



**Planning &
Infrastructure**

MAJOR PROJECT ASSESSMENT:

***Discovery Point - Project Application for a Stage 6
residential flat building***

Discovery Point, 1 Princes Highway, Wolli Creek

Proposed by Discovery Point Pty Ltd

MP 10_0031



Director-General's
Environmental Assessment Report
Section 75I of the
Environmental Planning and Assessment Act 1979

July 2012

ABBREVIATIONS

CIV	Capital Investment Value
Department	Department of Planning & Infrastructure
DGRs	Director-General's Requirements
Director-General	Director-General of the Department of Planning & Infrastructure
EA	Environmental Assessment
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
EPI	Environmental Planning Instrument
MD SEPP	State Environmental Planning Policy (Major Development) 2005
Minister	Minister for Planning & Infrastructure
PAC	Planning Assessment Commission
Part 3A	Part 3A of the <i>Environmental Planning and Assessment Act 1979</i>
PEA	Preliminary Environmental Assessment
PFM	Planning Focus Meeting
PPR	Preferred Project Report
Proponent	Discovery Point Pty Ltd
RtS	Response to Submission
WSUD	Water Sensitive Urban Design

Cover Photograph: Perspective view of Discovery Point Concept Plan Approval with Stage 6 circled.

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EXECUTIVE SUMMARY

This is an assessment report for a Project Application seeking approval for the construction of a residential flat building at Discovery Point, 1 Princes Highway Wolli Creek pursuant to Part 3A of the *Environmental Planning and Assessment Act, 1979* (the Act). The site is located within the Rockdale Local Government Area. The Proponent is Discovery Point Pty Ltd.

The Project Application has been made pursuant to the approved Concept Plan for the site (MP10_0003). The proposal, as exhibited, seeks Project Approval for construction of Building 6, being a residential flat building incorporating 88 apartments. The proposal also includes associated basement parking, landscaping, public domain and road infrastructure works, and stratum subdivision.

This project has a Capital Investment Value of \$28,256,751.

The site is zoned 'B4 Mixed Use' under Rockdale Local Environmental Plan (LEP) 2011 and the proposed residential land use is permissible under the LEP.

The Environmental Assessment (EA) was exhibited for a 30 day period from 19 October to 18 November 2011. The department received 6 submissions from public authorities. No public submissions were received.

On 4 May 2012, the Proponent submitted a Preferred Project Report (PPR), followed by additional information on 30 May 2012, 6 June 2012 and 13 June 2012 which together made the following amendments:

- reconfiguration of basement and ground floor foyer and plant room / service areas and deletion of mezzanine plant room;
- brick 'heritage arc' element raised in height to match existing buildings and reconfiguration of the louvres on the heritage arc to be on expressed sliding tracks similar to existing buildings;
- other minor external façade changes including removal of window tinting; redistribution of louvres, reconfiguration of some windows and changes to awnings at levels 5, 11 and 12;
- road changes including provision of a 'shared zone' as well as a loading zone and a car share bay;
- landscape design amended;
- changes to some temporary works, including temporary turning area and temporary basement egress points and fire stair; and
- deletion of bulk earthworks and stairs to Discovery Point Park (as these both now form part of other stages).

Key issues considered in the assessment include: consistency with the approved Concept Plan and associated Development Design Guidelines, consistency with Rockdale City Council's Public Domain Plan, solar access, residential amenity and urban design.

The department considers that the proposed residential development is generally consistent with the approved Concept Plan and is suitable for the subject site. The department has assessed the merits of the proposal and is satisfied that the impacts of the proposed development have been satisfactorily addressed within the EA, PPR, Statement of Commitments and the department's recommended conditions of approval.

The proposal demonstrates appropriate urban design providing high quality amenity for residents, without adverse impacts to the surrounding locality. The proposal assists with the orderly redevelopment of the site and will contribute towards the long term dwelling targets within the Draft South Subregional Strategy. The proposal is recommended for **approval**, subject to conditions.

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1. BACKGROUND

1.1 Site Description

Discovery Point Pty Ltd (the Proponent) seeks project approval to construct a residential flat building incorporating 88 units with associated landscaping and infrastructure works at Discovery Point. The proposal is the second stage of redevelopment pursuant to the Discovery Point Concept Plan Approval, although it is known as 'Stage 6' or 'Building 6'. The project location is shown in **Figure 1**.

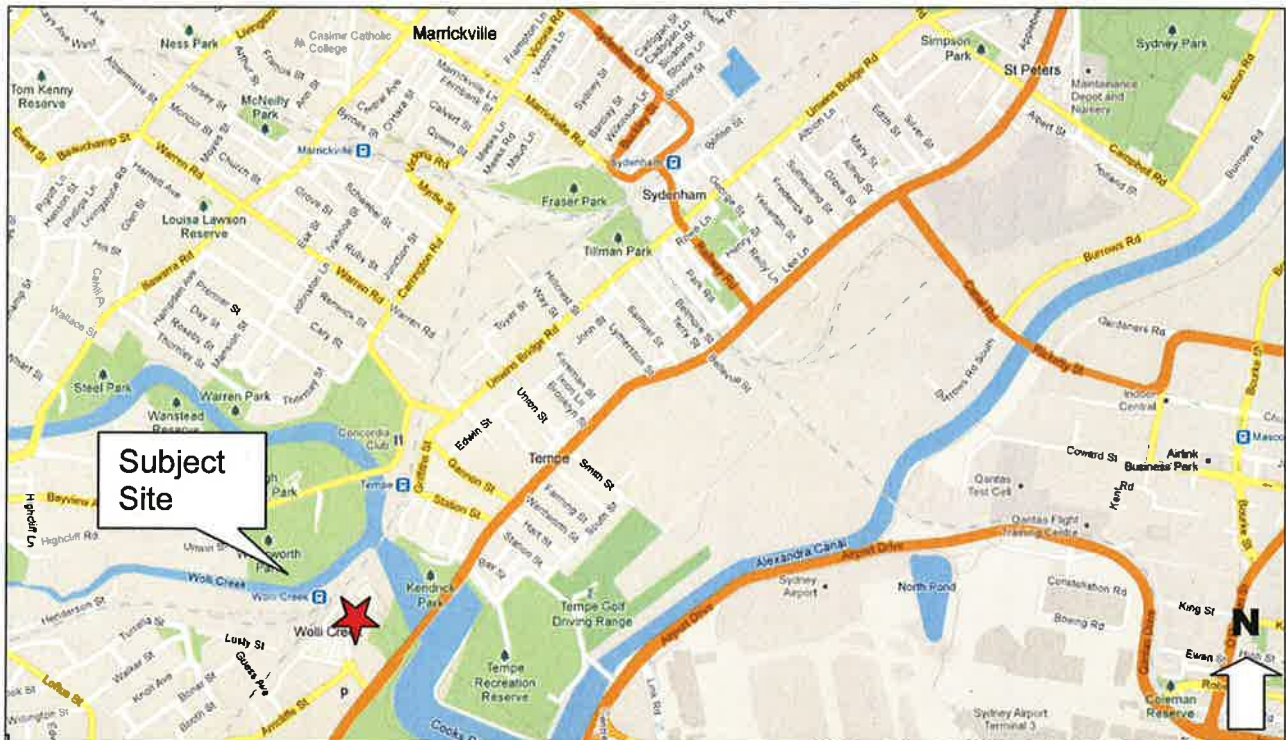


Figure 1: Project Location (Source: Google Maps, 2012)

The Discovery Point Concept Plan site is located in Wolli Creek, approximately 8km south-west of the Sydney CBD, within the Rockdale City Council Local Government Area.

The Stage 6 Project Application site (the site) is within the central section of Discovery Point and has an area of approximately 8577m². Refer to **Figures 2 and 3**.

The site was previously used for industrial purposes but has generally been cleared and is now vacant. A small portion of the site below ground includes the Airport Railway line. The site is relatively level and includes no significant vegetation.

Immediately adjoining the Stage 6 site to the south-east is Discovery Point Park and Tempe House, a heritage item listed on the State Heritage Register. To the south-west are other buildings outside the Concept Plan area, but forming part of the 'Discovery Point Park Arc' (also known as the 'Heritage Arc'): 'Vine', 'Verge', and 'Greenbank'. To the north-west of Building 6 will be the future extension of Brodie Spark Drive and beyond that future Building 11 (as per the Concept Plan). To the north-east is vacant land which will be the location of the future Building 7 and beyond that, the Cooks River.



Concept Plan Site
 Stage 6
Figure 2: Project Location (Source: Proponent's EA)



Figure 3: Project Location (Source: Proponent's EA)

1.2 Previous / Other Applications

Concept Plan Approval MP 10_0003

On 5 May 2011, the Director General, as delegate for the Minister for Planning granted Concept Approval (MP10_0003), for the use of the site for a mixed used development with associated public open space; indicative building envelopes for 14 buildings to a maximum height of 79.65AHD; basement level, ground level and above ground parking; road works to support the development; public pedestrian and cycle pathway; and landscaping areas throughout the site.

Modification to Concept Plan Approval MP 10_0003 MOD 1

On 15 June 2012, the Director, Metropolitan and Regional Projects South, as delegate for the Minister for Planning & Infrastructure granted a modification of the Concept Plan approval. The modifications included an amendment to the Development Design Guidelines to reduce solar access requirements for Building 6, minor changes to building separation requirements and a modification to permit future deviations from solar access requirements to be considered by the Consent Authority on merit. The modifications in relation to solar access were sought in order to address issues raised by the department following the exhibition of this Stage 6 application.

Major Project Approval MP10_0030

On 19 March 2012, the Deputy Director General, as delegate for the Minister for Planning & Infrastructure granted Project Approval (MP10_0030), for Stage 1 of the development, being mixed use buildings 1B and 1C providing a total of 130 apartments and retail area of 2197m². The proposal also included associated basement parking, landscaping, public domain and road infrastructure works, enabling bulk earthworks on adjacent sites (including the Stage 6 site) and temporary access to Wolli Creek Station.

In accordance with the Concept Plan approval, all other stages (other than 1 and 6 which had DGRs issued prior to the approval of the Concept Plan) will be the subject of Development Applications to Rockdale City Council.

2. PROPOSED PROJECT

2.1. Project Description

The proposal, as exhibited in the EA, seeks Project Approval for construction of Stage 6, being a 13 storey residential flat building ('Building 6') including 88 dwellings; basement car parking (also extending below future building 11) for 79 car parking spaces; landscaping, public domain works including improvements to Station Park and Discovery Point Park, extension of Brodie Spark Drive, 7 on-street visitor parking spaces, infrastructure works, and stratum subdivision.

2.2. Preferred Project Report (PPR)

Following the public exhibition of the EA, the department advised the Proponent of a number of issues which required further consideration. The main issues raised related to compliance with the Concept Plan Approval. On 12 March 2012, the Proponent submitted an application to amend the Concept Plan to address one of the issues, being non-compliance with solar access requirements.

On 4 May 2012, the Proponent submitted a PPR to address other outstanding issues. The PPR resulted in a number of minor modifications to the proposal. These include:

- minor adjustment to the Stage 6 boundary to address interface with future Stage 7 and assist with construction staging;
- bulk earthworks deleted (as they have subsequently been incorporated into Stage 1);
- reconfiguration of basement and rationalisation of basement and ground floor plant room and service areas, deletion of mezzanine plant room, resulting in a reduced ground floor foyer area;
- minor changes to façade design, including removal of window tinting; redistribution of louvers to the northern façade, mullion layout and spacing and removal of level 11/12 awning on northern façade;
- road changes including provision of a 'shared zone' on the corner of Brodie Spark Drive and future Chisholm Street and a loading zone and a car share bay nominated on Brodie Spark Drive;
- landscape design amended including: revision of WSUD measures, deletion of one palm tree on Brodie Spark Drive to accommodate on-street parking; update of railway security fencing; provision of raised planter area around Station Park and the podium; relocation of stair access between Buildings 6 and 7; and removal of ramp;
- relocation of substation; and
- changes to some temporary works, including provision of temporary turning area for emergency vehicles, deletion of temporary basement egress points and fire stair.

2.3. Addendums to Preferred Project Report / Additional information

On 30 May 2012, the Proponent submitted an addendum to the PPR. The addendum sought some minor changes to the proposal including:

- brick 'heritage arc' element raised in height to match existing buildings and reconfiguration of the louvers on the heritage arc to be on expressed sliding tracks similar to existing buildings;
- other minor external façade changes including reconfiguration of two windows; provision of additional glazing, changes to awnings at level 11; and
- reconfiguration of the Basement bin store and car parking spaces

The proponent submitted additional information on 6 June 2012 including amended plans which outlined the following further minor changes:

- amendments to level 11 awning and awning added to level 5 at heritage arc;
- changes to windows at levels 11 and 12;
- stair to Discovery Point Park indicated as 'Forms part of Stage 7 works'; and
- ground level plant replanned, including relocation of doors.

Additional information was also submitted on 13 June 2012 which included further minor amendment to the alignment of a raised planter bed.

The development as proposed within the PPR as amended is detailed in **Table 1** and **Figures 4, 5, 6 and 7** below.

Table 1: Key Components of the Project

Aspect	Description
Building 6	• 13 storey building above basement parking; • 88 apartments (30 x 1 bedroom; 52 x 2 bedroom; 6 x 3 bedroom); • roof top plant.
Car/ Bicycle Parking	Basement Car parking (including area under future building 11 and partially under future building 8) for: • 79 Residential car parking spaces; • 6 bicycle spaces; and • 6 motorcycle spaces; On street parking including: • 5 visitor spaces; • A loading area for furniture removals and emergency vehicles; and • 1 car share bay.
Landscape Works	• Landscaping of Station Park; • Improvements to Discovery Point Park; • Landscaping between Building 6 and future Building 7; and • Street planting and landscaping to Brodie Spark Drive extension.
Road Infrastructure	Extension of Brodie Spark Drive.
Basement for future stages	Construction of a portion of the basement structure for future stage 11 due to ease of construction methodology. (Approval of actual parking numbers would be subject to future application)
Temporary Works	• Earthworks associated with site works; • temporary fencing; • temporary turning area for emergency vehicles; • temporary fence and paving to substation; and • temporary bin store within basement.
Stratum Subdivision	Stratum subdivision of the site to create 5 lots including Building 6; roads and future buildings.



Figure 4: Building 6 within the Discovery Point site (source: Bates Smart)



Figure 5: Site Plan on completion of Stage 6 indicating extent of Stage 6 works (source: Bates Smart)



Figure 6: Architect's impression of the proposed building as viewed from Discovery Point Park
(source: Bates Smart)



Figure 7: Architect's impression of the proposed buildings as viewed from Brodie Spark Drive
(source: Bates Smart)

2.4. Project Need and Justification

NSW 2021

NSW 2021 replaces the State Plan as the NSW Government's strategic business plan for setting priorities for action and guiding resource attention. NSW 2021 is a ten year plan to rebuild the economy, provide quality services, renovate infrastructure, restore government accountability and strengthen the local environment and communities.

The proposal's location adjacent to Wolli Creek Station and transport interchange and adjacent to other recently approved retail facilities will contribute to the plan's goal of building liveable centres. Further, the provision of high density residential flat buildings within the area will increase the supply and variety of housing stock to help provide more affordable housing within the inner south area. This proposal therefore provides an important opportunity to redevelop a currently underutilised site to support these aims.

Sydney Metropolitan Plan for Sydney 2036

The *Metropolitan Plan for Sydney 2036* is a strategic document which guides the development of the Sydney Metropolitan area towards 2036. The Plan establishes housing and employment targets for the Sydney region at 770,000 additional dwellings and 760,000 new jobs by 2036. The Plan seeks at least 70% of new dwellings to be located within existing urban areas focused around centres served by public transport. The proposal is consistent with the aims of the Metropolitan Plan and will contribute towards meeting the targets for new dwellings located in close proximity to public transport facilities, retail services and opportunities for employment, as well as providing jobs during the construction phase.

Draft South Subregional Strategy

The Metropolitan Plan places the site in the South Subregion. The *Draft South Subregional Strategy* identifies Wolli Creek as a "Village", which typically contains between 2,100 and 2,500 dwellings. The Metropolitan Plan provides updated targets for the draft subregional Strategy, setting a target of an additional 58,000 dwellings and an additional 52,000 jobs by 2036. The proposal provides 88 additional dwellings across a mix of unit sizes to cater for the needs of the locality. The development will also provide construction jobs in the short term. The proposal is therefore considered to be consistent with the overall objectives of the Strategy, contributing towards identified housing and job targets.

3. STATUTORY CONTEXT

3.1. Continuing Operation of Part 3A

Part 3A of the Environmental Planning and Assessment Act 1979 (EP&A Act) as in force immediately before its repeal on 1 October 2011 and as modified by Schedule 6A to the Act, continues to apply to transitional Part 3A projects. Director-Generals environmental assessment requirements (DGRs) were issued in respect of this project prior to 8 April 2011, and the project is therefore a transitional Part 3A project.

Consequently, this report has been prepared in accordance with the requirements of Part 3A and associated regulations, and the Minister (or his delegate) may approve or disapprove of the carrying out of the project under section 75O of the EP&A Act.

3.2. Major Project

On 5 May 2011 the Director General, as delegate for the Minister for Planning & Infrastructure, approved the Discovery Point Concept Plan (MP10_0003). This Concept Plan approval required the submission of this project application under Part 3A of the EP&A Act. Therefore the Minister is the approval authority.

On 14 September 2011, the Minister for Planning and Infrastructure delegated his powers under Section 75J of the EP&A Act, for determination of project applications to the Deputy Director General, Development Assessment and Systems Performance where:

- no reportable political donation has been declared in relation to the subject application; and
- the relevant council has not objected to the proposed development; and
- there are less than 25 submissions by way of objection by members of the public.

The project meets the above criteria as no reportable political donation has been declared in relation to the subject application, Council does not object to the proposal, and no public submissions were received. The Deputy Director General may therefore determine the project under delegated authority.

3.3. Permissibility

The Rockdale Local Environmental Plan (LEP) 2000 was in force at the time of lodgement and exhibition of the proposal. The site was zoned Mixed use 10(a1) (Railway precinct) under this LEP. The proposed land uses are permissible with consent in the 10(a1) zone.

On 5 December 2011, Rockdale LEP 2011 was gazetted. The Discovery Point site is zoned B4 Mixed Use under this LEP. The proposed land residential land use is permissible within the B4 zone.

3.4. Consistency with the Concept Plan Approval

The Project Application has been assessed for consistency with the Concept Plan Approval (MP10_0003) as modified. The department's detailed assessment is provided in **Section 5.1** below and **Appendix E**. The department considers that the Project Application is generally consistent with the Discovery Point Concept Plan.

3.5. Environmental Planning Instruments

Under Sections 75I(2)(d) and 75I(2)(e) of the EP&A Act, the proposal has been assessed in relation to the provisions of all relevant State Environmental Planning Policies (SEPPs) and the provisions of all environmental planning instruments (EPIs) that would (except for the application of Part 3A) substantially govern the carrying out of the project. The department's consideration of relevant SEPPs and EPIs is provided in **Appendix D**.

3.6. Objects of the EP&A Act

Decisions made under the EP&A Act must have regard to the objects of the Act, as set out in Section 5 of the Act. The relevant objects are:

- (a) *to encourage:*
 - (i) *the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,*
 - (ii) *the promotion and co-ordination of the orderly and economic use and development of land,*
 - (iii) *the protection, provision and co-ordination of communication and utility services,*
 - (iv) *the provision of land for public purposes,*
 - (v) *the provision and co-ordination of community services and facilities, and*
 - (vi) *the protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats,*
 - (vii) *ecologically sustainable development,*
 - (viii) *the provision and maintenance of affordable housing, and*
- (b) *to promote the sharing of the responsibility for environmental planning between the different levels of government in the State, and*
- (c) *to provide increased opportunity for public involvement and participation in environmental planning and assessment.*

The proposal complies with the objectives of the EP&A Act as it will facilitate the orderly development of the site. The residential development will provide social and economic benefits through the provision of additional housing opportunities and employment opportunities. The proposal also has an acceptable performance in relation to ESD principles, complying with BASIX requirements. The proposal does not raise any issues with regard to the objects under the Act.

3.7. Ecologically Sustainable Development

The EP&A Act adopts the definition of Ecologically Sustainable Development (ESD) found in the *Protection of the Environment Administration Act 1991*. Section 6(2) of that Act states that ESD requires the effective integration of economic and environmental considerations in decision-making processes and that ESD can be achieved through the implementation of:

- (a) *the precautionary principle,*
- (b) *inter-generational equity,*
- (c) *conservation of biological diversity and ecological integrity, and*
- (d) *improved valuation, pricing and incentive mechanisms.*

The project is consistent with the key principles of the ESD. A further detailed assessment against ESD Principles is at **Appendix D**.

3.8. Statement of Compliance

In accordance with section 75I of the EP&A Act, the department is satisfied that the Director-General's environmental assessment requirements have been complied with.

4. CONSULTATION AND SUBMISSIONS

4.1. Exhibition

Under section 75H(3) of the EP&A Act, the Director-General is required to make the EA of an application publicly available for at least 30 days. After accepting the EA, the department publicly exhibited it for a period of 30 days from 19 October 2011 until 18 November 2011 on the department's website, at Rockdale Council and at the department's Bridge Street Office. The department also advertised the public exhibition in the Sydney Morning Herald, the Daily Telegraph and the Sutherland St George Daily Leader on 19 October 2011 and notified landholders, and relevant State and local government authorities in writing.

The department received six submissions during the exhibition of the EA, all being from public authorities and no submissions from the general public or special interest groups.

A summary of the issues raised in submissions is provided below.

4.2. Public Authority Submissions

Eight submissions were received from public authorities.

4.2.1 Rockdale City Council did not object to the proposal, however provided the following comments:

- raised a concern with the proposed unit mix;
- advised on s94 requirements;
- requested more detailed landscape plans and advised of the need to conform with the Wollie Creek and Bonar Precinct Public Domain Plan;
- raised flooding and stormwater management issues including the need for an evacuation management plan, the need for drainage to be designed taking into account climate change; inclusion of water sensitive urban design features and public domain drainage to comply with AUSTROADS;
- raised parking and traffic issues including the need for pedestrian crossings, provision of loading areas for furniture removal and emergency vehicles; and bicycle parking security.

On the basis that similar conditions to those imposed on the Stage 1 approval to deal with Council concerns would be imposed on the Stage 6 approval, Council advised it has no further comments in response to the Proponent's PPR. The department has considered Council's comments in **Section 5** of this report and further considers that the recommended conditions of approval address the issues raised by Council.

4.2.2 Transport for NSW did not object to the proposal however, provided the following comments:

- a Travel Access Guide / Sustainable Travel Plan should be provided as a condition of approval;
- bicycle parking provision is lower than recommended by the "planning guidelines for walking and cycling"; and
- the width of Brodie Spark Drive does not comply with accepted minimum requirements.

The department considers that the Proponent's PPR and recommended conditions of approval adequately address the issues raised by Transport for NSW. It is noted that the Travel Access Guide prepared for the Stage 1 development also covers the Stage 6 proposal, and that the proponent has committed to provide an additional car share space as part of this proposal.

4.2.3 Heritage Council of NSW did not object to the proposal however raised concerns about the potential for archaeology / relics of heritage significance within the location of the proposed development. Commitments were recommended to ensure that all heritage issues are satisfactorily addressed. The proponent has updated its Statement of Commitments accordingly.

4.2.4 Roads and Maritime Services (RMS) did not object to the proposal and provided the following comments:

- the development should be designed to mitigate road traffic noise from the Princes Highway;
- the provision of parking, and loading should be provided to the satisfaction of the department;
- parking design should be in accordance with AS2890.1;
- vehicles should enter and leave in a forward direction; and
- all works shall be at no cost to the RMS.

Appropriate conditions of approval have been recommended.

4.2.5 RailCorp did not object to the proposal and recommends the imposition of a number of conditions in order to protect the rail corridor; rail operations and works on RailCorp Land. Appropriate conditions of approval have been recommended.

4.2.6 Office of Environment and Heritage did not object to the proposal and advised that one part of the Stage 6 site is identified as having a moderate archaeological potential for Aboriginal relics. It was recommended that this should be incorporated into the existing conservation precinct and there should be no further test excavations in this area.

The department considers that the Proponent's PPR and recommended conditions of approval adequately address the issues raised by the Office of Environment and Heritage.

4.3. Public Submissions

No submissions were received from the public.

4.4. Proponent's Response to Submissions

The Proponent provided a response to the issues raised in submissions within the Preferred Project Report (see **Appendix C**) as described in **Section 2.2**.

5. ASSESSMENT

The department considers the key environmental issues for the project to be:

- Compliance with the Concept Plan Approval and Development Design Guidelines;
- Consistency with Council's Public Domain Plan and Technical Manual;
- Solar Access and Residential Amenity; and
- Building Appearance and Urban Design.

5.1. Compliance with the Concept Plan Approval and Development Design Guidelines

The main overarching planning framework documents for the site are the:

- Discovery Point Concept Plan Approval (MP10_0003); and
- Discovery Point Development Design Guidelines.

These are discussed in turn below:

Concept Plan

The Discovery Point Concept Plan was approved on 5 May 2011 for a mixed use development with associated public open space. The Concept Plan included indicative building envelopes for 14 buildings, car parking, roadworks, public pedestrian and cycle pathways and landscaping throughout the site.

The department has undertaken a detailed assessment of the Stage 6 proposal against the Concept Plan in **Appendix E**. The department considers that the proposal complies with the key parameters approved by the Concept Plan. Although there are variations from the approved building envelope and dwelling mix approved by the Concept Plan, these variations are minor and the proposal remains generally consistent with the Concept Plan approval.

While the development on its own would not strictly comply with dwelling mix requirements, the requirement applies to the site as a whole, and compliance for the site can still be achieved by incorporating an appropriate dwelling mix with additional 3 bedroom apartments within future stages.

The extent of the deviations from the approved building envelope can be seen in the elevations and sections and relate essentially to terrace balustrades and awnings at level 11 and minor protrusions of façade elements at lower levels including the heritage arc feature wall: see for example **Figure 9** below. The Concept Plan Approval allows for minor deviations in that buildings are only required to be 'generally consistent' with the approved envelopes. The awnings are a minor element in the context of the entire façade, as is the balustrading which is predominantly glazed. The other protrusions are only blade walls and don't materially add to building bulk, but rather provide articulation to the facades to reduce apparent bulk. The deviations will barely be perceptible from the public domain and will not result in any adverse impacts to the locality or any material variation from the built form envisaged by the Concept Plan approval.

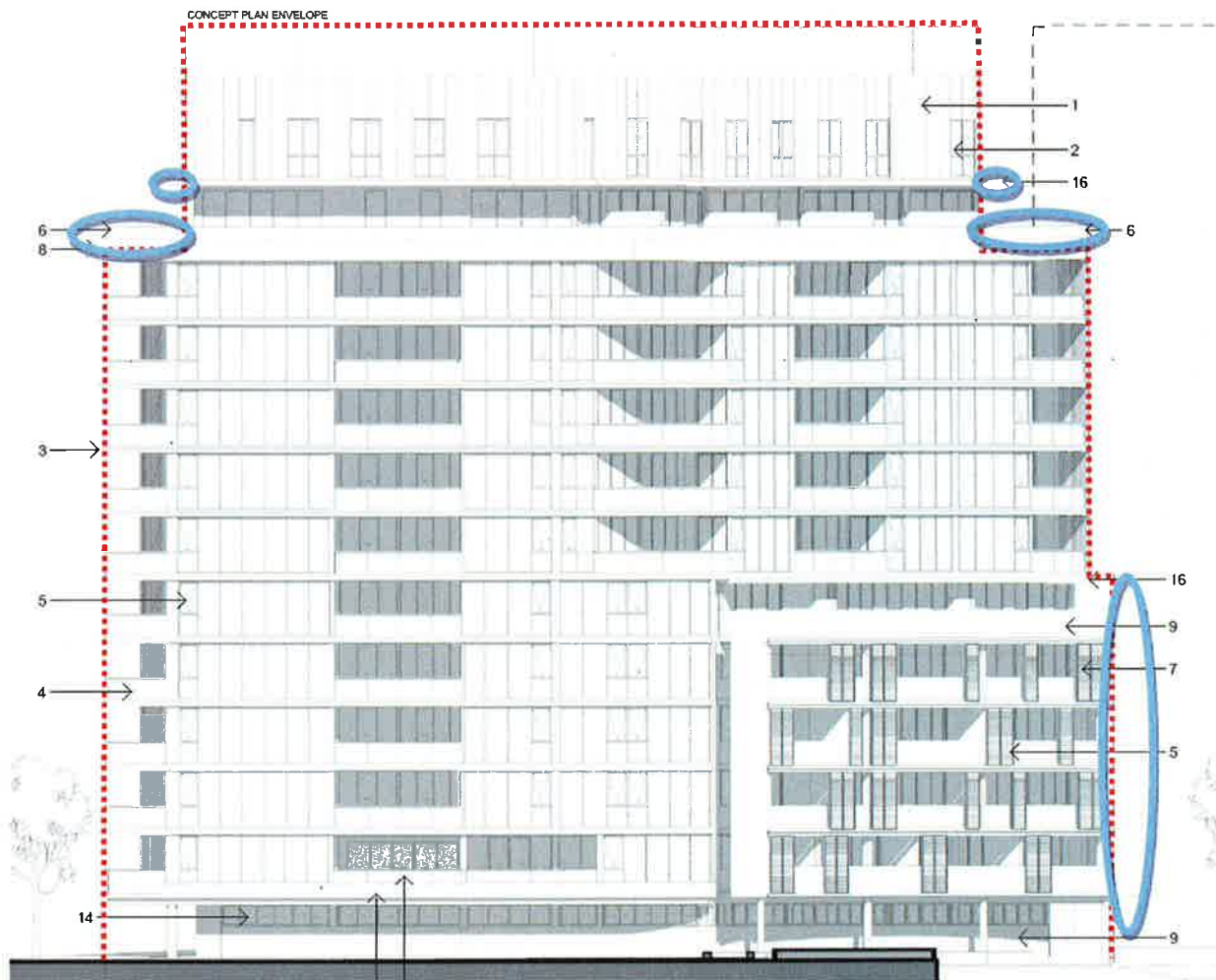


Figure 8: Minor Deviations from building envelope (the approved Concept Plan envelope is shown in red and the areas of deviation are shown circled)

Development Design Guidelines

The Concept Plan approval also required compliance with the "Discovery Point Concept Plan Development Design Guidelines". The Guidelines include further controls relating to landscaping; sustainability; social equity; parking; residential flat building design; and mixed use development. A preliminary version of the Guidelines was approved as part of the Concept Plan Approval, and has been subsequently updated to comply with a condition of that approval, and further amended following a modification request by the proponent to reduce solar access requirements for Building 6. The current Guidelines were approved by the department on 15 June 2012.

A detailed assessment of the proposal against the updated Guidelines is included at **Appendix E**. The proposal is generally consistent with the Guidelines, or can be made consistent with the imposition of appropriate conditions. Minor areas of non-compliance relate to consistency with the Rockdale City Council Wolli Creek and Bonar Street Precinct Public Domain Plan and Technical Manual; storage provision for each of the units; and street activation. Compliance with the Public Domain Plan is discussed in **Section 5.2** below. Storage controls are identical to the controls set out in the Residential Flat Design Code, which is discussed in **Section 5.3** below. Street activation is discussed in **Section 5.4**. In all cases it is considered that the minor areas of non-compliance will not result in any unacceptable impacts.

While the updated Guidelines no longer include specific solar access controls for Building 6, the department has undertaken an assessment of solar access and amenity in **Section 5.3**.

The department is satisfied that the project application is generally consistent with the Concept Plan and Development Design Guidelines for Discovery Point.

5.2. Consistency with Council's Public Domain Plan and Technical Manual

Term of Approval A5, and Future Assessment Requirements 3 and 13 of the Concept Approval require that all future applications demonstrate that the landscaping and public domain / streetscape elements are consistent with Rockdale City Council's Wolli Creek and Bonar Street Precinct Public Domain Plan and Technical Manual (except as amended following discussions between the proponent and Council).

Rockdale Council raised a concern that the application does not include landscape plans with sufficient detail to determine if the proposal is consistent with the Public Domain Plan and Manual. The proponent has also acknowledged that the proposed landscape and public domain works include some variations to the Public Domain Plan but that despite the variations, the proposal is consistent with most of the detailed provisions of the Plan and will support the achievement of its design principles.

A similar concern was raised by Council in response to the Stage 1 application and in that case the issue was resolved through the imposition of a condition requiring landscape plans and all public domain design specifications to be submitted to Council for approval prior to issue of a Construction Certificate. It is considered that a consistent approach should be applied to both sites and therefore a similar condition of approval has been included in the draft conditions in **Appendix G**. Both the Council and the Proponent have advised they support this approach.

5.3. Residential Amenity including Solar Access

Amenity impacts of the proposal have been considered against the requirements of State Environmental Planning Policy No 65 (Design Quality of Residential Flat Buildings) (SEPP 65) and the accompanying Residential Flat Design Code (RFDC). A detailed assessment is included at **Appendix D**. As the majority of units have been oriented in a southerly direction, the proposal results in a significant deviation from the solar access requirements and requirements relating to south-facing single aspect units. These are discussed in detail below. Otherwise, the building generally complies with the requirements of SEPP 65 and the RFDC, with the exception of minor variations in terms of building depth, depth of units, deep soil landscaping, number of units to a circulation core, and storage. These variations are also discussed below.

Solar Access and Orientation

The RFDC recommends that 70% of units within a residential building should receive 3 hours of solar access mid-winter. When the Concept Plan was assessed, it was recognised that it would be difficult to achieve this level of solar access for Building 6. Development Design Guidelines approved with the Concept Plan required 2 hours of solar access to 60% of the units within Building 6. This numerical requirement has since been deleted and the guidelines now provide that:

Dwellings within the Concept Plan site should receive a minimum of 2 hours sunlight to living rooms and private open space to 70% of apartments between 9am and 3pm on 21 June, with the exception of Building 6.

The proposed design of Building 6 as submitted in this project application would achieve 2 hours of solar access to just 19% of units mid-winter. 44% of units would receive 1 hour of solar access. The level of solar access available to Building 6 is affected by:

- the form of the building is derived from the continuation of the existing 'heritage arc', which necessarily orientates the built form primary frontage to the south;
- the orientation of living rooms and private open space towards the south take advantage of the extensive water, park and district views to the south of the site; and
- the building will be overshadowed by the approved Building Envelopes 7 and 11 to the north.

Compliance with the RFDC or with the 60% control set out in the earlier version of the Development Design Guidelines could only be met by significant amendments to the Concept Plan as follows:

- future Buildings 7 and 11 (to the north of Building 6) would need to be significantly reduced in height to well below that envisaged by the Concept Plan; and
- the internal layout of Building 6 would need to be substantially redesigned to orient most living rooms and open space areas to the north.

In its assessment of the Modification to the Concept Plan, the department considered the extent of the reduction in the height of Buildings 7 and 11 necessary to ensure solar access to 60% of units in Building 6. Refer to **Figures 4 and 5** below. The department considered that the reduction of Buildings 7 and 11 was not justified given that:

- a reduction would significantly reduce the number of dwellings able to be provided on the site;
- it would result in a less harmonious appearance of the development, as the approved envelopes were designed in conjunction with surrounding built forms to ensure a congruent overall urban design outcome; and
- it would cause a reduction in the solar access performance for Buildings 7 and 11 as there would be significantly less apartments left within those buildings that would be able to achieve solar access targets;

Therefore on balance, it was considered that any improvement to solar access to Building 6 is outweighed by the detrimental impacts which arise from the necessary change to Buildings 7 and 11.

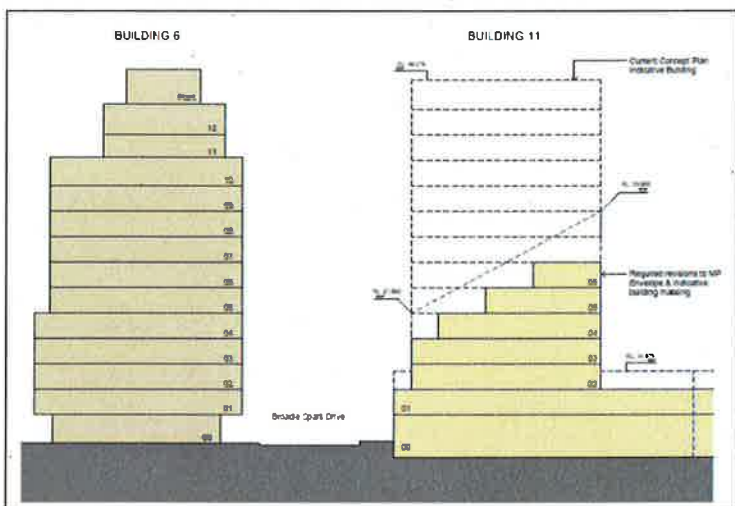


Figure 4: Impact on Building 11 from complying with 60% solar access requirement (Source: Proponent's Report)

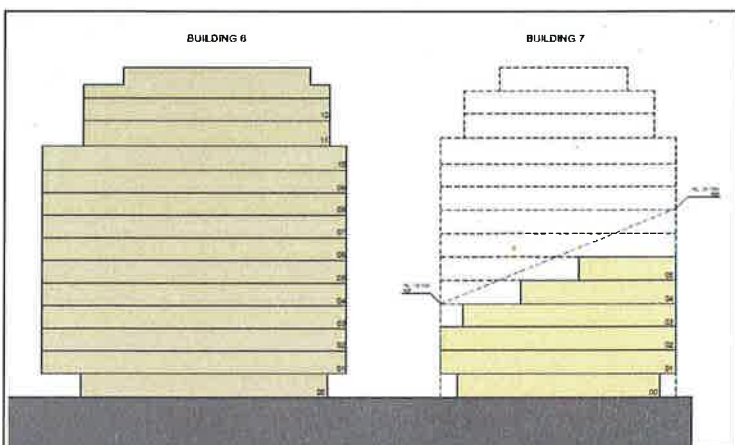


Figure 5: Impact on Building 7 from complying with 60% solar access requirement (Source: Proponent's Report)

Re-orientation of more living rooms and balconies to the north rather than towards the south is not considered desirable in this instance as it would mean that those units could not take advantage of the amenity generated by the extensive park and district views to the south of the building. The amenity generated by those views has the potential to off-set any reduction in amenity arising from reduced solar access.

Given the site constraints and the impacts associated with achieving compliance with solar access requirements, the department considers that a more holistic approach to the measure of amenity could be applied to Building 6. For example, south facing units have incorporated extensive glazing to living areas to take advantage of the views but also to ensure good levels of daylight to the units, if not direct solar access. Other factors contributing to amenity include room and private open space dimensions and size; natural ventilation; privacy and access.

The proponent has prepared an amenity analysis which identifies floor by floor the key amenity features available to each apartment. The analysis demonstrates that the proposed building will achieve reasonable levels of amenity with 68% of apartments being naturally cross ventilated; 77% enjoying views and all units achieving minimum required apartment size and open space areas; good levels of privacy and good access to parks; public transport and retail services.

Regardless of the limited solar access, the building would still comply with the remaining solar access control set out in the Development Design Guidelines being *"development must comply with the building form, separation and site layout within the Concept Plan envelopes"* and with the objective of the controls to *"provide sunlight access to private open space and habitable rooms within the development in accordance with the approved Concept Plan envelopes"*.

The department considers that the low level of solar access will therefore not result in an unacceptable amenity impact for future occupants and that the reduced levels of available solar access is considered to be off-set by the amenity generated from the southerly outlook available from the dwellings. This factor, in conjunction with the quality design of the apartments, including extensive glazing to allow daylight access, ensures an acceptable level of amenity will be achieved for future occupants. The significant deviation is also justified on the basis of the positive urban design outcomes that arise from the continuation of the heritage arc, resulting in a southern orientation.

For the same reasons, non-compliance with the RFDC rule of thumb limiting single aspect south facing units to 10% (where the development includes 32% of units as single aspect south facing), can also be supported in this instance.

Building Depth

The department assessed building depth in the assessment of the Concept Plan, and considered that depths of 17 - 23 metres were acceptable. With a depth of 22 metres, the building has been designed in accordance with the Concept Approval. Despite the non-compliance with the RFDC guideline of 18 metres, the proposed building achieves acceptable amenity standards in terms of natural cross ventilation. A reduction in building depth would not result in improved solar access, as units would still be predominantly oriented towards the south. As such no adverse amenity impacts arise from the non-compliance.

Depth of Single Aspect Units

The single aspect units within the proposal have depths of between 7 and 10 metres. The RFDC recommends that apartment depths should be limited to a maximum of 8 metres. In the instances where apartments are up to 10 metres in depth, the areas more than 8 metres from a window are generally limited to non-habitable spaces such as bathrooms and circulation space which do not materially benefit from being in closer proximity to a window. In addition, the building façade is articulated such that variable depths are provided to each apartment to enhance access to natural light. It is considered that the minor deviation from the RFDC guideline results in no material adverse impacts.

Deep Soil Landscaping

The proposal includes landscaping improvements but no new deep soil landscape areas are proposed on the site of Building 6. The RFDC recommends that 25% of the open space should be deep soil zone. Deep soil landscaping was considered as part of the Concept Plan Approval and the proposed development is consistent with the 'Development Design Guidelines' under that approval. In this regard, the deep soil zones across the Concept Plan site are provided within Discovery Point Park, Waterfront Park and Neighbourhood Park, and all other landscaped areas are provided above basement car parks.

Units to Circulation Core

The RFDC recommends that a maximum of 8 units are accessed off a circulation core. However the proposal has been designed in accordance with the requirements of the approved Discovery Point Development Design Guidelines which permit up to 12 units accessed from a circulation core. Furthermore, only one level (Level 1) exceeds the RFDC guideline with 10 units accessed at that level. No material impacts arise and a reasonable level of amenity is ensured by including windows to the circulation core for natural light and ventilation, as well as dual lifts and access stairs.

Storage

The RFDC and the Development Design Guidelines recommend the provision of 6m³ of storage space for 1 bedroom units, 8m³ for 2 bedroom units and 10m³ for 3 bedroom units, exclusive of wardrobes and kitchen cupboards. All units have access to a lockable storage cupboard at the basement level. The proponent has provided calculations of the storage areas for each unit and the calculations are shown to exceed the RFDC recommendations. However the calculations do include wardrobe space within the units. Whilst technically this is not in accordance with the Guidelines, it is considered reasonable given the generous size of wardrobe spaces and the separate space provided at the basement level, ensuring a good level of amenity for future residents. This is also consistent with the approach taken in the assessment of the Stage 1 project application.

5.4. Building Appearance and Urban Design

Overall height, scale and massing of the proposed building are generally in accordance with the Concept Plan approval. Minor deviations from the approved building envelope were considered above in **Section 5.1** and the only other urban design considerations for this project application are therefore related to issues of façade treatments and street activation.

Façade Treatment

The department considers that the proposal results in a high quality façade design. Building massing and materials distinguish a base, the 'masonry arc', a middle and a top to the building. These have been designed to be consistent with the alignments of other buildings in the heritage arc (refer to **Figure 10** below). The southern and northern facades have a strong horizontal emphasis in their design and include extensive glazing, while the eastern and western facades have a vertical emphasis and limited openings. This reflects the differing functions of the facades: north and south designed to maximise sunlight and views and east and west designed for privacy.

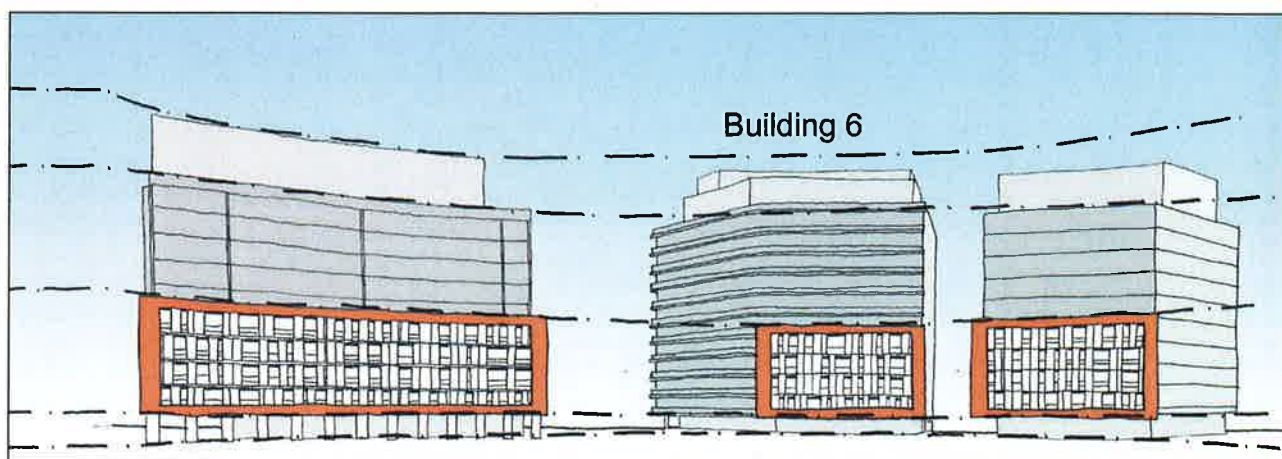


Figure 9: Building alignments along the heritage arc

A palette of various external materials, finishes and elements ensure interesting and attractive facades on all elevations and include aluminium louvres, glass balustrading, rough cast render element, off form and painted concrete, battens over painted masonry and the masonry arc in face brick.

In addition to the architectural plans, the Design Report submitted with the application provides specific details of the façade treatments proposed. A condition has been included requiring compliance with that Design Report through all stages of documentation and construction, to further ensure the quality of the façade treatments.

Street Activation

The Development Design Guidelines require that *“non-active ground floor uses, including building services and loading docks, should be located along Spark Lane wherever possible) and/or wrapped in retail, commercial or residential development”*.

As the proposal only includes residential uses, there is limited opportunity for active facades along Brodie Spark Drive at the ground floor level. A foyer area with floor to ceiling glazing occupies part of the façade and ensures a degree of street activation. The remainder of the floor plate has been designed with ground floor units oriented away from the street towards the park to maximise amenity and privacy for occupants and does not include windows on the street-facing façade.

The orientation, in conjunction with the limited floor plate also means that plant and utility areas also occupy a section of the ground floor façade. To assist in providing a more ‘active’ appearance to the façade, the design includes interesting materials and finishes including coloured battens over painted masonry as indicated in **Figure 10**. Windows and balconies at the first floor level and above will overlook the street and also help to provide a sense of activation and passive surveillance. It is considered that an adequate degree of activation will be provided whilst also ensuring maximum amenity for the units.



Figure 10: Street Facade along Brodie Spark Drive

5.5. Other Issues

Other Issues considered in the assessment of the application include:

Issue	Consideration
Heritage	The Stage 6 site adjoins the curtilage of Tempe House and St Magdalenes Chapel, a heritage item listed on the State Heritage Register. A Statement of Heritage Impact was therefore prepared by Tanner Architects. The report finds the proposed development will be sympathetic with the heritage items, and will not adversely impact on the significance of Tempe House or St Magdalen's Chapel. The department agrees with the findings of the report and considers that the proposal has been designed to be consistent with other buildings within the heritage arc and provide a sympathetic backdrop to the nearby heritage items.
Flood Protection	The site is within an area of flood prone land. The proposal complies with the requirements of the Concept Plan approval for flood protection, including the requirement that habitable floors to be constructed to a minimum of 500mm above the 0.5% annual exceedence probability (AEP) flood. Council requested that a detailed flood evacuation management plan be prepared. The proponent has subsequently submitted a detailed flood evacuation management plan.
Road Design	Concerns were raised by Council and Transport for NSW that the design of some aspects of the proposed roadways (including associated drainage) did not meet AUSTROADS requirements, contrary to the conditions of the Concept Plan approval. The proponent advises that the design details do comply with AUSTROADS and has provided certification from a qualified engineer. The department is therefore satisfied that the proposal adequately complies with AUSTROADS requirements. Council also raised the need for pedestrian crossings and provision of loading areas for furniture removal and emergency vehicles. The amended plans submitted with the PPR include the provision of an on-street loading area as requested. They also include a Shared Zone on the corner of Brodie Spark Drive and future Chisholm Street. A pedestrian crossing is not proposed by the proponent, and their Civil engineers have advised that the potential number of pedestrians does not meet the RMA warrant for a pedestrian crossing. The department considers that the proposed Shared Zone is adequate to manage potential pedestrian / vehicle conflict and a pedestrian crossing is not required.

Water Sensitive Urban Design	Council raised a concern that the proposal does not include Water Sensitive Urban Design (WSUD) features (or sufficient detail of these features) as required by the Concept Plan Approval. Landscape Plans submitted with the PPR include bio-retention systems as a WSUD feature, although no cross-section or detail of their design has been provided. As further detailed landscape plans will need to be approved by Council prior to construction (refer to discussion in Section 5.2 above) it is considered reasonable that they include further detail of the bio-retention systems to address the concern raised by Council. An appropriate condition has been included.
Travel Access guide / Green Travel Plan and non-car transport mode splits	The Concept Plan approval requires future applications to provide a Transport Access Guide (TAG), including investigation of car sharing schemes. The proponent submitted a preliminary TAG with Stage 1. As outlined within the Concept Plan, a minimum of four car share bays are planned to be established throughout Discovery Point. One car share space was approved as part of Stage 1. A second space is included adjacent to Building 6. An appropriate condition of approval has been recommended to ensure the space is incorporated into the car share scheme during the early operation of the development.
Section 94 Contributions	Council have advised of the Section 94 Developer Contributions applicable to the development. An appropriate condition is included in the recommendation.
Railcorp Endorsement	The Concept Plan Approval included conditions requiring that prior to the lodgment of any application that will involve works within close proximity of the rail corridor, or where rail services are identified within the site, Railcorp's endorsement is to be obtained. In this case Railcorp's endorsement was not provided prior to lodgment of the application. However Railcorp recommended a number of conditions in response to the exhibition of the proposal. Inclusion of conditions requiring endorsement prior to construction certificate will ensure Railcorp's interests are adequately protected. Appropriate conditions have been recommended.
Subdivision	The proposal involves the stratum subdivision of Building 6 from the surrounding public domain and other development sites. The department has reviewed the draft subdivision plans and considers that the stratum subdivision is appropriate subject to conditions of approval as set out in Part F of the recommended Instrument of Approval.

6. CONCLUSION

The department has assessed the proposal, as modified by the PPR, and considered the public authority submissions in response to the proposal. The key issues raised in the submissions relate to the compliance with the Concept Plan Approval and associated documents including the Wolli Creek and Bonar Street Precinct Public Domain Plan and the Development Design Guidelines. Another key issue raised by the department was solar access to the proposed units.

The department considers that the proposal is generally consistent with the Concept Plan Approval including the approved amended Development Design Guidelines. The proposal generally complies with the requirements of SEPP 65 and the accompanying RFDC, ensuring quality amenity for future residents. Departures from the Code, including departures in relation to solar access and south facing units, have been justified by the proponent and in this report. The development will also provide a positive internal streetscape and add to public open space in accordance with the Wolli Creek and Bonar Street Precinct Public Domain Plan, subject to final approval of detailed landscape plans prior to issue of a Construction Certificate.

The proposal is considered to be in the public interest as it will provide:

- greater housing supply and choice with the provision of 88 new dwellings in a variety of unit types and sizes, catering for a variety of household types;
- utilisation of existing public transport and other physical infrastructure;
- provision of new open space for future residents; and
- the orderly redevelopment and utilisation of an otherwise undeveloped and underutilised site.

The department has prepared recommended conditions of approval in respect to the project approval which are set out in **Appendix G**. The reasons for the imposition of the conditions are to ensure the timely and orderly development of the site in conjunction with existing approvals and to manage the construction impacts of the development.

Subject to the recommended conditions, the department is satisfied that all the impacts of the proposal have been satisfactorily addressed within the Proponent's EA, PPR and Statement of Commitments.

7. RECOMMENDATION

It is recommended that the Deputy Director General, Development Assessment & Systems Performance, as delegate for the Minister for Planning & Infrastructure:

- A) **consider** the recommendations of this report;
- B) **approve** the Project Application, subject to conditions, under Section 75J of the *Environmental Planning and Assessment Act 1979*; and
- C) **sign** the attached Instrument of Approval (**Appendix G**).



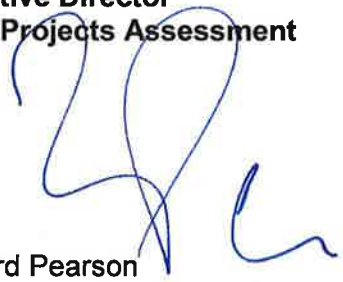
09/07/12

Alan Bright
A/Director
Metropolitan & Regional Projects South



10.7.12

Chris Wilson
Executive Director
Major Projects Assessment



18/7/12

Richard Pearson
Deputy Director General
Development Assessment & Systems Performance