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19 November 2012

Ms Jodie Leeds
NSW Department of Planning and Infrastructure
23-33 Bridge Street
Sydney NSW 2000

By e-mail: plan_comments@planning.nsw.gov.au

Dear Ms Leeds

MP10_0154: Majors Bay Residential Development

On 29 March 2012 we objected to the original proposal for this development on the grounds of height, scale, parking, public transport, childcare and school facilities although we hope we made it clear that we are very much in favour of a residential development on these consolidated sites.

We have now reviewed the revised project as set out in the Preferred Project Report for the Mortlake Concept Plan submitted by Mecone in October 2012 on behalf of Mortlake Consolidated Pty Ltd.

The Report proposes reducing the height of the nine storey buildings facing Hilly Street (Buildings 2D and 2D-2) to seven storeys. As we understand it, the height of the tallest building would be reduced by 6 metres from RL42.8 to RL36.8 AHD. This appears to result in an approximate height above ground level of 26 metres for building 2D and 25.3 metres for building 2D-2. Both buildings therefore still grossly exceed the Canada Bay Council's 12 metre height control by 14 metres (117%) and 13.3 metres (111%) respectively. We consider that a reduction in height of 6 metres is not enough to ameliorate the issues we raised in our previous objection.

From their Report, we have summarised the proponent's justification for this breach of the controls as follows:

1. It provides several benefits in amenity, e.g:
 - Increased building separation
 - Better public domain
 - Better open space and access
 - Optimisation of highly desirable views
 - Minimised overshadowing
2. It is consistent with the Council's LEP and therefore compliance is unreasonable and unnecessary.
3. It is compatible with the height bulk and scale of the existing area and with Council approved developments in the area. It is lower in height, bulk and scale than Breakfast Point and is modest in contrast to that development.
4. There will be minimal visual impacts, disruption of view, loss of privacy or loss of solar access to existing development. There will be no negative impacts on nearby residents (although they also state that lowering the height will *reduce* any potential visual impacts of the proposal). (Our italics)

As we said in our previous objection the first point contains mere assertions with no evidence to support them. It doesn't necessarily follow that complying with height standards would reduce these amenities. Of course, the improved amenity of views comes at the price of reduced amenities for other residents especially those in the apartment buildings being constructed on the eastern side of Hilly Street.

It is not reasonable to claim in the second point that it is consistent with the Council's LEP. The seven storey buildings:

- are *not* compatible with the height, bulk and scale of the existing and desired future character of the locality,
- they do *not* minimise visual impact and disruption of views, and,
- they do *not* reduce the visual impact of development when viewed from the Parramatta River and other places.

To establish the compatibility of the project with existing buildings the proponent compares the development with eleven other approved developments. Of these:

Three are in Breakfast Point. This development is not within the same height restriction zone as the Mortlake peninsula and was given special consideration during the approval process. Many would take the view that Breakfast Point is overdeveloped and that it is not necessarily a good precedent.

Four are probably over the 12 metre height restriction and vary from 4 to 6 storeys. These may well have been approved before the LEP was finalised in 2008 but in any case are all less than seven storeys.

Each of the remaining four complies with the height restriction.

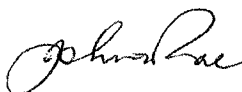
- 36 Hilly Street is only three storeys
- 108 Tennyson Road is four storeys
- 86-88 Tennyson Road is claimed by the proponent to be 4-5 storeys but I understand the final approval was for four storeys only.
- 90 Tennyson Road is four storeys. I am aware that an application for a fifth storey was made after construction commenced and was refused by Council. One of the reasons given was that it would have breached the height restriction.

I understand development approval as been given for 11 Hilly Street and that this complies with the height restriction.


The fact is that the three developments approved on the eastern side of Hilly Street opposite the seven storey buildings (86-88 Tennyson, 90 Tennyson and 11 Hilly Street) each comply with the height restriction and their views will be seriously impacted by the seven storey buildings on the western side of Hilly Street. It is not an equitable or reasonable outcome for residents who occupy buildings which comply with the height restrictions to have to forfeit their views so that developers and occupants of the intervening high rise apartments can become beneficiaries of increased profits and more expansive views through breaching the restrictions.

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

Yours sincerely



John T Rae



Priscilla M Rae