

## Section 75W to Concept Plan (MP10\_0003)



### Discovery Point, Wolli Creek

Submitted to Department of Planning and Infrastructure  
On Behalf of Discovery Point Pty Ltd and Discovery Point Devt Pty Ltd

June 2013 ■ 13066

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## 1.0 Introduction

This Environmental Assessment Report (EAR) for modifications to the approved Concept Plan at Discovery Point, Wolli Creek is submitted to the Minister for Planning in accordance with section 75W and Clause 3C of Schedule 6 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

The Concept Plan Approval (MP10\_0030) allows for a mixed use development including:

- Use of the site for a mixed use development with associated public open space;
- Building envelopes for 14 buildings to a maximum height of 79.65m AHD;
- Maximum GFA of 132,000m<sup>2</sup>;
- Basement level, ground and above ground parking (with a maximum of 2,240 spaces not to be exceeded);
- Road works to support the development;
- Public pedestrian and cycle pathway; and
- Landscaping areas throughout the site.

This report has been prepared by JBA on behalf of Discovery Point Pty Ltd and Discovery Point Devt Pty Ltd (the proponent). The report describes the proposed modifications and outlines the purpose of the modifications.

In summary, this Section 75W application seeks the following modifications to the Concept Plan Approval:

- Amendment to Building 8, 9, and 10 envelopes in response to detailed design; and
- Re-positioning of the vehicle access point serving the ground level above ground parking from Spark Lane to Chisholm Street.

### 1.1 Background to the Original Approval

#### 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 development on the site will be undertaken in accordance with the approved Concept Plan (MP 10\_0003).

#### Approved Concept Plan

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 Concept 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 area to which the Concept Plan applies is illustrated in **Figure 1**.



**Figure 1** – Existing building stages and Concept Plan site

### Modified Concept Plan No.1.

Approval was granted on 15 June 2012 to amend the Concept Plan (MP10\_0003 MOD 1). The modification related to:

- addressing the numerical standard for solar access in relation to Building 6;
- making an administrative amendment to correct the building separation diagram; and
- associated amendments to the Development Design Guidelines.

### Modified Concept Plan No.2

Approval was granted on 13 March 2013 to amend the Concept Plan (MP10\_0003 MOD 2). The modification related to:

- Adjustment of basement extent;
- Amendments to the depth of approved basement extent below Stage 2, Stage 3, and part Stage 5;
- Increasing the area of above ground parking, from 8,000m<sup>2</sup> to 9,200m<sup>2</sup>; and
- Clarifying the intent of the staging condition (Schedule 3 Condition No 20).

## Concept Plan - Development Stages Status

Since the Concept Plan was approved, two (2) subsequent applications for Stage 1 and Stage 6 have been approved as Part 3A 'transitional projects'. Stage 2, Stage 7, and stage 4 have also been approved by the Sydney East Joint Regional Planning Panel (JRPP) on 17 October 2012, 15 November 2012, and 16 April 2013 respectively, following assessment by Rockdale City Council (Council).

## 1.2 Background to the Modifications

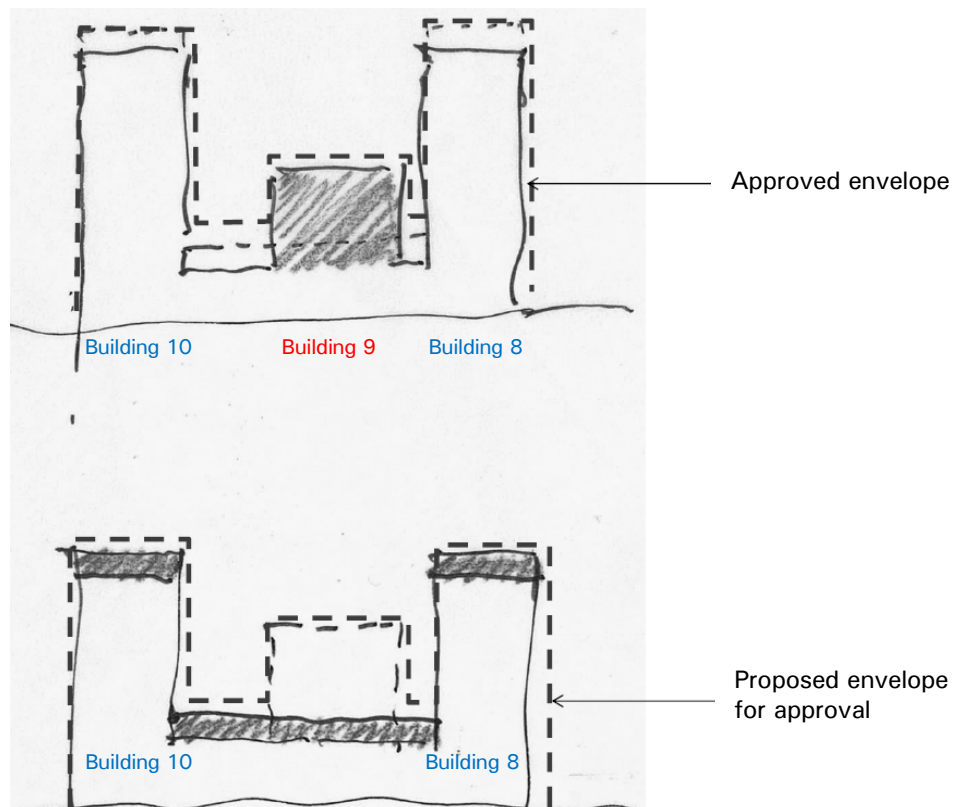
The proponent is progressing with the staged development of Discovery Point and is now in the process of finalising its detailed design on its next stage within the northern precinct, being Buildings 8, 9 and 10 (referred to as Stage 8 – 10 or 'Waterfront').

Initial design development on Waterfront commenced in earnest in January 2013, with PTW selected as the project architects (having been the winner of a design competition run by Australand).

### Building Envelope Amendment

After PTW's appointment and following the further testing and analysis of the approved building envelopes, it became clear that a superior design and amenity outcome could be delivered on the site through the redistribution of floor space and volume from what was originally proposed under the Concept Plan for the site. **Figure 2** illustrates diagrammatically how this is able to be achieved. In short, Building 9 is no longer proposed to be developed in its totality and the residual floor space is proposed to be placed at the upper levels of Buildings 8 and 10.

Further discussion in relation to the rationale and the benefits of making these changes to the approved envelope is provided in **Sections 3.1** and **3.2**.



**Figure 2** – Illustration of re-distribution of floor space across Stage 8 -10



A number of pre-lodgement meetings and ongoing consultation has occurred to date with Council, the St George Design Review Panel and the NSW Office of Water in relation to the development of the design for Stage 8 – 10. In terms of the proposed amendments to the approved envelope, both Council and the St George Design Review Panel recognise the benefits and advantages with the variation and provide their general support.

### Access Ramp Relocation

The design development for Stage 8 – 10 has also revealed that from a building design and functionality perspective access off Spark Lane to the ground level of above ground parking is not feasible. The location of the lift core serving Building 10 prevents the ability to incorporate an access ramp in this location.

A second access ramp is therefore proposed to be located along Chisholm Street in order to provide access to the ground level above ground parking.

The lodgement of the development application for 'Waterfront' is planned for July 2013. In order to enable Council (and the Sydney East Joint Regional Planning Panel) to determine the application, the Concept Plan will need to be amended accordingly. This S75w modification is therefore being lodged in order to formally seek approval for an amendment to the Concept Plan in order to facilitate the variation sought to the envelopes for Buildings 8 – 10 and the re-positioning of an access ramp.

## 1.3 Other Approvals

The maximum heights established under the Concept Plan have been approved by the Sydney Airport Corporation Limited (SACL) and the Federal Government Department of Infrastructure and Transport.

As the proposed section 75W incorporates an amendment to the approved heights for Buildings 8 and 10, a revised approval is required.

**Table 1** illustrates the proposed amendments to the approved building heights. As evident, the increases in height are minor (with only plant to be accommodated within that portion of the buildings proposed to be increased in height) and it is accordingly not expected that they would have any significant impacts on the air transport operations of Sydney Airport. Importantly, there is no change to the approved maximum height at the site of 79.65m AHD.

**Table 1** – Approved and proposed building heights

Building	Approved Height m AHD	Proposed Amended Height m AHD	Difference
8	62.4	64.1	Increase of 1.7m
9	40	22.65	Decrease of 17.35m
10	62.4	64.1	Increase of 1.7m

Initial discussions with SACL have occurred in relation to the proposed amendment to the building heights and no significant issues have been raised. A formal request to seek approval for the amended heights has also been submitted to SACL.

## 2.0 Description of Proposed Modifications

The proposed modifications to the approved Concept Plan are described in this section. This Section 75W application seeks the following modifications to the approved Concept Plan:

- Amendment to Building 8, 9, and 10 envelopes in response to detailed design; and
- Re-positioning of the vehicle access point serving the ground level a parking from Spark Lane to Chisholm Street.

Revised envelope parameter plans prepared by Bates Smart are provided at **Appendix A**. The different components of the proposal are discussed further below.

### 2.1 Proposed Modifications to the Approval

The above modifications necessitate modifications to the Concept Approval. Words proposed to be deleted are shown in ~~bold strike through~~ and words to be inserted are shown in ***bold italics***.

*Condition A2 – Development in Accordance with Plans and Documentation*

*The approval shall be generally in accordance with MP 10\_1003 and the Environmental Assessment prepared by JBA Planning dated August 2010, except where amended by:*

- *the Preferred Project Report prepared by JBA Planning dated December 2010, and*
- *the Section 75W Modification by Australand dated April 2012, and*
- *the Section 75W Modification by JBA Planning dated November 2012, and*
- ***the Section 75W Modification by JBA dated June 2013, and***
- *the following drawings and documents:*

Architectural Drawings prepared by Bates Smart			
<i>Drawing No</i>	<i>Revision</i>	<i>Name of Plan</i>	<i>Date</i>
DA1-001	A	Location Plan	16.06.2010
DA1-002	D	Site Analysis	16.12.2010
DA3-001	<del>G</del> <b><i>H</i></b>	Proposed Building Envelopes	<del>30.01.2012</del> <b><i>03.06.13</i></b>
DA3-B01	H	Proposed Basement Extent	16.10.12
DA3-002	C	Building 1B Envelope Parameters	23.02.2011
DA3-003	B	Building 1C Envelope Parameters	10.12.2010
DA3-004	C	Building 2 Envelope Parameters	23.02.2011
DA3-005	B	Building 3 Envelope Parameters	10.12.2010
DA3-006	B	Building 4 Envelope Parameters	10.12.2010
DA3-007	B	Building 5 Envelope Parameters	10.12.2010



Architectural Drawings prepared by Bates Smart			
<i>Drawing No</i>	<i>Revision</i>	<i>Name of Plan</i>	<i>Date</i>
DA3-008	B	Building 6 Envelope Parameters	10.12.2010
DA3-009	A	Building 7 Envelope Parameters	16.06.2010
DA3-010	<b>B</b> <b>F</b>	Building 8 Envelope Parameters	<b>10.12.2010</b> <b>03.06.13</b>
DA3-011	<b>B</b> <b>D</b>	Building 9 Envelope Parameters	<b>10.12.2010</b> <b>03.06.13</b>
DA3-012	<b>B</b> <b>E</b>	Building 10 Envelope Parameters	<b>10.12.2010</b> <b>03.06.13</b>
DA3-013	B	Building 11 Envelope Parameters	10.12.2010
DA3-014	B	Building 12 Envelope Parameters	10.12.2010
DA3-015	B	Building 13 Envelope Parameters	23.02.2011
DA3-016	A	Building 14 Envelope Parameters	16.06.2010
DA3-101	C	Street Layout	14.12.2010
DA3-200	<b>F</b> <b>G</b>	Extent of Above Ground Parking – Ground Floor Level	<b>13.10.12</b> <b>05.06.2013</b>
DA3-201	E	Extent of Above Ground Parking – First Floor Level	13.10.12

**Reason:** This condition has been updated to reflect the revised Building 8, 9 and 10 envelopes and the amended entry ramp.

#### A8 BUILDING HEIGHT

All future buildings erected on the site shall not exceed the building heights approved by the Concept Plan diagram ~~DA3-001D~~ **DA3-001H**, prepared by Bates Smart Architects, dated ~~23 February 2011~~ **3 June 2013**. No buildings shall exceed the building heights (inclusive of all lift over-runs, vents, chimneys, aerials (of whatever type), construction cranes, rooftop gardens and trees, etc) approved by the Department of Infrastructure and Transport, dated 15 December 2010 and Sydney Airport Corporation, dated 16 December 2010, or any subsequent approvals from the Department of Infrastructure and Transport and Sydney Airport Corporation.

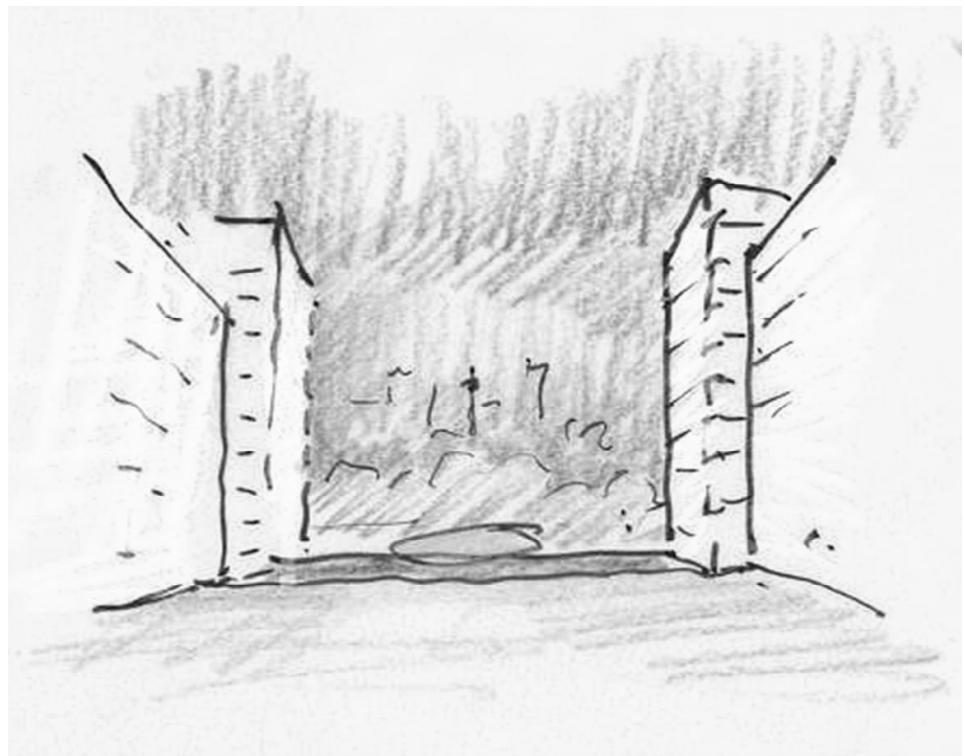
**Reason:** This condition has been updated to reflect the increased height of Buildings 8 and 10.

## 3.0 Environmental Assessment

This chapter contains an assessment of the environmental effects of the proposed development as described in the preceding chapters of this report.

### 3.1 Built Form and Urban Design

The proposed modifications to the Buildings 8, 9 and 10 envelopes will result in an improved built form over the Discovery Point site. The removal of the tower element of Building 9 will open the clustered built form of Stages 8-10, providing further interest in the built form through a greater varying of scale. **Figure 3** illustrates the new opening to be provided between Buildings 8 and 10.



**Figure 3** – New opening between Buildings 8 and 10

The inclusion of the minor 1.7m increase in height on Buildings 8 and 10 is proposed to accommodate lift overruns and services. These essential building elements will be positioned so as to not be visible from the street or significant public domain areas such as along the Cooks River foreshore and Discovery Point Park.

The placement of these building elements will therefore be negligible in the overall design of the buildings. It is emphasised that no habitable floor space is proposed above the current maximum height limit of Buildings 8 and 10. The removal of the infill tower element of Building 9 is only possible through the minor increase in height of Building 8 and 10, with the area at the top of these envelopes originally envisaged for plant and overrun used for residential floor space from Building 9.

The provision of a zone for plant and services on top of the Building 9 podium area will also not be visible from the street, or the future landscaped podium. The inclusion of this zone is also considered negligible in the buildings overall design.

It is noted that through early consultation with Council in principle support has been provided on removing the infill tower of Building 9. The support for this modification on design grounds is exhibited in the below advice from Council:

*The lowering of the Chisholm Street Building and consolidation of floor space into the two flanking towers creates a much better outcome, reducing potential privacy issues within this stage of the development, as well as improving the outlook for later stages to the south.*

Furthermore, the St George Design Review Panel agreed to the modification to remove the infill tower of building 9.

*Generally the built form is consistent with the master plan. It is agreed that the variation to Building 9 improves the scheme.*

## 3.2 Overshadowing

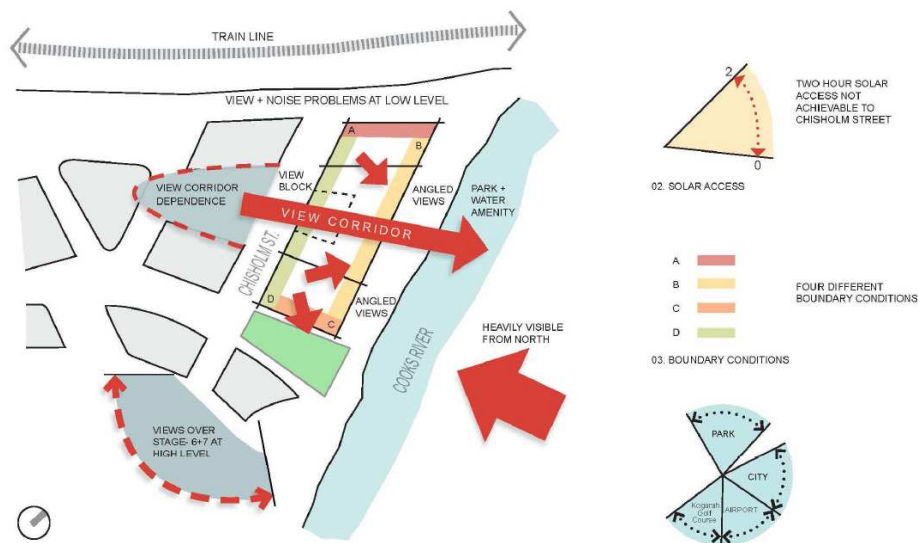
The proposed amendments to the building envelopes will result in an overall improved outcome with respect to solar access to both the private and 'public' domain. The removal of the infill tower of Building 9 will in particular result in additional solar gain to both the landscaped podium and the Chisholm Street streetscape.

In terms of the potential overshadowing impacts as a result of the increase in the heights of Building 8 and 10, these are considered to be negligible as the additional height (less than 2m) is only planned to accommodate plant and services and which will be strategically located mainly in the centre of the roof in order to reduce their visual prominence and overshadowing impacts.

## 3.3 Amenity

The removal of the tower element of building 9 will greatly benefit the overall amenity of the site, both for future residents of Stages 8 – 10 and also residents of future stages to the south. As discussed in **Section 1.2** the proposed amendments have been developed during the refinement of Stages 8-10 to ensure the highest level of amenity is provided to future residents. An analysis of the site illustrates the opportunities and constraints available to the Stages 8-10 site (**Figure 4**), largely shaping the proposed modifications.

The various amenity benefits of the proposed modifications are explored in detail below.



**Figure 4 – Site analysis**

Source: PTW

### Solar Access

The removal of the tower element of Building 9 will enable improved solar access into Buildings 8 and 10, as well as involve the redistribution of floor space to alternative locations which will also receive higher levels of solar access.

The location of Building 9 between Buildings 8 and 10 would have limited apartment aspects to north or south, in turn limiting the availability of daylight access. Through transferring this floor space to the top of Buildings 8 and 10, the opportunity for daylight access is increased with the availability of four different aspects.

The removal of this form also enables greater separation distances between Buildings 8 and 10, allowing for longer penetration of daylight into both buildings. Overshadowing impacts of Building 9's tower form have also been removed, enabling greater solar access to the surrounding public domain areas.

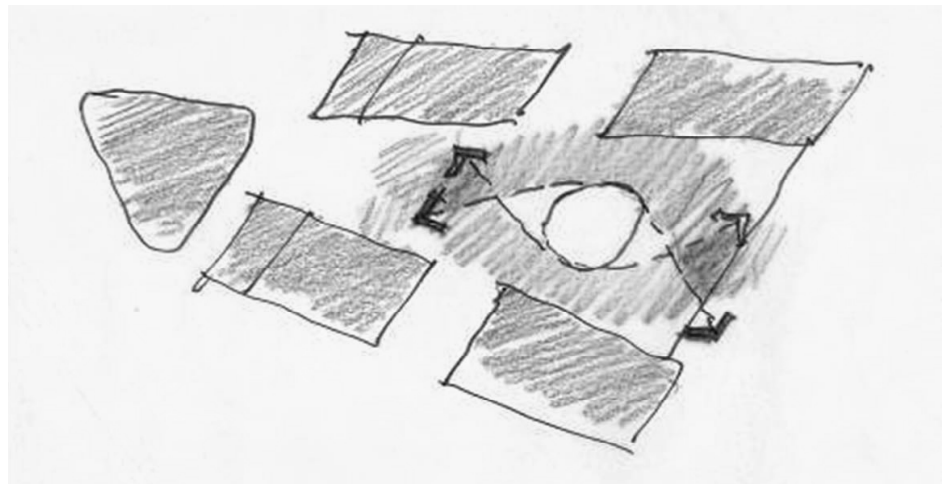
### Cross Ventilation

The transfer of floor space from the infill tower element of Building 9 to the top of Buildings 8 and 10 offers the opportunity to improve cross ventilation in these two buildings. Similar to improving solar access for future residents, the provision of floor space in this alternative location will improve the number of apartments which are natural ventilated.

### Views

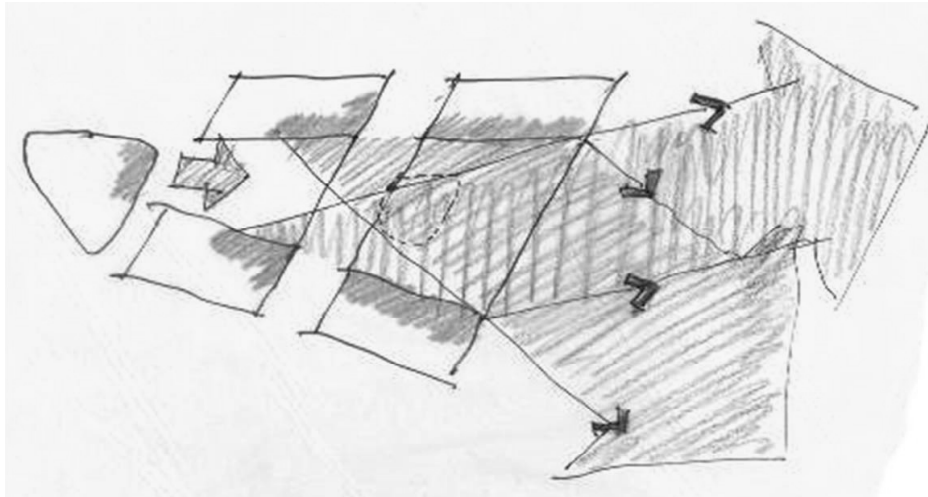
A significant opportunity for the Discovery Point site is the extensive opportunity for exposure to high quality water and park views. The proposed transfer of floor space from the tower form of Building 9 to the top of Building 8 to 10 will enable the capture of these views for future residents.

In its current form, Building 9 significantly limits views from future Buildings 11, 12 and 13. Through a more detailed review of the northern precinct of Discovery Point it has been identified that a strong and attractive vista could be created through removing this infill tower form. **Figure 5** below illustrates the constraint of the current infill Building 9 tower. **Figure 6** on the other hand, illustrates the opportunity available to create a vista, benefitting a wider range of future residents.



**Figure 5** – Limitation of views in current design

Source: PTW



**Figure 6** – Opportunity to create a vista

Source: PTW

### Privacy

The proposed modification will significantly improve the separation distances between Buildings 8 and 10. The current form of the infill Building 9 tower has resulted in separation distances of 13 metres. Whilst privacy can be attained with these separation distances through appropriate screening elements, the removal of this infill tower will facilitate greater distances, therefore vastly improving privacy.

## 3.4 Access

The illustrative scheme submitted in support of the Concept Plan included access to the above ground parking within Buildings 8 – 10 off Spark Lane. This arrangement at the time was considered to be the best approach, however was conceived without any consideration for the detailed design of the future Buildings 8 – 10, including location of lift cores and services.

With the benefit of now having undertaken design development for Buildings 8 – 10 it has become abundantly clear that access to the above ground parking level is neither feasible nor practicable off Spark Lane. The key reasons why such an access solution is not feasible include:

- Problematic integrations of vehicle ramp under the Building 10 core services, fire stair and structure. In short, the location of the lift core and services essentially prevents the ability to incorporate an access ramp in this location.
- Extending Spark Lane road services and maintaining the surface RLs for the site stormwater significantly reduce the extent of the underground level B1 parking.
- The ramp required from Spark Lane would be from approximately RL + 5.00 to service GF RL + 7.6 parking, this would result in a minimum 19.5m driveway and ramp from the building extent and would accordingly have a significant impact on apartment numbers above the entry ramp due to headroom requirements.

As a result it is now proposed for the above ground parking access point to be re-positioned to along Chisholm Street. It is acknowledged that both the St George Design Review Panel and Council have a preference for the access point to remaining off Spark Lane. Their primary concern in this regard relates to the streetscape appearance and activity along Chisholm Street as a result of the introduction of a second access point.

Discovery Point Pty Ltd and Discovery Point Devt Pty Ltd recognise the importance of activating Chisholm Street and ensuring that the presentation and appearance of the buildings, particularly at the pedestrian level is of a high quality. The current detailed planning and design for Buildings 8 – 10 reveals that the majority of the frontage to Chisholm Street will be active and incorporate building entries, residential apartment entries, residential terrace entries, community room etc.

The re-location of the above ground access point has been reviewed by Transport and Traffic Planning Associates (TTPA) as part of the design development for Stage 8 - 10, with no issues being raised with respect to distances between access points and sight lines.

The project team are confident that an appropriate streetscape and urban design outcome can still be delivered notwithstanding the re-location of the above ground parking access point to Chisholm Street. This will be demonstrated as part of the submission in support of the Stage 8 – 10 Development Application to Council.



## 4.0 Conclusion

This Section 75W modification seeks approval for the amendment of the building envelopes of Buildings 8, 9, and 10, to remove the infill tower component of Building 9 and provide additional height on Buildings 8 and 10 for plant. The proposal also seeks to re-position the vehicular access point serving the ground level of parking from Spark Lane to Chisholm Street.

These amendments are proposed in light of further design development of the northern precinct of the site, with an overall aim of redistributing floor space to maximise the opportunities available to the site. The opportunity of removing the infill tower element of Building 9 is made available by a minor increase in height to Buildings 8 and 10. It is noted, however, that no residential floor space is proposed within this additional height.

The assessment contained within this report has identified that there will not be any adverse environmental impacts resulting from the proposed modifications. It is noted that further details will be provided on each element of the proposed modifications in future applications which seek the construction of Stages 8-10.

Due to the significant merit of the proposed modifications and the lack of any adverse environment, social and economic impacts, the modifications are therefore warranted in this instance.