

DEPARTMENT OF PLANNING

Development Assessment

SUBJECT: Section 75W modification request for amendments to the layout and number of units at 23 Bennelong Parkway, Wentworth Point, Auburn **(MP09 0160)**

PURPOSE

The purpose of this report is to determine a modification request to amend the layout and number of units at 23 Bennelong Parkway, Wentworth Point.

THE SITE

The site, known as 23 Bennelong Parkway, Wentworth Point (Lot 3 in DP 776611 and Lot 22 in DP 104874) is located on the Homebush Bay peninsula approximately 19km from the Sydney CBD within the Auburn Local Government Area. This site adjoins Sydney Olympic Park and the Millennium Parklands to the south west, Parramatta River to the north and Homebush Bay to the east (see Figure 1).

The irregularly shaped site has an area of 25,570m² with a frontage of approximately 278 metres to Bennelong Parkway. The south eastern boundary is approximately 171 metres and the north eastern boundary is approximately 192 metres.

The Sydney Olympic Park Ferry Wharf is approximately 1 km away to the north and the site is serviced by a bus route on Hill Road to the north west which runs between the ferry wharf and Burwood via Newington, Strathfield and Olympic Park Train Station. Wentworth Point is an area in transition, having seen significant recent transformation since the Olympics from an industrial, warehousing and distribution centre to a planned residential neighbourhood.

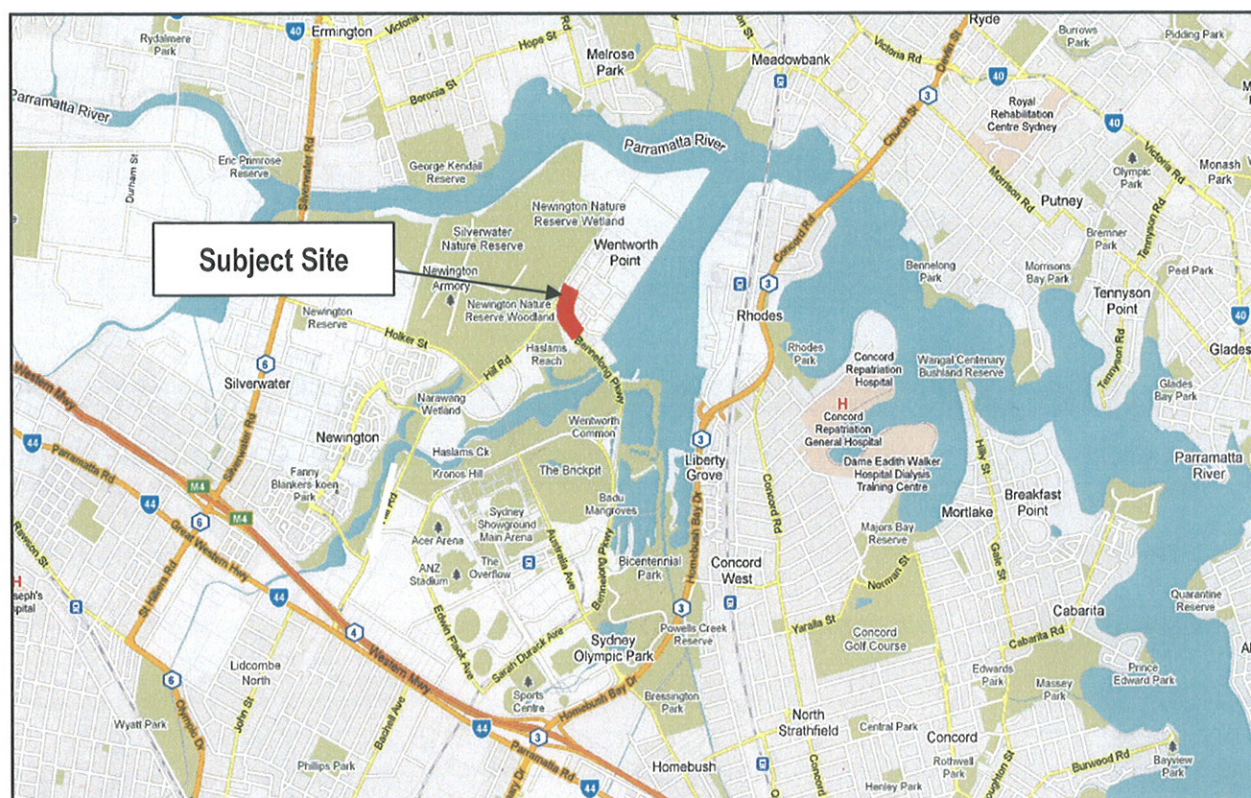


Figure 1: Site Location

BACKGROUND

On 22 June 2010, the Planning Assessment Commission approved a Concept Plan for the construction of a residential development, public open space, parking and road works with a Capital Investment Value of \$129.3 million. The approval stated that all future stages of the project are to be subject to Part 4 of the *Environmental Planning and Assessment Act 1979*.

PROPOSED MODIFICATION

The proposed modification includes the following amendments to the scheme:

- The addition of a 4 storey infill extension containing 8 units (4 x 1 bed and 4 x 2 bed) along the northern elevation of Building C.
- Increase the height of the south-east corner of Building B by 1.15 metres from the approved RL 22.35 to RL 23.5.
- Amend Condition A4 to increase the total allowable GFA by 770m² to 45,500m².
- Reduce the total landscaped area to be provided on the site by 288m² from 15,356m² to 15,068m².
- Extend the northern corner of the basement car park area by approximately 10m².

The above changes to the approved scheme are indicated by the table below.

Table 1 – Comparison Table

Unit Type	Approved	Proposed	Change
1 Bedroom	184	188	+4
2 Bedroom	366	370	+4
3 Bedroom	23	23	0
Total Units	573	581	8
GFA	44,730m ²	45,500m ²	770m ²
Landscape Area	15,356m ²	15,068m ²	-288m ²
Public Open Space	6060m ²	6060m ²	0

The amendments are proposed as a result of compliance with modification A3 of the Concept Plan approval which read:

"The plans as described above in A2 shall be modified as follows:

- The envelope of the southeast 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 (2x3 bedroom, 2x1 bedroom and 4x2 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".

Modification A4 of the consent also limited the Gross Floor Area to approximately 44,730m². This is the maximum floor space that is achievable within the approved envelope as identified in modification A3.

The previously approved plans are provided at **Tag A** and the plans outlining the proposed modifications are provided at **Tag B**.

CONSULTATION

In accordance with section 75J of the EP&A Act and clause 8G of the EP&A Regulation; the modification request was made available on the Department's website and referred to Auburn City Council for comment. Due to the minor nature of the proposed modification, the modification request was not exhibited by any other means. No public submissions were received on the modification request.

On 29 October 2010, Council provided comments that did not object to the proposed modifications subject to the following issues being carefully considered by the Department:

- Parking within the basement level should comply with relevant Australian Standards.
- Residential units should satisfy the requirements of SEPP 65.
- Visual impacts associated with the increased height.
- Height controls established under the Homebush Bay West DCP (HBW DCP)
- Communal open space provisions should satisfy the requirements of SEPP 65.

The Department has considered each of the issues raised by Council within this report.

DELEGATED AUTHORITY

On 25 January 2010, the Minister delegated his powers and functions under section 75W of the EP&A Act to Directors in the Major Projects Assessment Division in cases where there are less than 10 public submissions (not including submissions from public authorities) in the nature of objections in respect of the modification request. As no public submissions were received, the Director may determine the modification request under delegated authority.

KEY ISSUES

Building Height

South-east corner of Building B

Modification A3 of the consent required the removal of the 6th and 7th floor at the south-east corner of Building B and limited the building height at this point to RL 22.35m. Limiting the height of the building to 5 storeys allowed the building to respond more appropriately to the 3 storey height of the Capri building opposite. The reduced height would also improve solar access to the Capri building and remove residential units within the building that had inadequate solar access. The maximum height of RL 22.35m was established as it was indicated as the maximum height of the 5th floor level on the approved Concept Plans.

The Proponent proposes to modify the height of Building B at the south-east corner from the approved RL 22.35m to RL 23.50m. The increase in height of 1.15 metres will allow the south-east corner of the building to align with the remaining fifth floor element of the building. The additional height above the actual ceiling level of the fifth floor (as conditioned – RL 23.35m) provides for such facilities as roof plants. This increase in height will also provide consistent floor to ceiling heights within the building. This is illustrated by Figure 2.

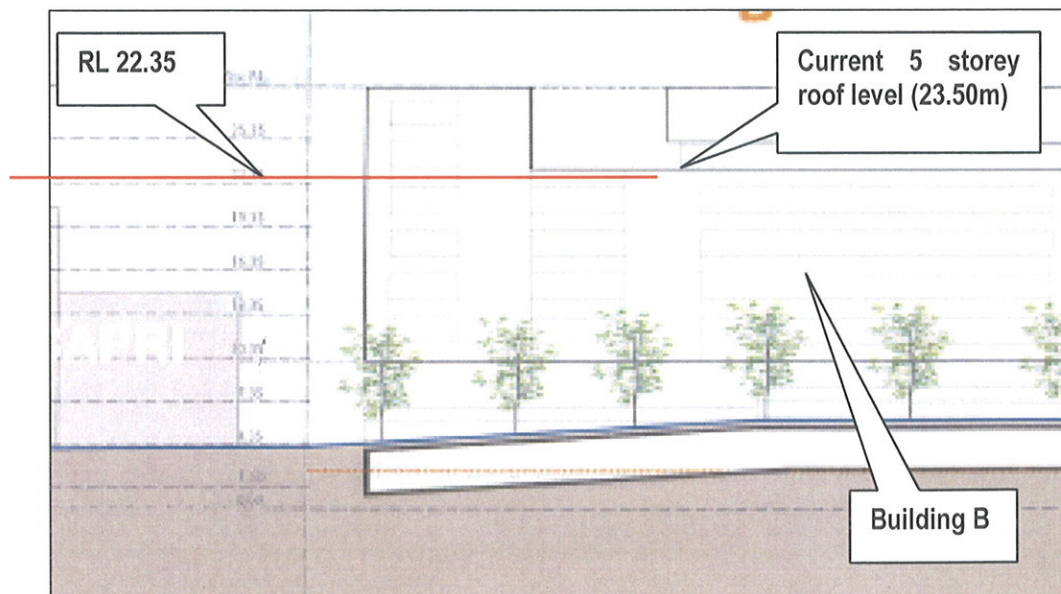


Figure 2 – Building Heights of Building B

The Department considers the additional height (1.15 metres) to be minor and reasonable given that allowances for such facilities should be included within approved building envelopes at Concept Plan stage. The inclusion of such an allowance would also be consistent with the other

approved building envelopes throughout the development and would also allow for consistent roof to ceiling heights within the buildings as outlined within Figure 3 below.

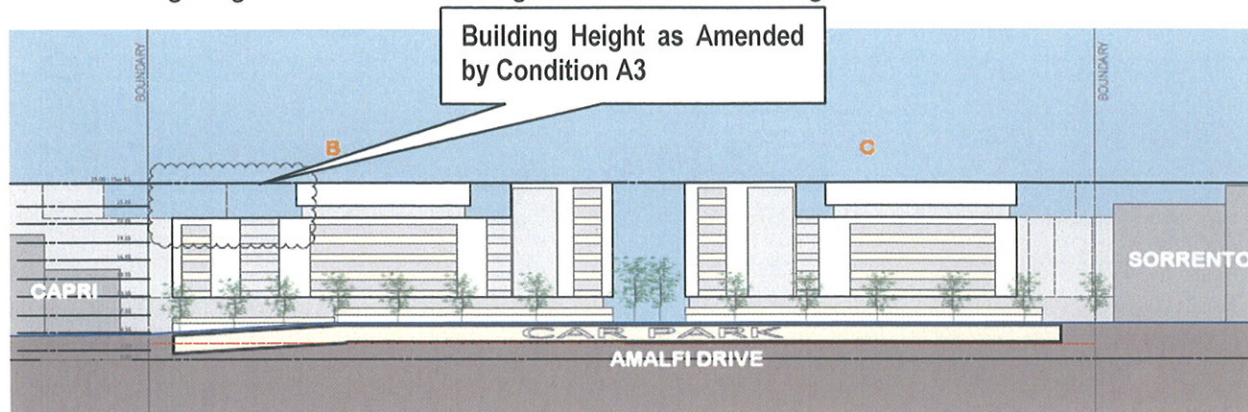


Figure 3 – Proposed Building Envelope of Buildings B and C

Northern Section of Building C

The modification includes the infilling of the northern end of the court yard of Building C as illustrated by Figure 4 below. The infill will be 4 storeys in height and include 8 additional residential units. The proposed infill does not meet with the indicative building envelope for Building C outlined within the HBW DCP, which shows the northern end of the court yard to be open (Figure 5).



Figure 4: Proposed



Figure 5: Approved Building Envelope (In accordance with HBW DCP)

Despite the proposed infill not following the indicative building envelope as outlined within the HBW DCP, this addition to Building C will not significantly alter the overarching character and design of the precinct.

The design achieves this by minimising the height of the infill to 4 storeys thereby preserving the dominance of the two 'book end' elements and the buildings relationship with the neighbouring Sorrento building. The minimal height and its alignment with the approved northern buildings lines, together with the orientation of the proposed 8 units, means that the additional built form (infill) will not have an adverse impact upon the amenity of the existing residential units within the Sorrento building, in terms of solar access and privacy.

Further, the Proponent has provided details demonstrating the schemes continued ability to comply with SEPP 65 and RFDC controls.

The Department considers the infill to be appropriate as it will not negatively affect the amenity of existing residents, alter the overall character of the precinct or prevent the building from achieving SEPP 65 and RFDC objectives.

Details of how the scheme addresses residential amenity has been discussed below.

SEPP 65 / Residential Amenity / DCP

The proponent has demonstrated that the scheme is capable of complying with SEPP 65 with regard to daylight, privacy, cross ventilation and noise impacts to future residential units. How the scheme actually satisfies these issues during subsequent applications has been covered by Part B (Future Assessment Requirements) of the original approval. Part B states that future Development Applications shall demonstrate compliance or fully justify any non-compliance with SEPP 65 components, particularly daylight and privacy.

However, as part of this modification, the Proponent has provided specific information outlining how the Concept Plan will ensure that the following amenity standards are appropriate:

- Building Separation
- Solar Access to Open Space
- Open Space Provision

Building Separation

The modification will preserve the approved 9 metre setback between Building C and the existing Sorrento Building located to the north. The proposed 8 additional units within the infill section are orientated towards the open courtyard of the Sorrento Building and not existing residential units. To ensure that privacy between units is protected, appropriate screening devices could be incorporated into the final design submitted at the detailed design stage.

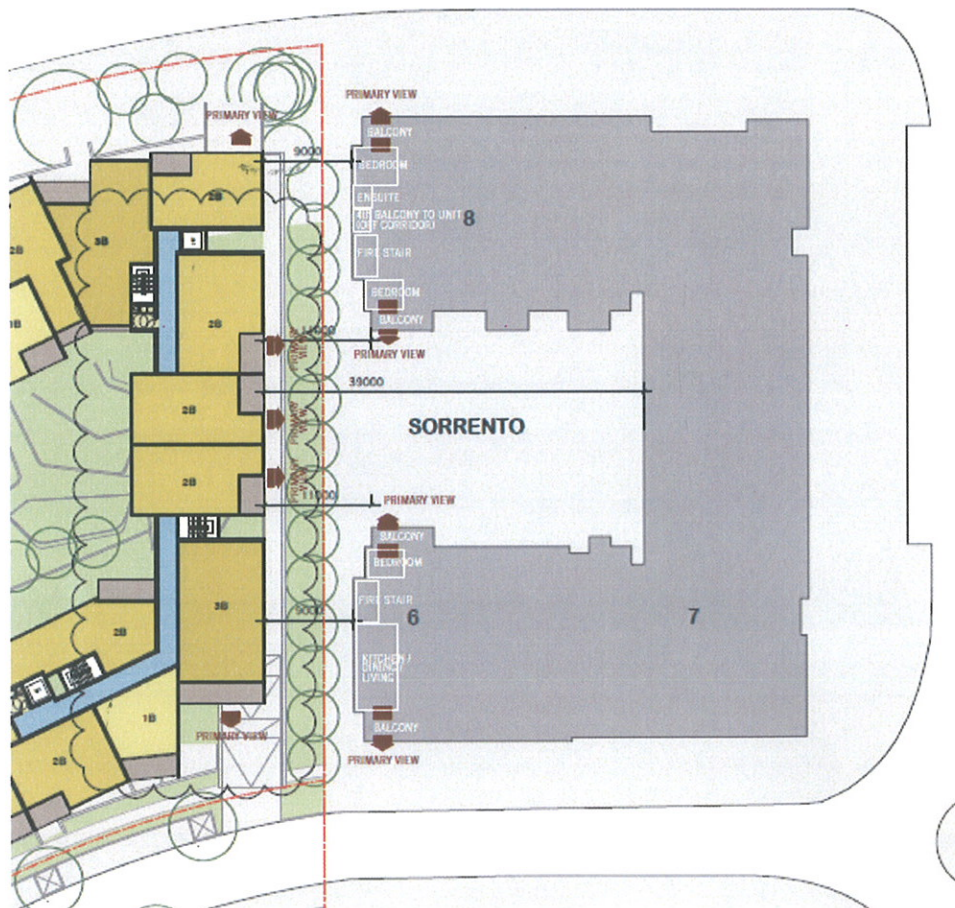


Figure 6 – Proposed Building Separation

Solar Access to Open Space

The proposed infill extension will further reduce the level of solar access to the courtyard of Building C. The total level of overshadowing is outlined within Table 2 below.

Table 2 – Overshadowing and Requirements

Courtyard of Building C in midwinter (Approved)		Courtyard of Building C in midwinter (Proposed)		Overall areas of Open Space in shadow midwinter	
10am	38%	10am	67%	10am	42%
11am	25%	11am	38%	11am	35%
12pm	48%	12pm	52%	12pm	33%
1pm	77%	1pm	77%	1pm	34%
2pm	98%	2pm	99%	2pm	41%
HBW DCP Requirement		<i>No more than 50% of the public domain (excluding streets) and communal space areas are overshadowed between 10:00 am and 2:00 pm between 21st April and 21st August.</i>			

Although the modified scheme will result in more than 50% of the courtyard of Building C to remain in shadow between 10 am and 2 pm midwinter, Table 2 illustrates that the percentage of overshadowing to the overall communal and public open space areas (Building B, Building C and Public Park) will remain compliant with the requirements of the HBW DCP.

The Department considers the reduced solar access to the courtyard of Building C to be acceptable as future residents will have adequate access to other open space areas within the site with excellent solar access, namely the major public park located in the north-east corner of the site which comprises 20% of the site.

Reduction in Communal Open Space

To accommodate for the proposed 4 storey infill addition, the modification includes the reduction of the total landscaped area by 288m² from 15,356m² to 15,068m². The reduced area is to the communal courtyard area of Building C and represents less than a 2% reduction in the overall landscape area provision (58.9% of the site). The proposal will maintain compliance with the HBW DCP minimum requirement of 25% communal open space with a 58.9% provision. The Department considers this reduction to be acceptable for the following reasons:

- the large area of open space (58.9%) maintained on the site;
- each unit will have access to adequate areas of private open space (balconies);
- the reduced area of communal open space is minor (2%);
- the courtyard of Building C will continue to be of a suitable size and layout;
- the area of public open space (6060m²) will not be affected; and
- the amount of deep soil landscaping will not be altered on the site

Additional Floor Space

Condition A4 of the consent states that the maximum floor space for the development shall not exceed 44,730m². The modification proposes to increase this figure by 770m² to 45,500m².

The Department considers the increase of 770m² to be minor (1.7%) as it will not result in an unacceptable impact upon the approved scheme in terms of open space provision, amenity, parking provision or the envisaged character of the areas as outlined within the HBW DCP. Additionally, the Department considers it is not in the public interest to restrict the maximum floor space to 44,730m² as such a restriction will not result in any notable public benefit and will limit the site's ability to maximise housing targets outlined within strategic guidelines (Metropolitan Strategy and HBW DCP).

Enlargement of Basement

The modification proposes to increase the size of the basement level by approximately 10m². The proposed increase in floor area is located in the north-western corner and allows for the

inclusion of an additional stairwell. The inclusion of the stairwell results in a amendment to the position of a lift well and 2 parking spaces. The total number of parking spaces to be provided on the site is not altered by the modification.

The Department considers the increase of the basement by 10m² to be minor as it will not result in any adverse impacts, particularly with regard to traffic movement or a loss in areas of approved deep soil.

CONCLUSION

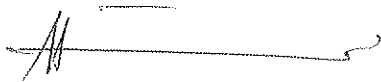
The modifications proposed are considered minor in the context of the original approval and do not change to the overall design theme of the approved building. The proposal achieves the same objectives as assessed in the original approved development under MP09_0160 and does not alter the overall nature, need or justification of the approved project. The redistribution of floor space, lost as a result of Condition A3 from Building B, to the open end of the courtyard in Building C is in keeping with the apartment yield and floor space relative to the initial Concept Plan.

RECOMMENDATION

It is RECOMMENDED that the Director:

- ☐ note the information provided in this briefing;
- ☐ approve the modification request, subject to conditions;
- ☐ sign the attached modifying instrument (Tag C); and
- ☐ sign the attached letters to notify the proponent and council (Tag D).

Prepared by:



Scott Schimanski
Senior Planner
Metropolitan Projects

Approved by:



Michael Woodland
Director
Metropolitan Projects