

29/04/2025

Applicant: Time and Place Chimes Development
Reference: SSD-79316759
Site Address: 45-53 Macleay Street Elizabeth Bay

SUBMISSION OPPOSING SSD-76116958 – 45-53 MACLEAY STREET POTTS POINT

Attention: Minister for Planning and Public Spaces
Mr Keith Ng

I am strongly opposed to the development proposal to construct a 13-story mixed-use development directly opposite Macleay Regis Apartments with what is egregiously said to be 'in-fill affordable housing'. It will comprise 3 levels including a basement, ground floor retail, and residential above.

It is astounding that this developer is proposing to use the State Significant Development framework for short term more affordable housing to, in fact, significantly reduce the current long term and affordable housing stock in Potts Point. The initial proposal was for the eighty (80) relatively affordable units to be demolished to create 27 luxury apartments for the super wealthy. That represented a loss of 53 affordable dwellings. This is at a time when there is a dire shortage of housing, and this will continue long into the future with inadequate planning and legislation to make changes that would improve supply.

The revised plans are more audacious and outrageous, in that they are now seeking a 30% increase in height and floor space above LEP 2012 allowance with plans to add another 9 affordable dwellings which in 15 years' time can be reconfigured and sold again as luxury dwellings for massive financial gain. This represents a take everything from a heritage and culturally unique urban area while giving nothing back in return. This development needs to be stopped or significantly curtailed.

There has been a trend in the area for destruction of affordable housing in favour of wealthy occupants in reconfigured larger apartments. This trend not only changes the character and composition of this unique community, it has the potential to permanently change the nature and viability of shops and small businesses in the area. It is pushing out the very people who have contributed to its desirability as a place to live and work.

Potts Point and Elizabeth Bay have evolved over many years to become an inclusive, diverse and multilayered cultural area. It is unique in this respect. There has been a trend since the 'lock out laws' were implemented in 2014 that had the immediate impact of shutting down the out-of-control drinking culture and forcing the closure of many businesses reliant on nighttime trading. It took many years for the area to recover and for daytime

businesses to return to service the 18,000 or so people living in the 2011 postcode. This is a unique community where people know each other, if only by sight, and track the wellbeing and welfare of residents. This familiarity contributes to wellbeing and a happier, healthier community.

The demise of the Chimes an iconic 1960's building with the loss of 80 affordable dwellings will significantly change the composition of this unique community. The super wealthy that this development aims to attract have a subtractive impact on the area as many of the purchasers of luxury housing leave their apartments empty; they have multiple residences, and their social networks are outside the community; they do not mix with locals. There is a tipping point at which the loss of affordable housing in this area results in the destruction of this culturally unique area.

This unique community is comprised of young old, male female, straight gay, rich poor. They are full time residents who have come to know each other because they utilise the same supermarkets, the same cafes and restaurants. Residents support local retail outlets and small businesses. The continual gentrification of the area will see a decline in local businesses. At a time when there is a massive housing shortage, the government does need to enact some control over the cannibalisation of affordable housing and using it as a means of making massive profits while destroying the very essence of the suburb that they have taken over.

For the NSW government or any of its agents to consent to this loss of affordable building stock represents a massive act of hypocrisy and a lack of concern for an ever-growing number of the population in need of affordable housing. It is important to provide people with variety of housing stock as many people prefer to live on their own and can only afford one bedroom or studio apartments. This area used to provide for those on low incomes, now people are being forced to move out of the area they contributed to creating because they can no longer afford the rent, let alone purchase their own home. The stress people experience in having to move because they can no longer live in among people they know also increases the burden on social services and mental health facilities.

Massing, Bulk and Scale – loss of views, light, sunlight

The height increase will serve to significantly reduce light and direct sunlight to apartments in the Macleay Regis. The only day light for these apartments is from north-west facing windows. Already the apartments on the lower floors have low light levels. The increased proposed height and enclosing of the view corridor between the Chimes and the White House (55 Macleay Street) will ensure further reduction of day lighting of apartments and reduction of what sunlight falls on the building between 2:00 and 4:00pm. The new proposed height will also shut out direct sunlight to the street affecting growth and survival of street trees and detracting from quality of enjoyment. No one wants to live in perpetual shade and below adequate levels of illumination.

In summer, with trees in full leaf, the view corridor over the carpark between the Chimes and the Terraces allows for dappled sunlight and direct sun in the evening. In winter, when the trees lose their leaves, sun penetrates into the apartment by about 2.0 metres. Without sunlight the apartment, which is 6 metres deep, receives limited light at this depth. A development that covers the whole site would mean the use of artificial lighting even during daylight hours. This is a negative environmental impact and an increase in expense for residents. Below is an image of the dining room of a west-facing apartment. The additional height proposed will close out all direct sunlight as well as reducing daylight.

LIGHT

The light in the apartment is primarily from west facing windows. There is one room, the dining room, which has windows that face south as well as to the west.

All rooms in the apartment have relatively low average lux levels throughout the day which is likely due to the fact that the apartment is between 4 and 6.5 metres deep without the benefit of east facing windows. The room chosen for the study receives the most light in the form of daylight and direct sunlight.

The apartment only receives direct sun from about 2:00 pm in the Summer and 1:00 pm in Winter. The reason is explained by VSA and HSA reading in the table as well as shading by the apartment on the opposite side of the road.

Sun Path Shadow
3:30 PM
11 December 2022



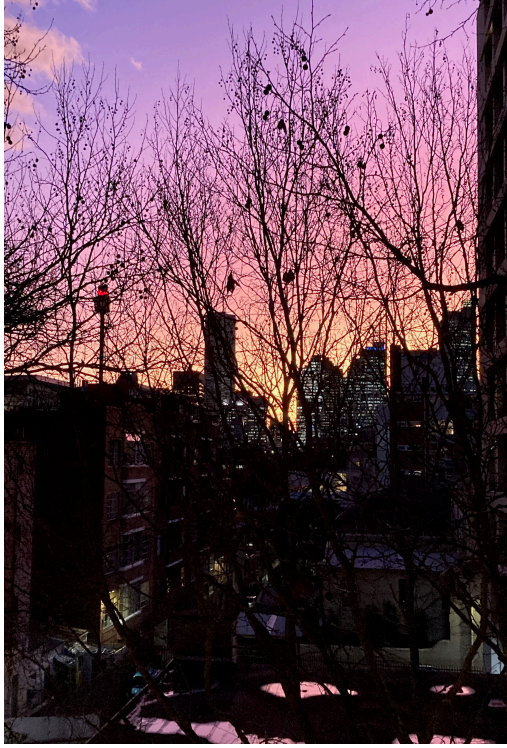
Sun Path shadow 3:00pm
December 2022

Loss of Views

The development will see loss of views, loss of light and amenity for the entire west façade of Macleay Regis – a 1938 heritage listed building. See Item 1591 in Schedule 5 of the Sydney local Environment Plan 2012.

The current view corridor between the Chimes building and Yellow House (57-59 Macleay Street) built in 1897 give west-facing apartments unencumbered, framed, views towards the city of Sydney skyline which include the Centre Point Tower and Deutsche Bank Building. This spectacular view can be enjoyed from this and all west facing windows.

The loss of this view to see only the walls of an apartment block represents a considerable loss of amenity. This view corridor creates a pause between the Chimes and Queen Anne styled heritage buildings to the north on Macleay Street.



The wall of the Chimes can be seen on far right of RH photo.
View from Level 4 12 Macleay Street. Macleay Regis.

Compromises Heritage Conservation Value of the Precinct

The scale and bulk of the building now with no or minimal setbacks will visually overwhelm the site and detract from the heritage terraces and interwar apartments which are uniquely found in Potts Point/Elizabeth Bay. Its presence will dominate the street, not just the site.

Loss of Views to and From a Heritage Building

Macleay Regis will not be seen as part of the landscape. Instead, the visuals will include the unsightly development of the 1960's along Brougham Street and this massive 50-metre-high tower block if its mass and proposed scale is not significantly reduced. Ideally they are required to maintain the view corridor and utilise the existing building envelope.

The present view of the Heritage building, pictured below will be completely obscured by the proposed envelope for the Chimes.



Photo shows the view of Macleay Regis from the steps leading to Art Gallery NSW. Macleay Regis – King of Macleay Street. Photo taken in 2023.

The distance between the Chimes and Queen Anne style terraces at 55, and 57-59 Macleay Street provide a visual break. It was also said to be a concession to permit the Chimes to be built to its current height. There are strong environmental, climate, heritage, and sustainability reasons for preserving the existing building envelope. The closing off of this last piece of Macleay Street is also likely to create wind tunnel effects for pedestrians. Wind flows N-S which is basically along Macleay Street. Over the years, as buildings have become taller and gaps between them have been closed, the wind has become more intense. The expansion of the envelope will serve to funnel wind and make Macleay Street a more unpleasant place to be. Restaurants and cafes rely on people being able to sit outside.

Loss of Privacy, Noise, disturbance

The proposal includes balconies, retail shops and restaurant. These features all have the potential to bring unwelcome noise, given that they will be situated close to bedrooms of west-facing apartments. Noise travels in this area and there are already issues with noise levels from patrons of restaurants in Challis Avenue, particularly when leaving late at night. Noise from service vehicles in the early morning remains an issue as does restaurant staff tossing bottles in bins late at night. City of Sydney and Police resources are such that noise issues are hard to reign in once their source is created. There are limited options for reducing the impact from external noise sources, because all the rooms are located along Macleay Street, ventilation is only possible from west facing windows. Having to retro-fit sound management features such as double-glazing and air-conditioning to a 1938 building to reduce external noise are extremely expensive in the short term as well as having a long-term

negative environmental impact. As the building is, it is sustainable and moderate in energy consumption to maintain comfortable living conditions.

Demolition and Construction

This will occur at the inconvenience of residents, shop owners and visitors. The bulk and scale of this building take from the neighbourhood, aesthetically, culturally and cause significant disruption. The question of environmental impacts appears to have been minimised in the developers plans to demolish a historically significant building and consign it to land fill. The noise and disruption from demolition and rebuild will be enormous. Again, this is all take from them and nothing back to the community. Research shows (Merlino 2014) that a small-scale building of approximately 1300 square meters would result in 1212 tonnes going into landfill. The Chimes is considerable larger in scale. Constructed of brick, steel, and glass, the Chimes embodies the energy that went into its construction and preservation of it, represents sustainable building practice. There are many arguments for maintaining the current building envelope.

What is the developer's 'give back' or contribution to the community in which they are imposing themselves and from which they expect to make significant financial gains.

In summary, my objections to this development proposal are as follows:

1. This development represents the loss of 80 lots of affordable housing to be transmuted to 34 apartments for the extremely wealthy. This has already been done at No1. Onslow Avenue, 1 Onslow Place, 11A and 13A Wylde Steet, and 51-57 Bayswater Road Rushcutters Bay to name some of the more significant developments. The displacement or forcing out people from the area who contributed to its uniqueness.
2. Loss of amenity for all West Facing apartments of the Macleay Regis. Significant loss of light and loss of direct sunlight. Artificial lighting will need to be used, particularly for those units closer to ground level in order to carry out daily tasks with safety.
3. Loss of iconic views through to the city. These views were the reason for purchasing the property. Once gone, the apartment will lose the value and benefit of these iconic views with potential reduction in value of the apartment.
4. Loss of views back to the Macleay Regis. The view from the city to Elizabeth Bay is already marred by the unfortunate, unsightly development by Frank Thiemann. This is a notable case in point of unsympathetic development in this area. The bulk of this proposed development would totally occlude the view to the Macleay Regis and other heritage buildings.
5. Loss of an iconic 1960's building, The Chimes, which is part of the local heritage.

6. The massive bulk of the proposed building is visually unsightly and intrudes on, rather than merges in with the adjoining heritage street scape. The site is situated within the Elizabeth Bay conservation area. As such this is a heritage area which needs to be respected.
7. Environmental, local heritage, cultural uniqueness, and sustainability issues are completely ignored in plans to demolish, dig, and rebuild.
8. Kings Cross, Pott Point, and Elizabeth Bay form a cultural heritage district. This proposed redevelopment brings means loss of cultural heritage of the area. The area is already suffering from blandness and redevelopment that started as soon as the lockout laws were introduced in 2014.

It is imperative that the State Government take action to protect this area from further loss of affordable housing. It is not just the buildings that are a threat to heritage – there is also a cultural and community heritage that needs to be protected.

Helen Crossing

Resident
Elizabeth Bay

Merlino, K. 2014. "Evaluating Significance. The Environmental and Cultural Value in Older and Historic Buildings. *The Public Historian* 36, (3) 70-85. University of California Press.