

Objection to MP09_0216 MOD2

Please find below my objections to the aforementioned proposal.

I have two major issues with the proposed development that I shall address separately, the oversized Stage A and the relocation and shrinking of the community centre.

STAGE A

With respect to Stage A, I want to preface my objections with the note that I don't object to all development of the site, just development that is out of balance with the rest of the Shepherds Bay community.

A 24 story building has no place in Meadowbank, let alone so close to the water. Conventional wisdom has it that buildings should match the surrounding contours of the land ie: short close to the coast or riverbank, and getting taller as the land forms hills. This strategy has worked throughout the council and state as an equitable way to maximise views and enjoyment of the waterfront for all who live in the area. Placing a large structure on the riverbank benefits the developers and prospective owners of the building to the detriment of the existing residents without whom there would be no demand for such a structure. One need only look at how well the Blue's Point Tower is viewed by anyone other than Harry Seidler to see this case in point. Even the architects acknowledge this in Appendix 25 where they state "*these [apartment tower] buildings are generally located at high points in the land mass*".

The justification for further increasing the height in the latest submission is that it makes the building look more "slender". I don't see this as legitimate justification. I cannot see anything wrong with a low profile, more compact structure that is compliant with the contract the proponent has signed and the wishes of the community.

In Section 2 of Appendix 12 - Design Competition Jury Report, the background and consent history of the site is provided. Section 2.1 provides a list of the key elements that were integral to the approval of the initial concept. At least half of them are directly contravened by the proposed building. To be specific:

- With respect to building envelopes and maximum storeys and RL's: The proposed design doesn't even attempt to keep to the approved 10 storey envelope.
- The building will block the through sight lines and view corridors up the river of a great number of apartments and overshadow even more. It will also obscure the view of motorists stuck in the persistent traffic jams attempting to go down the hill on Church Street.

- The proposed design can hardly be called sensitive urban design: The proposed design would not look out of place if it were built in the 1970's, however it is supposed to be built in the latter part of the 2010's. The addition of some steel structure to make it resemble the Ryde Bridge is unsightly. The building does not resemble anything else in the area so it can hardly be called sensitive to the local area.

Furthermore, as far as I'm aware, there are no structures anywhere near the proposed height on the north shore of the river until you reach either North Sydney or Parramatta. The relative proximity to the overdeveloped peninsula of Rhodes and its towers, and the fact that the tower will be about the same height as the Top Ryde City (which has far fewer floors but is on top of a hill) is not justification for breaking with the feel of the rest of the riverfront and erecting such a tall building.

The development of the Shepherds Bay community has been underway for a substantial amount of time. The designs built and under construction at the moment are all around 10 storeys. People, like myself, have bought into the area because of this design decision. If I had wanted to live to in, or near to a residential tower, I would have bought property in Rhodes. One of the biggest reasons I chose to buy in Shepherds Bay was because of its lower density. Many of my neighbors feel the same way as well as the many people who bought off the plan with the understanding that a building about the same height as the rest of the area would be constructed at the site.

The size of the open area and green space accessible to residents and locals is far smaller than what has been provided for the rest of the Shepherds Bay area and considering that the number of people that would be living there is greater than in other apartment blocks, is manifestly insufficient. The local parks are already over capacity on summer evenings and weekends, and there is still a lot of development left to go in the community so any future developments in the area need to have generous green spaces to allow residents to flourish.

There are multitudes of studies that show how looking into green space is hugely beneficial to people's long term mental health and happiness, given that half of the building looks over one of the busiest roadways in the country, the need for green space could not be higher, further highlighting the designs deficiencies.

It is important that the public spaces are actually green spaces too, not just pavers, concrete and thoroughfares. These sorts of hard public places cannot be used by the community for picnics, ball games and so on. Additionally, the fragmented nature of the concept green spaces greatly restricts its usability, and leave it inadequate to service the needs of the community.

I have been only able to find two stated justifications for going over the mandated building

height. The first is because it is allegedly a 'site of significance' and the 'Gateway to Ryde'. While I cannot disagree that the lot in question is about as close to the boundary of Ryde council as can be, I can't see how an out-of-place tall residential tower acts as a monument to entering Ryde. I cannot think of any other suburb that uses a residential tower as marker of a town boundary and I fail to see how this one would achieve that. There's no mural or large sign indicating the change in suburb that I can see in any of the provided concept drawings, and other than attaching a bit of hard-to-see steel to the building, there is nothing in the aesthetic of the building that ties in with the history or culture of Ryde City. In addition to the litany of other problems with the concept, the fact that it fails to fulfil the ostensible reason it was proposed should be grounds for its rejection.

The Director General's Design Excellence Guideline specifies that in recognition of the time it takes to design a large structure/multiple structures, it may award the winning group an increase in LEP. It should be noted that the Jury is not obligated to do so, and even if it does, the maximum permitted extra LEP is 10%. Rudimentary maths would indicate that going from 10 to 24 storeys is more than 10 times the maximum permitted by the guidelines and should thus be rejected. This is further cemented by the developers acknowledgement of the fact in the S57W report where they state "*... there was no explicit commentary that such a design competition would allow building height in addition to that specified in the concept approval*".

Feasibility of the site seems to be the other 'justification' for having a taller building. I would argue that, like any other normal business would, if delivery of a product cannot be done for a feasible price, then the product should be abandoned, not have 'special rules' put in place that disadvantage others; or that it be sold on to someone who can deliver a feasible and compliant result.

The prose used in Appendix 25 - Stage A View Impact Analysis vaguely insulting. The "justifications" for the request to increase the building site range from barely reasonable to outright ridiculous. Some examples are included below.

- "*The area [Rhodes], which has an urban character and density similar to Shepherds Bay*". A blatantly false statement. As I've already said, Rhodes has a much higher density, mostly due to its residential towers, something that the Shepherds Bay area has deliberately kept away from.
- "*Once the height of Building on the site exceeds 10 storeys the scale of the existing context is already departed from a 24 storey building is no longer materially significant*". I can assure you that I can see the difference between 10 storeys and 24 storeys and that the change is substantial. I'm sure the developers would complain if they were asked to donate 58.4% percent (the difference between 10 and 24) of the

money they make on increasing the size of the complex to the council because such a change is not "materially significant".

- *"the city skyline of Sydney is now 'peppered' with tall buildings which are no longer seen as out of place or disruptive in the urban landscape."* The city is 15km away and is totally irrelevant to development at Shepherds Bay. It can't even be seen from the majority of the area.
- *"When viewed from afar the building will 'fit' within the skyline being established by the Rhodes Development"*. The aforementioned distance would have to be quite large one for this to be true. One need only look at the documents submitted that show the proposed building silhouettes to see that it does not fit in with the local area. The fact of the matter is that the only picture provided that somewhat shows the proposed building 'fitting in' is a concept drawing showing the area from Top Ryde and even then it stands out like a sore thumb. All of the views of the building shown from the perspectives of its immediate neighbors show it to be vastly oversized and not at all fitting in with the locality. It completely ignores what the people who would be most impacted by it would think; that is the residents of Shepherds Bay; who by and large would think that it doesn't fit.
- *"Placing taller buildings at the lower portions of an area rather than on the high points, as has traditionally been the case (for example in Rhodes), offers a quite different reading of scale"*. I don't understand what positive they're trying to draw out by highlighting how they're going against best practice and against what has been done at Rhodes which until now they had been using as an example of why their proposal should be accepted.
- The entirety of Appendix 25 repeatedly states that the lot is *"unusual and special because of its very specific location and characteristics"* and thus deserving of something unusual. Other than proximity to the Ryde Bridge and being a block surrounded by roads, I see nothing special around the site. Furthermore, even if these are grounds for 'specialness' I see no reason to construct something that does nothing for the surrounding areas. The apartments at 2 Bay Drive, located in an equivalent position next to the railway bridge are a good example of what can be done that is different, without standing out like a sore thumb. The building utilises a number of different shapes and uses different colour palette to set itself apart from the surrounding buildings.

Appendix 15 also shows a number of flaws with the proposed design. Specifically:

- Requirement 4A-1 *"In all other areas, living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 3 hours direct sunlight between 9 am and 3 pm at mid winter"*. This requirement has been marked as "NA". I cannot see any justification for why it has been deemed so or how many of the proposed apartment areas meet this requirement.
- Requirement 4F-1 *"Common and Circulation Spaces"* . Neither of the two requirements here have been adhered to. While appendix 15 states that it is *'subject to design development'*, a fairly detailed design is shown in Appendix 13 which shows the design already flouting these requirements. I find it unlikely that in the event this proposal is approved that the developer won't turn around and ask for a deviation in these requirements that have been put in place to protect the health and safety of residents.
- Requirement 4G-1 *"At least 50% of the required storage is to be located within the apartments"*. Again, this has been marked down as a non-conformance. Given the detailed drawings in Appendix 13 show apartment layouts including storage and do not show any sign of storage cages or equivalent storage areas in the basements, I do not see how the developer intends to fulfil this requirement without removing barely catered for car parking spots or adding extra levels, neither of which should be done.

In many ways, the situation with Stage A is akin to an individual buying a heritage listed house then asking to demolish it to build something that is not attractive and not in the same character as the surrounding residences. The developer knew the restrictions on the site before they acquired it. Just as we would not allow our built heritage to be destroyed by an individual who knowingly bought a heritage listed house, we should not allow a developer to run obscenely over the restrictions in the name of profits.

I have lived in the general area all of my life and I commute daily drive along Church St. As the towers of Rhodes have been built and then occupied, the traffic along the corridor has gone from being very heavy to crippled. Both NSW and local governments have been looking at ways to alleviate the load on the corridor, but there are no easy or even feasible solutions. I note that traffic planning reports have looked at the smaller local roads, but have completely neglected to look at where they will be primarily draining to. Church St cannot cope with the load that is already on it, let alone what this tower would add to it.

While further traffic planning has been submitted in the second modified proposal, it is worth noting that both Transport for NSW and the RMS still have several substantial issues with the proposed development.

Having had a look at some of the other objections submitted by other parties, I note that traffic

and parking planning is a significant concern among many of them, particularly when for incomprehensible reasons, the stage A development is for some reason considered something completely separate to the rest of the traffic and parking planning, something which is patently non-sensical.

I also can't help but note that the substantial impact on residents during construction has also not been addressed. In one of their submissions, TfNSW has stated that Road Occupancy Licenses will be required during construction. The roads that surround the Stage A development are already narrow and alternative routes are already over capacity. Closure or partial closure of these roads during construction will cause even more substantial traffic than already exists and should not be permitted.

Finally, there have already been numerous incidents in Rhodes where emergency services have been unable to get to people in need in a timely manner due to the excessive traffic load in the area. Attempting to enter or exit Shepherds Bay in the morning or evening peak demonstrates that the area is already over capacity and potentially risking lives. Increasing the dwelling cap and thus the increasing the traffic load that will be generated by those new is irresponsible will put those very people at risk of unnecessary injury

Schools in the Ryde Council and neighboring Canada Bay Council, both primary and secondary are rapidly filling up. The rampant construction in Rhodes, Wentworth Point, Shepherds Bay and Ryde means that they are already at capacity. There have been numerous reports detailing the need for more schools to cater for the increased number of people in the council area. The Newington Primary School population has more than doubled over the 7 years and other schools report similar figures. With the North Ryde and Herring Road area developments in progress and no set plans for construction or permanent expansion of schools, it is irresponsible to build a large apartment tower that will attract more families with children who cannot be educated in the non-existent nearby schools or at or over capacity schools in adjoining council areas. This will put pressure not only on the closest schools, but on the roads leading to them as many of them are not easily accessed by public transport; something that does not appear to have been considered in the application. I note also that the Meadowbank Public School P&C Association, with a far more informed knowledge than myself, has submitted an objection based on similar concerns.

In conclusion, the proposed development is not fit for purpose, is not desired by the local residents, and has been poorly thought through. There is nothing particularly unique about the development that delivers a better way of life for locals than a compliant design would. The proponent has chosen to gamble with increasing the size of their other buildings in the area, thereby eating into the maximum number of dwellings they can put in Stage A. This was not something they were asked or required to do, they chose to, knowing the cap that was in place.

If this results in a compliant Stage A being unfeasible, then that is something they have brought upon themselves. The proponent has already made more money out of the development from earlier stage size increases. They should not be further remunerated at the expense of the community as a whole.

This modification should be rejected. The dwelling cap, decided by Ryde City Council in 2013 was decided upon for a reason. Those reasons were as true then as they are now. It is not in the public best interest, nor is it reasonable to increase it or exclude it from the rest of the Shepherds Bay dwelling cap. I ask that the PAC resolve to maintain the 2013 dwelling cap and reject this modified proposal.

COMMUNITY CENTRE

The proposal to reduce, relocate and delay the community centre is abhorrent. The developers have been, and will continue to make an obscene amount of money out of converting the former industrial area into a residential one. One of the few obligations they had to giving back to the community they are creating is the provisioning of a community centre. The terms in the contract that they have signed are clear and have been specified to meet the needs of the community.

I can see no benefit to the change in design proposed. The relocation to stage 9 will delay by a number of years the delivery of a community centre that will be needed long before it would ever be constructed. That need is demonstrated by the fact that the PAC is having to hold its community meeting outside of the physical bounds of the community due to the lack of community space and availability. The community already in Shepherds Bay cannot get the time they need in their centre, a problem that will only be compounded as more and more buildings open up, none of which have a community centre in them.

I note that in the latest modification, an option has now appeared that the proponent can make a donation in lieu of providing a community centre. This option should be removed. Once apartments are built, the opportunity to add a community centre that is actually at the centre the community is lost. The \$3.5m dollars that is to be provided in lieu of a centre is not enough to buy land, let alone put anything on it and is manifestly inadequate.

The original location is ideally located in the centre of the new development. Moving it so that it is adjacent to Bowden Street will inconvenience residents who live further east and provide no benefit to them.

The design depicted on page 24 of "*S75W Report_Shepherds Bay_resubmission FINAL.pdf*" does not appear to comply with even the proposed amendments. As seen on page 20 of the same document, the amended requirements state that "*The community facility must be a*

minimum of 500m² in area and be primarily located on ground level." and *"The designated community floor space must not be used for any other commercial, retail or residential use"*. The design seen on page 28 shows the ground floor is not primarily a community facility as required from the first quoted requirement, it is a restaurant, cafe and car park entrance, which is in direct opposition to the second requirement quoted above.

In addition to being non-compliant, the proposed design requires an increase in height that will impact on the views from existing apartments. Given that a better, more compliant location has been designed and previously approved, I can see no benefit to approving this change to the community as a whole.

To close my comments today I would like to make a few more general comments.

The proponent has attempted to show that there is increased community support for their development by pointing out that there were fewer objections to the modified proposal. I would like to point out that the period for comments was conveniently timed so that the letter was received at the start of the school holidays and the time for comment to closed as they were finishing, meaning that there would have been a substantial number of people not at home or with greater demands on their time that meant that they did not have the time to write a submission. I would also like to point out that 161 objections is not a small number, and a good number of those complaints represented multiple people, like stratas. They may also like to state that there were no new issues, but fail to address the fact that they did not address any of the issues that I, and many others, raised in their earlier objections.

Finally, I would like to highlight to the PAC that that this development has had literally hundreds of objections against it. The proponent might want to state that there were some comments amongst the hundreds of objections submitted online, but reading the content of the comments shows that in reality, they too are objections.

Not only does the community object, serious misgivings or outright objections are held by Ryde Council, TfNSW, the RMS and the local MP. I urge the PAC to examine these objection in detail and see how the proponent has failed to adequately address the concerns of not only the people, but these government agencies. The site that the proponent has to work in is a difficult one. Detailed plans on how construction, access, traffic and parking will be handled should be completed before a determination is made by the PAC. The reason that many of these concerns remain unaddressed is because the solution is not easy and will likely have significantly negative impacts on residents and commuters on Church Street. The space for roads to expand into or be re-routed is highly restricted by the existing developments and upgrades are already required. Once the development has been approved, these negative impacts will happen,

regardless of the wishes of the community or government agencies. I believe that the changes that will need to be made are an important piece of information that the PAC needs to have to make an informed decision on the matter at hand and ask that they wait until these details have been fleshed out and approved by TfNSW, RMS and local council before making a decision.

I am pleased to see that the Department of Planning and Environment agrees with many of the issues raised by both the community and other government bodies, although I, and my strata, still object to the increase or removal of the dwelling cap.

I am astounded that I am having to spend my time objecting to this proposal which has already been rejected on two previous attempts. The thoughts and desires of the community have not changed, no matter how much the proponent hopes they have been and I hope to hear of it being rejected yet again in conjunction with the announcement of a design that complies with the height restrictions and dwelling caps that were in place when the proponent acquired the site.

Besides the substantial number of problems with this specific development, the decision made on it will set a precedent for the rest of the developments in Shepherds Bay and the greater area. Allowing the dwelling cap to be increased, allowing a substantial increase in height, allowing for the reduction or removal of the community centre now will give other developers the precedent to do the same. While Shepherds Bay may be able to struggle through the excessive traffic, the unsafe footpaths, and the overcrowded green spaces from this development, it certainly won't survive the crush of people brought on by other developers who will use this development approval as a precedent for their own.

Thank you for your time and consideration.