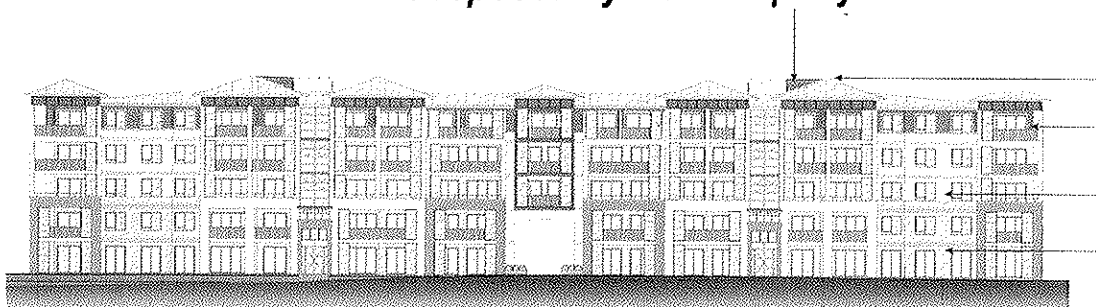


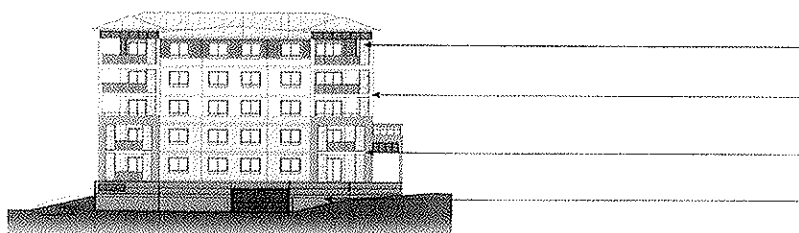


NSW GOVERNMENT
Department of Planning

MAJOR PROJECT ASSESSMENT:
MP08-0025
Plantations Precinct – Breakfast Point
Proposed by Rosecorp Pty Ltd



01 WEST ELEVATION



02 NORTH ELEVATION

Director-General's
Environmental Assessment Report
Section 75I of the
Environmental Planning and Assessment Act
1979

September 2008

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1 EXECUTIVE SUMMARY

This is a report on a project application to construct a residential development on the Plantations Precinct, a full street block located within the developing residential neighbourhood of Breakfast Point pursuant to Part 3A of the *Environmental Planning and Assessment Act, 1979* ("the Act"). The site is located in the local government area of Canada Bay. The proponent is Rosecorp Pty Ltd (the Proponent).

The proposal comprises:

- 267 residential apartments in 7 buildings including:
 - 4 x 5 storey buildings on the northern, western and part of the southern boundaries of the site (**Buildings 5G, 6C1, 6C2 and 6C31**);
 - 1 x part 3 / part 5 storey building on the eastern boundary (**Building 5H3**);
 - 2 x 3 storey buildings, one on the eastern / south eastern boundary and one located within the centre of the site (**Buildings 5H1 and 5H2**);
 - Communal open space and facilities including an outdoor swimming pool, barbecue / gazebo area and semi formal gardens; and
 - Basement car parking for 418 cars and on-street visitor car parking for 55 vehicles.

The estimated project cost of the development is \$102,590,000. The proposal will create 300 full time equivalent construction jobs.

Permissibility

The site is located in the Canada Bay local government area and is zoned 'R1 - Residential' under the Canada Bay Local Environmental Plan LEP 2008. Development of the site for the purposes of higher density residential development is permissible subject to the Minister's approval.

Concept Plan

On 7 April 2006, the Minister approved a Concept Plan for the residential redevelopment of a portion of the Breakfast Point site. The proposal is consistent with the design principles and numeric controls in the approved Concept Plan.

Public exhibition

The proposal was exhibited for a 30 day period from 7 May to 6 June 2008. In excess of 1800 letters were sent to government agencies and individuals inviting submissions. A total of 5 submissions were received from Agencies and the public. 4 submissions were from public authorities being the Sydney Regional Development Committee of the RTA, the NSW Heritage Office, State Transit (Sydney Buses) and NSW Maritime. One submission was received from the public. Key issues raised included:

- Protection of the foreshore and the waterway;
- Impacts on heritage values;
- Local traffic impacts; and
- Provision of public transport services.

The proponent provided written responses to each of the submissions.

Public Benefits

On balance, the proposal is considered to provide the following public benefits:

- The development is consistent with the approved Breakfast Point Concept Plan and is a logical progression in the development of the Breakfast Point new community. In this regard, the development is a positive contribution to the revitalisation of the former industrial site.
- The proposed development contributes to the establishment of a higher density living environment in close proximity to commercial, recreation and public transport facilities.
- The activation of the significant site will contribute to the vitality and economic viability of the locality.
- The development will provide additional employment during the construction phase.

- Section 94A Contributions will contribute to development of new community facilities, open space and local roads.

Conclusion

The Department has assessed the merits of the project and is satisfied that the impacts of the proposed development have been addressed via the Environmental Assessment, Statement of Commitments and the Department's recommended conditions of approval, and can be suitably mitigated and/or managed to ensure a satisfactory level of environmental performance. On these grounds, the Department is satisfied that the site is suitable for the proposed development and that the project will provide environmental, social and economic benefits to the region.

The Department recommends that the project be approved, subject to conditions.

2 BACKGROUND

2.1 THE SITE

2.1.1 Site context and location

Breakfast Point has an area of 51.82 hectares (ha) and is located on the Mortlake Peninsula, approximately 9km west of the Sydney CBD. The site is within the Canada Bay LGA and is shown in Figure 1 below.



Figure 1: Location Plan

The Plantations Precinct is located within the Breakfast Point Concept Plan area and is approximately 2.227 ha in size. The subject Precinct falls at an even grade towards the north and east. There are no natural distinguishing features after remediation and the precinct is currently vacant. The location of the Plantations Precinct (edged in orange) is shown in the context of the entire Breakfast Point development and the approved Breakfast Point Concept Plan (shaded green) in Figure 2 below.

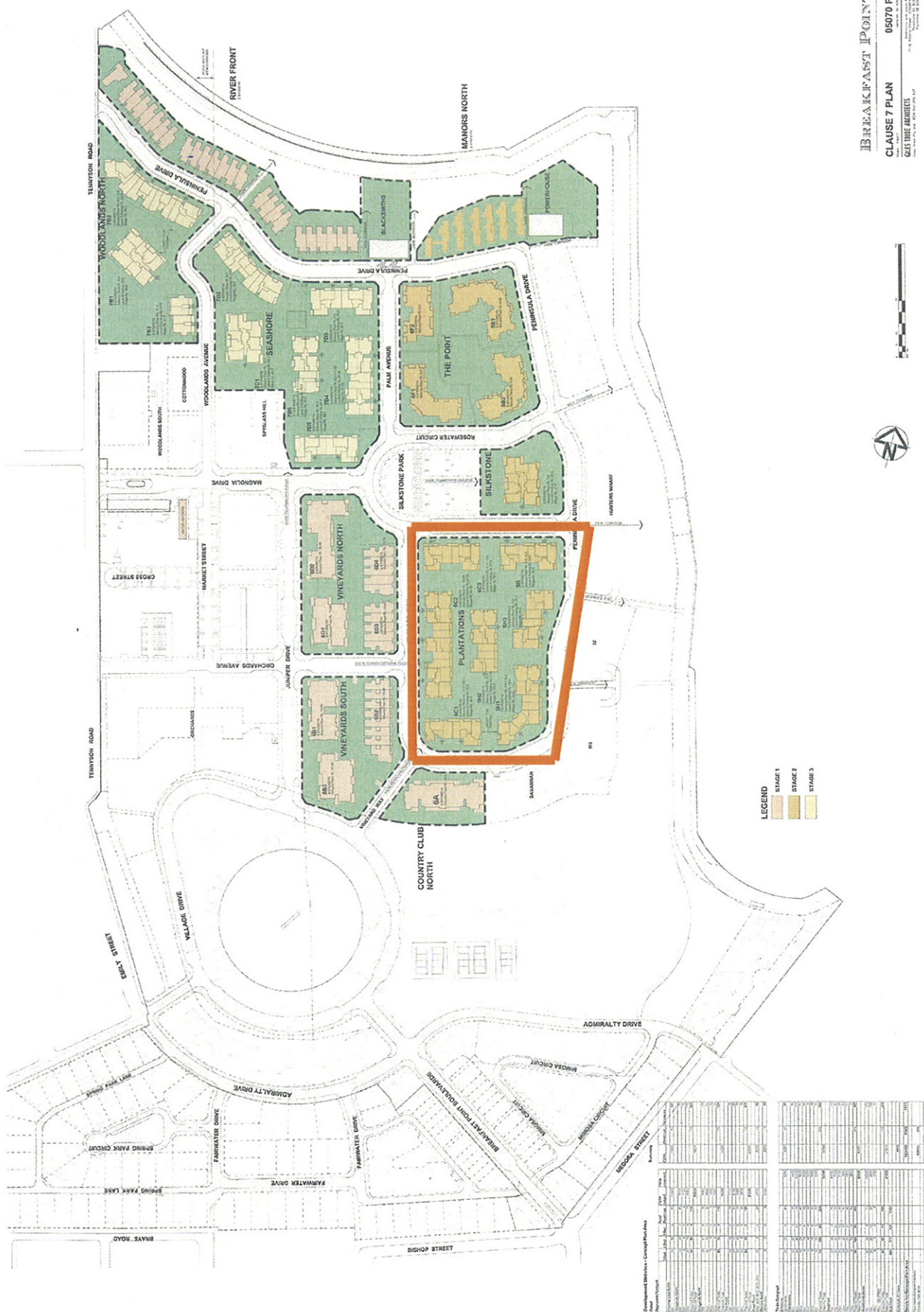


Figure 2 – Plantation Precinct within approved Concept Plan (Shaded green)

2.1.2 Existing Site Features

The site has no natural distinguishing features after remediation and is currently bare and vacant.

- *Site area* :22,235 m²
- *Site shape*: The Site is an irregular shaped block.
- *Street frontages*: The Plantations Precinct has a northern frontage to Rosewater Circuit, an eastern and southern frontage to Peninsula Drive and a western frontage to Vineyard Way.
- *Adjacent open space*: An extensive open space network is available throughout the Breakfast Point development and in the general locality. North: Silkstone Park; East: Foreshore parkland (accessible via dedicated public paths); South: Country Club open space and village green.
- *Adjacent development*: The Precinct is centrally located within the Breakfast Point development site. It is bordered by high density development in developed and currently developing precincts on its southern, western and part of its eastern boundaries. To the North is the Silkstone Precinct (developed formal park and high density residential development - the subject of a recently lodged Major Project Application); to the East the land is partially developed for high density residential purposes.
- *Natural features*: The site is devoid of vegetation.
- *Built features*: The site is currently devoid of buildings.
- *Current use*: The site is a closed development site with no current uses.

2.2 SITE HISTORY

The redevelopment of Breakfast Point follows its prolonged use as a gasworks by the Australian Gaslight Company (AGL). The site was rezoned by the former Concord Council from 4(a) Industrial General to Residential 2(e) in 1998 and also identified as a site of "strategic significance" pursuant to the provisions of State Environmental Planning Policy No. 56 – Sydney Harbour Foreshores and Tributaries (SEPP 56).

In accordance with SEPP 56 Council adopted the Breakfast Point Master Plan in 1999 which proposed 1650 residential dwellings and 18, 800m² of commercial uses. The Master Plan was amended by Council in 2002 to allow for 1,865 dwellings and 12,300m² of commercial uses on the site. Until 2005, the City of Canada Bay Council was the consent authority for the Breakfast Point site. Council granted a number of development consents for the site under Part 4 of the Environmental Planning and Assessment Act, 1979 (EP & A Act). The Minister assumed the role of approval authority for the remaining undeveloped portions of the Breakfast Point site under the provisions of State Environmental Planning Policy (Major Projects) 2005.

The overall site has been subdivided into a community titled arrangement and over 650 dwellings have been approved to date, almost all of which have been constructed. In addition, nearly all the required infrastructure and community facilities (open space, community centre and commercial/retail facilities) have been put in place. 464 dwellings with associated communal open space have been approved under the approved Concept Plan.

2.3 SITE CHRONOLOGY

- In 2002, the Breakfast Point Master Plan was adopted by Canada Bay Council.
- On 31 August 2005 the Minister assumed the role of approval authority for outstanding development at Breakfast Point under the provisions of State Environmental Planning Policy (Major Projects) 2005.
- On 29 November 2005, the Minister formed an opinion that those portions of the Breakfast Point site that remained undeveloped constitute a Major Project under Schedule 1, Group 5, Clause 13 of the Major Project SEPP
- On 7 April 2006, the Breakfast Point Concept Plan was approved by the Minister.

- On 13 July 2006, the Minister for Planning approved Major Project 05-0149 for the construction of the Vineyards Precinct North, comprising 4 residential building with a central landscaped area and containing 110 dwellings and 149 car parking spaces.
- On 29 June 2006, the Minister for Planning approved Major Project 05-0152 for the Country Club Precinct comprising a nine storey residential building containing 83 dwellings and 140 basement car parking spaces.
- On 6 and 8 February 2008, the DGRs for Plantation and Silkstone Precincts were requested.
- On 26 February 2008, the DGRs for both Plantation and Silkstone Precincts were issued.
- On 31 March 2008, an Environmental Assessment (EA) for the development of the Plantation Precinct was received.
- The Application was placed on public exhibition for a 30 day period from 7 May to 6 June 2008. In excess of 800 letters were sent to public and private agencies and individuals inviting submissions. Five submissions were received.
- The proponent addressed the issues raised in submissions and no Preferred Project Report was requested.

3 PROPOSED DEVELOPMENT

7 high density buildings are proposed within the precinct, 6 to be located at the boundaries of the Precinct and 1 at its centre. The buildings are to be set within a landscape setting comprising lawns, gardens, a community BBQ area and a swimming pool. Collectively, the buildings will have a GFA of 34,590m² and will contain 267 dwellings with 418 resident and 55 visitor car spaces. The Application also includes Community Title Subdivision of Lot 65 into 7 lots to create 1 community lot and 6 development lots and subsequent Strata Title subdivision of each proposed building. A site plan is included at Figure 3.

Table 1 below sets out the relevant characteristics of each building.

Table 1: Development Summary

Building	Storeys	GFA m ²	Dwelling numbers	Dwelling mix (3/2/1 bedrooms)	Adaptable dwellings	Car Parking (resident / visitor)
6C1	5	4576	35	10/20/5	nil	56/7
6C2	5	8966	68	20/40/8	nil	110/14
6C3 / 5G	3 + 5	10550	80	20/50/10	nil	124/16
5H3	5	3816	30	8/16/6	nil	46/6
5H1	3	3946	33	9/15/9	nil	50/7
5H2	3	2736	21	3/15/3	nil	32/5
Total	-	34590	267	70/156/41	nil	418/55

Basement level carparking is provided to serve all of the proposed buildings. Vehicular access to the carparks is via four accessways – one from Vineyard Way and three from Peninsular Drive. The proposal does not include any internal roads or infrastructure, being entirely serviced by existing roads / infrastructure.

The overall precinct design is of a form consistent with the proposed style and form of Breakfast Point as articulated in the approved Concept Plan (see Figures 3, 4 & 5). Buildings are traditional in form and incorporate clearly legible low, middle and top sections with hipped roofs. Facades are articulated to provide interest at street level and include recessed balconies, glazing and shutters. Heights are set to respond to local topography and to protect significant view corridors. The landscape setting incorporates substantial communal open space designed in a semi-formal style and incorporating deciduous and evergreen trees for amenity and microclimate control.

External finishes and colours proposed are consistent with the palette precedents and standards already established for Breakfast Point. Final paint colours will fit with this theme, but may vary within the general theme. The proponent has provided a schedule of materials and finishes along with a set of coloured elevations and a coloured landscape plan that indicate consistency with the palette precedents and standards which are predominantly to provide articulated buildings in warm light colour tones in a landscape setting. Roofs are to be hipped and / or gabled and facades are to provide modulation of light and shade through architectural detail.

3.1 DEVELOPMENT DATA – STATUTORY CONTROLS

The Canada Bay LEP 2008 (CB LEP 2008) is the primary environmental planning instrument pertaining to the subject site. The site is zoned 'R1 - General Residential' under the CB LEP 2008. The approved Concept Plan for portion of the Breakfast Point site includes the Plantations Precinct site and also facilitates its development for Residential Uses. The Concept Plan establishes building envelopes, maximum heights and floor space controls. Controls in the Concept Plan are site specific and they differ from the CB LEP 2008 controls. The following compliance table summarises the performance of the proposal against key numerical controls contained in the CB LEP 2008 and the Concept Plan.

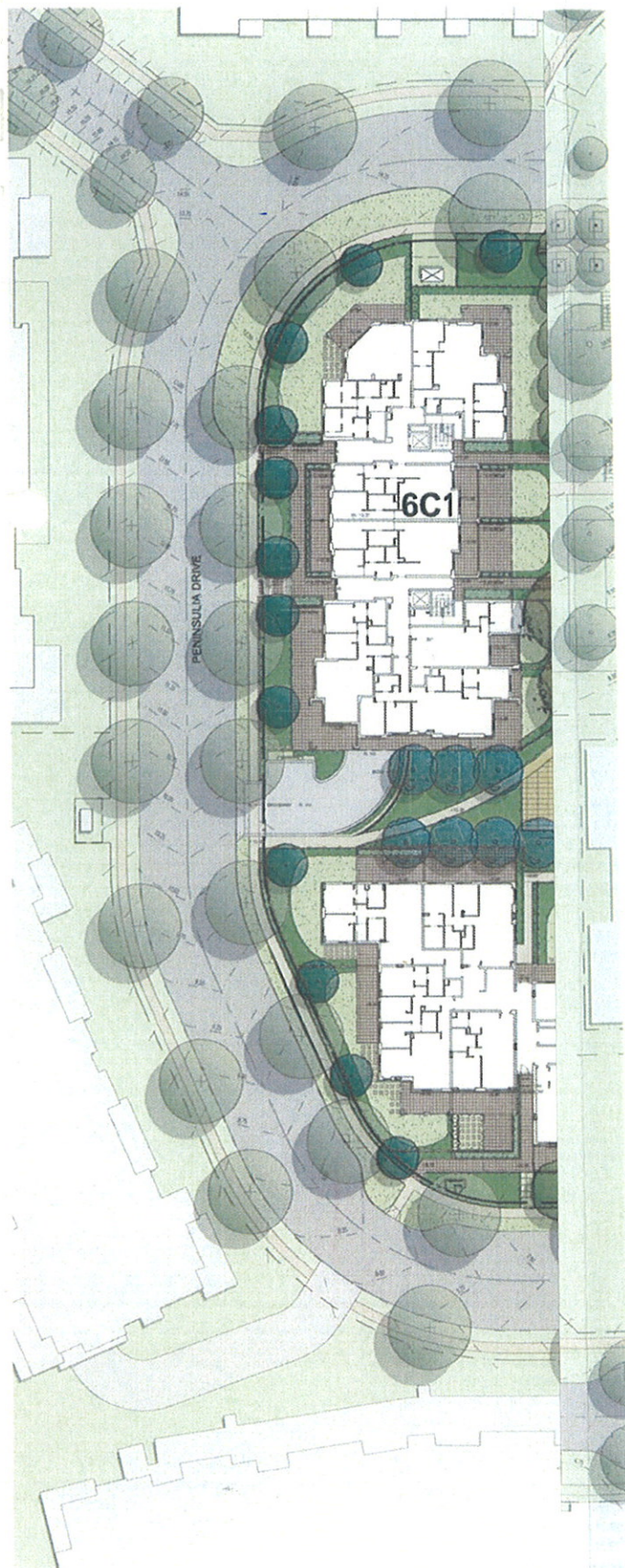


Figure 3: Site Plan

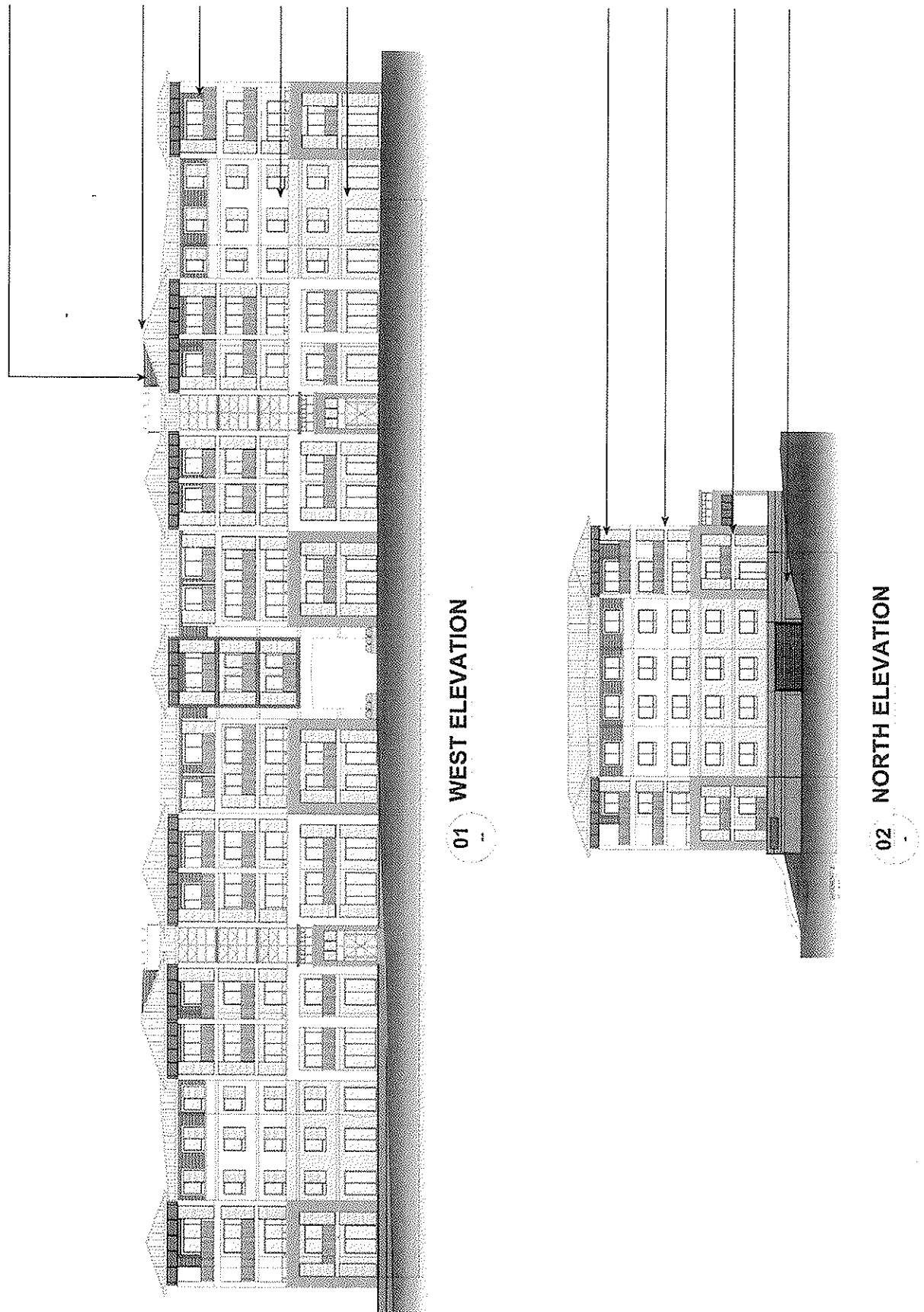


Figure 4: Part elevation from Vineyards Way (Building 6C2)

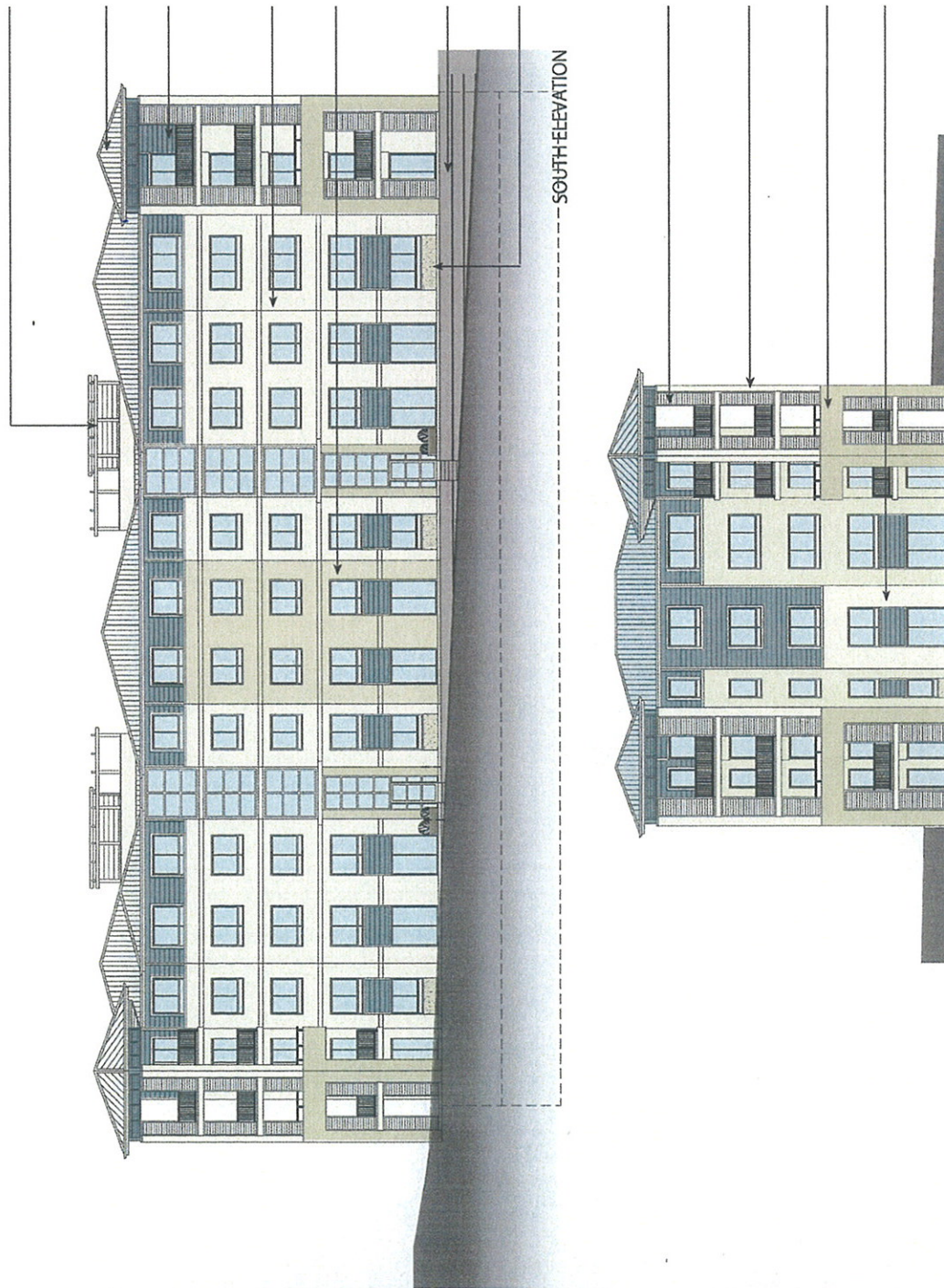


Figure 5: Part elevation from Peninsula Drive (Building 6C1)

Table 2: Compliance Table

	Proposed	Breakfast Point Concept Plan	Compliance	Canada Bay LEP 2008*	Compliance
Site area	22270m ² (Plantations Precinct only)	N/A	N/A	N/A	N/A
Height (Storeys/ RL)					
Building 6C1	5 storeys	5 storeys	Yes	N/A	N/A
Building 6C2	5 storeys	5 storeys	Yes	N/A	N/A
Building 6C3 / 5G	3+5 storeys	3+5 storeys	Yes	N/A	N/A
Building 5H3	5 storeys	5 storeys	Yes	N/A	N/A
Building 5H1	3 storeys	3 storeys	Yes	N/A	N/A
Building 5H2	3 storeys	3 storeys	Yes	N/A	N/A
GFA	34,590m ² (Plantations Precinct)	40,738m ² (Plantations Precinct)	Yes	N/A	N/A
FSR	1.55:1 (Plantations Precinct)	1.83:1 (Plantations Precinct) 0.67:1 (upper limit - overall Breakfast Point site)	Yes	0.7:1 (overall Breakfast Point site)	Yes
Dwellings	267 (Plantations Precinct)	264 (Plantations Precinct) plus or minus 10%	Yes	N/A	N/A
Adaptable housing	Nil	5% (of total Breakfast Point dwelling numbers)	Yes (targets achieved in other precincts)	N/A	N/A
Car Parking	418 resident spaces + 55 visitor spaces (on street)	Minimum 415 resident spaces + 53 visitor spaces (on street)	Yes	N/A	N/A

* The Canada Bay LEP 2008 zones the Breakfast Point site as R1 General Residential. Controls are provided for FSR with a maximum of 40 dwellings per hectare. The proposal is consistent with the FSR control. It produces a density of 120 dwellings per hectare within the site but is consistent with the prescribed density across the entire Breakfast Point site. No controls are stipulated for height.

4 STATUTORY CONTEXT

4.1 PART 3A OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979

Part 3A of the Environmental Planning and Assessment Act commenced operation on 1 August 2005. Part 3A consolidates the assessment and approval regime of all major projects previously considered under Part 4 (Development Assessment) or Part 5 (Environmental Assessment) of the EP&A Act.

On 31 August 2005 the Minister for Planning formed the opinion that remaining development of Breakfast Point was a development described in Schedule 1, Group 5, Clause 13 of the SEPP, namely:

"Development for the purpose of residential, commercial or retail projects with a capital investment value of more than \$50 million that the Minister determines are important in achieving State or regional planning objectives".

In accordance with Section 75M of the Act, Rosecorp lodged the Concept Plan which was approved by the Minister on 7 April 2006. The purpose of this submission is for the Director General to provide a report on the Plantations Precinct project application to the Minister for the purposes of deciding whether or not to grant approval pursuant to Clause 75J of the Act.

4.2 MAJOR PROJECT DECLARATION

The proposal is subject to assessment under Part 3A of the Environmental Planning and Assessment Act 1979 ("the Act") and the approval of the Minister for Planning is required to carry out the project. On 29 November 2005, the Minister formed the opinion that the remaining undeveloped portions of the Breakfast Point site constitute a Major Project to which Part 3A of the Act applies as it incorporated a Capital Investment Value (CIV) of more than \$50 million and, in the opinion of the Minister, achieved State or regional planning objectives pursuant to Clause 13, Schedule 1 of the State Environmental Planning Policy (Major Projects) 2005 (MP SEPP). In doing so, the Minister authorised the submission of a Concept Plan and associated project applications for those areas of the site.

On 7 April 2006, the Breakfast Point Concept Plan was approved. As the Capital Investment Value of the subject proposal is \$102.59 million, the proposal is a Major Project to which part 3A of the Act applies.

4.3 DIRECTOR GENERAL'S ENVIRONMENTAL ASSESSMENT REQUIREMENTS

On 26 February 2008, the Director General issued environmental assessment requirements (DGRs) pursuant to Section 75F of the EP & A Act. The DGRs issued in respect of the Plantations precinct related to:

- Consistency with the Concept Plan
- Built form
- Urban design
- Environmental and residential amenity
- Car parking and traffic impacts (construction and operational)
- Ecologically sustainable development
- Section 94 developer contributions
- Contamination
- Drainage
- Utilities
- Staging of development

4.4 CONCEPT PLAN

The Plantations Precinct Project Application is permissible with consent and is consistent with the approved Concept Plan.

4.5 ECOLOGICALLY SUSTAINABLE DEVELOPMENT PRINCIPLES

There are five accepted ESD principles:

- (a) decision-making processes should effectively integrate both long-term and short-term economic, environmental, social and equitable considerations (the integration principle);
- (b) if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation (the precautionary principle);
- (c) the principle of inter-generational equity - that the present generation should ensure that the health, diversity and productivity of the environment is maintained or enhanced for the benefit of future generations (the inter-generational principle);
- (d) the conservation of biological diversity and ecological integrity should be a fundamental consideration in decision-making (the biodiversity principle); and
- (e) improved valuation, pricing and incentive mechanisms should be promoted (the valuation principle).

The Department has considered the proposed development in relation to the ESD principles and has made the following conclusions:

- **Integration Principle** - the social and economic benefits of the proposal are well documented. The environmental impacts of the development are appropriately mitigated as discussed in this report. The Department's assessment has duly considered all issues raised by the community and public authorities. The proposal as recommended for approval will not compromise benefits or opportunities to others.
- **Precautionary Principle** – the EA is supported by technical and environmental reports which conclude that the proposal's impacts can be successfully mitigated. No irreversible or serious environmental impacts have been identified. The recommended conditions require additional information to ensure the proposal's extent and nature is fully documented and opportunities are provided for proposed mitigation and management measures to incorporate best practices.
- **Climate Change**
The proposed development is not inconsistent with the principles contained in the Floodplain Development Manual, will not detrimentally increase potential flood affectation on other developments or property, will not result in an increased risk to human life, and is unlikely to result in additional economic and social cost. The lowest point of the site is at approximately 5m AHD. It is unlikely that this site or the proposed development will be impacted by changes in sea level resulting from climate change.
- **Inter-Generational Principle** – the site's redevelopment incorporating environmentally sustainable design principles and implementation of environmental and management practices to be employed during construction of the new development will ensure that the environment is protected for future generations.
- **Biodiversity Principle** – There is no natural vegetation on the site and the site does therefore not contain any threatened or vulnerable species, populations, communities or significant habitats. A condition is recommended requiring at least 20% locally native species be utilised in site planting further satisfying the biodiversity principle.
- **Valuation Principle** – the proposal seeks to promote new residential development in existing urban areas by maximising reliance on existing infrastructure, and enabling residents to live near work, leisure and other opportunities.

The proponent is committed to ESD principles and has reinforced this through the Statement of Commitments and the Environmental Assessment which explores key ESD opportunities, including mechanical, electrical and hydraulic systems as well as architectural designs to ensure high environmental performance is delivered.

4.6 SECTION 75(2) OF THE ACT & CLAUSE 8B OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATION 2000

The DG's report to the Minister for the proposed project satisfied the relevant criteria under Section 75I of the Act as follows:

Section 75I(2) criteria	Response
Copy of the proponent's environmental assessment and any preferred project report;	The Proponent's EA is located on the assessment file.
Any advice provided by public authorities on the project;	All advice provided by public authorities on the project for the Minister's consideration is set out in Section 6 of this report.
Copy of any report of a panel constituted under Section 75G in respect of the project;	No statutory independent hearing and assessment panel was consulted in respect of this project.
Copy of or reference to the provisions of any State Environmental Planning Policy that substantially govern the carrying out of the project;	Each relevant SEPP that substantially governs the carrying out of the project is identified in Section 4, including an assessment of the impact of each SEPP on the development proposal.
Except in the case of a critical infrastructure project – a copy of or reference to the provisions of any environmental planning instrument that would (but for this Part) substantially govern the carrying out of the project and that have been taken into consideration in the environmental assessment of the project under this Division;	An assessment of the development relative to the prevailing environmental planning instrument is provided in Sections 4 and 5 of this report
Any environmental assessment undertaken by the Director General or other matter the Director General considers appropriate;	The environmental assessment of the project application is this report in its entirety.
A statement relating to compliance with the environmental assessment requirements under this Division with respect to the project.	The environmental assessment of the project application is this report in its entirety.

The DG's report to the Minister for the proposed project satisfied the relevant criteria under Clause 8B of the EP&A Regulation as follows:

Clause 8B criteria	Response
An assessment of the environmental impact of the project	An assessment of the environmental impact of the proposal is discussed in sections 4 and 5 of this report.
Any aspect of the public interest that the Director-General considers relevant to the project	The public interest is discussed in section 5.7 of this report.
The suitability of the site for the project	The site is identified in the approved Breakfast Point Concept Plan to be redeveloped for medium to high density residential uses.
Copies of submissions received by the Director-General in connection with public consultation under section 75H or a summary of the issues raised in those submissions.	A summary of the issues raised in the submissions is provided in section 6 of this report.

4.7 ENVIRONMENTAL PLANNING INSTRUMENTS (EPIS)

Application of EPIs to Part 3A projects

To satisfy the requirements of section 75I(2)(d) and (e) of the Act, this report includes references to the provisions of the environmental planning instruments that govern the carrying out of the project and have been taken into consideration in the environmental assessment of the project.

The primary controls guiding the assessment of the proposal are:

- State Environmental Planning Policy No. 65 (SEPP 65) – Design Quality of Residential Flat Buildings
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- State Environmental Planning Policy (Infrastructure) 2007
- Canada Bay Local Environmental Plan 2008 (CLEP 2008)

Other controls to be considered in the assessment of the proposal are:

- State Environmental Planning Policy No. 55 – Remediation of Land

The provisions, including development standards of local environmental plans, and development control plans are not required to be strictly applied in the assessment and determination of major projects under Section 75R(3) Part 3A of the Act. Notwithstanding, these standards and provisions are relevant considerations for this application as the DGRs and Section 75I(2)(e) of the Environmental Planning and Assessment Act, 1979 require the proponent to

address such standards and provisions and the Department to duly consider them. Accordingly the objectives of a number of EPIs and the development standards therein and other plans and policies that govern the carrying out of the project are appropriate for consideration in this assessment. Assessment under these follows.

4.8 COMPLIANCE WITH PRIMARY CONTROLS

State Environmental Planning Policy No. 65 (SEPP 65) – Design Quality of Residential Flat Buildings

SEPP 65 aims to improve the design quality of residential flat development in NSW as it is of significance to providing economic, social, cultural and environmental factors benefits.

SEPP 65 contains 10 design quality principles which guide the consideration of a proposed residential flat building to ensure that it achieves an appropriate level of design quality. A Design Verification Statement has been provided by Giles Tribe Architects stating that the subject development has been designed having respect to the design quality principles.

Additionally, the scheme in the EA has been appraised against the SEPP 65 guideline: Residential Flat Design Code (RFDC) in a SEPP 65 Design Report provided by Giles Tribe Architects. The report indicates that the proposal is consistent with the majority of "Rule of Thumb" guidelines included in the Residential Flat Design Code. 5 inconsistencies are reported and these are described and commented upon in the following table:

Table 3: SEPP65 Non-Compliances

SEPP 65 'RULE OF THUMB'	TARGET	ACHIEVED	COMMENT
Depth of single aspect apartments	All single aspect apartments are max 8m in depth	30% single aspect apartments are greater than 8m depth	Single aspect apartment depths range from 8 to 9.5m depth. Impacts in non-compliant apartments are offset by aspect, living areas with full length glazing and access to broad balconies. It is notable that the proposal complies with guidelines for amenity and solar access (75% of apartments receive 2hrs or greater sun in mid-winter).
Rear wall of kitchen	Max 8m from window to rear wall of kitchen	30% single aspect apartments have kitchen walls >8m from window	Internal kitchens open to living / dining areas with full height openings to large balconies and generally receive adequate ventilation and daylight.
Ground floor apartments	Separate entry from street preferred	No separate street entries proposed	Ground floor apartments are provided with ground level private open space in lieu of separate street addresses.
Ceiling heights	2.7m for habitable rooms	2.4m in some kitchens	Kitchens are adequately ventilated and receive adequate daylight via open plan design and connection to living / dining areas with full height openings to balconies.
Building depths	10-18m max to facilitate natural ventilation	All buildings are between 17 and 24m in depth.	Wider portions of buildings generally occur at corners so that opportunities for cross ventilation are maximised. Some buildings utilise "multiple box" plan shapes to maximise numbers of corner apartments.

The proposal is generally consistent with the principles of SEPP 65 and its "rules of thumb" guidelines. As a whole development, the proposal achieves the majority of the SEPP65 targets including daylight and natural ventilation, building separation targets. As outlined in Table 2, the proposal includes a number of measures to maximise light

penetration and natural ventilation to living areas where dimensional targets are not achieved. With these measures in place, the resultant development will provide a high quality living environment that responds to the constraints of the site while taking best advantage of its opportunities. In this regard, it is considered that the proposal is generally consistent with the Principles in SEPP65 and its 'rules of thumb' guidelines.

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

SEPP - BASIX aims to establish a scheme to encourage sustainable residential development across New South Wales. The current targets of BASIX for Residential Flat Buildings commenced on 1 July 2006.

BASIX certificates have been submitted for each building in the proposal. The Certificates indicate that each building will satisfactorily meet the BASIX targets provided amendments and treatments proposed in the BASIX certificates are adopted.

Accordingly, a condition is recommended which requires demonstration that these measures have been incorporated into the building works prior to issue of a Construction Certificate for the above ground works.

State Environmental Planning Policy (Infrastructure) 2007.

SEPP 11 applied to the Project Application at the time of its lodgement. The SEPP has subsequently been repealed by SEPP (Infrastructure) 2007. The SEPP (Infrastructure) does not, however, apply to the Application as it is subject to its Savings Provision (Cl.11 (1)(b)).

Notwithstanding that neither SEPP 11 or SEPP (Infrastructure) apply to this Project Application, the EA was referred to the RTA. In a letter dated 23 June 2008, the Sydney Regional Development Advisory Committee of the RTA raised no objections to the proposal and recommended a number of conditions of approval. The Committee also notified its requirement that a copy of the Determination is to be provided to the Committee at the same time it is sent to the proponent. The proponent has provided a written response to the Committee's letter.

Canada Bay Local Environmental Plan, 2008

The site is located in the Canada Bay local government area and is zoned 'R1 - General Residential' under the Canada Bay LEP, 2008. This zone allows for residential development in forms from single dwelling houses up to and including residential flat buildings, along with uses generally ancillary to the residential environment (such as schools, neighbourhood shops, recreation facilities, businesses and the like).

The zone objectives are:

"To provide for the housing needs of the community.

To provide for a variety of housing types and densities.

To enable other land uses that provide facilities or services to meet the day to day needs of residents."

The proposal is consistent with each of these objectives.

The LEP stipulates a maximum FSR of 0.7:1 and a dwelling density of 40 dwellings per hectare over the entire Breakfast Point site. The Compliance Table indicates that the Plantations Precinct proposal will generate an additional 34,590m² of GFA leading to a cumulative FSR of 0.52:1 over the entire Breakfast Point site. The provision of an additional 267 dwellings is consistent with the overall maximum permissible number of dwellings in the approved Concept Plan (2073 dwellings) which will result in an overall density of 40 dwellings per hectare. The proposal is therefore consistent with the specific LEP Development Standards.

Single Dwellings on Lots at Breakfast Point Development Control Plan 2008)

The DCP applies only to single dwelling development on the southern edge of the Breakfast Point site and does not apply to the Plantations Precinct. The DCP is therefore not directly relevant to this proposal.

4.9 COMPLIANCE WITH OTHER CONTROLS

State Environmental Planning Policy No. 55 Remediation of Land

SEPP 55 requires a consent authority to consider whether the land is contaminated, and if so, whether the land will be remediated before the land is used for the intended purpose.

The EA includes a Notice from EPA revoking Notices previously served under S.35 of the Environmentally Hazardous Chemicals Act for the Breakfast Point site. The Revocation Notice indicates that the site has been rehabilitated and is suitable for the proposed use.

3 ASSESSMENT OF ENVIRONMENTAL IMPACTS

In addition to the EPIs and planning policies addressed above, the key issues considered in the Department's assessment of the EA include:

- Consistency with the Breakfast Point Concept Plan
- Consistency with the DGR's
- Built Form & Urban Design
- Traffic & Parking issues
- Subdivision
- Public benefits

3.1 THE BREAKFAST POINT CONCEPT PLAN

On 7 April 2006, the Minister approved the Breakfast Point Concept Plan. The consent for the Concept Plan approved, with accompanying modifications, the following:

- 176,222m² maximum gross floor area (representing a 0.65:1 floor space ratio over the entire Breakfast Point site);
- 1,519m² maximum commercial and residential uses (within the 176,222m² maximum GFA);
- 989 residential dwellings (and up to a maximum 1,189 dwellings and resulting in a maximum FSR of 0.67:1 subject to compliance with a further condition protecting amenity, view corridors and open space and addressing any other matters required by the DG);
- Landscaped public and private open space;
- Associated services and infrastructure;
- Land use distribution, building heights, densities, dwelling mixes and types;
- Subdivision into no more than 100 Torrens Title lots; and
- Subdivision into no more than 1,189 strata subdivision lots (for residential dwellings) subject to compliance with the conditions of this approval.

The table below indicates that the Plantations Precinct proposal would be consistent with the maximum permissible allowances for GFA, FSR and dwelling numbers stipulated in the approved Concept Plan. Future project applications will be required to take into account that which has already been approved, so that the overall maximum dwelling density across the Breakfast Point site is not exceeded.

Table 4: Density and dwelling numbers

	Site Area (m ²)	GFA (m ²)	FSR	Number of residential dwellings
TOTAL APPROVED (Concept Plan site)	207,300m ² (Concept Plan site)	176,222m ² (Concept Plan site)	0.67:1 (Breakfast Point - site wide)	1,189 (Concept Plan site)
TOTAL APPROVED (Breakfast Point Master Plan site)	518,200m ²			2,073 (Breakfast Point site)
Developed / approved stages to date				
Vineyards North	10,461m ²	16,288	1.56:1	110
Vineyards South	9,550m ²	16,624	1.74:1	118
Country Club North	4,190m ²	11,889	2.84:1	83
River Front	12,838m ²	6,735	0.52:1	25
The Point	14,900m ²	21,596	1.45:1	128
Plantations Precinct (subject application)	22,270m ²	34,590m ²	1.55:1	267
TOTAL TO DATE (Concept Plan)	74,209m ²	107,722m ² (Concept Plan site)		731 (Concept Plan site)
Remaining Stages (Concept Plan)	133,091	68,500m ²	0.51:1 (Breakfast Point - site wide)	458 (Concept Plan site)

With appropriate Conditions in place, the density and dwelling numbers proposed in the subject application are considered satisfactory and will not result in a restriction of achievable GFA on undeveloped portions of the land within Breakfast Point.

Urban Design Principles in the approved Concept Plan include:

- Maximise the northern aspect for solar access to dwellings;
- Respond to the microclimate of each location and to the varying topography;
- Set back buildings from the street frontages to create landscaped settings;
- Enhance view corridors through the subject site to maximise visual permeability;
- Share views by stepping buildings down the slope;
- Diversify building forms to create variety and visual interest;
- Limit overshadowing to 50% for 2 hours per day for private open space;
- Minimise overshadowing of public open space;
- Maintain privacy by ensuring adequate distance between dwellings – windows of habitable rooms to be a minimum of 12m apart or if these distances are not achieved other design measures, such as appropriate window and balcony locations and screening being incorporated; and
- Ensure that external colours and finishes are consistent with the palette of precedents and standards already established for Breakfast Point.

The proposal is generally consistent with each of these urban design principles and achieves the numeric principles in the Concept Plan. SEPP65 guideline targets for solar access, overshadowing of open space and building separation are all achieved. Building platforms and heights are consistent with the Concept Plan and have an acceptable relationship to microclimate and topography. The building group is well placed within a landscape setting that satisfactorily enhances the streetscape. View corridors and architectural foci identified in the Concept Plan are maintained and enhanced and finishes and colours are consistent with the established palette and standards.

3.2 DIRECTOR GENERAL'S REQUIREMENTS

The DGRs issued in respect of the Plantations precinct related to:

- Consistency with the Concept Plan
- Built form
- Urban design
- Environmental and residential amenity
- Car parking and traffic impacts (construction and operational)
- Ecologically sustainable development
- Section 94 developer contributions
- Contamination
- Drainage
- Utilities
- Staging of development

The EA is considered to be consistent with the DGR's and to have demonstrated an acceptable built form and urban design outcome which ensures that amenity and traffic impacts are minimised. The majority of these requirements are discussed elsewhere in this report. Those not covered elsewhere are discussed below.

Section 94 Developer Contributions

The approved Concept Plan provides for incremental payment of Section 94 Contributions at the time of each project application. In accordance with the rate of contributions in the Concept Plan approval, this application will attract contributions as per the following table.

Contribution Category	Rate of Contribution	Amount payable (267 units)
Community facilities	\$251.74	\$67,214.58
Open space	\$412.02	\$110,009.34
Roads	\$1166.24	\$311,386.08
TOTAL	\$1830.00	\$488,610.00

Drainage

The EA includes a Hydraulic Services and Stormwater Concept Plan prepared by SEMF Pty Ltd. The plan indicates conventional stormwater drainage to the street drainage system. A Stormwater Layout Plan for the entire Breakfast Point site (Hyder Consulting, August 2005) has also been provided indicating stormwater control devices to manage discharge from the site.

The EA indicates that underground retention tanks are proposed within the building basements to take up roof water targeted to meet 60% of the Precinct's landscape irrigation demands.

A condition is recommended to require provision of additional information to ensure:

- that the proposed stormwater drainage system can affectively and safely convey surface storm water for storm events up to and including the 100-yr ARI, to the street.
- that surface run-off from the development is substantially captured for re-use and detention and that the drainage system is appropriately designed to manage the additional runoff from the site and that runoff discharged into the external drainage system is of suitable quality.

- that gross pollutant devices/traps are installed to control water quality leaving the site. These need to be provided in order to satisfy ESD requirements.
- that overland flows from adjoining or upstream properties are not impeded

Utilities

The EA indicates that Utility services in accordance with the Breakfast Point Masterplan are in place for connection to the site. A new substation is to be installed in Vineyard Way to serve the Precinct.

Staging of development

The EA includes a staging plan as indicated in Figure 6. Stage 1 will include 87 dwellings and the precinct property, incorporating through site pedestrian paths, landscape and communal facilities (swimming pool and BBQ area). Stage 2 will include 103 dwellings and Stage 3 will include the remaining 80 dwellings. It is considered that the proposed staging is appropriate to provide for an orderly development of the site.

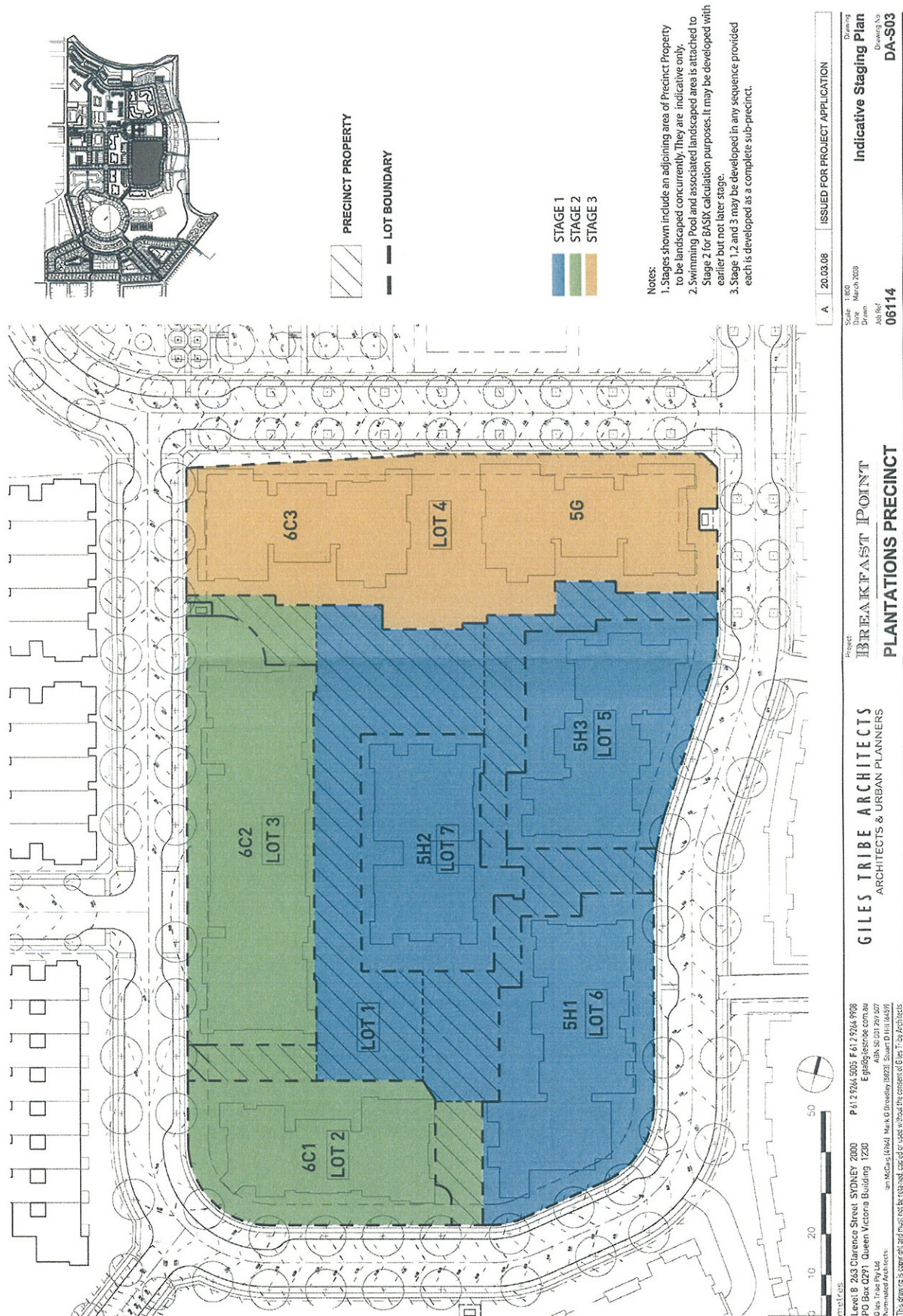


Figure 6: Staging of Development

3.3 BUILT FORM AND URBAN DESIGN

Key issues for this proposal relate to the design merits of the proposed buildings and public spaces in relation to the existing and likely future character of the locality and the comfort of residents and visitors. Specific considerations fall into the areas of:

- Density
- Building height
- Building envelopes, setbacks and separation
- Solar access
- Public domain

Density (FSR)

The Compliance Table (Table 2) indicates that the proposal is consistent with the approved Concept Plan with regard to cumulative totals for Gross Floor Area (GFA), Floor Space Ratio (FSR) and dwelling numbers. In this regard, the proposal would result in a satisfactory density.

Building Height

The Compliance Table also indicates that the building heights proposed in the EA are consistent with the approved Concept Plan. View corridors are protected and the buildings do not unduly overshadow adjacent dwellings or open space.

Building envelopes, setbacks and separation

Building envelopes and setbacks are consistent with the approved Concept Plan. Building separations are consistent with SEPP 65 and the buildings display an acceptable relationship with the street and their general surroundings.

Solar access

The proposal has been illustrated to be consistent with the SEPP 65 guidelines for provision of solar access.

Public domain

In the context of the overall Breakfast Point development, the proposal displays an appropriate response to the public domain in that it does not overshadow, impose visually or restrict access to the street, to public parks in its vicinity or to the foreshore.

The proposal has been illustrated in this report to be consistent with the built form and urban design principles and numeric controls / guidelines in the approved Concept Plan and the urban design 'rules of thumb' in SEPP 65 relating to each of the above listed issues. On this basis, it is considered that the proposal provides an appropriate response with regard to built form and urban design.

3.4 TRAFFIC AND PARKING

The EA includes a Traffic and Parking Report prepared by Colston Budd Hunt & Kafes Pty Ltd. The same consultancy carried out an assessment of traffic impacts with regard to the approved Concept Plan. The report with the EA concludes that the proposal for the Plantations Precinct is consistent in scale with the precinct planning in the approved Concept Plan and that the impacts on traffic conditions within and external to the Breakfast Point site will be consistent with the Concept Plan. Consequently no changes to the road works external to the Precinct are required. Access and internal layout are reported to be consistent with relevant standards and are also considered acceptable.

The Compliance Table (Table 2) indicates that the proposal complies with relevant car parking requirements in that it provides car parking 3 resident spaces and 2 visitor spaces in excess of the minimum numbers specified by the Concept Plan.

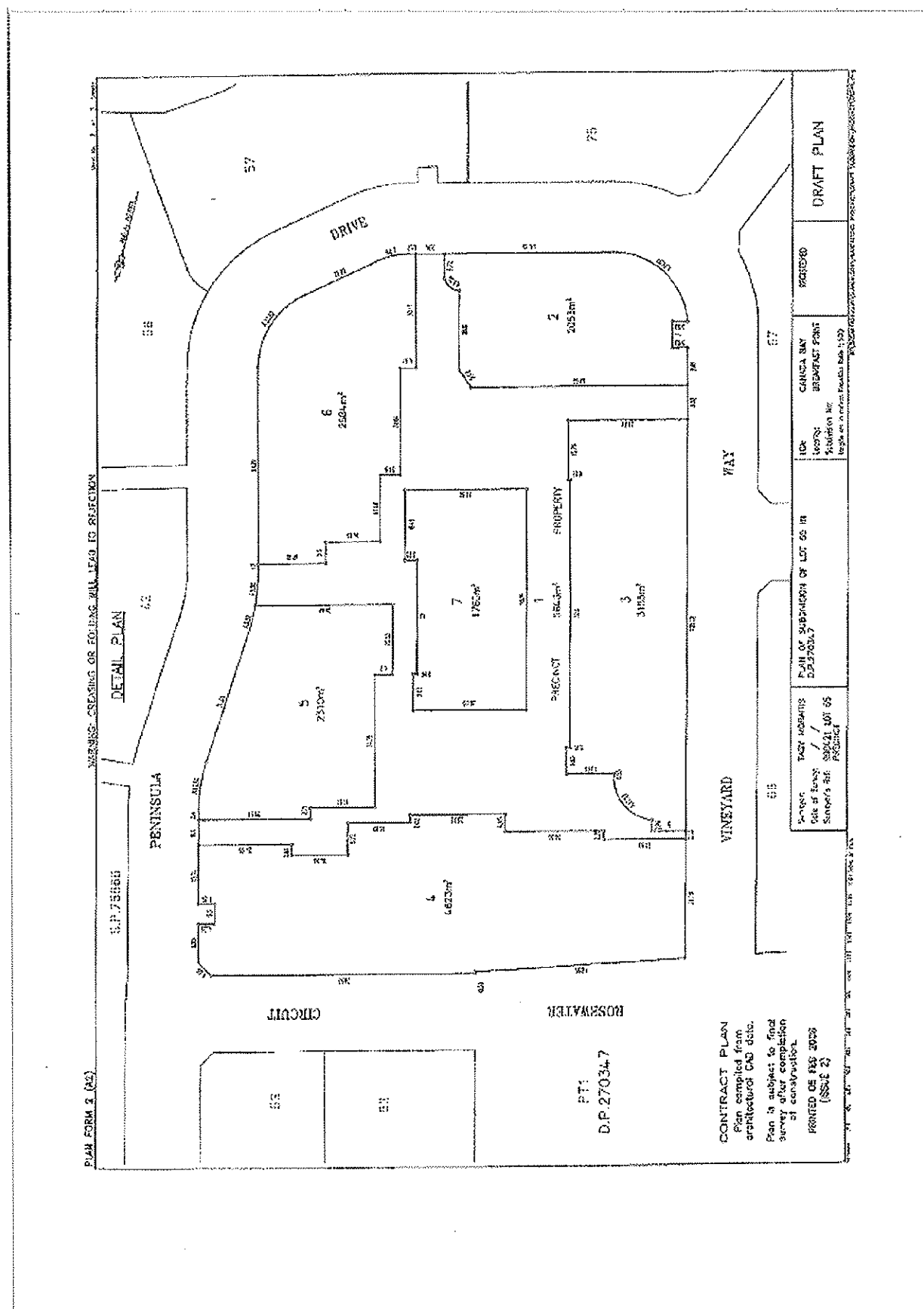
3.5 SUBDIVISION

The Precinct falls within the Breakfast Point Master Community Scheme. Within this context, The EA proposes Precinct Title Subdivision of Lot 65 into 7 lots to create 1 Precinct lot and 6 development lots as indicated in the following table.

Lot No.	Type	Area	Development
Lot 1	Precinct Property	5526 m ²	Landscape works, swimming pool, BBQ area / gazebo, portion of driveways, bicycle racks.
Lot 2	Development	2082 m ²	Building 6C1
Lot 3	Development	3137 m ²	Building 6C2
Lot 4	Development	4653 m ²	Building 6C3 / 5G
Lot 5	Development	2316 m ²	Building 5H3
Lot 6	Development	2685 m ²	Building 5H1
Lot 7	Development	1836 m ²	Building 5H2
TOTAL		22235 m ²	

Subsequent Strata Title subdivision is proposed of buildings on each of the 6 development lots.

Draft subdivision plans together with a Precinct Management Statement have been submitted with the EA. The proposed Precinct subdivision is indicated in Figure 7. The facilities within the Precinct Lot (communal open space, the swimming pool and the BBQ area) will be available for the use of residents of buildings within the Plantations Precinct and will be managed by a Precinct Association.



3.6 PUBLIC BENEFITS

On balance, the proposal is considered to provide the following public benefits:

- The development is consistent with the Breakfast Point Concept Plan and is a logical progression in the development of the Breakfast Point new community. In this regard, the development is a positive contribution to the revitalisation of the former industrial site.
- The proposed development contributes to establishment of a higher density living environment in close proximity to commercial, recreation and public transport facilities.
- The activation of the significant site will contribute to the vitality and economic viability of the locality.
- The development will provide additional employment both during and consequent to the construction phase.
- Section 94 Contributions will contribute to development of new community facilities, open space and local roads elsewhere within the Canada Bay LGA.

5 CONSULTATION AND ISSUES RAISED

5.1 CONSULTATION PROCESS

The Plantations Precinct Project Application was publicly exhibited and notified in accordance with the EP & A Act and consistent with Council's Notification Policy. Section 75H(3) of the EP & A Act requires that after the Environmental Assessment has been accepted by the Director General, the Director General must, in accordance with any guidelines published in the Gazette, make the environmental assessment publicly available for at least 30 days. The Director General has not published any specific guidelines in relation to the public exhibition of the Project Application.

A "Test of Adequacy" was undertaken by the Department which determined that the matters contained in the DGRs were adequately addressed in the Environmental Assessment prior to public exhibition.

The process followed in terms of the public exhibition is broadly below:

- The application was placed on exhibition between 7 May and 6 June 2008.
- Copies of the Environmental Assessment and associated documents were available for inspection at the Department of Planning in Sydney and Council's Drummoyne and Concord offices. Copies were also available for inspection at the Concord Branch Library and Concord West Library.
- Advertisements were placed in two local newspapers – the Inner Western Suburbs Courier and Inner Western Suburbs Weekly at the commencement of the exhibition.
- Copies of the Environmental Assessment documents were forwarded to City of Canada Bay Council, Ryde City Council and key relevant Government Departments including NSW Maritime, the Roads and Traffic Authority, Department of Environment and Climate Change, Sydney Water Corporation, Department of Water and Environment, Sydney Ferries Corporation, State Transit Authority and the NSW Heritage Office.
- Details of the application were also forwarded to over 1800 Breakfast Point residents, owners of land directly adjoining and in the vicinity of the subject land (i.e. landowners in the area bounded by Kingston Avenue, Watkin Street, Brays Road, Mortlake Street, Denison Road, and Cabarita Road).
- Details of the application were placed on the Department of Planning and Breakfast Point (www.bpconceptplan.com.au) websites.

The Department received a total of 5 submissions comprising 4 submissions from government agencies, and 1 from the public. The Proponent provided written responses to each of these. The submissions and the Proponent's responses are summarised below. The Department's comments are also provided.

5.2 SUBMISSIONS FROM GOVERNMENT AGENCIES

The following submissions were received from government agencies.

Roads and Traffic Authority (Sydney Regional Development Advisory Committee)

The RTA raised no objections to the Application and recommended the following Conditions of Approval:

- *All vehicles are to enter the site in a forward direction.*
- *Off street parking associated with the proposed development (including turning paths, site distance requirements and parking dimensions) should be designed in accordance with AS2890.1-2004.*
- *Car parking provision to Council's satisfaction.*
- *All works associated with the proposed works will be at no cost to RTA.*
- *A Construction Traffic Management Plan detailing construction vehicle routes, numbers of trucks, hours of operation, access arrangements and traffic control should be submitted to Council prior to the issue of a construction certificate.*
- *The swept path of the longest vehicle (including garbage trucks) entering and exiting the subject site, as well as manoeuvrability through the site, shall be in accordance with AUSTROADS. In this regard, a plan shall be submitted to Council for approval, which shows that the proposed development complies with this requirement.*

- All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping.
- The car parking areas and entry / exit need to be clearly delineated through line marking and signage to ensure smooth, safe traffic flow.
- All traffic control during construction must be carried out by accredited RTA approved controllers.

Response

- Items 1,2,3,6 & 8 have been sufficiently dealt with in the EA documentation.
- Items 5,7 & 9 are construction management issues that will be dealt with under construction management plans to be issued by the builder.
- Works associated with the development will be at nil cost to the RTA.

Comments

Relevant conditions of approval are recommended to address each of the issues in conditions recommended by RTA. With these in place, it is considered that the proposal will be consistent with RTA requirements.

Heritage Office.

The Heritage Office raised no objections to the proposal and recommended a condition of approval *that future development in relation to any matters of heritage significance must comply with clauses 4.00 (site planning objectives), 6.00 (land use principles) and 11.00 (heritage conservation) of the Breakfast Point Concept Plan.*

Response

The Heritage Office's comments pertain to Items outside of the Plantations Precinct that will not be impacted upon by the proposal.

Comments

No further action required.

Sydney Buses (State Transit Authority)

Sydney Buses raised no objection to the proposal but reiterated the principle in the Breakfast Point masterplan to provide safe and convenient access to public transport options.

Response

Two bus stops currently occur in proximity to the subject site. The proponent is willing to consider proposals for additional bus routes through Breakfast Point when they are prepared.

Comments

No further action required.

NSW Maritime

Maritime raised no objections to the proposal but suggested that a series of matters in relation to protection of the foreshore and waterway should be addressed. In summary, these included:

- No access to the development site for construction purpose is to be provided via the waterway or foreshore.
- Sediment controls consistent with specifications and standards in the manual *Managing Urban Stormwater – Soils and Construction* are to put in place for the duration of the works.
- Landscaping should comprise locally indigenous species, should connect to the foreshore and should be designed to minimise maintenance.

Response

- The applicant has confirmed that access to the Plantations Precinct via the waterway / foreshore will not be required.
- A sediment control plan has been prepared for the Plantations Precinct and this will be implemented during the construction process. The plan is consistent with the specified manual.

- The landscape design is consistent with the Breakfast Point masterplan. Landscape works within the Plantations Precinct include a mix of non-indigenous species, lawn and indigenous species. The design and species mix complies with BASIX performance targets.

Comments

The proposal is consistent with Maritime's requirements for construction access and sediment control and will not impact negatively on the foreshore or the waterway. Standard conditions will address these matters. With regard to landscape, given that the landscape proposal is consistent with the approved Breakfast Point Masterplan and Concept Plan and achieves BASIX performance targets, it is considered that no further action is required.

5.3 PUBLIC SUBMISSIONS

One public submission was received. The submission objected to the development on the grounds that it represents an overdevelopment of the site and will result in negative impacts through generation of traffic numbers in excess of the capacity of the local road network.

Response

The traffic impacts of the entire Concept Plan development were dealt with in the Concept Plan approval. RTA has raised no objection to the proposal with regard to traffic impacts on local roads.

Comments

The proponent has demonstrated that the traffic generated by the proposal is consistent with that of the Concept Plan approval and will not impact on the surrounding road network. Conditions regarding management of construction traffic are recommended.

6 CONCLUSION

The Department has assessed the EA and considered the submissions in response to the proposal. The key issues raised in submissions related to traffic impacts and protection of the environment. The Department has considered these issues and a number of conditions are recommended to ensure their satisfactory resolution and minimal impacts as a result of the proposal.

The proposed development is an appropriate progression of the Breakfast Point Masterplan and approved Concept Plan which together constitute a well considered urban renewal of a key harbour front former industrial site. The Department is of the view that the Project Application is consistent with the concept plan approval, achieves a high standard of architecture and urban design and adequately maintains the amenity of the precinct and surrounding development. Where necessary this has been augmented by applying conditions of approval building upon the proponent's own statement of commitments and following the full consideration of relevant issues raised during the public exhibition process.

The proponent has committed (through Statements of Commitment) to a number of measures to ensure the redevelopment proceeds smoothly and does not adversely impact on local amenity, and existing heritage buildings and landscapes on the site. The Department is recommending further conditions of approval to augment commitments made by the proponent.

The Department's advice, accounting for all the relevant information and the appropriate weight of each, is that the balance of the benefits of the proposal to the State and the Sydney region outweighs the residual environmental planning issues, which can be mitigated and managed within acceptable limits, subject to the imposition of an appropriate planning framework and associated recommended conditions of approval.

The Department has prepared recommended conditions of approval in respect of this project approval as described in Schedule 2 as set out in the instrument of approval at **Appendix A**. The reasons for the imposition of conditions are to encourage good urban design and a high standard of architecture, maintain the amenity of the local area, manage construction impacts and adequately mitigate any environmental impact of the development.

7 RECOMMENDATION

For project application:

It is recommended that the Minister:

- (A) **consider** the analysis and recommendations of this Report; and
- (B) **approve** the carrying out of the project, under Section 75J *Environmental Planning and Assessment Act, 1979*; subject to conditions and sign the Determination of the Major Project (**tag A**).

Prepared by:

John O'Grady
Consultant Planner
Urban Assessments

Endorsed by:

Andrew Smith
Team Leader
Urban Assessments

Michael Woodland
Director
Urban Assessments

Jason Perica
Executive Director
Strategic Sites and Urban Renewal

APPENDIX A. CONDITIONS OF APPROVAL
