

# **Attachment C**

<b>Submissions</b>
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## Makrina Poljakova

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**From:** [REDACTED]  
**Sent:** Monday, 19 May 2025 10:22 AM  
**To:** Adrian McKeown  
**Subject:** Section 4.55(2) modification to D/2020/1387/C by IDC Property Management P/L

**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 Mr McKeown,

I am writing this email as a resident of 398-418 Pitt Street, Haymarket. I want to formally object the proposed Section 4.55(2) modification to D/2020/1387/C by IDC Property Management P/L.

I have concerns about this modification and I do not believe this should be approved.

- 1: Salami slice tactic for modifications: These small, "seemingly insignificant" modifications are being used to bypass original agreements by the developers to reach a point they would have otherwise had rejected.
2. Visual obstruction: This proposal will further block views for the residents.
- 3: Privacy: this change will add more privacy concerns to residents, especially those who are being overlooked
- 4: Light/overshadowing: The residents would be required to rely more on artificial light in general and heating during the winter periods as more natural light will be blocked
- 5: More noise and noise escalation: the sound would be not only increased, but further trapped between the buildings, affecting residents even further.

The building has already experienced unapproved shared wall destruction without even a discussion with the building management, let alone the residents. There was no concern for the residents privacy (as the hole had no security and anyone could just walk into our secure car park) and as such should indicate the intentions/consideration the developers have for the residents of 398-418 Pitt St.

Kind regards,

[REDACTED]  
[REDACTED] 398-418 Pitt St

## Makrina Poljakova

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**From:** [REDACTED]  
**Sent:** Monday, 19 May 2025 11:24 AM  
**To:** Adrian McKeown  
**Subject:** Rejection of D/2020/1387/C

**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 Mr McKeown,

I am writing this email as an owner of one of the units of 398-418 Pitt Street, Haymarket. I've been made aware of the proposed Section 4.55(2) modification to D/2020/1387/C by IDC Property Management P/L and would like to formally *object* this proposal.

I have strong concerns about this modification and do *not* believe this should be approved for the following reasons:

- a) These "seemingly insignificant" modifications are a shady, deliberate attempt to bypass original agreements by the developers in order to expand their building structure at detriment to the owners/residents of Mirramar Building.
- b) More noise escalation as the sound would be not only increased, but trapped between the buildings, affecting residents even further.
- c) Visual and light obstruction - aka views and natural lighting blocked for residents
- d) Increased privacy concerns especially to residents who are being overlooked
- e) Increased traffic congestion in the driveway which impacts the residents yet again

I would also like to reiterate that all the points above have an extremely detrimental impact on property value and rental yield (as unfortunately, it will impact standard of living for the residents).

I've also been made aware that the Mirramar building has already experienced *unapproved* shared wall destruction without even a discussion with the building management, let alone its owners and residents. It is evident that the developer undertook the demolition of the shared wall without properly prioritizing the interests of the owners of Mirramar and without care for the security and privacy of its residents (the hole left behind had no security and anyone could just enter into the resident's secured car park). This action reflects a concerning lack of regard for both the shared nature of building structure and the obligations owed to the owners and residents of 398-418 Pitt St.

I hope you take all the points I have made into consideration.

Kind regards,

[REDACTED]  
398-418 Pitt St



## Makrina Poljakova

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I hope you take all the points I have made into consideration.

Kind regards,

[REDACTED]  
[REDACTED] 398-418 Pitt St



**From:** Adrian McKeown <AMcKeown@cityofsydney.nsw.gov.au> on behalf of Adrian McKeown <AMcKeown@cityofsydney.nsw.gov.au> <Adrian McKeown <AMcKeown@cityofsydney.nsw.gov.au>>  
**Sent on:** Monday, May 19, 2025 12:49:50 PM  
**To:** DASubmissions <DASubmissions@cityofsydney.nsw.gov.au>  
**Subject:** FW: Section 4.55(2) modification to D/2020/1387/C by IDC Property Management P/L

Please respond. Thanks,  
Adrian.

---

**From:** [REDACTED]  
**Sent:** Monday, 19 May 2025 10:22 AM  
**To:** Adrian McKeown <AMcKeown@cityofsydney.nsw.gov.au>  
**Subject:** Section 4.55(2) modification to D/2020/1387/C by IDC Property Management P/L

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Kind regards,

[REDACTED]  
398-418 Pitt St

**From:** Adrian McKeown <AMcKeown@cityofsydney.nsw.gov.au> on behalf of Adrian McKeown  
<AMcKeown@cityofsydney.nsw.gov.au> <Adrian McKeown <AMcKeown@cityofsydney.nsw.gov.au>>  
**Sent on:** Monday, May 19, 2025 12:49:36 PM  
**To:** DASubmissions <DASubmissions@cityofsydney.nsw.gov.au>  
**Subject:** FW: Rejection of D/2020/1387/C

Please respond. Thanks,  
Adrian.

---

**From:** [REDACTED]  
**Sent:** Monday, 19 May 2025 11:24 AM  
**To:** Adrian McKeown <AMcKeown@cityofsydney.nsw.gov.au>  
**Subject:** Rejection of D/2020/1387/C

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Dear Mr McKeown,

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I hope you take all the points I have made into consideration.

Kind regards,

[REDACTED]  
[REDACTED] /398-418 Pitt St

**From:** Adrian McKeown <AMcKeown@cityofsydney.nsw.gov.au> on behalf of Adrian McKeown <AMcKeown@cityofsydney.nsw.gov.au> <Adrian McKeown <AMcKeown@cityofsydney.nsw.gov.au>>  
**Sent on:** Monday, May 19, 2025 2:49:55 PM  
**To:** DASubmissions <DASubmissions@cityofsydney.nsw.gov.au>  
**Subject:** FW: Formal objection: Section 4.55(2) modification to D/2020/1387/C by IDC Property Management P/L  
**Attachments:** Objection Section 4.55 modification to D 2020 1387 IDC Property Management.pdf (109.93 KB)

Please register and respond. Thanks

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**From:** Maher Magrabi <[REDACTED]>  
**Sent:** Monday, 19 May 2025 2:08 PM  
**To:** Adrian McKeown <AMcKeown@cityofsydney.nsw.gov.au>  
**Subject:** Formal objection: Section 4.55(2) modification to D/2020/1387/C by IDC Property Management P/L

**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 Mr McKeown,

As an owner at the Miramar, 398 Pitt Street, I wish to formally object to the proposed Section 4.55(2) modification to D/2020/1387/C by IDC Property Management P/L.

The proposed amendments — particularly those related to increased height and massing — raise concerns regarding transparency, precedent, and the long-term amenity of neighbouring properties.

As an owner, I am concerned about:

**Precedent and integrity of agreements:** The original DA was approved after extensive negotiation, including undertakings made during court proceedings. This current request indicates a reversal of those commitments.

**Developer conduct:** The recent incident involving damage to the shared wall between the development and our building raises safety issues and concerns about the lack of immediate disclosure to residents.

**Traffic and operational concerns:** A hotel of this scale with no onsite parking is likely to lead to serious operational overflow — increased taxis, rideshare vehicles, deliveries, and foot traffic, all funneling through a narrow, shared entrance.

**Lack of detail:** The vagueness around the modifications makes it difficult to accurately assess impact — a concerning issue in itself.

I urge Council to undertake an independent assessment and reject the proposed modifications in their current form. This is not anti-development — it's about ensuring that development is honest, balanced, and accountable.

Kind regards,

S Magrabi  
Suite 270  
Owner, 398 Pitt Street, Haymarket, 2000



Mr Adrian McKeown - City of Sydney Council

E: [AMcKeown@cityofsydney.nsw.gov.au](mailto:AMcKeown@cityofsydney.nsw.gov.au)

Dear Mr McKeown,

As an owner at the Miramar, 398 Pitt Street, I wish to formally object to the proposed Section 4.55(2) modification to D/2020/1387/C by IDC Property Management P/L.

The proposed amendments — particularly those related to increased height and massing — raise concerns regarding transparency, precedent, and the long-term amenity of neighbouring properties.

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I urge Council to undertake an independent assessment and reject the proposed modifications in their current form. This is not anti-development — it's about ensuring that development is honest, balanced, and accountable.

Kind regards,

**S Magrabi**

**Suite 270**

**Owner, 398 Pitt Street, Haymarket, 2000**

**From:** Adrian McKeown <AMcKeown@cityofsydney.nsw.gov.au> on behalf of Adrian McKeown <AMcKeown@cityofsydney.nsw.gov.au> <Adrian McKeown <AMcKeown@cityofsydney.nsw.gov.au>>  
**Sent on:** Monday, May 19, 2025 2:50:18 PM  
**To:** DASubmissions <DASubmissions@cityofsydney.nsw.gov.au>  
**Subject:** FW: Objection to the proposed Section 4.55(2) modification to D/2020/1387/C by IDC Property Management P/L.

Pleas register and respond

Thank you,

Adrian.

Adrian McKeown  
Senior Planner  
Planning Assessments



Telephone: +612 9265 9593  
cityofsydney.nsw.gov.au



The City of Sydney acknowledges the Gadigal of the Eora nation as the Traditional Custodians of our local area.

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**From:** Debi Taylor <[REDACTED]>  
**Sent:** Monday, 19 May 2025 2:48 PM  
**To:** Adrian McKeown <AMcKeown@cityofsydney.nsw.gov.au>  
**Subject:** Objection to the proposed Section 4.55(2) modification to D/2020/1387/C by IDC Property Management P/L.

**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 Mr McKeown,

I am writing as a resident of The Miramar at 398 Pitt Street, Haymarket for the past 32 years, to formally object to the proposed **Section 4.55(2) modification to D/2020/1387/C by IDC Property Management P/L.**

I am extremely concerned yet again to be writing about the proposal to increase the height of this building for (at least) the third time since 2015, as well as the multitude of changes that are constantly being submitted for approval. Each of these changes significantly affect the amenity and liveability of our residential building just a couple of metres away.

These constant changes are becoming quite suspicious as each time the developer manages to get 90% of their plans approved, and then, not long after the other 10% that was rejected is sneakily resubmitted under another guise. This has been going on for 10 years! It's as if the neighbours who are being permanently impacted by their changes have no say in this at all, after putting our case forward and having it acknowledged many times, and the proposals rejected, only for them to manage to weasel in another under the radar modification that was never part of the original deal. We are constantly being betrayed with these "minor" amendments that are not actually "minor" and will have a huge impact on us all.

How can the building's height be continually increased even further blocking views that were already compromised by the original approval. It's not just an aesthetic concern but it affects our residents' mental wellbeing whilst blocking access to natural light and sky.

With the additional rooftop plant, communal terraces, and increased density, it will undoubtedly impact residents like we were impacted back in the 90's when residents were subjected to 6 years of 24-hour-a-day demolition and rock-breaking excavation of the World Square site across the road when four of our (under 40) tenants living closest to the World Square building site suffered strokes, and there were also multiple suicides all from the same north-west corner of the Miramar. Not a coincidence. Council has since confirmed that constant noise has huge negative health impacts to the wellbeing of people who cannot escape it.

What is most frustrating is that the developer should have been transparent right from the very start. For instance, the setbacks that have been altered a dozen times. These constant changes reflect a broader pattern of "design by erosion," where incremental approvals allow developers to bypass earlier agreements.

The developer has already demonstrated that they cannot be trusted to act responsibly. It is bad enough that they've already damaged our building, and didn't even admit to punching a gaping hole through our boundary wall, which potentially could have jeopardised the lives of residents. They didn't even care who was on the other side of that wall until WE went to THEM!!!

And THIS happened whilst they were still at ground-floor level and hadn't yet started excavating! Being less than a metre away from our building, it is highly likely that further damage will be done if they don't get their own way.

I ask that Council reassess this modification in full, with an independent review of both amenity and structural impact.

Thank you for your consideration.

Debi Taylor  
Unit 210



**From:** Adrian McKeown <AMcKeown@cityofsydney.nsw.gov.au> on behalf of Adrian McKeown <AMcKeown@cityofsydney.nsw.gov.au> <Adrian McKeown <AMcKeown@cityofsydney.nsw.gov.au>>  
**Sent on:** Tuesday, May 20, 2025 8:31:17 AM  
**To:** DASubmissions <DASubmissions@cityofsydney.nsw.gov.au>  
**Subject:** FW: 410 Pitt Street, Haymarket

Pls register

thanks

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**From:** eric lok <[REDACTED]>  
**Sent:** Monday, 19 May 2025 5:10 PM  
**To:** Adrian McKeown <AMcKeown@cityofsydney.nsw.gov.au>  
**Cc:** Sue Ostler <[REDACTED]>  
**Subject:** 410 Pitt Street, Haymarket

**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 Adrian,

Please find my attached letter for the objection of the development for 410 Pitt Street, Haymarket.

Regards,  
Eric Lok

**May 18, 2025**

*Mr Adrian McKeown*

City of Sydney Council

Email: [AMcKeown@cityofsydney.nsw.gov.au](mailto:AMcKeown@cityofsydney.nsw.gov.au)

**Subject:** Objection to DA Modification – D/2020/1387/C

**Applicant:** IDC Property Management Pty Ltd

**Property Address:** 410 Pitt Street, Haymarket NSW 2000

**Dear Mr McKeown,**

My name is Eric Lok. I wish to formally object to the proposed modification of DA D/2020/1387/C.

I am the owner of Unit 176 in the Miramar Apartments, located directly next to the development site at 410 Pitt Street.

This development will block the sky view from my apartment and reduce airflow. These changes will have a serious impact on the comfort and natural environment of my home. The view and ventilation were part of the reason I chose to live here.

The proposed changes will reduce the quality of living for me and other residents. I sincerely trust Council will consider the impact on existing neighbours and reject the modification.


Thank you.

**Regards,**

**Eric Lok**

Unit 176, Miramar Apartments

398 Pitt Street, Haymarket 2000







**From:** Adrian McKeown <AMcKeown@cityofsydney.nsw.gov.au> on behalf of Adrian McKeown <AMcKeown@cityofsydney.nsw.gov.au> <Adrian McKeown <AMcKeown@cityofsydney.nsw.gov.au>>  
**Sent on:** Wednesday, May 21, 2025 8:20:36 AM  
**To:** DASubmissions <DASubmissions@cityofsydney.nsw.gov.au>  
**Subject:** FW: Submission – Objection to DA Modification D/2020/1387/C  
**Attachments:** Sue Ostler Unit\_262\_Objection letter and Informal Impact\_Statement (1)-1.pdf (700.41 KB)

Please register,  
thanks

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**From:** Sue Ostler <[REDACTED]>  
**Sent:** Wednesday, 21 May 2025 7:39 AM  
**To:** Adrian McKeown <AMcKeown@cityofsydney.nsw.gov.au>  
**Subject:** Submission – Objection to DA Modification D/2020/1387/C

**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 Adrian,

Please find attached my submission regarding the proposed modification to DA D/2020/1387/C (410 Pitt Street, Haymarket) along with a supplementary (informal) visual report titled *Unit 262 – Devastating Impact of Proposed DA Modification*.

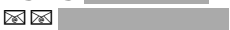
A hard copy of this submission was hand-delivered to Town Hall on 20 May 2025, alongside 48 signed letters from residents, family members, and property representatives. Further submissions will follow before the final deadline.

Please reach out if any clarification is required.

Many thanks,

**Sue Ostler**

Unit 262, Miramar Apartments  
OC Treasurer | J.P. (NSW)



On Thu, 15 May 2025 at 16:22, Sue Ostler <[REDACTED]> wrote:

Hi Adrian, we are on LVL 37 U 262 if you can ask the Reception to swipe you up please

On Mon, 12 May 2025, 08:53 Adrian McKeown, <[AMcKeown@cityofsydney.nsw.gov.au](mailto:AMcKeown@cityofsydney.nsw.gov.au)> wrote:

Thanks Sue,  
See you on Thursday at 4.30pm

Regards,

Adrian.

Adrian McKeown  
Senior Planner  
Planning Assessments



Telephone: [+612 9265 9593](tel:+61292659593)  
[cityofsydney.nsw.gov.au](http://cityofsydney.nsw.gov.au)



The City of Sydney acknowledges the Gadigal of the  
Eora nation as the Traditional Custodians of our local area.

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**From:** Sue Ostler <[REDACTED]>  
**Sent:** Friday, 9 May 2025 4:05 PM  
**To:** Adrian McKeown <[AMcKeown@cityofsydney.nsw.gov.au](mailto:AMcKeown@cityofsydney.nsw.gov.au)>  
**Cc:** Edward Lee <[REDACTED]>  
**Subject:** Fwd: Site visit confirmed 262/398 Pitt St.

**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 Adrian,

Our meeting is now locked in for Thursday, 15 May at 4:30pm. I will meet you in the lobby.

Many thanks,  
Sue

----- Forwarded message -----

**From:** Sue Ostler <[REDACTED]>  
**Date:** Fri, 9 May 2025 at 14:47  
**Subject:** Re: Site visit request & Request for Extension – 410 Pitt Street Development  
**To:** Adrian McKeown <[AMcKeown@cityofsydney.nsw.gov.au](mailto:AMcKeown@cityofsydney.nsw.gov.au)>

Hi Adrian,

Thanks so much for your call and follow up email. I have requested access to u262 on Thursday or Friday at your suggested times and will advise as soon as I have a response.

Many thanks,  
Sue

On Fri, 9 May 2025 at 14:33, Adrian McKeown <[AMcKeown@cityofsydney.nsw.gov.au](mailto:AMcKeown@cityofsydney.nsw.gov.au)> wrote:

Hi Sue,

Thanks for your email and time on the phone this afternoon.

As discussed, an extension is fine, until the end of the following week (Monday 26 May COB).

In addition, would you mind if I were to visit your apartment to better understand the issues you are raising around view loss?

Please let me know when would be convenient, next week if possible.

Some possible times include:

- Monday 12 May, 11:00am or 4.30pm
- Thursday 15 May, 8.30am or 4.30pm
- Friday 16 May, 8.30am or 11:00am.

Thank you,

Adrian.

Adrian McKeown  
Senior Planner  
Planning Assessments



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[cityofsydney.nsw.gov.au](http://cityofsydney.nsw.gov.au)



The City of Sydney acknowledges the Gadigal of the  
Eora nation as the Traditional Custodians of our local area.

---

**From:** Sue Ostler <[REDACTED]>  
**Sent:** Friday, 9 May 2025 2:19 PM  
**To:** Adrian McKeown <[AMcKeown@cityofsydney.nsw.gov.au](mailto:AMcKeown@cityofsydney.nsw.gov.au)>  
**Cc:** Edward Lee <[REDACTED]>  
**Subject:** Request for Extension – [410 Pitt Street](#) Development

**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 Adrian,

My name is Sue Ostler, and I'm an owner at [398 Pitt Street](#)—adjacent to the proposed development at 410 Pitt Street.

On 29 April, I received a notification regarding the DA, which includes over 50 supporting documents. I've been trying to review the materials but, given the volume and complexity, I've been unable to go through them alone. I'm currently seeking a local planner who can assist with interpreting the plans and advising me accordingly.

My concern centres around a new detail indicating additional height related to a sloshing tower at the top of the building. This is of particular relevance to me, as my apartment—Unit 262 on Level 37, facing south—is the most directly impacted and is referenced on page 29 of the plans.

With objections due by 14 May, I'm respectfully requesting an extension to allow enough time to obtain professional advice and properly assess the impact.

I'd be grateful if you could confirm whether an extension is possible. Please feel free to contact me via email or phone on [REDACTED]

Warm regards,  
*Sue Ostler*



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\_\_\_\_\_ This email and any files transmitted with it are intended solely for the use of the addressee(s) and may contain information that is confidential or subject to legal privilege. If you receive this email and you are not the addressee (or responsible for delivery of the email to the addressee), please note that any copying, distribution or use of this email is prohibited and as such, please disregard the contents of the email, delete the email and notify the sender immediately.

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\_\_\_\_\_

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\_\_\_\_\_

**Mr Adrian McKeown**

City of Sydney Council

**Date: 21 May 2025**

**Subject: Formal Objection – DA Modification D/2020/1387/C (410 Pitt Street, Haymarket)**

Email: [AMcKeown@cityofsydney.nsw.gov.au](mailto:AMcKeown@cityofsydney.nsw.gov.au)

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Dear Adrian,

Thank you again for attending the on-site inspection at Unit 262, Miramar Apartments last Thursday afternoon. On behalf of the Miramar Action Group, I appreciate your time and professionalism.

Immediately after your visit, I notified all residents and OC members. The response was swift and clear. Yesterday, I hand-delivered forty-eight (**48**) signed objection letters from stakeholders including residents, property representatives and strata and building management. I will deliver additional submissions ahead of the final deadline (Monday 26 May COB).

My objection is not only as the co-owner of the most impacted apartment in the building (Unit 262), but also on behalf of a community that has spent *over a decade* resisting over-development and defending the integrity of our shared home at 398 Pitt Street.

### **Unit 262**

This apartment has been in my family since the Miramar was built in the early-mid 90s. Across three generations, nine members of my family have lived and contributed to the heart of Unit 262. Each of them — Jett, Edward, Paul, Eric, Shawn, Margaret, my parents Lorraine and Max— is submitting their own objection because we know what's being lost. Not just light and view — but legacy.

We accepted the 2023 approval as a painful but workable compromise. But under the strain of mental fatigue, we'd had enough — and we moved out. Renting the property for as long as we could before the inevitable happened felt like the most responsible economic decision.

What we cannot accept is the current proposal, which blatantly undermines that agreement and causes severe and irreversible harm to residential amenity.

## Misleading Justifications

This entire modification centres on one change: replacing the previously approved rooftop stair access with a lift. On paper, it's presented as a minor operational improvement. In reality, it introduces bulk, demands acoustic shielding and other construction elements which according to the 4.55 (2) report are specifically damaging to units 263, 267 and in particular, 262. Of equal concern, this may also set up the rooftop for public access and potential commercial activation.

We would argue that this isn't about safety, maintenance or a more efficient workplace — it's potentially about laying the groundwork for public access - a rooftop bar, lounge or function space.

And that's not just our opinion. Independent planning experts reviewing the Section 4.55(2) proposal have flagged the risk: lift access + rooftop enclosure = rooftop activation. If approved, this infrastructure will remain, regardless of Council's future decisions — and residents will pay the price in noise, light spill, and disruption.

As outlined in Section 5.1 of the SEE (Page 30):

*"Further modifications to increase the lift overrun, and to install a required acoustic screen around the roof plant have meant that Durbach Block Jaggers has provided a revised view analysis..."*

This analysis, buried in Appendix 1 and illustrated on Page 33, reveals the full extent of the impact to Unit 262 — **the complete obstruction of the only light source that was left from our enclosed balcony window.**

The contrast with the 2023 image (Page 23) is stark. One shows light. The other shows none. And yet, the impact is described as **"negligible."** That language is both misleading and deeply offensive to those who live with the consequences.

## Supplementary Visual Report Provided

For ease of review, I have enclosed a supplementary document titled *Unit 262 – Devastating Impact of Proposed DA Modification* – pages 4-8. Please note this is my own layman's interpretation, drawing on lived experience and direct photographic comparisons — not to be confused with the professional report from independent planner, David Tran, which will be submitted ahead of Monday's deadline.

This supporting document visually contrasts the approved 2023 design with the obstructive 2025 modification. The reality is clear: the only source of natural light and southern outlook to light up our entire living, dining and kitchen areas will be completely blocked.

### **Ongoing Damage and Developer Disregard**

This isn't theoretical. It's a pattern — one we've experienced firsthand. As documented in the Building Manager's Incident Report (April 15), onsite builders caused structural damage in our basement. They failed to report it, failed to take accountability, and failed to rectify it — until they were called out. When they eventually faced the Committee — myself included — they offered lip service and conflicting accounts that didn't match the Building Manager's version of events. They made assurances. They promised action. Six weeks later, that same area is still a festering mess: stagnant water, pest infestation, and no remediation. Now, the same developer is seeking more floor space, more profit — while delivering only more damage, more disruption, and zero accountability

### **What We Are Asking Council to Do**

---

- Reject this DA modification in full.
  - Enforce the 2023 approved plans without compromise.
  - Uphold the intent of earlier concessions and protect residents from further encroachment.
  - Send a clear message that misleading documents and post-approval design creep will not be tolerated.
- 

This is about more than Unit 262 (and every other unit impacted). It's about transparency, planning integrity, and the lived experience of long-standing residents.

I appreciate your attention to this matter and welcome any further discussion.

Sincerely,



### **Sue Ostler**

Unit 262, Miramar Apartments  
398 Pitt Street, Haymarket NSW 2000  
Treasurer, Miramar OC Strata Plan 44910  
JP (NSW) | LREA | Buyer's Advocate | BA | Grad Dip Psych  
P: [REDACTED] | E: [REDACTED]

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## **Unit 262 – Devastating Impact of Proposed DA Modification (D/2020/1387/C)**

This document illustrates the progressive and ultimately devastating impact of the proposed 2025 Section 4.55(2) modification on Unit 262 at the Miramar Apartments, 398 Pitt Street, Haymarket. It compares the original, approved, and newly proposed visual outcomes, showing how the living room — the only shared space with natural light — will be entirely blacked out under the current plan.

### **1. Original Light Source – Before Any Modifications**

The image below shows the original south-facing window and balcony view from Unit 262's living room. This is the only source of natural daylight for the main living area. All other rooms (bedrooms and kitchen) are behind full-height internal walls and accessed via doors. Once closed, the living room is completely dependent on this window for light and ventilation.



***[ IMAGE 1 – Full Original Balcony View ]***



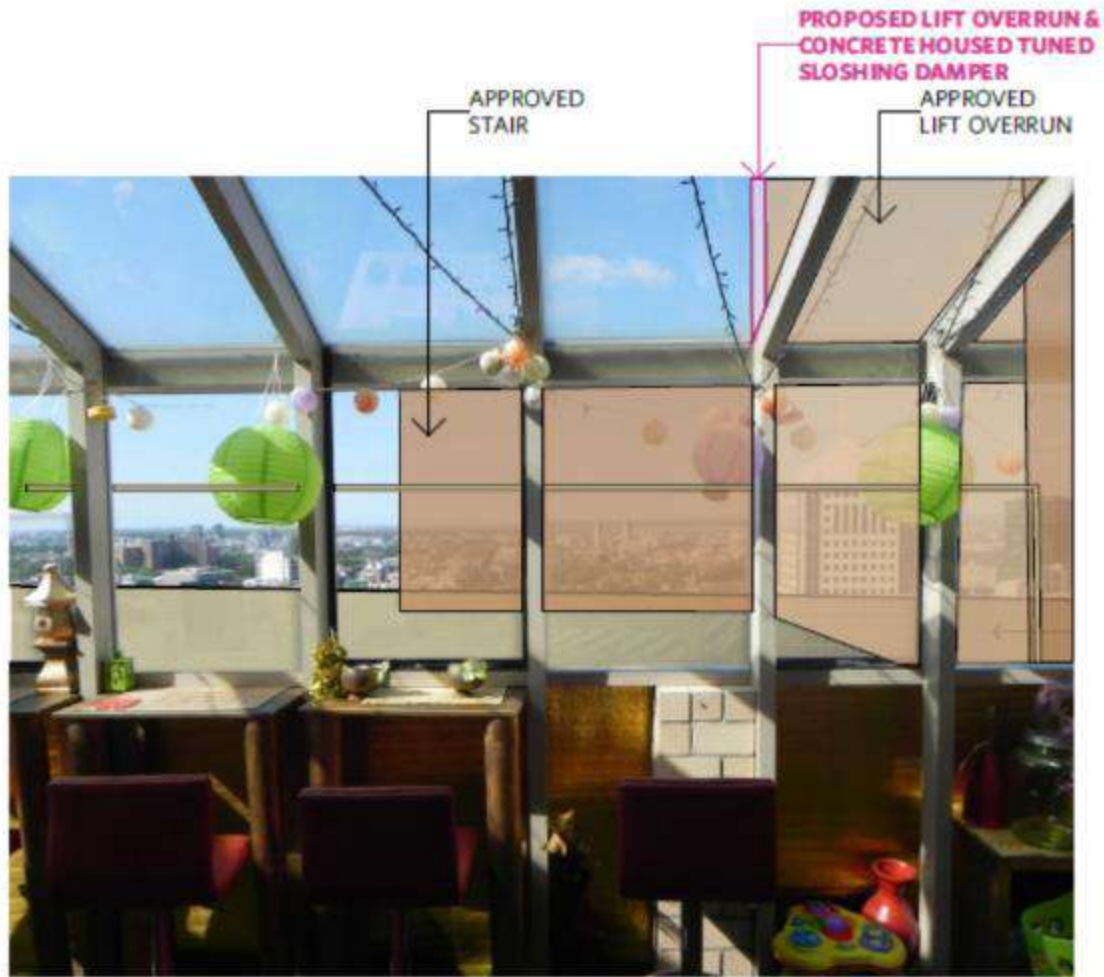


***Footnote: This image demonstrates full visibility and access to skyline and daylight.***

## **2. 2023 Approved View Loss – Accepted as a Compromise**

The 2023 DA modification introduced plant structures (stair and lift overruns) to the rooftop zone. While these created partial view loss, significant natural light and view corridors were retained. Residents accepted this as a difficult but workable compromise, trusting this would be the final extent of obstruction.

***[IMAGE 2– 2023 Approved Balcony View Loss Overlay]***



VIEW 3 WINTER GARDEN - APPROVED & PROPOSED

*Footnote: Brown shaded areas show the lift overrun and approved mechanical infrastructure.*

### **3. 2025 Proposed Modification – Total View Loss**

The new Section 4.55 proposal introduces a solid, full-height acoustic wall across nearly the entire width of the window. Represented in pink highlights, these structures eliminate all remaining view and significantly reduce daylight. This effectively renders the living room a sealed internal room requiring artificial lighting throughout the day.



[IMAGE 3— 2025 Proposed Full Visual Obstruction]

*Footnote: Pink areas show new obstructions tied to the rooftop lift, not disclosed in the 2023 plan.*

#### 4. Summary of Impacts

- The living room will be left with no direct daylight.
- View corridors and skyline outlooks will be fully removed.
- Mental wellbeing, quality of life, and property value will all be adversely impacted.
- These impacts result solely from the introduction of a rooftop lift — never part of the approved 2023 consent.
- Describing these impacts as “negligible” is not only inaccurate but dismissive of the real and irreversible loss.

This is not a refinement. It is a removal of light, openness, and liveability — the very essence of home.

#### ☀ Limited Daylight from East-Facing Windows:

- Unit 262 contains two east-facing bedroom windows, but these are separated from the living space by full-height walls and doors.
- These windows receive **\*\*direct sunlight only from sunrise until around 10:30am\*\***, and only if doors are left open.
- After 11:00am, no east-facing rooms receive direct sunlight.
- The **\*\*kitchen is internal\*\*** and receives no direct daylight at any time.



#### Seasonal Sunlight Breakdown:

- **Summer:** East-facing windows get 2.5–3 hours of morning sun.
- **Winter:** This drops to just 1.5–2 hours due to the lower sun angle.
- **All Year:** South-facing windows — such as those in the living room — provide consistent ambient daylight throughout the day, essential for comfort and liveability.



***If the south-facing window is blocked, Unit 262 will receive no direct natural light throughout the entire kitchen, dining and living room areas from mid-morning onward year-round, resulting in a space that is effectively dark for most of the day.***

**From:** Adrian McKeown <AMcKeown@cityofsydney.nsw.gov.au> on behalf of Adrian McKeown <AMcKeown@cityofsydney.nsw.gov.au> <Adrian McKeown <AMcKeown@cityofsydney.nsw.gov.au>>  
**Sent on:** Wednesday, May 21, 2025 8:47:43 AM  
**To:** DASubmissions <DASubmissions@cityofsydney.nsw.gov.au>  
**Subject:** FW: Objection to Modification Application - DA D/2020/1387 (410 Pitt Street)  
**Attachments:** DA D-2020-1387 objection letter.pdf (18.47 KB)

Pls register.  
thanks

---

**From:** Nick Jenkins <[REDACTED]>  
**Sent:** Tuesday, 20 May 2025 6:18 PM  
**To:** Adrian McKeown <AMcKeown@cityofsydney.nsw.gov.au>  
**Subject:** Objection to Modification Application - DA D/2020/1387 (410 Pitt Street)

**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 Mr McKeown,

Please find attached my submission objecting to the Section 4.55(2) modification application for DA D/2020/1387 (410 Pitt Street).

Thank you for considering my concerns.

Yours sincerely,  
Nicholas Jenkins  
605/21 Cadigal Avenue  
Pymont NSW 2009



Mr Adrian McKeown  
City of Sydney Council  
Email: AMcKeown@cityofsydney.nsw.gov.au  
20 May 2025

Dear Mr McKeown,

RE: OBJECTION TO MODIFICATION APPLICATION - DA D/2020/1387 (410 Pitt Street)

I am writing to object to the proposed modification to DA D/2020/1387 under Section 4.55(2), regarding the development at 410 Pitt Street.

As a Pyrmont resident since 2011, I support well-planned, high-density development that aligns with our city's strategic vision. However, I strongly object to this modification proposal on several grounds:

1. The proposed changes substantially alter the approved development by increasing bulk and scale through rooftop lift access and structural reconfigurations.
2. These modifications appear to be preparing the site for potential future rooftop activation, possibly as a bar or venue, which was not part of the original approved DA.
3. The timing of these changes - after receiving approval in 2023 - sets a concerning precedent for developers to significantly modify projects after gaining initial consent.

Our community has invested in professional planning advice which indicates these changes could have adverse impacts on the local amenity and character of the area. The incremental expansion of development scope after approval undermines public confidence in the planning system.

I respectfully urge Council to reject this modification proposal and require the developer to adhere to the originally approved plans. The integrity of the planning process and the liveability of our city depend on consistent enforcement of planning controls.

Yours sincerely,

Nicholas Jenkins  
605/21 Cadigal Avenue  
Pyrmont NSW 2009

May 19, 2025.

Mr Adrian McKeown

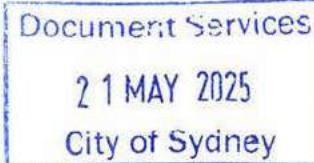
City of Sydney

Email: [AMcKeown@cityofsydney.nsw.gov.au](mailto:AMcKeown@cityofsydney.nsw.gov.au)

**Subject:** Objection to DA Modification – D/2020/1387/C

**Property Address:** 410 Pitt Street, Haymarket NSW 2000

**Applicant:** IDC Property Management Pty Ltd



**Dear Mr McKeown,**

I am writing as the owner of six residential units in the Miramar Apartments at 398 Pitt Street, located directly next to the development site at 410 Pitt Street. The units are: 23, 83, 163, 208, 223, and 232.

As a long-term property owner and investor, I have serious concerns regarding the proposed modification to DA D/2020/1387/C. Each of my units is tenanted, and each would be negatively affected in different ways by the proposed modifications of the new development.

**My concerns are as follows:**

**1. Reduction in Natural Light**

Units on the lower and mid-levels (particularly Units 83 and 163) currently benefit from natural light via southern and eastern aspects. The proposed modification could reduce access to daylight, which will lower the quality of life for tenants and reduce rental appeal.

**2. Obstruction of Views**

Higher-floor apartments (such as Units 208 and 223) enjoy open views that are highly valued. If this modification is approved, these views may be obstructed in ways not yet clear. This would impact both tenant satisfaction and long-term property value.

**3. Reduced Privacy**

Units closest to the site boundary — especially Units 23 and 232 — may experience a loss of privacy if the new development introduces windows or balconies that face directly into my apartments. This creates discomfort and may lead to complaints or lease terminations.

**4. Decrease in Property Value and Rentability**

The combined impact of reduced light, blocked views, and privacy concerns may lower the desirability of these homes. This could lead to increased tenant turnover, rental reductions, and decreased resale value. Managing six properties under these conditions presents a serious disadvantage.

**5. Noise and Overcrowding**

A rejigged development with emphasis on cramming in more hotel guest will increase operational burden, traffic, noise, and footfall in the area. This would reduce residential amenity and further burden tenants living in an already high-density environment.

**6. Disruption from Construction**

Extended construction activities due to the proposed modifications are likely to cause more dust, noise, and limited access than we are already faced with. These disturbances directly affect tenant wellbeing and could result in lost income if tenants choose to break their leases or demand "construction discounts" during the works.



**Conclusion**

These are not imaginary risks. They will affect real households — in my case six separate families who rely on comfort, safety, and amenity. As one of the largest single residential stakeholders in the Miramar, I ask that Council fully consider these impacts and reject the modification in its current form.

**Yours sincerely,**

A grey rectangular box redacting the signature of Sen Zhang.

***Sen Zhang***

Owner – Units 23, 83, 163, 208, 223, and 232  
398 Pitt Street, Haymarket NSW 2000

**Mr Adrian McKeown - City of Sydney Council**

Dear Mr McKeown,

My name is Dominique Finley, and I'm writing in relation to Unit 28, Miramar Apartments, 398 Pitt Street, where I've lived for many years. My family also owns Unit 263 which faces the full visual and structural impact of the proposed development.

While Unit 263 suffers from significant loss of light, privacy and outlook, I want to highlight the other side of this equation: the day-to-day operational burden that will be borne by lower-level units like mine.

Unit 28 sits closer to street level, near the entry and shared driveway. This location puts us directly in the path of the inevitable fallout of a large-scale hotel development — especially one seeking additional height and occupancy.

We've already witnessed the disruption caused by the current construction phase:

- Driveway congestion and blocked access
- Noise and vibration from early morning vehicle movement
- Pedestrian spillover from the footpath into private areas
- Overflow waste collection and unsightly building materials

Now, with the developer seeking to push the project even further, my concern is that this will become the new normal, only worse.

A high-volume, short-term accommodation model, operating without dedicated parking, will mean constant churn: rideshare vehicles idling out front, delivery trucks competing for space, and guests navigating shared entrances at all hours. The pressure on infrastructure and amenity will be real — and it will fall most heavily on residents living at or near the building's base.

It's clear this development, as proposed, prioritises commercial throughput over residential wellbeing.

I'm not opposed to development, I've lived alongside it for years, but this is a tipping point. Between our two apartments, our family experiences both ends of the impact: visual devastation at the top, and functional chaos at the bottom.

We urge Council to consider the compounding burden on long-standing residents like us and to reject this modification in the interests of fairness, safety, and liveability.

Sincerely,

**Dominique Finley**



**Unit 28, Miramar Apartments, 398 Pitt Street, Haymarket**



To:  
Mr Adrian McKeown  
City of Sydney  
Email: AMcKeown@cityofsydney.nsw.gov.au

**Subject:** Objection to DA Modification – D/2020/1387/C  
**Property Address:** 410 Pitt Street, Haymarket NSW 2000  
**Applicant:** IDC Property Management Pty Ltd

Dear Mr McKeown,

I am writing as the owner and investor of the property located at 398 Pitt Street, Haymarket, which is immediately adjacent to the proposed development site at 410 Pitt Street, Haymarket.

I wish to formally object to the development application that seeks to extend the **width and height** of the building at 410 Pitt Street. As an investor, I am seriously concerned about the negative impact such modifications could have on the amenity, value, and long-term performance of my property.

My concerns include:

1. **Loss of Light and Outlook**  
An increase in the building's height and width would likely block natural sunlight and reduce airflow to my property. This would degrade the living or commercial environment and impact tenant satisfaction and retention.
2. **Negative Impact on Property Value**  
Any obstruction of light, views, or open space may directly reduce the market value and rental potential of my property—an outcome of significant concern as an investor.
3. **Privacy and Noise Issues**  
Expanding the building's footprint may bring occupants or activity areas closer to my property, leading to increased noise and a loss of privacy.
4. **Overdevelopment and Inconsistency with Local Character**  
The proposed changes appear to constitute overdevelopment and may not align with the scale or character of surrounding buildings, affecting the balance and aesthetic of the area.

I respectfully request that the Council give due consideration to the potential negative impacts on neighbouring properties, including mine, and decline or modify the proposal accordingly.

Thank you for your time and consideration.

Yours sincerely,



PATRICK Y K CHO  
Unit 96  
Owner, 398 Pitt St Haymarket 2000



To:

Mr Adrian McKeown

City of Sydney

Email: AMcKeown@cityofsydney.nsw.gov.au

**Subject:** Objection to DA Modification – D/2020/1387/C

**Property Address:** 410 Pitt Street, Haymarket NSW 2000

**Applicant:** IDC Property Management Pty Ltd

Dear Mr McKeown,

I am writing as the owner and investor of the property located at 398 Pitt Street, Haymarket, which is immediately adjacent to the proposed development site at 410 Pitt Street, Haymarket.

I wish to formally object to the development application that seeks to extend the **width and height** of the building at 410 Pitt Street. As an investor, I am seriously concerned about the negative impact such modifications could have on the amenity, value, and long-term performance of my property.

My concerns include:

1. **Loss of Light and Outlook**

An increase in the building's height and width would likely block natural sunlight and reduce airflow to my property. This would degrade the living or commercial environment and impact tenant satisfaction and retention.

2. **Negative Impact on Property Value**

Any obstruction of light, views, or open space may directly reduce the market value and rental potential of my property—an outcome of significant concern as an investor.

3. **Privacy and Noise Issues**

Expanding the building's footprint may bring occupants or activity areas closer to my property, leading to increased noise and a loss of privacy.


4. **Overdevelopment and Inconsistency with Local Character**

The proposed changes appear to constitute overdevelopment and may not align with the scale or character of surrounding buildings, affecting the balance and aesthetic of the area.

I respectfully request that the Council give due consideration to the potential negative impacts on neighbouring properties, including mine, and decline or modify the proposal accordingly.

Thank you for your time and consideration.

Yours sincerely,



Patrick Y K Cho

**Unit 53**

**Owner, 398 Pitt St Haymarket 2000**

**Mr A McKeown**  
**Syd Council**

Dear Mr McKeown,

**Subject: Objection to Proposed Modification – DA D/2020/1387**

I am an owner at the Miramar building, 398 Pitt Street, and I am writing to formally object to the proposed modification of DA D/2020/1387.

The above mentioned development has already had a significant impact on our neighbourhood. Increasing its height and altering the approved plans at this stage will only worsen the situation — leading to increased noise, greater overshadowing, and prolonged disruption for residents in the surrounding area.

We were advised that the current approval was final. It is both unfair and frustrating to now see those limits being pushed further. Such ongoing changes erode public trust in the planning process and disregard the interests of long-standing residents.

I respectfully urge you to reject this modification in order to protect the residential amenity, peace, and quality of life for both our building and the wider Haymarket community.

Yours faithfully,

A grey rectangular box redacting the signature of the sender.

Xiao Quan Jabri

Miramar, Unit 51

398 Pitt Street. Haymarket

Letter 16 Objection: Marwan Jabri u 51

**Mr A McKeown**  
**Syd Council**

Hello Mr McKeown,

I am an owner at the Miramar, **398 Pitt Street**. I am writing to object to the proposed modification of DA D/2020/1387.

This development has already had a big impact on the neighbourhood. Increasing the height and changing the plans now would only make things worse — more noise, more shadow, and more disruption for everyone living nearby.

We were told the current approval was final. It's unfair and frustrating to see those limits being pushed again.

Please reject this modification and protect our right to peace and quiet. Not only of our building and the wider Haymarket community.

Your faithfully,

Marwan Jabri  
Miramar, Unit 51

398 Pitt Street. Haymarket

To:  
Mr Adrian McKeown  
City of Sydney  
Email: AMcKeown@cityofsydney.nsw.gov.au

**Subject:** Objection to DA Modification – D/2020/1387/C

**Property Address:** 410 Pitt Street, Haymarket NSW 2000

**Applicant:** IDC Property Management Pty Ltd

Dear Mr McKeown,

I am writing to formally object to the proposed development application for the property located at **410 Pitt Street, Sydney**, which seeks to extend both the **width and height** of the existing building.

As the owner and investor of the adjacent property at 398 Pitt Street, Haymarket, I have serious concerns about the negative impact this proposal may have on my investment. My objections are outlined below:

**1. Loss of Natural Light and Ventilation**

The proposed increase in height and bulk will significantly reduce the access to natural light and airflow to my property, affecting its habitability and appeal.

**2. Obstruction of Views and Visual Amenity**

The development would likely block existing outlooks and views, which are key selling points and rental factors for my property. This will reduce its market value and tenant satisfaction.

**3. Loss of Privacy**

An increase in the development's size may result in closer proximity to my property, raising serious concerns about overlooking into private areas and reducing the overall privacy of my tenants.


**4. Impact on Property Value**

The combined effect of the above issues could reduce the capital value and rental yield of my property, directly impacting my return on investment.

I respectfully request that Council take these concerns into account when assessing the application and consider modifying or refusing the proposed extension.

Thank you for your attention to this matter.

Yours sincerely,



**Zhi Qing Zhang**  
**Unit 211**  
**Owner, 398 Pitt St Haymarket 2000**



Mr Adrian McKeown  
City of Sydney Council

May 15, 2023

Dear Mr McKeown,

I am writing in my capacity as a long-time owner of **Unit 266, 410 Pitt Street**.

Over nearly three decades, this apartment has been my off and on home not only to myself but also to my daughter and my grandchild.

As the owner of a **south and south-east facing apartment**, I and my family would be among those most affected by the increased bulk and proximity of the structure.

Hence I wish to express my strong concern regarding the proposed modification to DA D/2020/1387 under Section 4.55(2), submitted by IDC Property Management Pty Ltd.

While I appreciate the necessity of progress and well-considered development, I am troubled by the growing trend of approvals being gradually expanded through subsequent incremental amendments.

The current proposal — which includes an increase in height and possible operational additions (there have been rumours of a rooftop bar and pool) — is not simply a refinement, it marks a significant escalation in the scope and impact of the development, particularly for residents, like myself, whose homes directly adjoin the site.

Standing on my balcony, I will be nose to nose with the new operational addition. This will have negative impacts on my amenity, my security, my privacy and the liveability of my home in Unit 266. Particularly if the additional development is operated as a bar or other venue.

The development underway already has had significant and negative impacts for the residents of Miramar, especially given the narrow and constrained site.

I am concerned by the risks of proposed expansion given its size and weight at this late stage of the structure's development. I am concerned that the proposed changes to the physical structure and operational nature of the development, especially as this is occurring after the original planning approval and engineering reviews. I do not have confidence that the operational nature of the proposal is clear and I am most concerned that any promises made now about the nature of the operation would be discarded as soon as the development is completed.

Has any independent structural assessment been undertaken to determine the impact of additional load, excavation, and operational activity on adjacent buildings, including the Miramar? As ratepayers and residents, we are entitled to a rigorous level of **transparency and assurance** that, to date, has not been evident.

I respectfully urge Council to uphold the integrity of the original approval and to consider the long-term consequences of setting a precedent that allows development by modification, rather than through proper, community-inclusive processes.

Yours sincerely,

Mr. Bruce Chadwick



**To: Mr Adrian McKeown**  
**City of Sydney Council**

Dear Mr McKeown,

I am writing as a resident of Unit 266, Miramar, 410 Pitt Street, where I have enjoyed living with my partner and teenage daughter. Various members of our family have occupied this apartment since the building's completion in the mid-1990s.

As a long-term public servant, I appreciate the balance Council must strike between development and the public interest.

That said, I am writing to express my **strong objection** to the proposed Section 4.55(2) modification to **DA D/2020/1387**, currently under assessment. This amendment is not minor — it represents a substantial departure from the originally approved scheme and carries serious implications for resident amenity, structural safety, and planning integrity.

Our unit, which faces **south and south-east**, means that we would be the most impacted if the modification was approved. We are directly exposed to the proposed development. We strongly object.

The introduction of a commercial venue at the existing height, let alone going higher and wider, in such absurdly narrow proximity to established residences, is both inappropriate and unacceptable. To build and expand on top of what was agreed upon would irreversibly impact our **privacy, acoustic comfort, and quality of life**, particularly in the evening hours when residents should reasonably expect peace in their homes.

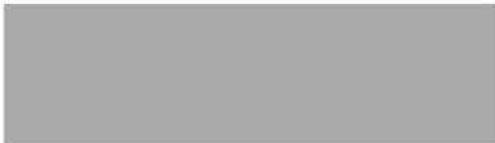
Equally concerning is the lack of clarity around the **engineering review and regulatory transparency** for this modification. What structural assessments have been undertaken regarding the cumulative load, wind tunnelling, and stress imposed by the proposed increase in building mass? Where are the publicly available documents that confirm the safety of the neighbouring buildings — including Miramar — will not be compromised?

As residents impacted by this significant development, we are entitled to a transparent process and to confidence in the robustness of Council's processes to safeguard existing communities from overdevelopment through incremental approvals. At present, we have neither. In fact, this modification could be considered as an attempt by the developer to manipulate the planning process to achieve a level of development potential, which was previously not approved.

My objection is because I am concerned by the **lack of due process, the need for greater review, and as I consider that greater weight should be assigned to community wellbeing** in Council's planning decision on this matter.

I ask that Council reject this modification in full and uphold the conditions that were originally negotiated in good faith with Council and representatives of the residents of Miramar. I am happy to be contacted to speak further on the topic.

Regards,



***Amanda Chadwick:***

**266/398 Pitt Street, Haymarket**



17/5/25

**Attention: Adrian McKeown**, Sydney City Council

From Anne, Lawrence, Andrew & Simon Finley  
Unit 263, **The Miramar** Apartments, 398 Pitt St, Haymarket

Dear Mr McKeown,

Our family have owned and lived in Unit 263 of the Miramar since it opened thirty years ago. It is our valuable property.

We are again very concerned by a proposed modification to DA D/2020/1387, Section 4.55(2).

The southwest of our apartment, on floor 37, will almost entirely lose its natural light and view if the adjacent building increases its height as proposed, as shown by the pink shading in the photo below (taken from our neighbours in unit 262, as we are out of town this week).

We feel we are being concreted in, and losing the whole purpose, joy, and value of having an open air unit.

Even the imperfect compromise we had to accept after fighting the original DA is now being reneged.

We also fear, with many other residents, that as the developing building has no car parks, our own driveway might be further blocked by the increased street parking.

We invite Council to visit the Miramar to see the problem in person, and we urge Council to reject the development proposal in favour of maintaining the peaceful urban lives of all the Miramar's residents.

Yours sincerely,

[Redacted signature]

**Andrew Finley**

< **TrimDownload\_QxNJ2uK9.PDF**

PDF reader



1. THE EXISTING PROPOSED BALUSTRADE WALL, SHOWN IN DOTTED GREEN, IS NOT REQUIRED IN THE PROPOSED BALUSTRADE TO ROOFTOP PLANT.

2. PROPOSED ACOUSTIC WALL TO LEVEL 33 NORTHERN ROOF PLANT. SHOWN IN DOTTED GREEN. NO LONGER REQUIRED IN PROPOSED ACOUSTIC WALL ZONE.

3. BALUSTRADE SUPPORTS REQUIRED TO SUPPORT APPROVED BALUSTRADE. SHOWN IN DOTTED GREEN. NO LONGER REQUIRED IN PROPOSED ACOUSTIC WALL ZONE.



PROPOSED MODIFICATION TO BALUSTRADE TO ROOFTOP PLANT. SHOWN IN DOTTED GREEN. NO LONGER REQUIRED IN PROPOSED ACOUSTIC WALL ZONE.

PROPOSED MODIFICATION TO BALUSTRADE TO ROOFTOP PLANT. SHOWN IN DOTTED GREEN. NO LONGER REQUIRED IN PROPOSED ACOUSTIC WALL ZONE.

VIEW 3 WINTER GARDEN - APPROVED & PROPOSED



17 Apr 2025

City of Sydney - Adrian McKeown  
Objection to DA Modification D/2020/1387/C

Mr McKeown,

My name is **Amer Magrabi**, and I own and reside in Unit 270 **Miramar Apartments**, 398 Pitt Street. I'm writing to formally object to the latest DA modification submitted for 410 Pitt Street.

When this development was first approved, we accepted it — despite the huge impact. But now the constant modifications are becoming unreasonable. This latest change, especially the acoustic wall that has completely blocked the view from Unit 262, shows just how far the developers are willing to go.


As I'm on the higher floors, there was one sentence stood out to me in the recent report — buried in Section 3.11 on page 21 — it mentions that because of the new rooftop plant room, **“access is required for maintenance and servicing.”** That one line raises serious red flags. If the top of the building is now an operational zone, what does that mean for us living nearby? Sound, wind, vibrations, overshadowing — **even a minor change in structure at that height can cause serious acoustic and comfort issues** for those of us living directly opposite.

I don't have time to read 38-page technical reports in detail — and most residents don't. But every time another modification is submitted, it's clear we're being asked to give up a little more, while the developers take a lot more.

How much longer will this go on? Every new adjustment adds to the timeline and extends the daily disruption we've already endured for years.

Please consider the very real cost this project is having on residents — not just structurally, but mentally. We live here. We've been patient. But enough is enough.

Regards,

 18/05/2025

**Amer Magrabi**  
Resident, Miramar Apartments  
270/398 Pitt Street, Haymarket

## Makrina Poljakova

---

**From:** Adrian McKeown  
**Sent:** Wednesday, 21 May 2025 4:57 PM  
**To:** Adrian McKeown  
**Subject:** Conversation notes - Submission - Qing (Eva) - 221/398-408 Pitt St - Level 31 - Request for call back re 410 Pitt St Haymarket CRM:0106000000168

provided advice to Qing, using interpreter:

- building already approved with height of 33 storeys / no increase
- I understand the separation distance between her unit on level 32 will impact her apartment
- able to take down her concerns in writing if she cannot make written submission (this email)

Qing advised, using interpreter:

- requests site visit: **agreed as 11.30am Thursday 22 May – 221/398-408 Pitt St – meet in foyer at 11.30am**
- preference for taking down her concerns in writing as cannot make submission in English (this email)
- THREE OBJECTIONS:
  - o no increase should be approved to the number of storeys above 33 storeys
  - o rubbish room on level 1:
    - no change should be approved to the arrangement for waste collection on Pitt Street
  - o cracks in building – concerned about damage to 398-408 Pitt Street
    - new cracks in the building
    - advised: document the damage, consider engaging structural engineer (owner's corporation)/likely to form civil matter between two building owners

---

**From:** Customer Service <CustomerService@cityofsydney.nsw.gov.au>  
**Sent:** Monday, 19 May 2025 12:49 PM  
**To:** Adrian McKeown <AMcKeown@cityofsydney.nsw.gov.au>  
**Subject:** Request for call back re 410 Pitt St Haymarket CRM:0106000000168

Updates from the City of Sydney



Hi Adrian,

Customer Qing (Eva) [REDACTED] has requested to meet face to face regarding the DA at 410 Pitt St Haymarket. D/2015/661/D. Eva lives in the neighbouring building at 398-408 Pitt St - Level 31. You would need a Mandarin translator for this interaction. I am not sure how to organise an on site interpreter but have included the details below for the phone service.

Customer has below concerns.

1. Customer is worried about the cracks in the building across from her which she can see from her window . This is at 414 - 418 Pitt St. Customer also advised that



her building (398 - 408 Pitt St) - underground garage wall is also damaged. We advised customer that we can report this to Building department but customer has insisted to speak to you first about this issue as they do not understand the legal system.

2. Customer is also worried about the new development blocking her view and the airflow.

3. Customer also wants to know about the plans for this building and the changes in the DA.

Customer advised the construction has already started at this location.

- Please see below details on how to organise an interpreter.

#### **Telephone Interpreting Service (TIS)**

**Phone:** 131 450

**Council's client code:** C144063, OR simply quote "City of Sydney Council"

or

#### **Automated Telephone Interpreter Service (ATIS) (24 hours)**

Alternatively you can use their automated service to connect

<b>All languages</b>	<b>Ph. 1800 131 450</b>
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\*Sudanese Arabic is not available through the automated service (ATIS). To use ATIS:

- Call the telephone number above
- Enter the Council ATIS account number **100994**, followed by the Access number **6066**, then press #.
- Choose your required language
- Confirm your selection.
- Choose the gender of your interpreter (either female, male)
- You will be given a job number. Write this number down as a record of your conversation and use of ATIS.

Kind regards,

Rahul

City of Sydney





[Privacy](#)

**Adrian McKeown**, City of Sydney

Objection to DA Modification D/2020/1387/C

Dear Mr McKeown,

My name is Ashley Stanton, and I live with my husband in Unit 243, Level 35 of the Miramar Apartments. We purchased and settled in May 2022, excited to be part of a well-run, stable building in the heart of Sydney.

Now, less than two years later, we're being asked to accept a significant DA modification — one that directly impacts those of us at the upper levels of the building.

As a communications professional, I understand the difference between transparent consultation and quietly slipped-in revisions. The addition of an acoustic rooftop plant enclosure raises serious concerns for us on Level 35, which sits nearly flush with the proposed structure.

We are left asking:

Have the acoustic impacts of this new rooftop structure been tested independently? Has this updated proposal been put through the same level of scrutiny as the original 2023 process?


And if not — why not?

From what we've seen so far, the answer appears to be no. That erodes community trust and sets a dangerous precedent.

The impact on three affected units cited in the Section 4.55 demonstrates that no one is safe. The appalling and thoughtless changes to the balcony windows of Unit 262 shows what's at stake. What starts as a "minor modification" turns into a major loss of light, outlook, and quality of life!

We urge Council to hold this proposal to the same rigorous standard previously applied. Anything less would be a failure of process — and a betrayal of residents.

Regards,



Ashley Stanton

Unit 243, Miramar Apartments, 398 Pitt Street, Haymarket.

Adrian McKeown - City of Sydney

Objection to DA Modification D/2020/1387/C

Dear Mr McKeown,

May 18. 2025.

Dear Sir,

My name is Fleur Chang, and I'm the owner and resident of Unit 97 at the Miramar Apartments, 398 Pitt Street. I'm writing to formally object to the proposed modification for 410 Pitt Street.

It's upsetting to hear how this has been handled — the lack of transparency, the constant changes, and the fact that residents are only finding out now what these modifications really mean.

What's happening to the south facing units on the higher levels is quite shocking: two of them with 'new' partial view obstruction and Unit 262. Two years ago we were told the development had been finalised and approved. Now, quietly, a new structure is being added that completely blocks light and air for those directly opposite — and described as just a "minor" change.

It's not minor. It's a massive impact on someone's home, and if this is what's being done without open communication, it makes the rest of us wonder what else might be pushed through next.

We all accepted the development after the lengthy process in 2023. But this new move feels underhanded. We should be able to trust that any new proposal is properly scrutinised and that residents — the people actually living next door — are taken seriously.

Please don't let these changes go through unchecked. We love our homes, and we care about our neighbours.

Sincerely,

***Fleur Chang***

Unit 97/398 Pitt Street, Haymarket NSW





**To: Mr Adrian McKeown**  
**City of Sydney Council**

Dear Mr McKeown,

I'm writing as the owner of unit 123/398 Pitt Street, Haymarket, and a neighbour to the proposed development site at 410 Pitt Street.

Having lived in this area for several years, I've witnessed the gradual transformation of the Haymarket precinct — some of it positive, much of it worrying. While I understand that development is part of a growing city, I believe we've now reached a tipping point where unchecked intensification threatens to overwhelm the very qualities that once made this neighbourhood such a desirable place to live.

I'm particularly concerned about the current proposed modification to DA D/2020/1387 under Section 4.55(2), submitted by IDC Property Management Pty Ltd. This request for additional height and unspecified design changes is not just another adjustment — it reflects a broader pattern of scale creep and disregard for prior planning commitments.

Key concerns include:

- **Overshadowing and view loss:** Residents across nearby buildings, including ours, will experience significant light loss — and with it, a loss of wellbeing and comfort.
- **Public safety and transparency:** The recent damage to the Miramar basement wall — and the lack of prompt disclosure — was alarming. Incidents like this diminish confidence in how this site is being managed.
- **Traffic and loading impacts:** The proposed hotel lacks on-site parking, meaning the surrounding streets (ours included) will bear the brunt of taxis, deliveries, and visitor overflow.
- **Cumulative effect of modifications:** This proposal should not be viewed in isolation. It's one in a series of creeping changes that together undermine the original approval.

I've supported growth in this city — but it must be growth that respects context, scale, and existing communities. I urge Council to take a stand, honour the intent of earlier agreements, and prevent this development from progressing without rigorous, independent scrutiny.

Thank you for your time and commitment to fair planning.

Sincerely,

Judy Fung

c/- Property Enterprise shop 268/398 Pitt St. Haymarket



**To: Mr Adrian McKeown**

*City of Sydney Council*

Dear Mr McKeown,

As a resident of **units 107 and 187/398 Pitt Street**, right next door to the development at 410 Pitt St. I am writing to formally object to the proposed modification to DA D/2020/1387 under Section 4.55(2), currently under assessment.

I'm not against growth or development — I understand that the city is changing, and that density can support economic and social vibrancy. What I do object to is overreach — particularly when it undermines previous agreements, compromises residential amenity, and fails to consider the lived experience of existing communities.


My concerns are as follows:

- **Respect for planning agreements:** The current proposal seeks to reverse key limitations previously agreed to, including height controls and floor space. These weren't arbitrary numbers — they were the result of negotiation, legal review, and (most importantly) community input. Reopening them now erodes confidence in the planning process.
- **Amenity impact:** The modification threatens to reduce natural light, airflow, and visual openness — especially for residents on the southern side of the building. These aren't luxuries; they're essential to urban wellbeing.
- **Operational strain:** The development, as proposed, offers no on-site parking and very limited street frontage. This makes it ill-suited to high-volume hotel use. Without dedicated service zones, this will translate to increased congestion, noise, and safety concerns for neighbouring buildings.
- **Developer behaviour:** The recent incident involving damage to a shared basement wall — and the failure to notify residents or building management — reflects a concerning disregard for transparency and responsibility. That alone should give Council pause.

I urge Council to subject this application to a full and independent review. A genuine modification should seek refinement — not expansion — and should respect both the letter and the spirit of prior agreements.

Thank you for taking the time to consider this submission.

Kind regards,



*Ken Wan*

Units 107 & 187/398 Pitt Street, Haymarket

**Dear Mr McKeown, Syd Council**

I never expected to be writing another objection letter about this site. We've been here before — more than once — and each time I've hoped it would be the last. But here we are again.

Since I've owned at the Miramar I've weathered all types of construction, adapted to change, and tried to support sensible growth in the area. But what's being proposed under this new Section 4.55(2) modification to D/2020/1387 is not sensible — it's clearly opportunistic!

This isn't a *refinement* of what was approved. It's an attempt to reverse limits that were set after years of community consultation, planning assessments, and even legal intervention. Those limits weren't arbitrary — they were the result of negotiation, compromise, and a desire to balance growth with quality of life.

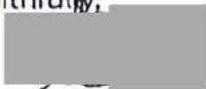
My concerns include:

- **Erosion of natural light and open space:** The additional height proposed will plunge large parts of our building into shadow. This has serious implications not just for comfort, but for physical and mental wellbeing.
- **Developer behaviour and disregard:** The recent wall damage incident — and the failure to promptly inform residents or building management — reflects a worrying attitude. If this is how the early stages are managed, how will they treat larger-scale works?
- **Traffic and operational overflow:** A hotel with no car parking, wedged between residential buildings, is a recipe for congestion and safety issues. We've already seen how overloaded the driveway and laneway become during peak times.
- **Loss of confidence in the process:** If these modifications are approved, what message does that send to residents who participated in good faith during the original DA process? It signals that our input can simply be overwritten through "modifications."

This is more than just a planning issue — it's a question of respect. Respect for agreements, for community wellbeing, and for the people who actually live here day in, day out.

I respectfully ask Council to reject this modification and uphold the original boundaries that were so hard-fought — and so important to maintain.

Yours faithfully,



Khin Sen Bong 66/398 Pitt St. Haymarket.

Adrian McKeown - Objection to DA Modification D/2020/1387/C

Dear Mr McKeown,

My name is **Li Rong Wu**, owner of **Unit 157** at Miramar Apartments. I have lived in this building for many years. It is my home and I care about it very much.

I am very worried about the new DA changes for 410 Pitt Street. In 2023, we were told one thing — now it feels like something different is happening. The developers say this is a small change, but it is not. We saw what they did to Unit 262. They said the view would stay — but now it is gone. That is not right.

If this gets approved, we don't know what the next change will be. Will they build higher? Add more noise? Take away more light? We don't know, and that makes people scared and upset.

This is not only about one unit. These changes hurt the whole building. More noise. More construction. More stress for people living here. We are tired.

Please protect us. Please do not approve this change.

Thanking you,



**Li Rong Wu**

Unit 157, Miramar Apartments  
398 Pitt Street, Haymarket NSW



**20 May 2025**

**RE:** Objection to DA Modification D/2020/1387/C – 410 Pitt Street

**Attention:** Mr Adrian McKeown

City of Sydney Council

Email: [AMcKeown@cityofsydney.nsw.gov.au](mailto:AMcKeown@cityofsydney.nsw.gov.au)

Dear Mr McKeown,

My name is Qian Liu, and I am a resident of Unit 105, Level 19 at the Miramar Apartments, 398 Pitt Street. I have lived here for just over a year, and I'm writing to express my concern about the proposed modification to the development next door at 410 Pitt Street.

Even in this short time, I've come to value the peace, light, and liability of my home. The changes proposed in this modification — especially the new rooftop structures and additional bulk — risk reducing those qualities not just for me, but for many residents across the building.

I understand this is a high-density area, but that doesn't mean developers should be allowed to keep expanding beyond what was already approved, especially when it directly affects neighbours who live here every day.

Please consider the impact this will have on *all* residents but particularly those cited in the Section 4.55 – units 267, 263 and the most impacted of all, 262I. Hence I respectfully object to the proposed modification.

Best regards,

**Qian Liu**

Resident – Unit 105, Level 19

Miramar Apartments

398 Pitt Street, Haymarket NSW 2000



20/05/2025

## Neighbouring Resident at 398 Pitt Street – Precinct-Wide Impact

To: Mr Adrian McKeown  
City of Sydney Council

E: AMcKeown@cityofsydney.nsw.gov.au

Dear Mr McKeown,

I'm writing as the owner of unit 90/398 Pitt Street, Haymarket. I wish to raise my concerns regarding the proposed Section 4.55(2) modification to DA D/2020/1387 submitted by IDC Property Management Pty Ltd for 410 Pitt Street.

While I don't reside within the development site itself, I live and walk through this precinct every day, and I can see the mounting pressure this proposal places on an already stretched part of the city.

My concerns include:

- **Precedent for unchecked vertical expansion:** If approved, this modification could set a precedent for developers to revisit previously agreed limits with little regard for the long-term planning of the area.
- **Cumulative shadowing and view loss:** The combined effect of multiple tall developments in the precinct is starting to visibly impact access to light and sky — even for neighbouring buildings.
- **Pedestrian and traffic congestion:** The proposed hotel will introduce significant foot and vehicle traffic into a narrow, high-traffic stretch of Pitt Street. Without onsite parking or adequate service areas, the surrounding streets — including ours — will feel the overflow.
- **Construction disruption and safety concerns:** The recent incident involving structural damage to a neighbouring wall, and reports that it was not promptly disclosed, raise serious questions about how responsibly this development is being managed.

Residents of nearby buildings like ours are already feeling the pressure of overdevelopment in the area. I respectfully request that Council approach this application with caution, and prioritise the amenity, safety, and fairness for all those who live and work in the Haymarket precinct.

Thank you for your time and consideration.

Sincerely,

  
**Susan Wust**  
**Resident, 90/398 Pitt St Haymarket 2000**



Mr A McKeown  
Sydney City Council

Mr McKeown,

I'm writing as a long-term owner at **66/398 Pitt Street**. I am raising my concerns regarding the proposed Section 4.55(2) modification to DA D/2020/1387, currently under assessment by Council.

Having lived in this area over 15 years, I've witnessed considerable change — much of it welcomed when balanced with thoughtful planning. However, this current proposal to increase the height and scale of the approved development feels like a step too far.

So far as I can tell and from what I have heard, this is not a minor adjustment. It is about changes which alter the built form and make the building bigger and taller than allowed.

My concerns include:

- **Diminished natural light and privacy:** The proposed height increase will further reduce daylight access to many apartments, while potentially creating new lines of sight into private living spaces.
- **Construction fatigue:** Our building — and the broader neighbourhood — has already endured years of disruption. Any extension of works, especially at greater height, means prolonged exposure to noise, dust, and safety risks.
- **Developer accountability:** The recent damage to the neighbouring basement wall, and the delayed disclosure, has raised questions about the developer's transparency and commitment to responsible project management.
- **Public and operational strain:** With no provision for on-site parking, the finished development will inevitably add pressure to an already congested area — particularly for loading, rideshare, and guest movements.
- **Planning integrity:** Perhaps most concerning is the precedent this could set. If conditions negotiated in good faith can be steadily reversed through successive modifications, how can any community have confidence in the planning process?

I strongly urge Council to consider not just the application itself, but the context: the cumulative impact on residents, the erosion of community trust, and the need to uphold clear and enforceable planning boundaries.

Thank you for your time and consideration.

Best regards,



Serry Theudora  
unit 66/398 Pitt St

**Mr A McKeown**  
**City Council**

Hello Mr McKeown,

My name is **Tatiana Blagova**, and I have lived at **Unit 259, Miramar Apartments, 410 Pitt Street**, since 2003. For over 20 years, I have called this building home. It has been a peaceful and stable place for me, and I have great affection and respect for this community.

I am writing to express my **objection** to the proposed Section 4.55(2) modification to **DA D/2020/1387** currently before Council. Like many of my neighbours, I am deeply concerned about the changes being requested — particularly the increase in building height and the addition of new elements that may impact privacy, quiet enjoyment, and structural safety.

At 74 years old, I value peace, routine, and a sense of security in my home. The Miramar has always provided that. But the idea of more height, more construction, and potentially years of noise and disruption is extremely distressing. My apartment will already be affected by the accepted development — but the idea that this building could just keep growing and become so much worse is difficult to accept.

I also share the concern raised by others about the physical pressure this expanded building may place on nearby structures, including our own. We are not engineers, but we live here. We feel the vibration, we hear the changes, and we see the signs when things are not right. Has this been properly evaluated? Where is the reassurance?

I kindly ask Council to consider the people who live here — not just the developers who come and go. Some of us have been part of this building for decades. We are not opposed to change, but we ask for respect, for fairness, and for proper limits.

Thank you for taking the time to consider my concerns.

**Best regards,**  
**Tatiana Blagova**  
**Unit 259, Miramar Apartments**  
**398 Pitt Street, Haymarket**





**To: Mr Adrian McKeown**  
**City of Sydney Council**

Dear Mr McKeown,

I'm writing as a concerned owner at the Miramar Apartments, 398 Pitt Street in relation to the proposed modification to DA D/2020/1387 under Section 4.55(2).

My first concern is precedent.

What message do we send if developers can commit to height limits in one DA, only to walk them back through modifications down the line? This proposal signals just that — a departure from what was originally approved by Council and agreed upon during earlier planning and legal processes. It's not a modification. It's a reversal.

Secondly, the lack of transparency around the current plans is troubling. The documents available are vague. Impact statements are incomplete or out of date. As a nearby resident, I'm left to guess what this means for my light, my privacy, my safety — all things I should be able to understand before a determination is made.

Most concerning of all is the recent construction incident that damaged the neighbouring building's basement wall. That it went unreported by the builder until raised externally is unacceptable. If that's the level of care being shown this early in the build, it raises real questions about how further excavation and high-rise construction will be managed — particularly in a tight, shared urban environment like this one.


The hotel model proposed also comes with real, practical concerns for local infrastructure:

- There is **no on-site parking**, meaning ride-share vehicles and delivery vans will spill into already-congested laneways and driveways.
- The proximity to residential apartments raises **acoustic concerns** from rooftop activity, plant equipment, or communal guest areas.
- Waste, service access, and guest turnover — all standard for a hotel — are misaligned with the spatial limitations of the site.

From a liveability perspective, the proposed height increase means increased overshadowing, particularly for lower-level residents who already receive minimal daylight. That's not a cosmetic issue — it impacts daily health, wellbeing, and energy use.

I trust that Council will assess this proposal for what it really is: not a minor adjustment, but a significant change in scope, scale, and intention.

Sincerely yours,

  
Yuen Ho Wan

Unit 154

398 Pitt Street Haymarket

City of Sydney Adrian McKeown

Subject: Objection to DA Modification D/2020/1387/C

May, 18 2026

Dear Mr McKeown,

My name is Zhenhao Lin, owner of Unit 218 at Miramar Apartments, 398 Pitt Street. My partner and I purchased our property shortly after COVID in early 2022. We lived there for two years before leasing it out, and we've always considered the Miramar a good place — both to live and as an investment.

That's why we are extremely surprised and disappointed to learn about these latest proposed modifications to the DA at 410 Pitt Street. Not only are the changes significant, but the way they've been introduced feels sneaky and unprofessional. This is not how responsible developers should behave.

We trusted the planning process when the DA was first approved — we understood it went through courts and scrutiny. But now we are left wondering: will these new changes be properly reviewed? Will they be pushed through without the same level of oversight?

We've heard that at least three units will be badly impacted, and that one in particular, Unit 262, will lose all natural light. That's not a minor change — that's a serious harm to someone's home and wellbeing.

Even as landlords, we care about the environment we offer to our tenants. We want the Miramar to remain peaceful, safe, and liveable — for everyone.

Please reject this modification. Our community deserves better.

Yours faithfully,

  
*Zhenhao Lin*

Unit 218, Miramar Apartments  
398 Pitt Street, Haymarket



**Adrian McKeown, City of Sydney**

**Objection to DA Modification D/2020/1387/C**

Hello Mr McKeown,

My name is Jenny Jiang. I live in Unit 22 at the Miramar Apartments. I am writing to say I object to the proposed changes to the building next door at 410 Pitt Street.

I love my home. I have lived here for many years and I feel safe in this building. But now I feel worried.

After seeing what happened to Unit 262 — how the developers changed the plans and took away the light — I no longer feel I can trust what they say. The 2023 plans were approved and accepted. But now, they want to change things again. If they do this now, what will they change next? We don't know. That is why I feel very unsafe.

This is not just about one unit. It is about all of us in this building. If they can block the light to Level 37, then how do we know what they will do to other floors? They are already changing things like the swimming pool and the floor plans. It feels like they are doing things quietly, hoping we don't notice.

Please listen to us. We live here. We care about our homes.  
Please do not approve this DA change.

Thank you.

Jenny Jiang  
22/398 Pitt Street, Haymarket

Signed by:  


A. McKeown City of Sydney

DA Modification D/2020/1387/C

Dear Sir,

My name is **Chong Trinh**. I live at **Miramar Apartments**, and I also run a small business in Bondi Junction. I work hard every day, and when I come home, I want a peaceful and quiet place to rest.

That's why I'm objecting to this DA modification. I may not have time to study all the reports, but I've seen what happened with **Unit 262**. They said there would still be a view, and now — there is none. Just a wall. That's not what was approved in 2023.

It makes me feel like the developers say one thing and do another. If Council approves this, what else will they change next? Nobody knows. That's the problem.

It affects all of us. Whether it's losing light, changing the plant room plans, or moving things around without telling us. The trust is gone. We also heard that they destroyed a wall in our basement carpark and didn't even bother reporting it to building management.

Please stop this now before it gets worse. Protect our homes, and don't let developers treat residents like we don't matter.

Sincerely,

**Chong Trinh**

Miramar Apartments

Engraver – Mister Minit Eastgate, Bondi Junction

← UNIT 72



*Adrian McKeown*

City of Sydney

16 May, 2025

Objection to DA Modification D/2020/1387/C

Dear Mr McKeown,

I am writing to express my strong objection to the proposed modification to the development at 410 Pitt Street. My name is **Huiqin Jiang**, and I am a resident and owner of **Miramar Apartments**.

We were already told that the building was approved, and the community moved on. But now, we are being faced with more changes — changes that feel unfair and unnecessary. Why now? And how many more will follow?

The biggest concern for many of us is the **loss of trust**. The impact to at least three units named in the Report — especially those to Unit 262 — where the full view and light are being taken away — shows us clearly that these changes are not minor! If this is approved, what else will be altered without proper consultation?

It affects all of us — not just the apartments facing south. Every new modification extends the timeline, increases disruption, and adds to the burden we are already carrying as a community.

Please protect the residents of Miramar and reject this proposal.

Thank you.

**Huiqin Jiang**

Miramar Apartments

398 Pitt Street, Haymarket





**Adrian McKeown** – City of Sydney Council  
**Email:** [AMcKeown@cityofsydney.nsw.gov.au](mailto:AMcKeown@cityofsydney.nsw.gov.au)

**Subject:** Objection to DA Modification D/2020/1387/C – Impact on Unit 262

**DA Reference:** D/2020/1387/C

Document Services

21 MAY 2025

City of Sydney

Dear City of Sydney,

As the owner of **Unit 262, Level 37** at the Miramar Apartments, I wish to formally object to the proposed modification D/2020/1387/C at 410 Pitt Street, Haymarket.

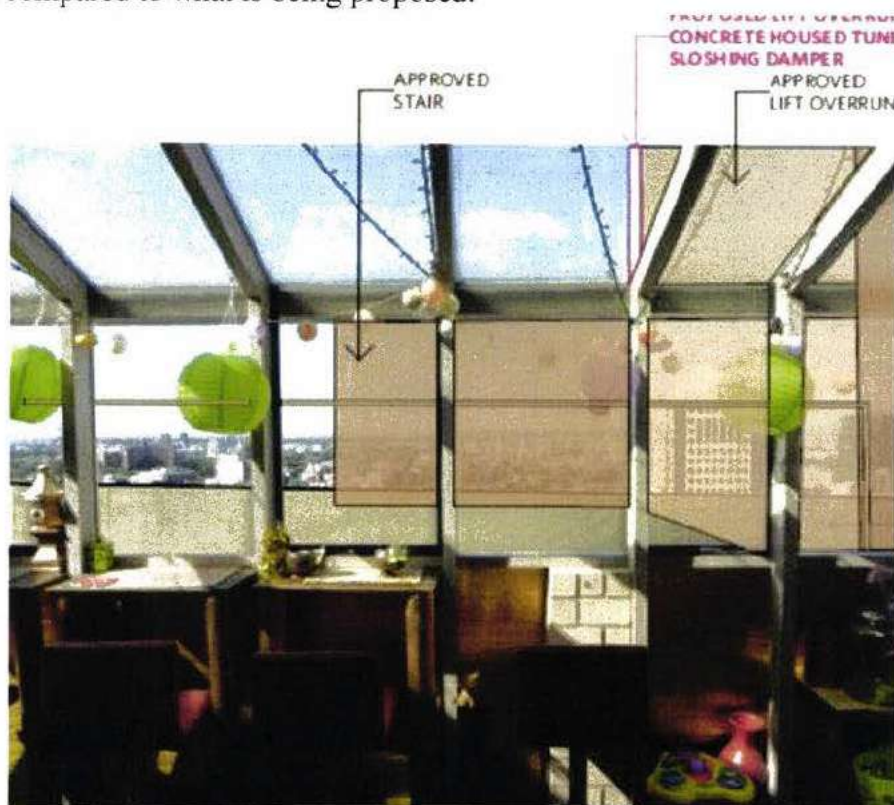
I am alarmed and I have reason to be.

The developer's own Section 4.55 (2) confirms that **Unit 262 is “the most affected”** by this change (Page 33). That alone should give pause — but what's truly alarming is the way this impact has been misrepresented and downplayed as “negligible.”

This is not negligible.

This is the total **loss of our home's only living room outlook**, a full visual blackout caused by the introduction of a new, virtual full-height **acoustic screen** directly tied to the now-proposed **rooftop lift access** — a design element **not** included in the 2023 approved plans.

You can see the impact simply looking at the photo of what was previously approved compared to what is being proposed.



CITY OF SYDNEY

20 MAY 2025

RECEIVED





### **Proposed ‘modification’**

### **From Light-Filled to Lightless — What’s Changed**

I’ve lived in this apartment since I was a teenager. I returned permanently in 2011 after working in the UK. My wife and I met here, we raised our son here, and I supported my father here into retirement. This wasn’t just a place to live — it was a multigenerational family home, one of the few examples of true high-rise family living in Sydney.

We’ve led and lobbied and fought through years of DA battles dating back to 2015!

In 2023, we accepted the outcome and adjusted — not because we wanted to, but because we chose to compromise. We retained partial views, and although our amenity was diminished, we made peace with what remained. We stayed because we believed the outcome had integrity.

But the newly proposed rooftop design removes even that.

The 2023 approved documentation, specifically Figure 22 on Page 23 (link: <https://tinyurl.com/4cnrvzkb>), clearly shows a partial southern view — no mention of a solid wall, no lift core, and no complete enclosure. It implied transparency, or at minimum, a sense of retained openness.

In the 2025 modification proposal, this same image is quietly overridden. The balustrade has become a solid acoustic wall. The stair has become a lift. The impact has gone from partial to total — and that change has been presented as merely technical. But for my family, this is not technical. It’s existential.

### **Real-World Impact**

The result of these changes is simple: our only living room window — the sole southern light source — will be blocked by a full-height opaque structure. Our bedrooms face east. There is no other source of natural light or ventilation into our living area.

This isn’t a design adjustment. It’s the conversion of a top-floor apartment into a sealed box.

I work in software development. Precision matters. In my world, ambiguity causes risk. In this case, ambiguity in the 2023 consent documents has resulted in a bait-and-switch. What was approved is not what is being built.

And now, with construction well underway, we are being asked to accept this post-hoc change as if it were minor. It is not. It is a fundamental departure from the planning outcome the community accepted in good faith.

### **A Pattern, Not an Isolated Change**

This isn't just about one apartment. Other residents — in Units 267 and 263 — are also newly impacted. The broader community at Miramar is now uniting against what we see as design by erosion: a pattern of incremental changes that collectively dismantle the protections agreed upon in 2023.

And the trigger for all of it? Lift access to a rooftop plant room. That's the only functional justification given for the acoustic screen that will now enclose our view and sever our home from the city skyline.

We are not alone in asking: why does this lift suddenly matter now? It wasn't required before. It wasn't part of the previous DA. Is this just access for maintenance? Or is it the beginning of rooftop activation — a future event space or bar, conveniently built atop a silent "modification"?

### **A Simple Request**

My family didn't just live in Unit 262. We cared for it. We invested in this building, served on the Owners Committee, improved our home, and fostered community. The light that once filled our living room was more than aesthetic — it was symbolic of the openness, generosity, and shared life that made the Miramar special.

All south-facing light is now at risk of being permanently blocked.

And so, I respectfully ask Council to:

- Reject this rooftop modification in its current form
- Demand clarity around the purpose of the new rooftop lift
- Protect the integrity of the original 2023 consent
- Prevent the loss of residential amenity being framed as technical inevitability



Because if the total blackout of one family's living space can be called "negligible" — then what's next?

**Sincerely,**

**Edward Lee**

Owner – Unit 262, Miramar Apartments  
398 Pitt Street, Haymarket NSW 2000





To: Adrian McKeown  
City of Sydney Council  
[amckeown@cityofsydney.nsw.gov.au](mailto:amckeown@cityofsydney.nsw.gov.au)

18<sup>th</sup> May 2025

Re: Objection to DA Modification D/2020/1387/C – Unit 262, A Home Undone

Dear Adrian,

Thank you again for your recent site visit. I write to you not just as a co-owner of the “most affected” unit 262 (pp 33 Section 4.55) at the Miramar Apartments, but as a busy professional mother daughter and wife and someone whose family built their lives — quite literally — in this home in the sky.

For over 30 years, three generations of the Lee family have lived, grown, and celebrated life in Unit 262. My father-in-law, Paul Lee, bought it off the plan in 1995. I met his son Edward in 2003, and we lived on and off in-between living in the UK year after year before settling in permanently in 2010. I threw myself into designing a home that honoured the outlook, the light, and the emotional comfort that only comes from a well-loved space.

In 2023 we moved out. Not by choice, but out of emotional exhaustion from an almost decade-long battle — and with full knowledge that the southern light we so treasured would soon disappear. But we made peace with that. We accepted the 2023 approval and moved forward.

Which is why what’s now being proposed feels not just excessive, but deeply dishonest.

The Core Issue

The 2025 DA modification report explicitly states — three times — that Unit 262 is the “most affected” by the changes.

- Page 31: *“There is some additional impact to Unit 262...”*
- Page 33: *“The most affected view from the modification is to Unit 262...”*
- Page 34: *“The additional view impacts... are negligible...”*

It cannot be all three. This contradiction is at the heart of our objection.

The 2023 documentation (page 23) gave residents of Unit 262 the visual and reasonable expectation of a retained partial view. There was no clearly labelled balustrade or obstruction



— just a very thin line upon a backdrop of open sky. What’s now being proposed is a solid acoustic wall, justified as a minor update, but in fact resulting in a total loss of light, air, and outlook.

This isn’t just technical sleight of hand. It’s a real-world consequence — turning a once light-filled family home into a dark, closed-in void.

### **A Personal Loss**

That balcony wasn’t just architectural. It was our place to breastfeed our baby. To sip coffee and watch planes. To celebrate birthdays and cry during storms. We mirrored the living room wall to reflect that view — not just for beauty, but for wellness. That connection to sky and space was therapeutic.

To now see that erased, post-approval, under the guise of “compliance,” is devastating.

### **A Matter of Planning Integrity**

If we allow these incremental changes to slip through, what else will be erased? What confidence can any city resident have that what’s approved today won’t be overwritten tomorrow?

This isn’t about stopping development. It’s about upholding process, transparency, and care for residents who anchored their lives in this place. The impact of this change isn’t abstract. It’s emotional. It’s structural. And it’s completely avoidable.

Please uphold the 2023 agreement.

Please reject this DA modification.

And please help restore some trust in the system that’s meant to protect us.

Many thanks,

**Sue Ostler-Lee**

JP (NSW), LREA

Treasurer – Miramar Owners Committee

Co-owner, Unit 262

Miramar Apartments

398 Pitt Street, Haymarket NSW 2000

E: [REDACTED] | P: [REDACTED]

# Unit 262 – Devastating Impact of Proposed DA Modification (D/2020/1387/C)

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This document illustrates the progressive and ultimately devastating impact of the proposed 2025 Section 4.55(2) modification on Unit 262 at the Miramar Apartments, 398 Pitt Street, Haymarket. It compares the original, approved, and newly proposed visual outcomes, showing how the living room — the only shared space with natural light — will be entirely blacked out under the current plan.

## 1. Original Light Source – Before Any Modifications

The image below shows the original south-facing window and balcony view from Unit 262's living room. This is the only source of natural daylight for the main living area. All other rooms (bedrooms and kitchen) are behind full-height internal walls and accessed via doors. Once closed, the living room is completely dependent on this window for light and ventilation.

[INSERT IMAGE 1 HERE – Full Original Balcony View]

Footnote: This image demonstrates full visibility and access to skyline and daylight.

## 2. 2023 Approved View Loss – Accepted as a Compromise

The 2023 DA modification introduced plant structures (stair and lift overruns) to the rooftop zone. While these created partial view loss, significant natural light and view corridors were retained. Residents accepted this as a difficult but workable compromise, trusting this would be the final extent of obstruction.

[INSERT IMAGE 2 HERE – 2023 Approved Balcony View Loss Overlay]

Footnote: Brown shaded areas show the lift overrun and approved mechanical infrastructure.

## 3. 2025 Proposed Modification – Total View Loss

The new Section 4.55 proposal introduces a solid, full-height acoustic wall across nearly the entire width of the window. Represented in pink highlights, these structures eliminate all remaining view and significantly reduce daylight. This effectively renders the living room a sealed internal room requiring artificial lighting throughout the day.

[INSERT IMAGE 3 HERE – 2025 Proposed Full Visual Obstruction]

Footnote: Pink areas show new obstructions tied to the rooftop lift, not disclosed in the 2023 plan.

#### 4. Summary of Impacts

- The living room will be left with no direct daylight.
- View corridors and skyline outlooks will be fully removed.
- Mental wellbeing, quality of life, and property value will all be adversely impacted.
- These impacts result solely from the introduction of a rooftop lift — never part of the approved 2023 consent.
- Describing these impacts as “negligible” is not only inaccurate but dismissive of the real and irreversible loss.


This is not a refinement. It is a removal of light, openness, and liveability — the very essence of home.

##### Limited Daylight from East-Facing Windows:

- Unit 262 contains two east-facing bedroom windows, but these are separated from the living space by full-height walls and doors.
- These windows receive **\*\*direct sunlight only from sunrise until around 10:30am\*\***, and only if doors are left open.
- After 11:00am, no east-facing rooms receive direct sunlight.
- The **\*\*kitchen is internal\*\*** and receives no direct daylight at any time.

##### Seasonal Sunlight Breakdown:

- **\*\*Summer:\*\*** East-facing windows get 2.5–3 hours of morning sun.
- **\*\*Winter:\*\*** This drops to just 1.5–2 hours due to the lower sun angle.
- **\*\*All Year:\*\*** South-facing windows — such as those in the living room — provide consistent ambient daylight throughout the day, essential for comfort and liveability.

 If the south-facing window is blocked, Unit 262 will receive no direct natural light in the living room from mid-morning onward year-round, resulting in a space that is effectively dark for most of the day.



**Subject:** Objection to DA Modification D/2020/1387/C

**Description:** Section 4.55(2) modification of the existing consent for a new hotel

Adrian McKeown

City of Sydney Council

[AMcKeown@cityofsydney.nsw.gov.au](mailto:AMcKeown@cityofsydney.nsw.gov.au) [dasubmissions@cityofsydney.nsw.gov.au](mailto:dasubmissions@cityofsydney.nsw.gov.au)

Hi Adrian,

My name is Eric Lee. I'm one of the many family members who have lived at Unit 262, Miramar Apartments, over the past 25+ years.

I'll be honest — I was never a big fan of the balcony. I'm not great with heights. But that didn't stop me from loving every inch of that apartment. I spent years there on and off — staying, visiting, staying overnight. It's where my brothers lived, where our dad retired, and where my little nephew Jett took his first steps. That home is part of our family's story.

So when I saw the latest modification for 410 Pitt Street — the one that blocks the last bit of sky from our apartment with a giant acoustic wall — I was genuinely shocked.

We were told the view would be partly preserved. In fact, the approved 2023 plans (see Figure 22 on page 23 [link](#)) clearly showed a partial view from the apartment — something to hold on to. But now? That's gone. There's no partial view. It's a complete block-out.

What bothers me most isn't just the wall — it's the way it's been snuck in. Like it doesn't matter. Like it's no big deal and nobody would notice. But we did notice.

That apartment meant something to all of us. We celebrated birthdays, Christmas, and Chinese New Year there. We played table tennis and had kids' parties in the rec areas. We watched sunsets and thunderstorms roll in across the city. And we always thought, *"How lucky are we to live in a place like this?"*

This so-called modification isn't just a technical fix. It's a slap in the face to the people who made a life in that building. Our family made that place a home — not just with furniture and renovations, but with memories, laughter, and love.

I'm not a planner or an architect. But I know what's right, and this isn't it. You don't get to rewrite what was promised just because it suits someone else's bottom line. I'm asking on behalf of my family and all the Miramar residents, please don't let this go through.

We're asking for fairness. For transparency. And for a bit of humanity in the process.

Yours truly,





**Eric Lee**

Former resident and family member – Unit 262

Miramar Apartments

398 Pitt Street, Haymarket NSW 2000

Adrian McKeown  
City of Sydney Council  
[AMcKeown@cityofsydney.nsw.gov.au](mailto:AMcKeown@cityofsydney.nsw.gov.au) **Cc:** [dasubmissions@cityofsydney.nsw.gov.au](mailto:dasubmissions@cityofsydney.nsw.gov.au)

**DA Reference:** D/2020/1387/C

**Description:** Section 4.55(2) modification of the existing consent for a new hotel

**Subject:** Objection to DA Modification D/2020/1387/C – Protecting What Was Promised at Miramar

Dear Sir,

I write today not just as a property owner, but as a father, a grandfather, an engineer, and one of the early believers in high-rise living in Sydney's CBD.

In 1995, I purchased Unit 262 in the Miramar. Back then, apartment living in the city was still seen as experimental — even risky. But as a qualified engineer, I had complete confidence in the design and construction of this building. The foundations were solid. The infrastructure was sound. I knew this home would stand the test of time — and it has. It delivered on everything I hoped for: safety, quality, lifestyle, and the ability to bring three generations of my family together under one roof.

Over the decades, Miramar has become more than just a residence. It became the heart of our family life. My sons lived here. My grandson was born and raised here. We celebrated holidays, milestones, and ordinary days with sunlight streaming through the south-facing windows and a wide-open sky beyond. The view was never just a bonus — it was an essential part of what made this apartment a sanctuary.

I've also been in real estate long enough to understand how cities grow, and I've supported development when it's done with fairness and respect. That's why in 2023, when the original DA was approved — even though it came at a cost — we accepted the outcome and moved on. The approved plans (see Figure 22 on page 23 [link]) clearly showed that Unit 262 would retain a partial southern view. We took that as the final compromise.

What's now proposed, however, is not just another adjustment — it's a backdoor redesign.

The introduction of the virtually full-height acoustic wall eliminates what little view remained and replaces it with a blank obstruction. This wasn't what was approved! This wasn't what was communicated. It feels like an orchestrated step — a calculated “clarification” used to push through a structural change that would never have passed had it been honestly represented at the outset.

This isn't about resisting development. This is about transparency and trust.

I invested in this home not just for myself but for my family's future — and until now, that investment has lived up to its promise. What's happening now undermines that entirely. The City of Sydney appears willing to compromise the structural and social integrity of this building by cramming a skyscraper into a site that is simply too small, solely to satisfy the ambitions of developers with deep pockets.

If the City has any genuine commitment to its residents' wellbeing, to the integrity of the planning process, and the liveability of this Sydney's CBD — now is the time to prove it.

Please reject this modification. Honour the 2023 approval and protect the homes that were built in good faith under your watch.



**Paul Lee**

Original Owner – Unit 262

Miramar Apartments

398 Pitt Street, Haymarket NSW 2000

Adrian McKeown – City of Sydney Council

**Email:** [AMcKeown@cityofsydney.nsw.gov.au](mailto:AMcKeown@cityofsydney.nsw.gov.au)

**Subject:** Objection to DA Modification D/2020/1387/C – Loss of Amenity and Integrity at Miramar

**DA Reference:** D/2020/1387/C

**Address:** 410 Pitt Street, Haymarket NSW 2000

**Applicant:** IDC Property Management Pty Ltd

**Description:** Section 4.55(2) modification of the existing consent for a new hotel

Dear Adrian,

I'm writing to formally object to the proposed modification D/2020/1387/C for 410 Pitt Street.

I am a City of Sydney rate payer and own an apartment across the road at 393 Pitt St with a south-facing view.

I lived at the Miramar Apartments from 2006 to 2012 while working full-time at the Commonwealth Bank. Unit 262 wasn't just a convenient city base — it was a genuine home, filled with light, fresh air, and a surprising sense of calm in the heart of the CBD.

Our family gathered there often. My father, brothers, and I watched my nephew Jett grow up on that balcony, endlessly fascinated by the skies and trains below. My daughter Zoe — the same age as Jett — made lifelong memories there. My fiancée and I cooked meals, shared quiet evenings, and enjoyed a rare kind of city serenity. And at the centre of it all was the view — not just a backdrop, but a defining part of the apartment's soul.

In 2023, Council-approved plans (see Figure 22 on page 23

([https://drive.google.com/file/d/1SOe\\_cZe\\_CXtZVU4YSPqgUGUwoGS-w8j/view](https://drive.google.com/file/d/1SOe_cZe_CXtZVU4YSPqgUGUwoGS-w8j/view))

showed a partial but welcome southern view from Unit 262 would remain. That gave our family a sense of closure. We knew development was progressing, but it seemed there was still some respect for what we would retain.

Now, that promise has been reversed.

The latest modification replaces the open outlook with a solid acoustic wall — completely blocking the view and directly contradicting what was approved just two



years ago. This isn't refinement. It's a **material and visible loss**, dressed up as technical necessity. It removes the final patch of sky from what was once a breathable, liveable home — and it does so by reinterpreting past plans in a way that feels disingenuous.

What concerns me most is the erosion of trust. From the outside, this may look like standard developer behaviour. But from the inside — for those of us who lived there, invested in the community, and called this place home — it feels like a betrayal of the Miramar's legacy.

This wasn't just a building. It was a vertical neighbourhood. Kids playing on Level 7. Table tennis with neighbours. BBQs with cousins. It was city living that still felt human. And now, all of that is being boxed in.

I respectfully urge Council to reject this modification and uphold what was already agreed to. These incremental, backdoor changes might serve developers — but they come at a real human cost.

Sincerely,

A large rectangular area of the document has been redacted with a solid grey box, obscuring the signature and any text that might have been present below the 'Sincerely,' line.

**Shawn Lee**

Property Owner at Unit 3710, Hordern Towers, 393 Pitt St, Sydney, NSW 2000

and

Former resident – Unit 262, Miramar Apartments, 398 Pitt Street, Haymarket NSW, 2000

**Adrian McKeown**

City of Sydney Council

AMcKeown@cityofsydney.nsw.gov.au

**Cc:** dasubmissions@cityofsydney.nsw.gov.au

**Subject:** Objection to DA Modification D/2020/1387/C – Loss of Amenity and Community at 410 Pitt Street

Dear Mr McKeown,

I'm writing to object to the proposed modification D/2020/1387/C at 410 Pitt Street.

I own a nearby apartment at 393 Pitt St, Sydney 2000 which shares a south-facing view with Unit 262 at the Miramar Apartments.

I loved my time living at Unit 262 in the Miramar Apartments with my fiancé, Shawn. It was the first place we called home together — not just a stop on the way to somewhere else, but a space where family gathered, meals were shared, and memories were made.

I loved cooking up a storm in that kitchen and hosting hotpot nights with friends and family. The apartment was always filled with warmth, not just from the food, but from the light that poured in through our windows. And the view — that view — gave everything a sense of peace and openness. It connected us to the city without feeling boxed in by it.

In 2023, the approved plans gave us hope that at least a portion of that view would remain. **Figure 22 on page 23**

([https://drive.google.com/file/d/1SOe\\_cZe\\_CXtZVU4YSPqgUGUwoGS-w8j/view](https://drive.google.com/file/d/1SOe_cZe_CXtZVU4YSPqgUGUwoGS-w8j/view) )

clearly showed a partial southern outlook from Unit 262. That mattered — not just architecturally, but emotionally. It suggested that some balance had been struck between development and community.

Now, the proposed modification replaces that space with a full-height acoustic wall — cutting off the last remaining outlook and contradicting what was initially approved. It's hard not to see this as a breach of trust. What was portrayed as "minor" is, in fact, a total loss of view, and a symbolic loss for a family that poured so much into making that apartment a true home.

We're not objecting out of sentimentality alone. We're objecting because the process has been misleading — because something was promised, and now it's being reversed. Miramar wasn't just another high-rise. It was a vertical community. We had dinners on the balcony, cousins playing on Level 7, neighbours who waved and looked out for each

other. That kind of city living is rare — and worth protecting. And it's not just our family that will be affected, but the whole community, who will be impacted by the extra stress of more hotel rooms, more traffic, more chaos in an already overcrowded part of Pitt Street.

I strongly and respectfully ask Council to reject this modification. A city that values liveability and prides itself on its urban charm must also value transparency, fairness, and the people who built lives in the spaces now being compromised.

Warm regards,



**Margaret Sim**

Property Owner at Unit 3710, 393 Pitt St, Sydney, NSW 2000

and

Former resident – Unit 262, Miramar Apartments, 398 Pitt Street, Haymarket NSW 2000



**Mr Adrian McKeown**

City of Sydney Council

AMcKeown@cityofsydney.nsw.gov.au

**Subject:** Objection to DA Modification D/2020/1387/C

**DA Reference:** D/2020/1387/C

**Address:** 410 Pitt Street, Haymarket NSW 2000

18<sup>th</sup> May 2025

Dear Mr McKeown,

I'm writing as a regular guest at Unit 262 in the Miramar Apartments, where my daughter Sue, son-in-law Edward, and grandson Jett built a beautiful home in the sky. Over many years, I've spent countless nights in that apartment — joining in for birthdays, dinners, holidays, and simple everyday joy.

I've watched my daughter flourish there. What she and Edward created wasn't just a flat — it was a home filled with warmth, care, and laughter. They designed it so thoughtfully — not just for style, but for light, space, and family life. Every time I visited, I felt safe, peaceful, and proud.

That view to the south — especially from the enclosed balcony — gave the whole apartment its sense of openness. Watching the sky change colour, the planes pass, and the city breathe — it brought so much calm, not just to the adults, but to Jett too. He grew up watching the world from that window.

It's devastating to think that what gave so much happiness to so many could be taken away by a planning change that we were never meant to notice.

We accepted the 2023 compromise because it still preserved a piece of what made the apartment feel open. But now, to replace that with a blank wall — and call it a “minor change” — is heartbreaking.

This isn't how you treat families. It's not how you treat long-term residents who helped build this city's culture of inner-city living.

Please don't allow this to happen. Please protect what's left of the homes that people like my daughter worked so hard to create.

Sincerely,

**Lorraine Ostler**

Unit 262, Miramar Apartments, 398 Pitt Street, Haymarket NSW 2000



## Building Facilities Management Solutions

Miramar | 398-408 Pitt St, Sydney NSW 2000

Email [REDACTED]@bfms.com.au

Phone: [REDACTED]



A. McKeown

City of Sydney Council

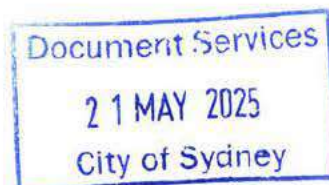
AMcKeown@cityofsydney.nsw.gov.au

**DA Reference:** D/2020/1387/C

**Address:** 410 Pitt Street, Haymarket NSW 2000

**Applicant:** IDC Property Management Pty Ltd

**Description:** Section 4.55(2) modification of the existing consent for a new hotel



Dear Adrian,

My name is Sienna, and I'm one of the Building Managers at Miramar Apartments, 398 Pitt Street. I love what I do — supporting residents, helping them feel at home, and ensuring our building isn't just well-maintained, but a genuinely welcoming and connected place to live.

Over the past few years, I've worked closely with tenants and owners from all walks of life — from long-time families to young professionals — and I've seen firsthand how special this building really is. But right now, that sense of comfort and community is under threat.

Hence, I'm writing to formally object to the proposed modification D/2020/1387/C for the neighbouring development at 410 Pitt Street.

As someone on the ground every day, I can tell you that the current development has already had a significant impact on residents. We've had noise, disruption, and safety concerns about how close this new tower is being pushed against our building.

What's now being proposed — particularly the request for more space, presumably to cram in more hotel guests into such a tight area is unreasonable and illogical.

This building is more than just bricks and balconies. It's a vertical neighbourhood. We've got friendly faces who greet one another in the lifts, neighbours who check in on each other, kids who play together, and people who take pride in living here. That community deserves to be protected.

If the City of Sydney truly values liveability, resident wellbeing, and smart development, then this is the moment to show it. Please don't allow this modification to go through. It threatens not just one apartment, but the entire balance we've worked so hard to maintain.

Thank you for your time and consideration.

Kind regards,

**Sienna Zheng**

Building Manager

Miramar Apartments, 398 Pitt Street, Haymarket NSW 2000

Liability limited by a scheme approved under Professional Standards Legislation



**Mr A McKeown**

City of Sydney

[AMcKeown@cityofsydney.nsw.gov.au](mailto:AMcKeown@cityofsydney.nsw.gov.au)

**DA Reference:** D/2020/1387/C

18<sup>th</sup> May, 2025

Dear Adrian,

Joel Foong, Sales Director at Goodvest Reality International here. I've been managing the day-to-day operations of this building for the past five years, following in the footsteps of respected senior agent John Lee. I represent the younger generation of property professionals who still believe in the value of community, responsibility, and transparency.

I'm proud to be a part of the Miramar — a building I know inside and out and all its stakeholders from the residents and owners to the fine detail of its operations and maintenance. We manage the property with a commitment to integrity and care. That's why I am writing today to express my strong objection to the proposed modification.

The original development, whether ideal or not, was approved — and the community accepted that. We moved on. But what is now being requested goes beyond what was agreed upon. These modifications — submitted with minimal consultation — appear designed to slip through unnoticed. That's where we draw the line and object on the grounds that this proposal is:

- Operationally and architecturally disruptive
- And structurally and emotionally damaging to those who live on the southern side of the Miramar

The proposed changes, which appear intent on making more room to squeeze in more hotel guests, will result in:

- Complete loss of natural light and amenity for Unit 262 (singled out as the worst-impacted)
- Increased overshadowing and privacy intrusion
- A dramatic strain on building operations, security, and maintenance
- Leave questions marks and ambiguity about the next lot of incremental changes the developers have in mind.

This Application is detrimental and unfair to the Owners of SP44910.

We ask the Council to re-consider the above and to reconsider the Application.

Sincerely,



**Joel Foong**

Sales Director, Goodvest Reality International

Managing Agent – Miramar Apartments

398 Pitt Street, Haymarket NSW 2000

Adrian McKeown City of Sydney Council  
[AMcKeown@cityofsydney.nsw.gov.au](mailto:AMcKeown@cityofsydney.nsw.gov.au)

DA Reference: D/2020/1387/C: 410 Pitt Street, Haymarket NSW 2000

18<sup>th</sup> May, 2025

Dear Sir,

John Lee here; I've been part of the Miramar Apartments community for many years — as a licensed real estate agent, a committee member, and most importantly, a neighbour.

I've watched this building change over time. I've helped residents buy and sell homes here. Every January, I've celebrated Lunar New Year with the Owners Committee over Chinese banquets. I've welcomed new tenants and always tried to make sure owners feel heard and respected.

Although I'm no longer involved in the daily management of the building, I still care very much about its future — and the wellbeing of the people who live here.

Miramar residents already gave a lot during the previous round of planning. We accepted the 2023 outcome after many years of meetings, legal costs, campaigns, and emotional stress. To now face another modification — after all that effort and compromise — feels like a real slap in the face to those who acted in good faith.

This is not just a small paperwork change. It's the latest in a long string of developer tactics that make people feel tired, discouraged, and ignored.

It's very clear what's being built now is not what was originally approved. There's a feeling this is being pushed through quietly — hoping that no one will notice. But we *do* notice. And many of us are upset.

When I think of the Lee family — who bought Unit 262 in 1995 and helped shape high-rise living in this city — I feel very sad. Paul Lee, my former mentor, and his family have looked after that home for 30 years. Now they're facing the loss of light, air, and peace because of something labelled a "minor" change.

We believe that this approval is not appropriate and unfair to the owners of SP44910.

We ask the City of Sydney Council to re-consider this approval and amendment application.

Yours faithfully,



**John Lee**

Licensed Real Estate Agent

Former Committee Member, Miramar Apartments



City of Sydney Council

Adrian McKeown [AMcKeown@cityofsydney.nsw.gov.au](mailto:AMcKeown@cityofsydney.nsw.gov.au)

**Subject:** Objection to DA Modification D/2020/1387/C – Legal and Ethical Concerns  
**DA Reference:** D/2020/1387/C

Dear Mr McKeown,

My name is **Darryl Freeman**, solicitor and long-standing committee member of the Miramar Apartments. I am the owner of Lot 58/SP44910.

I've been involved with this building in a professional and voluntary capacity for over twenty-five years. I know its history, its people, and the decades of diligence poured into protecting it.

Today, I write in **strong objection** to the proposed DA modification D/2020/1387/C.

The residents of Miramar and the Miramar Action Group, in particular, have fought this development with dignity and persistence since 2015. In 2023, following concessions and legal outcomes, many felt they had done all they could. They were prepared — albeit reluctantly — to accept the compromises and move forward.

That agreement is now being broken.

This modification — specifically the impact on **Unit 262**, which goes nose-to-nose with the rooftop of the proposed tower — is not a minor adjustment. It **completely transforms the apartment**. A once sunlit, open, high-floor family home will now be left in **perpetual shadow**. The only natural light source to that apartment — its southern-facing windows — will be entirely blocked. The result? A once-vibrant home turned into a **black void**.

My fellow committee member and client, Ms **Sue Ostler**, has been a long-term resident in that apartment with her family. They've not only contributed to the physical upkeep of this building but have also represented tenant concerns, supported owners, and fought for safety and stability. The irony is heartbreaking — the person who worked hardest to protect this community is the one hit hardest by its betrayal.

What's being proposed may not be illegal. But it is **deeply immoral**.

This is a textbook example of planning by attrition. The community exhausted itself reaching an agreement in 2023. And now, while their backs are turned, that agreement is being undermined.

This DA modification is just another example of a developer, proposing what appears to be an innocuous modification, in the hope that most owners/residents will either ignore the many notifications they receive from Council, fail to respond or make an assessment it has no direct impact upon them, so on that basis don't respond.



If Council approves this modification, it signals that:

- Developers can revisit settled matters when it suits them
- Long-term residents' well-being is secondary to commercial advantage
- Promises made through the planning process no longer hold weight

This must not be allowed. The community deserves better. The residents of Miramar and Unit 262 deserve better. Sydney deserves a Council that upholds its duty to protect the liveability of its city.

Council must reject this modification. Stop the erosion of integrity. And stand with the people who have fought in good faith to preserve this building's future.

Yours faithfully,



**Darryl Freeman**

Solicitor and (former) Committee Member  
Miramar Apartments  
398 Pitt Street, Haymarket NSW 2000

**Formal Objection – DA Modification D/2020/1387/C at 410 Pitt Street**

To: Mr Adrian McKeown, City of Sydney Council

Email: AMcKeown@cityofsydney.nsw.gov.au

From: Alison Soon, Licensee in Charge & Owners Committee Member

Date: 18 May 2026

Dear Mr McKeown,

I am writing as both a long-term resident and the onsite Property Manager of the Miramar Apartments at 398 Pitt Street, where I've worked professionally for over 33 years.

I currently manage approximately 50 apartments in the building, including 12 along the southern elevation now directly impacted by this modification. I take great pride in the care and oversight I provide to our community, which includes safeguarding the physical condition of the building and the wellbeing of its residents.

Unfortunately, the behaviour of the developer and their contractor, Tricon, has shown a lack of transparency, procedural integrity, and care. In April this year, without warning or notification, a Tricon excavator damaged the southern common wall between their development and our car park. No incident report was provided. No one from Tricon contacted building management. A temporary shade cloth and lightweight fence were erected after the fact, but the damage had already occurred — and the risk to people and property was real.

Given this history, it is deeply concerning that the same developer is now seeking approval for further rooftop structures that will significantly affect upper-floor residents — particularly Unit 262, which will lose its final source of light and view. Units 267 and 263 are also cited in their own documents as being newly impacted.

I ask: how can a party that failed to manage their works safely at ground level be entrusted with rooftop modifications involving additional loading, visual obstruction, and amenity loss?

This request for modification does not inspire confidence. It represents a continuation of a pattern — one of failing to disclose, failing to consult, and failing to protect the interests of neighbouring owners.

**On these grounds, I respectfully object to the proposed modification.**

Before any further approvals can be considered, I strongly urge Council to require the following from the applicant:

1. **A formal incident report** from Tricon detailing the excavator strike, with photographs and a clear rectification plan.
2. **Certificates of Insurance**, including public liability and builder's cover to protect against ongoing and future risk.
3. **A structural risk mitigation plan** for excavation and construction adjacent to our common walls, car park, and fire escape routes.
4. **A nominated community liaison** and after-hours emergency contact from the builder.

5. **Third-party structural monitoring** of Miramar's southern perimeter and common areas prior to further development.

This is not an unreasonable request — it is basic due diligence.

The community at Miramar has been patient, cooperative, and fair throughout this development process. We accepted the 2023 approval outcome in good faith. However, it is difficult to accept further changes when the current developer has demonstrated poor communication, questionable safety practices, and no regard for the shared boundaries they are now seeking to alter.

In the interests of public safety, structural integrity, and procedural fairness, I urge the Council to reject the current DA modification unless and until these basic protections are in place.

Kind regards,

  
**Alison Soon**

Licensee in Charge, Property Enterprises International  
Owners Committee Member  
Miramar Apartments, 398 Pitt Street, Haymarket NSW 2000



On Tue, 15 Apr 2025 at 10:53, PropertyInternational Enterprises

<[REDACTED]> wrote:

Hi All,

Hope this email finds you well.

As both an owner and occupier, I am deeply concerned about the damage sustained by Miramar's south wall, which appears to have been caused by the builders at 410 Pitt Street.

I would like to bring this matter to the attention of the Chairman and/or the Executive Committee, and I believe it would be appropriate for us to address it during tonight's meeting.

Following the incident last Wednesday, in which a Tricon excavator caused damage to the common wall between 410 Pitt Street and Miramar's car park, I believe it is important that the Executive Committee be made aware of the potential for more serious issues to arise in the future.

The implications of this incident may extend beyond the immediate damage, and it is imperative that they are carefully considered and discussed to ensure the Miramar is adequately protected from further harm and potential legal exposure.

This is not merely a matter of the developer erecting a temporary, easily movable fence and a sheet of flimsy shade cloth. Such measures do not provide adequate physical protection. These are common areas, accessible to residents and visitors alike—anyone could have been standing on the other side of that wall. Additionally, a vehicle could have been parked there, potentially resulting in property damage or, more alarmingly, serious personal injury.

I am uncertain as to who authorised the erection of the temporary fencing by Tricon on our property last week. However, should a more serious incident occur, I can confidently state that our insurance provider is unlikely to accept liability or provide coverage under such circumstances.

Based on the fact that most people were unaware of what, or rather, when exactly this incident happened, I am making assumptions that the Executive Committee was also not made aware or correctly informed, and therefore was not given the opportunity to properly investigate, let alone give permission for the builders next door to come onto *our* property to erect their inadequate temporary fencing.



Tricon failed to notify Building Management at the time the incident occurred—possibly in the hope that it would go unnoticed. They were clearly aware of the seriousness of their actions, yet made no effort to check whether anyone had been injured as a result. This lack of responsibility and transparency must be formally brought to the attention of Tricon, as well as reported to the relevant bodies, including Building Regulations, Certifications, and Fire Safety Consultants. ([bcaustralia.net.au](http://bcaustralia.net.au)).

Given the sheer scale and height of the project, there is a significant likelihood of further incidents occurring, and we must be fully prepared to address them proactively.

At present, Tricon has only reached ground level, yet the damage already sustained is concerning. They still have to excavate multiple basement levels, which will involve jackhammering through solid rock two to three floors down. Following that, they plan to construct a building that will rise the full height of approximately 39 storeys, directly against the entire south wall of our property. The potential risks—both structural and safety-related—cannot be underestimated.

While I acknowledge I am making certain assumptions, it is my understanding that the Building Manager should have promptly documented the incident and, together with a copy of Tricon's incident report, submitted both to the Strata Manager.

The Strata Manager, in turn, should have notified each member of the Executive Committee via email, ensuring the matter was formally documented and addressed without delay. This represents the appropriate chain of communication and should be strictly adhered to—particularly in cases that may affect our insurance coverage or expose us to legal liability, such as incidents involving significant or long-term structural damage, or potential risk to personal safety.

While the City of Sydney Council may not have jurisdiction over such internal matters, it would still be prudent to notify them for the sake of maintaining a complete and transparent public record.

While I am not privy to any written assurances Tricon may have already provided to the Executive Committee, it is essential that, at the very least, they formally submit the following:

- **Rectification Plan:** A detailed outline of how and when they intend to repair the existing damage, including specifications on the materials to be used. (I would strongly recommend that Sharkey review this plan to ensure any rebuilt walls include proper flashing and are adequately waterproofed.)
- **Certificates of Insurance:** Up-to-date documentation demonstrating sufficient coverage.

- **Risk Mitigation Plan:** A comprehensive strategy outlining the steps Tricon will take to prevent any structural impact on our building throughout the remainder of the construction process.
- **Commitment to Transparency:** A formal assurance that any future incidents will be reported immediately to the Front Desk/Building Management. This includes prompt verbal notification followed by a written report, rather than relying on the hope that the issue goes unnoticed.
- **Liaison Officer and Emergency Contact Details:** Designated representatives, including an after-hours contact, to ensure clear communication in the event of an emergency or incident.

These measures are essential for ensuring accountability, transparency, and the continued safety of both the residents and property at Miramar.

In the interim, to safeguard our insurance interests and provide peace of mind, I recommend that comprehensive documentation be undertaken. This should include the taking of photos or videos at every level along the southern perimeter of Miramar, covering all relevant areas such as the car park levels, the Loading Bay, the interior of the south residential fire stairs, as well as the southern perimeter walls of the Commercial Suites on C1, C2, and C3. Additionally, the Squash Court, Women's Showers, and the southern end of the P7 pool area should also be included.

It is also crucial that photos be taken of all residential apartments along the southern perimeter, specifically documenting the sunrooms, kitchen, and living room walls. This will help to identify any cracks that may appear in the brickwork, windows, and cornices over time.

Additionally, I recommend that James Sharkey conduct an inspection, photograph the areas, and provide a report on the current condition of the B1 Pump Room, the P7 Gas Hot Water Plant Room, and the sewer stack at the rear of garage 268 on B2. Furthermore, I suggest having Mercury Fire (or the relevant fire safety consultant) inspect the external fire suppression wall drenchers, located partway up the building's exterior, once Tricon has reached that level. This will allow for a more thorough examination of these systems.

Miramar should not be held responsible for any costs arising from Tricon's negligence. Any necessary mitigation measures to protect our property should be borne by the Developer, given their proven failure to be transparent and forthcoming with us.

**Here's a link to all the Councils documents for 410 Pitt Street if anyone is interested**

<https://eplanning.cityofsydney.nsw.gov.au/Pages/XC.track/SearchApplication.aspx?id=2473165>

Kind regards,

Property Enterprises International

Alison Soon



**City of Sydney Council: Attn Mr Adrian McKeown**

Dear Mr McKeown,

My name is Marta Barany, and I've been a resident of Miramar Apartments, 398 Pitt Street, since October 2000. I originally come from Europe and work as a professional interpreter/translator, and I've long considered this building — and this neighbourhood — my true and safe home.

I am writing to object to the proposed Section 4.55(2) modification to DA D/2020/1387, which seeks to increase the height and density of the already approved development next door.

I know how these things work. I've seen it before, and I've spoken with colleagues and friends who work in local government. When developers think no one is watching, they quietly attempt to shift the boundaries — a few metres here, a few extra floors there — always framed as "minor amendments." But the impact on residents is anything but minor.

This is a building where many of us have lived for decades. We have built our lives here, often adjusting and compromising in good faith. But there is a clear sense that our patience is being taken for granted.


If this proposal is approved, it won't stop here. We've already heard whispers of more development — the original drawings apparently included a rooftop bar and pool! You've got to be joking but at this stage anything would be believable!

It's bad enough that the building is already being squeezed into a ridiculously undersized space. That is not what people in surrounding homes — many of them older residents — signed up for!

The operational burden is already evident. Construction traffic regularly blocks access to our building. The shared driveway is becoming increasingly chaotic. If this is what we're dealing with now, what will it look like when the development is operational and fully occupied with plans to be even bigger?

As a professional and a long-time observer of planning patterns, I respectfully urge Council to recognise this for what it is: not a tweak, but a significant step toward commercial overreach in a residential setting.

Sincerely,

  
**Marta Barany BEM OAM JP**  
**Unit 258, Miramar Apartments**  
**398-408 Pitt Street, Haymarket**



**19th May 2025**

RE: Formal Objection – DA Modification D/2020/1387/C – 410 Pitt Street

Attention: Mr Adrian McKeown

City of Sydney Council

Email: [AMcKeown@cityofsydney.nsw.gov.au](mailto:AMcKeown@cityofsydney.nsw.gov.au)

Dear Mr McKeown,

I write to formally object to the proposed modification of DA D/2020/1387/C on behalf of the Miramar Owners' Corporation.

As Chair of the O.C., I have personally inspected Unit 262 on Level 37 and reviewed the documents submitted in both the original approval and the proposed modification. What I have found is concerning.

### **Misleading and Deceptive Representation**

The modification application is misleading and deceptive.

The **previously approved documentation**, dated **21 August 2023**, can be viewed here:

<https://tinyurl.com/4cnrvzkb>

On **page 23** of that document, the plans depict a clear partial view to the south from Level 37, Unit 262 — a view that could plausibly include Botany Bay. There is no apparent obstruction, and certainly no indication of a solid structure that would remove that visual amenity. This creates a reasonable and legitimate expectation that the view would remain intact.

Compare this to the **current proposed modification**, dated **17 April 2025**, accessible here:

<https://tinyurl.com/y54v38fm>

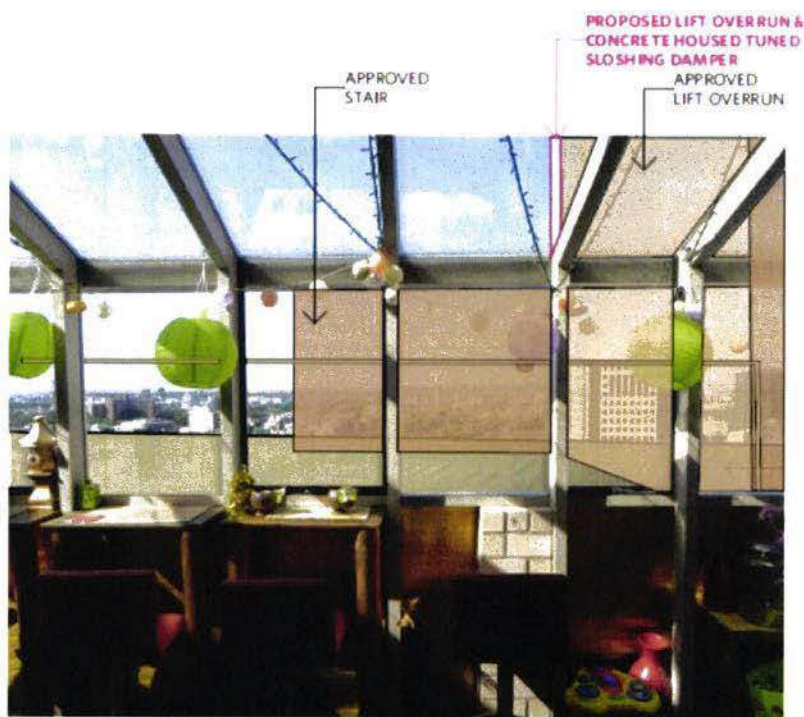
On **page 33** of the modification, the developer states:

*"Whilst the acoustic screen will create some additional view impact, it will only be a partially affected view. This is due to the fact that the plant **previously had a balustrade and supports** approved around it, which is now being replaced by an acoustic screen."*

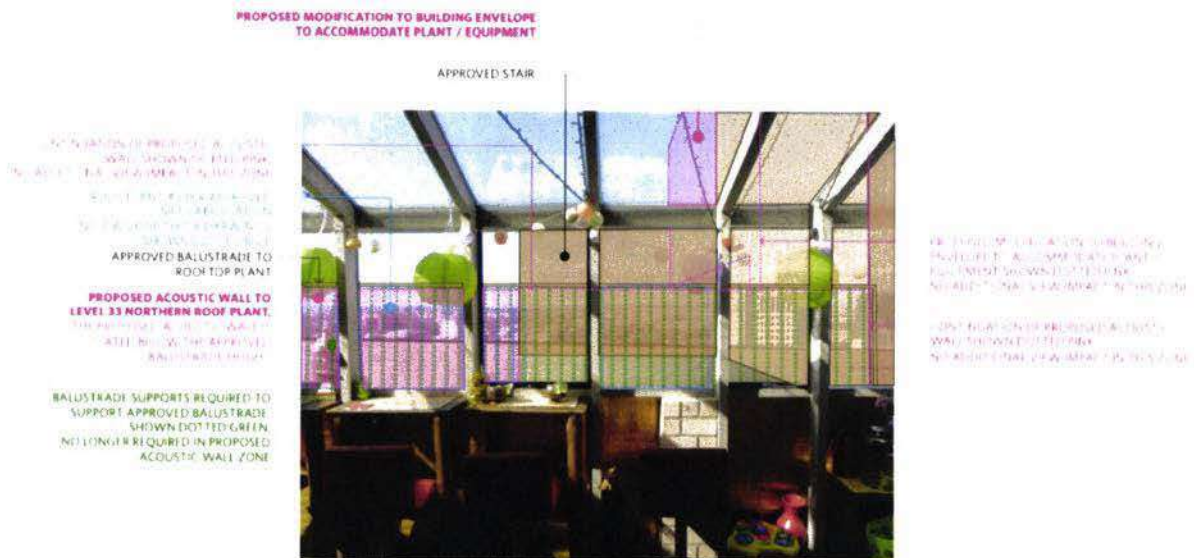
There was no clearly disclosed balustrade or visual obstruction presented in the original documentation. Only now, when comparing the two documents side by side, can one faintly discern a line in the original image — which the developer now claims represents an approved balustrade. That detail was virtually invisible and **not** labelled, described, or identifiable as a solid structure. It could not, in good faith, have been interpreted by Council or by residents as a full or partial obstruction.

Our considerations are:

- The **new acoustic screen** introduces a **solid visual barrier** where none was visibly or clearly indicated before.
- The impact to **Unit 262** would now be partial — it would be total.
- The developer's claim that this is a minor adjustment is both **misleading** and **deceptive**.
- Following shows **first: previously approved, second: modification application**



VIEW 3 WINTER GARDEN - APPROVED & PROPOSED



VIEW 3 WINTER GARDEN - APPROVED & PROPOSED

The left side modification application image in pink/red shows a complete loss of previously indicated partial view – this is outrageous and offensive, and relies on misleading and deceptive image in the previous documentation.

**Conclusion: Please Reject the Modification**

On behalf of the Miramar Owners Committee, I ask Council to reject this Section 4.55 modification on the following grounds:

- Material misrepresentation of view impacts in both the original and modified submissions
- Total amenity loss for Unit 262, and significant new impacts on Units 263 and 267
- Breach of community trust following the 2023 resolution
- Failure to meet the standard of planning transparency required under the EP&A Act

Our building committee has complied with every request made of it during the development process. It is time for the developer to be held to the same standard.

This is not a minor refinement. It is a major breach. And it should be refused.

Thanking You in Anticipation,



David Green

Chairman

Miramar Owners' Committee, 398 Pitt Street, Haymarket NSW 2000





Strata Management

Active Strata Management  
PO Box 120,  
Roselands NSW 2196  
Phone: [REDACTED]  
Email: [REDACTED]@n.au  
ABN: 40 645 783 893

19/05/2025

City of Sydney Council

Attn: Mr Adrian McKeown

[AMcKeown@cityofsydney.nsw.gov.au](mailto:AMcKeown@cityofsydney.nsw.gov.au)

Cc: [dasubmissions@cityofsydney.nsw.gov.au](mailto:dasubmissions@cityofsydney.nsw.gov.au)

**Objection to DA Modification D/2020/1387/C – Concerns from Strata Management**

Dear Adrian,

We write to you as the Strata Manager for Miramar Apartments, Strata Plan 44910, at 398 Pitt Street, Haymarket. We have been proudly managing this building since 2022 and take our role seriously in keeping the strata committee, owner, and residents fully informed and protected from risks that impact their daily lives.

It is with deep concern that we write to object to the proposed modification D/2020/1387/C. We would like to address a recent and alarming incident that occurred during work at 410 Pitt Street.

A significant structural impact was caused by the builder, resulting in damage to a wall in Miramar's lower basement. What is most troubling is that the developer or contractor did not formally report this incident. The strata committee only learned of the damage after the fact, after building management escalated the issue. The Committee was shocked. So were we. And now, those residents who are aware of this incident remain worried — rightly so — about what could come next.

The very idea that the developer is now asking to increase the scale of the project, push the envelope further, and seek approval for additional modifications, after failing to act transparently and responsibly, is unacceptable.

How can Council place further trust in a development team that has already:

- Failed to report an incident that posed serious safety risk
- Proceeded with minimal communication to stakeholders
- Shown disregard for protocols and the basic expectations of accountability?





Strata Management

Active Strata Management  
PO Box 120,  
Roselands NSW 2196  
Phone: [REDACTED]  
Email: [REDACTED]@n.au  
ABN: 40 645 783 893

This does not reflect the conduct of a reputable, community-minded builder. This reflects a team focused on commercial gain rather than resident wellbeing.

If Council approves this modification, it sets a dangerous precedent, suggesting that developers can behave as they wish without proper oversight or consequence. That cannot be the message sent to the thousands of residents and strata members who call the CBD home.

As such, we respectfully request on behalf of the Owners Corporation, that Council:

1. Reject the proposed modification, and
2. Attend an upcoming Owners Committee meeting if further clarity is needed — so that Council can directly hear the strength of feeling and the level of concern among residents and owners.

The building's safety, security, and sense of trust are at risk. Please intervene before this situation worsens.

Sincerely,

ACTIVE STRATA MANAGMENT



***Danny Kabbara***

Strata Manager – Miramar Apartments  
398 Pitt Street, Haymarket 2000.

Adrian McKeown, Syd City Council

Objection to DA Modification D/2020/1387/C

Dear Mr McKeown,

My name is Imeda Fatima and I am the owner of Unit 106 at Miramar Apartments. I'm writing to formally object to the proposed DA modification at 410 Pitt Street.

We are now hearing that the developers are requesting further changes — which likely means more disruption, more noise, and more delays. The construction has already had a big impact on our building and our lives. Now they want to extend that impact even further, and many of us are left asking: why are they changing things now?

Last time, this development went through a complex legal process just to get approval. How do we know that any new changes will be scrutinised in the same way? And if they aren't, why not? These aren't minor tweaks — they're material changes with real consequences for real people.

We've also learned that at least three apartments will be significantly affected, and one — Unit 262 — is set to lose all its natural light. That's not just an inconvenience; it's a devastating loss of amenity and wellbeing!

As someone who values this community and the peaceful life we've built at the Miramar, I'm urging you to reject this modification. We've endured enough. Please respect our right to live in a safe, secure, and stable home environment.

Kind regards,

  
*Imeda Fatima*

Unit 106, Miramar Apartments, 398 Pitt St, Haymarket NSW

**From:** Adrian McKeown <AMcKeown@cityofsydney.nsw.gov.au> on behalf of Adrian McKeown <AMcKeown@cityofsydney.nsw.gov.au> <Adrian McKeown <AMcKeown@cityofsydney.nsw.gov.au>>  
**Sent on:** Monday, May 26, 2025 8:26:32 AM  
**To:** DASubmissions <DASubmissions@cityofsydney.nsw.gov.au>  
**Subject:** FW: Objection to DA modification D/2020/1387/C  
**Attachments:** Eric Lee Objection Letter - signed.pdf (611.21 KB)

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**From:** Eric <[REDACTED]>  
**Sent:** Saturday, 24 May 2025 1:18 PM  
**To:** Adrian McKeown <AMcKeown@cityofsydney.nsw.gov.au>  
**Subject:** Objection to DA modification D/2020/1387/C

**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.

Please find attached my objection letter to DA modification D/2020/1387/C

Eric



**Subject:** Objection to DA Modification D/2020/1387/C

**Description:** Section 4.55(2) modification of the existing consent for a new hotel

Adrian McKeown

City of Sydney Council

[AMcKeown@cityofsydney.nsw.gov.au](mailto:AMcKeown@cityofsydney.nsw.gov.au) [dasubmissions@cityofsydney.nsw.gov.au](mailto:dasubmissions@cityofsydney.nsw.gov.au)

Hi Adrian,

My name is Eric Lee. I'm one of the many family members who have lived at Unit 262, Miramar Apartments, over the past 25+ years.

I'll be honest — I was never a big fan of the balcony. I'm not great with heights. But that didn't stop me from loving every inch of that apartment. I spent years there on and off — staying, visiting, staying overnight. It's where my brothers lived, where our dad retired, and where my little nephew Jett took his first steps. That home is part of our family's story.

So when I saw the latest modification for 410 Pitt Street — the one that blocks the last bit of sky from our apartment with a giant acoustic wall — I was genuinely shocked.

We were told the view would be partly preserved. In fact, the approved 2023 plans (see Figure 22 on page 23 [link](#)) clearly showed a partial view from the apartment — something to hold on to. But now? That's gone. There's no partial view. It's a complete block-out.

What bothers me most isn't just the wall — it's the way it's been snuck in. Like it doesn't matter. Like it's no big deal and nobody would notice. But we did notice.

That apartment meant something to all of us. We celebrated birthdays, Christmas, and Chinese New Year there. We played table tennis and had kids' parties in the rec areas. We watched sunsets and thunderstorms roll in across the city. And we always thought, *"How lucky are we to live in a place like this?"*

This so-called modification isn't just a technical fix. It's a slap in the face to the people who made a life in that building. Our family made that place a home — not just with furniture and renovations, but with memories, laughter, and love.

I'm not a planner or an architect. But I know what's right, and this isn't it. You don't get to rewrite what was promised just because it suits someone else's bottom line. I'm asking on behalf of my family and all the Miramar residents, please don't let this go through.

We're asking for fairness. For transparency. And for a bit of humanity in the process.

Yours truly,

**Eric Lee**

Former resident and family member – Unit 262, Miramar Apartments  
Unit 222, 1 Missenden Rd Newtown 2050

**Signature:**

  
[Eric Lee \(May 24, 2025 08:46 GMT+10\)](#)

**Email:**



Mr Adrian McKeown City of Sydney

**Email:** AMcKeown@cityofsydney.nsw.gov.au

**Subject:** Objection to DA Modification D/2020/1387/C

**DA Reference:** D/2020/1387/C

**Address:** 410 Pitt Street, Haymarket NSW 2000

**Applicant:** IDC Property Management Pty Ltd



Dear Mr McKeown,

I am writing to object to the proposed DA modification D/2020/1387/C at 410 Pitt Street.

As the owner of Unit 32 in the Miramar Apartments, I am very worried about more noise, more pollution, and more stress if this development continues to grow. We are already impacted by the construction, and this new plan will make things worse for all residents.

Please do not approve this modification.

Sincerely,

**Bin Fu**

Owner – Unit 32

Miramar Apartments, 398 Pitt Street, Haymarket NSW 2000



To:  
Mr Adrian McKeown  
City of Sydney  
Email: AMcKeown@cityofsydney.nsw.gov.au



**Subject:** Objection to DA Modification – D/2020/1387/C  
**Property Address:** 410 Pitt Street, Haymarket NSW 2000  
**Applicant:** IDC Property Management Pty Ltd

Dear Mr McKeown,

I am writing as the owner and investor of the property located at 398 Pitt Street, Haymarket, which is immediately adjacent to the proposed development site at 410 Pitt Street, Haymarket.

I wish to formally object to the development application that seeks to extend the **width and height** of the building at 410 Pitt Street. As an investor, I am seriously concerned about the negative impact such modifications could have on the amenity, value, and long-term performance of my property.

My concerns include:

**1. Loss of Light and Outlook**

An increase in the building's height and width would likely block natural sunlight and reduce airflow to my property. This would degrade the living or commercial environment and impact tenant satisfaction and retention.

**2. Negative Impact on Property Value**

Any obstruction of light, views, or open space may directly reduce the market value and rental potential of my property—an outcome of significant concern as an investor.

**3. Privacy and Noise Issues**

Expanding the building's footprint may bring occupants or activity areas closer to my property, leading to increased noise and a loss of privacy.


**4. Overdevelopment and Inconsistency with Local Character**

The proposed changes appear to constitute overdevelopment and may not align with the scale or character of surrounding buildings, affecting the balance and aesthetic of the area.

I respectfully request that the Council give due consideration to the potential negative impacts on neighbouring properties, including mine, and decline or modify the proposal accordingly.

Thank you for your time and consideration.

Yours sincerely,

  
Andrew Lau  
Owner of Unit 89, 398 Pitt St Haymarket 2000

**City of Sydney Council**

Attention: Mr Adrian McKeown

Email: [AMcKeown@cityofsydney.nsw.gov.au](mailto:AMcKeown@cityofsydney.nsw.gov.au)



**DA Reference:** D/2020/1387/C

**Description:** Section 4.55(2) Modification of the Existing Consent – 410 Pitt Street

**Date:** 20<sup>th</sup> May 2025

**Dear Mr McKeown,**

We write to you as the former on-site managing agents and Directors of Property Enterprises International, with over thirty years of service to the residents and owners of Miramar Apartments at 398 Pitt Street.

Throughout our time managing this building, we worked with great care and responsibility to ensure that the property was clean, safe, and professionally maintained. Many thousands of residents passed through its doors, and we took pride in providing a high standard of management and hospitality. It has always been our belief that a well-managed building brings dignity to both its residents and its neighbourhood.

Although we are now retired, the Miramar continues to be in excellent hands under Ms Alison Soon, whom we trust deeply and who has worked alongside us for many years.

We are very concerned about the proposed modification to DA D/2020/1387/C. In our view, this proposal does not reflect the spirit of responsible urban planning. Instead, it appears to serve only the developer's commercial interests, while introducing significant negative impact on the quality of life and amenity of the long-standing community at the Miramar.

The scale and nature of this modification suggests a disregard for those who live here — families, elderly residents, and tenants who have maintained this building with pride over many decades. We respectfully submit that such changes should not be allowed to proceed without full and fair consideration of the consequences.

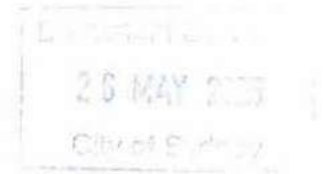
We kindly urge the Council to protect the integrity of the original consent and to act in favour of the residents who call this place home. For the benefit of this community and future generations, we ask that the proposed modification be refused.

Yours in good faith,

Teng Koo

Former Directors, Property Enterprises International  
Miramar Apartments, 398 Pitt Street, Haymarket 2000

**Subject:** Objection to DA Modification D/2020/1387/C  
**Site Address:** 410 Pitt Street, Haymarket NSW 2000  
**To:** Mr Adrian McKeown: AMcKeown@cityofsydney.nsw.gov.au



Dear Mr McKeown,

I am writing as a concerned resident of the Miramar Apartments to object to the proposed DA Modification D/2020/1387/C for 410 Pitt Street.

According to the developer's own Section 4.55(2) report, **Units 262, 263, and 267** will now face **new impacts to light, view, and amenity** as a direct result of this modification — even though those same units were not impacted under the previously approved plans.

This is **unacceptable**. It changes the lived reality of people who had no reason to expect they would be affected. These residents have had no consultation, no warning, and no chance to prepare.

The modification also raises broader concerns:

- **The introduction of rooftop lift access**
- **Unexplained structural changes**
- **Fears of future rooftop commercial use**

These risks should not be underestimated. Residents deserve peace of mind, not uncertainty.

Please reject this modification.

Sincerely,

LIHUA YANG

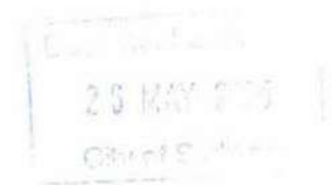


Owner Miramar Apartments

219/ 398 Pitt Street, Haymarket NSW 2000



**Subject:** Objection to DA Modification D/2020/1387/C  
**Site Address:** 410 Pitt Street, Haymarket NSW 2000  
**To:** Mr Adrian McKeown: AMcKeown@cityofsydney.nsw.gov.au



Dear Mr McKeown,

I am writing as a concerned resident of the Miramar Apartments to object to the proposed DA Modification D/2020/1387/C for 410 Pitt Street.

According to the developer's own Section 4.55(2) report, **Units 262, 263, and 267** will now face **new impacts to light, view, and amenity** as a direct result of this modification — even though those same units were not impacted under the previously approved plans.

This is **unacceptable**. It changes the lived reality of people who had no reason to expect they would be affected. These residents have had no consultation, no warning, and no chance to prepare.

The modification also raises broader concerns:

- **The introduction of rooftop lift access**
- **Unexplained structural changes**
- **Fears of future rooftop commercial use**

These risks should not be underestimated. Residents deserve peace of mind, not uncertainty.

Please reject this modification.

Sincerely,

SIMON HE



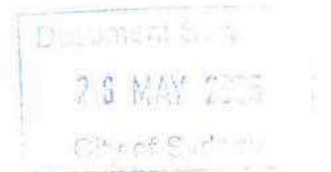
Owner Miramar Apartments  
398 Pitt Street, Haymarket NSW 2000

230 /



**Subject:** Objection to DA Modification D/2020/1387/C (410 Pitt St, Haymarket)

**To:** Mr Adrian McKeown ([AMcKeown@cityofsydney.nsw.gov.au](mailto:AMcKeown@cityofsydney.nsw.gov.au))



Dear Mr McKeown,


As the owner of Unit 246 in Miramar Apartments, I formally object to Modification D/2020/1387/C.

The developer's Section 4.55(2) report acknowledges new adverse impacts on light, views, and amenity for Units on the upper levels of Miramar Apartments – a direct departure from the originally approved plans. These changes unjustly affect residents who were neither notified nor consulted during the planning process.

Key unresolved concerns include:

- **Rooftop lift access** introducing noise and privacy risks
- **Unclear structural revisions** lacking justification
- **Potential commercial rooftop use** threatening residential amenity

This modification imposes undue uncertainty on our community. I strongly urge the Council to reject the proposal to protect residents' rights and living standards.

  
Sincerely,

**Wai Ying Lee**

Owner, Unit 246

Miramar Apartments

246/398 Pitt Street, Haymarket NSW 2000

Mr Adrian McKeown  
City of Sydney Council  
Town Hall House  
456 Kent Street  
Sydney NSW 2000



**Email:** AMcKeown@cityofsydney.nsw.gov.au

**Subject:** Formal Objection – DA Modification D/2020/1387/C

**Site Address:** 410 Pitt Street, Haymarket NSW 2000

Dear Mr McKeown,

I write as a concerned owner and resident of the Miramar Apartments at 398 Pitt Street, Haymarket, in objection to the proposed Section 4.55(2) modification to DA D/2020/1387/C, submitted by IDC Property Management Pty Ltd.

### **Ongoing Structural Damage & Neglect Following April 15 Incident**

On 15 April 2025, a formal Incident Report was submitted following an alarming breach of our shared south boundary wall during excavation works undertaken by Tricon, the builder contracted for 410 Pitt Street. Since that time, over a month has passed — and yet, no rectification works have occurred.

The current state of the B3 Basement Carpark, where the incident occurred, remains horrific:

- A **gaping hole** remains covered only by **plywood and shade cloth**, offering no structural integrity or pest protection.
- **Putrid water** continues to **seep through the base of the wall**, forming a stagnant pool emitting a foul odour.
- **Rodents and pests** have begun to swarm the area, drawn by the smell and unchecked moisture.

Despite Tricon addressing the Owners Committee shortly after the incident — offering apologies and “assurances” — they have failed to take responsibility for or remedy the damage. Their message was clear: the safety of the Miramar building, its residents, and its infrastructure is **not their concern**.

### **Why This Matters Now**

These are the same builders who are now requesting further modification under Section 4.55 — seeking to intensify their footprint and override the original conditions of consent. Why should Council permit this?

The current state of the carpark makes it abundantly clear that:

- There is no genuine duty of care toward neighbouring properties.
- Previous breaches and damage are not treated seriously.
- Promises made to residents are not followed up with action.

We are being asked to trust a developer who has already shown contempt for our safety, our building, and the amenity of its people.

### **Conclusion**

This is not about construction risk — this is about **disregard and disrespect**. The damage sustained in April remains unrectified. The health risks, visual pollution, and odours remain unchecked. And now, this same builder seeks to increase the burden on the Miramar by introducing more bulk, greater visual obstruction, and acoustic intrusions through further rooftop changes.

I urge Council to refuse this application in full. Until existing breaches are resolved and clear accountability is demonstrated, no further trust should be placed in the hands of this developer.

Sincerely,

**Andrew MacAlpine**

Unit 20, 398 Pitt St

[Redacted signature]

[Redacted signature]

Objection to DA Modification D/2020/1387/C: 410 Pitt Street, Haymarket NSW 2000  
Mr Adrian McKeown: Email: AMcKeown@cityofsydney.nsw.gov.au

Dear City of Sydney,

I am writing as a concerned resident of the Miramar Apartments to object to the proposed DA Modification D/2020/1387/C for 410 Pitt Street.

According to the developer's own Section 4.55(2) report, **Units 262, 263, and 267** will now face **new impacts to light, view, and amenity** as a direct result of this modification — even though those same units were not impacted under the previously approved plans.

This is **unacceptable**. It changes the lived reality of people who had no reason to expect they would be affected. These residents have had no consultation, no warning, and no chance to prepare.

The modification also raises broader concerns:

- **The introduction of rooftop lift access**
- **Unexplained structural changes**
- **Fears of future rooftop commercial use**

These risks should not be underestimated. Residents deserve peace of mind, not uncertainty.

Please reject this modification.

Sincerely,

Hui HE



Owner Resident – Miramar Apartments  
398 Pitt Street, Haymarket NSW 2000

264 /



Formal Objection – DA Modification D/2020/1387/C

**DA Reference:** D/2020/1387/C

**Site Address:** 410 Pitt Street, Haymarket NSW 2000

**To:** Mr Adrian McKeown:

[AMcKeown@cityofsydney.nsw.gov.au](mailto:AMcKeown@cityofsydney.nsw.gov.au)



Dear City of Sydney,

We are writing to formally object to the proposed modification D/2020/1387/C for 410 Pitt Street.

As owners of **Unit 5** in the neighbouring Miramar Apartments, we are deeply concerned about the ongoing impact of this development. The proposed changes will further disrupt residential amenity, reduce natural light and peace, and negatively affect the value of our property.

We strongly urge Council to reject this modification and prioritise the wellbeing of long-term residents.

Sincerely,

**Judith Margaret Lee**

**Mun Kit Lee**

Owners – Unit 5, Miramar Apartments  
398 Pitt Street, Haymarket 2000



Subject: Objection to DA Modification D/2020/1387/C (410 Pitt St, Haymarket)

To: Mr Adrian McKeown ([AMcKeown@cityofsydney.nsw.gov.au](mailto:AMcKeown@cityofsydney.nsw.gov.au))



Dear Mr McKeown,

I am the owner of Unit 215 in Miramar Apartments. I write to formally object to Modification D/2020/1387/C.

The developer's Section 4.55(2) report confirms that Units 262, 263, and 267 will now face new light, view, and amenity impacts – contrary to prior approved plans. This last-minute alteration imposes significant changes on residents who were neither consulted nor informed.

Additional concerns include:

- Introduction of rooftop lift access
- Unjustified structural revisions
- Risks of future commercial rooftop use

These unresolved issues create unacceptable uncertainty for residents. **I urge the Council to reject this modification.**

Regards,

A grey rectangular box redacting the signature of Lily Kwong.

/ Lily Kwong

Owner

215/398 Pitt Street, Haymarket NSW 2000

20 May 2025

City of Sydney Council: Mr Adrian McKeown  
Email: AMcKeown@cityofsydney.nsw.gov.au

**Subject:** Formal Objection – DA Modification D/2020/1387/C

**Applicant:** IDC Property Management Pty Ltd

**Address:** 410 Pitt Street, Haymarket NSW 2000

Dear Mr McKeown,

My name is **Inna Gamayunov**, and I am the original owner of **Unit 126** in the **Miramar Apartments at 398 Pitt Street**, having purchased the property off the plan in 1992. While I lived in the apartment briefly in the early years, it has since been tenanted — and I continue to take great care in maintaining it as a quality home and investment.

I have opposed the development at 410 Pitt Street since its earliest stages. I lodged objections when the original proposal was put forward and was deeply disappointed when it gained approval through the Land and Environment Court, despite Council's earlier rejection.

Even in its approved form, the development is **alarmingly close** to my apartment — so close, in fact, that I could **almost reach out from my window and touch the structure**. The thought that it could now become **even larger**, with additional rooftop structures and **lift access** paving the way for future public or commercial rooftop use, is deeply concerning.

I strongly object to the proposed modification on the basis of:

- Increased bulk and further encroachment on residential privacy and amenity
- The risk of future rooftop activation (events, functions, or a bar), which was **not part of the original approval**
- The pattern of incremental changes which unfairly affect neighbouring property owners

I respectfully ask that Council **refuse the proposed modification** and uphold the conditions that were hard-won through the initial objection process.

Sincerely,

**Ms Inna Gamayunov**

Owner – Unit 126, Miramar Apartments 398 Pitt Street, Haymarket NSW 2000

②

**May 21, 2025**

**Subject:** Formal Objection – DA Modification D/2020/1387/C

**DA Reference:** D/2020/1387/C

**Applicant:** IDC Property Management Pty Ltd

**Site Address:** 410 Pitt Street, Haymarket NSW 2000



**To:** Mr Adrian McKeown

**City of Sydney Council**

• **Email:** [AMcKeown@cityofsydney.nsw.gov.au](mailto:AMcKeown@cityofsydney.nsw.gov.au)

I am writing to formally object to the proposed DA modification D/2020/1387/C for 410 Pitt Street.

As the owner of Unit 189 in the Miramar Apartments, I am worried that the changes will negatively affect our residential amenity. Also to add to that, increased bulk and rooftop access will likely bring more noise, more disruption, and greater strain on our building and its residents.

We have already experienced enough disturbance during the current phase of construction. Approving further modifications now would only make things worse.

Please include my objection in the community submission.

Best regards,

**Zixun Wen (Michael)**



Owner – Unit 189

Miramar Apartments, 398 Pitt Street, Haymarket 2000



City of Sydney - Adrian McKeown  
Objection to DA Modification D/2020/1387/C

18/05/2025



Dear Mr McKeown,

My name is Hilda, co-owner and resident of Unit 237, Miramar Apartments. I write to strongly object to the proposed modification for 410 Pitt Street.

The proposed plant room relocation to a new rooftop structure may seem like a construction detail on paper — but to those of us on the upper floors, it's an intrusion into our homes, privacy, and mental peace.

We moved into Miramar for its lifestyle — not to be surrounded by growing unknowns. This isn't a matter of resistance to change. It's a matter of feeling steamrolled by incremental, unexplained additions that feel more about cramming in profits than co-existing with neighbours.

My biggest concerns include:

- What else is changing? These shifts weren't part of the original approval, and each one erodes trust.
- Who's managing acoustic testing? How can we be confident that noise from rooftop infrastructure won't echo into our living rooms?
- How much more will pedestrian and service traffic increase? We already dodge waste bins, delivery trucks and confused tourists at our front door in one of the CDB's overcrowded blocks.

And crucially — why is it that 3 cited units now need to be penalised as part of these modifications. And how is it that someone's home like Unit 262 can end up with zero light or outlook and yet still be passed off as "acceptable"?

That makes all of us question what is being prioritised here — and it clearly isn't community amenity.

Please do not allow this proposal to be approved without a full and proper review. Our building, and its residents, deserve better.

Sincerely,

Hilda Luong

Unit 237

Miramar Apartments

398 Pitt Street, Haymarket

City of Sydney - Adrian McKeown  
Objection to DA Modification D/2020/1387/C

18/05/2025

Dear Mr McKeown,

My name is Stephen, resident and co-owner of Unit 237 at the Miramar Apartments, 398 Pitt Street. My wife and I are both young professionals who chose this building not just for location, but for the quality of life it offered — peace, security, and a sense of considered urban living. Current works have already caused damage to our carpark wall. In addition to structural damage, we've also seen a significant increase in the rat population as a result.

We were disappointed to learn of the newly proposed DA modification for 410 Pitt Street. These changes, particularly the relocation of the rooftop plant room to a new building structure on top, raise serious concerns. Being on a higher floor, we are already feeling the squeeze. What protections are in place to ensure these new additions — acoustic machinery, service lifts, noise vibration — don't disrupt the lives of those of us closest to them?

We are told these are "minor changes," yet the visual, acoustic and operational burden will be anything but minor.

What's more worrying is the pattern:

- Ongoing design changes appear to prioritise developer returns, not resident wellbeing.
- Plant equipment and acoustic barriers are being added with vague justification.
- Traffic, waste, and pedestrian chaos are already intensifying around the site.
- Every change seems designed to add rooms, reduce space, and extend timelines — all at our expense.

The situation with Unit 262 losing its only source of natural light is a clear example of how these modifications are being minimised in paperwork but devastating in real life. If that can happen to them, what comes next for the rest of us?

Council must not approve these changes unless they are subject to the same level of public scrutiny, acoustic testing, and planning integrity as the original DA.

Sincerely,



Stephen Mow,  
Unit 237  
Miramar Apartments  
398 Pitt Street, Haymarket

*Adrian McKeown*  
City of Sydney

Objection to DA Modification D/2020/1387/C

Dear Mr McKeown,

My name is Shangjian Wu, a resident and owner of Unit 214 at Miramar Apartments, 398 Pitt Street. I write to formally object to the proposed modification for 410 Pitt Street.

When the original DA was approved, the community accepted it — not because it was ideal, but because it had gone through what we understood to be a thorough and fair planning process. Now, to see the developers return with more changes — ones that appear to significantly alter both design and impact — is frustrating and concerning.

There is a noticeable lack of clarity about how these new modifications are being evaluated. We want to know: will they undergo the same independent review, expert analysis, and legal scrutiny as the original 2023 plans? Because they should.

Without that same level of oversight, it sets a dangerous precedent — not just for Miramar residents, but for all city dwellers who rely on the planning process to protect their homes.

As residents, we are not against development. But we are against decisions that bypass transparency, extend construction timeframes, and chip away at the community we've worked hard to be part of.

Please uphold the integrity of the planning process and reject this modification.

Sincerely,

  
Shangjian Wu  
Unit 214/398 Pitt Street, Haymarket



*Adrian McKeown*  
Sydney Town Hall

Objection to DA Modification D/2020/1387/C

Dear Mr McKeown,

My name is Shirley Lu, and I live at Unit 214, Miramar Apartments, with my husband. We are writing to express our objection to the proposed modification for 410 Pitt Street.

We have been following the development process closely, and while we understand that the building was approved, we are very concerned about the new changes now being requested. It feels like the developers are trying to take more — quietly, and without proper transparency.

What happened to Unit 262 shows why this matters. A view that was supposed to stay has now been replaced by a full wall — and it was described as a “minor” change. We feel that this is not honest, and it makes us question what else might be changed later without residents knowing.

As residents, we try to respect the process and live peacefully alongside the construction. But we also expect the builders to take responsibility — to protect our building, not cause damage, and to care about the people living next door.

Unfortunately, we’ve already seen examples of poor behaviour, and it makes us feel that these modifications are not in good faith.

Please don’t let this go ahead without proper review and full transparency. We are real people who live here and love this community. Please help protect that.

Sincerely,



Shirley Lu

Unit 214/398 Pitt Street, Haymarket NSW



Mr Adrian McKeown  
City of Sydney Council  
Email: [AMcKeown@cityofsydney.nsw.gov.au](mailto:AMcKeown@cityofsydney.nsw.gov.au)

20 May 2025

**Subject:** Objection – DA Modification D/2020/1387/C

Dear Mr McKeown,

I own **Unit 20** at Miramar Apartments and wish to object to the proposed modification to DA D/2020/1387/C at 410 Pitt Street.


The community accepted the original 2023 approval in good faith. Now, the developer is coming back with further changes — added bulk, rooftop lift access, and adjustments that were never part of the deal. These may look small on paper, but they carry big implications.

My concern is that we're seeing the start of something larger — gradual changes that open the door to rooftop use, increased disruption, and a steady erosion of amenity for residents.

Council has a responsibility to hold the line. This is not the kind of precedent that should be set.

I ask that the modification be refused in its current form.

Regards.

  
**Stuart MacAlpine**  
Unit 20  
Miramar Apartments  
398 Pitt Street, Haymarket NSW

Mr Adrian McKeown  
City of Sydney Council  
Email: [AMcKeown@cityofsydney.nsw.gov.au](mailto:AMcKeown@cityofsydney.nsw.gov.au)

Objection to DA Modification – D/2020/1387/C

**20 May 2025**



**Dear Mr McKeown,**

I am writing as the owner of **Unit 20** in the Miramar Apartments at 398 Pitt Street to express my objection to the proposed modification of DA D/2020/1387/C.

The developer is now seeking significant changes that were not included in the original consent — including additional bulk and lift access to the rooftop. These late-stage adjustments raise concerns about resident amenity, transparency, and what may follow if this modification is approved.

I am particularly concerned this could open the door to future rooftop use, which would negatively affect the quiet residential nature of the building and the comfort of neighbouring residents.

For these reasons, I ask that the City of Sydney reject the current proposal and ensure the original approval terms are respected.

**Kind regards,**



**Patricia MacAlpine**  
Owner, Unit 20  
Miramar Apartments  
398 Pitt Street, Haymarket 2000

20 May 2025

Ms Monica Barone  
Chief Executive Officer  
City of Sydney Council

By email: [AMcKeown@cityofsydney.nsw.gov.au](mailto:AMcKeown@cityofsydney.nsw.gov.au)

Attention: Adrian McKeown – Senior Town Planner

Re: **Objection to Development Applications D/2020/1387/C & D/2015/661/D – 410 Pitt Street, Haymarket**

1

TRANPLAN Consulting has been engaged by the residents of the *Miramar Apartments (Miramar)* at SP44910 being No. 398 – 408 Pitt Street (**the neighbours / residents**) to consider & respond to the Council on their behalf in respect of the following Development Applications (DA) at 410 Pitt Street, Haymarket (**the site**):

- **D/2020/1387/C** Section 4.55(2) modification of the existing consent for a new Hotel, and
- **D/2015/661/D** Section 4.55(2) modification to amend the approved concept building envelope to reflect an amended design for the lift overrun, increasing the approved height of the lift overrun and concrete housed tuned sloshing damper by 1.9m from RL 121.110 (AHD) to RL123.100 (AHD)

This submission is made pursuant to Section 4.15(1)(d) of the *Environmental Planning & Assessment Act 1979 (the Act)*. The objection relates to the significant amenity impacts arising from the non-compliant and extremely unreasonable nature of the development, as detailed in the following section.

## 1 BACKGROUND

### 1.1 D/2015/661

The original Stage 1 Concept DA *D/2015/661 (2015 DA)* was granted consent on 19 May 2015 by the *NSW Land and Environment Court (LEC / Court)* in *NFF at 410 Pitt Street Pty Ltd v Council of the City of Sydney [2016] NSWLEC 1181* (Case 10752 of 2015) for:

- Demolition of the existing 74-room boarding house; and
- Stage 1 building envelope for a 31-storey accommodation hotel tower comprising:
  - A maximum building height of up to RL 115.460 (AHD); and
  - A podium with a maximum RL 34.860 (AHD).

It is also important to note the following:

- Council's contentions in its *SOFAC* indicated that the constraints (small size and narrow dimensions) of the site serve to limit the provision of a building envelope that would maintain acceptable levels of residential amenity (in terms of solar access, privacy, outlook, ventilation, visual bulk and scale and



## 2 THE PROPOSED S4.55 DAs (D/2020/1387/C & D/2015/661/D)

The subject proposed DAs (D/2020/1387/C & D/2015/661/D) now seek to further increase the development's envelope, resulting in increased adverse impacts to the upper levels of the Miramar building.

### 2.1 IMPACT OF THE CURRENT APPROVED BUILDING ENVELOPE ON THE SOUTHERN ELEVATION OF MIRAMAR APARTMENTS

There are 2 windows on each level of the southern façade of the Miramar Apartments on the upper levels. On a typical level, there are 2 apartments on the southern side of the building:

- one in the south-east corner with an outlook to the rear of the site and
- one in the south-western corner with an outlook towards Pitt Street.

Both apartments have a balcony at the southern corners of the Miramar Apartments. The windows provide significant amenity to the living room and on the upper levels there are sweeping district views from the windows in the southern façade, which include, inter alia, Central Station and its clock tower.

In the original 2015 DA, the planning experts agreed that the view loss from the windows in the southern façade of the Miramar Apartments affects only the upper levels of the Miramar Apartments from levels 33 to 36 and the leading edge of the proposed building envelope will be visible from level 37, because district views at the lower levels are obstructed by the Regis Towers.

**Note:** The above consensus by the experts were entirely predicated on the applicant's concession to reduce 2-storeys from 33 to 31-storeys and their undertaking to the Court that no bonus floor space and/or height will be sought in the future.

Following the Council approvals of D/2020/1387 & D/2015/661/B – which “back-flipped” on the site's undertaking to the Commissioner Susan O'Neill, and concessions made to the Court in the original 2015 DA approval, and further increase to the approved envelope<sup>1</sup> – the upper levels of the Miramar building were forced to bear increased adverse amenity impacts (e.g. view loss, and loss of daylight).

### 2.2 IMPACTS OF THE PROPOSED S4.55 BUILDING ENVELOPE ON THE SOUTHERN ELEVATION OF MIRAMAR APARTMENTS

The current S4.55 DAs now propose to further increase to the approved envelope i.e. an additional 2m (from RL 121.110 to RL 123.100 to) will completely wipe out the remaining views for the upper level neighbours e.g. Apartment 262 on Level 37 and any remnant access to daylight or ambient light to their primary living areas (lounge room, kitchen, winter garden and balcony).

<sup>1</sup> an additional 2-storeys plus roof level (with plants/rooftop structures), and 5.65m (from RL 115.460 to RL 121.110)



We presume that Council has a strong stance against such practices, and will “draw the line” by refusing this DA to vehemently protect the integrity of Council’s assessment process and the neighbours quality of life.

## 4 IMPACTS

It is considered that the development’s attempt to further impose unacceptable impacts to the neighbours residential amenity (adversely affecting quality-of-life factors such as daylight, views/outlook, ventilation, visual bulk and scale) is unacceptable. It is inconceivable that any such development could be supported given that previous DAs were approved on the basis of certain undertakings and concessions (which are now being undone).

In the Judgement / Decision for the original 2015 DA, Commissioner Susan O’Neil noted (paragraph 71, page 25) that “***The applicant gave an undertaking that no additional height or floor space will be sought under cl 6.21(7) of LEP 2012 for any future Stage 2 development application***”. This is a critical point – that the Court heavily based its decision to approve the original DA on the proviso that the development site had made the concession to reduce from 33 to 31-storeys and will not be seek any further increase to floor space and/or height – a concession which the development site has already “back-flipped” on, and now seeking further reversal. Accordingly, Council should not support this S4.55 proposal as:

- adequate daylight, visual/acoustic privacy, and reasonable views/outlook cannot be maintained for adjoining residences; and
- the development site has shown contempt for *NSW Land and Environment Court* process, which culminated in the Court approval of the Stage 1 original DA (but with strict Conditions of Consent requiring compliance with height & envelope); and
- it makes a mockery of Council’s assessment process with incremental modifications concealing the cumulative impacts, and have total disregard for neighbours residential quality-of-life.

### 4.1 TOTAL & DEVASTATING VIEW LOSS

The concept of view sharing relates to the equitable distribution of views between development and neighbouring dwellings. The development has already “eaten” into previous concessions, but now seek a building envelope which will totally devastate any remaining views currently obtained from the uppermost south-facing apartments within the Miramar Apartment Building<sup>2</sup>, providing a clear indicator of the applicant’s disregard to impacts on neighbours.

The remaining views contribute significantly to the amenity for the neighbouring dwellings. A comprehensive *View Sharing Analysis (VIA)* is required to clearly depict the magnitude of view loss impact of the proposed S4.55 development on the upper

<sup>2</sup> Views towards the State Heritage-listed Central Railway Station (and its clock tower) and distant views, including land-water interface, to Botany Bay.

## 5 PLANNING PRINCIPLES

### 5.1 VIEW SHARING

The planning principle for considering the acceptability of the impact of a proposed development on the views enjoyed from private property in the vicinity of the development was set out by the *NSW Land & Environment Court's* Senior Commissioner, Dr John Roseth, in the case of *Tenacity Consulting v Warringah (NSWLEC 140 – 2004)* and was adopted through the LEC collegiate process or the derivation of such principles. In assessing this case, Dr Roseth set out the following planning principles (with our comments in green):

*The notion of view sharing is invoked when a property enjoys existing views and a proposed development would share that view by taking some of it away for its own enjoyment. (Taking it all away cannot be called view sharing, although it may, in some circumstances, be quite reasonable.) To decide whether or not view sharing is reasonable, I have adopted a four-step assessment.*

*The first step is the assessment of views to be affected. Water views are valued more highly than land views. Iconic views (e.g. of the Opera House, the Harbour Bridge or North Head) are valued more highly than views without icons. Whole views are valued more highly than partial views, e.g. a water view in which the interface between land and water is visible is more valuable than one in which it is obscured.*

Applying the above principles to the adjoining Miramar residences, it is considered that the existing view to the State heritage-listed Central Railway Station (and its clock tower), Belmore Park and distant views to land-water interface of Botany Bay as highly iconic and what most people would describe as wonderful/desirable. Refer to existing view photographs (Figures 3, 4 and 5) below for more details.





Figure 5 – (Picture 3) Existing view from balcony of Unit 262 (Level 37)

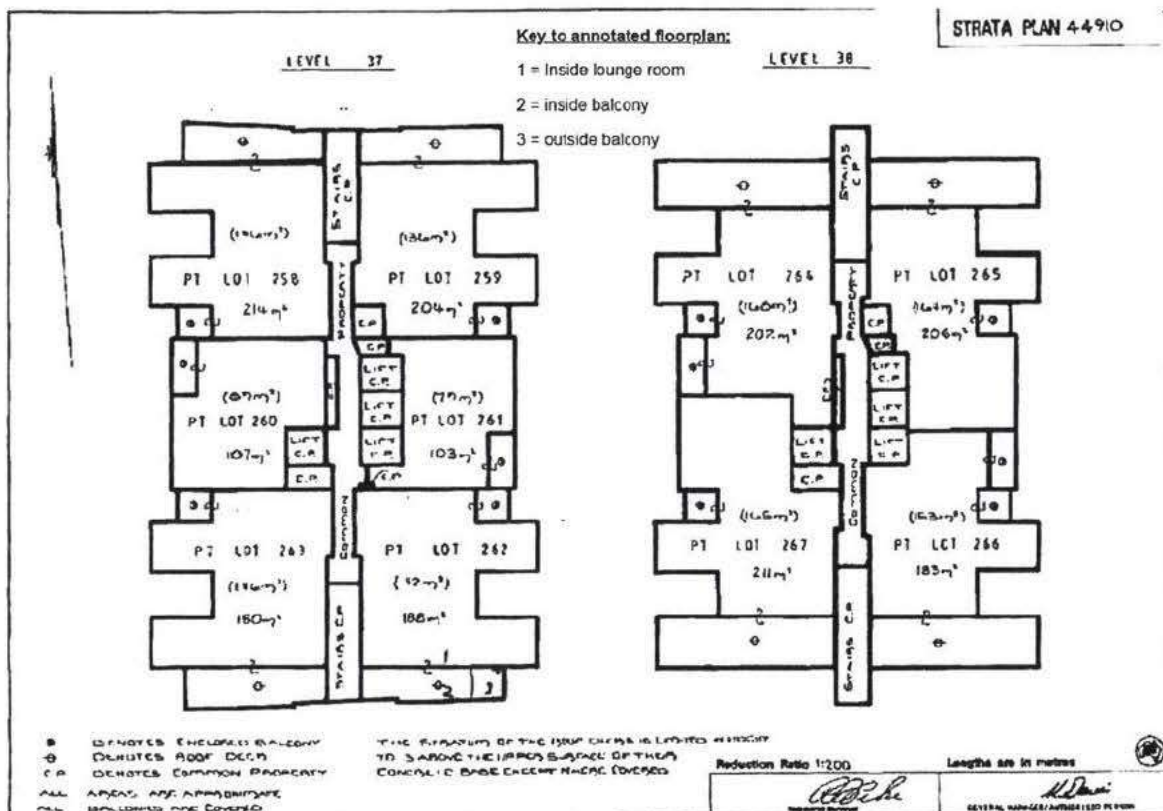


Figure 6 – Key to locations of Pictures 1, 2 & 3



27 *The second step is to consider from what part of the property the views are obtained. For example the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. In addition, whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic.*

All photos were taken from various areas within Unit 262 (Level 37) of the Miramar i.e. living room, winter garden, and outside the balcony, which are primary living areas that are heavily utilised throughout the day by the residents.

As discussed previously the Court heavily based its decision to approve the original 2015 DA (which Council refused) on the proviso that the development had made the concession to reduce from 33 to 31-storeys and will not be seek any further increase to floor space and/or height – a concession which the development site has already “back-flipped” on once, and now seeking further reversal. Accordingly, Council should not support this S4.55 proposal as:

- adequate daylight, visual/acoustic privacy, and reasonable views/outlook cannot be maintained for adjoining residences; and
- the development site has shown contempt for the Court process, which culminated in the Court approval of the Stage 1 original DA (but with strict Conditions of Consent requiring compliance with height & envelope); and
- it makes a mockery of Council’s assessment process with incremental modifications concealing the cumulative impacts, and have total disregard for neighbours residential quality-of-life.

28 *The third step is to assess the extent of the impact. This should be done for the whole of the property, not just for the view that is affected. The impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens are highly valued because people spend so much time in them). The impact may be assessed quantitatively, but in many cases this can be meaningless. For example, it is unhelpful to say that the view loss is 20% if it includes one of the sails of the Opera House. It is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe or devastating.*

The uppermost south-facing Miramar apartments currently retain partial views to Central Railway Station (and its clock tower), Belmore Park and distant views to Botany Bay. These currently-retained views are regarded as highly iconic (e.g. Central Station is listed as a Heritage Item of State significance), and will be totally and completely devastated by the proposed S4.55 incremental encroachment.

29 *The fourth step is to assess the reasonableness of the proposal that is causing the impact. A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable. With a complying proposal, the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours. If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable.*

This S4.55 proposal’s significant view impacts are highly unreasonable as it will devastatingly and totally remove the remaining partial views retained by the neighbour and therefore are not consistent with the intent and controls of Planning Instruments, the Court’s Planning Principle, and Council’s development processes.



As shown in Figure 8 above, the current approved envelope will result in complete loss of the existing views and daylight for the kitchen. The development is now seeking to impose complete loss of the remaining partial views and residue daylight for Unit 262's living room.

*The amount of sunlight lost should be taken into account, as well as the amount of sunlight retained.*

As discussed above, the development is now seeking to impose complete loss of the remaining partial views and residue daylight for Unit 262's living room.

*Overshadowing arising out of poor design is not acceptable, even if it satisfies numerical guidelines. The poor quality of a proposal's design may be demonstrated by a more sensitive design that achieves the same amenity without substantial additional cost, while reducing the impact on neighbours.*

This S4.55 proposal is poorly designed with no regard to its position & context relative to the adjoining residents, and shows contempt for the Council DA processes and no respect for neighbours quality-of-life. We presume that Council has a strong stance against such practices, and will "draw the line" by refusing this DA to vehemently protect the integrity of Council's assessment process and the neighbours amenity.

*In areas undergoing change, the impact on what is likely to be built on adjoining sites should be considered as well as the existing development.*

Changes can be anticipated but there is a reasonable expectation that developments will comply with planning controls and respect the Court ruling in the original DA to mitigate adverse impact to neighbours, particularly in the context of this site.

### 5.3 PROTECTION OF VISUAL PRIVACY

In addition to non-compliance with Council's development objectives & controls, the DA is also contrary to the NSW Land & Environment Court's planning principles for protection of visual privacy, which were established by Senior Commissioner Dr John Roseth in *Meriton v Sydney City Council [2004] NSWLEC 313* and some are reproduced below (in *italics*), with our comments in green:

*When visual privacy is referred to in the context of residential design, it means the freedom of one dwelling and its private open space from being overlooked by another dwelling and its private open space. Most planning instruments and development control plans acknowledge the need for privacy, but leave it to be assessed qualitatively.*

*Generalised numerical guidelines such as above, need to be applied with a great deal of judgment, taking into consideration **density, separation, use and design**. The following principles may assist:*

*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.*

As discussed previously, this S4.55 DA seeks to introduce lift access to the rooftop under the pretext of plant/equipment maintenance regime. However, we predict that the development will ultimately seek usage of the rooftop as a rooftop bar/entertainment space accessible to the public as part of future DAs /



*How reasonable is the proposal causing the impact?*

In the Judgement / Decision of the original DA, Commissioner Susan O'Neil noted (paragraph 71, page 25) that ***"The applicant gave an undertaking that no additional height or floor space will be sought under cl 6.21(7) of LEP 2012 for any future Stage 2 development application"***. This is a critical point – that the Court heavily based its decision to approve the original 2015 DA on the proviso that the development had made the concession to reduce from 33 to 31-storeys and will not seek further additional floor space and/or height – a concession which the development has already nullified, and exceeded for good measure.

The proposed new/additional amenity impacts are evidence that this S4.55 proposal is extremely unreasonable with maximum regard to private commercial interests and no regard/respect for neighbours and the interests of the public and contrary to Section 4.15(1)(e) of the Environmental Planning & Assessment Act.

15

*How vulnerable to the impact is the property receiving the impact? Would it require the loss of reasonable development potential to avoid the impact?*

The neighbours are vulnerable to severe impacts due to the unreasonable and poor design. The current proposed S4.55 is just latest iteration of a series of incremental encroachments which have had no regard for the original Court judgement, Council DA assessment process, and no respect to the neighbours.

*Does the impact arise out of poor design? Could the same amount of floor space and amenity be achieved for the proponent while reducing the impact on neighbours?*

The history and outcome of the Court-approved original DA and the extremely amenity impacts are a good indication that this S4.55 proposal is extremely unreasonable with maximum regard for private commercial interests and minimal regard for neighbours, and contrary to Section 4.15(1)(e) of the Act.

*Does the proposal comply with the planning controls? If not, how much of the impact is due to the non-complying elements of the proposal?*

The impacts are a direct result of an attempt to further "back-flip" on its undertaking to the Court to not increase the height/RL and FSR in the future (which formed the core basis for the Court's approval of the 2015 DA).

## 6 CONCLUSION

Given the significant planning issues associated with this S4.55 proposal and the ensuing extreme and highly unreasonable amenity impacts upon the neighbouring residents, this S4.55 proposal is not in the interest of the public pursuant to Section 4.15(1)(e) of the Act.

The development has shown contempt for Council's assessment process and the Court's appeal/judgement process, and is seeking to further renege on the undertaking previously given to the Court that no additional height or floor space will be sought for any future DAs.



## Building Facilities Management Solutions

Miramar | 398-408 Pitt St, Sydney NSW 2000

Email: [REDACTED]

Mobile: [REDACTED]



A. McKeown  
City of Sydney Council  
[AMcKeown@cityofsydney.nsw.gov.au](mailto:AMcKeown@cityofsydney.nsw.gov.au)

**Subject:** Objection to DA Modification D/2020/1387/C – Operational and Ethical Concerns from BFMS

**DA Reference:** D/2020/1387/C

**Address:** 410 Pitt Street, Haymarket NSW 2000

**Applicant:** IDC Property Management Pty Ltd

**Description:** Section 4.55(2) modification of the existing consent for a new hotel

Dear Adrian,

As Area Manager for Building Facilities Management Solutions (BFMS), the building management company for Miramar Apartments at 398 Pitt Street, I am writing to formally object to the proposed DA modification D/2020/1387/C currently under review by Council.

The proposed modification has serious operational implications for the adjacent residential community. While our role at BFMS is to support the safe and efficient management of strata properties, that task becomes significantly more difficult when external stakeholders fail to uphold basic standards of care and accountability.

One recent example is the serious damage to the B3 basement wall at Miramar, caused by excavation works linked to 410 Pitt Street. No formal notification was provided by the contractor at the time of the incident. The area remains unrepaired, with safety hazards still present, and no meaningful engagement or resolution offered by the party responsible.

It is deeply concerning that the same developer now seeks expanded scope under Section 4.55(2) — including the addition of rooftop lift access, further structural and acoustic bulk, and increased operational load — when existing issues remain unacknowledged and unresolved.

From a building management perspective, this modification:

- Increases pressure on shared services, logistics, and safety operations
- Creates substantial new impacts on residential amenity (light, outlook, and acoustic disruption)
- Lacks transparency and timely communication from the developer and contractors involved
- Fails to address or rectify the operational fallout from previous construction damage

Council's role in protecting established residential environments is essential — especially when ongoing development threatens to compromise liveability, safety, and property value.

For these reasons, BFMS joins with the Owners Corporation and concerned residents in strongly opposing this modification.

Liability limited by a scheme approved under Professional Standards Legislation

## Building Facilities Management Solutions

Miramar | 398-408 Pitt St, Sydney NSW 2000

Email: [REDACTED]

Mobile: [REDACTED]



We respectfully urge Council to reject DA D/2020/1387/C in full, and to ensure developers are held to the same standards of responsibility and transparency expected of those who manage and care for these communities long after construction is complete.

Sincerely,

[REDACTED SIGNATURE]

**Nicholas Brown**

Area Manager

Building Facilities Management Solutions (BFMS)

Facilities Manager – Miramar Apartments, 398 Pitt Street Haymarket NSW 2000



Liability limited by a scheme approved under Professional Standards Legislation

## Building Facilities Management Solutions

Miramar | 398-408 Pitt St, Sydney NSW 2000

Email: [REDACTED].au

Mobile: [REDACTED]



A. McKeown

City of Sydney Council

[AMcKeown@cityofsydney.nsw.gov.au](mailto:AMcKeown@cityofsydney.nsw.gov.au)



**DA Reference:** D/2020/1387/C

**Address:** 410 Pitt Street, Haymarket NSW 2000

**Applicant:** IDC Property Management Pty Ltd

**Description:** Section 4.55(2) modification of the existing consent for a new hotel

Dear Adrian,

I'm Adam Laffy, Building Manager of Miramar Apartments for the past three years.

My role is to ensure that the building not only runs smoothly but also remains clean, secure, compliant, and safe for the hundreds of residents who call it home. I also do my best to maintain resident comfort and uphold standards during periods of stress — and unfortunately, the current construction at 410 Pitt Street has been one of those periods.

When the original development was approved, we knew the project would be challenging. Trying to squeeze a 30+ storey building into a footprint this narrow was always going to place strain on operations. But what we did not expect — and what I cannot accept — is the level of damage, disruption, and disregard shown by the builder since construction began.

Of particular concern is the recent incident in the lower basement car park, where a contractor from Tricon caused major damage to a common wall, removing an area of 7-10 metres wide and 2-3 metres high, leaving an open cavity leading to major security concerns. The damage was significant, and more importantly, it posed a serious threat to the health and safety of the residents.

There was no warning. No prior consultation. No post-incident report was shared with management until we initiated the process ourselves. In fact, there was no formal notification at all. This type of behaviour is unacceptable in any building, let alone one housing over 1,000 residents.

Prior to the common wall in the basement being removed, we had concrete slurry penetrate a boundary wall of the booster pump room located B1 where one of the pumps was damaged with concrete through the motor.

Then most recently on Wednesday 21.05.25, we noted parts of a common wall removed from the garage of 268 after being informed by the builders at Tricon in a Strata Committee meeting held 15.04.25, that the wall would not be touched and a shoring wall was to be placed just in case to prevent overflow coming through the wall of the garage. Not the removal of the wall.

What alarms me most is not just the physical damage, but the pattern of behaviour:

- A lack of transparency from the builder
- A lack of accountability for damage
- A lack of respect for the safety of residents, visitors, and building staff



**Building Facilities Management Solutions**

Miramar | 398-408 Pitt St, Sydney NSW 2000

Email: [REDACTED] u

Mobile: [REDACTED]



I am submitting this objection not only as a building manager but as a person responsible for the safety of others. I have reviewed the detailed report by Alison Soon, our long-time on-site property manager and Owners Corporation Committee member and I fully support her assessment of the seriousness of the situation.

The City of Sydney has an obligation to ensure that this developer and their building team do not continue operating unchecked. That extends to approving any further modifications that will no doubt encourage this reckless disregard for community safety.

Please reject the proposed modification. Until safety, communication, and accountability are proven, not promised, there should be no further approvals granted.

Sincerely,

A handwritten signature in black ink, appearing to read 'Adam Laffy', written over a grey rectangular redaction box.

**Adam Laffy**

Building Manager

Miramar Apartments, 398-408 Pitt Street, Haymarket NSW 2000

## **B1–B2 South Side Driveway – Work Order #5291-A**

**Strata Plan:** SP44910

**Subject:** Unauthorised Removal of Common Wall – B1–B2 Driveway, South Side

**Date Logged:** 9th April 2025

**Submitted by:** BFMS on behalf of Miramar Owners Corporation



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### **Background & Timeline:**

- **9 April 2025** – Building management was alerted to significant damage to a **common wall** along the **south side of the B1–B2 carpark driveway**. On inspection, it was discovered that the wall had been **almost completely removed** by Tricon Group, the builders for the adjacent 410 Pitt Street development.
- Builders claimed the wall was on their boundary and "had to be removed" — contradicting the lack of any prior notification or approval.
- BFMS **immediately raised concerns over health, safety, and security** and demanded the wall be secured. Temporary barriers were only installed later that week to prevent debris from affecting resident vehicle paths between B1–B2 and B2–B3.
- **No notification was provided in advance** of this action, breaching normal construction protocols and the expectations of neighbouring stakeholders.
- The issue was **reported to Council on 9 April 2025** (Ref: 2025-034 5148), but Council advised they would not intervene, instead recommending contact with the PCA (Private Certifying Authority), who did not follow up.
- **Further escalation was made to SafeWork NSW on 15 April 2025** (Ref: 1-500548).

---

### **Key Concerns:**

1. **No consent or prior communication** provided to Miramar residents or management.
2. **Contradiction of developer's duty of care**, especially considering this was not isolated — a similar unauthorised wall removal incident occurred at Garage 268.

---

### **Relevance to DA Modification D/2020/1387/C:**

This incident illustrates a broader pattern of **poor communication, disregard for community impact, and questionable operational oversight** by the applicant's contractors.

Council is urged to:

- **Reject DA modification D/2020/1387/C;**
- **Hold the applicant accountable for unauthorised work already undertaken;**  
and
- **Implement stricter oversight and notification procedures** for any further construction activity affecting surrounding residential properties.

---

**Submitted by:**

**Adam Laffy**

Building Manager – Miramar Apartments

BFMS | Strata Plan 44910



[Redacted email address]



[Redacted phone number]



## Miramar Apartments – Council Submission Summary

**Work Order Ref:** #5331-A | **Strata Plan:** SP44910

**Subject:** Damage to Common Wall – Garage 268 (Tricon Builders, 410 Pitt Street)

**Date Logged:** 21 May 2025

**Submitted by:** BFMS on behalf of Miramar Owners Corporation



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### **Background & Timeline:**

- **15 April 2025** – During a committee meeting, Tricon representatives (Harry Wehbe & Joe Charbel) **assured the Owners Corporation** that the common wall at Garage 268 **would not be touched**.  
Instead, a shoring wall was to be installed as a **preventative measure only** during excavation works.
- **21 May 2025** – The owner of Garage 268 reported that **part of the wall had been removed**, raising concern about potential damage to their parking space and vehicle.
- Miramar Building Management **inspected and photographed the damage** before contacting Tricon.
- When approached, Tricon’s representative, Harry, stated he was unaware the wall had been removed but would “seal up the cavity.” He **contradicted prior assurances**, claiming the wall would not be touched.

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### **Key Concerns:**

1. **Broken verbal agreement** – The builder previously stated the wall would not be touched.
2. **Lack of notification** – No warning or consent was given to Miramar or the affected lot owner.
3. **Repeat incident** – This follows a **similar unauthorised demolition of the B1–B2 basement wall**.
4. **Disruption to residents’ use and enjoyment of private property.**

---

### **Implications for DA Modification D/2020/1387/C:**

The repeated disregard for clear communication, safety assurances and accountability by the developer and their contractors raises serious concerns about their suitability to manage additional development scope under this DA.

We strongly urge Council to:

- **Reject the DA modification in full**
- **Require full restoration and accountability for existing damage**
- **Ensure future works are subject to stricter oversight and formalised protections for surrounding residents**

---

**Submitted by:**

**Adam Laffy**

Building Manager – Miramar Apartments

BFMS | Strata Plan 44910



[Redacted email address]



[Redacted phone number]



# DAVID LEAMEY

## SOLICITOR & BARRISTER

Our Ref: DL:24/485



ph

23 May 2025

For the Attention of: Mr A. McKeown: Email: [AMcKeown@cityofsydney.nsw.gov.au](mailto:AMcKeown@cityofsydney.nsw.gov.au)  
City of Sydney Council

**Objection: Proposed Section 4.55(2) modification to DA D/2020/1387/C (and its associated Stage 1 DA D/2015/661/B),**

Mr. McKeown,

As the former Chair of the Owners' Committee at the Miramar Apartments, I write to formally object to the proposed Section 4.55(2) modification to DA D/2020/1387/C (and its associated Stage 1 DA D/2015/661/B), relating to the proposed hotel tower at 410 Pitt Street, Haymarket.

I was an occupier of Commercial Suite 269 at Miramar & I lived in the building for about 20 years. I represent a strata community of over 1,290 residents, business tenants, and long-term owner-occupiers at 398 Pitt Street. Having been involved in this matter over many years, including through the Land and Environment Court proceedings, I am deeply concerned by the pattern of piecemeal intensification this proposal continues to represent.

This modification is not technical or trivial—it significantly intensifies impacts previously mitigated by legal and planning outcomes.

**Specific Grounds of Objection:**

1. Total View Loss and Visual Deception (Unit 262 and Upper Floors)
2. View obstruction Units 268 and 263
3. Encroachment Beyond the Spirit of Approval
4. Additional Operational Noise and Functional Harm
5. Loss of Amenity via Disappearing Communal Facilities
6. Further burden on Traffic and Access Obstruction
7. Structural Breach and Builder Misconduct

The developer's building contractor, Tricon Group, has already caused unauthorised and unremediated damage to common property at Miramar Apartments. This includes the recent breach of the boundary wall adjoining Garage 268, carried out without notification, consent,

P.O Box 20069, World Square, NSW, 2002

**WWW.Leamey.com**

Phone:

Fax: (02) 9012 0333

ABN: 25 101 597 669

David Leamey t/as David Leamey Solicitor & Barrister.

Liability limited by a scheme approved under Professional Standards Legislation.



# SYDNEY RESIDENTIAL

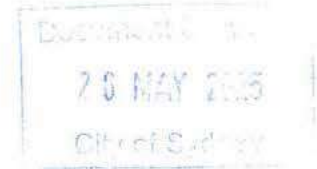
## METRO

**Mr Adrian McKeown**

**Senior Planner**

**City of Sydney Council**

**Email:** [AMcKeown@cityofsydney.nsw.gov.au](mailto:AMcKeown@cityofsydney.nsw.gov.au)



**Date:** 22/05/2025

**Subject:** Objection – DA Modification D/2020/1387/C (410 Pitt Street, Haymarket)

**Date:** 22/05/2025

**Subject:** Objection – DA Modification D/2020/1387/C (410 Pitt Street, Haymarket)

Dear Mr McKeown,

As the appointed Property Manager for multiple residential tenancies within the Miramar Apartments at 398 Pitt Street, I wish to lodge a formal objection to the proposed DA modification D/2020/1387/C for 410 Pitt Street, Haymarket.

Our tenants – many of whom are long-term residents – have already endured extensive construction-related disruption in recent years. The noise, dust, restricted access, and overall loss of amenity have made property management in this complex increasingly difficult. The current application appears to extend and intensify these impacts, particularly through changes to rooftop structures, extended construction timelines, and increased bulk that directly affects resident comfort and liveability.

This modification risks further decreasing tenant satisfaction and increasing vacancy turnover in a highly competitive rental market. It also exposes owners and managers to rising complaints, increased maintenance issues, and reputational damage to what should be a stable and desirable building.

Given our close working relationship with residents and the building's strata and facilities teams, we urge Council to consider not only the physical but also the operational burden this modification would impose.

We respectfully request that Council reject this modification in its current form and uphold the original 2023 approved plans – in the interest of tenant wellbeing, building function, and the broader community standard.

Kind regards,

**Farrah Cartwright**

**Senior Property Manager**

**Sydney Metro Residential**

**To:** Mr Adrian McKeown

**Email:** [adrian@miramar-apartments.com.au](mailto:adrian@miramar-apartments.com.au)

**Subject:** Objection to DA Modification D/2020/1387/C

**DA Reference:** D/2020/1387/C

**Address:** 410 Pitt Street, Haymarket NSW 2000

**Applicant:** IDC Property Management Pty Ltd



Dear Mr McKeown,

I am writing to raise my objection to the DA modification D/2020/1387/C for 410 Pitt Street.

As the owner of Unit 103 at Miramar Apartments, I am seriously concerned about the ongoing structural damage and safety risks caused by construction next door. These issues are already affecting our building, and I worry the proposed changes will only make it worse.

Please do not approve this modification.

Yours sincerely,

  
**Basil Young**

Owner – Unit 103

Miramar Apartments, 398 Pitt Street, Haymarket 2000

*21/05/25*

**To:** Mr Adrian McKeown  
City of Sydney Council  
**Email:** AMcKeown@cityofsydney.nsw.gov.au



**Subject:** Objection – DA Modification D/2020/1387/C (410 Pitt Street, Haymarket)

**Date:** 23 May 2025

Dear Mr McKeown,

I am writing as a resident and member of the Miramar Owners Committee to formally object to the proposed modification of DA D/2020/1387/C.

On 20 May 2025, I inspected the B2 and B3 basement levels and was horrified by what I saw. Sections of our shared basement wall have been severely damaged, haphazardly boarded up with plywood, and covered in green mesh. The presence of stagnant water and mud pooling on the floor, coupled with an overwhelming stench of damp and decay, indicates a serious and unaddressed problem. I have attached photographs of the site for your immediate review.

Leaving the site in such a poor state for over a month is not just unacceptable; it's a dangerous dereliction of responsibility. This area is now highly susceptible to flooding during rainfall, posing significant safety, health, and structural risks to Miramar residents.

Our community is gravely concerned about the stability of our wall and the potential impact of the next-door developer's excavation on our building's structure and foundation. This concern is heightened by the fact that they already creating a hole in our wall during their early development stage. We urgently need assurance that if any future cracks appear due to this wall damage or vibrations from their ongoing excavation, the developers will be held fully accountable.

The builders responsible for this damage have demonstrated a complete lack of accountability, urgency, and respect for our residential community. To now seek Council approval for further expansion, despite this profound negligence and disregard for public safety and amenity, is deeply irresponsible.

I strongly oppose any progress or modification that rewards this level of egregious negligence. Please ensure this letter is considered a vital part of the Miramar group submission, and that this application is thoroughly reviewed and ultimately rejected.

Sincerely,

**Maya Sari**

OC Member & Resident

U61/398 Pitt Street, Haymarket NSW 2000

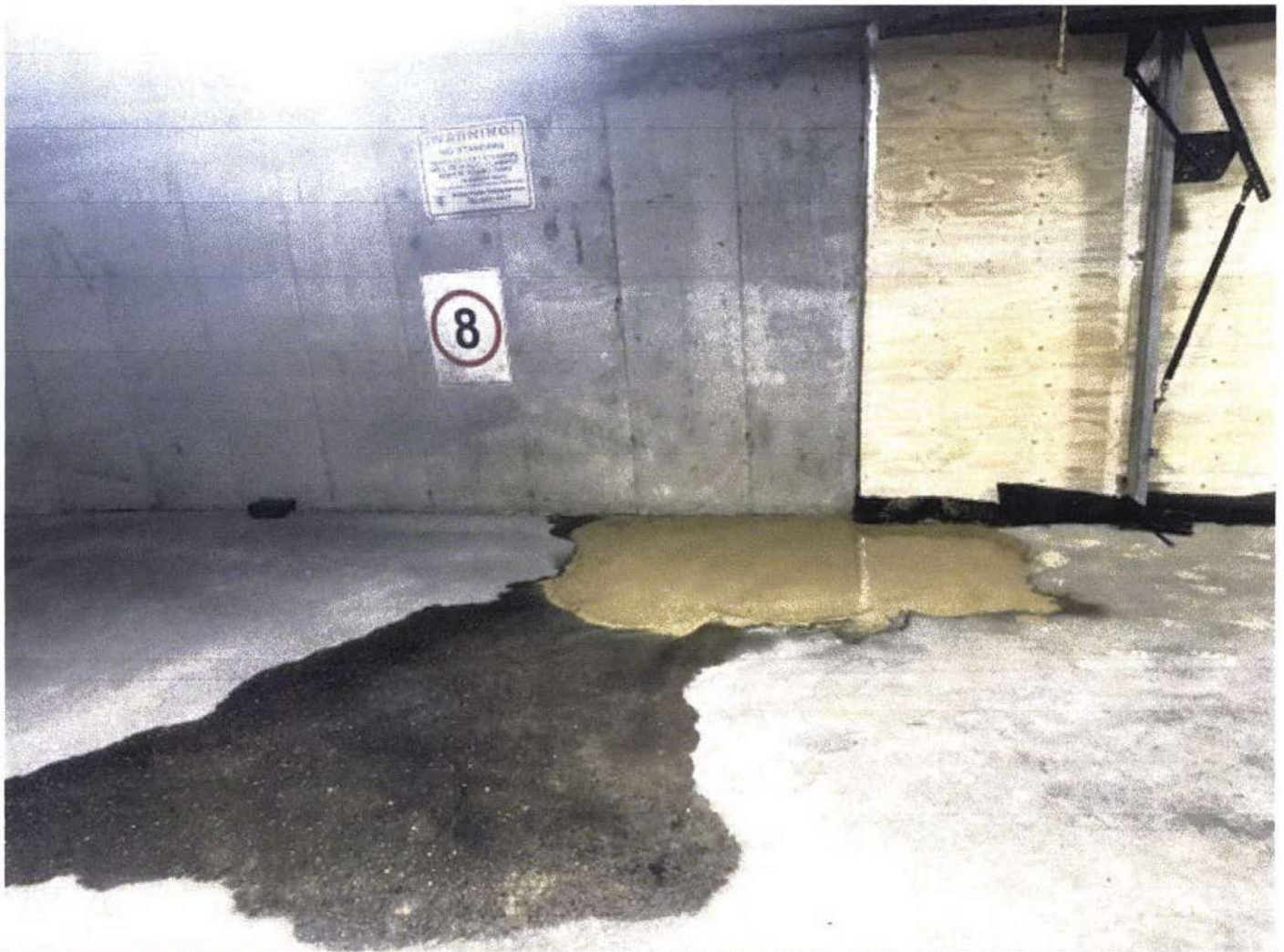


**Picture of the damaged:**

*[You are welcome to visit B2 or B3 to witness the damaged]*







**From:** Adrian McKeown <AMcKeown@cityofsydney.nsw.gov.au> on behalf of Adrian McKeown <AMcKeown@cityofsydney.nsw.gov.au> <Adrian McKeown <AMcKeown@cityofsydney.nsw.gov.au>>  
**Sent on:** Tuesday, May 27, 2025 11:15:34 AM  
**To:** DASubmissions <DASubmissions@cityofsydney.nsw.gov.au>  
**Subject:** FW: Objection to D/2020/1387/C & D/2015/661/D – 410 Pitt Street, Haymarket  
**Attachments:** Objection Letter S4.55 DA - 410 Pitt Street, Haymarket.pdf (1.76 MB)

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**From:** TRANPLAN - David Tran <[REDACTED]>  
**Sent:** Monday, 26 May 2025 4:24 PM  
**To:** Adrian McKeown <AMcKeown@cityofsydney.nsw.gov.au>  
**Cc:** DASubmissions <DASubmissions@cityofsydney.nsw.gov.au>; City of Sydney <council@cityofsydney.nsw.gov.au>; Sue Ostler <[REDACTED]> Edward Lee <[REDACTED]>  
**Subject:** Objection to D/2020/1387/C & D/2015/661/D – 410 Pitt Street, Haymarket

**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 Adrian,

Please find attached the Detailed Submission **objecting** to D/2020/1387/C & D/2015/661/D – 410 Pitt Street, Haymarket (**site**), on behalf of the residents at the Mirramar Building adjoining the site. .

The Objection details how the incremental overdevelopment of the site will have extremely unreasonable, significant and adverse cumulative impacts for the adjacent neighbours surrounding the site.

If you have any questions regarding this submission, please do not hesitate to contact me.

Thanks

David Tran *B. Planning (Honours)*

Director | Principal Planner

**TRANPLAN | Town Planners & Heritage Consultants**

**M:** [REDACTED] **E:** [REDACTED]

**W:** <https://www.townplanning-urbanplanning.com> | <https://www.tranplansydney.com.au>

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20 May 2025

Ms Monica Barone  
Chief Executive Officer  
City of Sydney Council

By email: [AMcKeown@cityofsydney.nsw.gov.au](mailto:AMcKeown@cityofsydney.nsw.gov.au)

**Attention: Adrian McKeown – Senior Town Planner**

**Re: Objection to Development Applications D/2020/1387/C & D/2015/661/D – 410 Pitt Street, Haymarket**

1

TRANPLAN Consulting has been engaged by the residents of the *Miramar Apartments (Miramar)* at SP44910 being No. 398 – 408 Pitt Street (**the neighbours / residents**) to consider & respond to the Council on their behalf in respect of the following Development Applications (DA) at 410 Pitt Street, Haymarket (**the site**):

- **D/2020/1387/C** Section 4.55(2) modification of the existing consent for a new Hotel, and
- **D/2015/661/D** Section 4.55(2) modification to amend the approved concept building envelope to reflect an amended design for the lift overrun, increasing the approved height of the lift overrun and concrete housed tuned sloshing damper by 1.9m from RL 121.110 (AHD) to RL123.100 (AHD)

This submission is made pursuant to Section 4.15(1)(d) of the *Environmental Planning & Assessment Act 1979 (the Act)*. The objection relates to the significant amenity impacts arising from the non-compliant and extremely unreasonable nature of the development, as detailed in the following section.

## 1 BACKGROUND

### 1.1 D/2015/661

The original Stage 1 Concept DA D/2015/661 (**2015 DA**) was granted consent on 19 May 2015 by the *NSW Land and Environment Court (LEC / Court)* in *NFF at 410 Pitt Street Pty Ltd v Council of the City of Sydney [2016] NSWLEC 1181* (Case 10752 of 2015) for:

- Demolition of the existing 74-room boarding house; and
- Stage 1 building envelope for a 31-storey accommodation hotel tower comprising:
  - A maximum building height of up to RL 115.460 (AHD); and
  - A podium with a maximum RL 34.860 (AHD).

It is also important to note the following:

- Council's contentions in its SOFAC indicated that the constraints (small size and narrow dimensions) of the site serve to limit the provision of a building envelope that would maintain acceptable levels of residential amenity (in terms of solar access, privacy, outlook, ventilation, visual bulk and scale and



servicing requirements) to the adjoining development and that the site is therefore unsuitable for a tower development (paragraphs 43-45).

- The original 2015 DA's design was for a 33-storey (6-storey podium with 27-storey tower above). However, the applicant had made the concession to reduce 2-storeys from 33 to 31-storeys and made an undertaking to the Court will not be seeking bonus floor space and/or height (paragraph 71 of NSWLEC 1181) – see Figure 1 below and Heading 1.2.

## Design excellence

- 70 The Council contends that the proposed building envelope does not exhibit design excellence and the site is not suitable for the scale of the proposed building envelope. The proposed building envelope does not have adequate regard for the need to achieve an acceptable relationship with the towers on the neighbouring sites, particularly in terms of separation, setbacks, amenity and urban form.
- 71 The applicant gave an undertaking that no additional height or floor space will be sought under cl 6.21(7) of LEP 2012 for any future Stage 2 development application.
- 72 For the reasons provided above, I am satisfied that the proposed building envelope achieves an acceptable relationship with the towers on the neighbouring sites. The approval of a Stage 1 development application is to establish an appropriate building envelope and demonstrate that an acceptable layout is achievable within that envelope. On that basis, the proposed building envelope meets the requirements in sub-cl 6.21(4) relevant to a building envelope. The Stage 2 development application will need to address the outstanding requirements in cl 6.21 of LEP 2012.

Figure 1 – Undertaking to the NSW Court that no additional height will be sought

## 1.2 D/2020/1387 & D/2015/661/B

**D/2020/1387 & D/2015/661/B** sought to invalidate the Court's ruling in the original 2015 DA, and "back-flipped" on its undertaking to the Commissioner Susan O'Neill and the Court, and increased the development's envelope to:

- Increase the number of storeys from 31 to 33, plus roof level
- Increase the maximum building height from RL 115.46 to RL 121.11 to the lift and stair overrun area atop the roof.



## 2 THE PROPOSED S4.55 DAs (D/2020/1387/C & D/2015/661/D)

The subject proposed DAs (D/2020/1387/C & D/2015/661/D) now seek to further increase the development's envelope, resulting in increased adverse impacts to the upper levels of the Miramar building.

### 2.1 IMPACT OF THE CURRENT APPROVED BUILDING ENVELOPE ON THE SOUTHERN ELEVATION OF MIRAMAR APARTMENTS

There are 2 windows on each level of the southern façade of the Miramar Apartments on the upper levels. On a typical level, there are 2 apartments on the southern side of the building:

- one in the south-east corner with an outlook to the rear of the site and
- one in the south-western corner with an outlook towards Pitt Street.

Both apartments have a balcony at the southern corners of the Miramar Apartments. The windows provide significant amenity to the living room and on the upper levels there are sweeping district views from the windows in the southern façade, which include, inter alia, Central Station and its clock tower.

In the original 2015 DA, the planning experts agreed that the view loss from the windows in the southern façade of the Miramar Apartments affects only the upper levels of the Miramar Apartments from levels 33 to 36 and the leading edge of the proposed building envelope will be visible from level 37, because district views at the lower levels are obstructed by the Regis Towers.

**Note:** The above consensus by the experts were entirely predicated on the applicant's concession to reduce 2-storeys from 33 to 31-storeys and their undertaking to the Court that no bonus floor space and/or height will be sought in the future.

Following the Council approvals of D/2020/1387 & D/2015/661/B – which “back-flipped” on the site's undertaking to the Commissioner Susan O'Neill, and concessions made to the Court in the original 2015 DA approval, and further increase to the approved envelope<sup>1</sup> – the upper levels of the Miramar building were forced to bear increased adverse amenity impacts (e.g. view loss, and loss of daylight).

### 2.2 IMPACTS OF THE PROPOSED S4.55 BUILDING ENVELOPE ON THE SOUTHERN ELEVATION OF MIRAMAR APARTMENTS

The current S4.55 DAs now propose to further increase to the approved envelope i.e. an **additional 2m** (from RL 121.110 to RL 123.100 to) will completely wipe out the remaining views for the upper level neighbours e.g. Apartment 262 on Level 37 and any remnant access to daylight or ambient light to their primary living areas (lounge room, kitchen, winter garden and balcony).

<sup>1</sup> an additional 2-storeys plus roof level (with plants/rooftop structures), and 5.65m (from RL 115.460 to RL 121.110)



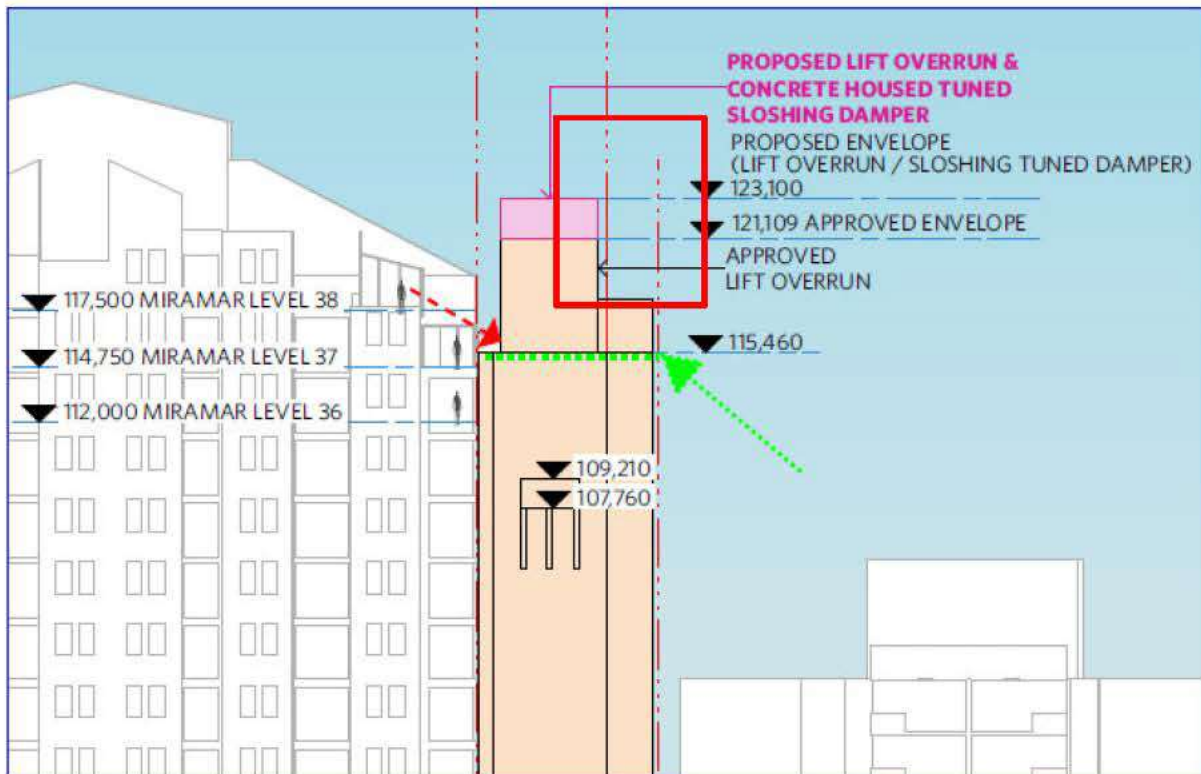


Figure 2 – Proposed extra 2m in height (pink) would have devastating daylight /ambient light and view loss for the upper levels of Miramar

The green dashed-line and arrow in Figure 1 above indicates the Court’s ruling in the original 2015 DA approval. This site has already “back-flipped” once on its undertaking to Commissioner Susan O’Neill and the Court, to not further increase the original approved-height of RL 115.46.

The S4.55’s proposed new RL of 123.100 represents a **7.64m** increase (from the original Court-approved height of RL 115.460), and the proposed new envelope would result in complete/total and devastating view loss and loss of daylight for Apartment 262 – see Headings 5.1 & 5.2 for more details.

### 3 INCREMENTAL MODIFICATIONS

In our previous submission letter (dated 5 February 2021) objecting against D/2020/1387 & D/2015/661/B, we correctly predicted that the applicant will certainly seek further increases to the approved height/FSR as part of future DAs / modifications. This practice of modifications in increments serve the ulterior motive to impose “creeping” additional impacts whilst attempting to ultimately conceal the true cumulative impact of a development.

For example, looking from a holistic view, the S4.55’s proposed new RL of 123.100 represents a **7.64m** increase (from the original Court-approved height of RL 115.460). The development has had covert intentions for the building/site and has “drip-feed” Council and neighbours through incremental modifications, with the motive to mask and trivialise the cumulative impacts.



We presume that Council has a strong stance against such practices, and will “draw the line” by refusing this DA to vehemently protect the integrity of Council’s assessment process and the neighbours quality of life.

## 4 IMPACTS

It is considered that the development’s attempt to further impose unacceptable impacts to the neighbours residential amenity (adversely affecting quality-of-life factors such as daylight, views/outlook, ventilation, visual bulk and scale) is unacceptable. It is inconceivable that any such development could be supported given that previous DAs were approved on the basis of certain undertakings and concessions (which are now being undone).

5

In the Judgement / Decision for the original 2015 DA, Commissioner Susan O’Neil noted (paragraph 71, page 25) that “**The applicant gave an undertaking that no additional height or floor space will be sought under cl 6.21(7) of LEP 2012 for any future Stage 2 development application**”. This is a critical point – that the Court heavily based its decision to approve the original DA on the proviso that the development site had made the concession to reduce from 33 to 31-storeys and will not be seek any further increase to floor space and/or height – a concession which the development site has already “back-flipped” on, and now seeking further reversal. Accordingly, Council should not support this S4.55 proposal as:

- adequate daylight, visual/acoustic privacy, and reasonable views/outlook cannot be maintained for adjoining residences; and
- the development site has shown contempt for *NSW Land and Environment Court* process, which culminated in the Court approval of the Stage 1 original DA (but with strict Conditions of Consent requiring compliance with height & envelope); and
- it makes a mockery of Council’s assessment process with incremental modifications concealing the cumulative impacts, and have total disregard for neighbours residential quality-of-life.

### 4.1 TOTAL & DEVASTATING VIEW LOSS

The concept of view sharing relates to the equitable distribution of views between development and neighbouring dwellings. The development has already “eaten” into previous concessions, but now seek a building envelope which will totally devastate any remaining views currently obtained from the uppermost south-facing apartments within the Miramar Apartment Building<sup>2</sup>, providing a clear indicator of the applicant’s disregard to impacts on neighbours.

The remaining views contribute significantly to the amenity for the neighbouring dwellings. A comprehensive *View Sharing Analysis (VIA)* is required to clearly depict the magnitude of view loss impact of the proposed S4.55 development on the upper

<sup>2</sup> Views towards the State Heritage-listed Central Railway Station (and its clock tower) and distant views, including land-water interface, to Botany Bay.



levels of the neighbouring Miramar building. This critical issue of view loss is discussed in further detail in Part 5.1 of this Submission.

#### 4.2 DAYLIGHT ACCESS

Access to adequate daylight and ambient light cannot be maintained for the upper levels of the Miramar which will lose a substantial amount of daylight and ambient light from the unacceptable increase in height & envelope.

It is noted that a *Daylight Factor Assessment* was prepared for D/2020/1387 & D/2015/661/B (for the Hotel). It is strongly recommended that Council require this S4.55 to carry out a *Daylight Factor Assessment* for the Miramar's upper level apartments, to assess the current and proposed daylight conditions.

6

#### 4.3 FUTURE PUBLIC ACCESS TO ROOFTOP

This S4.55 DA seeks to introduce lift access to the rooftop under the pretext of plant/equipment maintenance regime. However, we predict that the development will ultimately seek usage of the rooftop as a rooftop bar/entertainment space accessible to the public as part of future DAs / modifications. This is almost certainly the true ulterior motive behind the proposed direct elevator access to the rooftop – see Heading 3 for discussion about our concern regarding this deceitful practice of incremental modifications.

#### 4.4 ACOUSTIC & VISUAL PRIVACY

Apart from the abovementioned impacts, the proposed new location for the lift overrun, tuned sloshing damper, and motor room will have increased acoustic impacts for the Miramar's upper level apartments.

Furthermore, the proposed direct elevator access to the rooftop will ultimately result in the usage of the rooftop as a bar/entertainment space accessible to the public – as part of future DAs / modifications; see Heading 4.3 above – which will have significant acoustic & visual privacy for all neighbours surrounding the site.

The residents strongly objects to the use of the roof for any public / hotel / recreational purposes due to the severe lack of privacy/noise given the extreme proximity.

#### 4.5 CONSTRUCTION IMPACTS

The site is significantly constrained by the small size and narrow dimensions of the site, and the size, form and location of the residential towers to the north, east and south of the site. These previous concerns regarding the constraints on development posed by the restricted size of the site have unfortunately already been realised with the Miramar building sustaining damage to its boundary wall due to the development's construction/demolition activities. This matter has been documented and raised separately with Council.



## 5 PLANNING PRINCIPLES

### 5.1 VIEW SHARING

The planning principle for considering the acceptability of the impact of a proposed development on the views enjoyed from private property in the vicinity of the development was set out by the *NSW Land & Environment Court's* Senior Commissioner, Dr John Roseth, in the case of *Tenacity Consulting v Warringah (NSWLEC 140 – 2004)* and was adopted through the LEC collegiate process or the derivation of such principles. In assessing this case, Dr Roseth set out the following planning principles (with our comments in green):

*The notion of view sharing is invoked when a property enjoys existing views and a proposed development would share that view by taking some of it away for its own enjoyment. (Taking it all away cannot be called view sharing, although it may, in some circumstances, be quite reasonable.) To decide whether or not view sharing is reasonable, I have adopted a four-step assessment.*

*The first step is the assessment of views to be affected. Water views are valued more highly than land views. Iconic views (e.g. of the Opera House, the Harbour Bridge or North Head) are valued more highly than views without icons. Whole views are valued more highly than partial views, e.g. a water view in which the interface between land and water is visible is more valuable than one in which it is obscured.*

Applying the above principles to the adjoining Miramar residences, it is considered that the existing view to the State heritage-listed Central Railway Station (and its clock tower), Belmore Park and distant views to land-water interface of Botany Bay as highly iconic and what most people would describe as wonderful/desirable. Refer to existing view photographs (Figures 3, 4 and 5) below for more details.





Figure 3 – (Picture 1) Existing view from living room of Unit 262 on Level 37

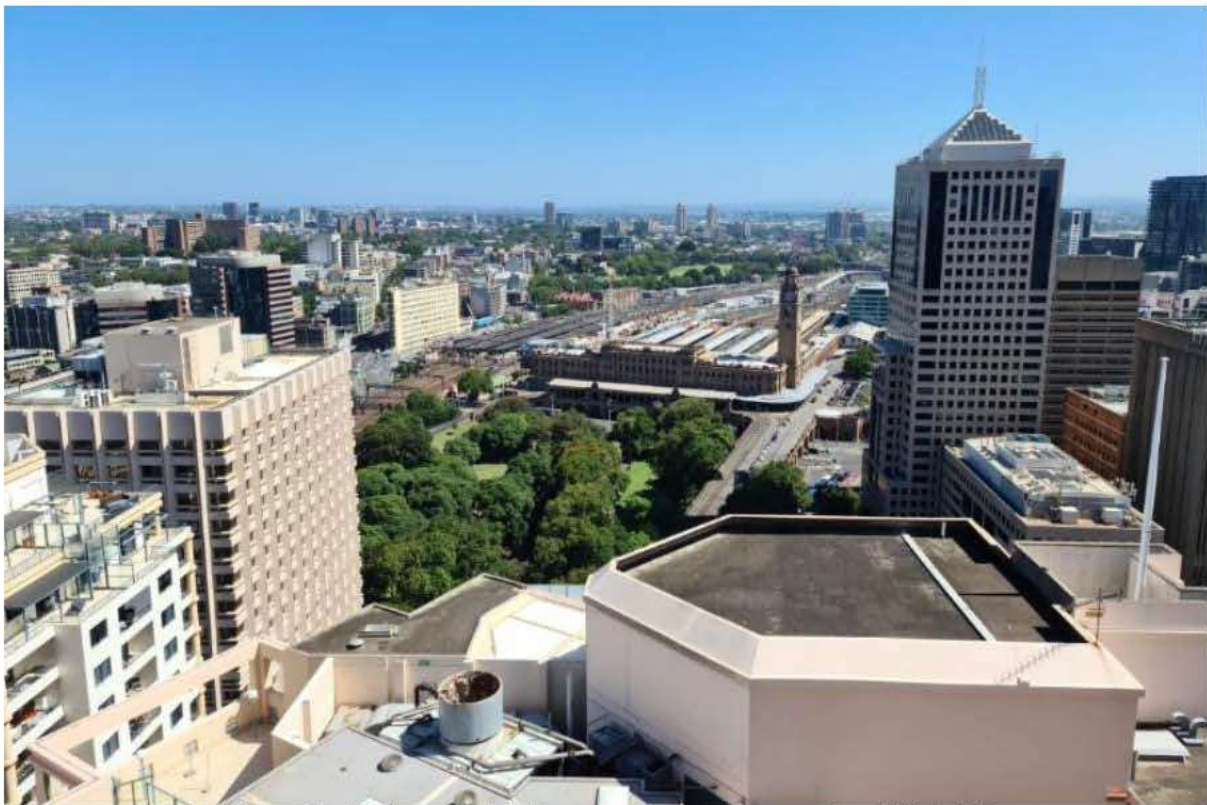
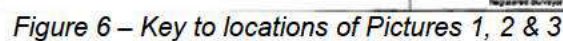


Figure 4 – (Picture 2) Existing view from winter garden of Unit 262







The S4.55 SoEE Report concedes that “the most affected view from the modification is to Unit 262 (on Level 37)”, with the proposed extra 2m in height (pink) to result in total and devastating view loss and daylight /ambient light loss for the upper levels of Miramar, particularly Unit 262 on Level 37 – see extract below (Figure 7).



Figure 7 – Proposed extra 2m in height (pink) would have devastating view loss and daylight loss

However, only 1 view/vantage point (from within Unit 262’s living room looking out to the winter garden) has been provided for analysis. It is critical that Council require a comprehensive **View Sharing Analysis (VIA)** to be provided from several additional view/vantage points, per on-site discussion with Adrian McKeown Council Senior Town Planner:

- within the winter garden (centre)
- within the winter garden (left/east side)
- within the outdoor balcony (east)

Analysis from several additional view/vantage points is required to clearly depict the magnitude of view loss impact of the proposed S4.55 development.



27 The second step is to consider from what part of the property the views are obtained. For example the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. In addition, whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic.

All photos were taken from various areas within Unit 262 (Level 37) of the Miramar i.e. living room, winter garden, and outside the balcony, which are primary living areas that are heavily utilised throughout the day by the residents.

As discussed previously the Court heavily based its decision to approve the original 2015 DA (which Council refused) on the proviso that the development had made the concession to reduce from 33 to 31-storeys and will not be seek any further increase to floor space and/or height – a concession which the development site has already “back-flipped” on once, and now seeking further reversal. Accordingly, Council should not support this S4.55 proposal as:

- adequate daylight, visual/acoustic privacy, and reasonable views/outlook cannot be maintained for adjoining residences; and
- the development site has shown contempt for the Court process, which culminated in the Court approval of the Stage 1 original DA (but with strict Conditions of Consent requiring compliance with height & envelope); and
- it makes a mockery of Council’s assessment process with incremental modifications concealing the cumulative impacts, and have total disregard for neighbours residential quality-of-life.

28 The third step is to assess the extent of the impact. This should be done for the whole of the property, not just for the view that is affected. The impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens are highly valued because people spend so much time in them). The impact may be assessed quantitatively, but in many cases this can be meaningless. For example, it is unhelpful to say that the view loss is 20% if it includes one of the sails of the Opera House. It is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe or devastating.

The uppermost south-facing Miramar apartments currently retain partial views to Central Railway Station (and its clock tower), Belmore Park and distant views to Botany Bay. These currently-retained views are regarded as highly iconic (e.g. Central Station is listed as a Heritage Item of State significance), and will be totally and completely devastated by the proposed S4.55 incremental encroachment.

29 The fourth step is to assess the reasonableness of the proposal that is causing the impact. A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable. With a complying proposal, the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours. If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable.

This S4.55 proposal’s significant view impacts are highly unreasonable as it will devastatingly and totally remove the remaining partial views retained by the neighbour and therefore are not consistent with the intent and controls of Planning Instruments, the Court’s Planning Principle, and Council’s development processes.



The development have made no attempt to preserve an equitable amount of views for the adjoining residents. Looking from a holistic view, the S4.55's proposed new RL of 123.100 represents a **7.64m** increase (from the original Court-approved height of RL 115.460). The development has had covert intentions for the building/site and has "drip-feed" Council and neighbours through incremental modifications, with the motive to mask and trivialise the cumulative impacts.

## 5.2 ACCESS TO SUNLIGHT / DAYLIGHT / AMBIENT LIGHT

The planning principle for considering the adequacy of sunlight (which will be interchanged with daylight / ambient light, and arguably as-critical in the case of south-facing residents) was set out by the NSW Land & Environment Court's Senior Commissioner, Tim Moore, in the case of *The Benevolent Society v Waverley Council [2010] NSWLEC 1082* and was adopted through the LEC collegiate process or the derivation of such principles. In assessing this case, SC Moore set out the following principles (with our **comments in green**):

*The ease with which sunlight access 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 open space will retain its existing sunlight. At higher densities sunlight is harder to protect and the claim to retain it is not as strong.*

**There is a reasonable expectation that the development will respect the concessions and impacts that have already been imposed on the residents, to ensure that the neighbour's internal living areas & private open space can retain the remaining daylight / ambient light.**



Figure 8 – The existing views and daylight for Unit 262's kitchen will be completely loss



As shown in Figure 8 above, the current approved envelope will result in complete loss of the existing views and daylight for the kitchen. The development is now seeking to impose complete loss of the remaining partial views and residue daylight for Unit 262's living room.

*The amount of sunlight lost should be taken into account, as well as the amount of sunlight retained.*

As discussed above, the development is now seeking to impose complete loss of the remaining partial views and residue daylight for Unit 262's living room.

*Overshadowing arising out of poor design is not acceptable, even if it satisfies numerical guidelines. The poor quality of a proposal's design may be demonstrated by a more sensitive design that achieves the same amenity without substantial additional cost, while reducing the impact on neighbours.*

This S4.55 proposal is poorly designed with no regard to its position & context relative to the adjoining residents, and shows contempt for the Council DA processes and no respect for neighbours quality-of-life. We presume that Council has a strong stance against such practices, and will "draw the line" by refusing this DA to vehemently protect the integrity of Council's assessment process and the neighbours amenity.

*In areas undergoing change, the impact on what is likely to be built on adjoining sites should be considered as well as the existing development.*

Changes can be anticipated but there is a reasonable expectation that developments will comply with planning controls and respect the Court ruling in the original DA to mitigate adverse impact to neighbours, particularly in the context of this site.

### 5.3 PROTECTION OF VISUAL PRIVACY

In addition to non-compliance with Council's development objectives & controls, the DA is also contrary to the NSW Land & Environment Court's planning principles for protection of visual privacy, which were established by Senior Commissioner Dr John Roseth in *Meriton v Sydney City Council* [2004] NSWLEC 313 and some are reproduced below (in *italics*), with our **comments in green**:

*When visual privacy is referred to in the context of residential design, it means the freedom of one dwelling and its private open space from being overlooked by another dwelling and its private open space. Most planning instruments and development control plans acknowledge the need for privacy, but leave it to be assessed qualitatively.*

*Generalised numerical guidelines such as above, need to be applied with a great deal of judgment, taking into consideration density, separation, use and design. The following principles may assist:*

*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.*

As discussed previously, this S4.55 DA seeks to introduce lift access to the rooftop under the pretext of plant/equipment maintenance regime. However, we predict that the development will ultimately seek usage of the rooftop as a rooftop bar/entertainment space accessible to the public as part of future DAs /



modifications. This is almost certainly the true ulterior motive behind the proposed direct elevator access to the rooftop – see Heading 3 for discussion about our concern regarding this deceitful practice of incremental modifications. The loss of privacy due to exploitation of the DA process, and no respect for neighbours amenity is unacceptable.

*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 objective should be to achieve separation between windows that exceed the numerical standards above. (Objectives are, of course, not always achievable.)*

Privacy can be achieved primarily through complying with planning provisions and also considerate planning & clever design, to protect the visual and acoustic privacy of the adjoining neighbour and its private open space and living areas. The cumulative impact of the incremental encroachments, and likely future rooftop use will result in significant loss of visual and acoustic privacy for the neighbours from overlooking/noise directly onto their living areas & private open spaces.

*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.*

The impacted areas of the adjoining residences are its private open spaces and living areas, which are heavily utilised areas throughout the day.

*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.*

The latest design iteration will adversely impact the neighbour's level of residential amenity through complete loss of highly iconic views, as well as any residual daylight / ambient light due to the excessive building envelope obtained covertly through incremental, creeping changes that constantly tips the scales of reasonableness in favour of the development at the expense of the neighbours.

## 5.4 ASSESSING IMPACT ON NEIGHBOURING PROPERTIES

The revised planning principle for assessing impact on neighbouring properties was established in *Davies v Penrith City Council [2013] NSWLEC 1141* by Senior Commissioner Tim Moore. The planning principles (in *italics*) for assessing impact on neighbouring properties are reproduced below, with our comments in green:

*How does the impact change the amenity of the affected property? How much sunlight, view or privacy is lost as well as how much is retained?*

This S4.55 proposal will result in absolute and unacceptable loss of remaining iconic views, loss of residual daylight / ambient light, and loss of visual/acoustic privacy for the neighbours.



*How reasonable is the proposal causing the impact?*

In the Judgement / Decision of the original DA, Commissioner Susan O'Neil noted (paragraph 71, page 25) that **"The applicant gave an undertaking that no additional height or floor space will be sought under cl 6.21(7) of LEP 2012 for any future Stage 2 development application"**. This is a critical point – that the Court heavily based its decision to approve the original 2015 DA on the proviso that the development had made the concession to reduce from 33 to 31-storeys and will not seek further additional floor space and/or height – a concession which the development has already nullified, and exceeded for good measure.

The proposed new/additional amenity impacts are evidence that this S4.55 proposal is extremely unreasonable with maximum regard to private commercial interests and no regard/respect for neighbours and the interests of the public and contrary to Section 4.15(1)(e) of the Environmental Planning & Assessment Act.

15

*How vulnerable to the impact is the property receiving the impact? Would it require the loss of reasonable development potential to avoid the impact?*

The neighbours are vulnerable to severe impacts due to the unreasonable and poor design. The current proposed S4.55 is just latest iteration of a series of incremental encroachments which have had no regard for the original Court judgement, Council DA assessment process, and no respect to the neighbours.

*Does the impact arise out of poor design? Could the same amount of floor space and amenity be achieved for the proponent while reducing the impact on neighbours?*

The history and outcome of the Court-approved original DA and the extremely amenity impacts are a good indication that this S4.55 proposal is extremely unreasonable with maximum regard for private commercial interests and minimal regard for neighbours, and contrary to Section 4.15(1)(e) of the Act.

*Does the proposal comply with the planning controls? If not, how much of the impact is due to the non-complying elements of the proposal?*

The impacts are a direct result of an attempt to further "back-flip" on its undertaking to the Court to not increase the height/RL and FSR in the future (which formed the core basis for the Court's approval of the 2015 DA).

## 6 CONCLUSION

Given the significant planning issues associated with this S4.55 proposal and the ensuing extreme and highly unreasonable amenity impacts upon the neighbouring residents, this S4.55 proposal is not in the interest of the public pursuant to Section 4.15(1)(e) of the Act.

The development has shown contempt for Council's assessment process and the Court's appeal/judgement process, and is seeking to further renege on the undertaking previously given to the Court that no additional height or floor space will be sought for any future DAs.



The development's practice of modifications in increments serve the ulterior motive to impose "creeping" additional impacts, whilst attempting to ultimately conceal the true cumulative impact of the development. For example, the proposed new RL of 123.100 represents a 7.64m increase (from the original Court-approved height of RL 115.460). The development has had covert intentions for the building/site and has "drip-feed" Council and neighbours through incremental modifications, with the motive to mask and trivialise the collective accrued impacts.

We sincerely urge Council to take a strong stance against such practices and "draw the line" by refusing this DA, to preserve the remaining level of amenity for neighbours so that their quality of life – and the integrity of Council's assessment process – can be protected.

If you have any questions regarding this submission, please do not hesitate to contact TRANPLAN Consulting.

Yours faithfully,

  
**David Tran** *B. Planning (Hon)*  
**Principal Planner**  
**TRANPLAN Consulting**

**From:** Adrian McKeown <AMcKeown@cityofsydney.nsw.gov.au> on behalf of Adrian McKeown <AMcKeown@cityofsydney.nsw.gov.au> <Adrian McKeown <AMcKeown@cityofsydney.nsw.gov.au>>  
**Sent on:** Tuesday, May 27, 2025 12:03:40 PM  
**To:** DASubmissions <DASubmissions@cityofsydney.nsw.gov.au>  
**Subject:** FW: Objection to D/2020/1387/C & D/2015/661/D – 410 Pitt Street, Haymarket

Please register

Thanks

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**From:** Sue Ostler <[REDACTED]>  
**Sent:** Tuesday, 27 May 2025 10:43 AM  
**To:** Adrian McKeown <AMcKeown@cityofsydney.nsw.gov.au>  
**Cc:** DASubmissions <DASubmissions@cityofsydney.nsw.gov.au>; City of Sydney <council@cityofsydney.nsw.gov.au>; Edward Lee <[REDACTED]>  
**Subject:** Re: Objection to D/2020/1387/C & D/2015/661/D – 410 Pitt Street, Haymarket

**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 Adrian,

Thank you for granting an extension and the opportunity to provide further feedback on the proposed modification to **D/2020/1387/C and D/2015/661/D** for 410 Pitt Street, Haymarket.

In accordance with your advice, and in collaboration with stakeholders, we hand-delivered **73 letters** to Town Hall, with many opting to submit individual objections directly via email by COB on 26 May 2024.

To support our objection, the Owners Corporation commissioned **independent town planner David Tran** to prepare a formal planning submission. His report, submitted with our objection, presents clear and compelling expert evidence that the proposed modification:

- **Fails the legal test** of being “substantially the same development” under Section 4.55(2) of the EP&A Act
- **Results in excessive view loss and overshadowing** of neighbouring residences
- **Introduces new and materially different amenity impacts** far beyond the scope of the original DA approval

It is our view that the modification represents a **misleading and deceptive departure** from the approved scheme and seeks to exploit the Section 4.55 process in a way that **undermines community expectations and the integrity of planning outcomes**.

The report also highlighted the **particularly severe and disproportionate impacts** on **Units 262, 263, and 267**, which have already endured significant reductions in **privacy, natural light, and residential amenity** due to adjacent development activity.

Of further concern is the apparent intent of this modification to function as a **staging mechanism for future public rooftop use** — a use not previously disclosed and clearly outside the original approval. This would result in **unacceptable ongoing amenity impacts**, including:

- Unreasonable noise and disturbance
- Excessive light spill during evening hours
- Serious loss of privacy from rooftop overlooking

The Owners Corporation considers this a **deliberate and outrageous attempt** to sidestep the community consultation process by reintroducing significant changes under the guise of a minor modification.

Additionally, we draw Council’s attention to **unreported structural damage** and **unacceptable builder conduct**,

including:

- **Structural damage to basement levels B1 through B3**, which remains unresolved and has not been acknowledged in any documentation
- A persistent **lack of transparency and professional oversight** which has further eroded community trust and confidence in the regulatory process

This ongoing disregard for resident well-being and planning compliance has caused widespread distress. To date, our Owners Corporation has spent tens of thousands of dollars on legal, planning, and expert input—not to contest a new development but to **defend what had already been approved** through a lawful and exhaustive process.

The emotional and financial toll on our community is now untenable.

Accordingly, and respectfully, we strongly urge Council to:

1. **Reject** the proposed Section 4.55 modification on legal, planning, and procedural grounds.
2. **Investigate** the physical, structural, and amenity impacts currently being caused to those units noted as 'most impacted'.
3. **Uphold the integrity** of the original DA approval and ensure that community consultation is not subverted through inappropriate use of modification pathways.

We respectfully request confirmation that our submissions have been received and formally recorded.

Should Council require further clarification, Mr Tran remains available for comment.

Many thanks

**Sue Ostler**

On behalf of the Miramar Apartments Owners Corporation (SP44910)



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On Mon, 26 May 2025 at 16:24, TRANPLAN - David Tran <[REDACTED]> wrote:

Hi Adrian,

Please find attached the Detailed Submission **objecting** to D/2020/1387/C & D/2015/661/D – 410 Pitt Street, Haymarket (**site**), on behalf of the residents at the Miramar Building adjoining the site. .

The Objection details how the incremental overdevelopment of the site will have extremely unreasonable, significant and adverse cumulative impacts for the adjacent neighbours surrounding the site.

If you have any questions regarding this submission, please do not hesitate to contact me.

Thanks

David Tran *B. Planning (Honours)*

Director | Principal Planner

TRANPLAN | Town Planners & Heritage Consultants

M: [REDACTED] E: [REDACTED]

W: <https://www.townplanning-urbanplanning.com> | <https://www.tranplansydney.com.au>



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