

FORMAL OBJECTION TO SSD-88702457 AND CONCURRENT PLANNING PROPOSAL St Francis Xavier, Lavender Bay

I object to the proposed development at St Francis Xavier, Lavender Bay, and particularly to the concurrent Planning Proposal seeking to change the planning controls applying to the site.

The proposal represents an unprecedented escalation in height, bulk, density and 24/7 activity within Lavender Bay's highly sensitive residential and heritage context. Its impacts are not abstract for me or my family. My home is located on the northern side of Wilona Avenue, with the only upper level extension of its kind, meaning my property is one of the most directly exposed to the proposal.

I have lived in Lavender Bay for more than 17 years. I am not opposed to appropriate renewal of the site, genuinely affordable housing, or the continued operation and expansion of St Francis Xavier Church.

My objection is to this development proposal and its adverse impact on the Lavender Bay conservation area and the liveability of my home caused by a proposal at this scale, and to the extent to which the planning framework is being changed to enable it.

1. Land use, rezoning and bulk, height and scale

The current planning framework recognises that this is a mixed and sensitive site, with existing SP2 Infrastructure (Place of Worship), R3 Medium Density Residential and R4 High Density Residential zoning and height controls of 8.5m and 12m.

The Planning Proposal seeks to replace this with R4 High Density Residential across the entire site and increase the maximum height to RL120 (approximately 73.5 metres), together with retail as an additional permitted use.

This is not a modest uplift. It is a fundamental rewriting of the planning controls applying to the site. Combined with a new driveway, new pool and entertainment areas, new retail, and an inevitable shift to 24/7 human activity, this proposal represents a significant impact to amenity at my property and those of my neighbours on the northern side of Wilona Avenue.

The North Sydney LEP specifically seeks development that is appropriate to its context and compatible with the desired future character of an area in terms of bulk, scale and appearance, while protecting residential accommodation and local amenity. Its heritage objectives also recognise the importance of protecting the setting and views associated with heritage items and conservation areas.

The proposed 20-storey tower, together with the seven-storey extension to the former School Hall, five basement levels, retail uses, co-living accommodation, new

pedestrian link, Church Square and substantial increase in vehicle and pedestrian activity, represents a garish change to the Lavender Bay precinct.

The proposal cannot reasonably be assessed against the scale of the North Sydney CBD as though Lavender Bay is simply an extension of the commercial centre and its large-scale development. It is not. The site sits at a sensitive transition between the North Sydney centre and a long-established residential and heritage precinct. That transition should be respected, not erased.

Nor is Lavender Bay an ordinary inner city development context. It forms part of the wider Sydney Harbour foreshore, a landscape recognised internationally for its exceptional natural, cultural, heritage and visual qualities. Development within this setting has consequences beyond the boundaries of an individual site. The proposals scale, visibility and cumulative effect on the character of the harbour foreshore warrant a correspondingly high level of planning scrutiny.

The significance of this broader setting should weigh heavily in considering whether a site-specific rezoning from 8.5m and 12m height controls to approximately 73.5m, taller than its northern neighbours, is appropriate.

Proximity to North Sydney Station clearly supports consideration of additional housing and density. It does not follow that every site adjacent to the station should assume the scale and intensity of the CBD. If that were the planning intent for Lavender Bay, it should be established through strategic precinct planning, with proper consideration of heritage, infrastructure, amenity, the harbour setting and cumulative impacts, not achieved through a site specific rezoning designed around a particular development proposal.

The scale of the proposed uplift is particularly difficult to justify when the existing controls are so substantially exceeded. Moving from height controls of 8.5m and 12m to approximately 73.5m is not simply a variation in built form; it changes the planned relationship of this site to the surrounding precinct.

The development should be redesigned to respond to the planning and physical context of the site. The planning controls should not simply be rewritten to accommodate the development.

I also strongly object to the orientation of the cafe and outdoor seating toward Mackenzie Street and I remain concerned regarding the change in activity brought about by a more legible through link to North Sydney Station.

These features introduce new 24/7 patron activity, congregation, deliveries, waste collection, security issues, lighting and evening noise into an environment that is currently materially different.

The EIS does not properly assess the operational impacts of this use on adjacent residents, including hours, patron numbers, outdoor seating, deliveries, waste and noise.

I request that the commercial floor space be rejected by the Department so that the residential context of Mackenzie Street and the parish use of the site can be upheld.

2. Solar access, visual impact and privacy

The EIS's treatment of solar access, visual impact and privacy is of particular concern. The solar assessment does not accurately represent the existing solar conditions or site conditions on Wilona Avenue or our lived experienced within our home which is bathed in natural northern sun throughout the day in Winter solstice. It appears to establish an existing condition in which my dwelling is effectively treated as receiving no sunlight and then characterises the incremental impact of the proposal as minimal. Please refer below solar analysis submitted by the Residents Opposing Lavender Bay Overdevelopment, showing assessment of my property at 1pm on Winter Solstice:

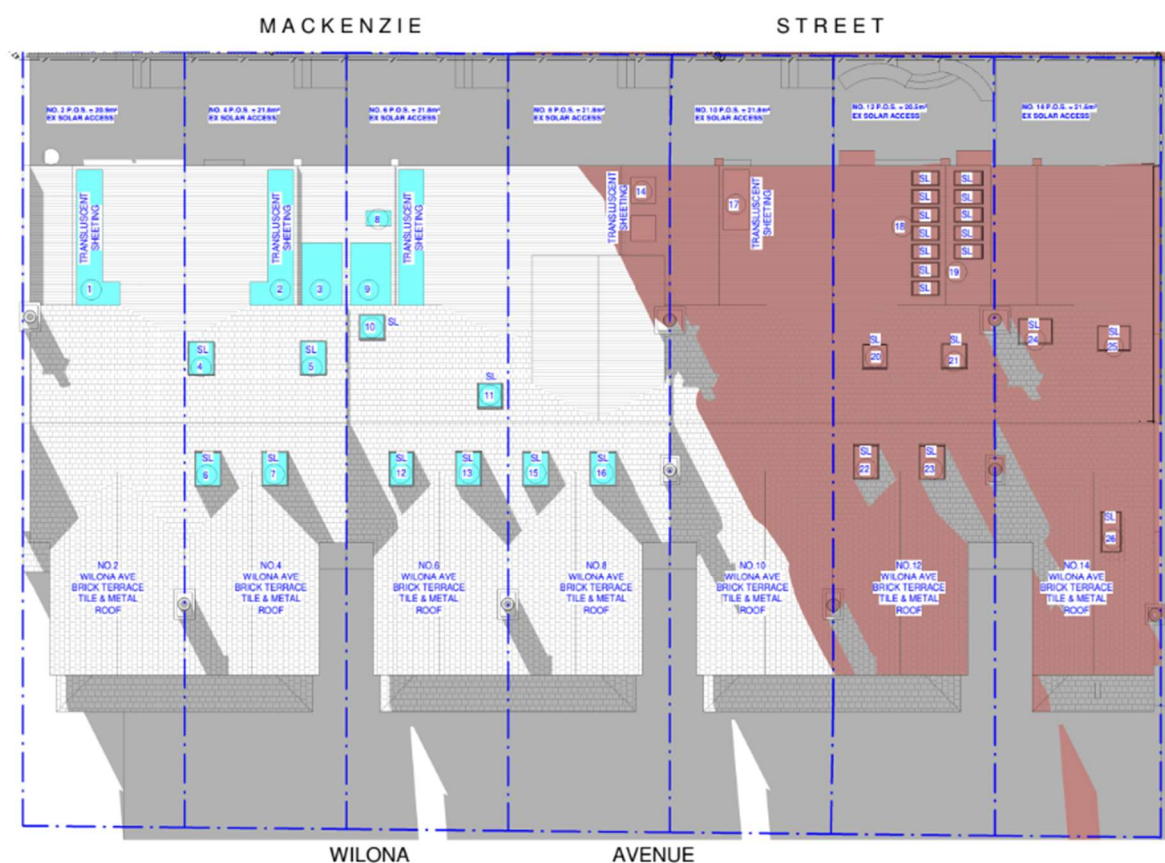


Figure 1a (above) and Figure 1b (below). Solar analysis submitted to the Department formally by the Residents Opposing Lavender Bay Overdevelopment, showing assessment of my property at 1pm on Winter Solstice Avenue. My property is bathed in northern sunlight. Note, two windows in my dwelling – a skylight and rear habitable room - are omitted in this diagram.

Solar Access June 21st 1.00pm

1 : 100



Therefore, the assessment in this EIS is not an acceptable baseline for assessing the impact on an immediately adjoining dwelling and is completely inaccurate. If the existing condition is incorrectly represented, the resulting assessment of incremental impact is compromised, and the Department cannot accept the impact as minor or nil.

Further, there does not appear to be appropriate visual screening proposed, that seeks to minimise the impact of the development and improve the experience for all who must experience the proposal if approved.

I ask the Department to please refer to the detailed breakdown of inaccuracies outlined in the Wilona Avenue Owners Committee submission and take steps to independently verify the existing and proposed treatments and outcomes of the proposal.

Importantly, the solar assessment should clearly establish the sunlight currently experienced at Wilona Avenue and the actual hours of sunlight that would be lost resulting from this proposal, with all necessary steps taken to modify the design to minimise the impact.

3. The western driveway should be removed and the parking and servicing strategy reconsidered

I strongly object to the proposed western driveway. It should be deleted, with vehicle access, parking and servicing consolidated through the proposed access beneath the School House.

The western driveway is located on the bend of Mackenzie Street approaching Miller Street, where vehicles will interact with existing pedestrians and cyclists as well as the substantial additional pedestrian activity generated by the proposed café and through-site connection to North Sydney Station. Introducing another driveway at this location creates an unnecessary and foreseeable conflict between vehicles, pedestrians and

cyclists, and vulnerable users such as children, older people and people with lived experience of disabilities.

It also concentrates the impact directly against the residential properties on the northern side of Wilona Avenue. My home is opposite, with an upper-level habitable room facing the proposed access. Headlights, vehicle entry and exit, turning movements, servicing and associated noise would therefore occur immediately outside my home.

These impacts are unnecessary because a substantially more logical access point already forms part of the proposal.

The proposed access beneath the School House is located on a clearer section of Mackenzie Street, has a substantially less sensitive residential interface opposite - associated with the Church's existing precinct and assets at 20 Mackenzie Street. It should form the primary consolidated access for parking, servicing and waste movements across the entire development.

Of particular concern is that the three driveway arrangement accompanies separate basement structures and staged subdivision. The western driveway and tower basement enable the tower component to function independently from the land containing the Church, School House and core parish activities.

That may provide flexibility in the future subdivision, ownership or disposal of different parts of the site, but that development outcome does not justify imposing a third and significantly more problematic and unsafe access point on the surrounding community.

The proposal includes five basement levels beneath the tower containing 118 car spaces, 120 bicycle spaces and 20 motorcycle spaces, in addition to a separate basement associated with the School House. Rather than accepting this fragmented arrangement as a starting point, the Department should require the basement, parking and servicing strategy to be redesigned around a consolidated access beneath the School House, with the western driveway removed entirely.

This would place the primary vehicular access on the less sensitive part of Mackenzie Street, reduce vehicle interfaces along the residential edge and provide a more coherent approach to managing vehicles, pedestrians and cyclists across the precinct.

The community should not be required to accept an inferior safety and residential amenity outcome simply to preserve a fragmented commercial development model.

4. Heritage and the historic character of the precinct

I also strongly object to the heritage approach underpinning the proposal. While there are elements of the design that I support, particularly the extension to the main parish entry and the treatment of the paved entry, the broader proposition represents a significant loss of the historic character, built form and legibility of this precinct.

Heritage significance is not protected simply by retaining selected listed buildings or fragments of their fabric. It also lies in their setting, scale, historic use, relationship to surrounding buildings and the ability to understand how the precinct has evolved and functioned over time.

The proposed development substantially alters all those relationships.

I am particularly concerned by the proposed treatment of the former St Francis Xavier School Hall. This is a locally listed heritage building with an important history of educational, parish and community use. The proposal substantially removes and reconfigures the building to accommodate co-living accommodation, with a seven-storey addition rising from it.

I do not consider this a convincing adaptive reuse outcome. Adaptive reuse should find a viable new life for a heritage building while retaining the qualities that make its history and original purpose understandable. In this case, the extent of demolition, internal reconfiguration and new development fundamentally changes the building and diminishes its historic function and identity as a School Hall.

A far more meaningful heritage outcome would be to conserve and restore the Hall as a genuine community facility capable of continuing to serve the Church and wider community. That would be an adaptive reuse outcome grounded in the history, legibility and purpose of the building, rather than using select walls of the retained heritage fabric as the base for new accommodation development.

I am equally concerned by the proposed demolition of the Citadel Apartments. The Citadel is an Arts and Crafts apartment building that contributes strongly to the character and history of Mackenzie Street and wider Lavender Bay context. Its contribution cannot be reduced to whether it is individually heritage listed. Its architectural quality, materiality, scale and relationship with the surrounding heritage buildings all contribute to the character of this part of Lavender Bay and has been sadly overlooked.

The visual material accompanying the proposal intentionally fails to convey the quality and contribution of the Citadel. Its presentation in the development imagery significantly understates the character and architectural presence of the existing building, making its removal appear far less consequential than it is. The Department

should undertake a site visit to consider the actual building and its contribution to the streetscape, rather than relying on a representation that diminishes its value.

The scale and bulk of the new development are also themselves significant heritage issues. A 20 storey tower and seven storey addition do not exist independently of the heritage buildings simply because physical separation or retained fabric is provided. The scale of new development changes how heritage buildings are experienced. It can diminish their prominence, overwhelm their setting and fundamentally alter the spatial relationships that give a heritage precinct its character.

This is where I consider the proposal has the planning hierarchy wrong.

The Church, School Hall, Parish Centre, Citadel and established character of Mackenzie Street should have informed the scale and envelope of the new development from the outset. Instead, the proposal appears to establish a very substantial development proposition and then determine how the heritage buildings can be retained, altered or removed around it.

There are aspects of the scheme that demonstrate that contemporary intervention can be handled sensitively. The proposed treatment of the main parish entry and paved forecourt is an example of new work that can strengthen the Church precinct rather than compete with it. That same restraint and intelligence should have informed the development of the site as a whole.

I support renewal of St Francis Xavier and a viable future for the precinct. But renewal should not require the demolition of a fine Arts and Crafts building, the substantial dismantling and conversion of the historic School Hall, and development of such scale that the remaining heritage buildings become subordinate elements within a much larger residential development.

The measure of a successful heritage outcome should not be how much heritage fabric can be retained within the proposed development envelope. It should be whether the history, character and significance of this remarkable precinct remain legible and meaningful after development. On that measure, I believe the proposal requires fundamental reconsideration.

5. Public purpose test of the HDA to assess this application

I support the delivery of affordable housing.

However, I object to the approach of using affordable housing and this planning pathway as an implicit justification for a large scale luxury development envelope to the western side that would otherwise be difficult to reconcile with the site's planning and physical context.

The Department should properly interrogate the public benefit being secured, including the actual affordability, tenure, eligibility, management and duration of those dwellings.

The provision of affordable housing is an important public objective. It does not automatically make an inappropriate scale of development, appropriate. If the affordable housing outcome is being relied upon to justify the planning uplift, the public benefit should be demonstrably commensurate with the scale of that uplift and the impacts imposed on the surrounding community. This proposal does not pass the public purpose test for special considerations for bulk and scale under the HDA policy.

6. Failure of precinct coordination

I am also deeply concerned by the apparent lack of meaningful coordination between the proponents of the major developments occurring across the combined Lavender Bay and North Sydney precinct.

The record of engagement outlined in the EIS falls short of expectations for precinct development, does not meet the SEARs and gives very little confidence of the genuine precinct level coordination that should reasonably be expected where multiple major developments are being proposed in such close proximity, significantly increasing 24/7 patronage to the area and putting pressure on local infrastructure, in an already constrained area.

The proponents should be coordinating the cumulative implications of construction traffic, pedestrian and cyclist safety, excavation, heritage, public domain, station access and train operations, utilities infrastructure capacity, noise, vibration and construction sequencing.

Residents should not be required to stitch these impacts together themselves by responding separately to each application. A development of this scale cannot reasonably be assessed as though it exists in isolation.

The absence of genuine coordination is itself a planning concern.

7. The impact on my home has been materially understated, misrepresented and even concealed in the EIS documentation

As noted above, my dwelling on Wilona Avenue has an upper-level habitable room directly facing the development site, the only extension of its type on the northern side. It is therefore directly exposed to the proposed building mass, outlook, privacy and security impacts, solar impacts and impacts from the proposed new retail precinct and western driveway vehicle movements. These impacts are wholly understated, misrepresented and, in some cases, omitted across the Environmental Impact Statement and these actions purposefully deny the impact of the proposal. Images of the northern side of Wilona Avenue have been excluded or covered with map keys; the solar access study incorrectly baselines current conditions and overshadowing has been completely erased from concept images released during church information sessions (comparison below in Figure 2 and 3).



Figure 2. Image presented by the proponent during Community Information Sessions shows Wilona Avenue would be cast in shadow.



Figure 11 Photomontage of the proposal from MacKenzie Street looking north west
Source: Wardle

Figure 3. Image published by the proponent in the Environmental Impact Statement shows the overshadowing removed.

8. Community engagement

Building on issue 7, we are particularly disappointed by the proponent's failure to engage with us as sensitive receivers. To date, the proponent has not contacted us, and we have not received any correspondence, including notification of community information sessions. For a proposal of this magnitude, the EIS should not simply be a process of presenting an essentially predetermined scheme to the public and local residents.

More broadly, the engagement record appears to demonstrate a fragmented and bare minimum approach rather than genuine engagement across the combined precinct.

This proponent's EIS falls well short of meeting expectations set out in the SEARs.

9. Construction, noise and vibration management

If the development proceeds, the scale of demolition, excavation and construction immediately adjacent to established homes will require significantly stronger controls to protect residents and residential amenity.

Wilona Avenue is particularly vulnerable to displaced parking resulting from the Church's activities, and in this context, construction traffic. A dedicated traffic controller for the entry of Wilona Avenue should be provided by the Principal Contractor for all aspects of the development, with responsibility for preventing construction vehicles, subcontractors and deliveries from occupying resident parking, obstructing driveways or compromising safe access particularly because our street comprises of vulnerable users including small children and people with lived experience of disabilities. Construction worker parking should not be displaced into Wilona Avenue, with appropriate off-site parking arrangements established through the Construction Traffic Management Plan.

Construction vehicles should be marshalled at a designated location away from the site and only called forward when there is confirmed capacity to enter, particularly given the interface with Cammeraygal Montessori and Plie Dance & Shuffle drop off zones on Lower Miller Street and the shared use zone on Mackenzie Street. Lower Miller Street, Mackenzie Street, Wilona Avenue and surrounding residential streets should not be used as holding or queuing areas for trucks or delivery vehicles. Truck idling should be prohibited in surrounding residential streets, including while waiting for access, to minimise unnecessary noise, diesel emissions and disturbance to residents. Delivery scheduling and site logistics should be actively managed to enforce these requirements.

Given the extent of excavation proposed, plant selection and construction methodology should prioritise minimising vibration at the source. Lower impact demolition, excavation and rock-breaking plant and methodologies should be required wherever

reasonably practicable, particularly close to neighbouring homes and heritage structures, with time restrictions for high noise or vibration emitting equipment.

Comprehensive pre-construction dilapidation surveys should be offered to all immediately adjoining and potentially affected properties, undertaken by an appropriately qualified independent consultant and provided to property owners before works commence. Follow-up surveys should be undertaken following completion of significant excavation and construction works, with a clear process for investigating and rectifying any construction-related damage.

Construction hours should also reflect the exceptionally close residential interface. High-noise, high-vibration, demolition and excavation works should not be permitted during extended hours on Saturdays beyond 1pm, with Saturday activities restricted to lower-impact works and reduced hours.

Construction impacts also extend beyond plant and traffic. Strong controls should apply to worker behaviour in and around the surrounding residential streets, including littering, loud conversations, shouting, amplified music, vehicle noise, congregation and other unnecessary disturbance before or after approved construction hours. A clear worker code of conduct should apply to all contractors and subcontractors, supported by site inductions and active supervision.

Importantly, these requirements require a clear enforcement mechanism. A named senior site representative should be available to residents throughout construction, supported by a dedicated complaints number, defined response timeframes and a register of complaints, actions and recurring issues. Safety matters and breaches occurring outside approved hours should require immediate response.

Repeated breaches by workers, subcontractors, delivery drivers or construction vehicles should be escalated through the principal contractor, including removal from site where appropriate. Repeated non-compliance with approved construction conditions should be referred to the Environmental Protection Agency for compliance action rather than leaving residents to repeatedly negotiate directly with the contractor.

These requirements should be incorporated into the Minister's Conditions of Approval and construction management plans from the outset.

For a project of this scale and duration, construction management cannot rely on goodwill. There must be clear standards, active management, clear accountability and meaningful consequences for non-compliance.

10. This proposal asks too much of the site and too much of the surrounding community.

The concurrent rezoning and development should not be approved in their current form. The site should be reconsidered at a scale that allows St Francis Xavier to prosper without requiring Lavender Bay to surrender the very heritage, amenity and community that make this place worth investing in.

I therefore ask that the Department consider the following for determination:

1. Refuse the concurrent Planning Proposal and proposed rezoning in its current form;
2. Reject the proposed increase in height to RL120 and require a substantial reduction in height, bulk and development intensity;
3. Reject the reconfiguration of the School Hall as currently proposed;
4. Retain, conserve and restore the School Hall as a genuine community and parish hall;
5. Require an independently verified solar assessment based on accurate existing conditions at directly affected properties, including my home and assess a revised concept against it;
6. Reject the western driveway and its relationship to the Mackenzie/Miller Street bend, prioritising a consolidated access point for all assets under the new proposed school hall access, opposite 20 Mackenzie Street;
7. Reject commercial zones to uphold the residential context of Mackenzie Street;
8. Require genuine coordination between the proponents of major developments across the combined Lavender Bay and North Sydney precinct and a transparent cumulative impact assessment;
9. Require the Proponent to undertake further design of screening across the pool area, balconies and public spaces to optimise privacy and reduce noise for adjacent residential dwellings;
10. Require the Proponent to implement architectural treatment for all habitable rooms within at least 100m of the development envelope, including Miller, Walker and Mackenzie Streets, and Wilona Avenue; and
11. Require meaningful engagement with directly affected sensitive receivers before any substantially revised scheme proceeds.
12. Require a dedicated traffic controller to be provided by the Principal Contractor to ensure impacts to parking on Wilona Avenue are eliminated.

13. Construction vehicles should be marshalled at a designated location away from the site and only called forward when there is confirmed capacity to enter.
14. Require lower impact demolition, excavation and rock-breaking plant and methodologies wherever reasonably practicable, particularly close to neighbouring homes and heritage structures, with time restrictions for high noise or vibration emitting equipment.
15. Require a worker behaviour strategy to mitigate the impact of noise and parking on surrounding residents.
16. Mandate weekend construction hours as between 8am and 1pm on Saturdays only.

I support the continued life and renewal of St Francis Xavier Church. I support appropriate housing and genuinely affordable housing and better connections. But none of those objectives requires development at this scale, nor do they justify the permanent impacts this proposal would impose on the surrounding community.

The Department should ask whether the scale of planning uplift sought is genuinely necessary to secure the claimed public benefits, or whether those benefits can still be achieved through a substantially more restrained and contextual redevelopment. I strongly believe they can.

Lavender Bay is not a blank canvas, it is a long established residential community with an exceptional heritage setting, important civic and religious buildings and residents who have invested decades of their lives in this place. This site is part of that history and should remain at the centre of its future.

Change is inevitable, and appropriate growth should be accommodated. But good planning requires more than maximising what can be delivered on a strategically located site. It requires judgment about what should be delivered, at what scale, and at whose cost.

The Department and the NSW Government need to understand that impacts of such developments are not theoretical and nor do they warrant wholesale dismissal of community views regarding issues which affect us. The cumulative effect of this proposal on our home has been far greater than any individual impact might suggest and has caused us great uncertainty about our future in this community. Sunlight, privacy, amenity, noise, safety and heritage preservation, along with the ability to enjoy your home with reasonable confidence about the future of your neighbourhood, are fair and fundamental aspects of liveability and the privilege of Australian life. These values can coexist with neighbourhood change, if the renewal is thoughtful and balanced.