

Submission in Response to SSD Application – 29 Florida Street, Sylvania

**SSD Reference:** SSD-83258708

**Applicant:** Homes NSW

**Property:** 29 Florida Street, Sylvania NSW

**Submitters:** Owners of 2/27 Florida Street, Sylvania NSW (Immediately Adjoining Property)

We are the owners of 2/27 Florida Street, Sylvania, a low-scale, two-storey residential building that directly adjoins the subject site at 29 Florida Street. We object to the proposed State Significant Development (SSD-83258708) at 29 Florida Street, Sylvania primarily on the basis that it will (or is likely to) create unreasonable and unacceptable overshadowing impacts on our property and the Florida Street streetscape, particularly during the winter period when solar access is already limited.

Our property is immediately affected by the proposed redevelopment, including by reason of its proximity, relative scale, orientation, and the duration and intensity of construction works proposed. As such, we have a direct and legitimate interest in the assessment of this application.

We acknowledge the strategic importance of increasing housing supply, including social and affordable housing. However, we submit that the proposal, as currently designed and assessed, gives rise to unreasonable and insufficiently mitigated impacts on the amenity, ongoing use, and viability of our property, and that aspects of the assessment process lack transparency and procedural fairness.

## **1. Summary of objection**

We object to the application in its current form on the following grounds:

- The proposal introduces multiple 7–9 storey buildings immediately adjacent to a low-lying, two-storey dwelling, without an adequate transition in scale or massing.
- There are inconsistencies in the stated dwelling yield, with the Design Report referring to 484 dwellings, while the Waste Management Plan refers to 505 dwellings, creating uncertainty as to the true scale of the development.
- The assessment under-represents the amenity impacts on 27 Florida Street, including loss of solar access, visual dominance, outlook, and privacy.
- Visual material submitted with the application does not transparently or accurately depict the relationship between the proposed buildings and our property.
- The proposal relies on future landscaping to mitigate impacts that are fundamentally driven by height and bulk.
- The scale of development is not supported by the local transport context, which is characterised by car dependence and limited public transport.
- A three-year construction period will impose prolonged impacts that materially affect the viability of continuing to lawfully lease and occupy the adjoining property, which is essential to the ongoing viability of the property as a residential investment.
- The consultation process was ineffective for immediately affected neighbours, both in terms of notification, communication, and the timing of exhibition.

## **2. Consultation and procedural fairness**

### ***2.1 Failure of notification to immediately adjoining property***

The Consultation Report accompanying the application states that a notification letter was distributed to 631 surrounding properties, and that consultation activities included letterbox drops, direct notification, and opportunities for engagement.

However, neither the owners nor the tenants of 2/27 Florida Street received any notification of the proposal by letterbox, post, email, or other means. Nor did the occupiers of other immediately adjoining properties (1/27 Florida St) receive any such notification. Our only awareness of the project arose indirectly through discussions with neighbouring properties.

Given that 27 Florida Street is an immediately adjoining property and one of the most affected receptors, the absence of notification raises serious concerns about the effectiveness and reliability of the consultation process as described.

While we do not allege intent, the outcome is that the consultation claimed in the documentation did not reach those most directly affected, and this should be taken into account when considering the weight to be given to the Consultation Report and the extent to which community views have been accurately captured.

### ***2.2 Exhibition timing over Christmas / New Year period***

The public exhibition period for the application ran from 18 December to 22 January.

While this period may technically satisfy statutory exhibition requirements, it coincided almost entirely with the Christmas and New Year shutdown period, during which:

- Homes NSW offices were closed or operating at reduced capacity;
- local council offices were closed
- many planning professionals, consultants, and solicitors were unavailable or operating at reduced capacity.

For an SSD of this scale, complexity, and document volume, this timing materially limited the ability of affected landowners to seek clarification, obtain independent professional advice, and meaningfully review and respond to the proposal during the exhibition window.

The application documentation comprises approximately 28 separate reports and plan sets, collectively exceeding 2,200 pages of technical material, much of it highly specialised. When combined with an exhibition period that ran largely over the Christmas and New Year shutdown period, this significantly constrained the ability of affected landowners to engage meaningfully with the material.

Further, on multiple occasions (at least eight), we attempted to contact the nominated project contacts and the planning officer listed on the exhibition website seeking clarification and a return call, leaving multiple messages to multiple contacts. As at 20 January 2026, no return phone calls or emails had been received despite repeated follow-up from us.

When considered together with the apparent failure of notification reaching immediate neighbours, the timing of the exhibition and lack of response to reasonable requests for information further undermines confidence that affected parties were afforded a reasonable and practical opportunity to participate in the consultation process.

### **2.3 Implications for assessment**

We submit that the consultation outcomes relied upon in the EIS should be treated with caution, particularly in relation to impacts on immediately adjoining properties.

At a minimum, the consent authority should:

- seek clarification and verification of notification methods for immediate neighbours; and
- ensure that appropriate weight is given to submissions from affected landowners who were practically constrained by the timing and effectiveness of consultation.

### **3. Existing context of 27 Florida Street**

27 Florida Street is a low-scale, two-storey residential building that sits relatively low within the landscape and relies on open sky, outlook, and solar access for its residential amenity.

The dwelling is lawfully used and currently tenanted. Its scale and siting reflect the established residential character of this part of Florida Street, which is predominantly low to mid-rise in form. There is no meaningful separation distance capable of accommodating a sudden transition to 7–9 storey buildings without significant impacts.

Photographs of 27 Florida Street (Attachment A) demonstrate the modest scale of the existing building and its exposure to sunlight and outlook. These characteristics are fundamental to the amenity and ongoing viability of the property and must be accurately reflected in the assessment of impacts.

### **4. Built form, height and interface impacts**

The proposal introduces buildings of approximately 7–9 storeys immediately adjacent to and behind 27 Florida Street. Regardless of the strategic planning framework relied upon, the critical issue is the interface between this built form and an immediately adjoining two-storey dwelling.

The EIS identifies a maximum Housing SEPP height of 28.6 metres, yet the proposal includes buildings up to 33.05 metres, representing a height exceedance of up to 4.45 metres (approximately 15.5%).

From an amenity perspective, this additional height is not a technical variation. Shadow length increases materially with height, particularly during winter when sun angles are low, and this has direct consequences for adjoining properties.

In this context, the proposal results in:

- pronounced visual dominance when viewed from 27 Florida Street;
- loss of outlook and sky view that cannot be mitigated by setbacks alone;
- an abrupt and unresolved transition in scale, rather than a graduated response; and
- increased perception of enclosure and overshadowing for the adjoining property. For the residents of Florida Street (including 27 Florida Street), these scale outcomes, combined with the site's position directly adjoining Florida Street and the EIS's own description of low density residential uses to the east, raise a clear and legitimate risk of materially increased and ongoing overshadowing impacts to existing homes.

We submit that this represents a fundamental interface failure, not a minor or acceptable impact that can be addressed through setbacks, conditions or landscaping.

## **5. Visual impact assessment – reliability and transparency**

The EIS and associated design material conclude that the proposal will not result in significant visual impacts, relying heavily on landscaping, tree canopy, and selective viewpoints.

However, the visual material does not transparently represent the experience of the most affected receptor, namely the adjoining property at 27 Florida Street. In particular:

- the existing building at 27 Florida Street is frequently greyed out, de-emphasised, or partially obscured in visual material (see Attachment B);
- proposed buildings are softened by mature tree canopies that do not currently exist and will take many years to establish; and
- viewpoints are selected that reduce the perceived contrast between the proposed built form and the existing low-scale dwelling.

As a result, the visual impact assessment understates the true scale contrast and dominance that will be experienced from 27 Florida Street.

Landscaping is not a substitute for resolving impacts that arise from height and bulk. Trees cannot reasonably mitigate the dominance of an 8–9 storey building when viewed from a two-storey adjoining property, nor can they address loss of outlook, sky view, or sunlight.

We submit that decision-makers should place limited weight on the visual impact conclusions as they relate to 27 Florida Street and require revised material that accurately depicts the existing context and the proposed built form relationship.

## **6. Solar access and overshadowing**

Overshadowing impacts are a mandatory and critical amenity consideration under the Secretary's Environmental Assessment Requirements (SEARs).

While the application includes overshadowing diagrams and concludes that there are no adverse solar impacts on adjoining properties, these conclusions are not supported by a clear, property-specific analysis for 27 Florida Street.

The proposal exceeds the stated maximum height (28.6m) by up to 15.5%.

From an amenity perspective, that additional height matters because shadow length increases materially with height, especially during winter when sun angles are low which can translate directly into longer and deeper shadows into neighbouring properties.

If the proponent's case is that additional height is "minor in impact" compared with a compliant scheme, then that is precisely why the Department should require a compliant-height built form (or a materially reduced-height interface to Florida Street). If the impact is truly minor, a compliant solution should be achievable.

The EIS makes broad statements to the effect that the development will not cause "unacceptable" overshadowing and that solar impacts are limited/minor in comparison to a compliant height scenario.

However, as owners of 27 Florida Street, we are not satisfied that the exhibited material clearly demonstrates (at a level a reasonable resident can verify) that:

- our private open space retains reasonable winter solar access
- our living areas and primary habitable room windows retain reasonable daylight and solar access
- the proposal will not result in a noticeable reduction to the useability of our dwelling and outdoor areas during winter (when sunlight is most valuable).

Given the height, proximity, and orientation of the proposed buildings relative to our property, it is reasonable to expect:

- substantial loss of direct sunlight, particularly during winter;
- reduced solar access to habitable rooms and private open space; and
- a material change to the thermal comfort and liveability of the dwelling.

We submit that the consent authority should require independent, receptor-specific overshadowing analysis for 27 Florida Street, including:

- existing vs proposed vs compliant-height scenarios
- winter solstice and equinox periods
- hourly shadow mapping from 9am–3pm as though an 8-9 storey structure exists at the rear boundary as planned
- clear identification of impacts on habitable rooms and private open space.

## **7. Cumulative amenity impacts**

When considered collectively, the impacts described above are not isolated or minor. The combination of:

- excessive height and bulk immediately adjoining a two-storey dwelling
- loss of solar access, outlook, and visual amenity
- reliance on landscaping as mitigation

- prolonged construction and operational intensity,

results in a cumulative amenity impact that is unreasonable for an immediately adjoining residential property.

These impacts will persist well beyond the construction phase and will materially affect the ongoing use, enjoyment, and viability of 27 Florida Street as a residential property.

## **8. Traffic, parking and public transport context**

The proposal seeks approval for between 484 and 505 dwellings, depending on which appendix is relied upon, including 159 social housing dwellings. While the application demonstrates numerical compliance with minimum parking rates, compliance alone does not establish that impacts on surrounding residential streets will be acceptable.

The locality is characterised by functional car dependence. There is no nearby rail access, with the closest train station located more than 3 kilometres away, and public transport services are limited. In practice, a single bus route services the area, with relatively low frequency outside peak periods. This limits the capacity for genuine mode shift away from private vehicle use.

The traffic and transport assessment relies on reduced parking assumptions and projected behavioural changes that are not clearly supported by local conditions. For a development of this scale, the risk of overspill parking into Florida Street and surrounding residential streets is real and foreseeable.

In addition, servicing and loading arrangements for the development introduce further operational pressure, including reliance on on-street loading and manoeuvring in an already constrained local street network.

For an immediately adjoining residential property, these impacts are not abstract. Increased on-street parking demand, congestion, and servicing activity directly affect residential amenity, access, safety, and the day-to-day functioning of the street.

We submit that the assessment has not adequately demonstrated that the proposed parking provision and servicing arrangements will avoid adverse impacts on surrounding residential streets, including Florida Street.

### **8.1 Main driveway access and safety impacts**

The proposal identifies a primary vehicular access road (driveway) serving the development, which will accommodate the majority of daily vehicle movements associated with the development, including resident vehicles, visitor traffic, servicing, waste collection, deliveries, and ride-share activity.

This primary driveway road is located immediately adjoining 27 Florida Street.

The concentration of vehicle movements at a single access point raises serious concerns regarding:

- traffic volume and intensity adjacent to the property boundary
- increased vehicle queuing and turning movements, especially during peak periods
- noise, headlights, and activity concentrated along the boundary
- pedestrian and vehicular safety risks.

Given the scale of the development, it is foreseeable that this road/driveway will become a highly active access point throughout the day and evening. The assessment material does not adequately consider the effect of this concentrated access arrangement on the amenity and safety of immediately adjoining properties.

In particular, the proximity of a busy, multi-building access driveway to a low-scale residential property presents an elevated risk of:

- vehicle conflict and reduced sightlines
- unsafe conditions for pedestrians entering or exiting the property
- cumulative noise and disturbance beyond what would normally be expected in a residential street
- a permanent change to the character and safety of the immediate frontage.

These impacts arise directly from the design choice to consolidate access for a very large residential population at a point immediately adjacent to an existing dwelling.

We submit that the assessment has not adequately demonstrated that the location and design of the main driveway will operate safely and without unreasonable impacts on adjoining residential properties, including 27 Florida Street.

## **9. Construction impacts and duration**

The documentation indicates a construction program commencing in mid-2026 and concluding in mid-2029, equating to an approximate three-year construction period.

For an immediately adjoining residential property, a construction duration of this length is highly significant. Likely impacts include:

- prolonged noise and vibration from demolition, excavation, piling, and structural works
- dust generation and reduced air quality
- increased heavy vehicle movements, including early morning arrivals and queuing
- access disruptions and changes to local traffic conditions
- loss of residential amenity over an extended and continuous period.

While the application includes a Noise and Vibration Impact Assessment and construction management measures, these documents largely rely on standard mitigation frameworks. Standard construction management measures do not negate the reality that three years of intensive construction adjoining a low-scale residential building will materially affect the habitability of that property.

## **10. Tenancy viability and ongoing use**

27 Florida Street is a lawfully established residential building that is currently tenanted. The ability to maintain a tenant is fundamental to the ongoing viability and use of the property. The combination of:

- a prolonged three-year construction period
- the permanent post-construction impacts associated with an immediately adjoining 7–9 storey development

creates a genuine risk that the property will become increasingly difficult to lease or retain tenants.

This is not raised as a financial grievance, but as a planning consideration directly linked to amenity. Residential properties rely on reasonable levels of daylight, outlook, privacy and environmental comfort. Where these are substantially eroded, the ongoing residential use of a property is compromised.

The assessment documentation does not meaningfully consider the effect of construction and long-term amenity loss on the continued lawful residential use of immediately adjoining properties such as 27 Florida Street.

## **11. Contamination, remediation and construction risk**

The application acknowledges the presence of contamination issues on the site and proposes remediation works, including demolition, excavation, soil handling, and off-site disposal of contaminated material.

For an immediately adjoining residence, these works raise legitimate concerns regarding:

- airborne dust and particulates during demolition and excavation
- asbestos management and air monitoring
- transport of contaminated material through local streets
- the cumulative impact of remediation works occurring alongside major construction activity.

While remediation and management plans are provided, their effectiveness depends heavily on strict implementation, monitoring, and enforcement. Given the proximity of 27 Florida Street, these risks warrant careful scrutiny and conservative controls.

## **12. Cumulative impacts on an immediately adjoining property**

When assessed cumulatively, the impacts of the proposal on 27 Florida Street are substantial and enduring. They include:

- excessive height and bulk immediately adjoining a low-scale dwelling;
- clear loss of solar access, outlook, and visual amenity;
- grossly increased traffic and parking pressure in a car-dependent area;

- three years of intensive construction impacts; and
- long-term changes that undermine residential amenity and tenancy viability.

These impacts are permanent and substantial and derive directly from the scale, height, and proximity of the proposed development and cannot be adequately mitigated through conditions alone.

### **13. Conclusion and requested outcomes**

For the reasons set out in this submission, we object to the application in its current form.

We note the EIS refers to balancing outcomes against the policy intent to facilitate affordable housing. We do not dispute the importance of that objective. However, it is not an answer to a direct amenity impact on existing residents. The planning system still requires a demonstrably high standard of environmental amenity for surrounding sensitive land uses (including existing homes) and genuine minimisation of adverse impacts.

We submit that the consent authority should not grant approval unless the proposal is substantially modified and further assessed to address the impacts on immediately adjoining properties, including 27 Florida Street.

We request that the consent authority require:

- A revised built form response that reduces height and massing and provides a genuine transition in scale at the interface with Florida Street.
- Independent, receptor-specific solar access assessment for 27 Florida Street, including hourly modelling across winter solstice and equinox periods.
- Independent peer review of the overshadowing assessment methodology and results (commissioned by the Department or required of the proponent), to verify that conclusions of “no unacceptable impact” are robust and not selectively framed.
- Built form amendments along the Florida Street interface to materially reduce overshadowing risk, such as:
  - reducing height and/or stepping down upper levels closest to Florida Street
  - increasing setbacks above a defined podium level
  - relocating the tallest elements away from the Florida Street edge, and/or
  - redesigning massing to protect winter solar access to the east-side residential properties (including ours).
- A condition of consent requiring that the final design achieves a clearly defined overshadowing outcome for adjoining residences (for example, that it does not worsen winter solar access beyond what would occur under a compliant-height envelope), with verification at CC stage.

- Revised and transparent visual impact material that accurately depicts the existing two-storey building at 27 Florida Street in the same manner as other neighbouring properties (not greyed out, obscured or missing) and does not rely on speculative future landscaping to downplay impacts.
- A reassessment of parking, servicing, and traffic impacts that reflects local car dependence and avoids overspill impacts on surrounding residential streets.
- Strict and enforceable construction conditions, including conservative hours, real-time monitoring at the boundary of 27 Florida Street, and clear mechanisms for managing exceedances and complaints.

Overshadowing impacts are permanent and materially affect liveability, health and comfort, particularly for existing low density homes adjoining a major uplift in height and scale. The exhibited material does not provide a sufficiently clear, property-specific demonstration that the proposal will protect reasonable solar access for 27 Florida Street as required by the SEARs and broader amenity expectations.

We submit that these matters go to the core of whether the proposal achieves an appropriate balance between strategic housing objectives and the protection of residential amenity for immediately affected neighbours.

For these reasons, we object to SSD-83258708 as exhibited and request refusal or substantial redesign focused on reducing overshadowing impacts, particularly along the Florida Street interface.

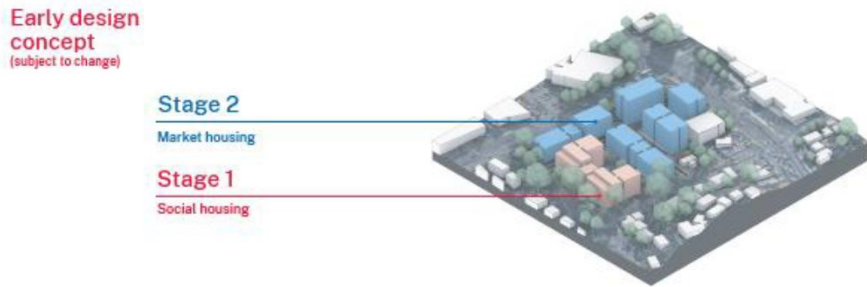
### **Attachment A**

Modest scale of the property which starts below street level. The impact of a 9 storey structure immediately behind/beside this property has not adequately been addressed.



### **Attachment B (3 Items)**

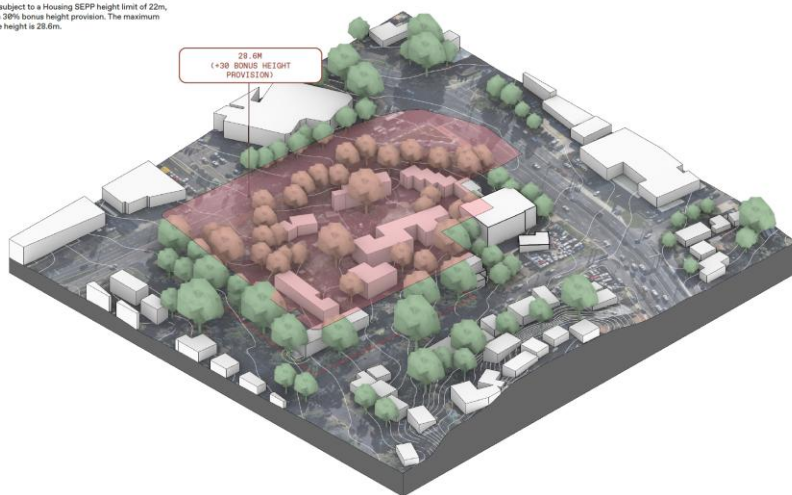
- i) Early design concept provided in Community Consultation and in Consultation Report, showing the building at 27 Florida St (neighbouring property).



- ii) Design Report showing severely obscured view of property at 27 Florida St (neighbouring property) as provided in 'Appendix E'. The duplex at 27 Florida St is grey and **mostly obscured** by a tree. This deliberately distorts the real impact on the immediately neighbouring property.

SITE CONTEXT & ANALYSIS  
2.5 SITE ANALYSIS & KEY CONSTRAINTS

HEIGHT  
The site is subject to a Housing SEPP height limit of 22m, as well as a 30% bonus height provision. The maximum permissible height is 28.6m.



- iii) Exhibited as part of SDRP Presentation 2. The duplex at 27 Florida St (neighbouring property) has been completely removed even though the neighbouring car yard, Telstra building, and other properties across the street are still represented on this map. This is a deliberate distortion which attempts to minimise the substantial impact on the neighbouring property.

MASSING PRESENTED AS PART OF  
SDRP PRESENTATION 2

