

Objection to State Significant Development Application SSD-89869959

10 Dangar Street, Wickham NSW 2293 — Concurrent Rezoning and 43-Storey Mixed-Use Development

Application: SSD-89869959 — demolition and construction of a 43-storey mixed-use tower (245 apartments including 42 affordable dwellings, 99 co-living rooms, 171 hotel rooms, retail, function and recreation uses, basement parking), together with a concurrent amendment to the Newcastle Local Environmental Plan.

Site: 10 Dangar Street, Wickham NSW 2293

Submission type: OBJECTION — I object to the application and request that it be REFUSED.

From: A concerned member of the public who lives in the immediate locality and who has a professional background in town planning and property development. I make this submission in a personal capacity as a directly affected resident. I have read the Environmental Impact Statement and the technical appendices in detail, and this submission is grounded in that material and in the public planning record.

1. Summary of my objection and what I ask

I object, in the strongest terms, to SSD-89869959. The application should be **refused**.

I support well-located housing near transport. That is not what is in dispute. What is in dispute is whether a 43-storey tower at a floor space ratio (FSR) of **14.2:1** and a height of **RL150.9m** — more than **double** the height and density the adopted Wickham framework intends, and requiring a bespoke rezoning the applicant's own EIS admits is **not** the product of any endorsed strategic study — can be forced through the Housing Delivery Authority (HDA) pathway over the documented objections of the City of Newcastle and on the strength of technical reports that, on close reading, defer, assert, or overstate the very matters they are meant to resolve.

It cannot, and it should not.

As a person who works in this field and lives beside this site, I want to be direct about three things at the outset:

1. **The evidence base for refusal is already in the applicant's own documents.** The EIS admits the rezoning is not strategically justified. Council's Pre-DA advice says the height, bulk, scale and density are excessive and not in the public interest. The wind study records safety exceedances on Level 42 balconies of up to 116 km/h. The flood assessment admits ocean flooding was never modelled. The transport report concedes parking shortfalls across every use class. The fire and BCA reports rely on 35-plus

unresolved performance solutions. These are not my characterisations — they are in the proponent's own appendices.

2. **There will be significant, sustained and organised community backlash if these concerns are ignored.** This is not a passing local grievance. There is an active, well-resourced residents' campaign with planning, legal, traffic, flood and urban-design input already assembled. The community is mobilised, the evidence is compiled, and the appetite to escalate is real.
3. **If approval is granted over these defects, the decision will be challenged.** I say this not as a threat but as a near-certainty the Department should factor into its assessment now. The grounds for a Class 4 judicial review in the Land and Environment Court are already being documented. An approval built on an incomplete EIS, an unresolved design-excellence pathway, a rezoning not yet lawfully made, and essential matters deferred to conditions is an approval built to be quashed.

I ask the Department to:

- (a) **Refuse** the concurrent rezoning and the SSDA in their current form; or
- (b) in the alternative, **defer** determination until the applicant submits a substantially reduced scheme that sits within, or far closer to, the adopted Wickham planning framework, and **re-exhibit** that scheme; and
- (c) at minimum, decline to determine the application while design excellence, flood emergency planning, wind safety, transport and servicing, co-living management, affordable-housing security and the EIS errata remain unresolved — none of which may lawfully be cured by deferred conditions.

2. Why my professional background matters to this submission

I write as a nearby resident, but my planning and development background shapes what I am able to see in this EIS, and I ask the Department to weigh the submission on that basis.

A general reader sees a polished EIS with 50-plus appendices and assumes the work has been done. A planner reads the same documents and sees the tells: design verification statements that say "refer apartment plans" instead of demonstrating compliance; a wind report whose critical safety conclusion rests on a **one-day** drawing review rather than a tested result; a flood report whose "complies with flooding requirements" conclusion was reached **without** modelling one of the two flood mechanisms the Council's own certificate says affects the site; a transport report littered with "TBC" parking figures; an urban design report that simultaneously disclaims any change to the public domain and relies on public-domain works as its central public benefit. These are not nitpicks. They are the difference between an EIS that genuinely assesses impacts and one that asserts conclusions and defers the assessment to a later day that may never be properly scrutinised.

I make this submission because I can see those gaps clearly, I live where the consequences will land, and I am not prepared to watch an extreme overdevelopment be approved on the strength of documents that do not withstand professional reading.

3. The fundamental problem: this is planning by exception, not planning by merit

The single most important fact in this application is one the applicant concedes: **the planning proposal is not a direct result of an endorsed Local Strategic Planning Statement, strategic study or report, and it seeks greater density than envisaged under the relevant strategies and existing development standards.** The EIS says so. The proposal cannot comply with the relevant planning instruments unless the Newcastle LEP is first amended to suit it.

Set the numbers against the adopted framework:

Control	Newcastle LEP (mapped)	Wickham incentive (cl 7.9 / 7.9A)	Housing SEPP (applicant-cited)	Proposed
Height	45 m	up to 60 m	78 m	RL150.9 m (~150 m); rezoning sought to RL152 m
FSR	6:1	7:1	9.1:1	14.2:1; rezoning sought to 14.4:1

The proposal is more than **twice** the height and FSR the Wickham incentive framework was designed to deliver, and roughly **2.4 times** the mapped LEP standards. The HDA pathway determines that this project is *eligible* to be assessed as State Significant Development. It does **not** determine that the bespoke LEP amendments are justified, that the public benefit is proportionate, or that this constrained site can absorb this much building. Those remain live questions of planning merit and public interest under section 4.15 of the EP&A Act, and they remain unanswered.

Council's Pre-DA advice — which the Department must give substantial weight — is unusually emphatic. Council states that the proposal has **substantial departures** from key LEP standards; that its character, height, bulk, scale and density are **excessive**; that the intensity is **not proportionate** to existing and planned infrastructure capacity; and that the proposal is **not in the public interest** in its current form. The applicant's Pre-DA Response Table (Appendix J) does not resolve these concerns. As the independent review of Appendix J found, the table treats Council's concerns as closed by cross-referencing other appendices, without demonstrating that any individual concern has actually been resolved. A "transit-oriented gateway" narrative is not a strategic justification for an uplift from 60m/7:1 to 150m/14.2:1.

This is the heart of it. If the Department approves this scheme, it will be approving planning by exception: allowing a private proponent to write its own development standards into the LEP because the building it wants to build does not fit the ones the community adopted. That is precisely the outcome the strategic planning system exists to prevent, and precisely the outcome the community will not accept.

4. Detailed grounds of objection

The following grounds are each supported by the EIS, the appendices, Council's advice, or independent technical review of those documents. I ask that each be addressed individually in the assessment report. Deferring any of them to a condition of consent is, in my submission, not lawfully open to the Department, for the reasons in section 5.

Ground 1 — Strategic planning failure and excessive spot rezoning

The lead ground, set out in section 3 above. The EIS admits the rezoning is not strategically based and seeks density beyond the relevant strategies. Council says the departures are substantial and not in the public interest. HDA declaration does not supply the missing strategic merit. **Remedy: refuse the rezoning; require a scheme at or near 60m/7:1, or a built form justified through a genuine precinct-scale study with an enforceable public-benefit package.**

Ground 2 — Public benefit is not proportionate to the uplift, and is not legally secured

The applicant offers 15% of residential GFA as affordable housing for **15 years**, plus public-domain works. Council says this does not justify the uplift: the affordable housing is **time-limited, not secured in perpetuity**, and may function as discounted market rental rather than statutory affordable housing. The independent review of Appendix J found the applicant overstates statutory certainty — claiming the proposal "clearly meets the statutory meaning of affordable housing" without demonstrating rent-setting, eligibility, allocation, CHP arrangements, monitoring, enforcement, or what happens after 15 years. A policy commitment is not a legal mechanism. A temporary, unsecured benefit cannot purchase a permanent doubling of development rights. **Remedy: permanent affordable-housing dedication; a registered planning agreement before consent operates; a community-infrastructure schedule with value, timing, owner, maintenance and public-access rights; and no occupation certificate until public-domain works are complete.**

Ground 3 — Design excellence is unresolved, and cannot be cured after consent

Newcastle LEP clause 7.5 was amended on 6 February 2026 and now applies. A design competition is required unless an Alternative Design Excellence Strategy (ADES) is properly approved by Government Architect NSW (GANSW). The applicant says an ADES *will be* submitted — a future step, not an existing approval. The State Design Review Panel's second advice (Appendix K2, 11 February 2026) says only that the project "**retains the potential**" to demonstrate design excellence, subject to a long list of unresolved

matters: ground-plane capacity, through-site link usability, colonnade depth, hotel arrival/drop-off, parking numbers and management, cumulative built-form impacts, podium/public-domain relationship, co-living amenity, and sustainability targets. Appendix J contradicts itself — claiming design excellence is met *and* conceding an ADES must still be prepared. Design excellence is not post-consent housekeeping; it is central to whether a 43-storey tower belongs here at all. **Remedy: require GANSW endorsement of the ADES and an item-by-item response to SDRP Review 2 before determination; publicly exhibit the final design-excellence advice.**

Ground 4 — Visual and heritage impact has been understated by leaning on a speculative future skyline

The applicant's own Visual Impact Assessment rates Viewpoint 04 (Honeysuckle Drive) as **Severe** and Viewpoints 05 and 10 as **Moderate-to-Severe**. The report then softens these impacts by assuming surrounding sites will be developed to a "maximum building height + 30%" future scenario — buildings that are **speculative, not existing or approved**. The heritage report concedes impact beyond a strict 100m catchment near multiple heritage items and a Heritage Conservation Area. A severe current impact remains a severe current impact; the Department must assess the actual proposal against the existing and approved context, not assume unbuilt towers will rescue it. **Remedy: independent peer review of the VIA; verified photomontages from low-rise streets, heritage items and public spaces; cumulative analysis on existing/approved context only; reduced height and massing.**

Ground 5 — Shadow diagrams undermine the claimed public-open-space benefit

This ground is decisive because it connects amenity, public benefit and assessment adequacy. The SEARs required winter-solstice overshadowing analysis at hourly intervals 9am–3pm comparing the proposal, the existing situation, and a no-bonus scenario. Council found this **not sufficiently demonstrated**, asked for 15-minute 3D solar visualisations, and specifically raised shadowing of **The Store, the Government building beside the Interchange, and the station-side landscaping** — which Council said would be "**in constant shadow**" from the tower, querying whether year-round usability could be achieved. Yet the applicant's urban design report claims "no adverse impact of any public open space." The applicant relies on the plaza, through-site link and landscaping as community infrastructure and public benefit. If those spaces sit in constant midwinter shadow, their public value collapses — and so does the public-benefit case for the uplift. **Remedy: the 15-minute 3D analysis Council requested; marked-up winter-solstice diagrams identifying every claimed public space; a table quantifying sunlight to each; independent solar/urban-design peer review; height reduction if spaces are materially overshadowed.**

Ground 6 — Wind safety exceedances on Level 42 are "resolved" only by a one-day drawing review

This is a life-safety matter, not an amenity quibble. The pedestrian wind study (Appendix P, RWDI) found that tested Level 42 balcony locations **failed the annual wind safety**

criterion (threshold 83 km/h) in both the proposed and future configurations. Tested results include:

- Sensor 88: **104 km/h** proposed / **105 km/h** future
- Sensor 90: **106 km/h**
- Sensor 91: **115 km/h** proposed / **116 km/h** future

These are exceedances of more than **30% above the safety threshold**, in private trafficable balcony areas. Rather than re-test a mitigated design, RWDI reviewed updated drawings received on 30 March 2026 and issued its final "no further wind mitigations are required" conclusion on **31 March 2026 — one day later** — relying on awnings, impermeable partitions and **landscaping that was never modelled** and is subject to maintenance, maturity and storm damage. A Level 6 podium sensor also showed an uncomfortable result. Any exceedance of a safety criterion on a 43-storey residential tower should be treated as a design failure, not papered over. **Remedy: require RWDI or an independent wind engineer to re-test or certify the final design before determination; lock all mitigation geometry into the approved plans; require all trafficable areas to meet their intended-use comfort category; require a DCP wind-compliance table and a maintenance condition.**

Ground 7 — Flood risk and basement safety: an incomplete assessment for a building full of people

The flood assessment (Appendix X, Stantec) cannot be accepted as complete:

- **Ocean flooding was never modelled.** The 2025 City of Newcastle Flood Information Certificate identifies **both** ocean and local-catchment flooding as affecting the site. Appendix X states the ocean-flood impact assessment **could not be undertaken** because Council could not provide the 2012 model. The "complies with flooding requirements" conclusion was reached without this component.
- **Shelter-in-place is not demonstrated** against the 2025 NSW Shelter-in-Place Guideline, which makes off-site evacuation the primary strategy. The updated Flood Emergency Response Plan is deferred to "before construction certificate, if required."
- **Refuge capacity is undercalculated** — based on only 55 ground-floor retail persons, with no full occupant schedule for hotel guests, co-living residents, NDIS occupants, visitors and basement users who may all be present at once.
- **Basement ingress is not fully proven, and critical infrastructure levels are unclear** — Council noted substations at ~1.8m AHD, below the flood planning level, addressed only as a matter "to be noted by electrical services designer."

A 43-storey building with basement parking, a 171-room hotel, co-living and NDIS residents should not proceed on an incomplete ocean-flood assessment and a deferred emergency plan. **Remedy: independent flood peer review; an ocean-flooding addendum (or written Council acceptance it is unnecessary); an item-by-item shelter-in-place assessment with SES/Council alignment; an updated FERP before determination, not before CC; a full occupant/refuge schedule; certified basement water-entry protection to PMF; a flood-resilient critical-infrastructure schedule.**

Ground 8 — Transport, parking and servicing deficiencies displaced onto our streets

The transport assessment (Appendix S, Varga) confirms parking shortfalls across **every** use class: 20 co-living spaces, **91 hotel spaces**, 7 retail, 1 car-share, 11 motorcycle, and **zero** residential visitor spaces (against a DCP-derived potential of up to 49). It treats these as acceptable simply because the site is near the Interchange, without a behaviour-change case for each use. A **171-room hotel has no pick-up/drop-off or kerbside management plan** — concentrated arrivals will displace onto Dangar Street, Charles Street and the Interchange frontage. The Loading Dock Management Plan is deferred to CC stage with no quantified servicing-demand profile for 245 apartments + 99 co-living + 171 hotel rooms + retail operating simultaneously. Bicycle parking is unresolved against a DCP requirement of 320 spaces. The Hannell Street/Honeysuckle Drive intersection already reaches a demand/supply ratio of 0.861 in the AM case, with no testing for background growth, cumulative development or lower public-transport uptake. **Remedy: a final transport report with no "TBC" figures; a Hotel Transport and Kerbside Management Plan; a quantified Delivery and Servicing Plan before determination; a bicycle-parking compliance schedule; sensitivity SIDRA modelling; AS2890 certification; an enforceable Green Travel Plan with a named coordinator.**

Ground 9 — Urban design and public-domain outcomes are asserted, not secured

The urban design report (Appendix M, SJB) is a persuasive advocacy document by the project architect, not an independent justification. It relies on an 847m² public space / through-site link as civic benefit, secured only by a future easement, while Appendix J reveals an internal contradiction: the application says it "does not seek any changes to the public domain streetscape" yet relies on a Roads Act approval for kerb extensions, raised crossings, footpath, stormwater and traffic works that must be amended for this scheme. ADG compliance is asserted ("refer apartment plans," "noted and complies," "subject to design development"), deep soil is **zero**, and the metrics do not even reconcile across appendices (FSR stated as 14.3:1 in Appendix M vs 14.4:1 in the rezoning material; car-share and motorcycle figures conflict between Appendices M and S; typographical errors throughout, including "House Delivery Authority" and "Dapartment"). A development cannot disclaim public-domain change and simultaneously bank it as public benefit. **Remedy: Council/TfNSW-endorsed public-domain plans; a coordinated quantitative ADG compliance schedule; a single reconciled design-metrics table; public-domain delivery secured as pre-commencement or deferred-commencement conditions.**

Ground 10 — Construction noise, vibration and amenity over a 43-month build

The noise report predicts construction noise at nearby residential receivers will be **non-compliant** with Noise Management Levels and **above the Highly Noise Affected Level** during standard hours. The uplift adds ~18 months, bringing remaining works to **~43 months**, and trucks cannot load/unload within the site because it is built to boundary — so loading is proposed from **public road/verge land on Charles Street and Dangar Street**. The building's future acoustic amenity also depends on windows being kept closed with alternative ventilation. **Remedy: a Construction Noise and Vibration Management Sub-Plan before any works, with respite and monitoring; an updated Construction Traffic**

Management Plan with Council/TfNSW approval of road-reserve occupation; independent acoustic peer review of façade/ventilation liveability; heritage-fabric protection.

Ground 11 — Contamination and groundwater risk need an independent auditor

The contamination report records underground storage tanks, hydrocarbon and PAH impacts, lead/heavy metals, asbestos, potential acid sulfate soils, and off-site groundwater impacts. Appendix J overstates the position by claiming that because excavation began under a separate DA, "no ground and groundwater impacts will be caused by the proposed development." That ignores permanent basements, drainage, waterproofing, dewatering and ongoing groundwater management. **Remedy: a site audit statement or independent validation; contamination status tied to the current 43-storey scheme; acid-sulfate, vapour, groundwater and unexpected-finds controls; confirmation of any WaterNSW implications for dewatering.**

Ground 12 — CPTED and social-impact risks remain in a complex management environment

The CPTED report rates the site at **moderate crime risk even after its recommendations**, linked to the transport interchange, late-night economy uses and anti-social behaviour. Combining a hotel, co-living, private and affordable apartments, function/bar uses, through-site links and interchange exposure creates a management environment that cannot be left to vague future arrangements. **Remedy: a Plan of Management before determination covering the hotel, co-living, public areas, loading, waste, late-night functions and security; Police/Council review of CPTED measures; documented public-access hours, lighting, CCTV and maintenance.**

Ground 13 — Aviation impact assessment is incomplete and internally contradictory

The aviation assessment (Appendix SS) is not the unconditional clearance it appears. Its crane conclusion is internally inconsistent — the executive summary says cranes over 100m AGL require CASA assessment and Airservices notification, while the conclusion says "approval will not be required... unless specifically advised by Newcastle City Council." The "no protected-airspace intrusion" finding is **not supported by any transparent OLS/PANS-OPS clearance calculations**, crane-tip RLs or margins. Permanent building obligations (lighting, tall-structure notification) are dropped from the recommendations. The report relies on **superseded CASA guidance (Dec 2021)** when updated Multi-Part AC 139.E-01 / AC 175.E-02 v2.0 issued in April 2026. Helicopter impacts (John Hunter HLS, Westpac) are assessed by distance only, and OLS penetration is dismissed via "see and avoid." **Remedy: an updated assessment against current CASA guidance; a quantified clearance table for the built form and maximum crane envelopes; a crane methodology before erection; written confirmation from helicopter stakeholders; Airservices/CASA charting; obstacle lighting; a cumulative hazard review.**

Ground 14 — Co-living has no statutory Plan of Management in the exhibited material

The application proposes 99 co-living rooms on Levels 7–11. Under SEPP (Housing) 2021, co-living requires a Plan of Management, ADG compliance, single-operator management

and a minimum 3-month tenancy — the features that distinguish it from a quasi-hotel. **No co-living Plan of Management is in the exhibited EIS.** The Social Impact Assessment answers community concern only by saying co-living "will operate as per the Plan of Management" — a plan that does not exist in the exhibited material. The SDRP flagged co-living amenity as unresolved. Without an identified operator, confirmed tenancy terms and a compliant Plan of Management, this component cannot be assessed as genuinely distinct from the hotel, and may operate as de facto short-stay accommodation. **Remedy: a pre-determination co-living Plan of Management confirming SEPP (Housing) 2021 compliance; consent conditions binding operator obligations and minimum tenancy terms; independent ADG review of the co-living design.**

Ground 15 — Affordable-housing succession depends on a single, recently registered provider

The sole identified affordable-housing manager is **MyLife Community Housing Limited** (Appendix G, registered 11 March 2026). Its letter endorses the development but does **not** address what happens if MyLife loses NRSCH registration, becomes insolvent or ceases operation; it discloses no portfolio or track record in mixed-tenure high-rise; and it identifies no succession arrangement. Combine a 15-year time limit with a single, newly registered provider and no fallback, and the central "public benefit" of the scheme is durable in name only. **Remedy: a planning agreement or title restriction with automatic successor-CHP provisions; disclosure of CHP governance, portfolio and financial standing; annual reporting to Council and DPHI for the full term; a performance bond or Council step-in right.**

Ground 16 — EIS document quality: confirmed template and drafting errors undermine reliability

An EIS seeking a 43-storey tower and a bespoke rezoning should be accurate. This one contains confirmed errors across multiple appendices:

- **Appendix D** instructs that wastewater drain to sewer per "**Sydney Water**" — the relevant utility for Newcastle is **Hunter Water**.
- **Appendix EE** (NABERS form) records the "**Town/city: Sydney**" against a Wickham address.
- **Appendix H** (Engagement Report) states engagement occurred "**between September 2026 – February 2026**" — a chronologically impossible sequence.
- **Appendix X** refers to the wrong creek system ("Fairy and Cabbage Tree Creek"), the wrong instrument ("Newcastle LEP 2009"), mis-describes the PMF as a "1 in 10,000,000 AEP event," and contains a figure captioned "1% AEP in 20250."
- **Appendix M** states FSR inconsistently (14.3:1 vs 14.4:1) with typographical errors throughout.

The accumulation reflects a pattern of inadequate quality control. The Department should not rely on this package as a complete and accurate assessment document without a verified errata. **Remedy: a full errata schedule verified by the EIS author before assessment proceeds; Hunter Water confirmation of servicing; a corrected, and if materially different, re-exhibited engagement report.**

Ground 17 — BCA, fire engineering and accessibility: 35-plus unresolved performance solutions

For a 148m effective-height building with residential, affordable, NDIS, co-living, hotel, retail and public access:

- **Appendix VV (BCA)** identifies **23 items requiring performance solutions** and excludes Liveable Housing, adaptable housing (AS 4299), accessibility (Parts D4/F4D5) and energy (Section J) from scope, concluding compliance "will be refined and documented during the design process."
- **Appendix XX (Fire Engineering)** confirms **12 performance-based departures**, including extended travel distances (up to 12m to a point of choice vs 6m prescribed; basement 30m/60m), **exits less than 9m apart on Basement 03 and Level 42**, public corridors up to **55m** without smoke-proof subdivision, and a hydrant serving a building over 135m effective height — and warns "additional fire engineering issues may be identified."
- **Appendix WW (Accessibility)** defers most items to "CC stage" and excludes Liveable Housing from scope, despite 57 Silver and 28 Platinum units and 15 NDIS dwellings being proposed.

People with disability in NDIS dwellings on upper floors require egress strategies demonstrably suitable for their needs. That is not addressed. **Remedy: an independent fire-engineering peer review of the cumulative effect of all performance solutions before determination; an accessibility/Liveable Housing assessment covering NDIS dwellings; a coordinated BCA compliance matrix; explicit egress and refuge conditions for mobility-impaired occupants.**

5. These defects cannot lawfully be cured by conditions of consent

I anticipate the applicant will urge the Department to approve and resolve the outstanding matters through conditions. As a planner, I urge the Department to resist that course, because the matters listed above are not detail-design items — they are the **assessment itself**.

The Department cannot genuinely consider impacts it has not been shown. It cannot weigh a public benefit that is not yet legally secured. It cannot find a tower acceptable on design-excellence grounds while GANSW endorsement remains a future step. It cannot conclude the site is safe in flood while one of two flood mechanisms is unmodelled and the emergency plan is deferred. It cannot accept that Level 42 is safe in wind on the strength of a one-day desktop review. Deferring these to conditions does not resolve them — it removes them from public scrutiny and converts open questions into private post-consent paperwork. That is the classic unlawful deferral that exposes a consent to judicial review.

If the assessment report cannot point to where each of these matters has been **resolved on the evidence**, the lawful course is to refuse or defer — not to approve and hope.

6. The community response will be significant, organised and sustained

I want the Department to understand clearly what approving this scheme over these objections will set in motion, because it is relevant to the public interest the Department must weigh.

This is not a handful of isolated complaints. The locality has organised. There is an active residents' and advocacy campaign with planning, legal, traffic, flood and urban-design expertise already contributing. The technical appendices have been independently reviewed, ground by ground. Submission material has been prepared across the full spectrum of affected groups — nearby apartment residents, homeowners and renters, heritage advocates, transport users, flood and safety objectors, and housing/public-interest objectors. Local representatives and the City of Newcastle are engaged. The evidence base in this submission is shared by many others who will write in their own words.

If the Department approves a 43-storey tower that Council has said is more than double the intended controls, on documents that do not withstand professional scrutiny, the community will not read that as a considered planning judgment. It will read it as confirmation that the HDA pathway is being used to override local planning and silence local objection. The backlash — political, media, and legal — will be substantial and sustained, and it will attach to the decision and the decision-maker. That reputational and political cost is avoidable, but only by taking these objections seriously now.

7. If approved, this decision will be challenged

I make this point soberly and on the basis of the planning-law record, not as rhetoric.

For State Significant Development, affected objectors generally have no merits appeal — but **every SSD determination is subject to judicial review in the NSW Land and Environment Court (Class 4), and any person may commence proceedings within three months of public notice of determination.** The community is already preparing for that contingency. Directly affected residents with clear personal impacts — myself among those affected — are well placed to be named applicants, supported by an organised group with the capacity to fund, gather evidence and instruct lawyers quickly.

The legal grounds are not speculative. On the current record they include:

1. **Failure to consider mandatory matters** under section 4.15 — including Council's detailed objections, site suitability, likely impacts and the public interest.
2. **Misuse of the HDA/SSD pathway** as if declaration supplied strategic merit or overrode adopted controls.
3. **Approval depending on a rezoning not yet lawfully made** — consent that assumes LEP controls not in force.

4. **Design excellence not lawfully resolved** — clause 7.5 applies and no ADES has been approved by GANSW.
5. **An inadequate EIS / failure to satisfy the SEARs** — unmodelled ocean flooding, deferred flood emergency planning, undemonstrated winter-solstice solar analysis, unresolved Level 42 wind safety, "TBC" transport figures, and a co-living component with no Plan of Management.
6. **Unlawful deferral of essential matters to conditions** (section 5 above).
7. **Failure to genuinely consider submissions** if the assessment report does not meaningfully grapple with the detailed objections raised.
8. **Public benefit not legally secured** — a time-limited, unenforceable affordable-housing offer used to justify a permanent uplift.

An approval granted over these defects is, frankly, an approval built to be quashed. A successful challenge would not merely delay the project — it would send the determination back for lawful reassessment, expose the defects publicly, and leave the Department's process the subject of an adverse judgment. The cleaner, defensible course is to require the applicant to fix the application now, or to refuse it.

I raise these grounds at the assessment stage deliberately, so that they are on the record before determination and so the Department has every opportunity to address them. I would far rather the Department resolve these matters than see them resolved in Court.

8. Conclusion and formal request

I object to SSD-89869959 and the concurrent rezoning of 10 Dangar Street, Wickham.

The proposal is an extreme overdevelopment that more than doubles the adopted Wickham controls on the strength of a rezoning the applicant admits is not strategically justified; that Council says is excessive, disproportionate to infrastructure, and not in the public interest; and that is supported by technical reports which, on close professional reading, defer, assert or overstate the very matters they exist to resolve — design excellence, flood emergency safety, Level 42 wind safety, transport and servicing, co-living management, durable affordable housing, aviation, and BCA/fire/accessibility compliance — atop an EIS with confirmed errors across multiple appendices.

I formally request that the Department:

1. **REFUSE** the concurrent rezoning and the SSDA in their current form; or
2. **DEFER and require re-exhibition** of a substantially reduced scheme that sits within or far closer to the adopted Wickham framework (at or near 60m / 7:1), with permanent, legally secured public benefit; and
3. in any event, **decline to determine** the application while design excellence (GANSW/ADES), flood emergency planning, Level 42 wind safety, transport and servicing, co-living management, affordable-housing succession, aviation,

BCA/fire/accessibility, and the EIS errata remain unresolved — none of which may lawfully be deferred to conditions; and

4. **commission independent peer review** of the planning/strategic-merit, urban-design/visual/solar, traffic, flood, wind, fire-engineering, acoustic and aviation evidence before any determination; and
5. **give Council's documented objections substantial weight**, and treat the absence of strategic justification, not the HDA declaration, as the decisive consideration.

I support housing. I oppose planning by exception. A genuine housing outcome does not require a 43-storey tower forced through a bespoke rezoning over the community's adopted plan and the Council's express objection. The Department should refuse this application, and require something that fits.