



MODIFICATION REQUEST:

***Discovery Point Concept Plan 2011
Modification 3
(MP10_0003 MOD 3)***

Discovery Point, 1 Princes Highway, Wollongong



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

January 2014

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1. BACKGROUND

The purpose of this report is to assess a request to modify the approved concept plan application (MP10_0003) for a mixed use development on the Discovery Point site, Wolli Creek, pursuant to Section 75W of the Environmental Planning and Assessment Act 1979 (EP&A Act). The application seeks to modify the approved building envelopes (buildings 8, 9 & 10), and relocate the vehicle access point serving the ground level parking of the abovementioned buildings, from Spark Lane to Chisholm Street.

1.1 The Site in Context

The site is known as 1 Princes Highway, Wolli Creek and is located on the western side of the Princes Highway, and Sydney Airport, approximately eight kilometres south-west of Sydney CBD. 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.

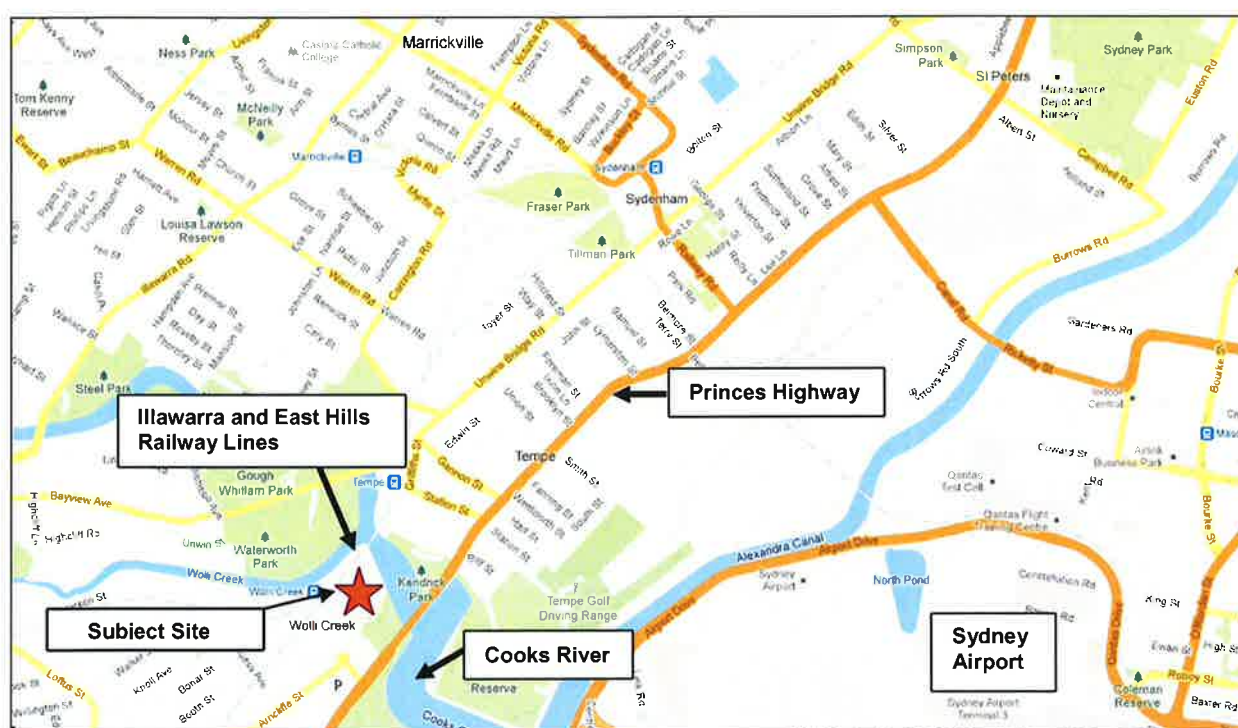


Figure 1: Regional context plan of Discovery Point, Wolli Creek

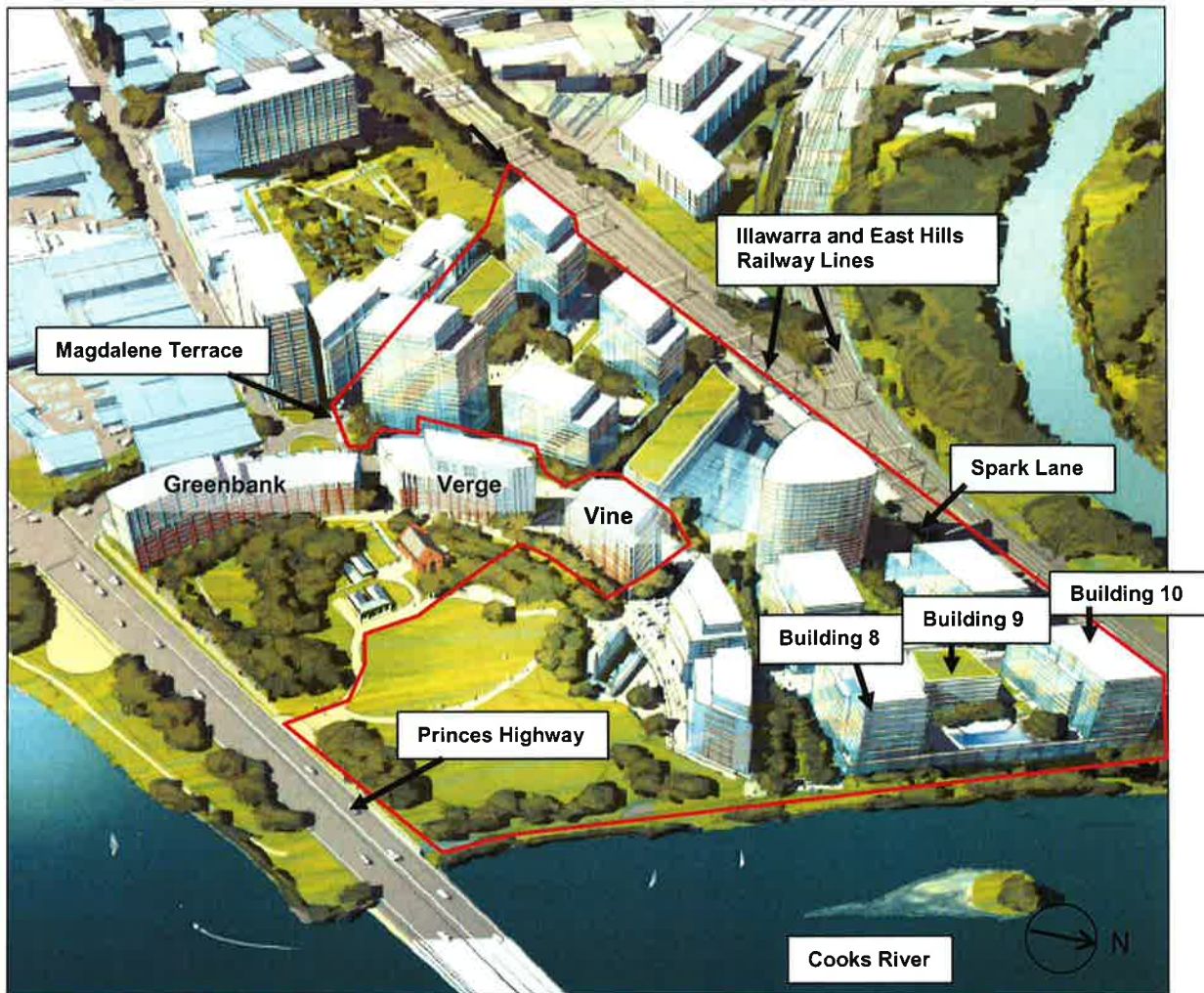


Figure 2: Location and approved concept plan layout, (concept plan boundary in red) of Discovery Point site

1.2 Development History

On 11 April 2001 Rockdale City Council approved a Master Plan development application for the Discovery Point site, comprising 9 development sites. Three building stages were subsequently approved being 'Greenbank', 'Vine', and 'Verge' buildings (see **Figure 2**).

Discovery Point Concept Plan 2011 (MP10_0003)

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 (**Figure 2**). The concept plan approval includes development design guidelines to inform the detailed design of each building at the project application stage.

On 15 June 2012, the Director-General as delegate for the Minister for Planning and Infrastructure approved a modification (MP10_0003 MOD 1) to amend the approved concept plan as follows:

- to reduce solar access requirements as they apply to building 6;
- permit the assessment of solar access on merit for future proposals; and
- to modify building separation requirements on the Discovery Point site.

On 13 March 2013, the Director-General as delegate for the Minister for Planning and Infrastructure approved a modification (MP10_0003 MOD 2) to amend the approved concept plan as follows:

- modification of the basement footprint;
- an increase in the area of the above ground car parking permitted;
- increase in the depth of basements permitted under stages 2, 3 and part stage 5; and

2. PROPOSED MODIFICATION

2.1 Modification Description

An application to modify the approved concept plan was submitted by JBA Planning Pty Ltd on behalf of Discovery Point Pty Ltd and Discovery Point Development Pty Ltd. The proposal seeks to modify the approved concept plan as follows:

- amendment to the envelopes of buildings 8, 9 and 10 in response to detailed design outcomes as follows:
 - increase height of building 8 to 65.15m AHD (+ 2.75m);
 - decrease height of building 9 to 22.9m AHD (- 17.1m); and
 - increase height of building 10 to 65.15m AHD (+ 2.75m).
- relocation of the second vehicle access ramp serving the ground level parking from Spark Lane to Chisholm Street.

3. STATUTORY CONTEXT

3.1 Continuing Operation of Part 3A

Under Clause 3C of Schedule 6A to the Environmental Planning & Assessment Act 1979 (the Act), Section 75W of the Act (as in force immediately before its repeal on 1 October 2011) continues to apply for the purpose of the modification of a concept plan approved before or after the repeal of Part 3A.

Consequently, this report has been prepared in accordance with the requirements of Part 3A and associated regulations, and the department may approve or disapprove the modification to the concept plan under Section 75W of the Act.

3.2 Modification of the Minister's Approval

The modification application has been lodged with the Director-General pursuant to Section 75W of the Act. Section 75W provides for the modification of a Minister's approval including "revoking or varying a condition of the approval or imposing an additional condition of the approval".

The Minister's approval for a modification is not required if the project as modified will be consistent with the existing approval. However, in this instance, the proposal seeks to modify fundamental aspects of the concept plan approval and therefore, approval to modify the application is required.

3.3 Environmental Assessment Requirements

No additional environmental assessment requirements were issued with respect to the proposed modification, as sufficient information has been provided to the department in order to consider the application.

3.4 Delegated Authority

On 14 September 2011, the Minister delegated his functions to determine modification requests under Section 75W of the EP&A Act to the department 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 25 public submissions in the nature of objections to the proposal.

Rockdale City Council does not object to the proposed modifications, a political donation disclosure statement has not been made and no public submissions were received. Accordingly, the application is able to be determined by the Director of Industry, Key Sites and Social Projects, under delegation.

4. CONSULTATION AND SUBMISSIONS

4.1. Exhibition

Under Section 75W of the Act, a request for a modification of an approval does not require public exhibition. The application and all supporting documentation was placed on the department's website. This satisfies the requirements in Section 75H(3) of the EP&A Act. Due to the minor nature of the proposal, the modification request was not exhibited by any other means.

The request for modification was referred to Rockdale City Council and Sydney Airport Corporation Limited (SACL) for comment.

4.2. Public Authority Submissions

Rockdale City Council raised no concerns regarding the proposed modification. SACL referred the application to the NSW Department of Infrastructure and Regional Development Airspace Protection for review. Both authorities raised no concerns with the proposal.

5. ASSESSMENT

The department considers the key environmental issues for the proposal to be:

- built form; and
- traffic and access.

5.1 Built Form

The concept plan approved maximum building envelopes and heights to 14 buildings across the Discovery Point site. The proposal seeks to amend the maximum building heights of buildings 8, 9 and 10. A summary of the approved and proposed maximum building heights is provided below in **Table 1**.

Table 1: Approved and proposed building height

| | Approved Height | Proposed Height | Difference |
|--------------------|-----------------|-----------------|-------------------|
| Building 8 | 62.4m AHD | 65.15m AHD | Increase of 2.75m |
| Building 9 | 40m AHD | 22.9m AHD | Decrease of 17.1m |
| Building 10 | 62.4m AHD | 65.15m AHD | Increase of 2.75m |

The proposal changes the building composition of buildings 8, 9 and 10 by:

- increasing the maximum height of buildings 8 and 10 by 2.75m AHD each;
- removing the infill tower component of building 9 by 17.1m AHD; and
- creating an integrated building envelope where a podium level connects buildings 8, 9 and 10 (see **Figure 4**).

The proponent notes the increase of 2.75m in height to buildings 8 and 10 equates to:

- 1.05m additional building height as a result of increasing the floor to floor clearance by 50mm to allow for structural deflections; and
- 1.7m additional height for plant and services encompassing lift overruns and other plant equipment that will generally be located at the centre of the roof.

The proponent notes the increase in height will not result in additional floor area. The 1.7m height increase for plant and services will be located in a position not visible from the streetscape. Further, the decrease in height of building 9 will provide improved solar access, views and visual permeability for buildings 8, 10 and Chisholm Street.

Rockdale City Council and SACL advise they have no issues with the proposed changes to the built form.

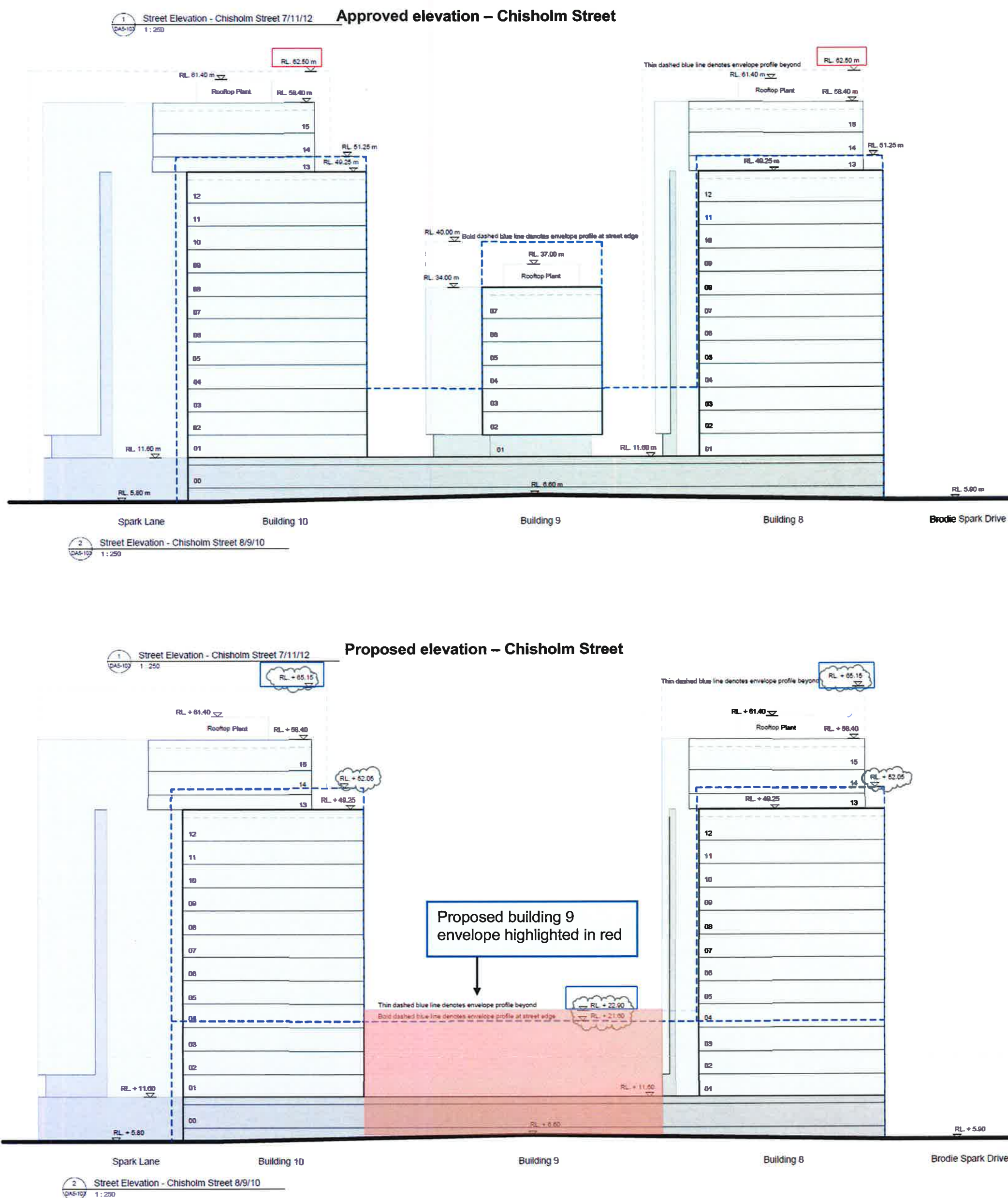


Figure 4: Comparison of approved and proposed elevation of buildings 8, 9 and 10 from Chisholm Street

The department notes that the proposed additional height to buildings 8 and 10 will result in an additional 1.05m of visible building height as the additional 1.7m for plant and services will be centrally located on the roof and not be visible from the streetscape.

The department considers that the minor increase in height is acceptable for the following reasons;

- it will not result in any adverse amenity impacts;
- the proposed additional height will not be discernable from the street level given the marginal variation and achieves a similar maximum height to other buildings on the Discovery Point site;
- it will not exceed the approved maximum height for the site of 79.65m AHD; and
- the increase in building height will not result in additional floor area.

The proposed reduction in height to building 9 reduces the bulk of the building and allows for greater view lines through Discovery Point and to the Cooks River. Further, the proposal will provide improved solar access to buildings 8, 10 and Chisholm Street.

In consideration of the above, the department is satisfied the proposal will not result in any adverse amenity impacts and will provide an improved built form to buildings 8, 9 and 10.

5.2 Traffic and Access

The approved concept plan includes vehicular access ramps at Spark Lane and Chisholm Street, (see **Figure 5**). The modification request seeks to relocate the vehicle access ramp at Spark Lane to Chisholm Street, (see **Figure 6**).

The proponent notes that the approved access ramp at Spark Lane is not feasible for the following reasons;

- the proposed location of the lift core and building services under building 10 prevents the ability to include a vehicle access ramp;
- the number of car parking spaces in the basement level will be reduced; and
- an access ramp from Spark Lane would require a minimum 19.5m driveway ramp, which will impact apartment numbers above the entry ramp due to headroom requirements.

A traffic report prepared by Transport and Traffic Planning Associates accompanies the proposal. The report considers that the relocation of the access ramp will not result in any adverse traffic impacts and vehicular access to the building car park is acceptable.

Rockdale City Council's comments note the detailed development application, currently being considered by council, has satisfactorily addressed initial concerns surrounding the streetscape appearance and activity on and along Chisholm Street as a result of the introduction of the second access ramp.

The department has considered the proponent and Rockdale City Council's comments. The department is satisfied the relocation of the access ramp will not result in unacceptable traffic, access, streetscape or pedestrian impacts and is therefore considered acceptable.

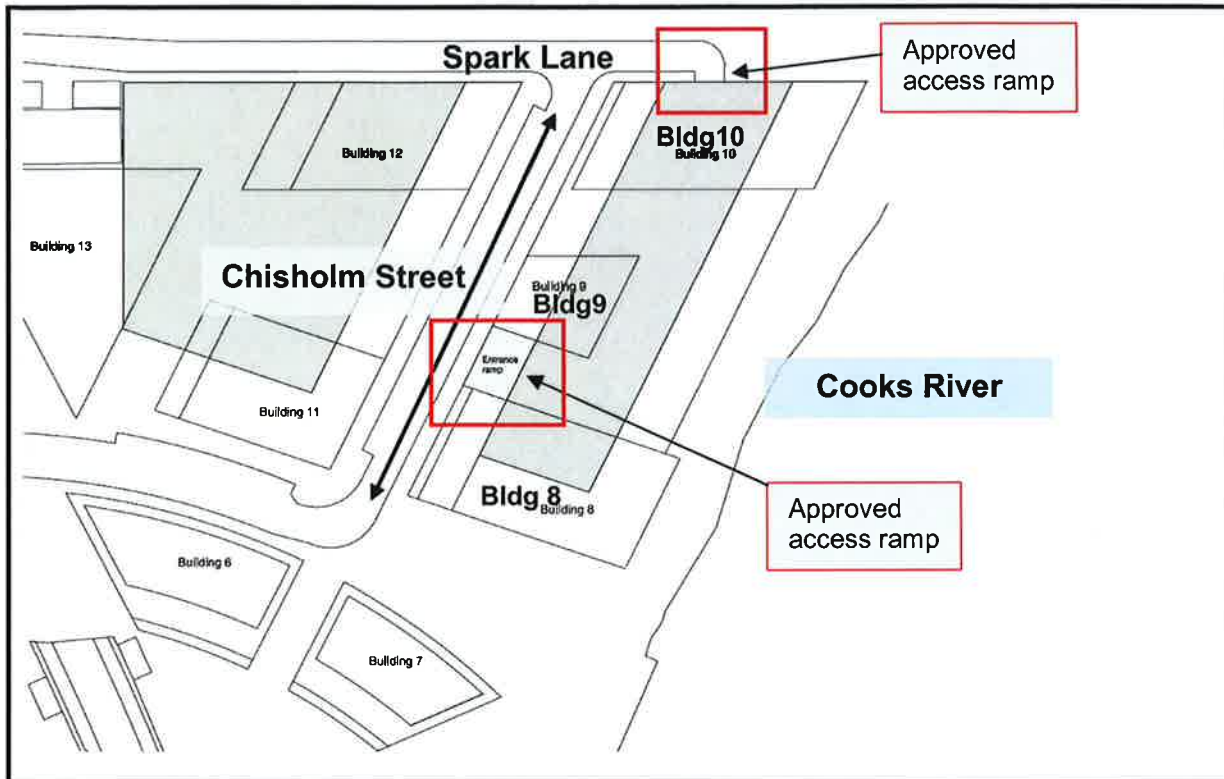


Figure 5: Approved concept plan vehicle access ramp

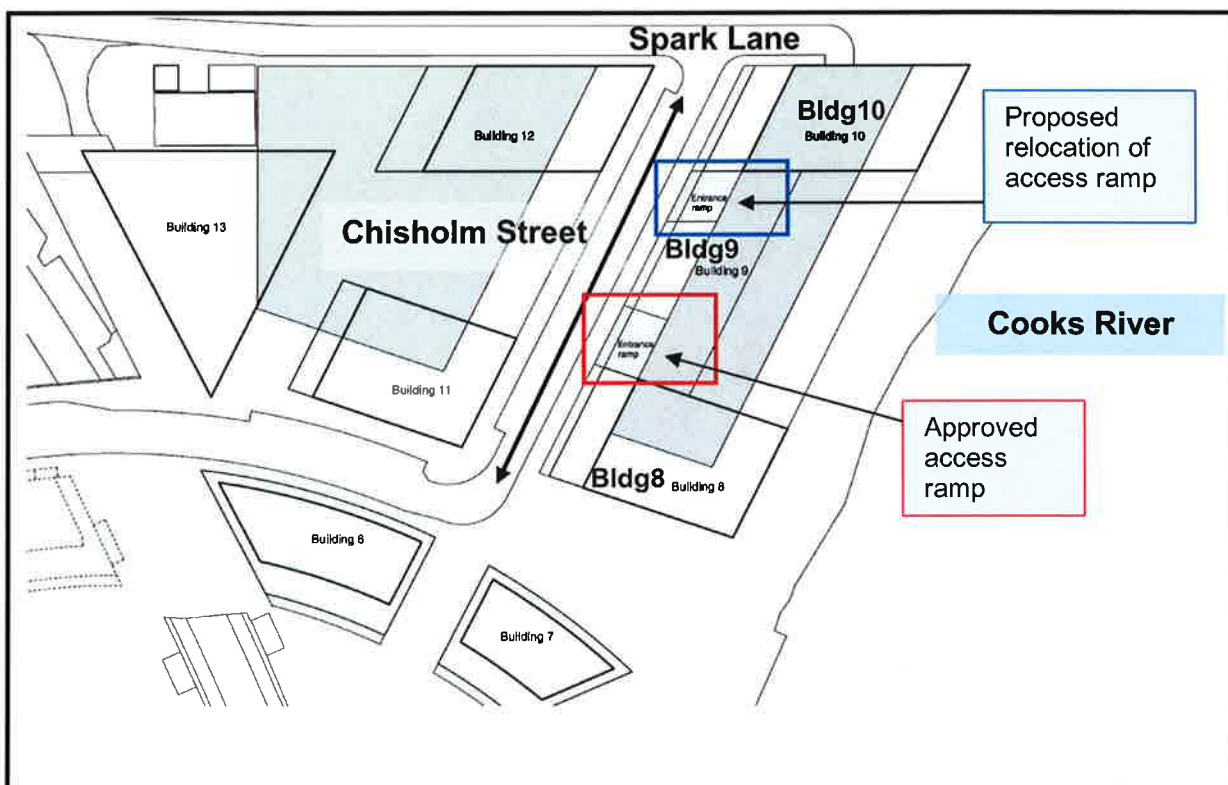


Figure 6: Proposed relocation of access ramp to Chisholm Street

6. CONCLUSION AND RECOMMENDATION

The department has assessed the proposed modification and is satisfied that the proposal is reasonable and generally consistent with the existing approval. The proposal will result in a quality development providing an improved built form to buildings 8, 9 and 10 including improved view lines through the site, increased solar access and visual permeability. The relocation of the vehicle access ramp is considered acceptable.

The modified proposal remains consistent with the overall concept plan's intentions and terms of approval, and is considered to be acceptable.

It is therefore recommended that the Acting Director for Industry, Key Sites and Social Projects:

- (a) **consider** the findings and recommendations of this report;
- (b) **approve** the modifications subject to conditions under Section 75W of the Environmental Planning and Assessment Act 1979; and
- (c) **sign** the attached Instrument of Modification for the *Discovery Point Concept Plan 2011* (**Appendix C**).

Endorsed by:



20.01.14

Simon Truong
Acting Team Leader
Industry, Key Sites and Social Projects

Approved by:



21/1/14

Chris Ritchie
Acting Director
Industry, Key Sites and Social Projects

APPENDIX A MODIFICATION REQUEST

See the department's website at

http://majorprojects.planning.nsw.gov.au/page/development-categories/residential-commercial---retail/?action=view_job&job_id=6019

APPENDIX B SUBMISSIONS

See the department's website at

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APPENDIX C RECOMMENDED INSTRUMENT OF APPROVAL
