

Submission

Objection: Proposed Modification to Stage 1 and Concept Plan at Meadowbank

Thank you for the opportunity to make a submission in relation to the above.

My name is Leon Mahtani and I am directly affected by the proposed Concept Plan. I am the owner and occupier of an apartment in close proximity to the proposed development.

I have a number of concerns about the proposed modifications to the development, including both stage 1 and the Concept Plan as a whole. These concerns relate to compliance of the development with the applicable environmental planning instruments (EPIs).

My concerns relate primarily to the lack of usable public open space, but also to the height of buildings and the impact on local infrastructure.

The Proponents Submissions

The proponent is seeking to undermine the 6 March 2013 decision of the Planning Assessment Commission in a number of respects. This includes:

- Page 1 of the Final Determination Report, which states that a maximum of ten storeys should be permitted within the centre of the site [this includes stage 1 of the Concept Plan]. The proponent wishes to increase this to twelve storeys and also wishes to increase the number of storeys along the foreshore from four storeys to seven storeys.
- Page 7 of the Final Determination Report, which states that the open space area [of 3,000 square metres minimum] is to be in addition to the provision of through site links and the drainage reserve. The excessive density of the development and inconsistency with neighbouring developments is referred to in the report as justification for this decision. Nevertheless, the proponent has sought, it would appear successfully, to provide open space that would have been provided as part of the original proposal and that is not in addition to the provision of through site links.

The proponent has argued as follows in its latest modification request:

- That the building envelope on the corner element at Belmore Street and Constitution Road should be increased to six storeys in height.
- That the incorporation of ESD principles in the design, construction and ongoing operation phases of the development mandated in the PAC's Final Determination Report should be sacrificed in order to provide the proponent with maximum flexibility and an increased profit margin.
- That the development should only have to comply 'where appropriate' (presumably where it does not affect the profit margin of the proponent) with SEPP 65 and the accompanying Residential Flat Design Code.

The submissions of the proponent's representative stand in direct contrast to the objects of the *Environmental Planning and Assessment Act 1979* (NSW) (EP&A Act) (section 5), which seeks to encourage increased opportunity for public involvement and participation and environmental planning. The proponent's submissions also undermine the following objects of the EP&A Act:

- The provision of land for public purposes
- The provision and coordination of community services and facilities

- The protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and economical communities, and their habitats;
- Ecologically sustainable development

Grounds for Objection

Whilst the proponent's representative has succeeded in harnessing flowery language to agitate on its behalf, it is submitted that this should not be allowed to thwart the balanced and equitable determination of both the Department of Planning of Infrastructure and particularly the Planning Assessment Commission. Compliance with the applicable EPIs and the *Environmental Planning and Assessment Act 1979* (NSW), should be paramount.

I submit that the modification itself is inconsistent with the existing approval and is not substantially the same development (see former section 75W of the *Environmental Planning and Assessment Act 1979* (NSW)), given the additional density, decreased open space and efforts to erode compliance with the relevant EPIs. The proponent should therefore be required to request the Minister to modify the Part 3A approval.

This submission addresses the proposed modifications to the development, with particular emphasis on the following

- the inadequate open space provided by the Concept Plan
- the inappropriate built form of the Concept Plan
- the inadequacy of local infrastructure

Open Space

The Ryde DCP containing a Master Plan for the Meadowbank Employment Area highlights the importance of open space and amenity. It is submitted that the scale of the proposed development is inconsistent with the desired future character of the area and does not comply with urban design principles.

The importance of open space is found in all the relevant EPIs and the 2010 Ryde development control plan. There are insufficient community benefits from this Concept Plan, particularly inadequate open space. The Residential Design Flat Code, associated with SEPP 65 states that 25-30% of a site area should be communal open space, and more in relation to a larger site. Yet only 13% of this site is.

I submit that, given the scale of the development, the level of open space proposed is inadequate. I have visited neighbouring developments, including Rhodes and Liberty Grove. The contrast between these two developments is palpable. Liberty Grove has a community feeling. In contrast, Rhodes appears to be a suburb where very high levels of high density have been implanted in an area with almost no community feel.

Where there is more open space, the community has an opportunity to come together. It deters anti-social behaviour and encourages well bring. The presence of parks and open space where people, young and old, can relax and be entertained is lacking in the part of Meadowbank where the Concept Plan is proposed. The development in its current form does not sufficiently provide for these needs.

The Master Plan for the Meadowbank Employment Area recommends that the foreshore be extensively landscaped, equipped with street furniture, public art and other features to enhance visual appearance and amenity and establish an appropriate identity. Ryde Council's Public Domain Technical Manual, and the relevant local environmental plan recommend creating a level of amenity along the foreshore. Yet the Department has recommended the construction of buildings with an inadequate set-back from Rothesay Avenue. The proposed amount of publicly accessible open space represents only 32% of the required provision of 1.88 hectares per 1,000 people.

I submit that the level of setback along Rothesay Avenue is insufficient from an urban design perspective. A 20 metre foreshore setback for the relevant stages is appropriate. This area should contain public open space, particularly given the proponent's submission that would lead to significantly less deep soil landscaping. This submission is particularly pertinent in the case of stage 1 of the Concept Plan.

The 3,000 square metre publicly accessible open space should be provided as per the PACs Final Determination Report, in addition to through site links. The proposed location for the 3,000 square metres of open space should be rejected and a larger area of 10,000 square metres of open space provided in a usable area. This land should be dedicated to council, as required by the Final Determination Report, and provided before the occupation certificate is issued for Stage 1 of the Concept Plan. This would improve the interface of the proposed development and the public domain, as required by the Director General's environmental assessment requirements. The proponents submission in this regard subvert the Final Determination Report of the PAC and the balancing of interests that the report represents.

Inappropriate Built Form

Establishing an appropriate scale under clause 10 of SEPP 65 requires a considered response to the scale of existing development. Ryde's 2010 DCP, covering the area, contains as a principle 'Respect for the bulk, height, rhythm and scale of the existing neighbourhood'. SEPP 65 lists as a guiding principle a consideration of the scale and character of any development, derived from an analysis of the context of the site.

The height and density permitted by the PAC's Final Determination Report is significantly greater than that allowed under the relevant environmental planning instruments. The draft Ryde Local Environment Plan 2011 sets height control limits at approximately seven storeys (15.5 to 21.5 metres). The development control plan is clear on its recommendation for a six storey height limit, so that buildings do not dominate the northern tree ridgeline. Development is to be limited to four storeys along the foreshore.

When the Concept Plan is completed, Shepherds Bay will be an area completely dominated by very high density high-rise apartments. Whilst this is not entirely opposed, appropriate limits should be placed to ensure the development is appropriate in the context of existing development.

It is therefore submitted that the building envelope at the corner of Belmore and Constitution Streets should be a maximum of five storeys.

Whilst a building envelope of five storeys is preferable to one of six storeys, it is submitted that three storeys is more appropriate for this location when regard is had to neighbouring single storey freestanding houses.

It is likewise submitted that the proponent's submission to allow buildings of seven storeys along the foreshore as part of Stage 1 of the Concept Plan is an inappropriate attempt to frustrate the PACs determination. The PAC decision was to allow building envelopes along Rothesay Avenue to be only four storeys in height. This is in line with the applicable EPIs and would not adversely affect the amenity of the area.

Inadequate Infrastructure

On the issue of local infrastructure, I have concerns as to whether the local train station and road network can accommodate the substantial increase in population. There are a number of other developments currently underway in the area (the 412-apartment Crowle Home development on Belmore Street, the 269-apartment Meriton development on Porter Street, and the 205-apartment 'The Bay' development on Angas Street) and the addition of many thousands of people will cause significant strain on local infrastructure. Having high density in the area makes sense, given Sydney's population pressures that are discussed in the Metropolitan Plan for Sydney 2036, however the level of density proposed is not appropriate for the area and should be subject to some limits.

Meadowbank is already a very densely populated suburb. The addition of thousands of additional people will lead to local infrastructure being strained beyond capacity. Although I believe high density is appropriate for the area, local traffic and public transport facilities will not cope with the very high levels of density proposed.

The Western aspect of the Concept Plan is not a great distance from Meadowbank Railway station, a small suburban train station in Sydney's North West. My experience from living in the area is that this train station is overstretched, particularly during peak hour. An additional 4000-plus people will stretch the capacity of the train station to breaking point, and lead to a decrease in the quality of life of all residents in the area. Moreover, the proposed 10-storey Church Street building and much of the Eastern aspect of the Concept Plan is further than a kilometre away from the train station.

There are also number of traffic bottlenecks in the area, discussed in the Department of Planning and Infrastructure's independent transport review.

I note a number of traffic issues, most mentioned in the review.

- There appears to be a highly unrealistic belief that large numbers of the incoming population will shift to purely travelling via public transport. This is very unlikely to be the case.
- Turning off Loop Road onto Church Street and Ryde Bridge is a very dangerous exercise, particularly when there are numerous cars behind you. I know of two people who have had accidents at this location.

Conclusion

The addition of a larger area of open space and an increase in the setback along Rothesay Avenue to 20 metres in stages 1, 2 and 3 would to a small degree alleviate the lack of public open space in this very large development. It would also increase the amenity of the area and lead to a decrease in the visual bulk of the development. This would encourage a positive balance between the need to accommodate Sydney's expanding population and the needs of residents to enjoy a healthy quality of life.

Increased open space, beyond that which the proponent is seeking to provide, is needed to alleviate the negative consequences of permitting a development that is considerably in excess of the heights allowed under the relevant EPIs. My submissions in relation to open space, built form and local infrastructure are summarised as follows:

- Publicly accessible open space should be provided as per the PACs Final Determination Report, i.e. in addition to through site links. The proposed location for the 3,000 square metres of open space should therefore be rejected and a larger area of 10,000 square metres of open space provided in a usable area. This land should be dedicated to council, as required by the Final Determination Report and provided before the occupation certificate is issued for Stage 1 of the Concept Plan.
- A 20 metre foreshore setback along Rothesay Avenue, designed as public open space, is appropriate to ensure a level of amenity and encourage a community spirit. The proposed 20 metre foreshore setback should become public open space.
- The building envelope at the corner of Belmore and Constitution Streets should be a maximum of 5 storeys. Regard should be had to neighbouring single storey freestanding houses.
- Building envelopes along Rothesay Avenue should be limited to four storeys in height, in line with the applicable EPIs. The proposed 7 storeys along Rothesay Street as part of Stage 1 of the Concept Plan, and the twelve storeys proposed at the north-west of Stage 1, would not adversely affect the amenity of the area.
- Meadowbank is already a very densely populated suburb. The addition of thousands of additional people will lead to local infrastructure being strained beyond capacity. Although I believe high density is appropriate for the area, local traffic and public transport facilities will not cope with the very high levels of density proposed.