

15 March 2026

Victor Casasanta – Planning Officer

Department of Planning, Housing and Infrastructure
4 Parramatta Square, 12 Darcy Street
Parramatta NSW 2150

Dear Victor,

RE: OBJECTION TO STATE SIGNIFICANT DEVELOPMENT APPLICATION – 160 OXFORD STREET, PADDINGTON – SSD-97528708

This objection has been prepared by the owners of 17 Gipps Street, Paddington, NSW 2021, in relation to State Significant Development Application (**SSDA**) SSD-97528708.

The SSDA seeks consent for an eight (8) storey mixed-use development comprising 40 residential apartments (including 10 infill affordable housing apartments) and ground-floor retail premises at 142-148 and 160 Oxford Street, 13 Gipps Street, and 6 Shadforth Street, Paddington.

We object to the proposal in its current form. While we support, in principle, the delivery of additional housing supply including affordable housing, the proposal presents several significant planning concerns that warrant refusal or substantial redesign.

Our objection is not to affordable housing as a policy objective. It is to the scale, height, bulk, excavation intensity and northern interface impacts of this proposal on this site. We consider the proposal is an overdevelopment of a constrained heritage site and would result in unacceptable impacts on adjoining and nearby dwellings, including our own home at 17 Gipps Street.

We also request that the Minister consider referring the application to the Independent Planning Commission for a public hearing under section 2.9(1)(d) of the Environmental Planning and Assessment Act 1979, given the scale of public concern, the heritage sensitivity of the locality, the direct amenity impacts on adjoining residents and the number of unresolved technical matters that still require clarification before determination.

The following is our review of the Applicant's submission and recommendations to the Department of Planning.

1. Overview of the proposal

According to the applicant's material, the proposal comprises demolition of the existing structures on the site other than 13 Gipps Street, construction of a new 8 storey mixed use building above ground, and a 4 level basement with access from Shadforth Street. The application material describes approximately 40 dwellings, including 10 affordable dwellings, ground floor retail uses and 83 car spaces.

The same material states that the overall site area is approximately 2,172.4 square metres and that the site presently includes, among other things, the dwelling at 13 Gipps Street and 27 studio dwellings at 160 Oxford Street.

2. The proposal exceeds the incentivised height standard under the Housing SEPP

The applicant's Clause 4.6 material states that the maximum building height otherwise applicable under the Housing SEPP is 22 metres, plus a 30 percent affordable housing bonus, giving a non-

discretionary development standard of 28.6 metres. The proposal seeks a variation above that standard.

We consider the fact that the proposal already benefits from the affordable housing bonus and still requires a height variation is a strong indication that the building envelope is too large for the site.

3. The proposal is incompatible with the local grain, scale and character of the Paddington Heritage Conservation Area

The site is within the Paddington Heritage Conservation Area. The applicant's own heritage material acknowledges the heritage setting and records that Gipps Street and Shadforth Street are predominantly characterised by one and two level residential buildings. That small scale character is not confined to isolated buildings. It is part of the significance of the surrounding streetscape, rear lane condition, rhythm of built form and relationship between buildings and gardens.

The proposal inserts an 8-storey built form immediately south of that fine grain residential context. We consider that the proposed development remains incompatible with the local grain, scale transition and heritage setting of the streets to the north.

4. The applicant's heritage case understates the sensitivity of the immediate locality

The applicant's heritage analysis places substantial emphasis on the Oxford Street corridor and on the proposition that the site has lower heritage sensitivity because certain existing buildings are intrusive or later in origin. That approach understates the significance of the immediate locality north of Oxford Street, including the small worker cottage and terrace precinct formed by Gipps Street, Shadforth Street and Prospect Street.

The surrounding area is not significant only because of individual contributory façades. Its significance also lies in the retained unity of scale, modest building form, rear-yard pattern, visible side and rear relationships, and the way in which small dwellings are experienced from narrow public streets and lanes. Rear elevations and interfaces in Paddington are often visible from the public domain and form part of the heritage character of the area. Those factual features should be given proper weight in assessing the impact of a building of this height and mass at this location.

We consider the Department should not accept the proposition that the proposal has acceptable heritage impacts merely because the Oxford Street frontage is more mixed in character. The relevant assessment must also consider the effect on the adjoining small scale heritage setting to the north and the preserved character of what is often described as the Little Paddington precinct.

5. Independent heritage and design review should be imposed as a specific ministerial requirement and condition of approval

The SEARs Compliance Table identifies design excellence and design quality as matters to be addressed, and the applicant's own Design Verification Statement is a brief statement from the project architect that the design is generally in accordance with the relevant design principles. The Statement of Heritage Impact also advances a positive conclusion about the proposal's heritage response.

In a case of this sensitivity, where there is a clear divergence between the applicant's conclusions and a contrary heritage reading grounded in the local significance and townscape of the area, those self supporting conclusions should be given limited weight.

We request that the Department obtain an independent heritage and design review of the proposal, ideally involving the Heritage Council of New South Wales or, at minimum, an equivalent independent expert heritage review body, so that the effect of the proposal on the Paddington Heritage Conservation Area and the immediate northern streets can be assessed objectively.

Such a review should consider whether the proposal genuinely responds to the heritage context of the area, whether the scale and massing are appropriate, whether the northern interface preserves the character of the adjoining precinct, and whether a materially different design response is required.

In addition, and considering the proposal's scale, its direct relationship with the Paddington Heritage Conservation Area, and its immediate interface with the small-scale heritage dwellings of Gipps, Shadforth and Prospect Streets, we request that any approval require the establishment of an independent Design Review Panel as a specific ministerial requirement and condition of consent, with a particular remit to review the proposal's heritage response, northern interface, visual bulk, privacy impacts, landscape treatment and transition to the adjoining low-scale residential context. The panel should be chaired by the Government Architect NSW (or nominee) and include suitably qualified and independent professionals in architecture, urban design, landscape architecture and heritage. The panel's advice, recommendations and any required design amendments should be documented and provided to the Planning Secretary, and any significant departure from that advice should require a written explanation demonstrating how the final design continues to achieve the relevant heritage, design quality and place objectives.

6. The northern interface is unacceptable and will cause serious privacy, outlook and visual amenity impacts to our home

The applicant's own material states that the proposed development will have a minimum setback of approximately 9 metres from properties to the north and that this buffer zone will contain a driveway and landscaped area intended to soften the building and create privacy. The Apartment Design Guide also indicates that where apartment development adjoins a lower density residential zone, the building separation or setback response should be increased by a further 3 metres to provide a transition in scale and additional landscaping. In practical terms, that means the approximately 9 metre northern relationship shown in the applicant's material should be tested against the higher separation expectation that applies at interfaces with low-density residential land.

From our perspective as the owners of 17 Gipps Street, the impacts are clear. The building will sit only about 9 metres from our home, looking down toward our private rooms and private domain from above. It will materially reduce our outlook and sky visibility and create a strong sense of visual dominance and enclosure. Existing houses in Gipps Street are very small in scale. In that context, the new building will not merely be visible; it will feel overpowering.

The applicant's own documents demonstrate that the northern interface is one of the most sensitive aspects of the proposal. The Department should not accept general assurances of mitigation without carefully considering the actual lived impact on the small-scale dwellings immediately opposite and adjacent to the north.

7. The proposal presents an abrupt and poor transition to the low-scale residential area to the north

The transport and heritage material confirms that the land immediately north comprises a small-scale residential street context, while the proposal inserts an 8-storey built form on that interface.

We consider that remains an abrupt and poor transition in built form. Façade articulation and stepping do not alter the fundamental incompatibility between a development of this scale and the intimate grain of Gipps Street, Shadforth Street and Prospect Street.

8. The rooftop should not be treated as a purely incidental plant zone

While the proposal is described as an 8-storey building above ground, the applicant's own material indicates that the roof is not limited to incidental plant. The plans and related material show roof terraces, pools, pool deck, communal open space and associated equipment at roof level.

We consider the rooftop should therefore be assessed not merely as an ancillary plant area, but as an occupied amenity layer contributing to the proposal's height, visual bulk, privacy interface and activity impacts.

9. The affordable housing benefit relied on is temporary, while the built-form impacts are permanent

The applicant's engagement material states that the proposal includes 10 affordable apartments and that those dwellings are to be provided for 15 years, after which they revert to market housing.

This is a critical planning balance issue. The public benefit relied on to justify the height and density uplift is time limited. By contrast, the impacts of the development on adjoining owners and the heritage setting, including height, bulk, loss of sky space, privacy loss, visual dominance and excavation impacts, will be permanent.

10. The proposal is driven by excessive basement and parking intensity

The applicant proposes 83 car spaces in a new 4 level basement, accessed from the northern end of the Shadforth Street frontage. For a site on Oxford Street that the applicant itself describes as well positioned close to public transport, shopping areas and open space, this parking outcome appears excessive.

We consider the basement and parking intensity are not secondary matters. They are a core driver of the proposal's impacts. They require deep excavation, intensify access and traffic effects, and increase the practical burden on adjoining properties and the surrounding street network.

Please refer to the attached Traffic Report by the expert traffic engineer, Headway Traffic and Transport, further highlighting the deficiencies of the Applicant's response to the construction and operational traffic related issues. HTT260101 - 160 Oxford Street, Paddington - A.01.pdf

11. The extent of excavation, demolition and boundary intervention creates significant safety and security risks for adjoining properties

The applicant's geotechnical material states that where excavations extend beneath the zone of influence of nearby structures, services or pavements, or where temporary batters cannot be used, basement retention will be required, and that retaining wall design must take account of neighbouring structures. The noise and vibration material also states that excavation of sandstone bedrock can generate significant vibration and recommends vibration monitoring during excavation along shared boundaries.

As adjoining owners, we are particularly concerned about demolition and excavation at or near shared boundaries, the ownership and treatment of any boundary wall, and the structural implications for small older dwellings in Gipps Street. These concerns are not addressed by general statements deferring the resolution to the later stage of detailed design. The Department should require a much more specific explanation of how the boundary condition will be managed and how the structural integrity of adjoining and joined properties will be protected.

Furthermore, the boundary walls provide secure delineation between the properties. The Applicant's proposed demolition of the adjacent walls and buildings would permanently affect the security of the adjoining properties. We request that specific measures to maintain safety of the structures and security at the boundary are outlined and implemented with consideration to existing and proposed buildings and grounds levels.

12. The Applicant's noise and vibration assessment should be treated cautiously and not as determinative

The applicant's noise and vibration assessment identifies 17 Gipps Street as a specific residential receiver. It also states that the mechanical plant assessment is only indicative at this stage and that a detailed review should occur later once the mechanical system is designed.

The same report uses selected source and receiver assumptions, while the application material also shows substantial roof-level amenity use. We consider the Department should examine carefully whether the selected sources, receivers and assumptions adequately capture the actual north-side noise environment, including whether all materially affected dwellings have been properly identified and whether open or double-height communal spaces on the northern side have been assessed as noise sources. The effect of the noise source of the development's northern façade of open balconies seem to be underestimated and do not consider a cumulative contribution of multiple apartments being active at evenings and night times, which would be expected to significantly affect the noise levels in the currently low rise residential area.

13. Construction noise and vibration impacts will be severe

The applicant's own acoustic material predicts significant construction noise to adjoining receivers and recommends mitigation, monitoring and respite measures. This is consistent with a project involving demolition, deep excavation and four basement levels in a constrained urban block adjoining small heritage dwellings.

We consider the scale of the predicted construction burden is itself indicative of a proposal that is too intensive for the site.

14. The proposal puts established trees at risk and the replacement planting case is not sufficient

The applicant's arboricultural material states that the proposal requires the removal of a substantial number of trees and that some retained trees will still experience incursions associated with the proposed basement alignment. The applicant's visual and heritage material also relies in part on mature trees to soften or screen views of the proposal.

We are also concerned about the suitability of the proposed Casuarina or Allocasuarina planting as part of the landscape response. We consider that planting type is not appropriate immediately adjacent to small residential properties and drainage infrastructure, because it creates an ongoing maintenance burden through fine litter and branch debris and introduces a foreseeable risk of accumulation in gutters, private drainage lines and stormwater systems. The landscape response should be assessed not only for appearance, but also for mature form, litter burden, maintenance implications and compatibility with adjoining small lots and council expectations for appropriate species.

15. Further verification is required in relation to 13 Gipps Street, site metrics and deep-soil performance

We request that the Department independently verify the applicant's treatment of 13 Gipps Street in the site area, gross floor area, floor space ratio and landscape or deep soil calculations. The plans identify a total site area of 2,172.4 square metres while also stating that 13 Gipps Street is to be retained and that minor renovations to that property will be undertaken through a separate CDC. In those circumstances, it would assist the integrity of the assessment for the Department to confirm that the methodology used for density and landscape calculations transparently reflects the retained and separately treated status of 13 Gipps Street, and that the presentation of site metrics accurately corresponds to the development for which consent is sought.

We also request that the Minister impose a specific requirement and condition of approval requiring independent verification that all areas relied upon as landscaped or deep-soil areas function as genuine deep-soil zones in substance, having regard to any driveway, access, services, retaining conditions, ponding or other physical constraints.

16. The proposed northern interface should also be assessed for practical maintenance implications for adjoining heritage properties

We request that the Minister impose a specific requirement and condition of approval requiring assessment of whether the proposed northern interface treatment, including boundary planting, driveway and associated landscape works, would materially affect practical maintenance access to the rear walls, gutters, drainage infrastructure and other service elements of adjoining heritage dwellings in Gipps Street.

That arrangement should be assessed not only for visual and privacy outcomes, but also for practical ongoing maintenance implications for adjoining small heritage properties immediately opposite and adjacent to the northern elevation.

17. The Department should rely on verified plans and impact material rather than promotional or illustrative imagery, and should assess additional affected viewpoints

The applicant's engagement material states that the images used in public-facing material are illustrative only to represent design intent, not final outcomes. Given the central importance of height, bulk, privacy, visual impact and heritage setting to this application, the Department should place primary weight on the architectural drawings, sections and verified impact material rather than promotional imagery.

In addition, the visual material exhibited appears to focus primarily on Oxford Street, Victoria Barracks and selected heritage views. We consider the Department should require visual assessment from the most directly affected northern viewpoints, including Prospect Street, multiple locations along Gipps Street, the view through to the proposed access point between 21 and 23 Gipps Street, and the backyard or rear interface views from Gipps Street and Shadforth Street properties. Those are the locations that are missing in the Applicant's documentation and where the proposal's bulk, enclosure and privacy impacts will be felt most acutely.

18. The actual dwelling mix and housing-diversity outcome should be clarified

The applicant's engagement material is not internally consistent in how it describes the dwelling mix, while other technical material presents a more limited apartment schedule. We request that the Department confirm the actual dwelling mix proposed and the housing-diversity outcome said to be delivered by the development. This is relevant to the transparency of the applicant's public-benefit case and to understanding the true residential character of the proposal.

19. The CHP arrangement should be clarified and documented with precision

The SEARs require the name and details of the registered community housing provider responsible for managing the affordable housing component, together with documentation confirming the arrangement. The exhibited material is not consistent on the identity of the nominated provider.

We consider the Department should require the applicant to correct the identity of the nominated provider in the exhibited material and clearly demonstrate the legal basis on which the consent authority can be satisfied that the affordable housing component will in fact be managed by the identified registered provider for the required period.

20. Natural ventilation outcomes for Oxford Street-facing apartments should be verified

The applicant's acoustic report states that bedrooms and living areas along the Oxford Street façade will need to operate with windows and doors closed to achieve indoor target noise levels, and will rely on a fresh air ventilation system.

We consider the Minister should require, as a specific assessment requirement and condition of approval, an apartment by apartment explanation of how the proposal satisfies the relevant natural ventilation and cross ventilation objectives, and which apartments are being counted toward those outcomes.

21. Visual impact should be tested without assuming full canopy tree screening

The applicant's visual impact and heritage material relies in part on screening by mature street and site trees, while the arboricultural material records that some retained trees will experience root-zone incursions and pruning or management intervention.

We consider the Department should not assess visual impact solely on the basis of full canopy screening assumptions. The visual outcome should also be tested in reduced canopy conditions, including a conservative scenario that does not assume mature tree screening as a complete or permanent mitigation of bulk and visibility.

22. Cumulative construction and access impacts should be assessed if other corridor works overlap in time

The proposal fronts Oxford Street, includes ground floor retail intended to contribute to the high street, and relies on Shadforth Street for vehicular access to a large basement. If there are other approved or programmed public domain, transport or corridor works in the immediate vicinity during the likely construction period, the Department should assess the cumulative impact of overlapping works on traffic, pedestrian access, servicing, local retail activity and neighbourhood amenity.

Given the scale of excavation and construction traffic associated with this proposal, cumulative effects should not be overlooked. Considering that the Liverpool and Shadforth Streets are already very constrained local streets, with 3t limits, the development should be restricted from using those streets for any form of traffic related to the new development, including haulage, access or usage of limited residents and local retail loading parking zones.

23. Traffic, servicing, waste management and pedestrian safety impacts require further clarification and stronger controls

The applicant's transport, waste and construction traffic material should be supplemented by a more explicit demonstration of how servicing, waste collection, loading, move in and move out activity, and heavy vehicle access will operate in practice without creating unacceptable impacts on surrounding local streets. In particular, the material should show how waste collection vehicles are intended to manoeuvre within the basement and access arrangements, whether the relevant ramp geometry and clearance envelopes have been tested for the actual service vehicles proposed, and how larger relocation or delivery vehicles would be managed if they cannot safely use the basement because of height or manoeuvring constraints.

The same issue arises in relation to construction traffic. The exhibited material does not yet provide a sufficiently clear quantification of likely truck movements, spoil removal movements, staging duration and the practical implications for narrow local streets such as Shadforth Street and other surrounding residential routes proposed for construction access. For a development involving four basement levels and extensive excavation, these matters should be expressly quantified and controlled, rather than left at a general management-plan level.

We also request that a specific crime prevention through environmental design assessment be required in relation to the proposed rear pedestrian route, including the dog-leg access arrangement

at the rear of the site. That route should be assessed for sightlines, passive surveillance, concealment risk, after-hours noise impacts and the effect on adjoining properties, particularly where the proposed pedestrian connection would run close to the rear boundaries of existing dwellings.

24. The SSD threshold should be verified by reference to the residential only component EDC

The applicable SSD pathway requires the threshold test to be satisfied by reference to the estimated development cost of the residential development component. The SEARs also required the applicant's EDC material to separately specify the estimated development cost of the residential component of the development.

We consider the Department should verify that the proposal validly satisfies the applicable SSD threshold for infill affordable housing, having regard to the requirement that the threshold relates to the residential development component. The applicant should clearly identify the residential component EDC and the basis on which shared or mixed use costs have been allocated.

25. Internal inconsistencies across the application pack should be reconciled before significant weight is placed on the claimed compliance narrative

The application documents contain material inconsistencies. The Accessibility Report and BCA Report describe a different project scale from the main application material, referring to three basement levels and sixty apartments rather than the exhibited four basement levels and approximately forty dwellings. Other exhibited material is not consistent on matters such as the nominated community housing provider and aspects of the dwelling mix.

We consider those inconsistencies are relevant to the weight that should be placed on the asserted compliance narrative. At a minimum, the Department should require a reconciled set of core project parameters before significant reliance is placed on the current application pack.

26. The applicant's mitigation measures are largely deferred, generic or insufficiently measurable

The Consolidated Mitigation Measures document does not provide the level of certainty that should accompany a project of this scale and sensitivity. Many measures are expressed in general terms, defer critical detail to later plans or future stages, or require the project to be generally in accordance with future management plans rather than committing to clearly measurable constraints.

We consider this is not sufficient. For a project with the potential for significant excavation, vibration, settlement, acoustic, hydrological and heritage setting impacts, the applicant should be required to commit to more defined and enforceable requirements, including measurable vibration and noise limits, monitoring triggers, reporting obligations, independent expert review where appropriate, and clearly specified sign off requirements during design, construction and operation. Critical protections for adjoining properties should not be left to vague future management responses.

27. Wind and microclimate impacts should be verified

Given the scale of the proposed northern elevation and the narrow spaces between the new building and the existing low-rise dwellings, the Department should require verification of whether the proposal creates adverse wind or downdraft effects in the spaces between the development and the adjoining houses.

That issue is relevant to the practical amenity of the narrow interfaces to the north and should not be left untested.

28. The applicant's own consultation material records the same core concerns now raised in this objection

The applicant's engagement material records repeated community concerns about height, bulk and scale, privacy, view loss, overshadowing, heritage considerations, traffic and transport, and construction impacts including noise, dust, vibration and traffic.

That material is important because it shows these are not isolated or peripheral concerns. They are the core planning issues generated by the proposal itself.

29. Precedent risk is a relevant practical planning consideration

We recognise that each development application must be assessed on its own merits. However, approval of an 8 storey proposal with a 4 level basement, height variation, substantial northern interface impacts and a heavily qualified landscape and mitigation response in this location will inevitably be relied on in future arguments about what is acceptable in this part of Paddington. That is particularly concerning where the site interfaces directly with small scale heritage residential streets to the north.

30. Quantified amenity evidence should be required and annexed

The Department assesses amenity impacts by reference to measurable criteria, including building separation, sunlight access, overshadowing and acoustic performance. We consider the northern interface impacts identified in this objection should not be left to qualitative description alone. Before determination, or at a minimum as a specific ministerial requirement and condition of approval, the applicant should be required to provide verified visual photomontages from 17 Gipps Street and other directly affected northern viewpoints, together with a quantified assessment of privacy, overlooking, enclosure, loss of sky visibility and overshadowing to adjoining dwellings and private open space.

That quantified material should include, at a minimum: (a) view verified photomontages from our property and other representative northern locations; (b) overshadowing diagrams and sunlight access testing directed specifically to the immediately affected Gipps Street dwellings and private open spaces; and (c) an overlooking and line of sight analysis identifying the relevant separation distances, sightlines and vertical relationships between the proposed balconies, windows, roof terraces, pools and other occupied areas and the habitable rooms and private areas of the adjoining houses to the north.

31. Conclusion

For the reasons set out above, we object this proposal and respectfully submit that the application should be refused.

Given the heritage sensitivity of the locality, the scale of public interest and the number of unresolved technical matters affecting height, heritage, amenity, traffic, excavation and SSD threshold status, we also request that the Minister consider a referral to the Independent Planning Commission for a public hearing before any determination is made.

In summary, the proposal exceeds the already uplifted Housing SEPP height standard, is incompatible with the local grain, scale and character of the Paddington Heritage Conservation Area, will cause serious privacy, outlook, sky-space and visual amenity impacts for directly affected properties including our home at 17 Gipps Street, relies on a temporary affordable housing benefit to justify significant permanent built form impacts, is driven by a 4 level basement and 83 car parking provision of unnecessary excessive intensity, creates significant risks and burdens in relation to excavation, boundary conditions, vibration and construction impacts, places substantial pressure on established trees and does not yet demonstrate a satisfactory planting response for adjoining owners, and warrants further independent verification of key site metrics, visual assessment assumptions, heritage impacts, acoustic assumptions and SSD threshold inputs.

If the Department is not minded to refuse the application, then at a minimum it should require a substantial redesign involving a material reduction in height, bulk, basement extent and parking intensity, together with independent heritage and design review, independent verification of the northern interface and visual assessment, clearer and enforceable mitigation commitments, and further scrutiny of the accuracy of the applicant's key site, performance and threshold metrics.

Yours sincerely,

Owners of 17 Gipps Street, Paddington