

12 November 2025

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

Planning Submission For: (Strata Plan 20087) 'Palisades' - 5-15 Farrell Avenue, Darlinghurst & 'Kirketon Gardens' – 26 Kirketon Road, 'Kirketon Mews' and 'Kirketon Manor' Darlinghurst

Proposal: Mixed use development with in-fill affordable housing, 164 - 194 William Street, Woolloomooloo

Introduction to Strata Plan 20087

This submission is prepared for Strata Plan ('the SP') 20087 which includes 4 buildings, 105 - homes known as: 'Palisades', 5-15 Farrell Avenue (45 units - No's 1-45), 'Kirketon Gardens' known as 26 Kirketon Road (containing 34 units - 72-105) and 'Kirketon Mews' (a lower rise component containing 4 units - 46-49) and 'Kirketon Manor' (22 units - 50-71).

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 is close to the subject site and is referenced in the submitted Visual Impact Assessment ('VIA').

SP 20087 was designed and constructed in the early 1980's. The buildings are oriented around a central landscaped open space area/garden oasis. Balconies and windows cascade outwards across the floors of the residential apartment buildings, designed to take in beautiful views of Woolloomooloo, Sydney Harbour and city landscaped and built icons. It is clear this series of high-quality apartments were designed to focus living and outdoor spaces to the iconic sweeping views given the variety of homes, floor plans, generous glazed doors/windows and glazed balustraded balconies.

Some of the apartments have bedrooms which gain these iconic views. Views are accessed from a considerable range of apartments within the SP, and represent whole, iconic and district views. These can be accessed sitting and standing from within indoor living areas and on balconies. They are high value, enjoyed, world class views - the type intended to be considered through development proposals and assessment (refer to attached photographs).

Many of the residents have lived within the SP for many years and draw key amenity, health and happiness from these views. In this higher density urban setting, these views are vital to living and enjoyment and have chosen by these represented homeowners.

Concern is raised over impacts of the bulk and scale to the area character, the scale of non-compliances, the accuracy of all submission documents and claims and the adverse and devastating impacts views and amenity. Iconic views and outlook are likely to be directly and severely adversely impacted by the proposed scale which seeks 'maximum' and non-compliant density and height. The height and scale proposed is demonstrated in the documents to be completely out of character with the surrounding area and will have far reaching and substantial impacts on the Harbour visual quality, Woolloomooloo/the Heritage Conservation Area, solar access and views and visual amenity of a large number of existing surrounding homes. Thank you for considering these points in the assessment.

Summary Concerns

Our objections to the proposed SSD are summarised below and detailed further within this submission:

- The subject site is located in a key area, surrounded by many lower scale buildings, flanked by heritage buildings and heritage conservation areas ('HCA's). This creates a unique area character, streetscape interest and experience. So much could be done with this site to blend better and work with attributes.
- The DA does not present a scale consistent with detailed urban design and planning expectations for the area and does not address 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 cascading topography provides the opportunity to scale development and allow view sharing. Due to the sloping topography, a substantial number of residential buildings in the locality enjoy current access to high amenity, highly valued, iconic Harbour and Sydney views. Many residents are long term homeowners and as indicated in the VIA modelling the impact would be severe/devastating for many SP residents. *The VIA demonstrates the adverse view impacts for a large range of buildings.*
- The VIA is inaccurate and appears to be based on drone photographs which are not taken in homes or their open spaces. We have attached some representative views.
- *The impact of the iconic view loss is minimised in the VIA whereas it is considered devastating to lose such an extent of the view.* This affects owners who love their amenity and where they live.
- This proposal does not result in 'sharing' it results in excessive widths and height and does not demonstrate 'skilful design' in terms of sharing, or discuss options considered.
- The VIA impact incorrectly compares an envelope approved by Council (after Council's own assessment of views) which is to be set aside rather than a comparison between current planning controls and the proposed extreme/non-compliant scale.
- The VIA is not considered honest or accurate and should not be relied upon when the Department of Planning Housing and Infrastructure ('DPHI') is assessing a form and scale outcome which is out of step with tested design controls which have been publicly understood over time.
- The form bonuses provided by *State Environmental Planning Policy Housing 2021* ('SEPP Housing') to promote affordable housing need to be considered in line with other impacts and the context and not as a development right. In this case, the proposal does not even comply with the bonuses in addition to detrimentally impacting on hundreds of properties/neighbours. This should not be supported.
- The proposal fails against the contextual fit requirements of the SEPP Housing controls and the Apartment Design Guide ('ADG').
- The proposed scale creates *substantial and significant departures from the Council form and SEPP controls, creating adverse impacts for many and the area.* This does *not result in a better planning outcome.* The Clause 4.6 should not be supported in the name of protection of public interest and amenity for others and the form of Woolloomooloo. The Clause 4.6 Variations do not demonstrate that the SEPP

Housing controls are unreasonable or unnecessary or discussed the impact the scale has on the HCA or amenities of others.

- The approach taken to the FSR calculation appears to be incorrect and the proposal may not comply with affordable housing requirements.
- The height assessment shows extreme variations as to height limits (both local and SEPP) and the implications are unreasonable view blockage and a range of adverse impacts.
- Council's FSR and Height objectives refer to protection of amenities and views. The proposal is inconsistent with Council's objectives related to height and scale.
- The proposal internal design fails to comply with amenity and design requirements which are called up in SEPP Housing including access to sunlight. This proposal would provide low amenity affordable housing at the substantial cost of others.
- The documentation lacks balance and independence. The application package appears to be preoccupied with justifying the highest density for the site, without reasonably addressing the residential, heritage and lower scale context. The proposal justifies unreasonably removing views and solar access for others. This is not considered to represent Design Excellence or the type of design sought by all levels of planning controls.
- Landscaping is minimal around the site, and the Landscape Plans are clear that minimal areas and elements of planting are proposed. These could in no way be considered to green or balance the scale of the development or provide public or private amenity. This conflicts with planning controls which aim for large developments to be landscaped appropriately for internal and external amenity.
- The view assessment, solar impact assessment and social impact assessments are not representative and are considered to be biased.
- The Community Consultation Report is inaccurate as parties who were consulted are not identified. The consultation is not considered to meet the State Government requirements (details below).
- The outcome presented by the applicant is not considered to represent the public interest and further modulation and view testing is requested to ensure equity and fairness for existing residents.
- Skilful design and an evaluation of design options should be provided. The VIA report provides no commentary on how any skilful or thoughtful design has been provided. No design options are provided and no competitive design alternatives report.
- We suggest that the retail/commercial component is minimal within a mixed-use zone and is inconsistent with local objectives for the zone and SEPP objectives of housing in well supported areas.
- The pedestrian areas and open space are likely to be unpleasant given the scale, shading and wind tunnelling.
- The proposed excess parking provision conflicts with planning controls around providing housing in well located areas and car use minimisation. Given the degree of basement parking proposed, the location of the site on an already busy and congested road (William Street), with use of smaller lanes for access, the strategic/local impact on traffic in the area with such a large development should be considered in terms of the additional/excess density envisaged.

- Impacts on local flooding due to the excessive hard surfaces is raised as well as issues to do with impact on groundwater given the extensive excavation and basement construction.

The Relationship of SP 20087 and the Context

The residential complex was constructed in the 1980s within an area characterised historically by historic and lower density forms. The complex contains 'Palisades', 'Kirketon Gardens', 'Kirketon Mews' and 'Kirketon Manor'. The buildings have a variety of heights, Palisades (5-15 Farrell Avenue) being 9 storeys. The buildings are separated from other rows of lower density housing via the central garden and park space (Rosebank Park – which was dedicated to Council by the developer as part of the development approval). The surrounding laneways provide spatial separation from other properties.

Due to the high position of the SP and tapering down of existing lower, more historic housing (refer to the attached photographs), the north facing elevations of 'Palisades', 'Kirketon Gardens' and 'Kirketon Manor' access stunning iconic Harbour and Sydney city views. As a result, interior spaces and glazed balconies were designed to take in these views and the apartments gain key amenity from these views.

The following photograph shows the cascading balconies and windows across SP 20087 which currently access views. This is a perspective looking back from the top of the Avis/Marquis apartment building - to the 'Palisades', 'Kirketon Manor', 'Kirketon Gardens' and 'Kirketon Manor'.

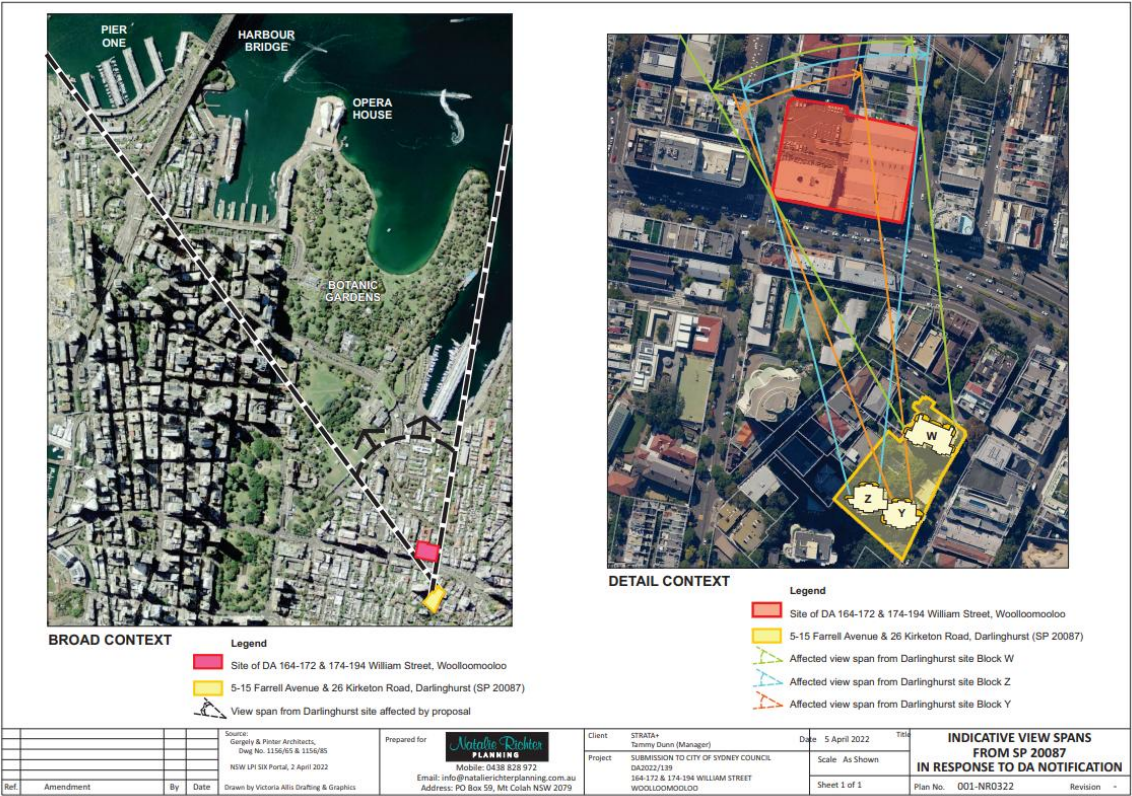


This perspective outlines the arrangement of balconies (with glazing for internal view corridors). These are angled outwards and to the corners of the buildings to bring in a range of views. This provides an idea as to the *amount of residential living and open spaces which stand to be impacted by a large scale of the proposal.*

Given the slope of the topography, encapsulation of lower historical building typologies within heritage protected areas of historic Woolloomooloo, and the guidelines of the Sydney

existing DCP, the SP owners have expected that it would be possible that these views could be protected with equity via redevelopment and shared in the course of development.

The following graphic has been prepared to show an aerial plan of the arrangement of SP 20087 (noted yellow) in relation to the subject site (red) to indicate the currently available wide view arcs to the city, Harbour, icons and the Woolloomooloo wharf/waterway. This is to indicate the potentially available view arcs which could be impacted or blocked by the height scale of the proposed development.



It is requested that this graphic be considered in the context of the personal view example submissions from concerned SP owners and the attached view examples. Individual photographs demonstrate that views are available from sitting and standing positions and provide a highly valued residential amenity to owners and visitors. This outlook, view and amenity is critical to homes in this high density setting. The units were designed to take in the view and the balconies which enjoy the views are the only private open spaces.

The available iconic Sydney Harbour views are important to the enjoyment of long-standing residents who love to live in this unique Sydney location who have chosen to pay the relevant premium property value for this complex and this iconic Sydney city location.

The broader area is strongly characterised by heritage and lower cascading forms (the site being surrounded by HCA areas). Residents consider that the proposed form which fails to comply with most planning controls does not adequately consider the unique heritage context, mixed residential factors, view protection or the broader scenic and character qualities.

Impact on Views, exacerbated by a form which seeks maximum scale and breaches standards/maximums

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) are visible from many of the units in the SP.

Balconies have glazed sections which also allow view access through from seated positions from within the units and outside seated on balconies. Living room doors face the views providing many views available upon walking into the apartments.

These panoramic views provide key amenity to apartments and are the type of views designed to be considered and protected by the *Tenacity* View sharing guidelines.

The VIA provided details the extent of devastating blockage which would result from the form. It is not evident that any attempt at sharing is provided in line with *Tenacity* view sharing principles.

The VIA clearly demonstrates that the proposed building envelope severely impacts a number of static views from surrounding residences.

The VIA photo montages demonstrate that these views are highly iconic and include the Harbour bridge, the Opera House and panoramas of the harbour including Fort Denison.

These views are from key indoor or outdoor living areas as well as bedrooms and kitchens.

The scale of the form, including the breaches of allowed standards results in severe and devastating view impacts for the SP and others in the area. This is not reasonable or expected by controls or the objectives of planning instruments. The Clause 4.6 variations should not be supported given the devastating view impact for others.

The VIA uses the approved concept DA envelope (which is to be abandoned) as the baseline for measuring impact on views, and/or alternately also uses the 'permissible envelope' under the Housing SEPP provisions as the baseline for view impact.

The approach to assessment undertaken and the conclusion of the VIA is submitted to be unreasonable and inappropriate because:

- The proposal seeks to breach the 'permissible envelope'/standards of the Housing SEPP.
- The previously tested concept DA considered views and is merely concept. This has not resulted in any built form on site, so the iconic views actually exist and are being enjoyed by residences at present which should be the comparison.
- Any previous approval may not eventuate and cannot be used to define the view sharing parameters for neighbouring sites.
- The concept envelope was also tested and approved by Council officers due to views issues. The Council officer at the time made an independent view assessment as the

previous view reports by the application were inaccurate and dishonest from the outset.

- The result of the Council assessment, which allowed higher form and density for the site (the comparison shown in the VIA) proves that the Council considered view sharing and the effort that was invested as some icons and key water views were maintained for others.
- The montages of the proposed, non-compliant SEPP form shows essentially complete blockage - no sharing. This does not accord with *Tenacity* equity principles or urban design/design excellence considerations as to a considered outcome.
- A possible building envelope under any instrument including a SEPP is a development 'potential' that must consider a range of design factors, including sharing of iconic views, to ascertain what is ultimately an appropriate development outcome/asset.
- Permissible FSR and height are not development rights but an indicative development potential. This proposal does not comply with the maximum 'potential' and also destroys local amenity.
- The analysis should review what the SLEP envelope controls envisage to provide an objective analysis of the departure from the controls, and to gauge the current proposal against development controls which have been the subject of a through public consultation process preceding support by the Department of Planning and then adoption of Council.
- The City of Sydney height controls require developments to consider view sharing.
- There is failure to honestly describe and quantify impact. In some cases, views are completely broad sided by the proposed building envelope and in others removal of opera house or harbour bridge views results. *The impact is highly significant to iconic and land water element views as well as the current quality and width of the views.*
- The VIA does not indicate how view sharing could be improved but simply repeats the applicant's design position that the proposal has been 'skilfully designed', when it has not as evidenced by the severe impact on iconic views. We have not viewed anywhere in the submission where the applicant has looked at different options which might improve view sharing in line with planning controls. *The Secretary's Environmental Assessment Requirements ('SEARs') require urban design and context/amenity assessment to minimise impacts.*
- The VIA is considered not to be accurate as photographs appear to be largely taken by drone and do not represent the apartment and balcony views. This is despite the preamble of the report suggesting the author had visited impacted apartments. Residents have indicated that the wrong floor levels are stated.
- DPHI cannot use this document to base an informed assessment on. Therefore, given the representation of actual impacts is incorrect, the submitted documents and points of views should not be used as justification to support such extreme Clause 4.6 Variations.
- The VIA (or EIS) do not clearly discuss the contribution of the scale breaches on iconic and water view loss.

In response and in the face of devastating impacts to views, the residents of the impacted SP have put together some accurate and representative view assessments of their homes to indicate the quality, importance and availability of these iconic views to a significant range of homes. Please refer to the attached examples and the photographs at the end of this submission.

It is evident that the proposed extent of effect/blockage on land water, iconic Harbour and City views would be potentially devastating for our residents in relation to the current view access and amenity gained.

In these circumstances, *Tenacity Consulting V Warringah Council (2004) NSWLEC 140* provides the 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.

Sections which we submit apply to the impact on the SP are highlighter in bold/underline.

'25 The notion of view sharing is invoked when a property enjoys existing views and a proposed development would share that view by taking some of it away for its own enjoyment. (Taking it all away cannot be called view sharing, although it may, in some circumstances, be quite reasonable.) To decide whether or not view sharing is reasonable, I have adopted a four-step assessment.

*26 The first step is the assessment of views to be affected. **Water views are valued more highly than land views. Iconic views (eg of the Opera House, the Harbour Bridge or North Head) are valued more highly than views without icons. Whole views are valued more highly than partial views, eg a water view in which the interface between land and water is visible is more valuable than one in which it is obscured.***

*27 The second step is to consider from **what part of the property the views are obtained.** For example **the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries.** In addition, **whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views.** The expectation to retain side views and sitting views is often unrealistic.*

*28 The third step is to assess the **extent of the impact.** This should be done for the whole of the property, not just for the view that is affected. The **impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens are highly valued because people spend so much time in them).** The impact may be assessed quantitatively, but in many cases this can be meaningless. For example, it is unhelpful to say that the view loss is 20% if it includes one of the sails of the Opera House. It is usually more useful to assess the view loss qualitatively as **negligible, minor, moderate, severe or devastating.***

*29 The fourth step is to assess the **reasonableness of the proposal that is causing the impact.** **A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable. With a complying proposal, the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours. If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable.'***

These are iconic views. The type to be protected under Tenacity Principles. The views add such amenity to existing residents and the development clearly seeks to take all the views from others and not share at all. 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.

This proposal does not comply with 'all planning controls' such as development controls. This does not comply with either the Sydney controls nor the SEPP Housing controls. The non-compliance is extreme and not even close. 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. The extent of the impact has not been clearly detailed or addressed for all homes and is inaccurate and within the submission and the assessment is dismissive.

Given that the proposal seeks a wide and extensive form and scale, with variations to FSR and bonused heights maximums, with no modulation and an expanse across the whole development site, plus lack of outcome certainty, this approach to planning and development is not reasonable where views could be devastated/removed for others higher up.

The application is self-seeking when looking at taking views to the detriment of others which 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.

Options are 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 uphold Council's planning regime and allow reasonable development.

Council feedback and SEARs documents indicate the importance of properly considering and nuancing an urban design, to promote excellence, with views considered. Providing skilful design options. This does not seem to have occurred based on the available information.

The intention of the planning and 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.

View Impacts in the Context of Council's Planning Controls and Objectives

The *Sydney Local Environmental Plan 2012* (the 'SLEP') contains a number of relevant planning objectives in relation to protection of amenities, views and development of the area. The following objectives which are relevant to our submission and to the development.

Clause 2.1 – General SLEP 2012 - 3 Aims of development:

1.2 Aims of Plan

- (1) This Plan aims to make local environmental planning provisions for land in the City of Sydney in accordance with the relevant standard environmental planning instrument under section 3.20 of the Act.*
- (2) The particular aims of this Plan are as follows—*

- (aa) *to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,*
- (a) *to reinforce the role of the City of Sydney as the primary centre for Metropolitan Sydney,*
- (b) *to support the City of Sydney as an important location for business, educational and cultural activities and tourism.*
- (c) *to promote ecologically sustainable development,*
- (d) *to encourage the economic growth of the City of Sydney by—*
 - (i) *providing for development at densities that permit employment to increase, and*
 - (ii) *retaining and enhancing land used for employment purposes that are significant for the Sydney region.*
- (e) *to encourage the growth and diversity of the residential population of the City of Sydney by providing for a range of appropriately located housing, including affordable housing,*
- (f) *to enable a range of services and infrastructure that meets the needs of residents, workers and visitors,*
- (g) *to ensure that the pattern of land use and density in the City of Sydney reflects the existing and future capacity of the transport network and facilitates walking, cycling and the use of public transport.*
- (h) *to enhance the amenity and quality of life of local communities.*
- (i) *to provide for a range of existing and future mixed-use centres and to promote the economic strength of those centres.*
- (j) *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.*
- (k) *to conserve the environmental heritage of the City of Sydney.*
- (l) *to protect, and to enhance the enjoyment of, the natural environment of the City of Sydney, its harbour setting and its recreation areas.*

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 proposal provides an extreme scale difference compared with the lower density heritage surrounds. Due to the scale impacts on views character and solar, and substantial departure from expected planning controls, the proposal is not considered to promote design excellence for the Woolloomooloo neighbourhood.

The proposal is not considered to protect or enhance the enjoyment of the natural environment, Harbour setting given the visual impacts, shadowing and wind effects connected with the much higher scale.

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 provides inadequate/minimal commercial floor space with which to improve or promote economic strength or mixed uses to support the population.

Zone MU1 Mixed Use - Objectives of zone:

1 Objectives of zone

- *To encourage a diversity of business, retail, office and light industrial land uses that generate employment opportunities.*
- *To ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.*
- *To ensure land uses support the viability of nearby centres.*

- To integrate suitable business, office, residential, retail and other land uses in accessible locations that maximise public transport patronage and encourage walking and cycling

The context analysis recognises the mixed-use nature of the area but does not discuss why only 5.2% of gross floor area ('GFA') proposed for the site is dedicated to retail. Strategically this area should deliver both commercial and residential offerings. This proposal offers minimal retail offerings (1,718m² out of 33,036m² of proposed GFA) which is not considered to renew this area in accordance with the zone objectives.

A site of this size and density should provide increased support services for residents of the site and the surrounds. This can be achieved by notable commercial floor space or mixed use space which would serve as a public benefit and support for housing. This is considered to be particularly important when planning in affordable housing which can rely on commercial operations for employment and support.

Given the potential excavated parking element and limit on retail and commercial floor space, it is not considered that the proposal is geared to 'maximise public transport patronage' (in a constrained, heavily trafficked area) or encourage walking or cycling.

Parking provision is excessive and does not seek to minimise car issues. This is despite the fact that the application seeks to use affordable housing bonuses in a well-located and accessible area. More should be done to decrease car congestion and reduce costs associated excessive car transport. Given this is an accessible area and connected with train services, parking should be minimised for the benefit of the city and in line with car reduction objectives.

SLEP 2012 Clause 4.3 Height of Buildings – Development Standard – Objectives:

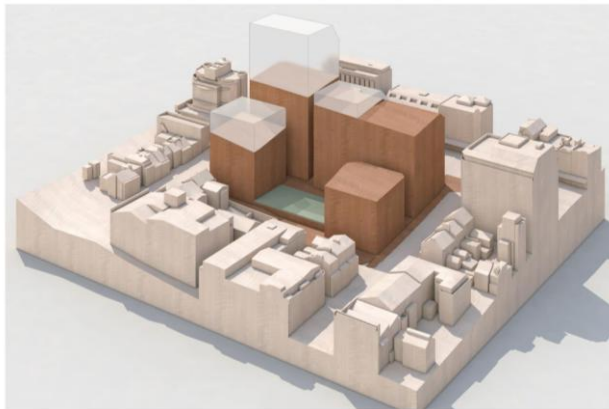
(1) *The objectives of this clause are as follows—*

- (a) *to ensure the height of development is appropriate to the condition of the site and its context,*
- (b) *to ensure appropriate height transitions between new development and heritage items and buildings in heritage conservation areas or special character areas,*
- (c) *to promote the sharing of views outside Central Sydney.*
- (d) *to ensure appropriate height transitions from Central Sydney and Green Square Town Centre to adjoining areas,*

The height is not considered appropriate to the site or context as detailed above and pushes well over reasonable maximums. The highest element at is so much higher than any other building close by. This height does not provide the transitions intended by the local controls, or to protect views, light sun or the amenity of the area.

The extreme height difference would create a visibly incongruous and overbearing relationship with direct and prevailing lower scales, and this would seem clear in the range of 3D images provided. For example, taken from the design report.

Figure 30: Proposed Built Form



Source: Urban Design Report

The above shows the height and bulk in relation to the surrounds and the completely incogruous elements of the additional height.

Height should comply with allowances/maximums in this sensitive area.

There is no reasonable justification for the excess.

The height conflicts with all planning instruments, does not accord with the desired future character or allowances intended by the Housing SEPP.

The height creates a range of material adverse impacts.

SLEP 2012 Clause 4.4 Floor Space Ratio – Development Standards – Objectives of Scale:

- (a) *to provide sufficient floor space to meet anticipated development needs for the foreseeable future,*
- (b) *to **regulate the density of development, built form and land use intensity and to control the generation of vehicle and pedestrian traffic,***
- (c) *to provide for an **intensity of development that is commensurate with the capacity of existing and planned infrastructure,***
- (d) *to **ensure that new development reflects the desired character of the locality in which it is located and minimises adverse impacts on the amenity of that locality.***

The proposed development is not considered to reflect the desired character of the locality. It seeks an FSR uplift from an already higher FSR and without considerable assessment of the lower scales in the direct vicinity.

The increased density provides excess parking to requirements and does not align with the City of Sydney 'maximum' controls. Consequently, the proposal is not considered to manage vehicle and pedestrian traffic which is a recognised local issue.

State Environmental Planning Policy Housing and Apartment Design Guide ('ADG') Points (Height, Scale and Design/Amenity Expectations)

Residents do not object to housing or affordable housing. However, this proposal seeks to maximise and push outside of the already uplifted state controls. Based on the extract below

from the DPHI Fact Sheet on Infill Affordable Housing 2023, the state controls are not 'entitlements' and are to be considered in relation to site constraints and local impacts. Merit assessment is required. The SEPP does not intend to create large and inconsiderate developments which effectively destroy the living environment of existing communities and unique areas, without a balanced and reasonable approach. The bulk, scale and height (which drastically exceeds allowances) needs to be considered in relation to amenity impacts.

The DPHI Fact Sheet on Affordable Housing dated 2023 indicates:

'The full extent of the in-fill affordable housing bonuses may not be achieved on all sites, due to site constraints and local impacts. The in-fill affordable housing bonuses should not be treated as an entitlement.'

DAs that propose in-fill affordable housing will be subject to merit assessment by the consent authority.

The application of the bonuses does not affect a consent authority's responsibility to consider the requirements of relevant EPIs, a development's likely impacts or the suitability of the site for the development.

In applying the in-fill affordable housing bonuses, applicants and consent authorities should be flexible in the design response of the development having regard to:

- *the Government's policy intent to deliver more affordable housing through the in-fill affordable housing provisions of the Housing SEPP, and*
- *the impact of the development on the amenity of the site and adjoining land, taking into account the building's height, scale and bulk.*

The in-fill affordable housing bonuses do not override any provision in any LEP or other EPI. However, local development standards should be applied flexibly and need to be balanced against the need to realise more affordable housing.'

The following issues are raised with the proposed application to use floor space and height bonuses:

Floor space

In the description of the proposed development in the EIS, the following summary of floor space is provided (Section 2).

Table 1: Numerical Overview of the Proposed Development

Element	Proposed Development								
Site Area	6,398sqm								
Building Height	▪ 7 storey residential building with a maximum height of 24.1m (RL +37.550) ▪ 9 storey mixed-use building with a maximum height of 35.5m (RL +51.380) ▪ 10-18 storey mixed-use building with a maximum height of 65.5m (RL +86.470)								
Gross Floor Area	<table> <tr> <td>Total GFA</td><td>33,036sqm</td></tr> <tr> <td>Retail GFA</td><td>1,718sqm</td></tr> <tr> <td>Residential GFA</td><td>25,816sqm</td></tr> <tr> <td>Affordable Housing GFA</td><td>4,942sqm</td></tr> </table>	Total GFA	33,036sqm	Retail GFA	1,718sqm	Residential GFA	25,816sqm	Affordable Housing GFA	4,942sqm
Total GFA	33,036sqm								
Retail GFA	1,718sqm								
Residential GFA	25,816sqm								
Affordable Housing GFA	4,942sqm								
Floor Space Ratio	<table> <tr> <td>Total FSR</td><td>5.11:1.</td></tr> <tr> <td>Non- Residential FSR</td><td>0.31:1.</td></tr> </table>	Total FSR	5.11:1.	Non- Residential FSR	0.31:1.				
Total FSR	5.11:1.								
Non- Residential FSR	0.31:1.								

It is noted that these numbers do not total 33,036m² as indicated above but total 32,476m².

The accuracy of the information is questioned. Based on the GFA figures provided by Urbis, the 15% affordable housing requirement may not be strictly met. 4,942m² out of 33,036m² is 14.96%. The legislation requires a minimum of 15%. Under legislation the applicant must provide this to enable substantial bonuses in FSR/Height and in turn substantial profits.

At this stage, the proposal does not seem to provide high quality affordable housing (given non-compliances with ADG) and seeks at the same time to vary nearly all relevant planning controls to the detriment of the area. This is unreasonable given the extent of the adverse impacts to the area and other neighbours.

Height

Based on RL's and proposed building height in metres nominated by Urbis in the Clause 4.6 Variation to Development Standards report, the following table highlights the *significant breaches of both the Sydney Local Environmental Plan 2012 and the Housing SEPP* which affords a 30% bonus in FSR and height for the provision of a minimum of 15% affordable housing.

Building	RL proposed	Proposed height (m)	SLEP max height	Variation (m/%)	SEPP max height	Variation (m/%)
NE (Dowling)	51.68	31.2m	22m	9.2m/ 41.8%	28.6m	2.6m/9.1%
	51.68	34.6m	22m	12.6m/57.3%	28.6m	6m/21%
	53.88	35.8m	22m	13.8m/62.7%	28.6m	7.2/25.2%
SE (William)	85.82	66.3m	35m	31.3m/89.4%	45.5m	20.8m/45.7%
	86.47	70.8m	35m	35.8m/102.3%	45.5m	25.3m/55.6%
	85.82	60.2m	35m	25.2m/72%	45.5m	14.7m/32.3%

The location of the breaches is both significant in terms of visual prominence in the streetscape but also from the view loss/view sharing perspective of residents primarily located to the southeast across William Street.

The proposed envelope for the building fronting William Street sits at a height of 14.7m to 25.3m above the SEPP permissible level and applies to the whole building. This building is the largest building in the four-building collective. As a volumetric breach it is incongruously imposing on the streetscape and the overall non-compliant scale and height unreasonably impacts sight lines of world recognised views to the northeast for our SP apartments.

The contextual analysis for justification of the height is incorrect, as it largely dismisses the lower scales in the surrounding HCA context (3 HCA's).

The context analysis also draws an inappropriately generous 'visual catchment', referring to Potts Point and the CBD as indicative of varying building heights as relevant RL references for this proposal. These are not in the direct neighbourhood and have a different character.

The analysis notes the midrise typology heading towards the CBD but does provide further design consideration.

The context analysis is considered be narrow in scope as it does not clearly reference the low and midrise building and use typologies within the direct visual catchment of the site.

Residential development of this density across a single site to the heights proposed (up to 18 storeys) is not considered to follow the prevalent form. Many surrounding buildings are evidently of a much lower form. This is clearly shown in the 3D modelling.

Clause 4.6 Variations

The Variations to height and FSR have not demonstrated why the SEPP controls are unreasonable or unnecessary. They inaccurately conclude that there is no impact on adjoining HCAs, the wider streetscape and view loss.

The proposed variations result in: an excessive bulk and scale that does not sympathise with or transition to the low/midrise scale of HCA context (contrary to SLEP objective CI 4.3(b)), an excessive bulk and scale within the visual catchment of the site, with dominant street wall heights to impact the context (contrary to CI 4.3(a), destruction of iconic views (contrary to CI 4.3(c)), a significant departure from the scale and intensity of development envisaged under Council controls.

If City of Sydney is on target to meeting housing targets, this should be considered in terms of the need to provide housing at the cost of drastic and adverse form changes to in this location.

There is no planning basis for exceedance of the already generous FSR and height controls available under the SEPP (subject to merit). This development seeks to maximise yield at a scale to impact the area. The Clause 4.6 variations cannot be supported from a planning, quality urban design outcome, or public interest/equity perspective.

Design Quality of Apartment Development

The proposal is submitted to be inconsistent with the following apartment design principles:

'Principle 1: Context and neighbourhood character

Good design responds and contributes to its context. Context is the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions.

Responding to context involves identifying the desirable elements of an area's existing or future character. Well designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood.

Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change.'

The principles go on to say that bulk and scale, desirable elements of streetscapes, aesthetics, careful access points and amenity should also consider the neighbourhood. Not just the development site.

The ADG also contains chapters relating to the site context, orientation, scaling as well as internal amenity factors.

'Good design responds and contributes to its context.

Context is everything that has a bearing on an area and comprises its key natural and built features. Context also includes social, economic and environmental factors. Understanding the context means understanding how the inter-relationships between all these factors, including between the local area and the region, will impact on the area over time. The process of defining the context's setting and scale has direct implications for design quality of apartments. It establishes the parameters for individual development and how new buildings should respond to and enhance the quality and identity of an area.

Desired future character

The desired future character can vary from preserving the existing look and feel of an area to establishing a completely new character based on different uses, street patterns, subdivisions, densities and typologies. Establishing the desired future character is determined through the strategic planning process in consultation with the community, industry and other key stakeholders. Understanding the context during this process is crucial to support change and determine appropriate building types and planning controls.'

The desired future character for Woolloomooloo is established by the existing detailed character of the neighbourhood and reference to the Sydney DCP and LEP objectives and controls. The character may change however this proposal exceeds even the SEPP allowances which are already well in excess of local allowances.

Aside from the contrasting contextual response, some of the internal amenity of the units, particularly the maisonettes are compromised. Some units would not have reasonable access to sunlight and some do not have private open spaces. As well as taking away from the area, the design does not provide an acceptable living outcome for future residents. This conflicts with all policies including SEPP Housing which aims for high amenity solutions.

The proposal provides inadequate planting to balance the scale and conflicts with design and landscaping requirements, including the SEPP standard for deep soil planting. This inadequate and an additional poor planning outcome when considering the obtrusive and detrimental form and scale and the capacity of a large site to provide for a better landscaped outcome.

Public Interest and Information Concerns

- The heritage information largely ignores potential to address heritage elements or retain streetscapes despite the site being surrounded by HCAs.
- This area is zoned for *mixed uses*. Rather than the requested majority residential use, development should renew commercial areas in line with the zoning objectives, for the benefit of the City and to support residents and the public interest.
- The Clause 4.6 indicates that the proposal 'steps down the slope' which is incorrect.
- The proposal does not address, in a balanced way, a number of the SEARs requirements. Justifications for non-compliances are specific to the development and do not undertake a balanced review of the area or impacts, the VIA is inadequate and incorrect, the engagement documents do not include discussions of some groups nor discuss the issues raised in a balanced way. The community consultation sessions were did not allow any detailed understanding of the proposal and did not allow resident interaction. The proposal is inaccurate in relation to how the built form and urban design respond to the context (as detailed above).
- The Social Impact Assessment which was required by the SEARs misrepresents impacts and community views. This document instead appears to convey the development as 'positive'. Many residents do not share these views. Public

submissions will provide DPHI with a more accurate view of the feelings of the neighbourhood and the objection to scale, view and amenity losses proposed.

- Where is Design Excellence discussed? In a balanced fashion. Improved solar access for others, fine grain to the street, reduced bulk to allow amenity to others and to protect the area and Woolloomooloo character. Key principles of Design Excellence are required - including to cover view and amenity sharing for others.
- Relying on or referring to the previous concept envelope which gained additional scale is unreasonable as this is to be abandoned. The previous concept envelope also drew considerable objection from the community and was considered to result in view and other impacts.

Traffic, Parking and Water Management

As expressed by local residents, and as experienced generally by visitors to the area, William Street is problematic in terms of traffic congestion. Lengthy delays are frequently experienced by residents, commuters and visitors. This area provides connection to other areas.

With this considered, the proposal seeks maximum density and more than required parking spaces. This does not maximise use of non-car transport in accordance with all planning controls and particularly the city controls. The proposal is traffic generating.

A strategic and balanced assessment should be made as to the appropriateness of this primarily residential density in this location given the congested situation within a difficult part of the local road network, the amount of parking provided and the use of narrow lanes to service this proposal.

The proposal is seen as excessive in scale, out of character with the pedestrian nature of the area and the planning intentions. The basement levels would be unnecessarily disruptive of the existing landform given the proximity to city services, employment and public transport.

Impact of surfaces and lack of planting will implicate local water and flooding. The basement should be tanked. Additional flood assessment should be provided to ensure no adverse impacts. Given the size of the site and topography on-site detention will be critical.

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 completely block existing high value and important iconic/land/water views enjoyed by residents of SP 20087.
- This potential impact would be devastating in terms of the value of these extensive views and the amenity this provides to existing homes and private open spaces.
- 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, bedroom and key open space areas of a large proportion of homes. The views are sufficiently expansive to be critical for residents for the enjoyment and value of their home.

- The proposal seeks excessive and non-compliant height and form, in excess of SEPP bonus standards. 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 range of adverse impacts conflicts with the objectives of the Housing SEPP, ADG and SLEP in terms of design and area consideration.
- The submission documents are not independent or balanced when looking to increased density on a site by site basis – to be outside of general Council controls.
- 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.
- *Improved view sharing equity could be achieved via further skill/options to be consistent with SEARs urban design and amenity criteria.*
- *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.*
- That the resident and community submissions be considered as the 'Social Impact Analysis' as the impacts are greater than suggested in the applicant's reporting.
- That the proposal 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 apartments suited to context.*
- Any development approved should align with design guidelines of the ADG to ensure amenity is provided and protected, a development is well designed for the area and that internal design provides for appropriate and high living standards.
- *Residents request that the impacts of this proposal on directly adjoining homes as well as the Woolloomooloo community and location be considered in the evaluation.*

On behalf of the residents of SP 20087, we thank you for considering these points and we welcome questions, site inspections or further discussion/information.

Yours sincerely,



Natalie Richter, Consultant Planner for SP 20087
(Bachelor of Town Planning, UNSW)

Attachment/follows:

Photographs, details of units, map of SP/units
Some view studies prepared by residents

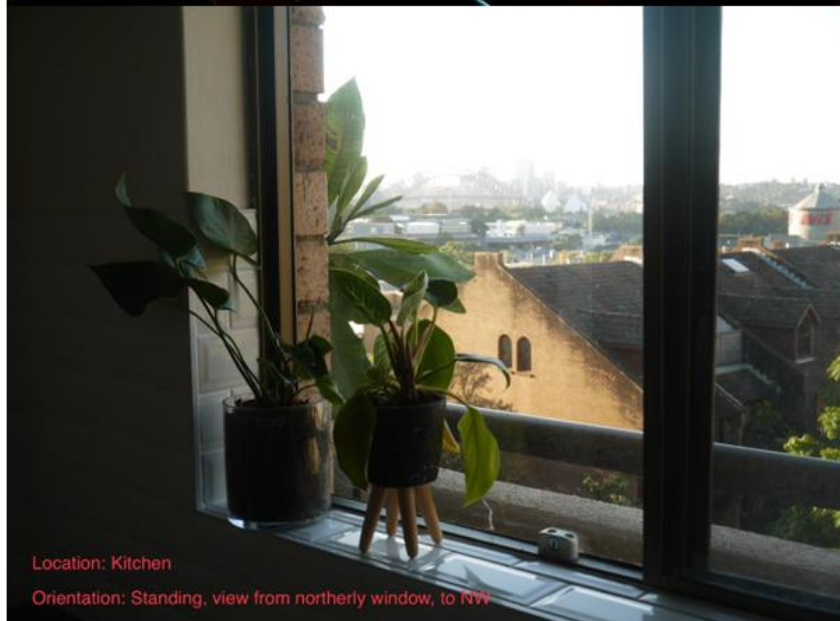
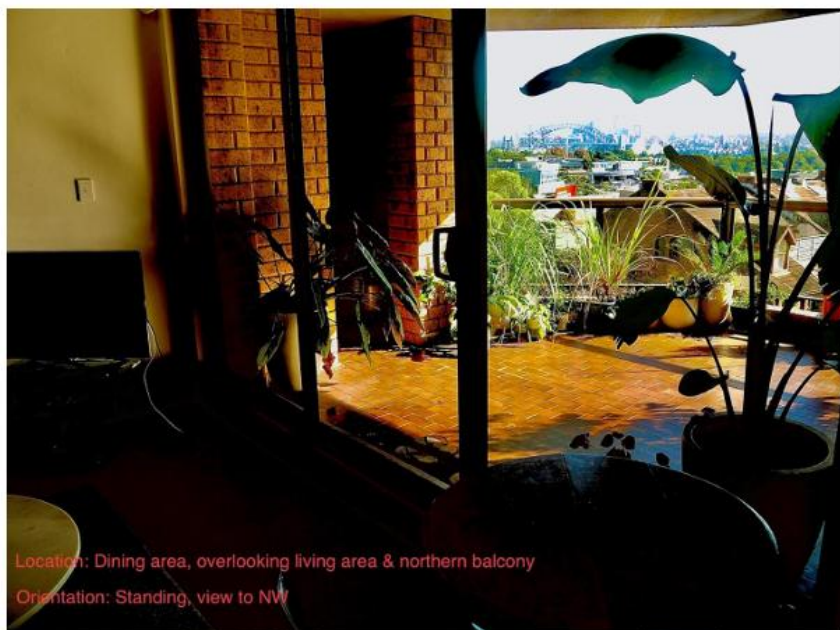
This document is Copyright. Apart from any fair dealings for the purposes of private study, research, criticism or review, as permitted under the Copyright Act, no part may be reproduced in whole or in part, altered or used for any other purpose without the written permission of the author Natalie Richter. This report has been prepared with due diligence by the author. Its contents are believed to be fair and accurate and are based on information available. The author disclaims all and any liability to any person in respect of the consequences of anything done or omitted to be done in reliance upon the whole or any part of this document.



View living area, sitting standing and balcony Level 9, Unit 43 (Palisades) (height reference point, 'Avis' building shown through the glazed section of central balustrade/as a height reference point – proposed building much higher).



Unit 19 - 'Palisades' - level 4. Clear wide iconic view access from indoors within the living area of the unit and the balcony which is glazed. Sitting and standing. This unit has a kitchen oriented to the view. Considerable amenity afforded. Red roof sign shown centrally as the reference point/existing building form heights. Bridge icon and sails therefore potentially devastated. As well as the impact on the whole landscaped/district frame.



Views, living areas, Level 4 unit 19 (north tower/Palisades)

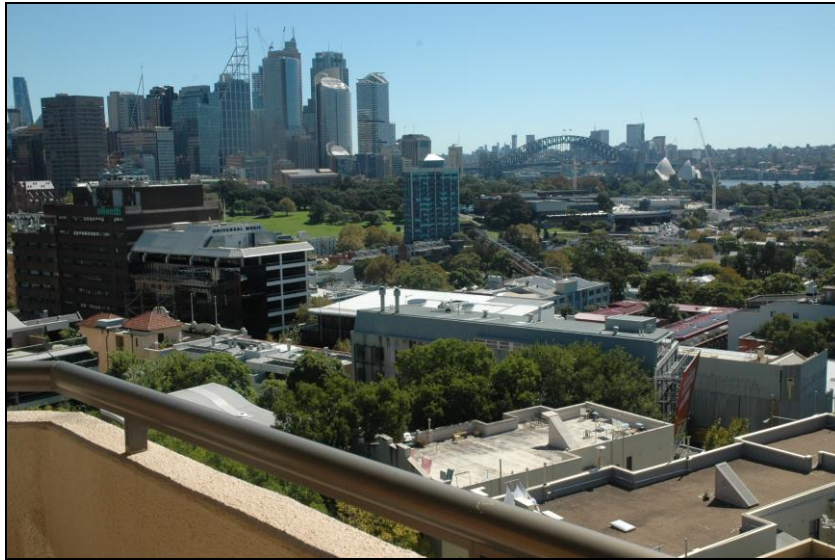


Views, living areas and balcony, Level 4 unit 19 (north tower/palisades)



Rainy day view from the balcony of Level 4, Unit 19 (Palisades)

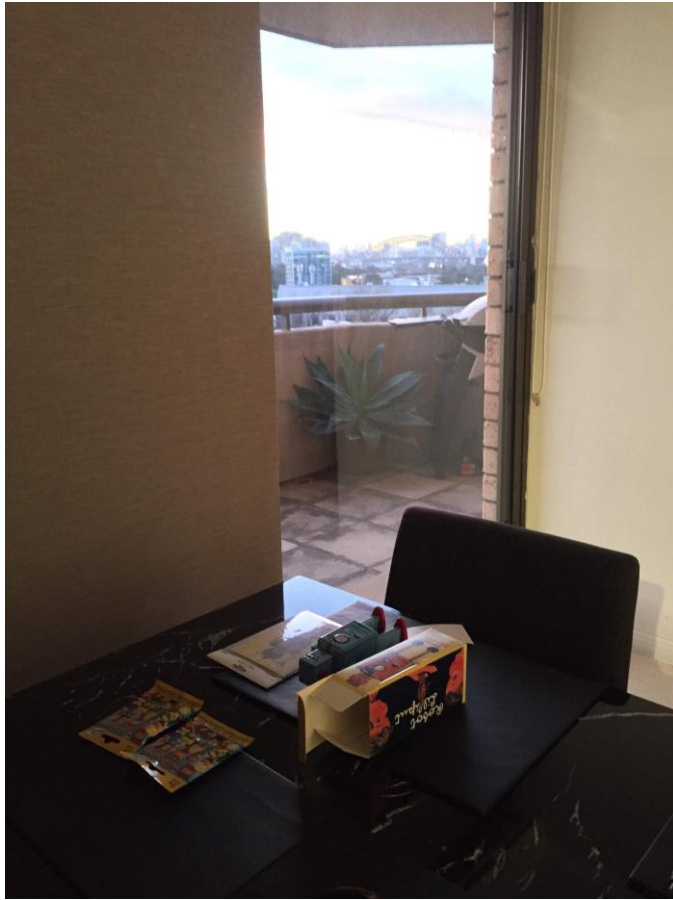
Looking across the subject site to the Bridge and foreshore which are visible in the distance even in the worst of weather. Clear built icons through cloud. This clearly shows the amenity afforded by this iconic Harbour view, to this well-designed open to view and useable key open space area, during any weather and visibility. Avis building and red sign centrally as existing height reference points.



View from balcony, Level 9, Unit 42 (Palisades) looking north west/west
Shows the 'key' logo of existing Bayswater Car Rental site as a reference point. With the drastic height increase, the framed wide view and potentially iconic and water elements to be impacted. This would obviously be devastating in terms of the beautiful current view from this home. This shows the composition of views from apartments.
This home accesses the view from the internal living room, kitchen window, bedroom and study windows/angles and the outdoor area. Sitting and standing due to the glazed sections provided as a 'window' into the balcony.



View from balcony Level 9, Unit 42 – (Palisades), showing the key logo of existing Bayswater Car Rental site as a reference point. With the drastic height increase, the framed wide view and potentially iconic and water elements to be impacted. This would obviously be devastating in terms of the beautiful current view from this home. This shows the composition of views from apartments. This home accesses the view from the internal living room, kitchen window, bedroom and study windows/angles and the outdoor area. Sitting and standing due to the glazed sections provided as a 'window' into the balcony.



Standing view, through living area across balcony, Level 4 (Palisades), Unit 17, showing the Harbour Bridge



Level 5, Unit 17, standing, balcony, Harbour Bridge, North Sydney, Opera House Sails and Woolloomooloo Wharf



Harbour, land water and iconic view from Level 5, Unit 22 balcony, Icons, land water interface (north-west corner)



View from Level 5, Unit 24 (Palisades) balcony – city icons/city scape, Harbour Bridge and Opera house. Some land and water interface (north -east corner)

E - View from Dining Room Seated



Level 6, Unit 26 (Palisades) sitting inside unit/living area, glazing and aspect designed for view, bridge and water in the background – through the glazed balcony designed to allow views from the interior living space

F - View from Balcony Standing



Level 6, Unit 26, sitting inside unit/living area, glazing and aspect designed for view, bridge and water in the background – through the glazed balcony designed to allow views from the interior living space



Level 9, Unit 41 (northern tower/Palisades), standing, living room, view through glazed windows and balconies, considerable amenity and aspect to the home



Iconic view example – internal and external living spaces – Level 4, Unit 89 - 'Kirketon Gardens', (south tower) faces the subject site. Wow factor from the entrance to the apartment. Glazed window through balcony – and thus, availability from, sitting and standing positions. 'Universal music' building roof – height reference point/left.

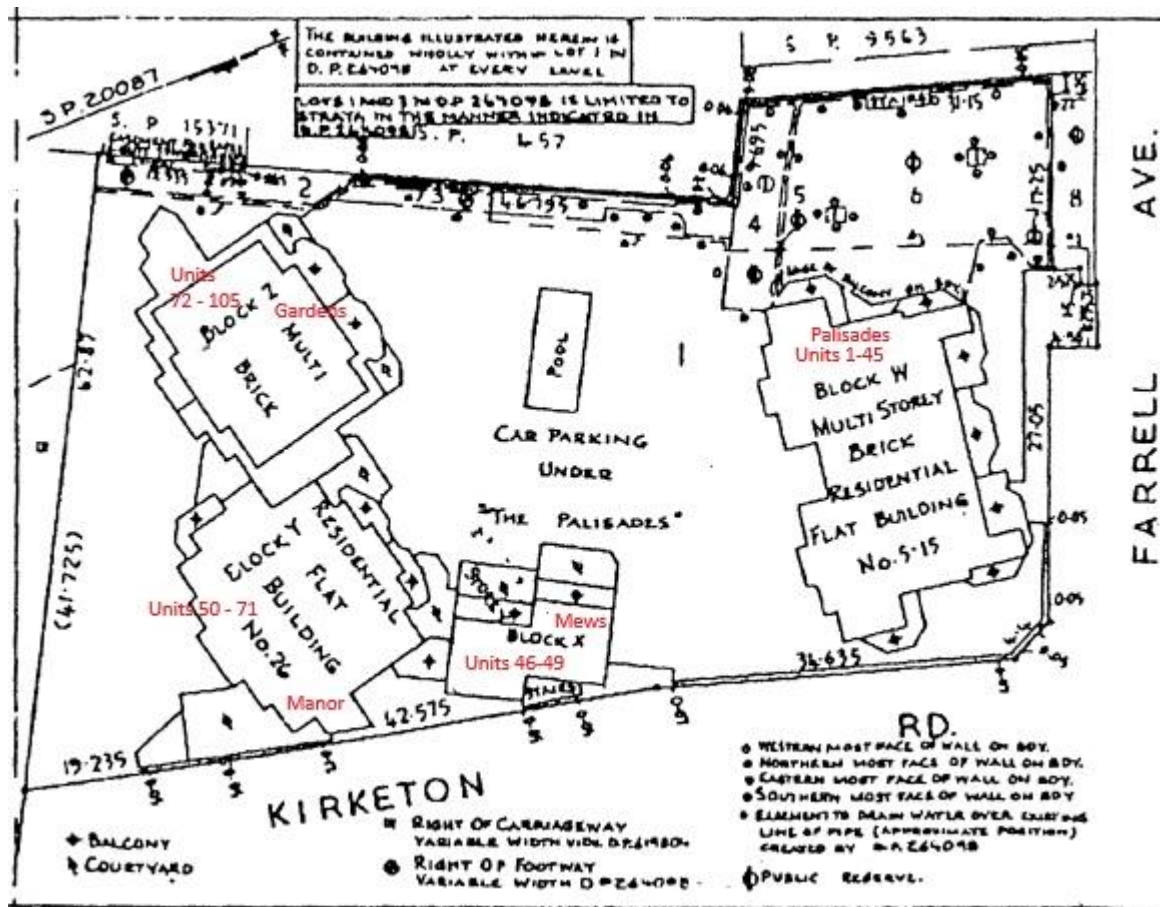
Apartment Aspects –

Western view and north west and northern view

Level 4 unit 16 and unit 17
 Level 5 unit 21 and unit 22
 Level 6 unit 26 and unit 27
 Level 7 unit 31 and unit 32
 Level 8 unit 36 and unit 37
 Level 9 unit 41 and unit 42

Middle / northern view and corner north view

Level 4 unit 18 and unit 19
 Level 5 unit 23 and unit 24
 Level 6 unit 28 and unit 29
 Level 7 unit 33 and unit 34
 Level 8 unit 38 and unit 39
 Level 9 unit 43 and unit 44



SP Map - location of apartments referenced above