



Submission re:

CONCEPT DEVELOPMENT APPLICATION FOR A
MIXED-USE DEVELOPMENT WITH INFILL
AFFORDABLE HOUSING-EDGECLIFF
136-148 NEW SOUTH HEAD ROAD, EDGECLIFF

Application Number SSD-76855210

Endorsed by:

Chairperson (W. Bracey) and Treasurer (A. Drozda) of the Strata Committee,
on behalf of the affected residents of 164 New South Head Rd, Edgecliff
25th February, 2025

Position statement:

We, the members of the Strata Committee acting on behalf of the residents of 164 New South Head Rd, strongly support new housing projects that seek to rejuvenate the area surrounding Edgecliff train station, contribute to housing affordability, and adhere to sound design principles while ensuring a harmonious integration of new and existing architecture.

We would be happy to lend our support to the LendLease development project next door (known as 1 Darling Point Rd) *if* the eastern side of the proposed building complies with *The Apartment Design Guide* principles published by the NSW government. However, the proposed development, as it currently stands, fails to meet the established guidelines. Therefore, **we object** to the approval of the proposal in its present form and respectfully request that the approving authority uphold and enforce its own guidelines.

Reasons for Our Objection (details):

- **Violation of NSW Design Guidelines**

The Apartment Design Guide – Part 3: Siting the Development specifies that the separation between buildings should be at least 12m if habitable rooms and balconies are present and the building exceeds 25m in height. The proposed development fails to meet this crucial guideline, resulting in inadequate separation that could negatively impact privacy, light, and overall amenity for the residents. [See Objective 3F-1: <https://www.planning.nsw.gov.au/sites/default/files/2023-03/apartment-design-guide-part-3-siting-the-development.pdf>]

Design criteria

1. Separation between windows and balconies is provided to ensure visual privacy is achieved. Minimum required separation distances from buildings to the side and rear boundaries are as follows:

Building height	Habitable rooms and balconies	Non-habitable rooms
up to 12m (4 storeys)	6m	3m
up to 25m (5-8 storeys)	9m	4.5m
over 25m (9+ storeys)	12m	6m

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 (figure 3F.5)

Additionally, when a building is adjacent to a zone that permits only lower-density development, as is the case here, the separation should be increased by at least 3m. This means that the minimum separation between the buildings should be 15m.

The developer dismisses non-compliance by referencing the building next door in the **Appendix J Cl.**

4.6 Variation Requests: *“The proposed development adopts a four-storey street wall that is consistent with the existing street wall height of the development to the immediate east at 164 New South Head Road and the podium street wall height identified for the site in the Woollahra Council’s ECC Strategy.”*

This statement, however, overlooks the fact that while the height may align, it does not address the other critical aspects of compliance with design guidelines and overall integration with the surrounding neighbourhood.

We strongly request that the approving authority takes responsibility for enforcing the design guidelines in the interest of existing residents and the local community, particularly given that the decision to allow increased building height was already made in favour of the developers.

- **The Developer is Aware of the Guidelines but Chooses Not to Follow the Rules**

The architects commissioned by LendLease to provide the initial rendering of the building concept were fully aware of these guidelines, as evidenced by the early concept drawings (see the gap between the buildings on the right side of the image). Despite this, the developer has chosen not to adhere to the required separation distances, indicating a disregard for established design standards. This raises concerns about the developer’s commitment to complying with the NSW Apartment Design Guide, which aims to promote best practices in building design, ensuring quality living environments and the harmonious integration of new developments within existing communities.



That image was published in the article that appeared at the time of the development's announcement.

<https://www.commercialrealestate.com.au/news/lendlease-plans-500m-development-in-sydneys-edgecliff-2-1299830/>

Yet, the subsequently developed plans for the building focused on maximising the footprint and profitability for the developer, disregarding the surrounding neighbourhood and long-established architecture. As a result, the currently **submitted version of the building design allows for almost no distance between the buildings**, which violates established design rules and best practices.

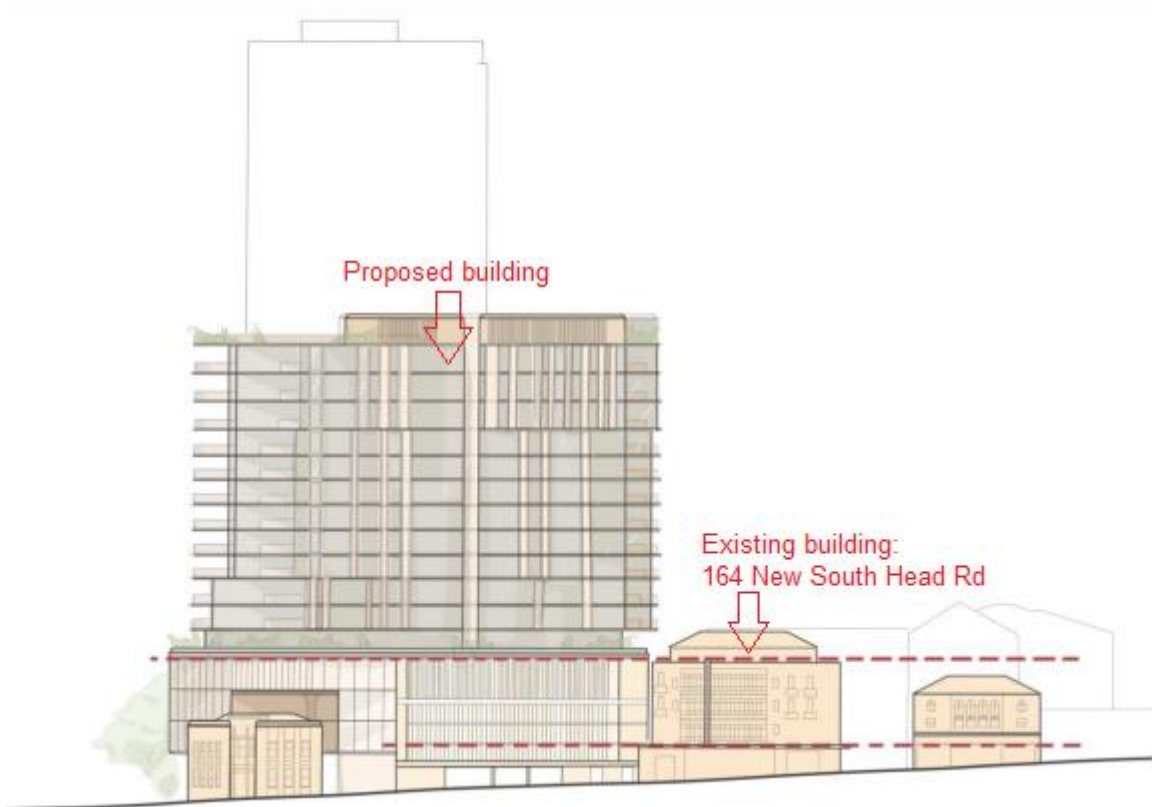
There is not even a single detailed rendering of that side of the proposed building in the entire documentation submitted for public comment, indicating the developer is hiding the real impact of its proposal.

Appendix F: Architectural Design Report refers to the following setbacks on the East Boundary

- 0 setback on Ground Floor facing blank wall;
- **3m setback on Level 01 - Level 04 (whole 12m short of required 15m!)**
- 6m setback on the tower

Only some indication of how close the proposed building will be located to the adjacent habitable rooms of 164 New South Head Rd is provided in the *Appendix L Consultations Outcomes Report* p.45:

New South Head Road (Looking North)

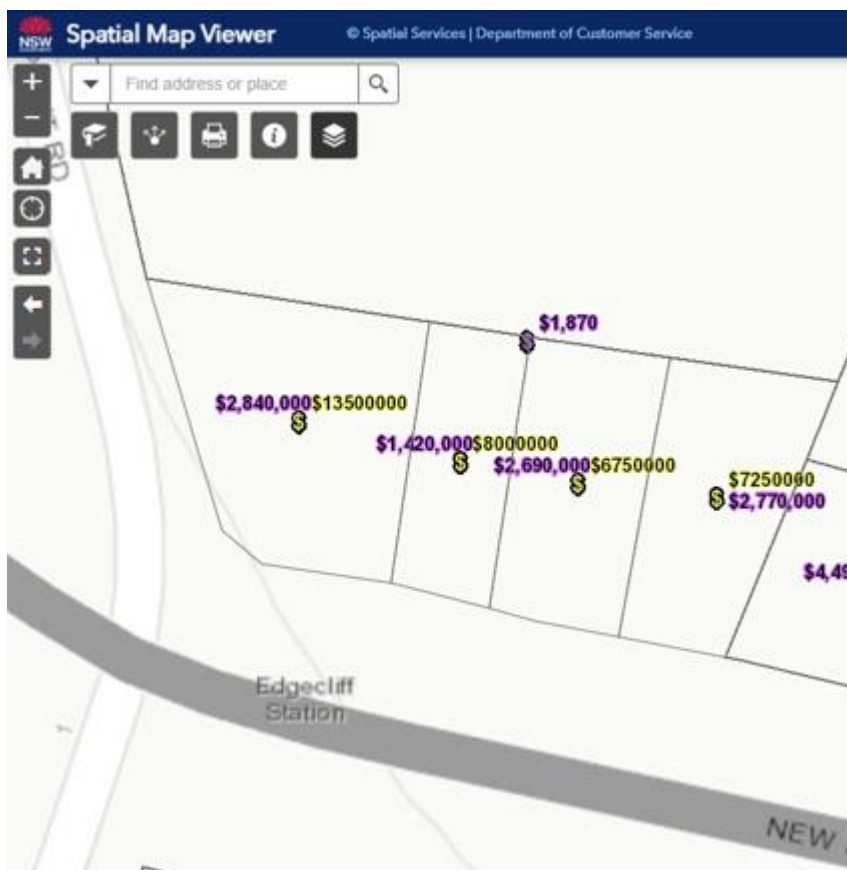


We would fully support the LendLease development if the prescribed offsets were accommodated in the design of 1 Darling Point Rd.

- **Counterarguments to Commonly Quoted Reasons for Approving the Proposal “As Is”**

Any argument that "developers must be able to make a profit," which was frequently raised during the land rezoning process, is misguided. The developer's profit motive is not a guiding principle in building regulations, siting designs, or the regulatory approval process.

It is important to note that LendLease made a business decision to pay five times the true value* of the land they acquired for the project. Therefore, the company is solely responsible for the consequences of that decision and should not be entitled to exemptions from established design guidelines merely to safeguard their profit margins. They should still be held to the standards set forth to protect the community and the integrity of the regulatory process.



** Public records indicate that the land was consolidated by the original developer between 2016 and 2021 for a total sum of \$24.8 million, before being sold to LendLease for \$135 million.*

Furthermore, any argument suggesting that this violation of best practices should be permitted in order to make housing more affordable is flawed. The developer has already been granted additional height allowances for the site. Allowing a further violation of building footprint offsets on these grounds would amount to double-dipping, benefiting the developer at the expense of the local community.

In summary, granting additional concessions to a developer who has already bid excessively for the land would undermine the integrity of building regulations and mock the affordable housing initiatives of both State and Federal Governments.