

7 July 2026

C/o Victor Casasanta
Department of Planning, Housing and Infrastructure
victor.casasanta@dpie.nsw.gov.au

Dear Mr Casasanta,

Staff Submission	Response to Submissions
Application Number	SSD-97528708
Proposal	Mixed used development with in-fill affordable housing
Location	13 Gipps Street, 6 Shadforth Street and 142-148, 160 Oxford Street, Paddington

Thank you for your email dated 22 June 2026, inviting Woollahra Council to comment on the Response to Submissions (RtS) report for the abovementioned State Significant Development Application (SSDA).

It is understood that the following design refinements have been made to the SSDA:

- The parapet height has been reduced from 31.1m to 29.9m.
- The total number of proposed dwellings has increased from 40 to 44.
- The number of affordable housing dwellings has increased from 10 to 11.
- The lower ground floor apartment has been deleted.
- New plant areas have been added to the void above basement level 1.
- The allocation of the affordable housing dwellings has been amended to achieve solar compliance with the ADG.
- Planters have been included along the northern boundary balconies across levels 1-8.
- The number of car parking spaces have been reduced from 83 to 82.
- The layout of the accessible car parking spaces has been reconfigured.
- The invert of the rainwater tank has been raised.

Council staff have reviewed the RtS report and advise that the objections raised in the Council staff submission (the previous staff submission) dated 16 March 2026 still largely stand 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 3 bedroom affordable housing dwelling will be affordable for eligible households.
- 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).

- 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.
- 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.
- 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.
- It is Council staff's position that the SSD should be refused for the reasons set out in this submission.
- However, if the Department of Planning, Housing and Infrastructure (DPHI) concludes that this development should be supported, amendments are required to lessen the adverse impacts to the Paddington HCA, streetscape, neighbouring properties, and road network. Recommended amendments are set out in section 35 of this submission

Detailed advice is provided under the headings contained in the following table:

Section	Advice heading
1	Conditions (without prejudice)
2	Loss of Affordable Housing
3	Provision of Housing
4	State Environmental Planning Policy (Housing) 2021 (Housing SEPP)
5	Land Use
6	Zone Interface
7	Desired Future Character
8	Calculation of Height
9	Height
10	Floor Space Ratio (FSR)
11	Number of Storeys
12	Heritage
13	Urban Design Review
14	Acoustic Impacts
15	Proposed Affordable Housing
16	Earthworks
17	Overshadowing
18	Pedestrian Access to Bethel Lane
19	Privacy
20	Views
21	Wind Assessment
22	Services and Plant
23	Contamination
24	Trees and Landscaping
25	Parking provision
26	Traffic generation
27	Vehicular access
28	Service Vehicles
29	Construction Traffic Management

30	Flood
31	Stormwater and On-site stormwater detention (OSD)
32	Council and Public Infrastructure
33	Waste
34	Consideration of Late Submissions
35	Design Amendments
36	Request for Further Information

1) Conditions

In the event the proposal is approved, it is recommended that the conditions of consent previously provided on 16 March 2026, without prejudice to Council's advice, are included as part of any development consent, but as amended by the conditions set out at **Annexure A** to this submission.

2) Loss of Affordable Housing

The RtS fails to demonstrate that the 27 studios on 160 Oxford Street do not comprise of affordable housing as defined under s1.4 of the Environmental Planning and Assessment Act (EP&A Act).

Whilst it has been identified that the studios are privately leased, no information has been provided on the current and historic rental rates to demonstrate that the studios are not affordable to either very low income households, low income households or moderate income households, and do not fall within the definition of affordable housing.

A review of available online rental data indicates that the weekly rent for a number of the studios has ranged from \$395 to \$525 over the past three years. Based on the median household income for Greater Sydney, the studio apartments could be rented by a number of low income or moderate income households without paying more than 30% of their gross income in rent and fall within the definition of affordable housing.

The onus should be on the applicant to demonstrate that this assertion is incorrect through the provision of historic and current rental data for the 27 studios.

The RtS report states that:

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

This statement is disputed as the proposed three-bedroom affordable housing dwelling (with an area of 103m²) would not be affordable to eligible households, as discussed in Council's previous submission.

The proposal undermines:

- Objective 1.3(b) of the EP&A Act by failing to promote the supply, delivery and maintenance of affordable housing.
- Principle 3(h) of the State Environmental Planning Policy (Housing) 2021 (Housing SEPP) which aims to mitigate the loss of existing affordable housing.

3) Provision of Housing

The design amendments have increased the total number of dwellings from 40 to 44 and increased the number of affordable housing dwellings from 10 to 11. The affordable housing dwelling mix has been amended from 6 x 2 bed and 4 x 3 bed to 6 x 1 bed, 4 x 2 bed and 1 x 3 bed. These amendments are positive.

The amended proposal provides 33 market rate apartments, which comprise of 11 x 2 bed and 22 x 3 bed apartments. The amended proposal retains an excess of oversized 3-bedroom apartments, as the three upper levels of the building still comprise of 12 x 3-bedroom apartments that are double the apartment size required under the ADG.

The RtS report identifies that the submitted Social and Economic Statement 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.
- The statistics provided within the Social and Economic Statement, 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.

In contrast, Council's Strategic Planning Staff have advised that:

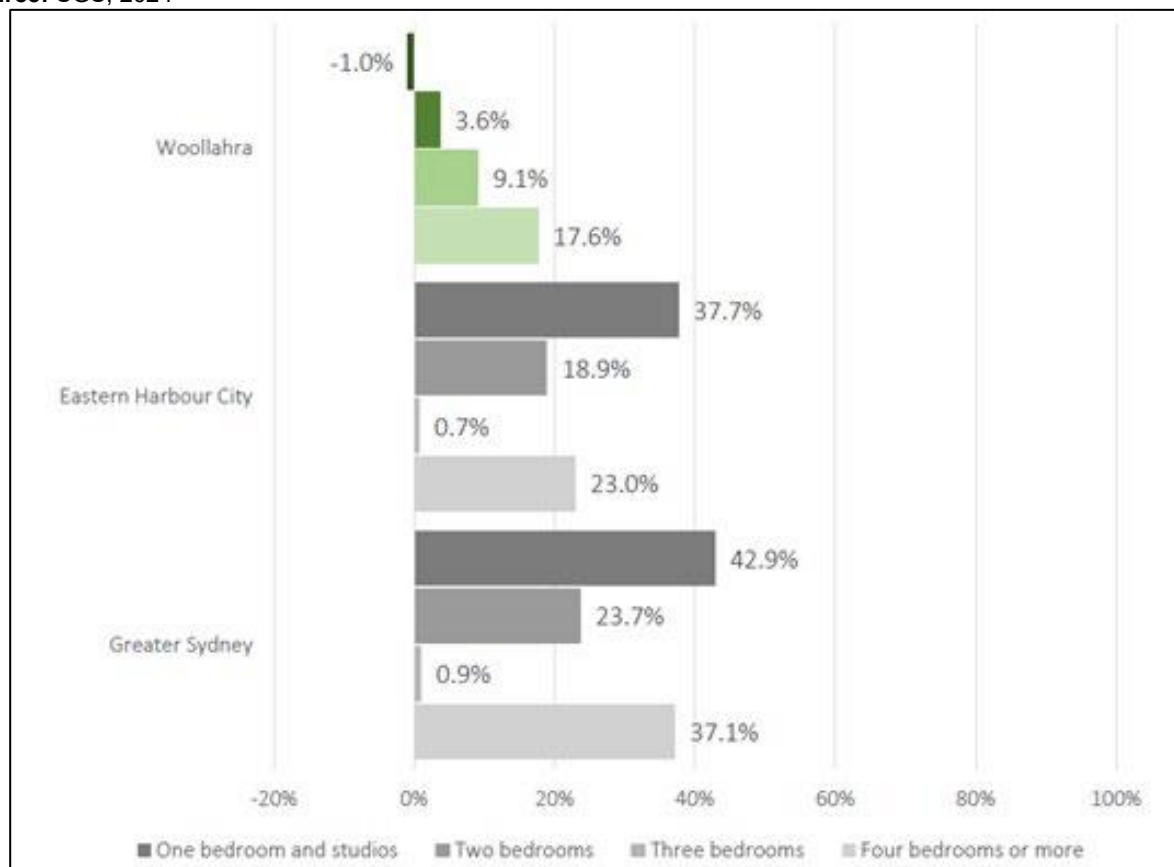
- In the Woollahra LGA, market trends favour large, luxury apartments especially penthouses. These larger units often sell for more per square metre than smaller ones, making them more attractive to developers.
- This trend has contributed to a short supply of smaller, more affordable dwellings.
- According to the 2021 ABS Census, only 12.5% of dwellings in Woollahra LGA are studios or one-bedroom apartments. Over the last decade, this typology saw rapid growth across the Eastern Harbour City and Greater Sydney (38% and 43% increases, respectively). In contrast, Woollahra saw a 1% decline in one-bedroom and studio dwellings, while larger homes, particularly four-bedroom houses, grew by 18% (see Figure 1).
- The SSDA fails to provide a dwelling mix that meets the needs of a diverse population.
- The proposal should be amended to deliver a meaningful contribution to housing supply, particularly smaller dwelling types, rather than consolidating development potential into a limited number of large, high-end apartments. Staff recommend that the proposal shall be revised to require at least 30% of new

dwellings (rounded to the nearest whole number) to be self-contained studio or one bedroom apartments, or a mix of both.

- This recommendation is based on staff analysis of the average dwelling yield in the Woollahra Local Government Area, identifying where a dwelling mix would be feasible. The 30% target also reflects the 30% share of lone-person households in the LGA, and the similar 27% share of households with couples without children.

Figure 1: Graph showing growth in dwelling sizes, 2011-2021

Source: SGS, 2024



4) State Environmental Planning Policy (Housing) 2021 (Housing SEPP)

Having regard to section 20(3) of the Housing SEPP, the subject site is located within the Paddington Heritage Conservation Area, and the amended proposal remains inconsistent with both the character of the local area and the desired future character of the precinct as discussed in the following sections of this submission.

Having regard to section 147(1) of the Housing SEPP, the amended proposal does not satisfactorily respond to design Principles 1, 2 in Schedule 9, and fails to meet the setback and storage requirements and objectives of the ADG.

5) Land Use

The comments in the previous staff submission still stand.

6) Zone Interface

The comments in the previous staff submission still stand.

It is noted that the amended Visual Impact Assessment (VIA) still fails to provide a viewpoint of the proposal from Gipps Street to the north and instead provides more oblique viewpoints of the site. It is requested that the applicant provides a viewpoint from Gipps Street at the centre point of the proposed building.

7) Desired Future Character

The comments in the previous staff submission still stand.

8) Calculation of Height

It is positive that the amended plans are now based on RLs rather than an extrapolated height plane. However, the accuracy of the height plane is still questioned. The existing RLs do not appear to have included the existing basement level to the terrace to 142 Oxford Street. The updated Historical Archaeological Assessment (Annexure H to the RtS report) confirms the existence of this basement.

The amended documentation fails to provide sufficient information to enable an understanding of the extent of the height non-compliance and the associated impacts.

9) Height

The proposal is stated to breach the 28.6m height limit by 2.8m. The Clause 4.6 Variation must detail the accurate height non-compliance (refer to section 8 above).

The non-compliance still undermines the objectives of the height standard for the reasons set out in the previous staff submission.

The justification for the height non-compliance is not considered to be well founded. The non-compliance can largely be attributed to the proposal's failure to step with the topography of the land, and the provision of four private roof terraces that include elevated decks and swimming pools.

The Clause 4.6 variation incorrectly states that strict compliance with the height standard would result in a building with one less storey on the western portion of the site which would reduce housing provision and proportionally reduce the affordable housing provision. The height non-compliance could largely be addressed without reducing the housing provision by deleting the private roof terraces on the western portion of the building.

The amended 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.

10) Floor Space Ratio (FSR)

It is positive that the FSR has been recalculated to include the internal corridors. However, the accuracy of the FSR is still questioned. The enclosed areas adjacent to the southern central balconies at level L1, L2, L3 and L4 are still excluded from the GFA. At a minimum the GFA of the two L1 enclosed areas should be included as these are not void areas.

The voids above level L1 add to the bulk and scale of the building without adding any utility.

The amended GFA calculations are based upon the conversion of the LG level dwelling into a large plant room. This amendment relies upon plant rooms being excluded from the GFA calculations. The amended proposal provides a significant area of plant and services, which includes approximately:

- 176m² of plant on the western side of the LG level.
- 121m² of plant on the eastern side of the LG level.
- 287m² of plant and services at basement level 1.
- A 170m² enclosed roof top plant area.

The level of plant area appears excessive, and whilst not technically GFA, the above ground plant rooms add significantly to the bulk and scale of the building. Documentation should be provided to demonstrate that the size of the service and plant areas are actually required.

The site is located adjacent to a classified road (Oxford Street), whilst the RtS and supporting documentation now assess the proposal against section 4J of the ADG (Noise and Pollution) the south facing balconies will be directly exposed to high levels of road traffic noise which would exceed the external acoustic amenity criteria.

The acoustic report fails to consider the option of enclosing the balconies to function as wintergardens. If the balconies are required to be enclosed this would result in a further non-compliance with the FSR standard.

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.

11)Number of Storeys

The RtS report states that the 'the lower Ground Floor unit has been removed, resulting in an 8-storey development as opposed to an 8-9 storey building'.

The ground floor unit has been replaced with a plant room, the comments in the previous staff submission still stand.

12)Heritage

Council's Senior Strategic Heritage Officer has reviewed the SSD and provided the following amended comments:

Comments on nearby heritage outside of Council's boundaries

- *The site is located directly opposite Victoria Barracks which is a heritage item of national significance located in the City of Sydney Local Government Area.*
- *The site is located within the C9 Paddington Heritage Conservation Area in the Woollahra LEP2014 and is located opposite the C49 Victoria Barracks Group Heritage Conservation Area (City of Sydney)*
- *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.*

Inadequacies in documentation

- While the principles for Connecting with Country as laid out in the Urban Design Report are positive, it is very unclear where and how these principles have been specifically applied in the design.
- 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.
- The visual impact assessment omits some key views from Prospect Street (as well as from the rear yards of neighbouring dwellings).

Reasons for recommended refusal – impact on the Paddington Heritage Conservation Area:

Demolition of contributory and non-contributory buildings

- 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 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.

Bulk and scale

- The scale of the proposed development (width, height and depth) appears to be greater than any of the precedent examples cited on p. 21 of the Architectural Design Report, all of which are notably smaller in at least one dimension than the proposed.
- On the Oxford Street frontage this is an 8-storey building, exceeding the height limit set out by the Low and Mid-Rise Housing policy.
- This excessive bulk will have a visual (as well as privacy) impact on the buildings to its rear (contributory items in an R2 Zone, and therefore not likely to be replaced by taller buildings), for which the proposal provides no mitigation in the form of setbacks, changes in height, or landscape screening. The visual impact on the Paddington Heritage Conservation Area is evident from View 3 (pp. 19-20 of the visual impact assessment) It is therefore contrary to Control C1 B4.2.3 and Objective O3 C1.4.9 of the Woollahra DCP 2015.
- The proposal consolidates several lots and includes no interpretation of the existing fine grain development. It is therefore contrary to Control C4 of B4.2.3 of the Woollahra DCP 2015.

Carparking and associated excavation

- The proposed carparking far exceeds the maximum carparking identified in Table 2 B4.2.5 and does not comply with Objectives O2 and O14 of C1.5.6 of the Woollahra DCP 2015, replacing a contributory building with a driveway. It is therefore not supported.
- 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. Objective O14 of C1.5.6 of the Woollahra DCP is to minimise excavation, and the proposal seems to maximise excavation.

Given the above non-compliance with the provisions of the Woollahra DCP and the consequent expected impact on the Paddington Heritage Conservation Area, refusal is recommended.

The following without prejudice conditions of consent are recommended, if consent is granted:

Archaeology and Aboriginal heritage

- As recommended by the assessment prepared by Extent, a Historical Archaeological Research Design and Excavation Methodology must be prepared for the site prior to any construction.*
- While any impact to Aboriginal archaeology is unlikely, the recommendations of the Historical Archaeological Assessment by Extent must be included as conditions of consent.*

Proposed amendments

Possible mitigation measures to address some of the issues with the design could include:

- 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.*

Council is aware that under Part 2.2 (State Significant Development), section 2.10 of State Environmental Planning Policy (Planning Systems) 2021, Development Control Plans (DCP) do not apply to State Significant Developments.

Notwithstanding this the DPHIs Guide to Faster Assessments for SSD Housing Applications states that:

Development Control Plans (DCPs) do not apply to SSD applications, however they may be a good guide to help minimise impacts and align with existing development in the area. In this respect the Department may, in some circumstances, ask applicants to consider DCP controls.

Given the site is located within the Paddington HCA, and the WLEP requires development to conserve the heritage significance of heritage conservation areas, it is requested that consideration is given to Chapter C1 of the Woollahra DCP 2015.

13) Urban Design Review

DFP Planning Consultants have undertaken an urban design review of the RtS report and accompanying documents and advised:

Our assessment of the Response to Submissions can be briefly summarised against the matters raised in our assessment report dated 9 March 2026.

- 1. The design response does not alter the disparity of scale and built form in relation to the existing context of the locality being predominantly two storey development comprising small lot residential to the north, retail and cafes in Oxford Street and retail, cafes and bars in Glenmore Road.*
- 2. Despite a small reduction in the height of the building, due to reduction of floor to floor heights of the proposed development by 50mm per storey, the height, bulk and scale of the building do not respond to the existing context, notwithstanding the location of the site in an area for Low and Mid Rise (LMR) Housing. The applicant's response seeks to rely on identification of other large buildings where there are significant disparities in height bulk and scale in proximity to the one and two storey scale of the residential areas of Paddington, which are at a distance from the subject site to justify the proposed development.*
- 3. The proposed design changes to the development would not ameliorate the dominant built form as seen from the residential development and narrow streets in the locality.*
- 4. There is no notable change to the monolithic presentation of the proposed development to Oxford Street lacking sufficient articulation to moderate the bulk and scale. A more strongly articulated built form would produce a better streetscape outcome. However, the use of sandstone wall cladding to levels 01 to 04 is to be commended.*
- 5. There is no change to the non-compliant setbacks to the properties to the north (Part 3F of the ADG). There is a design change introducing planter boxes the full length of the façade to address overlooking from windows and balconies into the rear private open spaces and room of residential properties to the north. While this feature has the potential to minimise overlooking, its success relies on ongoing maintenance of the plant species selected. The applicant should explain how the planter boxes can be safely accessed for maintenance. Roseth S.C set out a relevant planning principle in Super Studio v Waverly (2004) NSWLEC 91:*

The second principle is that where proposed landscaping is the main safeguard against overlooking, it should be given minor weight. The effectiveness of landscaping as a privacy screen depends on continued maintenance, good climatic conditions and good luck. While it is theoretically possible for a council to compel an applicant to maintain landscaping to achieve the height and density proposed in an application, in practice this rarely happens.

- 6. The landscaped communal open space, indoor communal open space and swimming pool development would provide a high level of amenity for the apartment residents. Consideration should be given to the functionality of the communal open space such as children's play, barbecues, seating and the like.*

7. *Natural cross ventilation of apartments facing Oxford Street has been augmented by mechanical means to address traffic noise.*
8. *The floor plans have been amended to provide 44 apartments. The allocated affordable housing apartments have been re-arranged to provide for acceptable levels of natural ventilation and solar access. Of the 11 affordable apartments, 8 (73%) receive 2 or more hours of direct sunlight and 8 (73%) can be naturally cross ventilated.*
9. *While basement storage for bulky items is adequate, many of the apartment plans do not demonstrate sufficient in-apartment storage at the volumes set out in Part 4G of the ADG. A table of apartment statistics is provided at Drawing DA801C indicating that the apartments have the required volumes of storage. The plans do not demonstrate how all the apartments achieve the required volumes suitable for storage of items such as ironing boards, vacuum cleaners, linen, and the like. It is unclear whether storage and laundries are separate spaces in many apartments, for instance apartments L00.01, L01.04, L01.05 and L01.08 and the apartments having corresponding plans at the other levels. The in-apartment storage should be clearly shown in all apartment plans. Note: Storage should be off a circulation or living area. Laundry and kitchen cupboards are not counted. Storage in apartments is often overlooked as a minor consideration. An adequate level of storage is essential to the amenity of apartment living.*
10. *There is no change to the retail spaces, which are long, narrow and two storeys high producing poor spatial proportions.*
11. *The proposed development still does not satisfactorily respond to design Principles 1 and 2 in Schedule 9 of SEPP Housing 2021.*

Conclusion:

Although there are some good elements of the proposed development and a few of the matters raised have been addressed, there is minimal improvement on the negative impacts that such a large out-of-character building would impose on the locality in terms of its dominating bulk and scale, failure to respect the streetscape character of Oxford Street; poor interface with dwellings to the north and potential overlooking of neighbouring private open spaces.

In these circumstances, the proposed development continues to be an unsatisfactory response to design Principles 1 and 2 in Schedule 9 of SEPP Housing.

14)Acoustic Impacts

Council's Environmental Health Officer is satisfied that internal noise intrusions resulting from traffic noise, that may adversely impact the development, can be controlled through design and construction noise control measures, as detailed in the amended Acoustical Report.

The south facing balconies will be directly exposed to high levels of road traffic noise which would exceed the external acoustic amenity criteria. The acoustic report fails to consider the option of enclosing the balconies to function as wintergardens. This should be considered in accordance with section 4J of the ADG (Noise and Pollution).

If the balconies are enclosed, the GFA of the development should be reduced in another area to ensure compliance with the FSR standard.

The full Environmental Health referral response is attached at **Annexure B**.

15)Proposed Affordable Housing

It is positive that the designation of the affordable housing apartments has been amended to ensure that the amenity of the affordable housing dwellings are not subject to a lower standard.

The affordable housing dwelling mix has been amended from 6 x 2 bed and 4 x 3 bed to 6 x 1 bed, 4 x 2 bed and 1 x 3 bed, which is also positive. However, concern is still raised about the affordability of the proposed 3-bedroom affordable housing dwelling.

The NSW Affordable Housing Ministerial Guidelines (AH Guidelines) identify that the household income eligibility limits for the Sydney region 2025/2026. None of the 24 eligible household types listed in AH Guidelines would be able to afford the proposed 3-bedroom apartment. In this regard, the comments in the previous staff submission still stand.

To ensure that the affordable housing can 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.

16)Earthworks

Objective 1.2 (m) of the WLEP aims to 'minimise excavation and manage impacts.

The proposal provides four excavated basement levels, which includes 82 car parking spaces. 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.

To reduce excavation and support sustainable transport outcomes, a maximum of 43 car parking spaces should be provided, and 2 spaces should be allocated for car share use.

If the development proceeds, notwithstanding this advice, it is requested that the applicant's engineer is required to update the vibration control limits to ensure that they are consistent with the requirements outlining in Chapter E2.2.10 of the Council's DCP. Amended without prejudice geotechnical conditions are included at **Annexure A**.

17)Overshadowing

The comments in the previous staff submission still stand.

18)Pedestrian Access to Bethel Lane

It is noted the proposal no longer incorporates a pedestrian access to Bethel Lane.

19) Privacy

The previous staff submission stated that:

- 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 was 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.

The amended proposal has not increased the setback in accordance with the ADG, instead planters have been added to the originally proposed building envelope at levels L1 to L7 and the originally proposed northern planter to the roof terrace has been extended further to the north. At the closest point the northern planters are only setback approximately 7.6m from the northern boundary to the terrace properties to the north.

The proposed planters add additional bulk to a building that already dominates the locality and the immediately adjoining low density residential properties to the north.

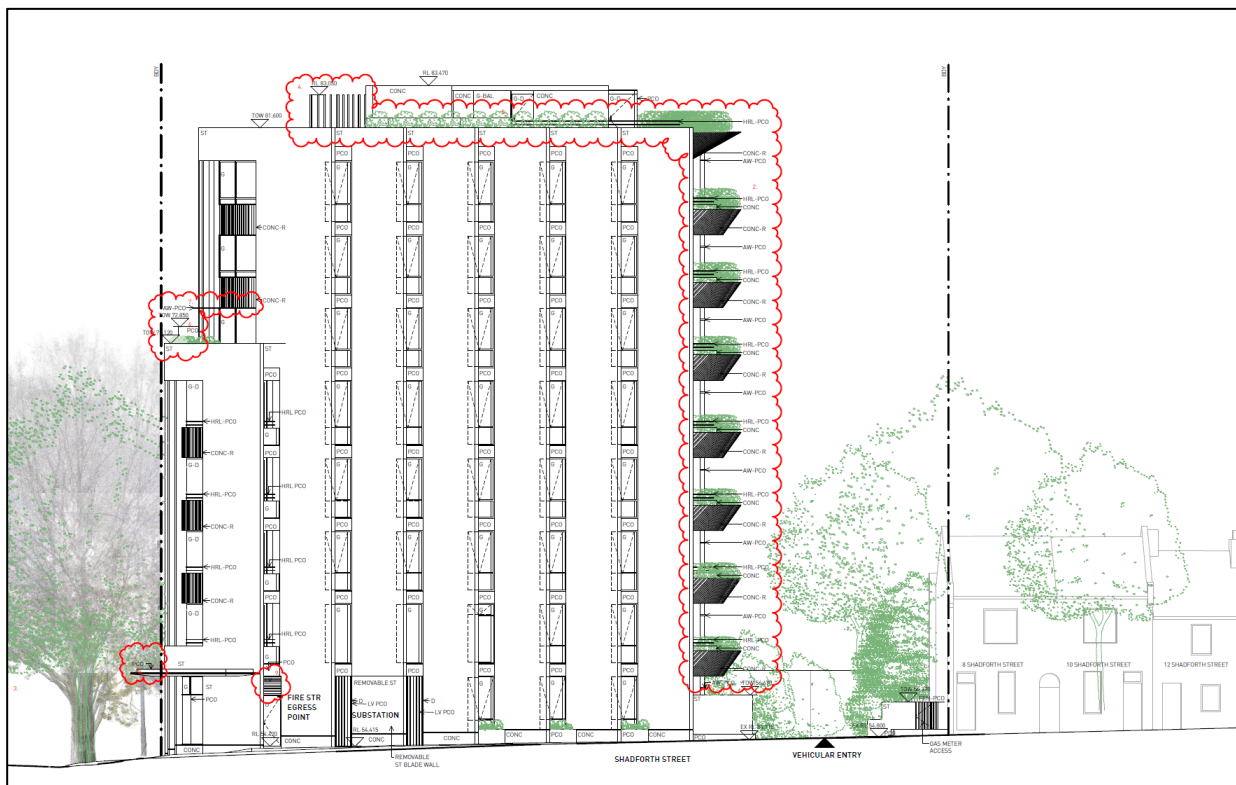


Figure 2: Shadforth Street elevation showing additional bulk from planters

Source: Smart Design Studio

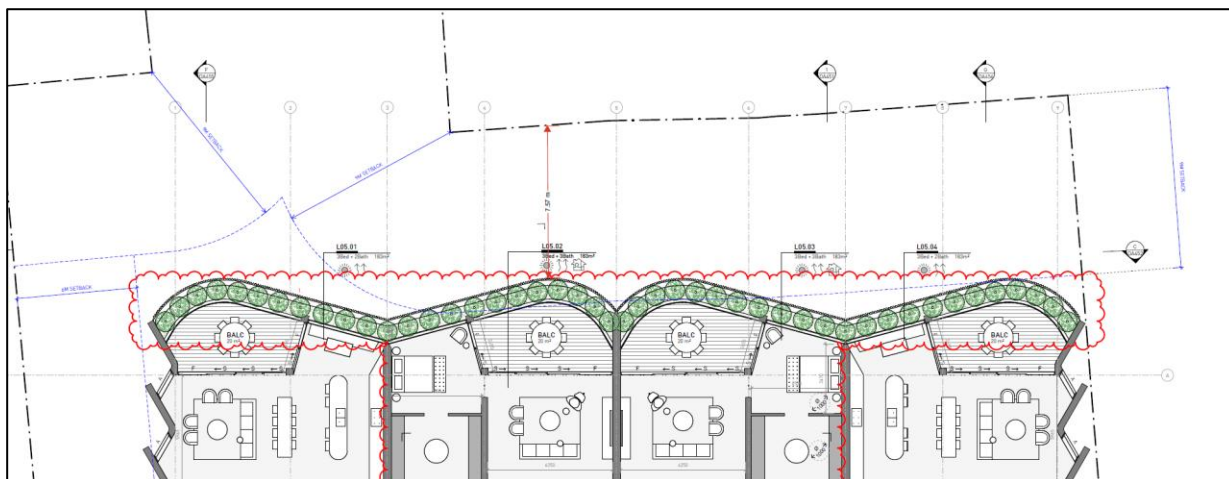


Figure 3: Planter to Level 05 extending into the depicted 9m setback (shown in blue)

Source: Smart Design Studio

Amended section F (DA455 A) shows that the planters do not prevent a direct line of sight to the rear private open space, and rear windows (including dormer windows) to the terrace properties to Gipps Street.

As discussed in section 13 of this submission, landscaping should not be relied upon to ensure privacy is maintained.

It is noted that the 12 x 3 bedroom units located at the three upper levels of the building are over twice the ADG required apartment size, therefore the upper levels of the building could be brought into compliance with the ADG separation requirements without a reduction in proposed dwellings.

20) Views

The comments in the previous staff submission still stand.

21) Wind Assessment

A Pedestrian Wind Assessment has been submitted with the RtS Report. The assessment is based on a desktop analysis. The assessment states:

To quantify and confirm the predicted conditions discussed in the report, wind tunnel testing and/or computational fluid dynamics (CFD) is recommended to be undertaken.

It is recommended that wind tunnel testing is undertaken prior to the determination of the SSD.

22) Services and Plant

The amended proposal has increased the proposed plant areas by approximately 297m². The proposed plant and service areas now include approximately:

- 176m² of plant on the western side of the LG level.
- 121m² of plant on the eastern side of the LG level.
- 287m² of plant and services at basement level 1.
- A 170m² enclosed roof top plant area.

The level of plant area appears excessive, and whilst not technically GFA, the above ground plant rooms add significantly to the bulk and scale of the building.

Documentation should be provided to demonstrate that the size of the service and plant areas are not excessive.

23) Contamination

No further comments.

24) Tree Impacts

The previous staff submission identified that:

- The most important trees impacted by the development proposal are four street trees located in the public footpath along Oxford Street. The Plane trees have been identified as Trees 2, 3, 4 & 5.
- The prominent trees are in good overall condition forming a continuous canopy for over 60m and providing around 700m² of canopy area.
- 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 of High Retention Value.
- The awning should be designed to allow for a minimum 1.5m offset from the centre of trunk of each tree.
- The CTMP includes a Works Zone to be provided along Oxford Street frontage to allow oversized vehicles. It is assumed that this will be used as an area for unloading materials during construction and that a crane will be used to hoist materials into the site. The required height clearance for these works is unclear however it appears that there could be impacts to the trees to accommodate these works.
- The documentation does not include any analysis of conflicts between the trees and the hoisting operation and any impacts that this would mean for the street trees.
- No further pruning of the street trees (other than the specified in the arborist report) will be supported by Council. Any approved Construction Management Plan (CTMP) should consider the street trees and ensure that hoisting of materials does not require further pruning of the street trees.

Figure 4: Approximate area of street tree canopy

Source: Nearmaps



Council's Tree and Landscaping Officer has reviewed the amended proposal and advised:

Impacts to Trees 2, 3, 4 & 5.

1. Erection of scaffold and building clearance

The trees will require pruning for future building clearance.

The arborist report includes a pruning specification for trees 2, 3, 4 & 5 identifying branches to be removed to allow for scaffold erection. While the specification underestimates the diameter of the branches, the branch location, number and low impact conclusion by the arborist is supported.

The awning extension has been amended to provide 1.5m clearance to the street trees as requested in the previous landscape referral response.

2. Hoarding

The Traffic Control Plan No's 1 & 2 drawings in the Construction Traffic Management Plan, note that 60m of class B hoarding will be installed along the Oxford St frontage. The arborist has indicated that this structure is below the canopy and will not impact the trees.

Impacts to Tree 18.

1. Construction Traffic Management

The amended Proposed Works Zone Plan in the Construction Traffic Management Plan (CTMP) has moved the Work Zone for long vehicles from Oxford Street to Shadforth Street.

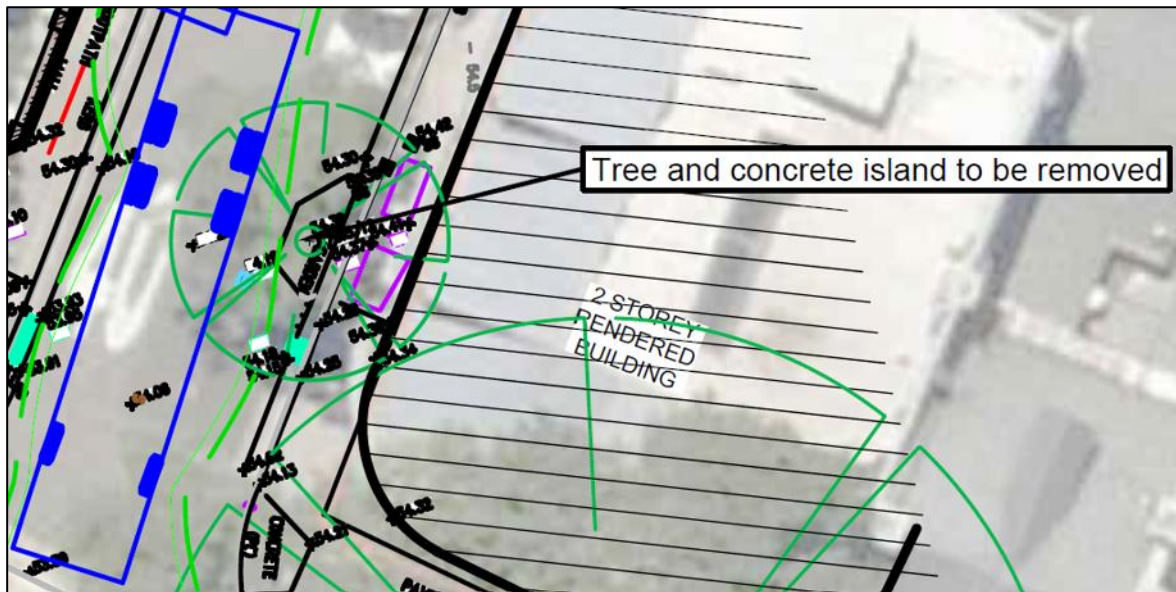
This appears to be in response to the Tree's Section stated concerns on pruning impacts associated with hoisting of materials into the work site to the four Oxford Street Plane trees.

One street tree (Tree 18) located in a tree pit in Shadforth Street, is proposed to be removed in the amended CTMP, Landscape Plan and Arborist report.

The tree is a Chinese Tallow around 9m high that appears to have been planted around 2010. The tree has been assessed by the arborist as of medium landscape significance, and life expectancy resulting in a moderate retention value rating. The tree is in good health and provides amenity through its contribution to streetscape character, visual quality, shade provision and environmental benefits to the broader urban forest.

The Swept Turning Paths diagrams in the CTMP show the tree pit located marginally on the edge of the tree's pit, however, the documentation does not provide sufficient information to demonstrate the need to remove the tree and the pit structure, for the temporary access needs.

Figure 5: Swept Turning Circles
Source: CTMP



In the absence of this information and the lack of alternatives presented, Council's preference remains the retention of Tree 18.

Recommendation

Council's Tree and Landscape Officer has determined that the proposal to remove Tree 18 is not satisfactory.

Request for further information

In the event, that the DPHI supports the removal of Tree 18, contrary to Council's advice, the following information should be requested:

An amended landscape plan prepared in accordance with Council's DA Guide including:

- Replacement of Tree 18 with a 200litre replacement tree, of a species in accordance with Woollahra Council Street Tree Master Plan (i.e. *Pyrus ussuriensis* -Manchurian Pear, or *Pyrus calleryana* 'Chanticleer').
- The Landscape Plan shall include the below specifications for In Road Planting with Kerb (or similar technology) and demonstrate that tree replanting is achievable with the existing below grade conditions and services.

Figure 6: Specification for In Road Planting (With Kerb)

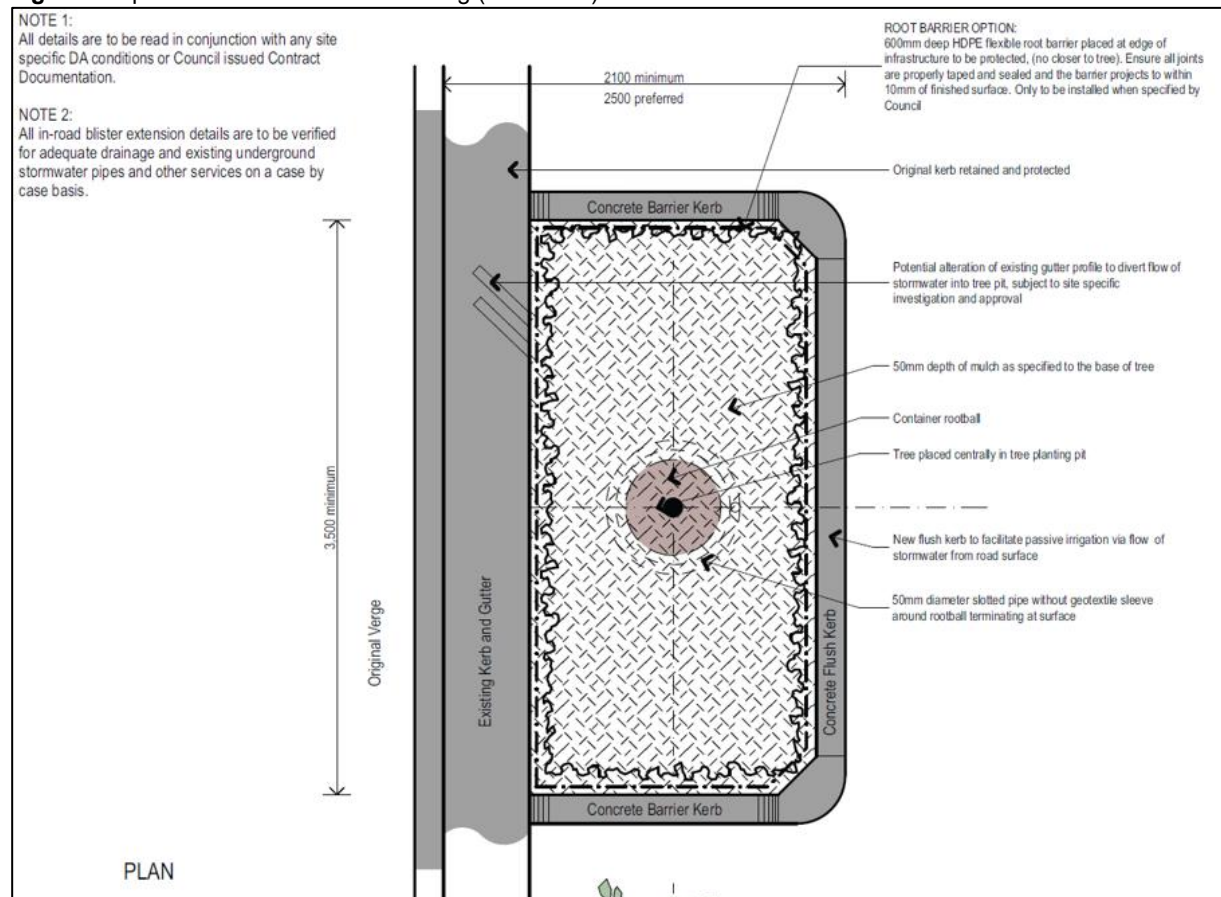
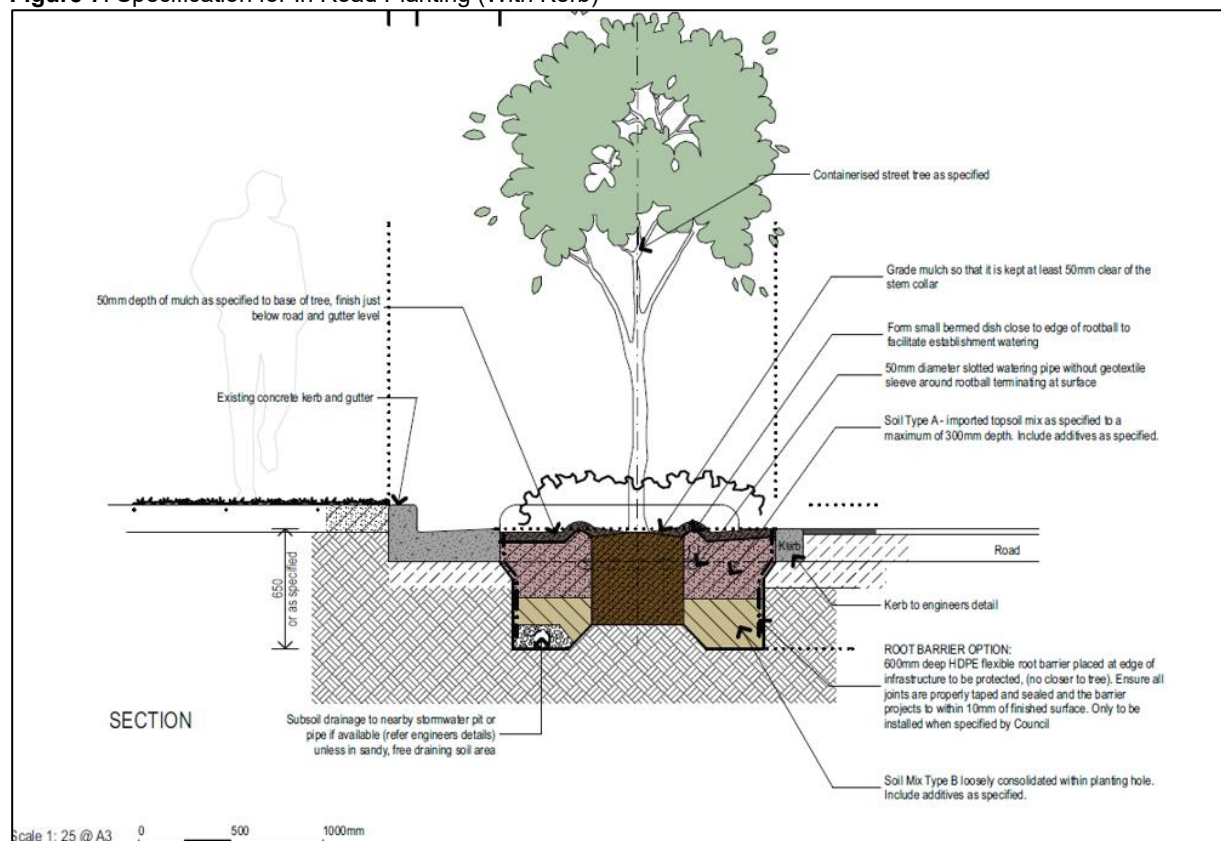


Figure 7: Specification for In Road Planting (With Kerb)



Without prejudice conditions are provided at **Annexure A**, in the event the DPHI supports the removal and replacement of tree 18 contrary to Council staff advice.

Refer to **Annexure C** for detailed comments on Trees and Landscaping.

25) Parking Provision

Council's Traffic Engineer has advised:

The amended proposal has reduced the parking provision from 83 spaces to 82 spaces including 76 spaces for the residential component and 6 spaces for the retail component. This is still significantly higher than Council's DCP permitted total of 43 parking spaces including 39 for the residential component and 4 for the retail component.

The applicant has made comments stating that car ownership does not correlate to traffic generation which is unsupported. Transport for NSW Guide to Transport Impact Assessment 2024 (GTIA) states that reduced parking provisions can encourage a mode shift to alternative transport options.

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.

As such, the parking provision should be reduced to a total of 43 parking spaces, including 39 for residential components and 4 for retail components as detailed previously.

Please refer to previous staff submission for further detail.

26) Traffic Generation

Council's Traffic Engineer has advised:

The applicant has stated that the oversupply of 18 parking spaces when compared to the SEPP minimum parking rates results in an additional 3 vehicles per hour (vvph) and is statistically insignificant.

However, the oversupply of parking should be considered as 39 parking spaces over the DCP required maximum of 43 which results in an additional 8 vph when using modelling for low public transport accessibility.

The applicant has stated that the traffic generation rates for low public transport accessibility should not apply, however the proposal fails to provide any travel demand management measures to reduce the use of private vehicles. It is therefore considered that an oversupply of parking will induce demand for the use of private vehicles and the traffic generation rates for low public transport accessibility should be applied.

The SIDRA analysis shows that currently the right turn movements from Shadforth Street into Oxford Street are already performing poorly with an LoS of D. While the generation modelling demonstrates that the LoS falls from D to E by just 0.1, all attempts should be made as to not exacerbate the existing conditions.

The applicant argues that the right turn movement at Stafford Street is low volume, as the intersection of Glenmore Road and Oxford Street is more convenient. Modelling of

this intersection should be provided to support this and to assess the developments impact on the performance of this intersection.

TfNSW traffic data is presented to demonstrate that the traffic volume on Oxford Street has no real growth in the previous 10 years and has experienced some decrease over this period. It should be noted that this data is taken from a location approximately 1.7km from the development and does not include data from the past 3 years and is not considered relevant.

Please refer to previous staff submission for further detail.

27)Vehicle Access

Council's Traffic Engineer has advised:

Council Officers raised concerns regarding a kerb blister island opposite the vehicle access which is likely to restrict vehicle manoeuvrability and the function of the two-way driveway. In response the applicant has provided swept paths that demonstrate vehicles are able to pass each other when exiting and entering the driveway. However, the swept paths only demonstrate vehicles entering from the south traveling northbound and exiting northbound.

Additional swept paths should be provided that demonstrate all possible vehicle movements to ensure the driveway can accommodate two-way traffic flow. If these cannot be accommodated, the vehicle access should be redesigned to incorporate a traffic light system and waiting bays with accompanying signage and/or line marking.

28)Service Vehicles

No further comments.

29)Construction Traffic Management

Council's Traffic Engineer has advised:

Due to existing street trees on Oxford Street, it is now proposed to use Shadforth Street as a works zone for construction vehicles. The following issues should be addressed concerning their current CTMP:

- Swept paths should be provided demonstrating vehicle movements exiting and entering Bourke Lane while a plant is in the works zone to ensure that access can be maintained at all times;
- The proposal includes 12.5m vehicles illegally parked on the western side of Shadforth Street facing the wrong direction of traffic which cannot be supported.

It is proposed that the existing traffic island and street tree be temporarily removed during construction to facilitate truck movements and two-way traffic. Councils Traffic Engineers raise no objections to this proposal provided that:

- Council's Tree Management Team provide concurrence (refer to section 24 of this submission);
- the infrastructure is reinstalled upon completion of the project; and
- all costs associated are borne by the applicant.

It is also proposed to remove parking and install “No Parking” restrictions opposite the site on the eastern side of Shadforth Street during construction hours. Councils Traffic Engineers raise no objections to this proposal, noting that all parking changes must be approved by Woollahra’s Local Transport Forum and all costs associated are borne by the applicant.

30)Flood

No further comments.

31)Stormwater and OSD

Council’s Development Engineer previously advised the applicant is required to submit revised stormwater plans addressing the following issues:

- 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.

Council’s Development Engineer has reviewed the Stormwater Management Addendum and Amended Civil Engineering Drawings prepared by Mance Arraj, and advised that:

- Council’s Engineers do not support the applicant’s engineer’s justification for omitting the required raingarden. Pursuant to Chapter E2.2.3 of Council’s DCP, the installation of a raingarden is required where the total site area exceeds 500m². In this regard, this requirement applies to the proposed development.
- Council’s DCP permits the required raingarden to be offset by increasing the storage capacity of the on-site detention from 20m³/1000m² of site area to 25m³/1000m² of site area. In this regard, the proposed rainwater retention system must have a minimum storage volume of 81.5m³ to offset the required OSD system. It is considered that this outstanding matter can be satisfactorily addressed by way of condition.
- No objection is raised to the proposed increase of the ground floor level by 200mm to address the backwater effect issue. This requirement can be incorporated into draft condition ‘Stormwater Management Plan’.

An amended stormwater condition is provided at **Annexure A**.

32)Council and Public Infrastructure

No further comments.

33)Waste

The Waste Management Plan is not based on the architectural drawings submitted with the RtS (it is based on a scheme with only 40 dwellings). It should be confirmed that the review and recommendations are relevant to the submitted architectural drawings.

34)Consideration of Late Submissions

On 5 February 2026, the Hon Paul Scully Minister for Planning and Public Spaces confirmed in a letter to Council that:

In the event community members or Council Staff are not in a position to provide a formal submission within the exhibition period for an SSD proposal, the Department will consider all feedback received, including that submitted outside of the formal exhibition, as part of its assessment before any decision is made on that proposal.

It is requested that all late submissions are considered.

35)Design Amendments

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 3 bedroom affordable housing dwelling will be affordable for eligible households.
- 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).
- 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.
- 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.
- 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.

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, or it should be demonstrated how the proposed 3-bedroom affordable housing dwelling will be affordable to eligible households.

- Staff recommend that the proposal be revised to require at least 30% of new dwellings (rounded to the nearest whole number) to be self-contained studio or one bedroom apartments, or a mix of both.
- 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.
- Compliance with the ADG setbacks for development at a zone interface with lower density development.
- The amendments suggested in the Urban Design Review by DFP Planning Consultants at section 13 of the previous staff submission.
- Design amendments should be sought to ensure the proposal does not incorporate excessive plant and service areas and non-compliant FSR, as discussed in this submission.
- The retention of street tree 18 to Shadforth Street.
- 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.

36) Request for Further Information

The following additional information is requested to enable an assessment of the proposal:

- The provision of historic and current rental data for the 27 studios at 160 Oxford Street to establish whether the proposal would result in a loss of existing affordable housing. If the proposal does result in a loss of affordable housing an amended Social Impact Assessment should be prepared.
- 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 as the basement at 142 Oxford Street

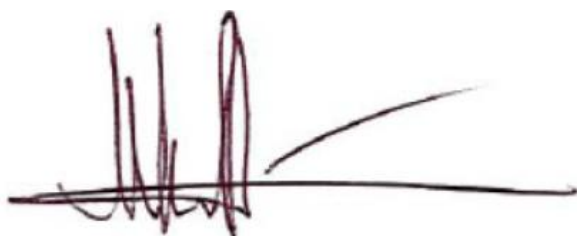
(which is referenced in the applicant's amended historic archaeological assessment) is not considered.

- 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.
- An amended Acoustic Report should be provided which considers the enclosure of any balcony which does not achieve the external acoustic amenity criteria.
- The Waste Management Plan is not based on the architectural drawings submitted with the RtS (it is based on a scheme with only 40 dwellings). It should be confirmed that the review and recommendations are relevant to the submitted architectural drawings.
- 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.
- 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 Court Planning Principle in *Helou v Strathfield Municipal Council* [2006] NSWLEC 66.
- 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.
- 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.
- The wind assessment should include wind tunnel testing and/or computational fluid dynamics (CFD) to quantify and confirm the predicted conditions discussed in the report.
- Documentation to demonstrate that the size of the service and plant areas are not excessive.
- The CTMP and Arborist Report should be amended to ensure that street tree 18 is not affected by any construction works or access/clearance required to accommodate the works, prior to any consent being granted.

- Further information as requested by Council's Traffic Engineer:
 - The applicant argues that the right turn movement at Stafford Street is low volume, as the intersection of Glenmore Road and Oxford Street is more convenient. Modelling of this intersection should be provided to support this and to assess the developments impact on the performance of this intersection.
 - Additional swept paths should be provided that demonstrate all possible vehicle movements to ensure the driveway can accommodate two-way traffic flow. If these cannot be accommodated, the vehicle access should be redesigned to incorporate a traffic light system and waiting bays with accompanying signage and/or line marking.
 - The following issues should be addressed concerning their current CTMP:
 - Swept paths should be provided demonstrating vehicle movements exiting and entering Bourke Lane while a plant is in the works zone to ensure that access can be maintained at all times;
 - The proposal includes 12.5m vehicles illegally parked on the western side of Shadforth Street facing the wrong direction of traffic which cannot be supported.

If you require clarification on any issue raised, please do not hesitate to contact Executive Planner **Eleanor Smith** on (02) 9391 7090 or via email at eleanor.smith@woollahra.nsw.gov.au.

Yours sincerely



Max Moratelli
Acting Manager – Development Assessment

Annexures

- A. Recommended Conditions of Consent (without prejudice to Council advice)**
- B. Detailed Environmental Health comments**
- C. Detailed Tree and Landscaping comments**