



**MODIFICATION REQUEST:
Bennelong Parkway, Homebush Bay
(MP09_0160 MOD 2)**

***Increased height, density and car parking for
approved residential development concept plan.***

Director-General's
Environmental Assessment Report
Section 75W of the
Environmental Planning and Assessment Act 1979

July 2013



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EXECUTIVE SUMMARY

On 22 June 2010, the Planning Assessment Commission approved Concept Application MP09_0160 for construction of a residential development, public open space, parking and road works at 23 Bennelong Parkway, Wentworth Point (in Auburn Local Government Area). The Concept Plan sought approval for:

- Use of the site for residential purposes and public open space;
- Indicative building envelopes for three separate buildings A - C over a single podium and basement level, with a height range of four to eight storeys;
- Basement level car parking;
- Road works to extend Amalfi Drive; and
- Associated landscaping and site facilities.

In making its decision, the Planning Assessment Commission (PAC) considered the assessment report and accepted the Department's recommendation for a reduction in the height of the south-east corner of Building B, such that the envelope of the south-east corner of Building B be reduced to a maximum of 5 storeys (RL22.35) by deleting the proposed 8 units (2x3 bedroom, 2x1 bedroom and 4x2 bedroom) on 2 levels (Levels 5 and 6).

Consequently, the PAC approved the Concept Application subject to Terms of Approval and Future Assessment Requirements.

On 22 December 2010, the Concept Approval was modified by increasing the maximum:

- RL of Building B from 22.35 to 23.50; and
- Gross floor area from 44,730 m² to 45,500 m².

The current modification request seeks an increase in the:

- Height of Buildings B and C:
 - eight storey component increase to nine storeys;
 - seven storey component increase to eight storeys; and
 - five storey component increase to 7 storeys (except for south eastern corner adjacent to Capri Building);
- Maximum gross floor area from 45,500 m² to 50,045 m²; and
- Amount of car parking by twenty-one spaces.

The modification request was placed on the Department's website on 20 March 2013, and comments requested from Auburn City Council, relevant agencies and adjoining landowners. Auburn City Council, Sydney Olympic Park Authority, and Roads and Maritime Services made submissions by way of comment. Three objections were received from the public.

In assessing the modification, the Department considered the modification request and the issues raised in the submissions. The key issues for the assessment are built form and parking. The additional height and density is primarily located on the south western edge of the site away from other residential development. The stepped form is consistent with the Homebush Bay West Development Control Plan 2004 and reinforces the street corner. The proposed parking allocation complies with the requirements of the DCP. The Department recommends the modification request be approved.

In accordance with the Minister's delegation of 4 April 2013, the modification can be determined by the Executive Director, Development Assessments Systems and Approvals as a political disclosure statement has been made, but only in respect of a previous related application.

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1. BACKGROUND

1.1 Site and Surrounds

The site is known as 23 Bennelong Parkway, Wentworth Point (Lot 3 DP776611 and Lot 22 DP104874). It is located on the Homebush Bay peninsula approximately 19 kilometres from the Sydney central business district within the Auburn Local Government Area. The site adjoins Sydney Olympic Park and the Millennium Parklands to the south west, Parramatta River to the north and Homebush Bay to the east (**Figure 1**). It is irregular in shape with an area of 25,570 m² and frontage of approximately 278 m to Bennelong Parkway.

Wentworth Point is in transition, having changed since the 2000 Olympics from industrial, warehousing and distribution uses to a planned, high density residential neighbourhood.

The Sydney Olympic Park Ferry Wharf is approximately 1 km north of the site and the site is serviced by a bus route on Hill Road to the North West. The bus route services the ferry wharf and Burwood via Newington, Strathfield and Olympic Park Train Station. Project approval has been granted for the construction of a bridge across Homebush Bay, which will provide a pedestrian and bus link between Wentworth Point and Rhodes. The construction of this bridge will provide residents of Wentworth Point with direct access to the retail, employment and transport services available at Rhodes.

Figure 1: Project Location



1.2 Previous Approvals

On 22 June 2010, the PAC approved Concept Application MP09_0160 for construction of a residential development, public open space, parking and road works at 23 Bennelong Parkway, Wentworth Point. The Concept Plan comprised:

- Use of the site for residential purposes and public open space;
- Indicative building envelopes for three separate buildings A - C over a single podium and basement level, with heights ranging from four to eight storeys;
- Basement level car parking;

- Road works to extend Amalfi Drive; and
- Associated landscaping and site facilities.

In making its decision, the PAC considered the Department's assessment, accepted its recommendation on height and consequently approved the application subject to terms of approval and future assessment requirements.

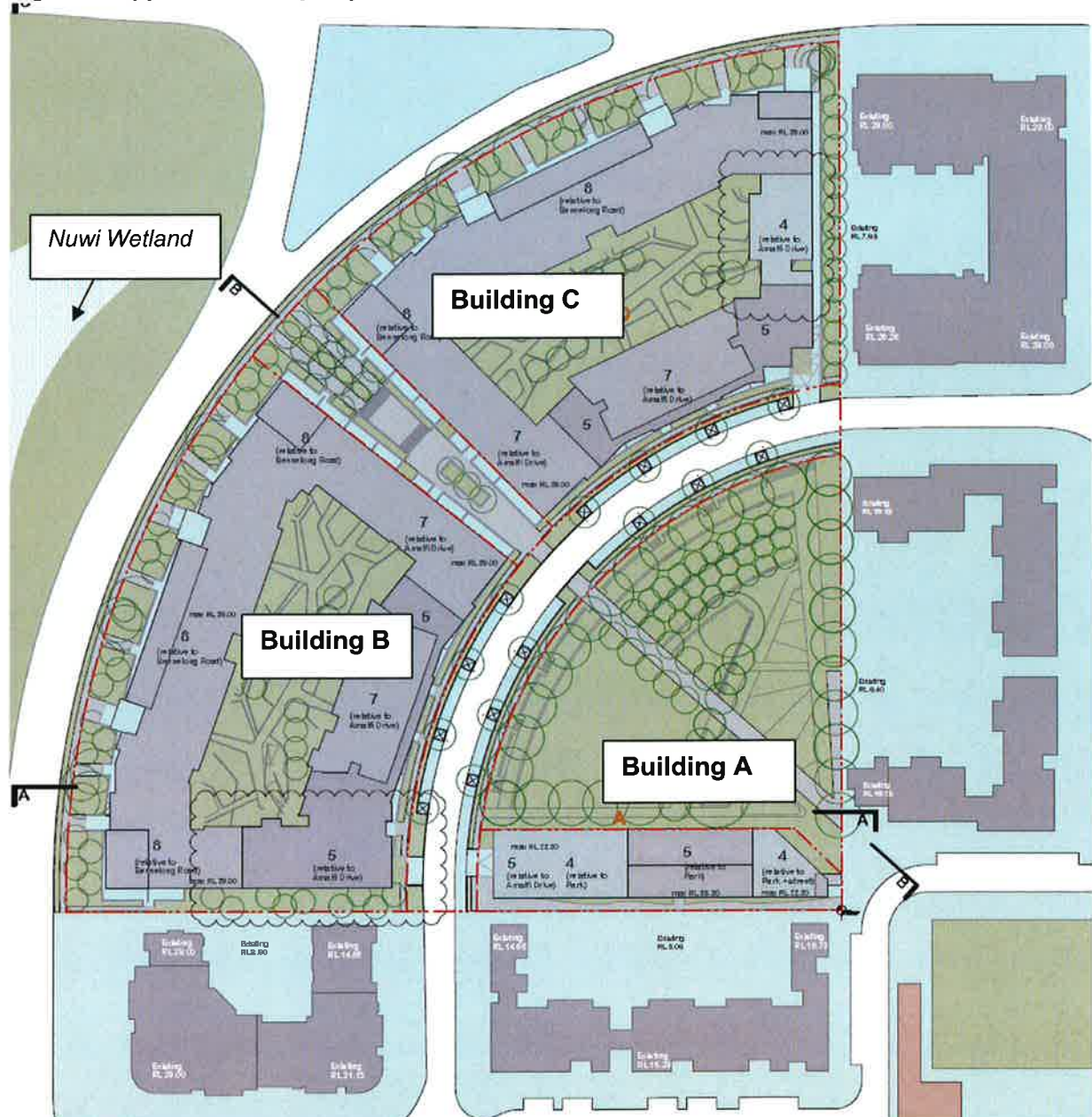
On 22 December 2010, the Director, Metropolitan Projects, as delegate of the Minister for Planning approved a modification of the concept plan comprising an increase in the maximum:

- RL of Building B from 22.35 to 23.50 (increase of 1.15 m); and
- Gross floor area from 44,730 m² to 45,500 m² (increase of 770 m²).

This enables the achievement of the maximum gross floor area within the approved envelope as identified in Term of Approval A3 as modified.

Figure 2 below shows an illustration of the approved development.

Figure 2: Approved concept layout



1.3 Homebush Bay West/Wentworth Point policy context

Renewal of the Homebush Bay West/Wentworth Point area is supported by Homebush Bay West Development Control Plan 2004 (the DCP), adopted pursuant to the *Sydney Regional Environmental Plan No. 24 – Homebush Bay Area* (the REP).

The proposed draft Amendment No. 1 to the DCP proposes increases in height and FSR for land (excluding the site) approximately 1 km to the north east. That land has been identified for development sixteen to twenty-five storeys in height to accommodate an additional 106,000 m² of floor area in recognition of the locality's capacity for greater residential yield and diversity of land use.

The *Metropolitan Plan for Sydney 2036* identifies a housing target for the West Central subregion, which includes the subject site, of an additional 96,000 dwellings between the years 2006 and 2036. The modification request will contribute to achievement of that target by providing for an additional sixty units.

The modification request is consistent with and supports the NSW Government's strategic planning direction for the locality.

2. PROPOSED MODIFICATION

2.1 Modification Description

The modification request (**Figure 3** and **Appendix A**) seeks to modify the approved project, as follows:

1) Term of Approval A1 Development Description - to permit an increase in the maximum height of Buildings A - C from eight to nine storeys.

The proponent seeks to increase the maximum height as a design response to the site's gateway location, and to provide a landmark signifying the new residential precinct as a neighbourhood distinct from Sydney Olympic Park and Millennium Parklands.

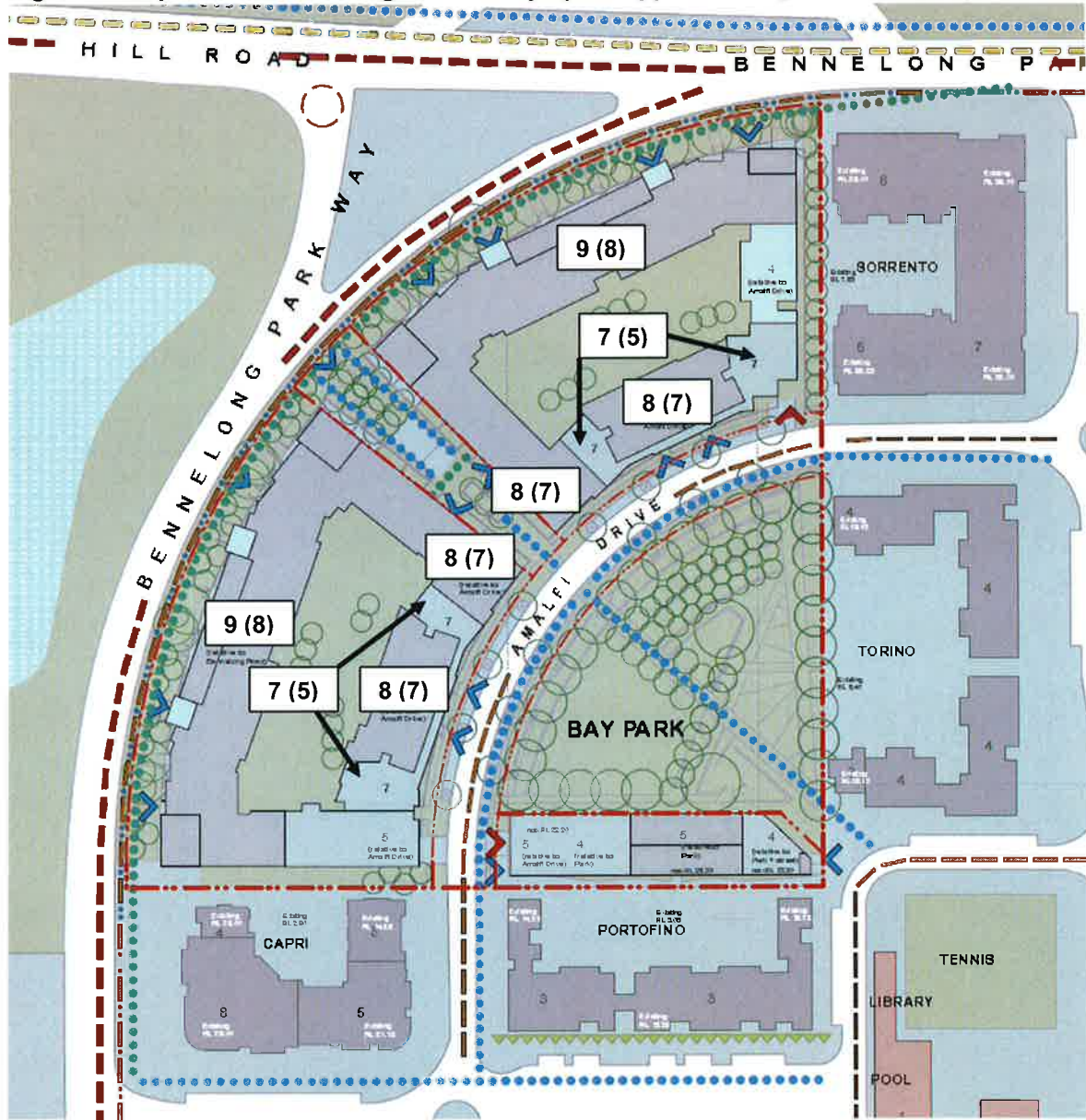
2) Term of Approval A2 Development in Accordance with Plans and Documentation - to reference the proposed modified plans.

The proponent seeks to increase the heights of Buildings B and C generally by one to two storeys.

3) Term of Approval A3 Building Envelope Modifications - to delete the requirement for a reduction in the height of the south east corner of Building B to five storeys (RL 23.50) as it is incorporated into the modified plans and is no longer necessary.

4) Term of Approval A4 Maximum Gross Floor Area - to permit an increase in the maximum density from 45,500 m² to 50,045 m², and with reference to floor space instead of gross floor area. The proponent seeks to amend the requirement to be consistent with the terminology/definition under the Homebush Bay West Development Control Plan 2004.

Figure 3: Proposed modified heights in storeys (with approved heights in brackets)



3. STATUTORY CONTEXT

3.1 Modification of the Minister's Approval

Part 3A of the Environmental Planning and Assessment Act 1979 (EP&A Act), as in force immediately before its repeal on 1 October 2011, and as modified by Schedule 6A to the EP&A Act, continues to apply to Section 75W modification applications for Part 3A projects.

The modification application has been lodged with the Director-General pursuant to section 75W of the EP&A Act. The Minister's approval is not required if the project as modified will be consistent with the original approval. As the subject modification seeks to amend the Concept Approval, it requires approval.

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

3.2 Environmental Assessment Requirements

In this instance, it was not considered necessary to notify the proponent of environmental assessment requirements pursuant to section 75W(3) of the EP&A Act as the proponent provided sufficient information to assess the modification.

3.3 Delegated Authority

On 4 April 2013, the Minister for Planning and Infrastructure delegated his functions under section 75W of the EP&A Act to modify Part 3A approvals to the Executive Director, Development Assessment Systems and Approvals, where:

- The relevant local council has not made an objection; and
- A political disclosure statement has been made, but only in respect of a previous related Application; and
- There are less than ten public submissions in the nature of objections.

The modification meets the above delegation as Auburn City Council has not made an objection, the proponent disclosed a reportable political donation but only in respect of the original application and there are only three public submissions in the nature of objections. Therefore, the Executive Director may exercise his delegation and determination the application.

4. CONSULTATION AND SUBMISSIONS

4.1 Exhibition

Under section 75X (2) (f) of the EP&A Act, the Director-General is required to make the modification request publicly available. The Department:

- Made the request publicly available on its website on 20 March 2013; and
- Notified landholders, and relevant State and local government authorities in writing.

Due to the relatively minor nature of the proposed modification, the modification request was not exhibited by any other means. The Department received six submissions during notification of the modification request – three from public authorities and three from the general public.

A summary of the issues raised in submissions is provided below.

4.2 Public Authority Submissions

Submissions were received from Auburn City Council, Sydney Olympic Park Authority, and Roads and Maritime Services.

Auburn City Council (Council) does not object to the proposed modification subject to the Department's assessment against current planning controls, including height, car parking, State Environmental Planning Policy No. 65 (SEPP 65) and the *Residential Flat Design Code*, and provision being made for on-site waste collection.

Sydney Olympic Park Authority (SOPA) does not object to the proposed modification but raised matters it considered warrant further assessment by the Department. Those issues include potential residential amenity impacts, precedent for non-compliance with height controls, and potential ecological impacts on the adjacent wetlands from overshadowing.

Roads and Maritime Services (RMS) does not object to the modification request, subject to the proponent providing a contribution for road network improvements and associated

funding arrangements as per *Homebush Bay West Development Control Plan 2004* and *Homebush Bay West Precinct Section 94 Development Contribution Plan 2004*.

4.3 Public Submissions

Three submissions in the nature of objections were received from the public. Key issues raised in the submissions include:

- Privacy and solar access impacts on Sorrento Building from four storey infill to Building C;
- Privacy and solar access impacts on community courtyard of Capri Building;
- Finishes should be interesting;
- Protect and retain perimeter trees;
- Child care and more bus services required;
- Bennelong Parkway and Hill Road are extremely congested with safety issues;
- Bay Park on the site will be overshadowed and is not large enough;
- The proposed buildings are too high for the street and will create a tunnelled streetscape; and
- Increases in height of the northern face of all buildings should not be allowed.

The Department notes that the first point above mistakenly refers to the approved modification application No. 1. The Department has considered the remaining points in its assessment of the proposed modification.

5. ASSESSMENT

The Department considers the key assessment issues to be built form and parking.

5.1 Built form

The modification request generally retains the approved building layout and seeks minor changes to the height and density. To determine whether the modified built form is acceptable, the Department has considered the following key issues:

- Height;
- Density; and
- Amenity impacts.

Height

It is proposed to increase the height of Buildings B and C (refer to **Figure 3**) as follows:

- Eight storey components to increase to nine storeys;
- Seven storey components to increase to eight storeys; and
- Five storey infills to increase to seven storeys.

The proponent has provided the following justification for the increase in height:

- The minor increase is consistent with the planning objectives of clause 12 of the REP and the DCP height control objectives;
- Does not prevent the use or reduce the attractiveness or suitability of the Homebush Bay area and Sydney Olympic Park for major public facilities;
- Retains views from and of the waterfront;
- Does not generate any issues regarding orientation, separation or sunlight access and the amended envelopes remain capable of accommodating residential flat buildings which meet the 10 design principles of SEPP 65;
- Represents an appropriate design response to celebrate the gateway location of the site and provide a landmark signifying the new residential precinct as a neighbourhood distinct from the Sydney Olympic Park and Millenium Parklands; and

- Proposed Amendment No. 1 to the DCP (which excludes the site) allows for an increase in the height control for the northern end of Wentworth Point from eight storeys up to sixteen to twenty-five storeys.

The Department's assessment of the Concept Plan generally supported the development and considered the building envelopes were an appropriate fit within the context of surrounding development, subject to a reduction in the height of the south eastern corner of Building B, facing Amalfi Drive, to five storeys. This was to ensure the development would be compatible with the height and scale of existing and adjoining buildings (refer to **Figure 3**).

The PAC, in determining the Concept Plan, considered the Department's recommended amendments, and recommended the application be approved, subject to the envelope of the south eastern corner of Building B being reduced to a maximum of five storeys (RL 22.35) by deleting the proposed eight units on levels five and six. The proposed modification complies with the amendments made as part of the PAC determination as it does not change the approved five storey height of the south eastern corner of Building B facing Amalfi Drive.

The DCP provides height controls ranging from four to eight storeys for the site. The higher eight storey buildings are generally permitted along Bennelong Parkway and the major east west axis, with lower heights internally and along the eastern boundary closer to the foreshore (see **Figure 4**).

Figure 4: Homebush Bay West DCP 2004 height controls



The proposed modification complies with the DCP height limits except for the nine storey component which exceeds the height limit by one storey.

The nine storey component is located on the south-western edge of the site adjacent to the wide setback provided by the carriageways of Bennelong Parkway and Hill Road. This siting means there will be no unreasonable impacts on the development itself or adjoining residential flat buildings. Furthermore, the nine storey component will not result in any additional mid winter overshadowing of the neighbouring building to the south east or result in any unreasonable impacts on existing views and outlook from adjoining properties.

The Department considers that the nine storey component is reasonable and consistent with DCP's height objectives, as the proposal:

- Minimises the visual impact of built form from the water;
- Relates appropriately to the size and uses of surrounding streets;
- Distributes taller buildings on the Bennelong Parkway/Hill Road edge of the precinct; and
- Enables view sharing and maintaining the visual dominance of the Millenium Marker.

Notwithstanding, the Department's support for the nine storey component, it recommends an additional future assessment requirement demonstrating high architectural quality to break the overall mass of the building into smaller elements and the use of a variety of textures, materials and colours. This will assist to further articulate the building surface, reduce the building's visual scale and improve its appearance from the street. This requirement (see below) is included in the recommended modification instrument.

Density

The modification seeks to increase the maximum floor space or from 45,500 m² to 50,045 m² (an increase of 4,545 m²). It is also proposed to change to the terminology used in the instrument of approval from 'gross floor area' to 'floor space' to be consistent with the terminology used in the Homebush Bay West Development Control Plan 2004.

The proponent's justification for the increase in density is:

- The site is located within Precinct F (as identified in the DCP) with a remaining residual capacity of 13,560 m²;
- The additional 4,545 m² sought will not exceed the total floor space of 236,842 m² (including community offset consideration) for Precinct F;
- Will enable the realisation of full development potential for Wentworth Point;
- Will assist in meeting the growing housing demands in greater Sydney and improving housing affordability;
- The location's high amenity due to proximity to Parramatta River and a range of recreational, entertainment and employment opportunities;
- The location is well served by public transport facilities, which will be improved with a proposed new pedestrian bridge linking Wentworth Point with Rhodes; and
- The area has a high capacity of local road and utility infrastructure.

The site is located in Precinct F of Homebush Bay West under the DCP. The DCP's density requirement allows a maximum total allowable floor space of 236,842 m² for Precinct F. Of the total allowable space, residential floor space is limited to a maximum of 234,642 m².

Proposed draft Amendment No. 1 to the DCP proposes increases in height and FSR for land approximately 1 km to the north east of the site. That land has been identified for development sixteen to twenty-five storeys in height to accommodate an additional 106,000 m² of floor area, and a bridge between Wentworth Point and Rhodes.

The proposed modification complies with the DCP's maximum total allowable floor space. The DCP's density control is designed to distribute building mass on Hill Road and along major east-west streets, creating a gradual transition in scale to the waterfront, and enabling the sharing of water views. The majority of the increased density is located on the south western edge of the site away from other residential development, continues the stepped built form across the site as envisaged by the DCP, and retains views and levels of amenity consistent with the approved Concept Plan. Therefore, the Department considers the increase in density is reasonable and recommends the modification request be approved.

With respect to the modification request to change the reference to gross floor area to floor space in Term of Approval A4, floor space is defined in the DCP, as follows:

Floor space

the sum of the areas of each floor of a building, measured from the inside face of external enclosing walls and 1400mm above each floor level.

It includes:

- *habitable space below ground (auditoria, cinemas, supermarkets)*
- *retail space (cafés) associated with main entrance and/or lobby.*

It excludes:

- *main building entrances and associated foyers and lobbies*
- *common vertical circulation (stairs and lifts)*
- *non-habitable areas of the building which do not protrude more than 1.2 metres above ground level that are used for the purposes of:*
 - *car, coach and bicycle parking*
 - *space for loading and unloading of goods*
 - *waste management and storage areas*
- *one level of above-ground car parking entirely contained within a perimeter building, as an internal podium or courtyard, where all the uses 'wrapping' the parking are active and have a street address.*
- *plant rooms and vertical mechanical services and ducting*
- *communal recreational areas in residential buildings up to 5% of the total floor area of the building*
- *balconies, including those enclosed by operable screening devices*
- *the void space above double height spaces.*

Gross floor area is defined in *Auburn Local Environmental Plan 2010*, as follows:

gross floor area means the sum of the floor area of each floor of a building measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4 metres above the floor, and includes:

- (a) *the area of a mezzanine, and*
- (b) *habitable rooms in a basement or an attic, and*
- (c) *any shop, auditorium, cinema, and the like, in a basement or attic, but excludes:*
- (d) *any area for common vertical circulation, such as lifts and stairs, and*
- (e) *any basement:*
 - (i) *storage, and*
 - (ii) *vehicular access, loading areas, garbage and services, and*
- (f) *plant rooms, lift towers and other areas used exclusively for mechanical services or ducting, and*
- (g) *car parking to meet any requirements of the consent authority (including access to that car parking), and*
- (h) *any space used for the loading or unloading of goods (including access to it), and*
- (i) *terraces and balconies with outer walls less than 1.4 metres high, and*
- (j) *voids above a floor at the level of a storey or storey above.*

The modification request to change the reference to gross floor area to floor space in Term of Approval A4 will maintain consistency with the DCP. The REP does not define gross floor area and *Auburn Local Environmental Plan 2010* which does, does not apply to the site. The modification request is considered reasonable and the Department recommends Term of Approval A4 be modified accordingly, and that a definition of floor space be added to Part C of Schedule 1 of the instrument of approval.

Internal Amenity

The concept plan does not seek consent for detailed floor layouts and the modification request does not result in any change to the residential floor plates with the exception of an increase of predominantly one additional storey. The modification request does not result in any orientation or separation issues such that the amended envelopes will remain capable of accommodating residential flat buildings which satisfy the design principles of SEPP 65 and will not result in any changes to impacts on adjoining properties.

The proposed additional storey to Building B will not cause any additional mid winter overshadowing of the neighbouring Capri building to the south east (**Figure 5**) and will maintain existing views and outlook (**Figures 6 and 7**). The proposed modification would achieve compliance with the Residential Flat Design Code rule of thumb for 70% of dwellings to receive at least three hours of sunlight between 9 am and 3 pm at mid winter.

Figure 5: Shadow diagrams mid winter – approved (green lines) & modified (red lines) development



Figure 6: Separation of proposed nine storey component from neighbouring Capri building

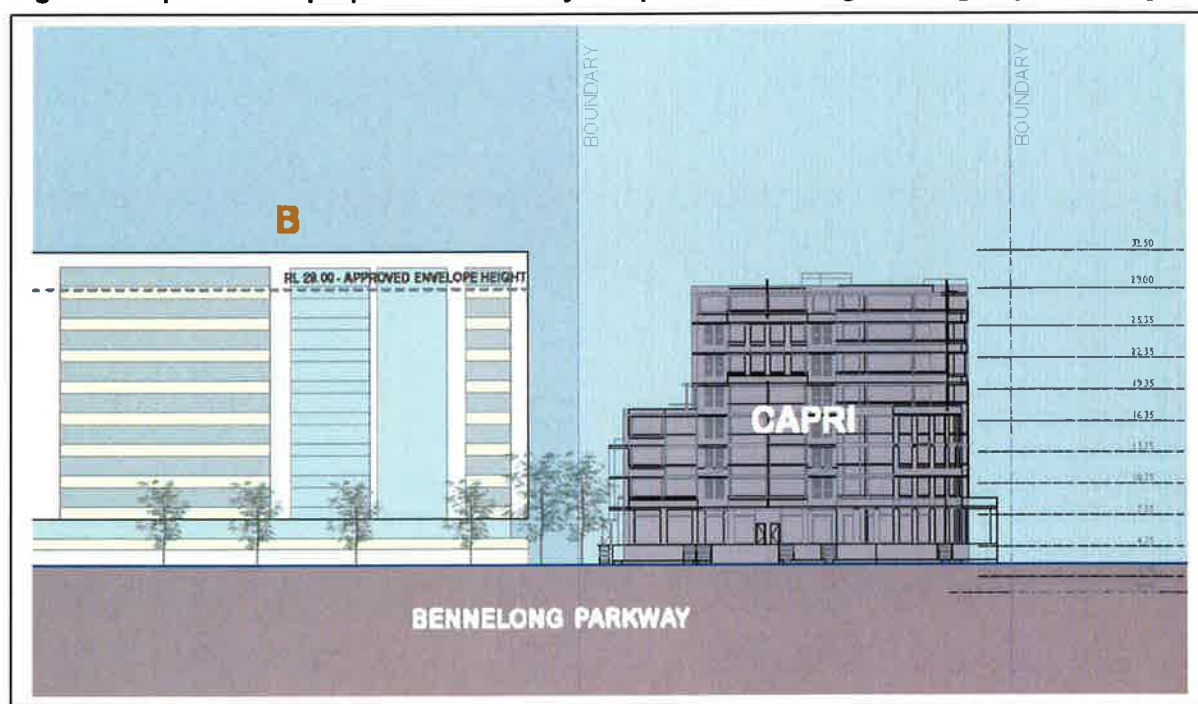


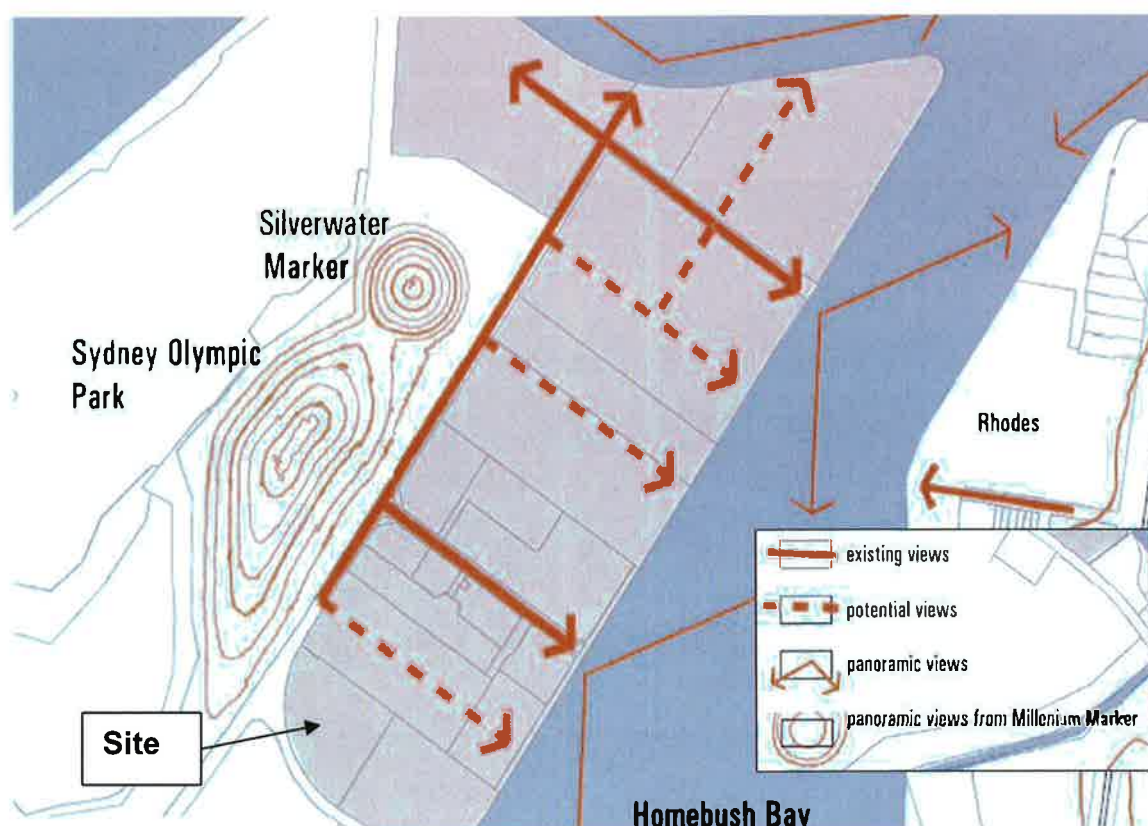
Figure 7: Outlook from neighbouring Capri building in relation to proposed nine storey component



The proposed one storey increase on the development's Bennelong Parkway frontage will result in a minor increase in overshadowing of the Nuwi Wetland (to the north west of the site). This will largely occur at 9 am (a 2.4% increase), gradually decreasing such that by 12 noon it will comprise a 0.3% increase, with no change for the remainder of the day at the winter solstice (see **Figure 5**). The proponent's response to submissions indicates that this overshadowing will be negligible and have minimal impact on the ecology of the wetland.

The DCP identifies views of value within Wentworth Point generally to the water and surrounding hills and along north-south and east-west corridors created by the new street network within Precinct F (see **Figure 8**). The site is located on the south western corner of the precinct, and the development as proposed to be modified will not result in any adverse impacts on the identified views.

Figure 8: Views identified in Homebush Bay West DCP 2004



Conclusion

The Department considers the modification request is consistent with the aims of the REP to encourage coordinated and environmentally sensitive development of the Homebush Bay Area. It is also consistent with the SREP's relevant planning objectives to promote a variety of types of development of a type and scale so as not prevent the use or reduce the attractiveness or suitability of the area and Sydney Olympic Park.

The *Metropolitan Plan for Sydney 2036* identifies a housing target for the West Central subregion within which the site is located of an additional 96,000 dwellings between the years 2006 and 2036. The modification request will contribute to achievement of that target by providing for an additional sixty units.

The site is located in a highly accessible location close to employment and transport infrastructure. The uplift in density identified in proposed amendment No. 1 to the DCP for land to the north east of the site, whilst it does not apply to the site, underscores the transitional nature of the locality and its suitability for greater residential yield and diversity of land use.

The modification request is considered a measured architectural and urban design response to the site's shape and location. The proposed nine storey component is aligned along the curved north western edge of the site on the corner of Bennelong Parkway and Hill Road and will further define the street edge and reinforce the gateway to Wentworth Point (refer to **Figure 3**).

The Department therefore considers the proposed modifications to the height and density are acceptable and recommends they be approved, subject to Terms of Approval and Future Assessment Requirements.

5.2 Parking

The modification request seeks approval to increase on-site car parking by 21 spaces to accommodate a total of 850 spaces by extending the basement to the north west.

The proposed quantum of parking is consistent with the parking rates of the DCP. Those rates were informed by strategic traffic assessments which found the precinct was capable of accommodating the identified amount of car parking and traffic without unreasonable impacts on the performance of surrounding intersections of the local road network. The proposed increase in parking does not involve any change to deep soil provision on the site.

Council did not object to the modification request and required that sufficient visitor parking be provided, and that parking and vehicular access comply with the relevant Australian Standard.

RMS did not object to the modification request and required the proponent to pay Section 94 contributions for relevant road network improvements and funding arrangements. Such contributions will be the subject of future development applications lodged with Council.

Therefore, the Department considers the modification request is reasonable and recommends the amount of car parking be increased by twenty-one spaces.

6. CONCLUSION

The section 75W application seeks modifications to the approved Concept Plan for a residential development, public open space, parking and road works. The primary purpose of the modification request is to increase the maximum height and density of the development and an according increase to on-site car parking.

In assessing the modification request, the Department has reviewed the proponent's application and submission dated February 2013 and response to submissions dated 14 May 2013, and public submissions and submissions from Council and RMS.

The Department considered the key issues in the assessment of the modification request to be built form and parking.

Overall, the Department considers the modifications are a measured design response to the terms of the Concept Plan approval, and that the increase in floor space, height and car parking would have minimal environmental impact above that assessed with the original application.

7. RECOMMENDATION

It is recommended that the Executive Director, Development Assessments Systems and Approvals, as delegate of the Minister for Planning and Infrastructure:

- (a) consider the findings and recommendations of this report;
- (b) approve the modifications under delegated authority, under Section 75W of the *Environmental Planning and Assessment Act 1979*; and
- (c) sign the attached Instrument of Modification Approval for MP09_160 MOD 2.

Heather Warton
Director
Industry, Social Infrastructure and Key Sites

Chris Wilson
Executive Director
Development Assessments Systems and Approvals

APPENDIX A MODIFICATION REQUEST

See the Department's website at

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=5853

APPENDIX B SUBMISSIONS

See the Department's website at

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=5853

APPENDIX C RESPONSE TO SUBMISSIONS

See the Department's website at

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=5853

APPENDIX D RECOMMENDED MODIFYING INSTRUMENT

Modification of Minister's Approval

Section 75W of the *Environmental Planning & Assessment Act 1979*

As delegate of the Minister for Planning and Infrastructure under delegation executed on 4 April 2013, I approve the modification of the concept application referred to in Schedule 1, subject to the Terms of Approval and Future Assessment Requirements in Schedule 2.

Executive Director
Development Assessments Systems and Approvals

Sydney 2013

SCHEDULE 1

Concept Approval:	MP09_0160 granted by the Minister for Planning and Infrastructure on 22 June 2010.
For the following:	Construction of a residential development, public open space, parking and road works at 23 Bennelong Parkway, Wentworth Point (Lot 3 DP776611 and Lot 22 DP104874).
Modification:	MP09_0160 MOD 2: Modifications to increase the maximum height and density of development and increase the amount of on-site car parking.

SCHEDULE 1

PART C — DEFINITIONS is modified by adding a new definition as follows:

Floor space means *the sum of the areas of each floor of a building, measured from the inside face of external enclosing walls and 1400mm above each floor level. It includes:*

- *habitable space below ground (auditoria, cinemas, supermarkets)*
- *retail space (cafés) associated with main entrance and/or lobby.*

It excludes:

- *main building entrances and associated foyers and lobbies*
- *common vertical circulation (stairs and lifts)*
- *non-habitable areas of the building which do not protrude more than 1.2 metres above ground level that are used for the purposes of:*
 - *car, coach and bicycle parking*
 - *space for loading and unloading of goods*
 - *waste management and storage areas*
- *one level of above-ground car parking entirely contained within a perimeter building, as an internal podium or courtyard, where all the uses 'wrapping' the parking are active and have a street address.*
- *plant rooms and vertical mechanical services and ducting*
- *communal recreational areas in residential buildings up to 5% of the total floor area of the building*
- *balconies, including those enclosed by operable screening devices*
- *the void space above double height spaces.*

SCHEDULE 2

PART A - TERMS OF APPROVAL

Term of Approval A1 is modified as follows:

A1 Development Description

Concept Approval is granted to the development described below:

- Use of the site for residential purposes and public open space;
- Indicative building envelopes for 3 separate buildings A-C over a single podium and basement level, with heights ranging from 4 to 8 9 storeys.
- Basement level car parking;
- Road works to extend Amalfi Drive; and
- Associated landscaping and site facilities.

Term of Approval A2 is modified as follows:

A2 Development in Accordance with the Plans and Documentation

The approval shall be generally in accordance with MP09_0160 and with the Environmental Assessment, except where amended by the Preferred Project Report and the following drawings prepared by Turner and Associates:

Concept Plan Drawings prepared by Turner and Associates			
Drawing No.	Revision	Name of Plan	Date
DA01	E J	Site Context Plan_Existing	17/11/2009 29/6/2012
DA02	F L	Site Context Plan_Future	03/05/2010 14/2/2013
DA06	G	Area Diagrams_Stage 1 DA	10/8/2010
DA07	G R	Site Statistics_Stage 1 DA	5/8/2010 6/5/2013
DA11	F K	Illustrative Street Network Diagrams	03/05/2010 14/2/2013
DA21	F Q	Illustrative Basement Plan	5/8/2010 14/2/2013
DA22	F T	Lower Ground/Illustrative Bennelong Road Level Plan	5/8/2010 5/6/2013
DA23	F	Illustrative Amalfi Drive Level Plan	5/8/2010
DA24	F	Illustrative Level 1 Plan	5/8/2010
DA25	F	Illustrative Level 2+3 Plan	5/8/2010
DA26	F	Illustrative Level 4 Plan	5/8/2010

DA27	G P	Illustrative Levels 5+6 Plan	03/05/2010 14/2/2013
DA28	G P	Comparative Height Study /Roof Plan Level 7 Plan	14/2/2013
DA28 DA29	G Q	Comparative Height Study /Roof Plan	5/8/2010 14/2/2013
DA29 DA31	E H	Illustrative West Elevation	17/11/2009 14/2/2013
DA31 DA32	F J	Illustrative Section_AA	03/05/2010 14/2/2013
DA32 DA33	F J	Illustrative Section_BB	03/05/2010 14/2/2013
DA33 DA34	B E	Illustrative Section Elevation to Amalfi Drive	10/8/2010 14/2/2013
DA41	G J	Urban Form Control Drawings	9/8/2010 14/2/2013
DA01	C	Concept Landscape Plan	13/8/2010

except for as modified by the following pursuant to Section 75O(4) of the Act.

Term of Approval A4 is modified as follows:

A4 Maximum Gross Floor Area

The redevelopment of the site for a residential development shall not exceed a maximum Gross Floor **Space** Area (GFA) **as defined under the Homebush Bay West Development Control Plan 2004** of approximately 45,500m² **50,045 m²**.

PART B - FUTURE ASSESSMENT REQUIREMENTS

PART B is modified as follows:

Insert a new clause 4:

4. Architectural Quality

Future Development Applications shall demonstrate high architectural quality breaking the overall mass of the building down into smaller building elements and through the use of a variety of textures, materials and colours to articulate the surface and reduce the visual scale of the nine storey component of Building B and improve its appearance from the street. This can include:

- **curving the building alignment to reflect the curved alignment of the street;**
- **providing vertical building breaks, particularly along the Bennelong Parkway elevation, to provide relief from the continuous built edge;**
- **defining a base, middle and top of the building with a change in materials;**
- **expressing the internal layouts of the building in the facade design and using different elements to modulate and articulate the facade;**
- **using different window types;**
- **articulating building entries;**
- **a variety of balcony types that respond to street context; and**
- **roof features.**

END OF MODIFICATION TO MP09_0160