



MODIFICATION REQUEST:

***Royal Rehabilitation Centre Sydney
(MP 05_0001 MOD 1)***

600 – 640 Victoria Road, Ryde

Proposed by Frasers Property Australia Pty Ltd

***Modification of residential layout including
modifications to roads, open space and built
form layouts, building heights and density
within Stage 1.***



Director-General's
Environmental Assessment Report
Section 75W of the
Environmental Planning and Assessment Act 1979

January 2013

ABBREVIATIONS

CIV	Capital Investment Value
Council	Ryde City Council
Department	Department of Planning & Infrastructure
DGRs	Director-General's Requirements
Director-General	Director-General of the Department of Planning & Infrastructure
EA	Environmental Assessment
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
EPI	Environmental Planning Instrument
GFA	Gross Floor Area
LGA	Local Government Area
MD SEPP	State Environmental Planning Policy (Major Development) 2005
Minister	Minister for Planning & Infrastructure
Part 3A	Part 3A of the <i>Environmental Planning and Assessment Act 1979</i>
PPR	Preferred Project Report
Proponent	Frasers Property Australia Pty Ltd
RFDC	Residential Flat Design Code, 2002
RRCS	Royal Rehabilitation Centre Sydney
SEPP 65	State Environmental Planning Policy No. 65 (Design Quality of Residential Flat Development)

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TABLE OF CONTENTS

1.	BACKGROUND	2
1.1	Site Description	2
1.2	Previous Applications and Site History	3
2.	PROPOSED MODIFICATION	6
2.1	Introduction	6
2.2	Modification Description	6
3.	STATUTORY CONTEXT	8
3.1	Continuing Operation of Part 3A to Modify Approvals	8
3.2	Modification of the Minister's Approval	8
3.3	Environmental Assessment Requirements	8
3.4	Delegated Authority	9
4.	CONSULTATION AND SUBMISSIONS	9
4.1	Exhibition	9
4.2	Submissions	9
5.	ASSESSMENT	10
5.1	Density	11
5.2	Built form	12
5.3	Built Form Visual Impacts	15
5.4	Landscaping and Open Space	19
5.5	Other Issues	20
6.	CONCLUSION	23
7.	RECOMMENDATION	24
APPENDIX A	MODIFICATION REQUEST	25
APPENDIX B	SUBMISSIONS	26
APPENDIX C	RECOMMENDED MODIFYING INSTRUMENT	27

1. BACKGROUND

1.1 Site Description

The site is located at 600-640 Victoria Road and 55 Charles Street, Ryde, approximately 10km northwest of the Sydney CBD, within the City of Ryde Local Government Area. The site's location is shown in **Figure 1** below.

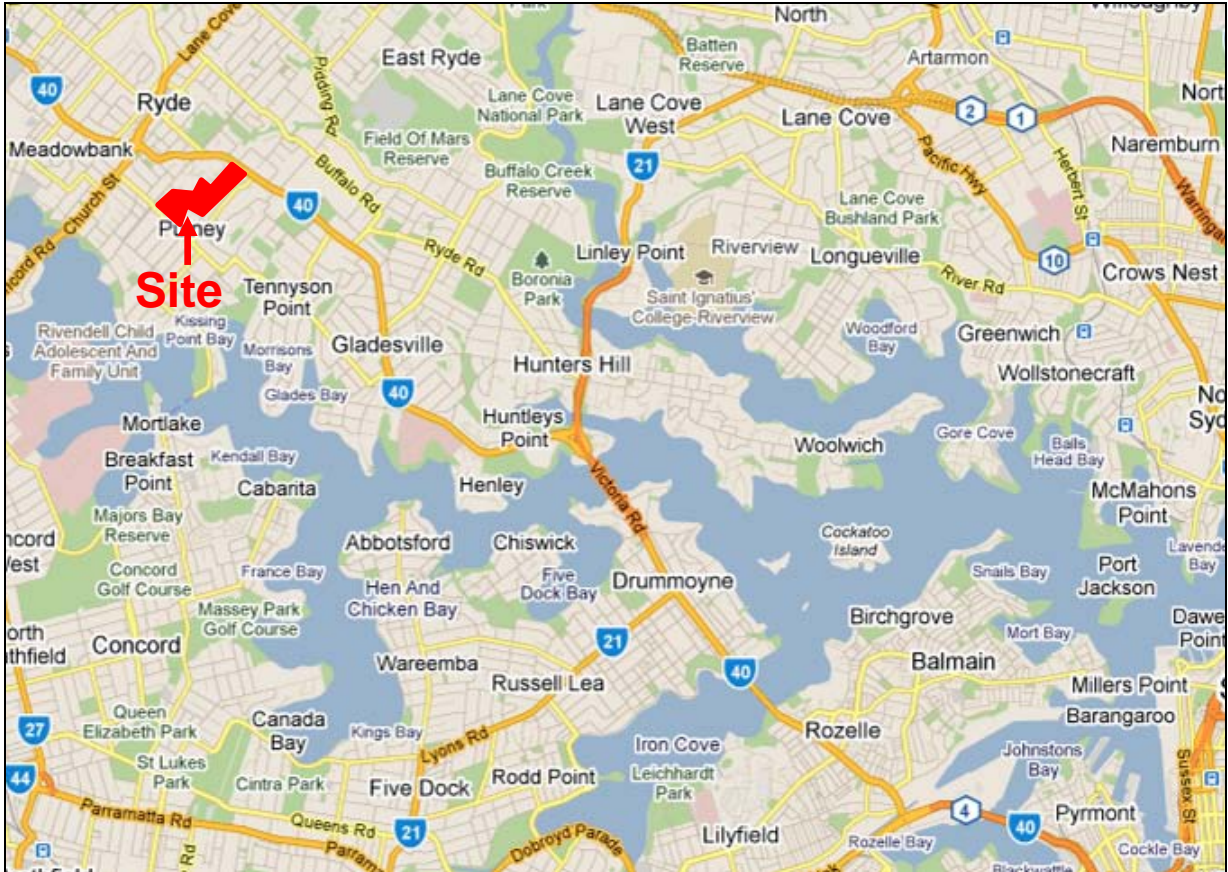


Figure 1: Concept Plan Site Location

The site is known as the Royal Rehabilitation Centre Sydney (RRCS) and was previously used for the purposes of medical care with an emphasis on rehabilitation and research functions.

The site is currently under development in accordance with recent approvals (refer **Section 1.2** below) issued by the Minister or his delegate which include a new health facility; new open space and community facilities and new residential development

The site has an approximate area of 18 hectares and the area exclusive of the health facility has an area of 15.83 hectares.



Figure 2: Concept Plan Site

1.2 Previous Applications and Site History

1.2.1 Concept Approval and Planning Controls

On 23 March 2006, the then Minister for Planning approved a Concept Plan (MP 05_0001), for the construction of a purpose built specialised rehabilitation and disability facility, residential development comprising various mixes and types of dwellings on land excluding the new purpose built specialised rehabilitation and disability facility, landscaped public and private open space, associated services and infrastructure.

On 2 August 2006, the site was listed as a State Significant Site. The listing provided a range of planning controls and land use zones written into Schedule 3 of the Major Development SEPP, consistent with the Concept Plan Approval.

On 30 June 2010, the Ryde LEP 2010 was gazetted and the planning controls for the RRCS site were transferred across from Schedule 3 of the Major Development SEPP into the LEP.

1.2.2 Project Approvals

Subdivision

On 12 August 2008, the then Minister for Planning approved the subdivision of the RRCS site into seven Torrens Title super lots (MP07_0100). A modification was approved on 5 July 2010, (MP07_0100 MOD1) to reflect the zone boundaries under the SEPP and the subsequent LEP controls. A further modification was approved on 31 October 2012 (MP07_0100 MOD2) to further subdivide the Lot 5 (relating to the health care facility)

Health Facility and Community Open Space

On 16 December 2008, a Project Application (MP08_0054) for the demolition of the Coorabel facility and the construction of a new health facility and associated community open space and infrastructure works on part of the RRCS site (Lot 5) was approved. Five subsequent modifications have been approved, modifying buildings, roadways, staging and landscaping. This component of the development is under construction.

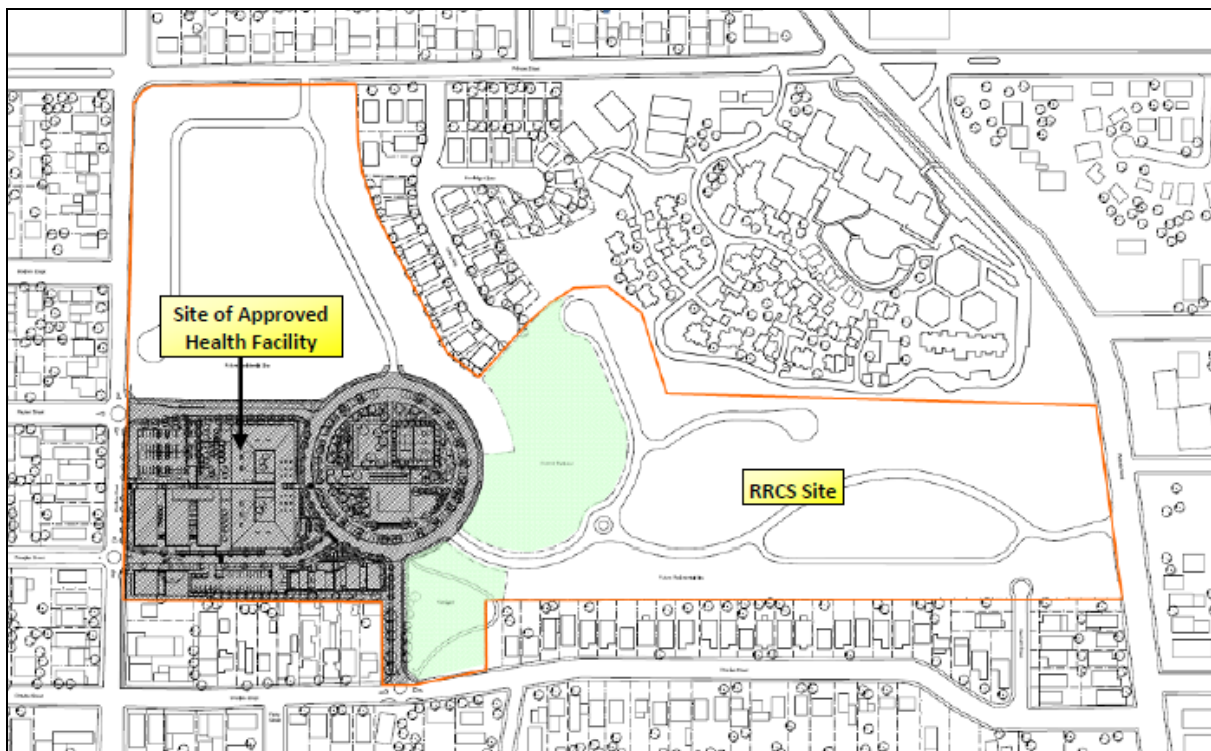


Figure 3: Site of Health Facility to which MP08_0054 relates

Stage 1 Phase 1 Residential Development

On 1 May 2012, Project Application MP10_0189 was approved for the development of Stage 1, Phase 1 of the residential development. This approval included:

- demolition of existing buildings required to be removed to facilitate the Stage 1 Phase 1 works;
- subdivision;
- staged construction of a residential development including 47 apartments; 55 semi detached / terraced and 14 detached dwellings;
- basement car parking to the residential flat building;
- public domain works including roads and utilities;
- tree removal and landscaping;
- construction of vehicular access to the site from Charles Street and Victoria Road; and
- extension / augmentation of the physical infrastructure / utilities required.

A modification was approved on 19 September 2012 (MP09_0189 MOD1) to modify the approved residential flat building by increasing floor space and creating seven new apartments.

The Stage 1 Phase 1 project approval included a layout that was different from the original Concept Plan approval but is consistent with these proposed Concept Plan modifications. At the time of assessment of Stage 1 Phase 1, the Department considered that the proposed departures from the original Concept Plan approval were not so significant that they required a modification of the Concept Plan.



Figure 3: Location of Stage1 Phase 1 to which MP10_0189 relates

All other residential development on the site (Stage 1 Phase 2 and Stage 2) will be the subject of Development Applications submitted to Ryde Council for assessment.

The purpose of the Concept Plan modifications as proposed is to provide certainty for the remaining Stage 1 applications. The remaining Stage 1 applications are deemed as development under Part 4 and are required to be consistent with the terms of the approval of the Concept Plan.

2. PROPOSED MODIFICATION

2.1 Introduction

The application seeks to modify the Concept Plan Approval by modifying the overall layout of Stage 1, including the road layout, open space areas and built form layouts.

The proponent advises that the modifications arise as the Concept Plan was designed on behalf of the RRCS who had not yet approached any residential developers and had not tested the design against market forces. At the time of the assessment of the Concept Plan it was recognised that the design of the residential stages would more than likely be varied once a residential developer purchased the site. The proponent has subsequently purchased the residential sites from RRCS.

The proposal includes modifications to all of Stage 1, although the modifications to Stage 1 Phase 1 have effectively already been approved through Project Application MP10_0189. These modifications to Phase 1 have been included as part of this Concept Plan modification to provide a consistent approach across the site. However, the assessment in this report is limited to the modifications that have not already been approved, being Stage 1 Phase 2.

The proposal also seeks to modify how the density controls are expressed across the entire site. Other than modifications to the density controls, no other amendments to Stage 2 of the residential development are proposed. The proponent acknowledges that a future modification for Stage 2 is likely to be submitted once planning and development of that part of the site has further progressed.

2.2 Modification Description

The proposed Concept Plan modification includes:

- amendments to the layout of the Stage 1 site including:
 - new building envelopes;
 - built form controls for building layout; heights and setbacks;
 - changes to the internal road layout and hierarchy;
 - changes to basement car parking locations; and
 - changes to the public domain and open space areas including deletion of roof top gardens;
- replacement of existing density controls across the entire site with new floor space ratio (FSR) controls, consistent with the current FSR controls in the Ryde Local Environmental Plan 2012 (LEP);
- staging plan for Stage 1; and
- subdivision of Stage 1, Phase 2.

The modifications have the effect of increasing the density towards the northern section of the site close to Victoria Road, while reducing density in other areas of the site.

The modification as originally submitted included 4 semi-detached dwellings adjacent to the western boundary near Victoria Road. Following consultation with Council, the proponent deleted these dwellings in favour of a larger open space area in this location. At the same time, and to offset this loss of floor space, the proponent amended the building envelopes of the residential flat buildings to increase the height, and in some cases the width of the envelopes.

A description of the modifications to Stage 1 Phase 1 is set out in **Table 1 and** depicted in **Figures 4 and 5**.

Table 1: Summary of Proposed Modifications to Stage 1, Phase 1

	Proposed Modifications to Concept Plan	Existing Concept Plan Approval
New Building Envelopes	<ul style="list-style-type: none"> 4 residential flat buildings in rectilinear arrangement and 66 semi-detached dwellings 	<ul style="list-style-type: none"> 3 residential flat buildings in a 'curved' arrangement and Approximately 9 detached dwellings
Height controls	<ul style="list-style-type: none"> Residential flat buildings: 21.5m – 25m; Semi Detached Dwellings: 9.5m 	<ul style="list-style-type: none"> Residential flat buildings: 9m – 18m Semi Detached Dwellings: 6m
Minimum Setbacks	<ul style="list-style-type: none"> 5 metres to northern boundary (Victoria Road) 9 metres to eastern boundary 15 metres to western boundary 	<ul style="list-style-type: none"> 10 metres to northern boundary (Victoria Road) 6 metres to eastern boundary 6 metres to western boundary
Density	FSRs of: <ul style="list-style-type: none"> 0.33:1 (semi-detached dwellings) 2.9:1 (central residential flat buildings) 3.5:1 (Victoria Road residential flat buildings) 	1 dwelling per <ul style="list-style-type: none"> 591 – 619 m² (detached dwellings); 43.7 – 51m² (central flat buildings) 30m² (Victoria Road flat buildings)
Open Space (across entire site)	<ul style="list-style-type: none"> 69,090m² (all at ground level) 	<ul style="list-style-type: none"> 68,217m² including 52,354,² at ground level and 15,917m² as roof top gardens
Road layout	<ul style="list-style-type: none"> Public central spine road with cycle path; Private access roads adjoining central spine road 	<ul style="list-style-type: none"> Public central spine road with cycle path; Public access roads adjoining central spine road

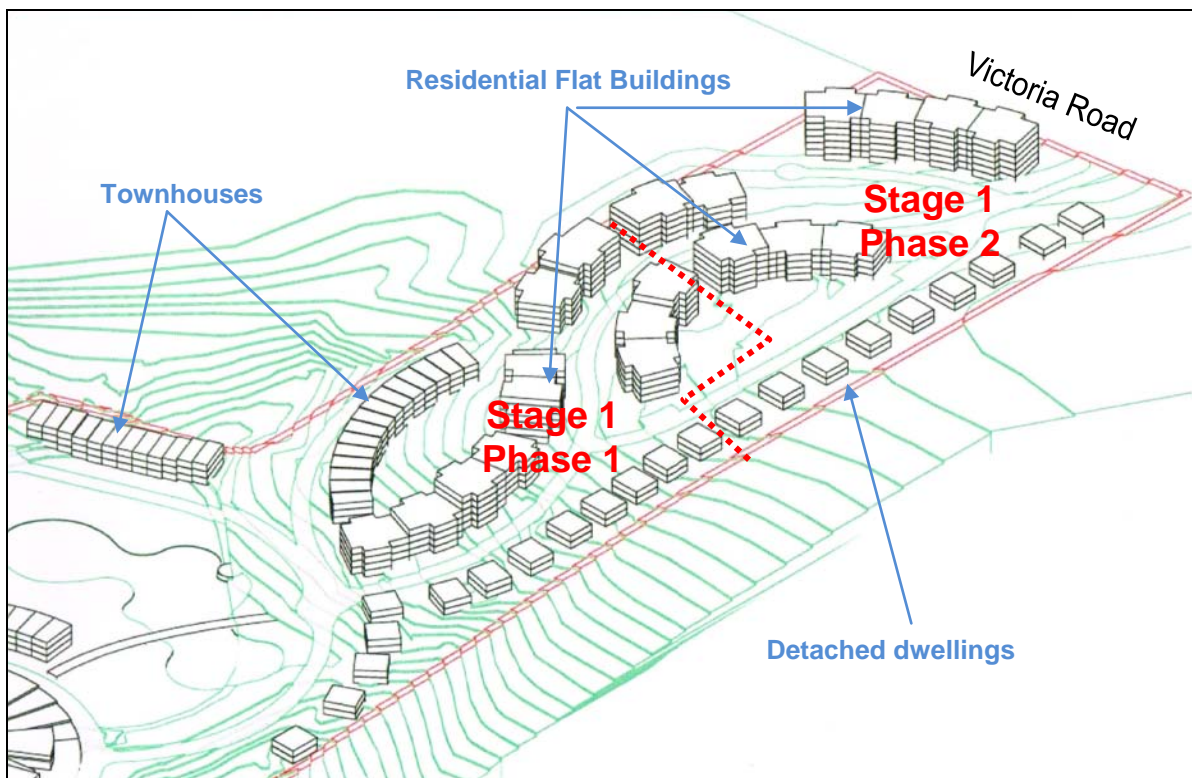


Figure 4: Existing Concept Plan building layout Stage 1

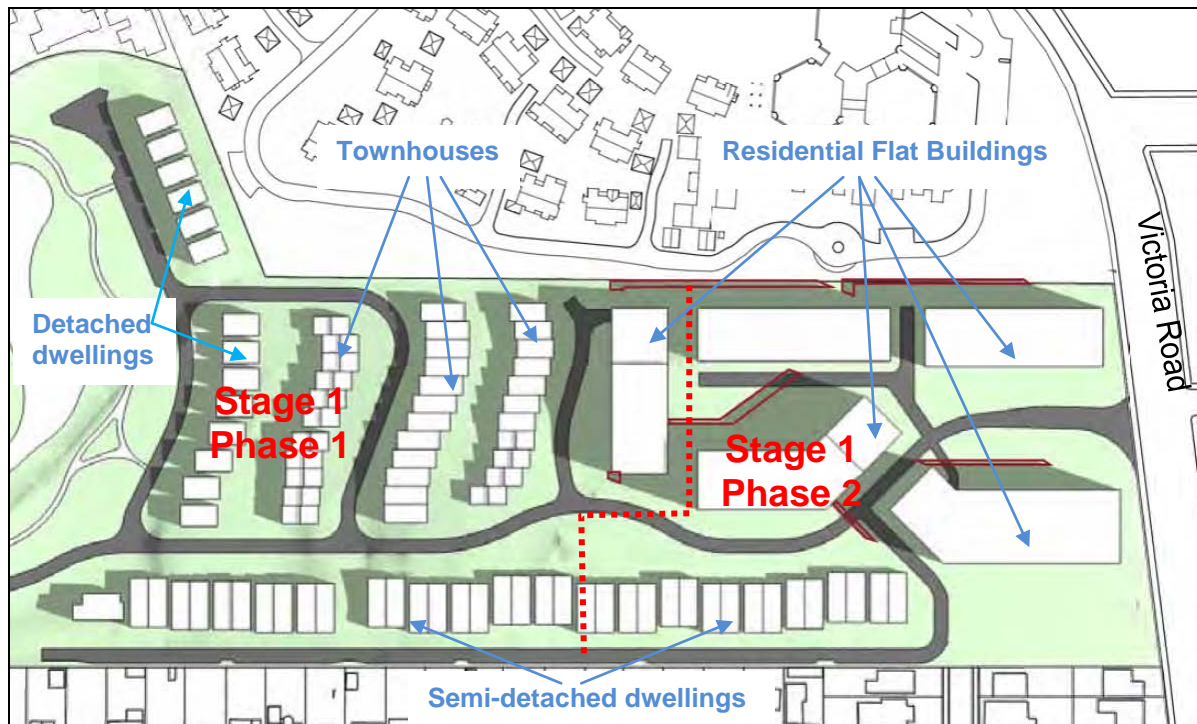


Figure 5: Proposed building layout Stage 1

3. STATUTORY CONTEXT

3.1 Continuing Operation of Part 3A to Modify Approvals

In accordance with clause 3 of Schedule 6A of the EP&A Act, section 75W as in force immediately before its repeal on 1 October 2011, continues to apply for the purpose of modification of concept plans approved before the repeal of Part 3A.

Concept Plan MP05_0001 was approved prior to the repeal of Part 3A. Consequently, this report has been prepared in accordance with the requirements of Part 3A and associated regulations, and the Minister (or his delegate) may approve or disapprove the modification of the project under section 75W of the Act.

3.2 Modification of the Minister's Approval

The modification of the Minister's Approval by way of Section 75W is appropriate because the proposal is generally consistent with the original Concept Plan and there will be limited environmental consequences for future project approvals.

3.3 Environmental Assessment Requirements

No additional environmental assessment requirements were issued with respect to the proposed modification, as sufficient information has been provided to the Department in order to consider the application and the issues raised remain consistent with the key assessment requirements addressed in the original DGRs.

3.4 Delegated Authority

The Minister delegated his powers and functions under section 75W of the EP&A Act to the Director General and the Deputy Director-General, Development Assessment and Systems Performance, in cases where:

- the relevant Council has not made an objection; and
- there are less than 10 public submissions objecting to the proposal; and
- a political donation disclosure statement has been made, but only in respect of a previous related application.

Ryde Council did not object to the proposed modifications and less than 10 public submissions were received. While a donation has not been disclosed in relation to this modification application, a statement disclosing a reportable political donation was made by a different proponent with respect to the original Concept Plan application.

Accordingly, this modification application is referred to either the Director General or Deputy Director-General, Development Assessment and Systems Performance for determination.

4. CONSULTATION AND SUBMISSIONS

4.1 Exhibition

Under Section 75W of the EP&A Act, a request to modify an approval does not require public exhibition but under Section 75X(2)(f) of the Act, the Director-General is required to make the modification request publicly available.

However, in this case, it was appropriate to exhibit the proposed modification as it resulted in substantial changes to the built form, height and density of development at the northern end of the site. The Department:

- publically exhibited it from 13 June to 27 July 2012 (45 days) on the Department's website, at the Department's Information Centre, and at Ryde Council;
- advertised the public exhibition in the Sydney Morning Herald; Daily Telegraph and Northern District Times on 13 June 2012; and
- notified landowners and relevant state and local government authorities in writing.

The proponent subsequently revised the proposed modifications. As the revised scheme included a further increase in building heights, it was appropriate to re-notify the affected neighbouring properties. The Department:

- publically exhibited the amended modification proposal from 16 to 30 November 2012 (14 days) on the Department's website, at the Department's Information Centre, and at Ryde Council; and
- notified landowners and Ryde Council in writing.

4.2 Submissions

Three submissions were received from public authorities including City of Ryde Council, Roads and Maritime Services and Transport for NSW. Three public submissions were also received in response to the original notification. No submissions were received in response to the notification of the revised modification application.

City of Ryde Council advised that it was satisfied that the modification presents a density of development that is generally in keeping with the original Concept Plan approval and that the amended layout should also deliver better urban design outcomes overall for the site.

Anticipating the revised modifications, Council also advised that it sees merit in a further amendment to relocate the four dwellings in the north-east corner of the site into the residential flat buildings, and recognised that this may have an impact on existing height limits.

In response to notification of the PPR, Council advised it does not propose to make a further submission. Council requested that any Concept Plan modification reflect accurately the criteria for the development that will be subject of the applications to be submitted to Council for assessment.

Roads and Maritime Services (RMS) advised that it has no objection to the proposed modifications, but advised that comments provided in July 2011 (in relation to Major Project MP10_0189) still apply, particularly the need to provide detailed designs to RMS for approval.

Transport for NSW advised that it was concerned that the proposed modification results in changes to the bus stop location, bus loading bay and associated pedestrian access to Victoria Road, including removal of the proposed Kenneth Street pedestrian access. This is addressed in section 5.5 of this report.

Public Submissions were received from three people, each raising different issues, including:

- that the proponent should comply with the terms of the original concept approval;
- that the basement footprint should not exceed the above ground built form;
- concerns with the setback to Victoria Road;
- adverse visual impacts due to the height of the proposal;
- unfair distribution of density across the site;
- development being permitted on the eastern side of the internal road network;
- loss of the existing historical boulevard / internal roadway;
- concerns that the proposal may result in increased traffic; and
- the proposed dwellings within Stage 2 and associated flora / fauna impacts.

The Department's consideration of key issues raised in the submissions is contained within **Section 5** of this report. Remaining issues are considered to have been adequately addressed by the proponent's Response to Submissions.

5. ASSESSMENT

The Department considers the key issues for the proposed modifications to be:

- redistribution of density on the site;
- built form (height and setbacks);
- visual impacts; and
- landscaping and open space.

Other issues raised in the submissions received during the notification periods are also discussed including compliance with original Concept Plan approval, residential amenity, pedestrian access, bus stops and subdivision.

As mentioned previously, although the modifications relate to all of Stage 1, this assessment is limited to the modifications to Stage 1 Phase 2 as Phase 1 modifications have already been approved through project application MP10_0189.

5.1 Density

The overall density across the site will remain unchanged. Condition A1 of the Concept Plan approval includes a density control of 50 residential dwellings per hectare. This control is not proposed to be modified and therefore dwelling numbers across the site will remain capped at 791. However the modifications would result in a redistribution of density on the site with greater densities towards Victoria Road.

It is proposed to distribute density across the site in line with a new floor space ratio control plan. The plan replaces the existing approved plans PP05/05 and PP06/05, which do not include an FSR control as such, but rather include a residential density control in terms of dwellings per m² and plans showing the gross floor area of each section of the site. A direct comparison with the approved controls is therefore not possible. The proposed new floor space ratio control plan is generally consistent with the Ryde LEP 2010 controls. A small variation is proposed to the boundary of the highest density area "W" and to the width of the "A4" area to reflect proposed building layouts (refer to **Figures 6 and 7**).

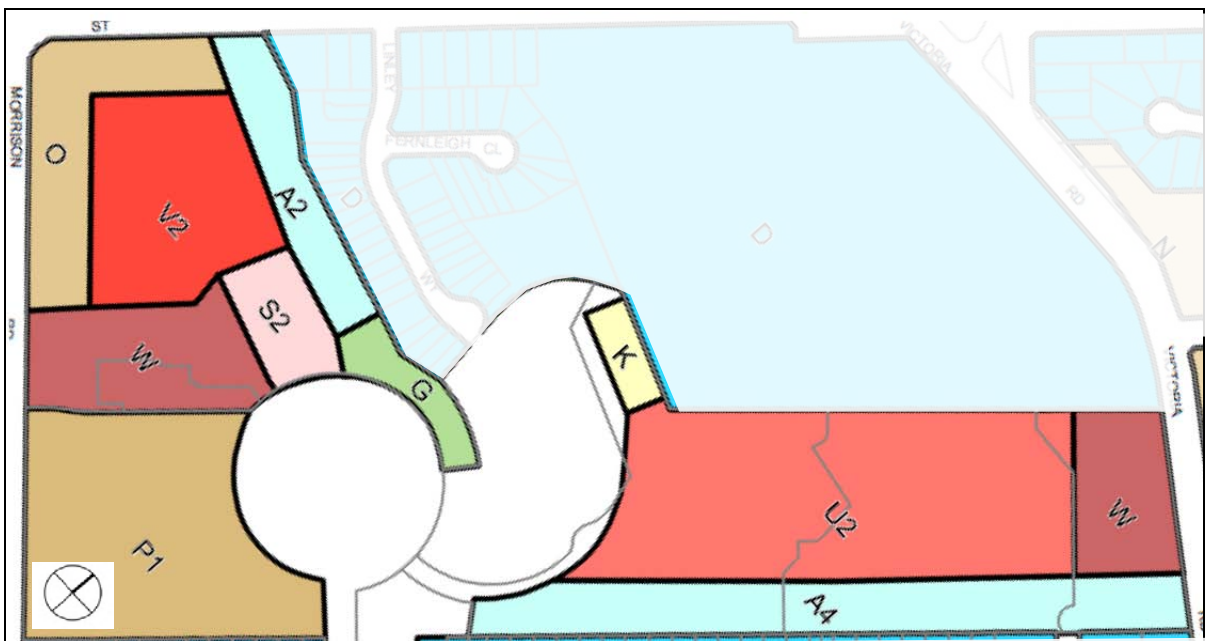


Figure 6: Ryde LEP 2010 Floor Space Ratio Controls

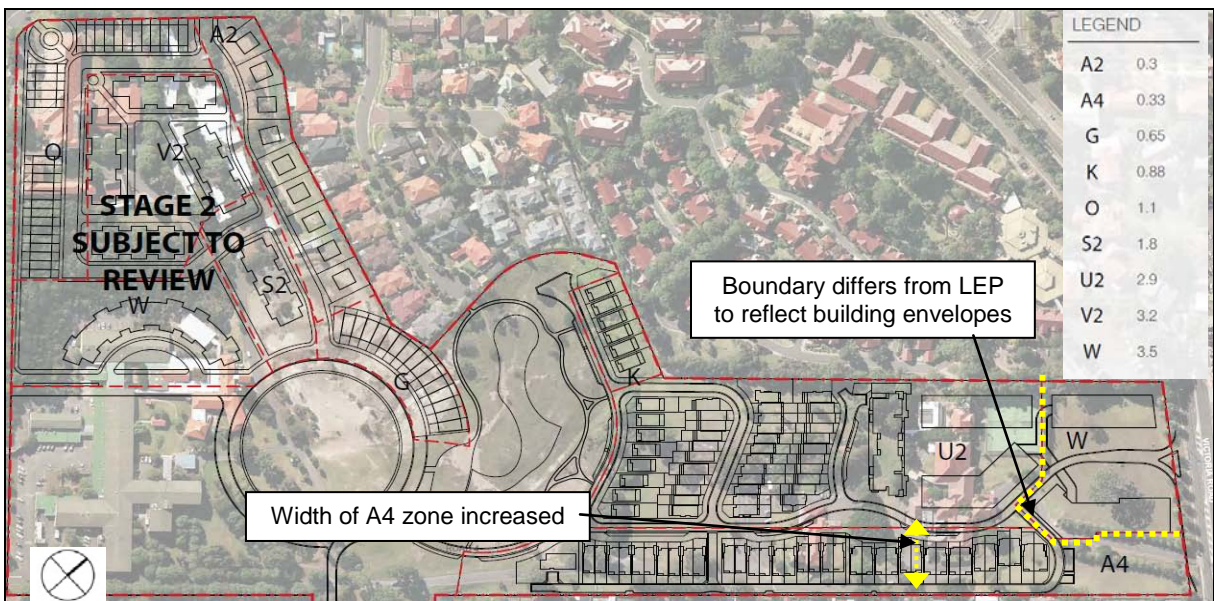


Figure 7: Proposed Concept Plan Floor Space Ratio Controls

The proponent advises that the redistribution of density arises from feedback from Council and the community. They note the location of more density in Stage 1 closer to Victoria Road will allow for more dwellings closer to public transport. They also argue that development is more consistent with the surrounding development in Ryde along this arterial road.

The Department supports the provision of greater densities closer to Victoria Road. Dwellings adjacent to Victoria Road are better serviced by public transport along Victoria Road and are within a shorter walking distance (600m) to Ryde City Centre which provides extensive services and retail facilities. This reallocation of density is therefore also consistent with a key strategic direction of the Metropolitan Plan for Sydney which seeks to locate the majority of new homes within the walking catchment of centres with good public transport.

As overall dwelling numbers across the site would be unchanged, no material change to traffic or parking impacts to the surrounding area would arise from the proposed modifications.

The Department considers that the issues arising from increased density in these locations are the built form impacts, in particular any visual or amenity impacts arising from increased height or reduced setbacks necessary to accommodate the density. These issues are discussed in **Sections 5.2 and 5.3**.

5.2 Built form

5.2.1 Height

The proposed building heights under the modifications would be greater than the heights established by the existing Concept Approval and current planning controls. The modifications proposed to the building heights are demonstrated in **Table 2** and depicted in **Figures 8, 9 and 10**.

Table 2: Comparison of approved heights, LEP controls and proposed heights

	Existing Concept Plan	Ryde LEP 2010 control	Proposed heights
Adjacent to Victoria Road	18m (6 storeys)	21.5m (7 storeys)	24.5m - 25m (8 storeys)
Central parts of the site	9m – 15m (3 to 5 storeys)	18.5m (6 Storeys)	21.5m - 24.5m (7 - 8 storeys)
Eastern Boundary of the site	6m (3 storeys)	9.5m (3 storeys)	9.5m (3 storeys)

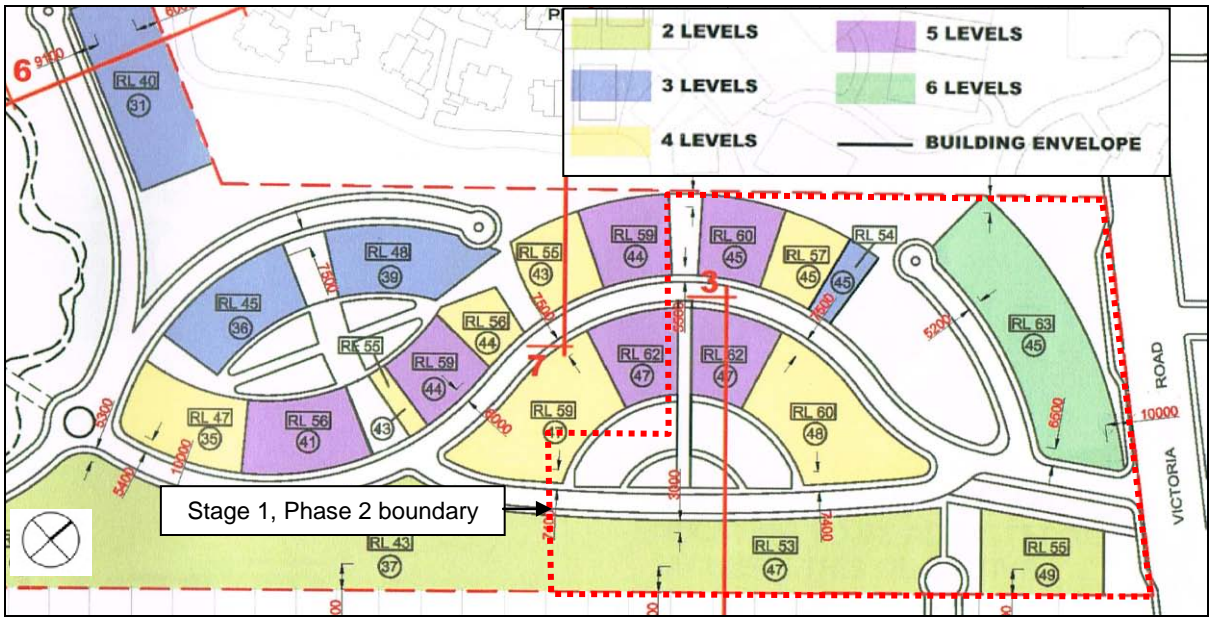


Figure 8: Existing approved Concept Plan Height Controls

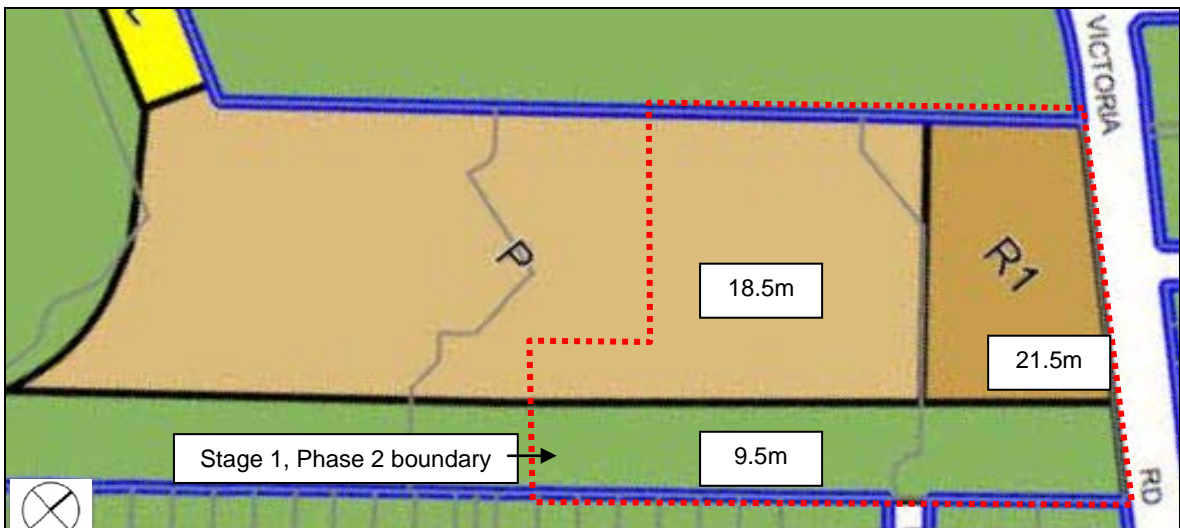


Figure 9: Ryde LEP 2010 Height Controls



Figure 10: Proposed Concept Plan Height Controls

As discussed in **Section 5.1**, the Department supports greater densities of development close to Victoria Road, and consequently greater heights are also supported in this location, subject to the assessment of potential amenity impacts arising from the proposed heights.

The proposed increase in height along the eastern boundary to 9.5 metres is supported as it is consistent with the Ryde LEP 2010.

The remaining four residential flat buildings would present as 3m – 6m (1 – 2 stories) higher than anticipated under the Ryde LEP controls. Given the height variation, the Department has carried out an assessment in respect of:

- visual impacts;
- other amenity impacts to the surrounding area; and
- internal amenity impacts.

Visual impacts of the proposed heights are considered in **Section 5.3**. Internal residential amenity is considered in **Section 5.5**.

With regards to potential amenity impacts to surrounding development, the mid-winter shadows from the proposed building envelopes would fall mostly within the site, and overshadow the immediately adjoining development to the east for less than one hour (after 2.00 pm). The affected properties would receive good solar access at other times through the day. The extent of overshadowing is acceptable.

The potential privacy impacts to neighbours arising from the increased height are acceptable. The nearest neighbours (within Calvary Retirement Village) are 23m from the proposed building envelopes which is greater than the 18 metre building separation requirement for privacy as established by the Residential Flat Design Code for buildings up to 25 metres in height.

5.2.2 Setback to Victoria Road

The minimum setbacks to the eastern and western boundaries of the site will be increased under the modifications and therefore no issues arise in this regard.

It is proposed to reduce the setbacks to Victoria Road. The Concept Plan approval included a minimum setback of 10 metres to the Victoria Road boundary, while the proposed modification includes a minimum setback of 5 metres between the eastern building and Victoria Road and around 7.5 metres between the western building and Victoria Road.

This section of Victoria Road is not characterised by any established setback pattern, and the Department considers that appropriate setbacks in this case should be sufficient to:

- ensure buildings do not have an overbearing visual impact on the streetscape; and
- allow for provision of sufficient depth and height of landscaping to soften the appearance of future buildings and make a positive contribution to the streetscape of Victoria Road.

Visual impacts of the buildings are discussed in **Section 5.3** below.

In terms of depth of landscaping, the proposed setback of 5 metres to the eastern building shown on the Concept Plan drawings does not take into account the new deceleration lane on Victoria Road and associated area to be dedicated to the Council as part of the road reserve to accommodate pedestrian pathways. It is estimated that once the new boundary with the road reserve is established, the building envelope of the eastern building on Victoria Road would have an approximate setback of only about 2 metres from the boundary. Also, the proposal seeks to provide basement parking in part of the front setback areas.

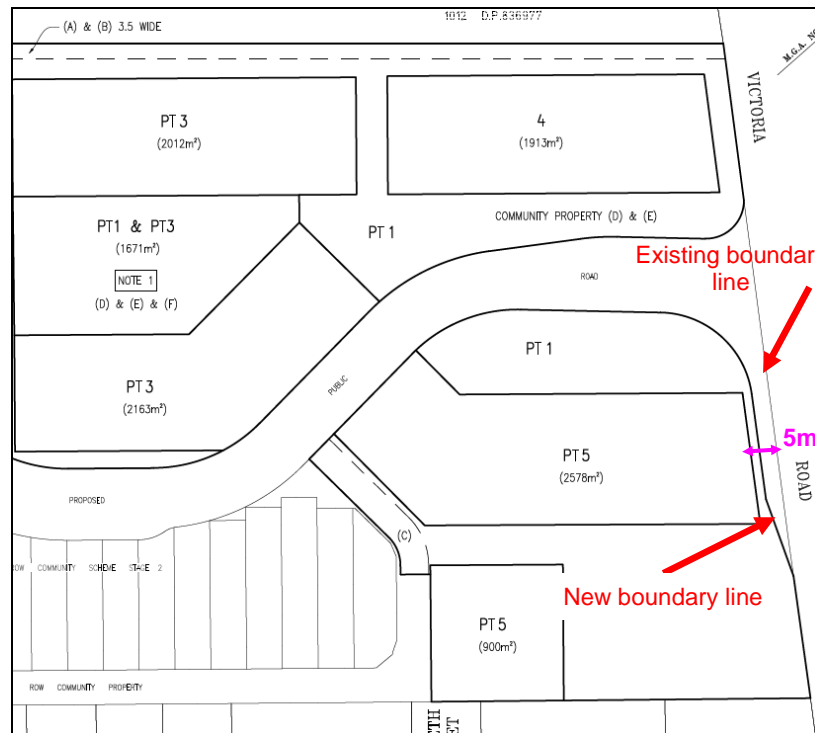


Figure 11: Extract from subdivision plan submitted with the modification indicating future boundary with Victoria Road

Furthermore, Project Approval MP10_0189 included approval for replanting a row of significant palm trees along the Victoria Road frontage following the construction of the deceleration lane. The plan under the project approval indicates the replanted trees occupy a setback area of more than 5 metres in depth. Indicative landscape plans showing the front setback area submitted with this modification indicate that there may not be sufficient space between the eastern building envelope and the new boundary to support the trees, as well as necessary retaining walls due to the difference in level between the street and the site.

As discussed below in **Section 5.3**, the Department recommends that, as a minimum, the proposed setback of the eastern building envelope should be at least 5 metres from the new boundary with Victoria Road, following the dedication of land as road reserve. A 5 metre setback is the minimum necessary to allow for a sufficient depth of landscaping to make a reasonable contribution to the streetscape, mitigate the visual impact of the proposed eight storey building, and allow for the proposed transplanting of the palm trees.

Also, the Department recommends that all front boundary setback areas be provided as deep soil landscaped areas to enable landscaping to be maximised and to ensure the longevity of the proposed boundary tree plantings.

Appropriate conditions have been therefore included in the recommendation to address these issues.

5.3 Built Form Visual Impacts

The proposed residential flat building envelopes will be visually prominent as viewed from two locations outside the site:

- from Victoria Road; and
- from the Calvary Retirement Village on the eastern side of the site.

The visual impacts on these locations are assessed in the following sections.

5.3.1 Victoria Road

The Department required the proponent to address the issues of height, scale and setback of proposed buildings adjacent to Victoria Road, and concerns about the resulting visual impacts of the proposed building envelopes.

In response, the proponent provided a comparison of the existing approved and proposed built form envelopes. It is argued that the proposal represents an improvement from the existing approved envelope which presents a long and continuous six storey façade to Victoria Road. The proposed orientation of the buildings under the modification result in only the short edge of the buildings presenting to Victoria Road, allowing for substantial views into the interior of the site and a reduction in the overall extent of building massing presenting to the streetscape.

The proponent provided a visual comparison of the existing and proposed envelopes (**Figure 12**). They also provided indicative landscape plans to demonstrate potential front boundary plantings and a certified photomontage of the building envelopes as viewed from Victoria Road (**Figure 13**).

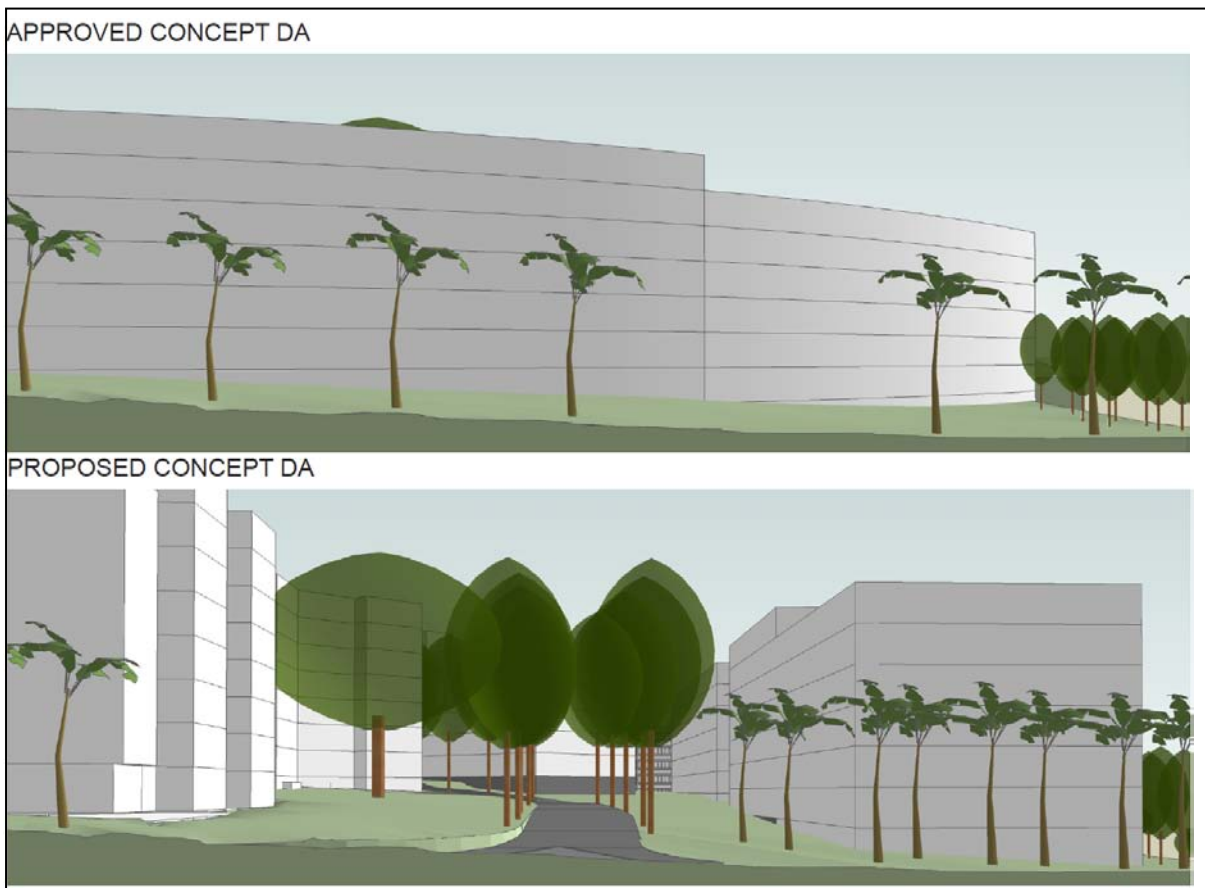


Figure 12: Proponent's comparison of approved and proposed building envelopes as viewed from Victoria Road



Figure 13: Photomontage of proposed building envelopes as viewed from Victoria Road

The Department agrees that the re-orientation of the buildings to allow for views into the site represents an improvement to the appearance of the site within the streetscape.

The Department also agrees that the proposed heights would not result in unacceptable visual impacts to the locality. While this section of Victoria Road is predominantly characterised by one to two storey buildings, the Draft Ryde Local Environmental Plan 2011 would permit building heights of up to 15.5 metres (or five storeys) on the opposite side of Victoria Road from the site. Other developments on Victoria Road about 1.2km to the east of the site are likely to achieve heights of 22m – 33m (7 – 11 storeys) under the Draft Ryde Local Environmental Plan (Gladesville Town Centre and Victoria Road Corridor) 2010 and development within the Top Ryde centre 800m to the north-west of the site has also been approved with heights more than 50 metres (17 storeys). Therefore, the height of the proposed development would not be visually dominant within the context of future development immediately opposite the site and the wider locality.

While the proposed height can therefore be supported, in conjunction with the reduced front setbacks, the proposed building envelopes have the potential to result in development that has an overbearing visual impact on the streetscape. As discussed above in **Section 5.2**, setbacks should be sufficient to provide a depth of landscaping to soften the appearance of future buildings, mitigate against overbearing visual impacts, and make a positive contribution to the streetscape of Victoria Road. The approved Statement of Commitments also provides that the proponent will: “*setback buildings from street frontages to create landscaped settings*”.

Council's Development Control Plan (DCP) requires increased building setbacks commensurate with increases in building heights to reduce the visual impact of development in the streetscape. In this case a setback of 18.5 metres would be required were the DCP to be applied.

The Department does not consider a setback of 18.5 metres is necessary in this case, especially as the development presents only limited facades to Victoria Road. Proposed building facades would occupy less than one third of the Victoria Road frontage, leaving most of the frontage free of any built forms, and thereby limiting the extent of visual impacts and the need for extensive setbacks suggested by the DCP.

The modified scheme increased the setback of the western building to 7.5 metres. With appropriate landscaping, in conjunction with articulation and modulation to the façade, the setback of this building is sufficient to mitigate against potential adverse visual impacts such as a dominant overbearing impression at the pedestrian level.

As discussed in **Section 5.2**, the eastern building proposes a setback of around 2 metres from the new site boundary following development of a deceleration lane and new footpath area. The deceleration lane and new footpath have not been depicted in the submitted photomontage and the Department considers that the resulting setback would result in a development with adverse overbearing visual impacts on the streetscape. Therefore a minimum setback of 5 metres from the new boundary with Victoria Road is recommended in order to provide a sufficient depth of landscaping that makes a reasonable contribution to the streetscape and assists with mitigating the visual impact of the proposed eight storey building.

5.3.2 Adjoining Western Property

The proposed development will present long facades of two buildings (with a combined length of 130 metres) up to six and eight storeys in height to the western boundary with Calvary Retirement Village, and setback 9 metres from that boundary.

The proponent provided photomontages of the proposed envelopes to demonstrate the extent of building massing that will be visible from that site. They also advise that boundary setback planting will be provided both on the Concept Plan site and on the neighbour's site in accordance with an agreement from Calvary Retirement Village.



Figure 14: Photomontage of proposed building envelopes as viewed from western neighbour

As shown in the photomontage (**Figure 14**), the retirement village site includes extensive tree plantings adjacent to the boundary, which in conjunction with new setback landscaping, will obscure the majority of the proposed building facades. In addition, the nearest building on the retirement village site would be at least 23 metres from the proposed new building envelopes and separated by an internal roadway. Therefore, no unacceptable visual impacts arise from the proposed envelopes.

5.4 Landscaping and Open Space

The proposal modifies the layout and size of open space areas within Stage 1. The main modifications to the open space include the deletion of 16,000m² of roof top gardens across the entire site; and the loss of a public open space area from the Stage 1 site in favour of private communal open space.

The deleted roof top gardens will be offset by an increase in open space at ground level, such that total open space across the site is marginally increased despite the deletion of the roof level space.

Given that the RRCS site already includes large areas of public open space parklands (around 35,000m²), the loss of a 3,761m² area of public open space from Stage 1 in favour of communal open space is acceptable and will not result in any significant impacts. The previously proposed small pocket park is not necessary for the amenity of the public, given the substantial parkland facilities within the central part of the site.

Another proposed modification which impacts open space is the proposed provision of basement car parking in areas beyond the proposed building envelopes below proposed open space (refer to **Figure 15**). Basements in the existing Concept Plan approval were limited to areas below the building envelopes and a small section of roadway.

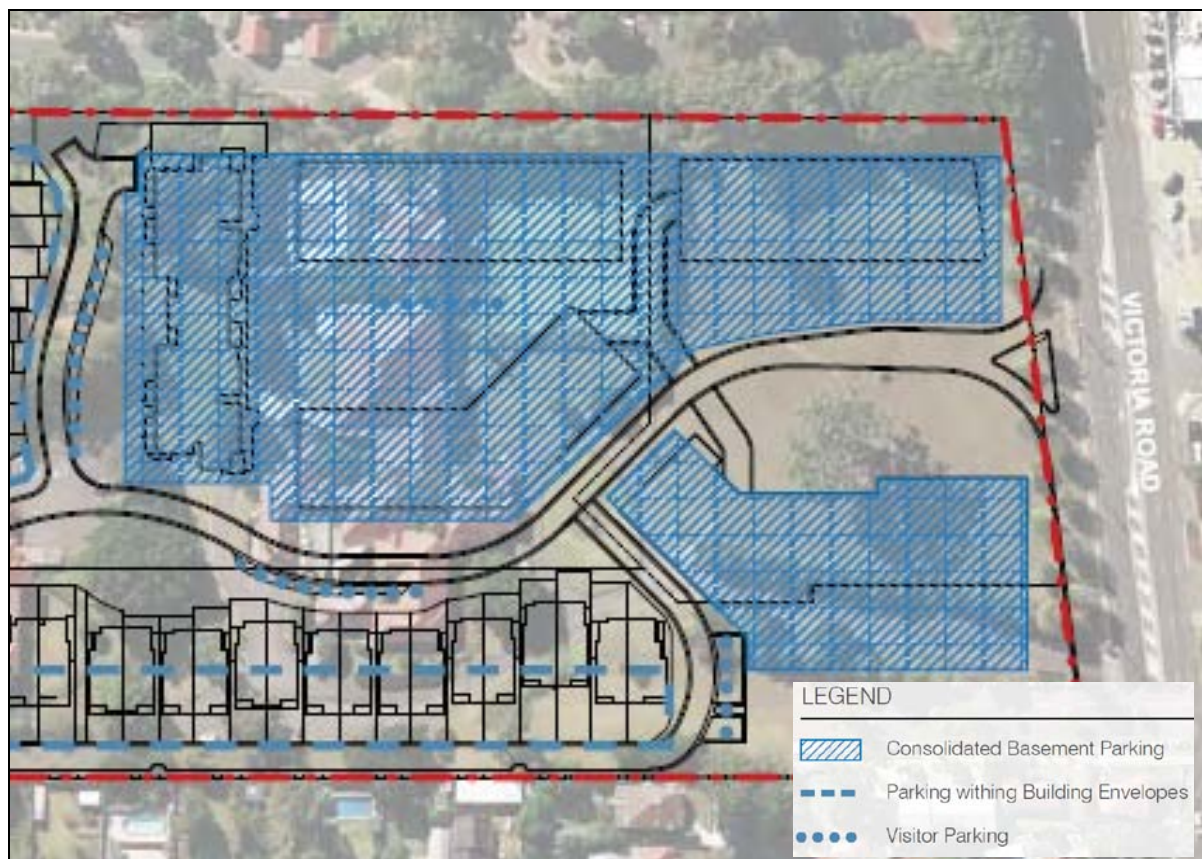


Figure 15: Proposed consolidated basement car parking areas

As discussed in **Section 5.2**, basement parking in the front setback is not supported and a condition modifying the approval is recommended. Basement parking under other open space areas is acceptable, providing future applications can demonstrate compliance with Council's stormwater management requirements and can provide appropriate drainage and soil depths to support a variety of landscaping including mature trees to a height of at least 10 metres. These requirements are reflected in the recommended conditions.

5.5 Other Issues

5.5.1 Compliance with Concept Plan

Condition B1 of the Concept Plan approval provides a mechanism for considering departures from the terms of the original Concept Approval. Condition B1 states:

B1. Development Control (see also C1 to C10)

Any significant departure from Conditions A1 and A2, Part A, Schedule 2 will require lodgement of further detailed plans and documentation to the Department addressing, and where required revising, the internal road network and associated development envelopes to reflect and extend the surrounding street pattern.

Any revised plans and documentation will provide (but not be limited to):

(1) An urban design strategy, including detailed analysis of the physical, environment, social, cultural and economic aspects of the site informing opportunities and constraints, resulting in an agreed urban design outcome.

(2) An analysis of existing buildings, including building height and footprints, significant vegetation, surrounding street and block pattern, existing delineation of public and private open space, topography and view corridors.

(3) An appropriate street pattern, built form, building height, open space, view corridors, density, vegetation strategy, entry points, detention basin, car parking and traffic management and road hierarchy.

The timing, format and content of further detailed plans and documentation to be lodged in respect of Condition B1, Part A, Schedule 2 will be agreed and approved by the Department, in consultation with Council and other agencies, where appropriate.

The Director General will determine whether a future application for development constitutes a significant departure from this approval. A significant departure will require submission and approval of a new concept plan proposal.

When this condition was drafted in 2006, it was envisaged that future project applications would be assessed by the Department and it was therefore appropriate that departures from the concept plan approval could be assessed by the Department as part of project applications with the provision of appropriate information as outlined in the condition.

The subsequent repeal of Part 3A has meant that future applications will now be assessed by Council under Part 4 of the Act. Therefore, despite the provisions of the condition, it is considered that a s75W modification request is the most appropriate mechanism for considering a revision or departure from the original Concept Plan approval and this approach is consistent with the current practice of the Department.

Furthermore, as the modification retains the proposed residential use and only seeks to alter the layout of the Stage 1 site, makes no material changes to the rest of the Concept Plan site, and retains overall dwelling numbers, density and total open space area, the proposal is not considered to be such a significant departure that would require the submission and approval of a new concept plan proposal.

5.5.2 Residential Amenity

State Environmental Planning Policy No. 65 (SEPP 65) and the Residential Flat Design Code (RFDC) will apply to the assessment of future development applications. The proposed building envelopes are generally consistent with the relevant rules of thumb of the RFDC and if the detailed design is developed to be consistent with the rules of thumb, the modified proposal should deliver an acceptable level of internal residential amenity.

The proposed building envelopes include building depths of more than 18 metres in some areas (up to 23 metres) and on-site building separation in some areas is less than 18 metres, which is inconsistent with the rules of thumb provided by the RFDC.

The proponent has advised that articulation of massing within the envelopes is envisaged, including the provision of balconies, likely to result in a building depth of 18m glass line to glass line in accordance with the RFDC. The proponent has also advised that building separation requirements can also be complied with through articulation within the envelope areas and through the incorporation of non-habitable spaces on the facades adjacent to the smallest separation distances.

While the proposed building envelopes will create shadowing impacts within the site, shadow diagrams indicate that depending on floor plan layouts, the proposed envelopes are capable of providing two hours of solar access to 70% of dwellings within the residential flat buildings. This is consistent with the RFDC rules of thumb.

The proposed new building envelopes therefore would enable compliance with SEPP 65 and the RFDC and are therefore capable of delivering acceptable levels of residential amenity, subject to detailed design.

5.5.3 Street Layout and Pedestrian Access

Vehicular access to the site remains unchanged from previous approvals, with the access point to Victoria Road already modified by MP10_0189. The internal roadways have been altered to take into account the modified building layouts, but remain similar to the original concept plan in that they include a main internal roadway ('Road 5') with cycle path and smaller access roadways (both public and private) running off Road 5. No impacts arise from the modified road layout.

Other changes relate to pedestrian access and include the deletion of a pedestrian access point to Kenneth Street, but proposed inclusion of a pedestrian access point to Calvary Retirement Village, enabling the residents there to access the parklands on the site.

The proponent advises that the Kenneth Street pedestrian access was deleted following concerns raised by residents of Kenneth Street about increased pedestrian traffic on that street. Transport for NSW advised that it was concerned about the removal of this linkage across the site as it may impede access to the nearby bus stop.

As discussed in **Section 5.7** below, the proposed bus stop on Victoria Road has been deleted, and as such the Kenneth Street link would not be necessary to facilitate bus stop access.

The Department considers that wherever possible, pedestrian permeability though the site should be maximised, to encourage walking and cycling. However, in this case the link through Kenneth Street would not be on a strong pedestrian desire line and would not materially improve pedestrian access to public transport or any other services.

5.5.4 Bus stops

Transport for NSW (TfNSW) raised a concern that the proposed modification results in changes to the bus stop location, bus loading bay and pedestrian access to Victoria Road. TfNSW advise that it is highly desirable that a bus stop and bay be located near the site entrance.

The Department notes that while the approved Concept Plan drawings indicate a bus loading bay on Victoria Road, the Concept Plan conditions envisaged some changes to the Victoria Road access, and this in turn impacts the provision of a bus stop.

The approved Statement of Commitments at C7 included a commitment that the proponent would work with all traffic and transport authorities and Council to optimise the design and safety of roads and intersections and to upgrade public transport including a review of bus stops and access to these, and other related matters.

In addition, Condition B4.1 of the Concept Plan approval required that further detailed plans and documentation were to be submitted to the satisfaction of the Department, including:

- approach and departure routes for the site;
- maximising ingress to and egress from the site via Victoria Road;
- signalised intersections along Victoria Road; and
- public transport accessibility and permeability for pedestrians.

As such the condition and commitment necessarily envisaged changes to the Victoria Road access, and potential associated impacts to the proposed bus stop.

To comply with Condition B4.1, the proponent submitted a number of reports and plans including a report by Transport and Traffic Planning Associates (TTPA) in June 2006 and a site entrance layout drawing by BSA architects which included a deceleration lane but no specific bus stop or bus loading bay.

The Department considered the information provided in a memorandum and subsequent letter to the proponent in March 2008 in which the Department advised that it was satisfied that the requirements of the condition had been met. The memorandum acknowledged the BSA site entrance layout drawing arrangements as being the best option to maximise ingress and egress on Victoria Road. In relation to public transport, the Department accepted the findings of the TTPA report which found that the site as existing is well serviced by public transport with frequent bus services along Victoria Road. On this basis the Department decided that existing public transport access was acceptable, and did not include any additional requirements for provision of a bus stop loading bay on Victoria Road.

Existing bus stops are located on Victoria Road to the east of Charles Street as shown in **Figure 16**. They are within the 400 metre walkability criteria established in the *Planning Guidelines for Walking and Cycling*. Blaxland Road bus stops are around 390m from pedestrian entrances to the site and therefore also within the accepted range. Therefore the existing access to bus services is adequate.

Further changes to the location of the layout of the vehicular entrance on Victoria Road were subsequently approved as part of Major Project MP10_0189 for development of Stage 1 Phase 1. The relocation of the vehicular entrance as part of that application also excluded a bus loading bay on Victoria Road.

Therefore the Department has previously accepted changes to the Victoria Road frontage that did not include a bus loading bay and had previously found that existing access to bus services is adequate.

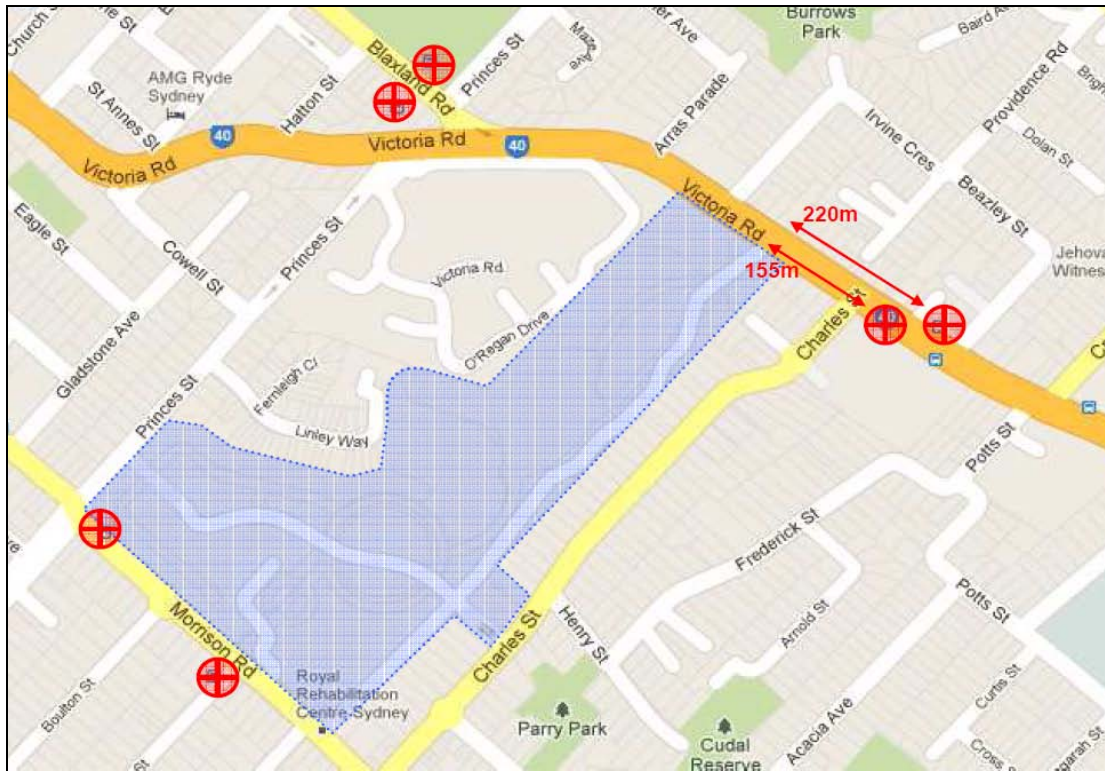


Figure 16: Existing bus stops in proximity to the site.
Distance of closest stops to the Victoria Road pedestrian entrances.

6. CONCLUSION

The proposal seeks to modify the Concept Plan approval to allow for a revised layout to the residential development within Stage 1. The proposed modifications result in a redistribution of density on the site with increased heights and density of built forms towards the northern end of the site.

The Department has assessed the modification on its merits and is satisfied that despite the revised building plan layout and increased building heights, the modified Concept Plan will ensure an acceptable level of amenity for residents within the development and the surrounding area. With the imposition of a condition to ensure a 5 metre landscaped setback to Victoria Road, the proposal is not considered to result in any unacceptable visual impacts to the Victoria Road streetscape either.

It is therefore recommended that the modification be approved in accordance with the modification instrument.

7. RECOMMENDATION

It is recommended that the Deputy Director-General, Development Assessment & Systems Performance:

- **consider** the findings and recommendations of this report;
- **approve** the modification, subject to conditions, and;
- **sign** the attached instrument of modification

Endorsed by:



Karen Jones 20/12/12
Director
Metropolitan & Regional Projects, South



20.12.12

Chris Wilson
Executive Director
Major Projects Assessment

Approved by:

Sam Haddad
Director General

APPENDIX A MODIFICATION REQUEST

See the Department's website at

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=5320

APPENDIX B SUBMISSIONS

See the Department's website at

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=5320

APPENDIX C RECOMMENDED MODIFYING INSTRUMENT

