

Attachment E

Submissions

From: [REDACTED]
Sent on: Sunday, March 10, 2024 7:36:32 PM

To: dasubmissions
Subject: Submission - D/2024/122 - 141-155 Commonwealth Street SURRY HILLS NSW 2010 - Attention Christopher Ashworth

Caution: This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

Hi Christopher

I would like to raise a few concerns regarding Submission - D/2024/122 - 141-155 Commonwealth Street SURRY HILLS NSW 2010.

I am the owner of [REDACTED] Commonwealth St Surry Hills [REDACTED] and I feel the proposal of this development will negative impact my property in an unreasonable way that can be avoided or at the very least minimised.

Development sites and neighbouring dwellings are to achieve a minimum of 2 hours direct sunlight between 9am and 3pm on 21 June onto at least 1sqm of living room windows and at least 50% of the minimum amount of private open space.

It is clear that my property's front bedroom windows and Living room windows will have sun blocked out by the size, bulk and height of the building from 2pm. Due to the size, bulk and height of the building my front bedroom windows and Living room windows will now receive no sunlight, currently my front bedroom windows and Living room windows receive valuable direct sunlight.

Also due to the buildings large scale, our loss of privacy is a concern, I counted approx. 44 windows that will now be facing and looking into our living room and bedroom windows.

The building is over the height limit and the bulk and height will detract from the character, and significance of the existing building (e.g. 2 story terrace houses opposite the site).

A small reduction in size, bulk and height of the building would elevate all these non conformist and concerns which would reduce the significant negative impact the current proposed design would have on our property.

Another concern that is not clear on the documentation presented is, will there be any over shadowing on Reservoir Park Reserve located at corner of Smith St and Reservoir St Surry Hills?

As a local resident for over 15 years I believe that sunny open spaces in our area is highly rare and valuable to the well being of local residents and people that work in the area, any loss of direct sunshine should be avoided.

Please do take my concerns seriously and consider how this could impact not only livability in my home but also the mental health of the occupants in the homes affected.

I wish to keep my personal details private please (e.g. name, email and address).

Kind Regards

[REDACTED]

From: Christian Acuña CEO

Sent on: Thursday, March 14, 2024 6:22:14 PM

To: dasubmissions

Subject: Submission - D/2024/122 - 141-155 Commonwealth Street SURRY HILLS NSW 2010 - Attention Christopher Ashworth

Caution: This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

Subject: Inquiry Regarding Proposed Development PAN-409601

Dear Christopher,

I hope this message finds you well. I wanted to express my appreciation for the City of Sydney Council's efforts in keeping residents informed about local developments, specifically the proposed project referenced as PAN-409601.

As a resident of 74-80 Reservoir Street, Surry Hills, directly facing the proposed site, I support the initiative to rejuvenate the area. The existing structure, unfortunately, has become a health concern due to mold and neglect. The new development presents a much-needed opportunity for improvement and revitalization.

However, I have a few inquiries regarding the project details:

* Could you provide the planned height of the terrace facing Beauchamp Lane? Living on the second floor, I'm concerned about potential noise and privacy implications.

* How close will the new building be positioned relative to ours? Additionally, are there design features like glass verandas or brick walls to ensure privacy for both parties?

* Has a neighbourhood meeting been scheduled to discuss this development? If so, I would appreciate details to participate.

* Lastly, regarding the commercial spaces within the new development, will these be available for sale or rent, and who would oversee their management?

Thank you for addressing these questions. The redevelopment could significantly benefit Surry Hills, setting a positive precedent for future projects.

Warm regards,

From: Michael Bogle
Sent on: Friday, March 15, 2024 9:18:47 AM
To: dasubmissions
Subject: Submission - D/2024/122 - 141-155 Commonwealth Street SURRY HILLS NSW 2010 - Attention Christopher Ashworth
Attachments: 14 March 2023 PAN-409601 DEMOLITION AND CONSTRUCTION OF PART 5, PARK 6 COMMERCIAL BUILDING.pdf (106.73 KB), Heritage summary.Gospel Union Hall, 141-145 Commonwealth Street .pdf (3.23 MB)

Caution: This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

14 March 2023

Michael Bogle & Peta Landman
42 / 74-80 Reservoir Street
Surry Hills 2010
[REDACTED]

Mr Bill MacKay
Manager, Planning Assessments
City of Sydney
GPO Box 1591
Sydney 2001

Dear Mr MacKay:

**PAN-409601 DEMOLITION AND CONSTRUCTION OF PART 5, PART 6 COMMERCIAL BUILDING.
141-155 COMMONWEALTH STREET, SURRY HILLS**

As the owner/occupiers of a unit adjacent to the proposed development we write to register some concerns. First, may we say this is a much more considered proposal than the earlier DA's for this derelict site and we support the overall development. May we express the following issues:

1. Roof terrace/communal open space: we have concerns about (a) overlooking, (b) impinging on privacy to Beauchamp Lane residences, (c) smoking on terraces, and (d) noise levels during use. We recommend strengthening the density of terrace area plantings to Beauchamp Lane frontage.
2. Landscape: very positive reaction to the communal open space but consider the tree canopy proposal sparse.
3. Lower terrace (level 1) overlooking and working hours noise issues: There seem to be no restrictions on hours of access to the lower terrace. This will bring complaints from our residents
4. Finishes: although there is design reference in the DA documents to brick finishes dominant in the streetscape, the masonry buildings in Commonwealth and Reservoir Streets are typically rendered and painted. The Teachers Education building, corner of Mary and Reservoir and the commercial office building at 75 Reservoir Street are the only immediate buildings in the streetscape. None use the dark face brick proposed.
5. The Heritage Impact Statement describes the proposed development site as a "hotel" and fails to capture the history of the Commonwealth Street site and the chapel. For example, a number of social agencies operated at this address including the Sydney Rescue Work Society; Open All Night Refugee, the Jubilee Home, Society for Providing Homes for Neglected Children, the Home of Hope for Friendless and Fallen Women and the NSW Open Air Gospel Mission. ^[1] The surviving chapel should have a formal photographic recording for Council records.

As the site has been so well-integrated into the Surry Hills society, we recommend some form of interpretation such as a permanently plaque or other durable commemorative element. (A history of the site is attached). This Commonwealth Street location is important to the “Find and Connect, a resource for orphanages, childrens’ homes and other institutions.” <https://www.findandconnect.gov.au/ref/nsw/objects/ND0000723.htm>

Yours truly,
Michael Bogle and Peta Landman

[1] *Sands Directory*, 1918, listing for 143-145 Commonwealth Street. The Christian Workers Depot was sited at 149 Commonwealth Street.

14 March 2023

Michael Bogle & Peta Landman
42 / 74-80 Reservoir Street
Surry Hills 2010

Mr Bill MacKay
Manager, Planning Assessments
City of Sydney
GPO Box 1591
Sydney 2001

Dear Mr MacKay:

**PAN-409601 DEMOLITION AND CONSTRUCTION OF PART 5, PART 6
COMMERCIAL BUILDING. 141-155 COMMONWEALTH STREET, SURRY HILLS**

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5. The Heritage Impact Statement describes the proposed development site as a "hotel" and fails to capture the history of the Commonwealth Street site and the chapel. For example, a number of social agencies operated at this address including the Sydney

Rescue Work Society; Open All Night Refugee, the Jubilee Home, Society for Providing Homes for Neglected Children, the Home of Hope for Friendless and Fallen Women and the NSW Open Air Gospel Mission.¹ The surviving chapel should have a formal photographic recording for Council records.

As the site has been so well-integrated into the Surry Hills setting, we recommend some form of interpretation such as a permanently plaque or other durable commemorative element. (A history of the site is attached). This Commonwealth Street location is important to the “Find and Connect, a resource for orphanages, childrens’ homes and other institutions.” <https://www.findandconnect.gov.au/ref/nsw/objects/ND0000723.htm>

Yours truly,
Michael Bogle and Peta Landman

¹ *Sands Directory*, 1918, listing for 143-145 Commonwealth Street. The Christian Workers Depot was sited at 149 Commonwealth Street.

**The Gospel Union Hall
141-145 Commonwealth Street
Surry Hills NSW 2010**

Michael Bogle

The Gospel Union Hall, organised and built by the Sydney Rescue Work Society 1915-1916, survives inside a complex of buildings known as 141-145 Commonwealth Street (currently the Oasis Backpackers) at the intersection of Reservoir Street, Surry Hills.¹



Figure 1. Aerial View, Gospel Union Hall gable roof structure (circled) and the Oasis Backpackers, 141-145 Commonwealth Street, corner of Reservoir Street, Surry Hills. Google Maps, 2014.

In 1888, Commonwealth Street was recorded as Macquarie Street and Reservoir Street was known as Gipps Street.² The multi-storey Cave of Dunmore Hotel (later 141 Macquarie Street) occupied the northwest corner of this intersection, now the Oasis Backpackers. The appropriately named Robert Reckless was the

¹ <http://www.oasisbackpacker.com/>

² Smith Street later became Commonwealth Street; see Sheet 22, City of Sydney, *Sydney and Suburban Plan Publishing Co.*

proprietor.³ This hotel was a centre for political action in East Sydney with numerous political addresses and meetings taking place at this address.⁴

In 1915, the *Sydney Morning Herald* reported the Sydney Rescue Work Society had begun to construct a “suitable hall” at 145 Reservoir Street “capable of seating about 400 persons, also a basement for free teas”.⁵ Services were described as being held in the “Gospel Union Hall” by July 1915 and overseen by the evangelist and social benefactor George Edward Ardill.⁶



Figure 2. Beauchamp Lane view, rear, Gospel Union Hall and arched windows details. Oasis Backpackers, 141-145 Commonwealth Street, Surry Hills. March 2014.

By 1916, the hall construction was described as complete and an “Open Air Night Refuge” was also identified at the site with an entrance from Beauchamp Lane.⁷

³ *Sands Directory*, 1888, 141 Macquarie Street, Surry Hills.

⁴ “Mr Reid [...] spoke to a large audience from the balcony of the Cave of Dunmore Hotel at the corner of Macquarie and Reservoir Streets.” *Sydney Morning Herald*, 3 September 1903, p.4.

⁵ “Waifs and Strays.” *Sydney Morning Herald*. 30 January 1915, p.8.

⁶ “Question Night re Second Coming of Christ.” *Sydney Morning Herald*, 7 July 1915, p.16.

⁷ “The Churches.” *Sydney Morning Herald*, 5 August 1916, p.7. For a report on the Beauchamp Lane Open Air Night Refuge. “Destitute Women and Children.”

By 1918, the Cave of Dunmore Hotel was no longer listed in the *Sands Directory*. the location is identified in 1918 as the home of a number of social agencies including the Sydney Rescue Work Society; Open All Night Refugee, the Jubilee Home, Society for Providing Homes for Neglected Children, the Home of Hope for Friendless and Fallen Women and the NSW Open Air Gospel Mission.⁸



Figure 3. Gospel Union Hall and gable detail. Commonwealth Street view, Oasis Backpackers, 141-145 Commonwealth Street, Surry Hills. March 2014.

City of Sydney *Assessment Books* illustrate that 143/145 Commonwealth Street had been in the possession of the Trustees of the Sydney Rescue Work Society as early as 1911 (described as a factory and house) but the Gospel Union Hall is not listed in the Assessment Books until 1918 when it is described as under the

Sydney Morning Herald, 27 September 1915, p.10. A sister organization, the City Night Refuge and Soup Kitchen was also active in the city in 1887

⁸ *Sands Directory*, 1918, listing for 143-145 Commonwealth Street. The Christian Workers Depot was sited at 149 Commonwealth Street.

control of the Sydney Rescue Work Society and described as a “church, hall and offices built in brick”.⁹

In 1931, all of the addresses (and terraces) from 141 to 155 Commonwealth Street are recorded in the City of Sydney *Assessment Books* as under the ownership of the Sydney Rescue Work Society. In 1938, the Gospel Union Hall is active at 145 Commonwealth Street and featured an “all night refuge for women and children”.¹⁰



Figure 4. “The Rescue.” Masthead of the Sydney Rescue Work Society’s magazine. 25 September 1896. Mitchell Library, State Library of NSW, Q205/PA1.

The Sydney Rescue Work Society was founded by the noted evangelist George Edward Ardill (1857-1945) in 1890 and offered a wide range of charitable social services based at the Gospel Union Hall, 145 Commonwealth Street and the adjacent Christian Workers Depot at 149 Commonwealth Street and other locations. Ardill was very active in aid societies (at one stage, 12 organisations), that his biographer states that “his work was becoming less directed to rescuing

⁹ In the Rate Book hand-written listing, church is crossed out, leaving “hall and offices”. CSA027479_024. Belmore Ward.

¹⁰ “Sydney Rescue Work Society.” *Sydney Morning Herald*, 14 November 1938, p.13.

the fallen than to providing for the needy”.¹¹ He also acted as a publisher through his quarterly magazine, *Rescue*.

Michael Bogle
42 / 74-80 Reservoir Street
Surry Hills 2010



23 April 2014

¹¹ Heather Radi, 'Ardill, George Edward (1857–1945)', *Australian Dictionary of Biography*, National Centre of Biography, Australian National University, <http://adb.anu.edu.au/biography/ardill-george-edward-5048/text8413>, accessed 22 April 2014.

From: christian acuña

Sent on: Thursday, March 14, 2024 7:39:16 AM

To: City of Sydney

Subject: Inquiry Regarding Proposed Development

PAN-409601

Caution: This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

Dear Christopher Ashworth,

I hope this message finds you well. I am writing to express my support for the proposed development PAN-409601, which I believe is a fantastic and much-needed initiative. As a resident of 74-80 Reservoir Street, directly facing the lane adjacent to the building in question, I've observed the negative impact of its current state. The building, having been abandoned for an extended period, has developed issues such as water filtration and mold, which detract from the neighborhood's aesthetic and potentially the health of those around it.

Given the proximity of my residence to the proposed development site, I am keen to learn more about the specific plans. Could you please provide me with the floor plans of the new structure, details on how close it will be to my building, and the expected height? My apartment is on level 2, and understanding the spatial relationship between our buildings is crucial for me.

Additionally, I would like to know if there are any community meetings or consultations planned in the coming weeks to discuss this development further. I am eager to participate and lend my support to this project.

Thank you for considering my request. I look forward to your response and any information you can share about the development plans.

Kindest regards,

Christian Acuna

From: [REDACTED]
Sent on: Tuesday, March 19, 2024 11:10:36 AM

To: dasubmissions
Subject: Submission - D/2024/122 - 141-155 Commonwealth Street SURRY HILLS NSW 2010 - Attention Christopher Ashworth

Caution: This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

Hi Christopher

I would like to raise a few concerns regarding Submission - D/2024/122 - 141-155 Commonwealth Street SURRY HILLS NSW 2010.

I am the owner of [REDACTED] Commonwealth St Surry Hills [REDACTED] and I feel the proposal of this development and its revised plans will still negative impact my property in an unreasonable way that can be avoided or at the very least minimised.

Development sites and neighbouring dwellings are to achieve a minimum of 2 hours direct sunlight between 9am and 3pm on 21 June onto at least 1sqm of living room windows and at least 50% of the minimum amount of private open space.

It is clear that my property's front bedroom windows and Living room windows will have sun blocked out by the over size, bulk and height of the building from just after 2pm. Due to the size, bulk and height of the building, my front bedroom windows and Living room windows will now receive no sunlight, currently my front bedroom windows and Living room windows receive valuable direct sunlight.

In drawing **DA-8021** it is clear how much of the proposed building height is over limit, this over heigh directly negatively impacts the solar access my property has. If the building height was within limits the negative solar access impact would be greatly reduced.

Please bear in mind the amount of solar access or loss of solar access to my living spaces greatly impacts the liveability of a home, the mental health of occupants and also the affected property's value.

Also due to the buildings large scale, our loss of privacy is a concern, I counted approx. 44 windows that will now be facing and looking into our living room and bedroom windows.

The building is over the height limit and the bulk and height will detract from the character, and significance of the existing building (e.g. 2 story terrace houses opposite the site).

A small reduction in size, bulk and height of the building to within heigh limits would elevate all these non conformist and concerns which would reduce the significant negative impact the current proposed design would have on our property.

Please do take my concerns seriously and consider how this could impact not only livability in my home but also the mental health of the occupants in the homes affected.

I encourage you to have a site visit of my property during 9am to 3pm on 21 June to see first hand of what direct sunlight will be blocked from the proposed development.

I wish to keep my personal details private please (e.g. name, email and address).

Kind Regards

[REDACTED]

From: Michael Tantaro
Sent on: Friday, March 22, 2024 11:01:16 AM

To: dasubmissions
Subject: Submission - D/2024/122 - 141-155 Commonwealth Street SURRY HILLS NSW 2010 - Attention Christopher Ashworth

Caution: This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

Hello,

I'm writing to express support for this development application. I live at 99 Commonwealth Street, and believe the proposed development will add considerable amenity to the street. The area that will be demolished is in a terrible condition. This development looks beautiful and respectful of the area around it.

Thank you

M Tantaro


From: Angus Sullivan

Sent on: Sunday, March 24, 2024 1:44:38 PM

To: dasubmissions

Subject: Submission - D/2024/122 - 141-155 Commonwealth Street SURRY HILLS NSW 2010 - Attention Christopher Ashworth

Caution: This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

Hi - im the owner of 67 reservoir street
I live basically across the road from the development
I wanted to write and say im 100% supportive of what is proposed
The current block is an eye-sore
And we need more development in the area

Please approve the development
Thanks. Angus

Sent from my iPad

From: Martin Batty
Sent on: Saturday, March 23, 2024 1:18:30 PM

To: dasubmissions
Subject: Submission - D/2024/122 - 141-155 Commonwealth Street SURRY HILLS NSW 2010 - Attention Christopher Ashworth

Caution: This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

Dear Christopher Ashworth,

I'm responding as a local resident in my own capacity. I don't object to this DA. Though it's a shame to lose a 50s building like this, equally it's important to contribute to the economic vibrancy of Surry Hills.

Thanks

Martin Batty
219 Crown Street
Darlinghurst

From: [REDACTED]
Sent on: Tuesday, March 26, 2024 9:09:27 AM

To: dasubmissions
Subject: RE: Submission - D/2024/122 - 141-155 Commonwealth Street SURRY HILLS NSW 2010 - Attention Christopher Ashworth

Caution: This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

Hi Chris

I have noticed that D/2024/122 - 141-155 Commonwealth Street SURRY HILLS NSW 2010 has released new drawings on the 20th March according to the city of Sydney DA page.

I have reviewed new drawings and my comments below are still valid:

I am the owner of [REDACTED] Commonwealth St Surry Hills [REDACTED] and I feel the proposal of this development and its revised plans will still negative impact my property in an unreasonable way that can be avoided or at the very least minimised.

Development sites and neighbouring dwellings are to achieve a minimum of 2 hours direct sunlight between 9am and 3pm on 21 June onto at least 1sqm of living room windows and at least 50% of the minimum amount of private open space.

It is clear that my property's front bedroom windows and Living room windows will have sun blocked out by the over size, bulk and height of the building from just after 2pm. Due to the size, bulk and height of the building, my front bedroom windows and Living room windows will now receive no sunlight, currently my front bedroom windows and Living room windows receive valuable direct sunlight.

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A small reduction in size, bulk and height of the building to within heigh limits would elevate all these non-conformist and concerns which would reduce the significant negative impact the current proposed design would have on our property.

Please do take my concerns seriously and consider how this could impact not only liveability in my home but also the mental health of the occupants in the homes affected.

I encourage you to have a site visit of my property during 9am to 3pm on 21 June to see first-hand of what direct sunlight will be blocked from the proposed development.

I wish to keep my personal details private please (e.g. name, email and address).

Kind Regards

[REDACTED]

From: [REDACTED]
Sent: Tuesday, 19 March 2024 11:11 AM
To: dasubmissions
Subject: Submission - D/2024/122 - 141-155 Commonwealth Street SURRY HILLS NSW 2010 - Attention Christopher Ashworth

Hi Christopher

I would like to raise a few concerns regarding Submission - D/2024/122 - 141-155 Commonwealth Street SURRY HILLS NSW 2010.

I am the owner of [REDACTED] Commonwealth St Surry Hills [REDACTED] and I feel the proposal of this development and its revised plans will still negative impact my property in an unreasonable way that can be avoided or at the very least minimised.

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I encourage you to have a site visit of my property during 9am to 3pm on 21 June to see first hand of what direct sunlight will be blocked from the proposed development.

I wish to keep my personal details private please (e.g. name, email and address).

Kind Regards

[REDACTED]

Kind Regards

[REDACTED]

From: [REDACTED]

Sent on: Wednesday, March 27, 2024 8:45:48 AM

To: dasubmissions

Subject: Submission - D/2024/122 - 141-155 Commonwealth Street SURRY HILLS NSW 2010 - Attention Christopher Ashworth

Caution: This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

Hi there

I own an apartment in 74-80 Reservoir St Surry Hills which is next door to the proposed site.

With regard to the above submission I'd like to know the following

- What the impact on parking in the area for residents will be during the demolition and building period?
- Will there be an impact (reduction) on parking in commonwealth and reservoir streets for residents once the build is complete?
- Will there be any street closures during the demolition and building period?
- How do they propose to manage noise issues? There are apartments with facing balconies that are only a few meters away.
- How long is the process expected to take approximately?
- Is there a plan to manage the likely pest issues that will arise during demolition?

I am not opposed to the application, I just want to be sure that there won't be a reduction in parking and the impact on the neighbourhood is considered.

Please don't publish or broadcast my name anywhere as I am a clinician in a very public facing local mental health team and need to preserve my privacy.

Many thanks

[REDACTED]

Sent from my iPhone

From: Chloe Mason

Sent on: Sunday, March 31, 2024 7:21:10 PM

To: dasubmissions

Subject: Submission - D/2024/122 - 141-155 Commonwealth Street SURRY HILLS NSW 2010 - Attention Christopher Ashworth

Caution: This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

To: Christopher Ashworth

From: Chloe Mason

89 Reservoir Street

Surry Hills NSW 2010

I view the site from my balcony and front door and appreciate the existing trees!

PAN-409601 RENOTIFICATION DUE TO AMENDED PLANS

Proposed land uses are retail and office.

Referred to City Access and Transport.

Thanks for displaying notice on door at the corner of the property on Commonwealth Street.

I am pleased that the SJB are the architects.

Three comments:

1. **Concern about the proposed retail space** . This local precinct has unoccupied retail space in the immediate area. Over the last 5 years or so, new developments on both Commonwealth Street (between Reservoir and Ann Sts) and on Mary Street (between Reservoir and Albion St) have allocated retail space – unsuccessfully. Further Planet furnishings on Commonwealth, is being vacated by Planet. Empty or partially occupied retail space creates a depressing feel to the locality. Could the proponents consider some residential space; the combination of commercial and residential can work really well, as demonstrated by Edinburgh.
2. Generating motor vehicle trips by allocating so much car parking space. There are **plentiful car sharing vehicles** in this neighbourhood. I'm not sure if car-sharing services, consistent with Sustainable Sydney and its Walking Strategy, has been sufficiently considered.
3. **Trees on site** – canopy and aesthetics. Request street-tree planting as soon as practicable, and any on-site plantings, to compensate for the expected loss of the mature, valued trees.

Kind regards,

Chloe Mason

From: Darren Jones
Sent on: Wednesday, April 3, 2024 2:17:25 PM
To: dasubmissions
Subject: Ref: D/2024/122 141-155 Commonwealth St, Surry Hills

Caution: This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

Dear Planning Manager

I wish to submit my objection to the development proposal D/2024/122 based on the following comments:

1. The development exceeds the allowable height and therefore will reduce or eliminate sunlight to apartments on the eastern elevation of 74-80 Reservoir St Surry Hills. Whilst the development application attempts to trivialize this issue, this is a real concern of residents and will negatively impact their living conditions.
2. The windows on the western elevation of the development appear to be clear glass. Given the close proximity of the apartments on the eastern elevation of 74-80 Reservoir St Surry Hills, the privacy of the apartment bedrooms and living space will be compromised. During the day office workers will be looking directly into the apartment living areas. I would request that if the development is approved, the windows on the eastern elevation of the development are frosted or fixed privacy louvers are attached to protect the privacy of neighboring apartments.
3. The development includes a large rooftop entertainment area with BBQ and seating. Office tenants will be holding work gatherings that undoubtedly include loud music to late hours. This will negatively impact the peace and quite of the neighboring apartments. I would request the entertainment area is not permitted.
4. The trees proposed on the rooftop entertainment area will further exceed the height restriction and create further overshadow. I would request that the trees are not permitted.

Regards
Darren Jones
74-80 Reservoir St, Surry Hills

From: [REDACTED]
Sent on: Tuesday, April 9, 2024 9:06:31 AM
To: DASubmissions <dasubmissions@cityofsydney.nsw.gov.au>
CC: [REDACTED]
Subject: DA 2024/122 - 141-155 Commonwealth Street, Surry Hills - Objection on behalf of 74-80 Reservoir Street
Attachments: 242008.1L.pdf (643.94 KB)

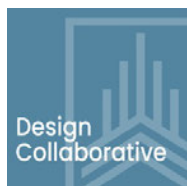
Caution: This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

Attention: C Ashworth

Hi Christopher,

Please find attached an objection to DA 2024/122 at 141-155 Commonwealth St, Surry Hills on behalf of the Owners Corporation of SP 57988 at 74-80 Reservoir St, Surry Hills.

Regards,



Jody Scanlan
Associate
Design Collaborative

[REDACTED]
[REDACTED]
[REDACTED]

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DESIGN COLLABORATIVE Pty Limited

ABN 36 002 126 954
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Town Planning and Liquor Licensing Consultants

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Managing Director

J Lidis
BTP (UNSW)
MPIA CPP

Director

David Rippingill
BEP (WSU)
Juris Doctor (UNE)
RPIA

9 April 2024
Ref: 242008.1L

The CEO
Sydney City Council

Attention: Christopher Ashworth
By email – dasubmissions@cityofsydney.nsw.gov.au

Sir/Madam,

DA/2024/122 – Demolition of existing building, construction of a new part 5, part 6 storey retail/commercial building, basement parking, roof terrace and associated landscaping – 141-155 Commonwealth Street, Surry Hills – Objection on behalf of the Owners' Corporation SP 57988 at 74-80 Reservoir Street, Surry Hills

We act on behalf of the Owners' Corporation SP 57988 at 74-80 Reservoir Street, Surry Hills. SP 57988 is a seven storey residential flat building situated to the west of the site of the above DA, at the corner of Reservoir Street and Mary Street, with frontage to Beauchamp Lane to the east (**Location Plan** below).

Our client has requested that we review the DA documentation currently on exhibition and, if warranted, make a submission on its behalf. We have previously undertaken a visit to the site and surrounding area. We note that the DA documentation was amended on 19 March 2024 and it is the amended documentation which has been reviewed for this submission.

In summary, based on our review of the DA documentation, the proposed development will have a significant detrimental impact on the visual and acoustic privacy of our client's property as a result of overlooking and noise arising from the use of the building, including the proposed external terraces, and additional traffic and servicing. It will also result in a loss of solar access as a result of additional overshadowing.

Our client has the following objections/submissions in relation to the proposed development:

- The proposed development exceeds the maximum 18m height permitted under Sydney LEP 2012 by up to 2.58m. The exceedance to the upper west elevation contributes to additional overshadowing of our client's building;
- Our client objects to any additional loss of solar access to the existing units in SP 57988. The solar access analysis submitted with the DA indicates that the proposed development will result in a loss of solar access to the east-facing bedrooms in SP 57988 (compared with the approved DA 2017/1283, upon which the subject DA seeks to rely). The plans require amendment to ensure an appropriate outcome for the amenity of units in our client's building;
- The proposed development gives rise to the potential for a significant loss of visual privacy from overlooking across the laneway. Overlooking and loss of visual privacy will affect the lower 3 floors of SP 57988 from the proposed commercial office windows at Levels 1-4 where clear glazing is proposed across the width of the western elevation and from the west-facing L1 terrace from a distance of only around 4.5m;

- The proposed development gives rise to the potential for noise/loss of privacy from use of the roof top terrace and Level 1 terrace adjacent and facing west towards our client's property. Insufficient controls are proposed for the use of the roof terrace. In particular, no maximum capacity is proposed and no amplified music should be permitted. In addition, no Plan of Management is submitted for the use of that space;
- Noise impacts will also result from the use of the very narrow Beauchamp Lane to provide vehicle access to the site. The suitability of Beauchamp lane to provide vehicular access to the site is questioned. Access to the DA site should be off Commonwealth Street, not Beauchamp Lane; and
- The above matters are required to be addressed in order to provide for the appropriate assessment of the DA and to minimise impacts on our client's property.

These matters are discussed further below.

SP 57988 and the Surrounding Area

SP 57988 is situated at 74-80 Reservoir Street, Surry Hills and is to the west of the site of the subject DA at 141-155 Commonwealth Street, on the opposite side of Beauchamp Lane, at the corner of Mary Street and Reservoir Street (see **Location Plan**).



Location Plan
(Source: maps.six.nsw.gov.au)

SP 57988 is a seven storey residential flat building which is a local heritage item. It has off-street car parking and contains dwellings which front onto Mary Street, Reservoir Street and Beauchamp Lane.

The relationship between the DA site and the site of SP 57988 is shown in the proposed south elevation in the submitted Architectural Plans (see **Figure 1**).



Figure 1: Extract from South Elevation relationship with SP 57988
(Source: DA plans – South Elevation; annotated by DC)

Apart from a centrally located light-well facing Beauchamp Lane, the eastern wall of our client's building is sited on the laneway frontage. Taking into account the narrow width of the laneway, at some 2.5m, the eastern wall of our client's building is only separated from the DA site by some 2.9m. The eastern wall of our client's building contains numerous balcony and window openings facing the DA site (see **Figure 2**).



Figure 2: Photo of the Eastern Elevation of SP 57988 from the corner of Reservoir St and Beauchamp Lane showing central lightwell and windows and balconies to the eastern façade (existing development on the DA site on the right) (Source: Google maps)

The Proposed Development

Documentation submitted with the DA indicates that it includes the following:

- Demolition of the existing building/development;
- Construction of a new part 5, part 6 storey retail/commercial office building comprising:
 - Basement parking for 16 cars with vehicular access off Beauchamp Lane, end-of-trip facilities;
 - Lower ground floor – 233 sqm retail floor space fronting Reservoir St and corner to Beauchamp Lane; car park entry at northern end of the site off Beauchamp Lane, bike parking, 2 parking spaces, bins and storage;
 - Ground floor with 249sqm of retail floor space off Commonwealth St and 308 sqm commercial floor space off Commonwealth St, lobby to upper floors;
 - Commercial office space on Levels 1, 2, 3;
 - Terrace (50.6sqm) at Level 1 facing west (towards SP 57988);

- Roof terrace – 252 sqm, BBQ area, sitting area, surrounded by landscaped planters (with separation of 10-11.5m from SP 57988).
- Building height of 20.58m (which exceeds the 18m max. height standard by up to 2.58m) and up to 5 storeys (which complies with 5 storey maximum under the DCP); and
- FSR of 3:1 (which complies with the 3:1 max. LEP standard).

The distribution of uses facing Beauchamp Lane and SP 57988 is shown in **Figure 3** below.

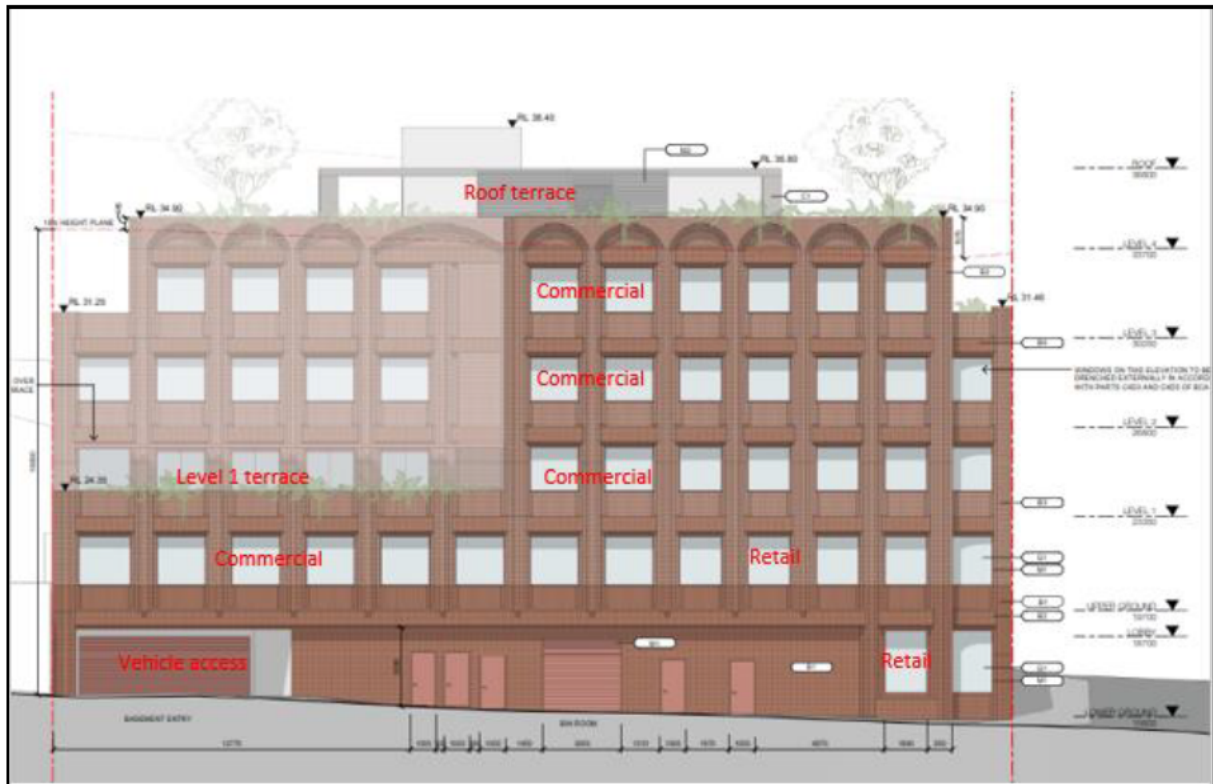


Figure 3: Extract from West Elevation showing proposed uses in proximity to SP 57988
 (Source: DA plans – West Elevation; annotated by DC)

As noted above, the proposal includes a roof terrace (see **Figure 4**). The roof terrace has an area of 252sqm. Landscaping/non-trafficable space surrounds the roof terrace area to all boundaries.

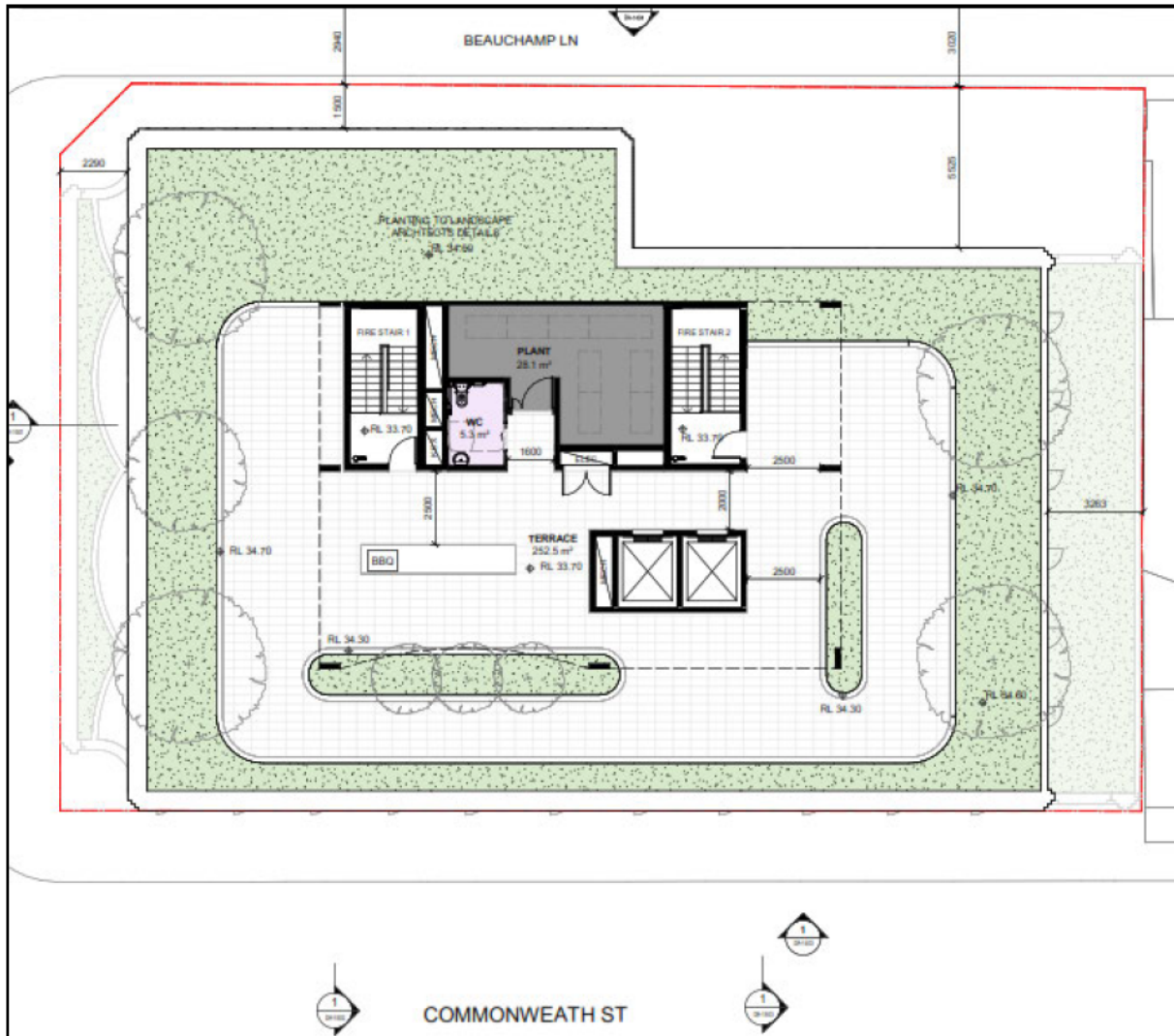


Figure 4: Extract from Level 04 plan showing roof terrace

(Source: DA plans – Level 04 plan)

Proposed controls on the use of rooftop terrace set out in the DA Acoustic Report are:

- Use by tenants and their guests only;
- Hours of operation – 7am-9pm daily;
- Individual and communal activities permitted only, but no parties;
- No amplified music is permitted (other than background noise levels) and no fixed speakers are permitted; and
- Signage must be installed outlining the above controls.

No Plan of Management is submitted for the use of the roof terrace.

It is noted that there is an active DA approval (DA 2017/1283) upon which the subject DA seeks to rely for some issues (including height non-compliance and solar access). That DA included a variation to the height standard with a height of 20.3m.

Objections to the Proposed Development

Our client objects to the proposed development on the basis that it will have a detrimental impact on the visual and acoustic privacy of their property affecting primarily existing units on the eastern elevation as a result of overlooking and noise arising from the use of the building, the proposed external terraces in particular, and additional traffic and servicing. It will also result in a loss of solar access as a result of additional overshadowing.

Height Non-Compliance

The proposed development exceeds the applicable 18m height standard by up to 2.58m with a breach of up to 1.575m at the south-west corner of the building, in close proximity to our client's building. In this regard, it is noted that this part of the proposed building is not considered to be well-recessed as argued in the submitted Clause 4.6 variation request. The degree of non-compliance is greater than for the approved DA 2017/1283. Parts of the building that exceed the height standard contribute to the additional overshadowing of our client's building.

Loss of Solar Access

The DA SEE notes that the building form has been designed to maintain solar access to SP 57988 generally in accordance with DA 2017/1283 (see **Figure 5** below), including a 1.5m setback from laneway frontage at all levels and the step back (and terrace) at Level 1. The diagrams and table below show that the overshadowing impact on private open space in SP 57988 is the same as the 2017 DA (at 83.3%) but there is a greater impact on bedrooms with only 52.3% receiving 2 hours sunlight at 9.30am at midwinter, compared with 59.5% for the 2017 DA (a reduction of some 7%).

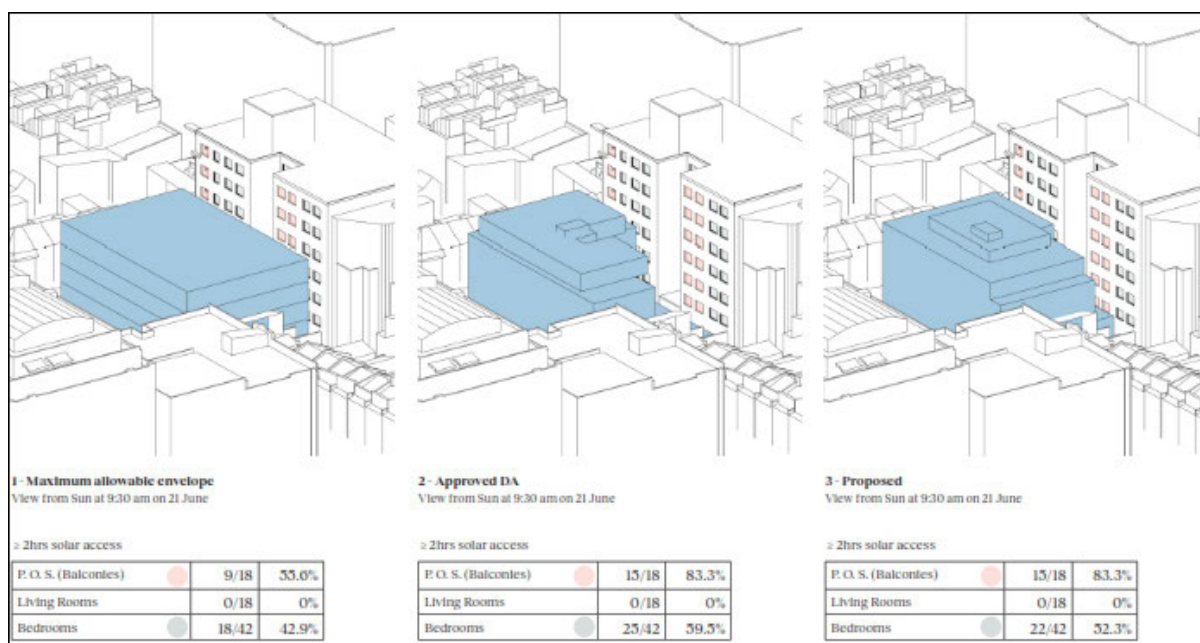


Figure 5: Extract from Design Report showing Solar Access Analysis

(Source: DA Design Report – p. 19)

Our client objects to any additional loss of solar access to the units in its building as a result of the proposed development, particularly where that impact arises as a result of the exceedance of the height standard. Amendments should be made to the proposal to ensure that there is no loss of solar access compared with the previously approved development.

Loss of Visual Privacy

The proposed development will result in a significant loss of visual privacy to our client's building as a result of overlooking from the proposed retail/commercial floors from a distance of only 4.5m (and well within 12m) of our client's building, as well as overlooking from the external terrace at Level 1.

As noted above, the western elevation of the proposed building incorporates extensive clear glazing to the commercial and retail floor space which is separated from our client's building by only some 4.5m across Beauchamp Lane (see **Figure 3**). This degree of separation is well below the generally accepted 12m minimum separation between habitable rooms and is considered unacceptable.

The extensive clear glazing proposed would result in the opportunity for direct overlooking of the internal and external spaces of the units at the lower 3 levels of our client's building (see **Figure 1** above) and would have a significant adverse impact on their privacy and amenity generally. Concerns are also raised regarding light spill from the proposed floors during the night-time period.

In order to protect the privacy of our client's building, it is submitted that clear glazing should not be permitted to any part of the proposed building within 12m of our client's building.

The proposal will also result in a loss of visual privacy to our client's building associated with the use of the external terrace at Level 1. The terrace is also within 12m of our client's building with a separation of some 6m taking into account the proposed landscaping at the outer edge situated opposite the northern part of the façade of SP 57988. Accordingly, the proposed separation is insufficient to protect visual privacy between our client's building and the terrace.

It is submitted that the terrace should be a non-trafficable area to protect the privacy of our client's building given that additional screening may increase overshadowing impacts (which are already unsatisfactory, as noted above).

There is also potential for loss of visual privacy to our client's building from the roof terrace noting that a separation of 12m is not achieved (with a proposed separation of 10-11.5m).

Loss of Acoustic Privacy/Noise Impacts/Operational Controls

The proposed development will result in a loss of acoustic privacy to our client's building as a result of noise generated by the use of the Level 1 terrace and roof terrace as well as noise associated with additional traffic in Beauchamp Lane.

The design of the roof terrace is open to the west above the level of landscaped/non-trafficable planters and, taking into account overshadowing and height considerations, there is limited opportunity for additional shielding to our client's property to the west to prevent noise impacts. Therefore, the assessment and management of the use of the roof terraces is very important to ensure that the DA impacts are acceptable.

As noted above, the DA Acoustic Report proposes a number of controls on the use of the roof terrace. However, the proposed controls do not include any maximum patron capacity for the roof terrace. Given the large size of the area, its capacity should be limited to a number which can be demonstrated to achieve compliance with relevant noise standards and which can be communicated to future tenants of the building.

The proposed controls also appear to be inconsistent with each other in that the DA Acoustic Report states that no external speakers are permitted, but also notes that background level music is permitted (not amplified for entertainment). It is submitted that, in order to appropriately protect acoustic privacy, no amplified music of any type should be permitted to appropriately protect the amenity of our client's building.

In addition, no Plan of Management has been lodged for the operation of the roof terrace setting out the proposed controls and operational matters. While the DA refers to signage, as there are a likely to be a range of tenants in the building and the roof terrace is likely to be an attractive, popular space, a Plan of Management is needed to ensure that access is controlled/appropriately shared between tenants and to ensure compliance with the relevant assumptions/conditions.

The proposed development will also give rise to potential adverse noise impacts and disturbance to our client's building associated with additional traffic using Beauchamp Lane. The current DA proposes parking for 18 cars within the building accessed via Beauchamp Lane, as well as loading and waste collection from/via the laneway.

It is considered that the additional vehicles and associated activity within Beauchamp Lane, including the use of the proposed roller door to access to the proposed parking, will result in disturbance and loss of acoustic amenity to our client's building.

Traffic and Parking – Adequacy of Beauchamp Lane for Access

As noted above, Beauchamp Lane is very narrow, with a width of around 2.5m. Other than swept path analysis, the submitted Traffic Report does not provide any assessment of the adequacy of Beauchamp Lane to provide vehicular access to the proposed development, taking into account the increase in the number of vehicles, including service vehicles and waste collection vehicles, that will utilise the laneway.

It is submitted that it would be more appropriate to provide vehicular access to the DA site off Commonwealth Street, rather than Beauchamp Lane.

Summary

Our client submits that the following matters should be addressed to enable its objections and concerns regarding the DA to be properly considered and addressed:

- The proposal's exceedance of the height standard should not be supported where that exceedance results in additional overshadowing of our client's property;
- The plans should be amended so that the proposed development will not give rise to any additional loss of solar access to east-facing units in our clients' building compared with the previously approved development on the site;
- Clear glazing should not be permitted to any part of the proposed building within 12m of our client's building to protect visual privacy;
- The Level 1 terrace should be a non-trafficable space to prevent overlooking and loss of privacy to our client's building;
- A Plan of Management should be provided for the use of the rooftop terrace, including the controls proposed in the DA submission, together with additional/revised controls, including a restriction on the maximum capacity of the space and prohibition on any amplified music (whether background or not);
- Access to the DA site should be off Commonwealth Street, not Beauchamp Lane;
- Hours of waste collection and servicing activities should be restricted to between 7am and 8pm weekdays and 9am to 5 pm weekends and public holidays; and
- Restriction on the use of the proposed roller door to vehicle access only.

Our client requests that the above matters are taken into consideration in the assessment of the DA. Our client also requests that it is informed by Council if amended plans or additional information is submitted in respect of the proposed development and they reserve the right to make further submissions to Council in respect of that information.

Should you have any questions, please do not hesitate to contact the writer to discuss.

Yours Faithfully,

DESIGN COLLABORATIVE PTY LTD



James Lidis
Managing Director

From: [REDACTED]
Sent on: Tuesday, April 9, 2024 3:06:34 PM
To: dasubmissions@cityofsydney.nsw.gov.au; City of Sydney <council@cityofsydney.nsw.gov.au>
Subject: D/2024/122 Objection letter
Attachments: D2024122 Objection letter.pdf (158.97 KB)

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Hi

Please find attached our letter in regards to DA application D/2024/122 - 141-155 Commonwealth Street, Surry Hills, NSW 2010

Please send us an acknowledgment receipt of this letter.

Thanks,

[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

08 April 2024

Sydney City Council

Attention: Christopher Ashworth

By email – dasubmissions@cityofsydney.nsw.gov.au / council@cityofsydney.nsw.gov.au

Sir/Madam,

D/2024/122 — 141-155 Commonwealth Street, Surry Hills – Objection

We are writing as the owner of [REDACTED]. We are located on level 2, the east-facing in SP57988. We would like to have our name and identity to be kept private.

Based on our review of the DA documentation, the proposed development will have a significant detrimental impact on the visual and acoustic privacy of our property because the close proximity and noise arising from the use of the building, including the proposed external terraces, additional traffic and servicing. It will also result in a loss of solar access due to additional overshadowing to our apartment.

We have the following objections/submissions in relation to the proposed development:

- The proposed development exceeds the maximum 18m height permitted under Sydney LEP 2012 by up to 2.58m. The additional height to the upper west elevation contributes to significant overshadowing of our building's eastern side, which is the side of our apartment;
- We object to any additional loss of solar access to our property and the existing units in SP 57988. The solar access analysis submitted with the DA indicates that the proposed development will result in a loss of solar access to the east-facing bedrooms in SP 57988 (compared with the approved DA 2017/1283, upon which the subject DA seeks to rely).
- The proposed development gives rise to a significant loss to the visual privacy of our apartment. The loss of visual privacy will affect the lower 3 floors of SP 57988 from the proposed commercial office windows at Levels 1-4 where clear glazing is proposed across the width of the western elevation and from the west-facing L1 terrace from a distance of only around 4.5m;
- The proposed development gives rise to additional noise and loss of privacy from the use of the roof top terrace and Level 1 terrace adjacent and facing west towards our property. In addition, no Plan of Management is submitted for the use of that space;

- Noise impact will also be compounded due to the use of the very narrow Beauchamp Lane to provide vehicle access to the site. The suitability of Beauchamp lane to provide vehicular access to the site is questioned. Access to the DA site should be off Commonwealth Street, not Beauchamp Lane; and
- The proposed building has a contemporary design will have impact on the heritage significance of the neighbouring heritage building 74-80 Reservoir Street (SP 57988) and it will negatively impact on the heritage significance of the heritage conservation area. The design does not compliment the neighbouring heritage SP 57988.
- We do not agree with the statement in the heritage report that “the structure of the chapel is not technically important”. Section 4.3.5 of the heritage assessment and the research provided does not include any photos for the chapel. Our balcony is directly facing the chapel wall and therefore we would like to include photos here as the lane is so narrow it would make photographing the external wall of the chapel very difficult.



Kind Regards,



From: [REDACTED]
Sent on: Tuesday, April 9, 2024 3:06:34 PM
To: DASubmissions <DASubmissions@cityofsydney.nsw.gov.au>; City of Sydney <council@cityofsydney.nsw.gov.au>
Subject: D/2024/122 Objection letter
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Please send us an acknowledgment receipt of this letter.

Thanks,

[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

08 April 2024

Sydney City Council

Attention: Christopher Ashworth

By email – dasubmissions@cityofsydney.nsw.gov.au / council@cityofsydney.nsw.gov.au

Sir/Madam,

D/2024/122 — 141-155 Commonwealth Street, Surry Hills – Objection

We are writing as the owner of [REDACTED] We are located on level 2, the east-facing in SP57988. We would like to have our name and identity to be kept private.

Based on our review of the DA documentation, the proposed development will have a significant detrimental impact on the visual and acoustic privacy of our property because the close proximity and noise arising from the use of the building, including the proposed external terraces, additional traffic and servicing. It will also result in a loss of solar access due to additional overshadowing to our apartment.

We have the following objections/submissions in relation to the proposed development:

- The proposed development exceeds the maximum 18m height permitted under Sydney LEP 2012 by up to 2.58m. The additional height to the upper west elevation contributes to significant overshadowing of our building's eastern side, which is the side of our apartment;
- We object to any additional loss of solar access to our property and the existing units in SP 57988. The solar access analysis submitted with the DA indicates that the proposed development will result in a loss of solar access to the east-facing bedrooms in SP 57988 (compared with the approved DA 2017/1283, upon which the subject DA seeks to rely).
- The proposed development gives rise to a significant loss to the visual privacy of our apartment. The loss of visual privacy will affect the lower 3 floors of SP 57988 from the proposed commercial office windows at Levels 1-4 where clear glazing is proposed across the width of the western elevation and from the west-facing L1 terrace from a distance of only around 4.5m;
- The proposed development gives rise to additional noise and loss of privacy from the use of the roof top terrace and Level 1 terrace adjacent and facing west towards our property. In addition, no Plan of Management is submitted for the use of that space;

- Noise impact will also be compounded due to the use of the very narrow Beauchamp Lane to provide vehicle access to the site. The suitability of Beauchamp lane to provide vehicular access to the site is questioned. Access to the DA site should be off Commonwealth Street, not Beauchamp Lane; and
- The proposed building has a contemporary design will have impact on the heritage significance of the neighbouring heritage building 74-80 Reservoir Street (SP 57988) and it will negatively impact on the heritage significance of the heritage conservation area. The design does not compliment the neighbouring heritage SP 57988.
- We do not agree with the statement in the heritage report that “the structure of the chapel is not technically important”. Section 4.3.5 of the heritage assessment and the research provided does not include any photos for the chapel. Our balcony is directly facing the chapel wall and therefore we would like to include photos here as the lane is so narrow it would make photographing the external wall of the chapel very difficult.



Kind Regards,



From:

[REDACTED]

Sent on: Tuesday, April 9, 2024 5:31:28 PM

To: City of Sydney <council@cityofsydney.nsw.gov.au>

Subject: Objection to 141-155 Commonwealth St, Surry Hills (D/2024/122)

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PLEASE REMOVE ALL IDENTIFYING INFORMATION INCLUDING NAME, ADDRESS, EMAIL & PHONE NUMBER.

Mr Bill Mackay
Manager Planning Assessments
City of Sydney
GPO Box 1591
Sydney 2001

Re: D/2024/122

**PAN-409601 Demolition and Construction of a Part 5- Part 6 Commercial Building
141-155 Commonwealth St Surry Hills**

Dear Mr Mackay,

I am the owner of [REDACTED] After looking at the plans submitted for 141-155 Commonwealth Street, Surry Hills (D/2024/122), I am **strongly opposed** to the development as it stands.

The City of Sydney aims to be a liveable city- one in which there are more walkways, more bike lanes, abundant green spaces and less cars- in effect, trying to make the city more of a home for its current residents. Yet here is a development that, through its size and bulk, seeks to block out all sunlight and views from those who live on the eastern side of the apartment block at 74-80 Reservoir Street, Surry Hills (ie. to the west of the proposed development). The eastern side of this apartment block contains many homes- almost all of which only have windows facing this side. The proposed development- only a few metres away from these apartments- will **create shadowing** which will **make sunlight into entire homes non-existent**. It will **change the views** within their whole homes from one which has leafy outlooks, to one of brick walls and windows full of unknown faces. It will **take away all of their privacy**, enabling scores of people on the retail and commercial levels to look into their homes through the clear glass windows that are aligned with the apartment windows. It will **create noise pollution** via its rooftop. For other neighbouring residents, it will **create cold, darkened streets** due the shadowing effects caused by its bulk, and also put **more strain on the already limited parking opportunities** for residents, most of whom have no space of their own due the limitations of blocks.

Development is always welcomed- however any new development needs to be done in a way that takes into account the homes of the many neighbours surrounding it. **The development can be redesigned** in a way that will still add to the suburb, but will also allow for current residents- some of whom have lived there for decades- to not feel as though the most important things that contribute to a home- light, privacy and views- are being stripped away for the sake of one development. Many studies have shown that there is a direct correlation between sunlight and mental health, with those receiving more sunlight being less likely to suffer from mental health issues such as depression, anxiety, psychosis and self-harm. As such, the development on the **Western side should be set back further from Beauchamp Lane** to prevent shadowing and privacy issues, and allow light to continue to enter these homes. There should be **no windows that look directly into people's homes**, rendering the entire home basically unusable. **The overall height of the development should be reduced.**

This development is a chance for the City of Sydney to show that although it encourages development, it will only allow those that consider the impacts on existing homes, and **does not impede upon the rights of current residents to privacy, light and views in their own homes**. People should have the right to feel comfortable within their own homes, and not feel as if they watched like animals at a zoo. A development that **does not exceed the height of the existing 1950s building will add more to the suburb** than allowing the proposed huge bulk to be built in its place. A smaller building with a more considered design will still allow for the site to be rejuvenated, but will also **minimise shadowing impacts on homes and the streetscape, minimise privacy impacts and will ensure that there is little impact on parking**.

Overall, a reworking of the design will not only ensure that all residents will benefit- rather than be disadvantaged- from this development, but it will also ensure that the City of Sydney is following on its own goals of becoming a liveable city.

Yours sincerely,

A solid black rectangular box used to redact the signature of the sender.

PLEASE REMOVE ALL IDENTIFYING INFORMATION INCLUDING NAME, ADDRESS, EMAIL AND PHONE NUMBER.

Christopher Ashworth

City of Sydney

Re: D/2024/122, 141-155 Commonwealth Street SURRY HILLS NSW 2010

By email – dasubmissions@cityofsydney.nsw.gov.au

Dear Mr Ashworth

Thank you for the opportunity to comment on the proposed development at 141-155 Commonwealth Street, Surry Hills which comprises the demolition of existing building, construction of a new part 5, part 6 storey retail/commercial building, basement parking, roof terrace and associated landscaping

I write as a resident of 74-80 Reservoir Street Surry Hills, a seven storey residential building located to the west of the site of the proposed DA. The site is separated by a narrow laneway (Beauchamp Lane) which is approximately 2.9 metres in width. There are 19 apartments in 74-80 Reservoir Street with bedroom and living room windows that face onto Beauchamp Lane. The proposed building height of 20.58m exceeds the 18m max. height standard by up to 2.58m)

Based on a review of the DA documentation, the proposed development will have a significant detrimental impact on the visual and acoustic privacy of these apartments as a result of overlooking and noise arising from the use of the building, including the proposed external terraces, as well as additional traffic and proposed servicing via Beauchamp Lane.

It will also result in a loss of solar access as a result of additional overshadowing. This is the only natural light source for these apartments with bedrooms and living rooms facing Beauchamp Lane. This will significantly affect the quality of life for occupants of these apartments.

The proposed development will result in significant loss of visual privacy which will affect the quality of life for occupants of these east facing apartments. When the commercial spaces are occupied during the day there will be loss of privacy, as well as the possibility of light spill at night. This will seriously affect the quality of life for occupants of 74-80 Reservoir Street.

The proposed roof terrace gives rise to potential noise and loss of privacy. I note there is no Plan of Management for the use of the terrace, no maximum capacity is proposed, no restrictions on music and there is the possibility of smoke and smells from the rooftop BBQ. This could seriously affect the quality of life for occupants of 74-80 Reservoir Street.

Noise impacts will also result from the use of the very narrow Beauchamp Lane to provide vehicle access to the site. The suitability of Beauchamp lane to provide vehicular access to the site is questioned. Access to the DA site should be off Commonwealth Street, not Beauchamp Lane. The current DA proposes parking for 18 cars within the building accessed via Beauchamp Lane, as well as loading and waste collection from/via the laneway.

It is considered that the additional vehicles and associated activity within Beauchamp Lane, including the use of the proposed roller door to access to the proposed parking, will result in severe disturbance and loss of acoustic amenity to the building.

Yours sincerely

Caroline Lorentz

10 April 2024

From: [REDACTED]

Sent on: Wednesday, April 10, 2024 7:32:25 PM

To: dasubmissions@cityofsydney.nsw.gov.au

Subject: Ref: D/2024/122 141-155 Commonwealth St, Surry Hills

Caution: This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

Dear Planning Manager,

Please accept my objections to the development proposal D/2024/122 based on the following concerns:

1. Height: The extreme height will create shadowing for the neighbouring buildings. This is a concern of the residents and 'dark spaces' to soon be created in most units facing the development.
2. Windows: Clear windows on the western side of the building will reduce privacy for residents. I am opposed to workers having the freedom to perv directly into the peoples' homes. Also, there will be requirements for residents to have drapes / blinds continuously closed to ensure privacy (ie more darkness).
3. Rooftop Terrace: Having workers on the roof top during the daytime / evening will create constant noise. Let's be realistic in expecting nightly drinks, loud music, raised voices and drunken cackling with regularity. This is irrespective of any trees and plants planned for the rooftop area.

Please contact me below with any questions.

Yours sincerely,
Emmanuel Garza
74-80 Reservoir Street, SH

From: [REDACTED]

Sent on: Tuesday, April 9, 2024 5:44:17 PM

To: City of Sydney <council@cityofsydney.nsw.gov.au>

Subject: DA/2024/122: 141-155 Commonwealth St SURRY HILLS

Caution: This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

Dear Sir/ Madam,

I would like all identifying information including my name, address and email to be redacted.

I am writing to you to express my strong opposition to the proposed development of a Part 5- Part 6 commercial building at 141-155 Commonwealth Street, Surry Hills (D/2024/122) for the following reasons:

1. Height Leading to Shadowing and Loss of Light

The proposed height of the building will have a massive shadowing effect on the adjacent apartments on Reservoir Street, leading to a loss of light. This shadowing effect will also affect other terrace homes on Reservoir Street and Commonwealth Street and the overall streetscape. To counteract this, the height of the development should only be kept at the height of the current building. The development should also be set back further from Beauchamp Lane.

2. Noise Impact

The proposed roof terrace/ communal open spaces and lower terrace will create noise issues. The surrounding area is home to many residents, all of whom would be affected by noise levels when in use.

3. Privacy Issues

The large bulk of the proposed development and its proximity to neighbours would lead to a loss of privacy in many homes. The communal open space would also allow for overlooking into homes.

4. Parking Issues

Parking spaces in the area are already at a premium for residents. The construction of a 5-6 storey commercial/ retail building would greatly exacerbate this issue. A smaller building would resolve this issue, as there would be less people vying for limited parking spaces.

Thank you in advance for your consideration of these issues regarding the proposed development.

Kind regards,

[REDACTED]

From: Emma Rogerson [REDACTED]
Sent on: Tuesday, April 9, 2024 6:56:07 PM
To: City of Sydney [REDACTED]
CC: Corona Projects Pty Ltd [REDACTED]
Subject: DA/2024/122 - 141-155 Commonwealth Street, Surry Hills - Submission
Attachments: Submission - 141-155 Commonwealth Street, Surry Hills.pdf (11.4 MB)

Caution: This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

Dear General Manager,

Please accept the attached submission in response to DA/2024/122 at 141-155 Commonwealth Street, Surry Hills on behalf of the owner of Unit [REDACTED] 74-80 Reservoir Street, Surry Hills.

NOTE: THE OWNER OF [REDACTED] 74-80 RESERVOIR STREET WOULD LIKE ALL IDENTIFYING INFORMATION (NAME, PHONE NUMBER, EMAIL AND ADDRESS) TO BE KEPT PRIVATE.

Thank you,

Regards,
Emma Rogerson
M.Urbanism (URP) (USYD)
B.ArchEnv (USYD)

Town Planner
Corona Projects Pty Ltd
Ph. [REDACTED]

Sydney - Suite 106/35 Spring Street Bondi Junction 2022 NSW
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www.coronaprojects.com.au

design, development, construction, cost management, consulting
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Check out our introductory videos:

In Mandarin:

<https://youtu.be/fa0a0dOc2ZQ>

In English:

<https://youtu.be/O5W-cc5D5Og>



Corona Projects

ABN: 33 122 390 023
Suite 106, L1, 35 Spring Street, Bondi Junction, 2022
PO Box 1749 Bondi Junction NSW 1355
Ph: [REDACTED]
Email: [REDACTED]

NOTE: THE OWNER OF [REDACTED] 74-80 RESERVOIR STREET WOULD LIKE ALL IDENTIFYING INFORMATION (NAME, PHONE NUMBER, EMAIL AND ADDRESS) TO BE KEPT PRIVATE.

9 April 2024

The General Manager
City of Sydney Council
Level 2, 456 Kent Street
SYDNEY NSW 2000

Dear Sir/Madam,

**Submission in regards to DA/2024/122 Development Application (“the DA”)
141-155 Commonwealth Street, Surry Hills**

“Demolition of existing structures (excluding substation), excavation, and construction of a Part 5 - Part 6 commercial building with basement and landscaped rooftop terrace. Proposed land uses are retail and office. The basement is proposed to accommodate 16 car parking spaces.

Corona Projects has been engaged by the property owner of [REDACTED] 74-80 Reservoir Street, Surry Hills to undertake an assessment of DA/2024/122 and provide a submission to Council on their behalf. [REDACTED] 74-80 Reservoir Street lies to the west of the development site at 141-155 Commonwealth Street. This assessment is based on a review of the development application plans and documents available for inspection on City of Sydney Council’s website and a site visit.



Figure 1 – Site Locality Map (NearMaps, 2024)



Corona Projects

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Email: [REDACTED]

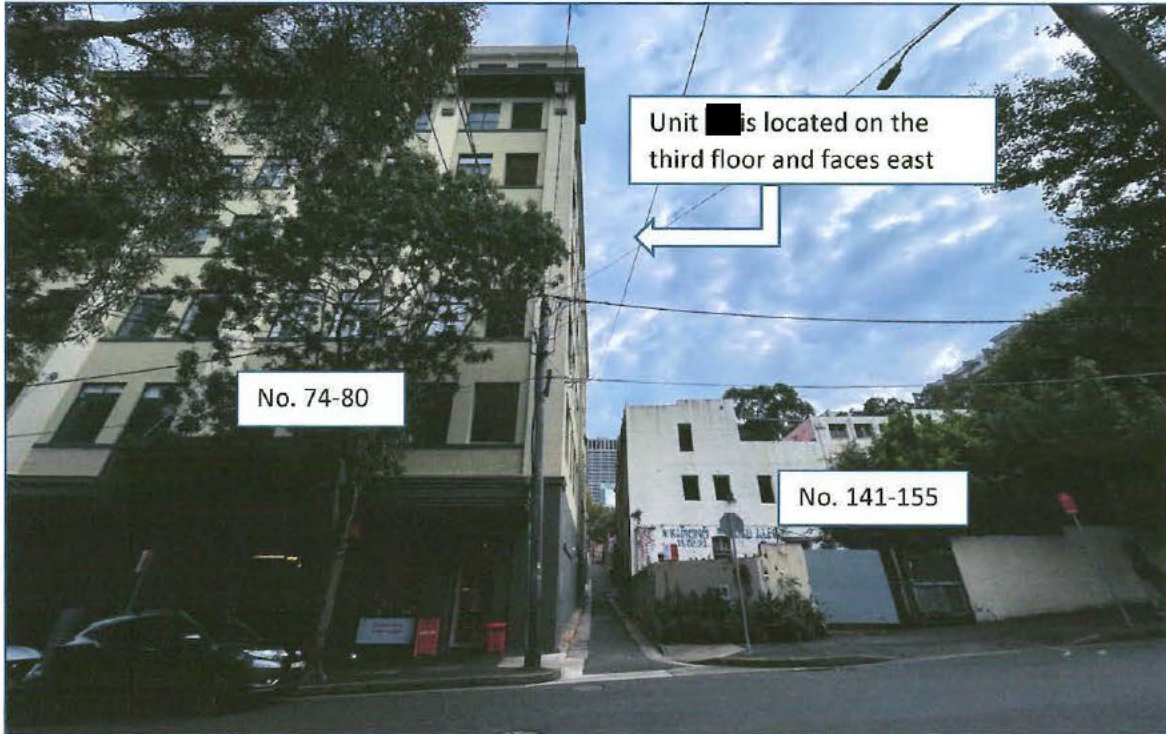


Figure 2 – Development site viewed from street (Corona Projects, 2024)

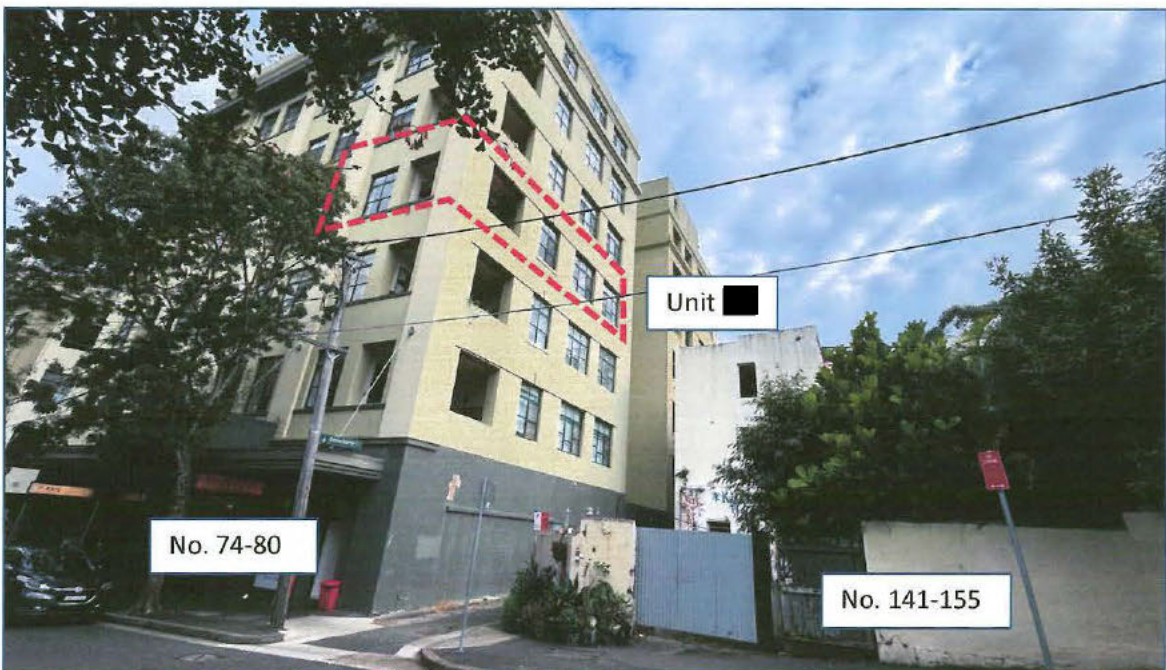


Figure 3 – Development site viewed from street (Corona Projects, 2024)



1. Introduction

The commercial proposal at 141-155 Commonwealth Street raises considerable concerns regarding visual and acoustic privacy, overshadowing, visual bulk and non-compliances with the Sydney Local Environmental Plan 2012 (SLEP) and Sydney Development Control Plan 2012 (SDCP). Consequently, it will pose an unacceptable impact on the residential amenity of [REDACTED] 74-80 Reservoir Street, other units within the complex and on the character of the locality.

A suitable solution to mitigate the issues raised in this letter includes deleting the windows marked in figure 6 and setting the upper floors back as marked in figure 12.

2. Visual Privacy and Overlooking

Windows along the western proposed under DA/2024/122 will allow for direct, unobstructed and close views into the principle private open space, and primary habitable living areas of [REDACTED] 74-80 Reservoir Street. Figures 4 and 5 show the expected views from the proposed westerly windows, straight into the primary living space and private bedrooms of the residential unit at [REDACTED] 74-80 Reservoir Street, resulting in a substantial and unacceptable visual privacy breach. Figures 8 – 11 show the living room and bedroom windows at present.

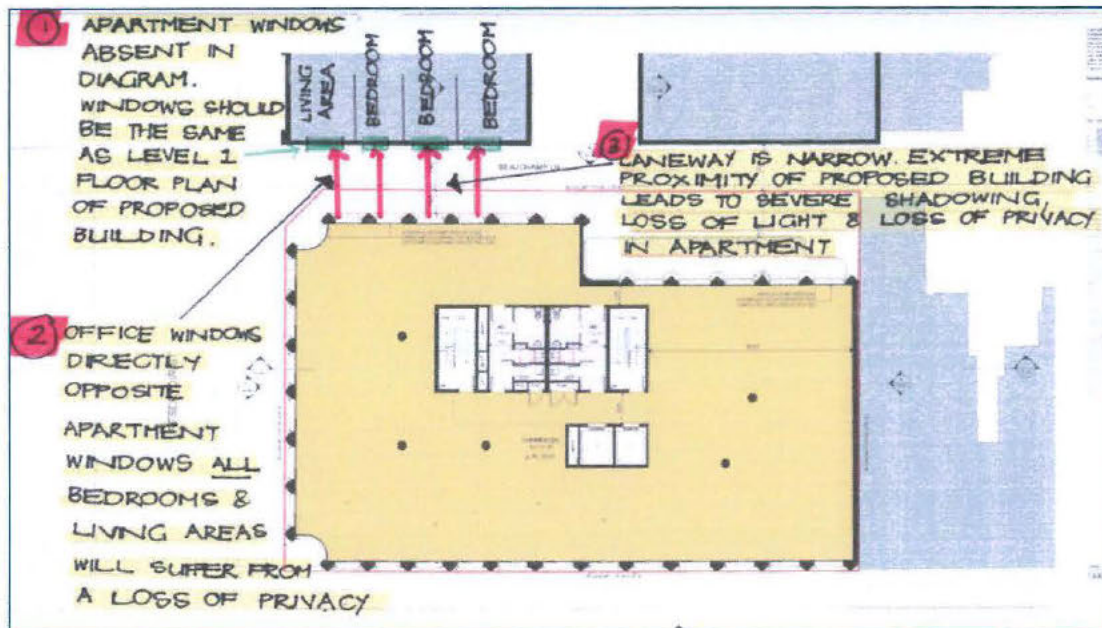


Figure 4 – Overlooking Diagram

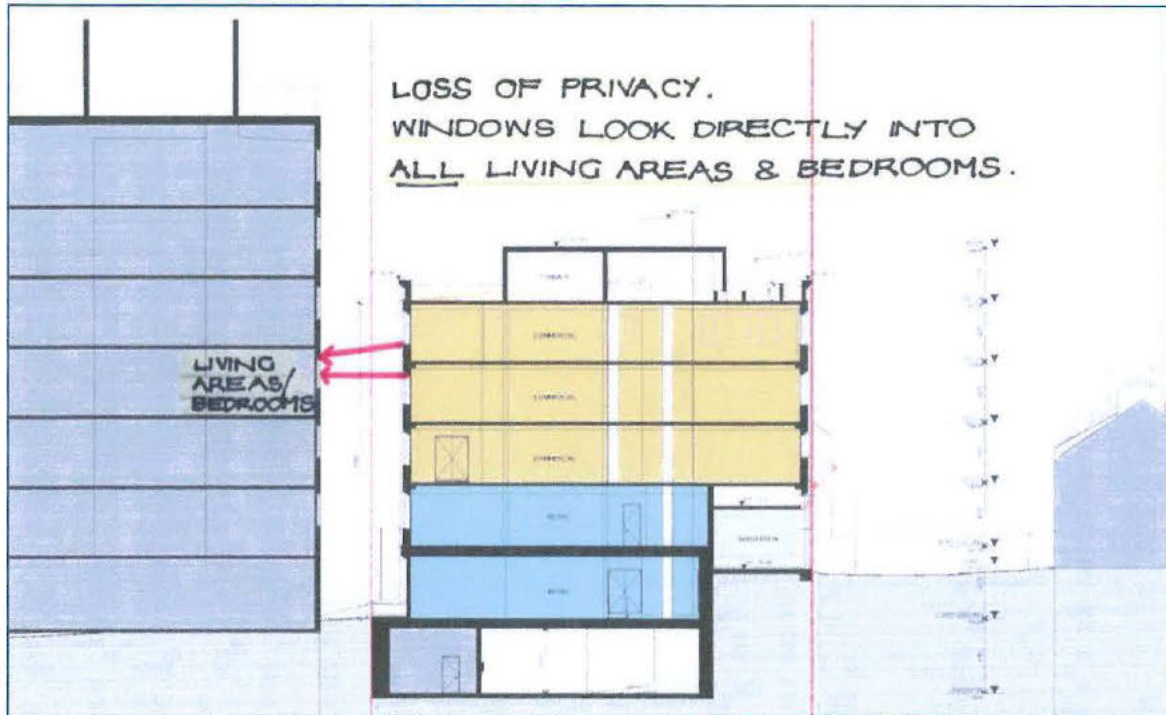


Figure 5 – Overlooking Diagram – Section B

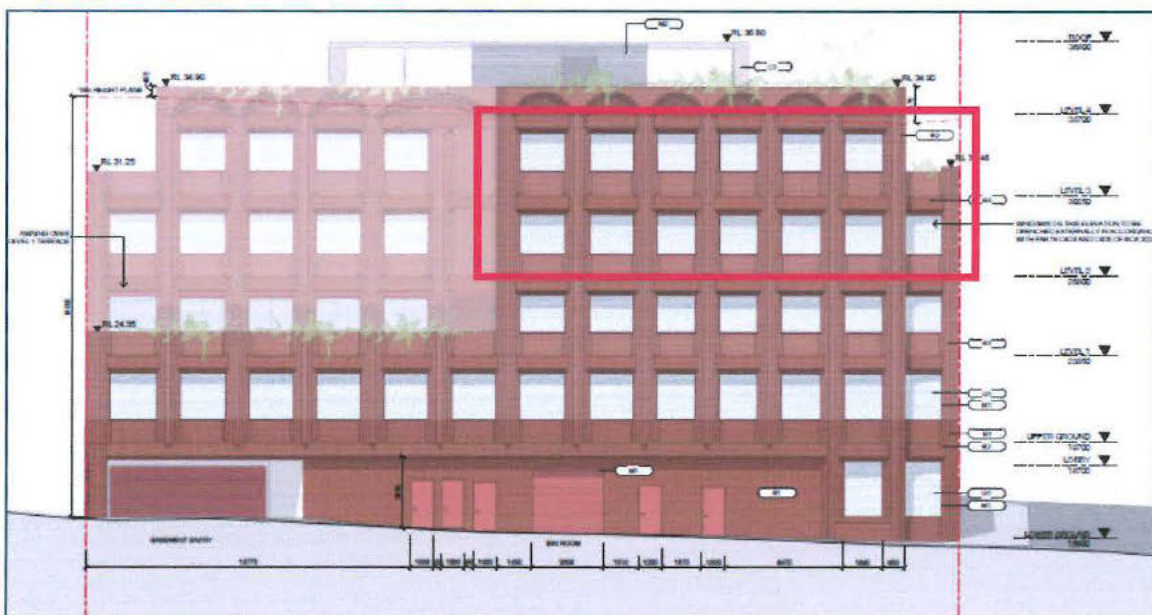


Figure 6 – Windows of concern along the proposed western elevation



The proposed overlooking is in conflict with the following SLEP 2012 objectives:

- Clause 4.3 Height of Buildings objective “to ensure the height of development is appropriate to the condition of the site and its context,”. Noting that the proposal does not consider the privacy of its neighbours (immediate context).
- Floor Space Ratio objective “to ensure that new development reflects the desired character of the locality in which it is located and minimises adverse impacts on the amenity of that locality.” Noting that privacy to residential units is critical to achieving amenity.

Additionally, part 3F Visual Privacy of the NSW Apartment Design Guide requires between 6m – 12m distance between habitable room windows/balconies and site boundaries, depending on the storey height. DA/2024/122 does not comply with this at present, indicating that privacy between sites cannot be achieved.

Furthermore, under *Meriton v Sydney City Council [2004] NSWLEC 313* SC Roseth concludes that;

“Generalised numerical guidelines such as above [Council DCP Privacy controls], need to be applied with a great deal of judgment, taking into consideration density, separation, use and design”.

Roseth states that the principles discussed below may be applied when assessing privacy:

Assessment Principle	Comment
<p>1. Ease of Privacy Retainment The ease with which privacy can be protected is inversely proportional to the density of development. At low-densities there is a reasonable expectation that a dwelling and some of its private open space will remain private. At high-densities it is more difficult to protect privacy.</p>	As the development site and the site subject to privacy loss both contain medium density development, it remains a reasonable expectation that the primary living spaces and private bedrooms of [REDACTED] 74-80 Reservoir Street should retain its privacy.
<p>2. Separation Privacy can be achieved by separation. The required distance depends upon density and whether windows are at the same level and directly facing each other. Privacy is hardest to achieve in developments that face each other at the same level. Even in high-density development it is unacceptable to have windows at the same level close to each other. Conversely, in a low-density area, the <i>objective</i> should be to achieve separation between windows that exceed the numerical standards above. (Objectives are, of course, not always achievable.)</p>	DA/2024/122 should improve the physical separation between the position of overlooking and [REDACTED] 74-80 Reservoir Street. This can be achieved by removing the windows shown in figure 6. Doing so would not have a substantial impact on sunlight for the development site as the proposed open plan commercial premises can obtain sunlight from windows on other elevations.
<p>3. Use of Space The use of a space determines the importance of its privacy. Within a dwelling, the privacy of living areas, including kitchens, is more important than that of bedrooms. Conversely, overlooking from a living area is more objectionable than overlooking from a bedroom where people tend to spend less waking time.</p>	The east-facing balcony, bedrooms and living room are the only habitable areas of [REDACTED] 74-80 Reservoir Street, and as such the overlooking from the proposed west-facing commercial windows under DA/2024/122 is devastating.



<p>4. Poor Design Overlooking of neighbours that arises out of poor design is not acceptable. A poor design is demonstrated where an alternative design, that provides the same amenity to the applicant at no additional cost, has a reduced impact on privacy.</p>	<p>An alternative design which does not sacrifice the amenity of 141-155 Commonwealth Street and protects that of [REDACTED] 74-80 Reservoir Street as suggested in the Recommendations of this report, can be very reasonably achieved.</p>
<p>5. Hierarchy of Space Where the whole or most of a private open space cannot be protected from overlooking, the part adjoining the living area of a dwelling should be given the highest level of protection.</p>	<p>The east-facing balcony, bedrooms and living room are the only habitable areas of [REDACTED] 74-80 Reservoir Street, and as such the overlooking from the proposed west-facing commercial windows under DA/2024/122 is devastating and all spaces should be provided with protection from overlooking.</p>
<p>6. Additional Solutions Apart from adequate separation, the most effective way to protect privacy is by the skewed arrangement of windows and the use of devices such as fixed louvres, high and/or deep sills and planter boxes. The use of obscure glass and privacy screens, while sometimes being the only solution, is less desirable.</p>	<p>No privacy screening devices have been implemented within DA/2024/122.</p>
<p>7. Landscaping Landscaping should not be relied on as the sole protection against overlooking. While existing dense vegetation within a development is valuable, planting proposed in a landscaping plan should be given little weight.</p>	
<p>8. Change In areas undergoing change, the impact on what is likely to be built on adjoining sites, as well as the existing development, should be considered.</p>	<p>Whilst the development site is considered to be an underdevelopment compared to neighbouring buildings, the changing nature of an area does not provide reason to permanently destroy the amenity of existing residential sites.</p>

In accordance with *Meriton v Sydney City Council [2004] NSWLEC 313*, a more considerate design as detailed later in this submission would assist to reasonably mitigate overlooking concerns between the two properties. **Deleting the windows marked in figure 6 and setting the upper floors back as marked in figure 12 will assist to overcome this.** Without the changes proposed in the Recommendations of this letter, the development cannot be supported in its current form.

3. Solar Access and Overshadowing



At present the private open space (balcony), living area and all bedrooms of [REDACTED] 74-80 Reservoir Street receives pleasant sunlight throughout the morning and midday throughout the year, reducing the reliance of non-renewable energy sources for the home. Refer to figures 8 – 11 for pictures of the windows of these spaces. Figure 7 shows the outside of these windows.

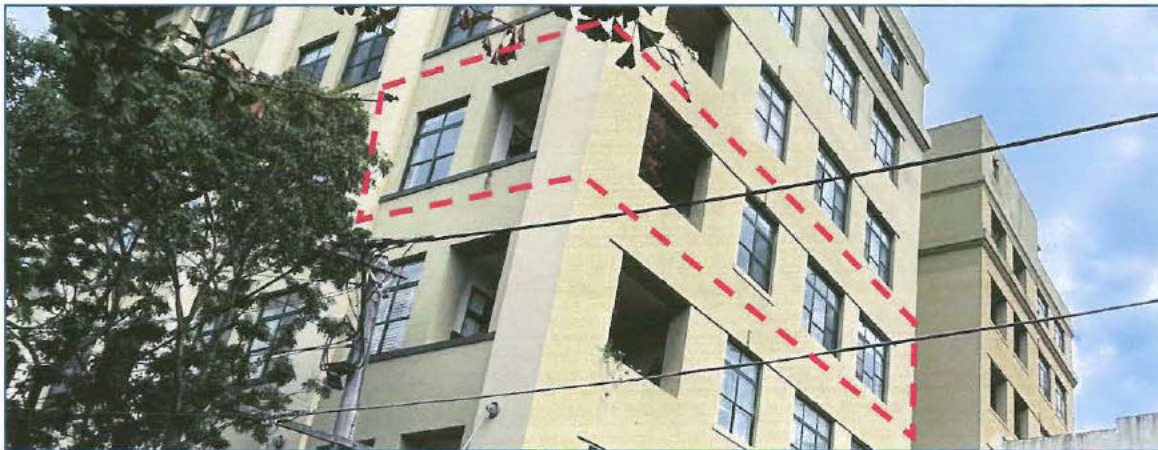


Figure 7 – External windows of [REDACTED] 74-80 Reservoir Street (Corona Projects, 2024)

Whilst the applicant has failed to submit shadow diagrams depicting the impact of overshadowing on neighbouring sites, the works proposed under DA/2024/122 will undoubtedly substantially decrease the amount of sunlight received by [REDACTED] 74-80 Reservoir Street and other east-facing units, resulting in a non-compliance with the applicable solar access controls under Part 4.2.31 of the SDCP 2012 which requires:

4.2.3.1 Solar access

- (1) Development applications are to include diagrams in plan and elevation that show solar access to proposed apartments and the shadow impact on neighbouring development at hourly intervals between 9am, 12noon and 3pm on 22 March and 21 June. In some cases, Council may require hourly intervals.
- (2) Proposed apartments in a development and neighbouring developments must achieve a minimum of 2 hours direct sunlight between 9am and 3pm on 21 June onto at least 1sqm of living room windows and a minimum 50% of the required minimum area of private open space area.
Note: This provision applies to at least 70% of the apartments in a development (in accordance with the requirements of the NSW Residential Flat Design Code 2002).
- (3) New development must not create any additional overshadowing onto a neighbouring dwelling where that dwelling currently receives less than 2 hours direct sunlight to habitable rooms and 50% of the private open space between 9am and 3pm on 21 June.



Even if the proposal did comply numerically with SDCP 2012 solar access controls, “reasonable sunlight” should be subject to consideration against planning principles established in *The Benevolent Society v Waverley Council (2010) NSWLEC 1082* and *Parsonage v Ku-ring-gai (2004) NSWLEC 347*.

Senior Commissioner Moore established the planning principles to properly assess the impact of solar access to open space in *The Benevolent Society v Waverley Council (2010) NSWLEC 1082* as it is concluded that

“overshadowing arising out of poor design is not acceptable, even if it satisfies numerical guideline” and,

“for private open space to be assessed as receiving adequate sunlight, regard should be had to the size of the open space and the amount of it receiving sunlight. Self-evidently, the smaller the open space, the greater the proportion of it requiring sunlight for it to have adequate solar amenity. A useable strip adjoining the living area in sunlight usually provides better solar amenity, depending on the size of the space.”

The overshadowing by DA/2024/122 is a direct result of “poor design” given the ability for a development to occur with a reconfigured design. Furthermore, the balcony space of [REDACTED] 74-80 Reservoir Street which is being overshadowed is the only private open space area for the site, and is located directly accessible from the primary living area of the dwelling, rendering the area frequently used and important for the current and future residents. All living spaces (balcony, living room, bedrooms) will be impacted by shadow, substantially reducing the sunlight into the entire unit.

Whilst there is a south-facing window from the living room, no direct sunlight is received from that elevation given the orientation. The east-facing windows which face the development site are critical to achieving solar amenity for [REDACTED] 74-80 Reservoir Street.

In addition, Senior Commissioner Roseth concludes in *Parsonage v Ku-ring-gai (2004) NSWLEC 347* that numerical guidelines should be applied with a great deal of judgement with the following example provided:

“Consider a dwelling that now receives sunlight all day. Taking away that sunlight from 9am till noon would satisfy most guidelines; and yet the occupants of such a dwelling are likely to perceive it as a devastating impact on their dwelling’s amenity”

The above example is identical to the circumstances imposed by DA/2024/122 on [REDACTED] 74-80 Reservoir Street. Abundant sunlight is being reduced to almost none.

It can therefore be reasonably concluded that DA/2024/122 will impose an unjustified overshadowing impact on [REDACTED] 74-80 Reservoir Street that cannot be supported, in accordance with an assessment against the SDCP 2012, and the findings under *The Benevolent Society v Waverley Council (2010) NSWLEC 1082* and *Parsonage v Ku-ring-gai (2004) NSWLEC 347*. A reconfigured design, as detailed in the Recommendations of this letter will assist to protect the solar access for [REDACTED] 74-80 Reservoir Street, whilst still allowing 141-155 Commonwealth Street to develop. **Deleting the windows**



marked in figure 6 and setting the upper floors back as marked in figure 12 will assist to overcome this.

4. Visual Bulk and ‘Sense of Enclosure’

DA/2024/122 will appear bulky and obtrusive from the primary living spaces of [REDACTED] 74-80 Reservoir Street. As shown in figures 8 – 11, the living room, balcony and bedrooms of Unit [REDACTED] enjoy a pleasant open outlook at present which contains skyline and landscape views.

The substantial extent of extrusion proposed under DA/2024/122 will provide the current and future residents of [REDACTED] 74-80 Reservoir Street with a feeling of enclosure from their primary habitable spaces and private open space. DA/2024/122 is expected to entirely obstruct the outlook for Unit [REDACTED]

Whilst there is a laneway separating the two sites, Beauchamp Lane is exceptionally narrow (see figure 2) and therefore of minimal assistance in mitigating impacts from DA/2024/122 upon 74-80 Reservoir Street.

The proposed bulk and outlook/view obstruction will create a non-compliance with Part 4.2.3.10 of the SDCP 2012 which states that “views and outlooks from existing residential development should be considered in the site planning and massing of new development”.

Deleting the windows marked in figure 6 and setting the upper floors back as marked in figure 12 will assist to overcome this.



Figure 8 – Current outlook/view from the living room at Unit [REDACTED] 74-80 Reservoir Street (Corona Projects, 2024)



Figure 9 – Current outlook/view from bedroom 1 at Unit [REDACTED] 74-80 Reservoir Street (Corona Projects, 2024)



Figure 10 – Current outlook/view from bedroom 2 at Unit [REDACTED] 74-80 Reservoir Street (Corona Projects, 2024)



Figure 11 – Current outlook/view from bedroom 3/study at Unit [REDACTED] 74-80 Reservoir Street (Corona Projects, 2024)

5. Against the Public Interest, and LEP and DCP Non-compliances

The SLEP and SDCP are considered to be contemporary documents, updated recently on date and date respectively. As part of the planning policy process, changes to the LEP and DCP are placed on public exhibition prior to finalisation and gazettal, in order to ensure that the documents reflect the local communities sentiments. Therefore, any non-compliance with the LEP and DCP can be considered to be **directly against the public interest**.

As such, the proposal under DA/2024/122 in its current form is not in the public interest, and cannot reasonably be supported as the “public interest” is a key consideration that consent authorities such as Council must consider under Clause 4.15(1) of the *Environmental Planning and Assessment Act 1979*.

DA/2024/122 exhibits major non-compliance with the objectives and controls of the SLEP and SDCP. In its current form, the proposal can therefore not be supported as it does not contain planning merit.

Whilst it is noted that a previous approval exists for the site (DA/2017/1283) which reduces solar access to 74-80 Reservoir Street and exceeds the maximum building height permissible for the site, this new DA/2024/122 must be assessed on its own merits. A new DA presents an opportunity to rectify a historical approval with negative impacts.



6. Recommendations

A more skilful design by way of reconfiguration can allow [REDACTED] 74-80 Reservoir Street to retain their amenity, and 141-155 Commonwealth Street to reasonably develop and achieve their building goals. Actions a – c provide a suitable scheme which solves all concerns raised within this letter and allow for works at 141-155 Commonwealth Street.

- a) **Action:** Update the Level 2 Floor Plan within the Architectural Drawings to accurately depict the east-facing windows at Unit [REDACTED] 74-80 Reservoir Street.
Outcome: This will ensure that the drawings truthfully show what is currently constructed.
- b) **Action:** Prepare Shadow Diagrams to show the overshadowing impact on Unit [REDACTED] 74-80 Reservoir Street. The Diagrams should be prepared hourly between 8am – 4pm on the Winter Solstice, Spring Equinox and Autumn Equinox. They should be prepared in both plan and elevational format.
Outcome: This will allow for an accurate understanding of shadow impact. No reduction of solar access to the balcony, living room or bedrooms at Unit [REDACTED] 74-80 Reservoir Street can be accepted.
- c) **Action:** Delete all windows shown in figure 6.
Outcome: This will mitigate views between the proposed commercial premises and the private areas of Unit [REDACTED] 74-80 Reservoir Street. The open plan nature of the proposed commercial allows the space to still receive sunlight and daylight through other openings.
- d) **Action:** Increase the western setback of the top three floors under DA/2024/122 as shown in figure 12.
Outcome: This will reduce the overshadowing and visual bulk impact produced by DA/2024/122.
- e) **Action:** Ensure that any west-facing windows are fixed and not operable.
Outcome: This will reduce noise issues between the bedrooms and living areas of 74-80 Reservoir Street and the likely busy commercial tenancies proposed.

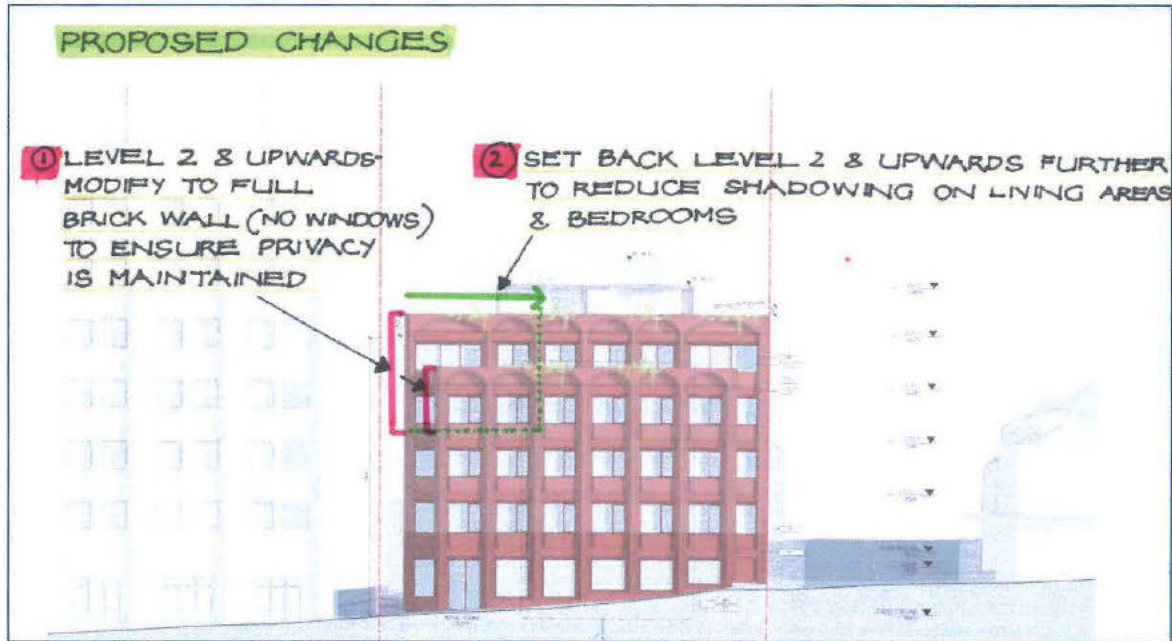


Figure 12 – Recommendations (c) and (d) as viewed along the southern elevation.

7. Conclusion

We have strong concerns about the proposed development and believe it cannot be supported in its current form. The development will have an adverse impact on the residential amenity of [REDACTED] 74-80 Reservoir Street. A development of this configuration cannot be supported on this site. It is therefore requested that the proposed development in its current form be revised. Any future development on the site should ensure compatibility with the local area and address the issues raised in this submission.

The owner of [REDACTED] 74-80 Reservoir Street invite Council to conduct a site inspection on their property to best understand the perspective of the discussed concerns. Please contact [REDACTED] to arrange a visit.

Kind regards,

[REDACTED]

Master of Urbanism (Urban and Regional Planning) (USYD)
Bachelor of Architecture and Environments (USYD)
Planning Institute of Australia (Assoc.)
Town Planner



Corona Projects

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NOTE: THE OWNER OF [REDACTED] 74-80 RESERVOIR STREET WOULD LIKE ALL IDENTIFYING INFORMATION (NAME, PHONE NUMBER, EMAIL AND ADDRESS) TO BE KEPT PRIVATE.