

Xiao Ling

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3105/486 Pacific Hwy,

St Leonards,

NSW2064

To Whom it may concern,

Dear Sir/Madam,

I am writing to lodge a formal and strong objection to the proposed 36-storey, 571-apartment development at 46 Nicholson Street. As a resident living on Level 31 directly facing the site, the proposal would cause significant and unacceptable impacts on my sunlight, views, amenity, traffic conditions and the overall character of the neighbourhood. It represents a drastic and unjustified departure from the previously approved 29-storey, 271-apartment scheme and raises serious concerns about planning integrity, transparency and consistency with the public interest.

1. Severe Traffic Congestion

The traffic situation in this area is already stretched beyond capacity. Pacific Highway and the surrounding feeder roads are heavily congested every single morning and evening, and even minor incidents cause immediate gridlock. Parking availability is already inadequate for current residents and visitors, and the addition of more than 500 new apartments will overwhelm an infrastructure system that is already failing. It is simply not credible to suggest that local roads and parking can absorb such a dramatic population increase without substantial deterioration in safety, mobility and the basic functioning of the neighbourhood.

2. Loss of Sunlight & Overshadowing Impact

The proposed increase to 36 storeys will cause a severe and wholly unacceptable loss of sunlight to my apartment. The natural light is a fundamental component of my home's amenity, directly affecting comfort, wellbeing, livability and energy use. A tower of this scale positioned directly opposite would significantly reduce natural light for large

portions of the day, producing a material and permanent impact on my quality of life. This is not a minor concern—it is a direct and foreseeable result of excessive height.

Importantly, the overshadowing impact extends far beyond my building alone. The excessive height will also cast long and harmful shadows over the broader precinct, including major residential towers such as The Landmark and JQZ 88, which collectively house thousands of residents. It is indefensible that such wide-ranging amenity loss should occur merely to accommodate an oversized development when a lower and more appropriate scheme has already been approved.

3. Loss of View

The proposal will completely block the sea views that my apartment currently enjoys. The loss of this view is not a minor aesthetic concern; it represents a direct reduction in amenity, quality of life and property value. The previously approved 29-storey structure already pushed the boundaries of visual impact. This new oversized proposal goes far beyond what was originally assessed and accepted, making the amenity loss severe and irreversible. It is unreasonable and unfair for existing residents to bear such a disproportionate burden from a developer's choice to maximise yield by shrinking unit sizes and cramming in additional apartments.

4. Overdevelopment & Inadequate Infrastructures

This application constitutes clear and blatant overdevelopment. Doubling the number of apartments—from 271 to 571—on the same parcel of land is a proposal that prioritises developer's profit above the wellbeing of the community, the capacity of local infrastructure and the established planning framework. There is no legitimate justification for such an extreme and irresponsible density increase, which is entirely incompatible with the scale, character and carrying capacity of this precinct. The applicant's attempt to force through a development of this magnitude ignores the cumulative pressures already placed on transport, services and public space.

5. Non-Compliance with the 2036 Plan and Height Framework

The proposal is fundamentally inconsistent with the **St Leonards and Crows Nest 2036 Plan**, which clearly establishes the maximum permissible height for this site. That plan intentionally creates a height gradient where buildings step down as they extend away from the station, and new development is expected—and required—to adhere to this

principle.

If proposals are permitted to disregard the 2036 Plan whenever a developer seeks higher yield, the Plan becomes meaningless. Approval of this application would create a dangerous precedent enabling future landowners to demand increased height limits under claims of “exceptional circumstances,” leading to escalating overdevelopment across this tightly constrained precinct. Such an outcome would have devastating consequences for local residents and would completely undermine the carefully considered planning vision for the area.

6. Serious Concerns Regarding the Reliability of Developer-Funded Impact Reports

I must emphasise that the assessment of impacts associated with this proposal should not rely on developer-funded documents, whether they concern traffic, solar access, overshadowing, view sharing, wind impacts, waste management or other environmental, social or amenity considerations. Any consultancy directly paid by the applicant is not genuinely independent. Their reports routinely minimise adverse impacts in favour of the party that commissions and funds them.

Under the NSW Planning System principles relating to “actual or perceived conflicts of interest,” decision-makers must avoid reliance on materials that may be compromised—whether in fact or in appearance—by financial dependency on the applicant. All developer-funded assessments fall squarely within this risk category. Accordingly, the Department should not treat these documents as authoritative or impartial.

The only credible way to assess the true scale of impacts is for the Department to commission its own independent experts, at arm's length from the developer, and for decision-makers to personally inspect local conditions. Only through genuinely independent evaluation will the full severity of traffic congestion, overshadowing, view loss and cumulative infrastructure pressures be accurately understood

7. Procedural Concerns: Unfair Exhibition Timing & Misleading Claims

I am also deeply concerned about the way in which this proposal has been exhibited. Reducing the public exhibition period from the typical 28 days to only 14 days, and scheduling it right before Christmas, appears designed to suppress community participation and avoid scrutiny—not to support genuine consultation. This is not respectful engagement—it is a deliberate attempt to avoid scrutiny. This truncated exhibition undermines procedural fairness and prevents meaningful community

participation.

On the other hand, the developer's statement claiming they previously consulted with local residents and received no negative feedback is false. At no point was I, nor any other residents on my floor or nearby apartments, contacted, consulted or informed. This statement is misleading and it raises serious questions about the transparency and integrity of the applicant's submission.

Conclusion

This proposal will worsen traffic congestion, remove sunlight and views from thousands of residents, overwhelm local infrastructure, violate the 2036 Plan's height controls and has been advanced through a process that discourages public participation. I therefore request that the Department and the Planning Panel reject this application outright.

I expect that the concerns raised here will be given full and proper consideration.

Sincerely,

Xiao Ling

12/12/2025