



8 July 2026

Hon Paul Scully MP
Minister for Planning and Public Spaces
Office@scully.minister.nsw.gov.au

Cc
Mr Victor Casasanta
Department of Planning, Housing and Infrastructure
victor.casasanta@dpie.nsw.gov.au

Dear Minister

SSD 975288708 - Mixed Use Development 160 Oxford Street, 142-148, 13 Gibbs Street and 6 Shadforth Street, Paddington (the Proposal)

I refer to my submission dated 16 March 2026 and maintain my objection to the Proposal. The purpose of this correspondence is to provide a response to the Proponent's Submissions Report dated 17 June 2026 (the RtS).

It is not possible or productive to respond exhaustively and in detail to every issue raised in the RtS. Following are my observations on the most significant issues of concern to my constituents. These observations are made in my capacity as a Councillor and not on behalf of Woollahra Council (the Council).

I would be grateful if you could please ensure this correspondence is treated as a further objection for the purposes of the assessment process.

Community Engagement

During the public exhibition period, the Department of Planning, Housing and Infrastructure (DPHI) received 391 public submissions, 346 of which were formal objections. In addition, a 'change.org' online petition opposing the Proposal amassed 3892 verified signatures.

Paddington has a proud and long history of community activism and heritage protection. In fact, the Proponent's Historical Archaeological Assessment Report (HAA) recognises Paddington 'as one of Australia's most important urban conservation areas ... a symbol of heritage preservation and gentrified urban living.' [p.18 HAA]

I am therefore not surprised by the level of community engagement (regardless of the brief, 14 day exhibition period). Objections were considered, well reasoned and evidence based.

After the substantial time-pressed community efforts, the Proponent was given significant leeway – over three months – in which to prepare its RtS. The community was informed that an extension was granted due to the large volume of objections. It is therefore disappointing that the RtS fails, for the most part, to adequately address those objections or significantly amend the Proposal in response.

The community remains opposed to the Proposal and disappointed by the Proponent's failure to respond meaningfully to their valid concerns. It is not in the public interest to permit the development and I urge you to recommend its refusal.

State Environmental Planning Policy (Housing) 2021 (Housing SEPPP)

The Proponent continues to operate under the mistaken assumption that the provisions of the Housing SEPP apply as of right. The assumption is flawed.

As you well know, the Low and Mid Rise (LMR) Provisions of the Housing SEPP are intended to encourage housing supply in well located areas within walking distances of shops, services and frequent public transport. Although the LMR Provisions provide for certain 'non refusal' standards (such as height and FSR), approval is not guaranteed and a merit based assessment is required. In other words, the consent authority can still refuse an application based on poor design, amenity impacts, heritage and other site specific issues.

Similarly, the Affordable Housing Bonus does not operate by right and equally requires a merit based assessment. Relevantly, the In-fill Affordable Housing Practice Note (the Practice Note) provides that:

'The full extent of the in-fill affordable housing bonus may not be achieved on all sites, due to site constraints and local impacts. The in-fill affordable housing bonuses should not be treated as an entitlement. DAs that propose in-fill affordable housing will be subject to merit assessment by the consent authority. The application of the bonuses does not affect a consent authority's responsibility to consider the requirements of relevant EPIs, a development's likely impacts or the suitability of the site for the development.' (My emphasis) [p.12 Practice Note]

Furthermore, Section 20(3) of the Housing SEPP provides that:

'Development consent must not be granted to development under the 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.'

The Proponent ignores these provisions, asserting that the:

'Stacking' of the LMR and Affordable Housing Height and floor space controls is appropriate and encouraged by the SEPP, and does not result in any unacceptable impact, regarding overshadowing, acoustic and visual privacy, which have been appropriately designed or appropriately mitigated.' [RtS s.5.5.1]

In addition, the Proponent also claims that:

'As NSW is currently amidst a housing crisis, the proposed development has been designed to maximise housing supply.' [RtS s.5.9]

The Proponent erroneously places disproportionate weight on an overarching objective to increase housing supply. This reasoning is flawed and cannot be supported. Generic arguments about housing supply are irrelevant. The Proposal must be determined on its planning merits.

Overall, the height, bulk and scale of the Proposal is inconsistent with both the existing and desired future character of Oxford Street and the surrounding Paddington HCA of predominantly low-rise Victorian-era terraces and sandstone workers cottages. The Proposal does not satisfactorily respond to the design principles of the Housing SEPP, fails to protect local amenity and requires excessive, unjustifiable excavation. Despite some minor design changes, the Proposal lacks planning merit and must be refused.

Heritage Conservation

The Paddington (HCA)

The Proponent's Heritage Response Statement (HRS) dated 20 May 2026 is silent on the impact to the HCA directly to the north of the development. Despite this glaring omission, the RtS boldly concludes that:

'The proposed development is consistent with the constantly changing context and will not result in unacceptable heritage impact.' [RtS s.5.6]

The Proponent has ignored the recommendations from Council's Senior Heritage officer 'to lessen the adverse impacts to the Paddington HCA' including recommendations for a narrower built form and greater separation to reduce visual impact requiring 'physical separation not cosmetic treatments.' [RtS s.5.6]

Archeological Assessment

The Proponent's updated Archaeology Assessment Report (UAA) dated 25 May 2026 acknowledges that the 'proposed development is likely to involve impacts to locally significant archeology' [UAA p.iv] and recommends the preparation of a Historical Archaeological Research Design and Excavation Methodology (HARDEM) [UAA p.iii]

Importantly, the UAA concludes that the Site has the potential to contain archeological evidence of early phases of occupation, noting that:

'Surviving pockets of archaeology have the potential to yield valuable information about working class households in the late nineteenth and early twentieth centuries.' [UAA p.53]

Alarmingly, the UAA concludes that the proposed 4 storey basement excavation will 'Impact and entirely remove any potential archaeological resource.' [UAA p.55] Furthermore, 'historical research undertaken since the previous draft indicates that the [Britannia] Hotel had a basement with 'commodious cellarage'. [UAA p.58]

While the Proponent suggests that the preparation of a HARDEM will mitigate this risk, it is difficult to justify the permanent eradication of a significant local archaeological resource to accommodate an excessive basement parking structure requiring deep excavation.

Amenity

The introduction of nine storey building will have devastating and unreasonable impacts on the amenity of the surrounding neighbourhood. The residents of Gipps Street and Shadforth Street will bear the brunt of these impacts.

The Proponent's conclusion that the Proposal 'represents a contextually sensitive, responsive and high quality renewal of the site and the broader landscape' [EIS p.75] is difficult to comprehend. Equally difficult to understand, is the assertion that the Proposal 'will be largely obscured from view from most locations within the Paddington HCA.' [EIS p.75]

Further Visual Impact Assessment (FVIA)

Despite preparing a FVIA, the Proponent fails to accurately illustrate the impact of the proposed development on its northern neighbours. The FVIA omits key views from Gipps

Street, Prospect Street and Shadforth Street as well as from the rear yards of the neighbouring homes. The community sharing a boundary with the Site remain most concerned about the severe loss of privacy.

The Proposal remains fundamentally non-compliant with the visual privacy separation distances required by the Apartment Design Guidelines (ADG). The non-compliant setbacks continue to result in an unacceptable level of direct overlooking into neighbouring properties.

The Proponent contends, however, that:

'Providing an additional 3m of building separation to the north ... would in turn reduce the provision of housing and affect the feasibility of the entirety of the development, ... visual privacy can be addressed through design measure rather than strict building numerical compliance.' [RtS s.5.9][My emphasis]

In lieu of setting back the building or the upper levels by the required additional 3 metres, the Proponent intends to install balcony planters on the northern façade to protect visual privacy. This approach is completely unacceptable. Planters are a superficial, easily altered design feature and not a substitute for a compliant setback to ensure visual privacy and unreasonable amenity impacts. The feasibility (or otherwise) of the development is an irrelevant consideration.

Roof Terraces

The inclusion of a trafficable roof terrace alongside the addition of four rooftop swimming pools and private open space above the 28.6m height plane cannot be justified. The Woollahra Development Control Plan (DCP) explicitly restricts such features:

'Roof terraces are not characteristic of Paddington and are not generally acceptable as private or communal open space. Further, because of the dense built character and sloping landform of Paddington, use of roof terraces can produce detrimental impacts on privacy due to overlooking and noise transmission.'

The community remains concerned about the consequences of allowing four outdoor rooftop pools to overlook their homes. The addition of this private open space will have devastating privacy impacts and unacceptable noise levels to the northern neighbours.

The Proponent has not provided any further commentary on the privacy or acoustic issues concerning the roof terrace. There is also no suggestion of proposing controls on hours of use or other ways to manage overlooking, privacy and noise disturbances to the surrounding neighbourhood. Furthermore, the private rooftop pools will be visually dominant but not a shared space - creating an unacceptable 'exclusive and elite' character to the building.

The Proponent contends that the inclusion of solid balustrades setback from the building parapet by planters (prevent overlooking onto neighbouring properties to the north) resolves the issue. This conclusion cannot be supported.

126-140 Oxford Street

The Proponent's FVIA also now includes a 'realistic indicative built form on 126-140 Oxford Street that utilises the LMR height.' These updated images are described as 'visually consistent in height and scale with indicative future built form' [FVIA p.69] leading the Proponent to conclude that 'the proposal is visually comparable in height, with the proposal visually read as part of an evolving streetscape.' [RtS p.9]

This conclusion relies on an incorrect assumption. As I understand it, the owner of 126-140 Oxford Street (the Adjoining Site) has no intention of developing the Adjoining Site. Furthermore, the owner has requested Council rezone the Adjoining Site so that any future development cannot exceed three storeys in height.

In the circumstances, the Proponent's 'indicative built form' of the Adjoining Site is irrelevant and misleading. It manufactures a fictional, high density future streetscape to justify the excessive scale of the Proponent's own design.

Parking and Traffic

Excessive Parking Provisions

The Proposal seeks to provide 82 car spaces, necessitating excavation of four basement levels to a depth of approximately 15 metres. The parking provision is excessive and inappropriate for the Site. The Site is optimally located next to public transport, including a frequent bus service and proximity to connections to major transport corridors.

The excessive parking provision undermines the Proponent's own Environmental Sustainability principles and the broader strategic objectives of the State Government's goal for Environmentally Sustainable Growth and its Travel Demand Management Strategy – which aims to reduce private car dependency in well serviced inner city areas, encouraging a shift to alternative active transport modes such as walking and cycling.

Amendment 37 DCP

Whilst the SEPP is the prevailing planning instrument, the Proponent still fails to consider the local controls of the Woollahra DCP. Specifically, the proposal ignores the most recent requirements introduced to minimise adverse impacts to the local road network, reduce emissions and alleviate congestion in the LGA. Council recently introduced Amendment 37 to the Woollahra DCP to (amongst other things):

- Set maximum car parking rates for housing in accessible areas to minimise traffic and parking impacts in areas well accessed by public transport;
- Discourage car dependence and support walking, cycling and public transport; and
- Ensure that parking rates respond to local context.

The provision of 82 car spaces across a four level basement levels is fundamentally at odds with all these objectives.

Car Share and Electric Vehicle Charging

Additionally, the Proposal remains silent on the allocation of 'car share' spaces to accommodate resident transport needs and reduce reliance on private car ownership. In addition, there is still no mention of the inclusion of electric vehicle charging facilities or the ability to easily convert to electric circularity. Both omissions represent a failure to plan for future proof infrastructure.

Excavation Risks and Geotechnical Concerns

The deep excavation required to facilitate four levels of basement car parking is estimated to take approximately 8 months. This phase will subject the neighbourhood to frequent heavy truck movements, noise, dust and vibration. The community hold valid concerns regarding the risks of undertaking such intensive excavation in the immediate proximity to the fragile structures of the surrounding Paddington HCA.

Although the Proponent has prepared an Amended Geotechnical Assessment, its recommendation to merely monitor construction-induced vibrations is inadequate for a Site of this sensitivity.

Overall, the proposed basement design and car parking provisions are excessive for the Site. The Proposal must be refused or, at a minimum, redesigned to substantially reduce excavation and car parking. Minimising the parking footprint would decrease the basement depth and duration of the excavation phase, thereby significantly mitigating any potential damage to nearby homes. This approach is more than justified.

Landscape Plans

Oxford Street Trees

The Proponent continues to rely on the Oxford Street trees to soften the visual impact of the first five storeys of the building. The Proponent contends that these trees obscure views to the first five storeys and 'substantially reduce the visual bulk and scale of the development when perceived from Oxford Street.' [EIS p.35]

Crucially, the images and photomontages in the VIA are all prepared during the summer months when the street trees are in full leaf. The design seems predicated on the assumption of continuous, dense foliage across the canopy to 'screen' the impact of the building's bulk and scale.

These deciduous trees will, however, lose their leaves in winter and provide little to no visual screening during the winter months. The true perception of the building from the public domain and adjoining properties in the winter time will be very different from the images provided.

This is a critical omission and not corrected in the FVIA. By relying solely on the summer imagery, the unacceptable visual impacts are significantly understated. By continuing to use the summer foliage to mask the true scale and dominance of the new development, the Proponent underplays the extent to which the building will alter the streetscape.

The Proposal must be assessed without assuming full and permanent tree screening.

Social Impact

Housing Mix

The Proponent's 'Social and Economic Dwelling Mix Justification' document (the SEDML) dated 29 May 2026 combines census data from both the City of Sydney and Woollahra LGAs into an artificial 'Regional Catchment'. Combining both LGAs skews the data is an attempt to downplay the urgent need to boost the supply of studio and one bedroom dwellings in the Woollahra LGA.

The 2021 Australian Census indicates that only 5.9% of dwellings in the Woollahra LGA are Studios, whereas two and three bedroom dwellings represent 29.4% and 34.3% of local housing stock, respectively.

In light of this census data, the Proponent's conclusions are unsustainable. The Proposal fails to include a single replacement studio apartment, despite two and three bedroom dwellings being well catered for across the LGA. The amended plans continue to fall short of providing a diverse housing mix, offering only:

- 6 x one bedroom apartments (6 affordable);

- 15 x two bedroom apartments (4 affordable); and
- 23 x three bedroom apartments (1 affordable).

While the delivery of six one bedroom dwellings (up from zero) it is a positive step, the total exclusion of studio apartments remains unacceptable. The Proposal will deliver 15 two bedroom dwellings and 23 three bedroom dwellings - categories of housing already in abundance throughout the LGA. Consequently, the development creates more premium housing without increasing the genuine supply of the necessary dwelling mix that the area actually needs.

Given the scarcity of studio and 1 bedroom dwellings in Paddington, it will be difficult for many residents to find suitable and comparable accommodation nearby. The Proposal fails to outline any mechanism for tenant priority or a 'right of return' for existing tenants once the project is complete. Furthermore, whilst the Proponent claims that comparable smaller dwellings are located nearby, no evidence or data is produced to support the actual availability of such dwellings.

160 Oxford Street

The SEDMJ also fails to adequately address the specific circumstances of the current residents residing at 160 Oxford Street (including some with complex health care needs). These are predominantly single-person households with long established ties to the Paddington community - including to medical and health care facilities, the Paddington library, local cafes, parks, shops and other services. The disruption to their networks, alongside the stress of losing housing security has been disregarded.

It is most disappointing that the Proponent has failed to engage directly with the community at 160 Oxford Street to understand their specific needs and to alleviate their concerns. Specifically, the Proponent has failed to:

- Assess impacts on vulnerable tenants, including housing stress, their overall well being and potential homelessness; or
- Propose clear mitigation measures (such as dedicated relocation support including assistance to find comparable local housing).

Instead, the Proponent has generated unnecessary uncertainty by openly asserting that the studio apartments 'contain structural engineering and safety concerns.' [RtS s.5.1.4]

If the structural integrity of the building is compromised, the Proponent must immediately clarify the situation and provide formal assurance to all current tenants that the building is safe for occupation.

I am also informed that prior to the Proponent acquiring 160 Oxford Street, the studio apartments were offered at below market rates with stable rent for many years. It is disappointing to learn that since the acquisition, rents have increased and 6 tenants were unable to afford to stay.

Furthermore, despite the fact that many in the community have lived at 160 Oxford Street for many years, the Proponent claims that the Proposal will instead support 'long term residential occupation rather than short stay or transient accommodation.' [RtS p.13]

In addition, the 11 designated 'affordable' dwellings will only be affordable on a temporary basis. After 15 years, these apartments can be sold at market rates, doing nothing to support long term housing affordability or 'providing a contribution to neighbourhood stability'. [RtS p.13]

Overall, the Proponent's claim of a 'demonstrable need' for larger dwellings is inaccurate and cannot be supported. Likewise, the conclusion that the Proposal delivers 'positive social impacts' cannot be sustained.

Construction Traffic Impacts

The local community remain concerned about the impacts on neighbourhood amenity over the estimated 26-month construction period.

The Proponent's revised Construction Traffic Management Plan (RCTMP) dated 29 May 2026 fails to respond to the unique local road and traffic conditions and ignores Council's designation of the area as 'unsuitable for large vehicles.' Crucially, the RCTMP overlooks the fact that Glenmore Road is subject to a load limit for heavy vehicles of 3 tonnes and is a 'high pedestrian activity' zone and signposted accordingly.

Despite stating that 'light traffic roads and those subject to load or height limits will be avoided' [p.vii RCTMP], the Proponent's Heavy Vehicle Route Map remains unchanged, directing heavy vehicles along Glenmore Road via Liverpool Street and onto the intersection of Shadforth Street and Gipps Street.

Furthermore, relocating the proposed 37 metre works zone from Oxford Street to a 22 metre zone along Shadforth Street will be highly disruptive and unsafe - including the removal of four to five on street parking spaces, a tree and kerb blister.

If the Proponent reduced the excessive parking provision (and therefore the need for deep excavation) many of these impacts could be ameliorated.

Conclusion

Despite minor design changes, the Proposal still lacks planning merit and must be refused.

In my nearly nine years serving as a Paddington Councillor, I have never seen a proposal more blatantly at odds with the height, bulk, scale and character of the Paddington HCA, nor one so dismissive of its long established and highly respected heritage controls. The Proposal requires deep excavation to enable excessive parking provision, fails to provide an appropriate housing mix and neglects to mitigate severe amenity and traffic impacts. Demolishing 27 relatively affordable studio apartments to make way for 3 bedroom penthouses with private plunge pools and harbour views is not delivering the long term housing our city needs.

Given intense community interest and the myriad of unresolved community concerns, it is appropriate and justified that a public hearing is held.

I hope that you might make yourself available to visit the Site and observe the uniqueness of this special and historic place. I would be pleased to welcome you to Paddington and discuss any aspect of my submissions.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Cr Harriet Price', written in a cursive style.

Cr Harriet Price