

# Joint Regional Planning Panel

(Sydney East Region)

*Meeting Date: Via email*

<b>JRPP Number:</b>	2013SYE079
<b>DA Number:</b>	DA-2014/84
<b>Local Government Area:</b>	ROCKDALE
<b>Proposed Development:</b>	Integrated Development - Discovery Point - Construction of 19 storey residential flat building complex comprising Stages 8 - 10 and including 323 units, swimming pool, landscaping, basement parking, public domain works and associated road works and stratum subdivision
<b>Street Address:</b>	1 Princes Highway, Wolli Creek
<b>Applicant/Owner:</b>	Discovery Point Pty Ltd
<b>Number of Submissions:</b>	Nil
<b>Recommendation:</b>	Approval as a deferred commencement consent
<b>Report by:</b>	Marta M Gonzalez-Valdes – Coordinator Major Assessments

## 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 been approved by the Minister for Planning under MP10\_0030 and MP10\_0031, respectively. The Joint Regional Planning Panel has determined Stages 2, 4 and 7.

The proposal involves construction of Stages 8, 9 and 10 and includes surrounding landscape works, foreshore restoration works, new road and stratum subdivision.

The site is zoned B4- Mixed Use under Rockdale Local Environmental Plan 2011(RLEP2011). Residential flat buildings are permissible with development consent.

The proposal is generally consistent with the Concept Plan approval and associated documents such as the Statement of Commitments and Discovery Point Design Guidelines. The variations identified relate to some encroachments to the approved building envelope by architectural features such as louvers and balustrades. The proposed encroachments are consistent with the intent of condition A9 of the Concept Plan and are supported in this instance. In addition, the private courtyards at podium level extend beyond the approved envelope. However, a condition of consent is proposed to reduce the encroachment and achieve a larger area of communal open space for the residents. Subject to compliance with this condition, the proposal is supported.

It is also noted that three(3) of a total of 38 x 3 bedroom apartments achieve an internal area less than the minimum area required under the Statement of Commitments. The reduction is between 2.2sq.m and 2.5sq.m. Given the level amenity achieved in those apartments and the minimal numerical non compliance, the proposed apartment size is supported in this instance.

The proposal is supported under State Environmental Planning Policy No. 65 (Design Quality of Residential Flat development), Rockdale Local Environmental Plan 2011 (RLEP 2011) and Development Control Plan 2011 (DCP 2011).

The proposal is located adjacent to the 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.

Given the proximity of the site to the rail corridor, the proposal is subject to SEPP (Infrastructure) 2007. RailCorp has given concurrence to the proposal subject to the deferred commencement conditions as reflected in the Draft Notice of Determination.

The capital investment value for this project is in excess of \$20 million. As such the application will be determined by the Joint Regional Planning Panel (JRPP).

## **Officer Recommendation**

1. That development application DA-2014/84 for the construction of a 19 storey residential flat building complex comprising Stages 8 - 10 and including 323 units, swimming pool, landscaping, basement parking, public domain works and associated road works and stratum subdivision at Discovery Point be APPROVED as a deferred commencement consent subject to the following:

*The applicant shall prepare and provide to RailCorp for approval/certification the following items:*

*a) An FE analysis that meets RailCorp's requirements. The FE analysis is to assess at a minimum the different stages of loading-unloading of the site and its effect on the rock mass surrounding the rail corridor. The FE analysis will determine whether track monitoring will be required.*

b) Revised Derailment Risk Assessment report that meets RailCorp's requirements.  
c) Revised engineering and construction details for the retaining wall which meets RailCorp's requirements. If deemed necessary by RailCorp, the retaining wall is to meet the requirements of Australian Standard AS 5100.

Confirmation of approval by RailCorp shall be submitted to Council.

The period of the Deferred Commencement is twelve(12) months from the date of this letter. It is important we hear from you about the outstanding matters above as soon as possible so as to avoid any other delay.

## **Report Background**

### **PROPOSAL**

The proposal involves the construction of a residential flat building containing 323 apartments. The breakdown of apartment types includes 97 x one bedroom, 188 x two bedroom and 38 x three bedroom apartments. The buildings are in the form of two towers over a podium level. The total number of storeys is 19 plus a plant room level. The podium level is between 4 and 5 levels.

Other elements of the proposal include amenity facilities for the residents of the Discovery Point Co-op such as a gymnasium and swimming pool located at ground level. A community room is located on level 1 for the use by residents of Stages 8-10. The proposal also includes the construction of Chisholm Street, part of Spark Lane and landscaping and public domain works to the Cooks River foreshore. Landscaping works and tree removal are also part of the application as well as the provision and expansion of services and utilities to Discovery Point.

The proposal seeks consent for the subdivision of the site to create two lots. Lot 780 will contain Stage 8-10 buildings and Lot 779 will contain part of the roads proposed under this application.

Three levels are proposed to accommodate a total of 286 car parking spaces, 22 motorcycle and 22 bicycle spaces. Two of these levels are above ground and are located within the centre of the building, wrapped with residential development. Vehicular access to the basement levels is proposed via two driveways in Chisholm Street.

### **EXISTING AND SURROUNDING DEVELOPMENT**

The Stages 8-10 site is part of the Discovery Point development 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 Discovery Point. The development site at Discovery Point is divided into two precincts; to the north and the south of the railway line. Stages 8-10, the subject of this application is located within the Northern Precinct.

The site has a frontage to the Cooks River on the north-eastern boundary. The site is bounded by the Illawarra Railway Line to the north-west, future Stages 11 and 12 to the south-west and the Waterfront Park approved under Stage 7 to the south-east. The site is currently vacant. The total site area is 8,341 sq.m.



Figure 1 – Site location

Source: JBA

The natural ground level across the site is irregular, having a slope towards the Cooks River of up to 1.5 metres.

Vegetation on site is limited to the riparian zone along the Cooks River and consists of a small area (approx. 15sq.m.) of saltmarsh endangered ecological community of plants and mangroves and native and non native low growing planted species. In addition, the site contains some exotic grass, weeds, palms, natives wattles and She-oaks.

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 high density residential developments at Brodie Spark Drive known as Greenbank, Verge and Vine and the 'Proximity' building located on the corner of Magdalene Terrace and Arncliffe Street.

Stages 6 and 7, located within the northern precinct in proximity to the subject site are currently under construction.

## 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 under the Water Management Act 2000. The proposal has been referred to the Office of Water and general terms of approval (GTAs) have been granted. The conditions of the GTAs 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 applicant has submitted two BASIX Certificates for the proposed development. The Certificate numbers are 491821M\_03 and 492065M\_02. The certificates are accompanied by a BASIX report prepared by Donnelley Simpson Cleary Consulting Engineers.

The commitments made achieve the targets for energy and water consumption reduction. A condition is proposed on the consent to ensure that the BASIX requirements and recommendations of the BASIX Report are adhered to. The proposal satisfies the requirements of this 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 (Infrastructure) 2007 (ISEPP)***

The proposal is adjacent to the Illawarra Railway Line (only separated by Spark Lane). In accordance with Division 15 of the ISEPP, consideration has been given to the impact of the proposal on the rail corridor and vice versa. In this regard, the proposal has been referred to RailCorp. The conditions of consent recommended by RailCorp, including the deferred commencement condition proposed will ensure an appropriate response to the requirements of the ISEPP and have been incorporated in the draft notice of determination attached to this report.

The proposal is satisfactory having regard to this policy.

#### ***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 at pre-lodgement stage and on lodgement of this application. The DRP supports the proposal against most design principles in SEPP 65. The DRP made a few recommendations in regard to aesthetics, landscape design and communal open space. Specifically, the DRP raised the following issues:

- The functionality and design of the central courtyard to cater for the needs of residents. It was suggested that the private courtyards at podium level be reduced in size to allow a larger communal area at podium level. It was also recommended that active uses be provided at podium level.

- Clearer identification of the proposed planting along the riparian corridor.
- Consider reducing the horizontality of the podium elevation fronting the river.

In response to these comments, the applicant has provided an updated landscape plan identifying the species to be planted within the riparian corridor. These details have been included in the draft Notice of Determination.

PTW has provided an Architectural Design Statement demonstrating the intent behind the horizontal character of the podium level. PTW states that a holistic approach has been followed in the design to respond to the immediate context of the Cooks River riparian area and the broader context from the distance on the opposite side of the river.

It is argued that whilst the podium acts as a horizontal base to the vertical towers when seen from the distance; the use of materials such as face bricks, operable aluminium louvers and dividing walls between apartments create a vertical composition as seen from the immediate context.

In regard to the recommended changes to the central courtyard, it is noted that the podium level was envisaged in the approved Concept Plan as an area containing a swimming pool and other active uses. The swimming pool and gymnasium have been relocated to the ground floor, providing better access for all residents of the Discovery Point Co op. This aspect has been supported by the DRP and Council. The applicant argues that the passive nature of the courtyard as proposed is in response to a detailed market research, including a series of focus groups attended by up to 80 residents. The recommendation of the research reads:

*“Replace the pool with relaxation / reflection meeting places with benches, shade trees and umbrellas and also create private yards for residents” and “create courtyard units for those who want garden space”*

Based on the above, the proposed passive use of the courtyard is supported subject to the imposition of conditions of consent to ensure that this area is provided with facilities such as tables, chairs etc as described by the applicant in the submitted amended information.

However, the size of the proposed communal area, significantly reduced by the private courtyards, remains an issue in my view. The approximate area of the podium is 725sq.m. as compared to a more generous area envisaged in the Concept Plan and Development Design Guidelines for Discovery Point. SEPP 65 and Council's Development Control Plan 2011 recommend a minimum communal area of 5sq.m. per apartment. The recommended area based on 323 apartments is in this case 1,615 sq.m. The argument provided by the applicant is supported for apartments located on the towers. However, the proposed courtyard area for apartments G09, G10, G11, G20-G22 and 119 (in the centre as shown in Figure 2 below) is considered to significantly reduce the usability of the communal area and as such they should be reduced.

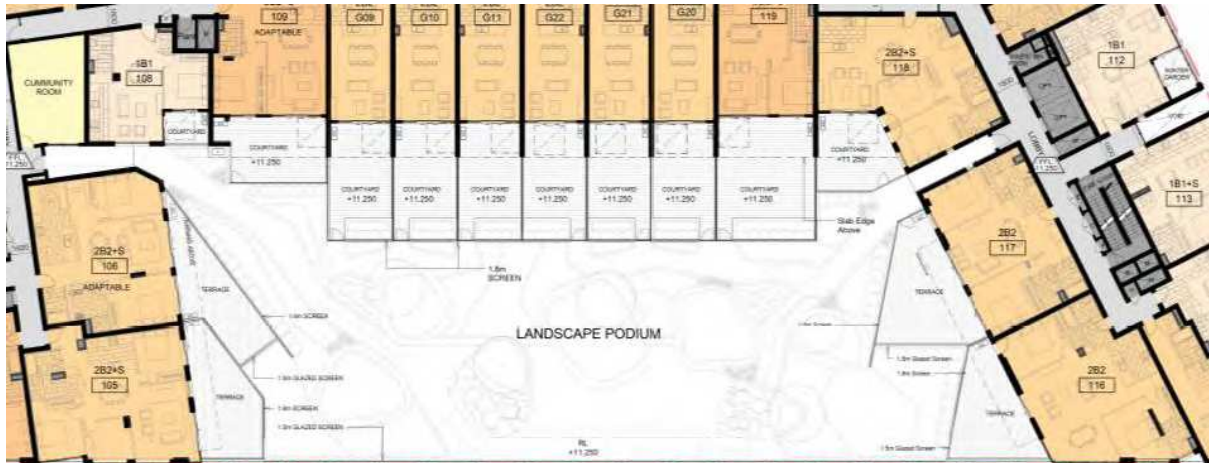


Figure 2 – Podium level showing location of private courtyards

The proposed courtyard area for the two bedroom apartments (all except 119) is approximately 30sq.m. The courtyard area for the 3 bedroom apartment (119) is 53sq.m. These areas are well in excess of the recommended area under SEPP 65 and DCP 2011 (16 and 24 sq.m. respectively). It is also noted that the two bedroom apartments have street access with an entry area of approximately 6sq.m.

A reduction to the area of the private courtyards by approximately 7sq.m. (excluding the planting area) to make the fence align with the courtyard fence in apartment 118 is not considered to significantly reduce the amenity of such apartments and would achieve an additional 110 sq.m. for communal use. The applicant argued that part of the area is covered by the balconies of the floor level above. However when excluding the covered area, the balconies still achieve the minimum private open space recommended in the Discovery Point Design Guidelines for two bedroom apartments (8sq.m.).

Based on the above, a condition of consent is proposed to ensure the courtyard area of apartments at podium level is reduced, in accordance with the intent of the Concept Plan, SEPP 65 and DCP 2011.

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 response to the proposal to its surroundings is as anticipated by the Concept Plan approval. Most apartments enjoy views to the Cooks River and the broader context beyond; including Sydney Airport and Sydney City skyline.

## Principle 2 - Scale

The proposed development generally complies with the envelope controls in the Concept Plan. The scale of the buildings responds to the pedestrian character of the surrounding streets and the prominence of the tower as seen from the distance. The use of building elements achieves this desired transition.

### **Principle 3 - Built Form**

The proposed built form maximises the opportunities of the site in regard to its interface with the street, Cooks River and extended view corridors. The articulation of building elements achieves a proportioned built form and a satisfactory internal amenity for the apartments.

### **Principle 4 - Density**

The proposal is consistent with the density controls in the Concept Plan.

### **Principle 5 - Resource, Energy and Water Efficiency**

The BASIX Certificate and supporting documents demonstrate that the proposal meets the targets of the SEPP.

### **Principle 6 - Landscape**

The proposed landscaping is consistent with the Riparian Corridor Design Strategy and WSUD. The landscape design has been approved by Council's landscape architect.

### **Principle 7 - Amenity**

60% of apartments have natural cross ventilation, while 70% of apartments receive a minimum 2 hours solar access between 9am and 3pm in mid winter. The apartments enjoy reasonable areas of private open space, internal areas and storage areas. The building provides areas of recreation for its residents and residents of Discovery Point.

### **Principle 8 - Safety and Security**

The proposal achieves a satisfactory level of safety and security and additional conditions of consent are proposed in line with safer by design principles.

### **Principle 9 - Social Dimensions**

In addition to the parkland areas and recreational areas available in Discovery Point, the proposal provides a communal area at podium level as well as a swimming pool, meeting room and gymnasium. The proposal is consistent with the unit mix recommended in the Concept Plan. A variety of apartment layouts will serve a wide range of household types. As such the proposed development is supported in regard to social dimensions.

### **Principle 10 - Aesthetics**

The proposed development incorporates contemporary architectural elements and finishes in the façade. The design of the buildings will complement the high quality of design characteristic of Discovery Point.



Figure 3 – The proposal as seen from the Cooks River looking south

#### 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 Residential Flat Building Code.

Some of the controls under the RFDC have been incorporated into the Discovery Point Development Design Guidelines approved under the Concept Plan. The proposal is consistent with the controls in regards to building separation, height, unit sizes, storage etc.

The proposed development does not comply with the recommended 18m maximum building depth under the RFDC. The proposed building depth varies between 20m and 23.85m. However, the proposed buildings comply with the envelopes of the approved Concept Plan. The proposal is considered to be consistent with the objectives of the control and as such this variation is supported in this instance.

#### ***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 a residential flat building is permissible with consent. The proposal is consistent with the objectives of the zone. The relevant clauses that apply to the proposal are below.

##### *Clause 4.3 - Height of buildings*

The maximum height permitted is specified in the Concept Plan. The proposal complies with the building height.

#### *Clause 4.4 – Floor Space Ratio (FSR)*

The maximum FSR for the Discovery Point site has been specified in the Concept Plan. The proposed FSR is consistent with the Concept Plan.

#### *Clause 5.10 – Heritage Conservation*

The Statement of Heritage Impact concludes that the proposed development is not within the curtilage of the Tempe Estate and will not impact on the heritage significance of this State significant item.

#### *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. The impacts of the proposed earthworks on the 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 specialist 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 report 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 as approved under the Concept Plan is RL 65.15m AHD for buildings 8 and 10 and RL 22.9m AHD for building 9. The applicant has obtained a letter of approval from the Department of Infrastructure & Transport confirming the maximum permitted heights. 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 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 regard 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.

In addition, 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 regard to the objectives and requirements of clause 6.9.

#### *Clause 6.12 – Essential Services*

Conditions of consent are proposed requiring consultation with relevant utility providers to ensure the appropriate provision of services on the site.

#### **Concept Plan Approval (Project application MP 10\_0030)**

The proposed development, including the design of the roads and the stratum subdivision is generally consistent with the conditions of the Concept Plan approval. The following issues are relevant for consideration by the JRPP:

##### **Condition A9 - Building Envelopes and Separation**

The variations proposed to the building envelopes specified in the Concept Plan (as modified by MOD 3), involve minor protrusions by architectural elements such as louvers and balustrades. This is within the parameters of condition A9, which requires building footprints to be generally in accordance with the approved diagrams. However, it is noted that the private courtyards of some units at podium level protrude beyond the approved envelope for building 9. Subject to a reduction to these areas as required by a condition of this consent, and consistent with the advice of the DRP, the proposal is supported in regard to building envelopes. The proposal complies with the separation requirements of condition A9.

##### **Condition B2 – Setbacks from Cooks River**

Setbacks are to be consistent with the setbacks provided in the approved Masterplan development DA-2001/500. The applicant has submitted documentation to demonstrate the proposed setback to Cooks River complies with this requirement.

A riparian zone has been provided in accordance with this condition.

### ***Statement of Commitments (SoC) – 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 specifies a minimum apartment size. The proposal seeks support for a variation to the minimum apartment size for three of the 38 three bedroom apartments proposed. The variation is between 2.2sq.m and 2.5sq.m. The applicant argues, the apartments achieve a high level of amenity and a reduction to their internal area allows an increase to the slot provided within the corridors and therefore daylight access to the corridors. The proposed variation is supported in this instance.

### ***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.

### **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. However none of the proposed changes affect the proposal.

There are no other Draft Environmental Planning Instruments applying to the proposed development.

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

#### ***Development Control Plan 2011(DCP 2011)***

The proposal has been assessed against the objectives and controls under DCP 2011 and associated documents being the Wolli Creek Public Domain Plan and Manual (PDP), Technical Specifications for Parking, Technical Specifications for Stormwater, Waste Minimisation and Management and Landscaping. The following issues are relevant to determine compliance of the proposal with the objectives of DCP 2011.

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 WSUD strategy for Discovery Point will achieve the stormwater pollutant reduction targets in Council's Technical Specifications for Stormwater.

Proposed waste management, road design and landscape design are supported by Council officers.

**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)(iia))**

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 the Regulations (S.79C(1)(a)(iv))**

The EP&A Regulation 2000 requires notification to relevant authorities that may have an interest in the application. The proposal has been notified to Sydney Water, Energy Australia, Sydney Airports, NSW Police and the Roads and Maritime Services (RMS). The recommendations provided 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 proposal is a high standard building design and is supported by the SEPP 65 design principles.

*Solar Access*

The proposal is consistent with the recommended control for solar access under the RFDC, having 70% of apartments receiving a minimum of 2 hours of sunlight in living areas and private open space between 9am and 3pm in mid winter.

*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 B08, G03, 103, 106, 109, 215 and 406 have been identified as adaptable units. They represent 2% of the total number of apartments, in compliance with the Concept Plan.

*Traffic/Parking*

The application was accompanied by a Traffic Report. The Traffic assessment concludes that the proposed development complies with all relevant planning policies and standards as follows:

- Compliance with Rockdale Council's objectives of a 50% mode split to other transport modes for work related trips and precludes commuter parking;
- compliance with the objective of providing sufficient parking to adequately service the development while at the same time managing the supply of parking to discourage excessive private car usage;
- compliance with the objective of providing for and facilitating pedestrian and cyclist movements and end of trip facilities;
- not have any adverse traffic implications and will in fact have a traffic generation outcome which is significantly less than that with development under the Masterplan; have suitable and appropriate vehicle access, internal circulation and servicing arrangements for the term of the development;
- compliance with the requirements of the Concept Plan Statement of Commitments and Rockdale Council; and
- compliance with the relevant Australian Standards AS2890.1,2, 3 and 6.

The proposed parking and traffic impacts have been considered by Council's engineers and is found 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 and Vibration 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 and Vibration Assessment Report are implemented.

#### *Heritage*

As indicated earlier in this report, the proposal is satisfactory in regard to heritage impacts.

#### *Views and Vistas*

The proposal is not considered to create unreasonable visual impacts to surrounding properties as the building is generally contained within the approved envelope. Most apartments enjoy views towards the Cooks River and adjacent parks and open spaces.

#### *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 compactor will be fitted at the base of each chute. When the bins are full, they will be replaced by empty bins. The full bins will be transported by the cleaners to the main bin storage room under Building 10.

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 regard to waste management.

### *Wind Impacts*

A Wind Assessment report by SLR Consulting Australia Pty Ltd has been submitted with the application. The report reveals that locations around the site have the potential to experience elevated wind speeds. The report recommends wind amelioration treatments to mitigate the impacts. Some of the recommendations have been shown on the drawings such as the installation of awnings over the main entrance to the buildings, awnings to the courtyards of apartments 105, 106, 116 and 117, landscape treatment etc.

The recommendations of the report have been included as a condition of consent. Subject to compliance with this condition, the proposed development is not considered to create unreasonable wind impacts to surrounding open space areas.

### *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 the environment and future residents. 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 submissions 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 Stages 8,

9 and 10 in the Discovery Point Concept Plan approval MP10\_0003, which includes construction of the buildings in the form of two towers over a podium level and associated parking, landscaping and public domain works, including road works and foreshore restoration works. The proposal also includes the stratum subdivision of the land into two lots. The proposal is generally consistent with the objectives and requirements of the Concept Plan, RLEP 2011, DCP 2011 and relevant State policies. The proposed variations have been supported.

The proposed development is supported by the SEPP 65 design principles and is of a high quality architectural standard. As such, the application DA-2014/84 is recommended for approval.