

OBJECTION TO STATE SIGNIFICANT DEVELOPMENT APPLICATION

SSD-97528708

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

Submitted by: Kate Armstrong, Owner-Occupier, 8 Shadforth Street, Paddington NSW

I am the owner-occupier of 8 Shadforth Street, Paddington. I have lived here for twenty years. My home is a Victorian sandstone and convict-brick terrace, built between approximately 1886 and 1892, one of a row of terraces that have defined this small residential lane for nearly one hundred and forty years.

I am writing this objection as someone whose home, whose privacy and whose daily life are directly and profoundly affected by this proposal. The terrace at 6 Shadforth Street, the property immediately adjacent to mine, which shares my southern party wall, is proposed for demolition to make way for a double-width vehicle entry to four levels of underground car park. That is where this development will impact my life most immediately and most permanently. Shadforth Street is where my six nieces and nephews regularly visit, I have friends over for lunch and dinner, I chat with my neighbours. It is a quiet and lovely laneway street.

I object to SSD-97528708. My objection covers eight substantive grounds, each of which I explain below. I have read the Environmental Impact Statement and as many of the supporting technical reports as I have been able to access. Where I refer to those documents, I have cited the relevant section.

1. Construction Risk: the party wall between our properties

My southern boundary wall is the party wall shared with 6 Shadforth Street. It is an original late-nineteenth-century brick wall, the same wall that has separated these two terraces since 6 Shadforth was built. It supports the structure of my home and holds established vegetation that gives my rear courtyard its privacy and shade, as well as my clothesline. The dragon tree, standing over 5 metres, cannot reasonably be expected to survive excavation at this proximity. (See Figure 1.)



Figure 1 – Courtyard area with shared party wall.

The basement wall behind it is set only 1 to 1.4 metres from the site boundary, placing the vehicle access driveway approximately 2.4 metres from my southern boundary. The driveway leads directly to four levels of underground car parking serving 83 spaces. A vehicle access driveway at this proximity, with continuous movements throughout the day and evening, headlights sweeping across my courtyard, exhaust fumes and alarms, is a significant and permanent amenity impact on my home and wellbeing. I also note that the landscape plans show five *Banksia integrifolia* proposed in planters along the northern boundary between our properties, which my heritage consultant has identified are not included in the planting schedule, an inconsistency the consent authority should require to be resolved before any approval.

Excavation: a 15-metre excavation immediately adjacent to my foundations

The Hydrogeology Report (Exhibit JJ_Site Hydrogeology Report, Section 1.2, p.4) confirms that excavation will reach approximately 15 metres below ground level (RL 39.98 mAHD). My ground floor sits at approximately RL 54.75 mAHD. This excavation will extend roughly 14.77 metres below the ground floor level of 8 Shadforth Street, immediately adjacent to my shallow sandstone footings.

My home's foundations are typical of Victorian terrace construction: shallow sandstone footings, estimated at 600 to 900 millimetres in depth. They were not designed to sit beside a 15-metre open excavation. The risks are real and well understood by engineers: foundation undermining, groundwater drawdown causing soil consolidation, differential settlement, and sustained vibration from rock-breaking equipment operating continuously over what the Hydrogeology Report says will be an eight-month excavation program.

The Hydrogeology Report (Exhibit JJ_Site Hydrogeology Report, Section 3.1, Table 6, pp.9–10) confirms the presence of a productive Hawkesbury Sandstone aquifer beneath the site, with groundwater levels recorded at between RL 46.02 and 48.66 mAHD, that is, between approximately 6 and 9 metres below street level. Excavating 15 metres into this aquifer, in fractured Hawkesbury Sandstone, immediately adjacent to my boundary, will alter groundwater flow in ways that cannot be fully predicted. The Statutory Compliance Table dated 9 February 2026 stated that no Water Management Act approval was required. The Hydrogeology Report (Exhibit JJ_Site Hydrogeology Report 3.3, p.12), published seventeen days later on 26 February 2026, directly contradicts this, confirming an aquifer meeting the NSW DPI definition. The consent authority should require this contradiction to be resolved before assessment proceeds.

What I am asking for on the excavation issue

If the consent authority is minded to grant approval, I request the following as non-negotiable conditions. Before any works begin, the developer must provide:

- A pre-construction dilapidation survey of 8 Shadforth Street carried out by an independent structural engineer (not appointed by the developer), with a copy provided to me and agreed in writing before any demolition or excavation commences.
- Mandatory underpinning of my southern boundary footing line before any excavation below 2 metres.
- Continuous vibration monitoring at my boundary, with enforceable limits consistent with DIN 4150-3 Category 3 (heritage structures), and automatic work stoppages triggered if limits are exceeded.
- A bank guarantee and structural insurance bond, held by an independent solicitor, covering the full cost of prompt rectification of any damage caused to my property. The funds must remain available until all works are complete and any damage has been fully repaired.

2. Bulk and Scale

Shadforth Street is a residential lane formed in the early nineteenth century. The houses on it, including mine, are one and two storeys. My terrace at 8 Shadforth Street has a ridge height of 8.8 metres. The proposed building, according to the BCA Assessment Report prepared by Credwell Building Consultants (Exhibit P_BCA Report, p.8, EIS), will rise to 33.14 metres.

The maximum permissible height is 28.6 metres. The developer obtains this by combining the Low and Mid Rise zone base height of 22 metres with a 30 per cent affordable housing bonus under SEPP Housing 2021, Chapter 2, s.19. Even with every available bonus, they are not entitled to build above 28.6 metres. Their own BCA consultant records a height of 33.14 metres. That is 4.54 metres over the absolute maximum.

The Clause 4.6 Variation Request for height is drafted using figures other than the BCA operative height. This means the variation request itself understates the actual height excess by between 0.54 and 1.54 metres. (Exhibit X_Clause 4.6 Variation Request, Section 1, pp.5–6)



Figure 2 – Exhibit F_Architectural Drawings p23.

The developer's own urban design peer reviewer, Matthew Pullinger, noted in his September 2025 letter that the stacked height incentives represent a "significant uplift in development capacity" and that "a high degree of design skill will be necessary." (Urban Design Supporting Letter, Early Consultation, Attachment D, p.2) The Clause 4.6 Variation figures discrepancy alone demonstrates that this bar has not been met.

Even if the consent authority were minded to approve some form of development on this site, the building should be reduced to a maximum of four storeys. Four storeys are consistent with the scale of development along the Oxford Street ridgeline in this part of Paddington, respects the character of the Heritage Conservation Area, and would bring the building within a height range where the overlooking, solar access and streetscape impacts on Shadforth Street could be meaningfully addressed. The current proposal of eight storeys is not a design problem that can be resolved through conditions. It is a scale problem that no amount of materiality changes, screening or setback adjustments will make an eight-storey building appropriate in a lane of one and two-storey Victorian terraces. The solution is a fundamentally different and smaller building.

3. Privacy and Amenity: overlooking into my home will be severe and permanent

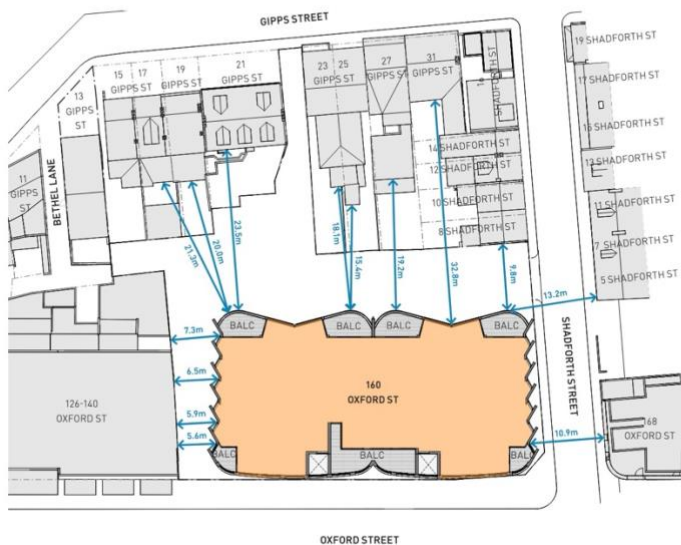
My rear courtyard is the primary living space of my home. I work from it, eat in it, and spend my evenings there. It is where friends and family gather. The courtyard is gardened and maintained as a green space, and glass sliding doors, which I keep open during the day and into the evening, connect it directly to the interior of the house. (See Figure 3.)



Figure 3 – Kitchen and living.

The proposed building will place north-facing balconies and habitable room windows, across eight levels, within 9.8 metres of 8 Shadforth Street, with separation falling below 9 metres at two further points along the boundary. The Apartment Design Guide requires a minimum separation of 18 metres between habitable rooms and balconies for buildings of 5 to 8 storeys (ADG, Design Criteria 3F-1). This development is 8 storeys plus rooftop. The achieved separation of 9.8 metres is little more than half the required distance. The proposal does not meet the ADG standard at any point along my boundary.

Proposed Building Separation



The plan diagram illustrates separation distances between the proposed development and existing neighbouring buildings to the east on Shadforth Street, to the north on Gipps Street and to the west at 126-140 Oxford Street Paddington.

North: For neighbouring properties to the north off Gipps Street, building separation distances are:

- approx. 21.3m to the rear of 17 Gipps Street
- approx. 20m to the rear of 19 Gipps Street
- approx. 23.5m to the rear of 21 Gipps Street
- approx. 18.1m to the rear of 23 Gipps Street
- approx 15.4m to the rear of 25 Gipps Street
- approx 19.2m to the rear of 27 Gipps Street
- approx 32.8m to the rear of 31 Gipps Street
- approx. 9.8m to the solid side wall of 8 Shadforth Street

East: For neighbouring properties to the east off Shadforth Street, building separation distances are:

- approx. 10.9m to the side of 168 Oxford Street (commercial building)
- approx. 13.2m to 5 Shadforth Street

West: For the neighbouring commercial development to the west at 126-140 Oxford Street, building separation distances are:

- approx. 5.6m to 7.3m measured from the neighbouring solid boundary wall to the glazing line on the west facade.

These distances to the north, east and west provide adequate building separation to achieve reasonable levels of external and internal visual privacy.

Figure 4 – Exhibit G_Architectural Design Report p62. Setback and intrusive views into 8 Shadforth.

I note that the developer's Clause 4.6 Variation Request (Exhibit X_Clause 4.6 Variation Request, p.28) includes a claim that the proposal "generally aligns with ADG Objective 3F-1." On reading that document carefully, this claim is made specifically in relation to Gipps Street, the southern interface, not Shadforth Street, which is the eastern interface where my property sits. Additionally, the same document (p.24, Figure 10) shows a 9-metre building setback from the northern boundary and characterises this as achieving ADG separation requirements. It does not. ADG separation is measured between facing windows and balconies of adjacent buildings, not from the boundary of the development alone. If the development is 9 metres from my boundary, and my habitable rooms are a further 2 to 3 metres into my property, the actual separation between facing windows is approximately 11 to 12 metres. This is not ADG-compliant. (Exhibit X_Clause 4.6 Variation Request, p.24, Figure 10)

This overlooking is not a minor inconvenience. It means that every resident on the north side of the proposed building, across eight floors, will have a direct view down into my courtyard and into my dining room. No amount of angled blade screens or privacy fins will eliminate this.

4. Trees

The Arboricultural Impact Assessment identifies two trees on the property of 6 Shadforth Street as requiring removal for the four-level basement excavation and identifies others in surrounding properties on Gipps Street and the London plane trees on Oxford Street as being at risk. At this depth and scale, root zone damage to trees nominally outside the works area is a real risk. The loss of mature canopy trees in this part of Paddington, where established vegetation is limited, would have lasting consequences for streetscape character and canopy cover. The assessment does not demonstrate that retained trees can be adequately protected, nor does it propose mitigation proportionate to the canopy loss.

I also note that the street trees along Oxford Street are deciduous. They do not provide screening of the building's bulk and scale for approximately six months of the year. Any assessment of visual impact that relies on the Oxford Street canopy to mitigate the building's presence must account for this seasonal limitation.

5. Heritage Conservation Area

The Paddington Heritage Conservation Area is one of Sydney's most significant and intact nineteenth-century residential precincts.

Shadforth Street is effectively a lane. Two cars cannot pass at the same time. My terrace meets the footpath directly; I step from my front door onto it, and my gate, when open, occupies its full width. Pedestrians, including mothers with prams and people coming and going from the shops, the gym, the restaurants and cafes, routinely walk on the street itself. (See Figure 5 and 6.)



Figure 5 – 8 Shadforth Street

Figure 6 – Shadforth Street from corner of Gipps

The developer's own heritage consultant, GBA Heritage, acknowledges in their August 2025 letter that the Paddington HCA is characterised by two and three-storey rendered facades along Oxford Street, and that the contributing fabric reflects a fine-grain subdivision of six to eight metre lot widths. GBA Heritage describes the proposed building as of "dominant magnitude" in their Visual Impact Assessment. The developer's peer reviewer uses the words "high significance" in describing the visual impact from heritage viewpoints. I agree with those assessments and they lead to the conclusion that the building is inappropriately large for the area.

The vehicle access driveway is proposed on Shadforth Street, a narrow Victorian lane where two cars cannot pass simultaneously and pedestrians routinely walk on the road itself. This is not the only possible location. The development site has a substantial frontage to Oxford Street, a primary arterial road with existing traffic infrastructure, kerb cuts, and capacity to absorb vehicle movements. No explanation is provided in the EIS for why the driveway could not be located on Oxford Street. Relocating it there would eliminate the transformation of Shadforth Street into a traffic corridor, remove the headlight, noise and exhaust impact on my property. I request that the consent authority require the applicant to demonstrate why an Oxford Street vehicle access is not feasible before any approval is granted.

I also note that the Heritage Impact Statement lodged with the EIS addresses the development's impacts in general terms but does not include a property-specific assessment of the effect on 8 Shadforth Street as an individually significant contributory heritage item adjacent to the proposed demolition. My own heritage consultant and architect, Mary Dewar Dutailis of Studio Dewar, has prepared an independent Heritage Impact Statement that will be lodged separately. I ask that her report be given equal weight to the developer's consultant's assessment.

6. Affordable Housing

I support affordable housing. I am opposed to the misuse of affordable housing provisions to justify a building that is effectively luxury apartments with city views and that is too tall, too bulky, and harmful to its neighbours.

Net loss of affordable homes on the site

The existing building at 160 Oxford Street contains 27 small apartments. They are relatively affordable homes that have housed people in inner Paddington for decades. The proposal demolishes all 27 and replaces them with 40 apartments, of which 10 are designated as affordable housing for 15 years, after which they revert to market rate. During the three or more years of construction, all existing affordable accommodation is lost.

SEPP Housing 2021, s.3(h) requires development to mitigate the loss of existing affordable rental housing. The net outcome here is 27 modest units removed and 10 time-limited affordable units added. This is the opposite of mitigation.

The affordable units have the worst outlook and amenity in the building

The Architectural Design Report prepared by Smart Design Studio (Exhibit G_ Architectural Design Report, EIS, Development Summary Table, p.9) sets out solar access data for affordable and market dwellings. I have read this table carefully. It shows:

- 3 of 10 affordable units receive zero solar access
- 0 of 30 market-rate units receive zero solar access
- Solar access for affordable units is measured between 7:30am and 3:00pm on 21 June
- Solar access for market-rate units is measured between 9:00am and 3:00pm, which is the standard ADG methodology
- All 10 affordable units are on Levels 0 to 3. All 30 market-rate apartments are on Levels 4 to 7.

The use of a non-standard earlier start time (7:30am rather than 9:00am) for assessing solar access to affordable units artificially inflates the apparent solar performance of those units. The affordable housing units are systematically placed at the bottom of the building, receive less sun, and their solar access is measured against a non-standard, more generous window of assessment. This is not equitable design.

The letter of support at Exhibit GG_ Letter of Support from Community Housing Provider, EIS, is from EchoRealty NSW & ACT Limited, the property management arm of the Evolve Housing group. It does not contain an executed agreement. It expresses only an intention to “enter into a suitable agreement... in due course.” (Exhibit GG_ Letter of Support from Community Housing Provider, EIS, p.2) There is no binding commitment to manage these dwellings as genuinely affordable housing on an income-based rental model for any fixed period. The consent authority should not accept a letter of intent as satisfying the affordable housing requirements of the in-fill bonus provisions, which confer a bonus height of 30 per cent in exchange for 10 apartments with no binding provider and no executed agreement.

7. Inaccurate Data on Density and Green Space

The deep soil figures are wrong

SEPP Housing 2021, s.19(2)(c) sets a mandatory minimum deep soil zone of 15 per cent of site area, with a minimum dimension of 3 metres. On the developer’s own stated site area of 2,172.4 square metres, this requires a minimum of 325.8 square metres of qualifying deep soil. The developer claims 442.4 square metres (20.3%). (Exhibit E_ Survey Plan, SSDA_010, J_Landscape Plans; G_Architectural Design Report, EIS)

Reading the landscape plans and site survey against the developer’s own figures, there are three areas included in the deep soil calculation that appear not to qualify:

Error 1: The Gipps Street cottage garden.

The developer includes 85 square metres of garden associated with 13 Gipps Street in its deep soil calculation. The site plan and survey show this garden is walled off and attached to a separate cottage that is not part of the main development. It is not accessible to residents of the new building. It cannot contribute to the deep soil requirement for that building. (Exhibit E_Survey Plan SSDA_002; Exhibit J_Landscape Plans SSDA_010)

Error 2: The fire egress path.

A 1-metre-wide path running the full 40.2-metre length of the driveway (40.2 m²) is included in the deep soil area. The deep soil standard requires unencumbered ground. A designated fire egress path does not qualify as unencumbered deep soil. (Exhibit J_Landscape Plans SSDA_010; I_Landscape Report.)

Error 3: Tree planting in 1-metre soil strips.

Large trees (*Waterhousea floribunda*, mature height 15 metres) are proposed to be planted in soil strips of only 1 metre width. Trees of this size cannot credibly establish and survive in strips of this width. Based on the plans, approximately 50 per cent of their mature canopy will overhang surrounding properties, dropping debris into gutters, and their root systems will be constrained directly against 130-year-old sandstone masonry walls.

Removing the Gipps Street garden and the fire egress path from the calculation produces the following result:

Area	
Developer's claimed deep soil	442.4 m ² (20.3%)
Minus Error 1: Gipps Street cottage garden	-85.0 m ²
Minus Error 2: Fire egress path	-40.2 m ²
Remaining deep soil	317.2 m ² (14.6%)
Mandatory minimum (15% of 2,172.4 m ²)	325.8 m ²
Result	Non-compliant: fails mandatory standard by 8.6 m ²

If this analysis is correct, the development fails a mandatory non-discretionary standard. I request that the consent authority independently verify the deep soil calculation before assessment proceeds.

8. Traffic and Parking

The Traffic and Parking Assessment significantly understates the likely traffic impacts of the proposed development. The report concludes that the project will generate only approximately 1-2 additional vehicle trips per hour during peak periods, yet this estimate relies on trip generation rates that are low relative to standard trip generation guidance published by Transport for NSW for this type of development comprising predominantly two- and three-bedroom apartments. The proposal also provides 83 car parking spaces, substantially exceeding the minimum requirement of 63, indicating higher levels of car ownership and vehicle movements than the modelling assumes.

The methodology is further limited by surveys conducted on a single day and traffic analysis confined to two nearby intersections. The report does not assess the broader impacts on surrounding local streets or the cumulative effects of residents, visitors, deliveries, and waste collection vehicles accessing the four-level basement via Shadforth Street.

As mentioned throughout this objection, Shadforth Street is a small laneway street that cannot have two cars passing at the same time. See Figure 7.



Figure 7 – Shadforth Street

Conclusion

I have lived at 8 Shadforth Street for twenty years. I am not opposed to development on this site and support access to affordable housing. What I am opposed to is this specific proposal, a building nearly over 33 metres high in Woollahra Council area, with four levels of underground car parking accessed through a lane where two cars cannot pass. And it is immediately adjacent to the Victorian sandstone foundations of my home.

The grounds I have set out are not matters of personal preference. They document failures to comply with mandatory planning controls and impacts on my property that are direct, permanent and serious.

I ask that this application not be approved in its current form. If development on this site is to proceed, it should do so at a scale that does not require stacking multiple bonus provisions to reach a height that still manages to exceed them, and that leaves Shadforth Street recognisable as the street it has been for more than a century.

The exhibition period of 14 days for an application of this complexity has been inadequate. The EIS alone spans thousands of pages across dozens of technical reports. Residents without planning expertise, professional advice or significant time to dedicate to the process have been effectively excluded from meaningful participation, and that should concern the consent authority as much as the merits of the application itself.

Kate Armstrong

8 Shadforth Street, Paddington, NSW.