

Submission on State Significant Development Application:

164–172 & 174–194 William Street, Woolloomooloo NSW 2011

(SSD-80211463)

From:

Herbert To

604/184 Forbes Street, Darlinghurst NSW 2010

herb_to@hotmail.com/ 0402 918 212

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1. Introduction

I originally lodged a formal objection to SSD-80211463 in November 2025. This is my **second** lodgement in reply to response from the developer that did not address, rectify or even acknowledge in their submitted responses.

While I recognise the strategic importance of well-planned in-fill affordable housing, this specific application represents an ad-hoc, structurally flawed over-development that breaches the mandate for ‘orderly and economic use and development of land’ under Section 1.3(c) of the EP&A Act.

The applicant’s reliance on state-level density bonuses to force an 18-storey envelope onto a highly constrained legacy traffic basin introduces severe infrastructure and cumulative precinct deficiencies that remain unresolved in this second round of exhibition.

Detailed Critique of the EIS, Related Development Applications and EP&A breaches

1. Breach of Section 1.3(c): Orderly Land Use and Infrastructure Deficiencies

A core object of the EP&A act is to ensure infrastructure capacity is aligned with development scale. The environmental impact documentation fails this test on two major fronts:

- **The Precinct Cohesion Deficiency:** The EIS continues to assess the 164 William Street footprint in isolation, failing to evaluate the concurrent, multi-year cumulative construction and operational traffic strain of nearby major scale projects (including 134 William Street and 203-225 Victoria Street). Approving an isolated density spike without an integrated precinct infrastructure strategy constitutes disorderly development and an intentional disregard of this by DPHI.
- **Geographic and Physical Inaccuracies:** The applicant’s traffic and access reports fail to account for the physical constraints of the local, historic, narrow one-way residential network. Moving heavy multi-

residential vehicle distributions onto constraints like Forbes Street relies on inaccurate assumptions regarding vehicular crossover capacities. The applicant and DPHI should confirm detailed calculations of how the site can safely absorb this scale of vehicle and pedestrian friction.

2. **Misapplication of the Housing SEPP and Unjustified Height Uplift:** This application relies heavily on affordable housing bonuses to justify a gross vertical verification.

- The proposal pushes building components up to 18 storeys which vastly overshoots the City of Sydney's Local Environmental Plan development controls of 22-35 metres.
- The site is subject to maximum building height controls of **35 metres** on the William Street (southern) portion and **22 metres** on the Dowling Street (northern) portion under the Sydney Local Environmental Plan 2012 (SLEP 2012). Even when the 30% height bonus available under the State Environmental Planning Policy (Housing) 2021 (Housing SEPP) is applied — in exchange for delivering at least 15% affordable housing — the maximum permissible heights are **45.5 metres** (south) and **28.6 metres** (north). The proposed development dramatically exceeds even these uplifted controls. The William Street East building — the tallest tower — is proposed at **68.8 metres** at its highest internal point, with an apex reaching RL +89.65. This is **nearly double the base 35-metre LEP height control** and **more than 51% above the maximum permissible height even with the 30% Housing SEPP bonus** applied. The Dowling Street building also exceeds its controls by up to 22.7%. This is not a marginal variation.
- These are extraordinary departures from the planning framework upon which the Sydney Council based its assessment of the project. The proponent is seeking a further variation under Clause 4.6 of the SLEP 2012, but the legal test for such a variation — that compliance would be unreasonable or unnecessary — has not been met. Preference for a taller design is not sufficient ground to breach development standards by over 50%. The original Concept Development Application, approved by the Central Sydney Planning Committee on 7 December 2023, contemplated buildings of only 5, 6 and 10 stories reaching a maximum of RL57.9 (33.4 metres). The current proposal is dramatically larger — and rather than amending the Concept DA, the proponent seeks to relinquish it entirely, removing any town planning principles.

3. **Disproportionate Local Amenity and VIA:** Under Section 4.25(1)(b) of the Act, the consent authority must consider the environmental impacts on both the natural and built environments.
- The Land Court planning principle established in *Tenacity Consulting v Warringah Council* (2004) mandates that view sharing must be equitable. The proposed design which exceeds the current envelope inflicts view loss across the entire site. The view gain is overwhelmingly stacked in the favour of the developer at the detriment of existing builds. DPHI and the developer should explain how this achieves equitable view-sharing principles given it is a drastic change from the current envelope.

Contamination and Environmental Management

1. **Severe underestimation of the Local Microclimates (wind tunnels):** The applicant's documentation acknowledges that the William Street corridor is a highly exposed environment, yet glosses over the consequences of their building's shape. The severe height extension ignores the physical wind tunnel effects and heavy overshadowing endemic to the William Street corridor. By converting an approved, context-appropriate 10-storey scheme into an 18-storey configuration, the development removes natural solar access and cross-ventilation from the surrounding existing high-density fabric.
- **The "sheer wall" downdraft:** The massive vertical profile acts as a sail, catching prevailing city winds and sending aggressive downdrafts onto the pedestrian pavement below.
 - **Unviable outdoor space:** The developer heavily promotes "activated ground-floor retail and vibrant outdoor dining" as a major community benefit. However, adding a sheer 18-storey tower to a corridor already known for wind-tunnel effects, traffic noise, and heavy solar overshadowing makes long-term retail or outdoor dining tenancy entirely unviable.

The developer's assertion the community requires more outdoor dining is completely detached from local commercial realities. The immediate area is already heavily serviced by established, successful alfresco dining precincts just a block away on Crown Street, Stanely Street, Darlinghurst Road and Victoria Street.

2. **Fatal inaccuracies in the traffic and parking report:** The applicant's traffic report bases its local flow models on vehicles making a right-hand turn into William Street from Bourke Street. This turn is completely prohibited by NSW road rules. Basing traffic rules on illegal road manoeuvres undermines the entire integrity of their traffic report data.

Invalid Visual Impact Assessment and Conflict of Interest

1. **Conflict of interest and procedural flaw automatically triggers invalidity:** The developer's response regarding the 164 William Street proposal involves a *significant procedural flaw* where Urbis, the firm that conducted the initial community consultation, also performed the "independent peer review" of their own work. This self-review creates a conflict of interest that invalidates the credibility of the VIA. Additionally, the proposal contains a Clause 4.6 height miscalculation, understating the breach of local statutory limits, while utilising a proposed park to mask excessive GFA stacking and building density.

The Department's own Request for Further Information (December 2025) demonstrates that the original VIA was inadequate. The updated response, produced by the same firm, has still not addressed the Department's concerns. We should call on the Department to require independent expert review — including an independent Visual Impact Assessment by an unconflicted firm — before any determination is made.

2. **A highly selective VIA results in invalidity:** To secure a Clause 4.6 height variation, the applicant must legally prove that the breach will not cause unacceptable amenity loss to neighbours. The VIA, and the revised VIA, contain significant spatial gaps to manufacture this conclusion. The VIA intentionally models visual impacts and view loss from only a handful of hand-picked surrounding angles. It completely ignores sightline testing and view-loss impacts for a vast number of highly affected properties. Clapton Place in Darlinghurst has not been included in the VIA. Knowing many of my neighbours in Clapton Place, I can confirm there is significant visual loss and this was explicitly raised, yet ignored, in the first round of submissions. Clapton Place has not been included in a VIA. An incomplete VIA automatically invalidates the legitimacy of the applicant's Clause 4.6 variation request.

Affordable Housing Integration

1. The developer uses the 'affordable housing' banner under the Housing SEPP to bypass local council height limits yet fails to provide operational substance.
 1. The response documents offer not clear, legally binding framework on how eligibility criteria, rental caps, strata allocations, or long-term management agreements will be governed to secure genuine affordability. Without these locked-in operational mechanisms, the statutory planning benefit they claim remains an unbacked, speculative assertion used solely to justify an otherwise illegal height uplift.
 2. It is disturbing that the "affordable housing" will now be massed on the William Street frontage with a separate entrance and lift to "minimise

strata fees". The increase in car spaces, with 40 allocated to the "affordable housing" section is justified by as follows:

"The provision of parking above the minimum rates specified in the Housing SEPP has been retained to future-proof the development in the event that the affordable housing units transition to market housing following the 15-year affordability period".

3. Only 13 spaces are allocated for retail and, disturbingly for the neighbouring residents who generally do not have off-street parking, only 17 visitor spaces for 235 apartments.

Misleading Claims

1. **Misleading "Design Excellence" claims:** The developer repeatedly asserts that their 18-storey scheme is justified because it is borne from a 'winning design excellence process'. This is a highly misleading procedural pivot. The architectural competition and design excellence process they reference belonged strictly to the original 10-storey Stage 1 Concept DA. The developer cannot retroactively pass a 'design excellence' label from an approved 10-storey envelope onto a vastly expanded, separate 18-storey scheme. The current SSD application represents a brand-new built form that has not undergone an independent design excellence competition for its vertical mass.

Conclusion

The cumulative effect of the three major developments — 164 William Street, 134 William Street, and 203–225 Victoria Street — represents a transformation of this small, congested precinct. The combined impact of more than 1,000 new residents and 500 vehicles, on top of current overcrowding in Kings Cross, Darlinghurst and Woolloomooloo, has not been properly considered.

Until a genuine precinct-wide approach is adopted — one that addresses infrastructure, safety, social balance and genuine housing affordability — approval of any individual development is premature and runs counter to planning requirements and defined and agreed community engagement processes.

I appreciate the opportunity to provide this second submission and request that it be recorded as a formal objection.

Yours sincerely,

Herbert To
604/184 Forbes Street, Darlinghurst, NSW 2010
herb_to@hotmail.com 0402 918 212
