

Planning Assessment Report

APPLICATION TO MODIFY THE DISCOVERY POINT CONCEPT PLAN (MP 10 0003) MOD 2

1. PROPOSED MODIFICATION

1.1 MODIFICATION DESCRIPTION

An application to modify the Discovery Point concept plan was submitted to the department on 7 September 2012 by JBA Planning Pty Ltd on behalf of Discovery Point Pty Ltd and Discovery Point Development Pty Ltd. An amended modification application was submitted on 23 November 2012.

The proponent seeks to modify the approved concept plan as follows:

- move the subsurface building basements away from the Illawarra Railway Corridor ;
- increase the depth of basements below Stage 2, Stage 3 and part Stage 5 ;
- provide above ground parking on the first floor level of Stage 4;
- increase the permissible area of above ground parking from 8,000m² to 9,2000m²; and
- clarify the intent of the staging condition within the concept plan.

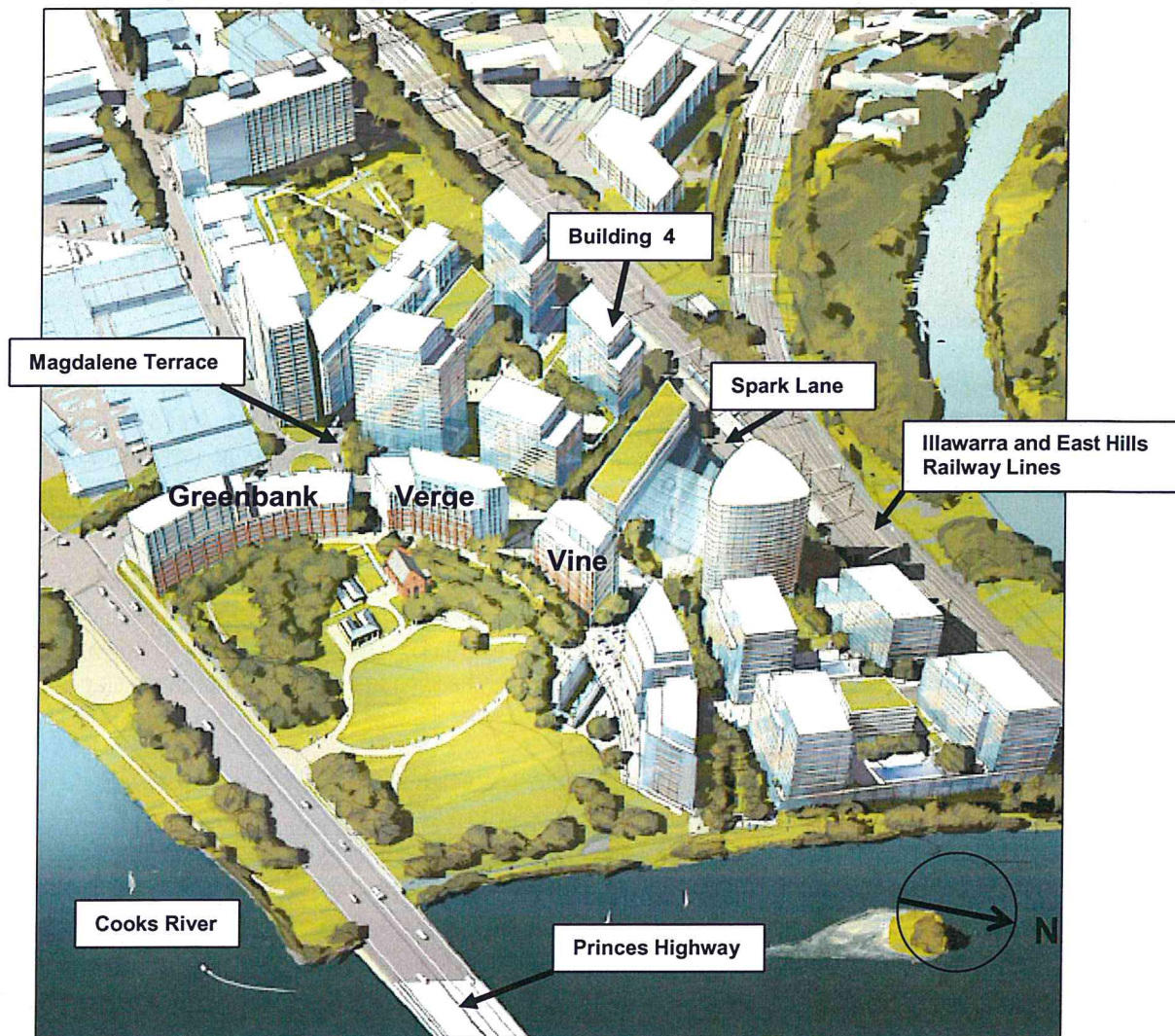


Figure 1: Location and Approved Concept Plan Layout of Discovery Point site

2. BACKGROUND

2.1 Site Description

The site is known as 1 Princes Highway, Wolli Creek and is located on the western side of the Princes Highway, and Sydney Airport and approximately 8 kilometres south-west of the Sydney CBD (see figure 2). Discovery Point is bounded by the Princes Highway, Cooks River, the Illawarra and East Hills Railway Lines and Magdalene Terrace (see figures 1 and 2).

The Discovery Point site is within the Rockdale Local Government Area.

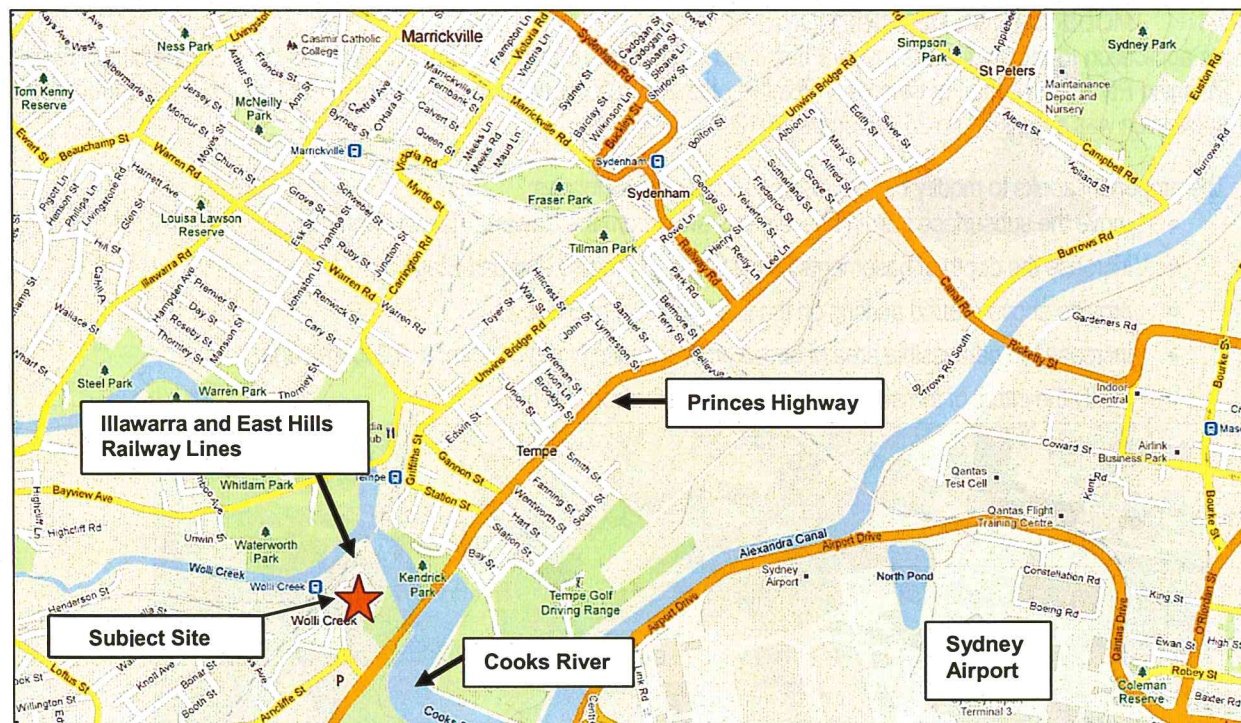


Figure 2: Location of Discovery Point

2.2 Development History

The Discovery Point site was granted a Masterplan approval by Rockdale Council on 11 April 2001 and three building stages were subsequently approved. These buildings, 'Greenbank', 'Vine' and 'Verge' (see figures 1), have been constructed and are occupied.

2.3 Concept Plan (MP10_0003) and Project Approvals

On 5 May 2011, the Director-General as delegate for the Minister for Planning and Infrastructure granted concept plan approval (MP10_0003), for a mixed use development with associated public open space, indicative building envelopes for 14 buildings, road works and landscaping (see figure 1). The concept plan approval includes Development Design Guidelines to inform the detailed design of each building at the project application stage.

Modification of Concept Plan Approval MP 10_0003 MOD 1

Modification of the concept plan was approved on 15 June 2012. The amendment was:

- to reduce solar access requirements as they apply to building 6 (see figure 3);
- permit the assessment of solar access on merit for future proposals; and
- modified building separation requirements on the Discovery Point site.

Project Approvals

Two part 3A transitional project applications have been approved by the department subsequent to the approval of the concept plan. These project approvals are Stage 1 (MP10_0030) and Stage 6 (MP10_0031).

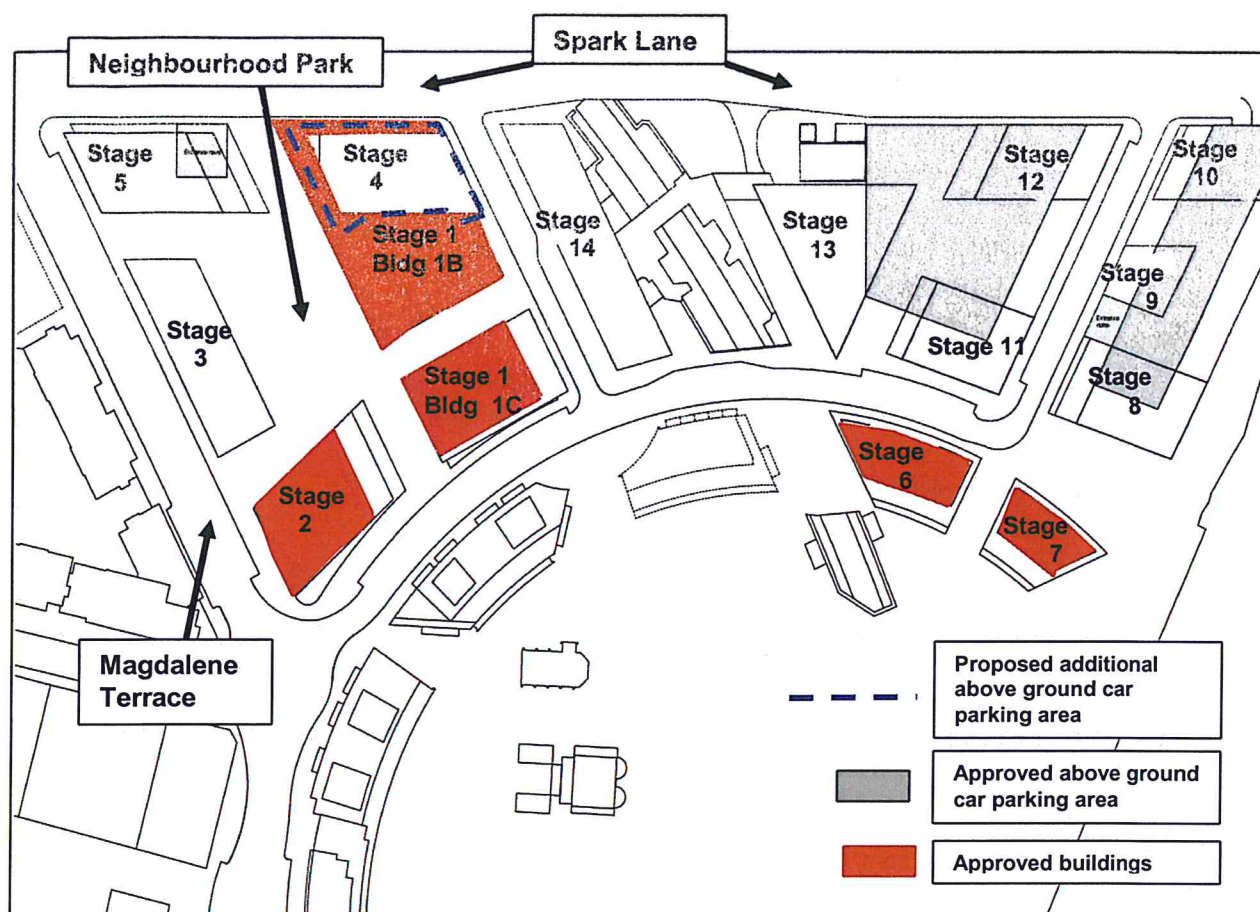


Figure 3: Stages Numbers Generally Equate to Building Numbers

- Stage 6 was approved on 18 July 2012. The approved development includes 88 residential units within a 13 storey building. An application to modify Stage 6 (MOD 1) seeking to vary hours of construction under specific circumstances, is undetermined to date.
- Stage 1 (MP 10_0030) was approved on 19 March 2012. The project approval was for mixed use development and includes buildings 1B and 1C (see figures 3) and bulk earthworks for a range of other stages.

An application for modification (MOD 1) of Stage 1 which includes the provision of vehicular access to Stage 4 from Spark Lane and an additional basement level to Stage 2, was received on 7 September 2012. To date this modification is undetermined.

Modification 2 (MOD 2) to Stage 1 was submitted on 1 February 2013 to vary hours of construction. MOD 2 was approved on 6 February 2013.

Stage 2 and Stage 7 development applications have been approved by the Sydney East Joint Regional Planning Panel and an application has been lodged with Rockdale City Council for Stage 4 approval.

3. STATUTORY CONTEXT

3.1 Continuing Operation of Part 3A

In accordance with clause 3 of Schedule 6A of the Environmental Planning and Assessment Act 1979 (EP&A Act), section 75W of the Act as in force immediately before its repeal on 1 October 2011 and as modified by Schedule 6A, continues to apply to transitional Part 3A projects.

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 75W of the Act.

3.2 Delegated Authority

On 14 September 2011, the Minister delegated his powers and functions under section 75W of the EP&A Act to Directors in the Major Projects Assessment Division in cases where:

- the relevant local council has not made an objection;
- a political disclosure statement has not been made; and
- there are less than 10 public submissions in the nature of objections.

No objections were received and a political disclosure statement has not been made, the Director, Metropolitan and Regional Projects North may determine the modification request under delegated authority.

4. CONSULTATION AND SUBMISSIONS

4.1 Consultation

In accordance with section 75X of the EP&A Act and clause 8G of the EP&A Regulations 2000, the modification request was made available on the Department's website. Due to the minor nature of the proposal, the modification request was not exhibited by any other means.

The request for modification was referred for comment to Rockdale City Council, the Office of Environment and Heritage, RailCorp, Transport for NSW, Office of Water, Road and Maritime Services. Subsequent amendments to the proposal were referred to Rockdale City Council and RailCorp.

Submissions were received from Rockdale City Council, the Department of Primary Industries and the Heritage Council.

4.2 Submissions

4.2.1 Rockdale City Council Submission

In consideration of the two proposed locations for increased car parking area i.e. firstly being above ground within level 1 of Stage 4 and secondly increasing the depth of basements under Stages 2, 3 and 5, Council considers:

- 1) the provision of above ground car parking on level 1 within building 4, adjoining the railway line to be a logical solution to meet the Discovery Point site parking requirements; and
- 2) that deeper basement excavation is a preferred solution to increasing the basement footprint.

Council officers support the proposed modifications.

4.2.2 Department of Primary Industries (DPI) Submission

The DPI requested that any approval be consistent with condition 19 of the original concept approval. Condition 19 deals with impacts on and monitoring of groundwater, and requires tanking of basements.

4.2.3 Heritage Council Submission

The proposed modification is not within the vicinity of heritage items however in consideration of the fact that there are heritage items within the Discovery Point development site, the department consulted the Heritage Council. The Heritage Council responded that the impacts on potential archaeology are no greater than the previously approved development and on that basis requests previously imposed conditions for managing archaeology are maintained. No additional impacts are anticipated on any heritage items. Conditions of approval require consistency with the heritage reports prepared in support of the concept plan.

4.2.4 RailCorp

Condition 10a. of schedule 3 of the concept plan approval (MP10_0003) requires the proponent to obtain RailCorp's owners consent prior to the lodgement of any application which affects Railcorp land. RailCorp provided Owner's consent in a letter dated 19 February 2013.

The department notified RailCorp of the proposed modification. No submission was received from RailCorp.

5. KEY ISSUES

The approved concept plan provides very general guidelines for the development of the 14 buildings and associated infrastructure and facilities on the Discovery Point site. The approval and the Design Guidelines for the development include building envelopes with prescribed heights, gross floor area and dimensions for residential apartments. These very broad controls and approved plans do not include specific details of the floor plans, number of residential apartments within each building, specific layout or number of car parking spaces for each building.

5.1 Car Parking

Car parking controls within the concept plan, statement of commitments and Design Guidelines include:

- the above ground car parking area is to be a maximum of 8,000m²;
- an illustration of the broad locations approved for above ground car parking (see figure 3);
- parking rates across the sites for residential, and non-residential development;
- the location and depth of basements across the site; and
- a maximum of 2,240 car parking spaces permitted across the development site.

The concept plan approved a maximum of 2,240 car parking spaces for the Discovery Point development site. The proposed modification does not seek to increase the total approved car parking spaces however it seeks to increase the area allocated to car parking.

The Director-General's Assessment Report for the concept plan approval specifies car parking rates to be applied to various types of development and discusses the cap on the number of spaces. The report does not discuss the adequacy of the approved area for car parking to provide the approved 2,240 parking spaces. Consequent to the approval the proponent determined that there is a shortfall in the area allocated on the site to provide the 2,240 car parking spaces. In discussing the additional car parking area sought by this modification the proponent states that *'... it is likely on a site wide basis that the overall site will still fall below the 2,240 set by the Concept Plan approval.'*

The proponent does not seek approval for car parking spaces. The design details and number of car parking spaces will be considered in detail during the assessment of individual development applications. Any approval of this modification is an in-principle confirmation that the locations specified are considered suitable for the provision of additional car parking spaces.

The proposal seeks to provide additional parking area in two ways; firstly by increasing the above ground car parking area available and secondly by increasing the area of basement car parking.

5.1.1 Above Ground Car Parking on Level 1 of Building 4

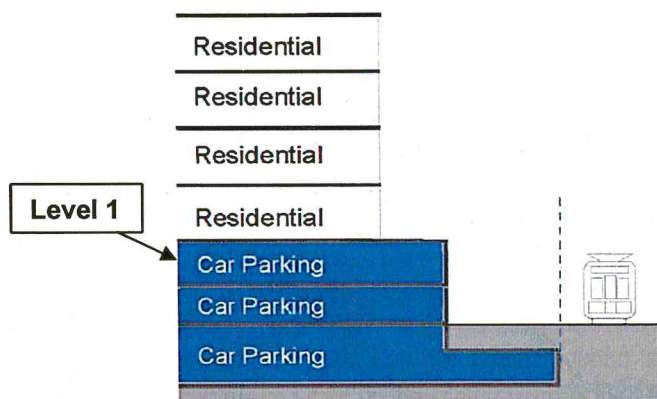
It is proposed to replace residential apartments within level 1 of Building 4 (see figure 4) with above ground car parking.

Building 4 is a tower located on a podium being building 1B within approved Stage 1. Building 1B has one approved basement level and includes 28 parking spaces for building 4. Above ground parking at level 1 of building 4 will provide a further 28 spaces, making a total of 56 car parking spaces for building 4. The proponent has confirmed 56 spaces are adequate for the parking requirements of building 4. Access is to be provided via a vehicular entry ramp from Spark Lane.

Car parking locations were approved under the concept plan and are addressed in section 7.0 of the Development Design Guidelines for the Discovery Point site. The controls permit both basement and above ground car parking provided it is within the concept plan parking envelopes and property boundary. A residential car parking entrance is illustrated as permitted from Spark Lane into building 4. Above ground parking is permitted on laneways but screening by façade treatments or planting is required.

Figure 5 (from Development Design Guideline, figure 25) illustrates the preferred location for above ground parking in relation to the train line. The relationship of the proposed car park, at level 1 of building 4, with the train line is considered consistent with the location of above ground car parking as a buffer, illustrated in the Design Guidelines.

The impact of the loss of residential apartments from level 1 of building 4 was discussed with the proponent. The department understands that due to the flexibility within the approved concept plan building envelopes, the same number of residential apartments can be constructed in building 4 notwithstanding level 1 being above ground parking.



Above ground parking used as a buffer to above ground trains in key locations

Figure 4: Cross section showing Indicative Level of Rail Line in Relation to Proposed Car Parking at the First Floor of Stage 4

The department understands that the development application for Stage 4 (building 4) is as yet undetermined and is being held in abeyance awaiting this determination. A detailed assessment of the impacts of the proximity of the rail line on either residential development or car parking within Stage 4 will be considered during the assessment of that application.

The proposal to permit above ground car parking on level 1 of building 4 is considered consistent with the general parameters of the Design Guidelines control for above ground parking. It is recommended that the amended plans showing the extent of the above ground car parking replace the approved plans.

5.1.2 Increased Depth of Basement Car Parking

The modification seeks to obtain approval to increase the depth of the basements below Stages 2 and 3 and part Stage 5 (see figure 3 and 5) in order to provide additional car parking area.

The department considers a further basement parking level, which contains the impact of the additional car parking within the footprint of the approved building while assisting with the provision of the maximum 2,240 parking spaces, an acceptable response to fulfil the car parking requirement of the Discovery Point site. The impacts and construction details of individual buildings will be fully assessed when detailed development applications pertaining to each of these stages are submitted to Council.

An application to increase the depth of Stage 2 (Stage 2 earthworks are included within the Stage 1 approval) is being concurrently assessed by the department.

5.1.3 Maximum Area of Above Ground Parking

This modification seeks to increase the area allocated to car parking above ground from 8,000m² to 9,200m².

The concept plan approval reduced the area of above ground car parking sought from 14,000m² to 8,000m² due to concerns in regard to potential adverse visual impact on the overall volume of the building envelopes. The approval requires screening of any above ground parking by appropriate façade treatment.

The proposed location for the increase of above ground car parking at level 1 of building 4 and the proposed area, which is projected to provide 28 parking spaces is considered consistent with the Design Guidelines. The condition requiring screening for above ground parking will equally apply to this new parking. The specific visual impacts and

suitability of proposed screening on the building envelope will be considered during the assessment of any development application for this building. In view of this and the fact the area allocation to car parking as part of the original approval was insufficient, the proposal to increase the area of above ground parking to 9,200m² to support the provision of the number of car parking spaces approved is considered reasonable.

The number of car parking spaces across the site will be calculated during the assessment of individual development applications to confirm compliance with the 2,240 maximum spaces permissible.

It is recommended that the Design Guidelines be modified to indicate an increase in the maximum above ground parking area from 8,000m² to 9,200m². It is also recommended that Term No A16 of the Concept Plan approval and the Statement of Commitments (Schedule 4) be modified to reflect the increased maximum area of above ground parking permitted.

5.2 Setback from Rail Corridor

The approved basement building line extends up to the northwest site boundary of the Discovery Point site (see figure 5, the blue dashed line).

This site boundary is separated from the rail corridor by Spark Lane. The proponent proposes to provide greater separation between the basement building line and the rail line by moving the basement back from that boundary (see figure 5, the area dark brown). In order to recover some of the area lost by moving the basement back from this boundary, it is proposed to extend the basement on the western boundary towards Magdalene Terrace (see figure 5, the area shaded light brown). This amendment is to simplify construction of the basement and limit the impact on the rail line.

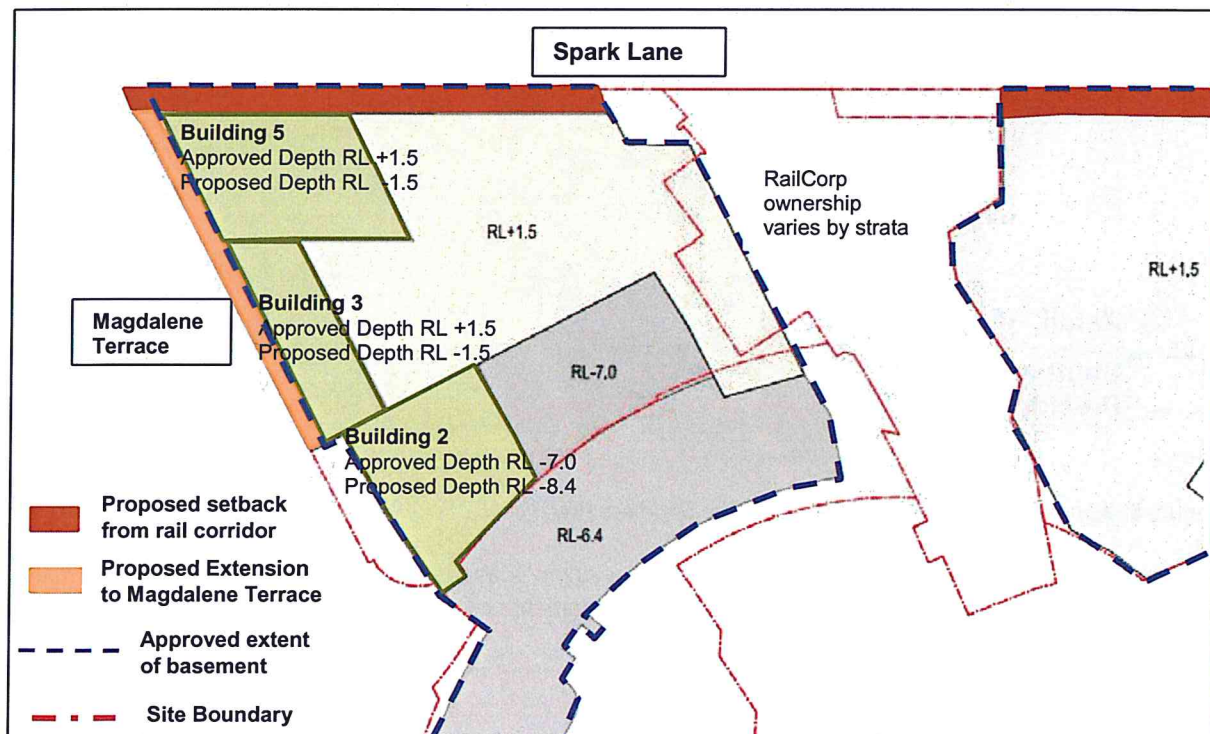


Figure 5: Approved and Proposed Extent of Basement Excavation and modification

The department notified RailCorp of this proposal however no submission has been received. The Environmental Assessment states that this proposal was discussed with RailCorp and land owner's consent from RailCorp has been provided.

In consideration of the increased separation to the rail line the department has no objection to the proposed modification. It is recommended that the amended plans replace the approved plans illustrating the basement setback.

5.3 Staging of the Development (Schedule 3 Term No 20)

Amendment of term No 20 is sought in order to permit a review of the staging plan with each subsequent application. Term 20 states:

'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.'

The proponent seeks to not be 'locked-in' to a staging plan submitted with the first application. Construction capital and market forces are considered by the proponent to be important drivers of future staging.

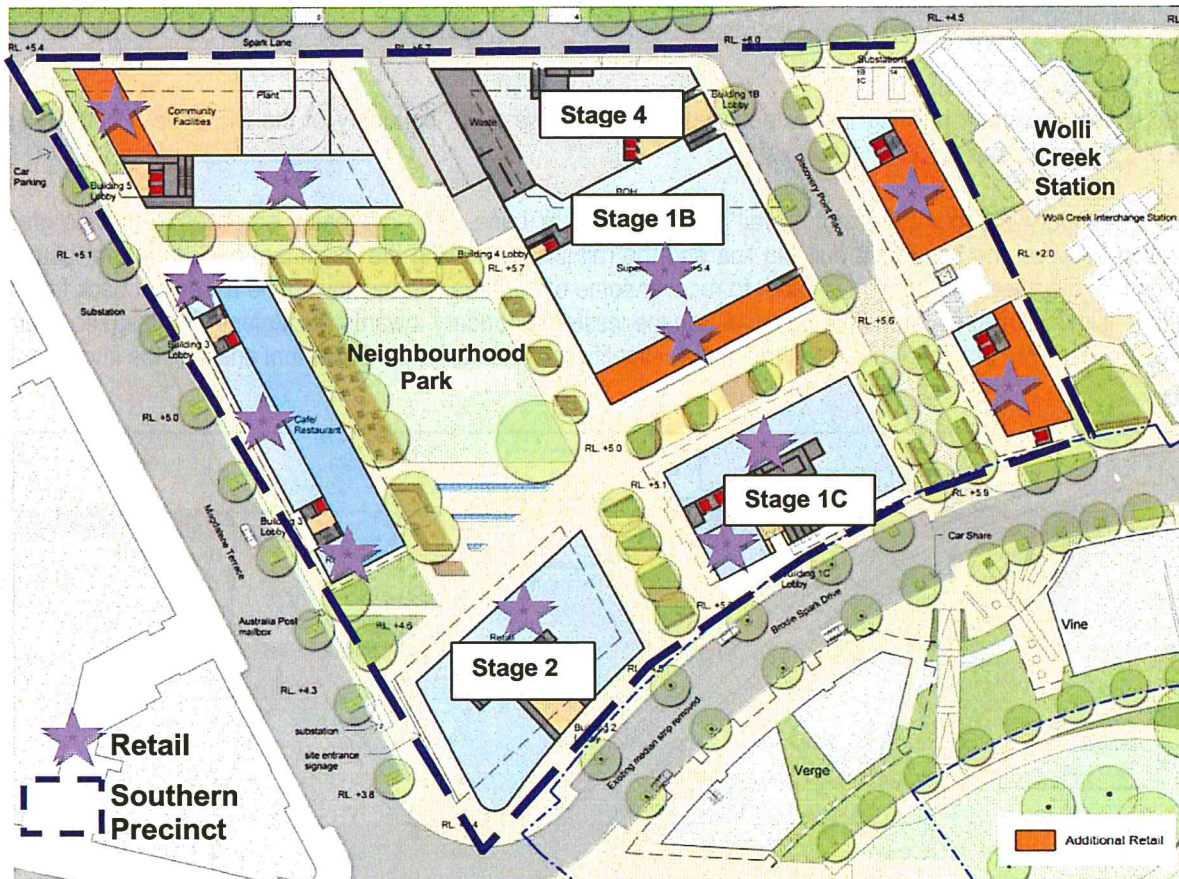


Figure 6: Approved Retail and Open Space in the Southern Precinct

The intent of term No 20 is to ensure orderly development and appropriate facilities to support residential development to the southern portion of the site. The Statement of Commitments for the Discovery Point site also addresses the staging plan as follows:

'An updated Development Staging Plan will be submitted with each subsequent Project Application. The Staging Plan will address:

- *Total GFA approved and outstanding balance.*
- *Any minor revisions from the Concept Plan approval or previous staging plan.'*

The Statement of Commitment requires the submission of an updated staging plan with each application and recognises there will be revisions.

The approval of Stages 1 and 2 and the soon to be lodged Stage 4 (see figure 6) all in the southern precinct adjoining the Neighbourhood Park, are suggested as providing evidence that the project has met the requirements of term No 20. An appropriate balance has been provided by the approvals of Stages 6 and 7 within the northern precinct (see figures 3).

Figure 6 illustrates the location of agreed retail and open space to be provided in the southern precinct. Facilities approved within these include an open space area being the Neighbourhood Park and retail development including a supermarket (within Stage 1B).

The locations and uses of the approved stages on the Discovery Point site are considered to provide a basis for an orderly approach to the provision of recreational and retail facilities required to support residential development as the project progresses. Amendment of term No 20, to require a review of the staging plan with each subsequent application, facilitates on going assessment of the proposed staging and brings the terms of approval and statement of commitments into agreement.

The Statement of Commitments which addresses this issue will remain. It is recommended that term No 20 in schedule 3 be amended to provide flexibility in the staging while reinforcing the provision of necessary facilities and orderly development across the site.

6. RECOMMENDATION

It is RECOMMENDED that the Director, Metropolitan and Regional Projects North:

- note the information provided in this report;
- approve modification 2 of the Discovery Point Concept Plan (MP10_0003), subject to conditions; and
- sign the attached modifying instrument (Tag A).

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13/3/13

