

PCU049742



Mathew Rosel
Department of Planning and Infrastructure
23-33 Bridge Street
SYDNEY NSW 2000



27 November 2013

Dear Mr Rosel,

MP10_0110 MOD3: MODIFICATION REQUEST TO APPROVED CONCEPT PLAN CONDITIONS AND VARIATIONS TO THE BUILDING ENVELOPE OF RESIDENTIAL DEVELOPMENT AT 74-76 BELMORE STREET, RYDE

I refer to your notification to the above application made under section 75W of the Environmental Planning and Assessment Act 1979 that is currently under consideration by the Department of Planning and Infrastructure (DPI). I wish to thank you for allowing an extension of time to enable Council making this submission.

It is understood that the modification seeks a number of changes which will in summary:

- change the building footprint which will reduce the number of apartments from 430 to 416,
- modify Condition No. A1 and A2 to reflect the changes in describing the proposal,
- amend Condition No. A2 making reference to the amended plans
- amend Condition No. A6 to allow an additional height of 400mm to the lift overruns,
- delete Condition No. B1 which requires construction of a through site link as a new link is being created at the neighbouring land at No. 2-4 Porter Street,
- amend condition No. C2 which relates to residential amenity,
- amend Condition No. C13 which relates to Apartment Servicing,
- amend Condition No. C15 which relates to the timing of the restoration works of the *Tellaraga House*,
- include stratum subdivision for Lot 1 to contain the Tellaraga House its curtilage and Block F, and Lot 2 to containing the remaining 5 building envelopes and 3 level basement parking.

It is also understood that the proposed modifications will not change:

- the maximum gross floor area of 35,000m²,
- the approved building envelopes in terms of their height, with the exception of increase for lift overruns,

- the approved vehicular access arrangements with the exception of a new service vehicle access from Porter Street,
- the restoration and reuse of Tellaraga House,
- public domain works,
- the need to relocate residents still residing at Crowle Home,
- the provision of adaptable apartments,
- the ownership of 15 adaptable apartments by Achieve Australia
- environmental performance rating, and
- the extent of car parking

As you are aware the proponents have also approached Council with preliminary Architectural plans of the individual buildings to be reviewed by Council's Urban Design Review Panel and Prelodgement Panel with the intention to gain Council's support to the amendments proposed under section 75W of the Act.

The review was conducted on 30 October 2013 which revealed the following concerns:

1. Extension of Building C

Building C has been extended to the south-west increasing the length of wall facing Building E and resulting in a single aspect unit facing Building B with insufficient building separation. An inset corner between Building C and D is created by the extension resulting in a number of units having bedroom and living rooms with poor outlook and daylight. The character and use of the exterior space is not shown in the drawings.

2. Extension of Building D into Courtyard

Landscape plans and courtyard levels are not included in the drawings and therefore, an assessment cannot be made how the proposed extensions relate to the courtyard. In the 3d "Envelope Model" a slope is shown across the frontage of the lower level units. It is a matter of concern that these units are below courtyard level and will have poor outlook and amenity.

3. Separation of Building A and E

The separation between Building A has been reduced to a 3m metre gap from approved 14m with a bridge linking Building A to the core in Building E blocking the potential separation. Council does not support the proposed reduction in the gap as it would increase in building bulk, is not feasible to accommodate non-habitable rooms on elevation of these buildings and therefore there will be amenity issues.

In addition Building E has been increased in depth to 27m with a small courtyard /light well introduced in an attempt to increase the amenity of living

areas. The building entry also uses the courtyard space creating privacy conflict with ground floor units.

Councils UDRP do not support the courtyard and questions the separation and amenity (noise, outlook, privacy, daylight) of adjacent units.

4. Encroachments at Building A into central courtyard

Building A has been expanded toward Tellaraga House. The Perspective Montage from Belmore Street at the Existing Tellaraga House Entry Gates shows the proposed vertical emphasis of the massing. The UDRP is concerned with the proximity of the projections and their visual impact on Tellaraga House. If the addition to Tellaraga House remains, the proximity of the additions and character of the sliver of space between it and the ground floor units is a concern. The applicant has stated that the existing extension to the heritage property is to be removed but this deletion is not proposed as part of the amendments currently being proposed.

This demolition needs to be linked to the change to the envelope for it to be considered otherwise it is not acceptable.

Whilst landscape setting for Tellaraga House was important, no view analysis within the central courtyard or landscape plan was presented within the bundle of documents.

5. Encroachments into upper level setback at Building B and Building D

The encroachments into the upper setback, particularly at the corner of the façade closest to Belmore Street (as seen in Perspective 1: Concept Perspective Montage from Corner of Belmore Street and Junction Street), increase the visual bulk of the building along the street. The repeated black window frames at each level further accentuates the 7 storey height of the corner. The upper level encroachments at the southern corner of Building D also reinforce the perceived bulk of the building along Porter Street.

In view of the above, the UDRP does not support the amendments.

6. Encroachments into street setback at Building A and Building E

A number of minor projections into the street setback at ground level are added, for example Building A adjacent Belmore Street. These encroachments are to provide ground floor private open spaces. The UDRP does not support reduction of the landscape setback along Belmore Street where existing tree planting is to be retained and enhanced. Private open space should be accommodated within the building envelope. Similar encroachments at Building E are not in keeping with the streetscape intent embodied in the proposal and should also be deleted or incorporated into the

building envelope, where needed to satisfy minimum private open space requirements.

7. South-west boundary and interface with adjacent sites

An approved development application on the adjacent site to the south-west includes a new publically accessible pedestrian link along the boundary. Previously a link was located on the subject site and now is proposed to be removed. The 75W changes also propose expanding the basement car park to boundary and adding an access driveway and ramp from Porter Street along the boundary for waste management. The resulting retaining wall and grade separation between the pedestrian link and the proposed development degrades the amenity, safety and usefulness of the link.

It is recommended that the waste management access entry and ramp be relocated into the footprint of the building and that the ground level units and landscaping be better integrated with the pedestrian through site link on the adjacent site. Improvements could include ground floor unit courtyards with entries connecting to the pedestrian link and intermediate landscaping to enhance the appearance and amenity of the link.

A deep soil zone (min 3m width) should be provided along the south west boundary to allow for the planting of trees adjacent to the public accessway. It is noted that the adjacent development does not have any deep soil zone along the shared boundary and the pedestrian accessway will have very poor amenity if the subject land cannot support tree planting.

The provision of extended car parking footprint to the western boundary and the new side driveway removes the ability to provide deep soil landscaping within this area.

8. Building address and pedestrian circulation

The Concept Plans included pedestrian entries from Porter Street to Block E. The proposal removes these entries and consolidates entries from the south-western boundary access way via a small courtyard. The proposed entry sequence is indirect and convoluted and detracts from the activation of Porter Street. The UDRP recommends that direct pedestrian access and entries be reinstated from Porter Street to lift lobbies.

9. Building Height and indentations/setbacks

The original assessment report by the Department of Planning notes that the 7th storey is 5m in height with the upper 2m of this storey comprising the plant rooms, lift cores and parapets. The condition no. A6 of the concept plan approval states the maximum RL which includes the plant rooms. The height shown on the amended plans does not include the plant rooms. This is not in compliance with the condition.

The concept plan approval requires the 7th storey of buildings facing Porter Street and Belmore Street to be indented by 3m and 6th and 7th storey of Building E to be indented by 5m from building facade. The amended plans do not show such indentations/setbacks. It is to be noted here that if the 7th storey is to contain a mezzanine level then this would be counted as two storeys.

Further, Building A on southern elevation has been approved as 5 storey, the amended plans show this as 6 storey.

Council does not support any changes in the approved building heights and envelope as these changes would result in unacceptable bulk, form and reduction in building separation distances between the buildings as required by the Residential Flat Code.

10. **Stratum Subdivision and Communal Facility**

The proponents described the need for a stratum subdivision to ensure the long term maintenance of Tellaraga House and its gardens and to reduce the burden on the body corporate. It is a matter of concern that this would impose potential limitations on the use and protection of the heritage listed house and its gardens for future residents.

The stratum subdivision essentially would allow the proponents to sell the proposed stratum lot 1 which is, as the proponents indicated, *"To contain Tellaraga House, Block F, the Memorial Gardens, Heritage Curtilage and associated car parking"*.

The potential to sell this stratum lot would result in the proponents or new owner not restoring the heritage item and incorporating its development into the overall site. This fails to comply with the *Development Description* being: **"retention and reuse of the Tellaraga Cottage"** and other associated significant features.

The lack of information on the proposed plans in relation to Block F and the removal of the **"community facility"**, support the idea that the heritage item is not intended to be part of the overall master plan for the site, although its retention and re-use is incorporated into the development description.

It is noted that the heritage curtilage area contributes to the communal open space and deep soil requirement for the development approval. The potential subdivision of Tellaraga House (prior to an Occupation Certificate being issued) means the proponents would fail to comply with Deep Soil Zones and Landscaped Areas across the site, as the current calculations take into account the entire landscaped grounds within the heritage curtilage area. This

would also remove the community facility and green spaces within this planned redevelopment by approximately 2,800m² which is approximately 18% of the total site area of 16,143m².

In view of the above, Council recommends not to support the proposed Stratum Subdivision of the development.

11. Condition 15 Changes

This Condition of Consent should be retained as per the original approval. The proposed replacement with "*issue of the first occupation certificate for apartments in the development*" means the actual restoration does not need to occur until the Occupation Certificate is issued for the apartments. This fails to comply with the retention and reuse of Tellaraga House at part of the whole site.

The note under Condition 15 has been proposed to be deleted. This Note states: "*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*"

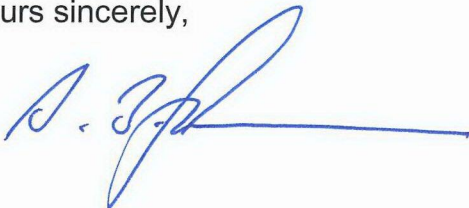
This note essentially protects the heritage item from transfer of ownership and ensures restoration occurs as part of the re-development project. The removal of this note in connection with the proposed Stratum subdivision would allow ownership transfer without any insurance to Council that the heritage item will be restored, incorporated (communal facility) and reused as part of the overall development.

It is Council's recommendation that the Condition No. 15 including the Note be retained unchanged.

In view of the above, it is Council's recommendation that the proposed modifications to the Concept Plan approval under Section 75W of the Act not be supported.

Thank you very much for advising Council of the proposed changes and providing with the opportunity for making a submission.

Yours sincerely,



Dominic Johnson
Group Manager, Environment and Planning