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URBAN DESIGN

Environmental Assessment Modification 3 to Concept Approval MP09_216

Stage A, Shepherds Bay

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

Report Revision History

Revision	Date Issued	Prepared by	Reviewed by	Verified by
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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, 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.

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Appendices

Appendix	Document	Prepared by
1.	Amended Concept Plans	Robertson & Marks
2.	Indicative Architectural Plans	Cox Kennedy Architects
3.	Survey Plan	LTS Lockley
4.	Landscape and Public Domain Plans	Site Image
5.	Preliminary ADG Assessment	Cox Kennedy Architects
6.	Design Integrity Panel Endorsement	City Plan Strategy & Development, Holdmark, and Design Integrity Panel
7.	View Analysis	Cox Kennedy Architects
8.	View Impact Assessment	Richard Lamb & Associates
9.	Traffic Assessment	Road Delay Solutions
10.	Heritage Assessment	Architectural Projects
11.	Arborist Assessment	Redgum Horticultural
12.	Biodiversity Assessment	Molino Stewart
13.	Contamination Assessment	EI Australia
14.	Remediation Action Plan	EI Australia
15.	Flood Risk Assessment	BG&E
16.	Geotechnical Assessment	Asset Geotechnical
17.	Design Excellence Competition Jury Report	City Plan Strategy & Development P/L
18.	Assessment of Consistency with Concept Approval conditions	City Plan Strategy & Development P/L
19.	Secretary's Concept Plan Designation/Owner's Consent	NSW DPE
20.	Urban Design Statement	Cox Kennedy Architects
21.	MOD 2 and Original Concept Approval Stage A GFA comparison	Cox Kennedy Architects
22.	Proponent's advice regarding project feasibility	Holdmark

1. Executive Summary

1.1 Brief Introduction & Background

This Environmental Assessment (EA) has been prepared by City Plan Strategy & Development P/L (CPSD) to accompany a modification application, pursuant to Clause 3C of Schedule 6A of the *Environmental Planning & Assessment Act 1979* (EP&A Act). This clause contains the modification provisions provided by Section 75W of the now repealed Part 3A of the EP&A Act.

The proposal relates to the site known as Stage A in the Shepherds Bay precinct within the Ryde LGA. The precinct is subject to Concept Approval MP09_216 issued on 6 March 2013, and modified on 16 October 2014 (MOD 1) and 16 January 2017 (MOD 2).

The NSW Department of Planning & Environment (DP&E) recommended 15-storeys in the assessment of both the original Concept Plan assessment, as well as MOD 2. This proposal responds to this by seeking to increase the envelope of Stage A from 10 storeys to 15 storeys. However, the existing dwelling cap, parking cap, and commercial floor space cap are not proposed to be amended.

This modified envelope allows for design excellence to be achieved, and has been endorsed by the Design Integrity Panel (DIP) at meetings held on 3 November 2017 and 24 November to 5 December 2017.

In terms of built form, the department considers that the site is capable of supporting the scale of development proposed, including heights of up to 13 storeys in the centre of the site and 15 storeys on the Church Street site. A number of modifications to building envelopes at the edges of the site have been recommended to provide a better interface with surrounding development and the foreshore.

Figure 1: DPE recommendation of 15 storeys for Stage A as part of original Concept Proposal assessment (Source: DG's EA Report to PAC, page 79, 2012)

Having regard to the above, the Department maintains its original view that a 15-storey height should reasonably apply to the site, as a maximum. Whilst this height remains significantly taller than the nearby up to seven storey buildings, it retains a scale relationship with the wider Shepherds Bay Concept Plan and will allow the site to substantially fulfil its gateway properties without resulting in the significant adverse impacts as discussed above.

Figure 2: DPE recommendation of 15 storeys for Stage A as part of MOD 2 assessment (Source: DPE's EA report, page 17, 2016)

1.2 Brief Description of Proposed Modifications & Purpose

This modification seeks to increase the existing 10 storey envelope for Stage A, to 15 storeys. Subsequently, the existing maximum RL of 57.70 is proposed to be increased to 68.10, inclusive of roof top elements. Stage A is expected to include a component of serviced apartments, in addition to dwellings and commercial floor space.

Modifications are proposed to the description of the approved concept plan, being condition A1, to reference serviced apartments. Further, modifications are proposed to conditions A2 and B1B of the existing modified concept approval, to deliver the modified Stage A building envelope. As stated earlier, existing dwelling, parking and commercial floor space caps are not proposed to be amended.

The overall purpose of the proposed modifications is to deliver design excellence for the Stage A site. Condition 1 of Schedule 3 of the Concept Approval requires that, in summary, any Development Application (DA) for Stage A must achieve design excellence.

However, design excellence typically necessitates a high degree of internal amenity, and a unique approach to external architectural expression. Whilst the proponent is supportive of achieving design excellence for Stage A, the current 10 storey envelope does not allow this to occur. The proponent confirms, at **Appendix 22**, that the proposed 15 storey envelope does allow this to occur.

In addition, Stage A has been subject to a design excellence competition, as well as a design integrity panel post the competition. As part of conducting the design competition and the design integrity panel, both entrants and experts concluded that design excellence cannot be delivered in a 10-storey envelope. This applies to the envelope delivered as part of the original Concept Approval, as well as the modified envelope as part of MOD 2. In summary, the entrants and experts concluded that 10 storeys would be too bulky given the size of the site, would not allow for sufficient articulation, and would not adequately respond to the locality's attributes. Those attributes include the site's 'standalone' nature, as well as its proximity to the Parramatta River foreshore and heritage listed Ryde Bridge.

As is demonstrated in the indicative DA architectural plans included at **Appendix 2**, the proposed envelope would allow for a mixed-use development, comprising of a publicly accessible square, ground floor retail facilities, including a supermarket, serviced apartments in levels 1 - 7, and dwellings within levels 11 - 15. The plans are indicative only and subject to the modifications proposed as part of this application, as well as any future DA to be considered by Ryde Council.

The modified envelope remains generally consistent with the 19 storey Design Excellence Competition winning scheme for the site, and has received support from the DIP.

It is emphasised that the existing dwelling and parking cap are not proposed to be modified. The modified Stage A envelope is expected to include forty-two (42) dwellings and three hundred and twenty-nine (329) car parking spaces within basement levels. These will not breach the existing 2,033 dwelling cap and 2,976 parking cap provided as part of MOD 1. It is proposed that approximately 82 serviced apartments would be included as part of any DA, as well as a total of approximately 3,439m² of commercial floor space, which would not breach the existing 10,000m² commercial floor space cap.



Figure 3: Perspective image of proposed 15 storey scheme (Source: Cox/Kennedy)

1.3 Summary of Environmental Assessment

This report has undertaken an environmental assessment of the amended proposal, consistent with the matters for consideration in the EP&A Act. The potential for impacts upon the natural and built environments and the need for any necessary mitigation measures are identified in report.

The proposal allows for a scheme that demonstrates both architectural merit and design excellence, as endorsed by the DIP (refer to **Appendix 6**), as well as the delivery of key public benefits including a publicly accessible plaza, convenience services to the surrounding area, and visual interest when viewed from Parramatta River. It also enhances Ryde Bridge's historical significance, and acknowledges the locality's historical industrial land use.

Conversely, an assessment of the currently approved 10-storey envelope concludes that it would not allow for the delivery of design excellence. The envelope does not allow for sufficient articulation or scale to respond to the locality's attributes, whilst its yield does not offset the higher internal and external amenity expectations associated with design excellence. Should the Concept Approval condition requiring the delivery of design excellence remain, and the existing 10 storey limit, it is likely that the site will not be renewed, certainly not for the immediate period. Subsequently, the site would not be able to offer any contribution to the local community in terms of architecture, the publicly accessible plaza, local identity, or services (such as a supermarket).

The proposal provides a built form and massing which is considered to positively contribute to the quality and transitioning identity of the locality. The proposed 15 storey envelope is not considered to be dominating within the context of the surrounding area, particularly to the low scale residential development to the east of Church Street and the adjacent residential flat buildings to the north and west, largely as a result of ample separation provided by Church Street.

The proposal provides for a slender built form that differentiates from the mostly horizontal built form throughout the Shepherds Bay precinct, and thereby provides for further visual interest to the area. Importantly, it has been found that this slender form does not give rise to any adverse view, shadow or privacy impacts.

The proposal has been designed with regard to SEPP 65 and the ADG. All residential dwellings and serviced apartments will benefit from high internal amenity as anticipated by the ADG.

Any potential impact as a result of the proposed development, such as traffic impacts and ecology, is considered minimal, and will be mitigated through implementation of the recommendations provided by specialist consultants, incorporated as part of any future Development Application on the site.

Refer to **Section 6** of this report for further detail regarding an assessment of the environmental impacts of the modified proposal.

It is also worth noting that as part of the MOD 2 determination, the PAC, in adopting the new site layout, reduced the gross floor area at Stage A from approximately 17,000m² (as allowed by the original concept approval), to approximately 13,000m² (i.e. a reduction of some 4,000m² of GFA). It appears that this reduction is likely to have been an inadvertent consequence of the PAC's determination. The envelope proposed as part of this application are equivalent to approximately 16,400m². In fact, the additional 5 levels sought by the application is equivalent to approximately 3,300m², and only partially reinstates the GFA lost as part of MOD 2.

1.4 Conclusion

Overall, the assessment concludes that the Section 75W Modification Application is appropriate and may be approved by the Minister, on the basis that the proposed modifications do not constitute a radical transformation to the Concept Approval and there will not be any unreasonable environmental impacts. There is no proposed increase in density (dwelling or parking) and therefore the only issue is that of an additional 5 storeys in

height to deliver the public benefits of design excellence, public plaza and services. The additional 5 storeys will be indistinguishable from the approved 10 storeys in a visual context and will have no unacceptable environmental impacts. Conversely, the proposed modifications will result in a positive architectural contribution to the locality, as well as provide convenience related services and local identity.

Based on the above, it is recommended that the proposed modification to Conditions A2 and B1B be approved pursuant to Section 75W of the EP&A Act.



Figure 4: Perspective image of proposal from foreshore (Source: Cox Kennedy)

2. Site & Locality Description

2.1 Description of Subject Site

The site subject to this application, is referred to as Stage A of Concept Approval MP09_0216, known as Shepherds Bay. Shepherds Bay is located within the Ryde local government area (LGA), which is approximately 10km east of the Parramatta CBD and 14km north-west of the Sydney CBD.

Stage A is located at 155-157 Church Street, Ryde. The site comprises five (5) separate allotments, legally described as Lots 13, 14 & 15 DP 738232, Lot 7 DP 809282, and Lot 100 DP 851723. The site is broadly rectangular in shape, and is approximately 59 metres by 68 metres, with a total area of approximately 3,906m². The site has street frontages to Church Street, Well Street, Parsonage Street and The Loop Road. The site is located on a gentle to moderate slope.

The site currently contains three (3) two-storey warehouse structure which historically accommodated industrial and warehouse type land uses, with the external area largely paved. There is minimal vegetation on site.

The site is zoned B4 Mixed Use pursuant to the Ryde Local Environmental Plan 2014 (RLEP).



Figure 5 Aerial view, site outlined in red (Source: Six Maps).



Figure 6 Image of the existing improvements on the site, viewed from the intersection of Well Street and Parsonage Street (Source: Google Maps).

2.2 Description of Immediately Adjoining Allotments

To the north of the site is medium - high density residential development, that is approximately seven (7) storeys in height. To the east of the site is Church Street, which is a seven (7) lane State Road, that leads onto Victoria Road towards to the north-east, and Ryde Bridge and Concord Road towards the south-west. To the south is The Loop Road, Parramatta Valley Cycleway and Parramatta River. To the west of the site is further residential development, that is approximately four (4) storeys in height.

2.3 Locality Description

The Shepherds Bay precinct is an area that is transitioning from traditional manufacturing and industrial uses to a higher density mixed use neighbourhood. Site preparation works and building construction is currently underway for a number of stages in the Shepherds Bay precinct, which are at varying stages of completion. Several former industrial sites within the estate have already been redeveloped for mixed use residential purposes, and further allotments are currently under construction, also for mixed use or high density residential purposes.

The surrounding area comprises a mixed character of land uses:

- To the west and north of the site is predominantly medium - high density residential buildings, ranging for four (4) to seven (7) storeys in height;
- Further to the north and to the east across Church Street, are areas of established low density residential development, with dwellings approximately one (1) to two (2) storeys in height.
- To the south is Parramatta River, with the subject site being located within 100m of the foreshore, cycleway and public reserves along the north bank.

The site is located in proximity to several centres, including Rhodes, a locality situated to the south across Parramatta River, which comprises high density development clustered around a train station, higher order shopping and an employment district. Top Ryde is located to the north-east, which is a commercial centre within Ryde centred on a major shopping centre at the intersection of Devlin Street and Blaxland Road.

The site is situated within approximately 1.2 kilometres walking distance to Meadowbank Train Station and approximately 850 metres from the Meadowbank Ferry Wharf. The site is also located within 200 metres of bus services on Church Street, as well as Belmore Street.

Refer to **Figure 7 to 10** to further demonstrate the surrounding context.



Figure 7 High density residential development to the west and north-west of the site (Source: Google Maps).



Figure 8 High density residential development to the north of the site (Source: Google Maps).



Figure 9 Ryde Bridge, Parramatta River, public reserves and cycleway to the south of the site (Source: Google Maps).



Figure10 Church Street to the east of the site (Source: Google Maps).

3. History of Statutory Approvals

3.1 Concept Approval MP09_0216

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 allowed for multiple, 2 - 10 storey residential or mixed-use buildings, basement parking, infrastructure works as well as public open space.

Figure 11 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 11 Concept Plan MP09_0216 (Source: NSW DP&E).



Figure 12: Artistic image of original Concept Proposal (Source: Concept Plan Application Preferred Project Report, July 2012)

3.2 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.

3.3 Modification to the Concept Approval (MOD 2)

On 16 January 2017, the PAC approved an application to modify the Concept Approval MP09_0216 (i.e. MOD 2). The approved modifications include:

- Additional storeys to Stages 2 and 3.
- Deletion of part of Future Environmental Assessment Requirement (FEAR) of 3A to allow additional storeys within Stage 2 and 3.
- 300mm height increase to Stage 2 building envelope.
- Updating FEAR 21 to reflect current guidelines.
- Increasing the dwelling cap from 2005 to 2033 to accommodate additional 28 dwellings within Stages 2 and 3.

3.4 Major Project Approval 09_0219

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.

3.5 Development Consent 2015/0018 (Stages 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.

3.6 Development Consent 2015/0018 (Stages 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.

3.7 Development Consent 2015/0018 (Stages 6 & 7)

On 15 December 2015, the JRPP issued Development 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.

3.8 Development Consent 2015/0018 (Stages 8 & 9)

On 15 December 2015, the JRPP issued Development 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.

3.9 Modification 2017/0080 (Stages 2 & 3)

On 27 July 2017, the Sydney North Planning Panel issued Development Consent 2017/0080 for the S96(2) modification to approved Stages 2 & 3. In summary, the modification included the provision of 45 additional dwellings within the approved building envelope, the relocation of the community centre of Stage 3 to its western elevation, a gymnasium for residents of Stages 2 & 3 only, an increase in the commercial floor space, 33 additional car parking spaces and changes to the lifts, stairwells and pathways. This application brought the total number of dwellings approved as part of the Concept Approval to 1988.

3.10 Modification 2017/0140 (Stages 6 & 7)

On 4 October 2017, Development Consent 2017/0140 was issued for a S96(1A) modification to approved Stages 6 & 7. In summary, the application included modifying the basement of stage 7 by deleting basement 3, reconfiguring car parking & services on B2, B1 & lower ground level, relocating ramp, reducing rear setback and modifying associated landscaping.

3.11 Summary of Approvals and Key Data

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

TABLE 1: SUMMARY OF STATUTORY APPROVALS APPLICABLE TO THE SITE

Approval	Date of Approval	Stage	Approved No. of Car Spaces	Approved No. of Dwellings
MP09_0219 (as modified)	6 March 2013 and modified on 16 October 2014	1	342	246
DC 2015/0018	20 October 2015	2 & 3	605	454
DC 2015/0019	18 September 2015	4 & 5	647	511
DC 2015/0032	15 December 2015	6 & 7	422	311
DC 2015/0031	15 December 2015	8 & 9	573	422
MP09_0216 (MOD 2)	16 January 2017	A, 2 & 3, 8 & 9	Nil	28 additional dwellings allowed (dwelling cap increased to 2033)
MOD 2017/0080	27 July 2017	2 & 3	33	45
MOD 2017/0140	4 October 2017	6 & 7	Nil	Nil
TOTAL			2622	1988

4. Matters of relevance from MOD 2

4.1 Overview

As indicated in **Section 3** above, an application (i.e. MOD 2) was submitted to DPE in December 2015 to amend the Concept Approval. In relation to Stage A, the application sought to increase the envelope from 10 to 24 storeys. The site layout for Stage A was also proposed to be amended such that the original site wide podium and 2 tower envelope was converted to a smaller podium with a single, but taller tower above. Effectively, the amended site layout sought to consolidate the footprint to enable the delivery of, amongst other things, a publicly accessible square.

As part of its assessment of the application, NSW DPE recommended the proposed height for Stage A be reduced to 15 storeys, consistent with their recommendation for the original Concept Plan application. The PAC, in determining the application, approved the new site layout for Stage A, but retained the originally approved 10 storey height limit.

The PAC's key concerns with the previously proposed 24 storey scheme for Stage A are addressed below, for the purpose of demonstrating how the amended application has responded to these. It is also worth noting that there has been significant gross floor area (GFA) and viability issues as a result of PAC adopting the new site layout, but in the original 10 storey envelope. In this respect, it is unclear whether the PAC, in reducing the previous modification to 10 storeys, intentionally or unknowingly, meant to reduce the approved envelope capacity (i.e. gross floor area) of the Concept Approval. Unfortunately, this is what has occurred to the effect of approximately 4,000m².

4.2 Response to PAC's concerns from MOD 2 in relation to Stage A height

PAC's comment: The tower would be visually dominant within its existing urban context

Response: In the assessment of the original Concept Plan application, as well as subsequent modifications, DPE concluded that Stage A provides a gateway role. Subsequently, it concluded that the site warrants a larger envelope, equivalent to 15 storeys. As part of the Design Excellence Competition for Stage A, the jury similarly noted that the site has an important role to play within the subject urban context. The current DIP has also endorsed the proposed scheme, whilst also noting that 10 storeys is not an adequate urban design response to the site.

"The department considers that the location of the site on a major arterial roadway and on the foreshore make it a suitable location for the provision of a 'gateway' development. The location of greater building heights on a site that front a higher order street and results in the minimal overshadowing of adjoining development is a good urban design and amenity outcome."

Source: DG's EA Report to PAC, page 30, 2012

"The jury recognises that the site does have a minor gateway role in concert with the existing vegetation and the bridge, announcing arrival into the Ryde neighbourhood. As such the Jury considers that some additional height on the site may be justified. The jury also recognizes that within the allowable envelope a greater density than 62 units can be achieved. The Jury considers that such a site and location justifies an increase in the number of units that can be achieved subject to achieving high amenity and excellent design."

Source: Design Excellence Jury Report, page 9, 2015

Due to the site's 'gateway' role within the immediate urban context, this report concludes that a taller envelope is entirely appropriate. It is further concluded that the proposed envelope achieves the site's role, but without excessive height. That is, the 30m separation provided by Church Street adequately mitigates any scale differences between the proposal and the lower built form to the east. Similarly, a 15-storey envelope represents an appropriate graduation of height from the existing 4 - 7 storey envelopes to the west of Stage A (within Shepherds Bay), when considering Stage A's role as a gateway site.

The proposal will not appear dominant or out of place when seen in the broader urban context, as is demonstrated by the View Analysis prepared by Cox Richardson, as well as the View Impact Analysis prepared by Richard Lamb & Associates, extracts of which are provided below:



Figure 13: The proposed envelope and architectural massing does not dominate the immediate vicinity
(Source: View Analysis, Cox Richardson, page 3, 2017)

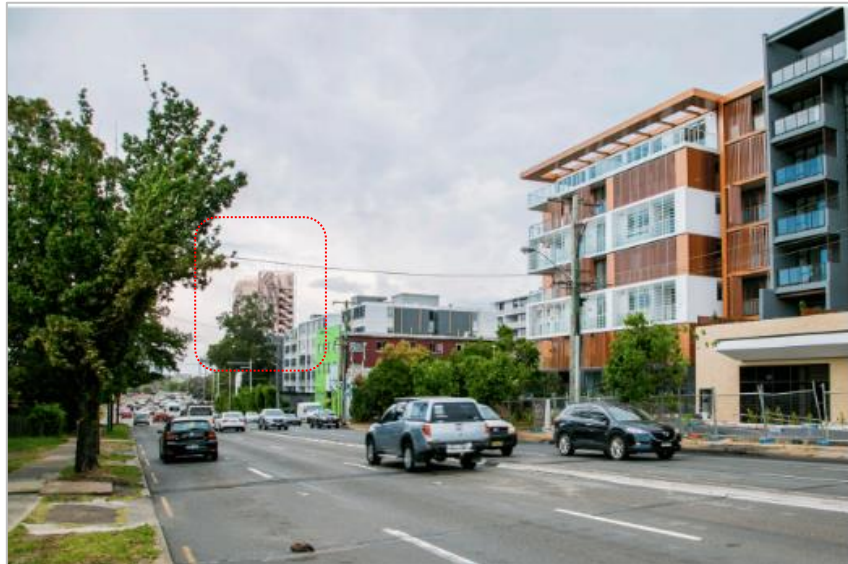


Figure 14: The proposed envelope and architectural massing does not dominate the immediate vicinity
(Source: View Analysis, Cox Richardson, page 3, 2017)



Figure 8: The proposed envelope and architectural massing does not dominate the immediate vicinity (Source: View Analysis, Cox Richardson, page 8, 2017)



Figure 16: Relative to the current 10 storey envelope (left), the proposed envelope and architectural massing (right) does not generate any significant additional bulk or visual impact when view from the broader context (Source: View Analysis, Cox Richardson, page 5, 2017)



Figure 9: Relationship to existing Ryde Bridge (Source: View Analysis, Cox Richardson, page 5, 2017)



Figure 10: View from established low rise residential area to the east of Church Street (Source: View Analysis, Cox Richardson, page 12, 2017)

As evidenced in the view analysis by Cox Kennedy Architects, and concluded in the View Impact Analysis by Richard Lamb & Associates, the proposed envelope generates minimal additional visual impact when compared to the current 10 storey envelope. This is the case when view within the immediate vicinity of the subject site, or from the broader visual context. This is the case because the proposal's 5 additional storeys are generally inconsequential in terms of bulk and scale, in comparison to the current 10 storeys.

PAC's comment: The tower would have significant detrimental impacts in terms of visual amenity

Response: Any development at Stage A must be seen in the context of design excellence, as required by Condition 1 (Schedule 3) of the Concept Approval. As a consequence, any development at Stage A will be of a high quality in terms of design, finishes and integration with the public domain, as is exemplified in Cox Kennedy's winning Design Excellence Competition scheme.

It has been demonstrated above that the proposal will integrate effectively within the broader urban context. Whilst it may be taller than existing envelopes in its immediate vicinity, this is consistent with the site's role as a 'gateway'. This role, together with the particular design approach and finishes adopted by Cox Kennedy, reinforces the historical importance of Ryde Bridge. It also offsets, and therefore provides visual interest from the dominant horizontal envelopes throughout the precinct.

In terms of views from private dwellings, Richard Lamb & Associates confirms that the proposal is without unreasonable impact. In summary, this is largely because the proposal does not seek to amend the height of the existing podium envelope, whilst the additional 5 storeys in the tower does not obstruct access to any particular views. It would also not excessively obstruct views to the sky.

4.3 Implications of PAC MOD 2 Decision

It is worthwhile clarifying that the PAC's decision to retain a 10-storey envelope for Stage A, but in the new site layout proposed as part of the previous MOD 2, resulted in reduced yield for the site when compared to the approved Concept Approval. Specifically, we are advised that Stage A's available GFA has been reduced from approximately 17,000m² (in the original Concept Approved envelope) to approximately 13,000m² (refer to GFA comparison table provided Cox Kennedy Architects at **Appendix 21**, and the following page).

That is, the original Concept Approval site layout and envelopes for Stage A allowed for approximately 17,000m² of GFA. However, as part of the Design Excellence Competition (**Appendix 17**), it was agreed by most entrants, as well as the design jury, that the concept approval layout would not enable the delivery of design excellence. In summary, it was concluded that the envelopes were too bulky, lacked articulation, did not reflect the immediate locality's attributes, and would not allow for a high level of either internal or external amenity.

	Level	Apartments				Areas (m2)	
		1 Bed	2 Bed	3 Bed	Total	GFA	car spaces
Basem	B5 Basement 5						100
	B4 Basement 4						96
	B3 Basement 3						80
	B2 Basement 2						54
	B1 Basement commercial					2928	
Retail Levels	LG Lower Shed Retail					100	
	M Mezzanine					218	
	G Ground Floor Retail					1685	
	G Ground Resi Lobby					35	
Reside	1 Apartments	8	10	1		1658	
	2 Apartments	8	10	1		1658	
	3 Apartments	8	10	1		1658	
	4 Apartments	8	10	1	19	1658	
	5 Apartments	5	7		12	1068	
	6 Apartments	5	7		12	1068	
	7 Apartments	4	4	2	10	1068	
	8 Apartments	4	4	2	10	1068	
	9 Apartments	4	4	2	10	1068	
Total		54	66	10	130	16938	330
Apartment Mix %:		42%	51%	8%	FSR	4.3	

Figure 11: GFA available from original Concept Approval Stage A envelope (Source: Cox Kennedy Architects)

	Level	Apartments				Areas (m2)	
		1 Bed	2 Bed	3 Bed	Total	GFA	car spaces
Basem	B5 Basement 5						50
	B4 Basement 4						96
	B3 Basement 3						80
	B2 Basement 2						54
	B1 Basement commercial					2928	
Retail Levels	LG Lower Shed Retail					100	
	M Mezzanine					218	
	G Ground Floor Retail					910	
	G Ground Resi Lobby					35	
Reside	1 Serviced Apartments					1199	
	2 Serviced Apartments					1201	
	3 Serviced Apartments					1099	
	4 Apartments	2	4	1	7	1110	
	5 Apartments	2	4	1	7	1131	
	6 Apartments	2	4	1	7	1110	
	7 Apartments	2	4	1	7	663	
	8 Apartments	2	4	1	7	663	
	9 Apartments	2	4	1	7	668	
Total		12	24	6	42	13035	280
Apartment Mix %:		29%	57%	14%	FSR	3.3	

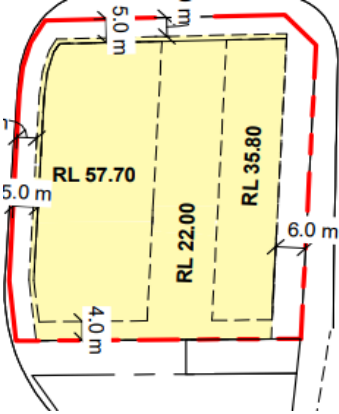

Figure 20: GFA available from current Stage A envelope as provided by MOD 2 (Source: Cox Kennedy Architects)

As a consequence, the design jury, as well as some entrants, contemplated re-organising the site layout such that it would allow for the delivery of design excellence. This included the 19-storey competition winning scheme by Cox Kennedy Architects. In the case of the Cox Kennedy Architects scheme, the rationale was to consolidate much of the footprint towards Stage A's eastern perimeter, thereby 'blocking' the harsh environment generated by Church Street, and allowing for a plaza to the west of the site. As a consequence, it also consolidated GFA into a smaller podium but with a taller (19 storey) tower envelope (as opposed to the original Concept Approval's site wide podium with two towers of 6 and 10 storeys above). The taller, single tower also allowed for an improved response to the locality's attributes, such as the heritage listed Ryde Bridge, and views to/from the Parramatta River.

However, as part of the MOD 2 determination, the PAC retained the original maximum Concept approved 10 storey height, but adopted the new site layout proposed by Cox Kennedy Architects. By adopting the new site layout, but the original maximum 10 storey height, the GFA for Stage A significantly reduced. That is, the original Concept Approval enveloped allowed for approximately 17,000m² of GFA, whilst the 10-storey envelope in the new site layout (as per MOD 2), provides for approximately 13,000m². Comparisons of the original concept approval envelope for Stage A, as well as the MOD 2 envelopes, are provided on the following page.

The additional GFA within the 5 additional storeys proposed as part of this application is approximately 3,000m². The proposal, therefore, only partly reinstates some of the GFA lost as a result of MOD 2.

TABLE 2: COMPARISON OF MOD 2 AND ORIGINAL CONCEPT APPROVAL STAGE A BUILDING ENVELOPES

	
<p>Original Concept Approval Stage A maximum height & site layout plan</p>	<p>MOD 2 Stage A maximum RL & site layout plan</p>

5. Description of Proposed Modifications

5.1 Summary of Proposed Modifications

This modification seeks to increase the existing 10 storey envelope for Stage A, to 15 storeys. The existing maximum RL of 57.70 is proposed to be increased to 68.10, inclusive of roof top elements and to introduce serviced apartments as a permissible use under the Concept Approval.



Modifications are proposed to the description of the Concept Plan, conditions A2 and B1B of the existing modified concept approval, to deliver these modifications. Existing dwelling, parking and commercial floor space caps are not proposed to be amended.

The modifications will facilitate the development of a 15-storey mixed use building at Stage A, comprising a publicly accessible plaza, a supermarket and commercial/retail tenancies, serviced apartments and residential dwellings on the upper levels, as well as basement parking.

5.2 Intent of Proposed Modifications

This modification is sought in order to ensure that design excellence is achieved for the Stage A site, with the 15-storey envelope allowing for the delivery of a high-quality development, as depicted in the table below. The proposal is consistent with the Design Excellence Competition winning scheme and has received support by the Design Integrity Panel (Refer to Design Excellence Competition Jury Report at **Appendix 17** and the DIP endorsement at **Appendix 6**).

TABLE 3: PERSPECTIVE IMAGES OF PROPOSAL

	
Proposed Wells Street & Parsonage Street perspective image	Proposed foreshore perspective image (Source: Cox Kennedy Architects)

It is not likely that design excellence can be delivered as part of the 10-storey envelope currently allowed by Concept Approval MP09_0216 (MOD 2). The DIP consider that the mostly uniform 10-storey envelope would not allow for a sufficiently interesting envelope when spread across such a large footprint. Rather, the proposed podium and tower envelope breaks down scale and allows for visually interesting forms. The proposed envelope also responds to the locality's attributes, including the foreshore and heritage listed Ryde Bridge. Further, the gross floor area allowed by the current 10 storey envelope does not offset the cost associated with delivering design excellence. The proponent supports the intent of

achieving design excellence for Stage A, but cannot feasibly do so under the current parameters.

The modified 15-storey proposal allows for a high standard of articulation as evidenced by fenestration and material finishes. The proposal will also deliver a publicly accessible plaza with extensive landscaping, that can accommodate passive recreation as well as community markets and the like. The proposed tower form provides for visual interest, which will offset the mostly horizontal built form throughout Shepherds Bay precinct, as well as act as a visually interesting marker when viewed from Parramatta and its foreshore areas. The modified scheme ensures the provision of convenience facilities to Shepherds Bay residents, which is sorely lacking in the area. Further, the proposed built form is considered to enhance the heritage importance of the nearby Ryde Bridge, as well as provide a unique reinterpretation of the subject site's historical industrial land use through the inclusion of what is referred to as a 'shed' structure.

The existing dwelling and parking caps are not proposed to be amended, with the provision of 42 residential apartments and 329 car parking spaces, within the maximum permitted across the Shepherds Bay.

The proposal also seeks to utilise some of the remaining commercial floor space permitted for the Concept Plan area. That is, Condition A5 (Schedule 2) of the Concept Approval allows for a maximum of 10,000m² of commercial floor space across the entire Concept Plan. To date, 1,878m² is provided for through various Project Approvals and/or Development Consents. As part of any DA, Stage A will include 3438.3m² of retail floor space in the form of a supermarket and speciality shops. As such, the existing cap would not be breached.

As discussed earlier, it is anticipated that Stage A would include 82 serviced apartments, which is the equivalent to 7,483m² of floor area. It is noted that floor area for the purpose of serviced apartments is not classified as commercial floor space, nor is it classified as 'dwellings' for the purposes of the RLEP 2014.

5.3 Conditions & Key Details Proposed to be Modified

The description of the approved development is proposed to be amended to include a reference to serviced apartments.

This modification also seeks changes to the tower component of the Stage A envelope, as follows:

- Amend the number of storeys from ten (10) to fifteen (15);
- Amend the maximum height from 57.70 to RL 68.10; and
- Amend the Stage A envelope to reflect the above.

These changes are demonstrated in the amended concept plans provided at **Appendix 1**, and depicted in the extracts on the following page.

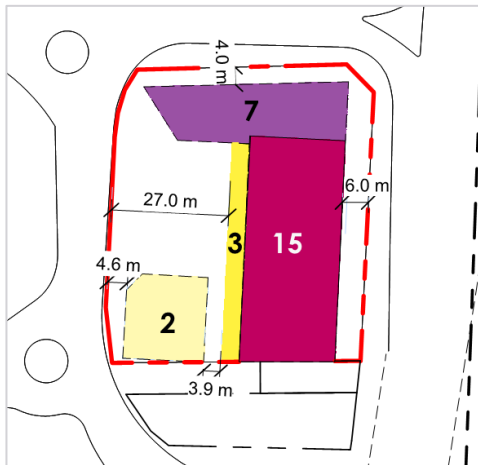


Figure 21 Extract of Amended Maximum Number of Storeys Above Ground Level

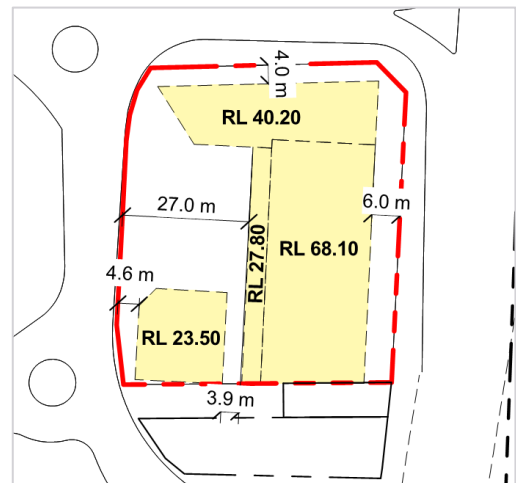


Figure 22 Extract of Amended Maximum Height with Setbacks Plan for Stage A.

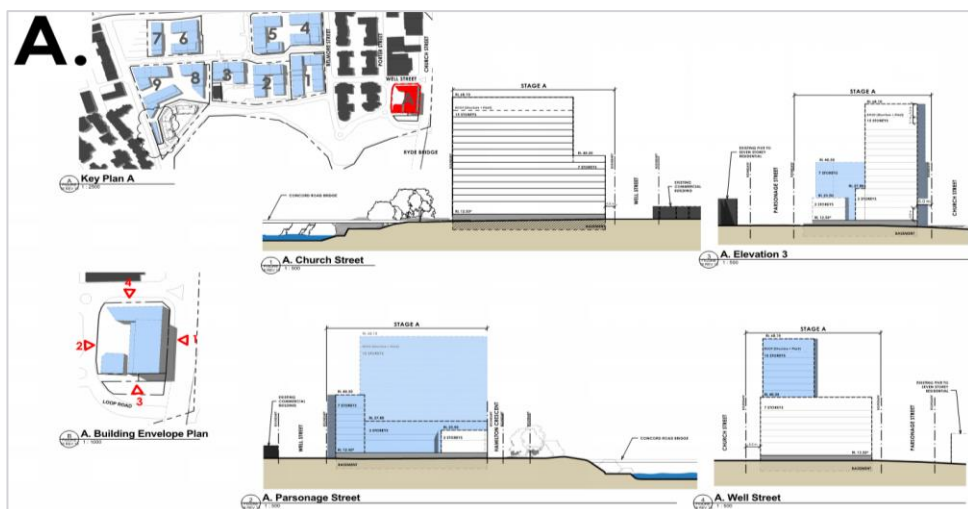


Figure 23 Extract of Amended Stage A Building Envelope Control Diagrams.

5.3.1 Conditions to be Amended

Condition A1, in Schedule 2, Part A of MP09_0216 (amended by MOD 1 and MOD 2), currently reads as follows:

"Development Description

A1 Concept approval is granted to the development as described below:

Use of the site for a mixed use development including residential, retail, commercial and community uses incorporating:

- *building envelopes for 12 buildings incorporating basement level parking;*
- *infrastructure works to support the development including:*
- *upgrades to the local road network;*
- *stormwater infrastructure works;*
- *publically accessible open space and through site links; and*

- pedestrian and cycle pathways.

MP09_0216 MOD 1:

- amendment to *Building Storeys Plan* to allow for additional storeys at ground level in Stages 1 to 3;
- expand/connect the basement building envelopes between Stage 2 and 3 and Stage 4 and 5;
- revision to the construction staging;
- revised timing of the delivery of the open space to be in conjunction with Stage 3 (rather than Stage 1);
- provision of an additional storey to provide a 6 storey element to the building on the corner of Belmore Street and Constitution Road;
- flexible application of the solar access requirement of the RFDC;
- amendment of ESD measures; and
- amendments to terms of approval, future environmental assessment requirements and Statement of Commitments.

MP09_0216 MOD 2:

- increase of the site-wide maximum dwelling yield development cap;
- varying increases of the number of storeys contained within Stages 2 and 3 building envelopes and increase in the height of part of the Stage 2 building envelope by 300mm;
- updating FEAR 21 to refer to the current Apartment Design Guidelines; and
- deletion of the exception within FEAR 3A that allows the inclusion of an additional storey within buildings on steeply sloping land."

The condition is proposed to be amended, to include the following:

"MP09_0216 MOD 3:

- amendment to include serviced apartments as part of the project description."

Condition A2, in Schedule 2, Part A of MP09_0216 (MOD 2), currently reads as follows:

- A2. The development shall be undertaken generally in accordance with MP09_0216, as modified by MP09_0216 MOD1, and **MP09_0216 MOD2**:
- 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 S75W Modification Application dated January 2015 prepared by City Plan Services including all documents and reports, except where amended by the:**
 - Preferred Project Reports dated 3 May 2016 and 13 May 2016 prepared by City Plan Services;**
 - letter titled Response to Council's Submission dated 26 August 2016 prepared by City Plan Services; and**
 - response to submissions by TfNSW and RMS prepared by City Plan Services received by the Department on 9 September 2016.**
 - 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 G	MAXIMUM HEIGHT WITH SETBACKS	02/11/13 08/09/16
PPR 002-E	<u>Maximum Number of Storeys Above Ground Level (Finished) Plan</u>	08/09/16
PPR 007-E	INDICATIVE STAGING	09/24/13
S 001/B	SLOPES ON SITE	03/25/2014
FIGURE 14 REV 4.5	STAGE 1 BUILDING ENVELOPE CONTROLS S DIAGRAMS	28/06/2012 07/06/16
FIGURE 15 REV 4.5	STAGE 2.4 BUILDING ENVELOPE CONTROLS S DIAGRAMS	01/18/12 07/06/16
FIGURE 16 REV 4.6	STAGE 3.2 BUILDING ENVELOPE CONTROLS S DIAGRAMS	01/18/12 29/04/16
FIGURE 17 REV 4.6	STAGE 4.5 BUILDING ENVELOPE CONTROLS S DIAGRAMS	01/18/12 07/06/16
FIGURE 18 REV 4.5	STAGE 5.A BUILDING ENVELOPE CONTROLS S DIAGRAMS	01/18/12 10/06/16
FIGURE 19 REV 4.6	STAGE 6.3 BUILDING ENVELOPE CONTROLS S DIAGRAMS	01/18/12 26/04/16
FIGURE 20 REV 4.5	STAGE 7.8 BUILDING ENVELOPE CONTROLS S DIAGRAMS	01/18/12 07/06/16
FIGURE 21 REV 4.5	STAGE 8.6 BUILDING ENVELOPE CONTROLS S DIAGRAMS	01/18/12 07/06/16
FIGURE 22 REV 4.7	STAGE 9 BUILDING ENVELOPE CONTROLS S DIAGRAMS	01/18/12 08/09/16
FIGURE 23 REV 4.5	STAGE 10.7 BUILDING ENVELOPE CONTROLS S DIAGRAMS	01/18/12 07/06/16
FIGURE 29 REV 2	LANDSCAPE PLAN	July 2012
FIGURE 30 REV 2	VEHICULAR ACCESS AND PUBLIC TRANSPORT PLAN	July 2012
SK01 REV E	PEDESTRIAN & CYCLEWAY ROUTES	18 JUNE 2013
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	OPEN SPACE AREA PLAN	11/01/13

except for as modified by the following pursuant to Section 75O(4) of the Act.

The condition is proposed to be amended, to replace the following Drawings:

Existing			Proposed amendment		
Drawing No.	Name of Plan	Date	Drawing No.	Name of Plan	Date
PPR 001-G	Maximum Height with Setbacks	08/09/16	PPR 001-J	Maximum Height with Setbacks	08/11/17
PPR 002-E	Maximum Number of Storeys Above Ground Level (Finished) Plan	08/09/16	PPR 002-H	Maximum Number of Storeys Above Ground Level (Finished) Plan	08/11/17
Figure 18 REV 5	Stage A Building Envelope Control Diagrams	10/06/16	Figure 18 REV 13	Stage A Building Envelope Control Diagrams	08/11/17

5.3.2 Maximum Storeys

Condition B1b in Schedule 2, Part B of MP09_0216 (MOD 2), currently reads as follows:

"

Maximum Building Height of Stage A

B1B The Concept Plan building envelope shall be amended so that a maximum of 10 storeys shall apply to the 24 storey element on Stage A, Church Street site. The following Concept Plan drawings shall be amended to demonstrate compliance with this modification and shall be submitted to, and approved by, the Secretary within 1 month of the date of this approval.

- a) **PPR 001 Maximum Heights with Setbacks;**
- b) **PPR 002 Maximum Number of Storeys Above Ground Level (Finished) Plan; and**
- c) **Figure 18 Stage A. Building Envelope Control Diagrams**

"

This condition is proposed to be deleted.

5.4 Development Plans and Supporting Documentation

The report has been prepared with regard to the Amended Concept Plans prepared by Robertson & Marks, as well as the indicative Architectural Drawings prepared by Cox Richardson Architects and Kennedy Associates Architects, which accompany this application at **Appendices 1 and 2**.

The report has also been prepared with reference to the following technical reports which accompany the application:

- Survey Plan prepared by LTS Lockley, at **Appendix 3**;
- Public Domain Plans prepared by Site Image, at **Appendix 4**;
- Preliminary SEPP65 Statement & ADG Assessment prepared by Cox Richardson Architects and Kennedy Associates Architects, at **Appendix 5**;
- Design Integrity Panel Endorsement prepared by City Plan Strategy & Development, Holdmark, and the Design Integrity Panel, at **Appendix 6**;
- View Analysis by Cox Richardson Architects and Kennedy Associates Architects; at **Appendix 7**;
- View Impact Assessment prepared by Richard Lamb & Associates, at **Appendix 8**;

- Traffic Assessment prepared by Road Delays Solutions, at **Appendix 9**;
- Heritage Assessment prepared by Architectural Projects, at **Appendix 10**;
- Arborist Assessment prepared by Redgum Horticultural, at **Appendix 11**;
- Biodiversity Assessment prepared by Molino Stewart, at **Appendix 12**;
- Contamination Assessment prepared by EI Australia, at **Appendix 13**;
- Remediation Action Plan prepared by EI Australia, at **Appendix 14**;
- Flood Risk Assessment prepared by BG&E, at **Appendix 15**;
- Geotechnical Assessment prepared by Asset Geotechnical, at **Appendix 16**;
- Design Excellence Competition Jury Report by CPSD, at **Appendix 17**;
- Assessment of consistency with concept approval conditions by CPSD, at **Appendix 18**;
- Site Designation by the Secretary of the DPE, at **Appendix 19**;
- Urban Design Justification by Cox Kennedy Architects, at **Appendix 20**; and,
- MOD 2 and Concept Approval Stage A GFA comparison by Cox Kennedy Architects, at **Appendix 21**.

CPSD have relied on the information in these reports, prepared by professionals in their field, for the preparation of this report.

5.5 Pre-lodgement Consultation

Consultation with DP&E, City of Ryde Council, the DIP, and TfNSW and RMS, was undertaken with regard to the subject proposal, prior to lodgement of this application. A range of issues were deliberated in order to deliver the best outcome for the site, which have been addressed in this planning statement and accompanying specialist reports. The consultation comprised:

- Meeting with DP&E on 22 September 2017;
- Meeting with City of Ryde Council;
- Ongoing consultation with TfNSW and RMS throughout 2016; and
- DIP meetings on 3 November 2017 and 24 November to 5 December 2017.

It is noted that the DIP did not raise any particular concerns with regard to the amended scheme, and maintain that the proposal achieves design excellence as demonstrated with the winning design competition scheme. Refer to the DIP Endorsement at **Appendix 6** for detail. Rather, it can be noted that the DIP raised concern with the ability to achieve design excellence within a 10-storey envelope, such as that currently provided by the Concept Approval (MOD 2).

6. Environmental Planning Framework

The environmental planning framework considered to be applicable to the proposal is listed below. It contains metropolitan and district strategic plans, legislation, regulations, state environmental planning policies, including deemed policies, previous applicable statutory approvals, any local environmental planning instruments, and other relevant policies, control plans or guides. **Section 7** of this EA provides an assessment of the proposal against this framework.

- Environmental Planning and Assessment Act, 1979;
- Environmental Planning and Assessment Amendment Bill 2017;
- Environmental Planning and Assessment Regulation, 2000;
- Draft Greater Sydney Region Plan;
- Draft North District Plan;
- State Environmental Planning Policy No. 55;
- State Environmental Planning Policy (Infrastructure) 2007;
- Sydney Regional Environmental Planning Policy (Sydney Harbour Catchment) 2005;
- State Environmental Planning Policy No. 65 & Apartment Design Guide;
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004;
- Concept Approval MP09_216 including Modifications 1 & 2; and
- Ryde Local Environmental Plan 2014.

7. Environmental Planning Assessment

7.1 Environmental Planning and Assessment Act 1979

7.1.1 Section 5

The EP&A Act is the principle planning and development legislation in New South Wales. In accordance with Section 5, the objectives of the Act are:

"to encourage:

(i) the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,

(ii) the promotion and co-ordination of the orderly and economic use and development of land,

(iii) the protection, provision and co-ordination of communication and utility services,

(iv) the provision of land for public purposes,

(v) the provision and co-ordination of community services and facilities, and

(vi) the protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats, and

(vii) ecologically sustainable development, and

(viii) the provision and maintenance of affordable housing, and..."

For the reasons set out below, it is considered that the proposed development satisfies the above stated objects of the EP&A Act:

- The proposed development will promote the social and economic welfare of the local community through the provision of high-quality residential space and non-residential space, including a publicly accessible plaza as well as retail convenience facilities which are lacking in the precinct;
- The proposal will result in the orderly and economic use and development of land as the site is of an appropriate size, location and land use zoning to enable the development;
- The proposal will facilitate a development with design excellence, reinforcing the value of surrounding historically important features, as well as developing local identity.
- The proposal will create additional employment opportunities during the construction and operational phases; and
- There will be no unreasonable adverse impacts on the environment. In particular, the proposal will be without any unreasonable visual impacts, solar access impacts or the like.

7.1.2 Schedule 6A Transitional arrangements - repeal of Part 3A

Part 3A of the EP&A Act applies to the site. Following the repeal of Part 3A of the EP&A Act on 1 October 2011, the project continues to be subject to Part 3A of the Act, pursuant to the transitional provisions provided in Schedule 6A of the Act. Clause 2 of the Schedule states:

"2 Transitional Part 3A projects

1) The following are, subject to this Schedule, transitional Part 3A projects:

(a) an approved project (whether approved before or after the repeal of Part 3A),

(b) a project that is the subject of an approved concept plan (whether approved before or after the repeal of Part 3A),

(c) a project or which environmental assessment requirements for approval to carry out the project, or for approval of a concept plan for the project, were last notified or adopted within 2 years before the relevant Part 3A repeal date (unless the environmental assessment is not duly submitted on or before 30 November 2012 or on or before such later day as the Director-General may allow by notice in writing to the proponent).

(d) a project for which an environmental assessment (whether for approval to carry out the project or for approval of a concept plan for the project (was duly submitted before the relevant Part 3A repeal date."

As the project is the subject of a Project Approval and a Concept Plan Approval, Part 3A of the EP&A Act continues to apply.

7.1.3 Section 75W

Pursuant to Part 3A of the EP&A Act (as in force prior to its repeal) Section 75W provides that the proponent may request the Minister to modify the Minister's approval for a project. Such modifications may include:

"(a) revoking or varying a condition of the approval or imposing an additional condition of the approval, and

(b) changing the terms of any determination made by the Minister under Division 3 in connection with the approval."

Section 75W does not limit the circumstances in which the Minister may modify a determination made under Division 3 in connection with the approval of a concept plan.

The Land and Environment Court (LEC) has observed that S75W is not constrained by the requirement for the development as modified to be "substantially the same" as the development already approved (as with Section 96 of the Act), but rather, should not contemplate a "radical transformation" of the terms of an existing approval (*Williams v Minister for Planning [2009] NSWLEC 5*).

The modifications sought by this application will not result in a radical transformation of the existing Concept Approval for the following reasons:

- The proposal does not seek to fundamentally change the land uses already provided for by the original Concept Approval. The introduction of serviced apartments is considered a complementary use and one which sits comfortably in the proposed

mixed-use building, particularly given the proximity of the site to the Rhodes employment area and Ryde Town Centre.

- The proposed envelope remains consistent with Stage A's attributes as was determined in the original Concept Approval, being a 'standalone' site with significant potential to deliver design excellence; and,
- The proposal will not significantly alter the operational nature of the Concept Approval, particularly in relation to density, traffic generation, or local character.

7.2 Environmental Planning and Assessment Amendment Bill 2017

On 15 November 2017, the Environmental Planning and Assessment Amendment Bill 2017 (the Bill), was passed by the NSW Legislative Assembly. The Bill repeals Schedule 6A of the EP&A Act, 1979.

The NSW DPE expects to transfer Schedule 6A into the Environmental Planning and Assessment Regulation, 2000, and place a 'sunset clause' on its application, of presumably 6 months. After this period, it is expected that modifications to any former 'Part 3A' approvals would occur pursuant to Part 4 of the EP&A Act, or as State Significant Development.

Regardless of the above, the Bill is not yet in force, and therefore, Schedule 6A of the EP&A Act, continues to apply. In the event the Bill was in force, it would be expected that this proposed modification could proceed pursuant to any amendments to the Environmental Planning & Assessment Regulation, 2000.

7.3 Environmental Planning and Assessment Regulation 2000

Any future Development Application for the modified proposal will be consistent with the *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation), in terms of the following:

- Clause 50 (1)(a) which requires that a development application for a residential apartment development to which *State Environmental Planning Policy No. 65 - Design Quality of Residential Apartment Development* (SEPP 65) applies, must be accompanied by a design verification statement as well as certain information specified in Part 1 of Schedule 1. The submission requirements are submitted in support of this application, with a Preliminary SEPP 65 Statement & Apartment Design Guide Assessment prepared by Cox Richardson Architects and Kennedy Associates Architects and provided at **Appendix 5**.
- All future demolition work will be undertaken in accordance with Clause 92 which requires that the consent authority to consider AS 2601 - 1991: The Demolition of Structures.
- All future building work will be carried out in accordance with Clause 98 of the Regulation which requires the consent authority to consider the provisions of the Building Code of Australia.

7.4 Draft Greater Sydney Region Plan

The draft *Greater Sydney Region Plan* was released in October 2017 and is the first Region Plan by the Greater Sydney Commission (GSC). Once adopted, this Plan will replace *A Plan for Growing Sydney*.

The draft Plan encompasses a global metropolis of three cities – the Western Parkland City, the Central River City and the Eastern Harbour City. It is envisioned that people of Greater Sydney will live within 30 minutes of their jobs, education and health facilities, services and great places.

Key directions of the draft Plan include:

- **Sustainability:** Introduce distributed energy, recycled water and smart waste management infrastructure.
- **Housing:** Support a greater range of housing types across the Eastern Harbour City, supported by provision of social and green infrastructure.
- **Lifestyle:** Increase community open space and sport and recreation facilities, including sharing existing green assets with the local community.
- **Transport:** Improve public transport links to the Harbour CBD and strategic centres to improve business-to-business links and support the 30-minute city.

The proposal is consistent with the draft Plan in providing increased housing supply within 30 minutes of jobs, education, health and other services.

7.5 Draft North District Plan

The site is located within the North District, as part of the Eastern Harbour City, identified in the draft *Greater Sydney Region Plan*.

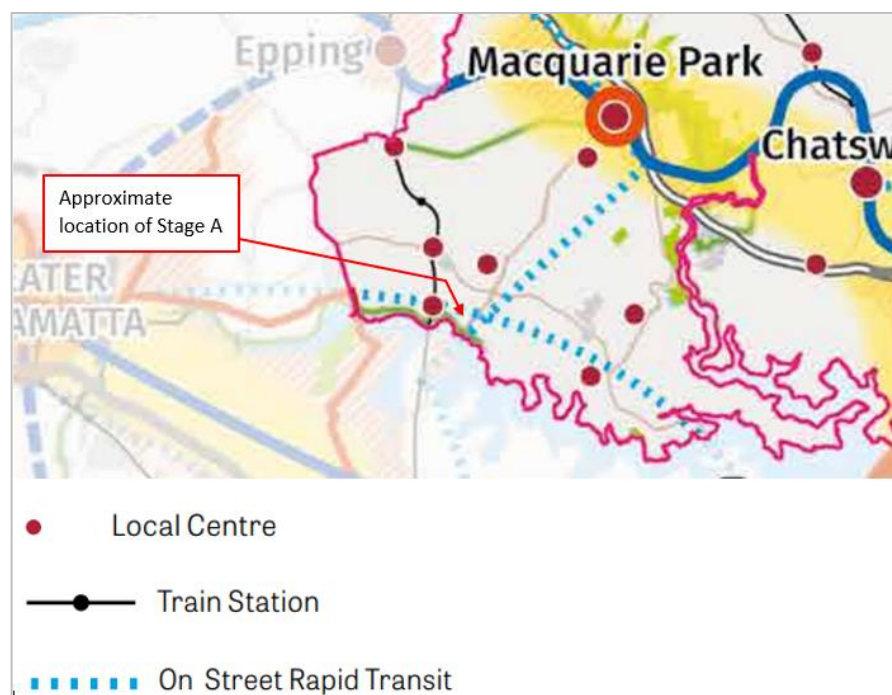


Figure 24 Extract of North District Plan indicating approximate location of Stage A (Source: Revised Draft North District Plan, Page 7 2017)

As is demonstrated in the plan extract above, Stage A is in proximity to several local centres, including the Meadowbank local centre. The locality's existing heavy rail service is recognised in the plan, but is anticipated to be supported by new 'On Street Rapid Transit'.

In the draft *North District Plan*, the Ryde LGA has the potential to accommodate additional dwellings to assist in reaching the targets of 7,600 additional dwellings between 2016 and 2021.

Increasing residential densities within appropriate locations, such as Shepherds Bay, make them vibrant and improve housing choice. Redevelopment of the subject site will assist in achieving the desired regional objectives and especially contribute to the housing targets set by the draft *North District Plan*.

Additionally, the inclusion of serviced apartments will assist in servicing the strategic centre of Macquarie Park, within the Eastern Economic Corridor of Greater Sydney.

7.6 State Environmental Planning Policy No 55 - Remediation of Land

State Environmental Planning Policy No. 55 – Remediation of Contaminated Lands (SEPP 55) establishes State-wide provisions to promote the remediation of contaminated land.

SEPP 55 states that land must not be developed if it is unsuitable for a proposed use because it is contaminated. If the land is unsuitable, remediation must take place before the land is developed. The policy makes remediation permissible across the State, defines when consent is required, requires all remediation to comply with standards, ensures land is investigated if contamination is suspected, and requires Councils to be notified of all remediation proposals. The Managing Land Contamination: Planning Guidelines were prepared to assist councils and developers to determine when land has been at risk.

Clause 7 of the SEPP 55 requires that a consent authority must not grant consent to a development if it has considered whether a site is contaminated, and if it is, that it is satisfied that the land is suitable (or will be after undergoing remediation) for the proposed use.

The existing conditions of the site have been assessed by EI Australia in the Environmental Site Assessment provided at **Appendix 13**. The report concludes that the site is not considered to have widespread contamination, however can be made suitable for residential purposes upon implementation of the recommendations provided, including the removal of two in-situ underground storage tanks (USTs) and associated infrastructure, and the preparation of a Remediation Action Plan (RAP).

A RAP also accompanies this application (**Appendix 14**). The RAP includes:

"- The setting of remediation goals that ensure the remediated site will be suitable for the proposed land uses and will pose no unacceptable risk to human health or to the environment;

- The provision of detailed procedures and plans to be implemented to reduce risks to acceptable levels for the propose site use;

- The establishment of environmental safeguards required to complete the remediation in an environmentally acceptable manner; and

- The identification of necessary approvals and licences required by regulatory authorities, as part of the site remediation process."

Future remediation on the site will be undertaken in accordance with the above.

7.7 State Environmental Planning Policy No 65 - Design Quality of Residential Apartment Development & Apartment Design Guide

Given the subject application relates to a Concept Approval, *State Environmental Planning Policy No. 65 - Design Quality of Residential Apartment Development* (SEPP 65) and the associated Apartment Design Guide (ADG) are not strictly relevant at this stage, however, will be considered in detail during the Development Application stage.

Nonetheless, a preliminary Apartment Design Guide Assessment prepared by Cox Richardson Architects and Kennedy Associates Architects and provided at **Appendix 5**. These demonstrate that the proposal is generally consistent with the design quality principles of SEPP 65 and ADG provisions, such as with the proposed dwellings designed to satisfy the natural ventilation and solar access objectives and controls of the ADG.

Further, the DIP are in support with the proposed scheme, and confirm that it is generally consistent with Design Excellence Competition winning scheme.

7.8 State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

As above, due to the subject application relating to a Concept Approval, *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004* (BASIX SEPP) is not strictly relevant at this stage. However, it is noted that a BASIX certificate will accompany any future Development Application.

7.9 State Environmental Planning Policy (Infrastructure) 2007

State Environmental Planning Policy (Infrastructure) 2007 (ISEPP) provides a consistent planning regime for infrastructure and the provision of services across NSW, along with providing for consultation with relevant public authorities during the assessment process. The SEPP supports greater flexibility in the location of infrastructure and service facilities along with improved regulatory certainty and efficiency.

The ISEPP applies primarily to DAs. It is nevertheless considered as part of this EA to demonstrate that any subsequent DA for Stage A could satisfy its requirements.

Clause 101 - Development with frontage to a classified road

The site has a frontage to Church Street which is identified as a classified road. Clause 101 of the ISEPP requires that a consent authority must not grant development consent to development on land that has a frontage to a classified road unless it is satisfied of the following:

"(a) where practicable, vehicular access to the land is provided by a road other than the classified road, and

(b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of:

(i) the design of the vehicular access to the land, or

(ii) the emission of smoke or dust from the development, or

(iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and

(c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road."

As discussed in detail at **Section 7.5.3**, access arrangements for the proposal have been considered previously by both the RMS and TfNSW, due to the limited ingress and egress opportunities for the site. The service and heavy vehicle entry is proposed immediately west of the Well Street intersection from the deceleration lane on Church Street. The Traffic Assessment prepared by Road Delay Solutions at **Appendix 9** considers that this access location is appropriate, poses no significant impedance to arterial traffic flow on Church Street, and provides for recommendations to mitigate any potential traffic impacts on the surrounding road network. Parsonage Street will provide for the passenger vehicle access entry. Refer to **Appendix 9** for further detail.

It is noted that any future Development Application will also incorporate necessary measures to ameliorate potential traffic noise or vehicle emissions within the site arising from Church Street.

Clause 104 - Traffic generating development

Clause 104 requires that before granting development consent to development of a type nominated in Schedule 3 of the Policy, Council must refer the application to the Roads and Maritime Services (RMS) for comment on various matters including:

- (a) *the efficiency of movement of people to and from the site and the extent of multi-purpose trips, and*
- (b) *the potential to minimise the need for travel by car, and*
- (c) *any potential traffic safety, road congestion or parking implications of the development.*

This provision is relevant as the proposal is of a type listed in column 3 of Schedule 3, being any development having ancillary parking for more than 50 vehicles on a site that has a connection of less than 90m to a classified road (Church Street).

As noted previously, these parameters will be considered as part of any future DA. Nevertheless, the proposal has already been subject to extensive discussion with RMS and TfNSW. The current ground floor plan, including its vehicular and pedestrian access arrangements, reflect these discussions. As such, it is anticipated that the above referenced parameters would be satisfied as part of any DA.

7.10 Sydney Regional Environmental Planning Policy (Sydney Harbour Catchment) 2005 (Deemed SEPP);

As the subject site is located in the Sydney Harbour Catchment boundary, the *Sydney Regional Environmental Plan (Sydney Harbour Catchments) 2005* (SREP) applies to the proposal.

Consideration of the provisions within the SREP that may be relevant to this project are addressed in the Table below.

TABLE 4: SREP COMPLIANCE TABLE

Part	Comment
Part 2 Planning Principles	The proposal is consistent with the planning principles.
Part 3 Foreshore and waterways areas	Not applicable
Part 4 Strategic foreshore sites	The site is not a strategic foreshore site
Part 5 Heritage provisions	Not applicable
Part 6 Wetland protection	Not applicable

7.11 Concept Approval MP09_216 including Modifications 1 & 2

To assist in determining whether the modified development is consistent with the original Concept Approval, an assessment of the modified development is provided against the conditions of the Concept Approval, as modified, in **Appendix 18**.

In summary, however, the modified development is consistent with the Concept Approval as it seeks a relatively minor amendment to the building envelope of Stage A only. The land uses are not proposed to be modified. The operational natural and character of the precinct will not be significantly different from that which was previously approved.

7.12 Ryde Local Environmental Plan 2014

The *Ryde Local Environment Plan 2014* (RLEP) is of limited relevance due to the Concept Approval which applies to the site. However, it is considered that the proposal remains consistent with the RLEP, in terms of the following:

- The proposal is consistent with the objectives of the B4 Mixed Use zone in that it maintains the provision of a mixture of compatible land uses in an accessible location;
- The proposed land uses, including commercial premises, a community facility, residential accommodation and serviced apartments, are permissible with consent in the subject B4 zone;
- The proposal will not have an adverse impact upon the Ryde Bridge which is listed as a heritage item under the RLEP; and
- It is unlikely that there are acid sulfate soils present on the site and as a result no further testing or preparation of a soil management plan is required, and confirmed in the Geotechnical Desktop Study prepared by EI Australia at **Appendix 16**.

8. Identification & Assessment of Environmental Impacts

8.1 Overview

This section identifies and assesses the environmental impacts of the modified Stage A envelope.

8.2 Context and Setting

The modified proposal remains consistent with the existing higher density character already established in Shepherds Bay. The proposed envelope is compatible with the medium rise buildings already established in Shepherds Bay, although, as determined as part of the Design Excellence Competition, a taller, slender form for the Stage A site will offset the predominant horizontal built form of shepherds Bay, as provided by the original Concept Approval.

The 30m separation provided by Church Street ensures any scale related potential impacts associated with low rise development to the east are adequately mitigated.

A taller, slender envelope, with design excellence, responds to the site's potential as a marker along the Parramatta River and adds visual interest to the Shepherds Bay precinct, when viewed from the river. It is worth noting that, as part of the Design Excellence Competition, the jury was of the view that a 10-storey envelope did not adequately respond to the site's context:

The Conforming Scheme

9.4 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 25: Extract from Design Excellence Competition Report (Source: CPSD, Page 9)

The proposed architectural treatment demonstrated in the design competition winning scheme, in particular the roof treatment, responds to the Ryde Bridge. It reinforces its historical significance. Similarly, the re-interpretation of the existing 'shed' acknowledges the site's former industrial land use.

The proposed square is partly a response to the nearby foreshore. In effect, it extends the area of public open space.

The Urban Design Justification prepared by Cox Architecture and provided at **Appendix 20** outlines how the 15-storey proposal "retains a scale relationship with the wider Shepherds Bay concept plan and allows the site to substantially fulfil its gateway opportunity".

Stage A is relatively accessible by private vehicle, and highly accessible by pedestrians. The inclusion of a range of convenience related retail services, including a supermarket, is logical. Arguably, the precinct is lacking in such services. Similarly, the site is in close proximity to Macquarie Park, from which there is increasing demand for serviced apartments. The proposal is well located to not only meet such demand, but provide a high level of amenity for visitors.

8.3 Height, Bulk and Scale

As was noted as part of the Design Excellence Competition, a higher envelope would be appropriate to offset the predominant horizontal built form in Shepherds Bay. 15 storeys is considered appropriate to achieve such offset, but avoid excessive scale. Vertically taller elements add visual interest against the predominant horizontal built form, particularly when viewed from the river. When seen elsewhere from Parramatta River, views are also acceptable as confirmed by Richard Lamb & Associates (**Appendix 8**).

The proposed 15-storey height was considered appropriate by the DP&E in their Environmental Impact Report for MOD 2. Extracts of the DPE's assessment in favour of the 15-storey height is provided as follows:

"

Having regard to the above, the Department maintains its original view that a 15-storey height should reasonably apply to the site, as a maximum. Whilst this height remains significantly taller than the nearby up to seven storey buildings, it retains a scale relationship with the wider Shepherds Bay Concept Plan and will allow the site to substantially fulfil its gateway properties without resulting in the significant adverse impacts as discussed above.

The Department considers a 15-storey height addresses Planning Principle no.1 as it would facilitate the provision of a building that provides a marker for the site while having an appropriate relationship to the immediate surrounding area. Such a height is also considered consistent with what may be reasonably expected under the Concept Approval height controls.

The Department therefore recommends a modification requiring the Stage A building envelope be reduced by nine storeys in height (from 24 to 15 storeys). The Department notes the competition winning scheme included beneficial urban design outcomes, including a public plaza and reconfigured building envelope layouts when compared to the original Concept Plan. Therefore, to ensure these benefits are not discouraged, design excellence is not stifled and the best overall outcome can be achieved, the Department recommends a maximum 15-storey height limit and provide the proponent with the opportunity to recast the scheme to achieve this height.

"

The 30m wide Church St corridor is sufficient to mitigate any scale impacts with the established low-rise development on the eastern side of Church Street.

Similarly, the width of the corridor, and the mid-rise height of the proposal ensures solar impacts to established low rise dwellings to the east is acceptable. Specifically, dwellings to the east of Church St will achieve solar access in accordance with the Ryde DCP.

Dwellings within apartment buildings in the immediate vicinity of Stage A will achieve solar access in accordance with SEPP 65 and the ADG. Generally, the Stage A site is of a north-south direction, ensuring existing development on either side achieves adequate solar access either before or after midday at June 21.



Figure 12: Church Street above Morrison Road photomontage demonstrating that the proposed detailed design scheme would integrate with existing built form (Source: View Analysis and View Impact Analysis)



Figure 13: Church Street below Morrison Road photomontage demonstrating that the proposed detailed design scheme would integrate with existing built form (Source: View Analysis and View Impact Analysis)



Figure 28: Church Street near Wandoo Avenue photomontage demonstrating proposal's compatibility with existing landscape view (Source: View Analysis and View Impact Analysis)

Richard Lamb & Associates confirms the proposed envelope does not result in unreasonable impacts to views from adjoining dwellings (refer to **Appendix 8**). Generally, view impacts would be limited to those dwellings in the apartment building to the north (i.e. 10 Church Street). However, their views are already impacted by the 7-storey northern face of the current Stage A envelope (MOD 2). The amendments to the Stage A's northern elevation by this modification are minimal. They do not include increasing the existing height of the northern elevation.

8.4 Setbacks

The proposal adopts the existing setbacks of the Concept Approval (as modified). In this regard, the proposal has provided a 4m setback to Wells Street, 6m setback to Church Street, and a 3.9 setback to the south. The eastern setbacks comprise 4.6m to the boundary from the shed structure, and 27m from the tower.

These setbacks are considered to be appropriate within the context of the site and surrounding area.

8.5 Design, Aesthetics & Materials

Any future Development Application for the site will incorporate a variety of high quality materials and finishes that will contribute to an aesthetically appealing building as presented to the public domain, and comprise a uniform grid façade to provide a neutral backdrop to the nearby Ryde Bridge.

Endorsement by the DIP, provided at **Appendix 6**, signifies the importance of the provision of a high standard of finishes, which can only be achieved through the modified proposal. The DIP affirm that these will contribute to creating visual interest and ensuring that design excellence is achieved.

8.6 Solar Access

The Shadow Diagrams at Appendix 2 demonstrate that all adjoining dwellings, including the residential flat buildings to the north and west as well as the low residential development on the eastern side of Church Street, will be able to achieve approximately 2 to 3 hours solar access as required by Ryde DCP.

8.7 View Loss

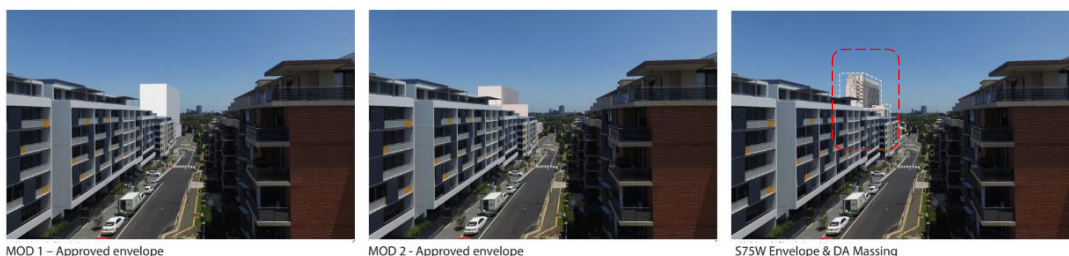
As indicated earlier, the amendments to the Stage A envelope are limited to the eastern perimeter of the site. The current envelope includes a 7-storey northern elevation, which already affects views from private dwellings to the north. This elevation is not proposed to be amended by this proposal. Nevertheless, an increase to the envelope along the site's eastern perimeter necessitates a consideration of view impacts. This has been undertaken by Richard Lamb & Associates (Appendix 8). Landscape, or broader potential view impacts from the public domain require most consideration given the current envelope already allows for 10-storeys.

Appendix 8 of this report, provides a detailed analysis of the proposal's potential view impacts of existing and proposed development from locations in proximity to the site including Church Street, Ryde Wharf, Ryde Bridge, Meadowbank Wharf, Well Street, and the adjacent Holdmark and Meriton buildings. Examples provided in the extracts below, demonstrate the view impact from the approved envelope (from Mods 1 and 2) versus the proposed envelope (outlined in white) and future Development Application massing.

It is apparent that the proposed 15-storey envelope will result in minor view impacts when compared to the approved 10-storey envelope. Despite this, it is considered that this view impact is minimal, with the modified envelope not resulting in a significantly more dominant or visually obtrusive form, but rather a slender tower and podium that is appropriate to the site and surrounding context, and reflective of the language of the Ryde Bridge. Further, it is considered that the future Development Application will facilitate a more slender form within

the envelope, and therefore will allow for increased views, particularly from the adjacent residential flat buildings to the north and west.

14. Holdmark Site 3 Level 4



19. Meriton Building D Level 5



20. Meriton Building A Level 5



Figure 14: Selected images demonstrating view impacts from immediately surrounding dwellings within the Shepherds Bay precinct (Source: View Analysis and View Impact Analysis)

8.8 Privacy

The proposed envelope maintains privacy between the occupants of the building and the adjacent properties with the provision of generous separation. The proposed envelope will achieve sufficient separation to the nearest residential flat buildings, with 40 - 50m to the west, 22m to the north, and 40m to the east.

8.9 Public Domain

The proposal is a positive and compatible contribution to the public domain given:

- The provision of a publicly accessible plaza that has been designed to invite the shared use of the space with the use of high quality finishes including impervious surfaces and vegetation, as well as the ability to accommodate various forms of passive recreation, including community markets and the like;
- The building achieves a desirable interface with the public areas in terms of the relationship between the Lower Ground and Upper Ground Levels and the adjoining footpaths;
- The building address and integrates with all of its four street frontages through the inclusion of active facades;

- Vehicle access points provide simple and direct vehicular movements throughout the site;
- Many apartments enjoy a direct visual connection which overlooks the plaza and surrounding public domain ensuring a high degree of passive surveillance which will encourage a sense of safety within the public spaces in and around the site; and
- The architectural treatment and landscaping elements will achieve a suitable streetscape presentation.



Figure 30: Extract of proposed public domain plan demonstrating proposed landscaping around Church Street and Wells Street frontages, as well as within the proposed square (Source: Site Image)

8.10 Heritage

As the site contains three (3) industrial buildings built in 1943, and is located in the vicinity of Ryde Bridge, which is identified as a heritage item pursuant to the RLEP, a Heritage Impact Statement (HIS) has been prepared for the modified proposal and is provided at **Appendix 10**.

The HIS concludes that the buildings on the site have a low level of historical significance, and that the proposal will have a minimal effect on the nearby heritage listed Bridge.

Alternatively, the HIS considers that the proposed design is appropriate given its reinterpretation of the site and broader locality's historical industrial land use, through the incorporation of a shed element, careful consideration of a façade treatment, and a linear form reflective of the Bridge.

8.11 Flora and Fauna

A Biodiversity Assessment has been prepared by Molino Stewart and is provided at **Appendix 11** to assess the implications of the proposal on local biodiversity.

The report concludes that any clearing of vegetation, particularly the Port Jackson Fig tree near the southern façade of the existing structure on the site, may result in loss of potential

food resources for avifauna, and may also impact on existing mature vegetation within the public reserve. The report recommends that mitigation measures be undertaken to prevent any damage to surrounding vegetation, including measures to increase the available habitat and foraging resources for fauna as well as weed management and native shrub and tree vegetation. These measures will be incorporated as part of the detailed design at Development Application stage.

We note that the report considers that the impact of vegetation clearing will be minimised through the inclusion of replacement planting, which may further improve the limited connectivity with the foreshore areas along Parramatta River.

8.12 Tree Removal, Retention or Addition

The proposal includes the removal of fifteen (15) trees and retainment of two (2) trees.

An Arborist Report has been prepared by Redgum Horticultural and is provided at **Appendix 11**, which concludes that the proposed tree removal is appropriate, and supplemented by the introduction of replacement planting in accordance with the species identified on the landscape plans at **Appendix 4**. The report also recommends measures to be implemented, to ensure that the retained trees are protected.

8.13 Landscape

The modified proposal incorporates landscaping throughout the site. As shown on the Landscape Plans at **Appendix 4**. The proposal includes extensive landscaping treatment at ground level surrounding the site in addition to the publicly accessible plaza, and on the roof top podium level, to ensure visual amenity to future residents and occupants of the site.

8.14 Transport

The site is accessible by public transport being within close proximity to bus, ferry and train services. The site is located approximately 1.2km from Meadowbank Train Station and 850m from Meadowbank Ferry Wharf. Frequent bus services are also readily available on both Church Street and Belmore Street, providing access to prominent centres such as Sydney CBD, Parramatta CBD, Macquarie Park, Strathfield and Chatswood.

8.15 Traffic

The Traffic and Parking Assessment Report prepared by Road Delay Solutions provided at **Appendix 9**, has considered the existing and proposed traffic conditions as a result of the proposal. Specifically, the assessment addresses the committed infrastructure projects associated with the Concept Approval and any other further identified improvements to sustain the increased vehicle generation associated with the proposal.

Overall, the assessment concludes that the proposal will not result in unreasonable impacts. This is largely a result of existing infrastructure already committed as part of the Concept Approval, and the modified proposal remaining within the existing 2,976 parking cap.

8.16 Access / Servicing / Waste

Access arrangements for the proposal have previously been considered by both the RMS and TfNSW, in conjunction with the project traffic consultant Road Delay Solutions. As a result, Parsonage Street was determined as the optimum location for passenger vehicle access, with a proposed driveway entry comprising ingress and egress laneways connecting with the roundabout at the intersection of Loop Road at Parsonage Street providing access to the basement parking. The Traffic Assessment at **Appendix 9** considers that this access location is appropriate, and discusses arrangements to mitigate any traffic impacts on the surrounding road network. These measures will be incorporated into any future Development Application.

Additionally, subject to the future Development Application, arrangements for the servicing of any commercial component of the development including any supermarket, has been

developed in conjunction with RMS and TfNSW. The service and heavy vehicle entry, designed to accommodate up to 19m articulated vehicles and providing access for the entry of garbage services, emergency vehicles and retail deliveries, is proposed immediately south of the Well Street intersection from the deceleration lane on Church Street. The Traffic Assessment considers that this entry poses no significant impedance to arterial traffic flow on Church Street.

The Traffic Assessment also provides for a Loading Dock Management Plan. Any future Development Application will incorporate the procedures and conditions to be considered with the proposed loading dock hardstand area for Stage A, and includes waste management operations. Refer to **Appendix 9** for detail.

8.17 Car Parking

The current scheme under the proposed envelope includes approximately 329 car spaces in the basement levels 2 to 5 (to be confirmed during any subsequent Development Application) for the proposed dwelling units, serviced apartments and the commercial floor space component.

As described earlier, the parking cap of 2,976 car spaces applies to the entire precinct, with 354 currently remaining. The proposal does not exceed this amount, and the existing parking cap is not proposed to be amended.

8.18 Pedestrians and Cyclists

The Traffic Assessment at **Appendix 9** includes a Pedestrian and Bicycle Plan for the site, which provides the necessary access to the site for future residential, retail and recreation users. The report discusses how the proposal will improve pedestrian and bicycle access links to the site, with the following treatments:

- Construction of a pedestrian refuge and kerb ramps in Well Street;
- Construction of a pedestrian refuge and kerb ramps in The Loop Road; and
- Raising of the ground level/ podium of Stage A, approximately 1.5m above the surrounding surface level fronting Parsonage Street, and incorporating low height plantings between the kerb and the face of the podium, to deter pedestrian movement and access and ensure safety.

These measures will be implemented with any future Development Application for the site.

8.19 Geotechnical

A Geotechnical Desktop Study has been prepared by EI Australia and is provided at **Appendix 16**. The report provides various recommendations to ensure appropriate measures are implemented during the excavation and construction phases of the development, including further investigation prior to the construction of the development.

8.20 Contamination

Refer to **Section 6.5** for the SEPP 55 assessment.

8.21 Groundwater

The Geotechnical Desktop Study prepared by EI Australia at **Appendix 16** considers that there is a low risk of widespread groundwater contamination within the site, and that it is unlikely that any groundwater impacts would prevent site development for residential and open space land uses.

8.22 Salinity

The Geotechnical Desktop Study prepared by EI Australia at **Appendix 16**, provides advice in relation to the potential for salinity at the site. The report considers that the salinity risk to

the development is low, given that the underlying bedrock comprises sandstone of Hawkesbury formation, and salinity testing of residual sandy clay soils in development Stages 6 to 9 indicated 'non-sodic' soil conditions within residual soils.

8.23 Flooding

The site is not located within a flood prone area. Nonetheless, a Flood Assessment has prepared by BG&E and is provided at **Appendix 15**. The report identifies existing flood behaviour in the vicinity of the site to ensure flood risk is suitably managed during the proposed development, and provides for the following recommendations to be implemented:

"- 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 report concludes that the proposal meets Council's requirements for flood risk management, and will not adversely impact existing flood behaviour.

8.24 Social Impacts

The proposal is considered to provide significant social benefits to the community, through the conversion of what is underutilised space and inconsistent with the transitioning character of Shepherds Bay, to a high quality mixed used development that demonstrates design excellence and improves local identity. The proposal will improve the presentation of the site, by providing a contemporary building that provides increased passive surveillance of all the street frontages, particularly to Parsonage Street. Further, the provision of a publicly accessible plaza will promote a shared use of space and accommodate a variety of publicly oriented activities.


The serviced apartments which offer high amenity self-contained apartments and associated facilities for business travellers, will provide for a comfortable and convenient alternative to traditional hotel accommodation for workers in the area. Their inclusion within the development are considered appropriate to the well-serviced location, in close proximity to economic centres such as Macquarie Park, Parramatta, Chatswood and Sydney CBD, as well as various public transportation services.

The indicative architectural plans are consistent with the Design Excellence Competition winning entry. The principles for the winning entry include reinforcing the heritage significance of the Ryde Bridge, as well as acknowledging the locality's historical industrial land use through the reinterpretation of existing built forms on the site.

As the Shepherds Bay precinct has now become established, it has become evident that there is a lack of convenient retail facilities. The proposal would allow for a supermarket to serve the needs of the local community, although, the delivery of a supermarket would be confirmed as part of any DA process.

8.25 Economic Impacts

Subject to the outcome of the Development Application for the proposal, the proposed development will have a positive impact by providing a high standard of architectural and urban design that the existing structures on the site. The development will also create jobs during the construction phase, and further offer permanent jobs associated the serviced apartments and commercial floor space.



The modification has positive impacts for the feasibility of the site itself given it reinstates most of the GFA lost in Stage A as part of MOD 2 and introduces serviced apartments which are desirable given the sites scenic location and proximity to Ryde town centre and the Rhodes employment area.

9. Conclusion

This Section 75W modification seeks approval for amendments to Concept Approval MP09_0216 (as modified). Specifically, the amendments relate to Stage A of the Shepherds Bay Redevelopment site, to increase the approved envelope from 10 storeys to 15 storeys and introduction of serviced apartments to comply with the consistent recommendations made by DP&E.

The assessment contained within this report has resolved that the proposed modifications do not constitute a radical transformation to the Concept Approval (as modified), and would not result in any unreasonable environmental impacts. The proposed modifications will facilitate the development of a high quality mixed use development, that will:

- Be appropriate to the site and compatible with its surrounds;
- Allow for the use of high quality design and finishes consistent with the Design Competition winning scheme for site;
- Not exceed the existing dwelling cap, parking cap, and commercial floor space cap of the Concept Approval;
- Assist in providing for additional housing with high residential amenity;
- Provide for serviced apartments within proximity to economic centres;
- Incorporate necessary commercial and retail space within the Shepherds Bay area;
- Avoid unreasonable environmental impacts, particularly in relation to view impacts;
- Provide for a publicly accessible plaza, promoting community engagement; and
- Support the creation of additional jobs.

Therefore, the proposed modifications are appropriate and supportable, and are worthy of consent.