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Department of Planning  
GPO Box 39  
SYDNEY NSW 2001

6 February 2014

Dear Mr Lusher,

**MAJOR PROJECT APPROVAL NO. MP10\_0110 MOD 3**  
**Concept Plan Modifications – Response to Submissions**

I refer to the Department of Planning and Infrastructures letter dated 24 January 2014 regarding the above mentioned Major Project Approval.

The City of Ryde Council has reviewed the documentation provided and has significant concerns regarding the proposal. These concerns have been attached as a separate document. It should be noted that many of these concerns have been raised previously by Council and have as of yet not been adequately addressed.

Of particular concern to Council are the proposed modifications to the approved building envelopes and the treatment of the Heritage Item. The Heritage Item must be treated holistic as part of the redevelopment of the site and it must be adequately protected throughout the development cycle.

The proposed amendments to the building envelopes are likely to result in exceedingly poor amenity for future residents and surrounding properties and as such are not supported by Council.

The above matters have been detailed in length in the enclosed attachment. The City Of Ryde thanks you for the opportunity to comment upon the Response to Submissions. Given the extent of concerns raised within the attached, I request a meeting to discuss the matter in person. Please contact Adrian Melo, Client Manager on 9928 8238 to arrange a meeting.

Yours sincerely



Dominic Johnson  
Group Manager, Environment and Planning  
City of Ryde Council

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## Concept Plan Modifications – Response to Submissions

Submission from City of Ryde Council



## Community Facility Building / Heritage

To date, despite the significant amount of work to be undertaken as part of the proposed Concept Plan, Council is yet to see a satisfactory Conservation Management Plan that adequately addresses the:

1. The removal of the intrusive elements attached to the Heritage Item (shown in **Figure 1**)
2. Excavation in close proximity to the Heritage Curtilage
3. The intended use or occupation of the Heritage Item.

Without a detailed Conservation Management Plan (CMP), it is difficult to fully determine the impacts of the proposed works and amendments to the Building Envelopes upon Tellaraga House.

The above is of particular concern given that the applicants are seeking to vary **Condition C15** so that no DA for the restoration of the house is required until the first occupation certificate for the apartments. This amendment means that the demolition of the intrusive elements and the excavation of land directly adjacent to the Heritage Curtilage can occur without any consideration of the restoration of Tellaraga House. Council does not support the proposed amendments to Condition C15. At a minimum, Council insists that the Condition remain in its current form, including the note stating that Council may require the restoration of the house at an earlier stage.



Figure 1

The current condition of Tellaraga House is poor and given the rear section would be demolished to allow the excavation and construction of the apartment complex; the building would be in an urgent state of disrepair and there are legal obligations on the applicants to ensure its protection and reinstatement as soon as feasible. The proposed strategy from the applicant could leave the heritage item exposed to the elements with half the house demolished prior to any DA being lodged for the restoration to be lodged

In addition to the above, Council remains to be concerned that the treatment and management of Tellaraga House has not been incorporated into the holistic masterplan for the site. This has been demonstrated through failing to identify / nominate a use for the heritage item or the provision of a satisfactory CMP. The use, management, restoration and management of the heritage item needs to be determined and resolved as early as possible.

If the potential 'use' of Tellaraga House is undesignated it is difficult to prepare / plan for the urban design outcomes for the heritage listed sites; mainly the potential generated occupancy/ patrons/ usage which may vary significantly depending on the ultimate use of the item. This flows onto a matter of car parking, presentation to the street and impact upon the amenity of surrounding units. It also has ramifications for the overall heritage curtilage treatment and its overall finished appearance. If the 'use' is not integrated into



the overall development, it stands to become unmaintained and unincorporated into the overall site.

Furthermore it must be recognised that the developer stands to achieve financial gain through the redevelopment which has identified the restoration and maintenance of the heritage item as a positive outcome. At this stage it appears as though this positive outcome will not be delivered on site.

## Solar Access

In considering Solar Access and the impacts of overshadowing, concerns are raised regarding the quality of the submitted plans. The submitted plans do not adequately show the impacts of the proposed additional building bulk. In this respect, it is strongly suggested that Solar View Diagrams (Views from the Sun) be prepared to test the proponents justification for the cut outs in the building envelope. Particular reference is made to Buildings A and E.

It is noted that the proponents submission has identified that many of the amendments to the building envelopes have been proposed to achieve compliance with the solar access requirements of the RFDC which are enforced by virtue of Condition C2. In this respect, the proponents attempt to ensure compliance with this condition has resulted in exceedingly poor building envelopes that fail to provide an acceptable level of amenity to future residents.

Council and Council's Urban Design Review Panel is of the opinion that the existing approved building envelopes should be capable of achieving compliance with Condition C2. However, should it be conclusively proved that this is not the case through additional information presented to Council and the UDRP, Council could consider an amendment to Condition C2. Any such amendment would need to be considered and discussed with Council, the proponent and the UDRP and will require the provision of additional information. In this respect it is noted that the applicant has sought the reduction of solar access from 70% to 65% in Item B.04 Separation of Building A and E

## Building Envelopes

The proposal still continues to include a variety of amendments to the approved Building Envelopes. These are dealt with below. In considering proposed Building Envelopes, a distinction must be drawn between what is considered at a Concept Plan stage and what is considered at a Development Application stage. In this respect, Council believes that building envelopes at a minimum should be capable of achieving compliance with the minimum separation and depth recommended within the RFDC. It must be recognised that building separation serves a variety of purposes including but not limited to:

- Privacy and overlooking,
- Access to sunlight and overshadowing,
- Visual bulk and building massing, and



- Building legibility and site transparency.

The argument that this is something that should be resolved at DA stage relies on a limiting on potential layouts and unit designs, often requiring a significant reduction in amenity for residents. In considering amenity it must be recognised by the Department and the proponent that it is not solely visual privacy that is considered but the visual bulk and outlook presented not only to external surrounding properties but internally towards communal open spaces, private balconies and windows. This is often difficult to address through design treatments such as highlight windows, privacy screens and blade walls.

The argument that amenity must be resolved at DA stage is likely to result in poor outcomes as the proposed building envelopes will create a sense of entitlement that is difficult to address or resolve through the DA process.

Council fully understands the difference between Building Envelopes and Building Layouts, but cannot see the advantage or necessity in providing building envelopes that will result in poor amenity units and impacts on adjoining properties and the streetscape. Ultimately, in Councils opinion, this is what the proposed building envelopes will achieve.

The building envelopes have been significantly amended to allow for finessed modulation that appear to seek to achieve a specific outcome. These outcomes are likely to be dependant on specific floor plans or objectives that have not been provided or detailed within the documentation. Building envelopes are primarily broad brush tools defined to provide a specific building massing or positioning. The applicants submitted plans have a level of detail not often required or desirable in building envelopes due to the finessed massing of the envelopes and the positioning of restricted courtyards or lightwells. This finessed massing approach at a concept stage is not encouraged nor supported by Council as it often leads to significant complications during the assessment process.

Should the applicant require building envelopes as specific as those proposed, they should be dependant on floor plans that must be considered at the same time. Arguably, this work may have already been undertaken by the proponent but not included as part of the response to submissions. This is indicated by the identification of the balcony zone within Block B. Council cannot endorse the proposed Building Envelope modifications without considering these plans.

In addition to the above it is noted that the submitted plans do not include dimensions for the minimum width of the building envelopes or the proposed setbacks. This must be included prior to any approval being granted. This will ensure clarity and accurate application of the Concept Plan on any forthcoming Development Applications.

It is noted that the proponents have stated within the Response to Submission (RtS) that the proposal will result in a reduction of the densities to approximately 416 units. This reduction in total yield has not been captured in any amendments to any Conditions or plans, in particular the Development Description contained in A1. As such, the potential reduction in units resulting in the proposal cannot be given any weight in the assessment process. The total maximum Gross Floor Area of 35,000 m<sup>2</sup> remains unchanged.



## Block A

The proposed amendments to the approved Building Envelope of Block A are not supported by Council. This is as the proposal will result in:

1. An increased width to the building envelope that will encourage building depth beyond that recommended in the *RFDC*. This is the result of the new protrusions along the northern elevation of Block A. These protrusions are also likely to cause issues for overlooking and privacy.

The protrusions may also have an impact on Tellaraga House, notwithstanding that they are located outside the curtilage of the heritage item. The protrusions clearly change the presentation of Block A to Tellaraga House which has potential to significantly impact the heritage item. In lieu of supporting information on the heritage impacts of the protrusions, the precautionary principle should be applied.

2. Removal of separation to Block E will unduly reduce the amenity within this area through:
  - a. **Excessive Visual Bulk and Massing presented to the residential buildings and through site link on 2-4 Porter St.** The removal of the separation between Block A and E removes the break in the building massing and results in an unbroken continuous built form of approximately 84m. This is exacerbated by the lowered nature of the through site link as shown in **Figure 2**.
  - b. **Reduced separation for all units along the eastern edge of Block A and western edge of Block E.** In this respect, this will cause significant issues for addressing overlooking and privacy, visual bulk and massing and outlook for future residences. Privacy and overlooking could potentially be addressed through design solutions such as highlight windows, privacy screens, non-habitable rooms, blade walls and a range of other design treatments. However, the presentation of the visual bulk and massing to residences within the dwelling, private and publicly accessible open space within and surrounding the site is likely to be of an exceedingly poor quality.
3. It is noted that the proponents submission has argued that the amendments to Block A are to achieve improved solar access so as to achieve compliance with the recommended hours of sunlight access contained within the *RFDC*. It Council's opinion, this argument can only be given any weight where floor plans have been provided demonstrating the improved solar access for units. Additionally, as discussed under the section titled *Solar Access* of this submission, additional information must be required regarding the solar access.
4. The addition along the southern edge of Block A does not constitute the small portion shown in orange on Dwg No 1S.DN035 E Titled *Envelope - Encroachment*, but consist of the entire 6<sup>th</sup> floor. The approved plans (Dwg 09002-EA04-D titled *Above Ground Primary Development Controls – Heights* and Dwg 09002-EA08-D titled

*Street Elevations*) clearly show that this section is to be a maximum of 5 storeys, with the additional height of the top storey provided for the purpose of allowing for handrails, parapets, plant rooms and clothes drying areas. Given that this section is not the small area identified by the applicants but an additional whole storey, the impacts of this addition are significantly higher with regards to visual bulk and massing. Additionally, see the Building Heights section of this submission for further details.

### **Building B**

It is noted that the submitted plans (specifically Dwg No 1S.DN035 E Titled *Envelope - Encroachment*) does not identify any changes to the Building envelope of Block B other than the provision of a balcony zone. However, the written statement accompanying the submitted plans identifies increases along the internal façade and increases in height for lift runs. Whilst these additions may be minor, they must be shown on the plans for clarity and consideration.

### **Building C**

Council does not support the proposed amendments to the Block C Building Envelope. In particular, the corner inset will worsen outlook and amenity for future units. This is amply demonstrated by Image b2.1 provided by the proponents. This forms a prime example of design treatments to rectify a poor situation caused by the recessed nature of the inset. The design treatments identified by the applicant (primarily blade walls) seeks to address the overlooking problems created by the inset without addressing the worsened outlook of rooms with walls only 6m away. This will result in an unacceptable visual bulk and massing being presented to adjoining residences within the development and to the communal open space.

### **Building D**

Council does not raise issue with the amendments to Block D Building Envelope due to the minor encroachments into the central courtyard space. This could potentially be resolved as part of any forthcoming Development Application.

### **Building E**

Council does not support the proposed amendments to the Block E Building Envelope. This is as:

1. The provision corner inset for the courtyard / lightwell area raises concerns with overlooking, privacy, visual bulk and presentation to surrounding areas. This corner inset has a width of approximately 8m-9m and extends over 7 storeys. Whilst immediate and direct privacy and overlooking could be resolved through blade walls, privacy screens and configuration of the habitable space of units, this simply achieves numerical compliance without addressing the aims and objectives of the RFDC. The tight confined nature of this space is likely to provide a poor outlook for units surrounding this space with limited access to natural light due to a need to



address privacy concerns. It also results in unacceptable building bulk and massing presented to residences within the development and the communal open space.

2. The addition along the southern boundary of the site will substantially add to visual bulk when viewed from the publicly accessible walkway along the shared boundary with 2-4 Porter St. Whilst it is noted that the applicant has sought to address the building separation and overshadowing concerns expressed previously by Council, the impacts of the massing of the buildings along this southern edge still remains to be a significant concern.

## Building Heights

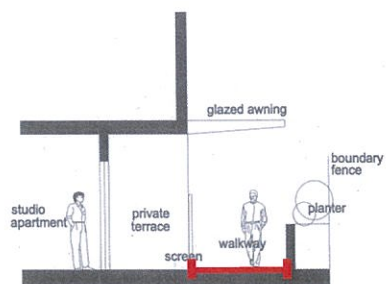
The modest increase in height requested for the purposes of lift overruns, are not contested by Council but only where not visible from the streetscape. However, what is of concern to Council is the increase in height in storeys sought by the applicant. In this respect particular reference is made to the southern element of Block A.

Whilst it is recognised that an RL has also been included, this must work in concert with storey control. The loose fit between the RL and storey control allows for flexibility in the provision of roof forms, plant, handrails, parapets and lift overruns in response to changes in topography and provision of generous floor to ceiling heights.

It should be noted that the original consideration and approval allowed for a 5m storey for the top storey on all buildings to allow for overruns and plant. As such, it is questionable why further additional height should be granted simply to provide for lift overruns.

## Site Access and Through Site Link

The deletion of the through site link on the subject site is supported due to the location of the through site link on 2-4 Porter St, Meadowbank which is under construction at this time. However, concerns are raised regarding the proposed accessible footpath between buildings A and E. In this respect, Council does not own the through site link but only has a right-of-way over the adjoining property. This right-of-way does not extend to the shared boundary between the two developments but covers only the limited walkway area, shown in red on **Figure 2**.



**Figure 2**

The planter located along the entire length of the shared boundary between the right-of-way and the boundary is in private ownership. In order to connect to the right-of-way located on 2-4 Porter St, the proponent will need to enter into a private agreement with the land owner of 2-4 Porter St. Accordingly the proposed accessible path is questionable.

Furthermore, it should be noted that Dwg CA006 B titled *Site Access / Exist Zones* maintains pedestrian entries / exits along Belmore St. Along the Belmore St frontage, several significant trees are required to be retained. It is strongly recommended that the applicant



undertake further investigations to ensure that the proposed entries / exits along Belmore St can be achieved with the retention of the trees.

Council will be encouraging future DAs that direct apartment access be achieved along Belmore St through the retained trees to achieve activation of the street. In Council's opinion the retention of the trees and pedestrian access are not mutually exclusive but will require significant work by the proponent to ensure both can be achieved. It is strongly recommended that this be resolved at this time to avoid an additional Section 75W being lodged with the Department at a later date to address this issue.

## Apartment Servicing

It is noted that the applicant has sought the amendment of Condition C13 to include the term 'satisfactorily'. It is unclear what the intent of this inclusion is or to whose satisfaction waste collection must be achieved.

Notwithstanding the above, Council has concerns about the inclusion of an additional vehicular access point along Porter Street for the purposes of site services. The location of this vehicle access point raises concerns with:

- Impact on the streetscape presentation of an additional vehicular access point that descends down to a basement level,
- CEPTED issues associated with a sunken vehicular access point utilised on an infrequent basis adjoining a through-site link,
- Provision of deep soil planting along the property boundary, and
- Amenity impacts of waste collection along a steeply sloping driveway for adjoining residents and those contained within the development, especially considering hours of collection.

Whilst many of the above are design issues that could potentially be resolved as part of the DA process, by approving the submitted plans which clearly nominate an additional access point for service purposes only, the proposed arrangements would form a definitive requirement imposed on future DAs. Should this be continued to be sought by the applicant, this must be comprehensively shown to be fully achievable to Council's satisfaction prior to the approval of the amendments by the Department. This must demonstrate to Council's satisfaction that sufficient waste and other services including but not limited to removalists and potential unloading / loading facilities associated with any non-residential use of the heritage item can be provided whilst addressing the above concerns.

## Landscaping and Communal Open Space

Dwg No CA051 B titled *Potential Communal Open Space* identifies the potential communal open space areas to be delivered on site. The applicants have identified that this area is approximately 7435m<sup>2</sup>. However this area includes the following areas:

- The front setback areas along Porter, Junction and Belmore Streets which are likely to be used for either private courtyards of ground floor units,
- Site and building access for both pedestrian and vehicles which does not constitute communal open space, and
- The heritage curtilage of Tellarag House which alone consists of approximately 2800m<sup>2</sup> (or 18% of the overall site) that without a CMP may or may not be suitable as communal open space.

Dwg No CA005 B titled *Below Ground Building Envelope* and Dwg CA053 B titled *Deep Soil Area* identifies that a large portion of the site (increased beyond that of the existing approval) will be occupied by basements, significantly reducing the overall amount of deep soil present on the site. CA053 B also captures land located within the Curtilage of the Heritage Item that may not be suitable for excessive planting. This cannot be determined without the preparation of a CMP.

Further to the above, it is noted that the applicants have stated that the lack of deep soil planting along the southern boundary is to provide for the service access way. In this respect, Dwg No CA005 B titled *Below Ground Building Envelope* clearly shows that no deep soil planting is provided along the entire length of the southern site boundary with the exception of a narrow 2m strip along at the western edge of the southern boundary.

It is noted that the proponents have also sought to amend Condition C1 to include '*ground floor courtyards including both soft and hard landscaping elements may be provided within setback areas*'. Whilst this could be potentially supported in principle by Council, the proposed amendment does not include any qualitative measures to ensure that a soft landscaped garden setting is maintained. To address this it is recommended that the Condition change be amended to read '*ground floor courtyards including both soft and hard landscaping elements may be provided within setback areas where a soft landscaped presentation to the street is achieved*.'