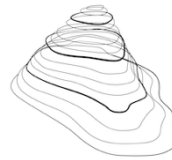


9 October, 2025



**Northern
Development
Assessment**

The Planning Officer
Department of Planning, Housing and Infrastructure
Major Projects Assessment Team
Locked Bag 5022, Parramatta NSW 2124

Attention: Najeeb Kobeissi

**RE: SSD-75493483 – INTEGRATED SENIORS LIVING DEVELOPMENT – OBJECTION TO STATE
SIGNIFICANT DEVELOPMENT APPLICATION.**

PPTY: 2–32 JUNCTION STREET, FOREST LODGE NSW 2037 (SUBJECT SITE)

I am writing to you in response to the Department's public notification of the above State Significant Development Application on behalf of my clients, the Owners of No. 1–3 Larkin Street, Camperdown, the property that directly adjoins the western boundary of the subject site.

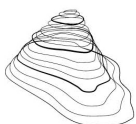
I have been requested by the owners of No. 1–3 Larkin Street to undertake a detailed assessment of the proposed Integrated Seniors Living Development and to ascertain the likely impacts of the proposal upon the amenity and environmental quality of their property.

In preparing this Statement I have carried out the following actions –

- Reviewed the Architectural Plans prepared by WMK Architecture for Corio Projects, including all associated site, roof and elevation drawings.
- Reviewed the Environmental Impact Statement and supporting documentation lodged with SSD 75493483, including the Visual Impact Assessment prepared by Geoscapes, the Transport Impact Assessment prepared by JMT Consulting, and the Clause 4.6 variation requests for Floor Space Ratio and Parking prepared by Willowtree Planning.
- Reviewed the statutory and non-statutory planning framework applicable to the proposal, including the State Environmental Planning Policy (Housing) 2021 and the Sydney Local Environmental Plan 2012.
- Inspected the subject site and the adjoining property at 1–3 Larkin Street from both Larkin Street and Junction Street, and reviewed the relationship between the proposed built form and existing residential buildings to the west.
- Reviewed the relevant planning principles of the NSW Land and Environment Court, including those relating to view sharing (Tenacity Consulting v Warringah Council [2004] NSWLEC 140), visual privacy (Meriton v Sydney City Council [2004] NSWLEC 313), solar access (Benevolent Society v Waverley Council [2010] NSWLEC 1082) and development intensification (Randall v Leichhardt Council [2004] NSWLEC 277).

Following my attendance at the subject site and a detailed review of the submitted documentation, I have identified the following key concerns in relation to the current State Significant Development Application:

- Traffic, Parking and Access Impacts
- Bulk, Scale and Floor Space Ratio Non-Compliance
- View Loss and Visual Impact
- Solar Access and Overshadowing
- Amenity Impacts including Privacy, Noise and Intensification of Use
- Inadequate Community Consultation and Verification of Visual and Solar Testing



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Each of these issues is addressed in the following sections of this submission.

1. TRAFFIC, PARKING AND ACCESS

The Transport Impact Assessment (TIA) prepared by JMT Consulting (dated 26 June 2025) confirms that 78 on-site car parking spaces are proposed across the lower ground and ground levels. Section 3.4 of the TIA states:

“The proposal includes 78 on-site car parking spaces which is a minor shortfall of just 6 spaces when compared to (non-discretionary) parking rates outlined in the Housing SEPP 2021 (inclusive of residents and visitors).”

The TIA further clarifies in Table 3 – Car Parking Provision that the Housing SEPP 2021 requires 84 spaces but only 78 spaces are provided, creating a shortfall of 6 spaces. The document attributes this to an assumed application of the non-discretionary parking standard, stating:

“The parking provision of 78 spaces is considered adequate to accommodate expected demands and represents a very minor shortfall of just 6 car parking spaces relative to the non-discretionary parking rates noted in the Housing SEPP 2021.”

The TIA relies on the Housing SEPP non-discretionary rate for the ILU bedrooms and an allowance for the RACF under Clause 107, but it does not provide any separate calculation or allocation for operational workforce parking, visitor parking, or staff and customers of the café, hair salon, cinema and multipurpose spaces. It also does not break out a dedicated visitor allocation; instead it relies on the Housing SEPP statement that the ILU rate is “inclusive of residents and visitors.”

Specifically:

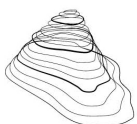
- The TIA applies the Housing SEPP rate of 0.5 spaces per bedroom to the ILU bedroom total (162 bedrooms → 81 spaces) and, together with the RACF requirement, identifies a total requirement of 84 spaces against 78 provided (shortfall 6).
- It references “staff administration areas” in describing the development but does not quantify the number of staff associated with the RACF or ILU operations.
- It does not identify any separate parking allocation for nurses, carers, or maintenance staff.
- Similarly, there are no figures for café, hair salon, or multipurpose space staff or customer parking, and no visitor parking breakdown for ILUs or RACF residents.

In short, the TIA treats the development as a single residential use and omits to include or quantify:

- Operational workforce (nurses, carers, administrative, maintenance)
- Visitor parking for ILU or RACF residents
- Staff or customer parking for ancillary facilities

The Environmental Impact Statement (EIS) identifies operational staffing (ILU 8; RACF 4 with 2 on duty; other operations 15) for a total of 27 operational jobs. These figures are not translated into a staff parking allowance in the TIA, and there remains no separate visitor or ancillary-use parking calculation.

Accordingly, the EIS and TIA do not contain the relevant figures required to accurately assess parking demand generated by operational staff, visitors, or commercial activities within the development. The absence of those figures confirms that the parking analysis is incomplete and that the claimed “minor shortfall” of six spaces is based only on ILU bedrooms, not the full operational reality of the proposed integrated seniors living complex.



Section 3.5 of the TIA confirms that twelve accessible car parking spaces for residents and one for aged-care staff are proposed. No accessible visitor or service spaces are identified. Section 3.3 identifies that service access and waste collection are to occur via the Larkin Street loading dock using a 10.6-metre Council waste vehicle operating on a turntable. This increases the number of heavy-vehicle movements on a narrow residential frontage.

The absence of visitor and service-related parking is not disputed in the applicant's Clause 4.6 Variation – Car Parking prepared by Willowtree Planning (dated 18 August 2025). That document confirms the extent of the shortfall as follows:

"Clause 108 (2)(k) of the Housing SEPP requires at least 0.5 parking spaces for each bedroom of an independent living unit (ILU)."

"The development requires a minimum of 81 car parking spaces (0.5 spaces per bedroom). The proposal seeks consent for 75 car spaces, which equates to a shortfall of six (6) car parking spaces (7.4%)."

"The parking provision of 75 car parking spaces for the ILU is considered sufficient to accommodate expected demands and represents a minor shortfall of just six (6) car parking spaces relative to the non-discretionary parking rates contained within the Housing SEPP. The car parking provision is considered more than adequate given the site benefits from a strong network of public transport services which will reduce reliance on private vehicles, particularly for residents, members of staff and visitors to the Subject Site."

These extracts confirm that the applicant's justification for the shortfall rests on assumed reductions in car ownership and reliance on public transport, not on compliance with the non-discretionary rate itself.

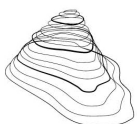
Under Chapter 3 Part 5 Division 7 Clause 108 (2)(k) of the State Environmental Planning Policy (Housing) 2021, the rate of 0.5 spaces per bedroom applies to all independent living units, and the non-discretionary provisions of the Housing SEPP only protect a proposal from refusal where full compliance with the prescribed standard is achieved. As the proposed development provides fewer spaces than required, it cannot rely on the non-discretionary standard or any leniency that the non-discretionary pathway would have provided.

The applicant's approach of excluding visitor and staff parking from the total calculation—while simultaneously seeking to rely on the non-discretionary rate—creates a fundamental inconsistency. A development that does not meet the minimum standard cannot benefit from the statutory protection intended for compliant proposals.

In practical terms, the current design fails to account for:

- Visitor parking demand associated with 71 independent living units
- Staff and customer parking associated with the café, hair salon and multipurpose facilities
- Service and maintenance vehicle demand, including deliveries and contracted health or community services
- The cumulative effect of these unaccounted vehicle movements on the constrained local street network in Larkin Street and Junction Street

The TIA itself acknowledges the limited capacity of the surrounding roads, noting in Section 1.6 that Junction Street and Larkin Street are local roads under the control of City of Sydney Council. The proposed concentration of service and waste vehicle access on Larkin Street would therefore



increase traffic conflict and amenity impacts for adjoining residents, including those at 1–3 Larkin Street.

Given these omissions, the proposal must be assessed as non-compliant with Clause 108 (2)(k) of the Housing SEPP 2021. The non-discretionary standard cannot be invoked to support the current parking provision, and any flexibility sought through Clause 4.6 must demonstrate exceptional circumstances—something not substantiated in the submitted material.

The parking shortfall must also be considered in the context of the concurrent breach of the Floor Space Ratio (FSR) standard. The applicant seeks an FSR of 1.95:1, which represents a 56 percent increase above the 1.25:1 permitted under Clause 87(2)(a)(iii) of the Housing SEPP. This additional floor area directly translates to a higher number of independent living units and bedrooms, thereby increasing the parking demand generated by the development. By seeking to intensify the residential yield while simultaneously providing fewer parking spaces than required, the proposal compounds both non-compliances. The exceedance of the FSR not only adds to the total dwelling capacity but also exacerbates the functional impacts of the parking shortfall, particularly on-street parking pressure, vehicle movements, and residential amenity within Larkin Street and Junction Street.

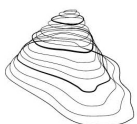
2. BULK, SCALE AND FSR NON-COMPLIANCE

The Clause 4.6 Variation – Floor Space Ratio Standard prepared by Willowtree Planning (dated 18 August 2025) confirms that the proposal seeks a floor space ratio (FSR) of 1.95:1, representing a 56 percent exceedance above the 1.25:1 FSR permitted under Clause 87(2)(b)(iii) of the State Environmental Planning Policy (Housing) 2021.

Based on the site area of 4,824 m², the maximum permitted gross floor area (GFA) under the Housing SEPP is 6,030 m². The proposal provides a total GFA of 9,408 m², resulting in a non-compliant excess of approximately 3,378 m² of additional floor area beyond what is permitted. These figures relate only to the areas formally included within the GFA calculation and therefore do not reflect the full extent of the built form. They exclude substantial building components such as communal hallways, lift shafts, stairwells, mechanical plant rooms and other service areas which, while not counted toward GFA for the purpose of FSR compliance, nonetheless contribute significantly to the overall bulk, height and visual dominance of the development. When these non-GFA elements are considered, the perceived scale of the building—particularly at the upper levels—is considerably greater than that implied by the numerical exceedance alone.

This amount of excess development cannot be accommodated within the approved building envelopes without substantial modification. Rectifying the breach would require the removal of entire upper levels, including Level 5 of Building A, or major reductions in floorplate dimensions through increased side, rear and front setbacks.

Within this overall exceedance, Level 5 of Building A represents the most visible and identifiable portion of wholly non-compliant floor area. This level contributes approximately 246 m² of additional GFA to the development and sits 3.2 metres higher than Buildings B, C and D. In addition to this measurable floor area, Level 5 accommodates substantial built elements that are excluded from the formal GFA calculation for FSR purposes but that materially contribute to the building's perceived scale. These include the lift shafts and over-run, rooftop AC plant, hot-water plant, communal corridors and staircases. Although not counted as GFA, these structures add significant bulk to the upper portion of Building A, amplifying its dominance when viewed from the adjoining property at 1–3 Larkin Street.



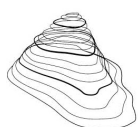
This non-compliance is further highlighted by the calculation of Level 4, which spans Buildings A, B, C and D and contributes an additional 1,034 m² to the total gross floor area. Even if both Levels 5 and 4 were deleted in their entirety, the proposal would still exceed the permissible 6,030 m² GFA by approximately 2,098 m². This demonstrates that the development substantially exceeds the allowable density across multiple levels, not only within the uppermost storey of Building A. The extent of the exceedance confirms that achieving compliance would require more than the removal of the non-compliant fifth level—it would necessitate significant reductions in floorplate size, increased setbacks and a comprehensive redesign of the building envelopes to deliver a development consistent with the intended 1.25:1 FSR and surrounding urban context.

The result is a development with upper massing and a fifth storey that forms the visual apex of the development and introduces a discordant height and massing relationship along the western boundary. The additional level disrupts the consistent roofline of Buildings B, C and D and generates a continuous upper-level wall that appears monolithic from nearby residences. From 1–3 Larkin Street, this uppermost level replaces sky views with solid built form and accentuates the overall sense of enclosure and overshadowing.

Although the Clause 4.6 request claims that the development is “largely compliant with the developable envelope predicated by local built-form controls,” the architectural documentation shows that the excess floor area represented by Level 5 of Building A is the clearest representation of the FSR breach. The introduction of this non-compliant level, combined with the cumulative bulk of uncounted communal, structural and mechanical elements, transforms the building into an over-scaled form inconsistent with the intended density and built-form transition envisaged under the SLEP 2012 and the Housing SEPP.

In numerical terms, the 3,378 m² of additional floor area across the development equates to more than half again the total built form that the planning controls anticipate. Level 5 of Building A alone represents the most visible and intrusive expression of this overdevelopment. Its deletion, together with reduction of upper-level floorplates across other buildings, would be required to bring the proposal back within a compliant envelope and achieve a more balanced scale and character consistent with the locality.

The excess floor area therefore not only creates a planning non-compliance but directly drives the physical impacts on neighbouring properties. The additional height and bulk generated by Level 5 of Building A are responsible for the most significant visual and amenity impacts on the adjoining apartments at 1–3 Larkin Street, including increased overshadowing, loss of sky exposure and obstruction of outlook. These impacts are not an inevitable consequence of redevelopment; they are a direct result of the inclusion of this non-compliant floor area.



3. VIEW LOSS AND VISUAL IMPACT

The Visual Impact Assessment (VIA) prepared by Geoscapes Landscape Architecture (June 2025, Rev A) provides an analysis of the proposal's visual effects from both the public domain and adjoining private receivers, including apartments within 1–3 Larkin Street, Camperdown. The report identifies eight key viewpoints, with Viewpoint 8 specifically addressing private view loss from the upper levels of 1–3 Larkin Street.

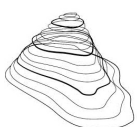
The VIA acknowledges that the proposed development would result in a reduction or loss of existing Sydney CBD and Barangaroo skyline views currently obtained from east-facing apartments within 1–3 Larkin Street. While it notes that the redevelopment will replace the existing car park with new built form and landscaping, the increased building height and depth across the site will nonetheless obstruct portions of the skyline that currently form part of the existing outlook. It concludes that: *“The proposed development would create clearly evident change in view, however this is more applicable to views of longer distance... apartments further south of this location are likely to lose more of the Sydney CBD skyline.”*

Geoscapes applies the *Tenacity Consulting v Warringah Council* [2004] NSWLEC 140 planning principle for view sharing to evaluate private view impacts. Under Step 1, the affected views are identified as long-distance panoramic city views that include Sydney Tower and Barangaroo. The report finds that while the loss to the northernmost apartments is “minor,” those located further south are subject to a greater degree of obstruction.

However, the assessment undertaken in the VIA is insufficient and does not provide an accurate or comprehensive analysis of view loss from the adjoining building. Only a single viewpoint from 1–3 Larkin Street appears to have been assessed (Viewpoint 8), and that viewpoint appears carefully selected to demonstrate the retention of the very tip of Sydney Tower from one limited position. This is misleading, as it does not represent the outlook experienced from the majority of apartments within the building. The photographic evidence and observations from residents confirm that most apartments currently enjoy broader skyline views encompassing Sydney Tower, Barangaroo and the city's central cluster. Under the proposed design, these views will be entirely lost. The VIA therefore fails to capture the full extent of view loss across the property, focusing instead on a single vantage point that understates the true impact.

The conclusions drawn in the VIA also overlook the direct relationship between the non-compliant bulk of the proposal and the severity of the view impacts. The development includes more than two storeys of floor space above the permissible FSR envelope, comprising the entirety of Level 5 of Building A (approximately 246 m²) and the extensive floorplate of Level 4 across Buildings A, B, C and D. These levels, together with the rooftop lift overruns, plant and service areas, form the over-scaled mass that obliterates skyline views from 1–3 Larkin Street.

Under Step 4 of the Tenacity principle, the reasonableness of view loss must be assessed in the context of compliance with planning controls. It is well established that where a development breaches height or FSR controls and those breaches cause the loss of significant or iconic views, the outcome cannot reasonably be considered acceptable. In this case, the development exceeds the permissible FSR by 56 percent, introduces more than two storeys of non-compliant floor space and completely removes Sydney CBD and Barangaroo views for every east-facing apartment within 1–3 Larkin Street.



It is therefore untenable to conclude, as the applicant and consultants have, that the extent of view loss is “reasonable.” The loss is not partial or limited to distant skyline elements—it is total and affects the entire building. The design effectively replaces the city skyline with a wall of non-compliant built form, removing the iconic view of elements of the CBD skyline, including Sydney Tower, altogether for most residents. A development that introduces this level of non-compliance and obliterates established, high-value views cannot satisfy the Tenacity test of reasonableness.

The photomontages at Figures 38a–38c (pages 61–63 of the VIA) further reinforce this point despite the limited information and favourable orientation of the view assessed. The skyline previously visible above the heritage building and car park is entirely replaced by the mass of Building A, including the fifth-storey level and associated rooftop structures. The view corridor to Sydney Tower and Barangaroo is completely blocked from all but a small number of positions.

From the public domain, the VIA identifies Larkin Street Park (Viewpoint 5) and Larkin Street (Viewpoint 6) as the most sensitive locations. The proposed development introduces new bulk immediately behind the existing tree canopy, altering the visual backdrop of the park and increasing perceived enclosure. While the report describes these impacts as “minor,” the photomontages (Figures 35b and 36b) clearly show the new upper-level mass projecting above the treeline, visually dominating the reserve and reducing the openness of the park’s outlook. Furthermore, the extent of the view loss is not accurately represented due to the limited extent of the assessment and the cropped nature of the photomontage which does not portray the upper limits of the proposed development. Despite this, it is evident that the additional height of Level 5 further intensifies this visual dominance, producing a built form that appears unreasonably imposing within its residential and open-space context.

In summary, the proposal fails the test of reasonableness under the Tenacity planning principle. The assessment relied upon by the applicant and consultants is incomplete, selective and based on a single viewpoint that understates the true extent of impact. The development introduces more than two storeys of non-compliant floor space, obliterates iconic skyline views—including Sydney Tower and Barangaroo—for the entirety of the adjoining property, and significantly alters the outlook from the public domain. Such an outcome cannot be considered a reasonable or equitable sharing of views.

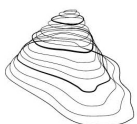
Independent View Loss Assessment

The following assessment is divided into two parts:

1. View loss and view sharing assessment for 1–3 Larkin Street at each level under the Tenacity planning principle.
2. Public domain visual impact assessment under the Rose Bay Marina planning principle.

Private Domain – 1–3 Larkin Street (Tenacity Planning Principle)

The adjoining residential building at 1–3 Larkin Street directly faces the subject site and contains a series of east-facing apartments that presently enjoy varying levels of outlook across the existing low-rise Federation warehouse (Building D) and car park on the subject site. Through the existing vegetation and gaps above the roofline, many apartments benefit from clear panoramic views of the Sydney CBD skyline, including Sydney Tower and the Barangaroo precinct. These city views are highly valued and represent the type of “iconic” outlook that the *Tenacity Consulting v Warringah Council* [2004] NSWLEC 140 planning principle seeks to protect and reasonably share between developments.



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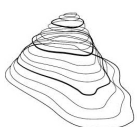
The proposed development, however, introduces a new five-storey building (Building A) along the western boundary of the site, which includes two full levels of floor space above what would be achievable under a compliant 1.25:1 FSR. Building A is also the only structure on the site to include a fifth storey, which sits 3.2 metres higher than the remainder of the development and contains an additional 246 m² of wholly non-compliant floor area. Together with Level 4 (1,034 m² across all buildings), these levels represent the bulk of the 3,377 m² FSR exceedance across the site and are the primary cause of the loss of skyline views from 1–3 Larkin Street.

The fifth storey and associated rooftop plant, lift overruns and service structures extend well above the established roofline of the retained Federation warehouse (Building D) and entirely occupy the existing view corridor to the Sydney CBD skyline. The result is a wall-like built form that removes the sense of sky, depth and relief that currently defines the eastern outlook from the adjoining building. The VIA photomontages (Figures 38a–38c) confirm that Sydney Tower—the most recognisable feature of the existing view—would be completely lost from almost all vantage points within 1–3 Larkin Street.

Despite this, the applicant’s consultants have concluded that the impact is “reasonable.” This conclusion fails to account for the degree of non-compliance driving the view loss and the totality of its effect. It also relies on a single viewpoint (Viewpoint 8) taken from one apartment within 1–3 Larkin Street that appears carefully selected to illustrate the faint retention of Sydney Tower from that specific angle. This approach is unrepresentative and misleading, as the majority of apartments currently enjoy a much broader view of the city skyline that will be completely obstructed by the new upper levels of Building A.

When the Tenacity test is applied correctly—particularly Step 4 regarding compliance and reasonableness—it becomes clear that the development cannot be considered reasonable in any sense. The inclusion of more than two storeys of non-compliant floor space, the obliteration of Sydney Tower and Barangaroo views for the entirety of the adjoining property, and the failure to undertake a proper multi-viewpoint assessment all demonstrate an outcome that fails to achieve equitable view sharing.

The following individual assessments of each level at 1–3 Larkin Street apply the *Tenacity* planning principle to each apartment for which photographic verification has been obtained, documenting the extent of view loss and confirming that the proposed building’s design results in unreasonable and unnecessary impacts on the visual amenity of 1–3 Larkin Street. Due to access constraints, it was not possible to inspect every apartment within the building. Accordingly, this assessment is based on site visits and photographs obtained from a representative selection of apartments across several levels. These vantage points provide a reliable basis for assessing the nature and extent of view loss, given the consistent orientation and design of the eastern façade. The photographs and observations obtained demonstrate the range of impacts likely to be experienced throughout the building, allowing for an accurate and proportionate assessment of the overall visual effect on 1–3 Larkin Street.



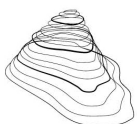
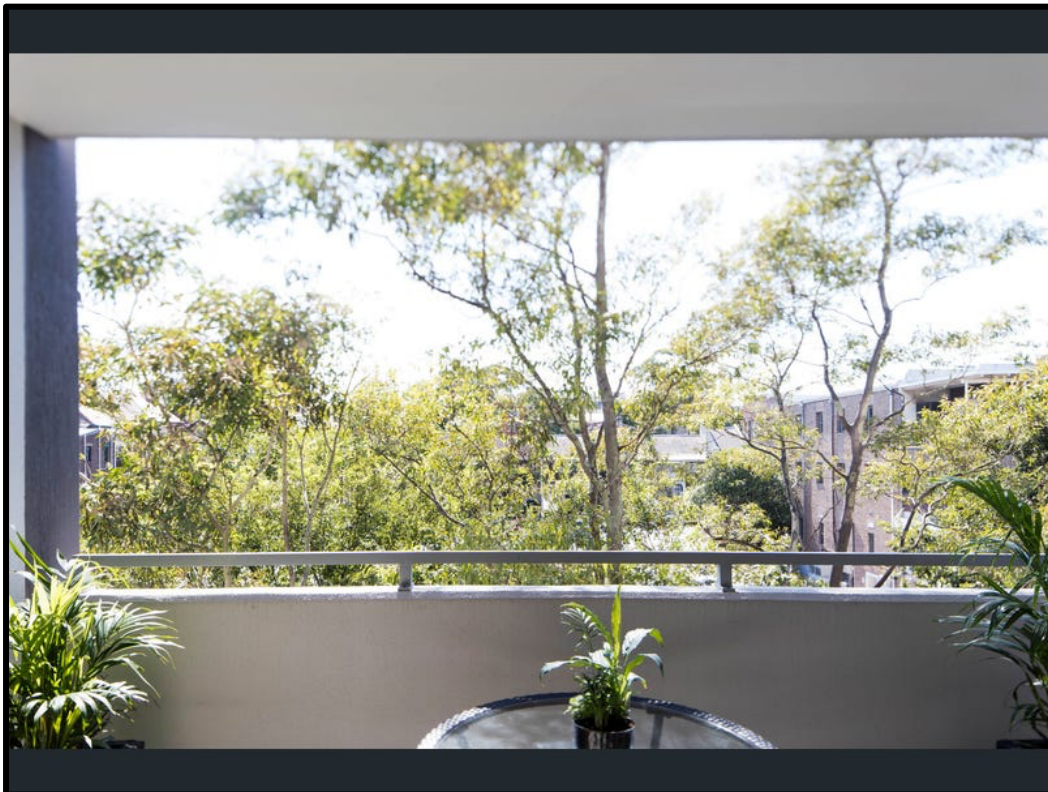
Individual Unit Assessment within 1-3 Larking Street

LEVEL 2

Unit 208 (Lot 32), 1–3 Larkin Street, Camperdown



Unit 211 (Lot 35), 1–3 Larkin Street, Camperdown



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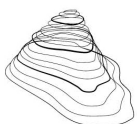
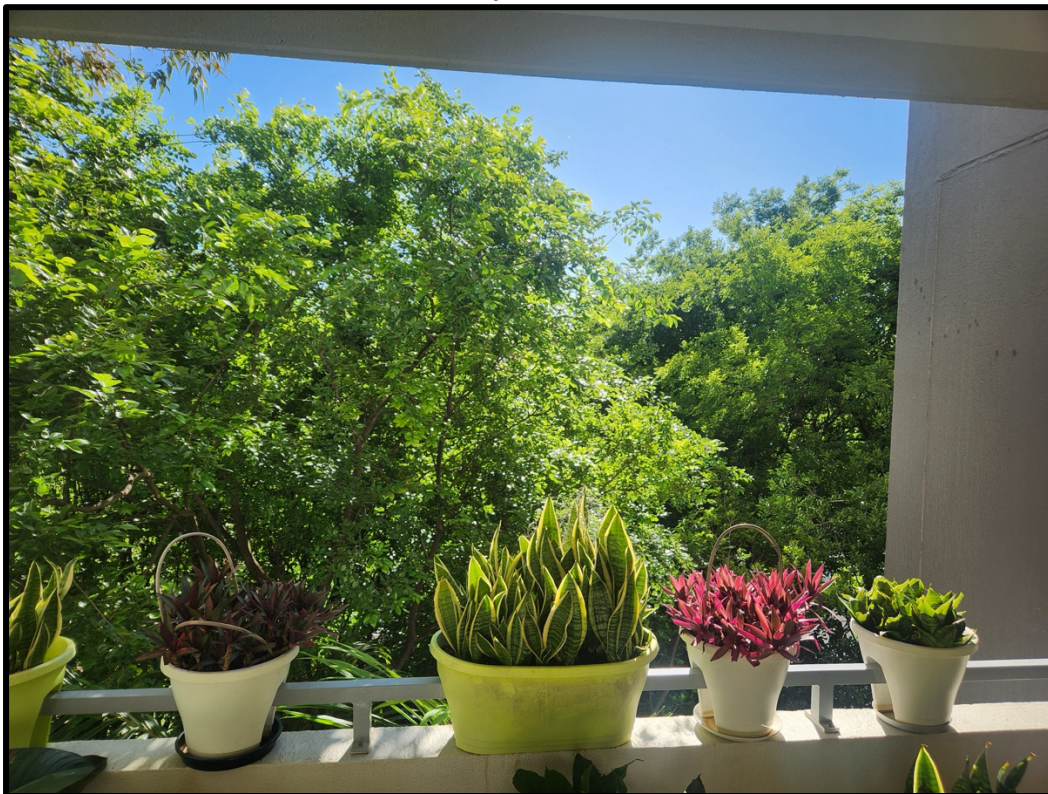
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Unit 213 (Lot 37), 1–3 Larkin Street, Camperdown



Unit 214 (Lot 38), 1–3 Larkin Street, Camperdown



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Level 2 – Apartments 208 (Lot 32), 211 (Lot 35), 213 (Lot 37) and 214 (Lot 38), 1–3 Larkin Street, Camperdown

Step 1 – Views to be Affected

Photographs and accompanying documentation confirm that the Level 2 apartments at 1–3 Larkin Street are oriented east, facing directly toward the subject site at 2–32 Junction Street, Forest Lodge. The existing outlook consists of dense tree canopy, filtered sky, and glimpses of mid-distance development along Junction Street. These elements combine to provide an attractive vegetated outlook, a sense of openness, and valuable natural daylight for the second-level apartments. It is acknowledged that the maintenance of distant skyline views from this level would be difficult under any redevelopment scenario, given the relative height difference between the properties and the existing vegetation. However, the proposed design introduces a degree of bulk and height far greater than what would occur under a compliant scheme. The new five-storey Building A, including the wholly non-compliant Level 5 and enlarged Level 4, will extend well above the current roofline and canopy height, removing all filtered sky views and replacing the existing outlook with solid built form.

Step 2 – From Where Are the Views Obtained

Views are obtained from the main living areas and adjoining balconies of each apartment, which face directly east toward the subject site. These are high-sensitivity viewing locations under the *Tenacity Consulting v Warringah Council* [2004] NSWLEC 140 planning principle, as they are the primary spaces from which residents experience light, ventilation and visual amenity.

Step 3 – Extent of Impact

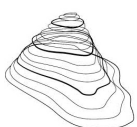
Although some reduction in outlook would be expected given the second-level position, the proposed scale and non-compliant massing significantly amplify the impact beyond what is reasonable. The addition of two full levels of non-compliant floor space, particularly the fifth storey and rooftop structures, fills the entire vertical and horizontal extent of the current outlook. For Units 208 and 211, the proposal removes all filtered sky and replaces it with a wall of building mass. Unit 213, which currently enjoys a heavily vegetated outlook, will lose the existing balance of greenery and sky once the boundary trees identified for removal are cleared and replaced by the visible façade of Building A. Unit 214, which presently benefits from strong daylight and a landscaped outlook, will experience a marked loss of openness as the building rises above the canopy line and occupies the entire skyline view corridor.

The impact across Level 2 is therefore assessed as severe, as the cumulative effect of the additional height, bulk and tree removal produces a complete loss of sky and daylight exposure to the east-facing apartments.

Step 4 – Reasonableness of the Proposal

While it is accepted that some view loss from the second level would occur with any redevelopment, the current proposal represents an unreasonable and avoidable intensification of that impact. The design exceeds the permissible 1.25:1 FSR by 56 percent, introducing more than two storeys of non-compliant floor space and elevating the built form well beyond the expected scale for the locality. These breaches, rather than the redevelopment itself, are the direct cause of the total obstruction of outlook for the second-level apartments.

A compliant 1.25:1 scheme would achieve a lower and more articulated form, preserving at least partial tree canopy and filtered sky exposure and avoiding the overwhelming enclosure now proposed. The excessive massing of Building A therefore fails the reasonableness test in the *Tenacity*



principle, as it produces a level of view loss far greater than what could be justified by a compliant redevelopment.

Conclusion for Level 2 Apartments

Although the retention of skyline views from Level 2 would be inherently difficult, the excessive bulk and height of the proposed design transform what could have been a modest and expected change into an unreasonable and severe impact. The non-compliant Levels 4 and 5 of Building A eliminate all filtered greenery, sky exposure and distant outlook, replacing a naturally vegetated and open aspect with a continuous wall of built form. Applying the *Tenacity* planning principle, the view loss for Level 2—comprising Apartments 208, 211, 213 and 214—is categorised as severe and unreasonable, as the breaches in height and floor space ratio substantially amplify the impacts that would otherwise have been limited under a compliant scheme.

LEVEL 3

Level 3 – Apartment 301 (Lot 49), 1–3 Larkin Street, Camperdown



Step 1 – Views to be Affected

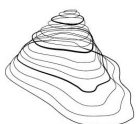
Photographs and supporting correspondence confirm that the outlook from Apartment 301 (Lot 49) is directed east across the subject site at 2–32 Junction Street, Forest Lodge. The viewing plane from this apartment sits just below the roofline of the existing brick commercial building; however, the resident presently obtains clear, elevated glimpses of the Sydney CBD skyline through openings above and around the warehouse and through gaps in the vegetation. These elements form a valued part of the overall outlook, together with heritage rooftops and mature trees in the mid-ground.

Step 2 – From Where Are the Views Obtained

The views are obtained from the apartment’s main living area and adjoining balcony, both oriented east toward the subject site. These are primary habitable spaces and therefore considered high-sensitivity locations under the *Tenacity* planning principle. The photographs confirm that the outlook is integral to the living area, visible through full-height glazing and directly accessed from the balcony.

Step 3 – Extent of Impact

The proposed development will result in the complete loss of the Sydney CBD skyline glimpses and the existing sense of openness. Building A’s additional bulk—particularly the wholly non-compliant



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Level 5 and enlarged Level 4—will occupy the vertical view corridor that currently allows those skyline elements to be seen around and above the warehouse. The change converts a partially filtered skyline view into one dominated by a continuous built form, eliminating the horizon and significantly increasing enclosure. The impact is assessed as severe.

Step 4 – Reasonableness of the Proposal

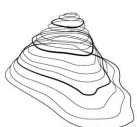
The proposal exceeds the permissible 1.25:1 FSR by 56 percent, creating more than two storeys of non-compliant floor space. It is that additional bulk and height—especially Level 5 of Building A—that directly causes the total obstruction of the skyline from Apartment 301. A compliant 1.25:1 FSR scheme could retain at least partial skyline visibility through upper-level modulation or setback. On that basis, the outcome cannot be considered reasonable under the Tenacity planning principle.

Conclusion for Apartment 301 (Lot 49)

Apartment 301 currently enjoys valued, CBD skyline elements and around the existing vegetation. The non-compliant height and floor space ratio will eliminate these views entirely, replacing them with a dominant five-storey façade. Applying the Tenacity planning principle, the view loss for Apartment 301 is categorised as severe and unreasonable, producing a substantial and unjustified reduction in residential amenity.

LEVEL 4

Level 4 – Apartment 406 (Lot 63), 1–3 Larkin Street, Camperdown



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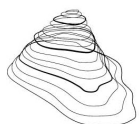
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Level 4 – Apartment 414 (Lot 71), 1–3 Larkin Street, Camperdown



Level 4 – Apartment 419 (Lot 76), 1–3 Larkin Street, Camperdown



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Level 4 – Apartment 423 (Lot 80), 1–3 Larkin Street, Camperdown



Level 4 – Apartments 406 (Lot 63), 414 (Lot 71), 419 (Lot 76) and 423 (Lot 80), 1–3 Larkin Street, Camperdown

Step 1 – Views to be Affected

Photographs and accompanying documentation confirm that the Level 4 apartments at 1–3 Larkin Street are oriented east, facing directly toward the subject site at 2–32 Junction Street, Forest Lodge. At this height the existing outlook sits around or above the roofline of the existing brick commercial building and includes clear long-distance glimpses of the Sydney CBD skyline visible through and above the tree canopy, together with heritage rooftops in the mid-ground. These are high-value views in Tenacity terms because they include identifiable city towers and a broad skyline that provides depth and visual relief.

The proposed design introduces a degree of bulk and height far greater than would occur under a compliant scheme. The new five-storey Building A, including the wholly non-compliant Level 5 and enlarged Level 4, extends significantly above the current roofline and canopy height and will occupy the skyline corridor presently visible from Level 4.

Step 2 – From Where Are the Views Obtained

Views are obtained from the main living areas and adjoining balconies of each apartment, which face directly east toward the subject site. These are high-sensitivity viewing locations under the Tenacity Consulting v Warringah Council [2004] NSWLEC 140 planning principle, as they are the primary spaces from which residents experience light, outlook and ventilation.

Step 3 – Extent of Impact

Given the elevated position of Level 4, the proposal's additional upper-level mass will displace the skyline and horizon that are currently visible above and around Building D. The introduction of two upper levels of non-compliant floor space—particularly the fifth storey and rooftop structures—fills



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the vertical and horizontal extent of the skyline view corridor and substantially increases perceived enclosure.

For Unit 406 (Lot 63), the existing outlook sits above Building D with clear skyline elements visible through and over the canopy. The additional bulk of Levels 4 and 5 will remove the skyline entirely and replace it with a continuous upper-level façade.

For Unit 414 (Lot 71), the viewing plane is at or slightly above the roofline of Building D with multiple city tower forms discernible. The proposal will occupy that corridor and eliminate the visible towers and open horizon.

For Unit 419 (Lot 76), the viewing plane is around and locally above the roofline of Building D with clear long-distance glimpses of the skyline. Those skyline glimpses will be lost and replaced by the mass of Building A.

For Unit 423 (Lot 80), the viewing plane is around the roofline of Building D with skyline towers visible through gaps in the canopy. The proposal will close those gaps and remove the skyline, eroding depth and the sense of openness.

The impact across Level 4 is therefore assessed as severe, as the cumulative effect of the additional height and bulk produces the complete loss of skyline and horizon to the east-facing apartments.

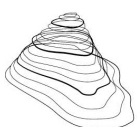
Step 4 – Reasonableness of the Proposal

While some change would be expected from any redevelopment, the current proposal represents an unreasonable and avoidable intensification of that impact. The design exceeds the permissible 1.25:1 FSR by 56 percent, introducing more than two storeys of non-compliant floor space and elevating the built form well beyond the expected scale for the locality. These breaches, rather than redevelopment per se, are the direct cause of the obstruction of skyline views for the Level 4 apartments.

A compliant 1.25:1 scheme would achieve a lower and more articulated form, preserving at least partial skyline visibility through upper-level stepping or recession and avoiding the wall-like enclosure now proposed. The excessive massing of Building A therefore fails the reasonableness test in the Tenacity principle.

Conclusion for Level 4 Apartments

The Level 4 apartments presently enjoy valued skyline glimpses above and around Building D, together with an open sky that provides visual relief. The proposal's non-compliant Levels 4 and 5 would eliminate these skyline views and substitute a dominant five-storey façade, substantially increasing enclosure. Applying the Tenacity planning principle, the view loss for Level 4—comprising Apartments 406, 414, 419 and 423—is categorised as severe and unreasonable, as the breaches in height and floor space ratio drive impacts far greater than would occur under a compliant redevelopment.

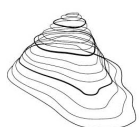


LEVEL 6

Unit 602 (Lot 83), 1–3 Larkin Street, Camperdown



Unit 604 (Lot 85), 1–3 Larkin Street, Camperdown



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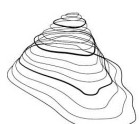
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Unit 606 (Lot 87), 1–3 Larkin Street, Camperdown



Unit 621 (Lot 102), 1–3 Larkin Street, Camperdown



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Level 6 – Apartments 602 (Lot 83), 604, 606 and 621, 1–3 Larkin Street, Camperdown

Step 1 – Views to be Affected

Photographs and accompanying documentation confirm that the Level 6 apartments at 1–3 Larkin Street are oriented east, facing directly toward the subject site at 2–32 Junction Street, Forest Lodge. At this height the viewing plane is clearly above the roofline of the existing brick commercial building (Building D – the retained Federation-era warehouse fronting Junction Street) and captures broad, long-distance views of the Sydney CBD skyline (including Sydney Tower and multiple Barangaroo/CBD tower forms) across a wide field of view, together with heritage rooftops in the mid-ground. These are high-value, iconic skyline views in Tenacity terms that provide strong visual relief, openness and daylight.

Step 2 – From Where Are the Views Obtained

Views are obtained from the main living areas and adjoining balconies of each apartment, which face directly east toward the subject site. These are high-sensitivity viewing locations under the Tenacity Consulting v Warringah Council [2004] NSWLEC 140 planning principle, as they are the primary spaces from which residents experience light, ventilation and visual amenity. For Unit 602 (Lot 83), the photographs show an unobstructed, panoramic skyline outlook directly framed by full-height living-room glazing and from the balcony.

Step 3 – Extent of Impact

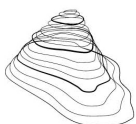
Given the elevated position of Level 6, the proposed upper-level mass of Building A—comprising an enlarged Level 4 and a wholly non-compliant Level 5—will occupy the skyline corridor that is presently visible above and around Building D, removing the horizon and iconic skyline elements and replacing them with a continuous wall of built form. This substantially increases enclosure and erodes the sense of depth in the outlook.

Step 4 – Reasonableness of the Proposal

While some change would be expected from any redevelopment of the subject site, the current proposal represents an unreasonable and avoidable intensification of that impact. The design exceeds the permissible 1.25:1 floor space ratio by 56 percent, introducing more than two storeys of non-compliant floor space and elevating the built form well beyond the expected scale for the locality. These breaches are the direct cause of the obstruction of skyline views for the Level 6 apartments. A compliant 1.25:1 scheme could achieve reduced upper levels and more articulated form, preserving at least partial skyline visibility through upper-level stepping or recession and avoiding the wall-like enclosure now proposed.

Conclusion for Level 6

Level 6 presently enjoys broad, iconic skyline views above and around Building D. The non-compliant Levels 4 and 5 of Building A would eliminate these skyline views and substitute a dominant five-storey façade, producing a substantial and unjustified reduction in residential amenity. Applying the Tenacity planning principle, the impact for Unit 602 (Lot 83) is categorised as severe and unreasonable. Once photographs for Units 604, 606, 619 and 621 are provided, matching apartment-specific paragraphs will be added in this same format.



Public Domain – Visual Impact (Rose Bay Planning Principle)

The Rose Bay Marina Pty Ltd v Woollahra Municipal Council [2013] NSWLEC 1046 planning principle provides a framework for assessing the acceptability of a development's impact on views from the public domain. This approach considers the nature of the existing views, the extent of obstruction, the intensity of public use, and whether the remaining view continues to allow appreciation of important visual features.

The VIA identifies Larkin Street Park (Viewpoint 5) and Larkin Street itself (Viewpoint 6) as the principal public locations affected by the development. Both spaces are used frequently by residents and visitors for recreation and pedestrian movement.

Nature of Existing Views

The baseline condition includes open views from Larkin Street Park and the adjoining footpath towards the tree canopy and open sky above the subject site. The existing three-storey warehouse presents as a low, recessive form largely screened by mature trees. The park currently retains a strong sense of openness and visual connection with the sky.

Extent of Obstruction

The proposed development introduces a five-storey built form with rooftop elements that extend significantly above the existing canopy. The photomontages in Figures 35b and 36b of the VIA show that the upper levels of Buildings A and B will appear prominently above the treetops, closing in the park and reducing the visible sky area. This results in a more enclosed and overshadowed visual character for Larkin Street Park and diminishes the sense of openness when viewed from adjoining streets and pathways.

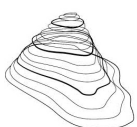
Intensity of Public Use

Larkin Street Park and its adjoining pedestrian network form a well-used local recreation space within a high-density residential area. The park's visibility and accessibility make it a significant visual amenity for both residents and the broader community. Impacts to its perceived openness are therefore considered meaningful in public domain terms.

Ability to Appreciate the Remaining View

Following development, the capacity to appreciate the skyline above the park will be reduced. The upper-level mass will dominate the backdrop of the reserve, particularly when viewed from the southern end of Larkin Street and from within the park itself. While the VIA characterises these effects as "minor," the photomontages show a clear alteration to the skyline and a noticeable reduction in visual permeability consistent with the type of impact identified in the Rose Bay principle as warranting mitigation.

Accordingly, the proposed FSR and upper-level form create cumulative view and visual amenity impacts that extend beyond private dwellings to the broader public domain. The resulting visual outcome cannot be regarded as consistent with the principle of reasonable view sharing established in Tenacity Consulting v Warringah Council [2004] NSWLEC 140, or the guidance for assessing public domain view impacts set out in Rose Bay Marina Pty Ltd v Woollahra Municipal Council [2013] NSWLEC 1046, which emphasises the need to maintain visual permeability and avoid domination of skyline views from public open spaces.



4. SOLAR ACCESS AND OVERSHADOWING

The SEARs requirements for the project require the EIS to include a solar access analysis of overshadowing impacts within the site, on surrounding properties and on public spaces during both summer and winter, at hourly intervals between 9.00 am and 3.00 pm. The SEARs also require this assessment to compare the existing situation with a compliant development to clearly illustrate the additional impacts of the proposed design.

The architectural plans prepared by WMK Architecture include plan-view shadow diagrams at 9.00 am, 12.00 pm and 3.00 pm for the winter solstice (21 June). However, the diagrams provided are limited and do not include any elevation-based or sectional analysis. This makes it difficult to understand the vertical reach and intensity of overshadowing, particularly in relation to the upper levels of the proposed development. The documentation also does not include the compliant-versus-proposed comparison required under SEARs Item 5.

The omission of elevation-based shadow analysis prevents a clear understanding of how the excessive upper-level massing associated with the non-compliant 1.95:1 FSR intensifies overshadowing to adjoining properties and the public domain. The development exceeds the scale and building envelopes anticipated under the Sydney LEP 2012 and Sydney DCP 2012, and the addition of more than 3,300 m² of extra floor area—particularly the wholly non-compliant Level 5 of Building A—substantially increases shadow lengths and density. This bulk sits 3.2 m higher than Buildings B, C and D and contains large plant rooms, lift overruns, corridors, and service areas that, although excluded from the gross floor area calculation, materially enlarge the built volume and therefore the extent of overshadowing across neighbouring properties.

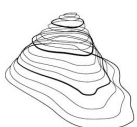
The most sensitive receivers of overshadowing include:

- Larkin Street Park and the adjoining publicly accessible landscaped areas to the west of the site.
- East-facing apartments within 1–3 Larkin Street, which rely on morning sunlight for their primary living areas and balconies.
- The two-storey terrace dwellings along the eastern side of Junction Street, which are exposed to afternoon shadowing from the proposed development.

A review of the available plan-based diagrams indicates that new shadowing will occur across Larkin Street Park and the lower façades of 1–3 Larkin Street from approximately 9.00 am to 12.00 pm in mid-winter. Additional overshadowing of Junction Street properties occurs from approximately 2.00 pm to 3.00 pm. These impacts appear to exceed those that would result from a compliant 1.25:1 FSR building envelope.

There is no evidence in the EIS to confirm that the minimum solar access provisions for adjoining residential properties have been achieved in accordance with the City of Sydney Development Control Plan 2012. Specifically, there is no verification that:

- At least 50 percent of the principal private open space and living room windows of adjoining residential dwellings receive a minimum of three hours of sunlight between 9.00 am and 3.00 pm at the winter solstice; and
- A minimum of 75 percent of Larkin Street Park receives at least three hours of direct sunlight between 9.00 am and 3.00 pm mid-winter.



To accurately assess the overshadowing impacts and ensure compliance with SEARs Item 5, further shadow modelling should be provided in elevation form. Elevation and sectional diagrams should illustrate shadow extent and height across:

- The western elevation of the proposed development, showing the impact on 1–3 Larkin Street.
- The eastern elevation, showing the impact on the Junction Street terraces.
- The southern elevation, illustrating shadow progression across Larkin Street Park and the adjoining pedestrian areas.

Each elevation should be provided at 9.00 am, 12.00 pm and 3.00 pm for both the existing built form and the proposed development, with an additional set prepared for a compliant 1.25:1 FSR scenario. This will provide a clear and measurable comparison of shadow extent, intensity, and duration.

Requests and Recommended Amendments

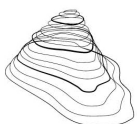
- Provide additional shadow diagrams in elevation and sectional form for 9.00 am, 12.00 pm and 3.00 pm at both the winter solstice and spring/autumn equinox.
- Include a direct comparison between the existing condition, a compliant 1.25:1 FSR scheme, and the proposed 1.95:1 development.
- Quantify the percentage of sunlight lost to Larkin Street Park, adjoining dwellings at 1–3 Larkin Street, and the terrace houses along Junction Street.
- Demonstrate compliance with the minimum three-hour solar access requirement for neighbouring private open space and living room windows.
- Provide section-based solar path diagrams showing the vertical angle and reach of winter shadows across Larkin Street Park and adjacent residential façades.
- Revise the upper-level design and overall massing to reduce excessive overshadowing and ensure a reasonable distribution of sunlight to surrounding residential and public areas.

5. Amenity Impacts (Privacy, Noise, Intensification)

It is acknowledged that any redevelopment of the subject site for seniors living purposes will generate some degree of operational and visual impact on neighbouring properties. However, the scale of these impacts increases directly with the intensity of the proposed development. The additional bulk and density resulting from the non-compliant 1.95:1 FSR accentuate issues of noise, privacy and general amenity for adjoining residents, particularly those within 1–3 Larkin Street.

The proposed loading and service dock is located along the Larkin Street frontage, immediately adjoining residential apartments. The Transport Impact Assessment confirms that the service area will accommodate Council waste vehicles, delivery vans and maintenance vehicles entering via a turntable arrangement. These vehicle movements, along with associated reversing alarms, waste collection and delivery operations, will contribute to recurrent noise events and vehicle vibration along a narrow residential street that currently experiences low traffic volumes.

In addition to noise impacts, the increased building height and expanded upper-level footprint introduce direct visual overlooking into east-facing living rooms and balconies of 1–3 Larkin Street. The proposed window and balcony alignment of Building A, in combination with the reduced setbacks, provides insufficient separation to maintain visual privacy between residential dwellings. The extent of overlooking is significantly greater than would occur under a compliant 1.25:1 FSR form, where upper levels could be stepped back or recessed to improve privacy outcomes.



The cumulative effect of increased operational activity, elevated building mass and reduced separation distances represents an unreasonable intensification of land use in a sensitive residential context. While a certain level of amenity impact is expected with any redevelopment of this site, the additional floor area and height sought under the current proposal exacerbate these effects beyond an acceptable threshold.

6. Engagement and Verification

The Engagement Report prepared by Willowtree Communications (Appendix 38 of the EIS) outlines the applicant's consultation activities prior to lodgement. While the report lists general community engagement measures such as newsletters, email updates and a drop-in session, there is no evidence of any direct, apartment-specific consultation with residents of 1–3 Larkin Street, despite their property being immediately adjoining and most directly affected by the proposal.

Residents of 1–3 Larkin Street have expressed concern in their individual submissions regarding the lack of meaningful consultation by the applicant and the failure to seek access to their apartments to assess the extent of potential view loss. No formal request for on-site verification, photographic documentation or modelling from within these dwellings was made by the proponent or its consultants. As a result, the visual impact and view loss analysis prepared for the EIS relied entirely on remote modelling and drone photography rather than verified site-based assessment.

Given that the apartments at 1–3 Larkin Street are the primary private receivers of visual and amenity impacts, the absence of direct engagement represents a significant shortcoming in the consultation process. Future revisions to the proposal should include genuine engagement with affected residents and on-site verification of view and privacy impacts to ensure that the assessment accurately reflects real-world conditions and community experience.

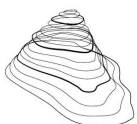
CONCLUSION

The review of the EIS and supporting documentation demonstrates that the proposed development at 2–32 Junction Street, Forest Lodge departs significantly from the outcomes anticipated under the Sydney Local Environmental Plan 2012 and the State Environmental Planning Policy (Housing) 2021. The combined exceedances in floor space ratio, building height and overall intensity of use result in a development that generates unacceptable impacts on neighbouring properties and the surrounding public domain.

While redevelopment of the site for a seniors living facility is an appropriate use in principle, the current proposal in its non-compliant form produces avoidable and compounding impacts. These include increased building bulk and scale, greater overshadowing and view loss to adjoining residences, reduced visual and acoustic amenity along Larkin Street, and insufficient on-site parking relative to the proposed intensity of use. Each of these impacts could be materially reduced through a design that complies with the 1.25:1 FSR permitted under the Housing SEPP and incorporates appropriate setbacks and articulation to moderate its relationship with neighbouring development.

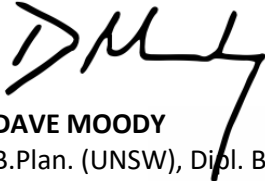
It is also evident that the assessment process has been hindered by a lack of direct engagement with the most affected property at 1–3 Larkin Street. No verified data or site-based assessment of view loss, privacy or overshadowing has been undertaken from within these dwellings, leaving key conclusions of the EIS unsubstantiated.

For these reasons, it is submitted that the proposal, in its current form, should not be supported. Any approval should be contingent upon substantial design amendments to achieve compliance with



the applicable planning controls, to reduce visual and acoustic impacts, and to ensure that the development sits appropriately within its residential and open-space context.

Regards



DAVE MOODY

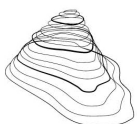
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