

Response to Submissions Section 75W to Concept Plan (MP10_003)



Discovery Point, Wolli Creek

Residential GFA, Above Ground Parking and Design Guideline Amendments

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

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Brendan Hoskins

10/10/2014

This has been reviewed by:



Alexis Cella

10/10/2014

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1.0 Introduction

An Environmental Assessment Report (EAR) for modifications to the approved Concept Plan at Discovery Point, Wollie Creek was public exhibited for a period of 48 days inclusive between 4 June 2014 and 21 July 2014 (MP10_0003 MOD 4).

In total, three (3) submissions were received in response to the public exhibition of the EAR. The submissions were all from government agencies, with no submissions received from the general public:

- Rockdale City Council;
- Roads and Maritime Services; and
- Transport for NSW.

The Department of Planning and Environment (the Department) has also prepared a letter setting out additional information or clarification required prior to final assessment of the modification application.

The proponent, Discovery Point Pty Ltd and Discovery Point Devt Pty Ltd and its specialist consultant team have reviewed and considered all issues raised.

This report, prepared by JBA on behalf of the proponent, sets out the responses to the issues raised in the submissions, and details the final modifications and final Statement of Commitments for which approval is now sought. The final proposed modifications include changes to address matters raised in the submissions.

The report provides a detailed response to all of the issues raised by the various government agencies.

The key issues raised in submissions can be broadly grouped into the following categories:

- Built Form and Design Quality
- Residential Amenity;
- Landscaping and Communal Open Space; and
- Car parking.

This report provides a detailed response to each of the above issues and outlines the proposed amendments to the exhibited Environmental Assessment Report. Where individual issues are not discussed in this report, a detailed response can be found in the table at **Appendix A**.

1.1 Amendments to Proposed Modification Application

A range of updated plans and documentation has been prepared to reflect the changes that have been made to the proposed modification application following public exhibition of the proposal and to address issues raised in the submissions

The revised plans include Indicative Architectural Drawings prepared by Group GSA and Landscape/Communal Open Space Plans prepared by Turf Design.

The following consultants' reports and supporting information has been updated or further supplements the material originally submitted in support of the EAR:

- Detailed Response to Submissions, prepared by JBA;
- Updated Indicative Drawings, prepared by Group GSA;
- Indicative Amenity Diagrams, prepared by Group GSA;
- Concept Design Report, prepared by Group GSA;
- Updated Discovery Point Development Design Guidelines, prepared by JBA;
- Paper on Communal Open space and Facilities, prepared by JBA;
- Solar Access Study, prepared by Group GSA; and
- Indicative Design Perspectives, prepared by Group GSA.

The revised supporting documentation enables the Department to undertake an informed assessment of the amended proposal. The findings of the revised supporting consultant documentation is in the main summarised and addressed at Section 2 of this report as relevant.

A final schedule of the mitigation measures/statement of comments proposed to mitigate the impacts associated with the proposed modification application is provided at Section 5.

This report should be read in conjunction with the EAR prepared by JBA, dated May 2014, as relevant.

1.2 Background

1.2.1 Design Competition

Since the modification application was lodged in May 2014, the proponent (consistent with each previous stage across Discovery Point) has voluntarily undertaken a design competition for the final stage of Discovery Point, being Buildings 11 – 13. The competition comprised of the following high calibre architects:

- Scott Carver;
- Group GSA;
- Turner; and
- PTW.

The proponent, having undertaken a rigorous assessment of the designs put forward, has appointed Group GSA as architect for this final stage. The Group GSA competition winning scheme has accordingly been able to provide greater detail around the plan form, design concepts and amenity for Buildings 11 – 13 than the indicative design scheme prepared by Bates Smart in support of the original modification application.

The Group GSA indicative scheme has accordingly now been adopted as the reference scheme in support of this modification application.

1.2.2 Development Stages Status

Since approval of the Concept Plan in 2011, approvals have been granted for a number of stages across Discovery Point, with development well underway across the site and the first residents expected to move in shortly. **Table 1** provides a breakdown of approved applications across the site, as well as identifying if construction has commenced.

Table 1 – Status of development stages

Event	Approval Date	Details	Construction Status
Stage 1 (MP10_0030)			
Project Application	19 March 2012	Approval for the 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.	Commenced
MOD 1	28 March 2013	This modification included the following key amendments: <ul style="list-style-type: none"> - Increase in the depth of bulk earthworks for Stage 2 to facilitate the creation of an additional basement level; - Provision of an additional vehicular access point off Spark Lane at ground level of Building 1B and internal ramping to facilitate first floor parking; and - Modify the extent (boundary adjustment) and design of the approved communal open space area on the podium roof level of Building 1B. 	
MOD 2	6 February 2013	This modification related to the amendment of the Approval to provide a mechanism for the Director-General of the Department to vary the construction hours and also facilitate the variation of construction hours on 9 and 10 February 2013.	
MOD 3	Under assessment	This modification seeks consent for updated stratum subdivision plans and the expansion of enabling works to include infrastructure associated with the connection of future stages to the approved water recycling facility.	

Event	Approval Date	Details	Construction Status
Stage 2 (DA-2012/410)			
Development Application	17 October 2012	Approval for the 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.	Basement Construction commenced
MOD 1	30 July 2013	Approval for the construction of an additional level of basement car parking in the Stage 2 basement.	
Stage 4 (DA-2013/153)			
Development Application	16 April 2013	Approval for construction of residential flat building comprising 70 apartments above approved Building 1B podium and fit out of lobby.	Commenced
Stage 6 (MP10_0031)			
Project Application	18 July 2012	Approval for the 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.	Commenced
Stage 7 (DA-2013/34)			
Development Application	15 November 2012	Approval for a 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.	Commenced
Stages 8-10 (DA-2014/84)			
Development Application	4 April 2014	Approval for two integrated buildings containing 323 apartments, three basement levels for 286 car parking spaces, landscaping and public domain works to the Cooks River foreshore and the construction of Chisholm Street and Spark Lane (part).	Not yet commenced
Stages 3+5 (DA-2014/223)			
Development Application	5 September 2014	Approval for two separate buildings containing 261 apartments, one basement level for 115 car parking spaces, ground level retail/business premises, landscaping and streetscape works to Magdalene Terrace and Spark Lane, and construction of part Magdalene Terrace/Spark Lane intersection and part Spark Lane surface works.	Not yet commenced

1.3 Strategic Justification

The original assessment accompanying the modification application provided a comprehensive review of the proposal's consistency with the relevant strategic policies and plans applying to the site.

Since this assessment was originally prepared updated population forecasts for New South Wales were released by the Department of Planning and Environment's Demographic Unit. The forecasts highlight that the rate of housing delivery in Sydney must increase to meet projected population rises, with Sydney's population forecast to grow by 1.6 million (up from 1.3 million) to 5.9 million by 2031. To accommodate this, growth an additional 664,000 dwellings will be needed, having far-reaching implications for development across Sydney and beyond.

The assessment of this modification application, which will enable Discovery Point to efficiently and effectively contribute towards meeting the project demand for additional dwellings across the region, needs to be considered in light of both the original detailed strategic justification prepared in support of the s75w modification application and more recent and revised population projections.

2.0 Key Issues and Proponent's Response

This section of the report provides a detailed response to the following key issues raised by the Department and government agencies:

- Built Form and Design Quality
- Residential Amenity;
- Landscaping and Communal Open Space; and
- Car parking.

A response to each of the individual issues raised by the Department and submitters is provided in the table at **Appendix A**.

An overview of the parties, who made submissions, and their key issues/matters for consideration, is provided below. Other issues which require further assessment, such as detailed assessments against statutory policies and plans are considered at Section 4.0.

2.1 Built Form and Design Quality

2.1.1 Issue

Council raises concern over the approach in the indicative design scheme to have external walls of buildings sitting on the building envelopes edges (which include recessed balconies), alluding that this approach reflects building envelopes being overfilled and therefore limits options for façade modelling/articulation. Council is concerned that the greater the GFA increase, the greater the risk of bulkier buildings. It is noted by Council that the request for additional GFA does not match the indicative design scheme, and that it is a rounding up of what is actually needed, with Council concerned that it increases the chances of a poorer urban design outcome.

Council also notes that a reduction in the height of buildings 11 and 12 would result in an improved a built form outcome, including helping to define the landmark Building 13.

Council suggests that the proposed increase in GFA limits the ability to achieve high quality buildings.

Finally, Council recommends that the proposed additional residential GFA not be approved and for the proponent to explore opportunities to improve the design outcomes for the precinct (namely buildings 11 and 12) utilising the remaining allowable GFA.

2.1.2 Proponent's Response

Concept Plan Approval

The built form and urban design principles initially established for Discovery Point in the approved Concept Plan (as modified) are not proposed to be amended. The urban design outcome established for Discovery Point has been endorsed through the approval of the Concept Plan. The proposed modification for additional residential GFA relates merely to the achievement of the established urban design and built form principles.

Design Excellence

As set out in **Section 1.2.1**, a design competition has been conducted by Australand to identify a range of design responses within the building envelopes, increasing the opportunity for innovation and encouraging the exploration of different design outcomes. The competition winning design concept, prepared by Group GSA, is provided as a new indicative scheme at **Appendix B** to illustrate that a high quality outcome can be achieved within the maximum building envelopes as approved under the Concept Plan. **Figure 1** indicatively illustrates the high quality design outcome which can be achieved within the approved maximum building envelopes. Further indicative design perspectives prepared by Group GSA are provided at **Appendix C**.



Figure 1 – Corner of Brodie Spark Drive and Chisholm Street – Building 11

Source: Group GSA

As evidenced in the above image, highly articulated and modulated buildings can be achieved within the maximum building envelopes. Further, there is no indication or evidence based on every stage approved at Discovery Point to date that the building envelopes are overfilled and will lead to a poor design/built form outcome (refer to **Table 2**). Most recently, Buildings 3 and 5 (which included forms that filled the approved envelopes) were approved by the Joint Regional Planning Panel with a positive recommendation from Council. The quality of design and buildings being delivered across Discovery Point is also evident with a number of buildings nearing completion.

Table 2 – Design quality and evolution of Concept Plan

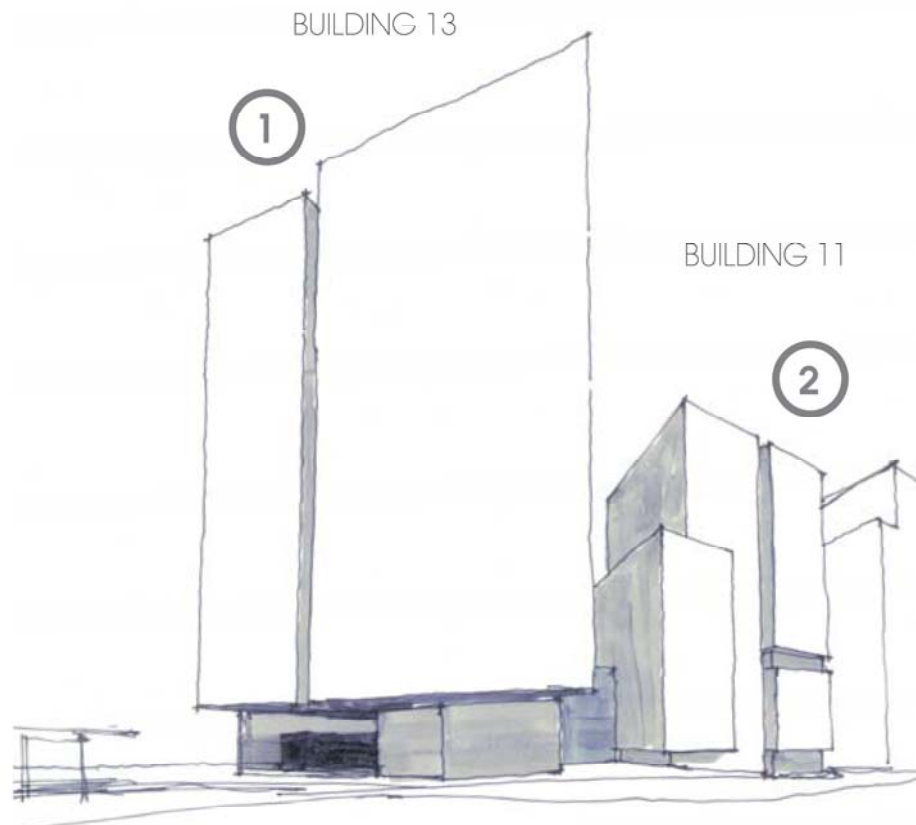
Stage	Design Architect	Design Quality	Consent Authority
Stage 1	Bates Smart		Department of Planning
Stage 2	PTW		Rockdale City Council/JRPP
Stage 3 + 5	Group GSA		Rockdale City Council/ Sydney East JRPP
Stage 4	PTW		Rockdale City Council/ Sydney East JRPP
Stage 6	Bates Smart		Department of Planning

Stage	Design Architect	Design Quality	Consent Authority
Stage 7	Bates Smart		Rockdale City Council/ Sydney East JRPP
Stage 8 – 10	PTW		Rockdale City Council/ Sydney East JRPP

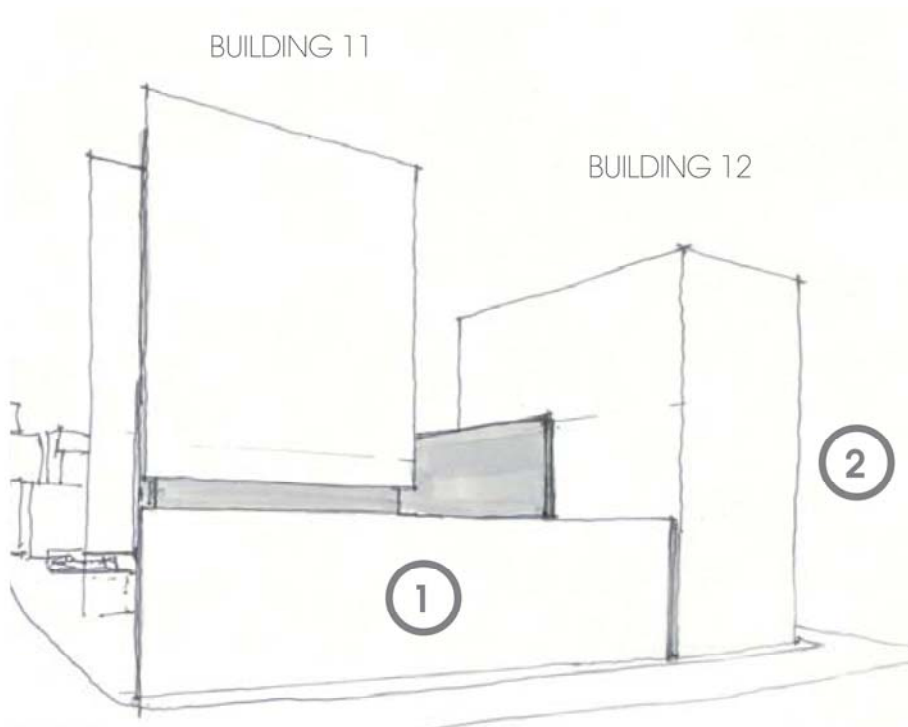
Architectural Form

The indicative design scheme prepared by Group GSA (**Appendix B**) is as detailed at within the Concept Design Report at **Appendix F** founded on a number of urban design principles and considerations, including:

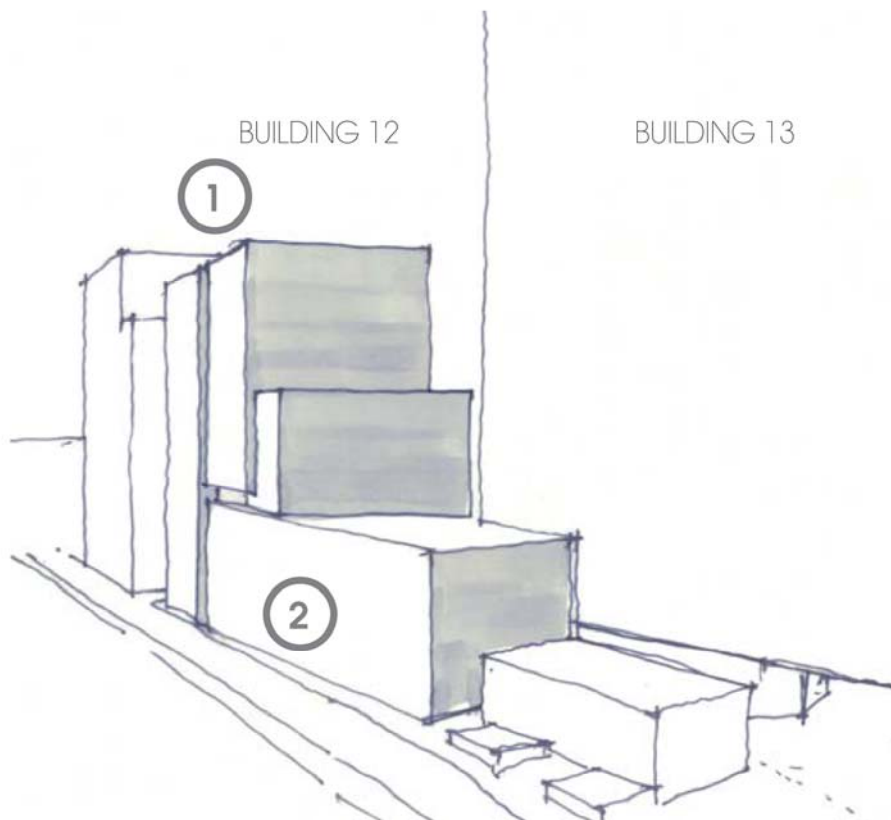
1. Landmark Verticality and Fine Street Grain



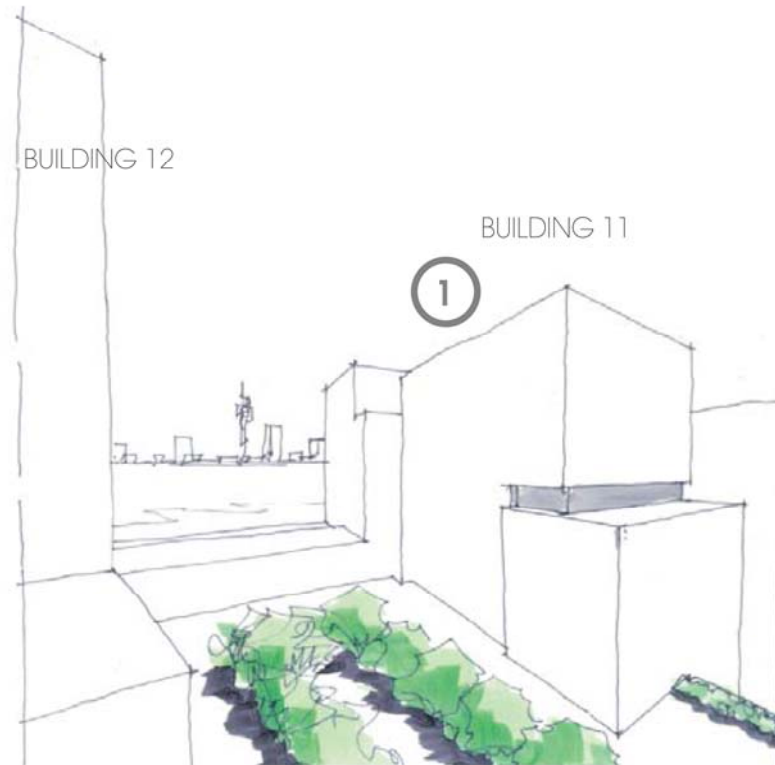
2. Creation/Reinforcement of Chisolm Street Streetscape



3. Integration and breaking down of vertical and horizontal forms fronting Spark Lane



4. Human scale response to podium



In building upon these above principles and seeking to achieve purity of forms and coherence in the composition of the three building blocks and podium, the concept design developed by Group GSA (being wholly contained within the approved envelopes) is one that is considered capable of delivering high quality buildings that will positively contribute to the architecture and character of Discovery Point.

Building Articulation and Façade Modelling

The competition winning design concept scheme proposes buildings which are not perceived to be bulky and continue to reinforce the landmark qualities of Building 13. Key features of the indicative design scheme features which will provide articulation/modelling include the provision of:

- Strong pedestrian scaled podium to Chisolm Street;
- Wide vertical slots across each building;
- Variation in building materials, including an individual expression for each building whilst acknowledging the buildings form part of a family;
- Utilising and playing with solid to void ratios along building elevations; and
- Breaking down of elements in terms of base, middle and top as relevant.

The design will continue to be refined and improved prior to the lodgement of a DA for the detailed development. Furthermore, the future detailed design of these buildings will be subject to an assessment by Council and the St George Design Review Panel.

Gross Floor Area

In light of the re-calculation/reconciliation of approved residential GFA (noting Stage 3 and 5 DA was only recently approved in September 2014) and the amended indicative scheme for Stages 11, 12 and 13 has been progressed, the additional GFA now sought in the modification has been amended to 10,685m². This additional GFA reflects the envisaged scheme more closely along with reflecting more accurately all approved buildings/GFA to date. The refined GFA will further support the achievement of high quality buildings through a restricted GFA accounting for the need to include essential features such as slots for light and ventilation. Refer to Section 3.1.1 for further details regarding GFA.

2.2 Residential Amenity

2.2.1 Issue

The Department has advised that any additional GFA should be able to provide a reasonable level of amenity to future residents. The Department recommends that a revised indicative design scheme providing residential amenity in accordance with the existing Concept Plan approval should be considered in order to substantiate the request for additional GFA.

Council is concerned that the greater the GFA increase, the greater the risk of buildings with reduced amenity. Council suggest that the proposed increase in GFA limits the ability of buildings to achieve good levels of residential amenity.

Council questions whether building separation between buildings will be in accordance with the approved Development Design Guidelines.

Council suggest that the views available from Buildings 11 and 12 are limited and overshadowing impacts are substantial.

Council also notes that a reduction in the height of buildings 11 and 12 would result in an improved amenity outcome, allowing increased sunlight to units in Building 13 and Building 6, and improved solar access to the communal open space at the podium level.

Council advise that providing more slender buildings utilising the remaining allowable GFA would provide for more consistency with the RFDC in terms of building separation and building depth.

2.2.2 Proponent's Response

Amenity correlation with Additional GFA

The additional GFA sought as part of the modification will provide a reasonable level of amenity to future residents. The revised indicative scheme prepared by Group GSA illustrates that an acceptable level of amenity is able to be provided to future residents of Buildings 11, 12 and 13.

A more detailed analysis of amenity from a holistic perspective has been undertaken by Group GSA for individual apartments (refer to **Appendix D**). This analysis of amenity has been informed by a solar access study prepared by Group GSA (refer to **Appendix E**). This detailed analysis has identified the following considerations:

- 65% apartments will receive two hours of solar access on June 21 between 9:00am and 3:00pm; and
- 64% apartments will be naturally cross ventilated.

If this timeframe was extended by one hour from 9:00am to 3:30pm on June 21, the percentage of apartments receiving the recommended level of solar access would increase to 69%. In both instances, the percentage of apartments receiving solar access has increased from the exhibited indicative scheme which only predicted 60% of apartments in Stages 11-13.

As demonstrated by the above, a 5% variation to the recommended 70% solar access 'rule of thumb' would be required for Stages 11-13. If the control time was extended by 30 minutes, the variation to the 70% rule of thumb would only be 1%. These variations are considered to be minor and acceptable especially as the Concept Plan framework adopts a holistic amenity approach where strict compliance with numeric solar access rules of thumb are not able to be achieved. It is noted that the final design of these apartments will be further refined during the detailed design of the buildings prior to lodgement of the future DA/s.

The detailed investigation into the amenity of future apartments by Group GSA has also highlighted the following amenity benefits:

- 79% of apartments will be benefited with views; and
- 58% of apartments will be provided with good daylight access, meaning they are significantly separated from any surrounding building.

When all of the above factors of daylight access, solar access, cross ventilation and views are combined, the development can be seen to provide an appropriate and high level of amenity.

Whilst the above analysis provides more certainty around the provision of appropriate amenity, the proper time to assess amenity for these apartments in detail is during the assessment of the future DAs. In addition to the individual amenity received by apartments which is explored in **Appendix D**, holistically a high level of amenity will be provided to future residents of Buildings 11, 12 and 13. The following considerations should be factored into in any assessment of amenity:

- Attractive views and outlook;
- Access to services and facilities within Discovery Point, namely the retail and café uses within the Village Precinct and other surrounding centres such as Rockdale and Newtown;
- Access to extensive public transport networks including the Sydney Buses and Sydney Trains networks;
- Access to open space, communal amenities and high quality natural environments such as the Cooks River;
- Access to regional bicycle and walking networks;
- Internal design of apartments, maximising open plan living and an integration of internal and external living spaces;
- High quality public domain of Discovery Point with an integrated approach to planting, consistent materials and features such as public art installations; and
- Design quality of the future buildings and Discovery Point as a whole, with various architectural practices combining to provide an interesting, unique and high quality built form.

As evidenced from the above list and the amenity diagrams provided at **Appendix D**, there is sufficient amenity available to the future apartments. There is an established framework around the assessment of amenity for individual stages of Discovery Point, in particular in relation to solar access. This framework comprises Condition 1 of Schedule 3 in the Concept Plan Approval and the Discovery Point Development Design Guidelines. Condition 1 states:

Future applications shall demonstrate compliance with the provisions of the State Environmental Planning Policy 65 - Design Quality of Residential Flat Development (SEPP 65) and the, accompanying Residential Flat Design Code 2002, except where modified by this Concept Plan approval.

Future buildings located on the site are to demonstrate sufficient building modulation/articulation to provide an acceptable built form.

*Solar access to future dwellings should be generally consistent with the approved Development Design Guidelines in Condition A2. **A deviation from the controls may be supported by the Consent Authority where it is demonstrated that building design maximises solar access and amenity in light of site constraints.***

(emphasis added)

In light of this established framework and an understanding that the appropriate time to assess detailed amenity benefits, the original changes proposed in relation to requirements for solar access are no longer sought. It is concluded that the additional GFA is able to be accommodated within the approved envelopes and importantly deliver buildings with an appropriate level of amenity (to be detailed and demonstrated within future DAs).

Building Separation

Separation distances between the future buildings and surrounding approved buildings will be provided in accordance with the approved Concept Plan envelopes and Condition A9 which requires:

*Building footprints and setbacks are to be generally consistent with the Concept Plan building envelope parameter diagrams for each site, except where amended by the Department of Planning's Modifications in Part B. **Future development should be consistent with the Discovery Point Concept Plan Building Separation Diagram DA3-001 I prepared by Bates Smart Architects, dated 28 August 2013, except where amended by the Department of Planning's Modifications in Part B.***

(emphasis added)

The approved Discovery Point Concept Plan Building Separation Diagram is provided at **Figure 2**.



Figure 2 – Approved Discovery Point Concept Plan Building Separation Diagram

Reduced Building Heights to Improve Amenity

It is obviously logical that potential amenity benefits of the scheme and surrounding development could be increased with a reduced built form as suggested by Council. Furthermore, the amenity of surrounding residents would be even more enhanced with the entire removal of these buildings. Whilst these points are valid, there is no basis or merit in entirely removing or reducing the size of these buildings as surrounding buildings have been deemed to receive an appropriate level of amenity.

Approval of the surrounding buildings in Discovery Point has been granted following a rigorous assessment of amenity. Through these assessments it has been determined by the respective consent authorities that residents will receive a suitable level of amenity.

The removal of Building 9 (as approved under Concept Plan Mod 3) has significantly increased the availability of views from Buildings 11, 12 and 13 (Refer to **Figure 3**). The view analysis undertaken by Group GSA and included in the Concept Design Report also demonstrates that there are a variety of high quality views available from Buildings 11, 12 and 13 (refer to **Appendix F**). It appears that Council may not fully appreciate the extensive view opportunities available from these buildings. The proponent also did not fully understand the quality and extent of views until only recently in progressing through the design competition and now detailed design phase.

Daylight to the communal podium within Stages 11, 12 and 13 has also been enhanced through the deletion of Building 9. As such, it is evident that where possible, Australand have sought to improve the design of the development and improve/optimize amenity where possible/available.

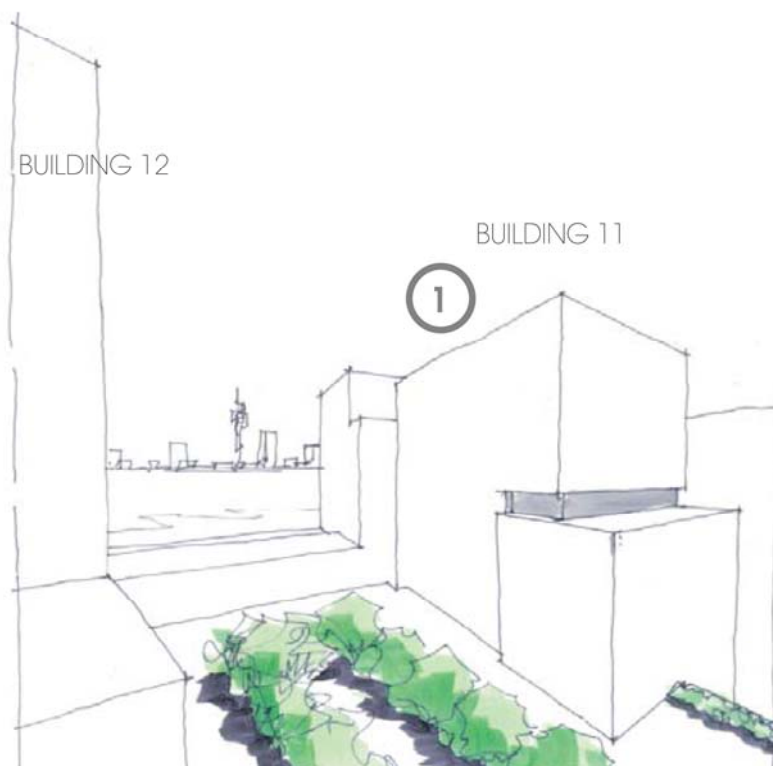


Figure 3 – Potential view opportunities

Source: Group GSA

The part construction or deletion of Buildings 11, 12 and 13 may improve amenity, but will be at the expense of a number of significant local and regional benefits, including:

- Achieving the envisaged and approved built form of the site;
- Delivering additional communal amenities in the form of a gym, community room, communal open space, BBQ area;
- Completing the southern frontage of Chisholm Street; and
- Delivering approximately 76 apartments in a significantly strategic location to contribute to overcoming the critical housing shortage in Sydney.

Further to the above, reference should be made to the detailed strategic justification provided in support of the original modification application.

Consistency with RFDC

Council discuss a desire to comply with the Residential Flat Design Code (RFDC) in regards to building separation and building depth. The Concept Plan included building separation and depths which met the objectives of the RFDC.

Accordingly, the Concept Plan approves maximum envelopes for Buildings 11, 12 and 13, and the design controls of the Development Design Guidelines support the detailed design of buildings. These envelopes and guidelines were approved in the Concept Plan following a rigorous assessment of built form and amenity.

The controls established under the Concept Plan reflect the objectives of the RFDC and ensure that a high quality building design with appropriate amenity is achieved. These objectives have been achieved in the previous stages of Discovery Point which have been approved by both the Department and Council. The envelope parameters approved under the Concept Plan are not proposed to be modified as part of this application.

2.3 Landscaping and Communal Open Space

2.3.1 Issue

The Department and Council consider that updated communal open space diagrams should be prepared and included in the Development Design Guidelines in order to reflect approved and future proposed communal open space.

The Department also agrees with Council's submission and recommends consideration for further assessment and provision of communal open space as required for each application.

2.3.2 Proponent's Response

In response to both the Department and Council, updated landscaping and communal open space diagrams have now been prepared and included within the proposed amended Development Design Guidelines (refer to **Appendix G**).

These diagrams accordingly reflect approved communal open spaces and facilities across the Discovery Point site, as well as those planned for within the remaining unapproved stages (i.e. 11 – 13).

Further, in response to specific concerns raised by Council about providing more intimate spaces for gatherings, the proponent is willing to commit (as detailed within the amended diagrams) to the provision of a community room and BBQ area for residents of Stages 11 – 13 on/within the podium.

The proponent recently prepared a detailed ‘paper’/submission to Council (a copy of which is included at **Appendix H**) in relation to the Stage 3 and 5 DA detailing and reiterating the site wide approach to the provision of communal open space and facilities. The conclusion reached within this paper, and which was generally accepted by the Sydney East Joint Regional Planning Panel, was that existing and future residents of Discovery Point will have unparalleled access to an extensive range of both active and passive communal facilities and open space. Therefore and in light of the additional commitment to provide for more intimate spaces within Stages 11 – 13 it is not considered necessary or warranted to include any additional wording within the Development Design Guidelines in relation to potential further additional provision of communal open space/facilities.

2.4 Car parking

The Department advise that the extent of car parking area should be reduced with any revised indicative design scheme.

Transport for NSW advise that car parking rates/the maximum cap should align with other comparable developments (e.g. Green Square).

Council is of a view that above ground parking should be kept to a minimum. In this regard, Council advise of concerns regarding the amenity and streetscape quality of Chisolm Street as a result of the proposed increased height of above ground parking and its wrapping with single aspect apartments. Council also recommends that the aesthetic outcome of the proposed podium/extent of above ground parking when viewed from Brodie Spark Drive and Station Park need to be carefully considered.

2.4.1 Proponent’s Response

Extent and Principle of Above Group Parking

The updated indicative design scheme prepared by Group GSA (**Appendix B**) generally retains the same extent and area of above ground parking as originally proposed under the s75 modification application.

Council contends that any additional parking areas required for the development should be provided through creating additional levels of underground parking. This will ensure that the overall impact on building form and streetscape resulting from above ground parking are avoided. We believe these perceived impacts will be appropriately addressed by “wrapping” the car park with apartments and through other design measures (further details provided below). The Concept Plan Approval currently allows for above ground parking for Buildings 11, 12 and 13 in generally the same location as proposed. The difference lies in an additional two levels of above ground parking being permitted as part of this modification application, which are levels that will be located entirely within the approved podium envelope and will be wrapped with apartments or appropriately screened.

It is acknowledged that the proposal for a residential scheme which integrates above ground parking is a solution that would not ordinarily be considered in other contexts for design reasons, though is increasingly becoming necessary as it is the more constrained sites that are those remaining for infill residential development. Above ground parking is becoming a more common and acceptable building form in inner Sydney on sites with sandy soils, high water tables and/or flooding issues (e.g. Discovery Point).

Discovery Point has a number of compounding factors which make it a development site requiring above ground parking, in terms of physical constraints, namely:

- A high water table;
- Proximity and relationship to heavy rail infrastructure, particularly for Building 13 which is located above the Wolli Creek railway station;
- Flood affectation; and
- Acid Sulphate Soils.

In short, the cost of addressing these site constraints so as to provide additional basement parking would conspire to make the project unfeasible. Further discussion on the range of constraints influencing the decision to seek approval for additional areas of above ground parking is provided below.

Dewatering

A key factor affecting the construction of basements on the site is the high water table, which was generally found to be at RL0.6 AHD and that an allowance of one metre should be considered to account for any rises in groundwater over time (i.e. RL1.6 AHD).

Excavation of basements into this water table would cause significant construction issues including dewatering of the excavation, increased thickness and weight of basement structures to resist hydrostatic pressures and the risk of localised impacts on the water table outside the site boundaries which could result in settlement of nearby roads and properties.

Given the high water table, the project team took the view that it would not be feasible to construct basement car parking on the site. Therefore, the proposal seeks to integrate above ground parking within the podium of Stage 11 – 13 in a sensitive and appropriate design solution.

Acid Sulphate Soils

In addition, increasing the number of basement levels (and therefore excavation depths) would require a volume increase in treatment of any acid sulphate soils. Reduction in such measures will provide a more environmentally construction program and overall managed site.

Building Cost and Liability

Deeper basements would require significantly more expensive shoring systems. Shoring systems and basement slabs would need to be:

- Deeper to provide a good cut off, in order to reduce groundwater seepage volumes to management levels;
- Stiffer and more substantial to resist hydrostatic loads during construction;
- Accompanied by anchors to provide lateral support which will need to be longer and likely to need to extend well beyond the site boundaries. The drilling of anchors in a site with poor quality subsurface conditions and a high groundwater table provides higher risks of damage to adjoining properties.

Other construction impacts

The additional physical requirements to construct basement car parking and the time consuming temporary works (including anchors, shoring and dewatering) will amplify the construction program of the project. The environmental impacts of a longer construction program should not be underestimated in terms of amenity to surrounding properties (especially given the increasing population at Discovery Point). The longer timeframes for construction impact on finance and holding costs, with flow down impacts on pricing and affordability.

Feasibility

As a direct result of the site constraints identified above, the provision of additional below ground parking is not considered cost effective and would seriously impede the viability of the project to the point where no work could be carried out.

Acceptability of Above Ground Parking Location

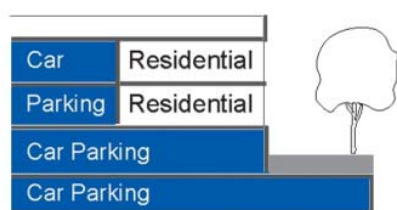
Council notes in its submission that above ground parking is typically located in more of a mixed use style of development, rather than in more residential areas such as the northern precinct at Discovery Point. In our experience, above ground parking is appropriate in either context, so long as it is designed appropriately and screened/sleeved as required. Recent examples of projects in a residential setting that include above ground parking include:

- Wentworth Point (multiple projects);
- Woollooware Bay, Woollooware;
- Morton Street, Parramatta;
- Moore Park Gardens; and
- 20 Levey Street, Wolli Creek (Southbank);

It is worth re-iterating also that the existing approved extent of above ground parking at Discovery Point includes areas within the northern precinct, i.e. Buildings 11 – 13 (ground and first floor) and Buildings 8 – 10 (ground floor), refer to approved Concept Plan Drawings DA3-200 and DA3-201. There is therefore more above ground parking approved in the northern (more residential) precinct than the southern (more mixed use) precinct.

Accordingly, land use character is not considered to be a relevant or determining factor in locating above ground parking so long as appropriate measures are put in place to ensure an acceptable built form/streetscape outcome is achieved.

As designed and proposed within the indicative design scheme, the northern precinct will continue to retain its residential character with the incorporation of additional levels of above ground parking as proposed. This is assured through the wrapping of above ground parking levels with residential apartments as illustrated within the indicative design scheme, consistent with the requirements of the Development Design Guidelines (refer to **Figure 4**).



Above ground parking with active frontage to the street

Figure 4 – Above ground parking design

Source: *Discovery Point Development Design Guidelines*

Ultimately, the look and feel of the podium planned for Stages 11 – 13 will be consistent with that of approved Stage 8 – 10, which only included one level of above ground parking (ground), refer to **Figure 5**. So whilst Stage 11 – 13 will have four levels of above ground parking, it will not be readable or contribute to an adverse built form outcome.

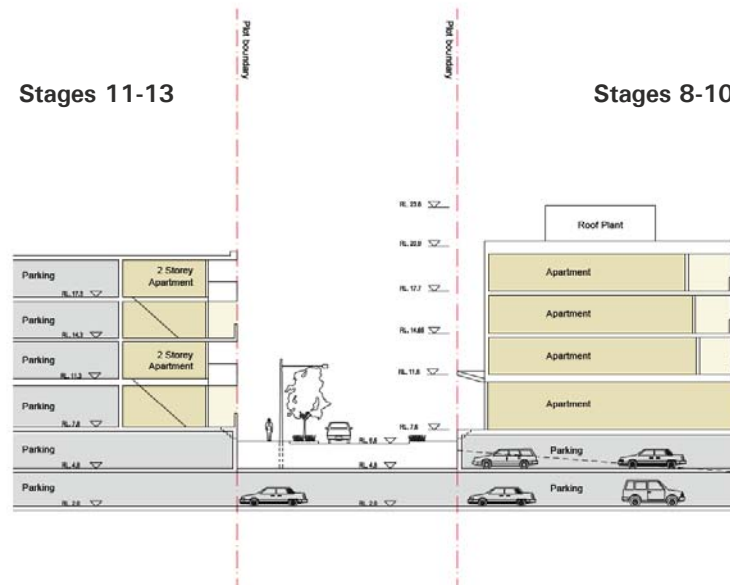


Figure 5 – Updated indicative design scheme (section) for Chisholm Street

Source: *Bates Smart*

Amenity and Streetscape Quality

Council's concerns about the future amenity and streetscape of Chisolm Street are noted. The proponent is also acutely aware that the streetscape quality of Chisolm Street is important. The recent appointment of a top tier architect (Group GSA) by the proponent (following the successful completion of a design competition for Stage 11 – 13) will ensure that the treatment and design response to Chisolm Street gets the attention and detail it deserves and requires.

The current indicative design scheme prepared by Group GSA includes two storey maisonette type apartments along the majority of Chisolm Street. Such a response is considered to address some of the concerns being raised by Council about design quality and amenity of Chisolm Street, ensuring a highly articulated form that imparts a fine grain to the street (refer to **Figure 6**).



Figure 6 – Precedent image of conceptual residential sleeving character

Source: Group GSA

Council in its submission has also identified that the podium levels between Buildings 11 and 13 needs to be carefully considered from an aesthetic perspective. The further development of the indicative design scheme with the appointment of Group GSA has revealed an opportunity to create a lively residential plaza in this location created through the positioning of the lobby for Building 11 and 13 off the plaza (refer to **Figure 7**). The provision of a feature (green or screening) wall to the podium between these two buildings will also add to the character of the streetscape and create a special sense of arrival for future residents/visitors of the two buildings (refer to **Figure 9** and **Figure 8**). The proposed response to the four storey podium is one which seeks to result in a positive outcome from both a design/aesthetic perspective as well as from a human experience perspective.

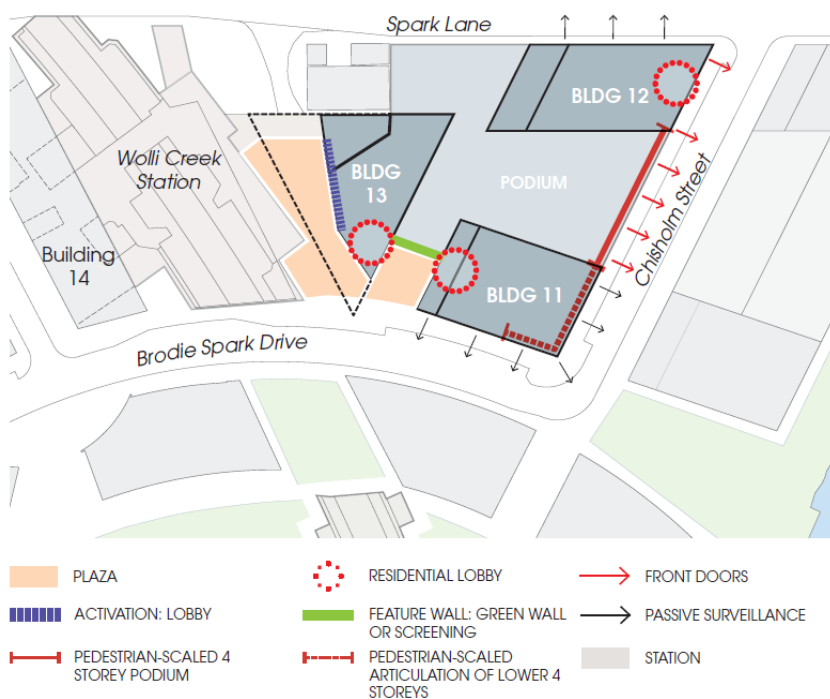


Figure 7 – Indicative design scheme public domain interface/features

Source: Group GSA



Figure 8 – Indicative design scheme illustrative perspective – Brodie Spark Drive/Station Park

Source: Group GSA



Figure 9 – Precedent image of concept feature wall

Source: Group GSA

Summary

The principle of above ground parking is established within the existing Concept Plan, including within Stage 11 – 13. Successful (including some award winning) projects incorporating above ground parking that achieve quality built form and aesthetic outcomes have been delivered across Sydney. The significance of overcoming physical site constraints should also not be underestimated in terms of project feasibility. Ultimately, the provision of two additional levels of parking within Stages 11-13 will not have any adverse impact on the streetscape quality, residential character of the precinct, or amenity of surrounding streets or public spaces, especially with the skilful design guidance to be provided by Group GSA during the design development of the project.

Car Parking Rates

Comments made by TfNSW are noted. No change to the approved parking rates are however being proposed under this modification application. The original Concept Plan was approved in May 2011, with all but four (4) stages having now been approved. Each of the approved stages included the provision of parking in accordance with the rates established in the Concept Plan. The time to consider what parking rates should/shouldn't apply was during the assessment of the original Concept Plan.

Further, the original traffic studies as well as the revised study prepared in support of this s75w modification both confirm that there is more than adequate capacity in the road network to accommodate the traffic to be generated by development at Discovery Point.

Car Parking Cap

As recommended by Council the overall approved car parking cap has been reviewed and the proponent has agreed to reduce the cap to align more closely with the total number of parking numbers planned for within the remaining stages (11 – 14). The cap is therefore proposed to be reduced from 2,240 to 2,100. The amended maximum cap of 2,100 spaces allows for flexibility in providing car parking to the final three stages of residential development at Discovery Point. If the maximum number of spaces were to be provided for the envisaged number of apartments within Stages 11-13, the current cap of 2,240 spaces would be exceeded. The modified cap of 2,100 will facilitate the provision of car parking in between the minimum and maximum car parking rates established under the approved Concept Plan. This reduction should also contribute to addressing the comments raised by TfNSW.

3.0 Proposed Amended Modifications

Since public exhibition of the proposal, amendments have been made to the proposed modification application. The changes include aspects made in response to the issues and comments raised by the Department and Council.

The revised plans include Indicative Architectural Drawings prepared by Group GSA and Landscape/Communal Open Space Plans prepared by Turf Design.

The following section presents a brief updated description (where relevant) of the amended modification application for which approval is sought.

3.1 Overview of Proposed Modifications (as amended)

The amended Section 75W application seeks the following modifications to the approved Concept Plan:

- Increase in the maximum GFA to 142,685m² comprising an increase of 10,685m² additional Residential GFA;
- Increase in the extent of above ground parking and corresponding increase in the maximum area of above ground parking to 13,590m² (comprising an increase of 4,390m²);
- Reduction in the maximum number of car parking spaces (from 2,240 to 2,100) and
- Updates and amendments to the Discovery Point Development Design Guidelines in relation to provision of communal open space/facilities.

The different components of the proposal (as amended) are discussed further below.

3.1.1 Residential Floor Space Increase

The provision of additional residential floor space within the Discovery Point Concept Plan will facilitate the delivery of Stages 11-13 as originally envisaged under the approved Concept Plan.

The request for additional residential floor space has increased by 685m² to 10,685m². Whilst it is noted that the original request for 10,000m² of additional floor space included some flexibility, this overall figure was based on an incorrect total for the amount of residential floor space which had already been approved in Stages 1-10 of Discovery Point. This discrepancy occurred due to the finalisation of Stages 3 + 5 being undertaken during the assessment of the proposed modification. The Stages 3+ 5 DA was approved by the Joint Regional Planning Panel in September 2014, and following this approval the final GFA figure for these stages has been confirmed and the overall approved GFA has been recalculated (refer to **Table 3**).

As such, it is clear that the total amount of residential GFA required to fulfil the Concept Plan is 133,685m². This additional GFA will not result in any modifications to the built form and continues to provide for the completion of Building 11-13 in accordance with the Concept Plan and as per the revised indicative design scheme prepared by Group GSA. The proposed GFA increase of 10,685m² now more closely aligns with the indicative design scheme prepared by Group GSA and addresses concerns raised by Council in terms of perceived 'rounding-up' and associated issues around additional risk of a poor urban design outcome.

This additional residential floor space is envisaged to provide approximately 76 additional apartments (as originally predicted within the s75W modification application). The approved envelope for Buildings 11, 12 and 13 is not proposed to be amended, as the additional floor space can be accommodated within the existing approved concept plan envelopes.

3.1.2 Above Ground Parking Extent

The extent of above ground parking is proposed to be modified to enable 4,390m² additional above ground parking within Stages 11-13. These changes involve the provision of an additional two levels above the existing two levels of above ground parking, as well as a modified extent across all levels within Stages 11-13. All above ground parking to be modified in this application will be contained within the podium and will be appropriately screened/sleeved. The two additional levels of parking are centrally located within the podium to allow for apartments to be located on all frontages of the podium, as shown in the Indicative Design Scheme at **Appendix B**.

3.1.3 Reduction in Car Park Numbers

In response to comments raised by Council and Transport for NSW, it is proposed to reduce the parking cap number of 2,240 spaces approved under the original Concept Plan. The reduced number now proposed (2,100) reflects in reality the maximum number that is proposed/can realistically be achieved on the Discovery Point site in accordance with revised indicative design scheme

3.1.4 Update to Discovery Point Development Design Guidelines

The Discovery Point Development Design Guidelines are proposed to be amended to ensure they accurately reflect and illustrate what has been approved on the ground and now proposed in terms of the location and provision of communal open space and facilities (refer to **Appendix G**). Provision for additional intimate/active communal facilities is also now proposed for future Stages 11 – 13, responding to specific requests by Council for the provision of these types of facilities.

Original changes proposed in relation to requirements for Solar Access have been deleted and are no longer being pursued. The proponent agrees with Council that the existing approval provides appropriate flexibility in the application of solar access and that the most appropriate time to consider amenity is at the detailed design/DA stage.

3.2 Proposed Modifications to the Approval (as amended)

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

SCHEDULE 2 – PART A – TERMS OF APPROVAL

A2 DEVELOPMENT IN ACCORDANCE WITH THE PLANS AND DOCUMENTATION

The approval shall be generally in accordance with MP 10_0003 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 (MOD 1) by Australand dated April 2012, and,
- the Section 75W modification (MOD 2) by JBA Planning dated November 2012, and
- the Section 75W modification (Mod 3) by JBA Planning dated June 2013, and
- the addendum the concept plan modification (MOD 3) by JBA Planning dated 12 September 2013;
- **the Section 75W modification (MOD 4) by JBA dated May 2014,**
- **the Response to Submissions report prepared by JBA dated October 2014 and**
- the following drawings and documents:

Architectural Drawings prepared by Bates Smart			
Drawing No	Revision	Name of Plan	Date
DA1-001	A	Location Plan	16.06.2010
DA1-002	D	Site Analysis	16.12.2010
DA3-001	I	Proposed Building Envelopes	28.08.2013
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
DA3-008	B	Building 6 Envelope Parameters	10.12.2010
DA3-009	A	Building 7 Envelope Parameters	16.06.2010
DA3-010	G	Building 8 Envelope Parameters	23.08.2013
DA3-011	G	Building 9 Envelope Parameters	23.08.2013
DA3-012	G	Building 10 Envelope Parameters	23.08.2013
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	G H	Extent of Above Ground Parking – Ground Floor Level	05.06.2013 05.03.2014
DA3-201	E F	Extent of Above Ground Parking – First Floor Level	13.10.12 05.03.2014
DA3-202	A	Extent of Above Ground Parking Second Floor Level	05.03.2014
DA3-203	A	Extent of Above Ground Parking Second Floor Level	05.03.2014
Documents			
Reference	Revision	Title	Date
10710	May 2012 October 2014	Discovery Point Concept Plan Development Design Guidelines	24/05/2012 10/10/2014

Reason: This condition is proposed to be updated in order to reference this Response to Submissions Report, to reflect the additional extent of above ground parking sought under this modification along with updating the latest Development Design Guidelines.

A6 MAXIMUM GROSS FLOOR AREA

The development of the site for a mixed use development shall have a maximum Gross Floor Area of ~~132,000m²~~ **142,685m²**, including a minimum of 9,000m² of non-residential floor space. (Note: Above ground parking area is not included in the total GFA).

Reason: This condition is proposed to be updated to reflect the additional floor space sought under this modification (as amended).

A16 CAR PARKING

(a) The number of car parking spaces shall be minimised consistent with the sites location adjacent to the Wolli Creek Train Station. The maximum number of car parking spaces shall not exceed ~~2,240~~ **2,100** spaces.

(b) Development must comply with the Concept Plan car parking rates identified in the Preferred Project Report prepared by JBA Urban Planning Consultants, dated December 2010. A maximum of ~~9,200m²~~ **13,590m²** above ground parking is permitted across the site. Above ground parking refers to any car park projecting more than 1.2 metres above finished ground level. Visible above ground parking is permitted on laneways and should be screened by appropriate façade treatments or planting to the satisfaction of the consent authority. One car wash facility must be provided for each residential building with more than 20 dwellings.

Reason: This condition is proposed to be updated to reflect the reduced maximum parking spaces and the amount of additional above ground parking floor space sought under this modification.

3.3 Proposed Modifications to the Statement of Commitments (as amended)

Modifications and additions are also proposed to the approved Statement of Commitments. Additional comments proposed aim to minimise any environmental impacts associated with the proposed modification application and in particular address the concerns raised by Council in its submission.

Words proposed to be deleted are shown in ~~**bold italics strike through**~~ and words to be inserted are shown in **bold italics**.

Subject	Commitments	Approved by Whom	Timing
Approved Floor Space	<p>The total floor area of the development shall generally be in accordance with the approved Concept Plan and shall not exceed 132,000m² 142,685m². The development shall contain a minimum 9,000m² non-residential land uses and a maximum 123,000m² 133,685m² residential GFA.</p> <p>In addition to the 132,000m² 142,685m² GFA above, an area of above ground car parking will be provided equivalent to a maximum of 9,200m² 13,590m² GFA.</p>	Department of Planning	No timing. General Statement of Commitment

<i>Subject</i>	<i>Commitments</i>	<i>Approved by Whom</i>	<i>Timing</i>
<i>Residential Amenity</i>	<i>Future development applications for stages 11 – 13 shall demonstrate an appropriate level of amenity is provided to future residents generally in accordance with the requirements and framework established under the approved Concept Plan and Development Design Guidelines.</i>	<i>Relevant consent authority</i>	<i>Address as part of the relevant Development Application.</i>
<i>Urban Design</i>	<i>Future development applications for stages 11 – 13 shall demonstrate an appropriate response and detail to the podium and streetscape (particularly Brodie Spark Drive and Chisolm Street) and tower to ensure a high quality built form outcome and aesthetic is achieved.</i>	<i>Relevant consent authority</i>	<i>Address as part of the relevant Development Application.</i>
<i>Building separation</i>	<i>Future development applications shall ensure compliance with the Discovery Point Concept Plan Building Separation Diagram DA3-001 I prepared by Bates Smart Architects, dated 28 August 2013.</i>	<i>Relevant consent authority</i>	<i>Address as part of the relevant Development Application.</i>
<i>Allocation of car parking spaces</i>	<i>Future development applications for stages 11 – 13 shall demonstrate that parking spaces provided will only serve residents within those three buildings, and not be allocated to residents of any other stage/building.</i>	<i>Relevant consent authority</i>	<i>Address as part of the relevant Development Application.</i>
<i>Parking rates</i>	<i>..... The total number of car parking spaces to be provided on the Discovery Point site is to be capped at 2,240 2,100 car spaces (including existing spaces).</i>	<i>Department of Planning</i>	<i>No timing. General Statement of Commitment</i>
<i>Communal open space/facilities</i>	<i>Future development applications for stages 11 – 13 shall provide both passive and active/intimate communal open space and facilities for future residents in accordance with the approved Development Design Guidelines.</i>	<i>Relevant consent authority</i>	<i>Address as part of the relevant Development Application.</i>

Reason: These commitments are to be updated and added to reflect the proposed modification application (as amended) and mitigate potential impacts.

3.4 Amendments to the Discovery Point Development Design Guidelines

The proposed amendments are outlined below and further detailed within **Appendix G**.

Section 4.1 Open Space and Landscaped Design

With the development of Discovery Point well advanced, the original indicative concept landscape design no longer accurately reflects what has been approved and proposed 'on the ground'. Section 4.1 is proposed to be amended with updates to the landscape and communal open space diagrams.

Controls

- *Landscaped* areas should be provided **generally** in accordance with the Concept Plan (refer to Landscape Plan at Figure 19).
-



**replace Figure 19 with the above diagram*

Section 4.3 Communal Open Space

The communal open space control established under Section 4.3 of the Discovery Point Development Design Guidelines is proposed to be amended and updated to clarify exactly what has been approved to date and what is proposed for the remainder of future stages (i.e. 11 – 13).

The proposed amendments to Section 4.3 of the Discovery Point Development Design Guidelines include (proposed to be deleted shown in ~~**bold italics strike through**~~ and words to be inserted are in **bold italics**):

Controls

- *Communal open space areas are to be provided in the locations identified in the Discovery Point Concept Plan (roof top terraces of podiums identified within Figures 20-22).*
- *Overall, the following communal open space areas and facilities are to be provided within the site for the use of residents of Discovery Point:*
 - ***Building 1B Podium roof – outdoor pool, landscaping, gym and BBQ area;***
 - ***Building 1C Rooftop – landscaping, seating facilities and BBQ area;***
 - ***Stages 8-10 Podium – passive landscaped garden, gym and indoor pool;***
 - ***Stages 11-12 and Stage 13 Podium – gym, community room, indoor pool, BBQ area and passive landscaped garden.***
- *In addition, Tempe House is to be provided as a community building for all residents of Discovery Point for the purpose of meetings, functions and other associated resident activities.*

Section 7.3 Car Park Location and Design

Section 7.3 of the Discovery Point Development Design Guidelines establishes the square metre extent of above ground parking permitted within Discovery Point. This figure is proposed to be updated to 13,590m² to reflect the modified extent of above ground parking. The proposed change to Section 7.3 is set out below (proposed to be deleted shown in ~~***bold italics strike through***~~ and words to be inserted are in ***bold italics***):

Controls

- ...
- Above ground car parking to a maximum of ~~***9,200m²***~~ ***13,590m²*** equivalent GFA across the Concept Plan site is permitted.
- ...

4.0 Additional Information and Assessment

As identified at **Section 1.0**, the following consultants' reports and supporting information has been updated or further supplements the material originally submitted in support of the EAR:

- Concept Design Report, prepared by Group GSA;
- View Analysis, prepared by Group GSA;
- Site Analysis/Opportunities Overview, prepared by Group GSA;
- Indicative Amenity Diagrams, prepared by Group GSA;
- Shadow Analysis Diagrams, prepared by Bates Smart;
- Indicative Concept Perspectives, prepared by Group GSA;
- Solar Access Study, prepared by Group GSA; and
- Amended Development Design Guidelines, prepared by JBA.

All of the above updated/additional supporting documentation and assessment information has been considered and addressed at **Section 2.0** of this report as relevant in responding to key issues raised during submissions. The further information and assessment material that has not otherwise been addressed at **Section 2.0** of this report is summarised in the following sections.

4.1 Residential Comparison Analysis

Table 3 below provides a comparison between the current indicative scheme and approved Concept Plan in regard to GFA, dwellings numbers/typologies, and car parking. The data reflecting the approved Concept Plan includes fixed elements under the Concept Plan Approval (GFA) and elements of the original indicative design scheme (dwelling numbers and car parking).

Whilst providing a comparison between the original Concept Plan and the current indicative scheme, this does not account for the variation in dwelling delivery which has occurred in the initial stages of development at Discovery Point. The total number of dwellings approved to date is 1,142 in Stages 1-10 compared to the original indicative scheme which indicated 1077 dwellings in Stages 1-10 (a difference of 65 dwellings).

This real life increase can be attributed to changes in dwelling mix, efficient planning of buildings within the approved envelopes, subsequent modifications to the concept plan, and a more detailed undertaking of the available quantum of apartments within these buildings. The majority of apartments to date have been provided in accordance with the minimum apartment sizes, and have been deemed during the assessment process to achieve an appropriate level of amenity. Furthermore, the buildings in which these apartments are provided have all been deemed to have achieved a high quality design outcome (as evidenced by the approvals granted by the Department and the JRPP). As such, the increase of apartments has not had any impact on the development and is acceptable from an amenity and design perspective not to mention from a housing delivery/affordability perspective.

Based on this increase, if the originally envisaged number of apartments in Stages 11-13 were to be provided, a total of 1,532 apartments would be delivered at Discovery Point (Concept Plan site). As a result of this modification, an additional 76 apartments would be achieved compared to the original indicative scheme for Stages 11-13. **Table 3** also demonstrates that Discovery Point remains on track in its delivery of housing in accordance with the approved concept plan dwelling mix.

Table 3 – Numeric Comparison Table

		Approved and <i>Future indicative Attributes</i>								Original Concept Plan / Indicative Design Scheme					
		Residential GFA m²	Dwelling numbers	Dwelling mix			Total cars approved/ proposed	Cars allocated¹ to residential	Cars allocated² to retail	GFA m²	Dwelling numbers	Car Parking (Retail / Visitor)	Car Parking (min)	Car Parking (max)	
				1	2	3									
STAGE	Existing	-	-	-	-	-	534	339	24	-	-	363			
	1	10,985	126	52	65	10	261	111	68	123,000	121	115	73	182	
	2	15,797	200	60	120	20	213	190	22		181		108	271	
	3	7,806	99	36	54	9	49	81	23		80		48	120	
	4	5,395	70	29	41	0	28	62	-		93		55	139	
	5	13,209	162	66	80	16	66	120	17		117		68	176	
	6	7,448	88	30	52	6	79	79	-		93		55	139	
	7	5,900	74	34	30	10	71	70	-		70		41	104	
	8 – 10	27,524	323	97	189	37	285	286	-		322		193	483	
	11	39,621	466	175	235	56	485	485	-		106		65	160	
	12								-		95		58	143	
	13								-		189		114	284	
	14	Non-residential (9,000)						-	92		9,000	0	99		
	Total		142,685	1608	579 (36%)	866 (54%)	164 (10%)	2071	1915	154	132,000	1467	1455 (min)	2240³ (max)	
2069 (Subject to refinement in final stages)															

¹ Includes allocation of car spaces approved under Greenbank/Vine/Verge, i.e. existing buildings not under the Concept Plan.

² Includes allocation of car spaces approved under Greenbank/Vine/Verge, i.e. existing buildings not under the Concept Plan.

³ Maximum cap of 2,240 applies

5.0 Revised Final Statement of Commitments

In accordance with Part 3A of the EP&A Act, the following are the commitments made by Discovery Point Pty Ltd to manage and minimise potential impacts arising from the proposal (as amended).

Subject	Commitments	Approved by Whom	Timing
Approved Project	Development on the site will be implemented generally in accordance with the Discovery Point Concept Plan Design Report and Concept Plan Drawings for approval prepared by Bates Smart Architects dated August 2010, as updated by the Discovery Point Concept Plan drawings prepared by Bates Smart Architects and dated December 2010.	Department of Planning	No timing. General Statement of Commitment
Voluntary Planning Agreement	<p>The proponent offers to enter into a Voluntary Planning Agreement with Rockdale City Council or the Minister for Planning that contemplates:</p> <ul style="list-style-type: none"> Developer contributions for Discovery Point to be in accordance with the following rates sourced from the Rockdale Council Section 94 Contributions Plan 2004. <ul style="list-style-type: none"> Studios/1 bedroom dwellings - \$7,563.50 2 bedroom dwellings - \$12,032.80 3+ bedroom dwellings - \$14,782.90 Supermarkets - \$344.98/m² gross floor area Bulky goods retail - \$172.49/m² gross floor area Other retail - \$246.41/m² gross floor area Offices and other commercial - \$259.18/m² gross floor The above rates specified in the VPA being indexed in accordance with the Consumer Price Index ("CPI") or to a maximum 3.0% p.a. The exclusion of Sections 94 and 94A to development contemplated in the Concept Plan (except for the first two project applications which will be subject to the applicable Section 94 Plan). 	Rockdale Council or Minister for Planning	Prior to the determination of the third Project Application or Development Application for the Concept Plan site.
Development Design Guidelines and Discovery Point-Wolli Creek Landscape Design Guidelines/Public Domain Plan	Future development applications on the site are to demonstrate consistency with the Development Design Guidelines prepared by JBA Planning dated December 2010 and Discovery Point-Wolli Creek Landscape Design Guidelines/Public Domain Plan prepared by Turf Design and dated December 2010, as adopted by the Minister for Planning with the Concept Plan approval.	Department of Planning	Approved prior to determination of the Concept Plan
Approved Floor Space	The total floor area of the development shall generally be in accordance with the approved	Department of Planning	No timing. General Statement of Commitment

Subject	Commitments	Approved by Whom	Timing
	<p>Concept Plan and shall not exceed 142,685m². The development shall contain a minimum 9,000m² non-residential land uses and a maximum 133,685m² residential GFA.</p> <p>In addition to the 142,685m² GFA above, an area of above ground car parking will be provided equivalent to a maximum of 13,590m² GFA.</p>		
Development Staging Plan	<p>An updated Development Staging Plan will be submitted with each subsequent Project Application. The Staging Plan will address:</p> <ul style="list-style-type: none"> – Total GFA approved and outstanding balance. – Any minor revisions from the Concept Plan approval or previous staging plan. 	The relevant consent authority	Addressed as part of the relevant Project Application or Development Application.
Apartment Mix	<p>The proponent will ensure that an overall apartment mix across the Discovery Point Concept Plan site consists of:</p> <ul style="list-style-type: none"> – Maximum 45% studios and one bedroom apartments; – Minimum 45% two bedroom apartments; – Minimum 10% three + bedroom apartments. <p>This mix applies to the overall Discovery Point Concept Plan site and therefore individual Project Applications are not required to comply with this requirement and should respond to individual building location and market conditions.</p>	Minister for Planning or delegate	No timing. General Statement Of Commitment
	<p>Should market conditions change, an updated demand analysis may be submitted with relevant applications for development outlining the take up of apartments to date and setting out the rationale for a revised unit mix on the site.</p>	The relevant consent authority.	Addressed as part of the relevant Project Application or Development Application.
	<p>An updated schedule of apartment mix provided to date will be provided with each subsequent Project Application/Development Applications</p>	The relevant consent authority	Addressed as part of the relevant Project Application or Development Application.
Apartment Sizes	<p>The proponent will comply with the following minimum apartment sizes:</p> <ul style="list-style-type: none"> – Minimum 40m² for studio dwellings – Minimum 50m² for one bedroom dwellings – Minimum 70m² for two bedroom/one bathroom dwellings – Minimum 80m² for two bedroom/two bathroom dwellings – Minimum 100m² for three bedroom (plus) dwellings 	Department of Planning	No timing. General Statement Of Commitment

Subject	Commitments	Approved by Whom	Timing
	Minor variations to the set of apartment sizes will be considered where a better outcome can be demonstrated in relation to apartment efficiency, functionality, amenity and outlook.		
Public/Retail/Commercial Parking Charges	<p>The maximum charges for parking within the public/retail/ commercial car park between 6am and 6pm are to be as follows:</p> <ul style="list-style-type: none"> – Less than 3 hours Free – More than 3 hours Market rates. 	Department of Planning	No timing. General Statement Of Commitment
Parking Rates	<p>Parking rates to be utilised across the development in subsequent Project Applications/Development Applications are:</p> <ul style="list-style-type: none"> – Maximum 1 space per studio and one bedroom units; – Minimum 1 space and maximum of 2 spaces per two bedroom units; – 2 spaces per three + bedroom units; – Minimum 1 visitor space per 20 residential units; – Minimum 1 space per 50m² of non-residential GFA (commercial); – Minimum 1 space per 35m² of non-residential GFA (retail). – Minimum 1 bicycle space per 15 residential units; – Minimum 1 motorcycle space per 15 residential units; – Minimum 1 bicycle space/200m² non-residential GFA, with 15% accessible by visitors; – Minimum 1 motorcycle space/20 non-residential car spaces. 	Department of Planning	No timing. General Statement Of Commitment
	The total number of car parking spaces to be provided on the Discovery Point site is to be capped at 2,240 car spaces (including existing developed spaces).	Department of Planning	No timing.
	An updated schedule of parking spaces provided is to be submitted with each subsequent Project/Development application.	The relevant consent authority at the relevant stage	With the relevant Project Application or Development Application
Road Access and Traffic	<p>The following road access and traffic recommendations will be implemented:</p> <ul style="list-style-type: none"> – The cost of all street works within the Discovery Point site, including the provision of roads, footpaths, services, traffic management, traffic and parking signage, landscaping, lighting and street furniture within the development and where it connects to adjacent roads shall be provided by the developer at 	Department of Planning	No timing. General Statement Of Commitment

Subject	Commitments	Approved by Whom	Timing
	<p>no cost to Council or the Roads and Traffic Authority.</p> <ul style="list-style-type: none"> Emergency vehicle access will be designed in accordance with the New South Wales Fire Brigades Code of Practice. The detailed design of access points will comply with the design criteria of AS2890.1 and 2890.2. 		
Railcorp Requirements	<p>The conditions of the existing Rail Development Agreement will be amended to apply to the Concept Plan in accordance with the advice letter prepare by Minter Ellison dated 6 December 2010.</p> <p>Any reasonable changes to the existing Railcorp easements that are required will be detailed and approved in subsequent project/development applications.</p> <p>Technical details regarding the protection of the substation and cables on the site will be provided in relevant project/development applications prior to any construction commencing.</p> <p>Any impacts to existing utilities and services identified at the detailed design stages will be addressed in subsequent project/development applications.</p> <p>Any necessary measures to protect electricity transmission and distribution networks will be detailed in subsequent project/development applications.</p> <p>Window openings for Buildings 6 and 13 will be restricted to a maximum of 120mm consistent with the BCA.</p> <p>Revised Geotechnical and Structural reports will be prepared during the detailed Project Application stage to address the impact of the final designs on the rail corridor.</p> <p>Any required easements or rights-of-way for the Station Access will be determined in consultation with Railcorp during the Project/Development Application stage.</p>	Railcorp	With the relevant Project Application or Development Application
Flooding and Sea Level Rise	<p>In accordance with the Flooding Assessment Report (June 2010), the following will be implemented:</p> <ul style="list-style-type: none"> a 2.5 metre freeboard will be incorporated into the design of each building to ensure floor levels are above PMF levels and climate change flood levels. 	Department of Planning	No timing. General Statement of Commitment

Subject	Commitments	Approved by Whom	Timing
European Heritage	Future applications will address the recommendations of the Statement of European Heritage Impacts prepared by Tanner Architects and dated June 2010.	The consent authority at the relevant stage	Addressed with the relevant Project Application or Development Application.
Non-Indigenous Archaeology	Future applications will address the recommendations of the Non Indigenous Archaeological Investigation Statement of Heritage Impacts prepared by Casey and Lowe and dated June 2010.	The consent authority at the relevant stage	Addressed with the relevant Project Application or Development Application.
Indigenous Heritage	Future applications will address the recommendations of the Aboriginal Heritage Statement of Impacts prepared by Jo McDonald Cultural Heritage Management and dated June 2010.	The consent authority at the relevant stage	Addressed with the relevant Project Application or Development Application.
Soil and Water Management	Future applications will address the recommendations of the Soil and Water Management Plan prepared by Smart Civil and dated July 2010.	The consent authority at the relevant stage	Addressed as part of the relevant Project Application or Development Application.
Contamination	Future applications will address the recommendations of the Contamination Report prepared by Coffey Environments and dated June 2010.	The consent authority at the relevant stage	Addressed as part of the relevant Project Application or Development Application.
Landscaping	<p>A Landscape Plan will be prepared and submitted with proposals containing landscape and public domain works.</p> <p>Future DA/PAs on the site are to comply with the Discovery Point-Wolli Creek Landscape Design Guidelines/Public Domain Plan prepared by Turf Design, dated December 2010.</p> <p>The landscaping is to be designed so that the view corridor between Tempe House and Cooks River is maintained.</p>	The consent authority at the relevant stage	Addressed as part of the relevant Project Application or Development Application.
Acoustic, Noise and Vibration	Future applications will address the recommendations of the Acoustic and Vibration Assessment prepared by Heggies and dated June 2010.	The consent authority at the relevant stage	Addressed as part of the relevant Project Application or Development Application.
Wind	Future applications will address the recommendations of the Wind Tunnel Study prepared by Heggies and dated July 2010.	The consent authority at the relevant stage	Addressed as part of the relevant Project Application or Development Application.

Subject	Commitments	Approved by Whom	Timing
Environmentally Sustainable Development	Future applications will address the recommendations of the Environmentally Sustainable Development Report prepared by Cundell Design Consultants and dated June 2010.	The relevant consent authority at the relevant stage	Addressed as part of the relevant Project Application or Development Application.
Infrastructure and Services	Future development on the site will include upgrades to energy, water, sewer and telecommunications infrastructure in accordance with service provider authority requirements.	The relevant consent authority at the relevant stage	Addressed as part of the relevant Project Application or Development Application.
Crime Prevention through Environmental Design (CPTED)	A Safety Management Strategy will be prepared and provide guidelines for the application of CPTED principles and Safer by Design best practice models.	The relevant consent authority at the relevant stage	Addressed as part of the relevant Project Application or Development Application.
Public Art	A public art strategy for the whole site will be prepared.	Department of Planning	The strategy will be submitted prior to the determination of the first Project Application
Accessibility	<p>The detailed project application stage for each building will address:</p> <ul style="list-style-type: none"> – 1 adaptable unit car bay for each adaptable unit; – an accessible toilet with every bank of male and female toilets in retail and commercial area. The accessible toilet to have internal dimensions in accordance with AS1428.1:2008; and – retail accessible car bays will be 2% of total retail car bays and commercial accessible car bays will be 1% of total commercial car bays. <p>2% adaptable units will be provided across the Discovery Point Concept Plan site upon completion of development.</p>	The relevant consent authority at the relevant stage	Addressed as part of the relevant Project Application or Development Application.
Waste	Allowance will be made for the future collection of waste by waste contractors in accordance with all relevant regulatory requirements.	Council	During construction of each stage.
Structural	<p>Temporary and permanent retention systems for basement excavations will be required at locations indicated within diagrams within the PRD Structural Report (June 2010). These retention systems will be designed in accordance with 'Development Near Rail Corridors and Busy Roads – Interim Guidelines'.</p> <p>Details of derailment protection measures, track monitoring requirements and a Rail Safety Plan</p>	The relevant consent authority at the relevant stage	Addressed as part of the relevant Project Application or Development Application.

Subject	Commitments	Approved by Whom	Timing
	will be submitted to Railcorp prior to the issue of a construction certificate.		
Electrolysis	Compliance with the measures recommended within the Electrolysis Analysis prepared by Cathodic Protection Services dated May 2010.	The relevant consent authority at the relevant stage	Addressed as part of the relevant Project Application or Development Application.
Groundwater	The impacts of the groundwater rise as a result of the one in one hundred year flood event are to be taken into account in the detailed design of the basement slabs and walls.	The relevant consent authority at the relevant stage	Addressed as part of each Project Applications
	The monitoring of groundwater levels during construction are also recommended to check design parameters.	The relevant consent authority at the relevant stage	During construction
Excavation near rail corridors	A geotechnical professional will be commissioned to review basement and service trench shoring or excavation design and observe excavations within 25 metres of the rail corridor.	The relevant consent authority at the relevant stage	Addressed as part of the relevant Project Application or Development Application.
Construction, Waste and Traffic Impacts	<p>The following Management Plans will be prepared and approved prior to works commencing for each stage:</p> <ul style="list-style-type: none"> – Construction Management Plan – Construction Traffic Management Plan – Erosion and Sediment Control Plan – Waste Management Plan – Dust Control Plan. 	Relevant Certifier Authority	Prior to issue of relevant CC's for each stage
Residential Amenity	Future development applications for stages 11 – 13 shall demonstrate an appropriate level of amenity is provided to future residents in accordance with the requirements and framework established under the approved Concept Plan and Development Design Guidelines.	Relevant consent authority	Address as part of the relevant Development Application.
Urban Design	Future development applications for stages 11 – 13 shall demonstrate an appropriate response and detail to the podium and streetscape (particularly Brodie Spark Drive and Chisolm Street) and tower to ensure a high quality built form outcome and aesthetic is achieved.	Relevant consent authority	Address as part of the relevant Development Application.
Building separation	Future development applications shall ensure compliance with the Discovery Point Building Separation Diagram DA3-001 I prepared by Bates Smart and dated 28 August 2013.	Relevant consent authority	Address as part of the relevant Development Application.

Subject	Commitments	Approved by Whom	Timing
Allocation of car parking spaces	Future development applications for stages 11 – 13 shall demonstrate that parking spaces provided will only serve residents within those buildings, and not be allocated to residents of any other stage/building.	Relevant consent authority	Address as part of the relevant Development Application.
Parking rates The total number of car parking spaces to be provided on the Discovery Point site is to be capped at 2,100 car spaces (including existing spaces).	Department of Planning	No timing. General Statement of Commitment
Communal open space/facilities	Future development applications for stages 11 – 13 shall provide both passive and active/intimate communal open space and facilities for future residents in accordance with the approved Development Design Guidelines.	Relevant consent authority	Address as part of the relevant Development Application.

6.0 Conclusion

The proponent and project team have considered all submissions made in relation to the public exhibition of the proposal. A considered and detailed response to all submissions made has been provided within this report and the accompanying documentation.

In responding to and addressing the range of matters raised, the proposed modifications to the Concept Plan have been refined to provide greater certainty and reflect the status of the development in its final stages.

The refined modifications do not substantially differ from those original publicly exhibited. In addition, and to the benefit of the overall project, the environmental impacts of the amended modifications remain consistent with those originally assessed.

The proposal has significant planning merits as it will:

- support the achievement of the envisaged development of the Discovery Point Concept Plan in its entirety, achieving a high quality built form;
- contribute to securing Discovery Point as one of Sydney's most successful transport orientated developments through the provision of approximately 76 additional apartments;
- directly contribute to resolving the critical shortfall of housing in Sydney, especially in light of the most recently release population projections and dwelling requirements;
- provide more certainty on the outcome of development at Discovery Point with a refined additional GFA sought and the reduction in the overall number of car parking spaces;
- offer additional communal amenities in the form of a community room, gym, indoor pool, communal podium space and BBQ facilities in addition to the existing/approved significant amenities available on the site including the Cooks River foreshore, Discovery Point Park, the new Neighbourhood Park and Waterfront Park; and access to active and passive recreational opportunities such as the restored Tempe House and St Madgalen's Chapel, various gyms and pools located in new buildings and the use of different landscaped podiums; and
- encourage sustainable living practices by providing 76 approximately additional apartments with direct access to public transport, regional cycle and pedestrian links, and in close proximity to the Sydney CBD, Sydney Airport and other existing/future centres.

Due to the significant merit of the proposed modifications and the lack of any adverse environment, social and economic impacts or impacts on the amenity of existing and future residents at Discovery Point, the modifications are appropriate and supportable.