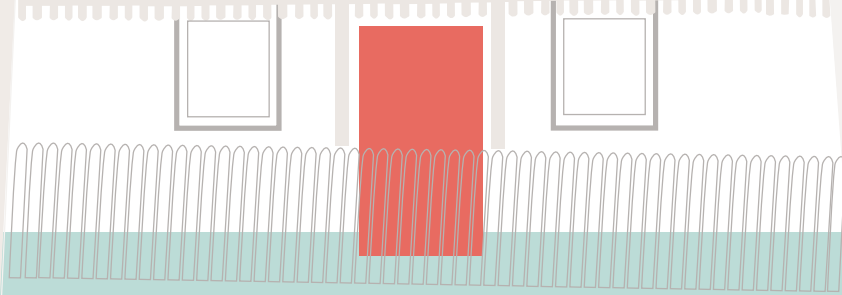


PADDINGTON UNITED

Paddington United Submissions to Application Number SSD-97528708



**Further Submission -
Response to Submission: Application Number
SSD-97528708 Mixed Use Development with Infill
Affordable
160 Oxford Street, Paddington**

Executive Summary

This further submission is made on behalf of Paddington United.

We refer to:

- the original submissions made by Paddington United (**Paddington United Original Submissions**); and
- the Developer's response to submissions (**Developer's Response**).

Paddington United maintains its **objection** to the Development, including as amended by the Developer's Response. While the Developer's Response makes negligible accommodations (for example, a 0.9 metre reduction in the overall proposed building height) and corrects certain clear inaccuracies in the EIS (for example, updating some out-of-date reports and excluding Bethel Lane from the Development, which it had no legal entitlement to include in the first place), it does **not** address the fundamental deficiencies in the proposal, particularly with respect to **excessive height, excessive excavation and loss of affordable housing, particularly studio-size dwellings**.

The Development remains oversized, over-excavated and out-of-scale with its context and is incompatible with the current and future character of the area. No new probative evidence has been provided to support its scale. The substantial amenity, heritage and congestion impacts on this constrained site and its surrounding narrow streets continue to be ignored, particularly in relation to the Heritage Conservation Area of Little Paddington Village. The proposal disregards long-established and *significant* planning principles to the detriment of the public benefit and the social licence underpinning the State Government's important planning policies.

Satisfactory resolution by way of a drastically scaled-back development remains the most appropriate and proportionate outcome, which is in keeping with the desired characteristics of the area and can still deliver increases in housing and affordable housing.

Key Requirements to address:

- A **maximum of 4 floors** to align to the prevailing height on the northern side of Oxford Street (the majority of which are a maximum of 3 floors);
- Limited excavation to accommodate no more than the **minimum parking spaces**;
- **ADG compliant separation** to R2 heritage cottages in Little Paddington Village; and
- **At least 27 studios and 1-bedroom apartments** to ensure no overall reduction in apartments of this size, maximising equitable housing access.

This submission does not repeat all the positions set out in the Paddington United Original Submissions, nor does it comment on every deficiency in the Developer's Response. It instead focuses on the *key* areas of objection.

Excessive Height

We refer to the clauses titled "Future Desired Character",¹ 3.8 (Excessive Height), 3.9 (Variation), 3.10 (Selective Use of Comparable Heights) and 3.11 (Non-Equivalent Examples) of the Paddington United Original Submissions.² The Developer's Response provides no substantive new evidence to justify the proposed height and, accordingly, the arguments made in those clauses continue to apply.

The Developer's Response continues to *only* rely on examples of non-equivalent, intrusive buildings to justify the proposed height, while simultaneously attempting to support its case for demolition of the buildings on site on the basis that they are "intrusive".³

¹ Paddington United Original Submissions, p. 21.

² Paddington United Original Submissions, p. 63-71.

³ Submissions Report, clause 4.3, Council-20 (the document has no page numbers).

The only new evidence provided to support the excessive proposed height in the context of the area is the inclusion of an indicative built form for the neighbouring property (126-140 Oxford Street),⁴ which should be disregarded for the following reasons:

- This building does not exist, there are no current plans for it to be developed, and if such plans ever eventuate, the form of any future proposal is unknown and would need to be assessed on its own merits;
- Its inclusion is speculative, irrelevant and does not demonstrate the future desired character of the area;
- The true visualisation of the scale of the Development in its context, including against 126-140 Oxford Street, is contained on page 79 the Architectural Design Report and demonstrates it is entirely out-of-scale in its context; and
- The attempt to normalise the Development's excessive scale by comparison to a non-existent building demonstrates the inappropriateness of its height for the site, the lack of genuine evidence to support the scale and the tenuous basis for this proposal.

The Developer's Response continues to rely inappropriately on partial screening from seasonally deciduous trees to justify its scale. Only one new viewpoint has been provided to demonstrate the impact of views from the-Victoria Barracks, which is inaccurately described as having a "negligible" impact.⁵

The Submission Report notes: "It is clear from viewpoint No.8 that there are many trees along the southern edges of Oxford Street that completely block the visibility of the proposed development."⁶ This should be disregarded for the following reasons:

- As shown below, the photo to support this position appears to have been deliberately taken behind a substantial tree trunk to further downplay the impact;
- This conclusion relies solely on screening from deciduous trees, which is an inaccurate representation, as demonstrated by the images below; and
- Given the viewpoint is rated as a "high" sensitivity,⁷ and is intended to replace the requirement for a viewpoint from within the Victoria Barracks, it is critical that a fulsome, accurate assessment is undertaken.

8.8.4 Viewpoint 8: Proposed View including 126-140 Oxford Street – Indicative Future Built Form



Figure 36 Viewpoint 8: Oxford Street (Barracks Wall) – Proposed view including 126-140 Oxford Street – Indicative Future Built Form

Final Visual Impact Assessment



Photo taken June 2026

The impact of the proposed height and scale on the neighbouring Paddington Village and the Heritage Conservation Area is **completely ignored**. The heritage report (document K of the EIS) and

⁴ Final Visual Impact Assessment, p.33, 45, 53 (Document O of the Developer's Response).

⁵ Final Visual Impact Assessment, p.59 (Document O of the Developer's Response).

⁶ Submissions Report, clause 4.2.1, DCCEEW-9 (the document has no page numbers).

⁷ Final Visual Impact Assessment, p.60 (Document O of the Developer's Response).

updated heritage report (document G of the Developer's Response) make **no comment** on the heritage impact on Little Paddington Village, even though it is immediately adjoining the Development.

In June 2026, the Housing Delivery Authority (HDA) **did not recommend** the proposal by the Developer for this site. Kiersten Fishburn, Secretary of the Department, Planning, Housing and Infrastructure (member of the HDA) stated: "This is a significant scale and height proposed out of context with the surrounding streetscape. We suggest that the proponent work with Woollahra Municipal Council to work to get a proposal that can be looked at by council."⁸

Excessive Car Parking

Car parking has been reduced by 1 space to 82 parking spaces. The Developer's Response confirms that this remains 19 spaces above the minimum required in the Housing SEPP.⁹ This remains wholly excessive for the following reasons:

- The non-discretionary standards for parking spaces are set out in section 19(e) of the Housing SEPP. The original proposal for 83 parking spaces exceeded this minimum by 34.5 parking spaces.¹⁰ As a result of the amended mix of apartment sizes in the Developer's Response, the proposed parking now exceeds the minimum requirement by 42.6 spaces and, accordingly, **the excess has increased**;
- Despite the excessive proposed scale of the car park and the significant excavation that will be required to deliver it, the proposed car park will still be unable to accommodate regular-sized service vehicles for waste collection, deliveries or removals or meet the practical requirements of future residents, imposing this burden on the surrounding narrow streets;
- Shadforth Street continues to be mischaracterised as a "quiet, low-traffic" street¹¹ notwithstanding the volume of submissions and evidence about the constraints on this vital thoroughfare provided by the residents who live there and are best placed to observe it;
- No justification or evidence has been provided for this excess, other than optimistic expectations that it should not create excessive additional noise;¹² and
- The Developer continues to adopt contradictory positions - relying on the location and convenience to public transport to obtain the benefit of height and other bonuses, while failing to reduce demand for private vehicle use and parking.

Inadequate Separation to R2 Zone

The Developer's Response repeatedly mischaracterises the Development as "ADG compliant"¹³ when the building separation between the R3 and R2 zones does not comply with the ADG. The separation is proposed to remain at less than 9 metres, well below the minimum required for transition to R2.

The Submissions Report notes: "...residents living in the R2 Low Density Residential zone must accept that a development of a higher density and larger scale can occur on the R3 Medium Density Residential zoned land that is this site."¹⁴ This argument is fundamentally flawed. The ADG does not prohibit higher density development in the R3 zone beside the R2 zone, rather it imposes separation requirements on developments to appropriately facilitate that transition: to improve privacy, outlook, light, visual relief, and the transition in scale between the zones. The Developer's Response fails to address these requirements.

The examples provided by the Developer to support this argument refers to the Paddington Post Office (2-3 floors), 188 Oxford Street (4 floors) and the Imperial Hotel (4 floors) which are situated

⁸ Record of HDA, 15 June 2026, Application 306329.

⁹ Submissions Report, clause 4.3, Council-4 (the document has no page numbers).

¹⁰ Calculations available in Paddington United Original Submissions, p. 20.

¹¹ Architectural Design Report, p.133 (Document C of Developer's Response).

¹² Submissions Report, clause 4.3, Council-4 (the document has no page numbers).

¹³ For example, Submissions Report, clause 4.1, DPHI-5 (the document has no page numbers).

¹⁴ Submissions Report, clause 5.2, underneath Figure 10 (the document has no page numbers).

adjacent to or in close proximity to 2-floor terrace houses.¹⁵ Note that the tallest of these examples provided are half as tall as the proposed Development.

Further, the Developer's Response fails to emphasise that the caselaw in which the above principle is included also states (emphasis added): "Also in considering the likely future character of the 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 the applicable development standards*."¹⁶

The only concession offered to address this issue in the Developer's Response is the inclusion of relatively cosmetic planter boxes on the north-facing balconies.¹⁷ This minor design accommodation *may* provide some improvement to overlooking but does not address the other relevant objectives at all.

The only reason given for why the minimum separation should not be required is that compliance would result in a smaller building, "and affect the feasibility of the entirety of the development."¹⁸ This argument is also fundamentally flawed, as follows:

- It assumes that the public benefit is always met by scale, rather than by compliant housing that is appropriately designed and scaled to its site;
- It inaccurately suggests that development cannot be both compliant and viable, which would set a dangerous precedent – the purpose of the legislation is not to maximise developer profits;
- The intent of the relevant bonuses is not to facilitate substantially non-compliant developments to deliver penthouses with rooftop private pools and to maximise profits for developers, but to prioritise affordable housing. If building a compliant development on the site does not make the Development economically feasible for the Developer, the Developer should look at developing another site;
- It ignores that meaningful building separation is also intended to ensure buildings are appropriately scaled to the size and shape of the site, rather than consuming a site to the unreasonable detriment of adjacent properties;
- It also ignores the sensitive nature of the adjacent properties in a Heritage Conservation Area, which by reason of their importance and categorisation should, as a minimum, be afforded compliant separation; and
- The proposal also fails to satisfy the mandatory requirement to retain a "high" degree of amenity.

This issue has been inappropriately characterised by the Developer as effectively a minor technicality when it is an issue of significance with a substantial impact.

Amenity

The amenity impact on the adjacent terraces and cottages in Little Paddington Village is largely ignored. In addition to the inadequate separation referenced above, there is no meaningful analysis of the significant amenity impacts, for example, there is no consideration of light spill from the tower or loss of aspect (replacing open sky with only views of the tower). The Developer's Response notes: "Impacts on private views are not required as there are no significant or iconic views affected from surrounding dwellings, especially from rear yards."¹⁹ Accordingly, it dismisses the requirement to even investigate the potential impact or ways that it could be minimised, and provides no evidence that the mandatory "high" degree of amenity is retained.

The excessive scale of the Development on the site means the Developer is inappropriately relying on the narrow 3-metre-wide area between 21 and 23 Gipps Street (as well as the completely separated

¹⁵ Submissions Report, Figures, 5, 6, and 7 under clause 5.2 (the document has no page numbers).

¹⁶ Submissions Report, clause 5.2, underneath Figure 10 (the document has no page numbers).

¹⁷ Clause 4.6 Variation Request, p.32 (Document S of the Developer's Response).

¹⁸ Submissions Report, clause 5.9 (the document has no page numbers).

¹⁹ Submissions Report, clause 4.3, Council-19 (the document has no page numbers).

front courtyard of 13 Gipps Street) to meet mandatory landscaping thresholds, to the unreasonable amenity detriment of those adjacent properties. Consequently, the amenity impact on 21-23 Gipps Street is effectively ignored, inappropriately reduced to a few short paragraphs in the EIS and optimistic acoustic projections.²⁰ No commentary is provided to support the removal of property access that has existed since the 1800s or any other of the amenity concerns such as privacy loss. The amenity impact has increased by the removal of Bethel Lane from the application, as this area is now one of only two entry points to the Development and is therefore likely to be busier.

Clause 4.6 (Amenity Impact to 21 and 23 Gipps Street) of the Paddington United Original Submissions sets out the substantive impact to these adjoining properties. The Developer's Response provides no new commentary on this point and, accordingly, the arguments made in that clause continue to apply.

Affordable Housing

Chapter 2, Part 3 (Retention of existing affordable housing)

Chapter 2, Part 3 of the Housing SEPP is directed to the retention of existing affordable rental housing. Its purpose is not merely technical. It is intended to ensure that, where existing low-rental dwellings may be lost through demolition, the consent authority properly considers the real-world housing consequences, including the reduction in affordable rental accommodation, the availability of comparable accommodation, the displacement of residents, the cumulative loss of affordable housing in the area, and whether the loss can or should be mitigated.

The Housing SEPP contains an exclusion for a building approved for subdivision under the *Strata Schemes Development Act 2015* (NSW), and the Developer's Response relies on that exclusion.²¹

However, 160 Oxford Street has been owned by a single owner for some decades and continues to be owned by a single owner, being the Developer. It is not, in substance, a conventional strata-building made up of separately owned homes occupied or controlled by individual owners. It operates as a single-owner rental block containing 27 studio apartments.

It is inconsistent with the purpose of retaining and mitigating the loss of existing affordable rental housing if a building that functions as a single-owner rental block, and may otherwise meet the low-rental residential building criteria, could avoid assessment solely because of a historic strata title arrangement.

Regardless, even if the Department accepts that Chapter 2, Part 3 of the Housing SEPP and related contributions do not apply, the *Guidelines for the Affordable Housing SEPP* (October 2009) provides the criteria of Chapter 2, Part 3 can still be considered (emphasis added):

*"If a development application is not subject to Part 3 but there is concern that loss of the accommodation may have adverse impacts on the local housing market, criteria similar to those in Part 3 can be considered when assessing the social and economic impacts of the development under section 79C(1)(b) of the Act. Conditions requiring contributions for the loss of affordable housing can only be imposed on development applications which are subject to Part 3. It is not possible to impose those conditions on other development applications, even if the existing building meets the definition of "affordable housing" in the SEPP. However, imposition of conditions under section 94F(5)²² requiring other arrangements for the provision, maintenance or retention of affordable housing can be considered in those cases."*²³

We submit there is a reasonable basis for concern that the loss of accommodation will have an adverse impact on the local housing market, as detailed below.

²⁰ EIS, p.88.

²¹ Submissions Report, clause 5.1.2 (the document has no page numbers).

²² Note that 94(F)(5) has been renumbered 7.32 of the *Environmental Planning and Assessment Act 1979* (NSW)

²³ Guidelines for the Affordable Housing SEPP (October 2009), p.5.

Impact of loss of affordable housing

The Developer's Response assesses the impact of the loss of 27 studio apartments in the Woollahra LGA **by including the City of Sydney LGA** and describing this as a "Regional Catchment".²⁴ This presents a concerning selective view of the facts by artificially inflating the number of available studios and significantly downplaying the impact of the loss of 27 studios.

The Developer's Response provides the headline number that studio and 1-bedrooms account for 32.7% of the dwellings in the Regional Catchment and concludes (emphasis added): "Therefore, the removal of the studio apartments from the Subject Site is not anticipated to have a significant impact due to the *overrepresentation of studio dwellings* in the region."²⁵

However, in the fine print, it is noted that **in the Woollahra LGA, studios only account for 1.8%** of dwellings, and 1-bedrooms account for 10.9% of dwellings – this does not amount to an overrepresentation.

The Developer's Response separately acknowledges this contradiction, stating (emphasis added): "This is primarily driven by smaller dwellings across the City of Sydney *compared to Woollahra*."²⁶

The Developer's Response provides no explanation for why this definition of a Regional Catchment is adopted. We refer to the precedent of the Chimes (SSD-79316759:45-53 Macleay Street, Potts Point) which also considered the impact of the demolition of studios and did so against availability in Potts Point only, not some broader, unrelated area.

The City of Sydney LGA includes 33 suburbs, as far from the subject site as Annandale, Millers Point and Rosebury, many of which are far more densely populated than the subject area (as opposed to only 9 suburbs in the Woollahra LGA). The City of Sydney LGA includes multiple distinctly different suburbs to Paddington and the Woollahra LGA, particularly with respect to apartment mix and building heights, for example, it includes Zetland, Waterloo and Ultimo, where larger scale apartment blocks are commonplace. It is irrelevant to consider the overall reduction in affordable housing in this broader, unrelated geographic area when the test in question is what is required and appropriate in the Woollahra LGA and this specific site.

The Developer's Response also repeatedly states that there are substantial studio and 1-bedroom apartments available near the site and relies on a map of nearby examples.²⁷ The existence of other studios is not contested, but the relevant point is that they only account for 1.8% of dwellings in the Woollahra LGA where the Development is located.

The Developer's Response further notes that a single person in the Regional Catchment is likely to reside in a 1-2 bedroom dwellings and concludes that this demonstrates "households will typically prefer to live in larger dwellings."²⁸ It is completely speculative and without foundation to conclude that single people prefer to live in larger and more expensive dwellings, particularly in the context of a lack of available smaller dwellings.

In the absence of genuine evidence, the Developer has repeatedly relied on wholly irrelevant examples to support its case, for example, alarmingly, references to buildings as far away as Parramatta and Paris,²⁹ and as mentioned above, a building that does not even exist, and in this case, studio availability in an unrelated LGA. The facts provided in clause 2.7 (Mix of Apartment Sizes) of the Paddington United Original Submissions are accurate and reflect the LGA in question.

²⁴ Social and Economic Dwelling Mix Justification, clause 2.2, p.5 (Document CC of Developer's Response).

²⁵ Submissions Report, clause 5.1.4 (the document has no page numbers).

²⁶ Social and Economic Dwelling Mix Justification, clause 2.5, p.9 (Document CC of Developer's Response).

²⁷ Submissions Report, clause 6.4.1.2 (the document has no page numbers), and Social and Economic Dwelling Mix Justification, clause 2.2, p.5 (Document CC of Developer's Response).

²⁸ Social and Economic Dwelling Mix Justification, clause 2.5, p.9 (Document CC of Developer's Response).

²⁹ Statement of Heritage Impact (Document K of the EIS), p.19-20.

Rents

The Developer's Response asserts that "submissions suggesting that the studios on 160 Oxford Street within the site are affordable are not substantiated by any concrete facts and figures."³⁰ This is **incorrect**, as outlined below.

The Developer acknowledges that the median rent of the studios at the site is \$486.³¹ This aligns with the Paddington United Original Submissions which states that the range is approximately \$430 to \$550.97³² (an average of \$490).

The Developer's Response states that median rent for the Woollahra LGA is \$496 and therefore equivalent to the studio's median rent.³³ This is **inaccurate**. The only evidence provided is data sourced from the "Department of Family and Community Services" (which is incorrectly named – it is now the Department of Communities and Justice (**DCJ**)) with an amount of \$493³⁴ (not \$496) for a bedsitter. A studio is distinct from a bedsitter which generally include limited cooking/kitchen facilities. Further, the explanatory notes for DCJ include that it relates to bonds held, not total number of rental properties.³⁵

Both Domain and Realestate.com state that the median rent for a studio in Paddington (postcode 2021) is \$650. The NSW Rental Bond Board "rent check" service confirms this is the median. We also refer to clause 2.4 (Rent Comparison to CHP Affordable Housing) of the Paddington United Original Submissions which demonstrates that the existing studios are more affordable than market rent, including of the affordable housing in Woollahra.

The Developer's assertion that 160 Oxford Street is not a low rental residential building must be validated by evidence of the last 5 years of rental records.

We also refer to the alleged safety issues outlined in the Developer's Response, for example the brick vent shaft which is described as posing "an economic and safety risk to occupants and neighbouring property owners."³⁶ It is contradictory to allege imminent safety issues to support a case for demolition, whilst simultaneously making the property available for rent without repair and advertising the studios as "modern" and "stunning".³⁷ If these conclusions are indeed accurate, the Developer as owner has not fulfilled its obligations to conduct urgent repairs to ensure the safety of its residents and neighbours, particularly in the context of the Developer having continued to increase the rents since purchasing the site.³⁸

Inaccuracies, Contradictory and Selective Information

The documentation in the EIS and the Developer's Response has been prepared without sufficient attention to detail and continues to contain inaccuracies, contradictions and selective facts. This undermines its overall credibility and completeness, imposing an unreasonable burden on the Department and others to decipher the true position. The repeated nature of these issues means the entirety of the submission should be treated with caution.

Some of the most glaring examples are:

- Contradictory and inaccurate statements regarding the future desired character of the area and its alleged "transition", in particular the following two contradictory statements (emphasis added):

³⁰ Submissions Report, clause 5.1.2 (the document has no page numbers).

³¹ Submissions Report, clause 5.1.2 (the document has no page numbers).

³² Paddington United Original Submissions, p.45.

³³ Submissions Report, clause 5.1.2 (the document has no page numbers).

³⁴ Social and Economic Dwelling Mix Justification, clause 3.2, p.12 (Document CC of Developer's Response).

³⁵ [Link](#)

³⁶ Structural Engineering Review, p.3 (Document II of the Developer's Response).

³⁷ Paddington United Original Submissions, p.44.

³⁸ Paddington United Original Submissions, p.45.

“The Woollahra LGA, including the Paddington area *is a precinct undergoing transition. This is primarily due to the application of the LMR housing provisions* for both the inner and outer areas and for R3 Medium Density Residential and R2 Low Density Residential zones.”

“The site is one of two sites in Paddington that could realistically be redeveloped for increased housing density under the Low and Mid Rise Housing reforms.... *Therefore, the Low and Mid Rise Housing Reforms will not have a major cumulative impact on Paddington.*”³⁹

- Selective use of comparable heights in unrelated areas, and non-equivalent buildings, and repeated inaccurate assertions that the height aligns with the prevailing height on Oxford Street.
- Relying solely on intrusive buildings to justify the proposed height, while simultaneously attempting to support its case for demolition of the buildings on site on the basis that they are “intrusive”.
- Repeated use of images of seasonally deciduous trees (with full leaf coverage) and from obscured view angles to justify the Development’s excessive scale.
- Relying on the indicative built form of 126-140 Oxford Street to justify its scale, which does not exist and has no plans for development.
- Artificially inflating studio availability and rents by including the unrelated LGA of the City of Sydney in its assessment, whilst relying on the specific location of the site to benefit from height bonuses.
- The absence of *any* expert heritage commentary on the impact to Little Paddington Village, particularly in the context of non-compliant building separation to the R2 zone.
- Relying on the location and convenience to public transport to obtain the benefit of height and other bonuses, while increasing the number of proposed parking spaces to 42.6 spaces above the minimum requirement.
- Alleging imminent safety issues to support the case for demolition, whilst simultaneously making the property available for rent without repair.
- Inappropriately relying on this narrow 3-metre-wide area between 21 and 23 Gipps Street and an unconnected courtyard of 13 Gipps Street to meet mandatory landscaping thresholds.

³⁹ Paddington United Original Submissions, p.22.