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29 March 2012

Ms Jodie Leeds

NSW Department of Planning and Infrastructure

23-33 Bridge Street

Sydney NSW 2000

By e-mail: Jodie.leeds@planning.nsw.gov.au

Dear Ms Leeds

#### **MP 10\_0154: Majors Bay Residential Development**

We recently purchased an apartment in the "Aria" residential building currently being built at 90 Tennyson Road, Mortlake. Our apartment faces Hilly Street and therefore overlooks the proposed Majors Bay residential development.

We finalised our purchase in January 2012 and consequently did not take part in the residents' consultative process held towards the end of 2011 but we now wish to register our objection to some aspects of the development proposal.

Clearly, a residential development on these consolidated sites is, in principle, very desirable but the current proposal needs to be substantially modified before it would be acceptable to us.

Our objections are similar to those voiced by most of the objectors, many of whose submissions we have read on your website, and also the objections raised by the Canada Bay Council in their submission to your Department (Planning Submission, November 2011).

#### **Height**

Our first objection is to the major breach by the large nine-storey building on Hilly Street frontage, of the Council's Local Environmental Plan (LEP) maximum development height standard of 12 metres. We understand it will reach a height of 27-30 metres. We purchased our apartment in the knowledge that current zoning restricts building heights to 12 metres.

The Environmental Assessment Report (EAS) of September 2011 offers the following reasons for this breach of the height limit and the overall project floor space ratio (FSR):

- It offsets the site establishment works cost (Section 5.1)
- It offers benefits in amenity by allowing for:
  - Increased building separation
  - Better quality and increased quantities of public domain
  - Better and increased quantities open space and improved access to the foreshore
  - Optimisation of highly desirable views, and

- Minimising potential overshadowing impacts (S 6.1.1)
- They “relate” to the tall buildings in Breakfast Point and provide a “transition” to the waterline (S 6.1.1)

These reasons are not convincing and do not justify the breaches.

Clearly, the developers would not have risked purchasing and consolidating the sites if, for the project to be viable, they had to rely on breaching the height and FSR LEP standards.

The cited benefits in amenity are merely assertions, with no evidence provided to justify them nor any comparisons made between this and any alternative development; although we take the point about the highly desirable views as they are the views we expected to have from our apartment.

The argument that because nine-storey buildings were approved at Breakfast Point they should be approved on Hilly Street is ludicrous. Many people would argue that they should never have been approved at Breakfast Point in the first place. There is no logical sense in using Breakfast Point as precedence; if it were, approving buildings of this height throughout the peninsular could be justified.

We’re not sure what is meant by a “transition” but we don’t see why we need one. Placing a nine-storey building half-way between the Breakfast Point ridge and the Majors Bay shoreline is a very different prospect to having buildings of that scale on the ridge.

The EAR claimed (S 5.1) that buildings of this height “will not result in any significant adverse impacts in terms of view loss...” That is a very misleading statement as all views to the west between Edwin and Northcott Streets from Breakfast Point property along Tennyson Road and from existing and future properties between Tennyson Road and Hilly Street will be very significantly and adversely impacted.

This high building will seriously terminate the views from our apartment and because it is over twice the height of existing and future buildings it will tower over and, after 3pm during the winter months, will literally overshadow buildings on the eastern side of Hilly Street.

We understand the height restriction of 12 metres has so far been applied to all developments in the Hilly St/Northcott St/Tennyson Rd/ Edwin St block and consequently they will all have their views terminated or seriously compromised. It is an unconscionable travesty of planning standards to contemplate that buildings which comply with the LEP standards height restrictions will have to forfeit their views and other amenities so that the developers and the occupants of the intervening high rise apartments can become beneficiaries of increased profits and more expansive views.

## Scale

Our second objection is to the scale of the development which is mainly a consequence of the breach of the height standard, already discussed, and a breach of the FSR standard. The development’s FSR of 1.43:1 is nearly twice the standard ratio of 0.75:1. The height and FSR breaches result in an accommodation density which, as many other objectors, and the Council, have pointed out, will create or exacerbate problems relating to:

- Traffic flows

The Traffic Assessment Report takes into account only approved Mortlake developments (46 apartments) and the remaining Breakfast Point apartments (880). There is still scope for considerable further development in Mortlake. The large vacant site on Northcott Street between Hilly Street and Tennyson Road is a major example. Further, the report is based on analysis done five years ago in 2007.

It seems to us that an analysis should now be done on traffic flows based on updated 2012 current flows and probable forecast flows assuming Mortlake is fully developed residentially. This will almost certainly point to the need to keep the scale of each

development within existing planning guidelines, and not allow breaches of the height, FSR or other standards. Presumably these considerations were important when setting the LEP development standards in the first place.

- Parking

This needs to be reviewed on the same basis as traffic flows

- Inadequate public transport

This also needs updating on the same basis as traffic flows.

- Child care and school facilities.

We have anecdotal evidence through our daughter who lives in Concord (Barton St), and is a mother with four school-age children, of the severe shortage of available spaces in childcare centres and schools in the general area. We were unable to find any analysis of this issue on the website.

Precinct 2, which is the nine-storey building, is the principal cause of the excessive scale of the project. It has, with Precinct 6, an FSR of 2.0:1 which is nearly three times that allowed. (*Note the error in Table 4 of the EAR – Precinct 2 GFA is 16,740m<sup>2</sup> not 6,740m<sup>2</sup> and the GFA 2.0:1, not 1.2:1.*)

Merely by limiting Precinct 2 to the allowed 4 stories would reduced the GFA to (say) 7,440m<sup>2</sup> and its FSR (with Precinct 6) to 1.14:1 and the overall FSR would reduce from 1.43:1 to 1.1:1. This would reduce apartment numbers in the entire development to the order of 300 instead of 402 and would be a good start in reducing the development to an acceptable scale.

We understand that for administrative reasons this development application is being processed by your Department under the transition arrangements of the former Part 3A of the Environmental Planning and Assessment Act. Many projects previously administered under Part 3A were handed back to Councils for processing. It is clear from the Canada Bay Council's submissions that had this project been handed back it would have been rejected by the Council in its present form. We hope that the Department has regard to the Council's view and recommends the Planning Assessment Commission rejects it.

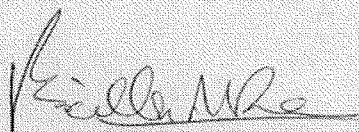
As you advised during our telephone discussion today, we will monitor progress as reported on the Department's website.

Thank you for the opportunity to submit this objection to the proposed Majors Bay Residential Development.

Yours sincerely



John T Rae



Priscilla M Rae

Cc Mr Tony McNamara, Director, Environmental & Planning Services, Canada Bay Council