



26 March 2012  
Our Ref: 8152A.2ER

The Director General  
NSW Department of Planning and Infrastructure  
GPO Box 39,  
Sydney NSW 2001

**Attention:** Jodie Leeds

Dear Jodie

**Submission in relation to Preferred Project Report for MP 10\_0112 and MP 10\_0133  
110-114 Herring Road, Macquarie Park**

Thank you for your advice regarding submission of a Preferred Project Report (PPR) by the proponents for the development of the Stamford Hotel site.

We have reviewed the documents provided by you including the PPR and the proponent's response to submissions, specifically their response to our submission dated 12 December 2011 provided to NSW Department of Planning and Infrastructure (DP&I) on behalf of Baptist Community Services (BCS).

We accept that the proposed development as represented in the PPR is a significant improvement in terms of the relationship between the proposed development and the BCS site however the matters raised in our submission of 12 December 2011 particularly in relation to context are still valid and still of concern.

**Privacy Impacts**

The proponent's response to submissions indicates that existing vegetation on the BCS site and proposed landscaping on the verges of the proposed road to be provided adjacent to the western property boundary of the Stamford site will *"provide screening and buffering between existing and proposed residents."*

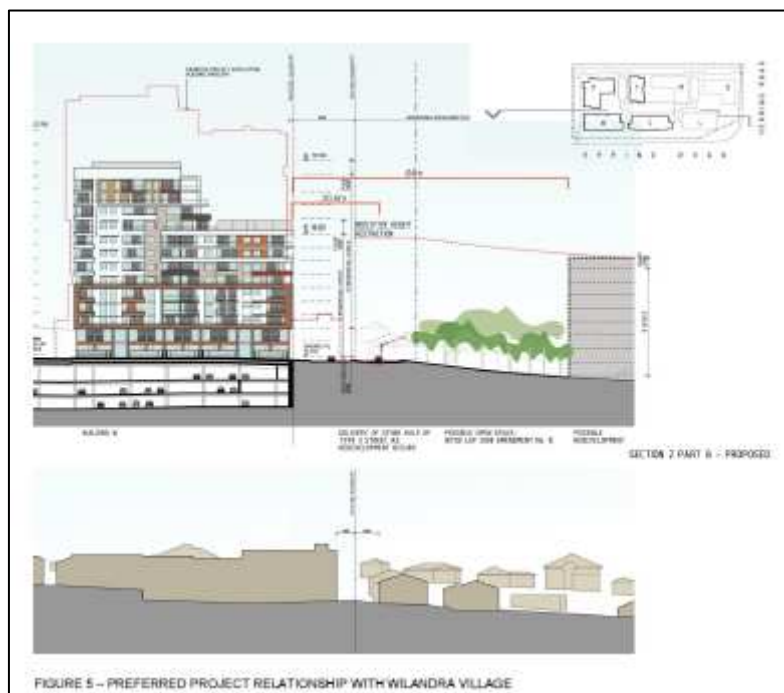
The screening ability of landscaping is questionable and in the case of the subject site will not have any effect for several years.

As noted in our previous submission, BCS estimates that its buildings in the vicinity of this boundary have an economic life of between 10 and 15 years and therefore, any significant separation between the buildings on the Stamford site and any redevelopment on the BCS site is unlikely to occur in the medium term.

Should the Department determine to approve this development, it is requested that consideration be given to imposing an appropriate condition which will ensure that the privacy of BCS residents is maintained.

**Context**

The PPR provides for buildings of 8 and 5 storeys on that part of the Stamford Hotel site closest to the BCS site. The relationship of the proposed development and the existing development on the BCS site is depicted in Figure 5 of the PPR. An extract of Figure 5 from the PPR is illustrated below.



Extract from PPR February 2012 prepared by Urbis

The top drawing in Figure 5 shows the context of the proposed development and a possible redevelopment on the BCS site, with the existing development on the BCS site sketched in.

The lower diagram in Figure 5 shows the existing relationship between the current Stamford hotel development and development on the BCS site.

These two diagrams illustrate that, in terms of context, the proposed development on the Stamford hotel site will dominate the existing development on the BCS site which, as previously discussed, is likely to be retained for some 10 -15 years.

As noted in our previous submission, and as envisaged in a proposed amendment to the Ryde LEP, development of up to 8 storeys in height adjacent to the BCS boundary may be appropriate in the future. However, given the nature and scale of existing development on the BCS site, the height of the proposed development on the Stamford Hotel site is considered inappropriate and out of character with the existing adjoining development, particularly as BCS has indicated that it has no immediate plans to redevelop its site at 157 Balaclava Road.

We reiterate our previous submission that the development on the Stamford Hotel site should incorporate some lower levels in the vicinity of the BCS boundary with the potential to transition to taller buildings away from the lower scale development on adjoining sites.

### Stormwater Management

The PPR includes (at Appendix O) options for the location of a stormwater easement. BCS has met with the proponents of the Stamford Hotel development and they have indicated that Option 1 (as shown on the plans at Appendix O) is their preferred location for a stormwater easement.

BCS has recently received a formal request for an easement proposal from the proponents. This request includes a plan showing the location of the proposed easement together with construction details and advice as to how they intend to 'make good' any damage that might occur during the installation of the stormwater drainage pipe.

This request has been forwarded to a qualified hydraulic consultant to assess the proposal. BCS will also present the proponent's request for easement, together with the hydraulic consultant's assessment to the BCS board and resident's committee for their consideration.



There is an existing stormwater easement located on BCS's land adjacent to the eastern property however this is not wide enough to accommodate the diameter of pipe required to drain the subject site. The issue of stormwater drainage is further complicated by the presence of a Sydney Water sewer main on BCS land. This main is located outside of and parallel to the existing stormwater easement.

There is some confusion as to whether the sewer main can be located within the enlarged stormwater easement or whether this main might need to be relocated (to be approximately 1.5m clear of the easement).

If this scenario prevails, the impact on the BCS site and potentially existing buildings is likely to be significant. In any event, there will be impacts on BCS's land (including landscaping, established trees and gardens and pathways) whichever scenario ensues.

The proponent's response indicates that this is a civil matter suggesting it can be dealt with separate to the application. We disagree. This issue is critical to the project and therefore cannot be addressed by the imposition of a condition requiring the proponent to make appropriate arrangements for the management of stormwater disposal.

The proponent has been aware that an easement for stormwater will be required for the proposed development for some time. This issue was flagged in a report by Meinhardt consulting engineers that was submitted with the Environmental Assessment Report.

The request for an easement was only received by BCS on 22 March 2012. The proponent has requested a response by 8 April 2012. Given that this documentation needs to be reviewed by the hydraulic consultant and BCS's solicitors, and the BCS board, a response by 8 April 2012 may not be possible. BCS will endeavour to provide a response as quickly as possible however the timeframe set by the proponent may not be able to be achieved.

Given the importance of this easement to the project and the impacts that the provision of this easement might have on BCS's land and buildings it is considered that this matter should not have been left until this point in the project to be addressed.

It is requested therefore that the application be held in abeyance until such time as the matter of stormwater disposal is resolved.

### Conclusion

We trust the above comments will be taken account by the Department in its consideration of the proponent's PPR.

Your advice as to the Department's consideration of the PPR would be appreciated. We will endeavour to keep you informed as to the status of the discussions with respect to the provision of a stormwater easement on BCS's land to service the development site.

Should you have any enquiries regarding the information in this letter, please contact Ellen Robertshaw of DFP on 9980 6933.

Yours faithfully

**DON FOX PLANNING PTY LTD**

A handwritten signature in black ink, appearing to read 'Ellen Robertshaw', written over a light blue horizontal line.

**ELLEN ROBERTSHAW**  
**PARTNER**

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Reviewed: \_\_\_\_\_

A handwritten signature in black ink, appearing to read 'D. Robertshaw', written over a light blue horizontal line.

CC:

Mike Furner

General Manager Sydney Region

Baptist Community Services - NSW & ACT (BCS)