

██████████ & ██████████
██████/19 Hill Road
Wentworth Point NSW 2127

Attention: Jane Flanagan
Major Projects Assessment

5 April 2013

VIA EMAIL: jane.flanagan@planning.nsw.gov.au

Dear Ms Flanagan

RE : Submission - OBJECTION - Section 75W Modification Request (MP09 0160)

We wish to object to the Section 75W Modification Request to proposed residential development at 23 Bennelong Road, Wentworth Point ("the subject site").

We are the owners of ██████/19 Hill Road Wentworth Point NSW 2127. Unit ██████ is part of the Sorrento building, which is located next to the proposed northern elevation of Building C.

Unit ██████ has a southern facing balcony, which looks out directly into the Sorrento courtyard, with a view across the top of the current TNT warehouse to sweeping views across Olympic Park.

We note from the information provided that the proposed modification includes the following amendments:

- The addition of a 4 storey infill extension containing 8 units (4x1 bed and 4x2 bed) along the northern elevation of building C;
- Increase the height of the south-east corner of Building B by 1.15 metres;
- Increase the total allowance GFA by 770m² to 45,500m²;
- Reducing the total landscaped area from 15,356m² to 15,068m²;
- Extending the northern corner of the basement car park area by approximately 10m².

We are predominantly concerned with the first proposed amendment, being the addition of a 4 storey infill extension containing 8 units along the northern elevation of building C. Our main concerns are as follows:

- Privacy and solar access concerns – we do not feel that adequate information and assurances have been provided that the proposed infill does not adversely affect the units within the Sorrento building in terms of privacy and solar access;
- Inadequate assurances have been provided in terms of "appropriate screening devices" between Sorrento and proposed infill of building C;
- Wentworth Point is an area of transition, and accordingly particular attention must be given to the design quality principles in SEPP 65 in respect to new residential buildings contributing to the desired future character of the area. We feel inadequate information has been provided to satisfy this criteria;
- This modification application is still on public exhibition and accordingly the Director of Major Projects has no legal authority to determine the outcome of the application when submissions (including objections) are still yet to be received from the public.

Privacy and Solar Access Concerns

We are concerned with the proximity of the 4 storey infill extension in building C to the Sorrento building.

We object to the statement in the applicant's modification request that this "additional built form (infill) will not have an adverse impact upon the amenity of the existing residential units within the Sorrento building, in terms of solar access and privacy". We consider that insufficient evidence has been provided to support this claim.

The applicant's modification request states that privacy between the additional built form (infill) at the northern elevation of building C will be maintained by the statement "to ensure that privacy between units is protected; appropriate screening devices *could* be incorporated into the final design submitted at the detailed design stage" (emphasis added). However, no supporting documentation or design plan has been submitted along with the modification request to support this assurance.

Amenity and SEPP 65

I note that the applicant is required to comply with the provisions of SEPP 65. Design quality principles include a consideration of aesthetics and the built form. Clause 18 of SEPP 65 states that new residential development should "respond to the environment and context, particularly to desirable elements of the existing streetscape or, in precincts undergoing transition, contribute to the desired future character of the area".

We are concerned that the units within the proposed 4 storey infill extension in building C will not be aesthetically pleasing when viewed from the building Sorrento.

The applicant's statement note that "the three apartments that face north, towards Sorrento, are predominantly placed such that their aspect is into the courtyard...". We are concerned that the side of the proposed infill to building C which faces Sorrento will not be aesthetically pleasing. No assurances or information has been provided in respect to this aspect of aesthetics and the final built form.

No authority to Approve Modification Consent

On 25 January 2010, the Minister delegated his powers and functions under section 75W of the Environmental Planning and Assessment Act 1979 to Directors in the Major Projects Assessment Division in cases where there are less than 10 public submissions (not including submissions from public authorities) in the nature of objections to the modification request.

The briefing note states that no public submissions were received and accordingly the Director of Major Projects has the ability to determine the modification request under this delegated authority.

I query the basis on which the Director has determined this modification application, when the submission is still on public exhibition and has not yet closed for public submission. Based on the delegation dated 25 January 2010, it would appear that the Director does not yet have the legal authority to determine the modification request. The Department has no legal authority to determine that less than 10 public submissions will be received during this consultation period.

Publication of submission

We have no objections to this submission being made public, but our personal details including our names and address (including all references to Unit [REDACTED]) are to be kept confidential.

We do not declare any reportable political donations.

We look forward to hearing from you.

Yours sincerely

[REDACTED] and [REDACTED]

Additional Note

As an additional note, we observed that a number of documents which have been uploaded to the Major Projects website are currently not being displayed properly on the website (see Screenshot below). We query whether this constitutes a correct exhibition, if relevant documents were not available to the public for examination. Accordingly this submission is limited to the documents which we were able to access via the website.

Screenshot

Screen shot from clicking on “Applicant Form, Bennelong app form” under the tab “MP09_0160 MOD 1 23 Bennelong Parkway”, “Application and Declaration”.

