

25 June 2026

Department of Planning Housing and Infrastructure NSW
Attention: Ms Michelle Niles, Specialist Planner, Planning Assessments

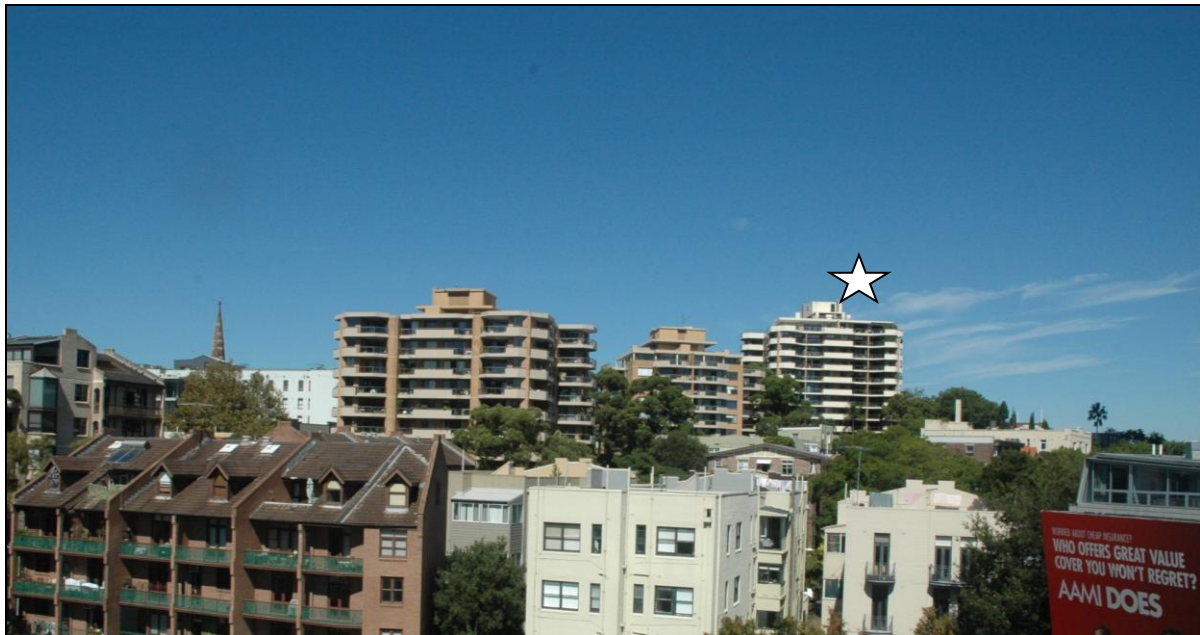
Planning Submission For: (Strata Plan 21252) 1 Tewkesbury Avenue, Darlinghurst
Proposal: Mixed use development with in-fill affordable housing, 164 - 194 William Street, Woolloomooloo – Amended Documents

Introduction

This submission is prepared for Strata Plan ('the SP') 21252 which includes 79 apartments located within the building at 1 Tewkesbury Avenue, Darlinghurst.

The location of the SP is to the south of the site, up the hill, on the opposite side of William Street and within Darlinghurst NSW 2010. The SP enjoys iconic Harbour and City views that would be impacted as residents have detailed in submissions and our previously submitted view study.

The building at 1 Tewkesbury Avenue can be seen in the following photograph taken from William Street. The building is marked with a star.



As evident in the above, many of the apartments within 1 Tewkesbury Avenue have balconies and windows which cascade outwards across the floors and are *designed to take in beautiful views of Woolloomooloo, Sydney Harbour and city landscaped and built icons.*

Iconic views of the Harbour can be accessed sitting and standing from within indoor living areas and on balconies. These are high value, enjoyed, world renowned views. Enjoyed by property owners and chosen in property purchase.

These are the types of views intended to be considered through development proposals and assessment.

Despite what is suggested in the various VIA documents, these views are enjoyed from within apartments and across balconies, from sitting and standing positions and from within apartments as viewed through cleverly glazed balcony balustrades. They are whole, panoramic views, through apartments and are not 'oblique' views.

We previously provided a view impact assessment for the Department to outline the apartment areas and view types, with photographs taken in accordance with recommended view assessment guidelines to provide a more accurate and reasonable assessment.

The objections to the amended proposal remain essentially the same as submitted:

- Concern is raised over impacts of the bulk and scale to the area character, the scale of non-compliances, the adverse and devastating impacts views/the proposed nearly complete loss of Iconic and water views and outlook. These impacts are submitted to be severe and devastating to owners, given the amenity and views available inside these apartments. (refer to individual and SP view submissions).*
- The proposed development does not reflect the desired area character or compliance with expected form, design and amenity standards. Departures are substantial, not reasonable for others or the area, and are not strategically tested.*
- This development would not be an area asset and fails to comply with planning and design standards in relation to contextual fit, protection of view/skilful design.*
- The scale would create unreasonable adverse visual and solar issues in connection with the excessive height/scale.*
- The proposal appears to remain inconsistent with apartment design standards in terms of provision of solar access and ventilation to apartments, unit design and lack of balanced open space/landscaping for internal and external amenity in connection with the high-rise scale.*
- The proposed parking is likely to worsen traffic and not encourage non-car transport in accordance with all planning controls/to support affordable housing. Visitor parking does not appear to be sufficient for the scale and to ensure flow on impacts to the local network are avoided.*
- The proposal does not provide a balanced outcome in terms of affordable housing numbers, creates a loss of affordable apartments and more excessive height.*
- The proposal does not promote lower-level commercial uses in compliance with zone objectives or substantive/balanced public interest input.*
- Significant concern is raised in relation to the accuracy of the documents put forward for assessment. An independent and honest review of views should be provided given the variations and the potential impact to significant and famous views.*

Thank you for considering these points in the assessment.

The context, a balanced assessment

The subject site is located in a key area, surrounded by many lower scale and heritage buildings. This creates a unique and locally valued area character and provides streetscape interest and experience.

Woolloomooloo is an iconic Sydney area to visit and drive through and has a considerable maritime heritage and significance. With hotels, restaurants, the renovated finger Wharf at Woolloomooloo and direct water access, this basin is highly visible from the Harbour. This is

a tourist area as well as residential. It is considered that retaining the image and visual quality of this area would be important to Sydney as a global city.

The site is located in an MU1 (Mixed Use) area which is designated under the Sydney planning frameworks to renew commercial as well as residential in order to maintain commercial and employment support for residents and the commercial corridor which extends around the Harbour, from the City to Kings Cross.

This is well located to Kings Cross Station however William Street is notoriously congested with traffic being a road thoroughfare from the City to the Eastern Suburbs and a connection to the north and south of Sydney. The existing road network, with some one-way streets and traffic signalling is often unable to support the volume of vehicle leading to extensive delays.

The proposal does not present a scale consistent with detailed urban design and planning expectations for the area nor address the character objectives in terms of sympathising with local heritage, lower scales and valuable fine grain. No reasonable consideration is given to the impact of the scale and widths on the surrounding HCA.

The proposal is much higher than anything around and this is evident in the models of the revised scale. This does not show a stepping or scaling down with the topography (as suggested in the original EIS) and is not considered contextually considerate or responsive. It is evident as to what the resulting impact and appearance would be from the Harbour, the area and from other properties.

Impact on Views

As detailed above, many apartments and balconies within the SP have access to panoramic views, comprising land water interfaces, landscaped foreshore areas merging to the visible water in the Harbour, landscaped elements across the northern side of the waterway, the full sails of the Sydney Opera House, the cityscape/Sydney Tower/St Marys Cathedral, large visible elements of the Botanic Gardens (extensive/prominent/beautiful greenspace), the full reach of the Harbour Bridge and other interesting elements (tunnels, railway, Woolloomooloo wharf and naval areas).

Balconies have glazed sections which also allow view access through from seated positions from within the units and outside seated on balconies. Some of the panoramic views to be blocked are detailed as follows and within the attached view impact assessment prepared by a resident.



View, standing, balcony of unit 64 (refer also to attached view assessment) **front view from balcony**



Extensive Harbour view, seated position inside unit 64, land water and iconic view – **inside the apartment, front view from interior and exterior, not oblique**



Kitchen view, unit 64 – **front view – not oblique**



1 Tewkesbury Avenue, showing glazed balconies

The photo montages provided in the VIA documents demonstrate that these views are high value land and water views and contain city scapes and iconic elements such as the Harbour bridge, the Opera House and panoramas of the harbour including Fort Denison.

It would appear that the VIA has used drone photography and so this is not the actual view. It is also noted that this report minimises the land water view blockage that this proposal would have on these highly valued and high amenity views, for the residents this view blockage would be severe and devastating in terms of their homes and experience. Our view assessment attached should be used to assess the current quality of whole views from living areas and balconies at 1 Tewkesbury Avenue.

Urbis notes that in their peer review of the original flawed VIA that they have not inspected homes.

It is not evident that any attempt at sharing is provided in line with *Tenacity* view sharing principles. It is not clear whether any design options have been considered to minimise this impact as should occur.

The VIA uses the approved concept DA envelope (which is to be abandoned) as the baseline for measuring impact on views. This shows what was done by Council assessment to improve and share views. This assessment was based on Council staff view assessment given the misrepresentations in the Urbaine report. As part of approving the already much larger concept envelope, the Council capped heights and floor space ratio ('FSR') and design work was to be undertaken.

The VIA also uses the 'permissible envelope' under *State Environmental Planning Policy Housing 2021* ('SEPP Housing') provisions as the baseline for view impact. This is a development maximum under the state controls - within which a design should consider view sharing. The preparation and SEARs documents indicate that view sharing and urban design to sympathise with the area should have been considered with this proposal.

A possible building envelope under any instrument including a SEPP is a potential envelope that must consider a range of design factors, including sharing of iconic views, to ascertain what is ultimately an appropriate development envelope. Permissible FSR and height are indicative development potentials.

This proposal does not even try to fit within the maximum envelopes or comply with apartment design guidelines for amenity and yet also destroys local amenity in this way with substantial breaches (up to 50% of mandated standards for height which is intended to step and undulate scale down the site to protect others and the area).

The Clause 4.6 for FSR indicates that the excess is intended to create the building uniformly across different floor space ratios of the site however in this location it is logical that the density standards are set/scaled deliberately to manage view sharing, scale and manage scale in relation to the harbour and heritage fabric. Tapering and undulating form was considered as part of the previous concept envelope approval. Although this concept approval is to be surrendered, the SEARs did require discussion of this/history of proposals. The history as to what was achieved is considered relevant in terms of view sharing and design excellence.

The FSR Clause 4.6 also relies upon the design competition however our view is that *this iteration is extending further and further away from the design competition* and does not hit the mark in terms of an area and view sharing fit and based on the issues which still remain, should be completely revisited. This application and the VIA just keep evolving in a piecemeal and non-strategic fashion. *A comprehensive, objective and informed review of a new proposal which designs for views and appropriate scaling from the outset is appropriate.*

Given remaining issues to do with design and amenity, our submission is that it is appropriate that this be further reviewed by the Design Integrity Panel. With consideration of the 'precedent setting scale and variations, plus adverse social, amenity and view/scenic impacts, should be reviewed by the Government Architect.

In response and in the face of severe and devastating impacts to views, the *residents of the impacted SP have put together some accurate and representative view assessments of their homes to indicate to the Department, the quality, importance and availability of these iconic views to a significant range of homes. Please refer to the attached document which we re-submit.*

As can be seen from these, the proposed extent of effect/blockage on land water, iconic Harbour and City views would be potentially devastating in relation to the current view access and amenity gained. These are available in seated and standing positions - within many apartments.

In these circumstances, we submit the following in relation to the *Tenacity Consulting V Warringah Council (2004) NSWLEC 140* 4-step assessment process as to equity, sharing and reasonableness. *Whether it is reasonable for a development proposal to take part of a shared view for its own enjoyment.*

This proposal does not comply with 'all planning controls'. The proposal does not comply with either the Sydney controls, the SEPP Housing controls and some ADG design standards. The non-compliances are substantial. It is not considered to be the intention of SEPP Housing controls to take all the views for the sake of one development and impact in this way on others. The SEPP requires a contextual response.

Tenacity equity assessment principles seek a robust assessment and exploration of creative and sensitive designs to allow sharing and equity.

Given that the proposal seeks a wide and extensive form and scale, with variations to FSR and height, with minimal modulation and a considerable expanse across the whole development site (with lack of outcome certainty) this approach to planning, and development is not reasonable where views could be severely and detrimentally impacted. *The extent of the breaches is unreasonable, not justified and is not considered to provide for a better planning outcome as is the test under Clause 4.6 (addressed below).*

The impacted views for homes in 1 Tewkesbury Avenue can be seen as iconic views. Land water interfaces, whole views, containing icons such as the Opera House, Sydney Harbour Bridge, Fort Dennison and City/North Sydney city scape. The type to be protected under these Principles. These are sitting and standing and from nearly all rooms in the apartments and from balconies which are the key and only private open space to these homes.

The views add such amenity to existing residents and the development clearly seeks to take all the views enjoyed by others for the benefit of an excessive and non-compliant development and the future building.

The application is considered to conflict with the intention of the Tenacity principles which seek to avoid an approach of taking views away from others completely and rather to look toward creativity to consider all, balance, 'reasonableness' per controls and sharing. The proposal capitalises on views for the subject building with the height and floorspace, to the detriment of a range of surrounding properties further up the hill.

As the subject site already has larger scale allowances and provisions than the surrounding area and given the adverse impacts involved, these should not be further exacerbated and expanded without detailed testing.

Options are considered to be available, with good design to facilitate improved view sharing. A more considered and modelled/compliant design, or design alternatives could and should be explored to allow reasonable development. The intention of the design review process is to ensure that a more considered and studied design be undertaken to prevent the potentially devastating view loss as a strategic planning review. We request that the proposal not be supported in the current form and in accordance with the promotion of the public interest.

Council and SEAR's documents indicate the importance of properly considering and nuancing a development application with views considered. This is not evident.

Unreasonable Impacts in the Context of Planning Controls and Objectives

As detailed in our previous submission, the proposal does not enhance the amenity or quality of life for existing residents.

The proposed incongruent scale (with potential impacts) is not considered to deliver a high-quality outcome for existing developments or respect the existing or desired character.

The quality, design and location of the minimal affordable dwellings is not considered to comply with SEPP or design expectations and these matters have been raised by DIP and City of Sydney Council.

The proposal is not considered to achieve a high quality urban form by ensuring that new development exhibits design excellence and reflects the existing or desired future character of particular localities. The scale controls and allowances of the SEPP should be applied with a contextual fit.

The amount of parking, constrained access points, ratio of residential and overall density is not considered to ensure that the traffic, pedestrian, cycling and public transport network is facilitated or managed.

The proposal is viewed to be over scaled when considered next to the lower density heritage surrounds which would impact Woolloomooloo and this area has been protected under a variety of planning controls for many decades.

As detailed, the proposal is not considered to protect or enhance the enjoyment of the natural environment or the Harbour setting. The scale would have an adverse effect on harbour scenic quality and tourism aspects given the views, scale, lack of commercial uses, traffic congestion, potential worsened flooding and view impacts/general character impacts.

It is not considered that parking provision seeks to minimise car issues. Relying on an accessible area for affordable housing this development should do more to reduce private car transport and the financial and environmental costs associated. This is a traffic generating development in an already congested and bottlenecked area. Increased issues will lower the amenity for all residents.

Residents do not object to housing or affordable housing however this proposal seeks to maximise and push outside of the reasonable state controls as well as provide absolutely minimal affordable housing which is to be returned to market in 15 years not in perpetuity unlike City of Sydney Council controls. The City of Sydney is understood to have raised concerns in this regard and significant housing/affordable housing is being delivered for the City. Therefore, there is not the need to impact adversely on this neighbourhood for 15% floor area of short term affordable units.

The intention of the state controls is to provide responsive housing which is appropriate for the area, protects amenities and undergoes a merit assessment with local area character considered. SEPP Housing is not intended be used to create large and inconsiderate developments, nor developments which exceed bonuses and which drastically detrimentally impact the living environment of existing communities without a balanced and reasonable approach.

Clause 4.6 Variation/s

The Variations to height and FSR do not demonstrate why the SEPP controls are unreasonable or unnecessary or present a balanced view of impacts or the achievement of better outcomes.

The proposed variations result in:

- An excessive bulk and scale that does not sympathise with the low to mid-rise scale of HCA development and does not transition appropriately.
- An excessive bulk and scale within the visual catchment of the site
- Destruction of iconic views (see below) contrary to a range of state and local planning objectives.
- Adverse solar, scale and view impacts.
- Potentially adverse impacts to the visual quality of Sydney Harbour given the different scale.
- Inconsistency with the test of compatibility with the area under SEPP Housing (as detailed above).
- Inconsistency with design excellence/view sharing and *Tenacity* principles in that the scale and form does not look to protect views, is not reasonable and is not expected by planning instruments. More could be done to protect and consider.

There is no planning basis for exceedance of the already bonussed FSR and height controls under the SEPP, other than to maximise yield for profit purposes and take the views for the new apartments at the expense of existing neighbourhood homeowners. The development should scale down to protect views and respect the modulation intended by the Council standards, to protect Woolloomooloo. The clause 4.6 variations should not be supported from a planning perspective. Compliance is not unreasonable and the adverse impacts to the area and on others are compelling.

Inaccuracies Presented

The proposal does not address in a balanced way. *A number of the SEARs requirements are not addressed objectively. Justifications for non-compliances are specific to the development and do not undertake a balanced review of broader impacts. The VIA does not contain all relevant properties, does not contain representative view shots, contains errors which have been picked up by residents and does not address the impacts in a balanced way. A high level of environmental amenity for any surrounding residential or other sensitive land uses must be demonstrated (SEARs Point 7).*

The proposal is inaccurate in relation to how the built form and urban design respond to the context (as detailed above). SEARs require a *detailed assessment of the impacts*. The proposed documents appear to minimise impacts and focus on the development.

Aspects to do with flood risk, geotechnical matters and ground water/basement water management do not appear to be robustly resolved.

The proposal does not represent environmentally sensitive design and does not provide a balance with environmental protection/amenity initiatives or planting/canopy/open space to balance the scale impacts.

Summary

The proposed impacts are considered inconsistent with planning objectives and controls and should not be supported for the following reasons:

- The proposal has the potential to *unreasonably block existing high value and important iconic/land/water views enjoyed by residents of SP 21252*. This potential impact would be *severe and devastating to these key, valuable views*.
- These are the *type of views intended to be protected or allowed to be equitably shared under planning principles*.
- The views are available across living, kitchen, and key open space areas of a large proportion of homes and are expansive and critical for residential amenity.
- The proposal seeks *excessive and non-compliant height and form*. The outcome put forward is not considered responsive to all layers of relevant planning controls and objectives, is not site responsive or balanced, and would be *detrimental to scale, views, character, traffic flow and light*.
- The submission documents are not balanced when looking to increased density on a site by site basis. *The discussion has not accurately or robustly assessed or detailed a number of important views impacted to address with planning guidelines, SEARs or Tenacity view sharing Planning Principles. The VIA reports remain inaccurate.*
- The *excess scale outlined and projected is not considered at all reasonable under these circumstances, given potential view impacts*.
- It is submitted that a *compliant proposal, which aligns with ADG and Design Excellence/Urban Design considerations could be made to allow equitable access to important views*. This could allow view sharing equity and allow a development for the property owner.
- *We request that the current application not be supported given the inaccuracies within the documents and the misleading assessments made.*
- *That an independent and informative view impact assessment be undertaken.*
- Community submissions should be considered as the 'Social Impact Analysis' as the impacts are far greater than suggested in the applicant's reporting.
- The proposal should be modified to be *reasonable with respect to view sharing and the protection of shared amenities between properties and to maintain the iconic character of harbourside Woolloomooloo*. This area is valued by residents and visitors. *A suitable and sensitive contextual response would serve the public interest and ensure consistency with state and local planning objectives for high quality living suited to context.*
- *Residents request that the impacts on adjoining homes be considered and assessed.*

Thank you for considering these points and we welcome questions, site inspections or further discussion/information.

Yours sincerely,



Natalie Richter, Consultant Planner for SP 21252 (Bachelor of Town Planning, UNSW)

Attachments: Photographs/view study prepared by residents