

Modification of Minister's Approval

Section 75W of the *Environmental Planning & Assessment Act 1979*

As delegate of the Minister for Planning under delegation dated 14 September 2011, I approve the modification of the project application referred to in Schedule 1, subject to the conditions in Schedule 2 and the Statement of Commitments in Schedule 3.



Daniel Keary
Director, Industry Key Sites and Social Projects

Sydney 13th JUNE 2014

SCHEDULE 1

Project Approval: MP 10_0030 granted on 19 March 2012 by the then Deputy Director General of Development Assessment and Systems Performance of Planning and Infrastructure.

For the following: Project approval for development of Discovery Point, Stage 1, including:

- demolition of existing structures, gabion wall and roadway;
- construction of 2 mixed use buildings incorporating 126 apartments; total retail area of 2531m²;
- basement car parking;
- rooftop courtyard including gym; community room and pool; water recycling facility;
- public domain works including roads, neighbourhood parks and utilities;
- landscape works;
- stratum subdivision;
- early works including earthworks and / or construction of part of the basement structure for stages 2, 4, 5 and 14; and
- temporary works including temporary bus turning loop; changes to Wolli Creek Station Access; excavation and earthworks adjacent to Stage 1 boundary.

Modification: MP 10_0030 MOD 3: modification includes:

- amendments to stratum subdivision plans;
- amendments to the landscaping scheme and conditions of approval E12 and E17; and
- amendments to the Statement of Commitments.

SCHEDULE 2

The above approval is modified as follows:

- a) Condition A2 is amended by insertion of the **bold** and **underlined** words and deletion of ~~struck-out~~ words as follows:

Development in Accordance with Plans and Documentation

A2. The development will be undertaken in accordance with MP 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 (MP 10_0030 MOD 1) dated December 2012;
- Additional information submitted by JBA Planning dated 19 February 2013;
- **The modification request to Stage 1 Mixed Use development (MP 10_0030 MOD 2) dated 31 January 2013;**
- **The Section 75W modification to Stage 1 Mixed Use Development (MP 10_0030 MOD 3) dated November 2013; as amended by correspondence from JBA Urban Planning Consultants dated 25 February 2014, 11 March 2014, 16 April 2014 and 11 June 2014**
- Statement of Commitments (as per Schedule 3) prepared by JBA Planning;
- BASIX Certificate Nos. 343553M and 343532M; and
- the following drawings:

Replacing plans indicating:

- the depth of the basement under Stage 2;
 - ground level plans of Stage 1B illustrating the residential waste collection area replaced by a ramp from Spark Lane;
 - level 2 plans of Stage 1B illustrating the amended area, layout and boundary between Stage 4 and Stage 1B;
 - plans indicating the location of the proposed temporary residential waste enclosure;
 - the removal of the temporary parks on sites 3 and 5;
- as follows

Drawing No.	Revision	Name of Plan	Date
Architectural Drawings prepared by Bates Smart Pty Ltd:			
DA1.001	D	Location Plan	08/08/12
DA1.002	A	Site Analysis	22/06/11
DA1.101	D	Proposed Site Plan	15/11/11
DA2.101	C	Basement Level B0 Part Plan (West)	11/11/11
DA2.102	B	Basement Level B0 Part Plan (East) & Basement Level B1 Plan	11/11/11
DA2.103	B	Basement Level B2 Plan	11/11/11
DA2.104	B	Basement Level B3 Plan	11/11/11
DA2.200	H	Ground Level Plan	11/12/12
DA2.201	C	Level 01 Plan	11/11/11
DA2.202	D	Level 02 Plan	11/12/12
DA2.203	B	Level 03 - 10	11/11/11
DA2.204	D	Level 11 - 13 & Plant Level Plan	11/11/11
DA2.205	D	Roof Level Plan	11/11/11

Drawing No.	Revision	Name of Plan	Date
DA3.100	D	Permanent and Temporary Bus Stops	15/11/11
DA3.101	D	Station Stairs (as amended by SK581 below)	15/11/11
DA8.001	B	Section E – Linc Tower East Elevation Section C – Building 1C East Elevation	11/11/11
DA8.002	D	North Elevation & Section 1 – Building 1B & 1C South Elevation	11/12/12
DA8.003	D	West Elevation; Section B – Building 1B East Elevation; & Section A	11/12/12
DA8.004	C	Section D & Section 2	11/12/12
DA8.101	C	Western Boundary Section; Spark Lane	11/11/11
SK581	-	Sketch and information submitted with letter dated 23 December 2011 for temporary station stairs and ramp	08/12/11
SK582	-	Sketch and information submitted with letter dated 23 December 2011 for temporary station stairs and ramp	08/12/11
Landscape Plans prepared by Turf Design Studios:			
L3	E F	Stage 1 Landscape Masterplan	14/08/12 14/02/14
L4	D	Street Typology – Brodie Spark Drive	18/11/11
L5	C D	Street Typology - Discovery Point Place	18/11/11 14/02/14
L6	C	Street Typology - Spark Lane	18/11/11
L7	E F	Neighbourhood Park + Stage 1 – Landscape Plan Public Domain – Landscape Plan	14/08/12 14/02/14
L8	D E	Neighbourhood Park – Design Intent Discovery Walk and Neighbourhood Park – Design Intent	14/08/12 14/02/14
L9	E F	Neighbourhood Park - Section AA	06/11/12 14/02/14
L10	E	Neighbourhood Park - Section BB	06/11/12 14/02/14
L11	D	Neighbourhood Park – Section GG Section GG – Discovery Walk	15/08/12
L12	C D	Neighbourhood Park – Planting Internal Public Domain - Planting	18/11/11 14/02/14
L13	E F	Podium Rooftop 1B - Landscape Plan	10/12/12 27/08/13
L14	D E	Unnamed	10/12/12 14/02/14
L15	C D	Tower Rooftop 1C- Landscape Plan	18/11/11 14/02/14
L16	A B	Unnamed	18/11/11 14/02/14
L17	A B	Rooftop Terrace – Planting Rooftop (Podium & Tower) - Planting	18/11/11 14/02/14
Engineering Plans prepared by Bonacci Group Pty Ltd:			
CSK01	P5	Pavement / Stormwater Trunk Drainage Plan	21/01/11
CSK02	P3	Stage 1 Pavement / Stormwater Sections	21/01/11
CSK03	P3	Stage 1 Stormwater Catchment Plan Layout	21/01/11
C005	E	Early Earthworks Bulk Earthworks Plan	09/11/12

Drawing No.	Revision	Name of Plan	Date	
C006	E	Early Earthworks Bulk Earthworks Sections – Sheet 1	06/11/12	
C007	E	Early Earthworks Bulk Earthworks Sections – Sheet 2	06/11/12	
C126	03	Typical Road Sections	07/10/11	
C005	04	Stg 6 Bulk Earthworks	25/11/11	
C006	04	Stg 6 Bulk Earthworks Sections Sheet 1	25/11/11	
C007	04	Stg 6 Bulk Earthworks Sections Sheet 2	25/11/11	
Other				
Drawing No.	Revision	Name of Plan	Prepared By	Date
27000-34267DP	A F	Draft Subdivision Plans Sheets 1 to 9	Joseph Monardo	26/09/11 12/02/14

except for:

- any modifications which are 'Exempt and Complying Development' as identified in State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 or as may be necessary for the purpose of compliance with the BCA and any Australian Standards incorporated in the BCA; and
- otherwise provided by the conditions of this approval.

b) In Schedule 2 Part E – Prior to Issue of Occupation Certificate, Condition E12 is deleted:

Positive Covenant

~~E12 A positive covenant pursuant to the Conveyancing Act 1919 shall be created on the title of the lots that contain the water treatment facility to provide for the maintenance of the facility.~~

c) In Schedule 2 Part E – Prior to Issue of Occupation Certificate, amend Condition E17 by deletion of ~~struck out~~ words as follows:

Waste Collection Enclosure

E17. Prior to occupation of Stage 1, plans of a waste collection enclosure ~~on site 5~~ are to be submitted for the approval of the Director-General. The plan shall indicate the location, dimensions and details of the material and finishes of the enclosure.

The proponent is to provide written confirmation from a suitable qualified waste management consultant that the waste collection enclosure as shown provides adequate capacity and is of an appropriate design to fulfil the requirements for the collection of waste from Stages 1B and 1C, 2 and 4.

- d) In Schedule 2 Part F –Prior to Issue of Subdivision Certificate, amend Condition F6 by insertion of the **bold** and **underlined** words as follows:

Access

- F1. Documentary easements for access must be created over the appropriate lots in the subdivision to provide for public access to public domain areas which may include lifts, lobbies, fire stairs, service areas, loading areas and car parking areas **the Neighbourhood Park**, and created pursuant to Section 88B of the *Conveyancing Act 1919*.

Documentary easements for access must be created over the areas shared between lots which may include lifts, lobbies, fire stairs, service areas, loading areas and car parking areas, and created pursuant to Section 88B of the Conveyancing Act 1919.

Documentary easements for access must be created over the appropriate lots in the subdivision to provide for Discovery Point resident access to the communal landscaped podium on Level 2 of Building 1B, and created pursuant to Section 88B of the Conveyancing Act 1919.

SCHEDULE 3
Proponent's Statement of Commitments

- e) In Schedule 3, insert the additional Statement of Commitments as provided by JBA Urban Planning on 11 June 2014:

<i>Recycled Water Treatment Facility</i>	<i>The Recycled Water Treatment Facility is to be operated and maintained at all times in accordance with a Network Operator's Licence granted under the Water Industry Competition Act 2006.</i>	<i>Private Certifying Authority</i>	<i>During operation of the development.</i>
--	---	-------------------------------------	---

End of Modifications to MP 10_0030 MOD 3