

Pierre Defourny

8 Shadforth Street, Paddington NSW 2021

16 March 2026

The Secretary

Department of Planning, Housing and Infrastructure

GPO Box 39, Sydney NSW 2001

RE: Formal Objection – SSD-97528708 – Mixed Use Development, 142–160 Oxford Street, 13 Gipps Street and 6 Shadforth Street, Paddington

Dear Secretary,

I am writing to formally object to the above development application. My sister-in-law owns 8 Shadforth Street, immediately adjacent to the proposed development site, and I visit her there regularly - often with my five-year-old twins. Shadforth Street is somewhere I know well. I have watched it remain one of the few quietly human-scaled corners of inner Sydney. What is being proposed next door would change that permanently and irreversibly, and I do not believe the applicant has been honest about the consequences for the people who live and spend time on this street.

I want to be clear that this is not an objection born of resistance to change. It is an objection to a specific proposal that exceeds its legal height limit, sits essentially on the boundary of my sister-in-law's home, and relies on internal contradictions and optimistic assumptions to paper over impacts that are, in reality, very significant.

1. Height and Scale

The height limit for this site under the Woollahra Local Environmental Plan 2014 is 9.5 to 10.5 metres - roughly three storeys. The applicant has stacked two separate government bonuses on top of that to reach 28.6 metres, and then applied for a further variation under Clause 4.6 to build to 32.6 metres. That is more than three times the height the local planning rules allow, and it is four metres above even the bonus height the affordable housing incentive permits.

The survey of surrounding properties in Appendix E shows what this neighbourhood actually looks like: predominantly one and two-storey sandstone and brick terraces with ridge lines well below the surrounding ground levels. The proposed building would not sit within this context. It would loom over it. The applicant's own architectural sun-eye view drawing DA851 makes this plain - the building towers above every single one of its neighbours.

2. I am genuinely worried about what the excavation will do to my sister-in-law's home

The development involves excavating approximately 15 metres down to create four basement levels, across a footprint that sits essentially on the boundary of 8 Shadforth Street (EIS Section 3.5.2, Page 41; Table 6, Page 38). The eastern setback to the Shadforth Street boundary is between zero and 0.8 metres. The geotechnical report prepared by Morrow indicates sandstone bedrock as shallow as 0.4 metres below the surface near the south-west corner of the adjacent site - cutting into which will require rock sawing in close proximity to my sister-in-law's foundations.

Her home is a Victorian-era terrace. These houses were not built to withstand the vibration of modern rock-cutting equipment operating less than a metre from their footings. The risks are real and well understood:

- Ground movement and subsidence beneath shallow terrace footings
- Cracking to party walls, masonry facades, and sandstone elements
- Vibration damage from piling and rock sawing immediately adjacent to the boundary
- Stormwater and groundwater changes causing long-term moisture damage

I have read through the consolidated mitigation measures at Appendix C carefully. They are entirely generic - measures G-1 to G-5 address geotechnical matters in broad terms with no reference whatsoever to the specific vulnerability of the immediately adjacent heritage terrace at 8 Shadforth Street. Before any consent is granted, there must be an independent structural dilapidation survey of 8 Shadforth Street, continuous vibration monitoring during excavation and piling, and a legally enforceable obligation on the developer to repair any damage caused.

3. The overlooking into my sister-in-law's home will be severe

With a setback of between zero and 0.8 metres from the eastern boundary (EIS Table 6, Page 38; Figure 23, Page 43), this building will effectively rise straight up from the edge of my sister-in-law's property across seven occupied levels of balconies and windows. The separation distance from 8 Shadforth Street to the building's habitable rooms will be approximately 11 to 12 metres - less than half the 24-metre standard required under the Apartment Design Guide (EIS Figure 31, Page 85).

I spend a lot of time in my sister-in-law's courtyard and rear living areas with my children. The idea that future residents on Levels 1 through 7 will have a direct and continuous view into those spaces is not an abstract planning concern - it is a fundamental change to how that home can be used and enjoyed. The community engagement report at Appendix D shows that overlooking was one of the most commonly raised concerns during pre-lodgement consultation. The applicant's response was to refer to unspecified design "refinements." That is not a satisfactory answer.

4. The construction will be unsafe for my children

I visit my sister-in-law at 8 Shadforth Street regularly and I bring my twins, who are five years old. Construction is approved to run from 7am to 6pm on weekdays and 8am to 1pm on Saturdays (EIS Table 6, Page 39). That means rock-cutting, piling, and heavy machinery operating less than a metre from my sister-in-law's home during the hours we are most likely to be there.

Shadforth Street is narrow. The Preliminary Construction Traffic Management Plan (Appendix S) confirms it will carry construction vehicles and waste trucks throughout the build. There is no meaningful footpath buffer. My children walk that street and the footpath is narrow. The swept path analysis prepared by Varga Traffic Planning shows that even smaller construction vehicles will conflict with on-street parking on Shadforth Street when exiting the car park - larger vehicles will have an even greater impact. None of this is acknowledged as a problem in the traffic report's conclusions.

The safety of pedestrians, and particularly young children, on this street during construction has not been adequately addressed.

5. Local planning protections have been bypassed entirely

Because this application has been lodged as State Significant Development, Woollahra Council's Development Control Plans do not apply. The applicant's own statutory compliance table confirms this explicitly. Those DCPs represent decades of considered local planning policy designed to protect the character, heritage, and liveability of Paddington. They have been set aside entirely.

The public benefit used to justify this, the provision of ten affordable housing dwellings, is also less permanent than it appears. The applicant confirms in the community engagement report (Appendix D) that after the mandatory 15-year period, those dwellings will simply revert to market-rate housing. The height and density uplift, by contrast, will be permanent. The neighbourhood will carry the consequences of this building long after the affordable housing commitment has expired.

6. The trees that are supposed to soften this building may not survive it

Throughout the EIS - in the Heritage Impact Statement, the Visual Impact Assessment, and the architectural design narrative - the applicant leans heavily on the four mature London Plane trees along the Oxford Street footpath. The claim is that these trees will screen the lower five storeys of the building and soften its impact on the heritage streetscape. I walk past these trees every time I visit. They are genuinely beautiful and genuinely important to Oxford Street's character.

Which is why it matters that the applicant's own Arboricultural Impact Assessment (Appendix N) tells a very different story. Trees 2, 3 and 5 will sustain moderate impacts to their Tree Protection Zones from the basement excavation. Tree 4 will be subject to minor incursion. All four will require significant pruning during scaffolding. The arborist acknowledges that their long-term survival is uncertain. Yet the Heritage Impact Statement continues to treat them as a reliable screen without any qualification. If these trees decline or die as a result of this development, which the applicant's own expert says is a real possibility, the visual and heritage impact of the building will be far greater than what has been assessed.

7. The heritage and visual impact reports contradict each other

The Heritage Impact Statement (Appendix K) states repeatedly that the tight street network of Paddington north of Oxford Street will mean the building has "limited visibility" from the surrounding neighbourhood. I find this difficult to reconcile with a building of 32.6 metres rising from a site surrounded by single and double storey terraces. And apparently so does the applicant's own Visual Impact Assessment (Appendix U), which finds that protected views along Shadforth Street will be subject to "considerable impact."

These are the applicant's own consultants, reaching opposite conclusions about the same building. Where two of an applicant's technical reports contradict each other, the more adverse finding should form the basis of the Department's assessment, not the more favourable one.

The opening line of the Heritage Impact Statement, “not every view has the same, if any, heritage significance”, sets the tone for a document that seeks to minimise rather than protect heritage values. Woollahra Council’s DCP identifies multiple views of heritage significance in this area. The entire heritage fabric of the Paddington Heritage Conservation Area deserves genuine assessment, not a starting premise that dismisses it.

Conclusion

I am someone who loves this street, visits it constantly, and brings my young children there. What I can see clearly and what I believe the documents support is that this proposal is too tall, too close to my sister-in-law’s home, and relies on arguments that its own technical reports undermine.

I respectfully request that Development Application SSD-97528708 be refused. If it is not refused, I ask that the following be imposed as mandatory conditions of any consent:

- An independent structural dilapidation survey of 8 Shadforth Street prior to any works commencing, with legally enforceable obligations on the developer to repair any damage caused
- Continuous vibration monitoring during all excavation, rock sawing, and piling works, with enforceable trigger levels requiring works to cease
- A redesign of the eastern elevation to achieve compliant separation distances and prevent overlooking into 8 Shadforth Street
- Pedestrian safety measures on Shadforth Street throughout the construction period, with particular attention to protecting young children and other vulnerable road users
- The driveway to be redirected onto Oxford Street and off Shadforth Street.

I ask that this submission be formally recorded and that I be notified of all further steps in the assessment of this application.

Yours faithfully,

A handwritten signature in blue ink, appearing to be 'P. Defourny', written over a faint grid background.

Pierre Defourny

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