



Planning

**MAJOR PROJECT ASSESSMENT:
CONCEPT PLAN FOR A MIXED USE
RESIDENTIAL, COMMERCIAL & RETAIL
DEVELOPMENT**

MP09_0029

***63-77 West Parade, West Ryde
Proposed by HOUSING NSW***

Director General's Environmental Assessment
Report

Section 75I of the *Environmental Planning and
Assessment Act 1979*

May 2010



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1. EXECUTIVE SUMMARY

This is an assessment report on a Concept Plan Application for a mixed use development at 63-77 West Parade, West Ryde. The site is located in the Ryde Local Government Area. The Proponent is Housing NSW.

Proposal

The original Concept Plan Application sought approval for the following:

- Mixed use development comprising residential (social housing/private dwellings), commercial, retail, and ground level/basement parking;
- Indicative building envelopes for 4 separate buildings A-D over a single podium and basement level, with heights ranging from 5 to 12 storeys (including podium level); and,
- Total GFA of 12,037m².

The Capital Investment Value is estimated at **\$55 million**. The proposal would create up to **50** full time equivalent construction and **15** full time equivalent operational jobs.

Permissibility

The site is zoned "*Residential 2(c5)*" under the Ryde Planning Scheme Ordinance (RPSO) 1979. The proposed residential use is permissible within this zone, however the proposed retail and commercial uses are prohibited.

Public Exhibition

The proposal was exhibited over a 31 day period from 2 September 2009 until 2 October 2009. During the exhibition period, the Department received 5 submissions from public authorities (including Ryde Council) and 13 submissions were received from the public.

Key issues included:

- Suitability of the site for a higher density proposal;
- Built Form;
- Overshadowing/Residential Amenity;
- Traffic Generation/Vehicular Access;
- Parking; and,
- Section 94 Contributions.

Preferred Project Report

On 23 February 2010, the Proponent submitted a response to public and agencies submissions and a Preferred Project Report. Key revisions to the original proposal include:

- Reconfiguration of building envelopes/footprints, (deletion of podium and amalgamation of Buildings A & B) resulting in 3 separate buildings ranging from 5 to 12 storeys in height;
- Increase in GFA by 1,112m²;
- Reduction in number of units from 142 to 138;
- Additional level of basement parking beneath part of the site;
- Deletion of the continuous podium occupying the full width of the site;
- Reduction in height of Building A by approx. 600mm;
- Reduction of ground floor retail area by 329sq.m;
- Reduction in the number of car parking spaces by 12; and,
- Deletion of the second carpark entry point.

Assessment of Impacts

- The bulk and scale of the proposal, particularly the upper levels of Building A and the upper levels of Building B, will require modification to improve the transition of bulk and scale across the site. This will result in a building that relates to the surrounding context, in particular the pedestrian scale of West Parade. This can be resolved by way of recommended modifications to the project as depicted in the PPR.
- The proposal is not considered to unreasonably impact upon the amenity of surrounding residents by way of overshadowing or loss of outlook due to the orientation and location of the site.

- The surrounding road network is considered to be adequate for any additional traffic generation as a result of the proposal.
- Parking was assessed as being adequate given the close proximity of the site to a variety of public transport options.

Key Recommended Modifications to the PPR

Key recommendations/modifications made to the proposal are as follows:

- Any future applications are considered by Ryde Council pursuant to Part 4 of the Act;
- Additional front setback of the upper 6 levels of Building A by 2 metres to reduce bulk and scale and improve the pedestrian scale to West Parade; and,
- Additional front setback of the upper 2 levels of Building B by 2 metres to ensure a consistent transition of building bulk within the site and to improve the pedestrian scale to West Parade.

Public Benefits

- Housing provision and variety in terms of tenure and bedroom mix;
- Local employment (commercial/retail uses proposed);
- Social housing;
- Housing NSW office; and,
- Local convenience store.

Conclusion

The Department has assessed the merits of the proposal and is satisfied that the impacts of the proposed development have been addressed in the PPR, Revised Statement of Commitments and the Department's recommended modifications of the Concept Plan approval. It is considered that the impacts can be suitably mitigated and/or managed to ensure a satisfactory level of environmental performance, pursuant to Section 75O of the Act.

On these grounds, the Department is satisfied that the site is suitable for the proposed development and that the project will provide environmental, social and economic benefits to the region and is therefore in the public interest.

The Concept Plan is recommended for approval subject to modifications.

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2. BACKGROUND

2.1 THE SITE

Site context and location

The subject site comprises 8 properties known as 63-77 West Parade, West Ryde (Lots 1-8 in DP 19985), which together form a relatively long and narrow site with a total area of 3,735m² positioned between West Parade and the railway.

The site is located within the Ryde LGA and is approximately 180 metres north of West Ryde Railway Station/Transport Interchange Precinct and approximately 280 metres north of Victoria Road. The site and its locality are illustrated in **Figure 1 & 2** below.

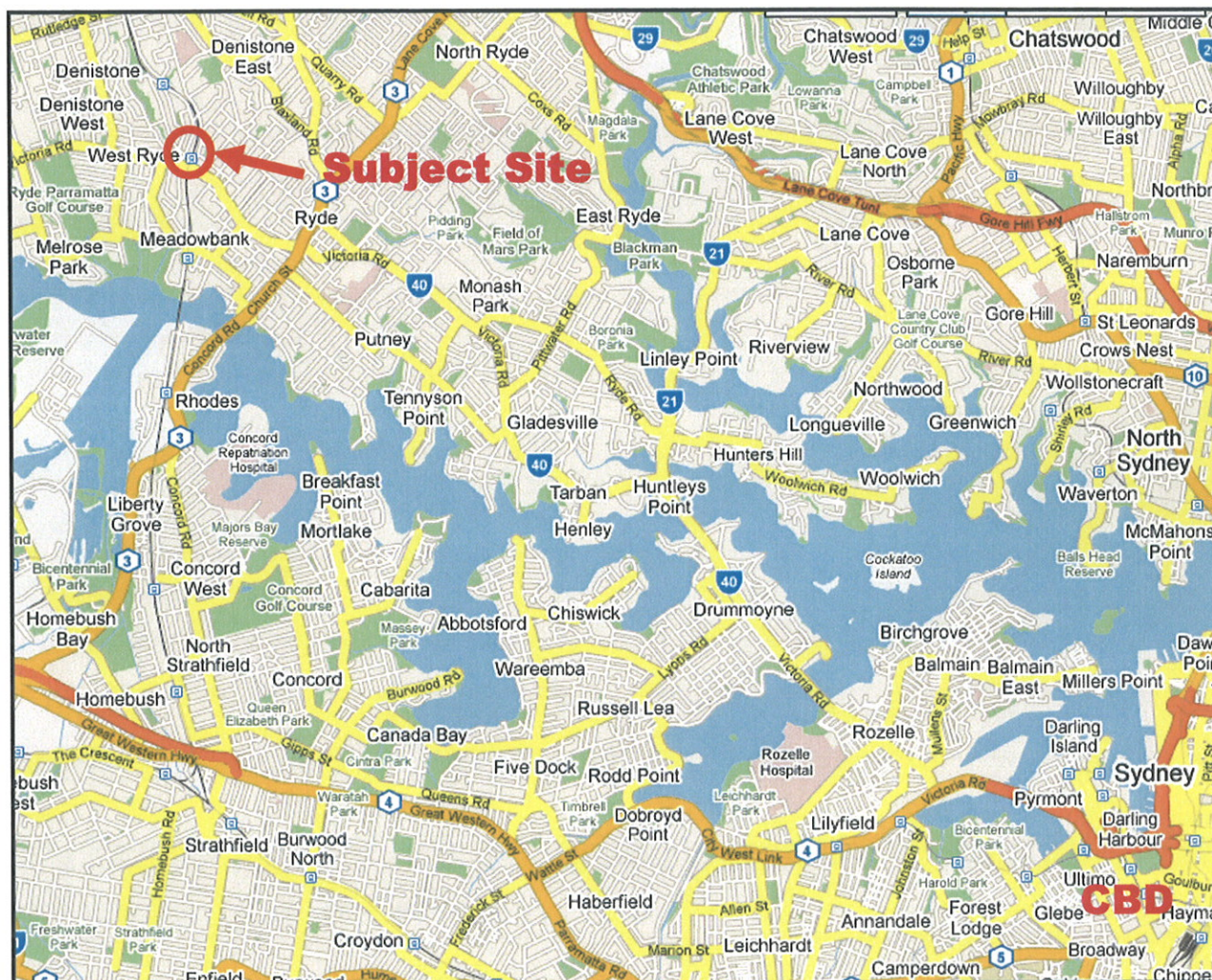


Figure 1. Context Map [Base image source: Google Maps]

Existing Site Features

The site is presently vacant, although was previously occupied by 8 single dwelling houses.

Vegetation exists sporadically throughout the site, which ranges from small shrubs to mature and semi mature trees, typical of suburban gardens.

The topography of the site is generally flat, with a gentle slope from the rear of the site towards West Parade.



Figure 2. Site in Context with Surrounding Landuses. [Base photo source: Google Maps]

Surrounding Development

The surrounding area is characterised predominantly by residential uses, mainly residential apartment buildings ranging in height from 3 storeys (opposite) to 9 storeys (adjacent to the south). Single and 2 storey detached houses are located to the north west of the site, beyond Miriam Road. A small Council road reserve (adjacent to the roundabout between West Parade and Miriam Road) is located immediately to the north of the site.

The West Ryde Urban Village/Transport Interchange Precincts to the south contains a series of mixed use commercial/retail buildings predominately 2 storeys in height, with the exception of a large mixed use development on the corner of Victoria Road and West Parade.

The Ryde-Eastwood Leagues Club complex is located to the east of the site on the opposite side of the railway.

In 2007, Ryde Council, following a review by the Independent Hearing Assessment Panel (IHAP), granted approval for the construction of a 7 storey mixed use retail, commercial and residential development, a 4 storey building to house community services, basement parking, village square and associated landscaping and roadworks on various sites approximately 150 metres to the west of the subject site in Chatham Road and Anthony Road.

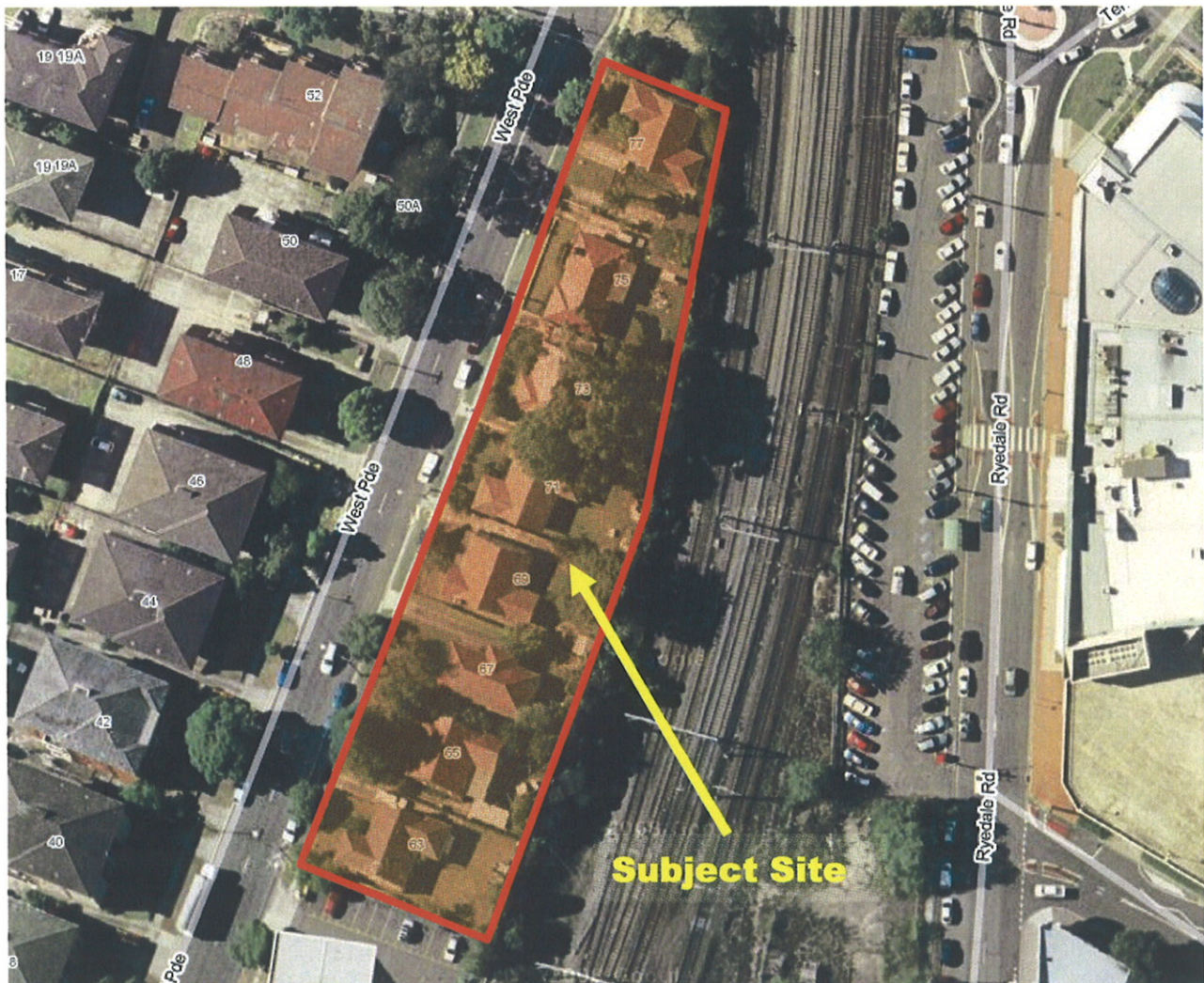


Figure 3. Site Plan (note the existing dwellings have been demolished) [Base photo source: Google Maps]

In 2008, the former Minister for Planning approved a Major Project for a large mixed use residential, commercial and retail development (known as the 'CRI' development) on Ryedale Road to the east of the site (on the opposite side of the railway). This approval comprises 4 separate buildings, ranging in height from 7 storeys at the northern end of the site stepping up to 12 storeys at the southern end of the site in the vicinity of the Town Centre.

The site and its surrounds can be seen in the photos below.

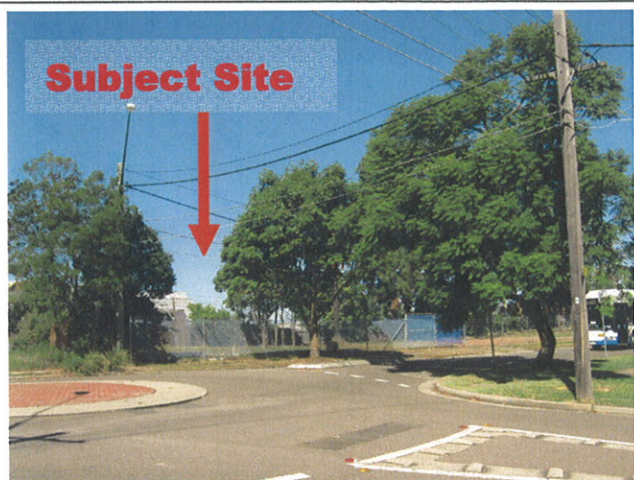


Photo 1. The northern end of the site (facing south from Miriam Road)



Photo 2. Low density detached dwellings to the north of the site

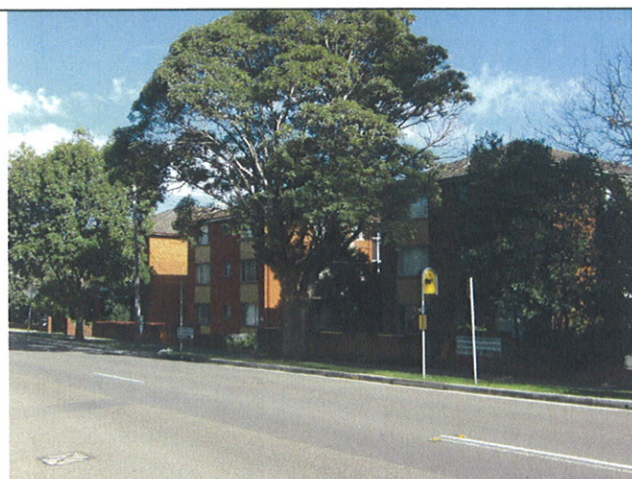


Photo 3. 3 storey flat buildings opposite

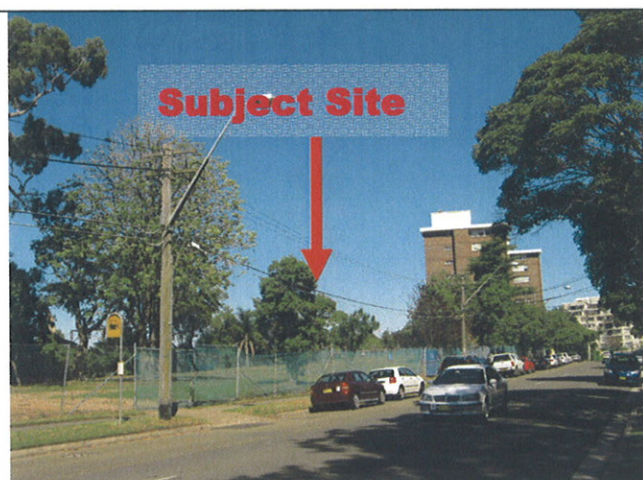


Photo 4. 2 x 9 storey residential buildings to the south (facing south along West Parade)



Photo 5. West Ryde Urban Village/Transport Interchange Precinct to the south

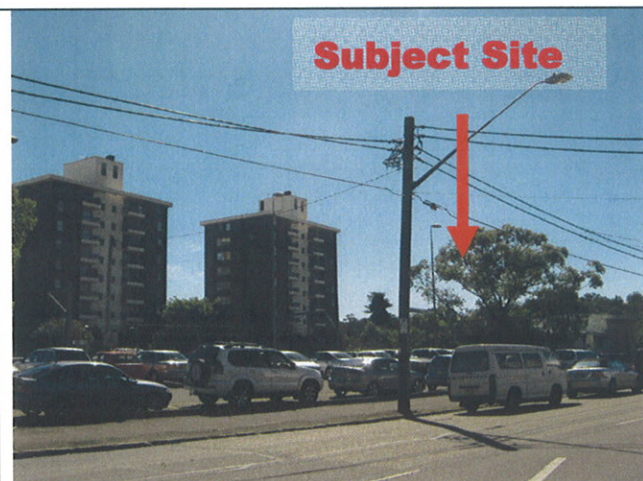


Photo 6. 2 x 9 storey residential buildings to the south (when viewed from Ryedale Road – subject site to right of buildings)

3. STRATEGIC CONTEXT

3.1 NSW STATE PLAN

The NSW State Plan aims to achieve improved urban environments and ensure sustainable development through reductions in greenhouse gas emissions and development in close proximity to existing centres, services and transport.

The proposed development is located in close proximity to West Ryde Village and is in close proximity to existing commercial, retail, community services and transport infrastructure.

3.2 SYDNEY METROPOLITAN STRATEGY "CITY OF CITIES"

The Sydney Metropolitan Strategy, developed to support the continuing economic growth of Sydney and enhance its standing as a global city, places the Ryde Council area in the Inner North Subregion. The proposal will assist in contributing to several of the Metropolitan Strategy's targets by providing additional housing through urban renewal/consolidation while maximising use of existing infrastructure. A full strategic justification of the proposal is discussed in **Section 7** of this Report.

3.3 DRAFT INNER NORTH SUB-REGIONAL STRATEGY

The Draft Inner North Sub-regional Strategy designates West Ryde as a "village". The Strategy sets a specific housing and jobs target for Ryde LGA of 12,000 dwellings and 21,000 jobs by 2031.

The proposal is considered to be consistent with the Draft Inner North Sub-regional Strategy in terms of making a positive contribution to the housing and job targets in the sub-region by 2031.

The proposed mixed use development will contribute to the supply and mix of housing that meets demand, helping to achieve the target of 640,000 new homes in the Greater Sydney Metropolitan Region.

It is also considered that the redevelopment of the site will help achieve urban consolidation in close proximity to existing public transport infrastructure whilst maximising use of existing infrastructure in line with the Metropolitan Strategy.

4. PROPOSED DEVELOPMENT

4.1 THE PROPOSED DEVELOPMENT (EXHIBITION EA & PPR)

4.1.1 Environmental Assessment (as exhibited)

The proposal as described in the Environmental Assessment sought approval for the following:

- 142 residential units (social/private), commercial office, retail, and ground level and basement parking;
- Indicative building envelopes for 4 buildings over a podium and basement level, with heights ranging from 5 to 12 storeys (including podium level); and,
- Total GFA of 12,037m².

4.1.2 Preferred Project Report (PPR)

Following exhibition of the EA, the Department advised the Proponent of a number of issues relating to the EA.

The main issues related to the height of the proposal, streetscape/public domain, setbacks and treatment of the northern elevation. In addition, the Department requested a detailed justification to support the request that all Section 94 Contributions be waived for the social components of the proposal.

The Proponent's PPR seeks approval for the following:

- 138 residential units (12,459m²) as a mix of social/private, commercial office (619m²) for Housing NSW, retail (71m²), and ground level and basement parking;
- Indicative building envelopes for 3 buildings over part 1/part 2 basement levels, with heights ranging from 5 to 12 storeys; and,
- Total GFA of 13,149m².

Table 1. Dwelling Mix (PPR)

Building	Tenure Mix	Storeys	GFA m ²	Dwelling numbers	Dwelling mix (3/2/1 bedrooms)
A	Private	6/12	7,554	77 (56%)	11/39/27
B	Social	8	2,617	32 (23%)	-/19/13
C	Social	5	2,288	29 (21%)	-/16/13
Total	-	-	12,459	138 (100%)	11/74/53

Table 2. Comparison Compliance Table (EA & PPR)

Ryde Planning Scheme Ordinance (RPSO)				
	Exhibited EA	PPR	Council's Controls	Compliance
FSR	3.2:1	3.5:1	0.75:1	NO
Density*	3,745.5m ² /	3,745.5m ² /	12,820m ² /	NO
Landscaped Area*	1,360m ²	867m ²	5,220m ²	NO
Minimum allotment size/ frontage	3,745.5m ² /	3,745.5m ² /	824m ² /	YES
	136.16m	136.16m	24m	YES
Parking	117	105	198	NO
Draft Local Environmental Plan 2008 (DLEP) (Status: Section 69 stage nearing gazettal by the Minister)				
FSR	3.2:1	3.5:1	N/A**	N/A**
Height	36.6m to top of roof slab (12 storeys)	36m to top of roof slab (12 storeys)	11.5m	NO
Density*	3,745.5m ² (Site area)	3,745.5m ² (Site area)	12,820m ² (required site area)	NO

* Based on a set m² for each dwelling.

** FSR of 0.75:1 only applicable to shop-top housing.



Figure 4. Comparison between perspectives of EA (above) and PPR (below) [Base image source: EA & PPR]

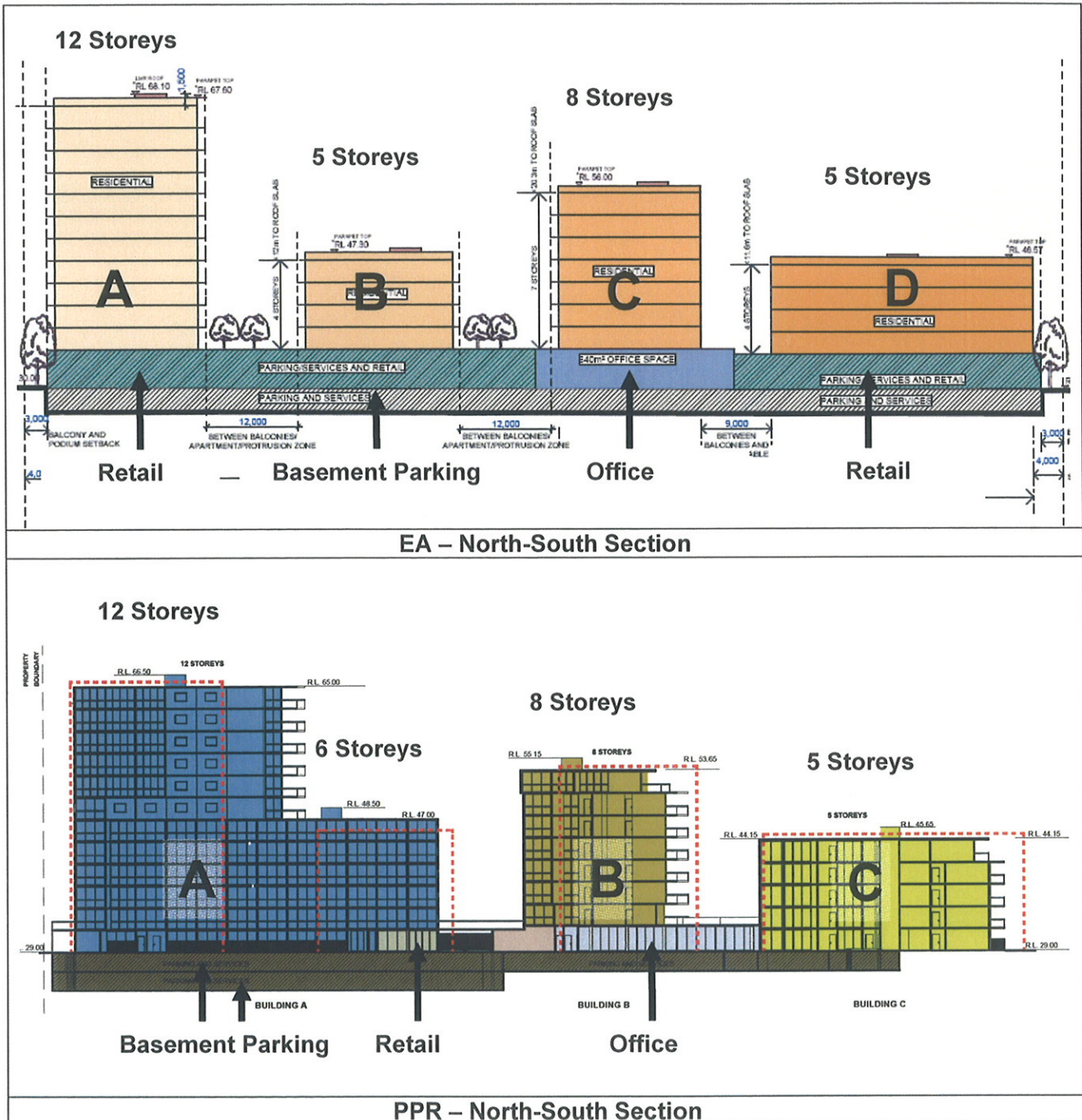


Figure 5. Comparison between North-South Section of EA and PPR [Base image source: EA & PPR)

Excavation

Excavation for 2 levels of basement carparking beneath Building A and 1 level of basement carparking beneath Building B and part of Building C.

Buildings

The construction of a residential, commercial and ancillary retail development which includes:

- A part 6/part 12 storey residential building with ancillary retail on the ground floor at the southern end of the site (Building A – private housing);
- An 8 storey residential building with commercial on the ground floor (Building B – social housing);
- A 5 storey residential building at the northern end of the site (Building C - social housing); and,
- Ground level and basement carparking for 105 vehicles.

ESD

The Proponent is proposing to construct an energy efficient development, having regard to the principles of *"Environmental Sustainability in Housing NSW: 2008/09-2013/14"* and *"Housing Performance Standards"* (July 2008) publications prepared by Housing NSW.

Staging

The development is proposed to be undertaken in 2 stages following approval of the Concept Plan application. Details of staging are as follows:

Stage 1

- Stratum Subdivision of the site into 2 Lots.
- Construction of Building B and Building C (social housing, retail and Housing NSW offices).

Stage 2

- Construction of Building A (private housing).

4.2 KEY CHANGES BETWEEN THE EXHIBITED EA AND PPR

The changes from the original submission to the PPR are:

- Reconfiguration of building envelopes/footprints (and amalgamation of Building envelopes A and B) resulting in 3 separate buildings ranging from 5 to 12 storeys in height;
- Reduction in number of units by 4 (from 142 to 138);
- Increased GFA by 1,112m² (from 12,037m² to 13,149m²) due to the amalgamation of Building envelopes A and B;
- Increased northern setbacks;
- Varied/increased front setbacks;
- Additional level of basement parking under part of the site;
- Deletion of the continuous podium occupying the full width of the site;
- Reduction in height of Building A by approximately 600mm;
- Reduction of ground floor retail area by 329m² (from 400m² to 71m²);
- Reduction of ground floor commercial area by 21m² (from 640m² to 619m²);
- Reduction in the number of car parking spaces by 12 (from 117 to 105);
- Deletion of the second carpark entry point; and,
- Inclusion of tree removal.

The EA, as amended by the PPR forms the basis of the assessment of this report.

5. STATUTORY CONTEXT

5.1 PERMISSIBILITY

The site is zoned "Residential 2(c5)" under the Ryde Planning Scheme Ordinance (RPSO). The proposed residential use is permissible within this zone, however the proposed retail and commercial uses are prohibited (Figure 6).

The southern boundary of the site adjoins the "Business Urban 3(uv)" zone under the RPSO and the "Transport Interchange Precinct" under the Ryde LEP No. 110 (Figure 6).

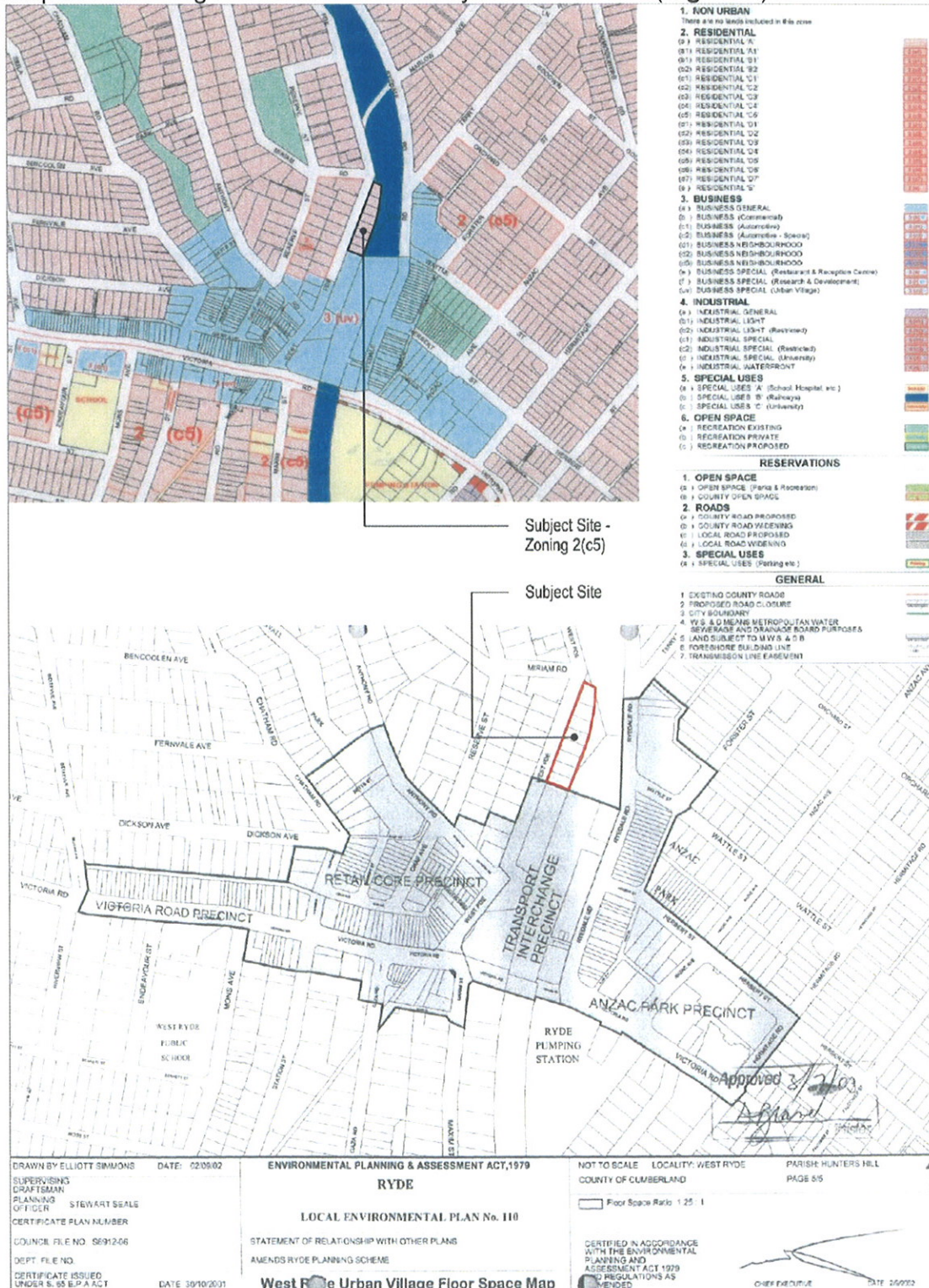


Figure 6. Current Zoning ("Residential 2(c5)") under the RPSO 1979 Below: Proximity of site to the Transport Interchange Precinct and Main Retail Core [Base Image Source: EA]

The Draft Ryde Local Environmental Plan (LEP) 2010 is currently at section 69 stage and is nearing gazettal by the Minister. The site is zoned "R4 - High Density Residential" under the Draft Ryde LEP 2010. The proposed uses are permissible within this zone (**Figure 7**).

The southern boundary of the site immediately adjoins the "B4 - Mixed Use" zone under the Draft Ryde LEP 2010 (**Figure 7**). The "B4" zone comprises the main West Ryde Town Centre.

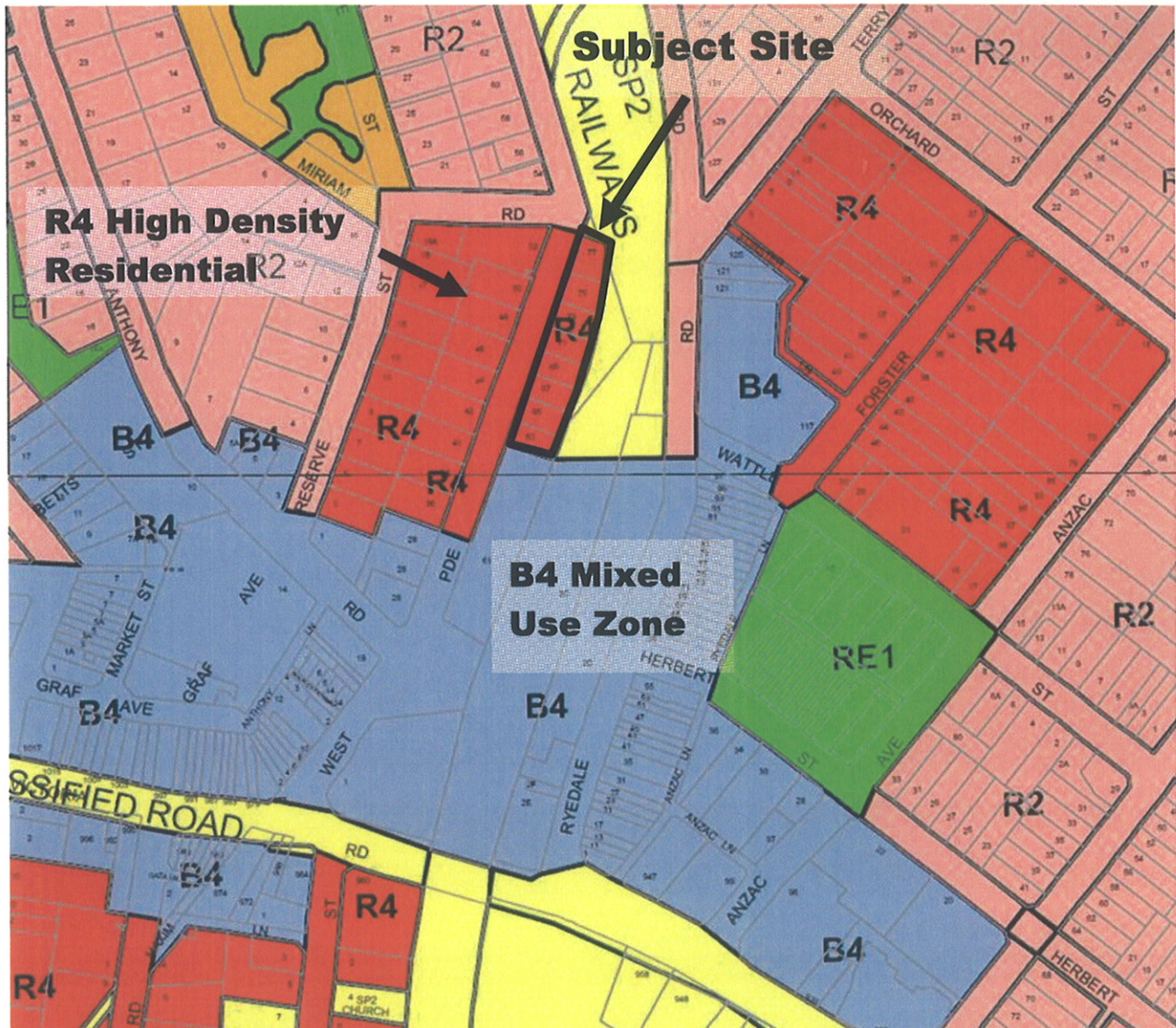


Figure 7. Proposed zoning ("R4 - High Density Residential") under the Draft Ryde Local Environmental Plan (LEP) 2010

5.2 DIRECTOR GENERAL'S ENVIRONMENTAL ASSESSMENT REQUIREMENTS

On the 4 May 2009, the Director General's Environmental Assessment Requirements (DGRs) were issued pursuant to Section 75F of the *Environmental Planning and Assessment Act 1979*. The DGRs require the following key issues to be addressed; Built Form; Urban Design/Public Domain; Staging; Environmental and Residential Amenity; Transport and Accessibility (Construction and Operational); Noise and Vibration; Groundwater; ESD; Drainage; Contributions; Utilities; and Consultation.

The DGRs have been addressed in the submitted EA which was deemed to be adequate for public exhibition. The DGRs are contained in **Appendix B**.

5.3 EXHIBITION AND NOTIFICATION

Under Section 75H of the Act, the Director General is required to make the EA of a project publicly available for at least 30 days, and the EA was exhibited between 2 September 2009 and 2 October 2009 in accordance with statutory requirements pursuant to Section 75H(3) of the EP&A Act.

During the assessment process, the Department made a number of documents available on the Department's website. These documents included the:

- Concept Plan application;
- Director General's Environmental Assessment Requirements;
- Environmental Assessment; and,
- Response to issues raised in submissions (the Preferred Project Report).

5.4 OTHER STATUTORY CONSIDERATIONS

Appendix A contains further consideration of the following Statutory Considerations:

- Objects of the Act;
- Statement of Compliance;
- Ecologically Sustainable Development; and,
- Environmental Planning Instruments (EPIs) which apply to the proposal.

6. CONSULTATION AND ISSUES RAISED

6.1 PUBLIC EXHIBITION OF THE ENVIRONMENTAL ASSESSMENT

The Department exhibited the EA by public notification and by sending letters to adjoining landowners and occupiers, government agencies and Ryde Council.

The Department received a total of 18 submissions, including 4 submissions from Government Agencies and a submission from Ryde Council, and 13 public submissions.

The issues raised are summarised below.

A summary of all submissions received can be found in **Appendix F**.

The Proponent responded to these submissions in the PPR received by the Department on 23 February 2010 (**Appendix D**).

Ryde Council submitted a further submission in response to the PPR, which has been summarised in **Appendix F**.

6.2 SUBMISSIONS FROM PUBLIC AUTHORITIES

Ryde Council

The Council considered a report relating to the EA at its Meeting held on 6 October 2009 and resolved to make a submission to the Department.

Council's submission raised the following issues:

- Mix of landuses, particularly the excessive amount of non-residential floorspace proposed at ground floor level.
- Non-compliances with development standards and controls (eg. height, FSR, density, parking, landscaping, setbacks) contained within the Ryde Planning Scheme Ordinance, draft Ryde LEP 2010, Ryde DCP 2006 and draft Ryde DCP 2008;
- Notwithstanding Council's height controls, a maximum height of 10 storeys may be supported in principle subject to a thorough urban design analysis;
- Transition from higher to lower building heights should be implemented across the site;
- Concerns with podium level being inappropriate for its residential setting, and visually dominant in the streetscape;
- Upgrades to public domain required as per current DCP requirements for the town centre;
- The request to waive Section 94 Contributions is not supported, as the only public benefit proposed is the provision of social housing; and,
- Buildings should be designed with a minimum rating of 4 stars equivalent to the industry accepted Green Star Multi Residential Pilot Tool.

Department Comment

The Department notes the comments raised by Council, in particular, the need for building envelopes to demonstrate a suitable transition of building bulk between the higher densities of the West Ryde Urban Village to the south, and the lower densities to the north. It is considered that the proposal as amended by the PPR has addressed this issue, and the Department's recommended modifications to the Concept Plan will further improve this transition.

The PPR has addressed concerns regarding the podium and non-residential floorspace at ground floor level and provided additional justification to support the request to reduce Section 94 Contributions.

A number of recommendations made by Council have been included as modifications to the PPR and as future assessment requirements attached to the Instrument of Approval.

A full summary of Council's submission and the Department's response is included in **Appendix F**.

NSW Office of Water (NOW)

The NSW Office of Water raised no objection to the proposal subject to the imposition of a condition relating to groundwater.

Department Comment

The Department notes the comments raised by NOW and considers that the recommended condition can be imposed on subsequent Development Applications.

Roads and Traffic Authority (RTA)

The Roads and Traffic Authority raised no objection to the proposal however made the following comments/conditions:

- Additional signalised pedestrian crossing required at the intersection between Anthony Road and West Parade approximately 110 metres south of the subject site;
- Relocation of bus stop may be required due to location of northern vehicular access;
- Loading dock should be provided within the development, and all vehicles to exit the site in a forward direction;
- Parking to be designed to the relevant Australian Standard;
- Travel Access Guide/Green Travel Plan should be prepared for subsequent Development Applications; and,
- Traffic Management Plan should be provided for subsequent Development Applications.

Department Comment

The Department notes the comments raised by the RTA, which have generally been addressed in the PPR and are also addressed as future assessment requirements for future Development Applications.

NSW Transport & Infrastructure (NSWTI)

NSWTI raised no objection to the proposal subject to the imposition of relevant conditions relating to the preparation of a Work Place Travel Plan, Travel Access guide, minimalist approach to carparking being adopted, and measures to be put in place to minimise construction impacts on public transport users, cyclists and pedestrians.

Department Comment

The Department notes the comments raised by NSWITI and considers that these conditions can be imposed on subsequent Development Applications.

Railcorp

Railcorp raised no objection to the proposal subject to the imposition of relevant conditions.

Department Comment

The Department notes that the comments raised by Railcorp are focussed on construction impacts on Railcorp's infrastructure. Conditions recommended by Railcorp can be imposed on subsequent Development Applications.

Preferred Project Report (PPR)

Ryde Council provided a submission to the PPR and stated that previous comments made continue to apply. Council also made the following additional comments:

- The upper 2 levels of Building B should be set back from the main building line along West Parade;

- The upper 2 levels of the northern section of Building C should be set back from the main building line along West Parade and the northern edge of the building;
- Large area of blank walling of Buildings B and C facing West Parade is not acceptable;
- The proposal should include public domain upgrades as per the Town Centre DCP; and,
- Council does not agree with justifications provided by the Proponent for waiving Section 94 Contributions. Council should be provided with an opportunity to calculate Section 94 Contributions should the Minister grant approval to the application.

Department Comment

The Department notes the additional comments raised by Council, and considers it appropriate to impose modifications on the Concept Plan regarding upper floor setbacks of Buildings A and B.

The large area of blank wall of Buildings B and C and public domain upgrades can be addressed with any future Development Application and has been included as a future assessment requirement attached to the Instrument of Approval.

Section 94 Contributions will be levied for future Development Applications in accordance with Council's Section 94 Development Contributions Plan 2007 taking into account public benefit (social housing) and any proposed works-in-kind. In this regard, the Proponent has indicated a willingness to provide contributions for the private housing and retail elements of the proposal, with possible offsets for off site infrastructure works.

Detailed calculations/assessment will be made at future Development Application stage in consultation with Council.

A full summary of Council's submission to the PPR and the Department's response is included in **Appendix F**.

6.3 PUBLIC SUBMISSIONS

Exhibition of EA

The public submissions raised a number of issues including traffic, height, parking and increased noise. A summary table of all submissions received can be found in **Appendix F**.

7. ASSESSMENT OF ENVIRONMENTAL IMPACTS

In addition to the Environmental Planning Instruments and planning policies addressed in **Appendix A**, the key issues considered in the Department's assessment includes:

- Suitability of the site for a higher density proposal;
- Built Form;
- Overshadowing/Residential Amenity;
- Traffic Generation/Vehicular Access;
- Parking; and,
- Section 94 Contributions.

7.1 SUITABILITY OF THE SITE FOR A HIGHER DENSITY PROPOSAL

The site is situated in a highly accessible location, in close proximity to a range of public transport options, shops and services. The site is also located on the fringe of West Ryde Urban Village, which permits a greater diversity of land uses and increased heights (**Figure 8a and Figure 8b**).

The Department's support for accepting increased density and heights on this site is based on:

- accessibility of the site - close proximity to train, bus and taxi services;
- location of the site - close proximity to shops, services and employment opportunities;
- relationship of the site with surrounding built form (both existing and approved);
- capacity of the site to accommodate larger scale development; and,
- anticipated outcomes from the implementation of the draft LEP height controls in the adjacent West Ryde Urban Village.

Location

The site is located less than 200 metres from the West Ryde Transport Interchange Precinct, which comprises the following:

- West Ryde Railway Station, for services to the City and Newcastle (via Epping) with connections to the North Shore Line;
- Bus Station for services to the City, Parramatta, Eastwood and Chatswood; and,
- Taxi Stand.

The site also benefits from easy access to a number of villages, Town Centres, and Specialised Centres, in the local region.

West Ryde Urban Village provides local services such as a supermarket, small retail and food outlets, and some commercial floorspace. Ryde and Eastwood "Town Centres" offer a greater variety of services and facilities, approximately 2km from the site. Rhodes and Macquarie Park, both "Specialised Centres" comprising retail and office space, are located approximately 2.5km to the south and approximately 4.5km to the north west of the site respectively.

The Department considers that the site is suitable for the proposed development, given its location and high level of accessibility.

Surrounding Development

Surrounding development comprises a diverse mix of building typologies, ranging from 9 storey residential apartment buildings and 7 storey mixed use buildings to single storey detached dwelling houses. The site is located on the fringe of the West Ryde Urban Village.

The approved 'CRI' development on the western side of the railway has demonstrated a clear transition of building bulk and scale (12 to 7 storeys) from the higher densities of the south to the lower densities of the north (**Figure 8a and Figure 8b**).

The Department is supportive of increased heights in principle, given the existing and approved built form in the surrounding area, proposed height regime of the adjacent West Ryde Urban Village under the draft LEP and subject to a transition of building bulk within the site. The maximum heights proposed in the Concept Plan application are discussed in detail in **Section 7.2** of this report.



Figure 8. Approved 'CRI' development on Ryedale Road - north west aspect (left) and approximately location of Building A (right) [Base Image Source: Cox Richardson on behalf of CRI West Ryde Pty Ltd]

Transition of Built Form

Transition from West Ryde Urban Village to Low Density Residential

The site is situated midway between the higher densities and mixed use zoned land located within the West Ryde Urban Village to the south and east, and the medium and lower density residential buildings opposite and to the north.

The boundary between the "Business Urban 3(uv)" zone and the "Residential 2(c5)" zones under the RPSO is located along the southern boundary of the site (refer **Figure 6** above). The boundary between the "B4 - Mixed Use" zone and the "R4 - High Density Residential" zone under the Draft Ryde LEP 2010 is also located along the southern boundary of the site (refer **Figure 7** above). Both adjoining business zones (existing and draft) allow for greater heights and densities than the existing and proposed residential zones applying to the subject site.

The Department considers that any new built form should result in a general transition of building bulk and height from south to north. This approach is supported by Council.

Transition within site

The Department considers that the PPR provides a better transition of height, bulk and scale from south to north within the site, particularly with the deletion of the podium level and general re-arrangement of building envelopes. However the 8 storey height of Building B is considered to interrupt this transition. The Department is recommending modifications to building setbacks at upper levels to address this issue.

7.2 BUILT FORM

Height

Proposal's Compliance with Local Planning Controls

There is no height control prescribed under the RPSO. The Ryde Development Control Plan (DCP) 2006 permits a maximum building height of 3 storeys, or 11 metres. The Proponent is proposing building heights ranging from 12 storeys (36 metres) at the southern end of the site, stepping down to 5 storeys (15.15 metres) at the northern end of the site, which is greater than that permitted under the DCP 2006.

The draft Ryde LEP 2010 permits a maximum building height of 11.5 metres. The proposal comprises building heights of 15 metres to 36 metres being greater than that permitted under the draft LEP 2010. However, it should be noted that under the draft LEP, the West Ryde Urban Village/Transport Interchange Precinct immediately adjacent to the site to the south will be zoned "B4 - Mixed Use", and permit a maximum height of 33.5 metres (approximately 11 storeys depending on floor to ceiling heights) (Figure 10).

The draft Ryde DCP 2008 permits a maximum building height of 3 storeys. The proposal has a maximum height greater than that permitted under the draft DCP 2008.

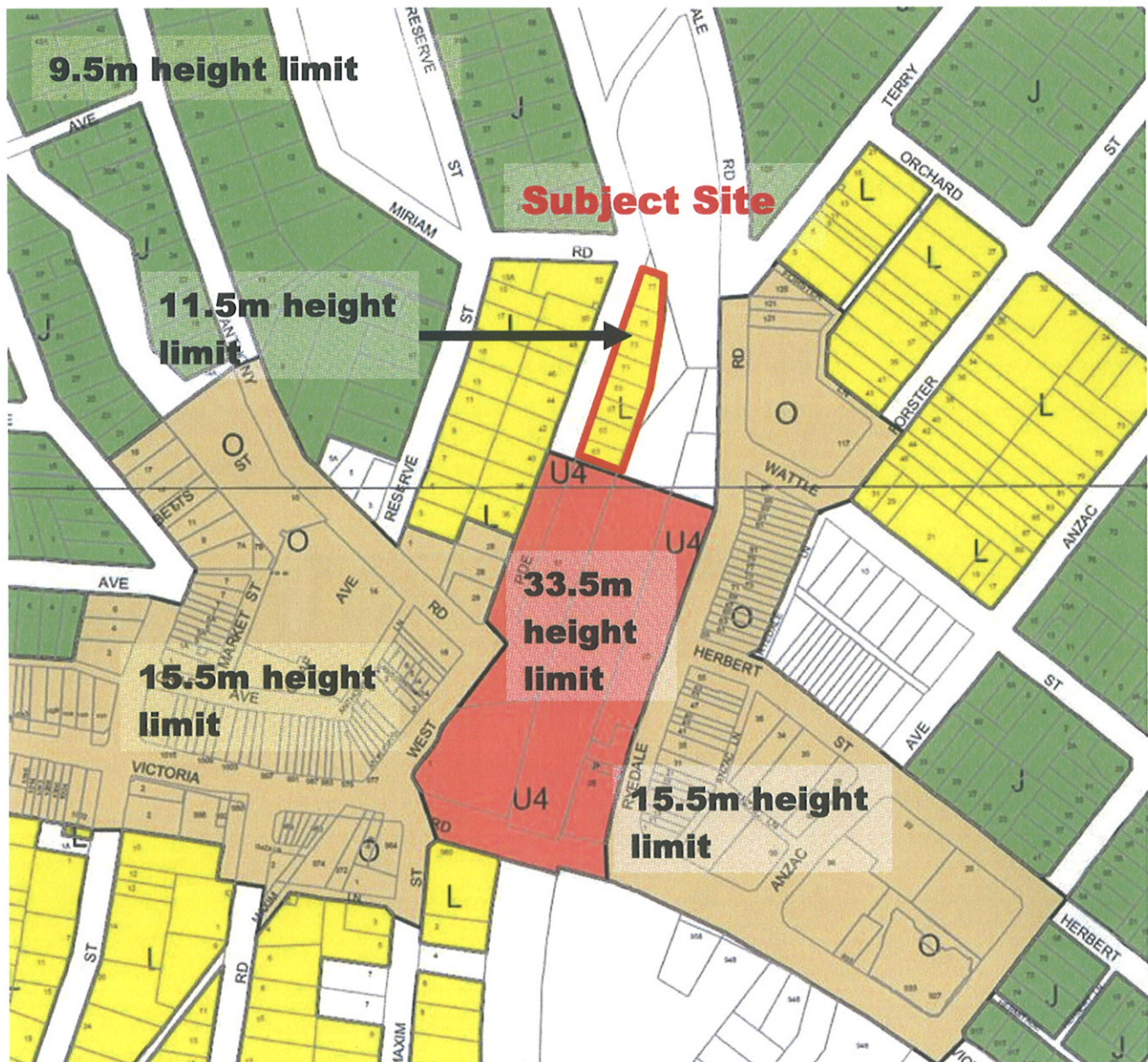


Figure 9. Proposed heights under the Draft Ryde Local Environmental Plan (LEP) 2010

Proponent's Justification for Height Variation

The Proponent has provided a justification for the additional height based on the following outcomes;

- Proposed heights are broadly consistent with the objectives for the heights of buildings contained within the draft Ryde LEP 2010;
- Proposed heights do not have any significant adverse impacts on adjoining properties; and,
- Proposed heights will create a desirable transition between the higher densities of the south with the lower densities of the north.

Department's Consideration of Non-Compliance with Height Controls

The site has been recognised as being located within an area on the fringe of the West Ryde Urban Village and as such, is identified as a "R4 - High Density Residential" zone under the DLEP 2010.

The Department is supportive of increased building heights and development intensity in this location, particularly given the site's close proximity to a range of public transport options. Building heights exceeding those permitted under the Ryde DCP 2006, Ryde DCP 2008 and Ryde DLEP 2010 could be supported provided that a suitable transition of building bulk occurs between the higher densities of the West Ryde Urban Village/Transport Interchange Precinct to the south and the lower residential densities of the north. This general position is also supported in principle by Ryde Council. It is not expected that the proposal will set a precedent for other sites outside the West Ryde Urban Village given the lack of further opportunities for developments of this nature.

The PPR has made considerable improvements to the built form by deleting the podium, consolidating former Buildings A and B into one stepped building envelope (Building A), and increasing building articulation and design quality along West Parade. However, the Department considers that the proposed building envelopes require further refinement to address concerns relating to the transition of bulk across the site. In this regard, it is recommended to increase setbacks of Buildings A and B to West Parade to provide further articulation of the buildings and reduce bulk and scale.

The PPR proposes a maximum building height of 12 storeys, which is considered to relate well to the immediate context of the 2 x 9 storey residential buildings to the south and the approved 'CRI' development on the opposite side of the railway. However, it should be noted that the proposed 12 storey building exceeds the draft height limit of the adjoining "B4 - Mixed Use" zone to the south by approximately 2.5 metres. It is argued that deleting 1 storey from Building A to comply with draft numerical controls of the adjoining zone would have little effect on the perceived height, bulk and scale of the building when viewed from West Parade. The proposal is considered to relate well to the intended future character of the Transport Interchange Precinct adjacent to the south and incorporates a suitable transition of building height and bulk within the site.

Further, the Department considers that the massing of the proposed building envelopes, in particular Building A, would satisfactorily integrate into the surrounding built form (both existing and approved) when viewed from both Victoria Road approaching West Ryde Village from the southeast, and also from Terry Road approaching West Ryde Village from the northeast as detailed in the two photomontages provided as part of the PPR (**Figure 10 & 11**).

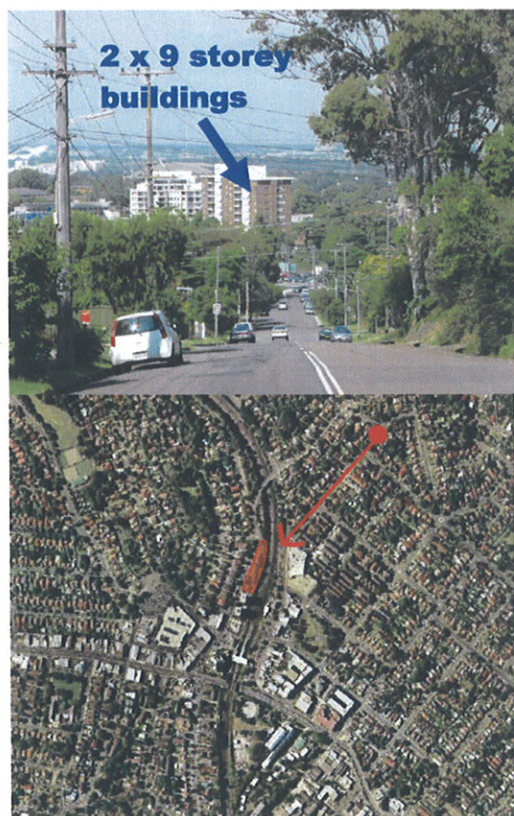


Figure 10. Photomontage (left) compared to existing situation (top right) when viewed from Terry Road (bottom right) [Base Image Source: PPR]

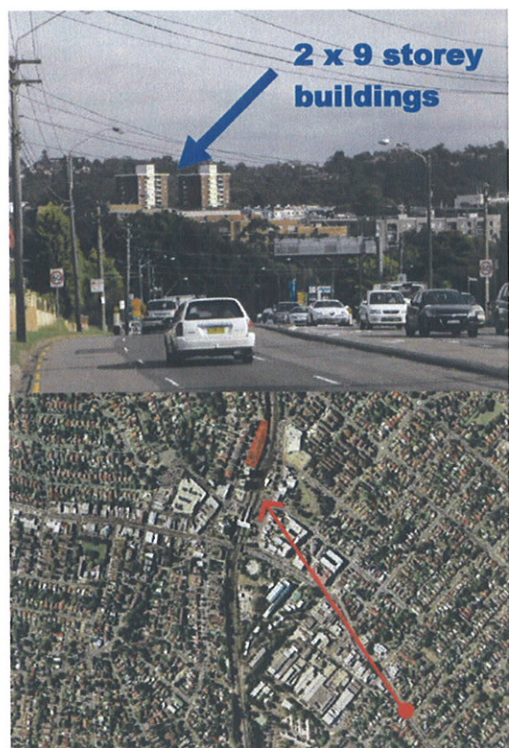
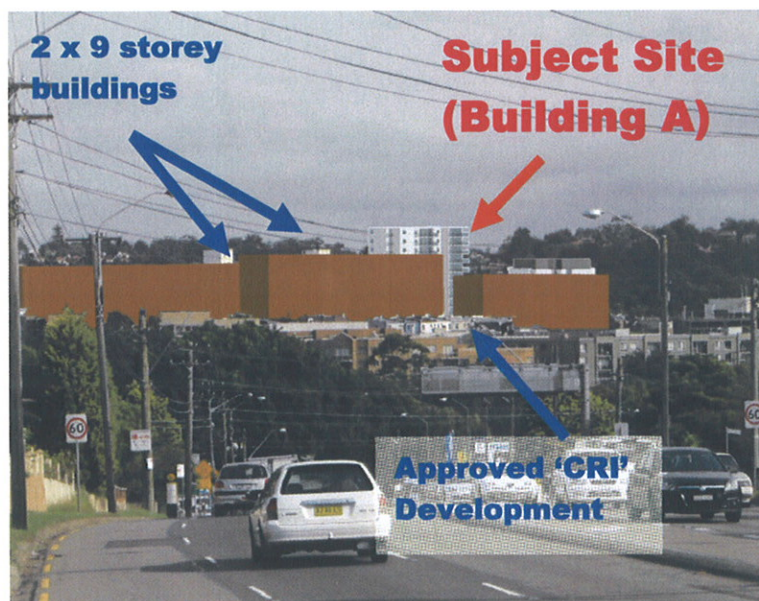


Figure 11. Photomontage (left) compared to existing situation (top right) when viewed from Victoria Road (bottom right) [Base Image Source: PPR]

Setbacks

The site is situated in an area comprising established residential apartment buildings and dwelling houses on the fringe of the West Ryde Urban Village. The 3 storey residential apartment buildings opposite and the 2 x 9 storey residential buildings to the south of the site have generous front setbacks which contribute to the character of the area (**Photo 7**). Buildings situated in the West Ryde Urban Village adjacent comprise more varied setbacks in response to a more urban environment.



Photo 7. 3 storey residential apartment buildings opposite with substantial front setbacks

Proposal's Compliance with Local Planning Controls

The proposal does not comply with the Ryde DCP 2006 or the draft Ryde DCP 2008 in terms of front, side or rear setbacks. See **Table 3** below. A detailed summary of setbacks has been provided at **Appendix G**:

Table 3. Comparison between proposed setbacks and development standard

Ryde Development Control Plan (DCP) 2006 Draft Ryde Development Control Plan (DDCP) 2008			
	Proposed (PPR)	Permitted (5-8+ storeys)	Compliance
Front	2m-5.93m	14m-18.5m	NO
Side	1m-8m	9m-13.5m	NO
Rear	1m-4.05m	9m-13.5m	NO

Proposal's Compliance with SEPP 65 – Building Separation Controls

The proposal demonstrates general compliance with the intent of SEPP 65 and the associated building separation rules of thumb, with the main exception relating to the separation between Level 8-9 of Building A and the 9 storey residential apartment building immediately adjacent (Levels 10-12 are higher than the adjacent building). The Department is satisfied that the future Development Applications can be designed to comply with SEPP 65 in respect of building separation controls.

Proponent's Justification for Setback Variations

The Proponent has acknowledged that front, side and rear setbacks do not comply with Council's DCP, but has stated that setbacks are considered appropriate in order to be able to meet the aims of the state and local planning policy regarding the provision of social housing, and increasing densities in close proximity to public transport, services and employment.

The Proponent has provided additional justification in the PPR for the reduced front and north side setbacks based on the following outcomes;

- The subsequent Development Applications will comply with SEPP 65 and the Residential Flat Design Code objectives and design controls for setbacks and building separation;
- The introduction of varied setbacks at street level introduces opportunities for blending private open space with public open space; and,
- The setbacks will balance the perceived building bulk and provide a transition from the higher densities of the south with the lower densities of the north.

Department's Consideration of Non-Compliance with Setback Controls

Front Setbacks to West Parade

The Department acknowledges that front setbacks have been increased by up to 4 metres and northern side setbacks have been increased by up to 4 metres as part of the PPR. These revisions have improved the general presentation of the proposed building envelopes to both West Parade, and also to motorists/pedestrians approaching West Parade Village from the north. The articulation of these envelopes as a result of adjusting setbacks has had the desired effect of reducing bulk and scale.

Although the Proponent has provided additional front setbacks of up to 4 metres in the PPR, the Department is not satisfied that these proposed setbacks, in particular the upper levels of Buildings A and B meet the following objectives of the Residential Flat Design Code:

- *To establish the desired spatial proportions of the street and define the street edge; and,*
- *To retain or create a rhythm or pattern of development that positively defines the streetscape so that space is not just what is left over around the building form.*

The proposed building envelopes as amended by the PPR are not considered to adequately relate to West Parade, in particular, the setbacks of upper levels of Buildings A and B which do not allow the development to present a pedestrian scale to the street.

The Department considers that the street wall height and scale of Building A impacts on the pedestrian scale in West Parade. As such it is recommended that the proposed front setback of the upper 6 levels of Building A be increased by 2 metres from the front wall of the levels below. The Department considers that this additional setback would provide the following outcomes:

- Introduce a stronger relationship and more consistent building line between Buildings A and B and to West Parade;
- Improve the transition of building bulk within the site;
- Reduce the bulk and scale of the proposed envelope of Building A; and,
- Lessen the visual impact of the proposal when viewed from West Parade, ensuring a pedestrian scale to West Parade is maintained.

Building B is also considered to interrupt the general transition of height, bulk and scale as it is 2 storeys higher than the lower section of Building A, and 3 storeys higher than Building C. The Department considers that the 8 storey height of Building B could be supported provided that additional setbacks of 2 metres are introduced to the upper 2 levels, which would achieve the following outcomes:

- Improved relationship between Buildings A and C;
- Improved transition of building bulk/height across the site; and,
- Reduced impact of the proposal on West Parade.

The combination of the additional 2 metre setback to Buildings A and B will result in an improved urban form with a consistent 5-6 storey element across the site, with recessive tower elements setback to address bulk/scale issues, particularly when viewed from West Parade.

Overall, these increased setbacks would equate to a potential maximum loss of approximately 384m² of social residential and private residential GFA, allowing a total GFA of approximately 12,765m² and FSR of approximately 3.4:1 which is closer to that proposed in the EA (Figure 12 & Table 4).

Table 4. GFA/FSR Comparison table between EA, PPR and Department's recommended modifications to Concept Plan

	EA	PPR	Department's recommended Modifications (approximately)		Modified Total
GFA	12,037m ²	13,149m ²	1) 2m upper level setback to Building A 2) 2m upper level setback to Building B	-312m ² -72m ² -384m²	12,675m ²
FSR	3.2:1	3.5:1		-0.1:1	3.4:1

Side Setbacks

The south side setback is considered to be satisfactory, as the SEPP 65 minimum building separation distance has been achieved up to level 8. The upper levels can be designed to comply with the Residential Flat Design Code subject to window/balcony placement.

Whilst a small road reserve adjoins the site to the north, the PPR proposes an increased north side setback to address urban design concerns raised by the Department. This setback is now considered to be satisfactory.

Rear Setback

No objection is raised with the rear boundary setback as the rear boundary is shared with the railway. Railcorp has been consulted and raised no objection to the proposal subject to relevant conditions relating to the protection of Railcorp Infrastructure. These conditions can be imposed on subsequent Development Applications.

SEPP 65

It is considered that the proposed buildings generally meet the intent of the separation control guidelines in the Residential Flat Design Code of SEPP 65. Detailed design can be addressed at the future Development Application stage. The Department is satisfied that the objectives of the SEPP can be met subject to final floor layouts and the placement and orientation of windows and balconies to maintain visual and acoustic privacy and solar access between apartments.

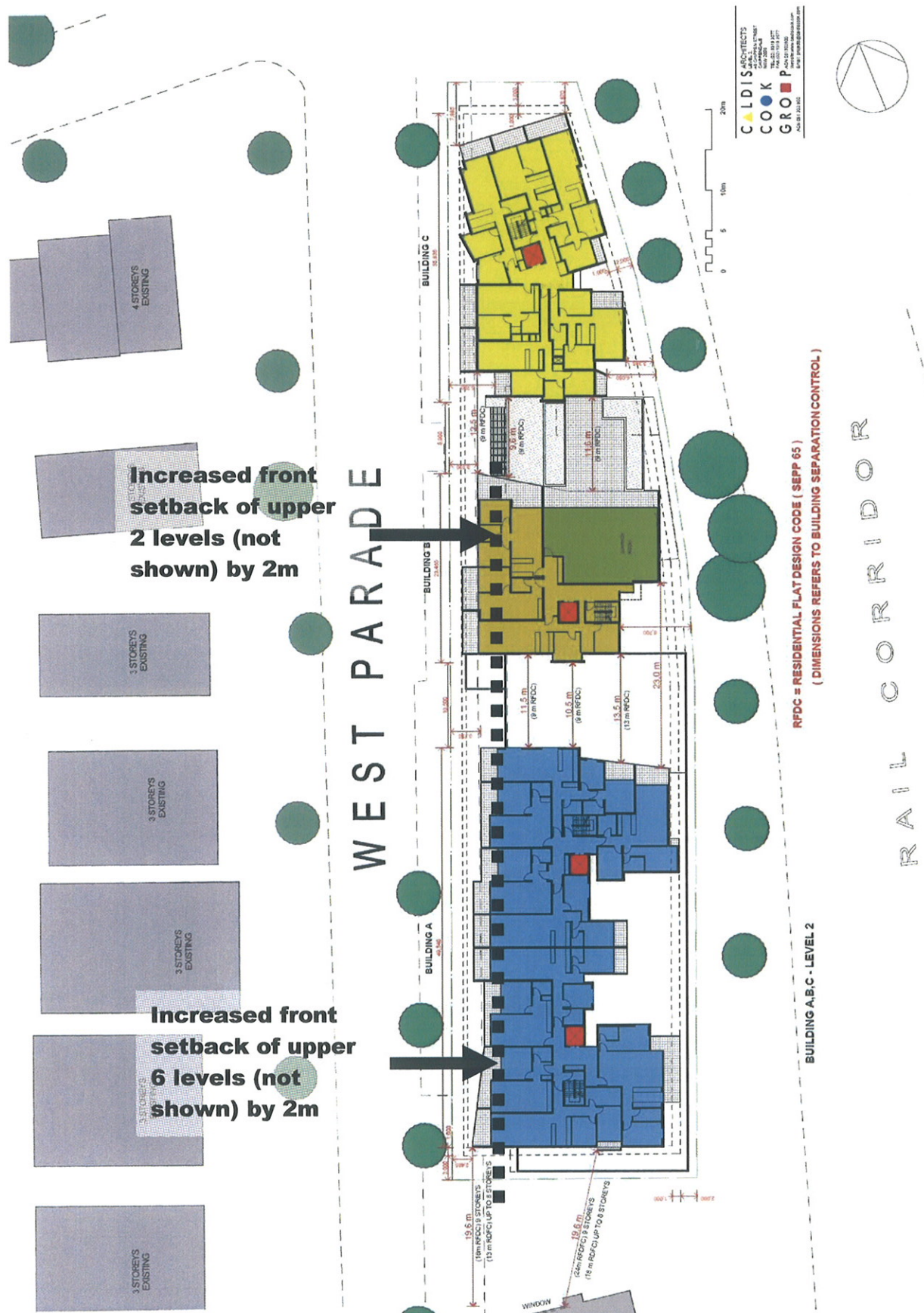


Figure 12. Separation distances between buildings, and proposed modifications [Base Image Source: PPR]

Council Comments

Council has provided comments in response to the PPR regarding setbacks and recommend that the top 2 storeys of Building B be setback from the main front wall to ensure a better relationship between the 6 storey element of Building A. Council has also recommended that the top 2 storeys of Building C be setback from the main front and side walls to provide a better relationship to the detached dwelling houses diagonally opposite.

The Department agrees that the 8 storey height of Building B (as proposed) interrupts the transition of building bulk across the site, however that 8 storeys could be supported provided that additional upper levels are setback. As discussed previously, the Department recommends that the PPR be modified by requiring an additional 2 metre front setback at the upper 2 levels of Building B.

The PPR has increased the northern setback of Building C by 4 metres and modified the building envelope to better address West Parade and the lower residential densities of the north. The Department is satisfied with this outcome and considers that Building C sits comfortably within its context, providing a pedestrian scale to the street.

7.3 OTHER MATTERS

Overshadowing/Residential Amenity

Overshadowing

Potential impacts from overshadowing are limited to the northern elevation of the 9 storey building immediately adjacent to the south, due to the orientation of the site and the location of the railway line to the rear of the site (**Photo 8**). The overall separation between proposed Building A and the adjacent residential apartment building is 15-19.6 metres

The majority of the northern elevation of this adjacent building, which contains a large window and smaller secondary (high level) window serving each habitable floor of only a portion of all units, would be variously overshadowed between the hours of 9am-12noon on 21 June. At 12 noon, a portion of the large northern window will receive direct sun, which would increase during the afternoon to the entire window receiving full sun by early afternoon. At 3pm on 21 June, all windows of this elevation will be in full sun. West facing windows/balconies of these apartments would be unaffected by shadows cast by the proposal from late morning.

The Department is satisfied that solar access to surrounding residential properties will not be unreasonably affected, particularly the occupants of the 9 storey building adjacent to the south, as the main living area/private open space of all units affected by the proposal would maintain a minimum of 3 hours of direct sunlight between 9am and 3pm in mid winter, as required by the Residential Flat Design Code. Further, the recommended modifications to the PPR to increase front setbacks will further lessen any overshadowing impact on surrounding residents.

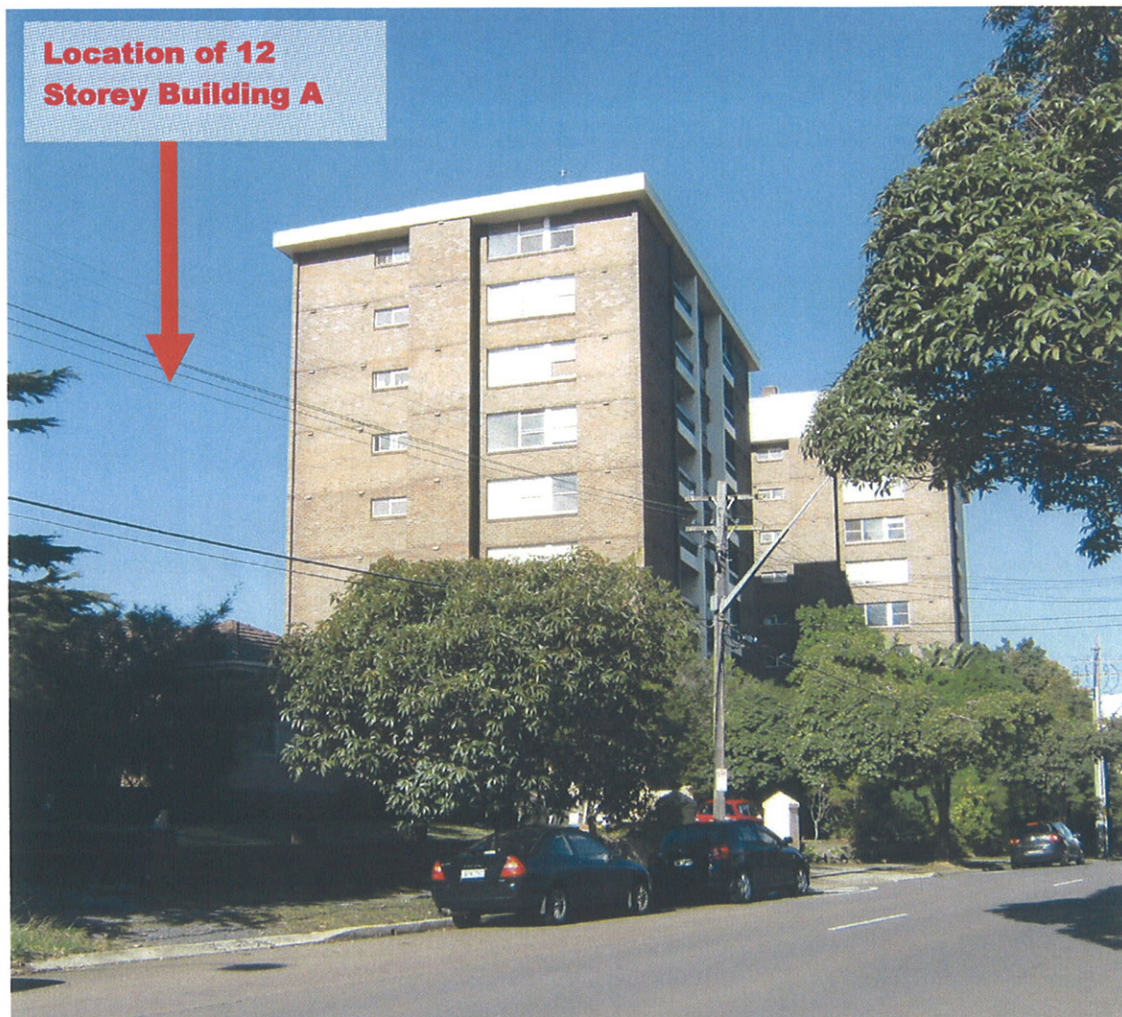


Photo 8. The northern elevation of 57-61 West Parade

Privacy

Visual privacy for surrounding occupiers is not considered to be unreasonably affected due to the orientation and location of the site. A small Council road reserve to the north, the railway line to the east and West Parade to the west all create buffers which minimise loss of privacy and outlook for surrounding residents.

The occupants of the adjacent apartment building to the south may lose some outlook to the north, however the orientation of this building, which sits at an angle to West Parade and comprises a 15-19.6 metre separation from Building A, will ensure any impact is minimised. Further, recommended modifications to the PPR such as increased front setbacks will improve this situation.

The Traffic and Railway Noise and Vibration Assessment submitted with the EA concluded that the proposal can comply with noise and vibration objectives with upgraded glazing and building structure vibration isolation.

The Proponent has demonstrated the proposal can be designed to comply with SEPP 65 in terms of building separation within the site and to adjoining residential buildings and will be assessed in greater detail in future Development Applications.

Traffic Generation/Vehicular Access

Arup Pty Ltd was engaged by the Proponent to examine the traffic impacts on the surrounding street network and submitted a Transport and Accessibility Report with the EA and supplementary report as part of the PPR. The revised report has addressed the concerns raised by the public, the Department and Government Agencies relating to carparking arrangements, intersection upgrade, service vehicle arrangements, impact of existing bus stop adjacent to the site and construction/operational requirements.

These reports concluded that traffic generated by the proposal can be accommodated on the existing road network with minimal impact.

The proposed access to the site has been reviewed in the PPR by reducing the number of driveways from 2 to a single access which is located mid-way along the West Parade frontage. This resolves concerns raised in the Arup Report submitted with the EA as it reduces the number of conflict points between vehicular and pedestrian traffic.

The Arup report notes that service vehicle access would be relatively infrequent and that the provision of a loading dock may not be necessary. It also states that should a loading dock be proposed, small rigid trucks (up to 8.8m long) could be accommodated on site.

Both the Arup Report and the RTA have indicated the need for an additional signalised pedestrian crossing to be installed on the northern leg of the intersection between Anthony Road and West Parade (approximately 110 metres south of the subject site), as a result of this development. These works will be considered in conjunction with Section 94 calculations at later Development Application stage.

The Department is satisfied that the issues raised have been adequately addressed in the PPR.

Parking

The PPR proposes 95 spaces on basement levels 1 & 2 and 10 spaces at grade, making up a total of 105 carparking spaces, which can be broken down as follows:

- 14 social housing spaces;
- 68 private housing spaces;
- 14 private housing visitor spaces; and
- 9 commercial spaces (Housing NSW).

The RPSO requires a minimum number of 194 off street carparking spaces. The DCP 2006 requires a minimum number of 185 spaces if the West Ryde Urban Village Precinct (adjacent to the south) rates are applied. A discount rate can then be applied to this figure for the social housing component. Council has stated in its submission that 138 spaces would be reasonable in this case (based on the EA) but have also stated that any shortfall would incur monetary payment as part of the Section 94 Contributions.

The Department considers that the provision of off-street carparking is consistent with the DGRs which require a minimalist approach to carparking be taken based on the accessibility of the site to public transport. This approach is supported by NSWTL.

Section 94 Contributions and Future Infrastructure

Council's Calculation of Section 94 Contributions

Council have stated in their response to the PPR that they do not agree with the additional justifications provided for waiving Section 94 Contributions and have indicated that the total contributions payable for the overall proposal (based on Council's Section 94 Development Contributions Plan 2007 including current CPI) is as follows:

Building A, B & C	\$1,847,096.19
Commercial	\$70,419.75
Retail	\$4,692.13
Car Space shortfall	\$113,235.29
	(7x\$16,176.47)
Credit for existing 8 detached dwellings	- \$144,038.49
<u>Total</u>	<u>\$1,891,404.87</u>

Proponent's Justification for Section 94 Contributions

The Proponent has requested that Section 94 Contributions be waived in respect of the social housing and commercial components of the proposal for the following reasons:

- Provision of social housing dwellings;
- Provision of open space to benefit residents and enhanced streetscape;
- Proposal will have minimal impact on local roads, traffic management and stormwater infrastructure;
- Housing NSW will remain a committed stakeholder for the life of the building; and,
- The Minister has previously waived Section 94 Contributions for other Housing NSW developments on the basis of the provision of substantial public benefit.

The Proponent has indicated that they would **not** object to Section 94 Contributions being levied for the private component of the proposal (Building A) and retail unit, resulting in a Section 94 Contribution (excluding current CPI) as follows:

Building A only	\$765,098.91
Commercial	\$Nil
Retail	\$4,352.30
Car Space shortfall	\$Nil
Credit for existing 8 detached dwellings	- \$96,459.17
<u>Subtotal</u>	<u>\$672,992.04</u>

Off-site infrastructure works (to be considered as works-in-kind)	\$270,000.00 (approximately)
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<u>Total</u>	<u>\$403,000.00 (approximately)</u>
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In addition, the Proponent provided a preliminary schedule of proposed infrastructure works to be taken into consideration with the Department's request to vary the Section 94 Contributions, including:

- Undergrounding of powerlines;
- Upgrading pedestrian crossing facilities;
- Footpath upgrade from northern end of site to Transport Interchange;
- Sewer main upgrade; and,
- Existing dwellings.

Department's Consideration of Section 94 Contributions

The Department has considered the Proponent's arguments for waiving Section 94 Contributions for the Social housing component and acknowledges that the Proponent will provide significant public benefits to the broader community through the provision of social housing in a key location.

Accordingly, the Department agrees that the Proponent's request to waive contributions for the social housing component is reasonable in this case. It is considered that the provision of social housing units in this location equates to a substantial public benefit for those households on low incomes and eligible for social housing. This will be considered through future applications.

However, it is considered appropriate that contributions be levied for the private housing, retail and commercial components based on Council's Section 94 Development Contributions Plan 2007, and Council should give consideration to any potential offsets (such as infrastructure works).

Any future calculation should **not** include contributions for any carparking shortfalls, as the site is located less than 200 metres from a range of public transport options. The Department and other government agencies such as NSWTF support reduced carparking rates in areas well serviced by public transport. In addition, Council's Section 94 Development Contributions Plan 2007 only allows contributions to be levied for carparking shortfalls where sites are located on land zoned as commercial/retail centres, which is **not** the case with the subject site.

Section 94 Contributions will be addressed in detail in future Development Applications by Council.

8. KEY RECOMMENDED MODIFICATIONS

The Department has recommended modifications to the PPR as follows;

- Any future applications are considered by Ryde Council pursuant to Part 4 of the Act;
- Additional front setback of the upper 6 levels of Building A by 2 metres to reduce bulk and scale and improve the pedestrian scale to West Parade; and,
- Additional front setback of the upper 2 levels of Building B by 2 metres to ensure a consistent transition of building bulk within the site and to improve the pedestrian scale to West Parade.

9. THE PUBLIC INTEREST

The Proponent provides that the proposal is in the public interest for the following reasons:

- The proposal will provide local employment both during construction and during operation to assist in meeting the target for Ryde LGA as outlined in the Draft Inner North Subregional Strategy;
- The proposal will maximise existing public transport infrastructure;
- The proposal will provide a variety of housing with up to 138 one, two and three bedroom units proposed and will assist in meeting the LGA target of 12,000 new dwellings by 2031;
- The proposal will provide a large component of social housing;
- The proposal will provide a local Housing NSW office; and,
- Improved amenity and access to services for surrounding residents, including new signalised pedestrian crossing at the northern leg of the intersection between Anthony Road and West Parade, and other infrastructure works as offsets to monetary Section 94 Contributions.

10. CONCLUSION

The Department has assessed the Environmental Assessment Report (EA) and Preferred Project Report (PPR) and considered the submissions in response to the proposal. The key issues raised in submissions relate to the strategic policy context of the site, traffic, built form, and amenity.

The Department has assessed the merits of the project and is satisfied that the impacts of the proposed development have been addressed via the Environmental Assessment Report, Statement of Commitments, Preferred Project Report and the Department's recommended modifications of approval, and can be suitably mitigated and/or managed to ensure a satisfactory level of environmental performance. On these grounds, the Department is satisfied that the site is suitable for the proposed development and that the project will provide environmental, social and economic benefits to the region.

The Department recommends that the Concept Plan be approved, subject to modifications.

11. RECOMMENDATION

It is recommended that the Minister:

- (A) consider the findings and recommendations of this Report; and
- (B) **approve the Concept Plan**, under Section 75O *Environmental Planning and Assessment Act, 1979*; subject to modifications and sign the Determination (**Tag B**).

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