

## Breakfast Point Response to Issues Raised in Submissions

- 1.1.1 Street tree planting is intended to help define the streets and provide part of the landscaped setting for the buildings. When the street trees mature, they should be visible above the 2 & 3 storey foreshore buildings, providing a visual break between these buildings & those behind when viewed from the water.
- 1.1.2 The views from the Parramatta River to the Powerhouse and Blacksmiths Shop will remain.
- 1.2.1 The rights of public access to the foreshore, the Village Green, Silkstone Park and to and along the Waterfront Walk are fundamental to the site concept. This land is accessible via the road network which has already been constructed and via a number of public easements to guarantee full public access. Public access routes are shown in section 5.00 of the Concept Plan. Some through site links are shown as being 'schematic only' these links will be provided; it is just their exact location that cannot be defined until detailed designs are complete. The provision of the links will be part of the Statement of Commitments for the Concept Plan.
- 1.2.2 The foreshore walkway cannot be extended to the water's edge as the public body (State or Local) to whom the walkway is to be dedicated will not wish to assume liability for the sea wall. The current arrangement has been put in place at the request of Council. However, this is largely an administrative matter; there is no prospect of this being used to deny public access to the water.
- 1.3.1 No comment needed.
- 1.4.1 Nothing within the Concept Plan restricts the public's use of open space on the site.
- 1.5.1 Infrastructure has already been provided to the site that can accommodate the additional dwellings.
- 1.5.2 A traffic study exhibited with the Concept Plan prepared by Colston Budd Hunt and Kafes Pty Ltd which was based on a methodology previously agreed with Council, demonstrates that there will be no significant impact on traffic flows.
- 1.5.3 Improved public transport is designed into the site as it was under the Masterplan (section 5.00 of the Concept Plan refers). The road network has been constructed to a standard that allows for public transport provision and is already in place. However, State Transit will only serve the site when the demand exists to do so. Completing the residential development on the site will assist this process.
- 1.5.4 The Concept Plan cannot commit to improving either Sydney Ferries or STA bus services. These are operational issues for the entities concerned.
- 1.5.5 Rosecorp could under no circumstances agree to the adoption of the City of Canada Bay's DCP as the new Concept Plan for the site and notes that the residents of Breakfast Point are united on this issue.
- 1.6.1 Subsequent to the consultation carried out as part of the Concept Plan exercise there will be less commercial space provided than that envisaged by the 2002 Masterplan (see 1.11.1 below).

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- 1.6.2 The Concept plan is consistent with LEP 91 in terms of the floor space it requests asking for an additional 51,820 sqm over and above the 2002 Masterplan taking the FSR to 0.7:1. The 0.7:1 FSR is consistent with achieving 40 dwellings per hectare on the site, something that was originally insisted on by DUAP to ensure an acceptable yield was gained from this important urban infill site. This is also a density in line with or below comparable urban developments. However, in response to concerns raised during the consultation period regarding FSR and floor space Rosecorp is prepared to reduce the permissible floor space ratio on the entire Breakfast Point site, as defined by LEP 91, from the 0.7:1 permitted by the LEP to 0.67:1, a reduction of 15,546 sqm over the floor space proposed by the exhibited Concept Plan. However, it needs to be understood that this is a major concession and it would not be practical for Rosecorp to offer up any further floor space.
- 1.7.1 The Concept Plan will offer certainty to both residents and the developer on the future of the site. Rosecorp has been forced into the position of amending the 2002 Masterplan by delays in Canada Bay Council's DA assessment process. The Concept Plan and LEP 91 combine to provide as much certainty as can ever realistically be offered by planning instruments.
- 1.7.2 The Concept Plan allows a full explanation of future development for the site, providing, as it does, considerably more detail than the Masterplan. The Manor's Precinct East has full DA approval and will be constructed as per that DA. The Manor's Precinct North also has a DA approval but is included in the Concept Plan because of the need for some minor amendments to the DA. The Concept Plan ensures that substantial changes to scale and height are not possible. If the respondent contacts Rosecorp a full explanation of the future of the Manor's Precinct will be gladly given.
- 1.7.3 The waterside precinct was not included in the Concept Plan because the provision of the precinct lies beyond the control of Rosecorp. It has not been provided to date because the Waterways Authority has not allowed it and refused to allow the previously existing jetty to be altered to facilitate this use (so it had to be dismantled). Rosecorp remains committed to the provision of a facility and is currently holding discussions with the Minister for Ports regarding the provision of a marina precinct on the site. However, the provision of this facility is dependant on a number of technical studies and will have its own assessment process should it proceed. The Concept Plan stands apart from this process.
- 1.7.4 The provision of policing and police stations is a matter for the State Government. There have been no law and order problems on the site that would necessitate a permanent police presence.
- 1.8.1 The Concept plan is bound to differ from the 2002 Masterplan as it applies to a different area. This area was determined by the Minister and reflects the undeveloped portion of the site. As an approval instrument it would not be appropriate to apply the Concept Plan to the already developed areas. The Concept Plan was also prepared in different market conditions to the Masterplan, it is natural that a commercial undertaking would wish to fine tune its proposal after a 4 year period. Changes are not considered to be substantial.
- 1.8.2 The only building envelopes shown on the MP2002 were for the 9 storey buildings. The building on Lot 7D has been rotated so as to better address the street and to improve orientation.

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- 1.10.1 All landscaping will be completed to a standard consistent with that currently provided on the site. A landscaped setting is a key principle in the vision for Breakfast Point. A landscape Masterplan was prepared for the site as a condition of consent for MP2002. It remains as the controlling document for landscape design at Breakfast Point.
- 1.10.2 The additional bedroom numbers requested by the Concept Plan represents a 4.6% increase in bedrooms across the site. This is 1037 bedrooms (17%) below the number permitted under LEP 91 which is the guiding statutory instrument for the site.
- 1.10.3 One bed units provide an important element of housing choice in line with Government policies. There is no intention at this stage to concentrate one bed units in any one area. The phasing plan provided in the Concept Plan provides an upper limit to the number of one bed units in each precinct.
- 1.10.4 Parking will be provided to match or exceed current accepted Government and Council standards as set out in section 5.00 of the Concept Plan. If sufficient visitor parking to meet the appropriate standards cannot be provided on street it will be provided on the building's site.

Visitor parking is provided on-street, except where insufficient spaces are available within 100m of the building they serve. In this case, visitor parking must be provided on-site. A Visitor Parking Masterplan was prepared for MP2002, which identifies every on-street space and allocates it to a building. This plan identified 275 spaces that were surplus to requirements, more than five times more than required for the additional dwellings proposed by the Concept Plan. On-street visitor parking is more convenient for visitors than in-building parking and adds to the sense of security on the streets.

- 1.10.5 The issue of short term lettings is best dealt with at a community association or strata level. It is not the intent of Rosecorp to market dwellings for short term occupation.
- 1.10.6 It is Rosecorp's intention that the style and standard of buildings will be consistent with existing buildings. This is set out in section 10.00 of the Concept Plan.
- 1.10.7 It is unclear whether it will be practical to preserve the Plumbers workshop. This is not a heritage listed building but Rosecorp has committed to look at the practicality of retaining the structure when the precinct is designed. This is consistent with the existing commitment under the 2002 Masterplan to 'consider' adaptive reuse.
- 1.10.8 The increased population resulting from the Concept Plan is expected to be insignificant. Infrastructure and services are already in place with capacity to manage this increment in population.
- 1.10.9 The concept plan identifies a maximum of 731 x 1 or 2 bed dwellings as indicative of the intent of the developer. The phasing plan provided in the Concept Plan provides an upper limit to the number of one bed units in each precinct.
- 1.10.10 The Concept plan does address parking and infrastructure in sections 5.00 and 9.00 respectively.

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- I.10.11 It would not be appropriate for the Concept Plan to include these areas as they are not owned by Rosecorp and there is no development proposed in them. The Minister determines the Concept Plan area.
- I.10.12 This area is not included in the Concept Plan.
- I.10.13 There will be no reductions in open space as a result of the Concept Plan. The Concept plan actually goes further than the Masterplan in defining building envelopes and guaranteeing open space. All community open space is already provided and will not be affected. In theory the 2002 Masterplan could have resulted in lower buildings with much greater site coverage than the Concept Plan allows.
- I.10.14 It has always been anticipated that densities in Breakfast Point would be calculated on an englobo basis. This has been enshrined by LEP 91 as well as in the Concept Plan and the 1999 and 2002 Masterplans. The community facilities and open space have been provided prior to the bulk of the development taking place. This represents best practice and should be encouraged. Precinct densities in the Concept Plan area are similar to those already constructed on the site.
- I.10.15 The respondent has misunderstood the previous position. Under the 2002 Master Plan the curtilage of the Power House and the Blacksmith's building were to be private space. However, under the Concept Plan part of the curtilage of the Power House building will be dedicated to a public authority (subject to access easements) potentially meaning it could be used as open space.
- I.10.16 The Concept Plan makes no assessment of the visual impact from the river, rather lays down principles that will assist in mitigating any impact. There will be no significant difference in the visual impact from the river between the development envisaged by Masterplan 2002 and that envisaged by the Concept Plan. Hunters Wharf exists and was approved under Masterplan 2002. All other waterfront reserve developments are 2 or 3 storeys.
- I.10.17 A broad colour palette has been used to date at Breakfast Point. Generally colours are warm, light and reflective. Colours are dealt with in the Concept Plan section 10.11. It is important to achieve a cohesive development, hence the repetition of building elements and details across the site – balustrades, shutters, pergolas, porticos, dormers, roof lanterns and colours.
- I.10.18 The Concept Plan proposes dedicating a significant portion of the Powerhouse to Council to be used as a museum.
- I.10.19 Public toilets will be provided in the Powerhouse building. This will be provided for in the schedule of commitments for the Project Application when it is lodged. The toilets will form part of the use of the building and will be available while that use is open.

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- 1.11.1 The increased schedule 11 floor space in the Concept Plan is in line with LEP 91. However, after considering submissions and listening to concerns raised by residents during public meetings, Rosecorp is prepared to agree to reductions to bring the commercial floor space allowed to a total of 6,678sqm of commercial floor space across the entire Masterplan area with 1,539sqm to be constructed in the Concept Plan area. This represents a reduction in allowable commercial area of some 46% across the site compared to Masterplan 2002 and is seen as a major concession to issues raised by the community as part of the consultation process for the Concept Plan.
- 1.11.2 The Concept Plan does not result in any increased building height compared to the Masterplan 2002. In some cases it reduces heights that were permitted and it gives more certainty to the community by reducing the developer's flexibility on heights.
- 1.11.3 The Concept plan increases the number of dwellings on the site by 208 (about 10%). This is consistent with the entitlement under LEP 91. The increased number of dwellings will be offset in terms of population by an increased proportion of 1 and 2 bedroom dwellings meaning that overall bedroom numbers will rise by less than 5%. This is not an area where Rosecorp feels it should make any concessions. It can be demonstrated that the impact of these additional dwellings on the site and surrounding areas will be negligible.
- 1.12.1 The loss of the Plumbers workshop would have no affect on open space provision on the site. Any loss of amenity to surrounding buildings would be entirely in line with the 2002 Masterplan for the staged development of the site.
- 1.12.2 LEP 91 does not state that the Plumbers workshop should be adaptively reused; it suggests that across the site adaptive reuse of heritage items should be encouraged. The Concept Plan is entirely consistent with this clause.
- 1.12.3 The requirements of SEPP 65 will be considered in the design of all buildings on the site.
- 1.12.4 The development proposed in the Concept Plan will not lead to any reduction in views from the commercial centre compared to those that could be reasonably expected from a reading of the 2002 Masterplan.
- 1.12.5 View corridors are discussed in section 10.00 of the Concept Plan and are consistent with those in Section 10.00 of the Masterplan
- 1.12.6 The existing vista from Market St, and Magnolia Drive to the Parramatta River only exists because development is incomplete. Woodlands Ave is shown by both the 2002 Masterplan and Concept Plan as having a view corridor to the River. The 2002 Masterplan never intended or envisaged this view being maintained for all of Magnolia Drive or for Market Street.
- 1.12.7 The two buildings on the corners of Woodlands Ave. and Peninsula Drive are not blocking any identified view corridor and are entirely consistent with the 2002 Masterplan.

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- 1.12.8 The Riverfront townhouses in the Concept Plan are entirely consistent with the 2002 Masterplan. View corridors are provided as shown in 10.00. However, modifications to the design have been made to enhance views both to and from the water.
- 1.12.9 The Riverfront townhouses share a pitched roof between two townhouses giving excellent articulation and providing strong view corridors.
- 1.13.1 There is nothing in the Concept Plan to suggest that it will lower design standards. Section 10.00 clearly demonstrates consistency in design approaches with the existing development and Masterplan.
- 1.14.1 Rosecorp has attended numerous meetings during the consultation process for the Concept Proposal. The exhibition period has been 66 days, more than twice the statutory minimum. During that time Rosecorp convened two residents meetings and attended others held by both Council and the local member.
- 1.14.2 We do not accept that the increase in smaller dwellings will necessarily result in more investors and rental properties. It is our belief that the smaller dwellings will cater to an important market of the ageing and those with smaller households, who are an increasingly important segment of our society. It is important that we provide housing for these groups if we are to achieve a cohesive community. However, in terms of providing housing choice for the population of Sydney additional rental accommodation would not be a bad thing given the current shortage of rental property in the city.
- 1.14.3 The on street parking in Vineyard Way and other streets is an important component of the 2002 Masterplan and is important to the functioning of the Concept Plan. It enhances security by increasing eyes on the street and also assists to calm traffic in the site. We do not want the streets of Breakfast Point to become wide clear streets that encourage speeding vehicles and discourage pedestrian activity.
- 1.14.4 Building envelopes and footprints are not prescribed in the 2002 Masterplan. Design standards are consistent.
- 1.15.1 The boatshed is outside the Concept Plan area but will be built as soon as water access can be negotiated. DA approval has been granted.
- 1.15.2 There will be no reduction in community facilities associated with the Concept Plan. Community Facilities have already been substantially provided and are not affected by the Concept Plan, with the single possible exception of the Powerhouse reuse as a museum which is facilitated by the Concept Plan and was not committed to by the 2002 Masterplan.
- 1.19.1 The Concept Plan does not result in the privatisation of any previously public areas and will enhance public access to the foreshore as development is completed. The proposal to provide a dedication of part of the Powerhouse will increase the public ownership of previously private space.
- 1.19.2 The foreshore walkway has never been in public ownership. Rosecorp intends to maintain public access and to facilitate a transition to public ownership when possible.

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- I.23.1 It is not entirely clear which buildings are being referred to, e.g. C does not exist and 7A does not appear on the Precinct Plan at the end of the Concept Plan. The 5C apartment building is already approved, the townhouses are only 2 storey. The 5B & 6F buildings are 5 storeys as permitted by Masterplan 2002 and are quite articulated in their form. 6A is a nine storey building, again permitted by Masterplan 2002. The only views blocked will be views that were always going to be blocked. All buildings will be designed to be consistent with the principles of SEPP 65 which provides reassurance on many design issues.
- I.24.1 It is unclear what this means. The use rights of the residents for public and community areas will be unchanged by the concept plan, these facilities are already in place and will not be altered.
- I.24.2 The community facilities are already in place as has always been envisaged. The increased population resulting from changes to the Masterplan will be negligible and the open space and facilities provided on the site are way in excess of industry norms.
- I.24.3 The Power House was never designated to be a community facility; however, the Concept Plan will result in half of the building and the curtilage being dedicated to a public authority (subject to the provision of easements for access). The Plumbers workshop is treated in the same way as it was under the Masterplan and will be retained if this is feasible.
- I.27.1 All heritage listed buildings in the Concept Plan area are included in the Concept Plan.
- I.28.1 Parking for these facilities will be provided as per requirements set out in Section 5.00 of the Concept Plan which is consistent with standards in the 2002 Masterplan.
- I.28.2 These buildings have larger footprints than other 9 storey buildings on the site as they are yet to undergo detailed design. The final buildings will fit within this footprint.
- I.28.3 The position of these buildings is the same as in the 2002 Masterplan and meets the requirements of the LEP 91.
- I.28.4 No provision for further height increases is being sought. It is understandable that the concept plan can be interpreted in this way. Rosecorp has amended this section to remove any ambiguity.
- I.28.5 The Concept Plan does not propose parking in front of these buildings. The exact location of parking will be dealt with at the project application stage.
- I.28.6 Full public access to the site is guaranteed by easements that are in place. These are contained in Registered Plan no. 270347
- I.28.7 Open space provision will be consistent with the 2002 Masterplan.
- I.29.1 The submission has assumed inaccurate FSR figures.
- I.29.2 The submission has assumed incorrect densities.

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- 1.29.3 Taller buildings are located in exactly the same place as in the 2002 Masterplan.
- 1.33.1 The Concept Plan will allow the construction phase to be completed in a timely manner. It has been substantially delayed to date by the inaction of Council.
- 1.36.1 The Breakfast Point Road network has already been provided to agreed standards and is not part of the Concept Plan.
- 1.37.1 The open space on the site has already been provided and is not affected by the Concept Plan. The land is owned by the Community Association and cannot be given to Council by Rosecorp.
- 2.1.1 LEP 91 sets out the statutory parameters for development on the site. It is natural and entirely appropriate that the developers should use these parameters as a reference when planning for development on the site.
- 2.1.2 Rosecorp strongly rejects the suggestion that the Project Applications lodged concurrently with the Concept Plan be delayed any further. All these Project Applications are consistent with the previous Masterplan as well as with the Concept Plan. The delays to the process are the reason this Concept Plan process is being undertaken in the first place.
- 2.1.3 It is difficult to believe that a majority of residents support the position of Council, especially given numerous contrary submissions from residents and strong opposition to Council's DCP.
- 2.1.4 Nothing in the Concept Plan is inconsistent with the Breakfast Point Community Plan
- 2.1.5 The Silkstone precinct should not be deleted to preserve for parking for a precinct that Rosecorp may not be able to build. The parking for the marina will be addressed as part of the assessment process for that facility. A number of options are available including providing parking beneath the Silkstone Precinct. However, Rosecorp will not begin construction of the Silkstone Precinct Townhouses until the future of the water front precinct and marina is resolved.
- 2.1.6 The easement to Kendall Bay is already in place and is unaffected by the Concept Plan
- 2.1.7 Unsure why we need to distinguish between sections of the community in the Concept Plan.
- 2.1.8 There is no question of blocking or restricting public access to the foreshore. Whilst some vocal minority groups of residents may be inclined to the idea of exclusive residents access Rosecorp rejects this out of hand. Foreshore access will continue to be guaranteed as it always has been.
- 2.1.9 There are no increased footprints and open space is not altered by the Concept Plan. Views and privacy will be dealt with at a Project Application stage.



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- 2.1.10 Clause 10.02 of the Concept Plan requires buildings to be generally no longer than 60m which is consistent with SEPP 65. No detailed design of buildings on Woodlands North and Seashore Precincts has been carried out, and the footprints shown are indicative only. They are larger than will be required and include balconies etc. The building on the northern end of Woodlands North Precinct is indicated as approx 90m long. This will probably end up as 2 separate buildings or as a single building with significant articulation of the façade and roof.

All other buildings are separated by significant breaks

- 2.1.11 Phasing is broadly consistent with the 2002 Masterplan and is designed to minimise disturbance to residents from construction activity.
- 2.2.1 Buildings are defined in a clearer manner than in the Masterplan. They are within the heights allowed in the Masterplan. Not all the buildings maximise the height allowed. The Concept Plan states a maximum. A number of buildings in the Vineyards Precincts North and South, in the Silkstone Precinct and in the Woodlands Precincts have been limited to three storeys where the Masterplan allowed up to 5.
- 2.2.2 The inclusion of attics does not increase the height of buildings. In Breakfast Point the existence of attics in the roofs is integral to the design of the site. These attics break up roof mass and will form a key architectural feature of the site.
- 2.2.3 The Concept Plan does consider the impact on the surrounding area. That is why it includes principles that apply outside the Concept Plan area.
- 2.2.4 The cost of restoring heritage buildings makes the use of some element of these buildings for a commercial purpose necessary. Without this it would not be financially viable for restoration to take place.
- 4.1.1 The Concept Plan is consistent with the principles of the Sydney REP (Sydney Harbour Catchment)
- 4.2.1 These issues will be dealt with in the Statement of Commitments for the Concept Plan and in the relevant Project Applications and their Statements of Commitments.
- 4.3.1 The site has been remediated to the bedrock and any previously existing archaeology has already been discovered.
- 4.3.2 There will be no encroachment on the curtilage of the Blacksmith's Shop.
- 4.4.1 Detailed building designs have been submitted as Project Applications for the precincts on which design work has been completed. For the remaining precincts, maximum footprints are indicated. We also have the requirements of SEPP 65 and the precedents of completed buildings. It would seem unnecessary to provide a further level of control.
- 4.4.2 Views from the river have been considered and design changes to the Riverfront Precinct are proposed to address these concerns.

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- 4.4.3 The Concept Plan carries through the controls incorporated in the Masterplan 2002, with buildings stepped up the site. Waterfront development, with the exception of the Hunters Wharf Precinct is limited to 2 or 3 storeys. 5 Storey buildings were permitted across the street from the waterfront buildings in order to allow residents of the upper floors to access water views. A steady gradation of height such as proposed in Council's DCP would preclude this, and would result in views from the water that are dominated by building roofs.