



MODIFICATION REQUEST:
***Concept Plan for the Riverwood North
Estate Residential Renewal Project
Kentucky Road and Washington Avenue,
Riverwood
(MP 10_0167 MOD 3)***

***Increase to height of building envelopes, total
dwelling numbers and total gross floor area for
Phase 02 (Stage 2 and 3)***

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

October 2014

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Published October 2014
NSW Department of Planning and Environment
www.planning.nsw.gov.au

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1. BACKGROUND

On 15 July 2011, the Planning Assessment Commission, under delegation from the then Minister for Planning and Infrastructure approved the concept plan application (MP 10_0167) for the Riverwood North Estate Residential Renewal Project at Kentucky Road and Washington Avenue, Riverwood.

The concept plan establishes the framework for the redevelopment of the north-eastern portion of the Riverwood Estate, predominantly a social housing estate, through a Public Private Partnership between Housing NSW and Payce Communities Pty Limited. The project location and the Riverwood Estate boundary are shown in **Figure 1**.

The concept plan approval comprises:

- staged redevelopment of the site for residential purposes;
- 650 dwellings, comprising 150 social housing dwellings (Phase 01) and 500 privately owned dwellings (Phase 02);
- 63,500 sqm of GFA and building envelopes (including height and floor space ratio);
- car parking, landscaping, open space, and other necessary infrastructure; and
- public domain improvements.

Refer to **Figure 3** for the approved building envelopes and **Figure 4** for the indicative building footprints and building height envelopes.

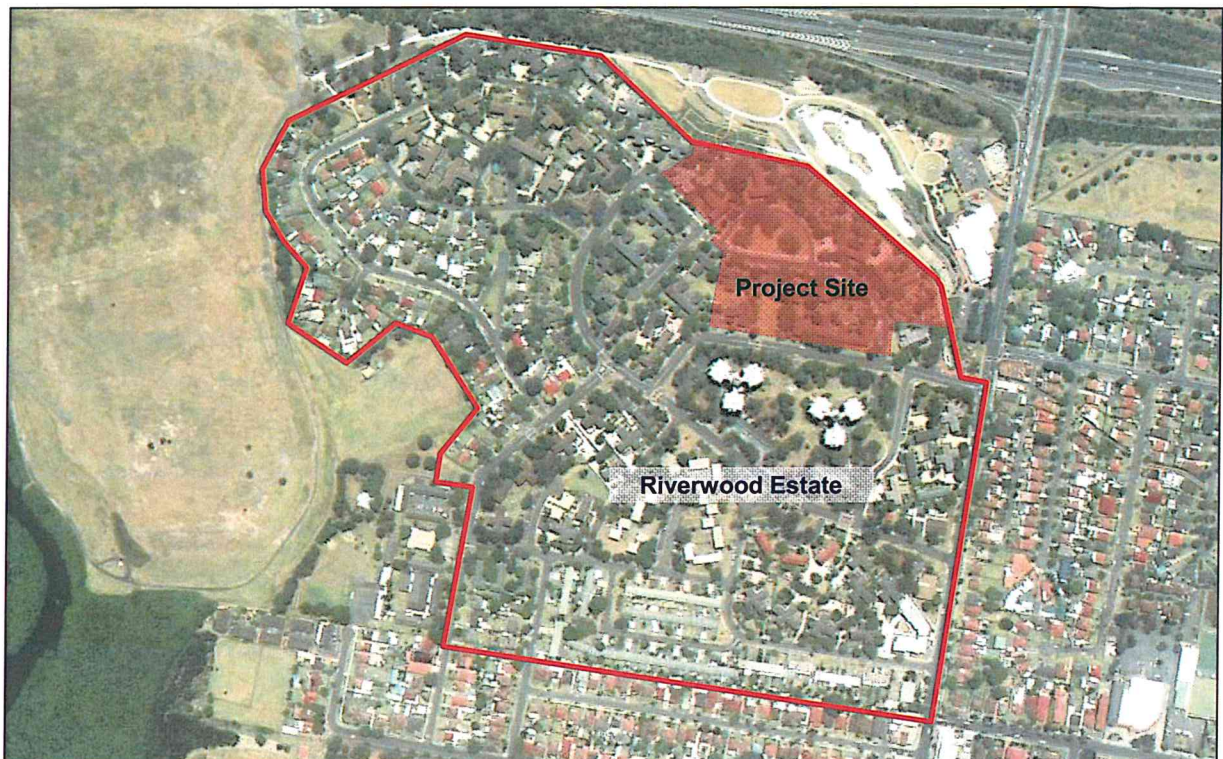


Figure 1: Riverwood Estate boundary and project site

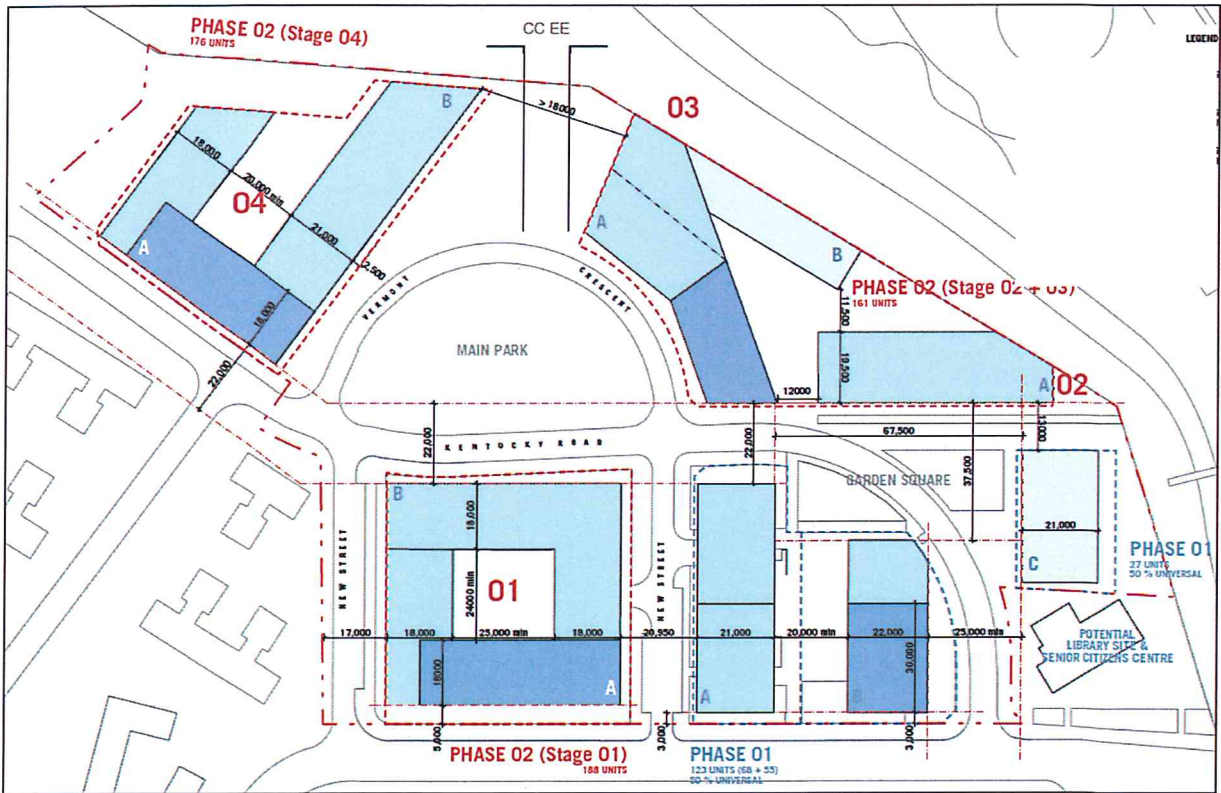
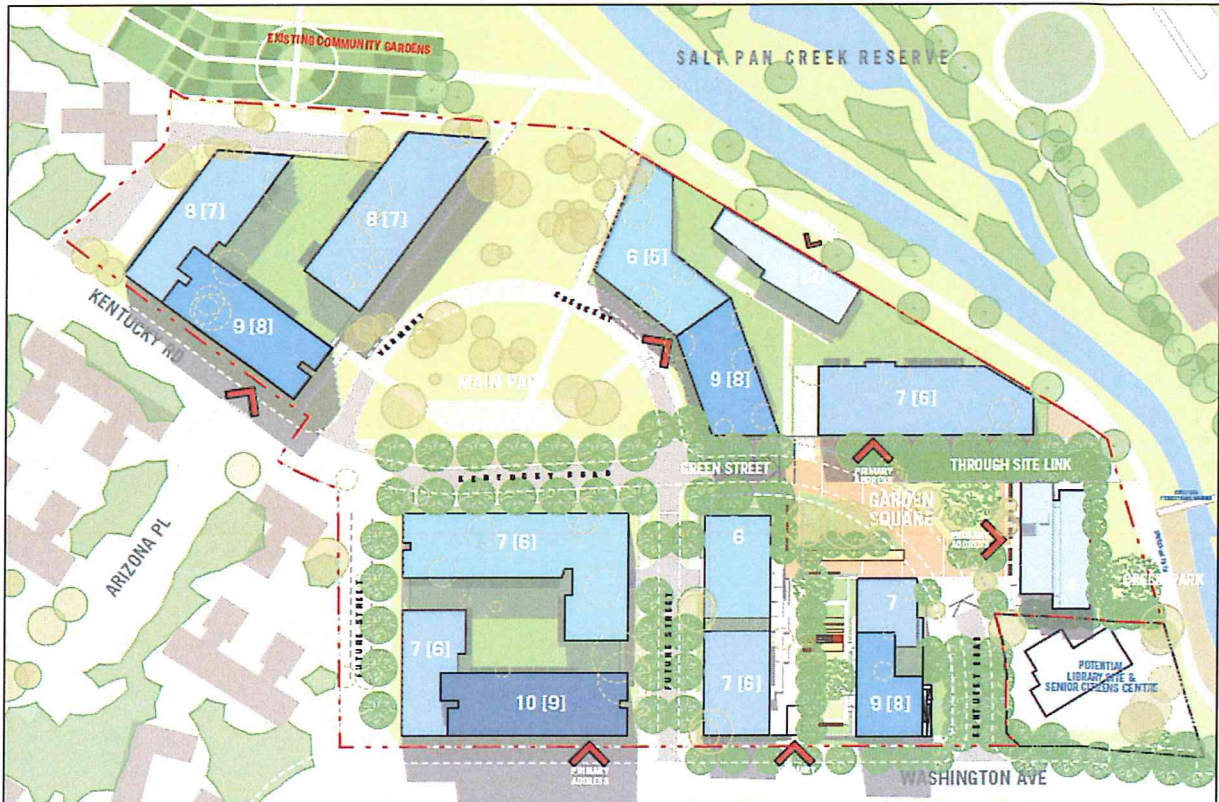


Figure 3: Project layout identifying building envelopes



Note: The total number of storeys for each building envelope is identified on the indicative building footprints and the total number of residential (habitable) storeys is identified in brackets where the total includes basement levels that are partially located above ground due to the sloping nature of the site.

Figure 4: Indicative building footprints and approved heights

On 29 September 2011, the Planning Assessment Commission, under delegation from the then Minister for Planning and Infrastructure approved MP 10_0167 MOD 1, which modified the height limits to ensure ground levels are above potential flood levels from overland flow generated by stormwater and to meet minimum floor to ceiling height requirements.

On 22 November 2011, the Planning Assessment Commission, under delegation from the then Minister for Planning and Infrastructure, approved a project application (MP 10_0181) for Phase 01 of the concept plan. Phase 01 of the project comprised the construction of three residential flat buildings, including 150 social housing dwellings, public domain upgrade works and super lot subdivision of the site. Two of the three buildings are currently under construction.

On 6 February 2013, Sydney East Joint Regional Planning Panel approved DA 489/2011 and DA 141/2011 for the construction of Phase 02 Stages 1 and 4 respectively, consisting of four residential flat buildings with a total 392 private dwellings.

On 10 April 2013, the Sydney East Joint Regional Planning Panel approved DA 390/2012 for demolition and construction of a mixed use building where the existing Senior Citizen's Centre and Phase 01 Building C is located (shown as potential library site and senior citizens centre and Phase 01 Building C in **Figure 3**), including an educational establishment, a residential flat building, basement car park, associated site works and subdivision. The residential component comprised 27 social housing dwellings (in lieu of the Phase 01 Building C approved under MP 10_0181) and 68 privately owned dwellings. The development application only applies to part of the site encompassing Phase 01 Building C.

On 28 June 2013, the Executive Director, Development Assessment Systems and Approvals, under delegation from the then Minister for Planning and Infrastructure, approved a modification request (MP 10_0167 MOD 2) to increase the total number of dwellings from 650 to 723 (73 additional dwellings) and increase the total gross floor area from 63,500 sqm to 65,681 sqm. The proposed increases related to Phase 02 of the development and increased the number of privately owned dwellings from 500 to 573.

On 21 July 2014, the Sydney East Joint Regional Planning Panel approved DA 489/2013 for the construction of Phase 02 (Stage 2 and 3), consisting of three residential flat buildings containing 177 units with basement car parking and three retail shops.

The proponent now seeks to modify the concept plan to increase the building envelopes for Phase 02 (Stage 2 and 3) to accommodate increase amount of dwellings as the proponent identified in the detailed design stages that there was an opportunity to accommodate additional dwellings without adversely impacting on the amenity of adjacent precincts.

2. PROPOSED MODIFICATION

The proponent seeks to modify the concept plan as follows:

- increase the total number of apartments in Phase 02 (Stage 2 and 3) of the approved concept plan from 181 to 218 dwellings apartments (37 additional dwellings);
- increase the total gross floor area of Phase 02 (Stage 2 and 3) from 15,901 sqm to 19,690 sqm. This will consequently increase the floor space ratio of the approved development within Phase 02 (Stage 2 and 3) from 3.0:1 to 3.8:1;
- increase the height of the southern building envelope of Phase 02 (Stage 2 and 3) by two storeys and the maximum height from RL19.5 to RL25.5;
- increase the height of the northern component of the eastern building envelope of Phase 02 (Stage 2 and 3) by two storeys and increase the maximum height from RL 32.8 to RL 39 and the height of the southern component marginally by 0.4 metres from RL 39.5 to RL 39.9; and

- amend condition 11 of the concept plan approval to enable the payment of Section 94 Contributions for the additional dwellings, if not covered in the executed Planning Agreement (PA).

3. STATUTORY CONTEXT

3.1 Modification of the Minister's Approval

In accordance with clause 3 of Schedule 6A of the EP&A Act, section 75W of the 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. Approved projects are transitional Part 3A projects.

Section 75W(2) of the Act provides that a proponent may request the Minister to modify the Minister's approval of a project. The Minister's approval of a modification is not required if the approval of the project as modified would be consistent with the original approval. As the proposed modification seeks to amend plans referenced in the terms of approval and increase the size of the approved building envelopes, the modifications will require the Minister's approval.

3.2 Delegated Authority

Under the Minister's Delegation dated 14 September 2011, the Secretary can determine the application as: Council has not objected to the proposal; a political disclosure statement has not been made for this application, however, a political disclosure statement was made for a related application, being the concept plan; and no public submissions were received objecting to the proposal.

4. CONSULTATION AND SUBMISSIONS

Under section 75X(2)(f) of the EP&A Act, the Secretary is required to make the modification request publicly available. The Department made the modification request publicly available on the Department's website and notified Canterbury City Council and Roads and Maritime Services (RMS) in writing.

RMS and Council has advised that they raise no objections to the proposed modifications. No submissions were received from the public.

5. ASSESSMENT

The Department considers the key issues for the proposed modification to be built form impacts, environmental and residential amenity, social impacts, traffic impacts and development contributions.

5.1 Built form impacts

The concept plan approval (as amended) established a maximum floor space ratio for Phase 02 (Stage 2 and 3) of 3.0:1 and varying building heights, with the highest being a maximum of 10 storeys (RL 48.2). The approved heights for Phase 02 (Stage 2 and 3) are shown in **Figure 5**, ranging from three storeys up to nine storeys.

The proponent seeks to modify the building envelopes by increasing the building envelope height of the Eastern Envelope and Southern Envelope by up to two storeys (approximately 6.0 m) (see **Figure 6**), increasing the permissible floorspace from 15,901 sqm (FSR 3.0:1) to 19,690 sqm (FSR 3.77:1), and making minor amendments to the envelope footprint to better

conform to the articulation of the DA approved scheme for Phase 02 (Stage 2 and 3) (without the proposed additional storeys/dwellings).

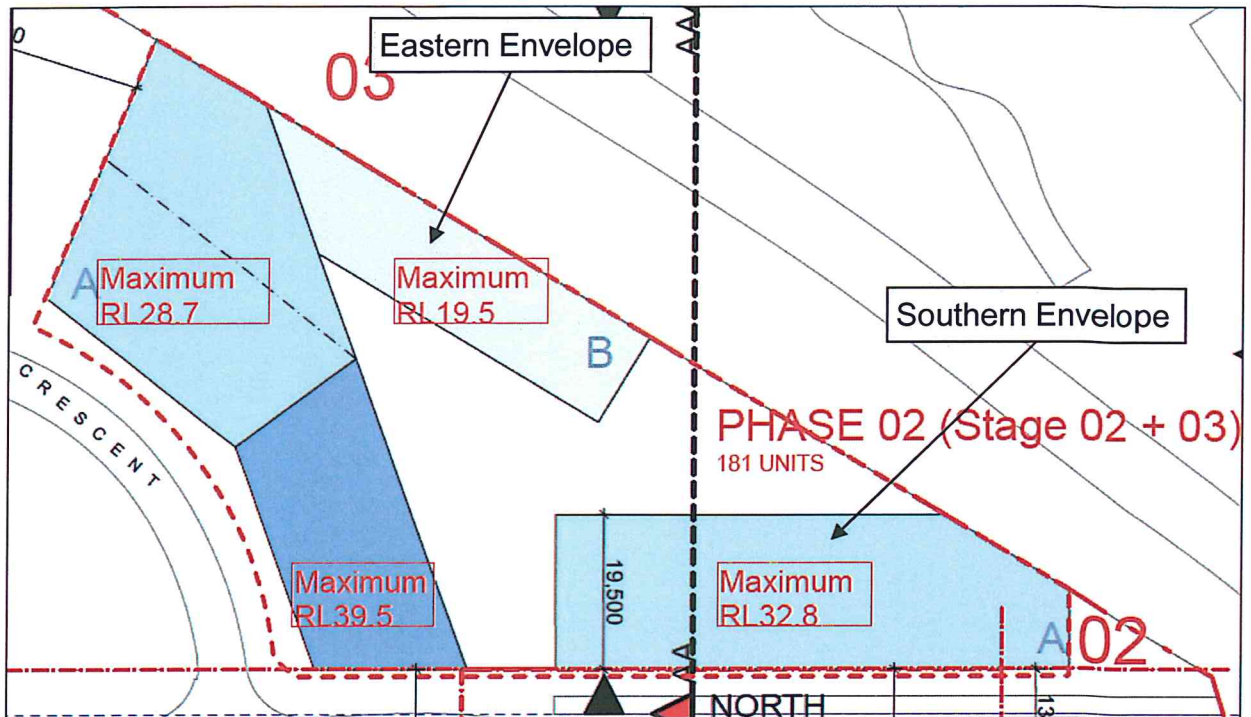


Figure 5: Approved envelopes for Phase 02 (Stage 2 and 3)

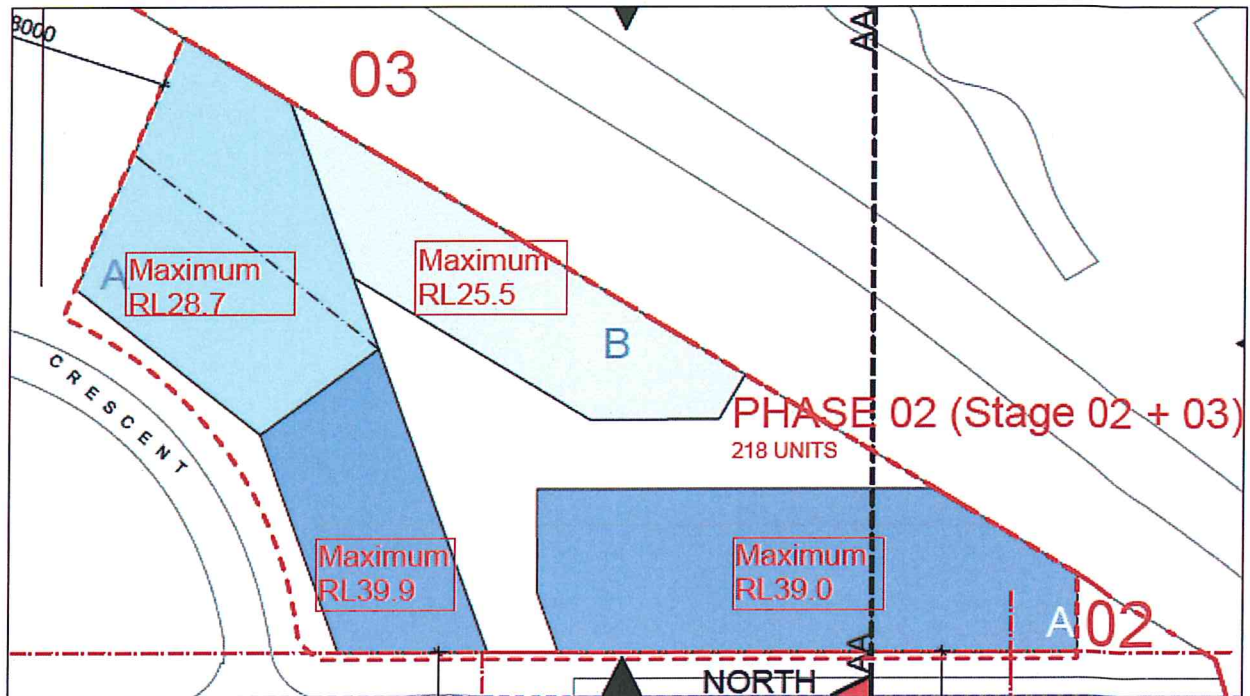


Figure 6: Proposed envelopes for Phase 02 (Stage 2 and 3)

The proponent is seeking to increase the size of the building envelopes to provide additional dwellings, as the proponent identified during the detailed design of this stage that the site can support increased massing with minimal environmental impacts. The Department notes that the additional 37 dwellings proposed within Phase 02 (Stage 2 and 3) equates to an addition of only 34 dwellings to the overall concept plan approval, increasing from 723 to 757 dwellings. The three dwelling discrepancy relates to development consent being granted for only 197

dwelling within Phase 02 (Stage 1), when 200 dwellings were originally approved for Stage 1 under the concept plan.

The proposed minor amendments to the building footprints of the Eastern and Southern Envelopes result in decreases to the building separation distances, as follows:

- 11.5 m to 8.475 m between the Eastern Envelope B and Southern Envelope A; and
- 12.0 m to 9.1 m between the Eastern Envelope A and Southern Envelope A.

The proponent has provided the following justification for the proposed built form amendments:

- the modified building envelope heights are consistent with the height of the surrounding buildings, which include envelopes up to nine storeys within Phase 01 and 02 of the concept plan;
- the height of the building envelopes would maintain the transition in height from the taller forms centrally within the Estate to a lower form adjoining the open space areas;
- the bulk and scale of the modified envelopes are suitable for the locality;
- the envelope footprint and separation amendments sought better reflect the building articulation approved under DA 489/2013; and
- the layout and positioning of the envelopes are generally consistent to the approved scheme.

The Department is satisfied that the increased height of the building envelopes would have acceptable built form impacts as:

- the bulk and scale of the building envelopes are consistent with the surrounding built form and higher density urban character already established for the area;
- the height of the proposed building envelopes would be equal to or lower than the taller nine storey envelopes and 10 storey envelope within the concept plan site;
- the highest building envelopes are positioned on the southern portion of each block, which optimises amenity for future residents;
- the northern envelope continues to be significantly lower than the remainder of the concept plan to provide a transition to Salt Pan Creek Reserve; and
- the proposed increase of the Phase 02 (Stage 2 and 3) south-eastern building envelope from seven to nine storeys is comparable with the increased scale of the eight storey mixed use development to the south of the concept plan, approved by the Sydney East Joint Regional Planning Panel (see **Figure 7**).

Having regard to the building envelope footprint amendments, the separation distances between the building envelopes were reduced by approximately 3.0 metres within DA 489/2013 for Phase 02 (Stage 3) of the project, which was endorsed by Council and approved by the Joint Regional Planning Panel on 21 July 2014. While below that typically recommended within the Residential Flat Design Code (RFDC) (i.e. 9 m to 12 m between non-habitable rooms), the Department is satisfied that an appropriate urban form and building amenity and privacy can be satisfactorily achieved, and would be considered in full at the development application stage.

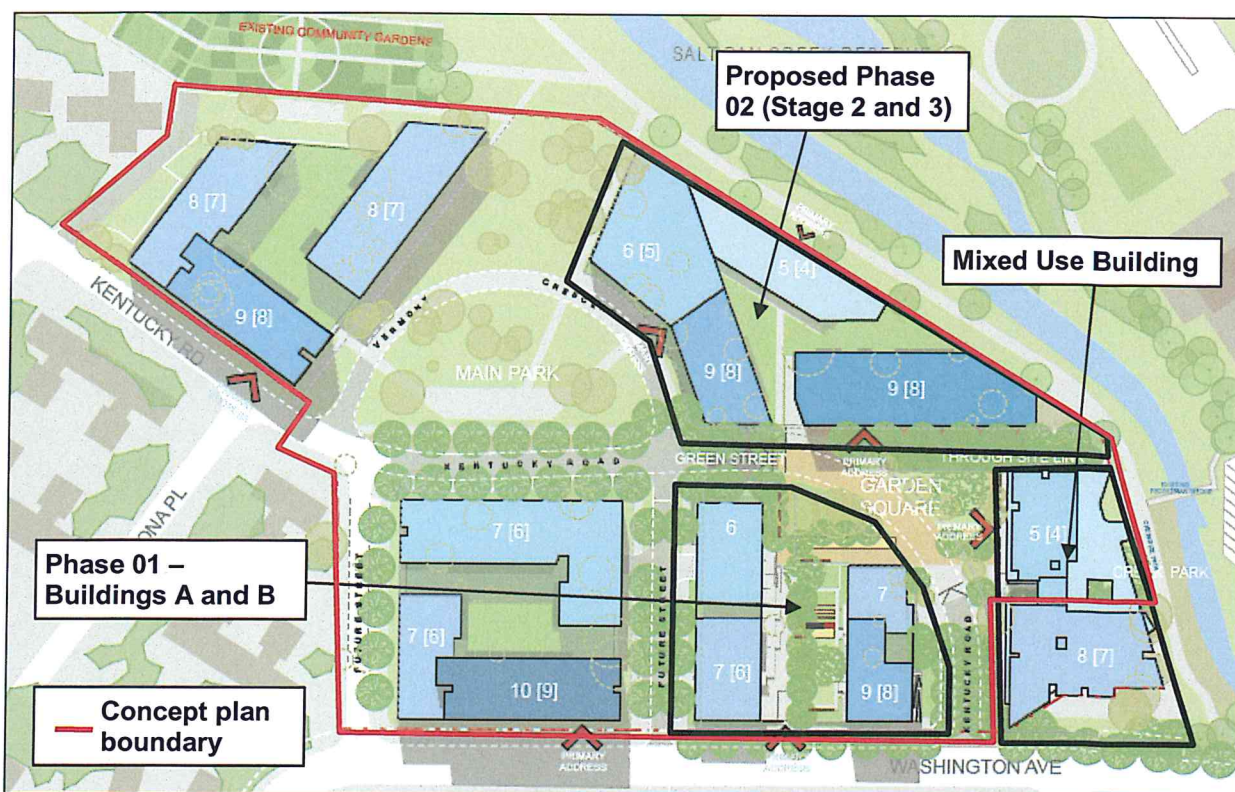


Figure 7: Approved mixed use development partly located on Phase 01 Building C site (see Figure 3)

5.2 Residential and Environmental Amenity

The guidelines in the RFDC relating to ensuring appropriate levels of residential amenity are achieved, including consideration of ceiling heights, cross ventilation, open space and storage would be further assessed in detail at the development application stage. Consideration of SEPP 65, including the draft SEPP 65 amendment, and the RFDC forms a future assessment requirement imposed on the concept plan approval to be addressed in future applications.

The proponent would also need to demonstrate that adequate separation distances between units and the habitable rooms are acceptable in future applications as this level of detail cannot be determined based on the concept plan envelopes. Notwithstanding, the Department notes that the proposed changes marginally reduce the building separation distances between the envelopes by approximately 3.0 metres within Phase 02 (Stage 2 and 3), but would maintain the same separations to other development within the concept plan site. However, the Department considers that the proposed building separation distances, ranging between approximately nine metres and 12 metres can still provide acceptable levels of amenity between units subject to appropriate detailed design consideration, such as positioning of balconies and windows and use of screening to maintain privacy between units.

Overshadowing

The two storey increase in height of the southern building envelope would create additional overshadowing on the completed social housing units in Phase 01 (Stage 1) and the mixed use building. In addition, the increased height of the northern component of the eastern envelope would overshadow units within the same building envelope to the south (see Figures 8 to 10).

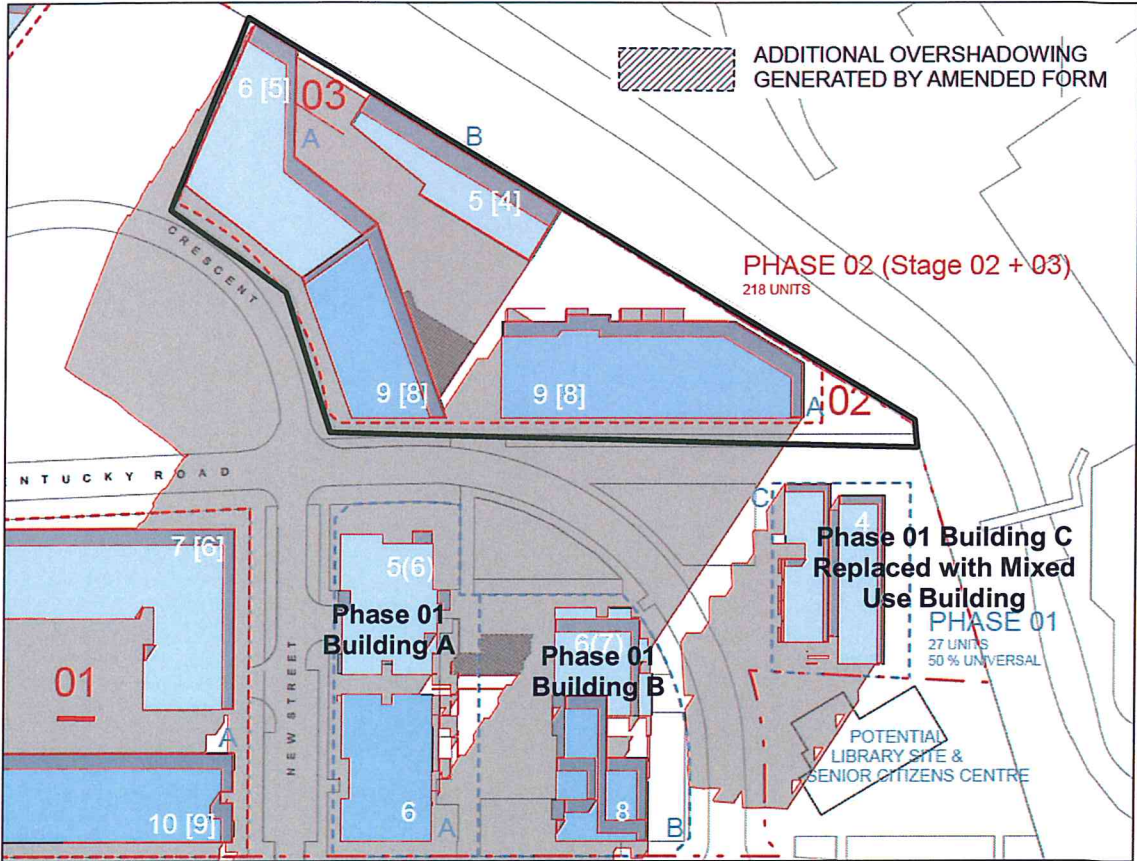


Figure 8: Overshadowing from the proposed Phase 02 (Stage 2 and 3) envelopes during mid-winter at 9 am

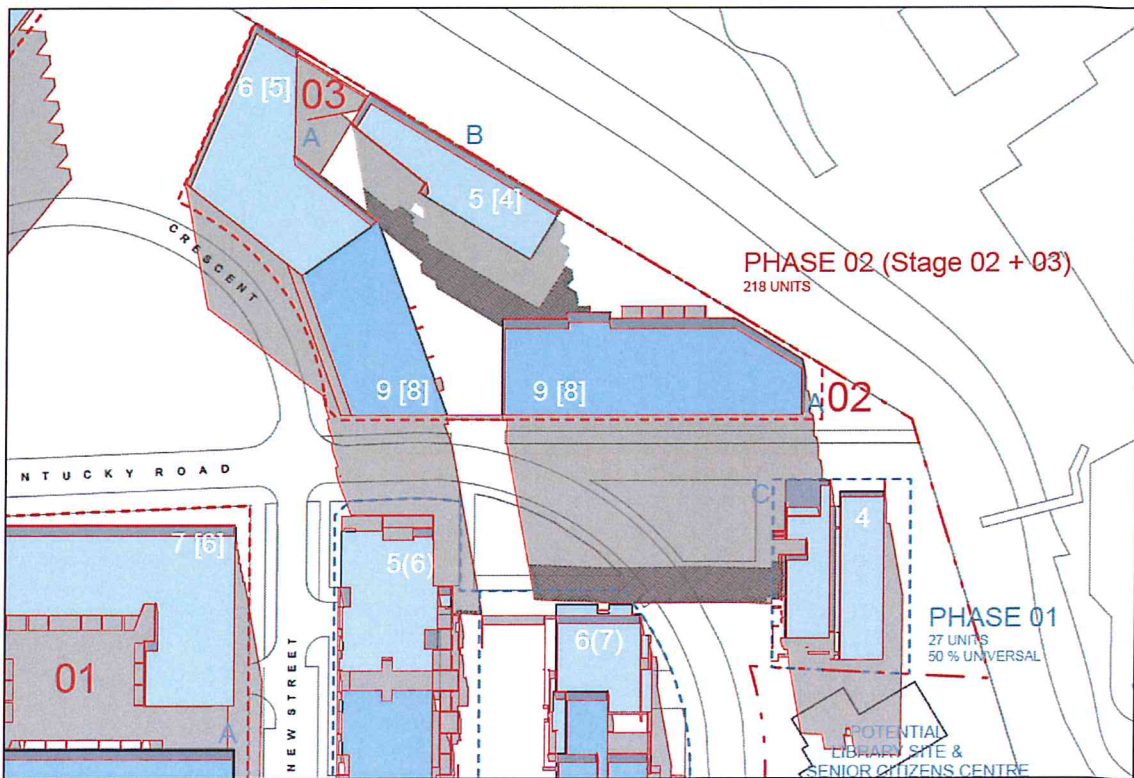


Figure 9: Overshadowing from the proposed Phase 02 (Stage 2 and 3) envelopes during mid-winter at midday

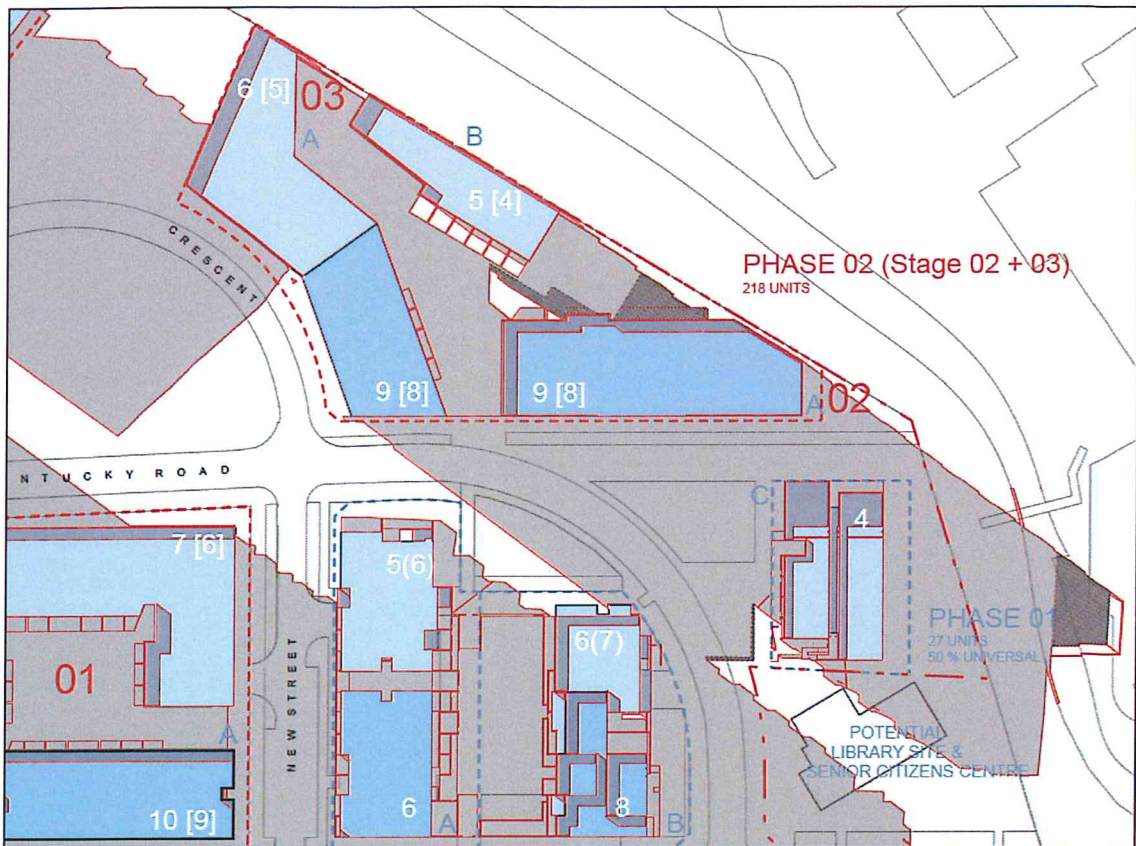


Figure 10: Overshadowing from the proposed Phase 02 (Stage 2 and 3) envelopes during mid-winter at 3 pm

The proponent contends that the additional overshadowing impacts would not be significant as:

- the future buildings would achieve a high level of solar access due to the orientation of the envelopes to the north;
- the overshadowing is predominantly contained within Phase 02 (Stage 2 and 3) and falls onto the communal open space areas, which would still achieve high levels of solar access;
- the additional overshadowing to Phase 01 buildings is minor and limited to early morning;
- overshadowing of Garden Square would occur around midday but large areas north and east of the library would maintain sunlight; and
- it would not impacts properties outside of the concept plan site.

The overshadowing from the additional two storeys on the southern envelopes would reduce solar access to the north eastern units within Phase 01 Building A and B. The proponent has advised that whilst the north-eastern apartments within Building A on the ground floor and upper ground floor and north facing units on the lower levels of Building B would encounter additional overshadowing they would still retain two hours of solar access in mid-winter in high density areas. The modifications would also result in three units of the mixed use development losing the minimum two hours of solar access required during mid-winter, however, the proponent has indicated that the overall number of dwellings receiving a minimum two hours of solar access during mid-winter would meet the 70 per cent recommended in the RFDC.

The overshadowing impacts from the two additional storeys for the northern component of the eastern envelope would potentially reduce the number of units receiving the minimum solar access in the lower levels within the southern envelope, however, this is offset by the additional units that could be accommodated within both the modified envelopes. The proponent has indicated that it would result in a marginal increase from 71.2 per cent of units

to 72 per cent of units achieving the minimum two hours of solar access required during mid-winter.

Council raised no issues with the level of overshadowing. The Department notes that the additional overshadowing would fall on the northern units and north-eastern units of Phase 01 Building A and northern units of Phase 01 Building B. The overshadowing would be restricted to the early morning and the additional overshadowing would generally be for less than 30 minutes for the affected units. The units to be affected by the additional overshadowing also receive solar access in the afternoon due to the northerly orientation and would therefore all retain the minimum two hours of solar access required during mid-winter. Accordingly, the overshadowing of these units would not reduce solar access below acceptable amenity criteria. The redesigned mixed use building that replaces the approved Building C has a significantly higher number of units that are able to receive the two hours of solar access during mid-winter and therefore the increased overshadowing would not reduce solar access to below the acceptable amenity criteria.

The increase in height of the southern envelope would also further overshadow Garden Square at 12 noon during mid-winter, resulting in an approximate 25 per cent increase in overshadowing. Notwithstanding, the current design already results in substantial overshadowing of this open space area (see **Figure 9**), with the additional overshadowing predominantly limited to hard landscaped/pedestrian access areas and generally no additional overshadowing projected to soft landscaped areas.

The Department also notes that future assessment requirement No.4 applies to future stages of development within the concept plan, requiring adequate solar access is provided and that the requirements of the residential flat design code guidelines are satisfied.

The Department concludes that the overshadowing impacts from the two additional storeys for both the envelopes is acceptable as the additional overshadowing is contained to within the concept plan area and the buildings to be impacted would maintain appropriate levels of solar access.

5.3 Social Impacts

The proposed modifications, will allow for the delivery of additional private housing, comprising one and two bedroom dwellings. This would increase the proportion of the smaller dwelling types proposed for the concept plan and would result in an overall reduced proportion of social housing within the concept plan.

The proponent considers the variations would have a positive social impact by increasing the number of dwellings to further contribute to the State dwelling targets for the region, and cater for the current and predicted demographic of the region, including the ageing population, lone person households and market demand for two bedroom households. The proponent has also indicated that the average price for the private dwellings sold within the development is below the median price for units within the suburb and is therefore providing more affordable housing.

The Department is satisfied that the increased number of private residences is acceptable as it would not reduce the total social housing (150 units) provided within the concept plan and given the surrounding social housing, the relatively small increase in private dwellings would not significantly impact the social diversification within the estate, which was a key objective of the renewal project. The increase in total dwellings based on smaller dwellings also allows the greatest flexibility in the design for modification to the detailed design for this final Stage. The additional private housing and density is acceptable as they would be more affordable relative to detached housing and will contribute to the delivery of more dwellings to meet targets in the draft Metropolitan Strategy for Sydney to 2031.

The Department is supportive of the modifications as it would continue to support the urban renewal of the area, regeneration of social housing stock, increased housing supply and increased social diversity.

5.4 Traffic and car parking impacts

The proposed modification will increase the total number of dwellings from 723 to 757 and therefore increase traffic generation. The proposed additional 34 dwellings have the potential to generate an additional 17 trips during peak hour. The proponent has assessed the impact of the additional trips on the affected intersections and concludes that the additional traffic generated by the modified concept plan would have acceptable impacts on the local traffic network as the variations would not alter the level of service from the effected intersections which are expected to continue to operate at good levels of service (Level of Service A and B) with negligible increases to the average vehicle delay (by 0.1 and 0.5 seconds).

RMS raised no issues with the increased traffic. The Department considers the additional traffic can be accommodated on the local traffic network and therefore the modifications are acceptable.

Future assessment requirement No.5 applies to all future stages of development, requiring the traffic and transport impacts to be assessed and that the car parking demand and supply is satisfactorily addressed. Therefore any future development application or modifications to the approved development applications for private development within Phase 02 (Stage 2 and 3) of the concept plan approval would need to demonstrate to Council that adequate car parking has been provided.

5.5 Development Contributions

The Department notes that a Planning Agreement (PA) has been executed between Council and the proponent in lieu of contributions under section 94 of the EP&A Act, as required by the future assessment requirements of the concept plan, and the planning agreement applies to development applications for Phase 02 (private residential development). The proponent has requested that the future assessment requirement be modified to allow Council to collect contributions under section 94 of the EP&A Act, where the existing planning agreement cannot cater for the increased dwellings, as outlined below in bold:

*The Proponent shall demonstrate that prior to lodgement of any future application for Phase 02 and beyond that a Planning Agreement between the Proponent and Council has been agreed to and that the requirements for that stage have been incorporated into the proposed works and the delivery or payment of funds would be contemplated with the relevant stage. Alternatively, if a Planning Agreement has not been entered into **or if additional dwellings are proposed that exceed the development as described in the executed Planning Agreement, Council's Section 94 Contributions Plan will apply.***

The PA between Council and the proponent will deliver the major infrastructure required for the renewal of this area. Council has advised the Department that the application of Council's contributions plan instead of revising the PA appropriate. Accordingly, the Department considers that a revision to the future assessment requirement to allow for the payment of contributions under Canterbury Development Contributions Plan 2013 acceptable as Council would still be able to require development contributions for the increase density and associated demand on local services and infrastructure.

6. CONCLUSION AND RECOMMENDATION

6.1 Conclusion

The Department has considered the requested modifications to concept plan approval MP 10_0167, which establishes the framework for future development of the Riverwood North Residential Estate, and considered the key issues associated with these modifications. The proposed modifications to the envelopes of Phase 02 (Stage 2 and 3) are considered acceptable as the modifications would not result in any significant environmental impacts.

The Department continues to be supportive of the additional floorspace as it would continue to:

- support the increased development intensity required to assist in urban renewal of the site;
- provide additional housing to meet regional targets; and
- support the diversification of the housing and social mix in the area.

The Department therefore has recommended the modifications to the concept plan be approved to modify the building envelopes and increase the permissible floorspace and dwellings accordingly.

6.2 Recommendation

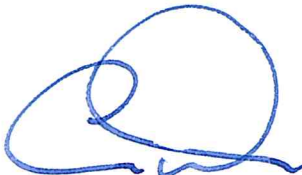
It is recommended that the Secretary:

- a) **Consider** the findings and recommendations of this report;
- b) **Approve** the modifications, under section 75W of the *Environmental Planning and Assessment Act, 1979*, and;
- c) **Sign** the attached instrument of modification approval (**Appendix C**).

Endorsed by:



David Gibson
Team Leader
Key Sites



29.10.14

Chris Wilson
Executive Director
Infrastructure and Industry Assessments

APPENDIX A MODIFICATION REQUEST

See the Department's website at:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=6645

APPENDIX B SUBMISSIONS

See the Department's website at:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=6645

APPENDIX C RECOMMENDED MODIFYING INSTRUMENT
