

27 October 2021

2200146

Mr Brendan Metcalfe
Director, North District, Eastern Harbour City
Department of Planning, Infrastructure and Environment
12 Darcy Street
Parramatta NSW 2150

Dear Brendan,

Response to Submissions
PP/2021/115, 127 - 133 Ryedale Road and 4 – 14 Terry Road, Denistone

We refer to the above matter and the Department of Planning, Infrastructure and Environment's (DPIE) request for a Response to Submissions addressing comments provided during the public exhibition period.

The subject Planning Proposal seeks to amend the *Ryde Local Environmental Plan 2014* (Ryde LEP 2014) to introduce site-specific development standards allowing seniors housing and including a maximum height of buildings to RL52m and new maximum FSR. The Planning Proposal will facilitate the delivery of seniors housing which can utilise the existing services and facilities available within the Ryde Eastwood Leagues Club (RELC) and will leverage the highly accessible location of the site close to West Ryde train station and Ryde Hospital.

The Planning Proposal is also accompanied by a site-specific amendment to the Ryde Development Control Plan 2014 (draft DCP). The draft DCP seeks to ensure the built form and urban design outcomes illustrated within the indicative concept accompanying the Planning Proposal are achieved by any future development application. The draft DCP includes built form controls specific to the site, including dwelling mix, street presentation, building setbacks, overshadowing, open space among other matters.

Public exhibition of the Planning Proposal PP/2021/115 and the draft site-specific DCP was held from 26 August 2021 to 23 September 2021 by both DPIE and the City of Ryde (Council) respectively. Over this period, twelve public submissions were made to DPIE and three were made to the Council. Of these, two were form submissions (not unique) of an existing submission and another duplicate submission was submitted both to DPIE and Council. As such, a total of 12 unique public submissions were received on the Planning Proposal and site-specific DCP.

Three agency submissions were also received from Ausgrid, Transport for NSW and Sydney Water.

RELC and its specialist consultant team have considered all issues raised within the public and agency submissions made on the proposal. A response to each of the individual issues raised by the general public is provided in the response table at **Appendix A**. This response table includes an overview of the parties who made submissions and their key issues/matters for consideration. A response to the issues raised in the agency submissions is also provided at **Appendix B**.

We trust that the information in this letter adequately addresses the matters raised. Should you have any queries about this matter, please do not hesitate to contact me on (02) 9956 6962 or BHoskins@ethosurban.com.

Yours sincerely,



Justin Tse
Urbanist



Brendan Hoskins
Associate Director

Attachment A - Response to Public Submissions

Issue Raised	Number of times raised in unique submissions	Response
<p>Concern that increased residential density would result in an increased amount of traffic and vehicle movements, resulting in additional congestion and queuing in surrounding streets and reduced efficiency in intersection performance</p>	<p>11 (including 2 form submissions)</p>	<p>A Transport Report prepared by Colston, Budd, Rogers and Kafes accompanied the Planning Proposal and was prepared in September 2017 with a further addendum in December 2017. A SIDRA intersection analysis found that neighbouring intersections at Terry Road and Ryedale Road and Terry Road and Orchard Street all had average traffic delays of approximately 10 seconds or less than 10 seconds, representing a 'good' level of service. Intersection analysis of major intersections in the area including Victoria Road and Chatham Road, Victoria Road and West Parade and Victoria Road and Hermitage Road have also been assessed.</p> <p>Traffic generation rates provided with input from RMS and Ryde Council data have found typical traffic generation of between 0.16 and 0.19 vehicles per seniors living dwelling per hour during weekday peak hours. On the basis of these rates, the proposed development would have a net traffic generation of between 10-15 vehicles per hour two-way during any weekday peak period.</p> <p>Colston, Budd, Rogers and Kafes have confirmed that such a low generation would not have noticeable effects on the operation of the surrounding road network. Intersections would continue to operate at their existing levels of service, with similar average delays per vehicle. Terry Road and Ryedale Road and Terry Road and Orchard Street continue to operate at LOS A, a 'good' level of service.</p> <p>It is noted that further assessment of potential transport and traffic related requirements will be further assessed at the development application stage.</p>
<p>Concern that the number of car parking spaces proposed are not adequate for staff, visitors and residents resulting in increased demand for on street parking.</p>	<p>11 (including 2 form submissions)</p>	<p>No change is proposed to the parking rates under the Ryde DCP 2014 (RDCP 2014), which provides specific parking rates for various uses based on required demand. The RDCP 2014 requires the following parking rates based on the indicative design of the concept supporting the Planning Proposal:</p> <ul style="list-style-type: none"> • 73 residential spaces for independent living units; • Three (3) spaces for the high dependency beds; • 10 staff spaces; and • One (1) ambulance space. <p>The indicative concept provides parking in accordance with the RDCP 2014 requirements, plus loading and ambulance spaces, indicating that the proposal is capable of full compliance with the RDCP 2014. This requirement is also consistent with car parking requirements of the Seniors SEPP. As such, adequate car parking will be provided in the future development outcome.</p>

Issue Raised	Number of times raised in unique submissions	Response
		<p>Garbage collection will also occur on-site and within the designated loading area. The loading area will be designed to accommodate all service vehicles up to a 10 metre long rigid truck. This would allow access by Council's waste collection vehicles, therefore minimising on-street traffic.</p> <p>The final parking provision and basement layout will be determined in association with any future development application(s). Disabled, bicycle and motorcycle parking will also be provided in accordance with the requirements of the RDCP 2014.</p>
Vehicular access to the site is not confirmed, with potential conflicts with servicing vehicles with pedestrians	1	Vehicular access is intended to be provided via Terry Road along the eastern boundary of the site. The driveways will provide access to the on-site parking area for use by residents, staff and service vehicles.
Retaining free on street parking	1	<p>The area surrounding the site contains a number of public and private car parks including the RELC multi storey car park (free for club members) and two West Ryde Station commuter car parking areas to the west of Ryedale Road. In addition, no ticketed paid parking systems are currently in effect east of West Ryde Station.</p> <p>As mentioned above, the site is capable of providing parking in full compliance with DCP requirements, demonstrating that demand generated by the proposal will be met</p> <p>The decision on the retention of free on street parking is ultimately a matter for Council, and the proposal seeks no change to current arrangements. The future seniors housing development is not anticipated to generate adverse impacts in relation to the availability and provision of free off street parking, and the need for metered parking has not been raised over the past number of years of engagement with Council staff.</p>
Recency and adequacy of transport report	1	<p>The Transport Report supporting the Planning Proposal was prepared in September 2017 with an addendum in December 2017. Despite the date of this report, the DCP provisions related to car parking requirements have not been amended, and the report accounts for an existing traffic situation prior to the COVID-19 related stay at home orders which skewed the count of vehicle movements. Given the complication of COVID-19 restrictions and the impacted traffic conditions, updated surveys at this time would not be reflective of the ordinary environment, and the previous assessment is considered to be the most appropriate and remains accurate.</p> <p>Furthermore, it is noted that a separate Transport Report will be prepared to support the future development application(s) for the site. This Transport Report will provide a detailed analysis of traffic conditions at the time of the development application(s) and will provide an assessment of the proposed development.</p>
Concern there is now limited accessibility by bus (due to the realignment of Route 501)	1	Although Route 501 has been realigned along Victoria Road further from the site, a new route (500X to the City) stops at Ryedale Road opposite the RELC building. The West Ryde transport interchange is also located 400m south of the site and includes bus services 523 and 524 to Parramatta and 513 to Carlingford Court, as well as connections on the T9 Northern Line towards Epping, Strathfield and the CBD. These services are accessible by at-grade access between the site and bus stop, with paved sidewalks, ramps and lifts provided. As such, the site remains highly accessible to a range of public transportation options.

Issue Raised	Number of times raised in unique submissions	Response
<p>Additional density and height with the proposed suite of setbacks will increase the visual prominence of the development</p>	<p>7 (1 form submission)</p>	<p>The built form presented within the indicative concept reflects the scale of the Planning Proposal, demonstrating well designed buildings can be delivered within the draft planning framework. The massing of the proposal is defined by a number of factors including allowing for reduced scale adjoining the low density residential land and optimising the built form to the topography of the site.</p> <p>The provision of the RL52 height plane ensures that the built form will 'fall' in height as it moves back towards the north. This would result in a built form of a maximum of two (2) storeys to the northern end of the site at Terry Road and five (5) storeys for development in along Ryedale Road. This reduces the impact of the proposal on existing dwellings to the north along Terry Road when compared to the existing building height controls for the site.</p> <p>The indicative concept further illustrates how this massing could be divided into separate buildings with landscaping further breaking down the scale of the buildings. Supporting this, a number of provisions are included within the draft site-specific DCP which mandate the modulation and massing of the future buildings, as well as the need for landscaping.</p> <p>The indicative concept adopts side and rear building setbacks of generally six metres to surrounding sites and a 12 metre building separation between built form within the site, consistent with the draft site-specific DCP which has been prepared by Council staff.</p> <p>The draft site-specific DCP also includes a further number of provisions relating to built form and massing, including an 18 metre building length control as well as stated objectives. The overall intent of these site-specific controls is to reduce the appearance of building bulk and scale by introducing modulation and articulated elements. As such, the proposal has been well-considered and the draft suite of planning controls is appropriate to deliver a highly quality and contextually appropriate built form outcome.</p>
<p>The existing character of the site is of low density residential dwellings along Ryedale and Terry Road. The proposed development is not similar to nor visually consistent with the existing character of the site nor of neighbouring development.</p>	<p>7 (1 form submission)</p>	<p>The proposed heights and massing are compatible with the character of the neighbouring RELC building on Ryedale Road and existing four (4) storey residential apartment development along Terry Road. The site acknowledges its location immediately adjacent to the West Ryde Town Centre and visually transitions the site towards the RELC building and commercial development further south on Ryedale Road.</p> <p>Furthermore, the proposed controls facilitate a maximum two (2) storey built form to the north eastern section of the site which will take the appearance of dwelling houses before transitioning to higher density development to the south. This acknowledges low density residential development surrounding the site, the sloped topography of the immediate locality from north to south, and as such the presentation of built form on the site is visually compatible with its surrounds.</p> <p>The detailed design of the built form, including further design development, will form part of a future development application(s).</p>

Issue Raised	Number of times raised in unique submissions	Response
<p>The character of the proposal is inconsistent with the objectives of the R2 Low Density Residential zone</p>	<p>1</p>	<p>The proposal acknowledges its location adjacent to low density residential land by providing built form on Terry Road that steps down the slope from two storeys to the north to five storeys to the south, which also reflects the high density residential typologies to the east. The site is also located adjacent to the West Ryde Town Centre and the massing of the proposal reflects its location transitioning towards the town centre.</p> <p>The purpose of the Planning Proposal is to amend the planning controls to adapt to a new desired future character of the site, resulting in amendments to planning instruments, but overall retaining the underlying zoning which remains consistent with the future intended use. It is noted that the height and FSR development standards sought through the Planning Proposal will only be available to the consolidated seniors housing development. As such, no other higher density use, such as a residential flat building, will be permitted on the site.</p> <p>Furthermore, the proposed seniors housing use is consistent with the zone objectives of the R2 Low Density Residential zone in that:</p> <ul style="list-style-type: none"> • It provides for the housing needs of the community within a low density residential environment. • It enable other land uses that provide facilities or services to meet the day to day needs of residents, such as the ancillary commercial unit which will service the senior residents. • It delivers variety in the availability of housing types, proposing the specific use of seniors housing. <p>Ultimately, the proposed use remains residential in nature and is a low intensity land use. As such, the proposal is consistent with the intent of the R2 Low Density Residential zone and the Planning Proposal is appropriate to retain the existing zoning.</p>
<p>Location of commercial use facilities</p>	<p>1</p>	<p>An additional commercial allied health use is illustrated in the indicative concept on the ground floor of the development, activating the corner of Ryedale and Terry Roads. This use is intended to be ancillary to that the seniors housing on the site, and will provide allied health services to seniors living in the buildings. As the use is ancillary to that of the proposed seniors housing, it is permissible with consent under the draft Planning Proposal.</p>
<p>Concern that proposal will cause overshadowing of neighbouring dwellings and private open space</p>	<p>3</p>	<p>Turner Hughes Architects have prepared shadow diagrams analysing the shadow impact of the indicative development concept.</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 21 June, which is the period of the year with the most shadow impacts. The northern aspect of a number of the residential flat buildings on the south side of Terry Road will experience some overshadowing at 3:00pm on June 21.</p> <p>The indicative concept, which sits within the maximum planning parameters proposed, is suitable from an overshadowing perspective given the limited potential for overshadowing of adjoining residences which is in part due to the orientation of the land. Shadow diagrams will be provided at DA stage to demonstrate the shadow impacts of a detailed development proposal.</p>

Issue Raised	Number of times raised in unique submissions	Response
Concern over tree removal and impacts to the landscaped character of the site and its surrounds	1	<p>The Planning Proposal seeks to maintain as much of the tree canopy within and surrounding the site as possible. Future development will provide further detail on the trees removed, the retention of trees (and subsequent tree management during construction) and new tree plantings. Requirements to this effect are included within the draft site-specific DCP, and more broadly are already contained in the RDCP.</p> <p>The indicative concept contains separation between buildings, setbacks and communal open space capable of accommodating trees and other landscape plantings. The urban tree canopy will be maintained and potentially enhanced across the site and surrounding public domain.</p>
Protection of native flora and fauna currently living in trees / plants on the site	1	<p>As above, the planting of trees to replace trees removed and tree management to provide for continued habitat of existing trees will ensure that existing flora and fauna will not be adversely impacted by the proposal in the long term.</p> <p>The need for additional landscaping and tree planting will be reviewed further in the future development application(s). Requirements to this to this effect are included within the draft site-specific DCP, and more broadly are already contained in the RDCP.</p>
Concern over the proximity of Seniors Housing close to alcohol and gaming available at the RELC	2	<p>RELC is committed to its responsibilities concerning community support, Responsible Service of Alcohol and Responsible Conduct of Gaming. The Club is responsible for managing these activities occurring on its premises.</p> <p>RELC also facilitates other community and social functions and events, particularly for people aged over 55 which form a significant portion of their membership base. The Club contains numerous restaurants, a gym and hosts social and community activities for the benefit of Club members, ensuring that there are significant benefits in co-locating seniors housing with the facilities of the Club. This allows for local seniors, particularly those residing in RELC's seniors housing, to positively connect and contribute to their community.</p>
Suggestion that widening / congestion on West Parade Bridge is needed as well as upgrades to nearby intersections, roads and bridges	1	<p>The Traffic Report prepared by Colson Budd Kafes indicates that the traffic generation from the proposed development is minor and does not warrant significant road or intersection upgrades given that all intersections in the immediate vicinity of the site continue to operate at a good level of service (LOS A).</p>
Suggestion that Seniors Housing is not an appropriate use given the potential future relocation of Ryde Hospital to Macquarie Park	1	<p>RELC understands that preliminary consultation is taking place for the relocation of Ryde Hospital, however such a proposal is in its initial phases of investigation. Despite this, the proposed seniors housing use is still appropriate given the locational benefits which include access to services, transport, facilities and other medical facilities, such as Concord Hospital.</p>

Issue Raised	Number of times raised in unique submissions	Response
Concern over land contamination and pollutants released during demolition and construction	2	<p>A Stage 1 Environmental Site Assessment (ESA) providing an assessment of the environmental conditions of the site including contamination accompanied the Planning Proposal during the exhibition period.</p> <p>The Stage 1 ESA does not identify the potential for contaminated land which would adversely affect any future development for seniors housing. This is due to the historical use for low density residential land. The ESA notes that the existing buildings on the site may contain hazardous building materials, but the removal of and hazardous building materials can be managed through the demolition phase.</p> <p>Overall, the ESA has concluded that the potential for contamination is low to negligible.</p>
Air pollution from additional vehicles visiting the site and on local roads	1	<p>The number of vehicles anticipated in associated with the proposed use is minimal in comparison to other higher density uses. Overall, the proposed number of parking spaces within the basement carpark is relatively small (86 spaces), with adequate ventilation of the basement to be a consideration in the detailed design.</p>
Pedestrian safety and access along Terry and Ryedale Roads	1	<p>Pedestrian access will be provided from Ryedale and Terry Roads to the proposed development, with pathways connecting to the existing footpath network. Existing pedestrian infrastructure such as crossings and footpaths will be retained as part of the proposal.</p> <p>RELC have articulated in a letter of offer to enter into a voluntary planning agreement that the following pedestrian upgrade works could be considered:</p> <ul style="list-style-type: none"> • upgrades to the pedestrian refuge at Terry and Ryedale Roads; • pedestrian refuge on Ryedale Road adjacent to the RELC building; • footpaths on the northern side of Terry Road; • street beautification on the northern side of Terry Road; and • security enhancements to public spaces adjacent to RELC.
Adaptability of telecommunications infrastructure to increased residential density	1	<p>Additional residential density in this location will be serviced by existing telecommunications infrastructure including NBN is not anticipated to reduce internet speeds.</p>
This Planning Proposal sets an unwanted precedence for the appearance, bulk, scale and height of future development in the immediate locality	2	<p>The Planning Proposal and proposed site specific DCP controls relate only to the site and do not apply to surrounding sites or other sites within the Ryde LGA. The Planning Proposal does not provide opportunities for surrounding sites to develop in a similar manner by means of a development application as strategic planning merit for any such development has not been provided, unlike in the circumstances of the subject site.</p> <p>Furthermore, the proposal is for a specific use, being seniors housing, and it has been strongly demonstrated that the proposed development parameters are appropriate in the unique circumstances of the site, particularly given the consolidated nature of the land immediately and its adjacencies to the medium to high density development of the West Ryde Town Centre which includes the RELC building.</p>

Issue Raised	Number of times raised in unique submissions	Response
		Any proposal for development of a similar scale in the vicinity of the site will be subject to the Planning Proposal process. Each proposal will be addressed on its strategic and site-specific merits.
Concern for visual privacy and overlooking from higher levels on the rear yards of neighbouring dwellings	6 (2 form submissions)	<p>The indicative concept illustrates how sufficient setbacks can be provided within the parameters established by the Planning Proposal and site-specific DCP amendment. These setbacks are suitable to provide building separation and opportunities for planting for mature trees and other landscaping to allow for a natural screen to neighbouring development. The proposed setbacks importantly align with the requirements of the draft site-specific DCP which has been prepared by Council.</p> <p>The location of windows, privacy screens and other privacy related building design features are also mandated to be considered under the site-specific DCP amendment. The combination of these approaches will ensure overlooking into the primary living areas and private open space of neighbouring dwellings is prevented and addressed in the future development application(s).</p>
Acoustic privacy and increase in ambient noise	2 (2 form submissions)	<p>The proposed seniors housing use is anticipated to be a less noise intensive use than other types of residential uses. Notwithstanding this, the location of internal and external gathering areas and plant will be confirmed at the development application stage, with an intention that where possible, these 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 acoustic impacts.</p> <p>Construction impacts and noise are anticipated to be controlled by future conditions of consent in associated with a future development application(s).</p> <p>An acoustic report will accompany the development application for the proposal to address detailed acoustic matters.</p>
Increase in vibration during construction	1	Matters relating to vibration will be considered at the development application stage prior to construction. It is anticipated that appropriate conditions of consent will be imposed to ensure that construction does not result in adverse impacts, vibration or otherwise, on neighbouring development.
Consistency with draft Seniors Housing SEPP	1	<p>It is noted that 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. Further to this, discussions related to the proposed redevelopment of the site and seniors housing use on the site have been ongoing for nearly five years.</p> <p>The final drafting of the amendment to the Ryde LEP 2014 will address the relationship of this new site-specific additional permitted use clause to the draft Housing SEPP, specifically making clear that seniors living, and Independent Living Units, are permitted on the site.</p>

Issue Raised	Number of times raised in unique submissions	Response
Provision of survey plan	1	A detailed survey plan will be provided at the development application stage which demonstrates the spot heights of the existing site in greater detail. The architectural concept design at DA stage will provide further detail in relation to building heights and setbacks, clearly demonstrating consistency with the proposed planning framework.

Attachment B - Response to agency submissions

Agency	Comments	Response
Ausgrid	<p>Separation requirements from overhead powerlines during construction</p> <p>Recording location of underground cables prior to excavation</p>	<p>Suitable measures will be made prior to and during construction including obtaining data from 'Dial Before You Dig' and review of relevant Ausgrid standards will take place. The safety of building contractors and maintaining the integrity of the electrical network is a high priority for RELC throughout the development process.</p>
Transport for NSW	No matters raised	N/A
Sydney Water	<p>Water servicing requirements</p> <p>Wastewater servicing requirements</p>	<p>RELC acknowledges Sydney Water comments relating to future servicing of the proposal. A detailed review of servicing requirements will be undertaken at DA stage when a Section 73 application is made.</p>