

DA 441/2014

19-21 Tennyson Road, Breakfast Point

JRPP No.	2015SYE029
DA Number	441/2014
Local Government Area	City of Canada Bay
Proposed Development	Construction of a six storey apartment building comprising 101 apartments with basement parking and strata subdivision.
Street Address	19-21 Tennyson Road, Building 7D2 – Seashore Precinct, Breakfast Point (Lot 91 in DP 270347)
Applicant	Rosecorp Management Services Pty Ltd
Owner	Breakfast Point Pty Ltd
No. of Submissions	Nil
Assessment Officer	Ms E Sorensen - Statutory Planner, City of Canada Bay

REPORT

1 BACKGROUND

1.1. SITE - CONTEXT

Breakfast Point is located within the Canada Bay LGA and is approximately 9 kilometres west of the Sydney CBD. The site is located on the Mortlake Peninsula within the Breakfast Point Housing Estate and has an overall area of 51.82 hectares (ha) (refer to **Figures 1 and 2**).

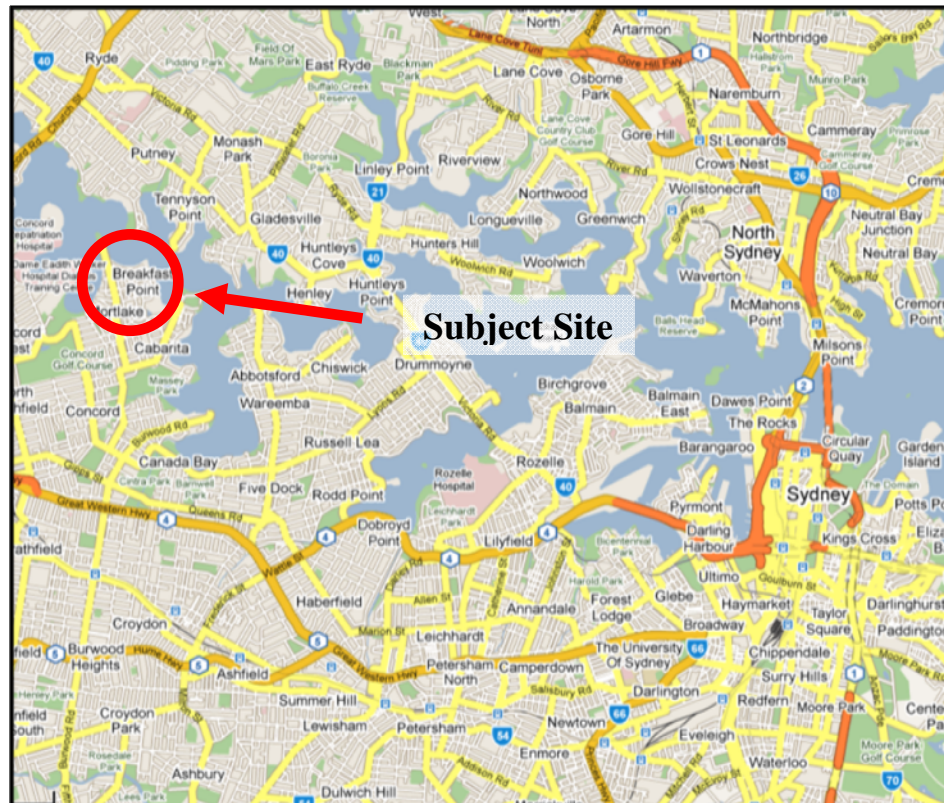


Figure 1 - Site Location in context with Sydney CBD

2 THE SITE AND ITS CONTEXT

2.1 THE SUBJECT SITE

The subject site is known as Lot 91 in DP 270347. It covers an area of 3450sqm and is located within the Seashore Precinct at Breakfast Point. The precinct is bounded by Woodland Avenue to the west, Magnolia Drive to the south, Palm Avenue to the east and Peninsula Drive to the north (refer to **Figure 3**).

The Concept Plan (as modified) provides for seven residential flat buildings in the Seashore Precinct. This application is for a six storey building with two levels of basement parking.

The proposed development lot which is currently vacant has a frontage to Peninsular Drive of 70m and a frontage to Woodlands Avenue of 60m. Completed remediation works have left the site void of any significant vegetation. The site is currently used for the parking of construction vehicles associated with neighbouring developments.

Surrounding development includes:

- an approved 5 storey residential flat building to the west (7B2 The Hamptons)
- a vacant site to the east with a master plan approval for six storey residential building (7D3)
- a vacant site to the south with master plan approval for a 9 storey residential flat building (7D1)
- existing brick building to the south-east with master plan approval for conversion into residential apartments (7D6)
- existing two storey townhouse development to the north



Figure 2 – Location Plan

2.2 CONCEPT PLAN AND SITE HISTORY

In 1999, the Breakfast Point Master plan was adopted by the City of Canada Bay (Council) in accordance with State Environmental Planning Policy No. 56 – Sydney Harbour Foreshores and Tributaries (SEPP 56), allowing 1650 residential dwellings and 18,800m² of commercial floor space.

In 2002, the Master Plan was amended by Council to allow for 1,865 dwellings and 12,300m² of commercial uses on the site.

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

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

- 176,222m² of GFA, including 1,519m² of non-residential GFA;

- 989 dwellings; and
- subdivision into Torrens title and strata lots.

On 4 August 2006, the Director General approved an additional 200 dwellings for the *Breakfast Point Concept Plan 2005* site allowing a maximum of 1,189 dwellings to be constructed, pursuant to Condition 7 of the Concept Plan approval. As a result, the total GFA for the *Breakfast Point Concept Plan 2005* was also increased to 183,480m². Overall a total of 2,065 dwellings are allowed for Breakfast Point under the Concept Plan approval, when including the Masterplan 2002 approved dwellings.

On 18 October 2010, the then Minister for Planning granted approval for a Section 75W modification application to the *Breakfast Point Concept Plan 2005 MOD 1* including:

- Redistribution of dwellings originally approved (under the Concept Plan) in Buildings 7D1 – 7D4 and 7D6 of the Seashores Precinct to Building 7D5 of the Seashores Precinct, Buildings 6F2, 5B1 and 5B2 of The Point Precinct and all buildings within the Woodlands North Precinct, whilst maintaining the approved dwelling cap of 2065 dwellings;
- Amendment to Buildings 7D1, 7D2, 7D3, 7D4 of the Seashores Precinct for use as Seniors Housing comprising 509 additional bedrooms (227 dwellings) and the retention and adaptive reuse of the former Plumbers' Workshop building for communal facilities;
- Variation to the dwelling mix of Buildings 5B1, 5B2 and 6F2 of the Point Precinct resulting in an additional 52 dwellings within the approved building envelope;
- Variation of dwelling numbers and mix allocated within Building 7D5 of the Seashores Precinct and Buildings 7B1, 7B2, 7B3 of the Woodlands North Precinct;
- Incorporation of changes to dwelling numbers already approved by previous s.75W modification applications;
- Amendments to the Concept Plan Modification 1 and 7 (Conditions 1 and 7) to delete the references to the FSR/dwelling cap applying to the entire Breakfast Point site.
- Inclusion of Exempt and Complying development;
- Provision of a framework to ensure all future applications are dealt with under Part 3A of the Act only if they meet the provisions of State Environmental Planning Policy (Major Development) 2008, or if the application involves the modification of a Minister's approval; and
- Provision of a S94 Contributions regime for Seniors Housing.

On 1 April 2014, the Minister for Planning granted approval for a Section 75W modification application to the *Breakfast Point Concept Plan 2005 MOD 4* including:

- Replacement of the approved Seniors Housing (227 dwellings equating to 509 beds) (not yet developed within 4 approved building envelopes equating to 400 residential dwellings);
- Retention of existing approved envelopes with external design changes including introduction of flat roof form for Buildings 7D2, 7D3 and 7D4 resulting in an additional storey to these buildings;
- Adaptive re-use of the Plumber's Workshop for residential apartments;
- Increase the dwelling cap from 1189 dwellings to 1589 dwellings; and

- Increase the number for car spaces within the Seashore Precinct from 304 to 510 car spaces

To date, Project Approval has been granted for 1359 dwellings pursuant to the overarching *Breakfast Point Concept Plan 2005* (refer to **Appendix A**). This application includes 101 additional dwellings, which if approved will result in a total 1460 approved dwellings within the Concept Plan area identified in Figure 3.

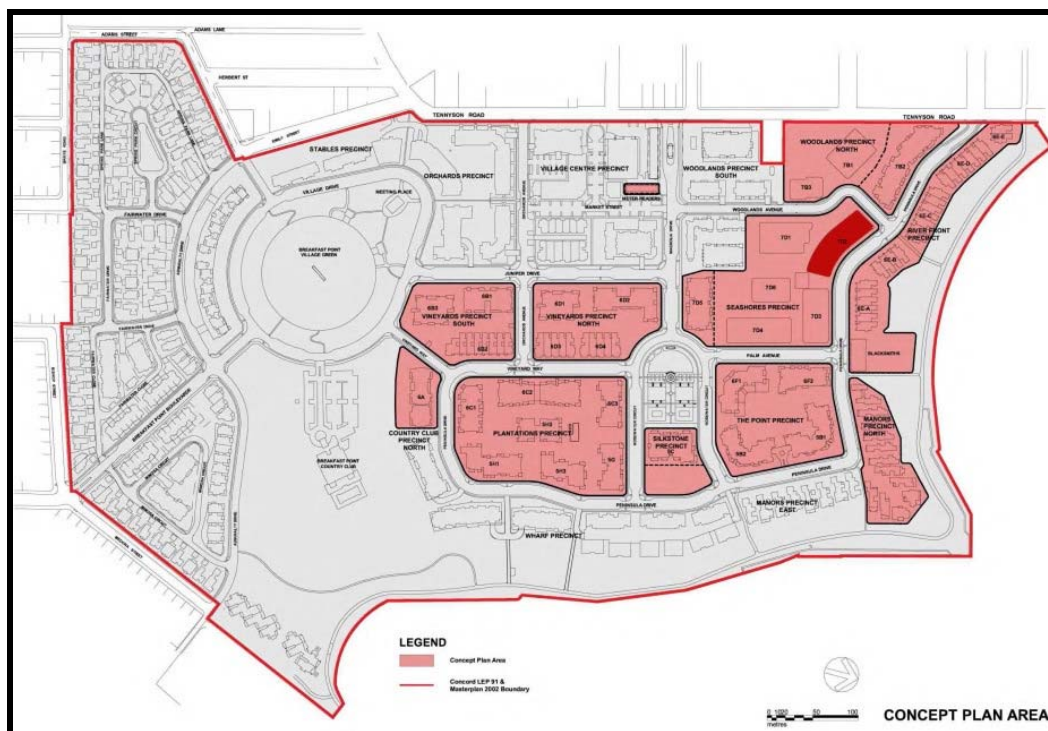


Figure 3 - Location of subject site (Building 7D2, shown in red) within the Breakfast Point Concept Plan 2005 area (shown in pink)

3 APPLICATION BACKGROUND

This application was lodged on the 5 November 2014 and, in accordance with Canada Bay Development Control Plan, was notified for a period of 14 days.

4 SUBMISSIONS RECIEVED

At the conclusion of the exhibition period, nil submissions were received.

5 PROPOSED DEVELOPMENT IN DETAIL

The proponent is seeking approval for the construction of a 6 storey residential flat building comprising 101 apartments, 126 resident basement car parking spaces, 20 on-street visitor parking spaces, landscaping and Strata subdivision.

The key components of the proposal are detailed below.

Aspect	Description
Project Summary	Project Application for a Residential Flat Building
Site Area	3250sqm

<i>Building Height</i>	6 storeys and 2 levels of basement
<i>Gross Floor Areas</i>	Max. 0.67:1 – (183,480sqm) under Concept Plan 2005 (amended 2010)
	Total Gross Floor Area including subject site (9965sqm) 177,268sqm
<i>Residential Apartment Size and Mix</i>	Total of 101 apartments comprising: 61 x 1 bedroom 31 x 2 bedroom 9 x 3 bedroom A total of 150 bedrooms
<i>Landscaping</i>	Associated landscaping
<i>Car Parking</i>	Provision of 126 car parking spaces over 2 levels for future residents and 20 off-site visitor parking spaces
<i>Strata Subdivision</i>	Strata Subdivision of 101 Lots
<i>Cost of Development</i>	\$ 34,760,000.00

6 ASSESSMENT UNDER SECTION 79C OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

6.1 Environmental Planning Instruments [Section 79C (1) (a) (i & ii)]

6.1.1 State Environmental Planning Policies

The proposed development is subject to the following State Environmental Planning Policies.

State Environmental Planning Policy No. 55 (SEPP No. 55) Remediation of Land.

According to clause 7 of SEPP No. 55 Council may not consent to the carrying out of any development on land unless it has considered whether the land is contaminated, and if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable after remediation) for the purpose for which the development is proposed to be carried out.

The Breakfast Point land has been remediated in a staged operation from 1998 to 2002, under an audited Remediation Action Plan. The Concept Plan identifies the site as an 'Unrestricted Residential Zone' which anticipates all forms of residential buildings, child care and school facilities, commercial and industrial buildings, parks,

recreational facilities and open space. The proposal is a residential development consistent with these uses.

A Site Management Plan, prepared by URS 11th December 2002, provides management protocols to be applied to the AGL site in its entirety.

The proposal was considered by Council's Sustainability and Health Projects Coordinator who raised no issue in relation to contamination for the proposed development.

State Environmental Planning Policy No 65 - Design Quality of Residential Flat Buildings

SEPP 65 aims to improve the design quality of residential flat development in NSW through the application of a series of 10 design principles, which guide the consideration of a proposed residential flat building to ensure that it achieves an appropriate level of design quality.

Clause 30(2) of SEPP 65 requires residential flat development to be designed in accordance with the design quality principles in Part 2 of SEPP 65. In this regard a Design Verification Statement has been provided by Anthony Occhiuto stating that the proposed development was designed by Rose Architectural Design under his direction. Rose Architectural Design verifies that the design quality principles set out in Part 2 of SEPP 65 are achieved for this residential flat building. A detailed assessment is provided in the table below.

Key Principles of SEPP 65	Response
<i>Principle 1: Context</i>	SEPP 65 requires that development respond to the desired future character of its context as stated in planning and design policies. The proposal is consistent with the footprint and height requirements as approved and contained within the <i>Breakfast Point Concept Plan 2005</i> (as modified). The proposal is not expected to have any detrimental impacts on the amenity of existing, adjoining developments. The amenity of the future occupants is considered in Principle 7.
<i>Principle 2: Scale</i>	In terms of scale, the proposal is consistent with the 6 storey height limit as set down within the <i>Breakfast Point Concept Plan 2005</i> (as modified). The building is considered to be an appropriate height and scale for the locality and is compatible with development with and adjoining Breakfast Point. The proposed scale will complement existing development within Breakfast Point and future development of adjoining sites.
<i>Principle 3: Built Form</i>	The proposed building is a stand-alone, slab type apartment building with an elongated footprint to Peninsula Drive. The pedestrian entry into the building is situated in a clearly visible and central location in the Peninsula Drive frontage with units being accessed off one central corridor containing two lift shafts and three fire stairs positioned at either end of the corridor. Elevations have been suitably articulated with balconies, modulated elements and varying cladding, materials and

	<p>finishes. The roof form is in keeping with the scale of neighbouring buildings.</p>
	<p>The building is designed to be consistent and compatible with the overall appearance and character of the Breakfast Point redevelopment.</p>
<p><i>Principle 4: Density</i></p>	<p>The proposal contributes towards the cumulative total of dwellings on the site. The dwellings are of an appropriate size and scale to facilitate a range of living arrangements. The proposed density complies with the approved <i>Breakfast Point Concept Plan 2005</i> (as modified).</p> <p>The proposed unit mix including 1, 2 and 3 bedrooms is appropriate to this area with a number of units containing study areas. The proposed design will provide for a variety of units sizes and a unit mix which will promote diversity, affordability and housing choice.</p> <p>The close proximity and connectivity of the site to public transport, services and community facilities is also noted.</p>
<p><i>Principle 5: Resource, Energy and Water Efficiency</i></p>	<p>A valid BASIX certificate has been submitted with the application. It indicates that the proposal complies with the established water and energy efficiency targets and suitable waste storage areas have been provided within the basement level.</p>
<p><i>Principle 6: Landscape</i></p>	<p>The submitted landscape plan identifies generalised planting types (i.e. trees and shrubs) with a selection of specific species nominated for each planting type. The landscape plan provides a variety of planting around the perimeter of the site which includes screen planting around the ground floor courtyards. Canopy planting is provided within each of the street setbacks of the proposal which also softens the proposal and provides a green outlook from the apartments.</p>
<p><i>Principle 7: Amenity</i></p>	<p>The design allows the minimum of 2 hours of solar access during mid-winter to the living area of 76 units (75%). 63 of these units (62%) receive a minimum of 3 hours of sunlight with 53 units (52%) receiving the maximum 6 hours.</p> <p>The proposal provides cross ventilation to 62 (61%) of the units.</p> <p>The building has been designed in such a way that 15 units (15%) have a single southerly aspect exceeding the target by 5%. When this project is joined with the recently approved 7D4 and 7D3 buildings a total of 23 of the combined 271 apartments are south-facing which equates to 8.5%.</p> <p>Considering that the level of glazing proposed exceeds the minimum requirements under the BCA and the level of compliance achieved against other design principles,</p>

the non-compliance is acceptable.

All units are of sizes consistent with the design code and have all been provided with private open space areas in the form of courtyards or balconies.

All units are provided with storage areas within the units and/or within the car park.

Principle 8: Safety and Security

The apartments and associated balconies within the complex will provide for good passive surveillance both within the development and along the street frontages.

Principle 9: Social Dimensions and Housing Affordability

The proposed unit mix including 1, 2 and 3 bedrooms is appropriate to this area. The proposed design will provide for a variety of units sizes and a unit mix which will promote diversity, affordability and housing choice all within proximity to public transport, employment opportunities and retail uses.

Principle 10: Aesthetics

The design of the building is articulated and includes a variety of materials and colours which blend with the overall character of Breakfast Point. The building will contribute towards a desirable streetscape character, complementing the character of surrounding development.

Further to the above design quality principles, Clause 30(2) of SEPP 65 also requires residential flat development to be designed in accordance with the Department of Planning's publication entitled 'Residential Flat Design Code', which contains a number of 'Rules of Thumb' (standards).

<i>Part 1 – Local Context</i>	<i>Consideration</i>
<i>Primary Development Controls</i>	
<i>Building Height</i>	The building is compliant with the 6 storey height provision of the Concept Plan.
<i>Building Depth</i>	<p>The Code states the maximum building depth for apartment buildings should be 18m. If greater than this, it should be demonstrated that units still achieve adequate daylight and natural ventilation.</p> <p>The proposal provides a building depth from glazing to glazing of between approximately 21.5m and 26.5m. As noted below, adequate solar access and cross ventilation has been provided to the units.</p>
<i>Building Separation</i>	<p>The building footprint and separations are broadly consistent with the built forms provided for by the Concept Plan.</p> <p>The proposed building is separated by the five storey apartment building to the west (7B2 The Hampton) by 24m and by approximately 25m from the townhouses to the north. The Plumber's Workshop (7D6) is approximately</p>

20m away and the minimum separation to the approved 6 storey apartment building to the east (7D3) is approximately 18m.

Both the proposed building (7D2) and the adjacent 7D3 are six storey buildings. The interpolated building setback between two six storey buildings is 15.5m between habitable rooms.

The building setback is consistent with other developments within Breakfast Point.

Part 2 – Site Design - Primary Development Controls

Deep Soil Zones

A substantial deep soil landscaping zone is provided around the perimeter of the building.

Fences & Walls

Definition between public/private domain has been established through the use of planting and fencing. Fencing will be compatible with existing fencing throughout Breakfast Point.

Landscape Design

The scale of planting is varied and landscaping to the street setback softens the built form. Landscaping surrounding the ground floor courtyard areas provides a quality environment for the future occupants.

Open Space

The Breakfast Point development provides communal open space which exceeds 25%.

All ground floor apartments are serviced by courtyards and upper levels are provided with balconies.

Orientation

The building is orientated to maximise solar access. 15 apartments have a single southerly aspect.

Planting on structures

Minimum of 200mm soil depth for turf/small shrub planting with 600mm-1000mm for larger shrubs and trees.

Site Amenity

Stormwater Management

The system will connect into the existing Breakfast Point stormwater infrastructure network.

Safety

Passive surveillance provided by proposed courtyard and balconies. All entries are clearly defined and secured. Intercom will be provided to the building entry door. Paths and entry pints will be illuminated. Street boundary is reinforced through landscaping which delineates the public and private domain.

Visual Privacy

Adequate separation has been provided between the subject building and those upon

	adjacent sites. Recessed balconies and screens where required will provide occupants with visual privacy and panel fences and planting assist ground level screening to courtyards.
<i>Building Entry</i>	Readily identifiable and accessible entry is provided to the building from the street frontage and does allow clear orientation by visitors.
Site Access	
<i>Parking</i>	Resident and visitor parking provided is compliant with the provisions of the Concept Plan. Resident parking is accessed from Peninsular Drive, with separate, on-street visitor parking also provided.
	Proximity of the site to public transport services is also considered beneficial.
<i>Pedestrian Access</i>	Building access is available from the street frontage along Peninsula Drive.
<i>Vehicle Access</i>	The vehicular entry point provides adequate separation from the pedestrian entry (15m).
	Width of the driveway crossing measures 6m.
PART 03 - BUILDING DESIGN	
Building Configuration	
<i>Apartment Layout</i>	<p>The majority of units have kitchens 8m from a window. All units have large areas of glazing receiving good solar access.</p> <p>A variety of unit sizes, compliant with the minimum stipulated within the code are provided.</p> <p>The design allows the minimum of 2 hours of solar access during mid-winter to the living area of 76 units (75%). 63 of these units (62%) receive a minimum of 3 hours of sunlight with 53 units (52%) receiving the maximum 6 hours.</p> <p>The proposal provides cross ventilation to 62 (61%) of the units.</p> <p>A BASIX certificate has been issued for the proposed buildings confirming that the levels of thermal energy use and cross ventilation meet the relevant criteria.</p>
<i>Apartment Mix</i>	The proposal incorporates 60% 1 bed, 31% 2 bed, 9% 3 bed apartments. Therefore, a

	satisfactory mix of one, two and three bedroom apartments has been provided within the proposal.
<i>Balconies</i>	Balconies have been provided to all units. The minimum depth to primary balconies is 2m and retains dimensions which are appropriate and ensure their useability.
<i>Ceiling Height</i>	Minimum ceiling heights comply with the rules of thumb with minimum 2.7m provided to all habitable rooms and 2.4m ceiling heights in kitchens, bathrooms and hallways.
<i>Flexibility</i>	Considered to achieve the objectives in providing internal flexibility for use by occupants.
<i>Ground Floor Apartments</i>	Courtyards are provided to ground floor apartments.
<i>Internal Circulation</i>	<p>The apartments are located off one conventional double loaded corridor containing two lift shafts and 3 fire stairs. As the corridor contains two vertical cores (lift shafts) The maximum number of units accessible per core is 12, occurring on level 2 and level 4 only. The number of apartments per core are as follows:</p> <p>L1 10/10 L2 5/12 L3 10/6 L4 4/12 L5 11/6 L6 3/10</p> <p>The layout of the building is designed with one distinct entry point to foster a sense of community and identity. The building contains a high level of amenity to the units and the common corridors increase in width at appropriate locations. The number of units per core is considered acceptable.</p>
<i>Storage</i>	Sufficient storage areas have been allocated for each residential apartment, both within the apartment itself and parking level of the building.
<i>Building Amenity</i>	
<i>Acoustic Privacy</i>	The siting of the building is generally in accordance with the Concept Plan. The proposal will be conditioned to comply with the BCA. The proposal is not located in close proximity to any noise generating activities.
<i>Daylight Access</i>	The design allows the minimum of 2 hours of

	solar access during mid-winter to the living area of 76 units (75%). 63 of these units (62%) receive a minimum of 3 hours of sunlight with 53 units (52%) receiving the maximum 6 hours.
<i>Natural Ventilation</i>	The proposal provides cross ventilation to 62 (61%) of the units.
	No kitchens are required to have mechanical ventilation under the Building Code of Australia.
Building Form	
<i>Facades</i>	Building facade generally considered acceptable with effective articulation provided.
<i>Roof design</i>	The roof form responds to the scale of the neighbouring buildings. A low 7.5 degree pitched roof form has been used to accommodate the sixth storey as permissible under the Breakfast Point Concept Plan (as amended).
Building Performance	
<i>Energy Efficiency</i>	A BASIX certificate was submitted in respect of the application demonstrating target passes.
<i>Waste Management</i>	A waste management plan was submitted with appropriate storage and recycling areas provided within the basement level of the development.
<i>Water conservation</i>	Stormwater plans have been submitted.

State Environmental Planning Policy - Building Sustainability Index (2004)

To encourage sustainable residential development, all new dwellings must comply with the provisions of State Environmental Planning Policy – Building Sustainability Index (BASIX).

The proposed development has achieved full compliance with the BASIX commitments as they have reached targets of 40 for water and 20 for energy. The schedule of BASIX Commitments is specified within the BASIX Certificate No.576361M and is included in the recommended conditions of consent.

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

The site falls within the map area shown edged heavy black on the Sydney Harbour Catchment Map and hence is affected by the provisions of SREP (Sydney Harbour Catchment) 2005. The SREP aims to ensure that the catchment, foreshores, waterways and islands of Sydney Harbour are recognised, protected, enhanced and maintained. The SREP also provides a set of guiding principles to be taken into consideration in the preparation of environmental planning instruments and / or master plans.

Provisions of the SREP were generally considered in the development of the Concept Plan. The proposal is separated from the Parramatta River by the River Front Precinct which contains attached and detached dwellings and Peninsula Drive with a separation between the built form and foreshore of approximately 100m. In so far as the proposal is not inconsistent with stipulated building envelope provisions and overall design of Breakfast Point it is generally considered acceptable.

6.1.2 Local Environmental Planning Instruments

The proposed development, defined as residential flat building is permissible with the consent of Council, within a General Residential R1 zone under Canada Bay Local Environmental Plan 2013. Following is a summary table indicating the performance of the proposal against relevant statutory standards.

<i>Provision</i>	<i>Provided</i>	<i>Compliance</i>
Zoning – R1 (General Residential)	Permissible	Yes
Floor Space Ratio – 0.7:1 (Breakfast Point)	Cumulative compliance table in Appendix B	Yes
Acid Sulfate Soils - Class 5	Geotech Report prepared by Jeffery & Katauskas	N/A

As demonstrated in the table above, the proposed development achieves full compliance with the relevant statutory standards.

6.2 Draft Environmental Planning Instruments [Section 79C (1) (a) (i & ii)]

There are no Draft Planning Instruments that apply to the site.

6.3 Development Control Plans, Council Policies or Codes [Section 79C(1)(a)(iii)]

The proposed development is affected by the provisions of the Breakfast Point Concept Plan (As Amended) and Breakfast Point Landscape Master Plan. Following is a summary table indicating the performance of the proposal against relevant statutory standards.

<i>Provision</i>	<i>Control</i>	<i>Provided</i>	<i>Compliance</i>
2.00 Floor space ratio	Max. 0.67:1 (for entire Breakfast Point Area)	9965sqm proposed	A cumulative compliance schedule demonstrating consistency with the Concept Plan is attached at Appendix B
2.00 Dwellings	Max. 1589 (Breakfast Point Concept Area)	101 Units Proposed	
2.00 Bedrooms	Max. 2909 (Breakfast Point Concept Area)	150 Bedrooms Proposed	
5.11 Resident parking	Min. 1 Bed – 1 2 Bed – 1.5 3 or more Bed – 2 <i>Required – 90</i>	126 Proposed	Yes
5.11 Visitor	Min. 1/5 dwellings, on	20 Proposed	Yes

parking	street within 100m <i>Required – 20</i>		
5.15 Bicycle parking	In accordance with Guide to Traffic Engineering Practice” (Ausroads) Part 14	30 resident and 8 visitor bicycle spaces provided in basement	Yes
7.00 Landscaping	In accordance with Landscape Master Plan	Letter of Consistency from Landscape Architect provided	Yes
10.00 Building footprint	Set by Concept Plan	Generally in accordance	Yes
10.05 Building Height	Max. 6 storeys	6 storeys	Yes
10.15 Adaptable housing	Min. 5% of total dwellings	Not proposed as part of this development. SEE states that requirements will be provided elsewhere within Breakfast Point	
12.00 Remediation	Unrestricted Residential Zone	Residential	Yes
16A Seashore Precinct	Provide a Travel Access Guide (TAG)/Green Travel Plan	Provided	Yes

As indicated in the compliance table above, the proposed development has achieved full compliance with the non-statutory controls applicable to the site and is considered acceptable in this regard.

6.4 Likely Impacts of the Development [Section 79C (b)]

The likely impacts of the proposed development are discussed as follows:

Solar Access

The Design Code requires 70% of apartments to a new development to receive 3 hours solar access between 9am and 3pm or 2 hours in dense urban areas to living areas and private open space. The area of Breakfast Point is considered a dense urban area.

The design allows the minimum of 2 hours of solar access during mid-winter to the living area of 76 units (75%).

As the proposed building has its long axis in a general east to west orientation, it will cast a shadow in general southern direction throughout the day. The submitted shadow diagram does not include the future 9 storey apartment building known as 7D1 adjacent the subject building to the south though it is estimated that the proposal will have the following overshadowing impact on this building:

9am

Shadows cast at 9am on June 21 will fall on the north facing elevation to the 7D1 building.

12noon

The midday shadow will continue to impact on the north facing side elevation to the future building known as 7D1 with the exception of the north-east corner.

3pm

The afternoon shadow will have swung around slightly though it will still continue to impact on the north facing elevation to the future adjacent building 7D1 with the exemption of the north-east corner.

As per the above, the proposal will generate overshadowing to the southern adjacent building known as 7D1. The level of overshadowing must be considered reasonable as the proposal is consistent with the Breakfast Point Master Plan 2005 (as amended) in terms of footprint and building height and is compliant with the minimum building separation requirements.

Streetscape, Bulk and Scale

The proposal is satisfactory with regard to the built form, including street presentation and building envelope. It is considered that the overall design, including colours and materials are consistent with those within Breakfast Point.

View Corridors/View Sharing

The Breakfast Point Concept Plan originally approved a five storey building envelope with a habitable attic within a pitched roof form for the subject site.

The Concept Plan (as modified 2014) now permits a sixth storey building with a flat roof form in lieu of the attic space set within the pitched roof form. There is no increase in the overall building envelope with the maximum height to the amended building envelope matching that of the original.

The proposed built form is contained within the building envelope set by the Concept Plan (as modified 2014) (6 storeys with an essentially flat roof form (5 degree pitch)) and is largely comparable with the building footprint described in the Concept Plan. As a consequence it can be concluded that the proposal meets the aforementioned aims and objectives of the Concept Plan 2005 and will not result in any additional view loss to that originally considered.

Traffic generation and parking

The overall dwelling numbers and intensity are consistent with those of the Concept Plan (as modified 2014) and the traffic report which supported it. The local road network within Breakfast Point is fully established. The proposal provides compliant resident and visitor parking.

Noise Impact

Generally, the proposed development is not likely to result in any unreasonable on-going noise impacts on surrounding properties following construction.

Intensity of Use

The overall dwelling numbers and intensity are consistent with those of the Concept Plan (as modified 2014). The proposal is must therefore be considered acceptable with regard to the proposed intensity of use.

Social/Economic

The proposal is not expected to have any significant social or environmental implications.

Landscaping

A landscape verification statement provided by Context Landscape Architects has been submitted. The proposal will provide adequate landscaping including deep soil zones on the site. Residents will also have access to the communal facilities located within the suburb of Breakfast Point.

7 CONCLUSION

Council has assessed the submitted plans and documentation and considered agency submissions in response to the proposal. Council is satisfied that the impacts of the proposed development have been adequately addressed within the submitted application and recommended conditions of approval.

The proposed development will allow for 101 dwellings, 126 basement car parking spaces, 20 on-street parking spaces and landscaping on land identified as Lot 91 of DP 270347, 19-21 Tennyson Road, Breakfast Point (Building 7D2 – Seashore Precinct). Furthermore, the Development Application has provided an appropriate level of compliance with applicable Environmental Planning Instruments. The proposal is recommended for approval subject to conditions of approval.

RECOMMENDATION

Pursuant to Section 80 of the Environmental Planning and Assessment Act 1979 (as amended)

THAT the Joint Regional Planning Panel Sydney East Region, as the determining authority, grant consent to Development Application No. 441/2014 for the construction of a 6 storey residential flat building providing 101 residential units, 126 car parking spaces, strata subdivision and landscaping on land at 19-21 Tennyson Road, Breakfast Point (Lot 91 of DP 270347), known as Building 7D2 – Seashore Precinct, subject to the following site specific conditions. In granting consent the Joint Regional Planning Panel - East has regard to the merit considerations carried out in the assessment report and pursuant to s.79C of the Environmental Planning and Assessment Act. On consideration of merits of the case the Joint Regional Planning Panel - East supports the application based on consistency with the Breakfast Point Concept Plan 2005 (as amended).

Appendix A – Schedule of Approved Dwellings

Total Dwellings under Masterplan 2002 and Breakfast Point Concept Plan 2005 Approvals	
	Dwellings
Pre Concept Plan Approvals (approved under Council's Masterplan 1999 & 2002)	880
Breakfast Point Concept Plan 2005 Approval (including dwellings granted pursuant to Condition 7 of Concept Plan)	1189
Total	2069

Dwellings Approved to Date	
Precinct	Dwellings Approved
Vineyards North – approved 2006	110
Vineyards South – approved 2006	118
River Front – approved 2006	25
MOD 1	-1
Country Club – approved 2006	83
The Point - approved 2006	128
MOD 1	30
MOD 2	20
MOD 4	21
MOD 5	23
Plantations – approved 2008	267
MOD 3	18
MOD 5	35
Silkstone – approved 2008	45
Seashores Precinct – Building 7D5	60
Woodlands North – Building 7B2	91
Concept Plan – Powerhouse Building MOD 2	6
Woodland North – Building 7B1(DA65/2013)	100
Woodland North – Building 7B3 (DA 68/2013)	4
Seashore Precinct 7D4 (DA150/2014)	100
Seashore Precinct 7D3(DA350/2014)	70
Total	1,353
Silkstone Precinct (included by department of planning in approved dwelling number)	6
Total	1,359

Currently Under Consideration by Council	
Seashore Precinct 7D4(DA441/2014)	101
Total	1,460

PRECINCT SUMMARY

STAGE/ SUPERLOT	PRECINCT DEVELOPMENT SITE	MARKETING NAME	FSR (Whole Site)	ALL USES FSR Area sm	Total Residential FSR	RESIDENTIAL										RESIDENTIAL										PARKING (on street)	VISITORS (on Street)
						Residential FSR Completed	Residential FSR Under Construction	Residential FSR DA Approved	Residential FSR To Be Designed	Dwellings Completed	Dwellings Under Construction	Dwellings DA Approved	Dwellings DA Submitted	TOTAL DWELLINGS	1B DWELLINGS	2B DWELLINGS	3B DWELLINGS	4B DWELLINGS	BEDROOMS								
CONCEPT PLAN AREA																											
	Lot 5C1	Silakone Townhouses		1800	1800	0	0	0	1800	0	0	0	0	0	0	0	0	0	18	12	2						
	Lot 5K	Point Homes		2230	2230	0	0	2230	0	0	0	0	0	0	0	0	0	0	24	12	4						
		Total Silakone Townhouses		4030	4030	0	0	2230	1800	0	0	0	0	12	0	0	0	42	24	6							
	Lot RE Block A	Foreshore Townhouses		1595	1595	1595	0	0	0	8	0	0	0	8	0	8	0	0	19	12	1						
	Lot RE Block B	Foreshore Townhouses		1071	1071	1071	0	0	0	4	0	0	0	4	0	4	0	0	12	8	1						
	Lot RE Block C	Foreshore Townhouses		1836	1836	1836	0	0	0	7	0	0	0	7	0	7	0	0	21	14	1						
	Lot RE Block D	Foreshore Townhouses		1836	1836	1836	0	0	0	7	0	0	0	7	0	7	0	0	21	14	2						
	Lot RE Block E	Foreshore Townhouses		370	370	370	0	0	0	1	0	0	0	1	1	0	0	0	4	2	1						
		Total Foreshore Townhouses		6708	6708	6708	0	0	0	25	0	25	0	28	1	24	0	0	78	80	8						
	Lot 5B1	Harbour Precinct		7240	7240	7240	0	0	0	82	0	0	0	82	0	9	28	25	108	85	13						
	Lot 5B2	Harbour Precinct		5953	5953	5953	0	0	0	55	0	0	0	55	0	8	25	24	82	74	11						
	Lot 6F1	Harbour Precinct		5560	5560	5560	0	0	0	80	0	0	0	80	0	0	30	30	90	75	12						
	Lot 6F2	Harbour Precinct		5015	5015	5015	0	0	0	45	0	0	0	45	1	5	19	20	77	81	9						
		Total Harbour Precinct		23768	23768	23768	0	0	0	222	0	222	0	222	1	20	102	99	387	295	45						
	Lot 5C	The Silakone		5804	5804	5804	0	0	0	45	0	0	0	45	0	20	15	10	100	73	9						
		Total Silakone Precinct		5804	5804	5804	0	0	0	45	0	45	0	45	0	20	15	10	100	73	9						
	Lot 6A	Observatory Hill		11100	11100	11100	0	0	0	83	0	0	0	83	0	24	59	0	190	137	17						
		Country Club Precinct North		11100	11100	11100	0	0	0	83	0	83	0	83	0	24	59	0	190	137	17						
	Lot 6B1	Chateau		5115	5115	5115	0	0	0	40	0	0	0	40	0	25	20	0	100	70	8						
	Lot 6B2	Egmont Row		1728	1728	1728	0	0	0	8	0	0	0	8	1	7	0	0	25	18	2						
	Lot 6B3	Heritage Hill		8736	8736	8736	0	0	0	89	0	0	0	89	2	19	39	9	152	114	14						
		Vineyards Precinct South		15579	15579	15579	0	0	0	117	0	117	0	117	3	46	59	9	277	200	24						
	Lot 5G	Indigo/Magnolia		9114	9114	9114	0	0	0	98	0	0	0	98	0	0	42	56	140	119	20						
	Lot 5H1	Cypress		3674	3674	3674	0	0	0	33	0	0	0	33	0	9	15	9	86	50	7						
	Lot 5H2	Maple		2471	2471	2471	0	0	0	21	0	0	0	21	0	3	15	3	42	32	5						
	Lot 5H3	Jacaranda		3402	3402	3402	0	0	0	30	0	0	0	30	0	8	18	8	82	48	8						
	Lot 6C1	Acacia		4763	4763	4763	0	0	0	50	0	0	0	50	0	0	25	25	75	63	10						
	Lot 6C2	Norfolk		8772	8772	8772	0	0	0	88	0	0	0	88	0	0	58	30	148	117	18						
		Plantations Precinct		32286	32286	32286	0	0	0	320	0	320	0	320	0	20	171	129	631	426	66						
	Lot 6D1	1 Building 1a		8830	8830	8830	0	0	0	70	0	0	0	70	0	20	41	9	151	118	14						
	Lot 6D2	1 Building 2a		4191	4191	4191	0	0	0	30	0	0	0	30	0	15	15	0	75	53	8						
	Lot 6D3	Townhouses		1240	1240	1240	0	0	0	5	0	0	0	5	0	0	0	0	15	10	1						
	Lot 6D4	Townhouses		1240	1240	1240	0	0	0	5	0	0	0	5	0	0	0	0	15	10	1						
		Vineyards Precinct North		15501	15501	15501	0	0	0	110	0	110	0	110	0	46	56	9	296	189	22						
	Lot 7B1	Lighthouse Hill		10304	10304	0	10304	0	0	100	0	0	0	100	0	18	47	37	179	140	20						
	Lot 7B2	The Hempton		9710	9710	9710	0	0	91	0	0	0	91	0	10	37	44	148	120	19							
	Lot 7B3	Lighthouse Mews		800	800	0	800	0	0	4	0	0	4	0	4	0	0	12	8	1	1						
		Woodlands Precinct North		20614	20614	9710	11104	0	0	91	104	0	0	195	0	30	84	81	339	287	40						
	Lot 7D1	Huntington Hill		10500	10500	0	0	0	10500	0	0	0	0	115	0	8	51	58	182	149	23						
	Lot 7D2	Norstock		9965	9965	0	0	0	9965	0	0	0	0	101	0	9	31	81	150	128	20						
	Lot 7D3	Cedonia		7255	7255	0	0	0	7255	0	0	0	0	70	0	8	27	37	109	80	14						
	Lot 7D4	Vernon		9250	9250	0	0	0	9250	0	0	0	0	100	0	8	44	50	156	124	20						
	Lot 7D5	Augusta		5854	5854	0	5854	0	0	80	0	0	0	80	0	0	30	30	90	75	12						
	Lot 7D6	The Plumbers Workshop		1250	1250	0	0	0	1250	0	0	0	0	14	0	2	8	5	24	19	3						
		Seashore Precinct		44074	44074	0	5854	0	38220	0	80	0	0	460	0	31	189	240	711	586	92						
	Commercial	Powerhouse		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0						
		Blacksmiths		450	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0						
		Meter Readers		230	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0						
		Commercial Precinct		680	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0						
Concept Plan Total				180344	179564	120456	16958	2230	40020	1013	164	928	0	1589	11	296	735	877	2889	2244	326						
Concept Plan 2005(Amended 2010) Allowance				163480	163480																						
Balance				3138	3618																						

Appendix C – Travel Access Guide / Green Travel Plan

