



ADDENDUM REPORT:

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

600 – 640 Victoria Road, Ryde

***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

March 2013

ABBREVIATIONS

CIV	Capital Investment Value
Department	Department of Planning and Infrastructure
DGRs	Director-General's Requirements
Director-General	Director-General of the Department of Planning and Infrastructure, or his delegate.
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
LEP	Local Environmental Plan
MD SEPP	State Environmental Planning Policy (Major Development) 2005
Minister	Minister for Planning and Infrastructure
PAC	Planning Assessment Commission
Part 3A	Part 3A of the <i>Environmental Planning and Assessment Act 1979</i>
PEA	Preliminary Environmental Assessment
PFM	Planning Focus Meeting
PPR	Preferred Project Report
Proponent	Frasers Putney Australia Pty Ltd
RtS	Response to Submissions
SEPP	State Environmental Planning Policy

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1. BACKGROUND

Frasers Putney Australia Pty Ltd has sought a modification to Concept Plan Approval MP05_0001 which approved the construction of a purpose built specialised rehabilitation and disability facility, residential development comprising various mixes and types of dwellings on the remaining part of the site, landscaped public and private open space, associated services and infrastructure.

The proposed modifications relate to the layout of the Stage 1 residential development, including modifications to the approved road layout, open space areas and built form layouts. The application (MP05_0001 MOD 1) has been assessed by the Department. The draft Director-General's Environmental Assessment Report, dated January 2013 included an assessment of the proposed modifications and recommended approval of the modification request, subject to conditions.

A copy of the draft report and draft instrument of approval, including conditions was placed on the Department's website on 20 December 2012.

On 17 January, JBA, Urban Planning Consultants, on behalf of the proponent, wrote to the Department, requesting that proposed conditions be modified.

This addendum report provides consideration of the proponent's requested amendments to recommended conditions.

2. PROPONENTS REQUESTED CHANGES

The proponent has requested changes to recommended conditions including:

- Correction of errors in Conditions A1 and A2;
- Modification of Condition B15 relating to the setback from Victoria Road as follows:

*The eastern building on Victoria Road known as building 4A is to be setback at least a **weighted average of 5 metres** from the realigned boundary with Victoria Road to be established for the creation of a new deceleration lane and public footpath;*

- Modification to Condition B16 relating to basement car park structures as follows:

~~No basement parking or below ground structures are permitted in the Victoria Road front setback area.~~

*Other basement parking shown on the Concept Plan Drawings by Cox Richardson Architects outside approved building envelopes are permitted where the proponent can demonstrate compliance with Council's stormwater management requirements, appropriate drainage and soil depths (**whether achieved by natural depth or use of alternative methods such as mounding of the soil**) to support a variety of landscaping including trees to a mature height of at least 10 metres.*

3. ASSESSMENT

3.1 Correction of errors in Conditions A1 and A2

The minor errors have previously been identified and have been corrected in the attached updated instrument.

3.2 Modification of Condition B15 relating to the setback from Victoria Road

As set out in the draft Director-General's Environmental Assessment Report, a condition was recommended requiring a 5 metre setback from Victoria Road for proposed Building 4A. This condition was recommended as it was considered that *"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"*.

The recommended condition also arose as the setbacks depicted in the application had not taken into account the re-alignment of the Victoria Road boundary due to the provision of a new deceleration lane, which has the effect of reducing the setback proposed by the proponent.

The proponent suggests a change to the recommended condition would remove the requirement for a minimum setback of Building 4A to Victoria Road and allow for a varied setback with a weighted average of 5 metres.

The proponent has provided the following justification for the suggested amendment:

- The detailed design of the building has already been lodged as a Development Application with Ryde Council;
- The building is currently designed to have a minimum setback of 3.52 metres and maximum setback of 5.52 metres.
- An additional 1.7 metres of soft landscaping is provided within the adjacent road reserve (outside the site);
- The building has been designed to provide a good presentation to the street and includes screening measures and strong articulation of the façade; and
- Proposed setbacks are sufficient to enable the transplanting of the palm trees and additional planting, which would minimise the visual impact of the built form to Victoria Road.

To support the amendment the proponent also submitted plans demonstrating the setbacks of the proposed building as submitted to Council with the Development Application; including landscape details and a report from the landscape architect.

The Department does not support the assessment by the proponent. As demonstrated in **Figure 1**, the proposed building envelope will not provide a setback of 3.52 – 5.52 metres. Once balcony structures are included (which form part of the building envelope), the proposed building would have a minimum setback of 1.7 metres and maximum setback of 5.7m from the Victoria Road boundary.

The proposed balconies, which occur at the first floor level and continue each alternate level to the top floor, will read as part of the building form. With a minimum setback of 1.7 metres, the building, including its balconies, would result in a significant overbearing visual impact on the streetscape.

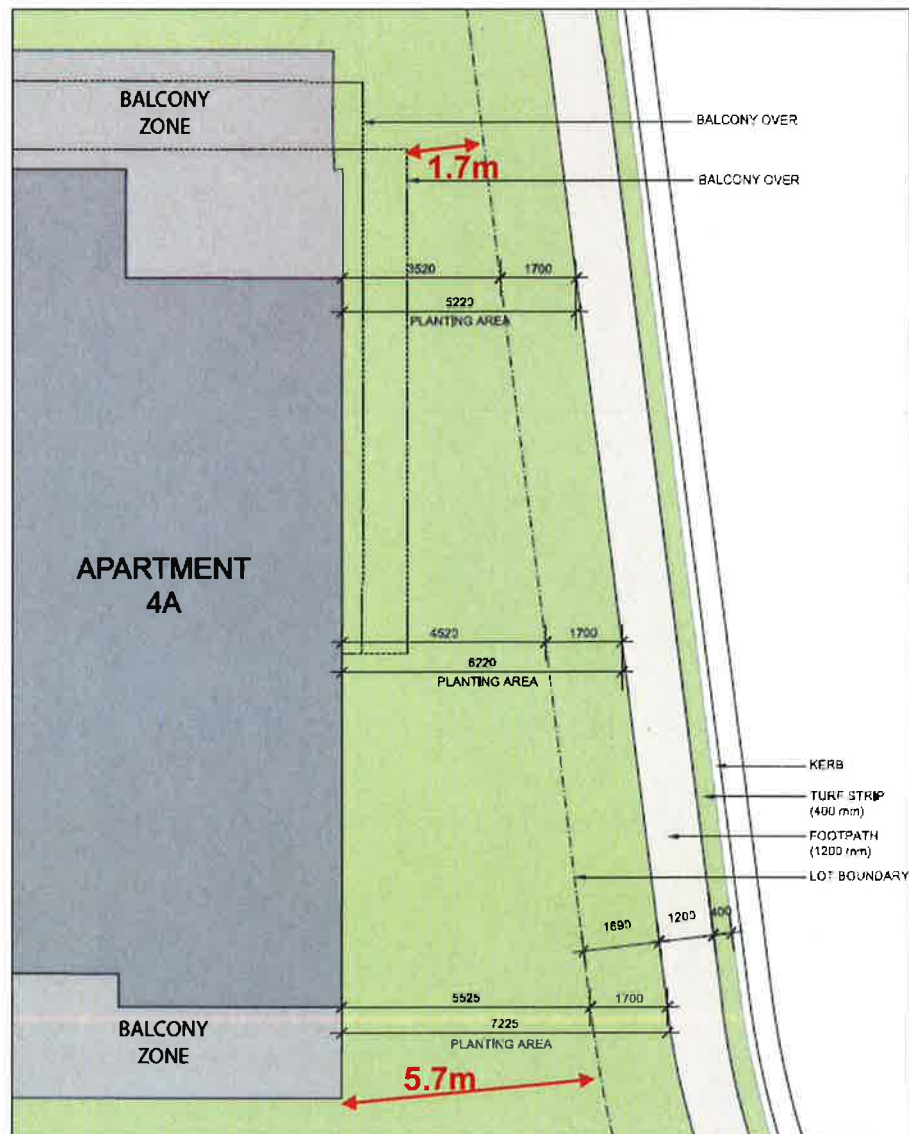


Figure 1: Boundary Setback Plan.
(Correct minimum and maximum setbacks shown in red).

The submitted landscape plans do not show the proposed balconies (refer **Figure 2**). However, as demonstrated by the cross section (**Figure 3**), the proposed building including the proposed balconies, will have a very narrow setback which will result in a significant impediment to the depth of landscaping able to be provided within that setback.

Condition C3 of the Concept Plan approval requires the proponent to adopt urban design principles including a requirement to “*setback buildings from the street frontages to create landscaped settings.*” Condition C4 requires that the landscape design “*preserve mature trees and landscaping features.*” Project Approval MP10_0189 included approval for replanting a row of Canary Island Date Palms along the Victoria Road frontage following construction of the deceleration lane, as the palms were considered to be significant and to make an important contribution to the Victoria Road streetscape.

As demonstrated in **Figure 3**, the canopy of the palms will need to be extensively pruned to be kept clear of the building / balconies. Although a statement from the landscape architect was submitted by the proponent, confirmation from a qualified arborist was not provided to confirm the long term viability of the trees within the narrow setbacks. The Department considers that the pruning required to accommodate the reduced building setback would result in adverse impacts to the visual appearance and quality of the trees as well as jeopardising their health and longevity.

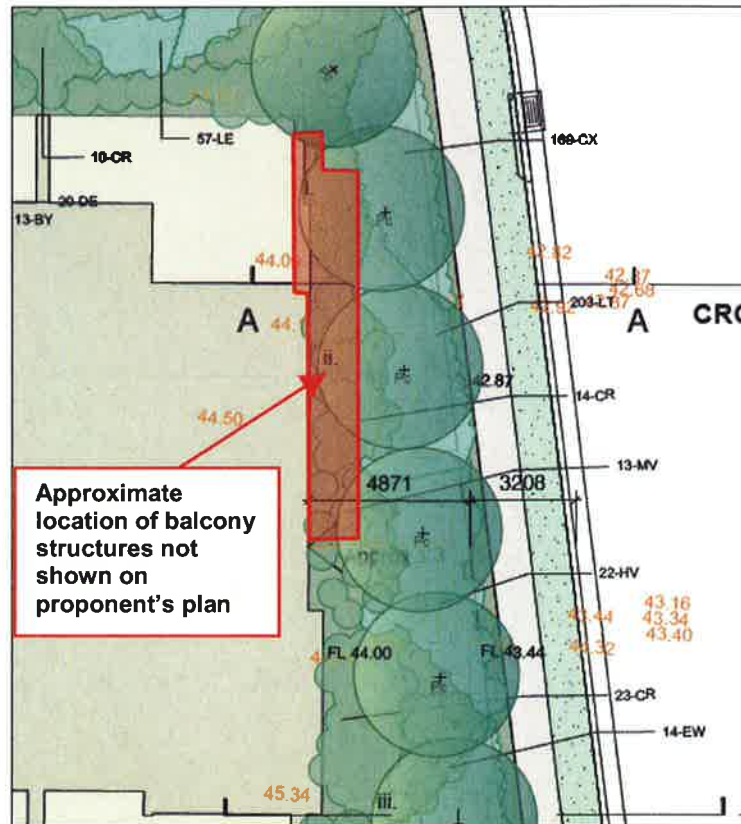


Figure 2: Extract from proponent's Landscape Plan.

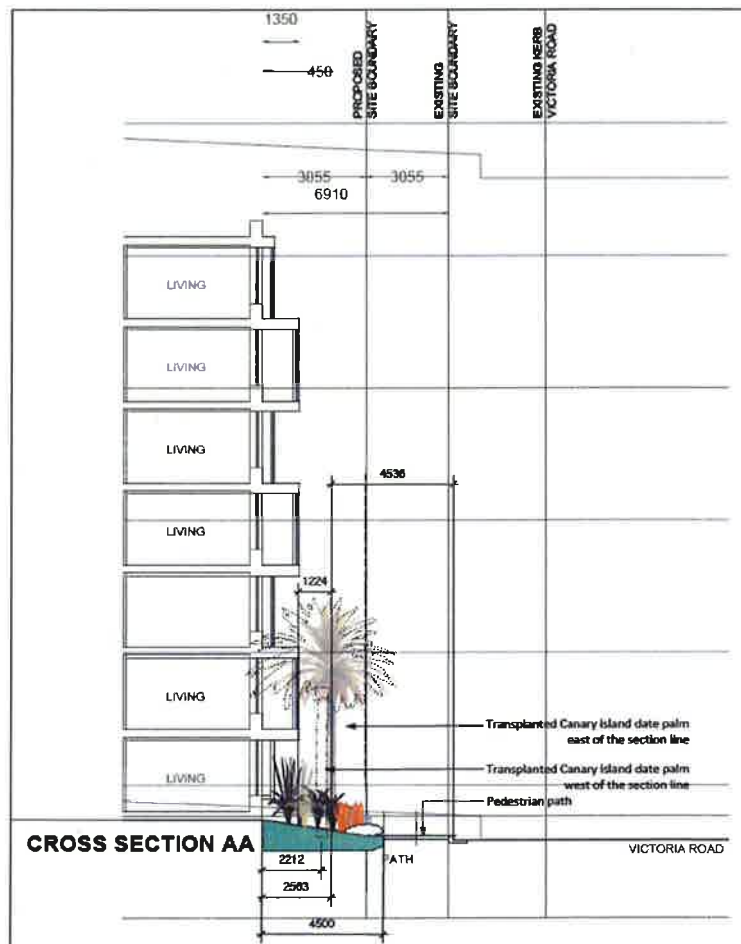


Figure 3: Landscaping Cross Section

Also as shown by the section, the remaining landscaping would be limited to small shrubs and ground covers that are partially under first floor balconies. This raises concerns over the longevity of the landscaping and its contribution to the streetscape.

The proposed modification will result in a development with a height that exceeds the controls for the site and a built form that is taller than all other developments in the immediate vicinity of the site. Therefore, the Department considers that appropriate setbacks are essential to mitigating the visual impacts of the development.

It was noted that the existing Concept Plan approval includes a minimum setback of 10 metres from the Victoria Road boundary and if relevant local controls were to apply, a setback of 18.5 metres would be required. The 5 metre setback recommended by the Department is considered the minimum setback necessary in order to mitigate the visual impacts. Further, this minimum setback was recommended on the basis that it would be in conjunction with a high quality articulated built form as well as the potential for landscaping within the adjacent road reserve to ensure an acceptable outcome for the streetscape.

It is therefore recommended that the proposed condition not be amended.

3.3 Modification to Condition B16 relating to basement carpark structures

The proposed modification to condition B16 is two-fold and relates to:

- basement structures and deep soil landscaping in the Victoria Road setbacks; and
- soil depths above basement parking in other areas.

Basements in the Victoria Road setback

The draft Director-General's Environmental Assessment Report recommended that, *"all front boundary setbacks be provided as deep soil areas to enable landscaping to be maximised and to ensure the longevity of the proposed boundary tree plantings"*.

As shown in the **Figure 4**, the proposed development includes basement parking below the front setback of western building (Building 3A) and below what would be the front setback of the eastern building (Building 4A) as modified by recommended condition B15.

The proponent requests the deletion of this requirement and has provided the following justification:

- The basement structure below Building 3A only extends in to the front setback by approximately 1 metre and would have a setback to Victoria Road of between 6.7 metres (minimum) to 11.4 metres (maximum);
- The second paragraph of the condition (requiring soil depths above basements to support trees to a height of 10 metres) provides certainty about landscaping;
- Council have raised no concern with the proposed landscaping scheme; and
- Stage 1 of the scheme exceeds the minimum deep soil landscaping rule of thumb established by the Residential Flat Design Code.

The above-ground building envelope of Building 3A would have a setback of approximately 7.5 metres. Despite the calculations given by the proponent, the plans submitted as part of the modification indicate that the basement car park could extend beyond the building by as much as 5.5 metres and to within 2 metres of the boundary with Victoria Road.

Given the relatively small setbacks of the proposed buildings (5.0m and 7.5m), it is essential that the setbacks are able to support high quality landscaping including deep soil zones to support the significant palm trees to be transplanted.

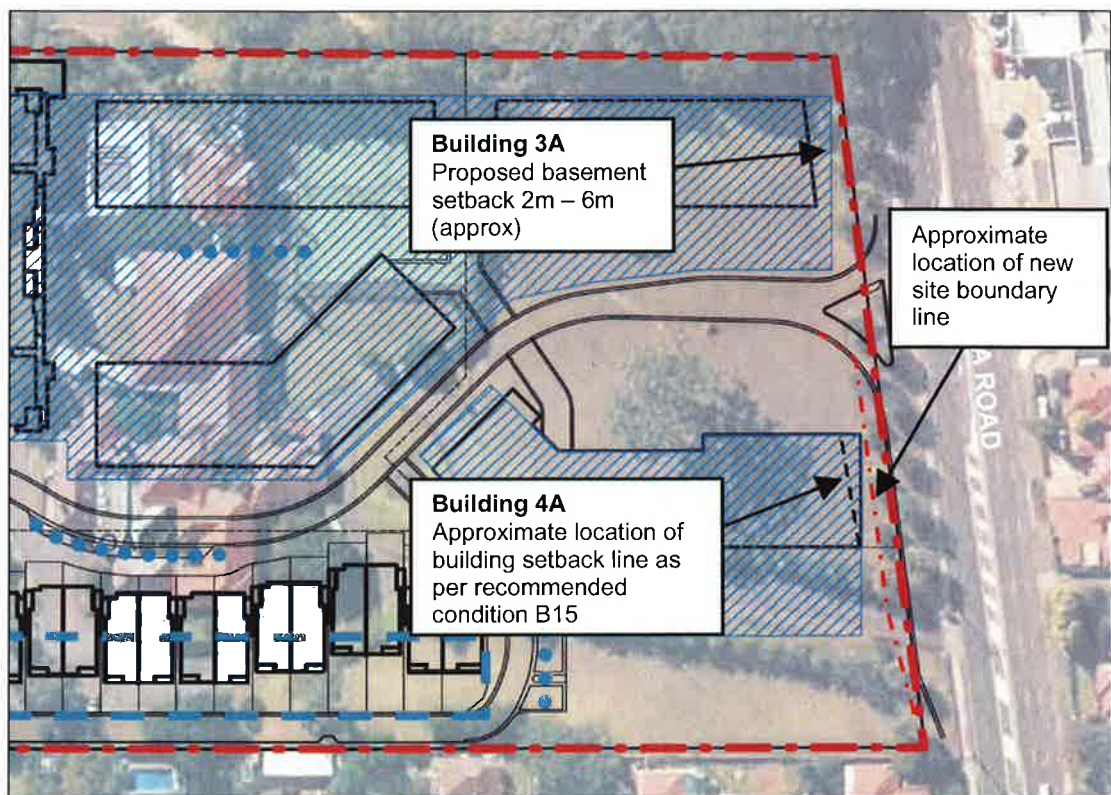


Figure 4: Extract from Indicative Car Parking Plan showing extent of basement areas

The above assessment found that a minimum setback of 5m was required for Building 4A in order to provide a depth of landscaping that mitigates visual impacts. It is considered reasonable to take a consistent approach with below ground structures. A 5m setback requirement for basement structures will ensure a reasonable deep soil zone to provide landscaping to contribute to the streetscape and support proposed boundary tree plantings.

It is therefore considered that the previously recommended condition could be amended to require that no basement parking or below ground structures be provided *within 5 metres of the boundary*.

Soil depths above basement parking in other areas

The proponent proposes a change to the recommended condition to allow for soil depths above basement areas across the site to be achieved by natural depth or alternative measures such as mounding of the soil.

The reason for the proponent's request is to ensure that Council cannot apply an interpretation that soil depths must be measured from natural ground level to the top of the basement slab, and to allow for flexibility as to how soil depths and landscaping are achieved.

The Department considers that while mounding may be an appropriate way to achieve soil depths in some circumstances, it is ultimately an urban design and landscaping detail for the Council to consider in the assessment of any future development application.

A modified condition is recommended providing that alternative methods of achieving soil depths (such as mounding) may be incorporated where the proponent can demonstrate quality urban design and landscape outcomes are achieved as part of future development applications.

4. CONCLUSION AND RECOMMENDATION

4.1 Conclusion

The Department has considered the additional submission by the proponent in response to the recommended instrument of approval and has found that it is appropriate to:

1. Correct the errors identified in Conditions A1 and A2;
2. Make no change to recommended Condition B15; and
3. Modify recommended Condition B16 As follows:

~~No basement parking or below ground structures are permitted in the Victoria Road front setback area. Basement parking and below ground structures are to be setback at least 5 metres from the boundary with Victoria Road following its realignment for the creation of a new deceleration lane and public footpath.~~


*Other basement parking shown on the Concept Plan Drawings by Cox Richardson Architects outside approved building envelopes are permitted where the proponent can demonstrate compliance with Council's stormwater management requirements, appropriate drainage and soil depths to support a variety of landscaping including trees to a mature height of at least 10 metres. **Alternative methods of achieving soil depths (such as mounding) may be incorporated where the proponent can demonstrate quality urban design and landscape outcomes are achieved.***


4.2 Recommendation

It is recommended that the Director-General:


- **consider** the findings and recommendations of the draft Director Generals Environmental Assessment Report report;
- **consider** the findings and recommendations of this addendum report;
- **approve** the modification, subject to conditions; and
- **sign** the attached updated instrument of modification

Endorsed by:


Karen Jones 7/3/13
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Chris Wilson
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Approved by:

 8/3/13
Richard Pearson
A/ Director-General