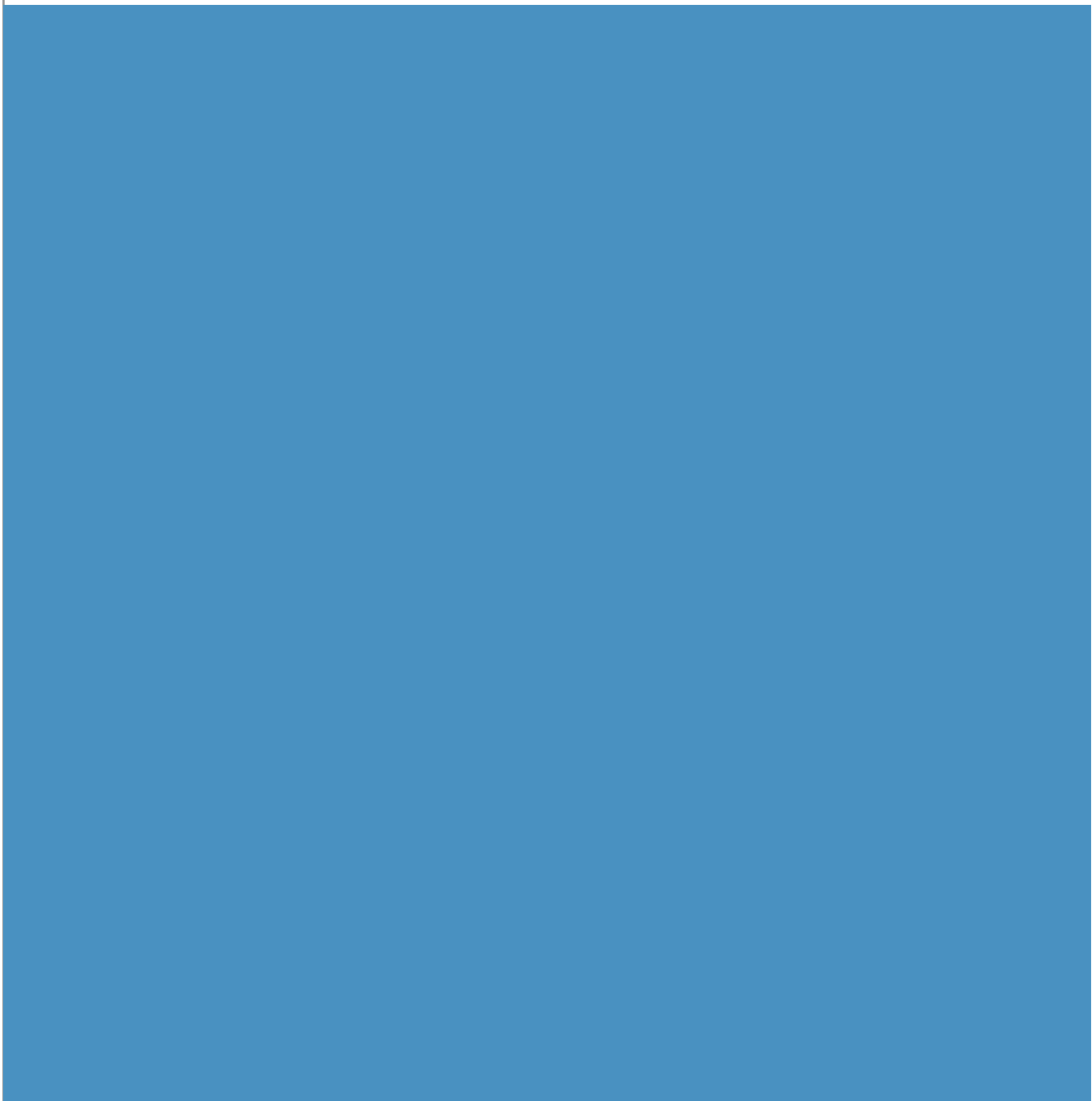


MORTLAKE CONCEPT PLAN  
MPI0-0154  
ENVIRONMENTAL ASSESSMENT

Prepared for:  
Mortlake Consolidated Pty Ltd  
September 2011



### Statement of Validity

Submission of Environmental Assessment

Prepared under Part 3A of the Environmental Planning and Assessment Act 1979

Environmental Assessment prepared by:

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In respect of a Concept Plan Application for Residential Development at Mortlake.

### CERTIFICATION

We certify that we have prepared the contents of the Environmental Assessment and to the best of our knowledge, the information contained in this report is neither false nor misleading.

Signature:

Name: Ben Hendriks

Date:



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## Executive Summary

This Environmental Assessment report (EA) has been prepared by Mecone on behalf of Mortlake Consolidated Pty Limited (the Proponent) to accompany an application made pursuant to Part 3A of the *Environmental Planning and Assessment Act 1979* (the Act) and *State Environmental Planning Policy (Major Development) 2005* (the Major Development SEPP) for Concept Approval of a residential development within the suburb of Mortlake.

The subject site consolidates 24 fragmented allotments over the three core sites equating to a total area of 27,431 m<sup>2</sup>. The subject site is located within the Canada Bay City Council (Council) area.

The Director-General as a delegate to the Minister for Planning, in a letter dated 7 October 2010, has formed the opinion that the project may be considered under Part 3A of the Act and that a Concept Plan may be prepared.

The Concept scheme aims to achieve a development yield of approximately 402 apartment units, which equates to a gross floor area of approximately 39,340 m<sup>2</sup> contained within 14 residential flat buildings ranging in height from 3 - 9 storeys. The project is to be delivered in a staged fashion, with Stage 1 to include access to and improvements to the foreshore.

In accordance with Section 75F(2) of the Act, Director-General Requirements (DGRs) have been issued and the project given an application number being – MPI0-0154.

In response to the DGRs, and as a result of this Environmental Assessment prepared by Mecone, and as assisted by a number of other specialist consultants, the following conclusions have been reached:

- The proposed development is fully compliant with all relevant planning instruments, policies and guidelines, including *State Environmental Planning Policy No 65 – Design Quality of Residential Flat Buildings* (SEPP 65), with the exception of strict numeric compliance with development standards related to FSR and height under *Canada Bay Local Environmental Plan 2008*. The proposal is considered to be entirely consistent with the objectives of these standards, and as a result of such deviations is able to deliver significant public benefits such as enhanced view corridors; a superior outcome in terms of site permeability and connectivity to the foreshore; more open space for residents and land dedication.
- No significant environmental impacts will be introduced as a result of the proposed development.
- The existing road network has the capacity to accommodate any traffic generated by the development without undue impacts on junction performance. Parking is provided at a range, which is considered to be a good balance with Council's DCP, the RTA Guidelines and the Department of Planning's objectives of minimising car parking.
- The former industrial land uses are to be fully remediated and transformed to a state that will be suited for residential development and open space uses. Any potential contaminants contained within the sites may be removed safely.
- Through the amalgamation of 24 fragmented lots and the comprehensive design rationale applied to the consolidated site, the proposed development allows for significant enhancements to the existing dilapidated streetscapes, cohesive site planning and a coordinated approach to site permeability and connectivity;
- The concept design and following project applications will exceed those requirements under BASIX and result in an outcome of superior ESD credentials. This is to be achieved by using the Neighbourhood Communities Tool as a guide to comprehensively respond to such issues.
- The proposal will not result in any adverse impacts on the cultural or archaeological heritage significant of any elements in proximity to the site.

- A potential issue has been raised in the DGRs with respect to the inability to develop sites which are not part of the site, but if included would form a more rationalised site. The designers have conducted a development feasibility exercise, which concludes that the site at the corner of Hilly and Northcote may be developed as a Residential Flat Building of 4 storeys and the other two sites adjacent to Site 2 have recently been approved for residential development.
- The EA includes a number of project commitments to ensure the orderly development of the land.

The proposed development allows for a superior planning and urban design outcome for the following reasons:

- Through the amalgamation of 24 fragmented lots and the comprehensive design rationale applied to the consolidated site, the proposed development allows for significant enhancements to the existing dilapidated streetscapes, cohesive site planning and a coordinated approach to site permeability and connectivity;
- Remediation of existing contaminated industrial lands;
- Demolition of dilapidated industrial buildings;
- Provision of four new or improved view corridors and direct pedestrian connections through the development site to the foreshore;
- The creation of a significant increase in the quantum and quality of public and private open space;
- Creation of a new foreshore park incorporating walkways and cycle ways linking into the existing access infrastructure and Council's strategy for cyclists creating access and connections along the foreshore and across the peninsula;
- The redevelopment of dilapidated under-utilised buildings and land with poor visual amenity characteristics and almost no landscaping, with contemporary residential development. The re-development will incorporate extensive areas of open space and landscaping, which will be of benefit to the future residents and to the wider community;
- Building forms providing a balanced provision of density and height which achieve good levels of sunlight throughout the year to residential apartments on the site whilst optimising views of the water and overall superior levels of residential amenity to future residents;
- The proposed development and building envelopes allow for the creation and augmentation of vista rather than the termination of views;
- The development has the potential to significantly assist Canada Bay Council in meeting its housing target obligations identified in the Inner West Subregional Strategy as part of the NSW Metropolitan Strategy.

## Introduction

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The Concept scheme aims to achieve a development yield of approximately 402 apartment units, which equates to a gross floor area of approximately 39,340 m<sup>2</sup> contained within 14 residential flat building ranging in height from 3-9 storeys.

The redevelopment of the site and its associated public benefits including shared ways, upgrade of waterfront lands, access improvements and enhancement of vistas to the waterfront and provision of public open space, equates to a Capital Investment Value (CIV) of \$144 million. Refer to **Appendix I** for estimated CIV verification from quantity surveyor.

## Proponent and Project Team

The proponent and project team involved in the preparation of this EA are as follows:

**Table I.** Proponent and Project Team

Proponent	- Mortlake Consolidated Pty Ltd
Urban Planning and Project Coordination	- Mecone
Urban Design and Architecture	- Cox Richardson
Landscape Architecture	- Taylor Brammer
Surveyor	- William L Backhouse Pty Ltd
Heritage	- Urbis
Water Cycle Management	- Worley Parsons
Traffic and Transport	- TTPI
Quantity Surveyor	- Highgate Management Pty Ltd
Geotechnical and Salinity	- Aargus Environmental
Contamination	- Aargus Environmental
Accessibility	- Accessibility Solutions
Acoustics	- SLR Heggies
Wind	- SLR Heggies
ESD	- Surface Design
Community Consultation	- Straight-Talk

This report includes the following information relevant to the proposal:

- Site context and analysis,
- Outline of the concept scheme and a description of the extent to which Concept Approval is sought,
- Review of applicable planning controls,
- Environmental Assessment including a response to the DGRs, and
- Draft Statement of Commitments.

## 1.2 Background

Prior to commencing the planning process the Proponent held extensive discussions with Council in relation to developing the site. The discussions were held with all levels of Council including Council officers, committees and the Councillors.

The Proponent considered lodging a development application with Council for the site, which included a density of around 1.5:1 and with heights of up to 9 storeys using *State Environmental Planning Policy No. 1 – Development Standards* (SEPP 1) to address breaches to development standards related to height and FSR. The discussions with Council also included the incorporation of a Council laneway and small car park, however this required the Council land to be reclassified under the *Local Government Act 1993* (LG Act 1993) and the resultant time required by Council to complete this process resulted in the proposed development application not being carried through.

Following consultation with Council in December 2009, and Council's recommendation to the Proponent that a submission be made for Council to consider a site specific amendment to the draft Local Environmental Plan to increase the aforementioned development standards to accommodate the proposed development. Such a submission was prepared and in November 2010 Council resolved not to make any such changes to the instrument where the development of such land was to be privy to an application made under Part 3A of the Act, as is this case.

However, the clear feedback received from extensive meetings with Council was that of support for the proposed development of the site in a coherent, master planned approach through consolidation of multiple parcels of land. It was acknowledged that this would result in greater public benefit than an ad hoc approach to multiple applications across the many land parcels, which would not enhance the local urban environment to the same degree.

In addition, discussions with Council provided a guide in preparation of the proposal, which included the following broad assessment criteria:

- Increase in height to allow creation of additional view corridors and public access foreshore and creation of public open space to foreshore;
- Enhancement of roads and streetscapes;
- Public views and access to foreshore from Hilly Street;
- Public visibility of the site from a range of viewpoints determining appropriate scale of development;
- Relationship of site to existing surrounding development;
- Relationship of proposal and site to foreshore;
- Determination of appropriate land uses in relation to surrounding land uses, availability and location of services and shops;
- Local and regional road network connections; and
- Potential to provide critical mass in order to achieve a greater patronage on public transport, resulting in an increased frequency and services of public transport in the area.

In its preliminary consideration of the concept proposal, Council engaged Peter Stronach, (a member of Council's *State Environmental Planning Policy No 65 – Design Quality of Residential Flat Buildings* (SEPP 65) panel and expert consultant) to review the scheme against the design principles of SEPP 65 review. Mr Stronach reported to Council that the proposal achieves SEPP 65 principles.

It is our understanding from discussions with Council that it acknowledges that in order to achieve the significant public benefits such as foreshore access linkages and open space improvements, the development requires an overall height and FSR greater than the existing controls. The ability to achieve the greater height and FSR offsets the site establishment works, which in turn also provides for greater public benefits and an improved planning outcome, including but not necessarily limited to:

- Greater access to foreshore;
- Provision of share ways for pedestrians and bicycle uses;
- Extension of public foreshore access;
- Provision of public open space;
- Creation of additional view corridors and public access foreshore and creation of public open space to foreshore; and
- Enhanced roadways and streetscapes.

### 1.3 Community Consultation

In terms of Community Consultation, the future strategy of which is discussed at Section 4 of this EA, a Display and Discuss Session was held on 13 December 2010, between 7.30pm and 9.30pm at a local venue. The event was notified widely by placing an advertisement in the local newspaper.

The presentation material included A1 sized boards outlining the scheme and the planning process and was attended by the core consultant team to provide any detailed information and record any feedback.

The feedback from all attendees was all supportive and commended the proponent with respect to the improvements to the visual amenity of the area and the open space available to the public.

It is proposed to hold another public consultation event during the formal notification of the project.

### 1.4 Director General's Requirements

The Director General's requirements (DGRs) require that the Environmental Assessment (EA) of the Concept Approval application address the following key issues identified in Table 2:

**Table 2.** Summary Director General's Requirements

MPI0_0154: Summary Director General's Requirements		Section of Report
DGRs		App I
Relevant EPI's policies and Guidelines to be Addressed		
<p>Planning provisions applying to the site, including permissibility and the provisions of all plans and policies as provided at Appendix A of the DGR's:</p> <ul style="list-style-type: none"> <li>▪ NSW State Plan 2010;</li> <li>▪ Draft Inner-West Sub-regional Strategy;</li> <li>▪ Metropolitan Transport Plan 2010;</li> <li>▪ Canada Bay Local Environmental Plan 2008;</li> <li>▪ Canada Bay Development Control Plans;</li> <li>▪ SEPP (BASIX) 2004;</li> <li>▪ SEPP 55 Remediation of Land;</li> <li>▪ Contaminated Land Management Act;</li> <li>▪ SEPP 65 Design Quality of Residential Flat Buildings and Residential Flat Code;</li> <li>▪ SEPP (Infrastructure) 2007;</li> <li>▪ NSW Draft Sea Level Rise Policy Statement (2009);</li> <li>▪ Acid Sulphate Soils Guidelines (1998);</li> <li>▪ Nature and extent of any non-compliance with relevant environmental planning instruments, plans and guidelines and justification for any non-compliance.</li> </ul>		<p>Section 4.1</p> <p>Section 4.1</p> <p>Section 4.1</p> <p>Section 4.2</p> <p>Section 4.2</p> <p>Section 4.1</p> <p>Section 4.1</p> <p>Section 6.7</p> <p>Section 4.1</p> <p>Section 4.1</p> <p>Section 6.4</p> <p>Section 6.7</p> <p>Section 4.1</p>
Built Form and Urban Design		
<ul style="list-style-type: none"> <li>▪ Height, bulk, scale and visual impact;</li> <li>▪ Desired future character with reference to Canada Bay Mortlake Point DCP;</li> <li>▪ Envelope/height contextual studies;</li> <li>▪ View analysis;</li> <li>▪ Design quality – building mass, setbacks, articulation, public domain and landscaping;</li> <li>▪ CPTED.</li> </ul>		<p>Section 6.1</p> <p>Section 4.2</p> <p>Section 6.1</p> <p>Section 6.1</p> <p>Section 6.1</p> <p>Section 6.1</p>
Public Domain/Open Space and Accessibility		

MPI0_0154: Summary Director General's Requirements		Section of Report
DGRs		App I
<ul style="list-style-type: none"> <li>Type, function and landscape character of the various open spaces and foreshore links, including proposed areas of public open space;</li> <li>Pedestrian circulation and linkages between various open areas should be demonstrated in a schematic form, with provision of details regarding access rights, accessibility for able and disabled persons, and legibility of the proposed public open space and foreshore links.</li> </ul>		Section 6.1
Isolated Sites		
<ul style="list-style-type: none"> <li>Amalgamation of the subject land with adjoining sites and steps taken to incorporate adjoining sites, either through purchase or joint venture.</li> <li>The impact on the development potential of isolated sites. The proposal must demonstrate that these sites can be developed independently in accordance with Canada Bay LEP 2008.</li> </ul>		Section 6.10
Environmental and Residential Amenity		
<ul style="list-style-type: none"> <li>Solar access;</li> <li>Acoustic privacy;</li> <li>Visual privacy;</li> <li>View loss;</li> <li>Microclimate issues, such as wind impacts</li> <li>Mitigation measures necessary to achieve a high level of environmental and residential amenity.</li> <li>Potential impacts on foreshore areas.</li> </ul>		Section 6.2
Transport and Accessibility (Construction and Operational)		
<ul style="list-style-type: none"> <li>Transport, shared parking, walking and cycling routes, Transport Map,</li> <li>Measures to promote public transport usage such as Travel Access Guides and STA consultation with regards to potential improvements to infrastructure (bus stop)</li> <li>Measures to mitigate potential impacts on pedestrians and cyclists during the construction stage of the project.</li> </ul>		Section 6.3
ESD		
<ul style="list-style-type: none"> <li>How the development will incorporate ESD principles in the design, construction and ongoing operation phases of the development.</li> </ul>		Section 6.6

MPI0_0154: Summary Director General's Requirements		Section of Report
DGRs		App I
<ul style="list-style-type: none"> <li>Demonstrate that the development has been assessed against a suitably accredited rating scheme to meet industry best practice.</li> </ul>		
Drainage and Stormwater Management		
<ul style="list-style-type: none"> <li>Drainage/flooding issues associated with the development/site, including: stormwater, drainage infrastructure and incorporation of Water Sensitive Urban Design measures and foreshore impacts.</li> </ul>		Section 6.4
Contamination, Human Health Risk and Geotechnical Issues		
<ul style="list-style-type: none"> <li>Contamination and geotechnical issues associated with the proposal should be identified and addressed in accordance with SEPP55 and other relevant legislation and guidance, to include: <ul style="list-style-type: none"> <li>any potential impact on human health; and,</li> <li>risks/hazards associated urban salinity.</li> </ul> </li> </ul>		Section 6.7
Climate Change and Sea Level Rise		
<ul style="list-style-type: none"> <li>Matters related to climate change and sea level rise in accordance with the Draft Sea Level Rise Policy Statement (NSW Government, October 2009)</li> </ul>		Section 6.4
Developer Contributions		
<ul style="list-style-type: none"> <li>The provision of public benefit, services and infrastructure having regard to Council's Section 94 and 94A Contribution Plans, and provide details of any Planning Agreement or other legally binding instrument proposed to facilitate this development.</li> </ul>		Section 7
Consultation		
<ul style="list-style-type: none"> <li>Demonstrate that an appropriate level of consultation in accordance with the Department's Major Project Community Consultation Guidelines October 2007 is to be undertaken and a comprehensive Community Consultation Strategy shall be provided.</li> </ul>		Section 5
Geotechnical and Hydrological Requirements		
<ul style="list-style-type: none"> <li>Geotechnical and Hydrological assessment addressing the proposed excavation methods and support (particularly to Council roads and</li> </ul>		Section 6.9

MPI0_0154: Summary Director General's Requirements		Section of Report
DGRs		App I
infrastructure and the adjoining properties and structures), construction, impact on groundwater, likely vibrations and any requirements for vibration monitoring, and any recommendations for a dilapidation survey.		
Utilities		
<ul style="list-style-type: none"> <li>Assessment of capacity of existing and proposed utility infrastructure and demand of proposal, staging of infrastructure works and Integrated Water Management Plan</li> </ul>		Section 6.11
Statement of Commitments		
<ul style="list-style-type: none"> <li>Draft Statement of Commitments detailing measures for environmental management, mitigation measures and monitoring for the project.</li> </ul>		Section 7
Staging		
<ul style="list-style-type: none"> <li>Staging of the proposed development, including construction and access to areas of private and public open space/ harbour foreshore.</li> </ul>		Section 3.4
Documentation		
<ul style="list-style-type: none"> <li>Site survey;</li> </ul>		App 2
<ul style="list-style-type: none"> <li>Site analysis plan;</li> </ul>		App 3
<ul style="list-style-type: none"> <li>Locality/context plan;</li> </ul>		App 3
<ul style="list-style-type: none"> <li>Architectural drawings;</li> </ul>		App 3
<ul style="list-style-type: none"> <li>Massing Model</li> </ul>		Separate
<ul style="list-style-type: none"> <li>Visual/view analysis;</li> </ul>		App 3
<ul style="list-style-type: none"> <li>Shadow diagrams;</li> </ul>		App 3
<ul style="list-style-type: none"> <li>Landscape and public domain plans;</li> </ul>		App 8
<ul style="list-style-type: none"> <li>Staging plan;</li> </ul>		App 3
<ul style="list-style-type: none"> <li>Storm water/drainage concept plan;</li> </ul>		App 13
<ul style="list-style-type: none"> <li>Traffic and transport study;</li> </ul>		App 12
<ul style="list-style-type: none"> <li>Acoustic report;</li> </ul>		App 10
<ul style="list-style-type: none"> <li>Heritage impact report;</li> </ul>		App 14

MP10_0154: Summary Director General's Requirements	Section of Report
DGRs	App I
▪ Wind Assessment	App 11
▪ Contamination report;	App 17
▪ Construction management plan;	Section 6.11
▪ Geotechnical report	App 18
▪ Ground water assessment report.	App 18

Refer to **Appendix 2** for copy of DGRs, dated 10 January 2011.

## 2 Site Context

### 2.1 The Site

The subject site is located within the former industrial area of Mortlake in the Local Government Area of Canada Bay. Refer to Figure 1 for location of site in Mortlake.

The subject site includes 24 fragmented allotments over the three core sites equating to a total area of 27,431 m<sup>2</sup>, which the proposed scheme will consolidate.

The three core sites have the following site areas:

- Site 1 – 10 483 m<sup>2</sup>;
- Site 2 – 2,911 m<sup>2</sup>; and
- Site 3 – 14,037 m<sup>2</sup>.

Table 3 below identifies the allotments by address and formal land description.

**Table 3.** List of allotments

Property Address	Details of Property Reference No.
21 Edwin Street, Mortlake	Lots 63 DP 1937
21 Edwin Street, Mortlake	Lots 64 DP 1937
23 Edwin Street, Mortlake	Lot 1 DP 309043
25 Edwin Street, Mortlake	Lot 2 DP 309043
27 Edwin Street, Mortlake	Lot 3 DP 309043
29 Edwin Street, Mortlake	Lot 4 DP 309043
31 Edwin Street, Mortlake	Lot 5 DP 309043
16-18 Bennett Street, Mortlake	Lot 1 DP 124953
16-18 Bennett Street, Mortlake	Lot 4 DP 1559
16-18 Bennett Street, Mortlake	Lot 15 DP 1559
16-18 Bennett Street, Mortlake	Lot 1 DP 5888807
16-18 Bennett Street, Mortlake	Lots 3 DP 31644
16-18 Bennett Street, Mortlake	Lots 4 DP 31644
16-18 Bennett Street, Mortlake	Lots A DP 356064
16-18 Bennett Street, Mortlake	Lots B DP 356064
20-22 Bennett Street, Mortlake	Lot 1 DP 812692
1 Northcote Street, Mortlake	Lot 1 DP 661962
1 Northcote Street, Mortlake	Lot 1 DP 570384
1 Northcote Street, Mortlake	Lot 4 DP 210632
1 Northcote Street, Mortlake	Lot 6 DP 210632
14 Hilly Street, Mortlake	Lot 101 DP 610982
16 Hilly Street, Mortlake	Lot 21 DP 733003
18 Hilly Street, Mortlake	Lot 200 DP 774260
20-22 Hilly Street, Mortlake	Lot 102 DP 635035

Refer to **Appendix 3** for Survey Plan.

Figure 1. Aerial photo of subject site



Significant upgrading works are proposed within local road reserves and separate approval will be required under s.138 of the *Roads Act 1993* as well as approval to connect to Council's existing storm water drainage system under s.68 of the *Local Government Act 1993*.

## 2.2 Regional and Local Context

The site is located within an area that is characterised by traditional, small-scale industrial developments on long blocks; more recent medium density development and a mix of older detached residential development and.

The historic industrial land uses have been slowly replaced by predominately residential uses with increased density, which are generally 4 to 5 storeys and up to 9 storeys in Breakfast Point and Cabarita.

A comprehensive built form analysis of the height in the surrounding area has been undertaken by Cox and is shown in Figure 3, which indicates that seven buildings (shown in red) have been constructed or approved at a height of nine storeys.

**Figure 3.** Built form and height analysis of surrounding development

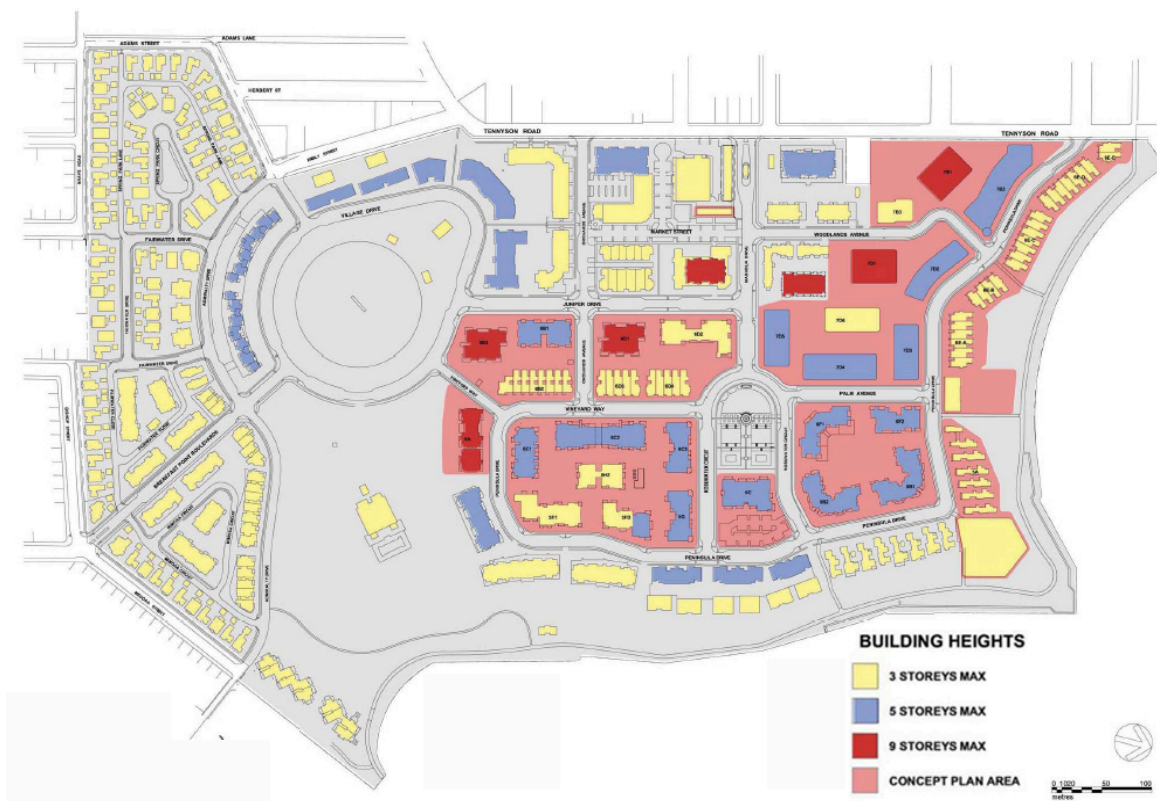


Figure 4.

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The site is in close proximity to a variety of land uses and centres, including:

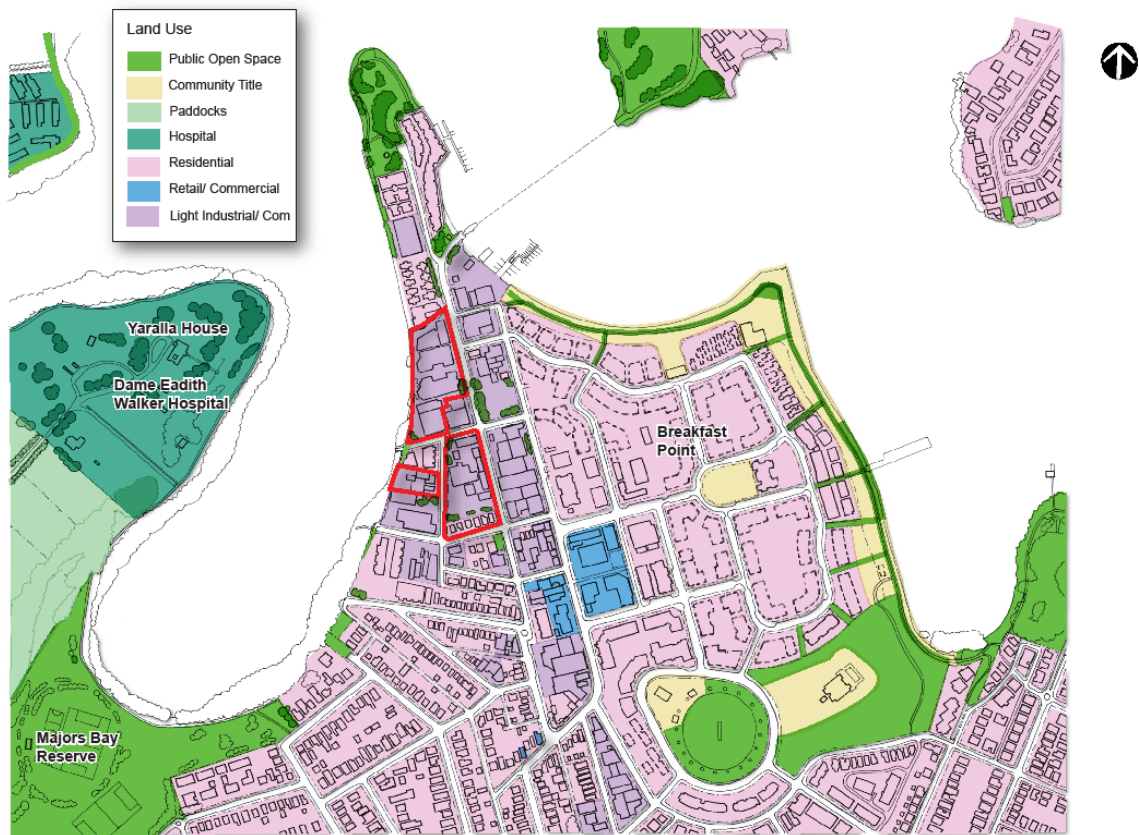
- The residential suburbs of 'Breakfast Point' and 'Cabarita';
- Local retail centres including Breakfast Point, Majors Bay Road Concord, Tennyson Road Mortlake and Brays Road Concord;
- Major retail centres in Rhodes, Top Ryde and Burwood;
- Concord West Train Station;
- Extensive existing parks and recreation facilities including Olympic Park and access to the Parramatta River;
- Educational facilities such as Concord High School; and
- M4 Motorway.

The subject site is within proximity to areas of open space and foreshore access from Majors Bay Reserve to the southwest and Breakfast Point to the east.

Refer to Figure 4 below for surrounding land uses and the location of existing open space in the area. The proposed development will increase the quantum of public open space and the means of accessing such important community assets.

There are no heritage items located within the subject site. Refer to further discussion at Section 5 below with respect to Heritage Assessment.

**Figure 5.** Land Uses and Open space in the local area



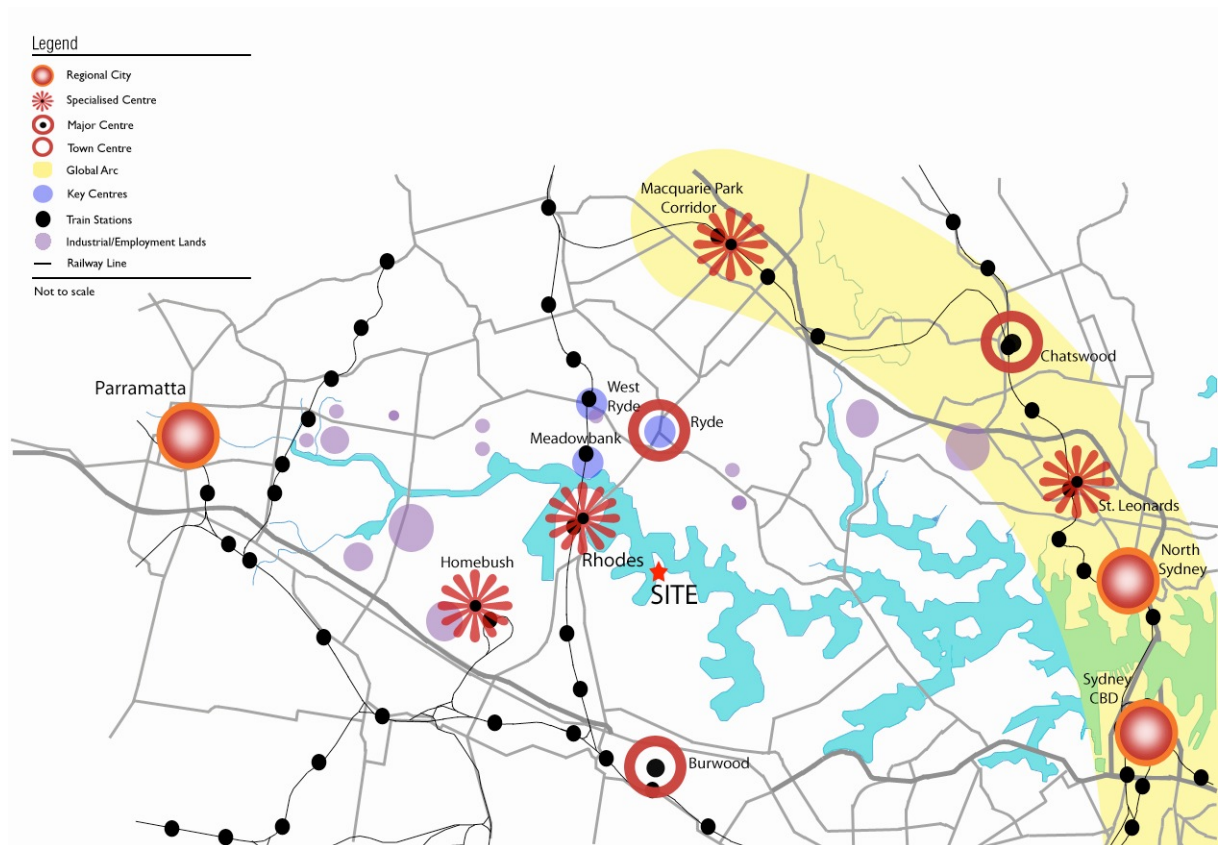
The site is located along the Parramatta River adjacent to the Breakfast Point development and within 3 to 4 kilometres of Homebush Bay and Olympic Park. The site is close to major regional retail centres including Top Ryde and Burwood. Refer to Figure 5 below.

The site has regional road connections to the Sydney CBD (10km), Parramatta CDB (10km), Macquarie Park (8km) and airport via Homebush Drive, Concord Road, Motorway 4 (M4) and Parramatta Road.

Regionally this site represents the last opportunity to consolidate multiple individual lots along the foreshore, affording an opportunity to create a cohesive high quality urban outcome with significant public benefit.

It is among the last sites in the region to be decontaminated and redeveloped for new uses. Along with Breakfast Point, the site is regionally important in providing new housing to achieve State Government and Council strategic planning targets for the provision of additional housing in area.

Figure 6. Regional context map



## 3 Proposed Development

This section outlines the Concept Plan for which approval is sought.

### 3.1 Concept Plan Principles

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

- That the consolidation of multiple fragmented sites 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 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 permitted LEP height having regard to adjacent built form and recently approved developments, some of which extend up to 9 stories, as a means of increasing the quantum and quality of public open space and site permeability; and
- That the proposal shall not 'terminate' views.

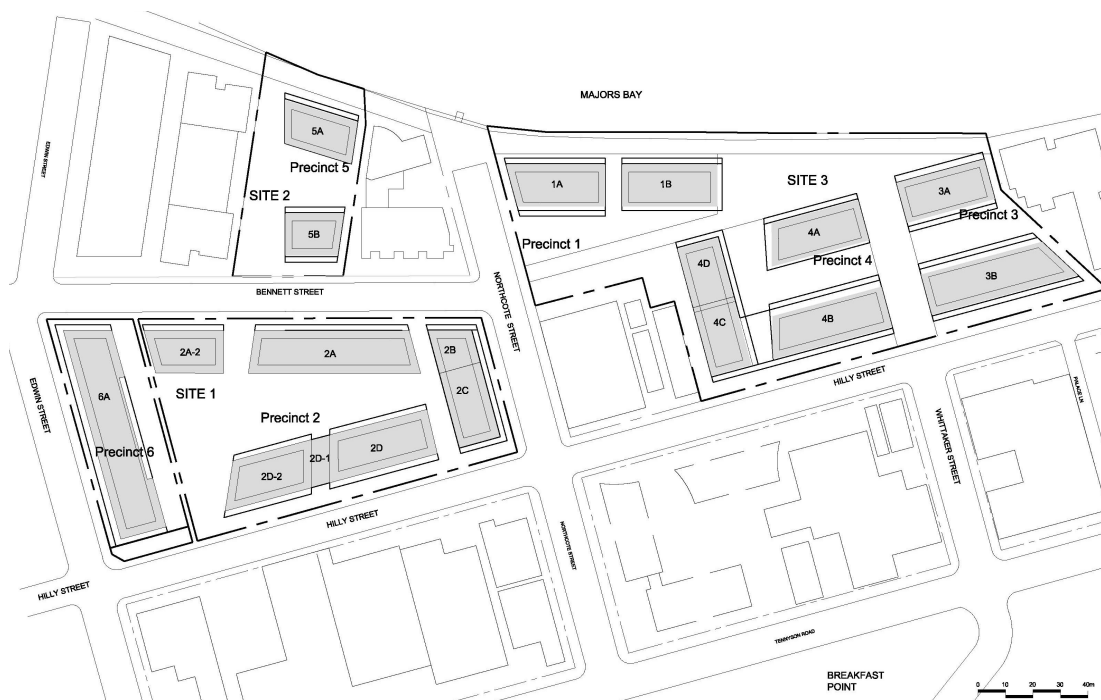
### 3.2 Concept Approval Application

The Proponent is seeking approval for the following Concept Plan elements (refer to **Appendix 4** for architectural plans), including:

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

Refer to Figure 6 below for Site and Precinct Identification Plan.

**Figure 7.** Precinct Identification Plan

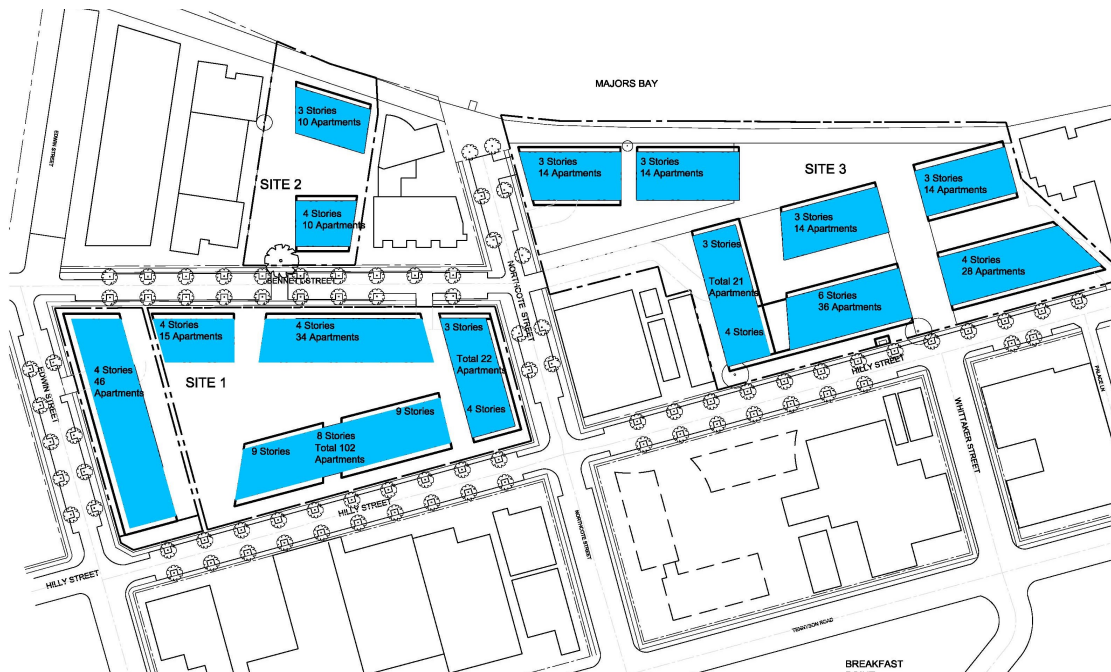


## Building Envelope

- Building envelopes (height, footprints, basements, setbacks) for 15 RFBs with heights varying between 3 and 9 storeys;

Refer to Figure 7 below for Height Plan.

**Figure 8.** Proposed building envelope footprints and heights



## Density

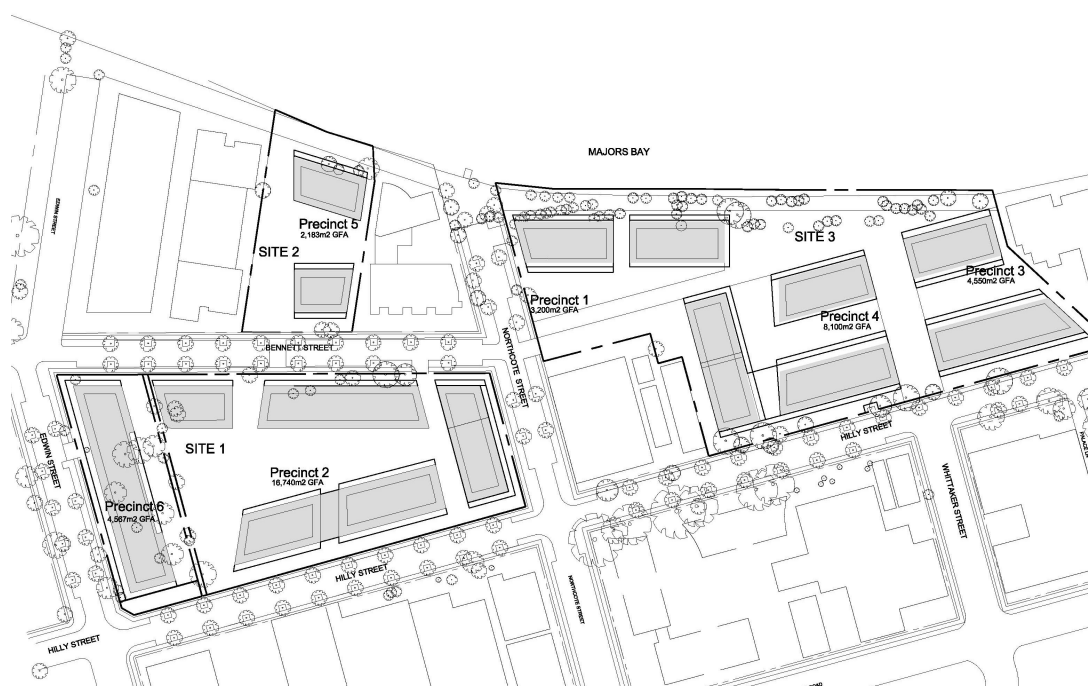
- Floor Space Ratio across the entire site of 1.42:1 (GFA 39,340sq.m) divided as follows:

Table 4. GFA distribution

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 (6,740) Precinct 6 (4,567)	21,307	1.2 : 1
Site 2	2,911	Precinct 5 (2,183)	2,183	0.75 : 1
Site 3	14,037	Precinct 1 (3,200) Precinct 3 (4,550) Precinct 4 (8,100)	15,850	1.13 : 1
<b>Total</b>	<b>27 431</b>	<b>39,340</b>	<b>39,340</b>	<b>1.43 : 1</b>

Refer to Figure 8 below for GFA distribution plan.

Figure 9. GFA Plan



## Car Parking

- Car parking rates as follows:

Table 5. Car Parking Rates

	Minimum	Maximum
1 bedroom	0.5	1
2 bedroom	1	1.5
3 bedroom	1.5	2
Visitors *	1/10 units	1/5 units

\* Including on-street parking

## Landscaping and Public Domain

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

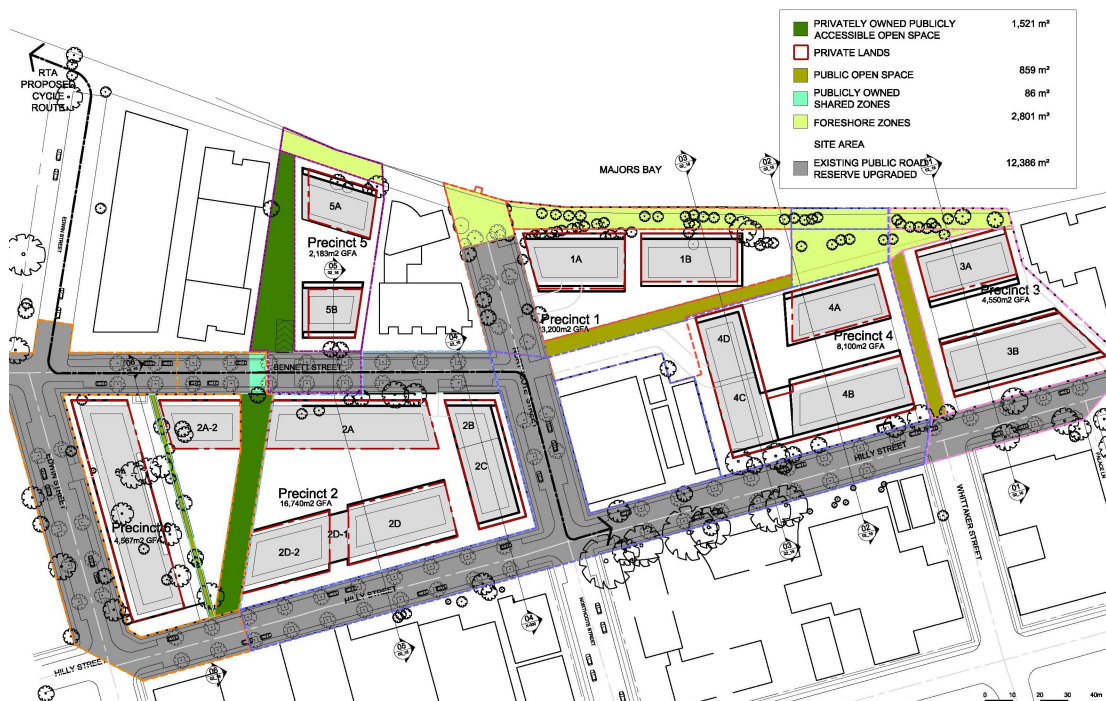
Refer to Landscape Master Plan at Figure 9 below, which also shows foreshore linkages.

**Figure 10.** Proposed landscaping master plan and access routes.



Figure 10 indicates the areas dedicated to public domain. The total amount of foreshore open space equates to 2,801m<sup>2</sup>. This area or a significant amount of it is proposed to be dedicated to Council in preparation of VPA. The exact area to be dedicated is to be negotiated with Council.

**Figure 11.** 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.

### 3.3 Basements

The proposed basements have been carefully designed to service multiple buildings thus minimising driveway entry points. A preliminary 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 11 below.

**Figure 12.** Basement Plan



### 3.4 Staging

The proposed indicative staging of the development concept is set out below at Figure 12.

The Staging Plan includes six stages guided by:

- a number and sequence by the requirements of future residents;
- the ability to provide access to the foreshore at the earliest possible opportunity; and
- to take account of construction impacts, in particular the impact of construction vehicles and to avoid such vehicles using any new roads.

The Staging Plan is indicative and ultimately will be implemented in terms of sequence in response to market conditions. However, as outlined in the Draft Statement of Commitments, and of significance in terms of planning considerations, it is proposed to deliver:

- Stage 1 first, thus providing access to the foreshore and an extension to Northcote Street upfront.
- Each Stage, when commenced will be delivered in full. In other words all roads and open space associated with the buildings in each stage will be completed as part of that stage.

Infrastructure, such as utilities will be provided on staged basis in line with the staging of the overall development.

**Figure 13.** Indicative Staging Plan



### 3.5 Indicative Yield

The proposal comprises an indicative total of approximately 402 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 is provided in Table 6 below.

**Table 6.** Indicative Yield Summary

	No. of 1 Bed	No. of 2 Bed	No. of 3 Bed	Total Apartments
Site 1	33	109	77	219
Site 2	3	11	7	21
Site 3	24	81	57	162
Total	60	201	141	402

Refer to **Appendix 4** for A3 plans of the extracts above, and for other plans containing relevant information, prepared by Cox Richardson. 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;
- Street Access and Addresses.

## 4 Planning Framework

### 4.1 State Planning Framework

The following section outlines and addresses all applicable planning instruments, policies and strategies as relevant to the site and in the context of this Concept Application.

#### 4.1.1 NSW State Plan 2010

The NSW State Plan 2010 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.

The Plan identifies seven key action areas: transport and planning; economy and jobs; education; health; the environment; social and community planning; crime and public safety.

Relevant priority areas which are the responsibility of the Minister of Planning relate to urban growth in centres which are functional and attractive; locating housing closer to employment and improving housing affordability.

Other indirectly related priority areas include the promotion of walking and cycling; increasing the number of people using parks and sporting activities; and improving road safety.

These key priority areas, as they relate to this concept proposal, are reflected in the NSW Metropolitan Plan and Inner West Subregional Strategy, which are discussed in detail below. By addressing these more details related strategies it is submitted that the EA addresses the NSW State Plan 2010.

#### 4.1.2 Metropolitan Plan for Sydney 2036

The Metropolitan Plan for Sydney 2036 (Metropolitan 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 Metropolitan Plan establishes targets and measures to deliver on the strategic directions above. In particular the Metropolitan 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, which would be promoted 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.

*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 increasing 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 in 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.

*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 discussed in Section 6 of this EA, 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.

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

Through the amalgamation of 26 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.

Overall, the proposal is considered to be consistent and supports the relevant key directions and objectives of the Metropolitan Plan.

### **4.1.3 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 Strategy. 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) 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 Programme (MDP) shows that Canada Bay has produced 3,707 dwellings in the five years between 2002/03 to 2006/07, i.e. an average of around 740 p.a. The short term forecasts are 3,990 to 2012 and medium term 3,450, to 2017, i.e. almost 7,500 over a 10 year period, i.e. an average of 750 dwellings p.a. At this rate, the 10,000 dwelling target could be reached by 2020, providing sufficient land is available for this relatively ambitious development program.

In the past 10 years 1998-2008 most dwellings came from Rhodes Peninsular (1,845 dwellings) and Breakfast Point (940 dwellings).

Canada Bay's sites for major potential residential redevelopment (from the MDP 2004 Atlas) are:

- Rhodes 4,450
- Breakfast Point 1,695
- Strathfield Triangle 500
- Dulux factory site 98
- Birkenhead 50

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.

#### **4.1.4 NSW Metropolitan Transport Plan 2010**

The Metropolitan Transport Plan updated February 2010 supersedes the Urban Transport Statement 2006. The Metropolitan Transport Plan provides a strategic planning framework for:

- a 25 year vision for land use planning for Sydney, and a 10 year fully funded
- package of transport infrastructure to support it;
- the establishment of a new Sydney Metropolitan Development Authority to work across State agencies, local government and the private sector to deliver new housing, infrastructure and investment in key centres and corridors;
- a commitment to building Parramatta as our second CBD, and recognition of its role as an essential transport interchange for Western Sydney;
- an historic partnership between the City of Sydney and the NSW Government related to integrated land use planning, infrastructure and funding in Central Sydney.

The following table provides a summary of the key planning objectives and strategies contained in the Metropolitan Transport Plan of which the proposed concept development is considered to support and assist.

**Table 7.** Metropolitan Transport Plan Summary

Planning Objectives	Strategies
Effectively link Sydney's land use planning with its transport network	Provide 70% of new housing in established areas
Create a working, connected sustainable City	Diversity with a variety of renewed neighbourhoods
Improve quality of life, boost the economy and help face future challenges	Ample transport connections and contain congestion
Integrate with the Metropolitan Strategy providing an effective framework for housing and employment growth and development in Metropolitan Sydney	Concentrate development and supporting transport services in centres and make better use of existing infrastructure

Also refer to the detailed transport study in **Appendix 12** and Section 6.3 of this report.

#### 4.1.5 Relevant State Environmental Planning Policies

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

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

The Director-General, in a letter dated 7 October 2010, has formed the opinion that the project may be considered under this Part of the Act and that a Concept Plan may be prepared.

The proposed concept development has a CIV of \$144,170,000. Refer to **Appendix 1**.

##### 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. In addition, SEPP Infrastructure states that a consent authority must not grant consent to major development if the development would have an adverse affect on the viability of the proposed Sydney Metro.

The proposal meets all relevant Infrastructure SEPP requirements. Refer to **Appendix 12** for detailed traffic report prepared Traffic and Transport Planning Associates by and refer to Section 6.3 for the assessment of traffic generated by the development.

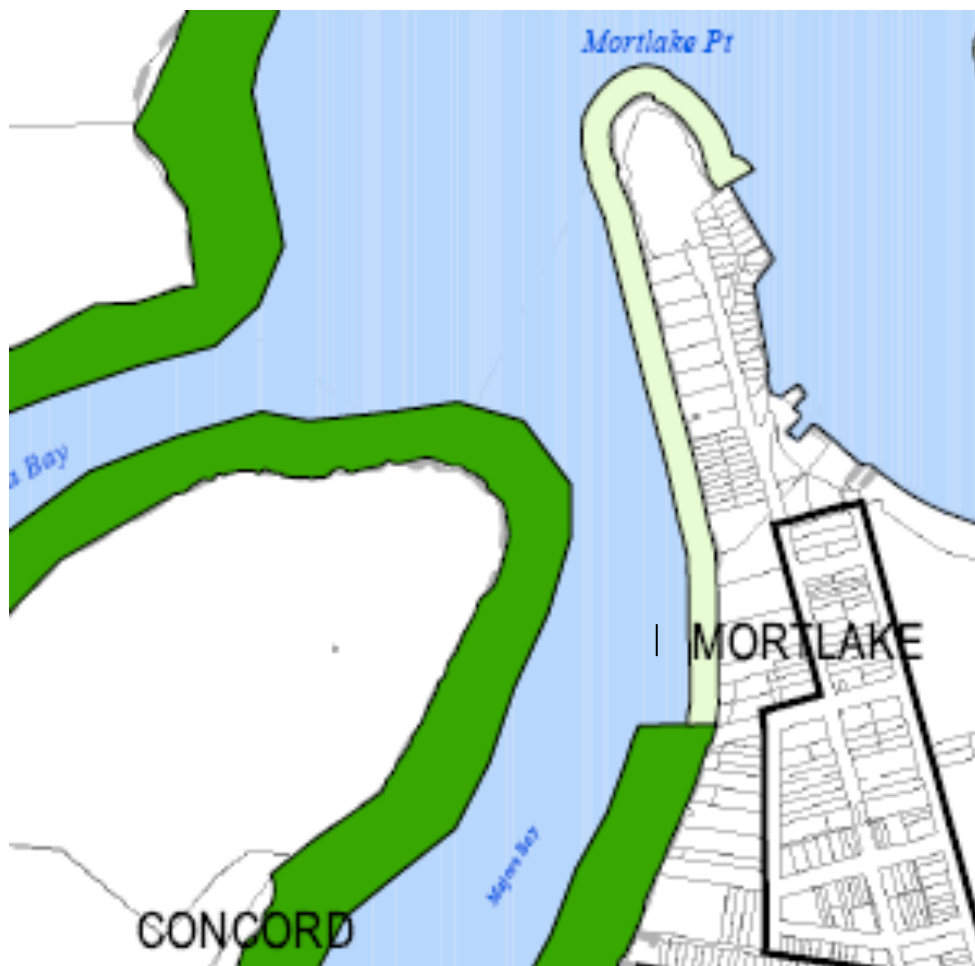
## Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

The *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005* (SREP (Sydney Harbour Catchment)) 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 (Sydney Harbour Catchment) land use maps identifies that land along the foreshore adjacent to Site 2 which 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 13 for Zoning Plan.

**Figure 14.** 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 development is consistent with the land use objectives and provisions of the SREP.

## 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 Major's Bay Development supports this policy in encouraging higher-density residential development.

## 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. A detailed assessment can be found in section 6.7 of this report.

We note that the DGRs require the preparation of a Stage 1 Preliminary Contamination Assessment. The assessment undertaken by Aargus is a Stage 2 Assessment and goes 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.

Due to the geology of the site, in terms of there being a substratum of sandstone bedrock, and the absence of significant groundwater flow rates, contamination, whilst present, is contained to the subject site and may be removed and disposed of safely. The decontamination of the site, particularly the former paint manufacturing site, is considered to be of significant public benefit.

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.

Refer to further discussion below with respect to contamination, site salinity and hazardous materials removal issues, which have been addressed in detail and none, which would hinder the residential redevelopment of the site.

## 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.

As previously discussed, Council has received advice from Peter Stronach, (expert SEPP 65 consultant and SEPP 65 panel member of Council), that the concept design is considered to be satisfactory in this respect.

Cox Richardson Architects through their preparation of a detailed Urban Design Study and provision of a *design verification statement*, (as provided at **Appendix 5**), has also carried out a comprehensive assessment of the scheme against SEPP 65 and conclude that the concept proposal satisfies all relevant requirements of SEPP 65.

Detailed discussion can be found in section 6.1 of this report.

## 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 compliment and augment State sustainability initiatives such as BASIX, an ESD strategy has been prepared for this project and is discussed in detail in section 6.6 of this report. 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.

## 4.2 Local Planning Framework

### 4.2.1 Canada Bay Local Environmental Plan 2008

#### Zoning

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.

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 for housing and other permitted development summarised in the table below.

**Table 8.** R1 - Residential General – Consideration of other permitted development types

Objectives	Permitted Development Type	Comment	Compliance
<p>R1 - Residential General Objective 1</p> <p><i>To provide for the housing needs of the community.</i></p>	<p>The permitted uses related to housing includes (please note that this list is not the entire list provided in Council's LEP):</p> <p>Attached dwellings; Boarding houses; Business premises (other than restricted premises and timber and building supplies); Car parks; Dwelling houses; Multi dwelling housing; Public utility undertakings; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Residential care facilities; Residential flat buildings; Retail premises; Roads; Semi-detached dwellings; Seniors housing;</p>	<p>The proposal will provide a mix of dwellings that will meet the needs of community. The proposed use is permitted within the zone.</p>	✓
<p>R1 - Residential General Objective 2</p> <p><i>To provide for a variety of housing types and densities.</i></p>	<p>As per above</p>	<p>As per above</p>	✓
<p>R1 - Residential General Objective 3</p> <p><i>To enable other land uses that provides facilities or services to meet the day-to-day needs of residents.</i></p>	<p>The zone permits the following uses, which pertain to recreational and other facilities, including:</p> <p>Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Community facilities; Entertainment facilities; Swimming pools; Educational establishments; Child care centres; Places of public worship; Hospitals;</p> <p>Neighbourhood shops; Retail premises; Business premises;</p> <p>Roads; Car parks; Service stations; Vehicle repair stations; Boat launching ramps; Boat repair facilities; Boat sheds; Jetties; Marinas; Telecommunications facilities; Water recycling facilities</p>	<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>	✓

In light of Table 8, we also have reviewed the CBLEP 2008 to ascertain whether there are other specific provisions within the CBLEP 2008 that relate to the zone and the site. The review has found that there are no other specific development standards, 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.

## Heights

The site is currently identified on the CBLEP 2008 height map as being within 'Area M', which defines a maximum development height of 12m.

The proposal seeks a development height of up to 9 storeys with lower scale buildings along the foreshore, with Site 2 being entirely compliant with the LEP height standard.

The objectives of the height standard are as follows:

- *to ensure that buildings are compatible with the height, bulk and scale of the existing and desired future character of the locality,*
- *to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development,*
- *to minimise the adverse impact of development on heritage conservation areas and heritage items,*
- *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 proposed concept design is considered to be consistent with these objectives as follows:

- As discussed in detail in response to the desired future character provisions of the Mortlake DCP, the proposed concept design is entirely consistent with the recommendations of the DCP with regard to future character. Refer to **Appendix 6**.
- The proposed building envelopes will not result in any significant adverse impacts in terms of view loss of overshadowing or privacy.
- There are no heritage items or conservations within or in close proximity to the site. A Heritage Impact Assessment of the proposal, prepared by Urbis (refer to **Appendix 14**), concludes that the concept design will have no significant adverse impacts on items of cultural heritage value. Refer to Section 6 below.
- The proposed development will result in improved views to the Parramatta River from the public domain, which itself will be augmented by the dedication of a public foreshore park. A thorough view analysis has been undertaken by Cox Richardson and is discussed in detail below at Section 6. In summary, the analysis concludes that there will be no adverse impacts on those significant existing views as identified in the Mortlake DCP.

The heights of the proposed building envelopes are considered to be satisfactory given the lack of environmental or amenity impacts the massing will introduce and the public benefits, in the form of improved access to the foreshore and increased levels of open space, that will be available through the design rationale of taller, slimmer buildings. The heights of the higher building forms are not inconsistent with other recently approved developments in the vicinity of the site and sits comfortably in this context. Refer to Figure 3 on page 13 of this report.

## Floor Space Ratio (FSR)

In accordance with Clause 4.4D of the CBLEP 2008, the site currently has a maximum permitted FSR of 0.75:1.

The objectives of the FSR standard under CBLEP 2008 are as follows:

*(1) The objectives of this clause 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.*

The proposed concept design is considered to be entirely consistent with these objectives for the following reasons:

- As discussed in detail in response to the desired future character provisions of the Mortlake DCP, the proposed concept design is entirely consistent with the recommendations of the DCP with regard to future character. Refer to **Appendix 6**.
- There are no heritage items or conservations within or in close proximity to the site. A Heritage Impact Assessment of the proposal, prepared by Urbis (at **Appendix 14**), concludes that the concept design will have no significant adverse impacts on items of cultural heritage value. Refer to Section 6 below.
- The proposed development will result in improved views to the Parramatta River from the public domain, which itself will be augmented by the dedication of a public foreshore park. A thorough view analysis has been undertaken by Cox Richardson and is discussed in detail below at Section 6.1. In summary, the analysis concludes that there will be no adverse impacts on those significant existing views as identified in the Mortlake DCP.

## **FSR Assessment**

The Proponent proposes an average FSR of 1.43:1, with individual sites varying from the complying 0.75:1 to 1.2:1. In addition, similar to the discussion above under 'heights' there is justification and significant benefit gained in achieving a higher FSR than the LEP standard, principally being a means of offsetting the significant costs associated with the remediation of contaminated land and the ability to dedicate large portions of the site to the public.

It is considered that strict compliance with numeric standards; particularly in areas that are experiencing significant urban transformation and regeneration, are not the most significant assessment criteria in such a context. The function of FSR as an assessment criterion is to give the notion of density and building intensity some quantifiable measurement. As will be demonstrated throughout this assessment, the development is considered to be suited to the site and locality and will not result in any significant untoward impacts on neighbouring properties, the local traffic network and through the distribution of the floor space in taller slimmer buildings will result in improvements to view corridors and significant uplifts to the availability of public open space.

The context of other recently approved like development should also be considered in the context of this urban area. The Breakfast Point development sets the most significant redevelopment precedent for the development of the Mortlake Peninsula. Council have cited an approved FSR of 0.7:1 floor space ratio for Breakfast Point. 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 9 below for comparative FSR analysis.

**Table 9.** Approved FSRs in the Breakfast Point Development

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
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 a compliant 0.75:1 FSR in all foreshore sites and for Precinct 12 in its entirety, and reaches a maximum FSR on a site basis 1.2:1. The maximum 1.2:1 FSR for part of the proposed development is much less than the maximum site specific development at Breakfast Point which is 2.84:1.

We therefore consider that the proposed overall FSR of 1.43:1 is satisfactory given the context of recent development on the peninsula and importantly, having regard to the development standard objectives.

## Heritage

Heritage related provisions are provided at Section 5.10 of CBLEP 2008.

There is no State or Local heritage items located on the site, nor is it located in a Heritage Conservation Area. An assessment has been carried out in terms of any potential impacts the proposal may have on heritage items in proximity to the site, of which there are a number.

The Heritage Impact Statement (at **Appendix 14**) concludes that the proposed development concept will have no adverse impacts on the Cultural or the Archaeological heritage significance of the site, surrounding items or land.

Refer to discussion below at Section 6.5 for further detail in this respect.

## Foreshore Access

Clause 6.4 of CBLEP 2008, consideration must be given to extent development may encourage public to and along the foreshore. The specific criteria for consideration are as follows:

- (a) *continuous public access to and along the foreshore through or adjacent to the proposed development,*
- (b) *public access to link with existing or proposed open space,*

- (c) *public access to be secured by appropriate covenants, agreements or other instruments registered on the title to land,*
- (d) *public access to be located above mean high water mark,*
- (e) *the reinforcing of the foreshore character and respect for existing environmental conditions*

The proposed concept design through the provision of dedicated open space along the foreshore; the linking and continuation of existing access routes; the establishment of a cycleway; new pedestrian links to the foreshore and landscaping which is sympathetic to the foreshore character is considered to be entirely consistent and will support these provisions.

## **Foreshore Building Line**

Under Clause 6.5 of CBLEP 2008 a foreshore building line of 12m applies to the development at Sites 2 and 3.

The proposed concept design will be entirely consistent with the overriding objective of this provision, which is to ensure that development in the foreshore area will not impact on natural foreshore processes or affect the significance and amenity of the area.

Development within this area will be limited to landscaping works, cycle ways and walkways, which under Clause 6.5(3) is permitted and will be consistent with the objectives of this provision, which the exception of the following minor encroachments:

- The articulation zones (balconies) of buildings 1A, 1B, 3A and 5B of approximately 2m in depth;
- The north-west most portion of building 3A for a depth of approximately 3m.

These minor encroachments are considered to satisfactory for the following reasons:

- The concept design is considered to be consistent with the objectives of this Clause;
- As per the relevant considerations at sub-clause 3(b), the irregular shape of the site at the north west portion of Site 3 in relation to the foreshore alignment, is a significant constraint to the efficient use of the land;
- The proposed setbacks from the foreshore align with immediately adjacent development making the appearance of the development compatible with the surrounding area
- The proposed setbacks from the foreshore are much greater than those adopted with respect to recent development approved at the northern end of the peninsula.
- The proposed development will not result in any significant environmental impacts with respect to surrounding uses, marine habitat, wetlands and flora or fauna habitats.
- The proposed development will not result in any adverse effects on existing drainage patterns or cause any impacts with respect to siltation or pollution to the waterway.
- The siting of the proposed buildings will not adversely the ability for the foreshore area to be used as a publicly accessible pedestrian and cyclist link, nor will the performance of such important contributions be impinged upon.
- The proposed development, and in particular in this context the siting of the buildings in relation to the foreshore, will not have any significant adverse impact on the cultural and archaeological heritage significance of the site of surrounding area.

On application of CBLEP 2008, the proposed concept design is permitted with consent and is considered to be consistent with all relevant objectives of the existing development standards related to the zone, height and FSR.

Furthermore, the proposal is entirely consistent with the additional provisions related to heritage conservation and foreshore building lines.

#### 4.2.2 Canada Bay Local Planning Strategy

The Canada Bay Local Planning Strategy identifies a short to medium term housing capacity target for the Council area of 10,300 new dwellings.

The Strategy includes a number of objectives and actions in order to achieve to Council's desired outcome. Key relevant objectives and actions have been reviewed in relation to the subject site, including:

**Objective H1 Provide for a mixture of housing types over the short to medium term**

*Action H1 Prepare planning controls that promote a mix of housing types*

*Action H2 Ensure that a proportion of all new residential is adaptable and accessible*

**Comment:**

This application includes heights and an FSR, which will enable greater housing mix in Mortlake. The proposal will also contribute to Council achieving its housing targets as established in its Strategy. The site's ability to generate a mix and quantum of housing that meets the Strategy is by achieved by:

- Consolidating multiple parcels of land; and
- Providing more efficient use of land, without the introduction of any significant adverse impacts.

The aim of the Strategy is to "provide long term direction for the planning of Canada Bay, to assist future decision making in response to population growth and change." While the majority of the Strategy is not related to this proposal an additional assessment against key directions is contained at **Appendix 21** to this Environmental Assessment.

#### 4.2.3 Contribution Plans

The City of Canada Bay has two contributions plans. A summary of the contributions plans is provided below.

**a) Section 94 contributions**

Under Section 94 of the Act and the *City of Canada Bay Section 94 Contributions Plan* (CB S94 Plan) for the Concord Area, Canada Bay Council are able to levy contributions from developers for the provision of public services and facilities required as a consequence of development. Contributions for residential development under this plan will be required for community facilities, open space and recreation, and roads.

The proposed development is expected to claim an offset of contributions for providing material public benefits to Council's satisfaction in accordance with the requirements of the CB S94 Plan for the Concord Area. The proposal provides the following, which may be considered as offsets, including:

- greater foreshore access;
- parks, gardens and open space close to residential areas;
- increased pedestrian networks; and
- increased bicycle paths.

For details on public domain works refer to section 6.1.3 of this report. In addition, refer to section 6.1.3 for justification for project being within public interest, which identifies key items of public benefit.

## b) Section 94A contributions

Under Section 94A of the Act and the *Section 94A Levy Contributions Plan* (S94A Plan) for Council, the maximum levy is 0.1% for development cost above \$200,000 is payable prior to the first certificate issued in respect of the development under Part 4A of the Act.

This plan applies provided that Council does not impose the CB S94 Plan concurrently.

Alternatively, there is a mechanism under section 93F of the Act for the Proponent to enter in to a Voluntary Planning Agreement (VPA) with Council.

Previous discussions with Council have revealed that Council's preference is for a VPA to be entered into in this case. This is because of the substantial public benefit that can be provided by the development, which are not contained in Council's s.94 Plans.

Therefore, we request that the preparation of a VPA or application of Council's Contribution Plan be agreed to prior to detailed subsequent Project Applications on the site.

## 4.2.4 Development Control Plans

### Canada Bay DCP 2008

The relevant provisions of DCP 2008 are adopted within Mortlake Point DCP, which are outlined and addressed below.

### The Mortlake Point Development Control Plan 2007

The Mortlake Point Development Control Plan 2007 outlines the objectives and design requirements for development for the area and to establish the desired future character of the locality.

The proposal development will be generally consistent with the requirements of the DCP, except for height, which we consider to be satisfactory on a merits basis.

With regard to the relevance of such matters to this Concept Application, the Mortlake Point Development Control Plan specifically adopts sections of Canada Bay DCP 2008 with respect to Heritage and Parking and Access, as well as the design principles of the Residential Flat Code under SEPP 65, which is addressed below.

The Residential Flat Code provides more detailed planning and design guidelines and "Rules of Thumb" to support the design principles under SEPP 65. The key guidelines applicable to this assessment are provided in Table 10.

**Table 10.** Residential Flat Design Code – Summary Assessment Table

Control	Proposal	Compliance
Unit depth of 10m-18m	The depth of the units will be generally 16m, excluding balconies.	✓
Min. 25% deep soil planting	A minimum of 25% of the overall site will be suited to deep soil planting.	✓
Communal open space min 25-30% of site area	A minimum of 25% of communal open space will be provided. This will be developed in the detailed landscape design for each stage.	✓
Ground floor open space of min. 25sq.m with min. Dimension of 4m	Able to comply	✓

Control	Proposal	Compliance
Barrier free access to min. 20% units	Able to comply	✓
Max. Driveway width 6m	Driveway widths do not exceed 6m.	✓
Driveways preferably located away from pedestrian entries	Only five driveways are proposed to achieve access to 15 residential flat buildings and have been located where possible away from pedestrian entries.	✓
Unit and balcony sizes (various)	Minimum balcony sizes recommended by the Residential Flat Code will be achieved. Extensive balcony/facade articulation zones have been provided to ensure this can be achieved.	✓
Single aspect unit - max. Depth 8m	Able to comply	✓
Dual aspect units with depth over 15m should have min. Width of 4m	Able to comply	✓
Balcony depth min. 2m	Extensive balcony/facade articulation zones have been provided to ensure this can be achieved.	✓
Min. Floor to ceiling heights 2.7m	Will comply	✓
Corridors should be double loaded	Will comply	✓
Building Separation	The proposed building envelopes and articulation areas will comply with the required separation distances between habitable room windows of between 18m-24m, depending on height.	✓
Storage (min. quantum per unit size 6-10cb.m)	Able to comply	✓
Waste Management	Waste management plans will accompany each future project applications. Generally, waste will be stored in the basement for collection adjacent to the adjoining streets.	✓
70% of units must receive at least 3hrs of solar access to living areas and principal open space between 9am and 3pm mid-winter	Analysis of the built form and the apartment layout assumptions identified in the Architectural Design Report confirm that the scheme can achieve compliance for each precinct and on an overall basis. Refer to further discussion below.	✓
Limit units to SE-SW aspect to 10%	Will comply	✓
Min. 60% units to be naturally cross ventilated.	Will comply	✓

As indicated above, since the application relates to a concept plan, there are a number of these detailed controls, which would be more appropriately resolved during future Project Applications. However, from review of the proposed concept, there would be no impediment to full compliance with these criteria.

The requirements related to Heritage and Traffic is addressed further below at Section 5.

The relevant character statements, requirements, and controls, as relevant to this Concept Application are addressed fully at **Appendix 6**.

In summary however, the proposed concept design is entirely consistent with the all the relevant recommendations arising from the desired future character statement under the Mortlake DCP.

## Canada Bay Council

Prior to commencing the planning process the Proponent held extensive discussions with Council in relation to developing the site. The discussions were held with all levels of Council including Council officers, committees and the Councillors.

The Proponent considered lodging a development application with Council for the site, which included a density of around 1.5:1 and with heights of up to 9 storeys using *State Environmental Planning Policy No. 1 – Development Standards* (SEPP 1) to address breaches to development standards related to height and FSR. The discussions with Council also included the incorporation of a Council laneway and small car park, however this required the Council land to be reclassified under the *Local Government Act 1993* (LG Act 1993) and the resultant time required by Council to complete this process resulted in the proposed development application not being carried through.

Following consultation with Council in December 2009, and Council's recommendation to the Proponent that a submission be made for Council to consider a site specific amendment to the draft Local Environmental Plan to increase the aforementioned development standards to accommodate the proposed development, such a submission was prepared and in November 2010 Council resolved not to make any such changes to the instrument where the development of such land was to be privy to an application made under Part 3A of the Act, as is this case.

However, the clear feedback received from extensive meetings with Council was that of support for the proposed development of the site in a coherent, master planned approach through consolidation of multiple parcels of land, which it acknowledged would result in greater public benefit than an ad hoc approach to multiple applications across the many land parcels, which would not enhance the local urban environment to the same degree.

In addition, discussions with Council provided a guide in preparation of the proposal, which included the following broad assessment criteria:

- Increase in height to allow creation of additional view corridors and public access foreshore and creation of public open space to foreshore;
- Enhancement of roads and streetscapes;
- Public views and access to foreshore from Hilly Street;
- Public visibility of the site from a range of viewpoints determining appropriate scale of development;
- Relationship of site to existing surrounding development;
- Relationship of proposal and site to foreshore;
- Determination of appropriate land uses in relation to surrounding land uses, availability and location of services and shops;
- Local and regional road network connections; and
- Potential to provide critical mass in order to achieve a greater patronage on public transport, resulting in an increased frequency and services of public transport in the area.

In its preliminary consideration of the concept proposal, Council engaged Peter Stronach, (a member of Council's *State Environmental Planning Policy No 65 – Design Quality of Residential Flat Buildings* (SEPP 65) panel and expert consultant) to review the scheme against the design principles of SEPP 65 review. Mr Stronach reported to Council that the proposal achieves SEPP 65 principles.

It is our understanding from discussions with Council that it acknowledges that in order to achieve the significant public benefits such as foreshore access linkages and open space improvements, the

development requires an overall height and FSR greater than the existing controls. The ability to achieve the greater height and FSR offsets the site establishment works, which in turn also provides for greater public benefits and an improved planning outcome, including but not necessarily limited to:

- Greater access to foreshore;
- Provision of share ways for pedestrians and bicycle uses;
- Extension of public foreshore access;
- Provision of public open space;
- Creation of additional view corridors and public access foreshore and creation of public open space to foreshore; and
- Enhanced roadways and streetscapes.

As outlined at Section 6 in the project commitments, it is intended that further consultation be lead by the proponent, prior to the lodgement of individual Project Applications, with Council.

## 5.2 Community Consultation

In terms of Community Consultation, the future strategy of which is discussed at Section 4 of this EA, a Display and Discuss Session was held on 13 December 2010, between 7.30pm and 9.30pm at a local venue. The event was notified widely by placing an advertisement in the local newspaper.

The presentation material included A1 sized boards outlining the scheme and the planning process and was attended by the core consultant team to provide any detailed information and record any feedback.

The feedback from all attendees was all supportive and commended the proponent with respect to the improvements to the visual amenity of the area and the open space available to the public.

It is proposed to hold another public consultation event during the formal notification of the project which had been guided by a Community Consultation Strategy prepared by Straight-Talk as is provided at **Appendix 7**.

The objectives of the strategy are as follows:

- *Engage with a range of stakeholders to identify and understand issues, values and concerns related to the proposal*
- *Create and maintain stakeholder awareness of the proposal and proposed mitigation measures to manage impacts*
- *Incorporate stakeholder feedback into the planning and development process to improve the proposal through possible design, construction and operational measures that could mitigate environmental, economic and social impacts.*

## 5.3 State Agencies

We understand that all State Agencies with an interest in the proposal have been consulted during the preparation of DGRs and that their interests have been included in the assessment criteria. As outlined at Section 6 in the project commitments it is intended that further consultation be lead by the proponent, prior to the lodgement of individual Project Applications, with respect to the following agencies:

- Roads and Traffic Authority;
- Sydney Water;
- NSW Department of Climate Change;

- NSW Office of Water;
- NSW Maritime;
- NSW Transport and Infrastructure;
- Sydney Transit Authority.

It is proposed, as documented in the project commitments, that a letter be sent to the Minister for Transport and the Sydney Transit Authority 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.

Initial discussion with the STA indicated a desire to upgrade the Whittaker Street bus stop. Through further consultation with the STA it was found that the bus stop need only be a designated 30 metre bus stop, which is DDA compliant.

## 6 Environmental Assessment

The following sections addresses those key assessment criteria, aside from the planning policy framework, outlined in the DGRs.

### 6.1 Urban Design

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

- That the consolidation of multiple fragmented sites 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 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 built form and recently approved developments, some of which extend up to 9 stories; and
- That the proposal shall not 'terminate' views.

Cox Richardson has prepared a detailed Urban Design Report, which has guided the concept design development and is provided at **Appendix 5**.

#### 6.1.1 Height, Bulk and Scale

The scheme provides a built form in which low-rise buildings of generally four storeys are located to the lower, waterfront side of the development. To the eastern boundary fronting Hilly Street, two taller buildings are proposed. The taller building forms will relate to the new scale of development introduced to the peninsula by the Breakfast Point development, but will integrate sensitively with the context in a smaller scale than that development and will provide a transition between the areas.

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 benefit. This would not otherwise be achieved if a regular pattern of individual lot development were undertaken.

Public access to the foreshore will be provided via four new connections and new public domain and open spaces will be created throughout the site.

The proposed density from the proposed scheme is based on optimising densities within the environmental and contextual constraints of the site and integrating the new development into the built form context of the surrounding area. In general the scheme achieves compliance with LEP provision for FSR and height across the site, with the exceptions being:

- The taller buildings on Site 1 on Hilly Street, where a taller building will minimise overshadowing on the lower building forms and will optimise opportunities for views both from the new apartments and from the public domain. This design approach will also allow for the creation of more attractive and larger open spaces including a new foreshore park.
- Similarly, the taller building to Site 3 on Hilly Street also introduces benefits related to views and improved solar access over the lower foreshore buildings and is considered to be an appropriate transitional height between this site and the towers in the adjacent Breakfast Point development.

These buildings are provided in a balanced scheme where height is in context with the surrounding developments and is offset by the provision of new open space, and hence improved building separation.

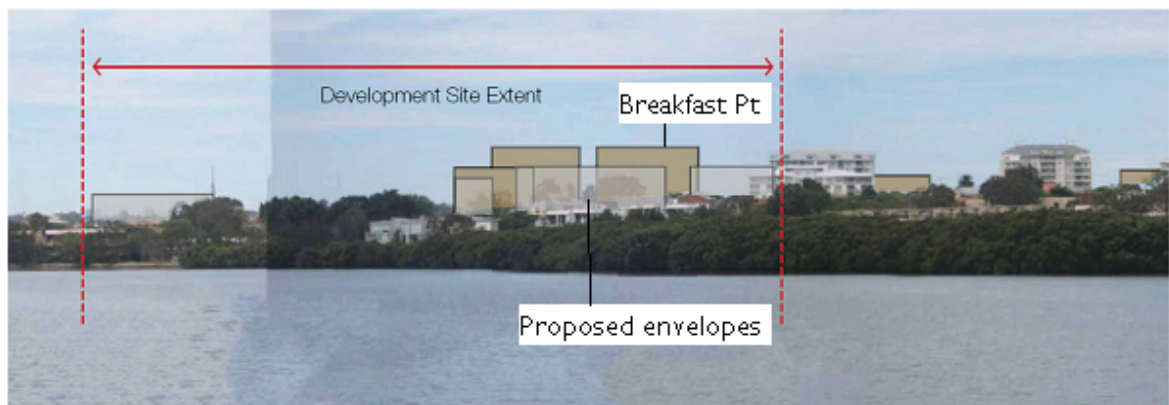
The building envelope sections, provided at **Appendix 4** demonstrate that:

- 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 up to 4/5 storeys 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 heights of up to 6 to 9 storeys along the ridge, which will provide for an appropriate transition between the Breakfast Point development and the site; the site and 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 14, (as extracted from the Urban Design Study, where the grey forms are the proposed envelopes and the tan forms are those approved in the Breakfast Point scheme), the massing of the proposed building envelopes are considered to be sympathetic to the current and approved built form characteristics and respond satisfactorily in this respect.

**Figure 15.** Massing Study



As discussed 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.

### 6.1.2 View Analysis

Cox Richardson 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 5 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 less in scale than the Breakfast Point development, which generally forms a backdrop to the proposed building envelopes. These conclusions are consistent with those related to the heritage assessment at Section 6 below.

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, as further demonstrated in response to the Mortlake DCP assessment at **Appendix 6**, will result in an improved planning outcome with respect to the introduction of new vistas and will not impinge on any existing vistas of significance.

### 6.1.3 Public Domain, Landscaping, Open Space and Accessibility

The proposed landscaping plans, prepared by Taylor Brammer, refer to Figure 15 below, and as provided at **Appendix 8** with accompanying detailed sections and concept design statement, 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 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 16. 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 16 below shows the nature of the streetscape improvement proposed.

Figure 17. Streetscape Improvements

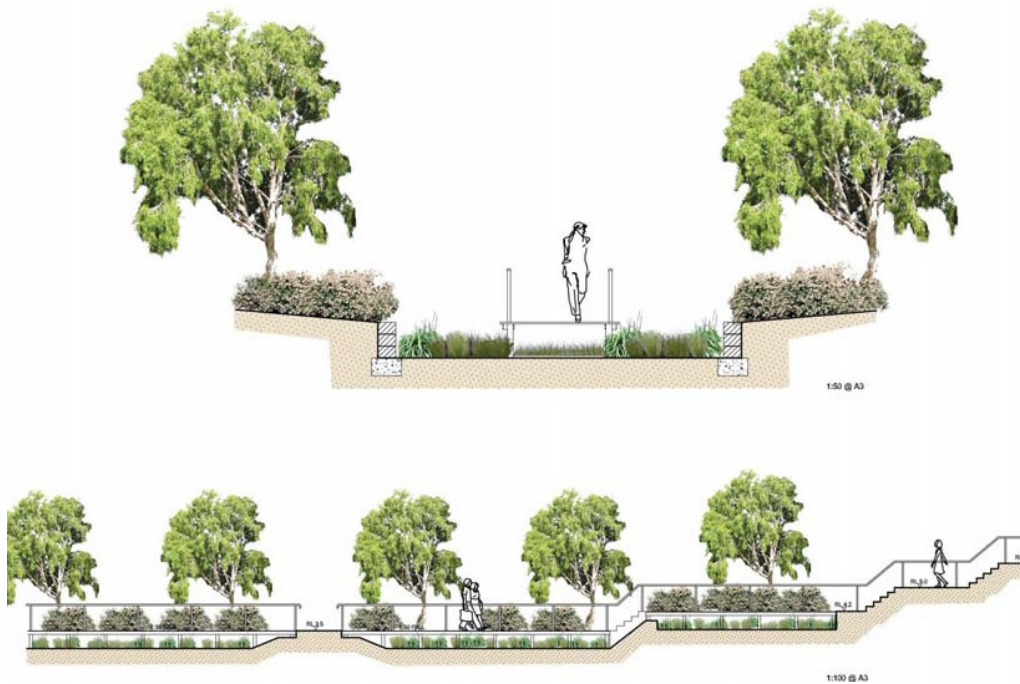


- Open space – The proposal focuses on providing public open space along the foreshore with a foreshore park. The extent of open space and proposed connections encourages bicycle use and pedestrian traffic. A series of private courtyards are also provided for the future residents of the development.

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 17 below.

**Figure 18.** Section through rain garden



- Disabled Access – The design of the public domain and pedestrian routes has been prepared to allow equitable access for all users. To inform the design, in the context of the concept nature of this application, a specialist assessment was conducted by Accessibility Solutions (NSW) Pty Ltd, the scope of which is to conduct an/a:
  - Overview of the precinct and streetscape topography.
  - Review of proposed streetscape works.
  - Review of individual sites (part lots) and access to them including the creation of public domain amenities and access ways.

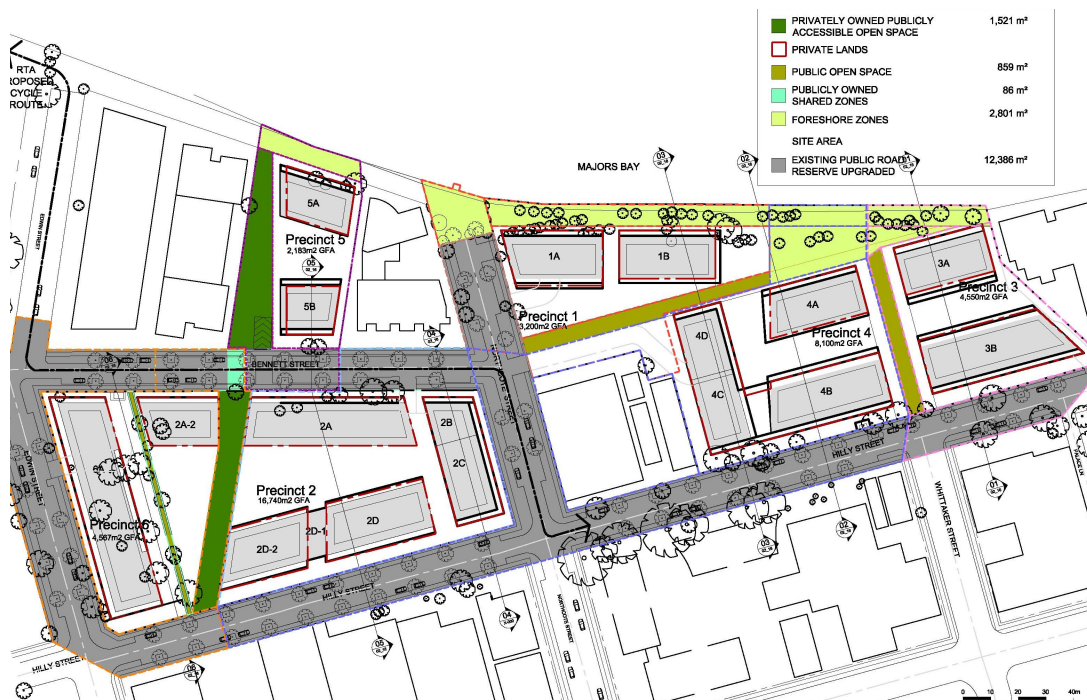
The Accessibility Assessment concludes that the proposed streetscape upgrades, open space and pedestrian routes will enhance access for people with disabilities, and will satisfy the objectives and related provisions of ASI428; SEPP 65; Canada Bay DCP A-Access and Mortlake DCP, and the Disability Discrimination Act 1992. An appropriate project commitment is proposed.

Refer to **Appendix 9**, for a copy of the assessment.

- 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 18 below indicates the proposed tenure and designation of public and private land.

Figure 19. Public Domain Plan



These improvements are considered to be firmly in the public interest.

## 6.2 Environmental and Residential Amenity

### 6.2.1 Solar Access and Shadow Analysis

Cox Richardson completed a shadow study of the proposed development in order to demonstrate any impacts of overshadowing on the site and on adjacent properties at the prescribed date of June 21, at the hours of 9am, 12pm and 3pm. Refer to **Appendix 5**.

Figure 18 below provides a plan of the extent of shadowing introduced by the proposed development during at June 21 being worst case scenario at mid-winter. Figure 19 and Figure 20 indicate the shadow cast from the proposed development on other key dates in the year.

Figure 21 provides an aerial photograph to assist in understanding the degree of impacts with respect to the surrounding built form and land uses

**Figure 20.** Shadow Plan June 21 – Mid- Solstice



**Figure 21.** Shadow Plan Dec 21 – Summer Solstice

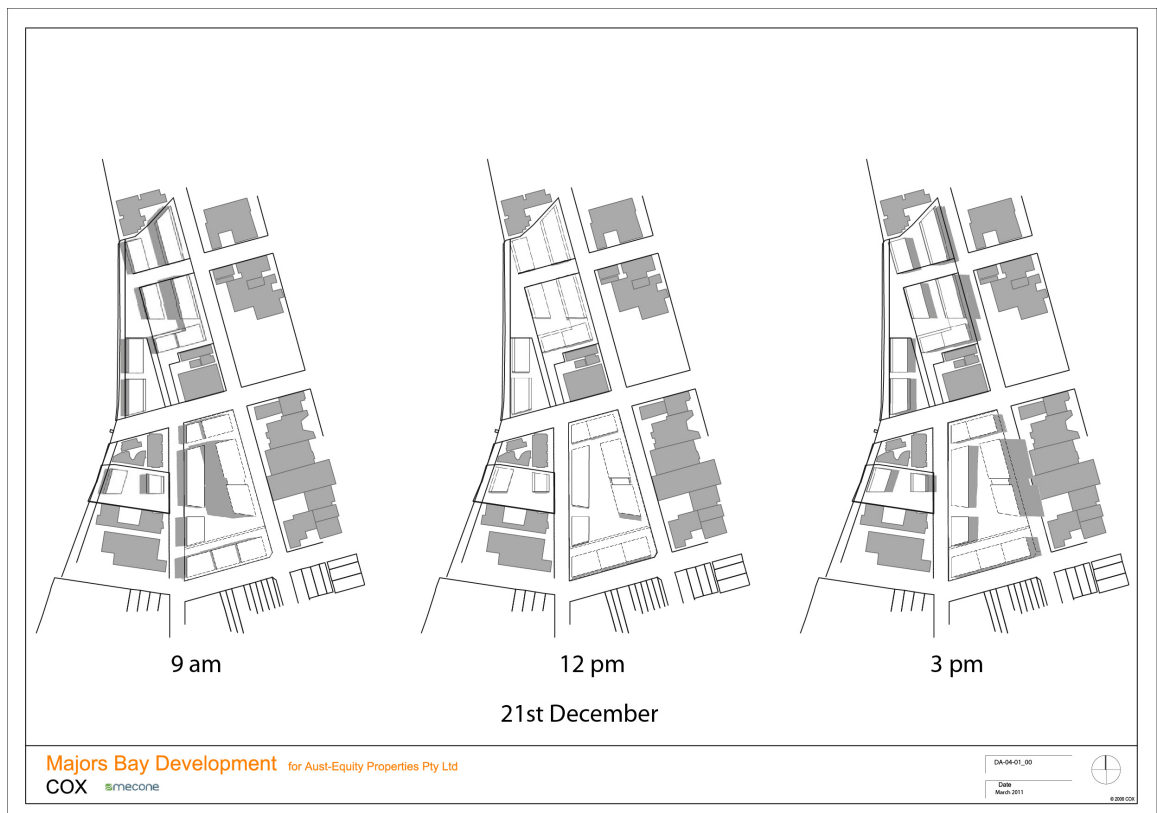


Figure 22. Shadow Plan Mar/Sep – Equinox

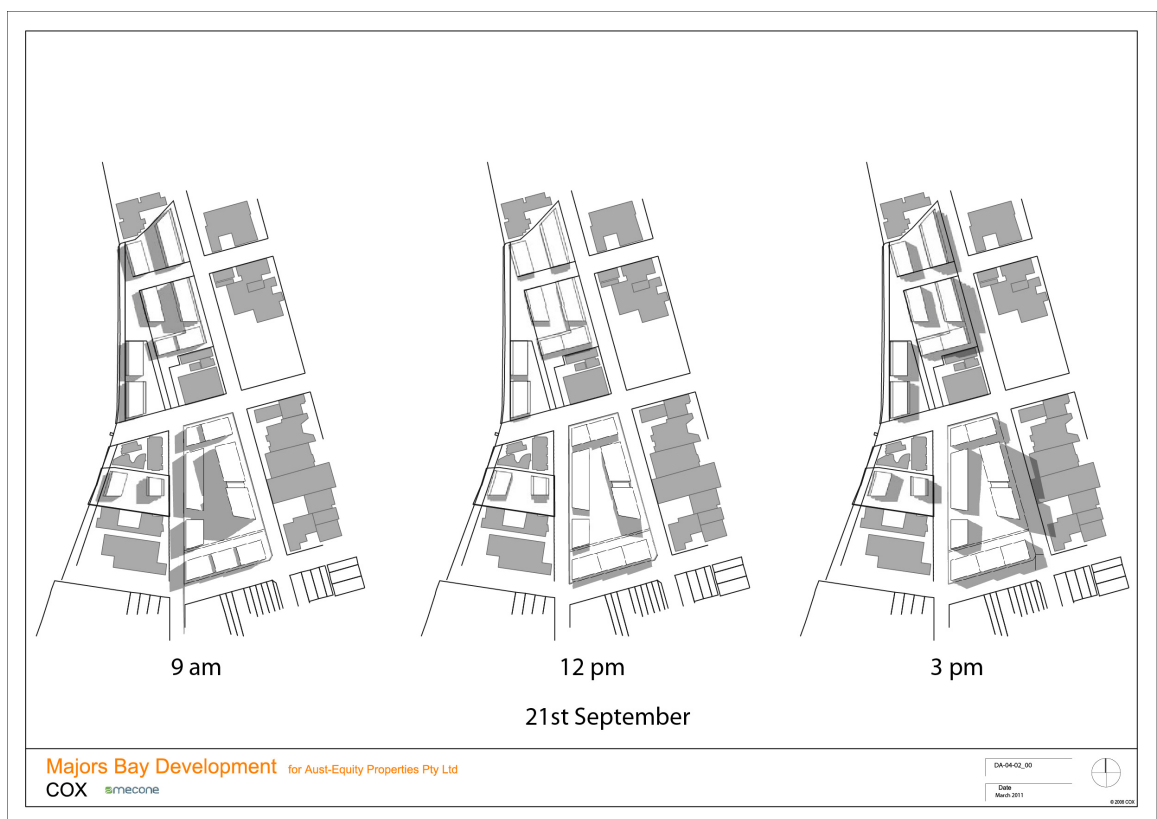


Figure 23. Aerial photograph – shadow affectations

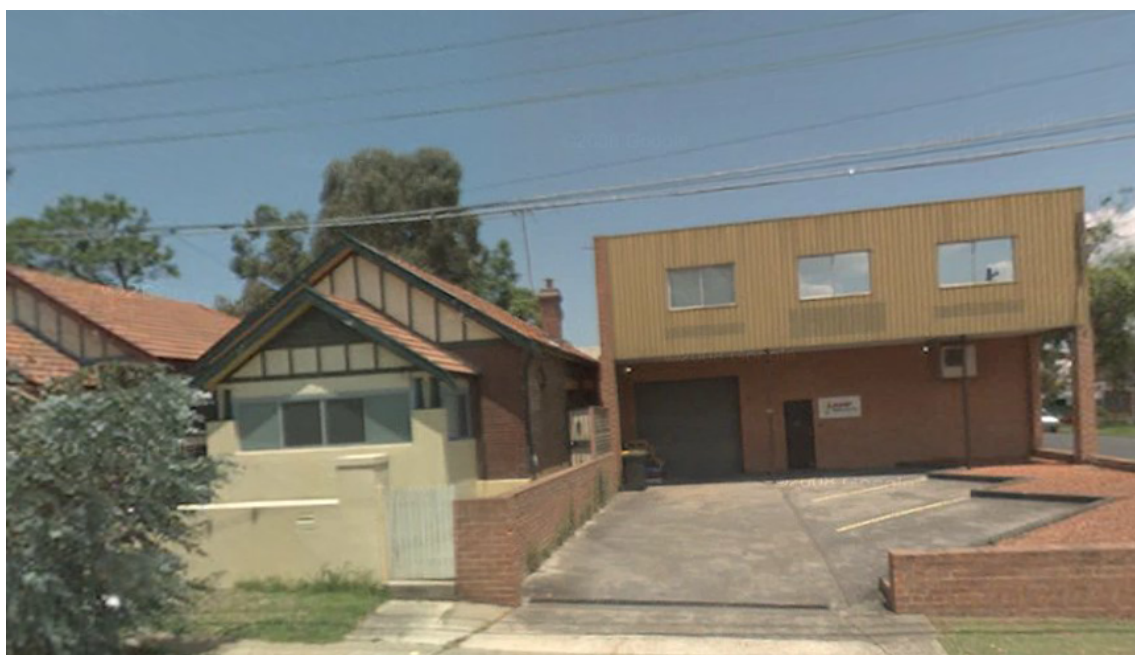


The shadow studies demonstrated that the development would be fully compliant with SEPP 65 in response to solar access.

Specific points of note include:

- At 9am and Noon there are no significant shadows cast on neighbouring private properties. The resultant shadows during this time period are limited to the public roads and in the morning to the foreshore area, which will receive solar access from around 11am and for the remainder of the day. Shadows created by new buildings are principally contained within the site;
- In the afternoon, the proposed development does not impact on the residential uses immediately to the south of the development site. However there are some minor shadow impacts to properties in a south west direction. The development to the west is used for industrial purposes and of the two properties at the south-east junction of Northcote and Hilly Streets, as shown below at Figure 23, one is a commercial use where shadow will fall on area of hard stand used for car parking, the other is a residence where there will be some shadowing at this time on the front garden and front facade. This affectation is of short duration and would not restrict these dwellings achieving a minimum of three hours sun access at 21 June.

**Figure 24.** Properties at south-east junction of Northcote and Hilly Streets



With respect to solar access to the proposed apartments, an analysis in this respect has been undertaken by Cox Richardson. Their review, as summarised below at Table 11, concludes that 89% of the proposed apartments will receive satisfactory levels of solar access and comply with the Residential Flat Code under SEPP 65 in this respect.

**Table 11.** Solar Access Analysis

Predicted Solar access Under Residential Flat Design Code recommendations						
			Winter Solstice June 21 (9:00 - 15:00)			
Site	Precinct	Building Number	# APTS 3 hrs sun	%APTS 3 hrs sun	Total APTS 3 hrs sun	% APTS 3 hrs sun
1	2	2A	13	48%		
	2	2B	5	83%		
	2	2C	14	88%		
	2	2D	73	96%		
	6	6A	23	96%	105	84%
	6	6B	41	95%		
	6	6C	11	85%		
	6	6D	14	100%		
2	5	5A	10	100%	20	95%
	5	5B	10	91%		
3	3	3A	11	73%	43	91%
	3	3B	32	100%		
	4	4A	12	75%	73	89%
	4	4B	43	100%		
	4	4C	9	64%		
	4	4D	9	100%		
	1	1A	16	100%	27	82%
	1	1B	11	65%		
TOTAL					357	89%

Source: Cox Richardson Architects

Overall, the proposed concept scheme does not result in any significant adverse shadow impacts to surrounding properties and allows for solar access to proposed apartments well in excess of the minimum 70% required under the Residential Flat Code, which is the relevant benchmark having been adopted under the Mortlake DCP 2007.

## 6.2.2 Acoustic Privacy

An Acoustic Assessment in the context of this Concept Application has been carried out by SLR Heggies and is provided at **Appendix 10**. The Assessment makes general observation about the existing and future acoustic environment being that the site is not exposed to any high road and rail traffic noise; no significant changes will occur with respect to road noise and that some noises sources (pleasure craft, ferries and river cats) may be present from the river, but would not be an issue at night.

Given that approval is only being sought for building envelopes, it is recommended that more detailed acoustic assessments be made at future Project Application stages and recommends the adoption of relevant acoustic criteria to guide such assessment, those being:

- Interim Construction Guideline – DECCW;
- AS2107 Recommended Design Sound Levels and Reverberation Times for Building Interiors;
- NSW Industrial Noise policy.

It is proposed that the intention to carry out such further studies and the adoption of these criteria form part of the draft statement of commitments at Section 7 below.

Acoustic treatments and/methodologies that may be adopted in any future detailed design may include a construction noise and vibration management plan; upgraded glazing; treatment of mechanical plant to meet DECCW standards.

The Assessment does not identify any matters that would hinder the approval of this Concept Application, subject to further detailed assessment when the project design is further developed.

### 6.2.3 Visual Privacy

Due to the physical separation of the site with surrounding development by the proposed setbacks and the existing road network, there are no adverse privacy issues introduced in this respect.

Internally, all articulation zones (being principal windows and balconies and the like) are separated in excess of the recommended separation distances under the Residential Flat Code, which vary between 12m-24m, depending on the height of the building. Refer to Urban Design Report at **Appendix 5**.

### 6.2.4 Microclimate – Wind Impacts

A Wind Assessment in the context of this Concept Application has been carried out by SLR Heggies and is provided at **Appendix 11**. The Assessment makes general observations about the wind environment in the context of the site and proposed building envelopes.

The report observes that the proposed building heights are relatively modest that any potential wind impact would be correspondingly moderate. The gaps between buildings are significant and are unlikely to result in canyoning wind impacts.

It is expected that the maintenance of an acceptable wind environment may be achieved through landscaping, as already proposed and through further detailed design initiatives such as awnings.

The assessment is based on the currently proposed overall building massing. It is recommended that further more detailed studies are carried out once the detailed design is further progressed. An appropriate commitment is made in this respect.

## 6.3

### Transport and Accessibility

Transport and Traffic Planning Associates Pty Ltd (TTPA) have carried out a Traffic and Transport Study 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. The report titled, *“Proposed Residential Apartment Development – Hilly Street Precinct, Mortlake – Assessment of Traffic, Transport and Parking Implications”*, dated December 2010, is found at **Appendix 12**.

#### 6.3.1 Summary of Findings

The study area for the assessment captured the following suburbs Mortlake, Breakfast Point, Concord and Cabarita. 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 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 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.

Furthermore, the envisaged parking provision will be appropriate for the uses, as provisions for pedestrians and cyclists will be both adequate and suitable.

### 6.3.2 Council Traffic Study Review

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 three 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;
- 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;
- the traffic generated by the existing uses on the site, the majority being employment related, will access the locality in the morning and exist in the afternoon. The opposite will likely occur for the proposed residential development.

Detailed comments on in the regard to these points of contention have been addressed within the addendum to the traffic report at **Appendix 12**.

In addition, we note that Council requested that a Travel Access Guide (TAG) be prepared at this stage. However, given the detail required in a TAG it is normal practice for this document to be prepared at the detailed project application stage. Notwithstanding the above, the TAG will be prepared with the aim of providing new future residents with transport information and encouraging public transport usage in the area. The TAG will contain easy to understand transport information including maps of public transport, frequency information and travel time. The TAG will also include incentives to use public transport such as initial free public transport tickets to encourage people to use buses from the time they move into the development

### 6.3.3 Public Transport Accessibility

TTPA have undertaken an extensive survey of commuter behaviour in Mortlake. The survey found that respondents would like to see increased bus services to the study area with increased frequency of services.

The proposed development will provide a critical mass in the area, creating an opportunity for Sydney Buses to increase bus services and their frequency and which may encourage other modes of transport such as the provision of a new ferry stop. The availability of varying types of public transport and increased public transport services would encourage existing and future residents to be less dependent on cars.

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, like the Whittaker Street bus terminus. show in Figure 24 below.

**Figure 25.** Location of Whittaker Street Bus Stop



Source: Base Plan from Cox Richardson Architects

In addition, we have provided a transport map, which indicates the local bus routes that service the site and proposed development. Refer to Figure 25.

**Ashfield to Cabarita & Mortlake**

**Sections**

Routes 462, 464 & 466

04 Ashfield Station

05 Brighton Ave, Croydon Park

06 Portland St, South Enfield

07 The Broadway, Enfield

08 Burwood Station

09 Crane St, East Concord

10 Cabarita Junction

11 Mortlake (Routes 462 & 464)

Cabarita Wharf (Route 466)

**Route 463**

A flat fare equivalent to 1-2 sections applies

**Legend**

bus route/d

diversion / extended route

section point

string point

Indicates route number

354

rail line with station

shopping centre

educational institute

hospital

transport mode symbols:

bus

monorail

train

light rail

ferry

airport line

From and to Sydney information is available in our e-tickets guide or by visiting [www.transportnsw.info](http://www.transportnsw.info)

As identified in Figures 24 and 25, the subject site is located adjacent to the service commencement of Sydney Bus routes 462 and 464, meaning that capacity is available at this point. These services provide direct links to the City and connections to rail services at Burwood. While the STA have no plans for service changes at this time, the STA will respond to increased patronage demands as development takes place in the area. Initial discussion with the STA indicated a desire to upgrade the Whittaker Street bus stop. Through further consultation with the STA it was found that the bus stop need only be a designated 30 metre bus stop, which is DDA compliant. This requirement is based on the development only consisting of residential uses.



The site is also located within 1.2 kilometres of the Cabarita ferry stop. The ferry provides direct services to Circular Quay and Parramatta CBD. Sydney Ferries have been approached in order to discuss the potential for a ferry stop at Mortlake Peninsula. However, investigations have found that the NSW Department of Transport and Infrastructure (NSWTI) manage this function. NSWTI have advised that a formal submission can be lodged following the formal lodgement if required.

We note that Council have requested details on a Travel Access Guide (TAG) for this development. However, the proposal is currently for a Concept Plan, therefore the provision of a TAG is considered premature and more appropriate for preparation as part of detailed subsequent Project Applications. A TAG would normally address detailed travel behaviours and measures once detailed information is known about the operation of a development or land use, for example for a school. As such, we recommend that a Condition of Consent be established that addresses the need for a TAG to be provided at lodgement of detailed Project Applications.

Refer to Draft Statement of Commitments at Section 7 regarding the preparation of Travel Access Guides and consultation with the STA regarding Whittaker Street terminus.

### 6.3.4 Car Parking

TTPA propose that car parking rates be adopted to encourage public transport usage. This in part addresses Council concerns related to traffic generation in the locality.

The parking rates under Council's DCP are as follows:

**Table 12.** CBDCP Car parking Rates

	Rate
Small units	1
Medium units	1.5
Large units	2
Visitors	1/2 units

The traffic assessment observes that the visitor rates are not entirely consistent with the Department's objectives of minimising car parking. The DCP includes a visitors rate of 1 space for every 2 dwellings, whilst the RTA Guidelines recommend 1 space for every 5-7 dwellings, for High Density Residential development.

Given that approval is sought for a concept approval to be implemented in a staged fashion, where the actual mix may vary in response to future market demands, some flexibility is sought with respect to the parking rates, which apply, which we consider to better align with the objectives of the Department in terms of reduced car parking rates. The proposed car parking rates, for which approval is sought, are as follows:

## 6.4 Storm Water Management and Sea Level Rise

The overall upgrades and improvements to water quality are a key feature of this proposal. Further to site remediation and the implementation of the staged development with contiguous open space areas and the landscaping improvements to the current hard stand industrial uses, the proposal represents a unique opportunity to improve the quality of storm water runoff and deliver a comprehensive drainage strategy for the land.

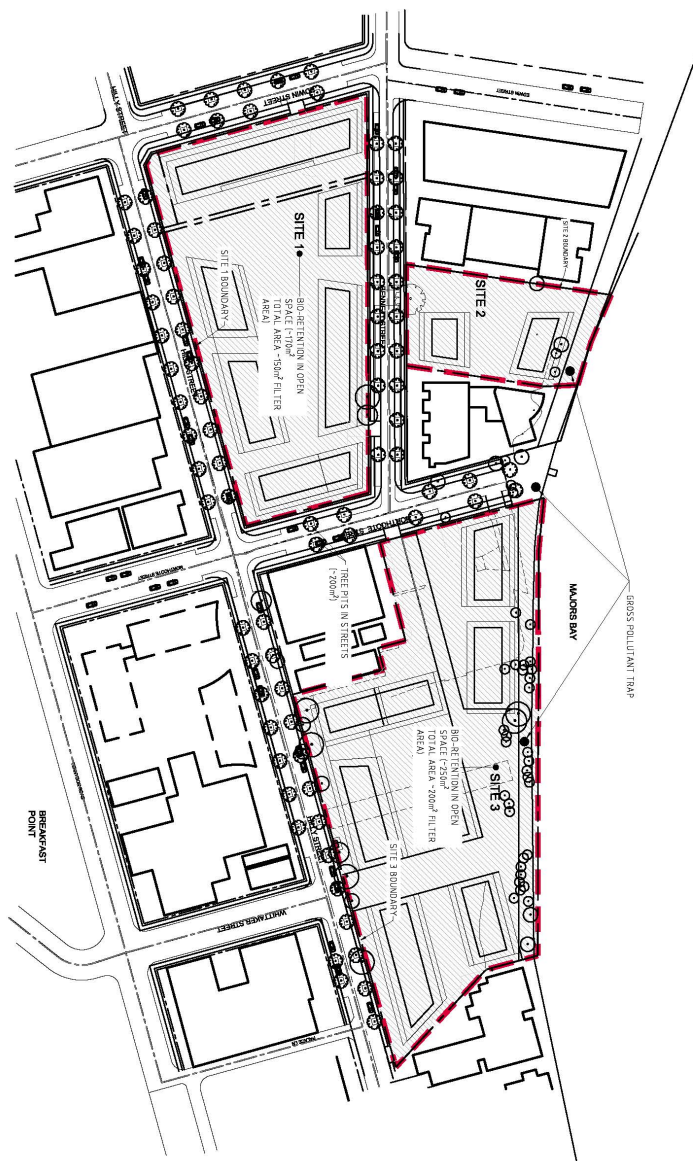
To inform design development and in response to issues related to Storm Water Management and Sea Level Rise, Worley Parsons were engaged to prepare a Storm Water Management and

Flood Assessment Report. The Report details the conceptual storm water management and flood assessment for the proposed residential development.

The Water Sensitive Urban Design and Ecological Sustainable initiatives will result in substantial improvements from existing conditions and BASIX requirements for potable water consumption reductions and Department of Environment and Climate Change and Water (DECCW - formerly Department of Environment and Conservation) objectives for water quality treatment.

Refer to Figure 26 below, which identifies proposed water quality initiatives such as bio-retention; rainwater tanks; tree pits and gross pollutant traps. The significant increase in permeable open space to the site, which is currently in the order of 90% hard cover, will further assist water quality management.

Figure 27. Water Sensitive Urban Design



The proposed 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 (not included in the quantum above. A maintenance programme for water quality systems is included as a project commitment.

The Report concludes that flooding is not a significant issue as although the site would be affected in the 1/100 storm event, the lowest habitable levels have been set in excess of RL. 2 (1/100 level plus freeboard) at RL. 3.3 and complies with the NSW floodplain development manual and the NSW coastal planning guideline – adapting to sea level rise (DoP 2010).

Car Park/basement entry levels will be set at and designed to excess of RL. 2 thus, minimising the risk of flooding. An appropriate project commitment is recommended.

It is understood that OSD would not be required as part of this development as the site sits on the lower reaches of the catchment, and this complies with Council's Specification for the Management of Stormwater. Detention will be achieved through bio-retention basins.

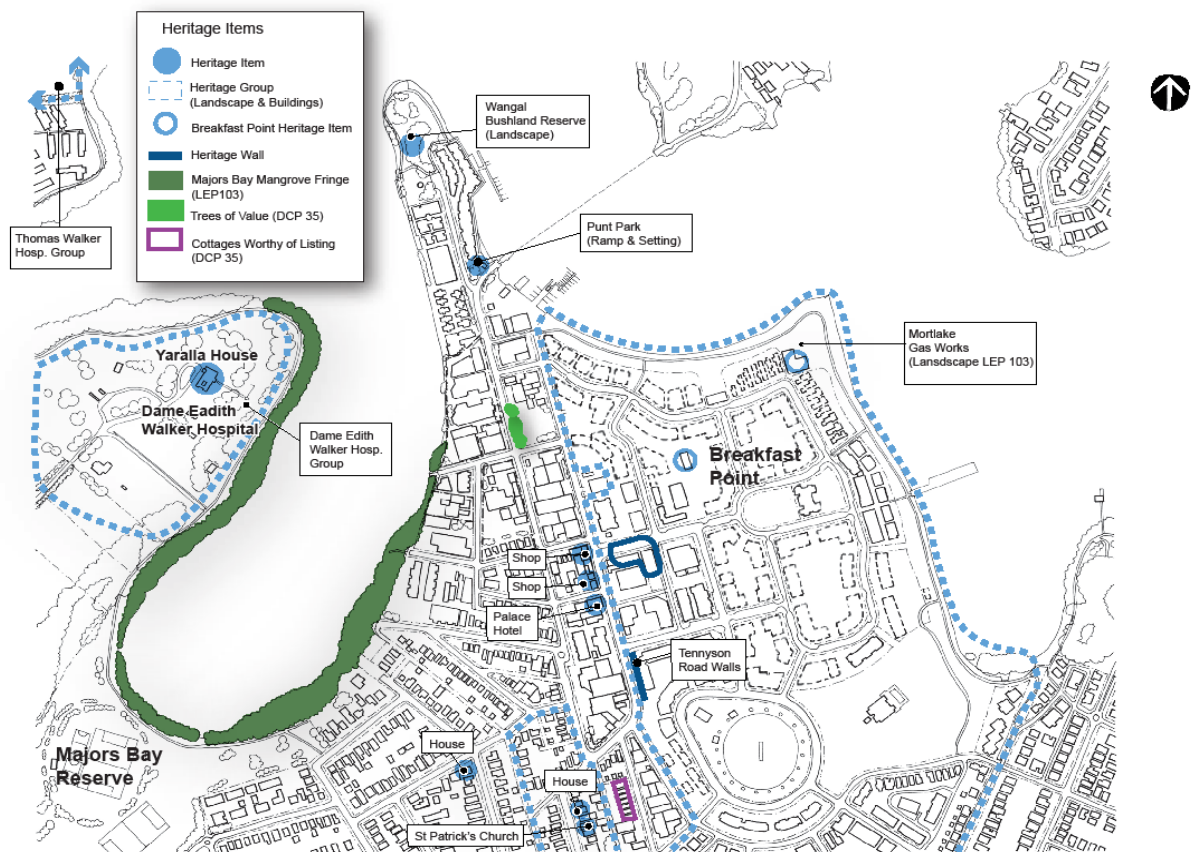
The benefits introduced through the above initiatives along with the remediation of the site will result in improvements to quality of groundwater and overland flows entering the Bay and will not result in adverse impacts on any ecosystems dependent on such flows.

Refer to **Appendix 13** for copy of Storm Water Management and Flood Assessment Report and related plans.

## 6.5 Cultural and Archaeological Heritage

Whilst there are no listed heritage items occurring on the site, a number of heritage items exist within the broader context of the site including the Dame Eadith Walker Hospital, Punt Park, Tennyson Road shops and residences. The site is not located within a Conservation Area. Refer to Figure 27 below.

Figure 28. Heritage Map



In accordance with these provisions, and in response to the DGRs, a Heritage Impact Statement has been prepared by Urbis to address any potential impacts on items of heritage significance in the vicinity of the site. Refer to **Appendix 14** for Heritage Statement, prepared by Urbis.

The assessment concludes that the proposed concept development will not have any significant adverse impacts on items of cultural or archaeological significance, and recommends that an archival recording is conducted with respect to former public bath relics.

An extract of these conclusions is as follows:

*"There are no objections on heritage grounds to the demolition of the various industrial buildings and six dwellings on the sites, which do not meet the threshold for local heritage listing.*

*The proposed design and scale of the new residential blocks on the three sites is in-keeping with the overall character and scale of recent residential development in the surrounding area.*

*The proposed works are not considered to adversely impact on the heritage significance of the above mentioned heritage items in the vicinity. Existing vegetation on the Dame Eadith Walker Convalescent Hospital site blocks the majority of views to the east towards the subject site.*

*As the significance of this site is its buildings, landscape and historic links with early days of the colony, it is considered that the landscape will be managed to protect this site's landscape and limited vistas. Views to the south-east from the Thomas Walker Hospital Group site are also obscured by its landscaped gardens.*

*This site is approximately 1 km away, and the scale of the proposed development is in-keeping with the existing Breakfast Point development on the peninsula. Due to the topography of the area, the*

*Mortlake Punt, shops on Tennyson Road, Palace Hotel and various former AGL buildings and elements, there will be no adverse visual impacts of the proposed works, and these items will retain their historical and aesthetic heritage significance."*

## 6.6 Ecologically Sustainable Development

To compliment and augment State sustainability initiatives such as BASIX, an ESD strategy has been prepared for this project and is discussed in detail below. Being in the context of a Concept Application, the Strategy, prepared by Surface Design and provided at **Appendix I5**, 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.

The adoption of the tool for the purposes of guidance and benchmarking, particularly in the context of this large amalgamated site and the community/neighbourhood framework on which it is based, is a useful means to guide the future more detailed strategy moving forward and assists in the identification of positive ESD initiatives already incorporated into the concept design.

Some of the key Sustainable Commitments identified by the tool that are already adopted in the project are as follows:

- The adoption (in an amended format) of a neighbourhood based rating tool to align with the large amalgamated site nature of this development and to acknowledge the inter-relationship of communities which are fundamental to this tool;
- The promotion of walking and cycling through dedicated open space and the implementation of Council's Cycle Strategy;
- Improvements in terms of water sensitive urban design through the significant increase in soft cover, the aeration of runoff through the incorporation of swales in the rain garden; bio-retention in open space; gross pollutant traps and the removal of substrata contamination;
- Optimisation of solar access and natural ventilation in excess of those minimum requirements under SEPP 65;
- Provision of three rainwater collection tanks (total 220cb.m) for the harvesting of storm water for toilet flushing, car washing and landscaping irrigation; and,
- Water efficient landscaping;

## 6.7 Contamination and Hazardous Materials Assessment

Aargus Pty Ltd (Aargus) has been engaged to undertake an Environmental Site Assessment in order to assess the likelihood and/or extent of significant soil and groundwater contamination.

In summary, the investigations conclude that because of the local geological characteristics being substrata sandstone and the relative absence of groundwater flows, contamination is contained to the subject sites, with limited ability to impact on the foreshore.

The remediation of the land, particularly the former paint factory site, may be carried out in a safe manner without undue impacts to the community or the environment. On the contrary, the remediation of this land to a standard suited to residential development and open space purposes is considered to be firmly within the public interest.

The only precinct requiring remedial works is the former paint factory known as site 1 precinct 2 and 6. This area is a hardstand area and is well away from any vegetative or riparian areas. No off site migration of potential contaminants will be allowed during any remedial works and will be controlled by way of a Remedial Action Plan.

Notwithstanding, it is proposed that Remediation Action Plans be prepared on a Precinct basis at each Project Application. An appropriate project commitment is made in this respect.

Some hazardous materials have been encountered on the site and within existing buildings including lead paint and asbestos. All such material will be removed and safely disposed of prior to demolition - actions considered to be firmly within the public interest.

Refer to **Appendix I 6** for the Environmental Site Assessments, which includes Hazardous Materials investigation. Each report shows the relevant guidelines used for the assessment, sampling and reporting of each site and contain the relevant criteria and scope that is in accordance with the *Contaminated Land Management Act 1997* (CLM Act).

In regard to the CLM Act, we note that the assessment undertaken by Aargus is compliant with the CLM Act, as it accords with the relevant NSW EPA Guidelines. Aargus have prepared an addendum to their report, which states:

*"In relation to Item 1, our "reference" page within each report shows the relevant guidelines used for the assessment, sampling and reporting of each site. These contain the relevant criteria and scope that is in accordance with the Contaminated Land Management Act, 1997."*

The addendum is found at **Appendix I 6**.

## 6.8 Salinity

Aargus Pty Ltd has been engaged to undertake a Salinity Assessment for the site which is provided at **Appendix I 7**.

The assessment concludes that soil salinity and aggressiveness are not likely to be significant issues. Based on the assessment of the sub-surface profiles encountered and the results of laboratory testing, the soils, which are proposed to be disturbed are generally non-saline.

From a salinity perspective, the site is considered suitable for the proposed development, subject to appropriate soil management techniques and construction recommendations such as concrete settling and membrane covers.

No groundwater was encountered up to the test depth of 3m and given the geological conditions being sandstone bedrock groundwater issues are unlikely, however further testing is recommended.

The recommendations made in the Salinity Assessment may form the basis of commitments/conditions on future project applications.

## 6.9 Geotechnical Conditions

A Preliminary Geotechnical Assessment of the site was undertaken by Aargus Pty Ltd (Aargus). Refer to **Appendix I 8**. The Preliminary Geotechnical Assessment is based on past contamination assessments conducted by Aargus in 2004 and 2005, desktop studies and recent site inspections. The Preliminary Geotechnical Assessment should be considered in the context of the concept design including basement excavation for parking purposes, of a depth of up to 12m from existing ground level. The site itself is located in geological formations of Hawkesbury Sandstone that include "medium to coarse-quartz grained sandstone, very minor shale and laminate lenses".

### Groundwater and Groundwater Ecosystems

Groundwater conditions are not considered problematic as no odours or olfactory evidence was witnessed. The groundwater analysis is consistent with *The NSW Groundwater Policy Framework Document* and other relevant Groundwater policies. In assessing the groundwater impacts, Aargus have reviewed the Concept Plan layout and location proposed location of building and basements. Aargus identified the following:

- Building 5A is the only building that has a basement, which sits below the watertable. It is expected that the water in this area is tidal;
- Other than piling there is not other interference with groundwater;
- Given that the small catchment area for groundwater, this precludes any dependency on groundwater as the only influence of water;
- There are no beneficial ecosystems to be potentially impacted from water entering Majors Bay from groundwater on the site;
- Groundwater Dependent Ecosystems would rely on the following:
  - a) Be dependent on water recovery/recharge rates coming out from the site;
  - b) Interruption of groundwater flow to downgradient sources – i.e. Majors Bay; and
  - c) Majors Bay receiving water quality.

Given the minimal likelihood of the above occurrences for impact on Groundwater Dependent Ecosystems, there is minimal to no potential for interaction with groundwater and any Groundwater Dependent Ecosystems. Furthermore, the small catchment area precludes any dependency to groundwater.

Any works on the site would improve water quality in the future, as the proposed works will involve remediation of the former paint factory, which could pose a future impact to groundwater if left unremediated. The Preliminary Geotechnical Assessment concludes that *“based on the results of this investigation is considered that the risks to human health and the environment associated with soil and/or groundwater contamination at the site are low in the context of the proposed medium to high density residential dwellings.”*

### **Environmental Management at Project Application Stage**

It is proposed that as part of future detailed project applications for each stage of the development that an Environmental Management Plan (EMP) be prepared in order to address likely environmental impacts and provide mitigation measures to reduce any potential impacts. The measures provided in the EMP should accord with all relevant Australian Standards and best practice measures.

In addition, the site is considered to be able to be made suitable for the proposed development, subject to supplementary geotechnical investigations during the detailed Project Application stages, comprising investigative fieldwork including borehole testing of a least a depth of 3m into the sandstone bedrock beneath the proposed basement levels; installation of at least one groundwater monitoring standpipe; testing of subsoils; point load strength testing of recovered rock cores; more detailed assessment of the presence of acid sulphate soils and the testing of soils to determine the exposure category for the design of steel and concrete structures.

The recommendations of the assessment form part of the project commitments. Refer to Section 7 of this report.

## **6.10**

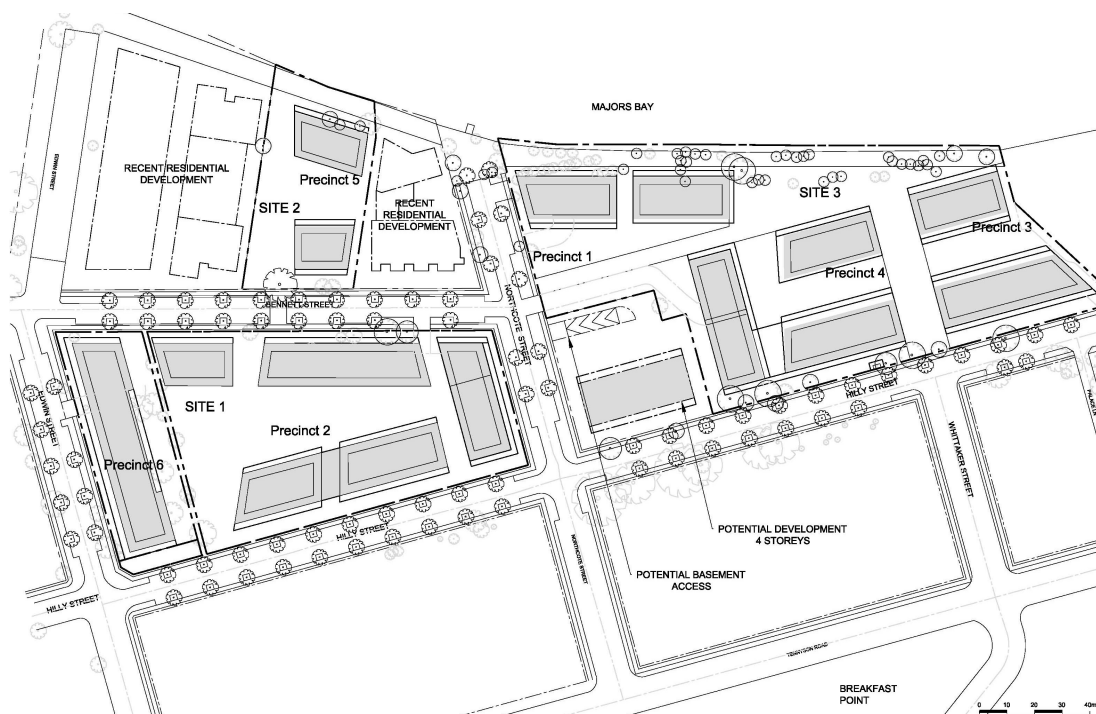
### **Site Isolation**

The DGRs raise the issue of potential site isolation and the concern that the proposed development concept may render certain sites undevelopable.

The only site which is yet recently unimproved that would logically form part of a greater amalgamated site is the site at the corner of Northcote Street and Hilly Street. The proponent has approached the owners of the land with a view to purchasing this land and to further reap the benefits of a larger amalgamated site. However, these discussions came to no fruition. Refer to **Appendix 19** for evidence of such endeavours by the proponent.

Cox, the project architects, have conducted a feasibility analysis of developing the land at a similar intensity as the proposed concept and have concluded that the site may be developed without significant constraint. Refer to Figure 28 below for concept envelope for the site.

**Figure 29.** Isolated Sites



## 6.1.1 Utilities and Services

The concept design includes significant upgrades to streetscape and drainage infrastructure. All required utilities and services are available, as outlined in an assessment of the existing infrastructure prepared by ACOR and provided at **Appendix 20**. The Report identifies three outstanding matters, which may be incorporated into future Project Applications – substation establishment, undergrounding of aerial services and future street lighting.

An Hydraulic Services Scheme was prepared by Lipscombe and Associates to identify hydraulic servicing implications for the proposed development. Specifically, the report looks at:

- Review of Existing Hydraulic Services.
- Review of Authority Infrastructure.
- Identification of new Hydraulic Services Requirements.

The report addresses the above outlined issues in detail with supporting information that finds the hydraulic services to be adequate with existing capacity along with new service requirements. The report can be found at **Appendix 20**; *Hydraulic Services Scheme Development Report, Majors Bay Residential Development*.

## 6.1.2 Construction Management

No construction may commence on the site without the approval of further Project Applications, at which stage more detailed Construction Management Plans (CMPs) will be prepared. Another

reason why detailed CMPs are not provided at this time is that in terms of staging, although Stage 1 (including the foreshore land access via Northcote Street) will be first, the sequence there after has not been determined. An appropriate project commitment is made in this respect.

However, in response to the DGRs, we confirm that construction traffic will follow routes so as to have least impact on surrounding sensitive uses, whilst not using any new roads. This will be a key consideration in terms of staging.

The following issues will be addressed in detail in any future CMPs:

A CEMP addresses in detail a range of issues associated with a development including but not necessarily limited to:

- Plant, equipment and material;
- Construction zone;
- Contact details;
- Hours of Work
- Approval and licences;
- Consultation;
- Occupation Health and Safety;
- Waste Management;
- Erosion and Sediment Control;
- Soil and Erosion Management;
- Air Quality Management;
- Traffic Management; and
- Noise Management.

## 6.13 Public Interest

The Concept Application represents a significant opportunity for the redevelopment of land and buildings which is, on the whole, underutilised, dilapidated and which does not contribute to the public amenity or significant scenic and visual characteristics of the surrounding area, for a far superior planning outcome to be achieved and one which is considered to be firmly in the public interest.

The magnitude of this opportunity is in part brought about by the proposed amalgamation of 24 fragmented lots and the comprehensive design and redevelopment approach that has been adopted to revitalise this locality. This way the regeneration of the area may be carried out in a cohesive manner which enables wider reaching planning considerations to be embedded into the design concept, such as the implementation of Council's Cycle Strategy and expansion of pedestrian foreshore access routes and linkages.

The coordinated approach to site master planning also allows for the delivery of a superior streetscape outcome through a consistent design methodology and implementation strategy for significant streetscape upgrades. The converse to such an approach would likely be the redevelopment of individual sites and streetscape improvements done at the front of each of the sites which would result in ad hoc implementation and a poor outcome generally given that each site would need to be serviced by a driveway access thus limiting public benefits such as on street parking and street trees. The proposed approach allows for the minimisation of driveway crossings by the proposed buildings sharing basement parking areas and rationalising the number of driveways. The proposed concept includes only six crossings for fourteen residential flat buildings,

which allows for a far superior streetscape outcome than what would result from the separate development of lots.

Aside from footpath and road upgrades, the design and more specifically, the site planning and building form concept, has also allowed for other significant improvements to the public domain in the form of the creation of a foreshore park and linkages through the site to create public permeability opportunities in an east-west direction and linking to the foreshore park and extended foreshore cycle and pedestrian route. As described in more detail above, this has been achieved by having taller, slimmer buildings and as a result also allows for the creation of new and/or greatly improved view corridors to Majors Bay from the east of the development site.

**Figure 30.** Landscape Master Plan



The landscape master plan for the site demonstrates the considerable visual amenity benefits that will be introduced from the proposal, particularly given that the existing site has little or no soft cover or landscaping which contributes to the otherwise highly amenable foreshore setting.

Another positive consequence of the proposal, being of significant public and environmental benefit overall, is the remediation and decontamination of the former industrial uses that once used the site, in particular the former paint factory site. Works prior to demolition will also include the complete removal of all hazardous materials currently existing on the site, such as lead paint and asbestos. Due the underlying geotechnical conditions being sandstone rock, the contaminants present on the site are localised and contained to the development site and may be removed safely without impact to surrounding properties.

In summary, the proposed development is considered to be in the public interest for the following reasons:

- Creation of a foreshore park and foreshore cycleway and foot path to be dedicated to Council;
- The creation of four east-west pedestrian linkages running through the site linking to the foreshore, two of which are to be dedicated to Council, the other two being publicly accessible;
- The creation of three new view corridors through the site and improvements to an existing vista along Heathcote Street;

- The overall landscaping approach and improvements to the streetscape infrastructure will enhance access for people with disabilities
- The implementation of a large part of Council's Cycleway Strategy and much improved pedestrian network;
- Significant streetscape upgrades on both sides of the street surrounding the site, including public and visitors on street parking, new roads, paving, kerbs and gutter; street trees; street lighting and a shared cycle way along Hilly Street;
- The minimisation of driveway crossings;
- The remediation of contaminated land and the safe removal of hazardous materials;
- Implementation of Water Sensitive Urban Design Principles leading to improvements of the water quality of the River;
- The design is driven by Environmentally Sustainable Development based on a best practice recognised assessment tool which will result in a development which will exceed current State Planning minimum requirements and hence be of overall benefit to the public;
- An increase in the range of housing opportunities in the area with a strong focus on larger type units and assist Canada Bay Council in meeting its housing target obligations identified in the Inner West Subregional Strategy as part of the NSW Metropolitan Strategy.

### Canada Bay Contributions

This application, as a Concept scheme, highlights significant opportunities associated with the redevelopment of the Mortlake site, however the strategic planning has not yet reached the stage where details on the extent of public benefits can be ascertained under the *section 94 Concord Contribution Plan*.

Material Public Benefits identified in the proposed so far are:

- Open space and Recreation by providing a foreshore park
- Civil Infrastructure including Foreshore Cycle path and Pedestrian footpath networks, Road facilities required for the area.

The levy of 1% for development of \$200 000 available under the *City of Canada Bay S94A Levy Contributions Plan* may therefore be inappropriate to adopt across the entire project.

The proponent offers to enter into a s.93(f) Voluntary Plan Agreement as provided in the Statement of Commitments in section 7.

## Draft Statement of Commitments

The following outlines the Draft Statement of Commitments proposed by Mortlake Consolidated Investments Pty Ltd with respect to the Concept Plan application:

**Table 13.** Draft Statement of Commitments

Item	Issue	Commitment	Delivery
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.
2	Consultation (Project 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;</li> <li>Roads and Traffic Authority;</li> <li>Sydney Water;</li> <li>NSW Department of Climate Change;</li> <li>NSW Office of Water;</li> <li>NSW Maritime;</li> <li>NSW Transport and Infrastructure;</li> <li>Sydney Transit Authority.</li> </ul>	Prior to lodgement of future Project Applications.
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 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 to land elements to allow for an equitable outcome.	Prior to lodgement of first Project Application.
4	VPA-Developer Contributions	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.	As part of VPA and on a Project basis.
5	Staging	Precinct 1 (Buildings 1A and 1B) will 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.  Flexibility is sought with respect to the sequence of the remaining stages. However, each stage as should 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.	Future Project Applications
6	Construction Management Plans	The Proponent shall prepare a detailed Construction Environmental Management Plan (CEMP) in order to ensure appropriate measures are in place to minimise	With each Project Application

Item	Issue	Commitment	Delivery
		<p>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>	
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.	Project Application
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 Project Application Stage.</p> <p><u>Acoustics</u></p> <p>Further detailed acoustic assessments shall accompany each future Project 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 Project 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. outdoor eating areas).</li> <li>▪ identify potential adverse wind conditions and the likely wind intensities compared to standard</li> </ul>	Project Application

Item	Issue	Commitment	Delivery
		<p>acceptability criteria for pedestrian and occupant safety and comfort.</p> <ul style="list-style-type: none"> <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 Project 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 - 1 space per unit;</li> <li>Visitor cycles – 1 space per 12 units.</li> </ul>	Project Application
13	Public Transport	<p>Letters shall be sent to the NSW Minister for Transport and the Sydney Transport Authority informing them of this residential development and the opportunities it creates to increase in public transport use and a request that existing services are extended and intensified in frequency to better serve the Mortlake locality.</p> <p>In addition, further consultation is to occur with STA 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>	Prior to first Project Application.
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.

Item	Issue	Commitment	Delivery
16	Further Approvals	The Proponents 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 Environmental Assessment has been prepared in support of a Concept Plan application made under Part 3A of the Act and in response to DGRs issued on 7 October 2010.

The assessment undertaken fully addresses all of the criteria outlined in Table I of this report.

In summary:

- The proposed development is fully compliant with all relevant planning instruments, policies and guidelines, including State Environmental Planning Policy No 65 – Design Quality of Residential Flat Buildings (SEPP 65), with the exception of strict numeric compliance with development standards related to FSR and height under Canada Bay Local Environmental Plan 2008.

The proposal is considered to be entirely consistent with the objectives of these standards and as a result of the design responding to the site context is able to deliver significant public benefits such as enhanced view corridors; a superior outcome in terms of site permeability and connectivity to the foreshore; more open space for residents and land dedication.

- No significant environmental impacts will be introduced as a result of the proposed development.
- The existing road network has the capacity to accommodate any traffic generated by the development without undue impacts on junction performance. Parking is provided at a range which is considered to be a good balance with Council's DCP, the RTA Guidelines and the Department of Planning's objectives of minimising car parking.
- The former industrial land uses are to be fully remediated and transformed to a state that will be suited for residential development and open space uses. Contaminants and contained to the sites and may be removed safely.
- Through the amalgamation of 24 fragmented lots and the comprehensive design rationale applied to the consolidated site, the proposed development allows for significant enhancements to the existing dilapidated streetscapes, cohesive site planning and a coordinated approach to site permeability and connectivity;
- The concept design and following project applications will exceed those requirements under BASIX and result in an outcome of superior ESD credentials. This is to be achieved by using the Neighbourhood Communities Tool as a guide to comprehensively respond to such issues.
- The proposal will not result in any adverse impacts on the cultural or archaeological heritage significant of any elements in proximity to the site.
- A potential issue with respect to the inability to develop sites which are not part of the site, but if included would form a more rationalised site. The designers have conducted a development feasibility exercise which concludes that the site at the corner of Hilly and Northcote may be development as a Residential Flat Building of 4 storeys and the other two sites adjacent to Site 2 have recently been approved for residential development.
- The EA includes a number of project commitments to ensure the orderly development of the land.

Overall, the proposed development is considered to result in a superior planning and urban design outcome for the following reasons:

- Through the amalgamation of 24 fragmented lots and the comprehensive design rationale applied to the consolidated site, the proposed development allows for significant enhancements to the existing dilapidated streetscapes, cohesive site planning and a coordinated approach to site permeability and connectivity;

- Remediation of existing contaminated industrial lands;
- Demolition of dilapidated industrial buildings;
- Provision of four new or improved view corridors and direct pedestrian connections through the development site to the foreshore;
- The creation of a significant increase in the quantum and quality of public and private open space;
- Creation of new a foreshore park incorporating walkways and cycle ways linking into the existing access infrastructure and Council's strategy for cyclists creating access and connections along the foreshore and across the peninsula;
- The redevelopment of dilapidated under-utilised buildings and land with poor visual amenity characteristics and almost no landscaping, with contemporary residential development. The re-development will incorporate extensive areas of open space and landscaping, which will be of benefit to the future residents and to the wider community;
- Building forms providing a balanced provision of density and height which achieve good levels of sunlight throughout the year to residential apartments on the site whilst optimising views of the water and overall superior levels of residential amenity to future residents;
- The proposed development and building envelopes allow for the creation and augmentation of vista rather than the termination of views;

We therefore recommend that approval be granted to the Concept Plan application.