

16 March 2026

C/o Victor Casasanta
Department of Planning, Housing and Infrastructure
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Dear Mr Casasanta,

Application Number SSD-97528708

Proposal Mixed used development with in-fill affordable housing

Location 13 Gipps Street, 6 Shadforth Street and 142-148, 160 Oxford Street, Paddington

Thank you for your email dated 03 March 2026, inviting Woollahra Council to provide advice on the abovementioned State Significant Development Application (SSDA).

It is understood that the SSDA involves a mixed use development with in-fill affordable housing (the proposal) at 13 Gipps Street, 6 Shadforth Street and 142-148, 160 Oxford Street, Paddington (the site) comprising of:

- Demolition of existing structures at 6 Shadforth Street and 142-148, 160 Oxford Street, Paddington, and the demolition of the garage at 13 Gipps Street, Paddington.
- Construction of a 8-9-storey residential flat building comprising 40 residential apartments, including 10 affordable housing apartments.
- Ground floor shops amounting to approximately 167m² of GFA.
- Four levels of basement for 83 car parking spaces, 8 motorbike spaces, and 51 bicycle spaces.
- Associated earthworks and landscaping.

Council understands that a fundamental policy objective of the NSW government is to deliver more housing across Sydney, in well located areas to create vibrant and walkable communities.

The proposal seeks to utilise the Infill Affordable Housing and the Low and Mid Rise (LMR) provisions of the State Environmental Planning Policy (Housing) 2021 (the Housing SEPP 2021).

Council staff have reviewed the Environmental Impact Statement (EIS) and advise that:

- The proposal undermines strategic objectives of the NSW Government by failing to demonstrate that:
 - the proposal would not result in a net loss of affordable dwellings, and
 - the proposed affordable housing provision will be affordable for eligible households.

- Contrary to Clause 5.10 of the WLEP, the proposal fails to conserve the environmental heritage of Woollahra, by failing to conserve the heritage significance of the Paddington Heritage Conservation Area (Paddington HCA).
- The proposed development comprises a residential apartment building of a height, bulk and scale that does not respond to the existing context or desired future character of the area. The proposed development would introduce a dominant built form as seen from the neighbouring residential development and narrow streets in the locality. The Oxford Street façade fails to provide adequate articulation or moderate the bulk and scale.
- The proposal provides excessive car parking provision for this accessible location, which fails to ensure sustainable transport outcomes, minimise adverse impacts to the road network, and reduce excavation.
- Council’s Traffic & Transport Engineers raise serious concerns on the adverse traffic impact of the development as it is envisaged to exacerbate the traffic conditions on the surrounding road network.
- It is Council staff’s position that the SSD should be refused for the reasons set out in this submission.
- However, if the Department of Planning, Housing and Infrastructure (DPHI) concludes that this development should be supported, amendments are required to lessen the adverse impacts to the Paddington HCA, streetscape, neighbouring properties, and road network. Recommended amendments are set out in section 35 of this submission

Detailed advice is provided under the headings contained in the following table:

Section	Advice heading	Page No.
1	Conditions (without prejudice)	4
2	Loss of Affordable Housing	4
3	Provision of Housing	5
4	State Environmental Planning Policy (Housing) 2021 (Housing SEPP)	5
5	Land Use	6
6	Zone Interface	6
7	Desired Future Character	8
8	Calculation of Height	10
9	Height	10
10	Floor Space Ratio (FSR)	12
11	Number of Storeys	13
12	Heritage	14
13	Urban Design Review	16
14	Acoustic Impacts	25
15	Proposed Affordable Housing	25
16	Earthworks	27
17	Overshadowing	28
18	Pedestrian Access to Bethel Lane	28
19	Privacy	28
20	Views	29
21	Wind Assessment	29
22	Services and Plant	29
23	Contamination	29
24	Trees and Landscaping	29

25	Parking provision	33
26	Traffic generation	34
27	Vehicular access	35
28	Service Vehicles	36
29	Construction Traffic Management	36
30	Flood	37
31	Stormwater and On-site stormwater detention (OSD)	37
32	Council and Public Infrastructure	38
33	Waste	38
34	Consideration of Late Submissions	38
35	Design Amendments	38
36	Request for Further Information	40

1) Conditions

In the event the proposal is approved, it is recommended that the conditions of consent provided, without prejudice to Council's advice, at Annexure 1 are included as part of any development consent.

The conditions have been prepared in the limited time provided and should not be considered as a full and complete set of conditions.

2) Loss of Affordable Housing

It is requested that the DPHI considers whether the proposal would result in an overall reduction in affordable housing within the site.

The definition for affordable housing under s1.4 of the Environmental Planning and Assessment Act (EP&A Act) is 'housing for very low income households, low income households or moderate income households, being such households as are prescribed by the regulations or as are provided for in an environmental planning instrument'.

Under s13 of the Housing SEPP, a household is taken to be a very low income household, low income household or moderate income household if—

(a) the household—

(i) has a gross income within the following ranges of percentages of the median household income for Greater Sydney or the Rest of NSW—

- (A) very low income household—less than 50%,
- (B) low income household—50–less than 80%,
- (C) moderate income household—80–120%, and

(ii) pays no more than 30% of the gross income in rent

No. 160 Oxford Street comprises of 27 studio apartments. It is acknowledged that the property is strata subdivided and therefore Chapter 2, Part 3 (Retention of existing affordable housing) of the Housing SEPP does not apply.

However, whilst No. 160 Oxford Street is strata subdivided, the 27 studio apartments appear to be held under a single ownership and are therefore likely rented. This is

supported by a review of available online rental data, which indicates that the weekly rent for a number of the studios has ranged from \$395 to \$525 over the past three years.

Based on the median household income for Greater Sydney, the studio apartments could be rented by a number of low income or moderate income households without paying more than 30% of their gross income in rent. The studios are therefore considered to fall within the definition of affordable housing.

The EIS fails to consider the loss of any existing affordable housing within the site, and is not accompanied by a Social Impact Assessment.

The SSDA proposes the demolition of the 27 studio apartments and proposes only 10 dwellings to be retained as affordable housing for a period of 15 years. The proposal is considered to undermine objective 1.3(b) of the EP&A Act by failing to promote the supply, delivery and maintenance of affordable housing.

3) Provision of Housing

The proposal represents a significant uplift on the site and increases the existing built form from 1-3 storeys to 8-9 storeys but only provides an additional 8 dwellings (an increase from 32 existing dwellings to 40 proposed dwellings). This is because the SSD removes the existing diverse housing mix on site and replaces it primarily with oversized 3-bedroom apartments (the four upper levels of the building comprise of 16 x 3-bedroom apartments that are double the apartment size required under the ADG).

4) State Environmental Planning Policy (Housing) 2021 (Housing SEPP)

With regards to the affordable housing provisions, section 20(3) states that 'development consent must not be granted to development under this division unless the consent authority has considered whether the design of the residential development is compatible with—

- (a) the desirable elements of the character of the local area, or
- (b) for precincts undergoing transition—the desired future character of the precinct'.

It is understood that the affordable housing bonus should not be treated as an entitlement and is subject to a merit assessment.

The subject site is located within the Paddington Heritage Conservation Area and proposal, in its current form is considered inconsistent with both the character of the local area and the desired future character of the precinct as discussed in the following sections of this submission.

Section 147(1) states that 'Development consent must not be granted to residential apartment development, and a development consent for residential apartment development must not be modified, unless the consent authority has considered the following—

- (a) the quality of the design of the development, evaluated in accordance with the design principles for residential apartment development set out in Schedule 9,
- (b) the Apartment Design Guide'

The proposal, in its current form, undermines the aims of Chapter 4 (design of residential apartment development) of the Housing SEPP as it 10. The proposed

development does not satisfactorily respond to design Principles 1, 2 and 6, in Schedule 9, and fails to meet the setback requirements and objectives of the ADG. This is discussed in greater detail in section 13 of this submission.

5) Land Use

Section 2.3(2) of the Woollahra Local Environmental Plan 2014 (WLEP) states that the consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.

Whilst the proposal provides additional housing and retail units, the height and scale of the development fails to achieve the desired future character of the neighbourhood, which is contrary to the fourth objective of the R3 Medium Density Residential zone as set out under the WLEP.

This issue is discussed further in the following sections of this submission.

6) Zone Interface

The site is located at two zone interfaces. Whilst the site is zoned R3 Medium Density Residential, the land to the north is zoned R2 Low Density Residential and the land to the east is zoned MU1 Mixed Use. A maximum height standard of 9.5m applies to development within the R2 zone (even where the LMR provisions apply) and a 10.5m height limit applies to the MU1 zone, therefore development within the adjoining lower density residential zone and mixed use zone is envisaged to be a maximum height of 3 storeys.

The NSW Land and Environment Court planning principle contained within *Seaside Property Developments Pty Ltd v Wyong Shire Council* [2004] NSWLEC 117 addresses development at a zone interface and states:

As a matter of principle, at a zone interface as exists here, any development proposal in one zone needs to recognise and take into account the form of existing development and/or development likely to occur in an adjoining different zone. In this case residents living in the 2(b) zone must accept that a higher density and larger scale residential development can happen in the adjoining 2(c) or 2(d) zones and whilst impacts must be within reason they can nevertheless occur. Such impacts may well be greater than might be the case if adjacent development were in and complied with the requirements of the same zone. Conversely any development of this site must take into account its relationship to the 2(b) zoned lands to the east, south-east, south and south-west and the likely future character of those lands must be taken into account. Also in considering the likely future character of development on the other side of the interface it may be that the development of sites such as this may not be able to achieve the full potential otherwise indicated by applicable development standards and the like.

Whilst the SSDA documentation describes the proposal as 8 storeys, the proposed building presents as predominantly 9 storeys to the properties fronting Gipps Street which are located in the adjoining low density residential area and comprise of 1-3 storeys buildings.

The Visual Impact Assessment (VIA) fails to provide a viewpoint of the proposal from Gipps Street to the north and instead provides more oblique viewpoints of the site. It is

requested that the applicant provides a viewpoint from Gipps Street at the centre point of the proposed building.

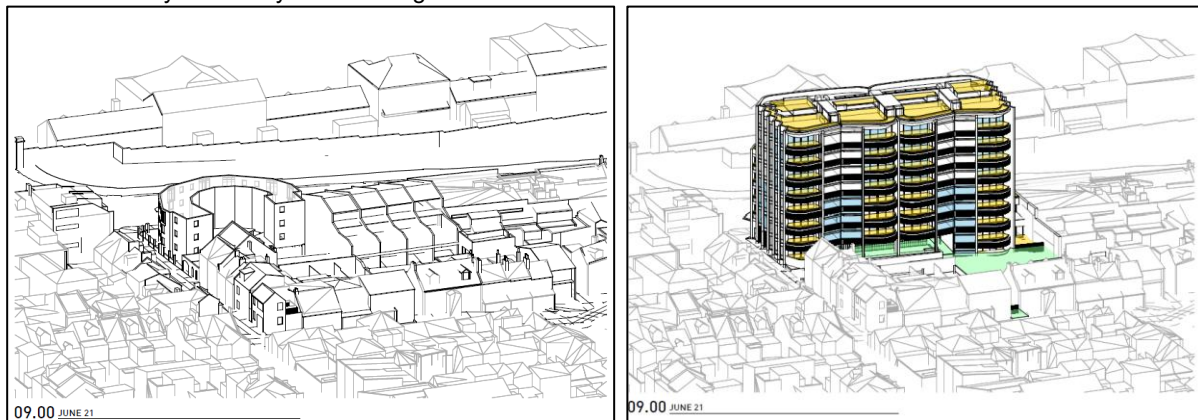
Notwithstanding the above, the VIA identifies that the visual impact at viewpoint 5 (from Shadforth Street within the R2 Zone) is dominant, and the visual impact at all other viewpoints from within the R2 Zone are assessed as considerable. It is considered that from less oblique viewpoints within the R2 Zone the visual impact would be dominant and severe.

Whilst the VIA considers the context and urban form in relation Oxford Street it fails to consider the impact to the lower density residential zone immediately to the north of the site.

In relation to the scale of the development, the VIA states ‘when viewed from the north, visual prominence is softened due to the modulated approach to the proposed northern façade, including strong horizontal building elements and muted sandstone material palette, which is visually consistent with the character of the surrounding built environment’.

It is clear from the 3D images of the existing context and proposal below (Figure 1) that the proposed 8-9 storey form is not visually consistent with the character of the lower density residential zone and fails to reflect the key desired character attributes of the Paddington Heritage Conservation Area, which includes a low scale cohesive character.

Figure 1: 3D visuals of the existing (left) and proposed (right) built form viewed from the north east
Source: Sun eye views by Smart Design Studios



Given that the adjoining R2 zone permits a maximum height of 3 storeys under the LMR provisions it is not agreed that the proposal is contextually appropriate at the zone interface, particularly as the impact will not diminish over time given the heritage significance of the Paddington HCA.

The Planning Principle identifies that development of sites at a zone interface may not be able to achieve the full potential otherwise indicated by applicable development standards and the like. As discussed below, the proposal exceeds both the height and FSR standards and results in significant non-compliances with the ADG setback requirements. The proposal indicates a 9m ADG setback which is breached by a few of the north facing balconies. However, the proposal fails to recognise that the ADG requires the building separation distances to be increased by 3m where there is a change in zone to a lower density area (refer to Figure 3F.5 within the ADG). This

equates to a 12m setback for levels 5-8 and a 15m setback for the 9-storey section of the building.

7) Desired Future Character

The site is located within the Paddington Heritage Conservation Area (Paddington HCA), which primarily comprises of low scale, high-density built form with a diversity of building types including terrace housing, cottages, dwellinghouses, commercial buildings, interwar flat buildings and pubs. Most of the buildings range in height from one to three storeys, which provides a human scale. The 8-9 storey development would appear out of character with the existing context.

The existing context is unlikely to significantly change under the LMR provisions as:

- The LMR provisions, which permit a 28.6m height limit at the subject site, only apply to one other R3 Medium Density Residential Zone site (126-140 Oxford Street) within the immediate vicinity.
- The remainder of the surrounding sites are zoned MU1 Mixed Use Zone and a R2 Low Density Residential Zone where typically a 9.5m height standard applies. Limiting development to a maximum of three storeys.
- The LMR provisions do not apply to the Royal Hospital for Women group Heritage Item 1244, which is located a couple of blocks to the west of the site and comprises of a large number of properties (188 Oxford Street, 1–3 Brodie Street, 1–53 Flinton Street, 62–74 Gipps Street and 16–22 Young Street).
- The LMR provisions do not apply to the Victoria Barracks a 15 hectare Heritage site opposite the site on the southern side of Oxford Street, which is zoned SP1 Defence. Whilst the sale of Victoria barracks has recently been announced there is no certainty in relation to the redevelopment of the site, which holds heritage significance at local, state and national levels.
- Most buildings (all buildings except intrusive buildings) within the Paddington HCA are contributory buildings and their demolition would be contrary to s5.10 of the WLEP.

The applicable zoning, height and heritage provisions are depicted in figures 2-4 below.

Figure 2: Annotated extract from the WLEP 2014 Land Zoning Map
Source: GIS Maps with Council Staff annotations

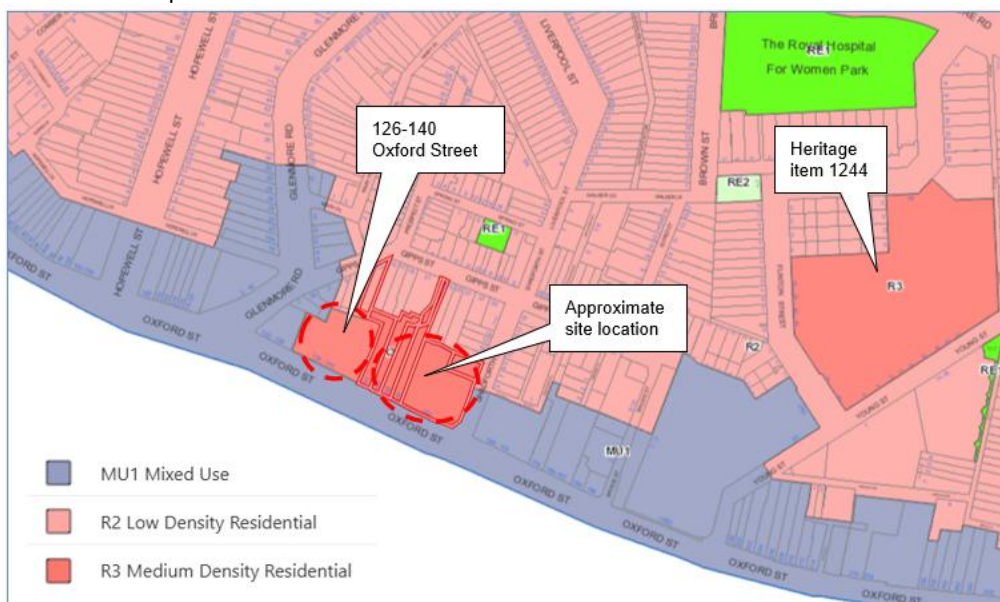


Figure 3: Annotated extract from the WLEP 2014 Height of Buildings Map
Source: GIS Maps with Council Staff annotations



Figure 4: Annotated extract from the WLEP 2014 Heritage Map
Source: GIS Maps with Council Staff annotations



The Architectural Design Report states the predominant character of Paddington is low-rise Victorian-era terraces, houses and smaller apartment blocks, but identifies the area has a number of taller buildings. However:

- none of these taller buildings are within the immediate area of the site.
- unlike the subject proposal many of the taller buildings either form slender towers or are part of much larger development sites/campuses (such as the Former Hospital for Women site, which has an appropriate transition in scale to any adjacent lower density zones).

The proposal will undermine the cohesive low scale character of the Paddington HCA. The 8-9 storey building will dominate the skyline, overwhelm the surrounding properties, and result in a loss of amenity. Given the surrounding sites are primarily zoned MU1 and R2 and located within the Paddington HCA, the height of surrounding buildings will remain at a height of one to three storeys, with the 8-9 storey development appearing as an incongruous element within the streetscape and heritage conservation area.

8) Calculation of Height

The architectural plans were accompanied by a Height Plane Extrapolation Diagram, which shows that a height plane has been calculated for the site based on a limited number of reduced levels taken at the boundaries of the site. This method for calculating the height is contrary to the definitions for 'building height' and 'ground level (existing)' contained within the WLEP 2014.

Extrapolating a height plane has been accepted by the NSW LEC court in cases to apply the definitions contained in the LEPs in circumstances where the existing ground level is not known (i.e. because the entire site is covered by a building). However, it has been established that this method is not intended to overrule the LEP definitions. Given that the subject site has been surveyed the definitions in the WLEP 2014 must be used to calculate height.

It is noted that the terrace properties to 142-148 Oxford Street may contain basement levels not depicted on the survey. Any basement should be considered when determining the existing ground level.

The exhibition documentation fails to provide sufficient information to enable an understanding of the extent of the height non-compliance and the associated impacts. It is requested that the SSDA is re-exhibited with sufficient information.

9) Height

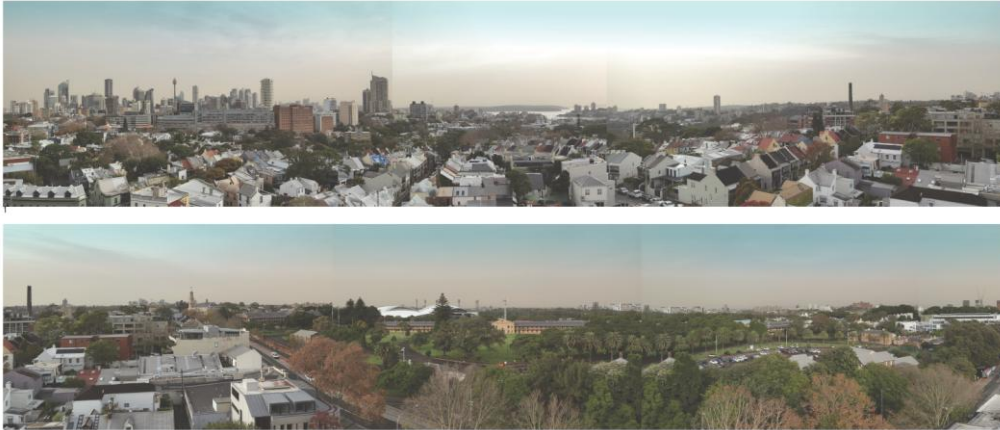
The proposal is stated to breach the 28.6m height limit by 4m. The Clause 4.6 Variation (Annexure X to the EIS) must detail the accurate height non-compliance based on the surveyed existing ground level rather than an extrapolated height plane.

The non-compliance undermines the objectives of the height standard:

- The height variation contributes to a building height that is incompatible with the existing and desired character of the surround area and detracts from the significance of the Paddington HCA. This is discussed further in the following sections.
- The proposal fails to provide a transition between zones and protect local amenity. This is discussed further in the following sections.
- The non-complaint height results in additional loss of solar access to the public footpath and Barracks Reserve to the southern side of Oxford Street.

- The 8-9-storey building would result in an overbearing impact to the low scale surrounding properties and result in a loss of privacy due to the significant non-compliance with the ADG separation requirements.
- The Architectural Design Report identifies that the site benefits from extensive views to both the City, Harbour and eastern suburbs and also the SCG, Victoria Barracks and Moore Park. Refer to the extract from the design report at Figure 5.

Figure 5: Views from the site
Source: Architectural Design Report Smart Design Studio



- The VIA has not assessed the impact of the proposal on any private views.

The height non-compliance can largely be attributed to the proposal's failure to step with the topography of the land, and the provision of four private roof terraces that include elevated decks and swimming pools (refer to the visualisation of dual-level penthouse apartments with private rooftop terraces at Figure 6 below).

Figure 6: Visualisation of dual-level penthouse apartments with private rooftop terraces
Source: Architectural Design Report Smart Design Studio



The Clause 4.6 variation incorrectly states that strict compliance with the height standard would result in a reduced affordable housing provision and reduced provision of housing supply. The height non-compliance could largely be addressed without reducing the proposed affordable housing provision or total number of proposed dwellings, through design amendments such as stepping the building, deleting the private roof terraces, reducing the inter floor dimensions, and removing the proposed non-compliant FSR and excessive void areas.

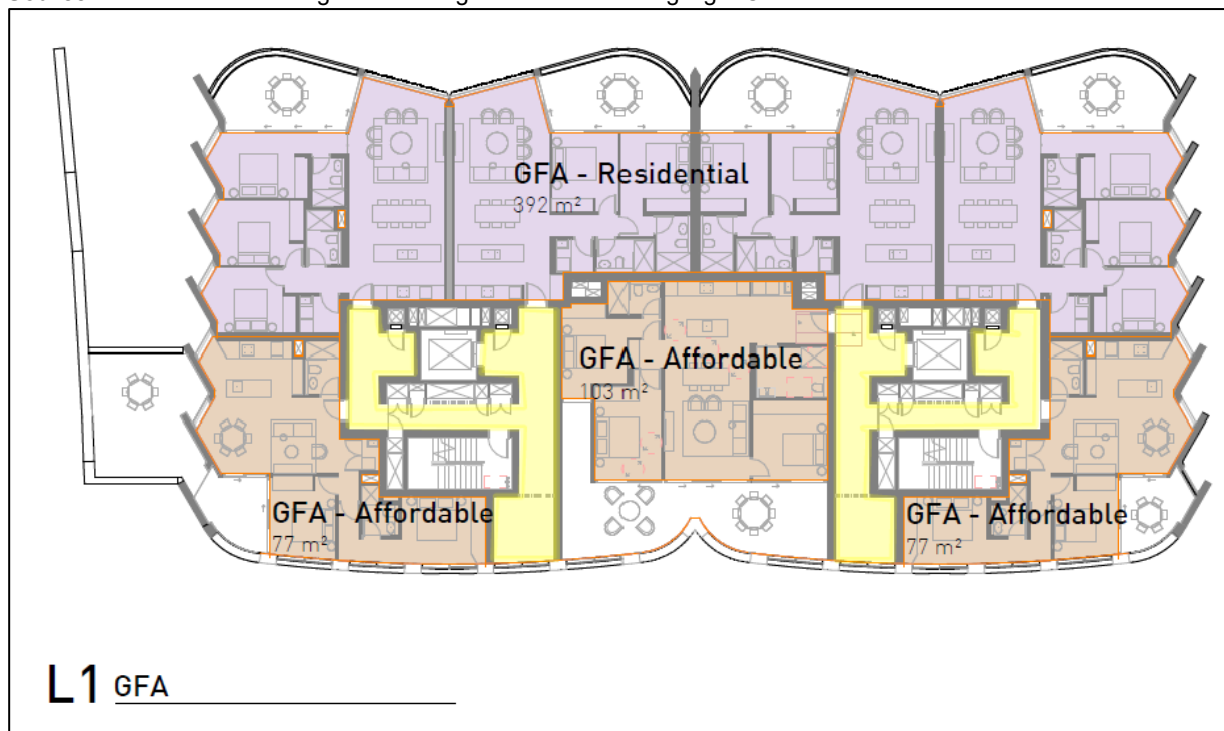
The Clause 4.6 Variation fails to demonstrate that the compliance with the maximum 28.6m building height is unreasonable and unnecessary, and there are sufficient environmental planning grounds to justify the contravention.

10) Floor Space Ratio (FSR)

Whilst the proposal is stated to comply with the 2.86:1 FSR permitted under the LMR and in-fill affordable housing provisions in the Housing SEPP, the FSR is incorrectly calculated. Specifically, the internal corridors at levels LG, L0, L1, L2, and L3 of the building have not been included in the GFA calculations. It appears that the corridors have been excluded on the basis that they incorporate louvre doors to the communal pool area at levels LG and L0, and louvres to the southern elevation at levels L1, L2, and L3.

This interpretation is contrary to that made by Commissioner Morris in *Landmark Group Australia Pty Ltd v Sutherland Shire Council [2016] NSWLEC 1577* which concluded the corridors within the internal face of the external walls of the building should be included as GFA. Furthermore, the louvres to the corridors at levels L1, L2, and L3 to the south are fully enclosed by the fixed external glazing to the southern façade and the floor levels above and below. Refer to Figure 7 an extract of the L1 plan which shows (in yellow) the fully enclosed corridors which should be calculated as GFA.

Figure 7: L1 plan which shows the fully enclosed corridors in yellow
Source: Architectural Drawing Smart Design Studio. Yellow highlight Council staff.



The GFA of the corridors significantly adds to the bulk and scale of the building resulting in a non-compliance with the FSR standard and objectives.

Concern is raised that the provision of internal corridors with louvre openings has been provided with the sole purpose of reducing the GFA. The design will reduce the amenity of the corridors to LG and L0, which will be exposed to inclement weather conditions, dust and dirt, and greater acoustic impacts than if the corridors were fully

enclosed. These impacts are intensified due to the location of the site on a classified road.

The site is located adjacent to a classified road (Oxford Street), the EIS and supporting documentation fails to assess the proposal against section 4J of the ADG (Noise and Pollution). Section 4J aims to minimise the impacts of external noise and pollution through the careful siting and layout of buildings. Nine apartments have their principal area of private open space (in the form of balconies) facing south directly onto the classified road. All nine apartments are designated as affordable housing. The submitted acoustic report makes no assessment of whether the acoustic amenity to the balconies is acceptable. This should be addressed. If the balconies require the use of double or acoustic glazing, acoustic louvres or enclosed balconies (wintergardens) to ensure an acceptable acoustic outcome, the enclosure of the balconies would result in a further non-compliance with the FSR standard.

The exhibition documentation fails to provide sufficient information to enable an understanding of the extent of the FSR non-compliance and the associated impacts. It is requested that the SSDA is re-exhibited with sufficient information to ensure the community can comment on the proposed variation.

Given that the proposal is out of scale with the current and desired future character of the area it is considered that the non-compliant FSR is both unreasonable and unnecessary.

Whilst not technically GFA, it is noted that the proposal includes many unnecessary void areas and significant floor to ceiling heights, which add to the bulk and scale of the building. These areas include:

- A large (approximately 200m²) void area to level LG located above the B1 parking level. Whilst this void is located above the loading dock, the vehicular entry can only accommodate vehicles with a height of 2.2m so a double height loading area is not required. This unutilised space adds significantly to the bulk of the building creating additional adverse amenity impacts to the public domain and neighbouring properties.
- A 6.6m floor to ceiling height for shop 1 and a 5.3m floor to ceiling height to the residential foyer. Whilst the ADG supports an increased floor to ceiling heights for ground floor retail uses (4m) and ground floor residential uses (3.3m) the proposed floor to ceiling heights are excessive given the non-compliant height and FSR, and the location of the site adjacent to a lower density R2 Zone.
- At levels L1, L2, and L3 the proposal includes two void areas adjacent to the southern elevation which are fully enclosed with glazing. The enclosed voids add to the bulk of the building and remove an opportunity for further articulation. The void areas are located behind a louvre screen so provide no utility.

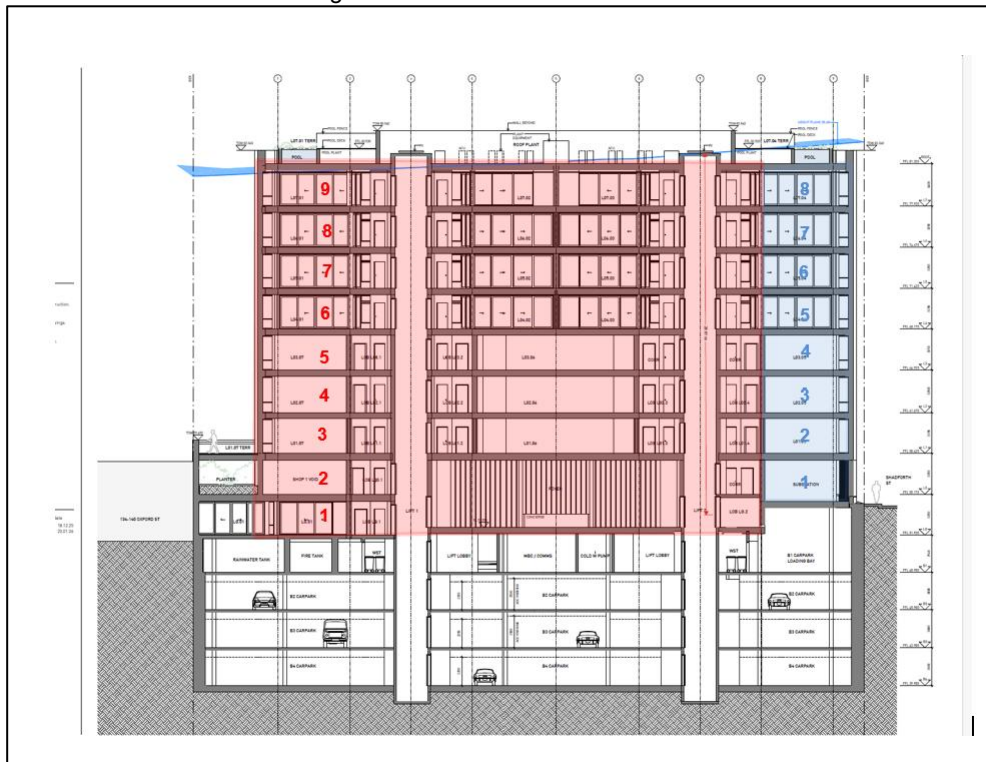
Design amendments should be sought to ensure the proposal does not incorporate unnecessary void areas or excessive floor to ceiling heights.

11) Number of Storeys

The EIS incorrectly describes the proposal as 8-storeys in height. The proposal comprises of 9 levels (LG, L0, L1, L2, L3, L4, L5, L6, and L7) and includes double height voids to the retail spaces, lobby and a section of parking level B1.

The provided sections fail to depict the existing ground level, but it appears the only section of the LG level located below ground is the void to parking level B1. This results in the building predominantly comprising of 9-storeys. This is indicated in the annotated section at Figure 8, which depicts the approximate 9-storey section of the building in red and the 8-storey section of the building in blue.

Figure 8: Annotated section showing number of storeys
Source: Section D Smart Design Studio. Annotations Council Staff



12)Heritage

Council's Senior Strategic Heritage Officer has reviewed the SSD and provided the following comments:

Comments on nearby heritage outside of Council's boundaries

- The site is located directly opposite Victoria Barracks which is a heritage item of national significance located in the City of Sydney Local Government Area.
- The site is located within the C9 Paddington Heritage Conservation Area in the WLEP and is located opposite the C49 Victoria Barracks Group Heritage Conservation Area (City of Sydney)
- A building of this scale will impact upon the views from the item, which are of particular importance as the placement of the barracks site was in part determined by the visual connection between the barracks and the harbour.

Inadequacies in documentation

- An historic archaeological assessment has been prepared for the site. It does not reference the basement at 142 Oxford Street, even though this appears to have evidence of historical foundations and drainage channels. The assessment should be revised to incorporate an assessment of this area.
- While the principles for Connecting with Country as laid out in the Architectural Design Report are positive, it is very unclear where and how these principles have been specifically applied in the design.

- It does not appear that any research has been undertaken into the possible effect of excavating for and constructing the proposed basement parking on the structural integrity of the neighbouring Victorian era terrace houses in Shadforth Street.
- The visual impact assessment omits some key views from Gipps and Prospect Streets (as well as from the rear yards of neighbouring dwellings).

Reasons for recommended refusal – impact on the Paddington Heritage Conservation Area:

Demolition of contributory and non-contributory buildings

- The proposal includes the demolition of five terrace houses and one semi-detached dwelling which, though constructed after the Second World War, are sympathetic to the scale, proportion, materials and design idioms of Paddington. These are therefore contributory buildings and their demolition is not supported.
- The proposal includes the demolition of a three-storey flat building on Oxford Street. Though this is not a contributory building, it is far less intrusive than the proposed and better reflects the materiality and scale of buildings in Paddington. The proposal is therefore contrary to Objectives O1, O2 and Control C2 of C1.3.14 and Objective O1 and Control C6 of B4.2.3 in the Woollahra DCP 2015.

Bulk and scale

- The scale of the proposed development (width, height and depth) appears to be greater than any of the precedent examples cited on p. 21 of the Architectural Design Report, all of which are notably smaller in at least one dimension than the proposed.
- On the Oxford Street frontage this is a 9 storey building, exceeding the height limit set out by the Low and Mid-Rise Housing policy.
- This excessive bulk will have a visual (as well as privacy) impact on the buildings to its rear (contributory items in an R2 Zone, and therefore not likely to be replaced by taller buildings), for which the proposal provides no mitigation in the form of setbacks, changes in height, or landscape screening. The visual impact on the Paddington Heritage Conservation Area is evident from View 3 (pp. 19-20 of the visual impact assessment). It is therefore contrary to Control C1 B4.2.3 and Objective O3 C1.4.9 of the Woollahra DCP 2015.
- The proposal consolidates several lots and includes no interpretation of the existing fine grain development. It is therefore contrary to Control C4 of B4.2.3 of the Woollahra DCP 2015.

Carparking and associated excavation

- The proposed carparking far exceeds the maximum carparking identified in Table 2 B4.2.5 and does not comply with Objectives O2 and O14 of C1.5.6 of the Woollahra DCP 2015, replacing a contributory building with a driveway. It is therefore not supported.
- The substantial excavation required for the proposed parking may have vibrational or undermining impacts on the terrace homes and underlying land to the north, and it is unclear from the geotechnical report whether any investigation has been carried out into this or whether mitigation measures are proposed. Objective O14 of C1.5.6 of the Woollahra DCP is to minimise excavation, and the proposal seems to maximise excavation.

Given the above non-compliance with the provisions of the Woollahra DCP and the consequent expected impact on the Paddington Heritage Conservation Area, refusal is recommended.

Council is aware that under Part 2.2 (State Significant Development), section 2,10 of State Environmental Planning Policy (Planning Systems) 2021, Development Control Plans (DCP) do not apply to State Significant Developments.

Notwithstanding this the DPHIs Guide to Faster Assessments for SSD Housing Applications states that:

Development Control Plans (DCPs) do not apply to SSD applications, however they may be a good guide to help minimise impacts and align with existing development in the area. In this respect the Department may, in some circumstances, ask applicants to consider DCP controls.

Given the site is located within the Paddington HCA, and the WLEP requires development to conserve the heritage significance of heritage conservation areas, it is requested that consideration is given to Chapter C1 of the Woollahra DCP 2015.

13)Urban Design Review

An Urban Design Review has been undertaken by DFP Planning Consultants, the assessment can be briefly summarised as follows:

1. The existing context of the locality is predominantly 2 storey development comprising small lot residential to the north, retail in Oxford Street and cafes and retail, cafes and bars in Glenmore Road.
2. The proposed development comprises a residential apartment building of a height, bulk and scale that does not respond to the existing context, notwithstanding the location of the site in an area for Low and Mid Rise (LMR) Housing.
3. The proposed development would introduce a dominant built form as seen from the residential development and narrow streets in the locality.
4. The presentation of the proposed development to Oxford Street is monolithic lacking in articulation to moderate the bulk and scale. A more strongly articulated built form would produce a better streetscape outcome.
5. Setbacks to the properties to the north are non-compliant with part 3F of the ADG exacerbating overlooking from windows and balconies into the rear private open spaces and room of residential properties to the north.
6. The landscaped communal open space and swimming pool development would provide amenity for the apartment residents. There should be a more detailed consideration of the functionality of the communal open space.
7. Natural cross ventilation of apartments facing Oxford Street is problematic due to traffic noise.

8. Nine of the ten allocated affordable housing apartments face south to Oxford Street and would provide a lower level of cross ventilation and solar access, less than two hours and in the case of three apartments zero solar access, compared with the other apartments. The inequity in amenity is not consistent with The In-fill Housing Practice Note (December 2023).
9. The retail spaces are long, narrow and two storeys high producing poor spatial proportions. The design should be reconsidered.
10. The proposed development does not satisfactorily respond to design Principles 1, 2 and 6, in Schedule 9 of SEPP Housing.

A detailed consideration of the key issues identified in the Urban Design Review is provided below.

Context and streetscape character

The site is at the interface of an R3 zone and an R2 zone which encompasses the development to the north in Gipps and Shadforth Streets (see Figures 9 and 10).

Figure 9: View west along Gipps Street
Source: DFP Planning Consultants



Figure 10: View north along Shadforth Street
Source: DFP Planning Consultants



To the east and west along Oxford Street the land is zoned B4 Mixed use.

Development along Oxford Street to the east is predominantly two storeys of a commercial nature.

Figure 11: Existing buildings to the east of the site
Source: DFP Planning Consultants



Figure 12: Streetscape to the east up to Brodie Street
Source: DFP Planning Consultants



Three storey buildings within the visual catchment are located further east at the corner of Brodie Street, Paddington RSL and Paddington Town Hall, which while two storeys, has a three-storey scale and a tower.

To the west, existing development is two storeys until the approach to Taylor Square. To the north the existing development comprises predominantly two (2) storey dwellings, shops, and cafes/bars near the junction of Glenmore Street.

Figure 13: Existing buildings to the west of the site
Source: DFP Planning Consultants



The closest multi-storey buildings are at the Women’s Hospital site to the north-east and the five (5) storey UNSW building to the west in Greens Street. These buildings are outside the immediate visual catchment of the site.

Opposite the site is Victoria Barracks which presents as a stone wall interrupted by a gate house at the entrance.

An important aspect of the existing character is the variation in architectural style on small lots.

Schedule 9 in SEPP Housing sets out design principles for residential apartment development. Principle 1 states:

1. *Good design responds and contributes to its context, which is the key natural and built features of an area, their relationship and the character they create when combined and also includes social, economic, health and environmental conditions.*
2. *Responding to context involves identifying the desirable elements of an area’s existing or future character.*
3. *Well designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood.*
4. *Consideration of local context is important for all sites, including sites in the following areas—*
 - a. *established areas,*
 - b. *areas undergoing change,*
 - c. *areas identified for change.*

The proposed development is in an area identified for change and is one of the first proposals of this kind on Oxford Street. The area to the north, while also identified for change, is in different circumstances, being zoned Residential R2 where future changes in urban texture and scale will not be very different to the present situation.

This area is also within a heritage conservation area containing buildings that contribute to its significance and character. It is crucial that a development on the site be sensitive to this context.

For the reasons outlined in this report, the height, bulk, scale and character of the proposed development is not sensitive to the existing and future context of the adjoining area to the north.

Although it can be anticipated that the future context of development along Oxford Street will change, because this is the one of the first developments of its type, there is a responsibility to mediate between the existing context and what might be expected as more residential apartment developments occur under the Low and Medium Rise provisions.

The development should be an exemplar of how to balance the sensitivity to the existing context with an emerging context. It should set a good example of how the future context might evolve.

Height, bulk, scale and character

The proposed building is 8-9 storeys high (30.8-32.6 metres, Ref: Environmental Impact Statement, p75), exceeding the permissible height of 28.6m which includes the LMR bonus and the affordable housing bonus.

The design has not demonstrated why additional height above the statutory limit is warranted. Part of the additional height facilitates the roof terraces of the top penthouse apartments and these are presumed to be aimed at enhancing market value, and do not justify additional height.

Notwithstanding the overpowering height disparity with the surrounding development, more could be done to comply with the height of buildings standard such as stepping the building to follow the east to west slope and utilising the wasteful two storey voids of the retail spaces.

The building is approximately 47 metres east to west and approximately 26 metres north to south. It would present to Oxford Street as a large monolithic structure with minimal variation in building plane, other than a small crease at the centre and small balconies at the centre and at the ends. The small setback above the Fifth Floor does little to alleviate the bulk and scale of the building.

The east and west elevations would appear as relatively blank walls from Oxford Street, although with variation in plane due to the windows angled toward the north. The apparent bulk and scale of the north elevation, whilst more articulated by balconies, would be dominating when viewed from the rear of the houses in Shadforth and Gipps Street.

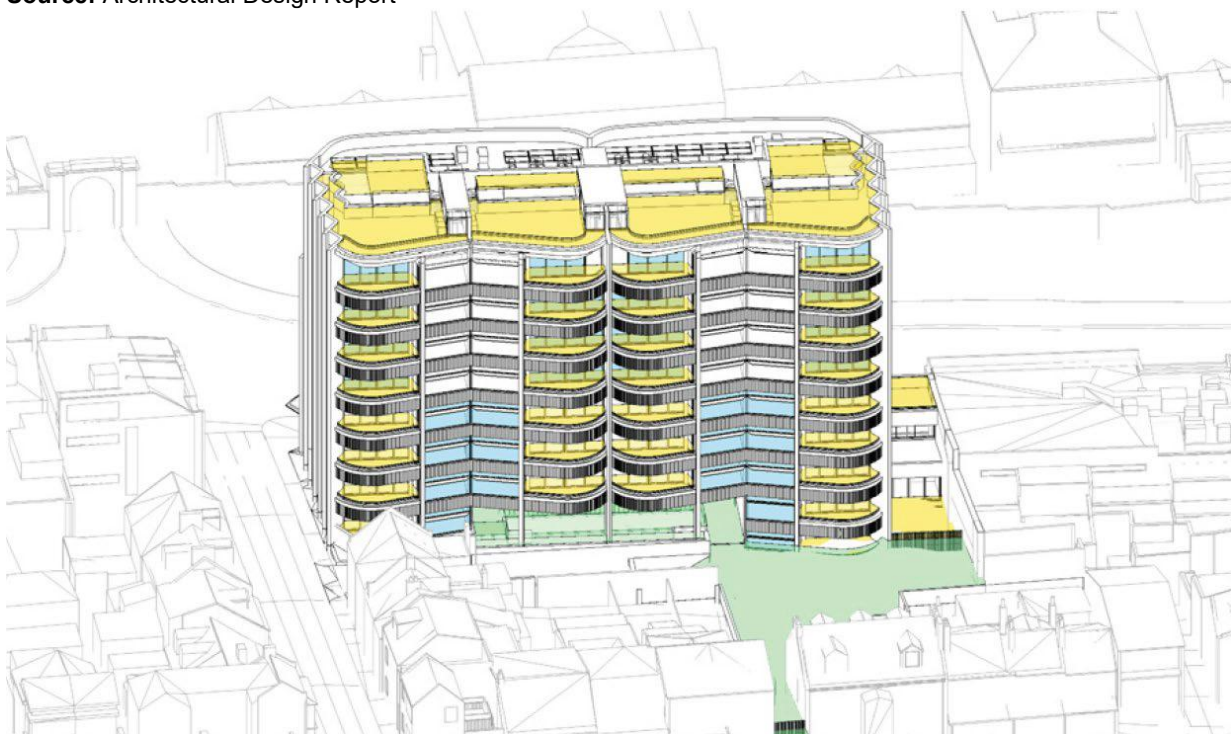
The visual impact report does not include views from private spaces adjacent to the proposed development or a direct view from Gipps Street. However, viewpoint 3 taken from the south-east corner of Shadforth Street and Gipps Street does illustrate the disparity of scale, which would be much more pronounced from the rear of the adjacent residential properties.

Figure 14: Viewpoint 3 from the VIA
Source: VIA by Colliers Urban Planning



Unfortunately, the cross sections in the drawings do not demonstrate the scale relationship to the residential properties to the north. The east elevation does provide some indication of the disparity in scale. The views from the sun in architectural Drawing 851 B demonstrate the significant difference of the bulk and scale of the proposed development to its surroundings (see Figure 15).

Figure 15: View from the sun 10am
Source: Architectural Design Report



The height, bulk, scale and character of the proposed development is a poor response to the heritage significance and character of the conservation area.

The inclusion of two storey spaces to the retail and foyer areas and voids on the southern side of the building contribute to the bulk and scale of the building.

The bulk and scale could be alleviated by stepping the building to the site, reducing two storey voids within the building and a more strongly articulated massing of the built form with deep recesses in the north and south facades.

It is noted that the visual impact analysis does not include a view from Victoria Barracks.

The proposed development does not satisfactorily respond to design Principle 2 - Built form and scale in Schedule 9 - design principles for residential flat buildings in SEPP Housing, which states:

1. *Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings.*
2. *Good design also achieves an appropriate built form for a site and the building's purpose in terms of the following—*
 - a. *building alignments and proportions,*
 - b. *building type,*
 - c. *building articulation,*
 - d. *the manipulation of building elements.*
3. *Appropriate built form—*
 - a. *defines the public domain, and*
 - b. *contributes to the character of streetscapes and parks, including their views and vistas, and*
 - c. *provides internal amenity and outlook.*

Setbacks and privacy

The western side setback is 5 to 6 metres which, given the commercial nature and blank wall of the adjacent building, is acceptable.

The building is placed at the front boundary to Oxford Street. The zero front setback is consistent with buildings along Oxford Street, although none within the locality have a five to six storey street wall.

There are 8.5m to 11.7m setbacks over the driveway to the boundary of the properties to the north. This setback accords with the ADG guideline in Part 3F for a 6-metre setback plus an additional 3 metres at a zone interface up to four storeys.

The setback above four storeys is not consistent with the ADG guidelines requiring a 12-metre setback. Thus the windows and balconies on the north facade would look down into the rear private open spaces of the properties to the north impinging severely on their privacy. A compliant 12m separation could alleviate bulk and scale and privacy impacts to a minor degree, although not until trees proposed in the landscape plan have matured sufficiently.

Although the Environmental Impact Statement shows setbacks to the rear walls of properties to the north exceeding 12 metres, this does not address overlooking into the rear private open spaces from windows and balconies.

Landscape and amenity

The provision of communal open space appears to be quantitatively compliant with the ADG Part 3D with an added facility of an indoor swimming pool at ground level. The architectural and landscape plans do not indicate any facilities, such as seating, shade structures, barbecues, or children's play equipment which would make the communal open space more functional.

The landscape plan indicates high quality landscaping, in particular canopy cover when trees mature in the communal open space area.

The space taken up by the driveway ramp would appear very barren. This effect could be improved by the driveway and wall surface treatments and overhanging planting on the sides.

Solar access and cross ventilation

More than 70% of the apartments overall meet the ADG Part 4A guideline for a minimum of 2 hours solar access to living areas or open spaces between 9am and 3pm at the winter solstice. Less than 15% receive no sunlight which also complies.

More than 60% of the apartments are capable of natural cross ventilation in accordance with Part 4B of the ADG. However, of the 29 apartments meeting the guideline, 22 rely on cross ventilation from the busy thoroughfare of Oxford Street. There is a conflict between the acoustic performance of these apartments and their ability to cross ventilate naturally.

Affordable housing

All but one of the ten affordable apartments face south. Three receive less than 2 hours of direct sunlight between 9am and 3pm at the winter solstice and three receive zero sunlight. This means that only 30% of the affordable apartments meet the 2 hours of direct sunlight requirement. The In-fill Housing Practice Note (December 2023) states nominated affordable housing apartments are not to have a lower standard of design quality compared to the rest of the building:

It is important that amenity is maximised across a development, and that affordable dwellings are not subject to a lower standard. For example, if 70% of dwellings across a development achieve the ADG criteria for solar access (minimum 2 hours to living areas), then a similar percentage of the affordable dwellings should meet that standard.

The Environmental Impact Statement argues that 70% of the affordable apartments would receive 2 hours of direct sunlight when the period 7.30am to 9.30am is added, before residents leave the apartments to go to work. This is not a convincing argument because it sets a different standard of amenity for occupants of affordable apartments compared within the other apartments in the building.

In addition, all but one of the affordable housing apartments face Oxford Street and are subject to traffic noise making natural cross ventilation problematic. Of the nine facing Oxford Street, three are single aspect, 3-bedroom apartments with a deeply set back bedroom, which provides poor internal amenity. In this regard the affordable

housing component is inconsistent with design Principle 6 in SEPP Housing which states:

1. *Good design positively influences internal and external amenity for residents and neighbours.*
2. *Good amenity contributes to positive living environments and resident well-being.*
3. *Good amenity combines the following—*
 - a. *appropriate room dimensions and shapes,*
 - b. *access to sunlight,*
 - c. *natural ventilation,*
 - d. *outlook,*
 - e. *visual and acoustic privacy,*
 - f. *storage,*
 - g. *indoor and outdoor space,*
 - h. *efficient layouts and service areas,*
 - i. *ease of access for all age groups and degrees of mobility.*

In Apartment Storage

While basement storage for bulky items is adequate, the apartments lack sufficient in-apartment storage at the volumes set out in Part 4G of the ADG. It should be demonstrated how two (2) bedroom apartments provide a minimum of 4m³ and three (3) bedroom apartments provide a minimum of 5m³, suitable for storage of items such as ironing boards, vacuum cleaners, linen, and the like.

Retail Spaces

Retail space 2 has a long thin configuration with a maximum width of 3.5 metres tapering to zero. Retail space 1 is an irregular space with a narrow section. The thin retail spaces are two storeys in height resulting in poor spatial proportions. The design of these spaces should be reconsidered.

Conclusion

There are some good elements of the proposed development. The apartment layouts are generally well considered and functional. The materials palette is appropriate in the local context, and the communal open space is quantitatively appropriate and, with more detailed consideration, could be made more functional. The swimming pool is a beneficial adjunct to the communal facilities.

These aspects of the development do not offset the negative impacts that such a large out-of-character building would impose on the locality in terms of its: dominating bulk and scale; failure to respect the streetscape character of Oxford Street; poor interface with dwellings to the north and overlooking of neighbouring private open spaces; and inequitable standards of amenity for the affordable apartments.

In these circumstances, the proposed development does not satisfactorily respond to design Principles 1, 2 and 6, in Schedule 9 of SEPP Housing.

14)Acoustic Impacts

The submitted acoustic report is not based on final architectural plans submitted with the SSDA. The acoustic report advises that any changes to the design may impact the findings of the report and associated noise control recommendations. It must be confirmed that the findings and recommendations of the acoustic report are consistent with the submitted architectural plans.

The site is located adjacent to a classified road (Oxford Street). Nine apartments have their private open space (in the form of balconies) facing south directly onto the classified road. All nine apartments are affordable housing. The submitted acoustic report makes no assessment of whether the acoustic amenity to the balconies is acceptable. This should be addressed.

Council's Environmental Health Officer has advised the proponent must engage a suitably qualified and experienced person to prepare the Construction Noise and Vibration Management (CNVMP) to provide methods to prevent noise and vibration from the construction site causing unreasonable loss of amenity to nearby receivers and prevent vibration emissions disturbing or damaging nearby structures. This forms a recommended condition (refer to Annexure A).

15)Proposed Affordable Housing

The In-fill Affordable Housing Practice Note (December 2023) states nominated affordable housing apartments are not to have a lower standard of design quality compared to the rest of the building;

It is important that amenity is maximised across a development, and that affordable dwellings are not subject to a lower standard. For example, if 70% of dwellings across a development achieve the ADG criteria for solar access (minimum 2 hours to living areas), then a similar percentage of the affordable dwellings should meet that standard.

The proposal identifies that 3/40 (8%) of apartments receive no sun in mid-winter but all three apartments are affordable. It also notes 34/40 (85%) of apartments receive 2hrs of sunshine in midwinter but of these 7/10 (70%) are affordable. It is recommended that this be revised so a similar percentage of affordable dwellings meet the standards.

The affordable housing comprises of 6 x 2-bedroom apartments and 4 x 3 bed apartments, which does not provide diversity to affordable housing tenants, and will not meet the needs of Sydney's very low-, low- and moderate-income households.

Reviewing the most recent available rental data for 2-bedroom and 3-bedroom apartments in Paddington on the NSW Government Rent tables, the median rental price for a 2-bedroom apartment is \$900 (Dec 2025) and the median rental price for a 3-bedroom apartment is \$1560. If a discount of 20% of market rent is applied this equates to a weekly rental rate of \$720 for a two-bedroom unit and \$1248 for a three-bedroom unit.

This equates to an annual rent of \$37,440 for a 2-bedroom apartment and \$64,896 for a 3-bedroom apartment.

The NSW Affordable Housing Ministerial Guidelines identify that the household income eligibility limits for the Sydney region 2025/2026 are:

Household type	Very low	Low	Moderate
Single	\$36,000	\$57,600	\$86,400
Single + 1	\$46,800	\$74,900	\$112,300
Single + 2	\$57,600	\$92,200	\$138,200
Single + 3	\$68,400	\$109,500	\$164,100
Couple	\$54,000	\$86,400	\$129,600
Couple + 1	\$64,800	\$103,700	\$155,500
Couple + 2	\$75,600	\$121,000	\$181,400
Couple + 3	\$86,400	\$138,300	\$207,300

Based on the figures above, and given that no more than 30% of gross income can be paid on rent:

- None of the very low-income households would be able to afford any of the proposed affordable housing apartments.
- Only one of the low-income households would be able to afford a proposed 2-bedroom apartment (a couple with three under children under 18). It is noted that the size of the apartment is unlikely to be appropriate for the size of the household.
- Several of the moderate-income households would be able to afford a proposed 2-bedroom apartment.
- None of the 24 household types listed in the table above would be able to afford the proposed 3-bedroom apartments.

Reviewing the most recent available rental data for studios and one-bedroom apartments in Paddington on the NSW Government Rent tables, the median rental price for a studio apartment is \$500 (Dec 2025) and the median rental price for a 1-bedroom apartment is \$670. If a discount of 20% of market rent is applied this equates to a weekly rental rate of \$400 for a studio apartment and \$536 for a 1-bedroom apartment.

This equates to an annual rent of \$20,800 for a studio apartment and \$27,872 for a 1-bedroom apartment.

Based on the figures above, and given that no more than 30% of gross income can be paid on rent:

- A studio apartment would be affordable for a low-income household couple, a moderate income single, and a moderate-income couple.
- A 1-bedroom apartment would be affordable for a moderate-income couple

- For the remaining households, a studio or 1 bedroom apartment would either be unaffordable, or affordable but potentially an inappropriate size for the household.

There is a concern that the 3-bedroom affordable housing apartments have been provided based on the, post 15 year, resale value of the apartments, rather than providing an apartment mix that ensures the affordable housing can be accessed by a wider variety of eligible households including low-income households.

The applicant's scoping package for the SSD included a proposal that included 12 affordable housing apartments which comprised of 5 x 1 bedroom, 5 x 2 bedroom, and 2 x 3 bedroom apartments, which demonstrates the potential for a more appropriate affordable housing apartment mix.

To ensure that the affordable housing is able to be leased by eligible households (including low-income households), the proposed affordable housing apartment mix should be amended to comprise of studios, 1-bedroom, and 2-bedroom apartments.

16) Earthworks

Objective 1.2 (m) of the WLEP aims to 'minimise excavation and manage impacts.

Section 6.2 (earthworks) of the WLEP aims to ensure that earthworks and associated construction dewatering for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.

Section 6.2 (3) sets out a number of matters that the consent authority must consider when deciding whether to grant development consent for earthworks and associated construction dewatering. These include:

- (a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,*
- (b) the effect of the development on the likely future use or redevelopment of the land,*
- (c) the quality of the fill or the soil to be excavated, or both,*
- (d) the effect of the development on the existing and likely amenity and structural integrity of surrounding properties,*
- (e) the source of any fill material and the destination of any excavated material,*
- (f) the likelihood of disturbing relics,*
- (g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,*
- (h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development*

The proposal provides four excavated basement levels, which includes 83 car parking spaces, and a large below ground void at level LG which provides no apparent utility.

Council's Heritage Officer has raised concerns that the substantial excavation required for the proposed parking may have vibrational or undermining impacts on the terrace homes and underlying land to the north, and it is unclear from the geotechnical report whether any investigation has been carried out into this or whether mitigation measures are proposed.

The excessive car parking provision fails to minimise excavation, ensure sustainable transport outcomes, minimise adverse impacts to the road network, or support the NSW Government's aim of creating walkable communities.

To reduce excavation and support sustainable transport outcomes, a maximum of 43 car parking spaces should be provided, and 2 spaces should be allocated for car share use. It is further recommended that the proposal is redesigned to remove the unnecessary below ground void at level LG (i.e. through the relocation of plant and servicing) to allow a further reduction to the proposed excavation.

17)Overshadowing

The proposal will result in a loss of solar access to the public footpath and Barracks Reserve to the southern side of Oxford Street. The loss of solar access is exacerbated by the proposed height non-compliance, and the affordable housing bonus. The loss of solar access is unreasonable given that:

- The Clause 4.6 written submission is not well founded.
- The EIS has failed to address whether the proposal would result in an overall reduction of affordable housing.

18)Pedestrian Access to Bethel Lane

A pedestrian access is located to Bethel Lane (a privately owned laneway). The DPHI should consider whether the site benefits from a legal entitlement for pedestrian access across Bethel Lane.

19)Privacy

The proposal does not comply with the visual privacy separation requirements in 3F of the ADG with regards to the north, east and west elevations.

It is noted that the ADG states that:

Apartment buildings should have an increased separation distance of 3m (in addition to the requirements set out in design criteria 1) when adjacent to a different zone that permits lower density residential development to provide for a transition in scale and increased landscaping.

This equates to a 9m setback up to 4 storeys a 12m setback for 5-8 storeys and a 15m setback for 9+ storeys, where the site is adjacent to a different zone with a lower density. The non-compliant setbacks would result in an unacceptable level of overlooking to the neighbouring properties.

The proposal also fails to accord with the ADG with regards to separating communal open space from private open space. The balcony to the apartment located on the LG level is at a slightly lower level than the adjoining communal open space which results in the balcony being directly overlooked.

20) Views

The Architectural Design Report identifies that the site benefits from extensive views to the City, Harbour and eastern suburbs and the SCG, Victoria Barracks and Moore Park.

The Visual Impact Assessment makes no assessment of the impact upon private views. This should be addressed.

21) Wind Assessment

Section 7 of the SEARs requires an assessment of the amenity impacts including wind. The SSD was not accompanied by a Wind Assessment, and the EIS does not address how the proposal will impact wind conditions.

22) Services and Plant

Documentation should be provided to demonstrate that the size of the service and plant areas are not excessive.

23) Contamination

Council's Environmental Health Officer has advised:

The findings of the Preliminary Site Investigation (PSI) indicate that the subject site was predominantly used mixed commercial and residential use prior to 1986, after which the site has been exclusively used for residential purposes. Due to the age of the building, it is likely that hazardous materials were used during construction.

Based on the findings provided in the Preliminary Site Investigation Report... Environmental Health is satisfied that Section 4.6 of the State Environmental Planning Policy (Resilience and Hazards) 2021 has been addressed and the site deemed suitable in its current state for the proposed residential development.

It is recommended that conditions of consent are imposed upon any consent granted requiring:

- A Construction & Environmental Management Plan (CEMP).
- Hazardous Building Materials Survey
- Measures for unexpected finds
- Waste Classification.

Refer to Annexure B for detailed comments on contamination.

24) Tree Impacts

Council's Tree and Landscaping Officer has reviewed the proposal and advised:

Street trees

The most important trees impacted by the development proposal are four street trees located in the public footpath along Oxford St. The Plane trees have been identified as Trees 2, 3, 4 & 5.

The prominent trees are in good overall condition forming a continuous canopy for over 60m and providing around 700m² of canopy area.

Figure 16: Approximate area of street tree canopy

Source: Nearthmaps



The arborist rating of the trees having Medium Retention Value is not supported. The trees are considered important assets of high landscape value, that contribute significantly to the canopy cover, visual amenity and character of the area. The trees are considered to be of High Retention Value.

High value rated trees are considered important and worthy of design modifications to allow for their retention.

Removal or unsustainable damage to these trees would not align with Clause 6.9 of the Woollahra LEP.

Clause 6.9 Tree canopy cover in Zones R2 and R3

- (1) The objective of this clause is to conserve and enhance tree canopy cover.*
- (2) This clause applies to land in the following zones—*
 - (a) Zone R2 Low Density Residential,*
 - (b) Zone R3 Medium Density Residential.*
- (3) Development consent must not be granted to development on the land unless the consent authority has considered whether the development—*
 - (a) incorporates planning and design measures to enable the retention and planting of trees to minimise the urban heat island effect, and*
 - (b) will avoid, minimise or mitigate adverse impacts on the existing tree canopy.*

Impacts to Trees 2, 3, 4 & 5.

Erection of scaffold and building clearance

The trees will be affected by the proposed street awning and pruning required for future building clearance.

Specifically, the awning is in proximity to the main trunks of Trees 2, 3 & 4. This element should be designed to allow for a minimum 1.5m offset from the centre of trunk of each tree.

Figure 17: extract from DA403 B - ELEV (SHADFORTH ST)

Source: Elevation Smart Design Studio. Annotations Council Staff

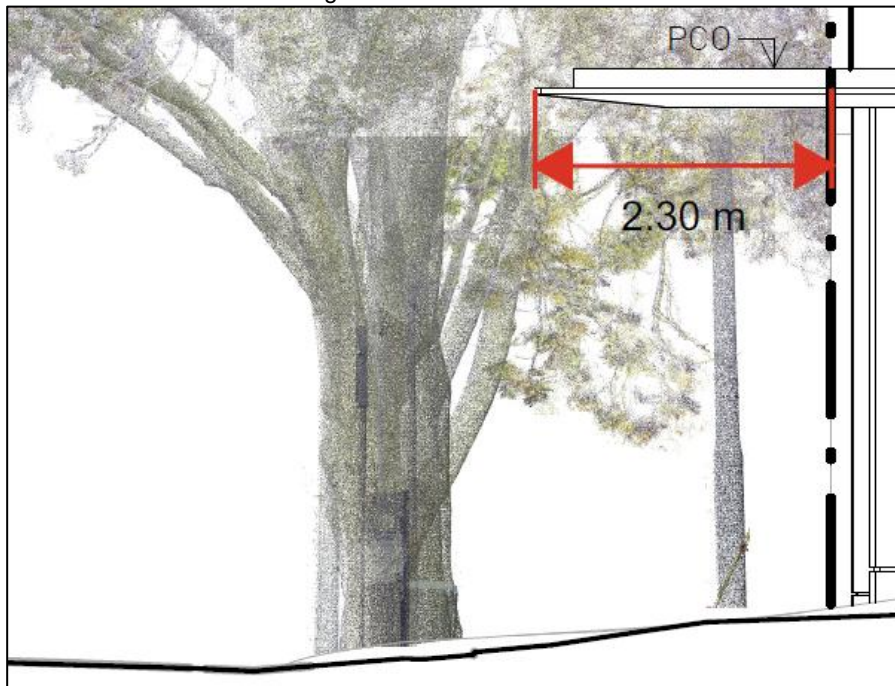
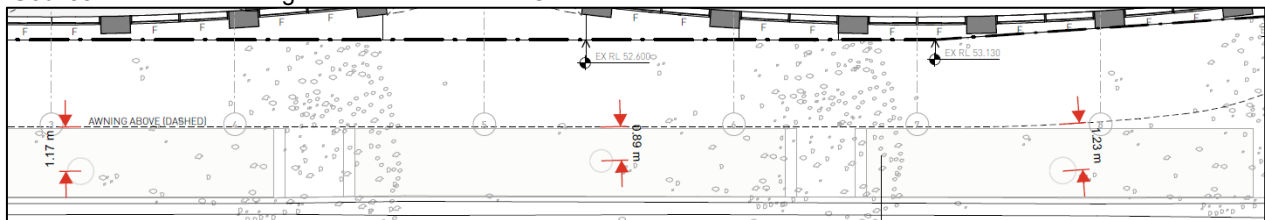


Figure 18: extract from DA101 B - Level 0

Source: Plan Smart Design Studio. Annotations Council Staff



The arborist report includes a pruning specification for trees 2, 3, 4 & 5 identifying branches to be removed to allow for scaffold erection.

While the specification underestimates the diameter of the branches, the branch location, number and low impact conclusion by the arborist is supported.

Construction Traffic Management Plan (CTMP)

The preliminary CTMP notes that class B hoarding will be installed along the Oxford Street frontage. This is not likely to provide any impacts on the trees as their canopies are higher than the structure.

The CTMP also includes a Works Zone to be provided along Oxford Street frontage to allow oversized vehicles.

It is assumed that this will be used as an area for unloading materials during construction and that a crane will be used to hoist materials into the site. The required height clearance for these works is unclear however it appears that there could be impacts to the trees to accommodate these works.

The documentation does not include any analysis of conflicts between the trees and the hoisting operation and any impacts that this would mean for the street trees.

No further pruning of the street trees (other than the specified in the arborist report) will be supported by Council. Any approved Construction Management Plan (CTMP) should take into account the street trees and ensure that hoisting of materials does not require further pruning of the street trees.

Conditions are included below to protect these trees during construction.

The Architectural Design Report identifies that:

- The Oxford Street frontage benefits from 4 existing, mature London Plane street trees, providing shade, habitat and good amenity for both the public domain and residents.
- The mature street trees along Oxford Street will obscure the bulk and scale of the development (refer to the visual from the Architectural Design Report at figure 19).
- The form of the primary southern facade facing Oxford is divided vertically into 2 distinct parts, reinforcing the central building entry. It has a 5 storey street wall built to the southern boundary, aligning with the top of the existing street trees along Oxford Street.

Figure 19: Visualisation looking east of Oxford Street
Source: Architectural Design Report. Smart Design Studio.



Given the importance of the street trees, and the narrow local road conditions to the north and east of the site, the CTMP and Arborist Report should be amended to ensure that all existing street trees are not affected by any construction works or access/clearance required to accommodate the works, prior to any consent being granted.

Refer to Annexure C for detailed comments on Trees and Landscaping.

25) Parking Provision

Council's Traffic Engineer has advised:

The parking provision for the proposal has been assessed in accordance with State Environmental Planning Policy (Housing) 2021 and Council's *DCP 2015 Chapter E1 Parking and Access and Chapter B4 Housing in Accessible Areas*.

Table 1: Car Parking Provision – Residential Component

SEPP (Housing) 2021 Non-Discretionary Minimum Requirement			
Dwellings used for affordable housing			
	Quantity	SEPP Minimum Requirement per Unit	SEPP Minimum Requirement
2 bedrooms	6	0.5	3
3 bedrooms	4	1	4
Dwellings not used for affordable housing			
	Quantity	SEPP Minimum Requirement per Unit*1	SEPP Minimum Requirement
2 bedrooms	7	1	7
3 or more bedrooms	23	1.5	34.5 (35)
Total requirement			49
DCP Maximum Control – Housing in Accessible Areas*			
	Quantity	DCP Maximum Requirement per Unit	DCP Maximum Permitted Parking
2 bedrooms	13	0.6	7.8 (8)
3 or more bedrooms	27	1	27
Visitors	40	0.1	4
Total Permitted			39

Note 1: The site is within 400m walking distance of Oxford Street Town Centre.

Table 2: Car Parking Provision – Retail Component

	Quantity (m²)	DCP Minimum Requirement per 100m² GFA*2	DCP Minimum Requirement
Retail	159	3.3	3.6 (4)

Note 2: Parking multiplier of 0.7 applies to Oxford Street MU1 Zone.

The proposal includes 83 car parking spaces, including 77 spaces for residential components and 6 for retail components, which substantially exceeds the minimum requirement of SEPP (Housing). Noting the site is within 400m to Oxford Street town centre and has convenient access to public transport services, the proposed parking provision is considered excessive and contradicts the state government's goal for an environmentally sustainable growth, and its Travel Demand Management strategy to increase the mode share of alternative transport and reduce the use of single-occupancy vehicles.

Further, whilst the SEPP is the prevailing planning instrument, due consideration should also be given to Council's DCP. At its meeting of 23 February 2026, Council resolved to approve the Draft DCP (integrated to a new Chapter B4) to strengthen provisions for housing in accessible areas (land subject to the low and mid-rise housing reforms). The Draft DCP is developed in line with SEPP's overarching

strategy to suit the locality and minimise adverse impacts on the local road network to reduce emissions and alleviate congestions, which sets the below objectives:

- O1 To minimise resident and visitor parking in locations that are identified as having good accessibility to public transport.
- O2 To minimise vehicular traffic generated by development.
- O3 To provide a rate of parking that encourages the use of public transport.
- O4 To reduce the reliance on private vehicles and the corresponding traffic impact on the road network.
- O5 To manage transport demand in a sustainable manner.
- O6 To minimise risks and impacts relating to excavation, subterranean buildings and dewatering works

Accordingly, a maximum parking control is provided as shown in Table 1. Noting the parking rates in SEPP (Housing) are non-discretionary standards that prevent the consent authority from requiring more onerous standards for the matters, a reduced parking provision would still comply whilst realising the environmental and social benefits of the transport network. As such, the parking provision should be reduced to a total of 43 parking spaces, including 39 for residential components and 4 for retail components as detailed in the above table. A minimum of two (2) parking spaces should be allocated for car share use, to accommodate residents' day-to-day transport needs and increases the mobility of people using the service with a reduced private car ownership.

This approach is consistent with the ADG which advises that car parking provision should be provided based on the proximity to public transport.

26)Traffic Generation

Council's Traffic Engineer has advised:

Traffic generation from the proposed development has been calculated in accordance with TfNSW *Guide to Transport Impact Assessment (2024) – TS 00085*.

Existing Development

Low Density Residential

- Weekday peak hour vehicle trips: 6 dwellings x 0.68-0.77 per dwelling = 4.08-4.62 trips
- Daily vehicle trips: 6 dwellings x 8.12 per dwelling = 48.72 trips

High Density Residential – High Public Transport Accessibility

- Weekday peak hour vehicle trips: 27 dwellings x 0.15-0.19 per dwelling = 4.05-5.13 trips
- Daily vehicle trips: 27 dwellings x 1.52 per dwelling = 41.04 trips

Total

- Weekday peak hour vehicle trips = 8.13-9.75 trips
- Daily vehicle trips = 89.76 trips

Proposed Development

Retail – Specialty Shops

- Weekday peak hour vehicle trips: $159\text{m}^2 \times 0.75 \times 1.55\text{-}3.71$ per 100m^2 GLFA = 1.8-4.4 trips
- Daily vehicle trips: $159\text{m}^2 \times 0.75 \times 32.49\text{-}43.37$ per 100m^2 GLFA = 38.7-51.7 trips

High Density Residential – Low Public Transport Accessibility

- Weekday peak hour vehicle trips: 77 parking spaces $\times 0.2 = 15.4$ trips
- Daily vehicle trips: 77 parking spaces $\times 1.37$ per space = 105.5 trips

Total

- Weekday peak hour vehicle trips: 6 dwellings $\times 0.68\text{-}0.77$ per dwelling = 17.2-19.8 trips
- Daily vehicle trips = 144.2-157.2 trips

Whilst the subject site is located in a high public transport accessible area, this proposal includes extensive amount of onsite parking and fails to provide any travel demand management measures to reduce use of private vehicles. It is therefore considered that the traffic modelling for low public transport accessibility should apply.

SIDRA analysis is undertaken however fails to address/consider the following:

- 1) Currently there is very limited onsite parking provision at this site, particularly for the 27 studios at 160 Oxford Street which only have access to an at-grade open space parking area with approximately 6-8 parking spaces. The current parking arrangement significantly reduces the amount of vehicle trips, and the net increase is therefore anticipated to be greater than calculated above.
- 2) Future traffic generation does not include background growth or cumulative impact of other developments within the LMR context.

Regardless, the current SIDRA modelling results identify reduction of vehicle movement performance, where post-development Level of Service for right-turn movements in Shadford Street has dropped to level E which represents traffic operating at or near capacity, characterised by unstable flow, low speeds, and extremely limited manoeuvrability. It is the threshold just before breakdown (LOS F), where any minor disruption causes significant queues.

As such, Council's Traffic & Transport Engineers raise serious concerns on the adverse traffic impact of the development as it is envisaged to exacerbate the traffic conditions on the surrounding road network, particularly on Shadford Street which is a narrow local road approximately 5.6m wide from kerb-to-kerb. Concerns are also raised with cumulative traffic growth in this area being LMR Housing area.

27) Vehicle Access

The proposed 6.1m-wide vehicular access complies with the width requirement for a Category 2 access facility, as stipulated in AS 2890.1. Whilst the width of the driveway is intended to accommodate two-way traffic flow, it should however be noted that the proposed location of vehicular access consists of a landscaped kerb blister island opposite, which restricts vehicles' manoeuvrability. The access driveway therefore doesn't provide passing opportunities and can only allow either access or egress traffic at one time.

As such, should the development be approved, a traffic light system should be incorporated and should be designed to ensure priorities are given to vehicles entering the site. Waiting bays should also be provided accordingly, with signage and/or line marking, at each level of basement car park.

The gradient of the access driveway complies with the standard and is considered acceptable.

It is noted that 2m x 2.5m driveway sightline splay is provided along both sides of the driveway. Any structure within the splay area should be removed to ensure visibility between vehicles leaving the car park and pedestrians on the frontage road footpath. This should be clearly depicted on the architectural plans.

28)Service Vehicles

It is proposed that service vehicles will be accommodated onsite with a letter from a private waste contractor indicating the largest vehicle attending the site will be SRVs with a dimension of 2.08m in height, 6.4m in length and 1.7m in width. Swept path analysis has been provided which demonstrates satisfactory movements accessing/egressing the site.

It is also proposed that the void area in Basement Level 1, near the eastern boundary of the site, will be used to accommodate service vehicles. This area has extremely high clearance ranging between 4.4m and 5.4m. This is considered excessive given the dimension of the service vehicles, also noting that a roller door is provided at the internal driveway before vehicles enter Basement Level 1 which is 2.4m in height which would restrict access for higher vehicles.

29)Construction Traffic Management

It is understood that CTMP is preliminary at this stage however it is identified that largest size of vehicles anticipated to attend the site is 12.5m HRV, with heavy vehicles planned to turn right from Glenmore Road to Liverpool Street to approach the access in Shadford Street. Swept path analysis is only provided for 8.8m MRVs and identifies requirement for parking removal in Shadford Street to allow the construction traffic. Should the development be approved, vehicles attending the site via Shadford Street should be reduced to 6.4m SRV to minimise local impacts. Any request for parking removal must be referred and reviewed by Council's Local Transport Forum and are subject to community consultation.

It should also be noted that the proposal includes Works Zone to be provided along Oxford Street frontage to allow oversized vehicle works. The required height clearance for these works is unclear at this stage however it appears that the existing street tree will be significantly pruned, if not removed, to accommodate the works.

Council's tree management staff advises these trees are healthy, well-formed and provide material benefit to the streetscape. It is therefore requested that Construction Traffic Management Plan must be considerate of the full retention of the street trees and ensure all existing street trees are not to be affected by any construction works or access/clearance required to accommodate the works.

30)Flood

Clause 5.21 of the WLEP states:

- (1) *The objectives of this clause are as follows—*
 - a) *to minimise the flood risk to life and property associated with the use of land,*
 - b) *to allow development on land that is compatible with the flood function and behaviour on the land, taking into account projected changes as a result of climate change,*
 - c) *to avoid adverse or cumulative impacts on flood behaviour and the environment,*
 - d) *to enable the safe occupation and efficient evacuation of people in the event of a flood.*

- (2) *Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development—*
 - a) *is compatible with the flood function and behaviour on the land, and*
 - b) *will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and*
 - c) *will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and*
 - d) *incorporates appropriate measures to manage risk to life in the event of a flood, and*
 - e) *will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.*

- (3) *In deciding whether to grant development consent on land to which this clause applies, the consent authority must consider the following matters—*
 - a) *the impact of the development on projected changes to flood behaviour as a result of climate change,*
 - b) *the intended design and scale of buildings resulting from the development,*
 - c) *whether the development incorporates measures to minimise the risk to life and ensure the safe evacuation of people in the event of a flood,*
 - d) *the potential to modify, relocate or remove buildings resulting from development if the surrounding area is impacted by flooding or coastal erosion*

In accordance with Clause 5.21(2) development consent must not be granted unless the consent authority is satisfied the provisions of Clause 5.21 are satisfied.

31)Stormwater and OSD

Council's Development Engineer has reviewed the proposal and advised:
The applicant is required to submit revised stormwater plans addressing the following issues:

- The provision of a raingarden shall be provided to comply with Chapter E2.2.3 of the Council's DCP. Alternatively, the required storage of the proposed

rainwater tank must be based on 1.5 times of the required on-site stormwater detention (OSD) system shall be increased to 25m³/1000m² of site area to fully offset the raingarden requirement. In this regard, the required storage volume for the rainwater tank shall be 81.5m³.

- To prevent any backwater effects, invert level of the proposed rainwater tank must be designed so that it is set above the HGL of the downstream drainage system where the top of kerb level at the connecting kerb inlet pit is to be used as the tailwater level. The tailwater level must be higher than the top of kerb where the point of connection is affected by mainstream or overland flooding. No submerged condition and/or the use of non-return valve will be permitted. All invert levels and finished levels of all junction pits and kerb inlet pit must be clearly depicted on the drawings.

32) Council and Public Infrastructure

Council's Development Engineer has reviewed the proposal and advised:

The applicant will be required to upgrade existing infrastructures such as footpath and the construction of a new vehicular crossing which can be conditioned accordingly. As part of this application, the applicant will also be required to relocate the existing power pole as a result of the proposed vehicular crossing works in Shadforth Street.

33) Waste

The Waste Management Plan (WMP) is not based on the architectural drawings submitted with the SSD. It should be confirmed that the review and recommendations are relevant to the submitted architectural drawings.

Otherwise, no issues are raised with the proposed WMP.

34) Consideration of Late Submissions

On 5 February 2026, the Hon Paul Scully Minister for Planning and Public Spaces confirmed in a letter to Council that:

In the event community members or Council Staff are not in a position to provide a formal submission within the exhibition period for an SSD proposal, the Department will consider all feedback received, including that submitted outside of the formal exhibition, as part of its assessment before any decision is made on that proposal.

It is requested that all late submissions are considered.

35) Design Amendments

It is considered that the proposal should be refused as:

- The proposal undermines strategic objectives of the NSW Government by failing to demonstrate that:
 - the proposal would not result in a net loss of affordable dwellings, and
 - the proposed affordable housing provision will be affordable for eligible households.

- Contrary to Clause 5.10 of the WLEP, the proposal fails to conserve the environmental heritage of Woollahra, by failing to conserve the heritage significance of the Paddington Heritage Conservation Area (Paddington HCA).
- The proposed development comprises a residential apartment building of a height, bulk and scale that does not respond to the existing context or desired future character of the area. The proposed development would introduce a dominant built form as seen from the neighbouring residential development and narrow streets in the locality. The Oxford Street façade fails to provide adequate articulation or moderate the bulk and scale.
- The proposal provides excessive car parking provision for this accessible location, which fails to ensure sustainable transport outcomes, minimise adverse impacts to the road network, and reduce excavation.
- Council's Traffic & Transport Engineers raise serious concerns on the adverse traffic impact of the development as it is envisaged to exacerbate the traffic conditions on the surrounding road network.

However, if the development progresses it is recommended that the following design amendments are incorporated:

- To ensure the affordable housing is affordable for eligible households in accordance with the NSW Affordable Housing Ministerial Guidelines (including low-income households), the proposed affordable housing apartment mix should be amended to comprise of studios, 1-bedroom, and 2-bedroom apartments.
- The recommendations of Council's Senior Heritage Officer to lessen the adverse impacts to the Paddington HCA:
 - A shorter and/or narrower built form.
 - A greater setback from properties at the rear.
 - Greater screening with substantial trees as part of the landscape plan (likely requiring greater setback).
 - Greater separation in the façade to reduce visual impact and interpret the finer grain development proposed to be lost. This requires physical separation, not cosmetic treatments - see the example of the H-plan at 40 Stephen Street, Paddington, as referenced on p. 21 of the Architectural Design Report, with its central recessed element creating two distinct built forms, thereby minimising the building's bulk (and allowing for more light and air flow). Such separation would be required along both north and south facades.
- Compliance with the ADG setbacks for development at a zone interface with lower density development.
- The amendments suggested in the Urban Design Review by DFP Planning Consultants at section 13 of this submission.
- Design amendments should be sought to ensure the proposal does not incorporate unnecessary void areas, excessive floor to ceiling heights, and non-compliant FSR as discussed in this submission.

- To protect the street trees No's 2, 3 & 4, the plans must show the street awning along Oxford St to allow for a minimum 1.5m offset from the centre of trunk of each tree.
- The balcony to the apartment located on the LG level is at a slightly lower level than the adjoining communal open space which results in the balcony being directly overlooked. This should be addressed.
- To reduce excavation, minimise potential hydrogeological hazards, and support sustainable transport outcomes, a maximum of 43 car parking spaces should be provided. 2 of the 43 spaces should be allocated for car share use.

36) Request for Further Information

The following additional information is requested to enable an assessment of the proposal:

- An amended EIS, which addresses whether the proposal would result in a loss of existing affordable housing. If the proposal does result in a loss of affordable housing a Social Impact Assessment should be prepared.
- In accordance with the In-fill Affordable Housing Practice Note (December 2023) the allocation of the affordable housing apartments must be amended so that they do not have a lower standard of amenity (in relation to solar access and natural ventilation) when compared to the rest of the building.
- The maximum height is not accurately calculated. The existing ground level and 28.6m height plane depicted on the architectural drawings fails to accurately represent the existing ground levels shown on the site survey. The exhibition documentation should be amended to accurately depict the proposed non-compliant height and the SSDA should be re-exhibited.
- The FSR is not accurately calculated. If the proposal is not amended to comply with FSR standard, the exhibition documentation should be amended to accurately depict the proposed FSR and the SSDA should be re-exhibited.
- An amended Acoustic Report which:
 - References the correct architectural drawings.
 - Confirms whether the balconies to the southern elevation (adjacent to Oxford Street a classified road) would be provided with an acceptable acoustic amenity.
- The Waste Management Plan is not based on the architectural drawings submitted with the SSD. It should be confirmed that the review and recommendations are relevant to the submitted architectural drawings.
- An amended VIA which:
 - Considers the impact of the proposal upon private views.
 - Provides a direct (not oblique) viewpoint of the proposal from Gipps Street.
 - Provides a viewpoint from Prospect Street.
 - Provides viewpoints from the rear yards of neighbouring dwellings.
 - Provide viewpoints from Victoria Barracks.

- The buildings to be demolished have incorrectly been identified as intrusive buildings within the Paddington HCA. The proposal includes the demolition of five terrace houses and one semi-detached dwelling which, though constructed after the Second World War, are sympathetic to the scale, proportion, materials and design idioms of Paddington. These are therefore contributory buildings and their demolition is not supported. The demolition of these contributory buildings should be assessed against the NSW Land and Environment Court Planning Principle in *Helou v Strathfield Municipal Council* [2006] NSWLEC 66.
- The historic archaeological assessment should be amended to reference the basement at 142 Oxford Street, which appears to have evidence of historical foundations and drainage channels. The assessment should be revised to incorporate an assessment of this area.
- While the principles for Connecting with Country as laid out in the Architectural Design Report are positive, it is very unclear where and how these principles have been specifically applied in the design. This should be addressed.
- It does not appear that any research has been undertaken into the possible effect of excavating for and constructing the proposed basement parking on the structural integrity of the neighbouring Victorian era terrace houses in Shadforth Street. This should be addressed.
- Revised stormwater plans to address the issues raised in this submission.
- Evidence that the site benefits from a legal entitlement for pedestrian access across Bethel Lane.
- The EIS should be amended to accord with the requirements of section 7 of the SEARs, which requires an assessment of the amenity impacts including wind.
- Documentation to demonstrate that the size of the service and plant areas are not excessive.
- The CTMP and Arborist Report should be amended to ensure that all existing street trees are not affected by any construction works or access/clearance required to accommodate the works, prior to any consent being granted.

If you require clarification on any issue raised, please do not hesitate to contact Executive Planner **Eleanor Smith** on (02) 9391 7090 or via email at eleanor.smith@woollahra.nsw.gov.au.

Yours sincerely



Nick Economou
Manager – Development Assessment

Annexures

- A. Recommended Conditions of Consent (without prejudice to Council advice)**
- B. Detailed Environmental Health comments**
- C. Detailed Tree and Landscaping comments**