

21 January 2014

Mr. M. Rosel  
Department of Planning & Infrastructure  
23-33 Bridge Street  
SYDNEY NSW 2000

Dear Sir,

**Major Project Approval No.MP10\_0110 MOD 3  
Concept Plan Modifications – Response to Submissions**

I refer to the issues raised in the Department's letter dated 25 November 2013, the submission received by the Department from Ryde City Council, the report prepared by Nordon Jago Architects that was submitted to the Department on 6 December 2013 and the subsequent meetings held with Ben Lusher and yourself on 12 December 2013 and 17 January 2014 concerning the proposed modifications to this Concept Plan approval.

Having reviewed the matters that have been raised, it is intended to amend the modifications that have been proposed.

A summary of the proposed amendments is as follows.

**1. Communal Facility Building**

The community facility building involves Tellaraga House and the adjoining Building F envelope.

It is acknowledged that the ultimate use of Tellaraga House is unknown at this stage.

There is a range of uses to which the building may be put in the future and any use of it would be subject to a further application to be submitted and approved. Any modification required to the Concept Plan approval to facilitate that use could be dealt with at that time.

In this context, it is not proposed to proceed with the modification of the approval relating to the communal facility building or the two (2) lot stratum subdivision. This would overcome issues raised by both the Department and Council.

Additionally, it is not proposed to proceed with any building works in the building envelope defined for Building F in the Concept Plan approval because of the impact of any such works on the amenity of apartments in the complex, particularly in Building A, and the modifications are to be amended to remove reference to this building envelope from the approval to overcome issues raised by Council.



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## **2. Visual Bulk Impacts**

### **2.1 Building E**

The proposal to vary the 5m setback of the upper 6<sup>th</sup> and 7<sup>th</sup> storey from the southern façade of Building E is to be pursued.

The proposed setback of between zero and 3m from that façade will not have any adverse effects on the amenity of the development currently being constructed on the property to the south, 2-4 Porter Street, in terms of:

- privacy;
- overshadowing;
- view loss; or
- visual impact.

Shadow diagrams indicating the additional shadows cast by the modified setback are contained on Plan No.1S.DN055C, a copy of which is attached.

The proposed building envelope at the upper 6<sup>th</sup> and 7<sup>th</sup> storey is to be setback 3m from the southern façade of Building E adjacent to its interface with Porter Street and the variation from the approved setback would not be readily discernible when viewed from the corner of Porter Street and the site link through 2-4 Porter Street.

The extent of the setback variation is indicated on Plan No's.1S.DN270B (Plan Level 6 Extract) and 1SDN271B (Sections B, C and D), copies of which is attached.

The distance between Building E and the building being constructed on 2-4 Porter Street will maintain an 18.2m separation between windows and terraces and a 15.4m separation between terraces and terraces, in a manner consistent with the guidelines contained in the *Residential Flat Design Code (RFDC)* associated with *State Environmental Planning Policy No.65*.

The setback requirement for the upper 6<sup>th</sup> and 7<sup>th</sup> storey of Building E is to be incorporated into the drawings associated with the Concept Plan approval and, in these circumstances, it is proposed to delete Condition C1(b).

Plan No.1SDN271B clarifies issues associated with the expanded Building E envelope along the southern boundary and confirms that the modification proposes that the upper two (2) storeys are to be partially setback 3m from its southern façade.

### **2.2 Axonometric 3D Drawings**

Amended axonometric 3D drawings indicating the additions to the approved building envelopes, as requested by the Department, are contained on Plan No. 1SDN035E, a copy of which is attached.

## 2.3 Building Envelopes

All of the modifications to the building envelopes are to be shown on the amended Concept Plans and modifications to envelopes have been designated dependent on the purposes for which the envelope is to be used, i.e.:

- only for balconies, with visually permeable balustrades; or
- for building works containing gross floor area.

The envelope variations initially proposed to permit ground floor courtyards have been deleted to remove any confusion concerning approved building envelopes and the provision of courtyards is to be facilitated by a proposed amendment to Condition C1.

The application is to be amended to remove encroachments into the 3m setback from the façades for the upper 7<sup>th</sup> storey of Buildings B and D facing Belmore and Porter Streets, as required by Condition C1(a) of the Concept Plan approval.

In addition, the building envelopes shown on the modified plans indicate a 9.7m separation between Buildings B and C, as required by Condition C1(c).

A brief summary of the amended modifications to the building envelopes in terms of the envelopes contained in the Concept Plan approval is as follows:

Building	Modification to Building Envelope
A	<ol style="list-style-type: none"><li>1. Envelope of the western wing extended to the north at the 7<sup>th</sup> Floor Level only</li><li>2. Envelope of the western wing extended to the south at the 6<sup>th</sup> Floor Level (see Part Level 6 Extract on Plan No.1SDN270B and Section A on Plan No.1SDN271B) in an area designated as a rooftop terrace</li><li>3. Envelope of part of the internal façade extended to a minor extent</li><li>4. Envelope of the eastern façade extended between Buildings A and E to increase potential extent of north-facing elevations and solar access to Building A and facilitate compliance with the solar access guidelines contained in the <i>RFDC</i></li><li>5. Envelope extended to accommodate for lift overruns</li></ol>
B	<ol style="list-style-type: none"><li>1. Envelope modified to provide for balconies, with visually permeable balustrades, in the north-eastern corners of the 5<sup>th</sup> and 6<sup>th</sup> Floor Levels only</li><li>2. Envelope of part of the internal façade extended to a minor extent</li><li>3. Envelope extended to accommodate for lift overruns</li></ol>
C & D	<ol style="list-style-type: none"><li>1. Envelope of parts of the internal façades extended to a minor extent</li><li>2. Envelope extended to accommodate for lift overruns</li></ol>
E	<ol style="list-style-type: none"><li>1. Envelope of the southern façade extended at 7<sup>th</sup> floor level only. See Section 2.1 above</li><li>2. Envelope of the western façade extended between Buildings A and E to increase potential extent of north-facing elevations and solar access to Building E and facilitate compliance with the solar access guidelines contained in the <i>RFDC</i></li><li>3. Envelope of part of the internal façade extended to a minor extent</li><li>4. Envelope extended to accommodate for lift overruns</li></ol>
F	<ol style="list-style-type: none"><li>1. Envelope removed</li></ol>

All of the building envelope controls and setbacks have now been incorporated into the amended Concept Plans and it is proposed that as Conditions C1(a), (b) and (c) are now redundant they should be deleted, as recommended by the Department.

### **3. Lift Overruns**

Details of the floor to floor heights required for apartments within the building envelopes are shown on Image c1.1 on Page 19 of the report prepared by Nordon Jago Architects submitted to the Department on 6 December 2013.

A 700mm allowance is required to accommodate the lift overruns in all of the buildings.

With the exception of the northern lift overrun in Building B, none of the overruns will be discernible from the public domain in Belmore, Junction or Porter Streets because of their location within the building footprints and their small size.

This is illustrated in the Street Scape Massing Analysis contained on Plan No.1SDN060B, a copy of which is attached.

The northern lift overrun in Building B is minor and will largely be indiscernible in terms of the visual impact of the overall development on the land and is inconsequential.

### **4. Development Design Issues**

Many of the issues raised in Council's submission relate to the ultimate design of apartments within the approved building envelopes and servicing issues.

While it has been necessary for building envelopes to be based on a viable development design, these design-related issues are most appropriately considered and determined in relation to the development application required for the construction of the buildings within the confines of the approved building envelopes.

### **5. Statement of Commitments**

Commitment Number 34 of the Statement of Commitments embodied in Schedule 4 of the Concept Plan approval commits to providing a link through the site to connect Belmore and Porter Streets, should the through site link on the adjoining property to the south, 2-4 Porter Street, not be provided before the Concept Plan development commences.

The redevelopment of 2-4 Porter Street has now reached an advanced stage and the through site link on that property has been formed, but not completed, adjacent to its common boundary with the site.

It is proposed to vary the Statement of Commitments relating to the through site link to a commitment to provide an accessible footpath from the through site link on 2-4 Porter Street to the accessway between Buildings A and E to optimise accessibility to the development.

## **6. Amended Modifications Proposed**

The amended modifications to the Concept Plan approval as now proposed are as follows, with the amendments to the conditions involving the deletion of the words/numbers shown ~~**bold and struck out**~~ and the inclusion of the words/numbers shown **bold and underlined**.

(a) amending the description of the Project in Schedule 1 to read:

*“Concept Plan for Residential Development, including:*

- 35,000m<sup>2</sup> of residential gross floor area;*
- 5 residential building envelopes and a communal facility building envelope;*
- 3 level basement car park envelope;*
- retention and reuse of the Tellaraga cottage; and*
- public domain works including ~~a through site link and~~ road upgrades.”*

(b) amending Condition A1 in Part A of Schedule 2 to read:

### ***“A1. Development Description***

*Concept approval is granted to the development as described below:*

- (a) a residential development involving a maximum Gross Floor Area of 35,000m<sup>2</sup>;*
- (b) 5 residential building envelopes ranging in height from 4 to 8 storeys and a 1 storey communal facility envelope;*
- (c) 3 level basement car park envelope;*
- (d) retention and reuse of the Tellaraga College and other associated significant features;*
- (e) landscaping and open space areas;*
- (f) ~~provision of a pedestrian/bicycle through site link~~; and*
- (g) road upgrades at the intersection of Constitution Road and Belmore Street.”*

(c) amending Condition A2 in Part A of Schedule 2 to read:

**“A2. Development in Accordance with Plans and Documentation**

The approval shall be generally in accordance with:

- the Environmental Assessment dated August 2011 prepared by Don Fox Planning, except where amended by the Preferred Project Report dated May 2012 including all associated documents and reports, and additional information submitted 27 June 2012, 6 August 2012, 23 August 2012, and 7 September 2012;
- the Statement of Commitments prepared by Don Fox Planning as last amended 9 November 2012 and attached to this approval; **and**
- the Environmental Assessment for MP10\_0110 MOD2 dated 8 April 2013 and addendum dated 24 April 2013 modification;
- **the Environmental Assessment for the modification of MP10\_0110 MOD3 dated September 2013 and the response to submissions dated 21 January 2014 prepared by Ludvik & Associates Pty Ltd and the report prepared by Nordon Jago Architects dated 21 January 2014**; and
- the following drawings:

<b>Concept Plan Drawings prepared by NBRS+Partners/Nordon Jago Architects</b>			
<b>Drawing No,</b>	<b>Revision</b>	<b>Name of Plan</b>	<b>Date</b>
09002-EA02-C	C	Concept Plan Zoning	03/04/2012
<del>09002-EA03-C</del> <b>CA003</b>	<del>D</del> <b>B</b>	<del>Above Ground</del> Primary Development Controls – Depth, Separation & Setbacks	<del>23/04/2013</del> <b>07/01/2014</b>
<del>09002-EA04-C</del> <b>CA004</b>	<del>D</del> <b>B</b>	<del>Above Ground</del> Primary Development Controls – Height	<del>23/04/2013</del> <b>07/01/2014</b>
<del>09002-EA05-C</del> <b>CA005</b>	<del>D</del> <b>B</b>	Below Ground Building Envelopes	<del>23/04/2013</del> <b>07/01/2014</b>
<del>09002-EA06-C</del> <b>CA006</b>	<del>D</del> <b>B</b>	<del>Accommodation Types &amp;</del> Site Access/Exit Zones	<del>23/04/2013</del> <b>07/01/2014</b>
<del>09002-EA07-C</del> <b>CA007</b>	<del>D</del> <b>C</b>	Street Elevations	<del>03/04/2012</del> <b>21/01/2014</b>
<del>09002-EA08-C</del> <b>CA008</b>	<del>C</del> <b>C</b>	Street Elevations	<del>23/04/2013</del> <b>21/01/2014</b>
<del>09002-EA09-C</del> <b>CA009</b>	<del>C</del> <b>C</b>	Sections	<del>03/04/2012</del> <b>21/01/2014</b>
<del>09002-EA10-C</del> <b>CA010</b>	<del>C</del> <b>C</b>	Sections	<del>03/04/2012</del> <b>21/01/2014</b>
<del>09002-EA11-C</del> <b>CA011</b>	<del>C</del> <b>C</b>	Sections	<del>03/04/2012</del> <b>21/01/2014</b>
<del>09002-EA12-C</del> <b>CA012</b>	<del>D</del> <b>C</b>	Belmore Street Elevation	<del>23/04/2013</del> <b>21/01/2014</b>
<del>09002-EA13-C</del> <b>CA013</b>	<del>D</del> <b>B</b>	Staging Plan	<del>23/04/2013</del> <b>07/01/2014</b>
<del>09002-EA51-C</del> <b>CA051</b>	<del>D</del> <b>B</b>	Potential Communal Open Space	<del>23/04/2013</del> <b>07/01/2014</b>
<del>09002-EA53-C</del> <b>CA053</b>	<del>D</del> <b>B</b>	Deep Soil Area	<del>23/04/2013</del> <b>07/01/2014</b>
<del>09002-EA54-C</del> <b>CA054</b>	<del>D</del> <b>B</b>	Public Accessways	<del>23/04/2013</del> <b>07/01/2014</b>

- (d) amending Condition A6 in Part A of Schedule 2 to read:

**“A6. Maximum Height**

*The maximum height for the development shall be consistent with the Concept Plan height plans for each building as detailed in the table below.*

<b>Building</b>	<b>Maximum Building Height</b>
<i>Building A</i>	<i>Maximum RL of 45.5 metres AHD (4-7 storeys + plant)</i>
<i>Building B</i>	<i>Maximum RL of 43.5 metres AHD (4-7 storeys + plant)</i>
<i>Building C</i>	<i>Maximum RL of 43.8 metres AHD (4-6 storeys + plant)</i>
<i>Building D</i>	<i>Maximum RL of 46.8 metres AHD (Part 7/8 storeys + plant)</i>
<i>Building E</i>	<i>Maximum RL of 46.8 metres AHD (7 storeys + plant)</i>
<b><i>Building F</i></b>	<b><i>Maximum RL of 28.5 metres AHD (1 storey + plant)</i></b>

*The maximum height specified excludes any lift overrun to **Building B the buildings**, which may be permitted to project to a maximum extent of **300 700**mm above the nominated RL as set out in the table above.*

- (e) deleting Condition B1 in Part B of Schedule 2 which reads:

**“B1. Through Site Link**

*A publicly accessible pedestrian/bicyclist through site link shall be provided, as shown on plans, between Porter Street and Belmore Street.”*

- (f) amending Condition C1 to read:

**“C1. Built Form**

*Future Development Applications shall demonstrate that the development achieves a high standard of architectural design incorporating a high level of modulation/ articulation of the buildings and a range of high quality materials and finishes. In particular:*

- (a) ~~the upper 7<sup>th</sup> storey of buildings facing Belmore and Porter street are to provide a minimum setback of 3 metres from the building façade;~~*
- (b) ~~the upper 6<sup>th</sup> and 7<sup>th</sup> storey of Building E at the southern façade shall be setback a minimum of 5 metres from the building façade;~~*
- (c) ~~the building separation between Building Envelopes B and C shall be increased to a minimum of 9 metres; and~~*
- (d) all storeys above the 4<sup>th</sup> storey are to use light colours and an architectural treatment that achieves a light weight external appearance that reduces the visual bulk of the buildings; and*
- (e) ground floor courtyards including both soft and hard landscaping elements may be provided within setback areas.*

- (g) amending Condition C2 in Schedule 3 to read:

**“C2. Residential Amenity**

*Future Development Applications shall demonstrate compliance with the provisions of the State Environmental Planning Policy 65 – Design Quality of Residential Flat Development (SEPP 65) and the accompanying Residential Flat Design Code 2002 (RFDC), except where modified by this Concept Plan approval. In particular, future applications shall demonstrate that:*

- (a) a minimum of 70% of apartments within ~~each building~~ the site shall receive a minimum of 3 hours solar access to living areas and balconies mid winter;*
- (b) a minimum of 60% of apartments within each building are capable of being naturally cross ventilated;*
- (c) appropriate building depths in accordance with the objectives of the RFDC; and*
- (d) buildings separations achieve the distances set out in the RFDC. Where any variations to the rules of thumb occur the proposal should demonstrate that the objectives of the building separation control are achieved.”*

- (h) amending Condition C6 to read:

**“C6. Environmental Performance**

*Future Development Applications shall demonstrate achievement of a minimum 4 Star Green Star certified rating for Building A, B, C, D and E ~~and F~~.*

- (i) amending Condition C13 to read:

**“C13. Apartment Servicing**

*Future development applications shall demonstrate that vehicular servicing vehicles and waste receptacles and collection for the residential apartments can be satisfactorily accommodated within the basement car park. Such facilities may be alternatively located at ground level within the approved building envelope, subject to an assessment of whether they are:*

- (a) wholly contained within the building envelope,*
- (b) appropriately and sympathetically designed; and*
- (c) accessed in an appropriate manner.”*



- (j) amending Condition C15 in Schedule 3 to read:

***“C15. Conservation Management Plan and Restoration of Tellaraga House***

*The restoration of Tellaraga House must be provided for no later than the ~~development application for the 160th dwelling~~ issue of the first occupation certificate for apartments in the development and ~~may be required as a condition of approval prior to that date.~~*

*The development application providing for the restoration must include a Conservation Management Plan for Tellaraga House, and associated garden and curtilage, to be prepared in accordance with the NSW Heritage Guidelines.*

*~~Note: It may be appropriate for the consent authority to require the restoration at an earlier stage if the site is developed by more than one developer.”~~*

- (k) amending Commitment Number 34 of the Statement of Commitments contained in Schedule 4 to read:

*~~“Achieve Australia commits to providing a through site link along the southern edge of the subject site. However, should the through site link on the adjoining development site at 2-4 Porter Street be provided before Achieve Australia’s project has commenced, then Achieve Australia will not incorporate a duplicate through site links on the subject site. Should the through site link be provided this will be incorporated into a Voluntary Planning Agreement or provided as a work in kind / material public benefit for works identified in the MEA under City of Ryde Section 94 Development Contributions Plan 2007, subject to the agreement with the City of Ryde Council. Achieve Australia commits to providing an accessible footpath from the through site link on 2-4 Porter Street to the accessway between Buildings A and E. This link is to be designed to facilitate access by people with a disability in accordance with the relevant Australian Standards.”~~*

## **7. Summary**

The extent and nature of the amended modifications proposed will not relevantly alter Council’s views of the application and it is not considered necessary for the proposed amendments to be referred back to the Council for further comment, particularly in light of Council’s tardiness in responding to the original application.

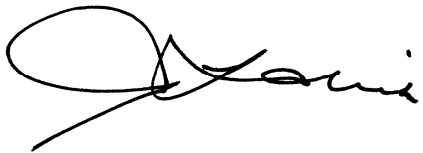
Attached are:

- copies of the explanatory plans referred to in this letter;
- copies of the amended response to Council's issues, dated 21 January 2014, prepared by Nordon Jago Architects; and
- copies of the updated Concept Plans relating to the modifications as now proposed.

I hope this information assists you in determining the application.

Should you require any additional information concerning this matter do not hesitate to contact me.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Andy Ludvik', with a stylized, flowing script.

**Andy Ludvik**  
**Ludvik & Associates Pty Ltd**