

Joint Regional Planning Panel

(Sydney East Region)

JRPP Number:	2012SYE078
DA Number:	DA-2013/34
Local Government Area:	ROCKDALE CITY COUNCIL
Proposed Development:	Discovery Point - Stage 7 - Integrated Development - Construction of a residential flat building comprising of 74 apartments, basement parking for 71 vehicles, rooftop plant area and ancillary landscaping including the Waterfront Park
Street Address:	1 Princes Highway, WOLLI CREEK
Applicant/Owner:	Discovery Point PTY LTD
Number of Submissions:	Nil
Recommendation:	Approval
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 and associated works 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. Most recently, the Joint Regional Planning Panel approved Stage 2 at its meeting on 17 October 2012.

The proposal is for the development of Stage 7, comprising the construction of a residential flat building containing 74 apartments and basement carparking with capacity for 71 vehicles. The proposal also includes finalisation of works within Discovery Point Park and construction of a new park known as Waterfront Park. Bulk earthworks are proposed to accommodate future developments in stages 8, 9 and 10.

The proposal includes 34 x one bedroom apartments, 30 x two bedroom apartments and 10 x three bedroom apartments within 13 levels. Level 14 is occupied by a plant room.

The site is zoned B4 Mixed Use and RE2 Private Recreation under the provisions of Rockdale Local Environmental Plan 2011 (RLEP2011). The proposed building is located within the boundaries of the B4 zone. The proposed landscaping works in Discovery Point Park are located within the RE2 zone. Development for the purpose of a residential flat building and recreation area is permissible with consent.

The proposal complies with requirements in Rockdale Local Environmental Plan 2011 and DCP 2011. Some minor variations to the approved Concept Plan building envelope such as the realignment of levels 11 and 12 and the awning at the entrance to the building are proposed. However, overall the proposal is consistent with the approved Concept Plan. Council received no objections to the development application.

The proposal is located in proximity to Cooks River and as such a Permit is required under the Water Management Act. The General Terms of Approval have been issued by the Department of Primary Industries – Office of Water and have been included as conditions in the draft Notice of Determination as required.

Furthermore, some of the landscaping works are proposed within the curtilage of the heritage listed boundary and requires an approval under Section 57(1) of the Heritage Act 1977. However, the applicant has applied to the NSW Heritage Branch - Office of Environment and Heritage for an exemption under the Standard Exemptions granted under Section 57(2) of the Heritage Act by the Minister for Planning. The Heritage Office has confirmed that the proposal is subject to standard exemption No. 7 – Minor Impact and as such has endorsed the proposal subject to conditions.

The Capital Investment Value is approximately \$20.9 million and as such the development application is referred to the Joint Regional Planning Panel (JRPP) for determination.

Officer Recommendation

- 1 That development application DA-2013/34 for the construction of a residential flat building comprising of 74 apartments, basement parking for 71 vehicles, rooftop plant area and ancillary landscaping including the Waterfront Park be APPROVED pursuant to Section 80(1)(a) of the Environmental Planning and Assessment Act 1979 and subject to the conditions of consent attached to this report.

Report Background

PROPOSAL

The proposal is for the construction of a residential flat building containing 74 residential apartments and one level of basement car parking. The height of the proposed building is 14 levels, comprising 13 residential levels and one(1) roof plant level. The maximum RL is 50.5.

The apartment mix is 34 x one bedroom apartments (46%), 30 x two bedroom apartments (41%) and 10 x three bedroom apartments (14%). Two (2) adaptable units are provided within building 7 (2%). The ground level contains five apartments, levels 1 to 4 will contain seven apartments and levels 5 to 10 will have a total of six apartments per level. Level 11 will contain three apartments and level 12 will provide two apartments. The top level contains a plant room and lift overrun. The size of the apartments varies between 53 and 126 sq.m.

Bulk earthworks are proposed beyond the footprint of building 7 to facilitate the construction of part of the basement level for Stages 7, 8, 9 and part of 10. The depth of the excavation is approximately to RL 1.7. The proposed excavation will impact on existing palm trees and as such the proposal includes the replanting of these existing palm trees.

The number of parking spaces within the basement is 71, which includes two(2) adaptable parking bays and one(1) carwash bay. The basement level also includes five (5) motorcycle and five (5) bicycle spaces as well as building services and storage areas. The carpark connects with the approved basement for Stage 6 and as such is located at the same level. Permanent vehicular access to the site is via Building 10. However, temporary access will be available via the temporary bus turning loop, approved as part of Stage 1.

Parking allocation for the proposed apartments in building 7 occurs within Stage 7 basement and in the basement carpark of approved building 6.

The proposal also involves landscaping and public domain works including final works within the Discovery Point Park and construction of the Waterfront Park located between buildings 7 and 8. Part of the landscape works within Discovery Point Park is proposed within the boundary of the state heritage item.

The Waterfront Park includes an accessible ramp and a cycle path, being part of the Kurnell to Homebush Bay cycleway route.

The proposal includes the augmentation and extension of services and utilities within the precinct and the stratum subdivision of Stage 7. The resulting lots will be lot 699, containing the private roads and open space areas owned by the Discovery Point Co-operative; lot 700 containing building 7 apartments, parking and storage areas and lot 701, which is a residue lot for future buildings 8, 9 and 10.

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. Discovery Point is divided into two precincts to the north and the south of the railway line. Stage 7 is located within the Northern Precinct.

The site is the last site forming the arc around Discovery Point Park and has a frontage to the Cooks River. The site is currently vacant. The site area is 8,600sq.m.

The natural ground level across the site is irregular. There is a slope from the highest point of the site (south-western corner) of approximately 3.5m towards the Cooks River foreshore.

Significant vegetation on site includes eleven Canary Island Date Palm trees located in the centre of the site, parallel to the north-eastern façade of the proposed building.



Source: JBA

The site is in the vicinity of Tempe House and Magdalene Chapel, which are listed as items of State heritage significance. The heritage item includes the buildings and the curtilage of the buildings contained mainly within Discovery Point Park.

Immediate surrounding development comprises the approved building 6 to the west, Discovery Point Park to the south, Cooks River to the east and future Building 8 to the north.

PLANNING CONSIDERATION

The proposed development has been assessed under the provisions of the Environmental and 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 development constitutes Integrated Development and requires approval by the NSW Office of Water – Department of Primary Industries under the Water Management Act 2000. The proposal has been referred to the Office of Water and general terms of approval (GTA) have been granted. The conditions of the GTA have been incorporated in the draft Notice of Determination.

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 application has been accompanied by a NatHERS Assessment report for the proposed development, which includes a BASIX Certificate. The Certificate number is 440369M_02. The commitments made result in the reduction in energy and water consumption as shown below.

Reduction in Energy Consumption	23% (target 20%)
Reduction in Water Consumption	60% (target 40%)
Thermal Comfort	Pass (target pass)

The recommendations of the BASIX Certificate and Assessment Report have been included as a condition of consent. Subject to compliance with this condition, the proposed is considered to satisfy the State policy.

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 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. The DRP is generally supportive of the proposal. The following recommendations have been made in the response:

- The relocation of the substation to facilitate vistas to the river as proposed in the Concept Plan.
- Planting of tree species of greater scale to provide appropriate shade and to address the scale of the building.
- Provide more seating in the communal open spaces to promote gathering points.
- Ensure adequate soil depth above the carpark to sustain the growth of large trees.
- Provision of adequate landscaping of appropriate scale to address the 4.5m level change and blank façade.
- Introduce adjustable screens or similar to ensure adequate wind protection, particular on corner balconies.
- Lower level balconies should have solid balustrades to provide privacy.
- Screen main entrance lobby from strong winds.
- Provide details of means of way-finding in the carpark.
- Provide storage areas per unit.
- Provide details as to response to wind at lobby entrance and in the public space between buildings 6 and 7.
- The northwestern corner bedroom and living room in Unit G01 are exposed to the public domain. Suitable design amendments are required to address security and privacy.

- Strongly recommend a small communal space adjoining the lobby and facing towards the northern landscape. This change would necessitate some change to Unit G01, which is compromised by its exposed location close to the public domain, or its deletion and incorporation of part of its floor area into a larger adjacent unit.

The applicant has addressed all of the issues above by amending the plans showing improvements to the amenity of the ground floor apartments and has revised the acoustic and wind reports. Conditions of consent are also recommended to address the landscaping issues and the implementation of the recommendations of the acoustic and wind reports. In regards to the relocation of the substation and the provision of a communal space at ground level, I advise as follows:

Substation

The substation is 1.8m high, 1.45m wide and 2.7m long. The location of the substation was approved as part of Stage 6. Nevertheless the applicant has investigated options to relocate the substation adjacent to the footway so that vistas from the upper level of the Park and Cooks River are retained. The applicant advised *'There are significant competing infrastructure and service requirements that have to be balanced in developing Discovery Point. In this instance, the principal reason for not being able to move the substation is the fact that the substation cannot be located within 10 metres of the sprinkler / hydrant booster cupboard. We are severely constrained and unable to relocate the sprinkler / hydrant booster cupboard as the Fire Brigade require direct access to both boosters from the street. We have checked with our fire services consultant and fire engineer and they have both re-confirmed this essential requirement.'*

The applicant argues that the substation is a common feature of an urban setting and its colour blends with the setting. Further the vistas through the Park will be retained.

Communal area

The communal space required for the development is documented in the Discovery Point Development Design Guidelines. Being part of a cooperative (where the residents will pay levies towards the maintenance of common property within the precinct), the residents of building 7 will have access to Tempe House and Magdalens Chapel for social gatherings and meetings. Similarly, access will be provided to community facilities such as gymnasiums, swimming pools etc located in Stages 8-10, 11-12 and 1B.

Opportunity for the residents to interact is provided within the lobby. The plans have been amended to increase the area of the lobby. Furniture will be provided within the lobby. The amended lobby layout is considered to be of a suitable size and achieve the intent of providing opportunities for the residents of building 7 to meet.

The proposal is consistent with the Concept Plan approval in regards to the provision of communal areas, which provides an overall strategy for the provision of communal facilities to allow the interaction of future residents within the precinct. Further the applicant has advised that Australand are currently investigating the establishment of a Community Development Program to enhance social sustainability by:

- 'fostering a sense of belonging for new residents;
- promoting a culture of welcome and hospitality; and
- helping new residents settle in to life of the local and broader community.'

Based on the above, the proposal is considered satisfactory in regards to the provision of communal space.

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 proposal is consistent with the Concept Plan approval. Being the last building forming the heritage arc around Discovery Point Park, the proposal is a satisfactory response to the character of the buildings within the arc and the surrounding open space areas.

Principle 2 - Scale

The scale of the development is in accordance with the building envelopes approved by the Concept Plan.

Principle 3 - Built Form

The proposed built form responds to the location of the building in this prominent location and the approved envelope, which requires a stepped façade fronting Discovery Point Park consistent with the built form of adjacent buildings.

Principle 4 - Density

The proposed density is supported by the approved Concept Plan.

Principle 5 - Resource, Energy and Water Efficiency

The BASIX Certificate and NatHERS assessment demonstrate 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 approved in principle as it is generally consistent with the Concept Plan approval. However a condition of consent is proposed requiring the submission of a detailed landscape plan for Council approval prior to the issue of the Construction Certificate. The amended plan shall indicate details of the location and design of the water feature located within the Waterfront Park.

Principle 7 - Amenity

At least 65% of apartments have cross ventilation and 76% achieve a minimum 2 hour sunlight access between 9am and 3pm in mid winter. Storage areas and private open space have been provided in accordance with the Concept Plan approval. The size of apartments and apartment mix is consistent with the Concept Plan. The proposal achieves a satisfactory level of amenity for residents.

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

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 apartment 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 proposal incorporates contemporary architectural elements in the facade, which provide a satisfactory architectural expression in response to the heritage context and surrounding public domain. The building is of a high quality design that will complement the character of the precinct.

c. The Residential Flat Building Code.

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 Residential Flat Building Code.

The proposed development is considered to be generally consistent with the controls under the RFDC as reflected in the Concept Plan approval.

The maximum building depth recommended by the RFDC is 18m. The proposed building depth varies between 18m and 24m. 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. Accordingly, 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 and RE2 Private Recreation under the provisions of RLEP 2011. The proposed building is located within the boundaries of the B4 zone. Within the RE2 zone the proposal involves landscaping works within Discovery Point Park, consistent with the Concept Plan approval. Development for the purpose of a residential flat building and recreation area is permissible with consent. The proposal is consistent with the objectives of the two zones. 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 discussed below.

Clause 5.10 – Heritage conservation

A portion of the proposed landscape works are located within the curtilage of the state registered heritage items, being Tempe House, St Magdalen's Chapel and their established curtilage. A Statement of Heritage Impact (SHI) has been submitted with the application. The SHI addresses the Statement of Commitments of the Concept Plan with regards to heritage conservation. One of the heritage elements to be retained is the view line from Tempe House to Fatima Island. The proposal retains this view in compliance with the Conservation Management Plan. The SHI concludes that the proposed building is 'responsive to the curtilage and setting of the Tempe Estate heritage items.'

Additionally, an assessment of the proposal has been carried out in regards to impacts on non indigenous and indigenous heritage. It has been established that the site has a very low potential for archaeological remains. Nevertheless, and in accordance with the recommendations of the Statement of Heritage Impact by Casey and Lowe Pty Ltd submitted with the application, a condition of consent is proposed requiring works to cease on site and consultation and approval by the Heritage Office be obtained if substantial remains are identified during construction.

The Aboriginal Cultural Heritage Assessment Report prepared by Godden Mackay Logan & Jo Mc Donald GMH states that the site was investigated in 2010 as part of the Aboriginal Heritage Impact Statement with the involvement of the Metropolitan Local Aboriginal Land Council (MLALC). Due to the historical activities on the site, the report concludes that there are no remaining Indigenous heritage values within the area of Site 7, therefore the proposal will have no impact on known Indigenous heritage. Further investigations on Aboriginal heritage values are not considered necessary.

The proposal is satisfactory having regard to the objectives and requirements of clause 5.10.

Clause 6.1 – Acid Sulfate Soils (ASS)

The site is within an area classified as Class 3 in the acid sulfate soils map. The applicant has submitted an Acid Sulphate Soils Management Plan. ASS are only expected to be encountered as a result of piling works. A treatment plan has been set out to ensure minimal acid generation and run-off during construction. The recommendations of the Management Plan 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 excavation to accommodate the basement carpark and bulk earthworks to facilitate the construction of future stages 8, 9 and 10. The impacts of the proposed earthworks on Cooks River, drainage patterns, soil stability and potential archaeological relics have been documented by the applicant. Additional conditions of consent are proposed in accordance with the recommendations of the reports to further minimise any impacts. 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 treatments to ensure noise levels from aircraft comply with Australian Standard AS2021:2000 as required by clause 6.3. A condition of consent is proposed to ensure that the recommendations of the report are implemented.

Clause 6.4 – Airspace operations

The maximum height of the proposal shown on the elevation plan is 50.2 m AHD. This height is within the approved building height of 50.5 under the Concept Plan. The applicant has obtained a letter of approval (dated 15 December 2010, ref 10/14748) from Department of Infrastructure & Transport that allows Building 7 to be built to a maximum height of 50.5m AHD. Similarly Sydney Airports issued a letter of approval to a height of RL 50.5 dated 16 December 2010. The proposal was referred to Sydney Airports and no response has been received. However, based on the documentation submitted with the application, the proposed height is supported. A condition of consent is proposed to ensure

that further consultation with Sydney Airports takes place if any structure, including temporary structures exceeds the approved height. Subject to compliance with this condition, the proposal is satisfactory in regards to clause 6.4.

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 6.9 - Riparian land, watercourses and artificial waterbodies

The application has been accompanied by an Ecological Impact Report. The report addresses the requirements of this clause and identifies potential impacts from the proposed development. The report recommends measures to ameliorate the impacts. The report concludes that the proposal 'will not significantly impact Coastal Saltmarsh on the site.' The report was reviewed by Council's Environmental Strategy team. The recommendations of the report have been supported by Council officers. Additional conditions are proposed in line with the recommendations of the report.

The proposal is subject to a permit under the Water Management Act 2000. Soil and Sediment control measures are to be implemented during construction to ensure the protection of the Cooks River's bank, water quality and aquatic riparian habitats.

Subject to compliance with the recommendations of the Ecological Impact Report and conditions of consent, the proposal is satisfactory in regards to the objectives and requirements of clause 6.9.

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 as follows:

- Realignment of levels 11 and 12 to provide usable terraces to the northern apartments on level 11 and improve amenity. This involves an encroachment outside the building envelope on the southern boundary of approximately 3.35m.
- Awning located at the entrance of the building. The awning is approximately 1.5m wide x 5.4m long.

- Courtyards on apartments G.04 and G.05 at ground level encroach approximately 2.3m.

The proposed awning and courtyard encroachments do not add bulk to the building.

The proposed changes to the building envelope in levels 11 and 12 have been supported from a heritage perspective. The amended Heritage Impact Statement states that this change 'will not negatively impact on the setting of Tempe House and its environs because it is beyond the established visual curtilage of Tempe House and its environs.'

Further the architect states: 'Due to its relative size the Masonry Arc is perhaps most successful when viewed from areas of the park around to the heritage buildings. The upper portion of the buildings completed to date tends to be less consistent than the form of the masonry arc below. Vine, Building 6 (Arc) and Building 7 (Watervue) are more visible from the wider public domain than the buildings completed to date, due to their relative location to the east of the site.'

We consider that a level of consistency in detailing across the upper portion of Vine, Building 6 and Building 7 is important so that the successful approach of the Masonry Arc below is continued to the more visible upper levels of these buildings. We also consider that minor departures in set out of the building envelope (as proposed for level 11 + 12) will not detract from this concept given the level of consistency proposed in the facade detailing and the strength of the overall urban form of the 'Arc'. Building 6 & 7 are also smaller in footprint than the other buildings in Discovery Point Park and as such for the same reasons have been intentionally designed to read as a pair of buildings, albeit with subtle variation to provide a level of individual character.

In our opinion the built form and detailing to the upper levels for Building 7 will achieve a strong relationship with Building 6 and the other buildings along the Heritage Arc and will add to the character of Discovery Point Park as a whole.'

In all other aspects, 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 4,900.9 sq.m. residential GFA (after adding the additional lobby area). 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.

Condition A7 permits residential use on the ground floor of all buildings within the northern precinct. A restaurant is also permitted in Building 7. Further the Concept Plan documentation identifies part of the ground floor of Building 7 being used as a restaurant. The applicant states that the location of the restaurant in Building 7 is only a recommendation and not a mandatory requirement. Further information has been submitted to demonstrate that the location of a restaurant at this location is not appropriate, including advice from the real estate agency responsible for the overall retail strategy for Discovery Point. The design guidelines identify the southern precinct as the commercial hub. As Stage 7 is located within the northern precinct, the proposal is considered to be consistent with condition A7.

Condition A11 requires that at least 2% of the units should be adaptable units. The proposal provides two(2) 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.

Statement of Commitments – Concept Plan Approval

The proposal is consistent with the Statement of Commitments approved under the Concept Plan. Refer to assessment under S79C(1)(a)(iia) below in regards to the Voluntary Planning Agreement (VPA).

The Statement of Commitments required the preparation of a public art strategy for the whole precinct prior to determination of the first project application. A Public Art Strategy has been prepared. The Strategy identifies a water feature (Water feature 2) within the Waterfront Park and a public art installation (Art site 3) in proximity to the River. The water feature is to be provided as part of the landscape and the public art will be created through an artwork procurement process in consultation with Council. A condition of consent is proposed to ensure that the Public Art Strategy envisaged under the Concept Plan is implemented.

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 dated May 2012. The DDG provide specific controls to guide the development in Discovery Point to achieve the desired outcome.

The proposal is generally consistent with the DDG in regards to the internal amenity of the apartments, built form, street character, solar access etc. A minimum of 76% of the apartments in Building 7 receive at least 2 hours of sunlight to living rooms and private open space between 9am and 3pm on 21 June.

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 7. 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. In addition Draft Rockdale Local Environmental Plan 2011 – Height of Building Maps Amendment was on public exhibition from 27 September 2012 until 12 October 2012. 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.

The proposal is consistent with the Water Sensitive Urban Design (WSUD) strategy for Discovery Point aimed at improving stormwater quality and reducing the stormwater runoff rates to the Cooks River. The roof water from Stage 7 will be directed to the bio-retention basin approved as a part of Building 6 and located within Discovery Point Park. The WSUD principles are supported by Council's Technical Specifications for Stormwater.

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)(iiia))

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))

The Regulations requires notification to relevant authorities that may have an interest in the application. The proposal has been notified to Sydney Water, Ausgrid and Sydney Airports. The recommendations provided (if any) are included in the draft Notice of Determination.

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 generally consistent with the Concept Plan building envelope. The proposed building will terminate the arc around Discovery Point Park and will create continuity in scale and character when compared to adjacent buildings. The proposal is a high standard building design and is supported by the SEPP 65 design principles.

Solar Access

At least 76% 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. Single aspect apartments facing south are only located in levels 1 to 4 at a rate of 1 apartment per level. The proposal satisfies SEPP 65 in regards to solar access.

Safety and Security

The design of the building has incorporated appropriate measures in line with the safer by design principles such as the location of private open space to allow passive surveillance of the surrounding public domain, a security system at entry points and appropriate landscaping.

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

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. Apartments 5.03 and 5.04 have been identified as adaptable units.

Direct access for people with a wheelchair to the Cooks River frontage via the Waterfront Park is not achievable due to the steep topography. However, an alternative path of travel to the Cooks River foreshore is provided from the podium of Stage 6. 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

The application was accompanied by a Traffic Report. The Traffic assessment indicates that the traffic generation of proposed building 7 will be minor and consistent with the outcome of the traffic assessment undertaken as part of the Concept Plan approval. The report concludes that the proposal complies with all relevant planning policies and standards. The proposed parking and traffic impacts have been considered by Council's engineers and is satisfactory. As such the proposal is supported on traffic and parking grounds.

Noise and Vibration

The site is affected by rail, aircraft and road related noise. A Noise Impact Assessment report has been submitted. In addition to assessing the noise impacts, the report addresses rail traffic vibration. 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.

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

Heritage

As indicated earlier in this report, the proposed works within the curtilage of the state heritage item are only landscaping works and are consistent with the Concept Plan approval. Further a detailed assessment in regards to Indigenous and European heritage has been carried out. The assessment has concluded that the proposal will not have any negative impact on the significance of the heritage item. The proposal complies with the heritage conservation provisions of RLEP 2011. Similarly the proposed building envelope is generally consistent with the Concept Plan approval and does not create impacts on the heritage items.

Further, the NSW Heritage office has endorsed the proposed works on the basis that they are likely to have a minor impact on the heritage values of Tempe Estate

Based on the above, the proposal is satisfactory in regards to heritage impacts.

Views and Vistas

All levels of Building 7 will enjoy views to adjacent open space areas such as Discovery Point Park and Waterfront Park. The upper levels will enjoy uninterrupted views of 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 generally contained within the approved envelope.

Management of Waste

The developer has prepared a Waste Masterplan for Discovery Point. 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. A waste compactor room is located at basement level in Stage 7.

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

A Wind Assessment report has been submitted with the application. The report reveals that locations around the site have the potential to increase wind speeds exceeding the standard once per year 16 m/s walking comfort criterion. An additional statement has been submitted to address the issues raised by the DRP and Council. The report recommends wind amelioration treatments to mitigate the impacts. As the changes proposed to the lobby have not been addressed in the latest wind assessment, further testing will need to be conducted prior to construction certificate. A condition of consent is proposed requiring further testing and the implementation of any recommendations. Subject to compliance with this condition, the proposed development complies with standard wind acceptability criteria for all public areas surrounding the site.

Cooks River – Ecological Impact

The impact of the proposal on the aquatic environment of Cooks River has been considered in the assessment of the proposal. In this regard the proposal has been referred to the NSW Department of Primary Industries (DPI) – Fisheries. The DPI recommends a condition of consent requiring adequate erosion and sediment control measures during construction. The condition has been included in the notice of determination. Furthermore, the proposal is compliant with clause 6.9 of RLEP 2011 subject to conditions.

Subdivision

The proposed subdivision is consistent with the Concept Plan consent and is supported.

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. 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 issued by the Minister for Planning, pursuant Part 3A of the EP&A Act on 5 May 2011(MP 10_0003). 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 design is supported by SEPP 65. 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 7 in the Discovery Point Concept Plan approval MP10_0003, which includes construction of building 7 and associated parking, landscaping and public domain works, including works within Discovery Point Park and the construction of the Waterfront Park. 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-2013/34 is recommended for approval.