

My Name is Laura Shirtley and I speak on behalf of myself as an owner of an apartment in Shepherd's Bay and as a representative of strata 78741 on whose committee I serve as secretary. I am an engineer by profession, and i've worked as an Independent Verifier for major NSW projects in the past.

While I am appreciative of the opportunity to speak at this meeting, many of my fellow strata members were unable to make this meeting due to its time and location. I was lucky in that I was able to drive my car to work today, which is just up the road at Macquarie Park and that permitted me to get to here, which is not so easily accessed by public transport.

I have written a number of times in objection to this development, typically including details of non-compliance with standards and requirements to which I have largely seen no response in any of the materials supplied by the proponent. So as not to bore you with all the details, I have included them in the written submission that accompanies this speech.

In summary, the non compliances include (but are not limited to):

1. Failure to demonstrate SEPP 65 compliance, namely in demonstrating adequate light levels and ventilation in all apartments and the failure to deliver a deep soil area that makes up 25% of the open area. A half hearted effort using what appears to be little better than MS paint has been made to indicate the levels of sunlight on balconies and cross ventilation on half of the residential floors on only some of the apartments. Such an effort makes it hard to believe that the design should be taken seriously and makes me question if there's any actual design behind it. Furthermore, there is no summary table indicating what percentage of apartments meet the minimum standard required by SEPP 65. The light levels look like they apply to balconies, but the

standard requires they apply for balconies and living areas.

2. Failure to deliver an integrated cycleways plan
3. Failure to deliver an acoustic report as requested by the DIP
4. Non-compliance with the maximum number of apartments off a circulation core
5. Non-compliance with the maximum number of apartments sharing a single lift
6. Failure to deliver the minimum required storage located within apartments
7. Non-compliance with FEAR 4 requirements
8. Failure to deliver a FEAR 15C
9. Non-compliance with the maximum permitted GFA – exceeding it by 13%

Why is everything deferred to future DA's? Concerns about noise, light levels, ventilation are all deferred to subsequent DA's. This process has dragged on long enough, and some of this design is supposed to be completed at this stage of design. There is no reason why this work cannot be done at this stage to prove that the proposed design is in the best interest of both the residents within the building and surrounding it. It should be noted that the DIP who has yet to endorse the design also made the same comment on the previous submission which appears to still be unaddressed.

Beside the litany of non-compliances and design oversights, my primary objections to this proposal are with respect to the inclusion of serviced apartments, the lack of a community centre and the impact on local traffic.

I fail to see how greed on behalf of the proponent in stages 1-9 in cramming in more dwelling should be rewarded with a de-facto increase in dwellings through the provision of serviced apartments that are unlikely to stay as such in the long term. If the proponent is having issues with remaining under the cap, the extra apartments

from earlier stages that have insufficient light levels can be removed from that stage and added to Stage A. This will have the added ability of allowing for the restoration of the community centre, of which I still see no evidence in the latest submission, to a location of sufficient size and located centrally to the community.

I agree with the Council's recommendation that the serviced apartments be included in the calculations for both the non-residential GFA and the dwelling cap, as in reality, they do contribute to both.

The proponent states that one of the reasons for the provision of serviced apartments is because “commercial/retail floor space in addition to what is already proposed... is not a viable use” I ask again why the community has to suffer for the profits of a developer. If the site is not viable given the design constraints that have been made clear from the outset then they should release the site to someone who is capable of delivering a compliant, viable design. Developer profits should not come at the cost of the community and should not be a factor in a design like this.

On what basis can the proponent assert that “the intensity of use from serviced apartments is notably less than either residential or retail uses in respect of traffic generation?” Equivalent serviced apartments in Rhodes are available for long term lease, meaning a customer of the apartments would have an identical effect to a permanent resident, especially with respect to traffic. In the course of my professional career, I have used many serviced apartments. In the vast majority of cases, I had a company car with me and used the local amenities in much the same way a resident would. I would like to ask the proponent how a guest of a serviced apartments is NOT like a resident to justify their assertion. In fact, their own traffic report states that the serviced apartments generate more vehicles per hour than the residential apartments.

“Because I said so” is hardly a reasoned argument as to why these serviced apartments would not have the same impact on the community as the equivalently sized dwellings.

What guarantee to residents have that the serviced apartments will stay as such? Will there be a limit on the time a guest can stay? A ban on the enrolment of any children of long term guests in the local school (which will allegedly be unaffected?)

Many years ago, a requirement was put on the proponent to deliver a 1000m² community centre with the 1000th residence, which as far as I can see had not been designed, let alone delivered. The well overdue need for the community centre is ably demonstrated by the fact that we are meeting here today, outside the of community because I assume that this committee was unable to book the chronically busy community centre that was built to service the residents in much earlier phases of the redevelopment of Shepherd's Bay.

The NSW Planning Assessment Commission Determination Report rejected the request of the Proponent to relocate or donate money in lieu of a community centre. I see no evidence of where the Proponent proposes to deliver the community centre in any of the provided documentation. While the former council who were voted out at the last election had a tentative agreement for a a \$3.5 million donation in lieu of a community centre, the fact remains that there is very little land available to build such a centre and to do so and furnish it would cost far more than \$3.5 million. The NSW Planning Assessment Commission Determination Report indicates that the likely location for the new community centre is Meadowbank Park. This is an unacceptable location for many reasons including:

1. Distance from the majority of the new community – Appendix 9 notes that the

majority of residents in Stage A are unlikely to walk to the train station due to its distance from the site. Meadowbank Park is almost that distance again from the station as the crow flies. Its remoteness severely impacts on its ability to be used by the community and can hardly be considered a realistic community **centre** given that fact.

2. Green space is at a premium, as noted in many of the objections from the last modification request. Sacrificing the precious green space that Meadowbank Park to build a remote community centre is the height of lunacy

This modification should not be considered until a design, including a location for a centrally community centre is provided.

I remain concerned about traffic levels in the area and the safety of the proposed truck ramp of church street.

he proposed loading dock driveway is a disaster waiting to happen. Having it branch off so soon after the start of the normal vehicle deceleration road will lead to commuters accidentally ending up in the loading dock; a very hazardous location for motorists and dock workers alike. Appendix 9 states that in the evening *“there will be a need to permit queueing vehicles to utilise the deceleration lane on Church Street”*. Queues along the deceleration lane will further encourage cutting through the loading dock to jump the queue. Appendix 6 DIP Endorsement Meeting 3 also states *“further consideration is required of the loading bay entry and exit as it impacts on the amenity of Wells and Church Street.”* The design does not appear to have changed substantially since Mod 2. RMS objected to the design in 2016 in its letter where it stated *“Roads and Maritime does not support proposed access via deceleration lane in Church Street due to safety concerns. Similarly Roads and Maritime has concern regarding proposed access from Well Street due to limited site distance and safety”*. Despite updating its report, the design itself does not appear to have been updated and the current design is unacceptable. Any subsequent

modification requests that provision ingress and egress from the site in as similar manner should be rejected out of hand.

Permitting any form of queuing to build up on Church Street is not just a nuisance, but a hazard. As a daily commuter up that stretch of road, I can tell you that the left lane tends to flow faster than the other two since it drains on to Victoria Road. Appendix 9 states that *“the reduced speeds and congestion levels during the evening peak will moderate the potential for rear end collision by bothe[sic] passenger and heavy vehicles within the deceleration lane”*. Moderate does not mean eliminate and the last thing that hill needs is the introduction of another stopping point. This proposed design is not a safe solution and introduce an unnecessary hazard that will result in injuries.

I have gone through the new documents placed online for consideration and I was concerned by a statement in the Environmental Assessment Report, Section 4.2 that stated that upon re-submission of this design that no submissions were received from the public. This statement is misleading. I received no indication, by email, letter, notice in the newspaper or any other correspondence that any determination or modification had been made on this submission. None of the other strata committee members, nor other owners at the last committee meeting received any notification either, and I suspect this is the case for the vast majority of other concerned parties. The only correspondence I have received was the notice for this meeting, which came after the Environmental Assessment Report had been placed online. As it happens, because it had been a while since the last submission had been made, I looked up the website to see if a determination had been made only to notice the amended submission. At that time, the ability to make any submission on the website was closed, so I fail to see how the community could have made a submission even if we had known about it.

I ask the committee to take this into account when considering the proposal as the statement is not a fair reflection of reality.

Per my previous objection, the Design Integrity Panel (DIP) has still not endorsed the modified design, ostensibly due to the availability of the members. Given the number of months this process has been dragging out, the fact that the proponent has still not managed to get approval of the design suggests that the DIP sees the fundamental flaws with the proponents design and is negotiating with proponents to amend the design. The report states that the DIP was expected to respond by the end of May, but I see no evidence of any response among the supplied materials. I ask that no design be accepted until the DIP has had their say.

Appendix 17 Architectural Design Competition Jury Report appears not to have been updated since 2015, which is concerning given the number of changes to the design since then. It is entirely possible that current submission doesn't even meet their criteria of "design excellence" any more.

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 and permitting the 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.

All I have even wanted, as have many of the residents here who have objected to this

development is a design that complies with the initial conditions to which the proponent agreed. Primarily, not building over the dwelling cap (in which I include serviced apartments, no matter what the legislation says) and delivery of 1,000m2 community centre. I would also like to see a design delivered that actually makes an attempt to demonstrate how it complies with the requirements of the site. I ask the board today to reject this proposal as it is not in the best interest of the community, still fails demonstrate compliance and serves only to benefit the pockets of the proponent. I further ask the board to not put more proposals to the public for

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