

APPENDIX 3 – APPLICATION CHRONOLOGY

Date	Item	References
16 Oct 2014	Concept Approval MP09_216(MOD1) issued by PAC with a condition requested by Council for the inclusion of a 2,005 dwelling cap and a 2,976 parking cap for the precinct plus a requirement to undertake a Design Excellence Competition for Stage A.	MP09_216(MOD1)
5 Aug 2015	Council write to Holdmark to request relocation and upgrade of community facility.	Letter to Gavin Carrier of Holdmark from Gail Connolly on 5 August 2015
8 Oct 2015	Deed of agreement entered into between Council and Holdmark, at Council's instigation, for the relocation and upgrade of the community facility from Stage 2/3 to 8/9 and the addition of 17 apartments in Stage 2/3 to compensate the proponent for the relocation and upgrade.	Deed of Agreement signed and dated 8 Oct 2015.
16 Oct 2014 to 10 Dec 2015	Development consents issued by either DPE or JRPP for development of Stages 1 – 9. Following these consents, only 62 dwellings of the abovementioned 2,005 dwelling cap were available for Stage A (we note council suggests 61 remain).	MP09_219 and Development Consents for Stages 1 – 9.
Jan 2014 to Aug 2015	As required by Concept Approval MP09_216, Condition 1 of Schedule 3, a Design Excellence Competition (DEC) for Stage A was established.	
	The brief for the competition was endorsed by the NSW Government Architect's Office (GAO), Olivia Hyde, after Council advised by letter that they delegated their involvement to GAO.	Email from Olivia Hyde dated 11 June 2015. Ryde Council letter dated 30 Jan 2014 signed by Dominic Johnson.
	A Design Excellence Jury for the competition was established, comprising of Olivia Hyde (GAO), Chris Johnson (Holdmark nominee) and Gabrielle Morrish (Ryde Council nominee).	Jury engagement letters 21 July 2015.
	The endorsed Design Excellence Brief is issued to 3 invited participants, agreed with the GAO (each participant comprising a collaboration between a major architectural practice and a small one).	Brief dated 8 July 2015.
	All participants submit their competition entries. All choose to submit non-complying schemes as well as complying scheme.	31 August 2015.
28 Sept 2015 – Nov 2015	The Cox – Kennedy 19 storey entry was determined as the unanimous winner of the competition by the jury (NOTE: This design is the equivalent to a 20-storey scheme due to the double height retail level. It will henceforth be referred to as the 20 storey scheme). The jury notes that the building could support additional height. The Cox – Kennedy scheme was the 2 nd lowest in terms of height of all the entries.	Jury report of Sept 2015 attached to City Plan Strategy & Development Pty Ltd (CPSD) email to Council dated 25 Sept 2015.
	Cox – Kennedy were subsequently engaged to prepare plans for a DA/S75W application for Stage A. Following the jury's comments in relation to additional height, a 24 storey scheme was developed.	
Nov 2015 to 19 May 2016	A Design Integrity Panel (DIP) was established to ensure any DA scheme would retain design excellence post the competition process. The panel comprised of Chris Johnson and Gabrielle Morrish (Olivia Hyde declined due to work load commitments).	
	3 DIP meetings were held (2 Dec 2015, 15 Feb 2016 and 19 May 2016), with the meeting of 15 February endorsing a 24 storey scheme.	Signed DIP minutes for all meetings.

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24 Nov 2015	The 24 storey Cox – Kennedy design was presented to senior council staff who were “enthused by the design and very encouraged that the Design Excellence Competition delivered innovative and quality designs” . Council suggested at this meeting that it would be acceptable to them to remove Stage A from the parking and dwelling caps due to its isolation from the remainder of the Shepherds Bay precinct.	Minutes of meeting held on 24 Nov 2015 prepared by CPSD, dated 30 Nov 2015.
Dec 2015	A S75W application was lodged with NSW DPE, with the 24 storey Cox – Kennedy design for Stage A, a Community Facility in stage 9 (as requested by Council), and an additional 45 dwellings in Stage 2/3 (comprising the 17 additional dwellings resulting from the relocated and upgraded community facility and an additional 28 dwellings filling existing void spaces within the same approved envelope. The lodgement included a VPA proposing to contribute 8% of the gross floor area (GFA) of the additional 28 dwellings in stage 2/3 for affordable housing purposes.	Lodgement date of 17 Dec 2015. Holdmark letter to Council dated 9 Dec 2015.
04 Feb 2016	Meeting held with DPE staff to describe proposal in detail and merits of Stage A in particular. No major objection was raised by DPE staff at this stage.	Meeting minutes of 4 February 2016 by Sue Francis of CPSD.
01 March 2016	Council GM, Gail Connolly, suggests some form of community benefit to be associated with the “increase in envelope from the winning design (20 storeys) to the current proposal (24 storeys)” . The community benefit should be delivered as a VPA.	Minutes of meeting prepared by CPSD and attached to email dated 9 March 2016 to all meeting attendees.
14 March 2016	VPA offer of \$4.13 million submitted by the proponent for the four extra levels in Stage A (2672 sqm GFA) as per GM’s request. The VPA considered monetary contributions for either affordable housing or other community facilities such as a foreshore kiosk or public baths.	Holdmark letter to Council dated 14 March 2016.
16 March 2016	Council submission to DPE in relation to the 75W application following the first public exhibition process raising queries in relation to traffic, visual impact and pedestrian management.	CoR submission to DPE dated 16 March 2016.
03 May 2016	CPSD provides a response to Council’s submission inclusive of additional architectural material, a view impact analysis, and additional traffic impact analysis.	Correspondence dated 3 May 2016 prepared by CPSD inclusive of material from Cox Kennedy, RLA and Road Delay Solutions.
03 May 2016	Meeting with Council staff to discuss progress of 75W application for Stage A and Stages 2/3 and 8/9. Council requests alternative VPA offer for two-storey reduction in height of 7-level podium building adjacent to main Stage A tower.	Minutes of meeting prepared by CPSD.
04 May 2016	Alternative VPA Offer submitted as per 03 May 2016 Council request.	Holdmark letter dated 04 May 2016.
09 Aug 2016	Holdmark receives from DPE copy of Council’s 2 nd submission to DPE which states: Page 5 – “Council does not support the Modification 2 Application”. No prior indication of this change in position ever received from Council.	CPSD email dated 09 August 2016.
17 Aug 2016	A meeting was held with senior Council staff to clarify their 2 nd submission. Council reaffirmed their preference for a 20 storey envelope on the Stage A site. Council also agreed to accept a monetary contribution in lieu of the provision of a Community Facility.	Meeting minutes by CoR dated 17 August 2016.

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	Council changed its mind in relation to both parking and dwelling caps for Stage A, now requiring their retention for Stage A. However, Council agreed the caps could reflect the proposed 45 additional dwellings in Stage 2/3, as well as the dwellings and commercial floor space included as part of the 20 storey Design Competition Winning Scheme for Stage A (i.e. not the 24 storey scheme).	
23 Aug 2016	Council requests meeting to discuss/resolve VPA offers (for Stage A and Stages 2/3).	Council letter dated 23 August 2016.
30 Aug 2016 and 7 Sept 2016	VPA Meetings held. Issues regarding Stages 2/3 VPA mostly resolved. No progress made regarding resolving VPA for Stage A.	Minutes of meeting issued by Council.
6 Sept 2016	Holdmark, CPSD and senior DPE staff meet to discuss Council's 2 nd submission. CPSD and Holdmark explained the rationale for the 24 storey Stage A scheme, the exhaustive process undertaken to arrive at that scheme with DIPs and the like, and what appeared to be an unforeseen change in approach from Council to Stage A.	CPSD meeting minutes dated 6 September 2016.
27 Sept 2016	DPE issues draft recommended conditions for PACs considerations, including a 15 storey limit for Stage A (a reduction of approximately 6016m ² of GFA compared to the scheme as submitted = 9 levels @ 668.4m ² each). The conditions also deleted the dwelling cap, retained a parking cap for Stage 1 – 9 only, and allowed for a monetary contribution for a community facility via a VPA.	Email correspondence and draft conditions from DPE as part of email dated 27 Sept 2016.
28 Sept 2016	Formal Letter of Offer for Stage A VPA provided to Council.	Holdmark letter dated 28 Sept 2016.
6 Oct 2016	CPSD provided a response to the draft recommended conditions. The removal of the dwelling cap and changes to the parking caps were acceptable to the proponent. However, it was explained to DPE that the 15-storey envelope could not be delivered with design excellence due to the additional costs associated with the design excellence scheme and the inability to recover such additional costs via the sale of apartments in the higher levels of the building. An independent analysis determined that the return on such a building would be only 9.55% - less than half the 20% return required by financiers.	CPSD response dated 6 October 2016.
10 Oct 2016	Discussions regarding the Stage A VPA offer are ongoing. Holdmark confirms its offer of \$4.13m as part of the originally proposed 24 storey scheme, or \$3.09m as part of a reduced podium height scheme. The Stage A VPA is in addition to the previously mentioned affordable housing VPA for Stage 2 & 3 (i.e. 8% of the gross floor area (GFA) of the additional 28 dwellings in stage 2/3 offered for affordable housing purposes).	Email from Holdmark to Council dated 10 Oct 2016.
25 Oct 2016	The Stage 2/3 VPA is endorsed by Council senior staff and endorsed at the Council meeting of 25/10/16, including the provision of a \$3.5 million payment in lieu of a Community Centre.	Resolution from Council meeting of 25 Oct 2016.
9 Nov 2016	Council confirms that if DPE were to support the Design Excellence Competition for Stage A, it would not raise any objection.	Correspondence from Council's Acting GM dated 9 Nov 2016.
11 Nov 2016	DPE finalises their assessment of the application and makes referral to NSW PAC. Recommended conditions of consent are different to those provided on 27 September 2016.	Correspondence from DPE dated 11 Nov 2016 to PAC