

DEPARTMENT OF PLANNING & INFRASTRUCTURE

Development Assessment

SUBJECT: DISCOVERY POINT STAGE 1 (MP 10 0030)

MOD 2

PURPOSE

To determine a modification as requested by Australand Property Group, on behalf of Discovery Point Pty Ltd and Discovery Point Development Pty Ltd (the proponent) for minor modifications (MOD 2) to the Stage 1 approval in accordance with section 75W of the *Environmental Planning and Assessment Act 1979* (the EP&A Act).

SITE DESCRIPTION

The site is known as 1 Princes Highway, Wolli Creek and is located on the western side of the Princes Highway, approximately 8 kilometres south-west of the Sydney CBD. Discovery Point is bounded by the Princes Highway, Cooks River, the Illawarra and East Hills Railway Lines and Magdalene Terrace (see figures 1 & 2).

The Discovery Point site is within the Rockdale local government area.

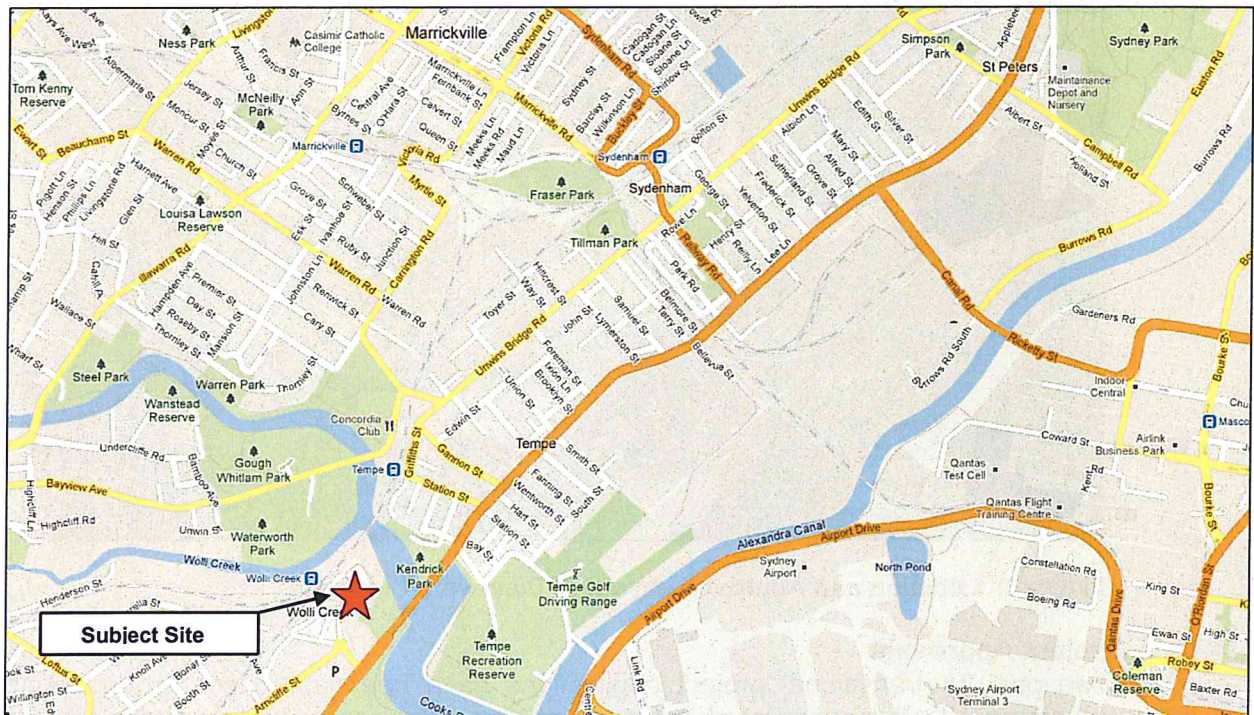


Figure 1: Location of Discovery Point

BACKGROUND

The Discovery Point site was granted a Masterplan approval by Rockdale Council on 11 April 2001 and three building stages were subsequently approved. These buildings, 'Greenbank', 'Vine' and 'Verge' (see figures 2 and 3), have been constructed and are occupied.

Concept Plan Approval MP 10_0003

On 5 May 2011, the Director General as delegate for the then Minister for Planning granted concept plan approval (MP10_0003), for a mixed use development with associated public open space, indicative building envelopes for 14 buildings, road works and landscaping. The concept plan approval included Development Design Guidelines to inform the detailed design of each building at the project application stage.

The concept plan approval was modified (MOD 1) on 15 June 2012 amending solar access and building separation requirements on the Discovery Point site. A second modification (MOD 2) to the concept plan, which includes the proposal to increase car parking on the Discovery Point site, remains undetermined to date.

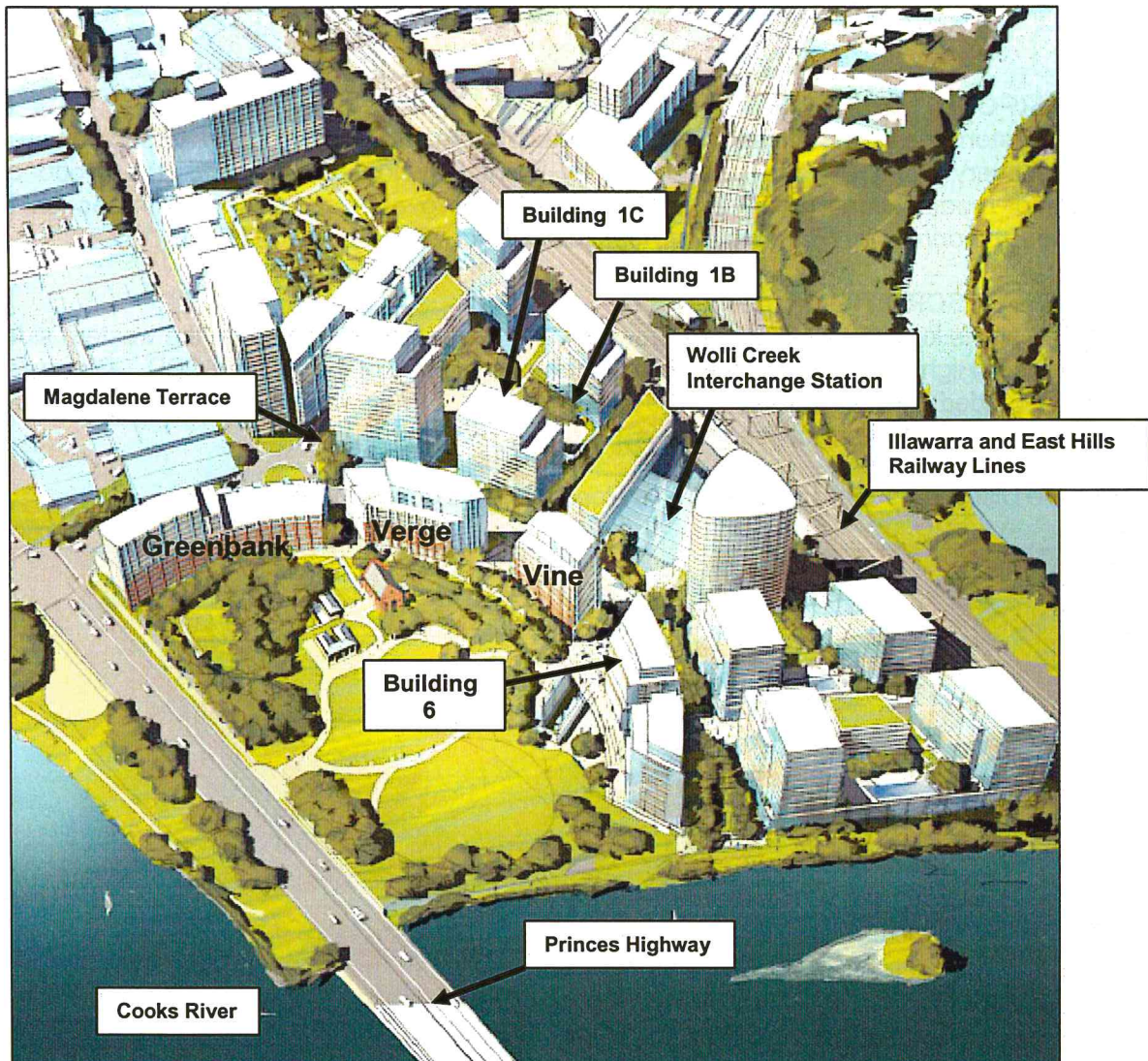


Figure 2: Location and Approved Layout of Discovery Point site

Project Approvals

Two part 3A transitional project applications have been approved by the department subsequent to the approval of the concept plan. These project approvals are Stage 1 (MP10_0030) and Stage 6 (MP10_0031).

- Stage 6 was approved on 18 July 2012 by the Deputy Director General as delegate for the Minister for Planning and Infrastructure. Stage 6 (see figure 2 and 3) approved the development of 88 residential units within a 13 storey building.
- Stage 1 (MP 10_0030) was approved on 19 March 2012 by the Deputy Director General as delegate for the Minister for Planning and Infrastructure. The Stage 1 project approval was for mixed use development and includes buildings 1B and 1C (see figures 2) and bulk earthworks for a range of other stages including Stage 6.

An application for modification (MOD 1) of Stage 1, which includes the proposal to increase the area of car parking within the Stage 1 approval, was received on 7 September 2012. To date this modification is undetermined.

The site plan illustrates the proposed station tunnel alignment at Wolli Creek Station. Key features include:

- Building 6** and **Building 11**: Existing structures on the site.
- Excavation Works Zone**: A designated area for excavation work, outlined in red.
- High Voltage Cable Trench**: A trench for high voltage cables, shown as a blue dashed line.
- Station Tunnel**: The proposed tunnel alignment, shown as a blue dashed line.
- 30 metre distance to nearest occupied building**: A callout indicating the distance from the excavation works zone to the nearest occupied building.
- Proposed Cover to Station Tunnel Below**: A callout indicating the proposed cover to the station tunnel below.
- Existing Substation**: An existing substation located to the left of the station.
- Wolli Creek Station**: The station building, shown as a large rectangular structure.
- Vine**: A vine or tree located near the station building.

PROPOSED MODIFICATION

a) from 7.00 am to 5.00 pm on Saturday 9 and Sunday 10 February 2013.

Condition D2 of the project approval currently confines hours of construction to between 7.00 am and 6.30 pm Mondays to Fridays and between 7.00 am and 3.30 pm Saturdays with no work on Sundays. The proponent seeks to extend these hours for the weekend of 9 and 10 February 2013.

- The proponent acknowledges that future site works will be required to be undertaken during periods of RailCorp network shutdown. The proponent seeks to vary the hours of construction without having to apply for a modification of the project approval in each individual instance.

CONSULTATION

In accordance with section 75X of the EP&A Act and clause 8G of the *Environmental Planning and Assessment Regulation 2000*, the modification request was made available on the Department's website. Due to the minor nature of the proposal, the modification request was not exhibited by any other means.

The request for modification was referred to Rockdale City Council and Railcorp for comment.

Rockdale City Council Submission

Rockdale City Council was notified of the proposal to modify the Stage 1 approval.

Council supports the variation to condition D2 provided the applicant notifies residents in the nearby 'Vine' building by letter of the extended construction hours.

Council agreed that it would be more convenient to permit the Director-General to provide approval for future requests for variation of construction hours. It was stipulated however that the proposal to vary construction hours subject to Director-General approval, is only supported by Council if it coincides with scheduled Railcorp Track Possession Weekends.

RailCorp

Condition 10a. of schedule 3 of the concept plan approval (MP10_0003) requires the proponent to obtain RailCorp's owners consent prior to the lodgement of any application which affects Railcorp land.

The department notified RailCorp of the proposed modification. No submission was received.

RailCorp issued owners consent for variation of hours of construction to the proponent. It is considered that the provision of owners consent by RailCorp for this proposal provides in-principle support for the proposed modification.

DELEGATED AUTHORITY

On 14 September 2011, 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 the relevant local council has not made an objection, a political disclosure statement has not been made and there are less than 10 public submissions in the nature of objections. As no objections from the public or council were received and a political disclosure statement has not been made, the Director, Metropolitan and Regional Projects North may determine the modification request under delegated authority.

KEY ISSUES

Impact on Neighbourhood Amenity

The Discovery Point site is extensive and much of the site under early stage construction. There is currently no residential development to the north, east and west of the Stage 6 construction site. There is however an occupied residential flat building, 'Vine' to the south of the stage 6 site. The building 'Vine' is 30 metres south of the proposed excavation works (see figure 2 and 3).

Condition D2 of the Stage 1 approval, permits construction work on Saturdays between 7.00 am and 3.30 pm however no works are approved on Sundays. An extension of the hours of construction from 7.00 am to 5.00 pm on both Saturdays and Sundays may impact residential amenity.

Rockdale City Council supports this variation however stipulated that the proposal to vary construction hours subject to Director-General approval, is only supported by Council if it coincides with scheduled RailCorp Track Possession Weekends.

Any application to vary hours of construction will be considered on a case by case basis and a range of constraints, such as confirmation of prior consultation with any relevant stakeholders will apply. The department considers adequate protection is provided and it is not necessary to restrict this provision to Railcorp Track Possession Weekends only.

It is recommended condition D2 be amended and a new condition of consent (condition D2A) be inserted into the Stage 1 project approval. Amended condition D2 is recommended to confirm approval for the extended construction hours on 9 and 10 February 2013. Condition D2A is recommended to detail the circumstances under which variation of construction hours may be approved by the Director-General.

The proponent has provided an Environmental Management Plan (EMP) identifying potential impacts of the construction works on the environment and surrounding communities. The plan details a range of relevant guidelines and documents and provides mitigating measures, as may be required, for Stage 6. The EMP confirms that all relevant legislative requirements are met and that it will be updated regularly.

The department supports the implementation of the EMP for Stage 6 works and a condition of consent (Condition D2B) is recommended to be inserted in the Stage 1 amended instrument confirming that current statutory and regulatory environmental, health and safety requirements will be implemented on the Stage 6 site.

RECOMMENDATION

It is RECOMMENDED that the Director, Metropolitan and Regional Projects North:

- note the information provided in this report;
- approve the modification request, subject to conditions; and
- sign the attached modifying instrument (Tag A).

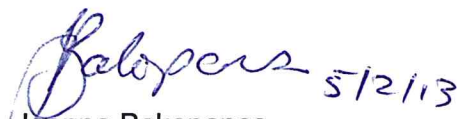
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