

16 January 2017

**NSW Planning Assessment Commission Determination Report
Modification Request – Concept Plan, Meadowbank (MP09_0216 MOD 2)**

1. INTRODUCTION

On 11 November 2016, the Planning Assessment Commission (the Commission) received from the Department of Planning and Environment (the Department) a modification request from Holdmark NSW Pty Ltd (the Proponent) to modify the concept plan at Shepherds Bay Foreshore, Meadowbank.

The modification request has been referred to the Commission for determination in accordance with the Minister for Planning's delegation dated 14 September 2011 because the Department received an objection from the City of Ryde Council (Council) and more than 25 submissions were received in the nature of objections.

Ms Lynelle Briggs AO, Chair of the Commission, nominated Mr Joe Woodward PSM (chair), Professor Zada Lipman, and Mr Stephen O'Connor to constitute the Commission to determine the modification request.

1.1 Summary of Development Application

The modification request proposes the following modifications to Stage A:

- increase the maximum height of the tower component from 10 storeys to 24 storeys;
- increase the height of the lower-scale building envelope from six storeys to seven storeys;
- modify the layout of the building envelope to locate the tower component on Church Street and open space to the rear; and
- exclude Stage A from the maximum dwelling and car parking yield development caps.

The modification request also proposes the following modifications to Stages 2 and 3:

- increase the height of the Stage 2 building envelope by 300mm;
- various increases (between one to three storeys) to the number of storeys within the Stages 2 and 3 building envelopes;
- delete Future Environmental Assessment Requirement (FEAR) 3A to allow additional storeys on steeply sloping land;
- construct an additional 28 dwellings within the modified building envelopes and enter into a Voluntary Planning Agreement (VPA) with Council to provide 8% of these dwellings as affordable housing;
- construct an additional 17 dwellings in the approved community facility location; and
- enter into a VPA with Council to provide a \$3.5 million financial contribution to Council in lieu of providing an on-site community facility.

1.2 Background

On 6 March 2013, the Commission approved the concept plan (MP09_0216) for the redevelopment of the site for mixed use residential, retail and commercial purposes. In approving the concept plan, the Commission conditioned:

- a reduction in dwelling density to take account of the existing and emerging neighbourhood character and environmental capacity of the site;
- a reduction in the maximum building height overall from 15 storeys to 10 storeys; and

- that all future development applications be consistent with *State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development* (SEPP 65) and the Residential Flat Design Code (RFDC).

On 16 October 2014, the Commission approved a modification to the concept plan (MP09_0216 Mod 1) including:

- amendments to allow one additional storey at ground level (being accommodated in void spaces) in Stages 1-3 and 6;
- expansion of basement building envelopes;
- revision to the construction staging and timing of the delivery of open space;
- flexible application of the solar access requirements of the then RFDC;
- the introduction of a 2005 dwelling cap and 2976 car parking cap; and
- the requirement for a 1000m² community facility within Stages 2 and 3, fully dedicated to Council.

The Commission notes that since the approval of the concept plan, the former Sydney East Joint Regional Planning Panel (JRPP) has approved development applications for all stages, except for Stage A.

2. DEPARTMENT'S ASSESSMENT REPORT

The Department's assessment report identified building height, density, traffic, car parking and the relocation or removal of the community facility as they key impacts associated with this modification request. The Department's assessment report concluded that:

- the proposed 24 storey height for Stage A would result in an estranged scale and height relationship with nearby and adjoining development. The Department maintains its original view that a 15 storey height maximum should apply and has recommended a condition limiting the number of storeys;
- the proposed increase to the number of storeys in Stages 2 and 3 are generally within the approved building envelope and would have acceptable amenity and environmental impacts;
- the increase in height of the western arm of Stage 2 by 300mm is minor in nature and unlikely to have any adverse environmental impacts;
- that the dwelling cap should be increased to accommodate the proposed additional dwellings in Stages 2 and 3 and Stage A; and
- either the payment of \$3.5 million to Council in lieu of providing a community facility or the provision of a community facility in Stage A would be acceptable. The Department notes that Council has not agreed with particular details in the Proponent's letter of offer.

3. COMMISSION'S MEETINGS AND SITE VISIT

As part of its assessment of the proposal, the Commission met with the Department, the Proponent, and Council, and visited the site. Notes from these meetings are provided in **Appendix 1**. The Commission also conducted a public meeting. Notes from the public meeting are provided in **Appendices 2 and 3**.

3.1 Briefing from the Department

On 1 December 2016, the Department briefed the Commission on the background to the modification request, including the design competition process. The Department explained the recommendations outlined in its assessment report, including that the Stage A building should be a maximum of 15 storeys, that Stage A should not be excluded from the dwelling cap or the parking cap and that the proposed additional dwellings in Stages 2 and 3 would have minimal environmental impacts.

3.2 Additional Information and Briefing from the Proponent

On 25 November 2016, the Commission received additional information from the Proponent. This information is published on the Commission's website. The information mostly comprised documents already seen by the Department, however, also included a response to the Department's assessment report and recommended conditions. The Commission provided a copy of this additional information to the Department for assessment. The Department responded by stating that there was nothing contained within the documentation provided by the Proponent to the Commission that altered the findings of the Department's assessment report.

On 1 December 2016, the Commission met with the Proponent. The Proponent detailed the proposed modifications to Stage A and associated benefits, including affordable housing and design excellence as well as the proposed modifications to Stages 2 and 3.

3.3 Meeting with Council

On 5 December 2016, the Commission met with Council officers to hear their views on the modification request. Council raised concern about the height of the Stage A building, the location and design of the currently approved community facility, the need for key traffic infrastructure upgrades near the site and the quality of the footpath reconstruction required as part of Stage 1. Council was supportive of the provision of a monetary contribution in lieu of a community facility and did not raise objection to the additional dwellings proposed in Stages 2 and 3.

3.4 Site Visit

The Commission visited the site and surrounds on 5 December 2016. In particular, the Commission inspected the Stage A site, the site of Stages 2 and 3, the completed Stage 1 building, the intersection at Constitution Road and Bowden Street and the pedestrian crossing on Railway Road at Meadowbank Station.

3.5 Public Meeting

The Commission held a public meeting at the Ryde-Eastwood Leagues Club commencing at 3pm on 5 December 2016 to hear the public's views on the proposal. A list of the 23 speakers who presented to the Commission is provided in **Appendix 2**. A summary of the issues raised by the speakers and provided in written submissions is provided in **Appendix 3**. In summary, the main issues of concern included traffic and parking impacts, the provision of a community facility, the demand on local facilities and the height of the proposed Stage A building.

4. COMMISSION'S CONSIDERATION

In this determination, the Commission has carefully considered:

- all information provided by the Proponent;
- the Department's assessment report;
- advice and recommendations from Council and government agencies;
- all written and verbal submissions from the public; and
- the requirements of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

The key matters considered by the Commission include the proposed increase in height of the Stage A building envelope, the additional storeys and associated dwellings within Stages 2 and 3, the increase in height to the Stage 2 building envelope, the provision of the community facility, affordable housing, the exclusion of Stage A from the dwelling and parking caps, and traffic and pedestrian infrastructure upgrades.

4.1 Increase in Stage A Building Envelope Height

The modification request seeks to increase the height of the tower component of Stage A from 10 storeys to 24 storeys, modify the layout of the building envelope to locate the tower component on Church Street and provide an open space area to the rear, and increase the height of the lower scale building envelope from six to seven storeys.

In its modification request and in the additional information provided to the Commission, the Proponent justified the proposed additional 14 storeys for the Stage A tower on the basis that:

- the proposal is generally consistent with the design excellence scheme;
- tall towers at Rhodes set a precedent for this scale of development;
- the increase in height results in a slimmer architectural form;
- there are negligible overshadowing and other environmental impacts; and
- a development with design excellence of lesser height would not be financially viable.

The majority of written submissions and speakers at the public meeting raised concern about the proposed height of the Stage A tower because it would be out of character with surrounding development. Council also objected to the increased height of the Stage A tower as it would be visually bulky, out of context with the neighbouring development and the adjacent heritage listed bridge, and would result in additional overshadowing of dwellings on Waterview Street to the south east.

In its assessment report, the Department concluded that:

- the design competition is not a form of planning assessment that can be used to justify the proposed height, especially as the process does not involve any community consultation;
- Rhodes does not set a precedent in urban design or visual terms for the Stage A height because it is visually divorced from the site and is identified as a Strategic Centre under *A Plan for Growing Sydney* and therefore warrants the presence of tall buildings;
- the proposed 24 storey tower would be visually bulky. There are very limited views in which the tower would be seen in its comparatively slimmer side profile.
- the site could accommodate a 15 storey building as it would retain a scale relationship with the wider Shepherds Bay concept plan and would allow the site to substantially fulfil its gateway properties;
- a 24 storey building creates additional overshadowing impacts. However, these are considered reasonable and would be further reduced by a 15 storey building envelope;
- financial viability is not a key consideration in the assessment of the merits of the proposal.

The Commission acknowledges the Department and the Proponent's consideration of the Land and Environment Court case *Veloshin v Randwick Council [2007] NSWLEC 428*, which sets out a planning principle to assist in the assessment of height and bulk. The Commission notes that the Proponent has also provided consideration of the Land and Environment Court case *Project Venture Development v Pittwater Council [2005] NSWLEC 191*, which outlines a planning principle to assist with determining a proposal's compatibility with its urban context. The Commission has considered these Planning Principles in its determination of this modification request.

The Commission considers that the significant increase in height to the existing building envelope would be likely to have significant detrimental impacts in terms of visual amenity. At 24 storeys, and at 15 storeys as recommended by the Department, the Commission considers the tower would be visually dominant within its existing urban context. The proposed height also does not accord with the height standard of 15m established for the site in *Ryde Local Environmental Plan 2014* (LEP). Whilst the LEP is inapplicable to a Part 3A project, the Commission acknowledges that the character of Shepherds Bay has been established by Council, being generally consistent in the application of its development controls over the development history of the area. The height, bulk and scale of the

proposed development would be inconsistent with the existing low to medium built form character of the Shepherds Bay area and would not ensure an appropriate transition with existing development or the river foreshore.

The Commission agrees with the Department's assessment that Rhodes does not set a precedent for this development. In particular, the Commission notes that Rhodes is visually separated from the site by the Parramatta River. Furthermore, Rhodes has been identified as a strategic centre under *A Plan for Growing Sydney*, which provides strategic justification for taller buildings in this location.

Finally, the Commission is of the view that the Proponent has not provided compelling justification for additional height on the Stage A site. In particular, the financial viability of the project and the outcomes of the design competition are not adequate reasons to justify a variation to the height controls established in the concept plan approval, following the Commission's consideration of the matter in its determination of the original concept plan.

Consequently, the Commission does not accept the proposed increase in height to the tower or lower scale component of the Stage A site, either to 24 storeys, or to 15 storeys as recommended by the Department. The Commission has amended the Department's recommended conditions to ensure any building on the Stage A site remain at a maximum height of 10 storeys.

4.2 Provision of the Community Facility

The concept approval, as previously modified, requires the provision of a 1,000m² community facility at no cost to Council within Stage 2 or 3 of the development. On 20 October 2015, the JRPP approved development application DA2015/008 for Stages 2 and 3, which includes a 1,000m² community facility within Stage 3.

The modification request seeks to remove the proposed community facility from the concept plan and instead provide a monetary contribution of \$3.5 million to Council by way of a VPA. An additional 17 dwellings are proposed to be constructed in the location of the existing community facility.

Council supports the provision of a monetary contribution in lieu of a community facility. Council is of the view that whilst there is an approval for a community facility within Stages 2 and 3, the monetary contribution would enable the provision of more functional community facility in a better location. However, the Proponent and Council are yet to agree on the detailed terms of a VPA. Consequently, the Department has recommended an either/or condition, requiring the provision of a community facility in Stage A, unless a VPA can be agreed to beforehand.

However, at the public meeting, the strong concern was expressed about the proposed removal of the approved community facility or any reduction of the approved size of the community facility. Concern was also expressed regarding the uncertainty as to where and when a community facility would be provided under the terms of a future VPA. The heavy demand on existing facilities and the need for the timely provision of a new facility to service the Shepherds Bay area was a recurring concern expressed at the public meeting.

The Commission considers these crucial issues of how, where and when the community facility will be provided as being currently unresolved. Therefore, as the Commission does not wish to introduce uncertainty for the community in relation to the outcomes of the development, particularly the provision of a community facility, the Commission has determined to reject this aspect of the modification request, and has modified the Department's recommended conditions accordingly.

4.3 Additional Storeys and Dwellings within the Stages 2 and 3 Building Envelopes

The modification request seeks approval for various increases in the number of storeys contained within the approved building envelopes for Stages 2 and 3. The modification request also seeks the deletion of FEAR 3A, which requires future development applications to comply with the storey height plan, and permit an additional storey within Stages 2, 3 and 4 on steeply sloping topography at ground level only. The increased number of storeys and deletion of FEAR 3A would allow for an additional 28 dwellings to be provided within Stages 2 and 3.

In its modification request, the Proponent states that the proposed storey heights are in response to the steeply sloping land, the rationalisation of void spaces and the regrading of internal courtyard levels. The additional storeys are contained within the building envelope height.

Council did not object to this aspect of the modification request. However, Council did raise concern about the ability of the proposed dwellings located entirely below the finished ground level to comply with SEPP 65, especially in relation to sunlight and ventilation requirements.

The Department agreed with the Proponent that the revised storey height plan takes into account the elevations at steeply sloping locations and therefore part of FEAR 3A can be deleted. However, the Department considered it important that the development comply with the storey height plan and therefore this part of FEAR 3A was recommended to be retained. In response to Council's concern, the Department noted that the dwellings' compliance with SEPP 65 will be considered by Council as part of a subsequent application to modify the JRPP's development consent for Stages 2 and 3.

The Commission supports the Department's recommendations on this aspect of the modification request. The Commission is of the view that the additional storeys and associated dwellings will have minimal visual or overshadowing impacts as they will be contained within the existing building envelope.

The Commission acknowledges Council's concern about the residential amenity of the additional ground floor dwellings in Stages 2 and 3. The Commission notes that FEAR 21 requires future developments to comply with SEPP 65. The Commission has updated FEAR 21 to include reference to the requirements of the Apartment Design Guidelines, which now supersedes the Residential Flat Design Code.

The Commission also notes that where solar access requirements for dwellings cannot be achieved, FEAR 21 requires the dwellings to be designed to provide improved amenity. Improved amenity must be achieved through extensive glazing, permitting cross ventilation to these dwellings, increased floor to ceiling heights and increased dwelling sizes. Any modification application approved by Council or the Sydney Central Planning Panel must satisfy this FEAR. The Commission is satisfied that these design outcomes can be adequately addressed.

4.4 Increase in Stage 2 Building Envelope Height

The modification request seeks a 300mm increase in height for part of the western arm of the Stage 2 building envelope. In its EIS, the Proponent states that this increase is to provide appropriate floor to ceiling heights in this part of the building.

Council did not object to this increase in height. The Department considered that the proposed increase is minor in nature and is unlikely to have adverse amenity or environmental impact.

The Commission agrees with the Department's assessment and is of the view that the 300mm increase to the height of part of Stage 2 is acceptable and will have negligible impacts.

4.5 Affordable Housing

The modification request proposes to enter into a VPA with Council to provide 8% (two dwellings) of the 28 dwellings within the Stages 2 and 3 uplift as affordable housing. The Commission acknowledges the importance of affordable housing more generally and that it would be desirable to include affordable housing within this development. However, as the terms of the VPA to provide affordable housing have not been agreed upon, and there is no statutory requirement for the Proponent to supply affordable housing, the Commission is not in the position to consider affordable housing as part of this modification request.

4.6 Excluding Stage A from the Dwelling and Parking Caps

As part of its determination of modification 1 to the concept plan, the Commission imposed a site wide dwelling cap of 2,005 dwellings and a site wide parking cap of 2,976 parking spaces. This was to assist in ensuring that future developments did not result in unacceptable impacts in relation to traffic, parking, residential amenity and open space.

Since the determination of the concept plan, a total of 1,943 dwellings and 2,615 parking spaces have been approved as part of development applications. As such, 62 dwellings and 361 parking spaces remain before the caps are reached.

The modification request seeks to remove Stage A from the dwelling and parking caps. In its modification request, the Proponent states that a dwelling cap is an inappropriate tool for controlling the density of development and that the parking cap should not apply to Stage A as it is an isolated site and traffic impacts are removed from the core development area.

In its submissions to the Department and the Commission, Council opposed the removal of Stage A from the dwelling cap because the removal could result in an increase in density. Council also opposed the removal of Stage A from the parking cap because the commercial floor space has been substantially reduced, the area is well serviced by public transport and because it is likely that the proposal will exceed Council's development controls for parking.

In its assessment report, the Department recommended that Stage A should not be excluded from the dwelling or parking caps. The Department was of the view that the integrity of the concept approval relies upon the inclusion of a cohesive set of site wide parameters and controls, rather than carving out standalone aspects of the development. In addition, the Department considered that the number of parking spaces required within a reduced Stage A scheme would be consistent with the parking cap.

The Commission is of the view that it is unnecessary to exclude Stage A from the dwelling and parking caps. However, in order to reflect the additional 28 dwellings to be accommodated within the Stages 2 and 3 building envelopes, the Commission has increased the dwelling cap from 2,005 dwellings to 2,033 dwellings.

The Commission considers that parking for the additional 28 dwellings can be accommodated within the existing parking cap. The Commission notes that the site is also well serviced by public transport and therefore no increase to the parking cap is necessary. Retaining the parking cap would also be in keeping with the Commission's original intention of mitigating potential adverse traffic and parking impacts.

4.7 Traffic Infrastructure Upgrades

FEAR 26 requires future development applications for each stage of the development following the first two stages to include a traffic study which includes figures on the current number of vehicles and pedestrians at the Railway Road pedestrian crossing at Meadowbank Station and at the Constitution Road and Bowden Street intersection. Where the study reveals that the provision of signalisation at either of these locations is required, the concept design of the upgrade of the intersection is to be included with the development application and the works are to be completed by the Proponent prior to the issue of first occupation certificate of any building of that stage.

At its meeting with the Commission on 5 December 2016, Council requested the Commission to update FEAR 26 to require the Proponent to signalise the intersection of Constitution Road and Bowden Street and the existing pedestrian crossing on Railway Road at Meadowbank Station. Council advised that traffic studies have already shown that these infrastructure upgrades are required and that RMS is supportive of these upgrades.

The Commission is of the view that FEAR 26 should remain unchanged and that the upgrades should be dealt with at the detailed development application stage, rather than in the concept approval. The detailed studies that will have to accompany development applications will provide clear evidence as to whether these upgrades are required to be undertaken.

5. COMMISSION'S FINDINGS AND DETERMINATION

The Commission has carefully considered the Proponent's proposal, the Department's assessment report and the relevant matters for consideration under the EP&A Act. The Commission has noted the advice and recommendations from Council and government agencies including TfNSW, RMS, Sydney Water and the Heritage Council. Finally, the Commission has heard from members of the community about their concerns in written submissions and at the public meeting in West Ryde.

After detailed consideration of the evidence, the Commission has determined to approve the following concept plan modifications:

- the additional storeys within Stages 2 and 3 and the associated 28 dwellings;
- the deletion of part of FEAR 3A to allow additional storeys within Stages 2 and 3;
- the 300mm height increase to the Stage 2 building envelope;
- updating FEAR 21 to reflect current guidelines; and
- increasing the dwelling cap from 2,005 to 2,033 to accommodate the additional 28 dwellings within Stages 2 and 3.

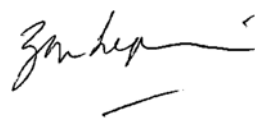
The Commission is of the view that these modifications are within the scope of section 75W of the EP&A Act, as these changes do not make the modified development substantially different to what is currently approved.

For the reasons set out in the report, the Commission does not support the proposed modifications to the Stage A site, the removal of dwelling and parking caps or the removal of the on-site community facility.

The Commission has amended the modifying instrument to reflect this determination.



Mr Joe Woodward PSM (Chair)
Member of the Commission



Professor Zada Lipman
Member of the Commission



Mr Stephen O'Connor
Member of the Commission

APPENDIX 1 – MEETING NOTES

NOTES OF BRIEFING FROM THE DEPARTMENT OF PLANNING AND ENVIRONMENT

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| This meeting is part of the determination process. | | |
| Meeting note taken by Jade Hoskins | Date: 1 December 2016 | Time: 11:30am |
| Project: Determination of request to modify the Concept Plan at Shepherds Bay | | |
| Meeting place: PAC Office | | |
| Attendees: Commission Members: Joe Woodward PSM (Chair), Professor Zada Lipman and Stephen O'Connor Commission Secretariat: David Mooney (Team Leader) and Jade Hoskins (Senior Planning Officer) The Department: Anthea Sargeant (Executive Director, Key Sites and Industry Assessments), Ben Lusher (Director, Key Sites Assessments) and Matthew Rosel (Consultant Planner, Key Sites Assessments) | | |
| The purpose of the meeting: For the Department to brief the Commission on the project. | | |
| <p>The Commission raised the following matters:</p> <ul style="list-style-type: none">• Additional information was provided by the Proponent on 25 November 2016. The Commission requested that the Department review the information to assess whether it was substantially the same as the information already available to the public. The Commission advised that it would be publishing the additional information on its website. <p>The Department raised the following matters:</p> <ul style="list-style-type: none">• The majority of submissions on the EIS are concerned with the proposed increase in height of Stage A.• A design competition was held in accordance with the Director General's Guidelines for design competitions, as required by the concept plan approval. The winning design has a height of 19 storeys. However, a design competition is not the correct instrument to justify a 24 storey building.• The Stage A site has gateway properties, however, at the proposed scale it is divorced from the surrounding character. The proposed building would be visually dominant.• The proposed 24 storey building would result in additional overshadowing impacts to surrounding residential development.• The Department has utilised the Planning Principles outlined in <i>Veloshin v Randwick Council [2007] NSWLEC 428</i> to justify a 15 storey building on the site.• Council objects to any additional height.• Stage A shouldn't be excised from the parking cap. The parking cap is important as it has been considered in the traffic studies. Parking for a 15 storey development can be accommodated easily within the existing parking cap.• The Proponent proposes to provide a community facility in Stage A of the development or provide Council with a monetary contribution of \$3.5million. Council have agreed in principle to these options.• The additional storeys and dwellings within Stages 2 and 3 would be within the existing building envelope. | | |
| Outcomes/Agreed Actions: Department to review additional information and to advise whether the additional information received by the Commission is substantially the same as exhibited on its website. | | |
| Meeting closed at 12:30pm | | |

NOTES OF BRIEFING FROM THE PROPONENT

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| This meeting is part of the determination process. | | |
| Meeting note taken by Jade Hoskins | Date: 1 December 2016 | Time: 1pm |
| Project: Determination of request to modify the Concept Plan at Shepherds Bay | | |
| Meeting place: PAC Office | | |
| Attendees: Commission Members: Joe Woodward PSM (Chair), Professor Zada Lipman and Stephen O'Connor Commission Secretariat: David Mooney (Team Leader) and Jade Hoskins (Senior Planning Officer) Representing the Proponent: Gavin D M Carrier – Head of Development (Holdmark) Sarkis Nassif – Managing Director (Holdmark) Sue Francis – Executive Director (City Plan Services) Joe Agius – Director (Cox Richardson) John Richardson – Director (Cox Richardson) Steve Kennedy – Director (Kennedy Associates) David Furlong – Director (Plan Urban Services) | | |
| The purpose of the meeting: For the Proponent to brief the Commission on the project. | | |
| The Proponent raised the following matters: <u>Background and additional information</u> <ul style="list-style-type: none">• All stages, except Stage A, have been approved at DA stage.• The additional information provided to the Commission, dated 25 November 2016, is a response to the Department's assessment report and generally includes information already seen by the public. However, it does include minutes of a meeting held on 9 November 2016 between Council and the Proponent. These minutes aim to clarify Council's position on the Stage A development.• In 1997, there was a collaborative team comprising a variety of stakeholders that produced a draft DCP that aimed to change the character of the area from industrial to mixed used. <u>Stages 2 and 3</u> <ul style="list-style-type: none">• The majority of submissions do not raise concern about the proposed modifications to Stages 2 and 3.• Due to the topography of the site, the modification seeks to change the number of storeys permitted in Stages 2 and 3.• 45 additional dwellings will be provided within the existing building envelopes of Stages 2 and 3. 17 of these dwellings will replace the existing location of the community facility and 28 will fill in voids of the building. <u>Dwelling and parking caps</u> <ul style="list-style-type: none">• The dwelling and parking caps were not in the original concept approval. The dwelling cap is not suitable for the overall site as there are only 62 dwellings left. <u>Design Competition</u> <ul style="list-style-type: none">• As part of the design competition, the Proponent requested both complying and non-complying buildings.• The jury's report states that design excellence cannot be achieved within the approved building envelope and that the non-complying schemes resulted in better design outcomes.• The jury indicated that a taller height for the site may be acceptable given its gateway location. | | |

- The jury recommended a 19 storey building but the proponent is of the view that a 24 storey building provides a better overall outcome.

VPAs and community facility

- There are two VPAs proposed. One VPA is to provide 8% of affordable housing within the additional uplift of Stages 2 and 3 and to provide a monetary contribution in lieu of a community facility. The other VPA is to provide affordable housing within the additional dwellings provided in Stage A of the development.
- Council have agreed that the Proponent should provide a monetary contribution in lieu of a community facility.

Other

- The Proponent requested to review any draft modifying instrument prior to determination.

Documents tabled at meeting: Handout on Stage A design.

Meeting closed at 2pm

NOTES OF MEETING WITH COUNCIL

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| This meeting is part of the determination process. | | |
| Meeting note taken by Jade Hoskins | Date: 5 December 2016 | Time: 11am |
| Project: Determination of request to modify the Concept Plan at Shepherds Bay | | |
| Meeting place: Council's Office | | |
| <p>Attendees: Commission Members: Joe Woodward PSM (Chair), Professor Zada Lipman and Stephen O'Connor Commission Secretariat: David Mooney (Team Leader) and Jade Hoskins (Senior Planning Officer) Representing Council: Roy Newsome – General Manager Liz Coad – Acting Director City Strategy and Planning Dyalan Govender – Acting Manager Strategic City David Matthews – Senior Planner</p> | | |
| The purpose of the meeting: For Council to present their views on the project and the Department's assessment report. | | |
| <p>Council raised the following matters:</p> <p><u>Height of Stage A</u></p> <ul style="list-style-type: none"> • Council rejects any additional height and wants the building to remain at a maximum of 10 storeys. • The 24 storey tower is visually dominant. <p><u>Dwelling and parking caps</u></p> <ul style="list-style-type: none"> • If the project is approved, Council supports the increase of the dwelling cap to accommodate any additional dwellings. Parking caps should remain. <p><u>Stages 2 and 3</u></p> <ul style="list-style-type: none"> • A Section 96 modification application has been lodged with Council that reflects the proposed S75W modifications. • In the assessment process, Council will ensure that the modifications comply with SEPP 65 and that the apartments provide satisfactory residential amenity. • Council does not object to the additional 17 dwellings in the existing location of the community facility. <p><u>Traffic</u></p> <ul style="list-style-type: none"> • Council would like to see a more immediate resolution on key traffic infrastructure, including the signalisation of the intersection at Constitution Road and Bowden Street and the signalisation of the pedestrian crossing on Railway Road at Meadowbank Station. • RMS supports these infrastructure upgrades. Council will forward a copy of this correspondence to the Commission. <p><u>VPAs and community facility</u></p> <ul style="list-style-type: none"> • Council is of the view that the current community facility is not appropriate due to its size, location and functionality. • Council would like a monetary contribution in lieu of the Proponent providing a community facility and requests that Department's conditions be updated to reflect this. • A community facility is likely to be provided in Meadowbank Park. • Council has not yet formally agreed to enter into a VPA with the Proponent. The most recent letter of offer specifies that the monetary contribution is conditional on the approval of the 17 dwellings (in the | | |

current community facility location) in Stages 2 and 3. However, Council has delegated authority to the General Manager to enter into an acceptable VPA on behalf of Council.

- The VPA would outline how the monetary contribution would be spent.

Other

- Council is concerned about design integrity and would like all conditions relating to design excellence to be retained.
- There is no affordable housing in the existing stages.
- The footpath construction required as part of the completed Stage 1 building is of poor quality.

Documents [tabled at meeting/to be provided]: Documents including background on the Shepherds Bay Development, suggested condition amendments and photographs of the completed Stage 1 building and surrounds.

Outcomes/Agreed Actions: Council to provide the Commission with RMS correspondence and electronic copy of documents.

Meeting closed at 2pm

APPENDIX 2 – LIST OF SPEAKERS AT THE PUBLIC MEETING

List of Speakers

1. Kerry Todsmith
2. Denise Pendleton
3. Robert Renew (The Bay Owners Corp)
4. Sue Mifsud
5. Zoe Williamson (Meadowbank Public School, Parent & Citizen Association)
6. Angela Creighton
7. Amber Ralaph
8. Belinda Bruno
9. Natalie Leayr
10. Rex Honey
11. Mayor Bill Pickering
12. The Hon. Victor Dominello MP
13. Laura Shirtley (Strata Plan 78741)
14. Bernard Lee (Strata Plan 71356)
15. Danny Makdissi
16. Therese Munsayac
17. Natalie Barsoum
18. Steve Colquhoun (Eastwood Chamber of Commerce)
19. Kirralie Thomas
20. Ian Hardwick
21. Merv Brown
22. Gerard McGarry
23. Michael Ridger

APPENDIX 3 - SUMMARY OF ISSUES RAISED AT THE PUBLIC MEETING

The following issues were raised:

Traffic and parking

- There will be increased traffic.
- There is no provision in the concept plan for on-street parking.
- There is inadequate visitor parking provided.
- Traffic and parking is already a problem for the area.
- Due to traffic gridlock, drivers are compromising the safety of other drivers and pedestrians with illegal manoeuvres.
- The Proponent's traffic study shows that there will be no detrimental traffic impacts to the community.

Community facility

- The community facility should be in a central location and should be accessible to everyone.
- If the community facility is removed, there is uncertainty about its future location.
- The community facility would not work in the current approved location.
- Council will provide a community facility with the proposed monetary contribution.
- Council should provide a community facility within a timely manner.
- A community facility is vital for the community as it will provide a community hub.
- Any community facility should not be less than the 1000 square metre facility already approved, given the large number of residents in the complex.
- \$3.5 million is not enough to build a community facility.

Character of the area

- The Ryde LEP does not allow for 24 storeys.
- Other buildings in the area are restricted to a maximum of 8 storeys.
- The proposed Stage A building would detract from the natural beauty of the area.
- The area is experiencing a loss of commercial and industrial development.
- Surrounding areas, including Parramatta, Rhodes and Hornsby all have development over 30 storeys.
- The new development should blend into the existing Shepherds Bay Village development.
- Meadowbank is a centralised location in Sydney and this is why there is so much density.
- There is no similar development in the Ryde area, except for Top Ryde shopping centre.
- People purchased property in Shepherds Bay because of its lower density.
- The proposed development would be a step in the right direction for the Ryde area.
- There should be increased density around Meadowbank due to its centralised location and good public transport links.

Design of the proposed Stage A building

- The proposed building will be out of scale with other buildings.
- The proposed building would set a precedent for other buildings in the area.
- There is nothing special about the winning design competition scheme.
- The Proponent should design an innovative building within the building envelope.
- The Proponent has complied with its conditions and conducted a design competition.
- No one can tell the difference between 20 and 24 levels.
- The site is a gateway to Ryde and will be an icon.

- The proposed building achieves design excellence.
- The design competition jury noted that design excellence could not be achieved within the existing building envelope.
- There would be significant public benefit if the 20 storey tower is approved, including a public plaza and supermarket.
- The site is not a gateway.
- The proposed tower would impact on views and amenity.
- The proposed tower would improve views.

Local facilities

- There are no areas of continuous green open space that would allow for activities such as cricket.
- The local park at the bottom of Belmore Street is already used to capacity.
- The removal of dwelling caps will lead to more residents and therefore more pressure on open space and facilities.
- The site has good access to local facilities, including Meadowbank Park and the foreshore.
- Public domain improvements will provide better access to the foreshore.
- The local public school is over capacity. Demountable classrooms need to be constructed and this reduces the amount of green space at the school.
- The proposed development will improve stormwater drainage.

Other

- There are many people from non-English speaking backgrounds in the area who would be unlikely to comment on the proposal because of language difficulties.
- There will be increased noise and pollution from additional traffic.
- There is distrust in the planning process.
- There is distrust in the developer.
- All recommendations from previous Commission reports should be taken into account.
- Builders in the area do not comply with construction conditions, such as building hours.
- The proposed development may impact on the ecology of the river.
- The construction of the development and the operation of the commercial facilities would create additional employment and would benefit the economy.
- The developer has constructed a quality building in Stage 1.
- The developer will provide affordable housing and significant financial contributions to Council.
- The proposed development does not affect any sunlight access.
- The proposed 24 storey tower will detract from the foreshore amenity and overshadow the park along the river.
- Public notification for the proposed development was during school holidays.
- There will be increased construction noise.