

Level 3, 1C Homebush Bay Drive
RHODES NSW 2138

Locked Bag 2106
NORTH RYDE NSW 1670
DX 8419 Ryde

T 02 9767 2000
F 02 9767 2900
www.australand.com.au



27 January 2011

Michael Woodland
Director
Metropolitan Projects
NSW Department of Planning
23-33 Bridge Street
Sydney NSW 2000

Dear Michael,

Major Project MP 10_0003, Discovery Point, 1 Princes Highway, Wolli Creek

We note receipt of a letter from Rockdale Council to the Department of Planning dated 17 January 2011 containing Council's comments on the Preferred Project Report (PPR) for the Discovery Point Concept Plan.

We have reviewed Council's letter and forwarded a response to the matters raised through to Mark Brown. However we are surprised at the contents of Council's letter as not only was there noted support from Rockdale Council for the Discovery Point Concept Plan Environmental Application ("EA") at the site meeting on 30 November 2011, but at this same meeting Discovery Point, Department of Planning and Rockdale Council jointly agreed that the strategy of updating the draft LEP 2010 and developing a set of Design Guidelines to deal with apparent inconsistencies with the draft Development Control Plan ("DCP") was an appropriate course of action, so as to provide certainty for the development.

The Design Guidelines simply articulate the detailed design intent which underpins the Concept Plan and thereby provides additional clarification regarding the proposed design of the site to ensure that all future development applications will be consistent with the Concept Plan.

The need for Design Guidelines became apparent during the assessment of the Concept Plan application when Rockdale Council placed its draft Rockdale DCP 2010, draft Public Domain Plan and various Technical Specifications on public exhibition ("draft documents"). These draft documents articulated a very different vision to what is proposed in the Discovery Point Concept Plan. We understand that the Department of Planning may consider delegating the assessment and determination of subsequent applications to Council under Part 4 of the Act. As such, we need to address the inconsistencies between Council's draft documents and our Concept Plan otherwise these discrepancies impact on our ability to deliver a well considered master planned community.

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The Discovery Point Design Guidelines and Public Domain Plan submitted with the PPR do not attempt to replace Council's draft documents but rather highlight fundamental design parameters which form part of the Concept Plan to ensure that the Concept Plan prevails to the extent of any inconsistency during the assessment of subsequent applications. This will then ensure the high quality built form outcome envisaged by Bates Smart as part of the Concept Plan is achieved.

While we understand that the Act requires subsequent applications to be consistent with an approved Concept Plan, we believe it will be difficult for Council's assessment officers to ascertain whether a DCP provision might inhibit the ability of an application to be assessed as being consistent with the Concept Plan without clear guidelines which articulate the design parameters upon which an approved Concept Plan is based.

Therefore, the inclusion of the Discovery Point Design Guidelines and Landscape Guidelines/Public Domain Plan is critical to providing some certainty of the development outcome of this site.

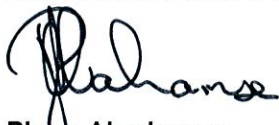
Rockdale Council's position on the Concept Plan in relation to inconsistencies with their draft documents is disappointing following, what we believed, to be a positive response from Council who commented that the inconsistencies were mainly the result of Council having prepared their draft documents many months before the exhibition process. As such, we find it unacceptable that Council now wishes to control and implement specific design detail and assessment of roads and public domain elements which conflict with the Concept Plan.

It is unfortunate that this latest submission from Council has now further delayed the Part 3A application assessment from both the applicants' position and the Department of Planning. It should also be noted that Discovery Point has already responded to the vast majority of issues raised in the Council letter in detail within its previous EA and Preferred Project Report (PPR).

In summary, the position taken by Council provides Discovery Point with little comfort or certainty on the project as far as future local planning controls and specific project assessment is concerned. Discovery Point is still confident that the proposed development is the most appropriate form of development from a combined environmental, public, and strategic planning outcome and requests that the Department of Planning continues to consider the application in line with the issues raised in its letter of 12 November 2010 and the current PPR.

Should you have any further questions regarding this project please do not hesitate to contact me on 0438 372 207.

Yours faithfully,
DISCOVERY POINT PTY LTD



Pierre Abrahamse
Development Director
Australand Residential NSW