

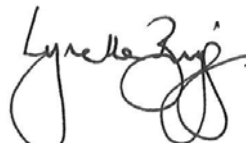
Modification of Minister's Approval

Section 75W of the *Environmental Planning & Assessment Act 1979*

As delegate of the Minister for Planning and Infrastructure under delegation dated 14 September 2011, the Planning Assessment Commission approves the modification of the concept plan referred to in schedule 1, subject to the conditions in schedule 2.



Joe Woodward PSM
Member of the Commission



Lynelle Briggs AO
Member of the Commission

Sydney

5 June 2015

SCHEDULE 1

Application No.	MP10_0003
Proponent	Discovery Point Pty Ltd
Approval Authority:	Minister for Planning
Land	Discovery Point Precinct Wolli Creek
Concept Approval:	Discovery Point Concept Plan 2011 granted by the Minister for Planning on 5 May 2011 and as amended on 15 June 2012 and 13 March 2013.
For the following:	<p>Concept Plan Approval for:</p> <ul style="list-style-type: none">• use of the site for a mixed use development with associated public open space;• indicative building envelopes for 14 buildings to a maximum height of 79.65m AHD;• basement level, ground and above ground car parking;• road works to support the development;• public pedestrian and cycle pathway; and• landscaping areas throughout the site.
Modification:	<p>Discovery Point Concept Plan MOD 4 for:</p> <ul style="list-style-type: none">• 10,685m² of additional residential GFA within the existing approved building envelopes to allow a maximum GFA of 142,685m² across the Discovery Point site;• 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 from a maximum of 2,240 spaces to 2,100 spaces; and• amendments to the Discovery Point Development Design Guidelines.

SCHEDULE 2 CONDITIONS

The above approval is modified as follows:

- a) Condition A2 is amended by insertion of the **bold and underlined** words and deletion of ~~struck-out~~ words as follows:

A2. Development in Accordance with 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 to concept plan modification (MOD 3) by JBA Planning dated 12 September 2013, and
- **the Section 75W modification (MOD 4) by JBA Planning dated May 2014, as amended by the Response to Submissions dated October 2014, and Response to Council Letter dated 21 January 2015, and supporting documents; 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	16.10.2012
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	E	Building 9 Envelope Parameters	23.08.2013
DA3-012	F	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 <u>H</u>	Extent of Above Ground Parking – Ground Floor Level	05.06.2013 <u>05.03.2014</u>
DA3-201	E <u>F</u>	Extent of Above Ground Parking – First Floor Level	13.10.2012 <u>05.03.2014</u>
<u>DA3-202</u>	<u>A</u>	<u>Extent of Above Ground Parking Second Floor Level</u>	<u>05.03.2014</u>

<u>DA3-203</u>	<u>A</u>	<u>Extent of Above Ground Parking Third Floor Level</u>	<u>05.03.2014</u>
Documents			
Reference	Revision	Title	Date
10710	May <u>October</u> <u>2014</u>	Discovery Point Concept Plan Development Design Guidelines	24/05/2012 <u>10/10/2014</u>

- b) Condition A6 is amended by insertion of the **bold and underlined** words and deletion of ~~struck-out~~ words as follows:

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).

- c) Condition A16 is amended by insertion of the **bold and underlined** words and deletion of ~~struck-out~~ words as follows:

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.

- d) Condition A21 is deleted as follows:

~~A21 DEVELOPMENT DESIGN GUIDELINE~~

~~The fourth dot point of section 7.3 of the Discovery Point Concept Plan Development Design Guidelines is to be amended as follows:~~

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

- a) ~~The Statement of Commitments is amended as follows:~~

1.0 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 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	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	<p>The total floor area of the development shall generally be in accordance with the approved 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,</p>	Department of Planning	No timing. General Statement of Commitment

Subject	Commitments	Approved by Whom	Timing
	an area of above ground car parking will be provided equivalent to a maximum of 13,590m ² GFA.		
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
	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.	The relevant consent authority.	Addressed as part of the relevant Project Application or Development Application.
	An updated schedule of apartment mix provided to date will be provided with each subsequent Project Application/Development Applications	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 <p>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.</p>	Department of Planning	No timing. General Statement Of Commitment
Public/Retail/ Commercial Parking Charges	The maximum charges for parking within the public/retail/ commercial car park between 6am and 6pm are to be as follows:	Department of Planning	No timing. General Statement Of Commitment

Subject	Commitments	Approved by Whom	Timing
	<ul style="list-style-type: none"> – Less than 3 hours Free – More than 3 hours Market rates. 		
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 2,100 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 no cost to Council or the Roads and Traffic Authority. – 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. 	Department of Planning	No timing. General Statement Of Commitment
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 prepared by Minter Ellison dated 6 December 2010.</p> <p>Any reasonable changes to the existing</p>	Railcorp	With the relevant Project Application or Development Application

Subject	Commitments	Approved by Whom	Timing
	<p>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>		
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
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.

Subject	Commitments	Approved by Whom	Timing
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.
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 	The relevant consent authority at the relevant stage	Addressed as part of the relevant Project Application or Development

Subject	Commitments	Approved by Whom	Timing
	<p>of male and female toilets in retail and commercial area. The accessible toilet to have internal dimensions in accordance with AS1428.1:2008; and</p> <ul style="list-style-type: none"> – 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>		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 will be submitted to Railcorp prior to the issue of a construction certificate.</p>	The relevant consent authority at the relevant stage	Addressed as part of the relevant Project Application or Development Application.
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

Subject	Commitments	Approved by Whom	Timing
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.
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.
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.