

24 April 2013

Director General  
Department of Planning & Infrastructure  
23-33 Bridge Street  
SYDNEY NSW 2000  
**Attention: Matthew Rosel**

Dear Matthew,

### **MP10\_0110 MOD 2– Concept Approval – 74-76 Belmore Street, Ryde Request for Modification to Condition A6, C1(a) and C13**

As you are aware, Urbis recently prepared a submission dated 26 April 2013 (MP10\_0110 MOD 2) pursuant to the provisions of section 75W of the *Environmental Planning & Assessment Act 1979* seeking to modify Condition A6, C1(a) and C13 (MP10\_0110) on behalf of Legacy Property.

In discussions with City of Ryde Council and the Department of Planning & Infrastructure, we now seek to also modify Condition A2 to amend the concept drawings to allow for a minor variation to the approved envelope at the southern elevation of Building B.

This request to amend Condition A2 should be read in conjunction with our submission dated 26 April 2013.

#### **1 Background**

Concept Plan approval was granted by the Planning Assessment Commission in November 2012 for medium density residential development on the site, comprising a number of residential apartment buildings to be constructed over a series of stages.

*Condition A2 -*

*The approval shall be generally in accordance with the following drawings:*

It is proposed to modify Condition A2 by substituting the following Concept Plan Drawings to allow a portion of Building B at the southern elevation outside the nominated building envelope.

CONCEPT PLAN DRAWING PREPARED BY NBRS+ PARTNERS			
DRAWING NO.	REVISION	NAME OF PLAN	DATE
09002-EA02-C	C	Concept Plan Zoning	03/04/2013
09002-EA03-CD	C-D	Above Ground Primary Development Controls – Depth, Separation & Setbacks	<del>03/04/2012</del> -23/04/2013

CONCEPT PLAN DRAWING PREPARED BY NBRS+ PARTNERS			
DRAWING NO.	REVISION	NAME OF PLAN	DATE
09002-EA04-GD	↺-D	Above Ground Primary Development Controls – Heights	<del>03/04/2012</del> -23/04/2013
09002-EA05-GD	↺-D	Below Ground Building Envelopes	<del>03/04/2012</del> -23/04/2013
09002-EA06-GD	↺-D	Accommodation Types & Site Access/Exit Zones	<del>03/04/2012</del> -23/04/2013
09002-EA07-C	C	Street Elevations	03/04/2012
09002-EA08-GD	↺-D	Street Elevations	<del>03/04/2012</del> -23/04/2013
09002-EA09-C	C	Sections	03/04/2012
09002-EA10-C	C	Sections	03/04/2012
09002-EA11-C	C	Sections	03/04/2012
09002-EA12-GD	↺-D	Belmore Street Elevation	<del>03/04/2012</del> -23/04/2013
09002-EA13-GD	↺-D	Staging Plan	<del>03/04/2012</del> -23/04/2013
09002-EA14-D	D	Shadow Diagrams	23/04/2012
09002-EA51-GD	↺-D	Potential Communal Open Space	<del>03/04/2012</del> -23/04/2013
09002-EA53-GD	↺-D	Deep Soil Area	<del>03/04/2012</del> -23/04/2013
09002-EA54-GD	↺-D	Public Accessways	<del>03/04/2012</del> -23/04/2013

This condition establishes desired building envelopes for the site. The extent of the variation is limited to levels 3 and 4 at the southern end of Building B.

## 2 Merits of Request

Building B maintains the desired site coverage and despite the marginal expansion outside the envelope over levels 3 and 4 at the southern elevation, it is considered to provide an appropriate level of modulation to ensure a high quality finish.

The history of the setbacks in this area of the site had originally proposed a stepped façade in both buildings A and B as a symmetrical building form on either side of the more formal driveway entry from Belmore Street. The intent of the setbacks was to reduce the scale of the building forms, providing a two storey building form, stepped back 5 metres to a 4 storey building form.

In response to comments from NSW Heritage Office, the original concept for Building A was modified through the removal of the 2 storey stepped element on the northern end of the envelope as a means of further opening up views of Tellaraga House.

The design of Building B has now been amended to maintain the original desired symmetry of the heights on either side of the driveway entry to Tellaraga House and therefore a 4 storey base should be provided to Building B as well.

Despite this minor encroachment outside of the approved envelope, the proposal on balance achieves the desired site coverage, building separation, height and scale. The design provides a strong building articulation along the primary frontages to Belmore Street, well inside the approved footprint.

The proposal is therefore considered to be generally consistent with the approved envelope parameter diagrams and is appropriate for the subject site.

**Figure 1** shown below demonstrates the approved building envelope for Building B as per the approved Concept Plan envelope parameter diagrams. The proposal seeks a variation to the approved envelope at the southern elevation of Building B, specifically at levels 3 and 4.

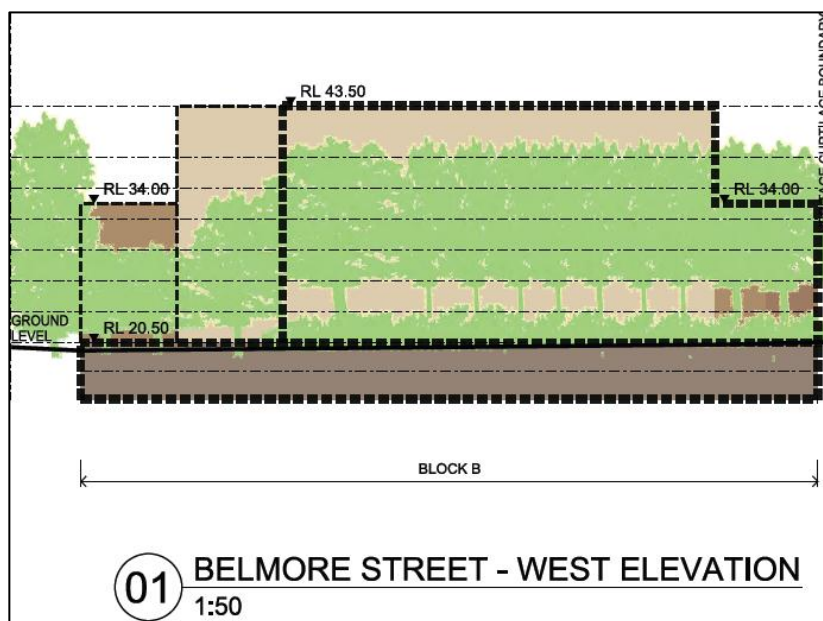
FIGURE 1 – BUILDING B APPROVED ENVELOPE



The proposed modifications to the Approved Concept Plan are outlined in the Modified Concept Plans prepared by NBRSP+Partners and submitted at **Attachment A**.

An extract from the modified concept plans, showing the Belmore Street – West Elevation is shown in **Figure 2** below.

FIGURE 2 – PROPOSED BUILDING B ENVELOPE



From a physical impact study, this portion is hidden behind significant trees from Belmore Street and from the common open space. The design provides a level of symmetry, with both the northern and southern portions of the Belmore Street frontage mirroring the four storey step, which is considered to be a desirable outcome. Therefore, in summary, there will be no adverse shadow impacts on neighbours, no additional overlooking or privacy issues. There will be no negative impacts and the simplified building form would reinforce the four storey podium already referenced and be a symmetrical height to Building A.

### 3 Heritage Impact

Consideration of the potential heritage impact on Tellaraga House resulting from the proposed amendment to the approved building envelope at Building B has been considered in the heritage comments prepared by NBRIS + Partners and submitted with this letter at **Attachment B**.

The statement concludes that, *having considered this design proposal and the potential resulting impacts that might arise from this minor change, I am of the opinion that it will have no significant impact on the public perception of the heritage item known as 'Tellaraga House' or the remnant garden setting set aside on this site as a heritage curtilage.*

### 4 Conclusion

The proposed amendment seeks to amend condition A2 to allow for an improved architectural response to Belmore Street and improved symmetry with future Building A.

Importantly, the proposed amendment remains consistent with the original objectives of the Concept Approval and will ensure the delivery of high quality residential development.

We look forward to your earliest review of this request. A copy of this request has also been forwarded to Ryde Council for their information and comment as appropriate.

Yours sincerely,

A handwritten signature in black ink, which appears to read 'A. Halligan'.

Angus Halligan  
Senior Consultant - Planning & Design

*Attachment A – Modified Concept Plans prepared by NBRS + Partners.*  
*Attachment B – Heritage Statement prepared by NBRS + Partners.*