

Personal submission re:

Concept development application for a mixed-use development with infill affordable housing-Edgecliff

Dated: 26.02.2025

We, Arek and Celina Drozda, the owners of apartment 12/ 164 New South Hear Rd, Edgecliff **object to the approval** of the development proposal at 1 Darling Point Rd on the following grounds:

1. Non-compliance with The Apartment Design Guide – Part 3: Siting the Development

The siting of the proposed building violates the **Apartment Design Guide**, which aims to promote the harmonious integration of new developments with existing, lower-density buildings. Specifically, **Objective 3F-1** (available here: [Apartment Design Guide – Part 3](#)) mandates a minimum separation distance of **12 meters** for buildings taller than 9 storeys or 25 meters, with an additional **3 meters** when adjacent to a residential building of lower density. This regulation is designed to provide a transition in scale and to enhance landscaping.

The current proposal violates these requirements, as the building would be positioned too close to our apartment, resulting in several detrimental consequences:

- **Invasion of privacy:** The car park will be just **3 meters** away from our living areas, including the living room, dining room, and main bedroom, allowing for an unobstructed view into our home.
- **Noise pollution:** Car engines starting and revving will create constant noise, amplified by the tunnel effect between the two buildings, disturbing us at any time of day or night.
- **Air quality concerns:** Exhaust fumes from the cars will be blown directly into our open windows, compromising our air quality.
- **Light disturbance:** Car headlights may flash directly into our apartment, day or night, disrupting our comfort and privacy.
- **Security risks:** Since the car park is a public area, there is a heightened risk of individuals peering into our apartment at all hours, increasing the potential for security issues, including voyeurism.

For context, current unobstructed open space and sunlight access to all living areas across three residential floors in the buildings adjacent to the proposed development (i.e. 164 and 166 New South Hear Rd, Edgecliff):



The proposed envelope of the new building includes the following offsets from the boundaries with adjacent properties:

East Boundary

- 0 setback on Ground Floor facing blank wall
- 3m setback on Level 01 - Level 04
- 6m setback on the tower

North Boundary

- 0 setback on podium facing boundary wall and adjacent carpark structure.
- 2.3m setback to the north east and 1.5m setback to the north west.

Building Height: 17 storeys

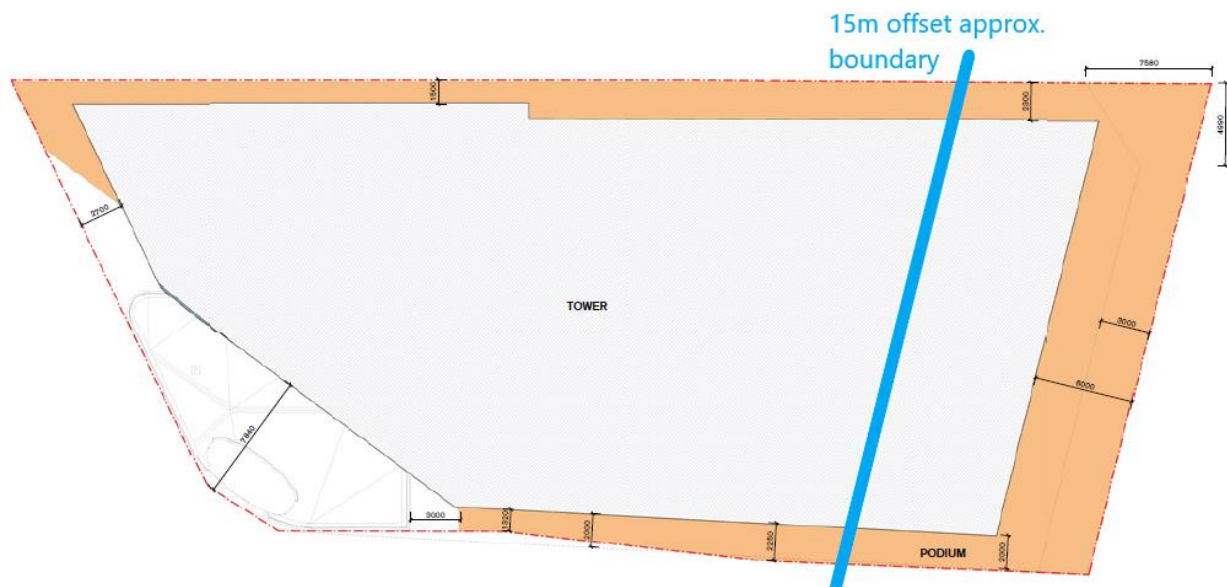


Image 3: Proposed development footprint – as shown on page 43 of Appendix F: Architectural Design Report, with the marked offset in accordance with current NSW regulations. This represents "the concession" the developers are requesting approval for.

2. The proposed development is situated adjacent to buildings that are soon to be designated as Heritage Listed, yet their heritage status has not been adequately considered in the proposal.

The scale and proximity of the proposed building are incompatible with the soon-to-be-established Brantwood Estate Heritage Conservation Area (HCA), as well as the individual heritage listings within that area. The historical value of these buildings, which contribute to the character of the neighbourhood, has not been properly factored into the design or planning process.

Approval considerations must thoroughly assess how this development will impact both the visual integrity and the historical significance of the surrounding architecture. The proposed development could overshadow and compromise the heritage buildings, particularly those with small windows that already restrict sunlight. This could lead to significant reductions in natural light, creating dark, shadowed spaces that resemble "slums" rather than preserving the area's historical charm. Such an outcome would undermine the very purpose of heritage conservation, which is to maintain and enhance the aesthetic and historical character of the area, rather than to diminish it.

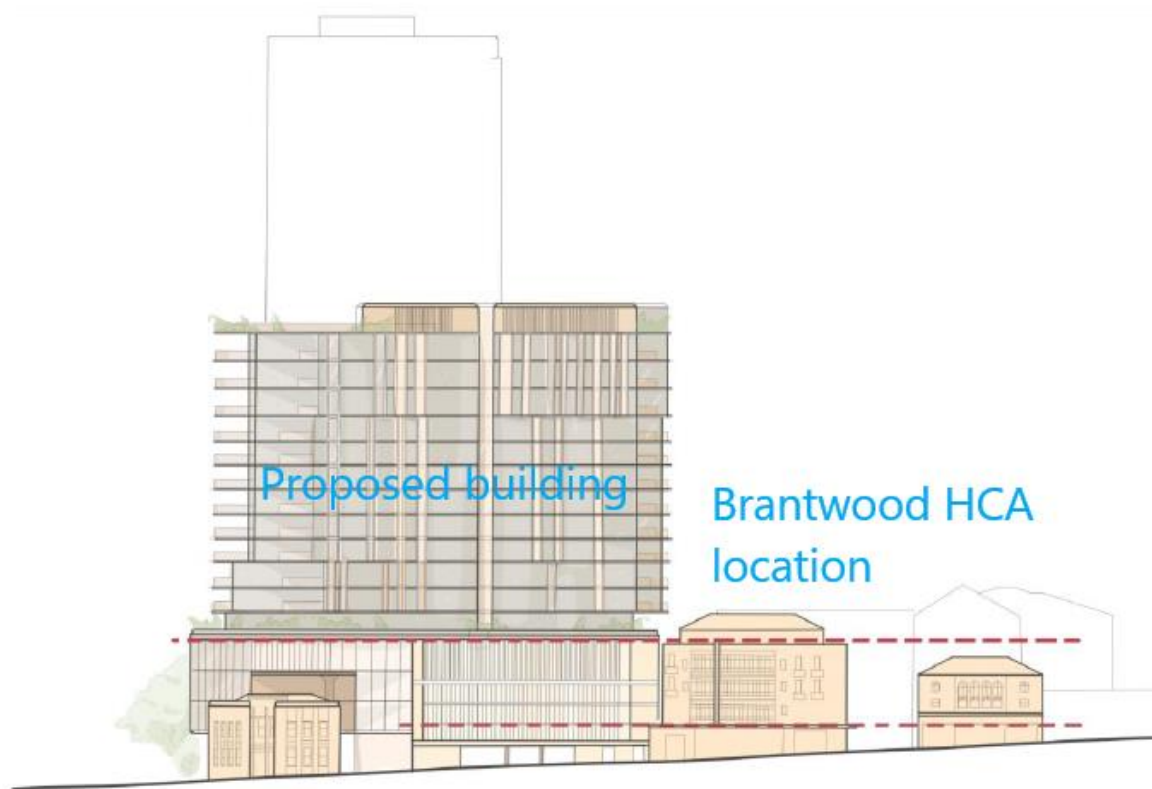


Image 6: from page 45, Appendix L: Consultations Outcomes Report

3. Objections raised by the residents of 164 and 166 New South Head Rd, Edgecliff, regarding the loss of views and sunlight have been dismissed during the earlier stages of the approval process.

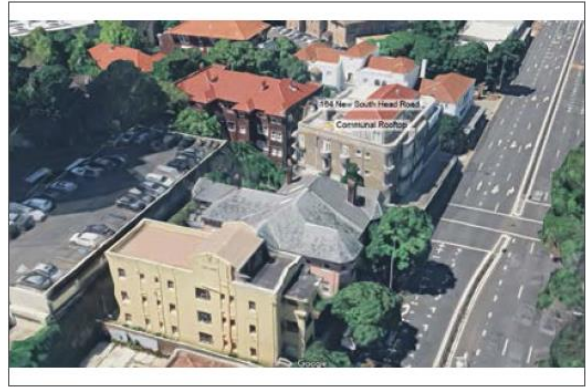
While we acknowledge that there is no entitlement to exclusive views and that views are not guaranteed to be preserved indefinitely, the significant loss of sunlight to the adjoining buildings has yet to be adequately addressed.

37.1 VIEWPOINT POSITION 23 - Communal Rooftop - 164 New South Head Road, Edgecliff

VIEWPOINT LOCATION PLAN



VIEWPOINT LOCATION ELEVATION



PHOTOGRAMMETRIC CITY MODEL



PHOTOGRAMMETRIC CITY MODEL WITH PROPOSED DEVELOPMENT

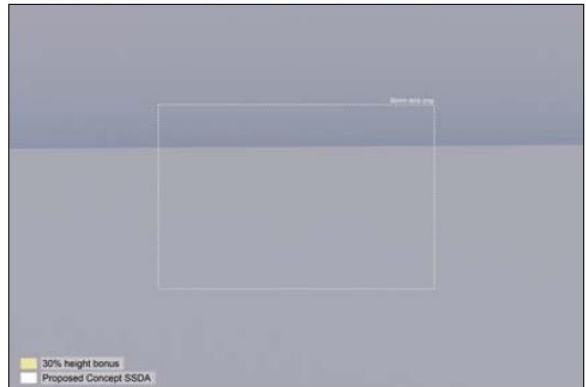


Image 7: Page 161 Appendix N2 – View and VI Evidence depicting total loss of views and sunlight by the residents of 164 New South Head Rd, Edgecliff

Between 25th March and 18th September, apartments at 164 and 166 New South Head Rd, Edgecliff, which face west (including the penthouse), already lose up to 3 hours of sunlight due to their position relative to the Ranelagh building. The maximum shadow duration occurs on the 21st June solstice. This existing loss of sunlight is substantial and will be exacerbated by the proposed development.



Image 8: Illustration of the impact of the shadow from Ranelagh building on 164 and 166 New South Head Rd.

According to the developer's own studies, sunlight reaching these buildings will be significantly reduced. On the shortest day of the year, sunlight exposure will drop from the current 7 hours to effectively just 1 hour in the morning. This dramatic reduction in sunlight will have a profound impact on the living conditions of the residents.

Shadows modelling results presented on pages 16 and 17 of Appendix D: Architectural Concept Plans"



Image 9: North elevation of 164 New South Head Rd, Edgecliff, shadows on 21 June.

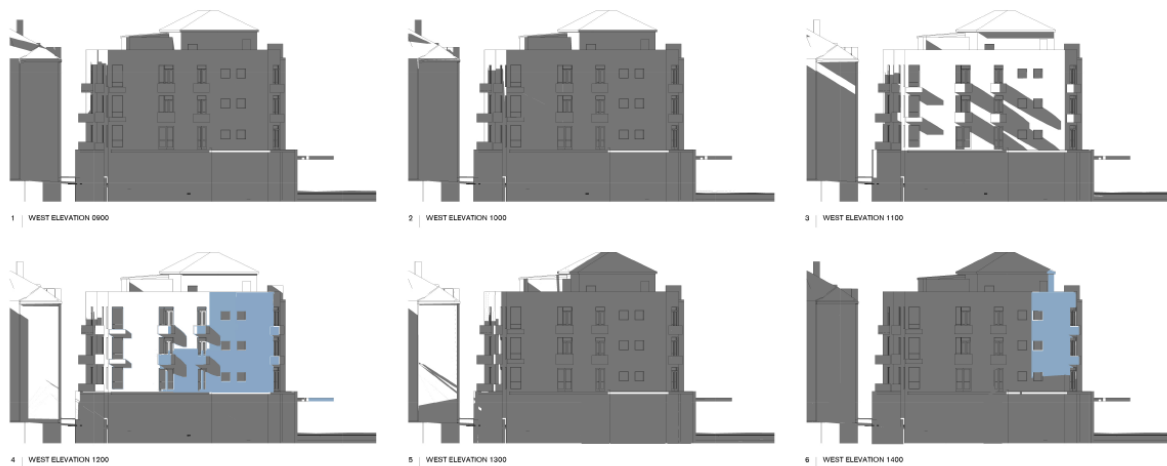


Image 10: West elevation of 164 New South Head Rd, Edgecliff, shadows on 21 June

We believe that allowing more separation between the proposed development and the existing buildings would help mitigate this loss by allowing more natural light to reach the affected properties. In the absence of direct sunlight, this additional separation would provide a compensatory benefit, ensuring that the residents' quality of life is not unduly compromised.

In Conclusion:

We strongly urge the review and rejection of this development proposal to protect the privacy, comfort, and safety of residents in the adjoining properties.

While we recognise the need for more affordable housing in Sydney's Eastern Suburbs, and understand that this goal can be achieved through new in-fill developments in established areas, we firmly believe that these objectives can be met without compromising existing design guidelines and regulations. This has already been demonstrated by the developer itself in the early concept designs (see image 5 above).

Promoting a harmonious integration of old and new is essential not only for securing broader community support for new developments but also for reducing development costs, ultimately increasing the supply of affordable housing in central locations. Developers cannot expect automatic approval for designs that violate established norms and regulations, which only encourages them to pay inflated prices for land.

The development approval authority has the power to lead this process and put an end to these harmful practices. Should approval be granted for this development in its current form, we demand that the approving authority, and ultimately the responsible Minister, **provide a public justification for why** their own **regulations have been overlooked**. We request a clear explanation of the principles that drove the decision to disregard the rights of individual residents in long-established communities across Sydney in favour of the demands of large developer corporations.