

# Concept Approval

## Section 75O of the *Environmental Planning & Assessment Act 1979*

As delegate of the Minister for Planning under delegation executed on 25 January 2010, I determine:

- (a) to approve the Concept Plan referred to in Schedule 1, subject to the terms and modifications in Schedule 2, and the Statement of Commitments in Schedule 4 pursuant to section 75O of the *Environmental Planning and Assessment Act 1979*; and
- (b) pursuant to section 75P(1)(a) and 75P(2)(c) of the *Environmental Planning and Assessment Act 1979*, the further environmental assessment requirements for approval to carry out the mixed use development as set out in Schedule 3; and
- (c) pursuant to section 75P(1)(b) of the *Environmental Planning and Assessment Act 1979*, that all future stages of the Concept Plan approval are to be subject to Part 4 (except for Project Applications that have been issued with Director-General's Requirements being MP 10\_0030 (Stage 1) and MP 10\_0031 (Stage 6).

  
Director-General  
Department of Planning & Infrastructure

Sydney 5<sup>th</sup> May 2011

### SCHEDULE 1

<b>Application No.:</b>	MP 10_0003
<b>Proponent:</b>	Discovery Point Pty Ltd
<b>Approval Authority:</b>	Minister for Planning
<b>Land:</b>	Discovery Point, 1 Princes Highway, Wolli Creek
<b>Project:</b>	Mixed use development, including: <ul style="list-style-type: none"><li>• Use of the site for a mixed use development with associated public open space;</li><li>• Indicative building envelopes for 14 buildings to a maximum height of 79.65m AHD;</li><li>• Basement level, ground and above ground car parking;</li><li>• Road works to support the development;</li><li>• Public pedestrian and cycle pathway; and</li><li>• Landscaping areas throughout the site.</li></ul>

### NOTES RELATING TO THE DETERMINATION OF MP No. 10\_0003

#### **Responsibility for other approvals/ agreements**

The Proponent is responsible for ensuring that all additional approvals and agreements are obtained from other authorities, as relevant.

#### **Appeals**

The Proponent has the right to appeal to the Land and Environment Court in the manner set out in the Act and the Regulation.

#### **Legal notices**

Any advice or notice to the approval authority shall be served on the Director General.

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## **PART C — DEFINITIONS**

<b>Act</b>	means the Environmental Planning and Assessment Act, 1979 (as amended).
<b>Advisory Notes</b>	means advisory information in relation to the approved development.
<b>BCA</b>	means the Building Code of Australia.
<b>Certifying Authority</b>	has the same meaning as Part 4A of the Act.
<b>Council</b>	means Rockdale City Council.
<b>Department</b>	means the Department of Planning & Infrastructure or its successors.
<b>Director General</b>	means the Director General of the Department or his nominee.
<b>Environmental Assessment (EA)</b>	means the Environmental Assessment prepared by JBA Planning dated August 2010.
<b>Minister</b>	means the Minister for Planning & Infrastructure.
<b>MP No. 10_0003</b>	means the Major Project described in the Proponent's Environmental Assessment as amended by the Preferred Project Report.
<b>PCA</b>	means a Principal Certifying Authority and has the same meaning as Part 4A of the Act
<b>Preferred Project Report (PPR)</b>	means the Preferred Project Report / Response to Submissions prepared by JBA Planning dated December 2010.
<b>Proponent</b>	means Discovery Point Pty Ltd or any party acting upon this approval.
<b>Regulation</b>	means the Environmental Planning and Assessment Regulation, 2000 (as amended).

## SCHEDULE 2

### PART A - TERMS OF APPROVAL

#### A1 DEVELOPMENT DESCRIPTION

Concept Plan approval is granted to the development as described below:

- (a) Use of the site for a mixed use development with associated public open space;
- (b) Indicative building envelopes for 14 buildings to a maximum height of 79.65m AHD;
- (c) Basement level, ground and above ground car parking;
- (d) Road works to support the development;
- (e) Public pedestrian and cycle pathway; and
- (f) Landscaping areas throughout the site.

subject to compliance with the modifications of this approval.

#### A2 DEVELOPMENT IN ACCORDANCE WITH THE PLANS AND DOCUMENTATION

The approval shall be generally in accordance with MP 10\_0003 and the Environmental Assessment prepared by JBA Planning dated August 2010, except where amended by the Preferred Project Report prepared by JBA Planning dated December 2010, and the following drawings:

Architectural Drawings prepared by Bates Smart			
Drawing No.	Revision	Name of Plan	Date
DA1-001	A	Location Plan	16.06.2010
DA1-002	D	Site Analysis	16.12.2010
DA3-001	D	Proposed Building Envelopes	23.02.2011
DA3-B01	D	Proposed Basement Extent	14.12.2010
DA3-002	C	Building 1B Envelope Parameters	23.02.2011
DA3-003	B	Building 1C Envelope Parameters	10.12.2010
DA3-004	C	Building 2 Envelope Parameters	23.02.2011
DA3-005	B	Building 3 Envelope Parameters	10.12.2010
DA3-006	B	Building 4 Envelope Parameters	10.12.2010
DA3-007	B	Building 5 Envelope Parameters	10.12.2010
DA3-008	B	Building 6 Envelope Parameters	10.12.2010
DA3-009	A	Building 7 Envelope Parameters	16.06.2010
DA3-010	B	Building 8 Envelope Parameters	10.12.2010
DA3-011	B	Building 9 Envelope Parameters	10.12.2010
DA3-012	B	Building 10 Envelope Parameters	10.12.2010
DA3-013	B	Building 11 Envelope Parameters	10.12.2010
DA3-014	B	Building 12 Envelope Parameters	10.12.2010
DA3-015	B	Building 13 Envelope Parameters	23.02.2011
DA3-016	A	Building 14 Envelope Parameters	16.06.2010
DA3-101	C	Street Layout	14.12.2010
DA3-200	C	Extent of Above Ground Parking – Ground Floor Level	14.12.2010
DA3-201	B	Extent of Above Ground Parking – First Floor Level	10.12.2010

except for as modified by the following pursuant to Section 75O(4) of the Act.

### **A3 DEVELOPMENT SITE AREA**

The development site area is the area defined in the Environmental Assessment prepared by JBA Planning, dated August 2010, which excludes the area of Discovery Point that comprising Sites 1, 2 and 4, the restoration works to the heritage buildings and Mt Olympus.

### **A4 MASTERPLAN APPROVAL**

The Masterplan approval (DA 500 / 01) granted by Rockdale City Council over the Discovery Point site is superseded by the approval granted under this Concept Plan for the development site area as described in A3 above.

### **A5 DEVELOPMENT DESIGN GUIDELINES**

All future development of the site shall be generally consistent with the Development Design Guidelines and Rockdale City Council's Wolli Creek and Bonar Street Public Domain Plan and Technical Manual, where amended by the Modifications in Part B and Future Assessment Requirements in Schedule 3.

### **A6 MAXIMUM GROSS FLOOR AREA**

The development of the site for a mixed use development shall have a maximum Gross Floor Area of 132,000m<sup>2</sup>, including a minimum of 9,000m<sup>2</sup> of non-residential floor space. (Note: Above ground parking area is not included in the total GFA).

### **A7 GROUND FLOOR USAGE**

Buildings 1, 2, 3, 4, 5 and 14 should include active ground floor non-residential uses such as retail shops, commercial offices, resident's communal facilities and or loading / servicing areas. Residential uses are permitted on the ground floor of all buildings within the Northern Precinct of the site. A restaurant is permitted on the ground floor under Building 7.

### **A8 BUILDING HEIGHT**

All future buildings erected on the site shall not exceed the building heights approved by the Concept Plan diagram DA3-001D, prepared by Bates Smart Architects, dated 23 February 2011. No buildings shall exceed the building heights (inclusive of all lift over-runs, vents, chimneys, aerials (of whatever type), construction cranes, rooftop gardens and trees, etc) approved by the Department of Infrastructure and Transport, dated 15 December 2010 and Sydney Airport Corporation, dated 16 December 2010.

### **A9 BUILDING ENVELOPES AND SEPARATION**

Building footprints and setbacks are to be generally consistent with the Concept Plan building envelope parameter diagrams for each site, except where amended by the Department of Planning's Modifications in Part B. Future development should be consistent with the Discovery Point Concept Plan Building Separation Diagram DA3-001D prepared by Bates Smart Architects, dated 23 February 2011, except where amended by the Department of Planning's Modifications in Part B.

### **A10 PRIVATE OPEN SPACE**

All apartments must be provided with private open space with a minimum depth of 2 metres and minimum width of 2 metres. Private open space shall not be less than 6m<sup>2</sup> for studios and one bedroom dwellings, 8m<sup>2</sup> for two bedroom dwellings and 10m<sup>2</sup> for three bedroom dwellings.

### **A11 ADAPTABLE UNITS**

A total of 2% of all dwellings provided across the site must be adaptable apartments.

## **A12 APARTMENT MIX**

Dwelling mix to be applied across the Discovery Point Concept Plan site area is to be maximum 45% studio and one bedroom apartments, minimum 45% two bedroom apartments and minimum 10% three bedroom apartments.

## **A13 APARTMENT SIZES**

All development must comply with the minimum apartment sizes of 40m<sup>2</sup> for a studio, 50m<sup>2</sup> for one bedroom dwelling, 70m<sup>2</sup> for two bedroom dwelling with one bathroom, 80m<sup>2</sup> for two bedroom dwelling with two bathrooms and 100m<sup>2</sup> for three bedroom dwellings.

## **A14 NATURAL CROSS VENTILATION**

All future residential buildings must achieve a minimum of 60% natural cross ventilation.

## **A15 ROADWAYS**

New roads are to be provided in accordance with the Concept Plan Street set out diagram DA3-101C prepared by Bates Smart Architects, dated 14 December 2010, where amended by the Future Assessment Requirements in Schedule 3.

## **A16 CAR PARKING**

- (a) The number of car parking spaces shall be minimised consistent with the sites location adjacent to the Wolli Creek Train Station. The maximum number of car parking spaces shall not exceed 2,240 spaces.
- (b) Development must comply with the Concept Plan car parking rates identified in the Preferred Project Report prepared by JBA Urban Planning Consultants, dated December 2010. A maximum of 8,000m<sup>2</sup> above ground parking is permitted across the site. Above ground parking refers to any car park projecting more than 1.2 metres above finished ground level. Visible above ground parking is permitted on laneways and should be screened by appropriate façade treatments or planting to the satisfaction of the consent authority. One car wash facility must be provided for each residential building with more than 20 dwellings.

## **A17 PUBLIC DOMAIN**

All public domain is to be provided with 24 hour, 7 day a week public access. Details of Rights of Ways and Easements providing public access over privately owned publicly accessible land shall be submitted with future applications.

## **A18 LAPSING OF APPROVAL**

Approval of the Discovery Point Concept Plan shall lapse 5 years after the determination date in Part A of Schedule 1, unless an application is submitted to carry out a project or development which concept approval has been given.

## **A19 INCONSISTENCY BETWEEN DOCUMENTATION**

In the event of any inconsistency between modifications of the Concept Plan approval identified in this approval and the drawings / documents including Revised Statement of Commitments referred to above, the modifications of the Concept Plan shall prevail.

## **A20 MEDIATION**

Where this Concept Plan requires further approval from Council or State Authorities (prior to the lodgement of a future application), the parties shall not act unreasonably preventing an agreement from being reached. In the event that an agreement is unable to be reached within 2 months or a timeframe otherwise agreed to by the Director-General, the matter is to be referred to the Director-

timeframe otherwise agreed to by the Director-General, the matter is to be referred to the Director-General for resolution. All areas of disagreement and the position of each party are to be clearly stated to facilitate a resolution.

## **PART B – MODIFICATIONS**

### **B1 BUILDING ENVELOPE AND SEPARATION MODIFICATIONS**

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

- (a) The building separation along the length of Discovery Point Place is to be a minimum of 16 metres (not including colonnades).
- (b) The building separation between Buildings 6 and 7 is to be increased from 9 metres to a minimum of 12 metres.

### **B2 SETBACKS FROM COOKS RIVER**

- (a) The buildings adjacent to the Cooks River (Buildings 8, 10 and the podium between Building 8 and 10) are to be setback no closer than the setbacks provided in the approved Masterplan development (DA 500 / 01).
- (b) A riparian zone is to be provided along the Cooks River frontage. The width of the riparian zone shall be determined in consultation with NSW Office of Water and Council during applications for development fronting the Cooks River.

Any development associated with the proposal (including infrastructure, buildings, paths / cycle ways (with the exception of crossings), water quality treatment structures, roads and the placement of fill, etc) are to be outside the riparian zone. The riparian zone is to be protected and conserved, or revegetated with native plant species endemic to the vegetation community of the local area at a density that would occur naturally.

### **B3 DEVELOPMENT DESIGN GUIDELINES**

The Development Design Guidelines shall be modified as follows:

- (a) References to 'conditions of consent' in the document are to be amended to state 'conditions of approval'.
- (b) References to the Discovery Point – Wollie Creek Landscape Design Guidelines / Public Domain Plan, floor space ratio and minimum site frontage are to be deleted.
- (c) References to width of roads in Table 1 are to refer to minimum building envelope separations rather than building face to building face distances to provide for the inclusion of colonnades and building articulation.
- (d) Solar access provided to each building is to comply with the Concept Plan and Preferred Project Report (buildings to achieve 70% of dwellings in accordance with the RFDC requirements, except Building 6 that is to achieve a minimum 60%) and buildings modified accordingly should this not be achieved.
- (e) Point 4 in Section 5.2 that refers to submission of a daylight access study shall be deleted.
- (f) The reference to the number of lifts accessible from a single corridor shall be deleted.
- (g) Roof terraces are to be setback a minimum of 1.5 metres from the buildings edge.
- (h) Plant rooms, lift overruns and mechanical ventilation rooms provided on the roof of a building are to be appropriately screened and not exceed the heights approved by the Concept Plan.
- (i) The reference to building depth of 24 metres shall be deleted.

The amended Development Design Guidelines shall be submitted to and approved by the Department prior to determining any future application on the site.



## **SCHEDULE 3**

### **FUTURE ENVIRONMENTAL ASSESSMENT REQUIREMENTS**

#### **1. BUILDING DESIGN**

Future applications shall demonstrate compliance with the provisions of the State Environmental Planning Policy 65 – Design Quality of Residential Flat Development (SEPP 65) and the accompanying Residential Flat Design Code 2002, except where modified by this Concept Plan approval.

Future buildings located on the site are to demonstrate sufficient building modulation / articulation to provide an acceptable built form.

Solar access to future dwellings shall be consistent with the approved Concept Plan.

#### **2. PRIVACY**

Future applications shall demonstrate that adequate privacy screening / treatment has been provided to minimise privacy impacts between buildings located on the site and also address privacy concerns of adjoining developments.

#### **3. LANDSCAPING**

Future applications shall include detailed landscape plans demonstrating consistency with Rockdale City Council's Wolli Creek and Bonar Street Public Domain Plan and Technical Manual, except where amended following further discussion between the Proponent and Council, including that sufficient soil depth can be provided for landscaping, particularly along street frontages.

#### **4. CONSTRUCTION AND OPERATIONAL IMPACTS**

Any future application shall address any potential contamination on the site and implement the recommendation of the Coffey Environments report, dated June 2010.

Details are to be submitted with future applications of the acoustic and vibration treatments to be implemented to address the recommendations of the Acoustic and Vibration Assessment prepared by Heggies, dated June 2010.

#### **5. TRAVEL ACCESS GUIDE (TAG) / GREEN TRAVEL PLAN**

Future applications shall provide details of any Travel Access Guide (TAG) / Green Travel Plan. This should include an investigation of car sharing schemes.

#### **6. ESD**

Future applications shall demonstrate that any future development will incorporate ESD principles in the design, construction and ongoing operation phases of the development, including water sensitive urban design measures, energy efficiency, recycling and water disposal.

#### **7. HERITAGE**

Future applications shall demonstrate consistency with the recommendations of the European Heritage, Non-Indigenous Archaeology and Indigenous Heritage reports prepared in support of the Concept Plan.

#### **8. SYDNEY AIRPORT**

Future applications shall demonstrate all necessary approvals have been obtained from Sydney Airport Corporation Limited and Air services Australia.

## **9. CONTRIBUTIONS**

Development contributions are to be paid to Council towards the provision or improvement of public amenities and services and will be required as a condition of consent for each detailed stage of the development. The amount of the contribution will be determined in accordance with the requirements of a Planning Agreement or the development contributions plan current at the time of approval for each stage.

## **10. RAILCORP**

Future applications shall demonstrate consistency with the following, where relevant:

### **Owners Consent / Rail Development Agreement**

- a) That the Proponent obtain RailCorp's land owner consent prior to the lodgement of any future Application that affects RailCorp land, and that any encroachment issues must be resolved prior to lodgement of the application.

### **Wolli Creek Station Entrance Design**

- b) That any relocation of entrances to Wolli Creek Station are to be approved by RailCorp, in consultation with Council, prior to the lodgement of any future application.
- c) That the Proponent work with RailCorp regarding the design of the entrances to Wolli Creek Station in accordance with the RDA, and will obtain RailCorp's endorsement to that design prior to the lodgement of any future application.

### **Fencing and Landscaping**

- d) Prior to the lodgement of any future application that will involve the installation of fencing or landscaping within 20 metres of the rail corridor, the Proponent is to obtain endorsement from RailCorp as to the proposed method of fencing along the rail corridor and obtain species details from RailCorp's Biodiversity Specialist and have these details incorporated in the Application.

### **Services Search**

- e) Prior to the lodgement of any future applications the Proponent shall undertake a services search to establish the existence and location of any rail services / utilities. Persons performing the service search shall use equipment that will not have any impact on rail services and signaling. Should rail services be identified within the subject development site the Proponent must obtain approval from RailCorp as to whether these services are to be relocated or incorporated within the development site.

### **Corridor Protection**

- f) Prior to the lodgement of any future application that will involve excavation or other ground penetration (piles / footings) of greater than 2 metres and within 25 metres of the rail corridor (including excavation for the on-site detention tank under the proposed railway), the Proponent is to prepare the following items for endorsement by RailCorp:
  - a) A Geotechnical and Structural Report, and Excavation and Construction methodology that meets RailCorp's requirements
  - b) Detailed cross sectional drawings showing ground surface, rail tracks, sub soil profile, proposed basement excavation and structural design of sub ground support adjacent to the Rail Corridor. All distances from the rail corridor and infrastructure are to be confirmed as accurate by a Registered Surveyor.
- g) That no future rock anchors will be allowed within RailCorp land or easements other than those already addressed and specifically identified in detail design drawings attached to the existing Deed of Agreement dated 10 September 2009.

- h) Given the possible likelihood of objects being dropped or thrown onto the rail corridor from balconies, windows and other external features (e.g. roof terraces and external fire escapes) that face the rail corridor, the Proponent is to ensure that all future buildings within 20 metres contain measures (e.g. awning windows, louvers, enclosed balconies, etc) which prevent the throwing of objects onto the rail corridor.

## **Drainage**

- i) All future applications are to contain a drainage diagram confirming that drainage from the development will be adequately disposed of / managed and not allowed to be discharged into the corridor unless prior approval has been obtained from RailCorp.
- j) All future applications are to ensure that rainwater from any roads within 6 metres of the rail corridor is not be projected and / or falling into the rail corridor and must be piped down the face of the building which faces the rail corridor.

## **11. FLOODING**

Future applications shall ensure that:

- a) A flood evacuation plan is to be prepared for relevant stages. The plan is to include warning alarms and evacuation routes. The approved flood evacuation plan is to be updated every five (5) years and copies are to be provided to Council and the local State Emergency Service (SES).
- b) Underground car parking areas are to be flood proofed to a minimum of 3.6 metres AHD upon completion of the development and are to incorporate flood warning alarms and designated evacuation routes. The flood proofing system is to be independent of the stormwater drainage system.
- c) The flood protection level currently provided for the Wolli Creek Railway Station (RL 4.3 metres AHD) is not to be reduced, either temporary, or permanently, by construction of the development including the sub-podium, unless otherwise approved by RailCorp.
- d) The habitable floor level and entry to the underground areas is to be constructed to a minimum of 500mm above the 0.5% Annual Exceedence Probability (AEP) flood. These levels are to be certified by a registered surveyor prior to pouring of slabs.
- e) All local services (power, water, gas, telephone) within the sub-podium levels must be flood protected to the 0.5% AEP level.

## **12. ACCESS**

Future applications shall address the following:

- a) Public access shall be provided to Tempe House, St Magdalen's Chapel and Mt Olympus and associated grounds at least twice per year and that at least one of the open days be held on a weekend. Two (2) weeks prior to the public open day, a public announcement will be made in a newspaper circulating in the local area.
- b) A positive covenant in favour of Rockdale City Council shall be created providing for full free public access to all plazas and areas of open space (with the exceptions of Mt Olympus and the area between Tempe House, St Magdalen's Chapel and Greenbank), the railway station and public transport facilities.
- c) The Management Plan for any future Community Title or co-operative owned land over the site shall provide for the following:
  - i. responsibility for the maintenance of all the internal road network infrastructure in perpetuity
  - ii. responsibility for the cleaning of all internal roads and footpaths in perpetuity
  - iii. responsibility for the cleaning of all drainage pipelines, gully pits and gross pollutant traps in perpetuity
  - iv. responsibility for ensuring an adequate standard of maintenance of open space spaces and plazas.

### **13. PUBLIC DOMAIN**

Future applications shall address the following:

- a) The cost of all street works, including the provision of roads, footpaths, services, traffic management, traffic and parking signage, landscaping, lighting and street furniture within the development and where it connects to adjacent roads shall be provided by the developer at no cost to Council or the Roads and Traffic Authority.
- b) The development shall provide pedestrian and cycle linkages through the Precinct in accordance with the approved Concept Plan, including along the Cooks River foreshore suitable for persons with disabilities and in accordance with relevant Australian Standards.
- c) All streetscape elements within the public domain including footpaths, pavement materials, street furniture, street lighting and landscaping shall be consistent with Rockdale City Council's Wolli Creek and Bonar Street Public Domain Plan and Technical Manual, except where amended following further discussion between the Proponent and Council.

### **14. CAR PARKING**

Future applications shall address the following:

- a) An updated schedule of parking allocations shall be prepared and submitted with each subsequent application.
- b) Parking facilities (public, commercial and bicycle) shall be designed in accordance with relevant Australian Standards.
- c) The design of the parking and commercial vehicle facilities shall be designed that all vehicles, including commercial vehicles, enter and exit the facility in a forward direction.
- d) All loading and unloading associated with the use of the development shall take place from designated loading bays and on street loading zone provisions as identified in the Concept Plan. Loadings bays shall not be used for storage or any other purpose that would restrict their use for the purposes of loading and unloading.
- e) Discovery Point Pty Ltd shall enter into an agreement with Rockdale City Council that will delegate powers to Rockdale City Council to enforce regulatory parking signs within the internal road network.

### **15. INTERNAL ROADS**

Future applications shall address the following:

- a) Detailed design plans and works specifications shall be submitted for approval prior to the commencement of each stage of road infrastructure works. The documentation required for approval of each stage shall include:
  - i. General arrangement plan(s);
  - ii. Erosion and Sediment Control Plan(s);
  - iii. Stormwater Management Plan(s);
  - iv. Stormwater Management Detail(s);
  - v. Stormwater Management Profile(s);
  - vi. Roadworks Plan(s);
  - vii. Roadwork Vertical Alignment(s);
  - viii. Roadwork Cross Sections;
  - ix. Kerb Return Profiles;
  - x. Electrical Services Plan(s);
  - xi. Street Lighting Plan(s) and Details;
  - xii. Traffic Facilities Plan(s);
  - xiii. Landscaping and Landscape Finishes Plan(s);
- b) The design of the streetscape in the internal road network shall comply with Rockdale City Council's Wolli Creek and Bonar Street Public Domain Plan and Technical Manual, except where amended following further discussion between the Proponent and Council.
- c) The detailed design for the construction of the road infrastructure shall be detailed in each future application, and will generally comply with all AUSTROADS and RTA Guidelines.

- d) The swept path of the longest vehicle entering and exiting the subject site, as well as manoeuvrability through the site, shall be in accordance with AUSTROADS. In this regard, a plan shall be submitted which shows that the longest vehicle can access the site via the existing road network.
- e) Emergency vehicle access shall be designed in accordance with the NSW Fire Brigade Code of Practice.
- f) Traffic Management Plans shall be submitted for any activity that affects traffic or pedestrian movements on public roads or the private internal road network. The plans shall be prepared in accordance with NSW Roads and Traffic Authority guidelines and include details of traffic diversions, timings and the methodology for achieving the activities during the various stages of construction.
- g) The road infrastructure, and property containing the road infrastructure, shall be owned by Discovery Point Pty Ltd.

## **16. TRANSPORT INTERCHANGE**

Future applications shall demonstrate that the transport interchange has been designed in accordance with the Road Transport (Safety and Traffic Management) Act 1999 and Road Transport (Safety and Traffic Management) Regulation 1999 and that approval from Transport NSW, in consultation with the RTA and Council and having regard to the Transport Management Accessibility Plan for Cooks Cove, has been obtained in relation to:

- The design of the road system which is to be used by 12.5 metre buses.
- The design of the bus interchange facility.
- The temporary arrangements for bus access and interchange during staged construction processes.

## **17. MAGDALENE TERRACE**

Future applications shall address the following:

- a) The design of the streetscape in Magdalene Terrace (on the Discovery Point Pty Ltd owned side of the road) shall comply with Rockdale City Council's Wolli Creek and Bonar Street Public Domain Plan and Technical Manual, except where amended following further discussion between the Proponent and Council.
- b) The detailed design for the construction of the works in Magdalene Terrace shall be detailed in future applications and will generally comply with all current Australian Standards, current AUSTROADS Guides, and Rockdale City Council's AUS-SPEC 1. The design is also to have regard to the requirements of the Road Transport (Safety and Traffic Management) Act 1999 and Road Transport (Safety and Traffic Management) Regulation 1999.

## **18. STORMWATER AND DRAINAGE**

Future applications shall address the following:

- a) The design of stormwater drainage facilities shall be detailed in future applications and will generally comply with Council technical specifications for the design of stormwater management facilities, and the principles of Water Sensitive Urban Design (WSUD). Water recycling facilities may be considered in lieu of Council's rainwater tank requirements.
- b) A stormwater drainage system shall be designed and implemented through the site to the Cooks River for the drainage of Magdalene Terrace, the internal access roads, and Tempe House precinct. The drainage system shall comprise pipe or culvert underground conduits and overland flow paths. The overland flow paths must convey the design flows while maintaining design freeboard at all times.
- c) A Positive Covenant is required, binding all present and future owners of the property to the following:
  - i. Submission to Council of a structural check of the pipeline/culvert every ten (10) years;
  - ii. Responsibility for maintenance of the culvert in perpetuity and its replacement when required;

- iii. Submission to Council of a report every 3 years certifying that the overland flow path through the site remains clear of obstructions.

## **19. GROUNDWATER**

Future applications are to demonstrate that the development does not impact upon the health of the groundwater dependant ecosystems and that where basements intercept groundwater, the basements are to be tanked.

Monitoring of ground water levels is to commence prior to basement design and continued through to construction.

## **20. STAGING OF DEVELOPMENT**

Details of the intended staging of the development are to be submitted with the first application to ensure the orderly and coordinated development of the site. The initial stages of the development are to include the construction of the retail precinct and neighbourhood park within the southern portion of the site.

## **ADVISORY NOTES**

1. Roads within the subject site shall remain part of a community title, and not be dedicated as public roads.

**SCHEDULE 4**

**STATEMENT OF COMMITMENTS**

**MP 10\_0003**

**CONCEPT PLAN FOR A MIXED USE RESIDENTIAL DEVELOPMENT  
DISCOVERY POINT, 1 PRINCES HIGHWAY, WOLLI CREEK**

**(Source: Preferred Project Report)**



## 4.0 Final Statement of Commitments

In accordance with Part 3A of the EP&A Act, the following are the commitments made by Discovery Point Pty Ltd to manage and minimise potential impacts arising from the proposal. These commitments replace the draft commitments within the EAR.

Key changes from the initial draft Statement of Commitments are provided in **bold underline** below. The Statement of Commitments has been simplified to refer to compliance with relevant specialist reports submitted with the Concept Plan.

Table 6 – Final Statement of Commitments

Subject	Commitments	Approved by Whom	Timing
Approved Project	Development on the site will be implemented generally in accordance with the <u>Discovery Point Concept Plan Design Report and Concept Plan Drawings for approval prepared by Bates Smart Architects dated August 2010, as updated by the Discovery Point Concept Plan drawings prepared by Bates Smart Architects and dated December 2010.</u>	Department of Planning	No timing. General Statement of Commitment
<u>Voluntary Planning Agreement</u>	<p>The proponent offers to enter into a <u>Voluntary Planning Agreement with Rockdale City Council or the Minister for Planning that contemplates:</u></p> <ul style="list-style-type: none"> <li>▪ <u>Developer contributions for Discovery Point to be in accordance with the following rates sourced from the Rockdale Council Section 94 Contributions Plan 2004.</u></li> <li>– <u>Studios/1 bedroom dwellings - \$7,563.50</u></li> <li>– <u>2 bedroom dwellings - \$12,032.80</u></li> <li>– <u>3+ bedroom dwellings - \$14,782.90</u></li> <li>– <u>Supermarkets - \$344.98/m<sup>2</sup> gross floor area</u></li> <li>– <u>Bulky goods retail - \$172.49/m<sup>2</sup> gross floor area</u></li> <li>– <u>Other retail - \$246.41/m<sup>2</sup> gross floor area</u></li> <li>– <u>Offices and other commercial - \$259.18/m<sup>2</sup> gross floor</u></li> <li>▪ <u>The above rates specified in the VPA being indexed in accordance with the Consumer Price Index ("CPI") or to a maximum 3.0% p.a.</u></li> <li>▪ <u>The exclusion of Sections 94 and 94A to development contemplated in the Concept Plan (except for the first two project applications which will be subject to the applicable Section 94 Plan).</u></li> </ul>	<u>Rockdale Council or Minister for Planning</u>	<u>Prior to the determination of the third Project Application or Development Application for the Concept Plan site.</u>

Subject	Commitments	Approved by Whom	Timing
<u>Development Design Guidelines and Discovery Point-Wolli Creek Landscape Design Guidelines/Public Domain Plan</u>	<u>Future development applications on the site are to demonstrate consistency with the Development Design Guidelines prepared by JBA Planning dated December 2010 and Discovery Point-Wolli Creek Landscape Design Guidelines/Public Domain Plan prepared by Turf Design and dated December 2010, as adopted by the Minister for Planning with the Concept Plan approval.</u>	<u>Department of Planning</u>	<u>Approved prior to determination of the Concept Plan</u>
Approved Floor Space	The total floor area of the development shall generally be in accordance with the approved Concept Plan and shall not exceed 132,000m <sup>2</sup> . The development shall contain a minimum 9,000m <sup>2</sup> non-residential land uses and a maximum 123,000m <sup>2</sup> residential GFA.  In addition to the 132,00m <sup>2</sup> GFA above, an area of above ground car parking will be provided equivalent to a maximum of <b>8,000m<sup>2</sup> GFA</b> .	Department of Planning	No timing. General Statement of Commitment
Development Staging Plan	An updated Development Staging Plan will be submitted with each subsequent Project Application. The Staging Plan will address:  <ul style="list-style-type: none"> <li>– Total GFA approved and outstanding balance.</li> <li>– Any minor revisions from the Concept Plan approval or previous staging plan.</li> </ul>	The relevant consent authority	Addressed as part of the relevant Project Application or Development Application.
Apartment Mix	The proponent will ensure that an overall apartment mix across the Discovery Point Concept Plan site consists of:  <ul style="list-style-type: none"> <li>– <b>Maximum 45% studios and one bedroom apartments;</b></li> <li>– <b>Minimum 45% two bedroom apartments;</b></li> <li>– <b>Minimum 10% three+ bedroom apartments.</b></li> </ul> <p>This mix applies to the overall Discovery Point Concept Plan site and therefore individual Project Applications are not required to comply with this requirement and should respond to individual building location and market conditions.</p>	Minister for Planning or delegate	No timing. General Statement Of Commitment
	Should market conditions change, an updated demand analysis may be submitted with relevant applications for development outlining the take up of apartments to date and setting out the rationale for a revised unit mix on the site.	The relevant consent authority.	Addressed as part of the relevant Project Application or Development Application.

Subject	Commitments	Approved by Whom	Timing
	An updated schedule of apartment mix provided to date will be provided with each subsequent Project Application/Development Applications	The relevant consent authority	Addressed as part of the relevant Project Application or Development Application.
Apartment Sizes	<p>The proponent will comply with the following minimum apartment sizes:</p> <ul style="list-style-type: none"> <li>– <u>Minimum 40m<sup>2</sup> for studio dwellings</u></li> <li>– <u>Minimum 50m<sup>2</sup> for one bedroom dwellings</u></li> <li>– <u>Minimum 70m<sup>2</sup> for two bedroom/one bathroom dwellings</u></li> <li>– <u>Minimum 80m<sup>2</sup> for two bedroom/two bathroom dwellings</u></li> <li>– <u>Minimum 100m<sup>2</sup> for three bedroom (plus) dwellings</u></li> </ul> <p>Minor variations to the set of apartment sizes will be considered where a better outcome can be demonstrated in relation to apartment efficiency, functionality, amenity and outlook.</p>	Department of Planning	No timing. General Statement Of Commitment
Public/Retail/Commercial Parking Charges	<p>The maximum charges for parking within the public/retail/ commercial car park between 6am and 6pm are to be as follows:</p> <ul style="list-style-type: none"> <li>– Less than 3 hours Free</li> <li>– More than 3 hours Market rates.</li> </ul>	Department of Planning	No timing. General Statement Of Commitment
Parking Rates	<p>Parking rates to be utilised across the development in subsequent Project Applications/Development Applications are:</p> <ul style="list-style-type: none"> <li>– Maximum 1 space per studio and one bedroom units;</li> <li>– Minimum 1 space and maximum of 2 spaces per two bedroom units;</li> <li>– 2 spaces per three + bedroom units;</li> <li>– Minimum 1 visitor space per 20 residential units;</li> <li>– Minimum 1 space per 50m<sup>2</sup> of non-residential GFA (commercial);</li> <li>– Minimum 1 space per 35m<sup>2</sup> of non-residential GFA (retail).</li> <li>– <u>Minimum 1 bicycle space per 15 residential units;</u></li> <li>– <u>Minimum 1 motorcycle space per 15 residential units;</u></li> <li>– <u>Minimum 1 bicycle space/200m<sup>2</sup> non-residential GFA, with 15% accessible by visitors;</u></li> <li>– <u>Minimum 1 motorcycle space/20 non-residential car spaces.</u></li> </ul>	Department of Planning	No timing. General Statement Of Commitment

Subject	Commitments	Approved by Whom	Timing
	<p><u>The total number of car parking spaces to be provided on the Discovery Point site is to be capped at 2,240 car spaces (including existing developed spaces).</u></p>	Department of Planning	No timing.
	<p><u>An updated schedule of parking spaces provided is to be submitted with each subsequent Project/Development application.</u></p>	<u>The relevant consent authority at the relevant stage</u>	<u>With the relevant Project Application or Development Application</u>
Road Access and Traffic	<p>The following road access and traffic recommendations will be implemented:</p> <ul style="list-style-type: none"> <li>– The cost of all street works within the Discovery Point site, including the provision of roads, footpaths, services, traffic management, traffic and parking signage, landscaping, lighting and street furniture within the development and where it connects to adjacent roads shall be provided by the developer at no cost to Council or the Roads and Traffic Authority.</li> <li>– Emergency vehicle access will be designed in accordance with the New South Wales Fire Brigades Code of Practice.</li> <li>– The detailed design of access points will comply with the design criteria of AS2890.1 and 2890.2.</li> </ul>	Department of Planning	No timing. General Statement Of Commitment
<u>Railcorp Requirements</u>	<p><u>The conditions of the existing Rail Development Agreement will be amended to apply to the Concept Plan in accordance with the advice letter prepare by Minter Ellison dated 6 December 2010.</u></p> <p><u>Any reasonable changes to the existing Railcorp easements that are required will be detailed and approved in subsequent project/development applications.</u></p> <p><u>Technical details regarding the protection of the substation and cables on the site will be provided in relevant project/development applications prior to any construction commencing.</u></p> <p><u>Any impacts to existing utilities and services identified at the detailed design stages will be addressed in subsequent project/development applications.</u></p> <p><u>Any necessary measures to protect electricity transmission and distribution networks will be detailed in subsequent project/development applications.</u></p>	<u>Railcorp</u>	<u>With the relevant Project Application or Development Application</u>

Subject	Commitments	Approved by Whom	Timing
	<p><u>Window openings for Buildings 6 and 13 will be restricted to a maximum of 120mm consistent with the BCA.</u></p> <p><u>Revised Geotechnical and Structural reports will be prepared during the detailed Project Application stage to address the impact of the final designs on the rail corridor.</u></p> <p><u>Any required easements or rights-of-way for the Station Access will be determined in consultation with Railcorp during the Project/Development Application stage.</u></p>		
Flooding and Sea Level Rise	<p>In accordance with the Flooding Assessment Report (June 2010), the following will be implemented:</p> <ul style="list-style-type: none"> <li>a 2.5 metre freeboard will be incorporated into the design of each building to ensure floor levels are above PMF levels and climate change flood levels.</li> </ul>	Department of Planning	No timing. General Statement of Commitment
European Heritage	<u>Future applications will address the recommendations of the Statement of European Heritage Impacts prepared by Tanner Architects and dated June 2010.</u>	<u>The consent authority at the relevant stage</u>	<u>Addressed with the relevant Project Application or Development Application.</u>
Non-Indigenous Archaeology	<u>Future applications will address the recommendations of the Non Indigenous Archaeological Investigation Statement of Heritage Impacts prepared by Casey and Lowe and dated June 2010.</u>	<u>The consent authority at the relevant stage</u>	<u>Addressed with the relevant Project Application or Development Application.</u>
Indigenous Heritage	<u>Future applications will address the recommendations of the Aboriginal Heritage Statement of Impacts prepared by Jo McDonald Cultural Heritage Management and dated June 2010.</u>	<u>The consent authority at the relevant stage</u>	<u>Addressed with the relevant Project Application or Development Application.</u>
Soil and Water Management	<u>Future applications will address the recommendations of the Soil and Water Management Plan prepared by Smart Civil and dated July 2010.</u>	<u>The consent authority at the relevant stage</u>	<u>Addressed as part of the relevant Project Application or Development Application.</u>
Contamination	<u>Future applications will address the recommendations of the Contamination Report prepared by Coffey Environments and dated June 2010.</u>	<u>The consent authority at the relevant stage</u>	<u>Addressed as part of the relevant Project Application or Development Application.</u>

Subject	Commitments	Approved by Whom	Timing
Landscaping	<p><u>A Landscape Plan will be prepared and submitted with proposals containing landscape and public domain works.</u></p> <p><u>Future DA/PAs on the site are to comply with the Discovery Point-Wolli Creek Landscape Design Guidelines/Public Domain Plan prepared by Turf Design, dated December 2010.</u></p> <p><u>The landscaping is to be designed so that the view corridor between Tempe House and Cooks River is maintained.</u></p>	<u>The consent authority at the relevant stage</u>	<u>Addressed as part of the relevant Project Application or Development Application.</u>
Acoustic, Noise and Vibration	<u>Future applications will address the recommendations of the Acoustic and Vibration Assessment prepared by Heggies and dated June 2010.</u>	<u>The consent authority at the relevant stage</u>	<u>Addressed as part of the relevant Project Application or Development Application.</u>
Wind	<u>Future applications will address the recommendations of the Wind Tunnel Study prepared by Heggies and dated July 2010.</u>	<u>The consent authority at the relevant stage</u>	<u>Addressed as part of the relevant Project Application or Development Application.</u>
Environmentally Sustainable Development	<u>Future applications will address the recommendations of the Environmentally Sustainable Development Report prepared by Cundell Design Consultants and dated June 2010.</u>	<u>The relevant consent authority at the relevant stage</u>	<u>Addressed as part of the relevant Project Application or Development Application.</u>
Infrastructure and Services	Future development on the site will include upgrades to energy, water, sewer and telecommunications infrastructure in accordance with service provider authority requirements.	The relevant consent authority at the relevant stage	Addressed as part of the relevant Project Application or Development Application.
Crime Prevention through Environmental Design (CPTED)	A Safety Management Strategy will be prepared and provide guidelines for the application of CPTED principles and Safer by Design best practice models.	The relevant consent authority at the relevant stage	Addressed as part of the relevant Project Application or Development Application.
Public Art	A public art strategy for the whole site will be prepared.	<u>Department of Planning</u>	<u>The strategy will be submitted prior to the determination of the first Project Application</u>

Subject	Commitments	Approved by Whom	Timing
Accessibility	<p><u>The detailed project application stage for each building will address:</u></p> <ul style="list-style-type: none"> <li><u>1 adaptable unit car bay for each adaptable unit;</u></li> <li><u>an accessible toilet with every bank of male and female toilets in retail and commercial area. The accessible toilet to have internal dimensions in accordance with AS1428.1:2008; and</u></li> <li><u>retail accessible car bays will be 2% of total retail car bays and commercial accessible car bays will be 1% of total commercial car bays.</u></li> </ul> <p><u>2% adaptable units will be provided across the Discovery Point Concept Plan site upon completion of development.</u></p>	The relevant consent authority at the relevant stage	Addressed as part of the relevant Project Application or Development Application.
Waste	Allowance will be made for the future collection of waste by waste contractors in accordance with all relevant regulatory requirements.	Council	During construction of each stage.
Structural	<p>Temporary and permanent retention systems for basement excavations will be required at locations indicated within diagrams within the PRD Structural Report (June 2010). These retention systems will be designed in accordance with <i>'Development Near Rail Corridors and Busy Roads – Interim Guidelines'</i>.</p> <p>Details of derailment protection measures, track monitoring requirements and a Rail Safety Plan will be submitted to Railcorp prior to the issue of a construction certificate.</p>	The relevant consent authority at the relevant stage	Addressed as part of the relevant Project Application or Development Application.
Electrolysis	Compliance with the measures recommended within the Electrolysis Analysis prepared by Cathodic Protection Services dated May 2010.	The relevant consent authority at the relevant stage	Addressed as part of the relevant Project Application or Development Application.
Groundwater	The impacts of the groundwater rise as a result of the one in one hundred year flood event are to be taken into account in the detailed design of the basement slabs and walls.	The relevant consent authority at the relevant stage	Addressed as part of each Project Applications
	The monitoring of groundwater levels during construction are also recommended to check design parameters.	The relevant consent authority at the relevant stage	During construction

Subject	Commitments	Approved by Whom	Timing
Excavation near rail corridors	A geotechnical professional will be commissioned to review basement and service trench shoring or excavation design and observe excavations within 25 metres of the rail corridor.	The relevant consent authority at the relevant stage	Addressed as part of the relevant Project Application or Development Application.
Construction, Waste and Traffic Impacts	<p>The following Management Plans will be prepared and approved prior to works commencing for each stage:</p> <ul style="list-style-type: none"> <li>--- Construction Management Plan</li> <li>--- Construction Traffic Management Plan</li> <li>--- Erosion and Sediment Control Plan</li> <li>--- Waste Management Plan</li> <li>--- Dust Control Plan.</li> </ul>	Relevant Certifier Authority	Prior to issue of relevant CC's for each stage