

25 July 2018

Our Ref: P-17171 (MW)

Department of Planning and Environment

Level 15, 320 Pitt Street,
SYDNEY NSW 200

Attention: Joel Herbert

Dear Joel,

**RE: RESPONSE TO SUBMISSIONS TO S75W MODIFICATION OF CONCEPT APPROVAL
FOR MAJORS BAY MP 10_0154 (MOD 3)**

We refer to the Section 75W Modification application (MP 10_0154 (MOD 3)) that is currently lodged with the Department of Planning and Environment (DoPE) for assessment. The proposed application was placed on public exhibition, and various submissions were provided to the proposal from both the public and a submission from Council.

On behalf of the Applicant (Bennett Hilly Development Pty Ltd), the following provides a response to the matters raised in the submissions.

Council's Submission

[Consistency with Concept Approval](#)

It is acknowledged that the approved Concept Approval was for residential accommodation only. The Consistency of the proposal was discussed within the original application and detailed in the compliance table at Appendix 1 of the s75W Report. The purpose of the proposed application is to modify the Concept Approval to accommodate the proposed uses within the building. The s75W report also identified that the proposed uses (gymnasium and medical centre) are not permissible within the R1 General Residential zone. However, they are permissible under Part 3A of the *Environmental Planning and Assessment Act 1979*. Given the scale of the uses, which are to be fully contained within the existing approved building envelope, and the fact that there are other various uses permissible within the zone (e.g. commercial premises), the proposed uses are compatible with not only the building but also the zone. The uses will not reduce any residential floor space within the zone, and the uses can be used by both the residents of the building and other residents in the area. These uses are supported by and support the use of the Concept Approval, and they provide services for the future residents of the building. These uses would usually be permissible within a zone that would normally permit a development that has a similar density and scale of this residential

development (e.g. B4 Mixed Use Zone). In this respect, the *Canada Bay Local Environmental Plan 2013* (CBLEP) permits 'recreational facilities (indoor), and 'medical centres'/health services facilities' within the B4 zone. In this respect, the proposal satisfies the objectives of the zone and is consistent with the Concept Approval.

Activation of Streetscape

Concern was raised regarding the presentation of the streetscape, particularly Hilly Street. In this respect, both uses are to be located within the existing building with limited visibility from the public domain including Hilly Street. Council's controls do not require activation along the streetscape, and it is common for buildings to include uses that are not visible from the public domain. Any future DA can ensure that the elements of the proposal that are visible from outside the building will be designed to integrate with the existing building.

In terms of disabled access to the medical centre, this will be resolved under any future DA to ensure that it satisfies the relevant BCA and disability standards and will be accompanied with a relevant report. However, it is likely that a chair lift may be required from Hilly Street down the stairs to the medical centre. Further, and disabled visitors who use the future disabled car space could utilise the existing lift from the parking level up to the medical centre. Access to this lift could be limited to disabled persons only to this level, with access controlled via an intercom system or the like. Either way, this is a design detail that can be satisfactorily addressed at the DA stage.

Noise Attenuation

Concern was raised regarding the building to accommodate noise mitigating measures in relation to the gymnasium. Any future DA will be submitted with a detailed vibration and acoustic assessment to ensure that the gym will be designed to prevent adverse noise and vibration impacts to the residential units within the building. There is no reason to consider that this can not be satisfactorily addressed.

Public Submissions

A majority of the submissions in relation to the proposal have been made by residents of the building itself. It is noted that the submissions were made prior to owner's consent from the Body Corporate being granted. This has now been provided.

A majority of concerns raised have been addressed as part of the original submission, and will be further resolved once a future DA is lodged. Notwithstanding, we provide the following comments in relation to comments made:

Security

Concern were raised regarding the security issues between the residential parking spaces and the building, as a result of the inclusion of the proposed uses. Whilst this can be resolved under the future DA stage, it is likely that a security gate and shutters can be installed between the parking commercial parking area and the residential parking area. An intercom/swipe card system could be implemented to allow access between the two areas if/when required.

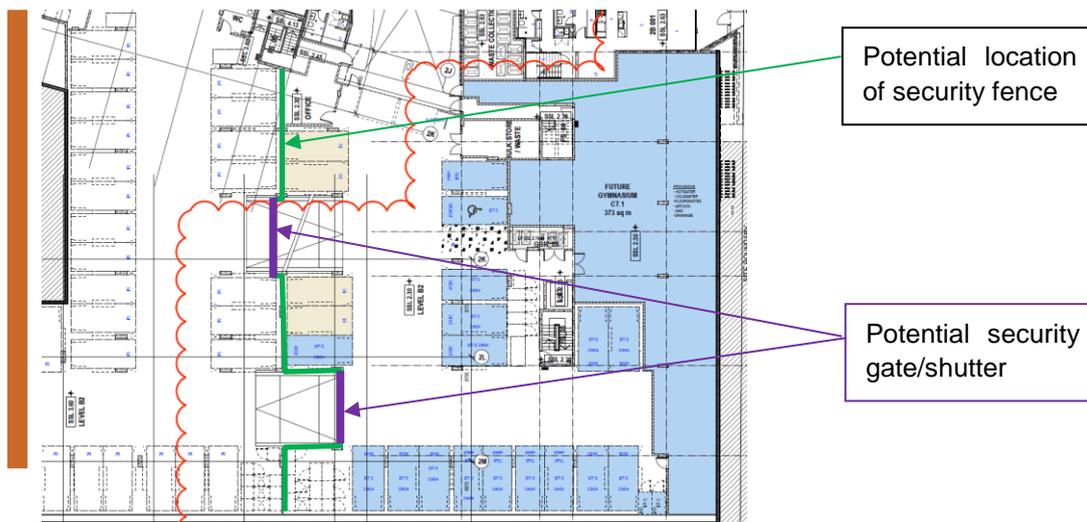


Figure 1: Indicative security measures that could be implemented under future DA

The gymnasium customers will not have access to the lifts within the building. Only staff and disabled customers to the medical centre will have access to the lift, which can be controlled via a security swipe card and intercom system.

Any future DA will ensure that security will be maintained between the existing residential parts of the building and the proposed uses.

Parking

Concern was raised regarding increased traffic impacts as a result of the proposal. The original application was accompanied with a Traffic Statement prepared by Stanbury Traffic Planning Pty Ltd. The Statement concluded that the existing building can accommodate the required parking for the uses, which requires a total of 21 spaces. As previously noted in our s75W report, the future development will necessitate fourteen (14) new spaces within the building, with seven (7) existing surplus spaces to be used. Preliminary architectural plans submitted with the application indicatively showed where these spaces could be accommodated. The Traffic Statement concluded that the proposed increase of parking within the development will not result in "any unreasonable impacts on the surrounding road network".

As noted above, the security issues that were raised in relation to the residential parking spaces can be resolved via the introduction of security gates or other means. This will be detailed in any future DA.

Amenity

Concerns were raised regarding the potential amenity impacts that may arise as a consequence of introducing the non-residential uses within the building, particularly noise. Any future DA will be accompanied with an Acoustic Report to ensure there are no adverse acoustic impacts to the residential units within the building.

In conclusion, the proposed uses are being sought to support the existing residents. They are anticipated to provide a service to those residents who occupy the subject development. As such, they are not only a benefit to residents, but are wholly consistent with the Concept Approval. There is no change to the built form either in height or envelope, with the uses being

contained within the existing basement. Any amenity impacts will be minimal and addressed through a future DA.

We trust that the above responses are satisfactory for the DoPE to continue their assessment of the application. If there are any queries, please do not hesitate to contact the undersigned on (02) 8270 3500.

Yours Sincerely,

A handwritten signature in black ink, appearing to read "Susan E Francis". The signature is written in a cursive style with a large, stylized initial 'S'.

Susan E Francis
EXECUTIVE DIRECTOR