

The logo for URBIS, featuring the word "URBIS" in a bold, white, sans-serif font. The text is contained within a white square frame that is partially open on the right side. A white vertical line extends upwards from the top of the square, and a white horizontal line extends to the right from the right side of the square, creating a crosshair effect.

URBIS

45-53 Macleay Street Potts Point

Response to Submissions

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Acknowledgement of Country

Urbis acknowledges the Traditional Custodians of the lands we operate on.

We recognise that First Nations sovereignty was never ceded and respect First Nations peoples continuing connection to these lands, waterways and ecosystems for over 60,000 years.

We pay our respects to First Nations Elders, past and present.

The river is the symbol of the Dreaming and the journey of life. The circles and lines represent people meeting and connections across time and space. When we are working in different places, we can still be connected and work towards the same goal.

Title: Sacred River Dreaming
Artist Hayley Pigram
Darug Nation
Sydney, NSW

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Executive Summary

This Submissions Report has been prepared by Urbis on behalf of Time & Place Pty Ltd (**the Applicant**) to address the matters raised during the public exhibition of the State Significant Development Application (**SSDA**) for the redevelopment of 45-53 Macleay Street, Potts Point (SSD-79316759).

The **SSDA** was publicly exhibited by the NSW Department of Planning, Housing and Infrastructure (**DPHI**) from 2 April 2025 to 29 April 2025 for 28 days.

Overview of Submissions

During public exhibition, 156 public submissions were received, including:

- Six (6) submissions from community interest groups
- Two (2) submissions from local members
- 148 submissions from individual members of the local community.

Of the public submissions, three submissions were received in support (2%), 149 submissions objected (96%), and four submissions were neutral/provided a comment (2%).

Additionally, advice was received from seven (7) submissions government agencies during the public exhibition of the SSDA. An additional submission was received from City of Sydney Council which objected to the proposal.

The key issues raised in the submissions can be broadly grouped into the following categories:

- Housing impacts
- Justification and evaluation of the project
- Heritage impacts
- Built form
- Amenity impacts
- Procedural matters
- Social impacts
- Visual impacts
- The project
- Traffic and transport
- Other issues
- Issues beyond the scope of the project.

Based on the above categories, this Submissions Report provides a response to the key issues at **Section 4**.

Actions Taken Since Exhibition

Since the SSDA was publicly exhibited, the Applicant has undertaken further consultation with the DPHI to discuss the issues raised in agency, Council and public submissions. The setback from Macleay Street Ground to Level 2 has been increased from 1.5m (EIS) to 2m (+0.5m) to allow the preservation of the street trees along Macleay Street.

Response to Submissions

In response to the issues raised in submissions, additional assessments and justification has been provided by the Applicant, including:

- Supplementary Overshadowing Assessment prepared by SJB
- Qualitative Wind Assessment Report prepared by CPP Wind Engineering Consultants
- Visual Impact Assessment Response letter prepared by Urbis
- Historical Archaeology Impact Assessment prepared by Urbis
- Historical Archaeological Research Design and Excavation Methodology prepared by Urbis.

Updated Justification and Evaluation

Subject to the implementation of the recommended mitigation measures, the proposal would not result in any unacceptable impacts, has strategic and statutory merit, and would facilitate the redevelopment of the site for diverse and affordable housing in an accessible location, directly responding to the NSW Government's policy mandate to improve housing choice and affordability. The proposed building massing has been designed to respond positively to the surrounding streetscape and ensure appropriate view sharing and overshadowing outcomes are maintained to surrounding buildings.

The definition of the building envelope creates significant opportunities to improve public domain outcomes, through encouraging street level activation at Macleay Street and a significant increase in landscaping and tree planting on the site. The proposed redevelopment of the site will have a significant positive impact on the heritage character of the surrounding area which will be further developed through the detailed design stage of the proposal.

Having considered all relevant matters, the proposed development is appropriate for the site and approval is recommended, subject to appropriate conditions of consent.

1. Introduction

This Submissions Report relates to the concept development application for a shop-top housing development with in-fill affordable housing at 45-53 Macleay Street, Potts Point (**the site**). On behalf of Time & Place Pty Ltd (**the Applicant**), this Submissions Report has been prepared to address the matters raised by public agencies, local Council, the community and other relevant stakeholders throughout the public exhibition period.

The State Significant Development Application (**SSDA**) was lodged with the Department of Planning, Housing and Infrastructure (**DPHI**) on 10 March 2025 (SSD-79316759). The SSDA was placed on public exhibition for 28 days between 2 April 2025 and 29 April 2025.

This Submissions Report has been prepared in accordance with the DPHI *State Significant Development Guidelines – Preparing a Submissions Report (Appendix C) July 2021*.

1.1. Exhibited Project

The exhibited proposal sought consent for a 13-storey mixed-use development comprising:

- Maximum gross floor area of 5,529.8 sqm including:
 - Retail - maximum 250m²
 - Residential – 5,279 m² including minimum 15% GFA for affordable housing
- Maximum building height of 50.05m (RL 78.12) or 13 storeys (*inclusive of 30% affordable housing bonus and 10% design excellence bonus*)
- Maximum floor space ratio of 4.29:1 (*inclusive of 30% affordable housing bonus and 10% design excellence bonus*)
- Ground floor retail and commercial uses with 12 storeys of residential tower above
- Three basement levels for parking, services and storage
- Vehicular and loading access from McDonald Street.

The proposal has been made under Chapter 2 Part 2 Division 1 of the Housing SEPP as the proposal includes more than 10% affordable housing and is located in an accessible area.

The proposal will include 15% of the gross floor area for affordable housing to be managed by a registered community housing provider for a 15-year period to utilise the height and floor space bonuses in the Housing SEPP. Refer to **Appendix Z** for further information regarding Bridge Housing (ABN 55 760 055 094), the chosen community housing provider.

The proposal will comply with the maximum height and FSR controls for the site when utilising the bonuses provisioned for under the Housing SEPP for affordable housing provision, and the Sydney LEP 2012 for design excellence.

1.2. Response to Submissions

In response to the concerns raised in submissions, the setback from Macleay Street at Ground to Level 2 has been increased from 1.5m (EIS) to 2m (+0.5m) to allow the preservation of the street trees along Macleay Street. Refer to the revised Envelope Plans (**Appendix A**) for further details.

Additional assessments have also been prepared to respond to the issues raised within the submissions as outlined in **Section 3.3**.

1.3. Supporting Documentation

This Submissions Report is supported by the following technical reports and documentation.

Table 1 Supporting Documentation

Appendix	Report	Prepared By
Appendix A	Submissions Register	Urbis
Appendix B	Updated Mitigation Measures	Urbis
Appendix C	Amended Envelope Plans	SJB
Appendix D	Solar and Cross Ventilation Analysis	SJB
Appendix E	Supplementary Design Report	SJB
Appendix F	Wind Assessment Report	CPP Wind Engineering Consultants
Appendix G	Historical Archaeological Impact Assessment	Urbis
Appendix H	Historical Archaeological Research Design and Excavation Methodology	Urbis
Appendix I	Updated Aboriginal Cultural Heritage Assessment Report	Urbis
Appendix J	Visual Impact Response Letter	Urbis

2. Analysis of Submissions

This section provides a summary of the submissions received including a breakdown of respondent type, nature/ position and number of submissions received.

2.1. Breakdown of Submissions

The SSDA was publicly exhibited from 2 April 2025 to 29 April 2025.

There were 156 submissions overall, two (2) submissions from local members, six (6) submissions from community interest groups, and 148 submissions received from individual members of the local community, including one submission received outside the exhibition period.

Overall, three submissions were received in support (2%), 149 submissions objected (96%), and four submissions were neutral/provided a comment (2%).

A breakdown of the submissions made by group and issues raised is provided below. The submissions register provided at **Appendix A** provides further detail as to issues raised by individual submissions and a response to all key issues raised is provided in **Section 2.3**.

Figure 1 Key issues raised in submissions

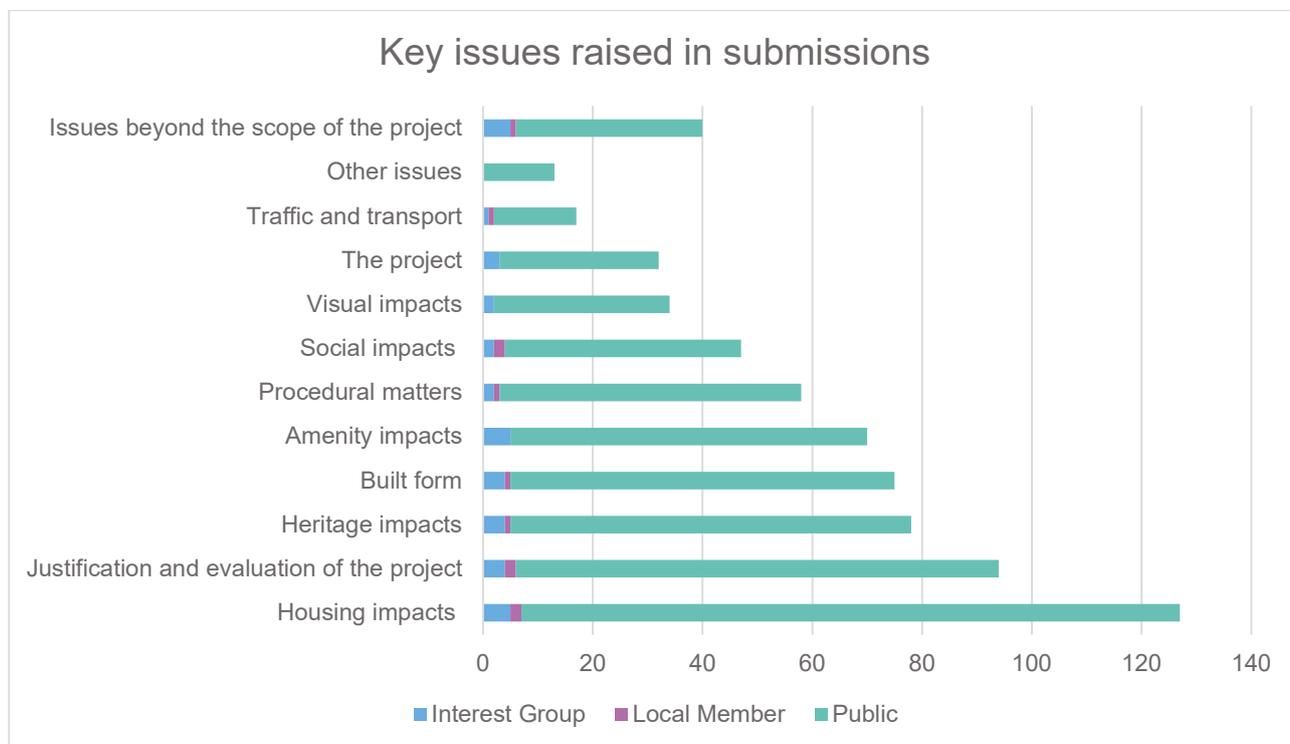


Table 2 Summary of Public Submissions

Source	Position	Number of Submissions
Special Interest Groups:	Support	0
Mayfair Units Pty Ltd, Potts Point Preservation Group, The Board of the Macleay Regis Ltd, Owners Corporation, SP30881, Executive Committee of 10C	Neutral	0
Challis Avenue, Potts Point (Strata Plan 9941)	Object	6

General Public	Support	3
	Neutral/Comment	4
	Object	142
<hr/>		
Local Members: Alex Greenwich and Sylvie Ellsmore	Support	0
	Neutral/Comment	0
	Object	2

2.2. Categorisation of Submissions

2.2.1. Council and Agency Submissions

A total of seven (7) submissions were received from government agencies during the public exhibition of the SSDA. An additional submission was received from City of Sydney Council which objected to the proposal. A summary of the government agency and Council submissions is provided in **Table 4**.

Table 3 Summary of Council and public agency submissions

Public Authority	Position
City of Sydney Council	<p>Provided the following comments:</p> <ul style="list-style-type: none"> ▪ Raised concerns about amenity impacts resulting from non-compliant setbacks, including overshadowing, view loss, and privacy issues ▪ Opposed the full demolition of the existing building in a heritage conservation area, recommending adaptive reuse of existing elements ▪ Identified inconsistencies with the ESD targets in the proposal and the endorsed Design Excellence Strategy (DES) ▪ Noted inadequate setbacks to Macleay Street, McDonald Lane and the southern boundary affecting trees and neighbouring heritage structures ▪ Requested additional documentation including a Wind Impact Report, accurate survey data and detailed setback dimensions ▪ Highlighted design issues relating to the reference scheme, including lobby access, façade articulation, communal open space and excessive parking provision
Heritage NSW (HNSW) within Department of Climate Change, Energy, the Environment and Water	<p>Provided the following comments:</p> <ul style="list-style-type: none"> ▪ Recommends the Heritage Impact Statement is updated to consider potential indirect impacts to nearby State Heritage Register items ▪ Recommends the preparation of a comprehensive Historical Archaeological Impact Assessment (HAIA) and, if identified as required by the HAIA, the preparation of an Archaeological Research Design and Excavation Methodology (ARDEM).
NSW Department of Climate Change, Energy, the Environment and Water (DCCEEW) - Water Group	<p>Provided the following comments:</p> <ul style="list-style-type: none"> ▪ Requests the Applicant quantify the maximum annual groundwater take and demonstrates the ability to obtain a Water Access Licence (WAL), unless exempt ▪ Recommends assessing groundwater impacts if take exceeds 3ml / year, in line with the NSW Aquifer Interference Policy ▪ Notes insufficient information in the EIS on potential groundwater inflows from basement excavation and associated impacts.
DCCEEW – Conservation Programs, Heritage and Regulation Group (CHRP)	<p>Recommends:</p> <ul style="list-style-type: none"> ▪ A condition of consent requiring tie-in works between the proposed raised footpath and the existing footpath on Macleay Street to minimise increases in the roadway’s flood level. ▪ Section 10 General Tree Protection Notes from the Arboricultural Impact Assessment be included as conditions of consent.
Ausgrid	<p>Provided the following comments:</p> <ul style="list-style-type: none"> ▪ Requests coordination with Ausgrid on electrical connections and load requirements ▪ Requires protection of existing infrastructure, including underground cables and kiosk substations ▪ Requires maintenance of existing easements and access rights ▪ Notes that an Ausgrid kiosk substation is located in the vicinity of the development and requires: <ul style="list-style-type: none"> – A minimum 6m separation between substation ventilation openings and building ventilation systems – Buildings within 3m of a kiosk substation to meet strict fire resistance standards, with no windows or openings unless protected by a blast-resisting barrier.

Public Authority	Position
Heritage NSW – Aboriginal Cultural Heritage branch (HNSW - ACH branch) within the Department of Climate Change, Energy, the Environment and Water	<ul style="list-style-type: none"> Recommends conditions of consent relating to the protection of Aboriginal heritage.
Sydney Water	<ul style="list-style-type: none"> Notes that detailed servicing requirements will be determined a future detailed application stage.
Transport for NSW (TfNSW)	<ul style="list-style-type: none"> No comments.

2.2.2. Special Interest Group Submissions

A total of two (2) submissions from local members and six (6) submissions from special interest groups were received during the public exhibition of the SSDA. A summary of the local member and community group submissions are provided in **Table 4**.

Table 4 Summary of special interest group submissions

Local Members	Position
Independent Member for Sydney - Alex Greenwich	<p>Objected and raised the following concerns:</p> <ul style="list-style-type: none"> The proposal is inconsistent with NSW Government policies to increase affordable housing The proposal would result in a net-loss of affordable housing The proposal would displace existing residents, reduce housing diversity and impact the social fabric of Potts Point The height of the proposal would result in visual and overshadowing impacts Adaptive reuse options for the proposal should be further explored The categorisation of the existing building as a detracting item is inappropriate The proposed car parking provision is excessive given the proximity of the site to public transport and would result in additional excavation.
Chair of the City of Sydney Council Housing for All Advisory Panel - Sylvie Ellsmore	<p>Objected and raised the following concerns:</p> <ul style="list-style-type: none"> The proposal would result in a net-loss of affordable housing Affordable housing provision is limited to a 15-year period The affordable housing provision does not meet the criteria to be considered affordable housing by Council and therefore would not contribute to Council's achievement of affordable housing targets. The proposal will contribute to the gentrification of Potts Point The proposal is inconsistent with local dwelling retention policy The proposal is inconsistent with the intent of the SSD pathway and would bypass Council who has previously opposed the development.
Special Interest Groups	Position
Mayfair Units Pty Ltd	<p>Objected and raised the following concerns:</p> <ul style="list-style-type: none"> The proposal is of an inappropriate scale and density in comparison to the surrounding area and would result in amenity impacts The affordable housing commitment is limited and temporary Adaptive reuse alternatives would be more appropriate The proposal would negatively impact the surrounding heritage area Excavation may impact nearby heritage buildings and established street trees The proposed ground floor retail may result in amenity and street parking impacts Community consultation has been inadequate.

Potts Point Preservation Group	<p>Objected and raised the following concerns:</p> <ul style="list-style-type: none"> ▪ The proposal would result in the loss of affordable housing and provide temporary affordable housing for only 15 years ▪ The proposal is inconsistent with City of Sydney's dwelling retention policy ▪ The existing building is recognised by Council as contributory to the Potts Point HCA and should be preserved ▪ The proposed height is inconsistent with the surrounding area, leading to amenity impacts including overshadowing, view loss and wind impacts ▪ The building should be remediated rather than demolished and alternative development approaches should be considered ▪ Concerns the proposal will displace long-term residents and reduce the diversity of the neighbourhood.
The Board of the Macleay Regis Ltd	<p>Objected and raised the following concerns:</p> <ul style="list-style-type: none"> ▪ Loss of affordable housing and the cumulative impact on affordable housing in Potts Point ▪ Affordable housing provision is limited to a 15-year period ▪ The proposal would result in view loss and overshadowing impacts to the Macleay Regis heritage item ▪ Ground floor retail and outdoor dining may cause noise and amenity impacts for surrounding residents.
Owners Corporation SP30881 – 4 Macleay Street, Potts Point	<p>Objected and raised the following concerns:</p> <ul style="list-style-type: none"> ▪ The proposal is inconsistent with NSW Government and City of Sydney policies to increase affordable housing ▪ The proposal would result in a net loss of affordable housing ▪ Affordable housing provision on the site is limited to a 15-year period ▪ Lack of diversity in proposed apartment sizes ▪ Concerns the developer may lodge a future modification to remove affordable housing on the site ▪ Cumulative loss of affordable housing in Potts Point ▪ The proposal would displace existing residents and lead to the gentrification of Potts Point ▪ The proposed bulk and scale is inconsistent with the surrounding area and would result in overshadowing ▪ The existing building is recognised by Council as contributory to the Potts Point HCA and should be preserved ▪ Alternative development options should be considered, including redeveloping the car park area into additional housing ▪ Ground floor retail is unnecessary and will result in noise and amenity impacts ▪ Community consultation has been insufficient, with inadequate public notification of the proposal.
Executive Committee of 10C Challis Avenue, Potts Point (Strata Plan 9941)	<p>Objected and raised the following concerns:</p> <ul style="list-style-type: none"> ▪ The proposal is inconsistent with NSW Government and City of Sydney policies to increase affordable housing ▪ The proposal would result in a net loss of affordable housing ▪ Affordable housing provision on the site is limited to a 15-year period ▪ The VIA does not consider visual impacts to 10C Challis Avenue ▪ The proposal would result overshadow 10C Challis Avenue ▪ The bulk and scale of the proposal is inconsistent with the character of the surrounding area ▪ The proposed amenity impacts associated with the proposal will reduce property prices at 10C Challis Avenue ▪ The proposal, including communal areas and ground floor retail, would result in noise and amenity impacts to 10C Challis Avenue ▪ A traffic impact assessment has not been prepared and traffic impacts have not been assessed ▪ The proposal would worsen congestion and street parking in the surrounding area
12-16 Challis Avenue (SP 65264)	<p>Objected and raised the following concerns:</p> <ul style="list-style-type: none"> ▪ Overshadowing impacts

- Amenity impacts including noise and visual impacts associated with the podium
- The proposed bulk and scale of the proposal would impact on the surrounding streetscape
- The proposal would result in a net loss of affordable housing
- Concerns regarding the bulk and scale of the building envelope.

2.2.3. Public Submissions

A total of 147 submissions were received from individuals during the public exhibition of the SSDA. An additional one (1) submission was received outside the exhibition period. Of the 148 submissions, three (3) supported the proposal, four (4) provided comments and 141 objected to the proposal.

A summary of the key issues raised in public submissions is provided in **Table 3** below.

Table 5 Summary of issues raised in submissions

Category	Issue
Loss of Housing	<p>81% of public submissions raised concerns relating to the proposal's impacts on housing, including:</p> <ul style="list-style-type: none"> ▪ The proposal would result in a net loss of both housing and affordable housing provision ▪ The proposal would contribute to the cumulative loss of affordable housing in Potts Point ▪ The proposal would reduce the diversity of the housing stock and would not cater to single person households.
Justification and evaluation of the project	<p>59% of submissions raised concerns relating to the justification and evaluation of the project, including:</p> <ul style="list-style-type: none"> ▪ The proposal is inconsistent with the NSW State Government housing policy and should not be subject to height and floor space bonuses ▪ The proposal is inconsistent with the City of Sydney's dwelling retention policy ▪ The proposed affordable housing does not meet criteria for affordable housing under City of Sydney Council schemes and therefore would not contribute to Council's achievement of affordable housing targets ▪ Alternative approaches to the proposal should be considered including adaptive reuse, retaining the current building / existing building envelope, or redeveloping the adjacent at-grade car parking for housing ▪ The project is not in the public interest as its impacts outweigh its benefits.
Heritage impacts	<p>49% of public submissions raised concerns regarding the heritage impacts of the proposal, including:</p> <ul style="list-style-type: none"> ▪ The proposal would demolish an iconic building that is contributory to the Potts Point Heritage Conservation Area (HCA) ▪ The proposal would impact the character of the surrounding HCA, especially when considering cumulative impacts with other proposals ▪ The proposal would result in amenity impacts to neighbouring heritage buildings, including view loss and overshadowing ▪ The proposed excavation works would impact on the structural integrity of neighbouring heritage buildings ▪ The Heritage Impact Assessment (HIA) has not considered impacts to the Yellow House (57-59 Macleay Street) ▪ The proposal will set a precedent from the removal of other heritage buildings in the vicinity ▪ The proposal would result in cumulative impacts to the loss of heritage buildings in the Potts Point HCA.

Category	Issue
Built Form	<p>47% of public submissions raised concerns relating to the proposed built form, including:</p> <ul style="list-style-type: none"> ▪ The proposed setbacks are insufficient and would result in overshadowing, visual impacts and inadequate landscaping ▪ The bulk and scale of the proposal is inconsistent with the local area and would negatively impact local character ▪ The height and bulk of the proposal are excessive
Amenity Impacts	<p>44% of public submissions raised concerns relating to the amenity impacts of the proposal, including:</p> <ul style="list-style-type: none"> ▪ The proposal would result in operational noise impacts, especially from the ground floor retail and the level 3 communal facilities ▪ The proposal would result in overshadowing impacts to neighbouring buildings, particularly the Macleay Regis, and street trees ▪ The overshadowing assessment is inaccurate and underestimates impacts ▪ The proposal would result in wind tunnel impacts ▪ The proposal would result in visual privacy impacts to neighbours ▪ The proposal would reduce airflow to neighbouring buildings ▪ The proposed communal amenities will pose a safety and security risk to surrounding residences.
Procedural matters	<p>37% of public submissions raised concerns relating to procedural matters, including:</p> <ul style="list-style-type: none"> ▪ The community consultation undertaken was inadequate, with insufficient time given to the community to respond and not enough of the community was notified ▪ Deferring the assessment of impacts to the detailed design stage prevents the community from adequately assessing the potential outcomes. ▪ The inclusion of ground floor retail is unnecessary and appears to be included solely to meet the SSDA pathway requirements ▪ The developer may amend the diversity and size of apartments once the application is approved. ▪ The proposal is not state significant.
Social Impacts	<p>29% of public submissions raised concerns regarding the social impacts of the proposal, including:</p> <ul style="list-style-type: none"> ▪ The proposal would result in the displacement of existing residents and the gentrification of Potts Point, especially when considered cumulatively with other projects ▪ The proposal would result in impacts to local businesses ▪ The proposal would impact property prices due to view loss impacts ▪ The proposal would result in impacts to community cohesion ▪ Affordable housing should not be located in expensive suburbs ▪ The proposal does not provide sufficient community benefit
Visual Impacts	<p>22% of public submissions raised concerns relating to the visual impacts of the proposal, including:</p> <ul style="list-style-type: none"> ▪ The proposal would result in view loss impacts and the loss of iconic views, including to and from heritage buildings, residences and the city. ▪ The Visual Impact Assessment (VIA) has not modelled or considered visual impacts to 14 Macleay Street, 10C Challis Avenue and 12-16 Challis Avenue. ▪ The VIA is inaccurate as the visual catchment is too small, impacts have been inappropriately categorised and visual impacts are not considered from all internal living spaces. ▪ The bulk and scale of the proposal visually intrudes on the streetscape. ▪ The sight lines from McDonald Street to the back of the Yellow House 'artwork screens' have not been maintained.

Category	Issue
The project	20% of public submissions raised concerns relating to the project, including: <ul style="list-style-type: none"> ▪ The ground floor retail is unnecessary and inconsistent with the surrounding residential area ▪ The location of ground floor retail and communal amenities would result in unacceptable impacts and should be revised
Traffic and transport	10% of public submissions raised concerns relating to traffic and transport impacts, including: <ul style="list-style-type: none"> ▪ Existing on-street parking is insufficient to support the proposed retail use and would result in pressure on on-street parking ▪ The proposal includes excessive car parking which would encourage private vehicle use ▪ The proposal will increase traffic congestion. ▪ The proposal does not confirm that vehicle access to 9 McDonald Street, off McDonald Lane, will remain unobstructed.
Other issues	9% of public submissions raised concerns relating to issues not covered in the above categories, including: <ul style="list-style-type: none"> ▪ The proposal is unsustainable as it would demolish the existing building rather than pursuing adaptive reuse ▪ The proposal would strain existing waste services.
Issues beyond the scope of the project	Various submissions raised issues that sit outside of the current project scope. These issues are summarised below: <ul style="list-style-type: none"> ▪ The affordable housing component of the proposal will be temporarily affordable for a 15-year period ▪ The provision of 15% affordable housing is insufficient for inner city areas ▪ The proposal uses the SSD pathway to bypass local Council and fast-track the assessment ▪ The construction of the proposal would result in unacceptable impacts to the community.

3. Actions Taken Since Exhibition

In response to the key issues raised within the submissions, minor design refinements and clarifications have been made to the proposed development since public exhibition.

This section summarises the changes that have been made to the project since its public exhibition. It also outlines the additional assessment undertaken to respond to the concerns raised with the public agency, organisation and public submissions outlined in **Section 2**.

3.1. Further Engagement

On 14 May 2025, the Applicant met with the Department to discuss the key issues raised in the agency, Council and public submissions and the proposed approach to responding.

3.2. Refinements to the Project

In response to the concerns raised in submissions, the setback from Macleay Street at Ground to Level 2 has been increased from 1.5m (EIS) to 2m (+0.5m) to allow the preservation of the street trees along Macleay Street. Refer to the revised Envelope Plans (**Appendix A**) for further details.

3.3. Additional Impact Assessment

Additional assessments have been prepared to respond to the issues raised within the submissions. These include:

- Supplementary Overshadowing Assessment prepared by SJB
- Qualitative Wind Assessment Report prepared by CPP Wind Engineering Consultants
- Visual Impact Assessment Response letter prepared by Urbis
- Historical Archaeology Impact Assessment prepared by Urbis
- Historical Archaeological Research Design and Excavation Methodology prepared by Urbis.

The findings and recommendation of the additional assessments are discussed in detail within **Section 4** of this report.

4. Responses to Submissions

All submissions were managed by DPHI, which included registering and uploading the submissions onto the 'Major Projects website' (SSD-79316759).

This section provides a detailed summary of the Applicant's response to the issues raised in submissions as well as those upon which DPHI have requested further information or clarification.

4.1. Response to DPHI, Agencies and Council

Table 6 Response to issues raised by DPHI, agencies and Council

Issue Raised	Response	RTS Reference
Department of Planning, Housing and Infrastructure		
Building height		
<ul style="list-style-type: none"> ▪ Confirm that the building envelope height fully complies with the maximum building height permitted under State Significant Planning Policy (Housing) 2021 (Housing SEPP) by providing: <ul style="list-style-type: none"> – an overlay of the building envelope plan over the survey plan, with existing ground levels, contours and the uppermost points of the building envelope clearly notated – updated elevation plans dimensioning the uppermost points of the building envelope with the existing ground level directly underneath – an updated building height plane diagram which depicts the maximum height RIs for the site, and the maximum building envelope RIs, as the northern elevation appears to depict a building height breach. 	<p>Additional plans have been provided by SJB to confirm that the proposal fully complies with the maximum building height permitted under the Housing SEPP.</p>	<p>Appendix C</p>
View Loss		
<ul style="list-style-type: none"> ▪ Public submissions raised concerns regarding view loss impacts. While the submitted Visual and View Impact Assessment (VVIA) addresses critical viewpoints, the following additional information is required to allow for a complete assessment of view loss impacts for neighbouring properties: 	<p>A Visual Impact Assessment (VIA) response letter has been prepared by Urbis and is included at Appendix J. The VIA response letter:</p> <ul style="list-style-type: none"> ▪ Provides details regarding the inspections undertaken in 2023 and clarifies that since the time of inspection there has been no material change to the immediate visual context of the site, surrounding buildings 	<p>Appendix J</p>

Issue Raised	Response	RTS Reference
<ul style="list-style-type: none"> – the view loss inspections for neighbouring properties were conducted in 2023 - provide detail confirming that these inspections remain adequate for the purposes of the current VVIA for this application – determine how many apartments in each neighbouring building (as a number and percentage of the overall apartment numbers), and any other residential property, will experience noticeable detrimental view impacts. In this regard, consider their orientation and view corridors to iconic and water views, particularly due to the additional height and mass after applying the bonus provisions, and inconsistencies with the ADG building separation distances – directly address any specific concerns regarding view loss raised in submissions in the VVIA – provide information on any limitations in assessing the view impacts on individual apartments within a residential development, to address the concerns regarding view impact assessment, raised in community submissions. 	<p>or in views available from neighbouring buildings and therefore these views remain relevant for the proposal</p> <ul style="list-style-type: none"> ▪ Clarifies that no immediate neighbouring residential buildings will experience noticeable detrimental view impacts due to the additional height and mass proposed. While some distant buildings may have minor oblique views of the additional height, these views do not include iconic or highly valued scenic compositions. ▪ Provides a direct response to specific view loss concerns raised in public submissions. Please also refer to Section 4.2 ▪ Confirms that no additional dwellings raised in community submissions are at risk of any significant adverse view loss impacts. 	
Overshadowing and solar access		
<ul style="list-style-type: none"> ▪ Public submissions raised concerns regarding overshadowing impacts to neighbouring residential properties. To enable a full assessment of these impacts, provide: <ul style="list-style-type: none"> – a detailed written analysis, to supplement the solar access analysis in the Design Report, which confirms which neighbouring residences will retain two hours solar access to their private open space areas and north facing living areas on June 21, including calculations of the amount of sunlight lost and retained – the written analysis is to address any specific overshadowing concerns raised in submissions – the solar access tables are provided at 15-minute intervals, however, the supporting solar access/ views from the sun are provided at hourly intervals. Provide additional diagrams that support the solar access tables. 	<p>SJB have provided a detailed analysis at Appendix E. In response to DPHI's request, the detailed analysis supplements the solar access analysis in the Design Report. Additional view from the sun diagrams have been provided by SJB at 15-minute intervals to support the solar access tables (Appendix E).</p> <p>The analysis provides a detailed summary of the neighbouring residences that will retain two hours of solar access to their living & private open spaces, and concludes the following:</p> <ul style="list-style-type: none"> ▪ 14 Macleay Street <ul style="list-style-type: none"> – There are 7 units (out of 35) that currently have more than 2 hours of sunlight to Living & POS – 1 unit (Unit 604) that currently has more than 2 hours of sunlight will lose access to 2 hours of sunlight to Living & POS as a result of the proposal – Unit 604, 14 Macleay Street will receive 1.75 hours and 3 hours sunlight access to living areas and private open space, respectively. 	Appendix E

Issue Raised	Response	RTS Reference
	<ul style="list-style-type: none"> - The reduction in units that receive more than 2 hours of sunlight to Living & POS as a result of the proposal – 20% of units to 17.1% ▪ 12-16 Challis Avenue <ul style="list-style-type: none"> - There are 6 units (out of 7) that currently have more than 2 hours of sunlight to Living & POS - 1 unit (Unit 1) that currently has more than 2 hours of sunlight will lose access to 2 hours of sunlight to Living & POS as a result of the proposal - Unit 3, 12-16 Challis Avenue will receive 1.75 hours sunlight access to both living areas and private open space. We note that unit 3 is a low-level apartment to the south of the subject site, with an inset balcony that is flanked and surrounded by developments to the east and west (i.e. between 10C Challis Avenue and 57-89 Macleay Street) which will inevitably be impacted development to the north of the site. The proposed building envelope is generally consistent with the planning controls for the site, including the side and rear setbacks adjacent to 12-16 Challis Avenue. - The reduction in units that receive more than 2 hours of sunlight to Living & POS as a result of the proposal – 85.7% of units to 71.4% <p>The proposed concept envelope will result in no reduction in the number of units that receive at least two hours solar access to private open spaces and living areas at 10-12 Macleay Street, 57-59 Macleay Street and 10C Challis Avenue.</p> <p>The project architect has spent considerable time testing various options to reduce the impact on the identified units at 14 Macleay and 12-16 Challis Avenue, however this would result in a building envelope that is significantly altered and compromised compared to the current compliant envelope.</p> <p>It is also noted that this proposal is for a Concept DA, with detailed design of the development to be the subject of a separate development application (following a competitive design process). The detailed built form will sit within the concept envelope and will be further modulated to reduce overshadowing impacts to neighbouring buildings. Throughout the detailed design process, there will be opportunities for the identified overshadowing impacts to the neighbouring residences to be improved upon for the future built form on the site. The proposed overshadowing impacts of the development are therefore</p>	

Issue Raised	Response	RTS Reference
	<p>considered appropriate for the subject site and would be reduced through further detailed design.</p> <p>A detailed response to specific overshadowing concerns raised in public submissions has been included at Section 4.2.</p>	
<ul style="list-style-type: none"> ▪ The shadow diagrams attached to the building envelope plans are to be updated to: <ul style="list-style-type: none"> – depict the shadows cast from the development at an hour per page for legibility – show the full extent of shadows cast - the submitted shadow diagrams do not depict the full length of shadows cast at 9am, or from 1pm onwards – provide shadow diagrams in elevation at an hour per page for legibility – include a detailed assessment of solar access lost and retained. 	<p>Updated Shadow Diagrams have been provided by SJB which provide a view from the sun diagram at 15-minute intervals.</p> <p>Additional written solar access analysis has been provided by SJB which confirms that the proposed envelope has minimal impact to the solar access of neighbouring residents, with only two units (being Unit 604, 14 Macleay Street and Unit 3, 12-16 Challis Street) losing access to the minimum two hours required solar access to private open spaces and living areas during mid-winter.</p>	Appendix E
Building setbacks / building envelope		
<ul style="list-style-type: none"> ▪ The proposed building envelope setbacks are unclear and inconsistent. The setbacks dimensioned on the building envelope plans, and as noted in the EIS, do not appear to be measured from the proposed building envelope (depicted in yellow). Detail the setbacks from the proposed building envelope and clarify what the blue dotted line is depicting on the building envelope plans and update the legend accordingly. 	<p>Updated envelope plans have been provided by SJB which include setbacks dimensioned from the proposed building envelope. The plans have been updated to clearly indicate that the blue dotted line depicts the existing building envelope.</p>	Appendix C
<ul style="list-style-type: none"> ▪ Provide an analysis demonstrating that the proposed building setbacks are consistent with the prevailing street pattern in the vicinity of the site. <ul style="list-style-type: none"> ▪ ▪ Address Council's concerns regarding the Macleay Street front setback and the impacts on existing street trees. 	<p>The Envelope Plans (Appendix C) have been revised to provide a 2m setback to Macleay Street from Ground to Level 2 which is largely consistent with the setback of the existing building on the site.</p> <p>From Level 3 to 12, the proposal includes a 3m setback to Macleay Street to maintain the three-storey street wall height which aligns with the prevailing street pattern in the vicinity of the site.</p> <p>The proposal includes a 3.8m setback to McDonald Lane from Ground to Level 2 and 5.3m setback from Levels 3 to 12.</p>	Appendix C Appendix E

Issue Raised	Response	RTS Reference												
	<p>As shown in the SJB RTS response at Appendix E, the proposed envelope includes a street wall set at the heigh datum of the adjacent heritage buildings along Macleay Street and McDonald Street. This approach to the street wall, which is a deliberate design move that has been incorporated into the envelope design, ensures the podium mass aligns to the existing scale of 61-63, 57-59 & 55 Macleay Street as well as the development along McDonald Street.</p> <p>The proposed envelope will enable future built form that can relate to and complement the architectural expression and street wall detail similar to other surrounding development including 10-12 Macleay Street.</p> <p>The proposed street wall height in generally in accordance with Objective 4.2.1.1(a) of the DCP & Provision 4.2.1.1 (2) of the DCP. The proposed envelope reduces the street wall height from 4 to 3 storeys to align with the prevailing street wall height of the surrounding context. This is consistent with the scale and form of surrounding buildings. The reduction in street wall height reduces the bulk and scale of the proposed envelope and responds to the existing context.</p> <p>In response to concern raised by Council in relation to street trees, the setback to Macleay Street has been amended to 2m to allow the retention of the trees. Any future detailed SSDA will need to address impacts to the street trees, including root zones and canopies to ensure adverse impacts are managed and mitigated.</p>													
<ul style="list-style-type: none"> ▪ Demonstrate that the proposal is consistent with the building separation distances in the Apartment Design Guide (ADG). Any inconsistency with the ADG building separation distances must be addressed. 	<p>The ADG requires the following setback distances from buildings to the side and rear boundaries:</p> <table border="1" data-bbox="958 1038 1469 1244"> <thead> <tr> <th>Building height</th> <th>Habitable rooms and balconies</th> <th>Non-habitable rooms</th> </tr> </thead> <tbody> <tr> <td>up to 12m (4 storeys)</td> <td>6m</td> <td>3m</td> </tr> <tr> <td>up to 25m (5-8 storeys)</td> <td>9m</td> <td>4.5m</td> </tr> <tr> <td>over 25m (9+ storeys)</td> <td>12m</td> <td>6m</td> </tr> </tbody> </table>	Building height	Habitable rooms and balconies	Non-habitable rooms	up to 12m (4 storeys)	6m	3m	up to 25m (5-8 storeys)	9m	4.5m	over 25m (9+ storeys)	12m	6m	Appendix C
Building height	Habitable rooms and balconies	Non-habitable rooms												
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up to 25m (5-8 storeys)	9m	4.5m												
over 25m (9+ storeys)	12m	6m												

Issue Raised	Response	RTS Reference
	<p>Minimum separation distances for buildings are:</p> <p><i>Up to four storeys (approximately 12m):</i></p> <ul style="list-style-type: none"> • 12m between habitable rooms/balconies • 9m between habitable and non-habitable rooms • 6m between non-habitable rooms <p><i>Five to eight storeys (approximately 25m):</i></p> <ul style="list-style-type: none"> • 18m between habitable rooms/balconies • 12m between habitable and non-habitable rooms • 9m between non-habitable rooms <p><i>Nine storeys and above (over 25m):</i></p> <ul style="list-style-type: none"> • 24m between habitable rooms/balconies • 18m between habitable and non-habitable rooms • 12m between non-habitable rooms <p>It is important to distinguish that the above table refers to the largest setback requirement where habitable rooms <u>and</u> balconies are proposed. Put simply, where there may be a habitable room <u>without</u> a balcony (i.e. such as a more secondary habitable space such as a bedroom or bathroom space as opposed to a living space with a balcony), that an equitable share of the separation distances in the ADG could be less.</p> <p>All rooms and spaces at the same level or lower than neighbouring buildings are non-habitable and have at least 6m separation. Only levels situated above the height of neighbouring buildings have habitable rooms and balconies, allowing for visual privacy.</p> <p>The development has a 5.3m setback to McDonald Lane from Levels 3 and above. It is noted that the development to the west of the site along McDonald Lane is across a laneway (measuring approximately 5 m). Any future re-development on the neighbouring site (5-9 McDonald Street) would need to be set back at least 3m up to 4 storeys, with additional setbacks above.</p> <p>The neighbouring development is late Victorian terraces within a heritage conservation area and it is unlikely that any future development on the site</p>	

Issue Raised	Response	RTS Reference
	<p>would extend above the current roof line. Given this, the proposed upper-level setback along McDonald Lane is considered sufficient and appropriate.</p> <p>The proposal provides a 9m upper-level setback from the southern boundary. As shown in the reference scheme, it is proposed that the southern elevation would not comprise of primary living spaces and balconies – but simply secondary spaces such as bedrooms or bathrooms. While these spaces would have sensitively design window spaces, arguably if this was a blank wall, the setback could be reduced further to 6m and have more of an impact on neighbouring properties which share views through the site.</p> <p>While developments above 9 storeys requires a setback of 12m between habitable rooms and balconies, the proposal seeks to continue the secondary spaces along the southern boundary (i.e. bedrooms and bathroom spaces) and there is currently no building form above the neighbouring heritage item at these levels to provide separation to. The existing development along Macleay Street to the south of the site is heritage listed and it is unlikely that any future development on the site would extend above the current roof line.</p> <p>Given this, the proposed upper-level setback to the southern boundary is considered sufficient and appropriate.</p>	
<ul style="list-style-type: none"> ▪ The proposed basement setbacks are unclear and inconsistent. The building envelope plans include a notation stating there will be a 2m setback to the basement, whereas the elevation plans show the 'extent of basement' being to the property boundaries. Clarify the extent of basement excavation proposed. The extent of basement is also required to confirm the proportion of deep soil to be provided for the development. 	<p>Updated envelope diagrams have been provided by SJB which confirm that a 2m setback is provided to the basement.</p>	<p>Appendix C</p>
<p>Wind impacts</p>		
<ul style="list-style-type: none"> ▪ Public submissions and Council raised concerns regarding wind impacts. Provide an updated Pedestrian Wind Environment Assessment which details the wind impacts of the proposal on the surrounding locality. 	<p>A Wind Assessment has been prepared by CPP Wind Engineering Consultants (Appendix F) to assess the likely impact of the proposed development on the pedestrian wind environment, with wind activity from north-easterly, southerly and westerly winds assessed. The analysis of the wind effects relating to the reference scheme have been carried out in the context of the local wind climate, building morphology and land topography.</p>	<p>Appendix F</p>

Issue Raised	Response	RTS Reference
	<p>The Wind Assessment considers the reference scheme associated with the proposal and considers that as the proposal is slightly larger than most surrounding structures, it will have some effects on the local wind environment. However, the proposed changes to the wind environment are not expected to be significant from a pedestrian comfort or safety perspective. The Wind Assessment predicts that the wind environment around the site is likely to be classified as acceptable for pedestrian standing or walking, which is appropriate to its existing and proposed use and all surrounding locations are expected to satisfy the wind safety criteria.</p> <p>The Wind Assessment identifies that some local mitigation measures may be required for communal open space areas or outdoor dining activities. The subsequent detailed design stage of the proposal would further explore the detailed design of the communal open space and any outdoor dining to ensure wind comfort would be appropriate for stationary activities.</p>	
Reference scheme		
<ul style="list-style-type: none"> ▪ Update the reference scheme plans to: <ul style="list-style-type: none"> – illustrate and quantify the apartments that would achieve at least two hours of solar access on 21 June – illustrate and quantify the apartments (below level 9) that would achieve natural cross ventilation. 	<p>Updated reference scheme plans have been provided by SJB at Appendix C.</p> <p>The Updated Reference Scheme Plans demonstrate that 30 apartments, or 88.3% of apartments, would achieve at least two hours of solar access during mid winter and 32 apartments, or 94.1%, would achieve natural cross ventilation.</p>	Appendix C
Additional information		
<ul style="list-style-type: none"> ▪ Provide an updated survey plan that reflects the levels across the site, including contours and levels within the existing building footprint, to enable building height to be accurately assessed. 	<p>The survey provided at Appendix I of the EIS demonstrates existing ground levels to sufficiently establish the maximum building height.</p>	Appendix I
<ul style="list-style-type: none"> ▪ Update the Design Verification Statement to delete references to SEPP 65 and accurately references the Environmental Planning and Assessment Regulation 2021 	<p>The Design Verification Statement has been updated to reference the Housing SEPP and Environmental Planning and Assessment Regulation 2021.</p>	Appendix E
City of Sydney Council		
<p>Whilst the City is committed to supporting approvals of residential dwellings to contribute to housing targets, major concerns are raised</p>	<p>Individual responses to matters raised by Council in relation to view loss, overshadowing, tree canopy cover and acoustic privacy are included below.</p>	N/A

Issue Raised	Response	RTS Reference
<p>with the proposed concept envelope and potential impacts on the amenity of existing surrounding developments. The proposal indicates non compliances with setback controls provided in the Apartment Design Guide (ADG) that will result in significant view loss, view sharing and outlook impacts, unacceptable overshadowing, tree canopy cover loss and visual and acoustic privacy impacts.</p>		
<p>Further, the City does not agree with the conclusions made by the applicant in regard to the building in the conservation area and stress the weight that should be placed on the heritage significance of the building rather than the detracting elements of the podium.</p>	<p>The conclusions made relating to the heritage status of the existing building have been informed by the mapping of the site as a 'detracting item' under the Sydney DCP 2012 and the expertise of John Oultram Heritage and Design in the Heritage Impact Statement (HIS) prepared in support of the EIS.</p> <p>The HIS has also considered the view of the Council that, despite the mapping of the building as 'detracting' in Sydney DCP 2012, the building may be 'contributory' within the Potts Point HCA as the building dates to the mid-20th century and was designed by Hugo Stossel, a modestly well-known post-War émigré architect who designed several similar residential apartment buildings in Sydney's inner eastern suburbs.</p> <p>As a result, the HIS carried out a detailed analysis and assessment of the potential heritage significance of the existing building on the site based on the findings in the independent report provided to Council and assessed the existing building on the site against the thresholds in the <i>Assessing Heritage Significance</i> guidelines published in May 2023 by the NSW Department of Planning. The HIS builds on previous analysis undertaken by Urbis of the heritage status of the site.</p> <p>Both reports conclude that the building would not meet the threshold to warrant its listing as a heritage item, nor is it of such architectural quality or historical importance that it should be considered a neutral or even contributory item within the context of the HCA as:</p> <ul style="list-style-type: none"> ▪ The historic significance of the Potts Point HCA largely relates to the earlier buildings on the site that were demolished for the existing development and therefore the building does not relate to the key periods of significance for the Potts Point HCA ▪ Whilst the building is associated with an architect of note (Hugo Stossel), it is not a particularly important representative example of his work ▪ The building is an undistinguished example of its type 	<p>N/A</p>

Issue Raised	Response	RTS Reference
	<ul style="list-style-type: none"> ▪ The building has been heavily modified internally and therefore has irreversibly lost its integrity as an example of a mid-20th century residential apartment building. ▪ <p>The HIS therefore concludes that the building's current listing as a detracting item in the HCA still stands.</p> <p>In addition to the above, it worth noting that the City of Sydney have recently prepared a Planning Proposal in relation to 'Modern Residential Flat Buildings' as well as a 'Policy and Housekeeping Amendments' which have recommended a series of new heritage listings and/or amendments to the Building Contribution Mapping for modern residential flat buildings. Neither of these documents have recommended changes specifically to the subject site.</p>	
<p>In addition to the impacts listed above, the City has identified a number of issues with the proposed Ecologically Sustainable Development targets, other supporting documentation and the reference scheme.</p>	<p>Noted. Individual responses to matters raised by Council are provided below.</p>	<p>N/A</p>
<p>Built form</p>		
<p>Overall, the proposed envelope presents several serious inconsistencies with the ADG objectives regarding building separation to ensure reasonable levels of external and internal visual privacy and providing short and long-term protection of existing street trees.</p>	<p>Individual responses to matters raised by Council relating to building separation and visual privacy are provided below.</p>	<p>Appendix E</p>
<p>Further, the application has not been supported by a relevant wind report to assess the wind impacts of a significantly larger built form on the comfort of residents within the building, surrounding developments or within the public domain. Whilst it is noted that the Environmental Impact Statement briefly summarises potential wind impacts being similar to that of a previous proposal, it is likely that a larger built form will have a more severe and measurable impact on a geographical ridge line. This impact is not quantified, and no measures are addressed/incorporated in any documentation.</p>	<p>A Wind Assessment has been prepared by CPP Wind Engineering Consultants (Appendix F) to assess the likely impact of the proposed development on the pedestrian wind environment, with wind activity from north-easterly, southerly and westerly winds assessed. The analysis of the wind effects relating to the reference scheme have been carried out in the context of the local wind climate, building morphology and land topography.</p> <p>The Wind Assessment considers the reference scheme associated with the proposal and considers that as the proposal is slightly larger than most surrounding structures, it will have some effects on the local wind environment. However, the proposed changes to the wind environment are not expected to be significant from a pedestrian comfort or safety perspective. The Wind Assessment predicts that the wind environment around the site is</p>	<p>Appendix F</p>

Issue Raised	Response	RTS Reference												
	<p>likely to be classified as acceptable for pedestrian standing or walking, which is appropriate to its existing and proposed use and all surrounding locations are expected to satisfy the wind safety criteria.</p> <p>The Wind Assessment identifies that some local mitigation measures may be required for communal open space areas or outdoor dining activities. The subsequent detailed design stage of the proposal would further explore the detailed design of the communal open space and any outdoor dining to ensure wind comfort would be appropriate for stationary activities.</p>													
<p>Macleay Street The proposed envelope has an Inadequate setback to Macleay Street. The basement and podium (GF-L2) must be set back a minimum of 2m to avoid impact on the existing street trees both for long term clearance to the future building and to allow room for construction hoarding without the need for excessive pruning.</p> <p>Similarly, no awning should be provided on the Macleay Street frontage where it will create a long-term impact on street trees.</p>	<p>In response to the concerns raised by Council, the setback from Macleay Street at Ground to Level 2 has been increased from 1.5m (EIS) to 2m (+0.5m) to allow the preservation of the street trees along Macleay Street. Refer to the revised Envelope Plans (Appendix C) for further details.</p> <p>The proposal does not seek consent for an awning on the Macleay Street frontage.</p>	<p>Appendix C</p>												
<p>McDonald Lane</p> <p>The concept envelope also presents an insufficient setback on Level 3 and above and is not consistent with Objective 3F-1F the ADG, noting that the reference scheme demonstrates a habitable interface which would require a 6, 9, and 12m setbacks incrementally.</p>	<p>The ADG requires the following separation distances from buildings to the side and rear boundaries:</p> <table border="1" data-bbox="952 898 1462 1102"> <thead> <tr> <th>Building height</th> <th>Habitable rooms and balconies</th> <th>Non-habitable rooms</th> </tr> </thead> <tbody> <tr> <td>up to 12m (4 storeys)</td> <td>6m</td> <td>3m</td> </tr> <tr> <td>up to 25m (5-8 storeys)</td> <td>9m</td> <td>4.5m</td> </tr> <tr> <td>over 25m (9+ storeys)</td> <td>12m</td> <td>6m</td> </tr> </tbody> </table> <p>All rooms and spaces at the same level or lower than neighbouring buildings are non-habitable and have at least 6m separation. Only levels situated above the height of neighbouring buildings have habitable rooms and balconies, allowing for visual privacy.</p> <p>The development a 5.3m setback to McDonald Lane from Levels 3 and above. It is noted that the development to the west of the site along McDonald Lane is across a laneway (measuring approximately 5 m). Any future re-</p>	Building height	Habitable rooms and balconies	Non-habitable rooms	up to 12m (4 storeys)	6m	3m	up to 25m (5-8 storeys)	9m	4.5m	over 25m (9+ storeys)	12m	6m	<p>Appendix E</p>
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over 25m (9+ storeys)	12m	6m												

Issue Raised	Response	RTS Reference
	<p>development on the neighbouring site (5-9 McDonald Street) would need to be set back at least 3 m up to 4 storeys, with additional setbacks above.</p> <p>The neighbouring development is late Victorian terraces within a heritage conservation area and it is unlikely that any future development on the site would extend above the current roof line. Given this, the proposed upper-level setback along McDonald Lane is considered sufficient and appropriate.</p>	
<p>Southern boundary</p> <p>Envelope plans do not incorporate an adequate basement setback file piling/structure and drainage to ensure any future basement will be located outside the zone of influence of the footings of adjoining heritage listed items to the south</p> <p>Further, an increased setback of 12m is required for L9-L12 to comply with Objective 3F -1 of the ADG.</p>	<p>As discussed above, the proposal provides a 9m setback from the southern boundary.</p> <p>The existing development along Macleay Street to the south of the site is heritage listed and it is unlikely that any future development on the site would extend above the current roof line.</p> <p>In addition, the proposed reference scheme provides that the southern boundary provides secondary living spaces (i.e. not habitable rooms with balconies facing the southern neighbour). While an alternative would be to provide a blank wall arrangement (only requiring a 6m setback), the proposed 'secondary' interface provides for increased building separation, and adequately manages privacy, view sharing and an appropriate response to the adjacent heritage item at the Yellow House.</p> <p>Given this, the proposed upper-level setback to the southern boundary are considered sufficient and appropriate.</p>	<p>Appendix E</p>
<p>Additional overshadowing impacts</p>		
<p>The City notes a concept envelope application is currently under assessment which does not utilise additional height available under the Housing SEPP (application number D/2022/960). This envelope demonstrates that any additional height and bulk would not allow neighbouring properties to comply with the ADG, including any allowable reduction in solar access.</p> <p>Non-compliances with the ADG recommended setbacks identified above exacerbate the degree of overshadowing to surrounding developments and the public domain and is unreasonable.</p>	<p>SJB have provided a detailed written analysis at Appendix E to supplement the overshadowing analysis provided with the SSDA submission.</p> <p>SJB's analysis confirms that only two apartments will lose their current access to 2 hours of sunlight as a result of the proposal, being Unit 604 at 14 Macleay Street and Unit 3 at 12-16 Challis Avenue.</p> <p>Unit 3, 12-16 Challis Avenue will receive 1.75 hours sunlight access to both living areas and private open space. We note that unit 3 is a low-level apartment to the south of the subject site, with an inset balcony that is flanked and surrounded by developments to the east and west (i.e. between 10C Challis Avenue and 57-89 Macleay Street) which will inevitably be impacted</p>	<p>Appendix E</p>

Issue Raised	Response	RTS Reference
	<p>development to the north of the site. The proposed building envelope is generally consistent with the planning controls for the site, including the side and rear setbacks adjacent to 12-16 Challis Avenue.</p> <p>Unit 604, 14 Macleay Street will continue to receive 1.75 hours and 3 hours sunlight access to living areas and private open space, respectively.</p> <p>As discussed previously, the proposed concept envelope has carefully considered the ADG provisions, and provides appropriate building separation and upper level setbacks to respond to its context.</p> <p>The project architect has spent considerable time testing various options to reduce the impact on the identified units at 14 Macleay and 12-16 Challis Avenue, however this would result in a building envelope that is significantly altered and compromised compared to the current compliant envelope.</p> <p>This proposal is a Concept DA with detailed design the subject of a separate development application (following a competitive design process). The specified apartments identified as being impacted may be improved as part of the detailed design process and the built form on the site would be further modulated to reduce overshadowing impacts to neighbouring buildings.</p>	
Unacceptable View Sharing Impacts		
<p>The inconsistency with ADG setbacks as identified above also contribute to view unreasonable sharing impacts.</p> <p>For example, an increased setback to McDonald Lane will significantly reduce view impacts from submitted Yellow House Unit 1 Balcony View (View 05) and Selsdon Unit 60 Rooftop View (View 09). These residential properties will have their icon views severely impacted as a result of exceeding the ADG setback controls.</p> <p>An updated view loss assessment should be prepared to support an amended envelope that is consistent with the ADG.</p>	<p>An updated View Loss response has been prepared and is provided at Appendix J.</p>	
Conservation area impacts		
<p>The heritage inventory sheet for the Potts Point Heritage Conservation Area has been updated to include the contribution of</p>	<p>While the heritage inventory sheet may have been updated for the Potts Point Heritage Conservation Area, as noted above the site has not been specifically</p>	<p>N/A</p>

Issue Raised	Response	RTS Reference
<p>Interwar and Post war apartment buildings generally in the area. The adaptive reuse of the more detracting elements of the existing building (such as the inactive Macleay Street frontage and the elevated open car parking to Macleay and McDonald Streets and open car parking to McDonald Lane) is preferable to a complete knock down rebuild. This would maintain a palimpsest interwar contribution to the conservation area while transforming the detracting elements and saving in embodied emissions</p>	<p>listed for either heritage listing or specifically changed in terms of it's status as a 'detracting item' as part of any of the current Planning Proposals/DCP Amendments currently being advanced by the City of Sydney.</p> <p>The Applicant has invested significant time investigating the viability of adaptive reuse alternatives, including retaining the existing building, constructed in the 1960s. However, the Applicant has undertaken technical analysis pertaining to architectural, building code, structural engineering and building services constraints. Ultimately, it was determined that retaining the existing building would result in a much poorer and constrained development outcome. Further detail on this consideration is included at Section 2.4.1 and Appendix DD to the EIS.</p> <p>The proposal to redevelop only the most detracting elements of the existing building (being the inactive street frontage and car park) is not a viable option and falls outside of the scope of the current project. The redevelopment of the entire site would ensure a cohesive urban design response that is sympathetic to the heritage context of the surrounding area.</p>	
Design Excellence Strategy		
<p>The application notes inconsistent ESD targets than those identified in the Competition Brief endorsed by GANSW. ESD targets should be updated to reflect the Competition Brief endorsed including BASIX Energy minimum score +5 and electrification, unless minimum 7-star average NatHERS rating across the development actually provides a better outcome.</p>	<p>Noted. The Applicant is willing to accept a condition of consent requiring a future detailed application on the site to demonstrate compliance with the ESD targets reflected in the Design Competition Brief, including a BASIX Energy minimum score +5 and electrification.</p>	<p>N/A</p>
Inadequate information		
<p>The following issues have been identified with additional supporting documentation that require resolution:</p>		
<ul style="list-style-type: none"> ▪ The submitted survey does not provide adequate information on the existing ground levels to accurately establish the maximum building height, with notes stating "Area not accessible at time of survey". 	<p>The survey provided at Appendix I of the EIS demonstrates existing ground levels to sufficiently establish the maximum building height. No notes state area not accessible at time of survey.</p>	<p>Appendix I of the EIS</p>

Issue Raised	Response	RTS Reference
<ul style="list-style-type: none"> Deep Soil area should be clearly identified on the envelope drawings, including an annotation to identify the minimum quantum. 	<p>The Updated Envelope Drawings (Appendix C) demonstrate a 3.8m setback from the basement and ground floor levels to McDonald Lane to facilitate deep soil planting. The deep soil planting area is indicated in the Landscape Report provided at Appendix P to the EIS. The final details of the deep soil provision on the site would be confirmed as part of a future detailed application.</p>	<p>Appendix C</p>
<ul style="list-style-type: none"> Setbacks are not adequately dimensioned on the envelope drawings – the envelope should be readily replicable to inform the subsequent design stages. 	<p>Updated Envelope Drawings have been provided by SJB (Appendix C) which clearly dimension the proposed setbacks.</p>	<p>Appendix C</p>
<ul style="list-style-type: none"> A Preliminary Public Art plan is not submitted. A commitment to a proposed budget of around 1% of the total construction, removal of the 'entry threshold/lobby space as a potential art opportunity as identified on the envelope plans, and the identification of other suitable location of public art is required. 	<p>Noted. The Applicant is willing to accept a condition of consent requiring 1% of the construction budget to be allocated to the provision of public art. The Envelope Plans (Appendix C) have been revised to remove the entry threshold/lobby space as a potential public art opportunity. An alternative suitable location for public art will be identified as part of a future detailed application on the site.</p>	<p>Appendix C</p>
<p>Reference Scheme Issues</p>		
<p>The submitted reference scheme has been reviewed, and the following comments are provided for your consideration:</p>	<p>Noted. The proposal seeks approval for the concept scheme only and no approval is sought for the reference scheme. The comments provided by Council will be considered and addressed at the future detailed design stage.</p>	<p>N/A</p>
<ul style="list-style-type: none"> A residential lobby should have direct access off Macleay Street and located to be clearly visible from the public domain. 	<p>Noted. The proposal seeks approval for the concept scheme only and no approval is sought for the reference scheme. The comments provided by Council will be considered and addressed at the future detailed design stage.</p>	<p>N/A</p>
<ul style="list-style-type: none"> The rhythm of the streetscape at GF-L3 is to respond to the existing pattern of the block, with reference to the highly patterned fine grain facades of the adjacent Macleay Street buildings. 	<p>Noted. The proposal seeks approval for the concept scheme only and no approval is sought for the reference scheme. The comments provided by Council will be considered and addressed at the future detailed design stage.</p>	<p>N/A</p>
<ul style="list-style-type: none"> The solid to void ratio of the facades should emulate the characteristic buildings in the locality. 	<p>Noted. The proposal seeks approval for the concept scheme only and no approval is sought for the reference scheme. The comments provided by Council will be considered and addressed at the future detailed design stage.</p>	<p>N/A</p>
<ul style="list-style-type: none"> The colour scheme and materiality of the future detailed design must consider the heritage context of the site and the predominant material in the locality. 	<p>Noted. The proposal seeks approval for the concept scheme only and no approval is sought for the reference scheme. The comments provided by Council will be considered and addressed at the future detailed design stage.</p>	<p>N/A</p>

Issue Raised	Response	RTS Reference
<ul style="list-style-type: none"> ▪ Partial shade structures should be provided to the rooftop private terraces. 	<p>Noted. The proposal seeks approval for the concept scheme only and no approval is sought for the reference scheme. The comments provided by Council will be considered and addressed at the future detailed design stage.</p>	<p>N/A</p>
<ul style="list-style-type: none"> ▪ The area of communal open space needs to be confirmed, including solar access, to be consistent with the ADG. The ramping down to the residential lobby off Macleay Street should not be included in any calculation for communal open space. Further, this space is unlikely to receive the required level of solar access. 	<p>Noted. The proposal seeks approval for the concept scheme only and no approval is sought for the reference scheme. The comments provided by Council will be considered and addressed at the future detailed design stage.</p>	<p>N/A</p>
<ul style="list-style-type: none"> ▪ Rooms with no direct access to light and ventilation should only be used for storage (the study of L4-10's NE 3-bed; L11's and L12's NE 3-bed; L1-L2 NE 2- bed) 	<p>Noted. The proposal seeks approval for the concept scheme only and no approval is sought for the reference scheme. The comments provided by Council will be considered and addressed at the future detailed design stage.</p>	<p>N/A</p>
<ul style="list-style-type: none"> ▪ Whilst noted on the envelope plans (Ground Floor & Below), the drawing identified two separate entries on McDonald Lane. Two entries are not supported, and a single consolidated vehicular entry must be considered in any future design and must be designed to DCP width requirements. 	<p>Noted. The proposal seeks approval for the concept scheme only and no approval is sought for the reference scheme. The comments provided by Council will be considered and addressed at the future detailed design stage.</p>	<p>N/A</p>
<ul style="list-style-type: none"> ▪ Parking should align with Sydney LEP maximum rate which would require a reduction of three spaces. 	<p>The proposal seeks approval for the concept scheme only and no approval is sought for specific car parking numbers at this stage. However, it is noted that the Housing SEPP separately provides parking guidance for in-fill residential developments.</p>	<p>N/A</p>
<p>Heritage NSW – Aboriginal Cultural Heritage Branch</p>		
<p>Below are our recommended draft conditions for the protection of Aboriginal heritage.</p> <ol style="list-style-type: none"> 1. All reasonable steps must be taken so as not to harm, modify or otherwise impact Aboriginal objects except as authorised by this approval 2. The registered Aboriginal Parties (RAPs) must be kept informed about the SSD, The RAPs must continue to be provided with the opportunity to be consulted about the Aboriginal cultural heritage management requirements of the SSD. 3. The unexpected finds procedure in the ACHAR should be updated to include: 	<p>An Updated ACHAR has been provided at Appendix I which includes the recommendations made by HNSW.</p>	<p>Appendix I</p>

Issue Raised	Response	RTS Reference
<ul style="list-style-type: none"> ▪ A minimum 20m -no works buffer zone for any unexpected finds or skeletal material ▪ A notification requirement to include the Department of Planning for any unexpected finds 		
Transport for NSW		
TfNSW has reviewed the EIS and has no comments regarding the proposed development as it is unlikely to have a significant impact on the classified road network.	Noted.	N/A
NSW Department of Climate Change, Energy, the Environment and Water (DCCEEW) - Water Group		
Water supply, take and licensing		
<p>Recommendation – pre-determination That the proponent quantifies the maximum annual volume of water take due to aquifer interference activities and demonstrates the ability to acquire sufficient water entitlement unless an exemption applies.</p> <p>Explanation Insufficient information has been provided to confirm the potential groundwater inflow volumes. NSW DCCEEW Water Group notes that the groundwater table will potentially be intercepted considering three levels of basements are proposed. The report notes excavation will be required but does not identify depth and whether this will intercept groundwater. The proponent has not presented sufficient information and analysis on inflows during the construction and ongoing operation of the site. Quantification of maximum potential inflow volumes is required</p>	The application does not seek consent for excavation activities. Details of impacts (including excavation depths and potential for interference with groundwater) will be confirmed at detailed design stage.	N/A
<p>Recommendation – pre-determination The proponent should ensure a water access license (WAL) is obtained to account for the maximum predicted water take for construction and operation activities unless an exemption applies under the Water Management (General) Regulation 2018.</p> <p>Explanation</p>	The application does not seek consent for construction or operation activities. A Water Access License will be obtained at the future detailed design stage.	N/A

Issue Raised	Response	RTS Reference
<p>Under the <i>Water Management Act 2000</i>, if groundwater is intercepted a WAL must be obtained prior to any water take occurring unless an exemption under Clause 7 of Schedule 4 of the Water Management (General) Regulation 2018 applies. An exemption may be available if water take is less than or equal to 3M L per water year, subject to the development meeting other exemption requirements, such as:</p> <ul style="list-style-type: none"> the water is not taken for consumption or supply; the person claiming the exemption keeps a record of the water taken under the exemption and provides this to the Minister within 28 days of the end of the water year; and the records are kept for 5 years. 		
Groundwater impacts and dewatering requirements		
<p>Recommendation – pre-determination If the take of groundwater is found to be greater than 3 ML per year, the proponent must assess the impacts due to aquifer interference activities in accordance with the NSW Aquifer Interference Policy and framework (2012). These documents are available at:</p> <ul style="list-style-type: none"> https://water.dpie.nsw.gov.au/data/assets/pdf_file/0005/151772/NSW-Aquifer-Interference-Policy.pdf https://water.dpie.nsw.gov.au/data/assets/pdf_file/0007/171097/Aquifer-Interference-Assessment-Framework.pdf 	<p>The application does not seek consent for construction or operation activities. A Water Access License will be obtained at the future detailed design stage.</p>	N/A
<p>Explanation As per Recommendation 1.1 above, the EIS has not provided a volumetric quantification of groundwater take. Additionally, the EIS has not provided an assessment of impacts to groundwater due to construction or operation of the project. NSW DCCEEW Water Group notes that without groundwater take estimations it is difficult to assess the level of risk. Therefore, the proponent should determine the estimated take volume.</p>		
Heritage Council of NSW		
Heritage Impact Statement	<p>The closest State Heritage Register (SHR) items to the site are:</p> <ul style="list-style-type: none"> 'Rockwall' at 7 Rockwall Crescent, Potts Point (SHR 00020) 	N/A

Issue Raised	Response	RTS Reference
<p>The Heritage Impact Statement should be updated to consider the potential indirect impact of the project on the nearby SHR items.</p>	<ul style="list-style-type: none"> ▪ 'Elizabeth Bay House' at 7 Onslow Avenue, Elizabeth Bay (SHR 00006) ▪ 'Edgerley' at 18-18a Bilyard Avenue, Elizabeth Bay (SHR 00671) ▪ 'Sydney Harbour Naval Precinct' at Cowper Wharf Roadway, Garden Island (SHR 01705). <p>The proposal would not result in any indirect impacts to nearby SHR items as:</p> <ul style="list-style-type: none"> ▪ The scale, massing and form of the concept envelopes has considered potential impacts on views to and from surrounding SHR items ▪ Fabric, views and settings related to SHR heritage items in the vicinity of the subject site would not be impacted by the proposal ▪ Future development proposes an opportunity to introduce a high-quality example of architectural infill which will respond more positively to SHR items in the wider Potts Point area <p>Future detailed applications on the site will consider the materials and finishes and scale and modulation of the podium to respond to the Potts Point HCA and provide opportunities for heritage interpretation at the ground level. The heritage impacts of the concept envelope would be acceptable at this stage of the development and subsequent detailed design stages will further refine the proposal in response to its heritage context.</p>	
<p>Archaeological Assessment The Preliminary Historical Archaeological Assessment (PHAA) has identified the potential for archaeological relics within the project area and has recommended that a comprehensive Historical Archaeological Impact Assessment (AHIA) be prepared as part of a future detailed SSDA. HNSW recommend that for best heritage outcomes, opportunities for project redesign and in situ conservation of archaeological relics, the AHIA should be prepared to inform the current concept SSDA. The AHIA should be submitted to HNSW for review and comment. HNSW advises that the current approach for the management of any identified State significant archaeology is preservation and conservation in situ as a preferred heritage outcome.</p>	<p>In response to the matters raised by HNSW, a Historical Archaeology Impact Assessment (HAIA) has been prepared by Urbis (Appendix G). The HAIA identifies that there is low potential for archaeological resources associated with the Adelaide Cottage phase (1831-1888) and moderate potential for archaeological resources from the Late 19th Century terraces phase (1888-1960) and that intact remains from these phases may hold local significance.</p> <p>The HAIA recommends the preparation of a Historical Archaeological Research Design and Excavation Methodology (HARDEM) to guide the investigation and management of potentially locally significant resources across the site.</p>	<p>Appendix G</p>
<p>If archaeological investigations are recommended in the updated report, the AHIA should include an Archaeological Research Design and Excavation Methodology (ARDEM). The ARDEM should be</p>	<p>A HARDEM has been prepared by Urbis (Appendix H) which provides guidance for future works which have the potential to impact locally significant</p>	<p>Appendix H</p>

Issue Raised	Response	RTS Reference
prepared in accordance with the guideline <i>Archaeological Assessments</i> (Heritage Office and DUAP 1996) to inform and guide archaeological excavations.	<p>relics. The HARDEM provides a site-specific methodology for development works, including:</p> <ul style="list-style-type: none"> ▪ An archaeological investigation guided by a suitably qualified Excavation Director ▪ A heritage induction to all construction personnel prior to the commencement of works ▪ Consultation with the archaeologist prior to demolition ▪ Archaeological monitoring during excavation works ▪ Archaeological recording of any relics discovered during works ▪ The preparation of a final archaeological report at the completion of archaeological fieldwork. 	
The ARDEM should include a nomination for a suitably qualified and experienced Excavation Director (ED) for any archaeological investigations. The ED is to meet the requirements of Criteria for Assessing Excavation Directors (Heritage Council of NSW 2019).	The HARDEM nominates an Excavation Director and archaeological team as required by the <i>Criteria for Assessing Excavation Directors</i> (Heritage Council of NSW 2019).	Appendix H
Ausgrid		
Ausgrid requires that due consideration be given to the compatibility of proposed development with existing Ausgrid infrastructure, particularly in relation to risks of electrocution, fire risks, Electric & Magnetic Fields (EMFs), noise, visual amenity and other matters that may impact on Ausgrid or the development.	Noted.	N/A
Ausgrid has reviewed “Appendix AA Architectural Plans Reference Scheme” advise the proponent must discuss any new connections and load requirements to the site directly with Ausgrid and submit a connection application to Ausgrid as soon as practicable.	No consent is sought for physical works as a result of this application. Consultation will occur with Ausgrid in support of a detailed application on the site.	N/A
We encourage the proponent to continue to discuss their requirements directly with Ausgrid as needed.		
Special care should be taken to ensure that driveways and any other construction activities do not interfere with existing underground cables located in the footpath or adjacent roadways. It is recommended that the developer locate and record the depth of all known underground services prior to any excavation in the area. Information regarding the position of cables along footpaths and	No consent is sought for physical works as a result of this application. Consultation will occur with Ausgrid in support of a detailed application on the site.	N/A

Issue Raised	Response	RTS Reference
<p>roadways can be obtained by contacting Before You Dig Australia (BYDA).</p>		
<p>Ausgrid Kiosk Substation in the vicinity of the development The substation ventilation openings, including substation duct openings and louvered panels, must be separated from building air intake and exhaust openings, natural ventilation openings and boundaries of adjacent allotments, by separation distances which meet the requirements of all relevant authorities, building regulations, BCA and Australian Standards including AS 1668.2: The use of ventilation and air-conditioning in buildings - Mechanical ventilation in buildings.</p> <p>In addition to above, Ausgrid requires the substation ventilation openings, including duct openings and louvered panels, to be separated from building ventilation system air intake and exhaust openings, including those on buildings on adjacent allotments, by not less than 6 metres.</p> <p>Any portion of a building other than a BCA class 10a structure constructed from non- combustible materials, which is not sheltered by a non-ignitable blast-resisting barrier and is within 3 metres in any direction from the housing of a kiosk substation, is required to have a Fire Resistance Level (FRL) of not less than 120/120/120. Openable or fixed windows or glass blockwork or similar, irrespective of their fire rating, are not permitted within 3 metres in any direction from the housing of a kiosk substation, unless they are sheltered by a non-ignitable blast resisting barrier.</p> <p>The development must comply with both the Reference Levels and the precautionary requirements of the ICNIRP Guidelines for Limiting Exposure to Time-varying Electric and Magnetic Fields (1 HZ – 100 kHz) (ICNIRP 2010). For further details on fire segregation requirements refer to Ausgrid's Network Standard 141.</p> <p>Existing Ausgrid easements, leases and/or right of ways must be maintained at all times to ensure 24-hour access. No temporary or permanent alterations to this property tenure can occur without written approval from Ausgrid.</p>	<p>Noted. This will be considered by the BCA Consultant at the detailed design stage of the proposal.</p>	<p>N/A</p>

Issue Raised	Response	RTS Reference
Sydney Water		
Water and Wastewater Servicing		
<ul style="list-style-type: none"> ▪ Our preliminary assessment indicates that water and wastewater servicing should be available for the proposed development. ▪ Amplifications, adjustments, deviations and/or minor extensions may be required. ▪ Detailed requirements will be provided at the Section 73 application stage. 	Noted.	N/A
<ul style="list-style-type: none"> ▪ Next Steps 		
<ul style="list-style-type: none"> ▪ For future detailed development applications relating to SSD-79316759, Sydney Water would require the following conditions be included in the development consent. <ul style="list-style-type: none"> – Section 73 Compliance Certificate – Building Plan Approval ▪ Further details of the conditions can be found in Attachment 1. ▪ DPHI is advised to forward the enclosed <i>Sydney Water Development Application Information Sheet (for proponent)</i> to assist the proponent in progressing their development. This Info Sheet contains details on how to make further applications to Sydney Water and provides more information on Infrastructure Contributions. 	Noted.	N/A
Department of Climate Change, Energy, the Environment and Water		
<ul style="list-style-type: none"> ▪ CPHR has reviewed the EIS and relevant supporting technical reports and provides its comments and recommendations at Attachment A. In summary: <ul style="list-style-type: none"> – the post-construction flood level is predicted to increase by approximately 100 mm in a small section of kerb area in Macleay Street. This could be minimised with tie-in works to the existing footpath across the front of the adjoining property – the project description provided in the EIS is consistent with the Biodiversity Development Assessment Report waiver for this SSD that was granted on 26 February 2025 	Noted. Please see responses to individual matters below.	N/A

Issue Raised	Response	RTS Reference
<ul style="list-style-type: none"> - Section 10 General Tree Protection Notes from the Arboricultural Impact Assessment be included as conditions of consent. 		
Flooding		
<ul style="list-style-type: none"> ▪ The provided information addresses the Secretary Environmental Assessment Requirements (SEARs) for flood risk. The Flood Impact Risk Assessment (FIRA) was conducted using Council's adopted Woolloomooloo Flood Study TUFLOW Model (prepared by WMA Water, July 2013), with the appropriate design changes to demonstrate the proposed flood impacts and establish the required flood planning levels. 	Noted.	N/A
<ul style="list-style-type: none"> ▪ The proposed development will replace an existing residential flat building with a mixed-use commercial and residential development building, that has a reduced number of residential dwellings compared to the existing development. The FIRA adequately demonstrates the proposed development would have no flood impact on adjacent properties. Additionally, CPHR notes the proposed development is located in a low flood risk area at the top of the catchment, with low flood hazard in the adjacent roads. 	Noted.	N/A
<p>CPHR recommends the following be addressed as a condition of consent:</p> <ul style="list-style-type: none"> ▪ Flood levels in Macleay Street exceed recommended increases: <ul style="list-style-type: none"> - The FIRA indicates that the post-construction flood level will increase by approximately 100 mm in a small section of kerb area in Macleay Street. This increase is attributed to changes in the footpath profile to meet Council's required footpath and flood planning levels for the development. CPHR considers that this impact could be mitigated by appropriate tie-in works to the existing footpath across the front of the adjoining property. ▪ Recommended action: <ul style="list-style-type: none"> - The conditions of consent include a requirement for tie-in works between the proposed raised footpath and the existing footpath on Macleay Street to minimise increases in the roadway's flood level. 	The Applicant is willing to accept the proposed condition of consent.	N/A

Issue Raised	Response	RTS Reference
<ul style="list-style-type: none"> ▪ Extent and timing <ul style="list-style-type: none"> – Determination during detailed design. 		
Biodiversity		
<ul style="list-style-type: none"> ▪ CPHR notes the project description provided in the EIS is consistent with the Biodiversity Development Assessment Report (BDAR) waiver for this SSD that was granted on 26 February 2025. If the proposed development is changed so that it is no longer as described in Schedule 1 of the determination, the proponent will need to lodge a new BDAR waiver request or prepare a BDAR. 	Noted. No change is proposed to the description of the proposed development as a result of this RTS.	N/A
Tree removal		
<ul style="list-style-type: none"> ▪ CPHR recommends that Section 10 General Tree Protection Notes from the Arboricultural Impact Assessment be included as conditions of consent. 	The General Tree Protection Notes at Section 10 of the Arboricultural Impact Assessment pertain to tree protection during construction. As the proposal seeks concept consent only, and does not seek approval for any physical works, it would be more appropriate to include these tree protection measures as conditions of consent in a future detailed application.	N/A

4.2. Response to Organisations and Public Submissions

Table 7 Response to issues raised by Organisations and Public Submissions

Theme	Response	Supporting Documentation
Impacts on Housing		
<ul style="list-style-type: none"> ▪ The proposal would result in a net loss of both housing and affordable housing provision ▪ The proposal would contribute to the cumulative loss of affordable housing in Potts Point 	The proposal seeks concept approval only and does not seek approval for a specific number or size of dwellings. The reference scheme is provided as indicative only and no consent is sought for the dwelling composition outlined in the reference scheme.	N/A

Theme	Response	Supporting Documentation
<ul style="list-style-type: none"> ▪ The proposal would reduce the diversity of the housing stock and would not cater to single person households 	<p>While Council have implemented a dwelling retention policy in their Local Environmental Plan (LEP), this application was lodged prior to the implementation of this policy and is therefore subject to the savings and transitional provisions which identify that the dwelling retention policy does not apply to existing applications.</p> <p>Despite this, the proposal would facilitate the development of higher-quality and more diverse housing stock.</p> <p>Regardless of the proposed unit numbers and mix, which is subject to a future detailed application on the site, 15% of the gross floor area (GFA) will be dedicated to formal, purpose-built affordable housing which will be managed by a registered community housing provider (CHP).</p> <p>Lastly, it is important to note that Potts Point currently comprises of a very high proportion of smaller apartments catered towards single-person households.</p> <p>This is corroborated by ABS data which indicates that larger apartments (i.e. 3 & 4 bedrooms) only make up 7.1% of the housing stock in Potts Point – 3 bed units (5.8%) and 4 or more bed units (1.3%), with studio/1b/2b making up the remaining 92.9% of the housing stock in the area.</p>	
Justification and Evaluation of the project		
<ul style="list-style-type: none"> ▪ The proposal is inconsistent with the NSW State Government housing policy and should not be subject to height and floor space bonuses ▪ The proposal is inconsistent with the City of Sydney's dwelling retention policy ▪ The proposed affordable housing does not meet criteria for affordable housing under City of Sydney Council schemes and therefore would not contribute to Council's achievement of affordable housing targets. 	<p>The Housing SEPP applies to the proposal as it:</p> <ul style="list-style-type: none"> ▪ Is permitted with consent in the MU1 Mixed Use zone ▪ Will include an affordable housing component that exceeds 10% ▪ Will be carried out in an accessible area as defined by the Housing SEPP. <p>Therefore, the proposal is subject to the applicable height and FSR bonuses under the Housing SEPP.</p> <p>While Council have implemented a dwelling retention policy in their Local Environmental Plan (LEP), this application was lodged prior to the implementation of this policy and is therefore subject to the savings and transitional provisions which identify that the dwelling retention policy does not apply to existing applications.</p> <p>Despite this, the proposal would facilitate the development of higher-quality and more diverse housing stock (including purpose-built affordable housing).</p>	N/A

Theme	Response	Supporting Documentation
	<p>Regardless of the proposed unit numbers and mix, which is subject to a future detailed application on the site, 15% of the gross floor area (GFA) will be dedicated to formal, purpose-built affordable housing which will be managed by a registered community housing provider (CHP).</p>	
<ul style="list-style-type: none"> ▪ Alternative approaches to the proposal should be considered including adaptive reuse, retaining the current building / existing building envelope, or redeveloping the adjacent at-grade car parking for housing. 	<p>The Applicant has invested significant time investigating the viability of adaptive reuse alternatives, including retaining the existing building, constructed in the 1960s. However, the Applicant has undertaken technical analysis pertaining to architectural, building code, structural engineering and building services constraints. Ultimately, it was determined that retaining the existing building would result in a much poorer and constrained development outcome. Further detail on this consideration is included at Section 2.4.1 and Appendix DD to the EIS.</p> <p>The proposal to redevelop only the most detracting elements of the existing building (being the inactive street frontage and car park) is not viable and falls outside of the scope of the current project. The redevelopment of the entire site would ensure a cohesive urban design response that is sympathetic to the heritage context of the surrounding area.</p>	N/A
<ul style="list-style-type: none"> ▪ The project is unethical / not in the public interest as its impacts outweigh its benefits. 	<p>The proposal would not result in any unacceptable impacts, has strategic and statutory merit, and would facilitate the redevelopment of the site for diverse and affordable housing in an accessible location, directly responding to the NSW Government's policy mandate to improve housing choice and affordability. The proposed building massing has been designed to respond positively to the surrounding streetscape and ensure appropriate view sharing and overshadowing outcomes are maintained to surrounding buildings.</p> <p>The definition of the building envelope creates significant opportunities to improve public domain outcomes, through encouraging street level activation at Macleay Street and a significant increase in landscaping and tree planting on the site. The proposed redevelopment of the site will have a significant positive impact on the heritage character of the surrounding area which will be further developed through the detailed design stage of the proposal.</p>	N/A
Social Impacts		
<ul style="list-style-type: none"> ▪ The proposal would result in the displacement of existing residents and the gentrification of Potts 	<p>The proposal would not displace any existing residents, and all existing owners have sold their apartments to the Applicant and provided their consent to do so. A</p>	Appendix J

Theme	Response	Supporting Documentation
<p>Point, especially when considered cumulatively with other projects</p> <ul style="list-style-type: none"> ▪ The proposal would result in impacts to local businesses ▪ The proposal would impact property prices due to view loss and overshadowing impacts ▪ The proposal would result in impacts to community cohesion ▪ Affordable housing should not be located in expensive suburbs ▪ The proposal does not provide sufficient community benefit 	<p>Social Impact Assessment (SIA) was prepared by Urbis in support of the concept SSDA (Appendix U to the EIS).</p> <p>Overall, the SIA identified that the proposal would result in a high positive impact due to the provision of affordable housing on the site which will have a direct social benefit on people with very low to moderate impacts. The SIA identifies that whilst the proposal may have some temporary impacts, the improved amenity and increase in affordable housing proposed by the redevelopment would have positive impacts to the site.</p> <p>A Visual Impact Assessment (VIA) and View Sharing Report (VSR) was prepared by Urbis in support of the concept SSDA (Appendix J to the EIS) which confirms that the proposal would not result in any unacceptable view loss impacts to surrounding properties.</p>	
Amenity Impacts		
<ul style="list-style-type: none"> ▪ The proposal would result in operational noise impacts, especially from the ground floor retail and the level 3 communal facilities 	<p>The proposal seeks concept approval only and does not seek consent for the fitout or operation of any aspects of the proposal, including ground floor retail and the level 3 communal facilities. As part of a future detailed application on the site, the operational noise impacts of these premises would be considered and any mitigation measures would be recommended.</p>	N/A
<ul style="list-style-type: none"> ▪ The proposal would result in overshadowing impacts to neighbouring buildings, particularly the Macleay Regis, and street trees ▪ The proposal would overshadow 10C Challis Avenue ▪ The overshadowing assessment is inaccurate and underestimates impacts 	<p>SJB have provided detailed eye of the sun diagrams at 15-minute intervals, solar access tables and a detailed written analysis to consider overshadowing impacts at Appendix E. The overshadowing analysis provide a detailed breakdown of the solar access available to each unit based on the existing built form versus the Concept Envelope.</p> <p>The overshadowing analysis confirms that no change is proposed to the number of units that receive at least two hours solar access to private open spaces and living areas at 10-12 Macleay Street, 57-59 Macleay Street and 10C Challis Avenue. Two apartments will lose their current access to 2 hours of sunlight as a result of the proposal, being Unit 604 at 14 Macleay Street and Unit 3 at 12-16 Challis Avenue.</p> <p>Unit 3, 12-16 Challis Avenue will receive 1.75 hours sunlight access to both living areas and private open space. We note that unit 3 is a low-level apartment to the south of the subject site, with an inset balcony that is flanked and surrounded by developments to the east and west (i.e. between 10C Challis Avenue and 57-89</p>	Appendix E

Theme	Response	Supporting Documentation
	<p>Macleay Street) which will inevitably be impacted development to the north of the site. The proposed building envelope is generally consistent with the planning controls for the site, including the side and rear setbacks adjacent to 12-16 Challis Avenue.</p> <p>Unit 604, 14 Macleay Street will continue to receive 1.75 hours and 3 hours sunlight access to living areas and private open space, respectively.</p> <p>The proposed concept envelope will result in no reduction in the number of units that receive at least two hours solar access to private open spaces and living areas at 10-12 Macleay Street, 57-59 Macleay Street and 10C Challis Avenue.</p> <p>The project architect has spent considerable time testing various options to reduce the impact on the identified units at 14 Macleay and 12-16 Challis Avenue, however this would result in a building envelope that is significantly altered and compromised compared to the current compliant envelope.</p> <p>It is also noted that this proposal is for a Concept DA, with detailed design of the development to be the subject of a separate development application (following a competitive design process). The detailed built form will sit within the concept envelope and will be further modulated to reduce overshadowing impacts to neighbouring buildings. Throughout the detailed design process, there will be opportunities for the identified overshadowing impacts to the neighbouring residences to be improved upon for the future built form on the site. The proposed overshadowing impacts of the development are therefore considered appropriate for the subject site and would be reduced through further detailed design.</p>	
<ul style="list-style-type: none"> ▪ The proposal would result in wind tunnel impacts 	<p>A Wind Assessment has been prepared by CPP Wind Engineering Consultants (Appendix F) to assess the likely impact of the proposed development on the pedestrian wind environment, with wind activity from north-easterly, southerly and westerly winds assessed. The analysis of the wind effects relating to the reference scheme have been carried out in the context of the local wind climate, building morphology and land topography.</p> <p>The Wind Assessment considers the reference scheme associated with the proposal and considers that as the proposal is slightly larger than most surrounding structures, it will have some effects on the local wind environment. However, the proposed changes to the wind environment are not expected to be significant from a pedestrian comfort or safety perspective. The Wind</p>	

Theme	Response	Supporting Documentation
	<p>Assessment predicts that the wind environment around the site is likely to be classified as acceptable for pedestrian standing or walking, which is appropriate to its existing and proposed use and all surrounding locations are expected to satisfy the wind safety criteria.</p> <p>The Wind Assessment identifies that some local mitigation measures may be required for communal open space areas or outdoor dining activities. The subsequent detailed design stage of the proposal would further explore the detailed design of the communal open space and any outdoor dining to ensure wind comfort would be appropriate for stationary activities.</p>	
<ul style="list-style-type: none"> ▪ The proposal would result in visual privacy impacts to neighbours <ul style="list-style-type: none"> ▪ The proposal would reduce airflow to neighbouring buildings 	<p>The proposed concept envelope complies with all the relevant LEP, DCP and ADG provisions including building separation.</p> <p>In addition, the envelope has been carefully modelled with upper-level setbacks and chamfers to manage privacy and view sharing to neighbouring properties.</p> <p>Any future SSDA for the detailed design of the building would need to address privacy treatments such as articulation, screens etc. to further minimise any privacy impacts.</p> <p>The envelope, and therefore future development, will be entirely contained within the approved building footprint and envelope, and comply with the relevant planning controls. As such, it is not expected that the proposal would result in any undue reduction of airflow to neighbouring buildings.</p>	<p>N/A</p>
<ul style="list-style-type: none"> ▪ The proposed communal amenities will pose a safety and security risk to surrounding residences. 	<p>The proposal seeks approval for a concept envelope only, with the specific location of communal amenities subject to a future detailed application on the site. A future detailed application on the site would consider any safety and security risks to surrounding residences and ensure these are appropriately mitigated.</p>	<p>N/A</p>
Visual Impacts		
<ul style="list-style-type: none"> ▪ The proposal would result in view loss impacts and the loss of iconic views, including to and from heritage buildings, residences and the city. 	<p>The EIS was accompanied by a View Sharing Report (VSR) prepared by Urbis which considered the view loss impacts of the proposal on surrounding properties. The VSR considered view impacts to four dwellings as a representative sample of the types of views and compositions potentially affected. The VSR concluded that visual impacts associated with the proposed</p>	<p>Appendix J</p>

Theme	Response	Supporting Documentation
	<p>are minor to minor-moderate when considering all the relevant factors required by <i>Tenacity</i> and for the whole dwelling (not just the view modelled). This proposal seeks approval for a concept envelope only which represents the maximum development potential on the site. The extent of potential view loss and view impacts of a future building is likely to be less than what is anticipated by the envelope shown.</p> <p>The VSR concluded that the overall view sharing outcome is reasonable and acceptable, based on representative modelled views, number of dwellings affected, the complying nature of the Concept SSDA envelope and the reasonable expectation to realise the development potential of the site.</p>	
<ul style="list-style-type: none"> ▪ The Visual Impact Assessment (VIA) has not modelled or considered visual impacts to 14 Macleay Street, 10C Challis Avenue and 12-16 Challis Avenue. ▪ The VIA is inaccurate as the visual catchment is too small, impacts have been inappropriately categorised and visual impacts are not considered from all internal living spaces. 	<p>The VIA Response Letter has been prepared by Urbis and is included at Appendix J. The Response Letter details that the VIA catchment was informed by detailed desktop analysis of potential visibility, fieldwork observations and sensitive locations requested by Council. Views have been modelled to show a representative sample of the types of compositions available from a range of distances.</p> <p>The impact ratings in the VIA have been determined following the guidance set out in the relevant LECNSW Planning Principle for View Sharing, <i>Tenacity</i>. Impact ratings are determined based on the weighting afforded to differentiating factors, including the types of compositions available, view place locations, extent of view loss, access to scenic views which remain unaffected and relevant planning controls and considerations.</p>	<p>Appendix J</p>
<ul style="list-style-type: none"> ▪ The bulk and scale of the proposal visually intrudes on the streetscape. 	<p>The Visual Impact Assessment (VIA) prepared in support of the EIS considered the visual impacts of the proposal from the public domain. The VIA modelled five public domain viewpoints in response to specific locations raised by the City of Sydney. All public domain views modelled in the VIA were assessed against the relevant NSWLEC Planning Principles for the assessment of public domain view impacts. The VIA concluded that all visual impacts of the proposal on the public domain are low, reasonable and acceptable.</p>	<p>Appendix J</p>
<ul style="list-style-type: none"> ▪ The sight lines from McDonald Street to the back of the Yellow House 'artwork screens' have not been maintained. 	<p>A Visual Impact Response Letter has been prepared by Urbis and is included at Appendix J. The VIA Response Letter outlines that views to the Yellow House relate to its significance as a heritage item of local significance under the LEP for its use as a former artist's studio for well known artists.</p>	<p>Appendix J</p>

Theme	Response	Supporting Documentation
	<p>The VIA Response Letter also notes that there are no documented views to or from the Yellow House in the Sydney DCP and no recommendations to protect views to or from the item included in the Statement of Significance or Recommended Management for the Yellow House.</p>	
Procedural		
<ul style="list-style-type: none"> ▪ The community consultation undertaken was inadequate, with insufficient time given to the community to respond and not enough of the community was notified. 	<p>Prior to lodgement of the proposal, the Applicant undertook community consultation including:</p> <ul style="list-style-type: none"> ▪ A community newsletter, distributed to nearby residents and businesses (approximately 1,350 people) ▪ A project webpage and inbox for stakeholder queries ▪ Online survey and feedback forms ▪ In person focus groups and online webinar <p>The proposal was publicly exhibited for a 28 day period in accordance with the <i>State Significant Development Guidelines</i>. Notification of the proposal was undertaken by the DPHI.</p>	N/A
<ul style="list-style-type: none"> ▪ Deferring the assessment of impacts to the detailed design stage prevents the community from adequately assessing the potential outcomes. 	<p>The proposal seeks concept approval only which will set the parameters and design principles for future built form on the site. Despite this, a reference scheme has been provided to provide an indicative assessment of potential impacts associated with the proposal. All impacts associated with the detailed design of the proposal will be thoroughly assessed at the future development application stage and the community will have an opportunity to comment on the detailed proposal during the exhibition period of that application.</p>	N/A
<ul style="list-style-type: none"> ▪ The developer may amend the diversity and size of apartments once the application is approved. 	<p>The proposal seeks concept approval only and does not seek approval for a specific number or size of dwellings. The reference scheme is provided as indicative only and no consent is sought for the dwelling composition outlined in the reference scheme.</p>	N/A
<ul style="list-style-type: none"> ▪ The proposal is not state significant. ▪ The inclusion of ground floor retail is unnecessary and appears to be included solely to meet the SSSDA pathway requirements. 	<p>Under Schedule 1(26A) of the Planning Systems SEPP, residential development with at least 10% affordable housing that has an Estimated Development Cost (EDC) of more than \$75 million is classified as SSD.</p> <p>The residential component of the proposed development has an estimated EDC of \$82,310,000. The proposal also proposes 15% GFA as affordable housing. As such the proposal is SSD.</p>	N/A

Theme	Response	Supporting Documentation
	<p>The proposal would be categorised as SSD regardless of the inclusion of ground floor retail. The proposed high quality ground floor retail space is permissible within the MU1 zone and supports an activated street frontage, and future businesses.</p>	
Heritage		
<ul style="list-style-type: none"> ▪ The proposal would demolish an iconic building that is contributory to the Potts Point Heritage Conservation Area (HCA) ▪ The categorisation of the existing building as a detracting item is inappropriate ▪ The existing building is recognised by Council as contributory to the Potts Point HCA and should be preserved. 	<p>The HIS carried out a detailed analysis and assessment of the potential heritage significance of the existing building on the site based on the findings in the independent report provided to Council which identified the building as contributory within the Potts Point HCA and assessed the existing building on the site against the thresholds in the <i>Assessing Heritage Significance</i> guidelines published in May 2023 by the NSW Department of Planning. The HIS builds on previous analysis undertaken by Urbis of the heritage status of the site.</p> <p>Both reports conclude that the building would not meet the threshold to warrant its listing as a heritage item, nor is it of such architectural quality or historical importance that it should be considered a neutral or even contributory item within the context of the HCA as:</p> <ul style="list-style-type: none"> ▪ The historic significance of the Potts Point HCA largely relates to the earlier buildings on the site that were demolished for the existing development and therefore the building does not relate to the key periods of significance for the Potts Point HCA ▪ Whilst the building is associated with an architect of note (Hugo Stossel), it is not a particularly important representative example of his work ▪ The building is an undistinguished example of its type <p>The building has been heavily modified internally and therefore has irreversibly lost its integrity as an example of a mid-20th century residential apartment building.</p>	N/A
<ul style="list-style-type: none"> ▪ The proposal would impact the character of the surrounding HCA, especially when considering cumulative impacts with other proposals ▪ The proposal would result in amenity impacts to neighbouring heritage buildings, including view loss and overshadowing ▪ The Heritage Impact Assessment (HIA) has not considered impacts to the Yellow House (57-59 Macleay Street) 	<p>The concept envelope has been specifically designed to reduce impacts and respect the heritage significance of the surrounding area, including:</p> <ul style="list-style-type: none"> ▪ The scale, massing and form of the development has considered potential impacts on views to the HCA and to and from heritage items ▪ Street wall heights have been selected to provide adequate visual curtilage around the neighbouring heritage items ▪ The setback to the southern boundary will allow views from heritage items to the CBD and The Domain, and views from The Domain to the heritage items. 	N/A

Theme	Response	Supporting Documentation
<ul style="list-style-type: none"> ▪ The proposal will set a precedent from the removal of other heritage buildings in the vicinity. 	<p>The HIS also assesses the potential impacts of the proposed development on the heritage significance of the Potts Point HCA and the heritage items in the vicinity of the site, including the Yellow House (57-59 Macleay Street). The assessment found that the proposed development would respect and enhance the established significance of the HCA and of those heritage items in the vicinity for the following reasons:</p> <ul style="list-style-type: none"> ▪ The proposal would not entail any works to any buildings or sites which are listed as heritage items under Schedule 5 of the Sydney LEP 2012. Fabric, views and settings related to heritage items in the vicinity of the subject site would not be impacted by the proposal. Similarly, there would be no impacts on any contributory or neutral items within the context of the Potts Point HCA. ▪ The existing subdivision and street layout would not be modified by the proposal. This will maintain the integrity of the historic development pattern within the Potts Point HCA. ▪ Future development proposes an opportunity to introduce a high-quality example of architectural infill, subject to a competitive design process, which will respond more positively to adjoining heritage items and the wider Potts Point HCA than the existing building. <p>Therefore, the HIS concludes that the proposal would have a limited and acceptable impact on the setting and significance of the heritage items in the vicinity and the Potts Point Heritage Conservation Area.</p>	
<ul style="list-style-type: none"> ▪ The proposed excavation works would impact on the structural integrity of neighbouring heritage buildings 	<p>The proposal seeks concept approval only and does not seek consent for any excavation works. Any impacts associated with excavation would be assessed and mitigated as part of a future detailed application on the site.</p>	N/A
Built Form		
<ul style="list-style-type: none"> ▪ The proposed setbacks are insufficient and would result in overshadowing, visual impacts and inadequate landscaping ▪ The bulk and scale of the proposal is inconsistent with the local area and would negatively impact local character ▪ The height and bulk of the proposal are excessive. 	<p>The redevelopment of the site represents a significant opportunity for the built form massing to improve the relationship of a building on the site with the surrounding heritage and architectural context.</p> <p>The building envelope has been designed to respond positively to the surrounding streetscape and ensure appropriate view sharing and overshadowing outcomes are maintained to surrounding buildings. The building envelope/footprint is concentrated toward the northeastern portion of the site to provide a strong corner definition.</p>	N/A

Theme	Response	Supporting Documentation
	<p>The massing strategy establishes a three-storey street wall presentation to Macleay Street, which aligns with the predominant street wall height at 61-63, 57-59 and 55 Macleay Street. The upper floors are then setback 3m from this street wall.</p> <p>The proposed envelope has also been setback at the upper levels to the south-eastern corner of the site to align with the existing heritage facades to allow visual curtilage to their architectural features. The proposed setback provides adequate visual separation of the proposed podium mass and existing heritage fabric.</p> <p>The shielded central courtyard area (on the ground floor) provides a private area for resident enjoyment, with surveillance of this space provided from internally facing residential balconies and windows. The inclusion of ground floor retail would activate the ground plane and increase the amenity of the Macleay Street frontage.</p> <p>As outlined in the EIS, the bulk and scale of the proposal would not result in any unacceptable overshadowing, visual or landscaping impacts.</p>	
The Project		
<ul style="list-style-type: none"> ▪ The ground floor retail is unnecessary and inconsistent with the surrounding residential area ▪ The location of ground floor retail and communal amenities would result in unacceptable impacts and should be revised 	<p>The proposed high quality ground floor retail space is permissible within the MU1 zone and supports an activated street frontage, and future businesses.</p> <p>The proposal seeks concept approval only and does not seek consent for the fit out or operation of any aspects of the proposal, including ground floor retail and the level 3 communal facilities. As part of a future detailed application on the site, the operational noise impacts of these premises would be considered and any mitigation measures would be recommended.</p>	N/A
Traffic and Transport		
<ul style="list-style-type: none"> ▪ A traffic impact assessment has not been prepared and traffic impacts have not been assessed ▪ Existing on-street parking is insufficient to support the proposed retail use and would result in pressure on on-street parking ▪ The proposal includes excessive car parking which would encourage private vehicle use 	<p>An assessment of the traffic and parking aspects of the proposal was prepared by JMT Consulting and included with the EIS.</p> <p>The proposed retail component of the development is expected to serve the local walk-up catchment, especially during the peak hours. Given the context of the site as well as the limited parking space proposed, it is assumed that the</p>	N/A

Theme	Response	Supporting Documentation
<ul style="list-style-type: none"> ▪ The proposal will increase traffic congestion. ▪ The proposal does not confirm that vehicle access to 9 McDonald Street, off McDonald Lane, will remain unobstructed. 	<p>generation of the retail component will be low and based on the number of parking spaces provided.</p> <p>The proposal seeks to provide residential car parking in accordance with the minimum car parking rates set out in the Housing SEPP and retail car parking in accordance with the Sydney LEP 2012. The TIA provided with the EIS concludes that the proposed car parking is appropriate for the site given its accessibility to public transport and proximity to the Sydney CBD and would not impact on existing on-street car parking.</p> <p>The proposed traffic generation would be reduced in comparison to that generated by the existing site. The TIA concludes that the proposed changes to traffic generation are considered negligible in the context of the surrounding road network and would not impact its operation or the level of service of surrounding intersections.</p> <p>The proposal would not result in any impacts to vehicle access to 9 McDonald Street.</p>	
Other issues		
<ul style="list-style-type: none"> ▪ The proposal is unsustainable as it would demolish the existing building rather than pursuing adaptive reuse ▪ The proposal would strain existing infrastructure and servicing provision. 	<p>The Applicant has invested significant time investigating the viability of adaptive reuse alternatives, including retaining the existing building, constructed in the 1960s. However, the Applicant has undertaken technical analysis pertaining to architectural, building code, structural engineering and building services constraints. Ultimately, it was determined that retaining the existing building would result in a much poorer and constrained development outcome. Further detail on this consideration is included at Section 2.4.1 and Appendix DD to the EIS.</p> <p>The strategies and initiatives presented in the ESD Report provided in support of the EIS demonstrate a strong commitment to sustainability, which meets and exceed expectations for the development.</p> <p>The proposal seeks concept approval only and does not seek consent for any operational aspects. Any requirements relating to infrastructure and servicing provision would be resolved as part of a detailed application on the site.</p>	N/A
Issues beyond the scope of the project		

Theme	Response	Supporting Documentation
<ul style="list-style-type: none"> ▪ The affordable housing component of the proposal will be temporarily affordable for a 15 year period ▪ The provision of 15% affordable housing is insufficient for inner city areas ▪ The proposal uses the SSD pathway to bypass local Council and fast-track the assessment ▪ The construction of the proposal would result in unacceptable impacts to the community. 	<p>The provision of 15% of the GFA for affordable housing for a 15-year period aligns with the requirements developed by the NSW Government and set out in the Housing SEPP.</p> <p>Under Schedule 1(26A) of the Planning Systems SEPP, residential development with at least 10% affordable housing that has an Estimated Development Cost (EDC) of more than \$75 million is classified as SSD.</p> <p>The residential component of the proposed development has an estimated EDC of \$82,310,000. The proposal also proposes 15% GFA as affordable housing. As such the proposal is SSD.</p> <p>The proposal seeks concept approval only and no approval is sought for any works, including construction works. Construction impacts will be thoroughly assessed at a future detailed design stage and mitigation measures will be implemented as required to manage any potential impacts.</p>	N/A

5. Updated Project Justification

The proposal remains justified and in the public interest for the following reasons:

- The proposal delivers diverse and affordable housing in an accessible location, directly responding to the NSW Government's policy mandate to improve housing choice and affordability. The site's location allows easy access to employment centres, retail, open space, and social infrastructure (schools, hospitals etc).
- Future detailed applications would be subject to a competitive design process to ensure the detailed design of the proposal achieves 'design excellence'. This includes compliance with key NSW ADG design criteria, ensuring high standards of amenity for future occupants.
- The proposal is consistent with relevant State and local strategic plans and substantially complies with the relevant planning controls. The proposal delivers a development outcome consistent with the vision established by all levels of strategic planning which seek to facilitate additional housing (including diverse and affordable housing) and 'transit oriented development' through the '30 minute city' concept.
- Subject to the implementation of the recommended mitigation measures, no adverse social or environmental impacts result from the proposal during construction and operation of the development.
- The proposal will deliver 160 FTE jobs during the construction phase and 12-13 ongoing jobs during the operational phase of the development. This will create short and long term benefits for the local economy.
- No major issues were raised during the pre-lodgement consultation with the local community, Council, Government and agency stakeholders.
- The site will facilitate the orderly and economic use and development of the land.

Having considered all relevant matters, the proposed development is appropriate for the site and approval is recommended, subject to appropriate conditions of consent.

6. Disclaimer

This report is dated 12 June 2025 and incorporates information and events up to that date only and excludes any information arising, or event occurring, after that date which may affect the validity of Urbis Ltd (**Urbis**) opinion in this report. Urbis prepared this report on the instructions, and for the benefit only, of Time & Place (**Instructing Party**) for the purpose of Response to Submissions (**Purpose**) and not for any other purpose or use. To the extent permitted by applicable law, Urbis expressly disclaims all liability, whether direct or indirect, to the Instructing Party which relies or purports to rely on this report for any purpose other than the Purpose, and to any other person which relies or purports to rely on this report for any purpose whatsoever (including the Purpose).

In preparing this report, Urbis was required to make judgements which may be affected by unforeseen future events, the likelihood and effects of which are not capable of precise assessment.

All surveys, forecasts, projections and recommendations contained in or associated with this report are made in good faith and on the basis of information supplied to Urbis at the date of this report, and upon which Urbis relied. Achievement of the projections and budgets set out in this report will depend, among other things, on the actions of others over which Urbis has no control.

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This report has been prepared with due care and diligence by Urbis and the statements and opinions given by Urbis in this report are given in good faith and in the reasonable belief that they are correct and not misleading, subject to the limitations above.

Appendix A Submissions Register

Appendix B Updated Mitigation Measures

Appendix C Amended Envelope Plans

Appendix D Reference Scheme Solar and Cross Ventilation Analysis

Appendix E Supplementary Design Report

Appendix F Wind Assessment Report

Appendix G Historical Archaeological Impact Assessment

Appendix H Historical Archaeological Research Design and Excavation Methodology (HARDEM)

Appendix I Updated Aboriginal Cultural Heritage Assessment Report

Appendix J Visual Impact Response Letter