

**Jonathan S R Human**

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DARLINGHURST. NSW 2010

26 April 2026

The Secretary

NSW Department of Planning, Housing and Infrastructure  
GPO Box 39  
Sydney NSW 2001

**RE: OBJECTION TO STATE SIGNIFICANT DEVELOPMENT APPLICATION SSD-83867719 — 45–53 Macleay Street, Potts Point NSW 2011**

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I write to formally object to the above-referenced State Significant Development application (SSD-83867719) for the proposed demolition of The Chimes apartment building at 45–53 Macleay Street, Potts Point, and its replacement with a 16-storey mixed-use development. I urge the Department to refuse this application on the multiple grounds set out below.

## **1. Net Loss of Affordable and Accessible Housing**

The existing building — known as The Chimes — currently provides 80 studio and one-bedroom apartments that function as genuinely affordable, inner-city housing. The proposed development would deliver only 44 apartments in total, of which 23 are designated as 'affordable housing'. This represents:

- A net reduction of 36 dwellings, exacerbating Sydney's acute housing shortage.
- A reduction of at least 57 affordable/accessible units when compared with the existing building's 80 studios.
- Affordable housing units that are designated for only 15 years, after which they revert to market-rate dwellings, providing no long-term community benefit.

It is deeply ironic that a development invoking the State's affordable housing fast-track pathway will in practice destroy far more affordable housing than it creates. The affordable housing pathway was designed to add to Sydney's stock of affordable dwellings, not to be used as a mechanism to reduce it. This application abuses the intent of that policy and should be refused on this basis alone.

## 2. Segregated and Discriminatory Building Design

The proposal designates affordable housing units to the lower three floors of the building and provides those residents with a separate entrance from market-rate residents above. Critically, affordable housing residents will be denied access to the communal pool and associated open space amenity that market-rate residents will enjoy.

This two-tiered model — commonly referred to as a 'poor door' arrangement — is ethically objectionable and socially divisive. It creates a visible, physical hierarchy of residents within the one building, treating lower-income residents as second-class occupants. Key objections include:

- The arrangement is discriminatory in nature and undermines the social cohesion that genuine mixed-tenure housing is meant to promote.
- Denying affordable housing residents access to communal open space — including the pool — while market-rate residents enjoy it is inequitable and contrary to the spirit of inclusive housing policy.
- A separate entrance physically stigmatises affordable housing residents. This is contrary to best-practice affordable housing design, which advocates for tenure-blind design with a single, shared entry.
- The NSW Government's own housing and planning policies, as well as City of Sydney Council guidelines, call for social mix and integration, not physical segregation within buildings.

The Department should require, at minimum, that any approval mandate: (a) a single shared entrance for all residents; and (b) full and equal access to all communal facilities, including the pool and open space, for all residents regardless of tenure. However, given the structural nature of the segregation embedded in this design, refusal is the most appropriate outcome.

## 3. Excessive Height and Bulk — Incompatible with Heritage Conservation Area

The proposed development seeks a substantial height uplift from the existing approved height limit of 50.05 metres to 83.6 metres — an increase of approximately 67%. This is excessive and wholly out of character with the surrounding built environment. Neighbouring buildings along this stretch of Macleay Street average between 20 and 35 metres in height.

- The site falls within the Potts Point Heritage Conservation Area (HCA). The proposed tower height significantly exceeds that of surrounding heritage-listed and character buildings.
- The adjacent 'Macleay Regis' at 10–12 Macleay Street is a grand, heritage-listed building of ten storeys. The proposed 16-storey tower will dwarf it and other nearby heritage items, including the Yellow House (57–59 Macleay Street) and Wirrina (61–63 Macleay Street).
- City of Sydney Council has independently objected to the development on the grounds of excessive height and bulk, overshadowing, and detrimental

heritage impacts — this opposition from the local consent authority carries significant weight and must be considered.

The State Environmental Planning Policy (Planning Systems) 2021 requires the consent authority to consider the character of the local area and the desired future character. A 16-storey tower in this context is inconsistent with both.

#### **4. Demolition of a Heritage-Contributory Building**

The Chimes was designed in 1964 by Hugo Stossel, a prominent post-World War II emigre architect who designed several significant modernist apartment buildings across Potts Point and Elizabeth Bay. An independent heritage assessment prepared for City of Sydney Council in December 2024 concluded that The Chimes is a contributory building to the Potts Point HCA and recommended it be retained.

- Demolition of a building independently assessed as contributory to the HCA is contrary to the conservation objectives of the Heritage Conservation Area.
- The Potts Point HCA has already suffered cumulative heritage losses in recent years from development approvals, including the contributory buildings at 11A and 13A Wylde Street, Potts Point. Approving this application would add further, irreversible harm to the HCA.
- The applicant's characterisation of The Chimes as a 'detracting' building is contested by independent expert heritage advice. The Department should give greater weight to the independent assessment.

#### **5. Significant Impacts on Views from Surrounding Buildings**

The application fails to adequately assess or acknowledge the impact of the proposed 83.6-metre tower on views currently enjoyed by residents of surrounding buildings. This is a significant omission in the environmental assessment. Affected buildings and view corridors include:

- Residents in buildings to the north and west currently enjoy outlook and amenity that will be severely curtailed by a tower of this height.
- The heritage-listed Macleay Regis directly to the east will suffer significant view loss to northern and north-eastern aspects.
- Residents in the Victorian-era terrace housing along McDonald Street and McDonald Lane, to the west, will lose light and outlook that currently passes over the existing lower-profile building.
- Upper-level residents of The White House Hotel (55 Macleay Street) to the south and the Yellow House (57–59 Macleay Street) will experience materially worsened views and increased overshadowing.

The Department should require a comprehensive view impact assessment from the vantage points of all surrounding properties before any assessment of this application is finalised. The current application documentation does not provide this, and its absence is a fundamental deficiency in the environmental assessment documentation.

## **6. Overshadowing of Heritage Items and Public Domain**

A tower of 83.6 metres on this constrained 1,289 square metre site will cast substantial shadows over the public footpath along Macleay Street, the neighbouring heritage-listed buildings, and existing residential properties. City of Sydney Council has specifically raised overshadowing as a key concern in its formal objection. The Department should require shadow diagrams prepared at the equinoxes and winter solstice that demonstrate compliance with relevant solar access standards before this application proceeds.

## **7. Inappropriate Commercial Uses in a Residential Precinct**

The proposal includes ground-floor retail tenancies with open-air dining areas on a section of Macleay Street that is quiet and predominantly residential in character. The Sydney Development Control Plan at clause 6.1.2.2 identifies the Macleay Street and Wylde Street locality as having a 'residential and leafy character, characterised by a streetscape quality'. The introduction of cafes and open-air eating areas will generate noise, increased foot traffic, and a change in the character of this precinct that is contrary to that established policy. Furthermore, there is no demonstrated need for additional food and beverage premises in this area, which already has an abundance of such uses nearby.

## **8. Use of the SSD Fast-Track Pathway to Bypass Local Planning Controls**

This application has been lodged as a State Significant Development in order to bypass the City of Sydney Council, which is the elected local consent authority and which has formally opposed this development. The SSD pathway was designed to facilitate genuine public-benefit projects of State significance — not to enable private developers to circumvent legitimate local planning controls and community opposition.

The community strongly opposes this development: of 193 public submissions received at the concept approval stage, 185 were objections. The Member for Sydney, Alex Greenwich MP, has raised concerns about the cumulative loss of dwellings in the area. City of Sydney Council has objected. The use of the SSD pathway in these circumstances is inappropriate and undermines the democratic planning process.

## **9. Cumulative Impact on Housing Stock**

This application must not be assessed in isolation. It follows a series of recent approvals in the Potts Point and Kings Cross area that have resulted in the net loss of affordable and accessible housing. Combined with approvals at 11A and 13A Wylde Street and 51–57 Bayswater Road, Rushcutters Bay, the cumulative impact on housing diversity and affordability in this area is severe. The Department has an obligation to assess this cumulative impact and should not approve a development that worsens an already critical housing affordability problem in the inner city.

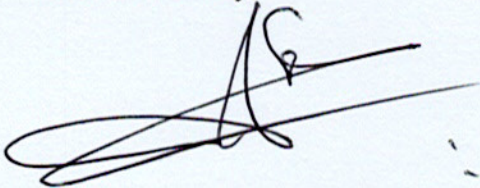
## Conclusion and Request

For the reasons detailed above, I strongly urge the Department of Planning, Housing and Infrastructure to REFUSE development application SSD-83867719. Specifically, I call on the Department to:

- Refuse the application in its entirety, given the net loss of affordable housing, discriminatory building design, excessive height, and heritage impacts.
- If the application is not refused, require the applicant to undertake a comprehensive view impact assessment from all surrounding affected properties.
- Require any redesign to incorporate a single shared entrance and equal access to all communal facilities for residents of all tenure types.
- Ensure that no net loss of affordable housing results from any approved development on this site.
- Consider the cumulative loss of affordable housing in the Potts Point precinct as a material planning consideration.

I request that this submission be formally recorded as an objection on the planning file and that I be notified of any decision made in relation to this application.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Jonathan S R Human', written over a horizontal line.

**[Jonathan S R Human**

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