



13500
29 November 2013

Sam Haddad
Director-General
Department of Planning and Infrastructure
23-33 Bridge Street
SYDNEY NSW 2000

Dear Sir

**SECTION 75W MODIFICATION APPLICATION TO MP 10_0030
STAGE 1 MIXED USE DEVELOPMENT, DISCOVERY POINT**

This Section 75W Modification has been prepared to modify the Project Approval (MP 10_0030) for Stage 1 of Discovery Point, Wolli Creek. It is submitted to the Minister for Planning and Infrastructure (or his delegate) pursuant to section 75W and Clause 12 of Schedule 6A of the *Environmental Planning and Assessment Act, 1979* (EP&A Act), on behalf of Discovery Point Pty Ltd.

The proposed modifications to the Stage 1 Project Approval relate to updating the approved stratum subdivision plans together with expanding enabling works to include infrastructure associated with connection of future stages to the approved water recycling facility.

This letter has been prepared by JBA for Discovery Point Pty Ltd and describes the proposed modifications to the approved project and the reasons it is required. This includes an assessment of the proposal against the relevant considerations of the EP&A Act. It should be read in conjunction with the Stage 1 Project Approval (MP 10_0030) (as modified).

1.0 BACKGROUND TO THE ORIGINAL APPROVAL

1.1 Previous Master Plan Consent

Rockdale Council granted consent to a Master Plan DA 500/01 on 11 April 2001 for the development of the Discovery Point site.

Three building stages have been built under the previously approved master plan consent. These buildings are known as "Greenbank", "Vine" and "Verge". All future buildings will be developed under the new Concept Plan.

1.2 Concept Plan Approval

In September 2009, Discovery Point Pty Ltd embarked on a process of a Voluntary Design Competition, with the primary aim of achieving an improved planning and design outcome for the site. A revised scheme and new master plan for the site was considered necessary for Discovery Point given that desirable design and market conditions had changed significantly since the granting of the original Master Plan consent in 2001.

The winning Bates Smart design formed the basis of a Concept Plan application to the Department of Planning under Part 3A of the EP&A Act. The Concept Plan was approved by the Minister for Planning under delegation to the Director General of Planning on 5 May 2011 subject to a number of conditions (MP 10_0003).

The Concept Plan provides for the indicative building envelopes for 14 buildings providing for an estimated additional 1,200-1,500 dwellings (subject to final dwelling mix) and a maximum GFA of 132,000m². Since approved, the Concept Plan has been modified on two occasions and a third modification is currently under assessment relating principally to amendments to the building form of Stages 8-10.

1.3 Concept Plan – Development Stages Status

A number of developments approvals are in place for various stages of the Concept Plan. A Development Application for Stages 8-10 is also currently under assessment by Rockdale City Council (DA). **Table 1** illustrates the status of approvals/applications across the site.

Table 1 – Approvals within Discovery Point

Stage	Components	Status
Stage 1	Construction of Building 1B and 1C including 126 apartments, provision of 2,531m ² of retail space, basement car parking for 261 car spaces and other associated site and landscaping works.	Approved under Section 75J of the EP&A Act by the DP&I on 19 March 2012
Stage 2	Construction of a 22 storey mixed use building containing 200 apartments with ground floor retail/business premises, three levels of basement car parking and associated landscaping and public domain works.	Approved by the Sydney East Joint Regional Planning Panel (JRPP) on 17 October 2012
Stage 4	Construction of residential flat building comprising 70 apartments above approved Building 1B podium and fit out of lobby.	Approved by the Sydney East Joint Regional Planning Panel (JRPP) on 16 April 2013
Stage 6	Construction of a 13 storey building for 88 apartments and basement car parking for 79 residential spaces. The extension of Brodie Spark Drive, extension and augmentation of services and associated landscaping works for Station Park and Discovery Point Park are also part of this application.	Approved under Section 75J of the EP&A Act by the DP&I on 18 July 2012
Stage 7	Construction of 13 storey plus plant residential flat building with 74 apartments, basement car parking for 71 residential spaces, landscaping and public domain works associated with Stage 7 including the completion of Discovery Point Park, the creation of Waterfront Park between Stage 7 and Stage 8 and an accessible ramp through Discovery Point Park.	Approved by the Sydney East JRPP on 15 November 2012
Stages 8-10	Construction of two integrated tower buildings with 19 residential levels and one part plant level (lift overrun) including three levels of basement and above ground parking containing 286 car parking spaces and 323 apartments. Landscaping and public domain works to the Cooks River foreshore, surrounding streetscapes and communal podium and construction of Chisholm Street and Spark Lane (part).	Under assessment by Rockdale City Council.

1.4 Stage 1 Project Approval

The Stage 1 Project Approval (MP10_0030) allowed for a mixed-use development including:

- Construction of two mixed use buildings, incorporating 126 apartments and 2,531m² of retail and rooftop level courtyard;
- Basement level car parking;
- Public domain works, including provision of Neighbourhood Park;
- Construction of road infrastructure;
- Early works including earthworks and/or construction of part of the basement structure for stages 2, 3, 4, 5, 6 and 14;
- Temporary works including bus turning loop and changes to Wolli Creek Station Access;
- Stratum subdivision; and
- Associated landscaping and infrastructure works.

The Stage 1 Project Approval has been modified on two occasions. The first modification (MP10_0030 MOD 1) involved:

- an increase in the depth of the bulk earthworks;
- an additional vehicular access point into Building 1B;
- replacement of the waste room at the ground level of Building 1B with an internal ramp to Level 1;
- temporary waste bin store and collection area on the Stage 5 site;
- amended provision of temporary parks on Buildings 3 and 5; and
- boundary adjustment of the Stage 1B building with adjoining Stage 4 at Level 2.

The second modification (MP10_0030 MOD 2) sought an amendment to Condition D2 to extend the construction hours to enable excavation works to be completed between the hours of 7am and 5pm on the 9th and 10th of February.

Figure 1 illustrates the Concept Plan boundary and the general extent of permanent works under the Stage 1 Project Approval. Temporary and enabling works outside of the permanent works boundary were also approved with the application.



Figure 1 – Existing Built Stages, Concept Plan Site and Stage 1 Permanent Works Extent

2.0 BACKGROUND TO MODIFICATIONS

Stage 1 represents the first stage to be developed and delivered under the Concept Plan, with works well underway and project completion expected in August 2014.

As the first stage of development, the project approval included a number of key components that are crucial to future stages, including the stratum subdivision of the southern precinct along with construction of the water recycling facility (a key component of Discovery Point meeting sustainability/BASIX requirements).

2.1 Stratum Subdivision

As a result of the design development of Stage 1 and understanding more clearly the ownership arrangements for co-operative lots, there have been a number of relatively minor changes to the approved stratum subdivision plans. The changes relate primarily to minor lot boundary adjustments and reflecting more accurately the extent and location of lots across basement, ground, and above ground levels. One of the key changes relates to a swap in ownership of the rooftop courtyard above Building 1B (which accommodates a gym, community, and pool). It was originally proposed for this rooftop space/lot to be owned by the Discovery Point co-operative, however it is now planned for this area to come under the ownership of future residents within stage 1.

The changes have been considered by Discovery Point Pty Ltd's Principal Certifying Authority, with advice being received that the changes warrant formal approval by the Department.

2.2 Water Recycling Facility and Reticulation

There is a complex regulatory framework established under the *Water Industry Competition Act 2006* that dictates a number of steps and requirements that must be fulfilled before a licence to operate the approved water recycling facility can be issued by the Independent Pricing & Regulatory Tribunal (IPART). One of these includes a need to obtain approval for the entire recycled water reticulation system that will serve future buildings at Discovery Point and connect to the approved water recycling facility. Given Stage 1 included approval of the water recycling facility, it is considered appropriate that the associated recycled water reticulation system/infrastructure across Discovery Point also form part of the Project Approval.

Whilst approval for the recycled water reticulation system across Discovery Point is sought, the actual works will be undertaken in stages and in connection with the construction of the individual building/stage in which it is intended to serve.

3.0 DESCRIPTION OF PROPOSED MODIFICATION

3.1 Proposed Modifications to the Development

The proposed modifications to the Stage 1 Project Approval are described below. A modification to the Project Approval is sought to reflect the updated stratum subdivision plans and include enabling infrastructure works associated with reticulation from the on-site water recycling facility to future stages/building.

Stratum Subdivision Plans

The modified stratum subdivisions plans include various adjustments to reflect the detailed design of the development, with movements in ownership of elements such as car parking spaces, services, and the rooftop courtyard above Building 1B. Revised Stratum Subdivision Plans have been prepared by Lockley Land Title Solutions and are included at **Attachment A**.

Recycled Water Reticulation Plans

Additional essential infrastructure plans are proposed to be included in the Stage 1 Approval in order to detail recycled water reticulation connections to each stage of the development from the water recycling plant. Relevant infrastructure plans have been prepared by Building Services Engineers (BSE), included at **Attachment B**, which detail the proposed recycled water reticulation network across Discovery Point.

3.2 Proposed Modifications to the Project Approval

The above modifications necessitate the amendment of several conditions in the Project Approval. The words proposed to be deleted are shown in ~~***bold italics strikethrough***~~ and inserted are shown in ***bold italics***.

Schedule 2

Condition A2 – Development in Accordance with Plans and Documentation

The development will be undertaken in accordance with MP No. 10_0030 and the Environmental Assessment dated June 2011, prepared by JBA Planning Pty Ltd, except where amended by:

- the Preferred Project Report dated November 2011, and all appendices;*
- additional information submitted by JBA Planning on 15 and 23 December 2011 and 5 March 2012;*
- The Amended Section 75W to Stage 1 Mixed Use Development (MP10_0030) dated December 2012;*
- The Section 75W to Stage 1 Mixed Use Development (MP10_0030) dated November 2013;***
- Statement of Commitments (as per Schedule 3);*
- BASIX Certificate Nos. 343553M and 343532M; and*
- the following drawings:*

Electrical & Hydraulic Infrastructure Plans				
Drawing No.	Revision	Name of Plan	Prepared By	Date
SI-B01	T1	Master Plan – Option A	BSE	18/05/12
SI-B02	T1	Master Plan – Option A	BSE	18/05/12
SI-B03	T2	Staging 1 Plan Option A	BSE	23/10/12
SI-B04	T1	Staging 6 Plan Option A	BSE	18/05/12

Other				
Drawing No.	Revision	Name of Plan	Prepared By	Date
2700-34267	A	Draft Subdivision Plans	Joseph Monardo	26/09/11 14/10/13

Reason for Amendment: This condition is updated to reflect the proposed additional infrastructure plans associated with the recycle water reticulation system and the amended stratum subdivision plans and references this modification application

4.0 ENVIRONMENTAL ASSESSMENT

The assessment contained below has been prepared to address the matters relevant to the proposed modification.

4.1 Subdivision

The proposed modifications to the approved subdivision plans do not result in any physical amendments to the approved development. These modifications have arisen from minor design development changes in the detailed stage of the proposal and a change in the intent for the ownership regime of the landscaped podium of the Stage 1B Building.

4.2 Social Dimensions

The Stage 1 approval included a landscaped podium above Building 1B that was intended to be accessible to all residents across Discovery Point. Notwithstanding the proposed change in ownership of the podium as a result of the revised stratum subdivision plans, all future residents across Discovery Point will continue to be able to access the podium through the creation of an appropriate access easement.

4.3 Environmentally Sustainable Development

The proposed recycled water reticulation network that will connect the approved water recycling facility to residential buildings across Discovery Point forms a crucial component of the ESD credentials for the overall project. The network will enable apartments to be plumbed with recycled water pipes to toilets and washing machines thereby reducing consumption of mains-supplied potable water.

The actual lead in works associated with constructing the infrastructure is minimal and planned to occur as part of the construction of the particular individual stage in which the infrastructure will serve. Without the approval and provision of the reticulation network, the appropriate licence to operate the water recycling facility under the *Water Industry Competition Act 2006* is not able to be issued by IPART.

4.4 Infrastructure and Services

The Stage 1 Project Approval only included details of the water recycling facility. The connection of the water recycling facility to residential buildings did not form part of the original enabling/infrastructure works.

This modification seeks to include these connections, as illustrated on the Electrical & Hydraulic Services Plans at **Attachment B**. The installation of the infrastructure will be undertaken in accordance with relevant WICA requirements.

The provision of this infrastructure does not raise any additional impacts not already considered in the original assessment. Through including these connections in the Stage 1 Project Approval, the future use of the water recycling and reticulation system will be facilitated as intended under the original approval and a license will be capable of being issued for the operation of this important infrastructure.

5.0 CONCLUSION

This modification to the Stage 1 Project Approval seeks to provide updated stratum subdivision plans, as well as include the provision of the recycled water reticulation network associated with approved water recycling facility.

The proposed modifications to the stratum subdivision plans do not involve any physical works and are a result of the ongoing design development of the project.

Through obtaining approval for the recycled water reticulation network across the site, it will enable the necessary licence to operate the water recycling facility to be issued and thereby support a key ESD outcome for the Discovery Point project.

Overall the proposed changes are considered to be minor and insignificant and in light of the benefits this modification will provide (particularly from an ESD perspective), we recommend this Section 75W Modification be approved.

Should you have any queries about this matter, please do not hesitate to contact me on 9956 6962 or acella@jbaplanning.com.au.

Yours faithfully



Alexis Cella
Principal Planner

Attachments:

- **Attachment A** - *Updated Stratum Subdivision Plans prepared by Lockley Land Title Solutions; and*
- **Attachment B** - *Electrical & Hydraulic Services Plans prepared by Building Service Engineers.*