

Monday 28th April 2025

NSW Planning Major Projects

Formal Objection to 45-53 Macleay Street Redevelopment (SSD-10830)

To Whom It May Concern,

I, Stephanie Burgess lodge this objection to the proposed redevelopment of 45-53 Macleay Street, Potts Point (Application No: SSD-79316759) as Secretary of the Yellow House SP70276, located at 57-59 Macleay Street Potts Point - a neighbouring property to the proposal. The Strata Committee have conducted a thorough review of the application material and believe the proposal, as currently submitted, contains a considerable number of errors, a general lack of transparency and the omission of the impact upon a number of affected neighbouring properties.

Grounds for objection:

1.Omission of affected residences and a lack of transparency in the provided documentation

In the attachment **Solar Access Data Tables** - provided in SJB Architect's document titled **Concept SSDA Design Report**, pages 57, 58 and 59 refer to the natural light impacts upon apartments within 57-59 Macleay Street. This building is known as the Yellow House and in fact comprises of 11 lots in total (not 5 as stated in the Report).

There are:

- Two commercial lots on the ground floor (Yellow Restaurant facing Macleay Street and the Art Gallery at the rear of the building with has a glass roof area).
- Three lots on the first floor (lots 1 & 2 which face East to Macleay Street and lot 3 which faces Northwest to the proposed redevelopment site).
- Three lots on the second floor (lots 4 & 5 which face East to Macleay Street and lot 6 which faces Northwest to the proposed redevelopment site)
- Three lots on the third floor - all are two-story lots (lot 7 which faces both Northwest to the proposed redevelopment site as well as East to Macleay Street and lots 8 & 9 with face Northwest to the proposed redevelopment site)

The analysis on page 50 of the proponents **Design Report** is missing an important component regarding the Yellow House. The area between 57-59 Macleay, 12-16 Challis and 10C Challis forms part of the Yellow House. When bathed in light this area has a beneficial reflected light on the apartments facing west. This western-most section of the Yellow House has been completely ignored. Neither the charts on pages. 57-59, nor the shadow diagrams in following pages, give any indication as to the season. The proponents own data, as derived from these confusing charts, indicate a substantial adverse impact measured by decline in sunlight ranging from 10% to 60% for the west facing apartments – this is for both the envelope without bonus and envelope with bonus. This demonstrates the impact of the large bulk of the footprint, with or without the bonus height. The proponents analysis takes no heed of this impact, instead consider it 'minor'.

The proximity of the out-door facilities proposed for both the ground floor level and the third-floor, abutting 55 Macleay Street raises legitimate concerns regarding the possible undisclosed cooperation between developers sharing these facilities or some other mutually beneficial arrangement as White House Developments currently holds an approved DA for redevelopment of the next door property at 55 Macleay Street.

Whilst there appears to be no disclosure of any potential conflicts of interest in the application material, it is noted that Time & Place were apparently unable to gain access to 55 Macleay Street to include that property in their impact statements. We found this to be very unusual as SJB

Architects (used by Time & Place for the proposal) are the same architects being used by White House Developments in the redevelopment of 55 Macleay Street, Potts Point. (See approved D/2016/1079 as amended by NSWLEC 1391).

2. Severe Loss of Light

All units within at 57-59 Macleay Street will be impacted by the loss of natural light from this development proposal. Units 3, 6, 8 and 9 all face West/Northwest and depend entirely on their light source from this direction. Unit 7, on level 3, is a two-storey lot and the lower floor is also entirely dependent on a single external light source facing Northwest. The Environmental Impact Statement and accompanying architectural documents provide no reference to the loss of light considered critical impact on these residential properties. The omissions are unacceptable under planning best practices and should therefore render this application incomplete.

3. Significant Privacy Breaches

The proposed windows and open-air gym on the third level of the proposed redevelopment face directly into lot 7's living and bedroom spaces, which amounts to an untenable invasion of privacy. No serious mitigation measures (such as high-level glazing, screening, or reorientation) are proposed.

4. Safety and Security Risks

The proposed open-air gym on the third floor of the proposed redevelopment appears to be at the same height as the upper levels of 57-59 Macleay Street. Assessment of the drawings and plans provided means it is not unfeasible that access to lot 7's balcony would be possible which would present a serious breach of residential security within 57-59 Macleay Street.

5. Noise and Amenity Impacts

The scale and intensity of the proposed communal recreation facilities on both the ground floor level and the third floor will significantly impact the amenity of residents of 57-59 Macleay Street, particularly those residents in units at the rear of the building closest to the swimming pool and gym areas. The amenity will be impacted by increased noise from the pool area including water splashing and raised human voices, pool equipment, gym equipment and music, as well as the odor of chlorine and other chemicals. The increased noise pollution generated by these areas is proposed for an otherwise quiet residential area.

6. Destruction of Iconic Views

Lots 7 and 9 of 57-59 Macleay Street, currently enjoy views of Sydney Harbour, the Opera House and the Harbour Bridge. The proposed height and bulk of the proposed redevelopment will significantly diminish these views, which are not only a personal amenity but a key element of the local area's character and value.

7. Lack of Genuine Affordable Housing Commitment

The application uses the concept of "affordable housing" to justify significant height and density increases. However, it provides no binding commitments to deliver any specific quantity or type of affordable housing, nor any assurance that affordable units will be retained in perpetuity.

The building currently occupying the site provides 80 or so genuinely affordable studio apartments. The proposed development plan seeks to subvert height and gross floor area guidelines established under the planning regime of the City of Sydney Local Environment Plan, Sydney Council Local Strategic Planning Statement, City Plan and

Sydney Development Control Plan, by the provision of affordable housing. Surely it is perverse, counterintuitive and ironic to seek incentives of additional height/floor space for providing affordable housing – when in reality – the proposal represents the removal of much greater number of affordable housing units.

8. Overburdening of Local Infrastructure

The application does not adequately address how increased population density will impact existing local services — including parking availability, waste management, and traffic flow — all of which are already under strain. No meaningful mitigation strategies are proposed.

9. Unsustainable Demolition Practices

The Chimes is a structurally sound building. Demolishing and replacing it, rather than adaptively reusing or upgrading it, contradicts the City's stated commitments to sustainability and climate responsibility. Tearing down existing viable structures of affordable housing, creates unnecessary emissions and landfill waste.

Further excavation around the very precious heritage items along Macleay Street puts these buildings and their occupants in grave danger, especially given these heritage buildings are already to be impacted by excessive excavation planned (and approved) by White House Developments at both neighbouring properties 55 and 61-63 Macleay Street.

10. Lack of Meaningful Community Benefit

The token inclusion of a retail space and vague promise of "public art spaces" does not constitute a meaningful or proportional public benefit. There is no serious provision for public open space, community infrastructure, or services that would genuinely offset the significant harm this development would cause to existing residents.

Indeed, the bulk and scale of the proposed redevelopment will obstruct from public view (via MacDonald Street) the Yellow House Colourful Art Screens on the western facade of 57-59 Macleay Street, which were designed by Australian artist Matthew Johnson in consultation with the Art Gallery of NSW and formed an integral part of the DA conditions of consent when the Yellow House was redeveloped. The amendments achieved in NSWLEC 1391 recognised and protected this sight-line.

11. Excessive Height, Scale, and Bulk

The proposed massing is grossly disproportionate to the surrounding character of Macleay Street. The building will tower over neighbouring properties in a manner that is visually overbearing and wholly inappropriate for the location.

12. Overwhelming and Oppressive Living Conditions

The proposed redevelopment would create an environment of visual oppression and claustrophobia for all apartments within the Yellow House. The proposed structure will loom unacceptably close, diminishing light, access to fresh air and breezes impacting the mental wellbeing and quality of life of all the affected residents.

Conclusion:

This redevelopment proposal is incompatible, and damaging to the fabric of 'the Parisian end of Potts Point'. It prioritises developer profits over resident welfare, sustainability, and community values.

We respectfully but firmly urge NSW Planning, the City of Sydney and all relevant planning authorities to reject this application in its current form. A redevelopment of this site needs to be respectful of its context, its neighbours, and its environmental responsibilities.

Yours sincerely,
Stephanie Burgess
Secretary SP70276
57-59 Macleay Street
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