

MODIFICATION REQUEST:

Breakfast Point Concept Plan 2005 MOD 4

Breakfast Point, Canada Bay



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

December 2013

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EXECUTIVE SUMMARY

On 7 April 2006, the then Minister of Planning approved the *Breakfast Point Concept Plan 2005* for the redevelopment of a portion of the Breakfast Point site for a mixed use residential/commercial/retail development.

This is a report for a proposal pursuant to Section 75W of the *Environmental Planning and Assessment Act 1979* seeking to modify the *Breakfast Point Concept Plan 2005* (as approved) as follows:

- replacement of the approved Seniors Housing (227 dwellings equating to 509 beds) within 4 approved building envelopes to accommodate 400 residential dwellings;
- adaptive reuse of the Plumber's Workshop for residential apartments;
- increase the dwelling cap from 1189 dwellings to 1589 dwellings;
- retention of existing approved envelopes with external design changes including introduction of flat roof form for Buildings 7D2, 7D3 and 7D4 resulting in an additional storey to these buildings (total 6 storeys);
- increase the number of car spaces within the Seashores Precinct from 304 to 510 car spaces; and
- provision of a 300m² precinct facility for the Seashores Precinct containing a gym, swimming pool and amenities.

The proposal will result in an increase of a 173 dwellings, provided within the existing approved maximum Gross Floor Area for Breakfast Point.

The proposal was publically exhibited from Wednesday 17 July 2013 to Friday 16 August 2013 (30 days). The Department received a total of 95 public submissions in response to the application. Of these 1 submission supported the development, 2 submissions requested further clarification on the proposal and 92 submissions objected to the development.

Key issues relate to the impacts associated with the proposed additional density including traffic and car parking impacts, impacts on amenity and the need for increased infrastructure/ community facilities.

Canada Bay Council raises no objection to the proposal.

The Department has assessed the merits of the proposed modification taking into consideration the issues raised in all submissions. On balance, the Department considers that the proposal will:

- result in a quality development providing additional housing choice in an existing and established residential housing estate;
- maintain and provide for sufficient open space and facilities (existing and proposed) to cater for the additional demand generated by the increased density;
- satisfactorily safeguard the amenity of surrounding residents and is compatible with the surrounding uses; and
- conserve the heritage significance of the Plumber's Workshop building.

The proposal remains generally consistent with the overall design intent. The Department is satisfied that the impacts have been satisfactorily addressed within the proposal and Department's recommended conditions. The Department considers that the proposed modification is reasonable and consistent with the existing approval. The proposal is therefore recommended for approval subject to recommended conditions.

As more than 10 public submissions objecting to the proposal have been received, the proposal is referred to the Planning Assessment Commission for determination.

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1. BACKGROUND

1.1 The Site in Context

Breakfast Point has an area of 51.82 hectares and is located on the Mortlake/Breakfast Point Peninsula, approximately 9km west of the Sydney CBD (**Figure 1**). The site is within the Canada Bay LGA and is shown in **Figure 2**.



Figure 1: Breakfast Point in context of Sydney



Figure 2: Breakfast Point in context of locality

1.2 Breakfast Point Concept Plan 2005

The City of Canada Bay Council (Council) adopted the *Breakfast Point Master Plan* in 1999 which proposed 1650 residential dwellings and 18,800m² of commercial uses. The Master Plan was amended by Council in 2002 to allow for 1,865 dwellings and 12,300m² of commercial uses on the site. Until 2005, the Council was the consent authority for the Breakfast Point site, and granted a number of consents under Part 4 of the Environmental Planning and Assessment Act, 1979 (EP & A Act), approving 880 dwellings. The area covered by the Master plan is shown in **Figure 3**.

On 31 August 2005, the then Minister for Planning assumed the role of approval authority for outstanding development at Breakfast Point under the former provisions of State Environmental Planning Policy (Major Projects) 2005.

On 7 April 2006, the then Minister of Planning approved the *Breakfast Point Concept Plan 2005* for the redevelopment of a portion of the Breakfast Point site for a mixed use residential/commercial/retail development comprising the following (in addition to the approvals granted by Council):

- 176,222m² of GFA including 1,519m² of non-residential GFA;
- 989 dwellings; and,
- subdivision into Torrens Title and Strata Lots.

The area covered by the Concept Plan is shown in **Figure 3**. Condition 7 of the Concept Plan approval allows an increase of up to 200 dwellings (and additional 7,258m² of GFA equating to a maximum FSR of 0.67:1 for the entire Breakfast Point) in addition to the existing approved 989 dwellings, to a total maximum of 1,189 dwellings.

On 4 August 2006, the Director-General approved a 200 dwelling increase, as permitted in accordance with Condition 7 of the approval, resulting in an increase in the maximum dwelling yield from 989 dwellings to 1,189 dwellings. As a result, the total GFA was also increased to 183,480m² equating to a maximum FSR of 0.67:1 for the entire Breakfast Point.

On 18 October 2010, the Executive Director, Major Projects Assessment granted approval to a Section 75W Modification Application to the *Breakfast Point Concept Plan 2005* MOD 1 for:

- the conversion of 4 residential apartment buildings, being Buildings 7D1. 7D2, 7D3, 7D4, within the Seashores Precinct for Seniors Housing accommodating 37,004m² of GFA and 227 dwellings equating to 509 additional bedrooms;
- retention and adaptive reuse of the Plumber's Workshop as a communal facility for the Seniors Housing residents; and
- the redistribution of previously approved dwelling numbers within Buildings 7D1, 7D2, 7D3.
 7D4 of the Seashores Precinct to other buildings within the Seashores (Building 7D5), Plantations, Point and Woodlands North Precincts; and
- provision of a Section 94 Contributions framework for Seniors Housing.

It should be noted no changes to the approved building envelopes for Buildings 7D1, 7D2, 7D3 and 7D4 were proposed or approved.

Two other modifications to the *Breakfast Point Concept Plan 2006* have also been approved by the Department including:

- modification to allow for demolition of the Powerhouse Building and development of 6 residential dwellings subject to a Voluntary Planning Agreement with Canada Bay Council (MOD 2); and
- modification to allow Council to prepare and implement the Community Enhancement Plan required as part of Condition 9 (MOD 3).

SITE ANALYSIS NUR NOON BUILD WINTER AFTERNOON SUN Ē VEWS TO MAJORIS BAY, GLYMERC PARK, BLUE WOUNTAINS FROM UPPER LEVELS 20 WATER VIEW 0.000 10.5 PALM ANNU 80 HO BUILDINGS UNDER CONTTRUCTION 5.0 🕂 CONSTRUCTED ROAD LEVELD CONCEPT PLAN AREA AFFICINED BUILDING MERTACK TEM LEGEND 0.00 VIEWE TOCITY Figure 3: Breakfast Point with Master Plan (Grey) and Concept Plan (Pink) 0000 THOSE IS NOT 5

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1.3 Project/Development Application Approvals

Several project approvals have been granted by the Department for various precincts including the Vineyards, Plantations, Silkstone, The Point, Manors North, Seashores (Building 7D5 only) and Blacksmiths precincts.

A number of Section 75W modification applications have been approved, for redistribution of the remaining dwellings across various buildings through an alteration of dwelling mix/dwelling numbers. To date, the Department has granted project approval for 982 dwellings pursuant to the *Breakfast Point Concept Plan 2005*.

Council has also granted approval to a number of Development Applications for construction of dwellings pursuant to the *Breakfast Point Concept Plan 2005*. This equates to a total of 1,177 dwellings approved pursuant to the *Breakfast Point Concept Plan 2005*.

A summary of approvals to date is provided in **Table 1**. A detailed breakdown of approvals is provided in **Appendices D** and **E**.

Breakfast Point Concept Plan 2005 Approval	1189	
Dwellings approved by the Department	982	
Dwellings Approved by Council	195	
Total dwellings approved	1177	

Table 1: Summary of dwellings approved by the Department and Council.

2. PROPOSED MODIFICATION

2.1 Modification Description

The proposal seeks the following modifications to the *Breakfast Point Concept Plan 2005* (as approved):

- replacement of the approved Seniors Housing (227 dwellings equating to 509 beds) within 4 approved building envelopes to accommodate 400 residential dwellings;
- adaptive reuse of the Plumber's Workshop for residential apartments;
- increase the dwelling cap from 1189 dwellings to 1589 dwellings;
- retention of existing approved envelopes with external design changes including introduction of flat roof form for Buildings 7D2, 7D3 and 7D4 resulting in an additional storey to these buildings (total 6 storeys);
- increase the number of car spaces within the Seashores Precinct from 304 to 510 car spaces; and
- provision of a 300m² precinct facility for the Seashores Precinct containing a gym, swimming pool and amenities for use of a minimum of 50 people located near the Plumber's Workshop.

A comparison between the current approved *Breakfast Point Concept Plan 2005* (as modified) and proposed modifications is provided in **Table 2**.

 Table 2: Development summary of approved Breakfast Point Concept Plan 2005 (as modified) and proposed modification.

	Approved	Proposed	Change
Seniors Housing GFA	37,004m²	0m²	-37,004m ²
Seniors Housing dwellings	227	0	-227
Residential GFA	139,770m ²	175,785m ²	+37,004m ²
Dwellings (excluding Seniors Housing)	1,189	1,589	+400
Non-residential GFA	680m²	680m²	0m²
Developed total GFA	177,454m²	176,465m ²	-989m ²
Total allowable maximum GFA	183,480m ²	183,480m ²	0m²
Total Allowable dwellings	1,416	1,589	+173

A detailed numerical summary of the building heights, dwelling numbers, indicative dwelling mix and indicative car parking for Buildings 7D1, 7D2, 7D3, 7D4 and Plumber's Workshop of the Seashores Precinct as approved and proposed for the *Breakfast Point Concept Plan 2005* is provided in **Appendix F**.

The proposed Concept Plan area indicating the location of the proposed additional dwellings in the Seashores precinct is shown in **Figure 4**.



Figure 4: Concept Plan extract showing proposed modifications to 5 buildings within the Seashores Precinct being Buildings 7D1, 7D2, 7D3, 7D4 and Plumber's Workshop

The Proponent notes the proposed modification seeks to return the use of Buildings 7D1, 7D2, 7D3, 7D4 back to residential as per the originally approved *Breakfast Point Concept Plan 2005*. The Proponent notes the *Breakfast Point Concept Plan 2005* MOD 1 sought to change the approved residential to Seniors Housing for financial reasons at the time. Discussions with the Proponent indicate that the proposed modification has been submitted due to the difficulties associated with the development of the buildings as a Seniors Housing development.

It should be noted the Proponent's response to submissions made the following changes from the exhibited proposal:

- retention of the Plumber's Workshop and adaptive reuse for residential purposes;
- change in indicative dwelling mix between buildings;
- reduction in car parking to reflect change in dwelling mix;
- provision of a 300m² precinct facility for the Seashores Precinct containing a gym, swimming pool and amenities near the Plumber's Workshop;

3. STATUTORY CONTEXT

3.1 Continuation of Part 3A

Under Clause 3C of Schedule 6A to the Environmental Planning & Assessment Act 1979 (the Act), Section 75W of the Act (as in force immediately before its repeal on 1 October 2011) continues to apply for the purpose of the modification of a Concept Plan approved before or after the repeal of Part 3A.

Consequently, this report has been prepared in accordance with the requirements of Part 3A and associated regulations, and the Department may approve or disapprove of the modification to the Concept Plan under Section 75W of the Act.

3.2 Modification of the Minister's Approval

The modification application has been lodged with the Director-General pursuant to Section 75W of the Act. Section 75W provides for the modification of a Minister's approval including "revoking or varying a condition of the approval or imposing an additional condition of the approval".

The Minister's approval for a modification is not required if the project as modified will be consistent with the existing approval. However, in this instance, the proposal seeks to modify fundamental aspects of the Concept Plan approval and therefore, approval to modify the application is required.

3.3 Environmental Assessment Requirements

No additional environmental assessment requirements were issued with respect to the proposed modification, as sufficient information has been provided to the Department in order to consider the application.

3.3 Permissibility

The site is zoned R3 – Medium Density Residential under the Canada Bay Local Environmental Plan 2013 (CBLEP 2013). The proposed residential flat buildings are permissible within the zone.

3.4 Delegated Authority

On 4 April 2013, the Minister delegated his functions to determine modification requests under Section 75W of the EP&A Act to the Department in cases where:

- the relevant local Council has not made an objection, and
- a political disclosure statement has been made, but only in respect of a previous related application, and
- there are less than 10 public submissions in the nature of objections to the proposal.

Council has not objected to the development and a political disclosure statement was made, but only in respect of a previous related application. Notwithstanding, as more than 10 public submissions objecting to the proposal have been received, the application is therefore referred to the Planning Assessment Commission for determination in accordance with the Ministers delegation dated 14 September 2011.

4. CONSULTATION AND SUBMISSIONS

4.1. Exhibition

Under Section 75W of the Act, a request for a modification of an approval does not require public exhibition, however the Department publically exhibited the application from Wednesday 17 July 2013 to Friday 16 August 2013 (30 days) on the Department's website, and at the Department's information centre. Canada Bay Civic Centre and Concord Library. The Department also advertised the public exhibition in the Sydney Morning Herald, the Daily Telegraph and Inner West Courier on 17 July 2013 and notified relevant State government authorities, and Canada Bay Council in writing.

The application and all supporting documentation was placed on the Department's website. This satisfies the requirements in Section 75H(3) of the EP&A Act.

The Department received a total of 95 public submissions in response to the application. Of these 1 submission supported the development, 2 submissions requested further clarification on the proposal and 92 submissions objected to the development.

A further 2 submissions were received from Canada Bay Council (Council) and Transport for New South Wales (TfNSW).

4.2. Public Authority Submissions

The key issues raised in public authority submissions are detailed in Table 3.

Table 3: Summary of public authority submissions

Canada Bay (Council
Proposal	 Council raised a number of concerns with the proposal including: a revised traffic impact report should be submitted which takes into consideration the cumulative impact of the proposed modifications along with other approved developments in the Mortlake / Breakfast Point Peninsula on the surrounding area and road network, in particular the impacts on key intersections in the wider road network and consideration to the likelihood of vehicles utilising local streets as a means to avoid traffic congestion at the intersection of Broughton Street and Crane Street. There is insufficient evidence to support the conclusion that adaptive re-use of the former Plumber's Workshop is either impractical or economically unviable. Without that evidence the former Plumber's Workshop should be restored and conserved through an appropriate adaptive re-use proposal. The developer of the Seashores Precinct should be required to pay development contributions to the Council towards the provision of public amenities and services, and in accordance with the requirements of the contributions plan current at the time of approval. Council is concerned that the proposed flat roof forms will disrupt the visual continuity created by the pitched roofs in the Breakfast Point development. The applicant should be required to provide further information to show the impacts of the change in roof forms, and demonstrate how the proposal meets the Concept Plan's planning
Response to Submissions	 objectives. Council provided the following comments: Council seeks that the Department will undertake the necessary traffic assessment to ensure that the traffic concerns of Council and the community are appropriately addressed. Increased traffic generation through and out of the Mortlake Peninsula is of great concern to Council as several streets in the area are currently exceeding their environmental capacity, without the additional development likely to occur in Breakfast Point and Mortlake. The adaptive reuse of the Plumber's workshop for residential dwellings is supported The proposed flat roof forms in the Seashores Precinct will disrupt the visual continuity created by the pitched roofs in the Breakfast Point development. The Proponent should be required to pay development contributions (s94) to Council towards the provision of public amenity and services in accordance with the development contributions plan current at the time of approval. Contributions should not be directed towards private facilities (such as the Country Club) or outside the scope of what Council's ordinarily include in development contribution plans (s94 plan).
Transport for	NSW (TfNSW) and Roads and Maritime Services (RMS)
Proposal	TfNSW and RMS comment that they raise no objection to the proposed modification.

4.3. Public Submissions

95 submissions were received from the public in response to the proposed modification. Of the 95 submissions, 1 submission supported the proposal, 2 submissions requested further clarification on the proposal and 92 submissions objected to the development. The key issues raised in public submissions is detailed in **Table 4**.

Table 4: Summary of issues raised in public submissions.

Issue	Percentage
Insufficient resident and visitor car parking	71%
Negative impacts, including amenity, from increased density and residents	66%
Increased traffic	63%
Negative heritage impacts, specifically demolition of the Plumber's Workshop which was originally identified to be adaptively reused	58%
Increased infrastructure/ community facility demands	43%
Proposed built form is inconsistent with Breakfast Point, particularly flat roof form and building footprints	42%
Proposal is inconsistent with original plans	41%
Proposal breaches maximum height of buildings approved by increasing the number of storeys	30%
Traffic report is inadequate	28%
Proposal breaches Ministers determination to protect residents amenity and maintain view corridors	27%
Proposal breaches sales contract of original buyers	22%
Proposal breaches dwelling cap in original Council LEP 91	20%
Environmental Assessment lacks detail	15%
Public exhibition was too short	15%
Proposal is not in the public interest	14%
Floor space approved already exceeds Breakfast Point Concept Plan 2005 limit	13%
Seniors Housing is preferred and should be retained	12%
Smaller apartments including 1 bedroom apartments are not supported	12%

Other issues raised in public submissions include:

- the Director General's approval for compliance with condition 7 of the Breakfast Point Concept Plan 2005, which allows for additional floor space including 200 additional dwellings at Breakfast Point, was approved illegally;
- the proposal will reduce the value of existing apartments;
- the supporting documentation to the proposed modification is inaccurate;
- no additional public open space proposed including playgrounds;
- the proposal will allow plant machinery on roof to be visible;
- the increased pressure on public transport;
- safety concerns from increased traffic;
- the Proponent's planner has a conflict of interest;
- adverse amenity impacts including noise, waste, loss of sense of place etc.; and
- increased pressure on existing services.

4.4. Proponent's Response to Submissions

The Proponent provided a response to the key issues raised in all submissions in response to the exhibition of the proposed modification (**Appendix C**). The Department considers that the response to submissions adequately addresses the concerns raised in submissions, subject to recommended modifications to the proposal, as discussed in **Section 5** of the report.

5. ASSESSMENT

The Department considers the key environmental issues for the project to be:

- density;
- traffic and car parking;
- built form;
- residential amenity;
- open space and facilities
- monetary contributions; and
- heritage.

5.1 Density

Public submissions have raised concern with the continued increase in density at Breakfast Point since adoption of the original master plan.

The Breakfast Point Concept Plan 2005 (as approved) allows for the following:

- a maximum Gross Floor Area (GFA) of 183,480m² including 1,519m² of non-residential GFA and 37,004m² of serviced self-care Seniors Housing;
- 1,189 residential dwellings and 227 serviced self care Seniors Housing dwellings; and

Essentially the proposal seeks the replacement of 227 approved Seniors Housing dwellings in the Seashores Precinct with 400 residential dwellings, therefore increasing the maximum number of allowable dwellings by 173 for a total maximum of 1,589 across the Concept Plan site. The proposal will not result in any additional floor space than that already approved.

A summary of the *Breakfast Point Concept Plan 2005* (as approved) and the proposal is provided in **Table 5**.

 Table 5: Development summary of approved Breakfast Point Concept Plan 2005 (as modified) and proposed dwelling numbers and indicative dwelling mix.

	Approved	Proposed	Change
		Dwellings	
Residential dwellings	1,189	1,589	+400
Seniors Housing dwellings	227	0	-227
Total allowable dwellings	1,416	1,589	+173
		Dwelling Mix	Carl Strive and S
One bedroom Apartments	389	578	+189
Two Bedroom Apartments	704	735	+31
3 or more bedroom apartments	323	276	-47
Total Bedrooms	2777	2887	+110

The additional dwelling numbers proposed within the same maximum GFA limit is achieved through:

- an internal reconfiguration of the proposed mix of dwelling types within approved building envelopes to provide for a greater mix of 1 and 2 bedroom dwellings (Table 5);
- an additional storey of apartments provided at the upper storey of approved building envelopes for 7D2, 7D3 and 7D4, through a revised flat roof form (see Section 5.3); and
- adaptive reuse of the Plumber's Workshop building for residential development potentially equating to a 4 storey of residential flat building.

The Canada Bay Local Environmental Plan 2013 (CLEP 2013) does not contain any density or floor space controls for Breakfast Point.

The Department notes the buildings within the Seashores Precinct were originally approved for residential dwellings. *Breakfast Point Concept Plan 2005* MOD 1 approved the conversion of the residential dwellings at the Seashores Precinct to Seniors Housing and increased the density of Breakfast Point via an additional 227 Seniors Housing dwellings. Therefore, the reversion of the Seniors Housing back to residential is consistent with the originally approved *Breakfast Point Concept Plan 2005*.

The Department considers that the key issues associated with additional residential density include:

- impacts to the surrounding locality of the buildings containing the additional floor space;
- impacts associated with the greater densities including traffic and car parking, and residential amenity; and
- sufficient provision of services such as open space, community facilities and the like to cater for the additional population.

The Department considers that the proposed increase in density is acceptable for the following reasons:

- the proposed additional dwellings are largely contained within existing approved building envelopes, with the exception of a change in the roof form of Buildings 7D2, 7D3 and 7D4;
- the approved maximum GFA of 183,480m² is maintained and no additional floor space is proposed from that already approved;
- the additional density will not result in any adverse impacts to traffic and residential amenity for future and existing residents (as discussed in **Sections 5.2** and **5.4**);
- the payment of Section 94 contributions (as discussed in Section 5.5) will assist in the demand for additional infrastructure as a result of the development;
- the proposal is not considered to unreasonably impact upon the adequacy of open space within Breakfast Point, given the site comprises over 15ha of open space which is located on the foreshore of the Parramatta River (as discussed in Section 5.5); and
- the proposed provision of additional services via a 300m² precinct facility for the Seashores Precinct containing a gym, swimming pool and amenities will assists in catering for the additional demand for facilities in Breakfast Point.

5.2 Traffic and car parking

Traffic generation and road capacity

The Department notes that the additional proposed dwelling numbers will create additional vehicle movements to and from the site through the local road network. In order to address this impact, a Traffic Impact Assessment Report (TIAR) was submitted with the proposal to quantify these impacts by assessing levels of service at nearby key local intersections.

A context diagram of the local road intersections and wider road network intersections considered by the TIAR is provided in **Appendix G**.

Council has criticised the TIAR noting it fails to consider the cumulative impacts of the proposed modifications along with other approved developments in the Mortlake / Breakfast Point Peninsula, specifically the Hilly Street development approved for up to 430 apartments. The TIAR also fails to assess the traffic impacts of the proposed development on the surrounding area and road network, in particular the impacts on key intersections in the wider road network and consideration of the likelihood of vehicles utilising local streets as a means to avoid traffic congestion at Broughton Street and Crane Street. A high number of public submissions have also raised concern with traffic impacts resulting from the proposed additional dwellings.

It is noted that TfNSW and RMS raise no objection with the proposed modification.

A supplementary TIAR was submitted in response to the concerns raised and assessed the performance of the wider road network as a result of the proposal and the potential development achieved at the Hilly Street development. This included modelling of key intersections in the wider road network used to access the Mortlake / Breakfast Point Peninsula including:

- Gale Street/Brays Road;
- Burwood Road/ Crane Street;
- Burwood Road/ Gipps Street;
- Broughton Street/Crane Street;
- Broughton Street/ Gipps Street; and
- Zoella Street/ Tripod Street (Appendix G).

The TIAR assesses that the intersections would continue to operate at satisfactory or better levels of service with traffic from the Breakfast Point and Hilly Street developments. A summary of the impact and level of service of key intersections in the wider road network is shown in **Table 6**.

Intersection	Existing delay during peak/ Level of Service	Proposal potential delay during peak /Level of Service
Gale Street/ Brays Road	20 seconds /B	20 seconds /B
Burwood Road/ Crane Street	42 seconds /C	42 seconds /C
Burwood Road/ Gipps Street	25 seconds /B	28 seconds /B
Broughton Street/ Crane Street	25 seconds /B	28 seconds /B
Broughton Street/ Gipps Street	25 seconds /B	35 seconds /C
Zoella Street/ Tripod Street	15 seconds /A-B	15 seconds /A-B

Table 6: Summary of existing and proposal's traffic impact at key intersections in the wider road network

Council in its review notes that it has not assessed the revised TIAR, rather they have sought that the Department undertake the necessary assessment to ensure that the traffic concerns of Council and the community are appropriately addressed.

The Department has reviewed the original and revised TIAR and agrees with its findings. The Department notes that the original TIAR assesses that local intersections (refer to **Appendix G**) will operate with average delays of less than 15 seconds per vehicle during peak periods, representing a continued level of service A-B, with the proposal. The Department also notes that the wider road network will continue to operate at similar levels of service, ranging from A to C, to current with maximum additional delays of 10 seconds at key intersections. The Department is satisfied that traffic generated by the proposed modification can be accommodated in the local and wider traffic network without resulting in any unreasonable traffic impacts.

Car Parking

Public submissions have raised a concern with the lack of car parking currently available at Breakfast Point and the impact of additional dwellings on car parking demand.

The proposed modification seeks to increase the number of car spaces approved within the Seashores Precinct from 304 to 510 car spaces (206 additional car spaces). The additional car parking is proposed to cater for the change in dwelling mix proposed. This is in line with the existing car parking rates approved for the *Breakfast Point Concept Plan 2005* being:

- 1 car space per 1 bedroom apartment;
- 1.5 car spaces per 2 bedroom apartments
- 2 car spaces per 3 bedroom apartment; and
- 1 on street visitor car space per 5 dwellings unless it cannot be provided within 100 metres of the development.

The Department considers that the proposed additional car parking is satisfactory to address the car parking demand as a result of the additional dwellings for the following reasons:

- the proposed modification does not seek to modify the existing approved car parking rates and additional car parking proposed is consistent with the approved car parking rates;
- the car parking rate is consistent with Council's car parking rates for residential flat buildings as prescribed in Council's Development Control Plan; and
- whilst the proposed modification will not result in any adverse traffic impacts to the local and wider road network (as discussed above), any further additional car parking could give rise to additional traffic in the local road network.

5.3 Built Form

The proposed modification seeks to modify the roof form of three buildings within the Seashores Precinct, being Buildings 7D2, 7D3 and 7D4, by introducing a flat roof form at the 6th storey (**Figure 5**). The introduction of the flat roof form proposed at the 6th storey would be in lieu of the habitable attic of the pitched roof space currently allowed for 5 storey buildings else where through out Breakfast Point. The 6th storey will provide for an additional storey of apartments (**Figure 5**). The Proponent notes that the key features to be used to generate the façade for future buildings with a flat roof form are:

- setting the 6th storey back from the walls of the storey immediately below;
- retaining the traditional pitched roof elements and details at 5th storey where possible;
- utilising minimal balustrade treatment to the 6th storey balconies;
- limiting the use of parapet walls; and
- eliminating all service plant areas and access shafts from the roof area.

No changes to the overall building height of these buildings is proposed.

Council is concerned that the proposed flat roof forms will disrupt the visual continuity created by the pitched roofs that generally characterise the Breakfast Point development (**Figure 6**).

In response to Council's concern, the Proponent notes that a number of approvals have been granted at Breakfast Point for flat roof forms (**Figure 7**) which show the variation in character of pitched roofs in Breakfast Point. In this regard, the Proponent contends that overall the proposed changes to the three buildings is insignificant to the overall character of Breakfast Point and conforms to the principle of contrast and variety within a consistent design as outlined in the approved *Breakfast Point Concept Plan 2005*. The Proponent argues that the change in distant views from the river and foreshores to the buildings will be imperceptible to the casual observer. Further the Proponent considers that the proposed 6th storey and roof design is able to be further resolved and delivered with finessed detail, eaves and integration of roof top services in the detailed design of buildings, consistent with the *Breakfast Point Concept Plan 2005*.

The Department has considered Council and the Proponent's comments, and acknowledges the proposed flat roof form may have the potential to impact on the visual continuity created by the pitched roofs in the Breakfast Point development. However, the Department notes the proposed flat roof form has previously been approved in other sites within Breakfast Point and may potentially provide contrast and variety to the Breakfast Point development if well resolved. The Department is therefore of the view that this is a matter of detailed design which is more appropriately considered as part of future Development Applications when a comprehensive design of the three buildings is submitted for assessment. In this regard, the Department recommends a future assessment requirement requiring consideration of the suitability of a flat roof form for Buildings 7D2, 7D3 and 7D4 at Breakfast Point as part of future Development Applications.



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Figure 5: Example comparison of approved pitched roof form (above) and potential flat roof form (below) for Building 7D5 and extracts from the approved and proposed Breakfast Concept Plan 2005.

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Figure 6: Views of Breakfast Point highlighting visual continuity of pitched roof form from the foreshore.





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5.4 Residential Amenity

Internal Amenity

The proposed modification will not alter the building envelopes approved under the *Breakfast Point Concept Plan 2005.* However, the proposal seeks to reconfigure the dwelling mix to allow for a greater number of smaller dwellings contained within the building envelopes which has the potential to impact on the building's ability to achieve a reasonable levels of residential amenity in accordance with *State Environmental Planning Policy 65 – Design Quality of Residential Flat Development* (SEPP 65) and the accompanying *Residential Flat Design Code* (RFDC).

The Proponent has submitted schematic plans demonstrating the ability for potential revised apartment layouts to achieve the rules of thumb under RFDC guidelines relating to solar access, cross ventilation, private open space, building separation, privacy, and internal amenity. The Department is satisfied that the proposal is capable of achieving the aims and objectives of SEPP 65 and the RFDC subject to future detailed design. A further detailed assessment of SEPP 65 will be undertaken as part of future Development Applications.

Impacts to Adjoining Properties

The proposed development seeks to retain the building envelopes approved under the *Breakfast Point Concept Plan 2005.* It is noted that an additional storey of apartments may be provided to Buildings 7D2, 7D3 and 7D4, through the provision of a flat roof form in the approved building envelopes (as discussed in **Section 5.3**).

In this regard, the proposed modification will not result in any material increase in overshadowing, view, noise and visual impacts to adjoining properties, and will be consistent with those considered under the original *Breakfast Point Concept Plan 2005*. Further, the proposal is not considered to detrimentally impact upon the provision of open space within Breakfast Point, given the site comprises over 15ha of open space which is located on the foreshore of the Parramatta River (as discussed in **Section 5.6**).

5.5 Open Space and Facilities

Open Space

Public submissions have raised concern with the proposal's impact on existing infrastructure and facilities including open space.

The Department estimates a forecast population for the whole of Breakfast Point (comprising Breakfast Point Master Plan area and *Breakfast Point Concept Plan 2005* (as approved) area) is 5,290 people based on occupancy rates detailed in Council's draft Section 94 Contributions Plan. Applying the same occupancy rates for the proposal, the area will have a forecast population of 5,485 people equating to an increase of 195 people (3.7% increase) from that currently approved.

Breakfast Point includes over 15ha of open space which is located primarily on the foreshore of the Parramatta River. This does not include the water based usable open space available on Parramatta River. Breakfast Point as currently approved would provide for approximately 28.4m² of open space per person at Breakfast Point. The proposal will provide 27.4m² of open space per person at Breakfast Point, a reduction of 1m² per person in open space provision.

The Department considers that the proposal will result in a marginal increase in demand for open space. It is noted the proposal would provide for an additional \$4,812,560.00 in Section 94 contributions based on Council's draft Section 94 Contributions Plan (as discussed in **Section 5.7**) towards infrastructure upgrades. A detailed breakdown of the distribution of the Section 94 contribution to infrastructure is provided in **Table 7**.

 Table 7: Summary of contributions payable under Council's draft Section 94 Contributions Plan and contribution to relevant identified infrastructure works.

Infrastructure type	Costs of works identified within Plan	Contributions payable by the proposal	Percentage contribution
Community Facilities	\$14,290,000	\$524,497	3.67%
Civil Infrastructure	\$57,150,000	\$509,388	0.09%
Plan Preparation and Administration	\$640,000	\$57,556	8.99%
Open Space and Recreation	\$68,370,000	\$3,721,119	5.44%
Total	\$140,450,000	\$4,812,560	-

The Department notes that the payable Section 94 contributions will provide a significant contribution of 5.44% towards open space and recreation works identified by Council, to cater for the additional demand for open space.

Overall, the Department is satisfied that the proposal will not unreasonably impact upon the provision of open space within Breakfast Point and would offset the marginal increase in demand towards open space by making a significant monetary contribution towards open space and recreation provision works identified under Council's draft Section 94 Contributions Plan.

Facilities

The Department notes that the proposal will result in the loss of a fit for purpose communal facility, accommodated within the Plumber's Workshop, approved to support the Seniors Housing comprising meeting rooms, dining, pool, recreation, administration and ancillary care aspects. The Department notes the communal facility was essential to the operation of the Seniors Housing but is no longer necessary with the removal of Seniors Housing. Notwithstanding, the Department and the community raised concern with the loss of the communal facility.

In response, the Proponent seeks to provide a 300m² precinct facility for the Seashores Precinct containing a gym, swimming pool and amenities, able to accommodate approximately 50 people at any one time, located near the Plumber's Workshop.

The Department considers that a communal precinct facility of this size will have substantial benefit for the future residents and complement the provision of other facilities in Breakfast Point. The Department notes that no plans have been provided for assessment of the facility. The Department considers that this can be assessed as part of future Development Applications given the size of the facility is relative to the approved building envelopes within the precinct. A future assessment requirement has been recommended accordingly.

5.6 Monetary Contributions

The *Breakfast Point Concept Plan 2005* as approved provided a two tiered contributions framework requiring incremental payment of monetary contributions at the time of approval of each Project Application, as follows:

- Condition 8 specifies Section 94 contributions of \$1,830 per dwelling up to 989 dwellings (1,865 dwellings including Masterplan 2002 approved dwellings) payable to Council; and
- Condition 9 specifies monetary contributions of \$7,200 per dwelling for any additional dwellings to a maximum of 200 dwellings (up to 2,065 dwellings including Masterplan 2002 approved dwellings) payable to Council.

It is noted that to date 1,177 dwellings have been approved, pursuant to the Concept Plan, activating the requirement to pay contributions in accordance with Condition 9.

The Concept Plan also requires contributions for the 227 Seniors Housing dwellings to be paid in accordance with Council's current Section 94A Contributions Plan which requires payment of contributions at 1% of the cost of development.

The proposal seeks to replace the 227 Seniors Housing dwellings with 400 additional residential dwellings. The Proponent notes that there is currently no framework for payment of Section 94 Contributions for the proposed additional 400 dwellings under the *Breakfast Point Concept Plan 2005*. The Proponent has therefore sought that payment of Section 94 contributions be paid for the additional 400 dwellings in accordance with Council's Section 94 Contribution Plan current at the time of approval for any future applications. Council agree with the Proponent's request.

The Department notes that Council's current Section 94 Contributions Plan would require payment of contributions as shown in **Table 8**. In addition, it is noted that a draft Section 94 Contributions Plan is also in place and if adopted would require payment of contributions as shown in **Table 8**.

 Table 8: Summary of Section 94 Contributions potentially payable under Council's current Section 94

 Contributions Plan

	Proposed indicative dwelling mix		S94 Contribution March 2012)	Draft S94 Cont	tributions Plan
		Per Dwelling	Potential Payable	Per Dwelling	Potential Payable
1 Bedroom	211	\$5,444.11	\$1,148,707.21	\$9,632.00	\$2,032,352.00
2 Bedroom	159	\$9,898.98	\$1,573,937.82	\$13,712.00	\$2,180,208.00
3 Bedroom	30	\$12,867.89	\$386,036.70	\$20,000.00	\$600,000.00
Total	400		\$3,108,681.17	-	\$4,812,560.00

The Department concurs with Council's and the Proponent's position. The Department notes the contributions to be paid per dwelling under Council's contributions plans are a significant increase from the \$1,830 currently paid under the Concept Plan. Further the Department notes that the contributions payable for the proposal are likely to significantly exceed any contributions payable under Section 94A for the approved Seniors Housing.

The payment of Section 94 contributions will assist in meeting the demand for additional infrastructure as a result of the development. An additional condition has been recommended for payment of Section 94 Contributions for the additional 400 dwellings in accordance with any Council Section 94 Contributions Plan current at the time of development approval for the dwellings.

5.7 Heritage

The Plumber's Workshop, located in the Seashores precinct, is an item listed of heritage significance under the Canada Bay Local Environmental Plan 2013 (CBLEP 2013) (**Figure 8**). The *Breakfast Point Concept Plan 2005* (as modified) identifies the Plumber's Workshop as being proposed for adaptive reuse as a community facility to service the Seniors Housing.

The proposal as exhibited sought to demolish the Plumber's Workshop and allow for development of a residential flat building in its place. Council and public submissions raised objection to the proposed demolition of the Plumber's Workshop. The Department also raised concern with this element of the proposal.

In response to the concerns raised, the Proponent amended the proposal to retain the Plumber's Workshop and adaptively reuse it for residential purposes.



Figure 8: Current Plumber's Workshop viewed from the north

The Department considers that the building holds significant architectural merit to warrant its adaptive reuse for residential development. The overall architectural language of the building is similar in nature to the nearby Blacksmith's Workshop (also a heritage item) and its adaptive reuse is considered to be a positive contribution to Breakfast Point. The Department considers that the adaptive reuse of the Plumber's Workshop for residential purposes is a suitable alternative to a communal facility for the Seniors Housing. The adaptive reuse of the building provides an opportunity to retain the heritage significance of the building whilst restoring the building from its dilapidated state and will contribute to retaining the historical character of Breakfast Point.

The Department notes the restoration and adaptive reuse of the building will be required to be considered in greater detail as part of any future Development Applications for development of the site.

Council have recommended a condition be imposed requiring archival photographic recording and preparation of measured drawings, including plans, elevations, sections and details of windows, doors for the Plumber's Workshop and surrounding site. Council have also recommended that the Archaeological remains of the Fitters', Machinists', Carpenters' building, the single storey building that has been demolished immediately to the north of the Plumber's Workshop, be interpreted in landscape treatment to indicate outlines of the former building. The Department considers that this may be adequately addressed as part of the assessment of future Development Applications and these conditions can be imposed by Council as part of the determination of these applications.

6. CONCLUSION AND RECOMMENDATION

The Department has assessed the merits of the proposed modification taking into consideration the issues raised in all submissions and is satisfied that the impacts have been satisfactorily addressed within the proposal and Department's recommended conditions. The Department considers that the proposed modification is reasonable and consistent with the existing approval.

On balance, the Department considers that the proposal will:

- result in a quality development providing additional housing choice in an existing and established residential housing estate;
- maintain and provide for sufficient open space and facilities (existing and proposed) to cater for the additional demand generated by the increased density;
- satisfactorily safeguard the amenity of surrounding residents and is compatible with the surrounding uses; and
- conserve the heritage significance of the Plumber's Workshop building.

The modified proposal remains generally consistent with the overall design intent and terms of approval and is considered to be acceptable.

It is therefore recommended that the Planning Assessment Commission:

- (a) consider the findings and recommendations of this report;
- (b) approve the modifications subject to conditions under Section 75W of the Environmental Planning and Assessment Act 1979; and
- (c) sign the attached Instrument of Modification for the Breakfast Point Concept Plan 2005 (Appendix H).

Endorsed by:

20/12/13 Daniel Keary

Director Industry, Key Sites and Social Projects

Endorsed by: Lo. 12.13

Chris Wilson Executive Director Development Assessment Systems & Approvals

APPENDIX A MODIFICATION REQUEST

See the Department's website at

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=6044

See the Department's website at http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=6044

APPENDIX C RESPONSE TO SUBMISSIONS

See the Department's website at http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=6044

APPENDIX D SUMMARY OF DWELLINGS APPROVED TO DATE

Total Dwellings under Masterplan 2002 and Breakfast Point (Approvals	Concept Plan 2005
	Dwellings
Pre Concept Plan Approvals (approved under Council's Masterplan 2002)	880
Breakfast Point Concept Plan 2005 Approval	989
Additional bonus dwellings granted pursuant to Condition 7 of Concept Plan	200
Total	2069

Dwellings Approved to Dat	е
Precincts approved by the Department	Dwellings Approved
Vineyards North – approved 2006	110
Vineyards South – approved 2006	118
River Front – approved 2006	25
MOD 1	-1
Country Club – approved 2006	83
The Point (renamed Harbour) - approved 2006	128
MOD 1	30
MOD 2	20
MOD 4	21
MOD 5	23
Plantations – approved 2008	267
MOD 3	18
MOD 5	35
Silkstone – approved 2008	45
Seashores Precinct – Building 7D5	60
Total approved by the Department	982
Total approved by Council	195
Total Approved to date	1117
	(1997 including 880
	dwellings approved
	under 2002
	Masterplan)

APPENDIX E SUMMARY OF BREAKFAST POINT FIGURES

MARKETING NAME	Lot No.	Total FSR		Total Residential I	R.	Total Non-Residential FSR	sidential	Total Dwellings	<u> </u>	Total Bedrooms	<u>د</u>	4 Bedrooms	s	3 Bedrooms	Ľ	2 Bedrooms	Ē	Bedrooms	PARKIN	PARKING (off street)
		Approved	Proposed	Approved F	Proposed A	Approved Pro	Proposed Ap	Approved Pro	Proposed Apl	Approved Propo	Proposed Appr	Approved Prol	Proposed App	Approved Proposed		Approved Proposed	sed Approved	ved Proposed	d Approved	Proposed
Approved/Under Construction/Completed	Stage 1																			
Bellona	Lot 5Bi	7240	7240	7240	7240	0	0	62	62	108	108	0	0	6	6	28	28			
	Lot 5Bii	5953	5953	5953	5953	0	0	55	55	92	92	0	0	9	9	25	25			
	Lot 5C	5804	5804	5804	5804	0	0	45	45	100	100	0 0	0	20	20	15	15			
Indigo & Magnolia	Lot 5G	9114	9114 2674	9114	9114 2674		0 0	98	86	140 66	140 66	0 0	00	0 0	0 0	42	42			
	Lot 5H2	2471	2471	2471	2471	0 0	0 0	21	21	42	42	0 0	00	<u> </u>	റെ	15	15			
nda	Lot 5H3	3492	3492	3492	3492	0	0	90	90	62	62	0	0	00	00	16	16			
th	6A	11100	11100	11100	11100	0	0	83	83	190	190	0	0	24	24	59	59			
ds South	6B	15579	15579	15579	15579	0	0	117	117	277	277	e e	с ·	46	46	59	26			
Acacia Norfolk	Lot 6C1	4763 8772	4763 8772	4763 8772	4763 8772	0 0	0 0	50	00 8	75 146	75 146	0 0	0 0	0 0	0 0	25 58	25 58	30	25 63 30 117	3 63
Is North	6D 6D	15501	15501	15501	15501	. .		110	010	256	256		00	45	45	56	99			
nouses	6E	6708	6708	6708	6708	0	0 0	25	25	76	76	, -	, -	24	24	<u>, o</u>	3 0			
ч	Lot 6Fi	5560	5560	5560	5560	0	0	60	60	06	90	0	0	0	0	30	30			
	Lot 6Fii	5015	5015	5015	5015	0	0	45	45	11	17	-	-	5	5	19	19			
SUC	Lot 7Bii	9710	9710	9710	9710	0	0	91	91	148	148	0	0	9	2	37	37			-
1 Building	Lot 7Bi I ∞t 7Diii	10240	10240	10240	10240	0 0	0 0	100	100	179	179	0 0	00	16	16	47	47			
		5854	585.4	5854	585.0	- C		+ C	+ Cg	2 0	7 0			t C	+ ⊂	0 00	30			
Blacksmiths	Other	450	450	+000 U	+000	450	450	0,0	9 0	06	000	0 0	00	0 0						C 1
Meter Readers	Other	230	230	00	00	230	230	00	0	0 0	0 0	0	00	00	00	00	0 0			
Total Stage 1	Subtotal	138030	138030	137350	137350	680	680	1177	1177	2226	2226	5	5	229	229	576	576	367 31	367 1726	1726
					╏		┨				┨	┨	┨	┨						
Future Stages	Stage 2																			
Silkstone Townhouses																				
6 Townhouses Total Silvetona Townhouses	5CTH	0	1500	00	1500	00	00	9 4	9 4	6 6	18 18	00	00	9	99	00	0 0	0	12	3
		>	000	>	000	>	>	9	þ	<u>o</u>	2	>	>	.	þ	5	>	>		
Powerhouse Site	5K	2420	2420	2420	2420	0	0	9	9	24	24	9	9	0	0	0	0	0	0	12
I otal Powerhouse		2420	2420	2420	2420	0	0	<u>o</u>	9	24	24	<u>e</u>	9	-	0	-	0	0		
Main Seashore Precinct	10.4	11000	10500	c	10500	11000	c	2	10	007	001	c	c	20	c	1	, U			
r Building 5s	Lot 7D2	7800	0092	- C	0092	7800	00	20	001	115	149	0 0	- c	20	0 00	55	5 8			
	Lot 7D3	6800	6700	0	6700	6800	0	4	68	86	104	0	0	14	9	26	24			
	Lot 7D4	8200	7600	0	7600	8200	0	52	100	116	154	0	0	16	9	32	42			
Plumbers Workshop Total Main Seashores Precinct	Lot /D6 Subtotal	2404 37004	2115 34515	00	2115 34515	2404 37004	00	0 227	400	0 209	24 619	o o	- -	0	30 2	128	6 159	22 0	6 0 211 304	1 510
Total Stage 2	Subtotal	39424	38435	2420	38435	37004	0	239	412	551	661	9	6	83	36	128	159	22 2	211 328	534
TOTAL BP Concept Plan Area Masterplan 2002	TOTAL	177454 158532		139770 153373	175785 153373	37684 5159	680 5159	1416 880	1589 880	2777 2334	2887 2334	1 0	t o	312 555	265 555	704 317	317	389	578 2054 8 1603	t 2260 3 1603
BREAKFAST POINT TOTAL		335986	334997	293143	329158	42843	5839	2296	2469		5221	11	11	867	820				586 3657	

NSW Government Department of Planning & Infrastructure

APPENDIX F DEVELOPMENT SUMMARY FOR BUILDINGS 7D1, 7D2, 7D3, 7D4 AND PLUMBER'S WORKSHOP OF SEASHORES PRECINCT

Table 1: Indicative development summary of Buildings 7D1, 7D2, 7D3, 7D4 and Plumber's Workshop of the Seashores Precinct as approved in the *Breakfast Point Concept Plan 2005* (as modified)

Building	Storeys	Dwellings	Dwelling Mix (1/2/3 bedrooms)	Car Parking
7D1	9	81	9/45/27	108
7D2	5	50	5/25/20	70
7D3	5	44	4/26/14	58
7D4	5	52	4/32/16	68
Plumber's Workshop	N/A	0	0/0/0	0
Total in Seashores Precinct (excluding Building 7D5)	-	227	22/128/77	304

Table 2: Indicative development summary of Buildings 7D1, 7D2, 7D3, 7D4 and Plumber's Workshop of the Seashores Precinct as proposed to the *Breakfast Point Concept Plan 2005*

Building	Storeys	Dwellings	Dwelling Mix (1/2/3 bedrooms)	Car Parking
7D1	9	118 (+37)	56/54/8 (+47/+9/-19)	153 (+45)
7D2	*6	100	59/33/8	125
	(+1)	(+50)	(+54/+8/-12)	(+55)
7D3	*6	68	38/24/6	86
	(+1)	(+24)	(+34/-2/-8)	(+28)
7D4	*6	100	52/42/6	128
	(+1)	(+48)	(+48/+10/-10)	(+60)
Plumber's Workshop	**2-4	14 (+14)	6/6/2 (+6/+6/+2)	19 (+19)
Total in Seashores Precinct	-	400	211/159/30	510
(excluding Building 7D5)		(+173)	(+189/+31/-47)	(+206)

*No changes to building height are proposed. The additional storey is achieved through the proposed to be modified flat roof form which facilitates an additional storey of development.

**Internal fitout of existing Plumber's Workshop building will potentially be between 2-4 storeys in height.

APPENDIX G CONTEXT MAP OF ROAD NETWORK



NSW Government Department of Planning & Infrastructure

APPENDIX H RECOMMENDED INSTRUMENT OF APPROVAL