

## COUNCIL ASSESSMENT REPORT

Panel Reference	PPSSNH-637
MOD Number	MOD2025/0044
LGA	City of Ryde
Proposed Development	Section 4.56 modification to LDA2022/0320 involving the rationalisation of services and infrastructure, revised basement car parking, refinement of unit layouts, minor amendments to landscaping, building footprints, retaining walls, extent of excavation and structural design elements.
Street Address	133 Ryedale Road and 4-10 Terry Road, Denistone Lot C DP 36706, Lot 25 Sec 7 DP9350, Lots X and Y DP393480, Lot 23 Sec 7 DP9350
Applicant	Carl Pozzato – Ryde Eastwood Leagues Club
Owner	Ryde Eastwood Leagues Club
Date of DA lodgement	20 May 2025
Total number of unique submissions	One submission received in objection
Recommendation	Approval
Regionally Significant Development (Schedule 6 of the SEPP (Planning Systems) 2021)	A Section 4.56 modification application to a development with a capital investment value of more than \$30 million.
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none"> <li>• Environmental Planning and Assessment Act 1979</li> <li>• Environmental Planning and Assessment Regulation 2021</li> <li>• State Environmental Planning Policy (Planning Systems) 2021</li> <li>• State Environmental Planning Policy (Sustainable Buildings 2022)</li> <li>• State Environmental Planning Policy (Housing) 2021</li> <li>• State Environmental Planning Policy (Biodiversity and Conservation) 2021</li> <li>• State Environmental Planning Policy (Resilience and Hazards) 2021</li> <li>• State Environmental Planning Policy (Transport and Infrastructure) 2021</li> <li>• Ryde Local Environmental Plan 2014</li> <li>• City of Ryde Development Control Plan 2014</li> </ul>
List all documents submitted with this report for the Panel's consideration	<ul style="list-style-type: none"> <li>• Attachment 1: Recommended Conditions of Consent</li> <li>• Attachment 2: L&amp;E Court Judgement and Conditions of Consent (LDA2022/0320)</li> <li>• Attachment 3: Submitted Architectural and Landscaping Plans</li> </ul>
Clause 4.6 requests	N/A

Summary of key submission issues	<ul style="list-style-type: none"> <li>The extent of visitor car parking is inadequate to cater for the development.</li> <li>Concern is raised in relation to how construction related traffic will impact access to the objector's property and local traffic flow and on-street parking.</li> <li>Council should consider implementing a resident permit parking scheme on Terry and Ryedale Roads and request clear traffic management plans as part of the conditions of consent.</li> </ul>	
Report prepared by	Shannon Butler – Senior Town Planner	
Report date	20 August 2025	
<b>Summary of s4.15 matters</b>	Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the Assessment report?	Yes
<b>Legislative clauses requiring consent authority satisfaction</b>	Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report?	Yes
<b>Clause 4.6 Exceptions to development standards</b>	If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?	Not applicable
<b>Special Infrastructure Contributions</b>	Does the DA require Special Infrastructure Contributions conditions (S7.24)?	Not applicable
<b>Conditions</b>	Have draft conditions been provided to the applicant for comment?	Yes – No objection raised to amended conditions.

## 1. EXECUTIVE SUMMARY

This Section 4.56 Modification Application is referred to the Sydney North Planning Panel ('SNPP') for determination as required by the *Sydney District & Regional Planning Panels Operational Procedures November 2022 (Operational Procedures Manual)*. The Parent Local Development Consent No. LDA2022/0320 is regionally significant development (over \$30m) and this modification application is submitted under Section 4.56 of the EP&A Act 1979.

The application is subsequent to the approved Local Development Consent No. LDA2022/0320 granted by the NSW Land and Environment Court for the demolition of all existing structures, removal of trees, earthworks and site preparation works. The construction of a Seniors Housing development including Building A (3 storeys containing independent living units), Building B (4 storey with 32 independent living units, office, reception area, communal recreational spaces and amenities), basement

parking containing 57 car parking spaces and associated stormwater drainage works and landscaping.

This is a Section 4.56 modification application to LDA2022/0320 seeking a number of internal and external design changes to the development. The changes include the rationalisation of services and infrastructure, revised basement car parking layout, refinement of independent living unit layouts, minor amendments to landscaping, building footprints, retaining walls, extent of excavation and structural design elements.

The application has been assessed against the relevant State Environmental Planning Policies (SEPP's) and was found to be compliant. Further, the proposal has been assessed against the provisions of the Ryde Local Environmental Plan 2014 and against the requirements of the Ryde Development Control Plan 2014 and is considered satisfactory.

The application has been notified in accordance with the Ryde Community Participation Plan and one submission was received. The issues raised in the submission are addressed in the report and do not warrant refusal of the application.

It may be noted that there is a separate Stage 2 application (PPSSNH-616 and LDA2025/0048) under assessment for the subject development for 127 to 133 Ryedale Road and 4 Terry Road, Denistone. This application has been scheduled by the Sydney North Planning Panel for determination on 20 August 2025.

The application is recommended for approval subject to the amended conditions of consent in **Attachment 1**.

## **2. THIS PROPOSAL**

This application is Section 4.56 application No. MOD2025/0044 seeking to modify Development Consent No. LDA2023/0320, granted by the NSW Land and Environment Court (Court Ref No. 2023/45628) for Stage 1 of the development comprising the demolition of existing structures and the construction of two buildings containing 12 and 32 independent living units respectively and associated basement car parking.

Stage 1 of the development previously included the front portion of No.133 Ryedale Road, however, this portion now forms part of the Stage 2 application (LDA2025/0048) and has been excised from Stage 1. The boundary between the Stages generally follows the mapped floor space ratio standard boundary (see discussion under Ryde Local Environmental Plan 2014) with the exception of a minor portion of Building D which forms part of Stage 2 and encroaches into the 1:1 FSR zone.

The subject Section 4.56 application seeks to amend Development Consent No. LDA2023/0320 as follows:

- Rationalisation of services and infrastructure.

- Revision of basement car parking design to support requirements for both stages and support efficiency.
- Refinements to apartment layouts and design elements to respond to operator requirements.
- Amendments to Building A parking and services area.
- Amendments to landscaping areas to improve connection and amenity across both stages.
- Minor amendments to select access/egress points, building footprints, retaining walls and extent of excavation.
- Amendments to structural design elements.

A more detailed breakdown of the proposed changes is as follows:

#### Basement level

- Extent of basement revised, remaining in compliance with deep soil requirements. Parking provision revised to meet current SEPP (Housing) 2021 requirements across both stages. Entrance driveway widened following structural coordination. Drive aisles and loading area re-planned to suit the updated parking provision.
- Loading area revised.
- Wall revised below Building A to allow for egress and required ventilation for services area.
- Carpark entry/exit widened following structural coordination.

#### Ground level

##### a) Building A

- Building footprint and required extent of excavation reduced.
- Service, plant and parking areas revised.
- Revised Building A frontage for the provision of services. Adjustment of retaining walls to suit.
- Pedestrian access/egress steps added.
- Area adjusted to allow connection to Stage 2 (Buildings C & D).
- Deep soil area removed to allow for connection to Stage 2.
- Retaining walls revised to suit new required booster cupboard locations and accommodate egress from fire pump room.

##### b) Building B

- Unit B104 replanned to provide an ensuite and window revised.
- Clothes drying area designated as part of common open space area. Landscaping revised to suit.
- Stairs and levels revised in external area to suit safety and structural design.
- Unit B106 windows revised due to structural coordination.

#### Podium Level

- Revised Building A frontage for provision of services.
- Building footprint increased to accommodate revised fire stair. No change in minimum building separation.
- Unit A102 and A103 windows revised.
- Revised frontage for provision of services. Retaining wall levels adjusted to suit.
- Unit A101 private open space increased.
- Unit B209 windows revised due to structural coordination.
- Unit B207 study deleted.
- Unit B206 high level window added.

#### Level One

- a) Building A
  - Building footprint increased to accommodate revised fire stair.
  - Unit A203 window and northwestern façade inset added to meet FSR control.
  - Unit A202 window revised.
  - Unit A203 & A204 private open space landscape levels adjusted following structural coordination.
  - New sliding door provided to master bedroom of unit A205.
- b) Building B
  - External wall finishes changed for part of the façade.
  - Unit B309 window revised.
  - Unit B307 study deleted.

#### Level Two

- a) Building A
  - Building footprint increased to accommodate revised fire stair.
  - Unit A302 window added to northwestern façade.
  - Unit A303 private open space area increased following structural coordination.
  - Unit A301 footprint increased to provide improved amenity.
- b) Building B
  - Unit B402 replanned and study deleted. Windows to unit revised following replanning.
  - Unit B406 study deleted.
  - Unit B405 high level window added.

#### Roof

- Skylights amended to suit revised internal layouts.

#### Landscaping/Trees

- Removal of Tree No.13 now proposed.
- Clothes drying area nominated to the north of the communal lawn. Planter extended to accommodate gated entrances into the drying area.
- Unit A203 and A204 courtyard lawns raised due to the implementation of the proposed fire tank below and to ensure that there is adequate soil depth for the lawn and planting.

- Planting in front of the louvre vents from the fire pump room to be offset by 500mm away from the vents to avoid any obstruction to air flow.
- Revised landscape changes due to the relocation of services and additional access path to basement below Unit A205.
- Unit A203 & A204 courtyard lawns raised due to implementation of the proposed fire tank below and to ensure that there is adequate soil depth for the lawn and planting. Walls are proposed to be raised from TOW 44.50 to TOW 44.80.

## Amendments to Conditions

The applicant has requested the amendment of Condition No.1 to refer to the revised plans, the amendment of Condition Nos. 3 and 116 to refer to the amended BASIX Certificate, the amendment of Condition No.30 to alter the requirements for the Demolition Pedestrian and Traffic Management Plan, the amendment of Condition No.44 to alter the requirements for the construction of the garbage rooms, the amendment of Condition No.80 to alter the trees to be retained and the amendment of Condition No.157 to alter the car parking allocations.

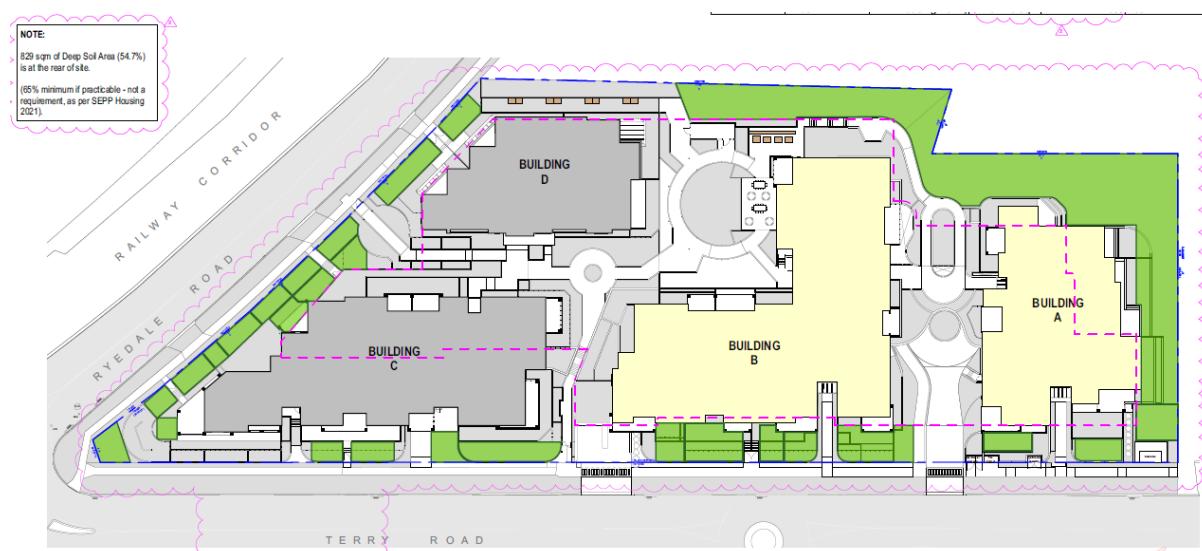


Figure 1 – Proposed site plan depicting Stage 1 approved buildings in yellow and Stage 2 buildings in grey



**Figure 2 – Aerial perspective showing proposed development from Terry Road looking west**

### **3. THE SITE**

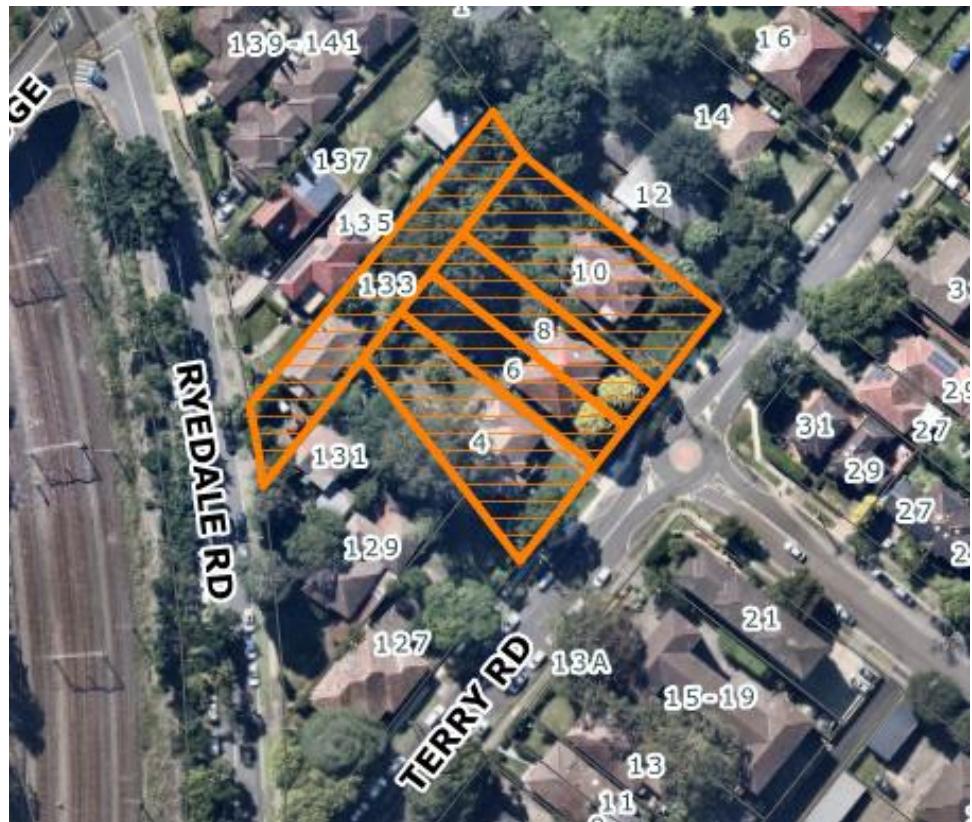
The site is legally described as Lot C DP367067, Lot 25 DP9350, Lots X&Y DP393480 and Lot 23 DP9350 and is known as 133 Ryedale Road and 4-10 Terry Road, Denistone.

The Site is an irregular shaped allotment with an overall site area of 5,925m<sup>2</sup>. The site has a primary frontage towards Terry Road of approximately 100m and a frontage towards Ryedale Road of 11.24m. The main vehicular and pedestrian access point to the site is proposed to be via Terry Road.

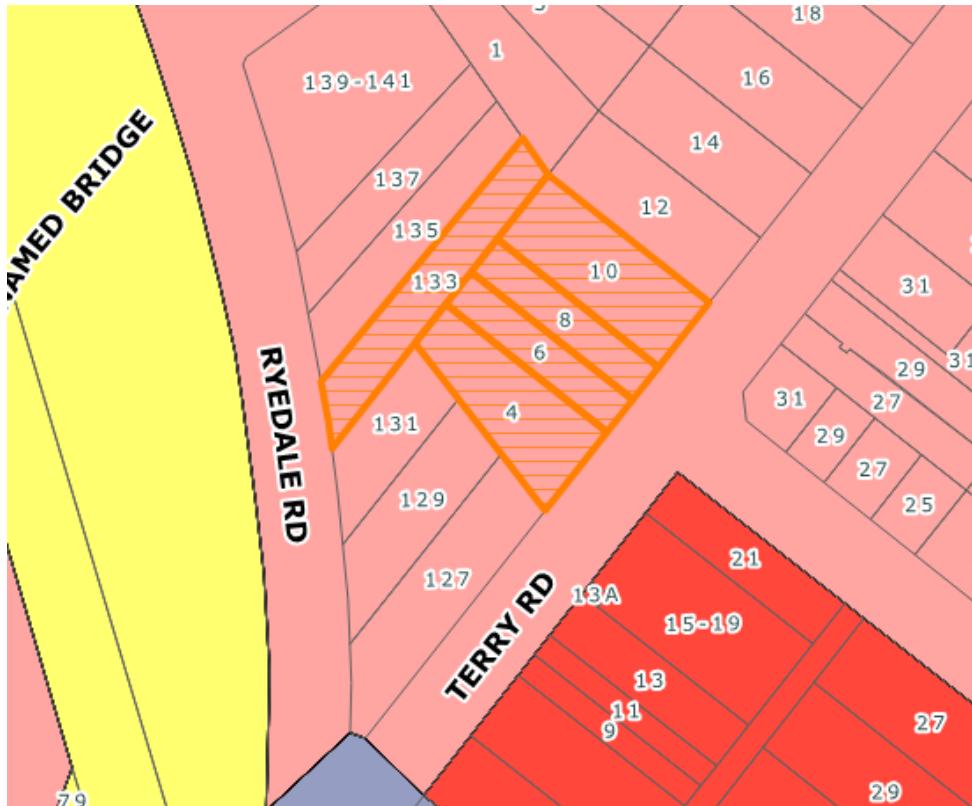
The site contains a number of mature trees, twenty-two (22) of which are to be retained and forty-three (43) which are proposed to be removed.

The site is located in an R2 Low Density Residential zone under Ryde Local Environmental Plan 2014. The site's immediate surroundings are characterised by established residential development, including a mix of single and double storey detached dwellings and multi-dwelling housing with varied architectural styles.

Located east of West Ryde Train station, the site is within close proximity to R4 High Density Residential zoned land to the south and B4 Mixed Use zoned land to the south-west of the site, identified as Ryde-Eastwood Leagues Club.



**Figure 3** - Aerial photograph of the site and locality.



**Figure 4 – Zoning map of surrounding area (pink represents R2 Low Density Residential, yellow represents SP2 Infrastructure, purple represents MU1 Mixed Use and dark pink represents R4 High Density Residential)**

#### **4. BACKGROUND**

On 16 May 2024 development consent was granted by the NSW Land and Environment Court (No.2023/45628) for the demolition of existing structures and the construction of a seniors housing development under State Environmental Planning Policy (SEPP) (Housing) 2021 comprising 12 independent living units in Building A and 32 independent living units in Building B, with associated landscaping and drainage works at 133 Ryedale Road and 4-14 Terry Road, Denistone. This is known as Stage 1 of the overall development.

On 24 March 2025 Development Application No. LDA2025/0048 (PPSSNH-616) was lodged with Council for Stage 2 of the development at 4 Terry Road and 127-133 Ryedale Road comprising the demolition of existing structures, construction of two buildings of 4 and 5 storeys containing independent living units, basement car parking, tree removal and landscaping. This application is under assessment and has been scheduled for determination by the Sydney North Planning Panel on 20 August 2025.

#### **Application History**

<b>Date</b>	<b>Event</b>
20 May 2025	Subject Section 4.56 application lodged with Council.
21 May to 6 June 2025	Subject application notified in accordance with the Ryde Community Participation Plan and one submission was received.
5 June 2025	Email sent to NSW Land and Environment Court Registrar notifying them of the lodgement of the Section 4.56 application.
10 June to 26 June 2025	Due to a technical issue with Council's application tracking system, the application was re-notified. No additional submissions were received during this period.
2 July 2025	A request for additional information letter was sent to the applicant in relation to a number of waste management issues.
16 July 2025	A meeting was held between the applicant and Council staff in relation to waste management issues. A follow-up email was sent to the applicant after the meeting clarifying Council's request for additional information.
24 July 2025	Amended plans and additional information were submitted in response to Council's letter.

#### **5. STATUTORY PROVISIONS**

##### **5.1 Section 4.56 of the Environmental Planning and Assessment Act 1979 Modification of consents granted by the Court**

The proposal constitutes an amendment under Section 4.56 of the Act, the consent authority may consider an application to amend a development consent provided that:

- (1)(a) *it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and*
- (b) *it has notified the application in accordance with:*
  - (i) *the regulations, if the regulations so require, and*
  - (ii) *a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*
- (c) *it has notified, or made reasonable attempts to notify, each person who made a submission in respect of the relevant development application of the proposed modification by sending written notice to the last address known to the consent authority of the objector or other person, and*
- (d) *it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.*

(1A) *In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 4.15(1) as are of relevance to the development the subject of the application. The consent authority must also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified.*

In *Tipalea Watson Pty Limited v Ku-ring-gai Council [2003] NSWLEC 253*, J Bignold came to deal with the matter of “substantially the same”, a list of matters or ‘tests’ to consider, being whether the modification involves the following:

- (a) *significant change to the nature or the intensity of the use.*
- (b) *significant change to the relationship to adjoining properties.*
- (c) *adverse amenity impacts on neighbours from the changes.*
- (d) *significant change to the streetscape.*
- (e) *change to the scale or character of the development, or the character of the locality.*

Accordingly:

- The essence of the development as modified is substantially the same as the development for which consent was originally granted. The buildings will retain the originally approved heights and number of independent living units. There are no changes proposed to the originally approved building footprint and no increases to building height. Similarly, there are no changes proposed to the number of units or bedrooms within the development.
- Minor external design changes are proposed, however, these do not materially impact the form, maximum height, streetscape presentation and density of the development, which remain as approved.
- The proposed modifications are minor and do not result in any significant, additional environmental impacts.

- The proposed modifications will not result in any significant changes to the streetscape or any greater impacts on the adjoining properties.

#### Subsection (1)(b): Notification

The application was notified in accordance with Council's Community Participation Plan and there was one submission received.

#### Subsection (1)(d): Submissions

One submission was received in relation to the application which is addressed later in this report.

#### Subsection (1A): Section 4.15(1) Considerations of Reasons for Granting of the Consent

The proposed modifications do not result in a development that is contrary to the reasons that informed the decision of the Court.

The proposed modification has been assessed against the relevant environmental planning instruments and policies and was found to be acceptable. This assessment report includes consideration of the relevant matters specified in Section 4.15 of the Act.

### **4.2 Section 4.15 of the Environmental Planning and Assessment Act 1979**

When determining a development application, the consent authority must take into consideration the matters outlined in Section 4.15(1) of the Act.

#### **Environmental planning instruments (s4.15(1)(a)(i))**

The following Environmental Planning Instruments are relevant to this application:

##### **4.2.1 State Environmental Planning Policy (Planning Systems) 2021**

This SEPP categorises this proposal as a 'General Development over \$30 million' under Schedule 6 Regionally Significant Development. As the proposal is a Section 4.56 application for a Regionally Significant Development, it is to be determined by the Sydney North Planning Panel in accordance with section 4.7 of the Environmental Planning and Assessment Act 1979.

##### **4.2.2 State Environmental Planning Policy (Housing) 2021**

The modified development remains generally consistent with the relevant provisions of State Environmental Planning Housing (Housing) 2021 (Housing SEPP), including Part 5 'Housing for seniors and people with a disability'. However, since the approval of the original development application, revisions have been made to the Housing SEPP that relate to accessible parking requirements for Independent Living Units (ILUs) under Schedule 4, Part 1(4). In response, the applicant has made amendments

to the design of the approved basement for Stage 1 to respond these revisions and better support the parking requirements across both stages.

The modified development proposes a total of 87 residential parking spaces across Stage 1 and 2 of the development. It is proposed that 15 spaces will comply with Australian Standard 2890.6, 45 spaces are at least 3.2m wide and 32 standard spaces are provided. The proposed amendments to the design of the basement level therefore do not impact on the proposed development's compliance with the parking requirements outlined with the Housing SEPP.

Further, the proposed modifications also consist of minor layout amendments to some ILUs in Building A and Building B. Notwithstanding, the submitted Accessibility Report confirms compliance with design requirements established for ILUs in the Housing SEPP can be achieved.

Whilst the requirement for consideration of Apartment Design Guide (ADG) does not strictly apply, and the modified development remains for the purposes of seniors housing, it is also characterised as a residential flat building (RFB). Therefore, a Design Verification Statement has been submitted. This statement confirms that satisfaction of the relevant objectives and criteria of the ADG are achieved.

#### **4.2.3 State Environmental Planning Policy (Biodiversity and Conservation) 2021**

##### Chapter 2 Vegetation in non-rural areas

The modification application involves the removal of an additional tree (T13), which is identified as being harmfully decayed. However, this tree is not identified as having biodiversity significance and its removal will not impact on the development's compliance with SEPP (Biodiversity and Conservation) 2021.

#### **4.2.4 State Environmental Planning Policy (Resilience and Hazards) 2021**

The subject modification application does not alter the findings of the Court in the original development application in relation to compliance with SEPP (Resilience and Hazards) 2021.

#### **4.2.5 State Environmental Planning Policy (Transport and Infrastructure) 2021**

The subject modification application does not alter the findings of the Court in the original development application in relation to compliance with SEPP (Transport and Infrastructure) 2021.

### **4.3 Ryde Local Environmental Plan 2014**

The site is zoned R2 Low Density Residential under the provisions of the Ryde Local Environmental Plan (RLEP) 2014. The proposed use of the site for seniors housing is permitted with consent in accordance with Schedule 1 (Additional Permitted Uses). Part 19 of Schedule 1 states the following:

#### *19 Use of certain land at Ryedale Road and Terry Road, Denistone*

(1) *This clause applies to the following land—*

- (a) *Lots 1–3, section 7, DP 9350, 127, 129 and 131 Ryedale Road,*
- (b) *Lots 21–23 and 25, DP 9350, 4, 10, 12 and 14 Terry Road,*
- (c) *Lots X and Y, DP 393480, 6 and 8 Terry Road,*
- (d) *Lot C, DP 367067, 133 Ryedale Road.*

(2) *Development for the purposes of seniors housing is permitted with development consent.*

The RLEP 2014 defines seniors housing as follows:

*Seniors housing means a building or place that is—*

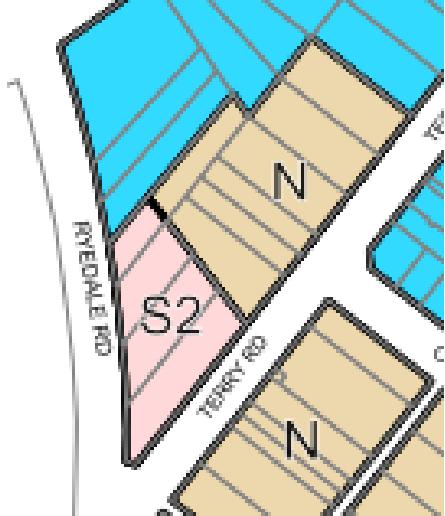
- (a) *a residential care facility, or*
- (b) *a hostel within the meaning of State Environmental Planning Policy (Housing) 2021, Chapter 3, Part 5, or*
- (c) *a group of independent living units, or*
- (d) *a combination of any of the buildings or places referred to in paragraphs (a)–(c),*  
*and that is, or is intended to be, used permanently for—*
- (e) *seniors or people who have a disability, or*
- (f) *people who live in the same household with seniors or people who have a disability, or*
- (g) *staff employed to assist in the administration of the building or place or in the provision of services to persons living in the building or place,*  
*but does not include a hospital.*

The originally approved development contained 44 independent living units (ILU's) spread across two buildings for seniors or people with a disability which satisfies the above definition. There are no changes proposed to the originally approved use of the units or to the total number of units.

The following table addresses compliance with the objectives of the R2 Low Density Residential zone.

<b>Objectives of the R2 Low Density Residential zone</b>	<b>Comment</b>
To provide for the housing needs of the community within a low density residential environment.	The development will assist in providing for the housing needs of the community and does not compromise the surrounding low density environment.
To enable other land uses that provide facilities or services to meet the day to day needs of residents.	The development provides a facility for seniors living which is in close proximity to transport and services.
To provide for a variety of housing types.	The development assists in providing for a variety of housing types.

The following table addresses the relevant Clauses of the RLEP 2014:

Clause	Proposal	Compliance
<b>4.3(2) Height of Buildings</b>		
The site is mapped as having a maximum permitted building height of RL52.	<p>In the original application, the Court approved a height variation of 1m (maximum height of RL53) subject to a Clause 4.6 request. The portion of the building exceeding the height limit was an overrun of the car park exhaust.</p> <p>The modification does not result in any increase in building height beyond that originally approved by the Court.</p>	No increase in height originally approved by the Court.
<b>4.4(2) Floor Space Ratio</b>		
Part of the site is mapped as being subject to a maximum floor space ratio of 1.57:1 ('S2' below) and the remainder is mapped as being subject to a 1:1 floor space ratio ('N' below).	<p>Stage 1 of the development only traverses the mapped part 'N' and is subject to the 1:1 FSR control.</p> <p><u>N = 1.1</u></p> <p>This portion of the site has an area of 5,578m<sup>2</sup>, therefore, this is the maximum permitted GFA. In the originally approved development, there was a GFA of 5,407m<sup>2</sup>. The modification application proposes the following additional GFA in this FSR zone:</p> <p>01 – Ground: 71m<sup>2</sup>  02 – Level 1: 71m<sup>2</sup>  03 – Level 2: 29m<sup>2</sup>  TOTAL: 171m<sup>2</sup></p> <p>Proposed GFA in N zone is 5,578m<sup>2</sup> or an FSR of 1:1.</p> 	Yes
<b>4.6 Exceptions to development standards</b>		
(1) The objectives of this clause are as follows—  (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,  (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.	There are no variations to development standards proposed.	N/A
<b>5.10 Heritage Conservation</b>		

Clause	Proposal	Compliance
<p>The objectives of this clause are as follows—</p> <p>(a) to conserve the environmental heritage of Ryde,</p> <p>(b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,</p> <p>(c) to conserve archaeological sites,</p> <p>(d) to conserve Aboriginal objects and Aboriginal places of heritage significance.</p>	<p>There are no heritage items located adjacent to, or nearby the site. The nearest Heritage Conservation Areas are separated from the subject site by the Main Northern railway line and intervening development.</p>	Yes
<b>6.1 Acid Sulfate Soils</b>		
<p>(1) the objective of this clause is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.</p>	<p>The subject site is not mapped as being affected by acid sulfate soils.</p>	Yes

## Ryde Development Control Plan 2014

The proposal is subject to the provisions of the following parts of RDCP 2014:

- Part 7.2: Waste Minimisation and Management
- Part 8.2: Stormwater and Floodplain Management
- Part 8.3: Driveways
- Part 9.2: Access for People with Disabilities
- Part 9.3: Parking Controls

However, Part 6.6 – 127-133 Ryedale and 4-14 Terry Road, Denistone, being a site specific DCP, is of most relevance to the proposal. In the original Development Application, the Court found the development to be compliant with the Development Control Plan. The subject application does not propose any modifications which alter the conclusion reached by the Court.

## Section 7.11 Contributions Plan

The modification application does not result in any changes to the number of units or bedrooms within the development, therefore, there are no changes required to Condition No.32 which sets out the Section 7.11 contributions applicable to the development.

## Housing and Productivity Contribution (HPC)

The lodgement of the original Development Application predated the introduction of the Housing and Productivity Contribution (HPC). Therefore, the HPC is also not relevant to the subject Section 4.56 application.

## **5 LIKELY IMPACTS OF THE DEVELOPMENT**

All relevant issues regarding environmental impacts of the proposed development are discussed throughout this report.

The modifications proposed by this application will not exacerbate any environmental impacts already approved under LDA2022/0320.

The development is considered satisfactory in terms of environmental impacts.

## **6 SUITABILITY OF THE SITE**

The modification does not increase the scale of the development to what was originally approved and will not adversely impact upon the local road network.

As such, the site is considered to continue to be suitable for the development, as amended.

## **7 REFERRALS**

The following section outlines the latest response from each of the internal and external referrals in relation to this application:

### **Internal**

#### City Infrastructure (Public Domain)

The application was assessed by Council's City Infrastructure (Public Domain) team and no objections were raised and no changes were recommended to their conditions of consent.

#### City Infrastructure (Waste)

No objections were raised subject to the amendment of condition Nos. 44 and 164 and new conditions in relation to any changes to the waste management plan and in relation to food organics and garden organics.

#### City Infrastructure (Traffic)

The application was assessed by Council's City Infrastructure (Traffic) team and no objections were raised and no changes were recommended to their conditions of consent.

#### Development Engineer

The application was assessed by Council's Senior Development Engineer and no objections were raised subject to the modification of Condition Nos. 46 and 157 to reflect the amended stormwater management plans and amended car parking allocations.

## Landscape Architect

No objections were raised by Council's Landscape Architect subject to amendment of Condition No. 80 to remove tree No. 13 from the list of trees to be retained.

## **8 PUBLIC NOTIFICATION & SUBMISSIONS**

In accordance with DCP 2014 Part 2: Community Participation Plan and Procedure, the owners of surrounding properties were given notice of the application from 21 May until 6 June 2025. One submission was received objecting to the development.

Following the close of the notification period, it was revealed that Council's DA Tracking system was not displaying documents correctly during the notification period. As a result, the application was re-notified from 10 June until 26 June 2025. The issues raised in the one submission received are summarised and addressed as follows:

- *The extent of visitor car parking is inadequate to cater for the development.*

Comment: The proposal has been amended to provide seven car parking spaces for visitors and staff on the ground floor which is an improvement on the two visitor/staff spaces provided in the original application. Given that the units are for independent living, it is anticipated that there will not be staff regularly at the site. Further, it is not anticipated that all residents will own vehicles so vacant resident parking spaces may be used for visitors if desired by the residents.

- *Concern is raised in relation to how construction related traffic will impact access to the objector's property and local traffic flow and on-street parking.*

Comment: Condition No. 60 of the Court consent requires the preparation and approval of a Construction Pedestrian and Traffic Management Plan prior to the issue of a Construction Certificate. The condition outlines the requirements that are to be addressed in the Management Plan including the parking of construction related vehicles. The Management Plan is required to be reviewed and approved by Council's Transport Department prior to works commencing.

- *Council should consider implementing a resident permit parking scheme on Terry and Ryedale Roads and request clear traffic management plans as part of the conditions of consent.*

Comment: Council does not have any resident parking schemes operating in the local government area. There are a number of conditions of consent requiring the preparation, approval and implementation of a construction traffic management plan. During operation of the development, it is not anticipated to be a significant traffic generating development given the proximity to public transport and the reduced level of car ownership for senior residents.

## **9 PUBLIC INTEREST**

Having regard to the assessment contained in this report, it is considered that approval of the modified development is not contrary to the public interest. The application has

been notified in accordance with Section 4.56 of the Environmental Planning and Assessment Act 1979 and in accordance with the Ryde Community Participation Plan and one submission was received. The issues raised in the submission have been addressed earlier in this report and do not warrant refusal of the application.

## **10 CONCLUSION**

The application has been assessed under the matters for consideration of Section 4.15 of the Environmental Planning and Assessment Act 1979 and the relevant statutory and policy provisions.

The proposal continues to be suitable for the site and is not contrary to the public interest. The proposal seeks to amend the approved development to be consistent with Stage 2 of the development which is currently under assessment.

Therefore, it is recommended that the application be approved for the following reasons:

- The modification satisfies the provisions of Section 4.56 of the Environmental Planning and Assessment Act 1979.
- The modification is substantially the same as the original approval.
- The modification does not alter any of the reasons given by the NSW Land and Environment Court for the granting of the original consent.
- The development continues to be a permissible use, is consistent with the objectives of the zone and the objectives of height of buildings and floor space ratio development standards under RLEP 2014.

## **11 RECOMMENDATION**

That MOD2025/0044 to modify the consent for Local Development Application No. LDA2022/0320 on land at 133 Ryedale Road and 4-10 Terry Road, Denistone be approved subject to the amended conditions in **Attachment 1**.

**Report prepared by:**

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**Report approved by:**

**Holly Charalambous**  
**Senior Coordinator Development Assessment**

**Sohail Faridy**  
**Manager Development Assessment**

## **ATTACHMENTS**

Attachment 1: Recommended Conditions of Consent

Attachment 2: L&E Court Judgement and Conditions of Consent (LDA2022/0320)

Attachment 3: Submitted Architectural and Landscaping Plans