

29 April 2025

Our Ref: R/2025/4/A
File No: 2025/229041
Your Ref: SSD 79316759

Justin Keen
Senior Planning Officer
Affordable Housing Assessments
Department of Planning, Housing and Infrastructure

Via Major Projects Portal

Dear Justin

Advice on EIS – Concept Proposal for Mixed Use with Affordable Housing – 45-53 Macleay Street, Potts Point – SSD 79316759

Thank you for your correspondence dated 1 April 2025 inviting the City of Sydney Council (“the City”) to comment on the proposal at the abovementioned address. The application proposes a concept envelope for a building approximately 50.05m in height (13-storeys) comprising a mix of market and affordable housing and commercial uses.

The application seeks to utilise height and floor space bonuses available under the Sydney Local Environmental Plan 2012 and State Environmental Planning Policy (Housing) 2021 (Housing SEPP) by way of undertaking a competitive design process and through the provision of time limited affordable housing on site.

Whilst the City is committed to supporting approvals of residential dwellings to contribute to housing targets, major concerns are raised 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.

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.

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.

As such, the City **objects** to the application as currently proposed. Please see below for further details.

1 Built Form

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.

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.

1.1 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.

Similarly, no awning should be provided on the Macleay Street frontage where it will create a long-term impact on street trees.

1.2 McDonald Lane

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.

1.3 Southern boundary

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.

Further, an increased setback of 12m is required for L9-L12 to comply with Objective 3F -1 of the ADG.

2 Additional overshadowing impacts

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.

Non-compliances with the ADG recommended setbacks identified above exacerbate the degree of overshadowing to surrounding developments and the public domain and is unreasonable.

3 Unacceptable View Sharing Impacts

The inconsistency with ADG setbacks as identified above also contribute to view unreasonable sharing impacts. 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.

An updated view loss assessment should be prepared to support an amended envelope that is consistent with the ADG.

4 Conservation area impacts

The heritage inventory sheet for the Potts Point Heritage Conservation Area has been updated to include the contribution of 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.

5 Design Excellence Strategy

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.

7 Inadequate information

The following issues have been identified with additional supporting documentation that require resolution:

- 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*”.
- Deep Soil area should be clearly identified on the envelope drawings, including an annotation to identify the minimum quantum.
- Setbacks are not adequately dimensioned on the envelope drawings – the envelope should be readily replicable to inform the subsequent design stages.
- 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.

8 Reference Scheme Issues

The submitted reference scheme has been reviewed, and the following comments are provided for your consideration:

- A residential lobby should have direct access off Macleay Street and located to be clearly visible from the public domain.
- 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.
- The solid to void ratio of the facades should emulate the characteristic buildings in the locality.
- 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.
- Partial shade structures should be provided to the rooftop private terraces.
- 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.
- 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)
- 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.
- Parking should align with Sydney LEP maximum rate which would require a reduction of three spaces.

Should you wish to speak with a Council officer about the above, please contact Marie Burge, Senior Planner, on 9288 5850 or at mburge@cityofsydney.nsw.gov.au

Yours sincerely,



Graham Jahn AM LFRAIA Hon FPIA
Chief Planner / Executive Director
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