

MODIFICATION REQUEST:

**Concept plan for residential development at
the Crowle Home / Achieve Australia site,
74-76 Belmore Street, Ryde**

MP10_0110 MOD3



Secretary's
Environmental Assessment Report
Section 75W of the
Environmental Planning and Assessment Act 1979

May 2014

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EXECUTIVE SUMMARY

Achieve Australia / DeiCorp (the proponent) seeks approval to modify the approved Concept Plan (MP10_0110) relating to the residential development of the Achieve Australia / Crowle Home site, pursuant to Section 75W of the EP&A Act.

The site is located approximately 14 kilometres north west of Sydney CBD and is located within the Ryde LGA.

The proponent seeks approval to amend building envelopes and setbacks, solar access requirements, timing of the restoration of heritage listed Tellaraga House, development staging, increase lift overrun allowances, provide an additional vehicle entry point and associated new, deleted, reworded conditions and commitments.

The modification request was made publicly available on the department's website and the department notified the affected adjoining residents at 2-4 Porter Street. City of Ryde Council objected to the proposal citing concerns about impacts on residential amenity, visual amenity, Tellaraga House, vehicular and pedestrian access, and landscaping.

The department considers that the key issues of consideration relate to the amendments to building envelopes, restoration and use of Tellaraga House, vehicle and pedestrian access and basement expansion.

The department considers that the alterations to the building envelopes are acceptable, with the exception of the following proposed amendments:

- the south western setbacks to Blocks A and E;
- the provision of a balcony zone to Block B; and
- deletion of the 3 metre setback requirement to the upper storeys of Belmore and Porter Street.

The department also considers that the amendment to allow the restoration of Tellaraga House prior to first occupation is acceptable subject to the appropriate submission of a Conservation Management Plan and restricting demolition and excavation works nearby the heritage item until the Conservation Management Plan is endorsed.

The department therefore recommends that the proposed modification of the Concept Plan MP10_0110 be approved. The Planning Assessment Commission is to determine the application as City of Ryde Council has objected to the proposal.

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The purpose of this report is to assess a request to modify Concept Plan Approval MP10_0110 under section 75W of the *Environmental Planning and Assessment Act 1979* (EP&A Act). The modifications include enlargement, reduction and deletion of building envelopes and associated new, deleted and reworded conditions.

The subject site is located at the south eastern corner of the Belmore Street and Junction Street intersection (refer to **Figure 1**) in Ryde (within the Ryde Local Government Area). The site is generally rectangular in shape and fronts Belmore Street, Junction Street, and Porter Street. The site has an area of 16,143m² and a slight fall of 3 metres from midway through the site towards the south and north (with a slight cross fall from Porter Street to Belmore Street).

The site is located within the Meadowbank Employment Area, which is currently in transition from an industrial/employment area to a high density residential area. To the north of the site, up to Victoria Road, are low density residential areas.



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wharf are located approximately 1 kilometre from the site. In addition, the Meadowbank village centre is located 1.1 kilometres from the site.

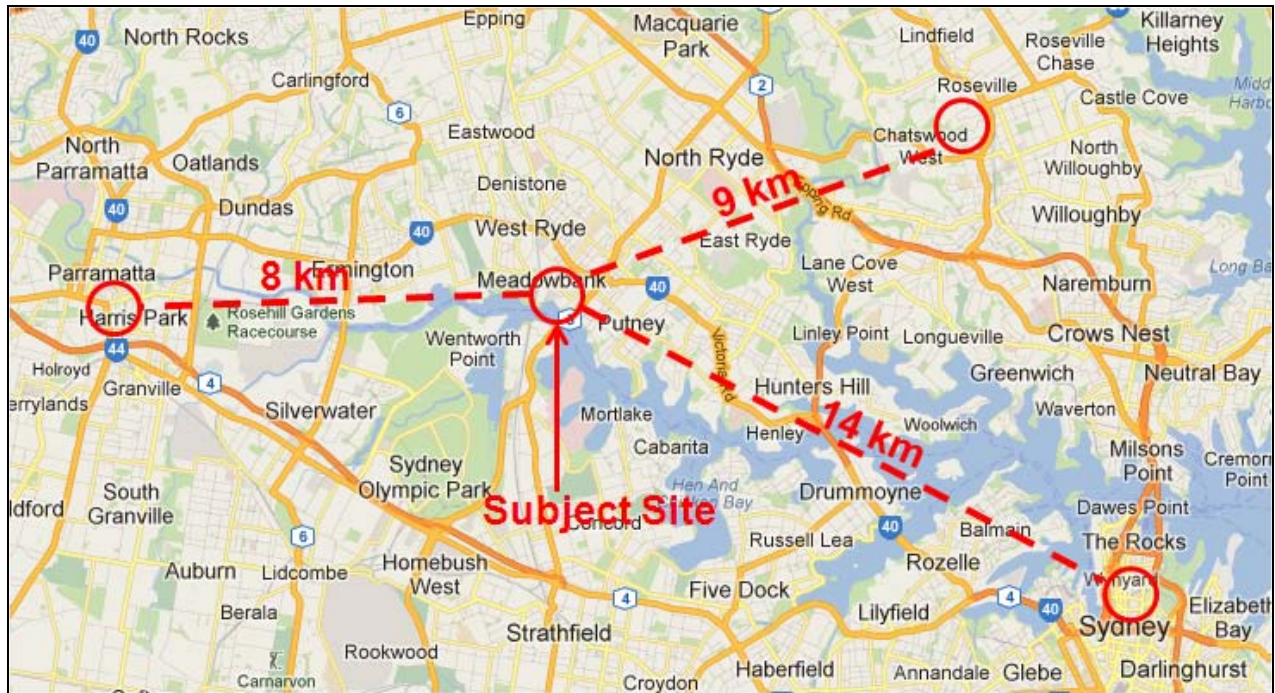


Figure 2: Site location in context of Sydney (Base source: Google Maps)

1.2 The existing buildings and uses

The site was originally used as a residential care facility and housing for persons with a disability and the site is occupied by a number of buildings that range in height from one to three storeys (refer to **Figure 3**).

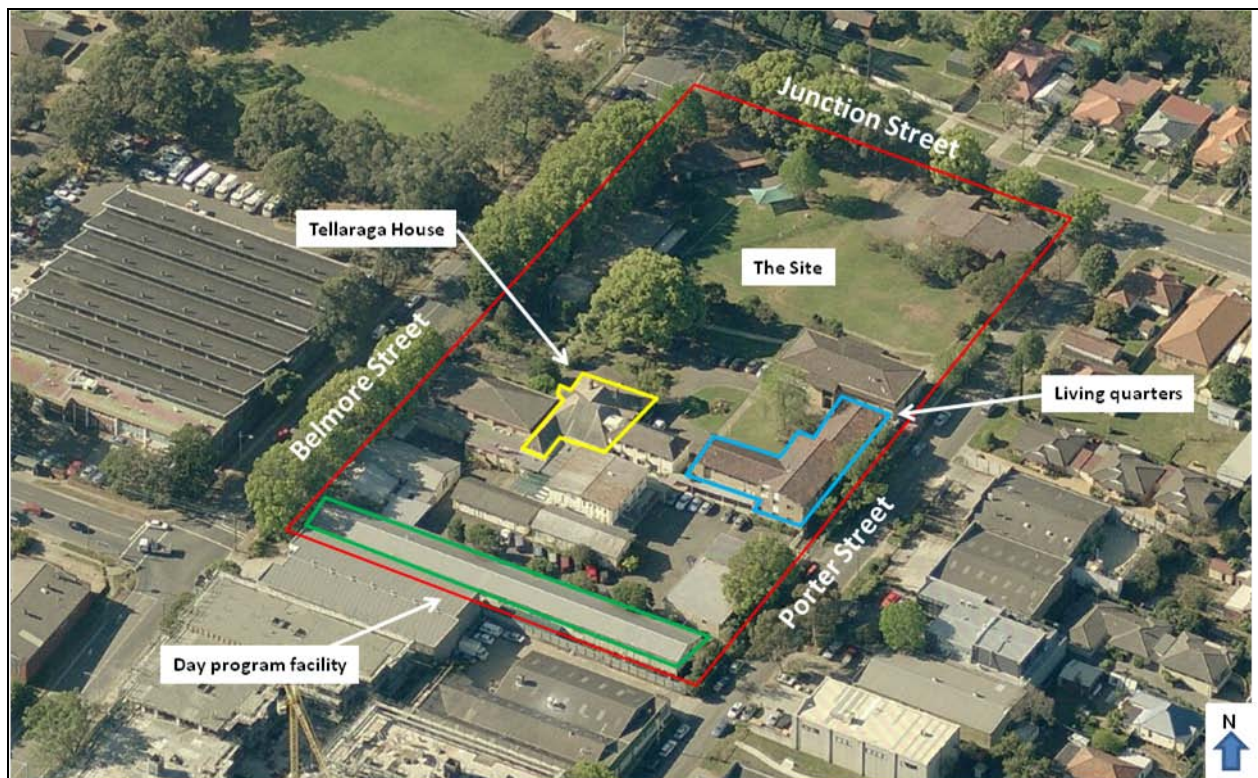


Figure 3: Aerial view of existing site and its buildings (Base source: BingMaps)

The site accommodates:

- a federation cottage (locally listed) located centrally on the site known as Tellaraga House;
- a two storey L shaped building used as accommodation for residents;
- single storey building formerly used as a day program facility located along the southern boundary;
- a war memorial garden and large expanse of open grassed area;
- three single storey buildings including a vacant administration building, an indoor swimming pool and a dwelling located at the north western and northern boundary edges;
- vehicular access available from Belmore Street, Junction Street and two at Porter Street; and
- mature trees located predominantly along the northern and western frontages, with a number of isolated trees through the remainder of the site.

1.3 Previous Approvals

On 14 November 2012, the Planning Assessment Commission (PAC) approved the concept plan (MP10_0110) for the redevelopment of the site for (indicatively) 430 apartments, conservation of the heritage item and provision of housing for disabled persons subject to modifications and future assessment requirements.

The concept plan approval comprises the following:

- 35,000m² of residential gross floor area;
- 5 residential building envelopes and communal facility building envelope;
- 3 level basement car park envelope;
- retention and reuse of the Tellaraga house; and
- public domain works including a through site link and road upgrades.

On 14 March 2013, a modification was approved (MP10_0110 MOD1) by the then Director of Metropolitan and Regional Projects South, which amended the trigger of the number of dwellings approved (from 150 to 160) before a conservation management plan and application for the restoration of Tellaraga House is required.

On 16 May 2013, a modification was approved (MP10_0110 MOD2) by the then Director of Metropolitan and Regional Projects South, which increased part of the building envelope height at the southern extent of Block B from 2 to 4 storeys, reduced upper floor setbacks and provided for an alternative vehicular servicing location.

Figure 4 shows the approved layout, as modified by MP10_0110 MOD2.



Figure 4: Approved Concept Plan layout (Source: EA MP10_0110 MOD2)

2. PROPOSED MODIFICATION

On 19 September 2013 Achieve Australia / DeiCorp lodged a modification application request under section 75W of the EP&A Act to modify MP10_0110.

On 22 January 2014 the proponent submitted its Response to Submissions. In response to Council's comments, the proponent amended the proposed modifications and also provided further clarification of the proposed changes generally.

The modification request sought in the Response to Submissions seeks the following key changes:

- a number of amendments to the height, width and depth of Blocks A to E and basement car parking building envelopes;
- deletion of Block F building envelope;
- amendment of building setbacks to all Blocks;
- provision of a balcony zone area on Block B fronting Junction Street;
- increase lift overrun allowance to 700mm and application of the allowance to all Blocks;
- amendment of solar access requirement so that 70% of apartments across the entire site achieve the minimum solar access requirement;
- provision of an additional vehicle entry point within Block E and accessed from Porter Street;
- amendment of the requirement for the timing of the restoration of Tellaraga House to prior to first occupation;
- deletion of the commitment to provide a through site pedestrian link;
- revised development staging from 6 to 2 stages; and
- associated new, deleted and reworded conditions.

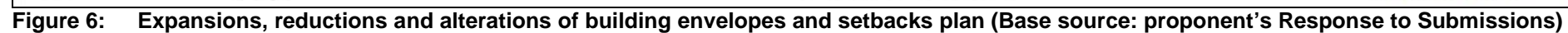
The modification request has arisen following detailed design development by the proponent and its wish to further refine the approved Concept Plan.

The modification does not propose to alter the approved GFA (35,000m²).

Images of the proposed modification are shown at **Figures 5 to 7**. Further details of the proposed modification are provided at **Appendix A**.



Figure 5: Proposed building envelope layout and height plan (Base source: proponent's Response to Submissions)



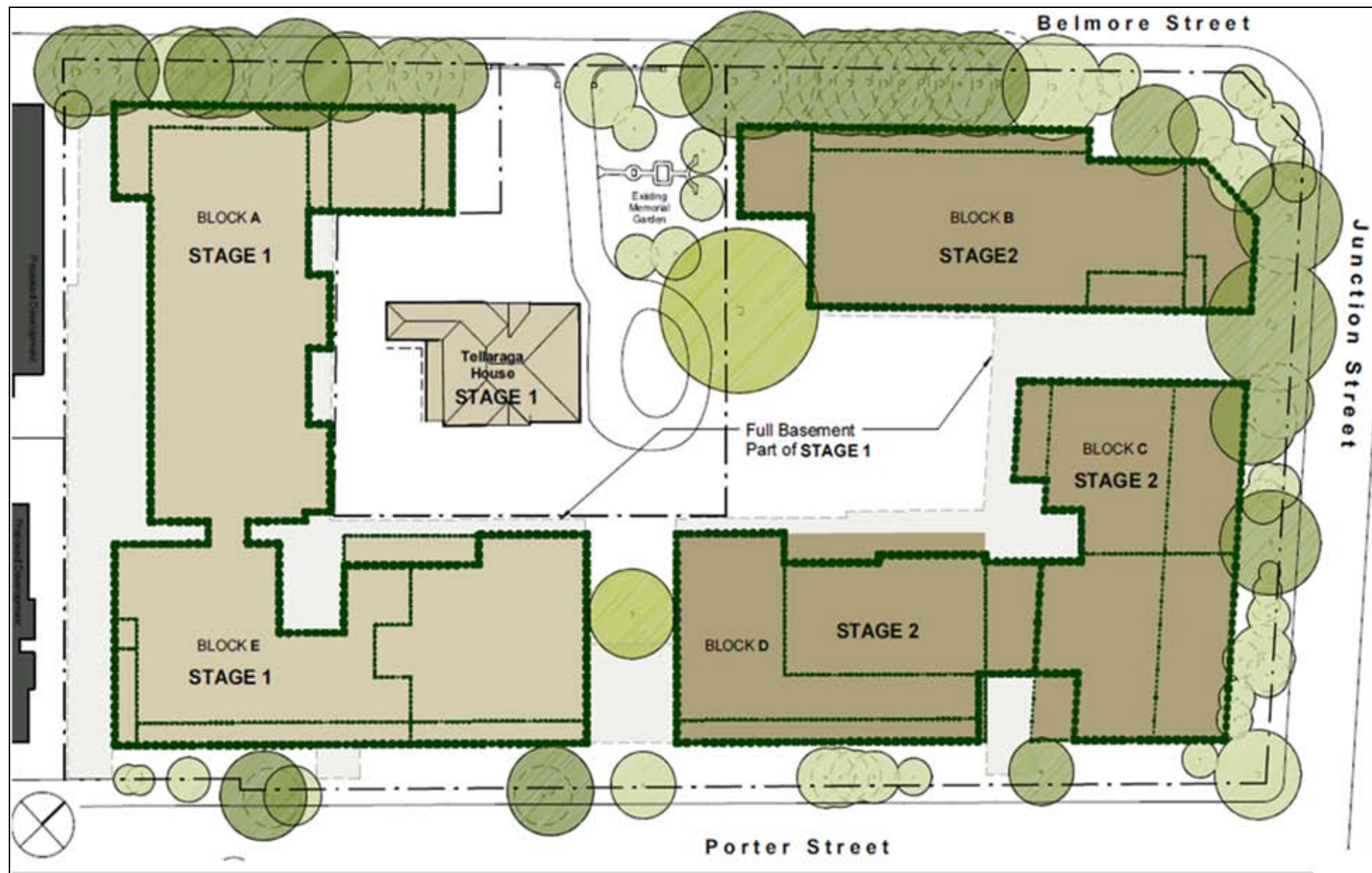


Figure 7: Proposed staging plan (Base source: proponent's Response to Submissions)

3. STATUTORY CONTEXT

3.1 Continuing Operation of Part 3A to Modify Approvals

In accordance with clause 3 of Schedule 6A of the EP&A Act, section 75W of the EP&A Act as in force immediately before its repeal on 1 October 2011 and as modified by Schedule 6A, continues to apply to transitional Part 3A projects.

Consequently, this report has been prepared in accordance with the requirements of Part 3A and associated regulations, and the Minister (or delegate) may approve or disapprove of the carrying out of the project under section 75W of the EP&A Act.

3.2 Modification of a Minister's Approval

The modification application has been lodged pursuant to section 75W of the EP&A Act. Section 75W provides for the modification of a Minister's approval including *'revoking or varying a condition of the approval or imposing an additional condition on the approval'*.

The Minister's approval for a modification is not required if the project as modified will be consistent with the existing approval. However, in this instance, the proposal seeks to modify fundamental aspects of the approval, which requires further assessment and therefore approval is required.

3.3 Secretary's Environmental Assessment Requirements

Section 75W(3) of the EP&A Act provides that the Secretary may notify the proponent of Secretary's Requirements (SEARs) that the proponent must comply with before the proposed modification will be considered by the Minister.

In this instance, following an assessment of the modification request, it was not considered necessary to notify the proponent of SEARs pursuant to section 75W(3) as suitable information was provided to the department to consider the application.

3.4 Delegated Authority

In accordance with the Minister's delegation of 14 September 2011, the Planning Assessment Commission may determine the application as Council has objected to the proposal.

4. CONSULTATION AND SUBMISSIONS

4.1 Exhibition

Under section 75X(2)(f) of the EP&A Act a request to modify an approval does not require public exhibition. However, under section 75X(2)(f) of the Act the modification request is required to be made publicly available.

With regard to public notification the department:

- referred the application to Ryde City Council for comment;
- notified the owner of the properties adjoining the southern boundary of the site; and
- made the application publically available on the department's website.

The department received two submissions from Council. No public submissions were received.

Ryde Council

Council initially objected to the application raising a broad range of issues. On 21 January 2014 the proponent submitted its Response to Submission seeking to address Council's concerns. However, Council maintains its objection on the following grounds:

- the alteration of the timing of the restoration of Tellaraga House puts the building at risk, particularly from the impacts of excavation adjacent to the building and the demolition of the attached modern building;
- the use/management of Tellaraga House is not incorporated into the holistic masterplan for the site;
- the quality of the submitted solar access plans are poor and Council is of the opinion that the approved building envelopes should be capable of achieving compliance with condition C2;
- Council cannot endorse the proposed building envelope plans without considering detailed floorplans;
- approval of the revised building envelopes would create a sense of entitlement which is difficult to address/resolve at DA stage;
- plans do not include dimensions for the minimum width of building envelopes or proposed setbacks;
- Council questions why additional height should be granted for lift overruns when the original approval allowed for a 5m top storey on all buildings (to allow for overruns and plant);
- there are legal issues with providing a connection between the site and the neighbouring through site link at 2-4 Porter Street;
- the inclusion of an additional vehicle entry point along Porter Street would have adverse streetscape, CPTED, deep soil planting and amenity impacts;
- significant reduction in deep soil planting areas; and
- qualitative measures should be added to new condition C1(e);

BLOCK A

- objection to new protrusions along northern elevation as these will likely result in overlooking and adversely impact on the setting/significance of Tellaraga House;
- the infill of the building separation between Block A and E results in an unbroken building mass of 84m presented to 2-4 Porter Street and adverse overlooking, visual bulk and outlook issues for future residents; and
- adverse visual impact from 6th storey addition along southern elevation of Block A;

BLOCK C

- the corner inset will result in poor outlook for future units in terms of visual bulk/massing;

BLOCK E

- the corner inset results in poor outlook, access to light, overlooking and an unacceptable building mass presentation to communal open space; and
- the reduction in the setback at upper levels along the southern elevation would add to the visual bulk when viewed from the publicly accessible walkway.

The department has considered the issues raised in submissions in its assessment of the proposed modification.

5. ASSESSMENT

The department considers that the key environmental issues for consideration are:

- amendments to building envelopes;
- restoration and use of the heritage item, Tellaraga House; and
- vehicle and pedestrian access and basement expansion.

5.1 Amendments to building envelopes

The department considers that the key issues associated with the amendments to the building envelopes are:

- Block A and E separation distance and associated amenity;
- site wide solar access;
- amenity impact on 2-4 Porter Street;
- alteration of setbacks;
- increase of lift overrun allowance; and

- full height projections to Block A.

5.1.1 Block A and E separation distance, corner insets and associated amenity

As approved, Blocks A and E are provided with a separation distance of 14 metres. The proposal seeks an expansion of the building envelopes of Blocks A and E and consequential reduction of the separation between the Blocks to 3 metres. A 4 metre wide connection is proposed between Blocks A and E and a corner inset is proposed to Block E (refer to **Figures 6 and 8**).

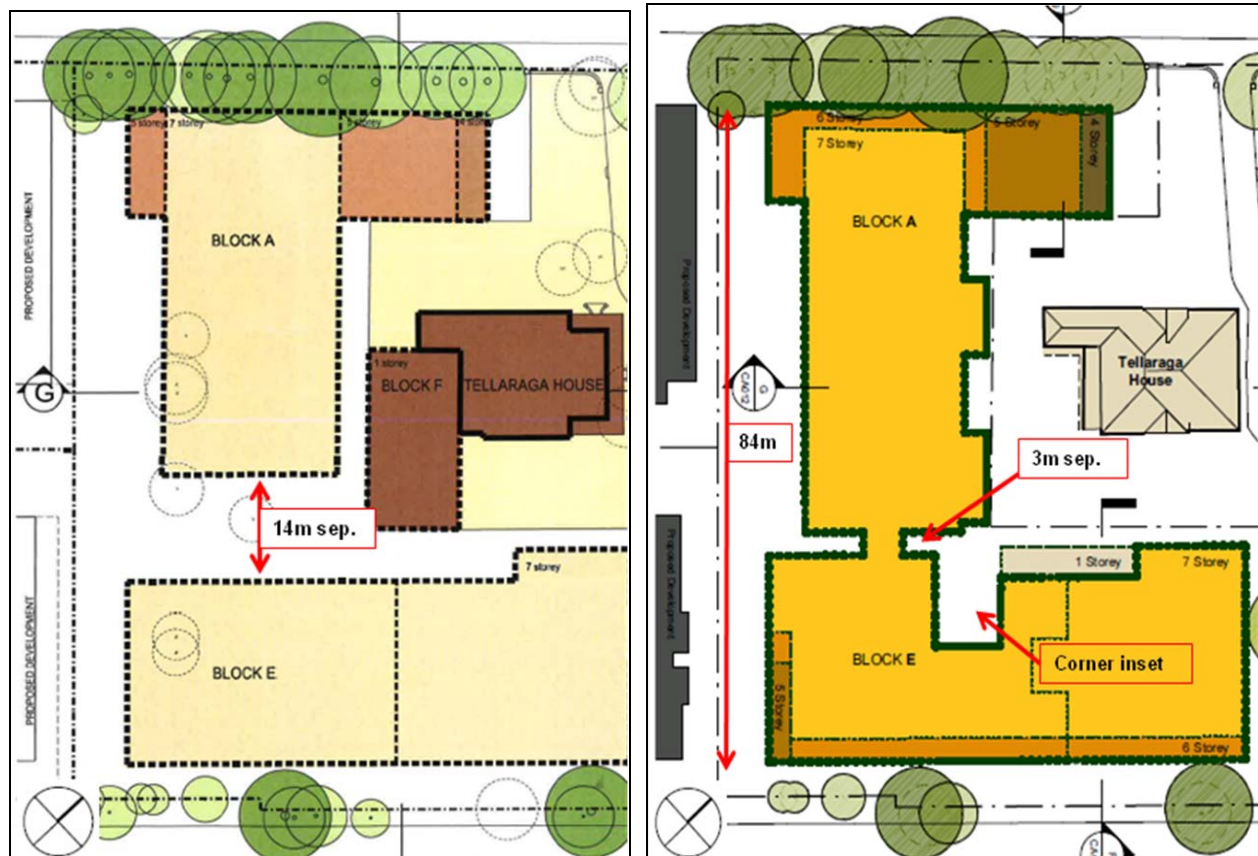


Figure 8: Approved (left) and proposed (right) extent and separation of Blocks A and E (Base source: original EA MP10_0110 and proponent's Response to Submissions)

The proponent states that the intent of this alteration is to allow for the provision of dual aspect apartments within Block E and improved solar access. The proponent claims that the approved relationship between Blocks A and E results in significant overshadowing of the rear north west facing apartments of Block E and hinders the achievement of the solar access requirements (required by requirement C2(a)) and therefore warrants amendment.

The indicative apartment layout as submitted with the original concept plan application MP10_0110 and the proposed indicative apartment layout are shown at **Figure 9**.

Council has objected to the enlargement of the building envelopes, reduction of the separation distance between Blocks A and E and creation of the corner inset. Council has stated that the amended building envelopes would result in the provision of apartments with poor amenity (in terms of outlook, solar access and privacy) and insufficient information has been provided to determine whether the apartments within Blocks A and E would achieve appropriate solar access.

The department has considered each of Council's key issues as follows:

Outlook

The department notes that the original indicative apartment layout (refer to **Figure 9**) showed multiple single aspect apartments within Block E, which would have an outlook onto the blank flank wall of Block A (refer to **Figure 9**). The department notes that:

- the revised layout indicates that it would be possible for an additional four dual aspect apartments to be provided per floor;
- all the apartments which have an aspect facing the corner inset are dual aspect apartments and therefore the aspect into the corner inset would not represent their only outlook; and
- direct and oblique views into the central courtyard would be possible from apartments within the corner inset.

The department therefore considers that the proposal is capable of providing for apartments with an acceptable standard of outlook in this location.

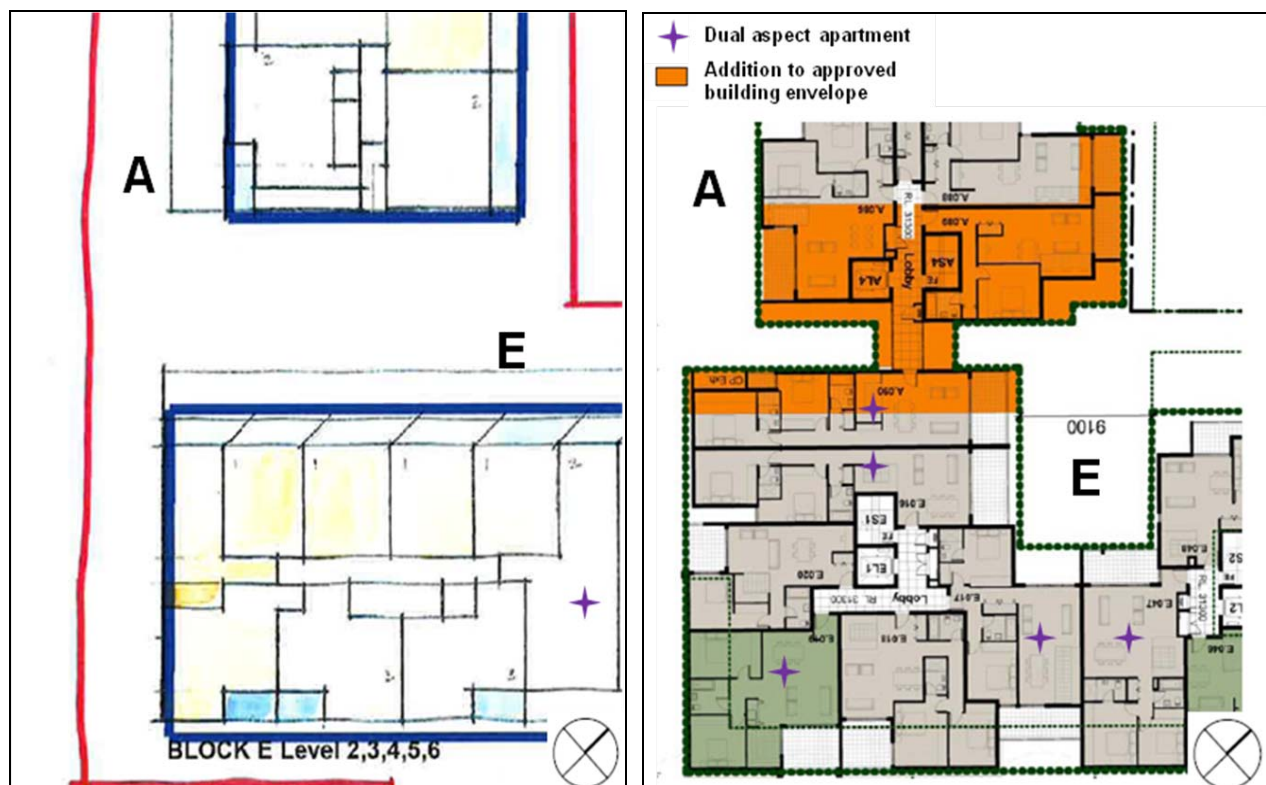


Figure 9 : The indicative (left) and proposed (right) apartment layouts of the southern portions of Blocks A and E (Base source: original EA MP10_0110 and proponent's Response to Submissions)

Privacy

The department notes Council's concerns regarding the potential for overlooking between future apartments, in particular with regard to apartments located within the corner inset / courtyard at the rear of Block E (and C). However, it is the department's view that through the appropriate arrangement of apartments, placement of windows, use of architectural screening features and if necessary further alterations to the shape/design of the corner inset and repositioning balconies it would be possible to provide for future residential apartments of an acceptable standard.

Solar access

The department notes that the long rectangular shape of the subject site prevents the achievement of an even, site wide distribution of solar access for future buildings. With reference to Blocks A and E, the proponent's solar analysis indicates that

- the north east elevation of Block A would receive direct sunlight between 9am and 12pm;
- the north west elevation of Block E would receive direct sunlight between 12pm and 3pm; and

- the corner inset would receive direct sunlight at 12pm and by varying degrees at 11am and 2pm.

The department notes that the majority of the northern elevations of Blocks A and E achieve direct solar access for 3 hours in winter months. The department therefore considers that Blocks A and E can provide for future buildings that are capable of achieving an acceptable level of solar access.

Notwithstanding the indicative floorplans and massing, the department notes that the Residential Flat Design Code (RFDC) confirms that building envelopes are generally 25% greater than their achievable floor area to allow for flexibility in the final design and to allow for building articulation. Therefore the extent of the building envelope is unlikely to represent the extent of the resulting future building. Furthermore, should it be shown at future development application stage that insufficient solar access is provided for the apartments in Blocks A and E the proposed corner inset of the resulting building could be enlarged, repositioned or removed to maximise solar gain.

Conclusion

Overall and notwithstanding the enlargement of building envelopes and reduction of separation distance between Blocks A and E, the department considers that the proposal would be capable of providing apartments that would achieve acceptable standards of amenity in terms of outlook, privacy and solar access. Furthermore, the department notes the additional benefit that the proposal would be capable of delivering an increased number of dual aspect apartments.

5.1.2 Site wide solar access

Condition C2(a) requires that a minimum of 70% of apartments within each building receive a minimum of 3 hours solar access to living areas and balconies in mid-winter. The proposal seeks an amendment of this condition so that 70% of apartments across the entire site (rather than within each building) achieve the minimum solar access requirement. No changes are proposed to the remainder of condition C2 with regard to natural ventilation, building depths and separation distances.

The proponent states that further detailed design investigations have shown that apartments site-wide can achieve the solar access requirements. However, due to the orientation of buildings and the extent of south facing building envelopes, building by building compliance is too onerous. Furthermore, the proponent notes that many of the building envelope changes proposed as part of this modification request application are to improve solar access for future residents in an attempt to comply with condition C2(a).

Council is of the opinion that the existing approved building envelopes should be able capable of achieving compliance with the existing solar access requirement.

The department notes the proponent's proposed amendment to condition C2(a) would maintain the same percentage of apartments required to achieve the intended solar access outcome. The amendment simply seeks flexibility in the location of those compliant apartments within the development. Given the orientation of the approved/proposed building envelopes and as the total number/percentage of compliant apartments will remain the same the department considers it reasonable to allow flexibility as sought, particularly as this would assist the development to achieve the required solar access outcome. It is recommended that Condition C2(a) be reworded accordingly.

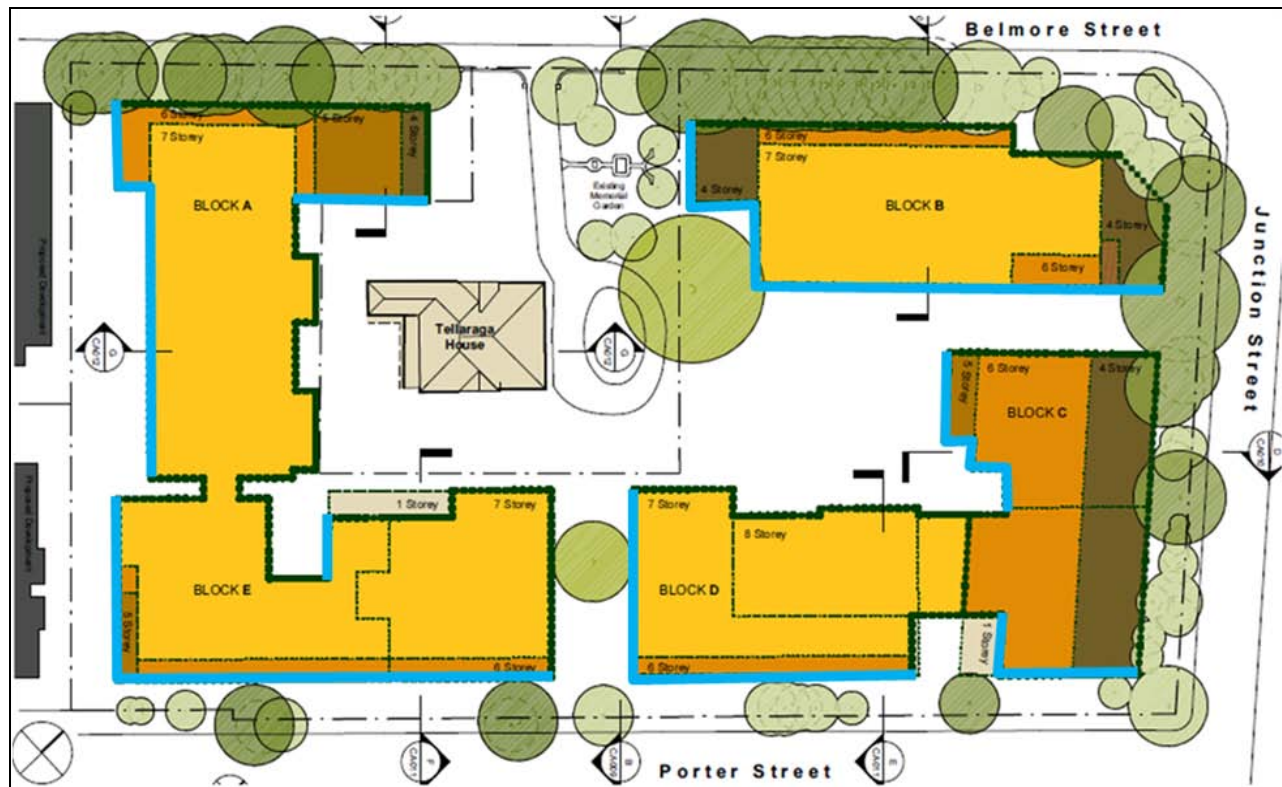


Figure 10 : Building envelope elevations (highlighted in blue) with a southerly aspect (Base source: proponent's Response to Submissions)

5.1.3 Amenity impact on 2-4 Porter Street

The proposed reduction of the separation distance between Blocks A and E would alter the relationship of the proposed development with the neighbouring buildings at 2-4 Porter Street and the publicly accessible through site pedestrian link running along the north eastern boundary of 2-4 Porter Street. The relationship between the proposed building envelopes and 2-4 Porter Street is shown at **Figure 11**.

The proponent has stated that the proposed alterations would not result in adverse impacts on the neighbouring residential amenity of 2-4 Porter Street including sufficient access to sunlight. However, Council has raised concerns that the proposal would result in the creation of a continuous built form of 84 metres, which would present excessive visual bulk to neighbouring residential buildings at 2-4 Porter Street and the through site pedestrian link. Council has not raised specific concern about the impact of the proposed amended building envelopes on the solar access of 2-4 Porter Street.

The department notes that the apartments located within the 2-4 Porter Street building, south of the proposed expanded building envelopes (shown in orange in **Figure 11**), are dual aspect. Furthermore, only high level bedroom, secondary living room and bathroom windows exist along the north east elevation (levels 1 to 5) of the building. At level 6 regular windows exist facing north east, however, these windows are set back and located over 18 metres away.

The department considers that given the design of the 2-4 Porter Street building and the dual aspect nature of the apartments, the bulk and scale of future buildings would not be readily seen/perceived from neighbouring windows within 2-4 Porter Street. Consequently, the department does not consider that the proposed amendments to the separation distances of Blocks A and E would have an adverse impact the neighbouring property in terms of presenting unacceptable visual bulk. The department notes that the submitted solar analysis indicates that the proposed changes would only have a marginal impact on the amount of sunlight reaching 2-4 Porter Street (approximately 2 hours of sunlight at mid winter between 9am and 3pm would still

be afforded to that property) and therefore considers that the proposed alteration would not have an unacceptable impact on the neighbouring property.

The department acknowledges that the combined length of the proposed elevations of Blocks A and E would equal 84 metres, however, as shown at **Figure 8** the south western elevations of the building envelopes vary in height and footprint. The department considers that the varied form of the building envelopes will ensure that the future buildings within Blocks A and E will achieve a suitable level of articulation. The department also notes that it is possible, as part of the detailed design of future buildings, for a variety of architectural techniques to be employed to further articulate and break up the resulting building facades. The department therefore considers that the with the proposed reduced separation distance, the building envelopes are capable of providing buildings of an acceptable form that would not have an overbearing visual impact on the through site pedestrian link.

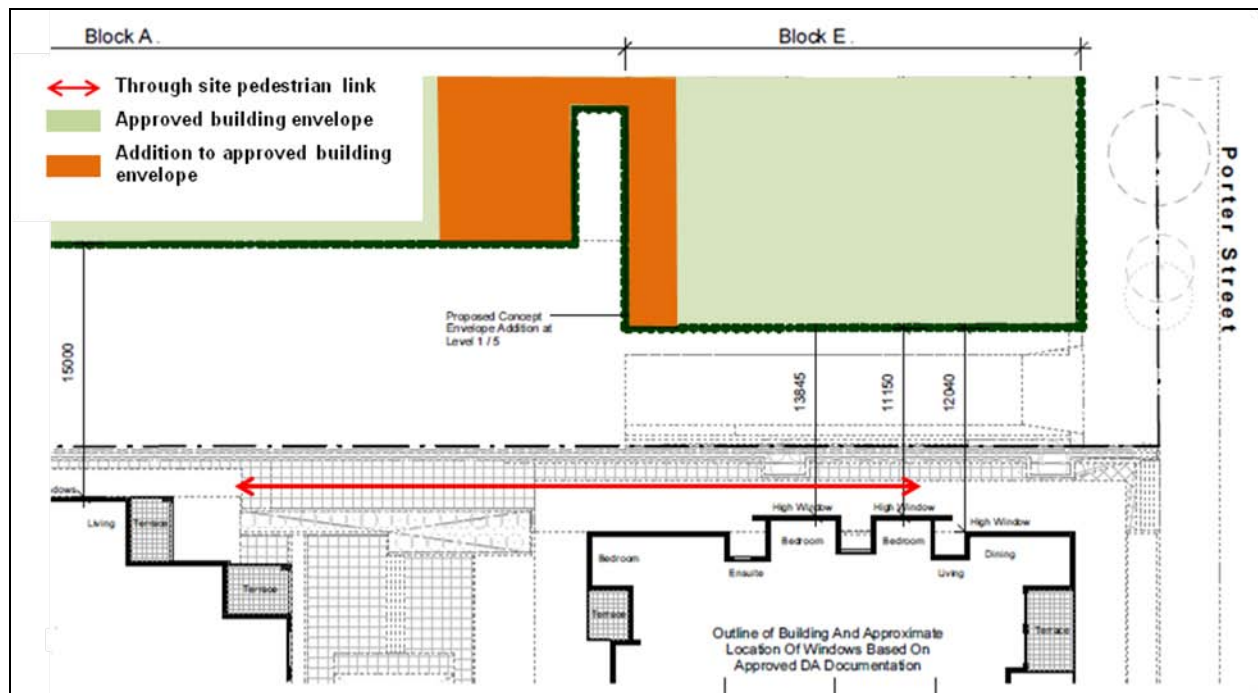


Figure 11 : The relationship between the proposed building envelopes, 2-4 Porter Street and the through site pedestrian link (Base source: proponent's Response to Submissions)

5.1.4 Alteration of setbacks

South western elevation of Block E

Condition C1(b) of the concept approval requires that the upper two storeys at the south western elevation of Block E be set back a minimum of 5 metres from the façade of the building. The department notes that the reason for this setback was to establish a sympathetic visual bulk relationship between the adjacent 2-4 Porter Street development and proposed Block E. The proposal seeks to provide an alternative south western setback to Block E (refer to **Figure 12**) and delete condition C1(b). The setback would comprise:

- a 2 storey, 3 metre deep setback along half the extent of the southern elevation of Block E (allowing a height of 5 storeys);
- a 1 storey, 3 metre deep setback for approximately 5 metres (allowing a height of 6 storeys); and
- no setback for the remainder of the southern elevation (allowing a height of 7 storeys).

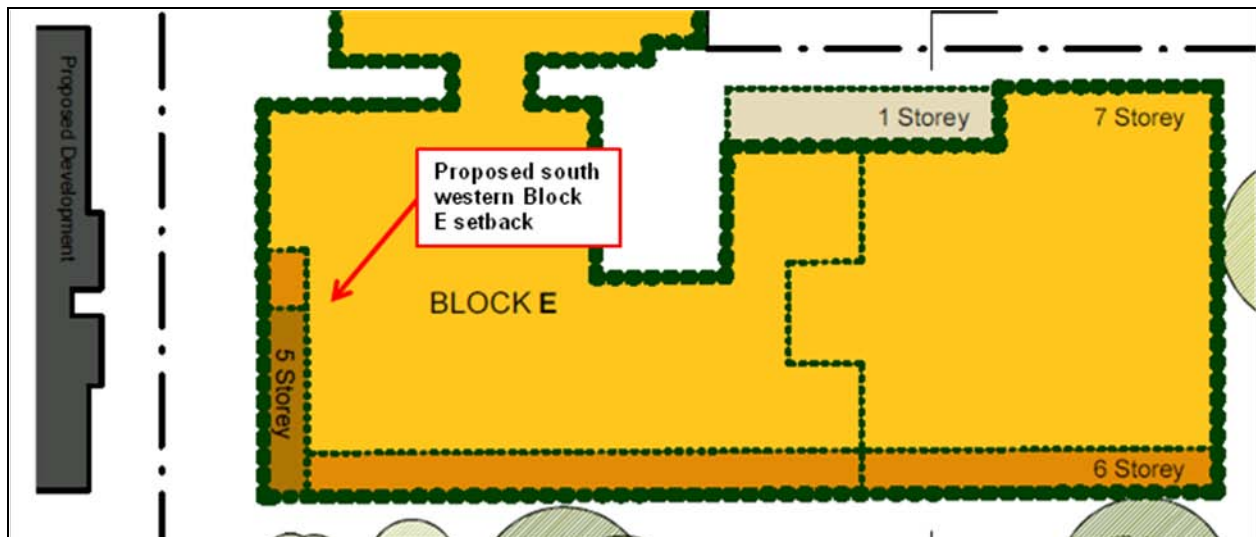


Figure 12: Proposed south western setback to Block E (Base source: proponent's Response to Submissions)

Council has raised concern that the amendment and part removal of the setback would adversely add to the visual bulk of the building when viewed from public domain.

In its assessment of the original concept plan the department considered that a 5 metre setback in this location would provide an appropriate relationship between the existing and proposed buildings and that such a setback would allow for a suitable transition between the differing heights of the two buildings. The department notes that the proposed setback arrangement is stepped and reduces moving north west away from Porter Street to no setback at all. The department considers that the proposed additional bulk would be readily visible from the neighbouring publicly accessible through site link and also from Porter Street and that the additional bulk would result the proposed building having an unsympathetic and visually dominating impact on 2-4 Porter Street (refer to **Figure 13**). The department therefore considers it appropriate that condition C1(b) and the 2 storey, 5 metre setback (as currently approved) be retained.

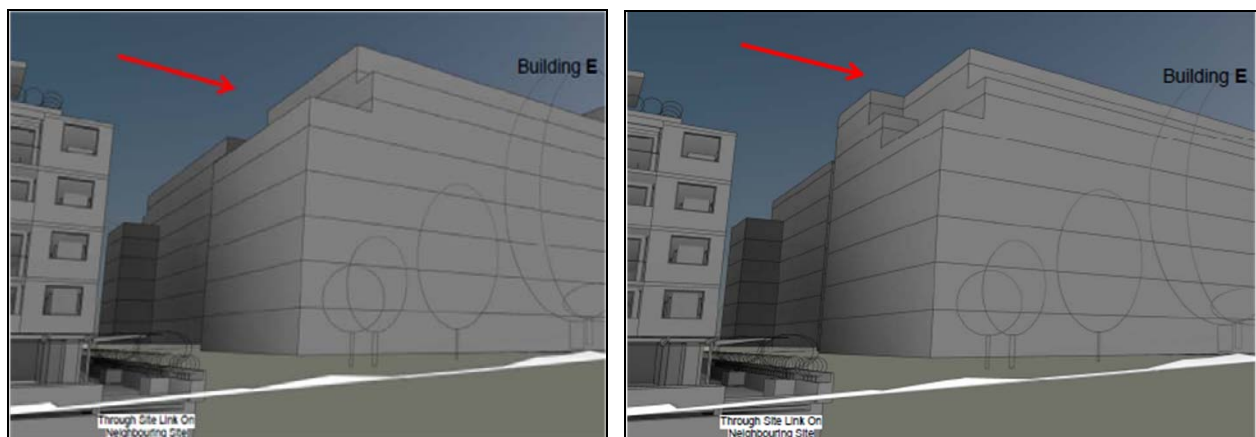


Figure 13: The approved (left) and proposed (right) south west setback to upper floors of Block E as viewed from Porter Street (Base source: proponent's Response to Submissions)

Balcony zone on Block B and separation distance

The Block B building envelope is stepped where it fronts Junction Street with all floors above the 4th storey being set back 10 metres from the building facade. The proposal seeks to introduce a 2 storey 'balcony zone' measuring 7 metres wide by 3 metres deep to the north east corner of the Junction street setback (refer to **Figures 6 and 15**).

The department notes that Council has raised concern about the ambiguity of the balcony zone. The department also notes that the proponent asserts that the resulting balconies would have visually permeable balustrades and therefore not be visually dominant.

The Junction Street elevation of Blocks C and B varies between 4 and 7 storeys in height and is broken into three parts due to topography and the location of the principal pedestrian entrance to the site. Notwithstanding this variation in height and articulation the overall elevation is unified by the setback feature above the 4th storey. The proposed balcony zone would push forward into this setback space and form a noticeably asymmetrical and visually irregular element. The department considers that the insertion of balconies comprising a platform and balustrading in this location would have a similar visual impact as a solid built form and providing permeable balcony treatments alone would not suffice to prevent undue attention being drawn to the balconies. A modification is therefore recommended that removes the balcony zone from Block B.

The proposal seeks the deletion of requirement C1(c), which requires Blocks B and C to have a minimum separation distance of 9 metres. The department notes that the building envelopes of Blocks B and C are now shown as being 9 metres apart and this condition is now therefore redundant. The department agrees that it is reasonable to delete this requirement.

Setbacks of 7th storeys fronting Belmore and Porter Streets

Condition C1(a) requires the 7th storey of buildings fronting Belmore and Porter Streets to be setback by a minimum of 3 metres from the building façade. The concept building envelope height plan has been amended and now includes a 3 metre setback at 7th storey level and the proponent seeks the deletion of condition C1(a). Council has raised no objection to the deletion of condition C1(a).

The department notes that condition C1(a) specifically requires setbacks to be measured from the designed/finished building façade and not the edge of the building envelope. Building envelopes establish the maximum parameters for development and any future building must be contained within the building envelope. In general terms, it not uncommon for buildings to be unable to utilise the full extent of the building volume established by the building envelope due to design, construction or other reasons. It is possible therefore that a future building may be set back an additional 3 metres into the site, if this were to occur and if condition C1(a) were deleted, the building may require no setback at 7th storey. The department notes that condition C1(a) acknowledges that the future building lines to Belmore and Porter Streets are uncertain and consequently upper setbacks are linked to future façades, not the building envelopes.

Although a 3 metre setback has been shown on the building envelope height plan (refer to **Figure 5**), the department considers that this does not fully address the intent of condition C1(a) and therefore recommends that condition C1(a) should be retained.

The 6th storey elements of Block A

The currently approved building envelope for Block A, at the Belmore Street elevation, provides for a 7 storey building, which steps down to 5 storeys on either side. Further to the north east the building further steps down to 4 storeys. The proposal seeks to amend the building envelope to include a 3 metre setback to the 7th storey fronting Belmore Street and increasing the height of the 5 storey element either side to 6 storeys. Council has objected to the additional visual bulk caused by the increase from 5 to 6 storey on the south western side Block A (refer to **Figure 14**).

The department considers that the increase to 6 storeys on the south western side of Block A is unacceptable for the same reasons as those given for the south west elevation of Block E (i.e. visual impact and dominance). A condition is recommended which reinstates the setback as approved in this location. The department has no objection to the increase to 6 storeys on the north eastern side of the 7 storey element as this would not result in any adverse visual bulk issues.

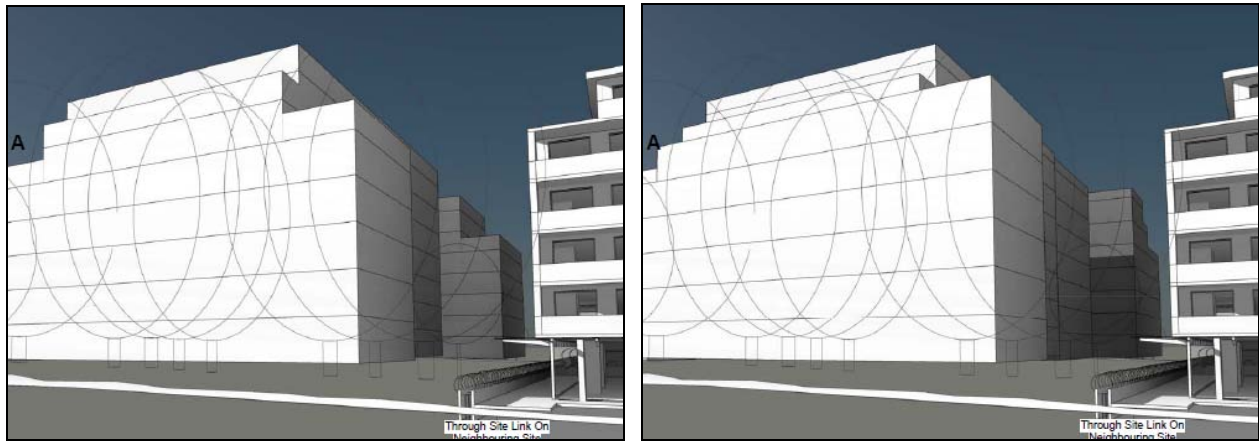


Figure 14: The approved (left) and proposed (right) setback to upper floors of Block A as viewed from Belmore Street (Source: proponent's Response to Submissions)

Ground floor courtyards

The proposal seeks approval for a new condition which would allow for the provision of ground floor courtyards including hard and soft landscaping within setback areas. Council has raised no in-principle objection to the inclusion of courtyards within setback subject to those areas achieving a soft landscaped presentation to the street. The department considers that the provision of ground floor courtyards in this area may provide for enhanced amenity to ground level apartments and improve street level presentation. The department therefore supports this aspect of the proposal noting that detail design issues may be resolved through the assessment of future development applications. In this regard the amendment suggested by Council is reasonable and the proposed condition is updated accordingly.

5.1.5 Increase of lift overrun allowance

Requirement A6 stipulates maximum building heights. The maximum height specified (of RL 43.5) excludes lift overrun to Building B, which is allowed to rise an additional 300mm. The proposal seeks approval for the increase in the allowance of lift overrun heights from 300mm to 700mm above RL and that the 700mm allowance apply to all buildings.

Council has questioned why the additional lift overrun allowance is necessary given that an additional 2 metre allowance was factored into the top floors of the Concept Approval. Council stated that any overrun should not be visible from the street.

The proponent has stated that it has been necessary to increase the floor to floor heights from 3000mm to 3100mm to allow for structural transfer as a result of building setbacks and this has pushed up the building by an additional 700mm. Furthermore, the proponent intends to use machine room-less lifts and these lift designs require lift overrun height of 4.15 metres from finished floor level of the top floor. Although the increase in building height can be accommodated within the extent of the approved building envelopes, the lift overruns are likely to project above the approved building envelopes. The proponent has provided a massing study that takes account of likely lift overrun locations and demonstrates, with the exception of the likely northern lift overrun of Block B that lift overruns would not be visible from the street (refer to **Figure 15**).

The department notes that the 700mm lift overrun allowance represents the maximum height of lift overruns and the proponent's massing study indicates that the northern lift overrun for Block B would be marginally visible from Junction Street (if that lift overrun were to be built to the full 700mm height). The department considers, if the lift overrun were built to the maximum height that the visual impact of the overrun would be negligible. The department also notes that no other lift overrun is likely to be visible from surrounding streets. The department therefore recommends that condition A6 be amended to increase the lift overrun allowance to 700mm and to apply the allowance to all Blocks within the development.

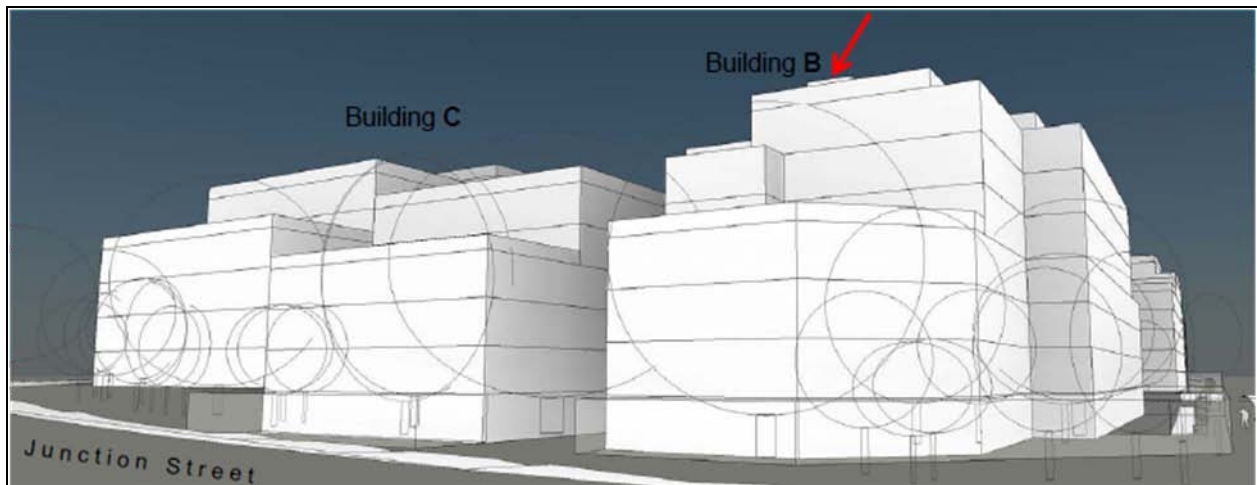


Figure 15: The visibility of the northern lift overrun of Block B (Base source: proponent's Response to Submissions)

5.1.6 Full height projections to Block A

Two full height projections (3 metres deep and 11.5 metres wide) are proposed to Block A on its north eastern elevation, which the proponent states will allow for the appropriate articulation of the façade (refer to **Figure 16**). The Council has raised concerns that the protrusions encroach on Tellaraga House, increase the building depth beyond what the RFDC recommends and result in overlooking / privacy issues.

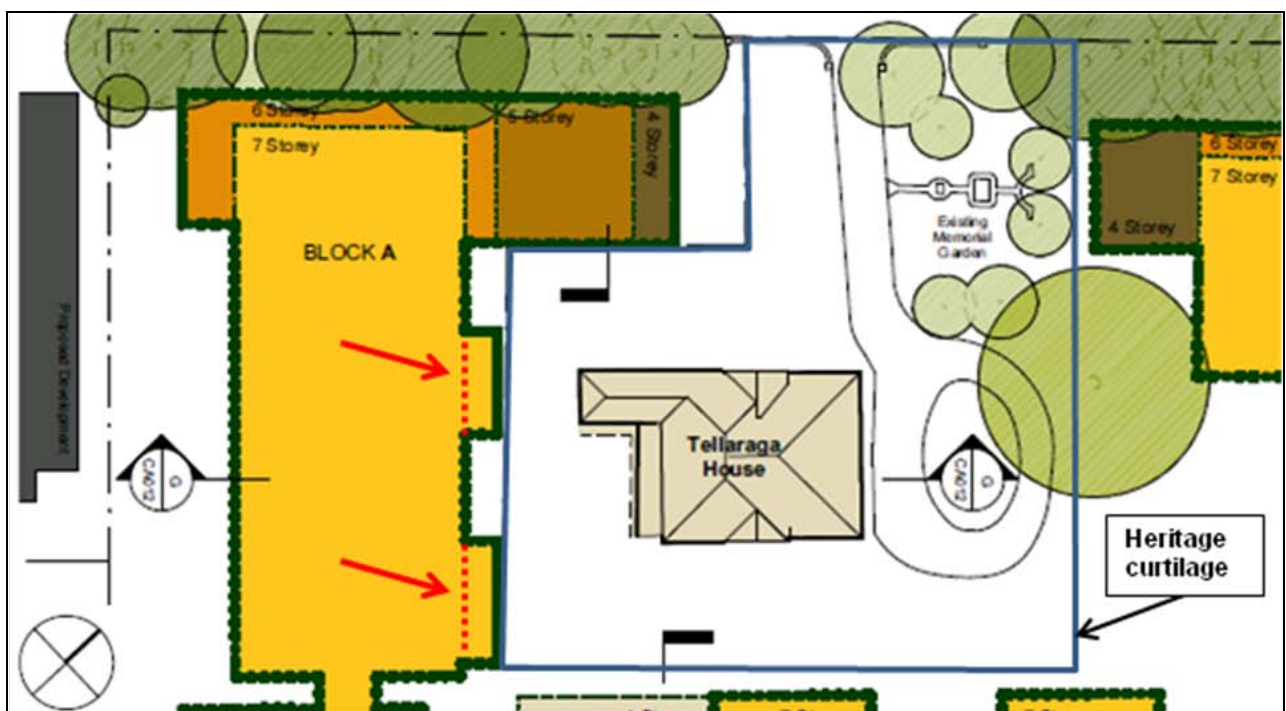


Figure 16: The location of the two proposed full height projections to the north eastern elevation of Block A (Base source: proponent's Response to Submissions)

The department notes that the projections would, in part, infill the 3 metre space between Block A and the heritage curtilage. However, neither projection would encroach on the approved heritage curtilage of Tellaraga House. The department considers that the proposed projections would not significantly alter the setting of Tellaraga House in the context of the height and scale of the approved building envelopes that frame the heritage item. Furthermore, the department notes that the proposal includes the removal of Block F building envelope (as shown in **Figures 5 and 6**) and considers that this omission would improve the setting of the heritage item. Overall the

department considers that the proposal would have a beneficial impact on the setting of Tellaraga House and is therefore acceptable in this regard.

The Block A building envelopes, as approved, has a depth of 21 metres. The department notes that the RFDC recommends a building depth of 18 metres and the proposed projections would increase the building depth of Building A, in part, to 24 metres.

Indicative floor plans have been submitted with the application providing layouts of apartments and allowing the department to understand the capability for the envelope to provide amenity for future dwellings. The department notes that the indicative layout shows a high proportion of dual aspect flats and in most cases the living rooms of apartments have been afforded a northerly access to maximise sun exposure. Furthermore, the department notes that the inclusion of the two proposed projections would not necessarily result in the provision of excessively or unusually deep rooms. In light of the above assessment the department considers that the proposal is capable of providing for future buildings with an acceptable level of amenity.

The department considers that issues relating to overlooking/privacy can be appropriately addressed as part of the future detailed development application for the site.

5.1.7 Conclusion

The department considers that the majority of the proposed amendments to the approved building envelopes are acceptable. However, there are a number of instances, particularly the increased storey height and setback reductions that would have adverse impacts and conditions are therefore recommended to remove these impacts. The department notes that the proposal would not hinder the flexibility of the design for future building, does not propose to alter the overall GFA of the development (35,000m²) and is generally in keeping with the intent of the original Concept Approval.

Subject to the conditions noted above, the amendments to the building envelopes are considered acceptable and would provide for future buildings that are capable to achieving an appropriate standard of residential amenity, architectural design and relationship to neighbouring properties and streets.

5.2 Restoration and use of Tellaraga House

The department considers the three principal issues relating to Tellaraga House are:

- the amendment to the overall staging of the development;
- the point at which the restoration should take place; and
- the future use of Tellaraga House.

Concept plan approval was granted for a medium density residential development, comprising a number of residential buildings to be constructed over a 6 stages. Located centrally within the site, Tellaraga House is to be retained and adaptively reused as part of the project.

Condition C15 requires a Conservation Management Plan (CMP) be provided and the restoration of Tellaraga House occur no later than the development application submission for the 160th dwelling. The department notes that the 160th dwelling threshold of C15 would be likely triggered by a development application for Stage 3 of the development.

The modification seeks:

- a reduction of development stages to two stages, with Stage 1 comprising Blocks A, E, Tellaraga House and the site wide basement and Stage 2 comprising the remaining Blocks: B, C and D (refer to **Figure 7**); and
- an amendment to the wording of condition C15 to require the restoration of Tellaraga House no later than the issue of the first occupation certificate for the apartments within the development.

The proponent has confirmed that it intends to submit one future development application to the Council for the whole site (however the development itself would occur in two stages). Furthermore, the restoration of Tellaraga House is to be included within proposed Stage 1 of the redevelopment. The proponent considers that the reference to the 160th dwelling within condition C15 does not logically relate to the above mentioned proposed approach to application submission and staging. Given these changes the proponent considers it appropriate that the timing of the restoration be amended to prior to the issue of the first occupation certificate.

Council has also raised concern about the proposed alteration of the timing of the restoration until first occupation as excavation of lands adjacent to Tellaraga House and demolition of the 1970s building (attached to Tellaraga House) may occur prior to restoration. Council recommended that the condition remain in its current form. Council raised no objection to the proposed amendment of the staging of the development.

The department agrees with Council that suitable safeguards should be in place to protect the heritage item. The department also agrees with the proponent that condition C15 should be logically revised in light of the intended changes to the development application submission and proposed staging of the development.

It is the department's view that the amendment of the timing of the restoration of Tellaraga House to prior to occupation of the development is acceptable subject to the following additional amendments to condition C15:

- the CMP shall be submitted with the first development application to Council;
- the CMP shall include details of the protection of Tellaraga House during excavation, demolition and construction stages; and
- no demolition or excavation works within 20 metres of Tellaraga House shall commence prior to the submission of the CMP.

Council has raised concern that Tellaraga House has not been appropriately incorporated into the holistic masterplan for the site and fails to nominate a use for the heritage item.

In its assessment of the approved concept plan, the department notes that the use of Tellaraga House is for communal use as set out in the original EA and PPR. However, this use was not categorically described in the project description or condition A1 of the concept approval instrument. The department recommends that further amendments are made that clarify the use of Tellaraga House is a communal facility.

5.3 Vehicle and pedestrian access and basement expansion

The department considers that the key issues associated with vehicle and pedestrian access are:

- deletion of the through site pedestrian link Commitment;
- the provision of an additional vehicle entry point on Porter Street; and
- enlargement of the basement.

Deletion of the through site pedestrian link Commitment

Statement of Commitment no.34 committed the proponent to providing a through site pedestrian link along the south western boundary shared with 2-4 Porter Street (refer to **Figure 17**). The Commitments also states that should a through site link be provided on 2-4 Porter Street before commencement of work on the site then the through site link would not be required on the Crowle Home site.

The department notes that a through site pedestrian link has since been provided as part of the redevelopment of the neighbouring 2-4 Porter Street site.

The proponent is consequently requesting that Statement of Commitment no.34 be deleted. Council has supported the deletion of Statement of Commitment no.34. However, Council has

raised concerns that the legal right-of-way over the through site link does not extend to the boundary with the site and this jeopardises the access into the link to the subject site.

The department notes Council's concern, however, considers that the intent of the concept plan to ensure an east/west pedestrian link between Porter and Belmore Streets has been met by the through site link being provided at the neighbouring site. The department does not dispute that there may be added advantage in providing additional access to the subject site however notes that the matter of the legal right of way is best addressed at the future development application stage. Notwithstanding this view, the department considers that even if an accessible pathway linking Blocks A and E to the through site link cannot be provided, there are numerous other opportunities along Porter, Belmore and Junction Streets for residents and visitors to enter the site and proposed buildings. It is therefore recommended that Statement of Commitment no.34 be deleted as proposed.

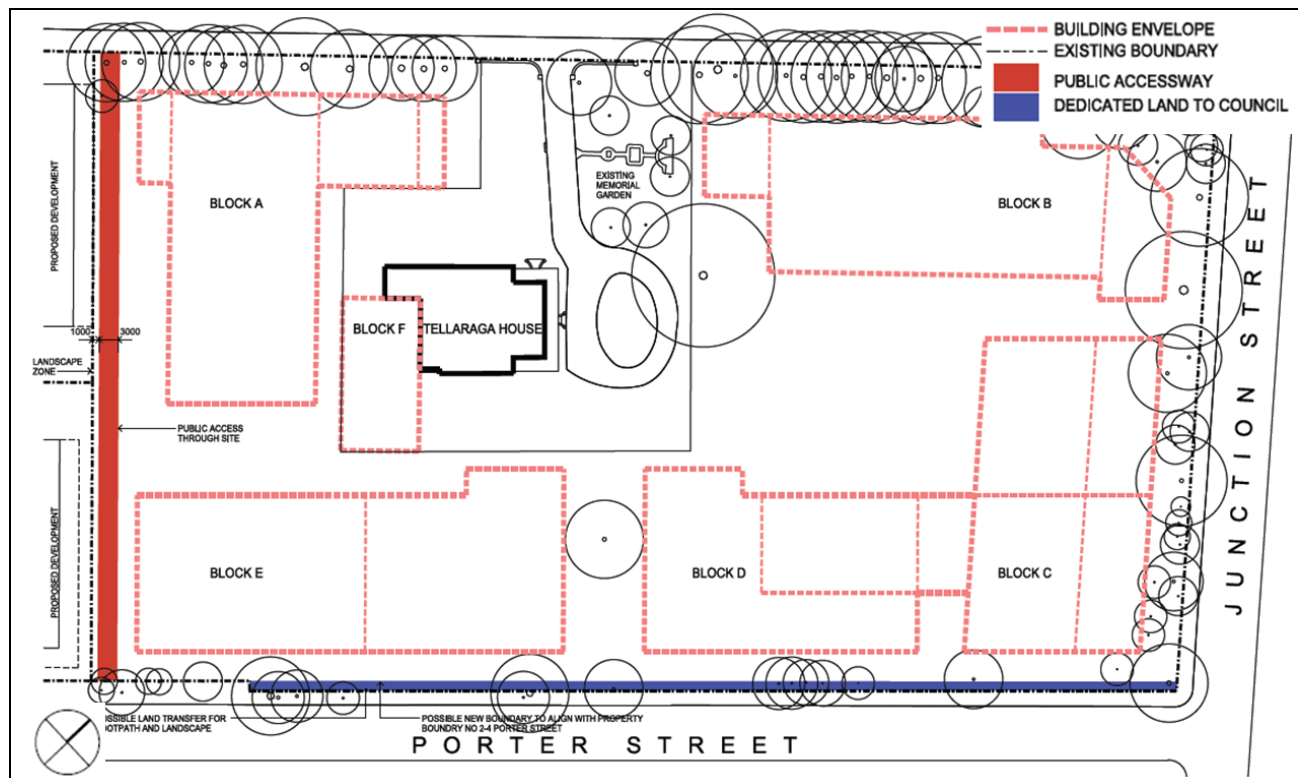


Figure 17: The location of the through site pedestrian link as required by commitment no.34 (Base source: original EA MP10_0110)

The provision of an additional vehicle entry point on Porter Street and enlargement of basement
The proposal seeks approval for an additional vehicle entry point on Porter Street for servicing and enlargements and reductions of the basement car parking area as shown in **Figure 18**. The department notes that the largest element of the car park building envelope expansion occurs to the south west (Blocks A and E), where the envelope is extended to the shared boundary with 2-4 Porter Street. It also seeks amended wording for requirement C13 to read as follows: '...demonstrate that vehicular servicing vehicles and waste receptacles can be **satisfactorily** accommodated within basement car parks...'

Council has raised detailed design and amenity concerns with regard to the proposed new vehicle entry point on Porter Street and confirmed that many of these concerns could be resolved as part of the future development application process. However, Council is concerned that the approval of a new entry point solely for 'service entry/exit' would form a requirement imposed on future development application and this in turn would limit the ability to explore alternative options. Furthermore, Council is concerned that the insertion of the word 'satisfactorily' to

requirement C13 is ambiguous as it is unclear as to whose satisfaction waste collection must be achieved.

The department acknowledges Council's concerns and agrees, in the interest of maintaining flexibility for the future location of basement servicing that the proposed new vehicular entry point would be more appropriately titled 'carpark entry/exit' and that the word 'satisfactorily' is ambiguous in the context of requirement C13 and therefore should not be inserted. It is recommended that requirement C13 be reworded accordingly.

Council has raised concern about the reduction of deep soil areas resulting from the expansion of the basement car park building envelope and also notes that drawing CA051b 'Potential Communal Open Space' plan includes non-communal areas such as front setbacks, site accesses and the heritage curtilage of Tellaraga House.

The department notes that the expansion of the basement would result in the reduction of deep soil areas (as shown in orange in **Figure 18**). However, the department considers that this reduction is acceptable in this instance as:

- a significant amount of deep soil area is retained around the site, which currently accommodates numerous and significant existing mature trees;
- there are only minor encroachments into deep soil areas within the central courtyard of the development;
- the reduction in basement adjacent to Belmore Street (shown in red in **Figure 18**) would enlarge the root zone area of existing mature trees; and
- a large portion of land along the south west boundary was reserved for the provision of a hard-paved through site link (refer to **Figure 17**), the original approval therefore acknowledged that the provision of deep rooted planting in this location may be limited.

The department acknowledges that the logical location for communal open space would be the central area of the site. However, the final determination of where communal open space is located and how it may be used, including whether it would incorporate the Tellaraga House heritage curtilage, is best determined at the future development application stage.



Figure 18: Additional vehicle entry point and enlargement and reduction of basement car parking building envelope (Base source: proponent's Response to Submissions)

6. CONCLUSION AND RECOMMENDATIONS

The purpose of this report is to assess a request to modify development consent (concept plan) MP10_0110. The modifications include enlargement, reduction and deletion of building envelopes and associated new, deleted and reworded conditions (MP10_0110 MOD1).

The proposed modification falls within the scope of section 75W of the EP&A Act and does not alter the original assessment as to the site's suitability for the approved development.

In assessing this application, the department has reviewed the proponent's application and submission dated 19 September 2013, Council's submission and the proponent's Response to Submissions.

A key issue for the department's assessment relates to the amendments to building envelopes. The department considers that the alterations to the building envelopes are acceptable, with the exception of the proposed amendments of the south western setbacks to Blocks A and E, the provision of a balcony zone to Block B and deletion of the 3 metre Belmore and Porter Street setback requirement of condition C1(a).

A further key issue for the department's assessment relates to the timing of the restoration of Tellaraga House. The department considers that the amendment to allow the restoration of Tellaraga House prior to first occupation is acceptable subject to the appropriate submission of a CMP and prevention of demolition and excavation works nearby the heritage item prior to the submission of the CMP.

The deletion of the commitment to provide a through site pedestrian link is acceptable as a link has been provided at 2-4 Porter Street and the provision of an additional vehicle entry point on Porter Street is considered acceptable subject to this entry not being limited, at this stage, to servicing only. The reductions of deep soil areas are considered acceptable given the site context.

It is recommended that the Planning Assessment Commission consider the report and its findings and approve the modification request under section 75W of the EP&A Act, by signing the attached modifying instrument.


Prepared by



07/05/2014


Matthew Rosel
Senior Planner
Industry, Key Sites and Social Projects

Endorsed by



Ben Lusher
Manager
Key Sites and Social Projects

Endorsed by



7/5/14

A/Executive Director
Development Assessment Systems and Approvals

APPENDIX A RELEVANT SUPPORTING INFORMATION

The following supporting documents and supporting information to this assessment report can be found on the Department of Planning and Infrastructure's website as follows:

1. Environmental Assessment

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=6157

2. Submissions

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=6157

3. Applicant's Response to Submissions

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=6157

APPENDIX B RECOMMENDED MODIFYING INSTRUMENT
