

## 6. RECOMMENDATION

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The Department has assessed the merits of the proposal taking into consideration the issues raised in public submissions, the EA and PPR received in support of the project. The Department considers that the site is suitable for the proposal given its location and access to public transport.

On balance, the proposed Concept Plan is considered to be acceptable for the following reasons:

- The proposal will provide increased housing, employment and additional open space within close proximity to existing public transport infrastructure.
- The layout of the proposal is considered appropriate as it provides opportunities to integrate public transport into a mixed use development.
- The total gross floor area is considered satisfactory and the proposed land uses will enable the development to assist Council in achieving additional dwelling and job numbers as required by the Draft South Subregional Strategy.
- The project has demonstrated that the building envelopes will generally provide adequate residential amenity.
- Overall, the proposal will deliver an improved urban design outcome over the previous Masterplan approval.

The Department has recommended a number of modifications to the proposal including:

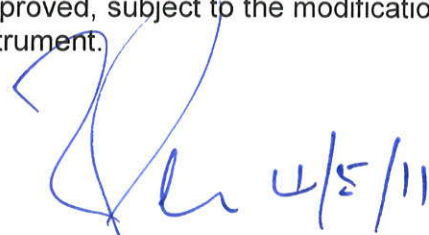
- Increased building separation;
- Minimum setbacks from the Cooks River;
- The requirement for the provision of a riparian zone adjacent to the Cooks River frontage; and
- Modifications to the Discovery Point Concept Plan Development Design Guidelines.

These modifications are recommended to ensure the orderly development of the site, providing satisfactory amenity for future residents and environmental protection.

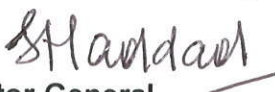
The Department recommends that the Concept Plan be approved, subject to the modifications and future assessment requirements set out in the attached instrument.



**A/Dir**  
**Metropolitan & Regional Projects South**



**Deputy Director-General**  
**Development Assessment &**  
**Systems Performance**



**Director-General**

5/5/2011

## **APPENDIX A      ENVIRONMENTAL ASSESSMENT**

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See the Department's website at

[http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=3699](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=3699)

## **APPENDIX B SUBMISSIONS**

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See the Department's website at

[http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=3699](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=3699)

## **APPENDIX C    PROPONENT'S RESPONSE TO SUBMISSIONS**

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See the Department's website at

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## APPENDIX D CONSIDERATION OF ENVIRONMENTAL PLANNING INSTRUMENTS

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### ECOLOGICALLY SUSTAINABLE DEVELOPMENT

There are four accepted ESD principles:

- (a) *the precautionary principle,*
- (b) *inter-generational equity,*
- (c) *conservation of biological diversity and ecological integrity,*
- (d) *improved valuation, pricing and incentive mechanisms.*

The Department has considered the proposed development in relation to ESD principles and has made the following conclusions:

**Precautionary Principle** – It is considered that there is no threat of serious or irreversible environmental damage as a result of the project. The site was previously approved for redevelopment of a similar nature that proposed under this Concept Plan. The site does not contain any threatened or vulnerable species, populations, communities or significant habitats. The site therefore has a low level of environmental sensitivity.

**Inter-Generational Principle** – The project represents a sustainable use of the site as the development will utilise existing transport infrastructure and make efficient use of the site, similar to that envisaged in the approved Masterplan. The development of the site also has positive social, economic and environmental impacts.

**Biodiversity Principle** – Following an assessment of the Proponent's EA and PPR it is considered that there is no threat of serious or irreversible environmental damage as a result of the project. The southern and middle sections of the site have been extensively developed as part of the approved Masterplan development, while the northern precinct contains an area that is reclaimed and filled land and is partly vegetated. The site has a low level of environmental sensitivity and does not contain any threatened or vulnerable species, populations, communities or significant habitats. Therefore the project will not impact upon the conservation of biological diversity or ecological integrity.

**Valuation Principle** – The proposal seeks to include commercial, retail and residential uses within the development maximising the sites location to existing infrastructure, and enabling residents to live near work, leisure and other opportunities. The project will provide an improved environment to that currently provided.

The Proponent is committed to ESD principles and has reinforced this through the Environmental Assessment which explores key ESD opportunities. Given that this application is for Concept Plan approval only, ESD concepts have been explored. This includes the provision of a recycled water facility within the basement under Building 1C; residential component to comply with the requirements of BASIX in terms of thermal comfort (average 6 Star Accurate score), energy and water; and the commercial building to target a NABERS energy Base Building rating of 4.5 stars. Consequently, the Department is satisfied that the proposal is consistent with ESD principles.

### SECTION 75I(2) OF THE ACT & CLAUSE 8B OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATION 2000

The DG's report to the Minister for the proposed project satisfies the relevant criteria under Section 75I of the Act as follows:

Section 75I(2) criteria	Response
Copy of the proponent's environmental assessment and any preferred project report.	The Proponent's EA and PPR are located on the Department's website <a href="http://www.planning.nsw.gov.au">www.planning.nsw.gov.au</a>

Any advice provided by public authorities on the project.	A summary of the advice provided by public authorities on the project for the Minister's consideration is set out in <b>Section 4</b> of this report.
Copy of any report of the Planning Assessment Commission.	No review has been required to be carried out by the Planning Assessment Commission.
Copy of or reference to the provisions of any State Environmental Planning Policy that substantially govern the carrying out of the project.	Each relevant SEPP that substantially governs the carrying out of the project is identified in within this Appendix below.
Except in the case of a critical infrastructure project – a copy of or reference to the provisions of any environmental planning instrument that would (but for this Part) substantially govern the carrying out of the project and that have been taken into consideration in the environmental assessment of the project under this Division.	An assessment of the development relative to the prevailing environmental planning instrument is provided later in this Appendix.
Any environmental assessment undertaken by the Director General or other matter the Director General considers appropriate.	The environmental assessment of the project application is this report in its entirety.
A statement relating to compliance with the environmental assessment requirements under this Division with respect to the project.	The proposal adequately complies with the DGRs.

The DG's report to the Minister for the proposed project satisfied the relevant criteria under Clause 8B of the EP&A Regulation as follows:

<b>Clause 8B criteria</b>	<b>Response</b>
An assessment of the environmental impact of the project	An assessment of the environmental impact of the proposal is discussed in <b>Sections 4</b> and <b>5</b> of this report.
Any aspect of the public interest that the Director-General considers relevant to the project	The impact of the development on the public interest is discussed throughout this report.
The suitability of the site for the project	The proposal is considered to be consistent with developments within the locality and improve upon the development potential of the site as envisaged by the approved Masterplan.
Copies of submissions received by the Director-General in connection with public consultation under Section 75H or a summary of the issues raised in those submissions.	A summary of the issues raised in the submissions is provided in <b>Section 4</b> of this report.

## ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)

To satisfy the requirements of section 75I(2)(d) and (e) of the Act, this report includes references to the provisions of the environmental planning instruments that govern the carrying out of the project and have been taken into consideration in the environmental assessment of the project.

The primary controls guiding the assessment of the proposal are:

- State Environmental Planning Policy (Major Projects) 2005;
- State Environmental Planning Policy (Infrastructure) 2007;
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004.
- State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development and the Residential Flat Design Code (Planning NSW, 2002);
- State Environmental Planning Policy No. 55 – Remediation of Land; and
- Rockdale LEP 2000 and Rockdale DCP.

The provisions of development standards of local environmental plans are not required to be strictly applied in the assessment and determination of major projects under Section 75R Part 3A of the Act. Notwithstanding, the objectives of the above EPIs, relevant development standards and other plans and policies that govern the carrying out of the project are appropriate for consideration in this assessment in accordance with the DGRs.

## **COMPLIANCE WITH PRIMARY CONTROLS**

### **State Environmental Planning Policy (Major Development) 2005**

As discussed previously in Section 3.1, the proposal is a major project under Part 3A of the *Environmental Planning and Assessment Act 1979* (EP&A Act) because it is development for the purpose of a residential, commercial or retail project with a capital investment of more than \$100 million under clause 13 of Schedule 1 of *State Environmental Planning Policy (Major Development) 2005*. Therefore the Minister for Planning is the approval authority.

### **State Environmental Planning Policy (Infrastructure) 2007**

Schedule 3 of the SEPP requires traffic generating developments to be referred to the Roads and Traffic Authority. The Roads and Traffic Authority has provided comments on the proposal. A detailed discussion on these comments and other traffic related matters is provided in **Section 4** and **5** of this report.

### **State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004**

SEPP - BASIX aims to establish a scheme to encourage sustainable residential development across New South Wales. The current targets of BASIX for Residential Flat Buildings commenced on 1 July 2006 and require all new residential dwellings in NSW to meet targets of a 30% reduction in energy use and 40% reduction in potable water.

Further assessment of the requirements of BASIX will be undertaken during the assessment of future applications.

### **State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development and Residential Flat Design Code 2002**

SEPP 65 seeks to improve the design quality of residential flat development through the application of a series of 10 design principles. An assessment against these principles is provided below.

The EA confirms the development has been designed having respect to the design principles of SEPP 65 and the Revised Statement of Commitments indicates future applications will demonstrate a level of detailed design consistent with SEPP 65.

<b>Key Principles of SEPP 65</b>	<b>Department Response</b>
Principle 1: Context	The site is located in an area currently undergoing transformation from industrial to mixed use developments incorporating high density residential and non-residential uses. The site is ideally located to contain high density residential considering the access to public transport provided within or adjoining the site (Wolli Creek Railway Station and bus stops along Princes Highway).
Principle 2: Scale	The proposed scale is considered appropriate, when viewed against the heights and floor area provided around the site. The height of the proposal along Magdalene Terrace is consistent with the adjoining Proximity development, while the remaining buildings on the site have been development to provide a central tower which transitions to lower buildings to the north and east.
Principle 3: Built Form	This matter is discussed above in <b>Section 5</b> and is considered appropriate.
Principle 4: Density	The density of the site is consistent with sites providing direct access to public

Key Principles of SEPP 65	Department Response
	transport usage. The addition of 311 and 611 dwellings above the Masterplan approval is considered appropriate for the locality.
Principle 5: Resource, Energy and Water Efficiency	The location and orientation of the building envelopes will provide good opportunities for units to maximise solar access and natural ventilation to reduce reliance on artificial heating and cooling. A sewer recycling plant is proposed as part of the site wide water management strategy. Further assessment of these requirements will be undertaken during the assessment of future applications.
Principle 6: Landscape	The proposal includes a combination of landscaping types, including deep soil zones and open space areas. A number of parks are proposed as part of the proposal, which is provided for resident and public access.
Principle 7: Amenity	The Concept Plan seeks to optimise amenity in terms of solar access, cross ventilation, views; outlook and access to public open space. Consideration of amenity of adjoining properties and impact upon views due to the built form are provided in <b>Section 5</b> .
Principle 8: Safety and Security	The Concept Plan allows for good passive surveillance of the road networks and public and private open space areas. Detailed assessment of through site links, coordination of residential and retail areas, landscaping and access arrangements will be undertaken during the assessment of future applications.
Principle 9: Social Dimensions and Housing Affordability	The Concept Plan includes a mix of apartment types to encourage a diverse social mix and to provide a vibrant community. The unit mix will also assist in achieving affordable housing within the area.
Principle 10: Aesthetics	The specific detail of the buildings proposed within the Concept Plan will be assessed as part of future applications. Impact upon Tempe House and St Magdalen's Chapel will need to be considered during the detailed design development of each building.

### Residential Flat Design Code 2002

The Residential Flat Design Code (the RFDC) is closely linked to the principles of SEPP 65. The Code sets out a number of "rules of thumb", which detail prescriptive standards for residential flat development that would ensure the development complies with the intent of the RFDC.

Whilst the proposal is for Concept Plan approval only, the proposal has been assessed against these development controls (where relevant to this application). A full assessment will be made at future Application stage.

- The RFDC recommends building depths be no greater than 18 metres (glass line to glass line). Should building depths be more than 18 metres, satisfactory daylight and natural ventilation are to be achieved. This is discussed in **Section 5**.
- The RFDC provides the building separation requirements in order to maximise visual privacy between residential flat buildings and adjoining residences. This is discussed in **Section 5**.
- The RFDC states a formal crime risk assessment for all residential developments of more than 20 new dwellings should be conducted as a rule of thumb. A formal risk assessment has not been undertaken at this stage, however it is considered that the proposal can be designed to the principles of *Crime Prevention through Environmental Design* (CPTED).
- The RFDC recommends that 70% of apartments are to receive at least 3 hours of sunlight to living spaces and private open spaces in midwinter between 9.00am and 3.00pm, reducing to 2 hours in dense urban areas. The number of single aspect units with a southerly aspect (SW-SE) should be limited to no more than 10% of the total units proposed. This is discussed in **Section 5**.
- The RFDC states building depths which support natural ventilation typically range from 10-18 metres and recommends that 60% of units should be naturally cross ventilated and 25% of kitchens should have access to natural ventilation. This is discussed in **Section 5**.



- The RFDC advises that a mix of apartment types provides housing choice and supports equitable housing access. The PPR proposes a mix of floor layout includes a range of apartment types (maximum 45% as studios or 1 bedroom units, minimum of 45% as 2 bedrooms units and a minimum of 10% as 3 bedroom + units) which satisfies the Code. Council recommended that the apartment mix comply with the draft Rockdale DCP 2011 (10-30% as studios and 1 bedroom units, 50-75% as 2 bedroom units and 10-20% as 3 bedroom + units). The PPR apartment mix is considered to be suitable to the site and will provide a greater choice of unit types to a locality that is in close proximity to the Sydney CBD and public transport infrastructure.
- The RFDC recommends single aspect apartments be limited in depth to 8 metres from a window and that a kitchen should be no more than 8 metres from a window. Cross-over apartments over 15 metres deep should be 4 metres wide or greater to avoid deep narrow units. Minimum recommended apartment sizes are:
  - Studio - 38.5 m<sup>2</sup>
  - 1 bed cross through - 50m<sup>2</sup> / 1 bed single aspect - 63.4m<sup>2</sup>
  - 2 bed corner – 80m<sup>2</sup> / 2 bed cross through - 89m<sup>2</sup> / 2 bed cross over - 90m<sup>2</sup>
  - 3 bed - 124m<sup>2</sup> for 3 beds

The RFDC also provides a guide for minimum apartment sizes that can contribute to housing affordability which are 50m<sup>2</sup> for 1 bed, 70m<sup>2</sup> for 2 beds and 95m<sup>2</sup> for 3 beds.

The PPR has recommended minimum apartment sizes as follows: 40m<sup>2</sup> for studio dwellings, 50m<sup>2</sup> for one bedroom dwellings, 70m<sup>2</sup> for two bedroom / one bathroom dwellings, 80m<sup>2</sup> for two bedroom / two bathroom dwellings and 100m<sup>2</sup> for three bedroom (plus) dwellings. The 2 bedroom and 3 bedroom apartments do not meet the RFDCs minimum guidelines for unit sizes, however do meet the minimum guidelines for affordable 2 and 3 bed apartments.

Council has recommended that the 3 bedroom apartments be increased in size to a minimum of 115m<sup>2</sup> (as stated in Council's draft DCP 2011 and the Residential Amenity Improvement Strategy).

The Department supports the proposed apartment sizes on the basis of affordability.

Overall, the proposed Concept Plan development is generally consistent with the aims and provisions of the "Rules of Thumb". It is considered that the proposal will provide a high quality environment with the residents provided with communal areas and public open space for their enjoyment located within close proximity to public transport.

In light of the assessment detailed in **Section 5** of this report above, it is considered that the proposal displays an acceptable level of consistency with the Principles in SEPP 65. Further assessment against the requirements of the RFDC will be undertaken during the assessment of future applications where specific floor layouts will be known.

### **State Environmental Planning Policy No. 55 – Remediation of Land**

SEPP 55 requires a consent authority to consider whether the land is contaminated, and if so, whether the land will be remediated before the land is used for the intended purpose. Coffey Environments have reviewed the previous studies carried out on the site and considered the proposed Concept Plan. Coffey Environments consider that the site can be made suitable for the land uses proposed in the Concept Plan, subject to implementation of recommendations. The Proponent has committed to undertaking the recommendations in their Statement of Commitments and will enable further assessment during future applications.

### **Rockdale Local Environmental Plan 2000 and Rockdale Planning Scheme Ordinance**

The subject site is located within the Rockdale LGA and is zoned Mixed Use 10(a1) Railway Precinct under the Rockdale LEP 2000 and Open Space 6(c) Heritage Conservation under the Rockdale Planning Scheme Ordinance. The proposed uses are considered to be permissible within the existing zoning.

#### **Rockdale Development Control Plan No. 45 – Railway Precinct (Discovery Point)**

DCP 45 is the primary DCP applying to the redevelopment of the Discovery Point site and provides building envelope and site specific controls for each of the Masterplan approved buildings. Previous approvals on the site were assessed against these controls, including the constructed Verge and Greenbank buildings and the partially constructed Vine building.

The Concept Plan proposes to remove the remaining unconstructed area of the Discovery Point site from this DCP / approved Masterplan. A revised scheme is proposed as discussed in **Section 2.1** (as amended by **Section 2.2**) of this report, which includes revised building envelopes / heights, separation distances, gross floor areas for residential and non-residential uses, car parking and other requirements.

As the Concept Plan, if approved, will supersede all the controls contained under DCP 45 for the remaining area of the site, a detailed assessment against the requirements of DCP 45 has not been undertaken.

## **APPENDIX E    RECOMMENDED CONDITIONS OF APPROVAL**

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