

To whom it may concern

Objection to MP09_0216 MOD3

I write this letter of objection to Modification 3 to MP 09_0216 as an owner of an apartment in Meadowbank and upon the request of the strata committee on which I serve who wish me to speak for them in their objection to the proposed amendment.

I have a number of objections, which I have listed below, including the reference to the document in which the information was obtained where relevant. I make reference to a number of appendices submitted for the unamended 15-storey proposal as the majority of the documents have not been updated for this particular amendment, leaving me to believe that they represent the design the proponent wishes to deliver.

In my experience as an engineer that has delivered a number of major projects to a variety of clients, I can guarantee you, any design that is not compliant with requirements is not a design, let alone one that shows "design excellence". "Design Excellence", a nebulous and ill-defined concept is often used as justification for not complying with the requirements of the site; namely staying under the dwelling cap and failing to deliver a large amount of other information that is required at this stage of the design in the hope that they can slip under the radar and proceed with construction of a non-compliant structure.

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.

Appendix 17 Architectural Design Competition Jury Report also contains a list of 5 recommendations made by the jury, 3 of which appear to still be unaddressed namely:

1. Traffic Noise mitigation
2. Natural ventilation
3. Relationship between the main block (Church Street) and lower northern block , specifically facade design, which appears to have not changed since the initial jury report

Appendix 6 DIP Endorsement 3rd Meeting_ MP09_0216 S75W.pdf states that '*Any subsequent Development Application (DA) should rely on an acoustic assessment to ensure amenity of the residential component is adequate and compliant with relevant legislation, particularly in relation to traffic related noise from Church Street.*' The Architectural Design Competition Jury Report (Appendix 17) also calls for a similar assessment. I could find no evidence of such a study being completed, nor the design compensating for it. Appendix 18, item 32 appears to indicate that it has not been commissioned at all. Given the overly large, flat faces that will be present and the ambient noise in the area, acoustic reflection and refraction could be a substantial

issue. This modification should not be considered until a thorough acoustic assessment has been completed.

Appendix 18 is entitled 'Concept Approval Conditions', which I took to mean conditions that must be met to receive approval of a concept plan; the current stage. A quick word search shows that there are eleven instances of '*Any future Development Application will be consistent with these requirements.*' Note that this number does not include conditions which the Proponent attempts to sneak around requirements. As previously stated, until a compliant design can be presented by the Proponent, proposals and modifications should not be considered and continue to be rejected.

Some of the critical information missing from Appendix 18 includes (but is not limited to):

1. *"Provide at least one contiguous open space, of a minimum of 3,000m², to accommodate both active and passive recreational needs. The open space shall include deep soil area and receive a minimum of 2 hours of sunlight to a minimum of 50% of the area on 21 June"* - I see no evidence of any sort of light analysis being completed on the proposed plaza beyond the basic shadow diagrams, the plaza does not appear to contain any deep soil area, and Appendix 2 lists the plaza at 1131m², less than half if the required size. This is a requirement that has been known to the Proponent since at least March 2013, where it was specified in the "Concept Approval Instrument"
2. *"Include a pedestrian and cycleways plan that demonstrates that the proposed routes are both viable and integrated with Council's plans for the surrounding area. The amended concept plan, demonstrating compliance with these modifications shall be submitted to, and approved by, the Director General prior to the issue of the first construction certificate."* - While Appendix 9 ostensibly contains a pedestrian and bicycle plan, it appears to consist of a map showing existing cycle paths that are not integrated with the site and references to cycle ways that are to be built that are not directly connected with the site. The RMS highlighted the deficiency in the design in its letter during Mod 2 stating *"the 3 new east-west cycle links fail the above requirements [the networks should be coherent, direct, safe, attractive and comfortable] as they have indirect connection to the surrounding cycling network and do not continue to Meadowbank train station"* The pedestrian plan appears to consist of only a pair of pedestrian islands to be located on busy roads with blind corners. It is manifestly inadequate for a development of this magnitude.
3. *"Future Development Applications shall demonstrate compliance with the provisions of the SEPP 65 and the accompanying Apartment Design Guide (ADG) "* - The proponent states that the architect has provided a compliance assessment, but I have not been able to locate it in the supplied material. All I can see is a statement from the architect that the design *"maximises solar access"*, but maximise does not equal compliance. A half-hearted effort using what appears to be little better than MS paint in 2018-05-14 Indicative Drawings + Accommodation Schedule 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.

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.

Appendix 5 ADG Table of Compliance lists a set of criteria the Proponent is required to meet. Of them, a full 33% are marked as either non-compliant or not applicable without any justification. If they cannot deliver a compliant design, they should not be permitted to build it. While they may state that it is only a concept design at this point, Appendix 2, Indicative Architectural Plans includes a schematic of the proposed building that is quite detailed and hence unlikely to have major changes.

The 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.

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 number of residents beyond the limit 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.

I am strongly against the presence of Services Apartments in this development. Over the course of the last decade and over the next decade, the vast majority of commercial and industrial workplaces that previously characterised Meadowbank will be turned into residential buildings. There will be no workers to support such a concept within Meadowbank. If the justification for their inclusion is because of the proximity of Rhodes, it should be noted that the probable route from the Stage A to many of the major employers in the area is largely along a very busy and polluted arterial road and over 20 minutes long. Olivia Hyde acknowledges this in her email attached to Appendix 6 DIP Endorsement 1st Meeting stating that *'Church Street is already a very hostile environment'*. The time and distance is approximately the same if the train connection is used. If there is a commercial need for serviced apartments in Rhodes, then that's where they should be build. Not in Shepherd's Bay where this is no demand and a hazardous environment for the users.

The true reason for including serviced apartments is shown in Examination of Appendix 6, DIP Endorsement 1st Meeting namely because serviced apartments do not to count towards the dwelling limit that the Proponent must adhere to. Even if that is technically within the rules, it certainly goes against the spirit of them. Temporary residents will have a near identical effect on local amenities. They will still consume water and power, increase traffic, occupy parking spaces, use parklands and otherwise impact on the actual residents of Meadowbank. The proposed Serviced Apartments should be counted the same way as a normal apartment, and thus be precluded from inclusion where that number increases beyond the dwelling cap.

Appendix 2 includes a schematic of the proposed building. In my experience, serviced apartments do not to include fully fledged kitchens in them, which can be seen on their drawings. Comparison of the fully residential floors to the serviced apartments shows negligible difference. It appears to me that if approved, the Proponent has no intention of keeping them as serviced apartments long term. If this is the case, they must be counted as dwellings and have all the required amenities of one; a burden the current design does not meet.

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. Developer profits should not come at the cost of the community and should not be a factor in a design like this. The long term comfort of the community both within and without Stage A should be the primary consideration, and overcrowding area benefits neither. The NSW Planning Assessment Commission Determination Report states that “*financial viability is not a key consideration in the assessment of the merits of the proposal.*” and it should continue that way. 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.

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.

“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?)

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.

If the Proponent feels that complying with that constraint will make the re-development of Stage A unfeasible, they have only themselves to blame. They have requested and received

permission to squeeze more dwellings into other stages, in one place, at the cost of a community centre that would have been delivered with the 1000th dwelling, of sufficient size and actually in a central location. They can always revert back to their original concept and use the additional dwellings in Stage A. The dwelling cap was set for a reason, and exceeding benefits only the Proponent at the cost of the community.

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 recently voted out had a tentative agreement for 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 : Traffic Impact Assessment 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 community centre is provided.

These endless rounds of rejection and re-application cannot continue. It is a waste of your time, my time and the many other members of the community who have written in the hundreds and turned up to public meetings to object to the over development of the site. The only development of the site that will be accepted by us is one that is compliant with the requirements that the Proponent has known and agreed to since they acquired the site a number of years ago. These requirements include the conditions on height, dwelling numbers and the delivery of a community centre.

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.

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 and GFA limit, 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. I ask that you resolve to maintain the 2013 dwelling cap and GFA restrictions and reject this modified proposal.

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.