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TRANSCRIPT OF PROCEEDINGS

TRANSCRIPT IN CONFIDENCE

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INDEPENDENT PLANNING COMMISSION

PUBLIC MEETING

RE: SHEPHERDS BAY CONCEPT PLAN MOD 3

PANEL: **GORDON KIRKBY**
PROF RICHARD MACKAY AM
ILONA MILLAR

PARTICIPANTS: **DAVID MOONEY**
DAVID WAY
BERNARD LEE
DYSALAN GOVENDER
SANDRA BAILEY
MARGARET LEE
NATALIE HISSEY

LOCATION: **CLUB RYDE**
728 VICTORIA ROAD
RYDE, NEW SOUTH WALES

DATE: **2.00 PM, THURSDAY, 16 AUGUST 2018**

MR G. KIRKBY: Okay. Good afternoon. Before we begin, I would like to acknowledge the traditional owners of the land – on the land on which we meet. I would also like to pay my respects to their elders past and present and to the elders from other communities who may be here today. Welcome to this public meeting on
5 the proposed modification from Rothesay Avenue Developments Proprietary Limited, the proponent, who are seeking to modify their concept plan to allow serviced apartment use with associated changes to ground floor area allocations for Stage A of the development site. My name is Gordon Kirkby. I'm the chair of this Independent Planning Commission Panel which has been appointed to help
10 determine the proposal.

Joining me are my fellow commissioners Professor Richard Mackay and Ilona Millar and we have David Mooney and David Way from the Commission's Secretariat. Before I continue, I should state that all appointed Commissioners must make an
15 annual declaration of any conflicts of interest, identify potential conflicts and their appointed role. For the record, we're unaware of any conflicts of interest in relation to our determination of this proposed matter. You can find additional information on the way we manage conflicts on our policy paper which is available on our website.

20 In the interests of openness and transparency, today's meeting is being recorded and a full transcript will be produced and made available on the Commission's website. The purpose of the meeting? This public meeting gives the opportunity to hearing your views on the assessment report prepared by the Department of Planning and Environment before we determine the development application.

25 What is the Independent Planning Commission and what role do we play in this determination? The Independent Planning Commission of New South Wales was established by the New South Wales Government on 1 March 2018 as an independent statutory body operating separately to the Department of Planning and
30 Environment. The Commission plays an important role in strengthening transparency and independence in the decision-making processes for major development and land use planning in New South Wales. The key functions of the Commission include to determine State significant development applications, to conduct public hearings for development applications and other matters, to provide
35 independent expert advice on any other planning and development matter when requested by the Minister for Planning or the Planning Secretary.

The Commission is an independent consent authority for State significant development applications and provides an additional level of scrutiny where there are
40 more than 25 public submissions, where there has been a reportable political donation or where there has been an objection by the relevant local council. The Commission is not involved in the department's assessment of this project and the preparation of their report or any findings that are within.

45 Where are we in the process? This meeting is part of the decision process. We have been briefed by the department and we have visited the site and tomorrow we will

meet with the applicant. After today's meeting, we may convene with relevant stakeholders if clarification or additional information is required on matters raised. Records of all meetings will be included in our determination report, which will be published on our website. The next steps? Following today's meeting, we will
5 endeavour to determine the development application as soon as possible, however there may be delays if we find the need for additional information.

The ground rules for today. Before we hear from our first registered speaker, I would like to lay these ground rules that we expect everyone taking part in today's
10 meeting to follow. Today's meeting is not a debate. Our panel will not take questions from the floor and no interjections are allowed. Our aim is to provide the maximum opportunity for people to speak and to be heard. Public speaking is an ordeal for some people. Though you may not agree with everything you hear today, each speaker has the right to be treated and heard with respect and silence.

15 Today's focus is public consultation. Our panel is here to listen, not to comment. We may ask questions for clarification but this is usually unnecessary. It would be most beneficial if your presentation is focused on the issues of concern to you. It's important that everyone registered to speak receives a fair share of time. I will be
20 enforcing timekeeping rules of five minutes for individuals and 15 minutes for organisations.

As the chair, I reserve the right to allow additional time for the provision of further technical material. A warning bell will sound one minute before the speaker's
25 allotted time is up and again when it runs out. Please respect these timeframes so every can be heard. Though we strive to stick to our schedule today, speakers sometimes don't show up and – or decide not to speak. If you know of someone who will not be attending, please advise either David Mooney or David Way. If you would like to project something onto the screen, please give your projection to David
30 Mooney or David Way before your presentation. If you have a copy of your presentation, it would be appreciated if you could provide a copy to the Secretariat after you speak. Please note that any information you do give us will be made public.

35 The Commission's privacy statement governs our approach to your information. If you would like a copy of our privacy statement, you can obtain one from the Secretariat or from our website. Audio recording of this meeting is not allowed except for the official recording for transcription purposes. Notes will be made through the day on the issues raised and will be summarised in our determination
40 report. Finally, I would ask that everyone present please turn their mobile phones to silent. Thank you.

Before I – we do begin, I would just firstly like to that the proposal has been amended since the public exhibition of the proposal earlier this year. There has been
45 a change to the building – height of the building. The applicant is now no longer seeking the 15 storey component and that the development now is within the approved envelope of the concept plan as approved. What they are now – they are

seeking approval for today is the serviced apartment, the inclusion of a new use, being serviced apartment, and an increase in the commercial GFA on the project from 10,000 square metres to 11,300 square metres.

5 So, just to be clear – because what was exhibited following the exhibition period and discussions with the department, the applicant has basically removed the additional building height that was proposed. So I just thought everyone should be clear on that before today’s presentation. I would now ask our – we have five speakers today. I would now ask our first speaker, Bernard Lee, who is representing Strata Plan
10 SP71356 if he could come and speak. Thank you.

MR B. LEE: Thank you. Before I begin, I just want to let everybody know that I have made submissions for the last few modifications and I have spoken everyone but this time I was not aware there was this public presentation that’s
15 going on because I didn’t receive any notification. I only came to know of it from my strata manager, who happened to send me this copy. And neither does all the strata committee members of my strata knows about it. And I check up with residents of my strata, none of them receive anything. Okay just mention now, the – I want to take this opportunity to thank the Commission for the
20 opportunity to present our strata’s objection to the modification application – the sixth increase of GFA by 13,000 – I’m sorry, 1300 square metres and of 42 serviced apartments.

As summarised in the environment assessment report of the Department of Planning
25 and Environment of July 2018, the majority if not all of the concerns and reasons advanced by the 212 submissions objecting to the previous notification application – Modification 2 – still remains valid. Our strata can not see any valid reason or good reasons advanced by the proponent or, for that matter, by the Department of Planning and Environment to justify the increase of 1300 square metres over the cap of
30 10,000 GFA. As such, our strata is of the view that there are insufficient grounds to overturn the Commission’s previous determination on a state-wide cap of 10,000 GFA. As for the building of serviced apartments, it is clearly a sly way of getting around the cap of 2033 dwelling units. Serviced apartments are dwelling units, pure and simple. As such, they should be included in the count of the state-wide cap
35 of 2033 dwelling units.

There is no two ways about it. No matter how the proponent or the Department of Planning and Environment try to put a spin on their definition of serviced apartments as not being dwelling units. There are really dwelling units for short term stay.
40 Furthermore, once allowed to be built, there’s nothing to stop the proponent to sell the serviced apartment with the purchasers converting them into residential units. It’s therefore our strata’s contention that the proponent’s application to build 42 serviced units is clearly an attempt to get around a dwelling cap of 2033.

45 To reiterate, serviced apartments are really dwelling units and as such should be counted under the state-wide dwelling cap of 2033. If they do not fall under the classification of dwelling units, then they have have to be included somewhere and

that is where the GFA of 10,000 square metres was placed by the previous Commission. The latest modification application has breached either of these two state-wide caps placed by the previous Commission, without good or valid reasons to support that modification application.

5

In conclusion, I just state that the last Commission has in its wisdom placed a state-wide cap on the GFA of 10,000 square metres and a state-wide cap of 2033 for very good reasons to prevent this roundabout way of over-building to prevent such a modification application like today as there are no good or compelling reasons advanced by the proponent or I could not find it in the assessment report by the Department of Planning and Environment. We strongly urge the present Commission to uphold the state-wide cap of GFA of 10,000 square metres and dwelling units of 2033.

10

Pleasingly and interestingly, by the Commission turning down the proponent's application increase of 1300 square metres and the building of serviced apartments, it could very well turn out that the proponent's Stage A development could result in a building construction of less than 10 storeys in height. In doing so, a resulting lower height building to the iconic bridge – Ryde Bridge will truly blend in very well in the harmonious skyline and landscape. Thank you.

20

MR KIRKBY: Thank you, Bernard. Our next speaker is Dyalan Govender of the Ryde City Council. Thanks, Dyalan.

MR D. GOVENDER: My name is Dyalan Govender. I'm the manager of urban strategy from the City of Ryde Council. I would just like to thank the Commission for the opportunity to speak today and also acknowledge that the Commission took the time to come to council earlier this morning and discuss council's issues with us. And, as was mentioned by the chair, a transcript of the details of that meeting will be provided. But council felt it was also important that I come and explain council's concerns directly at the public meeting. I won't take up a lot of the time, given we had that opportunity to speak to the Commission this morning. The council has made submissions to this proposal stretching right back to its initial concept approvals at the beginning.

30

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Those concept approvals sought height and density well above council's controls on the site and the amount of density approved under that initial concept plan did substantially exceed the amount of dwellings that would have been able to have been delivered on that site under council's controls. That raised a number of concerns for council. And, as the various modifications, this being the third, have been sought by the proponent, there's specific concerns relating to each of those different proposals have varied, however, one thing that has been of concern consistently throughout has been traffic. And while council acknowledges the reduction in the height and welcomes that reduction in height to ensure that it remains within the existing approved envelope, council does retain its general traffic concern about the amount of density and the traffic generation that comes from that density.

40

45

Speaking to the serviced apartment use, council acknowledges that serviced apartments are an important part of the mix of housing and services that need to be provided within the City of Ryde and has no objection to the use in principle, however, council does have concern that the provision of that use above either the
5 dwelling cap or the commercial floor cap would be inappropriate in this instance, given the overall impacts on traffic, in particular, but also other general amenity impacts that come with those serviced apartments above and beyond those caps. In addition to traffic, the other obvious impact is on the open space in Meadowbank,
10 particularly the passive recreation space along the foreshore, which is already oversubscribed and very busy and we would anticipate that patrons of the serviced apartment complex would also be wishing to use that.

However, I again get back to the traffic concern as the main and primary concern for council going forward as to this proposal before us today. The gross floor area
15 amendment is anticipated to result in approximately 40 serviced apartments, just over 40 serviced apartments and, as was mentioned by the previous speaker, whether that is better considered to be gross floor area or a residential cap change, in council's view, our concern comes from the impact itself rather than which cap it comes under.

20 The additional traffic generation of serviced apartments would be in the peak, which is consistent with the sort of traffic generation you would see from residential apartments as opposed to commercial and that's the heart of our concern. Council acknowledges that, since the time the original concept approval was approved by the Planning Assessment Commission, the RMSs traffic generation rates, which are used
25 by the engineers to estimate how much traffic would be generated by use under a proposal, those rates have changed with more information and more evidence and they have been reduced in some circumstances.

30 However, council also notes that the precinct and the concept of the precinct has also changed in that time. We've had other approvals under part 3A and we've also had Rhodes and Melrose Park. And so while the rates have also changed, the precinct has also changed, and so we view the caps to be important and to be – both caps, they be retained. One last concern would be, should the Commission still seek to proceed and allow serviced apartments, whether above or below the cap, we ask that
35 they consider the possibility of providing, either through condition – well, most likely through conditions – some conditions that would require the proposed changes to result in the uses intended.

40 So if that is serviced apartments, we ask that it be conditioned to allow council at a future development application stage to follow through on what was intended and ensure that, if it is to be serviced apartments, they remain serviced apartments; don't become residential or don't become commercial floor space more generally.

45 MR KIRKBY: Thank you. Thanks, Dyalan. Our next speaker is Laura Shirtley from Strata Plan 78741. Thank you, Laura.

MS L. SHIRTLEY: Hi. A bit loud. Sorry. My name is Laura Shirtley and I speak on behalf of myself as an owner of an apartment in Shepherds Bay and as a representative of Strata 78741 on whose committee I serve as secretary. I'm an engineer by profession and I've worked as an independent verifier for both major –
5 sorry – for New South Wales projects in the past. I would like to thank the council today for the opportunity to speak, but acknowledge the fact that many of my fellow strata members would have loved to have been here today, but for the fact that it's 2 pm at a place that's only accessible by car. I'm lucky in that I work up the road at Macquarie Park and I was able to drive to work today. It's the only reason I've been
10 able to make it today.

I've written a number of times in objection to this development in the past, typically including details of non-compliance with standards and requirements to which I've largely seen no response in any of the material supplied by the proponent. So as not
15 to bore you with the details, I've included them in my written submissions that will accompany this speech, but, in summary, the compliances – non-compliances include, but are not limited to, failure to demonstrate compliance with SEPP 65, namely in demonstrating adequate light levels and ventilation in all apartments; the failure to deliver a deep soil area that makes up 25 per cent of the open area; a half-
20 hearted effort in using what appears to be little better than MS Paint has been made to indicate the levels of sunlight on the balconies and cross-ventilation on about half of the residential floors and only some of the apartments.

Such an effort makes it hard to believe the design should be taken seriously and
25 makes me question if there's any actual design behind it. Furthermore, there is no summary table including what percentage the apartments meet the minimum standards required by SEPP 65. They were like – it looked like they applied just balconies, but the standard requires they apply for both balconies and living areas. (2) Failure to deliver an integrated cycle-ways plan; (3) failure to deliver an acoustic
30 report as required by the DIP in a previous submission; (4) non-compliance with the maximum number of apartments of the circulation core; (5) non-compliance with the maximum number of apartments sharing the single lift core; (6) failure to deliver the minimum required storage located within apartments; (7) non-compliance with
35 four requirements; (8) failure to deliver a 15C at all; and (9) non-compliance with the maximum permitted GFA, exceeding it by 13 per cent.

Why is everything deferred to future DAs? Concern about noise, light levels, ventilation, are all deferred to subsequent DAs, as far as I can see in the proponent's
40 supplied materials. This process has dragged on long enough and some of this design is supposed to have been completed at this stage of design. There is no reason why this work cannot be completed at this stage of design. There's no reason – sorry – it's in the best interests of both residents within the building and surrounding it that these designs be clarified. It should be noted that the DIP, who is yet to endorse the design, has also made the same comment on their previous submission, which still
45 appears to be unaddressed. The size of litany of non-compliances and design oversights. My primary objections to the proposal are with respect to the inclusion

of serviced apartments, the lack of a community centre and the impact on local traffic.

5 I fail to see how Reed, on behalf of the proponent stages 1 through 9 in cramming
more dwellings, should be rewarded with a defacto 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 the earlier stages that have insufficient light levels can be removed from that
10 stage and added back to stage A. This will have the added ability of for the
restoration of the community centre, of which I still see no evidence in the latest
submission to allocation of sufficient size and actually located centrally to the
community. I agree with the council's recommendation that the serviced apartments
be included in the calculation for both the non-residential GFA and the dwelling cap,
as in, reality, they do actually contribute to both. The proponent states that one of the
15 reasons for the serviced apartments is because:

Commercial retail floor space, in addition to what is already proposed, is not a viable use.

20 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 design such as this:

25

On what basis can the proponent assert that the intensity of use from the serviced apartments is notably less than the residential or retail uses in respect to traffic generation.

30 Equivalent serviced apartments in Rhodes are available for long-term lease. Many 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've made
use of many serviced apartments. In the vast majority of cases, I've had a company
car with me and use the local amenities in much the same way a resident would. I
35 would like the proponent – to ask the proponent how a guest of a serviced apartment
is not like a resident to justify their assertion. In fact, their own traffic report state
that serviced apartments generate more vehicles per hour than the residential
apartments. “Because I said so” is hardly a reason to argue as to why these
serviced apartments would not have the same impact on the community as
40 equivalently-sized dwellings.

What guarantee do the residents have that the serviced apartments will stay as such?
Will there be a limit on the number of – on the amount of time that guests can stay?
A ban on the enrolment of any children or long-term guests at the local school, which
45 will be allegedly unaffected by this use? Furthermore, allowing this sets a bad
precedent for other developments that are undergoing in the area. Many years ago, a
requirement was put on the proponent to deliver a 1000-square metre community

centre with the 1000 residents across sites stages 1 to 9 and including A, which, as far as I can see, has not been designed or let alone delivered. The well-overdue need for a community centre is ably demonstrated by the fact that we're meeting here today rather than inside the actual community centre in the community that was built for far, far earlier stages under Bill Berger.

I assume that this committee wasn't able to book the chronically busy community centre, because it is so, so, so busy all the time. The New South Wales Planning Assessment Commission Determination Report rejected the request of the proponent to relocate or donate money in lieu of the community centre in their last finding. 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 the last election, had a tentative agreement for three and a half 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 three and a half million dollars.

The New South Wales PAC Determination Report indicates that the likely new location for the community centre is in Meadowbank Park. This is an unacceptable location for many reasons, including the distance for the majority of the new community. Appendix 9 notes – note – notes – sorry – 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 be hardly considered a community centre, given that fact. Green space is also at a premium, as noted in many of the objections from the last modification request. Sacrificing the precious green space that Meadow Bank Park represents to build a remote community centre is the height of lunacy. This modification should not be considered until a design including for the location for a centrally located community centre is provided.

I remain concerned about traffic levels in the area and the safety of the proposed truck ramp on Church Street. 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 the people who work in the dock alike. Appendix 9 states that in the evening there will be a need to permit queuing 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, and if you don't believe me on that, you should try see what it's like driving under the Victoria Road underpass to see how many people try to cut through that one. 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:

RMS does not support the proposed access via deceleration lane in Church Street due to safety concerns.

Similarly, RMS has concern regarding the proposed access from Wells Street due to limited site distance and safety. Despite updating the report the design itself does not appear to have been updated, and the current design is unacceptable. Any subsequent modification requests, the provisions of ingress and egress from the site in a similar manner should be rejected out of hand. Permitting any form of queueing 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 onto Victoria Road. Appendix 9 states:

10 *The reduced speeds and congestion levels during the evening peak will moderate the potential for rear-end collision by both the passenger and heavy vehicles using the deceleration lane.*

Moderate does not mean eliminate, and the last thing that hill needs is the introduction of another stopping point. The proposed design is not a safe solution, and to introduce a hazardous – an unnecessary hazard that will result in injuries. I've gone through the new documents placed online for consideration, and I was concerned by a statement in the environment assessment report section 4.2 that stated:

20 *Upon resubmission 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 owners at the last strata meeting received any notification either. The only correspondence I've received was the notice for this particular meeting, which came after the environment assessment report had been placed online. As it happens, because it had been a while since the last submission had been made I happened to look on the website to see if a determination had been made only to notice the amended submission.

At the 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 has still not endorsed the modified design, ostensibly due to the availability of members. Given the number of months this process has been dragging out and the fact that the proponent has still not managed to get approval of the design suggests that the DIP sees fundamental flaws with the proponents' design as negotiating with the proponents to amend the design again.

The report states that the DIP was expected to respond by the end of May, but I see no evidence of any response among any of their supplied material. I ask that no design be accepted until the DIP has had their say. Appendix 17, architectural design report appears not to have been updated since 2015, which is concerning, given

the number of changes to the design since then. It's entirely possible that the current submission doesn't even meet their criteria of design excellence anymore. All I have ever wanted, as have many of the residents who have objected to this development, is a design that complies to the initial conditions to which the proponent agreed.

5

Primarily, not building over the dwelling cap, in which I include serviced apartments, no matter what the legislation says. The delivery of a 1000 square metre 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 the proposal as it is not in the best interest of the community. It still fails to demonstrate compliance and serves only to benefit the pockets of the proponent. I further ask the board not to put any more proposals to the public for consideration until the design can demonstrate design compliance.

10

15 I personally am getting rather sick of wading through endless reams of documents to find all the stuff that should be in there that's not. The community is growing very weary of these things, and I suspect that's what the proponent is counting on. Please, I ask you to reject this until I can submit something that's compliant, and please don't come back to us until you're confident or whichever department
20 responsible that it actually has a chance of passing because none of these ones realistically have, and the community really is getting tired of it. Thank you very much for your time. If you've got any other questions on my presentation I'm happy to answer them.

25 MR KIRKBY: Thank you, Laura. Our next speaker is Margaret Lee from the Office of the Honourable Victor Dominello MP. Thank you, Margaret.

MS M. LEE: Good afternoon, and I would like to thank the panel for the late entry of our – of Mr Dominello's submission. Today I speak in regard to – I speak on behalf of Victor Dominello. He's the local member for Ryde. And if you will indulge me, I will read his letter to the group:

30

I speak on – to place on record the concerns of my constituents with respect to the proposed modification to concept plan MP09_0216 in Shepherds Bay. I oppose this modification proposal on the following grounds. The modification proposal –

35

Sorry:

40 *The modification proposes no additional car parking to accommodate the influx of customers utilising the new commercial space and service departments. The development will undoubtedly increase traffic congestion, parking shortages and place an unfair burden on an existing amenity. This is the second time for this particular area our community has fought off*
45 *Holdmark's request to increase the height and density of their apartment towers. Just last year our community stopped Holdmark from increasing the height of this apartment block from 10 storeys to 24.*

Following extensive community backlash, Holdmark withdrew its most recent request to increase the height of this apartment block from 10 storeys to 15. Now Holdmark is seeking to introduce serviced apartments use to the site as well as an increase in the commercial floor space cap by 1300 square metres.

5 The Independent Planning Commission has recommended the approval of the amended proposal on the basis that the charges would be minor in nature and would not have any adverse effects, impacts. With respect to the IPC, I wholeheartedly disagree. Any form of increased densification in an area that is already densely occupied is not a positive development. The increase in

10 proposed commercial space and serviced apartments without the provision of additional parking is short-sighted and places undue pressure on the existing amenity to accommodate the influx of traffic.

In assessing the impacts of traffic generation the IPC uses an RMS report from 2001 for guidance on traffic generation and parking impacts of the new developments. The IPC also refers to an updated RMS report published in 2013 which uses data from 2010. From these reports the IPC concludes that there will be less traffic generation than predicted for this development. Data

15 from 2001 and 2010 respectively is not representative of the current traffic and development levels in 2018 and cannot be relied upon to make a claim of less traffic generation. The Shepherds Bay area does not have the capacity to accommodate more density.

I invite the IPC to observe Bowden Street, Constitution Road, Belmore Street on any day during peak hours and you will realise that it's a car park. The reality is that the government will now have to spend more money fixing up the traffic problems that has been caused by myopic planning decisions. A decision to approve this proposal on the basis of a traffic report that is so

25 hopelessly out of date is, in my view, disingenuous. This developer is seeking increased use; however, it is not prepared to provide sufficient contribution to ameliorate the traffic problems. This application should be absolutely rejected. Ryde is a great place to live and our community has done its fair share of heavy lifting when it comes to accommodating Sydney's surging population. I will not be silent in the face of blatant over-development in our community.

35 Thank you.

MR KIRKBY: Margaret, I might just add in there that the Department of Planning are the ones recommending we're the IPC, so just to clarify that.

40 MS LEE: Thank you.

MR KIRKBY: We're the decision-maker, not the – not making the recommendations. Thank you very much for your time.

45 MS LEE: Thank you.

MR KIRKBY: And our final speaker today is Natalie Hissey who's from the Office of Councillor Jordan Lane. Thank you, Natalie.

5 MS N. HISSEY: Thank you, Commissioners, and thank you for giving Councillor Lane the opportunity to formally speak against this modification proposal. Councillor Lane apologises that he is not able to attend in person. He speaks both on behalf of his community as a councillor and in his own right as a resident of the area. It is the duty of local councillors to represent their constituents' views which are very clearly based on the feedback received regarding this proposal. The City of Ryde is
10 over-developed. Since controversial part 3A law planning legislation was introduced in 2010 our city has been under threat.

15 Despite part 3As repeal in 2011, its legacy lives on today. That legacy is one that legally permits developers to substantially modify previously rejected planning proposals. This is precisely the situation that we were presented with in this instance with this modification proposal and it is yet another modification to a development that has been emphatically rejected several times before. There is an – the community has already spoken clearly about the need to hold future high-density development, particularly in Meadowbank, and yet we are presented with a proposal
20 more substantial in terms of density and scale than some of those already rejected.

25 There is inadequate provision for additional infrastructure within these plans to accommodate the future needs of our community. I respectfully disagree with the Independent Planning Commission's assessment of traffic. By comparing this modification to the previously larger modification, you rightly identify a lesser of two evils; however, the reality is that you should be comparing the status quo right now to this proposed modification. The reality is more density means more traffic. The same principle applies to our already over-worked school and open space
30 infrastructure.

35 Disappointingly, where enormous opportunity exists to contribute meaningfully to improving this infrastructure, there appears to be very little that would substantially fix the ongoing problems our community face on a daily basis. The introduction of serviced apartments is also concerning. By tweaking the technical classification of units from residential to commercial, the developer has sought to write itself a licence to increase the gross floor space by 1300 square metres. There are clear rules set when developments are approved that clearly indicate the maximum height, maximum gross floor area and intended use of a development.

40 Whilst attempts have been made to claw back the height of this development into line with what was approved, this is only piecemeal when you consider the oversight of bringing the gross floor area and intended use into line with what was originally exhibited and approved. As far as the community are concerned, the development is
45 lucky to have received any approval at all. Please stop pushing us for more.

MR KIRKBY: Thank you, Natalie. I would like to thank you all. That concludes the public submissions today. I would just like to clarify something about the role of

the Independent Planning Commission. The report and assessment recommended to us was prepared by the Department of Planning and Environment. Our role is to consider that and make a determination based on that. We're independent. So the report that you would have read is a recommendation to us from another body, not our report and recommendation. I just thought I would clarify that.

Thank you, everybody, for coming along today. It's very important for us to hear your views as part of this process. From here, as I said in the opening speech, we will consider what has been said today as well as basically the follow on from our briefings with the department and from Ryde City Council, and tomorrow the proponent will also be briefing us. So you've given us some issues and some food for thought in terms of our deliberation, so thank you very much for coming along, and that concludes today's proceedings. Thank you.

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[2.40 pm]