

SSD 9752870

160 Oxford Street, Paddington

142-160 Oxford Street, 13 Gipps Street and 6 Shadforth Street, Paddington NSW 2021

Submission in Objection - Oxford160 Mixed-Use Development

1. Introduction

This submission raises concerns regarding the proposed **Oxford160 mixed-use development** at **142-160 Oxford Street, 13 Gipps Street and 6 Shadforth Street, Paddington**.

Given the volume of documents associated with this proposed development and the short review time provided, this is not an exhaustive list but rather a summary of some of the major issues that support this submission.

As a resident of Shadforth street Paddington, I can provide some insight into aspects of the development application and implications that may not be obvious to someone unfamiliar with the location.

While the development is presented as an Oxford Street urban renewal project, a significant portion of the **operational impacts, including vehicle access, servicing and waste collection, are directed toward Shadforth Street**, a narrow residential street within the **Paddington Heritage Conservation Area**.

This submission raises two primary areas of concern.

First, the **disproportionate operational, amenity and heritage impact on Shadforth Street** arising from the location of basement access, servicing and waste functions on a street that is physically and contextually unsuited to carry them.

Second, and of equal importance, the **misuse of the in-fill affordable housing bonus provisions** under the State Environmental Planning Policy (Housing) 2021 to achieve building height and floor space ratio outcomes that are manifestly inconsistent with the Paddington Heritage Conservation Area and with the policy's own stated objectives in a development that proposes five swimming pools and luxury residential apartments.

2. Planning Framework and Relevant Considerations

2.1 State Significant Development Assessment

The proposal is assessed as a **State Significant Development (SSD)** by the NSW Department of Planning, Housing and Infrastructure under Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act). In determining an SSD application, the consent authority must consider environmental, social and economic impacts on the locality and region, impacts on surrounding land uses and residential amenity, compatibility of the development with its built and heritage context, traffic and servicing impacts on surrounding streets, impacts on the Paddington Heritage Conservation Area, the character and desired future character of the area, and cumulative impacts on the neighbourhood.

2.2 Woollahra DCP 2015 Chapter C1- Paddington Heritage Conservation Area

While the SSD pathway means the application is determined by the Department rather than Woollahra Council, the **Woollahra Development Control Plan 2015 Chapter C1 Paddington Heritage Conservation Area** (last amended 31 May 2024) remains a material consideration in the assessment. Chapter C1 applies to the land and its immediately surrounding properties. Its provisions are directly engaged by this application and are specifically identified below because the developer's Statement of Heritage Impact does not address them with sufficient rigour in relation to the Shadforth Street interface.

Section C1.1.1 of the DCP establishes the overriding conservation philosophy:

“Paddington is a unique urban area of outstanding national heritage significance and the conservation of Paddington, and its heritage significance should be the foremost outcome of development.” The DCP further states: **“For Paddington, the whole is greater than the sum of its parts.”**

The objectives of Chapter C1 (Section C1.1.4) include the following, that are directly engaged by this application:

- **O2** - To acknowledge and conserve the unique National heritage significance of Paddington
- **O3** - To conserve the significant types of buildings within the Paddington Heritage Conservation Area
- **O4** - To provide guidelines and controls which seek to protect the significant character of Paddington, and which encourage contemporary design which responds appropriately to that character
- **O6** - To enhance amenity and heritage values within Paddington
- **O7** - To ensure that development is consistent with the heritage significance of the Paddington Heritage Conservation Area

The desired future character of the Paddington HCA (Section C1.2.4) requires that development:

- **(a)** retains the unique national heritage significance of Paddington and recognises it as a rare and distinctive urban area
- **(b)** reinforces the area as a special residential precinct
- **(c)** retains and promotes evidence of the historical development of the area and enables interpretation of that historical development
- **(d)** retains the cohesive character evident in the **low scale, high density built form**
- **(e)** retains distinctive features such as parapets, chimneys, mixture of roofs, complex of roads, laneways and alleyways, consistency of colours, subdivision patterns and buildings which follow the landform and the distinctive patterns of terrace house groups

The following specific DCP sections are engaged by this application and are identified for the consent authority's attention:

- **C1.3.13 Infill development (new development)** - the controls governing large-scale new development in the HCA, including scale compatibility with the surrounding built form
- **C1.4.5 Building height, bulk, form and scale** - controls requiring that new development does not dominate the heritage streetscape and maintains appropriate relationships with surrounding contributory buildings

- **C1.4.7 Excavation** - controls on the depth and extent of excavation in proximity to heritage structures, directly engaged by the proposed four-level basement
- **C1.4.9 Views** - controls on the sharing of views and vistas, including views within and through the HCA street network
- **C1.4.10 Acoustic and visual privacy** - controls requiring that development does not cause unreasonable acoustic or visual intrusion into adjacent residential properties
- **C1.5.6 On-site vehicle parking, garages, carports, driveway access and servicing facilities** - controls requiring that vehicle access is located to minimise impacts on the heritage residential street environment

While the Woollahra DCP 2015 does not apply as a binding compliance instrument to this SSD pathway, as the applicant's own Transport Assessment expressly acknowledges, the DCP's conservation objectives provide directly relevant guidance on what acceptable outcomes look like in this heritage context. The consent authority should have regard to these DCP provisions as **relevant considerations informing the assessment of likely impacts under section 4.15 of the EP&A Act**. Assessed against that guidance, the proposed development does not achieve the DCP's conservation outcomes in relation to the Shadforth Street interface.

2.3 The SSD Pathway Bypasses Local Heritage Scrutiny, and Woollahra Council Has Never Assessed This Site

Section 1.3 of the developer's Statement of Heritage Impact (GBA Heritage, December 2025) confirms: **"The contribution of the subject site to the Paddington HCA has not been assessed by Woollahra Municipal Council."** This is a significant gap in the heritage assessment framework applicable to this application.

Under the standard development assessment pathway, Woollahra Council would assess the application against Chapter C1 of its DCP, including a formal determination of the site's contribution to or intrusion upon the HCA. This assessment would typically involve the Council's Heritage Adviser and would be publicly documented. The **SSD pathway entirely bypasses this local heritage assessment process**. The application is determined by the Department without any formal heritage contribution assessment having been made by the statutory planning authority with the deepest knowledge of the Paddington HCA.

The consent authority should satisfy itself that the absence of a Woollahra Council heritage contribution assessment does not result in a material gap in the information before it and should consider whether **Heritage NSW should be requested to provide an independent heritage assessment** of the development's impacts on the Paddington HCA, particularly the Shadforth Street interface, before this application is determined.

3. Misuse of In-Fill Affordable Housing Bonus Provisions

3.1 The Bonus Framework Under the Housing SEPP

The in-fill affordable housing provisions of the **State Environmental Planning Policy (Housing) 2021** (Housing SEPP, Chapter 2, Part 2) provide for a **floor space ratio (FSR) bonus of up to 30% and a building height bonus of up to 30%** for developments that include at least 10-15% of gross floor area (GFA) as affordable housing.

The **stated objective of these provisions (section 15A of the Housing SEPP)** is expressly and specifically to **facilitate the delivery of new in-fill affordable housing to meet the needs of very low, low and moderate income households.**

Critically, the Department of Planning's **In-fill Affordable Housing Practice Note** is unambiguous: the bonuses **must not be treated as an entitlement**. The full extent of the bonus provisions **may not be achieved on all sites, due to site constraints and local impacts**. The consent authority retains full merit assessment discretion to reduce or deny the bonus where site constraints and local impacts warrant it.

3.2 The Development Is a Luxury Product, Not Affordable Housing

The fundamental concern is this: the in-fill affordable housing bonus provisions, designed to house very low, low and moderate income households, are being used to justify additional height and floor space in a development that features **five swimming pools and luxury residential apartments**. The application proposes 10 affordable dwellings from 40 total, a 25% proportion that exceeds the 15% minimum trigger but does nothing to alter the luxury character of the development. The remaining 30 apartments are premium market-rate product. The overwhelming benefit of the FSR and height uplift accrues to the developer, not to the very low and moderate income households the policy is designed to serve.

The character of this development as a luxury product is evident from the application materials:

- **Five (5) swimming pools** are proposed, including rooftop pools. Swimming pools of this number are a hallmark of premium residential development. They are not a facility type associated with housing for very low or low income households.
- The **ongoing operational costs** of five pools, owner's corporation levies, energy, chemical treatment, maintenance, impose financial burdens on occupants fundamentally incompatible with housing affordability outcomes.
- The residential apartments are designed and marketed to a **premium market segment**, not to the very low, low and moderate income households the policy is intended to serve.
- The **capital investment value substantially exceeds \$75 million**, placing this in the highest tier of SSD housing applications. This is a large-scale commercial development, not an affordable housing initiative.
- The application proposes **10 affordable dwellings out of 40 total (25%)**. While this exceeds the 15% minimum GFA threshold required to trigger the bonus, the 30 market-rate apartments remain premium luxury product. The overwhelming benefit of the FSR and height uplift flows to the developer as market-rate floor space; the affordable housing component, though above the minimum trigger, does not alter the fundamentally luxury character of the development.

The practical effect of this arrangement is that the affordable housing provisions, intended to house the most vulnerable members of the community, are being deployed as a **development uplift mechanism** to justify a building height and floor space ratio that would otherwise be impermissible in the Paddington Heritage Conservation Area.

The Department's Practice Note states that bonuses should not be treated as an entitlement and that **'development outcomes should be balanced against the Government's policy intent to realise more affordable housing'**. A development with five swimming pools does not reflect that policy intent.

3.3 The Affordable Housing Benefit is Temporary; The Heritage Impact is Permanent

The application documents and the SHI describe affordable housing dwellings to be managed by a community housing provider for **a period of at least 15 years**. This is the minimum period prescribed under the Housing SEPP's in-fill affordable housing provisions. After 15 years, the affordable housing covenant can expire, and those dwellings can revert to market-rate housing. The affordable housing benefit that justifies the height and FSR bonus is therefore **temporary at minimum duration**.

The proposed development permanently transforms the heritage residential character of Shadforth Street - through overshadowing, visual enclosure, basement traffic, light spill and construction vibration impacts that will exist for the lifetime of the building. That permanent heritage impact is being used to justify planning bonuses that deliver affordable housing for as little as 15 years. This fundamental disproportionality between the permanent cost (to heritage and residential amenity) and the temporary benefit (affordable housing tenure) must be weighed by the consent authority in assessing whether the bonus provisions are being used consistently with their policy intent.

The Department's own Practice Note states that development outcomes must be **"balanced against the Government's policy intent to realise more affordable housing."** A minimum 15-year affordable housing tenure, in a luxury development with five swimming pools, does not represent a development outcome balanced against that policy intent. The permanent planning bonus and its permanent heritage consequences should be matched by a **permanent affordable housing covenant**, not a minimum 15-year tenure that can lapse within the lifetime of any current Shadforth Street resident.

3.4 Site Constraints Warrant Reduction or Denial of the Full Bonus

The site presents precisely the conditions that the Practice Note identifies as warranting reduction or denial of the full bonus:

- **Heritage Conservation Area interface:** the site directly adjoins the Paddington Heritage Conservation Area; the height uplift generates a building that visually dominates heritage streetscapes in a manner irreconcilable with conservation area objectives
- **Scale incompatibility:** surrounding streets, including Shadforth Street, are characterised by one- and two-storey terrace houses; the bonus-derived height amplifies the already significant scale incompatibility between the development and its residential context
- **Desired future character:** the character and desired future character of the Paddington Heritage Conservation Area is fine-grain, low-rise and terrace-scale. The bonus-derived development scale is inconsistent with this character

- **Local residential amenity:** the additional height generated by the bonus increases overshadowing, overlooking, visual dominance and light spill impacts on adjoining residential properties

The consent authority is respectfully requested to **exercise its merit assessment discretion to reduce or deny the full height and FSR bonus** having regard to the heritage residential context of this site, the temporary nature of the affordable housing tenure, consistent with the Department's own Practice Note and the objective of section 15A of the Housing SEPP.

4. Disproportionate Operational Impacts on Shadforth Street

Although the development benefits from a commercial frontage on Oxford Street, a major arterial corridor capable of accommodating higher activity levels, the principal operational functions of the development are directed toward **Shadforth Street**, including:

- basement vehicle access (car park entry and egress)
- servicing and delivery vehicle movements
- waste collection operations

This arrangement allows the development to **internalise the benefit of an Oxford Street address while externalising its operational impacts onto a narrow residential street**. Planning principles require developments to locate operational impacts on streets **capable of accommodating them**, particularly where heritage residential streets are involved. Oxford Street is capable of carrying the access, servicing and waste functions proposed. Shadforth Street is demonstrably not.



Figure 3.1
Site plan showing the proposed development
Source: Smart Design Studio

Figure 3.1 (Source: Smart Design Studio / GBA Heritage SHI, December 2025): Site plan showing the proposed driveway labelled 'Proposed Driveway' running the full length of the Shadforth Street boundary at 1.2m setback, the ground floor pool, and the loading and servicing functions directed to the residential street interface.

5. Physical Constraints of Shadforth Street

Shadforth Street is a short, **very narrow residential street** characterised by terrace houses of heritage significance constructed close to the street boundary.

Although formally designated as two-way, in practice **two vehicles cannot pass simultaneously**. Drivers are regularly required to reverse into Oxford Street or Liverpool Street to allow opposing vehicles to pass. As a resident of Shadforth Street I attest to this condition directly. The build-up of vehicles waiting to enter from Oxford Street regularly causes queuing onto the Oxford Street carriageway.

The development proposes a basement car park of **83 car spaces (including 6 accessible spaces) and 8 motorcycle spaces** as confirmed in the Transport and Accessibility Impact Assessment (Varga Traffic Planning, November 2025, page 25), compared with approximately **13 spaces associated with the existing building**. This represents a more than sixfold increase in parking capacity, with a commensurate increase in vehicle movements through a street that already exceeds its practical capacity.

The design asymmetry between the Gipps Street and Shadforth Street interfaces is stark and revealing. The application documents confirm that the northern elevation facing Gipps Street is set back approximately **9 metres from the Gipps Street properties**, with a landscaped buffer. The 13 Gipps Street dwelling, acknowledged by the developer's own heritage consultant as an intrusive post-WWII structure with no heritage significance, is being **retained**, providing a further buffer to those neighbours. By contrast, the Shadforth Street setback is **1.2 metres**, 6 Shadforth Street is being demolished, and the full operational load of the development (vehicle access, servicing, waste) is directed to that interface. The development has been configured to direct its worst impacts to Shadforth Street.

A further anomaly is the application's description of pedestrian access: both the SHI (Section 3.1) and the application documents state that **pedestrian access to the development will be provided from Bethel Lane**, the small service laneway on the western boundary of the site. If confirmed, this means that residents of all 40 apartments will access their homes not from Oxford Street (the principal frontage) or Shadforth Street, but via a narrow service lane. This arrangement suggests that the building's Oxford Street presentation has been optimised for visual appearance rather than residential function, and that the development's residential character is effectively a **back-of-house operation directed through surrounding heritage residential streets and laneways**.

5A. Parking Oversupply, Kerbside Parking Loss and Transport Modelling Deficiencies

5A.1 Significant Departures from DCP Chapter C1.5.6 Parking Guidance; Material Impacts on Shadforth Street

While the Woollahra DCP 2015 does not apply as a binding instrument to this SSD pathway, DCP Chapter C1.5.6 sets out conditions that must be satisfied before on-site parking is permitted in the Paddington Heritage Conservation Area. These conditions represent the considered policy position on what vehicle access outcomes are acceptable in this heritage residential context, and the consent authority should have regard to them as relevant guidance under section 4.15 of the EP&A Act. Assessed against that guidance, the proposed development departs significantly from the expected outcomes in at least five

respects. In each case the departure is established on the developer's own application documents.

C1(b) - Vehicle entries and exits must not have a detrimental impact on pedestrian or traffic movements.

The swept path analysis in the Transport Assessment (Varga, drawing GF_B99&B85_Passing) shows a B85 design vehicle with a 5.8m turning radius turning left from the basement exit onto Shadforth Street. The swept path arc makes contact with the kerbside parking on the eastern side of the street. The Transport Assessment's narrative conclusion that vehicles can manoeuvre without impact is directly contradicted by the consultant's own diagram. The proposed development therefore does not achieve the outcome required by DCP C1(b) - a departure established on the developer's own evidence - this impact has not been adequately assessed in the EIS.

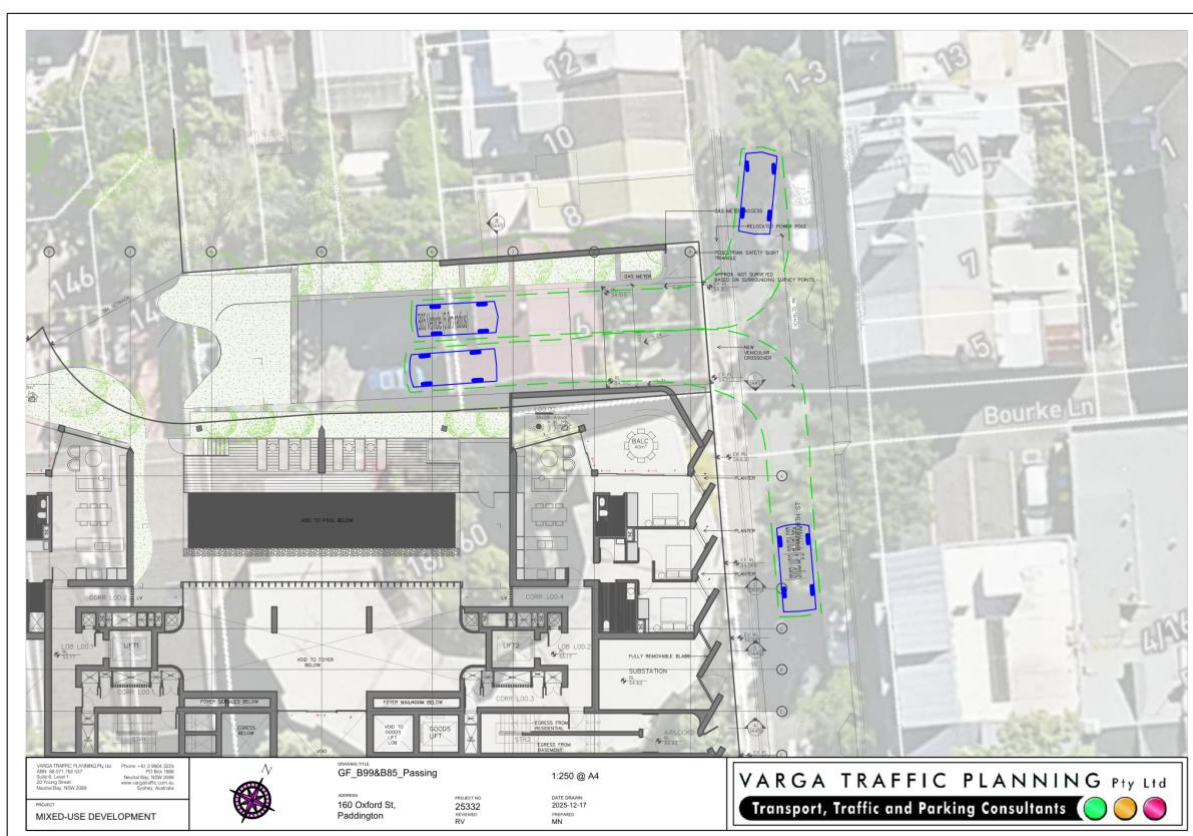


Figure GF_B99&B85_Passing (Source: Varga Traffic Planning, Transport and Accessibility Impact Assessment, November 2025): B85 vehicle (5.8m turning radius) and B99 vehicle (6.3m turning radius) exit swept paths at ground floor level. The B85 swept path arc makes contact with the kerbside parking space on the eastern side of Shadforth Street. The Transport Assessment's text does not acknowledge this impact on on-street parking.

C1(d) - A driveway must comply with AS 2890.1-2004.

AS 2890.1-2004 sets a maximum width of 5.5 metres for a two-way residential driveway. The application documents do not confirm that the Shadforth Street driveway crossover complies with this limit. The consent authority should require the applicant to confirm AS 2890.1-2004 driveway width compliance before determination.

C1(e) - Extensive excavation must not be required, and controls in DCP Section B3.4 must be met.

Four basement levels of excavation in the oldest settled part of Paddington - a site containing sandstone foundations at 142 Oxford Street not yet archaeologically assessed - constitutes **extensive excavation** within the clear meaning of C1(e). The developer has not addressed DCP Section B3.4 excavation controls, which provides relevant guidance on the management of deep excavation impacts in heritage contexts. This departure is directly connected to the unassessed archaeological heritage risk addressed in Section 13 of this submission, and the consent authority should require the applicant to demonstrate that the excavation impacts are acceptable having regard to that guidance.

C1(i) - The use and quantity of on-street parking spaces must not be adversely affected.

The swept path analysis confirms that vehicle turning movements on exit from the basement make contact with the kerbside parking on Shadforth Street. Additionally, the new vehicle crossover will require no-stopping zones on either side, permanently removing kerbside spaces that existing residents, who have no off-street parking alternatives, currently depend upon. The proposed development therefore does not achieve the outcome required by DCP C1(i), and this impact has not been assessed in the EIS.

C9(a) - Rear street access requires at least 10 metres from the rear of the building to the rear boundary.

The application documents confirm a setback from the rear of the building to the Gipps Street boundary of **9 metres**, 1 metre below the 10 metre setback from the rear boundary that DCP C9(a) specifies for rear street access. The proposed development does not achieve this guidance outcome, and the consent authority should have regard to this shortfall in assessing the appropriateness of the Shadforth Street interface.

5A.2 Parking Provision Substantially Exceeds Any Applicable Minimum

The Transport Assessment (Varga, page 25) calculates the minimum parking requirement as **62.8 spaces**, against which the proposal provides 83 spaces. However, the TPA's own 62.8 figure is itself inflated by two discretionary components that are **not mandated by SEPP (Housing) 2021** - the only instrument the TPA identifies as legally applicable to this SSD pathway (the TPA expressly states on page 24 that Woollahra DCP 2015 does not apply).

The TPA's 62.8 figure is built from five components:

- **Affordable dwellings (SEPP 2021):** 7.0 spaces
- **Standard dwellings (SEPP 2021):** 41.5 spaces
- **13 Gipps Street existing dwelling:** 1.0 space — included at the developer's discretion; not required by SEPP
- **Visitor spaces (TFNSW Guide, 1 per 5 dwellings):** 8.0 spaces — included at the consultant's discretion; SEPP (Housing) 2021 does not specify any visitor parking rate, and the DCP which does specify visitor rates is stated not to apply
- **Retail (DCP 2015 rate):** 5.3 spaces

If only the mandatory SEPP (Housing) 2021 rates are applied - as the TPA says they must be, the residential parking minimum is **48.5 spaces** (7.0 affordable + 41.5 standard). Adding the retail component at the DCP guidance rate (5.3 spaces) produces a working minimum of

approximately **54 spaces**. The TPA reaches 62.8 by adding 9 spaces that are either discretionary or drawn from instruments it acknowledges do not strictly apply.

On the TPA's own figures, the proposal provides **83 spaces against a SEPP-mandatory minimum of approximately 54** - a surplus of approximately **29 spaces, or 54% above the minimum that SEPP (Housing) 2021 actually requires**. Even accepting the TPA's more generous 62.8 figure, the surplus is 20 spaces (32%). On either measure, the parking provision is substantially in excess of what any applicable standard requires, and that entire surplus generates additional vehicle movements directed exclusively onto Shadforth Street.

The consent authority should require a reduction in parking to the SEPP-mandatory minimum. The TPA notes that one basement level accommodates 22 spaces. A reduction of 29 spaces from 83 could eliminate one basement level entirely, materially reducing the depth and extent of excavation, the archaeological disturbance risk, the deep soil impacts, and the ongoing vehicle movement burden on Shadforth Street.

5A.3 Loss of Kerbside Parking on Shadforth Street

The proposed basement access driveway on Shadforth Street requires the construction of a **new vehicular crossover**, as shown on the Traffic Consultant's swept path drawing (Varga Traffic Planning, Figure GF_SRV_Entry). The installation of this crossover will require the establishment of **no-stopping zones** on either side of the driveway entry along the Shadforth Street frontage of the development.

Shadforth Street has no off-street parking available to its existing residents. All residential parking on the street is **kerbside parking on Shadforth Street itself**. The loss of kerbside spaces to no-stopping zones is therefore a direct and permanent imposition on existing residents, who will have fewer available parking spaces on a street that is already constrained. This impact has not been assessed or mitigated in the application documents. The consent authority should **require the applicant to quantify the number of kerbside spaces lost** and to identify compensatory measures -such as the provision of additional spaces for residents of Shadforth Street as part of any consent.



Figure GF_SRV_Entry (Source: Varga Traffic Planning, Transport and Accessibility Impact Assessment, November 2025): Swept path diagram showing the waste collection vehicle (SRV mini rear loader) reversing across Shadforth Street into the basement loading dock. The new vehicular crossover is marked, as are the terrace houses at 5, 7, 9 and 11 Shadforth Street directly opposite.

5A.4 The Transport Assessment Methodology Understates Residential Street Impacts

The Transport Assessment concludes that traffic impacts will be negligible, relying principally on **generic trip generation rates** drawn from standard references and **SIDRA intersection modelling** at the Oxford Street / Shadforth Street intersection. This methodology has a fundamental limitation: it measures **vehicle delay and level of service at signalised intersections on the arterial network**, not the suitability of routing development traffic into a constrained residential street.

The SIDRA model confirms that the Oxford Street / Shadforth Street intersection itself operates at acceptable levels of service; this is unsurprising given the very low volume of Shadforth Street traffic relative to Oxford Street. But the model **does not assess what happens inside Shadforth Street** once vehicles have turned off Oxford Street: the queuing of vehicles waiting for the basement driveway, the conflict with opposing traffic in a sub-carriageway-width street, the reversing waste vehicle manoeuvres, and the cumulative effect of residential parking, retail deliveries, servicing movements and ride-share pickups and drop-offs. These are the impacts that matter to Shadforth Street residents, and they are entirely absent from the assessment.

The consent authority should require an **independent peer review of the Transport Assessment** specifically addressing: (a) the vehicle access outcomes assessed against

DCP C1.5.6 guidance; (b) the appropriateness of the parking quantum; (c) the operational capacity of Shadforth Street; (d) the cumulative impact of all vehicle types including waste, servicing, retail and ride-share; and (e) loss of kerbside parking and mitigation options.

5A.5 Electric Vehicle Charging Infrastructure Omission and Internal Inconsistency in the Transport Assessment's Sustainability Narrative

The Transport Assessment contains no reference to electric vehicle (EV) charging infrastructure anywhere in the document. For a development of this scale and stated character - a premium residential building in one of Sydney's most established urban neighbourhoods, with a capital investment value exceeding \$75 million - the complete absence of any EV charging provision or infrastructure planning represents a material omission from the EIS.

The National Construction Code 2022 (NCC 2022), which took effect in NSW from 1 October 2023, introduced EV charging infrastructure requirements for new Class 2 residential apartment buildings. Under NCC 2022 Volume One, new Class 2 buildings are required to provide EV charging-ready conduit infrastructure to all car parking spaces - the conduit, cabling capacity and switchboard capacity to allow EV chargers to be installed to every space without structural modification. For a building proposing 83 car parking spaces, this is a significant infrastructure and cost obligation. The application documents, including the Transport Assessment and the architectural drawings, contain no reference to NCC 2022 EV charging compliance, no conduit provision details, and no evidence that the basement electrical infrastructure has been designed to the required standard.

The omission is particularly conspicuous in the context of the development's sustainability and transport narrative. The Transport Assessment devotes a section (Section 3.5) to identifying existing car share locations in the vicinity of the site and to extolling the sustainability benefits of car share as a mode of transport, noting that each car share space is shared by approximately 34 members and replaces the need for up to 9 private parking spaces. The report then proposes to provide only one (1) car share space in the basement while simultaneously proposing 83 private parking spaces, a surplus of approximately 33 spaces above the SEPP-mandatory minimum. If the applicant's own Transport Assessment accepts that each car share space effectively replaces up to 9 private spaces, the single proposed car share space is insufficient to offset even a fraction of the private parking surplus. The sustainability rationale deployed to justify the car share provision is directly inconsistent with the parking quantum proposed.

The Transport Assessment further describes the site as having "*excellent connectivity to public transport infrastructure*" and documents three bus routes (333, 352 and 440) operating at 5-10 minute frequencies with the nearest stops within 200 metres of the site. The 333 service operates approximately 24 hours per day; the routes connect to multiple suburban railway stations and the Sydney CBD. The applicant's own transport analysis therefore confirms that the development sits at a high-frequency public transport node that should, by reference to the TFNSW Guide to Transport Impact Assessment, support significantly reduced private vehicle parking provision, particularly for a development seeking approval under the in-fill affordable housing pathway in one of Sydney's most transit-accessible inner suburbs.

The cumulative effect of these deficiencies is a transport package that: overprovides for private parking by a substantial margin above mandatory requirements; provides only token car share infrastructure inconsistent with its own sustainability rationale; omits EV charging infrastructure in apparent non-compliance with NCC 2022; and generates vehicle movement volumes through Shadforth Street that are not warranted by the site's established public transport connectivity.

The consent authority should require the applicant to address all of these matters before the application is determined, and should specifically:

- Require the applicant to demonstrate compliance with NCC 2022 EV charging infrastructure requirements across all 83 parking spaces, with conduit, cabling and switchboard design details included in the application documents before determination
- Require a car share provision commensurate with the site's public transport accessibility and the applicant's own sustainability narrative - if the TPA accepts that one car share space replaces up to 9 private spaces, a meaningful car share commitment should be conditioned as a requirement of consent rather than offered as a token single space
- Require the applicant to justify the private parking quantum of 83 spaces against the site's documented public transport accessibility and the TFNSW Guide's guidance on appropriate parking provision at high-frequency transit nodes, with a view to reducing vehicle movements through Shadforth Street to the minimum necessary

5B. Height Exceedance, Inconsistencies in Application Documents and ADG Non-Compliance

5B.1 The Building Exceeds the Bonus Height Envelope and Heritage Compliance Cannot Excuse the Breach

The proposed building may exceed its permissible maximum height of 28.6m (the base LMR height of 22m plus the 30% affordable housing bonus) by up to **4 metres** at certain points. If correct, this is a non-compliance with the height development standard in the Woollahra LEP 2014 that cannot be cured by the affordable housing bonus provisions. The consent authority should independently verify the maximum building height against the RL data in the architectural drawings and against the permissible height envelope.

Further, the applicant has sought to defend any height variation by reference to the heritage consultant's conclusion that the development will have an acceptable heritage impact. This conflates two separate issues. Whether a height breach has an acceptable heritage impact is a matter the heritage consultant can address; whether a height breach is permissible under the LEP is a separate legal question. The heritage consultant's opinion cannot authorise a height exceedance. The consent authority must assess LEP compliance independently.

5B.2 Internal Inconsistency in the Visual Impact Assessment

The Visual Impact Assessment (Colliers) relied upon in the SHI describes the cumulative impact of the development as "**moderate**" in its narrative text, while the tabulated findings record "**considerable**" impacts across multiple viewpoints, including viewpoints nominated as protected views within the Woollahra DCP. This internal inconsistency has been identified in other submissions to this application.

The consent authority cannot rely on an impact assessment that is internally inconsistent in its characterisation of the severity of visual impact. The VIA should be independently reviewed before determination, with particular attention to the protected view impacts and the discrepancy between the narrative and tabulated conclusions.

5B.3 ADG Inter-Building Separation - Non-Compliance for Buildings of 5 to 8 Storeys

The Apartment Design Guide (ADG) specifies minimum separation distances between habitable rooms and balconies of different buildings. For buildings of **5 to 8 storeys**, the required minimum separation between habitable rooms or balconies facing each other is **18 metres**. For buildings up to 4 storeys, the minimum is 12 metres.

The proposed development is 8 storeys plus rooftop. The Gipps Street setback from the building's rear to the rear boundary is **9 metres**, and the Gipps Street properties on the northern side of that boundary have their own setbacks from their southern boundary. The total inter-building separation between habitable rooms and balconies in the proposed building and the existing residential buildings along Gipps Street is **likely to be substantially less than the 18 metres minimum** required by the ADG for a building of this height. The application documents do not appear to demonstrate ADG compliance for inter-building separation to the Gipps Street residential properties.

This non-compliance is separate from and additional to the enclosure and privacy impacts on Shadforth Street properties addressed in Sections 10 and 11 of this submission. The consent authority should require the applicant to demonstrate ADG inter-building separation compliance against the Gipps Street residential interface before this application is determined.

5B.4 Error in Architectural Drawings - Oxford Street Boundary Dimensions

The architectural drawings as submitted record the Oxford Street frontage of the site as **4.265 metres**, when the surveyed site frontage is **40.265 metres**. If correct, this is a decimal point error of one order of magnitude in a key site dimension, an error that could affect the accuracy of FSR calculations, shadow diagrams, street setback representations and visual impact assessments.

The consent authority should verify this dimension against the registered survey plan and should require the applicant to identify and correct any consequential errors before the application is determined.

5C. Absence of Aeronautical Impact Assessment - Victoria Barracks Helipad

Victoria Barracks, directly opposite the development site on the southern side of Oxford Street, is an active Australian Defence Force facility housing Headquarters Forces Command. The Department of Defence's own site induction documentation confirms that a helipad located on the barracks ovals is "utilised at times by Defence and rescue helicopters." The helipad is formally registered in the Civil Aviation Safety Authority's aeronautical information database under ICAO identifier YVCB (St Vincents - Victoria Barracks Helipad), with documented approach, departure and noise abatement procedures.

The EIS contains no aeronautical impact assessment and no evidence that the applicant has consulted with the Department of Defence as the helipad operator, or with the Civil Aviation Safety Authority, regarding the effect of the proposed 9-level building (roof RL 81.320) on YVCB operations, including approach and departure paths, obstacle limitation surfaces, and crane operations during the construction programme.

Under Guideline H of the National Airports Safeguarding Framework (“Protecting Strategically Important Helicopter Landing Sites”), development proposals involving tall structures in immediate proximity to a strategically important helicopter landing site or its flight paths should be referred to the asset owner/operator for assessment. Victoria Barracks is a Commonwealth Heritage-listed active defence facility; the consent authority should require the applicant to obtain written confirmation from the Department of Defence and CASA that the proposed building height and construction crane operations will not adversely affect YVCB operations before this application is determined.

This is a matter of concern that the EIS does not address, and the omission is unexplained given the prominence and proximity of the Victoria Barracks facility. The consent authority should not determine this application until the aeronautical impact question has been properly investigated and cleared with the relevant Commonwealth agencies.

6. Light Spill Intrusion

6.1 Vehicle Headlight Intrusion from Basement Ramp

The proposed basement vehicle entry on Shadforth Street will produce **obtrusive light spill intrusion** into immediately adjoining residential properties from vehicle headlights. Light spill intrusion is assessed under **AS/NZS 4282:2019 Control of the Obtrusive Effects of Outdoor Lighting** and DCP Chapter C1 Section C1.4.10 (acoustic and visual privacy), which provides relevant guidance on acceptable privacy outcomes in the Paddington HCA and which the consent authority should have regard to in assessing the likely impacts of the development.

The physical conditions on Shadforth Street make this impact particularly severe:

- The constrained street cross-section places the basement ramp in close proximity to terrace house facades
- Terrace houses are **built at or near the street boundary** with minimal setback, placing living rooms and bedrooms immediately adjacent to the ramp entry
- Vehicle headlights approaching the ramp will be directed horizontally at close range toward ground and first floor windows
- The basement will operate during **evening and overnight hours** when obtrusive light impacts are at their most significant

The EIS does not include a quantified light spill assessment for the Shadforth Street basement entry benchmarked against AS/NZS 4282:2019. The consent authority should require one, with effective mitigation measures conditioned including directional ramp shielding, light-attenuating baffles at the ramp entry, and operational access controls restricting after-hours movements.

6.2 Fixed Artificial Light Intrusion from the Residential Shadforth Street Elevation

A separate and distinct light intrusion concern arises from the **fixed artificial lighting of the building's Shadforth Street residential elevation** (apartment windows, balconies and rooftop pool areas), at night. This is not a headlight issue; it is the permanent transformation of the nighttime light environment experienced by the terrace houses directly opposite.

The critical factor is geometry. The proposed building rises to **RL 81.32** (roof level), with apartments on levels L1 through L7 positioned at RL 56.620 to RL 77.920. The terrace houses on the northern side of Shadforth Street have roof ridges at approximately **RL 59 to RL 64**. This means that **upper floor apartments on the Shadforth Street elevation look almost directly down** into the rear yards, upper floor rooms and roof spaces of the heritage terraces directly opposite, at a horizontal separation of only the carriageway width plus footpath, approximating

At a setback of 1.2 metres from the Shadforth Street boundary, the angular separation between upper floor apartment windows and the properties opposite is negligible. A lit apartment window on Level 4 or above at this setback will sit at an elevation angle of approximately 50-60° above horizontal as viewed from a first floor bedroom window in a terrace house directly opposite. There is no meaningful buffer, no angular distance, no tree screening between the building's illuminated Shadforth Street facade and the habitable rooms of the terrace houses at 5, 7 and 9 Shadforth Street. Current residents experience darkness and privacy at night; the proposed development would replace that with an illuminated eight-storey residential facade at point-blank range.

The EIS does not include any assessment of **fixed artificial light intrusion from the residential Shadforth Street elevation**, whether from apartment interiors, balcony lighting or rooftop pool illumination, assessed against the obtrusive light limits in AS/NZS 4282:2019 for E2 residential environments, having regard also to DCP C1.4.10 as a relevant guide to acceptable outcomes in this heritage residential context. The consent authority should require:

- **A fixed light intrusion assessment** for the Shadforth Street elevation of the building, benchmarked against AS/NZS 4282:2019 pre-curfew and post-curfew limits at the facades of 5, 7 and 9 Shadforth Street
- **Conditions requiring external blinds or screening** on Shadforth Street-facing apartment windows and balconies above Level 2 that are assessed as causing obtrusive light intrusion
- **Conditions limiting rooftop pool and terrace lighting** to directional downlighting that cannot be seen from properties north of Shadforth Street

7. Pedestrian Safety and Neighbourhood Amenity

Increased vehicle movements through the proposed basement access on Shadforth Street will generate the following pedestrian safety and amenity impacts:

- increased vehicle manoeuvring in a severely constrained street cross-section with minimal footpath clearance
- conflict between vehicles entering and exiting the basement and pedestrians using the narrow footpath

- reduced safety for cyclists in a street without dedicated cycling infrastructure
- increased traffic noise from vehicle movements, queuing and engine idling in a quiet residential street
- queuing of vehicles on Shadforth Street, and overflow onto Oxford Street, during peak access periods

A **children's playground near the development site in Spring Street** reinforces the importance of maintaining safe pedestrian conditions in surrounding streets. The consent authority should require an independent **pedestrian and cyclist safety assessment** of the Shadforth Street access arrangement.

8. Construction and Excavation Impacts

The proposal involves **deep excavation for a four-level basement structure** in a heritage residential environment. Excavation of this scale raises the following concerns:

- **Vibration impacts** on adjacent terrace houses, which as unreinforced masonry heritage structures may be particularly susceptible to settlement and cracking
- **Potential structural effects** on historic buildings, including cracking, subsidence and damage to party walls and footings
- noise and dust generation from excavation works over an extended construction period
- **Heavy construction vehicle movements** through Shadforth Street and surrounding residential streets during the excavation and construction programme

Independent dilapidation surveys, vibration monitoring and a construction traffic management plan specifically addressing **Shadforth Street** should be required as conditions of consent.

9. Waste Collection Vehicle Manoeuvring

The Operational Waste Management Plan submitted with the application indicates that waste collection vehicles will be required to **reverse into the basement loading zone** because the basement layout cannot accommodate continuous forward movement. The report indicates that vehicles must perform a **three-point manoeuvre and reversing movement due to turning radius constraints created by structural cores and plant rooms**.

Reversing waste vehicles on Shadforth Street will generate:

- safety risks to pedestrians and cyclists from reversing heavy vehicles in a constrained street
- **reversing alarm noise** during waste collection operations (typically early morning hours), with direct acoustic impact on residential facades
- increased operational complexity and dwell time on a street already operating beyond practical capacity

The routing of waste collection vehicles through Shadforth Street, with a reversing manoeuvre requirement, **reinforces the fundamental concern about the suitability of**

locating the development's operational functions on a narrow heritage residential street.

10. Overshadowing of Shadforth Street Properties; 5, 7 and 11 Shadforth Street

10.1 What the Developer's Own Shadow Diagrams Show

The architectural drawings submitted by the developer (Smart Design Studio, drawing package pages 44-45) include **winter solstice shadow diagrams for 21 June, assessed across the full ADG assessment window from 9am to 3pm**. These diagrams are the developer's own documentation and are reproduced using a colour coded legend that distinguishes between: (a) existing shadows; (b) additional shadows from building mass within the base LMR height of 22m; (c) additional shadows from the 30% bonus uplift between 22m and 28.6m; and (d) shadows exceeding the 28.6m maximum.

The shadow diagrams show that throughout the assessment day, the proposed building casts **new additional shadows northward across Shadforth Street and onto the properties on the northern side**, including 5, 7 and 11 Shadforth Street, at multiple time periods across the morning and afternoon. The shadows are cast by both the base LMR massing and by the additional bonus height. This means that a portion of the overshadowing impact on Shadforth Street properties is directly attributable to the 30% height bonus that would not exist but for the affordable housing component of the development.

A portion of the overshadowing of 5, 7 and 11 Shadforth Street is attributable solely to the affordable housing height bonus. Without that bonus, the building's maximum permissible height would be 22m, not 28.6m. The additional 6.6m of height, six floors rising above the bonus threshold, generates shadow that falls directly on these heritage residential properties. The consent authority must consider whether this additional shadow impact, borne entirely by residential neighbours rather than the development, is an appropriate consequence of the bonus provisions.

Shadow Diagrams

21 June - 9am-3pm



Shadow Diagrams - 21 June, 9am to 3pm (Source: Smart Design Studio, Architectural Drawings, 160 Oxford Street Paddington, drawing 44/47). Green = additional shadow from base LMR massing (within 22m height limit).

Blue = additional shadow from the 30% affordable housing bonus height (22m–28.6m). The blue shadow component falls northward across Shadforth Street throughout the assessment day and would not exist but for the height bonus.

10.2 Marginal ADG Solar Access Compliance - A Direct Indicator of Maximised Density

The ADG Review Schedule in the developer's own drawings records: **solar access compliance of 30/40 apartments (75%)**. The ADG minimum threshold is 70%. The development achieves a margin of only **5 percentage points above the minimum** for its own internal apartments. The same drawings record that **10 out of 40 apartments (25%) receive no direct sunlight** during the full 9am-3pm winter solstice assessment window - approaching the ADG maximum of 15%.

This marginal internal compliance has a direct implication for external impacts: a development that is **itself struggling to achieve adequate solar access for its own apartments** is a development whose bulk and height has been pushed to the absolute maximum permitted. That maximised bulk is what generates the overshadowing of the Shadforth Street neighbours. A development designed with genuine solar access as a priority would have a reduced footprint or height, and correspondingly reduced overshadowing of adjacent properties. The developer has optimised for density and yield, not amenity.

10.3 Specific Impact on 5, 7 and 11 Shadforth Street

The shadow diagrams show that 5, 7 and 11 Shadforth Street, two-storey terrace houses with roof ridges at approximately **RL 59–64** (as recorded on the developer's height plane

extrapolation diagram), sit in the path of the proposed building's shadow at multiple times during the winter solstice assessment day. The proposed building's roof reaches **RL 81.32**, meaning the development overtops the existing terrace ridgelines by approximately **17 to 22 metres**. This is not an incremental increase in building mass; it is a completely different order of scale.

Terrace houses of this vintage typically derive their most significant solar amenity from north-facing rear courtyards and gardens. The proposed building, constructed immediately to the south of Shadforth Street on a site that drops by approximately **3.9m from Shadforth Street down to Oxford Street** (as noted in the Paddington Society's submission on the SEARs), produces a shadow that travels northward at low sun angles in winter, precisely in the direction of the north-facing rear gardens and windows of 5, 7 and 11 Shadforth Street. This impact is at its worst during the winter solstice, the very day the ADG uses to assess solar access compliance.

The Environmental Impact Statement does not appear to include an **assessment of solar access impacts on the adjoining residential properties on Shadforth Street** as distinct from the ADG compliance assessment of the development's own apartments. The consent authority should require the applicant to provide a specific quantified assessment of solar access impacts on **5, 7 and 11 Shadforth Street**, including the number of hours of direct sunlight lost to their principal living areas and private open spaces on 21 June as a result of the proposed development in its current form and at its proposed height.

10.4 The ADG Lower Density Boundary Requirement is Not Met

The ADG Key Guidelines page in the developer's own drawings (page 41 of 47) expressly states: **"at boundary to lower density zoning, increase setback by 3m."** The residential properties on the northern side of Shadforth Street are **R2 Low Density Residential zoned**, which is a lower density zoning than the R3 zone applicable to the development site. This ADG requirement therefore applies to the Shadforth Street boundary.

The setback diagram in the developer's drawings records the Shadforth Street boundary setback as **1.2 metres**. This does not meet the ADG's own guideline for a boundary adjoining lower density zoning, which would require the base setback to be **increased by 3m** above the standard requirement. The developer's own drawings record this ADG requirement, but the design does not achieve it. The consent authority should require the applicant to address this departure before the application is determined.

11. Building Height, Visual Dominance and Proximity to 5, 7 and 11 Shadforth Street

11.1 Height and Floor Levels - From the Developer's Own Drawings

The elevation drawings submitted by Smart Design Studio (page 37 of 47) record the following finished floor levels for the proposed building on the Shadforth Street elevation:

LG: RL 51.620 - L0: RL 55.020 - L1: RL 58.420 - L2: RL 61.670 - L3: RL 64.920 - L4: RL 68.170 - L5: RL 71.420 - L6: RL 74.670 - L7: RL 77.920 - ROOF: RL 81.320

The height of the proposed building from the Shadforth Street ground level (approximately RL 52–53 at the boundary) to roof is approximately **28-29 metres**. This is the height that faces directly across Shadforth Street toward 5, 7 and 11 Shadforth Street. The **roof ridgelines of those terrace houses** are recorded on the height plane extrapolation diagram at approximately RL 59–64 - meaning the proposed building is between **17 and 22 metres taller than the roof of the terrace houses directly opposite**.

11.2 The Angle of Enclosure from 5, 7 and 11 Shadforth Street

The setback diagram records the Shadforth Street boundary setback as **1.2 metres**. Shadforth Street between Oxford Street and Gipps Street has a road carriageway of approximately **7-8 metres** based on the site plan dimensions, with footpaths on each side. The total separation between the proposed building's eastern face and the front facades of 5, 7 and 11 Shadforth Street is therefore approximately **10-11 metres in total** (1.2m setback + footpath + carriageway + footpath).

A building of approximately 28m height at a horizontal separation of approximately 10-11 metres creates an **elevation angle from street level of approximately 69-70 degrees**. This means that from the front door of 5, 7 or 11 Shadforth Street, the proposed building occupies almost the entire upper visual field. For reference, a **90-degree angle would be a perfectly vertical wall immediately on the boundary**. The proposed development, at 69-70 degrees, is close to that extreme. This is a visual enclosure impact that is entirely unlike anything currently experienced in this part of Shadforth Street, which is characterised by one, and two-storey structures on both sides.

This extreme enclosure effect is **not ameliorated by the building's stepped floor plate design**. While the upper floors of the development show some recession in the floor plans, the Shadforth Street elevation drawings confirm that the building rises with minimal articulation on the eastern face to its full height, with the bonus-height floors above 22m providing only minor setback variation. The **visual mass from Shadforth Street is effectively unbroken from ground to roof**.

11.3 Absence of Scale Transition

Planning practice requires developments along major commercial corridors to provide a **transition in scale toward surrounding residential areas**. The developer's own 3D massing diagrams (page 39 of 47) illustrate the contrast between the base LMR 22m envelope and the bonus 28.6m envelope. Both envelopes produce a building of a scale entirely alien to the Shadforth Street residential context, but the bonus height is particularly egregious: it adds an additional approximately **6.6 metres of building height** that, as the shadow diagrams confirm, falls directly on the property's opposite. There is **no step-down, no transition and no intermediate scale element** between the full height of the proposed building and the one-storey terrace directly across the street.



Figure 3.3
Eastern elevation drawing
Source: Smart Design Studio

Figure 3.3 - Eastern Elevation Drawing (Source: Smart Design Studio / GBA Heritage SHI, December 2025). The proposed 8-storey building is shown at full height on the left. The heritage terrace houses at 5, 7 and 9 Shadforth Street - shown in green at right - are depicted at their actual comparative height. The building overtops the terrace ridgelines by approximately 17-22 metres with no scale transition.



Figure 3.2
Render of the proposed development at the corner of Oxford and Shadforth Streets
Source: Smart Design Studio

Figure 3.2 - Developer's Photorealistic Render from Oxford/Shadforth Corner (Source: Smart Design Studio / GBA Heritage SHI, December 2025). This is the only photomontage of the proposed building provided in the application. It is taken from the corner of Oxford and Shadforth Streets looking north-west, where mature plane trees screen the upper floors. No photomontage looking south from within Shadforth Street, the critical viewpoint for properties at 5, 7 and 11 Shadforth Street has been provided.

12. Rooftop Pools, Recreational Noise and Visual Amenity

The development includes **five swimming pools including rooftop pools**. This raises amenity concerns extending beyond those addressed in Sections 3 and 4 above:

- **Recreational noise** from active pool use, conversation, activity and music, directed downward into adjoining residential properties and the Shadforth Street streetscape
- **Mechanical plant noise** from pool filtration, heating and circulation systems, which operate continuously including overnight
- **Overlooking and visual intrusion** from rooftop pool decks with direct sightlines into the private open space and roof terraces of adjacent terrace houses

It is unclear whether the **noise generated by active recreational use of rooftop pools** has been fully modelled and assessed against applicable criteria for **residential receiver locations** in the Environmental Impact Statement. This assessment should be required, with appropriate acoustic attenuation measures conditioned.

13. Heritage Conservation Area - Deficiencies in the Developer's Own Statement of Heritage Impact

13.1 The SHI Fails to Assess the View That Matters Most

The developer has submitted a Statement of Heritage Impact (SHI) prepared by GBA Heritage (Dr Cameron Hartnell, December 2025). The visual impact photomontages commissioned by the developer and relied upon by the SHI, prepared by Colliers, are taken from the following viewpoints: looking east along Oxford Street, looking north-west across Oxford Street, and looking south-west from the Shadforth/Gipps Street intersection. **Every selected viewpoint is taken from a distance or angle at which the Oxford Street fig trees intervene between the camera and the proposed building.** The SHI then relies on the resulting tree-obscured imagery to conclude that the development will have limited visual impact on the HCA.

The SHI does not contain a single photomontage taken from within Shadforth Street looking south, the viewpoint directly in front of 5, 7 and 11 Shadforth Street. This is the viewpoint that would show the full unobstructed face of the proposed 28.6-metre building at 1.2 metres setback from the street. It is the viewpoint experienced by the people who live there every day. Its absence from the SHI is not an oversight; it is the viewpoint the developer chose not to assess.

The closest viewpoint provided by the developer, Figures 4.7 and 4.8, reproduced below from the SHI, is taken from the Shadforth/Gipps Street intersection, the farthest point from the subject properties. Even from this distance, and with tree screening, the scale of the proposed building relative to the existing streetscape is apparent. The developer's visual assessment concludes this impact is **Negligible**. The consent authority should consider whether this conclusion would survive a photomontage taken from directly in front of 5, 7 and 11 Shadforth Street.



Figure 4.5
Photograph looking north-west across Oxford Street. The subject site is indicated by a red arrow
Source: Colliers



Figure 4.7
Photograph looking south-west from Shadforth Street, near the intersection with Gipps Street
Source: Colliers



Figure 4.6
The photograph above with the proposed development shown. The development is partly shielded by mature trees
Source: Colliers



Figure 4.8
The photograph above with the proposed development shown
Source: Colliers

Figures 4.7 and 4.8 (Source: Colliers / GBA Heritage SHI, December 2025): Existing view (top) and proposed building inserted (bottom), looking south-west from the Shadforth/Gipps Street intersection. This is the closest viewpoint to the Shadforth Street properties provided in the entire application. It is taken from the far northern end of the street with tree screening in foreground. No equivalent photomontage has been provided from the properties at 5, 7 or 11 Shadforth Street looking south - the critical missing viewpoint.

The consent authority should require the applicant to provide a photomontage taken from the footpath in front of **5, 7 and 11 Shadforth Street, looking south**, showing the proposed building in its full height and at its actual setback from the street, before the heritage assessment of this application is finalised.

13.2 The SHI's Own Impact Rating Approaches the Material Threshold

Using the developer's own impact assessment methodology (Tables 4.1 and 4.2 of the SHI), the developer rates the impact on views to the Paddington HCA as **Moderate**, the second-highest category in their own framework. Their Table 4.2 defines Moderate as an '[Acceptable impact]' sitting just below the 'Material impact' threshold. This rating is based exclusively on views taken from Oxford Street with tree screening.

When the same methodology is applied to the view **from Shadforth Street looking south**, which the SHI does not assess, the inputs change materially. The view's contribution to HCA significance is high (Shadforth Street is within and characteristic of the HCA, at its narrowest and most intimate residential interface). The degree of change is high (a 28.6m building at 1.2m setback where nothing above two storeys currently exists). Under the developer's own Table 4.1, a high contribution combined with a high degree of change yields a **Major impact**, which under their Table 4.2 would constitute a **material impact above the acceptable threshold**.

13.3 The SHI Dismisses Shadforth Street Properties in One Sentence

The SHI's only treatment of the impacts on the historic residential buildings along Shadforth Street, Gipps Street and Glenmore Road is the following sentence in Section 4.3.11: **"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."** This statement addresses only whether those buildings will be delisted. It does not address whether their **heritage significance, setting, amenity and character as contributory elements of the HCA** will be adversely affected by the proposed development. It does not assess overshadowing, visual enclosure, loss of solar access, or the impact of a 28.6m building at 1.2m setback on the heritage character of Shadforth Street. This is a material deficiency in the SHI.

13.4 The SHI Acknowledges Paddington Village History but Fails to Apply It

Section 1.6 of the SHI reproduces the Max Kelly historical account of the founding of Paddington Village, confirming that Hugh Brodie and Alexander Craig erected stone and wooden cottages to house English, Irish and Scottish stonemasons, quarrymen, carpenters and Norfolk Island convict labourers who built Victoria Barracks, on the **north side of South Head Road (Oxford Street), directly across from the Barracks site**. The SHI also confirms the **1840 Australian Subscription Library land grant** (section 1.5) and the 1841 commencement of Barracks construction (section 1.6).

The SHI then asserts (section 2.1.2) that all seven structures on the development site are **intrusive to the HCA** because they were built in the second half of the twentieth century. That conclusion is uncontroversial. But the SHI uses the intrusive character of the **development site** to dismiss heritage concerns about the entire surrounding area. The developer's own historical narrative confirms that the stonemason settlement pattern ran along the **north side of Oxford Street including Shadforth Street** from 1841. The historic buildings opposite on Shadforth Street is precisely the kind of early artisan housing that the HCA's significance depends upon, yet the SHI assesses no impact on them whatsoever.

13.5 No Archaeological Assessment Has Been Carried Out

Section 4.3.9 of the developer's SHI states: 'An archaeological assessment has not been made as part of this report.' The SHI's own Limitations section also confirms that archaeological assessment was outside the scope of the report. This is a critical gap for a development site in the oldest part of Paddington, on land subdivided from the 1840 Australian Subscription Library grant, adjacent to Victoria Barracks, and described in the developer's own historical account as the location of the founding stonemason settlement.

The Paddington Society have flagged the existence of a **sandstone basement at 142 Oxford Street**, described as potentially associated with the Barracks construction period and of extreme historical significance warranting heritage and archaeological investigation. This claim has been neither investigated nor rebutted in the EIS documents. The consent authority should require a **formal archaeological assessment** before consent can be granted, to determine whether subsurface heritage fabric of significance exists on the site and is threatened by the proposed four-level basement excavation.

14. Rear Street Interface and Failure to Transition

Developments on major commercial corridors are generally expected to transition in scale and intensity toward adjacent residential streets. In this case, multiple elements of Oxford Street commercial intensity are extended into the residential block without adequate transition:

- basement vehicle access introducing high traffic volumes into a quiet residential street
- servicing and waste collection directed to a street incapable of accommodating it
- building mass extending to the Shadforth Street interface without step-down in height
- rooftop recreational facilities overlooking adjacent residential properties
- light spill intrusion from the basement entry affecting residential facades directly

The development, as proposed, extends **Oxford Street intensity too deeply into the residential block** and fails to provide the residential transition that good planning practice requires at this interface.

15. The Stonemason Terraces at 5, 7 and 11 Shadforth Street

15.1 Historical Significance

The terrace houses at **5, 7 and 11 Shadforth Street** are believed to be among the oldest surviving residential structures in Paddington. Their historical significance derives directly from the construction of Victoria Barracks, which **commenced on 8 February 1841**.

Victoria Barracks was constructed using two distinct labour forces: **convicts who quarried the stone and prepared the ground**, and **contracted stonemasons, paviours and carpenters who carried out all above-ground building work**. Tenders for the masonry work were called in October 1841, and by the mid-1840s the workforce included approximately **50 contracted stonemasons** at any one time, working alongside around 150 convict labourers.

The historical record is clear that **the village of Paddington emerged around the cottages of the stonemasons, quarrymen, carpenters and labourers working on the construction of the Barracks**. The Dictionary of Sydney records that these artisan workers settled **opposite the Barracks site**, which is precisely the location of Shadforth Street. The Paddington Society similarly records that early residential development in the area arose from the need to house the tradesmen engaged in the Barracks construction. This historical account is not contested: it is reproduced in full by the developer's own heritage consultant, GBA Heritage, in Section 1.6 of the Statement of Heritage Impact accompanying this application.

The terraces at 5, 7 and 11 Shadforth Street are consistent with this pattern of early stonemason settlement. If, as the historical record strongly suggests, these structures **predate or are contemporaneous with the construction of Victoria Barracks (1841 - 1848)**, they represent some of the earliest surviving examples of worker housing in Sydney, built by the very craftsmen whose sandstone masonry also produced one of Australia's most significant heritage buildings directly across Oxford Street.

15.2 These Terraces Are Directly Opposite the Proposed Basement Entry

The terraces at 5, 7 and 11 Shadforth Street sit **directly opposite the proposed basement vehicle entry and exit on Shadforth Street**. They are, therefore, the residential properties most immediately and severely affected by every impact identified in this submission: vehicle headlight **light spill intrusion** from the ramp, traffic noise and queuing, reversing waste vehicle alarms, construction vibration, and the visual dominance of the proposed eight-storey building immediately across the street.

For structures of this age and potential heritage significance, the risks associated with **deep excavation for a four-level basement immediately across a narrow street** are particularly acute. Sandstone terrace construction of the 1840s is especially vulnerable to ground movement, vibration and changes in the surrounding soil regime. The consent authority should require **independent structural assessment and dilapidation surveys** of 5, 7 and 11 Shadforth Street as a specific requirement, distinct from any general dilapidation survey of the broader street.

15.3 The Developer Has Failed to Document These Structures

The publicly available application documents submitted by the developer, Toohey Miller, do not appear to include any photographs or heritage assessment of the terrace houses at 5, 7 and 11 Shadforth Street, despite these being the residential properties directly opposite the proposed driveway and the primary receptors for virtually every operational impact generated by the development.

This omission is significant. A thorough and accurate Environmental Impact Statement for a development of this scale, in a Heritage Conservation Area, would be expected to document, photograph and assess the heritage significance of all **immediately adjacent affected properties**, particularly those that may be among the oldest surviving residential structures in the suburb.

The consent authority is requested to:

- **Require the applicant to provide a specific heritage assessment** of 5, 7 and 11 Shadforth Street, including their construction date, historical significance and relationship to the Victoria Barracks construction period
- **Require the applicant to provide photographic documentation** of the current condition of these properties as part of a pre-construction dilapidation record
- **Consider whether the omission of these properties** from the application's impact assessment constitutes a material deficiency in the Environmental Impact Statement that warrants the applicant being required to address it before assessment proceeds
- **Give specific weight to the potential pre-1848 heritage significance** of these terraces in assessing the cumulative amenity, structural and heritage impacts of the proposed basement access arrangement on Shadforth Street

16. Precedent Risk

Approving this development in its proposed form - including the full affordable housing height and FSR bonus in a luxury development with five swimming pools, at a heritage residential interface- would establish a **precedent for the misuse of affordable housing bonus provisions** as a general-purpose development uplift mechanism in Paddington and across similar heritage residential areas throughout Sydney.

It would also establish a precedent for **locating large-scale operational impacts on narrow heritage residential streets** while a major arterial frontage remains underutilised for that purpose. Both precedents would be deeply damaging to the character and amenity of Paddington's heritage residential streets.

17. Cumulative Impacts

Cumulatively, the impacts raised present a material and compounding imposition on Shadforth Street and the surrounding heritage residential environment:

- traffic and parking congestion on an already-constrained residential street
- light spill intrusion into residential dwellings from basement access
- servicing and waste collection vehicle noise and safety impacts
- visual dominance of an eight-storey building at a one- and two-storey residential interface
- recreational noise from rooftop pools overlooking residential properties
- vibration and structural risk during a deep excavation construction programme

The **combined effect of these impacts represents a disproportionate imposition** on the residents of Shadforth Street and the surrounding heritage residential area and should weigh heavily in the consent authority's assessment of the merit of this application.

18. Conclusion and Requests

Urban renewal along Oxford Street may be appropriate in principle. However, the Oxford160 proposal, as currently configured, raises serious concerns that go to both the **misuse of the Housing SEPP's affordable housing bonus provisions** and the **disproportionate imposition of operational and amenity impacts on Shadforth Street and the Paddington Heritage Conservation Area**.

The consent authority is respectfully requested to:

- **Deny or materially reduce the affordable housing height and FSR bonus** having regard to the heritage residential context of the site, the luxury character of the proposed development (including five swimming pools), the temporary 15-year minimum affordable housing tenure that does not match the permanent heritage impact, and the Department's own Practice Note that the bonuses must not be treated as an entitlement and are subject to merit assessment based on site constraints and local impacts
- **If any affordable housing bonus is approved, require a permanent affordable housing covenant** in lieu of the minimum 15-year tenure proposed, or at minimum require a substantially extended tenure commensurate with the permanent planning consequences for the Paddington Heritage Conservation Area
- **Request Heritage NSW to provide an independent heritage assessment** of the development's impacts on the Paddington Heritage Conservation Area, particularly the Shadforth Street interface, given that Woollahra Council has never formally assessed the contribution of this site to the HCA and the SSD pathway has entirely bypassed local heritage scrutiny
- **Require relocation of basement access and servicing functions to Oxford Street** or, if that is not achievable, impose strict conditions governing hours of access, vehicle types and frequency of waste and servicing movements on Shadforth Street
- **Require the applicant to demonstrate NCC 2022 compliance** for EV charging-ready conduit infrastructure to all 83 car parking spaces, with conduit, cabling and switchboard capacity details provided in the application documents before determination
- **Require a meaningful car share commitment** conditioned as a requirement of consent, commensurate with the site's public transport accessibility and the applicant's own sustainability narrative, and require the applicant to justify the 83 space private parking quantum against TfNSW guidance on appropriate provision at high-frequency public transport nodes
- **Require a quantified light spill intrusion assessment** for the Shadforth Street basement entry, benchmarked against AS/NZS 4282:2019, with effective mitigation measures conditioned
- **Require an aeronautical impact assessment** addressing the effect of the proposed building height and construction cranes on YVCB (Victoria Barracks Helipad) operations, with written confirmation from the Department of Defence and CASA that YVCB operations will not be adversely affected
- **Require an independent pedestrian and cyclist safety assessment** of the Shadforth Street access arrangement
- **Require independent dilapidation surveys and vibration monitoring** for all properties on Shadforth Street prior to and during the excavation and construction programme
- **Require a full recreational and mechanical noise assessment** for all five pool facilities, assessed against residential receiver criteria, with acoustic attenuation conditions imposed

- **Scrutinise whether the affordable housing component is genuine** or merely the minimum trigger threshold required to access the planning bonus, and whether the overall development character is consistent with the purpose of section 15A of the Housing SEPP
- **Require a specific heritage assessment and photographic documentation of 5, 7 and 11 Shadforth Street**, which appear to have been omitted from the applicant's Environmental Impact Statement despite being the residential properties directly opposite the proposed basement entry and potentially among the oldest surviving worker housing in Paddington, dating to the Victoria Barracks construction period commencing 1841.

Submitted

Date: 16 March, 2026