

Submission objecting to SSD-88511459

To: NSW Department of Planning, Housing and Infrastructure

Application: SSD-88511459, Shop Top Housing, 33–37 Herbert Street, St Leonards (and the concurrent rezoning of the *Willoughby Local Environmental Plan 2012*)

From: Dr Rishni Constantine Ratnam

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Position: I OBJECT to this application.

Date: 21 June 2026

1. Who I am and my interest in this application

I own and live in the top-floor apartment of Tower B, Herbert Towers, at 19–23 Herbert Street. My building sits immediately south of the proposed development, and it is one of the two complexes the applicant names in its own Visual Impact Assessment. I bought this apartment and moved in during mid-January 2026, and I chose the top floor for its open northern outlook and its privacy. This apartment is also my workplace, because I run my own business from home.

I am writing to object to this application. My objection rests on the development's impact on the built environment and on the amenity of this part of St Leonards. These are matters the consent authority must consider under section 4.15 of the *Environmental Planning and Assessment Act 1979*, and they go to whether the site is suitable for development of this scale and to the public interest.

2. My objection in summary

I ask the Department to refuse this application, for the reasons set out below:

1. It would block my main northern view, including the Chatswood skyline, and put a 39-storey tower where I now have open sky. The applicant has dismissed this as "minor" without ever assessing it from my apartment.
2. Its bulk and scale are badly out of character with this side of St Leonards. The established high-rise sits around and south of the railway station, along the Pacific Highway, not on this lower-rise residential stretch.
3. It would reduce the privacy and take away the open outlook I bought this apartment for.
4. It would worsen the already at-times dangerous traffic and pedestrian conditions on this hospital street, a danger already recognised by an unusual 40km/h speed limit.
5. It could create wind impacts at street level that do not exist today.
6. Its five-year construction could harm my health and disrupt my ability to work from home, and risks damage to my building.
7. It sets an unjustified precedent and adds to cumulative impact the application does not adequately address.

3. Loss of my view (my main objection)

My whole view to the north is green bush and blue sky. At night it turns into something I find genuinely beautiful: the towers and apartment lights of the Chatswood CBD rising into the sky above a green, lush foreground. It is an amazing juxtaposition of green Australian landscape and modern urban development, the kind of outlook that is characteristically beautiful on the north side of Sydney Harbour. To the east, over the rail line, the neighbouring building sits at the same roof height as mine

and blocks none of the sky, so in both summer and winter I watch the sunrise come up over the green horizon.

I keep this view because I am on the top floor. The only thing currently to my north is Tower A of my own complex, which sits below my sight line and blocks nothing. A 39-storey tower directly to my north (RL 209.3m, roughly 135m tall) would block my view of the Chatswood skyline and put a tall, solid building across an outlook that is currently open sky and greenery. Where I now look out over a green horizon to a distant city skyline, I would face a wall of concrete and glass.

The applicant has already pre-judged this loss as trivial. Its Environmental Impact and Rezoning Statement says that "view impact to the Oasys and Herbert Towers residential complexes is qualitatively assessed as minor under *Tenacity*", and that the proposal "does not impact high quality views from the private domain to iconic or high value landscape elements" under *Tenacity Consulting v Warringah Council* [2004] NSWLEC 140. I reject that conclusion, and I note the applicant never assessed the impact from my apartment. Applying the four-step *Tenacity* test honestly to my home:

1. **The view affected** is a high-value landscape view: a city skyline read against a green, bushland horizon. This is the kind of outlook the test is meant to protect.
2. **Where it is enjoyed from:** my main living areas (living room, bedroom and study) and my balcony, both sitting and standing. These are the viewing situations the test protects most strongly.
3. **The extent of the impact:** the applicant rates it "minor". For my apartment it is severe. The tower would remove my view of the Chatswood skyline and replace much of my open northern sky with a solid building, directly in front of my main rooms.
4. **Whether the proposal causing it is reasonable:** it complies with no existing control. It requires the site to be rezoned and its density increased about sevenfold (FSR 1:1 to 7.15:1), with a new height limit where none exists today. A lower building, or one with its tallest massing moved away from my side, could keep much of the view. A loss this severe, caused by a building that needs the planning rules rewritten before it can exist, is unreasonable.

I ask that the Department require a proper, apartment-specific *Tenacity* assessment for the affected dwellings in Herbert Towers, and give this loss the weight it deserves.

4. Excessive bulk and scale: there is no "emerging character" north of the station

The applicant justifies a 39-storey tower by claiming it is "consistent with the emerging character of St Leonards". That is not the case for this side of the railway station, and the applicant's own list of comparison sites sits almost entirely on the other side.

The existing high-rise towers in St Leonards sit around and to the south of the railway station, along the Pacific Highway. The approved and proposed towers the applicant points to for context are on that side too, including 617–621 Pacific Highway at 50 storeys and 601 Pacific Highway at 52 storeys. The one comparable tall proposal on this side is on the Royal North Shore Hospital campus, a separate institutional precinct. There is a clear gap between the Pacific Highway cluster and this site, with my building in between.

North of the station, where this tower would go, the character is established low and mid-rise. My own building rises ten storeys above the ground, and the surrounding buildings on this side are of a similar low to mid-rise scale. A 39-storey tower here would stand alone, far taller than anything around it. It would not complement an emerging character, because there is no such character on this side to complement.

The proposal seeks a height limit on land that currently has none mapped, on a site zoned E4 General Industrial at a floor space ratio of 1:1. When I bought my apartment in January 2026, the established low-rise character of this side of Herbert Street and those existing controls were the reasonable basis on which I, and everyone in my building, understood our outlook to be secure. This application asks the Department to overturn that in a single step.

5. Loss of privacy and open outlook

I chose a top-floor apartment partly for its privacy, and today nothing overlooks my home. The proposal would place a 39-storey tower a short distance to my north, close to my main rooms, including my study, where I work every day. Its apartments, balconies and side elevations would bring overlooking toward my home where there is currently none, and its height and proximity would replace my open outlook with a constant sense of being built in against. The peaceful, private outlook that helps keep me mentally healthy through a demanding working life would be lost.

6. Traffic and pedestrian safety

Herbert Street traffic is already painful. It runs as a major road beside the Royal North Shore Hospital, with a busy signalised intersection, speed bumps and pedestrian crossings. During busy periods, traffic regularly backs up from the Pacific Highway lights all the way down to our building, and we often have to wait just to leave our own driveway. There is also heavy foot traffic from the hospital, which is why Herbert Street carries a reduced 40km/h speed limit.

Concentrating all access for 413 new apartments and the commercial and retail uses through a single driveway, across a footpath already used by large numbers of hospital pedestrians, adds to an already difficult situation. What worries me most is safety. More vehicles turning across that footpath is a real risk on a street whose unusual 40km/h limit already reflects how many pedestrians use it.

7. Wind

Wind is not a problem at street level here now, because there are no tall towers north of our site to create it. A tower of 39 storeys can generate downdraughts and accelerated winds at ground level, of a kind that do not occur here today. These would affect the same footpaths used by hospital pedestrians and by residents of my building. I ask that the applicant's Pedestrian Wind Environment Study (Appendix AA) be independently checked on this point before any weight is given to it.

8. Construction impacts (around five years next door)

By the applicant's own program, construction would run for around five years: demolition of 6 to 8 months, then bulk excavation of 3 to 5 months, then roughly 4.2 years of building work after excavation. Because I work from home, that is years of disruption to the place where I earn my living.

- I have a severe dust allergy. Years of demolition and excavation dust immediately next door is a direct health risk for me. I ask that any consent require strict, enforceable dust suppression and air quality controls.
- Sustained construction noise through the working day would badly affect my ability to work and the peace of my home. I ask that construction hours be kept tight and noise limits enforced, with out-of-hours work refused unless there is a genuine, exceptional reason.
- The proposal involves deep excavation next to my building to extend a basement. I ask that any consent require a pre-construction dilapidation survey of Herbert Towers, with enforceable vibration limits and ongoing monitoring, so that any damage is recorded and the developer is held to account.
- Years of heavy construction vehicles on this 40km/h hospital street, among high pedestrian numbers, add to the safety concern in section 6.

9. Cumulative impact and precedent

Approving an isolated 39-storey spot-rezoning north of the station would set a precedent for more out-of-scale towers in what is now a lower-rise area. It would also add to the load already placed on local roads and footpaths by the many towers approved elsewhere in the precinct, a cumulative

pressure the application does not properly address for this side of the station.

10. What I ask the Department to do

For the reasons above, I ask the Department to:

- **refuse this application, including the concurrent rezoning** of the *Willoughby Local Environmental Plan 2012*. The site is not suitable for development of this scale, the impacts on the amenity of my home and this locality are unreasonable, and approving it would not be in the public interest; and
- **require that any redevelopment of the site comply with the existing planning controls** for the land: its current E4 General Industrial zoning and 1:1 floor space ratio, with no height uplift. If the applicant wishes to build beyond those controls, that should be tested through a proper, area-wide strategic planning review, so that the right height and density controls are set for the whole locality before individual towers are approved.

If, despite my submission, the Department is nonetheless minded to approve development on this site, I ask that it do so only subject to substantial changes and binding conditions, including at least:

- a significant reduction in height, and a shift of the tallest massing away from the southern (Herbert Towers) side, so that existing views are largely retained;
 - a proper, apartment-specific *Tenacity* view assessment for affected dwellings in Herbert Towers;
 - a pre-construction dilapidation survey of Herbert Towers, with enforceable vibration limits and monitoring;
 - strict, enforceable dust suppression and air quality controls during demolition and construction;
 - tightly limited construction hours and enforced noise limits, with out-of-hours work allowed only in genuinely exceptional cases;
 - independent verification of street-level wind impacts, and a traffic and pedestrian safety review of the Herbert Street access, given the hospital pedestrian environment and the 40km/h zone.
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Signed: Dr Rishni Constantine Ratnam

Date: 21 June 2026