



IRF22/120

Plan finalisation report – PP-2021-115

127-133 Ryedale Road and 4-14 Terry Road,
Denistone

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Acknowledgment of Country

The Department of Planning and Environment acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

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1 Introduction

1.1 Overview

1.1.1 Name of draft LEP

Ryde Local Environmental Plan 2014 (Amendment No. 30).

The planning proposal (**Attachment A1**) applies to the Ryde LEP 2014 to amend Schedule 1 Additional permitted uses to allow seniors housing, increase height of buildings from 9.5m to RL52 (one to four storeys) and increase the maximum FSR from 0.5:1 to 1:1 in Stage 1 (land adjoining 4-14 Terry Road and part of the land known as 133 Ryedale Road) and 1.6:1 in Stage 2 (land adjoining 127-131 Ryedale Road and part of the land known as 133 Ryedale Road) with a total overall FSR for the site of 1.20:1.

The planning proposal anticipates development of approximately 84 seniors housing apartments and 31 aged care beds.

1.1.2 Site description

Table 1: Site description

Site Description	The planning proposal (Attachment A) applies to land at 127-133 Ryedale Road and 4-14 Terry Road, Denistone comprising of 10 lots.	
	127 Ryedale Road	Lot 1 section 7 DP 9350
	129 Ryedale Road	Lot 2 section 7 DP 9350
	131 Ryedale Road	Lot 3 section 7 DP 9350
	133 Ryedale Road	Lot C DP 367067
	4 Terry Road	Lot 25 DP 9350
	6 Terry Road	Lot X DP 393480
	8 Terry Road	Lot Y DP 393480
	10 Terry Road	Lot 23 section 7 DP 9350
	12 Terry Road	Lot 22 section 7 DP 9350
	14 Terry Road	Lot 21 section 7 DP 9350
Type	Area	
Council / LGA	Ryde	

The planning proposal applies to land at 127-133 Ryedale Road and 4-14 Terry Road, Denistone. The site has a total area of approximately 8,596m² with a frontage of 88m to Ryedale Road and a frontage of 175m to Terry Road.

The site comprises 10 residential lots containing single storey residential dwellings. Nine are owned by the Ryde Eastwood Leagues Club and the lot at 129 Ryedale Road, Denistone is privately owned (**Figures 2 and 3**). The Ryde Eastwood Leagues Club (RELC) has purchased the land over time with the intent of developing the site for Seniors Housing.

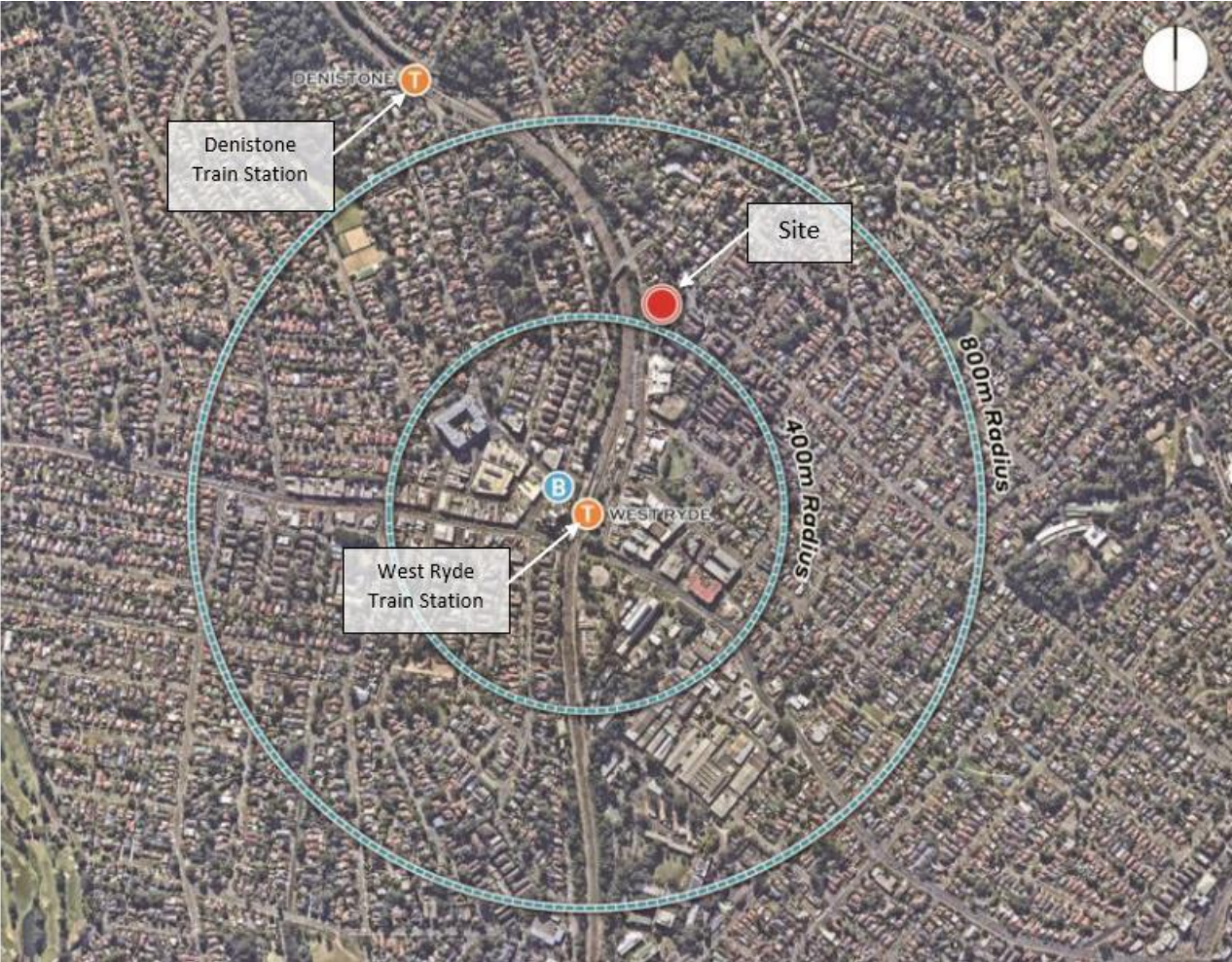


Figure 1: Site context (Source: Ethos Urban, overlay by the Department)



Figure 2: Subject site (Source: Nearmaps, overlay by the Department)

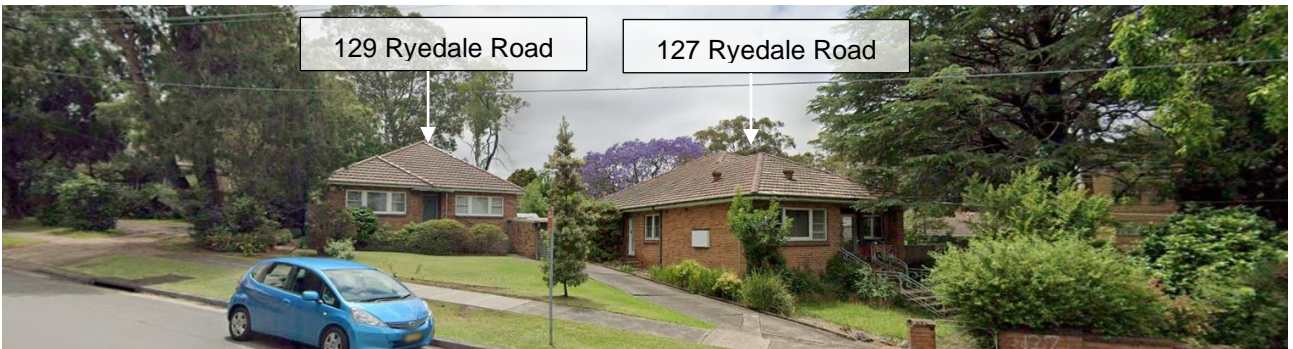


Figure 3: View of part of the proposed development site from Ryedale Road looking north-east (Source: Google Maps, overlay by the Department)

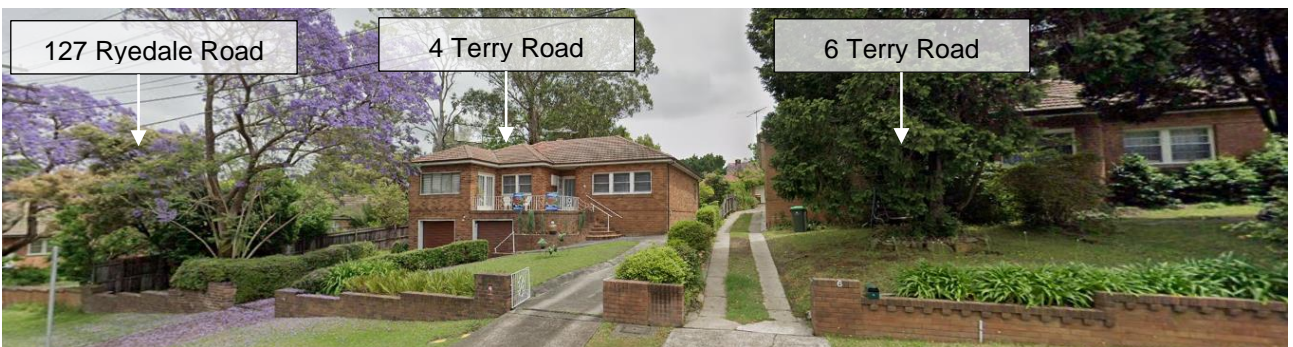


Figure 4: View of part of the proposed development site from Terry Road looking north-west (Source: Google Maps, overlay by the Department)

1.1.3 Purpose of plan

A revised planning proposal was prepared by Ethos Urban on behalf of the RELC. The concept design provides for approximately 84 seniors independent living units (ILU) up to 4-storeys in height and 31 aged care beds. The proposal will support approximately 20 full time jobs.

The revised planning proposal for the amalgamated site, the draft LEP seeks to:

- amend Schedule 1 Additional permitted uses in Ryde LEP 2014 to allow seniors housing on the site;
- increase the maximum height of buildings (HOB) from 9.5m to RL52 (1 to 4 storeys);
- increase the maximum floor space ratio (FSR) from 0.5:1 to a total FSR for the entire site to 1.2:1 in a phased approach as follows:
 - stage 1 to 1:1 (land fronting Terry Road and part of 133 Ryedale Road); and
 - stage 2 to 1.6:1 (land fronting Ryedale Road and part of 133 Ryedale Road).

It is noted that Council has prepared a draft site-specific DCP (**Attachment A12**) to accompany this planning proposal that will guide future development. The planning proposal is also accompanied by a letter of offer for public benefits (**Attachment A14**).

The table below outlines the current and proposed controls for the LEP at Gateway.

Table 2: Current and proposed controls

Control	Current	Proposed	
Zone	R2 Low Density Residential	R2 Low Density Residential	
Maximum height of the building	9.5m	RL52	
Floor space ratio	0.5:1	Stage 1	1:1
		Stage 2	1.6:1
		Total	1.2:1
Additional permitted uses	N/A	Allow seniors housing	
Number of dwellings	10	84 seniors ILUs and 31 aged care beds	
Number of jobs	N/A	20	

1.1.4 State electorate and local member

The site falls within the Ryde state electorate. Victor Dominello MP is the State Member.

The site falls within the Bennelong federal electorate. John Alexander MP is the Federal Member.

To the team's knowledge, neither MP has made any written representations regarding the proposal. However, correspondence was received from one resident asking for a response from the State Member concerning the appropriateness of seniors housing in close proximity to a registered club. The response to the resident is in **Attachment A15**. No further correspondence was received from the resident or the State Member.

There are no donations or gifts to disclose, and a political donation disclosure is not required.

There have been no meetings or communications with registered lobbyists with respect to this proposal.

2 Previous planning proposal and rezoning review

A rezoning review for the site was submitted by the Ethos Urban on behalf of the RELC as Council failed to indicate its support for the proposal.

The planning proposal sought to utilise site specific controls in Part 6 Additional Local Provisions of the LEP to vary the maximum height to RL52, the maximum FSR to 1.20:1 and include seniors housing in Schedule 1 Additional permitted. It did not seek to amend any maps.

Council was supportive of the provision of seniors housing at the location that was close to existing public transport, service and other facilities, they stated that the proposal required further amendment to progress. Council's comments on the planning proposal considered for the rezoning review is in **Attachment G2**.

Council stated that the applicant failed to adequately address site specific issues and the recommendations made by the independent Urban Design Review Panel (UDRP) such as:

- the site has a number of large trees and an arborist report was not provided;
- site staging including FSR, staging boundaries and setbacks are not adequately addressed in the concept plan;
- the UDPR recommended that a blanket FSR was not appropriate across the entire site. In Stage 2, an FSR of 1.2:1 is only achievable, and Stage 1 will achieve an FSR of 0.93:1. The proposal should establish two different FSRs for Stage 1 and Stage 2;
- the built form on a significant sloping site requires further testing and guidance in the DCP to resolve outcomes such as blank walls, retaining walls, fencing and access including ramps; and
- after assessment Council found that the proposal has not adequately made amendments recommend by the UDRP or satisfactorily justified the current design.

On 16 September 2020, the SNPP considered the planning proposal (**Attachment E1**). Based on their review, the panel determined that the planning proposal demonstrated strategic and site-specific merit and should proceed to Gateway with additional permitted uses in the Ryde LEP 2014 to include site specific development standards to:

- allow Seniors Housing;
- increase the maximum height of buildings (HOB) up to RL 52 (4 storeys); and
- increase the maximum floor space ratio (FSR) to 1.20:1.

The panel recommended the timely finalisation of a site-specific Development Control Plan to be exhibited with the planning proposal.

Following the review, Council was offered the role of planning proposal authority (PPA).

Council advised that they do not wish to continue as the PPA and as such, in a unanimous decision, the Panel appointed itself as the PPA on 30 November 2020. The Panel requested that the proposal be submitted for a Gateway determination.

3 Gateway determination and alterations

The Gateway determination issued on 10 March 2021 (**Attachment D1**) determined that the proposal should proceed subject to conditions.

Consideration was given to the site at 129 Ryedale Road, Denistone being in private ownership. To provide orderly development the Gateway was issued with a split FSR in lieu of a blanket FSR.

The Gateway required the planning proposal to be updated and forwarded to the Department for endorsement prior to exhibition to:

- include maps clearly indicating the Stage 1 and Stage 2 boundaries to define the application of a split FSR in lieu of a blanket FSR of 1.20:1:
 - Stage 1 FSR of 1:1; and
 - Stage 2 FSR of 1.6:1;
- include mapping for the site indicating the proposed height and FSR in lieu of amending Part 6 Additional Local Provisions;
- clearly explain the maximum number of storeys possible across the site that the RL height limit facilitates rather than relying on the concept that accompanied the proposal;
- address Ministerial Directions:
 - 2.6 Remediation of contaminated land; and
 - 6.3 Site specific provisions.
- update references to s.117 Directions and replace with 9.1 Ministerial Directions;
- remove reference to revoked Directions;
- provide reports referred to in the planning proposal:
 - a traffic report; and
 - shadow diagrams of the proposed development;
- provide employment numbers for the aged care facility in Stage 1;
- a site-specific DCP is to be finalised and exhibited with the planning proposal.

The Gateway determination was altered on 2 June 2021 to correct an administrative error. This replaced condition 1(g) to correct the FSR to state 1:1 in lieu of 1.1 (**Attachment D2**).

In accordance with the Gateway determination (as altered) the proposal is due to be finalised on 10 March 2022.

The applicant has met all the conditions of the Gateway determination.

4 Public exhibition and post-exhibition changes

In accordance with the Gateway determination, the planning proposal was publicly exhibited for a minimum of 28 days from 26 August 2021 until 23 September 2021.

The exhibition was then extended until 30 September 2021 due to an unforeseen issue with the NSW Planning Portal terminating the public exhibition 24 hours earlier than the stated end date.

Due to COVID restrictions at the time the planning proposal and associated documents were made available on Council's website and on the NSW Planning Portal. A letter was sent to surrounding property owners and occupiers advising of the exhibition.

A total of 13 submissions were received, 12 from the general community and 1 from the RELC (**Attachment F5 and F6**).

All of the general community submissions objected to aspects of the proposal. However, one submission was also supportive of the RELC's vision.

Most of the submissions were received from neighbouring residents.

As greater than 10 unique submissions were received, a public meeting was held by the SNPP on 15 December 2021. The hearing is discussed further in Section 4.3.

4.1 Submissions during exhibition

4.1.1 Submissions supporting the proposal

One of the public submissions was supportive of the RELC's vision to provide seniors housing in an accessible location but also raised objections to the proposal.

4.1.2 Submissions objecting to and/or raising issues about the proposal

There were 11 unique submissions received from individuals. Of the individual submissions, all objected to various aspects of the proposal (**Attachment F6**).

The proponent's report (**Attachment F4**) noted that submissions received during the public exhibition period identified key concerns including:

- traffic, access and parking;
- building height, bulk, scale, and character;
- overlooking and privacy;
- overshadowing;
- too close to a licenced club; and
- consistency with the draft Housing SEPP.

The key issues and responses are summarised in **table 3**.

Table 3: Summary of Key Issues

Issue raised	Submissions (%)	Proponent response and Department assessment of adequacy of response
Traffic, access and parking	100%	<p>Proponent Response:</p> <p>Analysis found that intersections at Terry Road and Ryedale Road and Terry Road and Orchard Street all had a 'good' level of service.</p> <p>The RDCP 2014 requires the following parking rates based on the concept supporting the Planning Proposal:</p> <ul style="list-style-type: none"> • 73 residential spaces for independent living units; • 3 spaces for the high dependency beds; • 10 staff spaces; and • 1 ambulance space. <p>The concept provides parking, loading and ambulance spaces compliant with the RDCP 2014 with access via Terry Road.</p> <p>The site has a number of public and private car parks in the vicinity. On street parking is free, changes to this are a matter for Council.</p> <p>This requirement is also consistent with car parking requirements of the SEPP (Housing for Seniors or People with a Disability) 2004 (Seniors SEPP).</p> <p>Garbage collection is proposed to occur on-site within the loading area to accommodate up to 10m rigid truck.</p> <p>Further assessment of potential transport, traffic and parking can be undertaken at the development application (DA) stage.</p>

Issue raised	Submissions (%)	Proponent response and Department assessment of adequacy of response
		<p>Department Response:</p> <p>The planning proposal was not submitted or assessed under the Seniors SEPP.</p> <p>The Transport report (Attachment A10) provided an assessment of the development with 85 independent living units and 30 high care beds and concluded that the low generation of traffic on the road network of 10 to 15 vehicles per hour two-way, would not have a noticeable effect on the operation of the surrounding road network.</p>
Building height, bulk, scale, and character	63%	<p>Proponent Response:</p> <p>The massing of the proposal responds to the adjoining the low density residential land with the built form responding to the topography of the site.</p> <p>The provision of the RL 52 height plane ensures that the built form will 'fall' in height as it moves to the north resulting in a form with maximum of 2 storeys to the northern end of the site on Terry Road and 5 storeys on Ryedale Road.</p> <p>Side and rear building setbacks are generally 6m to surrounding sites and a 12m building separation between built forms within the site. This is consistent with the draft site-specific DCP which has been prepared by Council staff.</p> <p>The proposed height along Ryedale Road responds adequately to the character of the RELC which transitions to the West Ryde Town Centre to the south and the existing 4 storey buildings on the south side of Terry Road.</p> <p>Department Response:</p> <p>The Floor Space Ratio placed on public exhibition reflects the concept scheme prepared by the Proponent and seeks an overall FSR of 1.2:1.</p> <p>The Stage 2 FSR from the Concept Scheme exhibited requires an FSR of 1.57:1. This was rounded to 1.6:1 as a matter of process, increasing the overall FSR to 1.22:1.</p> <p>Following public exhibition, the proponent has since submitted a revised scheme responding to some issues raised by Council, though also seeks to change the extent of the individual stages as well as increase the proposed FSR to 1.22:1. This presents a new scheme which was not exhibited.</p> <p>The Department recognises the significant work undertaken by the proponent and Council in relation to determining appropriate GFA, setbacks, building lengths and building breaks to ensure desirable built form outcomes can be achieved.</p>

Issue raised	Submissions (%)	Proponent response and Department assessment of adequacy of response
		<p>Late changes to the scheme slightly increase bulk and scale, which is noted as being a key concern in public submissions as well as seeking to change the land allocated to staging.</p> <p>With respect to built form controls, the proposed concept will need to comply with the DCP and/or the new SEPP (Housing) 2021. The new SEPP outlines requirements relating to development for the purposes of housing for seniors. The SEPP is discussed further in section 5.1. The SEPP must be complied with if there are no DCP provisions for the site.</p> <p>On balance, the following is recommended:</p> <ul style="list-style-type: none"> • Stage 1 FSR is retained at 1.0:1 (4-14 Terry Road and part 133 Ryedale Road); • Stage 2 FSR reflect the exhibited concept scheme and Council's draft DCP at 1.57:1 (127-131 Ryedale Road and part 133 Ryedale Road) <p>The Stage 1 and Stage 2 land allocations remain as exhibited.</p> <p>The DCP and its contents is a matter for Council to consider. The Planning Proposal Authority (PPA) Determination and Statement of Reasons, with respect to additional notes for consideration in relation to the DCP is also recognised (Attachment E2).</p>
Overlooking and privacy	54%	<p>Proponent Response:</p> <p>Setbacks will provide building separation and opportunities for planting for mature trees and landscaping to screen neighbouring residential sites.</p> <p>The proposed setbacks will comply with the requirements set out in draft site-specific DCP which has been prepared by Council. The DCP intends to include privacy measures such as location of windows, screens and building design features. This will ensure overlooking into the primary living areas and private open space of neighbouring dwellings is minimised and can be addressed in a future DA.</p> <p>In the response to submissions the proponent states that the proposed seniors housing use is anticipated to be a less noise intensive use than other types of residential uses. The location of internal and external gathering areas will be designed to be sited away from property boundaries. When this is not possible, acoustic attenuation measures such as acoustic screening and activities management will be adopted to reduce impacts.</p> <p>Construction impacts and noise can be assessed as part of a future DA.</p> <p>An acoustic report will accompany the DA for the proposal to address detailed acoustic matters.</p>

Issue raised	Submissions (%)	Proponent response and Department assessment of adequacy of response
		<p>Department Response:</p> <p>Council's DCP indicate a minimum setback of 6m from neighbouring properties. Overlooking, privacy and acoustic impacts will be addressed as part of any future DA and can be mitigated by design and various treatments to increase privacy such as screening, planter boxes and landscaping.</p>
Overshadowing	27%	<p>Proponent Response:</p> <p>The indicative concept demonstrates that the overshadowing predominantly falls on the Ryedale and Terry Roads to the west and south of the site. No adjoining residences will be overshadowed between 9am and 12 noon on 21st June.</p> <p>A number of the residential flat buildings on the opposite side of Terry Road will experience some overshadowing at 3:00pm on 21st June.</p> <p>Shadow diagrams submitted by the applicant are shown in Figure 8 – 10.</p> <p>Department Response:</p> <p>The shadow diagrams indicate that overshadowing does not impact upon adjacent residential development until after 3pm to the flat buildings on the south side of Terry Road.</p> <p>Any overshadowing impacts can be addressed as part of any future DA.</p>
Proximity to a licenced facility	11%	<p>Proponent Response:</p> <p>The proponent states that the club has responsibilities to manage the responsible service of alcohol and activities concerning gaming on their premises.</p> <p>The RELC facilitates community and social functions and events, particularly for people aged over 55 who form a significant portion of their membership base. The RELC premises contains numerous restaurants, a gym and hosts social and community activities available for the benefit of Club members. This allows for local seniors, particularly those residing in RELC's seniors housing, to positively connect and contribute to their community.</p> <p>Department Response:</p> <p>There are no provisions that set minimum requirements relating to the proximity of seniors housing to registered clubs.</p> <p>The <i>Gaming Machines Act 2001</i> and the regulations made under that act provide for gambling harm minimisation measures and the RELC must comply with the directions under this act or face penalties. The <i>Liquor Act 2007 No 90</i> also outlines regulations to minimise harm with the misuse and abuse of</p>

Issue raised	Submissions (%)	Proponent response and Department assessment of adequacy of response
		<p>liquor and that its sale, supply and consumption does not detract from the amenity of community life.</p> <p>Staff work duties in the gaming area of a licenced premises are required to undertake training and hold a Responsible Conduct of Gambling (RCG) certificate and competency card. The competency card must be renewed every five years with a refresher course.</p> <p>A Responsible Service of Alcohol (RSA) certificate and competency card is also required by all employees of a licenced premises which sells, serves or supply liquor. This includes security staff, directors, managers and service staff and must be renewed every five years with a refresher course.</p>
Consistency with the draft Housing SEPP	9%	<p>Proponent Response:</p> <p>Amendments are proposed to the Seniors Housing SEPP through the draft Housing SEPP which would have the effect of limiting seniors housing within certain zones, unless specifically permitted under a separate environmental planning instrument.</p> <p>The subject Planning Proposal received Gateway Determination on 10 March 2021, approximately six months prior to the exhibition of the draft Housing SEPP. Discussions related to the proposed redevelopment of the site and seniors housing use on the site have been ongoing for nearly 5 years.</p> <p>The final drafting of the amendment to the Ryde LEP 2014 will include a new site-specific clause under Schedule 1 Additional Permitted Uses. Seniors housing, including Independent Living Units (ILU) is therefore made permissible by the Ryde LEP 2014.</p> <p>Department Response:</p> <p>The State Environmental Planning Policy (Housing) 2021 (Housing SEPP) came into effect on 26 November 2021.</p> <p>Of relevance is Part 5 of the Housing SEPP. This part introduced development standards for seniors housing within specified zones. The subject site is zoned R2 Low Density Residential. In this zone development can only be carried out for the purposes of a residential care facility, independent living units (ILU) are prohibited.</p> <p>However, Clause 86(2) states that:</p> <p><i>Nothing in this section prevents a consent authority from granting development consent for development for the purposes of seniors housing on land on which development for the purposes of seniors housing is permitted under another environmental planning instrument.</i></p> <p>The planning proposal seeks to include an additional permitted use under Schedule 1, Additional Permitted Uses of the Ryde LEP 2014 to allow seniors housing. Therefore, the proposed</p>

Issue raised	Submissions (%)	Proponent response and Department assessment of adequacy of response
		<p>development is permitted by the local instrument and consistency with provisions under Part 5 of the Housing SEPP may be considered, though are not prohibitive.</p> <p>A future DA can be lodged under the Ryde LEP 2014 with regard to the site specific DCP and/or the Housing SEPP.</p> <p>ILUs must comply with the relevant standards in Schedule 4 of the Housing SEPP if not specified in the DCP and further assessment can be carried out as part of any future DA. The savings provision in the Housing SEPP applies to active DAs not planning proposals.</p>

4.1.3 Other issues raised

Other matters of concern raised by submissions included:

- protection of native flora and fauna currently living in trees / plants on the site and concern over tree removal impacting on the landscape character of the site;
- contamination as a result of demolition and construction;
- the planning proposal will set a precedent and is inconsistent with the R2 Low Density Residential zone; and
- proposed relocation of Ryde Hospital to Macquarie Park raising concern with the provision of seniors housing in the location.

The first two matters will be considerations at the DA stage. Site specific planning proposals may be, and are submitted via existing planning pathways across NSW. NSW Health considers population growth and servicing as part of its operations and proposed locations of hospitals and there is and will be capacity to service this site. NSW Health did not make a submission to the planning proposal, but was notified of the exhibition.

4.1.4 RELC submission

During the public exhibition, Ethos Urban on behalf of the RELC made a submission with amendments to the revised scheme (**Attachment F5**).

Their submission concerned the proposed GFA on the site and changes to the scheme, particularly relating to the division line between stage 1 and stage 2 (**Figure 5**).

The applicant has requested to change the proposed development controls as specified in the Gateway determination issued on 10 March 2021 (since altered). The applicant states that the controls contained in the Gateway will result in an FSR of 1.22:1 and they are not seeking to increase this.

This change will increase the stage 1 site area and decrease the stage 2 site area. The proponent recommended to maintain the overall GFA on the site of 1.22:1 the FSR for each site should be revised (**Table 4**). The changes would have approximately followed the cadastre boundaries.

The Department and the Sydney North Planning Panel do not accept this approach.

The applicant also made reference to the draft Housing SEPP which is addressed in section 5.1.

Table 4: Proposed development stages

	Stage 1	Stage 2	Total
Site Area	5,926	2,670	8,596
GFA	6,255	4,205	10,460
FSR	1.06:1	1.57:1	1.22:1



Figure 5: Proponent proposed final FSR map (source: Ethos Urban)

LEGEND

- Boundary - Primary
- Boundary - Internal
- Boundary - FSR Zoning
- Set back - Primary
- Set back - Secondary (Top floor)
- Set back - Articulation
- Landscape over podium
- Landscape over natural ground
- Landscape zones are mixed hardpace and planting

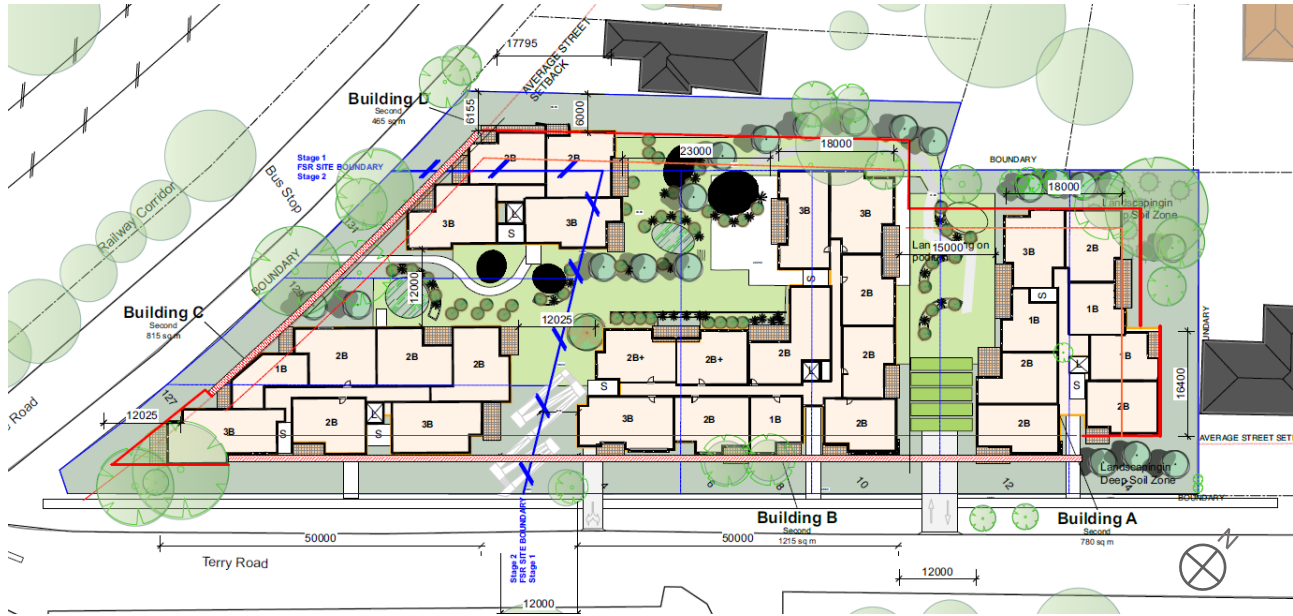


Figure 6: Proposed changes to the boundary between Stage 1 and Stage 2 (source: Turner Hughes)

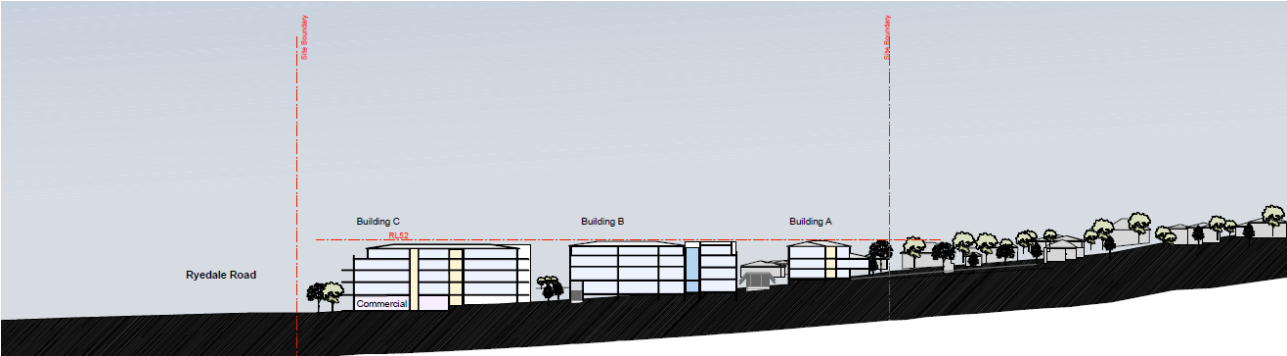


Figure 7: East west section of the site (source: Turner Hughes)

4.1.5 Council comments on the exhibited planning proposal

Council provided comments on the exhibited planning proposal in an email on 22 November 2021 (**Attachment G1**).

In principle, Council are supportive of the proposed amendment to the Ryde LEP to include an additional, the height of buildings and the FSR in a staged approach.

Council stated that concerns remained with the exhibited concept and will require further refinement at the DA stage. These issues were raised in Councils previous submission (**Attachment G2**) including:

- inadequate setback to the adjoining to the north at 135 Ryedale Road; and
- visual impact of the vehicular access via Terry Road.

Council provided comments on the submission made by the RELC during the public exhibition that comprised refinements to the scheme, including some of the following:

- the distribution of floor space over two smaller building forms at Stage 2 and the breaking up the building mass that fronts Ryedale Road; and
- setbacks and building separation are generally acceptable except for the side setback to the residential property at 135 Ryedale Road.

Council raised several issues with the refined scheme:

- the overall FSR is estimated to be 1.22:1, exceeding the permitted floor space ratio by approximately 172m² (similar to two 2-bed units);
- primary vehicle access to basement car park is still not encapsulated within the built form;
- balconies directly look across the site boundary and borrow amenity from 135 Ryedale Rd but could be resolved by removing them from the concept; and
- address Council's concern on the setback/separation to the residential property at 135 Ryedale Road.

Department comment

Most issues raised by Council can be resolved at the DA stage. However, Council should refine the draft DCP to be consistent with the requirements of the new SEPP (Housing) 2021. The Housing SEPP is discussed further in section 5.1. The Department has recommended post-exhibition changes to maintain an FSR of 1.2:1 across the site as was intended at exhibition.

4.2 Advice from agencies

In accordance with the Gateway determination, the following agencies were requested by the Department to provide a response to the planning proposal **Table 5**.

Table 5: Advice from public authorities

Agency	Advice raised
Transport for NSW (TfNSW)	No concerns raised
Ausgrid	No concerns raised
Sydney Water	No concerns raised
NSW Health	No response received

The Department considers Council has adequately addressed matters raised in submissions from public authorities.

4.3 Public meeting and recommendations

On 16 September 2020, as a result of a rezoning review, the Sydney North Planning Panel (SNPP) supported the planning proposal to be forwarded to the Department for a Gateway.

- on 4 November 2020, Council formally refused the role of planning proposal authority (PPA);
- on 30 November 2020, the SNPP appointed itself the role of the PPA;
- on 30 July 2021, the SNPP endorsed the revised planning proposal for public exhibition.

On 15 December 2021, a public meeting was held by teleconference as greater than 10 unique objections had been received from the community.

On 20 December 2021, the SNPP as the PPA, determined to recommend to the Minister that the proposed instrument should be finalised (**Attachment E2**) and reflective of the exhibited concept scheme:

- Stage 1 FSR is retained at 1:1 (4-14 Terry Road and part 133 Ryedale Road);
- Stage 2 FSR reflect the exhibited concept scheme and Council's draft DCP at 1.57:1 (127-131 and part 133 Ryedale Road); and
- Stage 1 and Stage 2 land allocations remain as exhibited.

The SNPP also noted that future development must consider:

- the SEPP (Housing) 2021 pertaining to gradients, build form and design principles;
- refinement of the DCP to be compliant with the Housing SEPP; and
- development must address potential site isolation and amenity of neighbouring properties.

In their final decision, the SNPP:

- noted that in principle Council was supportive of the proposed amendments;
- agreed with the Department that all of the key concerns raised in the submissions had been addressed by the proponent;
- agreed that the FSR to be applied to the site should reflect the exhibited concept scheme with an FSR of 1.2:1.

4.3.1 Department's recommended changes

The Department considered Council's comments and it is recommended that Stage 1 FSR remain as 1:1 at 4-14 Terry Road and part 133 Ryedale Road and the FSR be reduced to 1.57:1 at 127-131 and part 133 Ryedale Road as to not exceed the overall FSR for the site of 1.2:1.

The boundary between Stage 1 and Stage 2 is to remain as submitted to the Department with the revised planning proposal (**Figure 12**).

It is considered that the post exhibition changes are relatively minor and do not alter the intent of the planning proposal. As such, the re-exhibition of the planning proposal is not required as the changes to the FSR in Stage 2 will not result in increased development.

5 Department's assessment

The proposal has been subject to detailed review and assessment through the Department's Gateway determination (**Attachment D1**) and subsequent planning proposal processes. It has also been subject to a high level of public consultation and engagement.

The following reassesses the proposal against relevant Section 9.1 Directions, SEPPs, Regional and District Plans and Council's Local Strategic Planning Statement. It also reassesses any potential key impacts associated with the proposal (as modified).

The planning proposal considered for finalisation:

- remains consistent with the regional and district plans relating to the site;
- consistent with the Council's Local Strategic Planning Statement;
- remains consistent with all relevant Section 9.1 Directions; and
- remains consistent with all relevant SEPPs*.

**note that the State Environmental Planning Policy (Housing) 2021 (Housing SEPP) came into effect on 26 November 2021 and was considered by the SNPP in the decisions and the Department in the final assessment of the proposal.*

Tables 6 and 7 identify whether the proposal is consistent with the assessment undertaken at the Gateway determination stage.

Where the proposal is inconsistent with this assessment, requires further analysis or requires reconsideration of any unresolved matters these are addressed in Section 5.1.

Table 6: Summary of strategic assessment

	Consistent with Gateway determination report Assessment	
Regional Plan	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No, refer to section 5.1
District Plan	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No, refer to section 5.1
Local Strategic Planning Statement	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No, refer to section 5.1
Section 9.1 Ministerial Directions	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No, refer to section 5.1
State Environmental Planning Policies (SEPPs)	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No, refer to section 5.1

Table 7: Summary of site-specific assessment

Site-specific assessment	Consistent with Gateway determination report Assessment	
Social and economic impacts	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No, refer to section 5.1
Environmental impacts	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No, refer to section 5.1
Infrastructure	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No, refer to section 5.1

5.1 Detailed assessment

The following section provides details of the Department's assessment of key matters and any recommended revisions to the planning proposal to make it suitable.

The Planning Proposal seeks to amend the height of buildings and FSR standards and introduce an additional permitted use in Schedule 1 to allow 'seniors housing' on the site. The proposal was deemed to have strategic and site-specific merit.

5.1.1 Site-specific assessment

Economic and social

The planning proposal would increase housing supply for seniors broadening housing choice in a location which is close to existing public transport and retail services. The DCP contains provisions to require a mix of size of dwellings appropriate to the demand for seniors housing.

The proposal will increase employment opportunities potentially in domestic and health related services creating approximately 20 new jobs. It will support the local community and viability of the West Ryde Town Centre by facilitating increased patronage.

A letter of offer was submitted with the planning proposal (**Attachment A14**). The offer includes enhancements to the pedestrian domain such as upgrade and provision of footpaths, landscaping or lighting and security enhancements near Ryde-Eastwood Leagues Club. Full details have yet to be finalised between Council and the proponent.

Environmental and contamination

The proposal includes a site-specific provision to require minimum setbacks from the neighbouring property boundaries. The required setbacks could facilitate deep soil planting and contribute to enhancing tree canopy in the area.

The proposed DCP provides a minimum requirement for landscaping. Existing mature trees will be retained where practicable. This will provide amenity to the residents and potentially reduce the visual presence of the building through large scale plantings.

Any additional landscaping can be carried out as part of a future DA.

A stage 1 Environmental Site Assessment (ESA) (**Attachment A13**) was submitted to the Department after the SNPP considered the resubmitted planning proposal. The report states that due to the long history of low-density residential uses, the site was assessed as have low to negligible contamination.

The Department is satisfied that the site can be made suitable for the intended higher density. Further investigation may be required during the demolition of the existing residential dwellings and associated buildings, and the construction phase.

Overshadowing

The planning proposal was exhibited with shadow diagrams (**Figures 8-10**). The shadow diagrams indicate that overshadowing does not impact upon adjacent residential development until after 12 noon to the flat buildings on the south side of Terry Road.

The proposal states that the objectives are to maximise sunlight to key areas of the development whilst minimising the overshadowing impact to adjoining residential properties.

The proposed overshadowing and solar access objectives and controls are outlined in the proposed site-specific DCP (**Attachment A12**). The DCP will require further shadow diagrams to be submitted at the DA stage to ensure that the neighbouring properties are not inappropriately impacted by any overshadowing.



Figure 8: Shadow diagram 9am June 21st (source: Turner Hughes)



Figure 9: Shadow diagram 12pm June 21st (source: Turner Hughes)



Figure 10: Shadow diagram 3pm June 21st (source: Turner Hughes)

Overlooking and privacy

The height of buildings adjoining the existing residential area is to be low scale and must comply with the new SEPP (Housing) 2021 or if specified in the DCP. Overlooking, privacy and acoustic impacts can be addressed as part of any future DA and can be mitigated by design and various other treatments.

Increased setbacks will provide adequate building separation and opportunities for planting for mature trees and landscaping to screen neighbouring residential sites.

The proposed setbacks must comply with the requirements set out in draft site-specific DCP prepared by Council. This will include privacy measures such as location of windows, screens and building design features.

Built form

The site is predominantly in a low-density residential environment. The concept scheme indicates a reduced scale adjoining the low-density residential land and the height of RL52 will enable the built form to follow the fall of the site (**Figures 11 and 13-15**). The DCP will guide the provision of a two storey wall height in Stage 1 adjoining the neighbouring property at 16 Terry Road.

The FSR of 1.6:1 was reduced as this would increase development that could result in the equivalent of two, two bedroom ILUs as advised by Council staff.

The final FSR of 1:1 is to be applied to Stage 1 (east portion at 4-14 Terry Road and part of 133 Ryedale Road) and a reduced FSR of 1:57 is to be applied to Stage 2 (the west portion at 127-131 and part of 133 Ryedale Road) (**Figure 12**). This will equate to a total FSR of 1.2:1 over the entire amalgamated site.

Setbacks to all neighbouring properties at 16 Terry Road, 135 Ryedale Road and 1 and 3 Marlow Avenue will be a minimum of 6m (Figure 16).



Figure 11: Proposed HOB (source: Ethos Urban)



Figure 12: Recommended final FSR of 1:1 (N) in Stage 1 and 1.57 (S1A) in Stage 2 (source: Ethos Urban, with amendment by the Department)

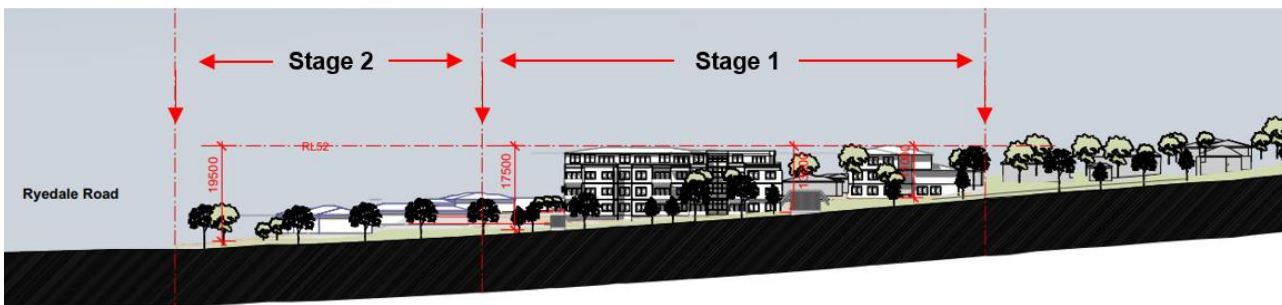


Figure 13: Elevation of the proposed Stage 1 built form from Terry Road, Denistone (Source: Turner Hughes Architects, overlay by the Department)

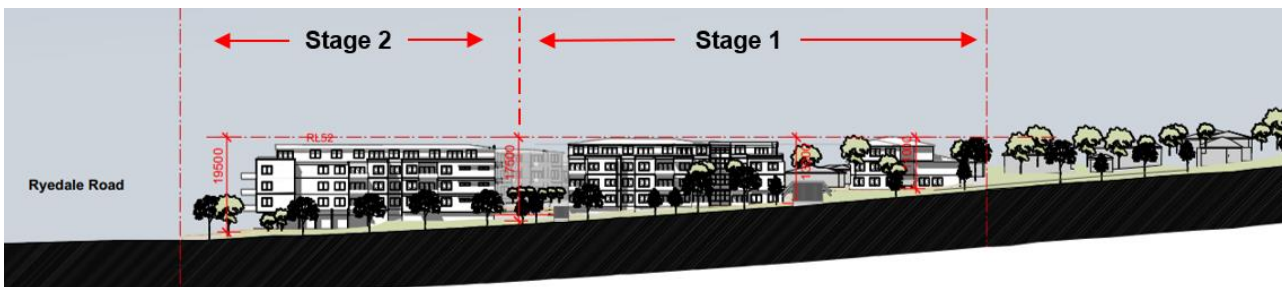


Figure 14: Elevation of the final proposed built form from Terry Road, Denistone (Source: Turner Hughes Architects, overlay by the Department)

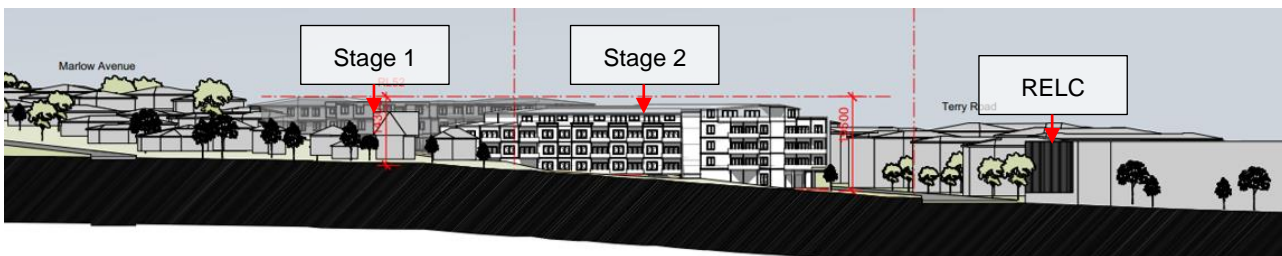


Figure 15: Elevation of the proposed built form from Ryedale Road, Denistone (Source: Turner Hughes Architects)

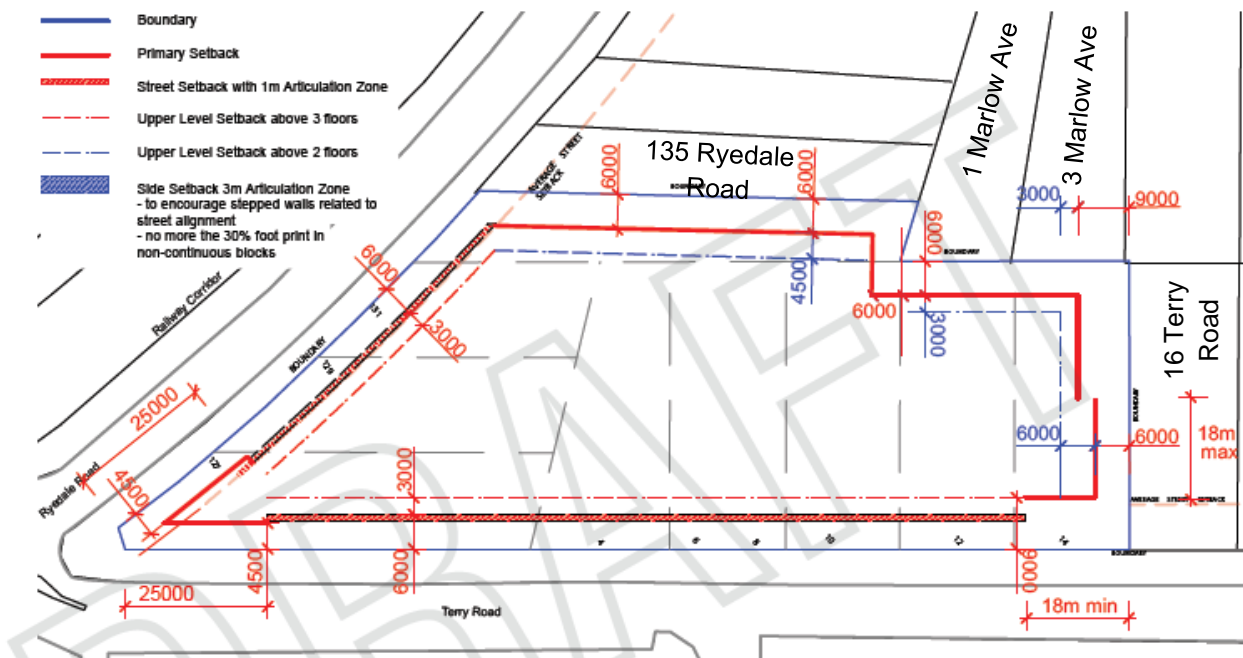


Figure 16: Minimum setbacks will be a minimum of 6m to neighbouring residential properties and included in the site-specific DCP (source: Council, overlay by the Department)

Traffic, transport and parking

A Transport Report prepared by Colston, Budd, Rogers and Kafes accompanied the Planning Proposal and was prepared in September 2017 (**Attachment A10**) with a further addendum in December 2017.

The report summary indicates that:

- the proposal is close to existing public transport and pedestrian facilities in and around the West Ryde Town Centre;
- parking rates are appropriate and compatible with Council parking rates; and
- the development will generate a minimal increase in traffic and not impact on the surrounding road network.

Further assessment of potential transport and traffic can be undertaken at the DA stage.

The indicative concept provides parking, loading and ambulance spaces compliant with the RDCP 2014 with access via Terry Road.

The site has a number of public and private car parks in the vicinity including two commuter car parking areas and a multistorey private car park belonging to the RELC which is free for members. Currently, on street parking is free and any changes to this are a matter for Council.

Infrastructure

The site is within 450m of the West Ryde Train Station with connecting bus services to areas such as the Sydney CBD, Chatswood and Parramatta. No additional transport infrastructure is required.

The site is in an established urban area that is well serviced by electricity, telecommunications, water and sewerage infrastructure. Any additional demand will be minimal.

5.1.2 Strategic assessment

Regional Plan

The following table provides an assessment of the planning proposal against relevant aspects of the Greater Sydney Regional Plan.

Table 7 Regional Plan assessment

Regional Plan Objectives	Justification
Direction 1: A city supported by infrastructure	The site is approximately 450m walking distance of the West Ryde Rail Station and major bus routes to the Sydney CBD, Chatswood, Parramatta and Eastwood. The site is within an established residential area. Augmentation of existing services could be addressed at the DA stage.
Direction 3: A city for people Direction 6: A connected city	The site has convenient access to public transport. Retail services are available in the West Ryde Town Centre across Terry Road directly to the south of the site, close to West Ryde Rail Station with connections to various locations.
Direction 4: Housing the city	The proposal will provide a variety of size options for seniors housing on a site with convenient access to existing public transport.
Direction 5: A city of great places	The proposal would deliver seniors housing and facilitate renewal in an area near public transport. The proponent has submitted a letter of offer for public benefits such as enhancement and construction of footpaths adjoining the site.

Direction 7: Jobs and skills for the city

The proposal can potentially provide 20 new jobs on the site. The proposal would generate demand for services and enhance the viability of the local shops and businesses within the West Ryde Town Centre to the south of the site.

North District Plan

The site is within the North District and the Greater Sydney Commission released the North District Plan on 18 March 2018. The plan contains planning priorities and actions to guide the growth of the district while improving its social, economic and environmental assets.

The planning proposal is consistent with the priorities for infrastructure and collaboration, liveability, productivity, and sustainability in the plan as outlined in **Table 8**.

The Department is satisfied the planning proposal gives effect to the District Plan in accordance with section 3.8 of the *Environmental Planning and Assessment Act 1979*.


Table 8 North District Plan assessment

District Plan Priorities	Justification
<i>Planning priority N1 – planning for a city supported by infrastructure</i>	The planning proposal is consistent with this priority as it will provide seniors housing in a location that is well serviced by existing infrastructure. The West Ryde Train Station and bus services are approximately 450m to the south of the site with services to the Sydney CBD, Chatswood and Paramatta and also to Ryde Hospital. The site is in an established area already serviced by utility infrastructure.
<i>Planning priority N2 – working through collaboration</i>	The planning proposal states that the proponent has made an offer to enter into a voluntary planning agreement (VPA) and demonstrates collaboration. The public benefit offer relates to monetary contribution for the purposes of public works improvements such as upgrade pedestrian paths and landscaping.
<i>Planning priority N3 – providing services and social infrastructure to meet people’s changing needs</i> <i>Planning priority N4 – fostering healthy, creative, culturally rich and socially connected communities</i>	<p>The planning proposal is consistent with these priorities as it will provide seniors housing on a site, which is within walking distance from retail services in the West Ryde Town Centre to the south. The centre contains a small supermarket, cafés, and grocer. The proposal will generate demand for services and contribute to the viability of the existing local businesses.</p> <p>The planning proposal states that it will help cater for a local aging population that is near to existing facilities and services.</p> <p>The proposed improvements to the public domain including upgraded paths will contribute to pedestrian amenity and enabling improved social connections.</p>

Planning Ryde - Local Strategic Planning Statement March 2020

The proposal is consistent with the strategic direction and objectives of the Local Strategic Planning Statement (LSPS). The assessment against the LSPS is outlined in **Table 9**.

Table 9: Local strategic plans assessment

Local Strategies	Justification		
Local Strategic Planning Statement	<p>The Planning Ryde - Local Strategic Planning Statement (LSPS) identifies:</p> <ul style="list-style-type: none"> the West Ryde Town Centre is well serviced by rail and bus services and contains a number of large government-owned sites that maybe redeveloped and a catalyst for change; located close to the Ryedale Road Precinct in the West Ryde Town Centre Revitalisation Master Plan area with plans to reinvigorate the area; there is a lack of investment in the private sector, and evidence of deferred maintenance affecting the attractiveness of the centre. <p>The redevelopment of the site will support growth in the West Ryde Town Centre and support local businesses. The proposed concept will provide a range of housing choices for seniors, close to existing transport options and existing services. The masterplan for West Ryde will increase revitalisation and services into the future.</p>  <p>Figure 14: West Ryde Town Centre Structure Plan (Source: Council, overlay by the Department)</p> <table border="0"> <tr> <td> <ul style="list-style-type: none"> — Road network - - - Railway line ⊖ Railway station ≡ Bridge or tunnel ⋯ Cycleway ⋯ Pedestrian link Public open space Private open space Education uses Mixed-use / commercial High-density residential Medium-density transition area Medium / low-density residential Utility (Sydney Water) </td> <td> <ul style="list-style-type: none"> Commercial uses Light industrial uses Heritage precinct / Conservation area Waterway Bus interchange Library Community facility City of Ryde Police station Place of worship Public car park </td> </tr> </table>	<ul style="list-style-type: none"> — Road network - - - Railway line ⊖ Railway station ≡ Bridge or tunnel ⋯ Cycleway ⋯ Pedestrian link Public open space Private open space Education uses Mixed-use / commercial High-density residential Medium-density transition area Medium / low-density residential Utility (Sydney Water) 	<ul style="list-style-type: none"> Commercial uses Light industrial uses Heritage precinct / Conservation area Waterway Bus interchange Library Community facility City of Ryde Police station Place of worship Public car park
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Ryde Local Housing Strategy	<p>The Ryde Local Housing Strategy (LHS) was approved on 9 September 2021 and sets out a plan for delivery of new housing in Ryde for the next 10 to 20 years. It has informed the development of the Ryde LSPS and supports Council’s vision to</p>		

align the housing growth with provision of infrastructure, services and community facilities.

The LHS states that:

- people aged 70-84 years appear to be concentrated in areas away from commercial centres;
- planning interventions may be required to encourage seniors living houses to be provided within Ryde LGA as this housing type is not always the use with the most economic gains and so will not be competitive within the housing market; and
- real estate agents have reported that seniors preferred two or three bedroom single level villas or apartments.

The proposal will provide approximately 84 ILUs of varying sizes and 31 aged care beds. Council's DCP will require a mix of dwelling sizes spread throughout the site to accommodate the needs of seniors.

Section 9.1 Directions

2.6 Remediation of Contaminated Land

This Direction was introduced on 17 April 2020 with the objective of reducing the risk of harm to human health and the environment by ensuring contamination and remediation of land are considered.

This Direction was addressed in a resubmitted planning proposal as a condition of the Gateway determination. A stage 1 Environmental Site Assessment (ESA) (**Attachment A13**) was submitted to the Department after the SNPP considered the resubmitted planning proposal.

The ESA states that there is a long history of low-density residential land use in private ownership since the 1900s. The site is currently occupied by 10 residential dwellings with gardens and small secondary buildings.

Based on their research and site inspection it was found that the site had low to negligible contamination. However, due to the age of the houses and associated structures, there is potential for hazardous materials such as lead paint and asbestos on and around the site.

The report considers that the site is suitable for increased development for medium to high density residential land use.

Further investigation can be carried out at the DA stage and during and after the demolition of the existing residential dwellings.

The Department is satisfied that the planning proposal is consistent with this Ministerial Direction.

6.3 Site Specific Provisions

The objective of this Direction is to discourage unnecessarily restrictive site-specific planning controls.

The Department considered that amending the height and FSR in a site-specific DCP rather than the instrument to be an unnecessary site-specific provision.

A Gateway condition recommended the planning proposal be amended to apply the intended height and FSR to the site in the relevant LEP map and resubmitted to the Department.

The applicant submitted draft mapping to the Department indicating the intended amended height of RL52 and FSR of 1:1 for Stage 1 and 1.6:1 for the site for exhibition. The Stage 1 FSR is

recommended to be slightly amended to 1.57:1 in the final LEP to ensure the total FSR is 1.2:1 for the site.

The Department is satisfied that the planning proposal is consistent with this Ministerial Direction.

State Environmental Planning Policies (SEPPs)

SEPP (Housing for Seniors or People with a Disability) 2004

The aim of this policy is to increase the supply and diversity, design of housing for seniors and people with a disability in appropriate locations.

The development is not intended to be facilitated via this SEPP and at the time of submission an assessment of the planning proposal against this SEPP was not undertaken.

This SEPP has been repealed and the requirements transferred to the new SEPP (Housing) 2021.

SEPP (Housing) 2021

The State Environmental Planning Policy (Housing) 2021 (Housing SEPP) came into effect on 26 November 2021.

Of relevance is Part 5 of the Housing SEPP. This part introduced development standards for seniors housing within specified zones. The subject site is zoned R2 Low Density Residential. In this zone development can only be carried out for the purposes of a residential care facility, independent living units (ILU) are prohibited.

However, Clause 86(2) states that:

Nothing in this section prevents a consent authority from granting development consent for development for the purposes of seniors housing on land on which development for the purposes of seniors housing is permitted under another environmental planning instrument.

The planning proposal seeks to include an additional permitted use under *Schedule 1, Additional Permitted Uses* of the *Ryde LEP 2014* to allow seniors housing. Therefore, the proposed development is permitted by the local instrument and consistency with provisions under Part 5 of the Housing SEPP does not alter permissibility.

A future DA can be lodged under the Ryde LEP 2014 or the Housing SEPP.

ILUs must comply with the relevant provisions of the Housing SEPP and further assessment can be carried out as part of any future DA.

Council have submitted a draft site-specific DCP that outlines site specific controls for the site including setbacks, amenity and compatibility with the existing surrounding area.

The savings provision in the Housing SEPP applies to active DAs and will not apply to this planning proposal.

6 Post-assessment consultation

The Department consulted with the following stakeholders after the assessment.

Table 10: Consultation following the Department’s assessment

Stakeholder	Consultation	The Department is satisfied with the draft LEP
Mapping	The HOB and FSR maps have been prepared by Council and meet the technical requirements.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No, see below for details
Council	<p>Council was consulted on the terms of the draft instrument under clause 3.36(1) of the <i>Environmental Planning and Assessment Act 1979</i> (Attachment H).</p> <p>Council confirmed on 24/02/2022 that it approved the LEP and that the plan should be made (Attachment H).</p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No, see below for details
Parliamentary Counsel Opinion	On 24/02/2022 , Parliamentary Counsel provided the final Opinion that the draft LEP could legally be made. This Opinion is provided at Attachment PC .	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No, see below for details

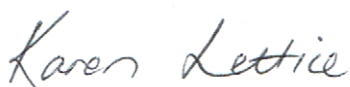
7 Recommendation

It is recommended that the Minister’s delegate as the local plan-making authority determine to make the draft LEP under clause 3.36(2)(a) of the Act because:

- the draft LEP has strategic merit being consistent with *Planning Ryde – Local Strategic Planning Statement* and can comply with the relevant Ministerial Directions and SEPPs;
- it is consistent with the North District Plan;
- it is consistent with the Gateway determination (since altered);
- it will provide a variety of accommodation options for seniors in an area close to existing shops, services and accessible public transport;
- it will contribute to the economy of the local West Ryde Town Centre;
- the staged approach with a varied FSR intends to mitigate any impacts on the neighbouring low density properties; and
- issues raised during consultation have been addressed, and there are no outstanding agency objections to the proposal.

Karen Lettice

Manager, Place and Infrastructure



Brendan Metcalfe
Director, North District



Assessment officer

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09 274 6045

Attachments

Attachment	Document
A1	Ryde Eastwood Planning Proposal Report - resubmission as per Gateway
A2	Survey Plan
A3	Combined Urban Design Report
A4	Concept Plans
A5	Envelope Massing_V01 Cnr Rydale Rd & Terry Rd
A6	Envelope Massing_V02 Terry Rd_Final
A7	Shadow Diagrams
A8	Amended Proposed FSR map
A9	Amended HOB map
A10	Transport Report
A11	Access Review
A12	Council - Amended Part 6.6 Site Specific DCP
A13	Stage 1 Environmental Assessment Report
A14	Public Benefit Letter
A15	Letter - V_Dominello_obo_Tobias_Lord_Planning_Proposal_in_Denistone
B	Locality map
C	Site map
D1	Gateway determination
D2	Alteration of Gateway determination
E1	SNPP Record of Decision - Rezoning Review 16 Sept 2020
E2	SNPP Record of Determination as PPA - 15 December 2021
F1	TfNSW response
F2	Ausgrid Response

Attachment	Document
F3	Sydney Water Response
F4	Applicant - Response to Submissions
F5	RELC submission
F6	Public submissions
G1	Council comments on the exhibited scheme
G2	Previous Council comments
H	Council comments on the LEP
PC	Parliamentary Counsel's Opinion
Maps	Draft LEP maps
LEP	LEP
MCS	Map cover sheet
Council	Letter to Council advising of the decision