

MACLEAY REGIS LTD

12 MACLEAY STREET POTTS POINT NSW 2011 • PHONE (02) 9358 1201 • FAX (02) 9357 1424
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30 April 2026

To: Michelle Niles
City of Sydney
Town Hall House
Level 2, 456 Kent St
Sydney NSW 2000

RE: OBJECTION TO DEVELOPMENT APPLICATION SSD-83867719— 45-53 MACLEAY ST ELIZABETH BAY NSW 2011

We are writing to formally lodge our strong opposition to the proposed 16-storey residential development at the above-mentioned address. As a concerned local stakeholder, we believe the proposal represents a significant overdevelopment that will negatively impact the character and amenity of our neighborhood.

The Macleay Regis Boards objection is based on the following fundamental planning grounds:

1. Unjustified Departure from Stage 1 Concept Approval

The current application represents a significant "bracket creep" from the parameters established in the Stage 1 Concept DA. The approved building envelope was restricted to approximately 13 storeys (~50 m). By seeking an additional three levels, the applicant is attempting to circumvent the height constraints that were specifically put in place to protect the local context. This sets a damaging precedent and appears to ignore the statutory requirement under Section 4.24 of the EP&A Act 1979, which dictates that a detailed DA must remain consistent with its concept approval.

2. Incompatible Scale and Visual Massing

The transition from 13 to 16 storeys creates a building of excessive bulk and scale that is discordant with the existing streetscape. This unwarranted height increase results in a "looming" effect that dwarfs surrounding heritage items and established inner-city dwellings. The proposal fails to provide a sympathetic transition to the lower-density fabric of the neighborhood, leading to a permanent loss of "human scale" at the street level.

3. Breach of View-Sharing Principles

The proposed height extension will result in a severe loss of outlook for existing residents. This goes well beyond the "reasonable" impact expected from a compliant 13-storey building. Per the "Tenacity" planning principles established by the NSW Land and Environment Court, the applicant has failed to demonstrate a fair sharing of views. The extra 12 meters of height constitutes an avoidable and inequitable impact on the visual amenity of the community for the sole benefit of increased yield.

4. Significant Degradation of Solar Amenity

Environmental analysis indicates that the additional storeys will cast significantly longer and deeper shadows over neighboring living spaces and private open areas. This reduction in solar access, particularly during the winter months, will negatively affect the residential amenity and well-being of the community. Any development on this site should, at a minimum, strictly adhere to the solar access requirements of the Apartment Design Guide (ADG), which this 16-storey iteration fails to do.

5. Disproportionate Height Variations

There is insufficient "public interest" justification for exceeding the established height limit by such a wide margin. While planning bonuses (e.g., for affordable housing or design excellence) are valid mechanisms, they must not be used as a "carte blanche" to justify a 23% increase in height that causes tangible harm to the neighborhood. The "bonus" requested by the developer is vastly disproportionate to any perceived public benefit offered.

For the reasons outlined above, we urge the Council to refuse this application in its current form. The development should be required to revert to the 13-storey envelope that was previously agreed upon and deemed appropriate for this sensitive location.

Yours sincerely,

The Board of Macleay Regis
10-12 Macleay St Elizabeth Bay NSW 2011