

6 March 2013

**CONCEPT PLAN AND PROJECT APPLICATION FOR STAGE 1 FOR
MIXED USE DEVELOPMENT AT SHEPHERDS BAY, MEADOWBANK (MP09_0216 AND
MP09_0219)**

EXECUTIVE SUMMARY

On 7 December 2012, the Deputy Director General of the Department of Planning and Infrastructure referred the subject Concept Plan and Stage 1 Project Application for a mixed use development at Shepherds Bay, Meadowbank to the Planning Assessment Commission for determination under Ministerial delegation.

The Director General's Assessment Report recommends approval subject to modifications and further assessment requirements. The Commission members visited the site and its surroundings and held a public meeting to hear community views about the recommendations to approve the development. The Commission also met with the proponent and Ryde City Council to hear their views.

The Commission has concluded that whilst it agrees that approvals to redevelop the site should be granted, further modifications are required, including the provision of additional public open space. Additional environmental assessments are also required. These are to ensure that the development will be more responsive to the existing and emerging character of the area and will not result in adverse visual or environmental impacts.

The Commission considered the following issues in particular:

Density

The Shepherds Bay area is a former industrial precinct undergoing substantial redevelopment in part because of its proximity to public transport and services. The site proposed for mixed use development is particularly large and the proposals have the potential to deliver public infrastructure such as stormwater and road works. As a result, there is potential for development at a higher density than would otherwise be permissible under Council's planning controls.

However, the Commission agrees with Council that the density of the proposals should be reduced to take account of the existing local and emerging neighbourhood character.

Built form

The height and scale of development as proposed is inappropriate. In particular, a maximum of ten storeys should be permitted within the centre of the site, and for the separate Church Street site. Where the site adjoins existing development or the river foreshore, heights should be reduced to ensure an appropriate transition and to prevent overshadowing.

Open space

The Commission considers the proposed provision of open space to be insufficient for the recreational needs and amenity of the future community on-site, noting that the approvals will result in a higher density than would otherwise be allowed under Council's planning controls. The Commission accepts Council's argument that existing open space areas within the surrounding neighbourhood are already at capacity.

Accordingly, at least one contiguous open space, of a minimum of 3,000m², is required to accommodate both active and passive recreational needs. The open space area is to be provided prior to the occupation of Stage 1.

Parking

The Commission requires parking to be provided in accordance with Council's development control plan.

Additional assessment requirements

Further supporting material for the concept plan is required including a public domain plan, water sensitive urban design (WSUD) strategy, and pedestrian and cycleways plan.

The Commission has required the proponent to submit new plans incorporating these modifications for the approval of the Director General of the Department of Planning and Infrastructure prior to the lodgement of any future development applications.

1. INTRODUCTION

The proponent seeks approval for -

- A concept plan for residential/mixed use development at the Shepherd's Bay Foreshore within the Meadowbank Employment Area; and
- Construction of stage 1 under the concept plan.

The subject applications are required to be determined in accordance with Part 3A of the *Environmental Planning and Assessment Act 1979*. The capital investment value for the concept plan proposal is approximately \$702 million with the value of stage 1 being approximately \$83.8 million.

The applications were amended by a preferred project report (PPR) following public exhibition.

1.1 Site

The site is in two distinct parts.

The main part of the site is bounded by Bowden Street, Belmore Street, Nancarrow Avenue, Rothesay Avenue, Constitution Road and Hamilton Crescent. The separate part of the site (known as the Church Street site) is bounded by Church Street, Well Street, Waterview Street and the Loop Road.

The proposal originally had a combined site area of approximately 9.3 ha. The proponent reduced the site area following exhibition to exclude land where landowners consent had not been provided.

The combined site area is currently 6.7 ha.

1.2 The Proposal

The original proposal was for between 2,400 and 2,800 dwellings. This was reduced in the PPR to 2,005 dwellings. Building layouts and envelopes were also changed with higher building forms located in the central part of the site. Building heights are no longer measured in storeys but instead based on envelopes with maximum RLs.

The key components of the applications currently before the Commission are set out in Table 1 on page 8 of the Director-General's Report. In broad, they are as follows:

Concept plan

- Main site and Church Street site with a combined area of 6.7ha.
- Construction of 2,005 apartments.
- Building envelopes of 3 to 18 storeys.
- Development in 10 stages generally progressing from east to west except for Church Street site proposed as stage 5.
- Up to 10,000 m² of commercial and retail floor area (including community use).
- Approximately 18,422 m² of public accessible open space including through site links, drainage areas and a plaza / square area adjacent to the foreshore.
- Up to 2,976 car parking spaces.
- Associated landscaping and localised reshaping of the topography.

Project application for stage 1

- 246 residential apartments of between 3 to 13 storeys in height totalling 22,318m² of GFA (FSR of 2.7:1).
- 331 car parking spaces.
- Associated landscaping, infrastructure, stormwater and utility works.
- Public pedestrian link on the western side of the site with an area of 877m².
- 1,435m² of private communal open space.

2. DELEGATION TO THE COMMISSION

The applications fall within the general terms of delegation issued to the Commission by the Minister on 14 September 2011 being applications:

- Objected to by the relevant council; and
- Where more than 25 objections were received.

The applications were referred to the Commission on 7 December 2012 for determination.

The Commission for the purposes of these applications consisted of Ms Abigail Goldberg (Chair), Ms Donna Campbell and Mr Garry Payne AM.

3. INFORMATION AVAILABLE TO THE COMMISSION

3.1 Documents

The referral to the Commission included the following documents:

- The Director General's environmental assessment report (DG's report).
- The proponent's environmental assessment report (EA).
- Submissions received by the Department of Planning and Infrastructure including 7 submissions received from public authorities and 161 public submissions on the EA and a further 7 submissions from public authorities on the PPR.
- The proponent's response to submissions and preferred project report (PPR).
- Independent traffic assessment prepared by ARUP (Nov. 2012).
- Independent stormwater/flood assessment prepared by Evans and Peck (Oct. 2012).
- Recommended conditions of approval.

Additional information was also provided to the Commission by Ryde City Council on 13 February 2013.

3.2 Site visit

On 23 January 2013 the Commission members visited the site and the surrounding area.

4. DIRECTOR- GENERAL'S ASSESSMENT REPORT

4.1 Key issues

The DG's report identified the key issues as:

- Density.
- Built form (particularly heights).
- Amenity impacts.
- Traffic and local road network impacts.
- Adequate provision of open space and community facilities.

4.2 Council's objections

The report notes that Ryde City Council objected to the applications primarily on the grounds of building heights, density, urban form, streetscape and amenity impacts. There were also concerns with flooding and stormwater infrastructure (including lowering of Constitution Road) and traffic and parking impacts.

4.3 Public submissions

161 public submissions were received. The report identifies the key issues raised in the submissions in order of frequency as:

- Traffic generation (including impacts on the local road network, pedestrian safety and residential amenity).
- Excessive height.
- Excessive density and overdevelopment.
- Infrastructure capabilities (including social, health, road/public transport and utilities)
- Need for increased usable public open space.
- Objections to the planning process under Part 3A and/or inadequate community consultation.
- Insufficient parking in the existing locality and within the proposal.
- Loss of amenity for existing residents.
- Visual impacts and view loss.

4.4 Independent advice

The report notes that technical advice provided by the proponent concerning traffic and stormwater/flooding conflicted with advice provided by Ryde City Council. As a result, the Department commissioned two independent reports on these matters, by ARUP (Nov. 2012) and Evans and Peck (Oct 2012) respectively.

4.5 Recommendations

The DG's report recommends approval of the applications subject to modifications and future assessment requirements.

The report argues that the proposal provides an opportunity to enable high density residential development in a former industrial precinct. The site is in close proximity to public transport, services and employment opportunities, and the proposal is in line with the objectives of the Metropolitan Plan and draft Inner North Subregional Strategy.

It also argues that the proposal will deliver significant public benefits including road and stormwater upgrades and publicly accessible open space areas and through links of benefit to the wider community.

It recommends approval subject to modifications and future assessment requirements. The most significant modifications are:

- Reducing building heights at the Belmore Street and Rothesay Avenue boundaries of the site.
- Restricting development on Constitution Road to 5 storeys.
- Increasing building setbacks for Stages 5, 6 and 9.

5. MEETINGS WITH STAKEHOLDERS

The Commission met separately with Ryde City Council and the proponent on 1 February 2013 to discuss the applications, and held a public meeting on the 5 February 2013.

5.1 Meeting with Ryde City Council

Ryde City Council reiterated its objection to the proposed concept plan and project application, and requested that the Commission refuse the applications.

Council advised that it has implemented planning controls for the redevelopment of the site and these should be applied. These have been designed, in part, to ensure that Council is able to meet its dwelling targets under the Metropolitan Plan. Further, these controls have been consistently applied to recent residential development around the site to ensure that redevelopment is appropriate to the local character and setting.

For this site, Council has advised the controls will allow approximately 1,200 dwellings with a maximum building height of 5 – 7 storeys. They provide for higher development in the centre of the site scaling down towards the edges to provide a transition to existing development and the foreshore. A maximum height of 5 storeys is permissible on the Church Street site.

Other Council concerns included:

- Non-compliance with SEPP 65 and the Residential Flat Design Code (RFDC).
- Calibre and quality of the development.
- Lack of open space.
- Inappropriate urban form.
- Precedent effect of any approval.
- Lack of agreement of community facilities to be provided.

5.2 Meeting with Proponent

The Commission also met with representatives of the proponent who advised that they were satisfied with the Department's report and recommendations subject to minor comments on the proposed conditions of consent, including requests to:

- Change the definition of ground level to refer to finished ground level as defined in Ryde LEP 2012.
- Delete the maximum number of apartments with the market to determine this in the future given that the floor space is fixed.
- Increase the maximum number of car spaces allowed.
- Change the stage at which certain information is required to be submitted.

A further submission was made by the proponent to the Commission to formalise these requests.

The proponent concluded that the concept plan satisfies key State planning policies and creates the economic opportunity to deliver key road and stormwater infrastructure to the benefit of the wider community, a benefit that has been unachievable to date.

5.3 Public Meeting

A public meeting was held on the 5 February 2013 at Ryde-Parramatta Golf Club. Members of the public, interest groups, council and the local member made representations to the Commission regarding the applications. Issues raised were consistent with those raised in submissions. Appendix 1 is a list of speakers who made oral presentation to the Commission at the public meeting.

6. KEY ISSUES

On consideration of the above, the Commission has identified the following key issues in relation to the subject applications which are largely consistent with public submissions:

- Strategic justification for high density development.
- Built form including height and compliance with SEPP65 and the RFDC.
- Provision of open space and community facilities.
- Stormwater and flooding.
- Traffic, parking and access.

These issues are discussed below.

6.1 Strategic justification for high density development

The Department places primacy on the achievement of high density residential development proximate to public transport, services and employment opportunities, and in line with the objectives of the Metropolitan Plan and draft Inner North Subregional Strategy.

Ryde Council has advised however that it will meet, if not exceed, current sub-regional dwelling targets when current planning controls are adhered to. It therefore considers that there is no justification for the controls to be exceeded in the current case.

The Commission notes both positions and considers that given the size of the amalgamated site (being approximately one third of the total Meadowbank Employment Area, which was not anticipated when Council's instruments were being prepared), its proximity to public transport and services, and the potential of the proposals to deliver public infrastructure such as stormwater and road upgrades, there is potential for development at a density higher than permissible under Council's planning controls.

However, the Commission considers that the increase in density should take account of the existing local and emerging neighbourhood character, and should also be subject to built form and urban design measures, as outlined below.

6.2 Built form

Height

Overall the Commission considers that the height and scale of development as currently proposed is inconsistent with the existing and emerging character of the Shepherd's Bay area. The Commission notes moreover that this character has been arrived at by Council being consistent in the application of its controls over the redevelopment history of the area. Recent developments, while varied in appearance, are constant in scale.

Notwithstanding this, the Commission considers for the reasons above that higher density is possible on this site, but only to a maximum of ten storeys in the centre of the site, and on the separate Church Street site. Where the site interfaces with existing development or the river foreshore, lesser heights are required to ensure an appropriate transition, and to prevent overshadowing. The maximum height plans in Appendix reflect this change and a condition requires the concept plan to be amended and resubmitted to effect this and other modifications.

Given the reduced maximum height of 10 storeys for the Church Street site, a design competition is no longer required. However as the site is in a gateway location and highly visible, future development applications should achieve design excellence in accordance with the Director General's Design Excellence Guidelines.

Compliance with SEPP 65 and Residential Flat Design Code

The Commission notes that the concept plan and project application for Stage 1 do not comply with certain requirements contained within SEPP 65 - Design Quality of Residential Flat Development and the supporting Residential Flat Design Code (RFDC). The Commission agrees that subject to the conditions recommended by the Department, the Stage 1 application non-compliances are acceptable. However, to ensure high quality design outcomes and amenity in future stages, further applications should be consistent with the requirements of SEPP 65 and the RFDC.

Measures for height

The Commission considers that given uncertainties in relation to the finished ground levels across the site, it is necessary for a maximum storey plan to be included in the approval. Any development application for future stages will therefore be required to comply with not only the maximum RL (AHD) but also with the maximum number of storeys above finished ground level whichever is the lower. (See Appendix 2)

6.3 Provision of open space and community facilities

Public open space

As detailed in the DG's report the concept plan includes 1.84ha of publicly accessible open space (as calculated by the proponent), comprising through site links, a drainage reserve, and a primarily paved square/ plaza area. The Commission considers through site links and drainage reserves are not effective useable public open space. Even if these spaces are included, the overall quantum is still substantially less than the Ryde LGA's current rate of open space provision. The current rate is 1.88ha per 1,000 people. The proposed rate represents a provision rate of approximately 0.6ha per 1,000 people.

Whilst it is noted that the proponent makes an argument that the proposed provision is appropriate given existing open space in the local area, the Commission considers the provision insufficient for the recreational needs and amenity of the future community on-site. The Commission also accepts Council's argument that existing open space areas within the surrounding neighbourhood are already at capacity.

The Commission accordingly requires that the concept plan be amended to provide at least one contiguous open space, of a minimum of 3,000m², to accommodate both active and passive recreational needs.

The open space area is to be provided prior to the final occupation of Stage 1 to ensure the facility is in place for new residents, and is to be in addition to the payment of Section 94 contributions, and the provision of through site links and the drainage reserve as currently proposed.

Foreshore setback

The Commission notes public concern regarding adherence to the 20m minimum setback from the river foreshore required under the planning controls. The Commission has checked the proposals and found them to comply, however the Commission considers that for Stage 3, a greater setback from the foreshore is required. (See Appendix 2)

Community facilities

Council has raised concern that no agreement has been reached in regard to community facility provision. The Department has recommended a condition requiring space to be set aside within Stage 5 (as suggested by the proponent) in consultation with Council. This is considered appropriate particularly given the development will also be levied section 94 contributions on a stage by stage basis towards community and cultural facilities.

Public domain treatment

The Commission supports Council's position that additional information should be provided for a concept plan of this scale. As such, the Commission requires a public domain plan to be prepared and approved by the Director General prior to the issue of the first construction certificate.

This plan should address all aspects of the public domain (including streets and setback areas), public and communal open spaces, landscaping etc. and is to be in accordance with Ryde City Council's Public Domain Technical Manual.

The Commission notes the provision of through site links / view corridors as identified in the Ryde DCP 2010 – Meadowbank Employment Area Master Plan. However the Commission considers that the corridors should be at least 20m wide to ensure views to the water in this foreshore location, to improve separation between buildings, and to provide visual relief when viewed from the water. The design of these spaces should also be addressed in the public domain plan.

6.4 Stormwater and flooding

The Commission is satisfied that there are a range of options which will address the stormwater and flooding issues associated with the Constitution Road embankment issue and that these can be addressed at the relevant DA stage in consultation with Council.

However, with regard to on-site stormwater drainage the Commission notes that a water sensitive urban design (WSUD) strategy has not yet been prepared for the development. Given the size of the site it is considered that a WSUD strategy is required for approval by the Director General in conjunction with the required public domain plan.

6.5 Parking, traffic and access

Parking

The Commission notes the concern of both local residents and Council in relation to the proposed car parking provision. The Commission requires parking to be provided per Council's DCP.

Traffic

Council has indicated that it agrees that the surrounding road network is capable of accommodating the traffic generated by the proposed development subject to road upgrade works. The Commission agrees with the independent traffic consultant's advice regarding timing of these works. The recommended conditions are consistent with this timing.

Pedestrian links and cycleways

Council has raised concerns about the lack of detail provided for pedestrian links, including accessible routes, and cycleways. The Commission agrees that the existing detail is insufficient, and that further information is required to demonstrate that proposed routes are both viable and integrated with Council's plans for the surrounding area. A pedestrian and cycleway plan is required to this end as part of the amended concept plan.

7. DETERMINATION

The Commission has considered all relevant information in relation to the proposed concept plan and project application for Stage 1. Whilst it agrees with the Department of Planning and Infrastructure's recommendation for approval subject to modifications (and further environmental assessment requirements), further modifications are required to ensure that the development is responsive to the character of the area, will not result in adverse visual or environmental impacts and will provide benefits to both the future and existing community.

The modifications include:

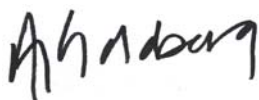
1. Density to be reduced to take account of existing and emerging neighbourhood character;
2. A reduction in maximum building height from 15 storeys to 10 storeys as well as height reduction in areas adjacent to existing developments and the river foreshore;
3. All future development applications to be consistent with SEPP 65 requirements and the RFDC;
4. A contiguous public open space of at least 3000m², to be provided for active/passive recreational needs of residents and made available before the issue of the occupation certificate for Stage 1;
5. Greater set back from the river foreshore is required;
6. The width of view corridors to be increased to a minimum of 20m; and
7. Parking provision to be consistent with the relevant Ryde City Council DCP requirements.

These modifications address primarily the concerns raised in submissions, namely, density, built form, open space, and parking.

In addition, the Commission requires further supporting material for the concept plan to be submitted, including a public domain plan, WSUD plan and pedestrian and cycleways plan.

The Commission requires that the Concept Plan be amended, and supporting material provided, for approval by the Director General of the Department of Planning and Infrastructure.

Subject to the above, the concept plan and project application for Stage 1 is approved.



Ms Abigail Goldberg
Commission Chair



Ms Donna Campbell
Commission Member



Mr Garry Payne AM
Commission Member

Appendix 1 List of Speakers

Planning Assessment Commission Meeting Concept Plan and Stage 1 Project Application for mixed use development at Shepherd's Bay, Meadowbank (MP09_0216 and MP09_0219)

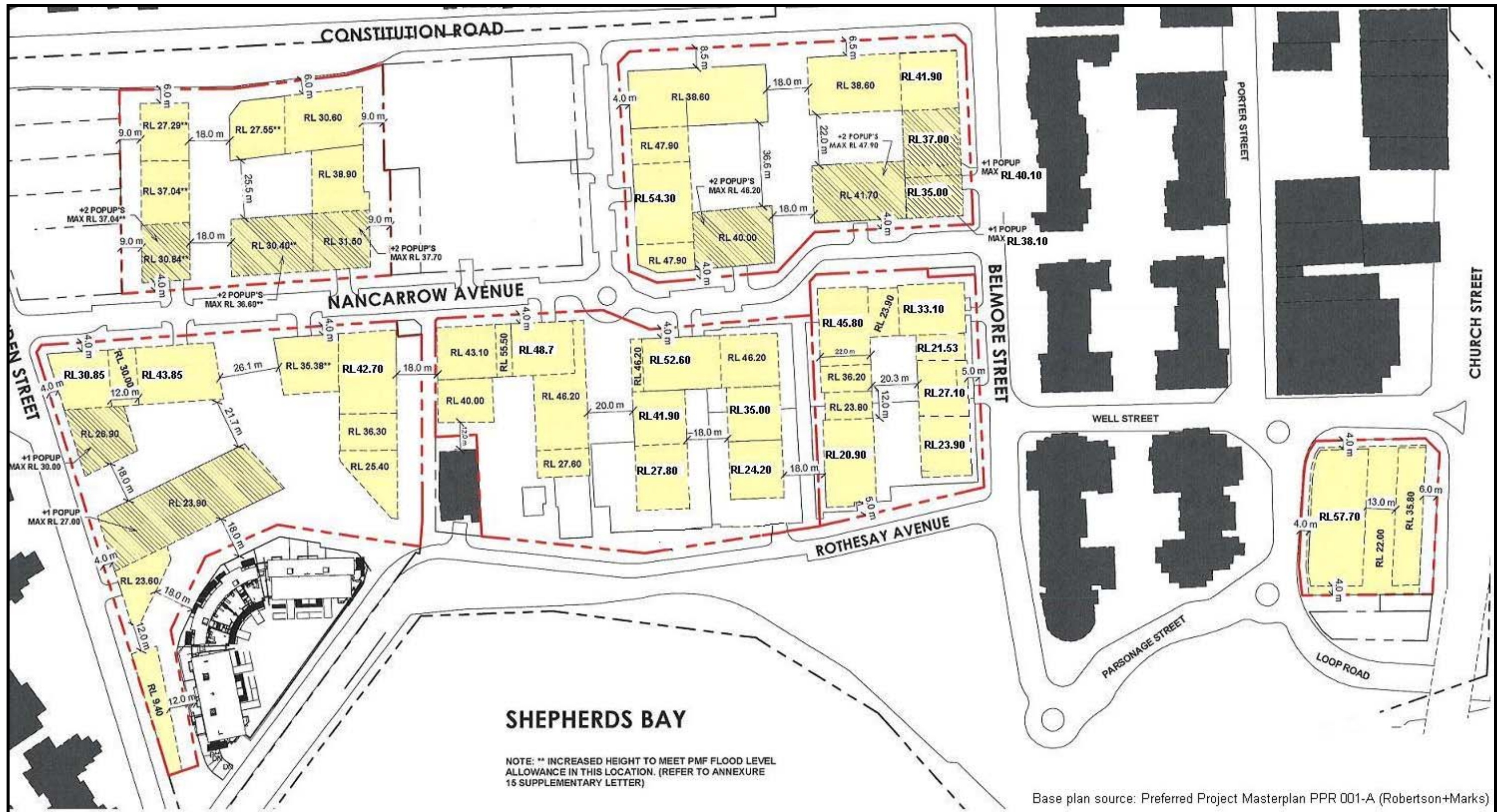
Time: 4pm, Tuesday 5 February 2013

Place: Ryde-Parramatta Golf Club Ltd, 1156 Victoria Road, West Ryde

1. Ryde City Council
Ms Meryl Bishop, Manager Urban Planning
2. Mr Victor Dominello MP
3. Mr Colin Gray
4. Ms Helen Pegler
5. Mr Jeff Salvestro-Martin
6. Mr Barry Hadaway
7. Mr Doug Marr
8. Mr Roy Meakin
9. Mr Guy Cavaleri
10. Mr Bernard Lee, Secretary of the Executive Committee of 5 Strata Plans
11. Mr David Edwards
12. Ms Kerry Edwards
13. Mr Phillip Peake
14. Meadowbank West Ryde Progress Association
Mr Robert Renew, President
15. Mr Leon Mahtani



MAXIMUM NUMBER OF STOREYS ABOVE GROUND LEVEL (FINISHED) AS APPROVED BY THE PLANNING ASSESSMENT COMMISSION (March 2013)



MAXIMUM BUILDING HEIGHT (MEASURED FROM AHD) AS APPROVED BY THE PLANNING ASSESSMENT COMMISSION (March 2013)