

Department of Planning, Housing and Infrastructure

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Opal St Ives Seniors Living

State Significant Development Assessment Report (SSD 48028209)

June 2025





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The Department of Planning, Housing and Infrastructure acknowledges that it stands on Aboriginal land. We acknowledge the Traditional Custodians of the land and show our respect for Elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

Published by NSW Department of Planning and Environment

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Published: June 2025

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Preface

This assessment report provides a record of the Department of Planning, Housing and Infrastructure's (the Department) assessment and evaluation of the State significant development (SSD) application for the Opal St Ives Seniors Living Development located at 285-289 Mona Vale Road and 1 Flinders Avenue, St Ives, lodged by Opal Healthcare.

The report includes:

- an explanation of why the project is considered SSD and who the consent authority is
- an assessment of the project against government policy and statutory requirements, including mandatory considerations
- a demonstration of how matters raised by the community and other stakeholders have been considered
- an explanation of any changes made to the project during the assessment process
- an assessment of the likely environmental, social and economic impacts of the project
- an evaluation which weighs up the likely impacts and benefits of the project, having regard to the proposed mitigations, offsets, community views and expert advice; and provides a view on whether the impacts are on balance, acceptable
- an opinion on whether the project is approvable or not, along with the reasons, to assist the Independent Planning Commission in making an informed decision about whether development consent for the project can be granted and any conditions that should be imposed.

Executive Summary

This report details the Department of Planning, Housing and Infrastructure's (the Department) assessment of the State significant development (SSD) application for the Opal St Ives Seniors Living development (SSD 48028209).

Opal Healthcare (the Applicant) proposes to construct a two to three storey residential care facility development at 285, 287, 287A, 289 Mona Vale Road and 1 Flinders Avenue, St Ives in the Ku-ring-gai local government area.

The proposal has an estimated development cost (EDC) of \$79,639,428 and is expected to generate 300 construction jobs and 120 operational jobs.

The project is classified as State significant development (SSD) under section 4.36 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) because the development is for the purpose of seniors housing and satisfies the criteria under schedule 1 section 28 of the *State Environmental Planning Policy (Planning Systems) 2021* (Planning Systems SEPP).

The Department publicly exhibited the Environmental Impact Statement (EIS) from 28 May 2024 until 24 June 2024. During the exhibition period, the Department received:

- 12 public submissions (two submissions from special interest groups, 10 submissions from individuals)
- advice from nine government agencies
- an objection from Council

The Independent Planning Commission (IPC) is the consent authority for the project under section 4.5(a) of the EP&A Act and section 2.7(1) of the Planning Systems SEPP, as Council objected to the proposal.

Key issues raised during the exhibition period included building height, bulk and scale, overshadowing, visual and acoustic privacy impacts, traffic and compatibility with the character of the area. The Department has considered these issues as part of its assessment.

The Applicant submitted a Response to Submissions (RtS) report on 25 November 2024 and additional information to address the issues raised by the Department, Council, government agencies and public submissions. A key refinement to the proposal included increased setbacks across some of the site's boundaries to improve privacy, solar access and reduce overshadowing to neighbouring properties. The Department has considered the Applicant's response to the concerns raised in its assessment in **Section 5**.

The Department has considered the merits of the proposal in accordance with the relevant matters under section 4.15(1) of the EP&A Act, the issues raised in the submissions, the applicant's response and additional information.

The Department's assessment concludes that the proposal is acceptable as it:

- supports State government priorities to deliver diverse housing as it will enable the deliver a 148-bed residential care facility to meet the changing needs of an ageing population and creates opportunities for older people to continue living in their community
- is permissible with consent and is compatible with the existing, adjoining, and surrounding land uses, which are predominantly residential in nature
- provides a bulk and scale which is compatible with the character of the area and establishes an appropriate built-form relationship to the adjoining development
- does not result in any unreasonable overshadowing, view or privacy impacts on adjoining development or the public domain
- will achieve a high level of amenity for future residents generally consistent with the principles and design criteria of the Seniors Housing Design Guide 2023 and the Housing SEPP for residential care facilities
- would deliver public benefits including the creation of 300 construction jobs and 120 operational jobs.

The Department has recommended conditions to appropriately address any remaining issues.

The Department considers the project to be in the public interest and concludes that the project is approvable, subject to conditions.

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1 Introduction

1.1 The proposal

1. Opal Healthcare (the Applicant) seeks approval for the demolition of existing structures and construction of a two to three storey residential aged care facility with ancillary services and basement parking at 285, 287, 287A, 289 Mona Vale Road and 1 Flinders Avenue, St Ives.
2. The project description and mitigation measures described in the environmental impact statement (EIS) are the subject of this report and will form part of the development consent if the project is approved.
3. An overview of the proposal is provided in **Section 2**.

1.2 Project location

The subject site is shown in **Figure 1** to **Figure 4** and further project details are described in **Table 1**.



Figure 1 | Local context map



Figure 2 | Aerial view of site outlined red

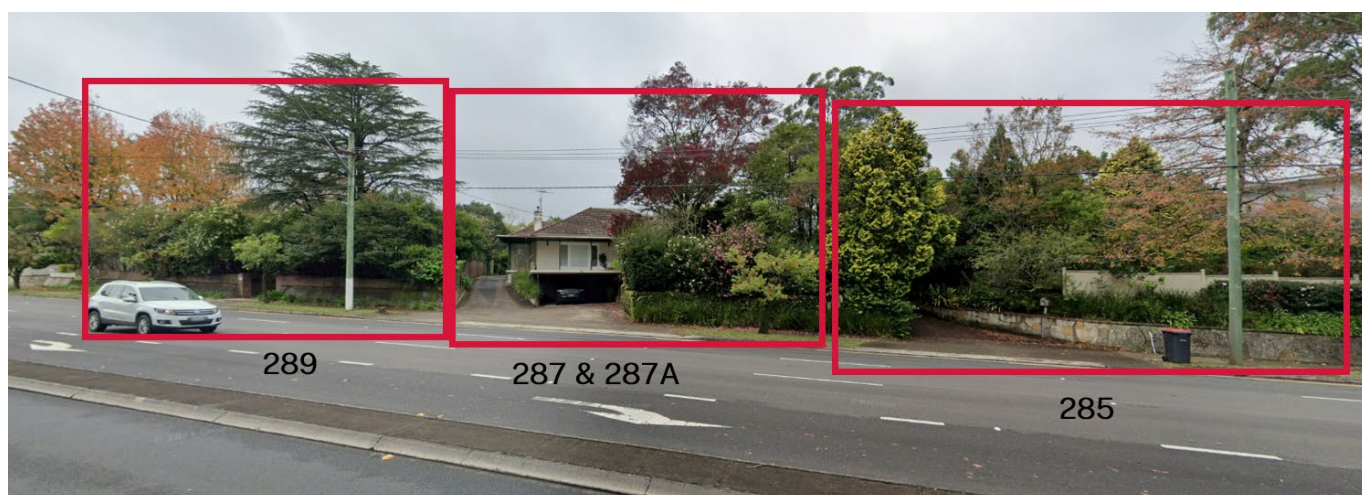


Figure 3 | Existing view of the site from Monna Vale Road



Figure 4 | Existing view of 1 Flinders Avenue

Table 1 | Key aspects of the project site

Aspect	Description
Address	285-289 Mona Vale Road and 1 Flinders Avenue, St Ives
Local Government Area (LGA)	Ku-ring-gai
Legal description	Lot 3 DP 29593, Lot 1 DP 1040841, Lot 2 DP 1040841, Lot 3 DP 527824, Lot 1 DP 783818
Site area	9,324m ²
Existing development	The site currently contains five allotments each with one to two storey detached dwellings.

Aspect	Description
Surrounding roads	Mona Vale Road to the west of the site and Flinders Avenue to the east of the site.
Topography	The site slopes from Mona Vale Road down to Flinders Avenue (towards the south-east) with elevations ranging from 156-164m AHD.
Existing access	Existing site access is off Mona Vale Road and Flinders Avenue.
Public transport	Multiple bus stops located within 400m of the site which connect the site to Gordon Station, Sydney CBD, Macquarie University, Hornsby Train Station and North Turramurra.
Heritage	The subject site does not contain any heritage items nor is located within a heritage conservation area.
Flooding	The site is not flood prone and not identified on Council's Flood Planning Area Map.
Soil and water	The site is not affected by acid sulfate soils.
Easements or covenants	Four easements and three covenants are registered in relation to the prior land uses on site.
Surrounding development	The surrounding area is generally characterised by low density residential development. The St Ives Shopping Village is approximately 800m from the site and there are multiple seniors living developments surrounding the site including 97 Killeaton Street, St Ives and 120 Killeaton Street, St Ives both within 350m of the site.

2 Proposal

2.1 Proposal overview

4. The key aspects of the proposal are provided in detail in the EIS (see **Appendix A**). A summary of the proposal is provided in **Table 2** below.

Table 2 | Key aspects of the proposal

Aspect	Description
Use	<ul style="list-style-type: none"> residential care facility (RCF) with 148 beds onsite ancillary services including café, hair salon and wellness centre which includes a gym and health consulting rooms
Site preparation	<ul style="list-style-type: none"> demolition of existing dwellings bulk earthworks, excavation and site remediation
Gross floor area / floor space ratio	9,021m ² / 0.97:1
Building height	9.5m and up to 11.5m for mechanical plant and services (two to three storeys)
Parking and access	Two levels of basement providing: <ul style="list-style-type: none"> 42 spaces four bicycle spaces three motorbike spaces one minibus space ambulance bay.
Communal open space	2,341m ² including outdoor communal courtyards and internal dining and lounge areas
Landscaping	<ul style="list-style-type: none"> landscaping: 4,447m² deep soil: 1,704m² removal of 96 trees from the site and replanting of 67 trees
EDC	\$79,639,428

Aspect	Description
Employment	300 construction jobs and 120 operation jobs
Hours of operation	RCF: 24 hours Café: 7 days a week - 8:30am to 4pm Wellness centre including the gym and health consulting rooms: Monday to Friday 8:30am to 5:30pm
Staging	Single stage construction commencing 2025

2.2 Physical layout and design

5. The physical layout and design of the proposed development are shown in **Figure 5** to **Figure 7**.



Figure 5 | Site layout plan

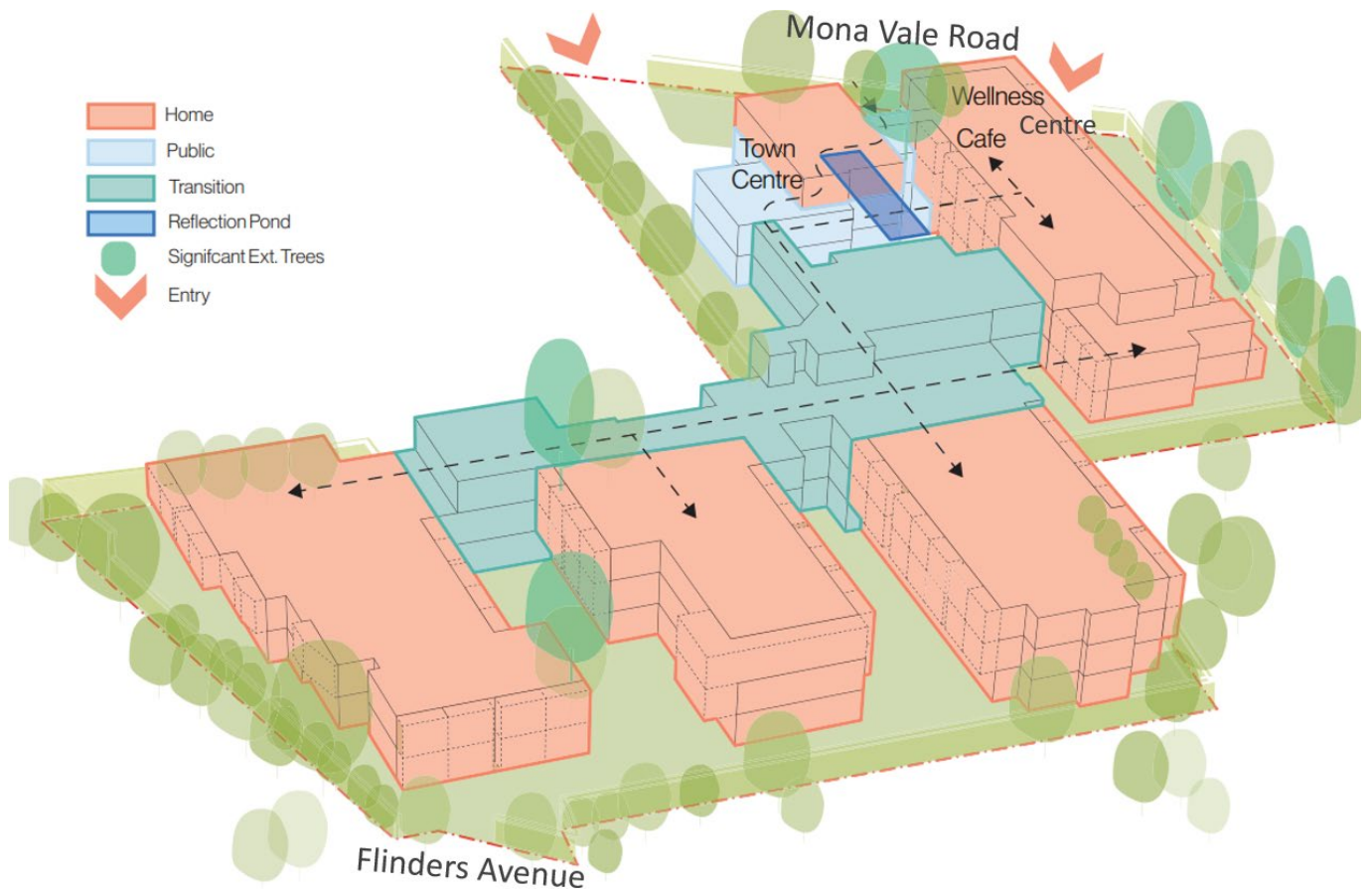


Figure 6 | Proposed building massing (Source: Applicant's EIS)



Figure 7 | Photomontage of the site viewed from Mona Vale Road

3 Policy and statutory context

3.1 Housing supply

6. The NSW Government has a target of 377,000 well-located homes over the next 5 years. This policy is in support of the National Housing Accord that provides a national target of delivering 1.2 million new, well-located homes over 5 years.
7. To support the delivery of seniors housing across NSW, in November 2021 a State Significant Development (SSD) pathway was introduced for large scale seniors housing developments that include residential care facilities. This SSD application has been submitted pursuant to these initiatives that aim to support the delivery of well-located and accessible seniors housing.

3.2 Permissibility and assessment pathway

8. Details of the legal pathway under which consent is sought, and the permissibility of the project are provided in **Table 3** below.

Table 3 | Permissibility and assessment pathway

Consideration	Description
Assessment pathway	The project is declared SSD under section 4.36 of the EP&A Act as it satisfies the criteria under section 2.6(1) and section 28 of Schedule 1 of the Planning Systems SEPP, being Seniors Housing. The project will provide seniors housing with an EDC in the Greater Sydney Region of more than \$30 million, includes a residential care facility (RCF) and there are no prohibited components of the development under an EPI.
Consent authority	The IPC is the declared consent authority under section 4.5(a) of the EP&A Act and section 2.7(1) of the Planning Systems SEPP as Council made a submission by way of objection.

Consideration	Description
Permissibility	<ul style="list-style-type: none"> The site is zoned R2 Low Density Residential under Ku-ring-gai Local Environmental Plan 2015 (KLEP 2015), which permits seniors housing with consent. As the proposed development includes a RCF and has an EDC of more than \$30 million, the <i>State Environmental Planning Policy (Housing) 2021</i> (Housing SEPP) applies to development for the purposes of seniors housing within the R2 Low Density Residential zone. While retail uses are prohibited in Zone R2, the scale and intended operation of the café, hair salon and wellness centre is considered minor and sufficiently related to the proposed seniors housing development and therefore can be approved as ancillary to the predominant use of the site as seniors housing.

3.3 Other approvals and authorisations

9. Under section 4.41 of the EP&A Act, a number of other authorisations required under other Acts are not required for SSD. This is because all relevant issues are considered during the assessment of the SSD application.
10. Under section 4.42 of the EP&A Act, certain approvals cannot be refused if they are necessary to carry out the SSD. These authorisations must be substantially consistent with any SSD development consent for the proposal.
11. The Department has consulted with and considered the advice of the relevant government agencies responsible for these other authorisations in its assessment of the project (see **Section 4** and **Section 5**). Suitable conditions have been included in the recommended conditions of consent (see **Appendix F**).

3.4 Planning Secretary's environmental assessment requirements

12. The Department's review determined that the EIS addresses each matter set out in the Planning Secretary's environmental assessment requirements (SEARs) issued on 8 September 2022 and is sufficient to enable an adequate consideration and assessment of the project for determination purposes.

3.5 Mandatory matters for consideration

13. Mandatory matters for consideration include:
 - matters of consideration required by the EP&A Act
 - objects of the EP&A Act and ecologically sustainable development (ESD)
 - biodiversity development assessment report
 - matters of consideration required by the EP&A Regulation
 - matters of consideration required by environmental planning instruments.
14. The Department's consideration of these matters is summarised in **Appendix C**.
15. As a result of this consideration, the Department is satisfied that the development meets statutory requirements.

4 Engagement

4.1 Exhibition of the EIS

4.1.1 Public exhibition of EIS

16. After accepting the development application and EIS, the Department:
- publicly exhibited the project from 28 May 2024 until 24 June 2024 on the NSW Planning Portal
 - notified occupiers and landowners in the vicinity of the site about the public exhibition
 - notified and invited comment from relevant government agencies and Ku-ring-gai Council.
17. The Department received 12 public submissions (10 objections and two comments), advice from nine government agencies and an objection from Council.
18. In August 2024 and January 2025, Department officers visited the site and surrounding area to understand the site context and the issues raised in submissions.
19. The Department asked the applicant to respond to the issues raised in submissions and the comments received from government agencies. The applicant provided a submissions report to the Department on 25 November 2024 (**Appendix A**).
20. The Department made the RtS and additional information publicly available on the NSW Planning Portal and notified the relevant government agencies and Council.
21. A summary of the key issues raised is provided below.

4.1.2 Summary of advice received from government agencies

22. The Department received advice from nine government agencies on the proposal.
23. A summary of the agency advice is provided in **Table 4** and a link to the full copy of the advice is provided in **Appendix A**.

Table 4 | Summary of government agency advice

Agency	Advice summary
Transport for NSW (TfNSW)	TfNSW provided recommended conditions of consent for consideration.

Agency	Advice summary
NSW Department of Climate Change, Energy, the Environment and Water – Conservation Programs Heritage and Regulation (DCCEEW) (formerly Biodiversity Conservation and Science Group)	<p>DCCEEW recommended conditions relating to vegetation clearing works and fauna protection.</p> <p>DCCEEW confirmed that the site is not impacted by flooding and that they therefore have no comments.</p>
Heritage NSW	<p>Heritage NSW noted that the Aboriginal Heritage Information Management System (AHIMS) search is greater than 12 months at the time of the submission and should be updated. Heritage NSW recommended conditions relating to uncovering relics or Aboriginal objects and Aboriginal protection.</p>
NSW State Emergency Services (SES)	<p>SES confirmed that recent modelling predicts that the site is not affected by flooding. While no flood-related concerns apply directly to the site, SES recommended that the potential for site isolation be considered as a general precaution due to the proposed use for seniors housing.</p>
Environmental Protection Agency (EPA)	<p>EPA raised no objection to the proposal, noting Council is the appropriate regulatory authority for the development.</p>
Heritage NSW	<p>Heritage NSW noted the site is not listed on the State Heritage Register nor in the immediate vicinity of any historical archaeological relics.</p>
Ausgrid	<p>Ausgrid raised no objection to the proposal and recommended continued direct discussions regarding the supply requirements related to the development.</p>
Sydney Water	<p>Sydney Water provided comments and recommended conditions to assist in planning the servicing needs of the proposed development.</p>
Fire and Rescue NSW (FRNSW)	<p>FRNSW raised no objection to the proposal or recommendations for consideration.</p>

4.1.3 Summary of council submissions

24. Council made a submission by way of objection during the public exhibition of the EIS. Council provided further submissions in response to the RtS and additional information submitted by the Applicant. A link to all submissions in full is provided in **Appendix A**.
25. A summary of the outstanding issues raised by Council following consideration of the RTS is provided below:
- the proposed setbacks are insufficient to mitigate visual and privacy impacts from the proposed development and result in excessive built form that is inconsistent with the low-density residential character of the surrounding area
 - the proposed front setback to Mona Vale Road and rear setback to Flinders Avenue are inconsistent with the established streetscape, limiting opportunities for landscaping and tree planting
 - the proposed courtyards will not receive adequate solar access, adversely affecting residential amenity.

4.1.4 Summary of public submissions

26. The Department received 12 submissions during the public exhibition period of the EIS. 10 submissions objected to the project, and two provided comments.
27. The key issues raised in the public submissions are provided in **Table 5** and a link to all submissions in full is provided in **Appendix B**.
28. The Department's consideration of the 12 public submissions is provided in **Appendix B**.

Table 5 | Key issues raised in public submissions on the EIS

Issue	Number and % of Submissions
The proposal is inconsistent with the residential character of the area due to its commercial operation and there are too many existing aged care centres in St Ives	7 (58%)
Noise impacts including construction noise, operational noise and noise from the use of the driveway	7 (58%)
Privacy	7 (58%)

Issue	Number and % of Submissions
Traffic impacts	6 (50%)
Construction impacts	5 (42%)
Loss of solar access	5 (42%)
Overshadowing	5 (42%)
Impact on property value	4 (33%)
Driveway should be relocated or covered	4 (33%)
Density – overdevelopment of the site	4 (33%)
Light spill into neighbouring properties	3 (25%)
The need to retain landscaping and plant mature trees	3 (25%)
Impact on animals (possums and bandicoots)	2 (16%)
Visual impact report does not properly consider certain properties	2 (16%)
Insufficient and ineffective community consultation	2 (16%)
Water management – water run off	1 (8%)
Safety	1 (8%)

5 Assessment

29. The Department has considered all documentation submitted by the Applicant, the issues raised in submissions and the advice provided by Government agencies in its assessment of the proposal.
30. The Department considers the key assessment issues associated with the proposal are:
 - built form
 - residential amenity (solar access, overshadowing, privacy, noise)
 - traffic, parking and servicing.
31. The Department's consideration of other issues is described in **Section 5.4** and the appendices of this report.

5.1 Built form

32. The Department considers the following aspects are key in determining the suitability of the built form for the proposal:
 - building height
 - building bulk and scale
 - setbacks and site layout.

5.1.1 Building Height

33. The Housing SEPP allows a maximum building height of 9.5m and up to 11.5m for servicing equipment on the roof of a building for residential care facility developments.
34. The proposal seeks approval for building heights ranging from 9.5m to a maximum of 11.5m for the servicing equipment on the roof of the building.

Council raised concern about the calculation of the height as the subject site contains an existing swimming pool at 287 Mona Vale Road. When calculating the height from the existing ground floor, Council considers the height should be measured from the bottom of the existing pool (that is to be filled in), resulting in a minor breach of height for the building by 1m where the existing swimming pool is located (**Figure 8**).

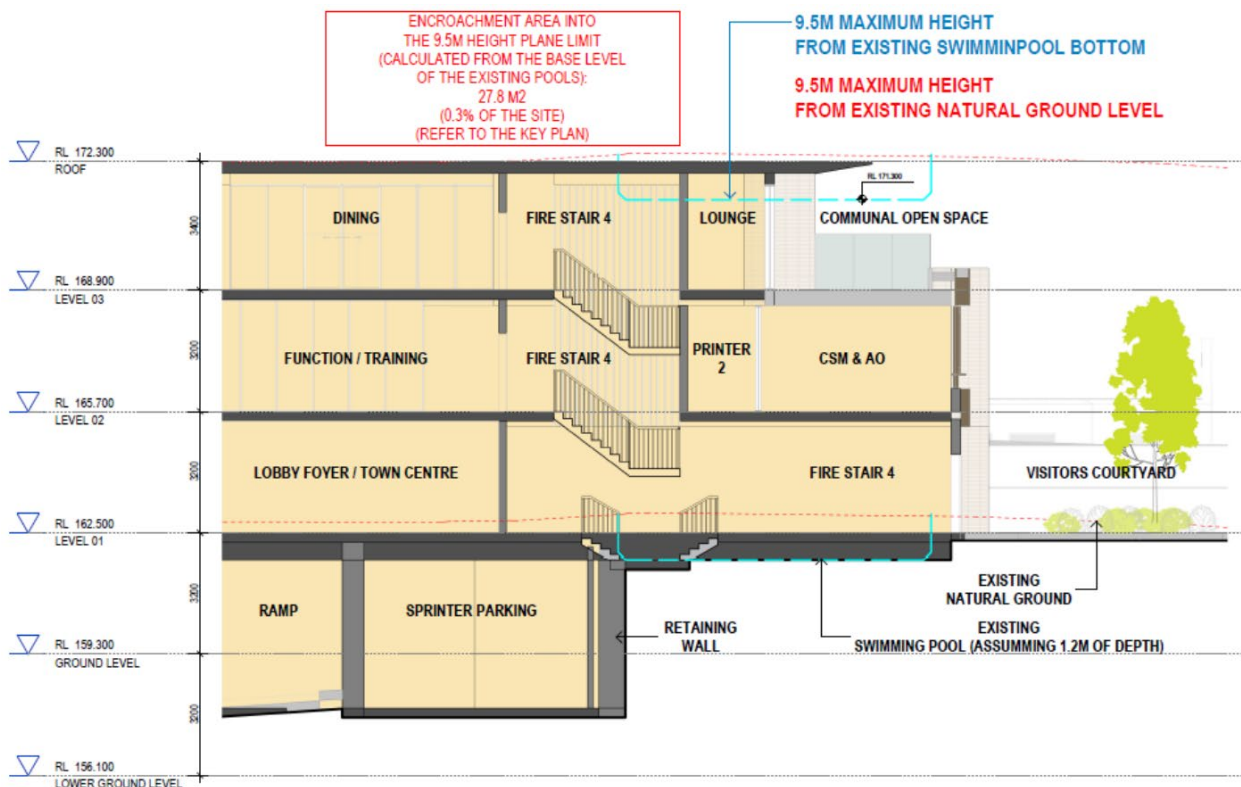


Figure 8 | Elevation showing height variation from the bottom of the swimming pool

35. The applicant submitted a written request under Clause 4.6 of the KLEP 2015 in response to Council's request, to vary the maximum height of buildings control (**Appendix A**).
36. The Department has carefully considered the Applicant's clause 4.6 variation request and is satisfied that the minor height exceedance is acceptable and that compliance with the height standard in the Housing SEPP is unreasonable and unnecessary as:
 - no adverse visual impact or additional bulk is generated by the minor breach of height, particularly when compared to a strictly compliant form which would not change the overall appearance of the development
 - the minor breach of height will not result in any adverse overshadowing or privacy impacts to adjoining dwellings as the non-compliance is confined to the area where the existing swimming pool is located
 - the proposal will be of a height and scale that is in keeping with surrounding development and generally presents as a two-storey development to Mona Vale Road and to other boundaries of the site
 - the height of the development is compliant for the majority and remainder of the proposal

- the proposal meets the objectives of the zone and height of building control as it enables development with a built form that is compatible with the size of the land to be developed.
37. Overall, the Department considers the building height appropriate for the site and the minor variation justified given the site topography and negligible impact that will result from this variation. Further assessment of the building height is provided in **Appendix D**.

5.1.2 Building bulk and scale

38. For residential care facilities, the Housing SEPP provides a non-discretionary development standard (NDDS) for floor space ratio (FSR) of 1:1 or less. This NDDS prevents the consent authority from requiring more onerous standards or refusing an application if the development complies with the NDDS.
39. The proposal seeks approval for a total ground floor area (GFA) of 9,021m² which equates to a FSR of 0.97:1 and complies with the Housing SEPP NDDS.
40. Council raised concerns about the bulk and scale of the development. Public submissions also raised concerns that the density of the proposal is excessive and amounts to a built form that is out of character for the locality and would result in strain on local infrastructure.
41. The Applicant revised the proposal by amending setbacks to all boundaries of the site, increasing courtyard widths, reducing the building footprint and GFA by approximately 89m², retaining further trees and increasing landscaping within these boundaries. These amendments, among others are shown in **Figure 9** below.



Figure 9 | Key changes proposed relating to built-form design and layout (Note: building connections are not shown in this figure) (Source: Applicants RtS)

42. The Applicant also prepared a Visual Impact Assessment with streetscape photomontages (**Figure 10** to **Figure 12**) demonstrating the proposed development in the context of the street and surrounds.



Figure 10 | Streetscape photomontage of development as viewed from Mona Vale Road (Source: Applicant's Visual Impact Assessment)

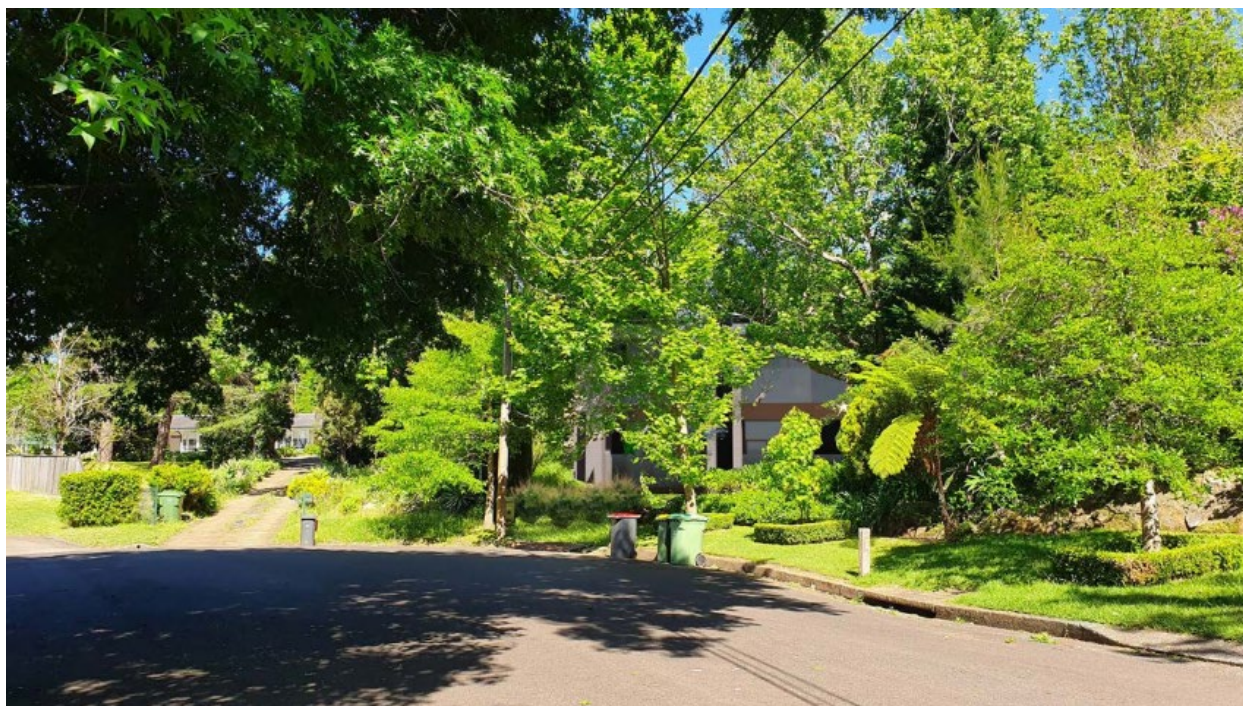


Figure 11 | Streetscape photomontage of development as viewed from Flinders Avenue (Source: Applicant's Visual Impact Assessment)



Figure 12 | Streetscape photomontage of development as viewed from resident's balcony at 277 Mona Vale Road (Source: Applicant's Visual Impact Assessment)

43. The Department has carefully considered the concerns raised in the submissions as well as the information provided in the Applicant's EIS and is satisfied that the bulk and scale of the development is appropriate for the following reasons:

- the proposal complies with the relevant NDDS under the Housing SEPP regarding FSR for the site, being less than 1:1, and is generally consistent with the height control and form (see **Section 5.1.1**)
- the presence of long walls along neighbouring property boundaries is limited by the design and orientation of the buildings, especially towards the townhouses at 283 Mona Vale Road and Flinders Avenue. This reduces the bulk and scale of the development when viewed from most neighbouring properties
- substantial landscaping has been incorporated along all frontages and side boundaries (see **Figure 10** to **Figure 12**), providing a strong visual buffer that softens the perceived bulk and scale of the development. This planting significantly reduces the visual impact of the development on neighbouring properties and the streetscape, including Mona Vale Road and Flinders Avenue, ensuring the built form appropriately integrates into the surrounding context
- the development includes a two-storey street front height, and all built form located above level 2 has been setback at a 45-degree angle (from ground level) which reduces the visual prominence of the building and is compatible with the local street character (see **Section 5.1.3**)
- the development incorporates articulation, setbacks, and varied materials to break down massing which preserves the amenity of the adjoining residential neighbours, particularly in terms of solar access, visual impacts and privacy
- the development would not result in adverse traffic impacts on the existing road network and provides adequate parking on site (see **Section 5.4**).

44. The Department concludes that the bulk and scale of the proposal is appropriate for the site and is consistent with the desired character of the site pursuant to the planning controls that apply to the land.

5.1.3 Setbacks and Site Layout

45. The Seniors Housing Design Guide 2023 (SHDG) provides design guidance encouraging setbacks to observe the privacy of adjacent neighbouring properties and to maximise the landscape curtilage around the site for quality landscaping and useful outdoor spaces.
46. Seniors housing development must also demonstrate adequate consideration of the design principles for seniors housing set out in Schedule 8 of the Housing SEPP. These principles include providing building setbacks to reduce overshadowing and provide consideration of neighbouring dwellings when establishing setbacks.

47. Public submissions raised concern about the site layout and setbacks to adjoining dwellings. The submissions noted that the proposed setbacks would result in unacceptable amenity impacts on the adjoining dwellings.
48. Council raised specific concern about the proposed minimum setbacks of 5.9m to Mona Vale Road and 6.3m to Flinders Avenue (see **Figure 13**). Council considers that these setbacks are inconsistent with the setbacks of neighbouring sites and reduce the site's ability to provide additional landscaping, making the development incompatible with the character of the surrounding streetscape. Council raised concern that the design is inconsistent with design principles established in the SHDG and Housing SEPP.
49. Council also considers that the proposal does not satisfy the minimum 20m site frontage required under the Housing SEPP on Flinders Avenue as the frontage is 19.5m.
50. The Applicant submitted a Clause 4.6 variation for the Flinders Street frontage in response to Council's request in relation to the site frontage development standard in section 84(2)(b) of the Housing SEPP. However, the Department considers that this development standard has been satisfied as the site's frontage is Mona Vale Road, where vehicular and pedestrian access is provided and Flinders Avenue is considered the rear setback (with no vehicular access). Therefore, the Department does not consider a variation to the frontage development standard necessary.
51. Amended plans were submitted in the Applicant's RtS which amended the setbacks to all boundaries of the site (**Figure 13**).
52. The applicant contends that the proposed layout and setbacks are appropriate as:
 - the setbacks have generally increased along most boundaries in response to Council's concerns and public submissions
 - the revised scheme retains more trees and increases courtyard widths, increases the total landscaped area and deep soil, reduces GFA and reduces the built form footprint
 - the site layout orientates buildings towards internal courtyard spaces which limits overlooking opportunities into neighbouring properties (see **Figure 9**).



Figure 13 | Site Plan showing proposed setbacks to site boundaries

Table 6 | Summary of proposed setbacks

Boundary	Proposed Setbacks	Comments
A. Western (Mona Vale Road)	5.9m-23.8m	The 5.9m setback is limited to the northern corner of the Mona Vale Road frontage. Beyond this northern corner, the setback varies between 16.5m and 24m
B. Northern (western portion)	3.5m-8.5m	These setbacks have been increased in response to privacy concerns from public submissions.
C. Northern (eastern portion)	3.5m-4.7m	
D. Eastern	3.7m-10.2m	

Boundary	Proposed Setbacks	Comments
E. South-eastern fronting Flinders Avenue	6.3m-16.5m	These boundaries have been increased to enable greater landscaping to better align with the garden landscape of St Ives and the broader Ku-ring-gai LGA.
F. Southern (eastern portion)	3.6m-6.9m	
G. South-western	3.6m-9.2m	These boundary setbacks have increased significantly to respond to concerns in relation to privacy impacts to the adjacent townhouses at 283 Mona Vale Road. Accordingly, these increases have allowed more landscaping and screen planting, offering both visual and acoustic relief.
H. Southern (western portion)	4m-11.7m	

53. The Department has assessed the site layout and setbacks and carefully considered the concerns raised by Council and members of the public and considers the proposal acceptable for the following reasons:

- the 5.9m minimum setback to Mona Vale Road occurs only at the corner of the building, with the remainder of the frontage achieving significantly greater setbacks up to 23.8m. This provides adequate separation from the street with substantial landscaping which softens the built form, reduces perceived visual bulk, and enhances the presentation to Mona Vale Road (see **Figure 10**)
- the 6.3m minimum setback to Flinders Avenue applies only to a portion of the building, with the setback increasing to over 11m along the majority of this frontage, before leading to a courtyard. This setback provides substantial landscaping for what is effectively the rear boundary of the development, mitigating visual bulk through a soft, landscaped presentation to the cul-de-sac
- both the front Mona Vale Road and rear Flinders Avenue setbacks are necessarily variable in depth due to the irregular lot shape. The overall size of each setback is more important than numerical compliance with neighbouring setbacks in this context, and given their substantial size, adequate landscaping opportunities are provided
- the proposed layout further minimises overlooking opportunities to neighbouring properties by orientating buildings to face internal courtyards (see **Figure 9**)

- the increased setbacks allow for further tree retention and landscaping on the boundaries of the site, reducing the visual prominence of the building when viewed from the streetscape and neighbouring properties. The proposed landscaping around the site provides an adequate buffer improving visual and acoustic privacy and minimising overlooking opportunities, while contributing to the landscaped character of St Ives
- the third storey is setback a minimum of 45-degrees from the site boundary which reduces the bulk and scale of the development when viewed from adjoining dwellings and increases setbacks from higher levels to further minimise overlooking and overshadowing
- the proposed layout and setbacks result in limited and acceptable overshadowing and privacy impacts (see **Section 5.3**)
- **Figure 1** and **Figure 14** to **Figure 16** illustrate seniors living developments and a residential flat building in close proximity to the site on Mona Vale Road that are of a higher scale and prominence when compared to the proposal. In this context the setbacks to Mona Vale Road and Flinders Avenue are compatible with the surrounding streetscape and existing character of the neighbourhood.

54. Overall, the Department is satisfied that the site layout and proposed setbacks are appropriate for the site, adequately address the design principles for seniors housing under the Housing SEPP and do not result in unreasonable amenity impacts to neighbouring dwellings.



Figure 14 | Three-storey seniors living development less than 200m south from the subject site – 97 Killeaton Street, St Ives (Source: Google Maps 2025)



Figure 15 | Multi-storey development 300m south of the subject site – 126-128 Killeaton Street, St Ives (Source: Google Maps 2025)



Figure 16 | Three-four storey seniors living development 350m south-west of the subject site – 120 Killeaton Street, St Ives (Source: Google Maps 2025)

5.2 Internal residential amenity

5.2.1 Solar access to communal areas

55. The SHDG recognises the need to maximise access to natural daylight through the site layout, building orientation and by incorporating a range of outdoor spaces and internal glazed areas. The SHDG describes that the Apartment Design Guide (ADG) provides good guidance for solar access but also recognises the differing needs of seniors housing developments.
56. Council raised concerns that the design of courtyards 1, 2 and 3 will not achieve adequate daylight and solar access, particularly between the months of May and August (**Figure 17**).

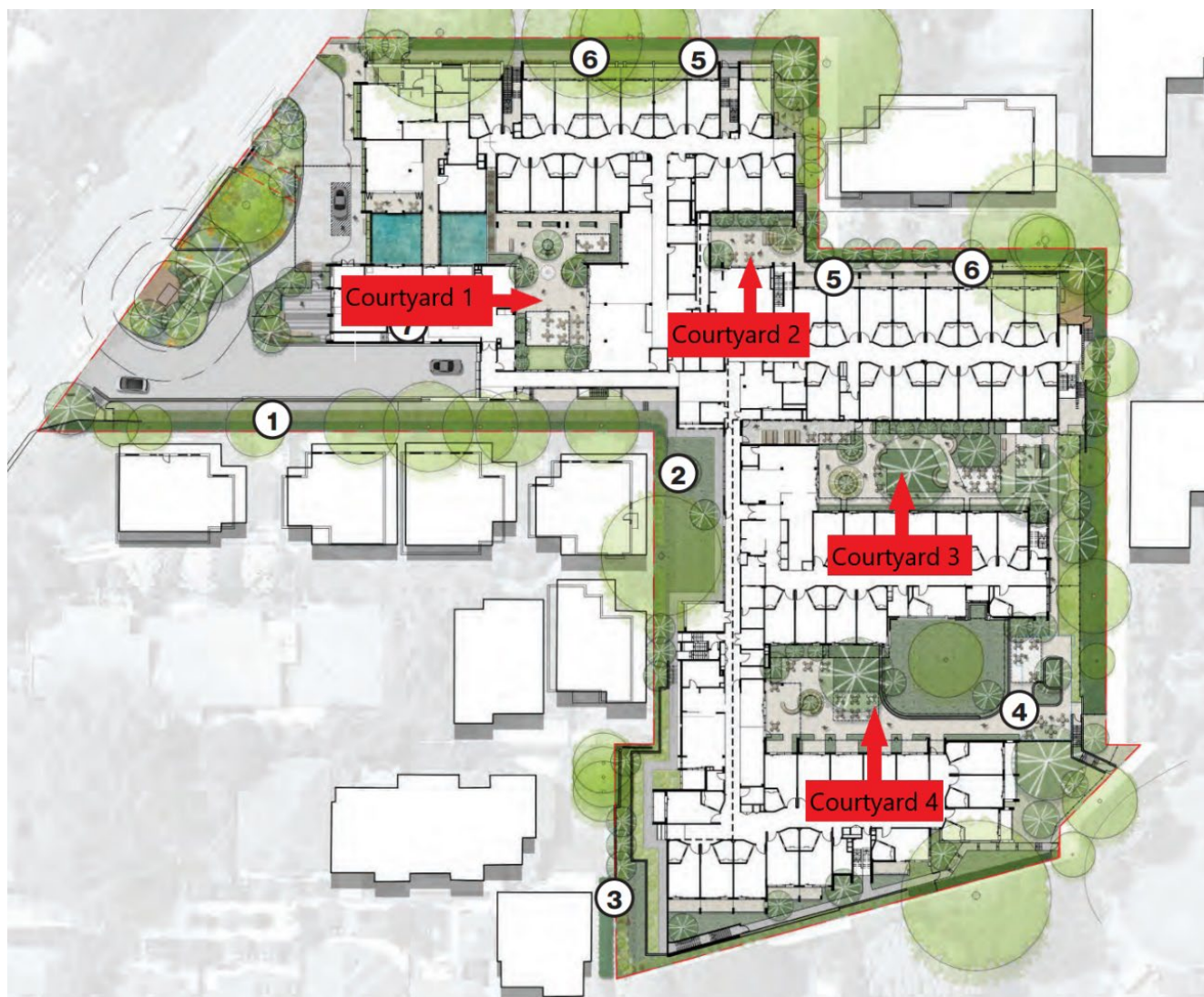


Figure 17 | Courtyard locations

57. In response, the Applicant submitted detailed solar access plans to demonstrate the site's ability to receive direct sunlight to both indoor and outdoor communal areas.
58. The Department has considered the concerns raised by Council, the Applicant's shadow diagrams and Design Response and concludes that the levels of solar access and daylight achieved for the proposal is satisfactory as:
 - communal outdoor courtyards 1 and 2 receive approximately 2-hours of solar access between 9am-3pm during the winter solstice and communal courtyards 3 and 4 receive approximately 4-5 hours of solar access between 9am-3pm during the winter solstice. This achieves a higher level of solar access than the minimum 2 hour objective in the ADG.
 - between 9am to 3pm, approximately 60% of internal communal areas receive greater than 2-hours of solar access and the remaining communal spaces benefit

from at least 1-2 hours of sunlight during the winter solstice. This provides a suitable range of solar access considering the specific needs of future residents.

- the proposal provides a range of outdoor, semi-outdoor and internal communal settings that provide appropriate seasonal responses including shaded outdoor spaces as well as sunny internal communal spaces to suit the diverse needs of elderly residents
- the proposal complies with the 45-degree setback standard under the Housing SEPP to the third storey which improves solar access to the site by enabling sunlight to reach the windows of internal communal areas as well as external terraces and balconies
- all residential households are suitably situated to easily access the outdoors and a variety of sunny and shaded areas through the day.

59. Overall, the Department is satisfied that the proposed development provides adequate solar access to the communal areas of the site as well as individual units.

5.3 External amenity impacts

5.3.1 Overshadowing

60. Council raised concern about overshadowing impacts to neighbouring properties, particularly to townhouses 1, 2, 3 and 4 at 283 Mona Vale Road which have north facing courtyards. Public submissions also raised overshadowing concerns to properties at 6 Flinders Avenue and 283 Mona Vale Road.

The Applicant provided a shadow analysis and detailed sun eye-view studies which demonstrates that offsite shadowing impacts from the proposal would be minimal and confirmed there would be only minor shadow impacts to units at 283 Mona Vale Road and 6 Flinders Avenue for most of the day (see **Figure 18**).

61. Generally, the majority of the shadows cast by the development fall within the subject site, owing to the orientation of the site and proposed layout.



Figure 18 | Location of adjoining properties (Source: Applicant's amended plans)

62. Council reviewed the sun eye view plans following the increase in setbacks and raised no further concerns regarding overshadowing to adjoining dwellings. The Department acknowledges the proposed envelope would result in some additional shadow to neighbouring properties when compared to the existing development on the site.

63. The Department has carefully considered public submissions and overshadowing impacts to adjoining properties and considers that:

6 Flinders Avenue

- 6 Flinders Avenue remains largely unshadowed by the proposal from 9am to 2pm during the winter solstice with the majority of overshadowing forming from 3pm

- shadows are predominantly cast over the western elevation and the front setback. The western elevation has two windows and is largely occupied by existing dense landscaping, providing a buffer between the site and the residential dwelling
- habitable areas and the primary private open space at the rear of 6 Flinders Avenue will continue to receive more than 3 hours of solar access during the winter solstice from 9am until 2pm. While shadow will be cast onto the primary private open space after 2pm, this property continues to receive adequate solar access during the morning and early afternoon period of the winter solstice.

283 Mona Vale Road

- due to the proximity of Units 1, 2, 3 and 4 of 283 Mona Vale Road to the rear setback, the backyards are constantly shaded by the existing fence. Sun eye view plans show impacts on living room windows and demonstrate that all five townhouses receive a minimum of 3 hours of solar access to both communal indoor and outdoor spaces.

2 Flinders Avenue

- for 2 Flinders Avenue to the immediate south of the site, shadows will fall onto the carport of this property during the winter solstice for a total of 2 hours (1-3pm). Notably, the shadow cast will not fall onto any living rooms or private open space and these areas will continue to receive more than 3 hours solar access during the winter solstice

64. On balance the Department considers the development would result in acceptable solar impacts because additional overshadowing from the proposal would be limited in extent and duration, occurring primarily in the late afternoon during the winter solstice, with all affected properties, including 2 and 6 Flinders Avenue and 283 Mona Vale Road continuing to receive a minimum of three hours of direct solar access between 9am to 3pm.
65. The Department concludes the proposal does not result in unacceptable overshadowing impacts as the affected properties would continue to maintain more than three hours direct sunlight during mid-winter.

5.3.2 Visual Privacy

66. Council and public submissions raised concerns regarding visual privacy to the private open space of adjoining dwellings, particularly 283, 293 and 295 Mona Vale Road and 6 Flinders Avenue St Ives.
67. The Department requested a detailed privacy assessment demonstrating that overlooking into adjacent properties' private open space or windows would be appropriately mitigated.

68. The Applicant submitted an amended design response which assessed visual privacy impacts on neighbouring dwellings. **Appendix E** contains a detailed assessment of the visual privacy of properties at 283, 293 and 295 Mona Vale Road and 6 Flinders Avenue St Ives.
69. The Department considers that the proposal does not result in unreasonable privacy impacts as:
- the proposed layout and setbacks of the site are reasonable (see **Section 5.1.3**) and therefore minimises overlooking opportunities. The third storey component of the development is setback further to increase separation between the RCF and neighbouring dwellings
 - existing trees and screen planting are retained where possible, and additional trees and plantings are also proposed to fill gaps around the site's perimeter. This provides a visual privacy buffer between the RCF and adjoining dwellings and reduces potential sightlines between the facility and adjoining properties
 - the proposed vertical privacy louvres on balconies facing neighbouring dwellings on the northern and eastern boundaries, mitigates direct views into the private open spaces of adjoining dwellings while still allowing for natural ventilation and daylight access for residents
 - the positioning of windows, balconies, and communal areas minimise direct overlooking opportunities into habitable rooms and private open spaces of neighbouring dwellings.
70. The Department is satisfied that through reasonable setbacks, landscaping and privacy louvers, overlooking opportunities and privacy impacts are minimised.

5.3.3 Noise Impacts

71. Public submissions raised concern about the noise impacts from the construction and operation of the site as well as the operation of the café, wellness centre and noise from the communal open spaces. Concern was also raised about the noise emissions from the use of the driveway on the north-western boundary of the site.
72. A noise monitoring study was conducted, and the receivers are identified in **Figure 19**.



Figure 19 | Site plan with monitoring locations (Source: Applicant's NVIA)

Construction noise

73. The Noise and Vibration Impact Assessment (NVIA) predicts that noise levels from plant equipment used near adjoining properties would range from 47dB to 102dB. These levels exceed the highly noise affected management level of 75dB established in the Interim Construction Noise Guideline and would therefore result in residential receivers being highly affected during works conducted in close proximity.
74. The NVIA provided recommendations to ensure predicted construction noise and vibration impacts are mitigated to minimise impacts to nearby sensitive receivers, including but not limited to:
 - consultation with sensitive receivers
 - incorporating respite periods during high noise activities such as the use of a concrete saw or excavator with hammer
 - conducting regular noise monitoring
 - implementing appropriate safe working distances from receivers

- minimising/avoiding simultaneous noise generating works and positioning noise-generating equipment away from residential receivers.

75. The application also proposes standard construction hours as per the Interim Construction Noise Guideline 2009 (ICNG).
76. The Department has recommended conditions of consent that require the Applicant to adopt the mitigation measures identified in the NVIA Report. The Department has also recommended a condition of consent which requires the preparation of a Construction Noise and Vibration Management Plan to identify noise mitigation measures that can be implemented to reduce construction noise and vibration impacts.
77. The Department is satisfied that construction noise impacts associated with the proposal can be appropriately managed and mitigated, subject to conditions of consent.

Operational Noise

78. Public submissions raised concern about the acoustic impacts from the use of communal facilities including the wellness centre, café and communal open areas/terraces.
79. The wellness centre is proposed to operate 8:30am to 5:30pm five days a week for residents and will operate with external doors closed when wellness activities are underway. As such, it is not anticipated that there will be any adverse noise impacts arising from the use of the wellness centre.
80. The café will operate 7-days a week from 8:30am to 4pm and will be used by residents as well as visitors to the RCF. The café is setback appropriately from neighbouring properties and is located indoors. It is not envisioned that there will be unacceptable noise impacts resulting from the use of the café.
81. The level 2 north-west and level 3 west communal open spaces are proposed to be accessible 24/7 for the residents and are anticipated to be used in the same manner as a private balcony. The applicant considers that it is unlikely to be used in the nighttime.. If the communal spaces were to be used, the predicted noise level to the closest receiver R2 (283 Mona Vale Rd) is 47dB(A)Leq(15min), which meets the required noise limits for both day and evening periods and would not result in any adverse noise impacts to neighbouring properties.
82. Therefore, the Department considers the use of the wellness centre, café and communal open spaces and terraces are appropriate for the site and is satisfied that the proposal would not unreasonably impact the acoustic amenity of neighbouring properties, particularly the receivers at R1, R2 and R3 (283 mona Vale Road).

Driveway Noise

83. Public submissions raised concern with noise impacts from vehicles accessing the site via the Mona Vale Road driveway as well as large vehicles used for deliveries and waste collection on the south-western boundary of the site.
84. The applicant's NVIA considered the noise emissions from the onsite driveway and loading dock. The loading dock can only accommodate one truck at a time and the total daily heavy vehicle movements is anticipated to be up to 14 (seven in and seven out).
85. To mitigate noise impacts, the proposal includes a 1.8m tall acoustic wall along the south-western corner boundary of the site (**Figure 20**). The materiality will be made up of absorptive materials which will be confirmed during detailed design.

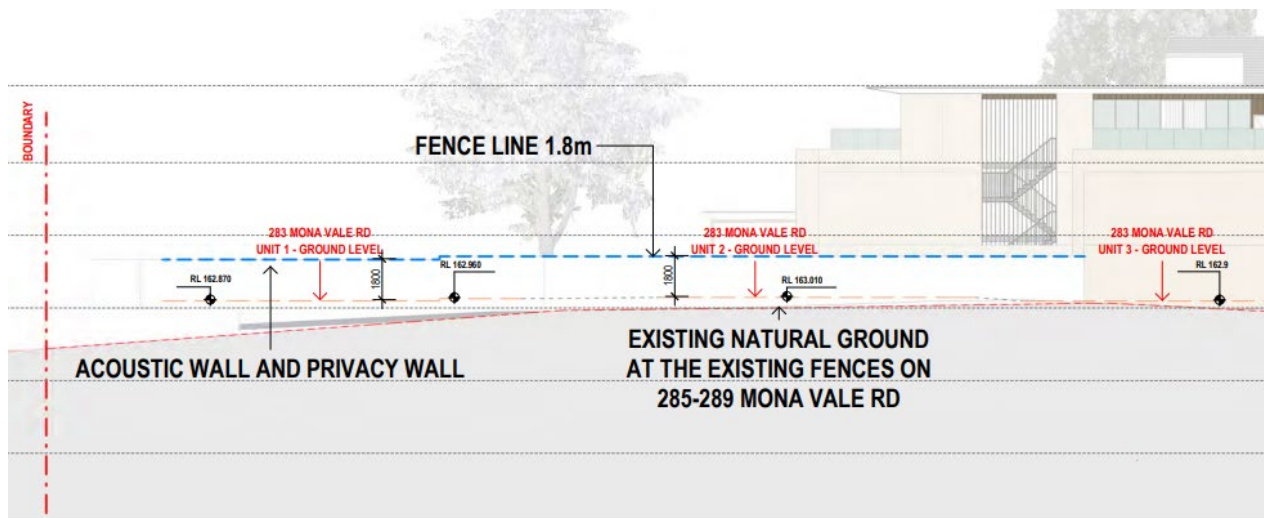


Figure 20 | Section plan showing location of acoustic wall on the boundary interface with 283 Mona Vale Road

86. The predicted noise levels from vehicle movements, including delivery trucks and staff cars, remain within the acceptable limits set by the NSW EPA Noise Policy for Industry 2017 (NPfI) across all relevant time periods.
 - during peak hour (7am – 8am), noise emissions at the nearest residential receivers (R1 and R2) are expected to reach 43dB(A) Leq(15min), based on one delivery truck movement and up to six car movements in a 15-minute period. This remains compliant with the NPfI trigger noise levels for daytime, evening, and the early morning shoulder period (6am – 7am Monday to Saturday, and 6am – 8am on Sundays and Public Holidays).
 - given that truck movements are the dominant noise source, with car movements contributing less than 30dB(A), staff car movements at night would also remain within compliant limits

- regarding sleep disturbance, the maximum predicted noise level from a single truck movement before 7am is 62dB(A) Lmax at the worst-affected receivers R1 and R2. With an open window for ventilation, the internal noise level is expected to be 52dB(A) Lmax, which complies with the NPfI sleep disturbance noise levels.
- noise from vehicles using the porte cochere is expected to be minimal and infrequent, primarily for resident drop-offs and pickups during the daytime and evening. Given the infrequent nature of this activity and the existing background noise from Mona Vale Road, it is unlikely to result in any significant loss of amenity for nearby residents.

87. The Department has considered the findings and recommendations of the NVIA and is satisfied that any noise impacts arising from the use of the driveway are acceptable as:

- noise emissions from vehicle movements, including deliveries and staff vehicles, are predicted to comply with the NPfI across all relevant time periods, including early morning and evening periods
- the proposed setbacks, acoustic wall materiality, and landscaping along the south-western boundary will provide effective noise mitigation, particularly benefiting the nearest sensitive receivers R1, R2 and R3 (283 Mona Vale Road)
- subject to the recommended conditions of consent, the proposal is not expected to unreasonably impact the amenity of adjoining residential dwellings.

88. In conclusion the Department considers noise levels are appropriate for the site and will not unreasonably impact the acoustic privacy of neighbouring dwellings, subject to the recommended conditions of consent.

5.4 Other issues

89. The Department's consideration of other issues is summarised in **Table 7** below.

Table 7 | Assessment of other issues

Issue	Findings and conclusions	Recommended conditions
Landscaping. Tree Removal and Biodiversity	<p>The application was accompanied with landscape plans and an Arboricultural Impact Assessment Tree Protection Specification Report (AIATPS report). Approval is sought for the removal of 96 trees from the site, many of which are introduced species.</p> <p>The Department and DCCEEW issued a BDAR waiver for the proposal on the basis that the site is in an urbanised environment, part of the existing vegetation is not naturally occurring and provides little potential for threatened species habitat.</p> <p>DCCEEW also reviewed the proposal and provided recommended conditions relating to:</p> <ul style="list-style-type: none"> • microbat threatened species surveys being undertaken prior to a construction certificate being issued and for management practices to be implemented during tree removal • the requirement for an experienced wildlife handler to be present to re-locate any displaced fauna that may be disturbed during works. <p>Council and public submissions raised concerns about impacts on existing trees, the number of trees proposed to be removed, and the impact tree removal would have on the possum and bandicoot wildlife currently present on the site.</p> <p>The Department notes the Applicant's landscape design includes the planting of 67 new trees on the site, providing a canopy coverage of 2,028m². The planting palette selected responds to the scale of the existing and proposed built form, drawing on a range of local endemic and adapted species.</p> <p>The Department considers the landscape response for the proposal to be satisfactory and adequately compensates for the proposed loss of trees, many of which are introduced species. Conditions of consent have been imposed to protect existing trees during construction and manage encroachments into tree protection zone areas.</p>	<p>Conditions B6, B7, C15, D17 and E17</p>

Issue	Findings and conclusions	Recommended conditions
	<p>The Department considers the proposal would result in a high-quality landscape outcome which would positively contribute to the character of the site and surrounding streetscape and would not adversely impact biodiversity, subject to conditions of consent.</p>	
Construction Impacts	<p>The EIS included a:</p> <ul style="list-style-type: none"> • Construction Traffic Management Plan which included consideration of construction traffic and pedestrian management • Geotechnical Investigation Report which included excavation and vibration considerations • Construction and Demolition Waste Management Plan which included consideration of construction waste removal and minimisation. <p>The Department has carefully considered the Applicant's reports, and the concerns raised in public submissions regarding construction impacts including impacts to the foundation of neighbouring properties.</p> <p>The Department is satisfied that the development can be constructed to appropriate standards, without causing structural damage to nearby buildings or resulting in any unreasonable amenity impacts.</p> <p>Further, the Department has recommended several conditions to ensure the construction does not unreasonably impact on the amenity of adjoining residents or result in any damage to adjoining development and public domain.</p> <p>The Department is satisfied that construction impacts associated with the proposal can be appropriately managed, subject to conditions of consent.</p>	<p>Conditions including C1 to C6 and other relevant conditions set out the requirements for mitigating construction impacts</p>

Issue	Findings and conclusions	Recommended conditions
Traffic	<p>Public submissions raised concern with the increase traffic generation from the proposed development and the potential safety impacts of trying to get onto Mona Vale Road.</p> <p>The Applicant provided a Traffic Impact Assessment (TIA) which concluded that:</p> <ul style="list-style-type: none"> the development would generate up to 24 trips within the AM peak and 19 trips within the PM peak. The traffic modelling was based on staffing shifts and visitors to the site, as residents do not have car parking or access to vehicles and would use a minibus if leaving the site traffic generation predictions are considered conservative, as they don't include traffic generated from the existing five dwelling houses on the site vehicle movements would have a negligible impact on the operation and efficiency of the local road network given its current capacity the driveways, including their width, sight distances, gradients, and vehicle turning capabilities, have been designed in accordance with Australian Standards 2890.1 and 2890.2 safety measures such as basement entry warning lights, convex mirrors, and left in/left out arrangements onto Mona Vale Road are proposed. <p>The Department has carefully considered the concerns raised in submissions however is satisfied that the Applicant's TIA has demonstrated that the surrounding road network has sufficient capacity to cater for traffic generated by the proposed development and would not result in safety issues and on this basis the proposal is unlikely to cause adverse impacts.</p>	No recommended conditions
Parking	The Housing SEPP includes a non-discretionary development standard (NDDS) requiring at least 31 spaces for a RCF. The NDDS prevents the consent authority from requiring more	Condition B8

Issue	Findings and conclusions	Recommended conditions
	<p>onerous standards or refusing an application if the development complies with the NDDS.</p> <p>The proposed development provides a total of 42 car parking spaces, all located in the basement car park accessed off Mona Vale Road. This includes two accessible parking spaces, four spaces allocated to the wellness centre and three motorcycle parking bays.</p> <p>Parking for an ambulance is provided in the form of a porte-cochere outside the building frontage in accordance with the Housing SEPP.</p> <p>The Department considers the proposed parking for the development meets the NDDS.</p>	
Crime Prevention Through Environmental Design (CPTED)	<p>A public submission raised concern about safety issues arising from the use of the site.</p> <p>The EIS was accompanied by a CPTED Report, which considered how the proposal meets the CPTED principles of territorial reinforcement, surveillance, access control and space/ activity management.</p> <p>The CPTED assessment undertook a review of the proposal and confirmed that the design has sought to minimise opportunities for crime.</p> <p>The Department is satisfied that the development will not result in unacceptable safety or security impacts, subject to the imposition of a condition requiring the measures recommended in the CPTED assessment are implemented in the development.</p>	Condition B10 sets out the requirements for CPTED
Aboriginal Cultural Heritage	<p>The Applicant submitted an Aboriginal Cultural Heritage Assessment Report (ACHAR) as part of this application.</p> <p>The Applicant's ACHAR found the proposed activity will have no impact on Aboriginal objects or declared Aboriginal places. Heritage NSW agreed with the findings and the management recommendations as provided in the Applicant's ACHAR.</p>	Condition C1 and D26-D29

Issue	Findings and conclusions	Recommended conditions
	<p>The Department has considered the findings of the Applicant's ACHAR as well as Heritage NSW advice.</p> <p>The Department recommends the development be undertaken in accordance with the ACHAR management and mitigation measures, including an unexpected finds protocol.</p>	
Light spill	<p>Public submissions raised concern about light spill from the site as a result of its 24/7 operation. The Department has imposed a condition requiring that prior to the occupation of the site, a report is submitted to the certifier demonstrating:</p> <ul style="list-style-type: none"> • installed lighting associated with the development limits light spillage beyond the property boundary • lighting complies with the relevant Australian Standards • lighting is mounted, screened and directed in such a manner that it does not create a nuisance to surrounding properties or the public road network. <p>The Department is satisfied that the design of the facility will incorporate strategic placement of lighting and will balance the need of the residents with the amenity of surrounding dwellings.</p> <p>Additionally, there is significant landscaping proposed along the perimeter of the site which will assist in minimising light spill into surrounding developments.</p>	Condition E20
Stormwater run-off	<p>The application includes an Integrated Water Management Plan (IWMP) which details the inclusion of an On-site Stormwater Detention (OSD) with the stormwater discharge point with a total on-site volume of 135m³. The stormwater discharge point is to the existing stormwater system within Flinders Avenue.</p> <p>A public submission raised concern about stormwater run-off onto neighbouring properties. Council and DCCEEW reviewed the proposal and raised no concerns with the IWMP or about stormwater run-off. The Department has imposed conditions of consent relating to stormwater management and is</p>	Conditions B4, D21-D23, E33, E34

Issue	Findings and conclusions	Recommended conditions
	satisfied that the conditions are sufficient in managing stormwater concerns.	
Concentration of seniors living, impact on low density character of locality and impact on property values	<p>Public submissions raised concerns about the number of seniors living developments within the locality, their impact on the residential character of the area and on property values.</p> <p>The Department notes that seniors living is a permissible use within the R2 zone, and the proposal presents a scheme that is consistent with the Housing SEPP. The Department has assessed the merits of the proposal in detail in Section 5 of this report and concludes, subject to conditions of consent, the development has acceptable impacts. The Department is therefore satisfied the proposal is unlikely to result in any significant adverse amenity impacts.</p>	No conditions required
Community engagement	<p>Public submissions raised concerns regarding community engagement. The Applicant submitted an engagement report with the EIS, stating that community engagement was carried out in accordance with the Department's '<i>Undertaking Engagement Guidelines for State Significant Projects</i>'.</p> <p>The engagement report outlined that Opal Healthcare undertook community engagement through letterbox drops to surrounding residents, multiple meetings with the project team, community flyers advertising drop-in sessions, status update emails on the progress of the project and meeting with adjoining landowners.</p> <p>The Applicant has also prepared the Submissions Report which has responded to submissions raised by Council and the public following the EIS exhibition period.</p> <p>The Department considers the community engagement undertaken by the Applicant and the Department through the formal exhibition has been reasonable and proportionate and meets the requirements of the EP&A Regulation and the relevant guidelines.</p>	No conditions required

Issue	Findings and conclusions	Recommended conditions
Signage	<p>The development seeks consent for building identification and wayfinding signage zones however, detailed signage plans have not been provided.</p> <p>The Department therefore recommends a condition be imposed for any signage to require separate approval.</p>	Condition A5 requires a separate approval for signage
Café fit out and operation	<p>The development seeks consent for a café ancillary to the RCF. The Applicant's RTS provided some operational details for the site, including hours of operation. However, details on fit out and operational and environmental health requirements of the café were not included.</p> <p>The Department recommends the use of the café be approved only and a condition imposed for the fit out and operation of the café require separate approval.</p>	Condition A5 requires a separate approval for fit out of the café
Flooding	<p>SES raised concerns regarding the potential for site isolation during a flood event.</p> <p>The site is not flood affected during the Probable Maximum Flood (PMF) (BMT 2023). The Department is satisfied that a broad range of suitable routes are available within the neighbouring road network which would provide uninterrupted access to the development during a PMF.</p>	NA

6 Evaluation

90. The Department's assessment has considered the relevant matters and objects of the EP&A Act, including the principles of ESD, advice from government agencies, local councils and public submissions, and government policies and plans.
91. The Department's assessment concludes that the proposal is acceptable as:
- it would support State government priorities to deliver well-located housing as it will deliver 148 new RCF beds to meet the changing needs of an ageing population in an accessible location close to St Ives town centre
 - it is permissible with consent and would provide a low-density housing development, and ancillary uses, consistent with the objectives of Zone R2 Low Density Residential under the KLEP 2015
 - the proposed two to three storey building heights and forms would be compatible with the character of the area and provide an appropriate built-form relationship to adjoining lower density dwellings
 - it would not result in unreasonable overshadowing, view or privacy impacts on adjoining dwellings
 - it would provide a high level of internal and external amenity for future residents of the RCF in line with the principles and design criteria of the Seniors Housing Design Guidelines 2023 as well as the Housing SEPP
 - it would deliver public benefits through generating up to 300 construction jobs and 120 operational jobs.
92. The Department has recommended a range of conditions to manage any residual environmental impacts. See the recommended conditions of consent at **Appendix F**.
93. Overall, the Department considers the impacts of the development are acceptable and can be appropriately managed or mitigated through the implementation of recommended conditions of consent. Consequently, the Department considers the proposal is in the public interest and is approvable, subject to conditions.

Appendices

Appendix A – List of referenced documents, submissions and advice

The following documents can be accessed at [Opal St Ives Care Community | Planning Portal - Department of Planning and Environment](#).

- Environmental Impact Statement
- Amendment report
- Response to submission report
- Applicant's additional information
- Biodiversity Development Assessment Report
- Submissions (public and Council)
- Government agency advice

Appendix B – Department’s consideration of submissions

Table 8 | Department’s consideration of submissions

Issue	Consideration
<p>Noise and vibration from construction, operation and location of driveway and other uses</p>	<p>The Noise and Vibration Assessment (NVIA) predicts that construction noise is likely to impact neighbouring dwellings. The NVIA also provides recommendations to mitigate the noise impacts which include consultation with sensitive receivers, noise monitoring, implementing appropriate safe working distances, minimising/preventing simultaneous noise generate works and locating noise generating work away from sensitive receivers.</p> <p>The NVIA concludes that operational noise from the use of the site and the driveway is not likely to emit significant noise or vibration during operation.</p> <p>Recommended conditions:</p> <ul style="list-style-type: none"> • construction noise limits and vibration criteria • requirement for an acoustic compliance report demonstrating compliance with all noise mitigation measures prior to occupation certificate • provision of a Construction Management Plan • provision of a Construction Noise and Vibration Management Sub-Plan • provision of a site notice with contact details for construction/noise complaints
<p>Issues with built form, including setbacks, bulk and scale, building height and character of neighbourhood</p>	<p>The Department considers that the proposal presents a high standard of architectural design and appropriately responds to the site and surrounds.</p> <p>The proposal presents a generally compliant scheme with the maximum height and floor space ratio controls within the Housing SEPP and provides adequate setbacks to neighbouring sites.</p> <p>The Department considers the existing and proposed landscaping on the site appropriate in buffering the bulk and</p>

Issue	Consideration
	<p>scale of the development when viewed from adjoining dwellings.</p> <p>The Department is satisfied that the proposal would positively contribute to the existing and future streetscape of the area.</p>
<p>Traffic and vehicle access and parking</p>	<p>The proposal is anticipated to create 24 trips within the AM peak and 19 trips within the PM peak which can be accommodated within the existing road network.</p> <p>The proposal provides 42 car parking spaces and three motorcycle spaces.</p> <p>The amount of parking proposed is consistent with the requirements of the Housing SEPP.</p> <p><i>Recommended conditions</i></p> <ul style="list-style-type: none"> • provision of car parking and bicycle parking spaces in accordance with the Australian Standards • provision of a car parking, loading and servicing management plan
<p>Landscaping, tree removal and biodiversity</p>	<p>The proposal includes the removal of 96 trees and planting of 67 new trees on the site, providing a canopy coverage of 2,028m². The planting palette selected responds to the scale of the existing and proposed built form, drawing on a range of local endemic and adapted species.</p> <p>The Department considers the landscape response for the proposal to be satisfactory and adequately compensates for the proposed loss of trees.</p> <p><i>Recommended conditions</i></p> <ul style="list-style-type: none"> • provision of a detailed landscape plan consistent with the approval and with details of the location, species, maturity and height at maturity of plants to be planted on-site • requirement for surveys prepared by a suitably qualified ecologist of potential threatened specific habitat in human made structures on the site • requirements for tree protection

Issue	Consideration
Construction impacts on adjoining development from excavation, demolition and other works	<p>The Department has recommended several conditions to ensure the proposal does not adversely impact or damage the adjoining development.</p> <p>The Department is satisfied that subject to the imposition of appropriate conditions, impacts on the adjoining development can be appropriately mitigated.</p>
Solar access to communal areas	<p>The Department considers the proposed solar access of communal areas appropriate as the proposal provides a range of outdoor, semi-outdoor and internal communal settings that provide appropriate seasonal responses including shaded outdoor spaces as well as sunny internal communal spaces to suit the needs of the elderly residents.</p> <p>The built form is oriented to optimise solar access while balancing other considerations including privacy and overlooking.</p>
Privacy	<p>The Department is satisfied that the proposed building envelope would allow for a reasonable level of privacy between dwellings to be maintained.</p>
Overshadowing	<p>The submitted plans demonstrate that the proposal would not result in significant overshadowing of any adjoining property.</p>
Property value	<p>The Department considers the proposed Seniors Living land use to be acceptable, as it is a permissible land use for the site.</p> <p>The Department has assessed the merits of the proposal in detail within Section 5 of this report and concludes that, subject to conditions, the development has acceptable impacts. The Department is satisfied that the proposal is unlikely to result in significant adverse amenity impacts on surrounding property prices.</p>
Inadequate engagement	<p>The Applicant engaged with Council and the community in accordance with the Department's 'Undertaking Engagement Guidelines for State Significant Projects'. In particular the Applicant:</p>

Issue	Consideration
	<ul style="list-style-type: none"> • undertook community engagement through letterbox drops to surrounding residents, multiple meetings with the project team, community flyers advertising drop-in sessions, status update emails on the progress of the project and meetings with adjoining landowners • provided a Submissions Report which has responded to submissions raised by Council and the public following the EIS exhibition period <p>The Department publicly exhibited the proposal for 28 days, which included consultation with Council, public authorities and notifying adjoining landowners. The Department has considered the issues raised in all submissions and advice as part of its assessment.</p>

Appendix C – Statutory considerations

Matters of consideration required by the EP&A Act

Section 4.15 of the EP&A Act sets out matters to be considered by a consent authority when determining a development application. The Department's consideration of these matters is shown in **Table 9**.

Table 9 | Matters for consideration

Matter for consideration	Department's assessment
Environmental planning instruments, development control plans & planning agreements	Appendix C
EP&A Regulation	Appendix C
Likely impacts	Section 5 – Assessment
Suitability of the site	Section 1.2 – Project location Section 3 – Policy and statutory context Section 5– Assessment
Public submissions	Section 4 – Engagement Section 5 – Assessment
Public interest	Section 4 – Engagement Section 5 – Assessment Section 6 – Evaluation

Objects of the EP&A Act

In determining the application, the consent authority should consider whether the project is consistent with the relevant objects of the EP&A Act (s 1.3) including the principles of ESD. Consideration of those factors are described in **Table 10** below.

As a result of its analysis, the Department is satisfied that the development is consistent with the objectives of the EP&A Act and the principles of ESD.

Table 10 | Objects of the EP&A Act and how they have been considered

Object	Consideration
(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,	<p>The proposal promotes the social and economic welfare of the community by providing additional housing and jobs at a highly accessible site, contributing to the achievement of State, regional and local planning objectives.</p> <p>The proposed development does not have any impacts on the State's natural or other resources.</p>
(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,	<p>The proposal includes ESD initiatives and sustainability measures, which aims to meet the ESD requirements via an equivalent outcome to a Green Star 5-star rating for a level Australian Excellence for its design and construction.</p>
(c) to promote the orderly and economic use and development of land,	<p>The proposal represents the orderly and economic use of the land primarily as it will increase seniors housing and employment opportunities near services and public transport.</p> <p>The proposed land uses are permissible, and the form of the development has had regard to the planning controls that apply to the site, the character of the locality and the context of surrounding sites.</p>
(d) to promote the delivery and maintenance of affordable housing,	<p>The project does not directly provide affordable housing as the project would provide housing for seniors.</p>
(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,	<p>The proposal will not adversely affect the protection of the environment. Also see the consideration of biodiversity below.</p>
(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),	<p>The proposal will not have any unreasonable heritage impacts.</p>

Object	Consideration
(g) to promote good design and amenity of the built environment,	<p>The proposal demonstrates a good design approach to the relevant planning controls and local character. The building has been designed to minimise amenity impacts to neighbours and the surrounding environment and to provide good levels of internal amenity.</p> <p>Other amenity impacts would be managed by either the form of the development or by the recommended conditions of consent for mitigation measures during the construction and operational phase of the development.</p>
(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,	<p>The proposal demonstrates that construction work will be undertaken in accordance with national construction standards, relevant regulation and the site-specific construction management plan. Any impacts during this phase will be monitored and managed in keeping with the conditions of consent set out to mitigate any impacts. Ongoing management and maintenance of the development shall be managed by the building management.</p>
(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,	<p>The Department publicly exhibited the proposal as outlined in Section 4. This included consultation with Council and other Government agencies, and consideration of their responses.</p>

Object	Consideration
(j) to provide increased opportunity for community participation in environmental planning and assessment.	<p>The Department publicly exhibited the application, which included notifying adjoining landowners and displaying the application on the Department's website.</p> <p>The Department placed the Applicant's RtS and additional information on its website, in addition to providing a copy to Council and other relevant Government agencies.</p> <p>The engagement activities carried out by the Department are detailed in Section 4.</p>

Ecologically Sustainable Development

The EP&A Act adopts the definition of ecologically sustainable development (ESD) found in the *Protection of the Environment Administration Act 1991*. Section 6(2) of that Act states that ESD requires the effective integration of economic and environmental considerations in decision-making processes and that ESD can be achieved through the implementation of:

- the precautionary principle.
- inter-generational equity.
- conservation of biological diversity and ecological integrity.
- improved valuation, pricing and incentive mechanisms.

The proposal includes ESD initiatives and sustainability measures, which aims to meet the ESD requirements via an equivalent outcome to a Green Star 5-star rating for a level Australian Excellence for its design and construction. A copy of the Applicant's ESD report can be viewed at **Appendix A**.

The Department has considered the proposal in relation to the ESD principles. The Precautionary and Inter-Generational Equity Principles have been applied in the decision-making process by a thorough assessment of the environmental impacts of the proposal. Overall, the proposal is consistent with ESD principles and the Department is satisfied the proposed sustainability initiatives will encourage ESD, in accordance with the objects of the EP&A Act.

Biodiversity development assessment report

Section 7.9(2) of the *Biodiversity Conservation Act 2016* (BC Act) requires all SSD applications to be accompanied by a Biodiversity Development Assessment Report (BDAR) unless the Planning Agency Head and the Environment Agency Head determine that the project is not likely to have any significant impact on biodiversity values (as identified in the BC Act and in the *Biodiversity Conservation Regulation 2017*).

A BDAR waiver request was submitted to the Department on 30 November 2022. The Environment Agency Head and the Team Leader for State Significant Acceleration as delegate of the Planning Secretary, determined that the development is not likely to have any significant impact on biodiversity values. A BDAR waiver was granted on 18 January 2023.

EP&A Regulation

The EP&A Regulation requires the applicant to have regard to the *State Significant Development Guidelines* when preparing their application. In addition, the SEARs require the applicant to have regard to the following:

- *Social Impact Assessment Guideline for State Significant Projects*
- *Undertaking Engagement Guidelines for State Significant Projects*

The Department considers the requirements of the EP&A Regulations have been complied with.

Environmental Planning Instruments (EPIs)

SEPP (Transport and Infrastructure) 2021 (TI SEPP)

The SEPP (Transport and Infrastructure) 2021 aims to facilitate the effective delivery of infrastructure across the State by improving regulatory certainty and efficiency, identifying matters to be considered in the assessment of development adjacent to particular types of infrastructure development, and providing for consultation with relevant public authorities about certain development during the assessment process.

The Department referred the development to TfNSW and Ausgrid, who raised no objection to the proposal subject to the imposition of conditions. The Department considers the proposed development to be consistent with the SEPP given the consultation and consideration of infrastructure, transport, traffic and parking issues in **Section 5** and recommended conditions of consent in **Appendix F**.

SEPP (Resilience and Hazards) 2021

Section 3.12 outlines mandatory matters for a consent authority to consider when determining an application for potentially hazardous or offensive development. Chapter 3 applies to any proposals

which fall under the policy's definition of 'potentially hazardous industry' or 'potentially offensive industry'. The works proposed as part of this SSDA do not fall within these definitions, and as such a Preliminary Hazard Analysis is not required.

Section 4.6 requires that a consent authority must not consent to the carrying out of development unless it has considered whether the land is contaminated, and if the land is contaminated that it is satisfied that it is suitable in its contaminated state or that it will be suitable after remediation, for the purpose for which the development is proposed to be carried out. Further, the consent authority must consider if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.

SEPP (Planning Systems) 2021

The proposal is State significant development under section 28 of Schedule 1 of the Planning Systems SEPP as it comprises development of seniors housing and includes a residential care facility, is within the greater Sydney region and has a EDC more than \$30 million.

SEPP (Housing) 2021

A summary of the Department's consideration of the relevant standards contained in the State Environmental Planning Policy (Housing) 2021 are provided in **Table 11** below.

Table 11 | SEPP (Housing) 2021 compliance table

SEPP (Housing) 2021	Consideration
Chapter 3 – Part 5 Housing for seniors and people with a disability	
79 Land to which Part applies This Part applies to land in the following zones- ... (d) Zone R2 Low Density Residential ...	The site is zoned R2 Low Density Residential and therefore, the Housing SEPP applies.
80 Land to which Part does not apply-general	N/A - The site is not identified as comprising environmentally sensitive land as specified in the State Environmental Planning Policy (Resilience and Hazards) 2021.

SEPP (Housing) 2021	Consideration
81 Seniors housing permitted with consent	The Housing SEPP applies to the site and the proposed development is permissible in the R2 zone.

Division 3 Development Standards

<p>84 Development standards–general</p> <p>(1) This section applies to development for the purposes of seniors housing involving the erection of a building.</p> <p>(2) Development consent must not be granted for development to which this section applies unless —</p> <p>(a) the site area of the development is at least 1,000m², and</p> <p>(b) the frontage of the site area of the development is at least 20m measured at the building line, and</p> <p>(c) for development on land in a residential zone where residential flat buildings are not permitted —</p> <p>(i) the development will not result in a building with a height of more than 9.5m, excluding servicing equipment on the roof of the building, and</p> <p>(ii) if the roof of the building contains servicing equipment resulting in the building having a height of more than 9.5m — the servicing equipment complies with subsection (3), and</p> <p>(iii) if the development results in a building with more than 2 storeys — the additional storeys are set back within planes that project at an angle of 45 degrees inwards from all side and rear boundaries of the site.</p> <p>(3) The servicing equipment must —</p> <p>(a) be fully integrated into the design of the roof or contained and suitably screened from view from public places, and</p>	<p>84(1) The proposed development is for the purposes of seniors housing involving the erection of a building.</p> <p>(2)(a) The total site area is 9,324m².</p> <p>(2)(b) Mona Vale Road is the site's front entry with a street frontage of 64m.</p> <p>(2)(c)(i) the development results in a building that is generally 9.5m except for a small section which breaches the height limit by 1m (refer to 0 for consideration of the height variation).</p> <p>(ii) the roof of the building contains servicing equipment. The proposed servicing equipment entirely complies with this development standard, with a maximum height of 11.5m.</p> <p>(iii) the proposal results in a building with three (3) storeys, remaining compliant with the 45-degree setback standard to third storeys</p> <p>(3) The servicing equipment is integrated into the design and reasonably screened from view from public places, is limited to 20% of the surface area of the roof and all servicing equipment is located under the 11.5m height limit.</p>
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SEPP (Housing) 2021	Consideration
<p>(b) be limited to an area of no more than 20% of the surface area of the roof, and</p> <p>(c) not result in the building having a height of more than 11.5m.</p> <p>(4) Subsection (2)(a) and (b) do not apply to development if the development application is made by a social housing provider or Landcom.</p>	
<p>88 Restrictions on occupation of seniors housing</p>	<p>The proposal will comprise seniors 60 years and older. Standard conditions are recommended to be imposed to ensure occupation is restricted to only persons specified in this clause.</p>
<p>91 Fire sprinkler systems in residential care facilities</p>	<p>Standard conditions are recommended to be imposed to ensure the appropriate fire sprinkler system is installed.</p>

Division 4 – Site-related Requirements

<p>94 Location and access to facilities and services—residential care facilities</p> <p>(1) Development consent must not be granted for development for the purposes of a residential care facility unless the consent authority is satisfied that residents of the facility will have access to facilities and services —</p> <p>(a) on-site, or</p> <p>(b) by a transport service other than a passenger service.</p> <p>(2) In this section —</p> <p>facilities and services — see section 93.</p> <p>passenger service has the same meaning as in the Point to Point Transport (Taxis and Hire Vehicles) Act 2016.</p> <p>Note —</p>	<p>A private bus service is proposed which would take residents to nearby centres with necessary services and facilities. On site services proposed include a café, salon, wellness centre, community garden and home care services.</p>
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SEPP (Housing) 2021	Consideration
A passenger service is defined as the transport, by a motor vehicle other than a bus, of passengers within, or partly within, this State for a fare.	
95 Water and Sewer	The applicant has submitted an Infrastructure Service Report (Appendix A) which indicates that the proposal has access to existing water and sewer services.
96 Bushfire prone land	N/A The site is not identified as bushfire prone land.

Division 5 – Design Requirements

97 Design of seniors housing (1) In determining a development application for development for the purposes of seniors housing, a consent authority must consider the Seniors Housing Design Guide, published by the Department in December 2023. (2) Development consent must not be granted to development for the purposes of seniors housing unless the consent authority is satisfied the design of the seniors housing demonstrates that adequate consideration has been given to the design principles for seniors housing set out in Schedule 8.	An assessment of the Seniors Housing Design Guide 2023 is provided below.
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Division 7 – Non-discretionary Development Standards

107 Non-discretionary development standards for hostels and residential care facilities–the Act, s.4.15 (2)(a) No building has a height of more than 9.5m, excluding servicing equipment on the roof of a building.	(2)(a) & (b) The maximum proposed height is 9.5m to the roof, except for a minor breach (refer to 0 for an assessment of the height variation) and up to 11.5 for servicing equipment on the roof.
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SEPP (Housing) 2021	Consideration
<p>(b) Servicing Equipment on the Roof of a Building which results in the building having a height of more than 9.5m —</p> <p>(i) is fully integrated into the design of the roof or contained and suitably screened from view from public places, and</p> <p>(ii) is limited to an area of no more than 20% of the surface area of the roof, and</p> <p>(iii) does not result in the building having a height of more than 11.5m.</p> <p>(c) the density and scale of the buildings when expressed as a floor space ratio is 1:1 or less.</p> <p>(d) Internal and external communal open spaces with a total area of at least —</p> <p>(ii) for a residential care facility — 10m² for every bed.</p> <p>(e) At least 15m² of landscaped area for every bed.</p> <p>(f) A deep soil zone on at least 15% of the site area, where each deep soil zone has minimum dimensions of 6m and, if practicable, at least 65% of the deep soil zone is located at the rear of the site.</p> <p>(h) For a residential care facility — at least 1 parking space for every 15 beds in the facility,</p> <p>(i) At least 1 parking space for every 2 employees who are on duty at the same time,</p> <p>(j) At least 1 parking space for the purpose of ambulance parking.</p>	<p>(c) The proposed floor space ratio is 0.97:1.</p> <p>(d) The proposed communal open space (both internal and external) is 4,043m² of communal area which equates to 27.3m² for every bed.</p> <p>(e) The proposed landscaped area is 4,447m² which equates to 30m² for every bed.</p> <p>(f) The proposed deep-soil area is 1,704m² which exceeds the 1,398.6m² requirement.</p> <p>(h) The proposal will provide 42 car parking spaces (inclusive of two accessible spaces) exceeding the required car parking spaces of 34.</p>

Schedule 8 – Design Principals for Seniors Housing

<p>1. Neighbourhood amenity and streetscape</p> <p>Seniors housing should be designed as follows —</p>	<p>The proposal is generally compliant with the applicable planning controls for the site. The RCF has been designed to suit the operational and</p>
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SEPP (Housing) 2021	Consideration
<p>(a) to recognise the operational, functional and economic requirements of residential care facilities, which typically require a different building shape from other residential accommodation,</p> <p>(b) to recognise the desirable elements of —</p> <p>(i) the location's current character, or</p> <p>(ii) for precincts undergoing a transition — the future character of the location so new buildings contribute to the quality and identity of the area,</p> <p>(c) to complement heritage conservation areas and heritage items in the area,</p> <p>(d) to maintain reasonable neighbourhood amenity and appropriate residential character by —</p> <p>(i) providing building setbacks to reduce bulk and overshadowing, and</p> <p>(ii) using building form and siting that relates to the site's land form, and</p> <p>(iii) adopting building heights at the street frontage that are compatible in scale with adjacent buildings, and</p> <p>(iv) considering, where buildings are located on the boundary, the impact of the boundary walls on neighbours,</p> <p>(e) to set back the front building on the site generally in line with the existing building line,</p> <p>(f) to include plants reasonably similar to other plants in the street,</p> <p>(g) to retain, wherever reasonable, significant trees,</p> <p>(h) to prevent the construction of a building in a riparian zone.</p>	<p>functional needs of the Opal service offering and relevant standards for RCFs and as such, it presents a different shape to the immediate streetscape and context.</p> <p>Notwithstanding, the proposed development respects the residential character of the area by adopting a 2-3 storey component and reasonable setbacks.</p> <p>The proposed development also maintains reasonable neighbourhood amenity including solar access, overshadowing and visual and acoustic privacy to surrounding dwellings.</p> <p>The proposed landscape scheme seeks to retain existing mature trees within the site and seeks to include additional landscaped and communal open space areas throughout the development. The landscape plan shows a majority of trees located on the perimeter of the site which visually buffers the proposal when viewed from neighbouring dwellings.</p>
<p>2. Visual and Acoustic privacy</p>	<p>The proposal protects visual and acoustic privacy of neighbouring dwellings by the proposed built form</p>

SEPP (Housing) 2021	Consideration
<p>Seniors housing should be designed to consider the visual and acoustic privacy of adjacent neighbours and all residents of the seniors housing by —</p> <p>(a) using appropriate site planning, including considering the location and design of windows and balconies, the use of screening devices and landscaping, and</p> <p>(b) ensuring acceptable noise levels in bedrooms of new dwellings by locating them away from driveways, parking areas and paths.</p>	<p>layouts, the setback from neighbouring properties and the implementation of privacy screens and landscaping.</p> <p>The proposal locates parking and loading docks within the basement, ensuring acceptable acoustic amenity is provided.</p> <p>Appropriate mitigation measures have been included in the conditions of consent to ensure the acoustic amenity of residents and neighbouring properties is adequately achieved.</p>
<p>3. Solar access and design for climate</p> <p>The design of seniors housing should —</p> <p>(a) for development involving the erection of a new building — provide residents of the building with adequate daylight in a way that does not adversely impact the amount of daylight in neighbouring buildings, and</p> <p>(b) involve site planning, dwelling design and landscaping that reduces energy use and makes the best practicable use of natural ventilation, solar heating and lighting by locating the windows of living and dining areas in a northerly direction.</p>	<p>The proposal provides adequate daylight access to the units to the site through the articulations and design of bedroom layouts. The articulation of the proposal also results in minimal overshadowing impacts on neighbouring properties.</p> <p>Energy efficiency and sustainability initiatives have been incorporated into the development including natural ventilation, solar heating and lighting.</p>
<p>4. Stormwater</p> <p>The design of seniors housing should aim to —</p> <p>(a) control and minimise the disturbance and impacts of stormwater runoff on adjoining properties and receiving waters by, for example, finishing driveway surfaces with semi-pervious material, minimising the width of paths and minimising paved areas, and</p> <p>(b) include, where practical, on-site stormwater detention or re-use for second quality water uses.</p>	<p>The Applicant has provided a Stormwater Management Plan and has designed the stormwater system in line with Council's Requirements. The Department recommends conditions to ensure the minimisation of disturbance and impacts of stormwater runoff to adjoining properties.</p>

SEPP (Housing) 2021	Consideration
<p>5. Crime Prevention</p> <p>Seniors housing should —</p> <p>(a) be designed in accordance with environmental design principles relating to crime prevention, and</p> <p>(b) provide personal property security for residents and visitors, and</p> <p>(c) encourage crime prevention by —</p> <p>(i) site planning that allows observation of the approaches to a dwelling entry from inside each dwelling and general observation of public areas, driveways and streets from a dwelling that adjoins the area, driveway or street, and</p> <p>(ii) providing shared entries, if required, that serve a small number of dwellings and that are able to be locked, and</p> <p>(iii) providing dwellings designed to allow residents to see who approaches their dwellings without the need to open the front door.</p>	<p>The Applicant has provided a Crime Prevention through Environmental Design Report which addressed crime prevention through:</p> <ul style="list-style-type: none"> • proposed landscaping incorporating opportunities of passive supervision of public and community areas and pathways • design measures to distinguish private areas from the public domain • controlled access points to and from the development for residents and staff
<p>6. Accessibility</p> <p>Seniors housing should —</p> <p>(a) have obvious and safe pedestrian links from the site that provide access to transport services or local facilities, and</p> <p>(b) provide safe environments for pedestrians and motorists with convenient access and parking for residents and visitors.</p>	<p>New pedestrian links are provided throughout the site, as well as upgrading of existing pedestrian paths to ensure safe travel across the site. Distinct pedestrian and vehicular access points are also provided. Vehicular access and parking has been provided through Mona Vale Road.</p>
<p>7. Waste Management</p> <p>Seniors housing should include waste facilities that maximise recycling by the provision of appropriate facilities.</p>	<p>The Applicant has provided an Operational Waste Management Plan which outlines that operational waste will be separated in to waste streams to reduce landfill and encourage recycling.</p>

Ku-ring-gai Local Environmental Plan 2015 (KLEP 2015)

A summary of the Department's consideration of the relevant standards contained in the KLEP 2015 are provided in **Table 12** below.

Table 12 | KLEP 2015 compliance table

Ku-ring-gai Local Environmental Plan 2015	Consideration
Clause 2.3 Zone Objectives (R2 Low Density Residential)	<p>The proposed seniors housing land use is permissible within the R2 Low Density zone and is consistent with the zone objectives as the proposal:</p> <ul style="list-style-type: none"> • provides for the housing needs of the community with a low-density residential environment • enables a land use that provides facilities and services to meet the needs of residents • has been designed to be compatible with the existing environment and built character of Ku-ring-gai • does not result in unacceptable environmental impacts • ensures appropriate amenity to adjoining residents and future land uses.
Clause 4.1 Minimum subdivision lot size	The proposal does not seek to subdivide the land. The proposal will amalgamate all lots into a single allotment.
Clause 4.3 Height of Buildings	The maximum height for the site under KLEP 2015 is 9.5m. Under the Housing SEPP, the maximum height permissible is also 9.5m and up to 11.5 for mechanical plant and services.
Clause 4.4 Floor Space Ratio	The site is afforded a maximum FSR of 0.3:1 under KLEP 2015. However, the Housing SEPP allows for a maximum FSR of 1:1.
Clause 5.10 – Heritage Conservation	The site is not heritage listed nor is it located in a heritage conservation area.
Clause 5.21 – Flood Planning	The site is not identified on Council's flood planning area map.
Cluse 6.1 Acid sulfate soils	<p>N/A</p> <p>The site is not affected by acid sulfate soils.</p>

Ku-ring-gai Local Environmental Plan 2015		Consideration
Clause 6.2 Earthworks		The proposal involves a cut depth of approximately 3m. A Geotechnical Assessment Report was submitted as part of the application. Standard conditions of consent have been imposed to ensure appropriate measures are in place to avoid, minimise and mitigate the impacts of the proposed earthworks.
Clause 6.3 Biodiversity Protection		A BDAR Waiver was granted, confirming that the proposed development is not likely to have any significant impacts on biodiversity values. The application was referred to DCCEEW who raised no objections to the proposal subject to conditions of consent.
Clause 6.5 Stormwater and water sensitive urban design		The application was accompanied with a Water Management Plan which was reviewed by the Department, Council and DCCEEW. Conditions of consent have been imposed to avoid or minimise the adverse impacts of urban stormwater on the site, adjoining properties and waterways.

Seniors Housing Design Guide

The Seniors Housing Design Guide seeks to inform the design and assessment of seniors housing and ensure high quality design of seniors housing developments are achieved. An assessment of the proposal against the Seniors Housing Design Guide has been provided in **Table 13** below:

Table 13 | Seniors Housing Design Guide compliance table

Seniors Housing Design Guide 2023		Consideration
Design for Country		<ul style="list-style-type: none"> cultural consultants, WSP and Uncle Laurie Bimson, were consulted to ensure the design and operation of the proposed development will appropriately celebrate and acknowledge the Aboriginal significance of the site the proposed schedule of materials incorporates Country-led design principles, integrating an earthy and warm tonal palette of self-finished materials which connects to Country, reflects the season and defines the place

Care for the planet	<ul style="list-style-type: none"> the proposed RCF incorporates the principles of ecologically sustainable design through the inclusion of solar panels, thoughtful orientation of the building to the north to maximise solar access and thermal comfort the ESD Report (Appendix A), sets out the various ESD initiatives that are being incorporated into the development and confirms that the proposed development meets the relevant energy and water reduction targets
Site analysis Environmental response Urban response	<ul style="list-style-type: none"> the development is sensitive to the natural physical characteristics of the land and seeks to preserve its natural features such as significant landscaping the building fabric is responsive to its context and local environment and would positively contribute to the neighbourhood reasonable setbacks have been provided to enhance a landscaped setting and maintain privacy for neighbouring residential properties the development would enable older people to age in place
Heritage	<ul style="list-style-type: none"> the site is not identified as a local heritage item nor is it located within a heritage conservation. Notwithstanding, the Uniting Church Hall located across the site along Mona Vale Road to the west is identified as having heritage value the proposal will not result in any detrimental impacts to the Uniting Church Hall from a heritage perspective
Care, wellbeing and community	<ul style="list-style-type: none"> the development has been designed to cater for residents requiring varying levels of care, including dementia generous spaces are provided in RCF rooms and communal areas the development encourages mobility of residents outside of their immediate private space
Design for physical ageing and dementia	<ul style="list-style-type: none"> the development consists of easy to navigate spaces and would be internally designed for safety

- the development has been designed for environmental comfort through the provision of thermal insulation, high performance glazing and weather seals
- the building has been designed with familiar domestic character and promotes a home-like environment
- the development is to cater to physical ageing and people with dementia and has been designed to aid visual perception, wayfinding and promote sensory interaction with the environment

**Design principles for
residential care facilities**

- the building suitably connects with the natural environment and positively contributes to the streetscape and locality
- the general arrangement of the RCF enables efficient workflows, presents as non-institutional and would create an environment where staff can work efficiently to care for groups of people in a communal living setting
- entry to the development is clearly identifiable. A porte cochere has been provided where a vehicle or ambulance can temporarily stop to pick-up or drop people off
- a café is provided near the front entry as well as a water fountain which is welcoming and inviting to the wider community
- all rooms within the RCF contain a private balcony or terrace
- the façade design is broken down into smaller elements to respond to the scale and pattern of the local streetscape and surrounding built character back of house facilities are suitable located to accommodate commercial operations

Appendix D – Consideration of Clause 4.6 variation request

The application seeks to vary the height of buildings development standard in clause 84(2)(c)(i) of the Housing SEPP as follows:

84 Development standards—general

(2) Development consent must not be granted for development to which this section applies unless—

(c) for development on land in a residential zone where residential flat buildings are not permitted—

- (i) the development will not result in a building with a height of more than 9.5m, excluding servicing equipment on the roof of the building, and*
- (ii) if the roof of the building contains servicing equipment resulting in the building having a height of more than 9.5m—the servicing equipment complies with subsection (3), and*

The site is subject to a maximum building height development standard of 9.5m as measured to the top of the roof and 11.5m as measured to the top of the mechanical plant. The proposed development has a maximum building height of 9.5m and 11.5m to the top of the mechanical plant. However, there is an existing swimming pool on 287 Mona Vale Road. When the height is measured from the bottom of the pool floor instead of the natural ground level, there is a breach of the 9.5m height standard by 1m (10.5% variation) in this location.



Figure 21 | Location of existing pool where height breach occurs (circled red)

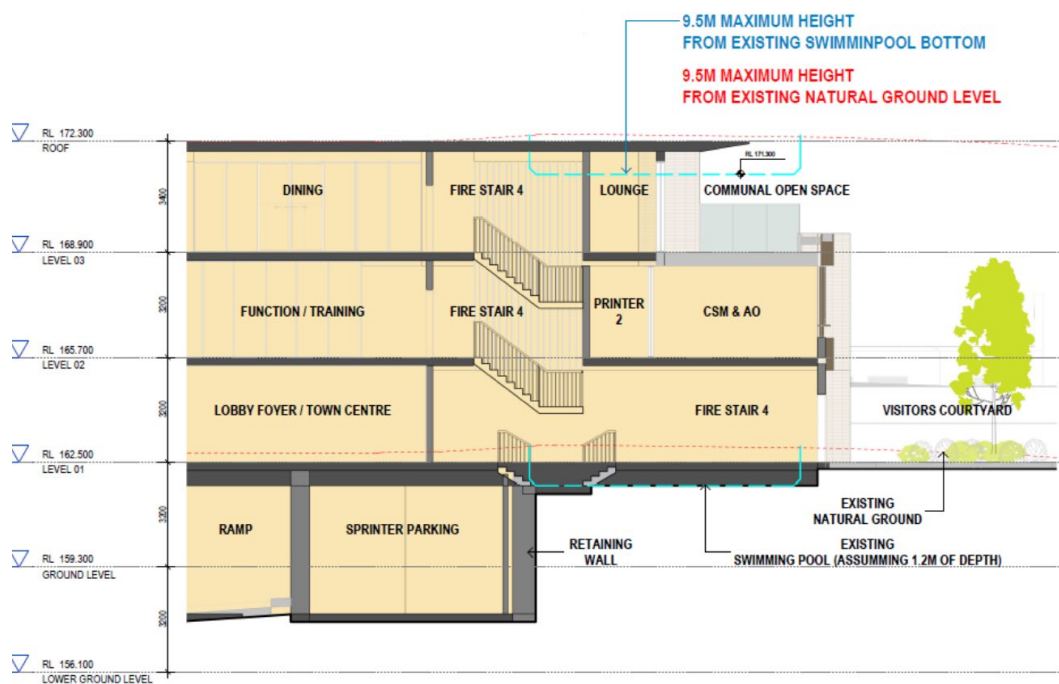


Figure 22 | Elevation showing height variation from the bottom of the swimming pool

Clause 4.6(2) of the KLEP 2015 permits the consent authority to consider a variation to a development standard imposed by an environmental planning instrument. The aim of clause 4.6 is to provide an appropriate degree of flexibility in applying development standards to achieve better development outcomes. In consideration of the proposed variation, clause 4.6(3) requires the following:

- (3) *Development consent must not be granted for development that contravenes a development standard unless the consent authority is satisfied the applicant has demonstrated that-*
- (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances; and*
 - (b) there are sufficient environmental planning grounds to justify contravention of the development standard.*

The following provides an assessment of the proposed exception to the FSR development standard under clause 4.6, applying the tests summarised by Chief Justice Preston of the NSW Land and Environment Court in *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118 and *Wehbe v Pittwater Council* (2007) 156 LGERA 446; [2007] NSWLEC 827 as reaffirmed in *Randwick City Council v Micaul Holdings Pty Ltd* [2016] NSWLEC 7 [34].

1. Has the consent authority considered a written request demonstrating compliance with the development standard is unreasonable or unnecessary in the circumstances?

The Applicant has submitted a written request (see **Appendix A**), seeking a variation to the height development standard that applies to the site.

In summary, the Applicant's clause 4.6 request demonstrates that compliance with the standard is unreasonable and unnecessary in the circumstance of the case as the development is consistent with the objectives of the height development control and the zone and which delivers public benefits and design benefits, in keeping with the first test of the five-part tests in *Wehbe v Pittwater Council [2007] NSWLEC 827*.

More specifically, the Applicant's written request provides the following reasons to demonstrate that the development is consistent with the objectives of the height standard:

- the proposed development will directly assist in meeting the current and growing need for modern seniors housing that will allow residents to age in place in St Ives and the wider Ku-ring-gai LGA and NSW generally
- the proposal will increase the diversity of housing typologies in the Ku-ring-gai LGA and wider area, consistent with the low-density residential environment and the existing and future character of the area
- the proposal is for seniors housing that will allow for existing and future residents to age in place with services and facilities on site to meet the needs of the community, including a wellness centre and rehabilitation gym
- the proposed seniors housing has been designed to be compatible with the existing environment and built character of Ku-ring-gai
- the proposed development will not result in adverse environmental impacts and has been designed to ensure appropriate amenity to adjoining residents and future land uses is achieved

The Department has reviewed the Applicant's request and accepts that compliance with height is unreasonable or unnecessary given the circumstances of the case.

2. Has the consent authority considered a written request that demonstrates there are sufficient environmental planning grounds to justify contravening the development standard?

The Department considers the Applicant's arguments above to be well founded. In supporting the above environmental planning grounds to vary the development standard, the Department considers that the development will deliver a better planning outcome for the site. The Department also considers the proposed height is acceptable because:

- this clause 4.6 variation request seeks to enable the proposed maximum building height to adhere to the existing levels and natural slope of the site, responding to the visible context and conditions of the site

- strict compliance with the height requirement will result in an illogical height plane that dips by 1m where the existing pool is located
- the bulk and scale would be consistent with the buildings within a low-density residential environment as the development is two to three storeys
- given the non-compliance is confined to the area where the existing swimming pool is located, the proposed development would not result in any adverse amenity impacts in terms of overshadowing or privacy, as discussed at **Section 5**
- the proposed development would be consistent with the scale and form that is compatible with the existing and planned character of the area
- the landscaping strategy, including large deep soil zones, will allow for the retention and planting of mature trees and dense landscaping to further mitigate the scale of the building and provide appropriate acoustic and visual privacy
- the proposal will provide a positive impact on the streetscape and is considered to provide an appropriate built form in the context of the surrounding development

The Department is satisfied the Applicant's written request has sufficiently demonstrated the development would be consistent with the objectives of the R2 zone despite the proposed variation to the height development standard.

Conclusion

Having considered the Applicant's written request, the Department considers the Applicant has demonstrated that compliance with the height development standard is unreasonable and unnecessary, and sufficient environmental planning grounds have been provided to justify the contravention of the height development standard and the matters required to be demonstrated have been adequately addressed.

The Department concludes the Applicant's written request adequately addresses the matters required to be demonstrated under clause 4.6 of the LEP and the proposed development is in the public interest because it is consistent with the height objectives in the LEP and the objectives for development within the zone.

Further, the proposal would not result in any unreasonable impacts on the surrounding area, integrates seamlessly with the existing built form and aligns with the established character of the locality.

Appendix E – Visual Privacy Assessment

Council and public submissions raised concerns regarding visual privacy to the private open space of adjoining dwellings, particularly 283, 293 and 295 Mona Vale Road and 6 Flinders Avenue St Ives.

The Department requested a detailed privacy assessment demonstrating that overlooking into adjacent properties' private open space or windows would be appropriately mitigated.

The Applicant submitted an amended Design Response which assessed privacy concerns raised by the Department, Council and public submissions.

283 Mona Vale Road, St Ives

The Applicant contends that the amended setbacks have provided further opportunities for existing tree and planting to be retained, offering visual and acoustic privacy to the units at 283 Mona Vale Road (**Figure 23**).

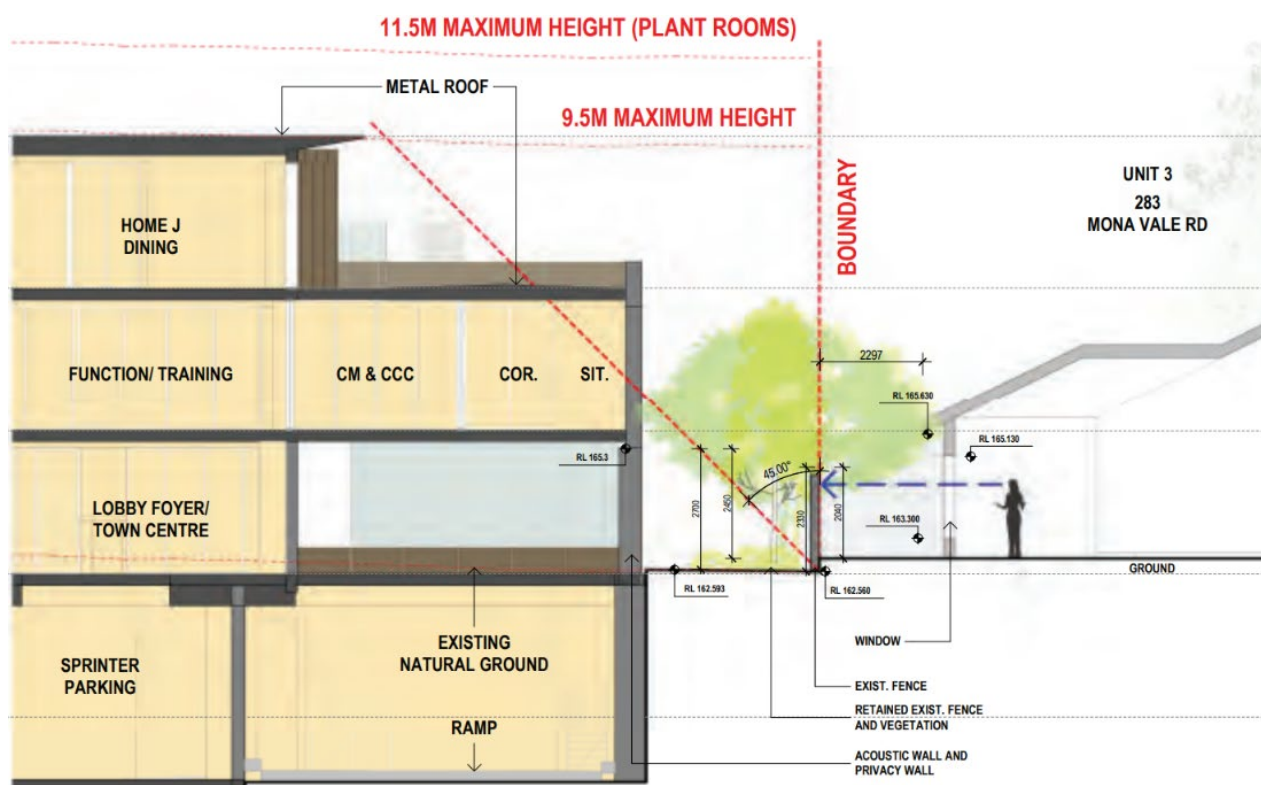
The Department's assessment of visual privacy for the units at 283 Mona Vale Road has found that:

- units 1 and 2 in **Figure 23** are setback from the proposed development by a minimum of approximately 21m and 14m respectively which is a substantial distance and reduces any opportunities for overlooking
 - unacceptable visual privacy impacts for Units 1 and 2 are unlikely as they both face the driveway on the subject site
 - a 1.8m high acoustic wall is provided along this boundary which also provides visual privacy
 - existing and proposed trees will provide natural screening, enhancing visual privacy



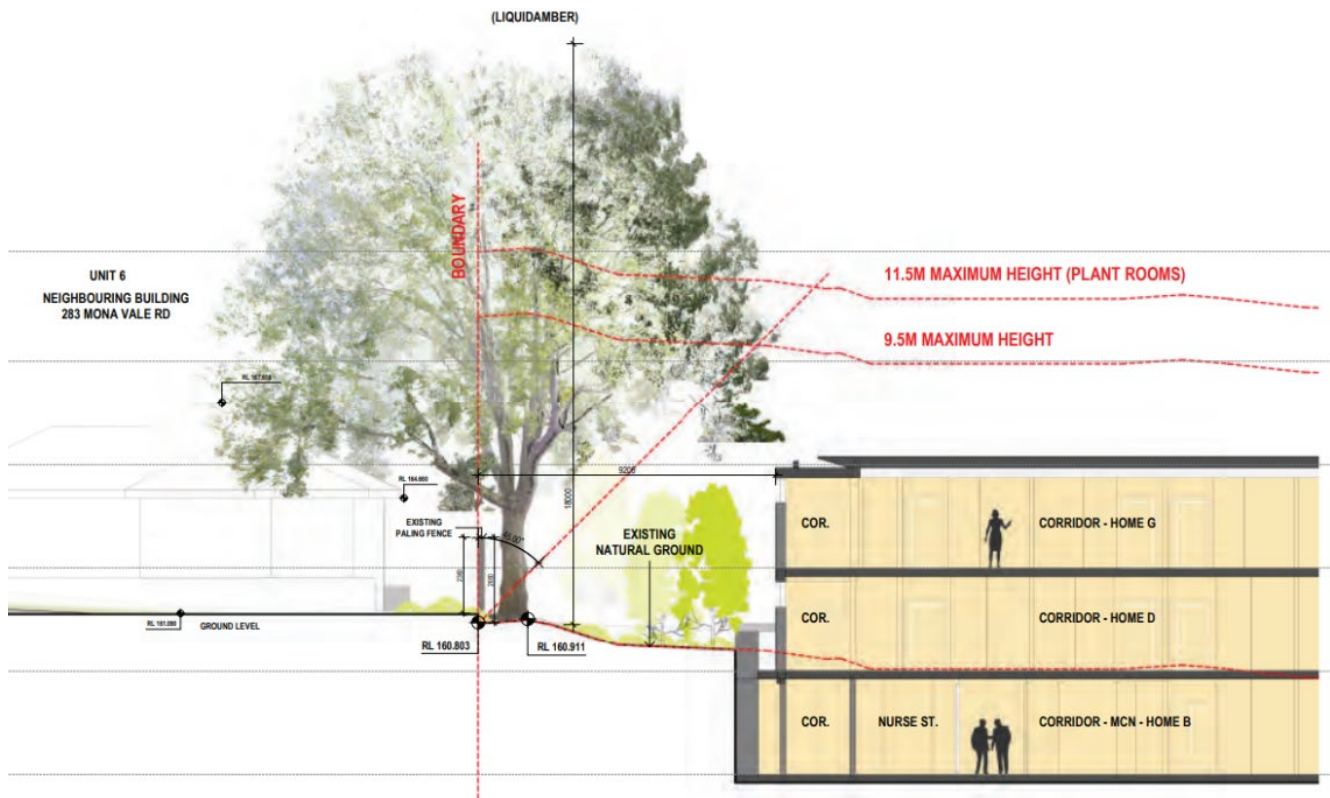
Figure 23 | Interface between subject site and townhouse development at 283 Mona Vale Road (Source: Applicant's amended design response)

- units 3 and 4 in **Figure 23** are setback from the proposed development by approximately 6.7m and 9m respectively
 - revised plans were submitted which increased the setback from 3m to approximately 4m- 5.7m to allow for additional trees to be retained in this boundary for visual and acoustic privacy
 - the Level 1 floor plan shows that the site boundary closest to the units at 283 Mona Vale Road will be used for a corridor with a sitting area and highlight window and a fire stair exit. Level 2 also contains a corridor and sitting area with a highlight window towards the boundary. Level 3 contains a dining area and communal open space which is setback by a minimum of approximately 10m from this boundary
 - no RCF units or balconies are positioned towards this boundary which reduces overlooking opportunities
 - existing and proposed trees will provide natural screening, enhancing visual privacy



- Unit 6 is setback by a minimum of approximately 6.2m from the proposed development.
 - there is a notable fall in the natural ground level as shown in **Figure 25**, between Unit 6 and the subject site
 - this boundary of the site contains a highlight window from a corridor, mitigating overlooking opportunities as no RCF rooms, balconies or communal open spaces face Unit 6
 - tree 80 which is identified as a significant tree, provides an adequate buffer in protecting the privacy of Unit 6.

Overall, the Department is satisfied that the proposed setbacks, uses and landscaping provide an adequate response to minimise overlooking opportunities to the units at 283 Mona Vale Road.



293 and 295 Mona Vale Road St Ives

The northern and north-eastern boundaries of the site have private balconies which face the properties at 293 and 295 Mona Vale Road (**Figure 26**).



Figure 26 | Northern and north-eastern boundary facing 295 and 293 Mona Vale Road

In response to the Department's concerns as well as Council and public submissions, the proposal was revised to increase setbacks on these boundaries and introduce louvered screening to remove direct views onto neighbouring properties.

The Department's assessment of visual privacy for the units at 293 and 295 Mona Vale Road has found that:

- the units on the north-eastern boundary of the site facing 293 Mona Vale Road are set back a minimum of approximately 3.65m from the site boundary and a further 7.3m to the neighbouring dwelling resulting in a minimum setback of approximately 10.95m from the proposed balconies
- the central units on the north-eastern boundary were identified as having the most impact on privacy towards 293 Mona Vale Road and therefore in response to Council, the public and concerns raised by the Department, the plans were revised to achieve a further setback from 3m to 5.6m from the balcony edge to the boundary of the site. This results in a setback of approximately 12.9m from the central north-eastern boundary to the dwelling at 293 Mona Vale Road, which is a reasonable setback to ensure enhanced privacy and reduce potential visual intrusion
- the units on the northern boundary are setback approximately 3.5m from the site boundary and a further 8.2m from the dwelling at 295 Mona Vale Road resulting in a minimum setback of approximately 11.7m from the balconies to the neighbouring dwelling
- the proposed balconies are offset from the windows at 293 and 295 Mona Vale Road, with no direct view lines into the windows of these properties
- the proposed privacy louvers on the northern and north-eastern boundaries mitigate overlooking opportunities to enhance privacy for neighbouring residents. The horizontal louvers are approximately 1-1.4m above the balcony ground floor and are effective in blocking views directly down into the private open space of neighbouring properties without blocking outward and upward views for the residents (**Figure 27**). This balances the privacy of neighbouring properties with the amenity of the residents of these units
- the boundary facing 295 Mona Vale Road contains a driveway which acts as a further buffer and setback between the site and neighbouring property
- the property at 293 Mona Vale Road is a battleaxe development with no clear front and rear setbacks (**Figure 28**). While the boundary shared with the site is the rear setback, the open space of this property is located to the front of the dwelling. As such, overlooking into the open space of the property is limited and buffered by the location of the driveway and landscaping

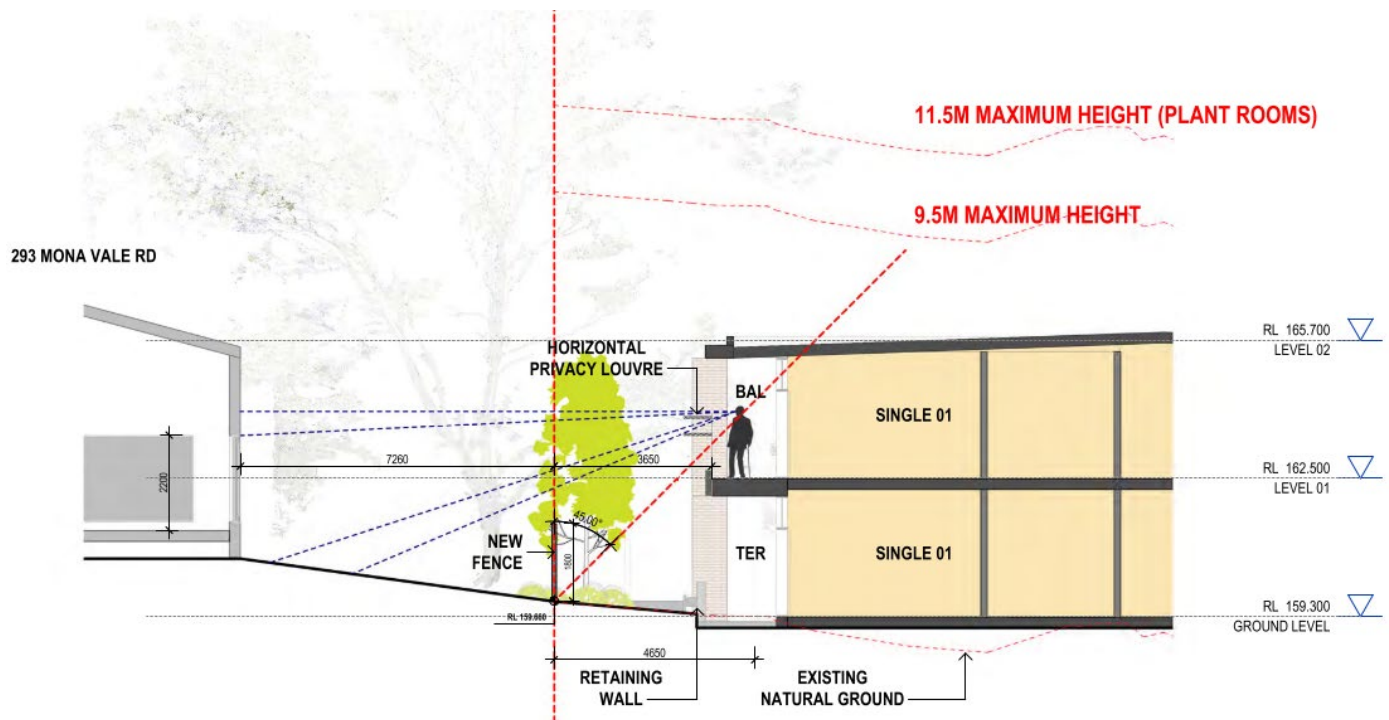


Figure 27 | Section plan showing relationship between the north-eastern boundary of the site and 293 Mona Vale Road, St Ives



Figure 28 | Ariel image showing 293 and 295 Mona Vale Road

- 293 Mona Vale Road has a garage located on the boundary shared with the site and as such there are no opportunities for overlooking into windows of habitable rooms (**Figure 29**)

- existing trees and screen planting are retained where possible, and additional trees and plantings are also proposed to infill gaps. This offers a visual privacy buffer between the RCF units and balconies with the adjoining dwellings
- additional setbacks to the third storey offer improved privacy to neighbouring dwellings through minimising overlooking opportunities.

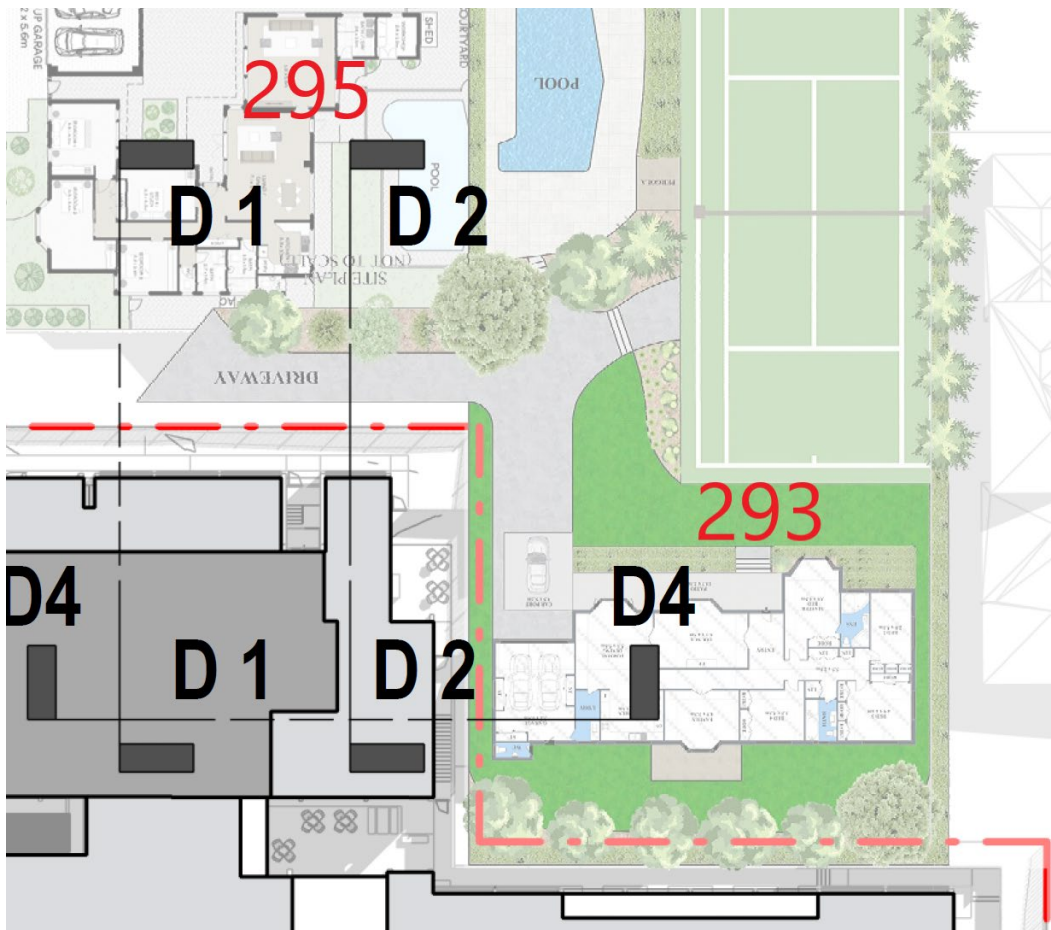


Figure 29 | Image showing floor plans of 293 and 295 Mona Vale Road

Overall, the Department is satisfied that the proposed setbacks, uses and landscaping provide an adequate response to minimise overlooking opportunities onto 293 and 295 Mona Vale Road.

6 Flinders Avenue, St Ives

The proposed development is setback approximately 6.3m to 10.2m from the boundary adjoining 6 Flinders Avenue, St Ives (3m from the fire safety stairs).

The Department's assessment of visual privacy for 6 Flinders Avenue has found that:

- the eastern boundary retains an established grouping of screen vegetation approximately 3m wide which provides natural screening and proposes further landscaping to infill gaps on this boundary (**Figure 30**)

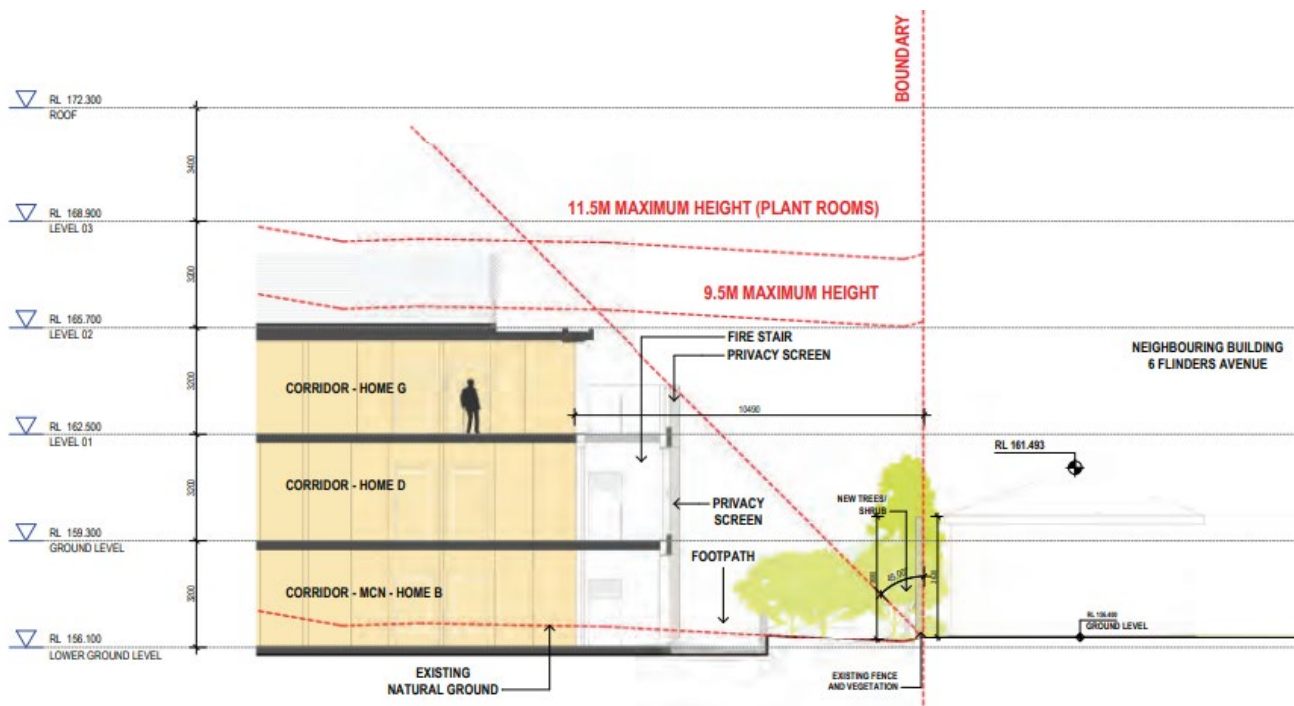


Figure 31 | Section plan demonstrating relationship between the proposal and boundary facing 6 Flinders Avenue

Appendix F – Recommended instrument of consent

Opal St Ives Care Community | Planning Portal - Department of Planning and Environment.