

# ATTACHMENT 1

## City of Ryde Submission

### Modification to Ivanhoe Estate Concept Masterplan SSD-8707-Mod-3

**Submission Date:** 31/05/2024  
**Council reference:** COR2024/78/1

## Introduction

Thank you for inviting City of Ryde Council to comment on the Section 4.55 (2) Modification Application to concept approval SSD-8707 (refer to as MOD 3 previously under MOD 2).

By way of background, Council notes that Mod 2 to the Concept Masterplan SSD 8707 was lodged in June 2023 under Section 4.55(1A) of the Environmental Planning and Assessment Act 1979 (EP&A Act) to the Department of Planning, Housing and Infrastructure (the Department) for amendments to:

- Modify building envelope for block B2 to facilitate larger public school
- Modify block B1.2 to replace seniors housing with mixed use living and childcare.

It is noted that the applicant has lodged MOD 3 to address the Department's concern in that that they did not consider the amendments MOD 2 to be of 'minimal environmental impact', and requested that the applicant resubmit the application under Section 5.22(2) given the nature of amendments proposed (more than minimal environmental impacts). This has resulted in the applicant relodging the modification application as now proposed as MOD 3.

Council prepared a detailed submission to MOD 2 on 9 August 2023 which raised a number of concerns. It is noted that the applicant has not addressed any of the previous concerns raised by Council. On this basis all issues previously raised by Council still applies to MOD 3.

The proposed modification (Mod 3) has again been reviewed by Council officers. The Department is advised that various issues previously raised by Council in its submission dated 9 August 2023 have not been addressed by the applicant in lodging MOD 3. The relevant issues are summarised here and discussed in the detailed submission below:

- Traffic and Parking impacts
- Open space requirement
- Site Planning for Block B2
- Deletion of Seniors Housing and Residential Care facility
- Building Separation and ADG requirement
- Inadequate Outdoor Open Space
- Reduction in Rear Setback in B2 (school block)
- Acoustic Impact

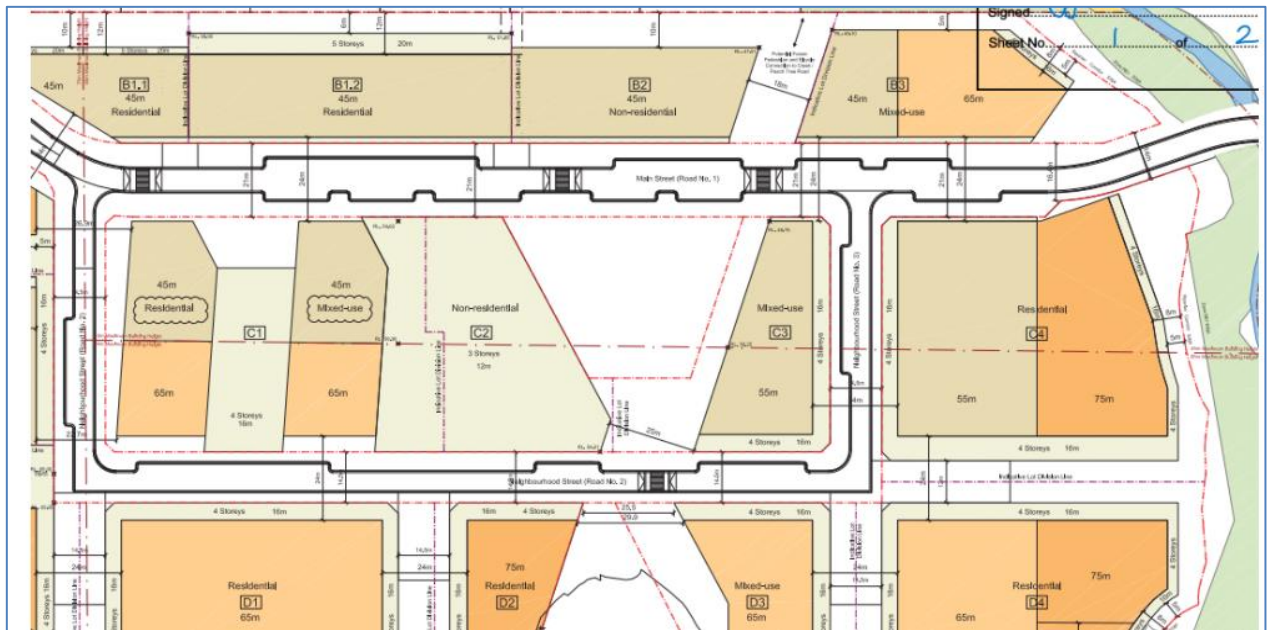
Council requests that these matters be comprehensively addressed and return to Council for further comments and consideration.

## Proposal (as amended) in Detail

The Modification Application (SSD-8707-Mod-3) seeks to modify the approved Concept Proposal under SSD-8707. The proposed application seeks the following modification seeks the following:

- Modify building envelope for Block B2 (extend footprint closer to rear boundary) to facilitate a 750-place public primary school instead of 430 place school that was envisaged at the time of Concept approval.
  - Reduce northern setback from 10m to 3m for 1 storey part of the building envelope and 6m for the rest.
  - Adjust the 18m setback between Block B2 and B3 to align with revised block boundary (12m on school site and 6m on B3 block)
  - Remove the 4-storey height articulation zone to allow zero setback to the Main Street
  - The childcare centre that was to be delivered as part of Block B2 (school block) is proposed to be relocated to the ground floor of Block B1.2 (adjoining block)
  - The GFA in Block B2 will be increased by an additional 800m<sup>2</sup>.
- Change the approved use of Block 1.2 from seniors housing (Residential Care Facility and Independent Living Units above) with retail and/or commercial at ground level to market housing with a childcare centre at the ground floor. As a result of this change, there will be a reduction in the overall building envelope to ensure compliance with the Apartment Design Guide and create increased setbacks to neighbouring buildings within the Masterplan.
- Amendments to Condition A11 to update the approved uses on each development Block to reflect the above
- Allow for a building managers office within B3
- Minor increase in allowable GFA within Building C3 and relocate the Mission Australia Offices from Block D3 to Block C4
- Amendments to Condition A12 to update the minimum non-residential gross floor area of the primary school to 3,068m<sup>2</sup> and Mission Australia Offices to 325m<sup>2</sup>. No change is proposed to the overall minimum non-residential GFA of 7,711m<sup>2</sup> permitted under the Concept Approval
- Amendments to the Design Guidelines and Design Excellence Strategy to align with the changes to B2 and B1.2 noted above, amend references to approved uses to align with the amendments to Condition A11
- Minor amendments to correct inconsistencies and to shift the requirement for an architectural design competition to be held for Block B2 to one of the Precinct D Blocks
- Amendment to Future Environmental Assessment Requirement C3 to clarify that the minimum 365m<sup>2</sup> School Garden will be publicly accessible outside of the hours of use of the school only, as opposed to 24 hours-a-day, 7 days-a-week.
- Minor housekeeping amendments comprising:
  - Align Block C2 building envelope with community centre approved under Stage 2 (SSD-15822622), with no corresponding change to building heights, floor space, or setbacks
  - Align the deep soil planting areas with the proposed amendments to the Masterplan. The total potential deep soil across the site remains at 22.2% of the A + B + C + D site areas and 26.7% of the total site area (including RE1 zone).

A comparison of the approved Concept with proposed modification is shown below in Figure 1 & 2.



**Figure 1:** Extract of the approved Masterplan



**Figure 2:** Extract of the proposed Masterplan

**Each of the issues and concerns are detailed below:**

## **1. Traffic Modelling**

In respect of the transport assessment for the proposed modification, the following issues are raised. These concerns must be addressed by the applicant.

The Transport Assessment report prepared by Ason Group dated 23 June 2022 estimates that the proposed modification to the approved masterplan will result in an overall increase of 209 vehicle trips per hour (vtp/h) during the AM peak hour and a minor reduction of 48 vtp/h during the PM peak hour. This traffic generation estimation reflects the proposed increase of student population from approved 430 high school students to 750 primary school students. The report, then, undertook traffic modelling to assess the future impact of the proposed modification and

compared the results of the traffic modelling with the results of the modelling of the approved masterplan. However, the following issues have been identified in the traffic modelling:

- I. Appendix A of the Transport Assessment report prepared by Ason Group dated 23 June 2022 shows that traffic modellings were undertaken using the base traffic volumes of 2016 while the traffic modellings of the approved masterplan were based on 2021 RMS base data. This will result in that the results of traffic modellings cannot be comparable with the results of the traffic impact assessment of the approved masterplan. On this basis, it is recommended that the Transport Assessment report be amended to update traffic modellings for the proposed modification scenario using 2021 RMS base data as the base traffic volumes.
- II. The Transport Assessment report prepared by Ason Group dated 23 June 2022 used Level of Service (LoS) and Average Delay results of the traffic modelling to compare the performance of the surrounding intersections. However, the report did not consider Back of Queue length in the assessment of network performance. It is recommended that the Transport Assessment report be amended to include Back of Queue length in the assessment of network performance.
- III. The Transport Assessment report prepared by Ason Group is dated 23 June 2022 which is considered outdated. The applicant is to update the Transport Assessment report to include updated information and the date of the report is to be amended accordingly.

## **2. Parking, pick-up and student drop-off area**

### **a. Parking Rates**

The application seeks to increase the capacity of the primary school from 430 students to 750 (over 75% increase in student numbers) and reduce building setbacks to the street and to the rear with an overall increase in building mass. As a result, there is an implication in regard to carparking and drop-off area. Condition A18 of the Concept Approval (SSD8707) requires the following (for 430 student school):

*A18. Car parking must comply with the rates set out below:*

*(e) School: Minimum of 25 pick-up/drop-off spaces and a maximum of 30 staff spaces*

The increase of students from 430 to 750 will undoubtedly increase the number of required parking spaces for staff. Condition A18(e) requires a maximum of 30 spaces for staff parking based on a school with 430 student places. The application has given no further consideration of how this matter will affect the parking demand, off street student drop off area and additional staff parking on the site. No assessment of impacts has been undertaken by the Applicant in this regard and that further parking spaces would be required to support the modification.

Council requires further information on the number of staff required to support the additional students and if the maximum parking for staff is appropriate or requires to be increased. Leaving this aspect to a future detailed DA is not considered appropriate as the parking rate is imposed under the Concept Approval.

### **b. Pick-up and drop-off zone**

In addition, condition A18(e) of the Concept Approval also requires a minimum 25 space pick-up and drop-off spaces for the school with 430-student capacity. With a 75% increase in number of students proposed under this modification, additional consideration of this matter is required. No assessment has been undertaken in the submitted traffic report, outlining if the minimum space required is sufficient, or if a higher minimum is

needed to support the additional increase of student capacity.

The information submitted with the amended package does not demonstrate where the required pick up and drop off zone is proposed on the site. It seems that the modification is relying on public car parking spaces provided on the Main Street as drop-off/ pickup zone for the school. From review of the submitted amended masterplan drawings this pick-up and drop-off zone appears to be located on Main Street (Road 1) which may become a public road. The pick-up and drop-off zone should be located wholly within the site and the associated traffic burden should not be placed on the main thoroughfare. This issue appears to be exacerbated as the scheme reduces the setbacks to Road 1 reducing usable area for an internalized pick up and drop off zone and for additional safety of the students.

Council's position is that it is inappropriate to burden Main Street with a pickup and drop off zone associated with the larger capacity school. Council does not consider this as an aspect that should be dealt with at detailed DA stage and should be resolved at a concept level to ensure there is sufficient infrastructure to support the future precincts needs.

### **3. Open Space and Block B2**

#### **a. Open Space Outcomes for the Primary School**

The submitted documentation in the proposed modification application does not demonstrate at a concept level, how the site can cater for additional students open space requirements. This further becomes apparent as the scheme reduces setbacks and increases built upon area further reducing available open space. Leaving it to a future development application to resolve this matter is not supported by Council. It is unclear if sufficient open space can be provided in future applications, therefore demonstrating it at a concept level is required.

Council notes that for a primary school the provision of associated space to cater for outdoor recreation use should comply with the requirements of NSW Department of Education for new schools, particularly the DG10.3 Open Play Space Requirements of 10m<sup>2</sup> per student. Applying the open space requirements of 10m<sup>2</sup> per student against the proposed 750 students would generate the need for 7500m<sup>2</sup> of open space. It is unclear how the increase of students on the block would have sufficient open space to cater for their needs as the site currently has a maximum site area of 3346m<sup>2</sup>. Information demonstrating sufficient open space to support the proposed increase of students is required.

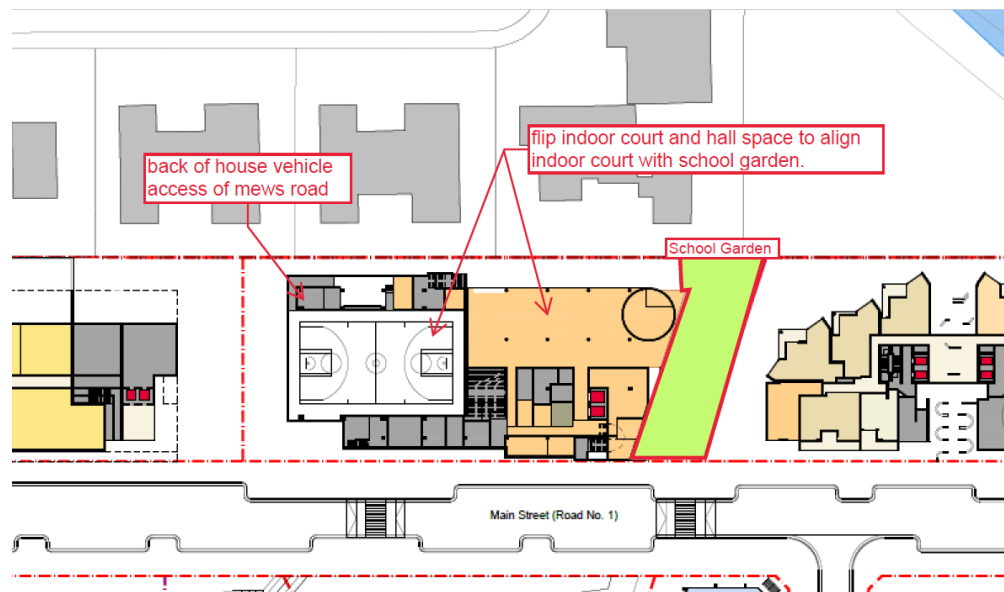
#### **b. Additional Requirements & Site Planning for Block B2**

In respect of the modification to B2 Council provides the following additional comments for consideration:

- i. The future design of B2 is to comply with the design requirements of NSW Department of Education - *Education Facilities Standards & Guidelines* for the relevant scale and typology of school.
- ii. In the subsequent SSD application for Building B2, Council requests that Proponent is to work collaboratively with Council on the design of the 'School Garden' including the boundary treatment to ensure the area is welcoming to both the school community and general public outside of school hours.
- iii. Any Conditions of consent that are considered by DPE is recommended to allow for full community use of all front of house areas of the school. Department of Education maintains the approval authority of use, however, Council wishes to avoid a future modification should community use of a different area of the school be supported by the School Principal. For example, for school hall, school holiday

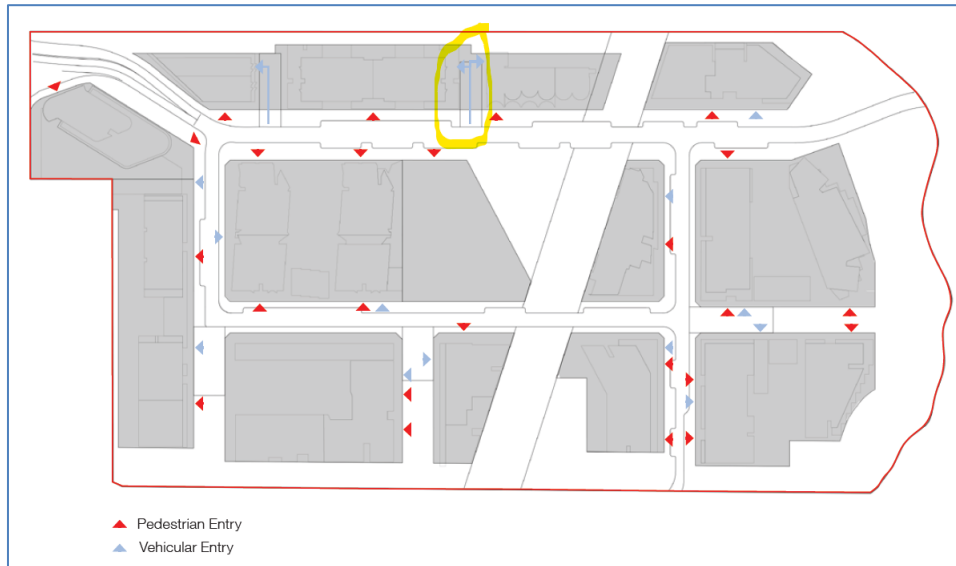
activation of front of house rooms.

- iv. Council requests that a public access easement is to be created between block B2 and block B3 to allow for pedestrian and cyclists movement between Village Green and Wilga Park, outside of school operating hours.
- v. While it is acknowledged that the detailed layout of the building does not form part of this approval, Council suggests that it is preferable that the indoor court has a direct relationship with the 'School Garden'. This is due to the future community use of the indoor court and the use of the 'School Garden' outside of school hours. Both facilities compliment the activation of the green link to the park. This will also assist in reducing the number of security access points into the school outside of school operating hours. Figure 3 provides a suggested markup of this amendment (Source: Appendix 1 Amended Masterplan Drawings).



**Figure 3:** Markup of Ground Floor Plan

- vi. Council considers the reduction in access from Main Street to Shrimpton's Creek Corridor to 6m to be supportable subject to with the following requirements:
  - Future heavy vehicle access (i.e GPT service truck should be allowed for and demonstrated).
  - Future accessible access through this area is to be provided.
  - Bollards at property boundary on either side to be included in the design of the space and constructed when required.
- vii. Back of house facilities such as loading dock and waste storage should be located on the western side of the school, aligning to the new shared driveway/ road between B1.2 and B2 (refer to Figure 4 below).



**Figure 4:** Markup (yellow) showing suggested location of Back of House Storage (Base Source: Appendix 3)

#### 4. Removal of Seniors Housing and Residential Care Facility

The proposed modification application seeks to delete the residential care facilities and self-contained dwelling components entirely from the development. This was to be provided in Building B1.2. Block B1.2 which will be converted to market housing. This will be a significant change to the development and an unacceptable loss of key component of the approved housing mix. This was a fundamental component of the original proposal, and it should not be deleted from this application.

One of the objectives of redevelopment of the Ivanhoe Estate through the Communities Plus program was to increase the supply of a mix of housing. As part of the original assessment report, variation to FSR was considered and approved by the DPE on the basis that the proposal will increase the supply of social housing (950 dwellings) and seniors housing (approximately 270 self-contained dwellings) and provide a residential aged care facility comprising 120 beds to help meet existing and forecast demands.

Council notes that the concept proposal benefits from a FSR bonus under the Affordable Rental Housing SEPP (ARH SEPP). A FSR bonus of approximately 0.38:1 was granted for affordable housing. An additional FSR bonus was also granted for the seniors housing and the Housing for Seniors or People with a Disability SEPP (Seniors SEPP) to exceed the applicable FSR of a site by 0.5:1 (plus a further 1,200 m<sup>2</sup> of GFA was excluded from the calculation of GFA for support services).

The DPE in its Assessment Report (Part 1) had stated with respect to FSR exceedance that “the Department also considers the numerical justification provided by the Applicant to be well founded, noting the concept proposal includes 9,785m<sup>2</sup> area of desirable seniors housing which would benefit from a 0.5:1 FSR bonus (plus 1,200 m<sup>2</sup> of GFA for on-site support services)”. Building B1.2 was to accommodate the aged care facility.

There is also a well-recognised demand for affordable housing, housing that caters to an ageing population, and housing that can meet substantial forecast population growth. Population projections show seniors above the age of 55 within the Ryde LGA will be over 25% of its population by 2030. The Ryde LGA has an ageing population and the delivery of this specific

type of housing is critical in meeting the needs of the community in line with the Concept Approval. This will increase housing choice close to existing services and transport.

Council is of the view that removing the 120-bed aged care facility/ seniors housing from B1.2 is not in the spirit of the original approval especially when a bonus FSR has been claimed by the applicant. Council is of the view that aged care facility/ seniors housing must be retained as an integral mix of housing choice within the development. If it is being removed from B1.2, then it must be incorporated in another building/ stage within the estate.

The infrastructure to be provided supports the mix of housing as originally approved. The applicant has provided no additional information to verify that there will be adequate infrastructure to accommodate the change in land use to market housing.

For the above reasons, Council cannot support this change of use.

#### **5. Building Separation Requirements for B1.2 (changing to apartment block)**

The application proposes to reduce building envelope of B1.2 to reflect the proposed change from seniors housing (with retail and/or communal areas on the ground floor) to market housing and a childcare centre on the ground floor. It is noted that the block will allow apartment building of up to 45m in height (and may be more than 12 storeys). This height will require a greater building separation with respect to development on neighbouring properties along Peach Tree Road. The amendments show a 6m setback from the rear boundary for the 5-storey component that faces north east. This will not comply with the ADG and will result in built form separation and amenity issues for the residents on both sites. The proposed reduction in setback is not supported. It is suggested that the northern setback be increased, or articulation zone have reduced height of 3-4 storey maximum.

#### **6. Inadequate Outdoor Open Space (B1.2 – Childcare Centre/ Apartment Building)**

The application proposes a change of use of Block B1.2 from aged care facility to market apartments and a childcare centre. The childcare centre on the ground floor will require outdoor play area. A significant part of the site will be taken up for this purpose, potentially leaving inadequate amenity and open space for the apartment development that is required under the Apartment Design Guide. The application does not address this matter.

#### **7. Reduction in Rear Setback in B2 (school block)**

The rear setback for Block B2 is being reduced to 3m (for 1 storey component) and 6m (for the rest of the façade) along its northern boundary. The original approval required a clear 10m setback from the rear boundary. A reduction in this setback will also take away opportunities for tree planting along the boundary given that there is also a drainage easement/ pipe along that boundary. In addition, the reduced setback may impact on trees on the adjoining site (along Peach Tree Road). This has not been investigated and no details have been provided in the modification report.

Based on the above, Council is of the view that adequate consideration has not been given to the potential impact on the amenity of the adjoining residential sites.

## 8. Changes to Design Guidelines

The application seeks to amend the Design Guidelines as part of this modification with respect to the required setbacks for block B2 (school site) along the Main Street and to the rear.

It is unclear as to how the reduction in setback to main street will provide the required transition between private and public domain areas along the road. The built to boundary arrangement would deter from the streetscape and compromise safety for the school children. In addition, any possibility of providing additional drop off areas for the school considering the increase in student numbers will be compromised.

The reduction of setback is not supported if the applicant intends to place the pickup and drop off zone on Main Street.

If the above changes (per Figure 6) are to be accepted the following bullet point is recommended to be inserted under point (4)

- *Setbacks for Lot B2 can be reduced, subject to the pickup and drop off zone being internalized wholly within the subject lot.*

## 9. Acoustic

An acoustic statement has been prepared by Acoustic Logic, reference 20210325.5/0805A/R5/GW, dated 13 May 2022 to support the application. The statement is insufficient to support the application as no assessment has been conducted with no predicted noise impacts or modelling to demonstrate what the operation noise from the school will be, it is just stated that:

*However, NSW Education Facilities Standard & Guidelines states: "Noise associated with school activity (such as music or sport within a hall) are not a stationary noise source and is not subject to the EPA Noise Policy for Industry".*

*Based on the information provided above, the noise associated with school activity (outdoor music, teaching and sport) should allow for the ability for the adjacent dwellings to achieve an internal noise level (with windows closed) in accordance with Australian Standard AS2107-2016. Detailed noise assessment and requirements subject to DA approval of this school.*

It is acknowledged that there are no statutory requirements for the noise generated from school, however it is general practice to use the noise criteria from the AAAC Guideline for Child Care Centre Acoustic Assessment V3.0.

SSD-56124984, Ivanhoe (midtown) Primary School includes noise and vibration assessment has been prepared by Pulse White Noise Acoustics, Project Number 220612, dated 1 February 2024 which identified the acoustic treatments that were proposed for the proposed school development and undertook modelling to determine the impact of the proposal. This assessment predicted noise would exceed the noise criteria and be significantly above background which would likely have adverse impacts on surrounding residential receivers.

An amended acoustic report is required that shows the proposed acoustic treatments to the school and predictive modelling to indicate its expected acoustic impact.

### **NOISE/ACOUSTICS - CHILDCARE**

An acoustic review has been prepared by Acoustic Logic, reference 20230967.1/1409A/R1/GW, dated 13 May 2022 to support the application. The review claims to be unable to conduct a detailed assessment of the acoustic impact of the childcare centre due to the proposed number of children being unknown at this time and therefore no acoustic measures can be proposed.

The assessment does not include an assessment of noise entering the centre. As it is separate to the proposed school, there is likely to be significant noise impacts on the childcare centre. In accordance with the AAAC Guideline for Child Care Centre Acoustic Assessment V3.0 the LAeq,1h noise impacting outdoor play areas should not exceed 55 dB(A) and within the indoor activity or sleeping areas of the Centre during the hours when the centre is operating shall be capable (ie with doors and / or windows closed) of achieving 40 dB(A) within indoor activity areas and 35 dB(A) in sleeping areas.

A further assessment of the new proposed location must be undertaken to demonstrate that the location can meet these requirements.

## 10. Flooding

Council has no objections to the modification from a flooding perspective. However, Council provides the following information to assist a future detailed SSDA for the site. These comments include:

- Please provide flood study that clearly shows the pre/post development flooding conditions including the building envelopes.
- Electronic copies of the Hydraulic model (HEC-RAS/TUFLOW) shall be submitted to Council with the future SSDA.
- As per the city of Ryde DCP "For sites where flood level information is available, the issued flood level information should be utilised to calibrate the model." It is a requirement to include Flood Levels provided by Council to ensure the model is based on the current information provided by Council.
- VD product (Velocity x depth) of overland flows to be supplied and, if increased inside the development, restricted to below 0.4 m<sup>2</sup> /s.
- VxD map to be included in the Flood Study, including neighbouring properties.
- PMF levels shall be detailed in the vicinity of the buildings impacted. A detailed assessment of all openings that maybe affected by PMF floods must be undertaken to ensure all openings (ramps etc.) are above the PMF at each specific point.
- Details of the driveway leading to the basement carpark shall be demonstrated. The Architectural plans, to clearly demonstrate that the proposed basement ramps have crest levels up to PMF level.
- Please clearly demonstrate a long section of any proposed driveway ramps (including the crest level  $\geq$  PMF)
- Please also consider 50% blockage in Council drainage system.
- As this is a critical issue for this development, a clear study of all ramps/basement flood immunity shall be provided. Long sections of all basement ramps shall be provided including proposed crests AHD level, 1 in 100yr ARI AHD level and PMF AHD level. Also, an analysis of all basement openings shall be included (emergency exits, stairs, ventilation, etc) to ensure the full flood immunity of all basements. All ramps, gaps and any other opening shall be located above PMF level at each location.
- PMF levels shall be detailed in the vicinity of the buildings impacted. A detailed assessment of all openings that maybe affected by PMF floods must be undertaken to ensure all openings, ramps etc. are above the PMF at each specific point.
- Future Council Stormwater Pipes shall have a cover as per City of Ryde DCP. Please indicate the cover of the proposed pipe within Council land on the long section.
- Stormwater Plans are to include long sections and details.
- Details of the connection to Council drainage system shall be included in the Stormwater Management Plan.

## Conclusion

Council is unable to support the proposed modifications due to the issues raised above and because of the deletion of key components from the original Concept Plan without any justification. The provision of a residential care facility and seniors housing was presented by the applicant as critical components of the approved development and these features should not be deleted to the detriment of the Ryde community.

In addition, the proposed reduction of the building setback for the school block will result in significant adverse impact on the neighbouring site to the north and also result in the loss of existing mature trees along the rear boundary. Inadequate attention has been given to the subsequent changes with no thought to the future amenity of the locality. The increase in student numbers cannot occur unless the applicant has been able to demonstrate adequate staff parking, drop off and pick up areas and outdoor play spaces.

The development has also failed to address the required setbacks, open space and traffic movements as a consequence of the change of use for B1.2.

Council is of the view that this modification should be rejected by the Department.