

Joint Regional Planning Panel

(Sydney East Region)

Meeting Date: 3 September 2014

JRPP Number:	2014SYE014
DA Number:	DA-2014/223
Local Government Area:	ROCKDALE
Proposed Development:	Discovery Point - Construction of Stages 3 and 5 comprising two mixed use buildings (10 and 18 levels) with a total of 261 apartments, ground floor retail/business premises, landscape and public domain works, basement and on street carparking, road works and stratum subdivision
Street Address:	1-7 Magdalene Terrace, Wolli Creek
Applicant/Owner:	Discovery Point Pty Ltd
Number of Submissions:	Nil
Recommendation:	Approval as a deferred commencement consent
Report by:	Kerry Gordon – Consultant Town 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 a Masterplan for the Precinct under DA- 2001/50. Subsequently, buildings and associated works indentified 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, 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 132,000m² 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, 7, 8, 9 and 10.

The proposal involves construction of Stages 3 and 5 and includes surrounding landscape works, road works and stratum subdivision.

The site is zoned B4- Mixed Use under Rockdale Local Environmental Plan 2011(RLEP2011). Development for the purpose of a mixed use development containing retail/business premises and shop top housing is 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 an encroachment to the approved building envelope by a canopy over the deck to the north of building 3 and the fact a VPA has not been pursued by the applicant in relation to developer contributions. The proposed encroachment is consistent with the intent of condition A9 of the Concept Plan and is supported in this instance. S.94 contributions are to be applied to any approval in lieu of developer contributions under a VPA.

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).

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-2014/223 for the construction of Stages 3 and 5 comprising two mixed use buildings (10 and 18 levels) with a total of 261 apartments, ground floor retail/business premises, landscape and public domain works, basement and on street carparking, 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. Final Geotechnical Report.
- b. Final structural/shoring drawings and structural report/specifications.
- c. An analysis output (eg Wallap) indicating the predicted shoring wall deflection.
- d. Final Derailment Risk Assessment Report.

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 is for Discovery Point - Construction of Stages 3 and 5 comprising two mixed use buildings (10 and 18 levels) with a total of 261 apartments, ground floor retail/business premises, landscape and public domain works, basement and on street carparking, road works and stratum subdivision as follows:

Building 3 (total 99 apartments)

8 commercial suites totalling 808m²;
36 x 1 bedroom apartments (2 adaptable);
54 x 2 bedroom apartments; and
9 x 3 bedroom apartments.

Building 5 (total 162 apartments)

4 commercial suites totalling 598m²;
66 x 1 bedroom apartments (2 adaptable);
83 x 2 bedroom apartments (2 adaptable); and
13 x 3 bedroom apartments.

Car parking is provided for 115 cars, 22 motorcycles and 25 bicycles and 2 wash bays are provided. Access to the basement is via Spark Lane. Pedestrian access to both buildings is via lobbies from Magdalene Terrace. The commercial suites have direct access off either Magdalene Terrace or walkways internal to the site located between buildings or adjacent to the neighbourhood park. Accessible entry to both the residential apartments and commercial suites is provided at grade from the internal pathways. Six adaptable apartments are proposed and six accessible parking spaces are provided.

The proposal also includes landscaping of the public domain to integrate with the neighbourhood park, streetscape works to Magdalene Terrace and Spark Lane, the provision of 12 on-street parking spaces and 2 loading bays and construction of part of the Magdalene Terrace and Spark Lane intersection.

Finally, it is proposed to subdivide the site into 6 lots (stratum subdivisions) to create lots for each residential building, the retail/business component of each building, common space and an allotment for roads.

EXISTING AND SURROUNDING DEVELOPMENT

The Stages 3 and 5 site is part of the Discovery Point development located at 1 Princes Highway Wollie Creek. The Precinct is bounded by Princes Highway, Brodie Spark Drive, Magdalene Terrace, the Illawarra and East Hills Railway Lines and Cooks River. Wollie Creek railway station is located within the boundaries of Discovery Point.

The site of Stages 3 and 5 is located at the intersection of Magdalene Terrace and Spark Lane and includes part of the proposed road reserve for both roads. The railway corridor is located on the opposite side of Spark Lane and existing mixed use development is located on the opposite side of Magdalene Terrace. To the north of the site are the approved Buildings 1B and 4 and an approved neighbourhood park (part of which is also located within Stages 3 and 5). To the east of the site is approved Building 2. The site is legally described as Part Lots 500, 501 and 503 in DP 1172312.

The site is currently being used for the construction of the adjoining approved stages and contains various stockpiles of construction and excavated material. The site currently provides vehicular access to and casual parking for the construction site. The site is also used for site shed and is enclosed by hoardings.



Figure 1 – Site location
Source: JBA

The existing ground level across the site is irregular, with excavation works having been carried out on part of the site and generally slopes down from the intersection of Magdalene Terrace and Spark Lane to the north-eastern corner of the site, falling approximately 3.2 metres.

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.

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 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 515103M and 518088M. 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. 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 was referred to the Design Review Panel for consideration on 6 March 2014. The DRP supports the proposal against most design principles in SEPP 65. The DRP made recommendations in regard to aesthetics, landscape design and communal open space. Specifically, the DRP raised the following issues:

- The proposal responds well to its context and is of generally appropriate height, bulk and scale, but there is a need for more individuality and fine grain design as all of the buildings provided have large scale articulation only and all look too similar, somewhat institutional.
- Opportunities to introduce more human scale elements, such as a double height entry, allowing part of the building to recess, protrude or be removed to provide a greater sense of individuality and provide for smaller and more accessible scale in some of the elements.
- Provision of additional communal space is recommended given the overall scale and number of units at Discovery Point, allowing for smaller spaces for BBQs and the like and to give opportunities for residents to meet one another. Use of the roof should be considered for this.

- More consideration should be given to the environmental measures used for the development.
- The overall amount of basement parking seems to breach the control and removal of some spaces could result in improved deep soil provision and allow for larger trees to be planted in the north south pedestrian site link.
- The location of the substations compromises pedestrian amenity and they should be incorporated into the building or relocated to Spark Lane.
- Lobby corridors could be improved if users could see out of one end.

In response to these comments, the applicant has provided amended plans showing:

- A change to the entry of Building 5 with the façade to the corner of Magdalene Terrace and Spark Lane having a two storey element at the entry point;
- Amended landscape plans showing larger trees on the podium above the parking between Buildings 3 and 5;
- Amended plans showing a chamber substation within Building 5 fronting Spark Lane, it being noted a substation remains on the footpath in Magdalene Terrace.

The applicant made no amendments to the proposed communal space by way of provision of smaller spaces for BBQs and the like, arguing that sufficient communal space is provided throughout the Discovery Point precinct in the form of a resident's community centre in Tempe House and St Magdalene's Chapel, pools, gyms, community rooms, covered entertaining and BBQ areas (though the location of any BBQs was not identified – the plans submitted in the areas where BBQs were identified did not show any BBQ areas), open spaces, active and passive recreation areas, public art/water features and landscaped gardens. It was identified that the Building 1B podium (located opposite the proposed buildings) provides a gym, pool, sundeck, function space and bench seating). It is acknowledged that the precinct has access to some quality open space and communal space areas, however the comments of the DRP are concurred with in that there is inadequate provision of smaller, more intimate spaces for gatherings such as BBQs. The applicant's comments that the balconies are large enough for such gatherings is not concurred with, nor are their comment that the roof top of building 3 is unsuitable for such provision or that "market research" shows they would not be a desirable facility. No supporting information in relation to such market research has been provided. Given the significant population provided for within the Discovery Point precinct and the lack of provision of intimate spaces for small gatherings such as BBQs throughout the development, it is considered appropriate that communal space be provided on the roof of Building 3 in the form of small scale BBQ areas and that lift access be provided to such space. The space can be appropriately treated to address privacy and concerns with wind by way of screening and such space would provide an attractive outlook for residents and a valuable facility. A condition of consent to this effect is therefore recommended.

No changes are proposed by the applicant to the lobby corridors to allow an outlook at one end. It is not considered that such a change is necessary and as such the proposal is supported in its current form in relation to this issue.

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 generally satisfactory as indicated below.

Principle 1 - Context

The response of the proposal to its surroundings is as anticipated by the Concept Plan approval.

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 contrast of the more vertical form and design of Building 5 with the more horizontal form and design of Building 3 is acceptable.

Principle 3 - Built Form

The proposed built form is consistent with the Concept Plan. The articulation of building elements achieves an acceptable response, however more articulation of the large, blank component of the eastern facade of Building 3, consistent with its western facade would have improved the appearance of the development as viewed from Magdalene Terrace (see artist impression of view from Magdalene Terrace below).



Figure 2 –View of proposal from Magdalene Terrace looking to the north-west from near the intersection with Brodie Spark Drive
Source: JBA

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 has been approved by Council's landscape architect subject to recommended conditions of consent.

Principle 7 - Amenity

The design of the apartments has maximised natural cross ventilation and solar access given the constraints of the approved Concept Plan layout and as such is considered to be acceptable. The apartments enjoy reasonable areas of private open space, internal areas and storage areas.

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

The proposal is consistent with the unit mix recommended in the Concept Plan. A variety of apartment layouts will serve a 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, and whilst it is considered that the eastern façade of Building 3 could be improved by additional articulation, the overall aesthetics of the development is acceptable.

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 height, unit sizes, natural ventilation to kitchens, single aspect apartments, storage etc.

The proposed development does not comply with the recommended 18m maximum building depth or building separation requirements of 18m between buildings up to eight storeys (25m) and 24m above under the RFDC. The proposed building depth varies between 19.5m (Building 3) and 22.5m (Building 5) and a separation distance of 13m is provided between the buildings. 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.

Finally, cross ventilation is provided for 156 of the proposed 261 apartments (59.8%) and solar access to 175 of the proposed 261 apartments (67%) which is generally consistent with the rules of thumb of the RFDC for cross ventilation and slightly less than compliant for solar access. Given the layout, orientation, separation distance and height of buildings is as approved in the Concept Plan, it is considered that solar access has been maximised and no further improvement can be achieved. As such the variation to the solar access rule of thumb is acceptable.

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 mixed use development containing retail/business premises and shop top housing 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, with the applicant advising that 38,560m² of the maximum floor space is remaining for later stages.

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 detailed 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 car park. The impacts of the proposed earthworks on the Cooks River, drainage patterns, soil stability and potential archaeological relics have been documented by the applicant. 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 40m AHD for building 3 and RL 62.4m AHD for building 5. Building 3 has a proposed height of RL 39.8 and building 5 of RL 61.1. 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 has been submitted for each building 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 6.12 – 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 building envelopes and separation of buildings 3 and 5 are compliant, however there is an element of building 3 which projects beyond the building envelope, being the ground level timber clad alfresco canopy over a deck leading off the north facing retail/business premises. This structure projects 3.5m to the north of the approved building envelope for the full length of the building and has a height of approximately 4.5m. The structure provides shade to the deck which will be an attractive facility to the adjoining businesses, allowing for outdoor dining. Given the location of the deck adjoining the businesses and its northern orientation and outlook to the communal park, it is anticipated the space will be well utilised by residents and visitors to the site. Given the amenity afforded by the structure and the activation it will provide to the adjoining park, the variation to the envelope control is supported in this instance.

Condition A16 – Car Parking

Car parking is to be provided at a rate of:

- Maximum 1 space/ studio or 1 bed apartment
- 1-2 spaces/ 2 bed apartment
- 2 spaces/3 bed or more apartment
- 1 space/ 20 apartments for visitors
- 1 space/ 50m² for commercial
- 1 space/35m² for retail
- 1 bicycle space/ 15 apartments
- 1 motorcycle space/ 15 apartments
- 1 non-residential bicycle space/ 200m² non residential uses
- 1 non-residential motor cycle space/20 non-residential car spaces

The proposal provides for 102 x 1 bedroom apartments, 137 x 2 bedroom apartments; 22 x 3 bedroom apartments and 1,406m² of non-residential floor space. As such, assuming the non-residential space is retail given its location, a total of between 181 and 420 residential car spaces, 13 visitor car space and 40 retail car spaces, totalling between 234 and 473 car spaces is required. A total of 17 residential bicycle and motor cycle spaces are required and 7 non-residential bicycle spaces and 2 non-residential motor cycle spaces are required.

The proposal provides spaces for 115 cars, 22 motorcycles and 25 bicycles within the parking area under buildings 3 and 5 and as such the bicycle and motor cycle parking provision is compliant and the car parking spaces are deficient by at least 119 spaces. The Traffic and Transport Report indicates that 92 resident parking spaces are already allocated for Buildings 3 and 5 under Stages 1 and 2 and that 40 retail spaces are allocated in Stage 1 and Verge, resulting in a surplus of 13 spaces over the minimum requirement. As such parking provision is compliant. A condition of consent is proposed requiring 92 residential spaces under Stages 1 and 2 and 40 retail spaces under Stages 1 and Verge to be allocated to the dwellings and non-residential uses within Stages 3 and 5 to ensure compliance with the Traffic and Transport Report.

Statement of Commitments (SoC) – Concept Plan Approval

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

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))

There are no Draft Environmental Planning Instruments that would affect the assessment of 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 subject to recommended conditions.

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 in relation to previous stages, 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 provides a building design of appropriate quality and is supported by the SEPP 65 design principles.

Solar Access

The proposal is slightly deficient in compliance with the requirement for solar access to 70% of apartments, with a shortfall of 8 apartments out of the 261. Notwithstanding this it is considered that solar access has been maximised given the orientation, layout, building height and building separation constraints resultant from the approved Concept Plan and as such the variation is supported in this instance.

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. Six apartments have been identified as adaptable units. They represent 2.3% 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.

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 southern precinct bin storage room under Building 5.

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 subject to conditions.

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 however the recommendations require further mitigation and these requirements form conditions of consent.

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 3 and 5 in the Discovery Point Concept Plan approval MP10_0003, which includes construction of two buildings over associated parking, landscaping and public domain works, including road works. The proposal also includes the stratum subdivision of the land into six allotments. 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 appropriate quality architectural standard. As such, the application DA-2014/223 is recommended for approval.