



6. REVISED STATEMENT OF COMMITMENTS

SHEPHERDS BAY URBAN RENEWAL



7. POLICY AND LEGISLATIVE FRAMEWORK AND CONSISTENCIES

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7. RELEVANT PLANNING PROVISIONS AND POLICIES

This section of the report assesses and responds to the policy and legislative requirements for the project. Consistent with the Environmental Planning and Assessment Act 1979 the Director General’s Environmental Assessment Requirements (DGRs) require the proponent to consider all relevant State Environmental Planning Policies; applicable planning instruments; and relevant legislation and policies.

DGR : RELEVANT EPI’S POLICIES AND GUIDELINES TO BE ADDRESSED

Planning provisions applying to the site, including permissibility and the provisions of all plans and policies are contained in **Annexure 1**.

The following current and draft state, regional and local planning controls, policies and strategies apply to the Shepherds Bay Urban Renewal project:

- Environmental Planning and Assessment Act 1979
- Roads Act 1993
- NSW State Plan
- Sydney Metropolitan Strategy
- Metropolitan Transport Plan 2010
- Draft Inner North Subregional Strategy
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005
- State Environmental Planning Policy (Major Development) 2005
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- State Environmental Planning Policy 32 – Urban Consolidation (Redevelopment of Urban Land)
- State Environmental Planning Policy 55 – Remediation of Land
- State Environmental Planning Policy 65 – Design Quality of Residential Flat Development and the Residential Flat Design Code (RFDC)
- Ryde Local Environmental Plan 2010
- City of Ryde Development Control Plan 2010
- Ryde Integrated Transport and Land Use Strategy. (ITLUS)

7.1 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

The Environmental Planning and Assessment Act 1979 (EP&A Act) is the overarching governing document for all development in NSW. The proposed renewal of the subject lands fully supports the objects of the Act. Pursuant to State Environmental Planning Policy (Major Projects) 2005 (Major Projects SEPP), the proposed Concept Plan and Stage 1 Project have been declared to be ‘Major Projects’ and will be assessed under Part 3A of the Act.

Under Section 75M (4), if an environmental planning instrument requires the preparation of a development control plan before any particular or kind of development is carried out on any land, the obligation may be satisfied for a project by an application for approval and approval of a concept plan in respect of the land concerned (but only if the Minister authorises or requires an application for approval of the concept plan). The DGR’s indicate acceptance of the need for a Concept Plan to satisfy variation to the current Ryde DCP applying to the subject lands and require that the Concept Plan also address and provide indicative development controls for isolated sites within the site boundaries not owned or controlled by Holdmark Constructions or their associated companies.

Section 75R provides that Environmental planning instruments (other than State environmental planning policies) do not apply in respect of an approved project under Part 3A or the Transitional arrangements in place since its repeal.

Section 75U provides that a range of referrals and concurrences under other state Acts are not required for an approved project under Part 3A.

7.2 ROADS ACT 1993

The proposed development involves the creation of a new road linking up Nancarrow Avenue to Belmore Street. The proponent will undertake the works as part of the Voluntary Planning Agreement and upon completion donate the road to Council. The development will be referred to the RTA.

7.3 SYDNEY METROPOLITAN STRATEGY

In December 2005 the NSW Government launched City of Cities - A Plan for Sydney’s Future. City of Cities outlines the objectives of the Metropolitan Strategy. The Strategy focuses on building the role of cities across the metropolitan area through concentrating growth in centres to improve access to jobs, facilities and services.

The five key aims of the Strategy that support achieving more of a sustainable city include:

1. Enhance liveability
2. Strengthen economic competitiveness
3. Ensure fairness
4. Protect the environment
5. Improve governance

Ryde falls within the Inner North subregion which under the Strategy is to accommodate 30,000 new dwellings and 54,000 new jobs by 2031.

This project supports the Sydney Metropolitan Strategy by providing improving quality of living. It also supports the Strategy through creating additional residential accommodation in close proximity to public transport hubs consistent with the State Government objectives to encourage greater accessibility and use of public transport thereby reducing the city’s environmental footprint and supporting more compact cities.

The NSW Government is currently undertaking a five-year review of the Strategy. In the Metro Discussion Paper titled ‘Sydney Towards 2036’ it outlines key directions which include:

1. Planning for a growing population
2. Making Sydney climate change ready
3. Integrating land use with transport
4. More jobs in the Sydney Region
5. Growing Sydney’s value
6. Strengthening a City of Cities
7. Meeting changing housing needs
8. Balancing land uses on the city fringe
9. Achieving renewal

The proposed development supports the directions outlined in the Sydney Towards 2036 through redevelopment of the site replacing the existing obsolete industrial development with land uses that are more suitable for the location, better quality design and more sustainable. The amalgamation of the allotments and coordination between landowners has led to development of an overall Concept Plan for renewal of the site that will provide a mixture of apartment sizes that are well connected to train, ferry and bus services. The overall concept of the development will see the development integrated into the local and regional open space networks.

7.4 METROPOLITAN TRANSPORT PLAN 2010

The Metropolitan Transport Plan 2010 ‘Connecting the City of Cities’ is the NSW State Government’s policy document for the delivery of public transport services to a growing population across the Sydney Metropolitan area.

The Metropolitan Transport Plan aims to improve the commute to work, increase community access to transport and services, provide an efficient and integrated customer focused transport system and revitalise neighbourhoods with improved transport hubs. The Plan focuses on major regional centres and aims to increase population growth within 30 minutes by public transport of a city or major centre and increase the share of commuter trips made to and from cities during peak hours.

The site is walking distance from ferry, rail and bus connections. Sydney CBD is approximately 30 minutes via train from Meadowbank. The nearest regional city to the subject site is Parramatta which is approximately 10km from the site, the nearest major centre is Chatswood which is approximately 7km from the site and several special sites are located nearby including Rhodes, Olympic Park and Macquarie Park. A Strategic Bus Corridor runs near the site. Whilst Meadowbank is not specifically identified in the Plan, the site supports the intentions of the plan through promoting higher densities within close proximity to public transport and employment areas.

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7.5 DRAFT INNER NORTH SUBREGIONAL STRATEGY

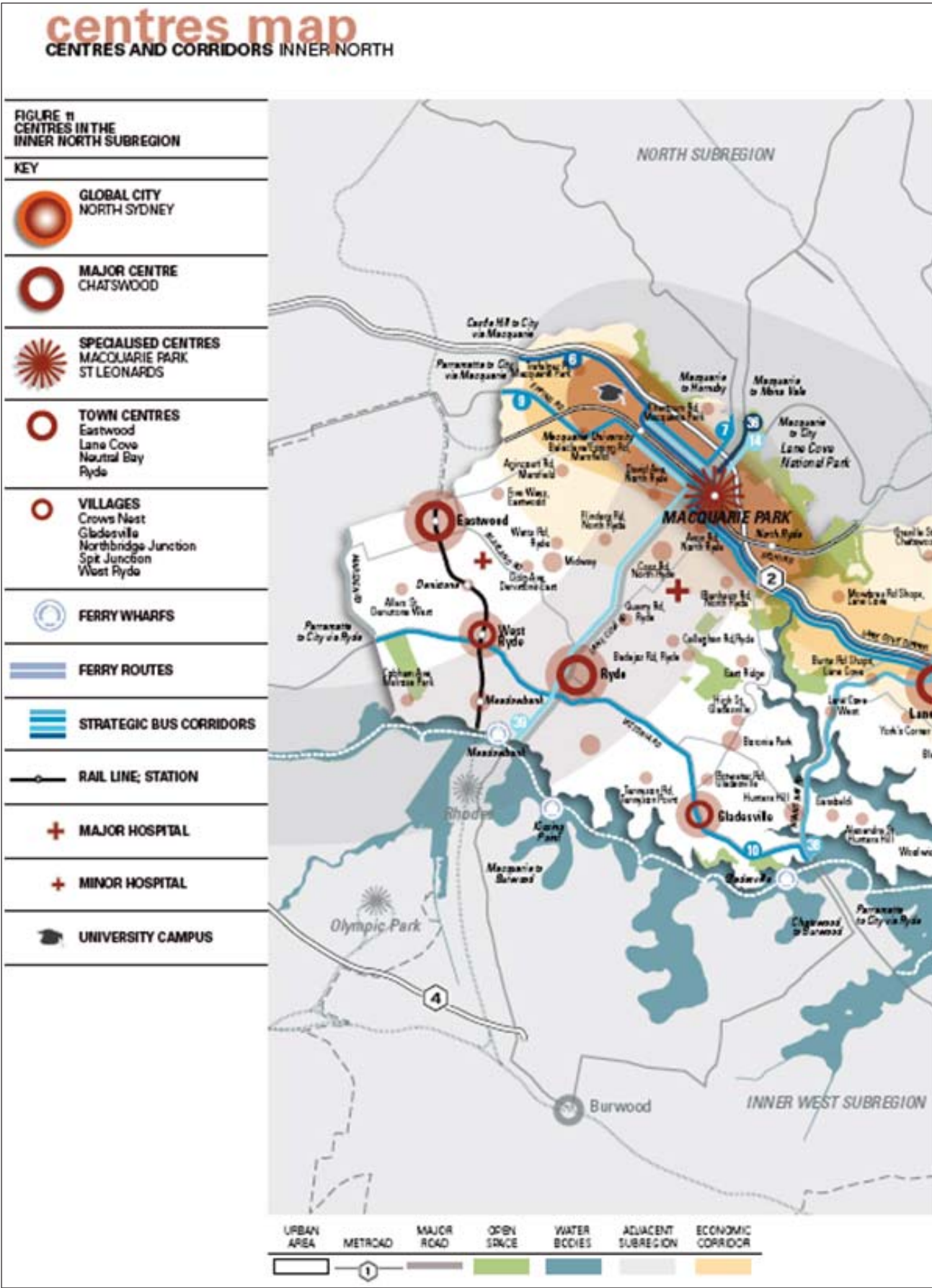


FIGURE 44. DRAFT REGIONAL PLAN CENTRES MAP
(Source: Draft Inner North Subregional Strategy)

The Inner North Region includes Hunters Hill, Lane Cove, Mosman, North Sydney, Ryde and Willoughby local government areas. The Draft Inner North Subregional Strategy, released in July 2007, identifies 30,000 extra dwellings and 60,100 new jobs as the growth target for this subregion as a whole.

Under the Strategy Ryde is identified as a Town Centre. The growth targets for Ryde LGA are 12,000 extra dwellings and 21,000 extra jobs by 2031.

TABLE 4. DRAFT INNER NORTH SUBREGIONAL STRATEGY HOUSING ACTIONS

Objective/ Action	Comment
<i>Apply sustainability criteria for new urban development</i>	The proposed development supports subregional housing capacity targets as outlined in the Strategy. It also addresses environmental targets for sustainable growth including: improved water quality for Parramatta River; protection of riparian vegetation; better connections to recreational areas; energy efficient design; promotion of active modes of transport; replacement of obsolete industrial development; water efficient design and reuse; recycling and reuse.
<i>Focus residential development around centres, town centres, villages and neighbourhood centres</i>	The subject site of the proposed development is located close to local and regional shops and services in the subregion with Ryde being the closest town centre. It is also consistent with the 'Jobs Closer to Home' priority because the site is within 30 minutes from Rhodes, Sydney CBD, Olympic Park, Macquarie Park and 30-40 minutes from Parramatta.
<i>Provide self care housing for seniors OR people with a disability</i>	Approximately 10% of the apartments will be accessible housing in accordance with Council requirements. This will ensure the development is accessible to seniors and disabled.
<i>Provide a mix of housing</i>	A variety of apartment types and sizes is proposed with an average of approximately 10% of apartments 1 bed, 75% of apartments 2 bed and 15% of apartments 3 bed. Apartments will range in size from 60-115m ² .
<i>Renew local centres to improve economic viability and amenity</i>	The close proximity of the site and walkability to commercial areas will improve the economic viability of existing shops and services with potential to generate additional retail development. The high quality development will enhance amenity and significantly improve the foreshore area and hence attractiveness of the area to new residents and visitors.
<i>Improve the affordability of housing</i>	The proposed development will increase housing supply and provide a mix of apartment sizes which will inevitably improve housing access and affordability in the area.
<i>Improve the design quality of new development</i>	The proposed development, will be of high quality architectural design and contain high quality attractive landscaped public, communal and private open spaces. It will integrate with recent adjacent developments yet provide individuality. A signature building is proposed to define the site and the integration of heritage elements into the landscape will create a connection to the past use of the site. The street layout and building envelopes in the Concept Plan have been designed to open up more views to the waters of Shepherds Bay and beyond.

Meadowbank is identified in the Strategy as one of the accessible village centres around which further development is appropriate. The proposed Concept Plan and Project Application is consistent with the Strategy in that it will:

- Provide greater housing supply and choice;
- Contribute to achieving the housing targets for Ryde which require 12,000 new dwellings by 2031;
- Better utilise land for residential purposes which is currently underutilised for a purpose which is now out of character with the surrounding area; and
- Fulfil the objectives of encouraging urban consolidation.

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7.6 SYDNEY REGIONAL ENVIRONMENTAL PLAN (SYDNEY HARBOUR CATCHMENT) 2005

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 applies to the area of Sydney Harbour including Parramatta River and its tributaries. The Plan provides an integrated approach to catchment management and establishes planning principles and controls for the catchment as a whole. It promotes recreational access to foreshores and waterways, maintaining a healthy and sustainable waterway environment balanced with supporting a working harbour.

The proposed Concept Plan supports the planning principles outlined in this Plan, being designed to promote access to and along the foreshore through the siting and orientation of buildings and pedestrian and cycle network designed to maximise foreshore access and linkages to water-based public transport. Potential impacts on the adjoining waterway and riparian vegetation will be minimised through improved stormwater drainage management infrastructure and water sensitive urban design. The development layout and building envelopes in the Concept Plan have been designed to enhance views to and from the waterway and be sympathetic to the surrounding natural environment.

The Visual Impact Assessment prepared by Richard Lamb and Associates dated July 2010 concluded that the proposed development facilitated by the Concept Plan would not have any significant negative effect on views to Sydney Harbour or Parramatta River.

The important views and vistas, many of which are potential and not existing views, identified in Council’s DCP will be retained and enhanced by the proposed development. The development envisaged in the Concept Plan will not cause any significant view loss effect on views to and from landmarks and heritage items. The Richard Lamb Assessment concluded that the cumulative potential impacts of the development on views are not significant.

The site is identified under the Plan as a ‘Strategic Foreshore Site’ 17 under Division 4 of the SREP. Accordingly, the SREP requires that development cannot occur unless a master plan is in place. The City of Ryde has already developed a master plan for the Meadowbank Employment Area which is embodied in their recently adopted DCP 2010. The subject Concept Plan seeks to support the objectives and visions contained in the MEA section of the DCP while varying some of the built form controls to enable greater public open spaces and other public benefits.

- The proposed development is consistent with the Planning Principles outlines in the SREP as detailed below:
- Stormwater upgrades will reduce run-off and improve water quality and health of the catchment;
 - Natural assets (including riparian vegetation) are to be maintained and restored for their cultural and biodiversity values;
 - Cumulative environmental impacts have been considered and measures implemented to reduce impacts on the catchment including energy efficient design and water capture and reuse;
 - The development has been designed to meet recommended flood levels;
 - The visual quality of the site from waterways will be improved through high quality and best practice design;
 - The creation of new view corridors through the development to the water will be provided;
 - Care will be taken to avoid or minimise disturbance of acid sulphate soils;
 - Public access to the foreshore will be increased;
 - Replacement of incompatible use (industrial adjacent to waterway); and
 - Recognition of heritage items and conservation/ interpretation in the design of landscapes. Public art will celebrate and inform residents and visitors of the site’s many and varied past uses.

7.7 STATE ENVIRONMENTAL PLANNING POLICY (MAJOR DEVELOPMENT) 2005

State Environmental Planning Policy (Major Project) 2005 (Major Projects SEPP) came into effect on 25 May 2005. This SEPP identifies ‘Major Projects’ that are subject to the Part 3A provisions under the Environmental Planning & Assessment Act 1979 (EP&A Act), for which the Minister for Planning is the approval authority.

On 03 March 2010, pursuant to the SEPP, the Minister for Planning declared both the Shepherds Bay redevelopment Concept Plan and Stage 1 Project a ‘Major Project’. The Minister required a Concept Plan to be lodged providing an overview of the project.

An initial Project Application providing a Preliminary Environmental Assessment was prepared and submitted to the Department of Planning. The Director-General issued environmental assessment requirements (Director General Requirements) on

20 May 2010 outlining key issues to be addressed in the environmental assessment of the project. The submitted EA addressed the Director General Requirements and contains a Statement of Commitments which have been revisited and revised in this Report.

7.8 STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007

State Environmental Planning Policy (Infrastructure) 2007 aims to facilitate the efficient delivery of infrastructure across NSW. Under Schedule 3 of ISEPP the proposed development is a ‘Traffic Generating Development’ and requires referral to the RTA.

A detailed Traffic and Transport Impact Report, prepared by Varga Traffic Planning and TMAP submitted with the EA, together with supplementary traffic modelling and TMAP details submitted to the Department on 24 August 2011 addressed a range of issues raised by the Department in terms of the potential traffic and transport implications of the Amended Preferred Concept Plan.

The most recent Traffic and Transport Assessment Report, by Varga Traffic Planning within the submitted EA concluded in respect of the originally submitted Concept Plan that contemplated between four and six hundred more apartments than the Preferred Concept Plan the subject of this Report:

- *the site is ideally located in close proximity to a range of walking, cycling and public transport options*
- *the site is also located in easy walking/cycling distance of a range of shops and services such as the post office, the TAFE College and the local primary schools*
- *two new road links proposed within the site will improve permeability for pedestrians and cyclists*
- *the site is also located immediately adjacent to a shared pedestrian and bicycle path with links to Parramatta and the City*
- *the proposed development will not have any unacceptable traffic implications in terms of road network capacity, and does not generate a need for any upgrades or road improvements, other than the upgrading of Constitution Road*
- *the parking facilities incorporated in the development proposal will satisfactorily accommodate the needs of the proposed development.*

7.9 STATE ENVIRONMENTAL PLANNING POLICY 32 – URBAN CONSOLIDATION (REDEVELOPMENT OF URBAN LAND)

State Environmental Planning Policy 32 Urban Consolidation (SEPP 32) applies to the redevelopment of urban land that is no longer required for the purpose it is currently zoned or used. The proposed development is consistent with the aims and objectives of this policy.

7.10 STATE ENVIRONMENTAL PLANNING POLICY 55 – REMEDIATION OF LAND

Investigations into the suitability of the land in respect to potential contamination have been carried out by Douglas Partners Pty Ltd (July 2010).

In summary they consider that the contamination issues, if present, would most likely be mainly confined to areas close to the original source due to the generally shallow depth of bedrock at the site and can likely be dealt with in a relatively straight forward and staged manner and are unlikely to significantly affect the viability of the redevelopment project at any Stage.

Refer to the Preliminary Screening Contamination Assessment within the submitted EA.

7.11 STATE ENVIRONMENTAL PLANNING POLICY 65 – DESIGN QUALITY OF RESIDENTIAL FLAT DEVELOPMENT AND THE RESIDENTIAL FLAT DESIGN CODE (RFDC)

A SEPP 65 Assessment of the Concept Plan (Preferred) development has been carried out by Robertson Marks which demonstrates that the proposed development can be designed in detail to be consistent with the ten design principles in SEPP 65 and the principles in the Residential Flat Design Code, namely: context; scale; built form; density; resource, energy and water efficiency; landscape; amenity; safety and security; social dimensions and housing affordability; and aesthetics.

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7.12 RYDE LOCAL ENVIRONMENTAL PLAN 2010

Ryde Local Environmental Plan 2010 (RLEP) provides a policy framework and strategy for development within Ryde Local Government Area (LGA).

The Concept Plan supports the objectives and is consistent with the majority of relevant development standards contained in Ryde LEP 2010 with the exception of maximum heights.

The subject lands are zoned ‘B4 Mixed Use’ under the RLEP. The objectives of the RLEP B4 Mixed Use zone are:

- *To provide a mixture of compatible land uses.*
- *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.*
- *To create vibrant, active and safe communities and economically sound employment centres.*
- *To create safe and attractive environments for pedestrians.*
- *To recognise topography, landscape setting and unique location in design and land-use.*

The development envisaged in the Concept Plan fully supports the LEP objectives for the zone.

Specifically:

- The Concept Plan facilitates future development of a vibrant new living area with a mix of uses - residential community, convenience retailing, cafes, entertainment and limited commercial spaces. The mix of landuses have been informed by the Market Assessment by Hill PDA in the submitted EA, Council’s DCP and their more recent statement’s with regard to limitations on potential for commercial uses in the area. Accordingly, the recommended level of commercial uses has been limited to daily convenience shops, cafés and restaurants to ensure no significant impacts on nearby commercial areas and the existing shopping facilities within the Waterpoint development adjacent.
- 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 and 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 Concept Plan envisages a new vibrant waterfront living area with extensive parklands and active uses supporting new high quality accessible and sustainable residential developments.

- The Concept Plan built forms have been informed by a detailed Visual Impact Analysis by Richard Lamb and Associates, attached to the submitted EA to ensure existing and DCP identified views are protected, together with the opening up of additional views to the water from the surrounding locality.
- The Concept Plan requires the reshaping of the topography in parts of the site, including the Stage 1 site, to facilitate the development streets and parkland and dwellings consistent with the DCP. This is also required to enable the future development to be accessible to people of all disability levels.

Permissible development for the B4 Mixed Use zone includes:

Boarding houses; Building identification signs; Business identification signs; Business premises; Child care centres; Community facilities; Educational establishments; Entertainment facilities; Function centres; Hotel or motel accommodation; Information and education facilities; Office premises; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Retail premises; Roads; Seniors housing; Shop top housing; Waste or resource transfer stations; Any other development not specified in item 2 or 4.

Residential flat buildings are not included in items 2 or 4 and are therefore permissible in the zone.

The proposed development is consistent with the objectives of the B4 Mixed Use zone. Replacement of obsolete industrial development will improve landuse compatibility and is consistent with the changing nature of Shepherds Bay. The unique location of the site adjoining the waterway was a key underlying factor in the overall design concept with a focus on creation of strong connections to the foreshore, open space and public transport connections. Consistent with historical use of the foreshore, the proposed development will bring back activity and liveliness to the waterfront. It will provide an essential link between the existing Meadowbank neighbourhood and the foreshore.

It is important to note Ryde Council is in agreement with the findings of the Hill PDA report that there is no longer a strong market for commercial or industrial uses in Shepherds Bay.

The LEP contains development standards for Shepherds Bay that are relevant to the consideration of the Concept Plan. However, it is noted that projects assessed under Part 3A of the Act may vary such development standards if approved by the Minister for Planning. Consistencies of the Concept Plan with the standards are summarized in **Table 6**.

TABLE 5. SUMMARY OF RYDE LEP STATUTORY CONSIDERATIONS

4.3 Height of Buildings

(1) The objectives of this clause are as follows:

(a) to maintain desired character and proportions of a street within areas,

Comment:
The Concept Plan Application retains all existing street reservations and in some circumstances augments them to enhance the character of the spaces for people. The proportions of the street are enhanced by lowering street wall heights with taller sections set well back from those frontages.

(b) to minimise overshadowing and ensure a desired level of solar access to all properties,

Comment:
Taller buildings in a slender built form cast narrower shadows and are mainly onto the individual proposed development sites. At the foreshore and near public spaces and all streets, building heights have been reduced to minimise impacts on solar access and street amenity. A significant constraint is the southerly orientation of the site and DCP required layout which limits opportunity for solar access to the development sites. This has been weighed up against the market attractiveness of the waterfront views and natural ventilation. Refer to the Solar Assessment in the submitted EA and revised shadow analysis prepared by Robertson Marks at Annexure 3 to this Report.

(c) to enable the built form in denser areas to create spatial systems that relate to human scale and topography,

Comment:
The Concept Plan design philosophy seeks to reduce the area of built upon land permitted under the DCP, by providing the floor space in slender, taller built forms. As a result the proposal creates interesting block plans, views and vistas to the water and intriguing spaces to enjoy from a recreational perspective. Reduced street edge heights ensure that pedestrians are not dominated by the development, and a human scale is maintained, particularly closer to the waterfront reserve and along Constitution Road.

(d) to enable focal points to be created that relate to infrastructure such as train stations or large vehicular intersections,

Comment:
The Concept Plan has been designed to focus on its relationship with the foreshore at Shepherds Bay. View corridors have been determined and public access ways provided to augment the opportunity to interact with the Parramatta River from within and without the development. The subject land is within walking distance to a number of infrastructure and public transport opportunities, while the traffic modelling confirms the proposal’s satisfactory performance with the surrounding road infrastructure

(e) to reinforce important road frontages in specific centres.

Comment:
Higher building envelopes have been kept to the central areas of the site, including the six 12 storey envelopes designed to engender a ‘central heart’ and sense of place to the precinct adjacent to the central pedestrian spine linking Constitution Road to the waterfront plus one other 12 storey landmark building Church St to act as a gateway statement.

Heights along the foreshore and at street frontages in the Concept Plan have been kept lower (3 storeys) and set back from the foreshore parkland, and street frontages, similar to recently approved developments in Shepherds Bay.

Particular attention has been taken to setback building bulk from the Constitution Road frontages to respect lower density residential development opposite. In that instance, however, due to the topography, even an LEP compliant height development would block any potential views to the waterfront (currently generally blocked by industrial buildings). This also applies to the majority of 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.

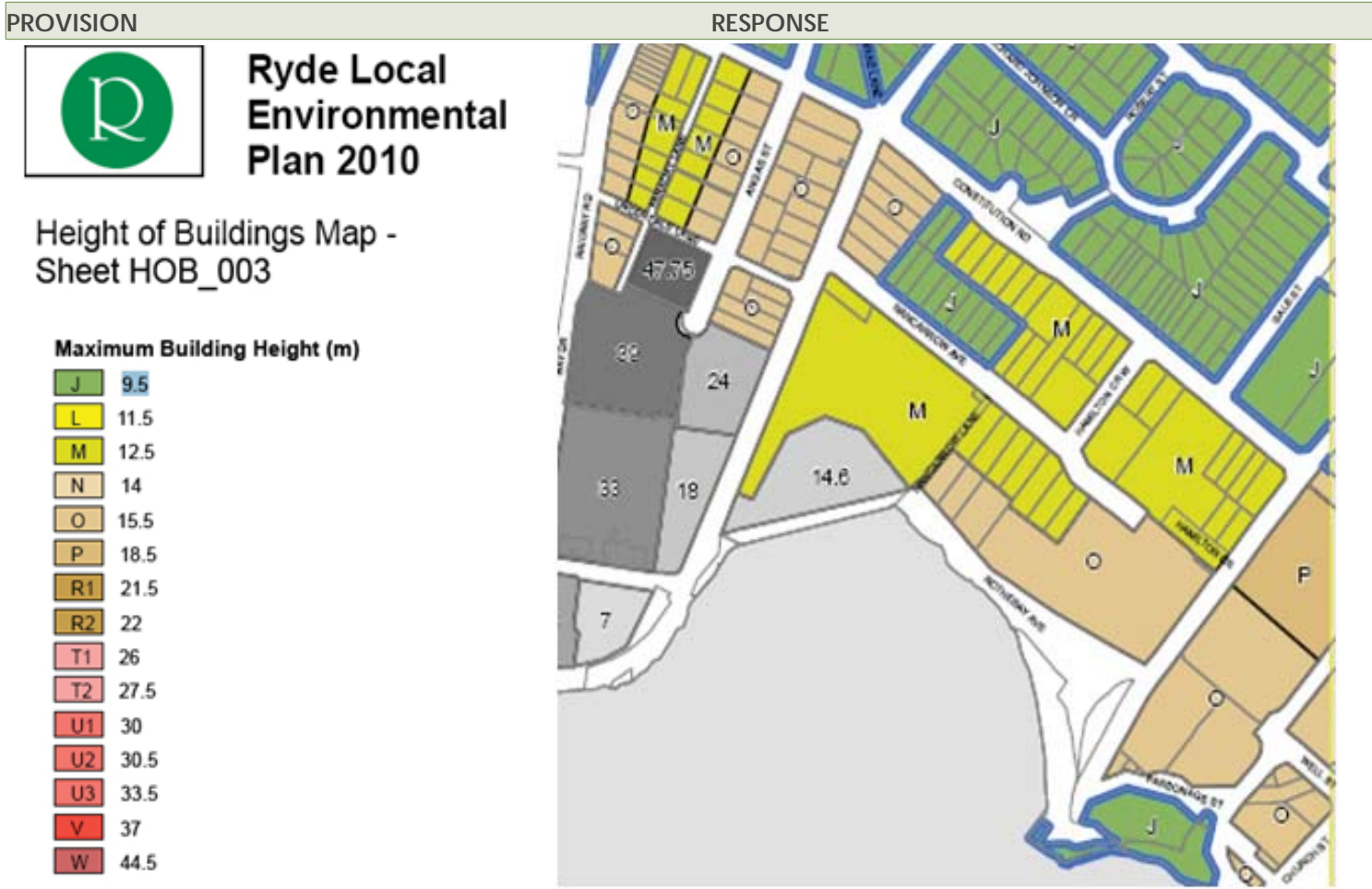


FIGURE 45. LEP HEIGHTS MAP
(Source: City of Ryde, 2010)

(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map. Heights range from 9.5 to 15.5 metres above natural ground level in the subject Project Plan area.

The subject Concept Plan Application seeks to depart from the LEP height development standards on the basis of the significant public benefits offered by the proposed redevelopment. Variations are sought as detailed in the Concept Plan Height Map at **Figure 12**.

Due to the highly developed nature and altered topography of the site it will be necessary to carry out selective regarding of the site in order to improve accessibility, provide new road connections and ensure building ground levels align generally to street levels. Accordingly the heights quoted on the Height Map relate to the RL's extrapolated from the heights of surrounding streets.

Particular attention has been taken to set back building bulk from the Constitution Road frontages to respect lower density residential development opposite. However, in that location, due to the relative topographies, even an LEP compliant height development would block any potential views to the waterfront which are currently blocked by existing industrial buildings. In addition, the Concept Plan envelopes have been designed with smaller footprints with landscaped breaks between to open up additional water view corridors to these properties than an LEP and DCP compliant scheme. This also applies at the other road boundaries of the Concept Plan site, with existing LEP heights already potentially blocking views to the water.

PROVISION	RESPONSE
<p>4.6 Exemptions to Development Standards</p> <p>(1) The objectives of this clause are:</p> <p>(a) to provide an appropriate degree of flexibility in applying certain development standards to particular development, and</p> <p>(b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.</p> <p>(2) Consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.</p> <p>(3) Consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:</p> <p>(a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and</p> <p>(b) that there are sufficient environmental planning grounds to justify contravening the development standard.</p> <p>(4) Consent must not be granted for development that contravenes a development standard unless:</p> <p>(a) the consent authority is satisfied that:</p> <p>(i) the applicant's written request has adequately addressed the matter required to be demonstrated by subclause (3), and</p> <p>(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and</p> <p>(b) the concurrence of the Director General has been obtained.</p>	<p>The height development standard is not specifically excluded from the operation of this clause.</p> <p>The Concept Plan has been planned and designed in accordance with the objectives of this clause, particularly with respect to achieving "a better, more sustainable outcome for and from the development".</p> <p>The proposed departure from the LEP height standards will result in a better planning outcome for development on the site. Although not required by a an Application under Part 3A of the Act, justifications for the variation to the height development standard made pursuant to Clause 4.6 of the LEP are provided above in responses to Clause 4.3 Height of Buildings and below:</p> <ul style="list-style-type: none">• The proposed heights in the Concept Plan support the objectives of the height development standard as detailed above.• The increased heights will not significantly increase the potential development density achievable under Council's DCP 2010 in Shepherds Bay as modelled by UrbanHorizon on behalf of Council in 2007.• The proposed Stage 1 Development will be similar in form and scale to the existing adjacent residential development and the current commenced approved development on the site.• The location of the site within easy walking distance of two public transport hubs and numerous bus routes puts it in an ideal position to accommodate a higher density of development.• The residential development supports State and Regional urban consolidation initiatives and projected housing demands for the area contained in the Metro Strategy and Inner North Regional Strategy.• The concentration of development into taller more slender buildings ensures the development is feasible whilst providing significant additional public benefits in the provision of greater amounts of public domain and open spaces, solar access and views to adjacent areas than envisaged in the DCP.• The orientation and siting of buildings has been carefully considered to create good permeability and numerous through-site linkages.• The inclusion of taller buildings marking the central spine will serve to create a focal point or heart to the development as suggested in the DGR's.

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PROVISION	RESPONSE
<p>5.1 Heritage Conservation</p> <p>(1) Objectives</p> <p>The objectives of this clause are:</p> <p>(a) to conserve the environmental heritage of Ryde, and</p> <p>(b) to conserve the heritage significance of heritage items and heritage conservation areas including associated fabric, settings and views, and</p> <p>(c) to conserve archaeological sites, and</p> <p>(d) to conserve places of Aboriginal heritage significance.</p>	<p>Heritage items within and near the site and the historical uses of the site have helped inspire the design concept and public art which will provide interpretive elements and a connection to the site’s diverse past uses.</p> <p>Within the site the locally listed factory at 33-37 Nancarrow Avenue (heritage item No.80) will be demolished in accordance with Council’s resolution which endorses the demolition of the building to facilitate area-wide stormwater infrastructure upgrades.</p>
<p>6.1 Acid Sulphate Soils</p> <p>(1) The objective of this clause is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.</p>	<p>The Preliminary Contamination Assessment prepared by Douglas Partners (July 2010), included in the submitted EA, concluded that if present potential or actual acid sulphate soils can be managed in a relatively straightforward manner to enable safe reuse of the Concept Plan site for the residential, commercial, community and open space purposes as proposed.</p>



Ryde Local
Environmental
Plan 2010

Acid Sulfate Soils Map -
Sheet ASS_001

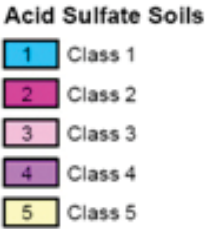


FIGURE 46. LEP ACID SULPHATE SOILS MAP
(Source: City of Ryde, 2010)

RYDE LOCAL ENVIRONMENTAL PLAN 2010 (cont.)

PROVISION	RESPONSE
<p>6.2 Earthworks</p> <p>(1) The objectives of this clause are as follows:</p> <p>(a) to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land,</p> <p>(b) to allow earthworks of a minor nature without separate development consent.</p> <p>(2) Development consent is required for earthworks unless:</p> <p>(a) the work does not alter the ground level (existing) by more than 300 millimetres, or</p> <p>(b) the work is exempt development under this Plan or another applicable environmental planning instrument, or</p> <p>(c) the work is ancillary to other development for which development consent has been given.</p> <p>(3) Before granting development consent for earthworks, the consent authority must consider the following matters:</p> <p>(a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,</p> <p>(b) the effect of the proposed development on the likely future use or redevelopment of the land,</p> <p>(c) the quality of the fill or the soil to be excavated, or both,</p> <p>(d) the effect of the proposed development on the existing and likely amenity of adjoining properties,</p> <p>(e) the source of any fill material and the destination of any excavated material,</p> <p>(f) the likelihood of disturbing relics,</p> <p>(g) proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area.</p>	<p>As detailed above, the topography of the Concept Plan lands is highly altered due to progressive benching to accommodate industrial buildings. The Concept Plan requires selective regrading of the site to enable the development of the DCP flood layout and accessible pathways and buildings.</p> <p>The earthworks will not have detrimental impacts on neighbouring uses. A Geotechnical Assessment has been undertaken and was included in the submitted EA.</p> <p>Sediment and erosion controls will be put in place to ensure no adverse impact on the Parramatta River.</p>

SUMMATION

The Concept Plan is largely consistent with the objectives of the Ryde LEP 2010. The main points are summarised below:

- The proposed development supports the objectives of the B4 Mixed Use zone through improving land use compatibility, activating the waterfront, linking the existing neighbourhood to the foreshore, consolidating residential development close to public transport nodes, providing a variety of apartment sizes to cater for a range of demographic groups (including seniors) and improving recreational opportunities.
- An exemption from the height controls in Council’s LEP is sought and justification provided based on the additional public benefits offered
- Environmental considerations have been addressed including environmental sustainability, acid sulfate soil management, earthworks and heritage conservation.

DEPARTURE FROM TO LEP MAXIMA

The Concept Plan seeks approval to depart from the Ryde LEP2010 height development standards. Heights within the Concept Plan are to be consistent with the Height Map at **Figure 12** in this Report.

SHEPHERDS BAY URBAN RENEWAL

7.13 CITY OF RYDE DEVELOPMENT CONTROL PLAN 2010

LEGEND:

- Subject sites
- 3 Storeys
- 4 Storeys
- 5 Storeys

The City of Ryde Development Control Plan 2010 came into effect on 30 June 2010. It contains more detailed development controls for Shepherds Bay. However, these controls were developed in the late 1990s and is to be replaced by an, as yet unexhibited Draft DCP for Shepherds Bay which indicates greater permissible heights.

Under the indicative DCP compliant development scenario for the Concept Plan site prepared by Robertson + Marks Architects, the resultant GFA is 225,190sqm with 1,500sqm of public open space. The Concept Plan proposes a approximately 194,000sqm GFA and approximately 19,660sqm of publicly accessible open space which will be owned and maintained by the development as Council is unwilling to assume ownership of same.

Relevant DCP development objectives and controls were addressed in detail in the compliance tables contained included in the submitted EA and again in Annexure 8 to this Report in respect of the Preferred Concept Plan.



FIGURE 47. PERMISSIBLE DCP DEVELOPMENT SCENARIOS

SHEPHERDS BAY URBAN RENEWAL

7.14 MEA – Master Plan Transport Assessment, July 2007

This traffic and transport assessment, prepared by Urbanhorizon was carried out to inform and support the revised planning controls for the Meadowbank Employment Area. This assessment was based on two ‘master plan development scenarios’:

- Scenario 1 – Existing Controls Fully Developed (Existing development + 225,000sqm commercial + 875 residential dwellings); and
- Scenario 2 – Revised Controls Fully Developed (Existing development + 90,000sqm commercial + 1,900 residential dwellings)

On the basis of investigations by both Council’s consultants and Hill PDA, it is clear that additional significant commercial or industry development in the MEA is no longer feasible due to major commercial and industrial developments occurring in nearby centres. Accordingly, the Project Plan proposes a greater proportion of residential development which equates to a slightly less similar quantum of floorspace, greater number of dwellings and less commercial development.

Concept Plan proposed Scenario:
Existing development + 2,000sqm additional commercial + 1,900 + 102 dwellings.

One of the key findings of this Transport Assessment was:
“The site is well placed to accommodate more intensive residential and / or commercial / industrial development by virtue of the proximity of available train, bus and ferry services.”

These findings are supported by the Traffic and Transport modelling and reports submitted as part of the subject Applications and the Preliminary Traffic and Transport Report included in the EA and the Additional Traffic modelling report submitted on 24 August 2011.

7.15 RYDE INTEGRATED TRANSPORT AND LAND USE STRATEGY (ITLUS)

The Ryde Integrated Transport and Land Use Strategy (ITLUS) is to inform Council policy, land use planning and lead towards an improved transport future for the City of Ryde. The objectives of the ITLUS are:

- *To achieve a more sustainable, accessible, amenable, equitable, safe and integrated transport and land use system which balances social, environmental, health, economic and strategic objectives;*
- *To reduce car dependency, the growth in vehicle kilometres travelled and greenhouse gas emissions;*
- *To increase the share of trips made by public transport, walking and cycling and reduce the number of trips made by private vehicles; and,*
- *To provide a long term vision for the City of Ryde and a series of City wide and centre based actions which Council can implement or lobby for in order to satisfy these objectives.*

The Concept Plan development fully supports these objectives with its good connections to rail, bus and ferry services. Additionally the pedestrian and cycle network provides an alternative active mode of transport.

Centre specific actions are set out for six of the key centres, one of which is Meadowbank. The Strategy established the following vision for Meadowbank:

Meadowbank will be a vibrant, robust and economically viable place of mixed uses and activity where people are able to live, work and play. Meadowbank will evolve as a transit oriented community, which optimised the existing public transport network, facilitates access between home and work and reduces the reliance on public transport. Distinct, safe and clear pedestrian and cycle access will be encouraged and developed.

The proposed residential development comprises approximately 2,002 apartments (depending on the mix) which will provide accommodation to a significant number of people. This increased population in this area and change of use from industrial to residential will result in activation of the foreshore, utilization of nearby recreational facilities and support for existing shops and services. The location of the site adjacent to the water combined with a quality architectural design will result in desirable and attractive living spaces for the community catering for a range of demographics through variations in apartment size. The proximity of the site to jobs within 30 minutes travelling distance makes it an ideal place to live with good connections to employment. The public domain areas/ open spaces will be integrated into the development and existing networks providing attractive places to relax and play.

7.16 MEADOWBANK SECTION 94 CONTRIBUTIONS PLAN 2005

This Plan adopted in 2005 enables Council to levy contributions for the provision or enhancement of public amenities and services that may be required as a consequence of development in the Meadowbank Employment Area.

The requirements of Section 94 will be addressed in the VPA being negotiated with Ryde Council and the Department of Planning.