

15 December 2025

Our Ref: R/2025/23  
File No: 2025/750435  
Your Ref: SSD-87245208

Nathan Stringer  
Department of Planning, Housing and Infrastructure

Via Major Projects Portal

Dear Nathan

**Advice on EIS – Mixed use development with infill affordable housing – Oxford and Verona Street, Paddington – SSD-87245208**

Thank you for your correspondence dated 1 December 2025 inviting the City of Sydney Council (the City) to comment on SSD-87245208 for the mixed-use development with infill affordable housing at 13-15 and 17 Oxford Street and 2 Verona Street, Paddington.

It is understood that the proposed development includes demolition of existing structures, retention of the two-storey masonry facade at 17 Oxford Street, construction of a seven-storey mixed use infill development (30 market dwellings and 14 affordable dwellings for 15 years), four terraces on 2 Verona Street, ground level retail, cultural and creative uses, two levels of basement car parking and ground and rooftop communal open space.

While the City is committed to supporting approvals of residential dwellings to contribute to housing stock, two major concerns mean we object to the proposal as it stands. These key concerns are:

- applying the 'Alternative' Height and Floor Space Ratio controls when they don't apply – these are specifically intended for new non-residential uses listed in LEP clause 6.60D (4)(a)(i)-(vii).
- proposed non-compliance with the City of Sydney Affordable Housing Program

By amending or conditioning the application so that the total Gross Floor Area excludes the 'alternative' floor area exclusively available for new non-residential uses (as listed in the LEP under clause 6.60 D) in the base FSR for capping the 30% housing bonus; and complying with the City of Sydney's Affordable Housing Program, the City would review its position. The key strategic concerns for the City are detailed below.

In addition, the City raises further design and technical issues regarding natural ventilation and noise management, deep soil, canopy cover, parking design and waste management in the addendum to this letter.

## **Alternative Height and Floor Space Ratio**

### Clause 6.60D of the Sydney LEP

The recently revised planning controls incentivise creative and cultural floor space for Oxford Street. Clause 6.60D of the Sydney LEP 2012 identifies the option of 'alternative' height and floor space ratio controls for the Oxford Street site (13-15 and 17 Oxford Street) where the building is used for the purposes of one of more of the non-residential cultural and creative uses listed in subclause 6.60D(4)(a) (i)-(vii).

The 'alternative' set of height and floor space ratio controls incentivise strategic land use outcomes for Oxford Street and its potential as a cultural and creative hub and Special Entertainment Precinct. A secondary consideration is to minimise conflicts between night-time economy uses and other sensitive development including residential uses.

The 'alternative' height and floor space ratio controls only apply if the proposed building will deliver new cultural and creative uses and be used wholly for those identified non-residential uses. <https://legislation.nsw.gov.au/view/html/inforce/current/epi-2012-0628#sec.6.60D>

By way of contrast, the current proposal which predominantly includes residential uses, does not comply with the requirements of clause 6.60D (4)(a) of the Sydney LEP 2012 and is therefore not eligible for the uplift outlined in the 'alternative' height and floor space ratio controls. The proposal therefore significantly exceeds the floor space ratio and height controls for the Oxford Street site to which the 30% infill bonus is applied.

### Cultural and creative purpose

Notwithstanding the above, the City notes that a cultural and creative purpose is defined within the clause 6.60D (11) of the Sydney LEP 2012 as:

*“a purpose involving live entertainment, music, performing arts, film or television, media, advertising, fine arts and craft, photography, publishing, fashion, industrial or graphic design, and includes museums or archives related to a cultural or creative purpose”.*

Leaving aside the continuing cinema use, the proposed retail located at the ground floor level does not constitute cultural and creative purposes and the proposal does not achieve the stated quantum of cultural and creative uses.

## **Affordable Housing**

During the second reading debate on 15 October 2025 on the Planning System Reform Bill 2025, Minister Scully stated in Hansard:

*“When a council has adopted an affordable housing contribution scheme, that policy should still be applied. Where no such policy exists, or where the contribution rate is minimal, the criteria can revert to affordable housing rates set out in the State housing SEPP.”*

The Affordable Housing component should meet the minimum requirements set out in the City of Sydney Affordable Housing Program, referenced in the Sydney LEP 2012, which specifies a DA contribution to the City of Sydney which can be built or monetary contribution. This funds affordable housing in perpetuity.

We are also concerned that the affordable housing apartments would have the poorest amenity of the proposed development. Most of these apartments are noise-affected, without natural cross ventilation or access to open balconies and 35% have no or limited access to direct sunlight.

The City recommends that at least 70% of the affordable housing units should achieve the level of solar access expected by Objective 4A-1 of the ADG, with no more than 15% achieving no sun. It is recommended that the amenity of the proposal is equitably distributed across market and the housing units.

As it stands, it is also unclear from the gross floor area (GFA) plans whether the proposal achieves the stated 12.5% of affordable housing floor space. Many balconies are included in the Affordable Housing GFA calculation, and it has not been demonstrated that these balconies all constitute GFA. The Department must be satisfied that there is adequate provision of infill affordable housing to warrant the increased FSR and height proposed, as required by the Housing SEPP.

We are also concerned that the Affordable Housing will be rented out at a discount to the market rate, rather than as a percentage of household income required by the City's Program. In an inner-city suburb like Paddington, a discount to market rent, is unlikely to equal affordable rental housing.

The City request the opportunity to provide recommended conditions of consent, should the application be determined.

Should you wish to speak with a Council officer about the above, please contact Julia Errington, Senior Planner, on 9288 5984 or at [jerrington@cityofsydney.nsw.gov.au](mailto:jerrington@cityofsydney.nsw.gov.au).

Yours sincerely



**Graham Jahn** AM LFRAIA Hon FPIA  
**Chief Planner / Executive Director**  
City Planning | Development | Transport

## **ADDENDUM – FURTHER MATTERS FOR CONSIDERATION:**

### **1. Natural Ventilation and Noise Amenity**

The acoustic report establishes that the Oxford Street facade and building corner are significantly noise affected. The report confirms that many apartments will exceed internal noise limits in windows open scenarios.

The requirement for all noise affected living spaces and bedrooms to have a passive means of natural ventilation in accordance with ADG Objective 4B-1 has not been addressed by the design.

Instead, the acoustic report recommends laminated glass, and windows closed to meet traffic noise. Air conditioning is proposed to address ventilation which is not sufficient to provide adequate amenity, including natural ventilation and cross ventilation for residents.

The design of the building should be amended to enable residents to achieve noise mitigation whilst still receiving adequate fresh-air supply. This could include changes to materiality, design amendments or the inclusion of plenums to primary noise affected elevations. This is particularly important for the proposed single aspect noise affected apartments.

### **2. Natural Cross Ventilation**

Proposed terraces A, B, C and D are incorrectly identified as being naturally cross-ventilated in accordance with Objective 4B-3 of the ADG. It has not been demonstrated how natural cross ventilation occurs from one operable window to another within these dwellings. In addition, many apartments within the development exceed the maximum cross-through depth of 18m from glass line to glass line including apartments 2.02, 2.03, 3.02, 3.03, 4.02, 4.03, 5.02, and 5.03.

This prevents the proposed development from achieving at least 60% of the apartments being naturally cross-ventilated, particularly as many apartments fronting Oxford Street are noise affected.

Natural cross ventilation is clearly defined in the glossary of the ADG. At a minimum, openings must be provided on both the windward and leeward sides of the building to achieve the air pressure differential necessary for natural cross ventilation. The cross through depth from each glass line should not exceed 18m.

The proposed development should be amended to be consistent with Objective 4B-3 of the ADG. Operability of doors and windows is to be depicted on the elevations to demonstrate ADG cross ventilation compliance.

### **3. Verona Terraces**

Consideration should be given to consolidating and reconfiguring the proposed terraces (accessed from Verona Street) to address the below setback and design issues:

#### **5.1 South-western boundary setback**

The proposed 1.7m setback from the south-western boundary (adjoining 4 Verona Street) does not provide appropriate privacy and amenity for the subject site and

adjoining development and does not comply with Objective 2F and 3F-1 of the ADG.

The City considers that a minimum 3m setback for non-habitable rooms at this interface is required to ensure separation distances are shared equitably between the neighbouring site and to not fetter future development on 4 Verona Street.

### 5.2 Terrace amenity

The following poor design outcomes are required to be resolved:

- i. There is no outlook provided from Terrace C which looks directly to the raised access corridor and the blank wall of the proposed apartments to the north-east;
- ii. The proposed rooftop terrace open spaces include no planting and no shade, offering residents poor amenity and limited usage in summer months;
- iii. Proposed ground level landscape areas to Terraces A – D will receive very little sun and will likely fail;
- iv. There are privacy impacts from Verona Street to the floor to ceiling windows in Terrace D;
- v. The narrow walkway from Verona Street and entry alcoves provide areas of entrapment along the laneway.

### **4. Overshadowing**

Amendments to the design and additional information is required to ensure compliance with Objective 3B-2 of the ADG regarding overshadowing. The following non-compliances are noted:

- i. No. 18 Napier Street does not currently receive compliant solar access to the rear private open space (POS). The proposal removes all sun from between 9am -10.30am at mid-winter.
- ii. Apartments 1E and 2E at 4 Verona Street currently receive some sun between 9am and 9.30am. The proposal overshadows these apartments so no sun is received at mid-winter. Small changes to the rooftop design could retain the existing solar access.
- iii. No. 15 Rose Terrace is not able to be assessed as the drawings cut off this dwelling at some times of the day and no POS areas are depicted for these terraces on the plans.

### **5. Materiality**

Insufficient detail is provided to confirm if the proposed materials and finishes satisfy Clause 6.21C (2)(a) of Sydney LEP 2012. In considering whether development exhibits design excellence, the consent authority must have regard to whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved. This is not possible given the brevity of the information provided.

The plans include no details of the proposed brickwork (which will significantly determine the appearance of the building); no colours of any of the elements provided, including the "coloured concrete"; no commitment that glass balustrades will be clear. The City

notes that shopfronts must have clear glazing, and the apartments are also to be demonstrated to have glazing with a VLT of greater than 60%.

Further detailed information is required to ensure that the materials and finishes images provided are delivered in the final scheme.

## **6. Other Design Considerations**

### **6.1 Building separation to 14 – 20 Rose Terrace**

The proposed setback of the Oxford Street building to the western boundary (adjoining the Rose Terraces) does not achieve 12m building separation as required by Objective 3F-1 and 2F of the ADG. Increasing this setback would assist in reducing the apartment depths to comply with maximum depths for cross ventilation in Objective 4B-3 as raised above.

### **6.2 Easement for support**

The Department must be satisfied that the proposed design of the development complies with the terms of easement T207907 (at the boundary of Rose Terrace) which is noted on the common property title with SP22113.

## **7. Communal Open Space**

The proposal does not provide direct and equitable access to communal open space areas for all apartments and residents in accordance with Objective 3D-1 of the ADG and instead prioritises a private roof terrace.

Apartments which are serviced by Lift 2 on the southeastern side of the development cannot easily access the rooftop communal open space. These residents are required to exit the building or travel via the basement to reach this shared amenity. Further, the proposed use of a platform lift to the communal rooftop does not provide dignified equitable access for all residents and platform lifts are prone to maintenance issues.

The proposal should be amended to provide passenger lift access to the communal rooftop space from both Lift 1 and Lift 2 to ensure direct and equitable access to the communal open space is provided for all residents.

It should also be clarified whether the ground level open space is proposed for the exclusive use of residents or if this area is publicly accessible.

## **8. Landscape Design and Tree Management**

### **8.1 Deep Soil**

The proposed deep soil zone is encumbered by structures such as retaining walls, footings and bench seating. The actual deep soil area provided by the development (approximately 5% of the site area) is significantly less than that currently stated.

Clause 19(2)(c) of the Housing SEPP imposes a non-discretionary development standard requiring a deep soil zone of at least 15% of the site area, with a minimum dimension of 3m. Design guidance in Objective 3E-1 of the ADG also states that 15% deep soil should be provided on sites greater than 1,500sqm.

The proposed development should be amended to improve the proposed deep soil areas, with a focus on improving the width of any areas to at least 3m and unimpeded both above and below ground.

### 8.2 Landscaping Maintenance

Many areas of proposed landscaping on structure do not appear viable due to their dimensions and location. Planting areas less than 300mm in width are not sufficient for plants to establish and should be revised. The design and maintenance access for areas of landscaping on structure should be reviewed to ensure safe access can be provided.

Drawings should indicate the location of irrigation controllers, pumps, and tanks to confirm adequate spatial allowance.

### 8.3 Tree Canopy Cover

The tree canopy analysis relies on several Palms or Cycads which do not meet the City's criteria of a tree at their most mature dimensions. Palm trees, fruit trees or short-lived species are not a suitable species selection to provide the required canopy coverage. Canopy trees are to be selected to provide the required 15% canopy coverage.

There is insufficient space within the deep soil area to provide the required 15% canopy coverage and planting on structure should be considered. Any proposed planting on structure should meet the minimum requirements of soil volume as outlined in City of Sydney Landscape Code Volume 2.

### 8.4 Arboricultural Impact Assessment (AIA) Report

The submitted Arboricultural Impact Assessment (AIA) Report does not sufficiently assess impacts from demolition, excavation and public domain upgrades to the existing street tree root systems.

An amended AIA is required to assess the impact of the proposed works on the street trees and outline tree protection measures. The AIA should be prepared by a qualified Arborist with a minimum Australian Qualification Framework (AQF) of Level 5 in Arboriculture, be written in accordance with the Australian Standard AS 4970 2025 Protection of Trees on Development Sites (AS4970) and include the following:

- i. Encroachment levels are to be assessed and provided where a Major Encroachment has been determined for any tree, root investigation may be required to be undertaken to determine if the tree will remain viable.
- ii. Recommendations of any design modifications, construction techniques and/or other protection methods required to minimise adverse impact on trees that should be retained during the demolition and construction works, and into the long term.
- iii. Information on the Arborist's involvement during the works is required.
- iv. Details of the tree protection measures in accordance with AS 4970 2025 Protection of trees on development site. This is to include a Tree Protection Specifications (TPS) and Tree Protection Plan (TPP) which includes the following:

- a. specify the measures that trees will be protected and managed during development works;
- b. any prohibitions required due to lack of detail or documentation; and
- c. document critical stages.
- d. The TPP, including a scale or dimensions, is to show:
  - i. TPZs for trees being retained
  - ii. the location of specified tree protection devices
  - iii. Any other works that must be prohibited throughout construction on site.
  - iv. Photos of all trees are to be included within the report
- v. An amended 'Pruning Specification Plan' is required to be included within the AIA report. The Pruning Specification Plan' should include as a minimum:
  - a. Discussion of viability of staged pruning to reduce impact to tree with updated pruning specification, if required for each stage
  - b. The number of branches and orientation to be pruned.
  - c. Details of the diameter of each branch to be pruned.
  - d. Percentage of canopy to be removed.
  - e. It is to include photographs that clearly show the individual branches to be pruned.
  - f. The pruning must be specified in accordance with the Australian Standards AS4373 'Pruning of Amenity Trees'

## **9. Heritage – Busby's Bore**

To ensure that no damage occurs to Busby's Bore (State Heritage Register 00568), it is crucial that the recommendations in the Historical Archaeological Assessment (HAA) Report, prepared by Urbis, dated 19 November 2025 and addendum letter are implemented. The HAA report should be endorsed by Heritage NSW prior to the commencement of any works with the archaeological program to be implemented during removal of foundations or slabs and during all ground disturbing excavation within Zones 1, 2 and 3.

## **10. Stormwater Management**

### **10.1 Stormwater drainage**

The City's records indicate that the existing pit in Verona Street discharges via a kerb outlet to Oxford Street. The proposed connection to the existing pit is unsuitable as the pit is very shallow (approximately 300mm) and installing a new pipe across the laneway would not provide sufficient cover.

A revised design must consider alternative solutions, such as:

- Connecting to a fully underground drainage system further downstream, or
- Providing additional detention to limit discharge to the kerb to a maximum of 25 L/s.

If the revised design proposes a kerb outlet with a flow rate below 25 L/s, the discharge should be directed to the Oxford Street kerb, bypassing the existing pit in the laneway entirely. A development control pit may be located closer to the discharge point, within

the property but outside the proposed enclosed retail area. The design must demonstrate:

- Gravity discharge from the OSD to the new discharge point;
- A controlled/piped emergency overflow;
- Permissible site discharge to kerb will be limited to 25 L/s for storms up to and including the 20yr ARI;
- Dry-weather flow is not permitted through kerb outlets and these discharge systems are subject to timed pumping between the hours of midnight and 4am,

A longitudinal section must include:

- Existing surface levels
- Proposed invert levels and distances
- Pipe size and slope (%)
- Hydraulic Grade Line (HGL) for the 5% and 1% AEP, including the critical storm event

Additionally, updated DRAINS modelling must be provided to reflect the amended design and incorporate a climate change factor in accordance with Bureau of Meteorology guidance.

### 10.2 Stormwater Quality

The proposed stormwater quality assessment must be supported by MUSIC Link report, which must include contact details (Name, phone number and email), and any failing parameters shall be explained.

## **11. Public Domain**

### 11.1 Levels

If the On-site Detention location is revised to be under the driveway, it must be shown in the longitudinal sections to confirm adequate cover.

Sections through the centre of each entry must be included in the longitudinal section along the boundary and must incorporate the required cross slope for the footpath (1%–2.5%), as specified in the City's Public Domain Manual.

### 11.2 Paving materials

Paving of the public domain is to be concrete unit paving, instead of bluestone paving proposed, in accordance with the City's Street Design Code.

## **12. Parking and Traffic**

### 12.1 Car parking

The proposed 50 residential parking spaces for the development exceeds the maximum 38 residential car parking spaces permitted under clause 7.5(1)(b) of the Sydney LEP 2012 and is contrary to clause 7.3 of the Sydney LEP 2012.

In this instance, the Sydney LEP 2012 parking rates are not more onerous than those set out in clause 19 of the Housing SEPP and therefore prevail.

The development must be amended to comply with the car parking maximums set out in the Sydney LEP 2012. A car share space should also be provided. This is to achieve the aim of Sydney LEP 2012 to encourage active and alternative transport modes and to encourage sustainable development.

### 12.2 Vehicle access and car park design

The following amendments are required to the proposed vehicle access and car park design:

- i. The waiting bay is to be wholly located within the site's boundaries as cars are not permitted to queue across the footpath.
- ii. The proposed 8m wide driveway is to be reduced to a maximum of 6m in width to comply with the City's Technical Standards 2.6.8.
- iii. Confirmation of the access control method for the car park/ loading dock (location of roller shutter, intercoms etc.) is required.
- iv. Further details around how the single lane ramp signal system operates must be provided. Entry movements must be prioritised over exit movements and waiting bays should be shown for vehicles while the ramp is in use.
- v. Compliance with AS2890 series is required. Currently there is a column located in the accessible shared bay in Basement 1 and the bicycle parking area in Basement 2 which should be reconsidered.
- vi. It must be confirmed that the basement ramp gradients comply with AS2890.1 based on the gradients measured along the inner radius of the ramp.
- vii. The additional 6.5m by 2.8m loading bay is not sufficient to accommodate an MRV and should be updated as a courier bay on the plans.

### 12.3 Resident/ staff bicycle parking

The bicycle parking area on Basement 2 appears undersized to accommodate the proposed 62 bicycles. Bicycle parking manufacturers specifications should be provided to confirm compliance with AS2890.3, including height clearance if a dual height product is provided. End of Trip facilities for staff of the should also be provided within the development.

### 12.4 Visitor bicycle parking

The single rail outside the site frontage on Oxford Street is not sufficient to accommodate visitor bicycle parking demand. Visitor bicycle parking is to be accommodated on site and is not to be located in the public domain.

## **13. Waste Management**

### 13.1 Loading dock/ turntable design

The proposed turntable clearance diameter of 11 metres is not sufficient to accommodate the City's 10.6m long waste truck. The clearance diameter of the turntable should be increased to provide a minimum of 1m clearance from the edge of

the turntable and a 2m unobstructed clearance at the rear to permit bulk bin collection. The area is also required to accommodate a turntable controller.

The following further information is required:

- i. The turntable manufacturers specifications are required to confirm compliance with AS2890.2 using the 10.6m long waste truck as the design vehicle.
- ii. A cross section of the driveway crossing and loading dock with all overhead services overlaid is also required to confirm a minimum 4m clear vertical height.
- iii. Confirmation that the proposed turntable meets the 30-tonne capacity structural rating.

### 15.2 Waste collection

The City recommends that the Waste Management Plan and architectural plans are updated to clarify the below waste collection arrangement issues:

- i. Confirmation of how access will be provided to Council waste collection service providers (e.g via intercom, key, or remote).
- ii. Clarification of how bins will be transferred from Terraces A - D to the communal waste room located on the ground level (path of travel).
- iii. The waste management plan states that a bin lifter is required to transfer waste from the smaller chute bins to the larger 1100 litre collection bins. Floor plans demonstrating that there is space for the required bin lifter to operate and space to move bins from recycling/ bulky waste room to the rear of the vehicle are required.
- iv. Chute rooms on each floor should include space for 120L food scrap bin space. Safe access to the FOGO storage area should also be provided.
- v. Chute discharge rooms are required to be shown on the ground floor/ basement. Adequate space is to be provided for bins, clearances and linear track system/s to automatically rotate the bins. Information on how the bins will be moved from the chute discharge room to the waste collection room is required.
- vi. Proposed waste chutes must be vertical without bends or offsets. The architectural design should allow for straight, vertical drop for all chutes from the top floor to the basement discharge room without any bends.
- vii. The bulky waste room is required to be relocated so that overflows in the bulky room storage does not obstruct the access corridor for bins, inhibiting scheduled collections.
- viii. Recalculation of the required number of commercial bins is required based on 3 times a week pickup in accordance with City waste guidelines.