

## Amended Section 75W to Concept Plan (MP10\_0003)



### Discovery Point, Wolli Creek

Submitted to Department of Planning and Infrastructure  
On Behalf of Discovery Point Pty Ltd

April 2012 ■ 09642

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*Bates Smart*

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*Bates Smart*

## Executive Summary

The purpose of this report is to request the Minister (or his delegate) to modify the Discovery Point Concept Plan approval under section 75W and Clause 3C of Schedule 6A of the *Environmental Planning and Assessment Act, 1979* (EP&A Act). It seeks to modify this approval by providing a revised solar access target for Building 6 and modifying a minor drafting error on the approved building separation diagram.

The Discovery Point project was granted Concept Plan approval under delegation to the Director General of Planning on 5 May 2011. It provides for the indicative building envelopes for 14 buildings providing for an estimated additional 1,200 - 1,500 dwellings (subject to final dwelling mix) and a maximum GFA of 132,000m<sup>2</sup>.

The second stage (Building 6) to be developed under the Concept Plan was submitted as a Project Application with the Department of Planning and Infrastructure and is currently under assessment.

The Concept Plan incorporates a set of Development Design Guidelines which address a range of amenity criteria including solar access. The Development Design Guidelines includes a requirement that 60% of dwellings within Building 6 should receive 2 hours sunlight to living rooms and private open space between 9am and 3pm in mid-winter.

The detailed design for Building 6 indicates that 19% of apartments within this building will meet the two hour solar access requirement factoring in all potential future buildings within the site under the approved Concept Plan.

Solar access is but one measure of amenity that contributes to good design. This report examines the range of amenity measures available to future residents of Building 6 at Discovery Point, including but not limited to:

- close proximity to parks, shops, services and major transport infrastructure;
- expansive park, district and water views;
- outlook to open space;
- enjoyment of daylight;
- natural cross ventilation; and
- efficient apartment layouts.

Applying a holistic approach to the consideration of amenity for Building 6 demonstrates that future residents will still be afforded a high level of overall residential amenity.

The Discovery Point development will deliver a wide range of housing choice through the approved apartment mix, range of apartment sizes and range of different products across the site.

The Discovery Point Concept Plan has broad strategic benefits in terms of its contribution to the critical housing supply shortage in the Australian and NSW context. At the National Level there is an estimated 124,200 dwelling housing stock shortfall and an 87,900 dwelling deficiency at the NSW level (June 2011).<sup>1</sup>

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<sup>1</sup> LMI Housing Outlook, Australian Housing Outlook 2011-2014, Prepared by BIS Shrapnel, October 2011.

Discovery Point once fully developed will accommodate approximately 1500-1800 dwellings (including existing developed stages) with a resident population in the order of 3,200-3,800. The site and Building 6 therefore will make an important contribution to the critical housing shortage and will significantly contribute to the Rockdale LGA's housing targets.

With the Wolli Creek railway station located centrally within the site, the project also meets a range of other strategic objectives in terms of locating higher density residential development in close proximity to public transport.

The assessment of the proposed modification to the solar access target for Building 6 indicates that the proposal is justified on strategic planning grounds in terms of the Concept Plan's contribution to housing supply and given a multi-faceted range of measures contribute to the residential amenity of the development.

In addition, this application seeks approval to modify a drafting error that has been noticed on the building separation diagram in relation to Building 2.

## 1.0 Introduction

This Environmental Assessment Report for modifications to the approved Concept Plan for Discovery Point, Wolli Creek is submitted to the Minister for Planning in accordance with section 75W and Clause 3C of Schedule 6 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

The approved Concept Plan allows for a mixed use development including:

- Use of the site for a mixed use development with associated public open space;
- Building envelopes for 14 buildings to a maximum height of 79.65m AHD;
- Maximum GFA of 132,000m<sup>2</sup>;
- Basement level, ground and above ground parking;
- Road works to support the development;
- Public pedestrian and cycle pathway; and
- Landscaping areas throughout the site.

The future detailed design of each building is to be guided by the Discovery Point Development Design Guidelines.

This report has been prepared by JBA Planning with assistance from Krason Planning Pty Ltd on behalf of Discovery Point Pty Ltd. The report describes the proposed modifications and the reasons it is required.

The proposed modifications to the Concept Plan approval relate to a minor drafting error on the building separation diagram and amendments to the solar access requirements within the Development Design Guidelines in relation to Building 6.

## 1.1 Background to the Original Approval

### Previous Master Plan Consent

Rockdale Council granted consent to a Master Plan DA 500/01 on 11 April 2001 for the development of the Discovery Point site comprising 9 development sites, new park and foreshore open space, restoration of heritage buildings and landscape. The Master Plan Consent set out the building envelope principles, circulation patterns, road hierarchy, general parking configuration, and landscape concept over the nine development sites.

Three building stages have been built under the previously approved master plan consent. These buildings are known as “Greenbank”, “Vine” and “Verge” (refer **Figure 1**). All future buildings will be developed under the new Concept Plan.

### Approved Concept Plan

In September 2009, Discovery Point Pty Ltd embarked on a process of a Voluntary Design Competition, with the primary aim of achieving an improved planning and design outcome for the site. A revised scheme and new master plan for the site was considered necessary for Discovery Point given that desirable design and market conditions had changed significantly since the granting of the original Master Plan consent in 2001.

The winning Bates Smart design formed the basis of a Concept Plan application to the Department of Planning under Part 3A of the EP&A Act. The Concept Plan was approved by the Minister for Planning under delegation to the Director General of Planning on 5 May 2011 subject to a number of conditions (MP 10\_0003).

The approved Concept Plan was a finalist at the UDIA Awards for Excellence in 2010 in the category of 'Concept Ideas'.



**Figure 1 – Existing Built Stages and Concept Plan Site**



## 2.0 Background to the Modifications

Since approval of the Concept Plan detailed design development has been carried out for Buildings 1 and 6. This has resulted in the lodgement of two detailed design applications with the Department of Planning for Stage 1 (Building 1B and Building 1C) and Stage 6 (Building 6). These applications have the status of transitional Part 3A applications and will be determined under Part 3A of the EP&A Act 1979. The Stage 1 Project Application was approved in March 2012.

Correspondence received from the Department of Planning and Infrastructure (DP&I) dated 30 November 2011 in relation to the Stage 6 Project Application sought clarification on the percentage of apartments that would achieve solar access mid-winter, taking into account all future potential buildings that could be developed on the site in accordance with the approved Concept Plan building envelopes.

Further review of the Concept Plan and the Building 6 Project Application has subsequently been undertaken in relation to the issue of solar access. At the Concept Plan level, the solar access targets were based on a typical floor and applied to all levels. Now that the detailed design for Building 6 has been finalised the analysis of solar access is more detailed and thorough applying the analysis level by level. This has revealed that less apartments will receive 2 hours sunlight on 21 June than had been previously assumed.

Some of the approved building envelopes will inevitably result in more south facing apartments due to their orientation. However, these apartments (such as those in Building 6) generally enjoy views or outlook over Discovery Point Park or other areas of open space to compensate for the lower level of solar access.

This application also seeks approval to modify a drafting error that has been noticed on the approved Concept Plan Building Separation diagram in relation to Building 2. This diagram was initially approved to show instances where the building separation was below the RFDC 'Rule of Thumb', however, where an appropriate amenity outcome was still able to be achieved. The minor error relates to the placement of the arrow separating Building 2 from the existing building Verge and is described in further detail in Section 3.3.

## 3.0 Description of Proposed Modifications

The proposed modifications to the approved Concept Plan are described in this section. This Section 75W application essentially seeks to modify conditions relating to solar access for Building 6 as well as making minor administrative amendments to address a correction to the building separation diagram.

### 3.1 Proposed Modifications to the Approval

Words proposed to be deleted are shown in ~~bold strike through~~ and words to be inserted are shown in ***bold italics***.

*Condition A2 – Development in Accordance with Plans and Documentation*

*The approval shall be generally in accordance with MP 10\_1003 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 Section 75W Modification dated April 2012***, and the following drawings except for as modified by ~~the following pursuant to Section 750 (4) of the Act~~ ***the instrument of approval***.*

<b><i>Drawing No</i></b>	<b><i>Revision</i></b>	<b><i>Name of Plan</i></b>	<b><i>Date</i></b>
DA1-001	A	Location Plan	16.06.2010
DA1-002	D	Site Analysis	16.12.2010
DA3-001	<del>D</del> <b><i>G</i></b>	Proposed Building Envelopes	<del>23.02.2011</del> <b><i>30.01.2012</i></b>
DA3-B01	D	Proposed Basement Extent	14.12.2010
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	B	Building 8 Envelope Parameters	10.12.2010
DA3-011	B	Building 9 Envelope Parameters	10.12.2010
DA3-012	B	Building 10 Envelope Parameters	10.12.2010
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

<b>Drawing No</b>	<b>Revision</b>	<b>Name of Plan</b>	<b>Date</b>
DA3-101	C	Street Layout	14.12.2010
DA3-200	C	Extent of Above Ground Parking – Ground Floor Level	14.12.2010
DAD-201	B	Extent of Above Ground Parking – First Floor Level	10.12.2010

**Reason:** This condition is updated to reflect the revised Building Separation Diagram and references this modification application. As Section 75O of the Act has been repealed it is appropriate to reference that the plans are approved except where modified by the conditions of the approval.

*Condition A5 – Development Design Guidelines*

*All future development of the site shall be generally consistent with the Development Design Guidelines and Rockdale City Council's Wolli Creek and Bonar Street Public Domain Plan and Technical Manual, where amended by the Modifications in Part B and Future Assessment Requirements in Schedule 3 **or otherwise agreed by the Director General of Planning.***

**Reason:** The addition of this wording allows the Director General of Planning to assess the current Stage 6 Project Application on merit concurrently with this modification application.

*Condition B3 - Development Design Guidelines*

***The Development Design Guidelines shall be modified as follows:***

- ~~a) References to 'conditions of consent' in the document are to be amended to state 'conditions of approval'.~~
- ~~b) References to the Discovery Point Wolli Creek Landscape Design Guidelines / Public Domain Plan, floor space ratio and minimum site frontage are to be deleted.~~
- ~~c) References to width of roads in Table 1 are to refer to minimum building envelope separations rather than building face to building face distances to provide for the inclusion of colonnades and building articulation.~~
- ~~d) Solar access provided to each building is to comply with the Concept Plan and Preferred Project Report (buildings to achieve 70% of dwellings in accordance with the RFDC requirements, except Building 6 that is to achieve a minimum 60%) and buildings modified accordingly should this not be achieved.~~
- ~~e) Point 4 in Section 5.2 that refers to submission of a daylight access study shall be deleted~~
- ~~f) The reference to the number of lifts accessible from a single corridor shall be deleted.~~
- ~~g) Roof terraces are to be setback a minimum of 1.5 metres from the buildings edge.~~
- ~~h) Plant rooms, lift overruns and mechanical ventilation rooms provided on the roof of a building are to be appropriately screened and not exceed the heights approved by the Concept Plan.~~
- ~~i) The reference to building depth of 24 metres shall be deleted.~~

***The amended Development Design Guidelines shall be submitted to and approved by the Department prior to determining any future application on the site.***

***Future applications should have regard to the Development Design Guidelines, as modified.***

**Reason:** As the updated Development Design Guidelines that have been approved by the Director General which incorporates the requirements of this condition. Hence the condition has been satisfied and all future development should be consistent with the Development Design Guidelines.

*Schedule 3 Condition 1 – Building Design*

*Future applications shall demonstrate compliance with the provisions of the State Environmental Planning Policy 65 - Design Quality of Residential Flat Development (SEPP 65) and the accompanying Residential Flat Design Code 2002, except where modified by this Concept Plan approval.*

*Future buildings located on the site are to demonstrate sufficient building modulation / articulation to provide an acceptable built form.*

*Solar access to future dwellings shall be consistent with the approved Concept Plan **as modified**.*

**Reason:** The addition of the wording 'as modified' allows recognition of the current modification.

## 3.2 Proposed Modification to Development Design Guidelines

### 5.2 Solar Access

*Objective*

- *To provide sunlight access to private open space and habitable rooms within the development in accordance with the approved concept plan envelopes.*

*Controls*

- *Development must comply with the building form, separation and site layout within the Concept Plan.*
- *Dwellings within the Concept Plan site should receive a minimum of 2 hours sunlight to living rooms and private open space to 70% of apartments between 9am and 3pm on 21 June, with the exception of Building 6 ~~which is to achieve 60%~~.*

**Reason:** This revised wording updates the Development Design Guidelines to remove the 60% requirement for Building 6 to enable this application to be assessed on its merits with regard to residential amenity.

Building 6 Design Rationale and Solar Access

Proposed Building 6 achieves 2 hours solar access to 19% of apartments on 21 June, however apartments, within this building achieve a range of other features which contribute to a high level of residential amenity. It should also be noted that 44% of apartments in this building achieve 1 hour of solar access on 21 June.

The form of Building 6 has been derived from the desire to continue the heritage arc around Discovery Point Park, which by virtue of the orientation of the site is south facing. The form of Building 6 has also been broken from the previously approved master plan (Building 6 and 7 were previously combined) to open up view corridors and pedestrian linkages within the site. The current layout provides an improved outcome by breaking up this building and providing view corridors and linkages to the park for Buildings 6 and 7. The siting and unique characteristics of Building 6 within the Discovery Point development site results in a building that achieves 2 hours sunlight access to 19% of apartments.

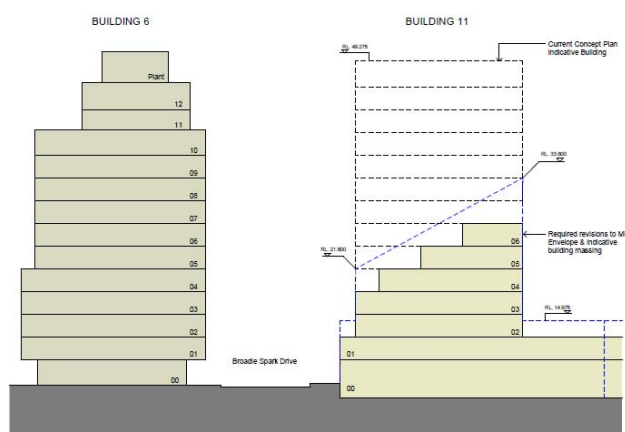
These same site features will provide future residents of this building with other amenity features which offset the lack of sunlight to some apartments and render the apartments within this building as achieving a high level of overall residential amenity. The proposed building is considered to be of “good design” in accordance with the principles of SEPP 65.

Bates Smart Architects has prepared a set of Amenity Analysis Diagrams for proposed Building 6 which identify on a floor by floor basis the key amenity features available to individual apartments. A copy of the Amenity Analysis Diagrams is provided at **Appendix B**. In summary these diagrams indicate that 19% of apartments within Building 6 will achieve 2 hours direct sunlight in winter, while a total of 44% of apartments will achieve at least 1 hour direct sunlight at this time of year. Furthermore, 77% of apartments within the proposed building will enjoy views and 68% of apartments will be cross ventilated.

#### Implications of Compliance with Solar Access Target

Australand have also investigated the implications of Building 6 achieving compliance with the 60% Concept Plan solar access condition. The results from these investigations are provided at **Figures 2 and 3**). In summary, significant areas of GFA from future Building 7 (over approximately 3,500m<sup>2</sup> of GFA) and Building 11 (over approximately 5,000m<sup>2</sup> of GFA) would need to be removed in order for Building 6 to reach close to the 2 hour solar access requirement. Such significant reductions in GFA will have substantial implications on the viability of the development and is accordingly not a feasible option for the site development. This would obviously then have flow on effects in terms of placing further pressures on housing supply and affordability in Rockdale LGA and NSW more broadly.

In addition, reducing the GFA and yield of Building 11 and Building 7 will also have detrimental impact on the solar access performance of these buildings as there will be significantly less apartments left that will be able to achieve 2 hours of solar access.



**Figure 2 – Impact on Building 11 from complying with 60% solar access requirement**

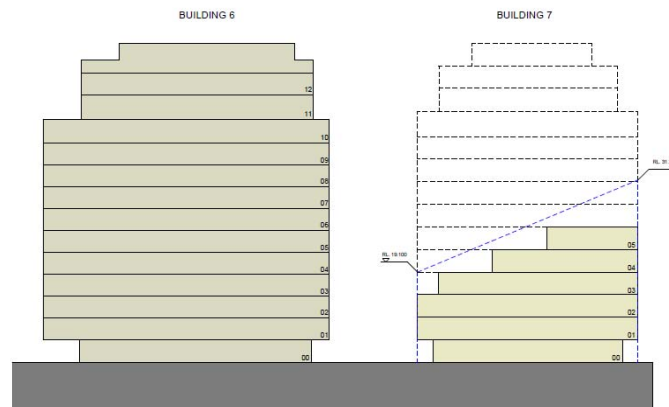


Figure 3 – Impact on Building 7 from complying with 60% solar access requirement

### 3.3 Modification to Building Envelopes Drawing

In the process of documenting the Building 2 Development Application, it has become evident that there is a minor drafting error within the approved Concept Plan Proposed Building Envelopes drawing (DA3-001 Revision D dated 23/02/2011).

The drafting error relates to the position of the 22 metre building separation arrow between Building 2 and the existing building Verge (refer to **Figure 4**). The dimension arrow on the approved drawing is to the balcony edge. The dimension arrow in this case should carry beyond the balcony to the facade. The original reason the 22 metre dimension was labelled on the Concept Plan drawing was to establish a building separation distance less than the Residential Flat Design Code (RFDC) 'Rule of Thumb' for Levels 9 and above only (which do not have balconies).

However the distance between Building 2 and Verge main facade varies from the RFDC 'Rule of Thumb', which require a 24 metre separation for level 9 and above (**Figure 5**). This was justified within the Concept Plan EAR and PPR. As Building 2 would be located at a minimum distance of 22 metres from level 9 – 11 of Verge, a 22 metre dimension arrow was intended to be placed between the main façade of Verge and Building 2 to depict this variation (**Table 1**).



Figure 4 – Approved building separation diagram

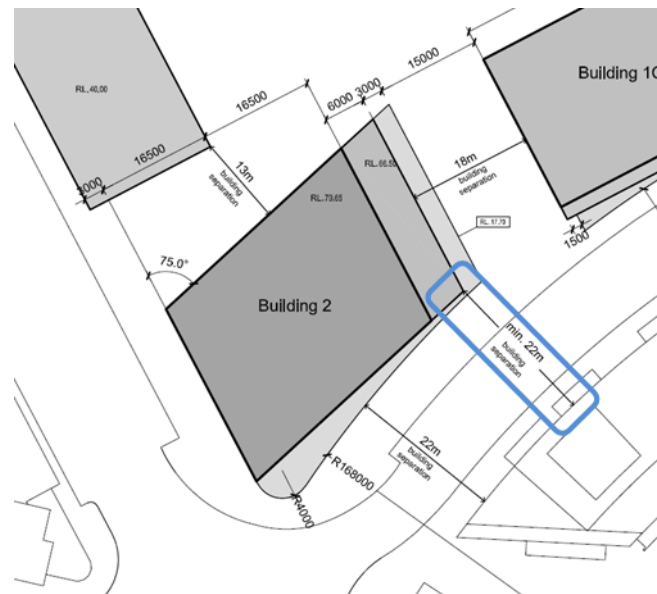
**Table 1** - Building Separation Summary related to approved Concept Plan

Building	Building 2 separation distance		Building 2 separation distance	
	1 – 8 storeys		9 storeys and above	
Between Building 2 and Verge	RFDC 18 metres	Concept Plan > 18 metres (complies so no notation required on Building Separation Drawing)	RFDC 24 metres	Concept Plan set a minimum distance of Minimum 22 metres (notation to façade required on Building Separation Diagram).

**Figure 5** – 22 metre separation to Verge (no balconies)

A minor drafting error accordingly occurred in translating the 22 metre dimension arrow on the Building Envelopes drawing. To correct this error, it is requested that the accompanying revised Building Envelopes drawing (DA3-001 rev G - included at **Appendix A**) be added to the plan list at Condition A2 of MP10\_0003 and replace the previously approved version. **Figure 6** provides an extract of the corrected placement of the 22m dimension arrow between Building 2 and the main façade of Verge.





**Figure 6** – Updated building separation diagram for approval



## 4.0 Environmental Assessment

This section outlines that a range of amenity factors should be considered when assessing the suitability of Building 6 in the Discovery Point Concept Plan. This section outlines that solar access is but one measure of amenity. The Discovery Point site is unique in its context and location, providing significant amenity to residents via a station being centrally located within the site, expansive park and water views and significant 'district' and 'local' open space opportunities. A multi-faceted consideration of amenity is explored below based on the intent and objectives of the RFDC, while the principle of context is further addressed.

### 4.1 SEPP 65 Design Quality Principles

#### 4.1.1 Holistic Consideration of Amenity

The Discovery Point site provides significant amenity to its residents by virtue of:

- Expansive parks and water views (notably there is no comparable 'Rule of Thumb' relating to the amenity benefits of views);
- Close proximity to major public transport infrastructure with a station located centrally within the site and ease of access to local bus services and cycle ways;
- Close proximity to shops and other services within the site including a supermarket and a 'village square' providing retail and café experiences within the site;
- Ability of the Concept Plan envelopes to achieve other aspects of the SEPP 65 Amenity considerations including ventilation; enjoyment of daylight; privacy; adequate storage, indoor and outdoor space; efficient layouts; outlook and ease of access. Future DAs will be guided by the set of Development Design Guidelines, which encourage good design through a range of amenity measures.

Discovery Point is unique in many respects. Few other developments dedicate such a high percentage of site area for open space, and this should also be taken into account when assessing amenity. The Discovery Point Park is a 2.4 hectare park that remains in the site's private ownership but has a requirement for wider public access placed on its title. A range of other parks (with public access) are to be provided under the Concept Plan meaning significant areas of open space within the site and along the Cooks River foreshore are available for residents. Furthermore, at any time during the day one or more of these areas is in sunshine.

The site also has a unique structure dictated by a rail line at the north west boundary and another dissecting the site, an emerging road pattern set by the existing stages that have been built under the previous Master Plan and an established built form 'heritage arc' which frames the heritage items of Tempe House, St Magdalen's Chapel and Discovery Point Park. This structure dictates that buildings are oriented as perimeter edge buildings around carefully planned roads and a number of buildings front onto open space. The heritage arc also dictates that a number of the Concept Plan buildings including Building 6 face south or south east with expansive uninterrupted views. However, by virtue of their southerly aspect the apartments within these buildings have reduced solar access.

This modification responds to the objectives and better design practice for daylight access under the RFDC and demonstrates that a variation to the 'Rules of Thumb' for daylight access to Building 6 is acceptable with regard to site constraints, context and other factors which create amenity for future occupants of this building.

It demonstrates that the various factors affecting amenity should be weighed up and considered in unison when considering the suitability of this proposal, to evaluate its overall performance.

#### 4.1.2 Principle 1: Context

SEPP 65 and the RFDC place significant emphasise on detailed and rigorous analysis of site context, opportunities and constraints to inform the design process and ultimately improve the design quality of residential flat buildings. Principle 1 of SEPP 65 indicates that *“good design responds and contributes to its context”*.

This emphasis is reiterated in Part 1 and Part 2 of the RFDC, as reproduced below.

*“Good design responds and contributes to its context. Context is everything that has an impact on an area: its key natural and built features. Context includes social, economic and environmental factors as well as the physical form of the area and its surrounds. Understanding context means understanding how the*

*Inter relationships between all these factors, and between the local area and the region, will have an impact on the area in the future. Responding to the local context involves identifying the desirable elements of current character or the key aspects of character that are important to its future.*

*Understanding the local context is a key step in the process of establishing a robust urban structure which can support change and help to identify the appropriate building types and development controls for a particular situation.*

*Site analysis is an important part of the design process. Development proposals need to illustrate design decisions, which are based on careful analysis of the site conditions and their relationship to the surrounding context. By describing the physical elements of the locality and the conditions impacting on the site, opportunities and constraints for future residential flat development can be understood and addressed in the design.”*

The variation to the solar access target for Building 6 sought in this modification is based on what can be practically achieved under the approved Concept Plan layout for this building. The approved Concept Plan in turn resulted from a careful and rigorous analysis of the site’s opportunities and constraints, including the existing built form, placement of perimeter edge buildings, retention of street alignments developed under the previous master plan and retention of the Heritage Arc. It also retained the quantum of GFA approved in the previous master plan in an improved configuration.

The RFDC acknowledges that where the “Rules of Thumb” cannot be met, it must be demonstrated how site constraints and orientation prevent the attainment of those standards. The following paragraphs address the Regional and Local Context for Discovery Point.

#### Regional Context – Employment and Open Space

Discovery Point has significant regional road access, with direct access onto the Princes Highway, providing road access to the Sydney CBD and the southern suburbs of Sydney. The site is located approximately 1 kilometre from an entrance on the M5 Motorway which provides access to the Sydney Orbital Network.

The suburb of Wolli Creek is surrounded by a number of employment lands precincts including land within Marrickville, Sydenham, Sydney Airport, Port Botany and their surrounding industrialised areas, as well as the Sydney CBD. Discovery Point is also within close proximity to numerous local, district and regional parks and recreational facilities including:

- Discovery Point Park (located within the site);
- Barton Park to the south-east;
- Kendrick Park to the north-east;
- Kogarah Golf Course, Cahill Park, Tempe Recreation Reserve, and the Cooks River Motor Boat Club to the east; and
- Mackey Park, Gough Whitlam Park, Waterworth Park, Steel Park and other parks and reserves along the Cooks River and Wolli Creek to the north-west and west.

### Local Context

The Discovery Point site and project itself has a number of significant opportunities that contribute towards significant amenity for residents, including:

#### *Transport*

Discovery Point is currently highly accessible to public transport, with the Wolli Creek Railway Station located within the site providing access to the Illawarra, South Coast, Airport and East Hills rail lines. Travel times to Sydney CBD are on average 13-15 minutes by train. In addition, the Sydney Buses routes 348 and 422 provide public transport linkages to the surrounding local suburbs.

Bicycle paths are provided along Brodie Spark Drive and the riverfront to connect Madgalene Terrace to the Cooks River. The riverfront cycle paths then connect through Discovery Point Park to link back to the wider regional cycle network.

#### *Open Space and Communal Facilities*

The Discovery Point site includes a major piece of public benefit in the form of Discovery Point Park. This park is a 2.3ha district park with frontage to Cooks River. Whilst the park remains in the ownership of residents' of the site, there is a requirement on title that this park provide access to members of the public.

The approved Concept Plan extends the range of recreational experiences available for residents, including:

- A new "Neighbourhood Park" at the southern end of the site.
- A new "Waterfront Park" at the northern end of the site.
- A new park above the railway corridor known as "Station Park".
- Rooftop podium communal open spaces areas including roof top pools in key locations.
- The extension of Discovery Point Park to the north along Cooks River.

Existing facilities also accessible for all Discovery Point residents include:

- the Mount Olympus communal open space area, which is a landscape regenerated area available to residents.
- Tempe House and St Magdalen's Chapel.

Furthermore, at any time of the day one or more of these sites significant open space areas will be in sunshine. Most notably, few other developments dedicate such a high percentage of site area for public open space, and this should also be taken into account when assessing the overall amenity.

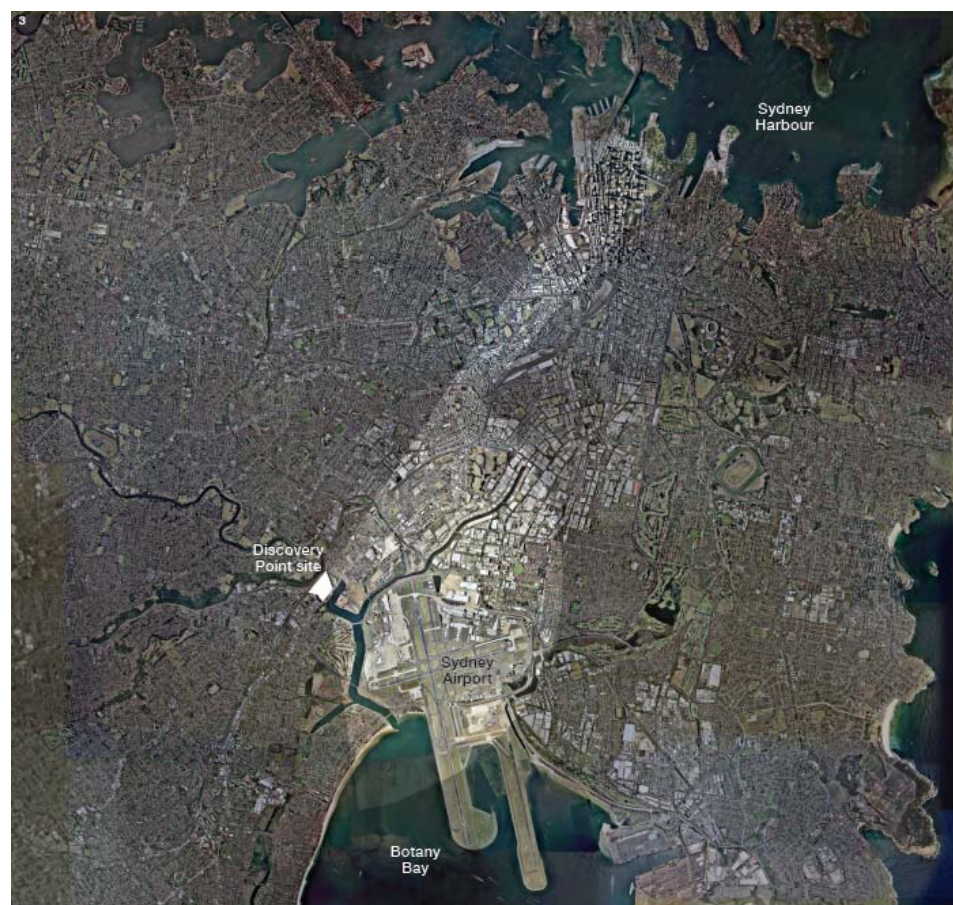
#### *Access to Retail and Services*

- Adjacent to the new neighbourhood park will be a supermarket, speciality shops and cafes. A range of other shops will flank the new neighbourhood park including retail uses in Building 2.
- The Concept Plan requires that a minimum of 9,000m<sup>2</sup> of non-residential floor space is required to support the residential population of the site.

#### *Access to Views and Outlook*

Due to the site's aspect and facilitated by the uninterrupted views over Discovery Point Park, a number of buildings within the development will experience significant district and regional views.

The site has views over Botany Bay, Waterworth Park, the Cooks River, Sydney CBD the airport and Kogarah Golf Course (**Figure 7**).



**Figure 7** – Key distance views from Discovery Point (lighter shading)

Source: Bates Smart

### 4.1.3 Principle 7: Amenity

The principle of amenity within SEPP 65 is clearly based on a broader range of considerations, including but not limited to access to sunlight. Principle 7 provides that:

*Principle 7: Amenity*

*Good design provides amenity through the physical, spatial and environmental quality of a development.*

*Optimising amenity requires appropriate **room dimensions and shapes, access to sunlight, natural ventilation, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas, outlook and ease of access** for all age groups and degrees of mobility.*

As outlined previously in this section “context” is viewed within SEPP 65 and the RFDC as important for establishing site and built form parameters. Context can also be a key factor in creating the amenity for apartments on a particular site. There are many instances where the amenity of a site or a development proposal is based on a range of amenity measures mentioned in Principle 7 of SEPP 65. For example, the amenity of Discovery Point and Building 6 is primarily a product of its location, and its access to transport, significant open space and recreational opportunities, river foreshore, access to local services and retail (supermarket), rather than its access to sunlight. As a result, there should be recognition that there are a number of contextual drivers of amenity, other than those that are outlined in SEPP 65 Amenity Principle, which can be just as important in influencing that amenity and in determining the liveability of an apartment.

In addition, by living in an urban environment, amenity factors such as access to jobs, transport, retail and services mean a resident is often willing to trade-off an apartment with full daylight access for these other benefits.

Equally, it should be recognised that the provisions of the RFDC may not be applied equally, or weighted the same, in different contexts. For example, a suburban context would have a different set of amenity considerations to a higher density urban context.

In particular, Building 6 addresses some of the various amenity measures for Discovery Point as follows:

- **Natural ventilation:** 68% of apartments will be naturally cross ventilated.
- **Visual and acoustic privacy:** achieved through orientation of units, highlight windows and offsetting balconies.
- **Storage:** to be provided for each apartment in accordance with the Development Design Guidelines.
- **Indoor and outdoor space:** Compliant with the Development Design Guidelines for minimum apartment sizes for each apartment type; and minimum private open space areas.
- **Parks:** Access to four parks provided within the site.
- **Views and Outlook:** The superior amenity benefits of views from Building 6 towards Discovery Point Park and Botany Bay with 77% of apartments enjoying views (refer to **Figure 8**).
- **Accessibility:** Located within close walking distance to Discovery Point Park, Wolli Creek Railway Station and future retail uses.
- **Solar Access:** 44% of apartments receiving 1 hour of direct sunlight.



From the above considerations, it is evident that Building 6 provides for a high quality residential environment. The framework of the approval conditions and detailed controls committed to by Discovery Point Pty Ltd in the Development Design Guidelines also helps ensure Building 6 provides a high level of overall amenity for occupants.



**Figure 8** – View and outlook experienced from upper floor levels of Building 6

## 5.0 Macro Considerations

This section addresses the macro considerations with regards to the Section 75W modification. This justification is based on the broader strategic benefits of Discovery Point and Building 6 in terms of its contribution to the critical housing supply shortage in the Australian and NSW context.

### The Housing Market - Australia<sup>2</sup>

Housing affordability is a major policy concern at the National, State, metropolitan and local level. At the national level underlying demand is forecast to average 180,300 new dwellings per annum over the three years to 2013/14, which is above the estimated average for underlying demand of 171,100 dwellings in the 2006/07 to 2010/11 period.

Total dwelling supply still remains well below underlying demand, with an estimated 154,900 dwelling starts in 2010/11. Consequently, the stock deficiency estimate of 124,200 dwellings at June 2011 is expected to escalate further to a projection of 189,200 dwellings at June 2014—around one year's level of underlying demand. The greatest rise in the deficiency will be concentrated in New South Wales, Queensland and Western Australia, where the lowest levels of construction relative to underlying demand are occurring.

It is agreed by both Federal and State Government that the contributing causes of the housing crisis are inadequate housing supply in the market, complex planning systems and high infrastructure levies all of which contribute to a significant housing affordability problem.

### The Housing Market – NSW

New South Wales has experienced a sustained severe weakness in new dwelling construction since 2006 that has resulted in the state's underlying deficiency of residential housing ballooning to an estimated 87,900 dwellings as at June 2011.

Although supply is expected to experience growth in the three years to 2013/14, dwelling starts are not anticipated to match underlying demand until the end of the forecast period, leading to conditions in New South Wales becoming tighter. Residential construction activity in Sydney still remains at its lowest level since the early 1990s recession.

### The Significance of Discovery Point

Discovery Point, once fully developed will accommodate approximately 1,500-1,800 dwellings (including existing developed stages) with a resident population in the order of 3,200 to 3,800. Building 6 contributes to 88 of these dwellings. The site is therefore an important urban growth area for the south sub-region that will assist in the current housing shortage and the achievement of Government's housing targets.

The proposed development also assists in delivering housing affordability through the delivery of a wide range of housing choices. The approved apartment mix, apartment size ranges and different orientation of apartments match housing choices for different consumer markets.

<sup>2</sup> LMI Housing Outlook, Australian Housing Outlook 2011-2014, Prepared by BIS Shrapnel, October 2011.

Evidence of the demand for apartments (within Discovery Point and indeed generally) can be witnessed in the selling rates of 'off the plan' sales for Buildings 1 and 6. To date 95% of apartments within Building 1 and 94% within Building 6 have sold off the plan, with 85% of Stage 1 selling in only two weeks.

This significant pre-commitment from the Concept Plan approval, means that Australand wish to obtain approvals for a further five buildings in 2012/2013, with construction expected to commence in 2012/2013.

Discovery Point and Building 6 therefore meets a demonstrated strategic need that delivers and maintains housing choice, diversity and relative affordability levels for Rockdale residents. The notable entry level housing component assists in reducing housing stress in the locality.



## 6.0 Conclusion

The assessment of the proposed modification to the solar access target for Building 6 within the Discovery Point site indicates that the proposal is justified on strategic planning grounds in terms of the Concept Plan's contribution to housing supply and given a multi-faceted range of measures contribute to the residential amenity of the development.

The holistic assessment of the various amenity considerations for this building demonstrates that notwithstanding the lower achievement of direct sunlight access, Building 6 will deliver a high level of residential amenity.

The positive market response to date indicates that the market concurs that Building 6 has a good level of amenity and is a desired place to live.

The modification also seeks to amend the approved Building Separation plan to correct a drafting error. This change is considered minor and has no material impact on the approved Concept Plan structure.

The modification to Conditions A2, A5, B3 and Schedule 3 Condition 1 of the Concept Plan approval and to the solar access section of the Development Design Guidelines is therefore warranted in this instance.