

13 May 2016

Our Ref: P15-190

Ben Lusher - Director, Key Assessments
NSW Department of Planning & Environment
23 - 33 Bridge Street
SYDNEY NSW 2000

Dear Ben,

**RE: MODIFICATION REQUEST FOR SHEPHERDS BAY CONCEPT PLAN MP09_0216
MOD2 - RESPONSE TO SUBMISSIONS**

City Plan Strategy and Development Pty Ltd (CPSD) has been engaged by the proponent, Holdmark, to respond to NSW Department of Planning & Environment's (DPE) correspondence dated 21 March 2016 in relation to the abovementioned application.

Please be advised that this correspondence refers to those items in DPE's correspondence which relate to Stage A only (i.e. the Church Street site). For clarity, separate correspondence dated 3 May 2016 has been submitted to DPE in relation to Stage 2/3 and 8/9.

The structure of our detailed response below relies largely on the sub headings provided in DPE's original correspondence dated 21 March 2016, as they refer to Stage A. Following this, we provide our explanatory information. This information may refer to architectural plans, impact reports, and the like, which accompany this correspondence separately as appendices.

1. Church Street building envelope

1.1 Intermediate Scheme

Whilst the brief for the Stage A design competition indicated compliant and non-compliant schemes could be provided by the entrants, there was no specific reference to the number of units to be provided in either scheme. The brief indicated compliant and/or non-compliant schemes could be provided in relation to the overall building envelope or form, and did not seek to constraint dwelling yield. The entrants simply chose not to pursue an intermediate scheme, as referred to by DPE.

It is worth noting that building envelopes for Stage A, as provided for by MP09_216 (MOD 1), were not highly regarded by the design competition jury, as evidenced in the following extract of the design competition jury report. In this regard, varying the building envelope and form for

the Stage A site is justified, irrespective of whether a higher yield could have been achieved within an intermediate scheme.

The Jury, through review of all the conforming proposals, formed the unanimous view that the current envelope that applies to the site alongside the restriction on dwelling numbers (62 dwellings) would deliver a lesser design solution that would not achieve the best response to the contextual and amenity issues facing the site. The Jury recognises that this site is unique, in that it is an island site isolated by vehicle movements and roundabouts which result in high vehicle speeds and road noise. This constraint severely impacts on the proximity of the site to the waterfront and its setting near the river.

Figure 1: Extract from Design Competition Jury Report (source: Architectural Design Competition Jury Report, 2015, page 9)

1.2 Justification for height increase in comparison to design competition envelope

CPSD managed the design competition process. The design competition brief, which was verified by the NSW Government Architect's Office, did not suggest that the height of the winning scheme must be conformed with for the purposes of any Development Application. Overall, the design competition process was not intended to be the final stage in relation to height. Rather, the design excellence competition was intended to be one key step in the overall process, albeit a major step.

As with most design excellence schemes, this particular scheme was established with a design integrity panel (DIP) to ensure any winning scheme maintained design excellence post the competition process (i.e. for DA stage for example). In our view, a DIP could contemplate changes to a winning scheme, whilst ensuring the scheme maintained design excellence. The DIP in this particular case has concluded that the proposal for Stage A, with the additional height, continues to achieve design excellence as well as retain the fundamental principles as displayed in the winning scheme (refer to DIP meeting minutes provided at **Appendix A**).

Further, we are not aware of any legislation, or the like, which requires development's that are subject to a design competition process, to remain entirely consistent with the competition's winning scheme.

The additional height was largely considered on the basis that it would result in a slimmer, more aesthetic architectural form. Subsequently, it is considered that it would not result in any unreasonable additional environmental impacts. In particular, any additional visual impacts associated with the proposed envelope, compared to the design excellence winning scheme, are negligible. This has been verified by a view analysis conducted by Richard Lamb & Associates (RLA). Their assessment is provided at **Appendix B**.

Rather, height related visual impacts are most likely to occur up to a height of ten (10) storeys. As such, the proponent has offered to reduce the Stage A podium height from six (6) storeys to four (4) to improve its street level relationship as well as the amenity of the proposed publicly accessible plaza. The relationship with existing residential flat buildings (RFBs) immediately to the east and west of the subject site would also be improved. Reference should be made to **Appendix C** for indicative images demonstrating the reduced podium height (an extract is provided on the following page). Please be advised that should the proponent decide to adopt the lower podium, this may alter the arrangement of the preliminary voluntary planning agreement (VPA) currently offered to Council (refer to item 3 below for further information).



Figure 2: Proposal indicative image demonstrating option for the 4 storey podium (i.e. reduced from 6 storeys). (Source: Cox Richardson/Kennedy Associates).

In addition to negligible visual impacts, the additional tower height is also justified on the basis it provides for negligible additional overshadowing impacts on the public domain. Arguably, public domain overshadowing is improved given overshadowing is consolidated into a narrower geographic area, as opposed to a wider geographic area, as is the case in the concept approved envelope.

Of more importance is that the proposal's overshadowing results in a net reduction of overshadowing to existing private residences, compared to the envelope approved in MP09_216. The net reduction occurs at approximately 2 - 3pm, to the front yards of those dwellings on the eastern side of Church Street (specifically 13 - 15 Waterview Street, Putney). Again, this is largely a result of a slender and narrower building envelope. A complete set of overshadowing diagrams demonstrating this outcome is provided at **Appendix D**. An extract of such plans is provided below.

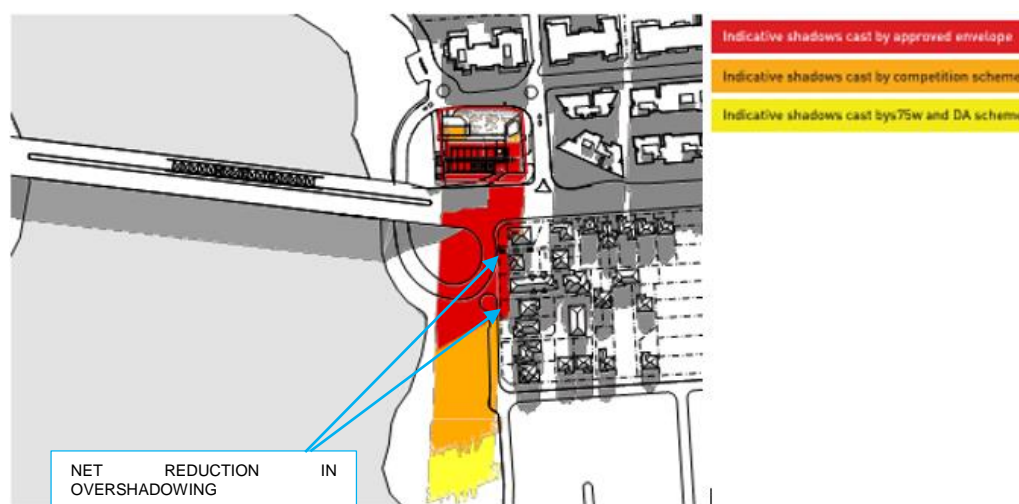


Figure 3: Extract of shadow analysis at 3pm, June 21 (source: Cox Richardson/Kennedy Associates)

1.3 Justification for height difference between proposed Church Street building envelope and detailed design scheme

The difference between the envelope diagrams and the detailed design plans only eventuate because of the manner in which building envelope heights are demonstrated during the conceptual stage. The proposal does not seek a difference in the heights, technically. In this regard, the proponent is willing to 'shrink wrap' the Church Street building envelope diagram 'around' the detailed design plans. However, it is considered that the most effective solution for this is to include a new Statement of Commitment (SOC) which specifically references the subject detailed design plans for any future construction at the Stage A site. The proponent can provide such a SOC if this is agreeable with DPE.

1.4 Justification of additional height above design excellence scheme

Justification for the proposed height is provided at item 1.2 above.

1.5 Visual Impact Analysis

As suggested by DPE, additional visual impact analysis has been undertaken by RLA demonstrating the proposed Stage A envelope within its context. Their assessment is provided at **Appendix B**. In summary, their assessment concludes that:

- The extra storeys between the design excellence scheme and the currently proposed scheme are inconsequential with regard to either immediate or distant views.
- View's from immediately adjoining apartments will be improved by the proposed scheme, compared to the Concept Approval scheme, with the exception of one apartment. The analysis provides that given more apartments will have access to more views as a result of the proposed scheme compared to the concept approval, this impact is acceptable.
- The detailed design plans provide for a more slender outcome compared to the concept approved scheme.
- The reduced podium option provides obvious and tangible benefits with regard to minimising view loss.

Further, an additional perspective image has been prepared of the proposal, as viewed from the southern entrance to the Ryde Bridge. Our assessment of the image confirms that the proposal achieves the opportunities presented by the site. In particular, it would provide a 'marker' for the immediate locality, as viewed from either approach to the Ryde Bridge, as well as the Parramatta River. This particular 'marker' would relate appropriately to existing and proposed markers at Rhodes, the Top Ryde development, as well as any building envelope likely to occupy the current Ryde Council administration building site. This view, together with numerous others prepared by Cox Richardson for the purposes of the View Impact Analysis, are included at **Appendix E**.



Figure 4: View of proposal from southern side of Ryde Bridge, showing 4 and 6 storey podium options (source: Cox Richardson).

1.6 Contextual Analysis

The contextual analysis which has informed the current scheme has evolved over a 16-month period, and includes the design competition process. The design competition process was influential in establishing the fundamental contextual basis for the scheme, as currently proposed. Some of those principles which evolved from the competition include:

- Recognising the stand alone nature of the site due to its location, size and shape.
- Given the above, utilising the site as a 'local marker' when viewed from either at the peak of Church Street, when crossing Ryde Bridge, or when travelling east - west along Parramatta River.
- Providing additional vertical elements for the Shepherds Bay precinct to offset its predominant horizontal built form. This provides visual interest particularly when viewed from the southern side of Parramatta River. It also relates effectively to the scale of development at Rhodes/Wentworth Point, as well as the emerging scale at Top Ryde, particularly given the Ryde Council administration building is currently being contemplated for tower related redevelopment.
- Encouraging tower development, as opposed to the envelopes endorsed in the concept approval, to generate a more slender and appealing overall built form, with subsequent reduction in amenity impacts such as overshadowing and view loss.
- Given the harsh environment created by Church Street's traffic volumes, concentrate most of the building mass along the site's eastern frontage, thereby providing internal protection to either the private or public domain (or in this case a publicly accessible plaza).
- Whilst relying largely on a tower component, ensuring a podium is included to achieve appropriate relationship with existing or emerging scale on immediately adjoining properties.
- Activating the foreshore.

Additional contextual analysis, and urban design justification, prepared by Cox Richardson is provided at **Appendix F** and **G** respectively.



Figure 5: Extract of contextual analysis prepared by Cox Richardson demonstrating the proposal's relationship with existing scale at Rhodes/Wentworth Point.



Figure 6: Extract of contextual analysis prepared by Cox Richardson demonstrating proposal's relationship with scale at Rhodes/Wentworth Point as well as Top Ryde. It should be noted that the Ryde Council Administration building which is immediately to the right of Top Ryde, is currently subject to a design competition for tower related development.

1.7 More robust analysis of amenity impacts to adjoining properties.

This correspondence provides that the view impact and overshadowing analysis referenced above is sufficient to determine impacts on adjoining properties.

1.8 Justification for not including a specific dwelling cap for the Church Street site.

It was proposed, following discussion with Ryde Council, to delete the dwelling cap for Stage A because the cap, in conjunction with the parking cap, was always intended to manage the density and traffic movements for Stages 1 - 9 of the original concept approval. Given Stage A is effectively isolated from the remaining stages in the concept plan, it was our conclusion that any caps were of negligible relevance.

This position was, we understand, generally accepted by officers from Ryde Council, as provided in the attached minutes of a meeting between Ryde Council and the proponent on 30 November 2015 (refer to **Appendix H**)

Despite the above, the proponent is willing to alter the existing dwelling cap, as provided by Concept Approval MP09_216 (MOD 1), such that it reflects the total number of dwellings provided in the detailed design plans provided as part of this modification application.

2. Traffic Impacts & Car Parking

2.1 Comments from TfNSW and RMS

Road Delay Solutions (RDS) have provided an amended Traffic Impact Assessment (TIA) addressing the matters raised in submissions from TfNSW and RMS.

The matters raised by RMS and TfNSW generally relate to vehicular access from Church Street, vehicular access to Wells Street, as well as vehicular access to/from Parsonage Street. These are addressed by the amended TIA, which also relies on an amended ground floor plan prepared by Cox Richardson and Kennedy Associates Architects (provided at **Appendix I**). In summary, the ground floor plan was amended to:

- Increase the width of the Church Street slip lane to improve heavy vehicle access to the Stage A site, thereby reducing risk to other vehicles on Church Street,
- Reduce the Wells Street/Church Street radius to reduce the turning speed of vehicles entering Wells Street from Church Street, thereby improving pedestrian safety.
- Reducing the angle of the Wells Street heavy vehicle driveway exit to maximise the heavy vehicle driver's intention to look left when exiting.
- Increase the length of the Wells Street median strip to avoid any right turn from the Stage A loading dock vehicle driveway exit onto Wells Street. If necessary, heavy vehicles can only access Church Street via the existing round-a-bout at Parsonage and Wells Street.
- Redirecting pedestrian movement to/from and through the site with additional or relocated pedestrian refuge points at Wells Street and The Loop Road. The RLs of the proposed publicly accessible plaza have been amended such that pedestrians will no longer be able to access the plaza via Parsonage Street, thereby reducing potential vehicular/pedestrian conflicts. In summary, the plaza has been raised and is provided with dense landscaping along its Parsonage Street boundary such that it is not accessible by pedestrians (refer to ground floor sketch prepared by Cox Richardson/Kennedy Associates at **Appendix I**).

4. Submissions from Private Residents or Organisations

We have reviewed all the submission received by DPE in response to the application. We note those submissions which relate generally to Stage 2/3 and 8/9 were addressed in correspondence dated 3 May 2016.

Those submissions which relate more specifically to Stage A generally raise the following matters:

- Height.
- View Loss.
- Overshadowing.
- Increase or loss of parking and dwelling caps.
- Traffic impacts.
- Design Excellence.
- Waste management.
- Noise generation.
- Stormwater management.

We note most of the matters listed above have been addressed earlier in this correspondence. The remaining matters, namely waste management, noise generation, stormwater management and the like, are typically addressed as part of any Development Application. However, we also note that the proponent has engaged relevant sub consultants to commence considering these matters, including civil engineers and waste management specialists.

5. Conclusion

This correspondence responds to those Stage A related matters raised by DPE in its correspondence dated 21 March 2016. As noted earlier, separate correspondence addressing those items related to Stage 2/3 and 8/9 has been provided separately.

This correspondence, together with relevant appendices, provides that the Stage A pedestrian, traffic and site access concerns have been more than adequately addressed. This has eventuated as a result of extensive consultation with RMS, TfNSW and Ryde Council's traffic engineers. Specifically, it has been demonstrated that traffic impacts are acceptable and largely in line with those which were determined in the original Concept application. Similarly, it has been demonstrated that pedestrians and vehicles can access, egress and traverse through the Stage A site in a more than reasonable manner.

The proposal's height has been carefully considered by DPE, the proponent and its project team, as well as the general community. This correspondence provides that the proposed height is acceptable when considered against the site's unique opportunities, the locality's existing and emerging scale of development, analysis provided by consultants specialising in the assessment of view impacts, as well as its reduced environmental impacts. The height is also considered suitable when considered in light of current perceptions towards development in the Sydney metropolitan region, as compared to perceptions when the original concept application was determined in 2013.

In light of the above, this correspondence provides that the proposed modifications warrant endorsement by DPE. If DPE is inclined to make such a recommendation, but requires additional information, we would be pleased to discuss such matters directly.

Alternatively, should DPE require any further information or clarification generally, please contact the undersigned on 8270 3500.

Yours Sincerely,

A handwritten signature in black ink, appearing to read "Sue Francis". The signature is fluid and cursive, with the first name "Sue" and last name "Francis" clearly distinguishable.

Sue Francis
Executive Director