

URGENT NOTICE

The Chimes (45-53 Macleay Street)

Under a new threat from developers

Loss of another 46 affordable apartments in proposed 13 storey, 50.05-metre development

Deadline to object – Tuesday 29th April 2025

ONLY through the NSW Planning Portal

Summary

A 'fast track' development application submitted to the NSW Department of Planning bypasses the local council (City of Sydney) and proposes to demolish 80 relatively affordable studios apartments in The Chimes and replace them with 34 apartments. 25 will be 3-bedroom luxury dwellings; only 9 will affordable housing, and then only for 15 years.

The developer wants to build a 50.05-metre-high building and stands to make a windfall on the 9 'affordable' apartments after 15 years when the properties can go back to be rented or sold on the open market.

You can submit your concerns by lodging a submission by Tuesday 29th April 2025

Set out below is a more detailed summary of the proposal; links to key documents detailing the plan, instructions on how to lodge your individual submission; and some key points of concern you might want to include in that submission.

The Proposal:

- Demolish 80 studio apartments and replace them with 34 apartments (a net loss of 46 dwellings).
- The new building will be 13 storeys (50.05) metres high, in the vicinity of apartment blocks such as 4 Macleay which stand at only 25M, within the Potts Point Heritage Conservation Area. (HCA). The Chimes is believed to be about 35 metres high.
- City of Sydney has independent expert advice that The Chimes is worthy of consideration as contributing to the HCA and, for that reason, being retained.
- Ground floor retail space to include cafes and 'open eating areas' in what is a quiet, residential-only part of Macleay Street.
- Substantial deep excavations to have 3 levels of basement car parking.
- The application, under the State Significant Development (SSD) process, enables the developer to bypass City of Sydney, which is opposed to the development, and to fast-track assessment and approval through NSW Planning.
- While 9 of the 34 apartments will be 'affordable housing' for 15 years, this concession potentially allows the developer to significantly increase floor space and height beyond what is otherwise allowed; and provide a massive windfall for them after 15 years.
- The application exploits new NSW government rules intended, ironically, to provide more affordable housing and address the housing crisis. It is, however, nothing more than a developer-friendly 'short-term fix' to a long-term problem.
- **Please click on the Further Reading links below for more information and commentary of this process.**
- However, if 50 people make an objection by the **Tuesday April 29th deadline**, the proposal must be determined by the Independent Planning Commission instead of the Department of Planning. This is a preferable pathway as often the IPC holds public hearings and provides a second look over the department's assessment.

How to lodge your submissions

The application and the accompanying documents, including the final Environmental Impact Statement (EIS) dated 27th March 2025 from the developer can be viewed on the NSW Planning Portal at:

<https://www.planningportal.nsw.gov.au/major-projects/projects/concept-proposal-mixed-use-affordable-housing-45-53-macleay-street-potts-point>

The EIS needs to be read together with the response of various NSW set out under 'SEARS '2 – in the above link.

The documents are voluminous and complex so to assist with your submissions, some key issues you might want to include are set out below.

To lodge your submissions, you need to go to the NSW Planning Portal at:

- (i) www.planningportal.nsw.gov.au/major-projects
- (ii) Click on the 45-53 Macleay Street Potts Point (SP934) project and then on “Make a submission”
- (iii) You then need to log in or create a user account.
- (iv) Resources to help you to use the Portal, including a step by step is available on www.planningportal.nsw.gov.au/major-projects/help or call Service NSW on 1300 305 695

Please send a copy of your submissions to:

Alex Greenwich MP at - sydney@parliament.nsw.gov.au

Clover Moore, Lord Mayor (cmoore@cityofsydney.nsw.gov.au)

If you have any questions, or difficulties uploading your submission, please contact:

Justin Keen ON 02-9995 6588 OR VIA EMAIL AT JUSTIN.KEEN@DPIE.NSW.GOV.AU

KEY OBJECTIONS TO PROPOSAL

(1) Significant Loss of Affordable Housing:

Replacing 80 affordable dwellings with just 34 apartments is not consistent with NSW Government and City of Sydney policies to increase affordable housing. City of Sydney now considers it imperative that all new developments do not result in a greater than 15% net loss of dwellings.

While 9 apartments will be ‘affordable housing’, there will be a net loss of 46 dwellings, which equates to almost 60%. In addition, the 9 apartments will only be allocated for affordable housing for 15 years, after which they can be sold or rented on the open market, and the residents displaced.

It also potentially provides the developer with a massive windfall after 15 years, as well as the right to build a much bigger building than would otherwise be allowed.

This proposal should not be considered in isolation, but in the context of significant loss of other affordable housing resulting from recent development approvals in the area, including:

- **11A and 13A Wylde Street, Potts Point**
- **51-57 Bayswater Road, Rushcutters Bay**

(2) Loss of Heritage

The Chimes building is a Modernist building designed by architect Hugo Stossell in 1964 and one of seven of his buildings in the area.

An independent heritage assessment report provided to City of Sydney in December 2024, says the postwar building is contributory to the Potts Point HCA, and recommends that it be retained.

Demolition of The Chimes and the erection of a high rise building in its place will have a detrimental impact on the Potts Point HCA, and in particular this part of Macleay Street which is quiet and surrounded by heritage listed and art deco buildings.

In this regard, it must be noted that the ‘fast track’ process “requires the consent authority to consider the character of the local area or the desired future character for areas under transition”.

The HCA has already been significantly diminished following approvals to demolish a number of its character buildings including, most recently, contributory buildings at 11A and 13A Wylde Street.

(3) Excessive height and bulk

The proposed development, 13 storeys and 50.05 metres high, is excessive and significantly out of proportion to surrounding buildings, which have an average height of only about 20-30 metres. While this excess will be permanent, the trade-off of providing a mere 9 affordable apartments will only be in place for 15 years.

(4) Proposed retail outlets including cafes and outdoor eating areas

This part of Macleay Street is a quiet residential area. The Developers Heritage Impact Statement quotes the Sydney Development Council Plan (SDCP) at 6.1.2.2 as follows: *"Macleay Street and Wylde Street – The locality has a unique streetscape ... has a residential and leafy character, characterised by a streetscape quality..."*. The nearest cafes and restaurants are one block up the road.

The proposal to include ground floor and outdoor eateries is both unnecessary and will generate undue noise from patrons and loud music. There is if anything, an over-supply of cafes, restaurants, and bars in the Potts Point area. This part of the proposal seems to be included only for the purpose of bringing the application within the fast-track state significant development process, rather than any bona fide attempt to address a need for such commercial outlets. It is contrary to the policy that *"requires the consent authority to consider the character of the local area or the desired future character for areas under transition."*

(5) Construction and Excavation

This development application process allows insufficient time for non-expert residents to consider fully and comprehend clearly voluminous documentation in support of it but, but there is genuine concern about the potential adverse implications for surrounding buildings and the amenity of neighbours of a design of this scale, which includes excavation to provide for three levels of underground parking.

(6) Lack of Community Consultation

Only residents with 75 metres of this proposed development site were notified of this development application, and then only given about three weeks to consider voluminous and complex documentation accompanying the application. This is patently inadequate and does not indicate any bona fide attempt to engage in meaningful consultation with residents and the public about what is purported to be a 'state significant development.' If it is of genuine state significance then everyone potentially adversely affected (which includes people who live beyond the 75-metre radius) must be given proper notice, and a more reasonable time to respond.

Other Issues

The above points are not a comprehensive list of potential issues. In particular, if you are directly affected by the development proposal you should also consider issues such as loss of views and overshadowing/loss of natural light.

While these points are intended to assist your submission, it is always preferable to craft your submission in your own words.

Further Reading: <https://www.theguardian.com/australia-news/2023/jun/16/developers-laughing-about-windfall-under-nsw-governments-planning-changes-mayor-warns>

<https://www.teamclover.com.au/affordable-housing-nsw>