



**Planning &
Infrastructure**

MAJOR PROJECT ASSESSMENT:

Discovery Point - Project Application for a mixed use development

Discovery Point, 1 Princes Highway, Wolli Creek

Proposed by Discovery Point Pty Ltd

MP 10_0030



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

March 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 Submissions
WSUD	Water Sensitive Urban Design

Cover Photograph: Perspective view of Discovery Point Concept Plan Approval with Stage 1 outlined.

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EXECUTIVE SUMMARY

This is an assessment report for a Project Application seeking approval for the construction of two mixed use buildings 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 Stage One, being mixed use buildings 1B and 1C providing a total of 130 apartments and retail area of 2197m². The proposal also includes associated basement parking, landscaping, public domain and road infrastructure works, enabling bulk earthworks on adjacent sites and temporary access to Wolli Creek Station.

This project has a Capital Investment Value of \$52,673,008 and will create 1500 construction jobs and 120 full time equivalent operational jobs.

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

The Environmental Assessment (EA) was exhibited for an extended 45 day period from 12 July to 27 August 2011. The Department received 8 submissions from public authorities. No public submissions were received.

On 28 November 2011, the Proponent submitted a Preferred Project Report (PPR), followed by addendums on 15 and 23 December and on 5 March 2012 which made the following amendments:

- basement set back 8m further from railway with associated changes to basement layouts;
- reduction in the number of units by 4 to a total of 126;
- extension of enabling bulk earthworks;
- minor changes to floor plans including provision of retail WCs and management offices to first floor of Building 1B;
- the retail canopy design revised;
- retail area amended to 2531m²;
- alignment and layout of Discovery Point Place adjusted;
- the design of the temporary access to the station has been updated; and
- the landscape design amended.

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, 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.

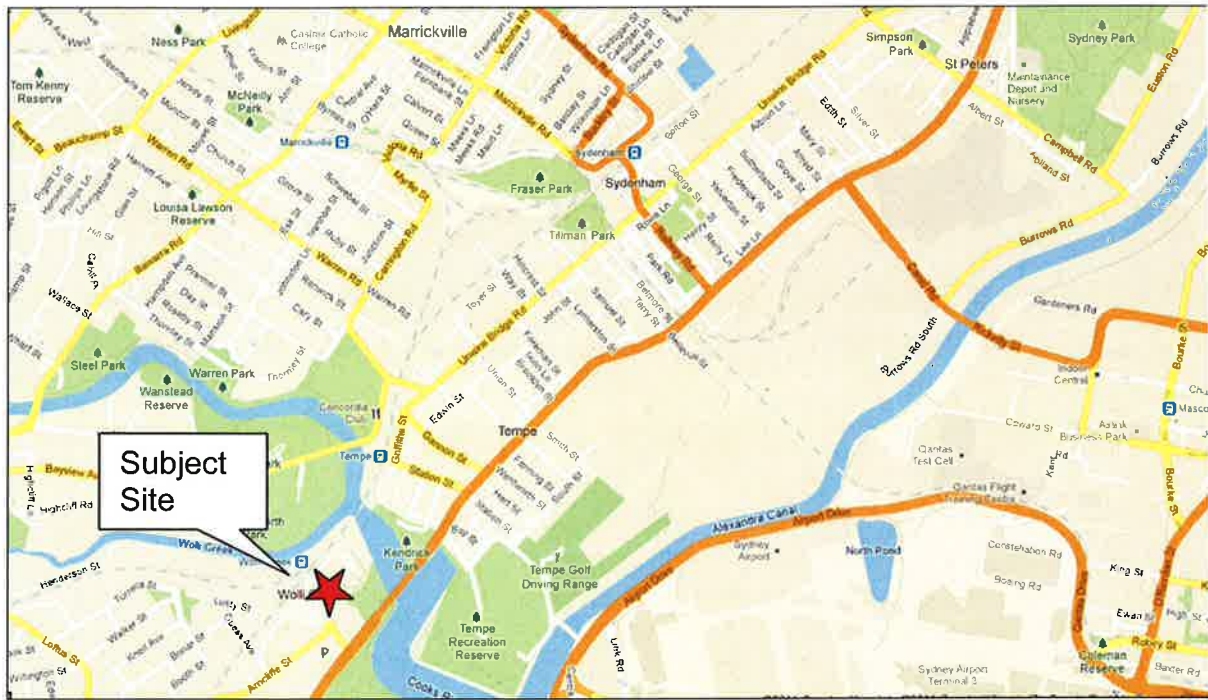
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1. BACKGROUND

1.1 Site Description

Discovery Point Pty Ltd (the Proponent) seeks project approval to construct a mixed use development incorporating 2 buildings with 126 units and a retail area of 2531m², with associated landscaping and infrastructure works at Discovery Point. The proposal represents Stage 1 of redevelopment pursuant to the Discovery Point Concept Plan Approval. 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 1 Project Application site (the site) is within the south-western section of Discovery Point and has an area of approximately 9716m². Refer to **Figure 2**.

The site was previously used for industrial purposes but has generally been cleared and now includes a number of small temporary structures, an existing roadway and temporary hardstand parking areas. It also includes the diaphragm wall installed during the construction of the adjoining Greenbank Development which will adjoin the basement car parking proposed as part of the current application. The site is relatively level and includes no material vegetation.

Immediately adjoining the Stage 1 site to the north is the Wolli Creek Railway Station; to the west is the Illawarra Train line; to the east are other similar residential developments currently under construction within Discovery Point; and to the south is a vacant industrial site, approved for a mixed use development as well as further similar mixed use developments.



Figure 2: Project Location (Source: Proponent's EA)

1.2 Previous / Other Applications

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.

Following submission of the current project application for the Stage 1 building works, the Proponent has also submitted a project application (MP10_0031) for a residential development (known as Stage 6) which includes a 13 storey building with 88 units located to the north-east of the Stage 1 site. At the time of writing, that application is still under assessment by the department.

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 Environmental Assessment (EA), seeks Project Approval for construction of Stage One, being Buildings 1B and 1C, providing 130 x 1, 2 and 3 bedroom apartments, 246 basement car parking spaces, ground floor retail areas totalling 2197m²; landscaping, public domain including new parks and road infrastructure works, temporary access to Wolli Creek Station, and strata 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 28 November 2011, the Proponent submitted a PPR. The PPR resulted in a number of minor modifications to the proposal. These include:

- basement set back further by 8m from the Illawarra rail line. Minor associated changes to services and parking layouts to all basement levels;
- the second floor slab and the apartments under the footprint of future building 4 have been deleted; building 1B has accordingly been reduced to 5 apartments (from 9), with parking numbers reduced by 3 spaces;
- a pedestrian ramp has been provided between buildings 1B and 5;
- extension of enabling bulk earthworks north;
- minor changes to floor plans including provision of retail WCs and management offices to first floor of Building 1B;
- the retail canopy design revised to provide a minimum of 2.5m cover to all retail frontages, consistent with the recommendations of the Wind Report;
- layout of the level 2 podium and level 14 roof garden have been amended to provide better amenity for the residents;
- alignment and layout of Discovery Point Place has been adjusted to allow for substations on the southern side of the street;
- the design of the temporary ramp and stair to the station has been revised;
- the landscape design has been amended including:
 - revisions to landscape planter areas between Building 1B and 1C;
 - amendments to layout and design of rooftop (level 2 podium and level 14 roof garden);
 - incorporation of bio-filtration to tree pits/ street verge planters as biofiltration;
 - update to street tree species;
 - revision to water feature element; and
 - additional plant species added for bio-filtration planters.

2.3. Addendums to Preferred Project Report

On 15 December and 23 December 2011 the Proponent submitted addendums to the PPR. The first addendum (15 December) sought to extend the area of early enabling bulk earthworks to include an area to the south of the Stage 1 permanent works site as well as to carry out enabling bulk earthworks within the Stage 6 site. Revised engineering plans were submitted. The second addendum (23 December) sought to revise the temporary stairs and ramp access arrangements to Wolli Creek Station.

A third addendum / clarification was submitted on 5 March clarifying the floor space of the retail areas as being 2531m² and the number of car parking spaces proposed as being 261, as the information submitted with the PPR was incorrect in this regard.

The development as proposed within the PPR as amended is detailed in **Table 1** and **Figures 3, 4, 5 and 6** over page.

Table 1: Key Components of the Project

Aspect	Description
Demolition	Demolition of existing structures and existing road access to Wolli Creek Station (i.e. north-south road from Magdalene Terrace and east-west road south of Wolli Creek Railway Station)
Building 1B	<ul style="list-style-type: none"> 3 storey building above basement parking; 5 apartments; retail area of 1,840m² including a supermarket and specialty stores; roof top courtyard on the podium including residents gym, community room and pool.
Building 1C	<ul style="list-style-type: none"> 14 storey building above basement parking; 121 apartments; retail area of 691m²; and basement water recycling facility.
Car/ Bicycle Parking	Combined basement of Buildings 1B and 1C: <ul style="list-style-type: none"> public car park for 101 cars and 7 motorcycles; 11 bicycle spaces on street level; and residents car park for 160 cars, 10 motorcycles and 10 bicycles.
Neighbourhood Parks	Construction of new permanent neighbourhood park as well as a temporary park fronting Magdalene Terrace (in the location of the building envelope for future Building 3 and 5). Temporary park will remain until such time as construction works on Buildings 2 or 3 commence.
Road Infrastructure	<ul style="list-style-type: none"> Replacement of existing temporary east-west cul-de-sac running south of Wolli Creek Railway Station with Discovery Point Place; removal of the existing temporary bus turning loop south of Wolli Creek Station and construction of a temporary road, bus stop and turning loop to the north of Wolli Creek Station; resurfacing and landscaping works along Brodie Spark Drive and extension of the road to the north towards Cooks River; construction of Spark Lane between Magdalene Terrace and Discovery Point Place; and construction of Discovery Point Place between Spark Lane and Brodie Spark Drive.
Basement for future stages	Construction of a portion of the basement structure for future stages 2, 4, 5 and 14 due to ease of construction methodology. (Approval of actual parking numbers would be subject to future application)
Temporary Works	<ul style="list-style-type: none"> Temporary access to Wolli Creek Railway Station from Discovery Point Place and Brodie Spark Drive; temporary bus turning loop and associated earthworks; excavation and earthworks adjacent to the stage 1 boundary to enable construction (mainly on sites 2, 3 and 5) and earthworks in stage 6 underground services; and temporary park to sites 3 and 5.
Stratum Subdivision	Stratum subdivision of the site to create 8 lots including roads and neighbourhood park, residential buildings 1B and 1C, retail and associated basement parking within Building 1C, rooftop open space and plant within Building 1C and future building lots/residue lots.

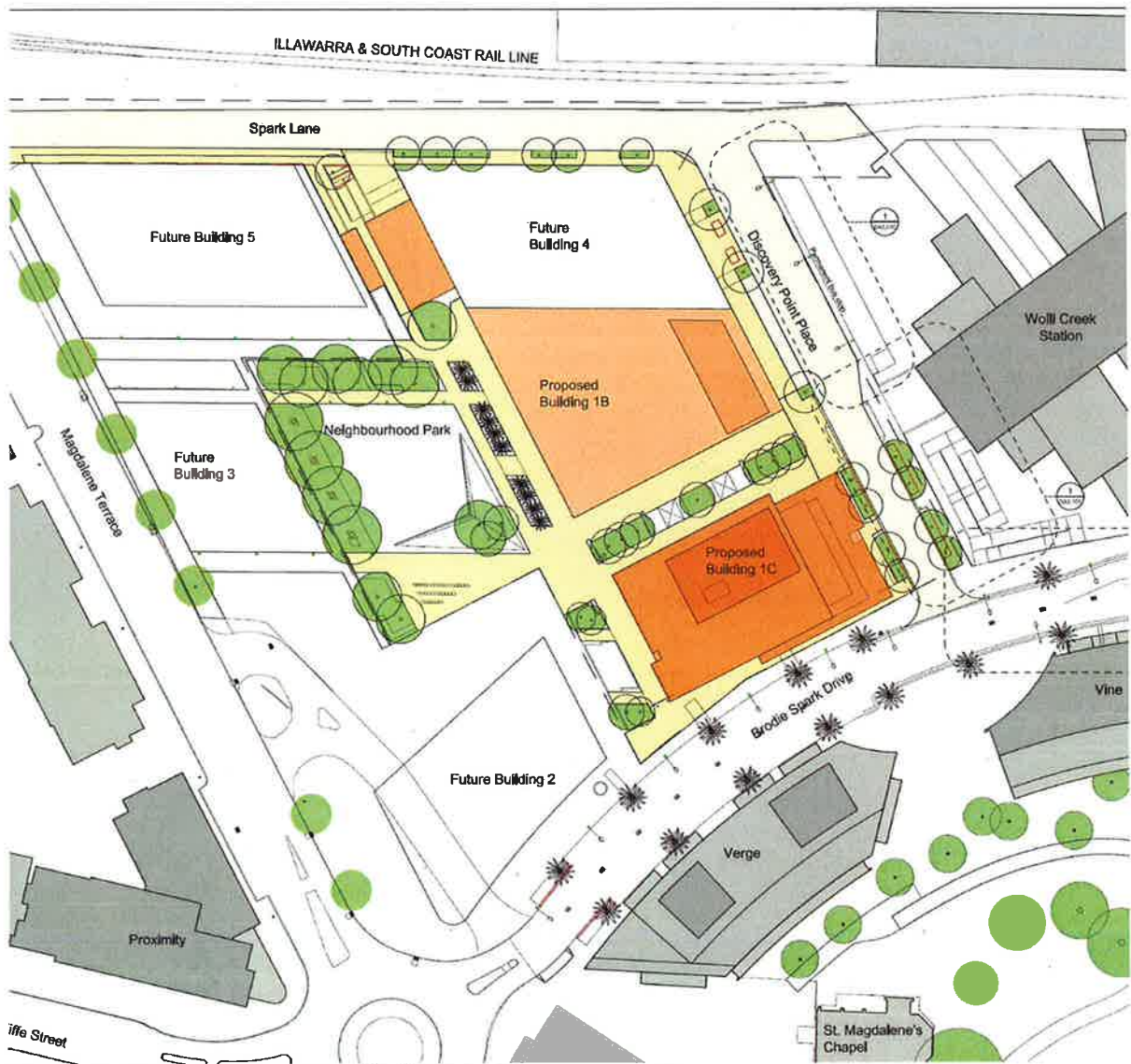


Figure 3: Stage 1 Permanent Works (source: Bates Smart)

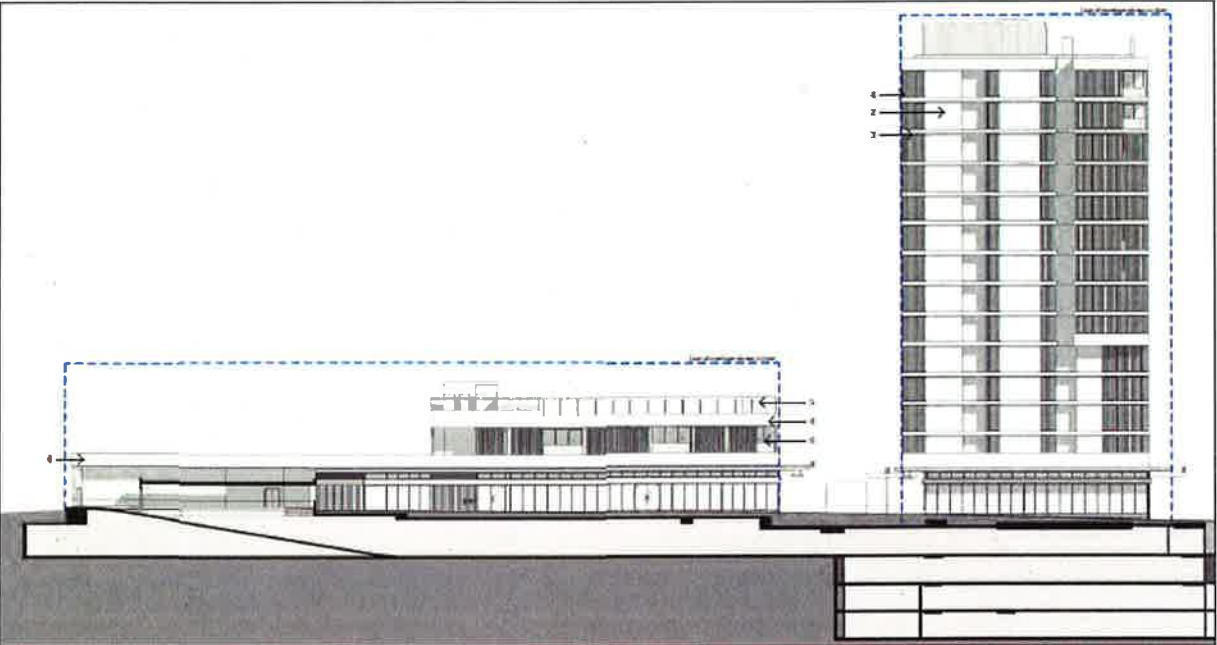


Figure 4: Southern elevation (Approved Concept Plan Envelope shown in blue) (source: Bates Smart)

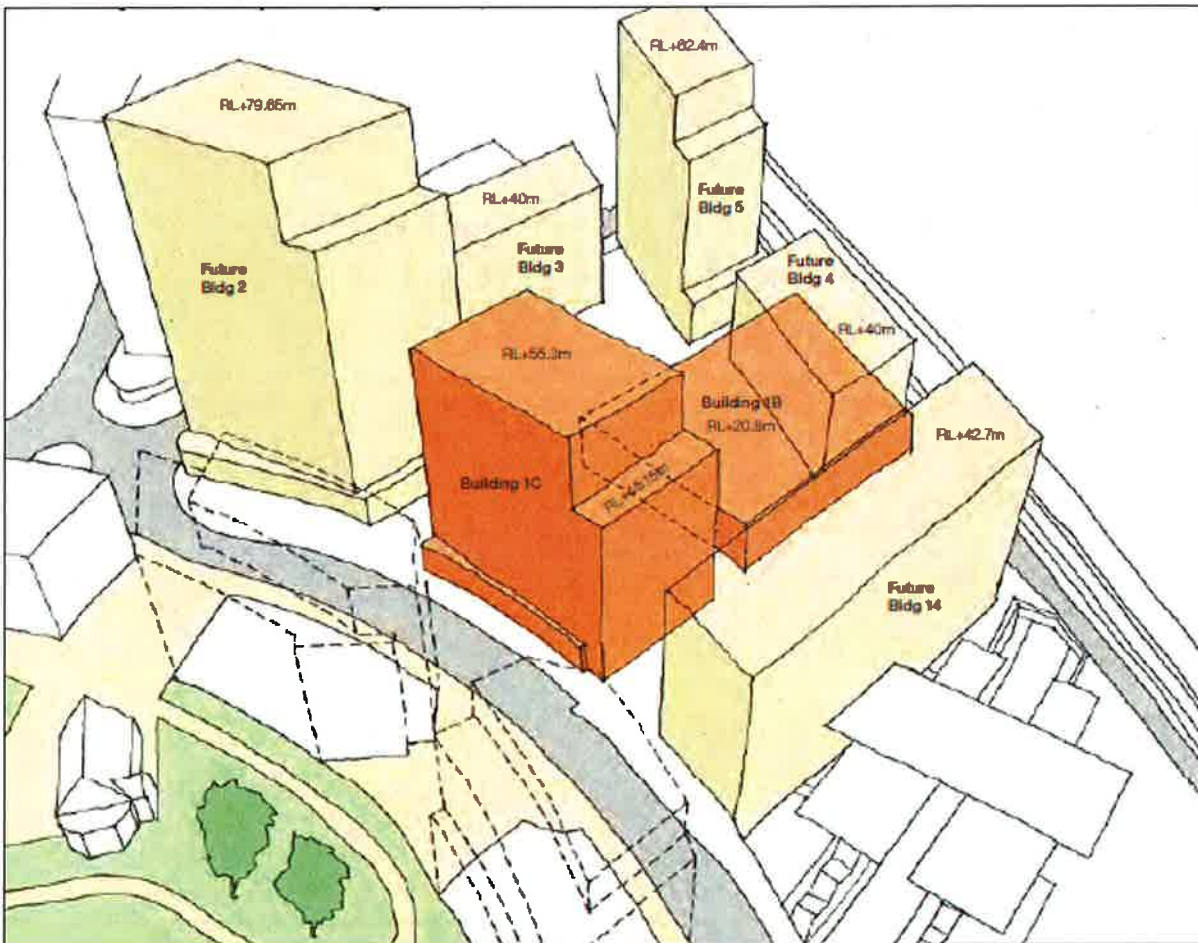


Figure 5: Building envelopes of proposed buildings 1B and 1C (source: Bates Smart)



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

2.2 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 inclusion of retail facilities to service residents 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 and jobs located in close proximity to public transport facilities, retail services and opportunities for employment.

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 126 additional dwellings across a mix of unit sizes to cater for the needs of the locality. The development will also provide a retail area with a floor space of 2531m², thereby providing construction jobs in the short term and ongoing operational jobs in the long 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, 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 uses are 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). 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,
- (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 Environmental Assessment (EA) of an application publicly available for at least 30 days. After accepting the EA, the Department publicly exhibited it for an extended period of 45 days from 12 July 2011 until 27 August 2011 on the Department's website, and at Rockdale Council and 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 13 July 2011 and notified landholders, and relevant State and local government authorities in writing.

The Department received eight 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:

- residential amenity concerns including single aspect apartments, balcony size and unit mix;
- the need to ensure façade treatments and street activation through further detailing and construction documentation;
- 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, inclusion of water sensitive urban design features and public domain drainage to comply with AUSTROADS;
- raised vehicle movement, roadway and public transport facility issues including suggestions for additional public transport facility provision, pedestrian crossings, design and width of Spark Lane, geometry of a bus stop, and the need for basement parking to comply with AS2890.1;
- advised on s94 requirements; and
- noted the requirement to comply with the 'Development Design Guidelines'.

Council also made a submission in response to the PPR, as follows:

- recommended conditions for the project making reference to a recent subdivision approval under Part 4 of the EP&A Act, including road dedication; and
- provided comments regarding the proposed landscaping including comments about the deficiencies in the plans and comments on proposed tree species, landscape design to Spark Lane, lighting and water features. Council recommended that a condition be included requiring fully documented landscape plans prior to issue of a Construction Certificate.

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 / Green Travel Plan was not provided;
- resident bicycle parking at level B0 should be consolidated and other bicycle parking should be identified on the plans. Additional bicycle spaces and facilities for retail staff were requested and it was noted that total bicycle parking appeared to be low;
- the width of Brodie Spark Drive does not comply with accepted minimum requirements;

- lack of analysis to support the conclusion that the proposal will comply with the objectives of a 50% mode split to non-car transport modes for work related trips; and
- the guidelines for the 'Development of Public Transport Interchange Facilities' and the relevant legislation should be considered.

The department considers that the Proponent's PPR and recommended conditions of approval adequately address the issues raised by Transport for NSW.

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. Conditions were recommended to ensure that all heritage issues are satisfactorily addressed. Appropriate conditions of approval have been recommended.

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

- all garbage collection should be undertaken outside of peak traffic periods;
- development should be designed to mitigate road traffic noise from the Princes Highway;
- a Road Occupancy Licence should be obtained for any works that may impact on traffic flows on the Princes Highway during construction activities and that all works should be at no cost to the RTA; and
- ramp grades are not clear and should be designed to comply with AS2890.1.

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 Sydney Water did not object to the proposal and provided the following comments:

- no objection to the proposed drinking water connection;
- the proposed development conflicts with the location of the wastewater main traversing the property and that a wastewater deviation may be required;
- a Section 73 Certificate will be required; and
- if the development generates trade wastewater, the property owner is required to submit an application for permission to discharge trade wastewater to the sewerage system.

Appropriate conditions of approval have been recommended.

4.2.7 Sydney Airport Corporation did not object to the proposal and advised that the maximum height of the proposed buildings was approved by the previous approval letters from Sydney Airport and the Federal Department of Infrastructure and Transport submitted in relation to the concept plan.

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;
- 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 proposed development is the first stage of the implementation of the Concept Plan. The Department has undertaken a detailed assessment of the proposal against the Concept Plan in **Appendix E**. The Department considers that the proposal complies with the key parameters approved by the Concept Plan, except for a deviation from the dwelling mix requirements. 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 developments at subsequent stages. The project application is therefore consistent with the Concept Plan Approval. Further, the proposed gross floor area and parking provision will contribute to the cumulative total approved for the entire site.

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, subject to modifications, which required amended Development Design Guidelines to be submitted to and approved by the Department prior to determining future applications on the site. Updated Development Design Guidelines were submitted by the proponent with the PPR. The updated Guidelines were approved by the Department on 13 February 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 and storage provision for each of the units. Compliance with the Public Domain Plan is discussed in **Section 5.2** below.

In terms of storage, the Guidelines require that in addition to kitchen cupboards and bedroom wardrobes, storage facilities must be provided at the rate of 6m³ for 1 bedroom units; 8m³ for 2 bedroom units and 10m³ for 3 bedroom units. The proponent has provided calculations of the storage areas for each unit, however the calculations are not technically consistent with the controls in that they include a portion of wardrobe space (that part of the wardrobe above what

may be considered a typical wardrobe size). Using this calculation, the proposal would comply with the minimum requirements. Whilst this approach is technically not in accordance with the Guidelines, it is considered reasonable given the generous size of wardrobe spaces and it is considered that a reasonable level of storage is provided to each unit to ensure good residential amenity for residents.

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).

The proposed landscape and public domain works include some variations to the Public Domain Plan, including variations to street tree species selections; street tree pit surrounds; paving finishes to footpaths and pedestrian cross-overs, street lights and streetscape furniture.

The PPR included detailed justification for the proposed variations, including:

- to provide more durable / hardy plant species better suited to growing conditions;
- to match existing public domain infrastructure;
- to incorporate WSUD measures;
- to highlight or distinguish certain pedestrian areas; and
- to provide adequate levels of street lighting.

The variation justifications were also forwarded to Council. The proponent also notes 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 by:

- the incorporation of WSUD elements;
- providing links and views between parks, streets and heritage items;
- providing public domain artwork;
- paving civic spaces;
- ease of movement between different modes of transport and provision of comfortable waiting areas;
- providing cycle facilities;
- ensuring accessibility, natural surveillance, safety and pedestrian activity; and
- providing high quality street furniture, paving and lighting.

It is noted that the Concept Plan approval requires that any departures from the Public Domain Plan are to be the result of discussions between the proponent and the Council. The Department has not received any evidence of any discussions between the proponent and Council regarding the deviations. Council has raised concerns that the landscape plans for the public domain works are not detailed enough to make a proper assessment of landscaping and has suggested the imposition of a condition requiring fully documented landscape plans for all public domain works to be approved by Council prior to Construction Certification. It is considered that landscape plans and all public domain design specifications should be submitted to Council for approval prior to Construction Certification. An appropriate condition of approval is recommended.

5.3. Residential Amenity

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**. Generally, Buildings 1B and 1C comply with the requirements of SEPP 65 and the

RFDC, with the exception of partial variations to building depth, deep soil landscaping, and number of units to a circulation core, storage and natural ventilation to kitchens. These variations are discussed below.

Building Depth

The RFDC guidelines recommend a maximum building depth of 18 metres. Buildings 1B and 1C have depths of up to 41 and 26 metres, respectively. These buildings have been designed in accordance with the building envelopes approved in the Concept Approval. Despite the non-compliance with the RFDC guideline of 18 metres, the proposed buildings achieve minimum amenity standards in terms of solar access, natural cross ventilation and distances from windows for single aspect units. Furthermore, although building 1B has a floor-plate depth of 41 metres, it is noted that the building is only 2-3 storeys in height and is predominantly a commercial podium for a residential flat building to be constructed above. It includes only 5 residential units all located at the edge of the floor plate (with the central area occupied by plant), and the maximum unit depth is only 10 metres. As such no adverse amenity impacts arise from the non-compliance.

Deep Soil Landscaping

Stage 1 Deep soil landscaping is limited to Neighbourhood Park – equivalent to 15% of the Stage 1 site. 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 which require that deep soil zones be limited to Discovery Point Park, Waterfront Park and Neighbourhood Park, with all other landscaped areas to be 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. No material adverse impacts arise from having up to 11 units to a circulation core. On all levels where the number of units exceeds the control, a reasonable level of amenity is ensured by including windows to the lobbies of each floor for natural light and ventilation, as well as dual lifts and access stairs. Despite the non-compliance, the floor plans still allow for a range of unit orientations, dual aspect units and compliance with solar access and ventilation requirements.

Storage

The RFDC recommends 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. The proponent has provided calculations of the storage areas provided for each unit and the calculations are shown to exceed the RFDC recommendations. However the calculations do include any portion of wardrobe space above what may be considered a typical wardrobe size. Whilst technically this is not in accordance with the Guidelines, it is considered reasonable given the generous size of wardrobe spaces and will still ensure a good level of amenity for future residents.

Natural Ventilation to Kitchens

The RFDC recommends that at least 25% of kitchens are naturally ventilated. 19% of kitchens will either directly adjoin a window or will be in one of 5 units which will have a dedicated natural ventilation duct from above the kitchen to the roof. In addition to the 19%, other apartments will receive some degree of natural ventilation to the kitchens as the unit-wide cross ventilation air flows will traverse the kitchen. The proponent advises that all apartments will have externally ducted kitchen exhaust. As such a reasonable level of ventilation will be achieved under the proposal.

As such it is considered that, the proposal is acceptable with regards to SEPP 65 and the accompanying RFDC.

5.4. Building Appearance and Urban Design

Overall height, scale and massing of the proposed buildings are generally in accordance with the Concept Plan approval. Urban design considerations for this project application are therefore generally related to issues of façade treatments and street activation.

Façade Treatment

The Department considers that the proposal results in a high quality façade design. On Building 1C, building massing and materials distinguish a base, middle and top to the building, although the primary ordering of the façade comes from a strong horizontal emphasis through repetitive horizontal bands, while visual interest and articulation is provided by windows and infills which shift and stagger between different horizontal levels. The language of strong horizontals is carried though to the lower 3 storey Building 1B. A palette of various external materials, finishes and elements ensure an interesting and attractive facade and include features such as concrete spandrels, aluminium louvers, painted sheet solid panels, aluminium windows, and metal balustrades.

Council raised a concern that while the façade design is interesting and attractive, it relies on the quality of materials and finishes and as such suggested that the façade treatments will need to be maintained in the construction documentation and final product.

In addition to the architectural plans, the Design Report submitted with the application provides specific details of the façade treatments proposed. With the inclusion of a condition requiring compliance with that Design Report through all stages of documentation and construction, the quality of the façade treatments can be appropriately ensured.

Street Activation

The department considers that active retail frontages at the ground floor level are essential in providing a high level of pedestrian amenity and contribute to the visual impact of the buildings and quality of public domain. Plans submitted do not show the break up of retail tenancies or how they will interact with the street frontages. While fit-out and occupation of the retail level will be the subject of a future development application, a condition is included in the recommendation requiring activation of street frontages in accordance with the Development Design Guidelines as well as the proponent's Statement of Commitments.

5.5. Other Issues

Other Issues considered in the assessment of the application include:

Issue	Consideration
Flood Protection and Ground Floor Levels	<p>The proposal is inconsistent with the Statement of Commitments approved as part of the Concept Plan with respect to floor levels and flooding. Compliance with the Statement of Commitments would require a ground floor level of at least RL6.1 while the proposed finished floor levels are between RL5.05 and RL5.85.</p> <p>The proponent advises that in this regard the Statement of Commitments incorrectly interpreted comments within the original flood assessment and has confirmed that the proposal is consistent with Condition 11(d) of the Concept Plan approval which requires habitable floors to be constructed 500mm above the 0.5% annual exceedence probability (AEP) flood. As such the floor levels would still provide an adequate level of flood protection in accordance with accepted standards.</p> <p>In addition, the proposed finished floor levels allow for active ground</p>

	<p>floor uses at or close to the street levels and is consistent with the objective of achieving active frontages and high quality public domain.</p> <p>On this basis the proposed floor levels are considered to be acceptable.</p> <p>A condition has also been recommended requiring a flood evacuation management plan prior to the issue of an occupation certificate.</p>
Contamination	<p>Contamination and suitability for the site for the proposed development was addressed in the assessment of the Concept Plan. An Environmental Assessment Report was prepared by Coffey Environments Australia Pty Ltd, which made specific recommendations in relation to Stage 1 including:</p> <ul style="list-style-type: none"> (a) placement and validation of an appropriate capping system to the neighbourhood park; (b) a new or updated Site Management Plan including maintenance of clean fill capping in the neighbourhood park; (c) a review of other additional areas of accessible soils; (d) a review of construction activities and imported materials; and (e) validation of all materials imported to the site or any site won materials for the approved land use and/or certification as VENM/ENM. <p>In this regard, it is recommended that a condition be imposed that construction works are to be carried out in accordance with the recommendations of that report.</p> <p>Further, in the event that any residual contamination is found on the site the Proponent will be required to prepare a Remedial Action Plan and a Hazardous Materials Survey. Upon completion of any remediation works on the site, a detailed Site Audit Summary Report and Site Audit Statement and Validation Report would be required. An appropriate condition of approval is recommended.</p>
Road Design	<p>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. It is considered appropriate that this be confirmed through certification from a qualified engineer prior to the issue of a Construction Certificate. An appropriate condition of approval has been recommended.</p>
Public Transport Facilities	<p>Council and Transport for NSW made suggestions relating to the design of the public transport facilities, including provision of additional facilities, improvements to intersection geometries and the requirement to comply with guidelines for the 'Development of Public Transport Interchange Facilities'. The proponent was asked to address these issues, and in response has amended plans to improve facilities, intersection geometry and demonstrate compliance with the Guidelines. The proponent consulted with State Transit Authority, which has advised it has no objection to the public transport / interchange facilities as proposed. The Department is therefore satisfied the permanent and temporary public transport facility works as amended are acceptable.</p>
Subdivision	<p>In response to the PPR, Council advised that it recently approved the Torrens Title subdivision of the Discovery Point site into 13 lots and that all subsequent applications must be consistent with that approval. The subdivision plans submitted with this application relate to a Stratum</p>

	Subdivision of some of the Torrens Title lots created by the Council DA. It essentially creates a further layer of subdivision above that already approved by the Council. As such there is no issue with consistency.
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 the PPR. As outlined within the Concept Plan, a minimum of four car share bays are planned to be established throughout Discovery Point. The indicative location of the future car share bays is reproduced within the TAG. One car share space is proposed for Stage 1. The proponent advises that as a commercial car share operator is unlikely to enter into the area without a high resident base already established, the timing for implementing the car share bay will be linked to the early operational phase of Stage 1. An appropriate condition of approval has been recommended.
Works beyond the Stage 1 site boundary	<p>Various works are proposed as part of this application beyond the Stage 1 site boundary. These include works to RailCorp Land, and specifically temporary access arrangements to Wolli Creek Station. The proposed works are depicted on the plans submitted with the application and updated with further sketch plans submitted on 23 December 2011. RailCorp has provided owner's consent, subject to the imposition of certain conditions. Where appropriate, these have been included within the recommend conditions of approval.</p> <p>Enabling bulk earthworks and road infrastructure works outside the Stage 1 boundary are also proposed as part of this application. They include works immediately adjacent to the Stage 1 site as well as earthworks within the Stage 6 site and provision of both new permanent and temporary road infrastructure. These works are all within land under the ownership of Discovery Point Pty Ltd and the extent of these works was indicated on the location plan submitted with the EA and PPR.</p> <p>The Department considers that no adverse issues arise from the inclusion of these enabling works as part of the Stage 1 proposal.</p>

6. CONCLUSION

The Department has assessed the EA, 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.

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 have been justified by the proponent and in this report. The development will also provide a positive internal streetscape and 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 126 new dwellings in a variety of unit types and sizes, catering for a variety of household types;
- utilisation of and improving existing public transport and other physical infrastructure;
- provision of new open space for future residents;
- provision of new retail facilities to service future residents and provide ongoing employment opportunities; 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

Having considered the key issues in relation to the proposal, the department notes the following key findings:

- the proposal is considered to result in net positive benefits to the community including the rational and economic use of the land for greater housing supply, retail and open space provision, consistent with the objects of the Act and applicable planning policies;
- the proposal is generally consistent with the Concept Plan approval and is generally consistent with all other applicable planning controls and policies; and
- the proposal has been designed in such a way to mitigate environmental impacts to an acceptable level and where necessary, conditions have been recommended to further mitigate environmental impacts.

It is therefore 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**).

Endorsed by:

Endorsed by:




Mark Brown
A/Team Leader
Metropolitan & Regional Projects South

19.3.2012



Alan Bright
A/ Director
Metropolitan & Regional Projects South

Approved by:



Richard Pearson
Deputy Director General
Development Assessment &
Systems Performance

19/3/12