



MODIFICATION REQUEST:

***Discovery Point Concept Plan 2011 for a Mixed
Use Residential Development
(MP10_0003 MOD 4)***

Discovery Point, 1 Princes Highway, Wolli Creek



Secretary's Environmental Assessment Report
Section 75W of the
Environmental Planning and Assessment Act 1979

May 2015

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EXECUTIVE SUMMARY

The purpose of this report is to assess a request to modify the approved Concept Plan (MP10_0003) for a mixed use residential development on the Discovery Point site, Wolli Creek, pursuant to Section 75W of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

The proposed modification to the Concept Plan seeks approval for:

- 10,685m² of additional residential Gross Floor Area (GFA) to allow a maximum GFA of 142,685m² within the existing approved building envelopes;
- 4,390m² of additional above ground parking GFA (2 levels) within ground floor podium levels of Buildings 11,12 and 13 to allow a maximum above ground parking GFA of 13,590m²;
- reduced car parking provision maximum from 2,240 cars to 2,100 cars; and
- amendments to the Discovery Point Development Design Guidelines surrounding landscaping and communal open space provision.

The Department publically exhibited the proposal from Wednesday 4 June 2014 until Monday 21 July 2014 (48 days) and notified surrounding landholders, Rockdale City Council, and key agencies. No Public submissions were received. Three authority submissions were received from Council, Transport for NSW, and Roads and Maritime Services with Council objecting to the proposal.

Council objects on the basis that the proposal to increase GFA will limit the options and opportunities for building design, compromise residential amenity, and reduce overall development quality. Council considers that the proposal should only be supported if additional public benefits are proposed which may include a new multi-purpose community facility within Discovery Point and/or pedestrian and cycle way facilities connecting the regional recreation network.

The key assessment issues considered by the Department relate to density, built form, residential amenity, and public benefits.

The Department has assessed the proposed modification and is satisfied that the impacts have satisfactorily been addressed within the proposal. The proposed 10,685m² of additional GFA is consistent with State and metropolitan strategic policies including *NSW 2021* and *A Plan for Growing Sydney* which aim to provide higher density housing with excellent access to public transport services, jobs and amenities.

The proposed increase in GFA is located wholly within the approved building envelopes in the already approved Concept Plan. The Department has previously assessed the height, bulk and form of these envelopes and is satisfied that the additional GFA can be accommodated without adverse visual impacts to deliver the final buildings in Discovery Point as envisaged in the Concept Approval. Despite Council's concerns, the envelopes provide adequate separation and the Department is confident that future development applications can deliver a high quality built form and satisfactory residential amenity for existing and future residents.

The approved and proposed open spaces and facilities on site are able to amply cater for the minor additional demand generated by the increase in population. Further the payment of Section 94 contributions towards these facilities will further assist in addressing the minor additional demand generated.

The reduced parking provision will reduce traffic generation, discourage private vehicle use and promote sustainable transport choices.

On balance, the Department concludes that the proposed modification is acceptable and consistent with the existing approval. It is recommended that the Planning Assessment Commission approve the applications, subject to conditions.

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1. BACKGROUND

1.1 The Site in Context

The site is known as "Discovery Point" and is located at 1 Princes Highway, Wolli Creek. The site is approximately 750 metres west of Sydney Airport and eight kilometres south-west of Sydney CBD. Discovery Point sits above the Wolli Creek railway station and is bounded by the Princes Highway, Cooks River, the Illawarra and East Hills railway lines and Magdalene Terrace (**Figures 1 and 2**). The Discovery Point Precinct has a total area of 7.8 hectares, with the Concept Plan site containing an area of 6.065 hectares. The site is within the Rockdale Local Government Area.

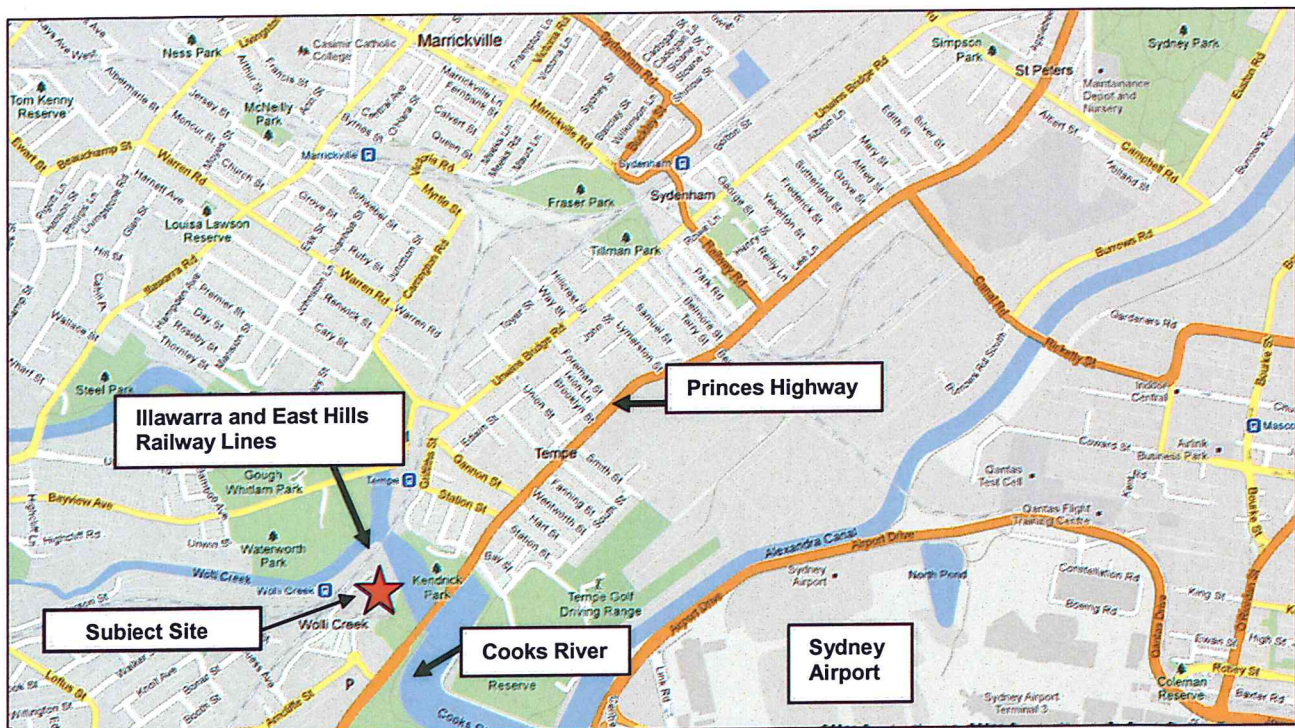


Figure 1: Regional context plan of Discovery Point, Wolli Creek

1.2 Development History

On 11 April 2001 Rockdale City Council approved a Master Plan development application for the Discovery Point Precinct, comprising nine development sites. Council subsequently issued approval for three of nine sites being the 'Greenbank', 'Vine', and 'Verge' buildings (see **Figure 2**).

Discovery Point Concept Plan 2011 (MP10_0003)

On 5 May 2011, the Director-General as delegate for the then Minister for Planning and Infrastructure granted Concept Approval (MP10_0003) on the remaining undeveloped Discovery Point site, for a mixed-use development with associated public open space, indicative building envelopes for 14 buildings, road works and landscaping (**Figure 2**). The Concept Approval allows a maximum gross floor area of 132,000m² and maximum car parking provision of 2240 car spaces for the entire development. The Concept Approval also includes development design guidelines to inform the detailed design of each building at the project application stage including maximum car parking rates for the development.



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

The Department has previously approved three Section 75W modification applications to the Concept Approval as follows:

- MOD 1, approved on 15 June 2012 to reduce solar access requirements for building 6, permit the assessment of solar access on merit for future proposals and modify building separation requirements on the Discovery Point site;
- MOD 2, approved on 13 March 2013 to amend the basement footprint and depths, increase above ground car parking and clarify the intent of the staging plan; and
- MOD 3, approved on 21 January 2014 to amend building envelopes 8, 9 and 10, and relocate the vehicle access ramp at Spark Lane and Chisholm Street.

1.3 Project/Development Application Approvals

The Department has approved two Part 3A transitional project applications pursuant to the concept plan including:

- Building 1 (MP 10_0030), on 19 March 2012, for a mixed use development including buildings 1B and 1C (see **Figure 3**) and bulk earthworks for a range of other stages; and
- Building 6 (MP10_0031), on 18 July 2012, for 88 residential apartments within a 13 storey building.

The Joint Regional Planning Panel (JRPP) and Council approved a number of development applications pursuant to the concept plan including:

- Building 2, on 17 October 2012, for the construction of a mixed use development comprising 727sq.m retail/business premises, 200 apartments and basement car park;

- Building 7, on 15 November 2012, for the construction of a residential flat building comprising of 74 units, basement parking for 71 vehicles and landscaping;
- Building 4, on 16 April 2013, for the construction of a residential flat building comprising 70 apartments above the approved building 1B podium and fit out of the lobby;
- The operation and use of a public car park within part of Building 1 basement on 13 November 2013; and
- Buildings 8, 9, 10, on 4 April 2014, for the construction of two residential flat buildings comprising 323 units, basement parking, public domain works, and stratum subdivision.

These approvals have either been completed or are under construction.

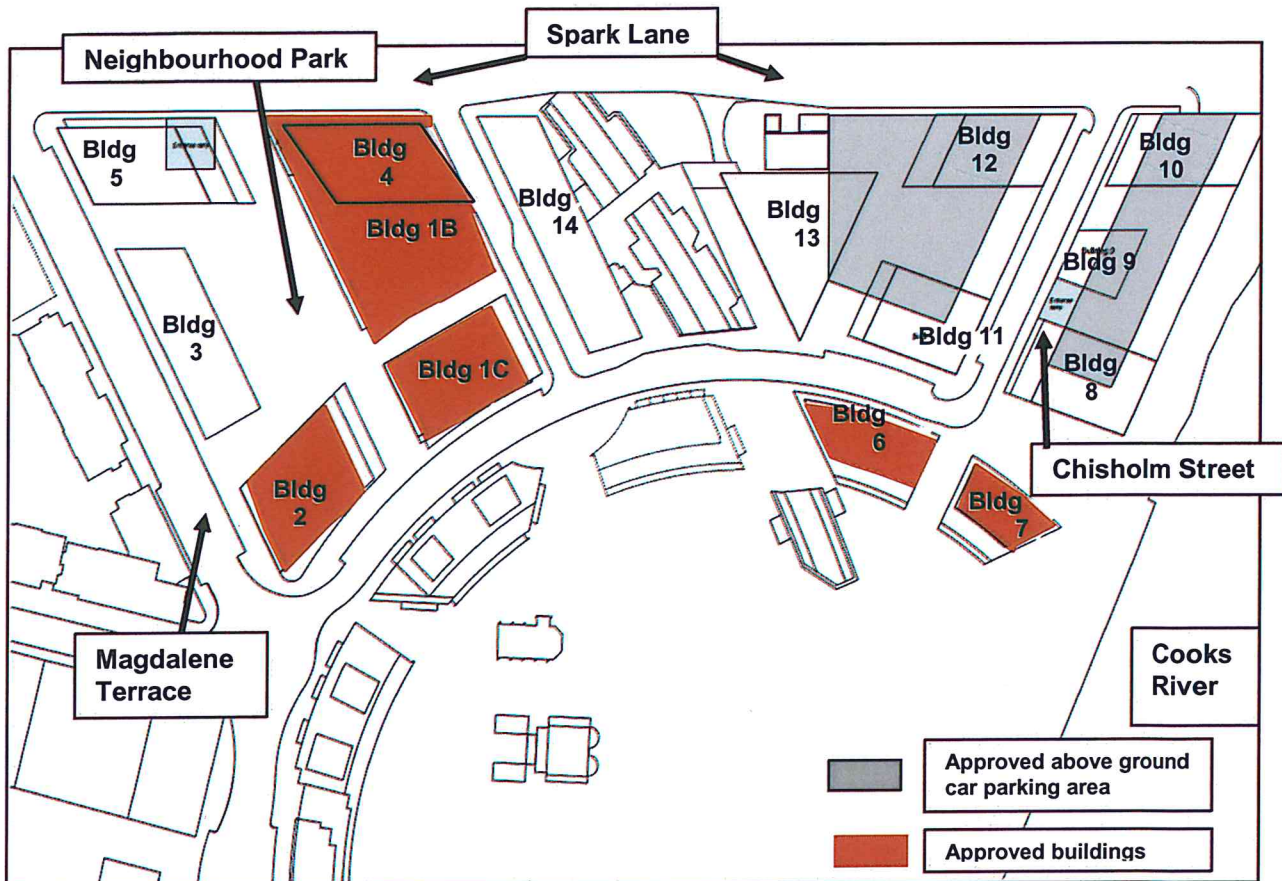


Figure 3: Site Plan showing building numbers

2. PROPOSED MODIFICATION

2.1 Modification Description

The proposal seeks to modify the Concept Approval to allow:

- 10,685m² of additional residential GFA within the existing approved building envelopes to allow a maximum GFA of 142,685m² across the entire Discovery Point site (**Figure 4**);
- 4,390m² of additional above ground parking GFA (2 levels) within ground floor podium levels of Buildings 11, 12 and 13 to allow a maximum above ground parking GFA of 13,590m² across the entire Discovery Point site (**Figure 4**);
- reduced overall car parking provision maximum from 2,240 cars to 2,100 cars; and
- amendments to the Discovery Point Development Design Guidelines in relation to landscaping and communal open space provision.

The proposed additional GFA will allow for the development of Buildings 11, 12, and 13 as envisaged by the approved Concept Plan.

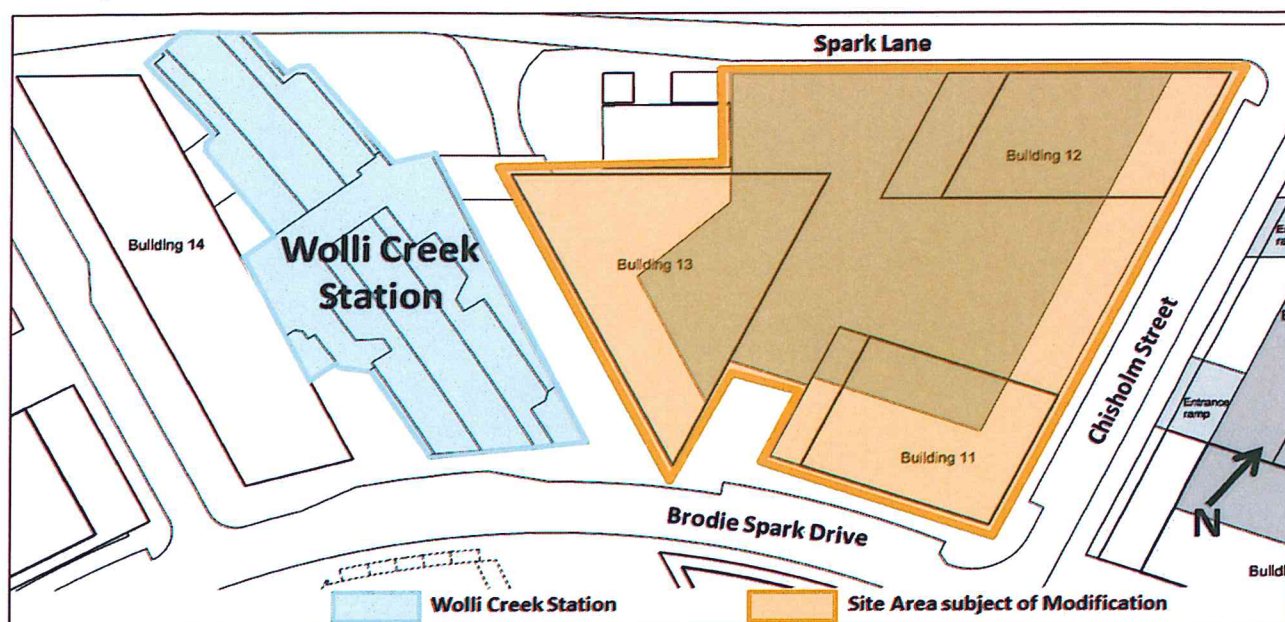


Figure 4: Extract of Concept Plan showing Buildings 11, 12 and 13 subject of proposed modification with grey area showing above ground car parking

2.2 Strategic Justification

NSW 2021

NSW 2021 is the NSW Government's strategic plan setting priorities for action and guiding resource attention. NSW 2021 is a 10 year plan to rebuild the economy, provide quality services, renovate infrastructure, restore government accountability, and strengthen the local environment and community. The proposed additional 10,685m² of residential GFA will provide an indicative 76 additional dwellings at Discovery Point with excellent access to public transport, services and amenities. The proposal will contribute to the Plan's goals of delivering 25,000 new dwellings in Sydney each year, thereby improving housing affordability and availability (Goal 5); building liveable cities by locating people closer to jobs (Goal 20) and growing patronage on public transport (Goal 8). The proposed modification is consistent with the NSW 2021 Plan.

A Plan for Growing Sydney

A Plan for Growing Sydney is a strategic document that sets out the NSW Government's vision for the development of the Sydney Metropolitan area for the next 20 years. The Plan anticipates that the population of Sydney will increase by 1.6 million people over the next 20 years and sets out housing targets for the Sydney region at 664,000 additional dwellings.

The Plan aims to locate new housing in places to give people a choice of housing that is more affordable and to enable them to work closer to where they live. It encourages balanced growth by stimulating housing growth in both infill and greenfield areas and aims to make the best use of transport and infrastructure, making Sydney more sustainable and efficient. In planning for balanced growth, the Plan focuses urban renewal in areas surrounding existing centres, transport hubs and corridors, green spaces, and advocates efficient use of land in infill areas. The Plan also seeks to increase the variety of housing options available to cater for different lifestyles and household sizes.

The proposed modification and increased density supports the strategic direction of the Plan by placing increased housing options close to transport corridors, existing infrastructure and parks such as the adjoining Wolli Creek railway station, and Cooks River green space network. Further, the provision of additional dwellings will encourage the use of public transport.

3. STATUTORY CONTEXT

3.1 Continuing Operation of Part 3A

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

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

3.2 Modification of the Minister's Approval

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

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

3.3 Environmental Assessment Requirements

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

3.4 Delegated Authority

On 14 September 2011, the Minister delegated functions to determine modification requests under Section 75W of the EP&A Act to the Planning Assessment Commission in cases where:

- the relevant local council has made an objection, and/or
- a political disclosure statement has been made, and/or
- there are 25 or more public submissions in the nature of objections to the proposal.

A political donation disclosure statement has not been made and no public submissions were received. However, as Rockdale City Council objects to the proposed modification the Planning Assessment Commission may determine the application under delegation.

4. CONSULTATION AND SUBMISSIONS

4.1. Exhibition

Under Section 75W of the EP&A Act, a request to modify an approval does not require public exhibition. Under Section 75X(2)(f) of the EP&A Act, the Secretary is required to make the modification request publically available.

However, in this case, it was appropriate to exhibit the proposed modification given the proposed substantial changes to the Concept Approval. The Department therefore publically exhibited the proposal from Wednesday 4 June 2014 until Monday 21 July 2014 (48 days) on the Department's website, and at the Department's offices at Bridge Street, Sydney, and Rockdale City Council's office. The public exhibition was also advertised in the Sydney Morning Herald, and the Daily Telegraph on Wednesday 4 June 2014. The Department also notified surrounding landholders and key authorities including Rockdale City Council, Marrickville Council, Transport for NSW (TfNSW), Sydney Trains, and Roads and Maritime Services (RMS) in writing.

No Public submissions were received. Three authority submissions were received from Council, TfNSW, and RMS. Marrickville Council has advised verbally that no comments will be provided for the proposal.

4.2. Public Authority Submissions

Rockdale City Council, TfNSW, and RMS made comments on the proposal in response to the exhibition. Council and TfNSW also provided a submission to the Proponent's response to submissions. The key issues raised in public authority submissions are detailed in **Table 3**.

Table 3: Summary of public authority submissions

Rockdale City Council	
<i>Proposal</i>	<p>Council objects to the proposal for the following reasons:</p> <ul style="list-style-type: none"> the proposal will result in a negative urban design outcome that will be created by: <ul style="list-style-type: none"> the proposed increase in GFA which will impact on the existing approved development and future development on site; potential insufficient building separation as recommended by the Design Guidelines; limiting building articulation and design opportunities; introducing above ground car parking to the centre; the amount of additional GFA needs to be rigorously re-assessed to ensure quality designed buildings with high residential amenity; the aesthetic outcome of the proposed four levels of above ground parking between Buildings 11-13 must be carefully considered; the proposal will weaken the landscape and communal open space requirements approved within the Design Guidelines; and the proposal will weaken the approved solar access controls within the Design Guidelines.
<i>Response to Submissions</i>	<p>Council supports the amendments to modification request including:</p> <ul style="list-style-type: none"> retaining commitments to provide community facilities in Buildings 11 to 13; retaining solar access controls in the Design Guidelines; and reduction of the maximum number of total car parking spaces across Discovery Point. <p>Council however remains concerned with the proposal and provides the following comments:</p> <ul style="list-style-type: none"> the proposal to increase GFA will limit the options and opportunities for building design, compromise residential amenity, and reduce overall development quality; the issues surrounding building/apartment depths and solar access have not been fully addressed; and the proposal offers no additional public benefit outcomes then already proposed. <p>Council further comments that the proposal will only be supported should additional public benefits be proposed via a Voluntary Planning Agreement, which can include a new multi-purpose community facility within Discovery Point and pedestrian and cycle way facilities connecting the regional recreation network.</p>
Transport for NSW (TfNSW)	
<i>Proposal</i>	TfNSW consider that car parking should be reduced to similar rates as Green Square noting the sites are similar in accessibility to public transport. In this regard, consideration should be given to reducing car parking on site to a maximum of 1,288 car spaces.
<i>Response to Submissions</i>	TfNSW advised that it had no further comments on the RtS.
Roads and Maritime Services (RMS)	
<i>Proposal</i>	RMS raised no objection to the proposed modification.

4.3. Proponent's Response to Submissions

The Proponent provided a response to the key issues raised in all submissions in response to the exhibition of the proposed modification (**Appendix A**). The Department considers that the response to submissions adequately addresses the concerns raised in submissions, subject to recommended modifications to the proposal, as discussed in **Section 5** of the report.

5. ASSESSMENT

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

- density;
- built form;
- car parking;
- residential amenity;
- public benefits; and
- design guidelines.

5.1 Density

The Concept Approval comprises of 14 building envelopes across the Discovery Point site providing a maximum Gross Floor Area (GFA) of 132,000m² (including 123,000m² residential GFA and 9,000m² non-residential GFA).

The Concept Approval does not include a maximum dwelling yield. The original application provided an indicative dwelling yield of 1,467 dwellings which was utilised to assess the potential impacts associated with the development. However, this was not imposed as a Term of Approval, thereby allowing the final dwelling numbers to be determined at the detailed development application stage.

The proposal seeks to increase the maximum GFA for the Concept Approval by an additional 10,685m² of residential GFA (total 142,685m² GFA). Whilst the Concept Approval did not approve a specific dwelling yield, the increased GFA will potentially provide an additional 141 dwellings to a total indicative dwelling yield of 1,608 dwellings across the site.

A summary of the approved and proposed GFA and indicative dwelling numbers across the Discovery Point site is provided in **Table 4**.

Table 4: Summary of approved and proposed gross floor area and indicative dwellings under Concept Approval

	Gross Floor Area		Indicative Dwelling Numbers	
	Approved	Proposed	Approved	Proposed
*Buildings 1-10	94,064m ²	94,064m ²	1,077	1,142 (+65)
Buildings 11-13	28,936m ²	39,621m ² (+10,685m ²)	390	466 (+76)
Building 14	9,000m ²	9,000m ²	0	0
Total	132,000m ²	142,685m ² (+10,685m ²)	1,467	1,608 (+141)

*Proposed GFA and dwelling numbers from approved Development Applications

The Proponent notes that 94,064m² (76%) of the total allowable GFA has been utilised in Buildings 1 to 10. The remaining residential GFA of 28,936m² would not allow for development of the three remaining buildings (Buildings 11, 12 and 13) as envisaged in the Concept Approval. One possible response (**Figure 5**) results in the total deletion of Building 12 and a reduction in height to Building 11. The Proponent contends that the loss of any of the three buildings will disrupt the balance of buildings across the Concept Approval site. The Proponent notes the additional gross floor area

sought for Buildings 11-13 is a result of the detailed design and development of Buildings 1-10 with more efficient use of the approved building envelopes capable of accommodating greater GFA than originally planned. The Proponent therefore seeks approval for an additional 10,685m² of residential GFA to wholly develop these building envelopes approved under the Concept Approval.

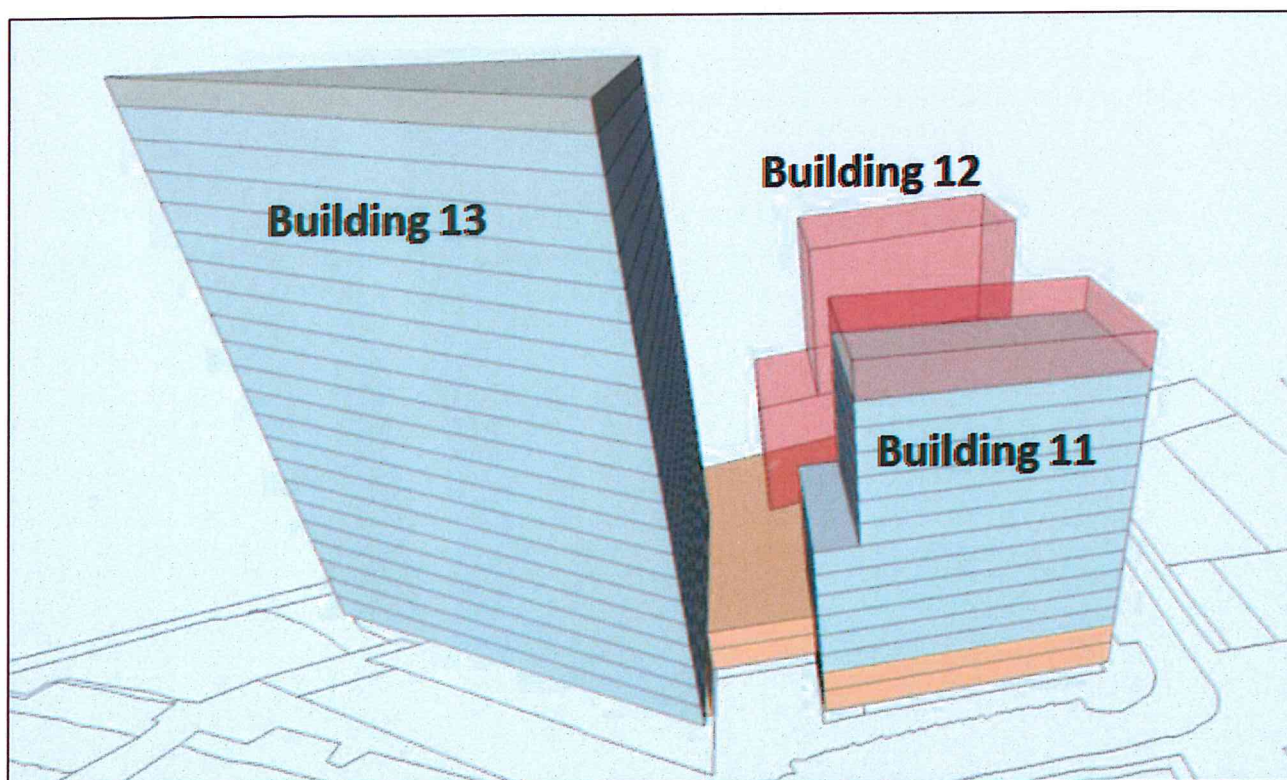


Figure 5: Approved building envelopes for Buildings 11, 12, and 13 with remaining allowable GFA (red shaded area shows a possible response to the maximum GFA deleting Building 12 and reducing Building 11 by one storey).

Council objects to the proposed additional 10,685m² of GFA and contends that an increase in GFA will limit opportunities for quality building design and residential amenity within the approved building envelopes.

The Department's original assessment considered that the site is able to support higher residential densities due to its access to Wolli Creek Railway Station and Princes Highway. The Department maintains its view that the site is strategically well suited to increased densities as it is consistent with the current metropolitan strategy, *A Plan for Growing Sydney*, which encourages growth in housing supply (setting a target of 644,000 additional dwellings for the Sydney region), particularly in well-served locations. In particular, the site is ideally located for increased residential densities contributing to the housing target, given its location within eight kilometres of the CBD, excellent access to public transport being immediately adjacent to the Wolli Creek Railway Station, access to convenient retail services, and accessibility to existing infrastructure including parks and the Cooks River green space network.

Notwithstanding, the Department has assessed the appropriateness of the proposed increase in residential density with key consideration given to:

- impacts of the buildings containing the additional floor space;
- impacts associated with the residential use of the buildings including traffic and car parking, and residential amenity; and
- sufficient provision of services such as open space and community facilities to cater for the additional density.

The Department considers that the proposed increase in density is acceptable for the following reasons:

- the proposed additional floor space would be contained within existing approved building envelopes which have already been determined as being acceptable in terms of urban design and amenity;
- the proposed additional floor space will allow for the high quality built form envisaged for Discovery Point to be maintained (as discussed in **Sections 5.2**);
- the additional floor space would not result in any adverse impacts to traffic and residential amenity for future and existing residents (as discussed in **Sections 5.3** and **5.5**);
- the payment of Section 94 contributions levied through the proposed increase in GFA and dwelling yield (as discussed in **Section 5.4**) will assist in the demand for additional infrastructure as a result of the additional density;
- the established 3.08 ha of open space and community facilities throughout Discovery Point, are considered to be an adequate size and capacity to cater for approved and increased demand as a result of the increased dwelling yield (as discussed in **Section 5.4**); and
- the site benefits from excellent access to public transport, services and facilities. Increased density on site will further contribute towards strategic planning objectives by providing increased housing within existing centres.

Overall, the proposed quantum of additional density is supported as the site provides an excellent opportunity to provide increased residential densities within a foreshore site with excellent access to public transport services and will maintain a good level of residential amenity within the Concept Plan and in the surrounding locality.

5.2 Built Form

The proposal seeks to provide additional floor space within the approved building envelopes for Buildings 11, 12, and 13.

Council raised concern that the proposed increase in gross floor area has the potential to limit the urban design outcome through poor building articulation and building separation. Council notes however that greater building modulation through appropriate utilisation of the remaining approved gross floor area can improve residential amenity for the proposed and surrounding buildings including the potential for reduced building heights and increased building separation.

The Proponent has provided detailed indicative plans and photomontages demonstrating the future potential articulation achievable for the three remaining buildings based on approved envelopes (**Figures 6** and **7**). Further, the Proponent has highlighted all buildings approved to date pursuant to the Concept Approval achieve high levels of articulation and urban design.

The Department notes that the proposal does not seek to amend approved building envelopes. Further, the Department's assessment of the original Concept Plan found that the building envelopes were acceptable in terms of residential amenity, building depth, and building separation. Also, the photomontages and plans provided for Buildings 11, 12, and 13 demonstrate that the proposal is able to achieve well articulated building forms. Further, as discussed in **Section 5.3**, the approved building envelopes are able to achieve acceptable levels of residential amenity.

In addition, the Department notes that the additional GFA proposed is a maximum noting that the detailed design of buildings as part of future Development Applications may require further refinements to building envelopes resulting in reduced GFA.

In this regard, future Development Applications would be assessed by Council and the St George Design Review Panel to ensure overall design quality including appropriate levels of building articulation. It is further noted that Council and the JRPP have approved a number of buildings which deliver high levels of articulation and good urban design, within the parameters of the Concept Approval.



Figure 6: Photomontage of Building 13 (left) and Building 11 (right) from Brodie Spark Drive



Figure 7: Photomontage of Building 13 (far left) and Building 11 (middle) and Building 12 (far right) from corner of Brodie Spark Drive and Chisholm Street.

Further, the Department's inspections of the site note that the constructed buildings demonstrate a high level of aesthetic quality with good articulation and attractive building form. The Department is satisfied that similar high quality design can be achieved for Buildings 11, 12 and 13.

On this basis, the Department is satisfied that approved building envelopes are able to accommodate the additional floor space while maintaining a high quality built form.

5.3 Car Parking

The Concept Approval allows a maximum of 9,200m² of above ground car parking. This is provided as follows:

- Building 4 – first, second, and third floors;
- Buildings 8-10 – ground floor; and
- Buildings 11-13 – ground and first floors.

Further, the Concept Approval envisaged car parking provision for between 1,455 and 2,240 (maximum) car parking spaces. The approved Design Guidelines also include car parking rates for the site which are applied to individual applications as follows:

- 0-1 space per studio and one bedroom unit;
- 1-2 space per two bedroom unit;
- 2 spaces per 3+ bedroom unit;
- minimum 1 visitor space per 20 residential units;
- minimum 1 space per 50m² of non-residential GFA (commercial); and
- minimum 1 space per 50m² of non-residential GFA (retail).

The proposal seeks to provide 4,390m² of additional above ground car parking (total of 13,590m²). This is proposed within two additional levels (being the second and third floors) within the podium of Buildings 11, 12, and 13 to accommodate the required car parking for the buildings. In addition, the proposal seeks to reduce the maximum number of car parking spaces to 2,100 car parking spaces, noting 1,494 car parking spaces have been approved to date and forecasted car parking is for a total of 2,069 car parking spaces.

The key issues for the Department's assessment are:

- design of above ground car parking; and
- reduction in the overall car parking provision.

Design

The proponent notes that the Concept Approval already allows for above ground car parking within buildings across the site. The proposed two additional levels of above ground car parking at the podium of Buildings 11-13 will be similarly sleeved with apartments at the edges as per above ground car parking originally approved for Building 4, Buildings 8-10 and the subject Buildings 11-13. This will mitigate any potential visual impacts associated with above ground car parking (**Figures 6, 7, and 8**).

Council considers that the two levels of additional above ground car parking proposed should be appropriately screened and articulated to mitigate any visual impacts.

The existing Concept Approval includes a Future Environmental Assessment Requirement to ensure that the above ground car parking is not visible from the streetscape. Additionally this is consistent with the approved Design Guidelines and is a design treatment that has been approved elsewhere on the site. The Department considers it to be an acceptable design outcome.

Car Parking Provision

Although the proposal seeks additional car parking GFA, the overall number of car parking spaces expected to be delivered is reduced from 2,240 to 2,109 car parking spaces.

TfNSW considers that car parking should be significantly reduced noting the site's excellent accessibility to public transport. TfNSW suggested a maximum of 1,288 car parking spaces would align with the car parking rates at Green Square and be more appropriate for the site.

The Department's original assessment considered car parking at the approved cap was acceptable in the context of the site's accessibility to public transport. Further, the proposal does not seek to amend the approved car parking rates within the Design Guidelines. The Department notes the proposal is in principle consistent with TfNSW's comments that car parking should be reduced and supports the reduction in maximum car parking provision from 2,240 spaces to 2,100 spaces as it would reduce traffic generation, private vehicle usage, and encourage sustainable transport options.

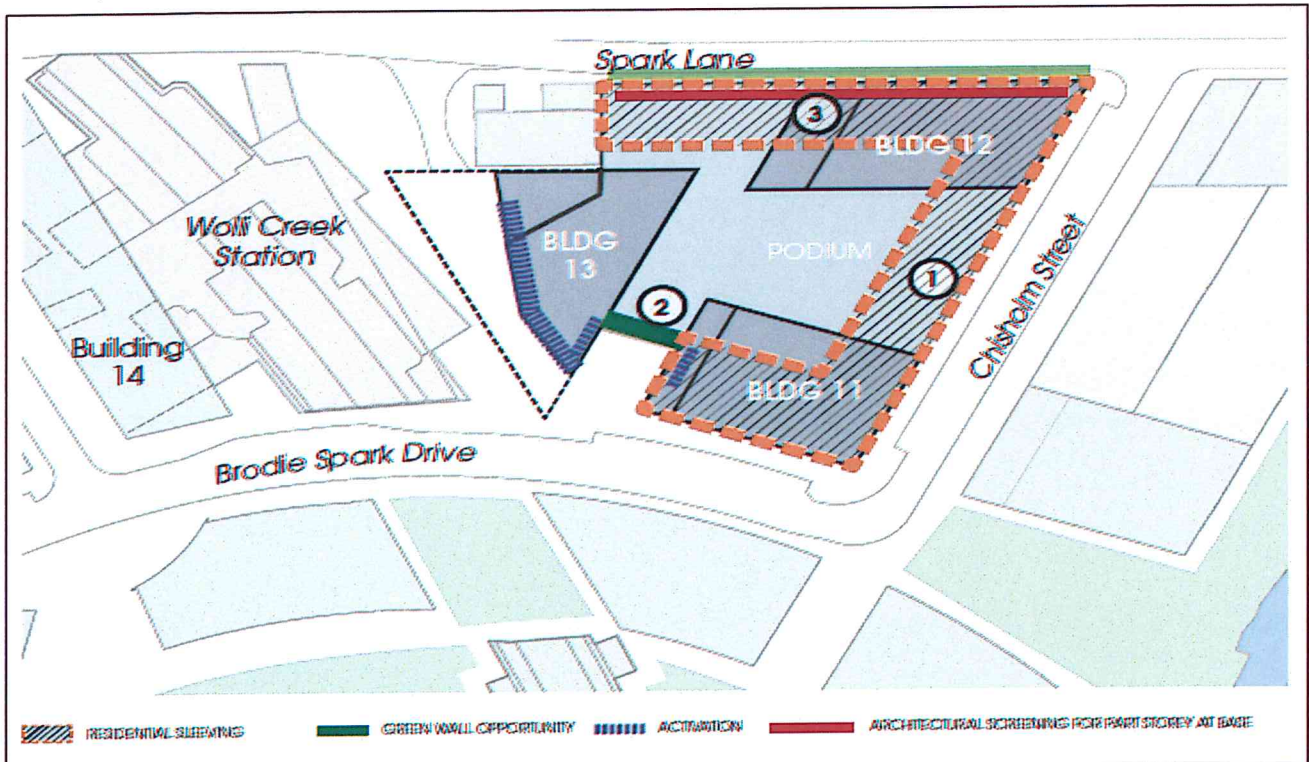


Figure 8: Proposed treatment of above ground car parking for Buildings 11-13.

5.4 Residential Amenity

The proposal seeks to provide the additional GFA within approved building envelopes with no proposed changes in terms of height, depth or mass.

Council has raised concern that the proposal will compromise the potential for building envelopes to achieve satisfactory residential amenity, and reduce overall development quality, specifically in relation to solar access, building/apartment depths, and building separation.

The Department's original assessment found that the building envelopes were capable of achieving satisfactory residential amenity with regards to solar access, natural ventilation, building depths, and building separation.

Notwithstanding, the Proponent has provided indicative floor plans for building envelopes 11-13 to demonstrate that a high level of amenity can be achieved in the detailed design. Noting Council's concerns, the Department has reviewed its original assessment and the indicative plans provided by the Proponent to determine whether the building envelopes would be capable of achieving a reasonable level of residential amenity in accordance with the *State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Buildings (SEPP 65)*, the accompanying *Residential Flat Design Code (RFDC)*, and the draft *Apartment Design Guide (ADG)*.

An assessment against the key amenity measures/controls is provided below.

Solar Access

The RFDC and draft ADG recommend that 70% of apartments achieve a minimum of 2 hours solar access during the winter solstice between 9am and 3pm.

The indicative floor plans demonstrate that 65% of apartments achieve a minimum of 2 hours of solar access between 9am and 3pm during the winter solstice. The Proponent also notes that 69% of apartments achieve at least 2 hours of solar access between extended hours of 8:30am and 3:30pm mid winter.

The Proponent contends that the proposed variation is marginal, noting that the adopted Design Guidelines allow for variations where it is demonstrated that the building design maximises solar access and amenity in light of site opportunities and constraints. The Proponent further contends that 79% of apartments have views to various vantage points including over Cooks River and to the Sydney CBD to the north east, Waterworth Park to the north, the golf course to the south, at the airport and Botany Bay to the east (**Figure 9**). Further, 64% of apartments will be naturally cross ventilated providing an overall high level of amenity.



Figure 9: Analysis of views achieved by apartments at Buildings 11-13.

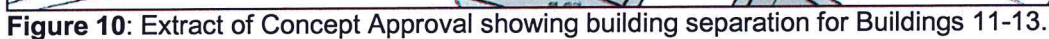
The Department has reviewed the plans and is satisfied that the proposal has sought to maximise solar access by limiting the number of single aspect south facing apartments across the three buildings. Further, the Department notes that 79% of apartments benefit from views which provide a high level of visual amenity and 64% of apartments achieve natural cross ventilation exceeding the RFDC/ADG guideline by 4%. The Department is satisfied that despite the minor variation, the development has sought to maximise solar access where possible and that opportunities to further improve solar access can be explored in the detailed design in the Development Application stage.

Building Depth and Building Separation

Council has raised concern surrounding building depth and building separation and consider that utilising the remaining GFA available will allow for slender buildings with building depth and building separation. In particular, the building separation for Buildings 11 and 6 should achieve the minimum 18m separation between the lower levels.

The proposal does not seek to alter the approved building envelopes (**Figure 10**). In this regard, the Department previously assessed the building depth and separation in its consideration of the original Concept Plan. In respect to Buildings 11, 12 and 13, the Department concluded that:

- building separation generally complies with the RFDC with the exception of Buildings 11 and 6 which have a non-compliance of 4 metres for levels 9 and above. Notwithstanding, the variation is minor and subject to appropriate design of apartment layouts, adequate residential amenity can be achieved;



Overall, the proposed increase in GFA within envelopes does not alter the Department's original assessment which concluded that solar access, building depths and separation between buildings is acceptable. Ultimately the final form of the buildings and internal layout will be fully detailed as part of future Development Applications.

Council has raised concern that no additional public benefits are proposed despite the uptake in development yield. Council considers that the proposal should only be supported if additional public benefits are proposed. Council is willing to engage in discussions with the Proponent on a Voluntary Planning Agreement for public benefits identified within Council's Section 94 Contributions Plan which may include a new multi-purpose community facility within Discovery Point and/or pedestrian and cycle ways facilities connecting the regional recreation network.

In addition, a new BBQ area and community room will be provided at the podium level of Buildings 11-13.

The Proponent also notes that the Discovery Point Co Op will maintain ownership of all open spaces and roads in Discovery Point and is responsible for the ongoing maintenance and management of the spaces which would otherwise be the responsibility of Council. This substantially reduces the cost to Council for the extensive open spaces through Discovery Point.

The Department has reviewed Council's request for additional public benefits in the context of Council's Section 94 Contributions Plan and the proportion of contributions for facilities and services to development in Wolli Creek and the Rockdale LGA more broadly. The Department found that:

- Council's Section 94 Contributions Plan notes the multi purpose community facility will cost approximately \$1.75 million and has been largely paid for already via previous contributions collected (\$1.33 million) as identified in Council's Section 94 Contributions Plan;
- the Concept Proposal will make a significant contribution of approximately 19% towards the remaining contributions for the Wolli Creek multi purpose community facility and approximately 80% towards the Wolli Creek pedestrian and cyclist facilities, both identified within Council's Section 94 Contributions Plan. It is further noted that the Plan identifies these works as to be paid by Section 94 Contributions for developments within the wider Wolli Creek precinct; and
- the proposed additional dwellings would be subject to additional Section 94 contributions which will go towards infrastructure upgrades. The Department estimates that the indicative increase of 141 dwellings will result in an approximate extra \$1.3 million in Section 94 Contributions assuming a similar dwelling mix ratio was proposed in the original Concept proposal.

In addition, to Section 94 contributions payable for the additional apartments, the Department notes the Concept Approval also provides the following public benefits:

- \$4.9 million in value of physical works towards paths and cycle ways;
- a network of communal facilities and spaces including the St Magdalenes Chapel, Tempe House, and private residential communal rooms within Buildings. The proposal further seeks to provide an additional communal room and bbq facilities for future residents in the podium of Buildings 11-13 (**Figure 11**); and
- 3.08ha of open space which is located primarily on the foreshore of the Cooks River, in addition to the water based usable open space available on Cooks River and wider network of open spaces available along the Cooks River foreshore beyond the Discovery Point site (**Figure 11**).

The Department is satisfied that that the increase in population will generate a minimal additional demand for community facilities, pedestrian and cycle facilities, and open space and the contribution towards the community facility and pedestrian cycle facilities is acceptable noting:

- the proportion of facilities which are already funded;
- the facilities and open space already provided and proposed to be provided on site; and
- Section 94 contributions which will be payable for the increased dwelling yield as part of this proposal.

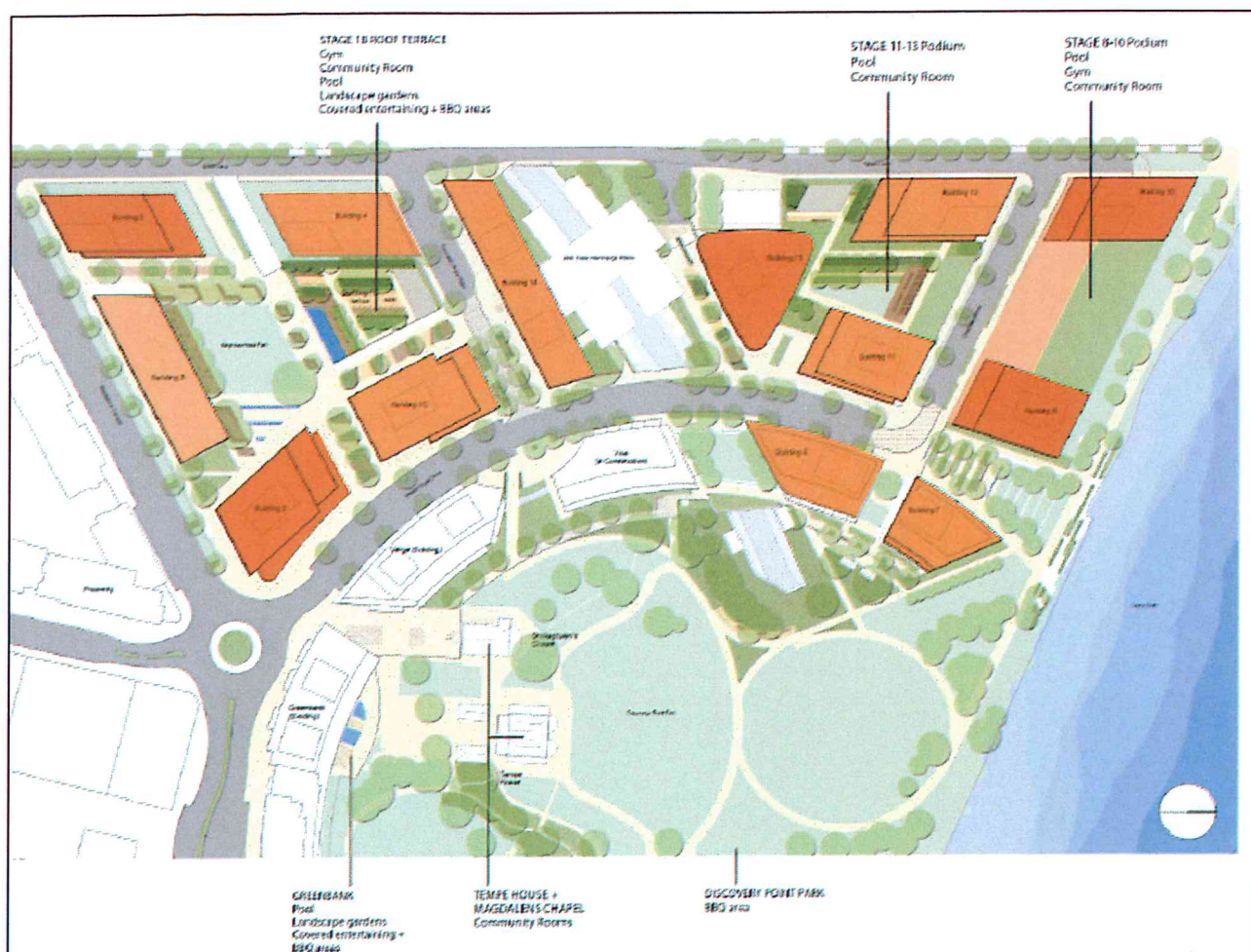


Figure 11: Plan showing open spaces, communal facilities and community facilities provided via Concept Approval.

5.6 Design Guideline Amendments

The Concept Approval includes the Discovery Point Design Guidelines which provide the framework for the detailed design of Discovery Point. The Design Guidelines comprise various controls including open space and landscape design controls, communal open space controls, car park location and design controls, and building separation controls.

The proposal seeks to update various controls to provide greater clarity including open space and landscape design controls, communal open space controls, car park location and design controls, and building separation controls. A summary of proposed changes is provided in **Table 4**.

Table 4: Summary of proposed changes to Design Guidelines

Control	Proposed Change	Acceptable
3.1.4 Streetscape Character (Building Separation)	Updated building separation images (Figures 18 and 23) to reflect building envelope changes to Buildings 8-10 approved as part of MOD 3.	Yes
4.1 Open space and Landscape Design	Updated open space and landscape plan (Figure 19) to reflect changes approved with detailed applications.	Yes
4.3 Communal Open Space	Updated open space and landscape images (Figures 20-22) and updated details of communal open space areas and facilities to be provided in different buildings to provide greater clarity.	Yes
7.3 Car Park Location and Design	Updated maximum allowable above ground car parking GFA to reflect proposed changes.	Yes

The changes are minor and necessary to provide consistent controls in line with the approved Development Applications and proposed modifications. As addressed in previous sections, the proposal is acceptable and therefore the proposed changes to the Design Guidelines are supported.

6. CONCLUSION

The Department has assessed the proposed modification and is satisfied that the impacts have satisfactorily been addressed within the proposal. The Department considers that the proposed modification is reasonable and consistent with the existing approval.

The Department concludes that the:

- proposed 10,685m² of additional GFA is consistent with state and metropolitan strategic policy which aims to provide higher density housing with excellent access to public transport, services, jobs and amenities;
- additional floor space is proposed to be accommodated within the approved building envelopes;
- proposal will maintain the approved residential amenity of surrounding buildings and will provide for the good level of residential amenity as approved within the Concept Plan;
- proposal will allow for a high quality built form;
- proposal is compatible with the existing and future character and use of the site, and surrounding locality.
- marginal increase in population will generate a minimal additional demand for community facilities, pedestrian and cycle facilities, and open space. The Concept Plan will maintain and provide for sufficient open space and facilities to cater for the additional demand generated by the increased density. Further the payment of Section 94 contributions towards these facilities will further assist in addressing the additional demand generated; and
- reduced parking provision will reduce traffic generation, discourage private vehicle use and promote sustainable transport choices.

The modified proposal remains generally consistent with the overall intent and terms of approval and is acceptable.

7. RECOMMENDATION

It is therefore recommended that the Planning Assessment Commission:

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

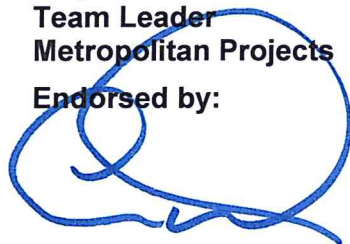
Prepared by: Simon Truong
Senior Planner, Industry, Key Sites and Social Projects

Endorsed by:



Amy Watson
Team Leader
Metropolitan Projects

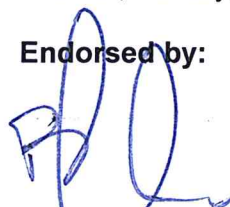
Endorsed by:



Chris Wilson
Executive Director
Infrastructure and Industry Assessments

7.5.15

Endorsed by:



Ben Lusher
Acting Director
Key Site Assessments

APPENDIX A MODIFICATION REQUEST

See the department's website at

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=6535

APPENDIX B SUBMISSIONS

See the department's website at

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=6535

APPENDIX C RECOMMENDED INSTRUMENT OF APPROVAL
