

Joint Regional Planning Panel

(Sydney East Region)

Meeting Date: 17 October 2012

JRPP Number:	2012SYE064
DA Number:	DA-2012/410
Local Government Area:	ROCKDALE
Proposed Development:	Discovery Point - Stage 2 - Construction of a mixed use development comprising ground floor retail/business premises, 200 apartments, basement parking and ancillary landscaping and public domain works
Street Address:	1 Princes Highway, WOLLI CREEK NSW 2205
Applicant/Owner:	Discovery Point PTY LTD
Number of Submissions:	Nil
Recommendation:	Approval subject to conditions
Report by:	Marta Sadek – Senior Development Assessment Planner

Precis

The site is part of the Discovery Point Precinct located within the suburb of Wolli Creek in Rockdale. In April 2001, Council approved the Masterplan for the Precinct under DA-2001/50. Subsequently, buildings identified in the Masterplan as 1, 2 and 4 were approved. These buildings are known as Greenbank, Verge and Vine (respectively) and are currently occupied. Additionally, approval was granted and development completed for the restoration of the heritage buildings and Mt Olympus, known as Tempe Estate.

The Minister, under delegated authority, approved the Discovery Point Concept Plan pursuant Part 3A of the EP&A Act on 5 May 2011 (MP 10_0003). The Concept Plan includes a maximum of 132,000sq.m. total GFA. The developments completed under the Masterplan DA-2001/500 are not part of the Concept Plan approval.

The Concept Plan envisages 13 additional buildings within the Precinct with associated parking, new roads and landscaped areas including new plazas and parks. Stage 1 and Stage 6 have also been approved by the Minister for Planning under MP10_0030 and MP10_0031, respectively.

The proposal is for the development of Stage 2, comprising the construction of a mixed use building and associated carparking, landscaping and public domain works. Stage 2 is located in a gateway site at the intersection of Brodie Spark Drive and Magdalene Terrace.

Prior to lodgement of the application, the applicant had extensive consultation with Council officers as part of the preDA process in regards to the proposal, which included advice from the Design Review Panel (DRP) under SEPP 65.

The land is zoned B4 Mixed Use under Rockdale Local Environmental Plan 2011 (RLEP 2011). The proposal is a mixed use development defined as shop top housing. The proposal is permissible with development consent.

The proposed building comprises 21 residential levels above a podium level containing retail/business premises and roof top plant room level. The total number of apartments is 200. The non residential premises have a total GFA of 727 sq.m. The proposal also involves three levels of basement parking, landscaping and public domain works.

The proposal is generally consistent with the Concept Plan approval MP 10_0003, and complies with the objectives and requirements in Rockdale Local Environmental Plan 2011 (RLEP 2011) and DCP 2011 where relevant. The proposal is also consistent with State planning policies applicable to the development. The proposal is of a high standard of building design and responds to its prominent location at the entrance to Wolli Creek. The proposal is supported by the design quality principles under SEPP 65. It is considered that the proposal is in the public interest.

The Capital Investment Value is approximately \$52.6million and as such the development application is referred to the Joint Regional Planning Panel (JRPP) for determination.

Officer Recommendation

1. That development application DA-2012/410 for the construction of a mixed use development comprising ground floor retail/business premises, 200 apartments, basement parking and ancillary landscaping be APPROVED.

Report Background

PROPOSAL

The proposal is for the construction of a mixed use building comprising a total of 23 levels, including 21 residential levels, one podium level containing retail/business premises and a roof top plant level. The total number of apartments is 200.

The ground floor contains five (5) non residential premises fronting the public areas around the building, including the Neighbourhood Park, Brodie Spark Drive and Magdalene Terrace. Signage zones are proposed above the glazing of the non residential premises along the perimeter of the tenancy to a height of 550mm.

The proposal also involves the construction of a three (3) basement levels with capacity for 157 residential spaces, 14 motorcycle spaces and 14 bicycle spaces. Basement level 01 will provide parking for future Stage 3. The parking demand for Stage 2 will be accommodated in basement levels 02 and 03 and within basement level 0 under Stage 1 as well as within existing basement levels 01 and 02 under Verge, Vine and Greenbank. Stage 2 has been provided with a total of 190 residential car parking spaces and 21 non residential carparking spaces, including existing carparking spaces. A total of 27 visitor carparking spaces are provided in the basement within Stage 1. Bicycle parking is provided in basement level 01.

Three (3) on street public parking spaces and one loading dock are proposed along Magdalene Terrace. The proposal includes some adjustments of roads and services within the site as well as landscaping and public domain works associated with the site.

The apartment size varies from 53sq.m. to 126 sq.m. The proposal provides a range of apartment types as follows:

One bedroom –	60 (30%)
Two bedrooms -	120 (60%)
Three bedrooms -	20 (10%)

Four (4) adaptable apartments are provided within the building. The floor space of the proposed non residential component is 727sqm. The total gross floor area of building 2 is 16,525sq.m.

Vehicular access to the site will be temporarily available via Brodie Spark Drive. On completion of future stages, access will also be available via Spark Lane. The main pedestrian access to the residential levels is on Brodie Spark Drive.

Most of the bulk earthworks associated with the proposed basement have been approved under the Stage 1 application MP10_0030. As such there are no significant bulk earthworks as part of this application.

The proposed landscaping and public domain works involve upgrading of footpaths on Magdalene Terrace and Brodie Spark Drive, paving around the building as well as the inclusion of planter boxes and trees within Discovery Point Walk. Realignment of the traffic island in Magdalene Terrace is also proposed.

EXISTING AND SURROUNDING DEVELOPMENT

The site is part of the Discovery Point Precinct located at 1 Princes Highway Wolli Creek. The Precinct is bounded by Princes Highway, Brodie Spark Drive, Magdalene Terrace, the Illawarra and East Hills Railway Lines and Cooks River. Wolli Creek railway station is located within the boundaries of the Precinct.

The subject site is located on the corner of Brodie Spark Drive and Magdalene Terrace. The site is described as Lot 400 DP 1161708. The approximate site area is 2,792sq.m. The site is generally vacant except for a temporary ramp providing access to the basement levels of existing buildings.

Opposite the site on Magdalene Terrace is the development known as 'Proximity' comprising a mixed use high density residential complex. The site is adjacent on the western boundary to the future Neighbourhood Park. The site is in the vicinity of Tempe House and Magdalene Chapel, which are listed as items of State heritage significance.



(Source: JBA)

PLANNING CONSIDERATION

The proposed development has been assessed under the provisions of the Environmental Planning Assessment Act, 1979. The matters below are those requiring the consideration of the Joint Regional Planning Panel.

Section 91A – Development that is Integrated Development

The proposed basement is contained within the existing diaphragm wall, built as part of the initial stages of the precinct. The bulk excavation associated with the development of Stage 2 has been approved under Stage 1. As such the proposal does not involve any additional ground works and no permit under the Water Act 1912 is envisaged as necessary for this application nor is there any proposed work that would trigger any other integrated permit.

Section 79C (1) Matters for Consideration - General

Provisions of Environmental Planning Instruments (S.79C(1)(a)(i))

State Environmental Planning Policy Building Sustainability Index (BASIX)

The applicant has submitted a BASIX Certificate for the proposed development. The Certificate numbers are 409020M (for level 1-10) and 409068M (for Level 10-22).

The commitments made result in the reduction in energy and water consumption shown below. A condition is proposed on the consent to ensure that the BASIX requirements are adhered to.

Level 1-10	
Reduction in Energy Consumption	25% (target 20%)
Reduction in Water Consumption	62% (target 40%)
Thermal Comfort	Pass(target pass)

Level 11-22	
Reduction in Energy Consumption	24% (target 20%)
Reduction in Water Consumption	59% (target 40%)
Thermal Comfort	Pass(target pass)

State Environmental Planning Policy No.55 - Contaminated Land (SEPP 55)

The property is identified in Council's records as being potentially contaminated. The application is subject to the Concept Plan approval. The Concept Plan Environmental Assessment provided an assessment of the suitability of the land from a contamination perspective and concluded that the site can be made suitable for the proposed land use subject to compliance with the Site Management Plan. Conditions of consent are proposed in line with these recommendations. Therefore the proposal meets the requirements of SEPP 55.

State Environmental Planning Policy (Infrastructure) 2007 (ISEPP)

Clause 45 of the ISEPP requires consultation with electricity supply authorities. Ausgrid was notified of the proposed development and no response has been received. Nevertheless, conditions of consent are proposed to ensure that the applicant consults with utility providers, including Ausgrid to determine any additional requirements.

The site is within 20m of the Moomba to Sydney pipeline system. The proposal was referred to APA /Gorodok as required under clause 55 of ISEPP. Whilst having concerns relating to the realignment of the median strip and construction phase loadings and vibration, APA/Gorodok do not object to the proposal, however, advised that they are contacted prior to commencement of works for any requirements. Conditions of consent are proposed in line with these recommendations.

State Environmental Planning Policy No.65 - Design Quality of Residential Flat Development (SEPP 65)

In accordance with clause 30 of this policy, the consent authority must take into consideration the following:

a. The advice of the Design Review Panel (DRP)

The proposal has been referred to the Design Review Panel (DRP) on two occasions. A pre-DA submission was referred to the panel on 1 December 2011 and the current proposal was referred to the Panel on 5 July 2012.

Following the review of the current proposal, the Panel advised that the design as developed is supported in principle and the majority of issues raised in relation to the pre-DA submission have been addressed. The most important remaining issues raised relate to amenity, social dimensions and aesthetics. A summary of the issues is provided below:

- The basement design does not include daylight or natural ventilation;

- there appears to be no provision for communal areas within the building itself. At the residential levels the lighting 'slots' could be slightly extended from the corridor and could be utilised to provide seating;
- communal space with views, good winter sunlight and basic facilities should be provided (i.e. at the northern end of a typical corridor) given that significant number of units would be lacking in winter sunlight;
- it is also suggested that there could be seating niches in the corridors close to the lifts;
- the rendered drawings did not appear to do adequate justice to the design, in particular the main view from the south-east, leaving an image of the building being somewhat bulky and insufficiently articulated. Further development of this view is encouraged, to ensure that its context is included, and the intended articulation and patterns of light, shade and colour are accurately portrayed. A critical overall objective is for this very large building form not to be overly assertive, but to fit comfortably into the broader context of the Wolli Creek development;
- the depth of the planter beds indicated in the cross section DwgL8 do not appear to be sufficiently deep for tree planting. It is also expected that further thought could be given to the detailing of the planter walls, signage, special lighting and plantings to enhance the signature landscape at this prominent location.

The applicant has provided a response to the issues above. It has been stated that the light wells under existing buildings known as Verge and Vine, built under the previous Masterplan consent, will provide partial access to natural light and ventilation for the carpark under Stage 2 building. It has been argued that additional skylights are not feasible due to long term maintenance costs.

A detailed response to the issue raised by the panel in regards to the provision of communal facilities within the building has also been provided by the applicant. The applicant is against this proposition as the future residents of building 2 will have access to the community facilities within the Precinct as part of the Co-operative title applicable to the Precinct. The community facilities include barbeque areas, community rooms, swimming pools and gymnasiums.

The argument provided by the applicant is supported in principle, but particularly for this building where there is ample non residential floor space at ground level, which has the potential for providing opportunities to the residents for socialising. This feature, together with the provision of seating within the lobby and access to other facilities within the precinct is acceptable. As such in this instance, the provision of communal open space in the upper levels is not considered necessary.

Additional details of the façade of the building, particularly the south west corner have been provided demonstrating the use of materials and colours to articulate the façade. As stated by the architect, the intent is to achieve a vertical feature, which will be more prominent with the use of light at night-time.

An amended landscape plan is required prior to the issue of the Construction Certificate to address the issue raised in regards to the depth of planter boxes and achieve compliance with Council's Public Domain Plan.

b. The design quality of the residential flat building when evaluated in accordance with the ten design quality principles

The 10 design quality principles have been considered in the assessment of the proposal and are found to be satisfactory as indicated below.

Principle 1 - Context

The site is a gateway site and the proposal will be a prominent feature in the context as envisaged in the Concept Plan approval. The building design accentuates the prominent corner. The response of the building to its context is supported.

Principle 2 - Scale

The scale of the development is consistent with the Concept Plan approval and is generally within the approved building envelope. The colonnade provides a transition in scale, achieving an appropriate pedestrian scale at street level. It also reflects the character and scale of the buildings on the opposite side of Brodie Spark Drive.

Principle 3 - Built Form

The proposed built form corresponds to the approved building envelope. The built form has been articulated by the use of slots allowing natural light and ventilation to the corridors and apartments up to level 18, vertical building forms, emphasis to the corners and use of colonnades providing a human scale at street level.

Principle 4 - Density

The proposed density is supported by the approved Concept Plan.

Principle 5 - Resource, Energy and Water Efficiency

The BASIX Certificate demonstrates that the proposal meets the targets of the SEPP. ESD principles have also been applied, including water sensitive urban design initiatives.

Principle 6 - Landscape

The proposed landscaping is supported in principle in the context of the Concept Plan approval. However further details will need to be provided to ensure compliance with Council's Public Domain Plan and the Residential Flat Design Code.

Principle 7 - Amenity

The targets specified in the Concept Plan in regards to solar access and cross ventilation have been achieved. The size of apartments complies with the minimum sizes specified in the Concept Plan. Storage areas and private open space have been provided to all units. All other amenity issues identified by the DRP and in the assessment of the application have been addressed. The proposal is supported in regards to amenity.

Principle 8 - Safety and Security

The principles of crime prevention through environmental design such as passive surveillance, access control, territorial enforcement and space management are embedded in some of the design elements. The proposal achieves a good level of safety and security.

Principle 9 - Social Dimensions and Housing Affordability

Communal areas are available within the Discovery Point Precinct. The issue raised by the DRP of providing an additional communal area within the building has been addressed in detail above. The proposal includes a variety of unit types and mix, which will allow a wide

range of housing choice for prospective residents. The proposal is supported in regards to social dimensions.

Principle 10 - Aesthetics

The façade articulation and prominent corner achieves the role of the site as a prominent gateway site. The proposal is a high quality development that will make a positive contribution to the Discovery Point Precinct and the Wolli Creek area in general.

c. The Residential Flat Building Code (RFDC)

The Residential Flat Design Code is a publication by the State Government which further expands on the 10 design quality principles by providing some detailed practical guidance for the design of residential flat buildings. The proposal has been assessed against the RFDC.

The proposed development is considered to be generally consistent with the controls under the RFDC as reflected in the Concept Plan approval. It is noted that the proposal does not meet the recommendations of the RFDC in regards to the number of apartments accessed from a double-loaded corridor. However, the number is limited to 11 apartments (levels 2 - 10), which is consistent with the maximum of 12 apartments recommended in the Development Design Guidelines approved under the Concept Plan.

The maximum building depth recommended by the RFDC is 18m. The proposed building depth varies between 23m and 26.7m. However the building bulk is within the building envelope approved under the Concept Plan. The façade of the building has been articulated enabling a reduced building depth as compared to the maximum approved envelope. As a result, the apartments achieve a good level of amenity in regards to natural light and ventilation. As such the proposed building depth is considered to be consistent with the objectives of the controls and is supported.

Rockdale Local Environmental Plan 2011 (RLEP 2011)

The site is zoned B4 Mixed Use under the provisions of RLEP 2011. Development for the purpose of shop top housing and commercial premises is permissible with consent. The proposal is consistent with the objectives of the zone. The density provisions such as height and FSR have been set out in the Concept Plan approval and are addressed later in this report. The relevant clauses that apply to the proposal are below.

Clause 6.1 – Acid Sulfate Soils (ASS)

The site is within an area classified as Class 3 in the acid sulfate soils map. Whilst the bulk excavation will be completed as part of Stage 1 works, the applicant has submitted an Acid Sulfate Soils Management Plan. ASS are only expected to be encountered during drilling for piers and the volumes are considered to be small. The recommendations of the Management Strategy have been included in the draft notice of determination. The proposal is consistent with the objectives and requirements of clause 6.1.

Clause 6.2 – Earthworks

The proposal involves minimal excavation as the bulk earthworks will be carried out as part of the Stage 1. The proposal is consistent with the objectives and requirements of this clause.

Clause 6.3 – Development in areas subject to aircraft noise

The site is located between the 20 and 25 ANEF contour for 2029. A noise impact assessment has been submitted. The report recommends acoustic measures to comply with the relevant standards as required by clause 6.3. A condition of consent is proposed to ensure that the recommendations of the report are implemented. Also refer to 'Impacts of the Development' under S79C(1)(b) below.

Clause 6.4 – Airspace operations

The maximum height of the proposal shown on the elevation plan is 77.2 m AHD and as such the proposed building will penetrate the Obstacle Limitation Surface (OLS). The applicant has obtained a letter of approval (dated 15 December 2010, ref 10/14748) from Department of Infrastructure & Transport that allows Building 2 to be built to a maximum height of 79.65m AHD. The proposal was referred to Sydney Airports for comment. Sydney Airports confirmed that the approval by the Department of Infrastructure & Transport is valid for the proposed building height.

Clause 6.6 – Flood Planning

The site is affected by flooding. A Flood Emergency Management Plan and Flood Evacuation Plan as well as a Certificate of Compliance confirming that the proposal complies with the minimum floor levels to meet Council's flood planning requirements have been submitted with the application. The proposal is satisfactory in regards to flooding.

Clause 6.7 – Stormwater

The proposed stormwater system has been approved by Council's development engineers and is consistent with this clause.

Clause 6.12 – Essential Services

Services are generally available on the site. Additional conditions of consent are proposed requiring consultation with relevant utility providers to ensure appropriate provision of services on the site.

Concept Plan Approval (Project application MP 10_0030)

The proposal is generally consistent with the conditions of the Concept Plan approval. The following issues are relevant for consideration by the JRPP.

Condition A9 of the Concept Plan approval requires building footprints and setbacks to be 'generally consistent' with the building envelope parameter diagrams and the building separation diagram shown in approved drawing DA3-001D by Bates Smart Architects. The proposed building is within the Concept Plan building envelope, particularly in regards to maximum height. Some minor protrusions have been identified along the colonnade forming the podium and an awning provided in level 19 over the terraces for apartments 1901 and 1902. Other protrusions include sunshades, balustrades and balcony external spandrels. The protrusions provide articulation to the facades and are of a minor nature. The proposal is considered to be generally consistent with the approved envelopes and setbacks and as such complies with the requirements of condition A9 of the Concept Plan.

The Concept Plan Approval does not specify the maximum FSR for the subject site. Instead, a maximum of 132,000sqm total Gross Floor Area (GFA) and a minimum of 9,000sqm non-

residential GFA is applicable for the buildings to which the Concept Plan applies. The proposal comprises 15,797 sqm residential GFA and 727 sqm non-residential GFA. The applicant has provided a schedule of GFA across the site to demonstrate that the total GFA stipulated by the Concept Plan can be achieved.

The proposal complies with condition A7 in terms of providing non residential uses at ground levels.

Condition A11 requires that at least 2% of the units should be adaptable units. The proposal provides 4 adaptable units and complies with these requirements.

The proposal complies with all other conditions in terms of building design, unit mix, unit size, building envelope, natural cross ventilation and parking.

The proposal is consistent with the submitted Staging Plan and condition 20 of the Concept Plan approval.

Additional conditions of consent are proposed requiring further details prior to the issue of the Construction Certificate in regards to compliance with Council's Public Domain Plan and condition 17 of Schedule 3 concerning the design of Magdalene Terrace.

Statement of Commitments – Concept Plan Approval

The proposal is consistent with the Statement of Commitments. Additional conditions of consent are proposed requiring more details in regards to compliance with Council's Public Domain Plan. Refer to assessment under S79C(1)(a)(iiia) below in regards to the Voluntary Planning Agreement.

Development Design Guidelines (DDG)- Concept Plan Approval

Condition B3 of the Concept Plan approval required modifications to the Development Design Guidelines. The proposal has been assessed against the DDG as modified. The DDG provide specific controls to guide the development of the Precinct to achieve the desired outcome.

The proposal is consistent with the DDG in that it provides a retail street frontage, adequate provision of private open space, ceiling heights, solar access, noise impacts, dwelling mix, apartment size, storage areas, etc.

It is noted that the DDG identifies communal open space areas across the Precinct in the roof terraces of buildings in stages 1B, 3, 11-12 and 8-10. No specific communal area has been identified for Stage 2. As such the proposal is satisfactory in regards to the communal open space requirements of the DDG.

Provisions of any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (S.79C(1)(a)(ii))

Draft Rockdale Local Environmental Plan 2011 (Amendment No. 1) - Housekeeping was on public exhibition from 28 June 2012 until 27 July 2012 and applies to the entire LGA. However none of the proposed changes affects the proposal. There are no other Draft Environmental Planning Instruments applying to this proposal.

Provisions of Development Control Plans (S.79C(1)(a)(iii))

Development Control Plan 2011(DCP 2011)

The controls for the development of Discovery Point are contained in the Development Design Guidelines approved under the Concept Plan. Where applicable, the proposal has been assessed against the objectives and controls under DCP 2011 and associated documents being the Wolli Creek and Bonar Street Precinct Public Domain Plan and Manual (PDP), Technical Specifications for Parking, Technical Specifications for Stormwater, Waste Minimisation and Management and Landscaping.

The proposal is consistent with the controls in DCP 2011, particularly in regards to views and vistas, streetscape, pedestrian environment, site facilities etc.

Conditions of consent are proposed requesting additional details to demonstrate compliance with the Public Domain Plan. Furthermore, a condition is proposed requesting amendments to the acoustic report to address Council's requirements in regards to acoustic privacy as stated in clause 4.4.5(7) of DCP 2011.

Any Planning Agreement that has been entered into under section 93F, or any draft planning agreement that the developer has offered to enter into under section 93F (S.79C(1)(a)(iiiia))

The Concept Plan Statement of Commitments requires the execution of a Voluntary Planning Agreement (VPA) prior to determination of the third Project application. The developer has been in consultation with Council officers to initiate the process for the VPA. However there has been no progress to date. The developer has agreed that in the absence of a VPA, the rates under Council's S94 Contribution Plan should apply.

Provisions of Regulations (S.79C(1)(a)(iv))

All relevant provisions of the Regulations have been considered in the assessment of this proposal.

Impact of the Development (S.79C(1)(b))

Character / Streetscape / Density / Bulk / Scale

The bulk and scale of the proposal is consistent with the Concept Plan building envelope. The proposal is a high standard building design and is supported by the SEPP 65 design principles. The intent of the Concept Plan of having a prominent building on this location at the entrance of Wolli Creek has been achieved.

Solar Access

At least 74% of apartments will receive a minimum of 2 hours of sunlight in living areas and private open space between 9am and 3pm in mid winter. The number of single aspect apartments facing south has been minimised. The proposal is supported by SEPP 65 in regards to solar access.

Safety and Security

The proposal incorporates appropriate measures in line with the safer by design principles such as the use of adequate lighting in compliance with AS1158.3 and AS4282, installation

of CCTV cameras at entry points, including carpark entrance and foyer, intercom systems and swipe card access to limit access to certain areas; and landscape maintenance. Further the design of the building allows passive surveillance of the street by locating balconies and living areas on the corners.

Additional measures will need to be implemented for the specific use of the non residential tenancies subject to a separate application.

Conditions of consent are recommended to ensure that the above measures are implemented. Subject to compliance with these conditions, the proposal is satisfactory having regard to safety and security.

Accessibility

Apartments 1105, 1205, 1305 and 1405 have been identified as adaptable units. An Access Review report submitted with the application demonstrates that the proposed development achieves an appropriate degree of accessibility in accordance with the relevant statutory requirements. Further measures will need to be documented at construction certificate stage and implemented during construction. The recommendations of the report have been included as a condition of consent.

Traffic/Parking

A traffic assessment was carried out as part of the Concept Plan approval. It has been determined that additional road and intersection upgrade works as a result of the new Masterplan for the site are not required. An updated Traffic Report has been submitted with this application to specifically address the parking rates and traffic generation of the proposal.

The allocation of parking is in accordance with the concept plan approval as follows:

One bedroom apartment = maximum 1 space
Two bedroom apartment = minimum 1 space – maximum 2 spaces
Three bedroom apartments = maximum 2 spaces
Retail = minimum 1 space per 35sq.m. GFA
Commercial = minimum 1 space per 50 sq.m. GFA
Visitor = minimum 1 space per 20 apartments
Bicycle = minimum 1 per 15 apartments & minimum 1 per 200sq.m. non residential GFA (and 15% accessible by visitors)
Motorcycle = minimum 1 per 15 apartments and minimum 1 per 20 non residential car spaces

The report concludes that the proposal is consistent with the objectives and requirements of the Concept Plan assessment and relevant Australian Standards AS2890.1, 2, 3 and 6. As such the proposal is satisfactory in regards to traffic and parking.

The proposal was also considered by the Rockdale Traffic Development Advisory Committee (RTDAC), who made the following recommendations:

- 1 *It is recommended that the loading and unloading activities be contained within the site and on-street loading bay cannot be accommodated in Magdalene Terrace in front of the site 2 as proposed by the applicant. The reasons being, the narrowness of the roadway, conflict with recently approved bus zone, the proximity of the proposed loading zone to the existing pedestrian refuge island west of the*

roundabout of Brodie Sparks Drive and Magdalene Terrace, which would not comply to the technical requirements associated with pedestrian refuge island.

- 2 *The proposed changes to the pedestrian refuge island, regulatory sign posting and line marking requires separate referral to the Rockdale Traffic Committee.*

The location of the loading bay in Magdalene Terrace is consistent with the Concept Plan approval. The applicant has stated that 'the purpose of this loading bay is for retail deliveries and activities such as furniture removal and is open to use to the surrounding area and not just associated with Discovery Point'.

The operation of the loading bay and proposed changes to the road reserve will be subject to a Permit under S138 of the Roads Act. The permit shall be in place prior to the issue of the Construction Certificate.

Noise and Vibration

The site is affected by rail, aircraft and road related noise. A Noise Impact Assessment report has been submitted. The report makes recommendations pertaining to the implementation of construction methods and use of materials to mitigate noise impacts to achieve compliance with the Concept Plan approval and relevant standards.

The report states that based on a review of mechanical plant locations, it is considered that acoustic treatments are possible. However, the impact of any mechanical plant will be subject to a detailed assessment at construction certificate stage. In regards to rail traffic vibration, the report concludes that no additional treatment is required.

A condition of consent is proposed to ensure that the recommendations of the Noise Assessment Report are implemented.

Heritage

The proposal is in the vicinity of Tempe Estate, comprising Tempe House, St Magdalene's Chapel and their curtilage. The heritage impact assessment reports, which accompanied the development application, conclude that the proposal will not adversely impact on the significance of the heritage items in its vicinity as the proposed building is located to the north-west of the heritage curtilage and the views to the item are mainly from Cooks River. From this view point, the proposal will relate to the existing high density development background beyond the boundaries of the heritage precinct, rather than having any visual impact on the heritage precinct. Further, archaeological assessment is not required as the excavation required to accommodate the basement have been approved under a separate stage.

The Aboriginal Cultural Heritage Assessment Report submitted with the application confirms that Stage 2 site holds no Aboriginal heritage value. As such no further assessment on Aboriginal heritage values is necessary.

The proposal is consistent with the Concept Plan approval and Council's RLEP 2011 and DCP 2011 in regards to heritage conservation.

Views and Visual Impacts

The upper levels will enjoy views to Botany Bay, Sydney Airports, and Cooks River as well as distant views to the City. The proposal is not considered to create unreasonable visual

impacts to surrounding properties as the building is contained within the approved envelope and the facade has been articulated to further create view corridors.

Waste Management

The applicant has prepared a Waste Management Plan. The Plan includes temporary arrangements to reflect the different stages of construction within the southern precinct and ensure that all waste is managed appropriately. The residential waste will be collected by way of a chute system with access on each floor. A recycling bin will be located adjacent to the garbage chutes. It is the responsibility of the building manager to transport the bins from the garbage enclosure located in basement level 01 to the central storage area located in building 1B for collection. The non residential garbage and recycling is to be managed by the tenants.

The developer has consulted with Council officers in regards to waste management within the Discovery Point precinct. The proposal complies with Council's requirements and is therefore satisfactory in regards to waste management.

Wind Impacts

Wind impacts were considered as part of the Concept Plan approval. A Wind Assessment report, specific to building 2 has been submitted with the application. The report concludes that wind speeds around the site will generally be below the 16 m/s walking comfort criterion except for the southeast corner of the site, which has the potential to experience wind speeds close to or higher than 16m/s. It has been noted that this wind condition is not caused by the proposed development but it is rather an existing condition. Nevertheless wind mitigation measures have been recommended on this location such as banners, planter boxes, wind screens etc. A condition of consent is proposed requiring the implementation of such measures in the detailed landscaping of the site. Subject to compliance with this condition, the proposed development complies with standard wind acceptability criteria for all public areas surrounding the site.

Suitability of the Site (S.79C(1)(c))

The relevant matters pertaining to the suitability of the site for the proposed development have been considered in the assessment of the proposal. Additional conditions of consent are proposed to further minimise any impacts on neighbouring properties and the environment. There are no known major physical constraints, environmental impacts, natural hazards or exceptional circumstances that would hinder the suitability of the site for the proposed development.

Public Submissions (S.79C(1)(d))

The development application has been notified in accordance with Council's Development Control Plan 2011 and no objections have been received.

Public Interest (S.79C(1)(e))

The proposal is subject to the Concept Plan approval. As demonstrated in the assessment of the development application, the proposal will allow the development of the site in accordance with its environmental capacity and future vision for the area. The proposed building is supported by SEPP 65. The quality of the design reflects the role of Building 2 as a gateway and landmark for the area. The proposal is consistent with State and Local planning strategies as it provides a range of housing choice in proximity to transport

infrastructure. As such it is considered that approval of the development application is in the public interest.

CONCLUSION

The proposed development has been considered under S79C(1) of the Environmental Planning and Assessment Act, 1979. The application involves the development of Stage 2 in the Discovery Point Concept Plan approval MP10_0003, which includes construction of building 2 and associated parking, landscaping and public domain works. The proposal is generally consistent with the objectives and requirements of the Concept Plan, RLEP 2011, DCP 2011 and relevant State policies. The proposal is supported by the SEPP 65 design principles and is of a high quality architectural standard. As such, the application DA-2012/410 is recommended for approval.