

Submission objecting to SSD-88702457

Mixed-use Development – 1–19 Mackenzie Street and 211 Blues Point Road, Lavender Bay

I am a resident of **16 Mackenzie Street, Lavender Bay**, directly opposite the proposed development, and I object to SSD-88702457 in its current form.

I recognise the need for additional housing in Sydney, including affordable housing, and I support the conservation and continued use of St Francis Xavier Church and the former school building.

However, it is important to recognise that this is **not a vacant or unused site**. The site already contains residential accommodation, including the Xavier Terrace buildings of approximately 3–4 storeys, together with the Church, former school building and associated facilities. The proposal involves demolition of existing residential buildings and their replacement with development of a fundamentally different scale.

My objection is therefore not to housing or redevelopment in principle. It concerns the **height, bulk, density and resulting impacts of this particular proposal**, especially the introduction of a 20-storey tower of approximately 70 metres at the transition between the North Sydney CBD and the established lower-scale and heritage-sensitive neighbourhood of Lavender Bay.

The applicant's own technical reports identify significant impacts relating to this change in scale, including loss of solar access to surrounding residences, visual and heritage impacts, existing parking pressure, additional vehicle activity, and substantial construction noise and vibration.

1. Excessive height and failure to provide an appropriate transition into Lavender Bay

The scale of the proposed development represents a substantial departure from the existing planning controls applying to the site.

The applicant's own Urban Design Peer Review identifies the existing North Sydney LEP building-height controls across the site as **part 8.5 metres and part 12 metres**, while the proposal seeks a height of approximately **70 metres (RL120), enabling a 20-storey tower**.

This is not an incremental increase in height. It represents a fundamental transformation of the built form of this part of Mackenzie Street.

The same peer review acknowledges that the North Sydney CBD tower cluster reaches the northern boundary of the site and that development to the south is lower scale. It therefore recognises the site's position at the transition between the high-rise CBD and the lower-scale residential neighbourhood of Lavender Bay.

This transition is also reinforced by the area's topography. The high-rise North Sydney CBD occupies the elevated land to the north, while the land descends towards Mackenzie Street and Lavender Bay and the built environment substantially reduces in scale.

Mackenzie Street currently forms an effective transition into Lavender Bay. The existing 3–4-storey Xavier Terrace residential buildings are consistent with this stepping down of scale.

A 20-storey tower does not, in my view, manage this transition. It effectively **extends the high-rise edge of North Sydney into Mackenzie Street.**

This also raises a legitimate cumulative-development concern. Multiple State Significant Development proposals are now occurring in close proximity around North Sydney Station and Blue Street, including proposals to convert existing commercial sites to residential or mixed uses. The cumulative effect of this growth should be considered when determining how much additional height and density is appropriate on the Lavender Bay side of the transition. If a 20-storey tower is justified at this location principally because taller buildings exist immediately to its north, the same reasoning may progressively be applied to sites further into Lavender Bay.

The purpose of a transition area should be to provide an appropriate **transition in scale**, rather than simply another location for CBD-scale development.

2. The applicant's own visual assessment acknowledges the sensitivity of the immediate area

The applicant's Visual Impact Assessment recognises the particular sensitivity of this location.

It identifies the site's heritage context and assesses public view-place sensitivity as medium-high. Importantly, it acknowledges that the **physical absorption capacity of the surrounding environment is low at close viewing distances because of the surrounding low-to-mid-rise and heritage character of Lavender Bay.**

This is significant because it confirms that the immediate environment around the development is materially different from the tower-dominated CBD further north.

While the applicant ultimately concludes that the visual impact is acceptable, that conclusion should be considered alongside its own acknowledgement that the immediate lower-scale heritage environment has limited capacity to absorb development of this size.

A tower may visually merge with the North Sydney skyline when viewed from some distant locations. That does not necessarily mean that a 20-storey tower is compatible with the lower-scale streetscape in which it is physically located.

3. Significant overshadowing of existing residences

The applicant's own Overshadowing Report demonstrates material impacts on surrounding residences.

The assessment specifically includes **16 Mackenzie Street** among the surrounding residential properties assessed.

The detailed modelling for the property shows multiple assessed main living-area points reducing from approximately **4 hours 30 minutes of winter-solstice solar access under existing conditions to approximately 2 hours 30 minutes with the proposed development**, with most of those assessed points consequently falling below the report's 3-hour criterion.

More broadly, the Overshadowing Report finds that additional shadow affects Mackenzie Street throughout the assessed period and that **18 of 97 neighbouring main living areas, approximately 20%, fall below the 3-hour solar-access criterion because of the development**. Five of 60 assessed private open spaces also fall below that criterion.

The report seeks to justify these impacts partly on the basis that affected dwellings continue to achieve a lower 2-hour metropolitan benchmark.

However, satisfying a lower minimum threshold does not eliminate the significance of the **actual loss caused by the development**.

Where an existing dwelling receives approximately 4.5 hours of winter sunlight and the proposal reduces this to approximately 2.5 hours, the relevant planning consideration should not simply be that two hours remain. The Department should also consider the magnitude of the deterioration in existing amenity and whether that loss is reasonable given the very substantial increase in building height being sought.

This impact is particularly important because it results directly from the proposed scale and massing of the development and could potentially be reduced through a lower and more appropriately designed built form.

4. Heritage character extends beyond retention of individual buildings

I support the conservation and restoration of St Francis Xavier Church and the former school building.

However, retaining individual heritage buildings should not be regarded as sufficient if their broader setting is fundamentally altered by development of incompatible scale.

The applicant's heritage documentation confirms that the site contains locally listed heritage items and is located within or associated with the **Lavender Bay Heritage Conservation Area**.

Heritage significance in Lavender Bay arises not only from individual structures but also from their setting, streetscape, scale, topography and relationship with surrounding development.

The existing Xavier Terrace development is approximately 3 storeys. A tower approximately 70 metres high would fundamentally alter the visual relationship between the Church, Mackenzie Street and the surrounding conservation area.

The Department should therefore consider whether the proposal conserves the **heritage setting as a whole**, rather than assessing heritage success principally through retention of the Church and former school fabric.

5. Existing parking conditions are already highly constrained

The applicant's Transport Impact Assessment confirms that existing on-street parking conditions are already extremely constrained.

Surveys undertaken on surrounding streets recorded maximum occupancy of:

**91% on a weekday; and
99% on a Saturday.**

At 99% occupancy there is, in practical terms, almost no reliable spare street-parking capacity during peak periods.

This is consistent with existing conditions experienced within the neighbourhood and should be given appropriate weight when considering a significant intensification of residential use.

The transport assessment also acknowledges that changes to existing Church parking arrangements may compound surrounding on-street parking demand, particularly given existing parishioner travel patterns and events such as weddings and funerals.

The Department should therefore consider actual peak parking conditions rather than relying solely on theoretical overall capacity.

6. Additional vehicle activity is concentrated on Mackenzie Street

The development proposes **152 on-site parking spaces** and three separate vehicular crossings onto Mackenzie Street:

- access to the 118-space residential parking area;
- access to the 34-space Church/co-living parking area; and
- separate controlled access to the Church forecourt.

The applicant's Transport Impact Assessment predicts a net increase of **24 vehicle movements per hour in the AM peak and 20 per hour in the PM peak**.

These figures may appear modest when assessed against the broader North Sydney road network. However, the relevant local impact is that this activity is concentrated onto Mackenzie Street.

The development will also generate visitor movements, deliveries, waste collection, maintenance vehicles, removalists, taxis and rideshare activity beyond the commuter peak periods.

The Department should therefore assess not only regional intersection performance, but the cumulative **street-level impact of increased traffic and multiple driveway crossings on Mackenzie Street itself**, including pedestrian safety and residential amenity.

7. Construction impacts will be prolonged and substantial

The Preliminary Construction Management Plan demonstrates the scale of the proposed construction activity.

Stage 1 includes demolition, excavation for a **five-level basement** and construction of the 20-storey tower, with an identified overall duration of **133 weeks**.

Stage 2 includes further demolition and excavation, a separate basement, Church works and construction of the co-living building, with an identified duration of **104 weeks** and an overlapping commencement relative to Stage 1.

Separately, the Noise and Vibration Impact Assessment models construction phases comprising approximately six months of demolition, twelve months of excavation/civil works and twenty-four months of structural works.

The technical documentation therefore demonstrates a **prolonged multi-year construction program**, even though individual phases and stages may overlap.

This will involve demolition, deep excavation, spoil removal, rock breaking, heavy vehicles, cranes, concrete works and construction immediately adjacent to existing residential properties.

The construction plan also proposes Mackenzie Street construction access throughout the project, meaning the impacts will extend beyond the site boundary and onto the surrounding residential street network.

8. Applicant predicts residences across Mackenzie Street will be "highly noise affected"

The applicant's Noise and Vibration Impact Assessment identifies residences south of the site, across Mackenzie Street, within **Receiver Catchment RC2**.

For these residences, predicted construction noise reaches approximately **75–80 dBA** during demolition, excavation/piling and structural works, compared with a Noise Management Level of approximately **57 dBA**.

This represents an exceedance of up to approximately **23 dBA**, and the applicant's assessment identifies RC2 as exceeding the "**highly noise affected**" level during major stages of construction.

This is an important impact acknowledged by the applicant's own specialist consultant.

Given the multi-year construction program, the impact should not be characterised simply as ordinary temporary construction inconvenience. It represents prolonged periods during which surrounding residences are predicted to experience noise levels sufficiently high to trigger the assessment's highest-impact management category.

9. Excavation and vibration require stronger safeguards

The project involves significant excavation, including multi-level basements.

The construction documentation anticipates excavation through material including medium-to-high-strength sandstone and potential use of hydraulic impact breakers, rock saws and grinders.

The documentation itself recognises that heavy rock-breaking equipment may generate vibration capable of affecting neighbouring structures.

If any redevelopment is approved, conditions should therefore require at minimum:

- independent pre-construction dilapidation surveys of immediately affected properties;
- continuous vibration monitoring during demolition, excavation, piling and rock breaking;
- enforceable vibration trigger levels;
- immediate investigation of threshold exceedances; and
- a clear, independently administered and developer-funded process for investigating and rectifying construction-related property damage.

These safeguards should be established as enforceable conditions of consent rather than deferred entirely to a future contractor.

10. Public benefits should be considered proportionately to permanent impacts

I support the provision of affordable housing and recognise it as a public benefit of the proposal.

However, the applicant's documentation identifies **58 co-living dwellings and 19 residential apartments as affordable housing for a period of 15 years**, rather than in perpetuity.

That distinction is relevant when balancing the public benefits of the proposal against its permanent planning consequences.

The proposed tower, altered skyline, rezoning, additional overshadowing and transformation of the scale of Mackenzie Street would be permanent.

The Department should therefore consider whether the scale of the permanent impacts is proportionate to the duration and extent of the public benefits relied upon to support the proposal.

This is not an argument against affordable housing. It is an argument that affordable housing should not automatically justify development of **any height or scale**, particularly where substantial impacts on existing residents and a heritage conservation area have been identified.

11. A 20-storey tower is not the only way to improve the site

The site is not vacant or derelict. It already provides residential accommodation and contains functioning Church and associated facilities.

There is therefore no binary choice between approving the current proposal and leaving an unused site unchanged.

There are reasonable opportunities to improve the site while respecting its existing relationship with Lavender Bay. These could include conservation and adaptive reuse of the heritage buildings, improvement or refurbishment of existing residential accommodation, more efficient use of the existing parking areas, improved landscaping and public space, and appropriately scaled additional housing.

The existing 3–4-storey residential buildings demonstrate how housing can coexist with the Church and surrounding lower-scale neighbourhood.

This does not mean that every existing building must remain unchanged or that future development must be restricted precisely to the current height. There is a substantial range of possible development between maintaining the site exactly as it is and constructing a 20-storey tower.

A lower-scale redevelopment could still provide additional housing and public benefits while maintaining a genuine transition between the North Sydney CBD and Lavender Bay and significantly reducing overshadowing, visual, traffic and construction impacts.

Proximity to North Sydney Station may justify additional housing and density. However, proximity to the station should not automatically justify extending CBD-scale development into the lower-scale environment of Lavender Bay.

There are already significant housing proposals immediately around North Sydney Station that demonstrate other ways of accommodating this growth. For example, **SSD-86270706 at 5 Blue Street** proposes the adaptive reuse and conversion of an existing commercial building into mixed-use development, providing new apartments and co-living accommodation within the already established North Sydney built form.

Other nearby commercial sites are also subject to proposals for conversion or redevelopment for mixed uses. Subject to the individual merits of those proposals, adapting existing commercial buildings within the established high-rise area is a logical way to deliver substantial additional housing close to the station without progressively extending CBD-scale development into Lavender Bay.

This distinction is important. The St Francis Xavier site already forms part of the transition from the North Sydney CBD to the lower-scale residential and heritage environment of Lavender Bay. Increasing housing supply around North Sydney Station does not require every nearby site to adopt the height and scale of the CBD.

The appropriate planning outcome should allow substantial housing growth within the established North Sydney centre while maintaining a genuine step down in height and density towards Mackenzie Street and Lavender Bay.

Conclusion

For the reasons above, I request that **SSD-88702457 not be approved in its current form.**

The concerns raised in this submission are substantially supported by the applicant's own technical documentation.

The proposal:

- seeks to increase building height from existing controls of approximately 8.5–12 metres to approximately 70 metres;
- occupies the acknowledged transition between the North Sydney tower cluster and lower-scale Lavender Bay;
- is located in an immediate environment the applicant itself identifies as having low capacity to visually absorb development at close range;
- causes material additional overshadowing of surrounding residences;
- reduces solar access at assessed locations at 16 Mackenzie Street from approximately 4.5 hours to approximately 2.5 hours at the winter solstice;

- affects approximately 20% of assessed neighbouring main living areas sufficiently to fall below the applicant's 3-hour solar-access criterion;
- is proposed in an area where surveyed street-parking occupancy reaches 99%;
- introduces substantial parking and multiple vehicle access points onto Mackenzie Street;
- involves a prolonged multi-stage construction program; and
- is predicted by the applicant's own acoustic assessment to make residences across Mackenzie Street "**highly noise affected**" during major construction stages.

Taken together, these impacts demonstrate that the question is not whether this site can accommodate *some* additional development. The question is whether **this particular scale of development is appropriate**.

In my view, it is not.

I therefore ask the Department either to **refuse the proposal in its current form or require a substantial redesign**, including a significant reduction in tower height, bulk and density; improved protection of existing solar access; a built form that genuinely transitions from North Sydney into Lavender Bay; reduced traffic impacts on Mackenzie Street; and stringent protections for neighbouring properties throughout construction.

I support additional housing, affordable housing and appropriate improvement of the St Francis Xavier site. Those objectives can and should be pursued through a development that respects the established scale, heritage character and residential amenity of Lavender Bay.