

13 August 2010

The Director General
Department of Planning
GPO Box 39
SYDNEY NSW 2001

Attention: Michael Woodland

Dear Sir,

**APPLICATION TO MODIFY PROJECT APPROVAL NO. 09_0160
23 BENNELONG PARKWAY, WENTWORTH POINT**

We make this application under Section 75W of the Environmental Planning and Assessment Act 1979 (the Act) on behalf of Payce Management Pty Ltd. The application is for a minor amendment to the number of units and layout of the approved project.

1. THE APPROVED PROJECT

Approval under Section 75J of the Act was granted by the Minister on 22 June 2010 to Major Application No. 09_0610 for:

“Construction of a residential development, public open space, parking and road works.”

The approval applies to Lot 3 in Deposited Plan 776611 and Lot 22 in Deposited Plan 104874, at No. 23 Bennelong Parkway, Wentworth Point.

2. SUMMARY OF PROPOSED MODIFICATIONS

The application seeks to amend the approved Concept Plan as follows:

- Minor extension to the northern corner of the basement;
- Addition of eight (8) units along the northern elevation of Building C. This will include the addition of two (2) units each at the ground floor level, level 1, level 2 and level 3 (770m² floor space) to attain a height in this portion of Building C to RL 23.5;
- Increase in the height of the south-east corner of Building B from the approved RL 22.35 to RL 23.5;
- Reduction in the total landscaped area from 15,356m² to 15,068m². This is as a result of a minor reduction in the communal landscaped open space to Building C by 288m² to accommodate the proposed addition.

It is noted that the modification plans (refer **Attachment A**) demonstrate a reduction in the height of the south-east corner of Building B from seven (7) storeys to five (5) storeys through

the removal of eight (8) units (770m² of floor space). This is in accordance with **Condition A3** of the Concept Plan approval and therefore does not represent a modification to the approval.

The proposed modifications will also result in a change in the notional unit mix as follows;

	Unit Mix
Approved Concept Plan	• 186 x 1 bedroom units • 370 x 2 bedroom units • 25 x 3 bedroom units
Proposed Modification	• 188 x 1 bedroom units • 370 x 2 bedroom units • 23 x 3 bedroom units

Full details of the proposed amendments are shown on the plans accompanying this application at **Attachment A**, prepared by Turner and Associates and described below.

3. MODIFIED CONDITIONS

To give effect to the above amendments, the following conditions of approval require modification, as follows:

- **Condition A2** – Development in Accordance with Plans and Documentation

Concept Plan Drawings prepared by Turner and Associates			
Drawing No.	Revision	Name of Plan	Date
DA01	E	Site Context Plan_Existing	17/11/2009
DA02	F	Site Context Plan_Future	03/05/2010
DA06	G	Area Diagrams_Stage 1 DA	03/05/2010
DA07	G	Site Statistics_Stage 1 DA	05/08/2010
DA11	F	Illustrative Street Network Diagrams	03/05/2010
DA21	F	Illustrative Basement Plan	05/08/2010
DA22	F	Illustrative Bennelong Road Level Plan	05/08/2010
DA23	F	Illustrative Amalfi Drive Level Plan	05/08/2010
DA24	F	Illustrative Level 1 Plan	05/08/2010
DA25	F	Illustrative Level 2 + 3 Plan	05/08/2010
DA26	F	Illustrative Level 4 Plan	05/08/2010
DA27	G	Illustrative Levels 5 + 6 Plan	05/08/2010
DA28	G	Comparative Height Study/Roof Plan	05/08/2010
DA29	E	Illustrative West Elevation	17/11/2009
DA31	F	Illustrative Section_AA	03/05/2010
DA32	F	Illustrative Section_BB	03/05/2010
DA33	B	Illustrative Section to Amalfi Drive	11/05/2010
DA38	B	Detail Plan – Interaction with Sorrento	05/08/2010
DA41	G	Urban Form Control Drawings	09/08/2010
DA51	G	Shadow Diagrams – December 21	09/08/2010
DA52	G	Shadow Diagrams – March/Sept 21	09/08/2010

DA53	G	Shadow Diagrams – June 21	09/08/2010
DA55	C	Shadows to courtyard elevation 2 (winter solstice)	09/08/2010
DA60	B	Solar Access – June 21	09/08/2010
DA01	C	Concept Landscape Plan	13/08/2010
DA02	C	Indicative Precedent Images	13/08/2010

The amended plans are in **bold** in the above table.

- **Condition A3** – Building Envelope Modifications

Condition	Proposed modification
The plans as described above in A2 shall be modified as follows; a) The envelope of the south-east corner of Building B (fronting Amalfi Drive and the eastern 3-storey part of the Capri Building) shall be reduced to a maximum of 5 storeys (RL 22.35) by deleting the proposed 8 units (2 x 3 bedroom, 2 x 1 bedroom and 4 x 2 bedroom) on 2 levels (Levels 5 and 6) as identified (hatched in red) in Drawing number DA27 Revision F. Amended plans demonstrating compliance with this modification shall be submitted to, and approved by, the Director General prior to the submission of any future Development Application.	Deleted, pursuant to the proposed modification to Condition A2 above and generally complying with the requirements of Condition A3 under this application. The plans as described above in A2 shall be modified as follows; a) The envelope of the south east corner of Building B (fronting Amalfi Drive and the eastern 3-storey part of the Capri Building) shall be reduced to a maximum of 5 storeys (RL 22.35) by deleting the proposed 8 units (2 x 3 bedroom, 2 x 1 bedroom and 4 x 2 bedroom) on 2 levels (Levels 5 and 6) as identified (hatched in red) in Drawing number DA27 Revision F. Amended plans demonstrating compliance with this modification shall be submitted to, and approved by, the Director General prior to the submission of any future Development Application.

- **Condition A4** – Maximum Gross Floor Area

Condition	Proposed modification
The redevelopment of the site for a residential development shall not exceed a maximum Gross Floor Area (GFA) of approximately 44,730m². Note: The maximum floor space may not be achievable within the approved envelope as identified in modification A3.	The redevelopment of the site for a residential development shall not exceed a maximum Gross Floor Area (GFA) of approximately 45,500m². Note: The maximum floor space may not be achievable within the approved envelope as identified in modification A3.

The details of and the justification for each proposed modification and an assessment of its impacts, if any, are detailed below.

4. JUSTIFICATION FOR AMENDMENTS

The proposed amendments to the approved Concept Plan have substantially arisen out of a requirement under **Condition A3** of the Major Project Approval No. 09_0160.

As detailed in **Section 3**, **Condition A3** required the removal of eight (8) units from Building B. This has a flow on effect to **Condition A4**, which reflects the reduction in the GFA of the building (by 770m²) compared to that proposed in the Preferred Project Report (which was 45,500m²). The proposed modification seeks to relocate these eight (8) units and the associated floor area in another location on the site considered to be more appropriate.

Condition A3 requires the south-eastern corner of Building B to be reduced to a maximum of five (5) storeys with a maximum RL of 22.35. The modification plans show the approved number of storeys, however, also propose a maximum height of RL 23.5. The proposed height at RL 23.5 is consistent with the fifth storey of buildings across the site. A further reduction to RL 22.35 would result in an inconsistency in floor to ceiling height for the remainder of the units at the fifth storey within the same building (Building B). Therefore, it is considered that the intent of **Condition A3** is satisfied and the proposed modification in the south-eastern corner of Building B is logical and acceptable.

The reason for the requirement to delete the eight (8) units in the south-eastern corner of Building B is acknowledged and accepted. The PAC's determination report states that this was necessary *"to ensure the development is compatible with the height and scale of adjoining buildings"*. It is our understanding that the concern principally related to the perceived adverse impact on the adjoining "Capri" development. There is nothing in the determination report to indicate that it related to any concern about the proposed number of units or floorspace of the development per se.

The amended architectural plans and associated documentation accompanying this application demonstrate a more appropriate location for the eight (8) units to address the Department's concern regarding the maintenance of residential amenity for adjoining sites.

It is considered that the proposed location for the eight (8) units avoids any of the adverse impacts on privacy, overshadowing and overall residential amenity that generated the concern leading to their removal from the south eastern corner. It also enables the retention of the residential site capacity, at 581 units, which had been demonstrated in the original EA and PPR to have been sustainable and appropriate for the site.

A reduction in the number of units is not in the public interest. Any shortfall in anticipated development within a well located and fully serviced strategic redevelopment area represents an opportunity cost within the local and 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 lesser amenity and accessibility than Wentworth Point.

We therefore submit that the proposed modification achieves the aims of maintaining amenity for both the subject site and adjoining sites and that there would be more significant regional planning implications resulting from the loss of residential yield within an already established redevelopment area.

We consider that the amended proposal satisfactorily addresses the matters raised by the Department and minimises the environmental impacts of the proposal, as detailed in the following section.

5. ENVIRONMENTAL ASSESSMENT OF MODIFICATIONS

5.1 Overview

In this part we assess the environmental impacts of the proposed modifications.

5.2 Statutory context

The relevant statutory context addressed in the original EA and the Director General's assessment report remains largely unchanged and no additional considerations arise as a result of the proposed amendments.

5.3 Urban design, built form and visual impact

Bulk, Scale and Building Height

There are no significant changes to the general bulk, scale or location of the buildings on the site. The proposal seeks an addition of eight (8) units to Building C as follows;

- Two (2) new units to the Amalfi Drive Level;
- Two (2) new units to Level 1;
- Two (2) new units to Level 2; and
- Two (2) new units to Level 3.

The abovementioned modifications will result in a minor modification to the building footprint and elevation of Building C. Under the current approval, Building C ranges in building height from five (5) storeys to eight (8) storeys. The proposed “in-fill” of the northern elevation of Building C will be four (4) storeys and will therefore not result in any increase in the overall height of this elevation. In this respect, whilst the proposed location of the eight (8) units to this location will result in a minor addition to the bulk and scale of the northern elevation of Building C, the anticipated overall visual impact will be inconsequential. It is also noted that whilst there is no specific height limit

indicated in the Homebush Bay West DCP 2004 (“DCP”) in this location, the footprints in the DCP are indicative and the four (4) storey addition is consistent with the height of the other “cross site projections” enclosing the courtyards to Buildings B and C.

The proposed minor increase in the height of the south-eastern corner of Building B to a maximum RL of 23.5 will not create any adverse amenity impacts in terms of privacy, overshadowing or visual massing.

Turner and Associates have prepared a detailed Comparative Height Assessment (refer DA28 at **Attachment A**) of the proposed development in relation to surrounding development. It demonstrates that the proposed modifications are compatible with surrounding development.

It is noted that the proposed addition to Building C will be consistent in design and materials with the approved part of the building. The building design retains the general design principles of the original form and a high visual standard (which will be further demonstrated in subsequent DA submissions for the site).

Setbacks

The setbacks to streets and boundaries proposed in the original EA will not be altered as a result of the proposed modifications. The location of the new building element relates to the portion of the “Sorrento” building located in the furthest most part of that site from the subject site, where a separation distance of 39 metres is achieved.

Floor Space

The proposed modification results in an increase of 770m² floor space to Building C. This brings the total floor space back into line with that proposed in the PPR, which, as demonstrated in that report, is compliant with the DCP and well within the capability of the site and surrounding area to accommodate.

SEPP 65 Considerations

An Architectural Statement has been prepared by Turner and Associates (refer to **Attachment 2**), which addresses the SEPP 65 considerations applicable to the proposed modifications. Key features of that Statement are as follows;

Building Separation

Consideration of the separation between Building C and the existing “Sorrento” development to the north of the subject site is necessary. The Architectural Statement (refer **Attachment 2**) states that;

“Drawing DA38/B shows a plan of the apartments to the north of the subject site and their interface with those existing apartments in Sorrento. It should be noted that the flank wall of Sorrento that faces the subject site is made up of the

side / secondary walls to bedrooms and living, as well as ensuites with highlight windows. Also included on this face are fire stairs. The only balconies are those that give off an internal corridor to the apartment and are the fourth balcony within the apartment; they also face south east. Therefore, these elevations comprise secondary, nonhabitable spaces / windows.

On the subject site, the two units on the corners to the two streets face with their primary views to the street, and not towards Sorrento. Core (lift and stair) elements further help by presenting non-habitable uses to the facades opposite.

The three apartments that do face north, towards Sorrento, are predominantly placed such that their aspect is into the courtyard, which is approximately 39 metres deep.

For those windows that do overlap with the face of the neighbouring building, the separation distance is between 9 to 11 metres. A separation of 9 metres is suggested as acceptable within the RFDC for buildings up to 4-storeys between habitable/balconies and non-habitable rooms; therefore the proposal is compliant in this regard.”

It is also important to consider the separation of units within Building C. In this respect, the Architectural Statement (refer **Attachment 2**) states that;

“The apartments in Building C at the internal corners of the courtyard are separated by an extension to the core. Some natural light and ventilation to these corridors will be possible without compromising the amenity of the apartments adjacent. The new apartments introduced here are therefore perpendicular and separated from the other units; due to the slender nature of the new building form here, and the implementation of through-apartments, there are no balconies facing into the courtyard, increasing the visual and acoustic privacy for the neighbouring apartments.”

As indicated by the above, the proposed modifications are considered to be acceptable with regard to separation between the subject site and the adjoining “Sorrento” development and separation between units internally within the subject site.

Overshadowing

Having regard to the potential overshadowing impact of the proposed modifications, the Architectural Statement (refer **Attachment 2**) states that;

“The shadow diagrams have been re-generated for the revised building form; refer to drawings DA51/G, DA52/G, DA53/G, and DA55/C. These drawings show that, while there is some additional shadowing to the communal courtyard in Building C, this is only to a limited degree due to the low, 4-storey height. It is also offset to a large degree by the improvements as a result of the removal of

the Floor Space at the top of Building B, which not only offers benefit to the communal courtyard of Building B, but also to the courtyard of Capri to the south.”

As indicated by the above statement, whilst the proposed location of the eight (8) units at Building C results in a minor overshadowing impact to the Building C communal courtyard, the improvements for solar access to the communal courtyard to Building B and the courtyard to the adjoining “Capri” site are considered to offset the minor overshadowing impact.

Aside from the above, there are no additional overshadowing impacts anticipated.

Solar Access

Having regard to the relationship between solar access and the proposed modifications, the Architectural Statement (refer **Attachment 2**) states that;

“Drawing DA60/B has been updated to reflect amendments to the solar access on a typical floor. The removal of floors to the top of Building B will have little nett impact as two units were attaining 2-hours and two were not. These were facing south-east, so there is a reduction in the overall quantum of south-facing apartments.

There is no nett change to Building C as there are now four apartments that attain the 2-hours for half the building height as opposed to the full height (a nett loss of two), and there are two new north-facing apartments that will attain the 2-hours.

This means that there is no overall change to any of the total figures for either the individual buildings or for the development as a whole.”

As indicated by the statement above, the proposed modifications will not result in any change to the level of solar access achieved by the proposed development. The proposed modifications will therefore remain compliant with the DCP and SEPP 65 solar access requirements across the total building and are satisfactory in terms of the individual building elements.

It is also noted that the relevant solar access figures for each of the building elements remain as follows;

Building Component	% receiving 2 hours sunlight
A	100%
B	65%
C	88%

5.4 Open Space and Landscaping

Proposed changes to the approved landscape scheme are generally minor, reflecting the necessary adjustments created by the built form changes. The proposed modifications will result in a loss of communal open space to Building C by 288m². However, and notwithstanding this, the amount of deep soil landscaping will not be altered. Also, the proposal will still comply with the DCP minimum requirement of 25% communal open space with a 58.9% provision of communal open space across the site. The proposed modifications will only result in a 0.1% decrease in the overall provision of communal open space.

The high quality of landscaping will be maintained for the proposed modified scheme and the addition provides an improved definition of communal spaces for both Building C and “Sorrento”, which is considered to provide benefits for residents’ sense of ownership and the maintenance of privacy and residential amenity.

5.5 Traffic and car parking

There is no proposed change to the approved vehicular access arrangements to the development site. Consequently there are not implications in terms of additional traffic generation from the site.

For the same reason there will be no additional car parking demand. There is change in the DCP maximum rate for car parking provision from 907 to 905 spaces but there is no modification proposed to the parking provision. Thus, the parking provision remains compliant with at 829 spaces.

5.6 Utilities infrastructure

The proposed amendments have no implications for the capacity, constraints and requirements of the development for sewerage, water, waste disposal, wastewater treatment, recycled water, gas, electricity, telephone and sewerage.

5.7 Impacts on Water Quality and Drainage

The proposed amendments have no on-site or offsite impacts on the quality of surface water and groundwater.

5.8 Threatened Species

The proposed alterations and additions occur over cleared land and have no implications for threatened species.

5.9 Ecologically Sustainable Development

There is no change to the commitments to the ESD principles in design, construction and ongoing operational phases of the proposal, encompassed in the approved development.

6. CONCLUSION

The proposed modifications do not substantially alter the overall physical form, intensity of use or external impacts of the approved development. The proposed modifications reflect a minor floor space and apartment yield (1.4% increase) relative to the approved Concept Plan.

The requirement to delete eight (8) units in the south-eastern corner of Building B has been acknowledged and accepted. The location of the proposed addition (and subsequent accommodation of eight (8) units) is not considered to result in any material impact for the site and the adjoining "Sorrento" site in terms of building separation and privacy, overshadowing and residential amenity, bulk and scale. The proposed modification is not considered to raise any concerns regarding the number of proposed units or floorspace of the development per se, as compared to the approved development.

Further, the assessment of the modified proposal does not reveal any aspect of the amended development which alters the conclusions of the assessment undertaken in the Concept Plan, EA and PPR for this project and the Department's assessment of the original application. We therefore conclude that it is reasonable and appropriate for this application to be approved.

Should you have any queries, please contact the undersigned on (02) 8270 3500.

Yours Sincerely

A handwritten signature in black ink, appearing to read 'David Ryan', with a stylized flourish at the end.

David Ryan
Executive Director

CITY PLAN STRATEGY & DEVELOPMENT PTY LTD