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Our ref: 9039939-1
Your ref:
File:

Dear Mr Rose

Director-General's Environmental Assessment Requirements – Breakfast Point

I refer to your application for concurrent Concept Plan and Project Applications for the Breakfast Point redevelopment and your request for the Director-General's assessment requirements for the preparation of an Environmental Assessment in relation to the project.

The Director-General's Environmental Assessment Requirements are attached. The requirements have been developed in light of:

- The Department's draft guidelines relevant to this project;
- Discussion with City of Canada Bay Council; and
- Review of existing and draft material about the redevelopment provided by Rosecorp.

In relation to the Concept and Project applications, the Department should be consulted regarding the fees applicable to the application.

It is noted that Rosecorp has already generally addressed the standard Environmental Assessment Requirements by virtue of the proposed Concept Plan being a revised and updated version of the adopted Breakfast Point Master Plan – 2002, along with the proposed Project Applications having been earlier development applications to City of Canada Bay Council. It is requested that the Concept Plan and Project Applications address the key issues at Schedule 1 to ensure that the Environmental Assessment for the proposal is addressing the site in its current context.

Once you have lodged the Environmental Assessment, the Department will consult with the relevant authorities to determine the adequacy of the Environmental Assessment. Following this review period the Environmental Assessment (along with the Director-General's Environmental Assessment Requirements) will be publicly exhibited for a minimum period of 30 days.

You are invited to keep the contact officer for this project, Oliver Klein (9228 6581, oliver.klein@dipnr.nsw.gov.au) up to date with the progress of the preparation of the Environmental Assessment, and seek clarification of any issues that may be unclear or may arise during this process.

Yours sincerely

Chris Wilson
Acting Deputy Director-General
As delegate for the Director-General

**BREAKFAST POINT CONCEPT PLAN APPLICATION
&
BREAKFAST POINT PROJECT APPLICATIONS**

**ENVIRONMENTAL ASSESSMENT REQUIREMENTS UNDER PART 3A OF THE
ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979**

Project	<p>Redevelopment of the former AGL site - Mortlake for residential, recreational, community and open space purposes.</p> <p>Breakfast Point Concept Plan & Breakfast Point Project Applications</p> <ul style="list-style-type: none"> • Vineyards Precinct North (Major Project Application 05_0149) • The River Front Precinct (Major Project Application 05_0150) • The Vineyards Precinct South (Major Project Application 05_0151) • Country Club Precinct North (Major Project Application 05_0152) • Point Precinct (Major Project Application 05_0153) • The Silkstone Project -Townhouses (Major Project Application 05_0154)
Site	Former AGL site, Mortlake (now known as "Breakfast Point") – 19-21 Tennyson Road, Breakfast Point (Canada Bay LGA)
Proponent	Breakfast Point Pty Ltd
Date of Issue	02 /12 / 2005
Date of Expiration	02 /12 / 2007 (2 years from date of issue)
Special Provision	<p>The Minister for Planning formed the opinion pursuant to clause 6 of <i>State Environmental Planning Policy (Major Projects) 2005</i> (MP SEPP) that the project is a Major Project under Part 3A of the <i>Environmental Planning and Assessment Act 1979</i> on 29 / 11 / 2005.</p> <p>On 29 November 2005, the Minister for Planning authorised the submission of a Concept Plan for the project, pursuant to section 75M of the Act.</p>
General Requirements	<p>The Environmental Assessment must include:</p> <ul style="list-style-type: none"> • an executive summary; • a description of the proposal including: <ul style="list-style-type: none"> ○ description of the site, including cadastre and title details; ○ design, construction, operation, maintenance, rehabilitation and staging as applicable; and ○ project objectives and need (if relevant); • an assessment of the environmental impacts of the project, with particular focus on the key assessment requirements specified below; and • a statement on the validity of the environmental assessment, the qualifications of person(s) preparing the assessment and that the information contained in the environmental assessment is neither false nor misleading.

Key Assessment Requirements	<p>Part A – Heads of Consideration</p> <ul style="list-style-type: none"> • Suitability of the site; • Likely environmental, social and economic impacts; • Justification for undertaking the project; and • The public interest. <p>Part B – Relevant EPIs and Guidelines to be addressed</p> <ul style="list-style-type: none"> • Planning provisions applying to the site including permissibility and the provisions of all plans and policies; • Nature and extent of non-compliance with specified EPIs; • Consideration of alternatives to the proposal; and • Demonstration of consistency with a concept plan approval for the site. <p>Part C – Key Issues to be addressed</p> <ul style="list-style-type: none"> • Requirements of the Department and other agencies (see Schedule 1 attached); <p>Part D – Statement of Commitments</p> <ul style="list-style-type: none"> • Proposed mitigation and management of residual impacts; and • A draft Statement of Commitments detailing measures for environmental management and mitigation measures and monitoring for the project. <p>Test of adequacy</p> <p>If the Director-General considers that the Environmental Assessment does not adequately address the Environmental Assessment Requirements, the Director-General may require the proponent to submit a revised Environmental Assessment to address the matters notified to the proponent.</p> <p>The Director-General may modify these requirements by further notice to the proponent.</p> <p>General Environmental Risk Analysis (in relation to all components of the project / concept)</p> <p>Notwithstanding the above key assessment requirements, the Environmental Assessment must include an environmental risk analysis to identify potential environmental impacts associated with the project (construction and occupation), proposed mitigation measures and potentially residual environmental impacts after the application of proposed mitigation measures. Where additional key environmental impacts are identified through this environmental risk analysis, an appropriately detailed impact assessment of the additional key environmental impacts must be included in the Assessment.</p>
Consultation Requirements	<p>You should undertake an appropriate and justified level of consultation with relevant following parties during the preparation of the Environmental Assessment:</p> <p>(a) Agencies</p> <ul style="list-style-type: none"> • Roads and Traffic Authority; • State Transit Authority; • NSW Heritage Office; • NSW Maritime Authority; • Department of Planning (Sydney Region East office); • Department of Natural Resources; • Department of Environment and Conservation • City of Canada Bay Council; and • City of Ryde Council.

	<p>(b) Public</p> <ul style="list-style-type: none"> Any relevant Breakfast Point community meetings already established and timetabled; Any additional meetings proposed by the local member or other relevant group. <p>(c) Peer Review Requirements</p> <ul style="list-style-type: none"> List any components of the Environmental Assessment to be independently peer reviewed prior to submission.
Deemed refusal period	30 / 60 / 120 days (see Clause 8E of the Environmental Planning & Assessment Regulation)
Panels constituted under s75G	No Panels are required at this stage.
Application Fee Information	<p>Fees applicable to the application.</p> <p>The fee is based on estimated cost of works as per the <i>Environmental Planning and Assessment Regulation 2000</i>. The Department will initially seek payment of 5% of the total fees payable. The remaining / outstanding sum shall be paid prior to the Department forwarding the Director-General's assessment report to the Minister.</p>
Landowners Information	<p>Landowners information is to be provided in accordance with the <i>Environmental Planning and Assessment Regulation 2000</i>.</p> <p>For notification both inside and outside of the Breakfast Point site, the Department will seek landowners' and occupiers' details from the City of Canada Bay Council.</p>
Documents to be submitted	<p>15 hard copies of the environmental assessment</p> <p>Five (5) copies of the environmental assessment and plans on CD-ROM (pdf format)</p> <p>Models</p> <p>Plans</p> <p>Drawings</p> <p>Other</p>

SCHEDULE 1

KEY ISSUES TO BE ADDRESSED IN THE ENVIRONMENTAL ASSESSMENT

A - CONCEPT PLAN APPLICATION

Access, Traffic and Transport –

- > Additional or altered traffic loads and car parking figures arising from both the revision of the 2002 Breakfast Point Master Plan for the proposed Concept Plan and development since the Master Plan's adoption; and
- > Updated public transport provision arising from both the revision of the 2002 Breakfast Point Master Plan for the proposed Concept Plan and development since the Master Plan's adoption.
- > Compliance with relevant RTA, Council, AMCORD requirements, standards, controls, and guidelines.

Utilities and Infrastructure provision –

- > Additional or altered provision of all relevant utilities and infrastructure arising from both the revision of the 2002 Breakfast Point Master Plan for the proposed Concept Plan and development since the Master Plan's adoption.

Urban Design / Site analysis –

- > Revised urban design and site analysis on the basis of the current development and proposed building envelopes.

Section 94 Developer Contributions / Section 93 Planning Agreements –

- > Statement on current status of Section 94 contributions in place and yet to be formally provided, along with the terms offered by the proponent for inclusion in any proposed developer agreement to be entered into with Council and/or the Department for any monetary payments, land, services or facilities to be provided.

Ownership and Subdivision –

- > Revised statement on current and future ownership and subdivision of the site.

Phasing of development –

- > Revised statement on the intended phasing of development.

Variation and changes from Breakfast Point Master Plan 2002 –

- > Inclusion of table of changes or variations from Master Plan 2002 to the Concept Plan.

B – PROJECT APPLICATIONS

BASIX / SEDA Compliance –

- > Statement of compliance with all relevant ecologically sustainable development (ESD)-related policies and legislation.

Urban Design and Site analysis -

- > Revision of urban design and site analysis, including overshadowing, privacy, views and any other amenity impacts.

Revision of existing Statement of Environmental Effects -

- > Update and revise any Statement of Environmental Effects previously prepared for earlier Development Applications to now form an Environmental Assessment.
- > This revision and update should also be used for any new project not subject to earlier DAs.