

S75W Report to Modify Concept Approval MP09_0216

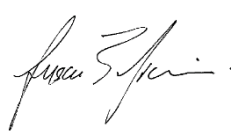
Mixed Use Development

Shepherds Bay

Submitted to NSW Department of Planning & Environment
On Behalf of Holdmark Property Group

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Report Revision History

Revision	Date Issued	Prepared by	Reviewed by	Verified by
01	10/12/15	Carlo Di Giulio <i>Associate</i>	Susan E Francis <i>Executive Director</i>	Susan E Francis <i>Executive Director</i>
02	16/12/15	Carlo Di Giulio <i>Associate</i>	Susan E Francis <i>Executive Director</i>	
03	25/01/2016	Carlo Di Giulio <i>Associate</i>	Susan E Francis <i>Executive Director</i>	

This document is preliminary unless approved by a Director of City Plan Strategy & Development.

CERTIFICATION

This report has been authorised by City Plan Strategy & Development (CPSD), with input from a number of other expert consultants, on behalf of the Client. The accuracy of the information contained herein is to the best of our knowledge not false or misleading. The comments have been based upon information and facts that were correct at the time of writing this report.

CPSD is informed that the information in each of the appended expert reports and plans is accurate. CPSD relies on the veracity of these reports and plans and takes no responsibility for any errors contained therein.

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Appendix	Document	Prepared by
1	Letter of VPA Offer	Holdmark
2	Original Director General's Requirements	NSW DP&E
3	Amended Concept Plans	R+M
4	Stage 2 & 3 – Proposed Plans	Turner Architects
5	Stage 2 & 3 – Landscape Plans	Blackbeetle
6	Stage 2 & 3 – Condition 21 Assessment	Turner Architects
7	Stage 2 & 3 – Traffic Impact Assessment	Road Delay Solutions
8	Stage 2 & 3 – Parking Impact Assessment	Thompson Stanbury Associates
9	Stage 2 & 3 – Contamination Report	Environmental Investigations
10	Stage 8 & 9 – Proposed Plans	Turner Architects
11	Stage 8 & 9 – Parking Impact Assessment	Thompson Stanbury Associates
12	Stage A – Design Competition Jury Report	CPSD
13	Stage A – Indicative Proposal	Cox Richardson Architects and Kennedy Associates Architects
14	Stage A – Public Domain and Landscape Plans	Site Image
15	Stage A – ADG Assessment	Cox Richardson Architects and Kennedy Associates Architects
16	Stage A – Traffic Impact Assessment	Road Delay Solutions
17	Stage A – Parking Impact Assessment	Thompson Stanbury Associates
18	Stage A – Biodiversity Assessment	Molino Stewart
19	Stage A – Heritage Assessment	Architectural Projects
20	Stage A – Groundwater Investigation	Environmental Investigations
21	Stage A – Flood Risk Assessment	BG&E
22	Stage A – Geotechnical Assessment	Asset Geotechnical
23	Stage A – Remediation Action Plan	Environmental Investigations
24	Stage A – Arboricultural Impact Assessment	Redgum Horticultural
25	Stage A – View Impact Assessment	Cox Richardson Architects and Kennedy Associates Architects
26	Stage A - Design Integrity Panel meeting minutes	Cox Richardson Architects and Kennedy Associates Architects
27	Meeting with Council (24.11.15) minutes	City Plan Strategy & Development

1. Executive Summary

This report and application relates to Concept Approval MP09_216 approved by the Planning Assessment Commission (PAC) on 16 March 2013 (as modified on 16 October 2014). The Concept Approval provides for the construction of twelve (12) multi storey buildings as part of the urban renewal at Shepherds Bay.

This report and application is submitted pursuant to Section 75W of the Environmental Planning & Assessment Act, 1979 (EP&A Act). The application seeks to modify MP09_216. The modifications can be described in three (3) separate elements, as summarised below:

1. Relocation and reduction in size of the previously approved community facility and inclusion of 17 additional dwellings

A Deed of Agreement has been entered into between the City of Ryde Council and Holdmark (the proponent). The deed stipulates that, in accordance with Council's request, the Community Facility which was previously envisaged for Stage 2 & 3 shall be upgraded and relocated to and form part of an additional storey in Stage 9. The deed also stipulates that the additional cost of this amendment be compensated for by the provision of a net additional seventeen (17) apartments in Stage 2/3.

The relocation of the community facility, the associated additional storey in Stage 8 & 9, and the additional storeys arising from the additional seventeen (17) apartments, necessitates a modification to the Concept Approval. It should be noted though that the additional storeys do not modify the previously approved Reduced Levels (RL) for Stage 2 & 3 other than a 300mm increase in RL to accommodate the agreed 17 additional dwellings in one location.

2. Provision of additional 28 dwellings in unused building volume in Stage 2 & 3

Following the receipt of Development Consent 2015/0018 for Stage 2 & 3, Turner Architects were engaged to prepare the respective Construction Certificate plans. Whilst preparing the plans and conducting a general overview of the development, as approved, Turner Architects identified unused volume in the approved building envelope. In addition, Turner Architects reviewed the central courtyard of Stage 2 & 3 and identified that by lowering its RLs, accessibility, useability, and amenity would be improved. This also results in additional volume towards the base of the building. The overall quantity of unused building envelope allowed for an additional twenty-eight (28) dwellings. The additional dwellings increase the number of storeys in Stage 2 & 3, which necessitates a modification to the Concept Approval. It should be noted however, that whilst the additional dwellings increase the number of storeys in Stage 2 & 3, they do not modify the previously approved RLs other than minor projections relating to architectural detail.

This amendment has been discussed with Ryde Council. These discussions resulted in an agreed increase of 40 additional apartments being reduced to 28.

3. Changes to Stage A building envelope following design excellence competition

As required by Condition 1 in Schedule 3 of the Concept Approval, a design competition process was held in 2015 for the Stage A site. The entry by Cox Architects and Kennedy Associates Architects, in collaboration, was deemed the winning scheme by the independent jury. The winning scheme includes higher RLs and a greater number of storeys than those nominated in the Concept Approval. Such RLs and storeys necessitate modifications to the Concept Approval.

Ongoing design resolution since the completion of the design excellence process has resulted in further changes to the Stage A building envelope. The table below itemises the various iterations of the Stage A building, including that which is proposed in this application:

	Concept Approval	Design Competition	Indicative Proposal
No. of storeys	2, 6 & 10	4 - 19	7 - 24
Reduced level (RL)	22, 35.80, & 57.70	80.0	27.80, 40.20 & 95.80
Gross floor area	15,228m ²	16,153m ²	21,297m ²

The modifications described above have been considered with regard to the original Director General's Requirements for the Shepherds Bay precinct. Some of the Director General's Requirements were of particular relevance to the proposed modifications, and they warranted specific consideration as part of this application. Some of those requirements include view impacts, flora and fauna impacts, as well as traffic impacts.

The environmental assessment includes specialist sub consultancies on which this report relies.

The applicant has been in close contact with Council during the preparation of this 75W application. The community facility 'shift' has been at Council's request, together with an agreement to provide the additional 17 apartments. This agreement has been encapsulated in a formal, legal deed of agreement between both parties.

The further additional 28 units in Stages 2/3 have been discussed closely with Council where, in principle, they have accepted the logic of additional dwellings subject to no change to RLs, satisfaction of Condition 21 of the Concept Approval, not exceeding the parking and dwelling caps for Stages 1 and Stages 2-9, and the understanding of an offer of 8% provision of Key Worker Housing as part of a VPA. See **Appendix 1** for VPA Offer prepared by Holdmark.

In relation to the amendments to the envelope of Stage A, the Council have received a presentation of the winning "design excellence" scheme and were pleased with the resulting scheme subject to detailed assessment and consideration. There was subsequent discussion between Council, the architects and the proponent in relation to the presentation and in particular the Stage A proposal. The minutes of the discussion are provided at **Appendix 27**.

Overall, the proposed modifications are a function of liaison with Council and design rationalisation.

Further, and as a consequence of the Deed of Agreement between Council and Holdmark, this S75W was contracted to be submitted to the Department of Planning & Environment concurrent with two S96 applications to Council to modify the approved DAs for Stages 2 & 3 and 8 & 9 respectively.

Due to the time constraints, CPSD has made no independent review of the submitted plans and reports appended.

2. Background

2.1 Concept Approval MP09_216

On 6 March 2013, the Planning Assessment Commission (PAC) approved Concept Plan MP09_0216 in relation to the site now referred to as Shepherds Bay. In summary, the concept approval includes multiple, multi storey residential or mixed use buildings, basement parking, infrastructure works as well as public open space.

Figure 1 below has been extracted from the relevant instrument of determination. Those areas outlined in red demonstrate the sites which form part of the Concept Approval.

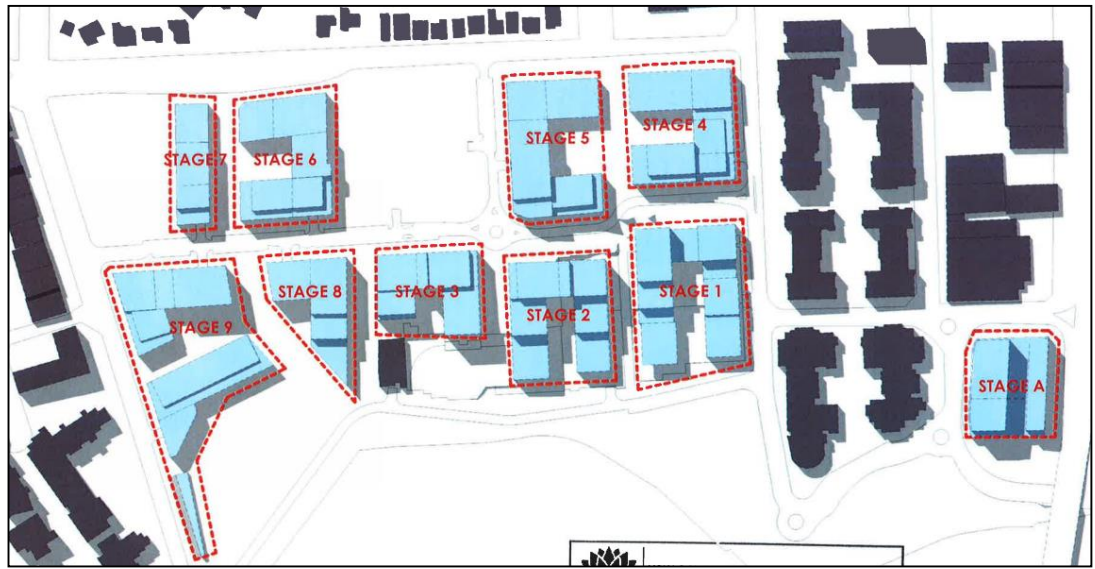


Figure 1: Concept Plan MP09_0216 (as modified) in relation to Shepherds Bay (Source: NSW DPE)

2.2 Modification to the Concept Approval (MOD 1)

On 16 October 2014, the PAC approved an application to modify the Concept Approval MP09_0216 (i.e. MOD 1). Some of the key modifications were as follows:

- Additional storeys to Stages 1 to 3.
- Additional storey to the building approved on the corner of Belmore Street and Constitution Road.
- Flexible application of the then RFDC solar access requirements.
- Introduction of a 2005 dwelling cap for the entire precinct.
- Introduction of a 2976 car parking cap for the entire precinct.
- Requirement for a 1000m2 community facility within the Stage 2 & 3, fully dedicated to Council.

2.3 Major Project Approval 09_219

Major Project approval MP09_219 was issued concurrently by the PAC on 6 March 2013. The approval related to the construction of Stage 1 of the precinct, or land referred to as 41 Belmore Road, Shepherds Bay. The approval provided for 207 apartments, 277 parking spaces within a basement, as well as landscaping.

The Major Project approval was subsequently modified on 16 October 2014. MOD 1 altered the dwelling mix and increased the number of units from 207 to 246. Parking spaces were also increased from 277 to 342.

MOD 2 was issued on 13 April 2015. This modification related to subdivision only and did not alter the number or configuration of apartments.

2.4 Development Consent 2015/0018 (Stage 2 & 3)

On 20 October 2015, the Joint Regional Planning Panel (JRPP) issued Development Consent for the construction of Stage 2 and 3 within the precinct. In summary, the development provides for the construction of two (2) multi storey mixed use developments comprising of 453 apartments, with associated basement parking and landscaping.

2.5 Development Consent 2015/0019 (Stage 4 & 5)

On 18 September 2015, the JRPP issued Development Consent for the construction of Stage 4 and 5 within the precinct. In summary, the development provides for two (2) residential flat buildings comprising of 511 apartments with associated basement parking and landscaping.

2.6 Deferred Commencement Consent 2015/0032 (Stage 6 & 7)

On 15 December 2015, the JRPP issued deferred commencement consent 2015/0032 for the construction of Stage 6 and 7 of the precinct. In summary, the development provides for two (2) residential flat buildings inclusive of 311 apartments with associated basement parking and landscaping.

2.7 Deferred Commencement Consent 2015/0031 (Stage 8 & 9)

On 15 December 2015, the JRPP issued deferred commencement consent 2015/0031 for the construction of Stage 8 and 9 of the precinct. In summary, the development provides for three (3) residential flat buildings inclusive of 422 apartments with associated basement parking and landscaping.

2.8 Summary of Approvals & Key Data

The table on the following page summarises the approvals issued to date for the precinct, as well as the number of dwellings and car spaces pertaining to each approval.

Approval	Date of Approval	Stage	Approved No. of Car Space	Approved No. of Dwellings
MP09_219 (MOD 1)	16 October 2014	1	342	246
DC 2015/0018	20 October 2015	2 & 3	607	453
DC 2015/0019	18 September 2015	4 & 5	647	511
DC 2015/0032	15 December 2015	6 & 7	433	311
DC 2015/0031	15 December 2015	8 & 9	586	422
TOTAL			2615	1943

3. The Site and Context

3.1 Locality Description

The subject locality is generally referred to as Shepherds Bay. It incorporates that land the subject of Concept Approval MP09_0216. Shepherds Bay was formerly an industrial estate which is currently undergoing urban renewal. The locality will comprise a combination of high density residential development, retail services, as well as public open space for active and passive recreational opportunities.



Figure 2: Locality aerial view (Source: Six Maps)

Several former industrial sites within the estate have already been redeveloped for mixed use residential purposes. Several further allotments are currently under construction, also for mixed use or high density residential purposes. As outlined in Section 2 above, several Development Consents for further redevelopment also apply to the precinct.

The locality is well serviced in terms of transport and services. For example, a range of retail and commercial services are currently established within the estate, whilst more are expected as part of the applicable Development Consents. Alternatively, the adjoining suburb of Rhodes provides a broader range of commercial and retail services.

Church Street is the main vehicular route for the broader locality. It provides connectivity for private and public vehicular transport to a range of local and regional centres. Similarly, Shepherds Bay and surrounding suburbs are also serviced by regular train services from Meadow Bank Railway Station.

3.2 Site Description

The sites which form part of this application are generally referred to as Stage 2 & 3, Stage 8 & 9, as well as Stage A (see **Figure 1**).

4. Need for the Modification

4.1 Introduction

There are three distinct elements to this S75W. They relate to:

- i) The relocation to Stages 8 & 9 and reduction in size of the community facility and its replacement with additional dwellings;
- ii) The additional dwellings in Stages 2 & 3; and
- iii) The modifications to the envelope of Stage A following the design excellence process.

Further, as a consequence of i) - iii), there is a need to modify the conditions relating to the dwelling and parking caps. For purposes of clarity of assessment, this report has been structured to consider each element separately both in terms of description and assessment.

4.2 Relocation and reduction in size of community facility and replacement with additional dwellings

Condition I(18) of MP09_216(MOD 1) required the provision of a 1000m² Community Facility within Stage 2 & 3 of the estate, as demonstrated below:

" Community Facilities

18. **Any** future Development Application/s for the **1000th dwelling Stage 5 development** shall include, at no cost to Council, **the delivery of** an appropriate community space within the development ~~on the ground floor level~~, which can be used by Council or ~~nominated community organisation(s)~~ **members of the community** for community purposes **and related uses**.
- a) **The community facility must be a minimum of 1,000m² in area and be primarily located on ground level.** The ~~amount and~~ configuration of floorspace should be designed in consultation with Council or Council nominated community organisation(s). ~~Any dispute in the quantum of floorspace to be provided should be referred to the Director General, whose decision shall be final.~~
 - b) **The primary use of the designated community floor space must be for community uses. A range of other activities, such as private functions, community markets and garage sales, may be undertaken within the community facility provided that they are subsidiary to the core community function.**
 - c) The designated community floor space must not be used for any other-commercial, retail or residential use unless Council decides not to accept the designed floorspace.
 - d) The provision of community floorspace is in addition to Council's Section 94 Contributions for the development.
 - e) **The facility to be delivered is to be located around the contiguous central public open space area in either Stage 2 or 3.**

The proponent subsequently prepared and submitted DA 2015/0018 for Stage 2 & 3 in accordance with the abovementioned condition. The DA assessment had substantially progressed when Council approached the applicant about relocating and reducing the size of the Community Facility. In Council's opinion, the 1000m² area was surplus to requirements and its location towards the middle of the Stage 2 & 3 building footprint was not highly accessible by the public.

Council suggested that the facility be reduced in size to 500m² and relocated to Stage 8/9. Specifically, the facility would form part of an additional storey on that part of Stage 8 & 9 which faces Bowden Street. This location maximises the facility's public accessibility.

The applicant agreed to relocate the facility generally on the basis that the area vacated by the Community Facility from Stage 2 & 3 be occupied by an additional seventeen (17) apartments. Given the DA assessment had been all but completed, the applicant also requested that the relocation and reduction in size of the Community Facility be achieved as a condition of any forthcoming consent as well as a Deed of Agreement between both parties.

Subsequently, the consent was issued with the relevant condition and a Deed of Agreement was finalised between Council and the applicant.

Given the above, the Concept Approval, as modified, must be further modified to reflect the Deed of Agreement between Council and Holdmark.

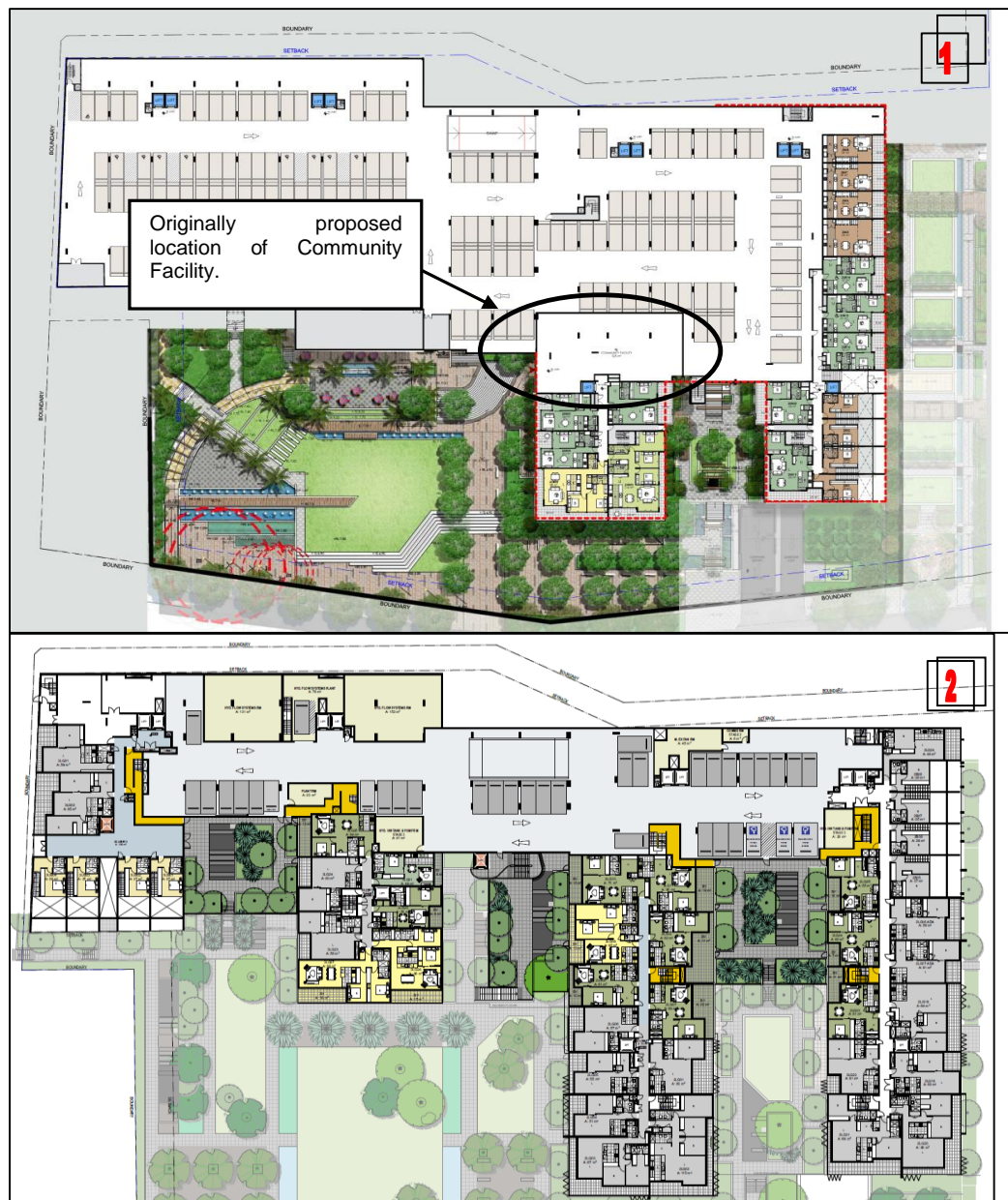


Figure 3: Approved lower basement plan for Stage 2 & 3 (Image 1), and proposed lower basement plan for Stage 2 & 3 (Image 2).

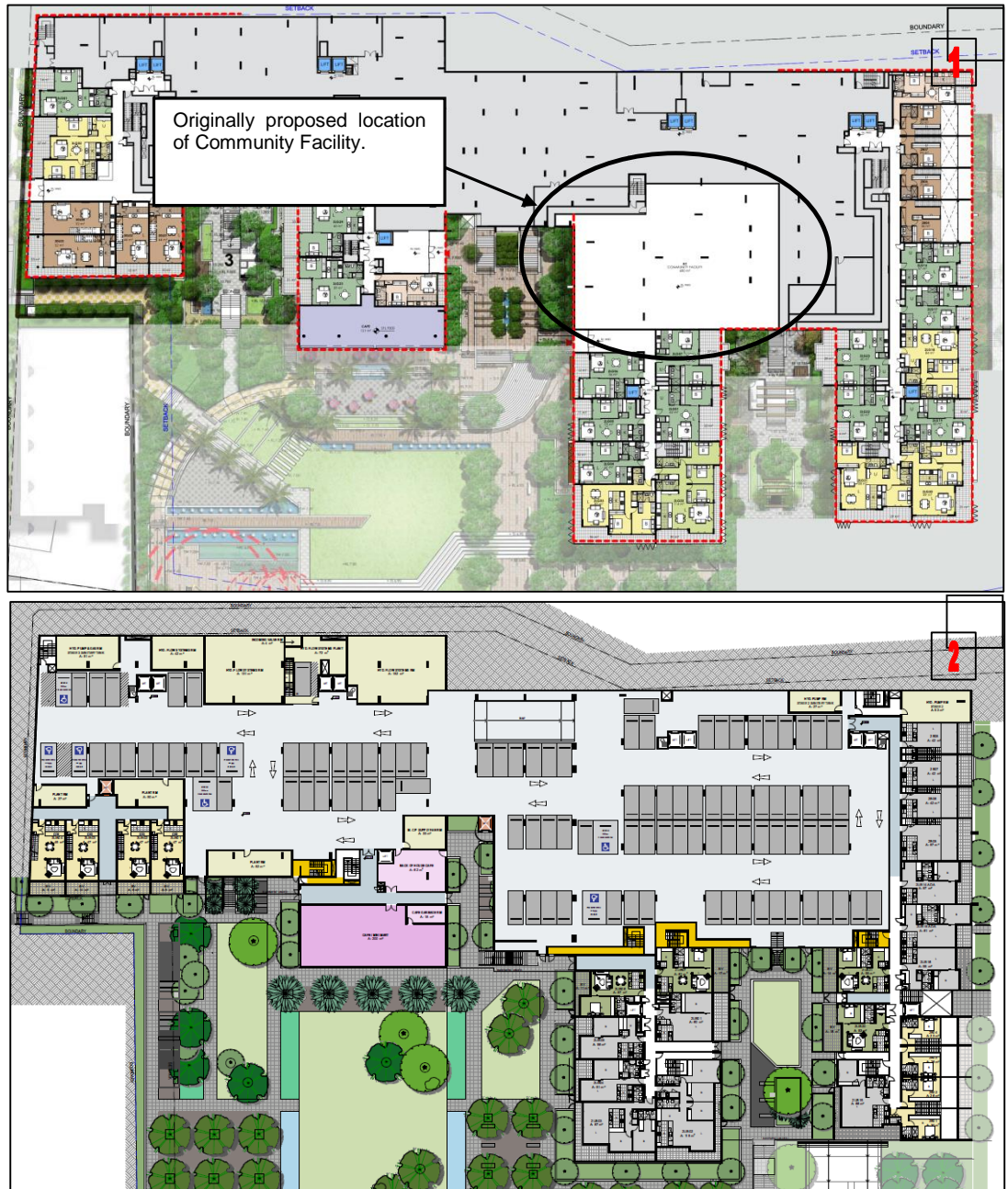


Figure 4: Approved upper basement plan for Stage 2 & 3 (Image 1), and proposed upper basement plan for Stage 2 & 3 (Image 2).

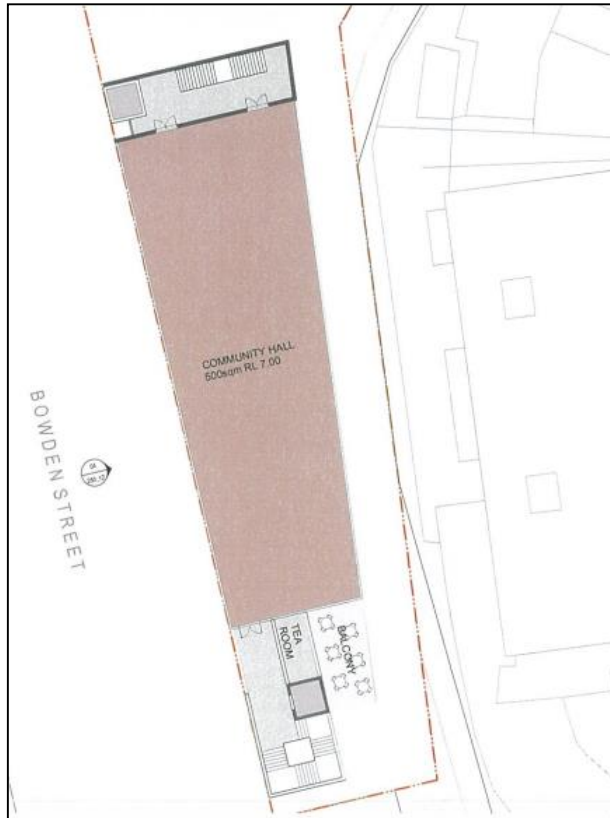


Figure 5: Proposed location and size of community facility within Stage 8 & 9, as provided in the Deed of Agreement between the City of Ryde Council and Holdmark.

4.3 Additional Dwellings in Stages 2 & 3

The applicant engaged Turner Architects to prepare construction certificate plans for Stage 2 & 3 of the precinct. Following their review, Turner identified unused volume generally towards the base of the existing building envelope. Their review also identified opportunities to improve the accessibility and practicality of the central courtyard area approved as part of the Development Consent. In summary, the landscaping could be improved by reducing its gradient. Reducing its gradient provides for more building volume again towards the base of the building. Both these exercises resulted in substantial additional building volume which allows for additional dwellings.

Accordingly, the unused volume within the approved building envelope provided opportunities for an additional twenty-eight (28) dwellings within the existing (i.e. approved) building envelope (in addition to the 17 proposed as part of the relocated community facility). The additional dwellings do not alter the Reduced Levels prescribed by the Concept Approval. They do however, result in an additional building storeys. See Figures below.

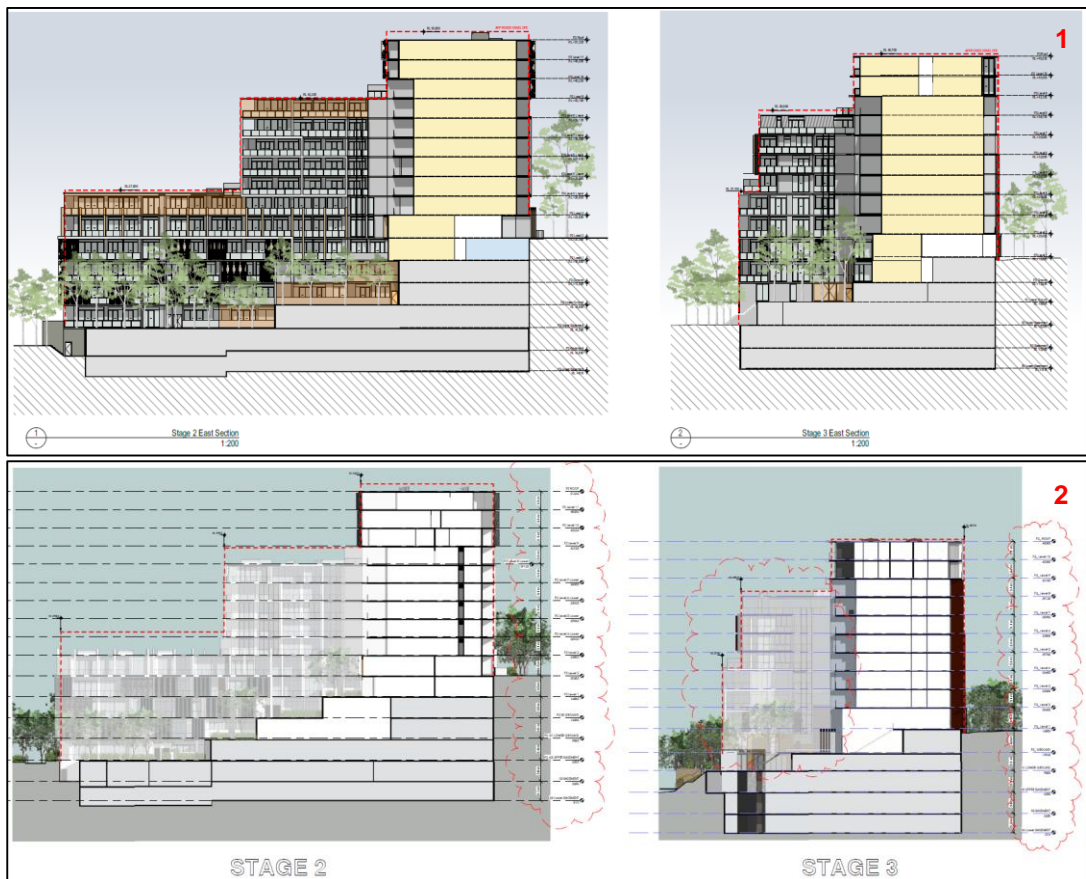


Figure 6: Approved section for Stage 2 & 3 (Image 1), and proposed section for Stage 2 & 3 (Image 2).

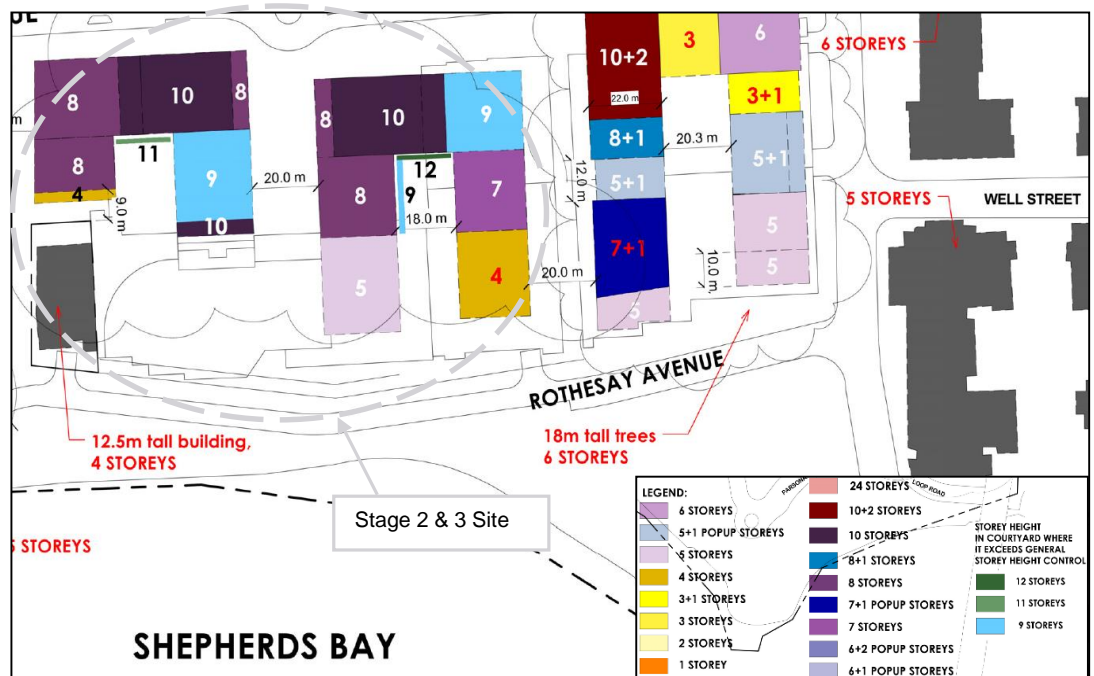


Figure 7: Extract of new storey plan for Stage 2 & 3.

The change to the storeys count is viable due to changes in grade and RL and is only counted at the internal faces of Stages 2 and 3.

4.4 Changes to Stage A Building Envelope

As part of Concept Approval MP09_0216, the built form for the Stage A site generally comprised of three (3) separate envelopes with heights ranging from 2, 6 and 10 storeys. A maximum RL of 57.70 also applied to the site. The following extract of Concept Approval MP09_0216 demonstrates such RLs, building storeys, as well as the indicative building envelopes.

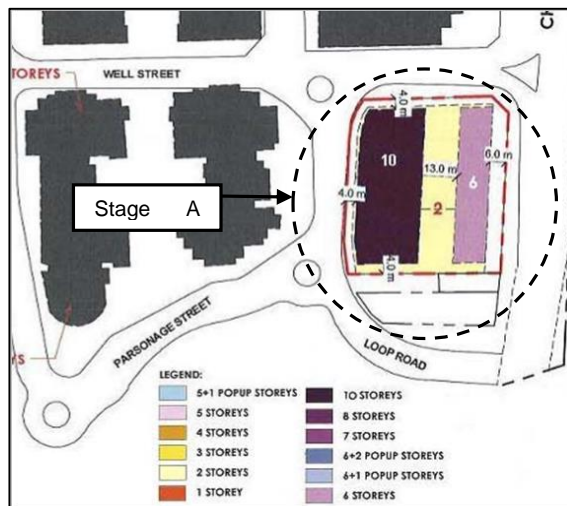


Figure 8: Extract of Concept Approval demonstrating Stage A.

For the purposes of further developing the ultimate architectural scheme for the Stage A site, Condition 1 of Schedule 3 in Concept Approval MP09_0216 subsequently required a design competition process. Specifically, the condition states as follows:

"

Design Excellence

1. Future Development Application/s for Stage 5 (the signature building fronting Church Street) shall demonstrate design excellence in accordance with the Director General's Design Excellence Guidelines.

"

Such a competition was held between July and September 2015. The competition was managed by CPSD on behalf of Holdmark. The following three (3) firms provided entries to the competition:

- Architectus and Williamson Carter Architects.
- Cox Architecture and Kennedy Associates Architects.
- Group GSA and Malcom Sholl Architects.

The independent jury comprised of the following members:

- Chris Johnson - representing the proponent, Holdmark.
- Gabrielle Morrish - representing the City of Ryde Council.
- Olivia Hyde - representing the Government's Architect Office.

The entry by Cox Architecture and Kennedy Associates Architects was the winning scheme, as determined by the jury. The jury's report prepared by the Jury Panel is provided as **Appendix 12** to this report. The report outlines the competition and design analysis process in detail.

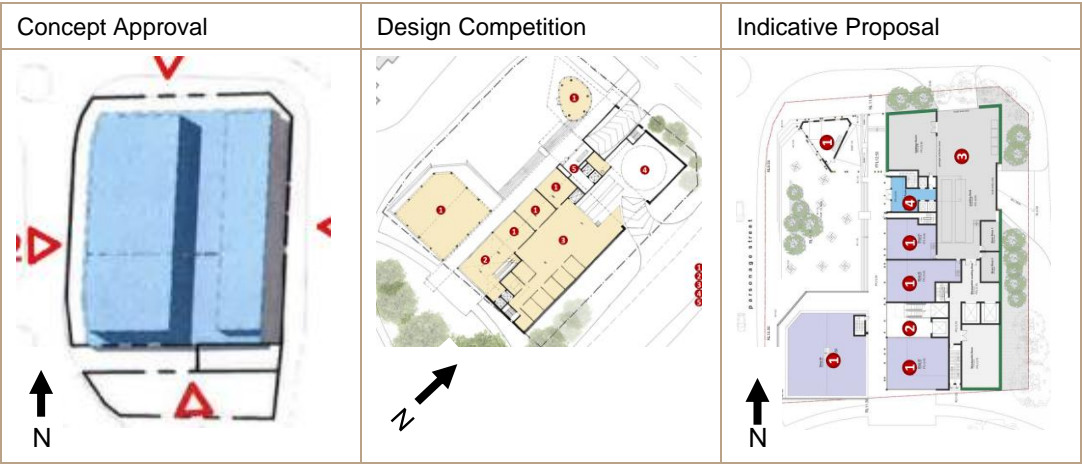
Since the winning scheme was determined as part of the design excellence process, Cox Architecture and Kennedy Associates Architects have further developed the scheme, and which forms part of this application. An indicative proposal of this scheme is provided at **Appendix 13**.

The scheme differs from that included in the original Concept Approval. Thus, this application seeks a modification to the original Concept Approval to incorporate the redefined design excellence envelope.

The following table itemises the changes to the Stage A building envelope in terms of building height and gross floor area. It includes the envelope as proposed in this application (i.e. 'indicative proposal').

	Concept Approval	Design Competition	Indicative Proposal
No. of storeys	2, 6 & 10	4 - 19	7 - 24
Reduced level (RL)	22, 35.80, & 57.70	80.0	27.80, 40.20 & 95.80
Gross floor area	15,228m2	16,153m2	21,297m2

The following extracts demonstrate the evolution of the Stage A building footprint/envelope from the original Concept Approval MP09_216, the design excellence process, and the current indicative proposal.



4.5 Dwelling Cap

In approving the Modification 1 to Concept Approval MP09_0216, the PAC (at the request of Council) applied a 'cap' or maximum limit to the number of dwellings within those buildings as part of the original Concept Approval (this was not sought). That is, a maximum of 2005 dwellings was subsequently permitted as part of the modified Concept Approval, where previously no such limit applied. Specifically, modified condition F in Schedule 3 of the Concept Approval states as follows:

"

Dwelling Cap

1A. Future Development Applications shall provide for a total number of dwellings up to a maximum of 2,005 across the Concept Plan site (including Stage 1).

Future Development Applications shall include a projected dwelling forecast for each remaining stage demonstrating that the total dwelling numbers will adhere to the dwelling cap.

"

The following table itemises the approvals and consents currently issued for the precinct. It also nominates the number of apartments provided as part of each approval. Whilst the total number of approved apartments is currently less than the 'cap' of 2005 dwellings, the modifications to the development sought under this S75W and specifically Stage A site will exceed the cap.

Application (following Concept Approval MP09_0216)	Determination	Stage	Number of Dwellings
MP09_219	Yes	1	246
LDA2015/0018	Yes	2 & 3	453
LDA2015/0019	Yes	4 & 5	511
LDA2015/0032	Yes	6 & 7	311
LDA2015/0031	Yes	8 & 9	422
TOTAL			1943
Remaining			62

Council has acknowledged that their insistence of a dwelling cap related to a concern for traffic generation around Constitution, Nancarrow and Belmore Roads (i.e. Stage 1-9). The modifications sought under this S75W to Stages 1-9 will not exceed the dwelling cap. Stage A however will. Given that it was not the purpose of the cap to affect Stage A, this request seeks to exclude Stage A from the calculation of the cap.

4.6 Car Parking Cap

Condition M in Schedule 3 of the modified concept approval nominated a car parking 'cap' for the entire precinct. As the following extract of the condition demonstrates, a maximum of 2976 car spaces are to be provided on private property throughout the precinct.

"

Car Parking

23. Future Development Applications shall provide on-site car parking in accordance with Council's relevant Development Control Plan, **up to a maximum of 2,976 spaces across the Concept Plan site.**

"

It has been acknowledged by Council, that the cap applied to Stage 1 to 9 only due to their concern for traffic movements in Nancarrow, Belmore and Constitution Roads. It was an acknowledgement that Stages 1 - 9 resulted in the greatest concentration of density and therefore, potential traffic impacts for the precinct. Similarly, it had always been acknowledged that Stage A was largely an isolated site due to its separation from the other stages of the precinct. Due to Stage A's proximity to Church Street, it was also acknowledged that it would not be subject to the same potential traffic implications.

Accordingly, this application seeks to amend the abovementioned condition such that it does not relate to Stage A.

5. Proposed Modifications

5.1 Summary of Proposed Modifications

The proposed modifications can be summarised as follows:

- Relocation of the previously approved Community Facility from Stage 2 & 3 to Stage 8 & 9.
- Reduction in the size of the Community Facility from 1000m2 to 500m2.
- Occupying the area in Stage 2 & 3 vacated by the Community Facility with an additional seventeen (17) apartments.
- Including an additional twenty eight (28) apartments within the existing Stage 2 & 3 building envelope.
- Amending the previously approved number of storeys for Stage 2 & 3.
- Amending the previously approved storeys and RL for Stage 9 to max RL 16.00.
- Amending the previously approved envelope, number of storeys and RLs for Stage A. The amended RLs range from RL 27.80, 40.20 & 95.80.
- Excluding Stage A from the 2005 dwelling cap.
- Excluding Stage A from the 2976 car parking cap.

The modifications sought to the respective conditions and plans referred to in MP09_216, as a result of the abovementioned proposed modifications, are outlined below.

5.2 Conditions to be Modified

Each of the conditions which this application seeks to modify as a result of the modifications outlined in Section 3 above are set out below. We nominate the conditions as they are currently contained within MP09_216 or MP09_216 (MOD 1), followed by the proposed modified condition.

5.2.1 Plans and Documentation

Condition A2, in Schedule 2 of MP09_216 (MOD 1) currently reads as follows:

"

A2. The development shall be undertaken generally in accordance with **MP09_0216, as modified by MP09_0216 MOD1, and:**

- the Environmental Assessment dated 7 January 2011 prepared by Robertson + Marks Architects and PLACE Design Group, except where amended by the Preferred Project Report dated July 2012, including all associated documents and reports;
- **the S75W Modification Application dated November 2013 prepared by Robertson + Marks Architects and City Plan Services including all documents and reports, except where amended by the:**
 - **Response to Submissions report dated 28 March 2014 prepared by City Plan Services; and**
 - **Proponents Comments in Response to Council's Submission dated 29 April 2014 prepared by City Plan Services.**
- the Draft Statement of Commitments prepared by Robertson + Marks Architects updated on 5 October 2012, **except where amended by the Revised Draft Statement of Commitments prepared by Holdmark dated March 2014;** and
- the following drawings:

Drawings Prepared by Robertson + Marks Architects		
Drawing No	Name of Plan	Date
FIGURE 11 REV 2	PREFERRED CONCEPT PLAN	July 2012
PPR 001-D PPR 001-A	MAXIMUM HEIGHT WITH SETBACKS PREFERRED PROJECT MASTER PLAN: MAXIMUM HEIGHTS WITH SETBACKS	02/11/13 11 Feb 2013
PPR 002-B A	INDICATIVE CONCEPT PLAN STOREY PLAN PREFERRED PROJECT MASTER PLAN: INDICATIVE CONCEPT PLAN STOREYS PLAN	21/10/2013 11 Feb 2013
PPR 007-E	INDICATIVE STAGING	09/24/13
S 001/B	SLOPES ON SITE	03/25/2014
FIGURE 14 REV 4 2	STAGE 1 BUILDING ENVELOPE CONTROLS	28/06/2012 July 2012
FIGURE 15 REV 4 2	STAGE 2 BUILDING ENVELOPE CONTROLS	01/18/12 July 2012
FIGURE 16 REV 4 2	STAGE 3 BUILDING ENVELOPE CONTROLS	01/18/12 July 2012
FIGURE 17 REV 4 2	STAGE 4 BUILDING ENVELOPE CONTROLS	01/18/12 July 2012
FIGURE 18 REV 4 2	STAGE 5 BUILDING ENVELOPE CONTROLS	01/18/12 July 2012
FIGURE 19 REV 4 2	STAGE 6 BUILDING ENVELOPE CONTROLS	01/18/12 July 2012
FIGURE 20 REV 4 2	STAGE 7 BUILDING ENVELOPE CONTROLS	01/18/12 July 2012
FIGURE 21 REV 4 2	STAGE 8 BUILDING ENVELOPE CONTROLS	01/18/12 July 2012
FIGURE 22 REV 4 2	STAGE 9 BUILDING ENVELOPE CONTROLS	01/18/12 July 2012
FIGURE 23 REV 4 2	STAGE 10 BUILDING ENVELOPE CONTROLS	01/18/12 July 2012
FIGURE 28 REV 2	INDICATIVE BUILDING SETBACKS	July 2012
FIGURE 29 REV 2	LANDSCAPE PLAN	July 2012
FIGURE 30 REV 2	VEHICULAR ACCESS AND PUBLIC TRANSPORT PLAN	July 2012
SK01 REV E FIGURE 32 REV 2	PEDESTRIAN & CYCLEWAY ROUTES PEDESTRIAN AND CYCLE ACCESS PLAN	18 JUNE 2013 July 2012
FIGURE 32A REV 2	INDICATIVE ACCESSIBLE CIRCULATION PLAN	July 2012
FIGURE 33 REV 2	INDICATIVE COMMUNITY, RETAIL & / OR COMMERCIAL USES LOCATION MAP	July 2012
FIGURE 50 REV 1	CONCEPT PLAN LANDSCAPE PLAN	28/07/14
PPR 003-5 FIGURE 52	OPEN SPACE AREA PLAN AND DEEP SOIL ZONES	11/01/13 July 2012

The condition is proposed to be amended as follows:

"The Condition to be amended having regard to amended plans prepared as part of this modification."

5.2.2 Dwelling Cap

Condition B in Schedule 2 currently reads as follows:

"

- (b) Schedule 2 Part B – Modification A5 is amended by the insertion of the **bold and underlined** words / numbers as follows:

Maximum Gross Floor Area (GFA) and Dwelling Cap

A5

1. The maximum GFA for commercial, retail or community uses shall not exceed 10,000m²
2. **The maximum number of dwellings shall not exceed 2,005**

"

The condition is proposed to be amended as follows

"A5

1. The maximum GFA for commercial, retail or community uses shall not exceed 10,000m²

2. The maximum number of dwellings for the precinct shall not exceed 2,005 (excluding Stage A)."

Condition F currently reads as follows:

"

- 1A. Future Development Applications shall provide for a total number of dwellings up to a maximum of 2,005 across the Concept Plan site (including Stage 1).**

Future Development Applications shall include a projected dwelling forecast for each remaining stage demonstrating that the total dwelling numbers will adhere to the dwelling cap.

"

The condition is proposed to be amended as follows:

"1A. Future Development Applications shall provide for a total number of dwellings up to a maximum of 2,005 across the Concept Plan site, including Stage 1, but excluding Stage A.

Future Development Applications shall include a projected dwelling forecast for each remaining stage demonstrating that the total dwelling numbers will adhere to the dwelling cap."

5.2.3 Maximum Storeys

Condition G currently reads as follows:

"

3A. Future Development Applications shall satisfy the 'Maximum Number of Storeys Above Ground Level (Finished) Plan'. An exception to the maximum storey height may be given to buildings within Stages 2 and 3 on steeply sloping topography (being at the locations indicated on drawing S 001/B not including the area shown within Stage 4) where it can be demonstrated that:

- a) the overall building height satisfies the maximum permitted RL;**
- b) no more than 1 additional storey is provided;**
- c) an acceptable level of amenity can be achieved for any additional apartment(s) provided in accordance with the requirements of Future Environmental Assessment Requirement 21; and**
- d) the additional storey is required to appropriately activate the ground level.**

"

The condition is proposed to be amended as follows:

"Maximum Storeys on Steeply Sloping Topography

3A. Future Development Applications shall satisfy the 'Maximum Number of Storeys Above Ground Level (Finished) Plan'. An exception to the maximum storey height may be given to buildings within Stages 2 and 3 on steeply sloping topography (being at the locations indicated on drawing - not including the area shown within Stage 4) where it can be demonstrated that:

- (a) the overall building height satisfies the maximum permitted RL;*
- (b) an acceptable level of amenity can be achieved for any additional apartment(s) provided in accordance with the requirements of Future Environmental Assessment Requirement 21; and*
- (c) the additional storey/s is required to appropriately activate the ground level, whether the use is residential or commercial and that appropriate accessibility to public and communal open space is achieved."*

5.2.4 Community Facility

Condition I in Schedule 3 currently reads as follows:

18. **Any** future Development Application/s for the **1000th dwelling** ~~Stage 5 development~~ shall include, at no cost to Council, **the delivery of** an appropriate community space within the development ~~on the ground floor level~~, which can be used by Council or ~~nominated community organisation(s)~~ **members of the community** for community purposes **and related uses**.
- a) **The community facility must be a minimum of 1,000m² in area and be primarily located on ground level.** The ~~amount and~~ configuration of floorspace should be designed in consultation with Council or Council nominated community organisation(s). ~~Any dispute in the quantum of floorspace to be provided should be referred to the Director General, whose decision shall be final.~~
 - b) **The primary use of the designated community floor space must be for community uses. A range of other activities, such as private functions, community markets and garage sales, may be undertaken within the community facility provided that they are subsidiary to the core community function.**
 - c) The designated community floor space must not be used for any other-commercial, retail or residential use unless Council decides not to accept the designed floorspace.
 - d) The provision of community floorspace is in addition to Council's Section 94 Contributions for the development.
 - e) **The facility to be delivered is to be located around the contiguous central public open space area in either Stage 2 or 3.**

The condition is proposed to be amended as follows:

"Any future Development Application/s for the 1000th dwelling shall include, at no cost to Council, the delivery of an appropriate community space within the development on the ground floor level, which can be used by Council or nominated community organisation(s) members of the community for community purposes and related uses.

- (a) *The community facility must be a minimum of 500m² in area and be primarily located on ground level. The amount and configuration of floor space should be designed in consultation with Council or Council nominated community organisation(s). Any dispute in the quantum of floor space to be provided should be referred to the Director-General, whose decision shall be final.*
- (b) *The primary use of the designated community floor space must be for community uses. A range of other activities, such as private functions, community markets and garage sales, may be undertaken within the community facility provided that they are subsidiary to the core community function.*
- (c) *The designated community floor space must not be used for any other commercial, retail or residential use unless Council decides not to accept the designed floor space.*
- (d) *The provision of community floor space is in addition to Council's Section 94 Contributions for the development.*
- (e) *The facility to be delivered is to be located within Stage 9 and immediately adjacent to Bowden Street."*

5.2.5 Car Parking

Condition M in Schedule 3 currently reads as follows:

"

Future Development Applications shall provide on-site car parking in accordance with Council's relevant Development Control Plan, up to a maximum of 2,976 spaces across the Concept Plan site.

Future Development Applications shall provide:

- (a) a car parking rate which relates to the site-wide car parking provision and demonstrates that car parking may be provided for future stages within the total car parking figure of 2,976; and
- (b) a projected car parking forecast for each remaining stage demonstrating that the total car parking provision can be adhered to.

Provision shall also be made for adequate loading and unloading facilities for service vehicles, suitably sized and design for the proposed use.

"

The condition is proposed to be amended as follows:

"Future Development Applications shall provide on-site car parking in accordance with Council's relevant Development Control Plan, up to a maximum of 2,976 spaces across the Concept Plan site, excluding Stage A.

Future Development Applications shall provide:

- (a) a car parking rate which relates to the site-wide car parking provision and demonstrates that car parking may be provided for future stages within the total car parking figure of 2,976, excluding Stage A; and*
- (b) a projected car parking forecast for each remaining stage, excluding Stage A, demonstrating that the total car parking provision can be adhered to.*

Provision shall also be made for adequate loading and unloading facilities for service vehicles, suitably sized and design for the proposed use."

5.2.6 Stage A Proposed Modifications

Any notable modifications to development within the Stage A site warrants particular itemisation given the site's 'standalone' nature. The following is therefore a detailed description of the proposed modifications to the Stage A site, as well as a general chronology of such modifications.

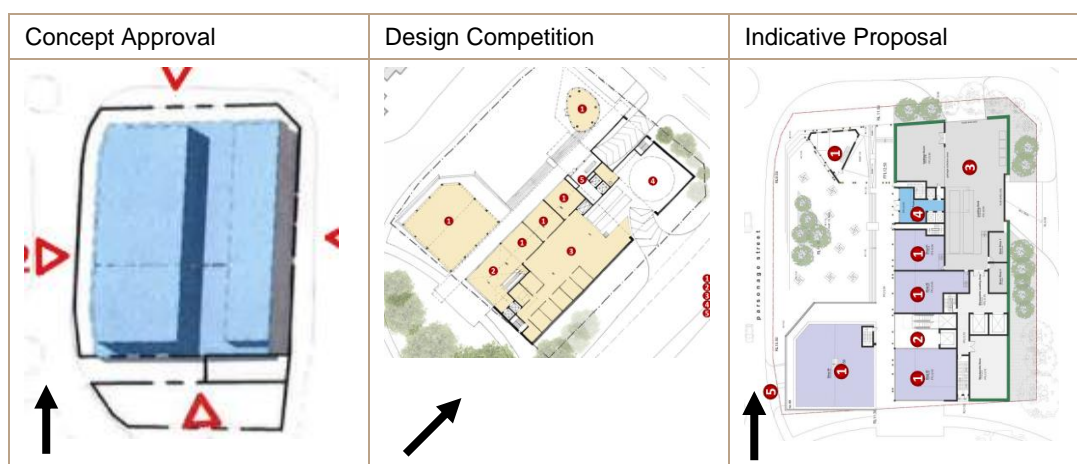
As DPE would be aware, concept approval was issued for built form on the Stage A site which generally comprised of a two (2) level building podium, upon which there were two (2) towers between six (6) and ten (10) storeys in height. As stated earlier in this assessment, a design competition process was held for the site as required by condition number 1 in schedule 3 of the concept approval. In summary, the winning entry by Cox Richardson and Kennedy Associates amalgamated some of the building envelope originally nominated in the concept approval. The amalgamation provided for an open form, ground floor public plaza, as well as improved view access for the RFB to the north (29 - 31 Porter Street). The height of the winning entry included nineteen (19) storeys with a maximum RL of 95.80.

Since the completion of the design competition process, Cox Richardson and Kennedy Associates has further resolved the building envelope. In essence, it retains the building footprint which was proposed as part of the design competition process. The overall height has been amended to include twenty-four (24) storeys, or a maximum RL of 95.80.

The tables below summarise the iterations of the Stage A site in table format. They summarise modifications to key numerical data, as well as the building footprint/envelope.

	Concept Approval	Design Competition	Indicative Proposal
No. of storeys	2, 6 & 10	4 - 19	7 - 24
Reduced level (RL)	22, 35.80, & 57.70	80.0	27.80, 40.20 & 95.80
Gross floor area	15,228m ²	16,153m ²	21,297m ²

The following extracts demonstrate the evolution of the Stage A building footprint/envelope from the original Concept Approval MP09_216, the design excellence process, and the current indicative proposal.



This application therefore seeks modifications to the original concept approval, as modified, to reflect the Stage A building envelope described above and more specifically, as detailed in the concept plans provided in **Appendix 13**.

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This proposed modification (and this environmental assessment) relates to the three elements being Stage 2 & 3, Stage 8 & 9 and Stage A only. The vast majority of the precinct remains consistent with the original Concept Approval MP09_216 or Concept Approval MP09_216 (MOD 1). This report provides that the modifications can rely on the majority of the findings within the reports which formed part of the original concept approval and its subsequent modification. Where necessary, those reports have been updated to reflect specific elements of the proposed modifications. Some substantial modifications are proposed to Stage A. This aspect of the proposal is supported with substantive reports, and architectural plans from experts and relied upon in this assessment, as provided below.

6.1.1 Additional Storeys

The relocation of the Community Facility and its subsequent replacement with seventeen (17) additional apartments increases the number of storeys within the Stage 2 & 3 building envelope as shown on the plan extract below. However, the additional storeys do not increase the previously approved Reduced Levels (RL) which range from RL 24.2 to RL 55.5 other than in one location by 300mm to allow for a 2.7m ceiling height for dwellings agreed to as part of the Deed. Effectively, the additional storeys are generated as the building envelope becomes deeper, rather than higher or taller. See **Figure 9** below.



A deeper building envelope was largely the result of reconfigurations to the central courtyard area. That is, previously the court yard area contained a series of level changes which would not have been easily traversable. In order to improve accessibility throughout the central court yard, the number of levels throughout the courtyard area has been reduced by lowering the RL of the courtyard. Lowering the courtyard results in a deeper building envelope and subsequently, potential for additional storeys.

Given the additional storeys do not alter the previously approved RLs for Stage 2 & 3 (other than referenced), this aspect of the modification application results in negligible environmental impacts. Specifically, it would not result in any additional overshadowing or additional building bulk to any public place. The reconfigured central courtyard provides for improved accessibility. Details shown on Landscape Plans at **Appendix 5** prepared by Blackbeetle.

Additional Storey within Stage 8 & 9

The Deed of Agreement between the City of Ryde Council and Holdmark specified the relocation of the Community Facility from Stage 2 & 3 to Stage 8 & 9. Specifically, the Community Facility should form an additional storey on top of that one (1) storey portion of the building which currently faces Bowden Street (Stage 9).

As demonstrated in the following extract of the Concept Approval, that part of Stage 8 & 9 which faces Bowden Street includes one (1) storey only, and a maximum RL of 9.40m. The proposed Community Facility involves an additional storey with an RL of 13.68m. Moreover this modification seeks to increase the envelope beyond the anticipated roof height of the community centre to RL 16.00. The reason for this is because on the eastern boundary of Stage 8/9 is a high pressure oil pipe and easement owned by Viva. There are ongoing discussions with Viva as to whether the proposed modification can encroach the easement and if so, at what height, and for whether the easement/pipe can be relocated. The additional envelope sought is therefore to allow flexibility and the applicant is in such negotiations. Any assessment of impact will therefore assume a worse case height of RL 16.00.

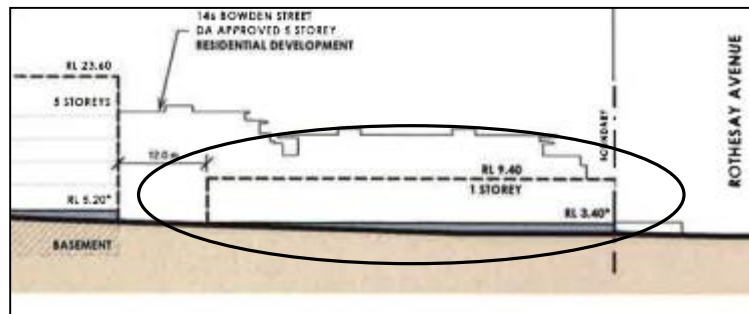


Figure 10: Stage 8 & 9 Concept Approval approved storeys and RL plan.



Figure 11: Proposed Community Facility.

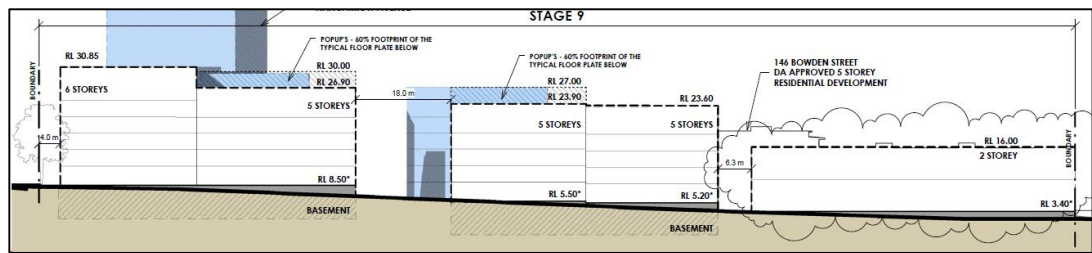


Figure 12: Extract of new storey and RL plan.

The proposed Community Facility's bulk and scale, as it presents to Bowden Street, is of a two (2) storey nature articulated with openings and material changes whilst being clearly identifiable as a community facility.

The increased storey must be considered in terms of potential view impacts at RL 16.00. In this case, potential view impacts may arise from those existing apartments at 141 and 143 Bowden Street (i.e. to the west of the subject site). Specifically, the view loss will include that of partial views toward the Parramatta River from both Nos. 141 and 143 Bowden Street and partial views of Ryde Bridge from 143 Bowden Street. See plans at **Appendix 10** prepared by Turner Architects.

The majority of the proposed built form will be located directly adjacent to the existing building at 146 Bowden Street and therefore will have no impact on existing views gained from the west of Bowden Street. The only view impact incurred by this proposal is that imposed by the southern extent of the community centre.

Whilst the view analysis shows that some water views will be partially lost, the extent of the impact is considered minimal. The view analysis provided by Turner does not show absolute view loss occurring to any effected dwellings (assuming a worse case building envelope up to RL 16.00). The view loss incurred as a result of this modification is reduced through skilful architectural design and is considered reasonable in keeping with the Planning Principle established by Roseth SC in *Tenacity Consulting v Warringah* [2004] NSWLEC 140.

The additional storey and increased envelope must also be considered in terms of its potential for increased overshadowing. From plans prepared by Turner Architects it can be seen that any increase in shadows in the morning will fall on the road whilst in the afternoon shadows will fall within the taller 1 & 3 Bowden building.

Stage 2 & 3 Apartment Amenity

Any new dwellings are required to demonstrate a satisfactory level of amenity in terms of, room size, solar access, ventilation and privacy. Amenity is particularly relevant in this case as several of the new apartments are located on the proposed lower levels where there is less exposure to sunlight.

Condition 21 of MP09_216 established the minimum levels of amenity for apartments within this precinct. The following is an extract of the conditions.

21. Future Development Applications shall demonstrate compliance with the provisions of the *State Environmental Planning Policy 65 – Design Quality of Residential Flat Development* (SEPP 65) and the accompanying *Residential Flat Design Code 2002* (RFDC), except where modified below:

In particular, future application/s shall demonstrate that:

- (a) a minimum of 60% of apartments within each stage are capable of being cross ventilated; and
- (b) a minimum of 70% of apartments within each stage receive a minimum of 2 hours solar access to living areas and balconies mid winter; and
- (c) where less than 70% of apartments achieve 2 hours of solar access in mid winter, these apartments (beyond the first 30%) shall be designed to provide improved amenity by:
 - including extensive glazing (minimum 70% of the external façade) to living rooms;
 - permitting cross-ventilation specifically to those apartments; and
 - exceeding RFDC guidelines by at least 20 40% in at least one both of the following areas:
 - increased floor to ceiling height; ~~or~~ and
 - increased minimum apartment areas, being greater than 50sqm for 1 bedroom, 70sqm for 2 bedroom and 95sqm for 3 bedroom apartments.
- (d) a minimum of 25% of open space area of the site is deep soil zone
- (e) the proposed landscaped areas provide sufficient deep soil in accordance with the RFDC.

Appendix 6 to this report provides an assessment by Turner Architects of the proposed new apartments against the amenity benchmarks established by Condition 21. In summary, the assessment provides that each of the proposed additional units will meet the required criteria.

Additional Dwellings & Dwelling Cap

Condition 1A of Concept Approval MP09_216 (MOD) prescribed a dwelling 'cap' of 2005 for the precinct.

Dwelling Cap

- 1A. Future Development Applications shall provide for a total number of dwellings up to a maximum of 2,005 across the Concept Plan site (including Stage 1).**

Future Development Applications shall include a projected dwelling forecast for each remaining stage demonstrating that the total dwelling numbers will adhere to the dwelling cap.

This aspect of the proposal includes an additional 17 apartments. Currently, 1943 apartments have been approved throughout the precinct. This aspect of the proposal would therefore not breach the cap.

The table below provides a cumulative total of all existing approved apartments for the precinct, as well as the proposed additional 17 apartments.

Application (following Concept Approval MP09_0216)	Determination	Stage	Number of Dwellings
MP09_219	Yes	1	246
LDA2015/0018	Yes	2 & 3	453
17 new units	N/A	2 & 3	17
LDA2015/0019	Yes	4 & 5	511
LDA2015/0032	Yes	6 & 7	311
LDA2015/0031	Yes	8 & 9	422
TOTAL			1960

6.1.2 Traffic Impacts

Stage 2 & 3 Traffic Impacts

Any increase in density should be considered with respect to potential traffic impacts. It was agreed between the City of Ryde Council and Holdmark that the area vacated by the Community Facility could be occupied by an additional seventeen (17) apartments. These apartments are also supported by an additional 13 car spaces.

DC 2015/0018 for Stage 2 & 3 provided for 607 onsite car spaces. The modification increases the parking to a total of 640 car spaces are proposed for Stage 2 & 3 as a result of this component of the modification.

Relative to the 607 existing spaces, the proposed additional 13 spaces is minor and would subsequently result in negligible impacts. An assessment of the proposal's traffic impacts has been prepared by Road Delay Solutions and provided in **Appendix 7** of this report. The assessment finds that the additional apartments and associated car spaces would result in negligible impacts.

Perhaps more importantly, the additional car spaces do not breach the parking cap of 2976 car spaces for the entire precinct, as prescribed by Condition 23 of Concept Approval MP09_216 (MOD 1). The table below provides a cumulative total of parking spaces for the estate according to existing consents, and those additional car spaces proposed as part of this application.

Approval	Date of Approval	Stage	Approved No. of Car Spaces
MP09_219 (MOD 1)	16 October 2014	1	342
DC 2015/0018	20 October 2015	2 & 3	607
17 new units	N/A	2 & 3	13 proposed
DC 2015/0019	18 September 2015	4 & 5	647
DC 2015/0032	15 December 2015	6 & 7	433
DCP 2015/0031	15 December 2015	8 & 9	586
TOTAL			2648

100

6.2 Additional dwellings in Stages 2 & 3

Stage 2 & 3

[illegible]

Given the additional storeys in relation to this component of the increased yield does not result in a taller Stage 2/3 building, this aspect of the modification application results in negligible external environmental impacts. Specifically, it would not result in any additional overshadowing, additional building bulk to any public place, or loss of views.

Any new dwellings are required to demonstrate a satisfactory level of amenity in terms of, for example, solar access, ventilation and privacy. Amenity is particularly relevant in this case as several of the new apartments are located on the proposed lower levels where there is less exposure to sunlight for example.

Additional Dwellings & Dwelling Cap

The table below provides a cumulative total of all existing approved apartments for the precinct, as well as the proposed additional 28 and 17 apartments.

Application (following Concept Approval MP09_0216)	Determination	Stage	Number of Dwellings
MP09_219	Yes	1	246
LDA2015/0018	Yes	2 & 3	453
17 new units	N/A	2 & 3	17
28 new units	N/A	2 & 3	28
LDA2015/0019	Yes	4 & 5	511
LDA2015/0032	Yes	6 & 7	311
LDA2015/0031	Yes	8 & 9	422
TOTAL			1988

6.2.2 Traffic & Parking Impacts

Stage 2 & 3 Traffic and Parking Impacts

The proposed 28 additional apartments are accompanied by an additional 20 onsite car spaces. This warrants an assessment of potential traffic and parking impacts. **Appendix 7** provides an assessment of the subsequent traffic impacts by Road Delay Solutions. **Appendix 8** provides an assessment of proposed parking impacts by Thompson Stanbury Associates. In summary, the assessment finds that the additional 20 car spaces (plus the 13 spaces for the additional dwellings) are minor relative to the 607 currently approved for Stage 2 & 3. Subsequently, the impacts are negligible.

Perhaps more importantly, the additional car spaces do not breach the parking cap of 2976 car spaces for the entire precinct, as prescribed by Condition 23 of Concept Approval MP09_216 (MOD 1). The table below provides a cumulative total of parking spaces for the precinct according to existing consents, and those additional car spaces proposed as part of this application.

Approval	Date of Approval	Stage	Approved No. of Car Spaces
MP09_219 (MOD 1)	16 October 2014	1	342
DC 2015/0018	20 October 2015	2 & 3	607
17 new units	N/A	2 & 3	13 proposed
28 new units	N/A	2 & 3	20 proposed
DC 2015/0019	18 September 2015	4 & 5	647
DC 2015/0032	15 December 2015	6 & 7	433
DC 2015/0031	15 December 2015	8 & 9	792
TOTAL			2854

6.2.3 Landscape Open Space

The proposed amendments allow for improved public and private open space and accessibility thereto. It is considered in the landscape plans prepared by Blackbeetle and attached at **Appendix 5**.

6.3 Stage A

Introduction

The built form for Stage A, as approved in the concept plan, includes two (2) tower elements with a maximum of 10 & 6 storeys, over a 2 level podium with a 13m gap in between; assumed to provide a view corridor. As part of the Department's Environmental Assessment for the concept plan, it recommended a design competition process be undertaken for the purposes of any Development Application for the Stage A site. The concept approval was conditioned as such.

As stated earlier in this report, a design competition process was undertaken for the Stage A site in 2015. Whilst there was no explicit commentary that such a design competition would allow building height in addition to that specified in the concept approval, it was a particular consideration of the design competition jury. For example, the jury concluded that those schemes which conformed with the maximum building heights specified in the concept approval did not, and were not likely to achieve design excellence. This was largely because they did result in appropriate building bulk, and nor would they adequately capture the site's opportunities, particularly its gateway nature.

Subsequently, in considering the winning scheme's non-conforming height (i.e. 19 storeys), the jury noted as follows:

"

9.13 The Jury considers that the increased height of this scheme is considered appropriate when accompanied by the provision of the proposed public square and in relation to the surrounding area. While much of the development in Meadowbank is of the horizontal 6 to 8 storey built form, this needs to be offset by at least one vertical tower as has happened across the river at Rhodes. To have this vertical building also related to the linear form of the bridge will provide a good urban design solution.

"

Following further design resolution after the design competition process, the Stage A building envelope now includes a maximum height of 24 storeys and a maximum RL of 95.80m. This scheme is proposed as part of this application. The proposed scheme has been the subject of ongoing review and endorsement by the design competition jury panel. The panel considers that the proposal has merit, as stated in the minutes of the design integrity panel meeting held on 2 December 2015 (meeting minutes provided as Appendix 26).

The extracts below provide a comparison of the building height map as provided in the concept approval, and that which forms part of this application.

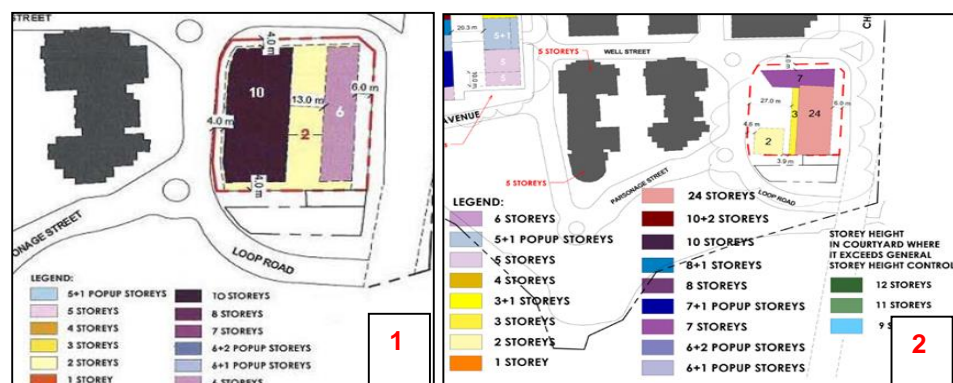


Figure 14: Concept approved storeys (Image 1) and new proposed storeys (Image 2) for Stage A.

View Impact

Given the Stage A envelope, as proposed, is higher and of a different form than the building envelopes prescribed in Concept Approval MP09_216, consideration of potential view impacts is required from both existing development and recent Development Consents issued for large scale redevelopment of allotments along the precincts northern perimeter (Constitution Road, Belmore Street and Junction Street, for example).

Appendix 25 of this report prepared by Cox Architecture and Kennedy Architect Associates, provides a detailed analysis of the proposal's potential view impacts of existing and proposed development in Ryde, Rhodes and East Rhodes. The extracts below demonstrate the view impact from the approved envelope (red outline) versus the proposed envelope (white outline).



Figure 15: View from Church Street (Image 1), view from Meriton Building A (Image 2), and view from Benelong Park, Yarala Road (Image 3).

It is apparent from the changed envelope that views will be available to the south-west from land to the north and north-east over the lower portions of the site to a greater extent than otherwise achievable under the Concept envelope. The view loss incurred as a result of this modification is considered reasonable and is in keeping with the Planning Principles established by *Tenacity Consulting v Warringah* [2004] NSWLEC 140.

Acoustic Impacts

Church Street is an arterial road and experiences a relatively high traffic volume. Subsequently, there is potential for noise impacts from the road to the amenity of any future dwellings. A detailed acoustic report will be provided with the DA application, to assess and consider such impacts to ensure that the proposal can meet typical noise related standards subject to a variety of design measures.

Car Parking & Traffic Impacts

The current scheme being developed for Stage A under the proposed envelope includes approximately 416 car spaces (to be confirmed during any subsequent DA) for both the

proposed apartments and the commercial floor space component. Access to the site is proposed via a service lane from Church Street for service vehicles and the like. Access to the site for residents and customers is proposed via Parsonage Street.

The adequacy of the parking supply and vehicular access location is considered by Thompson Stanbury in their report provided at **Appendix 17** and Road Delay Solutions at **Appendix 16**.

Car Parking Cap

As stated earlier, a parking 'cap' of 2976 car spaces applies to the entire precinct. As a consequence of the proposed amendments to Stages 2/3 and 8/9 a total of 2858 car parking spaces would be required, leaving 118 spaces under the cap. The proposed likely 416 car spaces currently anticipated as part of Stage A would clearly breach the cap.

However, the 'cap' was intended by Council for Stages 1 - 9 only given these stages provided for the greatest concentration of density and subsequent traffic impacts. The Stage A site had always been considered as an isolated site given its separation from the remainder of the sites subject to Concept Approval MP09_216 and subsequent modifications.

Given the above, excluding Stage A from the parking 'cap' is a reasonable outcome and based on the traffic and parking expert reports such parking provision is considered acceptable with minimal impact on traffic generation in the remainder of the precinct.

Dwelling Cap

The current scheme for Stage A includes approximately 189 apartments (to be confirmed during any subsequent DA). As stated earlier, a dwelling 'cap' of 2005 dwellings applies to the precinct. The proposed modifications to Stages 2/3 and 8/9 result in a total of 1988 dwellings; 17 dwellings under the cap. The current Stage A scheme would therefore breach the cap. As stated earlier however, the 'cap' was introduced by the PAC at the insistence of Council who were concerned as to the traffic generation implications of additional yield on Constitution, Belmore and Nancarrow Roads. Given that the traffic reports consider the respective parking and traffic demand from this development to be acceptable the breach of the dwelling cap in and of itself has no bearing.

Further, the current number of apartments approved in the precinct equates to 1943. If the cap were to be maintained or applied to Stage A, it would therefore only allow for a total of 62 apartments within a building with envelopes up to 10 and 6 storeys in height (excluding any changes in 1-9). Assuming the 17 and 28 additional units in 2 & 3 occur only 17 dwellings would remain for Stage A. Clearly this was not envisaged when the cap was applied.

In this regard, breaching the cap, or excluding Stage A from the cap, would be reasonable.

Amenity

Cox Richardson and Kennedy Associates Architects have prepared an assessment of the proposed Stage A building against the amenity controls of the ADG. Their assessment is provided in **Appendix 15**. Largely due to the single tower component of the proposal, they conclude that the amenity controls can be satisfied in any future DA.

Riparian Land and Threatened Species

The proposed Stage A building envelope, in particular, its additional building height may generate shadows which impact upon flora and/or fauna within the nearby river and its foreshore.

Molino Stewart were engaged to assess Stage A's impacts on the river and its foreshore in particular. Their assessment is provided in **Appendix 18** to this report. In summary, their assessment finds that the proposal would not result in any unreasonable impact on flora and fauna, largely because of the building envelope's substantial setback from the foreshore. Further, the relatively slim nature of its building envelope ensures the shadows 'move' quickly across the foreshore. This minimises the impact of overshadowing.

Heritage

A detailed Heritage Impact Statement (HIS) is provided at **Appendix 19** that considers the heritage implications of the proposal. The HIS concluded;

"Given the low level of heritage significance of the buildings on the site, their lack of integrity and their condition, an interpretation of the industrial history of the site as part of the new development are most appropriate."

Groundwater and flood risk

The Groundwater Investigation at **Appendix 20** concludes;

"In summary and within the limitations of normal environmental assessments (Section 14), it is considered that there is a low risk of widespread groundwater contamination within the Shepherds Bay Urban Renewal Project. It is also considered that any groundwater impact is unlikely to prevent the redevelopment of the sites for residential and open space development."

Moreover, this application is accompanied by a Flood Assessment at **Appendix 21**. This assessment states;

"This report identifies existing flood behaviour in the vicinity of the site to ensure flood risk is suitably managed during the development. The site itself is not classified as being flood affected for events up to and including the PMF. The following flood risk management measures have been incorporated into the development:

- Finished levels along the site boundary are at least 100 mm above top of kerb levels to prevent overland flows within the adjacent streets from entering the site;*
- Basement entry threshold levels (vehicle entry, stairwells, ventilation etc.) are also above PMF flood levels;*
- Floor levels for all building areas should be minimum 150 mm above adjoining ground levels to ensure adequate protection from localised stormwater inundation;*
- The proposed development will not adversely impact existing flood behaviour.*

It is our belief that the proposed development meets Councils requirements for flood risk management."

The groundwater disruption and flood risks associated with this proposal are therefore considered acceptable and will have a minimal environmental impact in light of relevant site conditions and detailed design of the proposal.

Excavation

To meet the traffic and parking demands of the site a bulk excavation dig depth of approximately 24m is anticipated. A detailed Geotechnical Assessment has been provided at **Appendix 22**. This assessment presents the results of a desktop study and walkover geotechnical investigation for the proposed works and provides a series of recommendations as to the appropriate methodology and processes to ensure that excavation is carried out in an acceptable manner that minimises environmental impacts throughout construction.

Contamination and Remediation

The Remediation Action Plan provided at **Appendix 23** establishes an Environmental Management Plan for the site to address any environmental impacts of consideration to remediation and contamination.

Public Domain and Landscaping

The proposed amendments allow for an improved public domain and landscaping on the site, as shown in the public domain and landscape plans prepared by Site Image and attached at **Appendix 14**.

7. Conclusion

The proposed modifications seek to achieve 3 key outcomes: -

- Relocate and reduce the size of the community centre and replace the space vacated with 17 dwellings;
- Provide an additional 28 dwellings in vacant and void spaces within the existing Stage 2/3 approved envelope; and
- Change the concept envelope for Stage A in line with the refined design excellence concept.

The consequences of these changes to the overall concept approval relate to changes to the dwelling and parking caps; but only in respect of Stage A. Stage A was and is considered to be a standalone site not anticipated or intended to be bound by the 'caps'. The purpose of the 'caps' to limit traffic generation in the core precinct is not being affected. These principles have been discussed and generally agreed with the City of Ryde Council.

In terms of other environmental impacts the proposed modifications are minimal and largely due to requests from Council and further design resolution.

The changes to the Stage A built form, whilst being more significant, nevertheless offer a built form relevant to its location. The proposed Stage A envelope is a product of comprehensive analysis during and post the design excellence process, inclusive of ongoing input from the design integrity panel. This Statement provides that this process, and the resultant Stage A building envelope, is a far superior built form product.