

SUBMISSION – OBJECTION

State Significant Development Application SSD-80211463
164–194 William Street, Woolloomooloo

To: NSW Department of Planning, Housing and Infrastructure
Re: SSD-80211463, 164–194 William Street, Woolloomooloo (amended scheme)
From: Helen Cramp
Unit 96, Level 6, 26 Kirketon Road, Darlinghurst NSW 2010
Date: 24 June 2026

Position: OBJECT

I am the owner-occupier of Unit 96, Level 6, 26 Kirketon Road, Darlinghurst. My apartment is located approximately 200 metres south-south-east of the subject site and currently enjoys northerly views across Woolloomooloo to Sydney Harbour, including the Sydney Opera House, Sydney Harbour Bridge, Garden Island, and harbour water.

I support the delivery of affordable housing and the appropriate renewal of this site. I do not object to the principle of the development. I object to the amended scheme because it seeks height, scale and bulk well beyond what the affordable housing bonus permits, because the visual impact assessment supporting the application has not properly assessed my dwelling, and because the application's own documents confirm impacts that have not been adequately tested or justified.

I ask the Department to require the matters set out below to be addressed before any determination is made.

1. Height exceeds the affordable housing bonus by 23.3 metres, and the excess delivers no affordable housing

The site is subject to a split height control under the Sydney Local Environmental Plan 2012 of 22 metres (north) and 35 metres (south). The State Environmental Planning Policy (Housing) 2021 allows a 30% height bonus in exchange for the delivery of affordable housing, which lifts the maximum permissible height to approximately 45.5 metres.

The applicant's own Statutory Compliance Table (Appendix C of the Response to Submissions) confirms that the proposed development exceeds this bonus-inclusive height control by 23.3 metres at its highest point, reaching approximately 68.8 metres, almost double the underlying 35 metre LEP control. This is not a disputed or estimated figure. It is the applicant's own admission.

This exceedance is concentrated in the William Street East tower. Critically, the floors above the 45.5 metre bonus-compliant envelope are market apartments, not affordable housing. The affordable housing bonus is intended to justify additional height and density in exchange for affordable housing delivery. It is not a general licence to build market apartments at whatever height a feasibility model requires. Once the bonus-compliant envelope is reached, the public-benefit justification for further height has been exhausted, and the remaining 23.3 metres serves only the applicant's commercial return.

This is made worse, not better, by the trajectory of the amendments. Between the original and amended schemes, the total apartment yield has increased from 227 to 235 apartments, while the affordable housing component has simultaneously reduced from 60 to 58 dwellings. The proposal has grown in scale while delivering proportionally less of the public benefit that is supposed to justify that scale. The Department should treat this trend as a clear signal that the height variation is not proportionate, necessary, or the minimum required to deliver the affordable housing outcome.

The applicant's “redistribution” argument ignores the strategic basis for the existing controls

The applicant characterises the amended scheme's height and floor space as simply “redistributed” across the site relative to the previously approved Concept envelope, on the basis that total FSR is largely unchanged. This characterisation should be rejected.

The split height and FSR controls under the LEP and Development Control Plan, and the building envelope approved under the Concept DA (D/2022/139), were not arbitrary or interchangeable across the site. They were deliberately calibrated to the site's topography and to the surrounding context, including to manage view sharing for dwellings further up the hill, such as Unit 96. The Concept envelope intentionally capped height and floor space at specific locations on the site precisely so that built form would step down and undulate, preserving sightlines for higher, more elevated properties to the south. This stepped, undulating built form is part of the **strategic background** against which any height or FSR variation must be assessed, reflecting deliberate planning decisions about area character and view access, not an incidental by-product that can be freely reshuffled.

Redistributing height and bulk into a taller William Street East tower, even if the site-wide FSR total is held constant, defeats the very purpose for which the differentiated controls and the capped Concept envelope were established. “No net change in FSR” is not the same as “no impact.” The amended scheme's redistribution should be assessed against this strategic intent, not simply against an aggregate floorspace figure that obscures where the impacts actually fall and on whom.

I ask the Department to require the applicant to demonstrate why height of approximately 68.8 metres is necessary, when:

- the bonus-inclusive control already permits approximately 45.5 metres;
- the excess height delivers no additional affordable housing; and
- the amended scheme delivers fewer affordable dwellings than the version it replaced, despite being larger overall.

2. View sharing and visual impact: Unit 96 has not been properly assessed

2.1 The applicable planning principle

View impact in NSW planning assessments is governed by the planning principle established in *Tenacity Consulting v Warringah Council* [2004] NSWLEC 140, which requires a four-step assessment:

1. **Assess the nature and value of the views affected.** Whole, iconic views (such as Sydney Harbour, the Opera House, and the Harbour Bridge) attract the highest level of protection, more so than partial or filtered views.

2. **Assess from what part of the property the views are obtained.** Views obtained from living areas typically warrant greater protection than those from bedrooms or secondary spaces, and standing views are valued differently from sitting views.
3. **Assess the extent of the impact,** considering whether it affects the whole or only part of a view, and across how much of the property the impact is felt.
4. **Assess the reasonableness of the proposal causing the impact,** including whether a better designed proposal could reduce the view impact while still achieving a reasonable level of development.

2.2 Step 1: Nature and value of the views from Unit 96

The views from Unit 96 are of the highest order under Tenacity Step 1. They are whole, elevated, expansive northerly views across Woolloomooloo to Sydney Harbour, including the Sydney Opera House, Sydney Harbour Bridge, Garden Island, harbour water, and the wider land–water interface. These are iconic, instantly recognisable views of a kind that the Tenacity principle and subsequent Land and Environment Court decisions recognise as warranting the strongest protection available under the planning framework.

2.3 Step 2: Location and manner of viewing

The affected views are obtained from both the balcony and the living room of Unit 96, both of which form part of the dwelling's primary living area and everyday outlook.

- **Balcony:** the harbour, Opera House, Harbour Bridge and water views are enjoyed daily, both standing and seated, as an everyday and ordinary part of using the balcony as outdoor living space.
- **Living room:** the same view corridor, including the Harbour Bridge and the Opera House sails, is also visible directly from inside the living room through the balcony doors, including in low evening and morning light, confirming that this is the dwelling's primary, everyday outlook rather than an occasional view obtained only by stepping outside.

This level of specificity is important because the Department's own request for information explicitly asked for dwelling-specific assessment of exactly this kind, and the applicant has not provided it for Unit 96 (see section 2.4 below).

2.4 The applicant's Visual Impact Assessment has not properly assessed Unit 96, despite two Departmental requests

The applicant's Visual Impact Assessment, prepared by Urbis, did not include Unit 96 among its representative, modelled photomontage viewpoints. The verified, modelled viewpoints (VP1–VP6) were taken only from 5–15 Farrell Avenue. Unit 96, at 26 Kirketon Road, has instead been assessed twice on a desktop-only basis, and has still never been modelled or inspected.

The Department first requested, in its Request for Information dated 19 December 2025, that the applicant provide a comprehensive assessment of the issues raised in public submissions, including modelling impacts to objector dwellings where appropriate. In response, Urbis conducted a desktop-only review and rated Unit 96 “low to medium,” expressly noting that “**Urbis have not had the benefit of inspections.**”

Following a **second** Departmental request for clarification in May 2026, Urbis produced a further “Response to Request For Information” report. This second report confirms that of 96 public objections raising view loss, only 58 specific units were identified, only 52 of those were reviewed at all, and only 38 (including Unit 96) could be “appropriately reviewed” using publicly available real estate imagery and floor plans, with information unavailable for the remaining 14. Unit 96 was again rated only on this desktop basis, this time as “low-medium,”

with Urbis describing “elevated, whole, expansive views from main living areas via rear and side boundaries,” the loss of “central sections of land water interface,” and icons “retained to the north-west” and scenic compositions “retained to north-east.”

Critically, this second report confirms that Urbis still declined to prepare a verified photomontage or undertake a site inspection for Unit 96 or any other objector dwelling, stating plainly that **“no views have been modelled from objector dwellings.”** Urbis goes further and asserts there is “no utility” in preparing photomontages for dwellings of this kind, and that a comprehensive, property-by-property Tenacity reassessment “would not yield materially different findings.” This is not the Department's assessment to make. It is the applicant's own consultant declining, twice, to do the dwelling-specific work the Department asked for.

This is not an adequate substitute for verified, site-specific assessment, for the following reasons:

- **The Department's own Requests for Information, made twice, specifically asked the applicant to model dwellings of this kind.** Both RFIs sought representative photomontages and dwelling-specific view-sharing assessment for objector dwellings raised in public submissions, including 26 Kirketon Road. The applicant declined on both occasions to prepare a verified photomontage for Unit 96, relying instead on the desktop method described above.
- **A desktop review based on real estate imagery and floor plans cannot reliably assess the loss of “central sections of the land water interface.”** This is precisely the kind of nuanced, partial view loss that the Tenacity test is designed to scrutinise carefully. Without a site inspection or a verified photomontage taken from the actual viewing position within the dwelling, the applicant cannot know with confidence which elements of the harbour and water views are retained, partially obscured, or lost, nor from which specific rooms.
- **The desktop assessment itself only considers risk “ranges,”** explicitly describing outcomes in terms of approximate risk bands across groups of dwellings rather than confirmed, individual outcomes. This is appropriate as a triage tool for prioritising which dwellings need further work, but it is not an adequate basis on which to conclude, twice over, that a dwelling's impact is acceptable and requires no further assessment.

I attach photographs taken from Unit 96 in June 2026 (Attachments B, C, D and E) showing the current outlook from my living room and balcony, including the Harbour Bridge, Opera House, harbour water, and Garden Island. These photographs demonstrate the iconic and whole nature of the view that two rounds of desktop assessment were not able to verify.

2.5 The view-sharing geometry supports my concern

The tall William Street East tower, where the 23.3 metre height exceedance is concentrated, sits roughly due north of Unit 96 and is positioned to most directly affect the central harbour, water and Garden Island sightlines from my dwelling. By contrast, the lower, height-compliant western buildings on the site align more closely with the Harbour Bridge sightline. This means the element of the proposal that most threatens my view is also the element that breaches the height control by the greatest margin and delivers no affordable housing, reinforcing that the impact on Unit 96 is linked directly to the unjustified excess height, not to development that is otherwise compliant.

2.6 A proper, current and independent Visual Impact Assessment is required

I ask the Department to require a fresh, properly resourced Visual Impact Assessment for Unit 96 and other affected dwellings, rather than relying on the existing desktop review. This

new assessment should be a grassroots professional assessment of the proposal actually before the Department now, that is, the current amended scheme seeking height and floor space uplift under the Housing SEPP, rather than analysis carried over or adapted from the assessment originally prepared for the previously approved Concept envelope, which was capped at a materially different height and was calibrated to manage view impacts within that lower envelope.

An assessment that recycles or extrapolates from the Concept-stage analysis cannot properly address the impacts of the current SEPP-uplifted proposal, because the baseline against which view loss was originally measured is no longer the proposal under assessment. A correct, independently verified, dwelling-specific assessment, including a site inspection and a verified photomontage from Unit 96, would properly inform a design that has genuine regard to affected neighbours, consistent with good design practice, rather than treating view impact as a constraint to be managed only after the building form has already been fixed.

2.7 The Design Integrity Panel endorsement does not substitute for proper assessment

The applicant relies on Design Integrity Panel endorsement as evidence of design quality. This endorsement should not be treated as independent validation of the proposal's acceptability. The panel process is conditional, is administered internally as part of the applicant's own consultant team, and includes a nominee of the proponent. The panel's own advice identifies significant unresolved design problems with the William Street tower that remain outstanding. Design excellence processes of this kind test architectural and urban design quality; they do not test, and should not be treated as a substitute for testing, actual dwelling-specific view, visual bulk, and amenity impacts on neighbouring residents. Design quality and impact evidence are separate questions. Good design at this scale should result from, not excuse the absence of, properly tested view-sharing analysis.

3. Construction and traffic impacts

The proposal involves demolition, remediation, excavation and construction of four basement levels, together with a substantial mixed-use development above. William Street, Forbes Street and Dowling Street already experience heavy congestion, particularly during peak periods, and Forbes Street is proposed to carry vehicle and loading access for the development.

Given the scale and duration of works of this kind, residents and businesses in the surrounding area are likely to experience sustained impacts including increased heavy vehicle movements, noise and vibration, dust, disruption to pedestrian access, and reduced general amenity for an extended period. I ask the Department to require strict construction traffic management, defined truck routes, no on-street loading on Forbes Street, dust and noise controls, and a resident liaison mechanism as conditions of any approval, and to ensure these conditions are genuinely enforceable rather than aspirational.

4. Formal requests

I respectfully request that the Department:

1. **Require the applicant to justify the 23.3 metre height exceedance** above the bonus-inclusive 45.5 metre control, including clear evidence of why this additional

height, which delivers no affordable housing, is necessary, proportionate, and the minimum required to achieve the affordable housing outcome.

2. **Scrutinise the reduction in affordable housing dwellings (60 to 58) alongside the increase in total apartments (227 to 235)** as evidence that the scale of the proposal is not proportionate to its stated public benefit.
3. **Require the applicant to properly assess the redistribution of height and floor space against the strategic intent of the LEP/DCP controls and the approved Concept envelope**, rather than accepting an aggregate “no net change in FSR” characterisation that does not address where impacts fall or on whom.
4. **Require a current, independent, dwelling-specific Visual Impact Assessment for Unit 96**, including a site inspection and verified photomontage, prepared against the proposal actually before the Department now, not analysis recycled or extrapolated from the previously capped Concept envelope assessment, and not a third round of desktop review.
5. **Decline to treat Design Integrity Panel endorsement as a substitute for tested, dwelling-specific view and amenity impact evidence.**
6. **Require strict, enforceable construction and traffic management conditions**, including defined truck routes, no on-street loading on Forbes Street, and dust, noise and resident liaison measures, if any approval is granted.
7. **Require strict maximum RLs and conditions** to ensure rooftop plant, lift overruns, balustrades or screens cannot exceed the assessed building envelope after approval.

I support the delivery of affordable housing on this site. I ask only that the height, scale and visual impacts of this proposal be properly tested, justified, and brought into closer alignment with the planning controls before determination, and that my dwelling, and others like it, receive the dwelling-specific assessment that the Department has now sought twice and the applicant has not yet provided.

Thank you for considering this submission.

Yours sincerely,

Helen Cramp

Unit 96, Level 6, 26 Kirketon Road, Darlinghurst NSW 2010

Attachments:

- Attachment A: Urbis Visual Impact Assessment extract, Response to Request for Information (May 2026), desktop “objector dwellings” review, Unit 96
- Attachment B: Photograph, view from Unit 96 balcony (June 2026)
- Attachment C: Photograph, view from Unit 96 balcony (June 2026)
- Attachment D: Photograph, view from Unit 96 balcony (June 2026)
- Attachment E: Photograph, view from Unit 96 living room (June 2026)

Attachment A

Urbis Visual Impact Assessment extract, Response to Request for Information (May 2026)

Desktop “objector dwellings” review, Unit 96, 26 Kirketon Road

The following two pages are extracted from Urbis's *William Street Woolloomooloo, Response to Request For Information* report (May 2026), prepared for Rebel/HSN. The first page is the summary graphic identifying 26 Kirketon Road as a location raised in public submissions and not previously assessed in the original Visual Impact Assessment. The second page is Table A, the desktop “objector dwellings” risk rating table, showing the entry for Unit 96.

As set out in Section 2.4 of this submission, this desktop review is expressly stated by Urbis to be based on “the interpolated effects of the proposal and detailed desktop review of publicly available data including real estate imagery and floor plans,” with Urbis confirming it has “not had the benefit of inspections,” and that “no views have been modelled from objector dwellings.”

2.2 Summary Graphic - Views previously assessed, not assessed & extent of potential view loss

This graphic summarises locations previously assessed in the original VIA and locations not previously assessed, now raised in public submissions. It also identifies locations exposed to potential loss of icons and compositions of high scenic quality.



Legend	
Site boundary	
Previously modelled & assessed in Concept VIA (Urbaine)	
Location of objector dwellings not previously assessed - raised in public submissions	
Likely view impact outcome including potential loss of icons - Desktop assessment by Urbis.	
Likely view impact outcome including potential loss of scenic compositions - Desktop assessment by Urbis.	

Figure 2 Summary graphic - views previously assessed, not assessed and extent of potential view loss.

3.1 Objector Dwellings

Our approach to these indicative ratings is informed by the Tenacity Planning Principle. Please refer to Introduction Section 1.2 Methodology and Approach for details. The below tabulated assessment is based on the interpolated effects of the proposal and detailed desktop review of publicly available data including real estate imagery and floor plans. Urbis have not had the benefit of inspections. Comment on the extent and scenic quality of potential view loss in accordance with the intent of Tenacity planning principle for each dwelling is indicative only.

Table A: Public Submissions – Identified Units Not Assessed in Urbaine Report (38) (responds to 2b vi of the RFI)	
Dwelling Location	Potential Extent & Loss of Scenic Quality for each dwelling – RISK =Low/med/high Risk rating relates to proposed built form above approved envelope
1–5 Rosebank Street Darlinghurst (representative photos from some dwellings – refer to Figures 3, 4 & 5)	
Unit 4	low low level dwelling, limited access to icons or scenic compositions
Unit 9	low - low level dwelling, oriented east (away from development) - Limited access to icons or scenic compositions
Unit 11	medium - Oblique north-westerly views affected (icons present) via front boundary from primary living areas - Scenic compositions including land water interface retained to north
Unit 12	medium - Oblique north-westerly views affected (icons present) via front boundary from primary living areas - Scenic compositions including land water interface retained to north
Unit 17	medium - Oblique north-westerly views affected (icons present) via front boundary from primary living areas - Scenic compositions including land water interface retained to north
Unit 18	medium - Oblique north-westerly views affected (icons present) via front boundary from primary living areas - Scenic compositions including land water interface retained to north
Unit 20	medium - Oblique north-westerly views affected (icons present) via front boundary from primary living areas - Scenic compositions including land water interface retained to north
12–20 Rosebank Street	

Unit 14	medium - icons present, oblique north-westerly views via front boundary from primary living areas - Constrained by vegetation and built form, only view available
Unit 21	low-medium - Elevated, expansive views available from main living areas via front boundary - Oblique north-westerly views affected (icons present) - Scenic compositions retained to north and north-east
Unit 22	medium - Elevated, whole and expansive views available throughout dwelling via front and side boundaries - Oblique north-westerly views affected (icons present) - Scenic compositions retained to north and north-east
Unit 24	medium - Elevated, oblique north-westerly views affected (icons present) via front boundary from primary living areas - Scenic compositions retained to north and north-east
26 Kirketon Road	
Unit 85	low - Limited access to icons in oblique north-westerly views via side boundary from balcony - Scenic compositions to the north retained
Unit 88	medium - Limited access to icons in oblique north-westerly views via side boundary from balcony - Scenic compositions to the north retained
Unit 96	low-medium - Elevated, whole, expansive views from main living areas via rear and side boundaries - Central sections of land water interface to be lost - Icons retained to the north-west - Scenic compositions retained to north-east

Attachment B: View from Unit 96 balcony, looking north (June 2026)

Shows Sydney Harbour Bridge, Sydney CBD skyline, Woolloomooloo Bay, Garden Island and harbour water, taken standing on the balcony.



Attachment C: View from Unit 96 balcony, looking north (June 2026)

Shows Sydney Harbour Bridge, Sydney Opera House sails, harbour water and the wider land-water interface, taken standing on the balcony.



Attachment D: View from Unit 96, looking north (June 2026)

Shows harbour water, Garden Island and the CBD skyline forming part of the dwelling's everyday outlook.



Attachment E: View from Unit 96 living room (June 2026)

Shows Sydney Harbour Bridge and the CBD skyline as visible from inside the living room through the balcony doors.

