

28 September 2021

2190209

Mr Jim Betts
Secretary
NSW Department of Planning, Industry and Environment
420 Pitt Street, Sydney NSW 2000

Attention: Alan Bright, Director, State Significant Acceleration

Dear Alan,

Request for Secretary's Environmental Assessment Requirements Proposed Build-to-Rent Building – Discovery Point, Wolli Creek – Building 14

We are writing on behalf of Discovery Point Pty Ltd (Fraser's), the proponent for the proposed Build-to-Rent (BTR) development at Discovery Point, Building 14 (the site). Building 14 represents the last development stage at Discovery Point, and will allow for the realisation of the approved Concept Plan. The proposal will deliver a building committed to BTR housing, with ground floor retail uses and an integrated station entry. The proposal will transform the site while increasing greater housing choice and diversity, improving housing affordability to meet the needs of the broader community.

The purpose of this letter is to request the Secretary's Environmental Assessment Requirements (SEARs) for the preparation of an Environmental Impact Statement (EIS) to accompany a State Significant Development (SSD) Development Application (DA) for the proposed redevelopment of the site. The SSD DA will be made under section 4.22 of the *Environmental Planning and Assessment Act 1979* (the Act).

Pursuant to clause 19, Schedule 1 of *State Environmental Planning Policy (State and Regional Development) 2011* (SRD SEPP), development within a rail corridor for the purposes of residential accommodation that has a capital investment value (CIV) in excess of \$30 million, is classified as SSD. As the proposal is located within a rail corridor, is for the purposes of residential accommodation, and has a CIV in excess of \$30 million, it is therefore SSD.

To support this request for the SEARs, this letter provides an overview of the proposed development, sets out the statutory context, and identifies the key likely environmental and planning issues associated with the proposal.

1.0 Project Background

Discovery Point

Discovery Point is a multiple award-winning mixed use residential community developed by Fraser Property Australia since 2010. The redevelopment of the precinct has been extremely successful, and has delivered over 1,600 dwellings across 13 stages to date.

The Approved Concept Plan

The Discovery Point Concept Plan was approved on 5 May 2011 and sets the planning regime and development framework for Discovery Point. While Part 3A of the Act was repealed in 2011, the Concept Plan continues to apply in accordance with Schedule 2 of the *Environmental Planning and Assessment (Savings, Transitional and Other Provisions) Regulation 2017*.

The Concept Plan has been modified on four occasions, and broadly the Concept Plan (as modified) provides for the following:

- A maximum of 142,685m² total GFA for the mixed-use development (excluding car parking GFA, existing approved buildings and heritage buildings).
- A minimum of 9,000m² non-residential GFA.
- A maximum of 133,685m² residential GFA.
- A maximum of 13,590m² above ground car parking GFA (in addition to maximum GFA above).
- A residential unit mix and minimum residential apartment sizes.
- Total parking (including existing developed stages) to be capped at 2,100 parking spaces, and specified parking rates.
- New plazas, common open space, Station Park, Waterfront Park and Neighbourhood Park.
- A network of streets, open space areas and through-site links.
- Provision of an alternative sewer water treatment facility in the form of a water recycling facility

The Concept Plan, including the location of Building 14, is illustrated at **Figure 1** below.



Figure 1 Discovery Point Concept Plan (Building 14 outlined in red)

Source: Frasers Property Australia

The approved Concept Plan (as modified) establishes a building envelope for development on the site, with a maximum height of up to RL 42.7 and a maximum building footprint as shown at **Figure 2**.

It is noted that a modification to the Concept Plan will be submitted with the SSD DA seeking amendments to the classification and total GFA permitted for Building 14. Due to the staged development of Discovery Point, GFA has been efficiently delivered in earlier stages of the Concept Plan, and therefore additional GFA is required to facilitate the delivery of Building 14, and ultimately the completion of the Concept Plan.

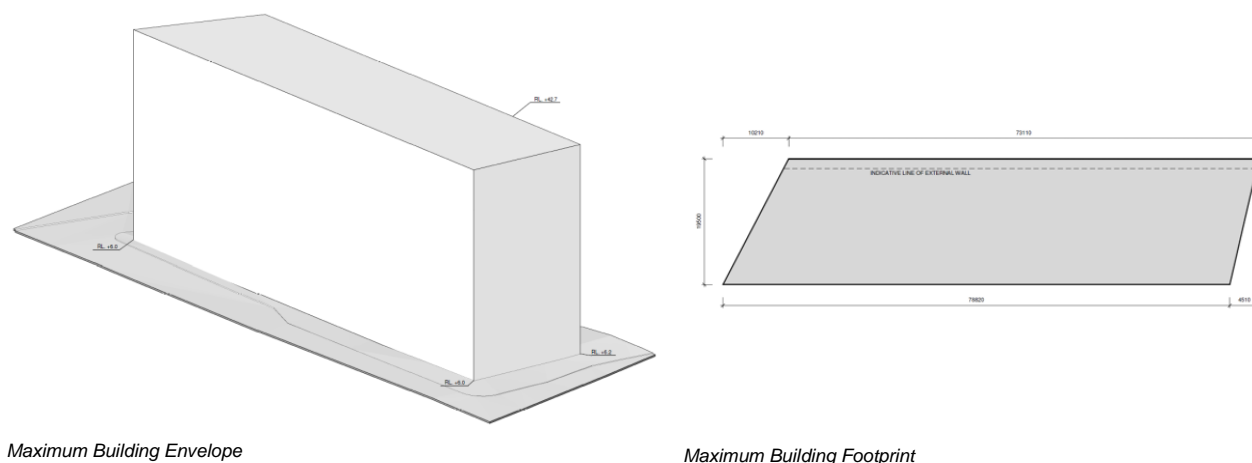


Figure 2 Approved Concept Plan Maximum Building Envelope

Source: Concept Plan Approval

Building 14 Investigations

As outlined above, Building 14 is the last stage of Discovery Point, and has been the subject of extensive investigations by Frasers. These investigations have included the opportunity for delivering different uses, including commercial offices, potential Council satellite offices, a library, private medical suites/rooms, and student housing. Due to a number of reasons, including a lack of market demand, these uses have been determined to be unsuitable and unfeasible.

Further adding to the complexities of realising the opportunity of Building 14 are several site constraints, including its position between the street and the rail, the small site footprint, the elongated envelope, and complex titling arrangements.

Given these ongoing investigations, Building 14 has remained unresolved for a number of years, and in turn the completion of the Concept Plan has stalled. The opportunity for delivering BTR housing within Building 14 is now considered a prime opportunity to realise a land use which is in demand and will ensure the finalisation of the Concept Plan.

The BTR Opportunity

There are a number of factors which have influenced the decision to pursue a BTR focussed proposal for Building 14. These include a range of locational attributes, the strategic framework for greater housing choice and diversity, and the clear market demand for rental housing at different price points in well-served locations such as Discovery Point.

The highly accessible and well-served location of Discovery Point lends itself to deliver on the aspirations of numerous State and Local government plans (as outlined further in Section 4.0 below). Discovery Point is a transit-oriented community less than 10km from Sydney's CBD, with direct access to two rail lines, 2km from Sydney Airport, 2km from the M5 motorway and in close proximity to a range of schools, universities and daily services and facilities.

In addition to these strong locational attributes, there is an established community at Discovery Point, with a well-established co-op framework including precinct amenities and maintenance regime over roads, car parking, and open space. A wide range of diverse facilities and amenities are available to this community, managed under the co-op framework.

Building 14 is well-positioned to leverage from these significant benefits, providing new rental housing in a highly accessible location, with an established co-op framework to support the needs of rental occupants. While Building 14 will provide dedicated amenities (as outlined in **Section 3.0** below), this co-op framework will ensure access is available to a diversity of facilities, ensuring a high level of amenity is achieved.

2.0 Site Context and Description

Discovery Point is located in Wolli Creek, approximately 8km south-west of the Sydney Central Business District within the Bayside Local Government Area (LGA). Building 14 is located in the western portion of Discovery Point partially above the existing Wolli Creek train station.

Discovery Point is a large mixed-use residential precinct and a local centre within the LGA, with several high-density residential buildings, various retail premises including shops and restaurants, and a range of amenities, integrated through cycling and walking paths.

The Building 14 site is bound by the Wolli Creek train station to the north, Brodie Spark Drive to the east, Discovery Point Place to the south and the T4 Eastern Suburbs and Illawarra railway line to the west. The land to which this SEARs request relates is further shown at **Figure 3**.

The site is currently vacant on the western and eastern ends, with the middle portion of the site used as access from Discovery Point Place to the Wolli Street Train Station.



 Site Boundaries



Figure 3 Aerial Photograph of the Site

Source: Nearmap and Ethos Urban

3.0 Project Description

The SSD DA will seek consent for a new residential BTR building with ground floor retail uses and integrated railway station access. The proposal will deliver BTR apartments, as well as amenity facilities, car parking spaces allocated within the existing basement, and station access integration works.

More specifically, the SSD DA will seek consent for:

- Site preparation works and excavation.
- Allocation of car parking spaces within the existing basement.
- Construction and use of a BTR building contained within the approved Building 14 Concept Plan envelope.
- Extension and augmentation of services and utilities to the development, as required.

The approved Concept Plan building envelope provides guidance and sets the maximum parameters for the detailed design of the future building. The proposed building, as illustrated conceptually in envelope form at **Figure 4**, will be carefully designed to be wholly contained within the approved envelope, as well as in consideration of other surrounding buildings in Discovery Point, including balancing the level of solar access to residential apartments and public spaces and according with the principles of view sharing.



Figure 4 Building Envelope within Discovery Point

Source: Group GSA

The proposal will include a residential lobby, plant and services on the lower ground level and retail, concierge and loading on the ground floor. Above this will be apartments used for BTR housing. A preliminary sketch of the potential ground plane activation is illustrated at **Figure 5**.



Figure 5 Indicative streetscape sketch

Source: Group GSA

4.0 Strategic Planning Context

4.1 Bayside Local Strategic Planning Statement

The Bayside Local Strategic Planning Statement (LSPS) gives effect to the District Plans endorsed by the DPIE in 2018. Bayside Council's LSPS sets out priorities and a 20-year vision for land uses across the LGA. To inform the LSPS, the following nine studies were undertaken:

- Local Housing Strategy
- Social Infrastructure Strategy (open space and recreation and community facilities)
- Transport Strategy (including Bike Plan)
- Environmental Review of Planning Controls
- Centres and Employment Lands Strategy
- Aboriginal Heritage Study
- Non-Aboriginal Heritage Strategy
- Flooding and Stormwater Study
- Land Use Limitation Study

The LSPS sets out the Bayside Land Use Vision 2036 which provides a plan for the predicted growth within the LGA, focussing on protecting natural areas and landscapes, creating vibrant and connected places and maintaining a strong economy. Relevant to the proposed development, one of the 12 key priorities of the Bayside Land Use Vision 2036 is to *'ensure our land use planning controls encourage a mix of dwelling types and increase the number of affordable rental housing to meet the housing needs to our community'*.

The proposal will directly support this priority, through providing a building that is committed to delivering solely BTR housing in a highly established location within Discovery Point. Building 14 will provide rental housing within the existing Local Centre with accessibility and direct access to public transport; an established community; and various amenities such as pools, gyms, community rooms and facilities, walking and cycling tracks.

The consistency of the proposed development with the Planning Priorities and relevant actions of the Bayside LSPS will be further explored in the EIS supporting the proposal.

4.2 Bayside Draft Local Housing Strategy

The Bayside Draft Local Housing Strategy sets a strategic framework and vision for housing in the Bayside LGA until 2036. It draws on existing policy and demographic trends alongside an analysis of local opportunities and constraints to formulate an action plan for residential growth.

The Strategy recognises that housing supply within the LGA must be improved to include greater housing choice and diversity as well as improved housing affordability, to meet the needs of the diverse and expanding community. This is reflected in the three of the six key objectives of the Strategy that have been developed to guide future housing directions across the LGA, as follows:

Objective 2. New housing will be located in and around existing centres with accessibility and walkability to public transport and align with the provision of transport and other infrastructure.

Objective 3. New housing will deliver greater diversity of housing choice to meet the changing needs of the local community, including housing suitable for families and older people and adaptable housing.

Objective 4: Housing affordability in Bayside would be improved, with relatively affordable housing protected and additional affordable rental housing provided.

The proposal will provide BTR housing in Discovery Point, which is an existing local centre with direct access to public transport. The proposal will include a variety of BTR housing types to improve housing diversity and affordability to meet the needs of the changing community in Wolli Creek.

The consistency of the proposed development with the objectives of the Housing Strategy, and how it will support the established housing needs will be further explored in the EIS supporting the proposal.

4.3 Other Strategic Plans and Policies

In addition to the above, the following strategic plans and policies are relevant to the site and proposal, and will need to be considered as part of the SSD DA:

- A Metropolis of Three Cities – Greater Sydney Region Plan
- Eastern City District Plan
- Future Transport 2056
- NSW State Infrastructure Strategy 2018-2038
- Planning Guidelines for Walking and Cycling
- Sydney Green Gird
- Better Placed – An integrated design policy for the built environment of New South Wales
- Bayside Community Strategic Plan
- Wolli Creek and Bonar Street Precinct Traffic and Transport Study
- Rockdale Urban Strategy 2010
- Sydney's Cycling Future
- Sydney's Walking Future

5.0 Statutory Planning Context

The following are the key relevant legislation and environmental planning instruments that will apply to the proposal:

- *Environmental Planning and Assessment Act 1979*
- *Environmental Planning and Assessment Regulation 2000*
- *Heritage Act 1977*
- *State Environmental Planning Policy (State and Regional Development) 2011*
- *State Environmental Planning Policy (Infrastructure) 2007*
- *State Environmental Planning Policy (Affordable Rental Housing) 2009*
- *Draft State Environmental Planning Policy (Housing) 2021*
- *State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development*
- *Rockdale Local Environmental Plan 2011*
- *Draft Bayside Local Environmental Plan 2020*
- *Rockdale Development Control Plan 2011*

The key elements of this legislation and environmental planning instruments are outlined below, as well as a preliminary overview of the proposal's consistency with these elements.

5.1 Environmental Planning and Assessment Act 1979

The Act establishes the assessment framework for SSD, among other matters. Section 4.12(8) requires that an SSD DA is to be accompanied by an Environmental Impact Statement (EIS) in the form prescribed by the Regulations. The purpose of this SEARs Request is to obtain the SEARs for the preparation of this EIS.

5.2 State Environmental Planning Policy (State and Regional Development) 2011

The SRD SEPP identifies development which is declared to be State Significant. Clause 27 of Schedule 1 of the SRD SEPP provides that BTR housing in the Greater Sydney Region is classified as SSD if the development has a CIV of more than \$100 million. As the proposal will not have a CIV of over \$100 million the proposal is not classified as SSD under clause 27.

However, clause 19(2) of Schedule 1 of the SRD SEPP provides that development within a rail corridor or associated with railway infrastructure that has a CIV of more than \$30 million for the purposes of commercial or residential accommodation is SSD. As the proposal is partially within a rail corridor and for the purpose of residential accommodation with a CIV in excess of \$30 million, the project is therefore SSD.

5.3 State Environmental Planning Policy (Infrastructure) 2007

State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP) provides guidance on development related to infrastructure, including development in or adjacent to rail corridors. Given the location of the proposal, the provisions of the Infrastructure SEPP will be considered in the EIS supporting the proposal, and the SSD DA will be referred to Transport for New South Wales.

5.4 State Environmental Planning Policy (Affordable Rental Housing) 2009

Division 6A of *State Environmental Planning Policy (Affordable Rental Housing) 2009* (AHR SEPP) sets out provisions related to BTR housing, including non-discretionary development standards, design requirements and instruction on the consideration of the Apartment Design Guide. These provisions will be considered in the EIS supporting the proposal.

5.5 State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development

SEPP 65 applies to all residential apartment development in NSW and establishes nine design quality principles. Through SEPP 65, the Apartment Design Guide is also introduced as a way to achieve the nine design quality principles. The proposal will achieve the design quality principles of SEPP 65 and will demonstrate general consistency with the objectives of the Apartment Design Guide, consistent with the flexibility provided under the AHR SEPP.

5.6 Rockdale Local Environmental Plan 2011

The *Rockdale Local Environmental Plan 2011* (Rockdale LEP 2011) sets out the zoning and heritage related provisions for the site. An assessment of the proposal against the Rockdale LEP 2011 will be further explored in the EIS supporting the proposal.

Zoning and Permissible Uses

The site is zoned B4 Mixed Use. Residential Accommodation is permitted with consent in the B4 Mixed Use Zone. The proposed development is consistent with the objectives of the B4 Mixed Use Zone in that it will:

- provide a new BTR development which contributes to the delivery of a diversity of compatible uses characteristic of Discovery Point which include medium-high density residential, commercial and retail; and
- deliver a new BTR development in a highly assessable location adjacent to the Wolli Creek train station and within Discovery Point which has an established pedestrian and cycling network.

Heritage

The site is within the vicinity of the Tempe House and St Magdalene's Chapel which is a State Heritage Item (I236) listed under the Rockdale LEP 2011. As such, the objectives and requirements of clause 5.10 of the Rockdale LEP 2011 relating to heritage conservation will be addressed in the SSD DA.

5.7 Draft Bayside Local Environmental Plan 2020

A Planning Proposal for the consolidated Bayside Local Environmental Plan 2020 (Bayside LEP 2020) received gateway determination on 19 March 2020. The Planning Proposal is now with the DPIE for finalisation, with the gazettal of the new Bayside LEP 2020 expected in the near future. The Bayside LEP 2020 will contain a number of provisions guiding development in the Bayside LGA, but does not propose any change to the development framework for the site as currently applicable under the Rockdale LEP 2011. The draft Bayside LEP is a matter for consideration given it has been publicly exhibited, and an assessment of the proposal against the relevant provisions within it will be further explored in the EIS supporting the proposal.

5.8 Rockdale Development Control Plan 2011

Pursuant to clause 11 of SEPP SRD, development control plans do not apply to SSD. Notwithstanding this, an assessment of the key provisions of the Rockdale Development Control Plan 2011 (Rockdale DCP 2011) will be considered as part of the EIS where relevant.

5.9 Other Legislation and Planning Policies

In addition to the above, the following policies apply to the site and will need to be considered as part of the SSD application:

- *State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)*
- *State Environmental Planning Policy No.64 – Advertising and Signage (SEPP 64)*
- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*
- *Draft State Environmental Planning Policy (Housing) 2021*

The proposal is also required to be consistent with the following legislation where relevant:

- *Gaming and Liquor Administration Act 2007*
- *Liquor Act 2007*
- *Roads Act 1993*
- *Water Management Act 2000*
- *Work Health and Safety Act 2011*

6.0 Overview of Likely Environmental and Planning Issues

Based on our preliminary environmental assessment, the following are the key environmental assessment issues that will need to be considered as part of the future SSD DA.

6.1 Urban Design and Built Form

The proposal will result in a new building consistent with the maximum height and footprint for Building 14 approved under the Concept Plan. The EIS will consider the urban design outcomes of the proposal and provide an assessment of the key considerations of the proposed built form in its context partially within a rail corridor and within Discovery Point.

An Architectural Design Report and Architectural Drawings will be provided in support of the EIS to outline the design rationale and approach for the proposal, as well as addressing the key built form and urban design matters related to street presentation, the public domain, active frontages, building setbacks, building bulk, building exteriors and overshadowing.

6.2 Residential Amenity

The proposal will be designed in accordance with the Apartment Design Guide, considering the flexibility provided under the ARH SEPP. A high level of amenity for the proposed apartments will be delivered through internal layouts, unit orientation, outlook and the provision of community spaces and various amenities. An assessment against the provisions of the Apartment Design Guide will be prepared as part of the EIS.

The potential impacts of the proposed building on surrounding residential apartments will also be assessed, noting the proposal's consistency with the approved building envelope. The EIS will provide an assessment of any potential implications to surrounding apartments in terms of overshadowing and view sharing.

6.3 Heritage

The proposal will consider and address any potential impacts on the heritage values of the nearby Tempe House and St Magdalene's Chapel which is a State Heritage Item listed under the Rockdale LEP 2011. An assessment of the proposal will be undertaken to ensure there are no adverse impacts on the heritage qualities and significance of the listed item. A Heritage Impact Statement will be prepared as part to support the EIS.

6.4 Wind

The addition of the proposal in the existing building context is likely to result in changes to the local wind environment. As such, wind testing will be undertaken to determine the appropriateness of the proposed building and to identify specific wind mitigation measures to achieve pedestrian safety and comfort at points in the surrounding public domain. These mitigation measures will be implemented into the detail design of the building to ensure the ultimate design responds appropriately to the wind conditions of the site and proposed development.

6.5 Rail Corridor Impact Study

Due to the site's location partially within the rail corridor, any potential impacts on the rail corridor will be determined. A Rail Corridor Impact Study will be submitted in support of the EIS, and will provide any mitigation measures to inform the detailed design of the building in consideration to the adjoining rail corridor.

6.6 BASIX

The EIS will address the principles of ecologically sustainable development in relation to the project and the standards of BASIX. A BASIX Certificate will support the EIS.

6.7 Waste Management

A Waste Management Plan will be submitted with the EIS and will assess the likely waste streams to be generated during both construction and operation, and will identify measures to manage this waste.

6.8 Social and Economic Impacts

The social and economic impacts of the proposed development will be addressed in the EIS.

6.9 Traffic, Access and Parking

A traffic and parking assessment will be prepared by a specialist traffic consultant and submitted in support of the EIS. The assessment will consider the site access arrangements and the design and operation of the proposed loading and servicing arrangements. The assessment will also examine:

- road safety;
- traffic impacts of the proposal on the surrounding road network and intersections; and
- accessibility to public transport.

6.10 Geotechnical/Site Contamination Conditions

The site's subsurface conditions will be identified and assessed in a Geotechnical Report to determine the suitability of the site for the proposed development. The Geotechnical Report will be submitted in support of the EIS, and will provide a detailed geotechnical assessment and state any engineering principles/measures required for consideration in the construction of the proposal.

7.0 EIS Technical Studies

The following technical studies are anticipated as being prepared and submitted as part of the EIS:

- | | |
|--|--|
| • Quantity Surveyor Report | • Wind Impact Assessment |
| • Site Survey Plan | • Noise and Vibration Assessment |
| • Urban Design and Architectural Design Report | • Traffic, Parking and Access Assessment |
| • Architectural Drawings | • BASIX Certificate |
| • Landscape Drawings | • BCA and Accessibility Report |
| • Shadow Diagrams | • Services and Infrastructure Report |
| • Heritage Impact Statement | • Fire Engineering Report |
| • Aboriginal Heritage Due Diligence Report | • Site Investigation Report |
| • Flood Impact Assessment | • Geotechnical Report |
| • Rail Corridor Impact Study | • Construction Management Plan |
| | • Waste Management Plan |

8.0 Community and Other Stakeholder Engagement

To inform this SEARs request, the Proponent has undertaken preliminary engagement with the residents of Discovery Point. An online information webinar was held with 149 attendees. The early feedback received in this webinar has informed this SEARs request, and will inform the proposed design submitted with the SSD DA. The proponent will continue to undertake consultation throughout the planning and delivery phases of the project.

Early consultation has also been undertaken with a range of government departments and stakeholders, including;

- Bayside Council
- Transport for NSW
- DPIE

The proponent will continue to undertake consultation throughout the planning and delivery phases of the project.

9.0 Conclusion

The purpose of this letter is to request the SEARs for the preparation of an EIS for a SSD DA comprising the redevelopment of Building 14 at Discovery Point, Wolli Creek. This proposal represents a significant investment to deliver a building committed to BTR which will improve housing diversity in a well-established centre with direct access to public transport. The proposal will also deliver the last stage of Discovery Point, contributing to the completed realisation of the Local Centre.

We trust that the information detailed in this letter is sufficient to enable the Secretary to issue the SEARs for the preparation of the EIS. Should you have any queries about this matter, please do not hesitate to contact me on bhoskins@ethosurban.com.

Yours sincerely,



Brendan Hoskins
Associate Director