

28 April 2025

Application Number

SSD-79316759

Assessment Type

State Significant Development

Development Type

Residential & Commercial (Mixed use)

Local Government Areas

City of Sydney

Exhibition Start-End Date

02/04/2025 - 29/04/2025

LODGE OF OBJECTION

Applicant: TIME AND PLACE THE CHIMES PTY LTD

Address: 45-53 Macleay St Potts Point NSW 2011

Dear Sir / Madam,

I am a resident in 10-12 Macleay St (Macleay Regis) directly impacted by this development proposal.

I object to the submission SSD-79316759.

FOUNDATION FOR OBJECTIONS

1. **Loss of affordable homes.** 'Net Dwelling Loss' definition by Council suggests this submission is a development that benefits few at the cost of many. 80 affordable homes reduced to 34 luxury apartments. The impact of this loss of should be assessed in conjunction with at least 5 ongoing similar developments in the surrounding streets of Potts Point and Elizabeth Bay.
2. **Loss of diversity in household makeup.** 80 x studio and 1 bed replaced by 34 luxury apartments.
3. This SSD-79316759 application proposes the Applicant be rewarded with **an additional 30% height** for reinstating affordable housing units. Over a hundred surrounding residents will be negatively impacted by a further increase in height simply for the inclusion of 9 'affordable' apartments ... with a 15 year expiry! This is surely not what was intended by the NSW government new rules to address the affordable housing crisis.
4. **Architectural and social significance of the Chimes building** by Architect Hugo Stossel continues to be devalued and downplayed in the Applicants response and by their Consultants.
5. **Building upgrade potential.** The building is not condemned, therefore can still be modified within its current envelope to a high standard with opportunity for commercial return. Recent successful precedents of adaptive reuse architecture on a much larger scale in Sydney include Quay Quarter Tower at Circular Quay by 3XN architects. Greenland Centre on Bathurst Street by

BVN architects. The latter is residential. This is an opportunity for the Applicants architect to demonstrate Design Excellence.

6. Proposed development envelope **overrides sympathetic architectural hierarchy**, where significant heritage listed buildings such as Macleay Regis are visually dominated and negatively impacted to an unreasonable extent. The proposed 50m+ building envelope is double the size of the adjacent 25m McDonald St building. This proposal is excessive in height and bulk and at odds with the conservation status of the neighbourhood.
7. Proposed development envelope **continues to present an excessive and overbearing presence** to Macleay St and McDonald St, particularly in relation to listed and heritage buildings in the vicinity. **Design excellence** is not about a singular architectural vision, a large sqm floor plan or luxury material finishes. It necessarily requires access to an outlook, acoustic privacy, visual privacy, and an expectation that the building responds sympathetically to its social and physical context. If the Applicant is indeed striving for Design Excellence, I don't believe the submitted development envelope can reach that benchmark whilst compromising all these qualities.
8. Proposed development envelope **blocks views from the city and public spaces towards Macleay Regis**. From the Domain, the AGNSW, city buildings etc This continues to be devalued and downplayed in the Applicants response and by their Consultants.
9. Proposed development envelope continues to **block an unreasonable amount of outlook from Macleay Regis**. I disagree with 'minor' status allocated by Urbis in their Private views Report. Their 'magnificent views' or 'partial icons' focus is only one concern. Not everything can be reduced to a monetary value. A loss of general outlook and a basic right to not have a new building directly looking into your living and bedroom windows is also important. Remembering, the central stack of apartments in Macleay Regis only have windows on one elevation – the one that will be overlooked / blocked by this building.
10. Proposed development envelope continues to **block an unreasonable amount of natural light and sunlight to Macleay Regis apartments**. The pages on pages of light and shade diagrams in the SJB Revised Council Response are challenging to read, in fact I would suspect anyone but a specialist could provide any meaningful feedback. I can only comment by assessing where the sun falls in my apartment and noting where the bulk of the building will rise in front of my bedroom, living space and balcony will block the only natural light I receive during the day. I have faith the assessment team can decode 'Solar Access Tally' on pages 77-79 and assess the

accuracy of the document. Only having windows on one side of the whole apartment makes this a specific and urgent issue for residents of Macleay Regis west facing apartments.

11. Architects SJB Claim re: **view sharing** - *"The upper-level setback has been increased to 9m and does not create an adverse impact to view sharing from the heritage item at 10-12 Macleay street."* I challenge this statement. The proposed development envelope continues to impinge on 'sharing' of city views from Macleay Regis from all west elevation apartments to an unreasonable extent. **Over half the shared views and aspect from my home will be obscured by the proposed development envelope.** How can this be considered reasonable?
12. **Retail / commercial 204 sqm at base** / street level will result in excessive noise, servicing concerns and increased noise echoing through street canyon due to larger building mass. Why is there a commercial retail space permitted at all? Surely 'Design Excellence' has evolved further than requiring 'activation of the ground plane' via retail along the building façade at street level? Perhaps no commercial space at base of a residential building is a better, and more reasonable and balanced, outcome for everyone who lives around the perimeter of this site.
13. This claim by SJB Architects, *'Improved safety along Macleay St frontage with the provision of active retail.'* (SJB Revised Council Response. P.18) is a laughable overreach and does not appear to be based in fact and / or statistics of crime in the area.
14. If the intent for this space is retail as claimed, the Applicants Architect should not include a photomontage of the proposed development envelope and design scheme that has outdoor tables and chairs and signage for 'Donald's Bar and Bistro'. 204 sqm of commercial hospitality usage with an activated street frontage approximately 28 metres is greater than the restaurants currently on Challis Avenue. Certainly, **such a usage could be designated unreasonable to those living in Macleay Regis**, particularly those on Macleay St whose bedrooms are on the west elevation, with no options for window noise proofing due to heritage listing of building. Are we meant to live with our windows always closed? We know more outdoor tables for a hospitality venue would be a noise nightmare because Residents at Macleay Regis and Pomeroy currently suffer after hours noise from Sopra Bar and the Yellow House outdoor dining. This is BEFORE the other two recently approved hospitality venues at 55 and 61-63 have even opened and before the doubling of building mass on the Chimes Site which will exacerbate the noise canyon effect.

The proposed usage of this ground level proposed commercial space should be front and centre in a decision about an appropriately sized development envelope. If the commercial reality is that this 204 sqm must be a hospitality venue to be financially viable, then this requires

even greater scrutiny in this assessment process. This outcome would have an incredibly negative impact to the quality of life of residents in Macleay Regis, particularly those with homes (and bedrooms) directly opposite – which is 36 apartments – more than the new build!

15. If it's a requirement that new apartments have balconies, then this needs to be balanced with rights of adjacent residents. The current Chimes building has no balconies and socialising is limited to inside, with noise relatively contained. The proposed development envelope currently includes **balconies to all elevations which look directly onto the McDonald St and Macleay St impacting privacy and generating unacceptable noise levels**. Canyon effect of noise from existing hospitality venues is already an issue. Additional massing of this building + 25 large balconies designed for entertaining are facing directly onto neighbours living areas and bedrooms. This is a key reason **the proposed development envelope must be reduced and the boundary setback significantly further than the most recent submission**.
16. SJB Architects claim of '*High quality communal open space provided at ground level to south western corner of site*' (SJB Revised Council Response. P.18). This is only 'high quality' to new residents who will use it, not to those who live right next to it and must deal with the noise opposite their bedroom windows.
17. The **Urbis Private View Summary Report** assessing my Macleay Regis apartment calls into question the methodology and editing of the entire report. In this report, the narrow assessment of a 'scenic and valuable' view being a 'city skyline' is subjective. Significantly, the views from the living room and bedroom in my home - the living spaces most impacted by this development envelope - are not included. Only the dining room, the room furthest South, is included in the Urbis Report. I have faith the assessment team can understand the selective inclusion of information in this report and the unique nature of the floor plan of apartments in Macleay Regis that are impacted by this proposed development envelope.
18. I acknowledge the Geotechnical Report supplied. The **excavation of a three-level (previously two) basement** for carparking and storage is a level of development with implications for the surrounding residents and the safety and maintenance of their buildings. Heritage buildings on all side and listed building across the road. I object to this excavation process due to excessive vibration and potential building damage, dust, noise, unreasonable and sustained impact on traffic congestion along Macleay St.
19. Arborist Report notes **three trees as status 'major encroachment' impact** by the 'proposed development envelope' being too close to the boundary and these significant trees. The requirement that the architectural design would need to be amended post demolition to

accommodate the trees is unrealistic. As profit seems to be the driving factor in this proposal, I have no faith the Applicant would prioritise the trees if roots were found and revise the building design at such a critical stage in the construction process. A smaller 'development envelope' setback from the site boundary approved prior to the Design Competition would ensure protection of trees, now, not some wishful thinking into the future.

20. The 1000 page plus submission is complex and overwhelming. This is third (!) time I have objected to the proposal as it evolves and increases in size. The Applicant has now chosen to submit via the SSD process, yet only neighbours within a 75 metre radius have been notified and given an opportunity to respond. This lack of community consultation is unacceptable.

In conclusion, the benefits, and qualities the Applicant will describe in their marketing brochures as the reasons to live in this location and in this new building (and what they will use to obtain multi-million-dollar profits), are the very same benefits and qualities they are taking away from all the surrounding residents by proposing such an excessively large development envelope.

The newly proposed development envelope continues to present an excessive and overbearing presence to Macleay St, McDonald St and the rear of Challis Avenue - particularly in relation to listed and heritage buildings in the vicinity. The possible increase in height to more than 50m+ metres is unreasonable and inappropriate in this location. The inclusion of affordable housing (with a 15 year expiry no less) simply does not justify this increase in height which is to the detriment of surrounding residents and the conservation status and character of the neighbourhood.

To achieve design excellence there is, I hope, an expectation that the final approved building envelope will enable an architectural response that is sympathetic and appropriate to its social and physical context. Earlier submissions by the Applicant (to the Department of Planning) clearly could not demonstrate this. The updated building envelope of 50m+ proposed in SSD-79316759 ensures the achievement of design excellence remains an impossibility because it comes at the cost of quality of life of surrounding Residents and the community's right to reasonable development outcomes.

The proposed development envelope significantly and adversely affects the residents of 10-12 Macleay Street (Macleay Regis) apartments and the neighbourhood in entirety.

I strongly object to the proposal as it is presented in the submission **SSD-79316759**.

Thank you for your attention.

Sincerely,

Resident Macleay Regis