



6 August 2012
Our Ref: 7666A.14DK

Department of Planning and Infrastructure
23-33 Bridge Street
Sydney NSW 2000

Attention: Simon Truong

Dear Sir

MP 10_0110
76 Belmore Street, Ryde

We refer to the above Concept Plan application and submissions received during the recent exhibition of the Preferred Project Report (PPR). We have reviewed the submission and we note that many of them raise issues similar to the issues raised in the submissions relating to the exhibition of the Environmental Assessment (EA).

There are some matters arising from the most recent submission that Achieve Australia would like to address.

1.0 Ryde Council submission

We note that Council does not oppose the Concept Plan application, but it has made recommendations which it seeks to be reflected in any approval. We comment on some of these issues below.

Building Height

The Council is suggesting that the heights of the proposed building envelopes be conditioned to be consistent with the heights contained in the draft Local Environmental Plan (LEP). This will in effect reduce the proposed heights for some buildings. The planning justification for the suggestion is not articulated in the Council's submission, other than perhaps a desire for strict compliance. This justification for the proposed heights is detailed in the EA and the PPR and we see no planning purpose to the suggestion or improved planning outcome that could be gained by limiting the heights to the controls in the draft LEP.

Floor Space Ratio

The Council states that it is concerned that the FSR is averaged across the site. The reasons for this concern are not articulated.

The FSR has been averaged across the site, but does not exceed the total gross floor area that would be permitted under the draft FSR controls contained in the draft LEP. Similar to building height, the Council is recommending that the FSR comply with the draft LEP FSR controls applicable to the respective parcels of land.

Again, we see no planning purpose to such a suggestion, other than pure compliance. The Concept Plan has been designed in relation to placement of height and bulk (and therefore



FSR) to take into account the surrounding context and site constraints and opportunities. The proposed FSR restriction (combined with the Council's suggestion about complying with the draft height control in the draft LEP) would compromise the design and planning that has informed the Concept Plan application.

Building Envelope

Council is suggesting that future development applications 'comply' with the Residential Flat Design Code (RFDC). The RFDC is a guiding document and contains benchmarks and rules of thumb. We agree that the future buildings should be designed having regard to the RFDC, but if such a condition is contemplated it should not prescribe compliance as that was not the purpose of the RFDC.

Environmental and Residential Amenity

Council disagrees with the use of the circular driveway (from Belmore Street) to be used for maintenance and service as it would detract from the heritage item and amenity of the landscaped area.

We note that the current driveway is used for this purpose as well as general vehicular access for staff and visitors. The level of future usage will be very low and less than currently occurs. The use of the driveway for maintenance and servicing is a practical and sensible use of the driveway and reflective of its original function.

Heritage

We note that there is already a commitment in relation to the preparation of a conservation management plan.

Council also suggests that Building A be redesigned such that Tellaraga House can be seen in full from Belmore Street. It should be noted that the existing vegetation along Belmore Street which is to be retained already (and will continue) to obstruct wider views to Tellaraga House. We are also of the opinion that such a suggestion lacks certainty as it is not clear as to the viewing points from Belmore Street. It would also be an unreasonable condition as it could potentially have a very large impact on the Building A envelope.

Building A has been reduced in length to open up the views of the house and provide far greater opportunities for viewing that house than currently exists. The reasonableness of the viewing opportunities is detailed in the PPR and in our opinion no further reduction in the Building A envelope is warranted on heritage grounds.

2.0 Submission No. 25 Penklis Lawyers on behalf of Friends of Crowle

This submission contains much detail questioning the response to the Director General's Requirements (DGRs) particularly in relation to consultation and social impact. The PPR has provided further information to address the social impact issue outlined in the Department of Planning and Infrastructure's key issue letter. The PPR also provides further documentation in relation to the consultation that has been undertaken by Achieve Australia since 2009.

The Penklis Lawyers submission asserts that the EA and PPR do not comply with the DGRs relating to social impact and consultation. If the Department has concerns regarding how these two DGRs have been addressed, then we would appreciate being informed of such and provided with the opportunity to address any residual concerns the Department might have.

3.0 Submission No. 11 from the Bay Top complex at 82 Belmore Street

82 Belmore Street is the completed apartment building located to the south of the subject site. The writer's property does not immediately adjoin the subject site. The writer's concern relates



to the amendments to Building A and suggests changes to the proposed building envelope in terms of height and length (east-west axis).

Whilst the height of the Building A envelope has been increased, the setback from the southern boundary has also been increased from 7m to 12m which is not acknowledged in the submission. The important effect of this increased setback is the ability for greater landscaping and also mitigating shadow impacts. In this regard the revised envelope has been carefully assessed in terms of shadow impact to the properties to the south as detailed in the PPR. Importantly, the envelope of Building A would cast a shadow on the northern part of the Bay Top complex at 9am-10am in mid-winter only. However, this shadow is likely to be contained within the shadow cast when the adjoining development at 2.6 Porter Street is constructed.

The writer also suggests amendments to the Building A envelope to keep a line of sight to the water through the central open space spine of the Bay Top development. This central spine is not continuous as the Bay Top development itself has a 6 storey building terminating the central spine at its northern end. We do not consider that the design amendments suggested by the writer would benefit the site planning as proposed.

Yours faithfully

DON FOX PLANNING PTY LIMITED

A handwritten signature in black ink, appearing to read 'D. Kettle', with a stylized flourish at the end.

**DAVID KETTLE
DIRECTOR**

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