



Planning &  
Infrastructure

***MODIFICATION REQUEST:  
Residential Development Stage 1 Phase 1  
Royal Rehabilitation Centre, Ryde  
MP10\_0189***

***Modifications to Residential Flat Building***



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

September 2012

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## 1. BACKGROUND

### 1.1 The Site

The site is located at 600-640 Victoria Road and 55 Charles Street, Ryde, approximately 10km northwest of the Sydney CBD, within the City of Ryde Local Government Area. The RRSC site was previously used for the purposes of medical care with an emphasis on rehabilitation and research functions.

The overall site has an area of 15.83 hectares, while Stage 1 Phase 1 of the site (to which this application relates) has an area of 3.58ha.



Figure 1: RRSC Site and Stage 1 Phase 1 Area

## 1.2 Previous Approvals

### Previous Approvals

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

The site was subsequently listed as a State Significant Site on 2 August 2006, and that listing provided a range of planning controls and land use zones written into State Environmental Planning Policy (Major Development) 2005 (MD SEPP), generally consistent with the Concept Plan Approval. Those controls have been subsequently transferred across to the Ryde Local Environmental Plan 2010 (Ryde LEP) gazetted on 30 June 2010.

The Department is currently considering a modification request to amend the Concept Plan (MP05\_0001 MOD1) which seeks to modify the layout and configuration of residential development within the Stage 1 portion of the site.

On 1 May 2012, the Planning Assessment Commission (PAC) approved a Project Application (MP10\_0189) for the Residential Development of Stage 1, Phase 1 which included 69 dwelling houses, a residential flat building incorporating 47 dwellings, public domain works, landscaping and subdivision. It is this approval that is sought to be modified by the current application.

### Other Related Applications

Other parts of the site are currently undergoing development in accordance with the following approvals under the Concept Plan:

MP07\_0100 approved on 12 August 2008, for subdivision of the RRCS site into 7 Torrens Title super lots. This was subsequently modified on 5 July 2010 (MP07\_0100 MOD1) to reflect the zone boundaries under the MD SEPP and the subsequent LEP controls. Another modification request (MP07\_0100 MOD2) to divide Lot 5 into two allotments is currently under consideration.

MP08\_0054 approved on 16 December 2008, for the demolition of the Coorabel facility and the construction of a new health facility and associated community open space and infrastructure works on part of the RRCS site (Lot 5). Approved modifications include:

- The construction of 'Road 4' (MP08\_0054 MOD1 approved 17 November 2010);
- Modifying the design of the health facility by altering internal uses and amending exterior elevations and amending the staging of works (MOD2 approved 1 August 2011);
- Reducing the width of Road 4 and width of pathway to Road 5 (MOD3 approved 10 October 2011);
- Further modifications to road widths and refinements to health facility building (MOD4 approved 16 August 2012).

MP08\_0054 MOD5 for rearrangement of the Recreation Circle layout including reconfiguration of the Community Centre is currently under consideration.

## 2. PROPOSED MODIFICATION

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### 2.1 Modification Description

The modification as originally sought related to design modifications to the approved residential flat building as well as deletion of Condition D3 which required assessment by Sydney Water's geologist prior to excavation in proximity of the Sydney Water main.

The application was referred to Sydney Water which advised that they did not support removal of the condition, and as a result the proponent amended the modification request so that it no longer sought to delete condition D3, but sought only to modify the approved residential flat building.

The proposed modifications to the residential flat building include:

- reconfiguration of the floor plates including balconies and terraces across all levels;
- increases in the maximum height (from RL 64.0 to RL 64.25);
- increase in floor space (additional 585.5m<sup>2</sup>) and associated adjustment to upper level setbacks;
- creation of seven new apartments (from 47 to 54);
- minor amendments to the siting of the building;
- addition of one car parking space and four secure bicycle parking spaces; and
- amendments to the associated landscaping due to change in building siting (no change to the type of planting or the amount of open space).

As a result of the above changes, Condition A1 of Project Approval MP10\_0189 is proposed to be amended to reflect the updated number of apartments and Condition A2 is proposed to be amended to include revised plans and elevation details of the residential flat building. Condition C2 will also need to be amended to reflect the additional adaptable unit required as a result of the increase in total unit numbers.

## 3. STATUTORY CONTEXT

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### 3.1 Continuation of Part 3A

Under clause 3 of Schedule 6A to the Environmental Planning & Assessment Act 1979 (the Act), Section 75W of the Act (as in force immediately before its repeal on 1 October 2011) continues to apply for the purpose of the modification of a project application approved before or after the repeal of part 3A.

Consequently, this report has been prepared in accordance with the requirements of Part 3A and associated regulations, and the Department may approve or disapprove of the modification to the project under Section 75W of the Act.

### 3.2 Modification of the Minister's Approval

The modification application has been lodged with the Director-General pursuant to Section 75W of the Act. Section 75W provides for the modification of a Minister's approval including "revoking or varying a condition of approval or imposing an additional condition of the approval".

The Minister's approval for a modification is not required if the project as modified will be consistent with the existing approval. However, in this instance, the proposal seeks to

modify conditions imposed on the Project Application approval and therefore approval to modify the approval is required.

### **3.3 Environmental Assessment Requirements**

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

### **3.4 Delegated Authority**

The Minister has delegated his functions to determine section 75W modification applications to the Deputy Director-General, Development Assessment and Systems Performance in cases where:

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

No submissions have been received from the public and Ryde Council did not object to the proposal. While a donation has not been disclosed in relation to this application, a statement disclosing a reportable political donation was made by a different proponent with respect to the Concept Plan (MP05\_0001).

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

## **4. CONSULTATION AND SUBMISSIONS**

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Under Section 75W of the Act, a request to modify an approval does not require public exhibition. However, under Section 75X(2)(f), the Director-General is required to make publicly available requests for modifications of approvals given by the Minister.

In accordance with clause 8G of the Environmental Planning and Assessment Regulation 2000, the application to modify the approval was made publicly available on the Department's website and was referred to Ryde Council and Sydney Water.

Ryde Council did not object to the proposed modification, or make any comments other than advising that it was happy for it to proceed to determination.

Sydney Water objected to the removal of Condition D3 as the condition provides a precaution to ensure no damage occurs NSOOS main, being a significant Sydney Water asset. As a result the proponent amended the modification request so that it no longer sought to delete condition D3.

## 5. ASSESSMENT

The Department considers the key issues for the proposed modification to be height and visual impact; residential amenity; and compliance with the concept plan.

### 5.1 Height and Visual Impact

The proposed modification increases the height of the approved residential flat building. The proposal also increases the floor space and therefore the bulk at the upper levels. The resulting visual impact is demonstrated by the photomontages in **Figure 2** and **Figure 3**.

While the highest point of the modified building would only be only 0.25 metres higher than that approved, some parts of the building are increased in height by as much as 3 – 6 metres. As a result, the proposal, in particular the roof top plant, no longer fully complies with the 18.5 metre height control under the Ryde Local Environmental Plan (LEP).

The 18.5 metre height control was first established at the time of the State Significant Site listing. At the time it was assessed as being the maximum height that could be achieved to ensure that the amenity enjoyed by existing residents is maintained.

Given that the proposed building will be visible from the adjoining Calvary Retirement Village, it is considered that the visual impacts of the building should be no greater than that permitted under the controls. A reduction in the height of the plant enclosures from 2.4 metres to 1.6 metres is required to ensure compliance with the LEP control. The proponent advises that it is possible to screen all plant with a 1.6 metre high enclosure and as such a condition is recommended requiring the plans to be amended so that all plant screening is within the 18.5 metre height limit.

The modified building still remains highly articulated and uses modulation and a variety of building materials to provide visual interest and reduce apparent bulk. With the reduction in building height to comply with the LEP control, it is considered that the scale of the modified building will not result in unacceptable visual impacts.



Figure 2: Photomontage of the building height and form as approved



Figure 3: Photomontage of the proposed modified height and form

## 5.2 Residential Amenity

The Department has assessed residential amenity impacts against the requirements of the Residential Flat Design Code (RFDC), with a detailed assessment included at **Appendix C**. Generally, the residential flat building as modified would comply with the requirements of the RFDC, with the exception of partial variations to building depth; ground floor private open space; solar access and number of single aspect south facing units; minimum apartment size and storage areas. The deviations are assessed as follows:

### ***Building Depth***

The majority of the proposed building will have depths of 12-18 metres in accordance with the RFDC rule of thumb. However, as a result of the proposed modifications, a small section of the lower ground floor will have a depth of 20 metres. The non-compliance relates to only 1 unit and some adjoining plant area. It results in no adverse amenity impacts to that unit which has a depth of only 8 -11 metres and will receive adequate ventilation and light. No improvements to the amenity of the unit would be achieved by strict compliance with the rule of thumb.

### ***Private Open Space (Ground Floor)***

The RFDC recommends that ground floor apartments should have a minimum private open space area of 25m<sup>2</sup> with a minimum dimension of 4 metres. The approved application included 3 units which did not comply with this guideline due to the sloping nature of the site meaning that private open space areas are elevated or below the adjoining ground level. Under the modified proposal, 5 of the ground floor units would not achieve the recommended area and / or dimension within the code. Two of these units would provide a minimum area of 25m<sup>2</sup> as required, but a minimum dimension of only 2 metres. The other 3 units have areas of 15m<sup>2</sup>; 19m<sup>2</sup> and 21m<sup>2</sup> and a minimum dimension ranging between 1.6 to 2.4 metres. Nevertheless, these dwellings all exceed the minimum requirements that would have applied if they were located on the upper floors in that they all include an area of at least 8m<sup>2</sup> with a minimum dimension of 2 metres. As such, they are considered to provide an acceptable

level of amenity and utility for the future occupants. As with the original scheme, the area around the building adjoining the ground floor private open space areas will be landscaped as garden and communal open space, providing additional amenity to these occupants. On this basis it is considered that the amenity provided to ground floor units is acceptable.

#### **South Facing Units and Solar Access**

The modification results in a small increase in the number of south facing units and a reduction in the percentage of apartments achieving the RFDC rule of thumb for solar access from 70% to 68.5%. This essentially equates to one additional unit that will not receive 3 hours of solar access mid-winter. The south facing units all include extensive areas of glazing to the living rooms to allow for good levels of natural daylight access and a good level of amenity will be achieved for these units, despite the minor non-compliance. The proposal is therefore considered acceptable in this regard.

#### **Apartment Size**

Of the 54 units proposed, 8 will not comply with the minimum apartment size recommended within the RFDC. These 2 bedroom units are only 1m<sup>2</sup> to 1.5m<sup>2</sup> less than the 70m<sup>2</sup> recommended by the RFDC and therefore represent a minor deviation. The apartments are considered to still provide a reasonable level of amenity with adequate open space areas and open plan layouts which add to a feeling of spaciousness within the apartment. The minor non-compliance is therefore considered acceptable in this case.

#### **Storage Areas**

Under the modified proposal, all 2 bedroom units will have access to a separate storage area at least 6m<sup>3</sup> in size. Although this is less than the 8m<sup>3</sup> recommended by the RFDC, it is greater than the approved proposal where 2 bedroom units have a storage area of 5m<sup>3</sup>. One and three bedroom units are all provided with storage in accordance with the RFDC recommendation. The modification therefore represents an improved situation and is supported in this regard.

### **5.3 Compliance with Concept Plan**

The project application, as approved, represents a deviation from the Concept Plan in terms of the internal road layouts; building orientations and dwelling mix. Nevertheless, it was assessed as being consistent with the main parameters of the plan relating to land use; dwelling density; landscaping and open space; infrastructure and service provision.

The proposed amendments do not change the level of non-compliance of the project application with the Concept Plan approval.

Although the modification increases the number of the units within Stage 1 Phase 1, the overall number of units on the site remains capped at 791 under the Concept Plan approval, so that there will be no change to traffic or parking impacts as a result of the proposal.

It is noted that a modification request to amend the Concept Plan is currently under assessment by the Department. The modification reflects the building siting, layout and form of this project application modification. Therefore, if approved, the modified Concept Plan will be entirely consistent with the proposed project amendments.

## 6. CONCLUSION AND RECOMMENDATIONS

The Department is satisfied that this modification falls within the scope of Section 75W of the Act. The proposed modification does not change the original assessment as to the site's suitability for this development.

The proposed modification involves internal and external design modifications to the proposed residential flat building, but remains generally consistent with the overall form, layout and design of the Stage 1, Phase 1 Project Approval.

With the imposition of a new condition limiting height, the proposal remains consistent with the height and density controls applying to the site and will result in no unacceptable impacts to adjoining development.

Inconsistencies with SEPP 65 arising from the proposed internal modifications have been assessed as minor and also result in no unacceptable impacts.

Consequently, no issue is raised with the proposal and the subsequent amendment of Condition A2 to update relevant documentation and drawing numbers, with the imposition of an additional condition limiting height.

Modifications to Condition A1 to reflect updated dwelling numbers and to Condition C2 to reflect the required number of adaptable dwellings are also recommended.

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

- (A) Consider the recommendations of this report;
- (B) Approve the modification, subject to conditions, under Section 75W of the *Environmental Planning and Assessment Act, 1979*, and
- (C) Sign the attached Instrument of Modification (**Appendix D**)



10/9/12

A/ Director  
Metropolitan & Regional Projects, South

Deputy Director General  
Development Assessment & Systems  
Performance



11.9.12

Executive Director  
Major Projects Assessment

## **APPENDIX A     MODIFICATION REQUEST**

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See the Department's website at

[http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=5319](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=5319)

## **APPENDIX B SUBMISSIONS**

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See the Department's website at

[http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=5319](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=5319)

**Natasha Harras - RE: Modification Request for RRCS Stage 1 Phase 1  
(MP10\_0189 MOD1)**

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**From:** "Glenn Ford" <gFord@ryde.nsw.gov.au>  
**To:** "Amy Watson" <Amy.Watson@planning.nsw.gov.au>  
**Date:** 6/29/2012 10:07 AM  
**Subject:** RE: Modification Request for RRCS Stage 1 Phase 1 (MP10\_0189 MOD1)  
**CC:** "Natasha Harras" <Natasha.Harras@planning.nsw.gov.au>

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Amy

Council has considered the information available on the Department's website and does not propose to make a submission on this Section 75W Modification.

Council is happy for it to proceed to determination.

Please let me know if you require a more formal presentation of this advice (i.e. a signed letter).

Cheers  
Glenn

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**Amy Watson - RE: Modification Request of Major Project Stage 1 Phase 1 RRCS Site, Ryde  
(MP\_0189 MOD1)**

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**From:** UrbanGrowth <UrbanGrowth@sydneywater.com.au>  
**To:** 'Amy Watson' <Amy.Watson@planning.nsw.gov.au>  
**Date:** Monday, 2 July 2012 2:28 PM  
**Subject:** RE: Modification Request of Major Project Stage 1 Phase 1 RRCS Site, Ryde  
(MP\_0189 MOD1)

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Hi Amy,

My apologies for the delay as I was out of the office Friday last week.

However, I also received a response from Keith McDonnell, the Systems Operations Officer who provided the initial condition, and he has advised that Sydney Water does not wish to remove the condition. This is because the NSOOS is a significant Sydney Water asset and the request for referral to our Geologist is precautionary to ensure no damage occurs to the tunnel.

If you require any additional information in regards to the condition, please feel free to contact Keith on 02 9808 0077 to discuss further.

Kind Regards,

Ainsley Rotgans | Student Town Planner

Urban Growth Strategy | Sydney Water

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## APPENDIX C    CONSIDERATION OF ENVIRONMENTAL PLANNING INSTRUMENTS

The proposed modification does not result in a change to the assessment of most of the Environmental Planning Instruments considered in the original project approval. However the modification does affect compliance with the Residential Flat Design Code (RFDC) and the City of Ryde Local Environmental Plan (LEP) and these are assessed as follows:

### Residential Flat Design Code (RFDC)

An assessment of the proposed residential flat building against the Residential Flat Design Code is set out in the table below:

	RFDC requirement	Proposed	Complies?
<b>Part 1 Local Context</b>			
<b>Building Depth</b>	10-18 metres	12-20 metres	Non-compliance is acceptable (see Section 5.2)
<b>Building Separation (habitable rooms &amp; balconies)</b>	• five+ storeys : 18m	24 metres to closest dwellings	YES
<b>Street Setbacks</b>	Compatible with desired streetscape character	New streetscape established, and therefore compatible	YES
<b>Part 2 Site Design</b>			
<b>Deep Soil Landscaping</b>	Min 25% of open space	Unchanged: 68% of total site	YES
<b>Communal Open Space</b>	25-30% of site area, larger for large sites	Unchanged: open space across the site as per concept plan	YES
<b>Private Open Space (ground floor)</b>	25m <sup>2</sup> with minimum width of 4m	15m <sup>2</sup> -70m <sup>2</sup> Including widths of 1.6 – 7m	Non-compliance is acceptable (see Section 5.2)
<b>Part 3 Building Design</b>			
<b>Acoustic Privacy</b>	Separate noisier spaces from quieter spaces	Bedrooms are generally located away from common walls with living spaces of other units.	YES
<b>Solar Access</b>	70% achieve 3hrs of sunlight between 9am-3pm on 21 June	68.5%	Non-compliance is acceptable (see Section 5.2)
<b>Single aspect units</b>	Limit those with southerly aspect to no more than 10%	14.8%	Non-compliance is acceptable (see Section 5.2)
<b>Naturally cross ventilated</b>	Min 60% of units	63%	YES
<b>Max No. of units off a circulation core</b>	Max 8 units	6	YES
<b>Kitchens with natural ventilation</b>	Min 25%	30%	YES

<b>Apartment Size (min)-</b>	1 bedroom = 50m <sup>2</sup> - 63.4m <sup>2</sup> 2 bedroom= 70m <sup>2</sup> -121m <sup>2</sup> 3 bedroom = 95m <sup>2</sup> -124m <sup>2</sup>	1bed = 57.5m <sup>2</sup> 2 bed= 68.5m <sup>2</sup> - 100m <sup>2</sup> 3 bed = 116m <sup>2</sup> - 149m <sup>2</sup>	Non-compliance is acceptable (see Section 5.2)
<b>Balcony Depth</b>	Min 2m	All units include balconies with depths greater than 2m	YES
<b>Floor to ceiling heights</b>	≥2.7m	2.7m	YES
<b>Storage</b>	1 bedroom unit – 6m <sup>3</sup> 2 bedroom unit- 8m <sup>3</sup> 3 bedroom unit- 10m <sup>3</sup>	1 bedroom 6m <sup>3</sup> 2 bedroom 6m <sup>3</sup> 3 bedroom 12m <sup>3</sup>	Non-compliance is acceptable (see Section 5.2)

In light of the assessment detailed above, it is considered that the proposal displays an acceptable level of consistency with the RFDC.

### **City of Ryde LEP 2010**

The proposal site is zoned 'R1 - General Residential' under the City of Ryde LEP 2010. The modified proposal is permissible under the LEP and is consistent with the objectives of the zone, being: "*to provide for the housing needs of the community and to provide for a variety of housing types and densities*".

The modified proposal is assessed for compliance against the relevant development standards under the LEP in the following table:

	<b>Control</b>	<b>Proposed</b>	<b>Complies?</b>
Building Heights – Central Area	18.5m	19.3m	NO
FSR – Central Area	2.9:1	Not supplied for amended plans but original scheme indicated 0.45:1 and therefore regardless of the amendments will remain well below the 2.9:1 control.	YES
Maximum Density	50 dwellings per hectare	32 dwellings per hectare	YES

As discussed in Section 5.1, a condition is recommended requiring a reduction in height to comply with the 18.5 metre control.

## **APPENDIX D RECOMMENDED MODIFYING INSTRUMENT**