of transport. It is noted that this matter has been commented upon by Transport for NSW and the RMS.

Whilst Council recognises the difficulty in actively encouraging the use of alternate forms of transport, given the scope of the proposal and the level of density proposed, it is considered that the proponent should be required to enhance the use of alternate forms of transport wherever possible. This must be resolved prior to any approval and not imposed as a Commitment to prepare a Sustainable Travel Plan at a later date.

Council maintains its position that the proponent should prepare a *Location Specific Sustainable Travel Plan*. The *Location Specific Sustainable Travel Plan* should give consideration to the following:

- The establishment of a Precinct Wide Body Corporate which underpins the values of the *Location Specific Sustainable Travel Plan* for the precinct and is responsible for the governance of the plan.
- The use of an 'incentive' scheme. This could include matters such as a yearly rebate on their body corporate



rates or other for purchasing a full year public transport travel pass. Consideration of alternative incentives must be provided.

Other mechanisms that actively encourage alternate forms of travel could also be included as part of the Concept Plan. It is recognised that actively encouraging alternate transport methods relies in part on the useability and functionality of cycle paths and pedestrian pathways. Council's concerns regarding the information provided have been detailed below.

### **Cycle paths**

The proponents have continued to state that they have no power to extend the cycle ways outside of the Concept Plan affected area. Given the level of density proposed and the exceedance of Council's planning controls, both intended and current, it is strongly believed that the applicant has the ability to enhance and improve the existing cycle routes. As identified previously, this alone should not provide justification for the establishment of cycle routes within the subject site that do not connect into surrounding cycle routes 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. **Attachment 2** details the existing cycle paths within the Ryde LGA. Comparison between this and the Pedestrian and Cycle Access Plan clearly show that the proposed cycle network fails to adequately connect with the surrounding established cycle routes.

It is also noted that the proposed bicycle paths extend through several open space areas that contain stairs, limiting the functionality of these spaces as bicycle paths.

The proponents state that *'the installation of cycle racks/ bicycle rooms in the buildings and open spaces'* (page 51 of the amended PPR) is to occur. *Section 2.7 Bicycle Parking* of *Part 9.3 Car Parking* of DDCP 2011 provides clear requirements as to how this should be achieved. However, it must be recognised that the encouragement of cycling is based on many individual factors. The *Ryde Bicycle Strategy and Masterplan 2007* identifies a range of barriers to cycling. Key barriers not addressed by the Concept Plan are as follows:

- Fragmented cycling networks with a lack of continuity and connectivity;
- Lack of end of trip and parking facilities;
- Poor integration with general road transport system – high speed and high volume roads along popular trip desire lines, threatening behaviour of motorists;

As identified elsewhere within this submission, insufficient information has been provided that guarantees that the cycle paths as proposed can be delivered by the proposal. No details of the design of these cycle paths and how they will conform to Council's standards have been provided.

### **Pedestrian Access**

Whilst the proponents have provided Figure 32 Pedestrian and Cycle Access Plan which details proposed pedestrian access, it is not considered that adequate information regarding the nature or extent of these access paths has been provided.

In particular, it is noted that the proposal has not yet demonstrated whether there is adequate room within the public domain areas for vehicles, pedestrians and cyclist as proposed by the Access Plan. It is recommended that this plan be supported by several cross sections that demonstrate that there is sufficient space is contained within the public domain for all forms of travel as proposed. These cross sections will also identify the relationships between cyclist and pedestrian movements. I.e. whether the cycle routes will off road, on road or shared zones. Whilst some detail is provided within Annexure 10: Revised Landscape Plan, not dimensions for the proposed pathways, cycle areas or road widths has been provided.

It is Council's opinion that a footpath must be provided along both sides of all publicly accessible streets. This has not been addressed by the proposal and is not shown on Figure 32 Pedestrian and Cycle Access Plan and the indicative road designs for the road proposed as part of Stage 2 between Hamilton Crescent and Nancarrow Avenue. This is of particular concern given the gradients of this road, the level of fill proposed in the indicative plans and the minimal setbacks to the proposed building envelopes. Comparison of Figure 32 Pedestrian and Cycle Access Plan and the landscape plans for the Project Application do not detail that a pedestrian footpath will be adequately provided along both sides of Hamilton Crescent.

In addition to the above, it is noted that the landscaped area between Stage 2 and Stage 4 is proposed as a private route not accessible by the public. This breaks a potential pedestrian connection between Gale Street and the landscaped area immediately to the west of the Stage 1 Project Application.

Whilst the proponents have stated that the '*...open spaces areas have been designed to provide appropriate access to people of all mobility levels...*' (page 51 of amended PPR) comparison of Figure 32A Indicative Accessible Circulation Plan and Annexure 10 Revised Landscape Plan has indicated that this is not the case. In this respect, several open space areas have extended stairways that may be an impediment to people with mobility impairments. In particular the following public open spaces are of concern:

- South west pedestrian link

- Upper level public square
- Central spine
- Central foreshore plaza
- Landscaped Area to the west of Stage 1 Project Application.
- The new road link between Hamilton Crescent and Nancarrow Avenue.

Furthermore, it is noted that no cross sections of these spaces have been provided by the applicant. These must be provided to demonstrate whether the public open spaces and proposed stairs are as indicated in plan form or whether additional level changes will be required.

## **Open space**

Council's Open Space Planners have reviewed the Shepherds Bay Open Space and Community Needs Study and has identified several significant issues with the study. These issues are as follows:

- The study does not correctly identify the parkland areas surrounding the development. This fundamental oversight places the accuracy of the entire report in question.
- The report does not adequately consider the non-passive recreational demands of new residents. This is a significant flaw within the report that has ramifications for perceived needs demands of future populations.
- The Study has incorporated calculations of the numbers of m<sup>2</sup> per person of open space. These numbers appear to be inaccurate given the quantum of water features that offer no flexibility for use. These calculations also include areas that are through site links and pathways that do not provide any useable space for the enjoyment of existing and future residents as open space is highly questionable.
- The Study states that there is extensive sports areas in the surrounds however, the study does not recognise that these areas are already at capacity.
- Meadowbank Park is at capacity, so the assumption that the future inhabitant of the development will have the Park as its active sports area is misinformed. Council is currently exploring options to enhance and improve Meadowbank Park. However, these plans are long term and only in their initial stages. Any such work undertaken by Council is likely to be able to cater to the needs of the existing residents located within the Ryde LGA, and not those additional residents proposed by the Concept Plan.
- Council has prepared and adopted an Integrated Open Space Plan that provides definitions and assumptions about the use of Open

Space within Ryde. The Study utilises definitions and assumptions that are not in alignment with the Integrated Open Space Plan.

- The study states that a private gym *may* be located in the area. This is not considered to be an acceptable replacement for the provision of substantial useable areas of public open space.
- The case studies provided in the report are a poor selection that do not relate to the context of scope of the development and provide poor examples. They do not show any consideration for active recreation areas
- Council's Open Space Team has not been consulted by Cred Community Planning.
- The study identifies that augmentation of Meadowbank Park should take place but does not detail how or where this will be undertaken. In this respect, it must be recognised that the Meadowbank Park is currently at capacity.

It is alarming how late in the process the Study has been prepared and how little the proposal has responded to the issues raised in the study. There does not appear to be any substantive changes resulting to the proposal in response to the findings of the study. In addition to the issues with the Shepherds Bay Open Space and Community Needs Study the overall design and amount of open space are of concern.

In particular it is considered that the proposed open space areas are unsuitable and do not offer flexibility of use. The overall provision of open space does provide any opportunity for active open space areas – nor has any indoor facilities, such as sports courts (netball, basketball, soccer etc) been considered.

Many of the proposed public open space areas include water features that reduce to potential activity and functionality of the open space areas. The open space areas provide public seating, picnic areas between buildings when the river foreshore is only metre away. The concept design does not create good spaces that will be activated by the community. The proposed 'central foreshore plaza' on the river has a large turf area and a large paved area. No information has been submitted as to how the proposed markets will take place, whether they will be weekly, monthly or yearly, or who will be responsible for the managing of the markets. Outside of market times this area will become a heat sink with no shade. With no trees, no one would want to spend any time there, and there is no link to the foreshore.

The design of the Open Space areas and Figure 32A Indicative Accessible Circulation Plan appears to result in a disconnect between Public Routes and Private Routes. In this respect, the proposed transition zones between the public and private routes do not appear to have been

considered. These areas must be carefully designed to clearly define public and private spaces without creating a sense of gated communities. Particular reference is made to:

- The intersection of public/private pathways located between 146 Bowden Street and Stage 9,
- The connection of the private pathway between 146 Bowden and Stage 9 to Bowden St
- The private access route into Stage 8 from the upper riparian linear park.
- The private access to the northern most building of Stage 9 from the Lower riparian linear park
- The private access to the central core of stage 6 from the connection public open space areas.
- Whether separate entrances to individual apartments fronting the public open space areas are proposed and whether this will be able to address CPTED principles.

It does not appear as though any consideration has been given to the existing trees located on the site. In particular, no consideration of the ability of the proposal to retain existing trees within the Concept Plan area has been explored. No arborist report for the proposed development appears to have been submitted considering the health of individual trees within the subject sites.

Appendix 8 of Annexure 24 includes areas of supposed 'publicly accessible open space' that are identified as being private access routes in Figure 32A Potential Accessible Circulation Plan. Furthermore, the identification of what functions as through site links that do not provide any useable space for the enjoyment of residents as open space is highly questionable. Suitable open space is not a wide footpath located between buildings that is unlikely to be of any particular use other than access corridors. Effectively the design of the open space areas ensure that they will function as access routes and view gardens only, rather than as usable open space.

It is noted that the proponents have submitted additional information in Appendix 9 of Annexure 24: Response to Additional Information Request Preferred Project Report detailing the amount of sunlight to the communal open space and public open space areas.

This information does not detail to an acceptable level what the overall solar access for each individual portion of communal and private open space will be. The additional information simply provides a percentage for the overall quantum of communal and public space that will receive sunlight. This approach of providing an average for the concept plan area as a whole rather than focusing on individual portions of open space does not allow the adequate assessment of the relationship between each individual portion of public and communal open space to the surrounding building envelopes with specific reference to their heights, configurations and setbacks.

However, notwithstanding the above, it is noted that the percentage of sunlight access to the open space areas on an hourly basis are minimal. This is a direct product of the proposed levels of density, setbacks, building massing and significant height. Were the applicant to provide more reasonable setbacks, building separation and heights, it can be assumed that improved solar access would be achieved.

Whilst the proponents have provided indicative concept plans for the open space areas, the proponent should be required to prepare a definitive list of materials and finishes for the open space areas which can be used to guide the future design and assessment of the open space areas. This will provide guidance for the future design of these open space areas that will ensure that quality spaces are provided for the use of the public. Council's Public Domain Manual is orientated to standard footpaths and generic open space areas and will provide minimum guidance to the scope design and style of public areas proposed as part of the development.

## **Land uses**

As raised in Council's previous submissions, concerns still remain regarding the proposed land uses within the Concept Plan area. The amended PPR refers to approximately 10,000m<sup>2</sup> of commercial / retail / community uses throughout the concept area but the Community Needs and Open Space Study states that this will be provided within the Signature Building fronting Church Street.

Whilst it is noted that the applicants have provided Figure 33 Indicative Community, Retail and or Commercial Uses Locations Map, it is unclear what proportion of non-residential floor space uses will be located where. Council supports the mix of uses within the MEA, as demonstrated by the current zoning. It is widely recognised that a mix of uses is required to provide a robust and active neighbourhood.

Whilst Council acknowledges the difficulties in devising planning controls that will result in a mixed use development, further controls must be devised and applied to ensure that not all 10,000m<sup>2</sup> will be located within the signature building. Given the current market trends to place added value of residential uses over commercial / retail uses this is of significant concern. This must be resolved or it will result in significant problems for the assessment of future Development Applications should they be lodged with Council.

## **Applicable Planning Controls**

### **Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005**

It is noted that the proponent has identified that they believe that SREP (Sydney harbour Catchment) 2005 and *Sydney Harbour Foreshores and Waterways Area Development Control Plan 2005* do not apply to the

proposal. Council disputes this and is of the opinion that the SREP and associated DCP do apply.

### **Development Control Plan 2010**

The amended PPR has only included the consideration of Development Control Plan 2010 (DCP 2010) Part 4.2 Meadowbank Employment Area - Master Plan, 9.2 Access for People with Disabilities and Part 9.3 Car Parking.

The applicable parts of DCP 2010 include in addition to the above:

- 7.1 Energy Smart, Water Wise
- 7.2 Waste Minimisation and Management
- 8.1 Construction Activities
- 8.2 Stormwater Management
- 8.3 Driveways
- 8.4 Title Encumbrances
- 9.1 Signage
- 9.6 Tree Preservation

### **Voluntary planning agreement**

Whilst the proponents have engaged Council in further discussions on the Voluntary Planning Agreement (VPA), Council has not been provided any degree of comfort regarding the VPA. Support for a VPA is difficult, where Council has clearly identified concerns regarding the level of development proposed under the applications.

Past practice for Part 3A Projects has been to place a condition on the approval that the proponent and Council are to negotiate a VPA. In Council's experience, this approach has been problematic and impractical on both Council and the proponent. Particular reference is made to the in Part 3A Approval for Macquarie University which was approved 13<sup>th</sup> August 2009 and has still not been resolved.

The negotiation of a VPA for a proposal that Council believes to be fundamentally flawed will be problematic. Furthermore, the very act of forcing Council and the proponent into a **Voluntary** agreement when Council has been extremely clear in its lack of support for the proposal on planning grounds is highly questionable.

It is Council's position that the Voluntary Planning Agreement must be finalised and endorsed by Council prior to any approval for the subject proposal. Council has no formal position on the Voluntary Planning Agreement which has been provided to Council for discussion. It has not been considered by the Councillors nor has it been viewed by the public. Accordingly, the process should be viewed as in its initial stages only. Notwithstanding this, Council notes that several constructive meetings have been held between Council and the proponents.

It should be noted that Council and the proponent are not in any position to agree on what matters are included as part of a VPA and this will likely

be unable to be achieved until the development adequately addresses the issues raised within this submission.

## **Contributions**

It is noted that the addendum to the PPR continues to make reference to the *Meadowbank Section 94 Contributions Plan 2007*. The current contribution plan that applies to the Meadowbank Employment Area is the *Section 94 Contributions Plan 2007*, which applies to the entire Ryde LGA.

## **Community Facilities**

The Community Facilities and Open Space Study that was undertaken for the Shepherd's Bay Urban Renewal Project identified the need for an additional multipurpose community facility to accommodate community events.

The conclusion was reached primarily on the basis of analysis of the increased population in the Meadowbank area (approx. 4,000, an 81% increase on existing numbers), and the current provision of facilities within an 800 metre radius.

In response, the Community Facilities and Open Space Study identifies the development has "10,000m<sup>2</sup> of commercial space some of which can be leased for community uses". There is no further detail on how much of the identified 10,000m<sup>2</sup> would be dedicated to community space or through what mechanisms this would be achieved. To leave this issue to market forces would be a significant oversight that would jeopardise the delivery of any such facilities.

The Community Facilities and Open Space Study recommends leasing:

...part of the commercial floor space in the Signature building to a community organisation (for example the YMCA) for management and delivery of evening, day-time and weekend community programs and activities such as dance and exercise classes, vacation care programs, seniors groups, playgroups, language classes and social group get togethers.

While more work is required to fully understand the needs of populations moving into higher density redevelopment areas in general, it is crucial that the planning and design of community facilities are contrived in a way that maximises their social and economic sustainability.

Proper planning for community facilities will ensure the mix of uses proposed will meet the variety of needs necessary to suit the community. This includes:



- Accommodating appropriate organisations together in the one physical space, with the goal of enhancing both coordination among services and access to them by the community;
- Maximising the efficient use of resources by bringing community services together in a single location, sharing common facilities rather than organisations using separate facilities.

In recognition of the dynamic and changing nature of communities, facilities need to be planned to be flexible, innovative and adaptable to meet the needs of a variety of users and use requirements to address changing demographics over time.

Design is also a significant consideration. Community facilities should be built to enhance the physical quality and appearance of a public place in order to reinforce a place's identity, and make it a more attractive environment for people to gather and interact with each other.

Both the planning and design of community facilities are crucial to what is their ultimate aim - building community. Planned and designed properly they have a major role enhancing the connections and relationship among people in order to strengthen local communities, develop local culture, create safer neighbourhoods, encourage healthier children and families, promote local employment opportunities and more profitable local businesses.

Proper planning and design of a community facility to ensure its social and economic sustainability means that rather than creating a space and then inviting a service to use it, community facilities need to be specifically planned and designed around what the local needs are, what services need to be located in the facility, and what the overall vision and contribution is for the place.

The primary issue with the Shepherd's Bay Urban Renewal Plan or the recommended action in the Open Space and Community Facility Study is that neither indicates any clear planning or design intent behind the proposed community facility. Without clear intent, the type of facilities proposed become an afterthought and are of limited use to the community. No level of comfort has been given regarding:

- where it will be located,
- what uses will take place within the facility,
- who will be responsible for the ongoing management and financing of the facility,
- whether it will be financially sustainable,
- whether it will be capable of long term adaptable use, or
- that such a facility will be guaranteed as part of the proposal.

The City of Ryde is currently working on a Social and Cultural Infrastructure Plan which will identify the type and preferred location of

multi purpose community facilities as detailed above. This Plan will be available in mid 2013.

## **Public Art**

It is encouraging to see a public art strategy as part of the Shepherd's Bay Open Space Plan. Council has previously worked with the developer to provide public art.

Whilst it is appreciated that the Public Art Strategy is intended to be a high level document, the proponents are encouraged however to develop the Strategy in more detail as a part of any further concept plan development to ensure the public art has the best outcome for the area.

The City of Ryde can provide assistance to help guide the public art process. In general, the best public art outcomes are achieved for a site if a detailed site specific Arts and Cultural Plan is developed by a professional public artist. The arts and cultural plan should include:

- A description of the proposed public artwork concept including materials to be used, with particular reference to the durability and robustness of the artwork
- The location of the artwork within the development site and dimensions
- A description of how the public art themes respond to site history or elements of social, cultural or natural significance in the area where the development is located
- A description on how the proposed artwork integrates into the site and surrounds, the development intention of the artwork and sensitivity to existing urban design qualities
- Anticipated itemised public art budget and how it will be funded. The proponents have provided a Cost Estimate summary that includes a cost for only 4 pieces of public art, not the 10 proposed within the Public Art Strategy. The total cost of works allocated to all pieces of art is \$90,000. This is particularly low given the number of artworks proposed.
- The proponent has failed to include a reference to the provision of any public art as part of the Statement of Commitments
- A verification statement by the professional public artist that supports the Arts and Cultural Plan

Again, public art processes that lead to successful outcomes are best achieved through discussions with Council staff at the earliest possible opportunity.

## Flooding

The subject site is affected by flooding and overland flow. Any development that is located in a flood liable land shall address the flooding issues in accordance with the following documents.

1. Floodplain Development Manual April 2005, New South Wales Government;
2. Draft Development Control Plan 2011;
3. Australian Rainfall and Runoff. 1998; and
4. Eastwood & Terry's Creek Floodplain Risk Management Study & Plan, Main (final) Report October 2009, Section 8.3 Floodplain Management, which is applicable to all catchments within the operational area of City of Ryde.

The developer has agreed in principle to lower the Constitution Road based on the concept plan prepared by City of Ryde. The Council's preferred option would be to convert the existing drainage system into an open creek system at the site. If not feasible, the trunk pipe drainage system shall be designed to cater for the 20 year Average Recurrence Interval (ARI) flow rate. The 100 year overland flow rate should be contained within the creek reserve (open space). Details calculations including the models should be submitted to City of Ryde for its review and approval. It is noted that this matter is the subject of ongoing discussions with Council. It is noted that Annexure 24: *Response to Additional Information Request Preferred Project Report* has provided within Appendix 10 plans for the stormwater easement and the trunk drainage that do not match the proposed building envelopes.

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.

It is noted that the proponent has stated in Annexure 15 *Response to Additional Information Request Preferred Project Report* that it is a long standing plan of Council to address the issues with Constitution Road and Stormwater infrastructure. These works are necessary for the proposal to take place, notwithstanding the issues detailed within this submission relating to the appropriateness of the built form and its amenity impacts. Accordingly, there is a direct and reasonable nexus between the proposed development and the required infrastructure upgrades.

Whilst it is noted that Local Development Approval LDA2008/729 for 146 Bowden Street included a VPA with proposed contributions for stormwater works and the lowering of Constitution Road, there is no guarantee that this development will proceed. LSW2008/729 is valid until 21 April 2014.

## **Hydrology and Hydraulics Models**

The design events to be investigated shall include the 20%, 10% and 1% AEP (Annual Exceedance Probability) events and the Probable Maximum Flood (PMF) event. The consultant should set up appropriate models to suit the purposes of the study. The models shall have the capability to represent all features of the study area.

Sensitivity analysis shall be carried out to assess the relative uncertainty associated with the design results. The sensitivity of changes in flood producing rainfall events due to climate change can be assessed by undertaking sensitivity analyses for a 10% or 20% increase in flows or 15% increase in rainfall values.

In areas affected by sea level rise, an assessment of the impacts of sea level rise on both tidal inundation and flood levels is to be undertaken.

Flood profiles, tabulated flood levels and velocities, maps showing provisional hazard categories and other relevant information for the number design events shall be produced and included in the Flood Study Report.

Whilst it is noted that the proponent has attempted to provide Council a copy of the flood modelling data undertaken to date, this model implemented is provided in xpswmm2D, however as advised to the applicant previously in an email dated 26 April 2012, City of Ryde's preferred models are RAFTSXP, DRAINS, TUFLOW, HEC RAS, and MUSIC models. If other models are utilised in the modelling, they shall be verified and certified independently.

All electronic input and output files are to be provided in a suitable format to the City of Ryde for its review and approval.

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.

## **Stormwater**

It is noted that should the application be recommended for approval by the Department, despite the outstanding issues identified within this report, the assessment of each individual buildings stormwater management systems will be undertaken on a stage by stage basis. To this end, Council recommends that each of the systems be designed to achieve the following:

- a. The internal stormwater drainage must be designed to comply with relevant sections of AS3500 & DCP 2010 Part 8.2. with a minimum design recurrence interval for internal drainage system to be 1 in 50 year. OSD is not required for the Concept Plan area due to its

proximity to the foreshore area. However an equivalent OSD volume in rainwater tank storage must be provided to collect at least 80% of the roof runoff and direct the collected water for internal reuse in all toilets and laundries.

- b. Overland flow paths are to be provided to convey all surcharge flows from the internal drainage system safely downstream to the nearest public road.

### **Water Sensitive Urban Design (WSUD)**

The proposed development is likely to impact on the quality off the receiving water that is Parramatta River if not treated at the site.

In general, the principle for WSUD should aim to retain as much as possible on site and transport as little stormwater pollutants as possible to the receiving water. City of Ryde has prepared a draft WSUD Development Control and supporting guideline documents. To safeguard the environment, the following criteria are to be adopted:

- 90% reduction in the post development mean annual load of total gross pollutant loads (greater than 5 mm);
- 85% reduction in the post development mean annual load of Total Suspended Solids (TSS);
- 60% reduction in the post development mean annual load of Total Phosphorous (TP); and
- 40% reduction in the post development mean annual load of Total Nitrogen (TN)

The site has opportunities to include rainwater tanks, vegetated swales, bio-retention swales, gross pollutant devices and grassed channels.

All electronic input and output files are to be provided in a suitable format to the City of Ryde for its review and approval.

All WSUD elements are to be located entirely upon the private land and a positive covenant must be registered on the title of the properties burden by it with a requirement for the proprietor of the land to maintain it in an effective working order at all times. The wordings of the positive covenant shall be submitted to Council for approval, prior to registration at LPI office.

### **Building Design Excellence**

Given the size of the affected area and that majority of the affected area is under the ownership or control of the proponent, it is not considered that adequate information has been detailed as to how variation in built form, type, materials and overall design will be achieved across the entire Concept Plan area. This matter has been raised in all of Council's submissions regarding the proposal but has not yet been addressed.

It is noted that the amended PPR states that the proponent will be guided by the Department. Given this should the Department seek to approve the Concept Plan, despite the significant issues identified within this submission, it is strongly recommended that the Department impose conditions or controls requiring variety in building design and materials used. This will ensure that a variety in built forms and visual interest is provided despite the substantiative bulk resulting from the development.

Additionally, given the height, location and visual prominence of the Signature Building, Council is of the opinion that this building should be the subject of a Design Competition.

Council's DDCP 2011 has incorporated Design Excellence Provisions that will apply to all Development Applications within the Shepherds Bay Area. Council is of the opinion that this should be applied to the Concept Plan and Project Application. These provisions have been provided as **Attachment 3**.

## **Property Ownership**

It is noted that the amended PPR has included an updated Table detailing property ownership. It is assumed that the Department of Planning and Infrastructure will ensure that all legal requirements regarding property ownership and the proposal will be adhered to.

Particular reference is made to the proposed construction of a new substation on land owned by Ausgrid at 39 Belmore St, Ryde as proposed as part of the Stage 1 Project Application.

## **ESD Guidelines and Report**

It should be noted that Council's original submissions raised concerns regarding the ESD Guidelines and associated report that have not been addressed adequately in the amended PPR.

Furthermore, as identified previously within this submission, the Statement of Commitments has identified that the proponent will undertake to further investigate the opportunity for including ESD principles. This is considered unacceptable given the scope and size of the proposal. Clearly defined quantifiable and measurable KPIs must be provided that impose minimum targets to be met by the development. This must include consideration of the overall lifecycle of the development and the ongoing use of the buildings.

## **Utilities**

The proponent has indicated that the location of substations for augmentation of energy supply will take place on a stage by stage basis. Should the Department seek to approve the proposed development, a requirement for the location of substations outside of the public domain areas must be imposed. This must also include requirements for

screening or the like that will ensure that if located on private property, the substations will not unduly impact upon the amenity of the streetscape.

No consideration appears to have been given to the National Broadband Network and the potential for the proposed residential buildings to be connected to the network.

Council notes that additional details submitted by the applicant detailing the location of the substation associated with the Stage 1 Project Application on Energy Australia owned land. Given that the proposal will require the construction of the new substation, the opportunity exists to provide screen planting within the Energy Australia land rather than the public domain subject to Energy Australia approval.

## **Waste**

Council has raised the issue of adequate service by Council's waste vehicles in past submissions and this does not appear to have been adequately addressed. In this respect, it is noted that the majority of collection for waste will occur kerbside. Due to the topography of the subject area it is strongly recommended that the Concept Plan, should it be approved by the Department of Planning and Infrastructure, include identified areas where waste collection is to occur.

The proponent and Department should consider the possibility of amalgamating collection points and waste services for the individual buildings.

It is noted that the proposed road associated with Stage 2 of the development has included indicative plans that are preliminary. No details of sweep paths or feasibility of gradients for waste vehicles has been provided. This must be considered by the proponent and the Department. Any consideration of the Concept Plan must ensure that the proposal is capable of achieving compliance with the requirements of Part 7.2 Waste Minimisation and Management of Development Control Plan 2010.

# 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.

In particular, with regards to the Stage 1 Project Application, Council notes the following:

- The PPR for the Stage 1 Project Application refers to the incorrect Section 94 Contributions Plan. As identified previously by Council, the correct plan is Section 94 Contributions Plan 2007.
- The proposed waste collection facilities must comply with *Part 7.2 Waste Minimisation and Management of Development Control Plan 2010*. In particular, it is noted that:
  - there must be a flat kerbside area that is capable of storing the number of bins generated by the proposed development for kerbside collection. This has not been detailed in the submitted plans.
  - For developments comprising 30 or more dwellings, a separate room or undercover caged area of a minimum 5 square metres, with instructive signage must be provided for the storage of bulky discarded items such as furniture and white goods, awaiting Council pickup, to prevent illegal dumping in the public domain. Bulky items storage areas should be located adjacent to waste storage areas.
- The proposal will only allow for a total of 1 hour and 15mins to the communal open space area. This does not meet the recommended quantities contained within the RFDC and should not be supported by the Department.
- The proposal results in Building separation that fails to comply with the minimum distances suggested by the RFDC. It is recognised that these distances are a guides only and that the proposal has incorporated design solutions to address the amenity impacts of these distances. However this outcome is not supported by Council as the size of the development and nature of the site is such that this reduced setbacks are the result in extensive height and excessive density for the proposed development.



With regards to the areas of concern, the following non-compliances have been identified:

- 13m building separation between the 7 and 12 storey sections over the northern 3 storey portion,
- 12m between 8 and 7 storey sections over western 4 storey portion, and
- 12m between 7 and 6 storey sections over eastern 3 storey portion.

Prior to supporting the reduced building separation it is strongly recommended that the proposal be reviewed by a SEPP 65 Panel to provide advice to the Department as to the design qualities of the proposed scheme.

- All internal driveways, access and carparking layout arrangement etc. shall be designed to ensure all vehicles can enter and leave in a forward direction and to comply with all relevant sections of AS 2890.

## **Stormwater**

It should be noted that the proposal has still not addressed Council's concerns raised in its previous submission. With regards to the proposed stormwater drainage system for the project application, Council believes that:

- a. The internal stormwater drainage must be designed to comply with relevant sections of AS3500 & DCP 2010 Part 8.2, with a minimum design recurrence interval for internal drainage system to be 1 in 50 year. Additionally, OSD is not required for the site, however an equivalent OSD volume in rainwater tank storage must be provided to collect at least 80% of the roof runoff and direct the collected water for internal reuse in all toilets and laundries.
- b. Overland flow paths are to be provided to convey all surcharge flows from the internal drainage system safely downstream to the nearest public road.
- c. With regards to the pipe connection to the existing headwall, it is noted that the submitted plans have failed to show other drainage lines and inlet pipes connected to the proposed stormwater line. Detailed design of this system must be provided to Council for approval.
- d. WSUD design must be incorporate into the site design to achieve the following reduction in pollutant loading.
  - a. 90% reduction in the post development mean annual load of total gross pollutant loads (greater than 5 mm).
  - b. 85% reduction in the post development mean annual load of Total Suspended Solids (TSS).

- c. 60% reduction in the post development mean annual load of Total Phosphorus (TP).
- d. 45% reduction in the post development mean annual load of Total Nitrogen (TN).

All WSUD elements are to be located entirely upon the private land and a positive covenant must be registered on the title of the properties burden by it with a requirement for the proprietor of the land to maintain it in an effective working order at all times. The wordings of the positive covenant shall be submitted to Council for approval, prior to registration at LPI office.

# **Attachment 1**

**Table ES4: Upgrades, Reasoning and Timing**

ID	Upgrade Description	Holdmark %	Reasoning	Timing/Trigger
1	Pedestrian signals replacing the zebra crossing on Railway Road at the Station.	50%	Moderate contribution associated with additional pedestrian movements generated at this crossing.	During construction of Stage 1 of the Shepherds Bay Development
2	Roundabout at See Street/Constitution Road	None	Not needed for, or used by, Holdmark (<5%)	When signals at Bowden/Constitution are constructed
3	Widening the Angus Street bridge	None	Need for this upgrade not generated by Holdmark	As determined by Council, before 2031
4	Signalising Bowden Street/Constitution Road	100%	Major contribution associated with development-related traffic and increasing pedestrian demands through this intersection	During construction of Stage 1 of the Shepherds Bay Development
5	See Street/Angus Street roundabout	None	Not needed for, or used by, Holdmark (<5%)	When Angus Street bridge widened
6	Completion of the Rothesay Avenue Link, connections to it plus the roundabouts at Rothesay/Bowden and Rothesay/Belmore	100%	Local connection primarily for development access	During construction of Stage 1 of the Shepherds Bay Development
7	Roundabout at McPherson/Rhodes/Mellor	None	Not needed for, or used by, Holdmark (<5%)	As determined by Council, before 2031
8	Roundabout at McPherson/See	None	Not needed for, or used by, Holdmark (<5%)	As determined by Council, before 2031
9	McPherson/Bowden left in/out	None	Not needed for, or used by, Holdmark (<5%)	As determined by Council, suggested by 2017
10	Yerong/Belmont left in/out	50%	Reasonable increase in Belmont due to Holdmark; exacerbating existing safety issue	During construction of Stage 1 of the Shepherds Bay Development
11	LATM scheme in Squire Street	None	Need for this work not generated by Holdmark	As determined by Council, suggested by 2017
12	Hamilton "Lane" and Nancarrow "Lane" LATM and two-way construction between Belmore and Bowden	100%	Within the site and related to connections made	During construction of Stage 1 of the Shepherds Bay Development
13	Underdale Lane/Bowden Street signalised intersection	100%	Directly linked to traffic and pedestrian management associated with Shepherds Bay development	When Nancarrow Avenue is realigned to Underdale Lane, suggested as during construction of Stage 1 of the Shepherds Bay Development
14	Underdale Lane LATM	100%	Directly linked to reducing traffic from Shepherds Bay development through this area and facilitating pedestrian movements between the site and the retail/station area.	When Nancarrow Avenue is realigned to Underdale Lane, suggested as during construction of Stage 1 of the Shepherds Bay Development
15	Roundabout at See Street/Stone Street	None	Not needed for, or used by, Holdmark (<5%)	As determined by Council, before 2031
16	Hamilton Lane/Belmore Street left in/left out	100%	As part of the connection of Hamilton Crescent/Lane to Belmore Street	When Hamilton Crescent is connected through to Belmore Street suggested as during construction of Stage 1 of the Shepherds Bay Development
17	Well Street LATM	50%	Partly as a consequence of local Holdmark traffic.	When 1,000 dwellings have been constructed at Shepherds Bay
18	Belmore Street/Parsonage Street roundabout – remove u-turn potential and modify alignment	50%	Partly as a consequence of local Holdmark traffic	When 1,000 dwellings have been constructed at Shepherds Bay

# **Attachment 2**









## 3.0 DESIGN EXCELLENCE PROVISIONS

Good building design should positively contribute to the overall architectural quality of the area and provide buildings appropriate to their context. In some circumstances, this contribution may be as an iconic or landmark building, but more typically it is as a well-mannered building that fits sensitively into the streetscape and surrounding built form.

This DCP sets out a number of controls that aim to achieve design excellence. This will ensure an appropriate transition between the development and public domain as well established areas.

### 3.1 Site Analysis

Site analysis is the first step in preparing a development proposal and must be undertaken prior to the consideration of any development options. A site analysis assesses and documents the key opportunities and constraints of a site and shows how these, in conjunction with Council's requirements, have determined the final proposal for the site.

#### Objectives

1. To appropriately assess the site and its constraints in order to develop a proposal that is appropriate to the sites setting and surrounding built form.
2. To ensure that the built form and architectural features of the development are appropriate for the locality.

#### Controls

The site analysis:

- a. Must be submitted with any development application for building works;
- b. Should address the performance criteria, design solutions and controls set out in this Part.

*Note: The level of detail will depend on the size of the proposed development, with minor work requiring less information.*

*The level of detail should be clarified with Council's Environment and Planning Group;*

- c. Should indicate the relationship of the site/development to the following:
  - i. the public open spaces (or public domain) like parks, streets and verges;
  - ii. its context including other buildings;
  - iii. pedestrian and cycle connectivity, both along the edges and where appropriate through the site;
  - iv. heritage items where applicable; and
  - v. the future built form of the area and the precinct.
- d. Should include plans, sketches, photographs and supporting written information; and
- e. Must indicate how the analysis has influenced the proposed design.



## 3.2 Staged Development Applications

A staged development application provides for a more consistent urban design outcome. A staged development application sets out the concept proposal for the development of the site.

The staged application sets the site layout and broad building envelopes that will guide the more detailed development applications later on.

### Objectives

1. To develop an appropriate building envelope that is in keeping with the site characteristics, public domain and surrounding built form.
2. To ensure consistent design outcome over large sites and areas
3. To ensure that all residential amenity controls (e.g. solar access, natural ventilation etc) can be achieved over the site prior to commencing the detailed design of a development.

### Controls

- a. On sites over 5000 m<sup>2</sup> a stage development application is required that addresses:
  - i. Existing and future character;
  - ii. Design principles drawn from an analysis of the site and its context;
  - iii. Proposed staging of development;
  - iv. Distribution of land uses, including open space and landscaping;
  - v. Ways in which the development will interface with, and contribute to, the public domain and the context;
  - vi. Pedestrian, cycle and other transport access and circulation systems;
  - vii. Parking provision;
  - viii. Impact on traffic movements;
  - ix. Built form, including the height and bulk of buildings;
  - x. Infrastructure provision;
  - xi. Site densities and coverage;
  - xii. Design elements;
  - xiii. Heritage conservation/interpretation;
  - xiv. Remediation of the site;
  - xv. Provision of public facilities and/or public art;
  - xvi. Social, cultural and economic impact assessment; and
  - xvii. Analysis of the potential impact of the proposed development.
- b. A photo montage from the Parramatta River of the proposed scheme and/or a 3-dimensional model at a scale of no less than 1:200.
- c. Staged development applications must be considered by Council's urban design review panel.