



Response to Key Issues Preferred Project Report Revised Statement of Commitments

CONCEPT PLAN APPLICATION (MP 09_0216)

Prepared by ROBERTSON+MARKS ARCHITECTS
AND
PLACE DESIGN GROUP

FOR HOLDMARK PROPERTY GROUP PTY LTD
January 2011

I hereby certify that the information contained in this Preferred Project Report is to our knowledge neither false nor misleading.



Signed: Deborah Sutherland
Principal
PLACE Design Group

JANUARY 2011

SHEPHERDS BAY URBAN RENEWAL

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1. INTRODUCTION

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CONCEPT PLAN

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INTRODUCTION

1.1 Preliminary

This Preferred Project Report, prepared by PLACE Design Group on behalf of the Proponent, Robertson Marks Architects, is submitted to the Department of Planning (the Department), in support of a Concept Plan Application (MP 09_0216). The Application sought approval for the redevelopment of the subject lands fronting Shepherds Bay at Meadowbank for residential, commercial, community, open space and stormwater purposes. The Environmental Assessment will be made under the transitional arrangements for projects submitted to the Minister for Planning under the now repealed State Environmental Planning Policy (Major Development) 2005 and Part 3A of the Environmental Planning & Assessment Act, 1979 (the Act).

The submitted Environmental Assessment Report (EA) for the Concept Plan Application for the Shepherds Bay Renewal Project was exhibited for 33 days from 26 January 2011 to 28 February 2011 and a total of 163 submissions were received from the general community and from government agencies. The Proponent has reviewed and considered the submissions and in accordance with the now repealed clause 75H (6) of the Environmental Planning and Assessment Act 1979, has responded to the issues raised and also additional issues raised by the Department of Planning since lodgement of the Application.

This Preferred Project Report sets out the Proponent’s responses to submissions, provides details of the Revised Concept Plan (the Preferred Project) which addresses issues raised and includes a revised Statement of Commitments.

Strategically located at the “southern gateway to the City of Ryde”, the subject lands (described in **Table 1**) are located on the shores of the Parramatta River fronting Shepherds Bay. The lands enjoy excellent access to the full range of services and facilities and public transport.

The Concept Plan Site has an area of approximately 6.8 hectares and includes properties fronting Bowden, Belmore, Church, Waterview Streets, Nancarrow and Rothesay Avenues, Constitution Road and Hamilton Crescent West in the suburbs of Meadowbank and Ryde. The Concept Plan site is privately owned land, this excludes all roads and other land owned by Council or other private owners.

1.2 Background

This Preferred Project report describes the site and the Preferred Concept Plan development, provides relevant background information and responds to the Director General’s Requirements (DGR’s), key authorities, stakeholders and community responses from the public exhibition and additional issues raised by the Department of Planning (the Department) and the City of Ryde Council (the Council) since the lodgement of the Application. In addition this report assesses the proposed development in terms of the relevant matters set out in the legislation, environmental planning instruments and planning policies.

The Proponent, Roberston Marks, and its specialist consultant team have reviewed and considered the submissions and, in accordance with clause 75H(6) of the Environmental Planning and Assessment Act 1979 (the EP&A Act).

This Preferred Project Report (PPR) sets out the Proponent’s response to the issues raised in relation to the Concept Plan Application No. MP 09_0216, (referred to herein as ‘the Concept Plan’).

Matters arising specifically in relation to the Stage 1 Project Application public exhibition and assessment process, which is also lodged with the Department of Planning, are to be dealt with in a separate PPR to be submitted in the near future.

This PPR should be read in conjunction with the submitted Concept Plan Environmental Assessment (the EA) and supporting documents prepared by PLACE Design Group and Robertson + Marks architects.

1.3 Location, Legal Description and Updated Ownership Details

The lands included in the Concept Plan site are listed in **Table 1**. The Concept Plan site has an area of 6.80 hectares and includes properties fronting Bowden, Belmore, Church, Waterview Streets, Nancarrow and Rothesay Avenues, Constitution Road and Hamilton Crescent West in the suburbs of Meadowbank and Ryde. Part of the site fronts Church Street, this site has been identified for a signature building.

The Concept Plan site is all privately owned land and excludes all roads and other land owned by Council or other private owners.

The subject allotments within the Concept site are either owned or in negotiations for purchase by Holdmark Property Group or their associated companies.

The Concept Plan site sits between the recently constructed ‘Waterpoint’ high density residential development, Meadowbank commercial centre and railway station and Meadowbank Park to the west. ‘Bay One’ a recent high density residential development, foreshore reserve and waters of Shepherds Bay to the east and older style low residential development and the Meadowbank TAFE to the north.

All relevant owners’ consents were submitted as part of the Preliminary EA application, with the exception of 16-18 Constitution Road (Lot 1 in DP 810552) and 21 Nancarrow Avenue (Lot 2 in DP 810552), which have been negotiated and contracts exchanged for purchase by Holdmark Property Group since the lodgement of the Preliminary Environmental Assessment. Owners consent in respect of those properties to the lodgement of the Concept Plan Application accompany the submitted EA. Owners consents for additional properties secured by the developer since the submissionb of the EA accompany this Report.

At the request of the Director General of Planning additional sites that do not form part of the Concept Plan Application, within the boundaries of the Concept Plan Area were included in the Concept Plan design process to ensure they were not disadvantaged by the redevelopment of the area.

For the purposes of this Preferred Project Report and

the Concept Plan Application, the ‘subject site’ refers to land owned, subject to options held or being purchased by Holdmark Property Group or their associated companies.

As detailed in the original EA, Holdmark Property Group representatives have had many discussions with owners of sites adjacent to the Concept Plan area that they do not own or have an interest in with the view to purchase without success.

Details of ownerships provided in Figure 1 and Table 1 below.

1.4 Owners Consents

All relevant owners’ consents were submitted as part of the Preliminary EA and EA documentation. The consent of owners of additional sites either owned or now in the process of being purchased by the Holdmark Property Group since the lodgement of the Preliminary EA accompany this Preferred Project submission.

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1.2 UPDATED LANDS OWNED OR CONTROLLED BY HOLDMARK GROUP OF COMPANIES

LEGEND:

- Total Concept Plan site area - 6.9Ha
- Sites - owned or controlled by Holdmark Property Group
- Put and call option exchanged with Holdmark Property Group



FIGURE 1. LAND OWNERSHIP



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TABLE 1. ALLOTMENTS OWNED OR CONTROLLED BY HOLDMARK PROPERTY GROUP OR ASSOCIATED COMPANIES

Lot	DP	Street Address	Owner
102	1037638	118-122 Bowden Street Meadowbank 2114	AIT Trust
2	792836	116 Bowden Street Meadowbank 2114	AIT Trust
9	19585	37 Nancarrow Avenue Ryde 2112	Nancarrow Property Investments Pty Limited
1	122205		
1-7	19585		
10-17	19585		
3	7130	16 Constitution Road Ryde 2112	AIT Trust
1	713706	8 -14 Constitution Road Ryde 2112	Put and Call option exchanged with Rowston Holdmark Enterprises Pty Ltd has obtained political disclosure form and permission to lodge from owner
1-2	810552	18 Constitution Road Ryde 2112	357 HPG Pty Limited
1	104280	4-6 Constitution Road Ryde 2112	Holdmark Enterprises Pty Ltd
1-2	930584		
1	1072555	41 Belmore Street Ryde 2112	Bayone Projects Pty Ltd
12	7130	10 Nancarrow Avenue Ryde 2112	Bayone Projects Pty Ltd
1	322641	6 Nancarrow Avenue Ryde 2112	Bayone Projects Pty Ltd
13 - 15	7130	12 - 16 Nancarrow Avenue Ryde 2112	Bayone Projects Pty Ltd
1	703858	9 Rothesay Avenue Ryde 2112	357 HPG Pty Ltd
11	7130	8 Nancarrow Avenue Ryde 2112	Bayone Projects Pty Ltd
16	7130	18 Nancarrow Avenue Ryde 2112	Bayone Projects Pty Ltd
13 - 15	738232	8 Parsonage Street Ryde 2112	Church Street Property Investments Pty Limited
7	809282		
100	851723		
18	7130	11 Rothesay Avenue Ryde 2112	357 HPG Pty Limited
2	550006	2 Constitution Road and 7 & 9 Hamilton Crescent, Ryde 2112	Put and Call option exchanged with Ells Trading Pty Ltd, Garry Bozoghlian, Yervant Bozoghlian and Angel Bozoghlian and Holdmark Enterprises Pty Ltd; Holdmark Enterprises Pty Ltd has obtained permission to lodge from the owners and political disclosure forms.
1-2	982743		

1.5 Summary of Original Submitted Concept Plan

The originally submitted Concept Plan proposed:

- the establishment of a new waterfront neighbourhood in Shepherds Bay linking existing residential areas to the waterfront and public transport
- increased view corridors and access to the water
- construction of new parks, sharedways, cycleways and pedestrian paths, improving linkages to public transport and the waterfront
- ten (10) indicative redevelopment stages over a period of approximately 10 years (although the application does not seek final approval of these)
- building envelopes for new residential buildings with heights ranging between 4 to 16 storeys
- approximately 260,000 sqm residential plus 10,080sqm commercial GFA, equating to approximately 2,400 to 2,,800 new apartments (dependant upon mix) and approximately 10,080sqm commercial or retail space commercial, retail and community uses at ground levels at activity nodes to activate public spaces
- approximately 10,080sqm of the site to be public domain, incorporating approximately 4,125sqm of new parkland to be dedicated to Council
- car parking based on Ryde DCP 2010 controls and dependant on landuse/ apartment mix (based on a sample mix of 2,600 apartments, a maximum of 4,500 car parking spaces was provided)
- remediation of areas of the site if required
- infrastructure including utility upgrades and under grounding of services and significant upgrading of the area-wide stormwater infrastructure in Shepherds Bay
- interpretation and education of the historic uses of the site in landscape elements
- reshaping the ground plane of the site to enable provision of new vehicular and cycle connections and new pedestrian links and view corridors including and exceeding those envisioned in Council’s DCP.

Discussion as to how the original Concept Plan design supported local and state planning policies and objectives is included in the original submitted EA.

That documentation provided the detailed Site Analysis which is not reproduced in this PPR.

1.6 History of Concept Plan Application

On 21 December 2009 an initial Project Application was submitted providing a preliminary environmental assessment. The project was declared a ‘major project’ under Part 3A of the Environmental Planning and Assessment Act 1979 on 03 March 2010. The Minister required a Concept Plan to be lodged providing an overview of the project. The Director-General issued Environmental Assessment Requirements (Director General Requirements) 20 May 2010 outlining key issues to be addressed in the environmental assessment of the project. This submitted EA addressed the Director General Requirements and contains Draft Statements of Commitment.

Subsequent to this the Department of Planning issued another letter, dated 5 June 2011 following the public exhibition of the Application which contained a further list of Key Planning Issues to be addressed by the Proponent.

Responses to this most recent correspondence are included in this Draft Preferred Project Report. The most significant response is the substantial reduction in the overall residential density on the Concept Plan site.

Table 2 below illustrates the steps taken in the Part 3A assessment process. This Draft Preferred Project is the result of extensive discussions with both Council and the Department of Planning and also responds to comments received during the public exhibition. As highlighted in **Table 2**, this Report is submitted as part of Stage 6 in the Application process.

TABLE 2. STEPS IN THE PART 3A ASSESSMENT RROCESS

1. Development declared a major project	6. Considering submissions and finalising assessment
2. Initial application	7. Director-General’s Report
3. Environmental assessment requirements	8. Determination
4. Preparation of the environmental assessment	9. Compliance and enforcement
5. Public exhibition	10. Further Project Applications

The submitted Environmental Assessment Report (EA) for the Concept Plan Application for the Shepherds Bay Renewal Project was exhibited for 33 days from 26 January 2011 to 28 February 2011 and a total of 163 submissions were received. The Proponent has reviewed and considered the submissions and in accordance with clause 75H (6) of the Environmental Planning and Assessment Act 1979, has responded to the issues raised and also additional issues raised by the Department of Planning since lodgement of the Application.

The Environmental Assessment will be made under the transitional arrangements for projects submitted to the Minister for Planning under the now repealed State Environmental Planning Policy (Major Development) 2005 and Part 3A of the Environmental Planning & Assessment Act, 1979 (the Act).

1.7 Consultation

On a number of occasions during the preparation of the final Concept Plan and Stage 1 Project designs the applicant has briefed and sought feedback from the Ryde Council staff and Councillors. Council has provided comments and suggestions, some of which have been incorporated into the final designs. The Department of Planning was also extensively consulted during the design phase.

Straight Talk, community consultation were also engaged by the Proponent and have prepared a Community Consultation Strategy which is consistent with the objectives and principles contained in the Guidelines for Major Project Community Consultation, October 2007, issued by the Department of Planning.

Straight Talk facilitated two community consultation workshops during the design phase and feedback from these sessions informed the Concept Plan and Stage 1 Project designs.

Project team members were on site to have one-on-one discussions and answer questions in an informal environment. Project team members present were able to take notes and record issues of interest identified through discussions with interested stakeholders. Written feedback was made possible via the use of reply paid feedback forms, giving respondents two weeks to return their feedback.

Consultation identified a mixed community response. Some members of the community welcomed urban renewal and the lifestyle and amenity benefits associated with new development while others had significant concerns about amenity impacts associated with traffic, parking, heights and building densities.

A full copy of their Strategy and community consultation feedback is included as **Annexure 4** of this Report.

1.8 Revised Capital Invesment Value

The Quantity Surveyor’s Report prepared by Altus Page Kirkland have estimated the Revised Capital Investment Value of the Concept Plan in their report at **Annexure 5**

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1.9 Key Issues from the Public Exhibition of the EA

The submitted Environmental Assessment Report (EA) for the Concept Plan Application for the Shepherds Bay Renewal Project was exhibited for 33 **days from 26 January 2011 to 28 February 2011** and a total of 163 submissions were received from the general community.

Annexure 6 identifies and provides a summary of responses by public agencies and the general public to the public exhibition of the project application.

- The main issues raised through consultations pertained to:
- increases in traffic,
 - heights,
 - noise,
 - densities,
 - quantity and design of open space,
 - impact on environmentally significant mangrove areas,
 - stormwater runoff.
 - infrastructure capacity,
 - car parking
 - approval process
 - visual impact,
 - heritage
 - loss of employment
 - foreshore road extension
 - pedestrian safety
 - building setbacks
 - public consultation process

Concerns were also received in writing from the Meadowbank West Ryde Progress Association, who expressed their combined findings in a one page document. In summary their concerns were:

- Not enough useable open space
- Traffic congestion
- Foreshore Road creating more through traffic
- Not an ecologically sustainable development
- Defining what exactly was being proposed.

Further explanation and justification in relation to the Concept Plan amendments is provided in the following sections, and / or in the table of responses to submissions included at Annexure 6.

1.10 Key Revisions to the Concept Plan from the Original Application

Key revisions to the Concept Plan now submitted as the subject Preferred Project include:

- Sites not owned or controlled by the Holdmark Group of companies have been excluded from the Concept Plan site area, with only indicative City of Ryde Council DCP compliant redevelopment schemes indicated to demonstrate that other property owners are not disadvantaged by the Concept Plan development.
- Concept approval for a minimum dwelling yield of approximately 2,002 dwellings, representing a decrease of between 400 and 600 dwellings (dependent on the dwelling mix) from the originally submitted concept Plan;
- Building heights have been lowered to 3 storeys fronting Constitution Road and other streets within the Concept Plan and building massing setback to respect the existing low scale residences opposite on Constitution Road and maximise solar access to public domain areas and streets;
- Substantial reduction in the proposed building envelope heights across the Concept Plan site, particularly a reduction of the signature building on Church St from 18 to 12 storeys and additional horizontal articulation to maximize solar access and view sharing;
- Building envelopes that are capable of compliance with SEPP65 and the guidelines contained in the Residential Flat Design Code;
- Revised open space plan to include 19,660sqm of publicly accessible open spaces within the Concept Plan site which link seamlessly to Council owned roads and foreshore reserve;
- Additional details provided on stormwater upgrades and confirmation that all building envelopes and floor levels have been designed to be at least 0.5m above the maximum potential flood event;
- Additional assessment of potential impact of the proposed development on possible Microbat Habitat and the Eucalyptus Nicholii. That assessment concluded that no bat species are considered to be roosting within any of the buildings proposed for removal and the existing Eucalyptus Nicholii are introduced and not naturally occurring on the Concept Plan site;
- Revised Statement of Commitments to respond to a range of issues arising from the submissions made during public exhibition and assessment by the Department of Planning and extensive discussions with Council.

In addition to the above amendments to the Concept Plan proposal, the following additional / supporting documentation has been prepared to respond to specific issues raised in relation to the Concept Plan proposal:

- Revised Architectural Plans
- Detailed dwelling density analysis
- Revised Concept Plan Landscape Plan and Report.
- Supplementary Ecological Assessment of potential impacts on the Eucalyptus Nicholii and Micro bats
- Supplementary letters and reports updating details submitted with the EA in respect of economic impacts, ESD, consultation, heritage, contamination & water quality, flood modelling, traffic modelling and QS.

1.11 Summary Description of the Preferred Concept Plan - *A Vibrant New Waterfront Neighbourhood*

Vision Statement
“The reuse of an outmoded waterfront industrial area of Meadowbank to create the vibrant new waterside residential urban community of Shepherds Bay offering a quality lifestyle and amenities” (Robertson + Marks Architects)

It’s a vision of an appealing and lively community with benefits for future and existing residents and visitors to Meadowbank and safer waterfront access for the public.

The Concept Plan envisages a development with a distinct identity, architecturally designed to embrace views of the Parramatta River, retain and maximise existing panoramic views and vistas while achieving high standards of environmental sustainability. It will be seamlessly connected to the existing residential area of Meadowbank and provide significant new parklands and facilities with pedestrian friendly access down to the water.

The Preferred Concept Plan
The Concept Plan (as shown in **Figure 2**) facilitates:

- establishment of a new waterfront neighbourhood in Shepherds Bay linking existing residential areas to the waterfront and public transport
- increased view corridors and access to the water
- construction of new parks, sharedways, cycleways and pedestrian paths, improving linkages to public transport and the waterfront
- ten (10) indicative redevelopment stages over a period of approximately 10 years (although the application does not seek final approval of these)
- building envelopes for new residential buildings with heights ranging between 3 to 12 storeys

- approximately 193,491.7sqm residential plus 10,080sqm commercial GFA, equating to approximately 2,002 new apartments (dependant upon mix) and approximately 10,080sqm commercial or retail space commercial, retail and community uses at ground levels at activity nodes to activate public spaces
- approximately 19,500sqm of the site to be publicly accessible open space.
- car parking based generally on the RTS Guidelines, which, dependant on landuse/ apartment mix (based on a sample mix of 10% 1 bed, 75% 2 bed and 15% 3 bed resulting in 2002 apartments), a maximum of 2,954 car parking spaces including approximately 252 commercial or community spaces will be provided
- remediation of areas of the site if required
- infrastructure including utility upgrades and under grounding of services and significant upgrading of the area-wide stormwater infrastructure in Shepherds Bay
- interpretation and education of the historic uses of the site in landscape elements
- reshaping the ground plane of the site to enable provision of new vehicular and cycle connections and new pedestrian links and view corridors including and exceeding those envisioned in Council’s DCP.

1.12 Strategic Justification
The Preferred Concept Plan departs from Council’s DCP controls to a minor degree to achieve a better planning outcome in the renewal of Shepherds Bay foreshore area, providing high quality living area in a sought after, fully serviced middle ring suburb of Sydney. The Applications are lodged on the basis of:

- ***supporting State, Regional and Local planning objectives*** - the objectives and residential targets of the Metropolitan Plan for Sydney 2036, the Draft Inner North Subregional Strategy and Ryde LEP 2010 for the area. The project is consistent with regional targets for urban consolidation and priorities of increasing density near Sydney CBD close to public transport hubs and a short distance from key employment areas;

- ***appropriate reuse of surplus industrial land*** - providing much needed new dwellings to replace outmoded commercial and industrial uses in a highly sought after, accessible existing foreshore area of Sydney;

- ***recent changes to built and planned built forms and land uses in Shepherds Bay*** which all similarly relied on variations to the LEP height limits;

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- **significantly more parkland and pedestrian connections** - The Concept Plan recommends the provision of a number of new parks and pedestrian connections across the Concept Plan site, with approximately 19,660sqm of the site to be publicly accessible open space. This equates to almost 4 times the new parkland envisaged in Council’s DCP. Publicly accessible open spaces have been designed to take into account the foreshore location of the site, changing demographics, existing Council open spaces in the locality, the findings of Council’s - “Parks on Track for People 2025”, and discussions with Council;

- **better public access and enjoyment of the foreshore** and completion of foreshore pathway/ cycleway links with a number of social and recreational nodes along the way in support of Council’s Riverwalk Strategy;

- **strengthening existing and creating new view corridors to the water** by adopting smaller building footprints with taller slimmer building forms. Smaller building footprints and reshaping the already modified topography to create the street layout envisaged in Council’s LEP and DCP will open up new view corridors to the water from the surrounding residential area in addition to those envisaged in Council’s plans (refer to **Figure 30**);

- **stronger connections to surrounding residential areas** - providing greater visual and physical links and cohesion between the redevelopment area and the existing residential development in Meadowbank and to the waterfront and public transport hubs;

- **respect for surrounding residents** - particular attention has been taken to setback building bulk from the frontages of Constitution Road and other main roads at the boundaries of the Concept Plan site to respect lower density residential development opposite. In that instance, however, due to the topography, even a LEP compliant height development would block any potential views to the waterfront (currently, generally blocked by industrial buildings). This also applies to other areas within the Concept Plan site, where compliant development heights would result in similar view impacts to the Concept Plan heights due to changes in topography.

- **GFA is of a similar magnitude to LEP and DCP** - the Concept Plan having a resultant approximate total gross floor area of a similar order to the development scenario tested by Council’s traffic consultants Urban Horizon in 2007 which informed Council’s review of Shepherds Bay DCP control and found to be achievable in terms of traffic and transport impacts.

This is supported by Varga Traffic report included in the EA and the supplementary traffic modelling report, submitted to the Department on 24 August 2011 which were based on a generous 300,00sqm GFA for the Concept Plan, whereas the Concept Plan only envisages an upper limit of approximately 193,741sqm residential plus 10,080sqm commercial;

- **street wall heights are generally consistent on boundary streets of the Concept Plan Site with permissible LEP building heights** - The current landform in many areas across the Concept Plan site has been substantially modified through benching to provide for the existing large footprint industrial buildings and at-grade car parking and loading areas. In many cases, natural ground levels cannot be determined. The Concept Plan proposes localised reshaping of the topography in various areas of the site to achieve better planning outcomes, particularly in terms of maximising views and providing functioning interfaces between buildings and their adjacent public domain. The Concept Plan proposes that heights of building envelopes illustrated on the Heights Map at **Figure 12** be referenced to the RL’s of the adjacent streets. Each building envelope has been assigned a maximum RL which includes allowance for roof plant. On this basis, as detailed in the Architectural Drawings at **Annexure 3**. The resultant street wall height of the Concept Plan buildings are generally consistent with recent adjacent residential developments. Variations from the LEP building height controls are sought where view access will not be impacted by marginally taller buildings, refer to **Figures 2**.

- **seeks alternate car parking rates dependent on proximity to public transport within the Concept Plan Site** - In response to the DGR’s request for a minimal approach to on site car parking the Concept Plan requires the application of a lower car parking rate than Council which exceeds the RTA guidelines as follows:

1 & 2 bed units	1 space
3 bed units	2 spaces
plus 1 visitor space per 5 units	

Spaces for bicycles are also required to meet Council’s DCP controls.

- **taller buildings with smaller building footprints: better access, views, solar access and open spaces** - Building footprints have been reduced from Council’s LEP and DCP envelopes to enable greater provision of public open spaces and pedestrian links and view corridors through the Concept Plan site. This has been offset by taller building forms where they will serve to create a sense of place while not impacting on views or solar access of adjacent developments to any greater degree than a complying LEP scenario. Taller buildings in a slender built form cast narrower shadows which fall generally onto the individual proposed development sites. At the foreshore and near public

spaces heights are lower to reduce impact and offset any impact of the taller building components and minimise overshadowing of the reserve. The Concept Plan design reflects the recommendations of the Visual Impact Assessment included in the EA and the resultant building locations maintain existing views and create additional views and access through the site to the water and proposed parks.

- **respecting pedestrian scale in streets and public domain** - The Concept Plan Application retains all existing street reservations and in some circumstances augment them and enhance the character of the spaces for pedestrians. Where possible the proportions of the street are to be enhanced by lowering street wall heights at frontages with generous, DCP compliant setbacks along the Concept Plan Site perimeter streets with taller building forms set well back from street frontages to ensure a human scale in the streets, the foreshore reserve and new central park/plaza;

- **improved housing affordability** - providing a mixture of apartment sizes and increase housing supply in the area;

- **facilitating increased patronage of existing nearby services and facilities** and potentially generating additional jobs in the local area during the construction and occupation phases of the development (depending on the staging and timing of the Concept Plan development, it is estimated that approximately 2,500 construction jobs will be created and 50 or 60 permanent jobs once the whole site is operational); and

- **ensuring sensitive ecological communities are protected and cultural heritage celebrated.**

Consistency with Council LEP Objectives
The development envisaged in the Concept Plan Project fully supports the Ryde LEP 2010 objectives, specifically:

“To provide a mixture of compatible land uses.”

The Concept Plan facilitates future development of a vibrant new living area with a mix of uses - residential, open spaces, community, convenience retailing, café’s and limited commercial spaces. The mix of landuses have been informed by prepared by Hill PDA included in the EA, Council’s DCP and more recent Council statement’s with regard to limitations on potential for commercial uses in the area. As detailed in the Economic Assessment, the recommended level of commercial uses has been limited to daily convenience shops, café’s and restaurants to ensure no significant impacts on nearby commercial areas and the existing shopping facilities within the Waterpoint development adjacent.

“To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.”

The Concept Plan facilitates development of a vibrant new living area with a mix of uses - residential, community, convenience retailing and limited commercial with high quality pedestrian and cycle links to three public transport nodes.

“To create vibrant, active and safe communities and economically sound employment centres.”

One of the principal design objectives of the Concept Plan was to create a ‘transit-oriented’ development based heavily on improved accessibility to the three public transport nodes in Shepherds Bay with safe, high quality pedestrian and cycle links to encourage a shift away from the use of private cars in Shepherds Bay. To this end the Concept Plan has included all new links required by Council’s DCP and added more. The additional population will generate help to support an increase in the ferry and train services currently sought by a number of existing residents in the locality.

“To create safe and attractive environments for pedestrians.”

The Concept Plan envisages a new vibrant waterfront living area with extensive parklands and active uses supporting new high quality accessible and sustainable residential developments. All areas have been designed to provide users with a safe and enjoyable experience, consistent with the CPTED principles of Safety by Design. Where possible, building envelopes in the Concept Plan has been designed to be lower in height at the street and park frontages with building bulk set back to retain a human scale and solar access in the streets and other public domain areas.

“To recognize topography, landscape setting and unique location in design and land-use.”

The Concept Plan requires the reshaping of the already significantly ‘unnatural’ topography in parts of the site, to facilitate the development of accessible buildings, streets and parkland consistent with the LEP and DCP layouts.

The Concept Plan design has been informed by a detailed Visual Impact Analysis by Richard Lamb and Associates, included in the EA, to ensure existing DCP identified views are protected, together with the opening up of additional views to the water from the surrounding locality. That study supports the proposed localised reshaping of topography which enables the provision of additional view corridors to the water.

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THE CONCEPT PLAN
(PREFERRED PROJECT)

LEGEND:

Concept Plan Site

Building Envelope Footprints



FIGURE 2. CONCEPT PLAN SITE
AERIAL PHOTOGRAPH

2. EXHIBITION OF MP NO.06_0305-CONCEPT APPLICATION

SHEPHERDS BAY URBAN RENEWAL

2.1 Submissions from Key Public Agencies & Design Responses

Sydney Regional Development Advisory Committee (SRDAC) (28 February 2011) & RTA

The RTA reviewed the originally submitted Concept Plan Major Project and did not support the proposal in that form.

The RTA has requirements regarding its proposed SCATS Cabin in Waterview Street. A SCATS is a regional computer cabins and multiplexer, located at around the metropolitan area to ensure that the operations and ongoing costs of the system are optimised. In this regard, the RTA require that:

- any development shall continue to provide direct access to the SCATS Cabin from a public road
- any development should retain the existing amount of parking for maintenance vehicles as well as turning area
- if developer wanted to include SCATS cabin area in the development a replacement area would need to be found
- all costs to duplicate the SCATS Cabin area would be met by developer.

The RTA required changes to aaSIDRA modelling and electronic copy of modelling to be resubmitted to RTA and Council for review and confirmation that it took into account patterns of existing industrial development to residential development in the locality.

RTA required the Proponent to obtain current traffic data from the existing industrial uses to determine current traffic generation rate; this can be used as a comparison against RTAs Guide to Traffic Generating Development industrial rate.

RTA suggested proposed bicycle networks be extended up to Meadowbank Station to improve access to public transport.

All works associated with proposal shall be at no cost to RTA.

Proponent response:
The Proponent will commit to addressing the issue of the planned RTA SCATS Cabin in Waterview Street in the detailed design of the Signature tower in Stage 2 development application.

Additional traffic modelling was carried out and resulting submitted to the Department of Planning on 24 August 2011. This was based on detailed on site traffic counts as requested.

The Proponent has no power to extend the bicycle network beyond the Concept Plan site as the land is not part of the Application and is owned by Council and other private individuals.

We note the RTA will not be liable for any costs of works associated with the Concept Plan development.

NSW Transport (4 March 2011)

NSW Transport made the following comments:

- The level of public transport analysis supporting the concept plan approval requires further detailed consideration prior to further reconsideration of project applications.
- Further detailed transport review of proposed renewal area should take into consideration the cumulative impacts on surrounding public transport networks including detailed transport modelling.
- The TMAP is not consistent with the draft Interim TMAP Guidelines. Further detailed traffic and transport analysis to support the proposed renewal area should be consistent with these Guidelines.
- Given proximity of the site to high frequency bus corridors, Meadowbank Station and Meadowbank Ferry Wharf, TNSW recommends lower parking rate levels (not Councils) in line with RTA Guide to Traffic Generating Development.
- Use of car share opportunities should also be included in the detailed design of the site.
- TNSW support increased provision of bicycle parking and end of trip facilities to support sustainable transport choices
- Recommend Concept Plan require that cycling facilities be provided in accordance with the rates and design specifications outlined in NSW Planning Guidelines for Walking and Cycling.
- Recommends preparation of a detailed pedestrian and cycle strategy for the proposed renewal area which should have regard to the NSW Bike Plan.
- TNSW request the preparation of a Travel Access Guide (TAG) and Workplace Travel Plan (WTP) be a condition of consent for both the Concept Plan and successive project applications. Examples of possible initiatives they cite included bulk purchase of public transport tickets at discount rate, bike rental programs for employees, pay-back schemes for residential/ employees not using parking, awareness raising of local public transport, walking and cycling options.

Proponent response:
Additional traffic modelling and TMP information was submitted to the Department addressing the above concerns in response to this letter.

Lower car parking rates are proposed as detailed earlier in this report.

The Proponent commits to compliance with rates and design specifications outlined in NSW Planning Guidelines for Walking and Cycling in all development in Concept Plan. Refer Statement of Commitments.

The Proponent also commits to preparation of a Travel Access Guide (TAG) and Workplace Travel Plan (WTP) as a condition of Approval of the Concept Plan and successive Project Approvals.

Department of Environment and Climate Change (25 February 2011) (DECC)

DECC requested the following additional assessments be carried out in accordance with the Threatened Species Assessment Guidelines 2007:

1. an assessment of the existing Eucalyptus nicholii occurring on the site; and
2. potential to contain roosting habitat for microhiropferan bats.

It also noted with regard to flooding and stormwater management that the additional inlet pits, the overall drainage system including the vital overland flow path system should be designed to mitigate any potential adverse impact from blockage to culverts, pits and pipelines from any debris build up.

In addition, they recommended pedestrian egress routes from the car parking areas should be appropriately signposted and effectively reach a safe location above the Probable Maximum Flood (PMF) level. Further that basement car parks should be designed to ensure that flooding within the car park is controlled and gradual with adequate opportunity to self evacuate via the sign posted route.

DECC also recommended that consideration be given to ‘sheltering-in-place’ in dwellings in any vulnerable locations as an appropriate self evacuation strategy and recommended that development controls be included in the Concept Plan to ensure that affected dwellings can safely withstand flooding above the 100 year flood planning level up to the PMF level.

Proponent response:
The requested additional environmental assessments were carried out as discussed above.

All other recommendations by DECC have been accepted by the Proponent and are included in the Statement of Commitments.

NSW Maritime (16 February 2011)

Expressed no concerns.

Sydney Water (24 February 2011)

Sydney Water made the following comments:

The current water system does not have sufficient capacity to service the proposed development. Drinking water mains fronting the proposed development do not comply with the minimum size required by the Water Supply Code of Australia to serve the development capacity. Amplification works need to be completed by developer to service the site. Size description and diagrams provided.

The current wastewater system does not have sufficient capacity to serve the proposed development. Amplification works need to be completed by developer to service the site. Size description and diagrams provided.

They also advised that in the event that trade wastewater is generated, the property owner is required to submit an application for permission to discharge trade wastewater to the sewerage system before business activities commence. Information provided about removal of ‘industrial’ waste’.

They also confirmed that a Section 73 Certificate would be required for any developments within the Concept Plan site.

Proponent response:
The Proponent and developer Holdmark Group of Companies are in constant discussions with all utility providers and are aware of the requirements to upgrade the infrastructure which is included in the relevant infrastructure plans submitted.

The Proponent invites a condition of consent to this effect and requirement to obtain a Section 73 Certificate.

Office of Water (11 March 2011)

The Office of Water strongly recommends the development works do not occur in or near the riparian zone of the river.

They advise that If any works are likely to intercept or use groundwater a Licence under Part 5 of the Water Act 1912 is required. They also list a range of standard conditions in this regard.

The Office supports the proposed groundwater monitoring program to provide information on depth of groundwater and direction of flow.

Proponent response:
As mentioned above no work is now proposed in the foreshore reserve or riparian zone.

We note requirement for Part 5 License and will comply.

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2.2 Submissions from Community and Design Responses

The following section provides a detailed response to the key issues raised by the community following a detailed review of the submissions. These comments have been taken into account in the revision of the originally submitted Concept Plan.

Annexure 6 identifies and provides detailed responses to each of the matters raised by the general public in submissions made in response to the public exhibition of the project.

The main issues raised by the community through consultations pertained to:

- increases in traffic,
- heights,
- noise,
- densities,
- quantity and design of open space,
- impact on environmentally significant mangrove areas,
- stormwater runoff,
- infrastructure capacity,
- car parking
- approval process
- visual impact,
- heritage,
- loss of employment,
- foreshore road extension,
- pedestrian safety,
- building setbacks, and
- the public consultation process

Concerns were also received in writing from the Meadowbank West Ryde Progress Association, who expressed their combined findings in a one page document. In summary their concerns were:

- Not enough useable open space
- Traffic congestion
- Foreshore Road creating more through traffic
- Not an ecologically sustainable development
- Defining what exactly was being proposed.

The Body Corporate, 13-14 Banks Street, Meadowbank (28 February 2011) also submitted concerns about:

- impacts of increased traffic
- diminishing quality of life from Putney to Ermington with overcrowding of green space and recreational areas, construction noise, blocking of breeze, views and sunlight and decrease in property values.
- density of housing
- excessive height

All issues raised have been addressed in the revised Concept Plan with the exception of submissions relating to perceptions of a change in the character of the area which in our view will be improved from the existing obsolete unsightly industrial area.

2.3 Additional Issues Raised by the Department of Planning in letter of 5 June 2011 and Design Responses

Following lodgement and exhibition of the Concept Plan Application a further letter from the Department, dated 5 June 2011 was received by the Proponent seeking further clarification, refinements and assessment of various aspects of the proposal.

Details of their request and the Proponents responses follow:

1.LAND TO WHICH THE CONCEPT PLAN APPLIES
The Department requested that all owners consents be provided and that the Concept Plan be revised to exclude land where owners’ consent has not been obtained. In addition, it was requested that plans and details must be submitted demonstrating that adjoining sites can be developed independently in accordance with Council’s DCP controls.

Proponent response:
All owners consents for lands included in the Concept Plan, including those purchased by the developer Holdmark Group of Companies since lodgement have now been submitted. In addition, as illustrated in Section 6 of this Report, all adjacent consolidated sites can be developed in compliance with Council’s DCP and are not disadvantaged by the Concept Plan.

2.HEIGHT, BUILT FORM AND DENSITY
The Department requested a review of building envelope heights, particularly along Constitution Road and the signature building fronting Church Street. Options for revised building envelopes were required, including reduction in overall bulk and scale, through increased setbacks, special treatment at prominent corner sites and breaks and separations between buildings to improve streetscape presentation, residential amenity and increased solar access consistent with SEPP65 objectives and minimise impacts on existing locality.

Proponent design response:
The Preferred Concept Plan design responds positively to these design change requests as follows:

Firstly the overall maximum achievable density has been significantly reduced from 260,000 sqm residential (equating to approximately 2,400 to 2,,800 new apartments) plus 10,080sqm commercial GFA, to 193,741sqm residential plus 10,080sqm commercial GFA, equating to approximately 2,002 new apartments.

Secondly, building heights have been lowered to 3 storeys fronting Constitution Road and other streets within the Concept Plan and building massing setback to respect the existing low scale residences opposite on Constitution Road and maximise solar access to public domain areas and streets;

Thirdly, a substantial reduction in the proposed building envelope heights across the Concept Plan site, particularly a reduction of the signature building on Church St from 18 to 12 storeys and additional horizontal articulation to maximize solar access and view sharing.

3. TRAFFIC AND TRANSPORT
The Department requested that a revised TMAP and traffic modelling be provided addressing issues raised in the RTA correspondence dated 28 February 2011 and Council’s correspondence of 4 March 2011. This was to include further analysis of public transport and mode share analysis in accordance with Transport NSW correspondence dated 4 March 2011.

The Department also requested that car parking rates be significantly reduced to reflect site’s proximity to public transport.

In addition, they requested the Concept Plan Application include options to maximise pedestrian and cyclist safety and amenity and consideration of public domain upgrades both within and outside the site which may form part of the VPA with Council.

They also requested that the delivery of the entire length of new road construction between Nancarrow Ave and Hamilton Crescent should be provided as part of Stage 1 of the Concept Plan development.

Proponent response:
The revised TMAP details and traffic modelling were provided to the Department on 24 August 2011 addressing issues raised by the Department, RTA and Council.

Car parking rates proposed have been reduced to reflect the site’s proximity to public transport, to marginally less than Council’s DCP requirements but exceeding the RTA Guidelines.

The Concept Plan includes extensive pedestrian and cycle paths linking seamlessly to Council’s foreshore reserve and roads. A number of discussions have now taken place between the Proponent and council regarding the VPA. The Draft VPA is included as Annexure 22. Discussions with senior Council staff have indicated an unwillingness by Council to accept the dedication of the majority of the proposed publicly accessible open spaces with the exception of that shown in the DCP. The final outcomes will be determined through further negotiation.

With regard to inclusion of extension of Nancarrow in Stage 1, as the details of the design of this road extension are still being discussed with Council as part of the VPA negotiations it is not possible to include in the Stage 1 Project.

4. OPEN SPACE AND PUBLIC DOMAIN
The Department requested further justification for the level of open space provided within the Concept Plan site and requested that consideration be given to increasing the open space provided.

They further requested that additional details on the quantity of open space be submitted clearly showing delineation between publicly accessible and private spaces and linkages to other parts of the area.

The Department requested further justification for the proposed foreshore link road and boardwalk in response to concerns raised by NSW Office of Water regarding the impacts on riparian environment along the Parramatta River.

Additional detail of the finished topography was requested and how new development would link to surrounding open spaces and roads, addressing equitable access.

Additional details were also required on the area available for deep soil planting within the Concept Plan site to meet SEPP 65 and the RFDC.

Proponent design response:
In response to the Department’s request, the quantum of new publicly accessible open space within the Concept Plan site has been increased from 10,000sqm to 19,500sqm. As mentioned above, Ryde Council do not want any open spaces within the Concept Plan to be dedicated to them and have been closely involved in defining the quantum to be provided.

In addition, further plans clearly showing areas of publicly accessible, communal, private and deep soil planting areas accompany this Report. It is important to note that all publicly accessible open spaces proposed are deep soil (100%) areas, significantly exceeding SEPP65 and RFDC guidelines.

In response to NSW Office of Water concerns, no work is now proposed as part of the Concept Plan Application within Council’s foreshore reserve, with the exception of the foreshore link road which while not originally proposed by the Proponent was included at Council’s request.

Detailed finished RL’s have now been provided for every building envelope in individual development Stages which reflect the finished levels of reformed topography derived from RL’s of adjacent streets.

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A plan showing all deep soil areas of the Concept Plan site is submitted with this report and attached as part of Annexure 3. It is important to note that all publicly accessible open spaces are 100% deep soil areas. A revised SEPP 65 Assessment is also attached as Annexure 9.

5. SOCIAL INFRASTRUCTURE AND OPEN SPACE

The Department requests further details of open space, social and community infrastructure allowed for in the Concept Plan to meet the needs of future residents.

Proponent response:

The Proponent and consultant team have sought advice from Council as no concrete requirements for additional community facilities in the Concept Plan site.

However, the building envelopes have all been designed with higher ceilings on ground floors to enable flexibility of ground floor uses to include a wide range of community facilities and ‘active uses’ which are permissible in the zone across the whole site.

6. CONTRIBUTIONS, WORKS-IN-KIND OFFSETS AND PROVISION OF INFRASTRUCTURE

The Department requested further details of infrastructure works to be delivered as part of the VPA.

Proponent response:

The VPA is still the subject of negotiation between the Proponent and Council. The Draft VPA has already been submitted to the Department and Council for discussion. At this stage it appears that the Developer will provide Council with an agreed amount of money which will be spent on area wide stormwater and public domain upgrades in the immediate locality adjacent to the Concept Plan.

7. CONCEPT PLAN SEPP 65 COMPLIANCE

The Department requested an assessment of the Concept Plan envelopes against SEPP 65 and the RFDC be submitted demonstrating consistency.

Proponent response:

A SEPP 65 Assessment has been prepared demonstrating that all building envelopes in the Concept Plan can comply with SEPP 65 and the RFDC. Refer Annexure 9.

8. IDENTIFICATION OF KEY LOCATIONS FOR COMMERCIAL AND COMMUNITY USE

The Department requested that the concept plan should nominate key locations for commercial and community uses.

Proponent response:

The Concept Plan incorporates provision for approximately 10,080sqm commercial and community uses, the bulk of which is proposed within the podium of the signature tower building. Also, as mentioned above, all building envelopes have all been designed with higher ceilings on ground floors to enable flexibility of ground floor uses to include a wide range of community facilities and ‘active uses’ which are permissible in the zone across the whole site.

9. ASSESSMENT OF EUCALYPTUS NICHOLII & MICROCHIROPTERAN BAT HABITAT

As requested, additional assessment of the potential impact of the proposed development on the Eucalyptus nicholii on the site and possible habitat of the microchiropteran bat. This report, by LesryK Environmental Consultants, which is attached as Annexure 12 concluded:

Given that the Narrow-leaved Black Peppermint individuals present within the subject site are planted and well outside its distribution range, their removal is not considered to have an adverse impact on the local population or viability of this species. With regards to microchiropteran habitat, no bat species are considered to be roosting within any of the buildings proposed for removal that were focused on during the study. Furthermore, none were recorded foraging within close proximity to the buildings. As such, the proposal can proceed as planned without having an adverse impact on any native flora or fauna of conservation concern.”

10. RYDE COUNCIL’S COMMENTS REGARDING FLOOD MODELLING AND STORMWATER DRAINAGE

Additional details are submitted with this report confirming the concept plan design has been informed by flood modelling as recommended by Council and would accept development consent conditions with regard to Council’s suggested safety design measures in basement car parks and provision of identified refuge areas.

10. REVISED/UPDATED PLANS AND REPORTS REFLECTING AMENDED DESIGN

All relevant plans and reports have been revised or letters submitted stating no amendments required, to reflect amended Concept Plan Design (Preferred).

Additional issues raised by the Department in their email of 16 December 2011 has been separately responded to and amendments made to this PPR. In summary:

- additional ownership details and consents to lodge are now included as **Annexure 23**;
- additional traffic modelling and TMAP details have been again provided and included as **Annexure 22**; and
- the Concept Plan boundaries have been confirmed and all relevant mapd and diagrams amended.

2.4 Additional Issues Raised by the City of Ryde Council and Design Responses

Council provided an extensive and detailed submission to the Department which has informed the revised design. In summary their key issues with the originally submitted Concept Plan were:

- scale and scope was inappropriate for the Meadowbank area. Inconsistent with new revised Council controls and would result in poor urban form that lacks human scale, unreasonable and unacceptable impact on views to and from the MEA and provide additional dwellings which will place strain on surrounding access networks.
- density proposed was unmanageable and unsustainable.
- Disagrees with EA that Ryde LGA must cater for additional dwellings. Stated that Ryde LGA will be more than capable of satisfying current dwelling targets (Subregional Strategy) without intensification of density in the MEA.
- would result in inappropriate impacts with respect to traffic, view loss, visual bulk and impact, community facilities and infrastructure.
- the design failed to adequately give due regard to urban form including building separation, setbacks and achieving high quality of design
- the Concept Plan may restrict or prevent the redevelopment of the remaining commercial/ industrial and low density residential areas.
- buildings would dominate streetscape and proposed public open space areas due to their height and minimal setbacks.
- the Concept Plan did not detail whether an articulated top must be provided to all buildings
- proposed heights along the interfaces between the MEA and surrounding low density residential areas are excessive.
- the 5 storey of the ‘Gateway Site’ will fail to comply with this 25m setback requirement
- overdevelopment of central portion of the MEA has the potential to stifle future development of the remaining sites

Proponent response:

The proposed density of the development has been significantly reduced (by 400 to 800 apartments).

The scale of the proposed development has been significantly reduced as discussed above. Additional view corridors have also been created to and from the water.

The potential impacts of additional traffic have been modelling and found to be negligible.

Community facilities are permissible in any area of the Concept Plan site. The Concept Plan does not seek rezoning of particular areas to ensure flexibility in their location in discussion with Council.

The revised Concept Plan (Preferred) provides more detail of required building separations and setbacks consistent with SEPP 65 and the RFDC.

At the request of the Department of Planning the Concept Plan Application includes a hypothetical design exercise demonstrating that the adjacent ‘isolated sites’ can be developed under Council’s DCP controls and are not disadvantaged by the Concept Plan.

The 5 storey podium of the signature tower is not intended for any residential use to which the required 25m setback applies.

- ramifications for useability of public open space and increased separation of buildings should be considered or a reduction in height.

Proponent response:

The revised Concept Plan (Preferred) contains approximately significantly more publicly accessible open space than the originally submitted scheme. On the advice of Council these spaces have been designed to be both passive and civic spaces as the site adjoins a major Council owned active sporting fields.

- would unreasonably impact on views to and from MEA including views originating from both sides of the Parramatta River
- contrary to Council’s objective for the MEA to retain views of the treed ridge line and St Anne’s Cathedral when viewed from the water.

Proponent response:

The revised Concept Plan (Preferred) in fact opens up additional views to and from the water in excess of those identified in Council’s DCP.

- consider holding design competitions or similar to ensure architectural quality and variety within the precinct.

Proponent response:

The Proponent will be guided by the Department on this issue.

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- did not provide photo-montages of the other options considered under the EA or under Councils current or potential future controls
- EA only provided building elevations showing height along the street fronts only. These must be expanded to include average cross sections through the building envelopes and along the public pathways to show the difference in heights between existing development and those permissible under the Concept Plan.

Proponent response:

A number of photomontages were presented to both council and the Department during the design development of the submitted Concept Plan.

Detailed height diagrams for every development Stage are provided with this report and included in Annexure 3. Street elevations are re also provided.

- Proponents method of determining a storey through reliance on the RL of the adjoining roadway was unreliable and questionable practice. The Standard Instrument LEP definition for building height should be used.
- should provide a defined maximum RL for the heights proposed
- Insufficient information was provided regarding proposed building setbacks and separation. The proposed building separation and setbacks were not considered appropriate given the height and scale of development
- Building setbacks must be commensurate with building heights (refer Residential Flat Design Code).

Proponent response:

The method of calculating height has been reviewed and more detail provided. Maximum RL's are now defined for every building envelope in each development Stage, referenced to the reformed topography generated from the RL's of existing streets.

Additional details of building separations has been provided and building heights at streets reduced to 3 storeys applying council DCP street setbacks throughout the Concept Plan.

A SEPP 65 and RDFC Assessment has been carried out confirming the revised Concept Plan building envelopes ensure the detailed building designs can meet these requirements.

- Potential for Concept Plan to improve and increase the extent of public open space areas along the foreshore should explored including complementing and adding to the existing foreshore public open

- space areas with proponents own holdings.
- No minimum controls for the width of public open space / pathway areas or separation between buildings fronting these areas were provided.

Proponent response:

In response to concerns raised by the Office of Water the Concept Plan does not propose works within the foreshore reserve but rather to assist Council with the funding of any future improvements by way of cash contribution in the Draft VPA, which has already been submitted to the Council and Department and is included as Annexure 22.

- No consideration of the social impacts or additional burden on infrastructure resulting from the substantial increase in density and local population was provided.
- No assessment of the potential needs of residents from 2400-2800 additional new dwellings was made. No assessment of the capacity level of existing community facilities was provided.

Proponent response:

The LEP permits a wide range of uses, including community uses. The Proponent sought advice from Council as to any future projected needs for services in this regard and were advised there were no plans.

The Proponent commits to ongoing discussions with Council as the Concept Plan site is developed to ensure adequate community facilities are provided.

- queried calculations of theoretical DCP compliant yields
- Concept Plan did not take into consideration in calculations: circulation areas, balcony areas, building modulation, minimum building separation or maximum building widths.

Proponent response:

Calculations were carried out by highly qualified architects. Both nett and gross floor areas have been calculated and included.

- Questioned whether the proposed access network was suitable regarding vehicular access, traffic and car parking, pedestrian pathways and cycle way.
- Council supports the additional road link between Nancarrow Avenue and Hamilton Crescent but would recommend it be constructed in Stage 1.
- The proposed road link (connecting Nancarrow Avenue to Belmore Street) failed to provide footpaths along both sides of the roadway or cycle ways, and results in a substantial change in level between the roadway and the adjoining site. More details

- required.
- Further clarification required in the form of standard cross sections detailing the intended treatments to the vehicular access networks.
- Further details required of proposed works within the existing Nancarrow Lane (owned by Council).
- consideration must be given to the ability of the existing road network and proposed new connection to be able to cater for the placement of rubbish bins

Proponent response:

The proposed development has been exhaustively modelled, based on a development yield of approximately 1,000 more dwellings than now proposed and it was found that the network was capable of sustaining the minor increase in traffic. The proposed significant improvements in pedestrian and cycle access are considered to be one of the main community benefits of the Concept Plan and will assist in encouraging a modal shift to public transport.

As mentioned above, with regard to inclusion of extension of Nancarrow in Stage 1, as the details of the design of this road extension are still being discussed with Council as part of the VPA negotiations it is not possible to include in the Stage 1 Project. However, it has now been included in Stage 2 Project Application which is intended to follow closely behind the Stage 1 Project Application.

Additional cross sections of every development stage are now provided in Annexure 3 of this Report.

- deficiencies in TMAP relating to validity of assumptions, extent of matters considered, information provided and methods undertaken.
- TMAP was not accompanied by modelling data used to determine the impacts of traffic flow, which must be provided to Council. TMAP failed to consider future travel patterns (including freight).
- TMAP failed to give discussion on mode split targets
- Proponent should develop a Location Specific Sustainable Travel Plan

Proponent response:

A supplementary TMAP was provided to the Department on 24 August 2011 addressing these issues.

- insufficient information was provided regarding the pedestrian pathways.
- no information on how shared surfaces (portions of Nancarrow Avenue and Rothesay Avenue) will be achieved
- consideration must be given to whether existing pedestrian pathway areas must be upgraded in response to increased densities.
- many of the public pathways provided as public open space were not fully accessible due to

- stairways. This is unacceptable.
- Insufficient information provided re cycleways - Cross section must be provided
- key locations for bicycle storage facilities were not identified

Proponent response:

It is considered the level of detail submitted is sufficient for a Concept Plan application. It is considered sufficient to guide the detailed design for future Project or Development Applications for each development Stage. In addition, it is required that all publicly accessible open spaces be designed to be consistent with Council's Public Domain Manual.

- insufficient public open space and no details of how and where the gross figure of 4,125m2 public open space was calculated
- areas of public and communal open space are not clearly defined and a break down of areas to be provided as open space and communal open space needs to be provided.
- the proposed riparian foreshore link was located over a property not under the ownership of the proponent.
- check consistency with RFDC which recommends a minimum 25-30% of sites be provided as communal open space
- no details of lighting were provided.
- must ensure that public open space areas are interesting and engaging
- require development of a set of base criteria and principles to be following in the design and construction of the public open space areas and must be consistent with Council's Public Domain Manual.
- concern over disabled access to some areas of open space - Accessibility Report must explore in further depth the possibility for alternative paths of travel that will not unduly burden individuals.

Proponent response:

Approximately 19,500sqm of publicly accessible open space is proposed within the revised Concept Plan (Preferred) in response to these comments. Details of the areas of publicly accessible, communal and private open spaces, together with deep soil areas within the Concept Plan are included in the map at Figure 50.

The levels of communal open space and deep soil have been assessed to more than comply with the RFDC and SEPP 65. Refer Annexure 9.

Lighting details will be provided in the revised Stage 1 Project Application and all other Applications for future developments in the Concept Plan site.

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A variety of publicly accessible open spaces are proposed across the site, totalling approximately 19,500sqm as illustrated in the Landscape Report at Annexure 10.

A number of discussions have now taken place between the Proponent and council regarding the VPA. Discussions with senior Council staff have indicated an unwillingness by Council to accept the dedication of the majority of the proposed publicly accessible open spaces with the exception of that shown in the DCP. Accordingly, these open spaces will be owned and maintained by the relevant owner’s corporations.

The final outcomes will be determined through further negotiation.

It is considered the level of design controls are sufficient for a Concept Plan Application.

The proposed open spaces across the Concept Plan site have been assessed by a qualified Access consultant and found to comply with relevant standards and legislation.

- insufficient public consultation was undertaken

Proponent response:
Consultation has been carried out in accordance with the Department of Planning Guidelines for Consultation for Part 3A Application by highly qualified consultants.

- request flood models be provided to Council for verification
- insufficient level of detail on Staging
- concern about Base ESD Targets and Stretch Targets being met - and provided example controls
- submitted Utility Services Report contains minimal information with respect to the concept areas ability to cater for the proposed dwelling numbers
- Utility Services Report and all other documentation did not include consideration of the Shell Crude Oil Pipeline
- no documentation was provided in the EA that demonstrates consideration how additional waste resulting from the proposed development will be managed. Request a waste management plan detailing waste reduction strategies, resource recovery and waste collection methods for future

development be provided.

Proponent response:
Flood modelling has been carried out by highly qualified consultants. The Proponent commits to provide Council a copy.

Substantial additional detail is now provided on the proposed development staging, including identifying maximum RL’s, storey heights and setbacks for every building envelope in each development stage.

The Proponent commits to the achievement of ESD targets included in the originally submitted ESD report.

The Proponent submits that the level of detail provided on utilities is sufficient for a Concept Plan Application.

The Proponent commits to the preparation of Waste Management Plan as a condition of Approval of the Concept Plan.

3. DIRECTOR GENERAL'S REQUIREMENTS

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3.3 Key Issues Design Responses

On 20 May 2010 the Director-General of Planning issued his requirements for the assessment of the Concept Plan and Stage 1 Project Applications. A copy of the Director General’s Requirements (DGR’s) are included as **Annexure 1** and addressed in detail in the relevant sections of the EA. A summary of the key issues required to be assessed follows.

Director General’s Environmental Assessment Requirements

1. Relevant EPI’s Policies and Guidelines
2. Built Form Urban Design/Public Domain
3. Isolated Sites
4. Staging
5. Land Use
6. Transport and Accessibility Impacts (Construction and Operational)
7. Environmental and Residential Amenity
8. Public Domain
9. Ecologically Sustainable Development
10. Contributions
11. Consultation
12. Drainage, Stormwater Management and Flooding
13. Riparian Land and Threatened Species
14. Groundwater Management
15. Utilities
16. Noise Assessment
17. Contamination and Geotechnical Issues
18. Statements of Commitment

A detailed assessment of the key issues identified in the Director General’s Requirements and our own identified issues were contained in **Section 8** of the submitted EA. A summary response to these and the additional issues and design amendments requested by the Department of Planning in their letter of 5 June 2011 are included below. Detailed responses are contained in Section 6.

• RELEVANT EPI’S POLICIES AND GUIDELINES

The Concept Plan is generally consistent with the objectives of the relevant Environmental Planning Instruments, policies and guidelines, with the exception of the variation sought to the height development standards contained in the Ryde LEP 2010. This variation is sought on the basis of a better planning outcome that would deliver more efficient, more sustainable and better designed development, tailored to the specific characteristics of the site. For a detailed description of these statutory and non-statutory planning policies, guidelines and controls consistencies, refer to **Part 7** of this Report and **Annexure 5 and 6** of the EA.

• BUILT FORM URBAN DESIGN/PUBLIC DOMAIN

Although variations are sought to the LEP/ DCP maximum height development standard, the height, bulk and scale of the proposed development has been designed with respect to the site context and recent developments adjacent to the Concept Plan site that have all relied on the variation of the LEP/ DCP maximum heights on the basis of community benefits offered.

Specific consideration has been given to views, scale, massing of surrounding development, street and parkland environments, solar access, safety by design and public domain.

The basic principle adopted was smaller building footprints to achieve greater amounts of public open space and additional pedestrian links to the water and public transport nodes and new view corridors, over and above those envisaged in Council’s LEP/ DCP. These were traded off against taller, slimmer building forms which create less solar impact and enable broader view corridors to the water from the surrounding area than a LEP/ DCP complying development scenario.

A height study demonstrating how the proposed development relates to existing and approved adjoining development is included at **Section 31** in the EA. A Visual Impact Assessment submitted with the EA demonstrated how the development options have been designed with regard to maintaining existing and opening up new views to the water while minimising visual impacts is included as **Annexure 8** of the EA.

• ISOLATED SITES

Whilst Holdmark Property Group and their associated companies own or have an interest in all properties that make up the Concept Plan site, at the request of the Director General, indicative DCP compliant designs have been included of consolidated development parcels of ‘isolated sites’ adjoining the Concept Plan site, to demonstrate the owners are not disadvantaged by the proposed Concept Plan development. The Holdmark Property Group have unsuccessfully attempted to purchase these properties and have made the owners aware of the project. Refer to the accompanying letters from Colliers and Colin Biggers and Paisley. These isolated sites are not included in the Application but this design exercise was included for information only.

A holistic approach has been adopted in accordance with the Director General’s Requirements to avoid fragmentation and potential generation of isolated sites. For further detail refer to **Part 4** of this report.

• STAGING

Whilst not seeking approval for the staging of development, with the exception of the separate Stage 1 Project Application already lodged with the Department of Planning, at the request of the Director General, the Concept Plan contains an indicative Staging Plan. This Plan proposes that the Concept Plan be developed in ten stages over a period of approximately 10 years. That Plan has been clinically evaluated in terms of cost and size to ensure that each stage provides some public benefit as needs are generated. View and access corridors will be provided as development and construction progress.

More details on staging are included in **Part 5**.

• LAND USE

Strategic directions contained in Council and State planning policies indicate that significant commercial or industrial uses are no longer economically feasible on the concept Plan site due to recent commercial and industrial development at the nearby centres of Macquarie Park, Top Ryde, Rhodes and Sydney Olympic Park.

The Economic Assessment by Hill PDA land economists and studies carried out for Council indicate that the area is now well serviced by larger employment areas in the region. The justification for the amount of residential development is based on demand and supply in the region and site suitability. The Hill PDA Economic Assessment was included in the EA.

• TRANSPORT AND ACCESSIBILITY IMPACTS

The Concept Plan site enjoys excellent access to three modes of public transport - train, ferry and bus which enables the Concept Plan to take a minimalist approach to on site car parking as requested by the Director General.

A Transport, Traffic Management and Accessibility Study has been prepared by Varga Traffic Planning. Varga Traffic Planning have indicated that the proposed development is no worse in terms of impact on traffic generation and flow than the existing commercial and industrial uses and that any increase in traffic generation and traffic flow between now and 2026 will result from ‘through traffic’ using the road network to pass through the area rather than traffic generated by the proposed development. It is important to note that the traffic study has been based on a development scenario of up to 3,000 apartments notwithstanding that the proposal is for around 2,002 apartments.

In addition, further traffic modelling and public transport assessment was submitted to the Department on 24 August 2011 in support of the Concept Plan Proposal.

• ENVIRONMENTAL AND RESIDENTIAL AMENITY

The proposed development has been designed with regard to best practice environmental and residential amenity. Sunlight access, acoustic privacy and views have been addressed in the design of the final Concept Plan (Preferred) building envelopes. A Shadow Analysis was also carried out by Robertson Marks as detailed in Section 8. At the request of the Department, further assessment of the Concept Plan development ‘envelopes’ against SEPP 65 and the Residential Flat Design Code is included in **Annexure 9** to this Report.

• PUBLIC DOMAIN

The proposed development involves the provision of approximately 19,500sqm of publicly accessible open space on the site and improved foreshore parkland, foreshore access, access to three public transport nodes, local streets, footpaths and shared-zones. Refer to revised Landscape Plan and Report at **Annexure 10**. The proposal also includes recommended locations for public art elements that serve to reflect on the various historic uses of the site and Shepherds Bay.

• ECOLOGICALLY SUSTAINABLE DEVELOPMENT

The development envisaged by the Concept Plan (Preferred) is based on sound ESD principles, refer to **Annexure 14** of the submitted EA. Each stage of the development is capable of complying with the requirements of BASIX and be designed to reduce water and energy consumption. The development comprises water sensitive urban design, low maintenance planting and water recycling. For a more detailed description of the ESD elements of the development, refer to Sections 97 + 113 of the EA.

• CONTRIBUTIONS

The Concept Plan Application offers significant community benefits as detailed above.

A Voluntary Planning Agreement is being developed with Council detailing the public benefits offered and development contributions to be paid by the developer and will be submitted to the Department when finalised.

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• **CONSULTATION**

A number of presentations and discussions with Council planners, engineers, Councillors and the Department of Planning were undertaken during the preparation of the Concept Plan and the Stage 1 Project. StraightTalk has prepared a Consultation Strategy in accordance with the Department’s *Major Project Community Consultation Guidelines October 2007*. This Strategy was attached as **Annexure 3** to the EA.

Following the submission of the EA two community workshops and a presentation to the local Chamber of Commerce were held by the Proponent seeking to explain the details of the Concept Plan and Stage 1 Project and seek comments. The outcomes of these workshops informed the amendment of the design of the Concept Plan. Further details of community comments received are contained in Annexure 4.

• **DRAINAGE, STORMWATER MANAGEMENT AND FLOODING**

The Concept Plan offers upgrades to the existing area-wide stormwater management system, including drainage infrastructure and water sensitive urban design measures to address drainage, groundwater and flooding issues. Consideration has also been given in the proposed floor levels of future buildings to the potential effects of climate change, sea level rise and an increase in rainfall intensity. An Integrated Water Management Report outlining proposed uses of potable and non-potable water, water sensitive urban design and water conservation measures was included in the submitted EA.

• **RIPARIAN LAND AND THREATENED SPECIES**

The proposed development comprises the protection of riparian land along the Parramatta River, this includes wider riparian setbacks in key locations to enhance the local foreshore connectivity value, and public access. The development has been designed to ensure no adverse impact on any threatened species, populations or endangered ecological communities and their habitats. Consultation was undertaken with the Commonwealth Department of Environment, Water, Heritage and the Arts. A Flora and Fauna Assessment was undertaken and was included in the EA.

In addition, no works are now proposed in the

Concept Plan in Council’s foreshore reserve with the exception of the foreshore road connection to ensure no possibility of impacts to the riparian environment along the River.

GROUNDWATER MANAGEMENT

A Groundwater Investigation Assessment was prepared by Douglas Partners which identified groundwater sources and addresses potential impacts on groundwater resources. It outlined contingency measures to remediate, reduce and mitigate potential impacts of future development on groundwater quality. The Groundwater Investigation Assessment included in the submitted EA. The Proponent commits to the standard consent conditions put forward by the NSW Office of Water in respect of protection of groundwater.

• **UTILITIES**

Consultation has been undertaken with Sydney Water and other utility providers and confirmed that upgrade works are required to address capacity requirements. These upgrade works are feasible as discussed in the Utility Services Report was included in the submitted EA. Development of the Stage 1 site requires the relocation of the Energy Australia substation which has been agreed to in principle by Energy Australia.

• **NOISE ASSESSMENT**

Acoustic consultants were engaged to contribute to the design process of the development to manage potential noise impacts from the adjacent regional road, particularly on the signature building fronting Church St and the Stage 1 site. The Acoustic Assessment demonstrated the Concept Plan developments will be capable of compliance with the relevant Australian Standards and the Department’s Interim Guidelines for Development near Rail Corridors and Busy Roads. It also addressed noise impacts during construction, outlines mitigation measures and demonstrates compliance with the *Interim Construction Noise Guideline (DECCW, 2009)*. The Acoustic Assessment was included in the submitted EA.

• **CONTAMINATION AND GEOTECHNICAL ISSUES**

A Geotechnical and Groundwater Assessment and a Preliminary Screening Contamination Assessment was prepared by Douglas Partners and included in the submitted EA provide guidance on how future remediation of specific sites will be managed to accommodate future development. The assessment also includes an analysis of risks/ hazards associated with urban salinity/ acid sulphate soils. Remediation of the Stage 1 site was previously approved under Development Consent No. 1244/2002.

• **STATEMENTS OF COMMITMENT**

A Draft Statements of Commitment for the Concept Plan Application was included in the submitted EA. This has now been updated to reflect the amended Concept Plan (Preferred) design the subject of this Report and is included in **Section 6** and attached as **Annexure 19**.