

Your full name	Dominic Baker
Your unit number	Unit 1114, Top of the Town, 227 Victoria Street, Darlinghurst NSW 2010
Your email address	domjbaker@yahoo.com.au
Your phone number	0480 393 648
Date submitted	22 June 2026

The Assessment Officer

NSW Department of Planning, Housing and Infrastructure

Via: NSW Planning Portal — Online Submission

Re: Objection to State Significant Development Application SSD-80211463 — "Bayswater", 164–194 William Street, Woolloomooloo NSW 2011

From: Dominic Baker (Director) Kompas Pty Ltd as trustee for Sunny Days Bullseye Trust

Owner — Unit 1114, Top of the Town, 227 Victoria Street, Darlinghurst NSW 2010

Phone: 0480 393 648

Email: domjbaker@yahoo.com.au

Date: 22 June 2026

Dear Assessment Officer,

I write to formally object to the proposed amended mixed-use development at 164–194 William Street, Woolloomooloo, currently on re-exhibition as State Significant Development Application SSD-80211463. As the owner of 1114 in the Top of the Town building at 227 Victoria Street, Darlinghurst, I am directly and materially affected by this proposal.

This application has already been the subject of a public exhibition and a Department of Planning Request for Further Information (December 2025). The amended application now before the Department does not resolve the fundamental concerns raised during the initial exhibition — and in several respects it represents a more intrusive outcome than what was originally proposed. I urge the Department to refuse the application or require a substantial reduction in building height and density.

1. The Proposed Height Is Far Beyond What Planning Controls Allow

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 democratic planning framework. 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 a sufficient ground to breach development standards by over 50%. I call on the Department to refuse the Clause 4.6 variation and require the development to comply with the maximum permitted heights, including the 30% Housing SEPP bonus.

The original Concept Development Application, approved by the Central Sydney Planning Committee on 7 December 2023, contemplated buildings of only 5, 6 and 10 storeys reaching a maximum of RL57.9 (33.4 metres). The current proposal is dramatically larger — and rather than amending the Concept DA, the proponent has sought to relinquish it entirely, removing an important safeguard.

2. The Development Will Destroy Iconic Views from Our Building

My apartment at 1114 enjoys views across Woolloomooloo in a northerly and north-westerly direction that include — or have the potential to include — Sydney Harbour, the Sydney Harbour Bridge and the Sydney Opera House. These views are of the highest scenic and cultural significance. They were a significant factor in my decision to purchase this property, and they form an important part of the amenity and value of residences throughout the Top of the Town building.

The proponent's own Visual Impact Assessment (VIA) acknowledges that the development results in *"potential blocking of icons in north-westerly views"* for residents of 227 Victoria Street. The proponent's own Clause 4.6 variation report concedes: *"It is acknowledged that a small number of dwellings experience partial view loss to harbour landmarks, including elements of the Sydney Opera House and Sydney Harbour Bridge."* These admissions appear in documents prepared by the proponent's own consultants — yet are used to justify rather than reconsider the development.

The view impact assessment for 227 Victoria Street is fundamentally inadequate. The proponent's consultants — the same firm (Urbis) that prepared the EIS, the original VIA, the "peer review" of the VIA, and the Clause 4.6 variation reports — conducted no site inspections at our building. No photomontages were taken from any apartment at 227 Victoria Street. Assessments were based only on computer-generated images produced by the applicant's own architects, from generic floor levels (5, 7 and 9 only), without confirming actual unit numbers. This is not an adequate assessment of the view impacts on Top of the Town residents.

The Department's own Request for Further Information (19 December 2025) specifically directed the proponent to address view loss from identified objector buildings including 227 Victoria Street, and to provide photomontages from these locations. That direction was not complied with. The Department should require, before any determination, an independent view impact assessment by an unconflicted firm, including photomontages taken from within our building at the relevant floor levels.

View loss of this kind is permanent and irreversible. Once approved and built, nothing can restore the views that will be lost. The Department must take this harm seriously.

3. The Development Is Incompatible with the Heritage and Character of the Area

The development site directly adjoins the Woolloomooloo Heritage Conservation Area (HCA) on its northern boundary. This HCA contains Victorian-era terrace houses, former warehouses and other fine-grain built fabric of significant cultural heritage value. The SLEP 2012 requires new development to ensure appropriate height transitions to adjoining heritage conservation areas. A tower of 68.8 metres immediately adjacent to a neighbourhood of two and three-storey Victorian terrace houses does not represent an appropriate transition — it represents the destruction of one.

The Heritage Impact Statement submitted with this application was prepared by Urbis — the same firm responsible for virtually every other assessment document in this application. Independent heritage assessment is essential for a development of this scale and character, adjacent to a formally recognised heritage conservation area. I request that the Department commission independent heritage advice before any determination is made.

4. Noise, Wind and Amenity Concerns

The proposed development includes rooftop communal areas and terraces on multiple buildings. Elevated outdoor spaces at 18-storey height levels can transmit sound widely and unpredictably across neighbouring residential buildings. Late-night use of rooftop facilities by residents — whether social gatherings, outdoor dining or entertainment — is a serious concern for residents of 227 Victoria Street and surrounding properties. I request that the Department impose strict operating conditions on any rooftop communal areas, including curfews on amplified music and gatherings after 10pm on weeknights and 11pm on weekends.

The proponent's own Pedestrian Wind Assessment acknowledges that the proposed scheme results in reduced average pedestrian comfort compared to the approved concept envelope, and that "localised increases in wind speed at laneway entrances" will occur. This matters because the development's own justification for its height is partially based on the public benefit of new laneways and open spaces. If those spaces are wind-affected to a degree that requires mitigation, that claimed benefit is diminished. The wind impacts are a direct consequence of the extraordinary building height and represent a further reason why the Clause 4.6 variation should not be granted.

5. Traffic, Parking and Infrastructure Impacts

The development proposes 227 dwellings and significant retail floor area on a site adjacent to William Street — already one of Sydney's busiest arterial roads. The addition of hundreds of new residents and commercial tenants will inevitably increase traffic demand in an area that is already congested. The development also proposes 340 car parking spaces and 298 bicycle spaces, with all vehicular access via Forbes Street. The cumulative traffic impact of

this development — alongside the other large-scale State Significant Developments currently in planning in the immediate vicinity — needs to be independently assessed.

I note that the EIS itself identifies multiple nearby development applications currently in the pipeline, including proposals at 134 William Street, Woolloomooloo, and 203–225 Victoria Street, Potts Point. The combined traffic and infrastructure impact of all these developments in this concentrated precinct has not been comprehensively assessed. The Department must require a proper cumulative impact assessment before this application is determined.

6. The Assessment Process Lacks Independence

I am concerned that virtually every technical assessment document in this application — including the Environmental Impact Statement, the Visual Impact Assessment, the heritage assessment, the social impact assessment, the Clause 4.6 variation reports, and the response to submissions — was prepared by a single firm, Urbis Ltd, engaged by and paid by the proponent. The "peer review" of the Visual Impact Assessment was also conducted by Urbis — the same firm that prepared the original VIA. This is not independent assessment.

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 all of the Department's concerns. I call on the Department to require independent expert review — including an independent Visual Impact Assessment by an unconflicted firm — before any determination is made.

Summary of Requests

For all of the reasons above, I formally object to SSD-80211463 and request that the Department:

- **Refuse the application** in its current form, or require substantial height reductions to comply with the maximum permitted heights (45.5m south / 28.6m north) including the 30% Housing SEPP bonus;
- **Refuse the Clause 4.6 variation** for height, which does not satisfy the legal test of unreasonableness or unnecessariness;
- **Commission an independent Visual Impact Assessment** from an unconflicted firm, including photomontages taken from within 227 Victoria Street, Darlinghurst at relevant floor levels;
- **Require independent heritage advice** on the impact of the proposed 68.8-metre tower adjacent to the Woolloomooloo Heritage Conservation Area;
- **Require a cumulative impact assessment** addressing the combined traffic, infrastructure and visual impact of all nearby State Significant Development proposals;
- **Impose strict operating conditions** on any rooftop communal areas, including noise curfews; and
- **Notify me of any determination** made in respect of this application.

The development as proposed is too tall, too dense and too damaging to the views, amenity and heritage character of this part of Darlinghurst and Woolloomooloo. The assessment process has been inadequate and conflicted. I urge the Department to require a fundamentally redesigned proposal that genuinely complies with the planning framework — or to refuse this application.

Thank you for considering this submission. I am available to provide further information or attend any hearing in connection with this application.

Yours sincerely,

Dominic Baker (Director)

Kompaso Pty Ltd as trustee for Sunny Days Bullseye Trust

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