



MODIFICATION REQUEST:

***Royal Rehabilitation Centre Sydney
(MP 05_0001 MOD 2)***

600 – 640 Victoria Road, Ryde

Proposed by Frasers Putney Australia Pty Ltd

***Modification of residential layout including
modifications to roads, open space and built
form layouts, building heights and density
within Stage 2.***

Secretary's
Environmental Assessment Report
Section 75W of the
Environmental Planning and Assessment Act 1979

October 2014

ABBREVIATIONS

CIV	Capital Investment Value
Council	Ryde City Council
Department	Department of Planning & Environment
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
Part 3A	Part 3A of the <i>Environmental Planning and Assessment Act 1979</i>
PPR	Preferred Project Report
Proponent	Frasers Putney Australia Pty Ltd
RFDC	Residential Flat Design Code
RRCS	Royal Rehabilitation Centre Sydney
Secretary	Secretary of the Department of Planning & Environment
SEPP 65	State Environmental Planning Policy No. 65 (Design Quality of Residential Flat Development)

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1. BACKGROUND

The purpose of this report is to assess a modification request to the Concept Approval (MP 05_0001 MOD 2) for the redevelopment of the Royal Rehabilitation Centre Site (RRCS), Ryde in accordance with section 75W of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

The modification seeks approval to modify the overall layout of Stage 2, including the road layout, open space areas and built form layouts. This would then result in a development that is feasible and provides a superior design outcome within the context of the general parameters established under the Concept Approval.

The Department has assessed the modification on its merits and concludes that the modified Concept Plan will ensure an acceptable level of amenity for residents within the development and the surrounding area.

1.1 Site Description

The site is known as the Royal Rehabilitation Centre Sydney (RRCS) site and 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 (**Figure 1**).



Figure 1: RRCS Site (outlined in blue) and Residential Stage2 area (shaded yellow)

The site has a total area of 17.7 hectares. The Stage 2 residential area (to which this application primarily relates) has an area of 5.2 hectares and has frontages to Morrison Road and Princes Street.

Other than Stage 2, the remainder of the site has been redeveloped pursuant to the Concept Approval (discussed below in **Section 1.2**), with the new RRCS facilities in the southern corner of the site, the central parkland in the centre of the site and the Stage 1 Residential development occupying the north-eastern arm of the site.

The topography of the Stage 2 area is varied, but generally slopes from a high point at the corner of Morrison Road and Princes Street in the western corner of the site, down to the lake and central parkland to the east of Stage 2, with a total fall of 25 metres. At the corner of Morrison Road and Princes Street is the 3 storey 'Weemala' Building remaining from the old RRCS facilities. Due to its location at a high point in the area, it is highly visible within the surrounding locality.

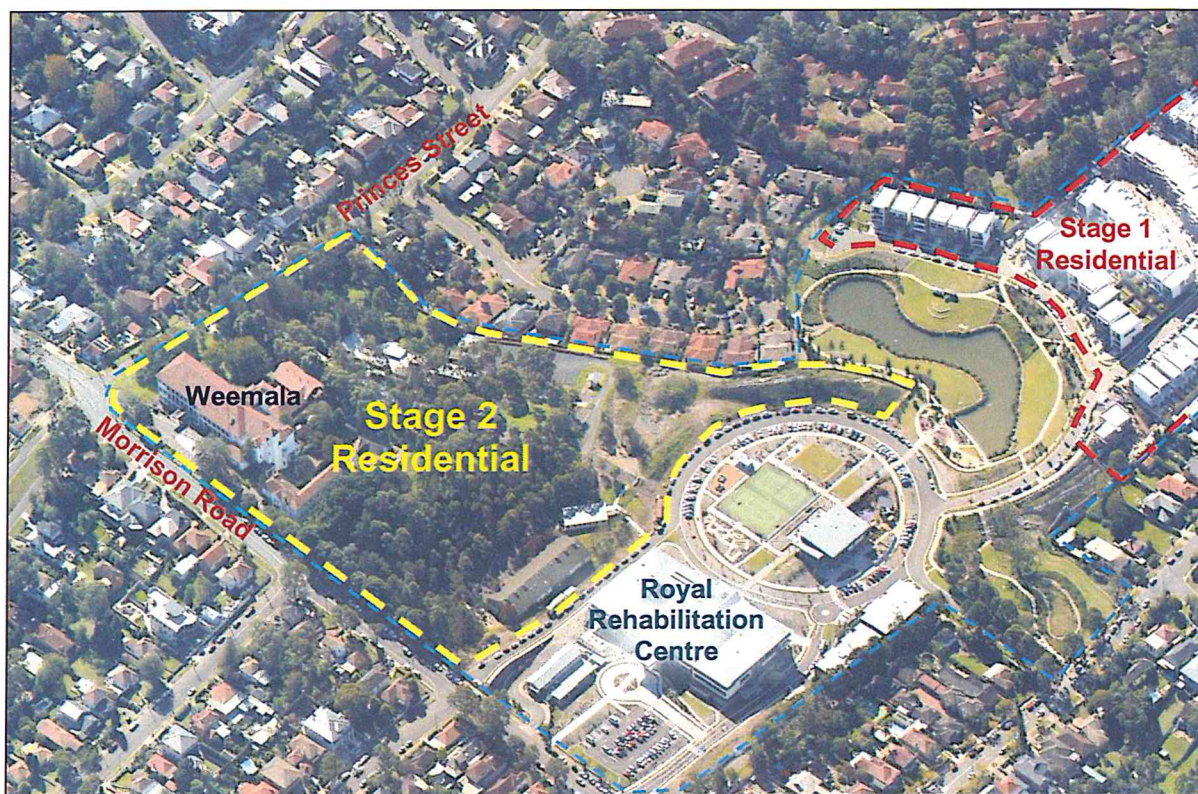


Figure 2: Aerial view of concept plan site (base source image: Nearmaps)

1.2 Previous Approvals

Concept Plan and Planning Controls

On 23 March 2006, the then Minister for Planning approved 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, landscaped public and private open space, associated services and infrastructure. The Concept Plan was subsequently modified (MP 05_0001 MOD 1) on 8 March 2013 amending the approved building layout of the Stage 1 residential development.

The site was listed as a State Significant Site on 2 August 2006, and that listing provided planning controls and land use zones in accordance with State Environmental Planning Policy (Major Development) 2005 (MD SEPP). The controls are generally consistent with the Concept

Approval and have been subsequently transferred across to the Ryde Local Environmental Plan 2010 (Ryde LEP) which was gazetted on 30 June 2010.

Other Related Applications

Other relevant Major Project approvals under the Concept Plan include:

- On 12 August 2008, the then Minister for Planning approved MP 07_0100 for the subdivision of the RRCS site into 7 Torrens Title super lots. This was subsequently modified on 5 July 2010 (MP 07_0100 MOD1) to reflect the zone boundaries and on 31 October 2012 (MP 07_0100 MOD2) to divide Lot 5 into two allotments;
- On 16 December 2008, the Minister for Planning approved MP 08_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). The approval has been amended through 6 subsequent modifications relating to road layouts, the design of the health facility and community centre; and
- On 1 May 2012, the Planning Assessment Commission approved MP 10_0189 for the Residential Development of Stage 1, Phase 1 which included 69 dwelling houses, a residential flat building incorporating 47 dwellings, public domain works, landscaping and subdivision. The approval was subsequently modified on 3 occasions, resulting in the provision of 8 additional residential dwellings and other minor changes. A further modification (MP 10_0189 MOD 4) to use one of the dwellings as a temporary sales suite is currently under assessment by the Department.

Sydney East Joint Regional Planning Panel has approved Development Applications submitted to Ryde Council for the remainder of Stage 1 which together gave approval for 4 apartment buildings containing 309 dwellings and 16 semi-detached dwelling houses.

A Development Application has also been lodged with Ryde Council for Phase 1 of Stage 2. The assessment and determination is on hold pending the determination of this application.

2. PROPOSED MODIFICATION

2.1 Introduction

The application seeks to modify the Concept Approval by modifying the overall layout of Stage 2, including the road layout, open space areas and built form layouts. The modifications result in a redistribution of density on the site with increased heights, reduced building footprints and increased open space and landscaping on the site.

The proponent advises that the modifications arise as the Concept Plan was designed on behalf of the RRCS who at the time of the lodgement of the Concept Plan, had not yet approached any residential developers to test the design against market forces.

The proponent advises that the proposed amendments to Stage 2 provide a development that is feasible and provides a superior design outcome within the context of the general parameters established under the Concept Approval.

2.2 Modification Description

The proposal includes:

- amendments to the layout of the Stage 2 site including:
 - new building locations and new building envelopes;
 - changes to dwelling types and mix;
 - changes to the internal road layout, site access points and hierarchy;
 - changes to basement car parking locations; and

- changes to the public domain and open space areas including deletion of roof top landscaping on residential flat buildings;
- replacement of existing density controls across Stage 2 with new floor space ratio (FSR) controls; and
- staging plan for Stage 2.

Following the public exhibition of the modification request, the proponent submitted a Response to Submissions (RtS) responding to public and agency submissions received during the exhibition, as well as issues raised by the Department. Two further addendums were then also submitted.

The RtS also incorporated architectural and landscape urban design guidelines to guide future development on the site and to encourage design excellence. The guidelines provide more detailed guidance on height, setbacks, landscaping and architectural expression for future buildings.

The development as proposed in the RtS as amended by the addendums is set out in **Table 1** and depicted in **Figure and 4**.

Table 1: Summary of Proposed Modifications to Stage 2

	Existing Concept Approval	Proposed Modifications to Concept Plan
Building Envelopes	<ul style="list-style-type: none"> • 6 residential flat buildings in the central area of the site up to 5 storeys (15m) in height; • 46 town houses on the north-western, south-western and eastern edges of the site up to 3 storeys (11m) in height; and • 9 detached dwellings on the north-eastern boundary 2 storeys (6m) in height). 	<ul style="list-style-type: none"> • 6 residential flat buildings in the central area and the south-western boundary up to 8 storeys (26.5m) in height; • 40 town houses in the south and south-eastern edge of the site 2 to 3 storeys (9.5m to 11.5m in height); and • no detached dwellings.
Minimum Setbacks	<ul style="list-style-type: none"> • 5m to north-western boundary (Princes Street); • 6.0 - 6.5m to south-western boundary (Morrison Road); and • 4.0 – 8.0m to northern boundary (dwellings on Linley Way). 	<ul style="list-style-type: none"> • 15m to north-western boundary (Princes Street); • 15m – 28.5m to south-western boundary (Morrison Road) (excluding some articulation zones); and • 8.0m – 34m to northern boundary (dwellings on Linley Way).
Density	<ul style="list-style-type: none"> • Maximum of 50 dwellings per hectare across the residential areas of the site. • No FSR stated but maximum total floor space of 52,700m² permitted in Stage 2. • Under the LEP: FSR varies from 0.3:1 to 3.5:1 	<ul style="list-style-type: none"> • Maximum of 50 dwellings per hectare across the residential areas of the site. • FSR varies from 1.5:1 to 2.8:1 resulting in total GFA of 111,000m².
Open Space	<ul style="list-style-type: none"> • 9,086m² 	<ul style="list-style-type: none"> • 26,275m²
Road layout	<ul style="list-style-type: none"> • Through access road connecting Princes Street to the Recreation Circle with a loop road adjoining; and • small service road adjacent Road 6 providing access to a single flat building. 	<ul style="list-style-type: none"> • Through access road connecting Morrison Road to the Recreation Circle with terminating roads adjoining providing access to individual buildings; and • 13 individual driveways from terrace houses onto Road 6.

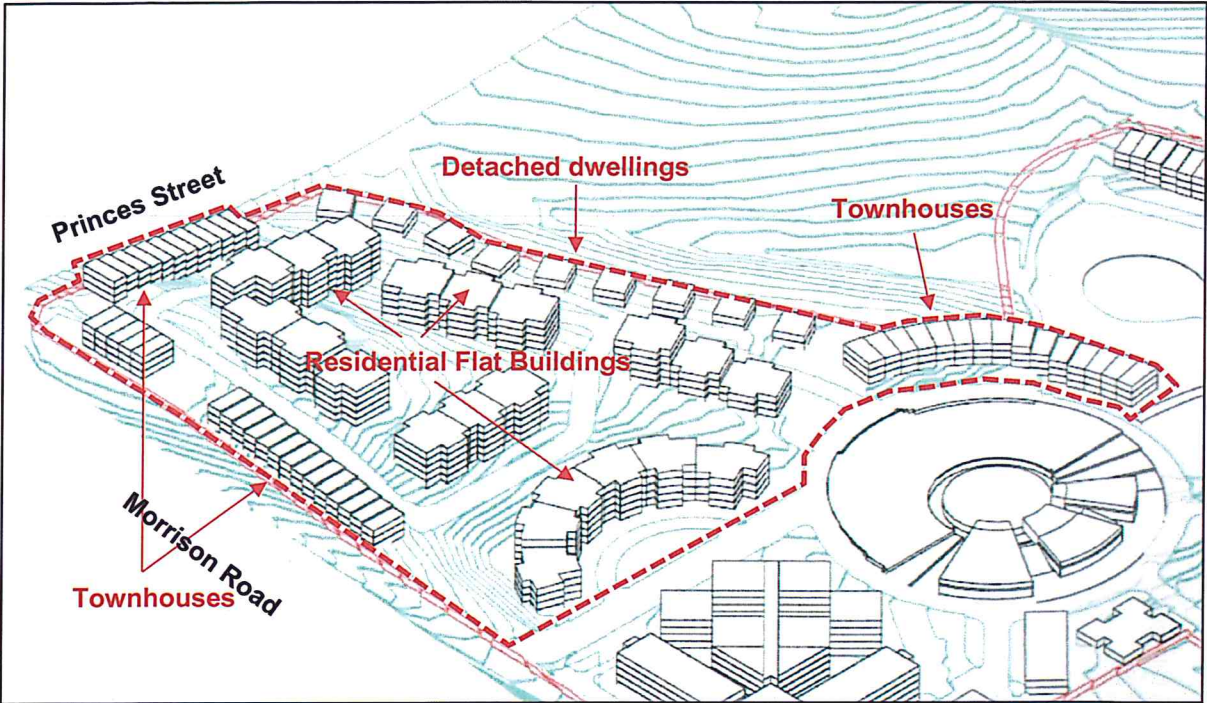


Figure 3: Existing Concept Plan building layout Stage 2

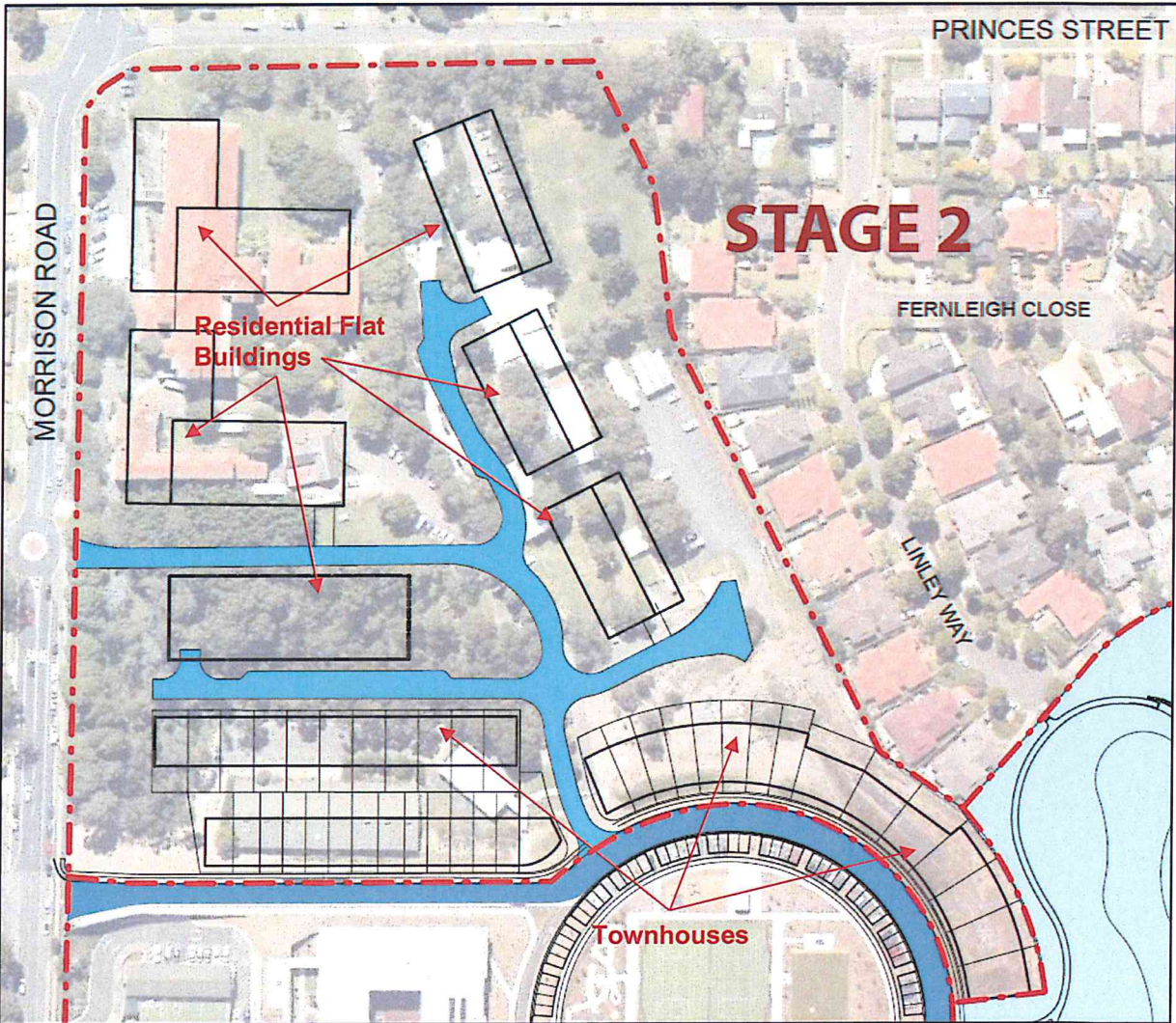


Figure 4: Proposed building layout Stage 2

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 MP 05_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 the Minister's delegate) may approve or disapprove the modification of the project under section 75W of the Act.

3.2 Modification of the Minister's Approval

Section 75W of the EP&A Act provides that a proponent may request the Minister to modify the Minister's approval of a project. The Minister's approval is not required if the approval of the project as modified would be consistent with the original approval. However, in this instance, the proposal seeks to modify requirements of the approved Concept Plan, which requires further assessment, and therefore the modification will require the Minister's approval.

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 of the original Concept Plan.

3.4 Delegated Authority

In accordance with the Minister for Planning's delegation, the Secretary may determine the application as:

- the relevant local council has not made an objection;
- a political donation disclosure statement has been made, but only in respect of a previous related application (a statement disclosing a reportable political donation was made by a different proponent with respect to the original Concept Plan application); and
- there are less than 10 public submissions in the nature of objections.

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 Secretary 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 layout of the Stage 2 development. The Department:

- publically exhibited it from 29 January to 28 February 2014 (30 days) on the Department's website, at the Department's Information Centre, and at City of Ryde Council;
- advertised the public exhibition in the Sydney Morning Herald; Daily Telegraph and Northern District Times on 29 January 2014; and
- notified landowners and relevant state and local government authorities 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. Eight public submissions were also received including a submission on behalf of the Royal Rehabilitation Centre Sydney.

City of Ryde Council advised that it was generally supportive of the modification. It suggested that the planning controls could be further clarified to assist with the assessment of future DAs under the Concept Approval and recommended that the following matters should be given further consideration:

- the FSR controls could be amended to be consistent with the proposed amended layout and staging;
- consideration should be given to the incorporation of a storey control in addition to the height (RL) control;
- additional design excellence controls are recommended, particularly for the future building at the corner of Morrison Road and Princes Street which will be highly visible, and must respect the history of the location;
- improvements to the road network could be made, including:
 - more information / detail on pedestrian connectivity;
 - an additional road connection to Morrison Road;
 - passing bays, swept path analysis, sight lines, and intersection design should be provided to ensure roads can safely accommodate resident vehicles and Council's waste collection vehicles; and
 - an alternative arrangement to the numerous driveways proposed on Road 6.
- further updated traffic and parking assessment including new intersection and network analysis should be provided;
- additional information including improved photomontages and a cross-section of buildings proposed along Morrison Road are needed to understand the real impact of the proposed development; and
- building setbacks should be identified.

Roads and Maritime Services (RMS) advised that it has no objection to the modifications.

Transport for NSW advised that it has no objection to the modifications.

Royal Rehabilitation Centre advised:

- it is the owner of the Stage 2 site and haven't given owner's consent (although the Department notes that since the time of the submission it has sold the property to Frasers);
- the proposal is outside the scope of s75W as it is not substantially the same as the approved development; and
- the new road layouts will cause increased traffic on the roads owned by the Royal Rehabilitation Centre and an increased number of driveways on to these roads will result in increased safety issues, disturbance, inconvenience and maintenance costs contrary to easement terms.

Public Submissions were received from seven nearby residents. Issues raised included:

- proposed increases to building heights, contrary to the LEP controls and to the intent of the original application of concentrating heights in the centre of the site and having smaller scale development at the boundaries;
- visual impacts and concerns raised about the adequacy of the photomontages provided;
- overshadowing impacts;
- overlooking impacts;
- insufficient building setbacks;
- traffic and parking impacts;
- tree removal; and
- construction 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.

4.3 Response to Submissions

On 23 May 2014, the applicant submitted a RtS (**Appendix A**) which resulted in a number of amendments to the development as outlined in **Section 2.2**. The Department is satisfied that the issues raised in the submissions have been addressed through the RtS, this report, and the recommended conditions of consent.

4.4 Submissions to RtS

In response to the RtS, Council advised that it considers that proponent has addressed the main planning issues for the site and will enable a Concept Plan that can clearly identify the density and height controls for future DAs for the site. With regard to traffic and parking, it accepted that any revised traffic assessment could be submitted with a future DA.

5. ASSESSMENT

The Department considers the key issues for consideration to be:

- built form and visual impacts;
- residential amenity impacts;
- impacts of modifications to the density controls;
- road layout, traffic and connectivity;
- open space provision; and
- compliance with the concept approval.

5.1 Built Form and Visual Impacts

Modifications to Built Form

The modification request seeks to amend the building height, form and layouts established by the existing Concept Approval and current planning controls.

The existing approval and the LEP provides for lower density dwellings 2 to 3 storeys in height at the edges of the site, interfacing with the surrounding residential area, and larger residential flat buildings 4 to 6 storeys in height in the central parts of the site.

The proposal seeks to reduce heights on the northern and eastern boundaries (adjoining residential dwellings on Linley Way and the RRCS and Recreation Circle) and to provide taller residential flat buildings on the boundaries with Morrisison Road (5 - 6 stories); Princes Street (5 to 7 storeys) and in the central parts of the site (up to 9 storeys).

Due to the slope of the site, in some cases the proposed basement parking levels will protrude above the ground level. Where this occurs, it is proposed to provide residential units to 'sleeve' the basement parking to provide an appropriate visual interface with the surrounding area and this results in parts of the affected buildings reading as up to one additional storey in height.

The modifications proposed to the building heights are demonstrated in **Table 2** and depicted in **Figures 5, 6 and 7**.

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

	Existing Concept Plan	Ryde LEP 2010 Control	Proposed Heights
Morrison Road (southern boundary)	9m 3 storey	11.5m	19m / 5 – 6 storeys
Princes Street (western boundary)	6m -9m 2 - 3 storey	9.5m - 11.5m	19.0m - 22.5m 5 - 7 storeys
North-western boundary (adjoining dwellings on Linley Way)	6m 2 storeys	9.5m	0m (open space)
North-eastern boundary (adjoining dwellings on Linley Way)	9m 3 storeys	11.5m	9.5m 2 storeys
Eastern boundary (adjoining RRCS and Recreation Circle)	9m – 12m 3 – 4 storeys	11.5m – 18.5m	9.5m - 11.5m 2 - 3 storeys
Site Centre	15m 5 storeys	18.5m	18.5m – 26.5m 6 – 9 storeys

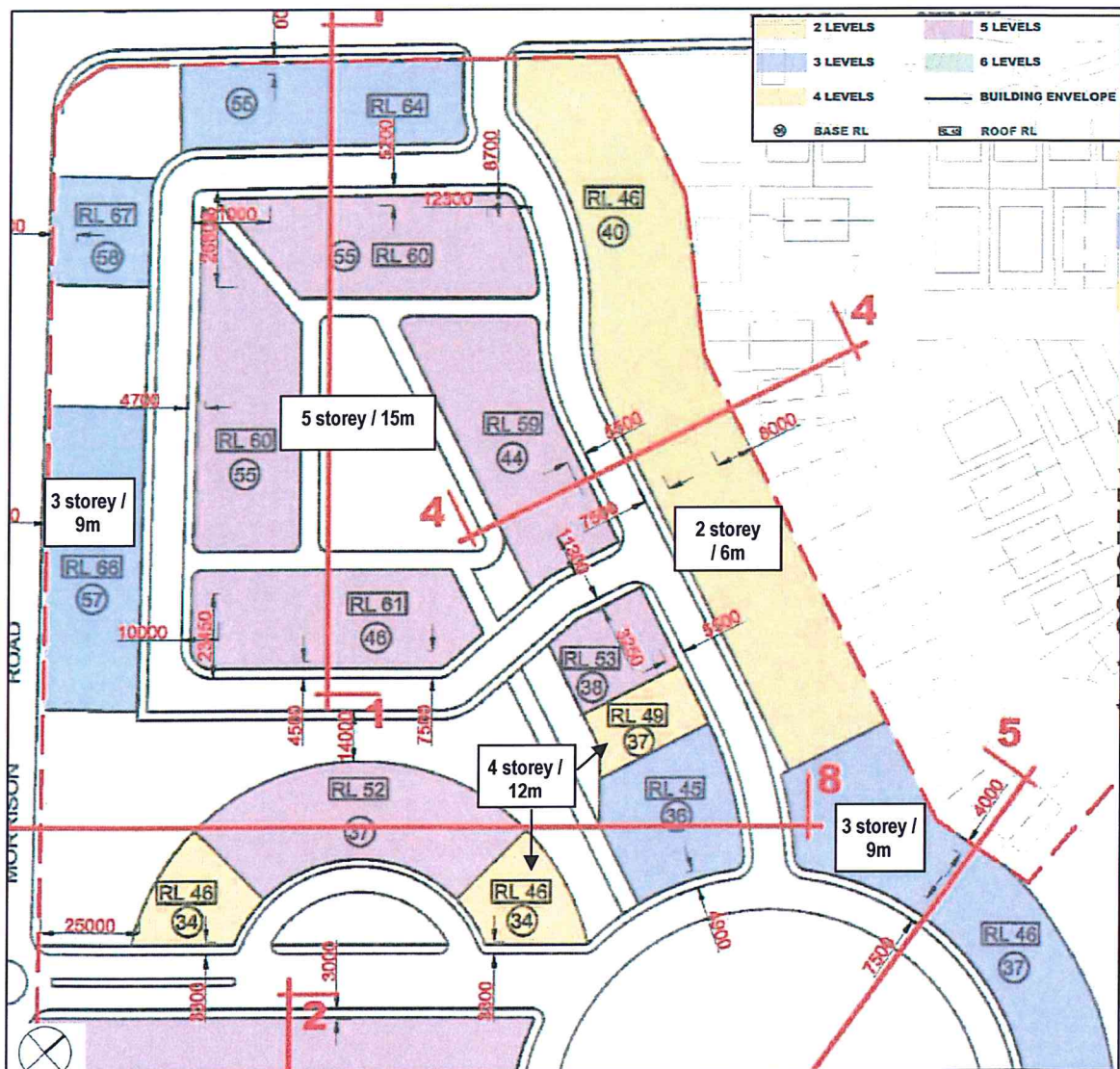


Figure 5: Existing approved Concept Plan Height Controls



Figure 6: Ryde LEP 2010 Height Controls (source: eplanning)

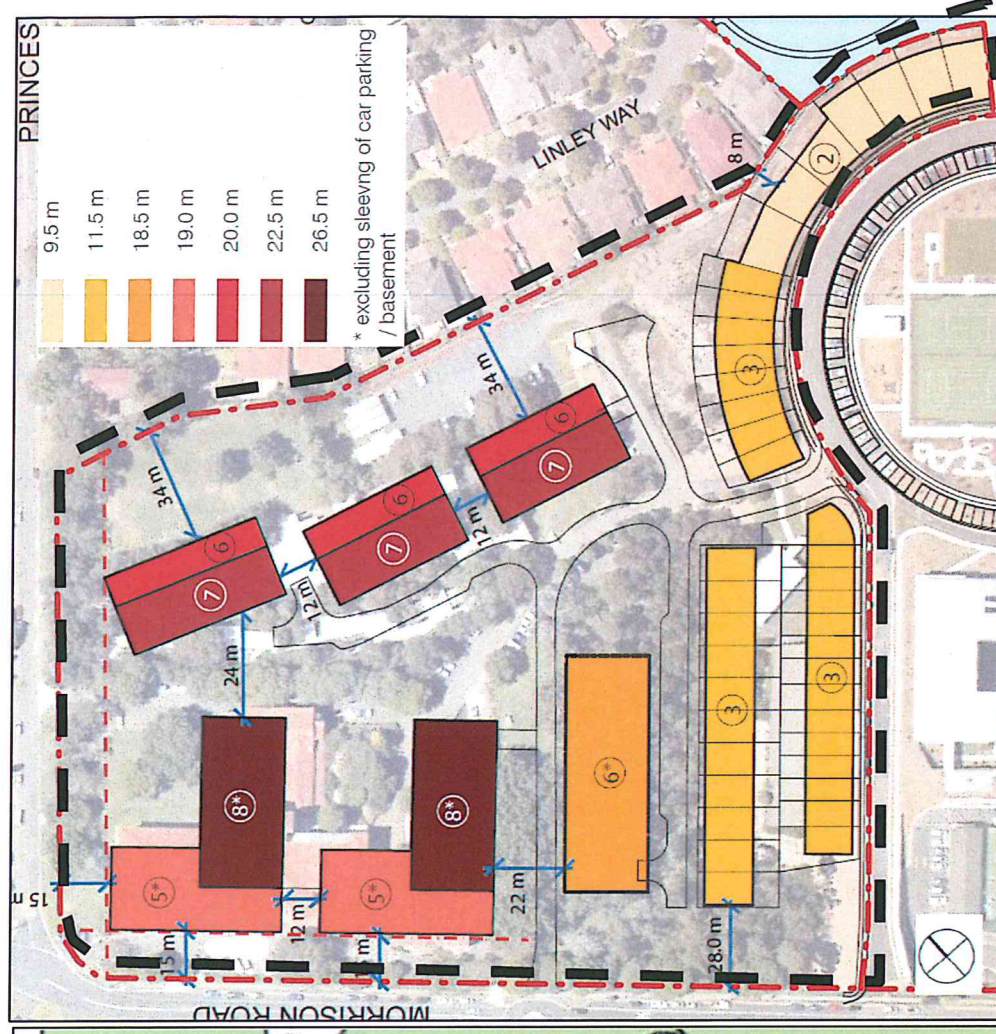


Figure 7: Proposed Concept Plan Height Controls (no. of storeys also indicated)

The proponent's justification for the modification is that the proposal provides a simpler design and layout that is better suited to the steep topography of the site. The modification seeks to rationalise building footprints, minimising the need for significant earthworks to enable the construction of future buildings. It retains 6 residential flat buildings, consistent with the number already approved, but relocates them to better take into account the topography of the site and increases their heights in conjunction with removing lower density housing along the northern, western and southern boundaries of the site. Building height and bulk is still concentrated in the centre of the site where it will have the least impacts on the surrounding area.

Nearby residents raised concerns that the proposal exceeds the heights within the Concept Approval and the LEP, and as a result would have adverse impacts to the character of the area. Particular concerns were raised regarding the visual impacts to the Morrison Road streetscape, and the residential area of Linley Way and Fernleigh Close. Concerns were also raised about overshadowing and privacy impacts resulting from the increased building heights.

Council did not object to the proposed building heights and acknowledged the merits of modifying the concept plan with an improved design. It noted however that the proposed buildings on Morrison Road which will replace the existing prominent Weemala Building will be taller and more prominent in the locality and requested that this building demonstrate design excellence and respect the history of the location. It also suggested the inclusion of a storey control and minimum setback requirements to remove ambiguity about the future scale and location of buildings at DA stage.

In response to concerns raised in the submissions, the proponent made a number of changes to building heights and setbacks, including:

- reducing the height (from 22.5 to 20 metres) of the northern side of the 3 residential flat buildings closest to the northern boundary;
- reducing the height of the proposed dwelling houses immediately adjoining residences on Linley Way (from 11.5 to 9 metres or 2 storeys);
- increasing the street setbacks of the residential flat buildings on Morrison Road and the corner of Princes Street (from 10 to 15 metres); and
- providing a storey control in addition to the height control in metres.

The Department considers that an approach which generally consolidates building footprints, taking into account the topography of the site, and concentrates building massing in the centre of the site is appropriate. This approach also has the benefit of substantially increasing open space and landscaping on the site including within the setback areas at the interface with the surrounding residential area (refer to discussion of open space in **Section 5.7**).

However, as the proposal results in building envelopes which are higher than anticipated under the Concept Approval and the Ryde LEP, careful consideration must be given to the impacts of the proposed building envelope heights.

Following the changes made by the proponent, the Department concludes that building envelopes in the eastern half of the site are appropriate. These include the dwelling houses and the 18.5 metres / 6 storey residential flat building (all shown in yellow colours on the height plan at **Figure 7**). Those envelopes all result in buildings that would all have heights at or below the existing LEP height controls and would be well setback from adjoining premises so that they will not result any unacceptable visual or amenity impacts to the surrounding area.

The remaining five residential flat buildings are 1 to 4 storeys higher than the original Concept Approval, and exceed the Ryde LEP controls by 1.5 to 8 metres. The Department has assessed the impacts of these 5 envelopes in respect of:

- visual impacts (below);
- other amenity impacts to the surrounding area (**Section 5.2**); and
- internal amenity impacts (**Section 5.3**).

Built Form Visual Impacts

The Department has considered the visual impacts of the proposal as viewed from a number of locations outside the site including:

- the Morrison Road streetscape
- the Princes Street streetscape;
- residences in Linley Way to the north of the site; and
- from the wider area.

Morrison Road

The proposed building envelopes fronting Morrison Road (Buildings 7A and 8A) present as 5 storeys (19 metres) in height, with exception of the south-eastern portion of building 8A which contains an additional storey to sleeve the basement car parking (which would protrude above ground level due to the slope of the site). This will result in a part 6 storey building with a maximum height of sill with the maximum height of 19 metres (**Figure 8**).



Figure 8: Indicative Morrison Road elevation.

The Department notes that the proposed building envelopes are significantly taller and larger than the 3 storey townhouses envisaged under the Concept Approval in this location. The proposed height also exceeds the LEP height control of 11.5 metres, although it is acknowledged that the existing building on the site also does not reflect these controls.

The character of this section of Morrison Road is largely defined by the existing Weemala Building (shown in **Figure 9**) which has a total height of 18 metres to the ridge line, equivalent to a conventional 6 storey building. It has a setback of 13 to 20 metres from Morrison Road. It presents as a large institutional building very different from surrounding development, and the site has therefore always been distinguished as very different in character from the detached dwelling houses on the opposite side of the street.

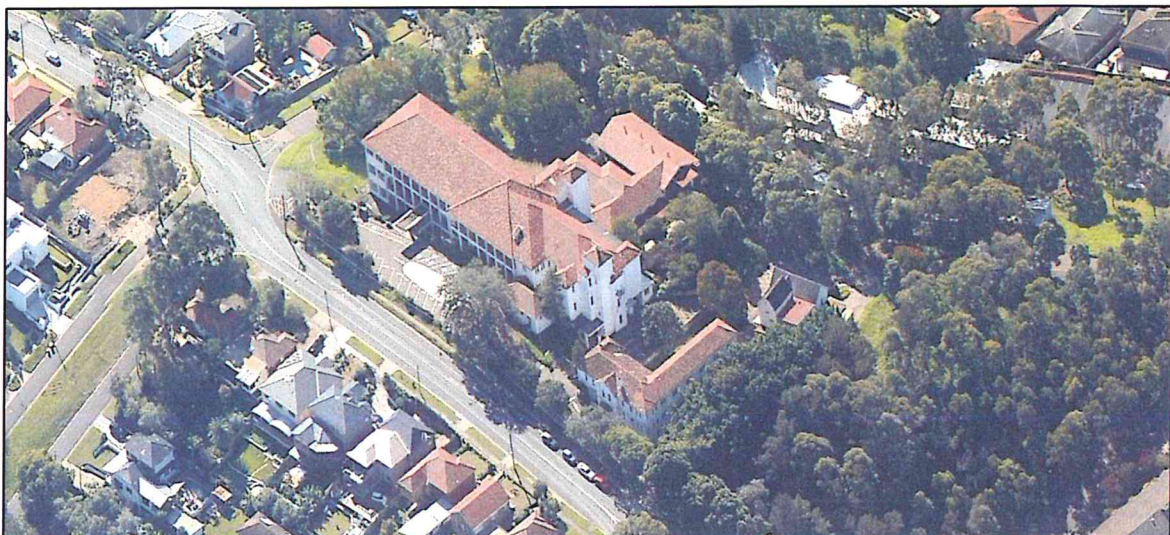


Figure 9: Morrison Road streetscape with existing Weemala Building.

The proposed envelopes would have a similar maximum height as the existing Weemala Building. Furthermore, the proposed envelopes are setback 15 metres from the Morrison Road boundary, similar to the setback of the existing building and much greater than the 6.0 to 6.5 metre setbacks under the Concept Approval. The proposed generous street setbacks will enable significant front boundary landscaping to reduce the visual impact of the additional proposed height within the streetscape.

Furthermore, to guide the assessment of future DAs for the buildings and ensure a high quality design, the proponent has prepared some design guidelines and amended the statement of commitments to incorporate design excellence requirements. The design guidelines require the building to achieve articulation to express its corner location and ensure appropriate scale and texture thorough use of balconies, screens and sunshading and to improve the quality and amenity of the surrounding area including an appropriate ground level interface with the public domain.

The Department concludes that in the context of the height of the existing development, the proposed 5 to 6 storey building envelopes are acceptable, and with the provision of generous landscaped setbacks and commitments to design excellence, would positively contribute to the streetscape and the surrounding area. It is also recommended that future assessment requirements in relation to landscaping and design excellence be included in the approval instrument.

Princes Street

As viewed from Princes Street, the proposed building envelopes (7A and 6A) present as 5 to 7 storeys in height (19 to 22.5 metres), with a setback of 15 metres to the boundary, and with the remainder of the frontage occupied by extensive open space areas. Other building elements with a height of 7 to 9 storeys (including sleeving of basement parking as shown in **Figure 10**) would also be visible from Princes Street, but setback approximately 45 metres from the boundary.

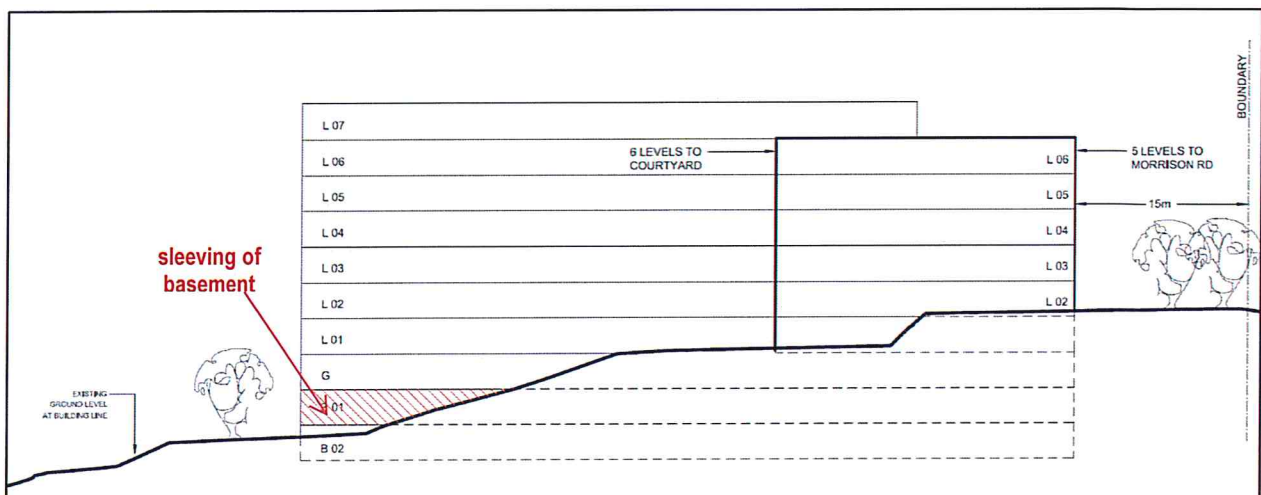


Figure 10: Indicative Princes Street elevation of building on the corner of Morrison Road and Princes Street. Another 6-7 storey building will be located downhill at the left edge of the picture.

The proposed 5 to 7 storey envelopes are significantly higher than the 2 to 3 storeys permitted under the existing concept approval and the 9.5m to 11.5m permitted under the LEP controls. Furthermore, other than the Weemala Building at the top of the street, the Princes Street frontage is characterised by a row of significant trees with limited development beyond (**Figure 11**). Development on the opposite side of the street is predominantly 2 storey detached dwellings.



Figure 11: Existing view of the site from Princes Street.

The proposed setback of 15 metres would enable retention of most of the trees along the Princes Street boundary. The retention of these trees would assist with screening the development from within the streetscape and reducing its visual impacts. On this basis, it is recommended that future applications maximise retention of the trees, or where necessary, provide additional screen or replacement planting along the boundary.

Given the limited length of building facades (approximately 1/3 of the entire frontage) addressing the street and generous setbacks of 15 to 45 metres, it is considered that the visual impacts of the proposed building envelopes could be adequately mitigated by the retention of existing trees, in conjunction new landscaping and incorporation of design excellence requirements as discussed above. Appropriate future assessment requirements are included in the recommendation.

Linley Way and Fernleigh Close

As viewed from residences in Linley Way and Fernleigh Close to the north of the site, the development will present as 3 distinct building envelopes, with the northern façade of those envelopes being 6 storeys or up to 20 metres in height. This is slightly taller than the 5 storeys permitted under the Concept Approval, and the 18.5 metre height control within the LEP.

The proposed buildings will be setback at least 34 metres from the northern site boundary and 67 metres from the kerb at Fernleigh Close. The entire setback area will be open space or parkland with the potential for significant landscaping. This differs from the Concept Approval which included dwelling houses in this setback area, limiting the ability to provide extensive landscape plantings in this section of the site.

The visual impacts of the proposed envelopes are shown in **Figure 12**.

It is noted that most of the trees shown immediately in front of the envelopes will be in fact be removed as they are located within the proposed building footprints. However, given the large 34 metre setbacks, it will be possible to provide a significant landscaped area that will provide space for plantings that will reach a similar mature height to the trees shown in the image. The provision of such plantings, in conjunction with design excellence requirements will allow the buildings to be comfortably sited and designed and will not result in significant adverse visual

impacts as viewed from this residential area. Appropriate future assessment requirements are included in the recommendation.



Figure 12: Proposed building envelopes as viewed from Fernleigh Close. Note that since this image was prepared by the proponent, the closest facades have been amended to increase the height by 1 metre. The dashed lines have therefore been added to indicate the approximate change to the building envelope.

From the wider area

The corner of Morrison Road and Princes Street is a high point in the area and the existing Weemala Building at this location is visually prominent within the locality. The proposed 8 to 9 storey building envelopes in the centre of the site would be up to 8.5 metres above the ridgeline of the existing building and would be visible from many locations within the locality such as Ryde Bridge, and from the corner of Gladstone Avenue and Cowell Street (**Figures 13 & 14**).

As viewed from a distance, as with the existing Weemala Building, the proposed buildings will be highly visible and a landmark within the area. The Department considers that taller buildings with a landmark status are an acceptable outcome on this prominent site, provided that they demonstrate a high quality architectural design that is worthy of a highly visible landmark.

The Department notes that the envelopes shown in **Figures 13 and 14** are the maximum envelopes and final built form is likely to be articulated within the envelope.

Further, the increased heights allows for the rationalisation of building footprints which results in a significant increase in open space and opportunities for landscaping, including the potential for provision of extensive large tree planting which could also make a substantial positive contribution to the landscape character of the site as viewed from the wider area.

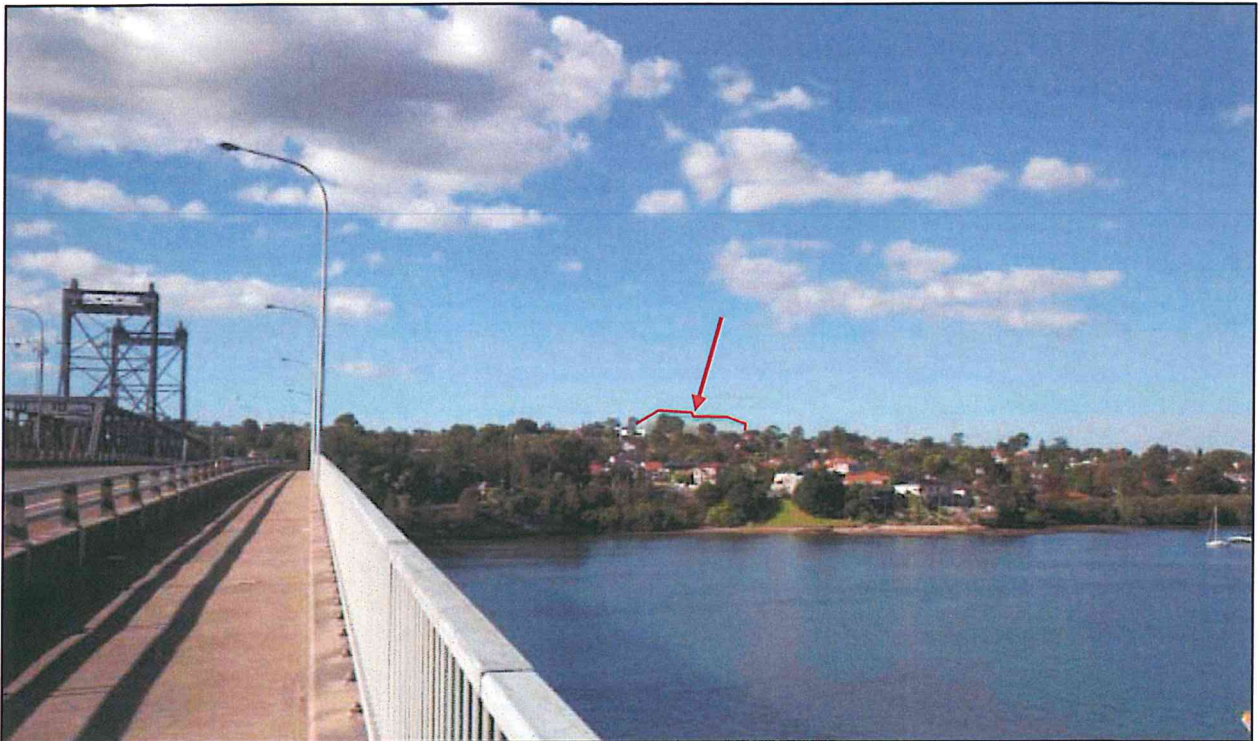


Figure 13: Proposed building envelope as viewed from Ryde Bridge (source: Proponent's RtS)

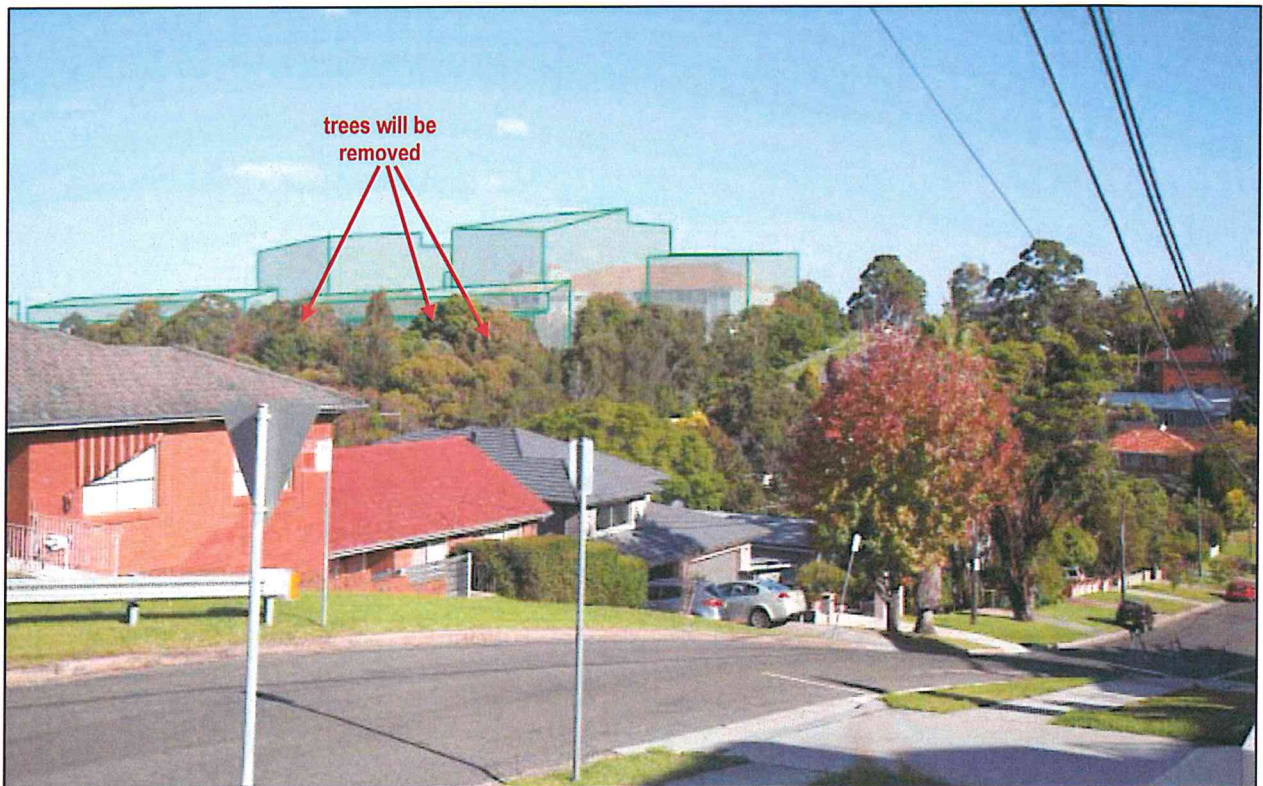


Figure 14: Proposed building envelope as viewed from corner of Gladstone Avenue & Cowell Street, north of the site (source: Proponent's RtS)

Conclusion

The proposed envelopes, which will allow for built forms that are taller and more visually prominent within the streetscape and wider area, are an appropriate outcome on what is already a visually prominent or landmark site. The proposed envelopes will result in positive visual outcomes for the site and locality, providing that future development exhibits high quality

architectural design and capitalises on the opportunities for landscaping arising from the rationalisation of building footprints on the site.

As discussed previously, appropriate future assessment requirements in relation to design excellence, landscaping and tree planting are recommended to ensure a high quality urban design outcome on the site.

5.2 Amenity Impacts to Adjoining Premises

Visual amenity impacts of the proposal have been discussed above in **Section 5.1**. Adjoining residents have also raised concerns with regard to overshadowing and overlooking impacts of the proposal.

Solar Access

Shadows from the proposed envelopes will fall mainly within the subject site. The only properties affected by overshadowing are dwellings on Morrison Road between Princes Street and Boulton Street. Shadowing impacts will be limited around 30 minutes of shadows to the front facades of those dwellings between 9am and 9.30am at mid-winter. However, as those premises retain in excess of 5 hours of solar access to their front facades for the remainder of the day, the minor shadowing impacts are acceptable.

Privacy

Residents on Linley Way raised concerns about the privacy impacts of the proposed 3 storey terrace dwellings located in close proximity to the rear boundaries of 19 to 23 Linley Way. As a result, the proponent amended the plans to reduce the maximum height of those dwellings to 2 storeys. The dwellings would have a rear setback of 8 metres. This results in an improvement to privacy as compared to the existing Concept Approval, which provides 3 storey dwellings with a rear setback of 4 metres.

Other residential flat buildings on the site will be setback at least 34 metres from the rear boundaries of Linley Way residences. This is a generous setback and will enable sufficient landscaping to reduce overlooking so that no significant privacy impacts arise.

Other proposed building envelopes on Morrison Road and Princes Street will be setback in excess of 35 metres from dwellings on the opposite sides of those streets and therefore also will not result in significant privacy impacts.

As such the Department concludes that this aspect of the proposal is acceptable.

5.3 Modifications to Density Controls

Overall dwelling numbers will remain unchanged. Term of Approval A1 of the Concept Approval includes a density control of 50 dwellings per hectare which equates to 791 dwellings. The proposal does not seek to modify Term of Approval A1. 449 dwellings have been approved in Stage 1 and therefore no more than 342 dwellings could be constructed in Stage 2.

However, it is proposed to modify the floor space controls that apply to the site. The result of the proposed changes is a doubling of the maximum allowable GFA from 52,700m² approved to 111,000m² as proposed. This equates to an average floor space of 324m² per dwelling for the 342 dwellings permitted within Stage 2, which is an unrealistic dwelling size noting that the majority of dwellings to be provided are apartments.

The Concept Approval includes GFA controls across the various sections within the site which equates to a total GFA of 52,700m² within the Stage 2 site (**Figure 15**). It is now proposed to replace those controls with FSR controls. The FSR controls were designed having regard to the existing Ryde LEP. The proposed FSR and the LEP provide a similar quantity of floor space

across the site, allowing a maximum GFA of just over 111,000m² under both sets of controls. A comparison of the LEP and proposed controls can be seen in **Figures 16 and 17**.

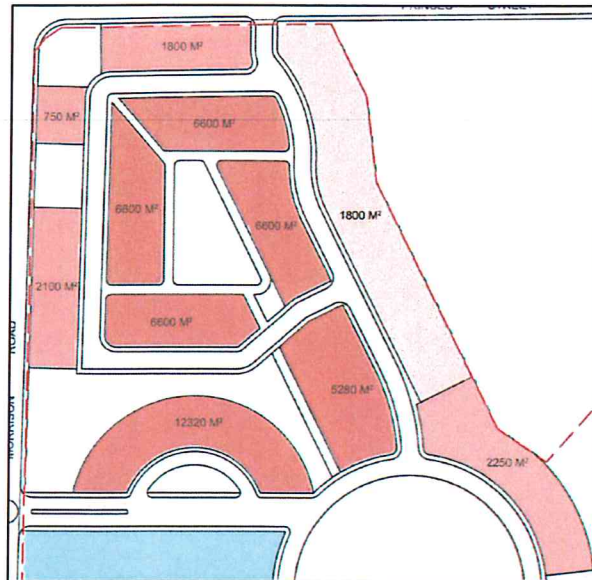


Figure 15: Extract from Concept Approval Floor Space Control Plan

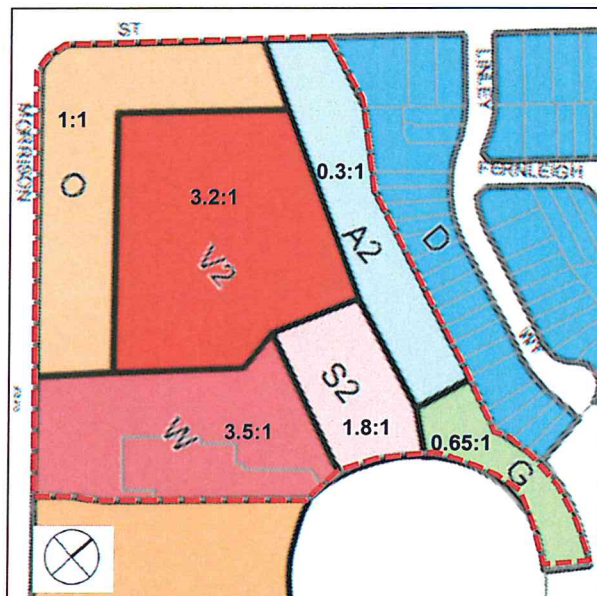


Figure 16: Ryde LEP 2010 FSR Controls

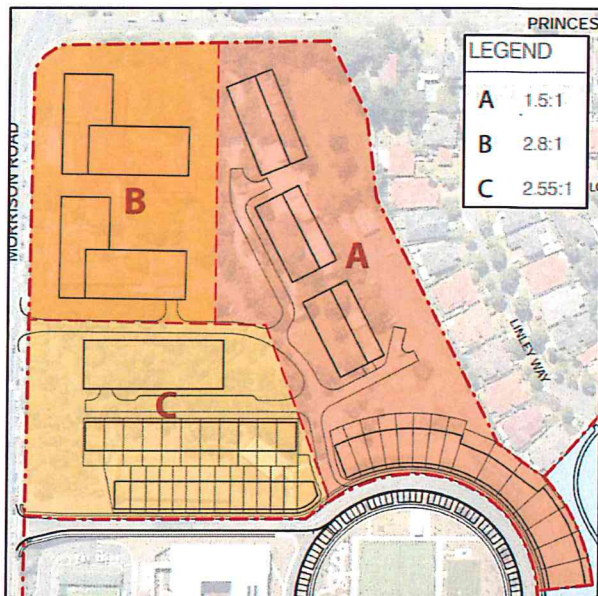


Figure 17: Proposed FSR Controls

The proposed FSR control is not considered to be a useful or appropriate tool for the assessment of future applications, noting that:

- it allows for an unrealistic and excessive floor area that does not correlate to the 342 dwellings permitted by the dwelling cap on the site; and
- it does not take into account the various building typologies on the site (the same controls are proposed to apply to both residential flat buildings and dwelling houses) and therefore does not provide any useful guidance for the bulk and scale of future built forms.

The Department considers that the cap on dwelling numbers and the building envelopes set by the Concept Plan should be the primary controls in determining the maximum development potential of the site. The density control resulting in a cap on dwelling numbers was imposed after extensive consideration of the impacts of the development and having regard to the community's concerns, with density of the residential component being the key issue of concern raised in submissions.

It is therefore recommended that the floor space control be deleted.

The Department considers that the key issues arising from the changed density across Stage 2 are the built form impacts, in particular any visual or amenity impacts arising from different building forms with increased height and massing and that could be accommodated under the new density controls. These issues were discussed in **Sections 5.1 and 5.2**.

5.4 Internal 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 the Department considers that future development applications will be capable of providing and acceptable level of internal residential amenity.

The proposed building envelopes include depths of 25 metres which is more than the 18 metres recommended by the rules of thumb in the RFDC. However, information provided by the proponent demonstrates that future buildings will incorporate articulation of massing within the maximum envelopes, including the provision of balconies, and on this basis, building depths of 18 metres glass line to glass line in accordance with the RFDC could be achieved.

The proposed envelopes also allow for generous building separation. In most cases the envelopes allow for separation distances of between 22 and 40 metres, being well in excess of the 18 metre separation between habitable rooms and balconies as recommended by the RFDC rules of thumb. At 3 locations the proposed envelopes have a separation distance of 12 metres, but with appropriate articulation within the envelope areas and through the incorporation of non-habitable spaces on the relevant facades, the proposal is capable of complying with the 13 metre separation between habitable and non-habitable rooms and balconies as recommended by the RFDC.

While the proposed building envelopes will create shadowing impacts within the site, shadow diagrams indicate that 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 at a future DA stage.

5.5 Traffic and Road Layout

The Concept Plan approval provides for vehicular access points to Princes Street and Morrison Road (**Figure 18**). The proposal, as exhibited, sought to delete the through-site vehicular access to Princes Street without providing an alternative access point. As such, most traffic accessing and leaving the site would travel via Road 6 within the Royal Rehabilitation Centre into Morrison Road to the south of the site.

Concerns were raised by Council and public submissions from the Royal Rehabilitation Centre and other nearby residents that this would concentrate traffic in one location, and impact on safety and amenity, particularly to the Royal Rehabilitation Centre.

In response to these concerns, a new connection to Morrison Road is now proposed (refer **Figure 19**), enabling a through-flow of traffic and a more even distribution of traffic flows. The proponent advised that the deletion of the access point to Princes Street arose as a direct result of community consultation, as residents had expressed to the developer a desire to reduce traffic flowing onto Princes Street.

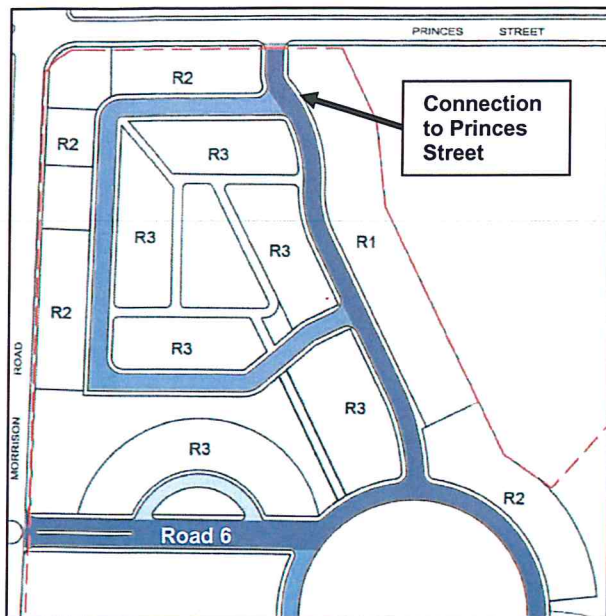


Figure 18: Approved Road Layout

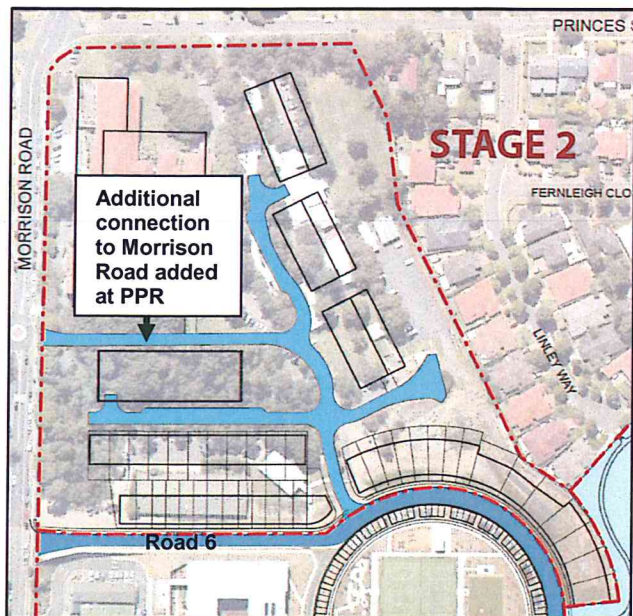


Figure 19: Proposed Road Layout

The Department considers that the additional site access point will allow for a reasonable distribution of traffic flows through and around the site and that traffic flows adjacent to the RRCS would not be materially different from traffic flows under the approved layout.

Concerns were also raised by residents with regard to the more general traffic impacts of the proposal. As it is not proposed to increase dwelling numbers, the Department considers that impacts to traffic flows on the surrounding road network are likely to be similar to the original Concept Approval, which found that the road network could accommodate the traffic generation associated with the development. However, as local conditions have changed substantially since data was last collected, Council has requested that an updated traffic and parking assessment be prepared with the first development application for residential development in Stage 2. It is recommended that a future assessment requirement for traffic and parking assessment be included in the approval instrument.

Council also originally requested details of passing bays, swept path analysis, sight lines, and intersection design be provided to ensure roads can safely accommodate resident and waste collection vehicles. The Department notes that these are detail design matters which should be assessed as part of future development applications for the site.

5.6 Pedestrian Connectivity

The modification request deletes the pedestrian access point from the corner of Morrison Road and Princes Streets as a result of the proposed new building layout and the steep topography of the site which would include numerous stairs to achieve a continuous pedestrian link.

Council requested more information and detail on pedestrian connectivity on the site.

Despite the deletion of the access point, the Department is satisfied that the proposal improves pedestrian connectivity with numerous additional public pathways through the site compared to the Concept Approval layout. A comparison of pedestrian accessways is provided in **Figures 20 and 21**. This illustrates that the proposal maximises pedestrian permeability though the site within the constraints of the topography and proposed layout of the site.

The Department notes that detailed design of the pedestrian pathways will be provided to Council within future development applications.

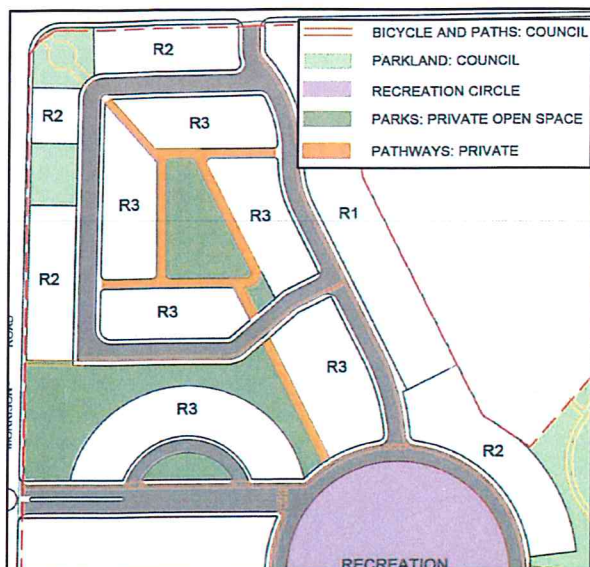


Figure 20: Approved Open Space & Pedestrian Paths



Figure 21: Proposed Open Space & Pedestrian Paths

5.7 Open Space Provision

The proposal modifies the layout and size of open space areas within Stage 2. The existing approval included 9,086m² of ground level open space including 1,823m² of public open space and 7,263m² of communal open space. It also included approximately 8,000m² of potential roof top communal open space.

As a result of the revised building envelopes, the proposal involves a substantial increase in ground level open space. It is proposed to provide 26,275m² of communal, but publically accessible, open space at ground level. Proposed open space areas are depicted in **Figure 21**. This represents an increase of 17,189m² of ground level open space which will make a substantial contribution to the landscape character of the area. This is further enhanced by the substantial improvements to open space provision along the street frontages visible from the surrounding area.

Although the proposal seeks to delete public open space, this is considered to be acceptable and will not result in any significant impacts, given that the:

- RRCS site already includes large areas of public open space parklands (approximately 35,000m²) immediately adjoining the Stage 2 site; and
- proposed larger communal open space will be publically accessible.

The proposal also seeks to delete the roof top gardens, but as this would also be offset by a substantial increase to open space at ground level (with a net increase of 9,189m²).

The open space also includes areas above basement parking as shown in **Figure 22**. While basements in the existing Concept Approval were generally limited to areas below the building envelopes, basement parking under open space areas is considered acceptable, providing future applications can provide appropriate drainage and soil depths to support a variety of landscaping including mature trees to a height of at least 10 metres. This is consistent with the approach taken in Stage 1 and already addressed in condition B16.

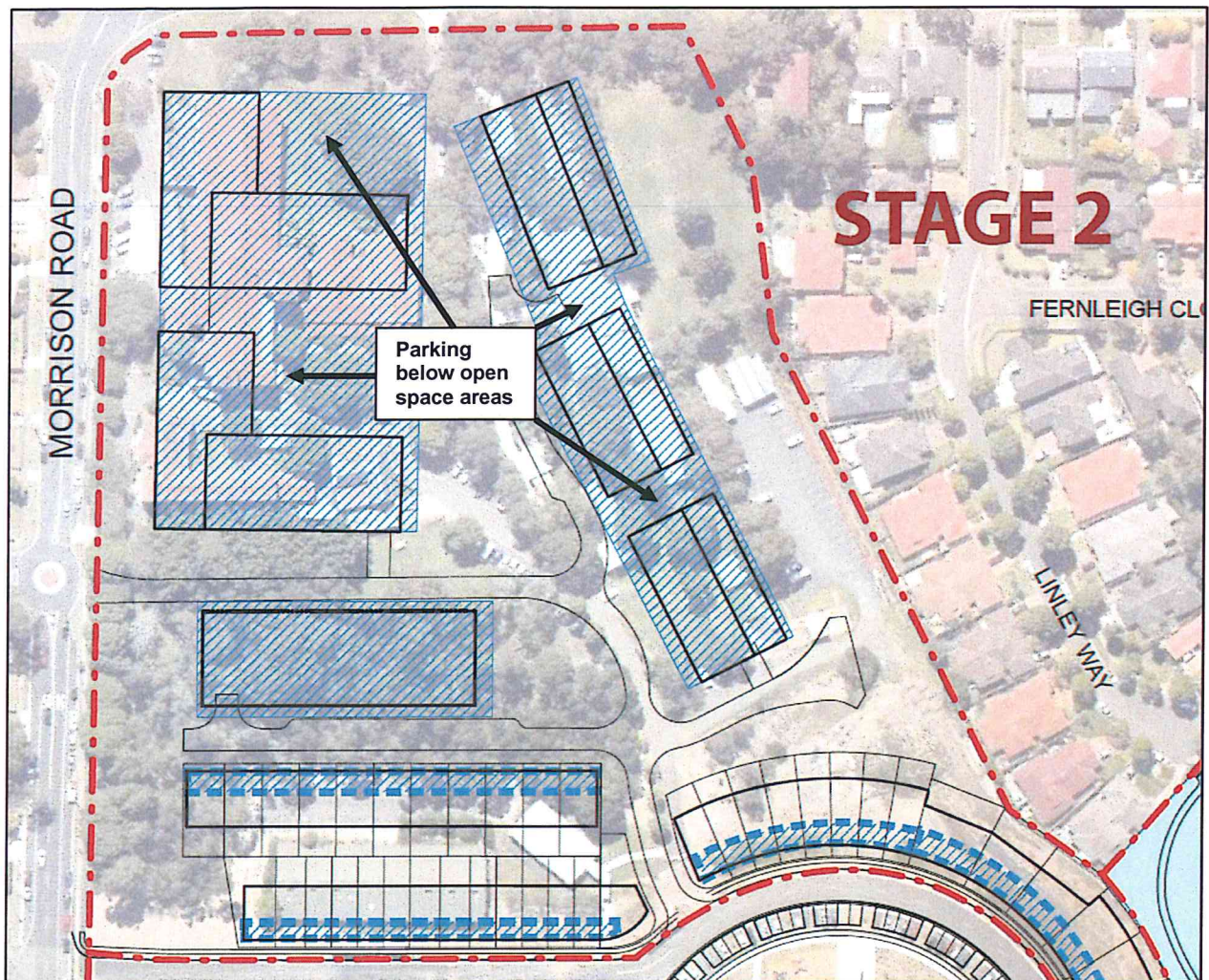


Figure 22: Proposed basement parking locations

It is considered that the proposal results in an overall enhancement to the quantity and of open space and its visibility from surrounding streets, resulting in an overall improvement to the landscape character of the site and the locality.

6. CONCLUSION

The proposal seeks to modify the Concept Approval to allow for a revised layout to the residential development within Stage 2. The proposed modifications result in a redistribution of density on the site with increased heights, reduced building footprints and increased open space and landscaping on the site including within the setback areas at the interface with the surrounding residential area.

The Department has assessed the modification on its merits and concludes that despite the revised building plan layout and increased building heights, the modified Concept Approval will ensure an acceptable level of amenity for residents within the development and the surrounding area. With the imposition of appropriate future assessment requirements relating to design excellence and landscaping, the proposal will result in a high quality development that makes a positive contribution to the site and the wider locality.

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

7. RECOMMENDATION

It is recommended that the Secretary:

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

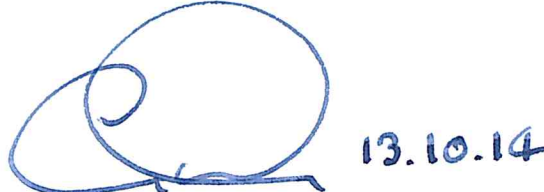
Prepared by: Natasha Harras
Senior Planner, Metropolitan Projects

Endorsed by:



9/10/14

Cameron Sargent
A / Manager
Key Sites and Social Projects



13.10.14

Chris Wilson
Executive Director
Infrastructure and Industry Assessments

Approved by:



Carolyn McNally
Secretary

14.10.14

APPENDIX A MODIFICATION REQUEST

See the Department's website at

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=6354

APPENDIX B SUBMISSIONS

See the Department's website at

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=6354

APPENDIX C RECOMMENDED MODIFYING INSTRUMENT
