



63-77 West Parade, West Ryde

*Modification of Concept
Approval
(MP09_0029 MOD 2)*



November 2018

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Cover photo

An aerial view of the site locality (Source: Proponent's Urban Design Report)

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Glossary

Abbreviation	Definition
AGD	Apartment Design Guide
AHD	Australian Height Datum
BCA	Building Code of Australia
CIV	Capital Investment Value
Consent	Development Consent
Council	City of Ryde
Department	Department of Planning and Environment
EA	Environmental Assessment
EPA	Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
ST&OP Regulation	<i>Environmental Planning & Assessment (Savings, Transitional and Other Provisions) Regulation 2017</i>
EPI	Environmental Planning Instrument
ESD	Ecologically Sustainable Development
FACS	Department of Family and Community Services
FEAR	Future Environmental Assessment Requirement
ISEPP	<i>State Environmental Planning Policy (Infrastructure) 2007</i>
LEP	Local Environmental Plan
LGA	Local Government Area
Minister	Minister for Planning
OEH	Office of Environment and Heritage
PPR	Preferred Project Report
Proponent	The person or organisation proposing to carry out development comprising all or any part of the project.
RMS	Roads and Maritime Services
SEARs	Secretary's Environmental Assessment Requirements
Secretary	Secretary of the Department of Planning and Environment
SEPP	State Environmental Planning Policy
SEPP 65	State Environmental Planning Policy No. 65 – Design Quality Residential Apartment Development
SRD SEPP	<i>State Environmental Planning Policy (State and Regional Development) 2011</i>
SSD	State Significant Development



Executive Summary

The NSW Land and Housing Corporation (the Proponent) seeks approval to modify the Concept Plan for a mixed use residential, commercial and retail development with associated basement/ground level parking (MP 09_0029) at 63-77 West Parade, West Ryde, pursuant to Section 75W of the *Environmental Planning and Assessment Act 1979* (the EP&A Act).

This modification application seeks approval for the modification of the Concept Approval to delete the approved commercial and retail floor space and increase the approved number of dwellings from 138 to a maximum of 150 dwellings.

The proposed modifications will result in changes to the approved building envelopes; particularly building heights, building separation and minimum site setbacks. The modifications will be underpinned by design guidelines to provide parameters for the detailed design of future development applications for the site.

The application was publicly exhibited from 22 March 2018 until 5 April 2018. Three submissions were received from government agencies, including Council, and one submission was received from the public. Government agencies and Council provided comment on the proposal and requested the Department to further consider the transition of building height, traffic and waste management in its assessment. One member of the public expressed support for the proposal, noting the development will deliver affordable housing next to transport.

The Department has considered comments in the submissions and key assessment issues, including building envelopes, height, setbacks and the provision of additional dwellings. The Department finds the proposed changes in building height envelopes do not materially change the development's response to the site's context when compared to the approved concept plan. Furthermore, the proposal as modified will continue to provide suitable transition of building heights between West Ryde Town Centre and lower density residential development to the north of the site.

The Department also supports the proposed changes to establish minimum setbacks from the site boundaries and establish minimum building separations having regard to requirements of the Apartment Design Guide under State Environmental Planning Policy No 65 that came into effect after the approval of the original concept proposal.

The Department notes that the proposed modification does not seek an increase in density. The modification results no additional traffic generation when compared to the original approval and the site has sufficient capacity to accommodate the proposed increase in housing without causing adverse impacts on the immediate surrounding area.

The Department has no objection to the deletion of the approved commercial and retail uses relating to a Family and Community Services Office ancillary to the approved social housing or the extension of the lapse date of the consent to allow the Proponent to complete tendering for the project.

The Department has also reviewed a number of other issues, including social housing commitment, car parking, traffic, the extension of the lapsing date of the approval, and waste management, and is satisfied the proposal is appropriate and has recommended Future Environmental Assessment Requirements (FEARs) to reduce and/or mitigate potential impacts within the site and on the surrounding locality.

The Department therefore concludes the modification application is approvable, subject to conditions.



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1. Introduction

This report provides an assessment of a Section 75W modification application to the concept approval (MP 09_0029 MOD 2) for the excavation of a site and the construction and use of a mixed use residential, commercial and retail development at 63-77 West Parade, West Ryde ('the site').

NSW Land and Housing Corporation (the Proponent) seek to modify the approved plans of the development to:

- delete the approved commercial and retail floor space
- increase the approved dwellings from 138 to a maximum of 150 dwellings.

The modifications will result in changes to the approved building envelopes to accommodate the additional dwellings and to reflect current requirements for residential design and amenity in the Apartment Design Guide under State Environmental Planning Policy No. 65 – Design Quality Residential Apartment Development (SEPP 65).

The Proponent lodged the modification application to reflect the Government's new policy for social housing, *Future Directions for Social Housing*, which commits to ensuring large redevelopments have a 70:30 target ratio of private to social housing.

The Proponent states that the approved ground floor commercial floor space, which was originally intended for use by the Department of Family and Community Services office (FACS), is no longer needed and therefore, requests the deletion of the approved commercial floor space.

The modification application also seeks to extend the lapse date of the approval for a period of two years. The Proponent requires additional time to complete the tender process for a redevelopment partner and prepare a subsequent development application for the site.

1.1 Background

The site is located about 16 km north west of the Sydney central business district and is within the City of Ryde local government area (LGA). It comprises of eight properties known as 63-77 West Parade West Ryde (Lots 1-8 in DP 19985) providing a total site area of 3,735 m² (**Figure 1**). The site was historically occupied by seven dwelling houses which have since been demolished. The site is currently vacant.

The site adjoins two nine storey residential flat buildings to the south (**Figure 3**), the Northern railway line to the west and Council reserve land/ car parking area to the north. Opposite the site, the western side of West Parade is characterised by older three to four storey residential flat buildings built in 1950's and 1960's (**Figure 4**).

The site is located immediately north of the West Ryde Town Centre and is approximately 180 m north of the West Ryde Railway Station – West Ryde Bus Interchange. Developments around the Interchange are characterised by 9 to 11 storey mixed use buildings (**Figures 2 and 5**).



Figure 1 | Site Location (Source: Proponent's EA).

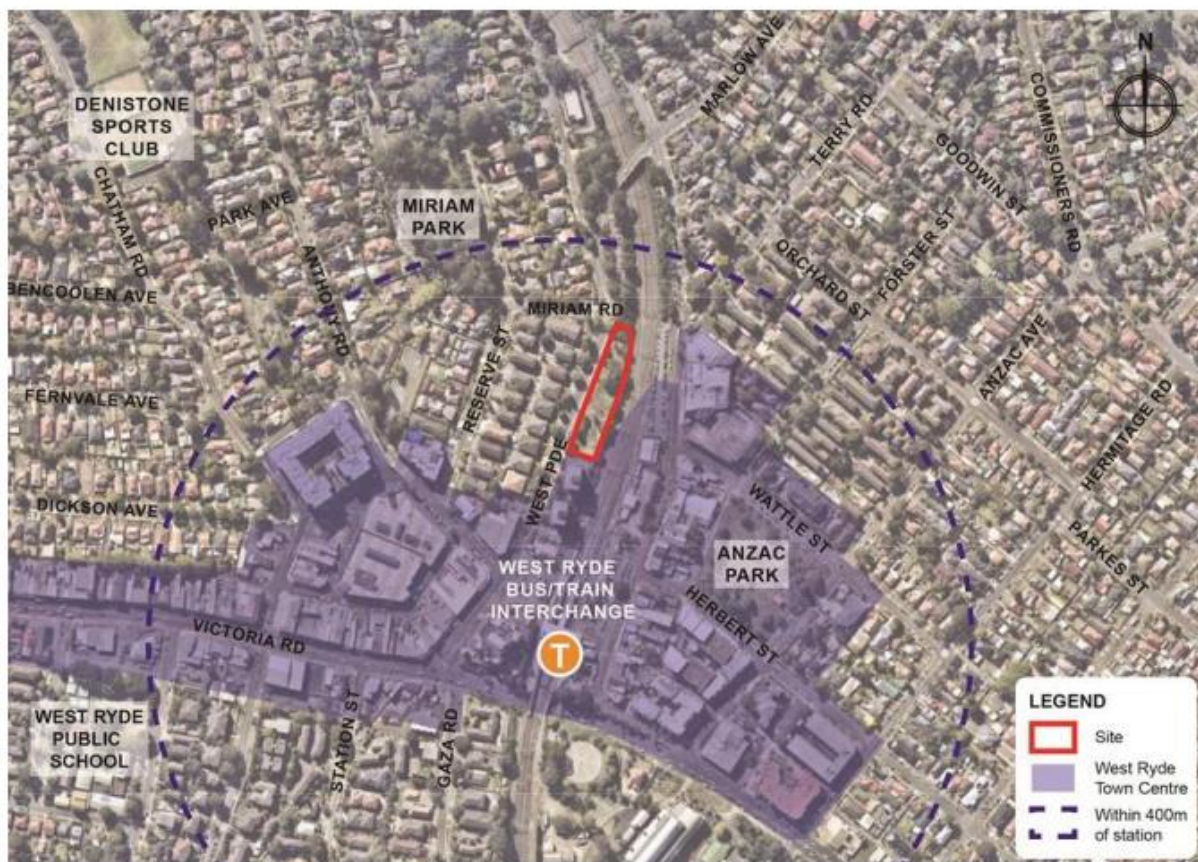


Figure 2 | Locality Map (Source: Proponent's EA).



Figure 3 | Two nine-storey residential flat buildings south of the site boundary on West Parade, West Ryde (source: Google Maps).



Figure 4 | Residential flat buildings opposite the site, on West Parade (source: DPE).



Figure 5 | West Ryde Transport Interchange (source: DPE).

1.2 Approval History

On 18 June 2010, the Minister for Planning approved a concept plan (MP 09_0029) for a mixed-use development, providing for:

- use of the site for residential, retail, and commercial purposes
- a part 6 / part 12 storey residential building with ancillary retail on the ground floor at the southern end of the site (Building A)
- a 8 storey residential building with commercial on the ground floor (Building B)
- a 5 storey residential building at the northern end of the site (Building C)
- car parking and landscaping.

Condition A3 of the original concept approval (MP 09_0029) requires amendment to the building envelopes shown on the approved plans to include an additional 2 m upper level setback for Building A and Building B from West Parade. The Department notes the required upper level setbacks are incorporated in the revised Building Envelopes drawings submitted with the current modification application.

The concept approval has been modified once to extend the approval lapsing date by 3 years from 18 June 2015 to 18 June 2018 (MP09_0029 MOD 1).

The Department notes that future development applications for the detailed design of the residential development will be under Part 4 of the EP&A Act. At the time of recommendation being made for this modification application, the Proponent confirmed that no development application had been lodged with Council.



2. Proposed Modification

The application seeks to modify the Concept Approval (MP 09_0029) to delete the approved commercial and retail floor space and increase the approved dwellings from 138 to a maximum of 150. No change is proposed to the approved maximum gross floor area.

These modifications will result in changes to the approved building envelopes as outlined in **Table 1**. The revised concept plan will increase the heights of Building B and Building C by 4.85 m and 4.35 m respectively (**Figure 6**). No change is proposed to the approved maximum building height of the approved development for Building A (RL 66.5) (**Figure 6**).

The revised concept plan will also establish minimum setbacks and building separations to address requirements of the Apartment Design Guide (**Figure 7**). The modification application is accompanied by Design Guidelines to support the detailed design of future development applications, including the identification of minimum landscaping and open space areas.

The application also includes a revised Statement of Commitments reflecting current social housing policy which commits large redevelopments to have a 70:30 target ratio of private to social housing.

The application also seeks to extend the lapsing date of the approval for a period of two years, from 18 June 2018 to 18 June 2020. The Proponent requires additional time to complete the tender process for a redevelopment partner and prepare subsequent development applications for the site.

Table 1 | Summary of proposed modifications to the concept approval.

Component	Approved	Proposed Modifications
Built Height	<ul style="list-style-type: none">Building A – RL 66.5 (12 Storeys)Building B – RL 55.15 (8 Storeys)Building C – RL 45.65 (5 Storeys)	<ul style="list-style-type: none">Building A – UnchangedBuilding B – RL 60.0 (9 Storeys)Building C – RL 50.0 (6 Storeys)
Setbacks	<ul style="list-style-type: none">Front (West): zero - 1.40 mRear (East): 1.92 – 15.38 mSide (North): 3 – 4 mSide (South): 3.7 - 4 m	<ul style="list-style-type: none">Front (West): 3 mRear (East): 2 mSide (North): 3.5 mSide (South): 6 m
Building Separation	<ul style="list-style-type: none">Building A – B: minimum 7.2 mBuilding A – B (Level 7 and above) minimum 10.5 mBuilding B – C: 0 – 8.9 m	<ul style="list-style-type: none">Building A – B: minimum 12 mBuilding A – B: (Level 7 and above) minimum 18 mBuilding B – C: minimum 9 m
Uses	<ul style="list-style-type: none">Maximum 138 dwellings619 m² Commercial floor space71 m² Retail floor space	<ul style="list-style-type: none">130 – 150 dwellings

Component	Approved	Proposed Modifications
Gross Floor Area (GFA)	<ul style="list-style-type: none"> 13,149 m² 	<ul style="list-style-type: none"> No change
Parking	<ul style="list-style-type: none"> 105 parking spaces 	<ul style="list-style-type: none"> To be determined with a future development application



Figure 6 | Revised Concept Plan (Source: Proponent's RtS). The approved heights, depicted in storeys and RLs, are shown in red.

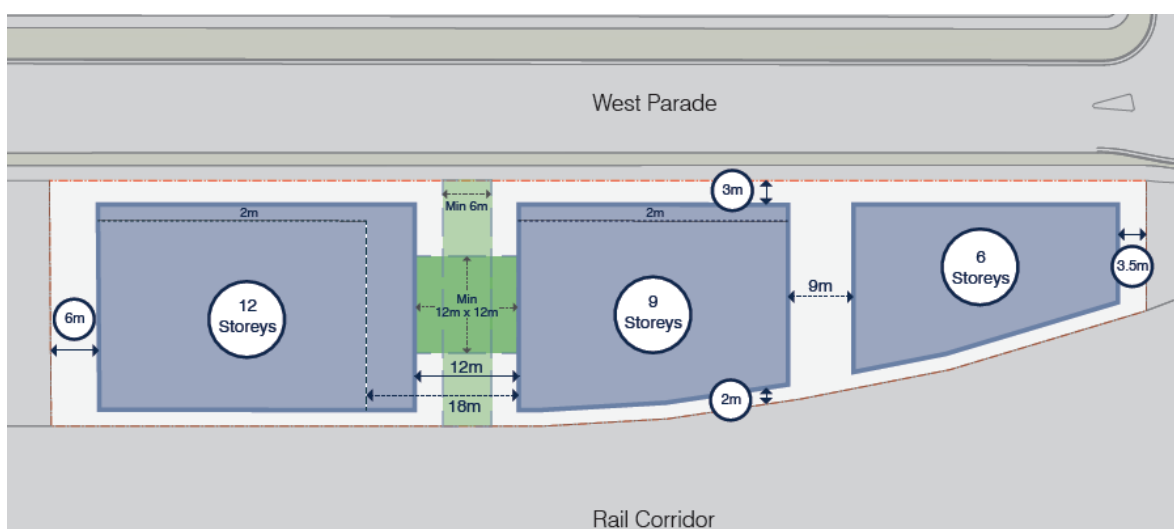


Figure 7 | Revised Concept Plan showing minimum building setbacks and separation (Source: Proponent's RtS).



3. Strategic Context

3.1 A Metropolis of Three Cities

In March 2018, the Greater Sydney Commission published 'A Metropolis of Three Cities – the Greater Sydney Region Plan'. This plan seeks to align land use, transport and infrastructure planning across three 'cities'. That is, the eastern, western and central city.

The approved development (and as modified by this application) is consistent with Objective 10– Greater Housing Supply and Objective 11 – Housing is More Diverse and Affordable. The Proponent (Land and Housing Corporation) has identified the site for a mixed tenure residential development to be delivered under the NSW Government Communities Plus program.

3.2 North District Plan

The Greater Sydney Commission's (GSC) role is to coordinate and align planning to shape the future of Metropolitan Sydney. In March 2018, the GSC published the Greater Sydney Region Plan (the Region Plan) and associated District Plans.

The Region Plan outlines how Greater Sydney will manage growth and change and guide infrastructure delivery. It sets the vision and strategy for Greater Sydney, to be implemented at a local level through District Plans.

The site is located within the North District area. The approved development as modified by this application is consistent with the objectives of the North District Plan, as it will:

- Support opportunities for communities to be healthy and socially connected by providing housing in an area with access to retail centres and excellent public transport connections (Planning Priority N4)
- Provide social and affordable housing which will provide for additional housing supply, choice and affordability in an area with excellent public transport connections (Planning Priority N5)
- Provide local infill development in a lower density part of suburban Greater Sydney undergoing replacement of older housing stock.



4. Statutory Context

4.1 Scope of Modification

The concept plan application was originally approved under Part 3A of the EP&A Act.

This means the project satisfies the definition of a 'transitional Part 3A project' under Clause 2(1) Schedule 2 of the *Environmental Planning & Assessment (Savings, Transitional and Other Provisions) Regulation 2017* (ST&OP Regulation), which came into effect on 1 March 2018.

There is scope under the ST&OP Regulation to amend concept plans after 1 March 2018. Clause 3BA states that a concept plan may continue to be modified under Section 75W after this date where the Minister is satisfied that:

- the proposed modification is to correct a minor error, misdescription or miscalculation, or
- the proposed modification is of minimal environmental impact, or
- the project to which the concept plan as modified relates is substantially the same as the project to which the concept plan currently relates (including any modifications previously made under Section 75W).

The assessment of this request 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 carrying out of the project under Section 75W of the EP&A Act.

Modification of the concept approval (MP 09_0029 MOD 2)

The request to modify the concept plan was submitted after 1 March 2018, therefore, the provisions of Clause 3BA, Schedule 2 in the ST&OP Regulation apply.

The proposed modification is not a modification to correct an error and the proposed modification is not of minimal environmental impact. The Department however, is satisfied that the project to which the concept plan as modified relates is substantially the same as the project to which the concept plan currently relates (including any modifications previously made under Section 75W) for the following reasons:

- The proposal seeks to delete the approved commercial use intended to be used for a Family and Community Services Office ancillary to the approved social housing
- The overall character and residential nature of the development remains unchanged
- The maximum building height, FSR and GFA would not change as a result of the proposal
- Environmental impacts can be managed generally in accordance with proposed mitigation measures and conditions of approval.

The Department concludes the Minister (or his delegate) can reasonably form the view that the modification request is within the scope of Section 75W of the EP&A Act and is capable of being determined as a modification under Section 75W of the EP&A Act pursuant to transitional provisions under Clause 3BA, Schedule 2 in the ST&OP Regulation.

4.2 Approval authority

The Minister for Planning is the consent authority for the proposed modification. However, in accordance with the Minister's delegation, the Director Key Sites Assessments is the approval authority for Section 75W applications when the following requirements are met:

- the relevant council has not made an objection
- a political disclosure statement has not been made

- there are no public submissions in the nature of objection.

As Council has not objected and only one public submission was received supporting the proposal, the Director for Key Sites Assessments is the approval authority for the modification request.

4.2 Permissibility

The site is subject to the provisions of the Ryde Local Environmental Plan 2014 (RLEP) and is currently zoned R4 – High Density Residential land use zone. Development other than for the purposes of housing and facilities or services that meet the day to day needs of residents in a high density residential environment is prohibited in this zone.

The original concept approval permits the use of a mixed use residential, commercial and retail development. The proposal seeks to delete the approved commercial and retail uses and increase the approved dwellings from 138 to a maximum of 150 dwellings. The Department notes that the proposed residential use is permissible within this zone and the surrounding area is dominated by high density residential uses. The Department concludes that the proposed use is compatible with the site and the surrounding land and is therefore acceptable.

4.3 Secretary's Environmental Assessment Requirements

Section 75W(3) of the EP&A Act provides the Secretary may notify the Proponent of Secretary's Environmental Assessment Requirements (SEARs) for the proposed modification. The Proponent must comply with the SEARs before the matter will be considered by the Minister.

On 9 May 2017, the Department notified the Proponent of the SEARs for the modification of the Concept Approval (MP 09_0029 MOD 2). The Department is satisfied that the Proponent addressed the SEARs issued for MOD 2 when preparing the modification application, and no further environmental assessment requirements are required.

4.4 Mandatory / Relevant Matters for Consideration

The following are the mandatory / relevant matters for consideration:

- relevant environmental planning instruments, development control plans and planning agreements
- objects of the EP&A Act
- Ecologically Sustainable Development
- *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation).

These matters are considered below.

4.5 Environmental Planning Instruments (EPIs)

The consent authority is required to take into consideration any environmental planning instrument (EPI) that is of relevance to the development. Therefore, the assessment report must include a copy of, or reference to, the provisions of any EPIs that substantially govern the project and that have been taken into account in the assessment of the project.

The following EPI's apply to the modification application:

- State Environmental Planning Policy (Infrastructure) 2007 (ISEPP)
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)
- Draft Remediation of Land State Environmental Planning Policy
- State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development (SEPP 65)
- Ryde Local Environmental Plan 2014.

The Department has undertaken a detailed assessment of these EPIs in **Appendix D** and is satisfied the application is consistent with the requirements of the EPIs, and the proposal's inconsistencies in respect of the height and FSR development standards were approved in the original concept approval as further discussed in **Section 6 and Appendix D**.

4.6 Objects of the Act

The Minister or delegate must consider the objects of the EP&A Act when making decisions under the Act. The Department is satisfied the proposed modification is consistent with the objects of the EP&A Act.

Consideration of the objects of the EP&A Act, as they relate to the modification application is provided in **Table 2**.

Table 2 | Response to the objects of Section 1.3 of the EP&A Act.

Objects of the EP&A Act	Consideration
(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources	The site is close to existing services and public transport. The proposed modification will promote efficient use of the site and will deliver affordable and social housing.
(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment	As part of the modification application, the amended Statement of Commitments includes a commitment to incorporate high standards of environmentally sustainable design (Appendix A).
(c) to promote the orderly and economic use and development of land	The project seeks to deliver a mix of social and private housing in an area that is well-served by public transport and close to retail shops. The merits of the proposed modification are considered in Section 6 .
(d) to promote the delivery and maintenance of affordable housing	The modification application is part of the Proponent's strategy to deliver social housing consistent with the NSW Future Directions for Social Housing policy.
(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats	The project involves redevelopment of a residential use within an established urban area and will not adversely impact on any native animals and plants, including threatened species, populations and ecological communities, and their habitats.
(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage)	There are no identifiable built or cultural heritage matters on the site or in its vicinity.
(g) to promote good design and amenity of the built environment	The project achieves a high standard of design and amenity as discussed in Section 6 .

Objects of the EP&A Act	Consideration
(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants	The project is conceptual only. Detailed design and construction will be subject to future applications.
(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State	The Department publicly exhibited the application, which included consultation with Council and other government agencies, as outlined in Section 5 , and consideration of their responses is outlined in Section 6 .
(j) to provide increased opportunity for community participation in environmental planning and assessment.	The Department publicly exhibited the application as outlined in Section 5 , which included notifying adjoining landowners, placing a notice in the newspaper and displaying the applications on the Department's website and at Council's office.

4.7 Ecologically Sustainable Development

The EP&A Act adopts the definition of ESD found in the *Protection of the Environment Administration Act 1991*. Section 6(2) of the *Protection of the Environment Administration Act 1991* states that ESD requires the effective integration of economic and environmental considerations in decision-making processes and that ESD can be achieved through the implementation of:

- the precautionary principle
- inter-generational equity
- conservation of biological diversity and ecological integrity
- improved valuation, pricing and incentive mechanisms.

The modification application is supported by a revised statement of commitments confirming the Proponent commits to ESD including the Environmental Sustainability strategy the LHC implements for the design, construction and operation phases of the development.

4.8 Environmental Planning and Assessment Regulation 2000

Subject to any other references to compliance with the EP&A Regulation cited in this report, the relevant requirements for Notification and Fees have been complied with.



5. Engagement

5.1 Department's Engagement

In accordance with Clause 10 of Schedule 1 of the EP&A Act and Clause 118 of the *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation), the Department exhibited the application from 22 March 2018 until 5 April 2018:

- on the Department's website
- at the NSW Service Centre
- at the City of Ryde Council's Office.

The modification application was advertised in the Northern District Times. Previous submitters were notified of the modification application and invited to make a submission. The application was also referred to:

- City of Ryde Council (Council)
- Roads and Maritime Services (RMS)
- Transport for NSW (TfNSW)
- Sydney Trains.

5.2 Summary of Submissions

During the exhibition period, the Department received four submissions, including:

- three submissions from government agencies and City of Ryde Council providing comments
- one submission from the public which supporting the application.

5.3 Key Issues – Government Agencies

The Department received comments from three government agencies during exhibition as summarised in **Table 3**. Copies of the submissions are available on the Department's website and in **Appendix B**.

Table 3 | Summary of Government Agency submissions.

Agency Comments

City of Ryde

The City of Ryde does not object to the application. Council's submission provides comments on traffic and waste management and transition of building height issues.

Council considers accommodation of the approved floor space insufficient reason to modify the approved building envelope. Council requests the Department further considers the proposed changes to building heights to ensure there is an appropriate transition from West Ryde Town Centre to the lower density developments on Miriam Road.

Council's calculation for traffic generation estimates the proposal would generate about 29 vehicle trips per hour during morning peak periods which is consistent with the approved concept plan.

Council request that the Proponent be made aware that any future development application must include a Waste Management Plan and note that street waste collection may not be feasible.

Agency Comments

Transport for NSW

Transport for NSW note the current zoning of the site under the Ryde Local Environmental Plan 2014 and has no further comment on the proposal.

RMS

RMS has no objections or comments.

5.4 Key Issues – Community

One submission was received from a member of the public. The submission expressed their support for the concept plan, including the modification application, in providing affordable housing close to the West Ryde Urban Village and Transport Interchange Precinct.

5.5 Response to Submissions

Following the exhibition of the application, the Department placed copies of all submissions received on its website and requested the Proponent provide a response to the issues raised.

On 18 October 2018, the Proponent provided a Response to Submissions (**Appendix C**) that included additional information which clarified the changes to the approved building envelope.

The Department made the RtS publicly available on its website and re-notified Council. No further submissions were received.



6. Assessment

The Department has considered the proposal, the issues raised in submissions and the Proponent's RtS in its assessment of the application. The Department considers the key issues associated with the proposal are the proposed modifications to the approved building envelopes to accommodate the increase in the number of dwellings from 138 to maximum of 150.

Other issues are discussed in below **Section 6.3**.

6.1 Building Envelopes

The proposed modification involves changes to the approved building envelopes for the three buildings identified as Building A, Building B and Building C (**Table 1, Figures 6 and 7**). The Proponent considers the proposed changes to the approved building envelopes are necessary to provide flexibility to accommodate the approved residential floor space and to maintain a reasonable level of residential amenity consistent with SEPP 65 and the Apartment Design Guide (ADG).

The Department notes the original approval was determined in 2010, prior to the review of SEPP 65 and the release of the ADG in 2014. The Department also notes the approved plans referenced in the terms of the Concept Approval are the indicative design plans submitted with the Preferred Project Report and is unclear to the extent for which details of the indicative design form part of the approved building envelopes. The Department, therefore, also considers the proposed modification is necessary to clearly define the building envelopes for future applications. The proposed modification is accompanied by a set of Design Guidelines prepared by Architectus outlining design principles that will guide the detailed design for subsequent applications.

The proposed changes to the approved building envelopes include changes to building heights and setbacks of the approved buildings. These matters are discussed below.

Building Heights

The proposed changes will not increase the approved overall maximum height for the development at RL 66.5 (providing a 12 storey residential building) for Building A but will increase the height of Building B and Building C by 4.85 m and 4.35 m respectively (**Table 1**). Building B and Building C will now accommodate 6 and 9 storey residential levels respectively or one additional level more than the approved concept.

Council's submission on the proposal raised concerns that the accommodation of approved floor space alone is insufficient reason to justify the proposed changes to building heights. While Council does not object to the proposed modification, it requested further consideration be given to the transition of building scale across the site in response to the change in building scale from West Ryde Town Centre and the West Ryde Rail/Bus Interchange to the lower density residential developments further north of the site along West Parade and Miriam Road.

The Department notes the approved concept does not comply with the maximum 11.5 m Height Building standard specified in the current Ryde Local Environmental Plan 2014 (or the former height contained in the Ryde Planning Scheme Ordinance as considered in the original assessment). The Department in its original assessment supported the development's building heights noting the highly accessible location of the site and the site's context being immediately adjoining the West Ryde Town Centre with height control up to 33.5 m (approximately 10 - 12 storey). The site is also immediately adjacent to two existing 9-storey residential flat buildings to the south (next to Building A).

The Department considers the proposed modification does not materially change the development's response to the site's context when compared to the approved concept. The proposed 6 to 12 storey built forms as modified from the previously 5 to 12 storey built forms will continue to provide a transition of building heights between West Ryde Town Centre and lower density residential development to the north of the site and also a transition of height within the site.

The Department also considers the proposed modifications will not cause unacceptable additional external impacts. Due to the orientation of the site and developments adjoining the site's boundary, overshadowing impacts and privacy impacts of the development primarily relate to Building A, located at the southern portion of the site facing a 9 storey residential flat building. Building A will not increase in height but will increase its setback from the southern boundary as part of the proposed modifications, which will result in reduction of external impacts to the adjoining residential development to the south. The northern boundary and eastern boundary of the site adjoins a car park and the railway line respectively and will not be adversely affected by the increase of building height Building B and Building C.

The Department supports the proposed changes in building heights for the approved building envelopes. The changes in building heights will allow greater flexibility for future detailed design applications to deliver good residential amenity pursuant to the site's R4 zoning objectives and SEPP 65. The Department notes the changes in building height is accompanied with increased building separation and setbacks as further discussed in the section below.

Setbacks

The proposed modification seeks to establish minimum setbacks for the development as outlined in **Table 1** and **Figure 7** (in **Section 2**) and **Figure 8** of this report. The proposed modification will generally increase the minimum setbacks from all site boundaries when compared to the concept approval, which provided varied setbacks to the respective boundaries.

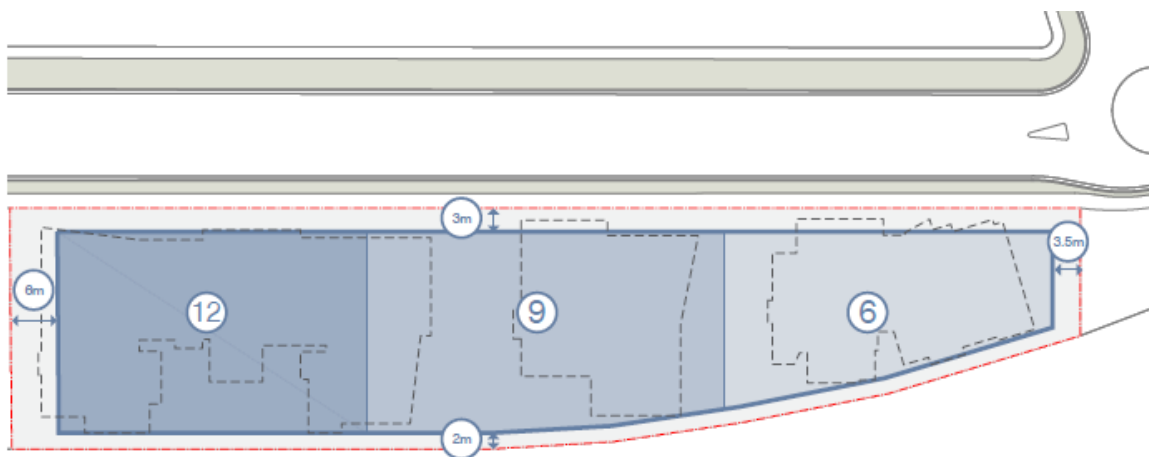


Figure 8 | the proposed setbacks shown in the dark blue line and the approved building setbacks as depicted in the dashed blue line. The site boundary is shown as a dashed red line.

The proposed modification will increase the development's setback from West Parade to a minimum of 3 m from a minimum of 2 m. The submitted Design Guidelines nominate the front setback area as a landscaping zone with pedestrian access to the ground floor residential units to provide an active, fine-grain, residential frontage (**Figure 9**). The Department considers the modified front setback will improve the development's presentation to the existing residential streetscape along West Parade and provide a suitable transition in character between the site and the West Ryde Town Centre.

Condition A3 of the original concept approval states that levels 7 - 12 for Building A and levels 7 and 8 of Building B be setback from the front wall to West Parade by at least another 2 m with the intention to reduce the bulk and scale of the buildings when viewed from West Parade. These additional upper level setbacks have been incorporated within the concept plans submitted with the proposed modification. The Design Guidelines further prescribe a maximum 6-storey street wall to West Parade to create a human-scale that forms a transition between high density developments to the south and lower density developments to the north (**Figure 10**).

The Department, therefore, supports the proposed modified minimum setback from the street boundary, noting the proposed front setback is a minimum and further building articulation to break up the massing of the proposed built forms will be subject to future detailed design in subsequent applications.



Figure 9 | Design Guidelines identifying a landscaped edge along West Parade (Source: RtS).

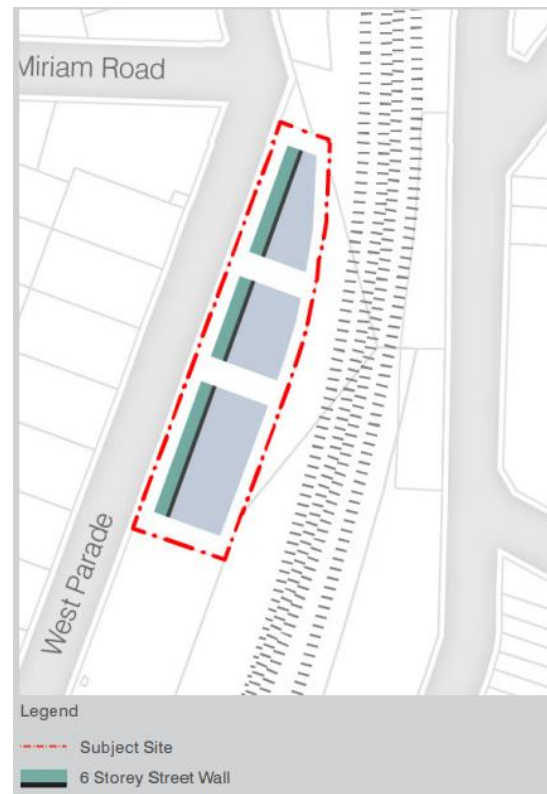


Figure 10 | Design Guidelines identifying a 6 m street wall along West Parade (Source: RtS).

The proposed modification will also increase the setback from the rear boundary (to the rail corridor) to a minimum of 2 m from a minimum of 1 m. The Department notes the original noise and vibration assessment (Acoustic Logic, report number: 2009318/0705A/R3/TA) concluded that the Concept Application (MP 09_2009) can comply with noise and vibration objectives with upgraded single glazing and building structure vibration isolation.

The noise and vibration report notes that some apartments facing the rail corridor and West Parade will not be able to achieve compliance for internal noise levels as specified in Clause 87 of the ISEPP with the windows open. Future development applications will need to address SEPP (Infrastructure) and ensure the proposed residential apartments will achieve sufficient noise attenuation. The Department notes that the revised Statement of Commitments state that the Proponent will undertake further noise studies as required and implement the recommendations in accordance with acceptable industry standards and practices.

The Proponent states in the EA and in the submitted Design Guidelines the proposed changes to setback requirements are also intended to comply with building separation requirements in the ADG. The proposed

development will increase Building C's minimum setback to the northern boundary from 1 to 3.5 m and also increase the Building A's setback from the southern boundary from minimum of 1 m to 6 m. The Department notes the northern boundary of the site adjoins a commuter car park and does not raise any amenity issues. The Department also considers the proposed minimum 6 m setback from the southern boundary will improve building separation with the adjoining 9 storey residential building, providing the minimum non-habitable to non-habitable room separation desired by the ADG (**Figure 6** and **Appendix D**).

The Department considers the proposed minimum building separations internal to the development, between the approved Building A, Building B and Building C are also acceptable having regard to the requirements of ADG (**Appendix D**). Final building separation distances for the development will also be subject to future detailed design of window and balcony placements to address privacy, solar access and other residential amenity issues with respect to SEPP 65. Condition 2 of the FEARs requires future development applications to demonstrate adequate privacy treatments are undertaken to minimise privacy impacts between Buildings A, B and C and adjacent West Parade properties.

6.2 Additional Dwellings

The proposed modification will remove the approved 619 m² of commercial floor space and 71 m² of retail floor space (total 690 m²) and increase the approved dwellings from 138 to a maximum of 150 dwellings. The Proponent states that the approved ground floor commercial floor space in Building B, originally intended for use by FACs, is no longer required.

The site is zoned R4 – High Density Residential. The approved commercial and retail uses are prohibited developments in the zone. The Department considers the deletion of the commercial and retail uses from the approved development will allow the proposal to better fulfil the objectives of the R4 Residential in meeting housing needs of the community within a high density residential environment.

The maximum approved gross floor area of 13,149 m² remains unchanged. The Proponent indicates that the approved floor space will provide between 130 to 150 dwellings, but the actual number of dwellings and the mix of dwellings will be subject to future detailed design. The proposed modification is supported by an Urban Design Report prepared by Architectus illustrating an indicative scheme for 147 dwellings for the site can achieve a good level of residential amenity and compliance with the ADG, including solar access and cross ventilation requirements.

The Department accepts the development as modified is capable of meeting AGD requirements as detailed in its assessment in **Appendix D**. The Department considers the approved commercial and retail uses, including the provision of an office for FACS are ancillary to the approved residential development for social housing. The deletion of these uses will not change the residential character or nature of the development in developing social housing.

The Department supports the proposed modification to remove the approved commercial/retail uses from the development. The proposed modification is consistent with the objectives of R4 – High Density Residential and is capable of delivering housing with good residential amenity having regard to the requirements of SEPP 65.

6.3 Other Issues

Table 4 | Summary of other issues considered in the assessment.

Issue	Consideration	Recommended Condition
Social Housing Commitment	The proposed modification also involves updating the Statement of Commitments endorsed with the original concept approval to reflect Government policy for social housing, <i>Future Directions for Social Housing</i> , which commits to ensuring large redevelopments have a 70:30 target ratio of private to social housing. The Department supports the Revised Statement of Commitments. Schedule 3 of the Determination has been updated accordingly.	No additional condition required.
Car Parking	<p>The Concept Approval includes the provision of 105 car parking spaces in basement areas for the development. The Proponent requests as part of the proposed modification that the actual provision of car parking be determined at a future development application when dwelling numbers and mix are confirmed.</p> <p>The original concept proposal was assessed against the Ryde Planning Ordinance Scheme applicable at the time for which car parking provision was a development standard. Car parking requirements are now contained in Ryde DCP, which is calculated based on dwelling numbers and dwelling mix.</p> <p>The Department accepts it is appropriate for car parking quantum to be determined and assessed in subsequent development applications when dwelling numbers and mix are known with respect to the Council's relevant car parking controls.</p>	The Department recommends a FEAR is included to ensure car parking rates are determined with subsequent development applications.
Traffic	<p>The modification application is supported by an updated Transport and Accessibility Report prepared by Arup (Appendix C of the submitted EA). The traffic report assessed the traffic generation from the proposed modification including the deletion of commercial and retail floorspace and with reference to the Roads and Maritime Services Guideline to Traffic Generating Development 2013, which provides for 0.19 vehicle trips per apartment.</p> <p>The Proponent's assessment provides that the proposed modification will reduce the peak hour traffic generation rate from 45 vehicles per hour associated with the approved Concept Proposal to 29 vehicles per hour. The Department notes the proposal's reduction in traffic generation is due to the deletion of approved commercial/retail floor space, noting the lower traffic generation rate of residential development when compared to commercial development.</p> <p>TfNSW and RMS reviewed the proposal and raised no objection. Council's submission notes the development as modified will generate 29 vehicles per hour and is acceptable.</p>	No additional condition required.

Issue	Consideration	Recommended Condition
Lapse Date	<p>The modification application seeks to extend the lapse date of the approval for a period of two years. Consequential to changes in Government policy for social housing and as FACS no longer requires the approved office space, the Proponent requires additional time to complete the tender process for a redevelopment partner and prepare subsequent development application for the site.</p> <p>The lapsing date of the approval was previously extended by 3 years from 18 June 2015 to 18 June 2018 (MP 09_0029 MOD 1) pursuant to former Section 75Y of the EP&A Act. The Department considers it is acceptable to further extend the lapse date of the approval. The Department notes that the site remains suitable for the development and that the proposed modification will make the development consistent with the objectives of the R4 – High Density Residential Zone of the land by deletion of the approved commercial/ retail floor space.</p>	<p>The Department recommends Condition A6 be modified to extend the lapsing date by 2 years to 18 June 2020.</p>
Waste Management	<p>Council requests that the Proponent be made aware of any future development application must be accompanied by a detailed Waste Management Plan. Due to the location of the property, Council notes that street collection for waste is not an option and the Proponent may need to make provision for onsite waste collection in the detailed design for subsequent applications.</p> <p>The Department has provided Council's submission to the Proponent for their consideration.</p>	<p>No additional condition required.</p>



7. Evaluation

The Department has assessed the modification application and supporting information in accordance with the relevant requirements of the EP&A Act. The Department's assessment concludes that the proposed modification is appropriate as it:

- meets the relevant statutory requirements
- is substantially the same development as originally approved and does not result in adverse environmental impacts
- will deliver additional affordable and social housing at an accessible location consistent with Government objectives and policy
- will continue to provide suitable transition of building heights between West Ryde Town Centre and lower density residential development to the north of the site
- will establish minimum setbacks and building separations and design guidelines to support future detailed design of the development to achieve an acceptable level of residential amenity in accordance with the Apartment Design Guide.

Consequently, the Department concludes the proposal is in the public interest and should be approved, subject to recommended changes to the existing conditions of consent (outlined in **Appendix E**).



8. Recommendation

It is recommended that the Director of Key Sites Assessments, as delegate of the Minister for Planning:

- **considers** the findings and recommendations of this report
- **determines** that the application to modify the Concept approval (MP 09_0029 MOD 2) falls within the scope of Section 75W of the EP&A Act
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to approval to the application
- **modify** the consent Modification 2
- **signs** the attached approval of the modification (**Appendix E**).

Recommended by:

Recommended by:

Liza Miller
Planning Officer
Key Sites Assessments

Annie Leung
Team Leader
Key Sites Assessments



9. Determination

The recommendation is **Adopted by:**

David McNamara

20/11/2018

Director

Key Sites Assessments



Appendices

Appendix A – Environmental Impact Statement (EIS) / Modification Request

The following Environmental Impact Statement, Modification Request, supporting documents and supporting information to this assessment report can be found on the Department's website:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8397

Appendix B – Submissions

The Department exhibited the application from 11 April 2018 to 24 April 2018. During the exhibition period, the Department received four submissions on the proposal. Three submissions were from public authorities and one submission was from a member of the public. The RtS was provided to Council. Council did not provide a submission in response to the RtS.

A copy of the submissions is available on the Department's website:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8397

Appendix C – Response to Submissions (RtS) and Additional Information

On 22 October 2018, the NSW Land and Housing Commission submitted a Response to Submissions (RtS) which responded to the issues raised during the public exhibition. The RtS, comments received from agencies and Council, and additional information from the Proponent in response to these comments are available on the Department's website.

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8397

Appendix D – Consideration of Environmental Planning Instruments

This report includes references to the provisions of the EPIs that govern the carrying out of the project and have been taken into consideration in the Department's environmental assessment.

Controls considered as part of the assessment of the proposal are:

- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)
- Draft Remediation of Land State Environmental Planning Policy
- State Environmental Planning Policy No.65 – Design Quality of Residential Apartment Development (SEPP 65)
- Ryde Local Environmental Plan 2014.

State Environmental Planning Policy (Infrastructure) 2007

The ISEPP aims to facilitate the effective delivery of infrastructure across the State by improving regulatory certainty and efficiency, identifying matters to be considered in the assessment of development adjacent to particular types of infrastructure development, and providing for consultation with relevant public authorities about certain development during the assessment process.

As the proposal is adjacent to a rail corridor, Clause 87 of the ISEPP applies. Consequently, the Department referred the proposal to Sydney Trains as part of the consultation process (**Section 5**). As stated in **Section 5.3**, Sydney Trains did not provide comment on the proposal.

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

The State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 (BASIX SEPP) aims to ensure consistency in the implementation of the BASIX scheme throughout the State by overriding provisions of other environmental planning instruments and development control plans that would otherwise add to, subtract from or modify any obligations arising under the BASIX scheme.

The BASIX SEPP aims to deliver equitable, effective water and greenhouse gas reductions across the State. BASIX applies to all residential dwelling types and is part of the development application process in NSW.

As the modification application is a concept proposal BASIX certification does not apply. The Department notes that the Amended Statement of Commitments state that the LHC will implement appropriate strategies and practices resulting from best practice ESD design.

State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)

SEPP 55 requires a consent authority to consider whether the land is contaminated, and if so, whether the land will be remediated before the land is used for the intended purpose. The original concept plan application (MP 09_0029) did not include a preliminary environmental site assessment.

The Department notes that the Amended Statement of Commitments state that further studies will be undertaken if recommended or required. The Department therefore recommends that a preliminary environmental site assessment is undertaken to confirm the suitability of the site for the proposal.

Draft Remediation of Land State Environmental Planning Policy

The Department is reviewing all State Environmental Planning Policies to ensure they remain effective and relevant and SEPP 55 has been reviewed as part of that program. The Department recently published the draft Remediation of Land State Environmental Planning Policy (Remediation SEPP), which was exhibited until April 2018.

The Department considers the development is consistent with the draft Remediation SEPP subject to the recommended conditions discussed above.

State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development

SEPP 65 seeks to improve the design quality of residential developments and encourage innovative design. The Apartment Design Guide (ADG) is closely linked to the principles of SEPP 65 and sets out best practice design principles for residential developments. An assessment of these principles is provided in **Table 5** and an assessment against the broader ADG is in **Table 6**.

Table 5 | Comparison of the proposal against the ADG design principles.

Design Quality Principle	Department's Response
1. Context and Neighbourhood Character	The proposed buildings represent an appropriate design response for the site and will be consistent with the character of the area as discussed in Section 6 .

Design Quality Principle	Department's Response
	<p>The overall massing and scale of the built form is reduced through setbacks and breaks in the building envelope.</p> <p>The application has sought to break up the scale and massing of a large site into smaller portions by the creation of ground level communal open space between Buildings A and B (12 m separation) and a 9 m separation between Buildings B and C.</p>
2. Built Form and Scale	<p>Design objectives are also provided with the proposal which aim to create a fine grain pedestrian - scale development with an active street frontage. These objectives will inform the detailed design of the proposal.</p> <p>The built form and scale of the proposed buildings, as modified, are appropriate within the context of the site and are sympathetic to the surrounding area as discussed in Section 6. The Department considers that the development can achieve a high standard of architectural design and appearance.</p>
3. Density	<p>No change is proposed to the GFA as approved. The submitted Urban Design report demonstrates the proposed number of dwellings is capable of achieving good residential amenity.</p>
4. Sustainability	<p>The Amended Statement of Commitments state that the Proponent will incorporate high standards of environmentally sustainable design and construction of the project.</p>
5. Landscape	<p>The modification application includes design guidelines that provide a landscaped edge along West Parade and ground floor residential apartments with front gardens. These design guidelines specify a minimum of 25 per cent of the site area to be communal open space with provisions to provide deep soil zone for at least one large existing or new large tree.</p>
6. Amenity	<p>The urban design report in the modification application demonstrates that the building amenity will be supported through the satisfactory compliance of privacy, private open space, solar access and natural ventilation in the ADG, see discussions in Section 6.</p>
7. Safety	<p>The Proponent's design guidelines seek to provide an active street frontage with opportunities to promote passive surveillance within the site and along West Parade. The guidelines and objectives also aim to provide a positive relationship between public and private spaces through clearly defined access points within the site.</p> <p>Other aspects of safety such as security of access and clear lines of sight, will be considered in the detailed design of the proposal.</p>
8. Housing Diversity and Social Interaction	<p>Through the 'Amended Statement of Commitments,' the proposal will be assessed for consistency by the Proponent with the 'NSW Future Directions for Social Housing' policy.</p>
9. Aesthetics	<p>The modification application incorporates building setbacks along West Parade that reduce the perceived building bulk from West Parade and creates a human-scaled street wall which forms a transition between low – density residential area to the north and the town centre to the south.</p> <p>The perceived building bulk will be further reduced through clear breaks in the building envelopes for Buildings A, B and C and offer clear view lines through the site.</p>

Table 6 | Comparison of the proposal against the ADG.

ADG – Relevant Criteria	Proposal	Consistency
3A Site Analysis		
<ul style="list-style-type: none"> Site analysis illustrates that design decisions have been based on opportunities and constraints of the site conditions and their relationship to the surrounding context 	<ul style="list-style-type: none"> The proposal is accompanied by a site analysis plan, identifying opportunities and constraints on the site and surrounding context. 	Yes
3B Orientation		
<ul style="list-style-type: none"> Building type/layouts respond to streetscape, optimising solar access Overshadowing of neighbouring properties is minimised during mid-winter 	<ul style="list-style-type: none"> The proposed layout of buildings define the street frontages of the site and provide opportunities for maximising the northerly aspect of the site providing high levels of solar access. Overshadowing is minimised. Overshadowing would occur on five residential flat buildings on West Parade. These buildings are opposite the site on West Parade and would be overshadowed at 9am 21 June. By 12 noon and to 3pm 21 June, overshadowing is largely over the railway line. 	Yes
3C Public Domain Interface		
<ul style="list-style-type: none"> Transition between public/private without compromising security Amenity of public domain is retained and enhanced 	<ul style="list-style-type: none"> The primary pedestrian entry to the site is on West Parade. The proposal adopts a 3 m setback to be allocated as front gardens spaces with frequently spaced residential entries to ground floor apartments and foyers as described in the Proponent's Design Guidelines. 	Yes
3D Communal and Public Open Space		
<ul style="list-style-type: none"> An adequate area of communal open space is provided to enhance residential amenity and to provide opportunities for landscaping Communal open space has a minimum area equal to 25 per cent of the site 	<ul style="list-style-type: none"> The ADG for ground level communal open space specify a landscaped communal open area space of at least 25 per cent of the site area. This amounts to 934m² of the site area (3,735m²). 	Can comply
3E Deep Soil Zones		
<ul style="list-style-type: none"> For sites greater than 1,500 m² a minimum of 7 per cent of the site should provide for deep soil zone(s) and a minimum dimension of 6 m. 	<ul style="list-style-type: none"> A deep soil zone of 261m² is recommended. Where this is not possible, options for acceptable storm water management strategies should be achieved. 	Can comply

ADG – Relevant Criteria	Proposal	Consistency												
3F Visual Privacy														
<p>Setback to Neighbouring Land and Buildings within the site</p> <ul style="list-style-type: none"> • Adequate building separation distances are shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy • Minimum separation distance from building to side boundary: <table> <tr> <th>Height</th><th>Habitable rooms and balconies</th><th>Non-habitable rooms</th></tr> <tr> <td>Up to 12m (4 storeys)</td><td>6m</td><td>3m</td></tr> <tr> <td>Up to 25m (5-8 storeys)</td><td>9m</td><td>4.5m</td></tr> <tr> <td>Over 25m (9+ storeys)</td><td>12m</td><td>6m</td></tr> </table>	Height	Habitable rooms and balconies	Non-habitable rooms	Up to 12m (4 storeys)	6m	3m	Up to 25m (5-8 storeys)	9m	4.5m	Over 25m (9+ storeys)	12m	6m	<p>Setbacks to Neighbouring Land</p> <ul style="list-style-type: none"> • From the southern boundary of the proposal, Building A is setback 6 m from the site boundary and the adjoining 9-storey residential flat building is setback from the common boundary. <p>Buildings within the site</p> <ul style="list-style-type: none"> • The proposal seeks to provide adequate separation according to building height. <ul style="list-style-type: none"> ○ For levels 1 to 6, building separation is at least 9 m. ○ For levels 7 and about building separation increases to 18 m. 	Yes
Height	Habitable rooms and balconies	Non-habitable rooms												
Up to 12m (4 storeys)	6m	3m												
Up to 25m (5-8 storeys)	9m	4.5m												
Over 25m (9+ storeys)	12m	6m												
3G Pedestrian Access to Entries														
<ul style="list-style-type: none"> • Building entries and pedestrian access connects to and addresses the public domain. • Access, entries and pathways are accessible and easy to identify. 	<ul style="list-style-type: none"> • As this is a concept modification pedestrian access and building entries area not illustrated in the proposal. The Proponent adopts this ADG objective in their Design Guidelines. • Compliance with the Proponent's Design Guidelines is included as a FEAR. 	Can comply												
3H Vehicle Access														
<ul style="list-style-type: none"> • Vehicle access points are to be designed to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes. 	<ul style="list-style-type: none"> • As this is a concept modification vehicle access points are not illustrated in the proposal. The Proponent adopts this ADG objective in their Design Guidelines. • Compliance with the Proponent's Design Guidelines is included as a FEAR. 	Can comply												
3J Bicycle and Car Parking														
<ul style="list-style-type: none"> • Car parking is provided based on proximity to public transport in metropolitan Sydney and centres in regional areas • For development in the following locations: <ul style="list-style-type: none"> - on sites that are within 800 m of a railway station or light rail stop in the Sydney Metropolitan Area or 	<ul style="list-style-type: none"> • The proposal is within 800 m of the West Ryde railway station and is within 400 m of land that is zoned B4 mixed use. • The detailed design of the proposal will include consideration of the minimum car parking requirement for residents and visitors as set out in 	Can comply												

ADG – Relevant Criteria	Proposal	Consistency
<ul style="list-style-type: none"> on land zoned, and sites within 400 m of land zoned, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre the minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less The car parking needs for a development must be provided off street 	<p>the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less</p> <ul style="list-style-type: none"> The Proponent adopts this ADG objective in their Design Guidelines Compliance with the Proponent's Design Guidelines is included as a FEAR. 	
4A Solar and Daylight Access		
<ul style="list-style-type: none"> To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space Minimum of 70 per cent of apartments' living rooms and private open spaces receive 2 hours direct sunlight between 9 am-3 pm in mid-winter in the Sydney Metropolitan Area Maximum of 15 per cent of apartments have no direct sunlight between 9 am-3 pm in mid-winter 	<ul style="list-style-type: none"> According to the indicative built form 112 (76 per cent) of the 147 apartments would receive at least 2 hours of direct sunlight between 9 am – 3 pm June 21. 	Yes
4B Natural Ventilation		
<ul style="list-style-type: none"> At least 60 per cent of apartments are cross ventilated in the first nine storeys (apartments 10 storeys or greater are deemed to be cross ventilated) Overall depth of a cross-over or cross-through apartment does not exceed 18m 	<ul style="list-style-type: none"> According to the indicative built form 95 (65 per cent) of the 147 apartments would receive at natural cross ventilation. 	Yes
4C Ceiling Heights		
<p>Measured from finished floor level to finished ceiling level, minimum ceiling heights are:</p> <ul style="list-style-type: none"> Habitable rooms 2.7 m Non-habitable rooms 2.4 m Floor to floor Residential 3.1 m 	<ul style="list-style-type: none"> Indicative ceiling heights are not illustrated in the proposal. However, the building heights of Buildings A, B and C demonstrate that the proposal can achieve the minimum ceiling heights. Building A: RL 66.50 – RL 29.0 = 37.5m/3.1m = 12 storeys Building B: RL 60.0 – RL 29.0 = 31m/3.1m = 10 storeys Building C: RL 50.0 – RL 29.0 = 21m/3.1m = 6 storeys <p>Where RL 29.0 is the approved ground level in drawing SK-04A of the original approval.</p>	Yes

ADG – Relevant Criteria	Proposal	Consistency
4D Apartment Size and Layout		
<ul style="list-style-type: none"> • Minimum apartment sizes <ul style="list-style-type: none"> - Studio 35 m² - 1 bedroom 50 m² - 2 bedroom 70 m² - 3 bedroom 90 m² • Every habitable room must have a window in an external wall with a total glass area of not less than 10 per cent of the floor area. Daylight and air may not be borrowed from other rooms. • Habitable room depths are limited to 2.5 x the ceiling height. • In open plan layouts the maximum habitable room depth is 8 m from a window. • The width of cross-over or cross-through apartments are at least 4 m internally. 	<ul style="list-style-type: none"> • As this is a concept modification the minimum internal areas for each apartment type is not defined. • The Proponent adopts this ADG objective in the Design Guidelines • Compliance with the Proponent's Design Guidelines is included as a FEAR. 	Can comply
4E Private Open Space and Balconies		
<ul style="list-style-type: none"> • Primary balconies are provided to all apartments providing for: <ul style="list-style-type: none"> - Studios apartments min area 4 m² - 1 bedroom min area 8 m² min depth 2m - 2 bedroom min area 10 m² min depth 2m - 3 bedroom min area 12 m² min depth 2.5m • For apartments at ground floor level or similar, private open space must have a minimum area of 15m² and depth of 3m² 	<ul style="list-style-type: none"> • As this is a concept modification details for private open space and balconies are not defined. • The Proponent adopts this ADG objective in the Design Guidelines • Compliance with the Proponent's Design Guidelines is included as a FEAR. 	Can comply
4F Common Circulation and Spaces		
<ul style="list-style-type: none"> • Maximum number of apartments off a circulation core is eight – where this cannot be achieved, no more than 12 apartments should be provided off a single circulation core. • For buildings 10 storeys and over, the maximum number of apartments sharing a single lift is 40 	<ul style="list-style-type: none"> • The reference design demonstrates a maximum of 5 apartments are provided off each circulation core, accommodating at least 3 lifts (excluding the underground car park). • The Proponent adopts this ADG objective in the Design Guidelines. • Compliance with the Proponent's Design Guidelines is included as a FEAR. 	Yes
4G Storage		
<ul style="list-style-type: none"> • The following storage is required (with at least 50 per cent located within the apartment): <ul style="list-style-type: none"> - Studio apartments 4m³ 	<ul style="list-style-type: none"> • As this is a concept modification details on storage space are not defined. • The Proponent adopts this ADG objective in the Design Guidelines. 	Can comply

ADG – Relevant Criteria	Proposal	Consistency
<ul style="list-style-type: none"> - 1 bedroom apartments 6 m² - 2 bedroom apartments 8 m² - 3 bedroom apartments 10 m² 	<ul style="list-style-type: none"> • Compliance with the Proponent's Design Guidelines is included as a FEAR. 	
4H Acoustic Privacy and 4J Noise and Pollution		
<ul style="list-style-type: none"> • Noise transfer is minimised through the siting of buildings and building layout and minimises external noise and pollution. • Noise impacts are mitigated through internal apartment layout and acoustic treatments. 	<ul style="list-style-type: none"> • As this is a concept modification details on acoustic privacy and noise transfer are not defined. • Matters of noise transfer and acoustic privacy will be considered during the detailed design of the proposal. It is recommended that the recommendations for noise and vibration control, as prescribed in the Noise and and Vibration report by Acoustic Logic, are adopted. 	Can comply
4K Apartment Mix		
<ul style="list-style-type: none"> • Provision of a range of apartment types and sizes • Apartment mix is distributed to suitable locations within the building. 	<ul style="list-style-type: none"> • The reference design provides a mix of apartment types with 1, 2 and 3 bedrooms apartments shown in the design. • As this is a concept modification details on the apartment mix are not defined. • The Proponent adopts this ADG objective in the submitted design guidelines. • Compliance with the Proponent's Design Guidelines is included as a FEAR. 	Can comply
4L Ground Floor Apartments		
<ul style="list-style-type: none"> • Street frontage activity is maximised where ground floor apartments are located • Design of ground floor apartments delivers amenity and safety for residents 	<ul style="list-style-type: none"> • Apartments fronting West Parade Street will have direct pedestrian access to West Parade providing a fine grain and active street frontage • The Proponent adopts this ADG objective in their Design Guidelines • Compliance with the Proponent's Design Guidelines is included as a FEAR. 	Can comply

Other Policies

In the absence of detailed / site-specific planning controls guiding the design of residential flat buildings on the site, the Department considers that Ryde LEP 2014 development standards as a useful guide to inform the merits of the proposal.

Ryde Local Environmental Plan 2014

The Department considered the proposal against the Ryde Local Environmental Plan 2014 (**Table 7**).

The site is zoned R4 – High Density Residential land use zone. The proposed residential use is permissible within this zone.

Table 7 | Relevant planning controls under the Ryde Local Environmental Plan 2014.

Provision	Permitted	Proposed	Compliance
Clause 4.1 Minimum lot size	580 m ²	3,735 m ²	Does not apply. On completion of the residential flat buildings, it is assumed that registration of a strata plan under the <i>Strata Schemes Development Act 2015</i> Buildings A, B and C will occur.
Clause 4.3 Height of building	11.5 m	36 m	Does not comply. However, no additional maximum building height is sought.
Clause 4.4 FSR	1:1	3.5:1	Does not comply. However, no change in FSR is sought.

Appendix E – Recommended Instruments of Modification

The recommended conditions of consent for MP09_0029 MOD 2 can be found on the Department's website:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8397