

## Preferred Project Report

### Mortlake Concept Plan

Urban renewal to provide housing in an appropriate area



On behalf of:

Mortlake Consolidated Pty Ltd

October 2012



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## Executive Summary

This document is the Preferred Project Report to accompany the proposed Part 3A Concept Application (MP10\_0154), which seeks approval for a residential redevelopment at Hilly Street, Mortlake. Mecone has prepared this report on behalf of the Proponent, Mortlake Consolidated Pty Ltd (Mortlake Consolidated), following a letter from the Department of Planning and Infrastructure (DPI) requesting submission of a Preferred Project Report.

The objectives of the preferred concept and design amendments are to accommodate and address the key concerns raised by agencies and the public during the consultation process. The revised design has achieved this by reducing the nine storey building by two to three storeys, reducing the density of the proposal, increasing the foreshore setback, increasing the on-site car parking and proposing the implementation of traffic and parking mitigation measures to improve conditions in the area.

An Environmental Assessment was submitted with the Concept Application, which was exhibited and notified for a period of 59 days from 4 October until 2 December 2011. This period was extended to 2 December following requests from the Council.

This report and appendices should be read in conjunction with the exhibited Environmental Assessment and accompanying information prepared by Cox Richardson and the specialist consultants.

The purpose of this preferred Project Report is to detail the amended design of the project and to provide responses to the key concerns raised in the written submissions during the exhibition and notification period to DPI. In accommodating and addressing the key concerns raised in the submissions, modifications have been made to the proposal in order to minimise any potential impacts from the proposal on neighbouring residents and the surrounding area.

### Consistency with State and local policies

An assessment of the consistency of the proposal against all relevant state and local policies has been undertaken, including:

- NSW 2021: A plan to make NSW number one
- Metropolitan Plan for Sydney 2036
- Inner West Subregional Strategy
- Canada Bay Council Local Environmental Plan 2008

The proposal is considered to be consistent with the objectives of all relevant State policies and the Canada Bay LEP 2008, and will assist the government to achieve additional housing in an existing urban area with good access to transport and services.

The proposal is consistent with the five strategies of NSW 2021 as it will provide economic benefits throughout the construction period and to the local area following occupation. The proposal is located at the start of the bus route and will encourage increased capacity for the route due to new commuters. Significant improvements to the infrastructure in the area will be delivered as a result of the proposal including upgrades to the drainage system, roads and public access to the foreshore. Importantly, the proposal involves the remediation of the former industrial sites, which will enhance the local environment and the regeneration of the area will strengthen and enhance the local area and community.

Details of the assessment are provided in the sections below.

## Response to key concerns raised in submissions

DPI provided copies of submissions received during exhibition and post exhibition to the Proponent and asked that a Preferred Project Report be prepared including responses to the concerns raised in the submissions.

This report addresses the concerns raised by government agencies and the public, and through amendments to the proposal seeks to minimise the potential environmental impacts of the proposal. The key concerns raised are as follows:

- Height;
- Traffic and transport;
- Density/FSR;
- Parking;
- Environmental; and
- Open space.

These concerns are addressed in more detail below and in the body of the report.

### Traffic and transport analysis

Council and residents raised concerns over the impact of the proposal on local streets and arterial intersections. In response to the concerns raised during the exhibition period, an independent traffic consultant was engaged to undertake a peer review of the original Traffic Assessment prepared by TTPA and the review of traffic prepared by TUP on behalf of Canada Bay Council, as well as an analysis of the submissions to DPI.

In summary:

- The RMS raised no concerns in relation to the traffic generation impacts of the proposal;
- The traffic report by TTPA surveyed and assessed local conditions and raised no concerns in relation to both the local traffic generation impacts of the proposal and connectivity to regional roads;
- A Peer Review prepared by Traffix supported TTPA's conclusions and raised no concerns in relation to the proposal. Specifically the peer review found that the methodology and conclusions by TTPA were sound and supportable and that the TUP report on behalf of Council was not supportable. The peer review found that the traffic impacts of the proposal will be negligible and that there will not be a change to the level of service of key intersections around the site;
- Previous discussions with RMS indicate that with the provision of the M4 extension, as recently announced as part of the WestConnex project, the existing issues in relation to access from local roads to the arterial network, particularly Parramatta Road, will be resolved.

While the traffic assessments undertaken have not identified any issues, the proposal provides upgrades of local streets. Also, acknowledging the concerns of Council and residents regarding arterial road access, the concept application proposes to contribute to the upgrade of local roads, or potentially two intersections at Patterson Street and Wellbank Street along Concord Road.

### Urban design analysis

There were concerns raised during the assessment and exhibition period in relation to urban design aspects of the proposal including height, particularly of the nine-storey building, density, and open space.

In preparing this Preferred Project Report and in considering amendments to the Environmental Assessment proposal, three options were prepared (in addition to the options analysis already undertaken for the project) and further extensive contextual analysis was undertaken of the area.

The options sought to provide alternatives to the form and massing of the buildings including a reduction in the height to address the key issue raised. The preferred option was selected and further design work was done in close liaison with the Department of Planning & Infrastructure (DPI) to ensure that the urban design concerns were addressed. The preferred project includes a reduction in height of the nine-storey building, a reduction in density and number of units proposed and an increase to the foreshore open space. These changes address the urban design concerns raised.

## Changes to the original design

The original concept design was considered to be appropriate for the site and consistent with the local character and context. However, in response to the concerns raised during the exhibition period of the DPI assessment, the proponent has undertaken changes to the proposed concept. The key changes include:

- The height of the nine storey building has been reduced by 2/3 storeys, with the Hilly Street frontage now at six storeys and a stepped building form with a seventh storey half level facing internally to the site.
- There are no increases to the height of any buildings and all buildings remain within the exhibited RLs.
- The density of the proposal has been reduced. Overall, the GFA of the proposal has been reduced by 882sqm to a total floor space of 38,458sqm.
- The publicly accessible foreshore open space has been increased. The foreshore building footprints have been revised to achieve minimum foreshore building line setbacks of 12m, which has resulted in an increase of the foreshore open space by 594sqm to 3395sqm. There has been a minor change to the alignment of the buildings in Precinct 1, with building 1A now with a better address to Northcote Street and minor changes to the eastern façade. The façade realignment will also result in improved solar access for this building.
- The provision of onsite parking within the basements has been increased. The preferred project also proposes fewer street trees to allow for a greater number of on-street parking spaces and parking management measures are proposed to improve existing conditions.
- The eastern end of the through site link towards Majors Bay in Precinct 2 has been moved slightly to the north and building 2D-2 is now located to the south of the through site link. The basement access to Precinct 5 has also been shifted to the south to accommodate the minor change in alignment of the pedestrian access.

## Economic feasibility

An economic analysis has been undertaken on the feasibility of the project and found that a Floor Space Ratio (FSR) of 0.75:1 does not provide a feasible development outcome on the site. In fact, the economic analysis found that at an FSR of 0.75:1, it is more feasible to maintain the existing commercial and industrial buildings on the site as this offers the 'highest and best use' of the land.

## Key aspects of the Preferred Project

The Preferred Project Application seeks the Minister's consent for the following:

- The use of the site for the purposes of Residential Flat Buildings (RFBs) and associated open space, which are permissible uses under the Canada Bay LEP;

- Building envelopes (height, footprints, basements, setbacks) for 15 RFBs with heights up to RL39.80m;
- Total GFA of 38,858sq.m (reduction of 882sqm of floor area);
- 391 residential units;
- Parking rates of 0.5 spaces/1 bedroom unit, 1 space/2 bedroom unit, 1.5 spaces/3 bedroom unit, 1 visitor space/5 apartments (total of 702 car parking spaces, including 78 visitor spaces based on indicative unit mix).

### Revised Statement of Commitments

A revised Statement of Commitments has been prepared to accompany this Preferred Project Report.



# 1 Introduction

This report has been prepared on behalf of the proponent, Mortlake Consolidated Pty Ltd, and forms the Preferred Project Report for the Concept Application for Hilly Street, Mortlake (MP10\_0154). This report forms a response to agency and public submissions, and demonstrates how the preferred project has responded to the concerns raised to achieve a positive outcome on the site with minimal impacts to the environment and surrounding residents.

## 1.1 Background

An Environmental Assessment (EA) for the proposed concept was publicly exhibited for an extended period of 59 days between 4 October 2011 and 2 December 2011. In response to the public exhibition, the Department of Planning and Infrastructure received written submissions from Government agencies and the public.

The Department of Planning wrote to the proponent on 20 January 2012 to advise of the key concerns raised requiring further detail and requested lodgment of the preferred project report (Refer to **Appendix 1** for the Preferred Project letter request from DPI).

This report provides a response to the key concerns raised in the submissions, provides an analysis of the additional options prepared that show how the preferred concept has addressed the key concerns raised.

This report and appendices should be read in conjunction with the exhibited Environmental Assessment and accompanying information prepared by Cox Richardson and the other specialist consultants.

## 1.2 Outline of preferred concept

The preferred concept design has accommodated and addressed the key concerns raised in submissions and by DPI by reducing the nine storey building by 2/3 storeys, reducing the density of the proposal, increasing the foreshore setback, increasing on-site car parking and proposing the implementation of traffic and parking mitigation measures to improve conditions in the area.

Specific details of the preferred project can be found in section 6.

## 1.3 Development data

A summary of the development data of the preferred concept is shown in the table below. It is noted that the total site area has been reduced from the concept plan application originally submitted to DPI as the Council owned land including the dunny lane between Hilly Street and Bennett Street and the car park on the corner of Hilly Street and Edwin Street have been removed as Council advised the lands required re-classification and accordingly formal owner's consent was not granted. For comparison purposes, the table below includes the preferred project's FSR based on the original site area and with the reduced site area. In both cases, the FSR is reduced.

Table 1. Preferred concept summary			
Item	Original Concept Application	Preferred Concept Application (original site area)	Preferred Concept Application (reduced site area)

Table 1. Preferred concept summary

Item	Original Concept Application	Preferred Concept Application (original site area)	Preferred Concept Application (reduced site area)
No. of buildings	15	15	
No. of units	402	391	
Site area	27,781m <sup>2</sup>	27,781m <sup>2</sup>	27,431m <sup>2</sup>
GFA	39,340m <sup>2</sup>	38,458m <sup>2</sup>	
FSR	1.42:1	1.38:1	1.40:1
Height	Up to RL42.8	Up to RL36.8 (Reduction of 6m)	
Parking	1 br – 0.5 to 1 space 2 br – 1 to 1.5 spaces 3br – 1.5 to 2 spaces Visitors – 1 per 10 to 1 per 5 apartments <i>Based on unit mix:</i> Total 484-725	1 br – 1 space 2 br – 1.5 spaces 3 br – 2 spaces Visitors – 1 per 5 apartments <i>Based on unit mix:</i> Total 702	
Residents	443-644 range	624	
Visitors	41-81 range	78	
Publicly accessible open space	4846m <sup>2</sup>	5867m <sup>2</sup>	

## 2

## State, local and economic policy setting

An assessment of the consistency of the proposal against all relevant state and local policies has been undertaken, including:

- NSW 2021: A plan to make NSW number one
- Metropolitan Plan for Sydney 2036
- Inner West Subregional Strategy
- Canada Bay Council Local Environmental Plan 2008

The proposal is considered to be consistent with the objectives of all relevant State policies and the Canada Bay LEP 2008, and will assist the government to achieve additional housing in an existing urban area with good access to transport and services. Details of the assessment are provided in the sections below.

An economic assessment of the feasibility of the proposal has also been undertaken to analyse the cost of developing the site and provide information on the provision of public benefits associated with the proposal. The economic feasibility demonstrates that the proposal is a good outcome for the site and area in general and that Council's controls do not provide an economically feasible outcome for the site, particularly given the required extensive remediation of the former industrial land.

### 2.1 NSW 2021: A plan to make NSW number one

The NSW strategic business plan *NSW 2021: A plan to make NSW number one* (NSW 2021) is the overarching policy document providing a framework for the creation and implementation of other more detailed policies and action areas for the public sector in NSW to achieve the identified strategies.

The Plan identifies five key strategies: rebuild the economy; return quality services; renovate infrastructure; strengthen our local environment and communities; and restore accountability to Government.

The proposal is consistent with the five strategies of NSW 2021 as it will provide economic benefits throughout the construction period and to the local area following occupation. The proposal is located at the start of the bus route and will encourage increased capacity for the route due to new commuters. Significant improvements to the infrastructure in the area will be delivered as a result of the proposal including upgrades to the drainage system, roads and public access to the foreshore. Importantly, the proposal involves the remediation of the former industrial sites, which will enhance the local environment and the regeneration of the area will strengthen and enhance the local area and community.

Relevant priority areas that are the responsibility of the Minister of Planning and Infrastructure relate to improving housing affordability and availability; renovating infrastructure.

The proposal will contribute directly to these priority areas by increasing housing supply and availability at different price points and by significant infrastructure upgrades including drainage, roads and open space.

Other indirectly related priority areas include the proposed increase of public transport services, promotion of walking and cycling; increasing participation in sporting and recreation activities; protecting the natural environment; and improving road safety.

The site is located at the start of the bus route and will encourage increases to the capacity of the route due to demand. Through site links to new foreshore open space are proposed from the surrounding areas and cycling paths will be provided in accordance with the routes identified by Canada Bay Council. The proposal will

protect and enhance the natural environment through remediation of the site, improvement to drainage infrastructure and roads.

These key strategy areas, as they relate to this concept proposal, are essentially reflected in the *NSW Metropolitan Plan* and *Inner West Subregional Strategy*, which are discussed in detail below. By addressing these more detailed related strategies it is submitted that the proposed concept addresses NSW 2021.

## 2.2 Metropolitan Plan for Sydney 2036

The *Metropolitan Plan for Sydney 2036* (Metro Plan) is an update on the *Sydney Metropolitan Strategy* (Metro Strategy) that was adopted by the NSW State Government in 2005. The Metropolitan Plan was released in December 2010, providing a framework for sustainable growth and development across Sydney to 2036. It aims to integrate land use, urban and funded transport planning in to order to meet its nine strategic directions.

The nine key strategic directions are:

- Strengthening a City of Cities;
- Growing and Renewing Centres;
- Transport for a Connected City;
- Housing Sydney's Population;
- Growing Sydney's Economy;
- Balancing Land Uses on the City Fringe;
- Tackling Climate Change and Protecting Sydney's Natural Environment;
- Achieving Equity, Liveability and Social Inclusion;
- Delivering the Plan.

The Metro Plan establishes targets and measures to deliver on the strategic directions above. In particular the Metro Plan identifies strategic objectives related to housing and the environment, which is of relevance to the subject Concept Application. The proposal is considered to be consistent with the following key strategies and objectives:

### *Strategic Direction B - Growing and Renewing Centres*

*Objective B.1.3 Aim to locate 80 per cent of all new housing within the walking catchments of centres of all sizes with good public transport*

The proposed residential development is within walking distance to surrounding local centres, to where accessibility will be enhanced through the significant improvement to the pedestrian network and access links.

### *Strategic Direction D - Housing Sydney's Population*

*Objective D1.1 Locate at least 70 per cent of new housing within existing urban areas and up to 30 per cent of new housing in new release areas*

The proposed development assists in achieving this objective providing housing in an existing urban area and revitalising former industrial sites.

### *Objective D4 to Improve the quality of new housing development and urban renewal*

The proposed development is considered to achieve a superior planning and urban design outcome, through fully complying with SEPP 65 and achieving significant increases in the quantum and quality of publicly accessible open space.

### *Strategic Direction G - Tackling Climate Change and Protecting Sydney's Natural Environment*

The proposed development shall exceed those minimum requirements under BASIX and incorporates a number of features which would rate highly is a community based rating tool which has been adopted in an amended format to guide design development.

*Objective G4 To improve health of waterways, coasts and estuaries*

The proposed development will, through the meeting of the objectives discussed below, as well as the remediation of contaminated foreshore land, improve the health of Majors Bay and the Parramatta River.

Infrastructure upgrades including bioretention and Gross Pollutant Traps (GPTs) will improve water quality of runoff, which will have positive impacts on the waterway and local environment.

*G4.1 Achieve water quality outcomes by embedding water sensitive urban design principles and storm water and catchment objectives and targets in local plans*

As detailed in the Environmental Assessment originally exhibited for the Concept Plan, the concept proposal incorporates water sensitive urban design principles including, but not limited to, the public dedication of a "rain garden" which will aerate runoff through the inclusion of swales before entering into the river system; on-site storm water detention and a significant increase in soft landscaping across the site. As detailed above, proposed bioretention and Gross Pollutant Traps (GPTs) will improve water quality of runoff and have positive impacts on the waterway and local environment.

*G4.3 Promote coastal protection and foreshore access through the implementation of relevant policies and guidelines*

Through the amalgamation of 24 fragmented lots and a design approach to maximise open space and site permeability, the proposed concept incorporates a new public foreshore park and linkages thereto. The preferred concept increases the amount of public foreshore space even further, which would not be achieved with individual developments.

Overall, the proposal is considered to be consistent and supports the relevant key directions and objectives of the Metro Plan. One of the primary objectives of the NSW State Government is to encourage additional housing. It is clear that the proposed concept will assist in providing additional housing in an area with good access to transport and essential services and will also contribute to enhancing the local environment through remediation of the former industrial sites and water sensitive urban design.

## 2.3 Draft Inner West Subregional Strategy

The site is located within the Inner West Subregion and is identified in the Draft Inner West Subregional Strategy (DIWS) as being within an existing mixed-use land area. The DIWS identifies targets for the region. However, these targets have been updated as part of the new Metropolitan Plan, which are as follows:

- 35,000 new homes; and
- 25,000 new jobs.

An update of specific targets for each LGA is currently unavailable under the new Metropolitan Plan. However, under the current DIWS, the targets for Canada Bay LGA are stated as:

- Employment – 12,500 new jobs; and
- Housing – 30,000 new dwellings.

Canada Bay has a current (2006 census) population of 60,675 people in 24,413 occupied dwellings. Canada Bay has a residential area of 1,178ha so its residential

density is 21 dwellings/ha. The DIWS proposes a target for Canada Bay of an additional 10,000 dwellings by 2031, giving a total of 34,413 dwellings at a residential density of 29 dwellings/ ha.

The Metropolitan Development Program (MDP) shows that Canada Bay has produced 3,688 dwellings in the five years between 2005/06 to 2009/10, i.e. an average of around 737 p.a. The short term forecasts are 2,949 to 2015 and medium term 2,525 to 2020, i.e. almost 5,500 over a 10 year period, i.e. an average of 550 dwellings p.a. At this rate, the 10,000 dwelling target would not be reached by 2020 and a shortfall of around 850 dwelling will be evident.

In the past 10 years 2001-2010 most dwellings came from Rhodes Peninsular (2,273 dwellings).

Canada Bay's sites for major potential residential redevelopment over the 10 years to 2020 are:

- Rhodes: 2,986
- Breakfast Point: 1,960
- Blackwell Point Road, Chiswick: 121
- Drummoyne Point: 746
- Parramatta Road Corridor: 877
- Five Dock Village: 607

It is important to note that dwelling capacity does not necessarily equal dwelling supply. In fact, in practice it is extremely unlikely that full take up of available supply will be achieved due to a range of issues including fragmented ownership, difficulty obtaining finance, feasibility of redevelopment and the underlying cost of land.

There is obviously a need to provide land beyond Rhodes to Breakfast Point, however these are the last large Brownfield sites and the program will need to rely on smaller brownfield sites such as Majors Bay.

The site is in close proximity to key centres in the Inner West Subregion and provides an opportunity for Canada Bay to meet its targets and specifically, housing targets as Canada Bay is required to provide almost 50% of the total new housing in the subregion.

## 2.4 Relevant State Environmental Planning Policies

### 2.4.1 State Environmental Planning Policy (Major Development) 2005

Clause 6(1)(a) (now repealed) of the Major Development SEPP provided that development, which in the opinion of the Minister was development of a kind described in Schedule 1 of the Major Development SEPP is declared to be a project to which Part 3A (repealed) of the Act applied.

The Director-General, in a letter dated 7 October 2010, formed the opinion that the project could be considered under Part 3A (repealed) of the Act and that a Concept Plan could be prepared.

When Part 3A was repealed, the Minister determined that the concept application was to be retained as a transitional Part 3A project and a determination made as if the relevant parts of the Major Development SEPP had not been repealed.

### 2.4.2 State Environmental Planning Policy (Infrastructure) 2007

This SEPP provides a consistent planning regime for infrastructure and the provision of services across NSW, along with providing for consultation with relevant public

authorities during the assessment process. The SEPP supports greater flexibility in the location of infrastructure and service facilities along with improved regulatory certainty and efficiency.

The need for a traffic report is outlined in Clause 104 (Traffic-generating development), which must address such issues as access and any parking or traffic impacts of the proposed development.

Residential Flat Building developments with 75 or more dwellings with access to a classified road, or a road that connects to a classified road, are required to be referred to the RTA for comment. Where no access to a classified road (or a road that connects to a classified road) is proposed, referral to the RTA is required where 300 or more dwellings are proposed.

The proposal meets all relevant Infrastructure SEPP requirements. A response from the NSW Roads and Maritime Services (RMS) – the former RTA – was sent to DPI on 27 October 2011 and is summarised at **Appendix 2**. The RMS response notably does not raise any objections to the proposed development and outlines recommended conditions of approval. Refer to **Appendix 3** for the revised detailed traffic report prepared by Traffic and Transport Planning Associates (TPA) and refer to **Section 4.2** for a detailed discussion and assessment of traffic and transport issues. Additionally, refer to the peer review of the TPA report at **Appendix 4**.

### 2.4.3 Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

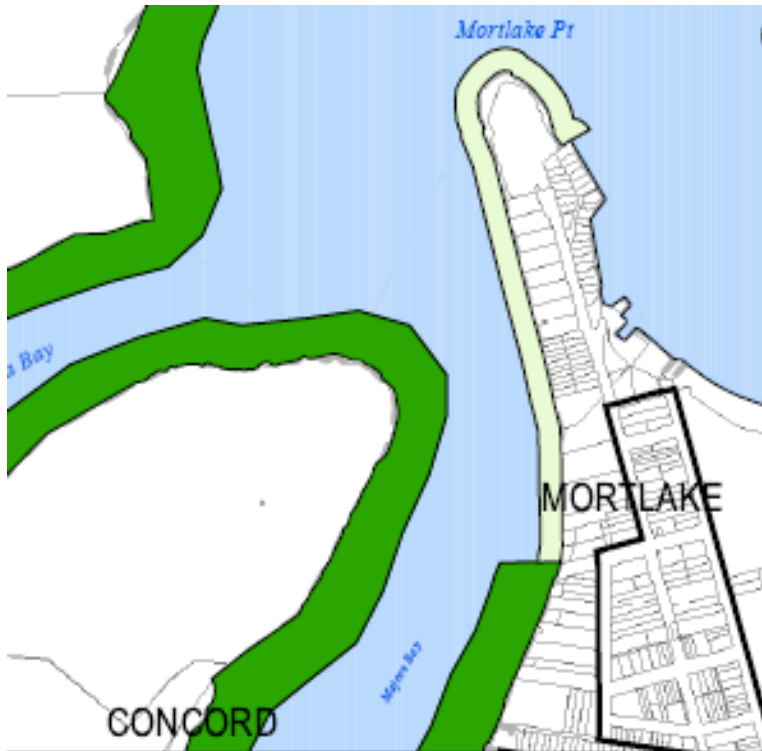
The *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005* (SREP SHC) aims to establish a balance between promoting a prosperous working harbour, protecting and maintaining a healthy and sustainable waterway environment and promoting recreational access to the foreshore and waterways.

The SREP SHC land use map identifies that land along the foreshore adjacent to Site 2 is zoned W2 - Environmental Protection. This zone provides for the protection, rehabilitation and long-term management of the natural and cultural values of the waterways adjoining the foreshores.

Land along the foreshore adjacent to Site 3 is zoned W8 – Scenic Waters Passive Use Fringe. This zone aims to give effect to inter-tidal public access zones and gives priority to protecting the environment and scenic values of predominately natural shores and waters. The Passive Use Fringe Zone may adjoin residential land or public open space. Refer to Figure 1 for the Zoning Plan.

Figure 1 SREP (Sydney Harbour Catchment) 2005 Zoning Plan





Through the retention and absence of impact on the mangrove communities and the significantly improved public access along the foreshore, it is considered that the proposed Concept is consistent with the land use objectives and provisions of the SREP. Infrastructure upgrades including bioretention and Gross Pollutant Traps (GPTs) will improve water quality of runoff, which will have positive impacts on the waterway and local environment. Significant increases to landscaped area and open space on the site, particularly along the foreshore, will enhance the natural environment and complement the existing vegetation. Remediation of the site will also significantly improve the environmental situation on the site. Given the substantial positive outcomes being delivered as a result of the proposed development, the proposal is considered to be clearly in the public good. A more detailed assessment of the objectives and relevant provisions of the SREP SHC is attached at **Appendix 5**.

#### 2.4.4 State Environmental Planning Policy No. 32 - Urban Consolidation (Redevelopment of Urban Land)

Some of the key objectives of the policy, which apply to the site, are to promote urban consolidation; ensure that suitable urban land for multi-unit housing is made available and to provide a greater diversity of housing to meet demand generated by changing demographic and housing needs.

The proposal supports this policy in encouraging higher-density residential development in an existing urban area with good access to transport and services.

#### 2.4.5 State Environmental Planning Policy No. 55 - Remediation of Land

SEPP 55 requires that prior to the granting of consent to any development that consideration be given to whether or not the land is suited to the intended use of the land with respect to potential soil and groundwater contamination.

To address this, an Environmental Site Assessment has been undertaken by Aargus Pty Ltd in order to assess the likelihood and/or extent of potential soil and groundwater contamination, which may have resulted from past and present uses on or adjacent to the site, submitted as part of the original concept application.



The assessment undertaken by Aargus is a Stage 2 Assessment and went beyond the scope of study required by the Director-General thus making sure all efforts are undertaken to guide development in a proactive fashion and to inform the public in the best way possible.

In summary, subject to the removal of localised contaminated soils, (which would largely be removed anyway in place of excavated basements), and other recommendations made by Aargus, the site is considered to be suited to the proposed development and thereby satisfies the provisions of SEPP 55.

## 2.4.6 State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development

SEPP 65 establishes 10 design principles for residential flat development, which include context, scale, built form, density, landscape, amenity, resource energy and water efficiency, safety and security, social dimensions and aesthetics.

SEPP 65 and the supporting Residential Flat Code are considered to be the key guiding planning documents informing the assessment of this proposal.

Cox Richardson Architects, through its preparation of a detailed Urban Design Report and provision of a design verification statement, (as provided at **Appendix 6**), has also carried out a comprehensive assessment of the scheme against SEPP 65 and concludes that the concept proposal satisfies all relevant requirements of SEPP 65. Refer also to the architectural plans provided at **Appendix 7**.

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

The Building Sustainability Index (BASIX) was introduced by the NSW Government to deliver equitable water and greenhouse gas reductions across the state. It sets water and energy reduction targets (as a percentage) for new houses and units, ensuring that dwellings are designed to use less potable water and emit less greenhouse gases.

Under the BASIX Energy Target Zone Map, proposed development in Major's Bay must achieve an energy target of:

- 35% for a 3 storey residential building,
- 30% for a 4-5 storey residential building, and
- 20% for buildings 6 stories or greater.

The proposal will meet and likely exceed all relevant BASIX requirements. To complement and augment State sustainability initiatives such as BASIX, an ESD strategy was prepared and submitted with the original concept application. The Strategy, prepared by Surface Design, outlines how a comparable rating tool, the Leadership in Energy and Environmental Design – Neighbourhood Design) is adopted in an amended form to suit the local context and to guide a superior ESD outcome.

## 2.5 Local Planning Framework

### 2.5.1 Canada Bay Local Environmental Plan 2008

The site is currently zoned R1 – General Residential in accordance with the Canada Bay Local Environmental Plan 2008, (CBLEP 2008).

The development permitted in the zone includes, but is not limited to, residential dwellings, residential flat buildings, serviced apartments, seniors living, retail premises, recreation areas, roads, car parks and child care centres.

Pursuant to Part 2 of the CBLEP 2008, the proposed development being for residential flat buildings and recreation areas are permissible within the current land use zone.

The objectives of zone R1 – General Residential 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.

Consideration of the relevant objectives contained in the CBLEP 2008 is summarised in the table below.

Table 2. R1- Residential General – Consideration of zone objectives		
Objective	Comment	Compliance
<i>To provide for the housing needs of the community.</i>	The proposal will provide a mix of dwellings that will meet the needs of community. The proposed use is permitted within the zone.	✓
<i>To provide for a variety of housing types and densities.</i>	As per above	✓
<i>To enable other land uses that provides facilities or services to meet the day-to-day needs of residents.</i>	<p>The proposal includes significant landscaped open space that will service the community. Connections through the site will provide access to the foreshore creating a significant benefit to the community.</p> <p>Through future development applications on the site and further investigation in to the future communities needs, the proposal has potential to provide other uses that will service the community.</p>	✓

There are no other specific development standards or provisions pertaining to either housing, transport, recreation and open space, natural environment and special planning areas in the CBLEP 2008 or within the land use zone that applies to the site.

## 2.6 Other relevant legislation

The Department of Planning and Infrastructure recently released a document for discussion named *More local, more accountable plan making*. The discussion paper outlined proposed changes to the making of LEPs and that certain types of LEPs will be routinely delegated to Council, including spot rezonings consistent with an endorsed strategy or surrounding zones or in accordance with broader Government policy. The discussion paper also details proposed review processes for rezoning proposals where proposals meet eligibility requirements, including:

- a) will achieve appropriate orderly planning outcomes, such that the proposal:
  - will utilise existing capacity in infrastructure networks subject to the agreement of service providers, or can be provided for with essential infrastructure 'out of sequence' subject to cost recovery and the agreement of essential service providers; and

- will be adequately integrated with existing public transport networks in a timely manner to ensure there is not an undue reliance on private vehicle trips; and
- is likely to be supported by agreement from key environmental agencies, that appropriate environmental management outcomes can be achieved; and
- will not detrimentally impact on the viability of identified centres in endorsed regional and/or sub-regional strategies (in addition to the strategic considerations listed below); and

b) is consistent with or supports the outcomes and actions of:

- an endorsed local strategy; or
- the relevant regional or sub-regional strategy; or
- other relevant regional or State strategic plans or policies.

Following the above assessment of the proposal against all relevant state and local policies it is apparent that the proposal meets all of the eligibility requirements for a review. While this is not directly applicable to the current assessment process for the proposed concept plan, it is clear that the proposal is consistent with broader Government policy.

## 2.7 Economic feasibility

An economic analysis has been undertaken on the feasibility of the project and found that a Floor Space Ratio (FSR) of 0.75:1 does not provide a feasible development outcome on the site. In fact, the economic analysis found that at an FSR of 0.75:1, it is more feasible to maintain the existing commercial and industrial buildings on the site as this offers the 'highest and best use' of the land. The economic and valuation considerations advice is not attached to this report, as it is commercially sensitive information.

## 3 Consultation process

Extensive consultation has been undertaken by the proponent and Canada Bay Council with the general community, as well as Government agencies, including:

- Roads and Maritime Service (Sydney Regional Development Advisory Committee)
- NSW Department of Environment, Climate Change and Water
- Transport for NSW
- Sydney Water
- Canada Bay Council

A summary of the consultations undertaken is provided below.

It is noted that extensive contextual analysis and space planning was undertaken to identify an appropriate bulk and scale for the site in full consultation with Canada Bay Council officers and aldermen over an eight year period leading to the lodgement of the concept application.

### 3.1 Proponent's evening sessions

The proponent undertook two evening information sessions, with one held prior to the lodgment of the Concept Plan Application on 17 December 2010 and a second evening during the formal exhibition period, on 3 November 2011. These information sessions were held in a building located on the subject site at 16 Hilly Street. The sessions were operated as 'drop-in' formats, so interested parties could attend at any time between 6pm and 9pm.

This report focuses on the details of the session held on 7 November 2011 as this was held during the exhibition period for the Concept Application. The session held on 7 November 2011 was staffed by various members of the project team, including:

- Faye Woodward, Linchpin Communications
- Ian Edwards, Mortlake Consolidated
- Ben Hendriks, Mecone
- Aras Labutis, Mecone
- Michael Grave, Cox Richardson Architects
- Matthew Taylor, Taylor Brammer Landscape Architects

This evening information session was well attended, with approximately 80 attendees, and gave the opportunity for interested parties to ask specific questions of the project team on a one on one and small group basis.

Display boards were printed for the information session, comprising A2 size paper mounted on foam board, displayed on easels.

Refer to **Appendix 8** for the Consultation evening display boards.

The verbal responses from residents during the evening session raised concerns primarily and in order of importance in relation to:

- Parking;
- Traffic and the conclusions of the traffic report; and
- Height and scale, mainly in relation to the 9-storey building.

The design amendments and proposed measures in response to these concerns are detailed in section 3. Linchpin Communications has prepared a summary report on the process and outcomes of the session.

Refer to **Appendix 9** for the Community Consultation Report.

## 3.2 Community meeting

Canada Bay Council also undertook its own community meeting on 7 November 2011 at Massey Park Golf Club, which was attended by approximately 120 people, who were largely the same people that attended the evening information session on 3 November.

Brian Elton of Elton Consulting facilitated the community meeting, with the following speakers:

- Angelo Tsirekas, Mayor, Canada Bay Council
- Anthony Witherden, Acting Director of Metropolitan and Regional Projects, Department of Planning and Infrastructure
- Ian Edwards, Mortlake Consolidated
- John Richardson, Cox Richardson Architects
- Gary Shiels, GSA Planning (representing Canada Bay Council)
- Mick Bridgeman, Transport and Urban Planning (representing Canada Bay Council)

### 3.3 Canada Bay Council

Canada Bay Council released various pieces of campaign material to raise awareness of the project throughout the consultation process, detailed in chronological order below:

- Canada Bay Council Councillor Neil Kenzler flyer 'Part 3A Development Proposal, Western Mortlake, Increased Traffic Congestion Coming To You', October 2011
  - Extensive letter box drop in and around Mortlake Peninsula
- Canada Bay Council website page 'Don't over develop Mortlake', October 28 2011
- Canada Bay Council website page 'Proposed Development in Mortlake', 1 November 2011
- Heavy duty metal signs prepared by Canada Bay Council displayed in the Mortlake area/around the site stating 'Say NO to Mortlake Development Proposal; Say NO to Part 3A'

Refer to **Appendix 10** for copies of the above council campaign material.

### 3.4 Media and publicity

The Inner West Courier ran some articles in relation to the proposal, which are attached to this report at **Appendix 11**. It is noted that there was little interest generated in the articles in the online newspaper version of the Inner West Courier, which allows people to make comments below stories. There were no comments to the stories run on 16 November 2011, 17 November 2011 or 12 January 2012, and a total of two comments to the story run on 13 March 2012 'Canada Bay: Give us power over DA', neither of which raises specific comments in relation to the proposed development.

### 3.5 Formal exhibition period

Submissions in response to the public exhibition of the Project Application documents were received from Council, State Government agencies, community groups and members of the public.

The key concerns raised by the agency and public submissions, and how the preferred project has responded to these, are discussed in **section 3**.

Refer to the detailed responses to individual submissions in **Appendix 12**.

### 3.6 Independent town planner

Following Council's information evening and individual requests for further information from residents, to ensure independence and objectivity, the proponent engaged an independent town planner (Shanahan Planning) to provide the requested information and undertake community engagement in the local area to gain an objective view of the public's views on the development and provide further input to the preferred proposal. A total of 156 households were visited over six days. The report found that of those residents who expressed an interest in hearing more about the proposal, substantially more were in support of the development (73%) than opposed (27%). Refer to **Appendix 13** for the independent town planning consultation report.

### 3.7 Community opinion research

A telephone survey of local community opinion towards the proposed development was conducted by Crosby Textor on behalf of the proponent between 16–18 March 2012 to provide further input to the preferred proposal.

The survey used a statistically valid random sample of 300 residents from the suburbs of Mortlake, Breakfast Point, Cabarita and Concord. This level of survey has a +/-5.6% maximum margin of error (at the 95% confidence level) and is otherwise representative of age, sex and (suburb) area. Refer to **section 4.4** of the report for more details on the survey and **Appendix 14** for survey graphs and results.

## 4 Summary of concerns and response

The proponent and DPI received numerous submissions from the extensive consultation process undertaken identified in **Section 2** of this report.

A summary of the key concerns and how these are addressed by the preferred project is included in Table 2 in this section. A summary of the submissions received and the nature of the concerns are provided below.

### 4.1 Government agency submissions

The following Government agencies did not raise an objection to the proposal, but provided conditions or matters to be addressed further. These agencies include:

- Roads and Maritime Services (Sydney Regional Development Authority Committee)
- Sydney Water
- Transport for NSW
- Department of Environment, Climate Change and Water

A brief summary of these agency submissions is below.

#### Roads and Maritime Services (Sydney Regional Development Advisory Committee)

The Roads and Maritime Services, Sydney Regional Development Authority Committee (SRDAC) raised no objections to the Concept Application and raised no concerns in relation to traffic impacts or the adequacy of the traffic report.

SRDAC outlined a number of advisory comments to guide the detailed design of the proposal, including the following details and/or requirements to be provided at DA stage:

- Access details to subject site
- Details of signage, at proponent's cost
- Details of proposed upgrading to bus stop
- Design to comply with relevant Australian Standards and guidelines
- Requirements in relation to management of vehicles and parking provision
- Travel Access Guide and Construction Traffic Management Plan

Refer to the table in **Appendix 2** (Response to Agency Submissions) for a detailed response to the SRDAC submission.

#### Sydney Water

Sydney Water raised no objections to the Concept Application. Sydney Water outlined a number of comments in relation to required upgrades to infrastructure to cater for the development, which will be required at detailed design stage.

Refer to the table in **Appendix 2** (Response to Agency Submissions) for a detailed response to the Sydney Water submission.

#### Transport for NSW

Transport for NSW (TfNSW) raised no objections to the Concept Application. TfNSW outlined a number of comments, including:

- ensuring the ongoing operation of buses is not affected and future residents are aware that the terminus is a long term operation
- formal requests for extensions or increases to bus services will need to be to TfNSW
- the review of bus routes in the proposal is not current
- Statement of Commitments should be updated to include the identified minimum and maximum parking rates, and provision of the cycleway at proponent's costs, preferably with visitor bicycle parking provision at grade near building entrances

It is noted that subsequent to this submission, Mecone has discussed the possibility of an increase in bus services to the area as a result of the development with the Service Planning team at TfNSW. TfNSW indicated that it supported higher density development in the area and that consideration of service increases would be made following evidence of demand. TfNSW also noted that the development will benefit from being on the start of the route as patrons will be able to easily access the service.

Refer to the table in **Appendix 2** (Response to Agency Submissions) for a detailed response to the SRDAC submission.

## Department of Environment, Climate Change and Water

The Department of Environment, Climate Change and Water (DECCW) raised no objections to the Concept Application. DECCW outlined a number of conditions, including:

- requirement to engage a site auditor to review investigations to date and prepare a site audit statement
- requirement to prepare any additional investigation is required from the site audit in
- ensuring all investigations and remediation works are in accordance with relevant EPA guidelines

All relevant requirements will be met at the necessary time as part of the detailed design and approval process for the proposed development. Refer to the table in **Appendix 2** (Response to Agency Submissions) for a detailed response to the DECCW submission.

## Canada Bay Council

The key concerns raised by Canada Bay Council are as follows:

- Planning context and statutory compliance
- Density setting a precedent
- Density will result in increased traffic that will exacerbate traffic issues
- Massing and built form, particularly the 9 storey building, is incompatible with the character of the area
- Inconsistency and lack of clarity around the proposed use of open spaces and foreshore areas

Refer to the summary of the Council submission and responses in **Appendix 2** and further discussions in **Section 5** for detailed responses to Council's submission. Refer to table 3 below for a summary of the concerns. The 'response' column below refers to the numbering of concerns in Table 5 of this report for ease of reference.



Table 3. Summary of Council concerns

Issue	Details	Response
Planning compliance	<ul style="list-style-type: none"> <li>Proposed height exceeds control</li> <li>Proposed FSR exceeds control</li> <li>Proposed setback encroaches the 12m Foreshore Building Line setback</li> <li>SEPP 65 compliance</li> <li>SREP Sydney Harbour Catchment compliance</li> </ul>	Refer to H1, D1, D3 and OS1
Precedent	<ul style="list-style-type: none"> <li>Proposed exceedance of the LEP development standards is likely to have a precedent effect</li> </ul>	Refer to O1 and D2
Traffic and parking	<ul style="list-style-type: none"> <li>Issues with technical aspects of traffic report and its findings and previous Council reports</li> <li>The proposed increased density will result in a proportional increase in traffic that will exacerbate traffic issues on the peninsula and diminish the amenity of residents</li> <li>It is critical to know the number of parking spaces proposed in the application</li> </ul>	Refer to T1, T2, P1 and P2
Character of the area	<ul style="list-style-type: none"> <li>The proposed massing and built form, particularly the 9 storey building has the potential to present a development that is incompatible with the character of the foreshore/area</li> </ul>	Refer to H1 and H3
Open space and foreshore	<ul style="list-style-type: none"> <li>Lack of clarity in relation to the use, provision and maintenance of the public open space and foreshore land together with its relationship to the mangroves</li> <li>Public access to the foreshore should be maximised in a similar way to Breakfast Point, which has substantial setbacks and good pedestrian access and cycle access along the foreshore</li> <li>The impact of the proposal on the adjoining mangroves has not been specifically assessed</li> </ul>	Refer to OS1, OS2 and E1

## Department of Planning and Infrastructure

The Department of Planning and Infrastructure (as part of the Preferred Project Report request letter) identified a number of matters to be addressed following the submissions from agencies and the public during the exhibition process.

The matters DPI requested to be addressed are as follows:

- Traffic
- Density
- Height
- Open space
- Parking

A summary of the details and response to the matters to be addressed is found in **Appendix 2** and **Section 5**. Refer to table 4 below for a summary of the concerns and where they are addressed in this report.

Table 4. Summary of DPI concerns

Issue	Details	Response
Traffic	<ul style="list-style-type: none"> <li>Revised traffic study is required to address assumptions, methodologies and recommendations contained within the EA study</li> <li>Revised study should also address requirements of relevant authority submissions and matters raised by the public Proposal should consider traffic management, parking and vehicle movement impacts both within the development and on local streets</li> </ul>	Refer to T2
Density	<ul style="list-style-type: none"> <li>Further analysis of density and built form is required and a reduction in floor space may be necessary</li> <li>Amended proposal to demonstrate compliance with relevant planning controls, SEPP 65 and the RFDC, particularly separation distances</li> </ul>	Refer to D1
Height	<ul style="list-style-type: none"> <li>A number of the proposed heights significantly exceed the 12m height limit</li> <li>Further justification of heights is required, particularly for buildings 2D, 2D-2 and 4B</li> </ul>	Refer to H1 and H4
Open space	<ul style="list-style-type: none"> <li>Improve the quality and design of open space within the development and along the foreshore, specifically Precinct 1 and 4 and the provision of a larger foreshore park or promenade</li> </ul>	Refer to OS1
Parking	<ul style="list-style-type: none"> <li>Parking provision of on-site and on-street parking spaces to be clarified</li> </ul>	Refer to P1 and P2

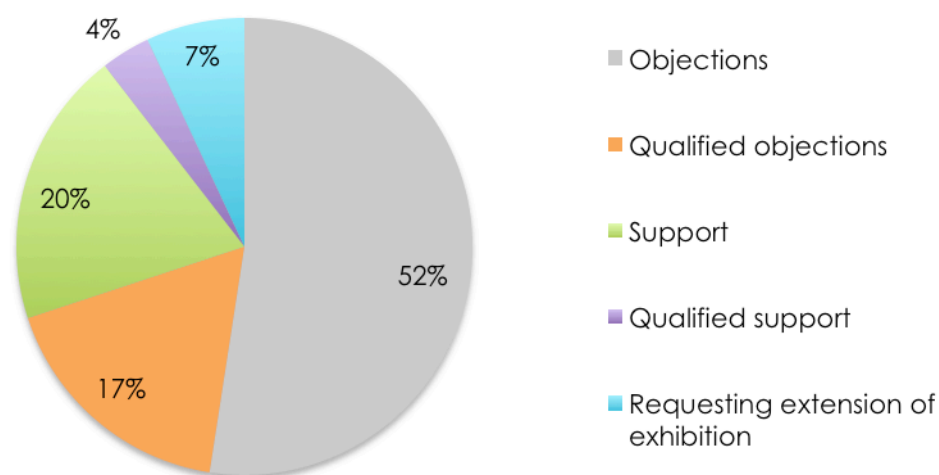
## 4.2 Public submissions

The following number of submissions was received during exhibition and post-exhibition:

- During exhibition – 129 submissions
- Post exhibition – 14 submissions

Of the total 143 public submissions received, 100 submissions were opposed to the development, 33 submissions supported the development and 10 submissions requested the extension of the exhibition period only. Of the 100 submissions opposed to the proposal, 25 were qualified objections and supportive of development in principle and had concerns in relation to some aspects of the proposal. 39 of the objections were form/template letters. Refer to the pie chart in Figure 2 below showing the level of support and opposition. A summary of all public submissions and responses has been completed and is attached at **Appendix 12**.

Figure 2 Support and opposition from public submissions



An analysis of the concerns raised in the submissions was made in order to understand the areas of public concern, as follows:

- Traffic and transport;
- Height;
- Density/FSR;
- Parking;
- Environmental;
- Open space; and
- Other.

It can be seen from the table below that the issue most raised by the public submissions is traffic (67% of submissions), followed by height (51%), parking (39%) and density (38%).

Table 5. Key concerns raised in submissions

Key issue	No. of submissions in relation to key concerns	% of submissions in relation to key issue
Traffic and transport	97	67%
Height	74	51%
Parking	56	39%
Density/FSR	55	38%
Environmental	21	15%
Open space	17	12%
Other	87	60%

The charts shown on the following page show the breakdown of the key concerns into sub-concerns to provide a better understanding of the nature of the submissions.

Figure 3 Traffic and transport

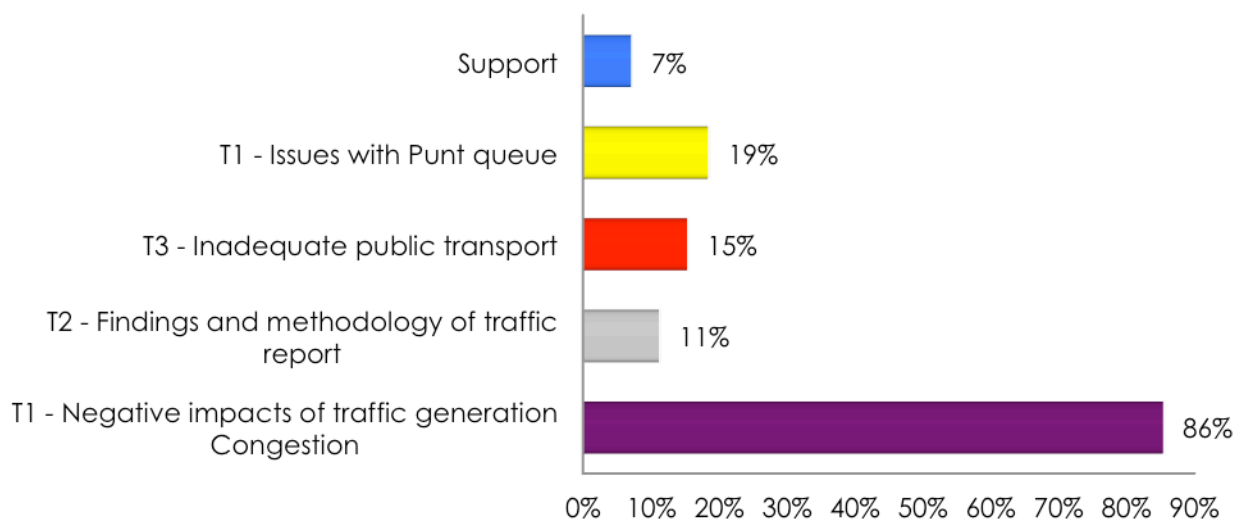


Figure 4 Height

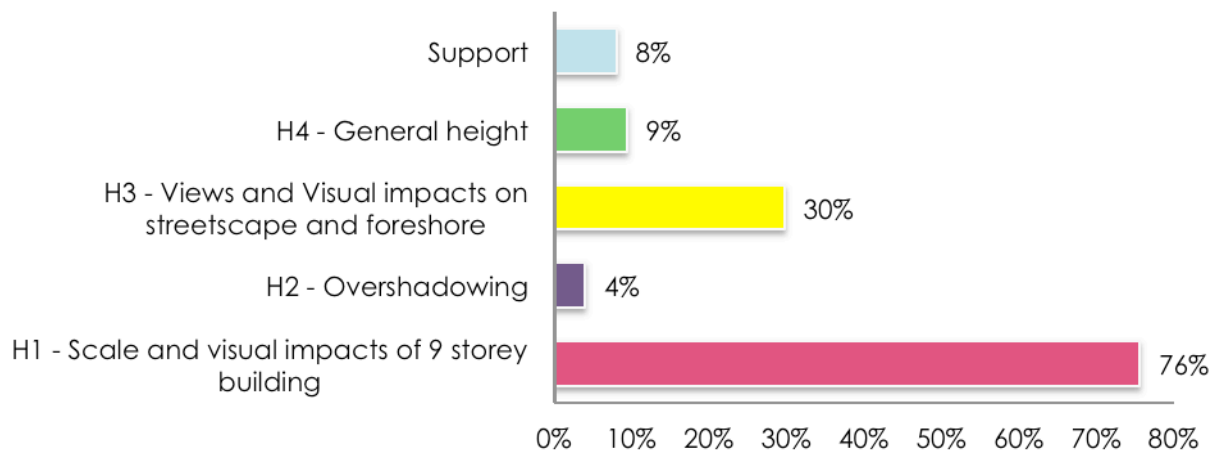


Figure 5 Parking

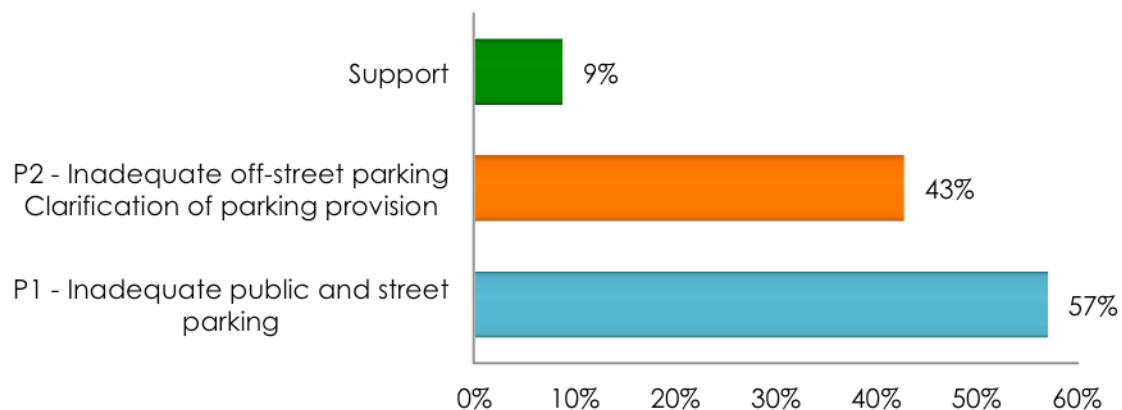


Figure 6 Density

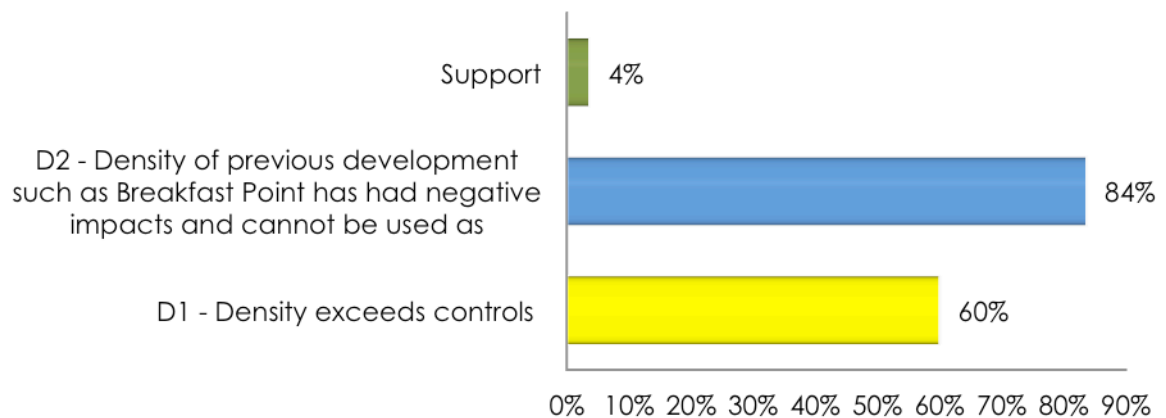


Figure 7 Environmental

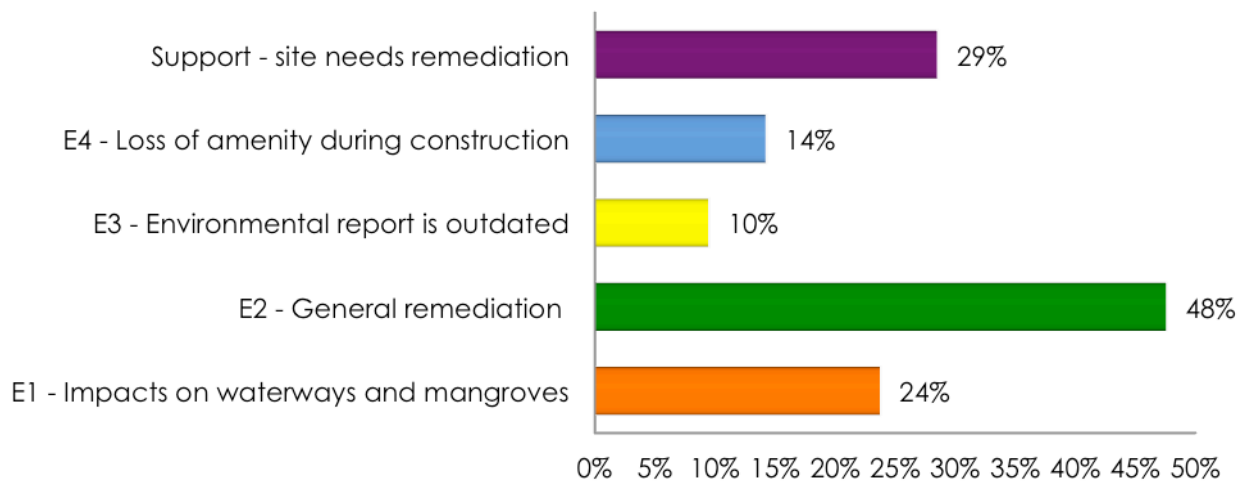


Figure 8 Open space

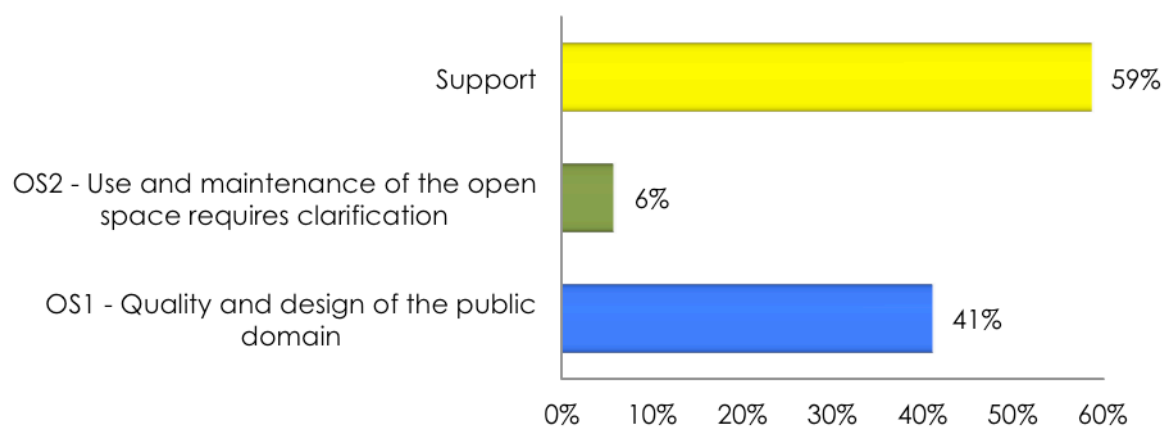
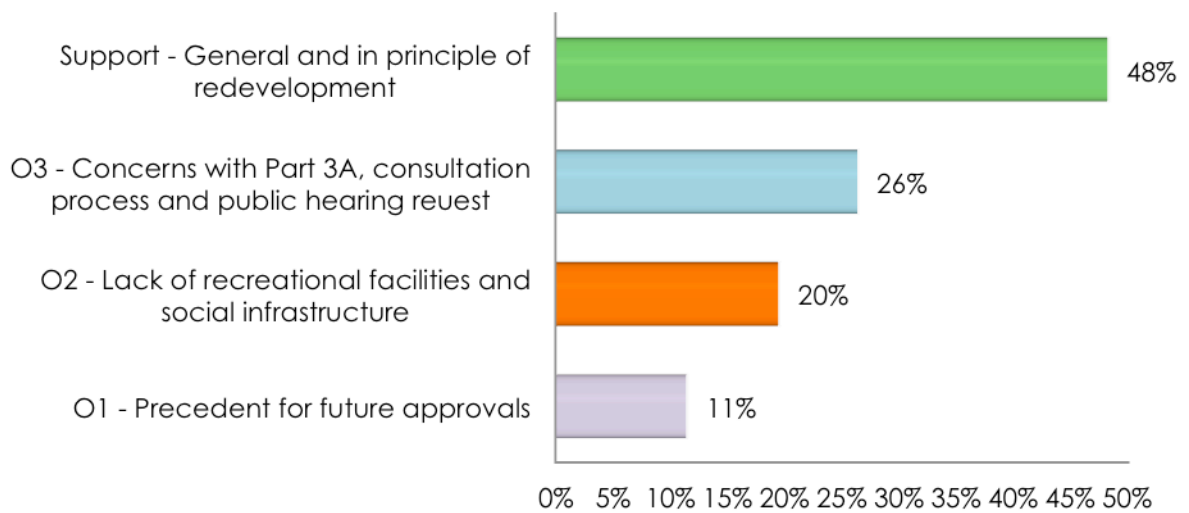


Figure 9 Other



### 4.3 Response to submissions

A response to the sub-concerns raised in the submissions is detailed in Table 6 over the page. Refer to **section 5** of this report for more detailed responses to key concerns raised where necessary. A summary table of the public submissions received is also attached at **Appendix 12**.

Table 6. Summary response to all submissions

Issue	Response
Traffic and transport	
<p><b>T1 &gt;</b></p> <p>Traffic generation considered to have negative impacts</p> <p>General traffic concerns in area and peninsula, including:</p> <ul style="list-style-type: none"> <li>- Potential increase of traffic due to density of proposal</li> <li>- Congestion due to Mortlake Ferry and queues</li> <li>- Roads and Infrastructure</li> </ul>	<p><b>T1 &gt;</b></p> <p>The traffic generation of the proposal will have negligible impacts on the existing traffic situation. The proponent has obtained an updated traffic report from Transport, Traffic and Planning Associates (TTPA), which has taken into consideration the design changes to the project, ensured the adopted methodology was sound and concluded the proposal will not have negative impacts on the area.</p> <p>Previous discussions with the RMS indicated that existing concerns in relation to access from local roads to the arterial road network, particularly Parramatta Road, will largely be resolved by the provision of the M4 extension. This has been announced recently as part of the WestConnex project.</p> <p>Additionally, a peer review has been prepared by Traffix, which concludes that the methodology and conclusions reached by the TTPA report dated December 2010 are sound and that the traffic generation impacts of the proposal will be negligible. Specifically, Traffix undertook additional analysis of two critical intersections at Bertram/Hilly and Bertram/Tennyson and found that the level of service at both of these intersections will remain at the existing levels of service ('A' and 'B' respectively) after including</p>

		<p>traffic flows from the proposal.</p> <p>Both TTPA and Traffix have analysed and recommended potential mitigation measures to be implemented to minimise traffic impacts on the area.</p> <p>Refer to the TTPA report in <b>Appendix 3</b> and the Traffix report in <b>Appendix 4</b> discussion in section 5.2 below this table for a detailed discussion of the traffic and transport concerns raised and proposed mitigation measures.</p>
<p><b>T2 &gt;</b></p>	<p>Concerns with findings and methodology of traffic report</p>	<p><b>T2 &gt;</b></p> <p>As indicated above, TTPA has reviewed its report and Traffix has undertaken a peer review of the TTPA assessment, which concludes that the methodology and conclusions reached by the TTPA report dated December 2010 are sound and that the traffic generation impacts of the proposal will be negligible.</p> <p>Refer to section 5.2 for a detailed response to the traffic and transport concerns raised.</p> <p>Refer to the TTPA report in <b>Appendix 3</b> and the Traffix report in <b>Appendix 4</b> for further details.</p>
<p><b>T3 &gt;</b></p>	<p>Inadequate public transport Issues with pathways and cycleways</p>	<p><b>T3 &gt;</b></p> <p>The site has good access to transport as it is near the beginning of bus routes to the CBD and surrounding areas. Preliminary discussions have been held with Transport for NSW on the potential to increase bus services to the Mortlake area. TfNSW has indicated that increases to services will be implemented when the need is identified and it would monitor routes to determine whether additional services are necessary. TfNSW stated that the development was very well located as it is on the beginning of the bus route, which would</p>



	<p>ensure patrons are able to get a seat on the bus and the increase in demand will be apparent.</p> <p>The proposed pathways have been carefully designed to allow public access to the foreshore and direct links and view corridors from the eastern side of the peninsula. The location of the proposed cycleway is in accordance with the RTA's identified cycleway and its guidelines.</p> <p>Refer to section 5.2 for a detailed response to the traffic and transport concerns raised.</p>
Height	
<p><b>H1 &gt;</b></p> <p>Heights exceed the control and is an overdevelopment</p> <p>Scale and visual impact of tall/9 storey buildings</p> <p>Revised photomontages and street sections required</p>	<p><b>H1 &gt;</b></p> <p>The proposed concept application is considered to be consistent with the context of surrounding recent development and appropriate for the areas, which is addressed in further detail in <b>section 5.1</b> of this report. However, as a result of submissions received during the exhibition process, the amended design has reduced the height of the nine storey buildings by two to three storeys, which brings the heights in line with a number of existing residential buildings immediately adjoining the site.</p> <p>This will ensure the scale and visual appearance of the development will not have any impacts on the area and is directly comparable to other buildings in the blocks surrounding the site.</p> <p>Refer to <b>section 5.1</b> below for a detailed discussion on height and scale. These demonstrate that the proposed heights are appropriate for the area and will not create adverse impacts on the streetscape.</p>

<p><b>H2 &gt;</b></p> <p>Overshadowing</p>	<p><b>H2 &gt;</b></p> <p>An analysis of the overshadowing impacts has been undertaken for the preferred project, which demonstrates that surrounding residential uses will obtain at least two hours of sunlight between 9am and 3pm in mid winter.</p> <p>Refer to <b>section 5.1</b> for a detailed response to the height concerns raised and to the design report prepared by Cox at <b>Appendix 6</b> for further details.</p>
<p><b>H3 &gt;</b></p> <p>Visual impacts on streetscape and character of foreshore, quality of development</p> <p>Effect on views</p>	<p><b>H3 &gt;</b></p> <p>The height of the development is considered to be appropriate in the context and consistent with the area. However, following the concerns raised during the exhibition period, the height of the nine storey building has been reduced in height by 2/3 storeys, which is directly comparable to existing buildings in the immediate vicinity, lower in scale than Breakfast Point and therefore will have minimal visual impacts on the streetscape or the character of the foreshore.</p> <p>The reduction in height of the nine storey building will improve views over the site and reduce any potential visual impacts on the area.</p> <p>Refer to <b>section 5.1</b> for a detailed response to the height concerns raised.</p> <p>Refer to the photomontages of the preferred project prepared by Cox at <b>Appendix 6</b>.</p>
<p>Parking</p>	
<p><b>P1 &gt;</b></p> <p>Inadequate public and street parking</p>	<p><b>P1 &gt;</b></p> <p>The preferred project proposes to reduce the number of proposed new street trees to allow for additional on-street parking. The proposed basement parking for residents of the</p>

	<p>development has been increased from the originally proposed minimum rate and will be provided in accordance with Council's DCP requirements, and is sufficient to incur negligible additional demand on street parking. Refer to P2 below. Additionally, it is proposed that Council implement timed parking restrictions around the site, with a resident's parking scheme, which is only available to existing residents of the area (ie not new residents of this development). It is also proposed to implement a GoGet car share scheme within the development. Which will encourage a lower rate of car ownership as the car will be accessible to residents when required.</p> <p>Refer to <b>section 5.2</b> for a detailed response to the parking concerns raised.</p> <p>Refer to details of the proposed schemes in the Traffix report at <b>Appendix 4</b>.</p>
<p><b>P2 &gt;</b></p> <p>Inadequate off street parking Parking provision should be clarified</p>	<p><b>P2 &gt;</b></p> <p>The proposed level of visitor parking is 1 space per 5 dwellings, which is an increase from the original proposed level of 1 space per 10 dwellings. Council's DCP requires 1 space per 2 dwellings, although this is considered to be excessively high. It is noted that the RMS guidelines indicate 1 space per 5 dwellings for high density residential development, which is achieved in the preferred concept.</p> <p>The proposed levels of off-street resident's parking are in accordance with Canada Bay Council's DCP and are anticipated to be at levels where additional demand on street parking is not incurred.</p> <p>A residential parking scheme is being proposed</p>

		<p>that will place parking restrictions on surrounding streets for new residents, with existing residents having access to permits enabling untimed parking.</p> <p>Refer to <b>section 5.2</b> for a detailed response to the parking concerns raised.</p>
Density		
<p><b>D1 &gt;</b></p> <p>FSR exceeds control</p>	<p><b>D1 &gt;</b></p> <p>The density of the proposed concept plan is considered to be consistent with the area and Council approved developments, which is further discussed in <b>section 5.1</b> of this report. However, as a result of the concerns raised during the exhibition period, the height of some buildings in the concept plan have been reduced. As a result of the reduction in height of the concept, including a reduction of the nine storey building, the density of the proposal has been reduced by 882sqm. The proposed FSR sought by the preferred project is now 1.40:1.</p> <p>Refer to <b>section 5.1</b> for a detailed analysis of the density of surrounding and approved development.</p> <p>The proposal provides a master planned design over multiple fragmented lots, which will ensure a high level of amenity, not achievable by fragmented redevelopment of individual sites and is only economically viable with increased density. The following positive outcomes are achievable with a higher density on the site:</p> <ul style="list-style-type: none"> <li>- substantial landscaping, including publicly accessible foreshore open space and</li> </ul>	

		<p>park</p> <ul style="list-style-type: none"> <li>- Pedestrian and cycleway linkages through the site and to the foreshore</li> <li>- Revitalisation of a number of rundown industrial sites</li> <li>- Remediation of contamination</li> <li>- infrastructure upgrades, including roads and drainage</li> </ul> <p>Therefore, the variation to the FSR control of 0.75:1 is considered warranted. Refer to the detailed discussion on density in <b>section 5.1</b> of this report.</p>
<p><b>D2 &gt;</b></p> <p>Area has been overdeveloped Breakfast Point cannot be used as precedent</p>	<p><b>D2 &gt;</b></p> <p>The density of Breakfast Point is substantially higher on a site by site basis than the proposal and went through a similar master planned process to the subject site, albeit on a much larger scale.</p> <p>Notwithstanding this, the density of the proposed development is consistent with a number of approved developments in the immediate area and outside of the Breakfast Point precinct, which is discussed in further detail in <b>section 5.1</b>.</p> <p>The area is undergoing a process of change and urban renewal, due to the zoning of previous industrial land as residential. Where previous single site developments have not made upgrades to infrastructure due to their scale, this proposal provides the opportunity to upgrade road and drainage infrastructure across a large area and create significant open space.</p> <p>Refer to <b>section 5.1</b> for a detailed response to the density concerns raised.</p>	

<p><b>D3 &gt;</b> Compliance with SEPP 65 is to be demonstrated (CBC and DPI)</p>	<p><b>D3 &gt;</b> Cox has undertaken a SEPP 65 analysis of the proposal, which confirms that the proposal complies with the relevant design principles including building separation and solar access.</p> <p>Council engaged Peter Stronach to review the original proposal and he concurred with the outcome for the site.</p> <p>Refer to the design statement attached at <b>Appendix 6</b> and the architectural drawings attached at <b>Appendix 7</b>, both prepared by Cox, for more details.</p>
Environmental	
<p><b>E1 &gt;</b> Impacts on waterways and mangroves</p>	<p><b>E1 &gt;</b> Substantial drainage and stormwater infrastructure upgrades are proposed, including Water Sensitive Urban Design measures, Gross pollutant Traps and bioretention systems. These upgrades will ensure that storm water entering the site is treated prior to leaving the site. This will ensure water quality is improved and minimal pollutants (from roads, driveways etc) will enter the waterway</p> <p>The proposal is not anticipated to have any impacts on the mangroves as there are no works in the vicinity of this area and the water quality of runoff will be improved.</p>
<p><b>E2 &gt;</b> General remediation and query whether remediation is part of the concept plan</p>	<p><b>E2 &gt;</b> Remediation works are proposed as part of the development and will be carried out at the development application stage as identified by the contamination consultant and monitored by the appointed Site Auditor.</p>

			This will be undertaken in accordance with SEPP 55 – Contaminated Land and relevant EPA guidelines.
<b>E3 &gt;</b>	Environmental report is outdated	<b>E3 &gt;</b>	The Environmental Report prepared by Aargus is sufficient for the Concept Plan application and additional work including a Remediation Action Plan will be undertaken when required.
<b>E4 &gt;</b>	Loss of amenity during construction	<b>E4 &gt;</b>	Approval of the Concept Plan will require the preparation and lodgement of detailed Development Applications for construction approval. Any subsequent DA approvals will contain conditions of consent to manage the construction process to ensure impacts to surrounding residents and stakeholders are minimised. It is anticipated that the conditions will limit the days and times construction work can occur and also require the preparation and compliance with a Construction Traffic Management Plan to ensure the loading and unloading of heavy vehicles is managed to ensure impacts on surrounding residents are minimised as far as possible. Construction inherently involves noise, machinery and trucks, however the operation of these will be limited in accordance with EPA guidelines and standard Council requirements.

## Open Space

OS1



Consideration should be given to increasing and improving the quality and design of the open space within the development and along the foreshore

OS1



The proposed open space provision is generous for a development of this scale and significantly more than would be achieved if developing the land on a site-by-site basis.

The preferred project design moves the foreshore building location back to achieve a 12m foreshore building line, which will increase the size of the publicly accessible foreshore open space by 594sqm to 3,395sqm.

The open space within the development will provide visual and pedestrian links to the foreshore for both residents and the public and will be able to be used for informal social and recreational activities. The overall amount of open space provided will increase from 600 sqm to 5781sqm.

The provision of the open space is being proposed as a contribution in kind in the revised Statement of Commitments in **section 7**.

OS2



The use, provision and maintenance of the public open space needs to be clarified

OS2



There is a total of 5781sqm of publicly accessible open space. This is made up of the following areas:

- Public foreshore zones (3395sqm);
- Public open space (860sqm); and
- Publicly accessible privately owned open space (1526sqm).

Of this space, 4341sqm is proposed to be



		<p>dedicated to Council, with 1526sqm being the ongoing responsibility of the body corporate to maintain. This has previously been discussed with Council officers.</p> <p>Refer to the architectural drawings at <b>Appendix 7</b> for details.</p>
Other		
<b>O1 &gt;</b>	Precedent for future approvals	<p><b>O1 &gt;</b></p> <p>The preferred project design has been reduced from nine storeys, which is directly comparable to existing residential buildings in the immediate area previously approved by Council. Breakfast Point also contains significantly higher buildings and densities than the proposal. Therefore, it is unlikely that this proposal will set a precedent for future development.</p>
<b>O2 &gt;</b>	Lack of recreational facilities and social infrastructure eg tennis courts and gyms, schools/services	<p><b>O2 &gt;</b></p> <p>It is proposed to enter into a Voluntary Planning Agreement with Council to provide public benefits and contributions as part of the proposal. These contributions are required to be utilised by Council for various public services and facilities including recreational and sporting facilities, and social infrastructure, where the need for these arises directly as a result of the proposed development.</p> <p>The proposed concept plan provides substantial public benefits in the form of:</p> <ul style="list-style-type: none"> <li>- upgraded stormwater drainage and infrastructure including Water Sensitive Urban Design measures, Gross Pollutant Traps and bioretention systems to improve water quality</li> </ul>

		<ul style="list-style-type: none"> <li>- publicly accessible open space and foreshore open space</li> <li>- pedestrian links through the site to the foreshore</li> <li>- road upgrades</li> <li>- remediation and redevelopment of the former industrial land</li> <li>- VPA to provide additional public services and facilities</li> </ul>
<p><b>O3 &gt;</b></p> <p>Proposal should not be assessed under Part 3A</p> <p>Lack of consultation</p> <p>Request for public hearing</p>	<p><b>O3 &gt;</b></p> <p>The Concept Plan application was lodged with DPI under the provisions of Part 3A of the EP&amp;A Act, which have now been repealed. When Part 3A was repealed, the application had progressed to a level of assessment where it was deemed by DPI that it would continue to be assessed under Part 3A.</p> <p>Significant consultation has been undertaken for the project, beyond levels statutorily required. Refer to section 3 for details of the consultation processes undertaken.</p> <p>As the proposal has received over 20 public submissions, a public hearing will be required as part of the Planning Assessment Commission review process.</p>	

## 4.4 Results of the community opinion research

The proponent engaged Crosby Textor to undertake a telephone survey of residents in the local area on the proposed development. This survey is summarised below and full details are contained within the report prepared by Crosby Textor attached at **Appendix 14**.

### 4.4.1 Summary

The telephone (CATI) survey of local community opinion towards the proposed development was conducted by Crosby Textor between 16 and 18 March 2012. The survey was undertaken to further gauge local resident's feelings towards the proposal given the balanced response received at the proponent's evening session in November 2011, and also to identify areas of concern for residents where public benefits or commitments might be better directed and amendments incorporated into the preferred project proposal.

The survey used a statistically valid random sample of 300 residents from the suburbs of Mortlake, Breakfast Point, Cabarita and Concord. Crosby Textor has advised that this level of survey has a +/-5.6% maximum margin of error (at the 95% confidence level) and is otherwise representative of age, sex and (suburb) area.

The community opinion research focused on the following:

- Local area & issues of concern;
- Awareness of the development;
- Initial opinion of the proposed development;
- Opinion drivers
- Infrastructure & development; and
- Considered opinion on the proposed development

### 4.4.2 Local area & issues of concern

Roads were the unprompted issue at 'top of mind' for residents.

The concept plan involves the upgrade of all roads within the development site. Traffix has confirmed that the key intersections providing egress for residents will continue to operate at the existing levels of service following the development.

Traffic congestion and parking was the prompted issue of greatest concern (89%) for residents.

While the traffic studies have confirmed that the development will not have negative impacts on the existing traffic situation and road network in the area, it is proposed to consider the implementation of a number of traffic, parking and transport initiatives, which will improve or maintain the area. Refer to **Section 4.2** for details on how the preferred project proposes to respond to traffic concerns in the area generally.

### 4.4.3 Awareness of the development

More than half of residents were already aware of the development and over three-quarters of the Mortlake/Breakfast Point residents were aware of the project.

Newspaper articles, followed by the letterbox drop, have been the main source of information for those who were aware of the project.

It is clear that the Inner West Courier articles and the Council letter box drops were the main source of awareness of the proposal. Refer to the Crosby Textor report at **Appendix 14**.

#### 4.4.4 Initial opinion of the proposed development

Over one-third of the residents were in support the proposed development.

#### 4.4.5 Opinion drivers

The most credible positive drivers of opinion related to providing areas of open space and public access to the foreshore, traffic congestion as a result of lack of action from both state and local government and new developments should improve council infrastructure and water quality.

The most credible negative messaging tended to relate to increasing on-street car parking congestion, traffic congestion as a result of new residential development and 9-storey apartments being seen to be inappropriate in Mortlake.

It is proposed to implement a number of initiatives to ensure that the proposal responds to the negative messages raised, such as reduction in height of the proposal, doubling the amount of on-site visitors parking, a resident's parking scheme, contributions to intersection upgrades in the area.

#### 4.4.6 Infrastructure & development

When introduced to the idea of development investing in the local community, 'roads' was by far the main area nominated.

The revised Statement of Commitments includes contributions to intersection upgrades in the area identified as issues by residents and Council, upgrade of the Whittaker Street bus stop, ongoing discussions with Transport for NSW in relation to additional bus services and a resident's parking scheme to maintain current levels of on street parking for existing residents.

#### 4.4.7 Considered opinion on the proposed development

After being exposed to both positive and negative statements, considered opinion in support of the proposed development showed an increase in the percentage of support of 20%.

## 4.5

### Results of the Independent town planner survey

Following Council's information evening and individual requests for further information from residents, to ensure independence and objectivity, the proponent engaged an independent town planner (Shanahan Planning) to provide the requested information and undertake community engagement in the immediate local area to gain an objective view of the public's views on the development and provide further input to the preferred proposal. A total of 156 households were visited over six days. The report found that of those residents who expressed an interest in hearing more about the proposal, substantially more were in support of the development (73%) than opposed (27%). Refer to the table below, which outlines the results of the community consultations undertaken by Shanahan Planning.

Table 7. Results of community consultations by independent town planner						
Street	Visited	Responded	Neutral/ No interest	Support – unqualified	Support – qualified	Opposed
Hilly Street	43	18	8	1	4	5
Tennyson Road	36	21	10	6	5	0
Edwin Street	13	6	1	1	4	0
McDonald Street	8	5	3	1	0	1
Bennett Street	10	7	3	0	4	0
Bennett Lane	1	0	0	0	0	0
Bertram Street	45	23	10	4	3	6
<b>Total</b>	<b>156</b>	<b>80</b>	<b>35</b>	<b>13</b>	<b>20</b>	<b>12</b>
<b>Total</b>				<b>33 (73%)</b>		<b>12 (27%)</b>

Source: Shanahan Planning

Where residents expressed concerns, these primarily related to:

- generation of additional traffic that could contribute to existing peak time congestion on streets leading into and out of the area;
- generation of additional parking on local streets if on-site parking was not sufficient;
- the 9-storey height of proposed Building 2D. (There were no objections to the 6-storey height of Building 4B).

Following these concerns, suggestions made by respondents included:

- improvement of local intersections and roundabouts (while recognising that this was primarily a Council/RTA responsibility);
- provision of more on-site parking;
- reducing the height of the 9 storey building by redistributing upper level units across the other buildings;

- provision of improved public transport (more frequent buses to Burwood and city; bus to Rhodes; a ferry stop in Majors Bay).

The preferred project fully incorporates the suggestions made by residents by reducing the height of the nine storey building, providing additional parking at basement level, introducing a resident's parking scheme and upgrades to intersections in the wider local area (not directly impacted by the proposal) as a way of improving the existing traffic situation in the locality. It is important to note that this work was in the immediate vicinity of the proposal and to those residents most effected as a result of the proposal through proximity to the site. Of these nearby residents, it is reiterated that substantially more were in support of the development (73%) than opposed (27%).

Refer to **section 4** for details on how the preferred project is responding to traffic and transport, parking, height and scale and public transport concerns.

Refer to **Appendix 13** for the independent town planning report.

5 Further analysis of key concerns

5.1 Context

5.1.1 Scale of surrounding development

The proposal is generally consistent with approved densities in the area. Refer to the map and table below, which shows approved densities of surrounding development in the area. It is factually incorrect that the development is double the density of development in the area and that the proposal is an overdevelopment, when considering the Council approved densities of sites in the immediate vicinity and approvals within Breakfast Point.

Notwithstanding this, due to the concerns raised by the public during the exhibition period, the density of the proposal has been reduced. Overall, the GFA of the proposal has been reduced by 882sqm to a total floor space of 38,458sqm. This means a reduction in the FSR from 1.42:1 to 1.40:1. As discussed in **Section 5.1.2** the proposal complies with the FSR objectives contained within the Canada Bay LEP.

Figure 10 Sites in the area approved at higher densities

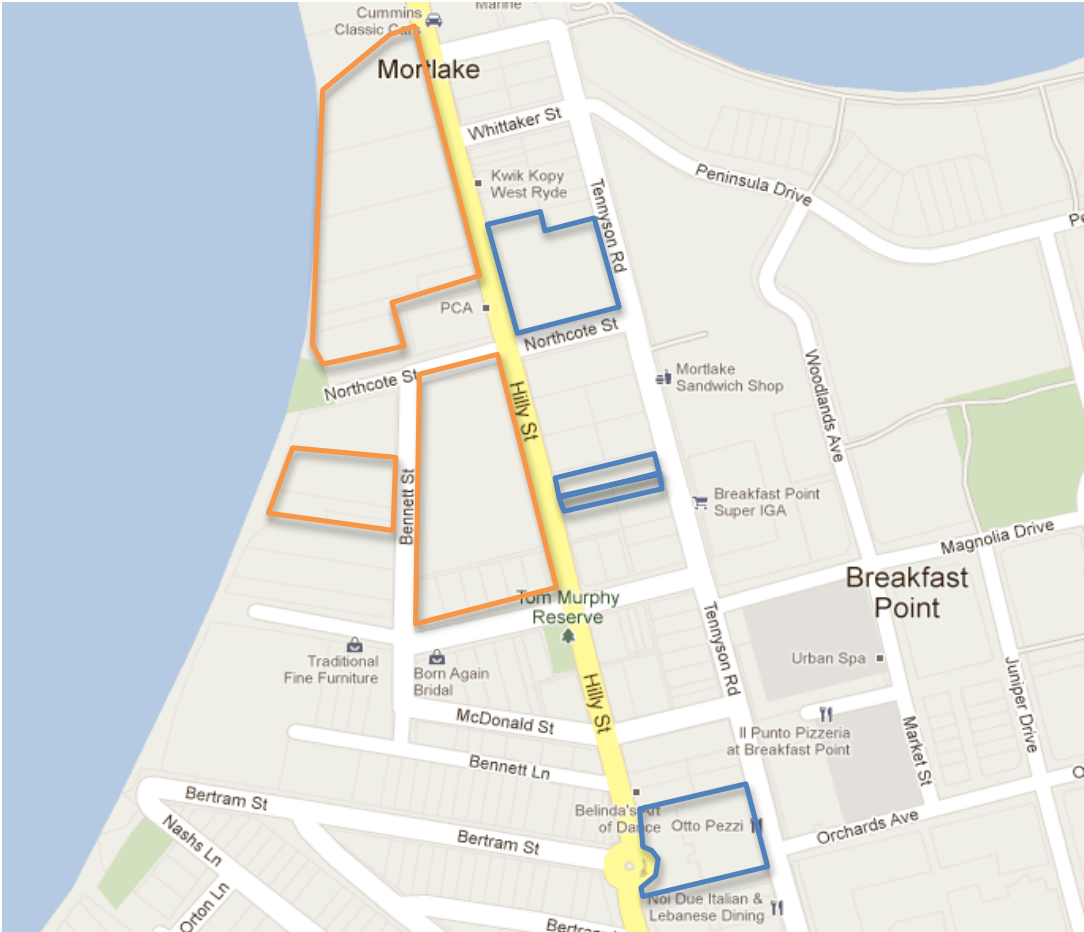


Table 8. Details of approved developments in the area				
No.	Site address	FSR	Height	Status
1	108 Tennyson Rd	0.757:1	4 storeys	Under construction – cleared/excavation only

Table 8. Details of approved developments in the area

No.	Site address	FSR	Height	Status
2	13 Hilly St	Approx 1.8:1	6 storeys	Completed
3	90 Tennyson Rd	1.749:1	4 storeys	Under construction – site cleared only
4	86-88 Tennyson Rd	1.68:1	4/5 storeys	Approved – not started
5	46 Tennyson Rd/1A Hilly St	0.89:1	4/6 storeys	Recently completed
6	21 Tennyson Rd (Rosewood)	-	7 storeys	Completed
7	36 Hilly St	-	3 storeys	Completed
8	38 Hilly St	-	5 storeys	Completed
9	40 Hilly St	1.96:1	6 storeys	Completed
10	Woodlands Ave (Spyglass Hill)	1.62:1	8 storeys	Completed
11	25 Market St (Mulberry Hill)	-	9 storeys	Completed

Source: Mecone research of Council documents and survey information from William Backhouse

It is noted that the majority of these developments outside Breakfast Point provide minimal or no public benefits and very little open space. The proposal will provide substantial public benefits, significant open space and pedestrian and visual links to the foreshore and road and drainage infrastructure upgrades.

The proponent engaged a surveyor, William Backhouse, to undertake an analysis of approved and constructed developments in the area, to determine the number of storeys and identify foreshore setbacks where relevant. Detailed survey information is attached at **Appendix 15**. Surveys of buildings in the vicinity of the site are shown in figures 11 to 15 below, which demonstrate that the proposed concept is consistent with the area.

Figure 11 1A Hilly Street/46 Tennyson Road – 5/6 storeys

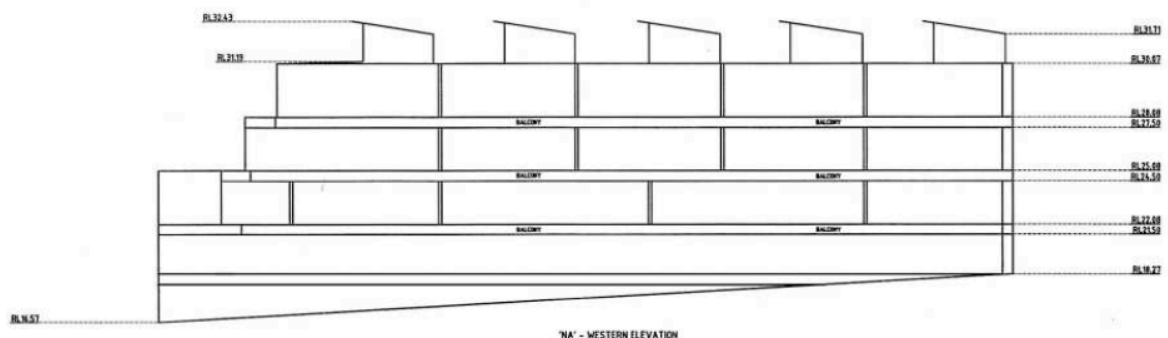




Figure 12 Corner of Hilly and Northcote Streets – 6 storeys



Figure 13 21 Tennyson Road (Rosewood) – 7 storeys

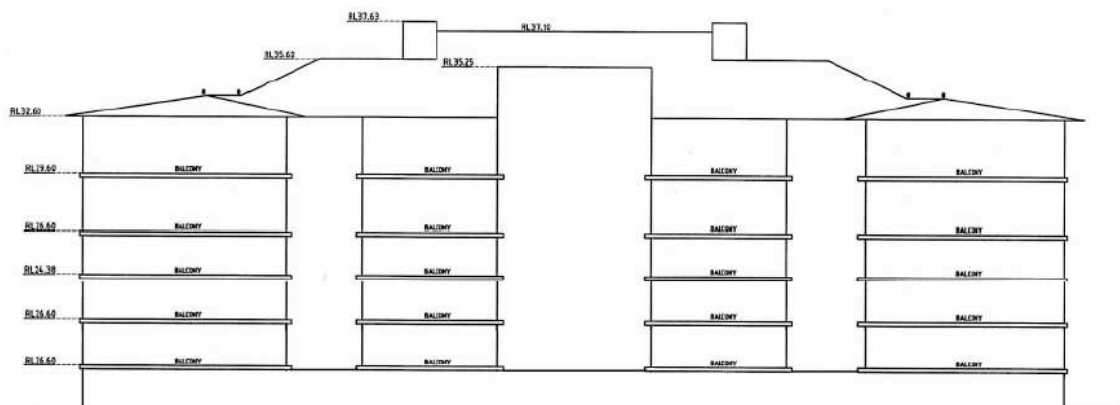


Figure 14 Mulberry Hill, Breakfast Point – 11 storeys

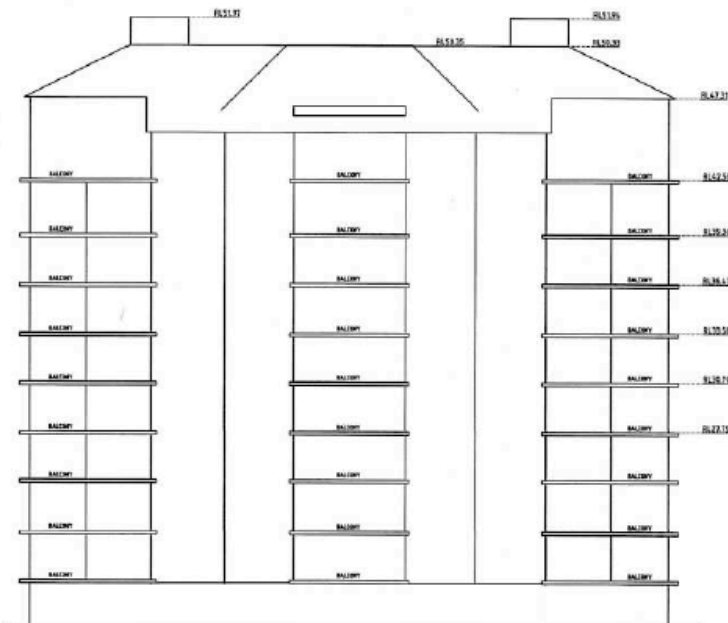
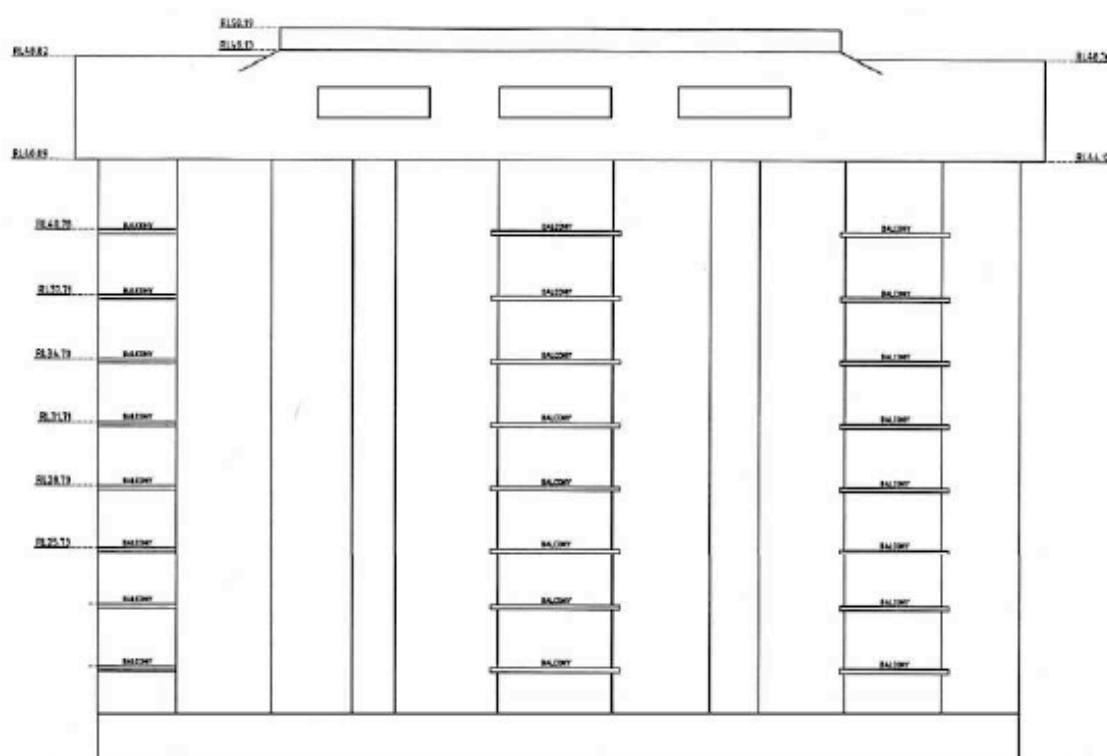


Figure 15 Spyglass Hill, Breakfast Point – 11 storeys



The Breakfast Point development is cited by Council to have an approved FSR of 0.7:1. This figure of 0.7:1 is assumed to be based on the 'gross site area' at Breakfast Point and includes such areas as open space, roads and other 'community property'. The total approved floor space area is approximately 334,740 m<sup>2</sup> net of open space and road provisions. Mecone has reviewed all recent Project Approvals for the Breakfast Point Concept Plan area. Refer to Table 8 below for the comparative FSR analysis on a site-by-site basis.

Table 9. Details of Breakfast Point developments

Precinct	Storeys	Dwellings (No.)	Site area (m <sup>2</sup> )	GFA (m <sup>2</sup> )	FSR (:1)
Plantation	up to 5	285	22,235	34,590.00	1.56
Vineyard South	up to 9	118	9,550	16,624.71	1.74

Table 9. Details of Breakfast Point developments

Precinct	Storeys	Dwellings (No.)	Site area (m <sup>2</sup> )	GFA (m <sup>2</sup> )	FSR (:1)
Vineyard North	up to 9 plus attic	110	10332	16, 289.10	1.58
Country Club	9	83	4,190	11,889.00	2.84
Silkstone	5	45	2,386	6,194.00	2.60
The Point	5 plus loft	128	14,915	21,596.00	1.45
River Front	2	25	9,748	6,708.00	0.69
Seashore			42,732	42,732.00	1.00

Site specific development in Breakfast Point as indicated above is up to 2.84:1, with an overall FSR of approximately 1.21:1.

The proposed development has an overall FSR of approximately 0.89:1, with a maximum site FSR of 1.95:1. The maximum 1.95:1 FSR for part of the proposed development is much less than the maximum site specific development at Breakfast Point which is 2.84:1. As discussed at **Section 5.1.2** the proposal complies with the FSR objectives in the Canada Bay LEP.

## 5.1.2

### Height and Scale

The scheme provides a built form in which low-rise forms of three storeys are located to the lower, western side of the development. To the eastern boundary fronting Hilly Street, taller buildings are proposed, which are compatible with surrounding development and in a number of cases, lower than surrounding development.

The proposed increase in densities and heights for specific locations across the site, which are above the current height standard permitted by the planning controls, will provide benefits in amenity by allowing the following:

- Increased building separation;
- Better quality and increased quantities of public domain;
- Better quality and increased quantities open space and improved access to the foreshore;
- Optimisation of highly desirable views; and
- Minimising potential overshadowing impacts.

The consolidation of multiple lots across the site provides an opportunity to address the urban design in a master planned approach creating significant public benefits. This would not otherwise be achieved if a regular pattern of individual lot development were undertaken.

The building envelope sections, provided at **Appendix 6** demonstrate that:

- There is a transition from higher development along the ridge line to the waterway;
- There is a transition between Breakfast Point and the proposal, however the Breakfast Point development consists of higher developments;

- There is a transition from the subject site to existing medium density development to the north of the site and a transition to the adjacent residential development to the south of the site; and
- The height and scale of the proposed development is modest in contrast with the Breakfast Point development.

The proposal will include taller buildings along the ridge, which will provide for an appropriate transition between the site and the Breakfast Point development to the east, the existing medium density development to the north and to adjacent residential development to the south. This approach is consistent with best practice urban design principles being the response to the local context and surrounding development and the minimisation of potential amenity impacts.

As shown below at Figure 16 from the Cox urban design report, the massing of the proposed building envelopes are sympathetic to the current and approved built form characteristics and significantly lower and with less visual impact than the existing and approved Breakfast Point envelopes.

Figure 16 Massing Study



In its preferred project request letter, DPI requested revised photomontages for amendments and revised street sections for Hilly Street to better represent the amendments. Refer to Figures 17-20 below for the revised photomontages, which show the different building form where the height has been reduced on Hilly Street. The reduction in height will reduce the visual impacts of the building and ensure that there are no negative impacts of the public domain or on nearby residents. Refer to the architectural drawings at **Appendix 7** for the revised street sections.

Figure 17 Northcote Street



Figure 18 Hilly Street

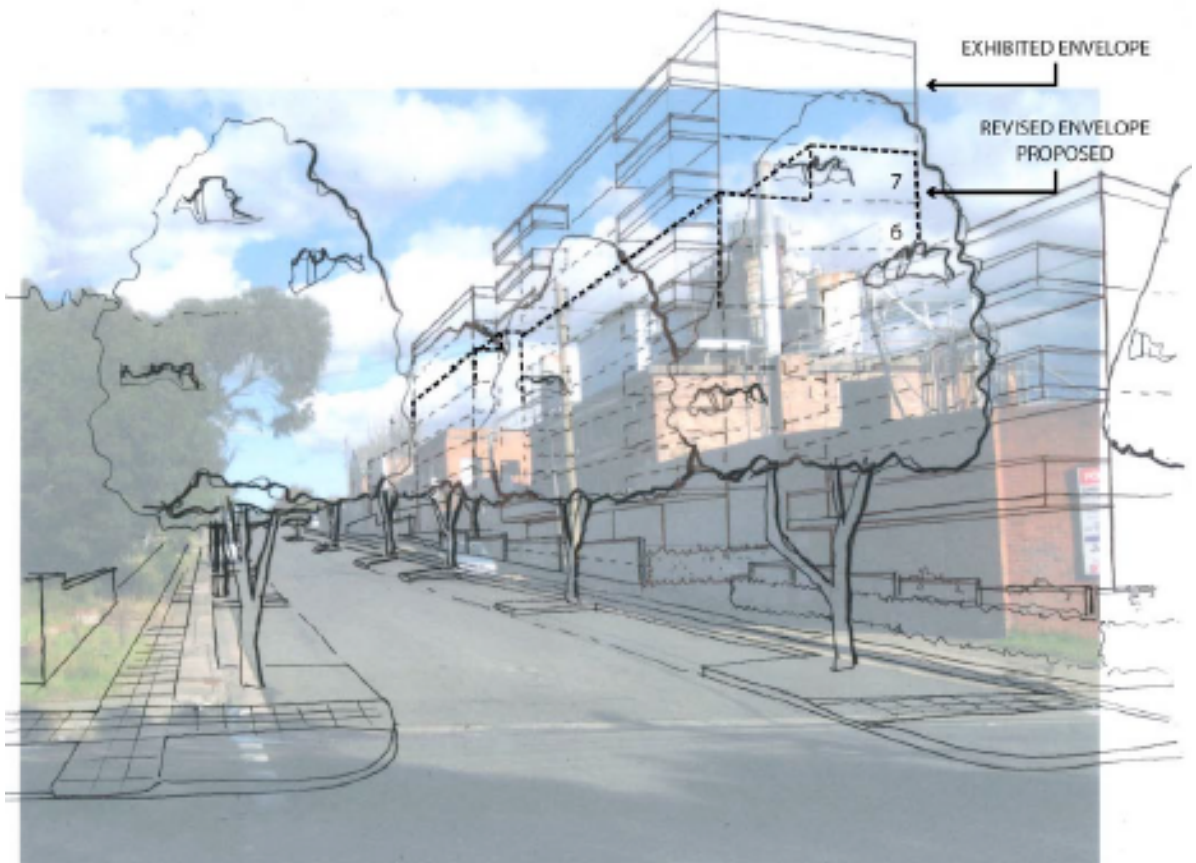




Figure 19 Bennett Street



Figure 20 Additional foreshore park view



As discussed in **Section 5.2.1** below, the proposed building envelopes will have no adverse impacts on any existing views, a further reason why the massing of the proposed envelopes are considered to be satisfactory.

### *Justification for height of buildings*

While State Environmental Planning Policy No. 1 – Development Standards does not apply to the concept application, an assessment of the height and density of the proposal against the development standards within Canada Bay Local Environmental Plan 2008 (CBLEP) has been undertaken, which demonstrates that compliance with the standards is unreasonable and unnecessary.

The objectives of Clause 4.3 Height of Buildings in the CBLEP are as follows:

- (a) to ensure that buildings are compatible with the height, bulk and scale of the existing and desired future character of the locality,*
- (b) to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development,*
- (c) to minimise the adverse impact of development on heritage conservation areas and heritage items,*
- (d) to reduce the visual impact of development when viewed from the Parramatta River as well as other public places such as parks, roads and community facilities.*

The buildings in the proposed concept are compatible with the height, bulk and scale of the existing area, with Council approved developments in the area and lower in height, bulk and scale than Breakfast Point as detailed in **section 5.1** above.

Detailed analysis of the visual impacts of the proposal has been undertaken above and in the design statement prepared by Cox at **Appendix 6** and there will be minimal visual impacts, disruption of view, loss of privacy or loss of solar access to existing development. Importantly, the reduction in height of the nine storey building will reduce any potential visual impacts of the proposal. Cox has also undertaken an analysis of heritage areas and items in the local area and the proposal is unlikely to have any impacts on any item of heritage.

As discussed above, Cox has undertaken a detailed analysis of the visual impacts of the proposal from multiple locations along the Parramatta River and the proposal is entirely compatible with existing development in the area and significantly lower in scale than Breakfast Point, which is visually dominant from the waterway.

The proposal is clearly consistent with the *objectives* for the height of buildings in the CBLEP and given the nature of existing development and Council approved development in the area, strict compliance with the height standard is considered unreasonable and unnecessary.

### *Justification for Floor Space Ratio*

Similarly, an assessment of the density of the proposal against the FSR development standard within Canada Bay Local Environmental Plan 2008 (CBLEP) has been undertaken, which demonstrates that compliance with the standard is unreasonable and unnecessary.

The objectives of Clause 4.4 Floor Space Ratio in the CBLEP are as follows:

- (a) to ensure that buildings are compatible with the bulk and scale of the existing and desired future character of the locality,*
- (b) to minimise the adverse impact of development on heritage conservation areas and heritage items,*
- (c) to reduce the visual impact of development when viewed from the Parramatta River as well as other public places such as parks, roads and community facilities.*

Detailed analysis of the contextual appropriateness of the proposal has been undertaken above and in the design statement prepared by Cox at **Appendix 6** and it is apparent that the proposal is entirely consistent with existing development in the area, approved development and lower in scale than parts of Breakfast Point. Cox has

also undertaken an analysis of heritage areas and items in the local area and the proposal is unlikely to have any impacts on any item of heritage.

As discussed above, Cox has undertaken a detailed analysis of the visual impacts of the proposal from multiple public access points and locations along the Parramatta River and the proposal is entirely compatible with existing development in the area and significantly lower in scale than Breakfast Point, which is visually dominant from the waterway.

The proposal is clearly consistent with the *objectives* for the floor space ratio of buildings in the CBLEP and given the nature of existing development and Council approved development in the area, strict compliance with the floor space ratio standard is considered unreasonable and unnecessary.

We therefore consider that the proposed FSR of 1.40:1 is satisfactory given the context of recent development on the peninsula and, importantly, having regard to the development standard objectives.

## 5.2 Urban Design

The proposed Concept Plan is founded on several key principles guiding the urban design:

- That a consolidated of multiple fragmented sites achieves a coherent high quality urban outcome with significant public benefit;
- That visual and direct pedestrian connections between the ridge roads of the peninsular and the waterfront should be retained and that new access points be provided through the development site;
- That a balanced provision of density achieves a good level of sunlight throughout the year to residential apartments on the site whilst providing views of the water to a maximum number of residences;
- That an appropriate height limit for the site would vary the permissible height having regard to adjacent approved and built developments;
- The buildings do not “terminate” views; and
- That neighbouring sites not forming part of this project could be redeveloped in the future to provide cohesive, complementary built forms.

Cox Richardson has revised its detailed Urban Design Report, which has guided the preferred project design development and is provided at **Appendix 6**.

### 5.2.1 Options Analysis

A number of options were explored following the preferred project report request from DPI. This was done in response to submissions and key concerns raised by agencies and the public. The design for the preferred project was reached as it is considered to achieve a positive outcome on the site, while minimising impacts on surrounding residents.

The Proponent met with DPI on 9 February, 23 February and 12 April to outline the changes from the original scheme and present the analysis of the three options detailed below. DPI agreed in principle with the changes proposed through the process undertaken during the meetings and this has guided the preparation of the preferred project. Details of the options prepared are provided below.

#### Option 1

The aims of the option were to provide for:

- Minimum height 12m (4 storeys) achieved across the site, including the foreshore buildings;



- Other buildings extending up to 6 storeys;
- Less variation than the exhibited scheme;
- Floor space retained as the exhibited proposal, but redistributed between buildings;
- 4 storeys on water and these buildings rotated to align with waterfront and increase building separation;
- Additional floors added to a number of sites to maintain equivalent floor space;
- Separation included between Hilly Street buildings on Site 1;

Observations/conclusions regarding this scheme:

- Lessened height impact along Hilly Street, with taller buildings reduced by three stories.
- Less variety and interest than previous scheme due to uniformity.
- More height on waterfront frontages.

Figure 21 Option 1



## Option 2

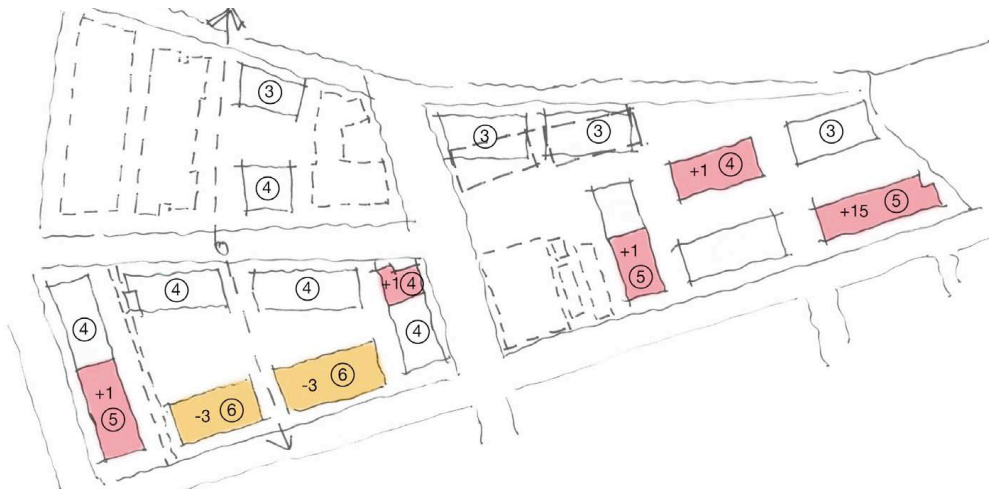
The aims of the option were to provide for:

- Realignment of building separations for better visual access and more efficient buildings;
- Two separate 6 storey buildings instead of one large 9 storey building on Site 1; and
- Increase of height of other buildings by one storey.

Observations/conclusions regarding this scheme:

- Some buildings (water's edge) lower than existing contours;
- Some buildings higher than exhibited proposal; and
- Overall reduction in FSA = 1000 - 1500 m<sup>2</sup> approx.

Figure 22 Option 2



### Option 3

The aims of the option were to provide for:

- All buildings at 12m (4 storeys).
- A reduction in floor area of approximately 2500 - 3000m.GFA.
- No variation in height achieved.
- Higher on water than exhibited proposal.
- No transition
- No view sharing

Observations/conclusions regarding this scheme:

- Less visual interest and variety than the exhibited proposal
- Not an economically feasible outcome

Figure 23 Option 3



### Preferred option

Option 2 was the preferred option and was developed further in consultation with DPI during the preparation of the preferred project. Refer to **section 6** for details of the preferred project.

### 5.2.2 View Analysis

Cox has carried out an extensive view assessment from all public access points that have significant local and regional views to the site. Refer to **Appendix 6** for the view assessment in the Urban Design Report.

An objective of the assessment was to inform the concept design development to ensure that the proposed development achieves the following:

- Does not dominate the skyline;
- Does not exceed the relative height and scale of development at Breakfast Point;
- That the development across the horizon is consistent with surrounding development where there are opportunities for lines of sight from publicly accessible foreshore areas.

Specifically, the assessment found that views to the site from Yaralla House across Majors Bay are mostly obscured by natural vegetation. Generally, from other parts of Parramatta River, the site will be either obscured by or appear to be significantly lower in scale than the Breakfast Point development, which generally forms a backdrop to the proposed building envelopes.

Importantly, new and enhanced views through the site are introduced along existing streets and between the proposed building envelopes, where at present they do not exist. The poor quality of the existing public domain limits the attraction of these existing potential vistas, which contribute little to the attraction of the neighbourhood.

The proposed concept will result in an improved planning outcome with respect to the introduction of new vistas and will not impose on any existing vistas of significance.

### 5.2.3 Public Domain, Landscaping and Open Space

The proposed landscaping plans prepared by Taylor Brammer in Figure 24 below and attached at **Appendix 7**, are founded on several key principles including:

- That the consolidation of multiple allotments (24) achieves a coherent high quality urban outcome with significant public benefits.
- That visual and direct pedestrian connections between the ridge roads of the peninsula and the waterfront be retained and four new vistas and access points be provided through the development site.
- To make water sensitive urban design techniques an integral part of the landscaping strategy.
- That access to and around the site is designed to enable access for less mobile residents and the community at large.
- That the proposal does not 'terminate' views.
- To incorporate the built form, the creation of public and private open space to form an integrated approach. This approach seeks to create a suitable setting for the development and enhance the existing environment.

The proposal will result in a significant improvement in the ability to access the foreshore from within the site and the surrounding area. Currently the foreshore can only really be accessed via Northcote Street, whereas the proposal will introduce two additional pedestrian links to the foreshore, as shown in Figure 24 below.

The following is an extract from the landscape architect's design rationale:

*"The Majors Bay Development landscape design creates an external landscape environment that forms a cohesive and inspirational environment that are consistent with the inherent values and character of the Parramatta River character. The scale of*

the landscape combined with the site planning provides opportunities to create a landscape character that provides both a sustainable and aesthetically memorable environment that will provide a positive contribution to the site and region."

Figure 24 Landscape Masterplan



The proposed development includes the following landscaping works on site and in the public domain:

- Streets – A number of existing streets are proposed to be improved with street trees, street parking and footpaths including Northcote, Bennett, McDonald and Hilly Street. Figure 25 below shows the nature of the streetscape improvement proposed.

Figure 25 Streetscape Improvements







- Open space – The proposal focuses on providing public open space along the foreshore with a foreshore park. The extent of open space and proposed connections encourages bicycle use and pedestrian traffic. A series of private courtyards are also provided for the future residents of the development.

Approximately 350sq.m of open space has a dual function as bio-retention systems to promote the detention and passage of stormwater through a prescribed subsurface filter medium. The purpose of bio-retention is to remove pollutants typically found in urban by sedimentation, filtering and biological action. Proposed bio-retention systems include swales, rain gardens and tree pits.

- Create landscapes and places - A number of landscapes and places are created by the proposal. These include the public foreshore walk and park, the private courtyards spaces between the buildings and the landscaped public connections and linkages that create vistas to the water.
- Pedestrian Connections – The development aims to reconnect the area with the foreshore by creating a series of pedestrian connections/links that build on the existing street pattern in and around the site. The pedestrian connection that aligns with Whittaker Street is particularly important in connecting the Breakfast Point development to the foreshore park.
- Foreshore Walk and Cycleway– The continuation of the foreshore walk and proposed cycleway is a primary features of the improvements to the public domain proposed by the plan. The foreshore park is provided to enhance the recreational area along the route.
- Rain Garden and Foreshore Access Links – A significant benefit arising from the proposal are the east-west links permeating the site and where possible dedicated to Council to make access to the foreshore pedestrian park/walkway and cycle way easily accessible to the public. One such link runs through Site 3 at the northern portion of the site and aligns with Whittaker Street, the significance of which is outlined above. This particular link has a dual function of access and drainage being designed as a rain garden and improving the quality of stormwater runoff entering the river by the incorporation of swales. Refer to Figure 26 below.

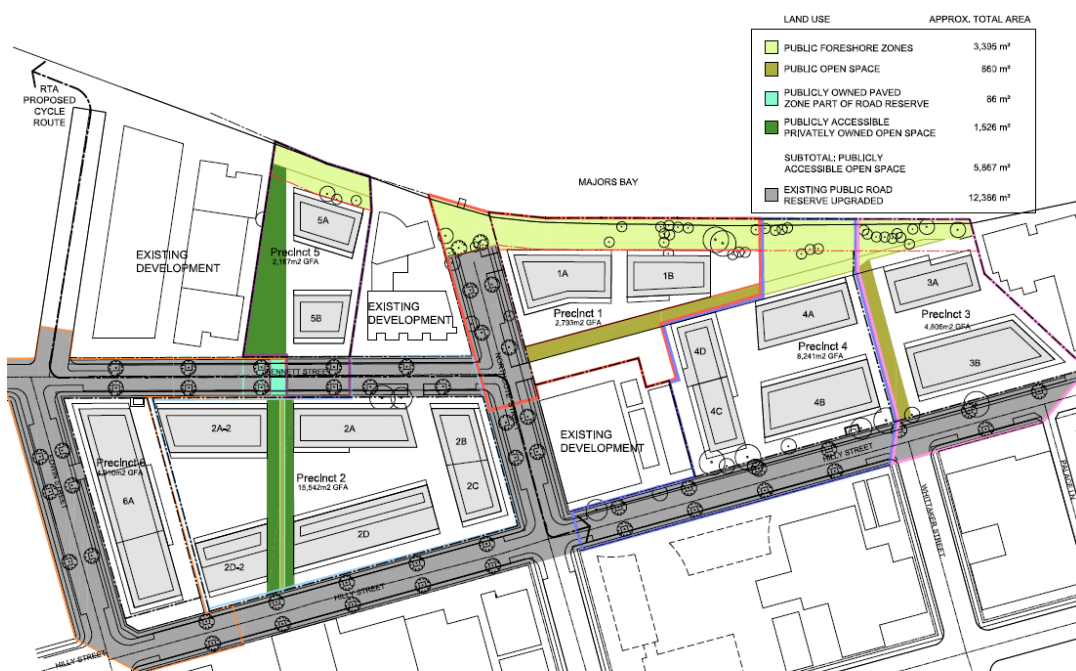
Figure 26 Section through rain garden



- WSUD – The proposed development will adopt Water Sustainable Urban Design principles and criteria in order to minimise impact on foreshore and waterway.
- Existing Drainage Infrastructure – It has been identified that the current drainage system across the site and in the locality is insufficient in capacity and does not comply with Canada Bay Council's latest requirements. The proposed development will upgrade drainage associated with all dedicated public space, off-site streetscape works and within the site.
- Public Lighting – The proposal would include public lighting installation for safety and security purposes.

Figure 27 below indicates the proposed tenure and designation of public and private land. These improvements are considered to be firmly in the public interest.

Figure 27 Public Domain Plan



## 5.3

### Traffic and Transport

Traffic was raised as the primary concern in submissions made by the public and was also raised by Canada Bay Council. The concerns raised can be summarised as follows:

- Concerns in relation to negative impacts on traffic generation;
- Findings and methodology of traffic report;
- Inadequate public transport;
- Traffic issues associated with queuing for the vehicle ferry/punt; and
- It is understood that the existing concerns of Council and residents are primarily in relation to access from local roads to the arterial road network, particularly Parramatta Road.

In response to the concerns raised during the exhibition period, an independent traffic consultant was engaged to undertake a peer review of the original Traffic Assessment prepared by TTPA and the review of traffic prepared by TUP on behalf of Canada Bay Council, as well as an analysis of the submissions to DPI. In summary:

- The RMS raised no concerns in relation to the traffic generation impacts of the proposal;
- The traffic report by TTPA surveyed and assessed local conditions and raised no concerns in relation to both the local traffic generation impacts of the proposal and connectivity to regional roads;
- A Peer Review prepared by Traffix supported TTPA's conclusions and raised no concerns in relation to the proposal. Specifically the peer review found that the methodology and conclusions by TTPA were sound and supportable and that the TUP report on behalf of Council was not supportable. The peer review found that the traffic impacts of the proposal will be negligible and that there will not be a change to the level of service of key intersections around the site;
- Previous discussions with RMS indicate that with the provision of the M4 extension, as recently announced as part of the WestConnex project, the existing issues in relation to access from local roads to the arterial network, particularly Parramatta Road, will be resolved.

While the traffic assessments undertaken have not identified any issues, the proposal provides upgrades of local streets. Also, acknowledging the concerns of Council and residents regarding arterial road access, the concept application proposes to contribute to the upgrade of local roads, or potentially of two intersections at Patterson Street and Wellbank Street along Concord Road.

Refer to the sections below for a more detailed discussion on the traffic assessments prepared by TTPA and Traffix and to **section 4.3.6** for details of the proposed traffic and transport mitigation measures.

#### 5.3.1

#### Summary of findings of original TTPA traffic assessment

Transport and Traffic Planning Associates Pty Ltd (TTPA) carried out a Traffic and Transport Study for the original Concept Plan Application in accordance with the RTA guidelines. The report is a detailed assessment to, in part, determine the amount of traffic generated by the site and assess the impact on local and regional roads.

Specifically, the assessment concluded that:

- *the potential traffic generation of the site under the proposed development scheme will be very similar to that which occurs at present under the industrial uses and will not have any unsatisfactory implications; and*

- *the compound traffic generation as a result of the other approved developments would not result (in themselves) in unacceptable traffic circumstances, although it may eventuate that some minor traffic management measures might be required.*

The report also found that the site benefits from having extensive access to major regional roads including Parramatta Road and the M4 via Hilly Street and Broughton Street to south. Parramatta Road and the M4 provide major vehicular connections to the Sydney CBD and Parramatta CBD. The site is in close proximity to Homebush Drive and Concord Road, which provides a north south connection for the site between Olympic Park and Macquarie Park. In addition, the site benefits from having direct access to bus routes along the front of the site, i.e. along Hilly Street. Bus routes connect the site to the Sydney CBD, Burwood town centre and Burwood railway station.

Given the location of the site in relation to major centres and major regional roads, it was found from a detailed survey that the behaviour of traffic in the study area tends to be widely distributed. This is a major benefit to the area and the site, as traffic entering and leaving the site is not subject to a single collector road and therefore minimising potential for congestion intersections. The report identifies that there are 10 large intersections, which contribute to distributing traffic. Further, traffic tends to flow towards the west or northwest along the major regional routes.

### 5.3.2 Council Traffic Study Review undertaken by TUP

Council engaged Transport and Urban Planning (TUP) to undertake a 'Peer review', of the assessment prepared by Transport and Traffic Planning Associates (TTPA). The conclusions of the TTPA study differ somewhat to a similar 'Peer Review' assessment carried out for Council, which raised concern regarding the adequacy of the existing road network to accommodate the proposed development. The difference in the conclusions stems from what we understand to be significant oversights in the council study, those being:

- the adoption of RTA traffic generation rates for "medium density development", whereas by definition the proposal is deemed to be "high density development" under the same RTA Guidelines; and
- the Council study does not take into account the existing traffic generated by the current industrial and residential uses on the site which will be removed by the proposal.

### 5.3.3 Independent peer review by Traffix

The proponent engaged Traffix to undertake an independent peer review of both TTPA's December 2010 Traffic Assessment and Council/TUP's review of TTPA's report. The Traffix Peer Review was intended to ensure that a robust analysis of the potential traffic impacts of the proposed concept was undertaken and to determine whether the methodology and conclusions reached by TTPA were sound and supportable. In relation to Transport and Traffic Planning Associated Traffic Assessment dated December 2010, the Traffix peer review found that:

- The general methodology and conclusions reached by TTPA are considered supportable on traffic planning grounds and this is reflected in the minor comments raised by the SRDAC.
- Independent traffic surveys undertaken by Traffix indicated a slightly higher future traffic generation than used by TTPA in its assessment. However, in an analysis incorporating these higher rates the traffic generation still remains less than the existing generation of the site



- While the TTPA report concludes that the future traffic generation is less than the historical generation, the directional splits will be different and essentially reversed.
- Due to the different directional split, Traffix identified two critical intersections (Bertram/Hilly and Bertram/Tennyson) not analysed in the original traffic report and surveyed these on a typical weekday in the AM peak period. The survey data was compared with modelling results of the traffic generation adopted by TTPA and the higher generation adopted by Traffix. The results of the modelling indicated that the two intersections will remain at a level of service 'A' and 'B' respectively, as existing (ie no change to the level of service)

In relation to the Transport and Urban Planning review prepared on behalf of Canada Bay Council, the Traffix peer review found that:

- The 'medium density' rates used by TUP are not applicable as the proposed level of density far exceeds the definition of 'medium density development' identified by the RMS.
- Despite TUP's concerns with TTPA's adopted trip distribution, Traffix undertook a worst case scenario assessment of the critical intersections which indicates that these will continue to operate at the same levels of services regardless of whether TTPA's or TUP's trip distribution is used (ie no change).
- No upgrades to critical intersections are considered necessary to facilitate the traffic associated with the proposed development and any upgrades contemplated would be to address existing deficiencies/constraints and are not attributable to the proposal

The conclusions of the peer review prepared by Traffix support the original TTPA report and its conclusions and indicated that the traffic impacts of the proposal will be acceptable as they will be less than the historical traffic generation associated with the site and will not impact on the levels of service of the two critical intersections which provide access and egress for the site.

#### 5.3.4 Updated report by Transport and Traffic Planning Associates

Transport and Traffic Planning Associates has prepared an updated report on the preferred project and in response to the matters requested to be addressed by DPI, the traffic and transport items raised by RMS/SRDAC, Transport NSW and Council and seeks to identify possible traffic management measures to be implemented to improve the traffic situation in the area.

The updated report by TTPA concludes that:

- the projected traffic generation of the proposed development will be significantly less than that of the existing uses on the site
- the access road system serving the site will function better than it does at present because the traffic generation of the site will be less than it is at present
- the proposed measures to promote public transport usage and to encourage/ provide for the pedestrian and cyclist modes will be satisfactory
- the proposed parking provision will be adequate and appropriate to the objective of minimising reliance on travel by private motor vehicle
- the peer review Traffic Study undertaken for Council adopts an unduly high traffic generation rate for residential apartments and fails to take account of the significant existing traffic generation of site. It is apparent therefore that the findings of this study are not realistic and do not provide an accurate reflection of the potential traffic implications of development

The DPI letter dated 21 January 2012 requested that the preferred project 'consider the traffic impact of the proposed development on the local and subregional road network including performance of intersections including the implications of current and future developments in the area'. The TPA findings show an approximately 36% decrease in traffic from the existing uses on the site, which combined with the diversity of access routes available to be taken in the area TPA concludes that a detailed impact assessment of the regional road network is not necessary, as the traffic will disperse through the network from the site to become negligible.

Refer to the TPA report attached at **Appendix 3**.

### 5.3.5 Public Transport Accessibility

The proposed development will create an opportunity for Sydney Buses to increase bus services and their frequency. The availability of increased public transport services would encourage existing and future residents to be less dependent on cars. The proposed upgrade to the Whittaker Street bus stop will provide a public benefit for existing and future residents in the area. Preliminary discussions with Transport for NSW have indicated that additional or increased services will be implemented on an as needs basis identified by increased patronage on routes. The site is located at the start of the bus route and therefore capacity is available. This is more likely to translate into increased patronage as those further down the route continue to board the service and capacity of the route can be increased on a demand driven basis.

The proposed development encourages walking and cycling through overall improvements in site permeability achieved through the completion of the foreshore walkway, bicycle paths, and streetscape upgrades.

These improvements to the pedestrian hierarchy and the levels of pedestrian amenity will encourage people to walk and cycle in and around the locality. Importantly, the streetscape upgrades provides connections to public transport nodes, such as the Whittaker Street bus terminus.

It is still proposed, as documented in the project commitments, that a letter be sent to the Minister for Transport and the Transport for NSW to notify them of this development and the likely increased bus service patronage it will bring about and the public benefits that may be achieved by extended the existing routes.

### 5.3.6 Traffic and transport mitigation measures

It is apparent from the detailed analysis undertaken as part of the initial Concept Plan application and following the assessment and exhibition period that the impacts of the proposal on the existing traffic situation in the area will be minimal and can be managed. However, in response to the concerns raised by the public during the exhibition period, the proponent has undertaken to further explore and implement a number of mitigation measures to benefit the area and residents. A number of traffic and transport mitigation measures have been proposed and are detailed below:

- **Intersection upgrades** – While the proposal will not negatively impact on the existing traffic situation in the area, contributions to intersection upgrades along Concord Road that have been identified by Council and residents as problematic have been proposed in the Statement of Commitments. This will improve the traffic situation in the area generally, in locations where it is required.
- **Resident's parking scheme** – The streets around the development will be sign posted as time limited parking areas for residents of the development, while existing residents in the area will have access to a parking permit.

- **Signage and line marking for the vehicle ferry** – It is proposed to enter discussions with Council to provide suitable signage and line marking to improve the vehicle line up and traffic situation associated with the vehicle ferry
- **Transport and Accessibility Guide** – This guide will be provided to all new residents and will detail all transport options in the area
- **Car Share Scheme** – The proponent has received advice from GoGet in relation to the provision of one to two car share vehicles in the development. Refer to the letter of support from GoGet at Appendix 16.
- **Bicycles for residents** – Every unit of two bedrooms or larger will receive a free bicycle when they purchase the apartment. Each unit in the development has bicycle storage space provided as part of their car parking space area and bicycle parking will also be provided separately in the basement

Refer to Figure 28 over the page for an aerial map showing the details of the potential traffic mitigation measures.



Figure 28 Potential traffic and parking mitigation measures



## 6 Preferred Project

This chapter of the report outlines the preferred project for which we are seeking approval. A summary of the changes is outlined in **section 6.2** below, with details of the preferred project contained in **section 6.3**.

### 6.1 Objectives

The objectives of the preferred concept and design amendments are to accommodate and address the key concerns raised by agencies and the public during the consultation process. The revised design has achieved this by reducing the nine storey building by two to three storeys, reducing the density of the proposal, increasing the foreshore setback, increasing the on-site car parking and proposing the implementation of traffic and parking mitigation measures to improve conditions in the area.

### 6.2 Description

The description of the preferred project design has been broken down under issue heading as per the preferred project request letter from DPI for ease of reference.

#### 6.2.1 Density

The density of the proposal has been reduced. Overall, the GFA of the proposal has been reduced by 882sqm to a total floor space of 38,458sqm. This means a reduction in the FSR from 1.42:1 to 1.40:1.

#### 6.2.2 Height

The height of the nine storey building has been reduced significantly by 2/3 storeys. The RLs of the building have been reduced from RL42.800 and RL39.800 respectively (both to top of plant), to RL36.800 and RL 33.800 (to top of plant) respectively. Refer to the original elevations and revised elevations in Figures 29 and 30 respectively below and to the elevations prepared by Cox at **Appendix 7**.

Figure 29 Elevation of originally submitted proposal

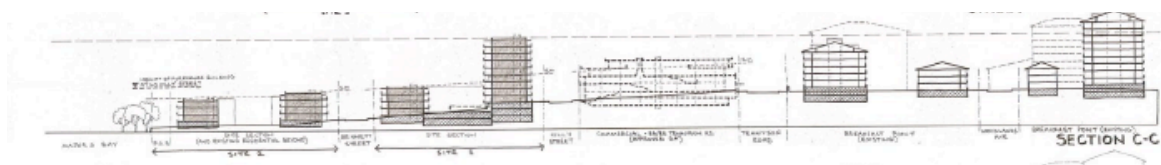
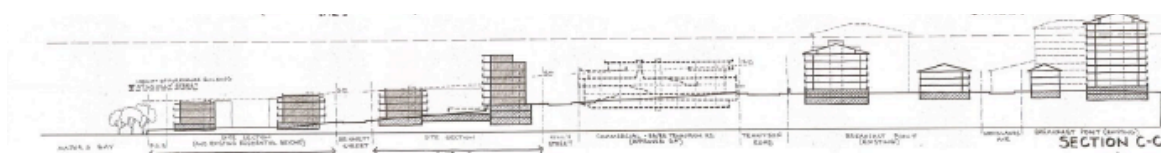


Figure 30 Elevation of preferred project

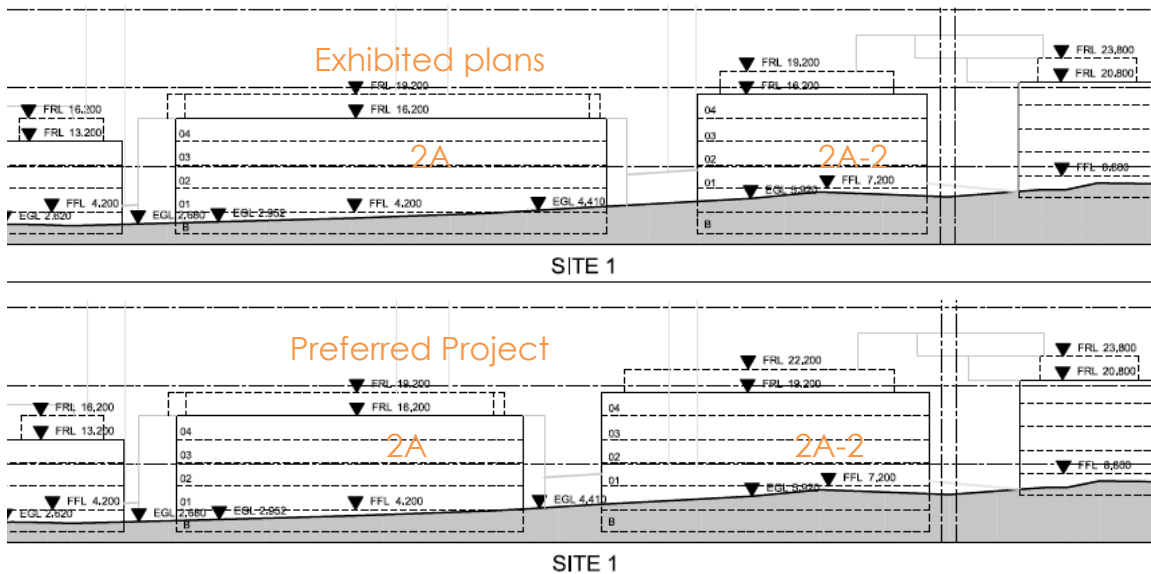


There are no increases to the height of any buildings.

It is noted that there was a typographical error in the exhibited elevations, showing building 2A-2 with a height of RL 19.200, where this should have read RL 22.200. Figure 31 below shows the elevations for buildings 2A and 2A-2 from the exhibited plans and the Preferred Project plans and demonstrates that the physical height of the building has not changed. This is clearly an error as Building 2A to the left is also shown with RL 19.200 and is the equivalent of one storey lower due to the slope of the site.

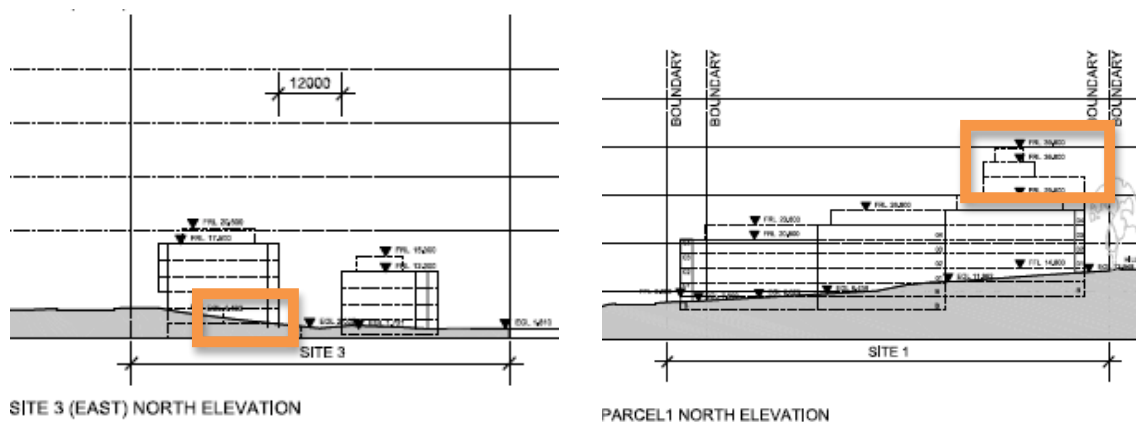


Figure 31 No increase to building height of Building 2A-2



The slope of the site allows half residential levels at ground floor towards the west (facing Majors Bay) in buildings 2C, 3B and 4B. Similarly, the previous nine storey building has been reduced by 2/3 levels, with the half level being located on the western side of buildings 2C and 2D, which will ensure that there are no visual impacts from the public roads to the east. Refer to the sections below, which demonstrate the level change and the location of the half floors.

Figure 32 Sections showing half levels



## 6.2.3 Open space

The publicly accessible foreshore open space has been increased. The foreshore building footprints have been revised to achieve minimum foreshore building line setbacks of 12m, which has resulted in an increase of the foreshore open space by 594sqm to 3395sqm and an increase in the total open space by 600sqm to 5781sqm.

A significant amount of the proposed open space is proposed to be publicly accessible, the majority of which is proposed to be dedicated to Council. Refer to Table 9, which shows the breakdown of the use and ownership of the proposed open space areas.

Table 10. Details of use and ownership of proposed open space

Open space	Area (m <sup>2</sup> )	Ownership
Public foreshore zones	3,395	Dedicated to Council as part of foreshore area and public open space
Public open space	860	Dedicated to Council as pedestrian linkages to foreshore open space
Publicly accessible privately owned open space	1,526	Maintained in ownership of site/Body Corporate and maintained accordingly
Existing public road reserve upgraded	12,386	Stays as Council owned, upgraded as public benefit as part of development

The public foreshore open space and the pedestrian linkages created by the development will be public areas and a public benefit and are therefore considered appropriate to dedicate to Council.

#### 6.2.4

#### Traffic

As discussed in **section 5** of this report, TTPA's conclusions that the traffic generation will be a reduction from previous uses on the site and have negligible impacts on the traffic situation in the area was also supported by Traffix's peer review.

Traffic management measures are proposed to improve existing conditions. TTPA and Traffix have identified a number of traffic management measures, which are proposed to be introduced, as follows:

- **Resident's parking scheme** – The streets around the development will be sign posted as time limited parking areas for residents of the development, while existing residents in the area will have access to a parking permit.
- **Signage and line marking for the vehicle ferry** – It is proposed to enter discussions with Council to provide suitable signage and line marking to improve the vehicle line up and traffic situation associated with the vehicle ferry
- **Transport and Accessibility Guide** – This guide will be provided to all new residents and will detail all transport options in the area
- **Car Share Scheme** – The proponent has received advice from GoGet in relation to the provision of one to two car share vehicles in the development. Refer to the letter of support from GoGet at Appendix 16.
- **Bicycles for residents** – Every unit of two bedrooms or larger will receive a free bicycle when they purchase the apartment. Each unit in the development has bicycle storage space provided as part of their car parking space area and bicycle parking will also be provided separately in the basement
- **Intersection upgrades** – While the proposal will not negatively impact on the existing traffic situation in the area, contributions to intersection upgrades along Concord Road that have been identified by Council and residents as problematic have been proposed in the Statement of Commitments. This will improve the traffic situation in the area generally, in locations where it is required.

Refer to Figure 28 earlier in this report for an aerial map of the area showing the indicative location and details of the proposed traffic and transport mitigation measures described above.

## 6.2.5 Parking

The preferred project proposes fewer street trees to allow for a greater number of on-street parking spaces and parking management measures are proposed to improve existing conditions.

The proposal will incorporate all visitor parking spaces within the basement parking levels of the buildings and therefore the existing on street parking situation will be maintained. It is noted that the overall number of on-site visitor car parking spaces has been doubled and there is an increase in resident's car parking in the preferred concept application.

Refer also to the proposed resident's parking scheme detailed above and the map in Figure 28 showing the proposed traffic and parking mitigation measures.

## 6.2.6 Other

There have been some extremely minor changes to the layout in some parts of the site, which are discussed in detail below. The through site link on Hilly Street has been moved slightly to the north in the preferred project design. This has positive outcomes such as breaking up of the building form along Hilly Street and more consistent building forms along Bennett Street and will not impact on the properties across Hilly Street, which are currently commercial buildings. Building 2D/2D-2 has now been split to either side of the pedestrian access, breaking up the building form along Hilly Street. Building 2A and 2A-2 are now similar lengths facing Bennett Street, with the through site link still running between these buildings. Refer to Figure 33 below which shows the minor realignment of the through site link.

Figure 33 Minor realignment of through site link

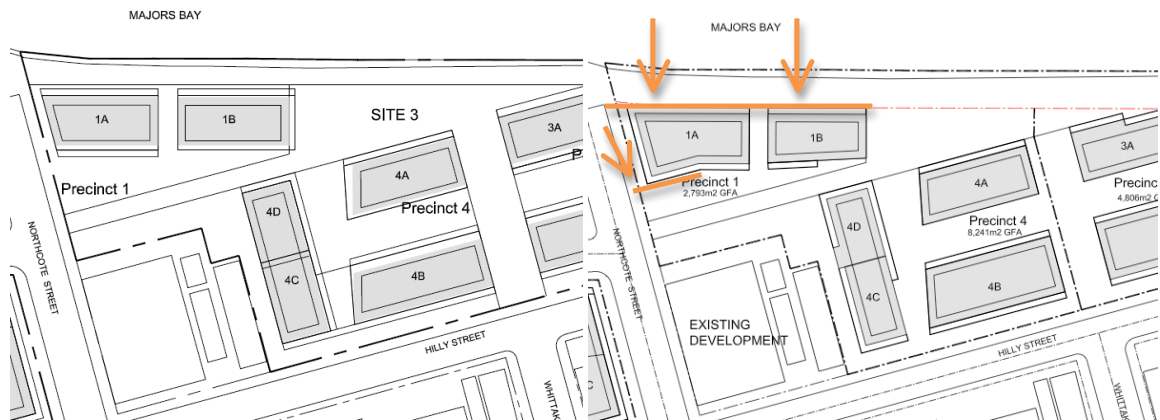


There has been a minor realignment of Buildings 1A and 1B in Precinct 1 as the foreshore setback of these buildings has been increased and the eastern side of Building 1A has been amended to better address Northcote Street.



See Figure 34 below, showing the comparison of building alignments in the exhibited plans and the Preferred Project, with the increased foreshore setback and realigned eastern wall of 1A.

Figure 34 Minor realignment of Buildings 1A and 1B



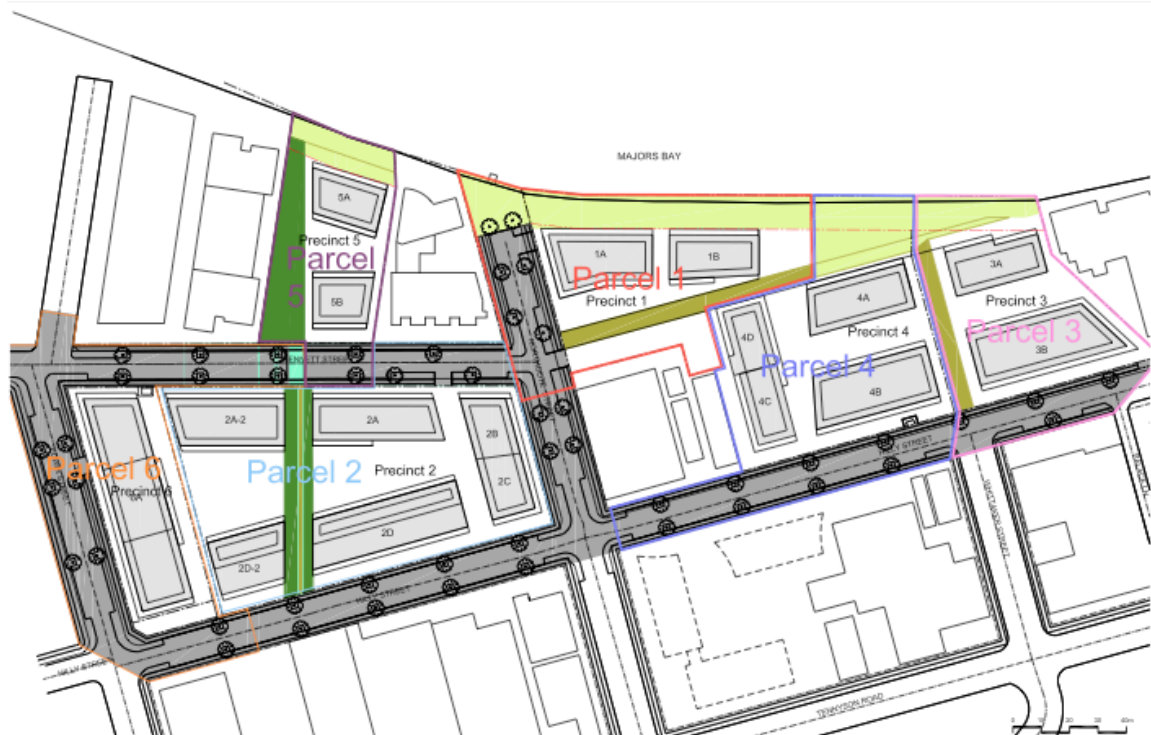
### 6.3 Preferred Concept Approval sought

The Proponent is seeking approval for the following Concept Plan elements (refer to **Appendix 7** for architectural plans), including:

- The use of the site for the purposes of Residential Flat Buildings (RFBs) and associated open space;

Refer to Figure 35 below for Site and Precinct Identification Plan.

Figure 35 Precinct Identification Plan



#### Building Envelope

- Building envelopes (height, footprints, basements, setbacks) for 15 RFBs with heights varying between RL15.3 and RL36.8 AHD;

Refer to Figure 36 below for the Height Plan.

Figure 36 Proposed building envelope footprints and heights



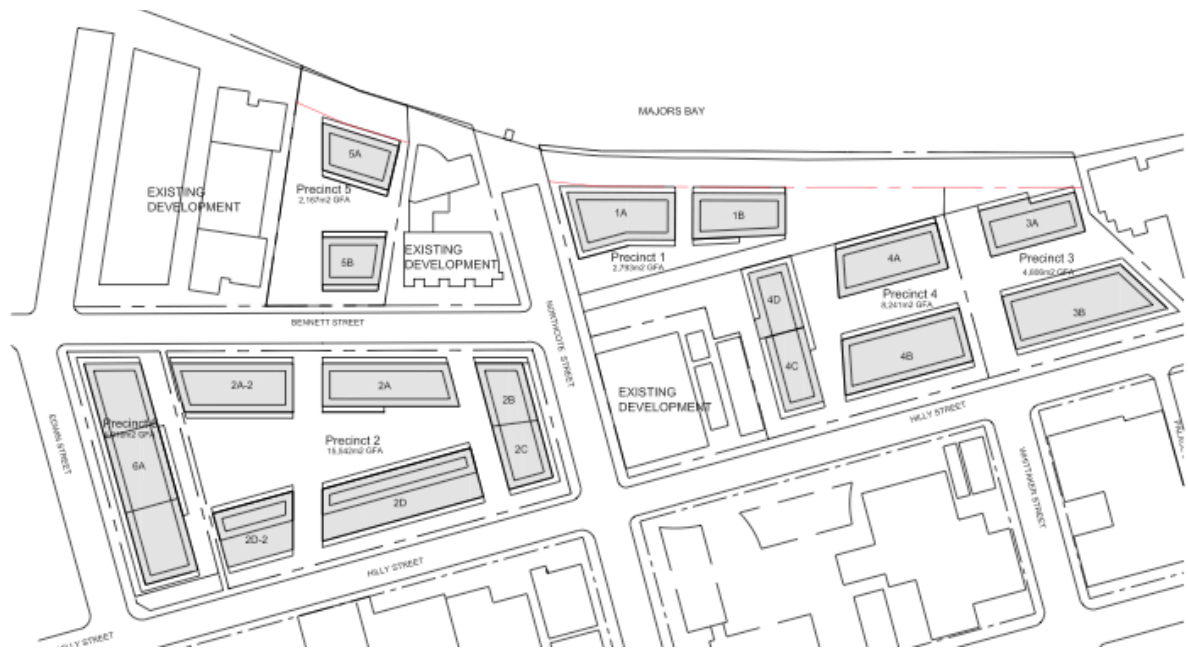
Density

- Floor Space Ratio across the entire site of 1.40:1 (GFA 38,458m<sup>2</sup>) divided as follows:

Table 11. Site by site details of Floor Space Ratio				
Site	Site area (m <sup>2</sup> )	Precinct (GFA m <sup>2</sup> )	GFA (m <sup>2</sup> )	FSR
Site 1	10,483	Precinct 2 (15,542) Precinct 6 (4,910)	20,452	1.95:1
Site 2	2,911	Precinct 5 (2,167)	2,167	0.74:1
Site 3	14,037	Precinct 1 (2,793) Precinct 3 (4,806) Precinct 4 (8,241)	15,840	1.13:1
Total	27,431	38,458	38,458	1.40:1

Refer to Figure 37 below for GFA distribution plan.

Figure 37 GFA Plan



### Car Parking

- Car parking rates as follows:

Table 12. Proposed car parking rates	
Unit type	Rate
1 bedroom	1
2 bedroom	1.5
3 bedroom	2
Visitors	1/5 units

The basement layouts have been designed to accommodate the indicative rates shown in the table above.

### Landscaping and Public Domain

- Four new connections across the site to foreshore;
- Provision of increased public open space and a park along foreshore; and
- Public domain upgrades to the streetscape including landscaping master plan, share ways, cycle ways and pedestrian access.

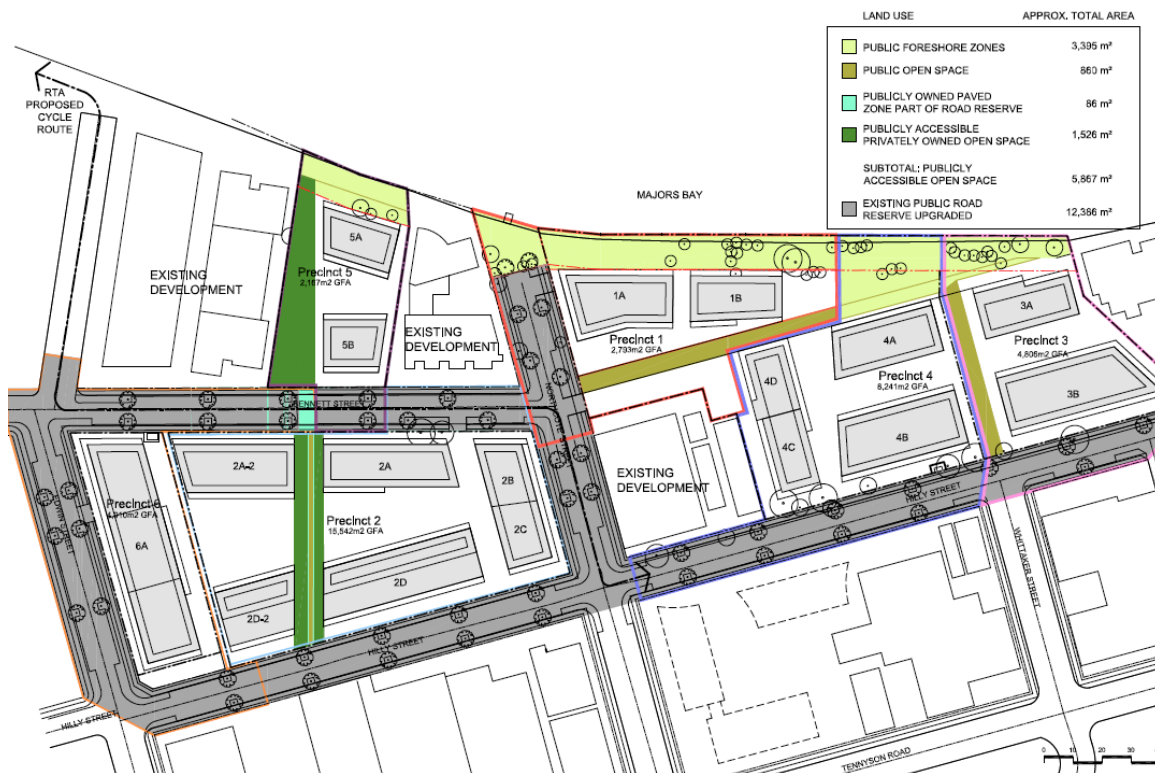
Refer to Landscape Master Plan at Figure 38 below, which also shows foreshore linkages.

Figure 38 Landscape master plan



Figure 39 below indicates the areas dedicated to public domain. The total amount of foreshore open space equates to 3,395sqm, an increase of 594sqm from the original submission. The total open space has increased by 600sqm to 5781sqm. This area, or a significant amount of it, is proposed to be dedicated to Council in the preparation of a VPA. The exact area to be dedicated is to be negotiated with Council.

Figure 39 Public domain areas.





A thorough consideration of the urban design rationale and discussion related to such matters as built form, massing and scale, landscaping, public open space and the pedestrian and cycle framework is provided below at **Section 6**, assisted by a comprehensive Urban Design Study undertaken by Cox Richardson Architects.

### Basements

The proposed basements have been carefully designed to service multiple buildings thus minimising driveway entry points. An assessment of the size of the basements has verified that adequate area is provided to implement the car parking, motorcycle and cycle parking/storage rates and circulation space in accordance with AS2890. Refer to Figure 40 below.

Figure 40 Basement Plan



### Indicative Yield

The proposal comprises an indicative total of approximately 391 apartment units. The indicative yield is for information purposes at this time and approval is not specifically sought after in this respect.

A summary of the proposed yield and unit mix is provided in the table below.

Table 13. Indicative yield and unit mix				
	No. of 1 Bed	No. of 2 Bed	No. of 3 Bed	Total Apartments
Site 1	31	108	71	210
Site 2	4	11	6	21
Site 3	23	81	56	160
Total	58	200	133	391

Refer to **Appendix 7** for full plans of the extracts above, and for other plans containing relevant information, prepared by Cox Richardson and Taylor Brammer. With respect to these plans, and the extent to which Concept Approval is being sought, refer specifically to:

- Floor Space Allocation Plan;
- Height Plan;
- Indicative Staging Plan;
- Public Domain Plan;
- Basement Extent Plan;
- Public Domain Landscape Plan;
- Site Elevations;
- Street Sections;
- Pedestrian and Cycle Networks; and
- Street Access and Addresses.

## Revised Statement of Commitments

The revised Statement of Commitments is detailed in Table 13 below following the design changes of the preferred project, with deletions shown ~~struck through~~ and insertions shown in **bold italics**.

Table 14. Revised Statement of Commitments				
Item	Issue	Commitment	Delivery	Reasons for change
1	Consultation	The proponent shall hold another community consultation session to be held at a local venue and shall incorporate and address any feedback from the public.	During formal exhibition of Concept Plan application. <b>Completed</b>	Completed.
2	Consultation ( <del>Project</del> <b>Development</b> Applications)	The proponent shall engage with and consult the following authorities: <ul style="list-style-type: none"> <li>Canada Bay City Council;</li> <li>NSW Department of Planning <b>&amp; Infrastructure;</b></li> <li>Roads and <del>Traffic Authority</del> <b>Maritime Services;</b></li> <li>Sydney Water;</li> <li>NSW <b>Office of Environment and Heritage</b> Department of Climate Change;</li> <li><del>NSW Office of Water;</del></li> <li>NSW Maritime;</li> <li><b>Transport for</b> NSW <del>Transport and Infrastructure;</del></li> <li><del>Sydney Transit Authority.</del></li> </ul>	Prior to lodgement of future <del>Project</del> <b>Development</b> Applications.  <b><i>Much of this consultation was undertaken in preparation of the preferred proposal.</i></b>  <b><i>Consultation as required will be undertaken for the detailed Development Application stages.</i></b>	Names of agencies updated to current.  Detailed applications to be assessed as DAs by Council following repeal of Part 3A.
3	VPA-Land Transfers	The proponent will continue to discuss arrangements for the dedication and transfer of land with Council, specifically the dedication to the public of the foreshore land and through site links, (and agreed	Prior to lodgement <del>approval</del> of <del>first the applicable Project</del> <b>Development</b> Applications <b><i>in relation to foreshore land and</i></b>	To ensure foreshore open space and through site links are discussed and

Table 14. Revised Statement of Commitments

Item	Issue	Commitment	Delivery	Reasons for change
		improvements thereof), and the transfer of the "dunny lane" and "car park" to the proponent. Any VPA should include a provision, which creates a mechanism to value the land elements to allow for an equitable outcome.	<b>through site links.</b> <b>Prior to the approval of the applicable Development Applications in relation to the "dunny lane" and "car park".</b>	resolved as part of the relevant DA approvals, which is typical for a development of this type.  To allow flexibility to continue discussions with Council in relation to its land holdings the "dunny lane" and the "car park" for potential inclusion of this land in the site in the future.
4	VPA-Developer Contributions	<p>Given the substantial public benefits associated with the proposal it is proposed to enter into a VPA with Council that could address relevant S94 contributions. Contributions within the VPA may include monetary contributions and works in kind.</p> <p><b>Proposed contributions proposed to be discussed with Council include:</b></p> <ul style="list-style-type: none"> <li>- <b>implementation of a resident's parking scheme including relevant signposting</b></li> <li>- <b>Provision of a car share scheme (such as GoGet) within the development as an alternative form of transport</b></li> <li>- <b>Provision of a bicycle to each unit with 2 bedrooms or more as an alternative form</b></li> </ul>	As part of VPA and on a Project basis.	Following the concerns raised in the consultation and exhibition process, contributions that benefit the local area have been identified in response to these concerns.



Table 14. Revised Statement of Commitments

Item	Issue	Commitment	Delivery	Reasons for change
		<p><b>of transport</b></p> <ul style="list-style-type: none"> <li>- <b>Street upgrades to public roads including resurfacing, new kerb and guttering, footpaths and street tree planting</b></li> <li>- <b>Infrastructure upgrades to stormwater and drainage system including implementation of Gross Pollutant Traps and bioretention</b></li> <li>- <b>Contributions to local roads in the immediate vicinity or if nil, potential intersection upgrades at the Patterson Street and Wellbank Street intersections along Concord Road as per TPA report prepared for Council in September 2011</b></li> <li>- <b>Sea wall – the proponent will undertake detailed studies and repair work where necessary as part of relevant Development Applications</b></li> </ul>		
5	Staging	<p>Precinct 1 (Buildings 1A and 1B) <del>will</del> <b>are proposed to</b> be first to be completed and shall include access to the foreshore and the dedication of the foreshore land to Council at the western portion of the Precinct.</p> <p>Flexibility is sought with respect to the sequence of the <del>remaining</del> stages. However, each stage as <del>should</del> <b>shown</b> in the accompanying documentation once commenced shall be delivered in full to ensure adequate open space, roads upgrades and other elements essential to the orderly development of the Precinct.</p>	Future Project <b>Development</b> Applications	<p>Detailed applications to be assessed as DAs by Council following repeal of Part 3A.</p> <p>Correct minor errors/ misdescriptions.</p>

Table 14. Revised Statement of Commitments

Item	Issue	Commitment	Delivery	Reasons for change
6	Construction Management Plans	<p>The Proponent shall prepare a detailed Construction Environmental Management Plan (CEMP) in order to ensure appropriate measures are in place to minimise any potential impacts. The CEMP will include but not be necessarily limited to the following:</p> <ul style="list-style-type: none"> <li>▪ Demolition Plan;</li> <li>▪ Waste Management Plan;</li> <li>▪ Erosion and Sediment Control Plan;</li> <li>▪ Soil and Water Management Plan;</li> <li>▪ Traffic Management Plan; and</li> <li>▪ Air Quality Management Plan.</li> </ul> <p>The CEMP shall be prepared to the satisfaction of Council.</p>	With each <del>Project</del> <b>Development</b> Application	Detailed applications to be assessed as DAs by Council following repeal of Part 3A.
7	Contamination, Salinity and Hazardous Materials	The Proponent will implement all recommendations made by Aargus in the Environmental Site Assessments and Salinity Assessment accompanying this application.	Prior to and during construction	-
8	Geotechnical Assessment	The recommendations provided in the Aargus Environmental Preliminary Geotechnical Assessment at Section 4.7, be implemented.	Prior to and during construction	-
9	Basement Entry Levels	Finished ground levels at the entry to basements shall be set at a minimum of RL. 2. Civil design shall be prepared on the basis of diverting overland storm water flows from entering the basement.	<del>Project</del> <b>Development</b> Application	Detailed applications to be assessed as DAs by Council following repeal of Part 3A.

Table 14. Revised Statement of Commitments

Item	Issue	Commitment	Delivery	Reasons for change
10	Further Information	<p><u>Urban Design</u></p> <p>In response to those detailed design requirements set out in Mortlake DCP 2007, the proponent shall provide all necessary information to allow for a comprehensive assessment in this respect at <del>Project</del> <b>Development</b> Application Stage.</p> <p><u>Acoustics</u></p> <p>Further detailed acoustic assessments shall accompany each future <del>Project</del> <b>Development</b> Application. Future stages will be designed to comply with the following criteria:</p> <ul style="list-style-type: none"> <li>▪ Interim Construction Guideline – DECCW;</li> <li>▪ AS2107 Recommended Design Sound Levels and Reverberation Times for Building Interiors;</li> <li>▪ NSW Industrial Noise policy.</li> </ul> <p><u>Wind</u></p> <p>Further detailed wind assessments shall accompany each future <del>Project</del> <b>Development</b> Application. Further Wind Assessments will:</p> <ul style="list-style-type: none"> <li>▪ Take into account the known characteristics of mean and gust speeds on both an annual and seasonal basis associated with the local (e.g. Sydney) wind climate, i.e. taking into account the strength characteristics of prevailing Sydney wind directions on a seasonal basis.</li> <li>▪ identify all public spaces of interest, e.g. footpaths, building entry points, areas designated for quiescent type activities (e.g.</li> </ul>	<del>Project</del> <b>Development</b> Application	Detailed applications to be assessed as DAs by Council following repeal of Part 3A.

Table 14. Revised Statement of Commitments

Item	Issue	Commitment	Delivery	Reasons for change
		<p>outdoor eating areas).</p> <ul style="list-style-type: none"> <li>identify potential adverse wind conditions and the likely wind intensities compared to standard acceptability criteria for pedestrian and occupant safety and comfort.</li> <li>make recommendations to reduce adverse wind effects, e.g. using landscaping, porous windbreaks, awnings and canopies, etc.</li> </ul> <p>These modifications would be developed in tandem with the Project Team (for viability, practicality, cost-effectiveness, aesthetic impact, etc).</p>		
11	Heritage	<p>An archival recording of the former public baths shall be conducted prior to demolition.</p> <p>Monitoring shall be carried out during site excavation to observe any archaeological relics.</p>	<p>Prior to demolition</p> <p>During excavation</p>	-
12	Motorcycle and cycle parking	<p>Future <del>Project</del> <b>Development</b> Applications will include the provisions of parking/storage for motorcycles and cycles at the following rates:</p> <ul style="list-style-type: none"> <li>Motorcycles - 1 space per 20 units;</li> <li>Cycle storage - 1space per unit;</li> <li>Visitor cycles – 1 space per 12 units.</li> </ul>	<del>Project</del> <b>Development</b> Application	Detailed applications to be assessed as DAs by Council following repeal of Part 3A.
13	Public Transport	<p>Letters shall be sent to the NSW Minister for Transport and <del>the Sydney Transport Authority</del> <b>Transport for NSW</b> informing them of this residential development and the opportunities it creates to increase in public transport use and a request that existing services are</p>	<p>Prior to first <del>Project</del> <b>Development</b> Application.</p>	Detailed applications to be assessed as DAs by Council following repeal of Part 3A.

Table 14. Revised Statement of Commitments

Item	Issue	Commitment	Delivery	Reasons for change
		<p>extended and intensified in frequency to better serve the Mortlake locality.</p> <p>In addition, further consultation is to occur with <b>Transport for NSW</b> <del>STA</del> on the upgrade and design of the Whittaker Street bus stop.</p> <p>It is also proposed to undertake further consultation with Canada Bay Council regarding the implementation of a car share scheme.</p>		
14	Travel Access Guide	A Travel Access Guide shall be prepared for the future residents and visitors to the area.	Prior to Occupation of first Stage.	-
15	Water Quality Maintenance	<p>The following on-going maintenance schedule for water quality systems shall be implemented:</p> <ul style="list-style-type: none"> <li>▪ 6 Monthly – Inspection of Bio-retention basis and removal of any coarse sediments, litter and other gross pollutants, replacement of vegetation as necessary.</li> <li>▪ 3 Monthly (and after any storm greater than 1 yr ARI) – Removal of trapped pollutants from Gross Pollutant Traps.</li> </ul>	Project Approval – on going.	-
16	Further Approvals	The Proponent commits to obtaining all further statutory approvals such as s.68 Approval under the <i>Local Government Act 1993</i> for any connection to Council's stormwater infrastructure and s.138 Approval under the <i>Roads Act 1993</i> for works in the road reserve.	Prior to commencement of such works.	-

## Conclusion

This Preferred Project Report (PPR) has been prepared at the request of DPI for the Concept Application for a residential development in Majors Bay, Mortlake. In particular, the PPR:

- Discussed the consistency of the proposal with State and Local Government strategies and policies
- Analysed the concerns raised by government agencies and the public during the exhibition period; and
- Outlined the design response and revisions to the proposal made in response to the concerns raised and assessed the preferred concept put forward for approval by DPI.

The proposed design of the preferred concept is considered to achieve a superior design outcome and will ensure that the impacts on surrounding residents are minimised and managed through mitigation measures where relevant. The urban renewal of the site will significantly improve the existing industrial site, significantly enhance the amenity and environmental aspects of the area including significant public open space, and provide housing supply in the Inner West subregion, close to existing transport and services.

### Consistency with State and local policies

The proposal is consistent with the objectives of relevant State and local policies, including:

- *NSW 2021: A plan to make NSW number one*
- *Metropolitan Plan for Sydney 2036*
- *Inner West Subregional Strategy*
- *Canada Bay Local Environmental Plan 2008*

The proposal is consistent with existing approved development on the Mortlake peninsula and will assist the government to achieve additional housing in an existing urban area with good access to transport and services.

### Key concerns raised in submissions

The key concerns raised during the exhibition period by government agencies and the public were as follows:

- Traffic and transport;
- Height;
- Density/FSR;
- Parking;
- Environmental; and
- Open space.

These key concerns have been considered and responded to in the PPR. Significant design amendments have been made to address the concerns raised and are considered to achieve a high quality design outcome for the site and the area, with minimal impacts on surrounding neighbours.

### Traffic and transport

The peer review prepared by Traffix concludes that the methodology and conclusions by TTPA are sound and supportable and that the TUP report on behalf of Council is not supportable. The peer review finds that the traffic impacts of the proposal will be

negligible and further analysis indicates that there will not be a change to the level of service of critical intersections around the site such as Bertram Street/Tennyson Road and Bertram Street/Hilly Street as a result of the development.

## Urban design

While the original concept design was considered to be appropriate for the site and consistent with the local character and context, key changes have been made to the design in response to concerns raised during the exhibition period, including:

- The density of the proposal has been reduced. Overall, the GFA of the proposal has been reduced by 882sqm to a total floor space of 38,458sqm. This means a reduction in the FSR from 1.42:1 to 1.40:1.
- The height of the nine storey building has been reduced by 2/3 storeys.
- The publicly accessible foreshore open space has been increased. The foreshore building footprints have been revised to achieve minimum foreshore building line setbacks of 12m, which has resulted in an increase of the foreshore open space by 594sqm to 3395sqm, with the total open space increasing by 600sqm to 5781sqm.
- The provision of onsite parking within the basements has been increased with a doubling of the amount of on-site visitor car parking. The preferred project also proposes fewer street trees to allow for a greater number of on-street parking spaces and parking management measures are proposed to improve existing conditions.

The preferred concept design is considered to fully address the concerns that were raised.

## Key aspects of the Preferred Project

The Preferred Project Application seeks the Minister's consent for the following:

- The use of the site for the purposes of Residential Flat Buildings (RFBs) and associated open space;
- Building envelopes (height, footprints, basements, setbacks) for 15 RFBs with heights up to RL39.80m;
- Gross Floor Area of 38,858sq.m;
- 391 residential units;
- Parking rates of 0.5 spaces/1 bedroom unit, 1 space/2 bedroom unit, 1.5 spaces/3 bedroom unit, 1 visitor space/5 apartments (total of 702 car parking spaces, including 78 visitor spaces based on indicative unit mix).

The preferred concept design is considered to be an excellent outcome for the site and the area and is recommended for approval.



## Appendix 1 – Preferred Project letter request from DPI

## Appendix 2 – Summary of agency submissions and responses

## Appendix 3 – Revised Traffic Assessment – Transport and Traffic Planning Associates

## Appendix 4 – Traffic Peer Review and Analysis – Traffix

Appendix 5 – Assessment of SREP (Sydney Harbour  
Catchment) 2005

Appendix 6 – Urban design report – Cox Richardson  
Architects

## Appendix 7 – Revised plans



## Appendix 8 – Consultation evening display boards

## Appendix 9 – Community consultation report – Linchpin Communications

## Appendix 10 – Council material

## Appendix 11 – Inner West Courier articles

## Appendix 12 – Summary of public submissions and responses

Appendix 13 – Independent town planner consultation  
report – Shanahan planning

Appendix 14 – Community opinion research – Crosby  
Textor



Appendix 15 – Surveys of existing development in the area  
– William Backhouse

## Appendix 16 – GoGet letter of support

Appendix 17 – Stormwater Management and Sea level  
Rise Report – Worley Parsons