



Submissions Report

SSD-97528708 – Mixed-use Development with in-fill Affordable Housing

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

Submitted to Department of Planning, Housing and Infrastructure
on behalf of TM NO. 8 Development Unit Trust

Prepared by Colliers Urban Planning

17 June 2026 | 2250501



'Gura Bulga'

Liz Belanjee Cameron

'Gura Bulga' – translates to Warm Green Country. Representing New South Wales.



'Dagura Buumarri'

Liz Belanjee Cameron

'Dagura Buumarri' – translates to Cold Brown Country. Representing Victoria.



'Gadalung Djarri'

Liz Belanjee Cameron

'Gadalung Djarri' – translates to Hot Red Country. Representing Queensland.

Colliers Urban Planning acknowledges the Traditional Custodians of Country throughout Australia and recognises their continuing connection to land, waters and culture.

We pay our respects to their Elders past and present.

In supporting the Uluru Statement from the Heart, we walk with Aboriginal and Torres Strait Islander people in a movement of the Australian people for a better future.

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L. Addendum Traffic Impact Response	Varga Traffic Planning
M. Amended Transport and Accessibility Impact Assessment	Varga Traffic Planning
N. Amended Preliminary Construction Traffic Management Plan	Varga Traffic Planning
O. Amended Visual Impact Assessment	Colliers Urban Planning
P. Amended Geotechnical Assessment	Morrow
Q. Site Hydrogeological Assessment	Morrow
R. Dewatering Management Plan	Morrow
S. Amended Clause 4.6 Variation Request – Height	Colliers Urban Planning
T. Amended Noise and Vibration Impact Assessment	Koikas Acoustics
U. BASIX Report	ELAB
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BB. Addendum Letter of Support from Community Housing Provider	EchoRealty
CC. Social and Economic Statement	Colliers Urban Planning
DD. Services Statement	Goldfish & Bay
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Executive Summary

Purpose of this Report

This Submissions Report has been prepared by Colliers Urban Planning on behalf of TM NO. 8 Development Unit Trust (the Applicant) to address the matters raised during the public exhibition of the proposed mixed-use in fill affordable housing development on land at 142-148, 160 Oxford Street, 13 Gipps Street, 6 Shadforth Street, Paddington (the site), being the State Significant Development Application (SSDA) identified as SSD-97528708.

The SSDA was exhibited by the Department of Planning, Housing and Infrastructure (DPHI) from 3 March 2026 to 16 March 2026, with the subsequent Request for Response to Submissions (RTS) letter issued by DPHI on 17 March 2026. The SSDA, as exhibited, sought consent for the construction of an eight (8) storey mixed use residential flat building and shop development with a component of infill affordable housing.

Overview of Submissions

In response to the public exhibition of the SSDA, a total of 12 submissions were received from relevant government agencies and organisations. In addition, 380 submissions were received from members of the public, comprising support, comments and objections. These included submissions from neighbouring residents and businesses, as well as from other community members which did not contain enough information to attribute to a particular address.

Specifically, submissions were received from the following:

- Woollahra Municipal Council (Council).
- City of Sydney Council (the City).
- Transport for NSW (TfNSW).
- Heritage NSW.
- NSW Department of Climate Change, Energy, the Environment and Water (DCCEEW) – Water Group
- The Paddington Society.
- Maunsell Wickes Gallery.
- Paddington Chamber of Commerce.
- Potts Point Preservation Group.
- Paddington Darlinghurst Community Group.
- The National Trust of Australia.
- Public submissions.

The submissions related to a range of issues that included:

- Built form, building height and density.
- Affordable housing and public benefit.
- Visual impact, streetscape and local character.
- Traffic, parking, access and road safety.
- Wind impacts.
- Heritage impacts
- Infrastructure capacity and servicing.
- Construction impacts.
- Stormwater, drainage and flooding.
- Landscaping, open space and environmental impacts.
- Community character, safety and quality of life.
- Consultation and procedural matters.

Actions taken since Submission

Following the public exhibition of the SSDA, the Applicant has undertaken further coordination with the technical consultant team to refine the proposed design and resolve matters raised in submissions including with respect to affordable housing, dwelling mix, building height, overshadowing analysis, heritage impacts, traffic and acoustic impacts. Refer to **Section 3.0** for a summary of design changes, updated project description and details, a summary of updated environmental assessments and updated assessment regarding residential amenity and consistency with the Apartment Design Guide (ADG).

Response to Submissions

Responses to submissions received, are provided in **Section 4.0**. Detailed responses are provided to NSW Government Agency submissions to ensure targeted responses and resolution of the matters they raised, while thematic responses are provided to Council and public submissions given that many similar submissions were received. Detailed responses are also provided to DPHI's Key Issues Letter.

Updated Project Justification

Minor design changes have been incorporated throughout the response to submissions process. The potential impacts of the proposed development continue to be acceptable or have been reduced and have not resulted in any amendments required to the submitted Mitigation Measures. Accordingly, there is no change to the project justification.

1.0 Introduction

This Submissions Report has been prepared by Colliers Urban Planning on behalf of TM NO. 8 Development Unit Trust (the Applicant) to address the matters raised during the public exhibition of the proposed mixed-use in fill affordable housing development on land at 142-148, 160 Oxford Street, 13 Gipps Street, 6 Shadforth Street, Paddington (the site), being the State Significant Development Application (SSDA) identified as SSD-97528708.

The SSDA was publicly exhibited from 3 March 2026 to 16 March 2026, with the Request for Response to Submissions (RTS) letter issued on 17 March 2026. During public exhibition, 391 public submissions were received comprising support, comments and objections from organisations, and from members of the public. A further 6 submissions were received from government agencies and councils.

This Submissions Report provides an analysis of submissions, actions taken since Public Exhibition, the Applicant's response to submissions and provides an updated justification of the proposed development. It is accompanied by supporting information and technical reports (refer to **Table of Contents**).

As required under section 59(2) of the *Environmental Planning and Assessment Regulation 2021* (EP&A Regulation), this Submissions Report has been prepared in accordance with the DPHI's *State Significant Development Guidelines*, including *Appendix C – Preparing a Submissions Report*.

1.1 Exhibited Development

The Applicant seeks development consent under 'Division 4.7 – State Significant Development' of the EP&A Act for the construction of an eight (8) storey mixed use residential flat building and shop development with a component of infill affordable housing, including:

- Demolition of structures on the site except for the dwelling on 13 Gipps Street.
- Removal of vegetation on the site except for 13 Gipps Street.
- Site works comprising excavation and ground works including bulk excavation and in ground services works.
- A four (4) storey basement, with vehicular access from Shadforth Street, comprising:
 - 83 car parking spaces;
 - 8 Motorcycle spaces;
 - 51 Bicycle spaces;
 - Garbage storage for both the residential and non-residential components of the proposed development;
 - Loading space;
 - Plant rooms; and
 - Apartment storage.
- Ground floor shops amounting to 159m² of GFA.
- A total of 40 dwellings, comprised of:
 - 10 affordable housing dwellings to be managed by a community housing provider for a period of at least 15 years; and
 - 30 market build-to-sell dwellings.
- Provision of 737m² communal open space.
- Landscaping works, including landscaping works on 13 Gipps Street.
- Extension and augmentation of services and infrastructure as required.

Photomontages of the proposed development are provided below at **Figure 1**.



Figure 1 *Photomontage of the exhibited development (view from corner of Oxford Street and Shadforth Street)*

Source: SDS

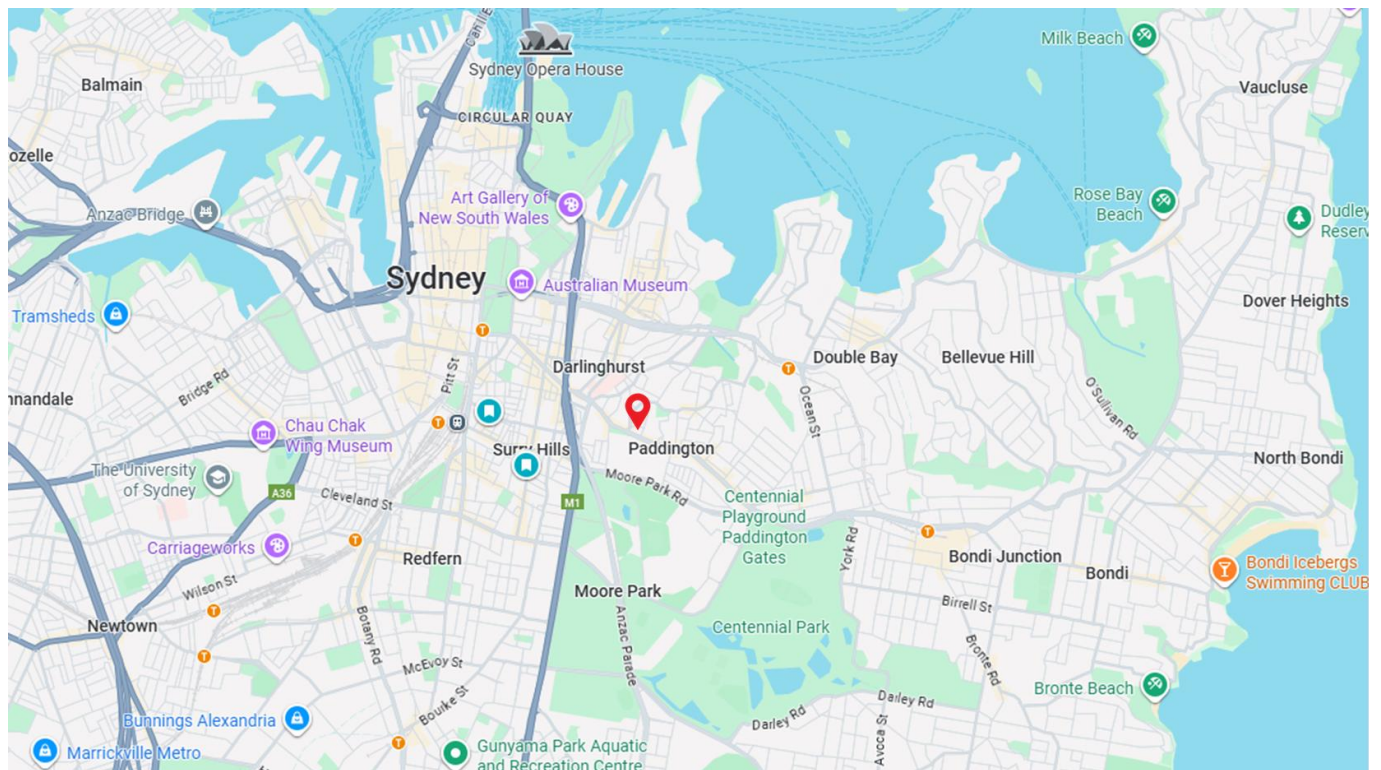
1.2 Site Overview

The site is located at 142-148, 160 Oxford Street, 13 Gipps Street and 6 Shadforth Street, Paddington within the Woollahra Local Government Area (LGA). It is situated approximately 11km to the southeast of the Sydney CBD.

It is located on a strategic site, being along the Oxford Street ridgeline and on a prominent corner with a bus station directly adjoining the site on Oxford Street which provides services to Bondi Junction, Rozelle and Marrickville Metro Station and less than 600m away further east of Oxford Street, bus services are provided to the Sydney CBD.

The site is advantaged by its walking distance proximity to high frequency bus services to Eastern Suburbs (50m level walking distance) & CBD with further Metro connections beyond, shops, services & other high quality infrastructure along Oxford Street, including Paddington Reservoir Gardens, and Spring Street Playground. It is approximately 300m east of the UNSW Art Campus, 50m north of the Victoria Barracks, 800m southeast of St Vincents Hospital and multiple schools including Crown Street Public School (1.2km) and Bourke Street Public School (1.5km). Accordingly, there is high demand for affordable housing in the area that is suitable for essential workers with families such as for nurses and teachers.

A locational context map is shown at **Figure 2**.



 The site



Figure 2 *Locational context map*

Source: Google Maps and Colliers Urban Planning

1.3 Project Objectives

The proposal seeks to improve the provision of diverse housing options within Woollahra, enhancing the mixed-use precinct by delivering high quality residential development, whilst concurrently providing a diverse range of housing choices through the provision of affordable housing, which is in growing need within the Woollahra area. The objectives of the proposed development are to:

- Facilitate the renewal of underutilised land in a highly accessible strategic location along Oxford Street
- Provide high quality residential dwellings and a mix of housing choices, including affordable housing, to meet Paddington's changing demographics and housing needs, including the provision of affordable housing for key workers in nearby health and education facilities.
- Incorporate a high-quality architectural design that makes a positive contribution to Paddington, adds visual interest, replaces detracting items with a sympathetic heritage outcome, and consciously connects with Country through architectural and landscape design.
- Contribute to the amenity of the surrounding neighbourhood by delivering a high quality, contemporary, activated mixed-use development that supports housing, employment and retail, particularly providing ground floor retail activation to connect a missing link along the retail strip on the northern side of Oxford Street.
- Ensure a high level of residential amenity by providing a large quantum of high quality residential communal open space and facilities within the development.
- Provide a compatible and complimentary mix of retail and residential floorspace on the site, at a scale that will be fully supported by the current and future residents and visitors to the site, and which reinforces the retail primacy of Oxford Street.
- Integrate ecologically sustainable development (ESD) principles into the proposal's future design to achieve best practice sustainable building principles and improve the site's environmental and social performance.

2.0 Analysis of Submissions

This section analyses the submissions received by providing a breakdown of the type of submissions received and identifies the issues raised. Consistent with the Department’s State Significant Development Guidelines, including *Appendix C – Preparing a Submissions Report*, a Submissions Register is provided at **Appendix A**. The Submissions Register delineates where each submission has been responded to within this Submissions and Amendment Report.

2.1 Breakdown of Submissions

In relation to the public exhibition of the SSDA, a total of 391 public submissions were received. A breakdown of the public submissions received is provided in **Table 1** below.

In addition, the following government agencies provided comments:

- DPHI
- Transport for NSW.
- Heritage NSW.
- NSW Department of Climate Change, Energy, the Environment and Water (DCCEEW) – Water Group.

Woollahra Municipal Council provided an objection, while the City of Sydney Council provided comments.

Table 1 *Summary of public submissions received*

Stakeholder Group	Submission Name	Position	Total
Public	-	Support	39
	-	Object	346
	-	Comment	6
Total Submissions			391

2.2 Categorisation of Issues

A categorical summary of the issues raised in the submissions received is provided in **Table 2** below. A detailed response to these issues is provided in **Section 4.0**.

Table 2 *Summary of Issues Raised*

Category	Issue	Stakeholder
The Project	Affordable Housing	• DPHI • Council • Public Submissions
	• Request to revise the location of the affordable apartments to provide a more commensurate level of amenity to both market and affordable apartments consistent with the Infill Affordable Housing Practice Note, December 2023. • Loss of affordable housing provided on the site including the demolition of the 27 studio apartments and proposal of only 10 dwellings to be retained as affordable housing for a period of 15 years. The proposal is considered to undermine objective 1.3(b) of the EP&A Act by failing to promote the supply, delivery and maintenance of affordable housing. • To ensure that the affordable housing is able to be leased by eligible households (including low-income households), the proposed affordable housing apartment mix should be amended to comprise of studios, 1-bedroom, and 2-bedroom apartments. • Social impacts related to including a management plan to manage current tenants. • Affordability of proposed dwellings for younger people.	
	Urban Design Matters	• DPHI • Council • Public Submissions
	• The large (approximately 200m²) void area to level LG located above the B1 parking level contributes to the bulk of the building creating additional adverse amenity impacts to the public domain and neighbouring properties. • The proposed floor to ceiling heights are excessive given the non-compliant height and FSR, and the location of the site adjacent to a lower density R2 Zone. • At levels L1, L2, and L3 the proposal includes two void areas adjacent to the southern elevation which are fully enclosed with glazing. The enclosed voids add to the bulk of the building and remove an opportunity for further articulation. • It is unclear how the principles for Connecting with Country have been specifically applied in the design. • The proposed development would introduce a dominant built form as seen from the residential development and narrow streets in the locality. • Concern that the scale, height and appearance of the proposed development would be visually dominant and inconsistent with the existing streetscape character and surrounding neighbourhood character. • Lack of building articulation and fine grain character.	
	Building Height	• DPHI • Council • Public Submissions
	• Provide amended architectural plans (including elevation and cross-section plans) to include annotation of the existing RL(s) directly below the highest point(s) of the buildings • Provide a revised clause 4.6 variation request (building height) justifying the proposed exceedance in accordance with the clause 4.6(3)(a) of the WLEP, including (but not limited to) the necessity for the exceedance and why it results in a better planning outcome. • The non-compliance undermines the objectives of the height standard. • The Clause 4.6 Variation fails to demonstrate that the compliance with the maximum 28.6m building height is unreasonable and unnecessary, and there are sufficient environmental planning grounds to justify the contravention. • The EIS incorrectly describes the proposal as 8-storeys in height. The proposal comprises of 9 levels (LG, L0, L1, L2, L3, L4, L5, L6, and L7) and includes double height voids to the retail spaces, lobby and a section of parking level B1.	

Category	Issue	Stakeholder
	Floor Space Ratio - The internal corridors at levels LG, L0, L1, L2, and L3 of the building have not been included in the GFA calculations and will be required to be included within the overall GFA. - The GFA of the corridors significantly adds to the bulk and scale of the building resulting in a non-compliance with the FSR standard and objectives. - Given that the proposal is out of scale with the current and desired future character of the area it is considered that the non-compliant FSR is both unreasonable and unnecessary.	- DPHI - Council - Public Submissions
	Zone Interface / Transition / Compatibility / Setbacks - The proposal must appropriately address the interface with adjoining R2-zoned land, considering their likely future character (per <i>Seaside Property Developments Pty Ltd v Wyong Shire Council</i>). - Inconsistent with ADG Design Objective 3F-1 - Design Guidance: <i>Apartment buildings should have an increased separation distance of 3m (in addition to the requirements set out in design criteria 1) when adjacent to a different zone that permits lower density residential development to provide for a transition in scale and increased landscaping.</i> - Setbacks to the properties to the north are non-compliant with part 3F of the ADG exacerbating overlooking from windows and balconies into the rear private open spaces and room of residential properties to the north.	Council
	Council and Public Infrastructure Council have requested that the applicant upgrade existing infrastructures such as footpath and the construction of a new vehicular crossing which can be conditioned accordingly. As part of this application, the applicant will also be required to relocate the existing power pole as a result of the proposed vehicular crossing works in Shadforth Street.	Council
	Wind Impacts - Areas identified as exceeding wind comfort and safety criteria. - Awnings should be provided as mitigation measures and downwash effect should be considered.	- DPHI - Council - Public Submissions
Economic, environmental and social impacts	Heritage Impacts - The proposal includes the demolition of five terrace houses and one semidetached dwelling which, though constructed after the Second World War, are sympathetic to the scale, proportion, materials and design idioms of Paddington. These are therefore contributory buildings and their demolition is not supported. - The proposal includes the demolition of a three-storey flat building on Oxford Street. Though this is not a contributory building, it is far less intrusive than the proposed and better reflects the materiality and scale of buildings in Paddington. - The proposed development results in an out-of-scale outcome in a Heritage Conservation Area, impacts to workers' cottages and the Victoria Barracks setting. - There will be views that are impacted by the development from the long historic and significant colonial buildings on the southern side of the parade ground and sport oval to the proposed envelopment as well as the views from the open spaces. - It has been requested that the proponent provide additional information on the significance of Victoria Barracks Buildings 95 and 96 and assess how the overshadowing would impact their significance. - The Commonwealth Heritage List includes an individual listing for the Officers' Quarters (Buildings VB 13, 15, 16 & 17 – Place ID 105279). Given Building 13's elevated position, an assessment is required of any impacts on its significance, including potential impacts on views from the building.	- DPHI - Council - HNSW - Public Submissions

Category	Issue	Stakeholder
	Historical Archaeology - A historic archaeological assessment has been prepared for the site. It does not reference the basement at 142 Oxford Street, even though this appears to have evidence of historical foundations and drainage channels. The assessment should be revised to incorporate an assessment of this area. - An updated Historical Archaeological Assessment has been requested.	- DPHI - Council - HNSW - Public Submissions
	Acoustic Impacts - Amend the noise and vibration impact assessment (NVIA) report to include an assessment against the document "Development near rail corridors and busy roads – interim guidelines" and demonstrate that the apartments (habitable rooms and balconies) facing Oxford Street can meet the internal acoustic criteria with windows open. - Request for further assessment within the NVIA including: - noise impacts on the adjoining low-density dwellings due to the driveway from Shadforth Street - noise impacts on the adjoining low-density dwellings due to the use of the communal open space at the ground level - additional acoustic measures such as noise barriers that may be needed at the ground level to alleviate noise impacts on adjoining residents - noise impacts on the future occupants of the site (in particular on the lower levels) from the use of communal open space	- DPHI - Council
	Vehicle access and parking allocation - The excessive car parking provision fails to minimise excavation, ensure sustainable transport outcomes, minimise adverse impacts to the road network, or support the NSW Government's aim of creating walkable communities. - Car parking exceeds the requirements and should be reduced to achieve compliance. - Whilst the subject site is located in a high public transport accessible area, this proposal includes extensive amount of onsite parking and fails to provide any travel demand management measures to reduce use of private vehicles. Accordingly, low public transport accessibility should apply. - Shadforth, Gipps and Liverpool Streets are narrow, one-way-like, highly constrained and already subject to congestion	- Council - Public Submissions
	Wind Impacts Pedestrian Wind Impact Assessment has been requested.	- DPHI - Council
	Visual Privacy - The proposal does not comply with the visual privacy separation requirements in 3F of the ADG with regards to the north, east and west elevations. The non-compliant setbacks would result in an unacceptable level of overlooking to the neighbouring properties. - The proposal also fails to accord with the ADG with regards to separating communal open space from private open space. The balcony to the apartment located on the LG level is at a slightly lower level than the adjoining communal open space which results in the balcony being directly overlooked.	- DPHI - Council - Public Submissions

Category	Issue	Stakeholder
	Visual impact, streetscape and local character - The Visual Impact Assessment makes no assessment of the impact upon private views. This should be addressed. - Views from within Barracks requested. - View analysis from the following additional locations requested: - Considers the impact of the proposal upon private views. - Provides a direct (not oblique) viewpoint of the proposal from Gipps Street. - Provides a viewpoint from Prospect Street. - Provides viewpoints from the rear yards of neighbouring dwellings.	- DPHI - Council - HNSW - Public Submissions
	Flooding In accordance with Clause 5.21(2) development consent must not be granted unless the consent authority is satisfied the provisions of Clause 5.21 are satisfied.	Council
	Tree Impacts - The arborist rating of the trees having Medium Retention Value is not supported. The trees are considered important assets of high landscape value, that contribute significantly to the canopy cover, visual amenity and character of the area. The trees are considered to be of High Retention Value. - The trees will be affected by the proposed street awning and pruning required for future building clearance. The awning is in proximity to the main trunks of Trees 2, 3 & 4. This element should be designed to allow for a minimum 1.5m offset from the centre of trunk of each tree.	Council
	Stormwater and OSD - The provision of a raingarden shall be provided to comply with Chapter E2.2.3 of the Council's DCP. - Insufficient information has been provided to understand the maximum annual water take for the project during construction and operation. - The proponent must quantify the maximum water take during construction and ongoing, confirm the design of the basement (tanked or drained) and demonstrate the ability to obtain a water access licence with sufficient entitlement unless an exemption can be identified.	- Council - DCEEW Water Group
	Waste The Waste Management Plan (WMP) is not based on the architectural drawings submitted with the SSD. It should be confirmed that the review and recommendations are relevant to the submitted architectural drawings	Council
	Excavation The substantial excavation required for the proposed parking may have vibrational or undermining impacts on the terrace homes and underlying land to the north, and it is unclear from the geotechnical report whether any investigation has been carried out into this or whether mitigation measures are proposed.	- Council - Public Submissions
	Services and Plant Documentation should be provided to demonstrate that the size of the service and plant areas are not excessive.	Council
	Construction impacts on humans and property - Submissions specifically raised dust, noise and vibration, health impacts - The CTMP not include any analysis of conflicts between the trees and the hoisting operation and any impacts that this would mean for the street trees.	- Council - Public submissions

Category	Issue	Stakeholder
Procedural Matters	Landowners Consent - Proposed new pedestrian access to Bethel Lane concern is raised in relation to its ownership, status, safety and maintainability. The lane has no lighting, no drainage, no signage, no footpath, no curb & gutter and is unsuitable for public access. - The applicant does not own Bethel Lane or the Anne With land. In the 19th Century, the Annie With land appeared to be part of what is now 13 Gipps Street (see old system search) but over time was not included in the present title of 13 Gipps Street. See DP 263685 and title search for Lot 5 DP 263685 (13 Gipps Street).	- DPHI - Public Submissions
	Consultation and notification Submissions expressed not receiving sufficient time during exhibition for comment on the proposals and extension to exhibition requested.	- Council - Public Submissions
	Technical concerns with documentation Technical concerns with documentation including technical report inconsistencies, inadequate satisfaction of SEARs, Community Housing Provider documentation.	Public Submissions
	Estimated Development Cost Concerns relating to calculation of estimated development cost.	Public Submissions
Project justification, Consistency with Government plans, policies or guidelines	Strategic merits and justification for proposed height and FSR increase Concerns regarding the proposed height and its alignment with LEP objectives.	- DPHI - Council - Public submissions

3.0 Actions Taken Since Exhibition

This section summarises the further engagement undertaken by the Applicant, describes the amendments to the Proposal and further impact assessment undertaken.

3.1 Further Engagement Undertaken

Following the close of exhibition, the Applicant undertook further engagement with key stakeholders including DPHI and Heritage NSW. This included reaching out to Heritage NSW to request assistance to obtain permission to undertake surveyed photography from within the Victoria Barracks to enable further visual impact assessment. Ultimately, the Commonwealth informed Heritage NSW that permission is not granted. Further engagement with DPHI and Heritage NSW was undertaken to ascertain an alternative approach to further visual impact assessment.

In addition, the Applicant has continued to engage and coordinate with technical consultants to refine design responses and resolve matters raised in submissions, including with respect to amendments to the design of the proposed development. This engagement has resulted in targeted refinements and responses provided to the submissions, as documented throughout this Submissions Report.

3.2 Key Project Amendments and Clarifications

The proposed scheme has been amended as part of the consideration of the submissions received alongside a cumulative analysis by the design team of the wider design adjustments arising from the feedback received. A number of design amendments have been made in direct response to submissions received, in addition to providing clarification on matters raised in submissions. In addition, the revised scheme includes, but is not limited to, a decrease in overall numerical building height proposed, a revised overall residential dwelling mix, delivery of an additional 4 dwellings and minor amendments to the internal layout.

3.2.1 Updated Project Description

A revised description of development is provided below with changes to be deleted shown in ~~bold strike through~~ and changes to be added shown in ***bold italics***.

The revised project description is as follows:

- Demolition of structures on the site except for the dwelling on 13 Gipps Street.
- Removal of vegetation on the site except for 13 Gipps Street.
- Site works comprising excavation and ground works including bulk excavation and in ground services works.
- A four (4) storey basement, with vehicular access from Shadforth Street, comprising:
 - ~~83~~ ***82*** car parking spaces;
 - ~~8~~ ***9*** Motorcycle spaces;
 - ~~54~~ ***53*** Bicycle spaces;
 - Garbage storage for both the residential and non-residential components of the proposed development;
 - Loading space;
 - Plant rooms; and
 - Apartment storage.
- Ground floor shops amounting to ~~459~~ ***153***m² of GFA.
- A total of ~~40~~ ***44*** dwellings, comprised of:
 - ~~10~~ ***11*** affordable housing dwellings to be managed by a community housing provider for a period of at least 15 years; and
 - ~~30~~ ***33*** market build-to-sell dwellings.
- Provision of ~~737~~ ***approximately 725***m² communal open space.
- Landscaping works, including landscaping works on 13 Gipps Street.
- Extension and augmentation of services and infrastructure as required.

These proposed scheme amendments and clarifications are detailed in in **Table 3**.

Table 3 *Summary of Project Amendments*

Matter	Amendment
Building height	The overall maximum building height has been reduced from 32.6m to 31.4m, while the maximum height of the building parapet has been reduced from 31.1m to 29.9m. The reduction in maximum building height, and subsequent reduction in the height plane exceedance, is due to reduction of the typical floor-to-floor heights from 3250 mm to 3200 mm. As well, the apartment on the Lower Ground Level has also been removed to further reduce building height.
Total number of dwellings and dwelling mix	The total number of dwellings proposed has increased from 40 dwellings to 44 dwellings. The dwelling mix has been amended to provide a more balanced mix: • 1-Bedroom x 6 units (including 6 affordable units); • 2-Bedroom x 15 units (including 4 affordable units); and • 3-Bedroom x 23 units (including 1 affordable units).
Other design changes	In response to the submissions and as a result of on-going design development, the following design changes are also proposed: • General internal layout amendments including: - Removal of the Lower Ground Floor apartment and replacement with mechanical plant; - New plant mezzanine between Basement Level 1 and Ground Floor in the void area for the purpose of mechanical plant equipment; and - Planter added along the western boundary of the Level 1.07 apartment (now the Level 1.08 apartment) balcony to provide additional visual privacy. • Amendment to increase the number of adaptable and liveable apartments provided: - 5 out of 44 adaptable apartments (11%); and - 9 out of 44 liveable apartments (20%). • Amendment to the layout and allocation of the affordable housing units to achieve solar compliance with the ADG; • Removal of pedestrian access to and from the site to Bethel Lane.
Landscaping, deep soil and communal open space	The amended landscape design for the site results in an increase in landscaped area provided on the site, increasing from 660m² (30%) to 793.77m² (36.5%). Furthermore, additional planters have been included along the northern boundary balconies across Levels 1-8. It is proposed to retain an existing wall along the northern perimeter of the landscaped area that separates the site from the properties immediately to the north. That existing wall is slightly setback from the site boundary and was originally proposed to be demolished. As such, the communal open space provision is proposed to be slightly reduced from 737m² (34% of site area) to 725.24m² (33.4% of site area) and deep soil provision is proposed to be slightly reduced from 442.4m² (20% of site area) to 430.47m² (19.8%).
Traffic and Access	The Architectural Plans have been amended to reconfigure the layout of the accessible car spaces within the Basement Levels.
Stormwater and Flooding	The invert level of the rainwater tank has been raised to minimise any backwater effects.

3.3 Further Assessment Undertaken

In response to the submissions received as well as the design refinements made, further assessment of the impact of the proposed development has been undertaken with the following amended documents:

- Amended Architectural Drawings prepared by Smart Design Studio (**Appendix B**);
- Amended Architectural Design Report prepared by Smart Design Studio (**Appendix C**);
- Amended Landscaping Plans prepared by Wyer and Co (**Appendix E**);
- Addendum Heritage Impact Statement prepared by GBA Heritage (**Appendix G**);
- Addendum Archaeological Assessment prepared by Extent Archaeology (**Appendix H**);
- Amended Arboricultural Impact Assessment prepared by Tree Management Strategies (**Appendix I**);
- Amended BCA Report prepared by Credwell Consulting (**Appendix J**);
- Amended Access Report prepared by Credwell Consulting (**Appendix K**);
- Amended Traffic Impact Assessment prepared by Varga Traffic Planning (**Appendix M**);
- Amended Construction Traffic Management Plan prepared by Varga Traffic Planning (**Appendix N**);
- Amended Visual Impact Assessment prepared by Colliers Urban Planning (**Appendix O**);
- Amended Geotechnical Investigation Report prepared by Morrow (**Appendix P**);
- Site Hydrogeological Report prepared by Morrow (**Appendix Q**);
- Dewatering Management Plan prepared by Morrow (**Appendix R**);
- Amended Noise and Vibration Impact Assessment prepared by Koikas Acoustics (**Appendix T**);
- Amended BASIX and NatHERS Certification prepared by E-Lab Consulting (**Appendix U, V and W**);
- Amended Construction and Demolition Waste Management Plan prepared by MRA Consulting Group (**Appendix X**);
- Amended Operational Waste Management Plan prepared by MRA Consulting Group (**Appendix Y**);
- Wind Assessment Report prepared by RWDI (**Appendix Z**);
- Natural Ventilation Design Review Letter prepared by RWDI (**Appendix AA**);
- Community Housing Provider Letter prepared by EchoRealty (**Appendix BB**);
- Social and Economic Statement prepared by Colliers Urban Planning (**Appendix CC**);
- Services Statement prepared by Goldfish and Bay (**Appendix DD**);
- Stormwater Management Addendum and Amended Civil Engineering Drawings prepared by Mance Arraj (**Appendix EE and FF**);
- Updated Estimated Development Cost Summary prepared by WT Partnership (**Appendix HH**); and
- Structural Engineering Review of 160 Oxford Street prepared by Triaxial Consulting (**Appendix II**).

Further detail has been provided for certain documents in **Table 4**.

Table 4 Further Assessment Undertaken

Document Title	Consultant	Summary	Reference
Amended Architectural Drawings and Design Report	Smart Design Studio	Updated Architectural Drawings have been prepared to reflect the changes described within Table 3 .	Appendix B
Amended Landscaping Plans	Wyer and Co	Updated Landscape Plans have been prepared to include the new northern balcony planters, amended deep soil provision and increased landscaping area.	Appendix E
Addendum Heritage Impact Statement	GBA Heritage	An Addendum has been prepared to outline the heritage values of the Victoria Barracks complex and the relevant views around the Barracks.	Appendix G
Addendum Archaeological Assessment	Extent Archaeology	An Addendum has been prepared to address the comments raised by the Department of Climate Change, Energy, the Environment and Water detailed within Table 8 .	Appendix H

Document Title	Consultant	Summary	Reference
Amended Geotechnical Investigation Report	Morrow	An amended Geotechnical Investigation Report has been prepared to address the submissions relating to the excavation impacts to the adjoining dwellings.	Appendix P
Dewatering Management Plan	Morrow	An Dewatering Management Plan has been prepared to quantify the water take, water supply works and to address the requirements for the dewatering impact and water licensing.	Appendix R
Amended Traffic Impact Assessment	Varga Traffic Planning	An addendum Traffic Impact Assessment has been prepared to ensure the traffic and parking impact assessment reflects the proposed design changes.	Appendix M
Traffic Impact Response	Varga Traffic Planning	An addendum Traffic Impact Assessment has been prepared to address the concerns raised by Council and public submissions.	Appendix L
Amended Construction Traffic Management Plan	Varga Traffic Planning	An addendum Construction Traffic Management Plan has been prepared to address construction traffic related submissions.	Appendix N
Amended Noise and Vibration Impact Assessment	Koikas Acoustics	The Noise and Vibration Impact Assessment (NVIA) has been amended to provide an assessment against the 'Development Near Rail Corridors and Busy Roads – Interim Guidelines.' As well, the NVIA has been amended to address the comments raised within DPHI's submission in Table 7 .	Appendix T
Amended Visual Impact Assessment	Colliers Urban Planning	An amended Visual Impact Assessment has been provided to provide an assessment of an additional viewpoint and to include scenarios for 'as -existing' and 'predicted future' contexts.	Appendix O
Stormwater Management Addendum and Amended Civil Engineering Drawings	Mance Arraj	A Stormwater Management Addendum is provided to response to Woollahra Council's comments on stormwater management. Amended Civil Engineering Drawings are provided in response to Council's comments.	Appendix EE and FF
Amended Construction and Demolition Waste Management Plan	MRA Consulting	Updated Waste Management Plans have been prepared by MRA Consulting to reflect the amended dwelling mix and internal layout.	Appendix X
Amended Operational Waste Management Plan	MRA Consulting		Appendix Y
Social and Economic Assessment	Colliers Urban Planning	A Social and Economic Assessment has been prepared by Colliers Urban Planning to address the social and economic impacts associated with the removal of the dwellings at 160 Oxford Street and to assess the appropriateness of the proposed dwelling mix to the locality.	Appendix CC
Community Housing Provider Letter	EchoRealty	EchoRealty have prepared a Community Housing Provider Letter which provides details their support for the proposed affordable housing dwelling mix and their processes for identifying suitable tenants who will meet the eligibility criteria set by the Housing SEPP.	Appendix BB
Services Statement	Goldfish and Bay	A Services Statement has been prepared to address the appropriateness of the allowances for services and plant areas.	Appendix DD
Amended Arboricultural Report	Tree Management Strategies	An Amended Arboricultural Report is provided to address comments raised by Council in relation to arboricultural impacts.	Appendix I
Amended Access Report	Credwell Consulting	An amended Access Report and BCA Report has been prepared by Credwell to address the amended internal layouts and additional adaptable and livable units	Appendix J and Appendix K
Amended BCA Report	Credwell Consulting		

Document Title	Consultant	Summary	Reference
Amended BASIX and NatHERS Certification	E-Lab	Updated BASIX and NatHERS Certification have been provided to reflect the proposed development as amended prior to public-exhibition.	Appendix U, V and W
Wind Assessment Report	RWDI	A Wind Assessment Report is provided using Computational Fluid Dynamics modelling to assess the wind-related impacts of the development and recommend mitigation measures.	Appendix Z
Natural Ventilation Design Review Letter	RWDI	A Natural Ventilation Design Review Letter is provided to verify that units 1.04 and 2.04 can be cross ventilated.	Appendix AA

3.4 Updated Project Details

A comparison between the submitted and amended key project details are summarised in **Table 5**.

Table 5 *Key Development Information*

Component	Submitted Proposal	Amended Proposal																																
Proposed Land Use	Mixed Use development, comprised of Residential Flat Building and Shops	No change Mixed Use development, comprised of Residential Flat Building and Shops																																
Legal Description	<table><tr><th>Address</th><th>Lot and DP Number Lot/DP</th></tr><tr><td>13 Gipps Street, Paddington</td><td>Lot 5 DP26385</td></tr><tr><td>142 Oxford Street, Paddington</td><td>Lot 4 DP26385</td></tr><tr><td>144 Oxford Street, Paddington</td><td>Lot 3 DP26385</td></tr><tr><td>146 Oxford Street, Paddington</td><td>Lot 2 DP26385</td></tr><tr><td>148 Oxford Street, Paddington</td><td>Lot 1 DP26385</td></tr><tr><td>160 Oxford Street, Paddington</td><td>SP13018</td></tr><tr><td>6 Shadforth Street, Paddington</td><td>Lot 1 DP70235</td></tr></table>	Address	Lot and DP Number Lot/DP	13 Gipps Street, Paddington	Lot 5 DP26385	142 Oxford Street, Paddington	Lot 4 DP26385	144 Oxford Street, Paddington	Lot 3 DP26385	146 Oxford Street, Paddington	Lot 2 DP26385	148 Oxford Street, Paddington	Lot 1 DP26385	160 Oxford Street, Paddington	SP13018	6 Shadforth Street, Paddington	Lot 1 DP70235	No change <table><tr><th>Address</th><th>Lot and DP Number Lot/DP</th></tr><tr><td>13 Gipps Street, Paddington</td><td>Lot 5 DP26385</td></tr><tr><td>142 Oxford Street, Paddington</td><td>Lot 4 DP26385</td></tr><tr><td>144 Oxford Street, Paddington</td><td>Lot 3 DP26385</td></tr><tr><td>146 Oxford Street, Paddington</td><td>Lot 2 DP26385</td></tr><tr><td>148 Oxford Street, Paddington</td><td>Lot 1 DP26385</td></tr><tr><td>160 Oxford Street, Paddington</td><td>SP13018</td></tr><tr><td>6 Shadforth Street, Paddington</td><td>Lot 1 DP70235</td></tr></table>	Address	Lot and DP Number Lot/DP	13 Gipps Street, Paddington	Lot 5 DP26385	142 Oxford Street, Paddington	Lot 4 DP26385	144 Oxford Street, Paddington	Lot 3 DP26385	146 Oxford Street, Paddington	Lot 2 DP26385	148 Oxford Street, Paddington	Lot 1 DP26385	160 Oxford Street, Paddington	SP13018	6 Shadforth Street, Paddington	Lot 1 DP70235
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160 Oxford Street, Paddington	SP13018																																	
6 Shadforth Street, Paddington	Lot 1 DP70235																																	
Site Area	Entire site: 2,172.4m ² Site area excluding 13 Gipps Street: 2,022.6m ²	No change Entire site: 2,172.4m ² Site area excluding 13 Gipps Street: 2,022.6m ²																																
Site consolidation	It is noted that site consolidation is not development as defined by the <i>Environmental Planning & Assessment Act 1979</i> . Notwithstanding, it is noted that the intention is to consolidate all lots on the site except for Lot 5 DP26385, which is intended to remain as a separate lot.	No change It is noted that site consolidation is not development as defined by the <i>Environmental Planning & Assessment Act 1979</i> . Notwithstanding, it is noted that the intention is to consolidate all lots on the site except for Lot 5 DP26385, which is intended to remain as a separate lot.																																
GFA (excluding 13 Gipps Street)	There is no change to GFA on 13 Gipps Street. Residential GFA: 5,626m² (inclusive of 868m² of affordable housing GFA)	There is no change to GFA on 13 Gipps Street. Residential GFA: 5,631.57m² (inclusive of 878.13m² of affordable housing GFA)																																

Component	Submitted Proposal	Amended Proposal
- Retail - Total	- Retail GFA: 159m² - Total GFA: 5,785m²	- Retail GFA: 153.03m² - Total GFA: 5,784.60m²
FSR (excluding 13 Gipps Street)	2.86:1	No change 2.86:1
Maximum Height	30.8m to 32.6m	29.9m to 31.4m (reduction of up to 0.9m)
Boundary Setbacks	- North: 8.5m-9.9m - South: 0m - East: 0m-0.8m - West 5.4m-6.1m	- North: 7.6m-10.3m - South: 0m - East: 1.4m-2m - West 5.6m-7.3m
Total Number of Apartments	40 (inclusive of 10 affordable housing dwellings)	44 (inclusive of 11 affordable housing dwellings)
Apartment Mix	13 x 2-bedroom apartments (inclusive of 6 affordable dwellings); and 27 x 3-bedroom apartments (inclusive of 4 affordable dwellings).	6 x 1-Bedroom apartments (all of which are affordable dwellings); 12 x 2-Bedroom units (including 4 affordable dwellings); and 22 x 3-Bedroom (including 1 affordable dwelling).
Car Parking	Total of 83 car parking spaces (including 6 accessible car spaces), including: 68 residential car parking spaces for affordable and non-affordable residents 1 car parking space for the residents of 13 Gipps Street 8 visitor car parking spaces 6 car parking spaces for shops	Total of 82 car parking spaces (including 6 accessible car spaces), including: 67 residential car parking spaces for affordable and non-affordable residents (inclusive of 1 car parking space for the residents of 13 Gipps Street) 9 visitor car parking spaces 6 car parking spaces for shops
Bicycle Parking	51 spaces	53 spaces
Motorcycle Parking	8 spaces	9 spaces
Landscaped Area	660m ² (30% of site area)	793.77m ² (36.5% of site area)
Deep Soil Area	442.4m ² (20% of site area)	430.47m ² (19.8% of site area)
Tree Canopy Coverage	530.3m ² (24% of site area)	530.6m ² (24% of site area)
Communal Open Space	737m ² (34% of site area)	725.24m ² (33.4% of site area)
Construction Hours	7am to 6pm on weekdays and 8am-1pm on Saturdays	No change 7am to 6pm on weekdays and 8am-1pm on Saturdays
Construction Jobs	97 FTE jobs	100 FTE jobs
Operational Jobs	132 FTE jobs state-wide during the operational phase, 112 of which will be directly provided on-site	135 FTE jobs state-wide during the operational phase, 115 of which will be directly provided on-site
Estimated Development Cost	\$84,073,955 (excluding GST)	\$86,334,742 (excluding GST)

3.5 Updated Residential Amenity Assessment

The amended development has been designed to provide all dwellings with a high quality of internal amenity and outlook. As outlined in the amended Design Verification Statement prepared by Smart Design Studio (**Appendix C**), the proposal has been designed in accordance with the nine principles outlined in Chapter 4 of the Housing SEPP.

An assessment of the proposal's consistency with the Design Criteria of the ADG is provided in **Table 6** below and **Appendix C**.

Table 6 Consistency with the NSW ADG Design Criteria

Objectives and Design Criteria			Consistency
Part 3 Siting the Development			
3D Communal and Public Open Space			
<i>Objective</i>			✓
An adequate area of communal open space is provided to enhance residential amenity and to provide opportunities for landscaping			
<i>Design Criteria</i>			✓
Communal open space has a minimum area equal to 25% of the site			
Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid-winter)			✓
			The principal usable part of the communal open space receives solar access from 9am – 12.30pm.
3E Deep Soil Zones			
<i>Objective</i>			✓
Deep soil zones provide areas on the site that allow for and support healthy plant and tree growth. They improve residential amenity and promote management of water and air quality.			
<i>Design Criteria</i>			✓
Deep soil zones are to meet the following minimum requirements:			
Site Area	Minimum Dimensions	Deep Soil Zone (% of site area)	The proposed development provides for approximately 430.47m ² (19.8%) of deep soil area
Less than 650m ²	-	7%	
650m ² – 1,500m ²	3m		
Greater than 1,500m ²	6m		
Greater than 1,500m ² with significant existing tree cover	6m		
<i>Design Guidance</i>			
On some sites it may be possible to provide larger deep soil zones, depending on the site area and context:			
• 10% of the site as deep soil on sites with an area of 650m ² - 1,500m ²			
• 15% of the site as deep soil on sites greater than 1,500m ²			

Objectives and Design Criteria		Consistency												
3F Visual Privacy														
<i>Objective</i> Adequate building separation distances are shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy.		✓												
<i>Design Criteria</i> Separation between windows and balconies is provided to ensure visual privacy is achieved. Minimum required separation distances from buildings to the side and rear boundaries are as follows: <table> <tr> <th>Building Height</th><th>Habitable rooms and balconies</th><th>Non-habitable rooms</th></tr> <tr> <td>Up to 12m (4 storeys)</td><td>6m</td><td>3m</td></tr> <tr> <td>Up to 25m (5-8 storeys)</td><td>9m</td><td>4.5m</td></tr> <tr> <td>Over 25m (9+ storeys)</td><td>12m</td><td>6m</td></tr> </table>		Building Height	Habitable rooms and balconies	Non-habitable rooms	Up to 12m (4 storeys)	6m	3m	Up to 25m (5-8 storeys)	9m	4.5m	Over 25m (9+ storeys)	12m	6m	Alternate solution proposed to some side boundary interfaces. See discussion in submitted EIS at Section 6.2.3.
Building Height	Habitable rooms and balconies	Non-habitable rooms												
Up to 12m (4 storeys)	6m	3m												
Up to 25m (5-8 storeys)	9m	4.5m												
Over 25m (9+ storeys)	12m	6m												
<i>Design Guidance</i> Apartment buildings should have an increased separation distance of 3m (in addition to the requirements set out in design criteria 1) when adjacent to a different zone that permits lower density residential development to provide for a transition in scale and increased landscaping (figure 3F.5)		Alternate solution proposed for building separation to the north, with visual privacy design measures in the form of balcony planters in lieu of an addition separation distance of 3m. Refer to Section 5.9 for further assessment.												
3K Bicycle and Car Parking														
<i>Objective</i> Car Parking is provided based on proximity to public transport in metropolitan Sydney and centres in regional areas		✓												
<i>Design Criteria</i> For development in the following locations: - on sites that are within 800 metres of a railway station or light rail stop in the Sydney Metropolitan Area; or - on land zoned, and sites within 400 metres of land zoned, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre The minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less. The car parking needs for a development must be provided off street.		✓ The proposed car parking provision is consistent with the minimum car parking rate development standards for affordable and non-affordable dwellings under section 22A of the Housing SEPP. Visitor parking is provided in accordance with the Guide to Traffic Generating Developments, as the Housing SEPP does not stipulate visitor car parking rates.												

Objectives and Design Criteria		Consistency
Part 4 Designing the Buildings		
4A Solar and Daylight access		
Objective		✓
To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space		
Design Criteria		✓
Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid-winter in the Sydney Metropolitan Area and in the Newcastle and Wollongong local government areas.		82% (36/44 Apartments) Affordable Percentage - 73% (8/11 Apartments)
A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter.		✓
4B Natural Ventilation		
Objective		✓
The number of apartments with natural cross ventilation is maximised to create a comfortable indoor environment for residents		
Design Criteria		✓
At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed.		73% (32/44 Apartments) Affordable Percentage – 73% (8/11 Apartments)
Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.		✓
4C Ceiling Height		
Objective		✓
Ceiling height achieves sufficient natural ventilation and daylight access		
Design Criteria		✓
Measured from finished floor level to finished ceiling level, minimum ceiling heights are:		
Minimum ceiling height		3.2m floor to ceiling height has been provided thereby able to achieve 2.7 floor to ceiling heights for habitable rooms.
Habitable rooms	2.7m	
Non-habitable	2.4m	
For 2 storey apartments	2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area	
Attic spaces	1.8m at edge of room with a 30 degree minimum ceiling slope	
If located in mixed use areas	3.3m for ground and first floor to promote future flexibility of use	
These minimums do not preclude higher ceilings if desired.		

Objectives and Design Criteria		Consistency
4D Apartment Size and Layout		
Objective		✓
The layout of rooms within an apartment is functional, well organised and provides a high standard of amenity		
Design Criteria		✓
Apartments are required to have the following minimum internal areas:		
Apartment Type	Minimum internal area	
Studio	35m ²	
1 bedroom	50m ²	
2 bedroom	70m ²	
3 bedroom	90m ²	
The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m ² each. A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m ² each.		
Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms.		✓
Objective		✓
Environmental performance of the apartment is maximised		
Design Criteria		✓
Habitable room depths are limited to a maximum of 2.5 x the ceiling height.		
In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window.		✓
Objective		✓
Apartment layouts are designed to accommodate a variety of household activities and needs		
Design Criteria		✓
Master bedrooms have a minimum area of 10m ² and other bedrooms 9m ² (excluding wardrobe space).		
Bedrooms have a minimum dimension of 3m (excluding wardrobe space).		✓
Living rooms or combined living/dining rooms have a minimum width of:		✓
- 3.6m for studio and 1 bedroom apartments - 4m for 2 and 3 bedroom apartments		
The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts.		✓

Objectives and Design Criteria		Consistency
4E Private Open Space and Balconies		
<i>Objectives</i> Apartments provide appropriately sized private open space and balconies to enhance residential amenity		✓
<i>Design Criteria</i> All apartments are required to have primary balconies as follows:		✓
Dwelling Type	Minimum Area	Minimum depth
Studio apartment	4m ²	-
1 bedroom apartment	8m ²	2m
2 bedroom apartment	10m ²	2m
3+ bedroom apartment	12m ²	2.4m
The minimum balcony depth to be counted as contributing to the balcony area is 1m.		
For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m ² and a minimum depth of 3m.		✓
4F Common Circulation and Spaces		
<i>Objective</i> Common circulation spaces achieve good amenity and properly service the number of apartments		✓
<i>Design Criteria</i> The maximum number of apartments off a circulation core on a single level is eight.		✓
For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40.		✓
4G Storage		
<i>Objective</i> Adequate, well designed storage is provided in each apartment		✓
<i>Design Criteria</i> In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided:		✓
Dwelling Type	Minimum Area	
Studio apartment	4m ²	
1 bedroom apartment	6m ²	
2 bedroom apartment	8m ²	
3+ bedroom apartment	10m ²	
At least 50% of the required storage is to be located within the apartment.		

4.0 Response to Submissions

This section provides a detailed summary of the Applicant's response to the matters raised in submissions received during exhibition, with specialist assessments updated and/or supplemented. Specific matters raised by DPHI and other relevant agencies have been addressed in within **Table 7** to **Table 10** in **Sections 4.1** to **4.2**

A thematic response to the issues raised by DPHI, Council and other relevant agencies as well as the public is presented in **Sections 0** to **5.16** below. Where an issue raised by DPHI, Council or other agencies, has been addressed in **Sections 0** to **5.16**, cross references are included within the relevant tables in **Sections 4.1** to **4.2** to avoid duplication.

The Applicant has also included cross-references within the Submissions Register (**Appendix A**) linking each submission to the corresponding sections of this Report.

4.1 Department of Planning, Housing and Infrastructure

The Applicant's response to the DPHI's 'Additional Matters for Response to Submissions Report' are outlined in **Table 7** below.

Table 7 Department of Planning, Housing and Infrastructure Matters

Item	Matter	Response
Gross Floor Area (GFA)		
<i>Affordable housing GFA</i>		
DPHI-1	<i>The gross floor area (GFA) diagrams outline that 868 m² or 15% of the total GFA would be dedicated as infill affordable housing, complying with section 16 of the State Environmental Planning Policy (Housing) 2021 (Housing SEPP). However, the floor plans identify only 857 m² being provided (shortfall of 11 m²). Amend the floor plans and the GFA diagrams to ensure that the gross floor area (GFA) of the affordable housing component, proposed under section 16 of the Housing SEPP comprise 15% of the total GFA on the site.</i>	Noted. The submitted GFA diagrams incorrectly detailed a decimal issue, resulting in the shortfall. SDS have amended the Architectural Plans and design of the affordable housing dwellings (Appendix B) to ensure that at least 868m ² of affordable housing GFA is proposed.
<i>GFA calculations</i>		
DPHI-2	<i>Review the design of the lobby and corridors on levels 1 - 3 to demonstrate that they are unenclosed and can be excluded from the definition of GFA in the Woollahra Local Environmental Plan 2014 (WLEP). Alternatively, you must recalculate the GFA by including the lobby and corridors for levels 1 – 3.</i>	The Architectural Plans (Appendix B) have been amended to include the lobby areas and corridors as GFA in accordance with the Woollahra Local Environmental Plan 2014.
DPHI-3	<i>Revise the design of the development (if needed), to ensure that the total GFA on the site is equal to or below the maximum permissible GFA available under section 16 of the Housing SEPP.</i>	The amended development provides a total GFA of 5784.60m ² which complies with the total allowable GFA of 5,784.64m ² (based on maximum FSR of 2.86:1). The proposed GFA comprises 153.03m ² of non-residential GFA and 5,631.57m ² of residential GFA (inclusive of 878.13m ² of affordable housing GFA). Accordingly, the proposed GFA is less than the maximum permissible GFA permitted on the site.

Item	Matter	Response
Social Impacts		
DPHI-4	<i>Provide further assessment of potential social impacts of the proposal, in particular addressing the following:</i> <i>a. details on the quantum, tenure, management and nature of existing housing stock on the site that is proposed to be replaced by the 40 apartments (including 10 affordable apartments)</i>	The site currently contains: • 27 x studio units privately let at market rates. These are not managed under any affordable housing arrangements nor are they managed by a CHP. They are leased at market rents, and are generally non-compliant with the ADG (refer to Section 5.1.4). • 3 x 4 bedroom dwellings which are owner-occupied and tenanted. • 1 x 4 bedroom dwelling which is in a dilapidated and uninhabitable condition. This is further detailed in Section 5.1.1.
DPHI-5	<i>b. impacts of the proposed demolition of the existing housing stock on the site, in particular, the studio apartments</i>	The Social and Economic Statement (Appendix B) describes the social impacts of the proposed demolition of the existing housing stock on the site. Those social impacts are based on economic analysis of the existing housing stock in the locality. The economic impacts of the proposed demolition are outlined in Section 5.1.4. The social impacts of the proposed demolition are outlined below. Social: Redevelopment involving demolition may result in short-term displacement of existing occupants. In this case, these impacts are considered limited and manageable, noting that: • The site is in a highly accessible inner-city area with strong public transport, services and employment access, consistent with State policy directing housing growth to well-located areas. • There is substantial stock of studio and 1-bedroom developments within 500m of the site. • Replacement housing (incorporated within this proposal) provides a net improvement in dwelling quality, suitability and diversity relative to existing stock. If the proposal is approved there will be 44 high amenity ADG compliant apartments as compared to the proposed demolition of 27-studio dwellings (not ADG compliant), 4 terrace houses and one dilapidated dwelling (existing stock). The proposal will provide two and three bedroom apartments as affordable housing, in an area that has limited two and three bedroom affordable housing apartments. • Even if the existing studios on the site were considered to be affordable housing, the proposed development increases the provision of affordable housing by over 60m² in terms of GFA, which is not only maintaining affordable housing, but also promoting its supply and delivery. • The proposal is designed to support long-term residential occupation rather than short-stay or transient accommodation, providing a contribution to neighbourhood stability. • Approximately 80% of current tenancies at 160 Oxford Street have lease terms under 18 months, indicating a lack of longer-term rental stability. On balance, the temporary impacts associated with demolition (particularly with respect to the non-compliant studios) are outweighed by the longer-term social benefits arising from improved housing supply and diversity in the area. The overrepresentation of smaller dwellings across the Regional Catchment relative to Greater Sydney indicates that any impacts

Item	Matter	Response
		from their removal is anticipated to be limited. Refer to the Social and Economic Statement (Appendix CC) for further detail.
DPHI-6	<i>c. impacts of the proposed apartment mix in the locality, including an analysis of existing and proposed future housing stock and mix</i>	The social impacts of the proposed development have been assessed in the Social and Economic Statement (Appendix CC). Importantly, economic justification is included to provide a basis for the assessment of social impacts.
DPHI-7	<i>d. any mitigation measures to minimise or mitigate social impacts.</i>	An assessment of impacts relating to apartment mix are provided in the Social and Economic Statement (Appendix CC) and summarised in Section 5.1 .
Heritage		
DPHI-8	<i>Provide an updated Statement of Heritage Impact (SoHI) which includes: a. additional assessment of the impacts of the development on the heritage significance of Building 95 (Bridge building) and 96 (Australian Field Artillery Building)</i>	An addendum Statement of Heritage Impact has been prepared by GBA Heritage and is provided at Appendix G . A detailed assessment of the heritage significance of Building 95 and 96 is provided within Table 8 in response to the submission by the Department of Climate Change, Energy, Environment and Water. Additional detail with regard to these buildings is also provided within Section 5.6 .
DPHI-9	<i>b. impacts of the additional shadows cast on these structures due to the proposed development</i>	The impacts of the additional shadows cast to the above buildings is provided within Section 5.8 and in the updated Architectural Plans at Appendix B .
DPHI-10	<i>c. additional assessment of the impacts of the development on the heritage significance of Building 13 (National heritage significance) including any impacts on views from this building.</i>	Additional assessment of the heritage significance of Building 13 is provided in the addendum Statement of Heritage Impact (Appendix G) and further addressed within Table 8 which contains responses to the referral from the Department of Climate Change, Energy, Environment and Water. Additional detail is also provided in Section 5.6 .
Visual Impact Analysis		
DPHI-11	<i>Provide an updated visual impact analysis, with additional views from various viewpoints within the Victoria Barracks site. Please contact Heritage NSW (provided in the agency comments) to access this site</i>	An amended Visual Impact Analysis has been prepared by Colliers Urban Planning at Appendix O. It is noted that GBA Heritage, on behalf of the Applicant, attempted multiple times to gain access into the Barracks Precinct with assistance from Heritage NSW to set up at least one location for a Visual Impact Assessment. However, access was not granted by the Commonwealth. As this was unachievable, GBA Heritage reached out to DPHI to seek an alternative solution to address this requirement. On 22 April 2026, DPHI advised that they had met with HNSW to close out this issue. HNSW indicated that they would be satisfied if there was an additional VIA viewpoint in the Oxford Street streetscape, from next to the Barracks Wall closest to Building 13. In accordance with this advice from DPHI, an additional viewpoint (No. 8) has analysed and added to the updated Visual Impact Assessment.
DPHI-12	<i>Include the scenarios for 'as -existing' and 'predicted future' contexts, in the updated visual impact analysis.</i>	The 'as existing' scenarios were already included in the VIA. The predicted future context of 126-140 Oxford Street adjoining the western boundary of the site is included in the photomontages. Specifically, the photomontages include a realistic indicative built form on that site that utilises the LMR height (22m) and FSR controls and is generally consistent with the requirements of the ADG. Please refer to Appendix O .
Apartment Design Guide		
DPHI-13	<i>Provide additional information or amended plans to demonstrate that the proposal meets the Apartment Design Guide (ADG) recommended design criteria:</i>	As shown in the amended Architectural Plans (Appendix B), balcony planters are proposed on the northern facade of the development across Levels 1-8 to ensure visual privacy is achieved for the adjoining residential properties, in lieu of providing an

Item	Matter	Response
	<i>a. provide additional setbacks or visual privacy measures for balconies (level 5 and above) along the northern elevation that are setback 9 m from the boundary, instead of 12 m recommended for high density developments adjoining a low - density zone (Part 3F of the ADG)</i>	additional 3m of building separation as suggested by the ADG design guidance. Further detail is provided in Section 5.9 below.
DPHI-14	<i>b. increase the setback of the terrace to Apartment L1.07 from the western boundary or provide additional visual privacy measures (via non -trafficable areas, screens or planting) to alleviate any overlooking opportunities due to the location of this terrace within the recommended side setbacks (Part 3F of the ADG)</i>	The amended Architectural Plans (Appendix B) demonstrate that the Level 1.07 apartment (now apartment 1.08) balcony has been shifted to the east, enabling the inclusion of a planter as a visual privacy measure to minimise potential overlooking.
DPHI-15	<i>c. demonstrate that at least 20% of the apartments incorporate the silver level universal design features of the Liveable Housing Guidelines (Part 4Q of the ADG).</i>	The submitted Architectural Plans demonstrated that the proposal will achieve a minimum of 20% silver level universal design features of the Liveable Housing Guidelines, being 9 out of 44 apartments.
Amenity of affordable housing apartments		
DPHI-16	<i>Only 4 out 10 (40%) of the affordable housing apartments receive 2 hours of solar access between 9 am and 3 pm, mid-winter. 3 out of 10 apartments are also south facing single aspect. Revise the location of the affordable apartments to provide a more commensurate level of amenity to both market and affordable apartments consistent with the Infill Affordable Housing Practice Note, December 2023 https://www.planning.nsw.gov.au/sites/default/files/2023-12/in-fill-affordable-housing-practice-note.pdf. Note that locating all affordable housing apartments on one floor may result in improving the overall amenity of the 10 affordable apartments.</i>	The location of affordable housing apartments have been amended to ensure that 8 out of 11 affordable housing apartments achieve at least 2 hours of solar access between 9:00am-3:00pm, which equates to 72% of the affordable dwellings.
Building height		
DPHI-17	<i>Provide amended architectural plans (including elevation and cross-section plans) to include annotation of the existing RL(s) directly below the highest point(s) of the buildings.</i>	The sections within Architectural Plans have been amended to show the RLs directly below various points of the building. The maximum height is RL 83.47. In response to submissions, the proposed maximum building height has been reduced from 32.6m to 31.4m. Further detail is provided in the Amended Clause 4.6 Variation Request for Building Height (Appendix S).
DPHI-18	<i>Provide an amended height plane diagram with annotation of the extent of the building height breach (in RTLs and in meters) based on the existing ground level RLs.</i>	The amended height plane diagram is provided within the Updated Architectural Design Report (Appendix C), and annotates the extent of height exceedance. These are based on a height plane that has been extrapolated using multiple surveyed RLs within the site, which is also shown within the Updated Design Report (Appendix C).
DPHI-19	<i>Provide additional cross and longitudinal sections so that the height breach can be assessed in detail at all points.</i>	This is provided within the architectural sections in the Amended Architectural Plans at Appendix B .

Item	Matter	Response
Clause 4.6 Variation		
DPHI-20	<i>Provide a revised clause 4.6 variation request (building height) justifying the proposed exceedance in accordance with the clause 4.6(3)(a) of the WLEP, including (but not limited to) the necessity for the exceedance and why it results in a better planning outcome.</i>	An amended Clause 4.6 Variation Request for Building Height has been provided with additional detailed reasoning for the necessity of the exceedance and why it results in a better planning outcome at Appendix S . This includes a discussion on the necessity of the height exceedance to provide floor to floor heights with adequate amenity, which is a better planning outcome than providing lower floor to floor heights that would compromise residential amenity. The additional justification, provided in the context of the reduction in height exceedance, demonstrates that the proposed exceedance is acceptable.
Acoustic Impacts		
DPHI-21	<i>Amend the noise and vibration impact assessment (NVIA) report to include an assessment against the document "Development near rail corridors and busy roads – interim guidelines" and demonstrate that the apartments (habitable rooms and balconies) facing Oxford Street can meet the internal acoustic criteria with windows open. Provide details of alternate ventilation techniques, if the proposal cannot meet the internal acoustic criteria (with windows open) specified in the above document.</i>	The Noise and Vibration Impact Assessment (NVIA) has been amended by Koikas Acoustics to include an assessment against the Development Near Rail Corridors and Busy Roads – Interim Guidelines. Koikas Acoustics have confirmed that bedrooms and living areas along Oxford Street will need to have their windows and doors closed to achieve the indoor target noise levels. Accordingly, the development proposes a fresh air ventilation system designed by Goldfish and Bay to allow internal noise level target to be met in bedrooms and living areas. Further detail is provided in Appendix AA. Despite the above, it is noted that all other rooms not facing Oxford Street can be naturally ventilated through open windows/doors while meeting internal acoustic criteria with windows open.
DPHI-22	<i>Update the NVIA to address the following:</i>	As detailed within the Amended Noise and Vibration Impact Assessment (Appendix T), based on the findings of the Traffic Impact Assessment, the acoustic modelling now includes the following to address noise impacts on the adjoining low -density dwellings due to the driveway from Shadforth Street: • 3 vehicles entering and exiting the car park in a 15-minute period in a daytime scenario. • 2 vehicles entering and exiting the car park in a 15-minute period. • 1 delivery vehicle is assumed to use the car park in a 15-minute period during the daytime hours. • A roller door operation is assumed for each vehicle trip for day and evening In addition, the acoustic modelling also includes residents talking in the communal open space on the ground level with a normal vocal effort. Talking groups are assumed to be 2:1, meaning for every two people, one person is talking. It has been assumed that 14 people are in the outdoor area at one time during a 15-minute assessment period, seven of whom are talking at the same time. The updated acoustic modelling demonstrates that acoustic compliance is achieved at each modelled residential receiver.
DPHI-23	<i>a. noise impacts on the adjoining low - density dwellings due to the driveway from Shadforth Street</i>	
DPHI-24	<i>b. noise impacts on the adjoining low - density dwellings due to the use of the communal open space at the ground level</i>	
DPHI-25	<i>c. additional acoustic measures such as noise barriers that may be needed at the ground level to alleviate noise impacts on adjoining residents</i>	The Amended Noise and Vibration Impact Assessment recommends the following which are captured within the proposed mitigation measures:

Item	Matter	Response
		- Mezzanine-level plant rooms may require acoustic absorption and use acoustic louvres and additional induct treatments, subject to a detailed mechanical plant review during the detailed design phase. - Outdoor common areas should have signage posted reminding residents to minimise noise in the outdoor common areas after 10pm.
DPHI-26	<i>d. noise impacts on the future occupants of the site (in particular on the lower levels) from the use of communal open space.</i>	The Amended Noise and Vibration Impact Assessment has assessed the noise impacts on the future occupants of the site for the ground-floor apartments from the use of communal open space. It has determined that use of the communal open space would result in a marginal increase to existing daytime and background noise of approximately 5dB based on modelling, but could be up to 9dB in reality. As such, it is recommended to provide 10.38mm laminated glazing and alternative ventilation (using the same solution as the apartments facing Oxford Street) for these ground floor apartments. This is reflected in the proposed mitigation measures.
Pedestrian Wind Impact Assessment		
DPHI-27	<i>Provide a pedestrian wind impact assessment assessing the wind impacts on the pedestrian environment within the ground level communal open space area, along with recommended mitigation measures.</i>	A Pedestrian Wind Impact Assessment is provided at Appendix Z . Refer to Section 5.12 below for detailed assessment.
Bethel Lane		
DPHI-28	<i>Provide additional details on the ownership of Bethel Lane.</i>	The development, as amended, will no longer provide pedestrian egress/ingress via Bethel Lane.
DPHI-29	<i>Provide details of any agreements, easements or covenants in place, based on which pedestrian access to Gipps Street is proposed via Bethel Lane.</i>	
Apartment labelling		
DPHI-30	<i>Amend the labelling on the Architectural plans to remove reference to 2.5 bedrooms and replace by either 2-bedroom or 3-bedroom apartments, consistent with the proposed apartment mix.</i>	All units have been relabelled to remove references to 2.5.

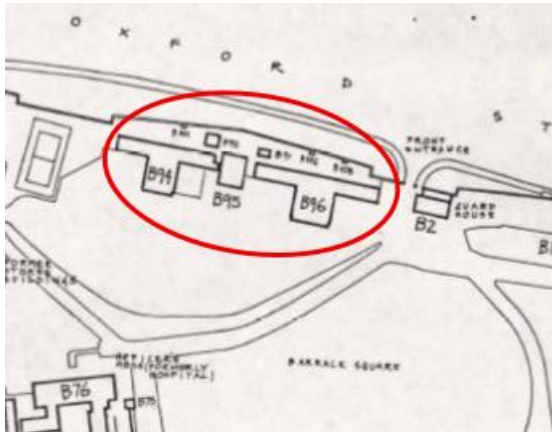
4.2 Agencies

4.2.1 Department of Climate Change, Energy, the Environment and Water

The Applicant's response to Department of Climate Change Energy, the Environment and Water's submission is outlined in **Table 8** below.

Table 8 *Department of Climate Change Energy, the Environment and Water Matters*

Item	Summary of Matters Raised	Response
General Comments		
DCCEEW-1	As delegate of the Heritage Council of NSW, we provide the following advice: The site of the proposed SSD does not contain any items listed on the State Heritage Register (SHR).	Noted.
DCCEEW-2	There are no SHR listed items in the vicinity that would likely be impacted by the proposed SSD.	Noted.
DCCEEW-3	- The SSD site is in close proximity to Victoria Barracks, which has been assessed as having State significance. Victoria Barracks Precinct is listed on the Commonwealth Heritage List (CHL) and there are several individual CHL listings for buildings, areas and structures that are part of the barracks. - In order to complete our advice regarding potential impacts to Victoria Barracks we recommend that the Department request the proponent to provide the additional information as outlined in Attachment A prior to considering determination.	Noted. Refer to responses below.
DCCEEW-4	We require further information in order to complete our advice for historical archaeology. We recommend that the Department request the proponent to provide the additional information as outlined in Attachment B prior to considering determination.	Noted. Refer to responses below.
DCCEEW-5	We note that the SSD site is located within the Paddington Heritage Conservation Area (PHCA), which is listed on the Woollahra Local Environmental Plan 2014. We recommend that advice be sought from Woollahra Municipal Council regarding potential impacts to PHCA.	Noted. Refer to responses below.
DCCEEW-6	We note that Victoria Barracks is listed on the Sydney Local Environmental Plan 2012 (SLEP) as Victoria Barracks Group (item I1086). The Victoria Barracks Heritage Conservation Area (VBHCA), encompassing Victoria Barracks and	Noted. City of Sydney Council did not comment on the proposal.

Item	Summary of Matters Raised	Response
	located in close proximity to the SSD site, is also listed on the SLEP. We recommend that advice be sought from City of Sydney in regard to potential impacts to Victoria Barracks and the VBHCA.	
Heritage Impacts to Victoria Barracks		
DCCEEW-7	Prior to considering determination, we recommend that the Department requests the following information to our inform advice on potential impacts to Victoria Barracks. The SoHI notes that there will be partial overshadowing of Victoria Barracks Buildings 95 and 96 in mid-winter. We request that the proponent provide additional information on the significance of these buildings and assess how the overshadowing would impact their significance.	Buildings 95-96 were erected in the Edwardian Development Period in which substantial development occurred in relation to the formation of Australian Army Corps. Although the buildings are Commonwealth Heritage Listed, GBA Heritage has confirmed that there is substantial space located between the surrounding defensive walled perimeter as shown in Figure 2 below. Further to this, the subject buildings are separated from the nearby Perimeter Wall by two features accommodating toilet facilities.  Figure 3 Separation between Building 95-96 and Perimeter Wall Source: GBA Heritage Additionally, Buildings 95-96 do not address Oxford Street and cannot be viewed from the public realm along Oxford Street as well as having no outlook beyond the Barracks complex. Refer to Section 5.8 for a discussion on the minor overshadowing to these buildings
DCCEEW-8	The CHL includes an individual listing for the Officers Quarters within Victoria Barracks (Buildings VB 13, 15, 16 & 17—Place ID 105279). Noting its elevated location we request an assessment of impacts on the significance of Building 13 including any impacts on views from the building.	Buildings 13, 15, 16 and 17 originate from the mid-19th century initial development of Victoria Barracks. Building 13, a two-storey Officers' Quarters constructed in stages, retains its original architectural and aesthetic character despite later internal modifications. Buildings 15, 16 and 17 are small, single-storey ancillary structures located to the rear, historically used as kitchens and later adapted for garages and storage. These buildings are only visible from within their immediate locality. The distinctive group (13-17) has historic, historic association, aesthetic, representative and rarity values as part of Victoria Barracks, with particular recognition of the former Officers' Accommodation Building, at National, State and Local Significance as a component of the Victoria Barracks Defence establishment. However, the wide arc of the changing skyline, when viewed from the balconies of Building 13, are an essential evolutionary outcome and component of its cultural significance. The addition of the current proposal as a

Item	Summary of Matters Raised	Response
		component of that viewshed, will not generate any adverse impacts on the heritage significance of Building 13 nor Victoria Barracks. No additional assessment of impacts on the significance of Building 13 in terms of views is required.
DCCEEW-9	We request accurate view analyses be provided from key viewpoints within Victoria Barracks. The Visual Analysis does not include any views from within Victoria Barracks and the digitally modelled view analysis provided in the self-assessment report is limited in its effectiveness. We note that the proponent was not been able to access Victoria Barracks and recommend that further efforts are made. Heritage NSW may be able to provide assistance to facilitate access if requested.	We note that GBA Heritage attempted multiple times to gain access into the Barracks Precinct to set up at least one location for a Visual Impact Assessment. However, as this was unachievable, GBA Heritage reached out to DPHI to see an alternative location could fulfil this requirement. On 22 April 2026, DPHI advised that they had met with HNSW to close out this issue. HNSW indicated that they would be satisfied if there was an additional VIA viewpoint in the Oxford Street streetscape, from next to the Barracks Wall closest to Building 13. In accordance with this advice from DPHI, an additional viewpoint (No.8) was analysed and added to the formal Visual Impact Assessment report. The distance from Viewpoint 8 to the proposed building is approximately 180m down the sloping topography. From that location there are trees along the southern street footpaths. 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 from this locality. Accordingly, it can be reasonably concluded that views from nearby and within the eastern end of the Barracks precinct will not be adversely affected by the introduction of the subject development, into what is already a lively outlook towards the city and nearby modern buildings.
Historical Archaeology		
DCCEEW-10	Prior to considering determination, we recommend that the Department requests the following information to inform advice on whether the assessment adequately addresses the Secretary's Environmental Assessment Requirements for the project relating to environmental heritage: - An updated Historical Archaeological Assessment (HAA) which: - identifies that the study area falls within the Paddington Heritage Conservation Area as listed on the Woollahra Local Environmental Plan 2014, and ensures that the heritage values of this conservation area are considered as a part of the assessment.	The Historical Archaeological Assessment (HAA) (Appendix H) has been amended to identify that the study area falls within the Paddington Heritage Conservation Area as listed within the WLEP 2014 and has considered the contribution of any potential historical archaeological remains to the significance of the Paddington Conservation Area within the updated HAA.
DCCEEW-11	includes additional historical research to clarify the occupation and uses of the site as it developed in the nineteenth and early twentieth centuries, including for example, a review of relevant Rate Books, Sands Directories, and Crown Plans as relevant.	Extent Archaeology have undertaken a more detailed assessment of the development of the study area. For further detail refer to Section 2.4 of the amended HAA.

Item	Summary of Matters Raised	Response
DCCEEW-12	c. clarifies the significance of the potential archaeological resource associated with Phase 3 occupation of the study area, noting that Table 1 of the HAA suggests that the resource may be of local significance, but that Section 6.1 concludes that the potential archaeological resource is unlikely to be of significance.	Table 1 within the HAA has been amended to provide that the threshold of significance is not met for Phase 3.
DCCEEW-13	d. provides an updated assessment of archaeological potential and significance based responses to the points above.	Noted. Refer to Table 1 within the HAA (Appendix H).
DCCEEW-14	e. includes an assessment of the impact of the proposed works on the potential archaeological resource, and provides detailed mitigation measures.	An impact assessment has been provided within Section 6 of the amended HAA and provides further detail as to the proposed archaeological impacts relating to the demolition of existing structures on site and the proposed excavation extent.
DCCEEW-15	2. If the updated assessment identifies that impacts to locally significant archaeology cannot be avoided, an Archaeological Research Design and Excavation Methodology (ARDEM) should also be completed in accordance with the guideline Archaeological Assessments (1996) to inform and guide archaeological investigations. The ARDEM should:	Noted. Extent Archaeology have concluded within the amended HAA (Appendix H) that a HARDEM is required prior to construction as there is potential for archaeological resources on the site to be impacted, based on an assessment of the depth, extent and potential ground disturbance associated with the proposed development. It is noted that the HARDEM will address the requirements specified by DCCEEW in points (2)(a)-(f).
DCCEEW-16	a. identify the potential archaeological resource on site, and how it will be impacted by the proposed works.	
DCCEEW-17	b. identify research questions to guide the archaeological program.	
DCCEEW-18	c. justify the proposed approach to investigation.	
DCCEEW-19	d. propose a methodology for archaeological investigations on site, including triggers for mitigation measures such as salvage excavation.	
DCCEEW-20	e. provide an Unexpected Finds Procedure for the proposed works.	
DCCEEW-21	f. consider the inclusion of an artefact discard policy and procedure.	
DCCEEW-22	g. provide a methodology for post-excavation analysis and reporting.	

4.2.2 Transport for NSW

The Applicant's response to Transport for NSW's submission is outlined in **Table 9** below.

Table 9 *Transport for NSW Matters*

Item	Summary of Matters Raised	Response
TfNSW suggested conditions of consent		
TfNSW-1	Excavation Adjacent to Classified (State) Road Comment: The proposed development includes excavation works which have the potential to adversely impact Oxford Street. <u>Recommended Condition</u> The following condition is recommended to be included in any consent issued by DPHI: Design drawings and documents relating to the excavation of the site and support structures should be submitted to TfNSW for assessment, in accordance with Technical Direction GTD2020/001. The developer should submit all documentation at least six (6) weeks prior to commencement of construction and is to meet the full cost of the assessment by TfNSW. Please send all documentation to development.sydney@transport.nsw.gov.au. If it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owner/s of the roadway is/are given at least seven (7) day notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work.	Noted.
Storm Water Changes to Classified (State) Road		
TfNSW -2	Comment: Any changes to the stormwater drainage system that impact upon Oxford Street should be submitted to TfNSW for approval, prior to the commencement of any works. <u>Recommended Condition</u> The following condition is recommended to be included in any consent issued by DPHI: Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system on Oxford Street should be submitted to TfNSW for approval, prior to the commencement of any works. Please send all documentation to development.sydney@transport.nsw.gov.au. A plan checking fee will be payable, and a performance bond may be required before TfNSW approval is issued.	Noted.
Utility Adjustment		
TfNSW -3	Comment: The Applicant shall be responsible for all public utility adjustment/relocation works, necessitated by the above work, and as required by the various public utility authorities and/or their agents. <u>Recommended Condition</u> The following requirement is recommended to be included in any consent issued by DPHI: Any proposed public utility adjustment/relocation works on the state road network will require detailed civil design plans for road opening/underboring to be submitted to TfNSW for review and acceptance prior to the commencement of any works. The developer must also obtain any necessary approvals from the various public utility authorities and/or their agents. Please send all documentation to development.sydney@transport.nsw.gov.au. A plan	Noted.

Item	Summary of Matters Raised	Response
	checking fee will be payable, and a performance bond may be required before TfNSW approval is issued	
Road Occupancy Licence		
TfNSW -4	<u>Recommended Condition</u> A Road Occupancy Licence (ROL) should be obtained from Transport Management Centre (TMC) for any works that may impact on traffic flows on Oxford Seet during construction activities. A ROL can be obtained through https://myrta.com/oplinc2/pages/security/oplincLogin.jsf.	Noted.
Proposed Awning		
TfNSW -5	<u>Recommended Condition</u> Any new proposed awning along the Oxford Street frontage shall be setback a minimum distance of 600mm away from the face of the kerb to protect against heavy vehicle overhang.	Noted.
Advisory comments		
TfNSW -6	Further to the above, the following advisory comments are provided for DPHI's consideration in the determination of the SSDA: 1. The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements in relation to landscaping and/or fencing, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with Australian Standard (AS) 2890.1-2004, AS2890.6-2009 and AS 2890.2-2018.	Noted. We understand these requirements will form standard conditions of consent.
TfNSW -7	2. The developer will need to demonstrate to the satisfaction of the determining authority that the application is able to comply with provisions contained in Section 2.120 of State Environmental Planning Policy (Transport and Infrastructure) 2021 specifically in relation to measures to ensure the required noise levels as detailed in Subclause 3 are not exceeded when the building is ready to be occupied.	Noted, this has been addressed. Please refer to the response DPHI-21 to within Table 7 and the amended Acoustic Report at Appendix T .
TfNSW -8	3. The subject property is affected by a Road Widening Order (RWO) under Section 25 of the Roads Act 1993 as published in Government Gazette of 30 May 1924; Folio 2605, as shown by red outline on the below Aerial. Woollahra Council is the administrator of the RWO.	Noted.
		

4.2.3 NSW DCCEEW Water Group

The Applicant's response to NSW DCCEEW Water Group's submission is outlined in **Table 10** below.

Table 10 *NSW DCCEEW Water Group Matters*

Item	Summary of Matters Raised	Response
General		
DCCEEW-WG-1	The NSW DCCEEW Water Group has reviewed the Environmental Impact Statement and makes recommendations to: - Quantify the water take due to aquifer interference activities. - Identify and assess all water supply works. - Address requirements for dewatering impact assessments and water licensing	Noted. Please refer to the response provided below.
Water supply, take and licensing		
DCCEEW-WG-2	1.1 Recommendation - pre-determination The Department of Planning, Housing and Infrastructure (DPHI) requests the proponent to: - Quantify the maximum annual volume of water take due to aquifer interference activities during construction and operation. - Confirm if the basement is to be tanked or drained. - Demonstrate the ability to obtain sufficient entitlement unless an exemption applies.	Noted. Please refer to the response provided below.
DCCEEW-WG-3	Explanation Insufficient information has been provided to understand the maximum annual water take for the project during construction and operation. Section 2.3 of the Geotechnical Investigation refers to the preparation of a Site Hydrogeology Report and supporting Groundwater Impact Assessment, however this has not been submitted for review. The proponent must quantify the maximum water take during construction and ongoing, confirm the design of the basement (tanked or drained) and demonstrate the ability to obtain a water access licence with sufficient entitlement unless an exemption can be identified. Exemptions are listed under Schedule 4 of the Water Management (General) Regulation 2025.	An amended Geotechnical and Hydrological Report has been prepared by Morrow and identifies that based on the analysed seepage rates and proposed excavation, the expected seepage to a drained basement is: - Short Term Flows for Temporary Dewatering During Construction - 5.95ML/year - Long Term Flows during Service Life of Structure Following Completion of Construction - 2.64ML/year Accordingly, as the projected seepage inflows for a drained basement (3.96 ML over 8 month build) are above the WaterNSW threshold for exemption from the requirement of a Water Access License, a Water Supply Works Approval and Water Access Licence will be required for the construction phase of the development. In consideration of the above, a drained basement is proposed.
DCCEEW-WG-4	1.2 Recommendation – pre-determination DPHI requests the proponent to identify all water supply works required for the project and assess the impacts of their construction and operation.	Noted. Please refer to the response provided below.

Item	Summary of Matters Raised	Response
DCCEEW-WG-5	Explanation Insufficient information has been provided to understand the dewatering infrastructure, including water supply works e.g. pumps/pipelines to facilitate the development and the impacts of their construction and operation. This is also required to enable exemptions to water legislation approval requirements under section 4.41 of the Environmental Planning and Assessment Act 1979 to apply.	Information regarding dewatering infrastructure is provided in the Dewatering Management Plan (Appendix R)
DCCEEW-WG-6	1.3 Recommendation – post -approval That DPHI requests the proponent to obtain a water access licence (WAL) to account for the maximum predicted water take for construction and operation activities unless an exemption applies under the Water Management (General) Regulation 2025 (WM Reg).	Noted. As identified above, a water access licence will be obtained.
Groundwater impacts and dewatering requirement		
DCCEEW-WG-7	Explanation Under the Water Management Act 2000 , the proponent must hold sufficient entitlement to account for maximum potential water take unless an exemption applies. An exemption may be available for groundwater take for construction activities in coastal water sources under Clause 6 of Schedule 4 of the WM Reg or where the groundwater take during construction or operation is less than or equal to 3ML per water year (cl 19, sch 4 of WM Reg). To claim either of these exemption s certain requirements must be met, such as - the person claiming the exemption keeps a record of the water taken under the exemption and provides this to the Minister within 28 days of the end of the water year; and - the records are kept for 5 years. Further information on these requirements and other information on licensing and approvals and exemptions, including a form to report and record water taken can be found at: https://water.dpie.nsw.gov.au/licensing -and -trade and Groundwater access licence exemptions NSW Government Water .	Noted. No exemption applies.
DCCEEW -WG-8	2.1 Recommendation – pre -determination If the take of groundwater is found to be greater than 3 ML per year, DPHI should request the proponent to assess impacts due to aquifer interference activities in accordance with the NSW Aquifer Interference Policy and framework (2012). Please refer to the following documents: https://publications.water.nsw.gov.au/watergroupjspui/bitstream/100/2618/1/NSW%20Aquifer%20Interference%20Policy.pdf https://www.water.nsw.gov.au/sites/default/files/2025-07/Aquifer -Interference - Assessment -Framework.pdf	Noted.
DCCEEW -WG-9	Explanation As per Recommendation 1.1 above, the EIS has not provided a volumetric quantification of groundwater take. Additionally, the EIS has not provided an assessment of impacts to groundwater due to construction or operation of the project. NSW DCCEEW Water Group notes that without groundwater take estimations it is difficult to assess the level of risk. Therefore, the proponent	Noted. Please refer to above volumetric quantification of groundwater take

Item	Summary of Matters Raised	Response
	should determine the estimated take volume and assess the impacts.	

4.3 Council

We note that Council has prepared a comprehensive submission. We also acknowledge that Council has summarised its key concerns and proposed design amendments at points 35 and 36 of that submission. To facilitate an efficient and structured response, the Applicant has reproduced Council's summary as the basis for addressing the matters raised, while detailed thematic responses are provided in **Section 5.0**.

Table 11 Council Matters

Item	Summary of Matters Raised	Response
Design Amendments		
Council-1	It is considered that the proposal should be refused as: - The proposal undermines strategic objectives of the NSW Government by failing to demonstrate that: - the proposal would not result in a net loss of affordable dwellings, and - the proposed affordable housing provision will be affordable for eligible households	Please refer to the discussion provided within Section 5.1 of this report.
Council-2	Contrary to Clause 5.10 of the WLEP, the proposal fails to conserve the environmental heritage of Woollahra, by failing to conserve the heritage significance of the Paddington Heritage Conservation Area (Paddington HCA).	Please refer to the discussion provided within Section 5.6 of this report.
Council-3	The proposed development comprises a residential apartment building of a height, bulk and scale that does not respond to the existing context or desired future character of the area. The proposed development would introduce a dominant built form as seen from the neighbouring residential development and narrow streets in the locality. The Oxford Street façade fails to provide adequate articulation or moderate the bulk and scale.	Please refer to the discussion provided within Section 5.5 of this report.
Council-4	The proposal provides excessive car parking provision for this accessible location, which fails to ensure sustainable transport outcomes, minimise adverse impacts to the road network, and reduce excavation.	The proposed development satisfies the car parking provisions outlines within the Housing SEPP, Woollahra DCP and TfNSW Guide. Specifically, according to the development standards in section 22A of the Housing SEPP a minimum of 63 spaces off-street car parking spaces is required for the residential dwellings, while a further 5 spaces are required for visitors and the retail uses, noting street parking constraints. Although the proposal provides 19 car parking spaces more than the minimum (82 spaces are proposed), the TfNSW Guide indicates that these 19 spaces could be expected to generate an additional 3 vph during peak periods, based on the Sydney Metropolitan Area "per parking space" traffic generation rates of 0.15/0.12 vph per parking space for high density residential developments during the AM and PM peak periods respectively. Accordingly, the potential additional 3 vph as a consequence of the 19 spaces above the minimum is statistically insignificant, and will not generate any unacceptable traffic implications in terms of road network capacity or traffic-related environmental effects.

Item	Summary of Matters Raised	Response
Council-5	Council's Traffic & Transport Engineers raise serious concerns on the adverse traffic impact of the development as it is envisaged to exacerbate the traffic conditions on the surrounding road network.	A detailed assessment of the proposed traffic generation rates is provided within the Amended Traffic Impact Assessment Report (Appendix M).
Council-6	However, if the development progresses it is recommended that the following design amendments are incorporated: To ensure the affordable housing is affordable for eligible households in accordance with the NSW Affordable Housing Ministerial Guidelines (including low-income households), the proposed affordable housing apartment mix should be amended to comprise of studios, 1-bedroom, and 2-bedroom apartments.	The affordable housing dwelling mix has been amended to provide a more balanced mix, revising the mix from 6 x 2 bedroom units and 4 x 3 bedroom units, to the following: 1-Bedroom x 6 units; 2-Bedroom x 4 units; and 3-Bedroom x 1 unit. Affordable housing provision has also increased by one dwelling/ Further discussion on the affordability of the affordable housing proposed is provided within Section 5.1.5.
Council-7	The recommendations of Council's Senior Heritage Officer to lessen the adverse impacts to the Paddington HCA: - A shorter and/or narrower built form. - A greater setback from properties at the rear. - Greater screening with substantial trees as part of the landscape plan (likely requiring greater setback). - Greater separation in the façade to reduce visual impact and interpret the finer grain development proposed to be lost. This requires physical separation, not cosmetic treatments - see the example of the H-plan at 40 Stephen Street, Paddington, as referenced on p. 21 of the Architectural Design Report, with its central recessed element creating two distinct built forms, thereby minimising the building's bulk (and allowing for more light and air flow). Such separation would be required along both north and south facades.	The scale of the new building addresses the larger urban character of Oxford Street while leaving some distance to the lower density housing to the north. The setbacks of generally at least 9m (excluding the driveway area) provides ample deep soil for tree growth. It also responds to the uplift in scale made available through the Housing SEPP. The design, massing and character of the new building creates a dialogue between the two urban scales which is an established pattern along Oxford Street. The proposed building is located at the southern end of the property, thereby giving a considerable setback to neighbouring properties to the north. The northern elevation is visually broken up into four bays with numerous differential vertical forms. The proposal is sympathetic with the fine-grained nature of the HCA. This part of Oxford Street is already represented by some non-original and amalgamated Lots. The 160 Oxford Street, 126-140 Oxford Street and 122-124 Oxford Streets are already the result of amalgamated lots. The fine-grained nature of the Paddington HCA is interpreted in the design of the northern elevation of the proposed building..
Council-8	Compliance with the ADG setbacks for development at a zone interface with lower density development.	As aforementioned, in lieu of setting back the building or upper levels by an additional 3m, balcony planters are proposed on the northern facade of the development across Levels 1-8 to ensure visual privacy is achieved for the adjoining residential properties. Refer to the discussion provided within Section 5.2 and 5.9 for further discussion.
Council-9	The amendments suggested in the Urban Design Review by DFP Planning Consultants at section 13 of this submission.	Noted. These amendments have been taken into consideration within the following sections below. Design amendments in response are proposed, including a reduction in building height and introduction of planters to improve visual privacy.

Item	Summary of Matters Raised	Response
Council-10	To protect the street trees No's 2, 3 & 4, the plans must show the street awning along Oxford St to allow for a minimum 1.5m offset from the centre of trunk of each tree.	Noted. The proposed street awning has been amended to allow for a minimum 1.5m offset from the centre of trunk of each tree.
Council-11	The balcony to the apartment located on the LG level is at a slightly lower level than the adjoining communal open space which results in the balcony being directly overlooked. This should be addressed.	Noted. As shown within the amended Architectural Plans (Appendix B), this LG Level apartment has been removed.
Council-12	To reduce excavation, minimise potential hydrogeological hazards, and support sustainable transport outcomes, a maximum of 43 car parking spaces should be provided. 2 of the 43 spaces should be allocated for car share use.	Whilst we understand Council's general policy for local development applications to minimise car parking on site, the proposed number of car parking spaces is consistent with the minimum requirements set out in the Housing SEPP 2021 and the TfNSW Guide. Specifically, the car parking rates in the Housing SEPP are minimum rates and development standards, which would require a formal clause 4.6 variation request if less car parking than required by those rates was provided. Further to this, the proposed spaces enables car parking to be provided on site rather than spilling out onto the surrounding streets. It is noted that provision of the minimum spaces required by the Housing SEPP, as well as retail and visitor spaces requires 4 basement levels. Hydrogeological and structural considerations largely turn on the existence of a basement rather than its ultimate depth. Accordingly, the development proposes a total of 82 car parking spaces. Further detail is provided in Section 5.11.
Additional Information Requested		
Council-13	The following additional information is requested to enable an assessment of the proposal: An amended EIS, which addresses whether the proposal would result in a loss of existing affordable housing. If the proposal does result in a loss of affordable housing a Social Impact Assessment should be prepared.	This Submissions Report is provided in lieu of an amended EIS per DPHI requirements. The existing dwellings on the site are not defined as affordable rental housing as defined by the Housing SEPP because they are strata-titled, and the existing studios are leased at market rates (generally the same as the median rental prices in the Woollahra LGA). A Social and Economic Impact Assessment has been prepared by Collier Urban Planning at Appendix CC which details the local residential market and assesses the impacts of demolition of the existing housing on the site. Refer to Section 5.1 for further discussion.
Council-14	In accordance with the In-fill Affordable Housing Practice Note (December 2023) the allocation of the affordable housing apartments must be amended so that they do not have a lower standard of amenity (in relation to solar access and natural ventilation) when compared to the rest of the building.	The proposed affordable dwellings have been amended to ensure they meet the solar and natural ventilation criteria of the ADG, and achieve generally a similar standard of amenity to the overall building. Refer to Section 5.1.7 below.
Council-15	The maximum height is not accurately calculated. The existing ground level and 28.6m height plane depicted on the architectural drawings fails to accurately represent the existing ground levels	The height plane shown on the Architectural Drawings has been revised to be based on the existing ground level surveyed at various points within the site. As such, it incorporates the site's

Item	Summary of Matters Raised	Response
	shown on the site survey. The exhibition documentation should be amended to accurately depict the proposed noncompliant height and the SSDA should be re-exhibited.	topographic contours to enable a more detailed and accurate assessment. In addition, the proposed maximum building height reduced from 32.6m to 31.4m, and the parts of the building subject to the height variation is the western portion owing to the sloping nature of the site. The proposed changes to the building height are illustrated in Section 5.3 .
Council-16	The FSR is not accurately calculated. If the proposal is not amended to comply with FSR standard, the exhibition documentation should be amended to accurately depict the proposed FSR and the SSDA should be re-exhibited.	The FSR has been recalculated as a part of the amended proposal and continues to comply with the maximum FSR permitted on the site.
Council-17	An amended Acoustic Report which: - References the correct architectural drawings. - Confirms whether the balconies to the southern elevation (adjacent to Oxford Street a classified road) would be provided with an acceptable acoustic amenity.	The Acoustic Report has been amended to address the amended Architectural Drawings within Appendix B . Further detail regarding the acoustic amenity of the south facing balconies is provided in Table 7 above and Section 5.7 below. In summary, alternative mechanical ventilation solutions are proposed to ensure acceptable acoustic amenity to the apartments facing Oxford Street.
Council-18	The Waste Management Plan is not based on the architectural drawings submitted with the SSD. It should be confirmed that the review and recommendations are relevant to the submitted architectural drawings.	An amended Construction and Demolition Waste Management Plan and Operational Waste Management Plan has been prepared by MRA Consulting and is provided at Appendix X and Y respectively.
Council-19	An amended VIA which: - Considers the impact of the proposal upon private views. - Provides a direct (not oblique) viewpoint of the proposal from Gipps Street. - Provides a viewpoint from Prospect Street. - Provides viewpoints from the rear yards of neighbouring dwellings. - Provide viewpoints from Victoria Barracks.	An amended Visual Impact Assessment (VIA) has been prepared by Colliers Urban Planning and is provided at Appendix O. The VIA includes an additional viewpoint adjacent to the Victoria Barracks (noting access into the Victoria Barracks was not granted following additional attempts) and provides additional photomontages incorporating the predicted future context of 126-140 Oxford Street adjoining the western boundary of the site. Further discussion is provided in Section 5.10. Impacts upon private views is not required as there are no significant or iconic views affected from surrounding dwellings, especially from rear yards. VIA is limited to visual impacts from the public domain, and the views selected are in accordance with the key view corridors outlined in the Woollahra DCP which do not include a direct viewpoint from Gipps Street or prospect street.
Council-20	The buildings to be demolished have incorrectly been identified as intrusive buildings within the Paddington HCA. The proposal includes the demolition of five terrace houses and one semi-detached dwelling which, though constructed after the Second World War, are sympathetic to the scale, proportion, materials and design idioms of Paddington. These are therefore contributory buildings and their demolition is not supported. The demolition of these contributory buildings should be assessed against the NSW Land and Environment	The buildings to be demolished are intrusive buildings as defined by the Woollahra DCP. Refer to Section 5.6 for a detailed discussion. The Planning Principle in <i>Helou v Strathfield Municipal Council</i> [2006] NSWLEC 66 does not apply to intrusive buildings.

Item	Summary of Matters Raised	Response
	Court Planning Principle in <i>Helou v Strathfield Municipal Council</i> [2006] NSWLEC 66.	
Council-21	The historic archaeological assessment should be amended to reference the basement at 142 Oxford Street, which appears to have evidence of historical foundations and drainage channels. The assessment should be revised to incorporate an assessment of this area.	An amended Archaeological Assessment has been prepared by Extent Archaeology at Appendix H . The amended assessment includes reference to the existing basement on site.
Council-22	While the principles for Connecting with Country as laid out in the Architectural Design Report are positive, it is very unclear where and how these principles have been specifically applied in the design. This should be addressed.	Additional material relating to Connecting with Country is provided in the amended Architectural Design Report (Appendix C).
Council-23	It does not appear that any research has been undertaken into the possible effect of excavating for and constructing the proposed basement parking on the structural integrity of the neighbouring Victorian era terrace houses in Shadforth Street. This should be addressed.	This is addressed in the Amended Geotechnical Assessment (Appendix P). Refer to below discussion within Section 5.13 .
Council-24	Revised stormwater plans to address the issues raised in this submission.	Refer to Section 5.15 below and the Amended Stormwater Concept Plans (Appendix FF).
Council-25	Evidence that the site benefits from a legal entitlement for pedestrian access across Bethel Lane.	The amended proposal removes pedestrian access to and from Bethel Lane. Such legal matters are therefore irrelevant.
Council-26	The EIS should be amended to accord with the requirements of section 7 of the SEARs, which requires an assessment of the amenity impacts including wind.	A Wind Impact Assessment has been prepared by RWDI and is provided at Appendix Z . Detail regarding the results of the wind assessment is provided in Section 5.12 .
Council-27	Documentation to demonstrate that the size of the service and plant areas are not excessive.	A Services Statement has been prepared by Goldfish & Bay (Appendix DD). It states that the services requirements of the proposal have been coordinated with Smart Design Studio to adequately service the building in line with Australian Standards and the NCC based on the current information available at the time of preparing the submission. Goldfish & Bay confirm that the allowances for services and plant areas shown on the Architectural Plans are not excessive and meet the minimum requirements to accommodate the plant required to service the building.
Council-28	The CTMP and Arborist Report should be amended to ensure that all existing street trees are not affected by any construction works or access/clearance required to accommodate the works, prior to any consent being granted.	Noted. An amended CTMP and Arborist Report have been prepared at Appendix N and I respectively to provide further measures to protect existing street trees. Further detail is provided in Section 5.14 .

4.4 Public Submissions

The Applicant's response to the public submissions received are provided thematically outlined in **Section 5.0**, given similar themes were consistent raised in the public submissions. Cross-references are provided within the Submissions Register (**Appendix A**) linking the themes raised in each submission to the corresponding sections of this Report.

5.0 Thematic Response to Submissions

This section provides a response to the key issues raised in (primarily) Council and public submissions. Below each heading, a summary of the key issues raised is provided.

5.1 Affordable Housing

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

The SSDA proposes the demolition of the 27 studio apartments and proposes only 10 dwellings to be retained as affordable housing for a period of 15 years. The proposal is considered to undermine objective 1.3(b) of the EP&A Act by failing to promote the supply, delivery and maintenance of affordable housing. This is a net loss and not a legitimate justification for a permanent height increase.

The current building provides significantly more affordable rentals than the proposed scheme.

5.1.1 Existing quantum, tenure, management and nature of dwellings on the site

The existing quantum, tenure, management and nature of dwellings on the site is summarized below.

Table 12 Existing Dwelling Mix

Dwelling Sizes						
	No.	%	Tenure	Management	Nature	Addresses
Studio	27 market	81.8%	Lease (ranges of 6-12 month and periodic lease terms)	Privately leased	Market	160 Oxford Street
1 bedroom	0	0.0%				
2 bedroom	0	0.0%				
3 bedroom	5 market	15.2%	Owner-occupier	N/A	Market	142-146 Oxford Street, 13 Gipps Street
4 Bedroom	1 market	3.0%	Dilapidated and uninhabitable	N/A	Market	6 Shadforth Street
Total	33 dwellings	100%				

5.1.2 No loss of any existing affordable housing

Submissions suggesting that the 27 studios on 160 Oxford Street within the site are affordable housing are not substantiated by any concrete facts or figures, including whether those dwellings are currently being rented. These submissions are merely assertions based on assumptions, and therefore should hold little to no weight.

The existing studios on the site are let at market rents. The Social and Economic Statement (**Appendix CC**) states that the median rental price for a studio in the Woollahra LGA is \$493 per week, which is comparable to the median rental price for the studios at 160 Oxford Street which is \$486 per week. The assertion that those studios are let at below market rent is unfounded.

In addition, Chapter 2, Part 3 (Retention of existing affordable housing) of the Housing SEPP does not apply because the building on 160 Oxford Street is strata subdivided. Therefore, there is no statutory obligation to assess whether the dwellings on the site are ‘low-rental residential buildings’ nor any statutory obligation to retain the dwellings on the site.

The existing studios on the site are not managed by a Community Housing Provider (CHP) and are currently leased at market rental rates, which is not in accordance with the Section 13(b) of the Housing SEPP. Section 13(b) requires affordable housing to be provided in alignment with the National Rental Affordability Scheme, which the current dwellings do not accord with.

5.1.3 Consistency with the objects of the Act and Impacts of Loss of Existing Dwellings

Consistency with the objects of the EP&A Act is not a matter for consideration under section 4.15 of the EP&A Act. Therefore, submissions relating to consistency with objective 1.3(b) are irrelevant.

Notwithstanding, the proposed development in its originally lodged form, and its revised form meets objective 1.3(b) of the EP&A Act.

25% of the development (in terms of dwellings) will be provided as affordable dwellings. Those affordable housing dwellings comprise 15% of the proposed gross floor area (GFA), equating to 878.13m² of GFA. In contrast, the existing studios on the site comprise approximately 810m² of GFA. Therefore, even if the existing studios on the site were considered to be affordable housing, the proposed development **increases** the provision of affordable housing by over 60m² in terms of GFA, which is not only maintaining affordable housing, but also promoting its supply and delivery.

In addition, the proposed affordable housing dwellings benefit from being managed by a registered CHP. In contrast with private rentals, this provides regulatory accountability and transparency, improves the amenity and management of the affordable dwellings, and ensures application processes are required to facilitate equitable outcomes and provision of affordable housing to those most-in need. EchoRealty is the prospective registered CHP which will manage the affordable housing on the site. It has operations in NSW, ACT and Victoria and is the largest provider of affordable housing in Australia and forms part of the Evolve Housing Group, who boasts a successful track record in managing community housing assets for over 30 years. As such, the proposed development promotes the supply and delivery of affordable housing with improved amenity, quality and management.

5.1.4 Impacts of demolition of housing on the site

Demolition of the existing studios on the site will not result in any substantial impact due to the overrepresentation of studio dwellings in the region. In addition, the existing studios on the site lack residential amenity and contain structural engineering and safety concerns, therefore it is not appropriate to retain the existing studio dwellings in the context of provision of new affordable housing that is managed by a CHP, of a high-quality with residential amenity that meets the ADG, provides a more balanced dwelling mix and increases the quantum of affordable housing GFA on the site compared to existing. This is further discussed below.

Overrepresentation of studio dwellings in the Regional Catchment

A Social and Economic Statement has been prepared by Colliers Urban Planning and is provided at **Appendix CC**. It analyses the local residential market to facilitate assessment of impacts of demolition of the existing housing on the site. Its analysis is based on a Regional Catchment that has been defined that takes into account the Subject Site and characteristics of the local area. Given the site is located on the boundary of Woollahra and the City of Sydney local government areas (LGAs), both LGAs have been adopted as the geographic definition of this Regional Catchment.

The statistics provided within **Appendix CC** highlight that smaller dwellings in the Regional Catchment (defined as studio and 1-bedroom dwellings) comprise around a third (32.7%) of all dwellings. This is well above the Greater Sydney benchmark of only 9.0% of dwellings being smaller dwellings. Therefore, the removal of the studio apartments from the Subject Site is not anticipated to have a significant impact given the high representation of smaller dwellings across the Regional Catchment compared to the Greater Sydney benchmark.

Poor residential amenity of existing studios should not be retained

The existing 27 dwellings on site, have not been designed in accordance with multiple objectives within the ADG, which provides guidance on the accepted minimum level of amenity for residential flat buildings. As the proposed development will meet the objectives of the ADG, it would be inappropriate to retain the existing studio dwellings that do not meet the objectives of the ADG. The existing layout of the 27 dwellings on 160 Oxford Street is shown in **Appendix JJ**, which also includes analysis of their solar access outcomes. Importantly, the existing dwellings do not achieve compliance with multiple objectives of the ADG, including:

- *Objective 3D – Communal open space has a minimum area equal to 25% of the site*
 - The existing communal open space is less than 25% of the site area, resulting in poor external amenity for the existing affordable dwellings. The development proposes the provision of communal open space comprising 33.4% of the site area, featuring a pool area, outdoor passive areas, BBQ area, seating and landscaped spaces to improve amenity.
- *Objective 3F – Separation between windows and balconies is provided to ensure visual privacy is achieved. Minimum required separation distances from buildings to the side and rear boundaries are as follows: up to 12m (4 storeys) - 6m for habitable rooms and balconies.*
 - Currently, the existing building provides inadequate building separation to its northern and western interfaces. Its northern boundary provides a varied setback between 2.87m-4.16m and the western setback is approximately 2.23m-2.87m as shown in **Figure 4** below.
 - Accordingly, the minimum separation distances between the respective interfaces are not presently achieved, resulting in further privacy and overlooking impacts.

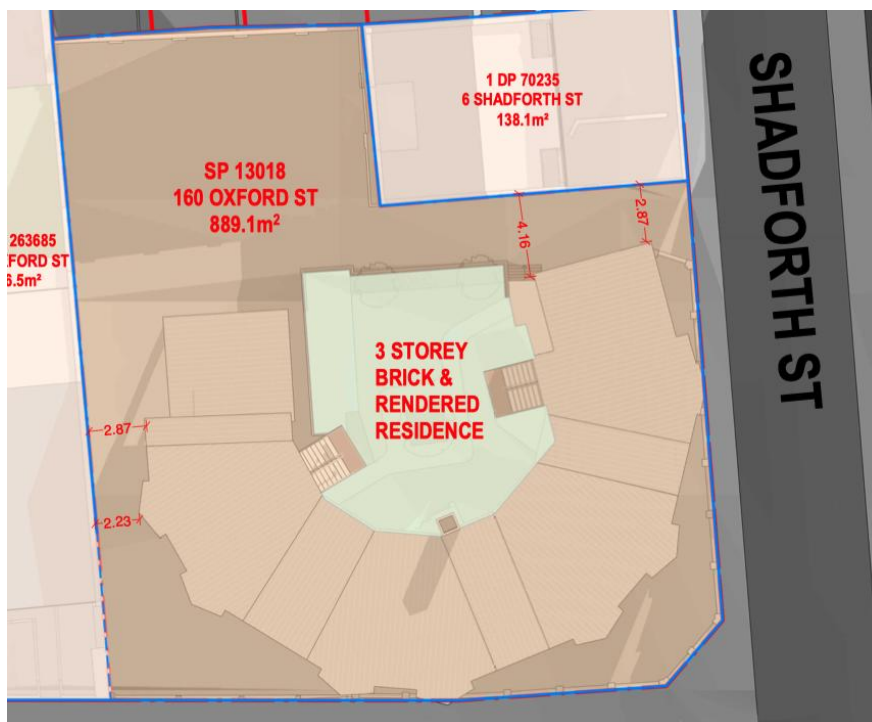


Figure 4 Site Plan of Existing Residential Flat Building at 160 Oxford Street

Source: Metropoint Group Architects

- *Objective 3G - Multiple entries (including communal building entries and individual ground floor entries) should be provided to activate the street edge*
 - The development does not provide an activated streetscape, with only one entry located from the Shadforth Street frontage.
- *Objective 3J – On-grade car parking should be avoided.*
 - The existing development is inconsistent with Objective 3J of the ADG as it provides a limited number of at grade car parking. Additionally, the existing development does not provide any secure bicycle/motorcycle spaces or storage. Comparatively, the proposal provides basement level parking, 53 bicycle parking spaces and 9 motorcycle parking spaces and adequate storage.
- *Objective 4A - Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid winter in the Sydney Metropolitan Area and in the Newcastle and Wollongong local government areas*
 - The existing development does not achieve compliant solar access, as only 9/27 units achieve 2-hour solar access (33.3%). In contrast, the overall proposed development has 82% of apartments receiving a minimum of 2-hours solar access between 9:00am-3:00pm, including 73% of affordable apartments achieving compliant solar access (8/11 apartments). Refer to the 160 Oxford Street, Paddington – Solar and Amenity Analysis Package at **Appendix JJ**.

- *Objective 4B – At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed.*
 - All studio units are technically dual aspect, allowing for potential cross ventilation. However, they do not achieve true cross-flow (as there are no windows in the opposite end of the studios) or 90-degree dual-aspect conditions, limiting the genuine natural ventilation.
 - Effective cross ventilation is realistically confined to corner units, with only 6 out of 27 units (22.2%) meeting this condition.
 - Ventilation performance is further constrained as windows above doors and within bathrooms are fixed and do not allow airflow.
- *Objective 4C - Measured from finished floor level to finished ceiling level, minimum ceiling heights are: 2.7m for habitable rooms and 2.4m for non-habitable rooms.*
 - The existing development is not compliant with Objective 4C providing a general ceiling height of 2.4m in the existing units.
- *Objective 4D – Apartments are required to have the following minimum internal areas: Studio – 35m²*
 - None of the studios meet the minimum area requirement in Objective 4C, with the maximum unit area provided being 30m².
- *Objective 4E - All apartments are required to have primary balconies as follows: Studio apartments – 4m²*
 - The existing apartments do not comply with minimum private open space (balcony) area requirements. This shortfall is further exacerbated by the already inadequate provision of communal open space within the development.
- *Objective 4F - Common circulation spaces achieve good amenity and properly service the number of apartments*
 - The existing common circulation and spaces are not accessible as only stairs are provided within the development.
- *Objective 4G – In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided: Studio apartments – 4m²*
 - Based on our review of external data sources including photographs of the studios view on online sources, it is understood that the existing dwellings on site do not provide dedicated storage of 4m² is not provided.
- *Objective 4J – In noisy or hostile environments the impacts of external noise and pollution are minimised through the careful siting and layout of buildings*
 - The existing development does not provide any acoustic attenuation measures to mitigate traffic noise from Oxford Street. As such, this compromises any natural ventilation outcomes for the existing units.
- *Objective 4L – Street frontage activity is maximised where ground floor apartments are located*
 - The existing ground floor studios on site do not utilise any opportunity to provide for private landscaped open spaces, resulting in poor amenity for these ground floor apartments.
- *Objective 4U - Development incorporates passive environmental design*
 - Based on our understanding of the age of building, it is unlikely that the existing building is BASIX compliant or meets the minimum energy requirements specified under the ADG.

160 Oxford Street contains structural engineering concerns and should not be retained

Triaxial Consulting have conducted a Structural Review of the existing building at 160 Oxford Street (**Appendix II**). Triaxial Consulting have confirmed that the existing building was likely constructed prior to 1970 and is estimated to be at least 56 years of age. Importantly, modern concrete buildings, which include more stringent durability criteria than those constructed in 1970, generally provide a 50 year (+/- 20%) design life. Accordingly, the building is likely at or nearing the end of its serviceable design life, indicating reduced reliability, increased maintenance costs, and uncertainty regarding its suitability for its current use. Triaxial Consulting have identified the following construction issues with the building:

- Significant honeycombing was observed to the concrete walls during the site investigation;
- Spalling of concrete was observed at the external stair structures. Significant corrosion of the embedded reinforcing steel was evident, consistent with chloride or carbonation-induced corrosion;
- Significant cracks were observed in the concrete beam and column elements, with measured widths of approximately 2.0mm, which exceeds permissible limits in accordance with AS 3600:2018 Clause 2.3.3;

- Significant corrosion and associated section loss was observed to structural steel elements within the roof structure during the investigation;
- Based on the observed construction and the age of the structure, it is considered highly unlikely that the concrete walls achieve the strength and ductility requirements prescribed under AS 3600:2018 for seismic design. This equates to a risk to life during a significant seismic event;
- At locations where the roof profile changes direction, the metal roof sheeting undergoes corresponding changes in slope and direction creating drainage deficiencies;
- The brick vent shaft poses an economic and safety risk to occupants and neighbouring property owners; and
- Vermiculite ceiling finishes were observed internally to units within the building. Given the estimated construction date of prior to 1970, it is considered probable that these materials constitute asbestos-containing material (ACM). This is considered to be a health risk to occupants.

5.1.5 Affordability of proposed affordable housing

EchoRealty Housing have prepared an Affordable Housing Letter (**Appendix BB**) which outlines their processes for managing affordable housing, including their approach to setting rents. In summary, EchoRealty will work closely to identify suitable key workers to access the affordable housing units, ensuring that all residents, including young people, meet the required eligibility criteria as defined in the Housing SEPP and align with the requirements under the NSW Affordable Housing Ministerial Guidelines. Households must have a gross income within the specified percentage ranges of the median household income for Greater Sydney and must not pay more than 30% of their gross income in rent.

5.1.6 Suitability of Proposed dwelling mix, including dwelling mix of proposed affordable housing

Overall dwelling mix

The Social and Economic Statement (**Appendix CC**) outlines that there is a demonstrable need for additional dwellings, particularly large dwellings in the Woollahra LGA and the broader Regional Catchment. The proposed dwelling mix addresses a clear need for 2-3 bedroom dwellings, highlighting a dwelling mix mismatch within Woollahra and the Regional Catchment. Currently, the site provides a low bedroom mix with an average of 0.6 bedrooms within a Regional Catchment that is already well supplied with small to medium sized dwellings (73.8% of the Regional Catchment dwelling stock compared to the balance across Greater Sydney - 35.0%). Much of this difference is likely due to the higher density nature of living within the Regional Catchment compared to the balance of Greater Sydney, with the typical apartment tending to have fewer bedrooms compared to separate houses. Comparatively, the proposed development provides a low bedroom mix with an average of 2.4 bedrooms within a Regional Catchment that is already well supplied with small to medium sized dwellings (73.8% of the Regional Catchment dwelling stock).

Colliers have also reviewed the 2021 ABS Census which demonstrates that the Regional Catchment is typically characterised by an affluent population that includes young residents and professionals. Residents typically live in apartments and have lower rates of home ownership compared to Greater Sydney. The statistics provided within **Appendix CC**, highlight that smaller dwellings in the Regional Catchment (defined as studio and 1-bedroom dwellings) comprise around a third (32.7%) of all dwellings. This is well above the Greater Sydney benchmark of only 9.0% of dwellings being smaller dwellings. In contrast, larger dwellings (defined as 3 or more bedrooms) account for 26.2% compared to 65.0% of dwellings across the balance of Greater Sydney. In this context, there is an overrepresentation of smaller dwellings and underrepresentation of larger dwellings in the Regional Catchment, and thus there is an identified need for larger dwellings to ensure that Woollahra and the City of Sydney can continue to attract larger households including couple with children and group households. The proposed development will assist in ensuring that the local area will continue to support and accommodate larger households.

In addition to this, the significant premium for larger dwellings across Woollahra is likely pricing out key segments of the community including couple families with children and as a result forcing them to reside in other locations across Greater Sydney. Additional supply of larger dwellings, such as through the Proposed Development, will assist in putting downward pressure on dwelling prices for larger dwellings.

Further, since the 2021 Census, household stress is likely to have increased in line with rising mortgage interest rates and increases in weekly rents. As such, figures within the Census likely understate the housing affordability challenge for households in both Woollahra and Greater Sydney. The ability to provide for increased housing supply and additional dwellings across a range of sizes and price points will help deliver more accessible housing options for the local

community. Additional housing supply is key to addressing housing affordability pressures and reducing upward pressure on house prices and rents.

Overall, an examination of housing suitability data highlights segments including group households, couple family and couple family with children, are living in overcrowded conditions. This is likely being driven by housing affordability challenges and lack of larger dwellings across the Regional Catchment. The ability to provide larger dwelling sizes will help to alleviate some of the misalignment, and deliver more suitable housing for the significant number of households who require more bedrooms.

In this context, the Proposed Development is alleviating the oversupply of smaller dwellings to better align housing stock with community need, and ensure that the local area will continue to support and accommodate larger households.

Ultimately, there is an identified need for larger dwellings to ensure that Woollahra and the City of Sydney can continue to attract larger households including couple with children and group households. Sales price and rental price trends already indicate a significant premium faced by larger households that wish to reside in the local area. Additional dwelling supply has been recognised at multiple levels of government as key to helping moderate upward pressure on dwelling prices and on rents. In this context, the proposed development will assist in ensuring that the local area will continue to support and accommodate larger households.

Affordable dwelling mix

Notwithstanding that a high proportion of larger dwellings is appropriate for the site and locality, and will put downward pressure on the prices for larger dwellings, the dwelling mix of the affordable housing is proposed to be revised to provide a more balanced mix. **Table 13** below illustrates the amended affordable dwelling mix:

Table 13 Comparison between originally proposed and amended affordable dwelling mix

Type	Originally Proposed	Amended Proposal
1-Bedroom	0	6
2-Bedroom	6	4
3-Bedroom	4	1

Accordingly, in consideration of the above dwelling mix for affordable housing, the proposal now provides a more considered mix of dwellings in lieu of the existing dwellings within 160 Oxford Street.

Moreover, the nominated CHP, EchoRealty, supports the proposed location of the Affordable Housing apartments within the building and the overall mix of unit types, noting that these elements are well suited to meet the needs of the intended affordable housing tenant groups.

Social Impact Mitigation Measures

The Social and Economic Statement (**Appendix CC**) also recommends some general mitigation measures. The majority of social impact mitigation measures are already included within the design of the proposal. Refer to **Section 6.4.1.2** for further detail.

- **Deliver long-term housing outcomes** by providing family-suitable dwellings and discouraging short-stay or transient accommodation within this proposal – this is achieved through the proposed dwelling mix that is comprised of over 80% 2-3 bedrooms apartments. These are all family-suitable.
- **Provide a balanced dwelling mix** by providing family-suitable dwellings and discouraging short-stay or transient accommodation within this proposal and complying with ADG standards – the dwelling mix is proposed to be revised to increase the percentage of one bedroom affordable apartments. Originally 10 affordable apartments were proposed, comprised of 6 x 2 bedroom apartments and 4 x 3 bedroom apartments. The quantity is proposed to be increased, and balanced mix improved, as 11 affordable apartments are now proposed, comprised of 6 x one bedroom apartments, 4 x 2 bedroom apartments and 1 x 3 bedroom apartment. Compliance with the ADG for the affordable housing apartments is achieved.
- **Support affordability through design**, including efficient layouts, shared infrastructure and reduced cost drivers where appropriate – the revised scheme improves efficiency of layouts as design development has been ongoing, and all residents can use the communal space on the ground floor.

- **Protect local amenity** through appropriate building scale, setbacks, interfaces and high-quality street frontage design – refer to sections of this RTS Report which demonstrate an acceptable and further improved built form and amenity outcomes.
- **Encourage community integration** through usable communal spaces and well-designed public realm interfaces. The development includes communal areas are designed to be functional, accessible, and integrated with the overall building layout. Public domain and interface with Oxford St is of high quality and considers the existing streetscape – the communal open spaces are well integrated and accessible to all residents, while a high quality interface with the public domain is proposed through the provision of two ground floor retail tenancies and retention of the existing street trees.

The following mitigation measures will be implemented prior to and during construction:

- **Provide adequate notice** to occupants and support for local relocation where feasible. This addresses comments relating to management of current tenants.
- **Minimise construction impacts** via a Construction Management Plan addressing noise, dust, access, safety and community communication.

5.1.7 The Amenity of the Proposed Affordable Units

The proposal continues to respond to growing housing demand by delivering a diverse mix of apartment types, including affordable housing, that has been designed to accommodate a broad demographic - supporting accessibility for people with disability, children, and seniors, and reflecting the evolving social and demographic profile of the community.

The proposed 11 affordable dwellings have been designed in accordance with the ADG. To achieve greater affordable amenity, the Architectural Plans have been amended to achieve at least 70% solar access between 9:00am-3:00pm for the affordable housing apartments (8/11 units). As well, the proposed development has been amended for units 1.04 and 2.04 to be cross ventilated as confirmed in the Natural Ventilation Design Review Letter (**Appendix AA**). Accordingly, 73% (8/11 Apartments) of affordable dwellings are cross ventilated.

5.2 Land Use and Zoning Interface

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

The proposal is positioned at a zone boundary adjacent to existing lower-scale, attached residential terrace dwellings that are characteristic of Victorian-era Paddington. The change in scale between the proposal and these nearby dwellings is pronounced, however it is consistent with similar transitions evident elsewhere along Oxford Street.

A clear and recurring pattern occurs along Oxford Street, where corner sites accommodate buildings of greater scale in very close proximity to adjacent low-scale terrace houses immediately in the vicinity, including many of the corner pubs, schools, churches, and the Paddington Post Office. In these instances, the nearby terrace houses directly border on the larger-scale buildings or sit in very close proximity. This is a feature of the relationship between Oxford Street being the high street, and the remainder of lower-scale Paddington. Examples of this are shown in **Figure 5**, **Figure 6** and **Figure 7**



Figure 5 Oblique aerial of the Paddington Post Office 88 Oxford Street (corner of Oxford Street and Ormond Street) which is a tall building on a street corner adjacent to two storey terraces

Source: Google Maps

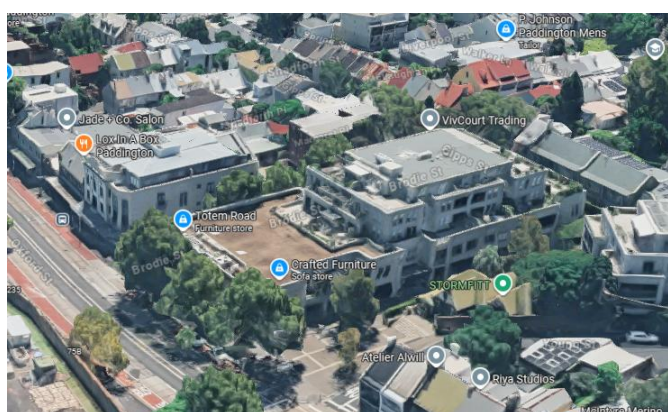


Figure 6 Oblique aerial of 188 Oxford Street (corner of Oxford Street and Brodie Street) which is a tall building on a street corner adjacent to two storey terraces

Source: Google Maps

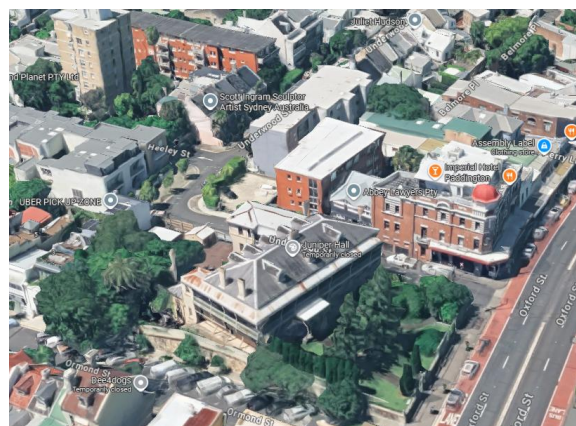


Figure 7 Oblique aerial of Imperial Hotel and 248 Oxford Street (corner of Oxford Street and Underwood Street) adjacent to two storey terraces

Source: Google Maps

In consideration of the above, the proposal is consistent with this observable pattern along Oxford Street where larger buildings of any scale, are situated intimately to smaller buildings. The proposal offers key design moves that ensure a strong, positive 'fit' within the locality to create a coherent and positive streetscape despite the increased scale and density of the proposal.

In particular, the key design moves include:

- Provision of planters on the northern facade such that line of sight to the backyards and windows of properties on Gipps Street to the north are obstructed (see **Figure 8**), thus ensuring visual privacy through design measures rather than providing an additional 3m setback recommended for high density developments adjoining a low -density zone.
- Generally providing a 9m setback from the northern boundary to ensure that all ADG building separation criteria are achieved (see **Figure 9**). It is noted that a setback limited to 6m would be required for the ground floor to Level 3. However, a consistent setback of generally 9m is proposed from the ground level, which provides a superior building separation and urban transition outcome. It also avoids ziggurat building forms which are not encouraged by the ADG.
- Dividing the northern facade into four distinct vertical forms, with sculpted curved balcony forms to reduce the visual bulk and scale of the building (see **Figure 10**), which is determined more by architectural articulation than solely height.
- The rooftop terraces have solid balustrades and are setback from the building parapet by planters to prevent overlooking onto neighbouring properties to the north.

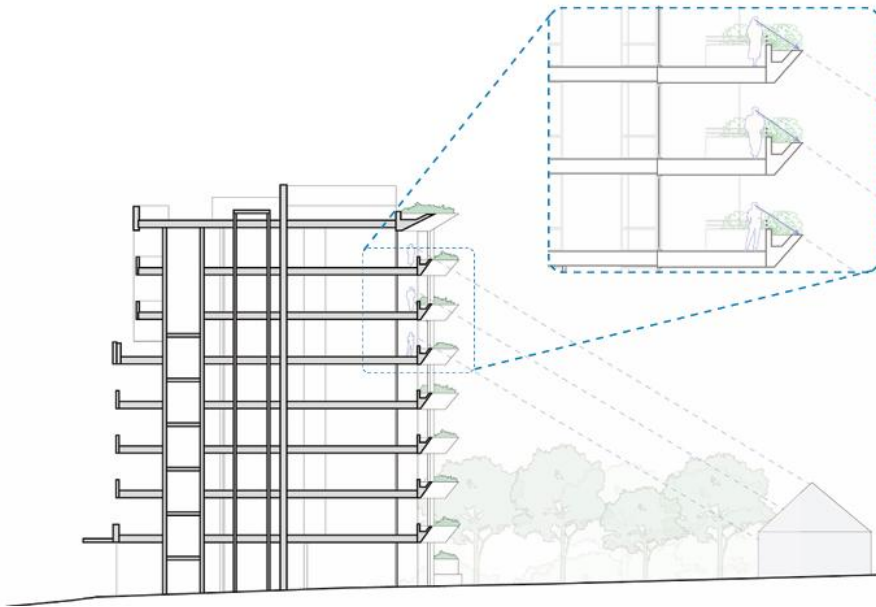


Figure 8 Line of sight analysis following inclusion of balcony planters

Source: Smart Design Studio

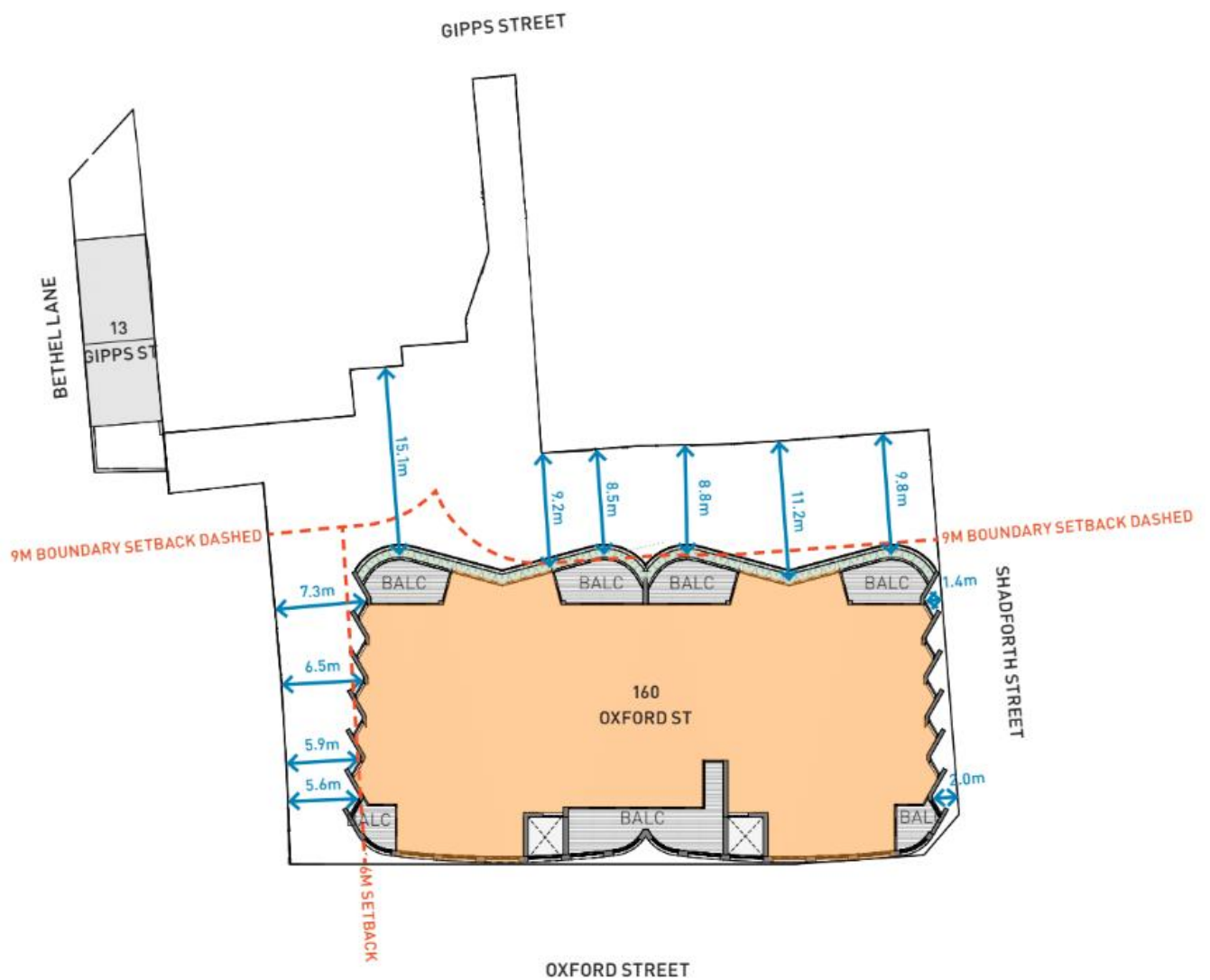
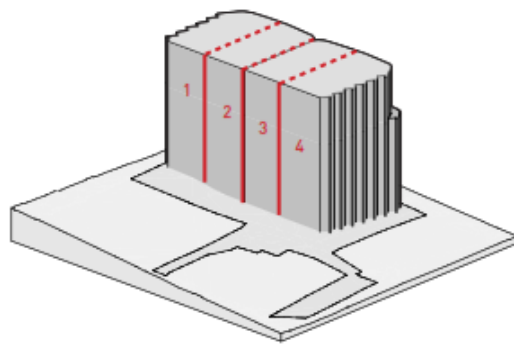


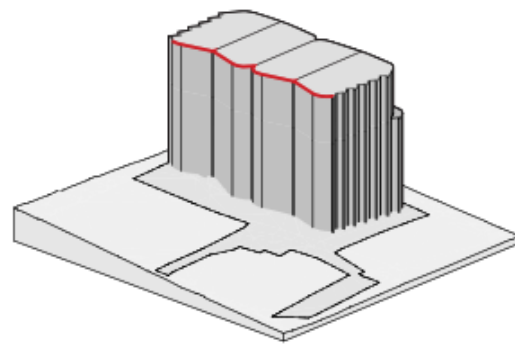
Figure 9 Proposed building separation distances (to mediate height transitions) in accordance with the ADG

Source: Smart Design Studio



2. Divide the form

Divide the building mass into 4 distinct parts to modulate the massing and reflect the internal apartment break up for each floorplate



3. Sculpt the form

Create sculptural curved balcony forms to modulate the facade and create depth through light and shade

Figure 10 Design moves to mitigate visual bulk and scale when viewed from the low density residential properties to the north

Source: Smart Design Studio

The planning principle for development in adjoining different zones set out in *Seaside Property Developments Pty Ltd v Wyong Shire Council* [2004] NSWLEC 117 is relevant in this instance. At paragraph 25 it states (our emphasis added):

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

Given the differences in zones and planning controls on either side of the zone interface, residents living in the R2 Low Density Residential zone must accept that a development of higher density and larger scale can occur on the R3 Medium Density Residential zoned land that is this site. The test is a matter of reasonable of impact, rather than whether there is any impact at all. The impacts of the proposed development on the low density properties to the north have already been reduced to a reasonable degree:

- Visual privacy impacts are mitigated through the provision of balcony planters that obscure site lines to the rear yards and windows of the property to the north. The proposed development is able to achieve the development potential for the site without compromising visual privacy outcomes to the north, and without requiring additional building setbacks. Additional setbacks would reduce the angle of sight lines and worsen visual privacy outcomes.
- The proposed development does not overshadow any properties to the north within the R2 Low Density Residential zone. Therefore, the proposed development is not limited by overshadowing constraints relating to the zone boundary interface to the north.

5.3 Building Height and Storeys

The Clause 4.6 Variation must detail the accurate height non-compliance based on the surveyed existing ground level rather than an extrapolated height plane.

The non-complaint height results in additional loss of solar access to the public footpath and Barracks Reserve to the southern side of Oxford Street.

The 8-9-storey building would result in an overbearing impact to the low scale surrounding properties and result in a loss of privacy due to the significant noncompliance with the ADG separation requirements.

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

It does not satisfy the height objectives because it creates adverse amenity impacts, disrupts the heritage streetscape, and is incompatible with the HCA.

The height plane shown in the Architectural Drawings has been amended to be based on the surveyed existing ground level rather than an extrapolated height plane from levels at the edges of the site.

As outlined within **Section 3.2.1**, the proposed building height of the development, as amended, has been reduced 0.9m from 32.6m to 31.4m (9% variation). It is noted that the parapet height has also been reduced from 30.8m to 29.9m. This significant reduction in building height is due to various design amendments.

Most importantly, this significant height decrease is attributed to the reduction in floor-to-floor height from 3250mm to 3200mm. Furthermore, the lower Ground Floor unit has been removed, resulting in an 8-storey development as opposed to an 8-9 storey building. Additionally, roof plant equipment has been redistributed within the building. Notably, some taller mechanical plant equipment that previously contributed to the height exceedance has been relocated to the mezzanine area at the lower ground level.

The proposed changes to the building height are illustrated in the side-by-side comparisons below, which also incorporate the site's topographic contours to enable a detailed assessment.

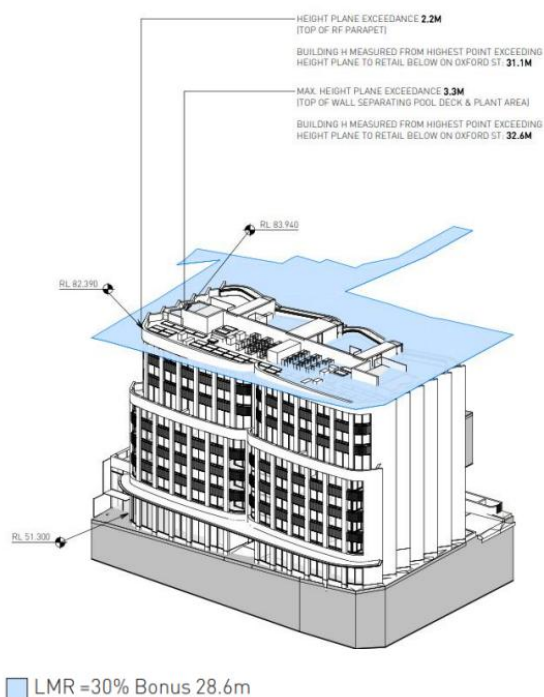


Figure 11 Publicly Exhibited 3D Axonometric (view from southeast)

Source: Smart Design Studio

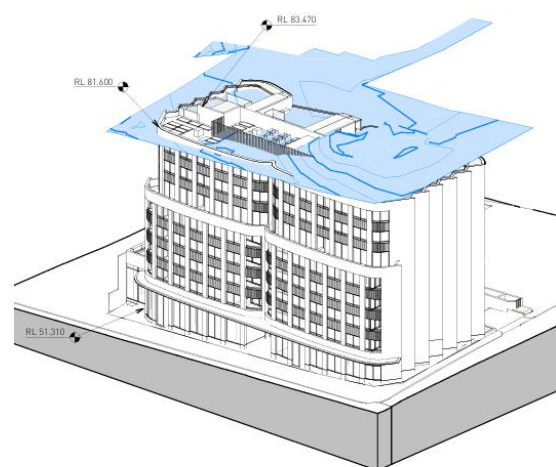


Figure 12 Amended Proposal 3D Axonometric (view from southeast)

Source: Smart Design Studio

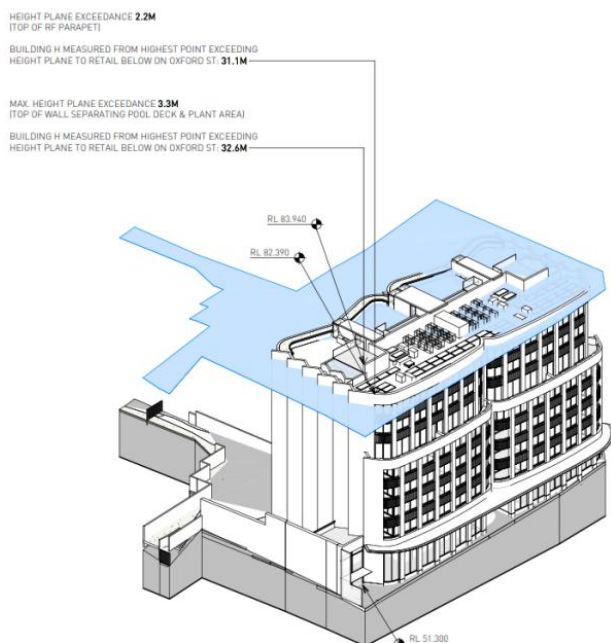


Figure 13 Publicly Exhibited 3D Axonometric (view from southwest)

Source: Smart Design Studio

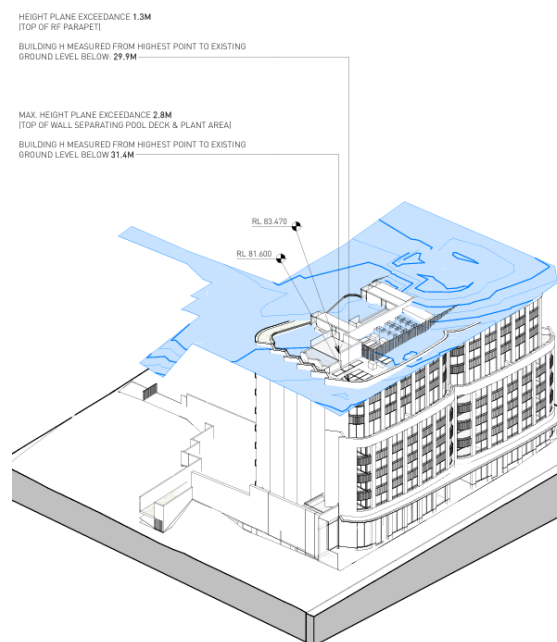


Figure 14 Amended Proposal 3D Axonometric (view from southwest)

Source: Smart Design Studio

As illustrated in **Figure 11-Figure 14**, this has resulted in the entirety of the eastern portion of the building being below the maximum building height plane, with exceedances limited to the parapet of Level 8, portions of rooftop plant, solar panelling, rooftop amenity structures and stairway overruns. Notably, the height variation is predominantly a result of the uneven topography of the site with an approximate fall of 3- 5m (Refer to **Appendix B**).

Accordingly, the entire eastern portion of the proposed development at the corner of Oxford Street and Shadforth Street is fully compliant with the 28.6m maximum building height under section 16(3) of the Housing SEPP, while the height variation occurs as the site slopes downwards towards the west.

With regard to submissions relating to the loss of solar access to the public footpath, solar access to the public domain is not necessarily protected by planning controls, and a development with a compliant height would also result in overshadowing to parts of the public domain such as the footpath.

Further detail relating to solar access to the Barracks Reserve is provided within **Section 5.8**, showing that approximately 80% of the Oxford Reserve (which is the worst case) receives at least 4 hours of solar access between 9am-3pm mid-Winter, which meets the planning controls of the Sydney Development Control Plan 2012 which the Oxford Reserve is subject to.

Smart Design Studio has undertaken extensive design testing, modelling and iterative analysis to demonstrate that the proposed building will not result in an overbearing impact to the adjoining and surrounding low-scale development. As aforementioned, although the difference in scale between the proposal and surrounding dwellings is evident, it is still consistent with similar transitions existing elsewhere along Oxford Street that create a clear and recurring pattern where nearby terrace houses directly border on the larger-scale buildings or sit in very close proximity with corner sites accommodating buildings of greater scale abutting low-scale terrace houses. This is a feature of the relationship between Oxford Street being the high street, and the remainder of lower-scale Paddington, which the proposal is in keeping with.

Privacy impacts are addressed within **Section 5.9**, which demonstrates that the proposed height does not result in adverse visual privacy impacts due to the inclusion of balcony planters and large trees which obscure views to rear yards and windows of properties along Gipps Street.

Additionally, the Clause 4.6 Variation Request to the maximum building height has been updated to demonstrate that the compliance with the maximum building height is unreasonable and unnecessary, and additional justification has been provided to demonstrate that there are sufficient environmental planning grounds to justify the contravention (**Appendix S**), noting the height exceedance has also been reduced.

5.4 Gross Floor Area

The FSR is incorrectly calculated. Specifically, the internal corridors at levels LG, L0, L1, L2, and L3 of the building have not been included in the GFA calculations. It appears that the corridors have been excluded on the basis that they incorporate louver doors to the communal pool area at levels LG and L0, and louveres to the southern elevation at levels L1, L2, and L3.

The louveres to the corridors at levels L1, L2, and L3 to the south are fully enclosed by the fixed external glazing to the southern façade and the floor levels above and below.

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

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

The Architectural Plans have been amended to calculate the GFA of the proposed development in accordance with the *Woollahra Local Environmental Plan 2014*. Specifically, the calculation of GFA includes the internal corridors at Levels LG, L0, L1, L2, and L3 of the building. The amended development contains a total GFA of 5,784.60m² which complies with the maximum 2.86:1 FSR (5,784.64m²), comprising 153.03m² of non-residential GFA and 5,631.57m² of residential GFA (inclusive of 878.13m² of affordable housing GFA which exceeds 15% of the proposed GFA).

It is considered that the GFA does not contribute to the bulk and scale of the building, as the proposal complies with the maximum GFA permitted on the site under the Housing SEPP.

5.5 Urban Design and Desired Future Character

Urban Design and Built Form Articulation

The proposed development comprises a residential apartment building of a height, bulk and scale that does not respond to the existing context, notwithstanding the location of the site in an area for Low and Mid Rise (LMR) Housing.

The proposed development would introduce a dominant built form as seen from the residential development and narrow streets in the locality.

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

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

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

Desired Future Character

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

The proposed development comprises a residential apartment building of a height, bulk and scale that does not respond to the existing context or desired future character of the area. The proposed development would introduce a dominant built form as seen from the neighbouring residential development and narrow streets in the locality. The Oxford Street façade fails to provide adequate articulation or moderate the bulk and scale.

This section responds to the matters above through the following structure guided by Principles 1, 2 and 6, in Schedule 9 of SEPP Housing:

- Section 5.5.1 – Principle 1 Context and Neighbourhood Character
- Section 5.5.2 – Principle 2 Built Form and Scale
- Section 5.5.3 – Principle 6 Amenity

5.5.1 The Housing SEPP, LMR Intentions and Desired Future Character

The desired future character of any site is necessarily connected to the relevant principal development standards that relate to the site. In this instance, the LMR provisions contained in Chapter 6 of the Housing SEPP, working in concert with the incentive provisions (30%) for Infill Affordable Housing in Chapter 2 of the Housing SEPP, result in development standards for the site including a building height of 28.6m and FSR of 2.86:1. The proposal demonstrates a very close alignment with these development standards, and for this reason demonstrates a high degree of consistency with the desired future character.

The intent of the Housing SEPP is to incentivise provision of affordable housing by maintaining the feasibility of redevelopment while ensuring that the additional height and floorspace results in built form and environmental amenity outcomes that reflect the scale of development envisaged for the site. In this case, the infill affordable housing incentives allow for two additional storeys, which continues to result in a medium-rise development that is the desired future character established by the LMR controls (i.e. 6-8 storeys).

Accordingly, the overall built form and scale of the proposed development has been determined by the uplift in development potential from the Low and Mid-rise (LMR) Housing Policy, including height and FSR in combination with the affordable housing bonus provision within the Housing SEPP and therefore cannot be said to be an overdevelopment or out of character. Furthermore, 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. In particular, the narrow and tight scale of nearby streets to the north, and their angular direction reduces the visibility of the proposal from within the HCA. The proposed building is located at the southern end of the subject property and will present as a background element in views from the public domain. As shown in the VIA, the visual impact of the development in views from the surrounding area will be modest and will have an acceptable impact that is consistent with the surrounding context.

The desired future character of the neighbourhood is also affected by the land use zoning within the neighbourhood. The neighbourhood has a varied character because it is made up of three different land use zones, namely the MU1 Mixed Use zone along the majority of the northern side of Oxford Street, the R3 Medium Density Residential zone fronting Oxford Street on this block, and the R2 Low Density Residential zone immediately behind the MU1 and R3 zones. Therefore, the desired future character of the neighbourhood includes a range of development scales and uses due to the confluence of land use zones within the neighbourhood. The proposed development is consistent with the key objectives, including the providing for the housing needs of the community and through a variety of housing types within a medium density environment. Importantly, the objectives of the R3 Medium Density Residential zone envisages a variety of housing types, of which residential flat buildings are a permissible housing type. Moreover, the proposed development also includes shops on the ground floor to provide facilities and services to meet the day to day needs of residents. The proposed development is also consistent with the objective to conserve and enhance tree canopy cover, as the trees along Oxford Street will be retained, and tree canopy cover will be increased to 24% of site area.

Whilst the development may be described as producing an 'abrupt' change in scale, as previously established in **Section 5.5**, it is entirely consistent with both the relevant development standards and the observable pattern of development elsewhere along Oxford Street. The surrounding urban form and taller buildings both along the Oxford Street high street and ridgeline, and around the periphery of the Paddington HCA like the site, are described below and shown in **Figure 16**:

- St Vincents Hospital (12 storeys);
- 339 Oxford Street Paddington (8 storeys);
- 36-42 Flinton Street Paddington (10 storeys);
- 176 Glenmore Road Paddington (10 storeys);
- 40 Stephen Street Paddington (9 storeys); and
- 13 Campbell Avenue Paddington (9 storeys).
- The many corner pubs, shops and traditional inter-war apartment buildings also reinforce this pattern:
 - 361- 379 Oxford Street Paddington (6 storeys); and
 - 339 Oxford Street Paddington (8 storeys);
- The Paddington Town Hall (c1891) which is a 32m clock tower remains a dominant tall structure and demonstrates that buildings along the Oxford Street ridgeline are capable of holding taller buildings.



Figure 15 Axonometric context aerial photograph (site outlined)

Source: Smart Design Studio

This reinforces an existing observable pattern of larger and taller buildings distributed along the Oxford Street alignment and in the broader visual catchment of Paddington, from Taylor Square to Centennial Park creating a consistent punctuated skyline as shown in **Figure 16** below.

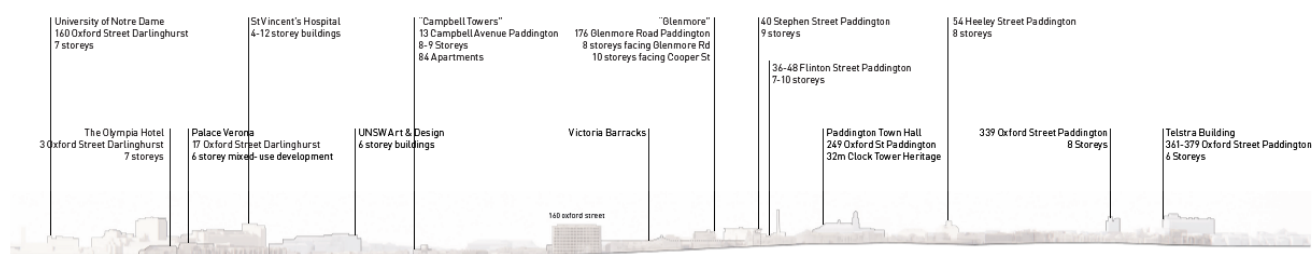


Figure 16 Tall Buildings Skyline along Oxford Street

Source: Smart Design Studio

Although the proposal differs in scale from its immediate northern neighbours, it still achieves compatibility and reflects Design Principle 1, Schedule 9 of the Housing SEPP, highlighting the desired future character and demonstrating necessary design skill in composing and articulating the form, character and expression of a larger-scaled building.

5.5.2 The Built Form and Scale Principles

Smart Design Studio has undertaken extensive design testing, modelling and iterative analysis to fully understand the site's opportunities and constraints. This process has informed the final built form and urban design response, as detailed in the Amended Architectural Design Report at **Appendix C**. The amended built form is characterised by an eight (8) storey mixed-use development, with a maximum height of 31.4m and a total GFA of 5,784.60m². The proposal comprises a sophisticated and well-articulated architectural composition, which mitigates against the increased building bulk and scale implicit in the relevant development standards. The proposed development has a cohesive and integrated built form that has been carefully crafted through developed design moves such as breaking up the façade into two halves and

introducing both verticality and an upper level setback into the form, to ensure that a monolithic built form is not produced and so that the design of the development is consistent with Principle 2, Schedule 9 of the Housing SEPP.

The form of the primary southern facade facing Oxford Street is divided vertically into two distinct parts, reinforcing the central building entry. It has a 5 storey street wall built to the southern boundary, aligning with the top of the existing street trees along Oxford Street. The top 3 stories are set back, with a continuous terrace and planters to level 5. The 2 parts each have a gentle curved form which softens the corner expression, especially to Shadforth Street. A punched window expression across this facade aligns with the broader heritage character of the area. The ground floor retail offering enhances the 'high street' retail precinct along the northern side of Oxford Street and activates the public domain.

With regard to the eastern and western elevations, these facades comprise a vertical expression of angled, solid blades or 'gills' with glazed openings between the blades. These blades reinforce an oblique view from the apartments out towards the northeast and northwest, away from adjacent sites that have unfulfilled development potential. In particular, this mitigates visual privacy impacts to the west, and ensures that future development west of the site is not compromised. These blades also promote improved residential amenity by controlling solar access. They block the hot summer morning and afternoon sun, whilst encouraging winter sun into the apartments. The blades also add visual interest and verticality to reduce the visual bulk of the building.

As such, the proposed development represents a contextually sensitive, responsive and high-quality renewal of the site and the broader urban landscape. The proposed design responds sensitively to its urban context, which differs between the high street quality of Oxford Street and the northern elevation which takes advantage of northern sunlight while ensuring sufficient building separation is required.

5.5.3 Amenity Principles

The proposed development has been designed to provide all dwellings with a high quality of internal amenity and outlook. Specifically, as noted in **Section 5.1.7**, the amended proposal now achieves compliant solar access for the affordable housing apartments. Furthermore, the development (as amended) continues to achieve consistency with relevant ADG objectives, and where strict numerical compliance with the performance criteria is unable to be achieved due to the constraints of the site an alternative solution has been appropriately proposed. Residential amenity is also provided through the provision of adequate storage and floor to floor heights that minimise bulkhead intrusions.

Likewise, local amenity has been protected and/or enhanced, with acceptable overshadowing outcomes, no loss of views, no unreasonable visual intrusion from the height variation. Privacy impacts from the height variation which has since been reduced have been appropriately addressed through the inclusion of balcony planters, considered window placement and landscaping. Further to this, as described in **Section 5.9**, in order to alleviate privacy impacts, northern fronting balcony planters have been proposed across all levels to ensure overlooking does not occur to the northern adjoining properties. There are no more potential amenity impacts relating to Bethel Lane as access to and from Bethel Lane has been removed from the proposal.

5.6 Heritage

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

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

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

The proposal will undermine the cohesive low scale character of the Paddington HCA. The 8-9 storey building will dominate the skyline, overwhelm the surrounding properties, and result in a loss of amenity.

The proposal includes the demolition of five terrace houses and one semidetached dwelling which, though constructed after the Second World War, are sympathetic to the scale, proportion, materials and design idioms of Paddington. These are therefore contributory buildings and their demolition is not supported.

The proposal includes the demolition of a three-storey flat building on Oxford Street. Though this is not a contributory building, it is far less intrusive than the proposed and better reflects the materiality and scale of buildings in Paddington. The proposal is therefore contrary to Objectives O1, O2 and Control C2 of C1.3.14 and Objective O1 and Control C6 of B4.2.3 in the Woollahra DCP 2015.

A building of this scale will impact upon the views from the item, which are of particular importance as the placement of the barracks site was in part determined by the visual connection between the barracks and the harbour. The Statement of Heritage Impact downplays visibility via "view hierarchy" and seasonal tree screening.

A Heritage Response Statement (**Appendix G**) has been prepared by GBA Heritage which builds upon the publicly exhibited Statement of Heritage Impact and provides further assessment of the proposed development's impact on the surrounding heritage items and heritage conservation areas. Generally, from a heritage perspective, the historic urban townscape of Paddington and its surroundings are constantly changing and has done so for more than 100 years. There are larger scale buildings within and in the vicinity of the Paddington HCA that have been simply regarded as part of this locality and its larger backdrop. In this regard, the proposed development is consistent with this constantly changing context and will not result in unacceptable heritage impact. This is reflected in the following extract regarding the significance and visual character of the Paddington HCA from the Woollahra DCP:

Paddington retains many significant types of buildings that represent all phases of the suburb's historical development. These building types range from modest small-scale single storey timber and masonry cottages to remnant examples of former gentry mansions, boom style middle-class terrace houses, apartment blocks and contemporary infill development, all of which are set in a varied network of streets, lanes and pedestrian accessways which reflect the phases of subdivision and development.

5.6.1 Heritage Impacts to the Paddington Heritage Conservation Area

Given that the existing character of the Paddington HCA contains contemporary infill development and apartment blocks and the Paddington Heritage Conservation Area (HCA) locality statement in the WDCP 2015 outlines that Paddington retains those types of developments, the proposed residential flat building that reflects those building types would be consistent with the retention of those types of developments.

The proposed development is located in a section of the Paddington HCA that has low heritage sensitivity along Oxford Street. This is because all buildings between 122 - 168 Oxford Street were constructed after WWII and are non-significant elements in the HCA. All existing structures on the site are intrusive buildings in the HCA.

Particularly, Council's submission asserting that the five (5) terrace houses and the semi-detached dwelling are contributory buildings is not in accordance with the Woollahra DCP, rather GBA Heritage note that Council have selectively, but inadequately, attempted to vary the DCP definition. As Council have noted, these subject buildings have likely been constructed following the Second World War. Importantly, it was designed as an enclosed military precinct. Some of the accommodation buildings could originally see over the walls to a very small portion of the nearby Paddington cottages. In accordance with section C1.3.14 of the Woollahra DCP notes, these buildings would be intrusive buildings:

'Intrusive buildings within Paddington are generally 20th century buildings constructed after World War II. These are...inappropriate to the significant historic character of Paddington.'

As Council have identified that these buildings were constructed following the Second World War, Council should recognise their classification as intrusive in accordance with the Woollahra DCP.

Importantly these buildings are considered intrusive as they meet Council's definition in its DCP, *"The only exception to this is for 'intrusive buildings' which are inappropriate to the character of Paddington in regard to scale, proportions, materials and design"* for the following reasons:

- The semi-detached dwelling and terraces have intrusive balcony roofs as illustrated in Figure 21, Section C1.3.14 of the WDCP. These terrace roofs comprise of a terracotta/concrete tile materiality and remove any separation between the roof and main balcony roof;
- The semi-detached dwelling, 142 and 146 Oxford Street comprise contemporary high masonry walls as side boundary fencing which is intrusive in the streetscape;
- The terraces do not feature traditional window types, rather they feature a combination of metal frames, window walls, sunscreen windows and aluminium framed windows in the front elevation;
- The terraces feature contemporary smooth face bricks on the Level 1 balconies which are intrusive balcony elements;
- The buildings are set-back from the front boundary line, in contrast to typical contributory development; and
- 160 Oxford Street does not align with the subdivision pattern and built form of Oxford and Shadforth Streets.

Therefore, the existing buildings on site are considered to be "Intrusive buildings" as defined by the Woollahra DCP. In consideration of the above, Council's claim that the terraces are contributory is inadequate and is not reasonably founded on their DCP provisions. Additionally, and as discussed in Section 5.1.4 the residential flat building currently on the site at 160 Oxford Street is not considered to exhibit best practice architectural design, and does not align with the prevailing subdivision pattern, materiality and built form of Oxford Street. Furthermore, the historic placement of the Barracks in this location was more for its separation from the urban environment, relationship with the road network for troop movement and proximity to the Tank Stream for water. It is highly unlikely that any commensurate locational criteria for a large scale military compound with its surrounding sandstone perimeter wall would have been for a social outlook to Port Jackson. The Barracks were not directly part of the evolving defence infrastructure around Port Jackson, even in the 1840s.

The location of this building on the edge of the Paddington HCA means that the building's location on the site influences its impact on the HCA, and its northern façade and setback should respond to the HCA whereas the southern façade is less sensitive. Accordingly, the proposed building has a well-balanced massing to Oxford Street and the surrounding HCA, particularly to the north, for the following reasons:

- The development includes an upper-level setback that aligns with the height of the large trees on Oxford Street;
- The proposed sandstone materiality will have a soft visual character that responds to the prevailing sandstone materiality in the HCA. The sides of the building include blades and gills which introduce verticality into those facades to reduce visual bulk and scale;
- The relationship of the proposed development to the HCA to the north is consistent with a recurring pattern along Oxford Street, where corner sites accommodate buildings of greater scale in very close proximity to adjacent low-scale terrace houses immediately in the vicinity, including many of the corner pubs, schools, churches, and the Paddington Post Office. In these instances, the nearby terrace houses directly border on the larger-scale buildings or sit in very close proximity. This is a feature of the relationship between Oxford Street being the high street, and the remainder of lower-scale Paddington;
- In consideration of the above, the proposal is consistent with this observable pattern along Oxford Street where larger buildings of any scale, are situated intimately to smaller buildings;

- The rear of the development also responds to the lower density part of the HCA to the north through an approximate setback of 9m, while breaking up of the façade into four vertical and angled elements;
- Setback of roof terraces, and generous landscaping including tall trees that will soften the presentation of the proposed building and create privacy to the north.
- The building is located at the southern end of the property, thereby giving a considerable setback to neighbouring properties to the north. The northern elevation is visually broken up into four bays with numerous differential vertical forms. The proposal is sympathetic with the fine-grained nature of the HCA.
- The narrow and tight scale of nearby HCA streets, and their angular direction reduces the visibility of the proposal from within the HCA. The proposed building is located at the southern end of the subject property and will present as a background element in views from the public domain. As shown in the VIA, the visual impact of the development in views from the surrounding area will be modest and will have an acceptable heritage impact.
- This part of Oxford Street is already represented by some non-original and amalgamated Lots. The fine-grained nature of the Paddington HCA is interpreted in the design of the northern elevation of the proposed building.

Specifically, the amended landscape design has been carefully designed to have an acceptable heritage impact, including the inclusion of planters across Levels 5-8. GBA Heritage have undertaken an assessment of the visual impacts of the proposal on the HCA. They note that while there may be changes in some views, the viewpoints selected are considered satisfactory as the streetscape is very tightly contained, even with small historic buildings, thus preventing any sideways outlooks or views.

5.6.2 Heritage Impacts to the Victoria Barracks

GBA Heritage have undertaken an extensive review of the Barracks and the impacts of the proposed development on their heritage status. Specifically, GBA Heritage have analysed specific buildings within the Barracks including Buildings 13, 15, 16, 17 Buildings 94, 95, 96. GBA Heritage have confirmed that Buildings 94, 95 and 96 date to the pre-First World War period and were constructed to support Field Artillery operations. They form a cohesive two-storey row with heritage significance, including historic, associative, aesthetic, representative and rarity values within Victoria Barracks. These buildings are internally oriented, with no visibility from Oxford Street and limited outlook beyond the Barracks precinct.

Buildings 13, 15, 16 and 17 originate from the mid-19th century initial development of Victoria Barracks. Building 13, a two-storey Officers' Quarters constructed in stages, retains its original architectural and aesthetic character despite later internal modifications. Buildings 15, 16 and 17 are small, single-storey ancillary structures located to the rear, historically used as kitchens and later adapted for garages and storage. These buildings are only visible from within their immediate locality. The distinctive group (13-17) has historic, historic association, aesthetic, representative and rarity values as part of Victoria Barracks, with particular recognition of the former Officers' Accommodation Building, at National, State and Local Significance as a component of the Victoria Barracks Defence establishment.

In consideration of the above, GBA Heritage note that there are reports that the interiors of most early buildings within Victoria Barracks have been altered and re-used periodically in response to changing functions.

Additionally, the many surrounding tall buildings are already visible from the Victoria Barracks, including the six (6) storey Block F of the University of NSW Art and Design School and the Sydney CBD further afield. Thus, in consideration of the above buildings, the amended proposal will not disrupt any existing sense of isolation. Accordingly, GBA heritage are of the opinion that the amended building is acceptable from a heritage perspective of the Victoria Barracks as:

- No views to the subject listed parts of the Victoria Barracks will be negatively impacted by the proposed development.
- While the proposed development will overshadow the perimeter wall and Buildings 95 and 96 during the morning of the winter months, they are already overshadowed by the adjacent trees in the Oxford Street Reserve. The amended Overshadowing Diagrams within **Appendix B** include the shadows cast by the trees within Oxford Street Reserve. Those trees were surveyed during the period where their canopy is the smallest which means that for the rest of the year, those trees would cast even more shadows on the Victoria Barracks.
- As the buildings have little visibility from within the Barracks and from the public domain, GBA Heritage have concluded that the minor overshadowing will have an acceptable heritage impact.

Accordingly, it can be reasonably concluded that views from nearby and within the eastern end of the Barracks precinct will not be adversely affected by the introduction of the subject development, into what is already a lively outlook towards the city and nearby modern buildings.

5.7 Acoustic Impacts

The submitted acoustic report is not based on final architectural plans submitted with the SSDA.

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

The Acoustic Report provides no information on ventilation openings for the basement.

The Noise and Vibration Impact Assessment as prepared by Koikas Acoustics has been amended to reflect the amended Architectural Plans at (**Appendix T**) and provides further assessment of the apartments fronting Oxford Street in accordance with the *Development Near Rail Corridors and Busy Roads – Interim Guidelines*. Koikas Acoustics have confirmed that bedrooms and living areas along Oxford Street will need to have their windows and doors closed to achieve the indoor target noise levels. Accordingly, the development proposes a fresh air ventilation system designed by Goldfish and Bay to allow internal noise level target to be met in bedrooms and living areas. Further detail is provided in **Appendix T**.

Despite the above, it is noted that all other rooms not facing Oxford Street can be naturally ventilated through open windows/doors while meeting internal acoustic criteria with windows open.

It is noted that the location of affordable housing apartments has been amended such that they are not all facing Oxford Street.

Ventilation openings for the basement are managed through risers. The Noise and Vibration Impact Assessment has considered the potential noise impacts from the mechanical plant associated with the proposal and determined that compliance will be achieved at the nearest residential receivers.

5.8 Overshadowing

The development's height will cause overshadowing of Oxford Street public domain and overshadowing of heritage plane trees.

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

Overshadowing to residential properties

There are no residential properties that are impacted by overshadowing by the proposed development. Any incremental overshadowing to properties occurs only on the roof of 170-174 Oxford Street and 178 Oxford Street which are commercial/retail developments along Oxford Street, and the Victoria Barracks.

Overshadowing to the Oxford Street Reserve

The Oxford Street Reserve is located within the City of Sydney LGA. Therefore, as noted within the submitted EIS, the acceptability of the proposal's overshadowing of the Oxford Reserve open space has been determined by reference to Control 3.1.4(3) of the *Sydney Development Control Plan 2012*, which specifies more than 50% of public open space areas to receive sunlight for at least 4 hours between 9am-3pm on the winter solstice. Whilst it is noted that DCPs do not apply to SSDs and this DCP applies to the adjoining City of Sydney LGA, the control has been chosen as guidance to assess the amended proposal and as the affected receiver property is within the City of Sydney LGA.

Noting that the total area of Oxford Reserve adjacent to the site is 4,106m², the amended proposal demonstrates that between 9am and 3pm, at least 3,381m² (82%) of Oxford Reserve receives sunlight each hour (that is the worst case). Therefore, even though overshadowing generated by the infill affordable housing bonus results in some shadows falling onto Oxford Reserve, the majority of Oxford Reserve continues to receive sunlight in exceedance of the City of Sydney DCP control.

Overshadowing to the Victoria Barracks

GBA Heritage have conducted an assessment against Buildings 94-96 and note that they do not address Oxford Street and cannot be viewed from the public realm along Oxford Street as well as having no outlook beyond the Barracks complex. Those buildings also do not have any residential function. As such, they are not considered to be sensitive to overshadowing impacts.

Moreover, as illustrated in **Figure 17**, rows of mature trees within Oxford Reserve and between the Barracks wall and the subject buildings already cast shadows onto the subject buildings as seen in purple in **Figure 17**. The perimeter wall itself also throws shadows onto the intervening space and onto portions of the subject buildings. Even without the existing trees, the originally submitted shadow diagrams show that the façade of the buildings within the Victoria Barracks would be overshadowed between 9am and 10am by a development under the LMR 22m height controls.

As illustrated in **Figure 17**, overshadowing to Buildings 94-96 that are not already overshadowed by the existing trees, is limited to small portions of the roof of those buildings between 9-10am.

As shown in the Clause 4.6 Variation Request, the extent of additional overshadowing from the parts of the building that exceed the height limit is very minor.

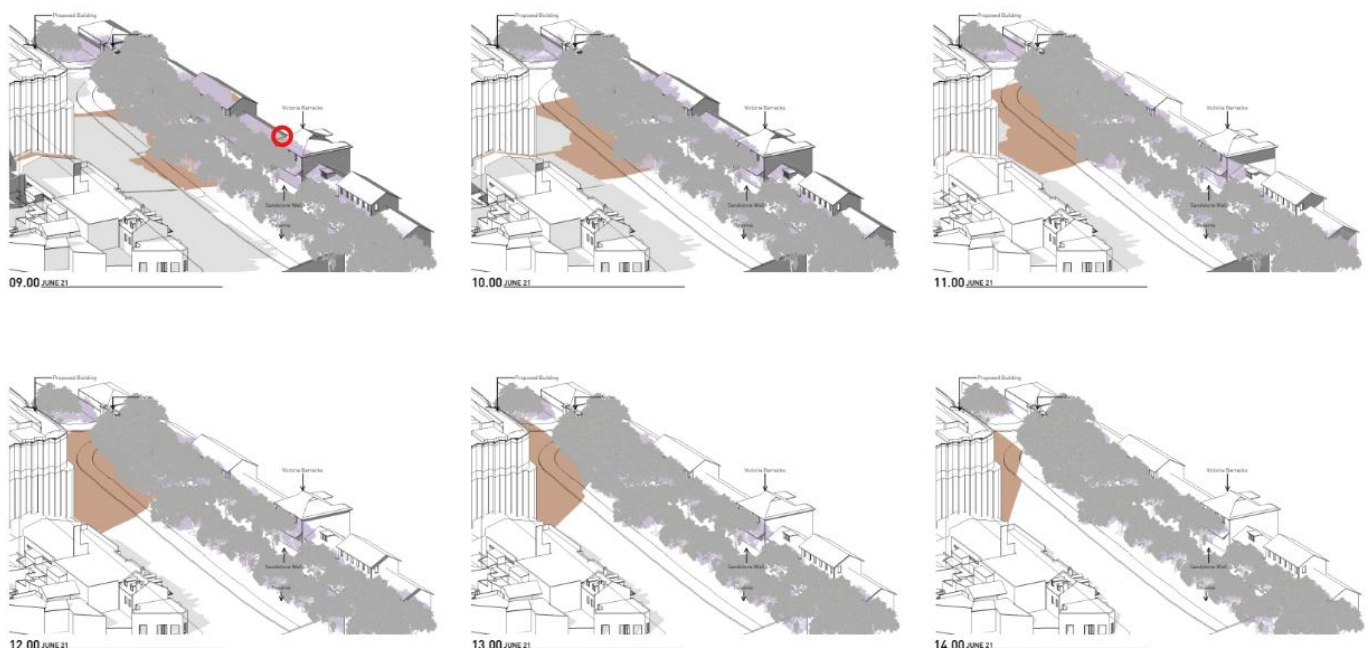


Figure 17 *Proposed overshadowing to Victoria Barracks*

Source: Smart Design Studio

Therefore, the passing presence of minor shadowing onto the northern face of the Perimeter Wall and the roofs of Buildings 95-96 will not generate any adverse impacts on the heritage significance of these buildings, the wall and Victoria Barracks as a whole.

It is noted that there is no overshadowing of the Queens Gate or the adjacent VB2 Gate House which have higher heritage significance.

5.9 Privacy

The proposal does not comply with the visual privacy separation requirements in 3F of the ADG with regards to the north, east and west elevations. It is noted that the ADG states that: Apartment buildings should have an increased separation distance of 3m (in addition to the requirements set out in design criteria 1) when adjacent to a different zone that permits lower density residential development to provide for a transition in scale and increased landscaping.

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

Because private-property visual impacts are unassessed, the proposal cannot demonstrate a “high level of residential amenity”.

As NSW is currently amidst a housing crisis, the proposed development has been designed to maximise housing supply, specifically within the Woollahra LGA. Providing an additional 3m of building separation to the north as stated in the guidance under Objective 3F of the ADG 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 measures rather than strict building separation numerical compliance.

In accordance with DPH’s direction to incorporate additional visual privacy measures for balconies above Level 5, and in lieu of setting back the building or upper levels by an additional 3m, balcony planters are proposed on the northern facade of the development across Levels 1-8 to ensure visual privacy is achieved for the adjoining residential properties. This is shown in the northern elevation in **Figure 18** below, and reflected on the amended Architectural Plans (**Appendix B**),



Figure 18 Proposed northern elevation

Source: Smart Design Studio

Specifically, line of sight diagrams have been prepared by Smart Design Studio (**Figure 19** below), demonstrating that the backyards and windows of properties on Gipps Street will not be visible from northern balconies on L5-L7 due to the addition of the planters. Rather, the line of sight for residents across Levels 5-7 will be beyond the adjoining northern

properties. This shows that additional setbacks from level 5 and above are not required to achieve visual privacy outcomes.

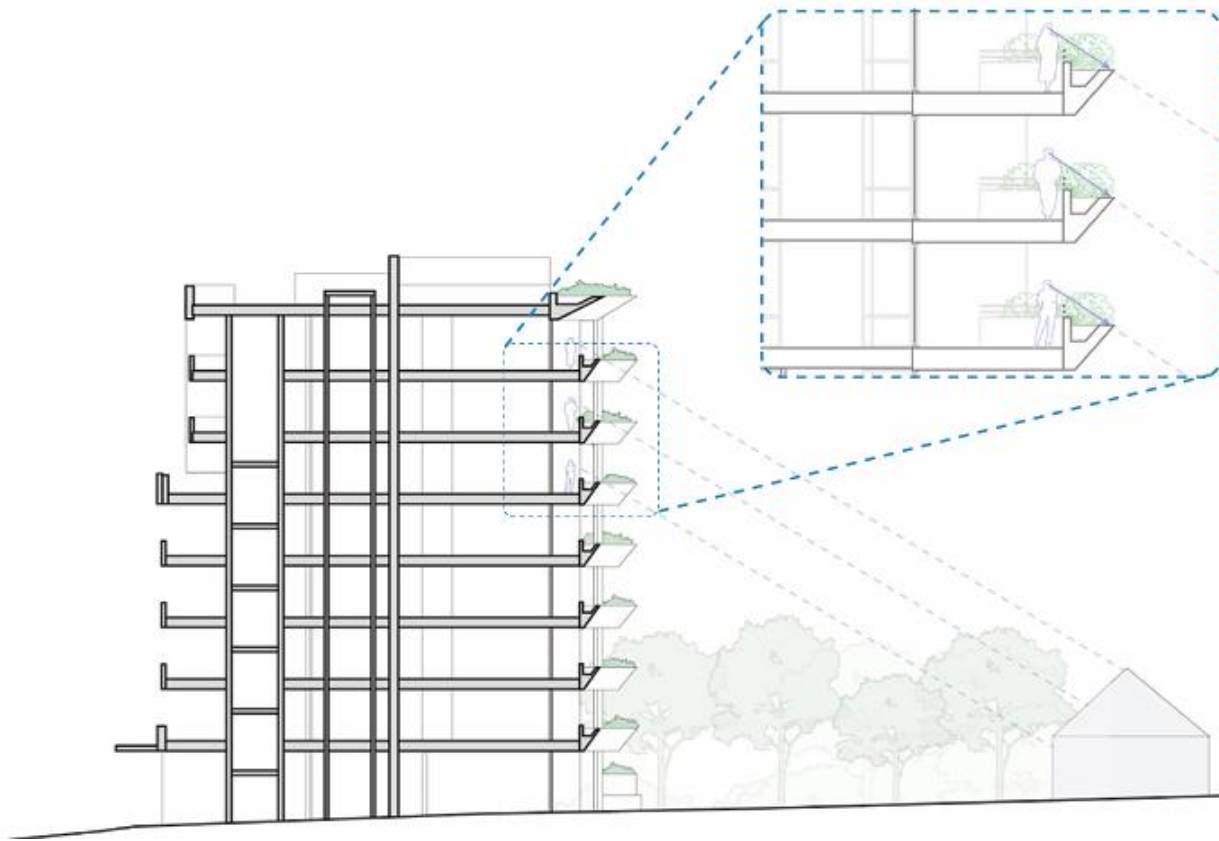


Figure 19 Line of sight analysis following inclusion of balcony planters

Source: Smart Design Studio

5.10 Views

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

The visual impact assessment omits some key views from Gipps and Prospect Streets (as well as from the rear yards of neighbouring dwellings).

Independent site inspections confirm the 8-storey tower would produce significant visual dominance when viewed from numerous adjoining properties with small lots and limited sky views.

An amended Visual Impact Analysis (VIA) has been prepared by Colliers Urban Planning at **Appendix O**. It is noted that the amended VIA now includes a realistic indicative built form on 126-140 Oxford Street that utilises the LMR height (22m) and FSR controls and is generally consistent with the requirements of the ADG.

As aforementioned, GBA Heritage, on behalf of the Applicant, attempted multiple times to gain access into the Barracks Precinct with assistance from Heritage NSW to set up at least one location for the VIA. However, access was not granted by the Commonwealth. As this was unachievable, GBA Heritage reached out to DPHI to seek an alternative solution to address this requirement.

On 22 April 2026, DPHI advised that they had met with HNSW to close out this issue. HNSW indicated that they would be satisfied if there was an additional VIA viewpoint in the Oxford Street streetscape, from next to the Barracks Wall closest to Building 13. In accordance with this advice from DPHI, the amended VIA includes an additional viewpoint within the assessment as shown in **Figure 20** below.



Figure 20 *Key Public Viewpoints*

Source: Virtual Ideas

The likely visual impacts of Viewpoint 8 are summarised in **Table 14**.

Table 14 *Summary of photomontages and likely visual impact of Viewpoint 8*

Photo of existing view	Photomontage of proposed view
Viewpoint 8 – Oxford Street (Barracks Wall)	
	

Description of proposed view:

- The proposal is largely visually screened from this viewpoint by existing vegetation on the north and south of Oxford Street.

Photo of existing view		Photomontage of proposed view
- Given the presence of vegetation in the foreground and midground of this view, the indicative future built form at 126 140 Oxford Street is also not visible. It is acknowledged should you move east or west along Oxford Street the proposal may be intermittently visible through the existing trees. - Overall, the project is considered to have a negligible significance of visual impact.		
Sensitivity of viewpoint: High	Magnitude of change: Imperceptible	<u>Significance of change:</u> Negligible

5.11 Traffic, Access and Parking

Number of Car Parking Spaces

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

Whilst the SEPP is the prevailing planning instrument, due consideration should also be given to Council's DCP.

Noting the parking rates in SEPP (Housing) are non-discretionary standards that prevent the consent authority from requiring more onerous standards for the matters, a reduced parking provision would still comply whilst realising the environmental and social benefits of the transport network. As such, the parking provision should be reduced to a total of 43 parking spaces, including 39 for residential components and 4 for retail component.

Traffic Impact and Generation

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

Whilst the width of the driveway is intended to accommodate two-way traffic flow, it should however be noted that the proposed location of vehicular access consists of a landscaped kerb blister island opposite, which restricts vehicles' manoeuvrability. The access driveway therefore doesn't provide passing opportunities and can only allow either access or egress traffic at one time.

Concern regarding the strain on the existing network due to the narrow carriageways functioning as single-lane with high pedestrian activity.

Turn path assessments do not comply with AS2890.1. The 300mm clearance is not clear of obstructions. Additionally, the swept paths do not consider additional 300mm clearance for outer edge.

Existing Traffic Conditions

Shadforth/Gipps/Elfred/Liverpool streets described as officially signposted "Unsuitable for Large Vehicles."

Submissions concerning the "right to use" driveway access for 21 Gipps Street.

For 21 Gipps Street there is a historic Woollahra Council plan from 2000 evidences easement/right of access for their rear gate access, emergency egress, window access uses for bins, bicycles, motorbikes which The SSDA fails to acknowledge.

An Addendum Traffic Impact Statement, Amended Traffic Impact Assessment and Amended Construction Traffic Management Plan have been prepared in response to Council and public submissions. Refer to the Addendum Traffic Impact Statement for specific responses to matters raised in Council's submission. Summary responses to the traffic-related submissions are provided below.

5.11.1 Number of Car Parking Spaces

As demonstrated in the amended Traffic Impact Assessment Report (**Appendix M**), the proposed total car parking provision of 82 spaces is consistent with the minimum requirements set out in the Housing SEPP 2021 and the TfNSW Guide.

Importantly, the development is not expected to generate additional on-street parking demand, as all parking will be accommodated on site. Based on the TfNSW Guide “per parking space” traffic generation rates, the surplus provision above the minimum requirement is estimated to result in approximately three additional vehicle trips per hour during peak periods. This increase is considered statistically insignificant. Overall, the net increase in traffic generation associated with the development is estimated at 2 vehicles per hour which is equivalent to approximately one additional trip every 30 minutes during commuter peak periods.

5.11.2 Traffic Impact and Generation

Traffic generation calculations have been undertaken using low-density rates for existing dwelling houses and high-density residential rates for existing studio units. The traffic surveys undertaken at nearby intersections confirm that the surrounding narrow local road network, specifically Shadforth Street, will continue to operate at acceptable levels of service in accordance with TfNSW and Austroads guidelines. It is noted that Council's assertion regarding cumulative traffic growth within this area being an LMR Housing area does not have any substantial basis. Paddington is highly constrained being predominantly a HCA, with numerous heritage listed buildings. Accordingly, there are a limited number of sites within the Paddington HCA that would be able to utilise the LMR Housing provisions. As well, these sites are distanced from one another, further limiting the claim that unacceptable cumulative traffic generation would arise from the combination of LMR identified areas.

The internal road layout allows vehicles to pass in a forward direction at all times, ensuring that no queuing will occur on the public road network. Swept path analyses demonstrate full compliance with Australian Standards, with all vehicle paths (including 300mm clearance envelopes) avoiding obstructions. Service (SRV) waste vehicles will access the site outside of peak commuter periods, minimising any potential conflicts.

5.11.3 Existing Traffic Conditions

Varga Traffic Planning have prepared an amended Preliminary Construction Traffic Management Plan which is provided at **Appendix N**. The CTMP has been amended to address the existing traffic conditions in relation to the proposed works zone and Traffic Control Plan. Specifically, as the Works Zone has been amended to only propose a 22m works zone as opposed to a 37m work zone on the western side of Shadforth Street. As well, a temporary kerbside NO STOPPING restriction is proposed along eastern side of Shadforth Street to the south of Bourke Lane and directly opposite the subject site, up until the end of construction stage during construction hours only, to allow vehicles to traverse Shadforth Street whilst a construction vehicle is parked within the proposed Works Zone. Additionally, the existing tree and concrete island directly opposite the Shadforth Street site frontage will be removed temporarily to accommodate vehicles passing in Shadforth Street, and will be reinstated upon the end of construction stage by the builder.

Further, as Oxford Street is a classified road, vehicular access can be appropriately provided via alternative local roads. Heavy vehicles will not access the site via Gipps Street, and no access is proposed from the right-of-way off Gipps Street. While Glenmore Road includes a load limit, heavy vehicles are permitted to pass the restriction in accordance with NSW road rules, as the site is located immediately beyond and no alternative route is available. Swept path diagrams confirm that construction vehicles can access the site via Glenmore Road, Liverpool Street and Shadforth Street without difficulty.

Pedestrian safety has been addressed through the provision of compliant sight distance triangles at the site access, in accordance with AS2890.1. As well, if required, additional warning signage and signals can be installed. In consideration of this, the Traffic Plan has been amended to provide additional responsibilities for the traffic controllers.

5.12 Wind Assessment

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

A Wind Impact Assessment has been prepared by RWDI and is provided at **Appendix Z**. This assessment provides an evaluation of the wind comfort conditions of the proposal and provides wind control mitigation measures aimed at enhancing wind comfort. The results of the wind assessment have confirmed that the site is exposed to regional winds from the south, west, and northeast RWDI identified the following specific wind conditions in key areas:

- Level L01 South-Western Corner Balcony: Maintain the taller balustrading along the southern aspect, as this structure is expected to mitigate these winds.
- Level L05 South Terraces: Include 1.8 m tall impermeable intertenancy screening. Areas near the corners may be subject to stronger winds, however the perimeter planters that are 1.4m tall including planting are expected to reduce these winds.
- Corner Roof Terraces (L07.01 and L07.04) Incorporate densely foliating vegetation within the raised planter along the northern perimeter with a total height of 1.2-1.3m tall and along the eastern and western aspects with a total height of 1.5m. Wind conditions are likely to be suitable for sitting to standing use within these terrace areas.

This assessment confirms that the proposal is expected to achieve comfortable wind conditions across key public and private areas due to its responsive and layered design. Overall, the development is considered to be well suited to its wind context, and conditions are projected to support the intended uses of both public and private open spaces. Additional discussion is provided within **Appendix Z**.

5.13 Excavation and Structural Impacts

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

It does not appear that any research has been undertaken into the possible effect of excavating for and constructing the proposed basement parking on the structural integrity of the neighbouring Victorian era terrace houses in Shadforth Street.

An Amended Geotechnical Assessment has been prepared by Morrow and is provided at **Appendix P**. In response to concerns raised regarding excavation impacts to adjoining dwellings, Morrow has confirmed that monitoring of construction-induced vibrations will be undertaken at the commencement of such activities, located at the nearest vibration receptor and in consultation with the project superintendent and geotechnical engineer. The recommended locations of vibration monitors are illustrated in **Figure 21** below.



Figure 21 Location of Vibration Monitoring Points

Source: Morrow

The above shown vibration monitors will be set up for continuous monitoring with visual and audible alarms for exceedances of the nominated vibration threshold (DIN4150 Category3 limits for sensitive structures). Two (2) trials will be conducted to ensure that the contractor's proposed methodology can be achieved within the nominated vibration thresholds. The first trial is to comprise bucket excavation of soil and must be carried out in the presence of the project geotechnical and structural engineers. A second trial is to be conducted prior to the commencement of hydraulic rock hammering and is to be carried out in the presence of the project geotechnical and structural engineers. If vibration levels are found to be unacceptable during the trial, it may be necessary to adopt vibration mitigation measures such as:

- The use of smaller excavation plant and hydraulic hammers;
- Saw cutting of the perimeter of the excavation;
- Hammering at 50% capacity in short bursts to prevent the buildup of resonant frequencies; and
- The use of low vibration techniques such as rotary grinders or chemical rock splitting.

In addition to excavation support structures including temporary and permanent batters, Morrow have confirmed that care will be taken with excavation in order to prevent damage to the heritage structures through either ground movement or ground-borne vibration.

5.14 Tree Impacts

Medium Retention Value

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

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

Impacts to Trees 2, 3, 4 & 5.

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

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

Street Trees

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

An Amended Arboricultural Impact Assessment has been prepared by TMS Tree Management Strategies (**Appendix I**) and notes that a total of 43 trees were assessed as part of the proposed development. Of these, all 11 trees currently are proposed to be removed to facilitate the proposed works (T18-24, T28 and T30-32). They all have low retention value. Specifically, T18 has been added for removal to facilitate heavy rigid vehicle (HRV) access and manoeuvring requirements associated with the construction phase of the development. It will be retained as long as possible, but ultimately will be removed to facilitate construction vehicle access. It is proposed to be replaced once construction is complete.

As submitted, 21 trees near the site were to remain unaffected by the development and remain healthy and viable with standard tree protection measures adhered to. This has been amended to 20 trees due to the inclusion of an additional tree for removal (T18). Importantly, TMS Tree Management Strategies confirms that the rating of the trees as having medium retention values is significantly detailed within their Report. The Amended Arboricultural Report has amended the retention value of Trees 2-5 from medium to high retention value, those trees will be retained and have a pruning plan supported by Council. .

TMS Tree Management Strategies have confirmed that Trees 2, 3, 4 and 5 will be affected by additional impacts from the 1.5m wide scaffolding/hoarding required for the construction of the development. Accordingly, pruning of Trees 2-5 is required to facilitate this work zone adjacent to the trees for construction access. The submitted awning design had the

potential to impact Trees 2-5. Comparatively, the amended awning design has been reduced to ensure a 1.5m setback from the centre of Trees 2-5, as shown in **Figure 22**.

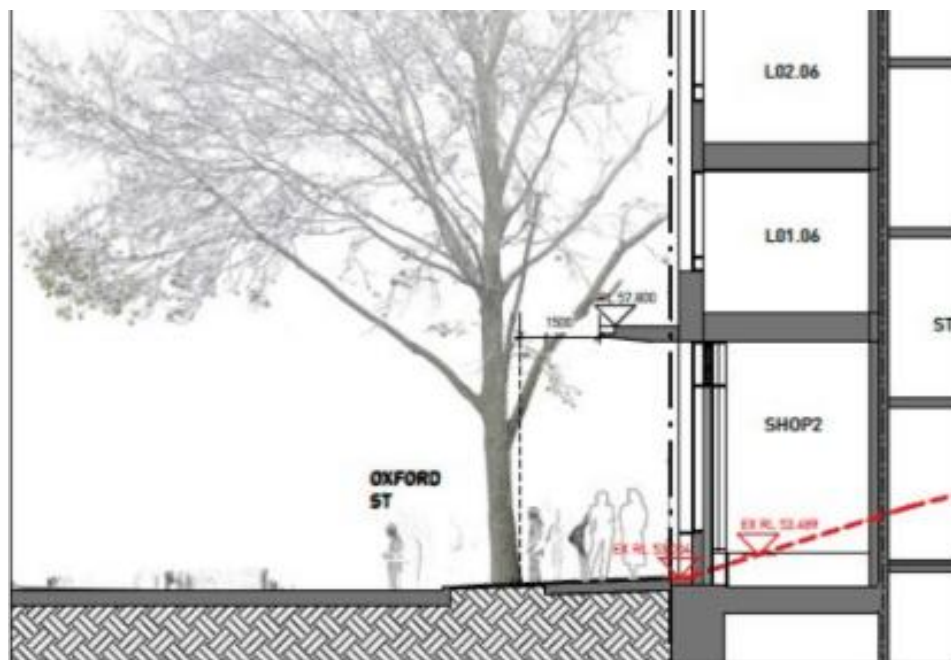


Figure 22 *Proposed Awning and Setback from Trees 2-5*

Source: TMS Tree Management Strategies

Additionally, to ensure further impacts do not occur to the canopy of Trees 2-5, the indicative location of the crane has been nominated at a significant distance from these trees as illustrated in **Figure 23** (note this is to be confirmed prior to construction by the principal contractor).

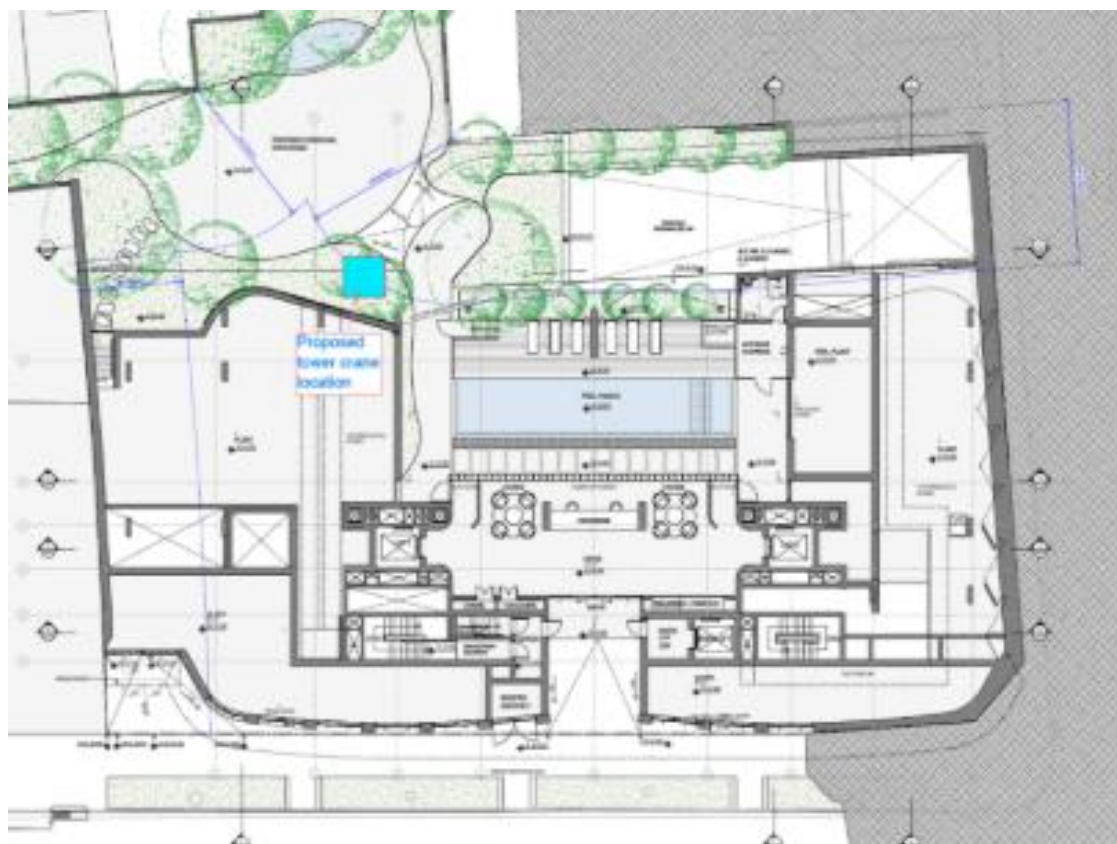


Figure 23 *Proposed Crane Location*

Source: TMS Tree Management Strategies

5.15 Stormwater and OSD

The provision of a raingarden shall be provided to comply with Chapter E2.2.3 of the Council's DCP. Alternatively, the required storage of the proposed rainwater tank must be based on 1.5 times of the required on-site stormwater detention (OSD) system shall be increased to 25m³ /1000m² of site area to fully offset the raingarden requirement. In this regard, the required storage volume for the rainwater tank shall be 81.5m³.

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

There is known reliance on pumps in the immediate area with regular high flow water removal from 21 Gipps St, consistent with ongoing underground water collection.

31 Gipps Street has reported water flowing under the property, and 21 Gipps Street has pumps installed under the dwelling to prevent water damage. 21 Gipps Street has a subterranean level which increases the concern regarding groundwater.

The amended Architectural Plans in **Appendix B** illustrate that the invert level of the rainwater tank has been raised to minimise any backwater effects. As well, the invert levels and finished levels of all junction pits and kerb inlet pit have been clearly shown on the amended Architectural Plans (**Appendix B**). The inclusion of Lot 13 Gipps Street within the OSD calculations is not considered appropriate, as the pervious and impervious catchments of 13 Gipps Street will remain unchanged under the proposed development. Accordingly, the site area associated with Lot 13 Gipps Street should not be included in the OSD sizing calculations.

On this basis, the provision of a rain garden or an increase in rainwater tank volume to 81.5 m³ is not considered warranted. If required, a hydraulic DRAINS model can be provided to demonstrate that excluding 13 Gipps Street from the OSD calculations will not result in an increase in total site discharge compared to the predevelopment condition.

5.16 Flooding

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

Residents adjacent to Bethel Lane have also reported significant flooding arising from 142 - 148 Oxford Street.

The EIS has not considered the incidences of flooding in basement levels, presumably on the basis that discussions have not been held between the Applicant's Consultants and local residents/owners.

A Section 10.7 Certificate was obtained for the site which confirmed that the site is not located within a flood planning area and is not subject to flood related development controls. In addition, the site is shown to not be affected by flooding during a 1 in 100 ARI flood event in accordance with the Rushcutters Bay Catchment Floodplain Risk Management Plan. Therefore, a flood impact and risk assessment is not required.

6.0 Justification of the Amended Project

This section provides an updated justification and evaluation of the project as a whole, incorporating any relevant issues raised in submissions and the Applicant's response to these issues. Any design changes or assessments undertaken are in response to issues raised in submissions or further design development and have not increased the impact of the development. As such, the justification for the project as previously outlined in the EIS is reiterated and strengthened through the presented responses which comprise meaningful amendments to the Proposal.

Additional mitigation measures have been provided within **Section 7**.

6.1 Ecologically Sustainable Development

Section 193 of the EP&A Regulation outlines four (4) principles of ecologically sustainable development to be considered in assessing a project. They are:

- The precautionary principle;
- Intergenerational equity;
- Conservation of biological diversity and ecological integrity; and
- Improved valuation, pricing and incentive mechanisms.

An analysis of these principles is provided in the ESD Report submitted as Appendix Z of the exhibited SSDA package.

6.1.1 Precautionary Principle

The precautionary principle is utilised when uncertainty exists about potential environmental impacts. It provides that if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation. The precautionary principle requires careful evaluation of potential impacts in order to avoid, wherever practicable, serious or irreversible damage to the environment.

Adequate due diligence has been conducted to understand the local environment and investigate any risks the project may post. During design and construction, the main contractor will implement an Environmental Management Plan (EMP) that demonstrates the formalised systematic and methodical approach to environmentally friendly construction.

The Environmental Impact Statement and its supporting appendices and technical studies have not identified any serious threat of irreversible damage to the environment and therefore, the precautionary principle is not relevant to the proposed development.

6.2 Consistency with Strategic Context

The proposed development aligns with the strategic framework presented in Section 2.3 of the Environmental Impact Statement, given that:

- Responding to the need for housing availability, affordability and diversity, making a significant contribution to the goals of the Housing Delivery Authority and National Housing Accord programme through providing 44 apartments (of which 11 are affordable housing) located on a significant unconstrained site, which has been amalgamated into single ownership by the proponent;
- Delivering a healthy, resilient and socially connected community, with apartments co-located with retail opportunities, residential amenities, and other high-quality communal spaces designed to encourage social cohesion and a sense of community;
- The proposal will contribute to an upcoming residential and commercial neighbourhood within Woollahra, and more specifically the Oxford Street. This improves the opportunity to walk to commercial uses and services, which has benefits including healthier people, and reducing traffic congestion;
- Ensuring that an appropriate quantum of non-residential uses is incorporated into the development to enhance the broader Oxford high Street function; and

- Leveraging the site's strategic position along Oxford Street which provides excellent access to the CBD with frequent bus services supporting efficient use of existing infrastructure and advancing the 30-minute city vision.

6.3 Consistency with Statutory Requirements

The relevant statutory requirements have been discussed in Section 5.0 of the Environmental Impact Statement and assessed in Appendix B as submitted as part of the exhibited SSDA package.

Specifically, the Environmental Impact Statement, together with this report, have addressed all of the matters specified in the issued SEARs dated 28 November 2025 (refer to Appendix A of the exhibited SSDA package), and Section 190 and 192 of the EP&A Regulation (refer to Appendix B of the exhibited SSDA package).

6.4 Likely Impacts of the Development

Having regard to the biophysical, economic and social impacts of the proposed development, the likely impacts of the development are considered acceptable as outlined in the following sections.

6.4.1.1 Biophysical

The environmental impact assessment (Section 6.0 of the exhibited Environmental Impact Statement) demonstrates that:

- The proposal would not have any significant effect on threatened species or ecological communities or their habitat arising from the construction or uses of the proposed development. The proposal will not have an impact on any matters of national environmental significance under the *Environmental Protection and Biodiversity Conservation Act 1999*, or *Biodiversity Conservation Act 2016*.
- The proposal will not result in any unacceptable and unreasonable adverse impacts on residential amenity, environmental amenity, traffic and transport, noise, wind, waste or heritage. General sources of risk associated with construction and operation works of the proposed development can be managed with the appropriate safeguards and mitigation measures as outlined in the Updated Mitigation Measures at **Appendix GG**.

6.4.1.2 Social and Economic

An assessment of the likely social impacts of the project have been undertaken in the Social and Economic Statement (**Appendix CC**). The assessment confirms that the proposal has the following social impacts:

- It will facilitate the delivery of a diverse housing supply and a mix of non-residential uses within a desirable location, close to existing transport options and amenities;
- The addition of 44 high amenity ADG compliant apartments over a diverse mix of sizes, that will contribute to achieving the recent NSW Housing targets of 1,900 for Woollahra, as well as address the recognised shortage in housing supply across Greater Sydney, which has accentuated the current housing affordability crisis in NSW;
- The Subject Site is in a high-demand, well-serviced inner-city area with limited opportunities for new housing supply. The development will see residents of the development have greater accessibility to a range of services, transport options, jobs, and social infrastructure. This will provide better access, with some potentially needing to travel less, while also providing opportunities for community building and connection;
- The proposal is anticipated to generate a total of 100 construction jobs and 135 ongoing full-time employment (FTE) jobs which will have broader social and economic benefits to the region;
- Provision of housing choice through providing access to high-quality, high-density accommodation of a range of sizes, to meet the needs of a growing population.
- When balanced against manageable demolition impacts, the proposal delivers an overall positive social outcome by supporting housing diversity, affordability and long-term community stability in Paddington. While elevating existing residential offer through removal of a dilapidated dwelling, and delivering ADG compliant dwellings.
- Redevelopment involving demolition may result in short-term displacement of existing occupants. In this case, these impacts are considered limited and manageable, noting that:
 - The site is in a highly accessible inner-city area with strong public transport, services and employment access, consistent with State policy directing housing growth to well-located areas.
 - There is substantial stock of studio and 1-bedroom developments within 500m of the site.

- Replacement housing (incorporated within this proposal) provides a net improvement in dwelling quality, suitability and diversity relative to existing stock. If the proposal is approved there will be 44 high amenity ADG compliant apartments as compared to the proposed demolition of 27-studio dwellings (not ADG compliant), 4 terrace houses and one dilapidated dwelling (existing stock). The proposal will provide two and three bedroom apartments as affordable housing, in an area that has limited two and three bedroom affordable housing apartments.
- Even if the existing studios on the site were considered to be affordable housing, the proposed development increases the provision of affordable housing by over 60m² in terms of GFA, which is not only maintaining affordable housing, but also promoting its supply and delivery.
- The proposal is designed to support long-term residential occupation rather than short-stay or transient accommodation, providing a contribution to neighbourhood stability.
- Approximately 80% of current tenancies at 160 Oxford Street have lease terms under 18 months, indicating a lack of longer-term rental stability.

6.5 Suitability of the Site

Having regard to the characteristics of the site and its immediate surrounding context, the proposed development is suitable for the site for the following reasons:

- It is permissible with consent under the site's R3 Medium Density Residential zoning, and strongly aligns with the objectives of the zone as it exemplifies residential and additional uses that integrates both non-residential and residential land uses;
- In its current form, the site is underutilised does not contribute to the creation of additional housing and/or activation along Oxford Street and within Woollahra;
- It is strategically located to essential services and public transport, which is evidenced in the application of the LMR housing controls to the site, which indicate that the site is suitable for the scale of development proposed, which envisages development of 6-8 storeys (eight where infill affordable housing is proposed);
- The site is located south of any residential properties, and thus the proposed built form will not result in any overshadowing impacts to surrounding residential properties;
- The site is located along a retail strip on the northern side of Oxford Street but does not contain retail ground floor development. It is therefore suitable to accommodate ground floor retail uses to complete this missing link in the retail strip;
- The site is located in an area that is pockmarked by buildings with a height of 8-12 storeys in the Great Paddington Area. Moreover, Oxford Street is a high street on a ridgeline that is capable of greater carrying capacity than the nearby narrow, winding Victorian streets often associated with the character of Paddington. This is evidenced by the number of taller buildings that punctuate the Oxford Street corridor at regular intervals, particularly at street corners. Therefore, the site is suitable for the proposed scale of development as Oxford Street, being a broad urban high street, has always been a place accommodating greater development intensity, height and density;
- All necessary utility services are readily accessible to the proposal, and are capable of accommodating any additional demand that may be associated with the redevelopment of the site
- The local road network and key intersections have been assessed to be able to accommodate the traffic volumes generated by the proposed dwelling yield, without adverse impacts on performance or safety;
- The proposed development will not result in any unacceptable or material environmental impacts in relation to adjoining and surrounding properties, particularly in terms of overshadowing, views, privacy, and solar access;
- The proposal is sympathetic to surrounding heritage items and compliments the broader historic context of the Paddington HCA;
- It responds to the surrounding context by positioning building mass accordingly with appropriate setbacks and mitigation measures; and
- It will not result in any unacceptable adverse environmental impacts and all identified impacts can be appropriately mitigated.

6.6 Public Interest

The public interest is best served by proposal which represents the orderly and economic use and development of land for permissible purposes in a form which is cognisant of and does not unreasonable impact on surrounding land uses and which satisfies a market demand.

Having regard to the public interest, the proposed development is in the public interest for the following reasons:

- It will provide high quality ADG compliant apartments (including affordable apartments) in a highly accessible location, particularly apartments that are suitable for families, in accordance with the aims of the LMR housing controls to encourage the development of mid rise housing in areas that are well located with regard to goods, services and public transport.
- The proposed development will provide a diverse range of dwellings that includes market apartments and affordable housing to increase the supply and choice of housing in the Woollahra LGA in accordance with the recent NSW State Planning interventions to incentive that land use and co-locate that land use with market housing to create diverse and vibrant communities
- The proposal will provide much-needed affordable housing that is high quality and managed by a registered CHP to ensure affordable housing is provided to those most in-need and is well maintained and managed. There is strong demand for affordable housing for key workers in nearby hospitals and educational establishments.
- Direct employment opportunities will be created during the construction and operational phase of the proposal.
- Ground floor activation is proposed through two new shops which will contribute to filling in the missing retail link along the northern side of Oxford Street.
- The proposed development preserves surrounding residential amenity as it will not result in unacceptable visual privacy outcomes and will not result in any overshadowing impacts to neighbouring residential properties.
- The delivery of affordable housing will ensure that residents can access housing that is affordable and in close proximity to jobs, services and education.

7.0 Updated Mitigation Measures

Following a review of submissions received, the below mitigation measures are in addendum to the original project-specific mitigation measures as delineated at Appendix C of the original submission.

Ref. No.	Mitigation Measure	Timing
Wind		
W-1	Level L01 South-Western Corner Balcony: Maintain the taller balustrading along the southern aspect, as this structure is expected to mitigate these winds.	Design
W-2	Level L05 South Terraces: Include 1.8 m tall impermeable intertenancy screening. Areas near the corners may be subject to stronger winds, however the perimeter planters that are 1.4m tall including planting are expected to reduce these winds.	Design
W-3	Corner Roof Terraces (L07.01 and L07.04) Incorporate densely foliating vegetation within the raised planter along the northern perimeter with a total height of 1.2-1.3 mtall and along the eastern and western aspects with a total height of 1.5m.	Design
Operational Noise and Vibration		
ONV - 4	Provide signage within the outdoor common areas to remind residents to minimise noise in the outdoor common areas after 10pm.	Operation
ONV-5	Design acoustically acceptable façade elements that will mitigate external noise intrusion to the ground floor balconies facing the communal open space, generally in accordance with the	Design

Ref. No.	Mitigation Measure	Timing
	recommendations in the Acoustical Report prepared by Koikas Acoustics dated 18 December 2025.	
Social and Economic		
SE-1	Provide adequate notice to occupants and support for local relocation where feasible	Prior to construction
SE-2	Deliver long-term housing outcomes - by providing family-suitable dwellings and discouraging short-stay or transient accommodation within this proposal and complying with ADG standards.	Design
SE-3	Provide a balanced dwelling mix - that addresses gaps in inner-city housing supply and supports social diversity and stability.	Design
SE-4	Support affordability - through design, including efficient layouts, shared infrastructure and reduced cost drivers where appropriate.	Design
SE-5	Minimise construction impacts - via a Construction Management Plan addressing noise, dust, access, safety and community communication.	Construction
SE-6	Protect local amenity - through appropriate building scale, setbacks, interfaces and high-quality street frontage design.	Design
SE-7	Encourage community integration - through usable communal spaces and well-designed public realm interfaces. The development includes communal areas are designed to be functional, accessible, and integrated with the overall building layout. Public domain and interface with Oxford St is of high quality and considers the existing streetscape.	Design

8.0 Conclusion

As set out in this Submissions Report, the Applicant has reviewed each of the submissions made by members of the general public and State and local government agencies. In response to issues raised in these submissions, as well as matters identified by the DPHI, the Applicant has made minor amendments to assessment undertaken in order to respond to matters raised in the submissions.

This Submissions Report has set out these matters as required under Section 59(2) of the *Environmental Planning and Assessment Regulation 2021* (EP&A Regulation) and in accordance with the DPHI's *State Significant Development Guidelines*, including *Appendix C – Preparing a Submissions Report*.



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