

21 May 2025

The Hon Paul Scully MP  
Minister for Planning  
4 Parramatta Square  
12 Darcy Street  
Parramatta NSW 2150

Dear Minister

**Maronite Sisters of the Holy Family, Marrickville Seniors Housing  
Application Number SSD-69377980**

I would like to object to the proposed development application.

**A. Summary**

Overall, I am concerned that the proposed development contemplates a highly intensive use of a site that borders the rear of a number of residential properties in Challis Avenue, Marrickville Avenue and Pine Street.

It is an unusual site for a state significant development to be carried out on. It only has limited road access on Wardell Road and Marrickville Avenue and otherwise borders over 50 residential homes, many of which sit within a heritage conservation area that the Inner West Council proposes to maintain in its recently published *Draft Master Plans for Housing Investigation Areas*.<sup>1</sup>

The large scale of the development would dwarf neighbouring residential houses, and even exceeds the height approved for the existing school on the site. From a design perspective, it flips the existing design of the aged care facility, from being one protected from noise and privacy impacts by sitting below the heritage wall and oriented to look into the site, and not to overlook the substantial number of neighbouring properties.

The proposed development will have a significant impact on neighbours, including on my house on Challis Avenue, where the proposed apartments, communal dining areas and rooftop party and entertainment space all directly overlooking our family's backyard, looking directly into the trampoline and pool space. This is in circumstances where we have received noise complaints from the aged care facility about our children playing in the backyard (including a note of 27 March 2021 placed in our letter box –

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<sup>1</sup> <https://www.innerwest.nsw.gov.au/develop/plans-policies-and-controls/our-fairer-future-plan-proposal-documents> (see Appendix 2, Part B)

**Annexure A** – which while anonymous we believe came from the staff or residents at the aged care facility, which is only metres from the back of our backyard).

Given the proximity of the proposed development to our backyard (which is effectively a medical care facility for older people including with dementia and other cognitive issues), and given the unreality of being able to keep our kids quiet to a ‘hospital standard’, I am concerned that the development will lead to further noise complaints.

It involves significant subterranean excavation on a site with a substantial number of very mature trees, of a quality unlike anything else in the local area. There is no study or report provided with the proposed development application which analyses the root structure of the trees (which were planted at least 100 years ago) and how the large-scale excavation can occur without negatively impacting on these trees.

It risks further impact on the heritage wall surrounding the site (which was built in the early 1920s when the site was the Carmelite Convent), which has been the subject of concerns about its dilapidation for over 20 years, including proposed directions to remediate from Marrickville Council in July 1999 (**Annexure B**) and 18 July 2008 (**Annexure C**).

Before demolition and excavation occurs, steps to remediate the heritage wall and to have proper assessment and testing to ensure that it will not be adversely affected by any construction, is a necessary first step. This was a development condition that was imposed in relation to the redevelopment of the school.

From a stormwater perspective, the site drops over 10 metres in height from the northwest to the southeast.

## **B. Suitability of the site for development**

The heritage-listed site has a rich history and has existed alongside the neighbouring residential homes for many years. It is part of the former Carmelite Convent which was built in the early 1920s at around the same time as many of the current residential homes were built. During the 1980s, it was converted to use for a primary and high school. In 1997, the aged care facility that is the subject of this application was built. It is listed in the Inner West Heritage Inventory as Item I1287.

The below image (provided by the Inner West Council and at page 51 of the Appendix AF – Engagement Report) shows the historical context of the site, when it was a convent surrounded by residential houses, most of which remain in place today.



**1943 Aerial (red lines surrounding trees).**

When the existing aged care facility was built in 1997, it was built at a scale that is harmonious with the residential houses. Crucially, the existing facility was designed to reflect and complement the scale and character of its residential surroundings. Its design intentionally limits visual intrusion and preserves privacy, both for its residents and neighbouring homes. This is achieved through thoughtful architectural choices, such as the placement and height of windows, which sit below the level of the heritage wall and face inward rather than out to adjoining properties. This approach demonstrates sensitivity to the local context and to the significance of the heritage site.

In contrast, the proposed four-storey development dramatically alters the scale and character of the site. It would loom over neighbouring backyards, intruding on residents' privacy and casting significant shadow over their homes. This bulk and height are wholly inconsistent with the surrounding built form, which is dominated by single and double-storey dwellings. A development of this scale would irreparably damage the visual and historical integrity of the site and its streetscape context.

Furthermore, the proposal disregards the intent and spirit of heritage conservation. The site's inclusion on the Inner West Heritage Inventory recognises its cultural and architectural value. Allowing an oversized modern structure to dominate the site

undermines its historical significance and sets a concerning precedent for future development in heritage precincts.

The development is neither contextually appropriate nor sympathetic to the local residential character or the site's heritage. It prioritises bulk and density over careful integration and respect for neighbours. The existing facility proves that aged care accommodation can be provided in a way that maintains community cohesion and heritage values. This proposal does the opposite.

It exceeds the prevailing built form and character of the area, which is predominantly single- and two-storey residential housing. This is inconsistent with the Inner West Local Environmental Plan 2022 (IWC LEP), particularly Clause 5.10 – Heritage Conservation, which requires that new development must conserve the heritage significance of listed items and their settings. The scale, bulk and height of the proposal are fundamentally at odds with the historic character of the former convent and the surrounding neighbourhood.

Moreover, the proposal breaches the intent of the current Marrickville Development Control Plan, and the SEARS, specifically the provisions relating to:

- **Residential Interface (SEAR 4 – Built Form and Urban Design):** which require development to be sympathetic to the scale, privacy, solar access and amenity of neighbouring dwellings. The current proposal would cause significant overshadowing and loss of privacy to adjacent properties, failing to protect residential amenity.
- **Building Height and Setbacks (SEAR 6 – Visual Impact):** which seek to maintain a consistent streetscape and transition in scale between developments. A four-storey structure in this location represents an abrupt and inappropriate escalation in height.

Additionally, the proposed development conflicts with the Heritage Conservation Area Guidelines (Part C4), which discourage intrusive, bulky additions that dominate heritage items or disrupt their visual prominence.

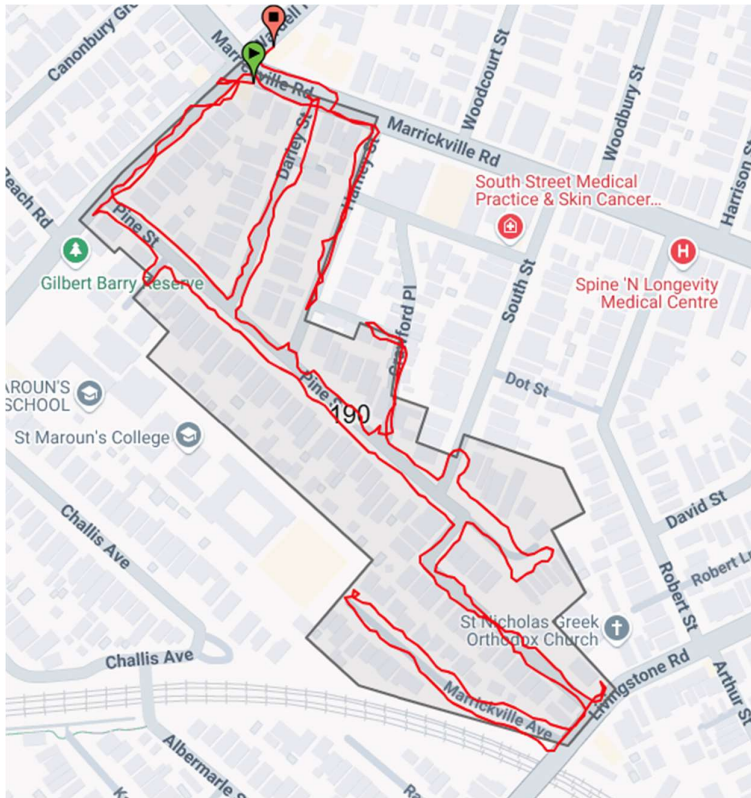
This site has demonstrated for decades that aged care can be delivered at a scale and form that respects both heritage and community. The current proposal is an overdevelopment that disregards local planning objectives and must be rejected.

### **C. Deficient community consultation**

A significant concern I have is about the intentional or inadvertent defects in the consultation process that is set out in Appendix AF – Engagement Report.

In short, despite the residents of Challis Avenue being amongst the most affected by the development (particularly from 29 to 41 Challis Avenue), the community consultation was deliberately designed to exclude any consultation with Challis Avenue.

In Challis Avenue, we did not receive any information flyer about the development. My wife and I did not receive one, and none of the neighbours we have spoken to received one. Challis Avenue was also excluded from the targeted mail delivery to nearby residents, as shown on the maps at page 45 of the Appendix AF – Engagement Report:



It is also difficult to reconcile the absence of notice with the statements made about the position of residents on Challis Avenue. In particular, in section 4.4 on page 15 of Appendix AF (Community Engagement Report), the following statement is made:

*Residents on Challis Avenue expressed minor concerns about the building setback and potential overshadowing in their backyard but are otherwise supportive of the development.*

This statement does not reflect my view, as a resident of Challis Avenue, nor the views of my neighbours on Challis Avenue who I have spoken to about the development. My wife spoke directly with a representative of Notting Hill (Berge Okosdinossian), and did not convey this sentiment. Her requests to be further consulted before lodgement were not met. She will prepare a separate submission about this.



However, the fact that this report contains such a grave inaccuracy casts doubt on the quality and veracity of the report as a whole. As a minimum, the applicant should be required to carry out a proper and transparent engagement process, including offering the residents of Challis Avenue an opportunity to participate in it.

#### D. Privacy impacts and overshadowing

The privacy impacts on our house are significant. With respect to the consultant who prepared the Visual Impact Assessment, the suggestion that the impact is “Low-Moderate” cannot seriously be sustained.

This assessment is contained at page 29 of the report at Appendix G to the application:

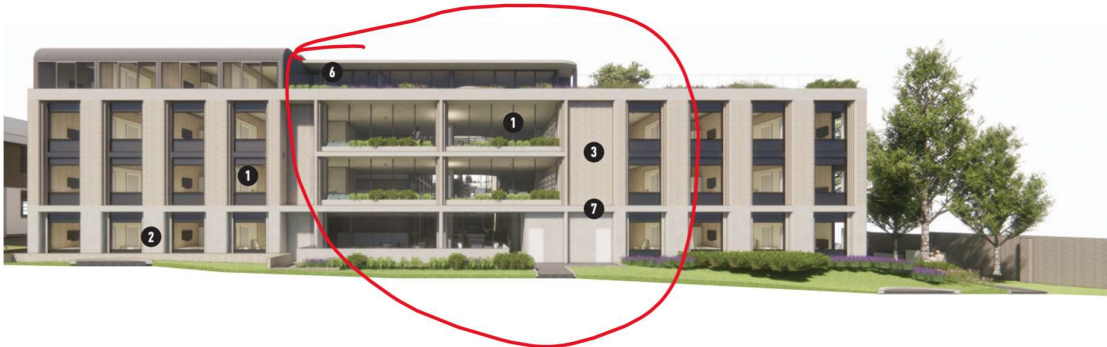


This is a very low quality analysis because it does not properly show the proposed development (using transparent red, rather than the actual blocking). This is despite our decision to give the consultant access to prepare a proper report, which they have failed to do.

However, even in the view they have provided, which is taken from our kitchen / living area, you can see that we look directly into a significant number of the aged care suites. There are substantial privacy impacts, both ways. My children will be playing on the play equipment and in the pool mere metres from the windows of the aged care suites.

Overall, the design must be reconsidered to seek to address this.

Further, it appears that the design has been put together to put large communal spaces facing directly toward our property, in the area circled in the below image.



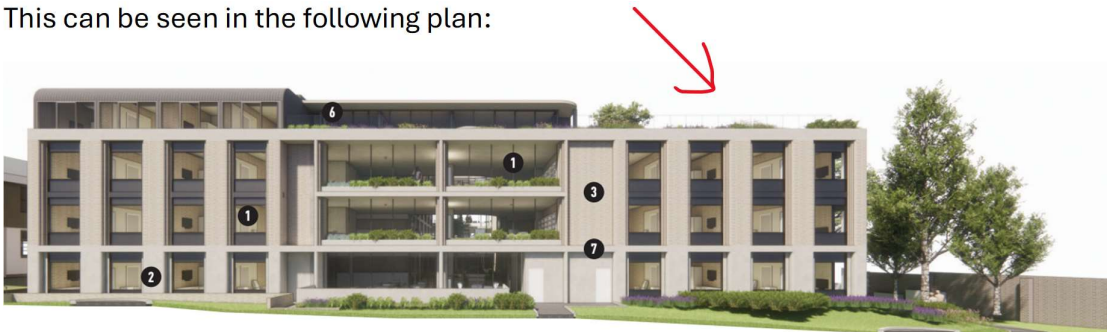
The effect of this design is that we will have large groups of residents and their families looking directly into our house and backyard.

Ultimately, the design seems to have been driven by an erroneous assessment by the consultant that the impact is “low / moderate”. What should occur is for that assessment to be properly performed, such that the impact is recognised to be “very high”, and the design aspects reconsidered in the light of it.

#### **E. Entertainment / roof top party space**

One of the most concerning aspects of the design is the inclusion of a communal roof-top entertainment and party space.

This can be seen in the following plan:



Under this design, there will be the communal entertainment space looking directly down into my backyard.

This can also be seen in Appendix G, the Visual Impact Assessment, where the assessment on our property is set out in Table 5-5 at page 29:



Figure 5-7: View from VP8 showing proposed building silhouette (colour to make building obvious and not final treatment)

This is a matter that has been specifically and correctly identified by the Inner West Council as an aspect of the design that does not comply with the Marrickville Development Control Plan and therefore also does not meet SEAR 4 – Built Form and Urban Design.

The Council correctly identified the issue in its email of 19 November 2024 (page 51 of Appendix AF (Community Engagement Report)) as follows:

The following is noted in respect to acoustic and visual privacy:

The proposed communal outdoor space on Level 3 is of concern given the potential acoustic impacts and overlooking opportunities into the adjoining low-density residential private open space areas and main living room glazing along Challis Avenue;

The communal outdoor space on Level 3 in its current form varies objective 1 and control C3(iii) of Part 2.6 – Acoustic and Visual Privacy of the Marrickville DCP 2011;

Considering the above, it would be beneficial from a privacy perspective to relocate the communal outdoor space on Level 3 to be either:

- Centrally located to overlook the central void to courtyard; or
- At the rear of the building so that it overlooks the roof form of St Maroun's College building such that it is directed away from the neighboring residential development.

I respectfully agree with and endorse Council's position in this regard. It is unclear from the application why Council's position was not reflected in the design as submitted.



## **F. No Biodiversity Assessment**

The application does not appear to include a Biodiversity Impact Assessment. This is one of the issues that the Inner West Council identified in its assessment of the application (see page 52 of the Engagement Report):

The subject site is located in a Terrestrial Biodiversity Area, and therefore, a Biodiversity Impact Assessment will need to be undertaken to ensure the adequate protection of local biodiversity within the site.

The Council is correct to be concerned. The trees are a significant habitat for a large number of birds, including lorikeets, cockatoos, kookaburra, tawny frogmouths. The development has not taken the impact on

## **G. Safety concerns regarding heritage wall**

The heritage wall has long been the subject of remediation concerns, with Council issuing directions for its preservation for over two decades. Despite the significance of this structure, no credible or detailed remediation or protection plan has been presented as part of the current development proposal.

The excavation required for a two-level basement poses a serious threat to the structural stability of the wall, which is already compromised. Without a professionally certified preservation strategy—including independent geotechnical and structural engineering assessments—the risk of collapse is significant. Such an event would endanger public safety, pose liability risks, and could also result in damage to neighbouring properties and to kids playing in and around the wall.

This heritage wall is an irreplaceable asset that contributes to the local character and history of the area. Approving a major development without first ensuring its long-term protection would set a dangerous precedent. I urge Council to reject the application in its current form and require the developer to submit a comprehensive, peer-reviewed heritage management plan before any further consideration is given.

## **H. Noise impacts**

The proposed development is very close to the our boundary. We already have received noise complaints, which we understand originated from the existing aged care facility, and an example from 2021 is at Annexure A. This emphasises again why a development of this size and scale is not appropriate for a site with this level of constraints.

**I. Conclusion**

For the above reasons, I strongly oppose the development application in its present form. Thank you for your consideration of these matters.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'James Arnott', with a stylized, cursive script.

James Arnott

35-37 Challis Avenue

Dulwich Hill NSW 2203

## Annexure A

Dear neighbour,

I hope this letter finds you well. I wanted to write to you regarding the general noise level of your household.

It has been a consistent noise problem with the children screaming & yelling loudly when they are out in the yard.

Whilst I understand that perhaps it might be difficult to control children's behaviour, the consistent screaming and yelling is starting to have a negative impact on our rest & work, as you could understand.

The noise really does echo. Please consider our difficulties and perhaps be more mindful when the children are outside.

Thank you

Your neighbour

## Annexure B

ADMINISTRATIVE CENTRE  
2-14 FISHER STREET, PETERSHAM

TEL: (02) 9335.2000  
FAX: (02) 9335.2029  
TTY: (02) 9335.2025 (Deaf & Hearing Impaired)  
EMAIL: council@marrickville.nsw.gov.au



P O BOX 14 PETERSHAM 2049  
DX 3910 - ANNANDALE

ALL CORRESPONDENCE  
TO BE ADDRESSED TO  
THE GENERAL MANAGER

OUR REF: P5051.550

YOUR REF: 99750568

15 July, 1999

MARONITE SISTERS HOLY FAMILY  
28 MARRICKVILLE ROAD  
MARRICKVILLE NSW 2204

9416 9411

yes  
JH No 1049

**NOTICE OF PROPOSED ORDER**  
**SECTION 121H OF THE ENVIRONMENTAL PLANNING AND**  
**ASSESSMENT ACT, 1979**

**PREMISES: 194 Wardell Road, Dulwich Hill**

Investigations by Council have revealed that there is a need to do or refrain from doing the thing or things specified in Schedule 1 below. Council hereby notifies you that it intends to give you as the owner, an Order under Section 121H of the Environmental Planning and Assessment Act, 1979, as specified in Schedule 1 below for the reasons indicated:-

**SCHEDULE 1**

**THAT** in accordance with Order No 4 (b); along the northern boundary you repair the defective boundary brick wall which has structural cracking and as a result is leaning within forty (40) days.

**REASONS FOR ORDER**

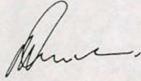
The brick wall is so dilapidated as to be prejudicial to persons in the neighbourhood.

You may, if you wish, make representations to the Council within 14 days as to why the proposed Order should not be given or as to the terms of or the period for compliance with the proposed Order. The Director Development and Environmental Services will consider your representation.



Should you have any specific enquiries, please contact Council's Officer, George Oustambasidis on 9335 2121; between the hours of 8.30 a.m. to 10.00 a.m. or 4.00 p.m. to 5.00 p.m. within fourteen (14) days of the date of this Notice. M (0417 250298).

Yours faithfully



M. B. SMITH ✓  
DIRECTOR DEVELOPMENT & ENVIRONMENTAL SERVICES.

Enquiries: George Oustambasidis, 9335 2121;

Barry + Judith Shuttleworth  
38 Pine St  
95581103

## Annexure C

MARRICKVILLE  
council

OUR REF: ORD000269  
YOUR REF:

18 July 2008

MARONITE SISTERS HOLY FAMILY  
C/-ANTHONY GAN ARCHITECTS  
PO BOX 365  
ROSEVILLE NSW 2069

**NOTICE OF PROPOSED ORDER PURSUANT TO  
SECTION 121H OF THE ENVIRONMENT PLANNING AND  
ASSESSMENT ACT 1979**

**PROPERTY: 194-210 WARDELL ROAD MARRICKVILLE NSW 2204**

Pursuant to section 121B of the Environmental Planning and Assessment Act 1979, the Council gives notice that it is considering the giving of an Order as follows:-

**To whom the Order is to be given:**

MARONITE SISTERS HOLY FAMILY

**Circumstances of the Order:**

Building is so dilapidated as to be prejudicial to its occupants or to persons or property in the neighbourhood.

**Reasons for the Order:**

1. Inspections have revealed that the external heritage boundary brick perimeter walls situated along the northern and southern boundaries have structural cracking and as a result are leaning.
2. Complaints from neighbouring premises have been received by Council with concerns of the boundary wall collapsing onto their property and leaning onto structures on their land.
3. Council has received structural engineer reports from Trang Vinh Nguyen Engineering Consultants and Ian Neilly Pty Ltd Structural Engineers, confirming horizontal cracking along the wall causing tilting and continual deterioration with lifting tree roots and unstable foundation.

ABN 52 659 768 527

Administrative Centre | 2-14 Fisher Street, PO Box 14, Petersham NSW 2049 | DX 3910 – Annandale NSW



Phone 02 9335 2222  
Fax 02 9335 2029  
TTY 02 9335 2025 (hearing impaired)  
Email [council@marrickville.nsw.gov.au](mailto:council@marrickville.nsw.gov.au)  
Website [www.marrickville.nsw.gov.au](http://www.marrickville.nsw.gov.au)



- 2 -

**What the Order requires you to do:**

In accordance with Order No: 4(b) you must;

- Submit the scope of works report and details to Council for consideration, prior to any works taking place.
- Carry Out the necessary repair or structural rectification works as recommended by the structural engineer to make the heritage brick boundary wall structurally safe, once Council has assessed the scope of works report and details you submit.
- On completion of the works, submit a certificate from a structural engineer to Council. The certificate is to certify the structural adequacy and safety of the heritage brick boundary wall, and that the works were carried out in accordance with the structural engineer's requirements.

**Period for compliance with the Order:**

Twenty-eight (28) days from the date of this letter.

**Please note:**

- 1 You or your barrister, solicitor or agent may make representations to the Council regarding the proposed Order by 05 August 2008
- 2 Any representations received will be considered by the Council's Director, Development and Environmental Services before a decision is made as to whether or not to give the Order. It is recommended that representations be made in writing.
- 3 If the Order is given, you will have twenty-eight (28) days in which to appeal to the Land and Environment Court in respect of the giving of the Order.
- 4 It is an offence under the Environmental Planning and Assessment Act not to comply with an Order. If convicted of such an offence the maximum penalty that the Land and Environment Court can impose is \$110,000.00.

If you have any specific enquiries about this matter please contact Mark Sage on 9335 2120.

George Oustambasidis  
**Team Leader, Monitoring Services**  
Merit No: 441830

**Mark Sage**

**From:** Mark Sage  
**Sent:** 13 August 2008 2:27 PM  
**To:** Vanessa Holtham  
**Cc:** Peter Wotton  
**Subject:** RE: 194 Wardell Road - Maronite Sisters Convent and High School

Thanks Vanessa for your comments.

You may not remember, but a NPO (Notice of Proposed Order) was served to bypass the DA process due to problems in the past with the maronite sisters stalling to get the required works done. (i.e these works to this wall were previously approved on a DA, but they let the approval lapse)

If you can let us know what further information you require, we are happy to ask for it, while they still seem keen to finally move forward on this matter.

Then once approved, we can serve the Order for the works to be done.

Cheers

Mark

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**From:** Vanessa Holtham  
**Sent:** 12 August 2008 3:44 PM  
**To:** Mark Sage  
**Cc:** Peter Wotton  
**Subject:** 194 Wardell Road - Maronite Sisters Convent and High School

Hi Mark,

The subject property is listed as *Heritage Item No. 3.5 Maronite Sisters Convent and High School* under Marrickville Local Environmental Plan 2001. The subject wall is identified as having heritage significance within its own right in the Marrickville Heritage Inventory, however, is in significantly deteriorated condition. The indicative proposal for stabilisation of the wall involving galvanised steel wall bracing and deep structural underpinning is considered to be an acceptable concept from a heritage perspective, as it involves substantial retention of the significant fabric. The applicant is advised to submit further details of the proposal as part of a development application to allow a full assessment of the works to be undertaken, before consent is granted.

Vanessa

**Vanessa Holtham**  
 Heritage and Urban Design Advisor  
 Marrickville Council  
 Phone: 9335 2114  
 Fax: 9335 2029