

Date: 14 December 2017

Tim Green
Planning Officer
Department of Planning and Environment
GPO Box 39
SYDNEY NSW 2001

Dear Sir,

Subject: Modify Concept Approval MP10_0154
Property: Majors Bay Residential Development, Hilly Street, Mortlake

Reference is made to your latest email correspondence, dated 30 November 2017, inviting Council to review and comment on the subject modification to the Concept Approval. The following matters are raised to the proposed modification:

Consistency with Concept Approval

The proposed modification to the Concept Approval seeks to introduce two land uses in the approved project that are considered to be inconsistent with the Concept Approval that assessed and approved residential development on the subject site.

The Concept Approval related solely to residential land use development with associated landscaping and car parking. This Concept approval did not envisage or grant consent for *health services facilities* or *recreation facilities (indoors)* within the precinct.

Under the Canada Bay Local Environmental Plan, 2013 the medical centre would be defined as a "*health services facility*" and the gymnasium would be defined as "*recreation facility (indoor)*". Both of these land uses are prohibited land use under the Canada Bay LEP.

It is therefore considered that the proposed land uses are inconsistent with the residential project approved under the Concept Approval and furthermore are inconsistent with the land uses permissible in the R1 General Residential zone of the Canada Bay LEP, 2103.

Suitability of the site for the proposed development

Whilst not a direct consideration for matters under the proposed modification to the Concept Approval, the following matters are raised as concerns of relevance to the sites suitability for the proposed modifications:

1. Activation of the Streetscape

Concerns are raised with the presentation of the proposed uses to the streetscape and in particular the positioning of the medical centre at a level below Hilly Street. The

medical centre is proposed to be located such that it will be positioned below the level of Hilly Street and will have no presentation to the Hilly Street streetscape.


There appears to be disabled access provided from Hilly Street to the level that the medical centre is proposed to be located, in contravention of the Disability Discrimination Act, Building Code of Australia and the relevant Australian Standards.

2. Noise attenuation

Concern is raised with the ability of the constructed building to adequately ameliorate noise arising from the use of the gymnasium with the surrounding residential apartments.

Thank you for the opportunity to comment on the proposed modification to the Concept Approval. If you require any further clarification to the matters raised please contact Shannon Anderson on 9911-6441.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'N. Butler', written over a horizontal line.

Narelle Butler
Manager, Statutory Planning