

## SUMMARY OF CITY OF CANADA BAY COUNCIL'S SUBMISSION CONCEPT PLAN ISSUES

- Proposed density increases without adequate justification, assessment of impacts or provision of mitigative measures.

The Concept plan is consistent with LEP 91 in terms of the floor space it requests asking for an additional 51,820 sqm over and above the 2002 Masterplan taking the FSR to 0.7:1. The 0.7:1 FSR is consistent with achieving 40 dwellings per hectare on the site, something that was originally insisted on by DUAP to ensure an acceptable yield was gained from this important urban infill site. This is also a density in line with or below comparable urban developments. However, in response to concerns raised during the consultation period regarding FSR and floor space Rosecorp is prepared to reduce the permissible floor space ratio on the entire Breakfast Point site, as defined by LEP 91, from the 0.7:1 permitted by the LEP to 0.67:1, a reduction of 15,546 sqm over the floor space proposed by the exhibited Concept Plan. However, it needs to be understood that this is a major concession and it would not be practical for Rosecorp to offer up any further floor space.

- Concept Plan is deficient in relation to public access to and along the foreshore, visual quality of the development when viewed from Parramatta River and requirements for phasing of development.

The Concept Plan does not cover the foreshore but ensures that full unrestricted public access is provided. Amendments have been made to the Riverfront Precinct in response to feedback received during the consultation process. This reduces bulk and enhances views. A detailed phasing plan is provided with the revised Concept Plan.

Concept Plan is not consistent with the LEP objectives/intent, namely:

- To encourage the establishment of a suitable ferry wharf and provide supporting land uses

The waterside precinct was not included in the Concept Plan because the provision of the precinct lies beyond the control of Rosecorp. It has not been provided to date because the Waterways Authority has not allowed it and refused to allow the previously existing jetty to be altered to facilitate this use (so it had to be dismantled). Rosecorp remains committed to the provision of a facility and is currently holding discussions with the Minister for Ports regarding the provision of a marina precinct on the site. However, the provision of this facility is dependant on a number of technical studies and will have its own assessment process should it proceed. The Concept Plan stands apart from this process.

- Encourage integrated public transport uses

Improved public transport is designed into the site as it was under the Masterplan (section 5.00 of the Concept Plan refers). The road network has been constructed to a standard that allows for public transport provision and is already in place. However, State Transit will only serve the site when the demand exists to do so. Completing the residential development on the site will assist this process.

- Provide a gradation of higher buildings towards the centre of the site

The Concept Plan does not result in any increased building height compared to the Masterplan 2002. In some cases it reduces heights that were permitted and it gives more certainty to the community by reducing the developer's flexibility on heights. The Concept Plan adheres to the principles of increasing heights away from the water and towards the centre of the site.

- Provide development of open space for passive and recreational use for residents, employees and the public.

Open space at Breakfast Point has already been provided under the 2002 Masterplan and the registered community plans and is not affected by the Concept Plan. Nothing in the Concept Plan restricts the public's use of open space in the site.

Departures from the Master Plan 2002 include:

- Increased floor space ratios, heights and density across the Concept Plan area

The Concept plan is consistent with LEP 91 in terms of the floor space it requests asking for an additional 51,820 sqm over and above the 2002 Masterplan taking the FSR to 0.7:1. The 0.7:1 FSR is consistent with achieving 40 dwellings per hectare on the site, something that was originally insisted on by DUAP to ensure an acceptable yield was gained from this important urban infill site. This is also a density in line with or below comparable urban developments. However, in response to concerns raised during the consultation period regarding FSR and floor space Rosecorp is prepared to reduce the permissible floor space ratio on the entire Breakfast point site, as defined by LEP 91, from the 0.7:1 permitted by the LEP to 0.67:1, a reduction of 15,546 sqm over the floor space proposed by the exhibited Concept Plan. However, it needs to be understood that this is a major concession and it would not be practical for Rosecorp to offer up any further floor space.

The Concept Plan does not result in any increased building height compared to the Masterplan 2002. In some cases it reduces heights that were permitted and it gives more certainty to the community by reducing the developer's flexibility on heights.

- Objectives are considerably weakened. In all instances where the objectives have been modified the original objective is considered to provide greater clarity.

The objectives are consistent with the 2002 Masterplan. A number of alterations to the Concept Plan have been made to enhance clarity.

- Limited focus on public transport through and from the site

Improved public transport is designed into the site as it was under the Masterplan (section 5.00 of the Concept Plan refers). The road network has been constructed to a standard that allows for public transport provision and is already in place. However, State Transit will only serve the site when the demand exists to do so. Completing the residential development on the site will assist this process.

- Diluted access to the foreshore and through site links

Access to the foreshore and through site links is consistent with the 2002 Masterplan. Easements are guaranteed and are in place in Registered Plan no. 270347.

- Lack of necessary clarity in relation to the provision of community facilities

Community facilities have already been provided on the site and are clearly identifiable. The Concept Plan does not affect these other than the additional provision of an area of the Powerhouse for use as a museum.

- No commitment to the staging or order of development and the provision of facilities and infrastructure.

Facilities and infrastructure consistent with the 2002 Masterplan have already been provided. The Concept Plan has no impact on these. A more detailed staging plan is provided with the Concept Plan.

- Concept Plan makes no reference to the development standards contained within the Master Plan 2002.

It is unclear what standards Council are referring to, however, it is Rosecorp's intention to complete the development in a manner consistent with the standards already existing on the site.

- Justifying increases in density on the basis that unit size will be reduced and/or there is more 1 & 2 bedroom units proposed is not a reasonable or sound planning justification.

The increase in dwellings in the Concept Plan of 208 dwellings (about 10%) is consistent with the entitlement under LEP 91. Overall bedroom numbers on the site will rise by less than 5%. It can be demonstrated that the impact of these additional dwellings on the site and surrounding areas will be negligible.

- Concentration of development provides an inconsistent approach to development of the site when viewed in conjunction with those areas which continue to be subject to Master Plan 2002.

It has always been anticipated that densities in Breakfast Point would be calculated on an englobo basis. This has been enshrined by LEP 91 as well as in the Concept Plan and the 1999 and 2002 Masterplans. The community facilities and open space have been provided prior to the bulk of the development taking place. This represents best practice and should be encouraged. Precinct densities in the Concept Plan area are similar to those already constructed on the site.

- Council notes the inclusion of a new definition of “community” in the Concept Plan. This definition is misleading as the use of the word community throughout the Concept Plan has implications in relation to the provision of open space and community facilities.

Community has never previously been defined with respect of this site. The definition of community is merely to delineate between the Breakfast Point Community and the wider community. This has been clarified in the Concept Plan.

- The Key Design Principles map (Figure 4a) of the Breakfast Point DCP clearly illustrates how the general objectives of the Master Plan 2002 should be achieved particularly as they relate to pedestrian connections and transitions in height across the site. The Concept Plan should incorporate this plan.

Rosecorp do not accept that Council's 2005 DCP provides an appropriate guideline for future development.

- Sub clause 41B(f) of LEP 91 encourages public transport systems to service the land and adjoining neighbourhoods. It is Council's position that fulfilment of this clause requires the preparation of a Public Transport Plan which should be lodged with any project application in respect of the site.

Improved public transport is designed into the site as it was under the Masterplan (section 5.00 of the Concept Plan refers). The road network has been constructed to a standard that allows for public transport provision and is already in place. However, State Transit will only serve the site when the demand exists to do so. Completing the residential development on the site will assist this process.

There was no provision in the 2002 Masterplan for the preparation of a public transport plan. Rosecorp do not accept that this is a legitimate demand given STA as the providers of public transport in the area will determine service levels.

- Objectives regarding Access, Parking and Circulation have been removed from Master Plan 2002.

Access, Parking and Circulation provisions are consistent with the 2002 Masterplan.

- Kolstan Budd Hunt & Kafe's review of the Transport aspects of the Concept Plan appears to contradict the Concept Plan and summary information provided by Giles Tribes Architects and do not appear to have been suitably modelled.

There were some inconsistencies regarding the amount of commercial floorspace in the Masterplan and that assumed in the Transport modelling. This has now been rectified and commercial floorspace sought by the Concept Plan reduced accordingly. The Transport Plan was prepared based on a methodology worked out and agreed with Council.

- The Land Use diagram (Fig 6a) in the Breakfast Point DCP is considered to be an accurate depiction of the private/public use of land on the site whereas the diagram in the Concept Plan (fig 6.01) does not address the areas which are accessible by the Breakfast Point community of the Canada Bay community at large.

Public areas are not included in the Concept Plan area with the exception of the proposed dedication of part of the Powerhouse and its curtilage.

- The Landscape Strategy contained within the Concept Plan is poor in content in comparison to the clearly defined requirements of the Breakfast Point DCP.

The Landscape Strategy is consistent with that in the 2002 Masterplan which was approved by Council. The Concept Plan will ensure that current landscape themes are rolled out across the remainder of the site.

- The Landscape and Open Space section of the Concept Plan should be re-written to reflect the requirements contained within the Breakfast Point DCP.

We disagree with this. Open space and landscape sections are consistent with the 2002 Masterplan which was approved by Council and will ensure continuity as the development of the site is completed.

- The Concept Plan and Project Applications in an effort to maximise the floor space ratio have reduced the areas of communal open space and deep soil planting zones within each development precinct.
- The mass of the buildings in the entire development and the reduced amount of outdoor space in each precinct as a result of the higher site coverage is considered to be an unacceptable planning practice.

There will be no reductions in open space as a result of the Concept Plan. The Concept plan actually goes further than the Masterplan in defining building envelopes and guaranteeing open space. All community open space is already provided and will not be affected. In theory the 2002 Masterplan could have resulted in lower buildings with much greater site coverage than the Concept Plan allows.

- Public rights of access in terms of through site links should be shown on the ownership and subdivision plan.

Public rights of access will be shown in individual Project Applications.

- The Concept Plan places greater emphasis on attic accommodation. Whilst no objection is raised to encouraging attic accommodation appropriate design controls should be provided to ensure attics do not create the appearance of another storey.

The inclusion of attics does not increase the height of buildings. In Breakfast Point the existence of attics in the roofs is integral to the design of the site. These attics break up roof mass and will form a key architectural feature of the site. Adequate controls are provided in the Concept Plan and buildings will be assessed at the Project Application stage.

- The Breakfast Point DCP sought to ensure adequate curtilage requirements

were provided so that heritage items sit comfortably within the context of the ongoing development. These provisions are not addressed in the Concept Plan.

Heritage buildings have a clear and adequate curtilage provided which is consistent with the 2002 Masterplan, agreed by Council.

- The Concept Plan nominates part of the Powerhouse to be a community facility dedicated as works in kind. The proposal is considered to be inadequate in its detail and whilst the Powerhouse may be an acceptable building for the accommodation of a community facility Council will need to consider the terms of the offer and respond when the issues in relation to Section 94 have been resolved.

Further details are provided in the Statement of Commitments.

- The Project Applications do not adequately respond to ESD principles.

The Project Applications will all achieve BASIX standards for ESD.

- The Concept Plan provides no commitment to the staging or order of the development.

A more detailed staging plan is provided in the Concept Plan.