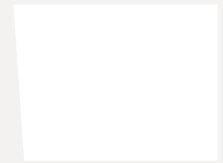
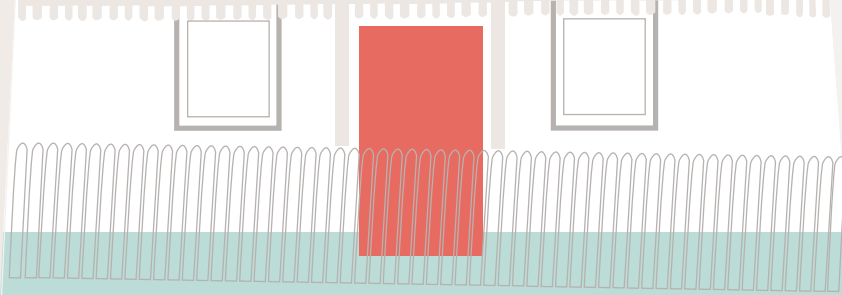
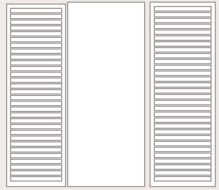


PADDINGTON UNITED

Paddington United Submissions to Application Number SSD-97528708



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

Executive Summary

A. Recommended Conditions

B. Additional Information

Chapters

1. Mandatory Requirements
2. Loss of Affordable Housing
3. Incompatible with a Heritage Conservation Area
4. Amenity Impact
5. Congestion Impact
6. Construction Impact

Annexures

- A. Photographic study of the area, by Associates Heritage Consultant dated November 2025.
- B. Map of Oxford Street buildings.
- C. Email from Jade Whitelaw of Jade +Co. Salon (of 168-174 Oxford Street) dated 28 November 2025.

Expert Reports referred to

We refer to and support the following reports which have been submitted separately to this submission:

- Planning Report of Tony Moody dated on or around 16 March 2026.
- Heritage Report from Ruth Daniells dated on or around 16 March 2026.
- Traffic Report by Headway Traffic and Transport dated on or around 16 March 2026.
- C&A Surveyors (annexed to the submission of 19 Gipps Street).
- Studio Dewar (on behalf of 8 Shadforth Street).

Reference is also made to following documents available on the NSW Planning Portal:

- The request for SEARs documents (**SEARs Request**) submitted by the TM No. 8 Development Unit Trust (the Developer);
- The Planning Secretary's Environmental Assessment Requirements dated 28 November 2025 (**SEARs Requirements**); and
- The Environmental Impact Statement (**EIS**) also submitted by the Developer.

Executive Summary

This submission is made on behalf of Paddington United, a community-based group made up primarily of Paddington residents.

The EIS is **objected** to in its current form. The focus of our objection is the **excessive height, excessive excavation and loss of affordable housing**. It is an oversized, over-excavated development that is out-of-scale with its context, incompatible with the current and future characteristics of the area, removes existing low-cost housing, and imposes substantial amenity, heritage and congestion impacts on a constrained site and the surrounding narrow streets.

However, in the alternative, if the consent authority is minded to approve the development, Paddington United respectfully requests that:

- the recommended conditions outlined in Part A of this Executive Summary (**Recommended Conditions**) be imposed to better integrate the building into its surrounding context; and
- that the Developer be required to provide the consent authority with the missing information outlined in Part B of this Executive Summary (**Additional Information**).

Satisfactory resolution by way of a scaled-back development to a maximum of 4 floors to align to the prevailing height of Oxford Street, and limited excavation to accommodate no more than the minimum parking spaces for such scaled-back development, would substantially address the most critical mandatory issues with this development.

Further, requiring at least 27 studios and 1 bedroom apartments to be included (currently there are none) would ensure there is no reduction overall in apartments of this size, maximising equitable housing access.

Merit-Based Test: According to the EIS Guidelines: “The consent authority is required to evaluate the merits of the project as a whole, having regard to the economic, environmental and social impacts of the project, the issues raised during consultation and in submissions, and the principles of ecologically sustainable development.”¹

Paddington United strongly supports the State Government’s policy of supporting affordable housing and incremental housing through development. However, we submit that development must be compatible with the surrounding context and meet the broader public interest, whilst delivering more housing, especially more affordable housing. These factors do not need to be mutually exclusive as is the case with the development in its current form. For the multitude of reasons outlined in this submission, the development does not meet the merit-based test. A scaled-back development is far more appropriate for this constrained site, and will deliver on public benefit.

Since launching on 17 November 2025, the petition organised by Paddington United has received 3,467 signatures.²

Summary of key deficiencies: This submission is a comprehensive overview of the issues, however **the most critical (which we request be the primary focus of the consent authority)** are provided below (with relevant cross-references to the sections of this submission).

Excessive Height and Scale: At 9+ floors (8 at front, 9 at rear + rooftop), and ~50 metres wide, the bulk and scale is too significant for the surrounding Heritage Conservation Area, and is not replicated elsewhere on Oxford Street. The 4.6 Variation (+4 metres, a 14% increase) is not supported primarily because the height is already out-of-scale with its context. Even if the variation is considered in isolation, the EIS fails to demonstrate why compliance with the height limit is unreasonable or unnecessary.	Annexure B and Clauses 3.8 (Excessive Height) and 3.9 (Variation)
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1 [Link](#) p.5.
2 [Link](#) Number as at 15 March 2026.

No equivalent examples: The EIS provides no equivalent examples to justify its height, instead referring to “intrusive” buildings which are not an appropriate benchmark, and to unrelated areas.	Clause 3.10 (Selective Use of Height) and 3.11 (Non-equivalent examples)
No evidence of transition: The height and scale is not in keeping with the current or future desired character of the area and no evidence is provided to support that the area is in transition. The EIS acknowledges (emphasis added): “Therefore, the Low and Mid Rise Housing Reforms <i>will not have a major cumulative impact on Paddington</i>”, meaning this building will be even more out-of-context.³	Clause 1.3 (Non-Discretionary Standards) (Future Desired Character)
Heritage: The height and scale is an extreme over-development in a sensitive and nationally significant Heritage Conservation Area, and the Commonwealth heritage listed Victoria Barracks (including overshadowing heritage buildings in the Victoria Barracks).	Chapter 3 (Incompatible with Heritage Conservation Area) and Clause 3.13 (The Victoria Barracks)
Excessive Excavation: The degree of excavation required for a car park (which extends to the boundaries of the site) with 83 parking spaces (34.5 more than the minimum requirements), is unnecessary given the proximity to frequent public transport, the risk of dilapidation to adjacent heritage dwellings, and the risk to the significant London Plane trees. This will exacerbate existing groundwater issues.	Clauses 5.6 (Excessive Number of Parking Spaces) and 5.7 (Car Park Design Issues) Clause 12 of the SEARs Requirements (Ground and Groundwater Conditions).
London Plane trees: The EIS relies heavily on the retention of the London Plane Trees as a mitigation for the excessive height, however fails to rate them as “significant”. Trees are not a solution to a building that is not in keeping with its surroundings. Further, the trees are deciduous and their survival is uncertain due to incursion into their root zones from the proposed construction, which undermines this premise of this position.	Clause 14 in SEARs Requirements (Trees and Landscaping)
Inconsistent application of zoning: The Developer does not include the R2 land (13 Gipps Street) for the purpose of calculating the affordable housing component or height bonuses (and does not amalgamate the lot into the site), yet claims the benefit of the R2 land for meeting non-discretionary standards such as the 30% landscaping, which is a perverse outcome.	Clause 1.3 (Non-Discretionary Standards) (Site Size and Zoning)
Owner’s Consent: The Developer has no legal entitlement or ownership to Bethel Lane (nor consent from the owner) and accordingly has no legal right to make an application in respect to it, or change or vary its use in any way (and is on notice of the same).	Clauses 1.2 (EIS Requirements for Owner’s Consent) and Clauses 4.4 (Bethel Lane Ownership) and 4.5 (Amenity Impact to Bethel Lane).
Constrained Site: The development is right on the limit of (or non-compliant with) multiple thresholds, demonstrating that the design does not appropriately address the constrained nature of the site and its irregular shape. For example, it inappropriately relies on narrow laneways and the private/isolated front yard of 13 Gipps Street to meet the 30% landscaping threshold.	Clause 1.3 (Non-Discretionary Standards) (Minimum Landscaping)

ADG: The development falls well short of building separation requirements in the Apartment Design Guide (under 9 metres at junctures to R2 zoned land, when 15 metres is required).	Clause 6 of the SEARs Requirements (Built Form and Urban Design) (2F (Building Separation))
Amenity: It does not maintain the mandatory “high” degree of amenity to adjacent dwellings, particularly with respect to overlook, privacy and noise. There has been no assessment of the visual impact from such adjacent dwellings, or of “light spill” from the building to those dwellings, to demonstrate that high amenity is retained.	Clause 4.2 (Significant Amenity Impact)
Congestion: The consistent experience of residents is the area is already at capacity. This would create an unreasonable traffic congestion on narrow laneways constructed in the early 1800s which were not designed for a building of this intensity, and are already highly congested. There is no description of the constraints/accessibility of surrounding streets and any assessment provided is limited to traffic volume during a prescribed period.	Clauses 5.3 (Description of Shadforth and Gipps Streets) and 5.4 (Congestion as Observed by Residents and Local Business) and 5.5 (Traffic Assessment Report).
Affordable Housing: Notwithstanding utilising the affordable housing pathway, it reduces low-cost housing by 63%, provides only a nominal 8 incremental dwellings (and 5 pools) and removes all low-cost housing during its 2+ year construction. The affordable housing is also unlikely to equal affordable rental given market rents in Paddington are so high.	Chapter 2 (Affordable Housing).
Poorer outcomes for affordable housing: Notwithstanding the height bonuses stem from affordable housing, the affordable apartments are generally smaller, and 3 of them (verses none for the other apartments) have no sun between 7.30 am - 3 pm.	Clause 1.3 (Non-Discretionary Standards) (Solar) and Clause 2.7 (Mix of Apartment Sizes)
Removal of all studios/one bedrooms: The development demolishes 27 studios but includes no studios or 1 bedrooms when Woollahara Council’s precinct is already heavily weighted towards larger apartments (only ~12.5% in the precinct are studios or one-bedrooms).	Clause 2.7 (Mix of Apartment Sizes)
Inaccuracies: There are multiple inaccuracies/inconsistencies in contradiction to the requirement in the EIS Guidelines to provide accurate and objective information,⁴ most particularly with the selective use of building heights, downplaying the visual impact of the building, and lack of assessment of the amenity impact to adjacent dwellings.	Clause 3.6 (Inconsistent and Unreliable Images).

A. Recommended Conditions

We respectfully submit that the following Recommended Conditions be imposed (*listed in order of appearance in this submission, not in order of criticality*).

	Topic	Condition	Clause Reference in these Submissions
1.	No variation to or access via Bethel Lane	The development is not to rely on, alter, or obtain access via Bethel Lane unless lawful entitlement and all required owner consents are first demonstrated.	Clause 1.2 (EIS Requirements for Owner's Consent). Clause 1.4 (SEARs Requirements) at Clause 7 of the SEARs Requirements (Environmental Amenity). Clause 4.4 (Bethel Lane Ownership) and clause 4.5 (Amenity Impact to Bethel Lane).
2.	Consistent zoning treatment	Zoning is to be consistently applied. The site area of 13 Gipps Street is not included for the purposes of bonuses, FSR and GFA, and is also excluded for the purpose of meeting any required thresholds, including the 30% landscaping threshold.	Clause 1.3 (Non-Discretionary Standards) in respect to s19(a) (Site Size and Zoning).
3.	Landscaping threshold exclusions	The site area between 21 and 23 Gipps Street, the narrow strip on the far side of the driveway, and the front yard of 13 Gipps Street are not included for the purposes of meeting the 30% landscaping threshold.	Clause 1.3 (Non-Discretionary Standards) in respect to s19(b) (Minimum Landscaping).
4.	Solar access compliance	Solar access is to comply with the applicable standard (s19(d)) and be distributed equitably across apartment types, including affordable housing.	Clause 1.3 (Non-Discretionary Standards) in respect to s19(d) (Solar).
5.	Minimum parking only	Parking spaces are not to exceed the minimum per s19(e) for a scaled-back building, and the basement is to be redesigned so excavation is pulled back from site boundaries.	Clause 1.3 (Non-Discretionary Standards) in respect to s19(e) (Parking Spaces). Clause 5.6 (Excess Number of Parking Spaces).
	No loss of on-street parking	Car park entry is not to result in any loss of on-street parking.	Clause 5.7 (Car Park Design Issues).
	Car park height compliance	Car park to be compliant with Australian Standards, including height clearance of 3.5 metres.	Car park to be compliant with Australian Standards, including height clearance of 3.5 metres.

6.	Road restoration	Shadforth, Liverpool and Gipps Streets and footpaths are to be resurfaced to repair construction impact.	Clause 1.4 (SEARs Requirements) at Clause 3 of the SEARs Requirements (Contributions and Public Benefit). Clause 6.4 (Construction Management Plan).
7.	Height and scale reduction	The height is not to exceed 4 floors.	Clause 1.4 (SEARs Requirements) at Clause 6 of the SEARs Requirements (Built Form and Urban Design). Chapter 3 (Incompatible with a Heritage Conservation Area). Annexure B. Clause 1.4 (SEARs Requirements) at Clause 7 of the SEARs Requirements (Environmental Amenity). Clause 4.7 (Amenity Impact to Shadforth and Gipps Streets). Clause 1.4 (SEARs Requirements) at Clause 8 of the SEARs Requirements (Visual Impact). Chapter 5 (Congestion Impact).
8.	London Plane tree and other tree protection, and appropriate tree selection	No excavation to occur in the structural root zone and the tree protection zones of the London Plane trees. No inclusion of Allocasuarina torulosa trees in the landscaping. No excavation to occur in the structural root zone and the tree protection zones of the trees between 160 Oxford Street and the neighbouring properties to the north. bouring properties to the north.	Clause 1.4 (SEARs Requirements) at Clause 6 of the SEARs Requirements (Built Form and Urban Design). Clause 1.4 (SEARs Requirements) at Clause 14 of the SEARs Requirements (Trees and Landscaping).
9.	Apartment Design Guide building separation	Building separation to be in accordance with the Apartment Design Guide (including for higher floors).	Clause 1.4 (SEARs Requirements) at Clause 6 of the SEARs Requirements (Built Form and Urban Design).

10.	21 - 23 Gipps Street amenity	The hard surface between 21 and 23 Gipps Street to be retained up to at least the rear of 21 and 23 Gipps Street boundaries. Installation of a soft-closing and secure pedestrian gate where the gate to the carparking area currently exists.	Clause 1.4 (SEARs Requirements) at Clause 7 of the SEARs Requirements (Environmental Amenity). Clause 4.6 (Amenity Impact to 21 and 23 Gipps Street).
11.	Construction traffic control	Permanent traffic controller to be stationed at the intersection of Oxford Street, Walker Lane, and upper Liverpool Street, and a second at the staggered junction of Gipps, Liverpool, and Shadforth Streets.	Clause 1.4 (SEARs Requirements) at Clause 9 of the SEARs Requirements (Transport). Clause 6.4 (Construction Management Plan).
12.	Apartment mix	Inclusion of at least 27 studios and/or 1 bedroom apartments (across both the affordable and non-affordable apartments).	Chapter 2 (Loss of Affordable Housing), in particular clause 2.7 (Mix of Apartment Sizes).
13.	Additional affordable housing	Inclusion of additional 3% of affordable housing above the 15% threshold.	Chapter 2 (Loss of Affordable Housing), in particular clause 2.8 (Intent of State Government to Retain Affordable Housing).

B. Additional Information

We respectfully submit that the Developer be required to provide the following Additional Information to the consent authority:

		Information	Cross-Reference
1.	Evidence of owner consent and title	The development is not to rely on, alter, or obtain access via Bethel Lane unless lawful entitlement and all required owner consents are first demonstrated.	Clause 1.2 (EIS Requirements for Owner's Consent). Clause 4.4 (Bethel Lane Ownership).
2.	Transparent calculation schedule	A unit-by-unit schedule for all 40 apartments, clearly identifying which are affordable and which are market price, with individual floor areas and full transparency regarding how floor space, height, the 4.6 variation and required thresholds (including for Apartment Design Guide) have been calculated.	Clause 1.3 (Non-Discretionary Standards) in respect to s19(a) (Site Size and Zoning).
3.	EPBC Act compliance	Evidence of how the Developer will comply with <i>The Environmental Protection and Biodiversity Conservation 1999</i> (Cth) and confirmation of referral to the DCCEEW.	Clause 1.4 (SEARs Requirements) at Clause 1 of the SEARs Requirements (Statutory Context). Clause 3.14 (<i>The Environmental Protection and Biodiversity Conservation Act 1999</i> (Cth)).
4.	Cumulative impact assessment	A cumulative impact assessment in accordance with the EIS Guidelines and the Cumulative Impact Assessment Guidelines for State Significant Projects with respect to mitigating the impacts of the Oxford Street bike lanes and associated works.	Clause 1.4 (SEARs Requirements) at Clause 1 of the SEARs Requirements (Statutory Context).
5.	CHP	Confirm which of the referenced entities is the CHP, and replace the letter (Document GG of the EIS) if applicable.	Clause 1.4 (SEARs Requirements) at Clause 1 of the SEARs Requirements (Statutory Context).
6.	Estimated Development Cost clarification	A disaggregated Estimated Development Cost Summary separately outlining the cost of the residential component on a line-by-line basis.	Clause 1.4 (SEARs Requirements) at Clause 2 of the SEARs Requirements (Estimated Development Cost and Employment).
7.	Engagement compliance	A detailed explanation for how the mandatory requirement for a meaningful and compliant engagement process has been met.	Clause 1.4 (SEARs Requirements) at Clause 4 of the SEARs Requirements (Engagement).

8.	Cross ventilation	A schedule of apartments counted toward the 60% cross-ventilation target, excluding apartments that depend on the mechanical alternative system.	Clause 1.4 (SEARs Requirements) at Clause 6 of the SEARs Requirements (Built Form and Urban Design).
9.	Updated Reports	The Access Ability Report (Document Q of the EIS) dated February 2025 is to be updated and reissued. The BCA Report (Document P of the EIS) is to be updated and reissued.	Clause 1.4 (SEARs Requirements) at Clause 6 of the SEARs Requirements (Built Form and Urban Design).
10.	Amenity Assessment	A height pole assessment by a certified surveyor for adjacent properties. A lighting assessment to assess impact of light and “light spill” from the building to adjacent dwellings.	Clause 1.4 (SEARs Requirements) at Clause 10 (Noise and Vibration) and Clause 22 of the SEARs Requirements (Environmental Heritage).
11.	Dilapidation reports	Dilapidation reports for all adjacent properties as part of this application process.	Clause 1.4 (SEARs Requirements) at Clause 1 of the SEARs Requirements (Statutory Context). Chapter 3 (Incompatible with a Heritage Conservation Area).
12.	Sewerage system management	Evidence (including expert evidence) of how the existing sewerage system can manage the incremental load created by the development including what updates will be required.	Clause 1.4 (SEARs Requirements) at Clause 11 of the SEARs Requirements (Water Management).
13.	Groundwater condition management	Evidence (including expert evidence) of how groundwater conditions from the site will be managed, particularly in the context of the extensive excavation, to ensure there is no damage or water movement to surrounding properties.	Clause 1.4 (SEARs Requirements) at Clause 12 of the SEARs Requirements (Ground and Groundwater Conditions).
14.	Accurate London Plane tree images	Images depicting the building without the screening effect of the London Plane trees (including images without leaves).	Clause 1.4 (SEARs Requirements) at Clause 14 of the SEARs Requirements (Trees and Landscaping). Clause 3.6 (Inconsistent and Unreliable Images).
15.	Social Impact Management Plan	A Social Impact Management Plan is to be provided.	Clause 1.4 (SEARs Requirements) at Clause 18 of the SEARs Requirements (Social Impact).

16.	Transparent affordable housing rents	Proposed rental numbers included in its business case for the affordable housing component (based on the property's proposed rent value with the applied discount), and estimated sale prices.	Chapter 2 (Loss of Affordable Housing), in particular clause 2.6 (Rent Comparison to CHP Affordable Housing in Paddington).
17.	Helicopter/security	Evidence that being below the Obstacle Limitation Surfaces for Sydney Airport is all that is required for safe helicopter operations. Evidence from the Department of Defence regarding overlook/security considerations.	Clause 3.16 (Helicopter Operations).
18.	Acoustical Report updates	Acoustical Report (Document Y of the EIS) to be updated to cover noise impacts from the communal pool, to 16 Shadforth Street upper window and from car park vents and equipment plant.	Clause 4.2 (Significant Amenity Impact).

OVERVIEW OF DEVELOPMENT



EXCESSIVE HEIGHT AND SCALE

- 13+** FLOORS
8-9 Above + 4 Underground + Rooftop
- 32.6** HEIGHT
METRES 4 metres above 30% bonus
- 3 x** HEIGHT OF ADJACENT PROPERTIES
- 9.8** from R2 HISTORICAL TERRACES
METRES



CONGESTION IMPACTS

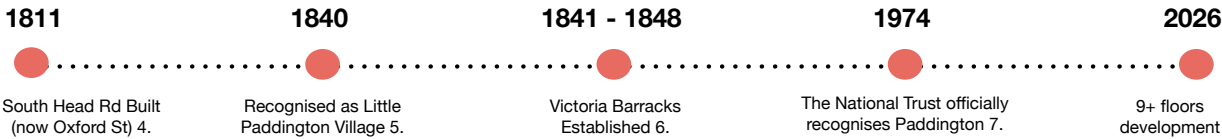
- 83** CAR SPACES
- 34.5** ABOVE MINIMUM ⁸
- 2+** CONSTRUCTION
YEARS
- 0** AVAILABLE LOADING ZONES

63% LOSS OF AFFORDABLE HOUSING ^{1.}



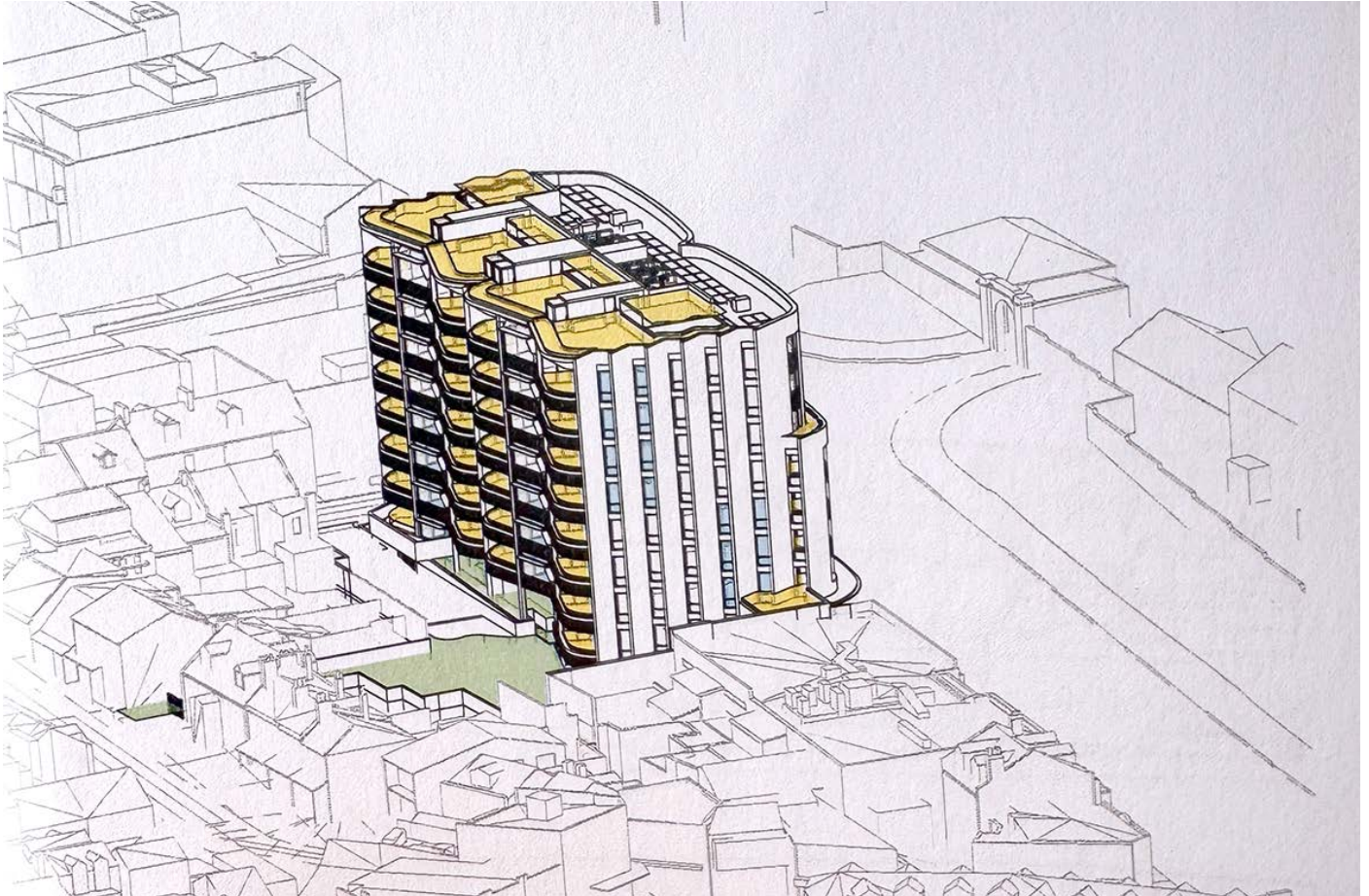
IRREVERSIBLE HARM TO HERITAGE CONSERVATION AREA

LITTLE PADDINGTON VILLAGE TIMELINE



1. 27 low-cost studios to 10 affordable apartments. 2. Prior advertisements for studios at 160 Oxford Street (See clause 2.3 for examples) 3. Based on prior sales (see clause 2.5 for examples). 4. Link 5. Young, Greg. Paddington: A History. Piper Press, 2023, p. 61 6. Kelly, Max. Paddock Full of Houses. Doak Press, 1978, p.16 7. See clause 3.5. 8. See clause 1.3 (Parking spaces).

Chapter 1 Mandatory Requirements



Architectural Drawings (Document F of the EIS, p.40)

Key Points in this Chapter

The proposal contains multiple and substantial non-compliances with mandatory planning requirements and the SEARs Requirements. The most significant issues include:

- the inconsistent application of zoning across the site (to maximise benefit and minimise constraints);
- the absence of owner's consent in relation to Bethel Lane;
- non-compliance with Apartment Design Guide requirements (particularly building separation at under 9 metres in junctures rather than the required 15 metres);
- failure to maintain the required "high" level of amenity for neighbouring properties (and failure to assess amenity from those properties); and
- excessive height and bulk within a Heritage Conservation Area, and incompatibility with the existing and future desired character of the area.

Even if some are found to be technically permissible, the cumulative effect demonstrates an unacceptable proposal that does not meet the merit-based test.

If the consent authority is minded to approve the development, the following Recommended Conditions are the most critical to mitigate the proposal's impacts and improve its overall compliance and acceptability.

Recommended Condition (item 7) – Reduced height and scale

The development is too tall and too bulky for Oxford Street and dominates the surrounding Heritage Conservation Area. The predominant height on Oxford Street is well below the scale proposed here (see **Annexure B**). Reducing the building to no more than 4 storeys would materially improve the proposal by:

- bringing the development closer to the present and future desired character of the area;
- reducing impacts on the Heritage Conservation Area and the heritage significance and key vistas of Victoria Barracks;
- providing a more appropriate transition to surrounding R2 low-rise cottages and terraces;
- reducing overlooking and helping retain the required high level of amenity to properties; and
- allowing more meaningful landscaping for residents, and to soften the bulk of the building.

Recommended Condition (item 5) – Minimum parking spaces

The proposal is to excavate 4 floors to create 83 parking spaces, which is 34.5 spaces above the minimum requirement, and for the basement excavation to extend to the site boundaries. Reducing parking to the minimum required for a scaled-back scheme, pulling excavation back from the boundaries and otherwise meeting design requirements, would materially reduce:

- reliance on private car transport at the development;
- congestion on narrow local streets already under pressure;
- noise, fumes and other amenity impacts on adjoining properties;
- excavation risk to neighbouring heritage buildings;
- risk to the root zones of the London Plane trees (Recommended Condition item 8); and
- groundwater impacts to Gipps Street; and the shortfall in deep soil planting.

Recommended Condition (item 9) – Compliant building separation

The proposal is well short of Apartment Design Guide separation requirements and comes within 9.8 metres of 8 Shadforth Street in the adjoining R2 zone (and under 9 metres at two other points). The minimum 15 metre separation should be maintained, with relevant set-backs for higher floors. This would materially improve privacy, outlook, light, visual relief, and the transition in scale between the proposed building and the surrounding smaller cottages.

Recommended Condition (item 2) - Zoning is to be consistently applied

The zoning of the R2 and R3 across the site has been applied inconsistently (to maximise benefit and minimise constraints) which results in an unreasonable and perverse outcome. The site area of 13 Gipps Street should be excluded on a consistent basis, noting the lot is not amalgamated into the site.

Recommended Condition (item 1) – No access via Bethel Lane

The Developer has not demonstrated owner's consent or any legal entitlement to alter or use that private land, and even if it had, the proposal fails to retain the required high level of amenity for surrounding residents.

Recommended Condition (item 10) – 21 and 23 Gipps Street

- 15 The proposal fails to retain the required high level of amenity by directing substantial pedestrian movement between 21 and 23 Gipps Street and fundamentally changing the existing arrangements and amenity. Retaining the hard surface and installing a soft-closing pedestrian gate where the existing gate is, together with a reduced-scale development that generates less foot traffic, would materially lessen amenity impacts on these properties and on Gipps Street more broadly. It is a balanced outcome to the competing interest of the Developer's use of this laneway versus the amenity impact to residents.

1.1 Planning Report

- We refer to the planning report of Tony Moody, a consultant planner with 15 years' experience in 3 local government councils, including 9 years as a Senior Development Control Planner. Mr Moody holds a Bachelor of Town Planning degree from UNSW and a Bachelor of Laws (Hons) from UTS. Mr Moody's report has been separately submitted to the consent authority and is supported by this submission (the Planning Report).
- The Planning Report outlines the multiple and substantial non-compliances, discrepancies and inaccuracies with the development against mandatory standards. We submit that the cumulative impact of these failures means that the development must be substantially amended to remedy the deficiencies, as provided for in the Recommended Conditions, as these failures are not minor in nature.

1.2 EIS Requirement for Owner's Consent

- s23 of the *Environmental Planning and Assessment Regulation (2021)* (NSW) (**EPA Regulations**) provides: "(1) A development application may be made by—
(a) the owner of the land to which the development application relates, or
(b) another person, with the written consent of the owner of the land."⁵
- This is also a requirement in the EIS Guidelines.⁶
- The EIS states that the site is "wholly owned" by the Developer⁷ but elsewhere that it is "controlled".⁸ As the sales are not publicly available online yet, for completeness, the Developer should provide evidence of its ownership. Accordingly, the requirement for evidence of its ownership of the site has been included in the Additional Information (item 1).
- The Developer is not the owner of Bethel Lane, which is privately owned (not public) land. The Developer has not provided evidence of the written consent of the owner(s) of Bethel Lane. Providing access from the site to land over which it has no ownership, or owner consent, does not meet this requirement and amounts to trespass and/or excessive use. The onus is on the Developer to demonstrate that it is the owner of the land or has the owner's written consent. This is a mandatory requirement. The onus is not on an owner to demonstrate its own ownership. See Clause 4.4 (Bethel Lane Ownership) and 4.5 (Amenity Impact to Bethel Lane) in chapter 4 (Amenity Impact) for the complete background to this issue.
- Accordingly, the Developer should be required to provide evidence of written consent from the owner (or exclude any reference to or variation to Bethel Lane) and this has been included in the above mentioned Additional Information (item 1).
- In the absence of owner consent, Recommended Condition (item 1) has been included to ensure there is no access to or variation to Bethel Lane.

1.3 Non-Discretionary Standards

- s19 and s20 of the *State Environmental Planning Policy (Housing) 2021* (**Housing SEPP**) outlines the non-discretionary standards that must be met by the development.⁹

5 [Link](#)

6 [Link](#) p.10, clause 3.3.

7 EIS, p.21.

8 Engagement Report (Document T of the EIS) p. 7

9 [Link](#)

- The development does not meet all non-discretionary standards. These non-compliances are not minor, particularly as a cumulative effect with the other issues raised in this submission, and demonstrate that the development does not meet the required merit-based test without amendment.

Site Size and Zoning

- s19(a): “a minimum site area of 450m²”. Whilst the site is over 450m², the zoning of the R2 and R3 across the site has been applied inconsistently (to maximise benefit and minimise constraints), as outlined below, which results in an unreasonable and perverse outcome.
- The Developer does not include the R2 land (13 Gipps Street) for the purpose of calculating the GFA, FSR (and the 15% affordable housing component), yet claims the benefit of the R2 land for meeting non-discretionary standards such as 30% landscaping.¹⁰
- The Developer has not addressed the use of the R2 land to facilitate the R3 development in this context. Even if the consent authority determines that this is technically permissible, it results in a perverse outcome and should be addressed.
- As stated in clause 1.2 (EIS Requirement for Owner’s Consent) above, the Developer has no legal entitlement to vary Bethel Lane or make it accessible to the site as it does not own the laneway, nor is Bethel Lane public and (and ownership of 13 Gipps Street does not provide this right). As a result, 13 Gipps Street cannot be legally connected to the remainder of the site, and accordingly is isolated from and is not accessible by any other residents of the development via the site.
- Further, the EIS confirms that 13 Gipps Street is intended to remain a separate lot from the remainder of the site (without stating why): “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.”¹¹
- Whilst permissible with consent in R2 and R3 zones, it is our understanding that the lots that form the site must be amalgamated.
- Even if amalgamation is not mandatorily required, the R2 land use must be genuinely “ancillary” or “incidental” to the primary, permissible development on the R3 land. In accordance with NSW Planning Circular PS 21-008 (How to Characterise Development), characterising development for the purpose of determining permissibility requires determination of: “Is the component going to serve the dominant purpose of the development or is it independent?”¹²
- Without the legal right to vary Bethel Lane or provide access from the site to 13 Gipps Street, it is clear that 13 Gipps Street is independent and for all purposes will not be accessible by anyone other than the residents of 13 Gipps Street (and will remain a separate lot). It is subject to only minor landscaping changes and will otherwise largely remain in its current state, including a secure high fence around its front yard.
- If two areas of the site are unconnected (notwithstanding they are adjacent), neither can be considered “subordinate” to the other in a functional sense, as they are physically separate. The lack of physical and functional connection means they cannot share planning benefits that apply to the other zone.
- Accordingly, it must be severed and zoning of the site must be applied consistently, and this includes for the purposes of meeting any thresholds. This has been included as item 2 in the Recommended Conditions.

10 Architectural Design Report (Document G of the EIS), p.137.

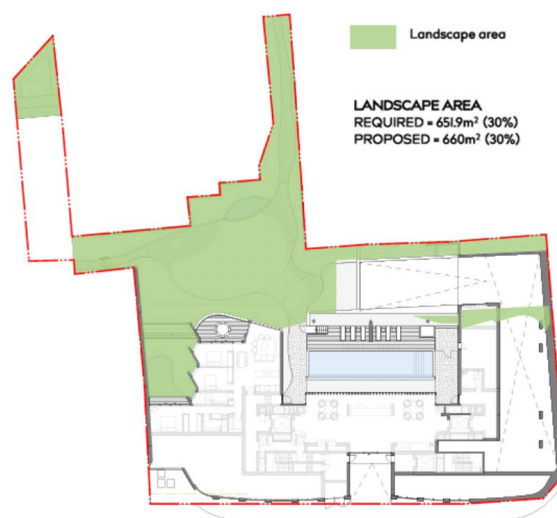
11 EIS, p.38.

12 [Link](#) p.2.

- The insistent application of zoning also undermines the credibility of the calculations in the EIS regarding floor areas and bonuses, and means the FSR and GFA may be inaccurate. There is also a lack of clarity over how the retail component or common areas are accounted for. Accordingly, a unit-by-unit schedule for all 40 apartments, clearly identifying which are affordable and which are market, with individual floor areas and full transparency regarding how floor space, height and thresholds have been calculated is included as Additional Information (item 2).

Minimum Landscaping

- s19(b): “a minimum landscaped area that is the lesser of:
(i) 35m² per dwelling, or
(ii) 30% of the site area”
- This requirement has not been met for the reasons outlined below.
- “Landscaped area” is defined in the Housing SEPP as: “the part of the site area not occupied by a building and includes a part used or intended to be used for a rainwater tank, swimming pool or open-air recreation facility, but does not include a part used or intended to be used for a driveway or parking area.”¹³
- As stated above, the Developer does not include the R2 land for the purpose of calculating the FSA and the affordable housing component, yet claims the benefit of the R2 land to meet the non-discretionary standards for 30% landscaping.¹⁴ On this inconsistent basis, the Developer calculates 30% of the relevant site to be 651.72 metres. The EIS outlines that 660 metres is proposed for landscaping (right on the threshold).¹⁵ However, the common lawn area is only 246m² and the common garden area is 386m².¹⁶
- Notwithstanding already obtaining a benefit through this inconsistent application of zoning, the EIS still relies on narrow/isolated junctures and private courtyards to narrowly meet the 30% landscaping threshold. The 30% is only achieved by inappropriately relying on the narrow laneway between 21 and 23 Gipps Street (3 metres wide), a narrow strip on the far side of the driveway, and through the private front yard of 13 Gipps Street, which is unconnected to the remainder of the site.



Taken from Landscape Plans (Document J of EIS), p.10.

13 [Link](#)

14 Architectural Design Report (Document G of the EIS), p.137.

15 EIS, p.57.

16 Architectural Drawings (Document F) p.1.

- The laneway between 21 and 23 Gipps Street (currently a hard surface and only 3 metres wide) is proposed to be used for transferring pedestrians from the site to Gipps Street. The EIS specifically acknowledges that this lane way isn't intended as a genuine landscaped, communal area: "The landscaped design of this pedestrian access path is comprised of a narrow stone path and shrubs. There is no seating or meeting areas along this path. This mitigates potential for amenity impacts such as noise."¹⁷
- Given the EIS acknowledges this laneway is not realistically intended as a landscaped or outdoor area for any form of recreation activity or softening of the building (and would greatly increase the amenity impact to 21 and 23 Gipps Street if it was), it should not count towards the threshold.
- Further, the paving aspects of the fire trail which starts between 21 and 23 Gipps Street warrant further scrutiny to ensure they genuinely meet the definition of landscaping rather than hard surfaces.
- The narrow strip beside the carpark entry is not accessible for use and is also inappropriate for the purpose of meeting the 30% threshold.
- As stated above re: s19(a) (Site Size and Zoning), the Developer has no legal entitlement to vary Bethel Lane or make it accessible from the site as it does not own the laneway, nor is Bethel Lane public land. As a result, 13 Gipps Street cannot be legally connected to the remainder of the site, and would accordingly bear no relationship to nor be accessible by any other residents of the development via the site. As a result, landscaping in its front yard, which is not accessible by any of the residents of the building via the site (and importantly is contained in a private, fenced area - see Figure 62 of **Annexure A** which shows the fence), should not count towards the threshold.
- To include it results in a perverse outcome, similar to including landscaping on the private rooftops which are only accessible by the penthouses, for example.
- The requirement of a minimum amount of landscaping is intended to soften the building and provide spaces for interaction, but none of this is achieved because these portions of the landscaping bear no relationship to the building, are in isolated and/or narrow junctures, and overall do not respect the intent of the provision. Instead, the development is designed to facilitate more bulk and building space.
- Accordingly, even if it is determined that it is technically permissible to use the nominated areas of the site for meeting landscaping threshold, it is right on the margins of the thresholds, does not meet the intent of requiring landscaping, and should be addressed.
- Accordingly, the removal of the laneway between 21 and 23 Gipps Street, the narrow strip on the far side of the driveway, and the front yard of 13 Gipps Street for landscaping threshold purposes has been included as item 3 in the Recommended Conditions.

Deep soil

- a19(c): "a deep soil zone on at least 15% of the site area, where:
 - (i) each deep soil zone has minimum dimensions of 3m, and
 - (ii) if practicable, at least 65% of the deep soil zone is located at the rear of the site."

- The EIS observes that this does not apply however 19% is proposed.¹⁸
- The carpark extends to the boundaries of the site. A redesigned carpark with reduced excavation for minimum parking spaces and away from the boundary would facilitate more deep soil in usable places (discussed further below in respect to s19(e)(Parking Spaces)).
- We refer to chapter 5 (Congestion Impact), in particular clause 5.6 (Excess Number of Parking Spaces), which outlines why it is unnecessary to exceed the minimum number of parking spaces.

Solar Access

- 19(d): “living rooms and private open spaces in at least 70% of the dwellings receive at least 3 hours of direct solar access between 9am and 3pm at mid-winter.”
- The EIS observes that this does not apply,¹⁹ and confirms that only 2 hours (not 3 hours) is met.²⁰ Further, the solar period has been measured between 7.30 am - 3.00 pm, not 9.00 am - 3.00 pm.²¹ By unilaterally extending the period of the measurement by 90 minutes (for reasons which are not explained), the EIS inflates the solar. This demonstrates a significant deviation from the Apartment Design Guide.
- Poorer solar outcomes are provided for the affordable housing units, demonstrating an unreasonable and inequitable design, particularly given the affordable apartments are the basis for the bonuses. For example, 3 of the affordable apartments have no sun between 7.30am - 3pm, and none of the other apartments have no sun in this period.²²
- Accordingly, requiring the solar access to be compliant with s19(d), with equitable across apartment types, has been included as Recommended Condition (item 4).

Parking Spaces

- s19(e): “the following number of parking spaces for dwellings used for affordable housing:
 - (i) for each dwelling containing 1 bedroom—at least 0.4 parking spaces,
 - (ii) for each dwelling containing 2 bedrooms—at least 0.5 parking spaces,
 - (iii) for each dwelling containing at least 3 bedrooms— at least 1 parking space,
- the following number of parking spaces for dwellings not used for affordable housing —
 - (i) for each dwelling containing 1 bedroom—at least 0.5 parking spaces,
 - (ii) for each dwelling containing 2 bedrooms—at least 1 parking space,
 - (iii) for each dwelling containing at least 3 bedrooms—at least 1.5 parking spaces.”

18 EIS, p.57.

19 EIS, p.57

20 EIS, p.82.

21 Architectural Design Report (Document G of EIS), p.9.

22 Architectural Design Report (Document G of EIS), p.9.

- This requirement has been exceeded by 34.5 parking spaces, a 71% increase on the minimum.
- Refer to chapter 5 (Congestion Impact), in particular clause 5.6 (Excess Number of Parking Spaces), which outlines why it is unnecessary to exceed the minimum number of parking spaces, particularly in the context of the proximity to frequent public transport.
- **Verona Development:** We also refer to the EIS with respect to the mixed use development with infill affordable housing - Oxford and Verona Street, Paddington (SSD-87245208)²³, currently under consideration by the consent authority. By comparison, and notwithstanding the inclusion of a cinema and car space, this development includes 50 parking spaces (which we note is also above the maximum in the City of Sydney LEP).
- Accordingly, that parking spaces are not to exceed the minimum number spaces for a scaled-back development is included in item 5 of the Recommended Conditions.

Future desired character

- 20(3): “Development consent must not be granted to development under this division unless the consent authority has considered whether the design of the residential development is compatible with—
 - (a) the desirable elements of the character of the local area, or
 - (b) for precincts undergoing transition—the desired future character of the precinct.”
- The EIS provides the following examples of compatibility with the desirable elements of character in the area:
 - “Use of sandstone materiality to respond to the area’s heritage context.
 - It allows retention of large street trees along Oxford Street.
 - Provision of an active retail ground floor frontage to Oxford Street to complete a missing link in the retail strip along the northern side of Oxford Street.”²⁴
- These are limited, comparatively insubstantial examples and demonstrate the lack of compatibility of the development to the desirable elements of the areas:
 - Sandstone: Comparative to the height and bulk of the building, this is a superficial consideration and should not be given substantial weight in the context of the more substantive negative impacts arising out of the height and bulk of the building;
 - Retention of the trees: We refer to clause 14 of SEARs Requirements below, and note that the future of these trees is highly uncertain due to incursions in their tree root zones; and
 - Retail: We refer to clause 3 of the SEARs Requirements below, which describes the lack of evidence of any substantive benefit arising out of an additional 2 retail shops. Otherwise no evidence is provided for why additional retail (and the type of retail is unknown) is in keeping with the desirable elements of the area.

²³ Pg. 51 of Verona Development “EIS”.

²⁴ EIS, p.58

- The EIS states: “The Woollahra LGA, including the Paddington area is a precinct undergoing transition.”²⁵ This is not supported with any substantive evidence. The EIS notes that (emphasis added): “*This is primarily due to the application of the LMR housing provisions* for both the inner and outer areas and for R3 Medium Density Residential and R2 Low Density Residential zones. Specifically, the LMR 22m controls also apply to the adjacent property to the west, which demonstrate that there are *multiple sites along Oxford Street* that have been identified for increased height and density.”²⁶
- This is directly contradicted elsewhere in the EIS which also states (emphasis added): “The site is one of two sites in Paddington that could realistically be redeveloped for increased housing density under the Low and Mid Rise Housing reforms....**Therefore, the Low and Mid Rise Housing Reforms will not have a major cumulative impact on Paddington.**”²⁷
- We submit that it is inaccurate for the EIS to state that two potential (subject to approval) sites equals “multiple sites along Oxford Street”, or that two examples demonstrate the area is undergoing any form of transition.
- The other potential site is identified by the EIS as 126-140 Oxford Street. The long-standing owner of 126-140 Oxford Street (Theo Onisforou) emailed Smart Design Studios (who are engaged by the Developer) on 10 December 2025 and copied in the email of Paddington United. Mr Onisforou’s email requested that all reference to any future development of this height relating to 126 to 140 Oxford Street be removed from the plans and not restated. It is accordingly reasonable to conclude that there are no near-term plans for 126-140 Oxford Street that support that the area is in or likely to be in transition.
- The EIS also refers to changes in “broader Woollahra LGA precinct” to support that the area is in transition. However, importantly it observes “While the site is not within the immediate vicinity of either Edgecliff station or the future Woollahra station, the expected and actual urban context will evolve substantially in the next ten years, seeing increased medium to high density development in the area.”²⁸ This statement acknowledges that the examples provided bear no relationship to this development, and are not in the same area at all. Yet they are the only examples provided to support the Developer’s position. No other evidence has been provided to support the expectation of “increased medium to high density” and accordingly it is speculative and should be disregarded.²⁹
- We refer to Chapter 3 (Incompatible with a Heritage Conservation Area) in particular to clause 3.11 (Non-equivalent examples), which provides detailed evidence of the existing and desired character of the area. Amongst other things, it outlines that most examples provided by the EIS to support its excessive height were constructed between 1950 - 1976, again demonstrating that this development is not representative of the future desired character of the area.

1.4 SEARs Requirements

- The SEARs Requirements outline the **mandatory** requirements that the Developer must meet.
- The development **does not** meet all mandatory SEARs Requirements as outlined in this section and as detailed in the Planning Report. Accordingly, to ensure compliance, relevant amendments and requirements

²⁵ EIS, p.58.

²⁶ EIS, p.58

²⁷ EIS, p.33.

²⁸ EIS, p.58.

²⁹ EIS, p.58.

have been included in the Recommended Conditions and in the Additional Information.

Clause 1 in SEARs Requirements (Statutory Context)

The Environmental Protection and Biodiversity Conservation 1999 (Cth)

- In addition to approvals required at State level, applicable Commonwealth legislation still applies to a State Significant Development and must be adhered to by the Developer. Consideration of this legislation is required by the EIS Guidelines.³⁰
- The Developer has inappropriately self-assessed that this is not required. Please refer to Clause 3.14 (*The Environmental Protection and Biodiversity Conservation 1999 (Cth)*) in chapter 3 (Incompatible with a Heritage Conservation Area) for details of why it should be referred to the DCCEEW.
- Accordingly, the requirement for details of compliance has been included in the Additional Information (item 3).

Cumulative Impact

- The Developer is required to provide a cumulative impact assessment in accordance with the EIS Guidelines and the Cumulative Impact Assessment Guidelines for State Significant Projects.³¹
- This has not been done and the EIS states from a desktop study: “...there has been no recently approved or proposed developments within the area that have the potential to result in cumulative impacts.”³²
- This is not accurate and the Oxford Street bike lanes are a relevant consideration. Please refer to Clause 5.9 (Cumulative Impact) in chapter 5 (Congestion Impact) for details of the requirement for this assessment. For completeness, this should be prepared.
- Accordingly, a cumulative impact assessment has been included in the Additional Information (item 4).

CHP

- The EIS refers to the CHP entity being Evolve Housing.³³ The letter of support (Document GG of the EIS) is from EchoRealty NSW & ACT Limited. These are related entities but have separate ABNs. For clarity regarding compliance with the SEARs Requirement, the Developer should confirm to the consent authority which entity is the CHP (and replace the letter if applicable). Accordingly, this has been included in the Additional Information (item 5).

Clause 2 in SEARs Requirements (Estimated Development Cost and Employment)

Estimated Development Cost

- The Developer has declared the cost of the development to be \$84,073,955.³⁴

³⁰ [Link](#) p.13, clause 3.5.

³¹ [Link](#) p.9, and [Link](#)

³² EIS, p. 33.

³³ EIS, p.59.

³⁴ EIS, p.39.

- The \$75 million threshold must be met through residential only. The proposal includes ground-floor retail (approximately 159 m² GFA).³⁵ Six parking spaces are provided for retail³⁶ and there is also a loading dock which will support the retail.³⁷
- The Estimated Development Cost Summary (Document HH of the EIS) does not separately identify the cost of the residential component alone.
- Accordingly, to demonstrate its compliance, we request that the Developer provides the consent authority with a disaggregated Estimated Development Cost Summary, separately outlining the cost of the residential component, exclusive of retail areas, 6 car parking space and any shared facilities such as loading facilities or other shared infrastructure (on a line-by-line basis).
- This would also provide the consent authority with the opportunity to verify that the Estimated Development Cost Summary (Document HH of the EIS) has been prepared strictly in accordance with 'The Planning Circular PS-24-002'.
- Accordingly, this has been included as Additional Information (item 6).

Employment

- The Developer has stated that 97 FTE jobs and “132 FTE jobs state-wide during the operational phase, 112 of which will be directly provided on-site”³⁸ will be created. Only the 97 FTE jobs have been certified in the Estimated Development Cost Summary (Document HH of the EIS), with the remainder only being *advised by the Developer*.³⁹ Accordingly, in the absence of certification or other evidence, all references to 132 FTE should be disregarded.
- Whilst it is not disputed that any development will require a construction workforce, it remains an important consideration for the merit-based test if the roles can be filled and/or whether they are likely to consume skilled workers from other projects.
- The availability of skilled workers in the construction industry, particularly in NSW, is already highly constrained. The 2025 Infrastructure Market Capacity Report (Infrastructure Australia) estimates a national construction workforce shortage of 300,000 by 2027⁴⁰. The NSW Skills Plan 2024 - 2028 further outlines the challenges ahead in securing a sufficient workforce, including in construction.⁴¹
- A record \$242 billion worth of major projects is slated for the next 5 years, up from an estimate of \$213 billion in 2024. The current construction workforce will need to more than double to reach the necessary requirements.⁴²

35 EIS, p.11.

36 Traffic Parking and Assessment Report (Document R), p.25.

37 Traffic Parking and Assessment Report (Document R), p.27.

38 EIS, p.39

39 Estimated Development Cost Summary (Document HH of the EIS), p.2.

40 [Link](#)

41 [Link](#)

42 [Link](#)

- Accordingly, it is reasonable to determine that projects across NSW and nationally, including State Significant Developments, will continue to compete for the available workforce and this should factor into the merit-based assessment of each development.
- Whilst incremental housing supply is a consideration, this development will only deliver a nominal 8 incremental exclusive, multi-million dollar apartments (which will be beyond the price point of the vast majority). This should not be considered as addressing housing supply in any meaningful way, particularly when balanced against the negative impacts to affordable housing, which is discussed in detail in chapter 2 (Loss of Affordable Housing).
- It is unlikely that the State Government's intent was to make the addition of 8 incremental houses "State Significant", or for developments of this nature to consume the finite and valuable resources (both in the consent authority's approval process and in the construction industry during its construction), which could be better applied towards genuinely State Significant Developments.

Clause 3 in SEARs Requirements (Contributions and Public Benefit)

- The development provides no substantial contribution of public benefit to the area. The benefits listed in the EIS are limited to the points below.⁴³
- Affordable Housing: This is a policy focused (not site specific) argument. It is required for the Developer to access bonuses so should not be counted as a separate public benefit, particularly when weighed against the negative impacts of the development to affordable housing outlined in Chapter 2 (Affordable Housing).
- Two retail stores: The EIS observes that the development will: "Activate the ground floor by providing ground floor retail to enhance the retail 'high street' offering along Oxford Street and fill in a gap along the retail strip of Oxford Street's retail strip."⁴⁴ The addition of only 2 retail shops should not be given substantive weight as a public benefit, because:
 - The Developer has provided no evidence that Oxford Street has a shortage of shops or is lacking in either variety or essential retail, or that this will generate additional (beyond existing) footfall, so the public benefit, or gap being filled, is unclear;
 - The Developer has not determined what type of retail it will be, so it is unclear if it would be an "enhancement" as described, or a detraction;
 - No evidence has been provided to support that continuing the rhythm of additional shops after the intersection at Glenmore Road will have a substantially positive impact or change consumer behaviours. Further, it is reasonable to determine that any positive impact will be countered (if not overridden) by the negative impact of a 2+ year construction disruption to the existing retail, which will significantly impact these businesses for the duration.
- Impact to businesses is compounded by the cumulative impact of the bikelane construction (further described in clause 5.9 (Cumulative Impact) in chapter 5 (Congestion Impact)), as well as by the potential impact of the removal of the shade provided by the London Plane trees (further described in clause 14 of SEARs Requirements below); and
- The Developer has provided no evidence that 2 additional retail shops being available for lease, particularly in

43 EIS, p.111.

44 EIS, p.39.

the context of multiple empty shops on Oxford Street, will revitalise Oxford Street, particularly without any new or additional supporting infrastructure (for example, the street parking is being limited again as a result of this development).

- 97 FTE jobs: As noted in clause 2 in SEARs Requirements (Estimated Development Cost and Employment), there is no evidence that these will not consume skilled workers from other projects which deliver more than 8 incremental dwellings, which would have an overall negative impact.
- The Developer separately refers to minor improvements to 13 Gipps Street.⁴⁵ This will remain a private residence and any improvements will substantially benefit only a single occupant.
- It is appropriate for the Developer to fund the resurfacing of Shadforth, Gipps and Liverpool Streets and footpaths as a public benefit. Please see Clause 6.4 (Construction Management Plan) in chapter 6 (Construction Impact), which outlines that the projected truck usage is up to 8-tonne (triple the 3-tonne limit of these roads). It is reasonable to assess that the overloading of these roads above their approved tonnage limit for the 2+ year construction duration is likely to cause deep-layer road failure or other damage. The cost of infrastructure damage should not be shifted to ratepayers. Accordingly, a Recommended Condition regarding resurfacing of the surrounding streets has been included (item 6).

Clause 4 in SEARs Requirements (Engagement)

- The EIS Guidelines provide that the Developer must “demonstrate that this engagement was consistent with the community participation objectives in the Undertaking Engagement Guidelines for State Significant Projects (Engagement Guidelines) and complied with the community engagement requirements in the SEARs.”⁴⁶
- The Engagement Guidelines require:
 - Engagement to be conducted with “fairness and transparency”;⁴⁷
 - For the Developer to “provide clear and concise information about the project and its impacts” and “implement activities that encourage and facilitate participation”;⁴⁸
 - For the “community, councils and government agencies have the information they need to understand a project and its impacts, and are given the opportunity to participate in a meaningful way”;⁴⁹
 - for “engagement activities for a State significant project [to] be proportionate to the scale and likely impacts of the project and the likely interest the community might have in the project”.⁵⁰

⁴⁵ EIS, p. 32.

⁴⁶ Link p.15, clause 3.6.

⁴⁷ [Link p.7.](#)

⁴⁸ [Link p.8](#)

⁴⁹ [Link p.9.](#)

⁵⁰ [Link p.9.](#)

- the Developer to also “identify the elements of the project that can be influenced or shaped by the community during the environmental assessment”⁵¹; and

- it to be “easy for the community to access information and provide feedback”.⁵²

- The details of the engagement that occurred prior to lodgement of the EIS are as follows:

- On 7 November 2025, a flyer was distributed by the Developer to a limited number of immediately adjacent residents. This flyer is available on page 23 of the Engagement Report (Document T of the EIS). The EIS states: “the letterbox drop was undertaken to surrounding properties within approximately 200 metres of the site”⁵³ resulting in 327 letterbox drops. Whilst we are unable to determine the number of letterbox drops,⁵⁴ multiple houses and businesses within 200 metres did not receive this flyer. By way of example only, 21 Gipps Street and 48 Gipps Street did not, and Haus of Aveda at 184 Oxford Street, Jade and Co of 168-174 Oxford Street, and Flow Athletic of 134 Oxford Street did not (all of which are businesses within or on the same block of the site);

- The flyer included an image of the development, some basic apartment and parking space numbers, an invitation to a Webinar to take place on 20 November 2025, and a link to the Oxford160.com website;

- Neither the flyer nor the website provided any reference to the NSW Planning Portal where the SEARs Request and the more detailed information was available;

- The website provided access to a survey. However most questions in the survey were check boxes without the ability to select “none”, and others had a limitation on how many concerns could be selected;

- There was no advertisement or signage on the street or the site (this was instead limited to a newspaper which we submit is less likely to come to the attention of relevant stakeholders);

- Between 7 and 20 November 2025, the image depicting the development and the total number of apartments and number of affordable housing apartments was changed on the website without explanation, indicating an updated design;

- On 20 November 2025, a Webinar was hosted by the Developer with significant controls. The EIS states that there were 64 attendees.⁵⁵ Participants were unable to see the other names of attendees, the total number of attendees, the questions asked by other attendees, and were unable to either raise their hand or speak to ask questions;

- Questions could be submitted electronically, but there were multiple reports from attendees of those questions being paraphrased when read aloud by the Developer to remove critical context from the questions;

- An email address was provided and we are aware of people sending questions to the

51 [Link](#) p.10.

52 [Link](#) p.11

53 EIS, p.69.

54 EIS, p.14.

55 Engagement Report (Document T of the EIS), p.14

Developer, however we are not aware that the Developer responded to any questions sent by email following the Webinar (other than a generic “receipt” email) until around a month later on 18 - 19 December 2025; and

- No follow up was provided, including any answers to any questions posed at the Webinar which were not answered in the allocated time.

- The following is a summary of the insufficiency of the above engagement:

- The flyer drop was too limited and should reasonably have covered surrounding streets and impacted retail stores within the block each side as an absolute minimum;

- Residents who received a flyer had the onus of distributing it to other impacted residents. The Paddington United group have had to take it upon themselves to inform local businesses and residents of the proposed development and it has been apparent that a large portion of them were not informed by the Developer - not even the nearest retail stores to the proposed development site;

- Not providing any reference to the more detailed documents on the NSW Planning Portal, and relying solely on a short summary and mocked up picture of the development (which then changed), was an oversimplification of the process and impact, and represented a “tick box” approach rather than a genuine attempt to understand community views, and placed the onus on impacted third parties to investigate and inform themselves;

- It did not reflect an engagement proportionate to a project which is not “low risk”, and instead has reasonable and important community concerns to consider and address, for example, with respect to heritage;

- The change of the entire look of the development between the receipt of the flyer and the Webinar was confusing and created uncertainty;

- At no point were impacted community members informed in what respect they may influence or shape the proposal as specifically required by the Engagement Guidelines;

- The Webinar controls were unnecessarily excessive and prevented meaningful engagement, beyond what is reasonable even for a large group. There is no justification for not, for example, enabling attendees to see the full text of questions posed (or even just those selected to be answered) or the number of other attendees in attendance. The EIS does not provide any justification for the level of controls applied. This controlled approach did not meet the requirement of fairness and transparency, or of encouraging participation or confidence in the process, and instead devalued the input of attendees;

- The Developer made no attempt to provide a follow up to unanswered questions and notwithstanding there appears to be a large team supporting the project, did not respond to questions posed in writing to the email address provided for several weeks; and

- Notwithstanding the EIS refers to only receiving limited emails and correspondence (11)⁵⁶, the Developer did not respond to correspondence received from the owner of 11 Gipps Street regarding Bethel Lane. See clause 4.4 (Bethel Lane Ownership) for details regarding this correspondence and the issue which was raised, but not responded to.

- As a result, the engagement that was intended by the State Government to support a shorter public exhibition of 14 days did not occur, resulting in there being no substantive opportunity for the Developer to realistically incorporate any meaningful community feedback. This is demonstrated on review of the summary of feedback included in the Engagement Report (document T of the EIS). This summary confirms that the development was not altered in any material respect prior to EIS, and focuses instead on why the feedback was not incorporated.
- **Verona Development:** We also refer to the engagement outlined in the EIS with respect to the mixed use development with infill affordable housing - Oxford and Verona Street, Paddington (SSD-87245208).⁵⁷ By comparison, this engagement included face-to-face engagements, a near-neighbour consultation and a business street-walk.
- We submit that by failing to meet the intent and mandatory requirements of the State Government to transparently and legitimately engage with the community, the Developer has delegitimised the process and undermined community confidence that it will be transparent and reasonable, rather than any form of “tick box” exercise. If not addressed, this risks an unacceptable State-wide impact to and inappropriately reflects negatively on the State Government’s new laws and processes.
- Accordingly, a further explanation on how the mandatory requirement for a meaningful and compliant engagement process has been met has been included in the Additional Information (item 7).

Clause 5 in SEARs Requirements (Design Quality)

- This SEARs Requirement includes how the development will achieve “design excellence in accordance with any applicable EPI provisions”.
- Clause 5 of the SEARs Requirements further requires the Developer to demonstrate “design excellence in accordance with any applicable EPI provisions.” The SDRP: Guidelines for Project Teams provides: “For private projects on private land a review by the SDRP will be required where: a design excellence clause with a requirement for design review applies”.⁵⁸
- This requires compliance with the *Woollahra Local Environmental Plan 2014 (Woollahra LEP)* which forms the EPI. The SEARs Request states that the Woollahra LEP does not contain “any clauses in relation to design excellence”⁵⁹ and accordingly this has not been addressed in the EIS.
- Clauses 1.2(j) of the Woollahra LEP⁶⁰ provides that a particular aim of the Woollahra LEP is “to promote a high standard of design in the private and public domain”.
- Notwithstanding that this may not be a requirement to refer to the SDRP, no design excellence or promotion of design excellence is included. We defer to the consent authority regarding if this is appropriate.

Clause 6 in SEARs Requirements (Built Form and Urban Design)

- The development **does not** comply with the design principles in the Apartment Design Guide.⁶¹ Examples are provided below.

57 Pg. 34 of Verona Development “EIS”.

58 [Link](#) p.1

59 SEARs Request dated 23 October 2025, p.6.

60 [Link](#)

2C (Building Height)

- The Apartment Design Guide provides: “building height controls ensure development responds to the desired future scale and character of the street and local area” and “building height controls consider the height of existing buildings that are unlikely to change (for example a heritage item or strata subdivided building).”
- At 9+ floors (and a requested variation of 4 metres above the maximum permissible), the building is excessively high, an overdevelopment of a Heritage Conservation Area and there are no equivalent buildings of its scale on Oxford Street.
- No greater than 4 floors is the most appropriate height (noting the heights of surrounding buildings as outlined in **Annexure B**).
- Chapter 3 (Incompatible with a Heritage Conservation Area), in particular clauses 3.5 to 3.11, provide the background and full details of why the height is excessive, particularly in the context of the surrounding heritage buildings, and why the examples provided by the EIS are not equivalent.
- Accordingly, a Recommended Condition regarding height has been included (item 7).
- **Verona Development:** We also refer to the EIS lodged with respect to the mixed use development with infill affordable housing - Oxford and Verona Street, Paddington (SSD-87245208), currently under assessment by the consent authority. The site size (2,553m²)⁶² is marginally larger than the site in this case (being 2,172.4m²), and is of a generally regular shape.⁶³ Notwithstanding being on a larger site of a more regular shape, the building height for the Verona development is proposed to be 7 floors, substantially lower than this development. Being located between the 25 Hour Hotel (4 floors with a 5th setback), and the Oxford House Sydney Hotel (4 floors) (see **Annexure B**), the height transition of the proposed Verona development to neighbouring buildings is, as a result, considerably less dramatic overall (see the height transition is demonstrated on pages 45 and 47 of the Verona Development’s EIS). We submit that this example supports that the height of this development is excessive for a site of this location, size and irregular shape.

2D (Floor Space Ratio)

- The Apartment Design Guide provides: “It may not always be possible to reach the maximum allowable floor space due to other development controls or constraints specific to the site such as lot size or shape, existing landscape features, neighbouring properties or heritage considerations.”
- At 9 floors plus rooftop (noting it is 9 floors from the rear of the building, not 8), with an irregular shaped site, the development demonstrably not in keeping with the desired density of the local area and heritage considerations, and a clear example of where maximum thresholds are not reasonably achievable.
- Please see detailed commentary around the constraints, particularly in the context of the surrounding heritage buildings provided in chapter 3 (Incompatible with a Heritage Conservation Area).

2D (Floor Space Ratio)

- The Apartment Design Guide also provides that consideration should be given to “opportunities to achieve public benefits such as community facilities and public domain improvements, such as new streets, through-site links and open space.”

62 Pg. 2 of “Application” available on NSW Planning Portal

63 Pg. 22 of Verona Development “EIS”.

- The development gives no consideration to this at all. Any of these benefits will be accessible to the residents only and the surrounding community will only be adversely impacted through reduced on street parking, increased congestion and amenity impact.
- A Recommended Condition regarding repairing of the surrounding streets after construction impact has already been included and referenced above (item 6).

2G (Street Setbacks)

- The Apartment Design Guide provides to “retain significant trees” and “match existing development” as two required considerations.
- The development does not achieve this and fails to rate the London Plane trees as “significant” trees, notwithstanding the heavy reliance placed on them in the EIS to conceal the building’s scale. Please see detailed commentary under clause 14 of the SEARs Requirement (Landscaping and Trees).
- A Recommended Condition regarding the London Plan trees has been included (item 8).

2F (Building Separation)

- The Apartment Design Guide provides the following minimum building separations:

“Up to four storeys (approximately 12m): 12m between habitable rooms/balconies, 9m between habitable and non-habitable rooms, 6m between non-habitable rooms.

Five to eight storeys (approximately 25m): 18m between habitable rooms/balconies, 12m between habitable and non-habitable rooms, 9m between non-habitable rooms.

Nine storeys and above (over 25m): 24m between habitable rooms/balconies, 18m between habitable and non-habitable rooms, 12m between non-habitable rooms.”

- Additionally, given the transition to a lower density area (R3 to R2), the setback is to be increased by 3 metres. The transition to a lower density area has not been addressed at all by the EIS.
- The proposed separation from this 9+ floor building to 8 Shadforth Street (R2) is 9.8 metres⁶⁴. The EIS notes that this ranges from 8.5 metres to 15.2 metres on higher floors owing to the curved facade.⁶⁵ However there are also two encroachments within 9 metres from 2 balconies.⁶⁶
- This is substantially short of the requirements for a building of this size located next to an R2, demonstrating the extremely constrained nature of the site and the unsuitability of the site for a building of this scale.
- Further, the EIS does not definitively determine what the privacy impact will be. It notes certain mitigations, including balcony balustrades and the location of upper level living rooms, and notes that a green buffer “reduces the direct line of sight”⁶⁷, but does not provide any definitive or quantifiable evidence of the precise level of overlook, or that there will be the mandatory high degree of amenity retained. It also makes no

64 EIS, p.86 and Architectural Design Report (document G in EIS) p.62.

65 EIS, p.86.

66 Architectural Design Report (document G in EIS) p.61.

67 EIS, p.86.

reference to the trees being deciduous and so will only provide any screening in certain seasons.

- We refer to the report of C&A Surveyors (with the submission of 19 Gipps Street), which demonstrates the real extent of the overlook.
- In respect of 8 Shadforth Street, the distance between the development to both the dining room and the private open space of the courtyard is 9.8 metres on the ground. Notwithstanding the blank wall that exists on 8 Shadforth Street facing the site, in the context of a small worker's cottage next to a larger development and the visual overlook, it is appropriate that the building separation be at least the minimum distance (15 metres). Physical distance provides essential benefits—such as light, ventilation, acoustic privacy, reduction in visual crowding, and improvement in height transition—that cannot be replaced when encroached.
- Further, we submit that the private open space of the courtyard should be considered a habitable area in this context. Particularly given the modest size of the dwelling, this outdoor space immediately off the kitchen and living areas is a fundamentally critical part of the habitable living spaces of the dwelling and its overall amenity.
- The EIS states: “A stepped façade is not proposed to avoid a ziggurat appearance.”⁶⁸ This mischaracterises the intent of the Apartment Design Guide, which provides (emphasis added): “Generally *one step* in the built form as *the height increases* due to building separations is desirable.”⁶⁹ There is no explanation for why one step as the height increases is not included.
- This is referred to as “minor inconsistencies.”⁷⁰ These are not minor, but substantial deviations. They strongly demonstrate the excessive bulk of the building for this constrained site and its complete lack of appropriate reference to the surrounding R2 zoned properties. These properties are intended to be given additional protection and height transition by additional separation of 3 metres rather than the building presenting as a “cliff face”. Accordingly, a Recommended Condition regarding separation that complies with the Apartment Design Guide has been included (item 9).

3D (Communal and public open space)

- The Apartment Design Guide provides: “The function of open space is to provide amenity in the form of landscape character and design, opportunities for group and individual recreation and activities, opportunities for social interaction, environmental and water cycle management, opportunities to modify microclimate, amenity and outlook for residents.”
- As outlined in clause 1.3 (Non-Discretionary Standards) (Minimum Landscaping) above and in the Recommended Conditions (item 3), the development fails to meet this requirement by including the narrow or isolated areas of the irregular site (the laneway between 21 and 23 Gipps Street, a narrow strip next to the carpark entry and the front of 13 Gipps Street, and a private courtyard in 13 Gipps Street) as landscaping, which do not promote social interaction or recreation (and the EIS acknowledges that the laneway between 21 to 23 Gipps Street has been designed to avoid interaction from an amenity perspective).

68 EIS, p.86.

69 [Link](#) p.63.

70 EIS, p.86.

3F (Visual Privacy)

- The Apartment Design Guide provides: “Visual privacy allows residents within an apartment development and on adjacent properties to use their private spaces without being overlooked. It balances the need for views and outlook with the need for privacy. In higher density developments it also assists to increase overall amenity.”
- The development fails to meet this requirement with the significant overlook of adjacent properties as outlined in chapter 4 (Amenity Impact) and in the Planning Report. As stated above, we refer to the report provided by C&A Surveyors with the submission from 19 Gipps Street, which demonstrates the real extent of the overlook.
- As stated above, a Recommended Condition regarding height has already been included which would substantially improve these impacts (item 6).
- The aims of Chapter 5 of the Housing SEPP include delivering mid-rise residential flat buildings that: “(i) are well designed, (ii) are of appropriate bulk and scale, and (iii) provide amenity and liveability.”⁷¹ The development does not satisfy the aims of Chapter 5 from an urban design perspective, as is further detailed in chapter 3 (Incompatible with a Heritage Conservation Area) (in particular, clause 3.6 (Inconsistent and Unreliable Images), and chapter 5 (Amenity Impact).

4B (Natural Ventilation)

- The EIS states that it meets the requirement for at least 60% of apartments to be “naturally” cross ventilated in the first nine storeys of the building.⁷² However, the EIS also states: “In addition, Koikas Acoustics have concluded that bedrooms and living areas along the Oxford Street façade will need to have windows and doors closed to achieve the indoor target noise levels. Therefore, the natural ventilation for those rooms has been designed with an alternative natural ventilation system, being a fresh air ventilation system designed by Goldfish & Bray (see diagram at Figure 40).”⁷³
- However well designed, an “alternative” ventilation system does replace natural ventilation from operable windows and accordingly, it does not appear to be appropriate for it to count towards the 60%. It is unclear from the yield schedules whether the mechanical alternative system has been included and whether, for example, it is only in the affordable housing.⁷⁴ If the consent authority is of a view that it should not be counted, a schedule of apartments counted toward the 60% cross-ventilation target, excluding apartments that depend on the mechanical alternative system, has been included as Additional Information (item 8).

4Q (Universal Design):

- The Access Report (Document Q of the EIS) is dated February 2025, over 12 months prior to the EIS. It is out of date - for example, it references 60 apartments.⁷⁵ This should be updated and provided again, and accordingly this has been included as Additional Information (item 9).

BCA Report

- Separately the BCA Report (Document P of the EIS) appears out of date. For example, it refers to a design

71 [Link](#)

72 EIS, p.82.

73 EIS, p.105.

74 Architectural Design Report (Document G of EIS), p.139.

75 Accessibility Report (Document Q of EIS), p.12.

with 60 apartments.⁷⁶ It is unclear if there are other inaccuracies or if this impacts the conclusions made. Accordingly, this has been included as Additional Information (item 9).

Clause 7 in SEARs Requirements (Environmental Amenity)

- Clause 7 of the SEARs Requirements mandatorily requires: “A high level of environmental amenity for any surrounding residential or other sensitive land uses must be demonstrated.” This is not a “reasonable” level of amenity but “high”, meaning that it must go beyond the minimum or reasonable compliance standards and must demonstrate that the development will deliver to a high standard of amenity.
- The development fails to meet this criteria, largely driven by its scale. Chapter 4 (Amenity Impact) outlines the amenity impact in detail.
- Further, the consent authority cannot be satisfied that this test of a high degree of amenity has been met because it has not been appropriately tested by the Developer. For example, there has been no assessment of “light spill” from the multiple lights within a building of this scale to adjacent dwellings. The EIS provides no visual impact assessment from adjacent dwellings. The Developer has not visited any adjacent dwellings or attempted to assess them.
- We request amenity impact be properly assessed, for example by a height pole assessment by a certified surveyor and a light assessment, and accordingly, this has been included in Additional Information (item 10).

Clause 8 in SEARs Requirements (Visual Impact)

- At 9+ floors, the development poses an unacceptable visual impact from key viewpoints.
- Detailed information regarding the height and the visual impact is provided in chapter 3 (Incompatible with a Heritage Conservation Area), and in particular clauses 3.4 (Non-Compliance with the Woollahra LEP and the Woollahra DCP), 3.5 (Significant Vistas and Visual Impact) and 3.6 (Inconsistent and Unreliable Images).
- The abovementioned Recommended Condition with respect to height (item 7) has been included to address this non-compliance.

Clause 9 in SEARs Requirements (Transport)

- The Developer’s Construction Traffic Management Plan (Document S of the EIS) does not adequately address all construction transport impacts. Detailed information regarding the deficiencies is outlined in clause 6.4 (Construction Management Plan).
- It is also anticipated that this development will cause disruption during construction to regular transport routes, particularly during construction of the Oxford Street East Cycleway. Please clause 5.9 (Cumulative Impact) in chapter 5 (Congestion Impact) for further details.
- Accordingly, the Recommended Condition (item 11) regarding construction transport has been included.

Clause 10 in SEARs Requirements (Noise and Vibration)

- Concerns regarding this issue are outlined in clauses 6.2 (Excavation Depth and Structural Risk - Heritage Concerns) and 6.3 (Noise and Vibration) in chapter 6 (Construction Impact).
- Additional Information (item 11) regarding the provision of dilapidation reports at this stage in the process is included to address the inherent risks.
- The Acoustical Report (Document Y of the EIS) states that “Any changes to the design may impact the findings of this report and associated noise control recommendations.”⁷⁷ Accordingly, if the consent authority is minded to impose changes to the design, this report will need to be reviewed and reissued with any arising amendments.

Clause 11 in SEARs Requirements (Water Management)

- Residents on Gipps Street have experienced issues with the sewerage piping along Gipps Street due to the age and size of the existing piping. For example, we refer to the submission of 11 Gipps Street which outlines a recent incident with respect to the sewerage system.
- It is understood that there are monitoring devices within the pipes which could be reviewed.
- The sewerage for 142 - 148 Oxford Street (part of the site) connects to the main sewer lines on Gipps Street. Residents are not aware of there being a main sewer on Oxford Street.
- The Developer has not demonstrated how the existing system can manage the incremental load created by the development and what updates will be required. This has been included as Additional Information (item 12).

Clause 12 in SEARs Requirements (Ground and Groundwater Conditions)

- There is water which flows from the direction of the site to Gipps Street.
- 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.
- By way of example, we refer to the submissions of 11 Gipps Street, 27 Gipps Street, and of 19 Gipps Street, with respect to flooding/water flow.
- Residents adjacent to Bethel Lane have also reported significant flooding arising from 142 - 148 Oxford Street (part of the site). Please see the photo of flooding in the passageway between 142 - 148 Oxford Street (part of the site) and Bethel Lane, taken in 2019 (once the flooding had eased). Residents report that the flooding came from the spring beneath 142 - 148 Oxford Street (verified by a plumber at the time) and have described it as “pouring” down Bethel Lane.
- The following information has also been provided by Brad Swanson (a builder associated with 13 Gipps Street) in November 2025:

“As requested, here’s a brief factual summary of what I know about the subterranean space below the

carpark of the 1980s development of the brick terraces on Oxford Street, Paddington. This is based solely on observations from previous renovation work to adjoining properties.

- The 1980s building includes a large, shared basement structure that extends below the garage of 13 Gipps, the shared carpark space behind 15,17, 19 & 21 Gipps and under the carparks of 142 - 148 Oxford St.
 - I observed an active groundwater management system within this space.
 - The presence of this system suggests ongoing groundwater movement and a system that requires continuous/routine maintenance.
 - Access to the basement services has previously required coordination across multiple property boundaries, as the structure spans under several lots.”
- Disturbing this system risks redirecting groundwater into adjacent structures, possible permanent redirection of groundwater, damage to heritage properties and long-term instability. Previous development in this area has required active groundwater management systems spanning multiple lots.
 - The Developer must adequately address how the above will be managed, particularly in the context of the extensive excavation, to ensure there is no damage or water movement to surrounding properties. This has been included as Additional Information (item 13).

Clause 13 in SEARs Requirements (Contamination and Remediation)

- A former petrol station existed adjacent to the site. Any standard conditions of consent (if applicable) required for such scenarios should apply.

Clause 14 in SEARs Requirements (Trees and Landscaping)

London Plane trees

- There are a row of 6 London Plane trees providing canopy cover on Oxford Street, and 4 are immediately outside the site on 160 Oxford Street.
- Any damage or removal of the trees would accordingly destroy the majority of the row of 6.
- These trees were likely planted between 1915 - 1940.⁷⁸ These trees contribute substantially to the character, shade, canopy cover and heritage significance of Oxford Street.
- Removal or collapse of the Plane Trees on Oxford Street would result in:
 - loss of the defining tree canopy along Oxford Street;
 - increased heat, glare and reduced pedestrian amenity;
 - irreversible change to the heritage streetscape character;
 - loss of shade previously relied upon by adjacent businesses and pedestrians; and
 - reduction of the environmental quality of the public domain.
- Whilst these are proposed to be retained, based on the information outlined in this clause and the engineering realities, retention of these trees is uncertain.

- Woollahra Council calculates the structural tree zone of a tree in accordance with Australian Standard 4970 (2025), Protection of trees on development sites (**Standard**).⁷⁹ One of the relevant trees has a 230 centimetre circumference and in accordance with the Standard, this equates to a tree protection zone of 8.8 metres and a structural root zone of 2.9 metres.
- The distance from the centre of the tree to the boundary of the site is 2.9 metres. Accordingly, the proposed excavation is on the edge of the structural root zone and well within the tree protection zone (which is acknowledged by the EIS), posing a significant and likely unmanageable risk to the structural root systems of the London Plane Trees. The proposed basement excavation of the development is of such depth and proximity that it will require:
 - cutting into soil volumes occupied by major structural roots of the trees;
 - installing shoring, retaining structures or piling directly within the tree protection zone and the structural root zone;
 - removing soil and moisture that maintains root viability; and
 - heavy machinery operating at the edge of the root system.
- Further, a resident of the studios has confirmed that the roots of the trees are underneath the building of 160 Oxford Street and was informed by a plumber at the building that the roots from the trees had interacted with a pipe under the building.⁸⁰ This direct evidence demonstrates the breadth of the root plate and the inevitability of excavation conflict.
- The Arborocultural Impact Assessment (Document N of the EIS) is deficient in multiple respects, as follows:
 - The London Plane trees (2, 3, 4 and 5 in the assessment) are rated as “medium”.⁸¹ The trees are visually prominent and they provide a “positive” contribution rather than just a “fair” contribution, and meet the criteria for a “high” rating.⁸² Additionally, given the strong reliance by the EIS on the retention of the trees to conceal the building, they justify a more significant rating;
 - The report notes that tree 4 has a minor incursion into its TPZ (10%), and 2, 3 and 5 have a moderate incursion (up to 20%) and pruning will be required to accommodate scaffolding.⁸³ Whilst mitigations are proposed, the survival of these trees is far from guaranteed and the report does not address it; and
 - Excavation is unnecessarily up to the boundary of the site (see clause 5.6 (Excess Number of Parking Spaces) which outlines why this isn’t necessary) creating unnecessary risk to these trees.
- Given the significance of these trees both environmentally and architecturally, their likely loss constitutes a major adverse impact. The EIS does not propose an alternative if the trees are destroyed by the process (as any replacement would take years to grow), and this undermines the entire positioning in the EIS that the trees will conceal the scale of the building.
- As stated above, an exclusion of excavation in the structural root zone and the tree protection zone has been included as item 8 in the Recommended Conditions.

79 [Link](#)

80 Resident of 160 Oxford Street

81 Arborocultural Impact Assessment (Document N of the EIS), Appendix 1.

82 Arborocultural Impact Assessment (Document N of the EIS), p.25 and 26.

83 Arborocultural Impact Assessment (Document N of the EIS), p.8.

- As stated above, the EIS relies heavily on the retention of the London Plane Trees as a mitigation for the excessive height. The EIS claims: “They (the trees) will partially obscure/screen the first five storeys of the development when viewed from Oxford Street”⁸⁴ and it is a point repeated across multiple documents. Trees should not be used to justify a height out of scale with its surroundings.
- Additionally, the trees are deciduous, the photos provided with the EIS largely depict the trees with leaves. See clause 3.6 (Inconsistent and Unreliable Images) in Chapter 3 (Incompatible with a Heritage Conservation Area) for examples. Given the trees will be seasonally without leaves, and their future is highly uncertain, the consent authority should be provided with images showing the building without the screening effect of the London Plane trees to enable a fulsome assessment of the true impact. Accordingly, this has been included as Additional Information (item 14).

Casuarina trees

- There is a proposal to plant Allocasuarina torulosa trees.⁸⁵
- We refer to the submission of 11 Gipps Street which details why these trees were not appropriate in Bethel Lane due to the prior experiences with undermining the structure of surrounding historic houses, which do not have foundations and rely instead on their roof structure, and the issues caused by such a tree to the sewerage system. In summary, in 2015 the Land and Environment Court found that a Casuarina tree in Bethel Lane be removed, and accordingly it has already been definitively determined that it is not an appropriate tree in this context and is concerning for the surrounding dwellings.⁸⁶
- This has been included as part of item 8 in the Recommended Conditions.

Errors with Landscaping

- We refer to the submissions of 27 Gipps Street which outlines some errors with the landscaping, including a range of trees that have not been identified correctly by the Arboricultural Impact Assessment (Document N of the EIS).
- Visual privacy is currently provided between 160 Oxford Street and the neighbouring properties to the north by established trees and a mature hedge.
- The roots of these trees will likely be within the proposed excavation zone of the underground carpark, and accordingly, an exclusion of excavation in the structural root zone and the tree protection zone for these trees has been included as item 8 in the Recommended Conditions.

Clause 15 in SEARs Requirements (Ecologically Sustainable Development)

- No comments are raised.

Clause 16 in SEARs Requirements (Biodiversity)

- No comments are raised.

84 EIS, p.41.

85 Landscape Design Report (Document I of the EIS), p.7-8.

86 [Link](#)

Clause 17 in SEARs Requirements (Waste Management)

- Waste management is proposed to be privately undertaken due to the car park not being designed to accommodate council vehicles.⁸⁷
- This means it will also not be able to accommodate a removal truck or a grocery delivery truck (both of which will be frequent to a block of 40 apartments). Accordingly, the existing issues with respect to deliveries and trucks outlined in clause 5.8 (Loading Zones and Deliveries) will be exacerbated.
- Given the retail component of the building, we understand the required headroom in accordance with the Australian Standard 2890.2 is 3.5 metres (not 2.2 metres as proposed). There is no basis provided for this non-compliance and accordingly, compliance of the car park design with Australian Standards has been included as part of Recommended Condition (item 5).

Clause 18 in SEARs Requirements (Social Impact)

- The EIS outlines that the Developer has determined that no Social Impact Management Plan is required.⁸⁸
- This conclusion is not proportionate to the development and does not comply with the Social Impact Assessment Guidelines. This is not a standard development for the site and accordingly it is appropriate, in accordance with the Social Impact Assessment Guidelines, for the Developer to provide a complex report “for a project that will result in significant and multiple social impacts, both positive and negative, and require bespoke mitigation and management measures.”⁸⁹
- By way of example, the direct displacement of the residents of the studios means a disproportionate burden is placed on a specific group of people and must be mitigated, for example by providing support services, financial compensation, and help finding alternative, comparable housing options.
- Based on the engagement conducted by the Developer (as outlined in clause 4 of the SEARs Requirements (Engagement) above), it is impossible for the Developer to have established a legitimate social baseline in accordance with section 4.5 of the Social Impact Assessment Guidelines.⁹⁰
- The provision of a Social Impact Management Plan has accordingly been included in the Additional Information (item 15).

Clause 19 in SEARs Requirements (Flood Risk)

- We repeat the comments made under clause 12 of the SEARs Requirements above.

Clause 20 in SEARs Requirements (Bush Fire Risk)

- No comments are raised.

Clause 21 in SEARs Requirements (Aboriginal Cultural Heritage)

- No comments are raised.

⁸⁷ Operational Waste Management Plan (Document EE of the EIS), p.17.

⁸⁸ EIS, p.109.

⁸⁹ [Link](#) p.15

⁹⁰ [Link](#) p.21

Clause 22 in SEARs Requirements (Environmental Heritage)

- The development is an extreme over-development in a sensitive and nationally significant heritage conservation area, and the Commonwealth heritage listed Victoria Barracks. This is outlined in detail in chapter 3 (Incompatible with a Heritage Conservation Area).
- The abovementioned Recommended Conditions, particularly with respect to height, bulk and scale, and separation from surrounding properties are included to address this non-compliance.
- As stated in Clause 10 of the SEARs Requirements (Noise and Vibration), the development of this scale also poses construction risk to historically constructed properties without modern footing, as outlined in clauses 6.2 (Excavation Depth and Structural Risk - Heritage Concerns) and 6.3 (Noise and Vibration) in chapter 6 (Construction Impact). A further Additional Information (item 11) regarding dilapidation reports has already been included above.

Clause 23 in SEARs Requirements (Public Space)

- The development does not include any public spaces.

Clause 24 in SEARs Requirements (Hazards and Risks)

- No comments are raised.

Chapter 2

Loss of Affordable Housing



Key Points in this Chapter:

- Public Interest Test: The development fails the mandatory s4.15(e) *Environmental Planning and Assessment Act 1979* (NSW) (**EPA Act**) public interest test for the following key reasons:
- Notwithstanding utilising the affordable housing pathway, it reduces housing that is genuinely affordable by 63%⁹¹ and only provides only 8⁹² incremental dwellings (and 5 pools), and removes all affordable housing during its 2+ year construction;
- It provides no studios or one bedrooms (including in the affordable housing category) notwithstanding that the mix of housing in Woollahra Council is already heavily weighted towards larger dwellings; and
- Whilst it is acknowledged that the existing studios at 160 Oxford Street do not meet the “affordable housing” definition in the EPA Act, they are undeniably low-cost, serve a critical purpose in the community and deliver affordable rentals, and this remains relevant to the public interest and the merit-based tests.

If the consent authority is minded to approve the development, the following Recommended Conditions are the most important measures to mitigate the proposal’s critical impact on affordability.

Recommended Condition (item 12) - Mix of Apartments

42

The development inappropriately only includes a mix of larger 2 and 3 bedroom apartments (with no smaller studios or 1 bedroom apartments). The precinct of Woollahra Council is already dominated by larger dwellings. Whilst it may be appropriate to have some larger affordable housing apartments, it is appropriate to impose a condition of including at least 27 studios and/or one bedroom apartments (including in the affordable housing category), to ensure there is no reduction overall in the number of apartments of this size, maximising equitable housing access.

We refer to the precedent of the Chimes (SSD-79316759:45-53 Macleay Street, Potts Point) where a 50% studio condition was imposed.

Recommended Condition (item 13) - Additional Affordable Housing

Woollahra Council requires 3 - 5% inclusion of affordable housing. This condition to include 3% in addition to the 15% threshold would retain minimum current standards.

91 Reduction from 27 low-cost studios to 10 affordable housing apartments

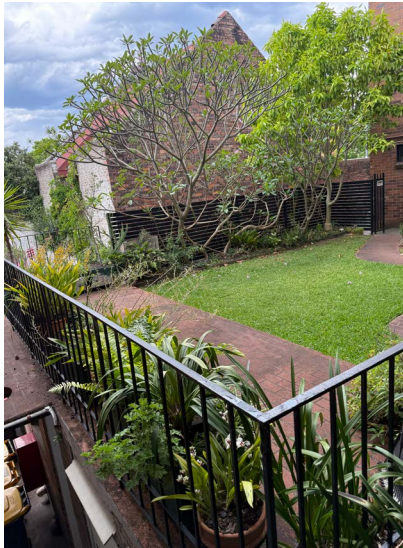
92 33 existing dwellings (27 studios, 6 terraces), replaced by 40 apartments + 1 terrace

2.1 The Public Interest Test

- s4.15 of the EPA Act outlines the mandatory matters for consideration for a consent authority.
- s4.15(e) requires developments to be in “the public interest”. This is a merit-based assessment of the development based on the specific facts and circumstances of the case.
- Notwithstanding that the consent authority must consider competing priorities, including the State Government’s priority to deliver more affordable housing, this development fails to meet this requirement of being in the public interest, including because of the net loss of genuinely affordable housing.
- Whilst weight is given to the provision of some incremental housing, weight should not be given to creating only a nominal 8 exclusive, multi-million dollar apartments that are beyond the reach of the vast majority of people as addressing housing supply in a meaningful way.
- The benefit provided by an incremental 8 dwellings in this development (and 5 pools), even with more floor space, does not outweigh the significant negative impact of reducing affordable housing by 17 dwellings, particularly when balanced against the other negative impacts outlined in later chapters of this submission.
- The overall merit of the development is accordingly overwhelmingly compromised by the negative impacts.
- Whilst it is acknowledged that the existing studios at 160 Oxford Street do not meet the “affordable housing” definition in the EPA Act, they are undeniably affordable. Notwithstanding the consent authority is not automatically required to reject or require conditions on developments on the basis of the loss of affordable housing which does not meet the above legal definition, consideration must still be given to the public interest test as it relates to this specific development and all competing factors.
- If the consent authority is not minded to accept the position that the public interest test is not met, including because the studios at 160 Oxford Street are not presently managed by a Community Housing Provider (CHP), we submit that it is appropriate and beneficial to affordability to require at least the same number (27) of studios and one bedroom apartments as part of the conditions. This is detailed below in clause 2.7 (Mix of Apartment Sizes).

2.2 Overview of the Existing Studios at 160 Oxford Street

- There are currently 27 genuinely affordable studio apartments + 6 terraces = 33 dwellings on the site.
- 160 Oxford Street was owned in entirety by one owner when purchased by the Developer. Accordingly, the studios are entirely occupied by renters (not owners) who will likely need to secure alternative rentals.
- 160 Oxford Street was constructed in the early 1960s.⁹³ There is a coin-operated laundry, a bike rack, city views and some have parking. There is a communal garden where we are advised that residents have planted their own herbs and flowers, and can meet to do yoga on the weekends.



Communal garden and city views from 160 Oxford Street.

- The building is strongly associated with the student and essential worker community. We are advised that the current residents are a diverse mix of singles and couples. As recently as late 2025 these were students, a chef, a set designer, an actor and a teaching hospital worker. It serves a critical function in retaining a diverse community in Paddington, which is otherwise generally an extremely constrained area where it is expensive to rent or buy.
- As stated above, the building is around 70 years old, and is reported by a long-term resident to be in good repair. Surrounding neighbours have observed the building and its landscaping to be well-maintained and to positively contribute to the area.
- The founder of the Developer, Nicholas Couloubis, has stated: They are “small, dark, uncompliant studios that are falling apart.”⁹⁴ This is contradicted not only by the residents, but by an advertisement for 8/160 Oxford Street on 20 November 2025, placed on behalf of the Developer, which shows a modern studio that is described as “stunning” and “modern”.



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MODERN STUDIO APARTMENT IN PADDINGTON

STUDIO APARTMENT IN PADDINGTON

This stunning studio apartment is one not to be missed, conveniently located within close proximity to shops, cafes, schools and transportation.

This studio also features:

- Modern designed kitchen with large storage compartments, cooking space and Caesar stone bench top.
- Modern bathroom
- Tiles throughout
- Good Natural Light
- Shared coin operated laundry facilities
- Non-designated secure parking
- City Views
- Close proximity to public transport, shops, cafes, and more.

Inspect by appointment, contact agent.

Advertisement for 8/160 Oxford Street,
20 November 2025.

- Figures 36, 47 to 55 in **Annexure A** provide further photographic context of 160 Oxford Street.
- The building is strongly associated with the student and essential worker community. We are advised that the current residents are a diverse mix of singles and couples, as recently as late 2025 these were students, a chef, a set designer, an actor and a teaching hospital worker. It serves a critical function in retaining a diverse community in Paddington, which is otherwise generally an extremely constrained area where it is expensive to rent or buy.
- As stated above, the building is around 70 years old, and is reported by a long-term resident to be in good repair. Surrounding neighbours have observed the building and its landscaping to be well-maintained and to positively contribute to the area.
- The founder of the Developer, Nicholas Couloubis, has stated: They are “small, dark, uncompliant studios that are falling apart.” This is contradicted not only by the residents, but by an advertisement for 8/160 Oxford Street on 20 November 2025, placed on behalf of the Developer, which shows a modern studio that is described as “stunning” and “modern”.
- Figures 36, 47 to 55 in **Annexure A** provide further photographic context of 160 Oxford Street

2.3 Rent at the Existing Studios at 160 Oxford Street

- We understand that the rents for the studios ranged from approximately \$280 - \$420 over 2016 - 2023.⁹⁵ In around August 2025, after the purchase by the Developer, we understand that the rents were increased across the studios by approximately \$40-50 p/w.⁹⁶ We understand from a current tenant, and from searches of advertised rents, that rents currently range between approximately \$430 to \$550.⁹⁷
- The EIS states (with respect to leaving the studios “as is”): “In particular, it would not facilitate management of high quality affordable housing suitable for families that is managed by a registered CHP that can transparently and independently assess applications for affordable housing to ensure that housing is provided to those most in need, which is not currently the case on the site.”⁹⁸
- This assessment does not analyse the important role of the studios in addressing affordable housing and omits that important context. As stated above, whilst the studio apartments are not administered through a CHP, they are undeniably some of the last genuinely low-cost housing in Paddington. Accordingly, the studios are critical to retaining an inclusionary and diverse population in Paddington and equitable access to housing. The Developer does not consider this aspect in its EIS at all.
- Due to the lack of other affordable rental options, the long-term residents of the studios will be challenged to find replacement rental housing in Paddington near to their places of work and study locations, in direct contradiction to the State Government’s policies.

95 Resident of 160 Oxford Street

96 Resident of 160 Oxford Street

97 24/160 was advertised for \$510 p/w on 14 November 2025. 8/160 was advertised for \$550 on 20 November 2025.

98 EIS, p.34.

*“The simple fact Sydney rents and the extreme dearth of affordable housing generally is likely to impact my opportunities greatly. I have been wait-listed for suitable community housing for 9 years so far.” Ms Graham, resident of 160 Oxford Street for ~10 years, November 2025.
(The Local Paddo, Summer 25-26 Edition)*

2.4 Rent Comparison to CHP Affordable Housing in Paddington

- Whilst the legal definition of affordable housing is acknowledged, the studios are by their nature affordable, notwithstanding they are not administered through a CHP.
- No studios or one bedrooms are proposed for the building at all, including in affordable housing. However, even if they were, the rent range at the studios is lower than other affordable housing offered for the same size through a CHP in Paddington, as detailed below:
 - UKO Paddington (Moore Park Road) offers studios without parking for between \$555 - \$650 p/w⁹⁹; and
 - UKO Paddington (Hopewell Street) offers studios with no parking for \$720 p/w.¹⁰⁰

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- This demonstrates that the legal definition of affordable housing does not always equate to cheaper rent.
- Housing stress occurs “when a lower-income household (in the bottom 40% of income distribution) is paying more than 30% of its income in housing costs, such as rental or mortgage payments.”¹⁰¹ For full-time employees, the median weekly earnings are approximately \$90,532 annually.¹⁰²
- For the current rent range at the studios (approximately \$430 - \$550), a resident would need to earn a gross income of between \$74,533 - \$95,316 annually to avoid housing stress.¹⁰³
- Accordingly, for people earning at or below the median salary, the rent for current studios would not create housing stress. Further, in accordance with the NSW Government’s income eligibility limits for affordable housing, the rents at the current studios are within the range for low (50-80% of median salary) income earners.¹⁰⁴
- By comparison, the current rent range for studios at UKO Paddington (approximately \$555 - \$700), a resident would need to earn a gross income between \$96,200 - \$122,333 annually to avoid housing stress - a 30% increase.¹⁰⁵ Further, in accordance with the NSW Government’s income eligibility limits for affordable housing, the rents at UKO Paddington are within the range for moderate (80-120% of median salary) income earners.¹⁰⁶

99 [Link](#) Rent quoted as at 20 November 2025.

100 [Link](#)

101 [Link](#)

102 [Link](#)

103 Weekly Income Calculation: $\$430 \div 0.30 = \$1,433.33$ per week, * 52 weeks = \$74,533.16 per year. Weekly Income Calculation: $\$550 \div 0.30 = \$1,833.33$ per week, * 52 weeks = \$95,333.16 per year.

104 [Link](#)

105 Weekly Income Calculation: $\$555 \div 0.30 = \$1,850$ per week, * 52 weeks = \$96,200 per year. Weekly Income Calculation: $\$700 \div 0.30 = \$2,333.33$ per week, * 52 weeks = \$121,333.16 per year.

106 [Link](#)

- Unfortunately, given the high rate of market rent in Paddington, the rent of affordable housing, even below market rate, remains unaffordable. This concern has also been raised by the City of Sydney in its submission with respect to the Verona Development.
- Whilst the above is based on apartments of the same size (studios), this translates equally to the proposed 2 and 3 bedroom affordable housing sizes proposed by this development. Presently, the closest 2 bedroom affordable apartment available through Evolve Housing is in Redfern and that is \$790 per week.¹⁰⁷ Based on the above calculations, this would equate to housing stress for a single parent on the median salary.
- Federal independent MP for Wentworth, Allegra Spender, has said: “If you have two childcare workers on \$65,000 each sharing a two-bedroom flat [and] the ‘affordable’ flat is \$1,000 a week, they are spending almost 50% of their post-tax income just on rent. The definition [of below market rent] is meaningless in our area. It needs to be changed so that it is actually affordable.”¹⁰⁸
- It would provide the consent authority with increased transparency if the Developer was required to provide the proposed rental numbers for the affordable housing (based on the property’s proposed rent value with the applied discount or other information from its proposed CHP) and estimated sale prices. This would provide the consent authority with the required visibility of the realities of this development compared to the current building which is so critical to assess its overall merits. Accordingly, this has been included as Additional Information (item 16).

Reducing Affordability:

Current Rent of the studios: ~\$430 - \$550

Rent of equivalent affordable housing in Paddington: ~\$555 - \$720 (~30% higher)

Unaffordable for the median salary in NSW

2.5 Overview of the Developer’s Proposed Apartments

- There are proposed to be 40 apartments (including 10 affordable and 30 luxurious) + 1 terrace = 41 dwellings (only a nominal 8 incremental to current).
- There are 4 luxurious penthouses with views across the city to the harbour, with direct access to private rooftops with private pools.
- There is also a communal pool (totalling 5 pools overall).
- It includes only larger and more expensive apartment sizes (2 and 3 bedrooms), and no studios or one bedrooms.
- Estimated sale price (based on prior sales) for 2 bedrooms: \$2.5 million+, 3 bedrooms: \$8 million+, and penthouses: 20 million+.¹⁰⁹

107

[Link](#)

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[Link](#)

109

Based on the 2023 sale prices of The Cambrian on Oxford Street in Paddington [Link](#), and the 2023 sale price of \$24.9-million Ode penthouse [Link](#), and sale in 2023 sale of penthouse in Paddington of over \$20million [Link](#)

2.6 A Misuse of the Affordable Housing Pathway

- As stated above, the proposal results in a 63% reduction¹¹⁰ in low-cost housing for only 8 incremental dwellings.
- The State Government has emphasised the shared responsibility of all levels of government and industry to increase housing supply to address the housing crisis, and this is strongly supported by Paddington United, particularly with respect to supporting affordable housing in areas where the people who rely on it study and work, including in Paddington where rents are generally extremely expensive.
- Minister Scully has noted: *“Together we can show the people of New South Wales that we are united in providing increasing housing choices for young people, families and local key workers so that they can all have a place to call home—and, most importantly, within the communities they choose.”*¹¹¹
- The founder of the Developer, Nicholas Couloumbis, stated: *“We’re in an environment where we need more housing, we need more affordable housing.”*¹¹² Whilst this statement is not disputed, it omits and ignores the important context provided above about the realities of both the higher rent, and the challenges that will be faced by the residents of 160 Oxford Street in finding replacement rentals in the same area.
- The reduction of genuinely affordable housing in Paddington must be a central focus of the assessment of the development, as the bonuses offered to the development stem directly from providing affordable housing.
- In the context of the urgent housing challenge, this development fails the mandatory s4.15 public interest test due to the 63% net loss of genuinely low-cost housing, replacing it with affordable housing that, whilst meeting a legal definition, delivers higher rents (as outlined above), whilst only delivering a nominal 8 incremental dwellings.
- Weight should also be given to:
 - that this affordable housing is time-limited to 15 years and is not permanent like the current studios (noting the rent range that has existed for the studios for a considerable period of time); and
 - there will be no affordable or low-cost housing available for 2+ years during construction.
- Paddington is already constrained. Circa 91.3% of dwellings in Paddington are already medium or high density, compared to 46% in Greater Sydney. Woollahra Municipal Council is already one of NSW’s densest local government areas.¹¹³ Accordingly, the demolition of these 27 studios will not meaningfully contribute to the requirement for a rolling supply of affordable housing because they will only be replaced with fewer and time-constrained CHP affordable housing which will likely not be replaced when the time-limits expire (and will instead be sold at a premium).
- We submit that the State Government’s new laws and processes are being undermined (including with respect to community confidence) when the outcomes are a perversion of the intent, and developers benefit instead of the people. Addressing this perversion is critical to the success of the policy and its social licence.

110 27 studios to 10.

111 [Link](#)

112 Article in The Daily Telegraph by Thomas Sargeant, 20 November 2025.

113 [Link](#)

- Federal independent MP for Wentworth, Allegra Spender, has said: *“I do think most people in my area recognise that we have an issue that young people can’t get into housing and childcare workers, healthcare workers – the people who are valued parts of our community – can’t live anywhere near us. This issue of reducing density and affordability makes people extremely cynical.”*¹¹⁴

Who really benefits?

Demolishes 27 low-cost houses and replaces with 10

Replaces with luxury apartments including 4 penthouses and 5 pools

63% loss of affordable housing

15 year limit on 10 affordable apartments

Provides only 8 incremental apartments overall

Estimated sale price for a 2 bedroom: \$2.5M, 3 bedroom: \$8M+, and penthouses: 20M+

2.7 Mix of Apartment Sizes

- In the Woollahra Council precinct, the mix of apartment sizes is currently heavily weighted toward larger dwellings. Only 12.5% of dwellings are studios or one-bedrooms.¹¹⁵
- The demolition of 27 studios will erode this number further, and erode affordability generally as the smaller apartments are by their nature more affordable.
- There are no studios or one bedrooms proposed at all in the development.
- The EIS states: “A range of two and three bedroom apartments are proposed to appeal to a broad residential market and ensure that all types of households have a place in the development.”¹¹⁶ This inaccurately depicts that all types of households will be accommodated, ignoring the requirements of single or couple households of students and essential workers, including those who currently occupy the studios.
 - The letter from the CHP dated 18 December 2025 (Document GG of the EIS) notes: “...these elements are well suited to meet the needs of the intended affordable housing tenant groups.” However no further context or any evidence is provided regarding the comparative demand for smaller apartments, particularly given the reduction of 27 studios likely driving a higher requirement.
 - Separately the EIS states: “The proposed mix is formulated in response to market demand and demographics of the locality”¹¹⁷, but provides no evidence or basis for this demand or this conclusion.
- In the event the consent authority is minded to approve the development, ensuring that the number of studios and/or one bedroom apartments doesn’t reduce overall (across both the affordable and non-affordable apartments) would improve affordability and ensure a diverse housing-mix by boosting the availability of the most affordable size of apartment. We note the findings in respect to the Chimes development (SSD-79316759:45-53 Macleay Street, Potts Point) (50% of apartments to be studios) which sets a precedent for

¹¹⁴ [Link](#)

¹¹⁵ [Link](#)

¹¹⁶ EIS, p.29.

¹¹⁷ Architectural Design Report (Document G of the EIS), p.133.

such a requirement.

- This is also consistent with 4K of the Apartment Design Guide which promotes an apartment mix, focusing on providing diverse housing options based on local demographic needs and market demand.¹¹⁸
- The requirement to retain at least 27 studios and/or one bedroom apartments across both the affordable and non-affordable apartments has accordingly been included as item 12 in the Recommended Conditions.
- Separately, as stated in clause 1.3 (Non-Discretionary Standards)(Solar), the solar outcomes are poorer for the affordable apartments. The affordable apartments are generally also smaller.¹¹⁹

2.8 Intent of the State Government to Retain Affordable Housing

- s15(C)(2) of the Housing SEPP provides: “(2) Affordable housing provided as part of development because of a requirement under another chapter of this policy, another environmental planning instrument or a planning agreement is not counted towards the affordable housing component under this division.”¹²⁰
- This means, in accordance with the Department of Planning, Housing and Infrastructure In-fill Affordable Housing Practice Note, that “any local requirements for affordable housing do not count towards the minimum required affordable housing component under the Housing SEPP in-fill affordable housing provisions. That is, the minimum affordable housing component under the Housing SEPP needs to be met in addition to any requirement specified under a local policy or any planning agreement with a public authority.”¹²¹
- Woollahra Council currently manages this by including a 3 - 5% requirement for affordable housing in voluntary planning agreements. Woollahra Council is in the process of including this as a mandatory requirement.
- If the consent authority is not minded to accept the position that the public interest test is not met, given Woollahra Council’s clear position, the Developer should be required to include additional affordable housing above 15% on the basis that it would not receive local consent without a minimum 3 - 5% component of affordable housing. Accordingly, this has been included as item 13 in the Recommended Conditions.

118 [Link](#) p.106.

119 Architectural Drawings (Document F of the EIS). For example, on level 1, the 3 bedroom affordable apartment is 95m², the same size as the 2 bedroom standard on the same floor. On level 2, the 2 bedroom affordable apartments are both 75m².

120 [Link](#)

121 [Link](#)

Chapter 3

Incompatible with a Heritage Conservation Area



Key Points in this Chapter:

Environmental Heritage: The development fails the mandatory s4.15 (1)(b) significant environmental impact test due to the irreversible harm to a Heritage Conservation Area, and accordingly also does not meet mandatory SEARs Requirement clause 22 (Environmental Heritage), for the following key reasons:

- The development's bulk, height and design (9+ floors and a variation above the maximum height of 4 metres) are fundamentally incompatible with the scale of Little Paddington Village and the Victoria Barracks which is on the Commonwealth Heritage List;
- Little Paddington Village, founded in the 1840s, is one of Sydney's oldest intact neighbourhoods and must be safeguarded from inappropriate development. It is unique and distinct from many surrounding areas including Surry Hills and Potts Point;
- This development is fundamentally incompatible with the future desired character of the area and provides no evidence that the area is or will be in transition;
- The proposed development's visual dominance and bulk will cause irreversible harm to the heritage streetscape, significant vistas and community identity;
- The development fails to respect the prevailing heights and urban rhythm of the area (see **Annexure B**), which is a key requirement under Woollahra LEP and Paddington Conservation Area Management Plan;
- The Developer selectively uses examples of non-equivalent buildings (which are "intrusive" and do not reflect the context of the area and are not an appropriate benchmark) to justify its excessive height;
- The visual impact of the development is significantly downplayed and inconsistently depicted;
- There are clear heritage risks arising from excavation of underground and adjacent properties; and
- The Developer's heritage report is inadequate and ignores the most substantive heritage impacts.

The following Recommended Conditions would substantially mitigate the heritage issues.

Recommended Condition (item 7) – Reduced height and scale

The development is too tall and too bulky for Oxford Street and dominates the surrounding Heritage Conservation Area. It also seeks a height variation of 4 metres above the bonuses. The predominant height on Oxford Street is well below the scale proposed here (see **Annexure B**). Reducing the building to no more than 4 storeys would materially improve the proposal by:

- bringing the development closer to the present and future desired character of the area;
- reducing impacts on the Heritage Conservation Area and the heritage significance and key vistas to and from the Victoria Barracks;
- removing the dominance of the proposed building on significant vistas and the skyline; and

- providing a more appropriate transition to surrounding R2 low-rise cottages and terraces.

Recommended Condition (item 5) – Minimum parking spaces

The proposal 4 floors of excavation for 83 parking spaces, which is 34.5 spaces above the minimum requirement, and extends basement excavation to the site boundaries. Reducing parking to the minimum required for a scaled-back scheme, pulling excavation back from the boundaries, would materially reduce excavation risk to neighbouring heritage buildings.

Recommended Condition (item 9) – Compliant building separation

The proposal does not meet Apartment Design Guide separation requirements and comes within 9.8 metres of 8 Shadforth Street in the adjoining R2 zone. The minimum 15 metre separation should be maintained, with relevant set-backs for higher floors. This would materially improve the transition in scale to the heritage buildings.

Additional Information (item 11) - Dilapidation reports

Given the particularly sensitive nature of the heritage properties, it is appropriate to have dilapidation reports for all adjacent properties provided as part of this approval process (rather than deferred) to inform the requirements to adequately protect them.

3.1. Environmental Heritage

- As stated in chapter 2 (Loss of Affordable Housing), s4.15 of the EPA Act outlines the mandatory matters for consideration for a consent authority.
- s4.15 (1)(b) of the EPA Act requires that the “likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality”.
- When in force, the Environmental Planning and Assessment Amendment (Planning System Reforms) Bill 2025 (NSW), amends the above to “significant” rather than “likely” (meaning the impact is both likely and has a material impact).
- The term “environmental impacts” in this section goes beyond just the natural environment. It explicitly includes built environment: “Impacts on the physical, man-made surroundings”, including with respect to the matters covered in this chapter:
 - Quality of the design: How well the development integrates with the existing urban landscape and its character; and
 - Heritage: Impacts on local or state heritage items or conservation items.
- Accordingly, the scope of “environmental” in s4.15(1)(b) is wide-ranging and requires consideration of the social, economic, and built-form considerations. It requires the consent authority to assess the development’s effects on the local area adjacent and around the site.
- Regardless of whether the relevant test at the time is “likely” or “significant”, the development fails this mandatory requirement on either basis due to the irreversible harm to a Heritage Conservation Area, as outlined in detail in this chapter.
- The public interest test in s4.15(e), referred to in clause 2.1 (The Public Interest Test) in Chapter 2 (Loss of Affordable Housing), applies equally to heritage considerations. When balanced against all competing factors, it is not in the public interest not to preserve areas of historic importance for future generations.
- s4.15 (a)(i) and (iii) refers to consideration of Environmental Planning Instruments, including Local Environmental Plans, and any development control plans. This continues to apply as a consideration for a State Significant Development. The development does not comply with multiple aspects of the Woollahra LEP and Paddington Heritage Conservation Area objectives, or Woollahra Development Control Plan 2015 (Woollahra DCP), and considerable weight should be given to these significant non-compliances, particularly in assessing the desired future characteristics of the area.
- The Recommended Conditions are proposed to address the non-compliances outlined in this chapter.
- We refer to the Developer’s considerations of alternatives, including a building of a lower height, on page 35 of the EIS. The analysis is limited to the obvious conclusion that a smaller building means less building space. It gives no balanced analysis at all to the benefits of a scaled-back development, including compatibility with its context and the future desired characteristic of the area. It omits to reference the primary driver for the height, being the 4 luxurious penthouses with private rooftop pools. It is from the top two floors that the lucrative views “to CBD, the harbour bridge, opera house and bay areas” is available.¹²² Further context of the views in

question is available on page 33 of the Architectural Design Report (Document G of the EIS).

3.2 Heritage Report

- We refer to the heritage report from Ruth Daniells, separately submitted to the consent authority. Ruth Daniell holds the degrees B. Science Arch, B. Arch (hons) and a Bachelor of Laws. Ruth was a participant in the “Conservation of Architecture Course” University of York and the ICROM “Marc 99 - Conservation of Modern Architecture Program” in Helsinki. She has over 30 years experience in Heritage Conservation, specialising in the built environment. Ruth has worked in local and state government positions at Woollahra Council, and was the heritage officer and wrote the private domain section of the original Paddington DCP, which received an award from RAPI (now the Planning Institute of Australia). At the NSW Heritage Office, Ruth was a manager in the Local Government Team dealing with development applications to State Heritage Items. In private practice, since 2000, Ruth has prepared Conservation Management Plans, Heritage Impact Statements, urban renewal projects, demolition reports and archival photographic recordings. Ruth has been an expert witness in the NSW Land and Environment Court.
- We support the above report and endorse its contents.

3.3 Background of Little Paddington Village

- The site is based in a Heritage Conservation Area in Paddington known as Little Paddington Village.
- Little Paddington Village was formally established in 1811.¹²³ The residences date back to the 1840 - 1850s. “It was here that the village of Paddington began.”¹²⁴



Plaque to commemorate Little Paddington Village, Shadforth Street, directly opposite the proposed car park entry to the site.

123 [Link](#)

124 Paddington, A History. Robert Griffen. p.119.

- The National Trust of Australia (NSW) recognised Paddington as one of unique heritage significance and classified it an urban conservation area in 1974. It was the first suburb in Sydney to be recognised as such.¹²⁵ Accordingly, development in the area has been subject to and in keeping with its heritage background since that time.
- Little Paddington Village is substantially made up of worker's cottages which makes it unique in Paddington, which is also known for its terraces of heritage significance. Typically, properties are 1 to 2 floors and were built for the workers constructing the Victoria Barracks.
- The historical importance and unique features of Little Paddington Village must not be understated, particularly with respect to the period in the early 1800s and the worker's cottages. It has a very distinct character and desired future character to surrounding areas, including Surry Hills and Potts Point, where taller, modern buildings are more commonplace.
- There is also one heritage listed 3 floor building in the immediate vicinity, the former Rose and Crown Hotel (now known as the Village Inn).
- There are also dwellings of historical significance including those immediately adjacent to the site and multiple listed are also by the National Trust of Australia (NSW), including 21 Gipps Street.¹²⁶
- Please see sub-headings Gipps Street, Shadforth Street and Prospect/Spring/Liverpool Streets in **Annexure A** for photographic context of the properties directly adjacent to the site.
- The site is also directly opposite the Victoria Barracks and the Queen Victoria Gate, which was constructed between 1841 - 1848.¹²⁷ The Victoria Barracks is on the Commonwealth Heritage List¹²⁸ and its significance and the proposed sale is discussed in further detail later in this chapter.
- By way of background, in 1951 Sydney Council's City Planning and Improvement Committee approved a local planning scheme to demolish virtually all existing housing of Paddington and replace them with two to three-story flats.¹²⁹ That proposal did not proceed, but had it proceeded, it would have resulted in irreversible loss of and impact to historically significant dwellings. The example demonstrates that whilst there have been competing priorities and different commercial imperatives over the course of time, they must be carefully balanced against retaining historical areas for future generations.

3.4 Non-Compliance with the Woollahra LEP and the Woollahra DCP

- The development is inconsistent with the Woollahra LEP¹³⁰ and Paddington Heritage Conservation Area objectives, which remain relevant considerations for s4.15 (a)(i) and (iii) of the EPA Act.
- It is noted that this is not binding, however they remain an appropriate point of reference. These controls were developed with input from a qualified working party comprising representatives of The Paddington Society, the National Trust of Australia (NSW), Woollahra History and Heritage Society, the NSW Heritage Office and

¹²⁵ [Link](#)

¹²⁶ Woollahra Municipal Council Property Files for 21 Gipps Street, Paddington.

¹²⁷ Kelly, Max. Paddock Full of Houses. Doak Press, 1978, p.16.

¹²⁸ [Link](#)

¹²⁹ Young, Greg. Paddington: A History. Piper Press, 2023, p. 184.

¹³⁰ [Link](#)

Woollahra councillors.

- By way of example, clause 4.3 of the Woollahra LEP provides (emphasis added to the heritage aspects):
 - “4.3 Height of buildings
 - (1) The objectives of this clause are as follows-
 - (a) to establish *building heights that are consistent with the desired future character of the neighbourhood*,
 - (b) to *establish a transition in scale between zones* to protect local amenity,
 - (c) to minimise the loss of solar access to existing buildings and open space,
 - (d) to *minimise the impacts of new development on adjoining or nearby properties from disruption of views, loss of privacy, overshadowing or visual intrusion*,
 - (e) to protect the amenity of the public domain by providing public views of the harbour and surrounding areas.”
- The EIS considers the scale of the building in isolation to its surrounding context, omitting reference to the neighbouring worker’s cottages in particular. It focuses on shadowing, rather than the broader impacts to the fabric of the area. The low-rise scale of Little Paddington Village cannot absorb the size of this development.
- There are no major trees or substantive landscaping to soften the transition onto Shadforth Street. Given the narrowness of Shadforth Street, there is also not a sufficient distance to soften the building from the opposite corner of Shadforth Street.
- This creates an abrupt height contrast on all sides of the development, as it is completely out of scale with the established streetscape.
- The development is also inconsistent with the Woollahra DCP, which details the desired future character, visual bulk, and scale in specific precincts to ensure new development is consistent with the surrounding area.
- The surrounding dwellings, where they have been renovated, have been renovated in accordance with the above to ensure the conservation of the heritage aspects, including careful alignment of roof height and pitch.
- Strong weight should be given to the non-compliance with s 4.15(1)(a)(i), particularly in the context of the broader negative impacts of the development.
- Accordingly, the development does not comply with Chapter 2, Part 2, Section 20, subclause (3) of Housing SEPP which states that ‘development consent must not be granted to development under this division unless the consent authority has considered whether the design of the residential development is compatible with... for precincts undergoing transition, the desired future character of the area.’”¹³¹

3.5 Significant Vistas and Visual Impact

- The EIS uses limited images to demonstrate the likely visual impacts. For example, the EIS uses a view from the Glenmore Road intersection¹³², but does not show the bulk of the building walking either up or down Oxford Street on the same side as the site, where the development will be readily viewable from a distance.
- The inclusion of a high-rise on the view corridor at the end of Shadforth Street is also inconsistent with the Woollahra DCP’s objectives and requirements:
 - “To retain existing vistas and create opportunities for new views where possible” (Objective 01); and
 - “New development and street tree planting should respect existing view corridors (Objective C1).”¹³³

131 [Link](#)

132 EIS, p.91.

133 [Link](#)

- The Woollahra DCP designates the view to Oxford St from Gipps St as a significant view and vista.¹³⁴ A map of the significant vistas is available on page 23 of the Final Visual Impact Assessment (Document U of the EIS) and the above vista is labelled 8 and 9 on that map. This view will be dominated by the development.
- The Final Visual Impact Assessment (Document U of the EIS) is deficient in the following respects:
 - Notwithstanding that for the 7 assessed viewpoints, the impact is rated as high (the second highest rating) for 3, and moderate (the middle rating) for 4, the report concludes that this is “acceptable”,¹³⁵
 - The report assesses two Oxford Street public-facing view impacts as high (Viewpoints 1 and 2), however includes no assessment whatsoever of the private impact from within adjacent residences (see clause 4.2 (Significant Amenity Impact) in chapter 4 (Amenity Impact) for full details);
 - In viewpoint 5, the entire sky and natural light is blocked by the development (see Figures 20 and 21 on pages 41 and 42);
- It relies heavily on the sandstone materials to justify this impact, stating the “natural sandstone material palette is visually consistent with the surrounding built environment, minimising prominence from this view.” This does not stand up to meaningful scrutiny. The materials of the building and the modulated approach do not vary its bulk and visual dominance in a meaningful way to the average observer;
- It ignores the common-sense conclusion that the impact of the development at 9+ floors, as demonstrated by these images, is anything other than extremely significant and does not retain vistas or significant view corridors. It ignores the heritage nature of the entire surrounding area;
- It relies heavily on the screening by trees to justify the impact. It ignores that the London Plane trees are deciduous;
- The images are inconsistent with other images in the EIS (as outlined further in clause 3.6 (Inconsistent and Unreliable Images) below) and are therefore unreliable;
- It relies on the “changing future character” of the area to justify this development,¹³⁶ when as outlined in clause 1.3 (Non-Discretionary Standards)(Future Desired Character), there is no meaningful evidence to support that the area is in transition;
- It relies on the proximity of the site to transport, and its zoning to justify the height,¹³⁷ and ignores that neither points vary that the building is not in visual keeping with its surroundings, which is readily apparent; and
- It provides no assessment of the view from adjacent properties and how they will be impacted (as detailed in the Planning Report of Tony Moody).

3.6 Inconsistent and Unreliable images

- The Final Visual Impact Assessment (Document U of the EIS) states (emphasis added): *“while photomontages provide an indication of likely future visual environment, they can only provide an approximation of the rich visual experience enabled by the human eye. As they are based on photographs, the same limitations that apply to photography, including optical distortion, apply.”*¹³⁸

134 [Link](#) p.131.

135 Final Visual Impact Assessment (Document U of the EIS), p. 7 - 9

136 Final Visual Impact Assessment (Document U of the EIS), p.53

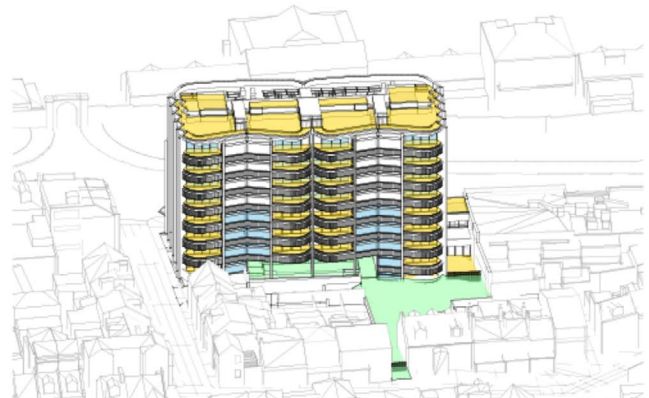
137 Final Visual Impact Assessment (Document U of the EIS), p.52

138 Final Visual Impact Assessment (Document U of the EIS), p.26.

- There are multiple images in the EIS which contradict the Final Visual Impact Assessment (Document U of the EIS) and demonstrate that the real visual impact of the building is significant.

View from Gipps Street to Oxford Street (a significant vista)

- By way of example, with respect to the view to Oxford St from Gipps St, which as outlined above is designated by Woollahra Council as a significant view and vista,¹³⁹ the Final Visual Impact Assessment provides the image below and rates the impact as “moderate”.
- By way of comparison, the Architectural Drawings (Document F of the EIS) provides the image below of the building from the same direction (from the rear of the building). We submit that the building as per the Architectural Drawings is a far more realistic depiction of the reality of the impact and the stark contrast of the building to its surroundings.



View towards Oxford Street (and the site) from Liverpool Street, as provided in the EIS.¹⁴⁰ This is not taken from the intersection of Liverpool and Shadforth Street, rather from down the hill on Liverpool Street and therefore downplays the impact. Second image: Architectural Drawings (Document F of the EIS) of the rear of the building.¹⁴¹

View from Oxford Street

- By way of further example, the Final Visual Impact Assessment provides only a close up image of the view of the building from Oxford Street. It does not, for example, show the impact of the building when walking up Oxford Street on the same side from Darlinghurst. The Final Visual Impact Assessment provides the image below and rates the impact as “high”.
- The Architectural Design Report (Document G of the EIS) provides the image below of the building which demonstrates its excessive bulk and scale, and that it would clearly be visible from a great distance travelling either direction on Oxford Street, making it the dominant building on Oxford Street.

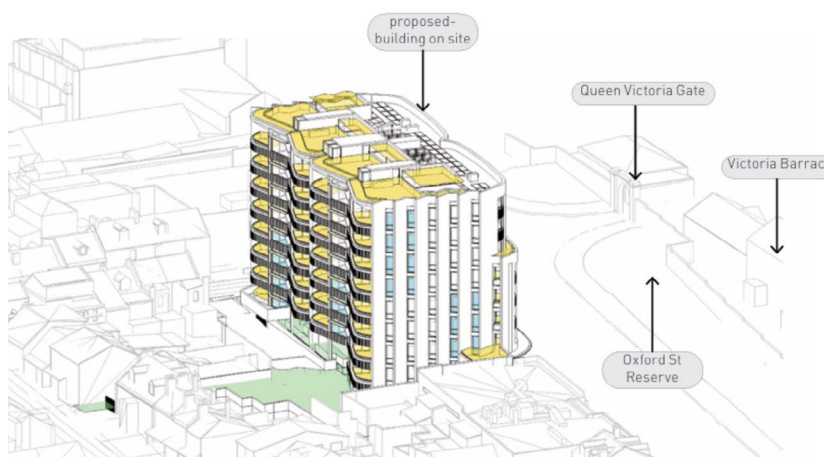
139 [Link](#) p.131

140 EIS, p.94, Final Visual Impact Assessment (Document U of the EIS), p.33.

141 Architectural Drawings (Document F of the EIS), p.40.



Visual Impact Assessment (Document U of the EIS)¹⁴²



Architectural Design Report (Document G of the EIS)¹⁴³

London Plane trees

- By way of final example, there is a strong reliance on concealment provided by the London Plane trees. The EIS generally relies heavily on photos with the London Plane trees with full leaf coverage, and states that the excessive height of the development will be substantially concealed by the London Plane trees. We refer to figures 18 and 19 on page 37 of the EIS by way of example. This point is repeated in the EIS as a mitigation for the excessive height. The EIS claims: “They (the trees) will partially obscure/screen the first five storeys of the development when viewed from Oxford Street.”¹⁴⁴
- However, at no point does the EIS acknowledge that the trees are deciduous and so will only provide any screening in certain seasons. See images below for an example of the trees without leaves. The trees without leaves are also clearly visible in the Arborocultural Impact Assessment (Document N of the EIS) at page at Appendix 1.

¹⁴² Final Visual Impact Assessment (Document U of the EIS), p.18.

¹⁴³ Architectural Design Report (Document G of the EIS), p.118.

¹⁴⁴ EIS, p.41.

- As stated in Clause 14 of the SEARS Requirements (Trees and Landscaping), the survival of the London Plane trees is uncertain given the incursion of excavation on the root zones. If they do survive, or excavation is otherwise limited away from their root zones, these trees will still only partially obscure the building, and only in certain seasons. Given the trees will be seasonally without leaves, and their future is highly uncertain, the consent authority should be provided with images showing the building without the screening effect of the London Plane trees to enable a fulsome assessment of the impact. Accordingly, as stated in chapter 1 (Mandatory Requirements), this has been included as Additional Information (item 14).



Visual Impact Assessment (Document U of the EIS)¹⁴⁵



Architectural Design Report (Document G of the EIS)¹⁴⁶

3.7 Heritage Report by GBA Heritage

- The Statement of Heritage Impact (Document K of the EIS) is limited in scope and omits broader streetscape and heritage impacts. It focuses heavily on less substantive issues and ignores other more significant which is required to provide an accurate, balanced view, as outlined below.

WWII Buildings

- It observes: “The site is, however, located in a contemporary part of Oxford Street, with buildings built after WWII on both sides.”¹⁴⁷
- The buildings on the block are a mixture of ages, however all are in keeping with the surrounding and at the height of 2-3 storeys. The Architectural Design Report acknowledges (in contradiction to the above statement): “The buildings along this retail strip include a mix of 2 - 3 storey historic Victorian, Edwardian, and Federation-style structures, often renovated for modern use, alongside newer contemporary buildings with modern glass facades.”¹⁴⁸
- This also generally inaccurately depicts the reality of the surrounding streetscape. Surrounding retail has been

¹⁴⁵ Final Visual Impact Assessment (Document U of the EIS), p.33.

¹⁴⁶ Architectural Design Report (Document G of the EIS), p.13.

¹⁴⁷ Statement of Heritage Impact (document K in EIS), p.5.

¹⁴⁸ Architectural Design Report (Document G in the EIS), p.24.

deliberately designed to be compatible with the Heritage Conservation Area, including with respect to facade and height. It ignores the historical character of the area and of the Intersection, and places no emphasis on the characteristics that emulate a historic terrace (see Figures 1.4 and 1.5 of the Statement of Heritage Impact for examples of the modern buildings with historic appearance).¹⁴⁹

- That these nearby buildings are more recently constructed (post WW11) does not mean they are not otherwise in keeping with the character of the area, or justify the development of this bulk and scale. It ignores that they are “contributory buildings” under the Woollahra DCP.¹⁵⁰
- It also ignores the proximity to other historical dwellings on the other side of the site on Oxford Street and the broader context of Oxford Street and its corner blocks, where buildings are typically no higher than 4 floors.

Ignores Little Paddington Village

- It describes Little Paddington Village’s history in some detail,¹⁵¹ but makes only one limited reference to the impact on it: *“The various small scale historic buildings along Shadforth Street, Gipps Street and Glenmore Road within the Paddington HCA will retain their heritage status as they are not within the project.”*¹⁵²
- This statement does not analyse the impact to these historic buildings, and instead only confirms what is known - that they are not part of the site.

29 Contradictory position on the Victoria Barracks

- The same author separately states in the EPBC Self-Assessment that the Victoria Barracks may be divested and that *“any future development within the Victoria Barracks precinct is likely to be low-scale and sympathetically designed”*,¹⁵³ however in contradiction, is supportive in the Statement of Heritage Impact of a high-rise development at the gates of the Victoria Barracks.

Ignores building separation

- It accepts a rear boundary separation of 9 metres¹⁵⁴ notwithstanding this is well below the Apartment Design Guide recommendations and clause 4.3 of the Woollahra LEP which provides (emphasis added) the requirement *“to establish a transition in scale between zones to protect local amenity”*.
- It focuses on the building’s proposed vertical columns, grills and recessed windows,¹⁵⁵ whilst diminishing the more substantial issue with respect to heritage: being the bulk and height. It also states: *“The northern elevation will be visually broken up into four distinct sections by vertical columns.”*¹⁵⁶ This is inaccurate as the building presents in 2 sections. See 3D model on page 42 of the Visual Impact Assessment (Document U of the EIS) for a depiction of the building in 2 sections (and its bulk).

149 Statement of Heritage Impact (Document K of the EIS), p.6.

150 [Link](#) (C1.1)

151 Statement of Heritage Impact (Document K of the EIS), p.9.

152 Statement of Heritage Impact (Document K of the EIS), p.25.

153 EPBC Self-Assessment (Document II of the EIS), p.8.

154 Statement of Heritage Impact (Document K of the EIS), p.16.

155 Statement of Heritage Impact (Document K of the EIS), p.16.

156 Statement of Heritage Impact (Document K of the EIS), p.16.

Irrelevant examples

- It provides a range of unrelated examples to justify tall buildings in heritage settings (which range from Parramatta to Paris).¹⁵⁷ No evidence is provided about the characteristics or the future desired characteristics of those unrelated areas. These examples only demonstrate that there are places in the world where a heritage building is close to a tall building. Without further probative information, this should be disregarded.

Unsupported position on visibility

- It states that the narrow streets of Paddington will mean there will be “*limited visibility from north of Oxford Street.*”¹⁵⁸ This is inaccurate. It provides no evidence for this conclusion, other than the streets are narrow.
- The Final Visual Impact Assessment demonstrates that the development will be clearly visible from narrow streets (see for example, viewpoint 6 of Mary Place, which is a narrow laneway on page 44) and we submit that this likewise applies from the north.
- Further, as demonstrated by the Developer’s own plans, included in clause 3.6 (Inconsistent and Unreliable Images), the building will be clearly visible from a distance.¹⁵⁹
- It relies heavily on the London Plane trees to cover the lower portion of the building.¹⁶⁰ However it makes no reference to the trees being deciduous and that they will only provide any screening in certain seasons. Further, as separately submitted, the future of these trees is uncertain given the impact of the construction on their root zones.

3.8 Excessive Height

- The building is listed as 8 floors plus rooftop however from the rear is 9 floors plus rooftop.
- Development can and should be able to be both viable and compatible to the surrounding context (for example, the Cambrian which is low-rise¹⁶¹), whilst delivering affordable and incremental housing. It is both possible and appropriate for developments to be built to a scale that compliments the surrounding area.
- A scaled-back development would also mitigate the amenity and congestion impacts as outlined in chapters 4 and 5 of this submission.
- The visual dominance over the surrounding dwellings, and the inappropriate height transition to the surrounding low-rise cottages (R2), and the Commonwealth Heritage listed Victoria Barracks, is unacceptable.
- The retained house at 13 Gipps St is dwarfed, degrading the character of the street wall.
- The set-backs proposed in the building are relatively inconsequential in addressing the height issues, including from the rear which overlooks the low-rise cottages.
- The development extends above both the tree line and the Paddington Town Hall clock tower (located at

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

158 Statement of Heritage Impact (Document K of the EIS), p.21.

159 Final Visual Impact Assessment (Document U of the EIS), p.45.

160 Final Visual Impact Assessment (Document U of the EIS), p.26.

161 [Link](#)

249 Oxford Street, and which was constructed in 1905). The EIS inappropriately states that the clock tower: *“demonstrates that buildings along the Oxford Street ridgeline are capable of holding taller buildings.”*¹⁶²

- The Paddington clock tower is a highly significant heritage building and will soon have its State Heritage Register listing amended to formally recognise its pivotal role in LGBTQIA+ and Aboriginal histories.¹⁶³ It is not a reasonable comparison at all. At 9 floors plus rooftop, the development (and not the clock tower) would inappropriately become the dominant building which is seen from many vantages in historical Paddington - obscuring and competing with this historical landmark.
- See Figures 30 - 32 of **Annexure A** for photographs of the Paddington Town Hall and clock tower.



Paddington Town Hall clock tower with view towards the city.

Excessive Height and Scale

9 floors plus rooftop, plus 4 underground

32.6 metres (4 metres above 30% bonus height)

3 floors taller than St Vincents Hospital facing Oxford Street

There are no other 9 floors plus rooftop buildings on Oxford Street in Woollahra Council

3.9 Variation

- It is proposed to be higher than the 30% bonus. The Developer notes that the maximum height without variation is 28.6 metres, and the height proposed is between 30.8 - 32.6 metres.¹⁶⁴ This is a variation of 4

¹⁶² EIS, p.71.

¹⁶³ [Link](#)

¹⁶⁴ EIS, p.75.

metres - a 14% increase.¹⁶⁵

- We submit that no variation should be given as there is already no supportable basis for a height above 4 floors. Whilst minor variations should not be given disproportionate weight, the additional height is not minor, particularly in this context as it exacerbates the already disproportionate impact of the excessive height.
- However, even if it was considered in isolation from the clear issues with the height of the building above 4 floors, the request for a variation is not supported.
- Clause 4.6 of the Standard Instrument-Principal Local Environmental Plan (NSW) provides:

“(3) Development consent must not be granted to development that contravenes a development standard unless the consent authority is satisfied the applicant has demonstrated that-

(a) compliance with the development standard is unreasonable or unnecessary in the circumstances, and

(b) there are sufficient environmental planning grounds to justify the contravention of the development standard.”

- Figure 28 on page 75 of the EIS demonstrates that there is a substantive part of the building above the maximum height. Page 91 of the Architectural Design Report (Document G of the EIS) gives further context to the rooftop area and the part of the building that is above the 28.6 metres limitation.
- The rooftop includes the 4 private rooftop pools proposed for 4 penthouses. See page 91 of the Architectural Design Report (Document G of the EIS) for further context of the pools and penthouses.
- The EIS provides a range of reasoning for why the variation is required (on pages 76-77), but does not adequately explain why it is “unreasonable or unnecessary” to meet the already generous thresholds. For example:

- The focus is more broadly on policy objectives (rather than being site-specific);
- It states that meeting the required height standard would “result in a reduced affordable housing provision”, however does not state why, particularly in the context of describing the apartments as “generously-sized”.¹⁶⁶ It does not outline why an alternative design within the bonus of 30% height cannot be achieved and what could be adjusted (for example, moving the mechanicals to the rooftop appears to accommodate larger penthouse apartments with pools);
- It fails to respond to the topography of the site by stepping down with the street levels. As a result, the retail spaces are 5 - 6.5 metres tall (around two floors) with an entry foyer above 5.5 metres;
- it is inaccurate to state that refusal to grant the variation would “result in an inferior streetscape presentation.”¹⁶⁷ The excessive height causes the main impact to the streetscape;
- It notes that the development “exceeds a variety of ADG amenity criteria (page 31)”, yet does not address the respects in which it acknowledges the development does not meet the Apartment Design Guide, or how it pushes the boundaries to accommodate its bulk, such as with respect to building separation (9.8 metres) and landscaping (utilising areas disassociated with the building);
- It makes a range of statements about the existing height which are disproved in this chapter, including “the height variation does not result in a building height incompatible with the area”

¹⁶⁵ Variation Request (Document X of EIS) p.17.

¹⁶⁶ Architectural Design Report (Document G in the EIS), p.89.

¹⁶⁷ Clause 4.6 Variation Request (Document X of EIS) p.7.

(page 6), and “provides an appropriate transition in scale”. Accordingly, if the consent authority does not accept that the height is in keeping with the future desired characteristics of the area, the same view should extend to this variation; and

- It states that “no iconic views have been identified from surrounding residential buildings,”¹⁶⁸ ignoring that no assessment has been undertaken by the Developer of the view pact from the residential properties (as described in clause 4.2 (Significant Amenity Impact)).

- The rooftop pools were incorporated into the design between the SEARs Request and the EIS. The size of the proposed variation has increased in this time, and was 29.9 metres at the time of the SEARs Request,¹⁶⁹ and is now 32.6 metres. Accommodating more luxurious apartments and penthouses with private pools does not meet the unreasonable or unnecessary test set out by clause 2.6 of the Standard Instrument-Principal Local Environmental Plan (NSW) or explain why there are no viable alternatives.
- The Clause 4.6 Variation Request also includes incorrect retail GFA calculations.¹⁷⁰

3.10 Selective Use of Comparable Heights

- The EIS provides an inaccurate and selective description of the heights of buildings on Oxford Street to justify this excessive height of 32.6 metres.
- The EIS inaccurately states that: “There are many eight (8) to twelve (12) storey developments which punctuate the skyline in the broader area, ranging from residential flat buildings to institutional developments.”¹⁷¹
- However **no** equivalent examples are provided in the EIS to support this statement. See clause 3.11 (Non-equivalent examples) below for an analysis of the examples provided by the Developer.
- The EIS also provides a site aerial image and observes that this: “ demonstrates developments of a medium-rise scale interspersed along Oxford Street and throughout Paddington.”¹⁷² The image is too small and indistinct to have probative value, and does not demonstrate the size of the proposed development in the context of its immediate surrounds, and should be disregarded. It is more appropriate to view the architectural sun- eye views¹⁷³ included in the EIS, which clearly illustrate that the building is an inappropriate height and bulk within the local context.
- The Developer inaccurately infers that there is a pattern of similarly sized buildings marking corner blocks on Oxford Street, noting: “*Street corners along Oxford Street are often marked by taller buildings and prominent civic buildings such as the Paddington Town Hall (containing a 32m tall clock tower), Australian Post Office and historic hotels and pubs.*”¹⁷⁴ Later it states that: “*reinforcing the observable pattern of similar corner sites accommodating buildings of greater scale and with increased built form presence.*”¹⁷⁵
- We refer to the map of all buildings on Oxford Street Paddington that are above 4 floors provided as **Annexure B**. This demonstrates the selective use of heights by the Developer and that the vast majority

168 Clause 4.6 Variation Request (Document X of EIS) p.27.

169 SEARs Request, p.4.

170 Clause 4.6 Variation Request (Document X of EIS) p.5 (refers to 167m² not 159m²).

171 EIS, p.19.

172 EIS, p.19.

173 Architectural Design Report, p.118 (Document G of the EIS).

174 EIS, p.19.

175 EIS, p. 72.

of the buildings on Oxford Street are under 4 floors, and those that are higher are only between 4 to 6 floors. Importantly:

- There are no buildings in the heritage conservation area on Oxford Street or in the Woollahra Council precinct of Oxford Street that are above 6 floors;
 - There is only 1 building on Oxford Street above 6 floors, and it is in the City of Sydney Council (339 Oxford Street), however for the reasons outlined in clause 3.11 (Non-equivalent examples) below, this should be disregarded as an equivalent example;
 - Corner blocks on Oxford Street are generally of a heritage or historical nature (for example, pubs, the town hall and post office) and are no more than 4 floors. All corner block examples given by the Developer in the EIS are 4 floors (save the clock tower);¹⁷⁶ and
 - Additionally, the corner buildings are often smaller in scale and bulk to those on the same block to ensure domain views are kept open. For example, 122 - 124 Oxford Street (Scanlan and Theodore Building, located on the same block as the development, see Figure 3 of **Annexure A**), and 336 Oxford Street (corner of William and Oxford Streets).
- The development will obviously and significantly disrupt the observable pattern of Oxford Street.
 - Further, the EIS states: *“the Low and Mid Rise Housing reforms will not have a major cumulative impact on Paddington.”*¹⁷⁷ In the context of there being no buildings in the heritage conservation area on Oxford Street or in the Woollahra Council precinct of Oxford Street that are above 6 floors, and the acknowledgement that there are unlikely to be, this development will be even more out-of-context to its surroundings.

3.11 Non-equivalent examples

- None of the examples provided by the Developer on pages 19 and 20 of the EIS are equivalent examples. They are either constructed before Paddington was recognised as a heritage area in 1975 and bear no relationship to the future desired character of the area (and are “intrusive” - not an appropriate benchmark), or are substantially lower in height than the proposed development.
- In accordance with the Woollahra DCP: *“Intrusive buildings within Paddington are generally 20th century buildings constructed after World War II. These are characterised by scale, proportions, materials and design idioms which are inappropriate to the significant historic character of Paddington.”*¹⁷⁸

Examples provided outside of Oxford Street

- We submit that examples off Oxford Street are less relevant as they are not within line of sight of the site, nor located on the street where the observable pattern of height will be disrupted by the development.
- Notwithstanding, all of the examples provided by the Developer off Oxford Street were constructed prior (or were already under construction) to the National Trust of Australia (NSW) recognising Paddington as one of unique heritage significance and classifying it an urban conservation area in 1974. Accordingly, they do not represent a precedent or an equivalent for a modern development, nor do they represent the future desired characteristics of the area.

¹⁷⁶ EIS p.20.

¹⁷⁷ EIS, p.33.

¹⁷⁸ [Link](#) p.55.

- The EIS observes: “The broader context includes a mix of uses of various heights, form and age.”¹⁷⁹ *However The EIS omits the relevant context about the age of its examples and that they are all marked as “intrusive”.*
 - 21 Duxford Street - Constructed 1975;¹⁸⁰
 - 237 Underwood Street - Constructed between 1965 - 1967;¹⁸¹
 - 40 Stephen Street - Constructed 1976;¹⁸²
 - 176 Glenmore Road - Constructed 1975;¹⁸³and
 - 13 Campbell Avenue - Constructed 1975;.¹⁸⁴

Royal Hospital for Women

- This is a heritage listed property. The residential components range from 5-6 floors, substantially below the proposed height of this development.

Examples provided on Oxford Street

- As stated above, **Annexure B** demonstrates that the vast majority of the buildings on Oxford Street are under 4 floors, and those that are higher are only between 4 to 6 floors.

363 Oxford Street (Telstra Building)

- This building was constructed in 1962,¹⁸⁵ which is again prior to the National Trust of Australia (NSW) classifying Paddington as an urban conservation area in 1974. Accordingly, as per the examples above, it does not represent a precedent or an equivalent for a modern development, or the future desired characteristics of the area.
- Other reasons why it is not equivalent:
 - It is located in the City of Sydney, not Woollahra Council, and not within sight of the site;
 - It is only 6 floors high (the 6th is only partial), substantially less than the proposed development;
 - It was originally built without any windows to facilitate its telecommunication purpose, and the height is understood to be determined by the need for line-of-sight for microwave radio links (before the dominance of fibre optics); and
 - Accordingly, it was built for a specific public service, and visually is clearly not a building design that a modern development should be modelled on, and should be disregarded as an example.

179 EIS, p.18.

180 [Link](#)

181 [Link](#)

182 [Link](#)

183 [Link](#)

184 [Link](#)

185 [Link](#)



Telstra Building in City of Sydney, 363 Oxford Street.

339 Oxford Street (Residential) 339 Oxford Street:

- This building was constructed in 1950¹⁸⁶ which is again prior to the National Trust of Australia (NSW) classifying Paddington as an urban conservation area in 1974. Accordingly, as per the examples above, it does not represent a precedent or an equivalent for a modern development, or the future desired characteristics of the area, and is intrusive.
- Other reasons why it is not equivalent:
 - It is located in the City of Sydney, not Woollahra Council, and not within sight of the site;
 - Whilst it is the only building on Oxford Street above 6 floors, it is lower and noticeably much narrower overall than the Development and accordingly has a much less substantive bulk; and
 - The height transition is also buffered by adjacent major landscaping and separation (known as the Regent Street Reserve¹⁸⁷), allowing it to blend much better than the proposed development with the adjacent 2 storey terraces.

186 [Link](#)

187 [Link](#)



Building in City of Sydney, 339 Oxford Street and Regent Street Reserve which is immediately next to it.

St Vincent's Hospital

- As outlined in **Annexure B**, St Vincent's Hospital is 6 floors facing Oxford Street, substantially lower than the proposed development.
- Other reasons why it is not equivalent:
 - It is located in the City of Sydney, not Woollahra Council, and not within sight of the site;
 - It is a hospital which provides an essential public service to the broader city is not an equivalent example to a residential development, particularly in the context of the surrounding area not supporting the development's proposed height; and
 - The example buildings were all either early constructions (Cahill Building - 1970¹⁸⁸) or lower in height than the proposed development (O'Brien Centre, St Vincent's private, St Vincent's Clinic).

Notre Dame

- As outlined in **Annexure B**, Notre Dame is 5 floors, substantially lower than the proposed development.
- Other reasons why it is not equivalent:
 - It is located in the City of Sydney, not Woollahra Council, and not within sight of the site; and
 - It is a university which provides an essential public service to the broader city is not an equivalent example to a residential development, particularly in the context of the surrounding area not supporting the development's proposed height.

3.12 Heritage Risks from Excavation

- There is a structure underneath the terraces at 142-148 Oxford Street (which is part of the site) which may have historical significance.
- Bill Morrison, CM+ Co-Founder and Director, long-term Paddington resident and contributor to the heritage book *Paddington: A History* – (named joint winner of the 2019 National Trust award in the category Heritage Publications)¹⁸⁹ notes: *“Number 142 is built over a disused sandstone basement which was possibly used as a cool room in the early days of the construction of the Victoria Barracks. This basement is little known, and is not part of the dwelling above, but is of extreme historical significance and requires detailed archeological investigation. There may be similar basements beneath the other townhouses.”*
- We understand that Woollahra Council has determined that the standard condition Archaeological Features – Unexpected Findings should be applied to any approval for the site involving excavation and request that occurs.
- We also refer to the risk to heritage properties as a result of construction in clause 6.2 (Excavation Depth and Structural Risks - Heritage Concerns) in chapter 6 (Construction Impact).
- Given the particularly sensitive nature of the heritage properties, we submit that it is appropriate to have dilapidation reports for all adjacent properties provided as part of this approval process (rather than deferred) to inform the requirements to protect them. Accordingly, Additional Information regarding dilapidation reports has been included (item 11) to address this.

3.13 The Victoria Barracks

- As stated above, the site is directly opposite the Victoria Barracks and the Queen Victoria Gate structure and in very close proximity.



The Queen Victoria Gate (to the left), showing immediate proximity to the site (on the right).

- We also refer to Figures 97 - 101 of **Annexure A** which show the Victoria Barracks and the Queen Victoria Gate, in more detail.
- As stated in earlier chapters, the Victoria Barracks is on the Commonwealth Heritage List and a place of priceless historical significance. The Victoria Barracks complex was built using locally quarried sandstone,¹⁹⁰ and is broadly considered one of the finest examples of colonial military architecture in Australia.
- The proximity of a development with its scale and bulk, overlooking the Victoria Barracks, means any negative impact on the Victoria Barracks must be given significant weight in the assessment.

Overshadowing

- The Developer admits to the sensitivity of the Queen Victoria Gate structure to shadowing.¹⁹¹
- The Developer refers to the Sydney Development Control Plan 2012 with respect to shadow requirements of a “non-linear public space” which requires assessment of the percentage of solar access on 21 June.¹⁹²
- It is inconclusive as to the overshadowing of the Victoria Barracks and the facades of the buildings within, noting it is “likely” the shadows would overlap existing shadows. However, it concludes that this is considered acceptable as the “buildings overshadowed are not used for residential purposes.”¹⁹³
- The overshadowing plans demonstrate significant shadowing of the reserve, the wall and the Federation-period military buildings (early 1900s)¹⁹⁴ near the north wall.¹⁹⁵ The comparison between the shadowing at the proposed height and the maximum LMR height of 22 metres clearly demonstrates the unacceptable additional impact of the extra height on the Victoria Barracks which would be avoided by a scaled-back development.
- Any additional overshadowing of the Victoria Barracks and the significant buildings within (whether residential or not) is not an acceptable outcome, given its historical significance and the potential for additional shadowing to impact the sandstone, particularly when weighed against a development which delivers only

¹⁹⁰ [Link](#)

¹⁹¹ SEARs Request dated 23 October 2025, p.10.

¹⁹² EIS, p.78-79.

¹⁹³ EIS, p. 79.

¹⁹⁴ Annabelle, Rosemary (1982). The Victoria Barracks, Sydney: A Historical Summary. prepared for the Commonwealth Department of Housing and Construction by Clive Lucas Pty Ltd.

¹⁹⁵ Architectural Drawings (Document F of the EIS), p.41 and 43.

8 incremental houses. Further, it is not appropriate for the Developer to unilaterally determine, without input from the Commonwealth, which of the buildings it considers to be of lesser or greater heritage significance and warrant overshadowing.

Other heritage considerations

- Further, the EIS omits the heritage provisions of the Sydney Development Control Plan 2012, focusing entirely on overshadowing.
- Clause 3.9.5 of the Sydney Development Control Plan 2012 provides (emphasis added): “*Development in the vicinity of a heritage item can have an impact upon the heritage significance of the item.* The determination of the setting of a heritage item should consider the historical property boundaries, significant vegetation and landscaping, archaeological features, and *significant views to and from the property.*” The objective of the provision is to: “Ensure that development in the vicinity of heritage items is designed and sited to protect the heritage significance of the item.”
- Critically, clause 3.9.6 of the Sydney Development Control Plan 2012¹⁹⁶ also contains the following requirements (emphasis added to heritage matters):

“2) Development in the vicinity of a heritage item is to minimise the impact on the setting and integrity of the item by: (a) not undermining the heritage structure including its footings; (b) taking proper measures to protect the heritage building from damage during construction; (c) providing an adequate area around the building to allow interpretation of the heritage item; and (d) protecting significant views to the heritage building or place.”

- Further, clause 5.11.4 provides the following objectives (emphasis added): “Ensure that heritage significance of the contributory buildings within *Oxford Street and Victoria Street, East Sydney, Oxford Street, Paddington Urban and Victoria Barracks Heritage Conservation Areas* is conserved and enhanced by retaining significant elements of the building and restoring or reconstructing altered or missing fabric. (c) *Ensure that the massing and modulation of the building form is appropriate in response to its context within the Oxford Street and Victoria Street, East Sydney, Oxford Street, Paddington Urban and Victoria Barracks Heritage Conservation Areas, setting of the surrounding heritage items, streetscapes of Oxford Street; Crown Street, Palmer Street, Riley Street, South Dowling Street; Victoria Street; and the surrounding low scale residential context.*”
- Accordingly, it is an omission for the Developer to only include the overshadowing aspect of the Sydney Development Control Plan 2012 when there are other equally significant considerations.
- The development does not comply with the objective of the Sydney Development Control Plan 2012, including for the following reasons:
 - The scale and bulk at 9 floors reduces the significance of the Victoria Barracks and the Queen Victoria Gate by substantially dominating both in terms of height and streetscape;
 - In addition to there being no examples of this scale on Oxford Street in Woollahra (as outlined above), its proportions and height remain entirely inappropriate for this specific site due to proximity to the Victoria Barracks;
 - It does not retain or respect the significant views to and from the heritage item; and

- Its height and scale does not conserve or enhance “Paddington Urban and Victoria Barracks Heritage Conservation Areas, setting of the surrounding heritage items, streetscapes of Oxford Street” or “the surrounding low scale residential context” because of the inappropriate transition of height which is not mitigated by the insubstantial set-backs on higher floors (and is exacerbated by not meeting required building separation).

- The Developer refers to the use of sandstone on the facade as a mitigation.¹⁹⁷ This is a superficial addition comparative to the height and bulk, and should not be given substantial weight in the context of the more substantive negative impacts arising out of the height and bulk of the building.

Potential Divestiture of the Victoria Barracks

- The Department of Defence announced in February 2026 a recommendation that the Victoria Barracks be divested.¹⁹⁸ No process or date has been set and accordingly the Victoria Barracks currently remains an active military base until otherwise determined.
- We submit that this announcement does not change the heritage considerations with respect to this development, including as outlined above, or the requirement for the Developer to comply with the EPBC Act (as outlined below). No change is proposed (or is likely) to the heritage listings of the relevant properties within the Victoria Barracks, including the Queen Victoria Gate or the surrounding walls. Accordingly, any development of the Victoria Barracks or impacting the Victoria Barracks must be considered in the context of those heritage listings, as is currently the case.
- There is no evidence that this announcement demonstrates any transition of the desired future character of the area, or that any subsequent housing or commercial development would include buildings of the height of this development. On the contrary, what has been announced by the Department of Defence is: “The Australian Government is committed to preserving and enhancing public access to historically significant sites and collections, including museums. Properties on the Commonwealth Heritage List have protections under the Environment Protection and Biodiversity Conservation Act 1999. The Government has an obligation to protect the Commonwealth Heritage Value of a property as part of any sale.”¹⁹⁹
- This is acknowledged in the EPBC Self-Assessment which states that “any future development within the Victoria Barracks precinct is likely to be low-scale and sympathetically designed.”²⁰⁰
- Further, the City of Sydney’s number one guiding principle with respect to the development of the Victoria Barracks, approved by the council in November 2025, is to “conserve and enhance heritage and military significance.”²⁰¹
- There is no evidence that any development is proposed for the parade ground (which is directly behind the Queen Victoria Gate and directly opposite the proposed site of this development). On the contrary, the City of Sydney has noted in its guiding principles that “*The parade ground and surrounding landscapes should be*

197 EIS p.58.

198 [Link](#)

199 [Link](#)

200 EPBC Self-Assessment (Document II of the EIS), p.8.

201 [Link](#) pg.20 and 21

*retained and enhanced as vibrant public parkland.*²⁰²

- The rear side of the Victoria Barracks, on Moore Park Road and not visible from Oxford Street, has been noted as the most likely site of any residential development.²⁰³
- Councillor Zann Maxwell of Sydney City Council said (emphasis added): *“I think people were more divided on housing here because they’re imagining it being done insensitively. It’s not about knocking things down or building units across the parade ground. It’s about finding ways to incorporate housing that are sensitive and respectful that enhance the site’s heritage and character, while also contributing to the fight against Sydney’s crippling affordability crisis.”*²⁰⁴
- What is certain is there is now the potential for a housing development that is sensitive to the heritage considerations and will meaningfully contribute to increasing housing, on a site that is open and more suitable to the purpose. We submit that this announcement supports that there is no requirement, nor is it in the public interest, for a development of this size and scale on a clearly constrained and irregular shaped site, when there are other more suitable sites available.

3.14 The Environmental Protection and Biodiversity Conservation 1999 (Cth)

- In addition to approvals required at State level, applicable Commonwealth legislation still applies to a State Significant Development and must be adhered to by the Developer.
- Consideration of this legislation is required by the EIS Guidelines.²⁰⁵
- s 26(2) of the *Environmental Protection and Biodiversity Conservation 1999 (Cth)*²⁰⁶ (**EPBC Act**) provides:
 - “A person must not take outside Commonwealth land an action that:
 - a) has or will have a significant impact on the environment on Commonwealth land; or
 - (b) is likely to have a significant impact on the environment on Commonwealth land.”
- A person who proposes to take such an action is required to take responsibility for the referral, assessment and approval process.
- “Action” is defined broadly in the EPBC Act and includes a development. Environment includes “the qualities and characteristics of locations, places and areas.”
- The Department of Climate Change, Energy, the Environment and Water (**DCCEEW**) is the Commonwealth Government department responsible for administering referrals.
- The Developer has determined not to make a referral to DCCEEW on the basis of its heritage report.²⁰⁷ The EIS states: “Specifically, the Statement of Heritage Impact prepared by GBA Heritage (Appendix K) has concluded that the proposal will not have a significant impact on the Commonwealth heritage values of

202 [Link](#),pg.23

203 [Link](#)

204 [Link](#)

205 [Link](#),p.13. clause 3.5.

206 [Link](#)

207 EIS, p.52 and Appendix B to EIS.

Building VB2 Guard House, Victoria Barracks Perimeter Wall and Gates, and the Victoria Barracks Precinct.”

- The EIS includes an EPBC Self-Assessment (Document II of the EIS) however it is deficient in the following respects:
 - Whilst it considers the ability to view the development from within the Victoria Barracks (and determines this to be minor due to obscuring by trees),²⁰⁸ it does not not address the points made in clause 3.13 (The Victoria Barracks) above, regarding the vista from outside the Victoria Barracks, including the requirement not to reduce or obscure the heritage item, being designed to respect and compliment the heritage item including with respect to proportions, and not minimising the setting of the heritage item by retaining significant views to and from the heritage item; and
 - It downplays the impact of overshadowing by noting that the Queen Victoria Gate is not overshadowed. However multiple buildings within the Victoria Barracks of heritage significance experience significant overshadowing (see Figure 4.5 of the EPBC Self-Assessment (Document II of the EIS) which demonstrates multiple buildings in shadow at 9am).²⁰⁹
- The DCCEEW provides guidance on when a referral is required.²¹⁰ This guidance specifically refers to Commonwealth Heritage places, which would include an impact on the Victoria Barracks. It notes that it includes if there is a real chance or possibility that the action will “involve the erection of buildings or other structures adjacent to, or within important sight lines of, a heritage place which are inconsistent with the heritage values of the place.”²¹¹ It states: “To be ‘likely’, it is not necessary for a significant impact to have a greater than 50 per cent chance of happening; it is sufficient if a significant impact on the environment is a real or not remote chance or possibility.” Further, it notes that in the event of uncertainty, the matter should be referred to the Australian Government Environment Minister.²¹²
- A development which is valued by the Developer at ~\$85 million in the immediate proximity of the Victoria Barracks and directly opposite the Victoria Barracks Gate and perimeter wall, overshadowing and overlooking buildings within (even with the existence of some trees), should be assessed as significant and requiring referral, if only to enable the DCCEEW to make this assessment rather than relying on a single heritage report from an entity retained by the Developer (not independently).
- Accordingly, as stated in clause 1 of the SEARs (Statutory Context) in chapter 1 (Mandatory Requirements), the Developer must provide details of how it will comply with the EPBC Act and refer to the DCCEEW. Accordingly this has been included as Additional Information (item 3).

3.15 Jacaranda Trees

- The area outside of the Victoria Barracks contains a mixed row plantation of Jacarandas which date from an early Post-War (1940s to 1960s) period.²¹³ Figure 101 of **Annexure A** shows the jacaranda trees.
- The trees are a popular tourist attraction²¹⁴ and it is commonplace for residents to observe tourists posing with

208 EPBC Self-Assessment (Document II of the EIS), p.21

209 EPBC Self-Assessment (Document II of the EIS), p.18

210 [Link](#)

211 [Link](#) p.16

212 [Link](#) p.17

213 [Link](#)

214 [Link](#)

the trees and surrounding heritage buildings. Photos on social media of the jacarandas are readily available.

- It is noted in the EIS that there will be additional overshadowing of Oxford Reserve,²¹⁵ however no reference is made to these trees. The imposition of a building of this scale in the backdrop of the trees and shadowing over these trees may have a detrimental impact on their popularity as a destination, and it should be considered and mitigated.

3.16 Helicopter Operations

- The EIS notes: “Helicopter operations for St Vincent’s Hospital occur at landing altitudes well above the proposed building height. The project is significantly below the Obstacle Limitation Surfaces for Sydney Airport, and an aviation report is not required for our application.”²¹⁶
- There is a helipad located in the Victoria Barracks which is currently used by the Department of Defence and by rescue helicopters, including for transfer to St Vincent’s Hospital.²¹⁷ It is located on the northern side of the Victoria Barracks (the same side as the site of the development)²¹⁸ and notwithstanding the comment made above about the Obstacle Limitation Surface for Sydney Airport.



Map of helipad location in the Victoria Barracks. The site of development is visible (horseshoe shape) at the top.

- Cranes during 2+ years of construction may also have a potential conflict with flight paths.
- For completeness, the Developer should clarify the requirements for safe helicopter transitions and demonstrate that being beneath the Obstacle Limitation Surfaces for Sydney Airport is all that is required. For example, it may be that engagement with the Department of Defence, CASA and helicopter stakeholders is required. Accordingly, this has been included as Additional Information (item 17).
- Further, the Victoria Barracks remains an active and significant base for the Australian Defence Force. Whilst the Victoria Barracks is marked for divesture, no date for sale and movement of the military base has been set, and until that time, we submit that it must be treated as an active military base.
- The base is a closed, operational military facility, and access is limited to authorised personnel and escorted visitors. Security measures include access control points, ID checks, and escorts for visitors. Photography is not allowed.²¹⁹

215 EIS, p.78.

216 EIS, p.69.

217 [Link](#)

218 [Link](#)

219 [Link](#)

- The development may present a security issue by introducing “line of sight” from the upper floors of the development into the Victoria Barracks. Whilst some form of overlook into the Victoria Barracks may occur from certain parts of Oxford Street, this development at 9 floors introduces a new level of overlook. We defer to the Department of Defence on this point. Accordingly, clarification of this has also been included as part of the Additional Information (item 17).

Chapter 4 Amenity Impact



Architectural Drawings (Document F of the EIS, p.40)

Key Points in this Chapter:

Environmental Amenity: The development fails the mandatory 4.15 (1)(b) significant environmental impact test, as well as SEARs Requirement clause 7 which mandatorily requires: “A high level of environmental amenity for any surrounding residential or other sensitive land uses must be demonstrated”, for the following key reasons:

- There is a significant and unreasonable amenity impact to adjacent properties which has not been properly addressed or mitigated by the Developer including visual and acoustic privacy, security, and noise from passing pedestrians and the open-air driveway;
- There has been no assessment of the visual impact from or “light spill” to the multiple lights within a building of this scale to adjacent dwellings. The Developer has not visited any adjacent dwellings or attempted to assess them and so cannot demonstrate it meets a high level of amenity;
- The Developer has no legal entitlement to vary Bethel Lane or impose any amenity impact;
- Access between 21 - 23 Gipps Streets presents an unreasonable amenity impact to those properties (including by removing all long-standing access to the sides of these properties);
- The EIS analysis of the amenity impact is limited; and
- There is a significant amenity impact to other adjacent properties, particularly by looking directly into the development, which is ignored by the Developer.

The following Recommended Conditions would substantially mitigate the amenity issues.

Recommended Condition (item 7) – Reduced height and scale

The development is too tall and too bulky for Oxford Street and dominates the surrounding Heritage Conservation Area. It also seeks a height variation of 4 metres above the bonuses. The predominant height on Oxford Street is well below the scale proposed here (see **Annexure B**). Reducing the building to no more than 4 storeys would materially improve the proposal by reducing the overlook and privacy impacts to surrounding properties, improving the severe loss of sky view to adjacent properties and substantially retaining the high degree of amenity required.

Recommended Condition (item 9) – Compliant building separation

The proposal does not meet Apartment Design Guide separation requirements and comes within 9.8 metres of 8 Shadforth Street in the adjoining R2 zone. The minimum 15 metre separation, with relevant set-backs for higher floors, would greatly improve the overlook and impact to all surrounding properties.

Recommended Condition (item 5) – Minimum parking spaces

The proposal is for 4 floors of excavation for 83 parking spaces, which is 34.5 spaces above the minimum requirement, and extends basement excavation to the site boundaries. Reducing parking to the minimum required for a scaled-back scheme, pulling excavation back from the boundaries and otherwise meeting design requirements, would materially reduce the noise and fume impact to adjacent properties.

Recommended Condition (item 1) - No access via Bethel Lane

In addition to having no legal entitlement to vary the lane, this condition would address the substantial privacy and security amenity impacts to the adjacent properties on Gipps Street.

Recommended Condition (item 10) - 21 and 23 Gipps Street

The development fails to retain the “high” degree of amenity required and effectively prevents the residents of both properties from accessing the side of their properties. The condition of retaining the hard surface and installation of a soft-closing pedestrian gate at the same point as the gate currently exists, in conjunction with a scaled-back development with less foot traffic, would substantially retain existing access and address the amenity impact to these properties and to Gipps Street as a whole.

4.1 Requirement for High Degree of Amenity

- As stated in earlier chapters:
 - s 4.15 of the EPA Act outlines the mandatory matters for consideration for a consent authority; and
 - s 4.15 (1)(b) requires that the “likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality”.
- The term “environmental impacts” in this section goes beyond just the natural environment.
- It explicitly includes built environment: “Impacts on the physical, man-made surroundings”, including amenity, such as solar access (overshadowing), privacy, noise and vibration, views, and wind impacts.
- Accordingly, the scope of “environmental” in s 4.15(1)(b) is wide-ranging and requires consideration of the social, economic, and built-form considerations. It requires the consent authority to assess the development’s effects on the local area adjacent and around the site.
- Further clause 7 of the SEARs Requirements (Environmental Amenity) mandatorily requires: “A high level of environmental amenity for any surrounding residential or other sensitive land uses must be demonstrated.” This is not a “reasonable” level of amenity but “high”, meaning that it must go beyond the minimum or reasonable compliance standards and must demonstrate that the development will deliver to a high standard of amenity.

4.2 Significant Amenity Impact

- A 9-floor building (approximately 32.6 metres) rising immediately over a rear boundary will produce:
 - a severe loss of sky view which is a critical aspect to amenity;
 - a dominating rear wall;
 - a reduced sense of openness;
 - visual enclosure;
 - loss of visual and acoustic privacy from rear of properties;
 - direct line-of-sight from numerous windows or balconies into the private living areas and yards of adjacent homes without adequate screening or appropriate separation distances, leading to a loss of privacy for existing residents;
 - noise/spillover from the rooftop private pools and communal pool and communal open space at entry level; and
 - noise and odour from the carpark entrance (which is proposed to be an open air ramp) and related vents/openings.

Lack of assessment

- The Developer inaccurately states that there are “no other surrounding properties which will be sensitive to view impacts.”²²⁰ This significantly understates the amenity impact on adjacent properties on Gipps and Shadforth Streets which would look directly into the development rather than clear sky.
- As stated in clause 1.4 (SEARs Requirements) (Environmental Amenity), the consent authority cannot be satisfied that the mandatory test of a high degree of amenity has been met because it has not been appropriately tested by the EIS. It provides no visual impact assessment from adjacent dwellings.
- There has been no assessment of “light spill” from the multiple lights within a building of this scale to adjacent dwellings. The EIS provides no visual impact from adjacent dwellings. The Developer has not visited any adjacent dwellings or attempted to assess them.
- Accordingly, these assessments have been included in Additional Information (item 10).

Overlook

- The Developer stated in the Webinar on 20 November 2025 that residents standing on their balconies will be able to see into adjacent residences on Shadforth and Gipps Street, but not whilst sitting inside due to the solid balustrades on the proposed balconies. This has been confirmed in the EIS.²²¹ To retain a “high” level of amenity, people standing on or near their balcony of the development should not have direct views into the adjacent properties. Further, the solid balustrades on the balconies will have an amenity impact to the residences of the development (in terms of allowing in natural light).
- The adjacent dwellings all largely have their living areas and/or bedrooms facing the direction of the site, increasing the impact.
- We refer to the report provided by C&A Surveyors with the submission of 19 Gipps Street, which demonstrates the real extent of the overlook.

Noise

- Noise currently travels from Oxford Street to all adjacent residences and so it is reasonable to assume that increased noise from the development including its rooftop will likewise travel.
- The Acoustical Report is silent on the following key noise issues:
 - Pool: There is a communal outdoor pool to the rear of the building, adjacent to multiple houses. The pool has an infinity edge “creating a gentle sound of water falling.”²²² There will also be noise from usage and splashing. The Acoustical Report (Document Y of the EIS) does not contemplate this noise at all.
 - Car park: These immediately adjacent residences must also be protected from additional noise caused by the carpark on the site (including vents and plant equipment). This should not be deferred until a later stage, given the strong likelihood of impact.

220 SEARs Request dated 23 October 2025, p.10.

221 Architectural Design Report (Document G of the EIS), p.109.

222 Architectural Design Report (Document G of the EIS), p.106.

- 16 Shadforth Street: Impact did not include an assessment for this property which has a second floor (and main) bedroom window facing the site, which is higher than the surrounding properties and more sensitive to noise travelling.

- Accordingly, the requirement to update the Acoustical Report has been included in item 18 of the Additional Information.
- Further, two entry and exit points (Bethel Lane and 21 to 23 Gipps Street) are currently privately used, including for vehicles, and are proposed to become available for unrestricted, 24-hour pedestrian use, creating a noise issue.²²³ This is discussed in further detail below.

4.3. Non-Compliance with the Apartment Design Guide

- Please see Clause 6 of the SEARs Requirements (Built Form and Urban Design), in chapter 1 (Mandatory Requirements), which outlines the non-compliances with the Apartment Design Guide which impact overall amenity.
- By failing to comply with Apartment Design Guide, particularly in relation to building separation, the development fails to maintain the mandatory “high” degree of amenity.

4.4. Bethel Lane Ownership

- Bethel Lane is not publicly owned, and Woollahra Council does not assume any responsibility for its maintenance or liability with respect to it. It is private property. We are aware that Woollahra Council sent a letter dated 10 December 2025 to the consent authority, confirming it is not a public road.
- We refer to the submission of 11 Gipps Street, which outlines in detail the ownership of Bethel Lane.
- In summary, since 1855, Bethel Lane has been a privately accessible lane only, not public and is not maintained by the local council.
- Bethel Lane is a no-through lane (accordingly does not encourage thoroughfare) and only 3 dwellings, being 9, 11 and 13 Gipps Street and part of the retail, are entitled to access it as follows:
 - 9 Gipps Street has access through a gate in the rear of the property;
 - 11 Gipps Street has access by its courtyard through a garage door;
 - 13 Gipps has multiple doors on the side of the house; and
 - Part of 126 - 140 Oxford Street (via Bethel Lane).
- Additionally, there is a utility cupboard which is owned by the retail shops on Oxford Street. There is also a sub-station. The entrance of Bethel Lane from Gipps Street can be seen in Figure 61 of **Annexure A**. Over the years, it has had multiple different gates to close it to the general public and to all but adjacent properties, photos of which are publicly available.²²⁴ Vehicles currently use the lane, including to maintain the sub-station and the sewerage accessible from the lane.

²²³ EIS, p.47.

²²⁴ [Link](#)



Garage access for 11 Gipps Street, Gate access for 9 Gipps Street and sub-station, all taken within Bethel Lane.



s23 of the EPA Regulations

- As stated in clause 1.2 (EIS Requirement for Owner Consent), s23 of the EPA Regulations mandates that an owner's consent in writing for development applications (including State Significant Development).²²⁵ The onus is on the Developer to demonstrate compliance with this requirement by written consent. The onus is not on the owners (or other third parties) to object or to demonstrate ownership.
- Accordingly, owner consent is mandatorily required in accordance with the above. As an initial threshold, the Developer has not demonstrated it has the written consent of the owner(s) of Bethel Lane in its EIS (nor referred to the issue at all). Accordingly, it is not legally entitled to make an application with respect to Bethel Lane, or variations of any kind to Bethel Lane.
- The inclusion of 13 Gipps Street within the site does not provide this legal entitlement. 13 Gipps Street is not the owner of Bethel Lane and has no title to it under its relevant deeds. Proximity or direct access from 13 Gipps Street to Bethel Lane does not fulfill this requirement. By this argument, 21 Gipps Street would have the right to vary the use and access of the laneway between 21 and 23 Gipps without the Developer's consent purely by virtue of having direct access to the laneway by its back gate. Access, or potential to access by proximity, does not equate to ownership, or the right to significantly vary land or its use, and instead amounts to trespass and excessive use.
- The EIS refers to an easement which entitles 13 Gipps Street to access 142 - 148 Oxford Street.²²⁶ That easement does not operate in the reverse and does not entitle 142 - 148 Oxford Street to access 13 Gipps Street (and even if it did, the proposed use far exceeds reasonable usage).
- As stated above, Bethel Lane has had different gates at its entrance to Gipps Street over the years. The owners could foreseeably install another gate to prevent access, demonstrating how impractical the Developer's proposal is.
- It is not relevant for the purposes of fulfilling s23 that Bethel Lane is not part of the site. The Developer's proposal fundamentally alters the nature of Bethel Lane. It proposes to provide open access to the entirety of the development across privately owned land, which amounts to trespass. The Developer makes no provision for the maintenance or security of this land (only a gate on its own land), which remains with the owner.
- We refer to the letters from 11 Gipps Street sent to the Developer dated 24 November 2025 and 6 January 2026 regarding this issue, both copied to the consent authority. As a result, the Developer was on notice of the point prior to submitting its EIS. No response has been received to the questions posed in the 6 January 2025 letter and the EIS is silent on the issue.
- The submission of the EIS to the consent authority when the Developer is on notice of the issue is highly concerning and warrants further explanation by the Developer. The EIS cannot legally be approved with this issue unresolved and unanswered.
- As stated in clause 1.2 (EIS Requirement for Owner Consent) of chapter 1 (Mandatory Requirements), evidence of consent has accordingly been included as Additional Information (item 1) and no variation to Bethel Lane has been included as Recommended Condition (item 1).

225 [Link](#)

226 EIS p.17

Mis-use of 13 Gipps Street

- As stated in clause 1.3 (Non-Discretionary Standards)(Minimum Landscaping) in chapter 1 (Mandatory Requirements), the EIS relies on the landscaping on 13 Gipps Street (noting they propose for it to remain as a separate lot) to meet the 30% threshold. To do so, it must have at least some form of nexus to the site. It appears that the reason the Developer persists with the inclusion of access via Bethel Lane, even though it is on notice that it is not legally entitled to do so, is to attempt to force such a nexus.
- 13 Gipps Street should not be accessible to the rest of the site. That means it would be completely segregated from it (other than a potential singular access for the residents of 13 Gipps Street). It would be inappropriate in this context for the land or landscaping to in any way contribute towards relevant thresholds when only accessible by the residents of 13 Gipps Street. As stated above, has been included as Recommended Condition (item 2).

4.5 Amenity Impact to Bethel Lane

- Noting the above, that we submit the Developer is not entitled to vary Bethel Lane, we note the additional assessment requirement identified in the SEARs Requirements as follows: “Demonstrate that any proposed pedestrian access from the site to Bethel Lane would have minimal amenity impact (visual and acoustic privacy, private open space etc) on the existing dwelling(s) at 13 Gipps Street or that resultant impacts would be suitably mitigated.”
- Given this inclusion in the SEARs Requirement, we have (notwithstanding the ownership issue is unresolved) outlined the amenity impact to Bethel Lane arising from the Developer’s proposed changes.
- Importantly, the SEARs Requirement refers to “existing dwelling(s)” which includes 9 and 11 Gipps Street, and applies the test of “minimal” amenity impact.
- Please refer to the abovementioned submission of 11 Gipps Street, which provides more detail on the amenity impact.
- As stated above, Bethel Lane is presently only entitled to be accessible by these 3 residences and some of the retail, as well as by public services to maintain the sub-station and sewerage.
- The Developer proposes to change this and make this private land accessible on an unrestricted 24-hour a day basis to the residences of 40 apartments (and their guests),
- This would mean a conflict between vehicle access and substantial pedestrian use. The EIS does not contemplate this at all and has not provided any information or how this can occur safely, or from any authority on how they would continue to maintain the sub-station and sewerage without vehicle access.
- In addition, it would significantly increase foot traffic between properties and increased noise, security and loss of privacy for these residences, including in their outdoor areas.
- Whilst the Village Inn pub is in proximity, currently its customers do not use Bethel Lane as it is a no-through lane. This would directly link the development complex to the Village Inn pub, which would create additional noise and disruption.
- Additionally, it is probable that this would encourage use of Bethel Lane by people beyond the residents of

the development, creating an increased security risk for both the residents of the development and of Gipps Street. Mitigating this and erecting appropriate measures such as fences or security systems would be at a cost to those residents. The gate proposed by the Developer would exist at the rear of Bethel Lane and would not protect the surrounding dwellings.²²⁷

- Additionally, the gate to the site is likely to also create immediate and repeated noise and disruption. By way of example, the gate to residences at the nearby Paddington Reservoir on Oxford Street and it is audible (and disruptive) each time there is an entry or exit. It is separately noted there will be sensor lighting which will come on and off at night whenever someone enters or exits, and disrupt surrounding dwellings.²²⁸
- The above is a substantial amenity loss and does not meet the mandatory requirement of retaining a “high” degree of amenity or the SEARs Requirement of “minimal” impact.

EIS Response to SEARs Requirement

- The EIS provides an extremely limited response to this question posed by the SEARs Requirements (see page 88 of the EIS for the response), and does not meaningfully engage on the impacts. It is deficient in the following respects:
 - It observes that Bethel Lane is proposed to be “a secondary residential pedestrian access point. Therefore it will be less frequented than the access off Oxford Street.” It provides no detail of what secondary means in this context or how it has quantified this versus what it views as the primary entrance (presumably the front on Oxford Street). Bethel Lane will likely be the preferred access point for residents accessing the Intersection, the Village Inn and Five Ways, for example, so it entirely depends on their direction of travel which entrance they will use. It may also be the preferred access point for certain apartments based on location within the site proximate to Bethel Lane. That Bethel Lane is not the front door does not demonstrate that it will be less used (without any other evidence);
 - The Noise and Vibration Impact Assessment (Document Y of the EIS) considers acoustic privacy with 20 pedestrians with 50% people “talking with normal vocal effort”. It does not consider louder acoustics from people leaving the Village Inn Pub (as an example). The report gives no basis for why 20 pedestrians or 50% volume has been assumed as the baseline and merely states it is an “estimate”;²²⁹
 - It gives no consideration at all to security and lighting of the surrounding dwellings, only at the entrance to its own site, and gives no consideration to the amenity impact of a sensor light turning on and off, and the opening and closing of a gate;
 - It makes no mention of any impact of privacy or vehicle use, or how the sub-station would be maintained; and
 - It is silent on who is responsible for maintenance and liability of the lane which would be subjected to increased foot traffic.
- Pedestrian access is not required via Bethel Lane (particularly if, as the EIS suggests, it is intended to be “less

227 EIS p.88

228 Architectural Design Report (Document G of the EIS), p.113.

229 The Noise and Vibration Impact Assessment (document Y of the EIS), p.41.

frequented”). The residents of any development on the site should enter and exit via the alternative exit points available which would remove the significant amenity loss impact on Bethel Lane. Accordingly, as stated above, no variation to Bethel Lane has been included as a Recommended Condition (as item 1).

4.6. Amenity Impact to 21 and 23 Gipps Street

Background

- The additional assessment requirement identified in the SEARs Requirements includes: “Provide details of the proposed uses/activities within the battle-axe handle between 21 and 23 Gipps Street and address and resultant amenity impacts on the neighbouring low-density residential zoned properties due to the proposed intensification of activities in this location.”
- This area is currently a hard concrete surface and is used to access carparking of the 4 terraces at 142 - 148 Oxford Street and 13 Gipps Street, as well as providing pedestrian access to the rear of 21 Gipps Street via a gate. There is a gate behind 21 and 23 Gipps Street which secures the carpark area 142 - 148 Oxford Street and 13 Gipps Street.
- As it serves as a driveway, it has potential for vehicle access for both 21 and 23 Gipps Street, but is not currently used for that purpose.
- The area is approximately 3.3 metres wide at the entrance and under 3 metres at its narrowest point. It is framed on either side (with no setback) by 21 and 23 Gipps Street. Figure 64 in **Annexure A** shows the entrance to the laneway from Gipps Street, and Figures 44 and 45 shows the gate at the rear of 21 Gipps Street accessing the laneway.
- This area has been in place and available for private pedestrian access to 21 and 23 Gipps Street since subdivision in the 1800s. See plan below dated 1886 which clearly shows the unimpeded existence of the area between the two properties (well prior to its current use by 142 - 148 Oxford Street and 13 Gipps Street).



Figure 8 Detail from the Metropolitan Detail Series of Surveys, Paddington Sheet No.10, Surveyor General's Office, 1886. Subject site outlined yellow is occupied by a wing of a former dwelling. The development site, outlined blue, is lined by terraced dwellings and outbuildings.

Changes proposed to the lane way

- This proposal will:
 - change the access from 4 garages to a pedestrian access for 40 apartments on a 24-hour a day basis,
 - directly framed by these dwellings;
 - remove the potential for vehicle access;
 - remove pedestrian access for 21 and 23 Gipps Street down the side of their properties and via a gate at the rear of 21 Gipps Street by installing a security gate at the facade of Gipps Street (see landscape masterplan on page 13 of the Landscape Design Report (document I of the EIS) which marks this gate is item 1);
 - remove the hard surface and it will instead be a “narrow stone path and shrubs”;²³⁰
 - include trees which appear to obstruct the existing gate at the rear of 21 Gipps Street (see landscape masterplan on page 13 of the Landscape Design Report (document I of the EIS); and
 - install sensor lighting²³¹ which will come on and off at night whenever someone enters or exits.
- The above is a substantial amenity loss and does not meet the mandatory requirement of retaining a “high” degree of amenity, or the SEARs Requirement of “minimal” impact.

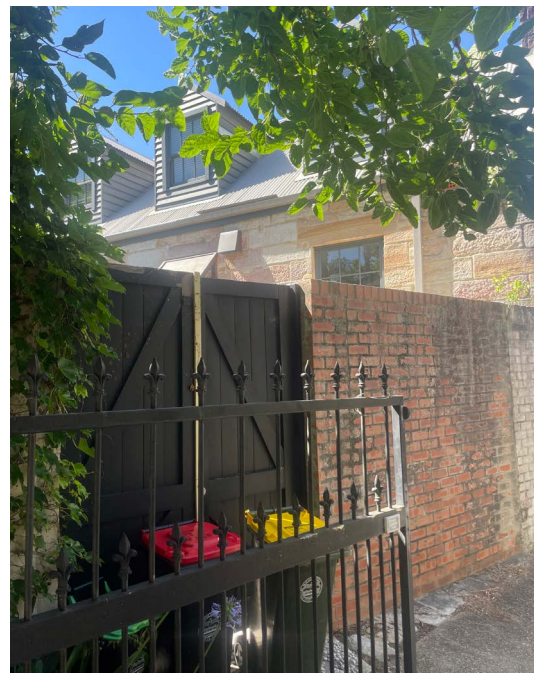
21 Gipps Street:

- We refer to the submission of 21 Gipps Street, which provides more detail on the amenity impact to 21 Gipps Street, as well as the Planning Report.
- 21 Gipps Street has access from the battle-axe to its rear outdoor area, where there is capability for parking. It is currently used for bike and pedestrian access, and to deliver bins to and from Gipps Street, via a gate. As stated above, this access point has been there since subdivision in the 1800s so is extremely long-standing, and it has been a hard surface for a significant period of time (residents report over 20 years at least, but it may be longer).
- The key amenity impacts of the proposed changes to 21 Gipps Street are outlined below:
- The area could potentially also be used for vehicle access for which will no longer be possible;
- Instead of private access for limited residents, it will now be subject to heavy foot traffic from the residents of the site and their guests;
- 21 Gipps Street will be prevented from entry of access to the side or rear of their property by a secure gate on Gipps Street removing all pedestrian access for bikes, bin movement or property repair;

²³⁰ EIS, p.88.

²³¹ Architectural Design Report (Document G of the EIS), p.113.

- Trees are proposed to be planted, obstructing the existing gate to the rear of the property, and possibly ultimately undermining the subterranean floors of the property;
- The rear outdoor area will be directly exposed to noise of pedestrian use and acoustic privacy loss and increased security concern which did not exist before (it was only accessible by 4 garages);
- The window overlooking the battle-axe which connects to the living/dining area of 21 Gipps Street, a bedroom window which overlooks the battle-axe, and a window between the battle-axe and the kitchen of 21 Gipps Street, will be subject to privacy impact and noise transfer;
- There are also a range of vents along the base of 23 Gipps Street which provide ventilation and the removal of the hard surface poses risk of water or soil incursion; and
- The removal of the hard surface and the installation of a gate will prevent the current use which include bin transfer and bike access.



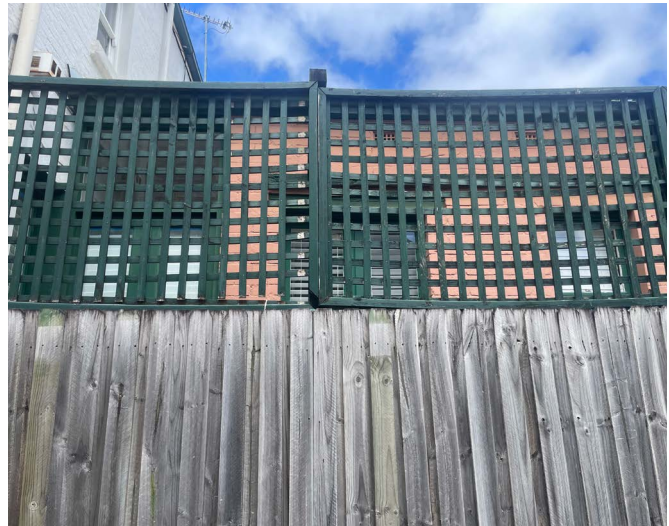
Gate entrance and kitchen window of 21 Gipps Street taken from the battle-axe.



Low vents on 23 Gipps Street taken from the battle-axe.

23 Gipps Street:

- 23 Gipps St has an outdoor area which extends along part of the battle-axe and has multiple windows which overlook the battle-axe from the kitchen area. The bedrooms for the dwelling are on the top floor and overlook the battle-axe.
- There will be a substantial loss of privacy through the windows (particularly for the bedroom), noise transfer (including to a window of a bedroom) and acoustic privacy loss from the outdoor area, and increased security concern.
- Save for the vents and rear gate, the amenity impacts outlined above for 21 Gipps Street apply equally to 23 Gipps Street.



Windows of 21 Gipps St overlooking battle-axe.

Gipps Street

- The amenity impact extends beyond 21 and 23 Gipps Street to the remainder of Gipps Street which will now serve as a thoroughfare for this large development, its residents and guests.
- It is inappropriate to funnel large numbers of pedestrians from a large-scale development onto Gipps Street which is already extremely constrained.
- There are only narrow pathways on Gipps Street (which are already constrained by their width and the housing of bins and shared bikes). They are not wide enough for prams or wheelchairs. Pedestrians generally walk on the road, and this additional foot traffic will cause congestion and safety implications caused by cross-over with vehicles, which is not discussed in the EIS at all. Please refer to further detail on the existing congestion on Gipps Street in chapter 5 (Congestion Impact).



Narrow pathway on Gipps Street immediately off battle-axe.

- This is a substantial amenity loss and does not meet the mandatory requirement of retaining a “high” degree of amenity or the SEARs requirement of “minimal” impact. _

EIS Response to SEARs Requirement

- As with Bethel Lane above, the EIS provides a limited response to this question posed by the SEARs Requirements (see page 88 of the EIS for the response).
- The does not include photos of the windows or outdoor area of 21 or 23 Gipps Street, or the existing gate, or vents, to enable an appreciation of the significant amenity loss;
- It makes no mention of the removal of access rights to 21 and 23 Gipps Street (both on foot and by car) or the impact to the gate of 21 Gipps Street;
- It makes no mention of the removal of the hard surface and potential impacts to 21 and 23 Gipps Street and its vents;
- It relies solely on the absence of seating to limit use of the laneway (which undermines the position proposed elsewhere in the EIS that this area is landscaping for the purpose of the 30% threshold);
- It repeats that this laneway is proposed to be “a secondary residential pedestrian access point. Therefore it will be less frequented than the access off Oxford Street.” However, it provides no detail of what secondary means in this context or how it has quantified this versus what it views as the primary entrance (presumably the front on Oxford Street). It will likely be the preferred access point for residents accessing the Five Ways and upper Oxford Street, for example, so it entirely depends on their direction of travel which exit they will use. As stated above, it may also be the preferred access point for certain apartments based on location within the site proximate to the laneway (or when using the communal pool). That it is not the front door does not demonstrate that it will be less used (without any other evidence);
- The Nose and Vibration Impact Assessment (document Y of the EIS) considers acoustic privacy with 20 pedestrians with 50% people “talking with normal vocal effort”. The report gives no basis for why 20

pedestrians or 50% volume has been assumed as the baseline and merely states it is an estimate; and²³²

- It gives no consideration to the amenity impact of the opening and closing of a gate (which is likely to create noise) and a sensor light operating between 21 and 23 Gipps Street, which will likely disrupt the bedrooms of the house.

Alternative Proposal

- It is acknowledged that it is appropriate for the owner to utilise its land, however this should be proportionate to the amenity impact.
- On this basis, it is submitted that a balanced outcome, weighed against the long-standing access that has existed since the 1800s and the amenity impact, is:
 - Retention of the hard surface up to at least the rear of 21 and 23 Gipps Street to retain existing foot access and protect the vents at 21 Gipps Street. We refer to clause 1.3 (Non-Discretionary Standards) in chapter 1 (Mandatory Requirements) and note that if this area is not included in the 30% landscaping threshold (as is appropriate), then it could remain a hard surface; and
 - Installation of a soft-closing pedestrian gate that does not introduce noise at the same juncture where a gate securing the carparking area currently exists.
- This is a practical solution that retains existing access for 21 and 23 Gipps Street to the sides of their properties, whilst still facilitating access for the residents of the site to Gipps Street. Further it solves the practical reality that 21 Gipps Street has a rear gate that would otherwise be located inside the gated area of the development if the newly installed gate was at the facade of Gipps Street.
- Accordingly this has been included as a Recommended Condition (as item 12).
- This solution would still facilitate pedestrian access and so would impose a degree of amenity impact on these properties, as well as to Gipps Street more generally. It is accordingly proposed in conjunction with the Recommended Condition item 6 regarding height, as we consider that the amenity impact is only mitigated by it being a reduced number of pedestrians, rather than a large-scale development of 40 apartments.

4.7. Amenity Impact to Shadforth and Gipps Streets

- In addition to the abovementioned properties, the terraces at 8 - 14 Shadforth Street, 25 - 31 Gipps Street and 15 - 19 Gipps St are also directly adjacent to the site and have direct amenity impacts. The EIS does not discuss the impact to these properties at all.
- These dwellings will all be overlooked by the proposed development and will have significant loss of visual and acoustic privacy. Views from these dwellings of historical significance of the sky and the surrounding terrace roof tops will be irreversibly replaced in entirety with the large-scale tower.
- We refer to the Planning Report of Tony Moosy which also discusses this amenity impact.

- We also refer to the submissions of the relevant residents which outline more detail on the amenity impact, including 8 Shadforth Street (including as provided by Studio Dewar to the consent authority, plus letter dated 8 December 2025), 10 Shadforth Street, 12 Shadforth Street, 31 Gipps Street, 27 Gipps Street, 19 Gipps Street and 15 Gipps Street.
- The abovementioned Recommended Condition with respect to height (item 7) would mitigate this impact.

Chapter 5 Congestion Impact



Sign on corner of Gipps and Shadforth Streets

Key Points in this Chapter:

Environmental Amenity: The development fails the mandatory s4.15(1)(b) significant environmental impact test for the following key reasons:

- It inappropriately exceeds minimum parking space requirements by 34.5 car spaces, which requires an excessive 4-floor carpark built to the boundaries of the site, when Oxford Street is well serviced by buses and there is a bus stop in both directions on Oxford Street within minutes by foot of the site;
- By providing no integration with public transport, car reliance remains high and it prioritises private car access, contrary to Oxford Street's role as a pedestrian-oriented heritage precinct;
- The above and its excessive height and scale generates an unreasonable traffic congestion on already congested narrow laneways constructed in the 1800s, designed at the time of horse and carts, not for a building of this intensity;
- The EIS contains no meaningful description regarding the narrow/constrained nature of Shadforth, Gipps and Liverpool Streets, nor of the role Shadforth Street plays as a one of the only two-way streets off Oxford Street (but with only a one car width). By failing to adequately describe the constraints, it downplays the significant impact;
- The EIS focuses only on volume which is measured during a prescribed period, which does not reflect the lived experience of residents;
- It removes an on-street parking space when on-street parking is already very limited and inserts an inappropriately high number of additional cars into constrained parking;
- Increased traffic will also compromise safety and amenity, particularly for Glenmore Road, Shadforth Street, Gipps Street and Liverpool Street, where pedestrian activity is high and the pedestrian pavements are narrow, causing pedestrians to routinely use the roads; and
- It offers no loading zones or viable solutions for deliveries.

The following Recommended Conditions would substantially mitigate the congestion issues.

Recommended Condition (item 7) – Reduced height and scale

The development is too tall and too bulky for Oxford Street and dominates the surrounding Heritage Conservation Area. The predominant height on Oxford Street is well below the scale proposed here (see **Annexure B**). Reducing the building to no more than 4 storeys would reduce congestion impact on the area.

Recommended Condition (item 5) – Minimum parking spaces

The proposal 4 floors of excavation for 83 parking spaces, which is 34.5 spaces above the minimum requirement, and extends basement excavation to the site boundaries. Reducing parking to the minimum required for a scaled-back scheme would substantively address the number of vehicles utilising the surrounding streets and encourage public transport usage.

5.1. Environmental Impact

- As stated in earlier chapters, s4.15(1)(b) of the EPA Act requires that the proposal consider the “likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality”.
- When in force, the Environmental Planning and Assessment Amendment (Planning System Reforms) Bill 2025 (NSW), amends the above to “significant” rather than “likely” (meaning the impact is both likely and has a material impact).
- The term “environmental impacts” in this section goes beyond just the natural environment. It explicitly includes the built environment: “Impacts on the physical, man-made surroundings”, including with respect to the matters covered in this chapter.
- Accordingly, the scope of “environmental” in s4.15(1)(b) is wide-ranging and requires consideration of the social, economic, and built-form considerations. It requires the consent authority to assess the development’s effects on the local area adjacent and around the site, including matters such as congestion.
- The development would impose a significant impact on congestion.
- The Recommended Condition with respect to height (resulting in an overall reduced scale and congestion impact) (item 7) and with respect to minimum number of parking spaces (item 5) are included to also address this non-compliance, to minimise the congestion created.

5.2. Traffic Report

- We refer to the traffic report by Traffic Report by Headway Traffic and Transport dated on or around 16 March 2026, provided separately to the consent authority. We support this report.

5.3. Description of Shadforth and Gipps Streets

- The Traffic and Parking Assessment Report (Document R of the EIS) provides no description of the surrounding streets to enable an appreciation of the constraints.
- As described in chapter 3 (Incompatible with a Heritage Conservation Area), Shadforth and Gipps Street date back to the early 1800s and were accordingly designed at the time of horse and cart use.

Shadforth Street

- Shadforth Street is the only two-way street on the northern side of Oxford Street between Glenmore Road and Jersey Road (approximately 1.2km apart). It has a 3-tonne limit (sign-posted at Glenmore Road).
- It does not have traffic lights controlling the traffic flow to and from Oxford Street. Both Glenmore Road and Jersey Road have traffic lights (as does Young Street, the next two-way street towards the east).

- The entry into and exit out of Shadforth Street to Oxford Street is narrow and further reduced by a tree planted on the road. The entrance from Oxford Street can be seen in Figure 7 of **Annexure A**.
- Traffic can enter Shadforth Street from both sides of Oxford Street (right hand turns from the opposite side of Oxford Street are restricted on work days from 6.00 - 10.00 a.m.).
- There is a small carpark opposite the proposed entry to the development carpark which is owned and utilised by the retail shops in front of it facing Oxford Street. The carpark utilised by the retail shops can be seen in Figure 56 of **Annexure A**.
- Shadforth Street is narrow at all points (~4.1 metres wide at most points, between a parked car and the gutter), and notwithstanding it is two-way, it is only wide enough for one vehicle to pass at a time which is exacerbated by inroad tree plantings along its length.
- There are only two points on Shadforth Street where vehicles can pull in to enable another to pass in the opposite direction. The first is located opposite the proposed carpark entry to the development (note that this also serves as an entry to the retail carpark mentioned immediately above). The second is where Shadforth Street meets Gipps Street and can be seen in Figures 80 and 81 of **Annexure A** (and note that this area also serves as the entry to a garage at 16 Shadforth Street).
- No residences on Shadforth Street (except 16 Shadforth Street which has the abovementioned garage) have off street parking and rely on street parking which is extremely limited. All street parking is time limited to 2 hours but not metered.
- There is a very narrow pedestrian pavement to each side of Shadforth Street (which are cracked and have an uneven surface). Both are too narrow for pram or wheelchairs and are used by residents for potted plants, garbage bins and are regularly blocked by shared bikes, such that pedestrians routinely walk on the road instead.
- Shadforth Street has broken tree planters at intervals on the road.
- Shadforth Street runs into Liverpool Street. There is a blind corner at Liverpool Street and Walker Lane. Two-standard sized vehicles cannot pass each other at this juncture. The road between the blind corner and Gipps Street is between 3.95 metres and 5.2 metres (depending how vehicles are parked).

Gipps Street

- Gipps Street is one-way and is narrower than Shadforth Street and has capacity for only smaller vehicles. There is a street sign at both entry points "Unsuitable for large vehicles."
- It has parking on both sides. If vehicles are not parked correctly, they block the entirety of the street due to its narrowness. Examples of the tight parking spaces can be seen in Figures 72 - 78 of **Annexure A**.
- There is a very narrow pedestrian pavement to each side of Gipps Street (which are cracked and have an uneven surface). Both are too narrow for pram or wheelchairs and are used by residents for potted plants, garbage bins and are regularly blocked by shared bikes, such that pedestrians routinely walk on the road instead. Photographic context of the narrow, cracked pathways which demonstrate why pedestrians generally use the road.



Cracked and narrow pavements on Gipps Street, taken from Shadforth Street corner.

5.4. Congestion as Observed by Residents and Local Business

- We refer to the Traffic and Parking Assessment Report (Document R of the EIS) which is discussed further in clause 5.5 (Traffic and Parking Assessment Report) below. We submit that the direct, long-term and ongoing observations of residents should be given more weight and preference to a report arising out of a minimum prescribed time of observation.
- The lived reality for residents is that both Shadforth and Gipps Streets are already highly congested and cannot absorb a development of the scale proposed.
- The EIS observes that Oxford Street “naturally has greater carrying capacity than the nearby narrow, winding Victorian streets often associated with the character of Paddington.”²³³ Notwithstanding this acknowledgement, congestion will be focused on Shadforth Street.

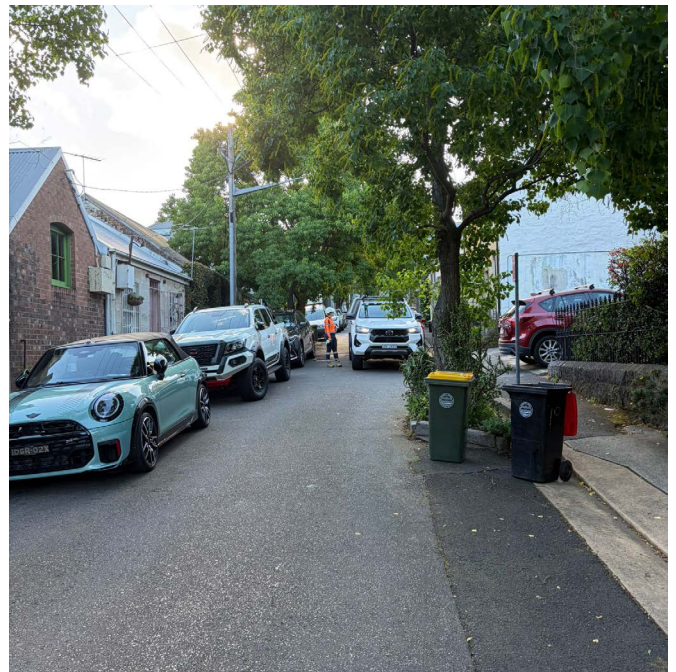
Shadforth Street

- As the only two-way street between Glenmore Road and Jersey Road, Shadforth Street serves as an important and very busy thoroughfare, notwithstanding its narrow width (~4.1 metres).
- It is also regularly used by vehicles to bypass the traffic lights at the Glenmore Road/Oxford Street intersection.

- The proximity to the Intersection on Glenmore Road makes both Shadforth and Gipps Streets a busy thoroughfare for the retail and commercial spaces. It is particularly congested on the weekend and during sporting or other events at the nearby stadium/cricket ground.
- Vehicles are often stuck in the entrance/exit when there is a car travelling south on Shadforth Street towards Oxford Street, dangerously blocking pedestrians and heavy traffic including in the bus lane on Oxford Street.
- The two places available on Shadforth Street for vehicles to pull in to enable another vehicle to pass do not mitigate the congestion. Often vehicles pass them without pulling in, or they are blocked by delivery vehicles (because there are no loading zones to accommodate larger delivery vehicles), leading to vehicles meeting nose-to-nose. Reversing is difficult as the street is narrow and if further vehicles arrive from Oxford Street (from which they can turn from both sides), or from Liverpool Street, it can take some time for the backing up to resolve with multiple cars reversing.
- As stated above, there is also a blind corner towards Liverpool Street which only accommodates one car width and also creates frequent blockages.
- The limited refuges in the road to enable a second vehicle to pass do not accommodate a larger vehicle - an 8.8 metre or 6.4 metre truck are too long to pull into these gaps and occupy the entire through-lane even when attempting to give way.
- Frustration and beeping is a daily occurrence.
- There are no loading zones on either Oxford Street, Shadforth Street, Gipps Street or Liverpool Street (including for mail). Instead, trucks regularly idle on the street during the day (or mount the narrow pedestrian pavement) while they make deliveries to surrounding streets as the streets are too narrow to drive down, and as stated above, there are no parking spaces large enough to accommodate a truck. See clause 5.8 (Loading Zones and Deliveries) below for further detail.
- The corner of Gipps and Shadforth Streets is also a regular Uber/Taxi drop off and collection point which adds to the congestion.
- Only one property on Shadforth Street (other than the site) has parking and so residents rely on street parking. Residents report limiting movements of their cars, and visitors being unable to find a park.

Gipps Street

- Due to being extremely narrow, vehicles regularly become 'stuck' on Gipps Street as they navigate it.
- Residents frequently observe cars being swiped or side mirrors being hit.
- Pedestrians mainly walk on the road due to the narrow nature of pedestrian pavements.
- There are no loading zones and all deliveries and rubbish collection is made from Shadforth Street.
- There is one loading zone on Glenmore Road near the Village Inn which services the retail and pubs, and trucks regularly reverse up Gipps Street and block Gipps Street. See Figure 69 of **Annexure A** which shows where trucks reverse and block Gipps Street.



Cars banked up on Gipps Street, taken during the day on 25 November 2025.

Views from a Business Owner

- We refer to the email from Jade Whitelaw of Jade +Co. Salon (of 168 - 174 Oxford Street) dated 28 November 2025, in which she makes objections based on current congestion, provided as **Annexure C** to this submission.
- Ms Whitelaw has operated a hair salon on the block after Oxford Street for the last 5 years. Her shop front is on the next block from the site. See Figure 7 of **Annexure A** for photographic context of the proximity of the salon to the site.
- Ms Whitelaw has access to a car park at the rear of her shop, the entrance of which is directly opposite the proposed entrance to the development carpark, and regularly observes the traffic on Shadforth Street. Ms

Whitelaw is accordingly well-placed to comment on the topic.

5.5. Traffic and Parking Assessment Report

- The Traffic and Parking Assessment Report (Document R of the EIS) is deficient as outlined below.
- It provides no meaningful description or context regarding the narrow nature of Shadforth and Gipps Streets, nor of the role Shadforth Street plays as a two-way street (with only a one car width). The limitations of Shadforth as a two-way street are similarly downplayed in the Construction Traffic Management Plan (Document S of the EIS) by the same author, which describes it as “two-way traffic flows permitted” with no further context or description to understand the constraints;²³⁴
- It refers to the “safe and convenient”²³⁵ pathways on Gipps and Bethel Lane, but omits the broader context provided above regarding the narrow, broken nature of the footpaths, which are unsuitable for pram or wheelchairs and are used by residents for potted plants, garbage bins and are regularly blocked by share bikes, such that pedestrians routinely walk on the road instead;
- It refers to waste management being privately undertaken²³⁶ due to the car park not being designed for council vehicles, but does not reference any other kind of delivery vehicle that will be required (such as removalist vans and grocery delivery trucks) which will also not fit into the car park and will instead be forced to park illegally on Shadforth Street;
- The B99 and B85 sweep path analysis only illustrates the smaller B85 vehicle with a turning radius of 5.8m turning left out of the car park onto Shadforth Street.²³⁷ This will impact/overlap with the on-street parked car opposite, meaning there will be an even larger impact for a B99 car (such as an SUV). Accordingly, it is likely that this on-street car parking space will not be retained, which is not mentioned in the assessment, and would have significant impact on the already constrained parking for residents of Shadforth Street (which only has five on-street parking spaces - all houses except one rely on on-street parking);
- The assessment illustrates that the truck turning path for the 8.8m MRV will impact on-street parking, however again the assessment is silent on this and its impact;
- It bases its assessment of future parking potential on 40 apartments, not on the 83 car parking spaces;²³⁸ and
- It appears to inaccurately base assumptions on a “Give Way” sign at the corner of Shadforth and Gipps Streets²³⁹ - if so, this sign does not exist.

5.6. Excess Number of Parking Spaces

- As stated in clause 1.3 (Non-discretionary standards)(Minimum Parking Spaces) of chapter 1 (Mandatory Requirements), s19(e) of the Housing SEPP sets out the minimum parking spaces.²⁴⁰

234 Construction Traffic Management Plan (Document S of the EIS), p.iii.
 235 Traffic and Parking Assessment Report (Document R of the EIS), p.6.
 236 Traffic and Parking Assessment Report (Document R of the EIS), p.6.
 237 Traffic and Parking Assessment Report (Document R of the EIS), p.69.
 238 Traffic and Parking Assessment Report (Document R of the EIS), p.18.
 239 Traffic and Parking Assessment Report (Document R of the EIS), p.56.
 240 [Link](#)

- In accordance with the Housing SEPP, the minimum number of car spaces for the development is 48.5.
- In accordance with the Woollahra DCP, the maximum number of parking spaces is the same as for the non-affordable component but there is also a visitor component.²⁴¹ This would be 63, including for retail
- The number of parking spaces for the development is 83, being 34.5 (circa 70%) more than the minimum of 48.5.
- The number of parking spaces across the 4 floor excavated basement is B4 (28), B3 (22), B2 (22) and B1(11). Each floor also contains services and storage.
- In accordance with Woollahra Council guidelines, each apartment will also qualify for a parking permit if they have a second vehicle.
- There is no integration with public transport, meaning car reliance remains high. It fails to meet integrated transport planning principles under the Guide to Transport Impact Assessment, which aims: “to prioritise and encourage the use of public transport, walking and cycling, and reduce the demand for private vehicle usage and parking.”²⁴²
- Instead, it prioritises private car access, contrary to Oxford Street’s role as a pedestrian-oriented heritage precinct.
- Increased traffic will also compromise safety and amenity, particularly for Glenmore Road, Shadforth Street, Gipps Street and laneways, where pedestrian activity is high (Paddington is rated as a high pedestrian activity zone)²⁴³ and the pedestrian pavements are narrow, causing pedestrians to routinely use the roads.
- Oxford Street is well serviced by buses, and there is a bus stop in both directions on Oxford Street within minutes by foot of the site, including for the 333 (Bondi to Circular Quay and the 440 to Central Station). The EIS acknowledges the convenience of public transport and states: “The site is therefore considered highly accessible to essential services and public transport options and is ideally located to reduce reliance on private car usage and to encourage increased usage of public transport services.”²⁴⁴ The extent and frequency of public transport options is also detailed in the Traffic and Parking Assessment Report (Document R of the EIS). Accordingly, there is no reasonable basis for the development to require more than the minimum number of parking spaces.
- Pursuant to the Woollahra DCP, the Developer is required to provide an explanation for the excess, and an assessment on the impact of the bulk and excavation.²⁴⁵ This has not occurred.
- Presently, the carpark also inappropriately extends all the way to the boundaries of the site. A redesigned carpark with a reduction in excavation would considerably lower the risks associated with the development, including with respect to damage to the London Plane trees, congestion, damage to nearby heritage dwellings (in particular 8 Shadforth Street), and to disruption of the groundwater. It would also facilitate more deep soil in usable areas.

241 [Link](#) p.8

242 [Link](#) p.5

243 [Link](#)

244 EIS p.25

245 [Link](#) p.9

- Overall, it is reasonable and appropriate for parking at the development to be reduced to the minimum requirements for a scaled-back development. As stated above, meeting only the minimum number of parking spaces has already been included as item 5 of the Recommended Conditions.

5.7. Car Park Design Issues

Width

- The car park entry is double width.²⁴⁶ We refer to the letter from Studio Dewar to the consent authority dated 8 December 2025, submitted on behalf of 8 Shadforth Street, which notes in clause 5 that the car park entry and exit is double-width, not single as generally required in the Paddington Heritage Conservation Area, at least one critical existing on-street car space will be lost, and the design is non-compliant as the proposed distance to the rear of the building is not the required 10 metres.
- We defer to the consent authority to determine if a double-width is required/acceptable, however In the context of the congestion described, and limitations on street parking, the carpark design should not result in the loss of existing on street parking. This has been included as part of the car park conditions in Recommended Condition (item 5).

Clearance

- The lack of height clearance is discussed in Clause 17 of the SEARs Requirements (Waste Management).

Excavation and other non-compliances

- We also refer to clauses 3 and 5 of the report of Studio Dewar (submitted on behalf of 8 Shadforth Street) which outlines that the car park exceeds maximum excavation limits.

5.8. Loading Zones and Deliveries

- As stated above, there are no loading zones on either Oxford Street, Shadforth Street, Gipps Street or Liverpool Street, or parking spaces large enough to accommodate trucks. All deliveries including mail and groceries are delivered by the vehicle or truck blocking the street and/or mounting the narrow pedestrian pavement. This occurs largely on the corner of Gipps and Shadforths Streets, or by trucks reversing from Glenmore Road up Gipps Street.



Trucks blocking the corner of Gipps and Shadforth Street, taken from 16 Shadforth Street, November 2025.

- The development delivers no dedicated loading bays for general deliveries. The car park is designed without capacity to accept any substantial vehicle, including a removal truck or a grocery delivery truck (which will both be frequent to a block of 40 apartments). Accordingly, the existing issues with respect to deliveries and trucks will be exacerbated. The EIS does not deal with this issue at all.
- Blockages caused by illegal parking may also impede emergency vehicles (and the low clearance means they may be impeded from accessing the carpark).

5.9 Cumulative Impact

- As stated in clause 1.4 (SEARs Requirements) at clause 1 of the SEARs Requirements (Statutory Context), the Developer is required to provide a cumulative impact assessment in accordance with the EIS Guidelines and the Cumulative Impact Assessment Guidelines for State Significant Projects.²⁴⁷
- The guidelines are designed to ensure that the cumulative impacts of other nearby existing or future projects are effectively considered in the assessment process.
- The Oxford Street East cycleway will be a two-way bike lane on Oxford Street, from Taylor Square to the Centennial Parklands gates, which includes a range of other construction (footpath widening and repaving, pedestrian crossings at side streets, road treatments to slow vehicles, tree and shrub planting).²⁴⁸
- The sections from Taylor Square to the CBD are complete. This bike lane will run on the northern side of Oxford Street opposite the site. A range of images of the bike lane on the relevant section of road are available online.²⁴⁹
- This will occur on Glenmore Road and directly at the end of Gipps Street (proximate to the proposed access via Bethel Lane).²⁵⁰ This will overlap with the heavy vehicle route map (Figure 3A of the Construction Traffic Management Plan (Document S of the EIS)).
- The timeline for the construction of this section has not been announced, however, given the recent completion of other sections, it is reasonable to plan for an overlap in the two constructions.
- Additionally, given the completion of the first phase of the project, it is well known what the extent of the impact will likely be for the next stage.
- Given the significantly constrained nature of the site, and focus of construction vehicles on Oxford Street (given limitations on Shadforth and Gipps Streets), it is likely there will be material cumulative impacts that may result in the wider area from the two projects, including on traffic and public transport, dust, disruption and noise. It is likely both sides of Oxford Street at the site will be impacted at the same time, as well as construction in the proposed heavy vehicle traffic route on Glenmore Road.
- For completeness, the impact assessment should be undertaken to determine how any impacts will be mitigated/managed.
- Additional Information (item 4) is included with respect to this issue.

²⁴⁷ [Link](#) p.9, and [Link](#)

²⁴⁸ [Link](#)

²⁴⁹ [Link](#)

²⁵⁰ [Link](#) p.17 onwards



Image of Glenmore Road, where proposed bike lane works will occur, in the same location as the heavy vehicle route map for this development.²⁵¹

Chapter 6 Construction Impact



Oxford Street (Cambrian Construction)

Key Points in this Chapter:

Environmental Impact: The development fails the mandatory s4.15 (1)(b) significant environmental impact test with respect to construction impact for the following key reasons:

- The proposed 4-level basement excavation presents unacceptable structural and vibration risks to adjoining heritage dwellings;
- Deep excavation in this location risks exacerbating existing groundwater issues; and
- Due to the scale of the development and the highly constrained nature of the site, construction traffic cannot safely or efficiently use Shadforth or Gipps Streets, which are too narrow and unsuitable for heavy vehicles.

The impacts of the proposed 2+ year construction for a development of this scale cannot be adequately mitigated by management plans alone. A scaled-back development to no greater than 4 floors with significantly reduced excavation is the only viable way to avoid irreversible harm.

The following Recommended Conditions and Additional Information would substantially mitigate the construction issues.

Recommended Condition (item 7) – Reduced height and scale

The development inappropriately exceeds the heights of other buildings on Oxford Street, creates an inappropriate height transition to surrounding workers' cottages, and dominates a Heritage Conservation Area. The reduction to 4 floors would substantively reduce the extent of risk of damage to surrounding historical buildings.

Recommended Condition (item 3) - Minimum parking spaces

The development inappropriately exceeds the minimum and includes a 4-floor excavation for a carpark that extends to the boundary of the sites to neighbouring heritage properties. A reduction to the minimum number of parking spaces for a scaled-back design and associated redesign of the carpark would significantly reduce the risk of damage, and movement of groundwater (discussed in earlier chapters).

Additional Information (item 11) - Dilapidation reports

Given the particularly sensitive nature of the heritage properties, we submit that it is appropriate to have dilapidation reports for all adjacent properties provided as part of this approval process (rather than deferred) to inform the requirements to protect them.

6.1 Environmental Impacts

- As stated in earlier chapters, s4.15(1)(b) of the EPA Act requires consideration be given to “likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality”.
- When in force, the Environmental Planning and Assessment Amendment (Planning System Reforms) Bill 2025 (NSW), amends the above to “significant” rather than “likely” (meaning the impact is both likely and has a material impact).
- The scope of “environmental” in s4.15(1)(b) is wide-ranging and requires consideration of the social, economic, and built-form considerations. It requires the consent authority to assess the development’s effects on the local area adjacent and around the site, including matters such as construction impact .
- Whilst construction is temporary, it can pose significant and long-term impacts which is the focus of this chapter.
- The proposed 4 floor basement excavation introduces the following significant issues:
 - ground movement and soil settlement, putting material and unacceptable likelihood of cracking, structural destabilisation and irreversible damage to nearby dwellings, many of which date to the 1840s–1880s and have shallow footing;
 - impacts to existing groundwater issues; and
 - severe access conflicts, with Shadforth and Gipps Streets physically incapable of supporting construction vehicle movements.

6.2 Excavation Depth and Structural Risk – Heritage Concerns

- The Acoustical Report (Document Y of the EIS) acknowledges that “Ground vibration during excavation and earthworks for the basement levels may impact adjoining buildings and occupancies”.²⁵²
- The proposed 4 floor deep basement excavation is incompatible with the neighbouring heritage context and presents unacceptable risks, particularly in the context of a carpark designed to the edges of the boundary of the site.
- As stated above, the proposed 4 floor excavation could cause destabilisation of neighbouring historic terraces and sandstone cottages on Shadforth and Gipps Streets some of which were constructed during the 1820s-1840s and lack modern foundations, have shallow footings and were historically constructed.
- By way of example, we refer to the submission of 11 Gipps Street which refers to the lack of foundations in her house (it is reliant on the walls and roof for stabilisation), and the issues caused to its stability by a tree root system.
- The proposed excavation will create a large void directly adjacent to fragile heritage cottages creating the

following risks:

- even minor soil movement may cause cracking, tilting, or ground settlement and lateral soil movement; and
 - historic structures built on sandstone or early brick foundations are highly vulnerable to even minor vibration and differential settlement.
- The reduction to the minimum number of parking spaces for a scaled-back design (per Recommended Conditions item 5) and associated redesign of the carpark to a suitable distance back from the boundaries of the site would reduce the risk of damage.
 - Construction may also affect the Victoria Barracks and Queen Victoria Gate directly opposite the site on Oxford Street, where vibration and dust may damage the sandstone construction. The Developer does not outline how this will be mitigated.
 - As stated in earlier chapters, given the sensitive nature of these buildings, it is also appropriate to understand how to protect them at this stage of the process, rather than deferring it to later stages. Additional Information regarding dilapidation reports has been included (item 11) to address this.

6.3 Noise and Vibration

- The excavation will require full-depth rock hammering in sandstone. The use of heavy rock-breaking equipment will generate prolonged vibration with the following impacts to neighbouring buildings including to the neighbouring sandstone terraces and cottages in the conservation area.
- Given the heritage fragility of surrounding buildings (as stated above), vibration thresholds may need to be far lower than standard residential tolerances.

6.4 Construction Management Plan

- The Construction Management Plan (Document S of the EIS) does not meet the requirement specified in clause 9 of the SEARs Requirements (Transport).
- We refer to chapter 5 (Congestion Impact) in respect of this issue, however, in summary the Construction Management Plan is deficient as outlined below.
- The heavy vehicle route is proposed to be up Liverpool Street and Shadforth Streets to the site,²⁵³ which is inappropriate for the reasons outlined below.
- Both have a 3-tonne limit (sign-posted from Glenmore Road) and the proposed trucks are up to 3 times this limit (over a proposed 26 month construction program);
- The streets are too narrow (with width for one vehicle except at limited junctures for passing), steep, and constrained for this heavy construction traffic. See clause 5.3 (Description of Shadforth Street and Gipps Street) and 5.4 (Congestion as observed by local residents and business) for this detail;

- There is a blind corner at Liverpool Street and Walker Lane. Two-standard sized vehicles cannot pass each other at this juncture, so it is a clear blockage point. Without a controller at the top of Liverpool Street to “hold” local traffic coming from Oxford Street, a truck and a car are able to meet head-on at the blind corner. The truck’s length makes passing impossible, forcing a blind reverse back into the uncontrolled junction—a high-risk activity for high pedestrian zone;
- There is only one traffic controller proposed at the site driveway on Shadforth Street. When Shadforth Street is blocked by a truck entering/exiting the site, traffic will back-up immediately to Oxford Street. As vehicles cannot exit Oxford Street to enter Shadforth, the congestion will spill over into the main arterial road, causing delays for bus routes and through-traffic; and
- Overall, the Construction Management Plan assumes a standard two-way flow which is unrealistic for the streets and omits any reference to the constraints that exist.
- See also clause 5.9 (Cumulative Impact) in chapter 5 (Congestion Impact) for details regarding the Oxford Street bike lane project which will occur in the same location as the heavy vehicle route.
- It is silent on Paddington being a high pedestrian activity zone,²⁵⁴ and the footpaths being too narrow for safe pedestrian use during construction.
- It is stated that because of the footprint being to the boundary, “it will be impossible for trucks to load/unload within the site as the excavation progresses.”²⁵⁵ This demonstrates the extreme impact on the surrounding areas and Oxford Street due to the unnecessary and unusual extension of excavation to the boundary line, particularly to appropriately integrate with the cumulative impact of the Oxford Street bikelane construction (as a 37 metre Works Zone is proposed along Oxford Street).²⁵⁶
- It states that the workforce will have parking provided once the car park is constructed or “where practical”. “Contractors may park along the nearby surrounding roads.”²⁵⁷ This is not a practical solution due to the parking constraints outlined in chapter 5 (Congestion Impact). The workforce of 97 FTE jobs²⁵⁸ cannot be practically accommodated on the surrounding streets without creating a significant burden on the local community (and likely illegal parking).
- If overweight/over-length movements via Glenmore, Liverpool and Shadforth Streets are permitted, we propose item 11 of the Recommended Conditions to mitigate the impact including on safety.
- Further, as submitted in clause 3 SEARs Requirements (Contribution and Public Benefit), it is submitted that it is appropriate that the Developer funds the resurfacing of Shadforth and Liverpool Streets. This overloading for the construction duration will cause deep-layer road failure. The cost of infrastructure damage caused by the development should not be shifted to ratepayers. A Recommended Condition regarding resurfacing of the surrounding streets to repair construction impact has accordingly been included (item 6).

254 [Link](#)

255 Construction Traffic Management Plan (Document S of the EIS), p.v.

256 Construction Traffic Management Plan (Document S of the EIS), p.vi.

257 Construction Traffic Management Plan (Document S of the EIS), p.xi.

258 EIS, p.39.

6.5 Groundwater

- Groundwater concerns with respect to construction is detailed in Clause 1.4 (SEARs Requirements) at Clause 12 of the SEARs Requirements (Ground and Groundwater Conditions), in chapter 1 (Mandatory Requirements). This has been included as Additional Information (item 13).

Annexure A

Oxford Street



Fig. 1

Building on the north western corner of Glenmore Road and Oxford Street is a terrace of shops with apartments above. Two storeys plus attic in total - looking west down Oxford Street.



Fig. 2

The north eastern corner of Glenmore Road and Oxford Street. Building is two storeys.



Fig. 3

No. 1 Glenmore Road. On the next corner to the west of the site on Oxford Street.



Fig. 4

The former site of a service station was converted to shops approximately 20 years ago. The two-storey building contains a gym above the shops. This building is next to the site (seen on the right)..



Fig. 5

No. 142-160 Oxford Street, the subject site. No 142-148 are 4 x 2 storey townhouses.



Fig. 6

No. 160 Oxford Street. 3 storeys and comprising 27 studio apartments.



Fig. 7

No. 162 Oxford Street contains a shop with offices above. 3 storeys in total. It is next to commercial terraces (including Jade +Co. Salon). (No. 160 on



Fig. 8

Federation Commercial terrace c. 1905 (next block east of the site).



Fig. 9

This section contains fashion boutiques, hair salon, food outlets, pizza restaurant - a Federation building and the Greenwood Tree Hotel (units).



Fig. 10

Former Greenwood Tree Hotel (184 Oxford Street). Residential Units with shops below. On the northern side of Oxford Street on the next corner to the east of the site.



Fig. 11

Brodie Street. Greenwood Tree Hotel on the west side. First corner to the east of the development site. 3 storeys in total.



Fig. 12

Shops and offices (188 Oxford Street) are part of the complex built on the site of the former Royal Women's Hospital. Two storeys in total.



Fig. 13

Victorian terraces two corners to the east of the site. To the south of the Royal Hospital for Women site. Two storeys in total.



Fig. 14

Victorian terrace - former residences now converted to commercial use.



Fig. 15

Federation shops across from Paddington RSL club.



Fig. 16

Paddington RSL club (220-232 Oxford Street).



Fig. 17

Victorian shops. These buildings survived the widening of Oxford Street unchanged.



Fig. 18

Shops and Post Office.



Fig. 19

Post Office, predominantly two-storeys (246 Oxford Street).



Fig. 20

Ormond Street. Post Office and Juniper Hall.



Fig. 21

Juniper Hall, a Georgian Villa. Oldest surviving house in Paddington. Preserved as a result of a campaign of the NSW National Trust.



Fig. 22

Imperial Hotel (252 Oxford Street). A three-storey hotel higher on the ridge of Oxford Street. Not in the line of sight of the subject site.



Fig. 23

Federation shops on Oxford Street past The Imperial Hotel.



Fig. 24

Federation Shops on Oxford Street.



Fig. 25

Contemporary in-fill shops and Paddington Reservoir Park.



Fig. 26

Paddington Reservoir Park.



Fig. 27

Federation shops.



Fig. 28

Contemporary in-fill shops. Southern side of Oxford Street. 2 storeys.



Fig. 29

Contemporary in-fill shops. Southern side of Oxford Street.



Fig. 30

Oatley Road and Paddington Town Hall (249 Oxford Street). Southern side of Oxford Street.



Fig. 31

Paddington Town Hall (249 Oxford Street). 2 Storeys plus clock tower.



Fig. 32

Paddington Town Hall (249 Oxford Street). Southern side of Oxford Street.



Fig. 33

Addition to the Greenwood Tree Hotel, now units.



Fig. 34

Addition to the Greenwood Tree Hotel Building, now units.



Fig. 35

No. 162 Oxford Street on the opposite corner of the subject site.



Fig. 36

No. 160 Oxford Street on the corner of Shadforth Street (the subject site).



Fig. 37

Access to carparks at 142-148 Oxford Street is from a narrow lane from Gipps Street.



Fig. 38

Figure 80 Access to carparks at 142-148 Oxford Street is from a narrow lane from Gipps Street.



Fig. 39

Carpark access at rear of Nos.142-148 Oxford Street.



Fig. 40

Garage of No. 142 Oxford Street.



Fig. 41

Access to carparks at 142-148 Oxford Street is from a narrow lane from Gipps Street.



Fig. 42

Access to carparks at 142-148 Oxford Street is from a narrow lane from Gipps Street.



Fig. 43

Access to carparks at 142-148 Oxford Street is from a narrow lane from Gipps Street.



Fig. 44

Lane to rear of town houses 142-148 Oxford Street (21 Gipps Street to left, 23 Gipps Street to right)..



Fig. 45

Rear of the original Paddington Police Station.



Fig. 46

Shadforth St façade of 160 Oxford Street. Shadforth St and rear façade No. 160 Oxford Street.



Fig. 47

Rear façade of the units at 160 Oxford St. Rear façade of the units at 160 Oxford Street.



Fig. 48

Rear façade of the units at 160 Oxford St. Rear façade of the units at 160 Oxford Street.



Fig. 49

Rear façade of the units at 160 Oxford St.



Fig. 50

Rear façade of the units at 160 Oxford Street.



Fig. 51

Rear façade of the units at 160 Oxford Street.



Fig. 52

Carpark for units at 160 Oxford Street.



Fig. 53

Carpark for units at 160 Oxford Street.



Fig. 54

Carpark for units at 160 Oxford Street.



Fig. 55

Rear wall of No. 6 Shadforth Street from the rear of No 160 Oxford Street.



Fig. 56

Contemporary in-fill shop and offices on the corner of Shadforth and Oxford Street opposite the subject site. 2 storeys with attic in



Fig. 57

Sandstone worker's cottages.

Gipps Street



Fig. 58

No. 7 Gipps Street - an optometrist.



Fig. 59

No. 11 (left) and 9 (right) Gipps Street.



Fig. 60

Bethel Lane, a narrow lane between No. 11 (right) and 13 (left) Gipps Street.



Fig. 61

Bethel Lane between No. 11 and 13 Gipps Street, Figure 69 Behind No. 13 Gipps Street on Bethel



Fig. 62

No. 13 Gipps Street is a house built in the 1970s that has undergone recent renovation. Woollahra Council requires retention of all facades of the site and details such as a paling fence to be retained. It demonstrates heritage policy for the area promoted and enforced by the Council in 'Little Paddington'.



Fig. 63

No. 19, 17, and 15 Gipps Street - terraces built in the 1870s (13 Gipps is to the right).



Fig. 64

Access to carparks at 142-148 Oxford Street is from a narrow lane from Gipps Street beside the original Paddington Police Station (23 Gipps Street to left, 21 Gipps Street to right).



Fig. 65

Jackie's Café at 1c Glenmore Road looking east up Gipps Street.



Fig. 66

19, 17, and 15 Gipps Street - terraces built in the 1870s.



Fig. 67

The original Paddington Police station, No. 21 Gipps Street.



Fig. 68

Original Paddington Police station, built in the 1840s (23 Gipps Street to left, 21 Gipps Street to right).



Fig. 69

Gipps Street from Glenmore Road looking east up Gipps Street.



Fig. 70

Mid-Victorian terrace Gipps Street. Mid-Victorian terrace Gipps Street.



Fig. 71

This terrace on the east side of Shadforth Street was a corner shop. A sign for Zyp lemonade is prominent on the side of the terrace from Gipps Street.



Fig. 72

Worker's cottages Gipps Street.



Fig. 73

Worker's cottages Gipps Street.



Fig. 74

No. 14 Gipps Street the site of the Subscription Library.



Fig. 75

Worker's cottages Gipps Street.



Fig. 76

Worker's cottages Gipps Street.



Fig. 77

Worker's cottages Gipps Street.



Fig. 78

Gipps Street.



Fig. 79

Corner Prospect Street and Gipps Street.

Shadforth Street



Fig. 80

Shadforth Street (from Liverpool Street).



Fig. 81

Shadforth Street (from Liverpool Street).



Fig. 82

No. 12 and 14 Shadforth Street.



Fig. 83

8 and 10 Shadforth Street. 1840 worker's cottages (next to site).



Fig. 84

No. 6 Shadforth Street, a modest 1970s infill cottage on the subject site.



Fig. 85

Sandstone house Shadforth Street (opposite site).



Fig. 86

Sandstone worker's cottages on Shadforth Street (opposite site).



Fig. 87

These larger sandstone houses on denote a higher rank of the occupants. Skilled tradesmen or foremen lived in these houses.



Fig. 88

Worker's cottage on Shadforth Street.



Fig. 89

Worker's cottages on Shadforth Street.



Fig. 90

Shadforth Street (from Liverpool Street). All buildings no more than 2 storeys.

Prospect/Spring/Liverpool Streets



Fig. 91
Liverpool Street.



Fig. 92
Liverpool Street.



Fig. 93
Corner Prospect and Spring Street.



Fig. 94
11, 9, 7, 5, 3 and 1 Prospect Street.



Fig. 95
No. 11, 9, 7, 5, 3 and 1 Prospect Street.



Fig. 96
Spring Street from Prospect Street.

Victoria Barracks



Fig. 97
The Victoria Barracks wall and local WW1 War Memorial.



Fig. 98
The Victoria Barracks wall.



Fig. 99
The Victoria Barracks wall.



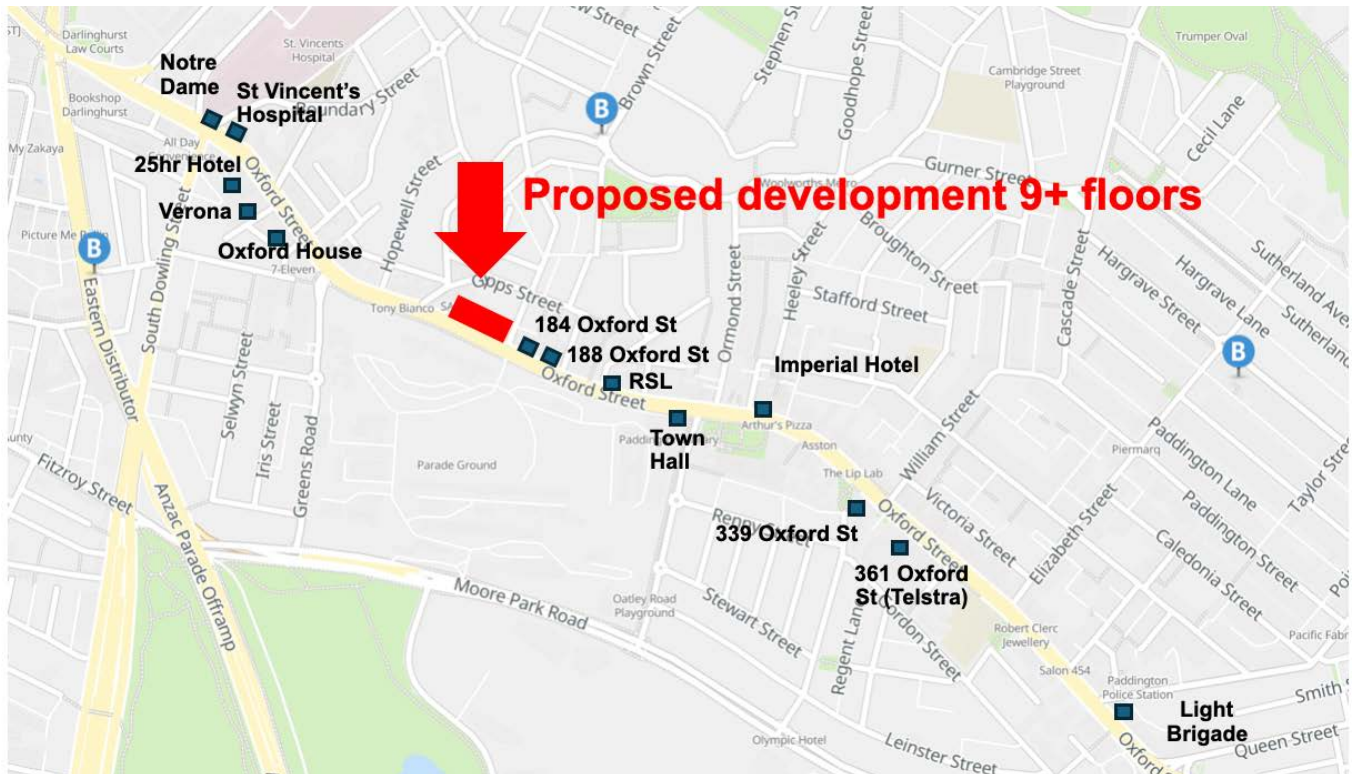
Fig. 100
The Victoria Barracks Wall and Queen Victoria Gate (opposite the site).



Fig. 101
The Victoria Barracks wall (opposite the site)

Annexure B

Map of Oxford Street Buildings



There is **only 1** building over 6 floors between St Vincent's Hospital and Jersey Road Paddington, and it is located in the City of Sydney Council, being 339 Oxford 8 levels (apartment)

List of all other buildings on Oxford Street equal to or above 4 floors:

- The University of Notre Dame (160 Oxford Street, Darlinghurst) – 5 floors.
- St Vincent's Hospital facing Oxford Street – 6 floors.
- 25hours Hotel (Heritage listed Olympia Theatre, c1911, 1-11 Oxford Street) – 4 floors with 5th set back.
- Verona (17 Oxford Street) – 5 floors.
- Oxford House Sydney Hotel (21 Oxford Street) – 4 floors.
- 184 Oxford Street (former Green Tree Hotel) (retail/residential) – 4 floors.
- 188 Oxford Street – 4 floors with 5th set well back.
- The RSL (220 – 232 Oxford Street) – 4 floors plus partial 5th.
- Paddington Town Hall (Heritage listed, c1905, 249 Oxford Street) – 2 floors with a clocktower.
- The Imperial Hotel (Heritage listed, c1874, 252 Oxford Street) – 4 floors plus partial 5th.
- 361 Oxford Street - 5 plus partial 6th (Telstra).
- The Light Brigade Hotel (Heritage listed, c1880s, 252 Oxford Street) – 4 floors.

Annexure C

Email from Jade Whitelaw of Jade + Co of 168-174 Oxford Street Paddington

Paddington tower Inbox x



Jade Whitelaw
to me ▾

Fri 28 Nov, 09:56 (7 days ago) ☆ 😊 ↩ ⋮

To whom it may concern,

I am writing to formally express my opposition to the proposed Paddington tower project based on several critical concerns that directly impact the safety, accessibility, and quality of life in our community.

Firstly, the inability of a two-way traffic system on Shadforth already causes significant congestion and an inability to pass smoothly, resulting in traffic banking up frequently. This creates delays and frustration for all road users.

Secondly, the frequent parking of trucks on the street to make deliveries will block traffic flow, further exacerbating congestion and reducing the available road space. This obstruction not only hampers movement but also poses safety risks.

Thirdly, the resulting congestion leads to constant beeping of car horns as drivers become impatient, contributing to noise pollution and a stressful environment for residents.

Fourthly, the lack of adequate parking spaces will cause vehicles to further block private garages, inconveniencing residents and potentially restricting emergency access.

Fifthly, the overall shortage of parking in the area is a persistent problem that this development fails to address, likely worsening the situation and increasing illegal or obstructive parking.

Lastly, there have been near accidents due to the congestion when vehicles enter and exit Oxford Street. This highlights the safety hazards that the proposed build will intensify.

For these reasons, I strongly urge reconsideration of the Paddington tower project to prevent deterioration of traffic conditions, safety risks, and negative impacts on the local community.

Thank you for considering these concerns.

Warm regards

Jade Whitelaw