

**Submission  
No 31**

## **INQUIRY INTO DEVELOPMENT OF THE TRANSPORT ORIENTED DEVELOPMENT PROGRAM**

**Organisation:** The Paddington Society

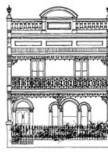
**Date Received:** 14 March 2024

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Our concern with these proposed reforms is the poor impact they will have in Heritage Conservation Areas like ours - particularly since we fall into 2 Council areas with different zoning. We think that these non-refusable standards will lead to legal battles & unintended consequences & will erode our HCA

We would also like to see others' submissions to DPHI but cannot find them online

The process is part of the problem ie no consultation & the undermining of Councils' strategic planning



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THE PADDINGTON SOCIETY Inc.  
For Community and Heritage  
Est 1964

23 February 2024

**To: Kiersten Fishburn, Secretary NSW Department of Planning Housing and Infrastructure (DPHI)**

CC: Monica Barone, City of Sydney CEO  
Craig Swift-McNair, Woollahra Municipal Council General Manager  
Alex Greenwich, MP for Sydney  
Allegra Spender, MP for Wentworth

Dear Madam,

***Explanation of Intended Effect:***  
***Changes to create Low & Mid Rise Housing, December 2023***  
**Community Feedback from The Paddington Society**

The Paddington Society supports increased housing density and diversity in existing urban areas around transport hubs. This, along with measures to reduce housing demand, should help address the housing shortage and result in a fairer, more sustainable city. The increased housing supply needs to be done well, since we will live with the consequences for many generations.

As a community organisation that seeks to protect and enhance the built environment of Paddington, we offer the following feedback, arising from decades of relevant experience including assessing DA submissions and analysing the built outcomes.

We are not anti-development but seek appropriate development in our heritage context.

We have a number of concerns with the reforms as drafted, and offer the following constructive comments and recommendations:

**1 GENERAL COMMENTS ON THE REFORMS**

- **Timing:** The reforms seem rushed, being released over the Christmas break with a short time to comment, and they seem to rely on sweeping non-refusal standards that are tied to existing zoning. There is a danger that unintended consequences have not been identified, and that specifics of the place have not been considered. We urge the State Government to consult with Councils and allow enough time and testing to get these standards right.

- **Conflict:** The reforms do not seem to address heritage or environmental protection.

The wording "*heritage and environmental considerations will continue to apply to the extent they are not inconsistent with these new standards*" seems to indicate that these considerations will be trumped by the proposed standards, to the detriment of our built environment. In addition, this wording will make development more difficult to assess and will result in legal challenges as the courts will rely on the State Environmental Planning Policy's (SEPP) metrics. We request that these considerations, the result of much consultation between Council and the community and so significant for the future, be given more weight.

- **Clarity:** There are areas of uncertainty which make comments on the reforms difficult and which will cause confusion in their application – particularly the Town Centre definition and

how distances are measured. We request that DPHI and Councils map the affected parts of each LGA, and then allow the community to give feed-back.

- **Standards mis-align:** There is a misalignment between FSR, building height and no. of storeys which will cause confusion and most likely result in even higher development (as FSR tends to win out in the courts).

A good guide is found in the DPHI Apartment Design Guide (ADG) which establishes a 4 storey building height envelope to be 12m, a 6 storey building to be c.19m, 6-7 storeys to be equivalent to FSR of 2:1, and 9-12 storeys equivalent to 3:1. If the intent for mid-rise housing is to have a maximum of 6 storeys, then the metrics need to be 19m max height and 2:1 FSR – not 21m and 3:1 as proposed.

- **ADG:** Increased density brings many challenges to liveability including bulk and scale, privacy and solar access. The Apartment Design Guide, tied to SEPP 65, has done a good job of maintaining liveability standards since it was introduced in 2002. We urge the Department not to reduce ADG standards of building separation in the face of development pressure, as proposed.
- **Dwelling loss:** Recent developments in the area have seen an alarming trend towards much larger dwelling sizes both for houses and units, so that a redeveloped site may be bulkier but contain fewer dwellings. This seems to be market driven but is counter to the need for more housing. We ask for reform standards and incentives that encourage efficient and diverse housing, including studio and 1-bedroom apartments.
- **Carparking Rates:** Increasing density in existing areas will naturally strain existing infrastructure. The new standards can help mitigate traffic congestion and reduce carbon emissions if car use is discouraged, especially when uplift occurs around transport hubs. We recommend low maximum carparking rates per dwelling rather than the minimum proposed.

## 2 COMMENTS RELATING TO PADDINGTON



*Source: Sydney Images*

Housing in Paddington is very efficient at 1-3 storeys on small narrow lots with minimal setbacks

The density, scale and consistent facades make a delightful walkable suburb which is also historically significant

- **Unique Significance:** Paddington is arguably the most intact Victorian terrace suburb in the world. Developed mostly between 1850 and 1890, it is valued as a coherent streetscape of largely 2-storey Victorian terraces, and as a walkable neighbourhood, centred round the Oxford St ridge as a High Street. It has served as a model of urban design, and is now being copied in the 'Missing Middle' housing policy.

The significance of the whole suburb was recognized by Commissioner Bunning's 1968 report, followed by heritage listings from the National Trust, the National Estate and by Councils' Local Environmental Plans.

It continues to be a considerable tourist drawcard.

Judicious development has occurred via constant alterations and additions and infill development, to accommodate modern needs; it is not a suburb frozen in time.

- **Town Centre Precinct:** Since it is zoned E1 and MU1, the reforms may define Oxford St as a Town Centre which would allow 6-8 storey development, and further away 4-6 storeys, in large areas of the suburb, as well as along the Street itself. Refer *Scale* below.
- **Zoning:** The suburb is regulated by two Councils, Woollahra Council to the north of Oxford St, and City of Sydney Council to the south. Most of the residential areas are zoned R2 on the north and R1 in the south. The reforms as drafted would mean that 6-8 storey development would be allowed in the south but 2 storeys would remain in the north, except for small R3 pockets; this would mean a wildly divergent urban form either side of Oxford St which would undermine the coherence of the suburb.

A combined zoning map is attached.

- **Density:** Paddington terraces are characterized by very efficient use of land: zero to 3m front setback, zero side setbacks, commonly 5m rear setbacks, on narrow frontages of 4-5m and average lot sizes of 150m<sup>2</sup> and 1.25:1 density.

The SEPP should recognize that this density falls between the proposed low and mid rise standards and should treat Paddington (and other similar terrace house precincts) as a special case which needs less uplift than other areas in the city.

The City of Sydney Council advises in their EIE submission that terrace house precincts such as Darlinghurst and Surry Hills have c.12,000 people per sq kilometre, which would be similar to Paddington densities, minus the Victoria Barracks, Trumper Park, White City and Weigall Oval. This places it amongst the highest residential densities in Sydney.

- **Scale:** A 6-8 storey, and even 4-6 storeys, scale of mid-rise housing would overwhelm the consistent, tight 2-storey scale of the terraces and shops in Paddington, and destroy its distinct character.

This is made worse by the small lots and narrow streets, often less than 12m wide, which would increase the impact of bulk and scale and lead to extreme solar and privacy loss.

- **Demolition:** The development uplift would encourage amalgamation and demolition of terraces or major parts thereof, which would again erode the character of the heritage precinct, particularly if done in an ad-hoc and insensitive manner.

### 3 RECOMMENDATIONS

- Retain the integrity of the suburb: rezone South Paddington from R1 to R2 to match North Paddington zoning, or exclude the whole suburb from the proposed SEPP so that Council standards prevail, in recognition of its existing high density and high heritage value.
- Exclude Oxford St from the definition of a Town Centre since it acts as a linear neighbourhood high street, with mini-markets only, no banks and no train station, and is overshadowed by the larger Bondi Junction Centre nearby.
- Work with both Councils to identify infill sites over the whole LGA which can undertake more uplift but also minimize amenity impacts to residents and neighbours.
- Give heritage and environmental considerations more weight.
- Reduce mid-rise housing standards to 6 storeys at 19m height and 2:1 FSR, and 3-4 storeys at 12m height and 1.5:1 FSR, or delete the FSR control altogether.
- Retain the Apartment Design Guide as is.
- Discourage dwelling loss.
- Use maximum carparking rates to discourage cars.

In summary, the Paddington Society supports the State Government's initiative to increase housing density, where appropriate, as one of the means of easing the housing crisis. The proposed reforms need adjustment in collaboration with communities and the affected Councils to maintain character and liveability.

We trust that the considered and constructive recommendations above will assist in identifying solutions that are acceptable to all,

Yours faithfully

**Esther Hayter,**  
**President, The Paddington Society**

Per Linda Gosling, Vice-President



**APPENDIX  
COMBINED ZONING MAP of NORTH and SOUTH PADDINGTON**

Showing R1 residential zoning to the south and R2 to the north, and E1 and MU1/B4 zoning along Oxford St

(north point is to the right)

The suburb is defined as being bound by Moore Park Rd, Jersey Rd, New South Rd, Boundary St and South Dowling St

