



AC/BH/CS  
14066  
21 January 2015

Ben Lusher  
Manager  
Key Sites and Social Projects  
Department of Planning and Environment  
23-33 Bridge Street  
SYDNEY NSW 2000

Dear Ben,

**RESPONSE TO COUNCIL LETTER  
DISCOVERY POINT CONCEPT PLAN S75W MP10\_003 MOD 4**

We refer to the above matter and specifically Rockdale City Council's (Council) letter of 12 November 2014 which responds to the Response to Submissions (RtS) lodged with the Department in October 2014.

Upon receiving Council's letter the applicant (Australand) met with Council Officers on 8 December 2014 to further get an understanding on the comments being raised and in particular discuss the request for additional public benefits.

We maintain that these matters have been addressed in significant detail in the RtS package and we do not believe the proposal to increase the GFA to facilitate an approximate 5% increase in total dwelling yield across the Concept Plan site will adversely affect building design/quality nor impact amenity.

Discovery Point is a high quality mixed-use development where design excellence features at the core of the design brief for every building and public domain area within the site. An increase in yield will not have any effect on overall development quality evidenced by the recent engagement of Group GSA through a competitive tender design process for Stages 11, 12 and 13 whose illustrative work informs the RtS for this Section 75W application. The quality of the design is at the forefront of the development process.

This response letter formally responds to Council's letter and the subsequent meeting held with Council. We respectfully request that the Department finalises its assessment of the modification application based on the information below and what we have provided to date.

## EXECUTIVE SUMMARY

Discovery Point is a high-density mixed-use transit oriented development located around Wolli Creek Train Station that is set to deliver around 1,900 units, 9,000sqm of commercial and retail space and parkland for the local community. (Figure 1).

This former light industrial area was identified over 20 years ago by local and State Government as having redevelopment potential given its close proximity to the CBD (10km), Sydney Airport (3km) and the significant investment in rail/road transport infrastructure.

Through the previous and current planning framework applying to the site, Australand has to date delivered dwellings for close to 1,250 people at Discovery Point, with an ultimate population expected of around 3,500.



**Figure 1** – Discovery Point's enviable and highly accessible location

The proposed modification application's fundamental outcome is to increase gross floor area to facilitate an additional approximate 76 apartments at Discovery Point. With a total estimated dwelling yield of 1,608 dwellings for the Concept Plan area (or 1,919 dwellings for the Discovery Point site overall) this would represent 4.7% of the total concept plan area dwelling yield or 3.9% of total Discovery Point dwellings. We note and emphasise that the proposed modification to the Concept Plan at Discovery Point entails no change to the maximum built form/envelope aspects of the approval.

The application supports, on a number of levels, a range of NSW State Government strategic plans and policies – including efficiently and effectively delivering housing to meet Sydney's growing demands for urban renewal with better access to parks, public transport, shops and restaurants. On this point we note that the Department of Planning and Environment recently nominated two new Priority Precincts in the Rockdale Council area, namely Banksia and Arncliffe capable of achieving urban renewal. The Priority Precincts program responds to the significant growth challenges facing Sydney over the next 20 years and aims to deliver more homes in places with access to infrastructure, transport, services and jobs. As illustrated throughout the modification application, Discovery Point is easily and without any burden on local and State Government able to accommodate the demand for additional residential dwellings in the local area within the approved building envelopes, while maintaining high quality urban design outcomes and residential amenity. This is entirely consistent with best practice strategic planning principles governing urban renewal.

The formal public exhibition of the proposed modification to the Concept Plan resulted in not one submission being made by any member of the public. Australand takes a proactive approach to community consultation and engagement (evident in the additional efforts taken by Australand in running a community information evening for residents during the formal exhibition period), and the success of this approach in providing clear lines of communication and information is reflected in there being no public submissions made.

Council's remaining contentions with the proposed modification application are that it will:

1. Limit the options and opportunities for building design;
2. Compromise residential amenity;
3. Reduce the overall development quality;
4. Concerns relating to building articulation, building/apartment depth and solar access had not been fully addressed;
5. Result in visibility of above-ground parking; and
6. Result in private benefit and exceed the existing community expectations which should be offset by additional public benefit.

Items 1 – 5 above have been comprehensively addressed within the material submitted to date in support of the modification application and therefore we dispute Council's comments. With the experience and leadership of Australand behind the project together with the quality of the design team and the fact that no changes are proposed to the approved building envelopes will ensure a high quality and high residential amenity outcome will be achieved.

Council's call for the provision of additional public benefits to support the proposed additional dwellings which will equate to less than 5% of the total dwelling yield for the concept plan area is considered to be unreasonable. This is largely due to the material public benefits which the Discovery Point development provides to the broader local community (including on an ongoing basis in terms of costs associated with maintenance/replacement of works/facilities) which are summarised in the following section of this letter, and the ability for the demand for facilities and services associated with the additional 76 dwellings to be satisfactorily met through the facilities provided within the site and through payment of section 94 contributions.

Overall, the value of contributions on a per dwelling basis when the payable current Section 94 monetary contributions and works with a public benefit are combined significantly exceeds the \$20,000 per dwelling development contributions cap.

The following provides further detail in response to each of Council's remaining concerns.

## **1.0 PUBLIC BENEFITS**

Council has suggested that the modification application should not be approved without the provision of improved public benefits to existing and future residents, suggesting that the proposal exceeds current community expectations.

### **1.1 Exceeding Current Community Expectations**

The notion that the proposal will exceed community expectations is unfounded given the extensive consultation process conducted to date, which has comprised the formal public exhibition period, as well as a community information session conducted by Australand. This consultation has been undertaken in excess of the standard requirements, and demonstrates a desire by Australand to keep the community informed and involved in the staged development of Discovery Point. Australand's proactive approach to community consultation and engagement resulted in no submissions being made by any member of the public.

Further, the proposed additional yield is to be accommodated within the approved concept plan building envelopes which is within community expectations regarding potential future building heights and depths. As previously indicated the expected additional 76 dwellings will represent less than 4% of the total number of dwellings within the Discovery Point development which is unlikely to result in any perceivable impacts on the use of facilities within the Discovery Point development, given the generous facilities already proposed within the development.

The addition of approximately 76 apartments will provide significant benefits to a wide array of stakeholders including future residents, existing residents of Discovery Point, retailers within the precinct and local area, Rockdale Council and the NSW State Government.

## 1.2 Public Benefits

Public benefits are being provided by the Discovery Point development in two different ways, the first being through payment of full Section 94 contributions and the second by the way of extensive infrastructure, parkland and amenity being delivered (as well as maintained) as part of the development at no cost to Council or ratepayers.

Including the proposed additional dwellings the subject of this modification application, Australand will by the completion of the project pay more than **\$24 million** in Section 94 Contributions to Council. This amount needs to be further considered against the provision of work and infrastructure across Discovery Point (costed at around **\$35 Million**, excluding land costs, professional fees and ongoing maintenance/operation/replacement costs) that will deliver additional material public benefits to residents, workers, commuters and the local community. Refer to **Table 1** below.

**Table 1 – Summary and costings of material public benefits provided across Discovery Point**

Discovery Point material public benefits	Estimated capital expenditure cost <sup>1</sup>
<b>Open space and foreshore rehabilitation</b>	
<ul style="list-style-type: none"> <li>▪ Discovery Point Park</li> <li>▪ Mt Olympus</li> <li>▪ Neighbourhood Park</li> <li>▪ Waterfront Park</li> <li>▪ Station Park</li> <li>▪ Building 13 Park/Plaza</li> <li>▪ Public Art</li> </ul>	\$9 Million
<b>Town centre / streetscape works</b>	
<i>*elements and costs form a proportion of open space and roads etc.</i>	
<b>Roads, rail, traffic management and public parking</b>	
<ul style="list-style-type: none"> <li>▪ Brodie Spark Drive</li> <li>▪ Magdalene Terrace</li> <li>▪ Discovery Point Place</li> <li>▪ Spark Lane</li> <li>▪ Chisholm Street</li> <li>▪ Public car park</li> <li>▪ Rail entries (temporary and permanent)</li> <li>▪ Station plaza</li> <li>▪ Wolli Creek Station upgrades (e.g. new roof)</li> </ul>	\$17 Million
<b>Flood mitigation, stormwater management and infrastructure upgrades</b>	
<ul style="list-style-type: none"> <li>▪ Stormwater culvert upgrade</li> <li>▪ Sewer upgrade to Arncliffe Street</li> <li>▪ Augmentation works</li> </ul>	\$3.5 Million
<b>Pedestrian and cyclist facilities</b>	
<ul style="list-style-type: none"> <li>▪ Paths and cycleways</li> </ul>	\$4.9 Million
<b>TOTAL</b>	<b>\$34.4 Million</b>

<sup>1</sup> Based on figures prepared by Altus Page Kirkland.

Australand has to date received no offset by Council on the payment of s94 Contributions for development subject to the Concept Plan at Discovery Point, even though the S94 Contributions Plan requires contributions towards many of the above works/facilities (e.g. open space, cycleways, flood mitigation/stormwater works, and streetscape works).

The public benefits being delivered as part of the Discovery Point development can be categorised as follows:

1. Infrastructure and recreation that benefits residents and the wider community such as parks, plazas, interactive public art/water features, roads, foreshore works and station access (this includes the ongoing operational, maintenance and replacement costs);
2. Communal facilities available to all Discovery Point Residents such as pools and barbecue areas, St Magdalens Chapel and Tempe House; and
3. Private residential communal open space facilities such as passive podium gardens.

Further detail on each of the above categories is provided below.

### 1.2.1 Public benefits – Wider Community

The infrastructure contained within Discovery Point, including roadways, pedestrian connections and utility servicing, is all being provided by Australand at no cost to Council or the wider community. This includes the establishment, ownership and ongoing maintenance/operation/replacement, of all roads and streetscapes within Discovery Point. These roads and accompanying high quality streetscapes (i.e. street trees, water sensitive urban design verge planting and street furniture) will be utilised by the general public and wider community, but will be maintained by the Discovery Point Co-op, ensuring that the local community, including residents beyond Discovery Point, receive the benefits of this infrastructure at no cost. We point out that roads frequented and used by the wider community are normally dedicated and maintained by Council but in this instance Australand and the Discovery Point Co-op (i.e. residents of Discovery Point) are bearing the full cost despite such facilities providing access to a new shopping centre, railway station, foreshore reserve, parkland and bus and taxi facilities.

Key new pedestrian and cycleway connections, such as dedicated plazas from Magdalene Terrace to the Wolli Creek Railway Station and pedestrian connections to the Cooks River foreshore, will also be provided in perpetuity at no cost to the wider community or Council. The pedestrian pathways to Wolli Creek Railway Station will be activated with retail and café uses, providing an attractive and direct route to the station for residents beyond Discovery Point. New pedestrian and cycle connections through Discovery Point Park and the Waterfront Park will link with existing regional networks, guaranteeing seamless access for the wider community to enjoy the benefits of new open spaces provided within Discovery Point. The maintenance of these spaces and pathways will be carried out by the Discovery Point Co-op at no ongoing cost to Council or ratepayers.

The Discovery Point development will also deliver a significant array of open space which is required under the Concept Plan Approval to be publicly accessible. This area of new publically accessible open spaces includes:

- Discovery Point Park, a 2.3 hectare embellished district park with a frontage to Cooks River (refer to **Figure 2**);
- Neighbourhood Park, a new 3,200m<sup>2</sup> civic village square adjoined by ground level retail and café uses; and
- Station Park, a new 860m<sup>2</sup> open space above the railway corridor in between Vine and Arc;
- In addition to the above, Australand plan to design an additional landscaped plaza between future Building 13 and Wolli Creek Railway station to provide improved public access from the train station to the northern part of the site and to the foreshore reserve. The design details for this area will be included in the Stage 13 development application; and
- The revitalisation of the Cooks River Foreshore, including the provision of Waterfront Park, equating to a total of 3,800m<sup>2</sup> of new open space.





**Figure 2** – Open space of Discovery Point Park in the foreground

In total, approximately 3.08 hectares of open space will be provided for the use of Discovery Point residents, as well as to the wider community, all at the initial cost of Australand with no expenditure required by Council. Similar to the road infrastructure, the Discovery Point Co-op is responsible for the maintenance, operational and replacement costs of these new open spaces, providing significant recreational benefits to the wider community at no cost. These parks have been designed to a high quality, and include features such as public art, providing variation and interest for the wider community.

Undertaking a snapshot/benchmarking comparison of the provision of open space for Discovery Point and other comparable developments reveals that it is performing equal to or better in terms of overall quantum and on a per person ratio. For example at Central Park the area of open space equates to 11% of the site area with around 1.7m<sup>2</sup> of open space per person, whilst at Sydneygate the area of open space is only 5% and the proportion of open space per person is around 7m<sup>2</sup>. This is compared with Discovery Point having over 38% of the site being provided as open space and achieving 9m<sup>2</sup> pre modification application and 8.7m<sup>2</sup> post modification of open space per person.

The revitalisation of the Cooks River foreshore will not only result in an attractive, useable and connected foreshore, it will offer significant environmental benefits. The landscaping works will seek to rehabilitate the foreshore and enhance the natural environment and ecosystem, reversing the impacts which occurred on the site during its industrial use. Australand is investing in the order of \$1.7 Million (excluding land costs) to rehabilitate and embellish the foreshore, representing a significant capital expenditure to provide a public benefit not only to Discovery Point residents, but the wider community.

None of the above public benefits are listed within the Rockdale section 94 plan, and are provided by Australand in addition to site specific amenities for residents, which are detailed further below. Notwithstanding this Council has not agreed to any S94 offsets for these significant works in recognition of their “material public benefits” meaning Australand provides public benefits that far exceed typical contributions for a development of this size/scale. These new key infrastructure expenditures, in particular the establishment and maintenance of significant parkland, is provided to not only benefit Discovery Point residents, but also the wider community. This will conceivably alleviate the need for Council to provide as much public open space within the area, or will otherwise allow Council to redirect funds to other areas of open space due to the substantial saving of not needing to establish and maintain approximately 3.08 hectares of open space for benefit of the wider community.

In addition to the significant saving from not needing to establish/maintain the new open space, Council has levied Australand around \$10 Million in open space contributions as part of the approved development applications to date. Considering the quantum and quality of the open space provided, and the ease of access for Discovery Point residents, it is unlikely that residents will place a significant burden on other areas of open space within the Rockdale Local Government Area. As such, Council now has significant contributions which will go towards the betterment of open space for the wider community.

Furthermore, the addition of approximately 76 apartments will increase the contributions to be paid in the development application(s) associated with the final residential stages (Buildings 11, 12 and 13). The provision of additional apartments will bring direct benefits to Council through greater contributions for residents whose open space needs are already satisfied by the significant quantum of open space provided on-site.

### 1.2.2 Public Benefits – Communal facilities for all Discovery Point Residents

Whilst residents of Discovery Point will have access to the above public infrastructure elements, there are distinct public benefits also provided for the exclusive use of Discovery Point residents.

These benefits comprise a wide array of exclusive facilities (refer to **Figure 3**), including:

- Resident’s community centre and hall (restored State Heritage Listed Tempe House and St Magdalene’s Chapel<sup>2</sup> – **Figures 4 and 5**);
- 4 Pools (Greenbank, Stage 1B podium, ground floor Stage 8 - 10 – approved/existing (**Figure 6**), Stage 13 – to be proposed);
- 4 Gyms (**Figure 3**);
- Community rooms (**Figure 3**);
- Covered entertaining and BBQ areas;
- Active and passive recreational areas (**Figure 6**); and
- Landscaped gardens.

The full range of open space and community facilities, including the publically accessible parkland to be provided, is illustrated in **Figure 3**.

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<sup>2</sup> Note that these facilities are open to the general public a number of days every year in accordance with the Concept Plan approval



Figure 3 – Range of open space



Figure 4 – St Magdalene's Chapel



Figure 5 – Tempe House



Figure 6 – Buildings 8 – 10 communal pool facility and landscaped podium – under construction



The facilities on the site form part of a 'Co-operative Title' whereby residents pay levies towards the maintenance of these facilities and will therefore have the right to use the facilities in perpetuity. The fostering of a community spirit and the success of these communal facilities is underpinned by the extensive community development program being implemented by Australand (refer to the original S75W submission for further details). The significant range, quantum and quality of facilities across Discovery Point to be provided will satisfy the needs of residents, including residents of the additional 76 apartments to be facilitated through the modification.

The range of facilities ensures that active and passive recreational pursuits are accommodated within the site and residents will not burden other existing facilities in the Rockdale LGA, or increase the demand for similar new facilities in the area. These facilities are well in excess of any standard development or individual apartment building, which often do not provide the quality, range and quantum of facilities that are to be provided at Discovery Point.

### **1.2.3 Individual Benefits for Discovery Point Residents**

In addition to the site-wide infrastructure, parklands and communal facilities to be provided across Discovery Point, residents of individual buildings will be provided with exclusive facilities which directly enhance their amenity further. The dedication of individual facilities to different buildings will ensure that demand for facilities is spread evenly across the site and residents can easily access a range of facilities to suit their needs.

These facilities include:

#### Building 1C (Linc)

- Rooftop garden and covered seating areas, offering residents a private communal space with access to excellent views.

#### Buildings 8-10

- Landscaped podium with paths, planting and intimate meeting spaces, designed to offer residents a relaxing space to meet in small groups (**Figure 6**).
- Community room.

#### Buildings 11, 12 and 13

- Passive landscaping area on the podium roof between Buildings 11 and 12. This area will comprise of planting, pathways and intimate spaces to allow residents to relax and meet in small groups; and
- Active landscape area on the podium roof to the south of Building 12 comprised of BBQ facilities, a pergola and table/seating.
- Community room.

In addition to these amenities, each building has, and will continue to be, provided with a spacious lobby with furniture. This facilitates residential interaction as there is an increased opportunity for residents to dwell and interact.

Overall there will be expansive provision of communal facilities across Discovery Point that will more than capably meet the projected demand, including that generated by the additional 76 dwellings being proposed under this modification application.

#### 1.2.4 Public Benefit Summary

Overall, when considering the extent and degree of material public benefits being delivered right across Discovery Point and when recognising that these benefits serve a much wider catchment/portion of the community than just residents of Discovery Point it is clear that there is, contrary to Council's view, no reasonable nexus to provide further additional monetary contributions and or works to support the proposed additional dwellings.

The payment of more than \$24 million to Council via Section 94 contributions towards public infrastructure in the local area and the provision of infrastructure works within the site for residents and the general public, with a construction value in the vicinity of \$35 Million (excluding any land value or professional fees) provides a more than satisfactory response to the matter of public benefits and community infrastructure.

In conclusion, it is our position that the proposed additional GFA which will facilitate the construction of around 76 additional dwellings on the site from a total of 1,608 dwellings within the Concept Plan area (or 1,919 for whole of Discovery Point site) will not create a demand for any additional facilities that cannot be satisfied through the significant provision of infrastructure within the site, particularly open space and/or through the payment of Section 94 contributions to Council for additional facilities such as library facilities.

## 2.0 COUNCIL'S REMAINING CONCERNS

### 2.1 Limit options and opportunities for building design

We do not agree with Council's position that the proposed modification to the Concept Plan, principally involving an increase in residential gross floor area within already approved building envelopes, will adversely limit options/opportunities for building design.

Australand has a proven track record of delivering high quality buildings and liveable communities across Sydney and NSW. This is an important aspect of Australand's brand and one that is therefore at the forefront of each and every project. The existing buildings at Discovery Point approved under the original Master Plan and more recently those buildings (approved under the Concept Plan framework) that are commencing construction/nearing completion are further testament to this design quality commitment. Australand's commitment to partner with high quality top tier architects (Cox Richardson, Bates Smart, PTW, and Group GSA) at Discovery Point also reinforces this point.

The approved buildings at Discovery Point were subject to the same parameters (e.g. building envelopes) as will be the case for future buildings 11 – 13. It is therefore clear that these building envelope parameters did not limit/hinder building design, with each development application submitted receiving positive recommendations/approval from Council, the Design Review Panel and the JRPP. The extensive design material submitted to date in support of this modification application including illustrative design schemes is considered to further demonstrate that with securing the additional residential gross floor area, the design for buildings 11 – 13 will not be limited and a positive urban design and architectural outcome will be achieved. We are confident of achieving design excellence for the remaining stages of the development which will be duly assessed during the development application process once the detailed design for each building has been completed.

### 2.2 Compromise residential amenity

Again we do not agree with Council's assertion that the proposed increase in residential gross floor area will adversely compromise the amenity of future residents within buildings 11 – 13 or that of residents in surrounding approved buildings.

The material submitted in support of the original modification and more specifically within the RtS is considered to have dispelled this issue. In summary, and having regard to the indicative design scheme prepared by Group GSA in support of the modification application:

- Over 65% of apartments within buildings 11 – 13 are expected to receive more than 2 hours of solar access between 9.00am and 3.00pm at the winter solstice [with over 70% of apartments receiving solar access between 9.00am and 3.30pm];
- Over 64% of apartments within buildings 11 – 13 are expected to be naturally cross ventilated; and

- Over 79% of apartments within buildings 11 – 13 are expected to benefit from views/outlook.

This represents a significant improvement over the levels of solar access and cross ventilation that would otherwise have been achievable under the original indicative design scheme which accompanied the Concept Plan approval as outlined in detail on a building by building basis in Concept Plan Modification Application 1 Environmental Assessment Report. This Section 75W application which will be followed by the submission of a development application for the detailed design in the near future has paid particular attention to the optimisation of residential amenity within a high density urban environment.

Further, when factoring in holistic amenity, it is clear that future residents of buildings 11 – 13 will experience high levels of amenity. Such aspects of holistic amenity include:

- Access to services and facilities within Discovery Point, namely the retail and cafe uses within the Village Precinct (refer to **Figure 7**) and other surrounding centres such as Rockdale and Arncliffe;
- Access to extensive public transport networks including the Sydney Buses and Sydney Trains networks (refer to **Figure 1**);
- Access to open space, communal amenities and high quality natural environments such as the Cooks River;
- Access to regional bicycle and walking networks;
- Provision of a Community Development Program which has a focus on achieving a better quality of life for new residents (refer to **Figures 8 – 11** for examples of the types of community events undertaken through the Community Development Program);
- Internal design of apartments, maximising open plan living and an integration of internal and external living spaces (refer to **Figure 12**);
- High quality public domain at 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.



**Figure 7** – Artist impression of the Discovery Point Village Precinct





**Figure 8** – Christmas celebration within the forecourt of St Magdalene's Chapel



**Figure 9** – Outdoor cinema within the setting of Tempe House



**Figure 10** – Christmas markets in Discovery Point Park



**Figure 11** – Yoga classes within St Magdalene's Chapel



**Figure 12** – Artist impression of a 3 bedroom apartment within Building 5 (Vivid)



### **2.3 Reduce overall development quality**

We do not agree with Council's suggestion that the approval of the modification application will reduce overall design quality. No details or justification has been provided by Council to support this claim.

The approval of the modification application will support the fulfilment of the original vision of the Bates Smart's Concept Plan which is currently in design documentation phase by Group GSA Architects for Buildings 11 to 13.

The approved Concept Plan and associated Discovery Point Development Design Guidelines establish detailed parameters in which all subsequent development across Discovery Point is required to adhere to. These parameters and controls form the basis and design brief for each individual development stage and will continue to apply to buildings 11 - 13.

In realising the vision for Discovery Point, Australand has appointed a diverse range of high calibre architects with extensive experience in delivering high quality residential apartment buildings. With Group GSA, a highly awarded and established architectural firm, charged with designing and delivering buildings 11 – 13, a quality outcome is assured.

It is clear from the quality and range of architects and the finished products now on show that Discovery Point is on track to becoming a highly accessible mixed use precinct that incorporates high quality urban design and provides for a network of streetscapes and open spaces. This will continue with the delivery of buildings 11 – 13.

### **2.4 Building articulation**

We are of the view that as evidenced in previous stages across Discovery Point and with Group GSA at the helm of design, an appropriate level of building articulation can be achieved across buildings 11 – 13 with the proposed additional residential gross floor area. As per all other development applications within the site, whether the design achieves appropriate building articulation will be a matter addressed during the assessment of the future development applications for buildings 11 – 13.

### **2.5 Building depth**

No change to the approved building envelopes is proposed as part of this modification application. Building depth was considered as part of the original Concept Plan, with variations proposed and subsequently approved to the Residential Flat Design Code (RFDC) building depth 'Rule of Thumb'. Following a rigorous assessment, the Concept Plan, more specifically the building envelopes, was considered to meet the objectives behind the RFDC guidelines despite not being numerically compliant. It is noted that the RFDC has still applied in the assessment of each individual development application to date, where Council has accepted building/apartment depths that vary from the RFDC 'Rule of Thumb' – acknowledging that the buildings comply with the approved Concept Plan building envelopes and still meet the objectives behind the guideline which is the overall intent of the RFDC. The resulting depths of Buildings 11 – 13 are as illustrated within the indicative design scheme prepared by Group GSA, compliant with the approved building envelopes and of a size that is consistent with previously approved apartment buildings across Discovery Point and are able to achieve good levels of residential amenity.

Again, we note that Council will have the opportunity to assess the detailed design as part of the future detailed development applications for Buildings 11 – 13, and therefore can ensure that these buildings meet the objectives behind the RFDC (i.e. being functionally well organised, providing access to natural light and ventilation and providing a high level of dual aspect apartments). The indicative design scheme demonstrates at a high level that as per previous buildings approved on the site, buildings that maximise the approved concept plan building envelopes can achieve design excellence and satisfactory levels of amenity.

### **2.6 Solar Access**

Considerable detail and justification was provided to the Department within the RtS in relation to solar access. We are therefore unclear why Council is of the opinion that issue has not been fully addressed. In short, we note that no change to the existing framework for solar access is now proposed and it is clear that future residents across buildings 11 – 13 will receive an acceptable level of solar access.

## 2.7 Above ground parking

Council's position is understood, especially the objective to ensure appropriate measures are in place to limit adverse impacts on building design and bulk/scale. The detailed response in relation to this aspect provided within the original modification application and the RtS is considered to provide the Department with sufficient confidence that an appropriate outcome will be achieved with the planned additional levels of above ground parking. In this regard we note that no actual change to the approved envelopes is proposed and in accordance with the Discovery Point Development Design Guidelines, appropriate measures (i.e. sleeving with apartments or active uses such as a swimming pool) will occur across the majority of the above ground parking extent.

The design approach adopted to limiting the visual and design impacts associated with the above ground parking has the effect that it will not be readily discernible from the public domain. We note that the proposed podium/extent of above ground parking matches that of Buildings 8 – 10 – which only had one level of above ground parking (at grade). So there is no correlation between the height of the street wall being predetermined by the extent of above ground parking. So whilst Buildings 11 – 13 will have four levels of above ground parking, it will not be readable or contribute to an adverse built form outcome.

We further reiterate again to the Department that the additional extent/number of parking spaces proposed corresponds to the proposed additional number of apartments. For absolute clarity, no parking within the proposed podium of buildings 11 – 13 will be allocated to any other approved building.

## 3.0 CONCLUSION

Overall it has been demonstrated within the original application and the RtS that the actual impacts associated with the proposed modification application are considered to be either neutral or positive. The modification will facilitate and support the achievement of a number of strategic State Government objectives and policies and we have no hesitation at all in recommending this application for approval.

Australand is seeking an increase in gross floor area to facilitate the delivery of an additional estimated 76 apartments out of a total 1,608 for the concept plan area or 1,919 for the Discovery Point development overall (including the initial 3 buildings developed under the former masterplan). The additional dwellings satisfy strategic planning objectives of providing more dwelling stock that is well serviced by transport, services and facilities. It has been demonstrated through the s75W application documentation that future buildings 11 to 13 will all receive good levels of residential amenity, have the capacity to achieve design excellence and will not negatively impact upon the amenity of other residential buildings within the development. The additional apartments will assist in creating a lively residential neighbourhood and will contribute to the local economy by helping to support the new retail centre within the Discovery Point site and other local businesses and supermarkets nearby.

There are significant public benefits that have been provided and will continue to be provided by the development of the Discovery Point site by Australand. Unlike the adjoining Arncliffe Priority Precinct which seeks with state and local government infrastructure funding to help create a new town centre that meets strategic planning objectives, Discovery Point is being developed as a new town centre around the Wolli Creek Town Centre at the full expense of the developer. Not only is Australand contributing more than \$24 million in Section 94 contributions for the provision of infrastructure elsewhere throughout Rockdale LGA but in addition is providing roads, open space, footpaths, cycleways, bus and taxi bays, rail access facilities, public art, stormwater and flood mitigation works, etc within the site to create an active new town centre for the broader community to enjoy without any offsets from Council in recognition of such works providing significant public benefits in perpetuity.

For many years Australand has maintained that the approach to contributions for this site is inequitable but has consistently removed requests for offsets from the applications to allow development of the site to proceed without further delays. While we understand that Council does not wish to grant any offsets nor accept dedication of any roads or open space we question Council's request for more contributions above the significant contributions already provided both through monetary contributions and works with a material public benefit. The additional 76 apartments that will be possible through the approval of this Section 75W application will be subject to Section 94 contributions which will obviously provide some additional funds to Council for works in surrounding areas. The additional apartments will also help ease the burden for all residents of the Discovery Point development who are responsible for maintenance and insurance costs associated with such facilities with a public use and thereby contribute to improved affordability for residents.

We respectfully request that the Department recognises the significant financial contribution made by the developer in creating this new town centre and the overarching argument that the slight increase in overall yield can be satisfied through the existing generous contribution regimen.

We consider the material provided to date adequately demonstrates the ability for future buildings 11, 12 and 13 to achieve high levels of residential amenity and design excellence. Detailed design issues will be adequately addressed as part of the development applications for these buildings for consideration of Council during their assessment process.

As reiterated throughout this application the additional proposed yield will be achieved within the approved concept plan building envelopes which is within the expectations of the community relating to the height and footprints of the buildings. The additional 76 dwellings that may be facilitated through this modification will translate to less than 5% of the total number of dwellings to be developed on the site which will not result in any unreasonable impacts on facilities and services within the site.

Should you have any queries about this matter, please do not hesitate to contact me on 9409 4956 or [acella@jbaurban.com.au](mailto:acella@jbaurban.com.au).

Yours faithfully



Alexis Cella  
*Principal Planner*



Clare Swan  
*Director*