

FORMAL OBJECTION TO DEVELOPMENT APPLICATION SSD-88511459

Attention: Department of Planning, Housing and Infrastructure

Project Name: Shop top housing at 33 & 37 Herbert Street, St Leonards

Application Reference: SSD-88511459

Objector: Owner, Unit 77, "Herbert Towers", 19-23 Herbert Street, St Leonards NSW 2065

To the Assessment Officer,

I am writing to lodge my strong personal objection to the State Significant Development application (SSD-88511459) currently on exhibition for 33-37 Herbert Street, St Leonards. As the owner of Unit 77, I live on the top floor (Level 13) of Herbert Towers, which sits immediately south of the proposed site. My apartment features a prized 180-degree northern aspect from my main balcony and a direct northern aspect from my master bedroom. Because of my top-floor position right next door, my home is uniquely exposed to the direct, adverse impacts of this massive proposal.

While I am not opposed to reasonable, well-planned growth near our transport hubs, the sheer scale of what is being asked for here is a blatant overdevelopment of a constrained site. It ignores the local planning rules, disregards the immediate neighbours, and will completely ruin the liveability of my home.

My specific objections are detailed below:

1. Severe Loss of Sunlight and Winter Solar Access

My apartment's layout was specifically designed to capture natural light, and I rely entirely on that northern face to get winter sun into my living room, main balcony, and master bedroom.

- Placing a 39-storey tower right on our northern boundary will act like a giant concrete wall, completely cutting off the sun during the coldest months of the year.
- I have looked at the developer's paperwork, and their own reports actually contradict each other about how bad the overshadowing will be. Crucially, they completely failed to measure how this massive shadow will impact individual elevated apartments like mine.
- This violates the basic solar access minimums set out in the Apartment Design Guide and completely flies in the face of the St Leonards and Crows Nest 2036 Plan, which is explicitly supposed to protect sunlight for homes south of the Pacific Highway.

2. Total Loss of Panoramic Views

From my balcony, I currently have an unobstructed, sweeping view across the northern district towards Chatswood.

- The developer's paperwork sweeps this aside, calling the view loss "minor". However, their consultants only assessed the views from public streets down at ground level—they never bothered to look at the view from inside our actual homes, which is standard planning

practice.

- Under NSW planning law (the "Tenacity" view-sharing principle), views from private homes are supposed to be properly assessed and fairly shared. That has been completely ignored here. Forcing a 39-storey tower directly in front of my balcony will completely strip away my view and replace it with a blank high-rise wall.

3. Complete Loss of Privacy

Because I live on the top floor, my apartment and balcony currently enjoy excellent privacy with no one looking in. Building a 39-storey tower with 413 apartments right next door completely destroys this. I will have hundreds of new windows and balconies looking directly straight down into my private outdoor living space and my master bedroom, wiping out the privacy I paid for when buying this property.

4. Critical Risks to Our Water Pressure and Fire Safety Compliance

This is a major safety concern for our building. We already experience poor water pressure from the Herbert Street mains, to the extent that our Owners Corporation is currently required to undertake physical works to fix water pressure issues specifically to achieve fire-safety system compliance.

- The fact that our building is actively spending money to remedy a baseline lack of water pressure from the street proves the local infrastructure is already failing. Yet, this new development intends to hook up 413 new apartments and two levels of commercial shops to that exact same water network.
- The developer's own services report openly admits they have not tested whether the local network actually has enough capacity, pressure, or fire flow to cope with this extra load. They are just leaving that question for later. The Department should absolutely not approve a massive high-rise when the developer cannot prove it won't compromise the water supply and essential fire safety of an established building next door.

5. Unacceptable On-Site Parking Shortfall and Traffic Gridlock

The math on the parking allocation makes no sense and will cause total chaos on our street. The plans outline **413 apartments** but only provide **377 resident parking spaces**.

- This means dozens of apartments will have zero parking. On top of that, they haven't properly accounted for the massive visitor parking demand a building this size creates, let alone the parking needed for the retail and commercial spaces.
- Living on the top floor, I look down at Herbert Street every day and see how heavily congested it already is. Forcing all the overflow cars, delivery vans, and visitors from 413 new apartments onto our narrow street is going to lead to absolute traffic gridlock and make the area incredibly unsafe for pedestrians.

6. Prolonged Construction Noise, Vibration, and Structural Risk

Digging a deep multi-level basement and building two towers right on our boundary line means years of severe noise, dust, and heavy drilling.

- Because I live on the top floor, the structural noise and vibrations traveling straight up our building's concrete core will make it impossible to live or work from home comfortably during the day.
- Even worse, heavy excavation of this depth right on our boundary poses a real risk of structural movement and cracking to our own foundations. If this is considered for approval, the Department must make it a mandatory condition that the developer pays for a full pre-construction dilapidation survey of our building and installs real-time, independent vibration monitoring.

7. Gross Breach of Current Zoning and Scale Rules

Right now, 33-37 Herbert Street is zoned as E4 General Industrial, which strictly bans residential apartments and has a size limit (Floor Space Ratio) of 1 to 1.

- The developer is asking to completely rewrite the rules to allow more than seven times that size (7.15 to 1) and a height of 135 metres where there is currently no limit at all.
- This massive, aggressive jump in size is completely out of step with the immediate streetscape and represents a severe overdevelopment of the block.

8. Failure to Assess the Combined Impact on the Area

St Leonards is already being overwhelmed by high-rise construction. The developer has looked at their project completely in isolation. They have done zero assessment on the combined, cumulative impact that adding another 413 apartments will have on our local infrastructure, school capacities, road gridlock, and street-level wind tunnel effects.

Conclusion

For the reasons listed above—especially the devastating loss of my winter sun, the total erasure of my views, the invasion of privacy, and the unmitigated risks to our building's water pressure and fire safety—I strongly urge the Department to **REFUSE** this application.

If the Department does look toward approval, the tower heights must be drastically scaled back and setback much further from the southern boundary to protect the basic liveability of the homes in Herbert Towers.

Thank you for reviewing my submission. I declare that I have not made any reportable political donations in the past two years.

Sincerely,

Warwick Hope

Owner, Unit 77, Herbert Towers

19-23 Herbert Street, St Leonards NSW 2065

Email: warwickshope@gmail.com

Phone: 0412 496 392