



7 May 2026

Director

Key Sites Assessments

Department of Planning, Housing and Infrastructure

Locked Bag 5022, Parramatta NSW 2124

Lodged via the NSW Planning Portal

Attention: HDA Housing Assessment Team

RE: OBJECTION TO SSD-90134958 – MIXED USE DEVELOPMENT, 100 EDINBURGH ROAD, CASTLECRAg NSW 2068 ('The Quadrangle Village')

Dear Sir/Madam,

1. Introduction

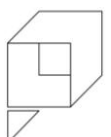
This submission has been prepared by Paro Consulting on behalf of the owners of 99 Eastern Valley Way, Castlecrag (SP 86100), being the property immediately to the south of the SSD site. Our client OBJECTS to State Significant Development Application SSD-90134958 by Edinburgh Development Group Pty Ltd, which seeks consent for two 11-storey residential envelopes above a 4-storey podium, comprising 150 apartments, retail and supermarket tenancies, and 5 levels of basement parking at 100 Edinburgh Road, Castlecrag.

Our client supports the orderly redevelopment of the site and the delivery of housing and affordable housing. However, the proposal in its current form would cause unreasonable and unmitigated impacts on the amenity of 99 Eastern Valley Way. This submission is limited to two key issues: loss of solar access, and loss of visual privacy.

2. Background

99 Eastern Valley Way (SP 86100) comprises nine residential dwellings approved and constructed under DA 2011/143, including five units delivered as affordable rental housing. Council's assessment of that consent placed substantial weight on the protection of solar access to the north-facing windows and private open spaces of the dwellings, given the site's downward slope to the south-east. The dwellings currently enjoy at least 2 hours of mid-winter solar access, consistent with ADG Objective 4A-1.

Paro Consulting lodged an Addendum Submission on 26 September 2024 in respect of the re-notified, amended DA-2024/13 application, raising solar access, separation and privacy concerns that are reiterated in this objection. Following the assessment of that application, Willoughby City Council ultimately granted Development Consent DA-2024/13 for a 5-storey, 38-apartment



scheme of 15.75 m maximum height (FSR approx. 1.3:1) at the SSD site. The current SSD proposal abandons that approved envelope:

- maximum building height is now 48.96 m (Ground level + 11 storeys),
- residential GFA is 17,559 m² (vs. 6,711 m² consented),
- FSR is 4.2:1 (vs. approx. 1.3:1), and
- total dwellings increase from 38 to 150.

The proposal effectively triples the height and approximately quadruples the residential GFA of the consented scheme.

Section 7.1.2 of the EIS asserts that the proposal's shadows are "similar to those arising from the approved development" and are accordingly "acceptable". With respect, that comparison should be given little weight. An 11-storey envelope casts a materially longer, deeper and more persistent shadow than a 5-storey envelope; the consented scheme has not been built and is not the relevant baseline; and the EIS itself acknowledges the proposal "will result in overshadowing to the south".

3. Key Issues

3.1. Loss of solar access

ADG Objective 3B-2 requires that overshadowing of neighbouring properties be minimised during mid-winter. Its supporting design guidance provides:

- *If the proposal will significantly reduce the solar access of neighbours, building separation should be increased beyond minimums contained in section 3F Visual privacy*
- *Overshadowing should be minimised to the south or down hill by increased upper level setbacks*

Objective 3B-2 of the above design guidance reads:

'overshadowing of neighbouring properties is minimised during mid winter'

Part 3F Visual Privacy of the Apartment Design Guide (ADG) provides the following design criteria and guidance:

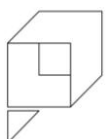
- Minimum required separation distances for habitable rooms and balconies from buildings to the side and rear boundaries are... 6m (up to 12m/4 storeys) and 9m (up to 25m/5-8 storeys); and 12m (above 25m/8-storeys)
- Apartment buildings should have an increased separation distance of 3m (in addition to the requirements set out in design criteria 1) when adjacent to a different zone that permits lower density residential development to provide for a transition in scale and increased landscaping.

Objective 3F-1 of the above design guidance and criteria reads:

'Adequate building separation distances are shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy'

The amended proposed development fails to sufficiently consider the design guidance and design criteria and would therefore not achieve the Objective 3B-2 and 3F-1 of the ADG, as:

- Both pieces of design guidance are directly engaged: the SSD site is uphill of 99 Eastern Valley Way, the proposal will significantly reduce solar access to the south, and the ADG therefore expects building separation and upper-level setbacks to be increased above the Part 3F minimums.
- Review of the shadow analysis at fjstudio drawings 9601 (Solar Analysis – Shadow Diagrams – June 21), 9602 (with trees) and 9603 Solar Analysis – Sun Eye June 21) demonstrates that the proposal will cast a continuous shadow across the entirety of 99 Eastern Valley Way for the majority of the mid-winter period 8:00 am – 4:00 pm, resulting in the total



loss of solar access to the north-facing habitable-room windows and private open spaces of all nine dwellings, including the affordable rental dwellings.

- Part 3F of the ADG sets minimum building separation distances. Where a proposal adjoins a different zone permitting lower-density residential development (as here, with R2 to the south), separation distances are required to be increased by 3 m. For this proposal the applicable minimums to the southern boundary are: 9 m at the podium (≤ 4 storeys), 12 m at 5-8 storeys, and 15 m above 8 storeys. From our review of the architectural plans the southern setbacks of Block A above the podium fall materially short of those thresholds and certainly do not provide the increased separation that ADG 3B-2 expressly requires where solar access of neighbours is significantly reduced.
- The proposed total loss of mid-winter solar access to a multi-dwelling housing development that includes affordable rental dwellings is, in our view, contrary to the planning principle on access to sunlight in *The Benevolent Society v Waverley Council* [2010] NSWLEC 1082.

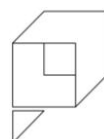


Figure 1. Sun eye view diagrams of the proposed development at between 8am and 4pm, at mid-winter detailing the total loss of solar access to habitable room windows and areas of private open space at No 99 Eastern Valley Way.

3.2. Privacy Concerns

ADG Objective 3F-1 requires adequate building separation to be shared equitably between neighbouring sites to achieve reasonable levels of external and internal visual privacy. Drawing 3001 (South Elevation) and the typical floor plates show that the southern elevations of both Block A and Block B incorporate full-height living-room and bedroom windows at every level, cantilevered or recessed private balconies extending the full width of most south-facing apartments, and a continuous run of habitable rooms with direct line of sight over the southern boundary.

Given the elevated position of the SSD site relative to 99 Eastern Valley Way and the inadequate separation discussed above, every south-facing balcony and habitable-room window from the podium upwards (effectively all 11 storeys) will provide direct, oblique and downward views into the living rooms, kitchens and bedrooms of 99 Eastern Valley Way; into the private courtyards, terraces and balconies of those dwellings; and into the communal areas of the strata scheme. This is the imposition of



approximately 11 storeys of continuous overlooking on a multi-dwelling housing development that was deliberately sited and oriented to enjoy a reasonable level of privacy and amenity.

The EIS proposes to mitigate this impact through “mass planting in dense raised planters around the perimeter of the private open spaces” and through podium-level landscaping. That strategy is inadequate. Boundary and podium planting cannot screen overlooking from levels 2 to 11; mitigation that depends on landscaping shifts the burden of mitigation onto the affected neighbour; and the EIS does not identify any architectural privacy treatments on the south elevations (such as fixed vertical privacy fins, fixed obscure glazing or high sills, or 1.7 m solid balcony balustrades) capable of meaningfully reducing direct overlooking.

Applying the *Meriton v Sydney City Council [2004] NSWLEC 313* planning principle, each of the relevant factors – density, separation, use and design – points to an unreasonable privacy impact that has not been mitigated.

3.3. Incompatibility with Surroundings

The surrounding properties, including our client’s property immediately to the south, are situated within the R2 Low Density Residential Zone, which primarily accommodates single dwellings and low-rise residential buildings. The scale and density of the proposed development are inconsistent with the established character of the surrounding area and threaten to erode the existing residential amenity. If approved in its current form, the proposal risks setting an adverse precedent for future developments that may further encroach upon the low-density character of the neighbourhood.

In *Seaside Property Developments Pty Ltd v Wyong Shire Council [2004] NSWLEC 117*, a planning principle was established for the assessment of development proposals at zone interfaces. At paragraph 25, Commissioner Bly states:

“25. As a matter of principle, at a zone interface as exists here, any development proposal in one zone needs to recognise and take into account the form of existing development and/or development likely to occur in an adjoining different zone. In this case residents living in the 2(b) zone must accept that a higher density and larger scale residential development can happen in the adjoining 2(c) or 2(d) zones and whilst impacts must be within reason they can nevertheless occur. Such impacts may well be greater than might be the case if adjacent development were in and complied with the requirements of the same zone. Conversely any development of this site must take into account its relationship to the 2(b) zoned lands to the east, south-east, south and south-west and the likely future character of those lands must be taken into account. Also in considering the likely future character of development on the other side of the interface it may be that the development of sites such as this may not be able to achieve the full potential otherwise indicated by applicable development standards and the like.”

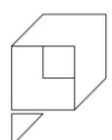
Applying that principle, the proposed development must take into account the form and type of development permitted within the adjoining zones, including the R2-zoned land at 99 Eastern Valley Way.

Our client’s amenity would be severely compromised by the proposed development, which is of materially greater height, bulk, scale and density than development envisaged within the R2 Low Density Residential zone. For the reasons outlined in this submission, the proposed development is not considered to be consistent with the planning principle for development at zone interfaces.

4. Recommendations

Our client respectfully requests that the application be refused in its current form on the grounds that the proposal would cause unreasonable solar access and privacy impacts on 99 Eastern Valley Way that have not been adequately assessed, quantified or mitigated. In the alternative, consent should only be granted subject to:

- Increased southern setbacks at every level – minimum 9 m at the podium, 12 m at 5–8 storeys, and 15 m above 8 storeys – consistent with ADG Part 3F (incorporating the +3 m zone-interface uplift);



- Substantial upper-level setbacks above the podium on the southern elevation, consistent with ADG 3B-2;
- A reduced overall height for Block A (the south-western tower) to provide some mid-winter solar access between 9:00 am and 3:00 pm to the north-facing habitable-room windows and private open spaces of 99 Eastern Valley Way;
- Architectural privacy treatments to the south elevations of Block A – fixed vertical privacy fins/louvres to balconies, fixed obscure glazing or high sills (≥ 1.5 m) to south-facing habitable-room windows, and 1.7 m solid balcony balustrades on south-facing balconies;
- Reorientation of habitable rooms and balconies away from the southern elevation to the maximum extent practicable; and
- A condition requiring the applicant, prior to determination, to submit fully dimensioned building separation diagrams (in plan and section) and a quantitative mid-winter solar access assessment for each habitable-room window and private open space at 99 Eastern Valley Way.

5. Conclusion

The proposal at SSD-90134958 is a substantial intensification of the consented scheme on the site, with a built form approximately three times the height and approximately four times the residential GFA of the consented development. The applicant has not, in the materials exhibited, adequately demonstrated that the increased height, bulk and density can be accommodated without unacceptable amenity impacts on the affected adjoining residential property at 99 Eastern Valley Way.

In particular, the proposal would cause:

- The total loss of mid-winter solar access to the north-facing habitable rooms and private open spaces of nine residential dwellings (including affordable rental dwellings) at 99 Eastern Valley Way; and
- overlooking from approximately 11 storeys of south-facing balconies and habitable rooms, with no meaningful architectural privacy treatment proposed.

Both impacts are inconsistent with the ADG, and the established Land and Environment Court planning principles on solar access and privacy, and the matters for consideration under the Environmental Planning and Assessment Act 1979.

Our client therefore respectfully requests that the application be refused, or alternatively that consent only be granted subject to substantial design changes consistent with the recommendations in Section 4 of this submission.

Feel free to contact me on 0422 983 710 or at daniel@paroconsulting.com.au should you wish to discuss the contents of this letter.

Kind regards,



Daniel Barber

Director

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Paro Consulting

