



28 March 2014

NSW Department of Planning & Infrastructure  
GPO Box 39  
SYDNEY NSW 2001

By email: [Matthew.Rosel@planning.nsw.gov.au](mailto:Matthew.Rosel@planning.nsw.gov.au)

Attention: Matthew Rosel

Dear Matthew,

**RE:                    PROPONENT'S COMMENTS IN RESPONSE TO SUBMISSIONS  
                         S75W APPLICATIONS FOR SHEPHERDS BAY – MP09\_0216 & MP09\_0219**

With regard to the above s75w Modification Applications which are currently under assessment by the Department of Planning and Infrastructure (DoPI), this letter is in response to the DoPI's request for further information dated 12 March 2014. Refer to the detailed discussion provided in **Sections 1 to 12** below.

With regard to Ryde Council's resolution from their meeting held on 25 February 2014, please refer to the response from the Proponent for both the Concept and Project Application which was forwarded to the DOPI on 26 February 2014, also attached. This response to Council's concerns provides justification and clarification of the proponent's proposals.

**Section 13** of this correspondence also refers to issues raised in the public submissions and provides a response on behalf of the Proponent.

**DEPARTMENT OF PLANNING & INFRASTRUCTURE  
REQUEST FOR ADDITIONAL INFORMATION & KEY ISSUES**

**CONCEPT PLAN MP09\_0216 Mod 1**

**1. Proposed Built Form Condition**

The proposal seeks to incorporate a new condition which allows for buildings on 'steeply sloping topography' to have additional storeys. As further clarification, 'steeply sloping land' relates to the topography where the slope is up to 1 in 7 metres. In such an instance, due to the steep slope and relationship with the road and public domain, the basement levels still protrude above ground level (finished) despite having the building step down with the slope of the land.

This issue affects Stages 1, 2 and 3 along the foreshore portion of the site and the south-eastern corner of Stage 4. The remainder of the site is not as steeply sloping, however is the subject of careful analysis of the future stages during detailed design stage. Also refer to the attached Plan (S-001) identifying the RLs across the site.

Specifically, this condition seeks *flexibility* in the storey height determined in the Concept Plan to enable Council to assess the optimal design outcome for the future DAs on the site on a merit basis. The amendment to the condition does not fix or nominate any specific change; simply the flexibility for Council to address this issue without recourse to a further s75W modification.

This is particularly important given the Concept Plan site and surrounding properties are currently industrial and in order to create this new residential context, alteration of the existing levels is essential to create a positive relationship to the new buildings.

## 2. Road Design/Layout

The DoPI requests clarification with regard to the road design / layout for Nancarrow Avenue / Hamilton Crescent including the future building location and the reservation of sufficient space for the appropriate construction of roads.

In response to this, please refer to the following supporting advice: -

- Traffic Advice prepared by RDS and dated 25 March 2014;
- Civil engineering advice prepared by BG&E and dated 24 March 2014; and
- Landscaping and Public Domain advice prepared by Place Design dated 21 March 2014.

This advice confirms that the road reserve footprint provides sufficient space to permit the construction of the road link between Belmore Street and Hamilton Crescent West and also safely accommodates landscaping and the building locations.

## 3. Basement Car Parking

The proposal seeks approval for a shared basement arrangement for Stages 2/3 and 4/5. Further to the detailed justification provided in the s75W report, the shared basements do not encroach on the roads and street trees. The roads between Stages 2/3 and 4/5 are Nancarrow Avenue and Hamilton Crescent, and the proposed basement parking arrangement are clear of these roads and associated street trees. The shared basement is within the exterior footprint of the approved building envelope which fronts these streets.

Please refer to **Figure 1** below which indicates the extent of deep soil planting available for street trees, which does not result in any loss of deep soil planting for street trees within the street setback. Furthermore, the internal courtyard areas of Stages 2, 3, 4, and 5 maintain sufficient soft landscaping (with the exception of the pathways) to accommodate trees and shrubs.

It is further noted that the Concept Approval did not nominate the deep soil planting area. As required by the RFDC, a minimum of 25% of the open space area should be a deep soil zone. The proposed modifications to the Concept Plan achieve this minimum requirement with deep soil planting provided throughout the periphery of the buildings, the publically accessible open space areas (including the links)

and the communal open space areas. Where soft landscaping is provided, these areas are capable of accommodating a mix of turf, shrubs and trees to reinforce the residential nature of this development and provide appropriate landscaping throughout. Furthermore, this soft landscaping achieves sufficient depth and area to support the healthy growth of landscaping. Therefore, the proposed shared car parking arrangement does not result in any loss of deep soil area.



**Figure 1:** Indicative Landscaping Plan prepared by Place Design demonstrating that the street trees for Stages 1 to 5 will have deep soil planting (as indicated in dark green) with sufficient soil depth and width to accommodate the long term health of street trees. The internal courtyard areas of each stage can also accommodate landscaping.

## PROJECT APPLICATION MP09\_0219 MOD 1

### 4. Foreshore Link

The s75W proposal seeks to clarify the timing of the construction of the foreshore link which adjoins Stage 1 to the west, and provide pedestrian access from Nancarrow Avenue to Rothesay Avenue. The extent of works is as follows: -



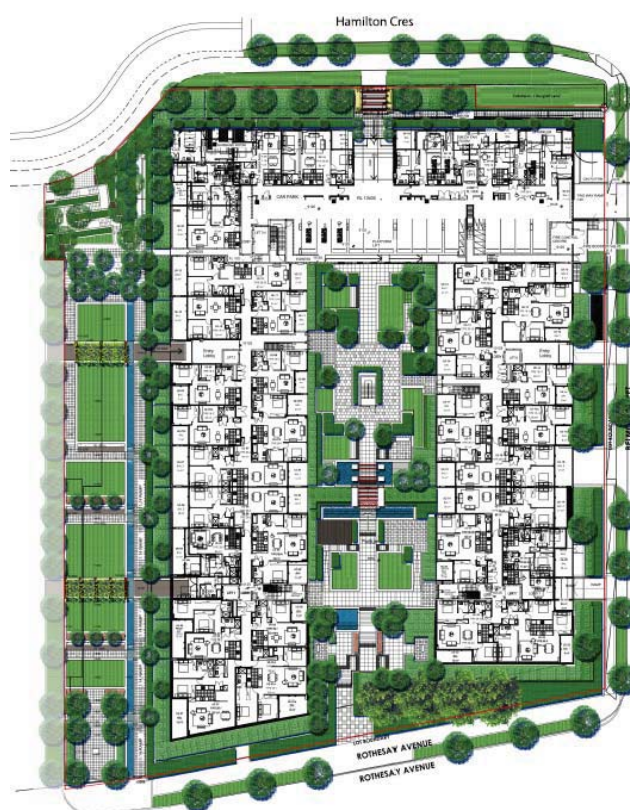
**Figure 2:** As per the s75W Report - Extract of the Proposed Stage 1 Landscape Masterplan provided within the revised Landscape Concept Plans prepared by Place which identifies the Stage 1 construction boundaries. The landscaping and public domain works (identified in green) comprise the landscaping works, including the pedestrian access pathway to the west of the building associated with Stage 1. The remainder of the foreshore link (left) is to be provided following the Stage 1 works and in conjunction with the construction works for Stage 2 to the west.

In relation to access for the individual apartments which front the foreshore link, the proposed works identified in **Figure 2** above include the pedestrian pathway along the majority of the length of this area, with access to lobbies and individual access to apartments at ground level. This access is permanent, with the remainder of the foreshore link being delivered in association with Stage 2.

This arrangement does not provide pedestrian access from Nancarrow Avenue, and is considered to be in the interest of the safety of residents and the public during construction works.

Should the Department require pedestrian access from Nancarrow Avenue via the pathway adjoining Stage 1 to Rothesay Avenue, a revised extent of works is proposed which includes the construction of stairs at the northern end of the foreshore link and the majority of the width of the foreshore link. The revised extent of works provides safe and convenient access with the Stage 2 construction processes including appropriate pedestrian safety measures. Refer to **Figure 3** below.





**Figure 3:** Revised Stage 1 Landscape Masterplan prepared by Place Design which identifies the revised Stage 1 construction boundaries including the pedestrian stairway access from Nancarrow Avenue and the majority of the foreshore link. The remainder of the foreshore link (left) is to be provided following the Stage 1 works and in conjunction with the construction works for Stage 2 to the west.

Furthermore, we wish to clarify that the current design of the pathway adjoining the western side of Stage 1 is in response to Condition B23 *Disabled Access* of the Project Approval. This condition requires that the recommendations of the Access Review prepared by MGAC (Reference Final v7) dated 6 August 2012 is to be incorporated into the design; specifically requiring an accessible path of travel to Lobby 2 from Rothesay Avenue. This recommendation requires the pathway level along the foreshore link to be lowered to satisfy the 1:14 gradient, which also drives the revised levels and arrangement of the foreshore link.

## 5. Sections

The following sections are attached which demonstrate the relationship of the proposed dwellings to the adjacent public domain areas, particularly in relation to outlook: -

- a) East/west sections through proposed apartments: Sections are provided through the apartments / locations noted below and extend through the adjoining Foreshore Link / Belmore Road (as appropriate):

Requested Section	Section Plan Reference
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UB14 (section through living room) UB15 (section through bedroom)	View through UB14 Balcony View through UB15 Balcony
LG24 (section through living room)	View through UB24 Living View through UB24 Balcony
UB11, UB12 and UB13 (sections through either bedroom or living room)	UB11 Plan & Section UB12 Plan & Section UB13 Plan & Section
GF14 (section through bedroom, towards Foreshore Link only)	View through GF Balcony

- b) North/south (long) Section through Foreshore Link: Refer to the attached Section (reference A-154/14). This section includes details of the west elevation in full, including the section line of the Foreshore Link stairs/levels/terracing (as per pages 10 and 11 of the Landscape Concept Plan) and omits soft landscaping details.

This section demonstrates that the gentle sloping levels of the foreshore link have a direct connection with the ground floor units.

- c) Levels: Pages 10 and 11 of the Landscape Concept Plan include RL details which are the 'proposed levels' and can be relied upon for the actual levels of the foreshore link.

## 6. Additional Lower Level Units

The Department has requested further clarification with regard to the amenity standards of the proposed additional lower level units, including what design features are proposed to compensate for the likely level of solar access.

This query relates to the following 12 additional units: -

Upper Basement Level – Units UB-11, UB-12, UB-13, UB-14, UB-15, UB-16, UB-17 and UB-18.  
Lower Ground Level – LG-24 and LG-25.  
Ground Floor Level – GF-14 and GF-15.

Detailed justification supporting the amenity of these units is provided in the report submitted with the s75W application dated November 2013. Further to this justification, additional sections of the above units accompany this submission as detailed in **Section 5** above.

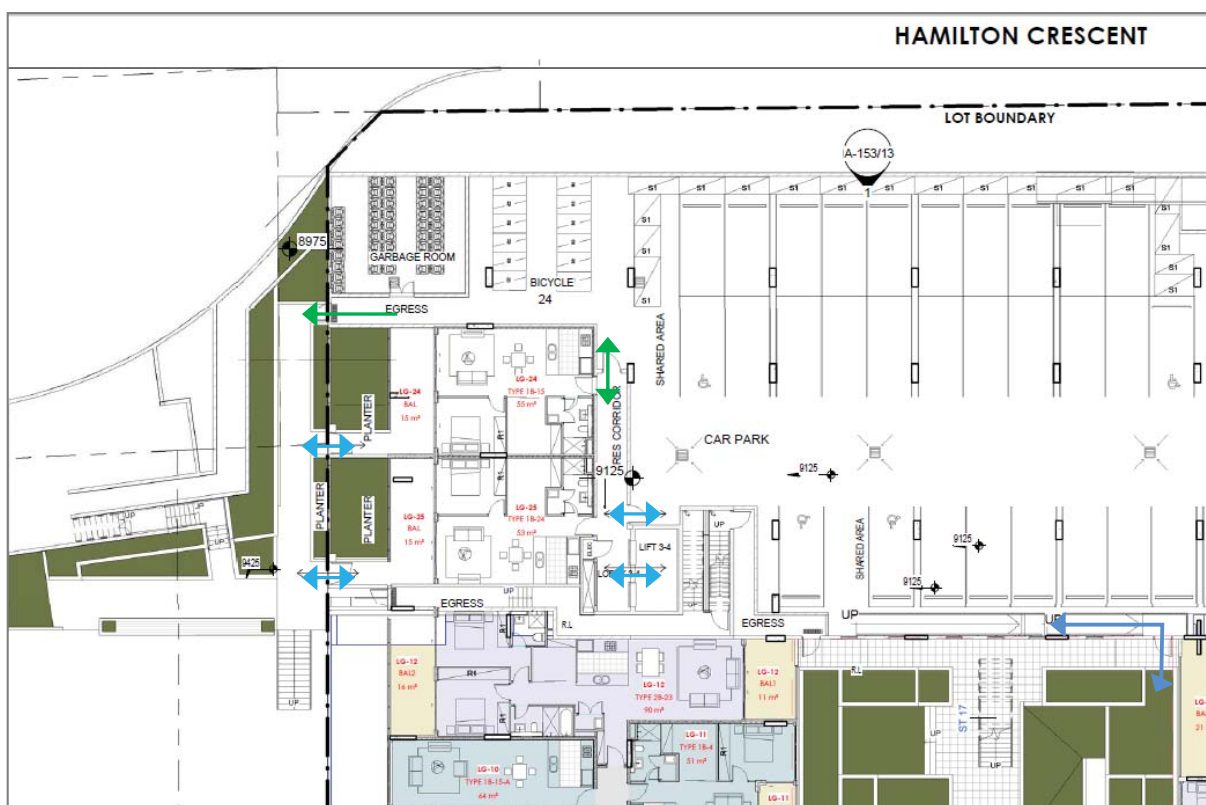
To reiterate, these units are desirable given they benefit from courtyard positions with a direct connection to the public domain affording the occupants a sense of openness. The option for small units with a direct connection to the public domain is rarely provided within apartment buildings and is a highly sought after commodity. This is reinforced by the outlook from the unit and courtyards over their adjoining landscaped planter buffer as well as the landscaped outlook over either the foreshore link or the landscaped street setback. Refer to the attached 'Views from the Balcony' images which demonstrate the outlook enjoyed from these unit.

Furthermore, the floor to ceiling height for Units LG-24 and LG-25 have now been increased to 3.5 metres, therefore affording these units with a greater sense of space and opportunity for light.

Whilst recognising the Council's and DOPI's concerns, amenity is not confined to direct solar access available to these lower level units and the perception that their privacy is at risk. The design and amenity of the units as proposed provide a desirable living opportunity with direct access to open space and landscaping, which has proved to be highly sought after by the market. It is of specific note that these particular units were the first properties to receive offers to purchase (subject to approval) when the development was offered to the market last week.

### 7. Access to LG24 and LG25

Apartments LG24 and LG25 have access from the internal car park which connects to the internal courtyard and the Foreshore Link. These apartments are also accessed via Lift 3-4 and Lobby 3-4. Further access is provided directly from the foreshore link, with the extract of the relevant plan updated in **Figure 3** below. This has been clarified in the attached amended plans. This design approach allows for multiple points of ingress and egress to suit the needs of the future occupants.

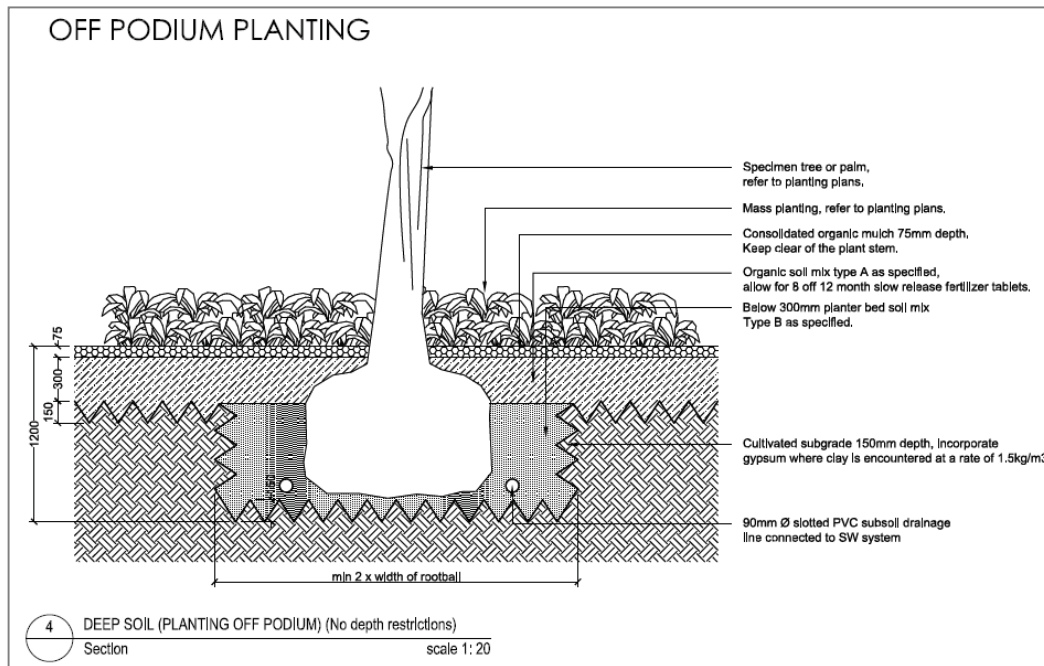


**Figure 3:** Extract of the Lower Ground Floor Plan A-003/I demonstrating the multiple access points (identified in blue) to Apartments LG24 and LG25. The egress points / corridors are also identified in green. Access via the foreshore link has been clarified.

### 8. Deep Soil to Hamilton Crescent

As indicated in the Deep Soil Layout Plan provided in **Figure 1** above, the setback of the proposed building and basement provides a deep soil area adjacent to Hamilton Crescent with a width of 3.5m.

As demonstrated in **Figure 4** below, the deep soil area provided is in excess of the minimum 2m required to support the healthy growth of the street trees.



**Figure 4:** Extract of an indicative Planting Details Plan prepared by Place Design demonstrating that a minimum width of 2 metres of deep soil planting is sufficient to accommodate street trees. The proposal provides in excess of the minimum required width.

As discussed in **Section 2** above, the design will not hamper the design / implementation of the new road connection, as supported by the attached advice by traffic, civil engineering and landscape consultants.

## 9. Foreshore Link Stairs



Concern has been raised by Council with regard to the design of the stairs from Nancarrow Avenue / Hamilton Crescent to the foreshore link to the west of Stage 1, in particular that the stairs offer the opportunity for resting / respite.

By way of background, the design of the stairs as per the s75W application was prepared in response to Condition B23 *Disabled Access* of the Project Approval. This condition requires that the recommendations of the Access Review prepared by MGAC (Reference Final v7) dated 6 August 2012 is to be incorporated into the design; specifically requiring an accessible path of travel to Lobby 2 from Rothesay Avenue. This recommendation requires the pathway level along the foreshore link to be lowered to satisfy the 1:14 gradient, which also drives the revised levels, arrangement of the foreshore link and the stairs.

The following Figure is an extract of the Revised stairway of the Foreshore Link prepared by R+M which demonstrates the proposed stairway arrangement is interspersed with landings and seating which offer multiple points of resting and respite.



**Figure 5:** Extract of the amended Foreshore Link stairway prepared by R+M demonstrating the proposed stairs have multiple areas for resting and respite, and also provides viewing platforms.

## 10. POPULATION ANALYSIS

### PROJECT APPLICATION MP09\_0219 MOD 1

The following table provides a comparison of the dwelling numbers, size and mix for Stage 1.

	PPR	APPROVED*	S75W	Comparison to PPR
<b>Number of Dwellings</b>	242	207	246	+4
<b>Dwelling Size (average)</b>	1 bed – 58m <sup>2</sup> 2 bed – 114m <sup>2</sup> 3 bed – 127m <sup>2</sup>	1 bed – 58m <sup>2</sup> 2 bed – 114m <sup>2</sup> 3 bed – 127m <sup>2</sup>	1 bed – 55m <sup>2</sup> 2 bed – 86m <sup>2</sup> 3 bed – 103m <sup>2</sup>	-3m <sup>2</sup> -28m <sup>2</sup> -24m <sup>2</sup>
<b>Mix</b>	1 bed – 10% 2 bed – 75% 3 bed – 15%	1 bed – 23% 2 bed – 64% 3 bed – 13%	1 bed – 34% 2 bed – 51% 3 bed – 15%	+38 dwellings -42 dwellings +8 dwellings
<b>Occupancy**</b>	446 persons	372 persons	436 persons	-10 persons

Note: \* = as approved via Condition B2.

Note: \*\* = based on occupancy rates as per Council's Development Contributions Plan.

It is noted that the PAC did not specify dwelling mix and size in the Concept Approval being cognisant of enabling the development to be responsive to the market. This s75W application is reflective of these dynamic market conditions.

## 10. POPULATION ANALYSIS

### CONCEPT PLAN MP09\_0216 MOD 1

In order to provide an forecast of the indicative population analysis for the Concept Plan site, there would be an assumption that each stage has an average unit size and mix. This is not the case given each stage is not identical and given the changing demands of the market overtime. Despite this, the following table provides a comparison of the indicative dwelling numbers, size and mix for the Concept Plan site.

INDICATIVE	PPR	APPROVED*	S75W**
<b>Number of Dwellings</b>	2,005	2,005	2,009
<b>Dwelling Size (average)</b>	1 bed – 60m <sup>2</sup> 2 bed – 88m <sup>2</sup> 3 bed – 115m <sup>2</sup>	1 bed – 60m <sup>2</sup> 2 bed – 88m <sup>2</sup> 3 bed – 115m <sup>2</sup>	1 bed – 55-60m <sup>2</sup> 2 bed – 83-88m <sup>2</sup> 3 bed – 110-115m <sup>2</sup>
<b>Mix</b>	1 bed – 10% 2 bed – 75% 3 bed – 15%	1 bed – 10% 2 bed – 75% 3 bed – 15%	1 bed – 10-56% 2 bed – 38-75% 3 bed – 6-15%
<b>Occupancy***</b>	3,699 persons	3,699 persons	3,339-3,707 persons

Note: \* = a numerical reduction in the number of dwellings was not nominated in the PAC approval.

Note: \*\* = Given Stage 1 results in 4 additional dwellings when compared to the PPR, the indicative number of dwellings is increased to 2,009.

Note: \*\*\* = based on occupancy rates as per Council's Development Contributions Plan.

It is noted that the PAC did not specify dwelling mix and size in the Concept Approval, and therefore ranges of average dwelling size and potential unit mix have been provided above. This s75W application and future detailed Development Applications are reflective of the future market conditions.

## **11. Statement of Commitments**

For clarity, a revision of the Revised Draft Statement of Commitments (SoC) is attached which clarifies any proposed changes and justification. The previous version of the SoC was prepared by the Proponent to reflect the updated indicative staging references and the details were amended to reflect the conditions of consent of the Concept and Project Approvals with an intention to avoid duplication. There was no intention by the Proponent to reduce or delete any items of the SoC.

## **12. Reports**

In response to the DoPI's request for additional information and the details provided above, the following supported reports are also submitted in support of the s75W applications: -

### Concept Plan MP09\_0216 Mod 1

Appendix 4: Shepherds Bay Stage 1 Landscape Plan – *amended to reflect revised stairs.*

Appendix 5: Shepherds Bay Draft Statement of Commitments – *details as per Section 11 above.*

### Project Application MP09\_0219 Mod 1

Appendix 1: Architectural Drawings – Upper Basement, Lower Ground and Ground Floor Plan.

Appendix 5: Amended Stage 1 Landscape Concept Plan – *amended to reflect revised stairs.*

Appendix 8: Revised Draft Statement of Commitments – *details as per Section 11 above.*

These updated plans and reports accompany this submission.

## **RESPONSE TO PUBLIC SUBMISSIONS**

### **13.1 CONCEPT PLAN MP09\_0216 Mod 1**

ISSUE	RESPONSE
<p>The additional burden on the existing high traffic volumes and overcrowding of cars in the local area. Roads are already congested and result in lengthy delays.</p> <p>Increase of pedestrian and vehicle traffic without adequate infrastructure investments and upgrades</p>	<p>The Concept Approval requires road infrastructure and road reserve upgrades as per Conditions 24-27 which are also supported in the approved Draft Statement of Commitments.</p> <p>These upgrades were the result of extensive parking and traffic assessment throughout the assessment process for the Concept Plan, which were independently assessed by Council and the DoPI. An assessment was also undertaken by the RMS and Transport for NSW.</p> <p>The outcome of the agency submissions and Concept Approval has resulted in extensive road infrastructure and road reserve upgrades, which will be implemented throughout the development of this project and will assist in alleviating traffic congestion.</p>
<p>More cars on the local roads due to significantly increased number of residents.</p>	<p>The Concept Plan approval conducted the traffic modelling based on over 2,000 dwellings. The Concept Approval implemented road infrastructure upgrades and therefore accepted the site and surrounds are capable of accommodating the increased population which would result from a total dwelling yield in the order of 2,000 units. And in fact, this overall dwelling yield was reduced due to the approval also reducing the overall building heights.</p> <p>These road infrastructure upgrades are an opportunity for the existing traffic situation to be improved, which would otherwise not be available if these sites were developed in isolation.</p>
<p>The number of required car parking spaces for the development should be increased.</p>	<p>As required by Condition 23 of the Concept Approval, the future Development Applications (DAs) will apply the car parking rate in accordance with Council's DCP.</p>
<p>Pressure on street parking due to insufficient parking spaces on site.</p> <p>On street parking is difficult.</p>	<p>As required by Condition 23 of the Concept Approval, the future DAs will apply the car parking rate in accordance with Council's DCP.</p> <p>The proposal includes upgrades to the public domain including street parking, which is to be integrated into the road design and available for the use of the public.</p>
<p>Basements above ground level are not suitable – the site slope is similar to the Waterpoint Development which has all basement parking underground.</p>	<p>This application seeks to amend the conditions of consent to ensure that the design of the buildings allow for all basements to be located below ground level. The site consists of steeply sloping topography, which means that despite the design of the buildings being stepped down, parts of the facade will result in basements protruding above the finished ground level. This proposal seeks to avoid this urban design outcome.</p>
<p>Lengthy delays at the pedestrian crossing at Meadowbank Station.</p>	<p>The signalisation of the pedestrian crossing is addressed in Condition 26 of the Concept Approval, and is supported by the Draft Statement of Commitments.</p>



Over population for the size of the area.	The proposal does <b>not</b> increase the approved population of the area. Refer to the discussions in <b>Section 10</b> above.
Adverse visual impact due to higher buildings.	The proposal does <b>not</b> seek to increase the approved height of the buildings. The detailed DAs for each stage will demonstrate a positive visual presentation which includes a mix of interesting materials, colours and design techniques. This will be also supported by interesting landscaping designs and improvements to the public domain.
The removal of the floor restriction for steeply sloping sites is too generic and open to interpretation.	Refer to further discussion at <b>Section 1</b> above.
The current approved application is a good compromise of development, open space and density for the area and should be maintained.	The proposal maintains the positive relationship between the built form, open space and overall population density for this area. Refer to further discussion at <b>Section 10</b> above.
Inadequate Built Form.	This application relates to the Concept Approval which sets out the conceptual aspects of the site such as the building envelope and maximum height of the buildings. The built form will be addressed in detail in the future DAs to Council for each stage, with ongoing consultation with Council and Council's Urban Design Review Panel.
Poorer air quality for open space due to exhaust air emitted from basement parking underneath it.	The location of the exhaust air from the basement structures will be appropriately located to support the environmental quality of the open space area, and in accordance with the relevant construction standards (BCA and AS).
Loss of water views.	This matter was considered in the Concept Application (MP09_0216). The approval provides view corridors throughout the site and opportunities for viewing platforms with water views throughout the site.
Where units do not achieve solar access, their liveability and quality of the building is an issue.	Refer to further discussion at <b>Section 6</b> above.
The mix of residential apartments, home / offices, and commercial premises intended for each building should be specified in the concept plan to avoid a 'dormitory suburb' situation in the future.	The detailed DAs for each stage will comprise live/work units, retail and commercial premises in locations which will activate the public domain and create opportunities for the creation of community activity.
The reduced form should be maintained.	The proposal maintains the reduced building envelopes as approved in the Concept Plan.
Inadequate Infrastructure and quality of these services - electricity, sewer and water.	The proposal includes the augmentation of these services where required. This is addressed on a site wide scale in consultation with the relevant authorities, and will also be addressed in the detailed DAs for each stage.
To ensure the best residential amenity and to achieve the lowest energy use, best use of water and waste reduction.	Each stage will supported by ESD measures including water reduction and recycling, low energy use devices and waste recycling. Refer to the

	discussion within the EA report submitted with this application for detailed justification.
The proposal detracts from the area as a whole as a desirable place to be and live.	The area currently consists of a largely neglected former industrial area. This proposal seeks to create a residential setting which opens up the foreshore and creates an inviting atmosphere.
There should be more educational facilities.	The provision of educational facilities and services in the locality are important, and the introduction of additional families into the community will reinforce this need. This redevelopment, as well as other recent / current residential developments in the Meadowbank area will increase the demand for educational facilities, which in response, are also anticipated to be improved.
Community Services – in particular for children.	The proposal includes a community facility at the Church Street site (Stage A) which is at the discretion of Council and is yet to be confirmed. This community facility has the opportunity to provide services for the community and/or children should Council consider it appropriate.
The inadequate open space provided by the Concept Plan.	The Concept Plan included a requirement for a minimum 3,000sqm of open space (Condition B1(b)). The Proponent has provided this space in the location which offers the highest level of community benefit, being at the foreshore location of the Concept Plan site. This area will accommodate active and passive recreational components with appropriate landscaping and deep soil planting and access to sunlight. The dedicated open space area is connected to the Concept Plan site via through several site links and also offers connectivity along the foreshore.
Completion of the open space should not be delayed.	The Stage 1 approval assumed that the open space area was to be provided in conjunction with Stage 1. However this is not the case, as the Proponent located the open space area in the location which resulted in the highest level of community benefit, being along the central foreshore at Stage 3 (formerly Stage 6). Despite this, the Proponent seeks to prioritise the delivery of the open space area and the building which it adjoins, being immediately following Stage 3. Detailed reasoning for this is provided in the report accompanying the s75W application.
The open space does not detail the active and passive recreational pursuits.	The open space areas will feature active and passive spaces which will be subject to the detailed DA for each stage to which it relates. The Concept Plan for the site is detailed in the <i>Overall Concept and Public Domain Plan</i> prepared by Place Design, dated June 2013, which was approved with the Concept Plan.
Impact on Anderson Park and its BBQ and playground equipment.	The proposal will create a foreshore walkway which will effectively act as an extension to Anderson

	Park and offers further opportunities for enjoying the foreshore area.
This modification results in the loss of the park and increased density and is against the interest of the community.	The proposal seeks to remove the former industrial aspects of the site and introduce a 3,000sqm open plaza area which features the foreshore arena. This foreshore area will be connected to the adjoining residential developments and foreshore walkway with direct access to the community.
There is an opportunity for a unique, vibrant waterfront hub of cafes and restaurants surrounding public open space and a communal space.	The future DAs for the Concept Plan site will include the provision of retail spaces and plaza areas which are open to the public. These spaces will be designed to be inviting and usable spaces which highlight this foreshore location.
Overcrowding of trains, buses and ferries.	The proposal is supported by a Sustainable Travel Plan (Cond. B2) which fosters the use of public transport. The Meadowbank area has been identified by Council as an Urban Village given the benefit and capacity of the existing train, bus and ferry services. The proponent recognises that these services need ongoing support from the relevant agencies and the community and endorses ongoing improvements to the facilities and services associated with this public transport.
Increased risk of crime.	The detailed design of the buildings and public domain spaces have/will have regard to the CPTED principles for safe design and will allow for the new residential and commercial / retail context of the site to benefit from casual surveillance and minimisation of the built form which risks anti-social behaviour.
Safe pedestrian access along the footpaths is required.	The proposal includes new and dedicated footpath access.
Meadowbank is also an area for birds and their environment is important	The proposal includes the retention of a number of significant trees, and the introduction a significant quantity and mix of trees and shrubs which will support the interrelationship of flora and fauna at this former industrial site.
The Stage A landmark building should be within the restrictions and guidelines of what was agreed.	The proposal seeks to maintain the general building envelope, however allow for interesting and unique built form designs as an outcome of the Design Excellence Process, which is currently under Council's direction.
The changes to the Design Excellence process ignores the height restriction.	The proposal does not seek to modify the height control.
Details of the community facility should be provided.	It is understood that Council is considering the community facility which forms Stage A (5). Council's clarification is required to direct this outcome.
Request for determination at the PAC for community consultation.	It is understood that this assessment process will involve determination by the PAC.

### 13.2 PROJECT APPLICATION MP09\_0219 MOD 1

Please note that issues raised in the objections which also relate to the Concept Plan site are addressed in the Section 13.1 above.

ISSUE	RESPONSE
The additional burden on the existing high traffic volumes and congestion.	Refer to discussion in <b>Section 13.2</b> above.
Overcrowding of cars in the local area.	Refer to discussion in <b>Section 13.2</b> above.
Additional parking is recommended.	Refer to discussion in <b>Section 13.2</b> above.
The adjoining roads are lumpy, uneven and a problem for drivers.	The approval includes improvements to the adjoining roads.
The congestion of to the flow of traffic through the area of development. The location is a busy corner and the access is problematic.	Refer to discussion in <b>Section 13.2</b> above. The Project Application includes improvements to this road network, which are proposed to be maintained.
Over population for the size of the area.	The Meadowbank area is identified as an Urban Village, and the resulting population is consistent with the Project Approval, and the population anticipated on this site.
The increase in 1 bedroom apartments should not be put ahead of the amenity and well being of Meadowbank residents.	The provision of 1 bedroom apartments is reflective of the actual market demand for this area. The market has demonstrated that the design and layout of these units is desirable. Moreover, it is consistent with Council's recent approvals in the area. Also refer to detailed discussion in <b>Section 6</b> above.
The previous decisions on floors, density and public areas were taken with the best interests of the new residents.	The proposal provides a built form outcome which continues to support the interests of the future occupants. The market has demonstrated that the units within this building are desirable.
Adverse visual impact due to higher buildings.	The proposal does not increase the approved height of the building.
Further open space should be provided and dedicated to Council.	The Concept Plan approval provided this via a requirement for a 3,000sqm open space area, which was nominated by the Proponent to be located at the location which results in the highest level of community benefit, being along the central foreshore area. The proposal provides significant improvements to the public domain and creates a publicly accessible open space area and connects the previously fragmented foreshore link.
Further setbacks should be provided.	The proposal is consistent with the approved setbacks. The setbacks which are consistent with



	the requirements of the Residential Flat Design Code (RFDC) and consistent with the setbacks in the locality.
The timing of the open space should not change.	The open space has now been located along the central foreshore area, which does not physically adjoin the Stage 1 site. The open space area is proposed to be delivered when it will be safe and comfortable for it to be used, after the surrounding buildings are built and not during construction.
The increase to storeys is inappropriate.	<p>The increase in storeys relates to a minor section of the Stage 1 development. As discussed in <b>Section 4 and 9</b> above, the revision of storeys is in response to the regrading of the foreshore link to satisfy access requirements as per Condition B23. In order to avoid blank wall spaces, some additional units are proposed, and therefore an increase in storeys results.</p> <p>Refer to the Figure below which demonstrates that the proposal maintains the storey count as approved, with the exception of the mid point of the building only, which includes an additional storey for this area in response to the ground line adjustment to provide accessibility via the foreshore link to the lift lobbies.</p>
<p>STOREYS</p> <p>AS APPROVED</p> <p>75W SUBMISSION</p> <p>HAMILTON CRESCENT</p> <p>FORESHORE PARK/WATERFRONT</p> <p>NEW FORESHORE LINK ELEVATION</p> <p>Lift Lobby</p> <p>Approved Ground Line (As per Project Application submission, Drawing no: A121/9)</p> <p>Ground line adjusted to provide disabled access to lift lobbies.</p>	

**Figure 6:** Extract of the foreshore link elevation prepared by R+M which demonstrates the storey count as approved and as proposed in this application. The storey count is modified for the mid portion of the building only, and the maximum RL is maintained.

There are no safe footpaths.	The proposal includes the introduction of footpaths.
The Stage 1 development is a long walk to the bus and ferry stops.	The improvements to the public domain include improved access along the foreshore and direct access to the ferry wharf.
The modifications are not in the interest of the community. Overcrowding and a lack of community / civic pride.	The proposal includes improvements to the public domain, including active and passive recreation spaces, artwork, opportunities for cafe / retail / commercial spaces including live/work options, and community facilities (awaiting direction from Council). The Concept Plan as a whole offers multiple opportunities to foster community creation and connectivity, which would otherwise not be available if the sites were developed in isolation.
To ensure the best residential amenity and to achieve the lowest energy use, best use of water and waste reduction.	The proposal is supported by ESD measures including water reduction and recycling, low energy use devices and waste recycling. Refer to the detailed justification within the EA report submitted with this application and the supporting letter of advice from Integreco Consulting.
Long term residents will want to live in units that have adequate solar access, high amenity, spacious living areas, high quality features and access to communal green space which will build a quality community. There needs to be a balance of families, couples and single people.	The proposal offers a mix of dwelling types which offer a range of housing options. The market has responded favourably to the individual units offered, confirming that the units, overall building and public domain benefits are desirable. The units are available to interested parties including families, friends, couples and individuals of all backgrounds.
Meadowbank is fast becoming a concrete jungle. If this kind of unabated development is allowed to go on, there will be no foreshore left to speak of.	The concept plan site is an industrial area which has the benefit of being identified as an "Urban Village" for mixed use redevelopment. The foreshore is currently reflective of the industrial nature of the area with limited access and landscaping. The proposal offers the creation of the public domain with formal access and substantial improvements to the public domain.
Environmental degradation, particularly noise and air.	The conditions of the former industrial area will be improved through the remediation of the concept plan site, and introduction of extensive landscaping and public domain improvements. The resulting development will not adversely impact upon the air quality or this area, and the

	future residential context of the site will not result in undue noise impacts.
Construction noise levels.	It is recognised that the noise associated with construction works are an inconvenience for the surrounding community. The construction works will adhere to the approved Construction and Traffic Management Plan to mitigate this inconvenience.

Overall, these applications seek to improve the design and relationship of the buildings to the public domain which is seen as a significant improvement over the original approvals and offers significant benefits to the local community.

Should you have any queries with regard to the above, please feel free to contact me on 8270 3500.

**YOURS SINCERELY**



**SUE FRANCIS  
EXECUTIVE DIRECTOR  
CITY PLAN STRATEGY AND DEVELOPMENT**

Enclosed:

Stage 1 Amended Plans

Upper Basement Plan, Drawing Number A-002/K  
Lower Basement Plan, Drawing Number A-003/K  
Ground Level Plan, Drawing Number A-004/H  
Amended Landscape Masterplan

Additional Information

New Foreshore Link Elevation, Drawing Number A-154/14 (*all soft landscaping removed*)  
New Foreshore Link Elevation, Drawing Number A-154/14 (*with overlay of approved Ground Line and comparison of storeys*)  
New Foreshore Link Elevation, Drawing A-154/14 (*proposed storeys*)  
New Foreshore Link Elevation, Drawing A-121/9 (*as approved including storeys*)  
Sections and Balcony Views.  
Plan identifying existing RLs and grades across the Concept Plan site (Drawing S-001).  
Proponent's response to Council's issues – Concept Plan s75W submitted on 26 February 2014  
Proponent's response to Council's issues – Stage 1 s75W submitted on 26 February 2014  
Letter of Advice prepared by RDS dated 25 March 2014.



Letter of Advice prepared by BG&E dated 24 March 2014.

Letter of Advice prepared by Place Design dated 21 March 2014.

Stage 1 Project Revised Draft Statement of Commitments.

Concept Plan Revised Draft Statement of Commitments.





Project No: S10076

24 March 2014

Robertson and Marks  
Ground Floor  
11-17 Buckingham Street  
SURRY HILLS NSW 2010

**Attention: Steven Cook**

Dear Sir

**SHEPHERDS BAY DEVELOPMENT  
DEEP SOIL PLANTER IN ROAD RESERVE**

BG&E Pty Limited, being chartered consulting engineers and members of Consult Australia, are currently undertaking the design of the roadworks and drainage related to the Shepherds Bay Development.

With regards to the 2.5m wide deep soil planter adjacent to Hamilton Crescent we advise that we have investigated the spacial requirements and confirm that this area will not hamper the design/implementation of the new road link as shown on the civil plans.

Yours sincerely,  
For BG&E Pty Limited

A handwritten signature in blue ink, appearing to read 'T Hutchinson', on a light-colored rectangular background.

TIM HUTCHINSON  
Senior Engineer

enc.

**Sydney Office—**

Level 2, 8 Windmill Street, Sydney NSW 2000  
P / +61 2 9770 3300 E / info@bgeeng.com  
bgeeng.com—

**BG&E Pty Limited**  
ABN / 67 150 804 603

*Medium Sized Firm of the Year*  
Consult Australia 2012 Awards for Excellence

Reference: 20100099  
Date: Monday, 24 March 2014

**ROBERTSON + MARKS**

Ground Floor  
11-17 Buckingham Street  
SURRY HILLS NSW 2010  
AUSTRALIA

Attention: Brian Mann

**NANCARROW AVENUE/HAMILTON CRESCENT, SHEPHERDS BAY**

The following is offered in response to the agency's concern (*refer to Schedule 1 – Key Issues, Item 2*) regarding Council's concern with regard to the potential impact on the road design/layout for Nancarrow Avenue / Hamilton Crescent. Clarification is required, with particular reference to future building location, that sufficient space will be reserved for the appropriate construction of roads.

After due assessment of the Concept Plan MP09\_0216 MOD1 it is considered the proposed road reserve footprint will provide sufficient space to permit the construction of the planned road link between Belmore Street and Hamilton Crescent West.

Should you require clarification of any aspect, pertaining to these matters, please contact Glen Varley at *Road Delay Solutions Pty Ltd*.

Yours sincerely,



**Glen Varley**  
Director  
**ROAD DELAY SOLUTIONS Pty Ltd**



ROAD DELAY SOLUTIONS PTY LTD

64/79-91 Macpherson Street WARRIEWOOD NSW 2102 AUSTRALIA

☎ 0414 800 912 ✉ [gvarley@bigpond.com](mailto:gvarley@bigpond.com)

A.B.N. 40 127 220964

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**PLACE**

PLANNING  
DESIGN  
ENVIRONMENT

21 March 2014

ROBERTSON + MARKS  
Ground floor 11-17 Buckingham St  
Surry hills Sydney Australia 2010

Attn: Steven cook

Dear Steven,

**SUBJECT: SHEPHERDS BAY - PROJECT APPLICATION NO MP09-0219 MOD1**

We confirm that we have maximised the depth and surface area of all shrub + tree beds adjacent to Hamilton Crescent and that these beds will allow for successful significant tree planting between the road kerb and footpath, and to the terracing between the footpath and the building line. There is no basement to this precinct and we confirm that the areas will be deep soil planting. Please contact Steven Holmes on 0400115751 if there are any further queries.


Yours faithfully,  
**PLACE Design Group**

**Steven Holmes**  
***Associate / Design manager / Senior landscape Architect.***

## SHEPHERDS BAY RENEWAL

### STAGE 1 Project - Revised Draft Statement of Commitments – Details of Revisions as requested by the DoPI - March 2014

The Draft Statement of Commitments details the various contributions, additional studies, applications and works the proponent commits to undertake in association with the Stage 1 Project. The mechanics of how and when these commitments will be delivered will be subject to ongoing consultation.

SUBJECT	DESCRIPTION OF COMMITMENT	Details of Revisions
<b>Concept Plan Approval Conditions</b>	The proponent will ensure that all relevant parties engaged to carry out work are aware of and will comply with relevant conditions of consent issued under Major Project No. 09_0216 (the Concept Plan).	<i>No change.</i>
<b>Landscaping</b>	Prior to commencement of construction of Project or Development Applications within the Stage 1 Project site detailed documentation and specifications will to be prepared for all landscape works and open space improvements for approval of the Principal Certifying Authority.	<i>No change.</i>
<b>Adaptable Housing</b>	The Proponent commits to approximately 10% of apartments within the Stage 1 Project site being designed to be accessible. Pathways from development to communal areas and car parking will also to be designed to be accessible.	<i>No change.</i>
<b>Publicly accessible open spaces</b>  	<p>As detailed on the submitted architectural and landscape concept plans for the Stage 1 Project, the Proponent commits to providing part of a new, publicly accessible pedestrian link parkland that will be owned and maintained by the owner's corporation.</p> <p><del>The substantial portion of the new foreshore link parkland to be provided in the stage 1 project as identified in the submitted concept plan and the stage 1 project preferred project report landscape report</del></p> <p>The timing of the delivery of the pedestrian foreshore link is as follows: -</p> <p>Stage 1 – the construction of the landscaping and pedestrian access footpath and stairs which immediately adjoin the Stage 1 building, as identified in the figure (left).</p> <p>Stage 2 – during the construction of Stage 2 (located immediately west of Stage 1) the remainder of the foreshore link area will be appropriately managed to facilitate access for the construction of Stage 2 and to maintain public safety during construction works. The remainder of the foreshore link area will be delivered prior to the issue of any occupation certificate for Stage 2.</p> <p>The pedestrian foreshore link will be constructed to a high quality standard, and appropriate construction processes will be implemented to mitigate potential risk of this area being damaged during the standard demolition and construction processes involved for Stage 2.</p>	<p><i>No change.</i></p> <p><i>This sentence is deleted and replaced with the staging as proposed in the s75W application.</i></p> <p><i>New details re construction staging (which have been further amended in response to Council's concerns re access to include the access stairs from Hamilton Cres, including the Figure).</i></p> <p><i>New details re construction staging.</i></p>

	<p>This new parkland provides a new pedestrian link between the foreshore reserve and the future Nancarrow Ave road link above. This parkland will include areas of informal seating and passive recreation.</p> <p><i>Landscape Design Principles</i></p> <ul style="list-style-type: none"> <li>▪ Turf and paved plazas respond directly to the architectural alignments for a seamless transition between landscape and residential building</li> <li>▪ Structured planting and specimen shade trees frame spaces</li> <li>▪ Open lawn platforms provide areas for relaxation</li> <li>▪ Furniture elements will match the bold, simple lines of the design and contrast with the textures of the planting palette</li> <li>▪ Moving water bodies provide associated relaxation and acoustic benefits</li> <li>▪ Existing fig trees are retained to Rothesay Avenue with manicured lawn understorey</li> <li>▪ Streetscape trees reinforce the defined Streetscape character</li> </ul>	<p><i>No change.</i></p> <p><i>No change.</i></p>
<b>Stormwater Management</b>	The Proponent commits to undertake all stormwater works in accordance with the Stormwater Management Plans prepared by Cardno which accompany the Preferred Project Report.	<i>No change.</i>
<b>Noise</b>	The Stage 1 Project is to comply with the relevant acoustic standards and controls contained in the BCA and recommendations of the Acoustic Report, prepared by Acoustic Logic which accompany this Preferred Project Report.	<i>No change.</i>
<b>Construction Management</b>	<p><del>Prior to commencement of construction of the Stage 1 Project a Construction Management Plan will be prepared by the proponent and will be submitted to the satisfaction of the Principal Certifying Authority prior to any new building work within the Stage 1 Project site.</del></p> <p>Construction works will be undertaken in accordance with the Council approved Construction and Traffic Management Plan prepared by Varga Traffic Planning dated 22 August 2013.</p> <p>All construction materials, vehicles, waste and the like will be stored within the site.</p> <p>All demolition and all construction and associated work will be restricted to between the hours of 7.00am and 7.00pm Monday to Friday (other than public holidays) and between 8.00am and 4.00pm on Saturday. No work is to be carried out on Sunday or public holidays.</p> <p>Prior to commencement of construction within the Stage 1 Project site a Traffic Management Plan (TMP), which addresses construction access and egress to the site, including vehicle routes and parking for workers, staging and timing of construction of internal road network and other relevant issues, will be prepared and submitted to the satisfaction of Principal Certifying Authority. The TMP will be prepared in accordance with the RTA's guidance on TMP's.</p>	<p><i>Deleted as a CMP has been submitted to and approved by Council.</i></p> <p><i>As requested by Council, this section now includes reference to the CTMP dated August 2013 which has been approved by Council.</i></p>
<b>Utilities</b>	<p>A Section 73 Certificate from Sydney Water will be obtained as required.</p> <p>All existing aerial services (including low voltage Energy Australia electricity and subscriber television services) along the frontage of the Stage 1 Project site are to be relocated underground prior to the occupation of the development stages. The cost of this work is to be borne by the developer.</p>	<i>No change.</i>



	Documentary evidence will be obtained from Energy Australia to confirm that they have been consulted and that their requirements have been met by the Stage 1 Project.	
<b>Environmental Management Plan</b>	<p>Prior to commencement of construction of Project or Development Applications within the Stage 1 Project site, a development Stage-specific Environmental Management Plan (EMP) will be prepared and submitted to and approved by the Principal Certifying Authority. The EMP will comprise:</p> <ul style="list-style-type: none"> <li>a. Hours of construction work</li> <li>b. Sediment and Erosion Control;</li> <li>c. Waste Management;</li> <li>d. Noise and Vibration Management;</li> <li>e. Air Quality and dust control;</li> <li>f. Use of cranes, plant and machinery</li> <li>g. Use of ladders, tapes, scaffolding and plant /machinery of conductive material</li> <li>h. Excavation and boring</li> <li>i. Plant and vehicle movements including - ingress and egress of vehicles to the site, loading and unloading, including construction zones, transportation of material, including contaminated material, predicted traffic volumes, types and routes</li> <li>j. TMP;</li> <li>k. Piling, sheet piling, batter and anchors.</li> </ul>	<i>No change.</i>
<b>Waste Management</b>	<p>Prior to commencement of construction of all Project or Development Applications within the Stage 1 Project site, a Waste Management Plan will be prepared for approval by the Principal Certifying Authority which includes demonstration that the subject site is capable of being serviced by the City of Ryde Council's waste vehicles.</p> <p>The development will also satisfy the following Conditions of the Project Approval: -</p> <ul style="list-style-type: none"> <li>B17 Waste Management Plan</li> <li>B18 Waste Management Plan</li> <li>B19 Garbage and Recycling Storage Rooms</li> <li>B20 Waste / Recycling Collection</li> </ul>	<i>As requested by Council, this section now includes reference to Conditions B17-B20.</i>
<b>Sustainable Travel Plan</b>	Prior to the issue of Occupation Certificates for any habitable areas within the Stage 1 Project site, a Sustainable Travel Plan is to be submitted and approved by the Principal Certifying Authority. This Transport Plan is to be consistent with the Shepherds Bay Renewal Concept Plan sustainable Travel Plan.	<i>No change.</i>
<b>Ground water</b>	<p>As required by the NSW Office of Water:</p> <p><b>Groundwater:</b> Licences under Part V of the Water Act 1912 are required for the works for the purposes of temporary dewatering as part of the proposed construction.</p> <p>General and Administrative Issues</p>	<i>No change.</i>

	<ol style="list-style-type: none"> <li>1. Groundwater shall not be pumped or extracted for any purpose other than temporary construction watering.</li> <li>2. Pumped water (tailwater) shall not be allowed to discharge off-site (e.g. adjoining roads, stormwater system, sewerage system etc) without the controlling authorities approval and/or owners consent.</li> <li>3. The licensee shall allow (subject to Occupational Health and Safety Provisions) the NSW Office of Water or any person authorised by it, full and free access to the works (excavation or bore/bore field), either during or after construction, for the purpose of carrying out inspection or test of the works and its fittings and shall carry out any work or alterations deemed necessary by the NSW Office of Water for the protection and property maintenance of the works, or the control of the water extracted to prevent wastage and for the protection of the quality and prevention from pollution or contamination of the groundwater.</li> <li>4. If a work is abandoned at any time the licensee shall notify the NSW Office of Water that the work has been abandoned and seal off the aquifer by such methods as agreed to or directed by the NSW Office of Water.</li> <li>5. Suitable documents are to be supplied to the NSW Office of Water of the following: <ol style="list-style-type: none"> <li>a) a report of prediction of the impacts of pumping on any licensed groundwater users or groundwater dependent ecosystems in the vicinity of the site. Any adverse impacts will not be allowed and the project will need to be modified.</li> <li>b) A report of assessment of the potential for salt water intrusion to occur as a result of the dewatering. This report is only required for sites within 250m of any marine or estuarine foreshore area. The generation of conditions leading to salt water intrusion will not be allowed, and the proposal will need to be modified.</li> <li>c) Descriptions of the methods used and actual volume of groundwater to be pumped (kilolitres/megalitres) from the dewatering works, the works locations, the discharge rate (litres per second), duration of pumping (number of days/weeks), the amount of lowering of the water table and the anticipated quality of the pumped water.</li> <li>d) Descriptions of the actual volume of pumped water (tailwater) to be reinjected (kilolitres/megalitres), the reinjection locations, the disposal rate (litres per second), duration of operation (number of days/weeks) and anticipated quality of treated water to be reinjected.</li> <li>e) Monitoring of groundwater levels (minimum of 3 weekly measurements of depth to water at a minimum of 3 locations broadly distributed across the site) beneath the proposed development site prior to construction. This requirement is only for sites where the proposed structure shall extend greater than one floor level into the existing ground level.</li> </ol> </li> </ol> <p><i>Specific Conditions</i></p> <ol style="list-style-type: none"> <li>1. The design and construction of the structure must preclude the need for permanent dewatering.</li> <li>2. The design and construction of the structure that may be impacted by any watertable must include a water proof retention system (ie a fully tanked structure) with adequate provision for future fluctuations of water table levels. (It is recommended that a minimum allowance for a water table variation of at least +/-1.0 metre beyond any expected fluctuation be provided). The actual water table fluctuation and fluctuation safety margin must be determined by a suitable qualified professional.</li> <li>3. Construction methods and material used in and for construction are not to cause pollution of the groundwater.</li> <li>4. Monitoring of groundwater levels is to be continued at least weekly during the construction stage and at least weekly over a period of at least 2 months following cessation of dewatering, with all records being provided to the NSW Office of Water on expiration of the licence. This requirement is only for sites where the proposed structure shall extend greater than one floor level into the existing ground level.</li> <li>5. Groundwater quality testing must be conducted (and report supplied to the NSW Office of Water). Samples must be taken prior to the commencement of dewatering, (and ongoing to the satisfaction of the NSW Office of Water</li> </ol>	
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	<p>for any extraction and reinjection activities). Collection and testing and interpretation of results must be done by suitably qualified persons and NATA certified laboratory identifying the presence of any contaminants and comparison of the data against accepted water quality objectives or criteria.</p> <ol style="list-style-type: none"> <li>6. Discharge of any contaminated pumped water (tailwater) that is not to be reinjected must comply with the provisions of the Protection of the Environment Operations Act 1997 and any requirements of the relevant controlling authority. The methods of disposal of pumped water (ie street drainage to the stormwater system or discharge to sewer) and written permission from the relevant controlling authority must be presented to the NSW Office of Water in support of the licence application.</li> <li>7. Discharge of any contaminated pumped water (tailwater) that is to be reinjected, must comply with the provisions of the Protection of the Environment Operations Act 1997. The quality of any pumped water (tailwater) that is to be reinjected must be compatible with, or improve the intrinsic or ambient groundwater in the vicinity of the reinjection site. Contaminated groundwater is not to be reinjected into any aquifer. The following must be demonstrated in writing: <ol style="list-style-type: none"> <li>a) The treatment to be applied to the pumped water (tailwater) to remove any contamination.</li> <li>b) The measures to be adopted to prevent redistribution of any contamination in the groundwater system. Any reinjection proposal that is likely to further spread contamination within the groundwater system will not be allowed and the project will need to be modified.</li> </ol> </li> <li>8. Written advice be provided from the Certifying Authority to the NSW Office of Water to certify that the following ground settlement issues have been addressed in reports submitted by the proponent: <ol style="list-style-type: none"> <li>a) Assessment by a suitably qualified geotechnical professional that the proposed dewatering activity does not pose an unacceptable risk of off-site impacts such as damage to surrounding buildings or infrastructure as a result of differential sediment compaction and surface settlement during and following pumping of groundwater.</li> <li>b) Settlement monitoring activities to be undertaken prior to, during and for the required period of time following the dewatering pumping to confirm the impact predictions.</li> <li>c) Locations of settlement monitoring points, and schedules of measurement.</li> </ol> </li> </ol> <p>Formal Application Issues</p> <ol style="list-style-type: none"> <li>9. An application must be completed on the prescribed form for the specific purpose of temporary construction dewatering and a licence obtained from the NSW Office of Water prior to the installation of the groundwater extraction works. A plan drawn to scale will be required with the application clearly identifying the location of the dewatering installations.</li> <li>10. Upon receipt of a Consent from the Department of Planning and prior to commencement of work, a fully completed licence application form is to be formally lodged with the Office of Water (accompanied by documentation clearly explaining the means by which the below-ground areas of the development will be designed and constructed to prevent any groundwater seepage inflows; and therefore preclude any need for permanent or semi-permanent pumping). Based on the licence application assessment meeting the Office of Water's statutory requirements, the NSW Office of Water will then be in a position to issue a Water Licence under Part 5 of the Water Act 1912.</li> </ol>	
<b>Street front landscape works</b>	<p>The street frontages of the Stage 1 Project will be landscaped generally in accordance with the <a href="#">Revised Landscape Concept Plan dated November 2013 and March 2014</a>. These landscaped areas will be maintained on a regular basis to avoid concealment opportunities for criminals to hide.</p>	<p><i>Updated to reference the Revised Concept Plans which accompany this s75W application.</i></p>

## PROPONENT'S RESPONSE TO COUNCIL'S ISSUES – STAGE 1 PROJECT APPLICATION S75W (SHEPHERD'S BAY)

During detailed design deliberations, changes to the levels of buildings and the relationship of the buildings to the public domain have resulted in the need to seek a formal modification of the approval. This document aims to provide a summary overview of changes, why they were made and what they mean in terms of the final buildings.

### Foreshore Link

The design considerations of the foreshore link has resulted in amendments to the levels and accessibility through the link and adjoining units at those levels. The proposed modifications reflect the Proponent's interest in seeking a balance between maintaining public access to the foreshore and resident access to the public domain in a way that will enhance and help develop a sense of community.

### Relationship with the Public Domain

The overall public domain treatment is improved, and the adjoining units maintain the amenity as approved by the PAC building envelopes and orientation of the buildings. The proposed modifications create a sense of connection between the private and public spaces.

As demonstrated in the section below (taken along the Foreshore Link and showing the western elevation of the Stage 1 building) the **red line** demonstrates the Ground Line as per the approved Project Application. The proposal seeks to adjust the ground line to provide disabled access to lift lobbies and throughout the Foreshore Link. Thereby improving the public domain treatment and accessibility whilst maintaining the overall RL height.



### Modification to the Basement Setbacks and Landscaping

Landscape advice is that the deep soil plantings will be able to be accommodated without encroaching on the road; we are cognisant of and willing to work with Council to minimise ongoing maintenance issues and recognise that this is important for Council.

## Dwelling Yield

### Car Parking

The amendments to the Project Application involve a change in dwelling mix which does increase parking and bedrooms for this Project, as shown in the Table below. The increase in dwelling numbers reflects a change in the dwelling mix, not an increase to additional GFA to the value of 39 apartments. Only the equivalent of 12 additional units worth of GFA at the lower levels are proposed.

Stage 1	Apartments	Bedrooms	Car Parks
As Approved via Cond B2	207	392	246
Proposed s75W	246	444	342
<b>Difference</b>	<b>+39</b>	<b>+52</b>	<b>+96</b>

However, overall as per the table below the yield for the whole concept site (Stages 1-5) is reducing.

Stages 1-5	Apartments	Bedrooms	Car Parks
As Approved (Stages 1-5)	805	1,649	2,213
Proposed (as per Stage 1 S75W & Stage 2-5 Pre-DAs)	991	1,416	1,790
<b>Difference</b>	<b>+186</b>	<b>-233</b>	<b>-423</b>

### Dwelling Amenity

The amended design maintains the approved building envelopes and. The dwellings maintain the amenity as approved by the PAC where most units have a water view.

## ESD Measures

The proposed wording in this condition seek flexibility in applying the extensive guidelines whilst also satisfying the industry wide BASIX Commitments.

### **Disabled Access**

The design **increases** the areas which are accessible for people with disabilities to the foreshore link public domain and introduces disabled access to all lift lobbies from the foreshore link public domain.

### **Rewording of Condition B27**

The modification seeks flexibility in terms of certification consistent with the EP&A Act 1979.

## **Amended Statement of Commitments (SoC)**

### Publicly Accessible Open Space

The Proponent is committed to continuing to engage with Council's officers to form an acceptable foreshore link, and consider its construction staging.

### Waste Management Plan

This commitment is not proposed to be modified.

### Construction Management Plan

This Construction Management Plan can be referenced as requested.

**Suggested Resolution Option 3:** That the Council note the matters in the report and that staff be encouraged to maintain their consultation with the proponent to ensure the issues relating to the public domain are to Council's reasonable satisfaction.



## PROPONENT'S RESPONSE TO COUNCIL'S ISSUES – CONCEPT PLAN S75W (Shepherds Bay)

During detailed design deliberations, changes to the levels of buildings and the relationship of the buildings to the public domain have resulted in the need to seek a formal modification of the approval.

This document aims to provide a summary overview of changes, why they were made and what they mean in terms of the final buildings.

There is a change in the total number of apartments proposed, responding to market testing indicating a higher demand for a smaller product; however this is balanced with a reduction in overall bedroom and parking space numbers, in line with promoting the site's close proximity to public transport and the existing stressors of the road network during the peaks.

The application seeks the increase of height of only one corner of one building, in comparison with the permissible heights.

### Changes to Yield

The proposed modifications result in a **reduced** yield both in terms of parking and bedrooms due to a change in the dwelling mix. The PAC did not specify dwelling mix and size in the Concept Approval being cognisant of enabling the development to be responsive to the market. This is demonstrated in the Table below.

	Apartments	Bedrooms	Car Parks
As Approved (Stages 1-5)	805	1,649	2,213
Proposed (as per Stage 1 S75W & Stage 2-5 Pre-DAs)	991	1,416	1,790
<b>Difference</b>	<b>+186</b>	<b>-233</b>	<b>-423</b>

### Indicative Staging

Indicative staging has been amended so that the 3,000sqm park is delivered when it will be safe and comfortable for it to be used, after the surrounding buildings are built and not during construction.

### Building Heights to Constitution Road

The building at the corner of Belmore Street and Constitution Road is a main entry point to the site and surrounding road network, and design advice suggests this should be afforded the opportunity to be architecturally designed to its full 6 storey height for this minor corner point at this location. This is seen as a better urban design outcome.

### Basement Levels above Ground Levels

Where the site slopes excessively to the foreshore, the concept plan incorporated basement levels to be 1m above finished ground level; this resulted in blank walls and an unattractive design solution. The design of the building has now been enhanced so that ground floor units and commercial premises can be incorporated, providing a more active and attractive outcome.

### **Compliance to Building Height Map**

Other than the Constitution Road corner (discussed above) no increase to the approved RLs (height) is sought. Storeys will only change due to lower level units being located level with the public domain links.

This modification gives Council the ability to determine the acceptable levels, by way of this flexible condition.

### **ESD Targets**

The proposed wording in this condition seeks flexibility in applying the extensive guidelines whilst also satisfying the industry wide BASIX Commitments.

### **Condition 21 Residential Amenity**

The building shape and orientation was approved by the PAC. It assumed a level of amenity where most units have a water view. The proposed modifications maintain that same level of amenity.

### **Delivery of the Community Space**

The Concept Approval does not require a specific area. The proponent is happy to maintain dialogue with Council for the community space, subject to it being delivered at an appropriate stage.

### **Amended Statement of Commitments**

The SoC have been updated to reflect the revised indicative staging references, and **do not seek to change these requirements.**

Housing Choice – this item is **not proposed to be amended.**

Road Verges and Footpaths – noted.

Publicly Accessible Open Space - the Proponent is committed to continuing to engage with Council's officers to form an acceptable foreshore link, and consider its construction staging.

Road Works – the SoC has been revised to reflect the Concept Approval, with several key items conditioned within the approval. The Proponent is open to considering these items with Council's officers during ongoing discussions.

### **Voluntary Planning Agreement**

It is noted that the s75W does not relate to a VPA.

### **Correspondence from Council re the Proposed Road Connection**

The items raised in this letter are subject to continued detailed consideration. The Proponent is happy to continue to engage with Council to resolve these issues with regard to the public domain and infrastructure.

### **Suggested Resolution Option 3:**

That the Council note the matters in the report and that staff be encouraged to maintain their consultation with the proponent to ensure the issues relating to the public domain are to Council's reasonable satisfaction.

## Shepherds Bay Urban Renewal

### Concept Plan MP09\_0216

#### Section 75W Application – Revised Draft Statement of Commitments – Revisions as requested by the DoPI – March 2014



The Draft Statement of Commitments details the various contributions, applications and works the proponent commits to undertake in association with the project. The mechanics of how and when these commitments will be delivered will be subject to ongoing consultation.



SUBJECT	DESCRIPTION OF COMMITMENT	Details of Revisions
<b>Concept Plan</b>		
<b>Staging of Development and Occupation</b>	The development is to be constructed in ten indicative stages as illustrated in Appendix 1 of MP09_0216 Mod 1.  An updated Development Staging Plan will be submitted with each subsequent Project Application.	Reference revised to reflect the updated indicative staging plan.
<b>Approval Conditions</b>	The proponent will ensure that all relevant parties engaged to carry out work are aware of and will comply with relevant conditions of consent issued under Concept Approval MP09_0216 (as amended).	Updated to reflect the outcome of the Proposed s75W.
<b>Accessibility</b>	The proponent commits to providing access to and within buildings within the Concept Plan site in accordance with the Building Code of Australia. Where topography permits, publicly accessible open spaces within the Concept Plan are to be designed to provide appropriate access to people of all mobility levels. <del>"as illustrated on figure 31A of the preferred project report"</del> .	Reference to deleted as no longer relevant.
<b>Landscaping</b>	Prior to commencement of construction of Project or Development Applications within the Concept Plan site detailed documentation and specifications will to be prepared for all landscape works and public space improvements.  The landscaping is to be designed so that the view corridors identified on the Concept Plan are maintained.	No change.
<b>Community Benefits</b>	The proponent will enter into discussions with the City of Ryde Council to establish a Voluntary Planning Agreement.  <del>"a voluntary planning agreement will be entered into with the city of Ryde council"</del>	Reworded. Note: Council has declined the offer of a VPA.
<b>Housing choice</b>	A mix of apartment sizes will be provided including one bedroom units. The increased housing supply in the area and proposed apartment mix will increase housing choice and ease affordable	No change. A mix of 1, 2 and 3 bedroom units is suitable, given the



	housing issues in the area. The opportunity for locals to “downsize” together with the additional availability will promote affordability.	<i>market preference for this area.</i>
<b>Adaptable Housing</b>	The proponent commits to approximately 10% of apartments within the Concept Plan site being designed to be accessible. Pathways from development to communal areas and car parking will also to be designed to be accessible.	<i>No change.</i>
<b>Road verges and footpaths</b>	The proponent commits to providing and/or upgrading road verges and footpaths prior to the issue of the <u>relevant</u> occupation certificate for each Stage.	<p><i>New item offered.</i></p> <p><i>Council has requested reference to Council’s Public Domain Technical Manual. This is not considered necessary, as the Concept Approval is in accordance with the approved Public Domain Plan as discharged by the Department in relation to Condition B1(c) on 24 June 2013.</i></p> <p><i>Council has requested delivery prior to the issue of <u>any</u> occupation certificate. The wording has been amended accordingly to reference ‘the relevant OC,’ which is considered to provide more clarity (it is noted that Condition 12 Public Domain sufficiently covers this item).</i></p>


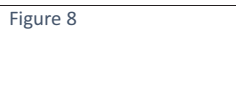
<b>PUBLICLY ACCESSIBLE OPEN SPACES</b>	<p>The proponent commits to providing a total of 18,304 square metres <del>19,660m<sup>2</sup></del> of publicly accessible public domain with the Concept Plan site that will be owned and maintained by the various Owners' Corporations. These areas will include four new publicly accessible open spaces, landscaped pedestrian connections and landscaped overland flow paths <del>and new sections of roadway</del> which will be owned and maintained by the relevant Owners Corporations. These will include:</p>		<p><i>Details of Revisions:</i></p> <p><i>Reference to the actual quantum of publicly accessible public domain has been updated to 18,304sqm.</i></p> <p><i>Reference to new sections of roadway deleted, as the new road link between Belmore and Bowden, being the connection of Nancarrow Avenue to Hamilton Crescent is to be dedicated to Council, not retained by the applicant.</i></p> <p><b>Note:</b> references and figures to indicative staging have been updated throughout this section.</p>
	<b>New publicly accessible open spaces:</b>		
<b>1.</b>	<p><b>New Foreshore Link Publicly Accessible Open Space (Development Stage 2)</b></p> <p>This new publicly accessible open space provides a new pedestrian link between the foreshore reserve and the future Nancarrow Ave road link above and will be constructed as part of Development Stage 2 <del>1 and 3 as illustrated in the landscape plan report in annexure 10 of this PPR.</del> This publicly accessible open</p>	Figure 1	No change.



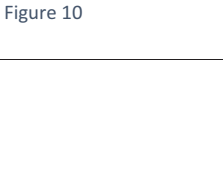


	<p>space will include areas of informal seating and passive recreation. Refer Figure 1.</p> <p><i>Landscape Design Principles</i></p> <ul style="list-style-type: none"> <li>▪ Turf and paved plazas respond directly to the architectural alignments for a seamless transition between landscape and residential building</li> <li>▪ Structured planting and specimen shade trees frame spaces</li> <li>▪ Open lawn platforms provide areas for relaxation</li> <li>▪ Furniture elements will match the bold, simple lines of the design and contrast with the textures of the planting palette</li> <li>▪ Moving water bodies provide associated relaxation and acoustic benefits</li> <li>▪ Existing fig trees are retained to Rothesay Avenue with manicured lawn understorey</li> <li>▪ Streetscape trees reinforce the defined Streetscape character</li> </ul>		
2.	<p><b>New Upper Level Public Square (Development Stages 2, 3 &amp; 5)</b></p> <p>This new publicly accessible open space will be delivered as part of Indicative Development Stages 2, 3 &amp; 5 <del>3, 4 and 6 as illustrated in the landscape plan report in annexure 10 of this PPR</del>. Located at the southern end of the formal entry avenue, the public square will be a focus of identity and include a signature art work at the central roundabout. There will be a modern European feel to the plaza which could incorporate pop jets, signature bollards and seating elements. Views toward the river to the south are integral to the space. This development stage includes the construction of a new road link to connect Nancarrow Avenue through to Hamilton Crescent which will involve the landscape treatment of the Rothesay Avenue road verge and lower level publicly accessible open space below the Nancarrow extension road link. Also included is the construction of the other half of the new foreshore link publicly accessible open space. Refer Figure 2.</p> <p><i>Landscape Design Principles:</i></p> <ul style="list-style-type: none"> <li>▪ Protection from southerly &amp; westerly winds through tree planting</li> <li>▪ Opportunity for interactive children's water play</li> <li>▪ Iconic sculpture on axis</li> <li>▪ Signage palette and interpretive boards relating to the view</li> <li>▪ Shared zone to ensure slow speeds and pedestrian safety</li> <li>▪ High quality European hardscape palette</li> </ul>	<p>Figure 2</p> 	No change.


	<ul style="list-style-type: none"> <li>▪ Introduction of significant evergreen specimen trees</li> </ul>		
3.	<p><b>New Central Spine (Development Stage 3)</b></p> <p>This new publicly accessible open space will be delivered as part of Indicative Development Stage 3 <del>2 and 6 as illustrated in the landscape plan report in annexure 10 of this PPR</del>. The central spine links the public square with the central foreshore plaza and performs a largely transitional function combined with a wide pedestrian linear grand staircase that navigates the changes in level. A narrow water rill would reinforce the pedestrian movement while also visually connecting water to the North &amp; South. Refer Figure 3.</p> <p><i>Landscape Design Principles:</i></p> <ul style="list-style-type: none"> <li>▪ Incorporation of water storage and movement relating directly to the river</li> <li>▪ Raised trees in planters create shade and enforce/frame linear nature of space</li> <li>▪ Simple design with high quality hardscape</li> <li>▪ Integrated lighting / water feature.</li> </ul>	<p>Figure 3</p> 	No change.
4.	<p><b>New Central Foreshore Plaza (Development Stage 3)</b></p> <p>This new publicly accessible open space will be delivered as part of Indicative Development Stage 3 <del>2 and 4 as illustrated in the landscape plan report in annexure 10 of this PPR</del>. This publicly accessible open space/plaza is intended to act as the main activity core and place of celebration of the new development. The central plaza is to maximise various level changes through the use of cascading water features, elevated platforms with views, terracing and multi-functional, adaptable spaces that promote social interaction and create a strong sense of place and community. The integration with the river and mangroves set the backdrop to what will be a high quality landscape space with a heavy pedestrian focus. Refer Figure 4.</p> <p><i>Landscape Design Principles:</i></p> <ul style="list-style-type: none"> <li>▪ Maximise views to the river and associated vegetative communities</li> <li>▪ Combined soft/hard landscape for varied uses</li> <li>▪ High quality spaces to encourage interaction and community values</li> <li>▪ Attractive, robust, sustainable and low maintenance landscape finishes</li> <li>▪ Provide and integrate artwork</li> <li>▪ Provide interpretive signage to reflect upon adjoining riverside</li> </ul>	<p>Figure 4</p> 	No change.

	<p>vegetative community</p> <ul style="list-style-type: none"> <li>▪ Provide spaces that bring people together where they can share (views, activities, uses) and interact</li> <li>▪ Maximise views to the river and associated vegetative communities</li> <li>▪ Multi-functional and adaptable spaces and treatments</li> <li>▪ Provide ample seating with a variety of outlooks through benches, incidental edges and turf</li> <li>▪ Night time lighting and activation</li> <li>▪ Attractive, robust, sustainable and low maintenance landscape finishes</li> </ul>		
5.	<p><b>New Upper Eastern Pedestrian Link (Stages 4 &amp; 5)</b></p> <p>This space includes a secondary pedestrian link between Constitution Road and Hamilton Crescent. <del>This will be delivered as part of indicative development stages 2 and 4 as illustrated in the landscape plan report in annexure 10 of this PPR</del> It is to be a predominantly linear, formal space with a sequence of shaded courtyards for rest and contemplation, shade trees and communal spaces. Refer Figure 5.</p> <p><i>Landscape Design Principles</i></p> <ul style="list-style-type: none"> <li>▪ Split level high quality landscape with raised planter beds</li> <li>▪ Incorporate safe, open outdoor seating areas to activate the precinct</li> <li>▪ Canopy trees and possible structures that comply with CPTED and provide shade &amp; amenity</li> <li>▪ Use of deciduous trees for solar access in winter</li> </ul>	<p>Figure 5</p> 	No change.
6.	<p><b>New Pedestrian Spine 2 (North) Publicly Accessible Open Space (Development Stage 6)</b></p> <p>This new publicly accessible open space will be delivered as part of Indicative Development Stage 6 <del>as illustrated in the landscape plan report in annexure 10 of this PPR</del>. This through site and pedestrian connection is intended to be simple in design and character allowing ease of movement through space. The recommended main water body at the southern edge of the publicly accessible open space acts as an elevated focal point in the Concept Plan site and assists in the creation of a sense of place and provides a connection to the foreshore to the south. Refer Figure 6.</p> <p><i>Landscape Design Principles:</i></p>	<p>Figure 6</p> 	No change.

	<ul style="list-style-type: none"> <li>▪ Performs as formal linear open space in addition to its role as a pedestrian link</li> <li>▪ Incorporates formal avenue tree planting as a way of screening the adjoining existing building</li> <li>▪ Includes clear sight lines through the open space to maximise pedestrian safety</li> <li>▪ Includes large reflection pond/water body</li> </ul>		
7.	<p><b>New Upper Riparian Foreshore Link Publicly Accessible Open Space (Development Stages 6 &amp; 7)</b></p> <p>This new publicly accessible open space will be delivered as part of Indicative Development Stages 6 &amp; 7 <del>8 and 10 as illustrated in the landscape plan report in annexure 10 of this PPR</del>. This new publicly accessible open space is located between Constitution Rd and Nancarrow Ave in a natural overland flow path and includes part of Council's main stormwater easement for the area. The intent of this publicly accessible open space is to create a natural landscape with meandering 'riparian' gardens and water features. Natural water features will be designed to account for seasonal fluctuations in water volumes. Swathes of native grass and shrubs will provide interest along the pedestrian pathways which traverse this open space. It is intended that water features abut some of the buildings to accentuate the architecture within a riparian environment. Open lawns and shade trees provide space for residents and visitors to stay and enjoy the peaceful surrounds. Refer Figure 7.</p> <p><i>Landscape Design Principles:</i></p> <ul style="list-style-type: none"> <li>▪ The provision of an easy, safe and enjoyable pedestrian connection with peaceful places to stop and relax</li> <li>▪ Optimise ecological functionality through planting of endemic species</li> <li>▪ Incorporate overland flow paths into water features within the publicly accessible open space</li> <li>▪ Combined active and passive recreation spaces</li> <li>▪ Provision of contemplative lawns with shade</li> </ul>	<p>Figure 7</p> 	No change.
8.	<p><b>New Lower Riparian Foreshore Link Publicly Accessible Open Space (Development Stages 8 &amp; 9)</b></p> <p>This new publicly accessible open space will be delivered as part of Indicative Development Stages 8 &amp; 9 <del>7 and 9 as illustrated in the landscape plan report in</del></p>	<p>Figure 8</p> 	No change.

	<p><del>annexure 10 of this PPR</del>. This publicly accessible open space follows the natural overland flow path and terminates at the foreshore reserve. This publicly accessible open space provides more water features and soft plantings interspersed with a sequence of passive recreation lawns with specimen tree planting for shade. The orange orchard reflects the past uses of this site and creates a desirable area to sit and relax away from the more urban landscapes to the east. Refer Figure 8.</p> <p><i>Landscape Design Principles:</i></p> <ul style="list-style-type: none"> <li>▪ Heritage interpretation of past land use</li> <li>▪ Natural creek-like water features and plantings</li> <li>▪ Low maintenance softscape &amp; hardscape elements</li> <li>▪ Temporary stormwater detention ponds and ephemeral creek beds</li> </ul>		
9.	<p><b>New Pedestrian Spine 1 (South) Publicly Accessible Open Space (Development Stage 8)</b></p> <p>This new publicly accessible open space will be delivered as part of Indicative Development Stage 8 <del>6 &amp; 7 as illustrated in the landscape plan report in annexure 10 of this PPR</del>. The pedestrian link south continues the formal character of the northern portion of this publicly accessible open space, becoming more informal closer to the foreshore reserve, with swathes of low and mid height native shrub and low maintenance hybrid grass planting. Tree planting is orchard style and is recommended in the lower portion of this publicly accessible open space, reflecting the previous orchards on the Concept Plan site while retaining clear sightlines from top to bottom. Refer Figure 9.</p> <p><i>Landscape Design Principles:</i></p> <ul style="list-style-type: none"> <li>▪ Performs as formal linear open space in addition to its role as a pedestrian link</li> <li>▪ Low maintenance, high quality hard cape surface treatments</li> <li>▪ Formal modern alignment with informal garden bed design</li> <li>▪ Incorporates heritage orchard tree planting - Clear sight lines through the park to maximise pedestrian safety</li> <li>▪ Formal water features</li> </ul>	<p>Figure 9</p> 	No change.
10.	<p><b>Gateway Building Central Plaza and Pedestrian Link (Development Stage A)</b></p> <p>This new publicly accessible plaza will be delivered as part of Indicative</p>	<p>Figure 10</p> 	No change.



	<p>Development Stage A <del>5 as illustrated in the landscape plan report in annexure 10 of this PPR.</del> The signature building precinct publicly accessible central plaza incorporates strong linear pedestrian link path and formal tree planting around the perimeter with clear sight lines. The pedestrian link is to be punctuated by formal water features that align with the linear paths. The shade trees and water features are intended to soften the built form and provide soothing acoustics to the space and the surrounding residents. Refer Figure 10.</p> <p><i>Landscape Design Principles:</i></p> <ul style="list-style-type: none"> <li>▪ Clear lineal paths with high quality central open space</li> <li>▪ Safe, open outdoor seating areas to activate the precinct</li> <li>▪ Canopy trees and possible structures that comply with CPTED and provide shade &amp; amenity</li> <li>▪ Use of deciduous trees for solar access in winter</li> </ul>		
	<p>The following are to accompany all project or development applications within the concept plan site:</p> <p>A detailed landscape plan demonstrating the proposed landscape scheme is consistent with the landscape concept report prepared by PLACE Design Group.</p>		<p><i>Note retained and updated to reflect approved Landscape Concept Report as per discharge of Condition B1.</i></p>

<b>ROAD WORKS</b>	The proponent commits to providing the following new road infrastructure and upgrading works:	Timing of delivery	<i>DETAILS OF REVISIONS: NOTE: REFERENCES TO INDICATIVE STAGING HAVE BEEN UPDATED THROUGHOUT THIS SECTION.</i>
<b>1.</b>	<b>Pedestrian signals replacing zebra crossing on Railway Road at Meadowbank railway station</b> Works: <ul style="list-style-type: none"> <li>▪ Installation of traffic signals</li> <li>▪ Advance warning signs</li> <li>▪ Lighting adjustments</li> <li>▪ Pavement re-sheets – 20mm AC10</li> </ul>	To be completed prior to the issue of an Occupation Certificate for Stage 3 of the Development.	<i>No change.</i>
<b>2.</b>	<b>Signalling at Bowden Street and Constitution Road</b> Works: <ul style="list-style-type: none"> <li>▪ Removal of existing roundabout</li> <li>▪ Kerb alignment</li> <li>▪ Pavement construction and revitalisation</li> <li>▪ Utility adjustments incl. lighting</li> <li>▪ Installation of traffic signals</li> <li>▪ Pavement markings</li> <li>▪ Signposting</li> <li>▪ Footway modifications</li> </ul>	To be completed prior to the issue of an Occupation Certificate for Stage 6 of the Development.	<i>No change.</i>
<b>3.</b>	<b>Roundabout at Rothesay Avenue/Belmore Street</b> Works: <ul style="list-style-type: none"> <li>▪ Removal of existing signposting</li> <li>▪ Central island dowelled to existing pavement – <del>Inscribed radius min. 8m (dependent upon the turning path of a 12.5m service vehicle)</del></li> <li>▪ Single lane circulating</li> <li>▪ Splitter island in each approach (painted or raised kerb)</li> <li>▪ Significant kerb realignment</li> <li>▪ Drainage adjustments</li> </ul>	To be completed prior to the issue of an Occupation Certificate for Stage 2 of the development.	<i>Generally no change – some technical details deleted to allow for flexibility in the final design</i>

	<ul style="list-style-type: none"><li>▪ Utility modification</li><li>▪ Signage</li><li>▪ Pavement markings</li><li>▪ Intersection pavement re-sheet — 20mm AC 10</li></ul>		
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4.	<b>Yerong Street and Belmore Street left in/out</b> Works: <ul style="list-style-type: none"> <li>▪ Removal of southern most splitter island in Belmore Street, south of Yerong Street</li> <li>▪ Removal of existing signposting</li> <li>▪ Installation of painted or raised splitter island in Yerong Street (dowel to existing pavement if raised)</li> <li>▪ Installation of signposting</li> <li>▪ Preparation and pavement re-sheet <del>20mm AC 10</del></li> <li>▪ Pavement markings</li> </ul>	To be completed prior to the issue of an Occupation Certificate for Stage 4 of the development.	<i>Generally no change – some technical details deleted to allow for flexibility in the final design</i>
5.	<b>Hamilton “Lane” and Nancarrow “Lane” LATM and two-way construction between Belmore and Bowden</b> Works: <ul style="list-style-type: none"> <li>▪ Installation of raised Watts profile speed humps or raised thresholds</li> <li>▪ Single lane circulating roundabout</li> <li>▪ Inscribed radius capable of accommodating the swept path movement of a 12.5m service vehicle</li> <li>▪ Painted splitter island in each approach</li> <li>▪ Kerb realignment</li> <li>▪ Drainage adjustments</li> <li>▪ Utility modification</li> <li>▪ Signage</li> <li>▪ Pavement markings</li> </ul>	To be completed prior to the issue of an Occupation Certificate for Stage 2 of the development.	<i>No change.</i>
6.	<b>Underdale Lane LATM scheme</b> Works: <ul style="list-style-type: none"> <li>▪ Installation of tow (2) raised “Watts” profile speed bumps</li> <li>▪ Kerb realignment</li> <li>▪ Drainage adjustments</li> <li>▪ Signage</li> <li>▪ Pavement markings Pavement markings</li> </ul>	To be completed prior to the issue of an Occupation Certificate for Stage 4 of the development.	<i>No change.</i>
7.	<b>Hamilton Lane/Belmore Street left in/out</b> Works:	To be completed prior to the issue of an	<i>No change.</i>

	<ul style="list-style-type: none"> <li>Installation of painted or raised splitter island in Hamilton Crescent (dowelled to existing pavement if raised)</li> <li>Installation of signposting</li> <li>Pavement markings</li> </ul>	Occupation Certificate for Stage 2 of the development.	
8.	<b>Introduction of a pedestrian facility on Bowden Street at Underdale Lane</b> Works: <ul style="list-style-type: none"> <li>Raised threshold and marked foot crossing</li> </ul>	To be completed prior to the issue of an Occupation Certificate for Stage 4 of the development.	<i>No change.</i>
9.	<b>Lowering of Constitution Road</b> Works in accordance with: <ul style="list-style-type: none"> <li>Constitution Road, Road &amp; Drainage Reconstruction, Plan (Option 1), Sheet 1 or 3, dated June 2008.</li> <li>Constitution Road, Road &amp; Drainage Reconstruction, Cross Sections (Option 1), Sheet 2 or 3, dated June 2008.</li> <li>Constitution Road, Road &amp; Drainage Reconstruction, Cross Sections (Option 1), Sheet 3 or 3, dated June 2008.</li> </ul>	To be completed prior to the issue of an Occupation Certificate for Stage 8 of the development.	<i>No change.</i>
10.	<b>Re-grading works associated with the construction of the new Nancarrow Avenue Link Road</b> Works in accordance with: <ul style="list-style-type: none"> <li>Civil Layout, General Arrangement Plan, Drawing No. C100, Rev A, prepared by BG&amp;E.</li> <li>Road Plan, Longsection, Pavement Details and Typical Section, Drawing No. C101, Rev. A, prepared by BG&amp;E.</li> <li>Road Cross Sections, Drawing No. C102, Rev. A, prepared by BG&amp;E.</li> </ul>	To be completed prior to the issue of an Occupation Certificate for Stage 3 of the development.	<i>No change.</i>
<b>Land to be dedicated</b>	Land comprising the two-way road link to be constructed between Belmore and Bowden Streets, being the connection of Nancarrow Avenue to Hamilton Crescent to be dedicated to Council. This requires the dedication by the proponent an area of land of approximately 325m <sup>2</sup> to the council.	To be dedicated to Council prior to the issue of an Occupation Certificate for Stage 2 of the development.	<i>No change.</i>

MEA TRAFFIC NEEDS ASSESSMENT - ROAD INFRASTRUCTURE WORKS PLAN:



<b>Tree Management</b>	Tree protection measures will be implemented for trees to be retained as recommended in the Arborist Report at Annexure 23 to the submitted EA.	<i>No change.</i>
<b>Crime Prevention Through Environmental Design</b>	<p>The design of the public domain, landscaping and building design facilitates the achievement of CPTED principles. Prior to commencement of construction of any subsequent Project Applications CPTED Assessments will be provided.</p> <p>Planting near footpaths will need to be maintained on a regular basis to avoid concealment opportunities for criminals who may hide in dense shrubbery.</p>	<i>No change.</i>
<b>Environmentally Sustainable Development</b>	<p>All Residential development within the Concept Plan site will meet the following Sustainability targets:</p> <ul style="list-style-type: none"> <li>• The BASIX water consumption benchmark</li> <li>• The BASIX energy consumption benchmark</li> </ul> <p>In addition, the proponent commits to further investigate the opportunity for including the following ESD principles:</p> <ul style="list-style-type: none"> <li>• Design internal apartment layouts to maximise natural ventilation and to capture prevailing winds;</li> <li>• Utilise roof forms to capture natural light and ventilation;</li> <li>• Use of high thermal mass materials within apartments;</li> <li>• Ensure natural light and ventilation is provided to common areas to minimise energy consumption;</li> <li>• Divide the layout of the apartments into zones to reduce heat and cooling energy consumption;</li> <li>• Utilise low water flow fixtures and tap ware;</li> <li>• Harvesting of stormwater where feasible; and</li> <li>• Recycling of water where feasible</li> </ul>	<i>No change.</i>
<b>Stormwater Management</b>	<p>The Proponent is committed to providing the necessary stormwater upgrades, the details of which will be included in the final VPA when negotiated with Council.</p> <p>Prior to commencement of construction of all Project or Development Applications within the Concept Plan site the Proponent commits to preparation of an Integrated Stormwater Management Plan for the relevant development stage.</p>	<i>No change.</i>
<b>Noise</b>	All Project or Development Applications within the Concept Plan site for all development Stages are to comply with the relevant acoustic standards and controls contained in the BCA.	<i>No change.</i>
<b>Site Contamination</b>	All Project or Development Applications within the Concept Plan site for all development stages will be required to comply with the requirements of SEPP 55 <i>Remediation of Land</i> .	<i>No change.</i>



<b>Construction Management</b>	<p>Prior to commencement of construction of all Project or Development Applications within the Concept Plan site a Construction Management Plan will be prepared by the proponent for each development stage and will be submitted to the satisfaction of the Principal Certifying Authority prior to any new building work within the Concept Plan site.</p> <p>All construction materials, vehicles, waste and the like will be stored within the site.</p> <p>All demolition and all construction and associated work will be restricted to between the hours of 7.00am and 7.00pm Monday to Friday (other than public holidays) and between 8.00am and 4.00pm on Saturday. No work is to be carried out on Sunday or public holidays.</p> <p>Prior to commencement of construction of all Project or Development Applications within the Concept Plan site a Traffic Management Plan (TMP) for the relevant development stage, which addresses construction access and egress to the site, including vehicle routes and parking for workers, staging and timing of construction of internal road network and other relevant issues, will be prepared and submitted to the satisfaction of Principal Certifying Authority. The TMP will be prepared in accordance with the RTA's guidance on TMP's.</p>	<i>No change.</i>
<b>Utilities</b>	<p>A Section 73 Certificate from Sydney Water will be obtained as required.</p> <p>All existing aerial services (including low voltage Energy Australia electricity and subscriber television services) along the frontage of the Concept Plan Site are to be relocated underground prior to the occupation of the development stages. The cost of this work is to be borne by the developer.</p> <p>Documentary evidence will be obtained from Energy Australia to confirm that they have been consulted and that their requirements have been met by the Concept Plan and all subsequent Project or Development Applications within the Concept Plan site.</p>	<i>No change.</i>
<b>Arborist Report</b>	<p>All subsequent development stages will be required to comply with the requirements of the Arborist Report (Annexure 23 to the submitted Environmental Assessment).</p>	<i>No change.</i>
<b>Environmental Management Plan</b>	<p>Prior to commencement of construction of Project or Development Applications within the Concept Plan site, a development Stage-specific Environmental Management Plan (EMP) will be prepared and submitted to and approved by the Principal Certifying Authority. The EMP will comprise:</p> <ul style="list-style-type: none"> <li>a. Hours of construction work;</li> <li>b. Sediment and Erosion Control;</li> <li>c. Waste Management;</li> <li>d. Noise and Vibration Management;</li> <li>e. Air Quality and dust control;</li> <li>f. Use of cranes, plant and machinery</li> <li>g. Use of ladders, tapes, scaffolding and plant /machinery of conductive material</li> </ul>	<i>No change.</i>

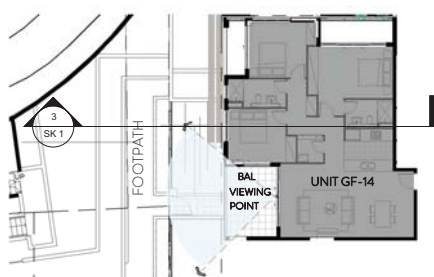
	<ul style="list-style-type: none"> <li>h. Excavation and boring</li> <li>i. Plant and vehicle movements including - ingress and egress of vehicles to the site, loading and unloading, including construction zones, transportation of material, including contaminated material, predicted traffic volumes, types and routes;</li> <li>j. TMP;</li> <li>k. Piling, sheet piling, batter and anchors.</li> </ul>	
<b>Flooding</b>	All Development or Project Applications for individual development stages within the Concept Plan site are to be accompanied by a detailed Flood Impact Assessment Report using the Concept Plan Flood Study Report findings. These studies are to include such safety management measures as safe flood evacuation routes and refuge areas.	<i>No change.</i>
<b>Waste Management</b>	Prior to commencement of construction of all Project or Development Applications within the Concept Plan site, a Waste Management Plan will be prepared for the relevant development stage which includes demonstration of the fact that the road network is capable of being serviced by Council's Waste vehicles.	<i>No change.</i>
<b>Sustainable Travel Plan</b>	Prior to issue of Occupation Certificates for any habitable areas in any development within the Concept Plan site a Sustainable Travel Plan for the Concept Plan site will be submitted to and approved by the Department of Planning. Individual Project or Development Applications will be accompanied by Development stage-specific Sustainable Travel Plans that are consistent with the Concept Plan Sustainable Travel Plan.	<i>No change.</i>
<b>Ground water</b>	<p>As required by the NSW Office of Water:</p> <p><b>Groundwater:</b></p> <p>Licences under Part V of the Water Act 1912 are required for the works for the purposes of temporary dewatering as part of the proposed construction.</p> <p><i>General and Administrative Issues</i></p> <ol style="list-style-type: none"> <li>1. Groundwater shall not be pumped or extracted for any purpose other than temporary construction watering.</li> <li>2. Pumped water (tailwater) shall not be allowed to discharge off-site (eg. adjoining roads, stormwater system, sewerage system etc) without the controlling authorities approval and/or owners consent.</li> <li>3. The licensee shall allow (subject to Occupational Health and Safety Provisions) the NSW Office of Water or any person authorised by it, full and free access to the works (excavation or bore/bore field), either during or after construction, for the purpose of carrying out inspection or test of the works and its fittings and shall carry out any work or alterations deemed necessary by the NSW Office of Water for the protection and property maintenance of the works, or the control of the water extracted to prevent wastage and for the protection of the quality and prevention from pollution or contamination of the groundwater.</li> </ol>	<i>No change.</i>

	<p>4. If a work is abandoned at any time the licensee shall notify the NSW Office of Water that the work has been abandoned and seal off the aquifer by such methods as agreed to or directed by the NSW Office of Water.</p> <p>5. Suitable documents are to be supplied to the NSW Office of Water of the following:</p> <ul style="list-style-type: none"> <li>a) A report of prediction of the impacts of pumping on any licensed groundwater users or groundwater dependent ecosystems in the vicinity of the site. Any adverse impacts will not be allowed and the project will need to be modified.</li> <li>b) A report of assessment of the potential for salt water intrusion to occur as a result of the dewatering. This report is only required for sites within 250m of any marine or estuarine foreshore area. The generation of conditions leading to salt water intrusion will not be allowed, and the proposal will need to be modified.</li> <li>c) Descriptions of the methods used and actual volume of groundwater to be pumped (kilolitres/megalitres) from the dewatering works, the works locations, the discharge rate (litres per second), duration of pumping (number of days/weeks), the amount of lowering of the water table and the anticipated quality of the pumped water.</li> <li>d) Descriptions of the actual volume of pumped water (tailwater) to be reinjected (kilolitres/megalitres), the reinjection locations, the disposal rate (litres per second), duration of operation (number of days/weeks) and anticipated quality of treated water to be reinjected.</li> <li>e) Monitoring of groundwater levels (minimum of 3 weekly measurements of depth to water at a minimum of 3 locations broadly distributed across the site) beneath the proposed development site prior to construction. This requirement is only for sites where the proposed structure shall extend greater than one floor level into the existing ground level.</li> </ul> <p><i>Specific Conditions</i></p> <ul style="list-style-type: none"> <li>1. The design and construction of the structure must preclude the need for permanent dewatering.</li> <li>2. The design and construction of the structure that may be impacted by any watertable must include a water proof retention system (ie a fully tanked structure) with adequate provision for future fluctuations of water table levels. (It is recommended that a minimum allowance for a water table variation of at least +/-1.0 metre beyond any expected fluctuation be provided). The actual water table fluctuation and fluctuation safety margin must be determined by a suitable qualified professional.</li> <li>3. Construction methods and material used in and for construction are not to cause pollution of the groundwater.</li> <li>4. Monitoring of groundwater levels is to be continued at least weekly during the construction stage and at least weekly over a period of at least 2 months following cessation of dewatering, with all records being provided to the NSW Office of Water on expiration of the licence. This requirement is only for sites where the proposed structure shall extend greater than one floor level into the existing ground level.</li> <li>5. Groundwater quality testing must be conducted (and report supplied to the NSW Office of Water).</li> </ul>	
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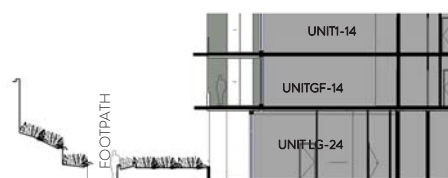
	<p>Samples must be taken prior to the commencement of dewatering, (and ongoing to the satisfaction of the NSW Office of Water for any extraction and reinjection activities). Collection and testing and interpretation of results must be done by suitably qualified persons and NATA certified laboratory identifying the presence of any contaminants and comparison of the data against accepted water quality objectives or criteria.</p> <ol style="list-style-type: none"> <li>6. Discharge of any contaminated pumped water (tailwater) that is not to be reinjected must comply with the provisions of the Protection of the Environment Operations Act 1997 and any requirements of the relevant controlling authority. The methods of disposal of pumped water (ie street drainage to the stormwater system or discharge to sewer) and written permission from the relevant controlling authority must be presented to the NSW Office of Water in support of the licence application.</li> <li>7. Discharge of any contaminated pumped water (tailwater) that is to be reinjected, must comply with the provisions of the Protection of the Environment Operations Act 1997. The quality of any pumped water (tailwater) that is to be reinjected must be compatible with, or improve the intrinsic or ambient groundwater in the vicinity of the reinjection site. Contaminated groundwater is not to be reinjected into any aquifer. The following must be demonstrated in writing: <ol style="list-style-type: none"> <li>a) The treatment to be applied to the pumped water (tailwater) to remove any contamination.</li> <li>b) The measures to be adopted to prevent redistribution of any contamination in the groundwater system. Any reinjection proposal that is likely to further spread contamination within the groundwater system will not be allowed and the project will need to be modified.</li> </ol> </li> <li>8. Written advice be provided from the Certifying Authority to the NSW Office of Water to certify that the following ground settlement issues have been addressed in reports submitted by the proponent: <ol style="list-style-type: none"> <li>a) Assessment by a suitably qualified geotechnical professional that the proposed dewatering activity does not pose an unacceptable risk of off-site impacts such as damage to surrounding buildings or infrastructure as a result of differential sediment compaction and surface settlement during and following pumping of groundwater.</li> <li>b) Settlement monitoring activities to be undertaken prior to, during and for the required period of time following the dewatering pumping to confirm the impact predictions.</li> <li>c) Locations of settlement monitoring points, and schedules of measurement.</li> </ol> </li> </ol> <p><i>Formal Application Issues</i></p> <ol style="list-style-type: none"> <li>9. An application must be completed on the prescribed form for the specific purpose of temporary construction dewatering and a licence obtained from the NSW Office of Water prior to the installation of the groundwater extraction works. A plan drawn to scale will be required with the application clearly identifying the location of the dewatering installations.</li> <li>10. Upon receipt of a Consent from the Department of Planning and prior to commencement of work, a fully completed licence application form is to be formally lodged with the Office of Water (accompanied</li> </ol>	
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	by documentation clearly explaining the means by which the below-ground areas of the development will be designed and constructed to prevent any groundwater seepage inflows; and therefore preclude any need for permanent or semi-permanent pumping). Based on the licence application assessment meeting the Office of Waters statutory requirements, the NSW Office of Water will then be in a position to issue a Water Licence under Part 5 of the Water Act 1912.	
<b>Voluntary Planning Agreement</b>	<del>The proponent commits to entering into a Voluntary Planning Agreement with the City of Ryde Council, under Part 4 Division 6, Subdivision 2 of the Environmental Planning &amp; Assessment Act 1979 and the City of Ryde Planning Agreements Policy for the provision of area wide road works, stormwater and other public domain works and affordable housing which will be of benefit to the wider community of Shepherds Bay and Meadowbank.</del>	<i>Deleted – in response to Council’s advice that a VPA will not be entered into.</i>

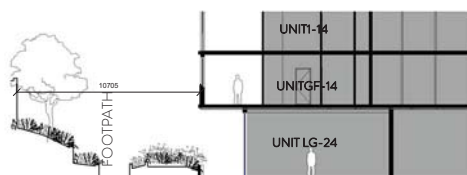
# GF-14



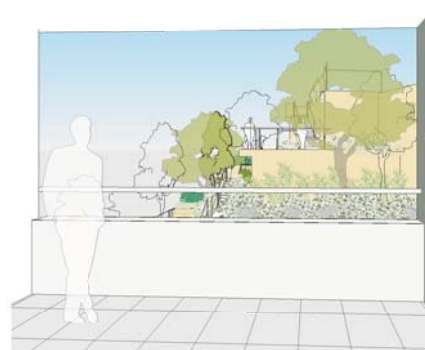
1. VIEW FROM UB -14 BALCONY:



2. EAST-WEST SECTION THROUGH GF - 14 BALCONY:



3. EAST-WEST SECTION THROUGH GF - 14 BED ROOM:



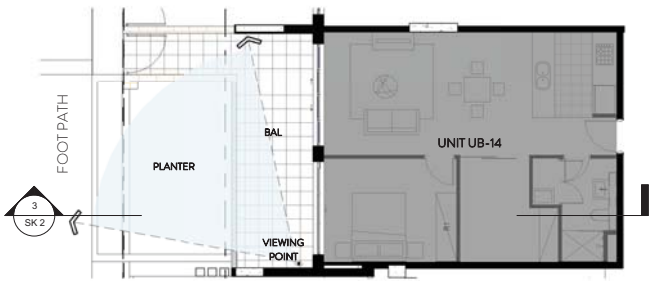
4. VIEW THROUGH GF-14 BALCONY:

## SHEPHERDS BAY - STAGE 1

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Drawing Number: SK1  
Date: 03/25/14  
Scale: 1:200

ROBERTSON+MARKS  
EST 1892

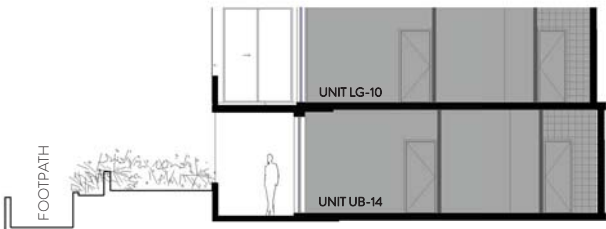
UB-14



1. VIEW FROM UB 14 BALCONY:



3. VIEW THROUGH UB-14 BALCONY:



2. EAST-WEST SECTION THROUGH UB-14 BEDROOM:

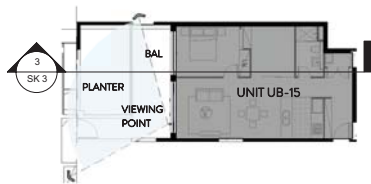
SHEPHERDS BAY - STAGE 1

Drawing Name: VIEW THROUGH UB 14 BALCONY  
Drawing Number: SK 2  
Date: 03/25/14  
Scale: 1:100

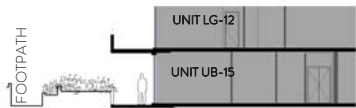
ROBERTSON+MARKS  
EST 1892



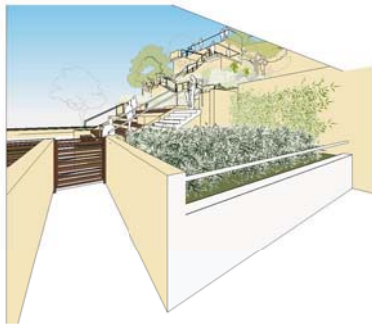
UB-15



1. VIEW FROM UB 15 BALCONY:



2.EAST - WEST SECTION THROUGH UNIT-15 BED ROOM:



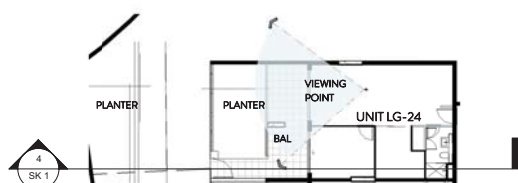
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SHEPHERDS BAY - STAGE 1

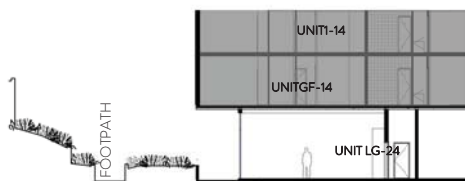
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Drawing Number: SK 3  
Date: 03/25/14  
Scale: 1:200

ROBERTSON+MARKS  
EST 1892

# LG-24



1. VIEW FROM LG 24 LIVING:



2. EAST - WEST SECTION THROUGH UNIT LG-24 LIVING:



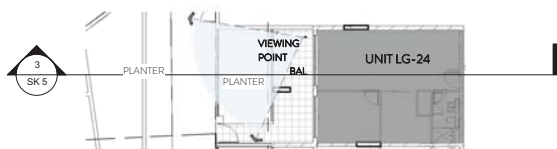
3. VIEW THROUGH LG 24 LIVING:

## SHEPHERDS BAY - STAGE 1

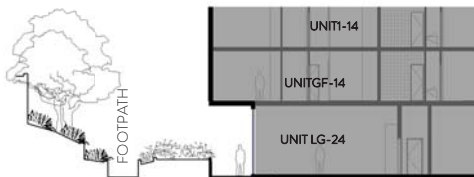
Drawing Name: VIEW THROUGH LG-24 LIVING  
 Drawing Number: SK 4  
 Date: 03/25/14  
 Scale: 1:200

ROBERTSON+MARKS  
 EST 1892

# LG-24



1. VIEW FROM LG 24 BALCONY:



2. EAST - WEST SECTION THROUGH UNIT LG-24 LIVING:



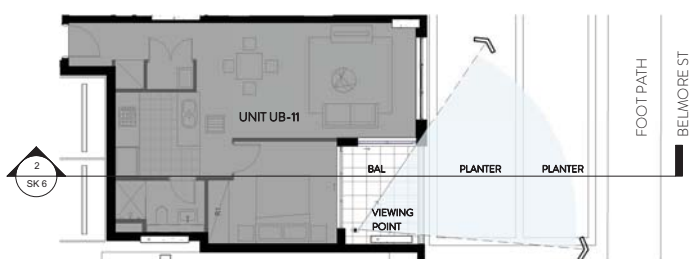
1. VIEW FROM LG 24 BALCONY:

## SHEPHERDS BAY - STAGE 1

Drawing Name: VIEW THROUGH LG-24 BALCONY  
 Drawing Number: SK 5  
 Date: 03/24/04  
 Scale: 1:200

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 EST 1892

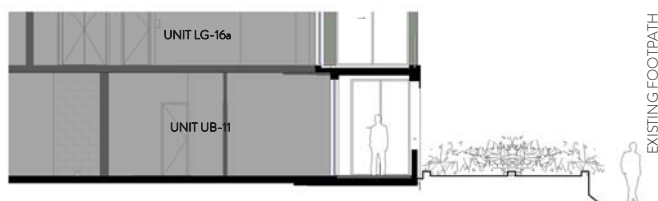
# UB-11



1. VIEW FROM UB 11 BALCONY:



3. VIEW THROUGH UB 11 BALCONY:



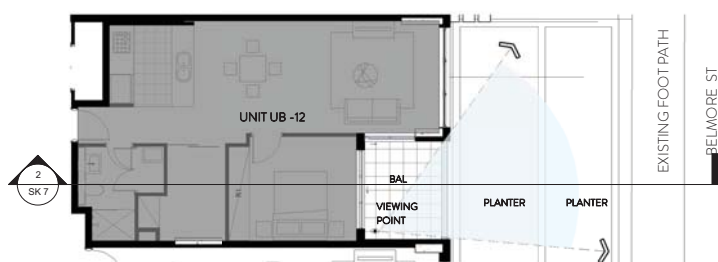
2. EAST - WEST SECTION THROUGH UNIT UB-11 BED ROOM:

## SHEPHERDS BAY - STAGE 1

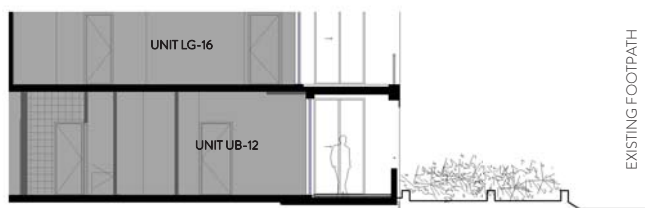
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 Drawing Number: SK 6  
 Date: 03/25/14  
 Scale: 1:100

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 EST 1892

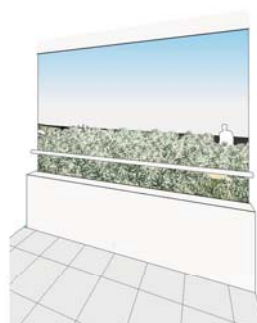
# UB-12



1. VIEW FROM UB 12 BALCONY:



2. EAST - WEST SECTION THROUGH UNIT UB-12 BED ROOM:



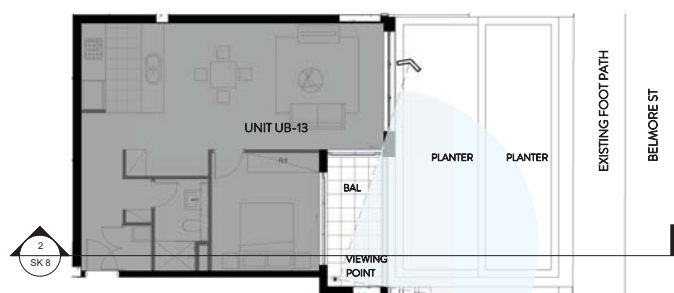
3. VIEW THROUGH UB 12 BALCONY:

## SHEPHERDS BAY - STAGE 1

Drawing Name: VIEW THROUGH UB-12 BALCONY  
 Drawing Number: SK 7  
 Date: 03/27/04  
 Scale: 1:100

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 EST 1892

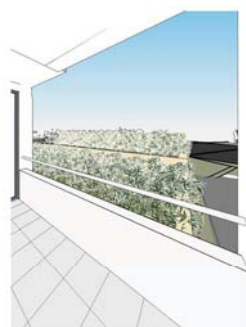
# UB-13



1. VIEW FROM UB 13 BALCONY:



2. EAST - WEST SECTION THROUGH UNIT UB-13 BED ROOM:



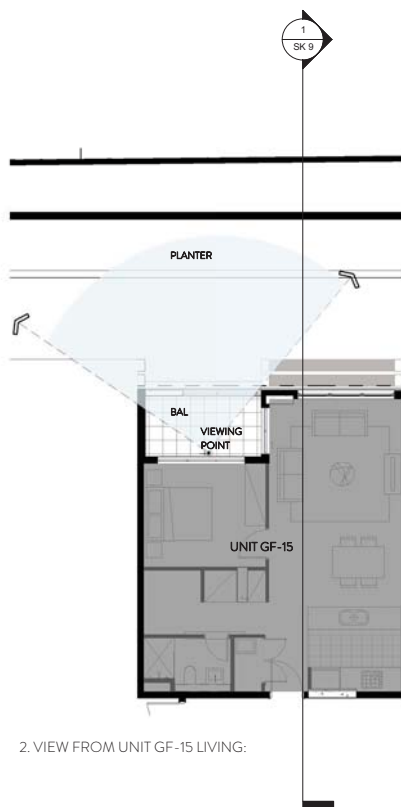
3. VIEW THROUGH UB 13 BALCONY:

## SHEPHERDS BAY - STAGE 1

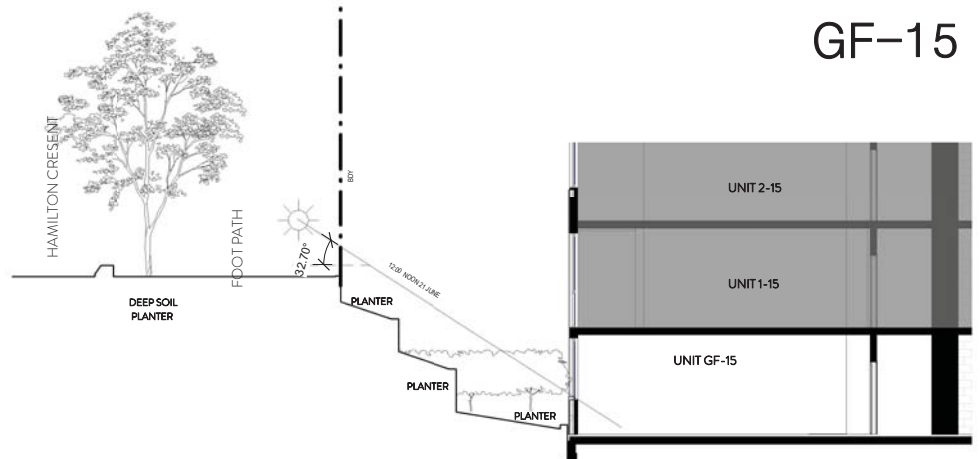
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 Date: 03/27/04  
 Scale: 1:100

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 EST 1892

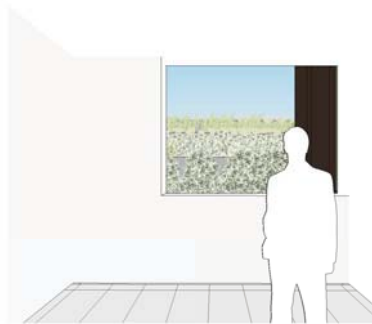
GF-15



2. VIEW FROM UNIT GF-15 LIVING:



1. NORTH - SECTION THROUGH UNIT GF-15 LIVING:



2. VIEW THROUGH UNIT GF-15 LIVING:

SHEPHERDS BAY - STAGE 1

Drawing Name: VIEW THROUGH GF-15 BALCONY  
Drawing Number: SK 9  
Date: 03/27/04  
Scale: 1:100

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1 MASTER PLAN SLOPES  
1:1000

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Client	Architect/Engineer
Contract/Drawings	Drawings/Drawings
Drawings/Drawings	Drawings/Drawings

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