

Mr Gavin Carrier
Head of Development
Holdmark
2/2-4 Giffnock Ave
MACQUARIE PARK NSW 2113

9 November 2016

Reference: D16/151712

Dear Gavin,

**Clarification to Council's Letter dated 7 November 2016
Holdmark – Various Development Projects and VPAs**

I refer to my letter dated 7 November 2016, in particular, the details relating to Holdmark's 75W Application.

Following the issuing of my previous letter to you, I have discussed this matter with Council's Mayor, Cllr Bill Pickering.

As a result, I provide the following information in clarifying Council's response relating to its Submission to the Department of Planning and Environment ('DoPE') on your 75W Application for your Shepherds Bay Development.

In respect of Stage A;

- Council does not support the application for 24 storeys
- Council's Submission acknowledges that should the DoPE support the Design Competition winning scheme, it recommends the maximum number of storeys in Stage A to be consistent with the Competition winning scheme ie: a 19 storey tower and a 4 storey podium, together with the following conditions;
 - Amend the maximum number of storeys for Stage 9 (café) building adjoining 146 Bowden Street to 1 storey.
 - Amend the dwellings cap for the site from 2005 to 2140 dwellings across the entire site
 - Retain the parking cap at 2976 and add a subclause as follows;
 - *Notwithstanding the parking cap, a proposal to provide additional parking may be considered by the Consent Authority in accordance with Ryde Development Control Plan Part 9.3 Parking and clauses relating to large sites.*

- Insert a new condition with respect to community benefit to require that an agreement is entered into with Council with respect to Stage A (similar to that contained within the Royal Ryde Rehabilitation Centre Concept Consent Instrument MP.05_0001) as follows;
 - *Prior to lodgement of a Development Application for Stage A a Planning Agreement between the proponent and Council, pursuant to Sections 93F to 93L and Sections 94A to 94E of the Act, shall be formalised to provide the following measures;*
 - *Community facilities.*
 - *Affordable Housing.*
 - *Public domain and pedestrian infrastructure upgrades.*
 - *Traffic mitigation measures.*
- Insert a new condition requiring;
 - *8% of the dwellings uplift in Stage 2 and 3 as affordable housing (Note: the outcome of this condition is between 3 and 4 dwellings) and;*
 - *2% of the dwellings in Stag A as affordable housing.*
- Amend Condition 18 of Modification 1 MP09_0216 to read;

18. Community Facilities.

Any future Development Application for Stage A shall include, at no cost to Council, the delivery of an appropriate community space within the development, which can be used by Council and members of the community for community purposes and related uses as follows:

 - a. *Prior to the issue of a Construction Certificate for Stage A, the developer is to nominate a location and provide a design, to Council's satisfaction, for the delivery of an appropriate community space, which can be used by Council or members of the community for community purposes and related uses.*
 - b. *Should the developer be unable to provide appropriate community space to Council's satisfaction by 30 June 2018, the developer is to provide a monetary contribution to Council under Section 94EE of the Environmental Planning and Assessment Act (1979) within fourteen (14) days to the amount of \$7.5 million indexed by Sydney CPI annually from the date of this consent.*
 - c. *The provision of community floor space is to be at no cost to Council and in addition to Council's Section 94 Contributions for the development.*
- Insert a new Design Excellence condition of consent requiring Design Integrity Panel certification at key project milestones, including lodgement of the DA (or as subsequently modified), issue a construction certificate and at completion of the project.
- Insert into Condition 24 *Road and Pedestrian Infrastructure Upgrades* a requirement to undertake a Stage 1 Road Safety Audit of the access intersection configuration and existing roundabouts.

- Amend Condition 24 to require intersection upgrades in accordance with the Stage 1 Road Safety Audit and to Council satisfaction at:
 - Parsonage Street / Well Street / Porter Street
 - Parsonage Street / The Loop Road
 - Well Street / Church Street

In respect of Stages 2 and 3;

- As detailed in Council's Submission, Council has no objection to this part of the Modification.
- Council at its meeting on 25 October 2016, resolved to accept an offer from Holdmark to pay a monetary contribution of \$3.5 million in lieu of the provision of a Community Centre, on the basis that this monetary value is not conditional upon the number of additional apartments that may be approved in Stages 2 and 3. Council requires Holdmark to accept this position.

I hope the above clarifies Council's position in this matter.

Council staff will be presenting the above points at the Planning Assessment Commission Meeting, when this matter will be considered.

Please contact me on 9952 8052 if you need to discuss further.

Yours sincerely,



Roy Newsome
Acting General Manager