



**Major Project 09\_0160  
'Bay Park' Residential Concept Plan  
23 Bennelong Parkway, Wentworth Point**

**Response to Submissions &  
Preferred Project Report**

**May 2010**

---

**TABLE OF CONTENTS**

1 INTRODUCTION..... 1

2 RESPONSE TO SUBMISSIONS..... 1

3 RESPONSE TO KEY ISSUES ..... 6

4 ADDITIONAL INFORMATION ..... 7

5 PREFERRED PROJECT REPORT ..... 9

    5.1 Proposed amendments ..... 9


    5.2 Revised project description ..... 9

    5.3 Assessment of Preferred Project..... 10

6 AMENDED STATEMENT OF COMMITMENTS ..... 12

**LIST OF APPENDICES**

| No. | Description                                | Prepared by                  |
|-----|--|------------------------------|
| 1   | Revised architectural drawings & statement | Turner + Associates          |
| 2   | Cumulative traffic statement               | Varga Traffic Planning       |
| 3   | Precinct F – GFA and open space areas      | Lockley Land Title Solutions |
| 4   | Contamination assessment                   | CES                          |

| Job No/<br>Document No   | Description<br>of Issue | Prepared By/<br>Date | Reviewed by | Approved by Project<br>Manager/Director   |
|--|-------------------------|----------------------|-------------|---|
| 29073/PPR  | Draft                   | DR/11.05.10          | DR          |  |
| 29073/PPR  | Final                   | DR/12.05.10          | DR          |   |
| <b>Note:</b> This document is preliminary unless it is approved by a Project Manager or Director of City Plan Strategy & Development |                         |                      |             |   |

## 1 INTRODUCTION

Major Project Application MP 09\_0160 was lodged with the Department of Planning (“the Department”) on 13 August 2010. The application by Henlia No. 3 Pty Limited is for approval of a Concept Plan to construct a residential flat building containing 601 units, a community park, road extension and associated facilities on land at 23 Bennelong Parkway, Wentworth Point.

The Application was publicly exhibited from 3 March 2010 until 2 April 2010.

This report responds to the Department’s letter of advice dated 13 April 2010 in relation to the outcome of its review of submissions. Our report contains the following:

1. Responses to submissions received pursuant to Section 75H(6) of the Act.
2. A response to the key assessment issue identified by the Department.
3. Additional information required by the Department to complete its assessment.
4. A Preferred Project Report describing proposed amendments to the proposal in response to the above issues.
5. An amended Statement of Commitments.

## 2 RESPONSE TO SUBMISSIONS

Seven (7) submissions were received from the public and government agencies in response to the exhibition of the Concept Plan.

These submissions and the applicant’s responses are contained in the Table below.

| COMMENT   | RESPONSE  |
|---|---|
| <b>Resident</b><br><b>Stromboli Strait Homebush Bay</b><br>Agrees with concept plan   | Noted.<br><br><i>No alteration to submitted Concept Plan required.</i>  |
| <b>Resident</b><br><b>Bennelong Pkwy, Homebush Bay</b><br>No objection to proposed apartments, however concern that, existing facilities like the tennis courts and gym will not be sufficient for the amount of residents that reside at the Waterfront. Would like to see more facilities built at 23 Bennelong Pwy to accommodate these potential new residents.   | The inclusion of the construction of a fully embellished “Bay Park” within this proposal provides a major recreational facility for the whole Waterfront community.<br><br><i>No alteration to submitted Concept Plan proposed.</i> |
| <b>State Transit Authority</b><br>No objection to proposal.<br>The proposal provides opportunities for improvements in the local/regional transport system.<br>STA encourages investment in infrastructure before development in the area intensifies. This might include upgrading of bus stop facilities, extension of bus zones to minimum standards and to ensure the road environment is sufficient and free of impediments. | Noted.<br><br><i>No alteration to submitted Concept Plan required.</i>  |
| <b>Sydney Water</b>   |   |

|  |   |
|--|---|
| <p>Will further assess the impact of the development when proponent applies for Section 73 Certificate. Any adjustments needed to SW infrastructure as a result of the development must be funded by the proponent</p>   | <p>Proponent will apply for Section 73 Certificate at relevant time and meet any relevant infrastructure funding requirements.</p> <p><i>No alteration to submitted Concept Plan required.</i></p>  |
| <p><b>Sydney Olympic Park Authority</b><br/> <u>Radio Towers</u><br/>                 Sydney Olympic Park Authority commissioned Radhaz Consulting Pty Ltd to review development impacts on the adjacent 2UE and 2SM Radio Towers. This assessment identified earthing as critical to ensure the Radio Towers are able to continue operating at existing general public EME exposure levels and reduce or eliminate shocks from induced currents during construction. It is requested that earthing is addressed as a Key Issue in the Major Project application.</p> <p><u>Ecology</u><br/>                 The ecological assessment fails to identify or assess impacts of building shadowing on the adjacent estuarine Nuwi Wetland. Design of the buildings should avoid this impact or at least sufficient ecological assessment undertaken to assess potential impacts of shadowing on adjacent ecological areas.</p> | <p>The requirements attached to the SOPA submission will be incorporated into the Construction Management Plan for the proposal at relevant subsequent detailed applications.</p> <p><i>Included in amended Statement of Commitments.</i></p> <p>Amended shadow diagrams showing the Nuwi Wetlands are attached to this response (<b>Appendix 1</b>). They indicate that there is some overshadowing of northern portions of the Wetlands in mid Winter until approximately 1pm, until 10am at the Equinoxes and no overshadowing between 9am – 3pm for the rest of the year.</p> <p>Based on the minor extent of overshadowing it is considered that there will be minimal impact on the ecology of the Wetland.</p> <p>Ecological advice obtained by the applicant indicates that bird life will not be threatened as migratory birds arrive in September and depart in March, whereas the main effects of shadowing are experienced during the winter period and even then not over a large part of the site.</p> <p>There are no estuarine salt marsh vegetation issues. The area is principally mangrove colony on the perimeter and will not be damaged. The other area is mud flats. There is ample evidence of the survival of mangroves under brief shadows.</p> <p><i>No alteration to submitted Concept Plan proposed.</i></p> |
| <p><b>Sydney Regional Development Advisory Committee</b><br/>                 The proposed layout of car parking under Amalfi Drive will restrict future designs for the provision of services within the road reserve for the provision of future services. However as Amalfi Drive is a local road, support or objection to this proposal rests with Council. Should this be supported, structural details of the car park and adjoining structures should be adequate to service the expected loads and should be to Council's satisfaction.</p> <p>Car parking for buildings A, B and C is shown</p>   | <p>Council's submission raises no specific objection to car parking under road. Precedents for parking under roads have been set in lot 9 and lot 10 Concept Plan approvals in Wentworth Point. The design of the road, inclusive of provision for services and load bearing requirements will be to Council specifications as part of subsequent detailed applications.</p> <p><i>Included in amended Statement of Commitments.</i></p> <p>Current Statement of Commitments commits to</p>   |

|   |   |
|---|---|
| <p>as being connected, however circulation ramps between basement and ground level could not be identified on the plans. The circulation ramps are to be designed in accordance with AS2890.1-2004.</p> <p>Whilst the increase in the number of dwellings and parking spaces associated with the proposed development is minor compared to the overall scale of the development proposed in the Homebush Bay West DCP, the cumulative traffic impact of all these developments should be considered when determining the traffic impacts on adjoining intesections. The traffic report has not assessed the cumulative traffic impact in this regard.</p> <p>Council should ensure that gradients for the development comply with AS2890.1-2004 clause 3.3(a).</p> <p>SRDAC provides a number of advisory comments for xonsideration in the determination of the DA, including parking area design in accordance tith AS2890.1-2004 and AS2890-2002 and other design specifications.</p>                                | <p>the basement design being in accordance with AS2890.1.</p> <p><i>No alteration to submitted Concept Plan proposed.</i></p> <p>Varga Traffic Planning (<b>Appendix 2</b>) has reviewed the various reports and masterplans for the locality which dealt with the cumulative traffic implications of this and all other development proposals, and concludes that:</p> <p>“The proposed development is within the density controls, and therefore should not create any greater cumulative impacts than originally planned”</p> <p><i>No alteration to submitted Concept Plan proposed.</i></p> <p>Current Statement of Commitments commits to the basement design being in accordance with AS2890.1.</p> <p><i>No alteration to submitted Concept Plan proposed.</i></p> <p>Current Statement of Commitments commits to the basement design being in accordance with AS2890.1.</p> <p><i>No alteration to submitted Concept Plan proposed.</i></p>  |
| <p><b>Auburn Council</b><br/><u>Land Use</u><br/>Exclusively residential use is generally consistent with the development of the peninsula and there is no objection to not providing retail/café/dining space. However providing increased floor to ceiling heights on the ground floor in potential locations for future retail/café/dining use would allow units to be altered in the future if desired.</p> <p><u>Building location and Envelopes</u><br/>In principal there is no objection to the building locations however the issues raised above in relation to street and footpath widths are applicable which may impact on building footprints.</p> <p><u>Building Height and “Pop-Ups”</u><br/>Levels 5, 6 and 7 on buildings B and C fronting “Amalfi Drive” are of concern. Secondary east-west streets or north south streets should have a maximum of 4 storeys with the opportunity for “pop-ups”.</p> <p>“Pop-ups” as shown in the diagram on page 50 of the HBW DCP under 3.4.2 vii allows the</p> | <p>Illustrative plans and sections show that the ground floor units facing Bennelong Parkway have an increased floor-to-floor height of 3900mm (as opposed to the more typical 3000mm). Also, the corner of Building B where the existing Amalfi Drive enters the site has a floor-to floor height of 4m due to the natural topography at this point. This satisfies the request to allow for potential future retail uses by providing increased ceiling heights at ground level.</p> <p><i>No alteration to submitted Concept Plan required.</i></p> <p>Noted, however there is no other reference in the submission to street and footpath widths.</p> <p><i>No alteration to submitted Concept Plan proposed.</i></p> <p>Whilst it is considered that notwithstanding the variation to the height of the Amalfi Drive frontage the submitted scheme is reasonable and acceptable in terms of its impacts, amended plans have been prepared to reduce the building height along parts of this frontage.</p> <p><i>Amendments proposed in Preferred Project</i></p> |

following:

- Buildings of 4 storeys may be varied by up to 2 additional storeys whose gross floor area is no more than 10% of the total gross floor area of the building

The proposed plans for the residential flat buildings appear to be far greater than 10% of each building. Council does not consider the proposal to be characterised as “pop-ups”. The additional height increases the scale of the buildings and will dominate the streetscape.

Community Open Space

Precinct F is to provide a total area of public open space of 18,219 square metres under the HBW DCP. This total area proposed is stipulated to be made up of Stromboli Place, foreshore open space, Pocket Park and Bay Park proposed over land at 23 Bennelong Parkway.

The 4,910 sq metres of open space proposed in the DA application, with a portion comprising of underground car parking, will not meet the total public open space area requirements for Precinct F, as detailed in the HBW DCP on page 48.

Furthermore, the underground car parking component encroaching upon Bay Park does not meet the requirements of page 43 of the HBW DCP which is to dedicate the public open space to Council.

The DA application does not illustrate how the open space proposed in the DA meets Precinct F requirements for the 18,219 square metres. It is recommended that the Residential Flat Building development, with accompanying underground car parking, be proposed with adequate open space in order to comply with the total open space as espoused for in the HBW DCP for Precinct F.

Building Separation

Concern is raised regarding the building separation and privacy of the building at various points throughout the proposal. Section 3.4.5 of the HBW DCP stipulates the following building Separations:

- i. For buildings up to 4 storeys, provide:
  - 12m between habitable rooms / balcony edges
  - 9m between habitable rooms / balcony edges and non-habitable rooms
  - 6m between non-habitable rooms
- ii. For buildings of 5 – 8 storeys, provide:
  - 18m between habitable rooms / balcony edges
  - 13m between habitable rooms /

*Report at Section 5 of the Report and modified plans attached as **Appendix 1**.*

The schedule prepared by Lockley Land Title Solutions and attached to this submission outlines the areas comprising the total open space to be provided in Precinct F, inclusive of the 4,907m<sup>2</sup> contained within the proposed “Bay Park”. This demonstrates that the total area of publicly available open space, inclusive of the areas specified in Council’s submission, comprises 19,360 m<sup>2</sup> and therefore exceeds the DCP requirement.

The Bay Park will be fully accessible to the general public and contains a substantial component of deep soil planting.

The car parking structure under the Bay Park is able to be included in a Stratum lot which, should Council so require, could be transferred to Council at any time and is therefore not inconsistent with the DCP requirement for dedication.

*The inclusion of the Bay Park as a separate lot will be included in the amended Statement of Commitments.*

The Concept Plan drawings show indicative block and apartment layouts and not a literal detailed design. Compliance with HBWDGP and SEPP 65 privacy requirements will be demonstrated at the subsequent detailed application stage, however the submitted Concept is capable of achieving acceptable compliance as follows.

Indicative building layout plans demonstrating the adequacy of separation and privacy in the Concept Plan accompany this Report at **Appendix 1**.

The separation between Buildings B and C range from 12m to 19.4m. At the tightest end, the rooms at these corners would be facing predominantly towards the park, so only

|   |  |
|---|--|
| <p>balcony edges and non-habitable rooms</p> <ul style="list-style-type: none"> <li>▪ 9m between non-habitable rooms</li> </ul> <p>Concern is raised at locations such as the pedestrian thoroughfare between building B and C, Building A and existing “Portofino” Building, Building B and existing “Capri” Building and Building C and existing “Sorrento” building and the building separations should be increased to maintain unit amenity. Measures should also be implemented to maintain privacy around convergence points within the proposed buildings.</p>  | <p>secondary windows, or no windows, would be facing from one building to another. The next room back from the street will be a minimum of 13m from the one opposite; for buildings of 8 storeys the DCP allows for a 13m separation between habitable rooms / balcony edges and non-habitable rooms. This could be provided for in the detailed design. Once the separation has increased towards 18m, habitable rooms may be opposite each other.</p> <p>The separation between Building B and Capri is approximately 8.5m and 10m at its closest points. Building B has units shown on the illustrative plans facing towards Capri. The elevation facing this from Capri has only small, secondary windows to habitable spaces, and windows to wet areas. The separation of these uses is therefore largely compliant with the DCP.</p> <p>The separation between Building C and Sorrento is 9m at its closest points. For buildings of 5- to 8-storeys, 9m separation is permissible between habitable rooms / balcony edges and non-habitable rooms, and 12m separation is permissible between habitable rooms. Building C presents only the side of units towards the boundary, meaning that the primary fenestration could face away from its neighbour. The elevation facing this from Sorrento has only small, secondary windows to habitable spaces, and windows to wet areas. The separation of these uses is therefore compliant with the DCP.</p> <p><i>No alteration to submitted Concept Plan proposed.</i></p> |
| <p><u>Other Design Features</u></p> <p>Design Controls which have been consistently applied by Council assessment of the proposals within land subject to the HBW DCP area include:</p> <ul style="list-style-type: none"> <li>• Ground floor courtyards and podiums should have a minimum 25 m<sup>2</sup> outdoor private open space per page 62 of HBW DCP.</li> <li>• Building Entries should be made prominent from any Street Location and be articulated from the façade of the building, additionally Mail Box facilities should be shown on the plans.</li> <li>• Bicycle and motorcycle parking should be provided in the basement are as per HBW DCP requirements.</li> <li>• Apartments over 15 meters long should be a minimum of 4 meters wide to avoid deep narrow apartment layouts.</li> <li>• Single Aspect apartments should be limited in depth to no more than 8 meters. Where this is unavoidable, service areas should be located at the rear of the apartment.</li> <li>• Basement storage should be provided to</li> </ul> | <p>All of these issues have been incorporated, where appropriate to a Concept Plan level of detail, or will be the subject of the detail design of a Project Application or DA. The Concept Plan is capable of achieving acceptable compliance with Council’s requirements.</p> <p><i>No alteration to submitted Concept Plan proposed.</i></p>  |

the building or storage area provided to each apartment.

- Primary balconies for one-bedroom apartments are to have a minimum depth of 2 metres and a minimum area of 8 m<sup>2</sup>. Primary balconies for two- and three bedroom apartments are to have a minimum depth of 2.4 metres and a minimum area of 10m<sup>2</sup>.
- Floor to ceiling heights as per Section 4.4.4 of the HBW DCP.
- 20% Accessibility of apartments within the proposal as per Section 4.4.5 of the HBW DCP
- Maximize compliance with the Daylight Access controls of Section 4.5.2 as follows: *For 3 or more storey developments, provide at least 75% of residential apartments with at least 2 hours of sunlight to living rooms and private open spaces between 9.00 am and 3.00 pm in mid-winter.*
- Limit the number of single-aspect apartments with a southerly aspect (SW–SE) to a maximum of 10 percent of the total units proposed.
- Consideration should be made into the provision of Public Art and Design Section 4.8 of the HBW DCP within the overall design concept.

### 3 RESPONSE TO KEY ISSUES

The Department's letter dated 13 April 2010 identified building height as a key issue to be addressed in its assessment of this application, as follows:

*The height of the Buildings B and C fronting Amalfi Drive exceed the 4-6 storey height limit set by the Homebush Bay West DCP (HBW DCP). The current EA does not provide sufficient justification to depart from this built form requirement. Any departures from the DCP require strong justification including an assessment of the non-complying building elements of Building B and C that:*

- *Increase the bulk and scale of the buildings when viewed in the context of existing nearby buildings and the proposed park; and*
- *Reduces solar access to the podium level communal open space and lower level units.*

*Further massing option of these buildings should be investigated with particular consideration given to maximizing solar access to lower level units and communal open space and providing further articulation to the building.*

*Streetscape elevations showing the buildings and their relationship with adjoining buildings and Bay Park should also be submitted.*

Turner and Associates has prepared amended plans for Amalfi Drive frontage which reduce the height of 'pop ups' along this frontage (see **Appendix 1**). Details of the amendments and an assessment in the terms of the issues raised above by the Department are contained in the Preferred Project Report at Section 5 of this report.

## 4 ADDITIONAL INFORMATION

The Department's letter dated 13 April 2010 required additional information to be submitted to enable it to complete its assessment of the application.

These requirements and the applicant's responses are contained in the Table below.

| COMMENT  | RESPONSE   |
|--|--|
| The EA should provide further detail on the floor space transfer between Precincts C and F that was required as part of Major Project MP06_0098 for redevelopment of Lot 9, Hill Road. Further details including a registered surveyor's report and plan showing the floor space allocation (existing and proposed) for Precincts C and F are to be submitted.   | Lockley Land Title Solutions has prepared an updated GFA schedule of Precinct F inclusive of Transfer of GFA to Precinct C. See <b>Appendix 3</b> . The schedule confirms that with the additional 45,500m <sup>2</sup> of residential GFA proposed in this (amended) application, which is the last 'un-approved' site in Precinct F, the total GFA for the Precinct will be 224,024m <sup>2</sup> (3,824m <sup>2</sup> under the adjusted allowable maximum of 227,848m <sup>2</sup> ). See Calculation Table following this schedule. |
| The EA does not clearly demonstrate whether the proposal will provide sufficient amenity between units, in particular where building separation distances do not meet the provisions of the <i>Residential Flat Design Code (RFDC)</i> under <i>State Environmental Planning Policy 65 (SEPP 65)</i> . Further details shall be submitted to demonstrate that any amenity impact can be suitably managed between buildings.  | This issue was addressed in response to Auburn Council's submission in Section 2 of this Report. Turner and Associates has provide selected indicative plans which demonstrate how adequate separation can be achieved at closest points between buildings on and off site. See <b>Appendix 1</b> .  |
| Further details demonstrating the site can be made suitable for the residential development and use as public open space with accessible soils, in accordance with the provisions of <i>State Environmental Planning Policy 55 (SEPP 55) – Remediation of Land</i> .   | CES has provided an updated letter addressing this issue. See <b>Appendix 4</b> .  |
| Revised shadow diagrams clearly showing the width of the road (Bennelong Parkway) and extent of overshadowing to the adjacent Nuwi Wetland.  | This issue was addressed in the response to the SOPA submission in Section 2 of this Report. See <b>Appendix 1</b> .   |
| Further information regarding the future ownership and management of the park.   | The Park will be subdivided into a separate lot which will enable its future ownership to be determined at a future stage in consultation with Council.  |
| Clarify landscaping, communal (private) open space, deep soil planting and public open space calculations, including: <ul style="list-style-type: none"> <li>• A breakdown of the total landscaped area</li> <li>• The area of the site excluding the proposed Amalfi Road</li> <li>• The amount of private open space which will be deep soil planting</li> <li>• Confirmation as to whether the 'through site link' between Buildings B and C will be publicly accessible</li> <li>• Details on proposed landscaped</li> </ul> | Turner and Associates has prepared plans and calculations addressing each of the listed items. Refer Plan DA06 Rev F in <b>Appendix 1</b> .  |

|   |   |
|---|---|
| (deep soil) area of Bay Park over the basement car park   |   |
| Justification as to how the quantity of open space compares to the Precinct F requirements of the HBW DCP.  | <p>Lockley Land Title Solutions has prepared an updated Precinct F open space calculation. See <b>Appendix 3</b>.</p> <p>The schedule confirms that with the additional 4,907m<sup>2</sup> of open space proposed in this application, which is the last 'un-approved' site in Precinct F, the total open space for the Precinct will be 19,360m<sup>2</sup> (1,141m<sup>2</sup> over the minimum requirement of 18,219m<sup>2</sup>).</p>  |
| Details addressing existing and future coastal hazards and sea level rise in accordance with the <i>Draft Sea Level Rise Policy Statement</i> (NSW Government, October 2009). | <p>The <i>Draft Sea Level Rise Policy Statement</i> indicates NSW sea level rise planning benchmarks increase above 1990 mean sea levels of 40cm by 2050 and 90cm by 2100.</p> <p>Based on advice from coastal expert Gary Blumberg, the AHD presently adopted for Sydney Harbour is RL1.5. The predicted increase of 90cm by 2100 would take the sea level to 2.4m AHD. Allowing for a 50cm "freeboard" this would take the design level to 2.9m.</p> <p>The FFL of the lowest habitable floor level is at RL 3.45m. This would give a 0.55m clearance in 100 years.</p> <p>Mr Blumberg advised that this is more than adequate given that the site is set well back from the Bay and was not at risk from wave action or the like, including storm surges.</p> <p>Therefore, the proposed development satisfies the Draft Policy Statement's planning criteria in that it:</p> <ol style="list-style-type: none"> <li>1. avoids exposure to immediate coastal risks</li> <li>2. does not adversely affect the safety of residents, workers or other occupants on-site from risks associated with coastal processes</li> <li>3. does not adversely affect the safety of the public off-site from a change in coastal risks as a result of the development</li> <li>4. does not increase coastal risks to properties adjoining or within the locality of the site</li> <li>5. Infrastructure, services and utilities on-site maintain their function and achieve their intended design performance</li> <li>6. does not impact on natural coastal processes</li> <li>7. does not impact on coastal ecosystems</li> <li>8. does not impact on existing public beaches, foreshore or waterfront access and amenity</li> </ol> |

**Precinct F Floor space calculations**

| Areas                  | Allowable in DCP (m <sup>2</sup> ) | Existing & approved (m <sup>2</sup> ) | This application (m <sup>2</sup> ) | Proposed total (m <sup>2</sup> ) |
|------------------------|------------------------------------|---------------------------------------|------------------------------------|----------------------------------|
| Residential GFA        | 234,642                            | 182,006                               | 45,500                             |                                  |
| Community uses offset  |                                    | (7,203)                               |                                    |                                  |
| Retail/commercial GFA  | 2,200                              | 3,721                                 | 0                                  |                                  |
| Transfer to Precinct C | (8,994)                            |                                       |                                    |                                  |
| <b>Total GFA</b>       | <b>227,848</b>                     | 178,524                               | 45,500                             | <b>224,024</b>                   |

## 5 PREFERRED PROJECT REPORT

### 5.1 Proposed amendments

In response to the key issue raised by the Department outlined in Section 3 of this report, the Concept Plan has been amended by reducing the height of the building fronting Amalfi Drive from 7 storeys along its entire frontage to heights varying between 5 and 7 storeys (See **Appendix 1**).

### 5.2 Revised project description

The Preferred Project remains as described in the Environmental Assessment apart from the above described amendments, which results in the following revised development parameters:

| Development Parameter | Proposed (approximates) |
|-----------------------|-------------------------|
| Site Area             | 25,570 m <sup>2</sup>   |
| Gross Floor Area      | 45,500 m <sup>2</sup>   |
| Floor Space Ratio     | 1.78:1                  |
| Apartments            |                         |
| • 1 Bedroom           | 186                     |
| • 2 Bedroom           | 370                     |
| • 3 Bedroom           | 25                      |
| • Total               | 581                     |
| Car parking           | 829                     |
| Neighbourhood Park    | 4,855m <sup>2</sup>     |

Source: Turner + Associates

The drawings which describe the Preferred Project (revisions highlighted) are listed below:

| Architectural plans by Turner + Associates |                 |   |
|--|-----------------|---|
| Drawing DA 01/E                            | 17/11/09        | Site Context Plan Existing                      |
| <b>Drawing DA 02/F</b>                     | <b>03/05/10</b> | <b>Site Context Plan Future</b>                 |
| <b>Drawing DA 03/F</b>                     | <b>03/05/10</b> | <b>Site Analysis Diagram</b>                    |
| Drawing DA 04/E                            | 17/11/09        | Site Context Photographs 01                     |
| Drawing DA 05/E                            | 17/11/09        | Site Context Photographs 02                     |
| <b>Drawing DA 06/F</b>                     | <b>03/05/10</b> | <b>Area Diagrams</b>                            |
| Drawing DA 07/E                            | 17/11/09        | Site Statistics                                 |
| <b>Drawing DA 11/F</b>                     | <b>03/05/10</b> | <b>Illustrative Street Network Diagrams</b>     |
| Drawing DA 21/E                            | 17/11/09        | Illustrative Basement Plan                      |
| Drawing DA 22/E                            | 17/11/09        | Illustrative Bennelong Parkway Level Plan       |
| Drawing DA 23/E                            | 17/11/09        | Illustrative Amalfi Drive Level Plan            |
| Drawing DA 24/E                            | 17/11/09        | Illustrative Level 1 Plan                       |
| Drawing DA 25/E                            | 17/11/09        | Illustrative Level 2 + 3 Plan                   |
| Drawing DA 26/E                            | 17/11/09        | Illustrative Level 4 Plan                       |
| Drawing DA 27/E                            | 17/11/09        | Illustrative Level 5 + 6 Plan                   |
| Drawing DA 28/E                            | 17/11/09        | Comparative Height Study/Illustrative Roof Plan |
| Drawing DA 29/E                            | 17/11/09        | Illustrative West Elevation                     |
| <b>Drawing DA 31/F</b>                     | <b>03/05/10</b> | <b>Illustrative Section AA</b>                  |
| <b>Drawing DA 32/F</b>                     | <b>03/05/10</b> | <b>Illustrative Section BB</b>                  |

|                 |          |  |
|-----------------|----------|--|
| Drawing DA 33/A | 03/05/10 | Illustrative Elevation to Amalfi Drive   |
| Drawing DA 36/A | 03/05/10 | Detail Plan - interaction with Capri     |
| Drawing DA 37/A | 03/05/10 | Detail Plan – between Building B + C     |
| Drawing DA 38/A | 03/05/10 | Detail Plan - interaction with Sorrento  |
| Drawing DA 41/F | 03/05/10 | Urban Form Control Drawings              |
| Drawing DA 51/F | 03/05/10 | Shadows December 21                      |
| Drawing DA 52/F | 03/05/10 | Shadows Sept/March 21                    |
| Drawing DA 53/F | 03/05/10 | Shadows June 21                          |
| Drawing DA 54/B | 03/05/10 | Shadows to courtyard elevation 1         |
| Drawing DA 55/B | 03/05/10 | Shadows to courtyard elevation 2         |
| Drawing DA 61/A | 17/11/09 | View north from the Piazza               |
| Drawing DA 62/A | 17/11/09 | View west from Amalfi Drive              |
| Drawing DA 63/A | 17/11/09 | View west from Corniche Drive            |
| Drawing DA 64/E | 17/11/09 | General massing view from Bennelong Pkwy |
| Drawing DA 65/F | 03/05/10 | General massing view from new park       |

| Landscape plans by Aspect Studios |          |                             |
|-----------------------------------|----------|-----------------------------|
| Drawing S1-DA01/B                 | 19/11/09 | Stage 1 DA Landscape Plan   |
| Drawing S1-DA02/B                 | 19/11/09 | Indicative Precedent Images |

### 5.3 Assessment of Preferred Project

The Preferred Project differs to only a very minor extent from the submitted Concept Plan and only in relation to a reduction in building height along parts of the Amalfi Drive frontage. Thus, the Environmental Assessment submitted with the original application remains relevant and applicable to the Preferred Project. The implications of the amendments in the Preferred Project are to reduce even further the environmental impacts of the Concept Plan in relation to overshadowing and streetscape presentation.

Turner has calculated that the GFA of “pop ups” as a percentage of the total building area for the amended scheme is 14.9%.

Whilst the amended proposal still does not strictly comply with the height guideline in the DCP for this frontage, it is much closer to compliance and considered to be a justifiable variation for the following reasons.

Turner has prepared amended shadow diagrams showing the extent of internal shadowing of the central courtyard and southern building resulting from the remaining variation above the height control. This demonstrates that the ‘non-complying’ elements of the building fronting Amalfi Drive cause only very minor additional overshadowing to a relatively small number of the units on the building fronting Bennelong Pwy.

Turner has prepared streetscape elevations showing the buildings and their relationship with adjoining buildings and the proposed park.

Turner has prepared a design statement describing the manner in which the amended design relates to the street and the park and meets the objectives of the DCP, as follows:

*While consistent with the intent of the DCP, the building to the park side on Amalfi Drive includes a small addition in height to give an appropriate scale to the large public park before it. The building is 5- to 7-storeys, disposed with higher corners and a setback area to the central portion of the elevation. The massing responds to the heights of Sorrento to the north, and does not overshadow Capri to the south in the equinox, only catching the elevations to secondary windows at 2pm in the winter. The roofscape has been developed to be animated, providing character when viewed across the new park.*

*The massing respects the heights and forms of the adjacent 'C' shaped developments with the new built form closing off the open ends or forming a continuation to the street edge, as appropriate.*

*While only a Concept Plan, the illustrative plans show how a modulation of the form gives variety to the surface and a reading of disparate elements, as opposed to a continuous street wall.*

*The additional height to Buildings B and C along Amalfi Drive are in response to the scale and size of the park before them. The building heights relative to the street are in the order of 17m to 23m; the park has a radius of some 100m, generating a proportion to the space of around 1 in the vertical to 6 or 4 in the horizontal. This is a very comfortable spatial proportion for the public space. The buildings are visible from outside the site from only three vantage points within the public realm; the sketch perspectives taken from each of these locations demonstrate that the partial, distant views are in scale with the surrounding existing built form. The shadow diagrams also demonstrate that the effects of the additional storeys in mid-winter are minimal, effecting a small number of apartments for no more than 2 hours of the day.*

The Environmental Assessment demonstrated the building height along Amalfi Drive was appropriate and acceptable in terms of these potential internal and external impacts for the original proposal and consequently, any reduction in height along parts of the building reinforces this conclusion.

Therefore, whilst it is considered that the reduction in height is not entirely necessary, the amendments are proposed in order to address the Department's expressed concern about this aspect of the proposal.

We note however, that this compromise does come with some social consequences in the form of the opportunity cost associated with the reduction in apartment numbers on the site.

The original proposal for 601 units within 48,000m<sup>2</sup> of residential floor space already represented a shortfall in the total allowable residential floor space in the DCP for Precinct F. The amended proposal, which reduces the total number of units to 581 and the floorspace to 45,500m<sup>2</sup> reduces the dwelling stock in Wentworth Point even further below its planned levels.

Any shortfall in anticipated development within a well located and fully serviced strategic redevelopment area represents an opportunity cost within the Metropolitan area. It represents an underutilisation of public infrastructure and requires the shortfall to be found in other locations across the sub-region to meet Metropolitan Strategy housing targets. Given the scarcity of comparable redevelopment sites in the locality, this shortfall

is likely to have to be found in areas with less amenity and accessibility than Wentworth Point.

We submit that such consequences have much more significant implications for regional planning than compliance with a DCP adopted prior to formulation of Metropolitan Strategy targets and any perceived (we would say, rather than actual) loss of amenity associated with the height of the development.

Despite this, as indicated, the reduction in height and unit yield has been offered as a compromise by the applicant to achieve a timely determination to the application.

We consider that the amended proposal satisfactorily addresses the matters raised by the Department and minimises the environmental impacts of the proposal.

## 6 AMENDED STATEMENT OF COMMITMENTS

The proponent commits to the following matters should approval be granted to this application (amendments shown in red):

|   | ISSUES                              | ACTION   |
|---|-------------------------------------|--|
| 1 | <b>Subsequent applications</b>      | Applications (hereafter called “subsequent applications”) consistent with the Concept Approval will be lodged with the relevant consent authority and will incorporate the following features.   |
| 2 | <b>ESD</b>                          | Subsequent applications will incorporate the ESD principles and features as described in Section 6.12 of the EA.   |
| 3 | <b>Design quality</b>               | Subsequent applications will demonstrate a level of detailed design consistent with the design principles of SEPP 65.  |
| 4 | <b>Safety by design</b>             | Subsequent applications will contain details of how the design of the development embodies ‘safety by design’ principles.  |
| 5 | <b>Basement design</b>              | The geometric design features of the car parking bay dimensions, aisle widths, ramp grades, etc, will comply with the dimensions specified by the Australian Standards publication Parking Facilities Part 1: Off-Street Car Parking (AS2890.1).                                       |
| 6 | <b>Wind</b>                         | Subsequent applications will incorporate the relevant and applicable measures recommended in the Pedestrian Wind Environment Statement by Windtech dated 29 June 2009.   |
| 7 | <b>Stormwater management</b>        | Subsequent applications will be based on the stormwater concept design prepared by Consulting Earth Scientists dated 3 December 2009.  |
| 8 | <b>Acid sulphate soils</b>          | An assessment of ASS underlying the site will be undertaken during the Stage 2 ESA to allow for the preparation of a site specific ASS Management Plan to be submitted with any subsequent DA’s and to ensure that ASS (if encountered) will be appropriately managed and/or disposed. |
| 9 | <b>Remediation of contamination</b> | At stage 2 environmental site assessment will be undertaken and submitted with subsequent applications in accordance with the requirements of  |

|    |                                |   |
|----|--------------------------------|---|
|    |                                | SEPP 55 and remediation will be undertaken in accordance with any Remediation Action Plan prior to commencement of the development.   |
| 10 | <b>Developer contributions</b> | Applicable developer contributions commensurate with the demands generated by the development will be levied on subsequent applications.  |
| 11 | <b>Geotechnical</b>            | A geotechnical investigation of the site will accompany subsequent applications   |
| 12 | <b>Radio Towers</b>            | <p>The requirements will be incorporated into the Construction Management Plan for the proposal at relevant subsequent applications.</p> <ul style="list-style-type: none"> <li>• Construction cranes and elevated platforms to be bonded to earth.</li> <li>• Metal scaffolding to be bonded to earth.</li> <li>• All structural steel, mesh and pipes to be bonded to earth.</li> <li>• Metal ropes and cables to be bonded to earth (where practicable)</li> <li>• Communication and Power cables to be run in shielded building risers.</li> <li>• Earthing rods and gloves to be used when lowering steel and touching by hand is required to manoeuvre or release loads</li> <li>• A Safe working procedure to be implemented dealing with possible re-radiation during construction.</li> <li>• Measurements performed following construction to confirm safe levels.</li> </ul> |
| 13 | <b>Road design</b>             | The design of the road, inclusive of provision for services and load bearing requirements will be prepared in consultation with Auburn Council and details will be provided as part of subsequent applications.   |
| 14 | <b>Bay Park subdivision</b>    | Bay Park will be contained in a separate lot, exclusive of any car parking structure below the Park, as part of any future subdivision application associated with this concept plan.   |

Prepared by:



**David Ryan**

BTP (Hons), Dip Law (SAB), Grad Dip Leg Prac, MPIA, CPP

**Executive Director**

**City Plan Strategy and Development Pty Limited**



Cumulative Traffic Statement

**APPENDIX 2**



Contamination Assessment

**APPENDIX 4**

