

8 October 2025

Your Ref: SSD-75493483

Mr Najeeb Kobeissi
Senior Planning Officer Assessments
Department of Planning, Housing and Infrastructure

Via Major Projects Planning Portal

Dear Mr Kobeissi,

SD-75493483 – Environmental Impact Statement – Forest Lodge Integrated Seniors Living

Thank you for the opportunity to make a submission on the proposed Forest Lodge Seniors Living development (proposed development).

We **object** to the proposed development. The reasons for our objection are set out below.

Alternative design

Our threshold objection to the proposed development is that alternative designs have not been considered.¹ The applicant instead relies on the fact that they have adapted the design (DCP design) contained in clause 6.3.12 of the Sydney Development Control Plan (DCP). The applicant has opted to follow the DCP design even though development control plans do not apply to state significant development.²

The DCP design was not developed for seniors housing. To provide one example, there is not a main entrance behind a porte-cochere included in the DCP design, but instead a fine-grained pattern with ground floor apartments having individual entrances.

Further, the consultation and research conducted by the City of Sydney in preparing the DCP design would not have considered the particular design issues relating to seniors and whether the area surrounding the site is accessible and safe for the resident demographic (while open to people over 60 years of age, the applicant has advised us that they will be marketing the proposed development to people in their seventies³).

¹ Only alternative garbage collection options are considered: EIS at 2.9.

² State Environmental Planning Policy (Planning Systems) 2021, section 2.10(1)(a).

³ Conversation with Mr Jim McBirnie, Development Director, Corio Developments, on 12 May 2025.

The DCP design also does not provide for the main entrance to the complex, and an open air café area, to be located on the street boundary, or for the carpark entry to be located next to Kimber Lane, or for the electricity substations to be located on Junction Street next to the Heritage Building or for the floor space ratio to be increased to a massive 1.95:1⁴—all of these adaptations were not the subject of consultation and all will negatively impact on the environmental amenity of the residents of Junction Street on a long term basis if the proposed development is approved without modification.

Without considering alternative designs it is hard to know whether the DCP design as adapted by the applicant is really the best design for the future residents of the development and for the surrounding community. To provide one example, with a different configuration could the stairs be removed from the through-site links so that the pedestrian links and expanded Larkin Street reserve were “accessible for all”?⁵

Our comments and objections set out below are based on the proposed development as set out in the Environmental Impact Statement (EIS), but we strongly believe that an independent alternative design review process is warranted to get the best for the community and the future residents of the proposed development.

Visual and acoustic privacy

Main entrance and café “al fresco” area

The State Environmental Planning Policy (Housing) 2021⁶ provides:

Seniors housing should be designed to consider the visual and acoustic privacy of adjacent neighbours and all residents of the seniors housing by—

(a) using appropriate site planning, including considering the location and design of windows and balconies, the use of screening devices and landscaping . . .

The applicant has located the main entrance to the proposed development in the Heritage Building—the only building built to the boundary (see Figure 1). The entrance is the point on the front wall of the Heritage Building where people will enter and exit the complex.

Normally, the main entrance is sited well within the seniors housing development behind a porte-cochere (see Figure 2). This is both for the convenience of residents and to minimise the impact on the visual and acoustic privacy of adjacent neighbours. For example, at the applicant’s Rosebery Seniors Living Development (SSD-49320959) the main entrance is approximately nine metres from the street boundary (see Figure 5). At a comparable seniors housing development in Cremorne⁷ the main entrance is approximately 15 metres from the street boundary. Neighbours living opposite these developments also have a further privacy buffer of the width of the street and footpaths.

Because the main entrance to the proposed development is located on the boundary opposite our home, on a very narrow street, people entering and exiting the proposed

⁴ The FSR is limited to 1.56:1 in the Sydney Local Environmental Plan 2012, section 6.40(2)(a).

⁵ As required by section 7 of the Planning Secretary’s Environmental Assessment Requirements.

⁶ State Environmental Planning Policy (Housing) 2021, Schedule 8, clause 2(a)

⁷ Pathways Cremorne Seniors Housing (SSD-49472213)

development will overlook our ground floor living, dining and kitchen areas (see Figures 3 and 4).⁸ The noise of pedestrian traffic to the main entrance of the building will also impact unreasonably on our acoustic privacy.

This impact is intensified by the decision to have—contrary to the guidance provided in the Seniors Housing Design Guide—the main entrance separated from the porte-cochere. Most of the pedestrian traffic, supermarket and other deliveries are likely to utilise the main entrance where the concierge is located, and the main entrance can be accessed by residents, families and visitors 24 hours per day, 7 days per week.⁹ There is also likely to be increased vehicle noise from vehicles parking and unloading while making deliveries.

The applicant could have achieved the same amenity for the proposed development without additional cost by siting the main entrance in one of the new buildings that could be appropriately setback from Junction Street. By not doing so, and by not providing any screening devices, the applicant cannot demonstrate that they have considered the visual and acoustic privacy of adjacent neighbours. It also represents poor design.¹⁰

Our visual and acoustic privacy is further compromised by the decision to have an “al fresco” area for the café on the boundary of the development without doing *anything* to mitigate the privacy impact. This decision does not consider our visual and acoustic privacy. The café—with opening hours from 6am to 10pm daily¹¹—should be fully within the proposed development. If an outdoor area is required, to minimise the visual and acoustic impact on adjacent neighbours—and for a more relaxing experience for customers—there could be an outdoor terrace overlooking the Larkin Street reserve (see Figure 1). This is how the applicant has provided an outdoor area for the café at their Rosebery Seniors Living Development.

Heritage Building first floor

We will be able to overlook the living area of the apartments on the first floor of the Heritage Building from our main bedroom, and the residents of these apartments will be able to overlook our main bedroom, and the hallway outside our laundry and bathroom from their living room.

We request that the applicant use screening devices and/or landscaping in the form of planter boxes on the balconies of the apartments on level 1 of the Heritage Building to minimise the impact on our visual privacy and to enhance the privacy of the future residents of these apartments.

We also request that the setback from the boundary to the glass line of the balcony doors of the Heritage Building first floor apartments match the adjacent first floor apartments in

⁸ Planning Principle set out by Senior Commissioner Roseth in *Meriton v Sydney City Council* [2004] NSWLEC 313 at 46 that “Within a dwelling, the privacy of living areas, including kitchens, is more important than that of bedrooms.”

⁹ EIS page 48.

¹⁰ Roseth SC again in *Meriton v City of Sydney Council* [2004] NSWLEC 313 at 46 “[a] poor design is demonstrated where an alternative design, that provides the same amenity to the applicant at no additional cost, has a reduced impact on privacy.”

¹¹ EIS page 48 – the café is one of the ancillary facilities.

Building B and Building D. The smaller setback contributes to the negative impact on our visual privacy and is inequitable considering the setback in the adjacent buildings.

Mitigation

We note that none of the four design responses “to ensure that privacy of existing and future residents” set out in 6.6.1 of the EIS have been employed to minimise the impact of the above design decisions.

We request that the location of the main entrance and “al fresco” area, the complete lack of privacy mitigation measures discussed above, and the reduced setback of the boundary to the glass line of the first floor Heritage Building apartments, be taken into account when determining whether the proposed development demonstrates “[a] high level of environmental amenity for any surrounding residential or other sensitive land uses” in accordance with 5 of the Planning Secretary’s Environmental Assessment Requirements (SEARS).

Traffic

We object to the proposed development because the decision to locate the carpark entry next to Kimber Lane will make Junction Street—“a [n]arrow 6m carriageway reduced by parking”¹² which is effectively a one-way street (see figure 6)—the driveway for the development. The environmental amenity of the street will be impacted negatively by noise from the private vehicles, share cars, taxis and Ubers of the potential 162 new residents, and from the vehicles of personal and professional visitors (eg physiotherapists, home care visitors etc) attending the proposed development. Living opposite the main entrance we are particularly concerned that many people without parking spaces will be attempting to park on Junction Street near the main entrance, making the street in front of our house a de facto porte-cochere.

We are also concerned about the increased traffic from deliveries from supermarkets, restaurants, cafes etc. that can come from early morning to late at night and will be focused on the main entrance—this is not considered in the Traffic Assessment Report lodged with the EIS. It is to be expected that as residents age they are likely to rely more on deliveries, and the traffic impact will increase over time.

Loading

We support that garbage trucks and deliveries for the proposed development will access the site from the Larkin Street entrance. We would also request that a term of development consent be that supermarket delivery trucks also access the site from Larkin Street and unload deliveries in the loading zone. As noted above, these deliveries can be made from early in the morning to late at night, and the drivers often leave the motors of their refrigerated trucks running while unpacking in the street.

¹² EIS page 35.

Greening

We welcome that the proposed development is providing trees and landscaping, but object to the fact that the greening is overwhelmingly to be located on the Larkin Street side of the development, with very little at all on the western side of Junction Street between the Heritage Building and Kimber Lane (see Figure 7).

Our views of the large trees at the rear of the street will also be blocked by the bulk of the proposed development further reducing our amenity (see Figure 8).

More open space with greening on Junction Street would not only benefit the existing residents of Junction Street but the many future residents of the proposed development whose apartments do not face the Larkin Street reserve as “[r]esidents enjoy communal open space not only when they use it but also when they look at it from their apartments.”¹³

Urban Heat Island Effect

The Ecologically Sustainable Development report lodged with the EIS acknowledges that the “site is identified as experiencing a high level of urban heat island impact compared to its surroundings.” This impact is likely to increase with global warming and the introduction of a huge amount of preformed concrete into Junction Street if the development is approved.

Because the monolithic structure of the proposed development will block prevailing winds in summer instead of utilising the “prevailing winds to funnel air through the urban environment . . . [to optimise] . . . natural cooling”¹⁴ there will be little natural relief from the UHI effect in summer. Being seniors ourselves, we are concerned in the context of rising temperatures about the future health impacts of the UHI effect if it is not mitigated.

As noted above the canopy cover introduced by the proposed development is largely located on the Larkin Street side, and some street trees on Junction Street between St Johns Road and the Heritage Building.

In accordance with principle 3(e) of the Housing SEPP we ask for increased canopy cover between the Heritage Building and Kimber Lane on the western side of Junction Street to minimise the adverse climate and environmental impacts of the proposed development on the residents of Junction Street.

Alternatively, if the applicant is not prepared or able to vary the proposed development, we ask that the applicant and/or the City of Sydney arrange to have the powerlines relocated underground so that the tree canopy on the eastern side of the Junction Street, instead of being pruned regularly by Ausgrid, can grow sufficiently to provide localised shade and cooling through evapotranspiration (see figure 9). This would also increase privacy between the proposed development and existing dwellings, improve the view for all residents and help harmonise the large development with the street.

¹³ Seaside Property Developments Pty Ltd v Wyong Shire Council, [2004] NSWLEC 600, per Roseth SC at 25.

¹⁴ Department of Planning, Housing and Infrastructure, Cool with Urban Structures, Cooler Places webpage.

Bulk

We object to the size of the development as it is out of proportion with Junction Street and the surrounding heritage conservation area.

The photomontage provided by the applicant is misleading as it is taken from a perspective that does not exist—houses would have to be demolished to get that angle—and the width of Junction Street significantly expanded (see Figure 10).

No photomontage is provided from ground level on the eastern side of Junction Street looking toward the proposed development in the Visual Assessment Report even though most of the terraces on the eastern side of Junction Street directly face the proposed development. From this angle it will be particularly imposing.

We also note that the applicant's Figure 24: Contextual Response to Scale & Bulk shows the terraces on the eastern side of Junction Street as having 3 stories, whereas there is only one terrace with a third storey.

We request that the size of the proposed development be reduced, and an opening be introduced between the Heritage Building and one of the new buildings (B or D) to respect the general surrounding terrace typology (see Figure 11) to further reduce scale as suggested in 5.13 of the Seniors Design Guide. This would also allow the prevailing breezes to provide natural cooling in summer to the residents of Junction Street.

Accessibility – Junction Street

The access design review submitted with the EIS does not address the issue of accessibility of the precinct surrounding the site.

Development consent cannot be granted without the applicant providing evidence to address the adequate access requirements of section 93 of the Housing SEPP and evidence has not been provided from a suitably qualified expert that there are safe and suitable access pathways, or that the gradient of the pathways conform with section 93.

We seriously doubt whether a person using a walker or wheelchair could access Bridge Road from Junction Street, or Junction Street from Bridge Road, given the width of the footpath and the gradient of the rise (see Figures 12 and 13). We note that the closest bus stop to the proposed development for buses returning from the city is on Bridge Road opposite the Forest Lodge Public School (220 metres from 12 Junction Street, Forest Lodge¹⁵) and this stop would be inaccessible or very difficult to access with mobility issues.

The footpath on the eastern side of Junction Street, and the footpath on the western side of the street between Lock Lane and Bridge Road has, based on the NSW Walking Space Guide, prepared by the State of New South Wales (Transport for New South Wales) the lowest level of service rating—LOS F (see Figure 14). The Walking Space Guide provides that for streets with low traffic volumes “the preferred way to provide additional walking space is to make it safe for people to walk across the whole street reservation including the carriageway by

¹⁵ Source Trip Planner <https://transportnsw.info/trip>

reducing the speed to 30km/hr and providing signage noting pedestrian activity and priority.”¹⁶

As walking on the street is clearly not a sensible option for seniors and people with limited mobility, and as “[e]very citizen has an equal right to use and enjoy public space”,¹⁷ major public domain upgrade works are required to make the site suitable for the proposed development and existing community. This should include introducing wider, shaded, obvious and safe pedestrian links from the site that provide access to transport services or local facilities.¹⁸ It is also important to encourage seniors to ambulate along the street they live on without fear of falls or other incidents¹⁹.

For the kind of footpaths that you would expect to see around a state significant seniors housing development, please refer to Figure 15.

Query also whether, if major public upgrade works are not undertaken, there might be civil liability consequences for creating/approving the proposed development when the vulnerabilities of the resident age group are well known.

Accessibility – through-site links/public open space

Section 7 of SEARS requires that the applicant demonstrate that they are providing public space that is welcoming, attractive and accessible for all.

DCP 6.3.12(e) provides that development on this site “introduce new and improve existing publicly accessible links through and adjacent to the site that respond to key connections, increases opportunities for walking and cycling and improves accessibility.”

The through-site links are not accessible for all—members of the community who cannot navigate stairs or find it difficult because they have a pram or bicycle to lug, will not get the benefit of this access because of the stairs in both through-site links (see figure 16).

Access to and from Bridge Road from Larkin Street also requires navigating a staircase of 15 stairs.

There is otherwise not a safe and suitable access pathway for members of the community who cannot navigate stairs to access the Larkin Street Reserve from the Forest Lodge side of the development to get the benefit of the applicant’s land dedication as Short Street is not accessible for people with mobility issues (see figure 17) and access from Bridge Road via the Larkin Street pathway has a staircase with 15 stairs.

Clearly, the applicant cannot demonstrate that the public space and through-site links are accessible for all” and that the design accords with the objects of the *Disability Discrimination Act 1992*.

¹⁶ NSW Walking Space Guide page 35.

¹⁷ Fatemeh Aminpour, Lecturer, School of Built Environment, *UNSW Sydney*, <https://www.unsw.edu.au/newsroom/news/2022/10/what-makes-a-great-footpath--the-answer-is-key-to-our-happiness->

¹⁸ State Environmental Planning Policy (Housing) 2021, Schedule 8, clause 6(a)

¹⁹ “As people age, they often become less confident about walking. Fear of falling can limit the activity of older people leading them to become isolated.” Fatemeh Aminpour, Lecturer, School of Built Environment, *UNSW Sydney*, <https://www.unsw.edu.au/newsroom/news/2022/10/what-makes-a-great-footpath--the-answer-is-key-to-our-happiness->

Surely the public space for a state significant development for seniors housing should be inclusive and accessible not just for the residents of the development but for the whole community.

We hope that you will take our submission into account when assessing the proposed development.

If you need any further information or would like to visit our house as part of your assessment to gauge the impact of overlooking from the proposed development, please let us know.

Yours faithfully,

Mark and Mayumi Fukuda-Oddie



Fig 16.7.A Porte cochere entry
with ambulance parking



Fig 16.7.B Covered front entrance with drop-off and covered ambulance space

Figure 2: Above e00000xcerpts from the Seniors Housing Design Guide showing main entrances linked with porte-cochere and ambulance access.

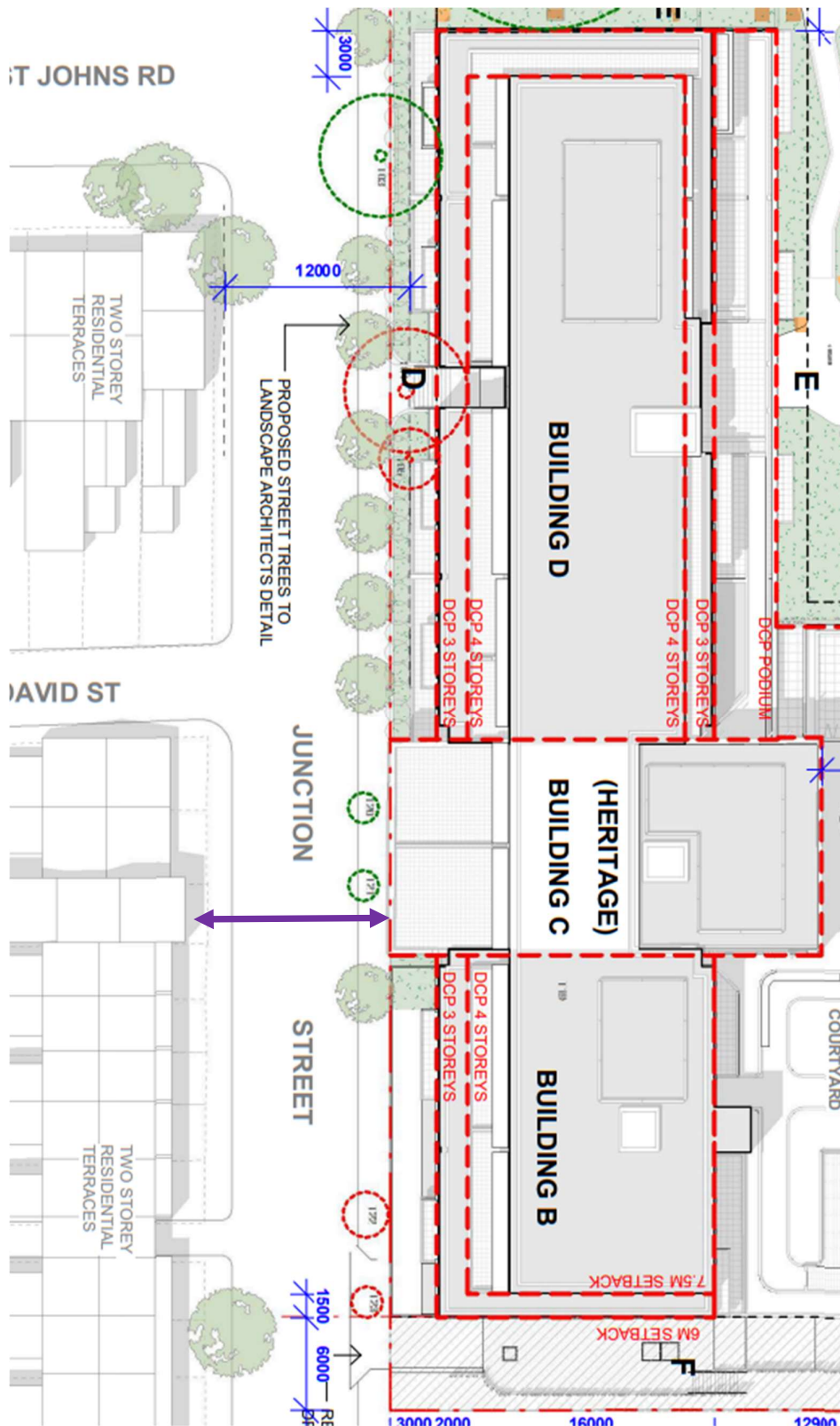


Figure 3: Excerpt from site plan (DCP setbacks) for the proposed development. We are separated from the main entrance and outdoor café area by a 6-metre carriageway and two narrow footpaths. Distance indicated by a purple arrow.



Figure 4: Photo taken from approximately 5 metres inside our living area – the location of the main entrance—which overlooks our ground floor living, dining and kitchen areas—is outlined in yellow. When the curtain is up you can clearly see at least 3 metres inside the Heritage Building

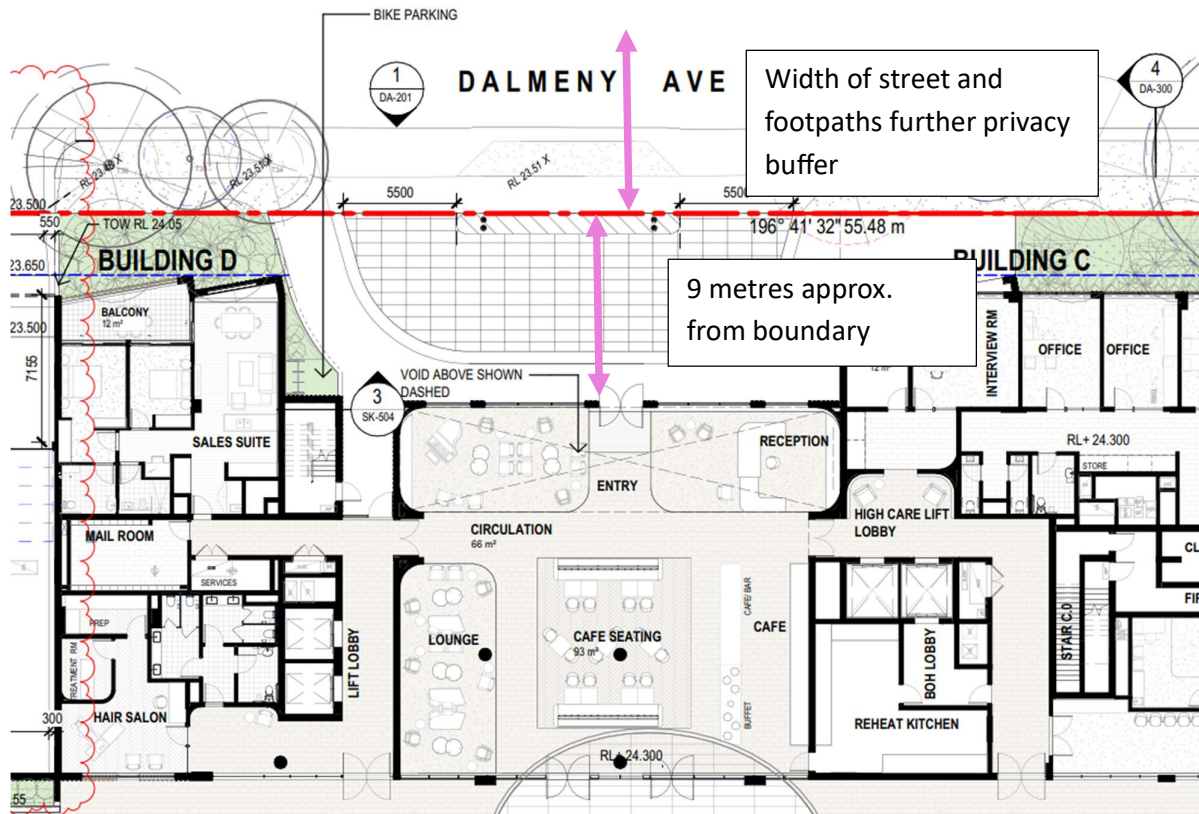


Figure 5: Excerpt from ground floor plan for Rosebery Seniors Living Development (SSD-49320959) showing distance of approximately nine metres from boundary, behind the porte-cochere. A further privacy buffer is provided to residents on the other side of Dalmeny Street by the width of the street and footpaths. The applicant explains at page 18 of the Rosebery EIS:

"The porte-cochere will reduce any potential conflict between vehicular and pedestrian activities on the balance of the site whilst also allowing for a superior arrival experience and maximise the activity of the frontage through internalising pick-up and drop-off within the site."



Figure 6: Junction Street is very narrow street. It has a six metre carriageway reduced by parking on either side making it effectively a one-way street.

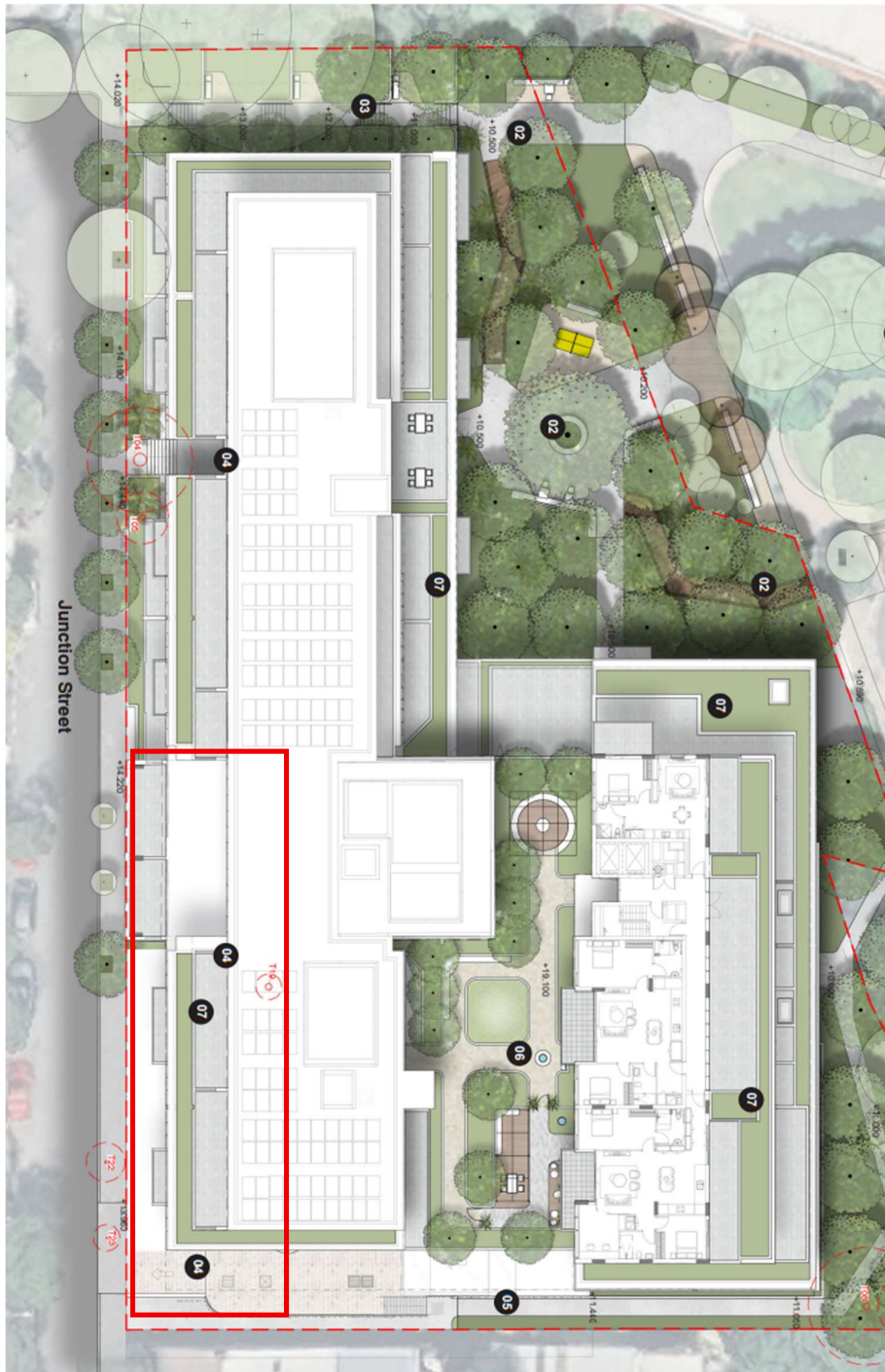


Figure 7: Excerpt from Landscape Master Plan showing virtual no greening on Junction Street from the Heritage Building to Kimber Lane – area outlined in red.

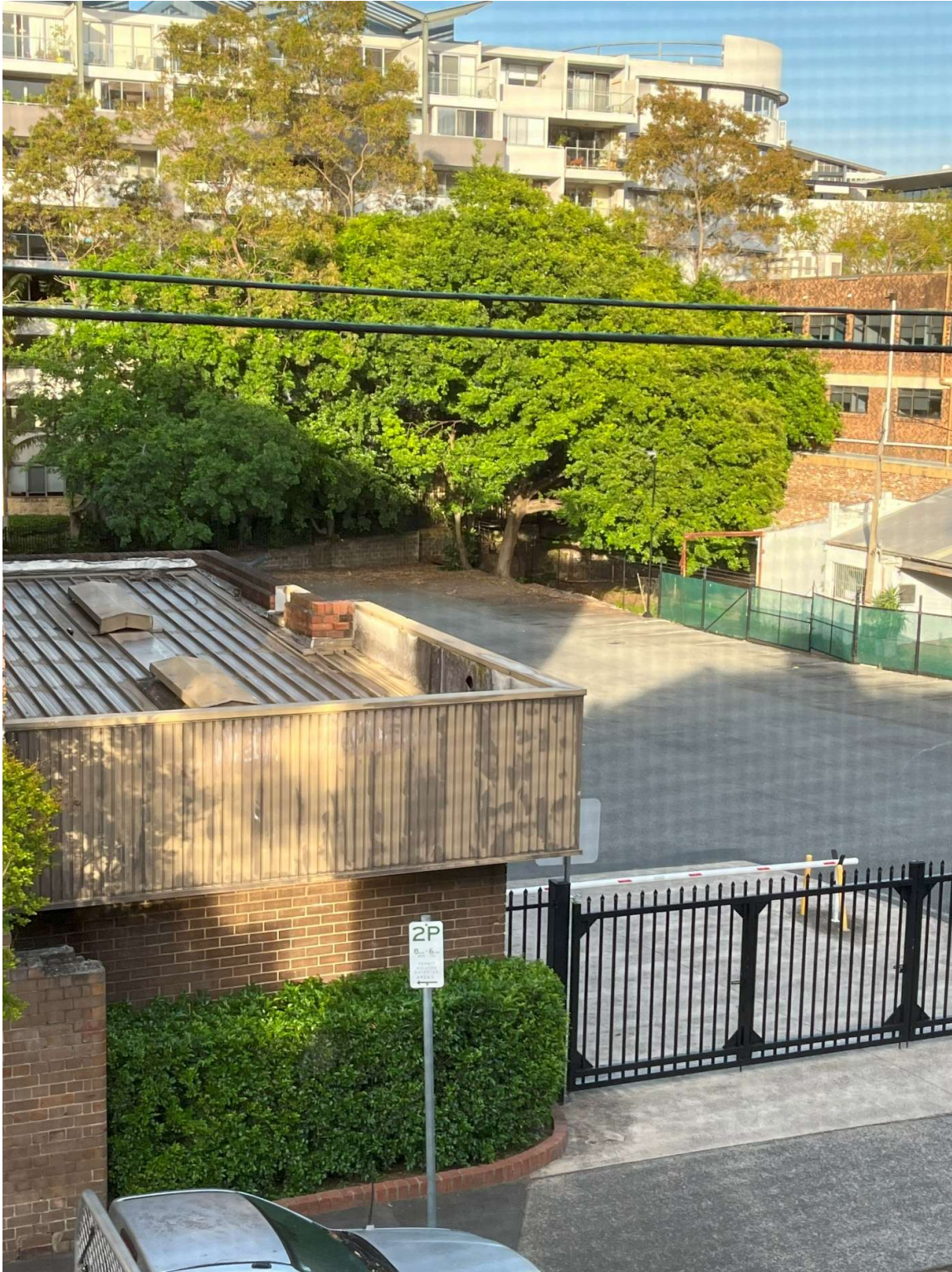


Figure 8: View from our first floor of large trees on Larkin Street side of site. This view will be blocked by the proposed development; the hedge will be removed and minimal green provided between the Heritage Building and Kimber Lane, eroding environmental amenity and increasing the UHI impact on Junction Street residents.



Figure 9: View of eastern side of Junction Street. There is not much canopy cover on this side of the street and is mostly kept well under the level of the electricity cables. Relocating electricity cables underground would allow significant canopy cover to developed on the eastern side of the street in the absence of canopy cover on the western side of the street.

Source: Nearmaps/Willowtree Communications, 2024



Concept Design: Perspective from Junction Street

Subject to changes / Authority approval



Figure 10: Above photomontage of Junction Street provided by applicant in Community Newsletter #1 for the proposed development; below photomontage from cover of EIS. Both give misleading impression as to the width of Junction Street and consequently the visual impact the proposed development will have.



Figure 11: Opening between the two rows of terraces on the eastern side of Junction Street indicative of the general surrounding terrace typology.



Figure 12: Eastern side of Junction Street approaching Bridge Road—inaccessible to residents using walkers and wheelchairs. Footpath generally has low level of service and not a safe and obvious pathway.



Figure 13: Western side of Junction Street approaching Bridge Road—also inaccessible to residents using walkers and wheelchairs—steep, with cracks and narrows at points to around 1 metre in width.



Figure 14: clockwise from top left (i) Junction Street eastern side narrows in many points to less than 1 metre; (ii) Steep kerb represents fall risk; (iii) Due to ineffective drainage water pools at the base of Horseshoe Lane after rains; (iv) Street access can be easily blocked by hazards.

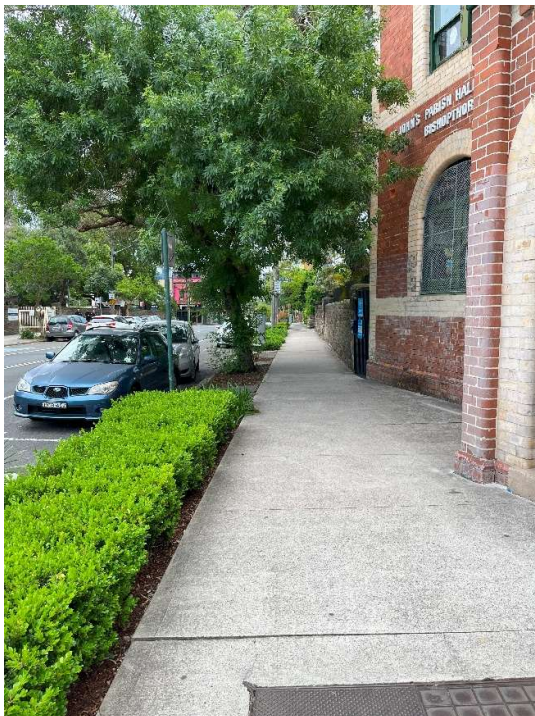


Figure 15: Anglicare St John's Village has the kind of wide, level footpaths on either side of the road that you would expect outside a seniors housing development.



Figure 16: clockwise from top left: (i) Four flights of stairs to navigate to use eastern through-site link; (ii) One flight of stairs to navigate on western through-site link; (iii) Image from page 20 of the Landscape Design Report showing one of the flights of stairs on the eastern through-site link. (iv) Fifteen stairs to access Bridge Road from Larkin Street and vice versa.



Figure 17: Due to the width and condition of the footpath, Short Street is not an alternative option for people on the Forest Lodge side of the proposed development with mobility issues to access the Larkin Street Reserve.