

Submission: Objection to SSD-82599709

Date: 5 October 2025

Concerns: Solar Amenity; Design Quality

This submission objects to SSD-82599709 due to the poor level of solar amenity that will be offered to future residents. The proposal would deprive future residents of direct sunlight beyond what constitutes acceptable merit-based practice under the NSW Apartment Design Guide (ADG).

Solar Amenity

Section 4A of the ADG requires that no more than 15% of apartments receive no direct sunlight between 9:00 am and 3:00 pm on 21 June. 25% of the proposed apartments will receive no sunlight on 21 June.

This is a significant departure from the ADG. No justification was provided in the submitted material that is grounded in design best practice.

Reduced Concessional Design Flexibility

The project history is relevant to the consideration of design flexibility under the ADG:

- The site was originally subject to SSD-78073736, a BTR scheme that would have been lodged as a separate SSDA without a concurrent Planning Proposal. That application was withdrawn.
- The current SSDA (SSD-82599709), advanced under the HDA pathway with a concurrent Planning Proposal, excludes BTR housing and provides only a 3% affordable housing contribution.

Two implications arise:

1. The Department of Planning, Housing and Infrastructure's (Department's) design flexibility guidelines specifically support concessions for BTR projects. These guidelines do not apply to the current SSDA, as it does not include BTR housing.
2. The guidelines encourage decision-makers to consider flexibility in applying ADG solar provisions to BTR projects. This direction would have relevance to the withdrawn SSDA, however it is no longer applicable.

Accordingly, the present scheme benefits from less concessional design flexibility than the initial BTR scheme, a factor that has not been adequately addressed.

146 Arthur Street (SSD-61000021)

The development at 146 Arthur Street (recommended to the IPC for approval), which benefits from the BTR flexible design guidelines, avoids any south-facing single-aspect apartments. This was acknowledged in the Assessment Report that was prepared by the Department in August.

By contrast, SSD-82599709—which is not eligible for the same level of flexibility—proposes south-facing apartments, directly contributing to the non-compliance where 25% of units receive no sunlight on 21 June.

Recommendation

Housing delivery in dense urban environments should be supported where projects achieve an acceptable level of solar amenity. Established frameworks and guidelines provide for this, however the current proposal does not engage with these on acceptable merit.

While the SSDA should not be supported in its current form, the following modifications could materially improve solar amenity outcomes:

- Reduce the number of south-facing apartments by substituting these with additional hotel rooms, which are not subject to ADG solar provisions.
- Refine tower massing to remove south-facing apartments without reallocating the use of floor space to expand the hotel. This could provide a more slender tower, which may create additional space for:
 - Modulation or steps at high-rise levels.
 - Genuine outdoor communal open space for residents above the podium, which the current proposal lacks.

The EIS acknowledges that the adjoining buildings to the north are not permitted to redevelop as high-rise towers under the existing height limit. This reinforces the logic behind these changes, which could increase the proportion of north-facing apartments.

If such improvements are not made, the SSDA should be refused because it is not suitable for the site.

The consent authority is required to have regard for the concerns that are raised throughout this submission under Clauses 4.15(1)(d) and (e) of the EP&A Act.

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Stance: Objection

Submitter: Name Withheld