

Edgecliff Residents Organisation

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13th March 2026

The Secretary

NSW Department of Planning, Housing and Infrastructure

Locked Bag 5022, Parramatta NSW 2124

By online submission portal and email

RE: OBJECTION — State Significant Development Application SSD-80626208

8–10 New McLean Street, Edgecliff | Proponent: Mount Street 4 Pty Ltd | EIS prepared by Planning Ingenuity

We write on behalf of the Edgecliff Residents Organisation representing residents, owners and occupiers in the immediate vicinity of the above application, to lodge our strong objection to the proposed State Significant Development at 8–10 New McLean Street, Edgecliff (the Proposal).

The Proposal seeks to demolish the existing 106-unit residential complex and replace it with a 10-storey, 65-apartment building on the western subdivision of the site (Stage 1), while reserving the larger eastern lot for a separate, unapproved future development. The development admits multiple non-compliances with both current and proposed standards, defers critical infrastructure and management plans to post-consent stages, and has been assessed without adequate regard to the impacts on the surrounding heritage conservation area and immediate neighbours.

Our objection is grounded directly in the Environmental Impact Statement (EIS) and the supporting technical reports submitted by the proponent's own consultants. We address each matter in turn below.

1. STAGE 1 ALONE BREACHES THE 'NO NET LOSS OF DWELLINGS' REQUIREMENT

A central condition of the draft LEP amendment and the draft Site-Specific DCP is that any development on the site must achieve no net loss of dwellings relative to the existing 106 apartments. The EIS candidly acknowledges that Stage 1 proposes only **65 apartments** — a reduction of 41 dwellings from the existing stock. The EIS

describes this as a *"temporary non-compliance"* reliant on future development of the eastern lot.

This framing is not acceptable. Stage 2 on the eastern lot is not before the Department. It has no approved plans, no lodged application, and no consent. There is no legal obligation on the proponent to build Stage 2, no timeframe for doing so, and no mechanism to enforce compliance with the no net loss requirement if Stage 2 is never built, is built later to a reduced scale, or is approved under different conditions.

Approving Stage 1 in isolation permanently reduces Edgecliff's housing stock by 41 dwellings while simultaneously enabling the proponent to benefit from the enormous increase in site value delivered by the rezoning. The community bears the cost; the proponent captures the gain. The no net loss condition is not a target — it is a non-negotiable requirement that must be met before any consent is granted.

2. THE APARTMENT MIX IS NON-COMPLIANT AND INADEQUATE

The draft Site-Specific DCP requires a diverse apartment mix of 30–50% one-bedroom, 30–50% two-bedroom, and 20–40% three-bedroom dwellings. The Proposal provides **zero one-bedroom apartments**, 24 two-bedroom apartments (37%), and 41 three-bedroom apartments (63%). Again the EIS describes this as a *"temporary non-compliance"* to be remedied by Stage 2.

The absence of one-bedroom and studio apartments from Stage 1 means that this development will deliver nothing for single-person households or young people entering the housing market — precisely the groups that affordable and infill housing policy is intended to serve. The proponent cannot use an unbuilt and unapproved Stage 2 to retrospectively cure a non-compliance in Stage 1.

3. CONSTRUCTION NOISE IMPACTS ARE SEVERE, UNIVERSAL, AND UNMITIGABLE

The RWDI Noise and Vibration Impact Assessment (Report No. 2205123, December 2025) concedes that construction noise for Stage 1 will exceed applicable Noise Management Levels (NMLs) at **every sensitive receiver, at every stage of construction** — demolition, excavation, piling, and general construction. These are not marginal exceedances. The predicted levels during the excavation and piling phase include:

- R01 (29 Cameron Street): 84 dB LAeq,15min — **26 dB over the NML of 58 dB**
- R02 (44 Cameron Street): 88 dB LAeq,15min — **30 dB over the NML of 58 dB**
- R03 (14 Bowes Avenue): 89 dB LAeq,15min — **31 dB over the NML of 58 dB**
- R08 (4 New McLean Street, nearest neighbour): 86 dB LAeq,15min — **30 dB over the NML of 56 dB**

It should be noted that these assessments are based only on the western division – we would anticipate a significantly worse outcome for all residents at R01, R02 and R03 if the eastern division were built.

At 88 dB continuous exposure can damage hearing over time and Occupational health guidelines recommend maximum exposure of about 4 hours per day without hearing protection.

Standard noise mitigation measures achieve reductions of only 2–15 dB. Even the most optimistic application of such measures would leave exceedances of 15–29 dB above NMLs. The 75 dB ‘Highly Noise Affected’ threshold is substantially exceeded at multiple receivers.

Despite this, no respite periods are proposed and given the fact this development could go on for many many years across multiple stages, this could have serious mental and physical health issues for local residents who must listen to this all day, 6 days a week.

The EIS defers all binding management to a future Construction Noise and Vibration Management Plan (CNVMP), to be prepared after consent. The EIS itself acknowledges that the Geotechnical Investigation Report requires *“trials and tests of excavation noise and vibration... before the commencement of site works”* to determine even whether a vibration monitoring plan is required. In other words, the Department is being asked to grant consent to a development whose construction phase will cause extreme acoustic harm to surrounding residents, without any plan in place to manage that harm, and without even a determination of whether the harm can be managed at all.

The construction phase involves a **5-level basement excavation to a depth of 16.2 metres**. This is a major civil engineering undertaking in a dense residential neighbourhood. The CNVMP must be prepared, independently reviewed, and approved before — not after — any consent is granted.

4. VIBRATION RISKS TO NEIGHBOURS AND HERITAGE REMAIN UNASSESSED AND UNMITIGATED

The nearest neighbouring residential building sits approximately **8 metres** from the proposed excavation works. The RWDI report identifies that vibration-intensive equipment — hydraulic hammers, vibratory pile drivers, and bored piling rigs — will operate within the minimum safe working distances for both cosmetic building damage and human comfort at this receiver and others.

The EIS’s response to this risk is to note that the Geotechnical Investigation recommends pre-commencement vibration trials. There are no binding commitments to low-vibration piling methods, no structural assessment of at-risk properties, and no make-good or compensation framework for residents whose homes may be damaged during the 16.2m basement excavation. It should be noted that the house at 44 Cameron St, built in 1881, actually collapsed during the excavation of the car park at 8-10 New McLean St – there are no reasons to believe this will not happen again.

The site sits within the **Paddington Heritage Conservation Area**. The RWDI report references DIN 4150-3 screening distances applicable to heritage receivers but

provides no dedicated vibration assessment of heritage fabric. The risk of irreversible structural damage to heritage-listed buildings has been identified and then deferred — a fundamental failure of the environmental assessment process for a development in a heritage conservation area. There are also no guarantees provided for the residents in those properties – it should be on the developer to provide that prior to approval.

5. 152 OF 203 TREES WILL BE REMOVED

The Arboricultural Impact Assessment identifies 203 trees on the site, of which **152 are proposed for removal (75%)**, including **114 native species**. The removal of 3,000m² of planted vegetation, including native species, in a heritage area adjacent to Trumper Park represents a significant and largely irreversible environmental impact.

One specimen of the threatened species Magenta Lilly Pilly (*Syzygium paniculatum*) is located on the site. The EIS proposes to retain it, but the proximity of the excavation works — a 5-level, 16.2m deep basement footprint — to a protected specimen of a threatened species demands an independent assessment of the adequacy of the proposed protection methodology, not simply reliance on the proponent's arborist.

6. CRITICAL INFRASTRUCTURE REMAINS UNCONFIRMED

6.1 Sewer Main Through the Building Footprint

The Stantec Services Infrastructure Report flags, under its own heading of "*Critical Issue*", that a Ø225mm Sydney Water sewer main runs directly through the proposed building footprint. The EIS acknowledges this at Section 6.24, noting that servicing upgrades "*will be resolved prior to the issue of a Construction Certificate*" — a standard deferral condition. No formal engagement with Sydney Water on the diversion of this main has been documented in the EIS. If Sydney Water does not permit the diversion, the development cannot proceed in its proposed form. Consent should not be granted before this is resolved.

Neighbouring properties whose sewer connections run through this main could face service disruption during construction. The deferral of this resolution to a future Section 73 process means a fundamental infrastructure constraint remains unresolved at the time of the planning application.

6.2 Electrical Infrastructure Pending Ausgrid Confirmation

The EIS acknowledges at Section 6.7 (draft DCP compliance) that "*the final design, size and location of the electricity infrastructure is subject to design specifications to be provided by Ausgrid*" and that "*this information is pending and will be available for assessment prior to the determination of SSDA-80626208.*" At the time of EIS lodgement, the fundamental electrical supply design had not been confirmed with the network authority. The maximum electrical demand of approximately 2,832 amps has not been confirmed as feasible. This is not a minor detail — it determines

whether a simple surface substation or a major chamber substation is required, with significant implications for the ground plane, streetscape, and public domain.

7. THE VISUAL IMPACT ASSESSMENT OMITTS THE MOST AFFECTED VIEWPOINTS

The Visual Impact Assessment prepared by Urbaine Design Group (December 2025) presents seven viewpoints from public locations at distances ranging from 18 to 664 metres. Not a single viewpoint is taken from the private residential properties that will be most severely and permanently affected: the terrace houses on Cameron Street, residences on Bowes Avenue, and homes on Royston Street, which will face a 10-storey building rising directly from what is currently a low-scale residential streetscape, and eventually an 18 storey tower just 14 metres away. We also note that the view facing down Cameron St deliberately uses a shot where the jacaranda trees are in full bloom which effectively hides the tower. These trees are in bloom for just a few weeks a year.

The assessment consistently characterises view loss as ‘confined to sky’ because its methodology deliberately selects distant public viewpoints where sky, rather than neighbouring homes, forms the backdrop. This framing fundamentally misrepresents the lived impact on immediate neighbours.

The report also benchmarks the proposal against the unbuilt envelopes of the Edgecliff Commercial Centre Planning and Urban Design Strategy — envelopes that expressly exclude this site. The proponent cannot simultaneously rely on exclusion from a planning strategy as justification for the development and use that strategy’s hypothetical building envelopes to minimise the apparent visual impact.

8. THE HEIGHT OF THE BUILDINGS MAP CONDITION HAS NOT DEMONSTRABLY BEEN MET

The Panel’s single explicit amendment condition was that the planning proposal be updated to include a maximum height of buildings map consistent with Figure 2 of the Site-Specific DCP and with SJB’s Independent Urban Design Review — Final Recommended Envelope. The EIS was lodged on 14 January 2026 — barely five weeks after the Panel decision — and the LEP amendment itself had not yet been gazetted. The EIS acknowledges the final wording of the LEP amendments is yet to be finalised. There is no confirmation in the EIS that the building envelope as proposed conforms to the SJB-recommended envelope that the Panel specifically required the proposal to be aligned with. This is a direct non-compliance with the Panel’s condition.

9. NO EVIDENCE OF DESIGN CHANGE DUE TO COMMUNITY FEEDBACK

The report claims feedback informed the design but provides little evidence of meaningful changes.

Given community concerns were mainly:

- height
- bulk
- scale

and these remain unchanged, the community is deeply disappointed with the way these issues have been glossed over.

10. CONCLUSION AND FORMAL REQUESTS

The community we represent does not oppose housing development in Edgecliff. We recognise the genuine need for more housing in well-connected urban locations. What we oppose is this Proposal in its current form, which:

- **Relies on unenacted planning controls** to justify departures from current LEP standards by an order of magnitude
- **Breaches the no net loss of dwellings requirement** by 41 apartments, relying on an unbuilt and unapproved Stage 2 to remedy the shortfall
- **Delivers no one-bedroom apartments** in Stage 1, failing the apartment mix requirement
- **Imposes catastrophic construction noise** on all surrounding residents, with exceedances up to 31 dB above NMLs and no binding CNVMP before consent
- **Involves 16.2m deep excavation** within 8 metres of the nearest neighbour, with vibration risks to both residents and heritage fabric unassessed and unmitigated
- **Removes 152 of 203 trees**, including 114 native species and in proximity to a threatened species specimen
- **Defers critical infrastructure resolution** — sewer diversion, electrical design,— to post-consent conditions
- **Omits private residential viewpoints** from the visual impact assessment

We respectfully but firmly request that the Department:

- Refuse the Proposal in its current form
- Require Stage 1 to independently meet the no net loss of dwellings and apartment mix requirements without reliance on Stage 2
- Require a completed, independently peer-reviewed CNVMP as a condition precedent to any consent
- Require confirmed written authority approvals from Sydney Water, Ausgrid, and Jemena before any consent is granted
- Commission independent peer reviews of the acoustic, heritage vibration, visual impact, and solar access assessments, and full and proper mitigation plans provided to take the noise to acceptable levels.

- Require a dedicated heritage vibration impact assessment for the Paddington Heritage Conservation Area

We are prepared to meet with the Department, the Independent Planning Commission, or any expert panel to elaborate on any of these matters and provide further evidence in support of our objection.

Yours faithfully,

Charlene Batson

On behalf of Edgecliff Residents Organisation

13th March 2026