

SUBMISSION IN OBJECTION TO STATE SIGNIFICANT DEVELOPMENT SSD-86992219

275 Alfred Street, North Sydney – Shop Top Housing Proposal

Submitted by: Nicole Yoo

Address: 17 Neutral Street, North Sydney NSW 2060

Date: 19 January 2026

Development Reference: SSD-86992219

Project: Proposed replacement of Fivex Building with 39-storey residential tower

Consent Authority: NSW Housing Delivery Authority (HDA)

EXECUTIVE SUMMARY

As a resident of Neutral Street, a heritage-listed street forming part of the Whaling Road Conservation Area, I lodge this formal objection to the proposed 39-storey residential development at 275 Alfred Street, North Sydney. I identify five critical grounds for refusal, interconnected and mutually reinforcing.

The proposal presents unacceptable impacts on heritage conservation, residential amenity, local traffic, planning principles, and public benefit, which cannot be justified by the claimed benefits of housing acceleration.

1. IMPACT ON HERITAGE CONSERVATION AREA AND NEUTRAL STREET

Heritage Significance

The Whaling Road Conservation Area, of which Neutral Street forms a central part, is identified in the North Sydney Development Control Plan 2013 as significant for:[1]

(a) Unity and subdivision history:

Regular and irregular subdivision patterns reflecting topography, with small lots creating a discrete residential neighbourhood characterised by low-scale development, sandstone kerbing, low timber fencing, steep contoured streetscapes, stepped house forms, and dramatic views.[1]

(b) Consistent Victorian and Federation residential character:

A largely intact collection of one to three-storey Victorian Georgian, Victorian Filigree and Federation-style dwellings forming a dense urban pattern with high-quality groupings and collective architectural significance.[1]

(c) Intact urban fabric and detail:

Much of the original late 19th and early 20th century development pattern is retained, including street formations, sandstone kerbing, fencing, gardens with strong relationship to topography, pocket parks, pedestrian links, and remnant cobbling.[1]

(d) Quality and collective significance of buildings:

The conservation area's value derives from collective significance—the precinct as a whole—not individual structures.[1]

Neutral Street embodies all these qualities and is fundamentally vulnerable to large-scale adjacent development.

How the Proposal Harms Heritage Values

Visual and Spatial Dominance:

A 39-storey tower rising approximately 140+ metres will create visual dominance over the Whaling Road Conservation Area that cannot be mitigated. From Neutral Street, the tower will:[2]

- Dominate skyline views from residential streets and private open spaces
- Create stark contrast with one to three-storey Victorian/Federation fabric
- Alter sight lines and fragment visual coherence of the streetscape
- Undermine the unity and integrity that define the conservation area's character

Loss of Streetscape Integrity:

Neutral Street's character derives from its low-scale, fine-grained residential pattern. The immediate presence of a 39-storey tower will:[2]

- Create jarring scale contrast fundamentally incompatible with heritage conservation
- Introduce an element that undermines streetscape unity
- Set inappropriate precedent suggesting such heights are acceptable in heritage contexts
- Weaken legibility of conservation area boundaries and character

Erosion of Conservation Values:

The conservation area's value depends on its collective character as a largely intact late 19th/early 20th century low-scale residential precinct. A 39-storey tower immediately adjacent:[2]

- Demonstrates non-acceptance of heritage values in decision-making
- Suggests heritage character is subordinate to development maximisation
- Introduces a contrasting built form that detracts from, not respects, heritage context
- May establish precedent for further incompatible development in or adjacent to the conservation area

Existing Building Not Justification:

While the current 17-storey Fivex building is inappropriate and described as "a blot on the landscape," its existence does not justify a 39-storey replacement. In *Made Property Group Pty Ltd v North Sydney Council* [2020 NSWLEC 1332], the Court confirmed existing height does not provide legal precedent for future development.[2] An existing heritage breach does not authorise expanded breach.

2. EXCESSIVE HEIGHT AND BULK – OVERSHADOWING, OVERLOOKING AND AMENITY IMPACTS

Scale Incompatibility

Current Context:

The Whaling Road Conservation Area is characterised by one to three-storey dwellings. The existing 17-storey Fivex building is already acknowledged as a discordant anomaly.[2]

Proposed Increase:

The proposal increases height by over 100% (from 17 to 39 storeys) and FSR from 7.3:1 to 16:1. Described as a "monstrosity" in the committee objection, this represents an extraordinary departure from context.[2]

Lack of Justification:

Beyond a 6-storey affordable housing bonus (leaving 33 additional storeys unjustified), proponents offer only vague references to "urban structure," "civic form" and "transitional position." [2] The site is not in a CBD context; it is functionally isolated from the North Sydney CBD by the Warringah Freeway and surrounded by low-scale residential development. No "transitional" justification is plausible.

Breach of Development Controls:

The North Sydney LEP 2013 imposed a 13m height limit and 3.5:1 FSR on the precinct. The proposal seeks:

- Height of 140+m (versus 13m limit) – approximately **11 times** permitted height
- FSR of 16:1 (versus 3.5:1 limit) – approximately **4.5 times** permitted FSR

These multiples are indefensible.

Overshadowing Impact

A 39-storey tower will cause substantial and unacceptable overshadowing of:[3]

Private Dwellings and Open Space:

- Morning and afternoon winter shadow will fall across Neutral Street dwellings, yards and private open space
- Year-round afternoon shadow will reach residential areas significantly further than the existing building
- Length and extent of shadow will increase dramatically compared to the existing Fivex building

Residential Amenity:

For Neutral Street residents, this will result in:[3]

- Reduced solar access to dwellings and private open space
- Reduced capacity to use gardens and outdoor areas year-round
- Altered microclimate on the street
- Diminished residential amenity fundamental to the conservation area's character

The proponents' assertion that "no change to overshadowing before midday" is acceptable ignores the indisputable reality that afternoon overshadowing severely reduces amenity.

Overlooking and Privacy Loss

A 39-storey residential tower facing the Whaling Road Conservation Area will result in unacceptable privacy loss:[3]

Direct Line of Sight into Private Spaces:

In the Whaling/Neutral/Ormiston/Little Alfred block, virtually all 27 houses have small but usable outdoor areas—courtyards, decks or gardens—at the rear, not visible from the street. [3] Upper-level tower apartments will directly overlook these spaces. Interior overlooking into lounge rooms, bedrooms and bathrooms will be possible from hundreds of residential units.

Psychological and Practical Impact:

Residents of Neutral Street will experience loss of privacy and sense of exposure that fundamentally diminishes residential amenity. This is particularly acute in a heritage conservation area where residential character depends on privacy and quiet enjoyment.

Other Amenity Impacts

Inadequate Setbacks:

The proposal shows only 3m setback from north and south boundaries above the podium, far less than the 12m minimum separation normally required between residential buildings.[2] This inadequacy intensifies overlooking, loss of privacy, and psychological dominance.

Built Form at Street Level:

The tower will have minimal setback at street level, with a three to four-storey podium "hard on the boundary," creating a "far more brutal outcome" than even the poor interface of the existing building.[2]

3. TRAFFIC, PARKING AND LOCAL ACCESS IMPACTS

Existing Traffic Pressures

North Sydney Council's pre-development advice states: "There is considerable traffic pressure on roads surrounding the site." [4] The proponent's own Transport Impact Assessment estimates traffic generation at around two to three times existing levels.[4]

Conversion from Commercial to Residential Use

Unlike the current office use generating primarily weekday business-hour traffic, a very large residential development will create:[4]

- More frequent vehicle movements throughout the day and evening
- 24/7 occupancy patterns generating continuous traffic
- Increased noise, congestion and safety risks in nearby narrow streets
- Significant and sustained impact on local amenity, not seasonal or peak-period only

Access Problems on Little Alfred Street

Vehicle access is proposed via Little Alfred Street rather than Alfred Street, despite Little Alfred Street being a narrow, steep local residential street.[4] The street presents multiple problems:

Physical Constraints:

- Kerb-to-kerb width is only 6.2m at widest point; with on-street parking, residual width is far too narrow for safe two-way traffic
- Vehicles can only pass if one temporarily parks in empty space or at building entry
- Steep rise southward to blind crest with 20 km/h southbound speed limit, frequently exceeded
- Alternative route via Ormiston Avenue is even narrower (6.0m) with sharp corner where trucks become stuck and very sharp dip at midpoint[4]

Existing Pedestrian Safety Issues:

- Little Alfred Street is already hazardous for pedestrians accessing houses on the east side
- Only footpath on west side; east side has only wide kerb, forcing pedestrians to enter/exit houses directly onto roadway
- Increased traffic will exacerbate safety risks[4]

Inadequate Assessment:

The proponent's 2015 Transport Assessment acknowledged "considerable constraints to access the site, given the topography and narrowness of Little Alfred Street." [4] The current assessment incorrectly claims Little Alfred Street "accommodates a single lane of traffic in each direction," which is factually wrong.[4]

Parking Shortage

In the vicinity, there is already shortage of on-street parking for residents, many residential properties lack off-street parking, and significant restrictions are in place (Monday–Friday 8:30am–6:00pm 1-hour time limits in Little Alfred Street with only 10 spaces).[4] Residential occupancy combined with a greatly increased building size will exacerbate parking problems, with overflow into Neutral Street and adjoining streets.

4. NON-COMPLIANCE WITH SEPP (HOUSING) AND INADEQUATE DEVELOPMENT CONTROLS

Design Quality Failures

The proposal does not comply with key design quality provisions under the SEPP (Housing): [2]

Building Separation:

Only 3m setback from boundaries when 12m minimum separation is required between residential buildings. This violation intensifies:

- Overlooking between new and existing residents
- Loss of privacy and sense of exposure

- Lack of amenity for both existing and new occupants

Setbacks and Transitions:

In a setting immediately adjoining a recognised conservation area of one to three-storey dwellings, failure to provide adequate separation and gradual transitions is particularly unacceptable.[2] The proposal is simply too large and too close to its boundaries for this site.

Bulk and Massing:

The proponents claim the height "provides optimal balance between slenderness, skyline composition, and environmental performance," yet, as assessed, the building is not slender but "far too wide" for its height, with inadequate boundary setbacks.[2] This is structural non-compliance with design quality principles.

SSD Process and Inadequate Statutory Controls

It is "extremely concerning that under section 2.10 of the Planning System SEPP, an SSD application does not need to comply with a site-specific Development Control Plan." [2]

For the 2019 proposal, expert planning consultants found many faults in the proponents' reference scheme and were "even more critical" of the proposed Draft DCP, which failed to clearly propose controls sufficient to ensure implementation of even the reference scheme. [2] The Department of Planning similarly found the DCP inadequate.

The current proposal seeks to approve SSD architectural plans and changes to the LEP, but without a robust DCP framework, there is insufficient statutory mechanism to ensure appropriate development outcomes, management of impacts, or compliance with quality standards.

5. PIECEMEAL DEVELOPMENT APPROACH CONTRARY TO PLANNING PRINCIPLES

JRPP Recommendation for Precinct-Wide Approach

In 2015, the Joint Regional Planning Panel unanimously recommended that any proposal should cover the **entire** commercially-zoned precinct, not just the Fivex site, for these reasons:[2]

- Piecemeal approach focusing only on one site, rather than the block zoned B3, is contrary to strategic intent of zoning decisions
- Current proposal seeks three times the development potential of other sites within the B3 zone
- Failure to achieve desirable separation distances between residential buildings
- Adversely affects the development potential of adjoining sites

These reasons remain equally applicable to the current proposal, which perpetuates the defects rejected by the JRPP.[2]

Precedent and Perverse Incentive

If approved, this proposal establishes that:

- Existing height on a site awards its owners special rights to build substantially higher
- Piecemeal approaches are acceptable despite JRPP recommendations
- Neighbouring properties have reduced development potential (contrary to 2015 guidance)
- The site is "special" and justifies 16:1 FSR when the rest of the precinct is limited to lower densities

This creates perverse incentives and violates principles of equitable, coordinated planning.

Adjacent Site Implications

The owners of the adjacent property at 271–273 Alfred Street have lodged EOI 279422 with the HDA for a similar development, which has now been declared an SSD.[2] If both proceed as piecemeal applications, the entire precinct will be redeveloped in an uncoordinated, uncontrolled manner, maximising height and FSR on each site independently—precisely the outcome the JRPP sought to prevent.

6. QUESTIONABLE PUBLIC BENEFITS INSUFFICIENT TO JUSTIFY IMPACTS

Housing Supply

The proponents' Environmental Impact Statement lists five similar proposed residential development projects nearby, raising real doubt about the need for additional high-end apartments of this type in this location.[2] There is anecdotal evidence of recent completed developments in North Sydney (for instance "Aura" in Walker Street) being purchased by overseas investors and left vacant.[2] These claims of public benefit are thus illusory.

"Affordable Housing" – Limited and Time-Limited Benefit

The affordable housing component is time-limited with discounted rents ending after 15 years, at which point only the developer benefits from the uplift.[2] Even a 30% discount from local market rent in North Sydney is unlikely to be genuinely affordable for lower-income households.[2] Not-for-profit housing organisation Shelter NSW has found that developers recoup the value of discounted rent under affordable housing initiatives up to seven times over, particularly in suburbs such as North Sydney.[2]

This is not a public benefit; it is a temporary marketing tool that ultimately enriches the developer.

Landscaping – Predominantly Private and Inaccessible

The total landscape area is claimed to be 14% of the site (twice the ADG-required 7%), but most is located at Level 03 (podium roof) at the rear of the site, three to four storeys above Little Alfred Street, where it cannot be viewed by the public or provide any public benefit.[2]

Through-Site Link – Limited Utility

A through-site pedestrian link would provide a shortcut between Mount Street and Ormiston Avenue, but as shown it would not be an attractive route, confirmed by the design intention that it be closed at night.[2] This is not a meaningful public benefit.

Conclusion on Public Benefits

These modest and largely private benefits are clearly insufficient to justify:[2]

- A 39-storey tower with an FSR of 16:1
- Significant impacts on heritage conservation
- Severe overshadowing and overlooking of existing residents
- Traffic and parking problems in local streets
- Degradation of amenity in a heritage conservation area

7. COMMUNITY ENGAGEMENT DEFICIENCY

The proponents claim community engagement has occurred and includes "direct engagement and consultation" with local "community groups and organisations." However, this engagement "has never included" the SBS Building Neighbours Committee, which "represents about 70 households in the adjacent residential area" and "who are most affected." [2]

Meaningful community engagement with directly affected residents—those who will experience the daily impacts of overshadowing, overlooking, traffic and amenity loss—has not occurred. This is a significant deficiency in the development process.

CONCLUSION AND RECOMMENDATION

As a resident of Neutral Street living within the Whaling Road Conservation Area, directly affected by this proposal, I respectfully submit that SSD-86992219 should be **refused** on the following grounds:

Ground 1: Unacceptable Heritage Impact

The proposal will cause unacceptable harm to the heritage significance, character and amenity of the Whaling Road Conservation Area. A 39-storey tower immediately adjacent to a low-scale Victorian and Federation heritage conservation area is incompatible with the purpose of heritage protection and the legitimate expectations of residents living in heritage areas.

Ground 2: Excessive Built Form and Amenity Impacts

The 39-storey tower involves overshadowing, overlooking and amenity impacts that are unacceptable in a low-scale residential context. The scale is unjustified, impacts are severe, and the proposal fails to comply with established planning principles and SEPP (Housing) design quality requirements.

Ground 3: Traffic and Access Problems

Traffic generation at two to three times existing levels will exacerbate existing traffic pressure on local streets. Access via narrow Little Alfred Street is unsafe and inadequate for the proposed development scale. Parking shortages will be substantially worsened, degrading amenity for all residents.

Ground 4: Non-Compliance with SEPP (Housing)

The proposal fails to meet design quality requirements, particularly regarding building separation (only 3m versus 12m required), resulting in unacceptable overlooking and privacy loss.

Ground 5: Illusory Public Benefits

Claimed public benefits—housing supply (questionable given nearby projects), affordable housing (time-limited and inadequate), landscaping (private and inaccessible), and a through-site link (of limited utility)—do not outweigh the significant adverse impacts and are insufficient to justify extreme departure from LEP controls.

RECOMMENDATIONS

I respectfully request that the NSW Housing Delivery Authority:

1. **Refuse consent** to SSD-86992219 in its current form
2. **Require** a comprehensive precinct-wide proposal addressing the entire B3-zoned area, as unanimously recommended by the Joint Regional Planning Panel in 2015
3. **Impose** maximum height of 13 metres and FSR of 3.5:1 as per the North Sydney LEP 2013
4. **Mandate** a robust, site-specific Development Control Plan with clear standards for setbacks, separation, built form and interface management
5. **Require** meaningful community engagement with directly affected residents in Neutral Street and the Whaling Road Conservation Area
6. **Decline** to approve further piecemeal SSD applications for the precinct until a coordinated, precinct-wide planning framework is developed and implemented

The proposal does not represent sustainable, appropriate planning for this location. It represents continued prioritisation of development maximisation over heritage protection and residential amenity. Residents of Neutral Street must be entitled to expect that heritage conservation areas are genuinely protected and that local amenity is preserved.

REFERENCES

[1] North Sydney Development Control Plan 2013, "Whaling Road Conservation Area" section, describing heritage significance, character and requirements for compatible development.

[2] SBS Building Neighbours Committee, "Objection to SSD-86992219 – Development Proposal Shop Top Housing 275 Alfred Street, North Sydney," dated 12 January 2026, detailing Joint Regional Planning Panel findings (2015), planning history (2015–2026),

heritage impact analysis, traffic and parking concerns, and inadequacy of development controls.

[3] Established planning principles and Environmental Planning & Assessment Act 1979 (NSW), establishing that development must be compatible with surrounding uses and character, and that heritage conservation and residential amenity are material planning considerations.

[4] Transport Impact Assessment provided with SSD-86992219 proposal; North Sydney Council Pre-Development Advice; Australian Standard AS 4282-2019 regarding environmental impacts of development; and established planning principles regarding traffic generation and parking in residential areas.

Submitted by:

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19 January 2026

END OF SUBMISSION