

OBJECTION: MIXED-USE DEVELOPMENT MACKENZIE ST, LAVENDER BAY SSD-88702457

I am the owner and resident of 12 Wilona Avenue, Lavender Bay. My home is an early 1900s single storey terrace and is identified as a contributory item within the Lavender Bay Heritage Conservation Area, it is directly across the road from the development site and is one of the properties most immediately affected by the proposed development.

I am not opposed to development of the site, nor to the provision of additional housing. My primary objection is to the excessive height, bulk and scale of the development that has been proposed and the extent to which its impacts are being transferred onto the people who already live around it.

This submission therefore focuses principally on the aspects of the proposal that directly affect my property, my daily life and the residential amenity of the neighbourhood in which I live.

ENGAGEMENT

The failure to properly engage with me and other immediately affected residents is one of the principal failures of this project.

As I live directly opposite the development site, given that proximity, I would have expected residents of Wilona Avenue to have been identified from the outset as some of the people most likely to experience the effects of the proposal and therefore as important stakeholders in the engagement process. That did not occur.

After the SEARs were issued, we received no information from the Church about the proposal and no invitation to participate in any consultation.

At that time, I contacted the Department's appointed planner, Paul Sartor, because I was concerned about what was being proposed and about the absence of communication with surrounding residents. I was advised that engagement with stakeholders would occur and understood that engagement was required as part of the SEARs process. I specifically invited Mr Sartor to come to Wilona Avenue and speak with the residents who would be directly affected by the development. He declined that invitation.

Having been told that stakeholder engagement would occur, I waited for the applicant to approach us. Nothing followed.

This is significant because the eventual proposal places substantial built form immediately opposite Wilona Avenue and creates impacts relating to overshadowing, visual dominance, overlooking, noise, traffic and construction. These are precisely the kinds of matters that meaningful early engagement with immediate neighbours could have identified and potentially influenced before the design became fixed.

Importantly, engagement with affected stakeholders was not only contemplated by the SEARs, it was also an important part of the Social Impact Assessment process. Residents living immediately opposite the site are among those most likely to experience the social and residential amenity impacts of the proposal. Meaningful engagement with us should therefore have informed both the

design of the development and the assessment of its social impacts. Instead, neither occurred before the proposal was developed and made available for public exhibition.

In the absence of information or engagement about the proposal, I erected a "Save Our Community" sign on my property.

I subsequently received an uninvited visit at my home from a gentleman who told me that he lived in Xavier Terraces (across the road). He asked me to remove or relocate the sign because seeing it reminded him of the proposed development and was causing him distress while he studied for his PHD. Out of goodwill, and following a number of subsequent text messages from him, I relocated the sign so that it would not be visible from his window. I was later advised that this person worked for the Parish, was regarded as influential within it and was involved in supporting the relocation of elderly residents.

I subsequently erected different signage expressing my concerns about the over-development, I began receiving anonymous messages left on my vehicle parked on Mackenzie Street as well as further text messages from the same gentleman. I considered some of those communications distressing and inappropriate. One of these messages describing the impact of the development in the following terms:

"It will definitely be a decade of hell for you, and your family with all the construction. Then the loss of light as you say, the incredible noise, the number of people in the street. It's going to be so awful for you. I guess you are going the thinking about whether it is worth a decade of anxiety, stress, pain, sadness, depression, and anger to fight. Not only the physical impact on you, but the mental health impacts on you and your family".

Ultimately, I asked him to stop contacting me or members of my family and advised that I would contact the police if the contact continued.

I have retained the relevant messages and correspondence and can provide them to the Department if required. I have chosen not to reproduce them all in this public submission because they include personal communications and are not necessary to establish the broader point. The significance of this experience is that, during a period when I received no meaningful communication from the applicant about a major development directly opposite my home, the only contact I experienced from a person associated with the applicant related to my objection signage and included descriptions of the distressing and adverse impacts the development would have on my family, rather than any meaningful engagement with me about the substance of the development itself.

My next direct interaction occurred following a complaint I made to the church about church attendees parking on Wilona Avenue (private property). The Parish Priest contacted me asking that I remove my signage in the interests of being neighbourly. I declined and explained why I felt it was important to continue drawing attention to the proposal. In the subsequent correspondence, the Priest indicated that if I wanted information about the development, it was my responsibility to approach the Church. I found that position difficult to reconcile with the applicant's responsibility to engage with affected stakeholders. It was not even clear who an affected resident was supposed to approach for information.

Meaningful engagement should not depend upon residents first identifying the correct person or organisation responsible for a major development, then pursuing them for information about a proposal that had never been communicated to them. The responsibility should have been the other way around: those progressing the development should have identified the residents most likely to

be affected and approached them. Engagement is not simply making information available to those who actively seek it out. It requires the applicant to identify the people likely to be affected and make a genuine effort to involve them.

The first formal communication I received from the applicant was a flyer notifying residents of a walk-in session. That notice was delivered less than 24 hours before the session. For residents directly opposite a proposal of this scale, I do not consider that reasonable notice or meaningful engagement.

By this stage, the design was already well advanced. The tower, podium, residential yield, access arrangements and general form of the proposal had effectively been determined. Residents were therefore not being invited to participate in shaping the proposal; we were being shown a project that had already been designed.

My experience of the walk-in session reinforced my concern that the exercise was directed more towards demonstrating that engagement had occurred than genuinely seeking community input.

No information was presented; the community was required to seek out members of the project team to ask questions. Questions asked about the development were frequently not answered directly and, when residents pressed for further information, we were told that the detail would be available later when the proposal went on public exhibition.

That is the opposite of meaningful pre-lodgement engagement. By the time a proposal is on public exhibition, the community is responding to a completed application rather than being given an opportunity to influence its development.

I also overheard representatives involved in the consultation discussing photographs being taken for the engagement report. After taking a photo, I specifically heard the photographer comment:

"That ticks that box."

I appreciate that photographs of consultation events are routinely used in engagement reporting. However, in the context of an event at which directly affected residents had been given less than a day's notice, received limited information and were repeatedly told that answers would come later during public exhibition, the comment contributed to my impression that documenting attendance was receiving greater attention than substantive engagement.

Of the people present, I found the architect to be the most open in discussing the proposal. I recall describing the responses I had received from the Church representative as "cagey" because I felt straightforward questions were not being answered directly.

Most importantly, when residents raised the lack of consultation given how close our homes were to the development, we were told that our opportunity to participate would be during the public exhibition process. Public exhibition is not a substitute for early engagement.

The result was that I, as a resident living directly opposite the site, had no meaningful opportunity to discuss issues such as:

- the extraordinary height and bulk proposed opposite Wilona Avenue;
- overshadowing and overlooking of my property;
- the location and elevation of the communal pool and recreational areas;

- operational noise;
- traffic, safety and parking impacts;
- construction access, vibration and noise; or
- whether alternative building forms could reduce those impacts.

By the time residents were finally given substantive information through the public exhibition process, these fundamental elements of the proposal had already been designed and documented.

For me, this is the central failure of the engagement process. It is not simply that I wanted more information. I wanted the opportunity, as one of the people most directly affected by the proposal and with more than 20 years of local knowledge, to identify concerns early enough for them to be considered before the design was finalised and before its social impacts were assessed.

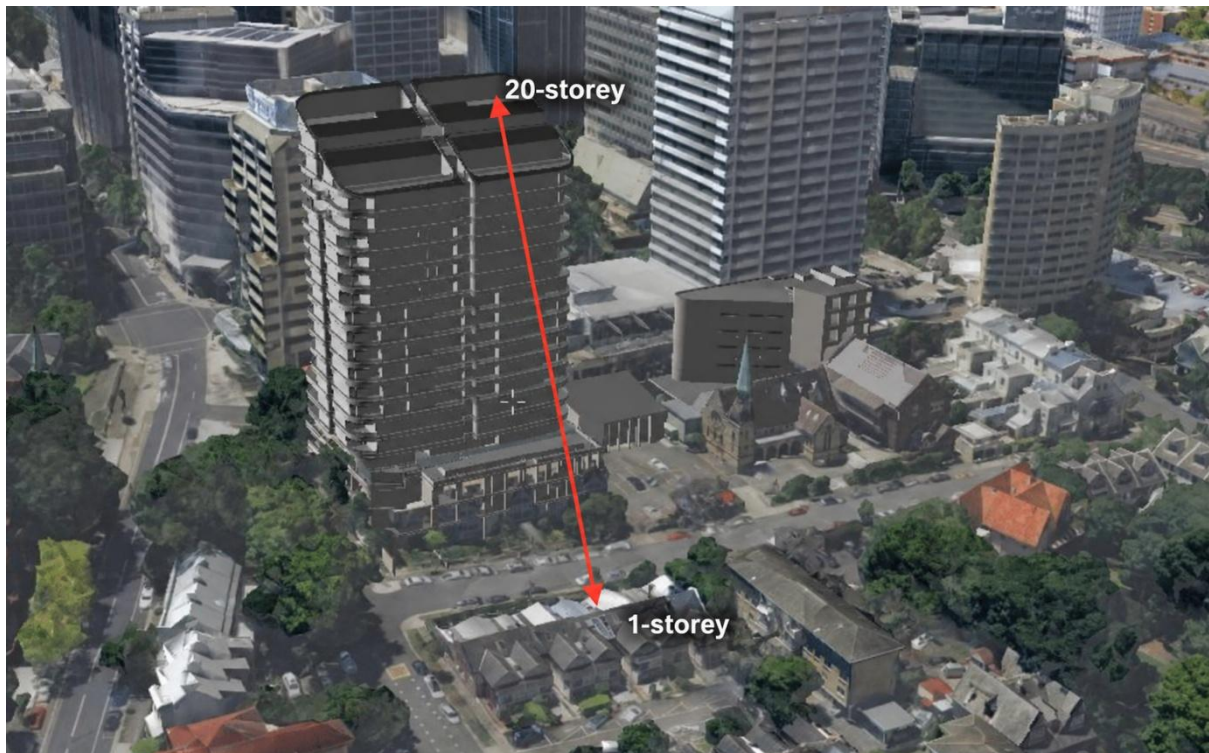
That opportunity was never provided.

HEIGHT, BULK AND SCALE

My primary concern with this proposal is its height, bulk and scale and the consequences that this will have for my home and the surrounding residential area.

The proposed height cannot be considered simply as a number of storeys or metres. Its acceptability depends upon where the building is located, what surrounds it and the impacts that its scale creates. In this case, a 20-storey tower of approximately 73.5 metres high and 45 metres wide is proposed immediately opposite an established residential and heritage conservation area characterised predominantly by much smaller buildings.

My home is located directly across Mackenzie Street from the development. The difference in scale between what exists around me and what is proposed is extreme.



The scale of the departure from the existing planning controls is important.

The site is presently subject to maximum building height controls of 8.5 metres and 12 metres. The proposal seeks a tower approximately 73.5 metres high. That is more than six times the 12 metre control and more than eight and a half times the 8.5 metre control.

Those existing controls are not arbitrary. They reflect the location of this site at the interface between North Sydney and the much lower-scale residential and heritage area of Lavender Bay.

This is therefore not a proposal seeking a modest variation to existing controls. It seeks a fundamentally different scale of development for this site. In my view, the scale of that departure is itself evidence that the proposal is fundamentally inconsistent with the planning framework applying to the site and with the surrounding residential context. The impacts created by that departure are not incidental; they are a direct consequence of seeking a form of development that is far beyond what the site and its immediate surroundings were intended to accommodate.

At the community walk-in session, a visualisation of the proposed development was displayed on an iPad. I photographed the image at the session. I have not been able to locate this visualisation in the exhibited EIS material.



I consider it particularly relevant because it shows the proposed tower in its broader Lavender Bay setting. The contrast in scale between the tower and the low-rise residential and heritage buildings in the foreground is stark. Rather than appearing as a gradual transition from the North Sydney CBD, the tower reads as a dominant high-rise element extending into the low-rise Lavender Bay landscape. The church spire is also visually diminished by the scale of the tower beside it.

The EIS repeatedly relies on the scale and future development of the North Sydney CBD to justify the proposed height and density. However, the site is not in the CBD. It is in Lavender Bay, and that distinction is important.

The railway corridor forms a clear physical and visual boundary between the high-rise commercial centre of North Sydney and the lower-scale residential area of Lavender Bay. South of that boundary, the character changes markedly to predominantly low and medium-scale housing, including the Lavender Bay Heritage Conservation Area.

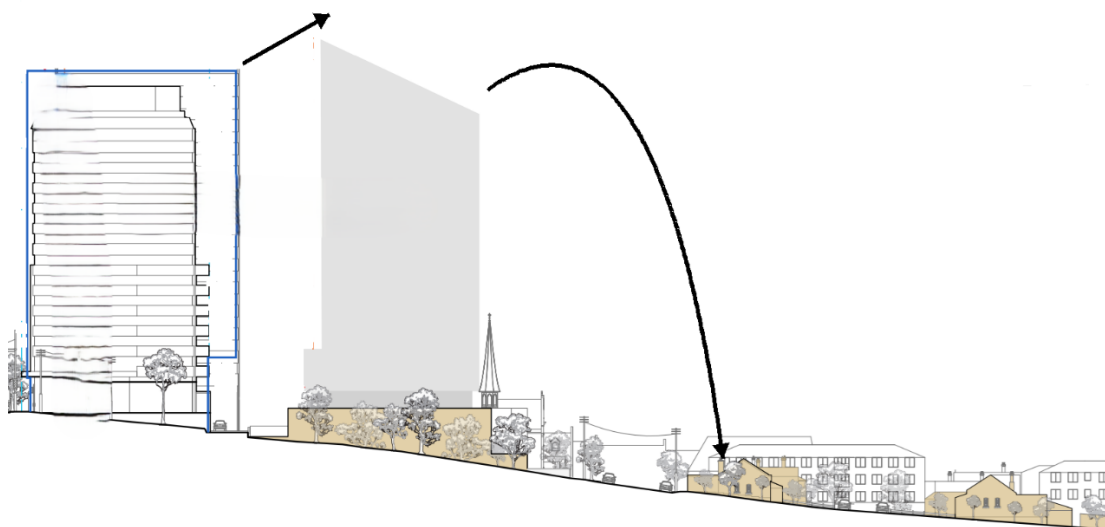
The proposal effectively ignores that boundary. Rather than stepping down from the CBD into Lavender Bay, it introduces a 20-storey building of CBD scale on the Lavender Bay side of the railway, immediately opposite low-rise residential homes.

This is not simply a building responding to the North Sydney skyline. It extends the CBD skyline into Lavender Bay and shifts the established edge between the two areas.

That concern is reinforced by the applicant's own Urban Design Report, which describes the precinct as being “stitched” into the broader City Centre and ultimately positioned as a “meaningful extension of the City Centre”.

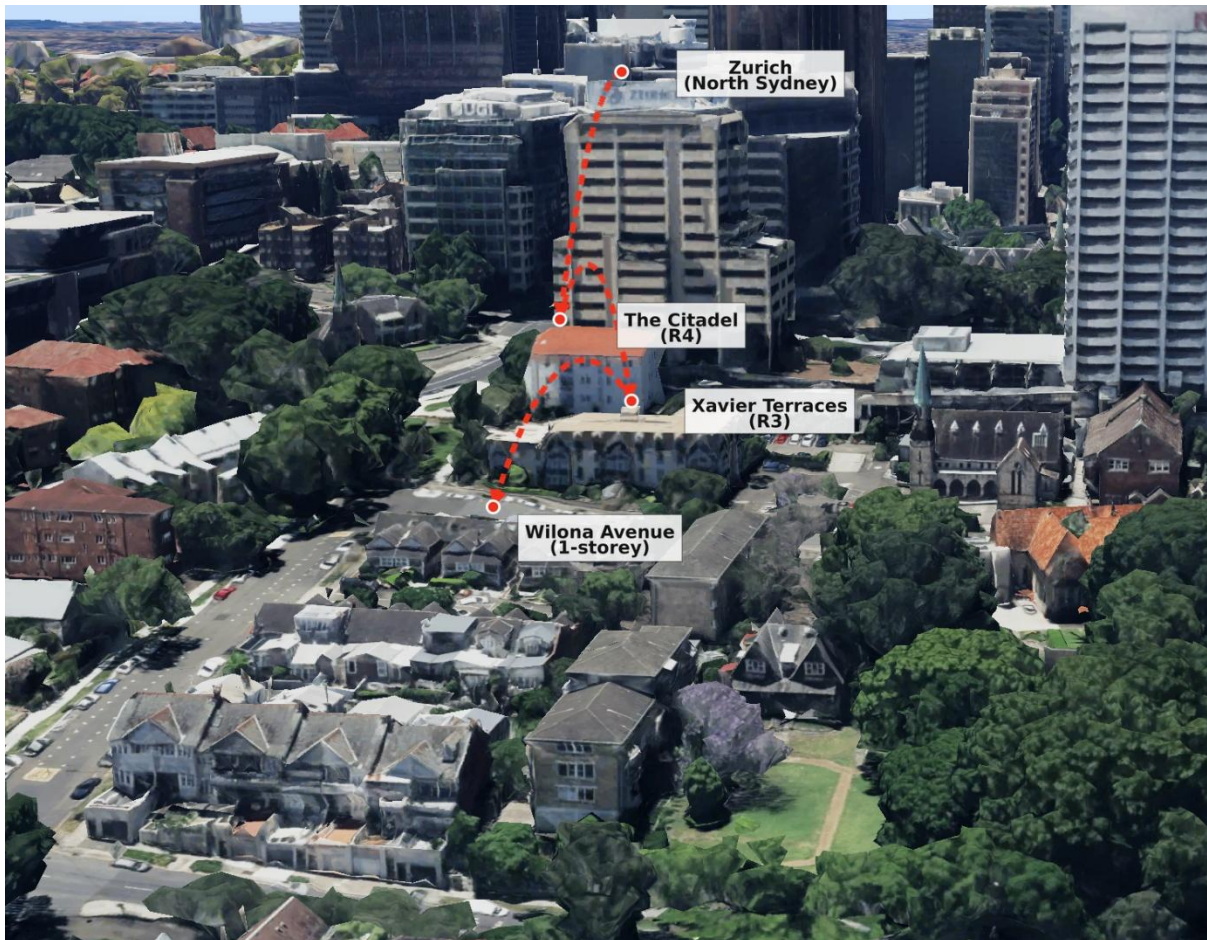
My own home is a one-storey contributory terrace directly opposite the proposed tower. The relationship that needs to be assessed is not only between the proposed tower and taller buildings to the north, but between the tower and the residential and heritage area into which the tower is actually being introduced.

The proposal is also said to provide a transition between North Sydney and Lavender Bay. The built form does not achieve that. A transition requires the scale of buildings to reduce as development moves from the high-rise CBD into the lower-scale residential and heritage area. Instead, the proposal places a 20-storey tower, taller than the building in the CBD to the north, at the point where those two very different areas meet.



The result is not a gradual stepping down from the CBD towards Lavender Bay. There is an abrupt change which is made more pronounced by the topography. Wilona Avenue and the surrounding residential properties sit below the development site. The height of the proposed tower therefore compounds the difference in scale when it is experienced from the residential area.

Calling this a "transition" does not make it one. A genuine transition already exists. The present built forms steps down from the larger Zurich development at 5 Blue Street, North Sydney to the lower-scale Citadel building at 211 Blues Point Road and down again at Xavier Terraces at 1-13 Mackenzie Street, and finally down again to the predominantly low-rise residential buildings of Lavender Bay. Those intermediate buildings provide the physical stepping down in height and scale that the EIS claims the new development will achieve, which it does not.



It is difficult to describe a building that increases in height as it moves from the CBD towards Lavender Bay as a "transition". A genuine transition should step down towards the lower-scale residential area, not step up.

My concern is not limited to the height of the tower. It is also the sheer volume of built form being introduced immediately opposite a low-rise residential and heritage area.

The Urban Design Report describes a series of measures intended to “descale” the tower, including setbacks, a cruciform arrangement of four quadrants, rounded corners and a sculpted façade. However, these measures principally change the appearance of the mass rather than materially reducing it. The report itself repeatedly refers to reducing the tower's “perceived bulk”, “visual mass” and creating a “perception of lightness”. The actual floorplates tell a different story. Levels 4 and 5 have a gross building area of approximately 1,145.6m² per floor. From Level 6 through to Level 17 the reported gross building area remains approximately 1,021.9m² per floor.

The applicant describes the tower as being “descaled” into four interlocking quadrants. However, the plans show a single continuous tower floorplate around a central core. The so-called quadrants are created through recesses and rounded edges within that one building mass; they are not separate volumes with meaningful breaks between them. This may articulate the appearance of the tower, but it does not materially reduce its bulk. The building remains a very large, continuous floorplate rising for approximately 20 storeys.

From Wilona Avenue, the proposed built form presents as a 73.5-metre-high, approximately 45-metre-wide wall of development. The Urban Design Report says that the tower-podium form allows the podium to respond to the lower-scale precinct while the tower above responds to the greater scale of the adjoining centre. From my home directly opposite, however, I will experience both. The podium does not screen or remove the substantial tower rising behind it.

The same problem arises with the applicant's reliance on setbacks. The 8 metre southern tower setback might at first appear to be a response to the homes opposite. The massing report makes clear that its stated purpose is actually to preserve views of the Harbour Bridge from St Peters Park. The other principal setbacks and design alignments are driven by the Church, Blue Street Plaza, Zurich, ADG separation and identified view corridors. The scale and amenity of Wilona Avenue do not appear to have been a comparable driver of the building envelope.

Even the podium, which is relied upon to establish an appropriate low-rise interface, is acknowledged to be one storey higher than the existing Xavier Terrace building. The report says its alignment avoids a significant additional horizontal projection towards the Wilona Avenue terraces. That does not address the increased vertical mass of the podium or the much larger tower immediately above it.

Most tellingly, the massing process begins by extruding the proposed site uplift to RL120, and then carving, setting back and sculpting that envelope to protect public park solar access, important views, heritage sightlines and separation from the neighbouring development at 5 Blue Street North Sydney. In my view, the process appears to ask how the maximum desired development can be made to fit, rather than beginning with the scale of Lavender Bay and asking how much development this particular site can reasonably accommodate without overwhelming its immediate residential context.

That distinction matters. A very large building does not become compatible with its surroundings simply because its corners are rounded or its mass is divided visually into quadrants.

OVERSHADOWING AND LOSS OF SOLAR ACCESS

The loss of solar access to my home is another one of my strongest objections to this proposal. I live directly opposite the development and the independent solar analysis commissioned shows that the impact on 12 Wilona Avenue will be severe.

This is not a minor reduction at the margins. The proposed development will remove between 50% and 67% of the existing winter solar access to the windows serving my principal living areas. My main living area currently receives approximately 3 hours of solar access on 21 June and would be reduced to 1.5 hours. My kitchen currently receives approximately 6 hours and would be reduced to only 2 hours. These two spaces are used most frequently in our home, they are both our main living areas perhaps because they are the two areas with solar access. Being a single storey terrace house solar access is limited to the centre and southern side of the house our main living area naturally exist in the northern side of the house and we spend the majority of our time there.

These findings do not include the cumulative impact of the proposed redevelopment at 5 Blue Street which is also important. The EIS for 5 Blue Street indicates that its development would remove a further one hour of solar access, between 10.00am and 11.00am, in part because its building envelope has been widened to work around the mass of the tower proposed by this applicant. When the two developments are considered together, I may therefore be left with only 30 minutes to one hour of solar access to my main living areas.

The effect on the skylights that provide natural light to my home is even more serious. Of the six skylights/roof areas assessed at No. 12, five lose between 60% and 100% of their existing winter solar access. Two lose all of it, reducing from one hour of direct sunlight to zero. The remaining skylight still loses 50%.

For an early 1900s terrace, these skylights are not an incidental feature. They are an important way in which sunlight reaches the interior of a long, narrow dwelling. Losing solar access to them therefore has a real effect on the light and amenity within my home.

There is also a fundamental issue of equity in the way solar amenity has been approached. The ADG seeks a minimum of two hours of mid-winter sunlight for at least 70% of apartments. The EIS acknowledges that the proposal falls well short of that numerical benchmark, with only 34.6% of the proposed apartments receiving two hours, and argues that the outcome is nevertheless acceptable because apartments with reduced solar access receive other amenity, including “sweeping views of Sydney Harbour” and the CBD skyline. Yet the same development would reduce solar access to my existing home to approximately 1.5 hours or less in important living areas, while simultaneously replacing much of my existing sky and outlook with a 73.5 metre tower. I receive no compensating harbour panorama for the sunlight that is being taken from my home; I receive less sunlight, less sky than the outlook of the building causing the loss. Planning flexibility should not operate in only one direction, so that reduced solar amenity is accepted for new apartments because they receive compensating benefits while substantially greater losses are imposed upon existing residents and homes that were already here for over 120 years. This is particularly difficult to reconcile with ADG Objective 3B-2, which expressly requires overshadowing of neighbouring properties to be minimised, recommends increased separation and upper-level setbacks where neighbours suffer significant solar loss, and states that a minimum four hours of solar access should be retained to solar collectors on neighbouring buildings. The amenity of new residents should not be created at the expense of a substantially poorer level of amenity for the existing residents immediately below them.

The applicant's solar assessment is not a reliable basis for determining what this proposal will do to my home and it does not show the real impact. It does not make any assessment of the solar impact on my home, assuming incorrectly that we currently have no solar access therefore disregarding the impact. It also omits the existing solar panels on my roof. My independent analysis looks at the actual openings to my home, hour by hour, and compares existing solar access with what will remain after the development. The result is clear: substantial existing sunlight will be taken away.

The numerical treatment of my private outdoor space does not reflect how sunlight is actually experienced within it. The solar analysis identifies the private open space at No. 12 as approximately 20.5m², but an assessment based only on sunlight reaching the ground plane can give the impression that there is little or no existing solar access to lose.

The elevations show people standing within the courtyards and allow the shadow to be assessed at human height, not just at ground level. The northern elevation specifically includes No. 12 Wilona

Avenue and shows the relationship between the additional development shadow and the areas actually occupied by residents.

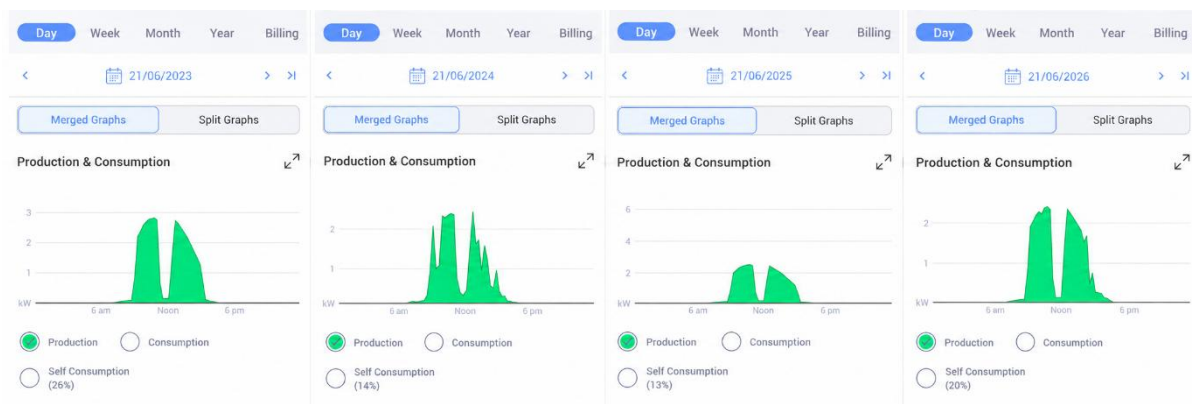
My photographs taken close to the winter solstice on 20 June 2026 at 10:58am, 11:21am and 2:06pm confirm the existing condition in real life. They show direct sunlight reaching into my courtyard, including the seating, walls, planting and areas used by people, even where parts of the paving remain in shadow.



This is an important distinction. A courtyard can have little sunlight recorded on its ground surface while still providing meaningful direct sunlight to a person sitting or standing in it. The elevations and photographs demonstrate that this is exactly what occurs at my property. We currently receive approximately 5 hours of meaningful sun in our private outdoor space, this proposal will remove approximately 3 hours of this existing usable sunlight reducing my solar access to our private outdoor space down to 2 hours. Disregarding this impact by classifying our private outdoor space as having no solar access does not reflect the actual loss of residential amenity I will experience.

The applicant's assessment also fails to address the existing solar panels on the roof of my home installed in 2022. These panels are located immediately adjacent to skylights 18, 19 and 21 identified in my independent solar analysis. The analysis shows that those roof openings will lose approximately 60% of their existing winter solar access as a result of the proposed development. The panels occupy essentially the same affected roof plane.

This is not a theoretical concern. I have retained production records for 21 June in each of the last four years — 2023, 2024, 2025 and 2026.



Those records show that my system continues to generate meaningful electricity during the winter solstice, including throughout the period during which the proposed development will introduce

substantial new shadow. The production records also show a consistent drop in output around midday. This occurs when the sun passes behind the Zurich building (5 Blue Street North Sydney) and the existing shadow crosses my solar panels. The effect is visible in the production profile for each year. This is important because it demonstrates, using actual operating data from my own system, that building shadow has a direct and measurable effect on solar generation at my property. The proposed development would introduce substantial additional shadow across the same roof area for a much longer period of the day.

The likely consequence is therefore not speculative. My existing records already demonstrate the relationship between overshadowing and reduced solar production. What the applicant has failed to do is quantify how much additional generation will be lost as a result of its substantially larger building. That has a direct financial consequence to me, electricity that is presently generated by my own system will instead need to be purchased from the grid, while reduced generation may also reduce exported electricity.

There is also an obvious sustainability issue. I have invested in renewable energy and my solar system is demonstrably operating even at the winter solstice. It is difficult to reconcile the sustainability objectives of new development with a proposal that substantially shadows an existing neighbouring solar installation without even assessing the loss of renewable generation that it causes.

The applicant should therefore be required to undertake a specific overshadowing assessment of my existing solar array, using the proposed building envelope and the actual location, orientation and configuration of the panels, quantify the resulting reduction in annual electricity generation and mitigate the impact on my household.

There is also a broader problem with concentrating the assessment on the winter solstice, when considering the impacts of a building of this height, mass and scale in such close proximity to a low-rise terrace house. The impact extends well beyond the winter solstice. The independent equinox modelling compares the existing and proposed conditions hourly between 9.00am and 3.00pm and demonstrates that the proposed tower continues to create additional overshadowing of the Wilona Avenue residential area during the equinox period.

This is significant because the equinox represents a time of year when the higher solar angle should provide substantially greater access to sunlight than in mid-winter. A development of this scale should not extend substantial additional overshadowing of neighbouring homes into the equinox periods.

This is not an acceptable consequence of development. The building should be designed to respond to the homes that already surround it, rather than those homes being expected to absorb the consequences of an excessively large building.

Most importantly, the applicant's own overshadowing diagrams demonstrate that the severe solar impacts identified above are not an inevitable consequence of redevelopment of the site. Appendix L shows that development within the existing planning controls would cause substantially less additional shadow and only minimal overshadowing of the Wilona Avenue terraces and my home.

The loss of solar access to my living areas, skylights, private outdoor space and solar panels is therefore a consequence of the exceptional height, bulk and scale being sought, rather than development of the site itself. The appropriate response is to redesign the proposal to a scale that complies with the current building height controls.

PRIVACY AND OVERLOOKING

The applicant concludes that overlooking and privacy impacts are not anticipated from the southern side of the tower because the proposed setbacks exceed the minimum horizontal separation distances in the Apartment Design Guide. That conclusion does not reflect the actual relationship between the proposed development and my home.

My property sits substantially below the development site. Wilona Avenue is approximately RL45, while the proposed podium communal area is around RL60.1. Above that, the development rises through multiple residential levels to approximately RL120. The result is not a conventional relationship between buildings on level ground, but a series of elevated viewing positions looking directly down towards my property.

I have photographed the existing sightlines from within my home. From the doorway of my main living area, at normal standing height taken on my iPhone without zoom, the upper windows of Xavier Terraces are clearly visible, occupants of these rooms are clearly visible to me. This demonstrates that my living area is already within a direct line of sight from the existing elevated building opposite. The proposed podium will be one storey higher than Xavier Terraces, with the



residential tower rising far above it.

The privacy impact extends beyond my living room and courtyard. From within my shower, the Zurich building is clearly visible through the bathroom roof window, despite Zurich being substantially further away than the proposed development, Xavier Terraces are also visible on the left of that photo.



The second photograph taken from the same position shows the proximity of that roof window to my shower and toilet. The proposed development would occupy a much closer and more elevated position in that same northern outlook, creating direct sightlines towards one of the most private areas of my home.

The issue is therefore not simply whether the proposal satisfies a horizontal separation distance. It is whether people using the podium, balconies and apartments above will be able to look directly down into my main living area, private outdoor space and bathroom. The photographs demonstrate that these sightlines are real, not theoretical.

The proposed podium makes the impact particularly acute. In addition to the balconies and living areas, it contains an unenclosed swimming pool, spa and communal entertainment area approximately 15 metres above my property and only around 21 metres away horizontally. These are spaces where residents will stand, sit and spend extended periods outdoors, immediately above and opposite the private areas of my home.

Minimum horizontal separation distances, which have been applied to the tower and podium do not resolve direct downward overlooking created by this topography. The design needs to respond to the actual three-dimensional relationship with the homes below, through reduced height and massing and the relocation of the communal outdoor facilities to the eastern/church forecourt side, where setbacks are greater, topography is not an issue and there are no directly adjoining private residential spaces to overlook.

Inequity also arises in relation to privacy. The applicant states that overlooking and privacy impacts are not anticipated for the tower because its setbacks from neighbouring buildings exceed the minimum ADG separation requirements. But the ADG objective is not simply to achieve a numerical horizontal distance. Objective 3F-1 requires building separation to be “shared equitably between neighbouring sites” so that reasonable internal and external visual privacy is achieved, and specifically recognises that on sloping sites the different levels between apartments must be taken

into account. Here, the proposed residents are being provided with a design intended to protect their privacy while the existing homes below are exposed to direct downward overlooking from elevated apartments, balconies and communal areas into private open space, living areas and roof windows. That is not an equitable sharing of privacy impacts. It transfers the privacy burden of the new development onto the existing residents below it. My home existed long before this proposal. A new development should not be permitted to obtain an acceptable standard of privacy for its future occupants by taking away the privacy presently enjoyed by the people who already live opposite it.

A 3D vertical sightline assessment specific to the proposed development and my home should be carried out by the applicant and if it is found to have unreasonable overlooking, any mitigating redesign, setback, orientation or screening implemented to remedy. If direct overlooking cannot be remedied through redesign, setbacks, orientation or screening within the development itself, the applicant should be required to fund an appropriate privacy treatment to my roof windows. Any treatment must preserve the natural light and solar access they currently provide, be compatible with the character of my home and not transfer the amenity impact of the development onto me. I should not be required to sacrifice natural light in order to obtain privacy from a development that creates an overlooking problem that does not presently exist.

VISUAL IMPACT

The visual impact of the proposal on my home is substantial. As can be seen in the photo provided above under the privacy and overlooking section, from my main living area and private outdoor space, the existing outlook is layered: Xavier Terraces sits in the foreground, with the Zurich building set much further back behind it and a substantial area of open sky remaining visible. The proposed development would fundamentally change that relationship by inserting a 73.5 metre high, approximately 45 metre wide tower immediately opposite my home.

The applicant's own Visual Impact Assessment acknowledges that, from Mackenzie Street, the proposal introduces a new tower into the foreground and predominantly blocks open sky. That loss of sky is particularly significant for a one-storey home such as mine. My concern is not that a particular landmark or scenic view will be blocked; it is the replacement of an open, layered outlook with a dominant wall of built form immediately across the road and looming over my home.

I also do not consider the applicant's rating of the visual impact from this location to reflect the experience of residents. Photomontage 3 (included below), taken on Mackenzie Street immediately beside the Wilona Avenue terraces, is assessed as only low-medium visual impact. That result relies in part on rating the area's ability to absorb the development as "high", its compatibility with the visual context as "high", and the viewing period as "low". Yet the report elsewhere recognises that close-range views within Lavender Bay have limited ability to absorb large new built form because of the surrounding low- to mid-rise and heritage character. The "low" viewing period is particularly inappropriate to my circumstances. It may describe a pedestrian or motorist passing along Mackenzie Street, but I do not pass this view for a few seconds. I will see the proposed tower from my home every day. It will form the permanent outlook from my principal living area, bathroom, kitchen and private outdoor space. The visual impact on an adjoining resident cannot reasonably be represented by the viewing duration assigned to a passing member of the public.



Current View — Corner of Miller & Mackenzie Streets



Proposed View — Corner of Miller & Mackenzie Streets

Nor does the fact that the tower does not block a recognised scenic or heritage view mean that the visual impact is insignificant. The EIS itself records that Photomontage 4 (included below) introduces the tower into the foreground and predominantly removes open sky. For my home, the important visual amenity is the existing sense of openness, visible sky and the stepping of buildings away towards North Sydney. The proposal replaces that with a building of a completely different scale directly opposite me.



Current View — Mackenzie Street opposite the Church



Proposed View — Mackenzie Street opposite the Church

The scale of this visual impact is difficult to convey through a distant or street-based photomontage. For my family, the proposed tower will be an overwhelmingly dominant presence in the everyday experience of our home. Our rear gate onto Mackenzie Street is the principal entrance and exit used by my family. Each time we leave or return home, we will emerge directly opposite a building approximately 73.5 metres high and 45 metres wide, a massive wall rising from the elevated site immediately in front of us, dominating the foreground.

The applicant's own street-view images along Mackenzie Street (included below) reveal a significant deficiency in the visual assessment. The Wilona Avenue terraces are shown directly opposite the development, but the images are framed so that the visual relationship between those small-scale homes and the full 20-storey tower is not shown. Instead, the assessment concentrates on the podium and lower levels of the development.



Image - Street view looking eastwards along MacKenzie Street



Image - Street view looking westwards along MacKenzie Street with the podium in the foreground

This is a material omission. The most consequential visual relationship at this interface is not between the Wilona Avenue terraces and the podium; it is between those one- and two-storey homes and a tower rising approximately 73.5 metres high and 45 metres wide immediately opposite and above them. That relationship is fundamental to understanding the actual height, scale and visual dominance of the proposal from Mackenzie Street and Wilona Avenue. Yet there is no equivalent wider street-level image showing the terraces together with the full tower above.

This is not a minor issue of photographic composition. By excluding the full tower from the same view as the Wilona Avenue terraces, the submitted material does not enable the reader to properly assess the true contrast in scale between the proposal and the homes immediately opposite it. It presents the lower podium interface while omitting the very part of the development that creates the greatest visual impact.

A proper visual assessment should include a wider, verified street-level view showing the complete proposed development, including the full height and width of the 20-storey tower, in direct relationship with the Wilona Avenue terraces. Without that representation, the visual material gives an incomplete picture of one of the development's most sensitive interfaces and materially understates the impact that residents will actually experience.

The adverse visual impact also extends beyond my own property. The Visual Impact Assessment places considerable emphasis on the fact that iconic elements such as the Sydney Harbour Bridge and Opera House remain visible from the selected viewpoints at Blue Street Plaza and St Peter's Park. However, retaining a narrow line of sight to an iconic object is not the same as retaining the existing view.

At present, the views from Blue Street Plaza and St Peter's Park are broad and open and can be experienced from a range of positions as people move through and use those spaces. They are not views that exist only from the precise camera position selected for a photomontage, as can be seen in the photos below.

Current View from Blue Street Plaza



Panoramic harbour view from the centre of Blue St Plaza



Harbour view from the southern edge of Blue St Plaza



Source: North Sydney Council submission to the SEARs

The proposed development introduces substantial new built form directly into the foreground of these panoramic views, blocking a large proportion of the existing harbour outlook. From some positions, the existing expansive view would be almost entirely replaced by the proposed buildings.

The EIS itself acknowledges that the St Peter's Park view will predominantly lose open sky. After construction, the iconic elements may technically remain visible from particular locations, but the wider composition in which they are currently experienced will be substantially narrower and more heavily framed by buildings.

In my view, the assessment therefore understates the public visual impact by asking primarily whether an identifiable landmark remains visible from a selected viewpoint. The more relevant question is how the width, openness and quality of the existing view change across the public space as a whole. A view can be materially diminished without being completely blocked.

These visual impacts are therefore another direct consequence of the excessive height, bulk and scale of the proposal. Façade articulation, rounded corners and setbacks may alter the appearance of the tower, but they do not remove its overwhelming scale when viewed from a one-storey home immediately below and opposite it, or from important public vantage points. A substantially reduced building envelope is required to preserve a reasonable sense of openness and visual amenity for the homes along Wilona Avenue, Blue Street Plaza and St Peter's Park.

OPERATIONAL IMPACTS

The impacts of this proposal will not end when construction is completed. The development would introduce a scale and intensity of residential, communal, retail and parish activity that is fundamentally different from what currently exists opposite my home.

For me, the relevant question is not whether each individual activity can theoretically be managed in isolation. It is what the combined operation of the completed development will mean for my family and for the surrounding residential community.

OPERATIONAL NOISE

The proposal introduces a number of new permanent noise sources directly opposite and above my home: the elevated swimming pool, spa and communal entertainment areas, balconies, mechanical plant, retail premises, expanded parish facilities, vehicle movements, loading and waste collection.

I am particularly concerned about the podium communal area. It is elevated approximately 15 metres above Wilona Avenue with direct line of sight towards the homes below. The acoustic assessment assumes that these areas will principally involve casual conversation that will generally be masked by existing urban and traffic noise. It proposes operation of the outdoor communal areas until 10.00pm, supported in part by signage asking residents not to shout, play amplified music or hold parties.

I do not consider that an adequate response to an obvious land-use conflict. A swimming pool, spa and entertainment area will accommodate groups of people socialising outdoors. Its location directly above established homes is a design choice, not an unavoidable consequence of redevelopment.

The active communal facilities should be relocated to the eastern/church forecourt side of the development, where the separation is greater and there are no directly adjoining private residential spaces below. If they remain on the Mackenzie Street side, significantly stronger physical acoustic treatment, enclosure and restricted operating hours are required. Signage that advises users of these outdoor areas not to shout or play amplified music or have parties is not an adequate mitigant, particularly when immediate enforcement of these measures is not possible.

There are also unresolved noise sources. The final mechanical plant has not yet been determined and the future retail tenants, operating hours and activities are unknown.

The combined noise from the pool and communal areas, church forecourt, apartments and balconies, retail, parish activities, servicing, plant and vehicles needs to be assessed cumulatively, because that is how I will experience it from my home. Without that assessment, it is not possible to conclude that the completed development will comply with applicable operational noise criteria.

The impact on my home and neighbouring properties will be permanent. It therefore requires robust assessment and mitigation at the design stage, supported by post-occupation acoustic testing at the affected sensitive receivers, ongoing monitoring where exceedances or complaints arise, and enforceable measures requiring any identified noise impacts to be rectified. All reasonable mitigation should be implemented and if operational noise cannot be adequately contained at the source, the applicant should fund heritage-compatible secondary or double glazing and appropriate ventilation to my home.

TRAFFIC AND PARKING

The proposal will also substantially increase the intensity of traffic and parking demand around my home.

The development contains 165 dwellings, with 61 dwellings having no allocated parking, no visitor parking and no parking provided for the retail premises. Four existing on-street parking spaces are also proposed to be removed.

I accept that this is a location with good access to public transport. That does not mean that the parking demand created by residents, visitors, retail customers, tradespeople and deliveries simply disappears.

The parking surveys relied upon by the applicant were undertaken on a Tuesday and Saturday between 6.00am and 6.00pm. They therefore do not capture some of the periods most relevant to this location, including Sunday church services, weddings and funerals, or the evening period when residents return home from work. Despite that, Saturday parking occupancy was already recorded at average 89% and maximum 99%. Tuesday parking occupancy was already recorded at average 77% and maximum 91%. An independent peer review of the traffic impact assessment was commissioned by ROLBO and this report confirmed that parking is generally considered to be at or approaching capacity once occupancy reaches approximately 85%, according to the *Austroads Guide to Traffic Management Part 11 – Parking Management Techniques*.

The Church creates an additional concern. Existing church parking is proposed to reduce from 54 spaces to 22, while the parish facilities themselves expand. I already experience parishioners entering and parking within Wilona Avenue when public parking is unavailable. This blocks residents' access to our own private parking and homes. It is no different from a stranger parking in someone else's driveway or carport simply because it is convenient, without regard to the owner's rights.

Increasing church activity while substantially reducing its dedicated parking risks making an existing problem worse. If the reduction in church parking is to be accepted, specific mitigation measures for Wilona Avenue need to be implemented. Communication with parishioners has not worked in the past; the applicant therefore needs to provide a dedicated solution that prevents unauthorised parking within Wilona Avenue arising from the increased parking demand generated by the proposal.

In addition, given the applicant relies heavily on proximity to public transport and connectivity to justify reduced on-site parking, future residents should be excluded from eligibility for the North Sydney resident parking scheme, and the applicant should work with Council to extend the existing 1P restrictions into the late evening so that additional development-generated parking demand is not simply transferred onto surrounding residential streets.

The proposed western driveway is a particular concern to me because it is located immediately adjacent to the Miller Street/Mackenzie Street intersection, on the route my child regularly walks to school.

This intersection already has a particular safety issue. Because of the configuration of the footpath, the slope of the road and on-street parking, vehicles turning from Miller Street into Mackenzie Street frequently cut across the corner and into the opposing lane rather than following a wider turning path. Visibility when turning into Mackenzie Street is also very limited. In addition, cyclists often ride at speed down the shared path and left onto Mackenzie Street as this route connects to Middlemiss Street cycle path and the Sydney Harbour Bridge, cyclists will only slow or dismount when other pedestrians are using the path. Combined with pedestrian traffic, these factors create conflict point at the Miller Street / Mackenzie Street intersection.

The proposal would introduce a new residential driveway immediately beside this existing conflict point, adding vehicles entering and exiting the development to an area already used by turning vehicles, pedestrians, school children and cyclists. Retail activity is also proposed nearby, adding further pedestrian and servicing movements.

In addition, these issues would be compounded with the proposed main pedestrian entrance for the 88 market apartments being located on the shared pedestrian and cycle path through St Peter's Park close to the same intersection at Mackenzie/Miller Streets. The existing access arrangements are not comparable by scale or location.

This proposal will therefore place substantially greater pedestrian activity onto a constrained shared path while also increasing vehicle movements nearby. These interactions should be designed out where possible rather than left to future management.

Despite this, no adequate sight-distance assessment has been provided for vehicles exiting the proposed driveway. The traffic material does not demonstrate the actual visibility available between an exiting driver and pedestrians, cyclists or vehicles approaching through the Miller Street intersection.

That omission is fundamental to any conclusion about safety at this location. If the applicant has not established what an exiting driver can actually see at this location, it cannot reasonably conclude that the proposed driveway is safe. This is particularly important where the driveway is being introduced immediately beside an intersection where, from my direct experience as a resident, there are existing safety concerns.

For my family this is not a theoretical traffic issue. It is a route my child uses on foot to travel to school. A development of this scale should be designed to remove or minimise vehicle–pedestrian conflict points, not introduce a new driveway at one of the most constrained points along Mackenzie Street. The applicant should demonstrate why the existing access arrangements cannot instead be retained and adapted.

In addition, no justification has been provided regarding the need for three (3) driveways from Mackenzie Street. The number of vehicle access points should be minimised to reduce pedestrian and cyclist conflict and preserve on-street parking. At a minimum, the applicant should assess whether the existing driveways could be retained and repurposed, rather than creating additional crossings along Mackenzie Street.

I am also concerned that the operational traffic conclusions are based on data that cannot be properly tested against current conditions. The Traffic Impact Assessment does not provide the underlying traffic-count data or clearly identify the dates on which the relevant intersection data was collected. One of the intersection-performance graphs is identified as relying on 2025 data, which means it necessarily predates the opening of the Sydney Harbour Bridge Cycleway Ramp in January 2026 and subsequent changes associated with the Warringah Freeway Upgrade. These changes have materially altered traffic movements through the surrounding road network. The Lavender Street/Alfred Street South/Middlemiss Street intersection now operates differently, and when congestion occurs vehicles divert through Miller Street and Mackenzie Street — directly past the proposed development and the western driveway.

The applicant's conclusion that the development's additional traffic can be accommodated depends upon an accurate understanding of the existing traffic network. If the baseline itself is outdated or cannot be independently verified, the reliability of that conclusion is undermined. If the underlying data predates those changes, it cannot be assumed to represent the traffic conditions that exist today. Without the raw traffic counts, survey dates and updated intersection analysis, there is no way for the Department or the community to verify that the conclusions about existing traffic conditions, available road capacity or the safety of the proposed access arrangements remain valid.

Current traffic counts and modelling based on the present road configuration should be required to accurately establish the operational traffic impacts of any development.

CONSTRUCTION IMPACTS

The construction impacts of this proposal are particularly significant for my family because my home is directly opposite the site. These impacts will not be brief. The applicant's Social Impact Assessment states that construction is expected to occur in stages over approximately four years.

The acoustic assessment itself assumes approximately six months of demolition, 12 months of excavation and civil works and 24 months of structural works. Even allowing for some overlap between stages, this represents an extended period of major construction activity immediately opposite established homes.

The fact that construction impacts are technically temporary does not make four years insignificant. Four years is a substantial period in the life of a family and, during that time, my home will remain our place to live, work, rest, study and spend time outdoors.

CONSTRUCTION NOISE

The applicant's own Noise and Vibration Impact Assessment predicts very substantial construction noise at the residences south of the site across Mackenzie Street, identified as receiver catchment RC2.

For RC2, the construction noise management level is 57 dB(A) and the "highly noise affected" level is 75 dB(A). The acoustic report explains that 75 dB(A) is the point above which there may be a strong community reaction and where restrictions or respite periods may be required.

Yet the applicant's own modelling predicts construction noise at RC2 of approximately 75–80 dB(A) during major construction stages — up to 23 dB above the noise management level and above the highly noise affected threshold.

That is important. This is not simply residents objecting to the normal inconvenience of nearby construction. The applicant's own modelling predicts that the homes immediately south of the site may experience noise at levels the applicable guideline identifies as capable of producing strong community reaction.

The acoustic report itself recommends respite periods for intensive works and suggests that particularly noisy activities such as piling should not occur between 7.00am and 8.00am on weekdays. The Preliminary Construction Traffic Management Plan nevertheless proposes construction from 7.00am to 5.00pm Monday to Friday and 7.00am to 3.00pm on Saturdays.

Construction should remain within standard hours, with additional restrictions and meaningful respite periods for demolition, piling, rock breaking and other particularly intrusive activities. Physical mitigation such as acoustic hoarding, quieter plant and construction methods should be required from the outset rather than relying primarily on later complaints management.

For a development directly opposite established homes, I do not consider that communication with residents or advance notice is sufficient mitigation. Residents knowing that exceptionally noisy work is about to occur does not reduce the noise entering their homes.

I also work from home. This means construction noise will not only affect my residential amenity before and after work; I will be exposed to it throughout the working day for a substantial part of the construction period. In those circumstances, advance notification and respite periods are not

enough. If construction noise cannot be adequately controlled at the source, the applicant should be required to fund heritage-compatible secondary or double glazing, together with appropriate ventilation, for directly affected homes such as mine so that windows do not have to remain open for ventilation while intensive construction is occurring.

VIBRATION AND RISK TO MY HOME

Vibration is a particular concern for me because my home is an early 1900s terrace and a contributory building within the Lavender Bay Heritage Conservation Area.

The applicant identifies demolition, excavation, rock or slab breaking and piling as activities capable of generating vibration. Its assessment acknowledges that the magnitude of vibration depends upon the equipment, ground conditions and separation distance.

The acoustic consultant recommends that vibration measurements be undertaken when works commence and also recommends dilapidation reports for surrounding buildings close to heavy machinery.

For a building of the age and construction of my home, I do not consider monitoring after works have commenced to be sufficient protection. A comprehensive independent pre-construction dilapidation survey of my property should be undertaken and funded by the applicant before any demolition, excavation or piling occurs, with a photographic record that provides a clear baseline against which any subsequent cracking or damage can be assessed. A corresponding post-construction dilapidation survey should then be undertaken so that any deterioration, cracking or other damage can be objectively identified and repaired at the applicant's cost to restore the property to its pre-construction condition.

There should also be continuous vibration monitoring during vibration-intensive works at the closest residential properties, conservative trigger levels and an enforceable stop-work and investigation procedure if those levels are exceeded.

This is especially important because the applicant's own monitoring programme is not yet final. The acoustic report states that the detailed monitoring programme will be developed later through a Construction Noise and Vibration Management Sub-Plan once construction methodologies are available and a contractor has been appointed.

That leaves important protections for neighbouring homes to be resolved after consent. Given the age and proximity of my home, the fundamental monitoring and protection requirements should be established before approval, not deferred until construction planning is underway.

CONSTRUCTION TRAFFIC, PARKING AND SAFETY

The construction traffic impacts are also substantial. Construction access will occur from Mackenzie Street and work zones will occupy part of the street. The construction material anticipates significant heavy-vehicle activity, while the independent traffic peer review has identified deficiencies in how worker parking, work zones and truck movements have been addressed.

In particular, the peer review in the traffic report commissioned by ROLBO finds that adequate construction-worker parking has not been demonstrated and that, without it, workers are likely to use surrounding residential streets. It recommends an off-site worker-parking strategy and controls preventing construction workers from using local residential streets for all-day parking.

The proposed work zone will also remove already constrained on-street parking from Mackenzie Street, yet the impact of that loss has not been adequately assessed.

This is particularly concerning for Wilona Avenue. Wilona Avenue is a private road and already experiences unauthorised overflow parking. It must not become a convenient overflow parking area, waiting area or manoeuvring space for construction workers, contractors or delivery vehicles displaced by the work zones on Mackenzie Street. The applicant should be required to provide specific traffic management measures, at its cost, throughout the construction period to ensure that construction-related vehicles and parking displaced by the development do not use Wilona Avenue for parking or obstruct access to Wilona Avenue.

In addition, my family relies on surrounding on-street parking. The loss of parking spaces through construction work zones, together with construction-worker and contractor parking, will severely affect our ability to park near our home during the construction period. Given that the surrounding parking network is already operating at or near capacity, the applicant should be required to provide temporary alternative parking arrangements, at its cost, for local residents directly affected by construction-related loss of on-street parking.

Heavy-vehicle movements also create a direct safety concern for my family. My child regularly walks through the Miller Street/Mackenzie Street area to school. The independent traffic review specifically identifies the need to restrict construction truck movements during school pick-up and drop-off periods and notes that the construction plan has not adequately addressed truck movement hours or the interaction with the existing bicycle route at the western end of Mackenzie Street.

Construction vehicles should therefore be prohibited from arriving, departing, queuing or idling on surrounding streets during peak hours and school drop-off and pick-up periods and should not queue on Mackenzie Street waiting to enter the site.

The scale of these construction impacts is directly related to the scale of the development proposed. A 20-storey tower with extensive basement excavation necessarily requires substantially more demolition, excavation, spoil removal, heavy-vehicle movements and construction activity than a lower-scale development of the site.

I accept that redevelopment inevitably involves some construction disturbance. I do not accept that residents should therefore be required to absorb four years of avoidable additional noise, vibration, traffic, parking and safety impacts generated by a development whose height, bulk and intensity are themselves far beyond the existing planning controls.

If redevelopment proceeds, the construction impacts must be reduced at their source through a substantially less intensive design and backed by enforceable protections for the neighbouring homes most directly affected. Where site based measures are not sufficiently effective, the applicant should be required to fund permanent heritage-compatible treatments, including secondary or double glazing and suitable ventilation to my home, before the intensive construction stages commence.

WIDER COMMUNITY IMPACTS AND LOSS OF RESIDENTIAL AMENITY

The impacts I have described in this submission do not occur in isolation. My home is one of a number of established residences immediately surrounding the site, and the changes proposed will alter not only individual properties but the way this part of Lavender Bay functions and feels as a residential neighbourhood.

The EIS identifies a number of claimed public benefits, including affordable housing, improved pedestrian permeability, the Church Square and new retail activity. Those benefits should be properly recognised, but they also need to be weighed against the permanent impacts of the development and considered in their actual local context.

SCALE AND SPEED OF POPULATION GROWTH

There is a broader impact that I do not believe has been adequately addressed: the scale of population and activity being introduced into a very small established suburb.

The Social Impact Assessment estimates an average future population of 275 residents. That figure is based on statistical household occupancy rates. The actual proposal contains 252 bedrooms within the apartments together with 58 private co-living rooms, giving capacity for approximately 310 residents on the conservative basis of one person per bedroom or private room.

The scale of this change becomes clearer when the existing site is taken into account. The residential buildings proposed to be demolished have capacity for approximately 75 residents at full occupancy. The proposed development has capacity for approximately 310 residents, representing an increase in residential capacity of around 235 people on this one site.

Against Lavender Bay's 2021 population of 870 people, that increase alone is equivalent to approximately 27% of the suburb's entire population added in one development in one concentrated step. The completed development itself would have capacity for a resident population equivalent to approximately 36% of Lavender Bay's 2021 population.

This is not incremental population growth. It represents a very substantial concentration of additional population on a single site within a small established residential community.

The Social Impact Assessment largely obscures this relationship by adopting the much larger North Sydney–Lavender Bay SA2 as its social locality rather than considering the scale of change against Lavender Bay itself and the neighbourhood immediately surrounding the site.

AFFORDABLE HOUSING

I support the provision of genuine affordable housing. My objection is not to affordable housing being provided on this site; it is to affordable housing being treated as justification for a scale of development that would otherwise produce unacceptable impacts.

The connection between the two is explicit in the EIS. It states that, in recognition of the additional built-form uplift being sought, the proposal commits to 77 affordable housing units, comprising 19 apartments and 58 co-living units, to be operated by a registered community housing provider for a minimum period of 15 years. The EIS also expressly seeks flexibility for the provider to determine its needs after that period.

The affordable housing may ultimately remain for longer, but the only reliable commitment described in the EIS is a 15-year period, while the rezoning, 73.5 metre building envelope and the resulting impacts on neighbouring homes would be permanent.

In addition, the headline figure of 77 affordable dwellings also overstates the net affordable-housing benefit being delivered. The development will demolish existing lower-cost accommodation at Xavier Terrace and the Citadel. On a comparable accommodation-capacity basis, the existing buildings provide approximately 75 bedrooms/rooms, while the proposed affordable component provides approximately 78 bedrooms/rooms. The substantial planning uplift being sought therefore

produces a net increase of only around 3 affordable rooms, notwithstanding the much larger headline number of 77 affordable dwellings.

There is also a serious question about whether the replacement accommodation will actually be affordable to the very-low, low- and moderate-income households the applicant says it is intended to serve. At the community walk-in session, I was advised that rents would be set at approximately 75% of market rent, the SVdP Housing website advises that rents are charged at a 20-25% discount plus 100% of the Commonwealth Housing Assistance. In a high-rent area such as Lavender Bay, a 20–25% discount from market rent will still leave rents well beyond the means of many very-low and low-income households.

Before the affordable-housing component is given significant weight as a public benefit justifying this level of permanent development uplift, the Department should therefore consider both the very small net increase in affordable accommodation capacity and whether the proposed rents will genuinely be affordable to the households the development claims to assist.

These distinctions are important when the public benefit is weighed against the impacts. The community will permanently absorb the additional height and bulk, overshadowing, loss of privacy, visual dominance, traffic and parking pressures and changes to neighbourhood character of any development that occurs on the site. The guaranteed affordable-housing benefit described however, does not represent a genuine increase to low-cost housing being demolished to allow for the development and it does not have the same permanent duration.

I also do not accept that there is a choice between affordable housing and protecting residential amenity. Affordable housing, including a substantial number of dwellings, could still form part of a redevelopment that is more appropriately scaled to this site.

In my view, the benefit does not require or justify this particular level of height, density and permanent impact.

In addition, the short-term nature of the 58 co-living rooms also require proper consideration. The EIS itself describes the co-living accommodation as providing “stable, well-located short-term housing”, while allowing tenancies from a minimum of only three months. A three-month minimum tenancy permits a fundamentally different rate of resident turnover from conventional long-term housing.

This matters in Lavender Bay because much of the existing community is made up of long-term residents. Community is not simply a population number. It develops over time through people knowing their neighbours, recognising who regularly uses local streets and parks, looking after shared spaces and having an ongoing interest in the condition and safety of the neighbourhood.

Introducing 58 rooms capable of relatively frequent turnover has the potential to weaken that continuity. A population that changes repeatedly is less likely to develop the same level of familiarity between neighbours or the same long-term connection with local streets, parks and public spaces. That can affect informal community stewardship, perceptions of safety and the way shared spaces are treated and maintained.

That omission is particularly important because the SIA defines community impacts as including changes to composition, character, cohesion, function and sense of place. Yet its operational assessment largely assumes that co-living will improve community cohesion because residents can socialise with one another within the development. That is a very different question from whether

introducing 58 potentially high-turnover tenancies will strengthen or weaken cohesion in the existing Lavender Bay community.

Serious consideration should therefore be given to rebalancing the affordable housing component so that a greater proportion is provided as conventional long-term affordable housing, including for families, rather than approximately three-quarters of the affordable housing being provided through a co-living model that permits tenancies from as little as three months.

THROUGH-SITE LINK

The EIS promotes the proposed through-site link as a significant public benefit, describing it as improving access from Mackenzie Street to Phillip Lane, Blue Street Plaza and North Sydney Station. However, the detailed design description identifies the direct connection as being between Mackenzie Street and Phillip Lane. The EIS elsewhere describes the link as connecting Mackenzie Street, the Church Square and Phillip Lane.

That distinction matters. Phillip Lane is not itself North Sydney Station or Blue Street Plaza. Pedestrians reaching Phillip Lane must still continue through the surrounding pedestrian network to reach those destinations, and the relevant section of Phillip Lane does not have a pedestrian footpath.

As a long-term resident, I also question the extent to which this represents genuinely new connectivity. There are already established pedestrian routes between Mackenzie Street and the North Sydney station precinct, including connections through St Peter's Park and from Walker Street over the railway line.

I am not suggesting that an improved pedestrian route or the landscaped church forecourt has no value. My concern is that its benefit is being overstated and used as part of the justification for a development producing very substantial permanent impacts on surrounding residents.

There is also a concern that the proposal could draw existing late-night antisocial behaviour from the North Sydney CBD further into the surrounding residential streets. We witness this, particularly on weekend nights, when people gather in Blue Street Plaza to consume alcohol before going to venues such as the Greenwood Hotel. This is regularly accompanied by significant amounts of rubbish and other antisocial behaviour.

If one of the intended benefits of the proposal is to create an additional pedestrian connection between the CBD and the residential streets of Lavender Bay, consideration also needs to be given to the potential adverse consequences of that connection. What assessment has been undertaken of the potential for alcohol-related antisocial behaviour, rubbish, noise, crime and associated safety concerns to extend further into the residential area, and what measures would be available to address these problems if they arise?

I have not found any assessment in the EIS or SIA of whether the proposed through-site link could transfer or extend existing late-night activity from Blue Street Plaza into the Church forecourt, Mackenzie Street and the surrounding residential streets, or how any resulting impacts would be managed.

A better pedestrian connection and revitalisation of the Church forecourt may be worthwhile features of redevelopment of this site, but they are not benefits without potential consequences. Those consequences need to be assessed rather than assuming that increased permeability is

inherently positive. In any event, neither a pedestrian connection nor an improved Church forecourt requires a 20-storey tower or justifies the scale of the permanent impacts that tower creates.

HERITAGE AND NEIGHBOURHOOD CHARACTER

I have lived in this area for more than 20 years. To me, the heritage significance of this part of Lavender Bay is not simply a collection of individual buildings identified on a heritage map. It is the relationship between those buildings and the streets, scale and landscape around them.

The St Francis Xavier Church and former school building are locally heritage listed and the site is partly within the Lavender Bay Heritage Conservation Area. My own home is one of the early 1900s Wilona Avenue terraces directly opposite the site. Around the church are terraces, cottages, townhouses, older apartment buildings, ecclesiastical buildings and other relatively low-scale housing that collectively create the character of this part of Lavender Bay.

I support the retention and restoration of the church. However, physically retaining heritage building does not by itself preserve their setting.

A 20-storey tower approximately 73.5 metres high and 45 metres wide immediately beside the church and directly opposite this low-scale residential area fundamentally changes the relationship between those buildings. The church and surrounding heritage housing will remain physically present, but they will be read against a completely different scale of development.

The treatment of the former school building is also troubling. Although the EIS repeatedly describes the proposal as conserving and adaptively reusing this locally listed heritage item, the architectural drawings show that only the southern façade and eastern wall are to be retained. The remainder of the building, including its internal fabric and existing roof, will be demolished. The proposed roof is a new structure that follows the lines of the former roof but incorporates louvres associated with the open communal space for the co-living development. This is therefore not the retention of the historic school building as a whole. It is the retention of selected external elements around a substantially new building. The EIS itself acknowledges partial demolition while describing the outcome as conservation and adaptive reuse.

The heritage significance of a building cannot be reduced to the outline of its façade and roof form. Its historic fabric, internal spaces, construction and relationship between its parts are also evidence of what the building was and how it was used. Once those elements are demolished, that history is permanently lost. Recreating the line of the former roof or incorporating architectural references intended to “pay homage” to the school does not preserve the original fabric that has been removed.

This loss is compounded by placing a seven-storey co-living development immediately behind and above the retained portions of the school building and beside the Church. Rather than allowing the Church and former school to remain the defining heritage elements of the precinct, the proposal incorporates fragments of the school into the base of a much larger contemporary development. In my view, this is not preservation of the school house's heritage significance. It is the substantial loss of an historic building, with selected elements retained to reference what was there before.

From my perspective, the development does not merely add a new building to an existing heritage setting; it erases some of the important history and changes the scale and character of the setting itself.

RETAIL TENANCIES

I do not object in principle to small-scale retail forming part of the redevelopment. My concern is the proposed location of one of the two retail tenancies directly on Mackenzie Street opposite the established homes of Wilona Avenue. The EIS confirms that the two ground-floor retail tenancies are proposed beneath the western tower, with one oriented towards Mackenzie Street and the other towards Church Square.

In my view, a new retail frontage is not an appropriate interface with the residential properties immediately opposite. This part of Mackenzie Street functions as a residential street, with the Wilona Avenue terraces facing directly onto it. Retail brings a different pattern of activity: customers arriving and leaving, people congregating outside, deliveries, waste collection, staff movements, possible evening activity and short-stay vehicle movements. Those impacts would be introduced directly opposite people's homes when there is an obvious alternative within the development itself — the proposed Church Square and forecourt, which the applicant is expressly seeking to establish as an active public gathering space. Indeed, North Sydney Council's engagement comments identified opportunities for active ground-floor uses particularly around Church Plaza.

If retail is considered desirable as part of the development, it should be concentrated around the Church Square rather than pushed out onto the residential side of Mackenzie Street. The applicant should investigate locating both tenancies together around the forecourt, retaining one beneath the tower but orienting it solely towards Church Square, or accommodating the second tenancy elsewhere within the eastern part of the development. There is no demonstrated need for a retail premises to face directly towards the Wilona Avenue homes.

The Mackenzie Street location also compounds an already significant safety issue. The western end of the site is close to the Mackenzie Street/Miller Street bend, where pedestrians, cyclists and vehicles already converge, and the proposed western driveway would serve approximately 119 parking spaces together with loading and servicing movements. The independent traffic review identifies existing safety concerns at this location and notes that the applicant has not demonstrated adequate sight distance at the proposed western access. Adding a retail frontage nearby introduces another source of pedestrian activity, deliveries and potential short-stay vehicle movements into precisely the area where conflict between road users is already of concern.

This is therefore not simply a matter of imposing operating-hour or noise conditions on the Mackenzie Street tenancy. The more appropriate response is to relocate the retail activity away from the residential frontage altogether and place it within the Church Square precinct, where it can contribute to the active public space the applicant says it wants to create without unnecessarily transferring its amenity and safety impacts to the homes opposite.

CUMULATIVE LOSS OF RESIDENTIAL AMENITY

Ultimately, the most important issue for me is the combined effect of this proposal.

The EIS and its technical reports separate the development into categories: solar access, privacy, visual impact, noise, traffic, parking, construction, heritage and social impact. That is understandable for assessment purposes, but it is not how I will experience the development.

I will experience all of those impacts at my home at the same time.

My principal living areas and private outdoor space will lose sunlight. My skylights and solar panels will be affected. Elevated apartments and communal areas will overlook my home. A 73.5 metre

high, 45 metre wide tower will replace much of the open sky and become the dominant element in my everyday outlook. Operational activity and noise will increase. Parking will become more difficult. Traffic and pedestrian conflicts will increase around the streets my family uses every day. Before any of that begins, my family will experience years of demolition and construction directly opposite our home.

The applicant's own Social Impact Assessment acknowledges that the operational impacts include overshadowing, privacy, traffic and parking demand, operational noise, safety perceptions and changes associated with the scale of development, while construction impacts include noise, vibration, heavy vehicles, traffic disruption, stress and cumulative disruption.

The important question is therefore not whether each individual impact can be described as acceptable when assessed separately. It is what happens when all of them are imposed upon the same residents at the same time and as a consequence of the same development.

For me, the cumulative result is a substantial loss of the residential amenity I currently enjoy: less sunlight, less privacy, less sky and openness, more noise and activity, greater parking pressure, additional traffic and safety concerns and a significant change to the heritage and residential character of the place in which I live. These are not a collection of minor inconveniences. Together they represent a fundamental change to the way my family will experience and use our home and our neighbourhood.

For me, the cumulative impact also raises a genuine concern for the mental wellbeing of my family and me. As I noted earlier, a person associated with the Parish described the likely consequences of the development in terms of "anxiety, stress, pain, sadness, depression and anger". Those were his words, not mine. Yet they capture precisely why the cumulative impact of this development cannot be reduced to a series of separate technical assessments. The Social Impact Assessment recognises stress, uncertainty and wellbeing impacts for nearby residents during construction, but it does not adequately confront the longer-term wellbeing consequences for those of us who will continue to live immediately opposite the development after the construction ends. For my family, the issue is not simply whether individual impacts can each be managed to an acceptable technical threshold. It is the prospect of living with all of them together, first through years of construction and then permanently thereafter.

CONCLUSION

I am not asking that this site remain unchanged. I accept that it can and should be redeveloped, that additional housing can be provided and that the Church and its facilities can be renewed. My objection is to the extraordinary scale of development proposed and to the permanent impacts that scale transfers onto the people who already live around it.

Throughout this submission I have addressed those impacts separately because that is how they are assessed: loss of sunlight, privacy and outlook; visual domination; noise; traffic and parking pressure; pedestrian and cyclist safety; heritage loss; construction impacts and the cumulative effect on residential amenity and wellbeing. But they have a common cause. The most serious impacts arise because the applicant is seeking to replace existing height controls with a building envelope reaching approximately 73.5 metres.

That distinction is fundamental. These impacts are not an inevitable consequence of redevelopment or of providing additional housing on this site. A development within the existing planning controls would not place a 20-storey tower immediately opposite one- and two-storey homes. It would not cast the same extensive shadows across Wilona Avenue, create the same degree of downward

overlooking, remove the same amount of sky, dominate the Church and surrounding heritage buildings in the same way, or introduce anything approaching the same concentration of people, vehicles and activity. Many of the most serious impacts identified in this submission would either disappear or be very substantially reduced.

The applicant has sought to address the consequences of its proposed scale through articulation, setbacks, landscaping, screening, acoustic measures and management plans. Those measures may modify individual impacts, but they cannot solve the underlying problem. The most effective mitigation is to reduce the height, bulk and intensity of the development that is creating those impacts in the first place.

What is particularly concerning is that the exhibited material does not demonstrate that a genuinely lower-scale alternative was ever properly tested. The applicant has devoted considerable effort to mitigating the consequences of a 73.5 metre tower, without first demonstrating that a tower of that scale is necessary. Where a lower development would avoid or substantially reduce many of the most serious impacts identified in this submission, that alternative should have been properly explored before asking the surrounding community to accept those impacts permanently.

I therefore ask the Department not to approve the proposal in its current form. The site should be redesigned at a substantially reduced scale that responds to the planning controls, the heritage setting and, most importantly, the homes and people immediately surrounding it.

Lavender Bay does not have to choose between redevelopment and protecting the people who already live here. Both can be achieved. What should not be accepted is a development so far beyond the existing controls that its benefits are achieved by transferring the environmental, social and residential cost of that uplift onto its neighbours.