



New South Wales Government  
Independent Planning Commission

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# Opal St Ives Community Care Seniors Housing

## SSD-48028209

### Statement of Reasons for Decision

Janett Milligan (Chair)  
Ken Kanofski

31 July 2025

# 1. Introduction

1. On 23 June 2025, the NSW Department of Planning, Housing and Infrastructure (**Department**) referred the State significant development (**SSD**) application SSD-48028209 (**Application**) from Principal Healthcare Finance Pty Limited (**Applicant**) to the NSW Independent Planning Commission (**Commission**) for determination.
2. The Application seeks approval for the Opal St Ives Community Care Seniors Housing (the **Project**) located in the Ku-ring-gai Municipal Council (**Council**) Local Government Area (**LGA**) under section 4.38 of the *Environmental Planning & Assessment Act 1979* (**EP&A Act**).
3. In accordance with section 4.5(a) of the EP&A Act and section 2.7 of the *State Environmental Planning Policy (Planning Systems) 2021* (**SEPP Planning Systems**), the Commission is the consent authority as Council objected to the proposal.
4. Andrew Mills, Chair of the Commission, determined that Janett Milligan (Chair), and Ken Kanofski would constitute the Commission for the purpose of exercising its functions with respect to the Application.
5. The Department concluded in its Assessment Report (**AR**) that the Project would deliver well-located housing to meet the changing needs of an ageing population, and that the Project is in the public interest and approvable, subject to conditions.

# 2. The Application

6. The Application seeks approval for the Project which comprises:
7. A complete description of each component of the Project is set out in the Department's AR at **Appendix D**.
8. The Project site comprises of five separate allotments, known as 285, 287, 287A, 289 Mona Vale Road and 1 Flinders Avenue, St Ives (the **Site**). Each allotment contains an existing dwelling house and ancillary structures (**Figure 1**). The local context of the Site is generally characterised by low density residential land uses as illustrated at **Figure 2**.
9. The Project has an estimated development cost of \$79,639,428 and is expected to generate 300 construction jobs and 120 operational jobs (AR, Table 2).

Figure 1 – Local context map (Source: Department's AR, Figure 2)



Figure 2 – Local context map (Source: Department's AR, Figure 1)



### 3. Public Consultation

10. The Commission has given consideration to the matters raised in the written submission made to the Commission. These considerations are outlined in the Public Consultation Report (**Appendix A**) and have been built into the Commission's decision-making process.

## 4. Reasons for the Decision

11. In this determination, the Commission has given consideration to the:
- matters raised in the public submission received by the Commission as set out in [Appendix A – Public Consultation Report](#);
  - material, planning framework and the Commission’s considerations as set out in [Appendix B – Commission’s Considerations](#); and
  - Department’s whole-of-government assessment as set out in [Appendix D – Department’s Assessment Report](#).
12. The Commission finds that the Project is consistent with the State and local strategic planning framework. The Project supports the delivery of a well-located seniors’ residential care facility comprising 148 beds, in line with the Greater Sydney Regional Plan, the North District Plan, and the Ku-ring-gai Local Strategic Planning Statement. These plans identify a growing need for diverse housing options for an ageing population, and the Project directly responds to this need.
13. The Commission considers the built form, scale and layout of the Project to be appropriate for the Site and its context. The Project complies with relevant non-discretionary development standards, including FSR and building height. The Commission is satisfied that a minor height exceedance due to the presence of an existing swimming pool is justified and does not create an impact. The design otherwise successfully incorporates setbacks, landscaping and architectural treatments to reduce visual bulk and protect the amenity of neighbours to the fullest practical extent.
14. The Commission has considered the potential impacts of the Project, including overshadowing, privacy, noise and solar access. These matters have been addressed through design responses and are capable of being further mitigated and managed via the imposed conditions of consent. The Commission is satisfied that the Project will not result in unacceptable impacts on the surrounding natural and/or built environment.
15. The Site is well serviced by public transport connections and is located close to essential services, making it suitable for seniors’ housing. The Commission finds the Project represents an orderly and economic use of land which will not adversely impact the socio-economic character of the area. The Project will also generate construction and on-going operational employment.
16. For the reasons set out in this Statement of Reasons, the Commission finds that the Project is not prejudicial to the public interest and should be approved subject to conditions of consent as set out in **Appendix C**.



Janett Milligan (Chair)  
Member of the Commission



Ken Kanofski  
Member of the Commission

## Appendix A – Public Consultation

### Public engagement overview

A summary of the Project timeline and key engagement milestones is outlined below.

Appendix A – Figure 1: Project and engagement timeline



### Department's public exhibition of the Project

The Department consulted with Council, relevant government agencies and members of the community during its assessment of the Project. Of the 12 public submissions received by the Department, 10 were objections and two were comments. Council also objected to the Project. Further consideration of submissions made to the Department is provided at section 4 of the Department's AR.

### The Commission's public consultation

#### *The Commission's meetings*

The Commission met with the Department, the Applicant and Council. All parties who made a submission to the Department were invited to meet with the Commission to discuss the Project – this invitation was accepted by one community member. All meeting transcripts were made available on the Commission's website (refer to *Appendix B – Material Considered by the Commission*).

#### *Site inspection and locality tour*

On 9 July 2025 the Commission undertook a site inspection and locality tour. Nine of the Applicant's representatives also attended the site inspection. As part of the locality tour, the Commission visited a neighbouring residence that adjoins the Project site. A record of the site inspection and locality tour, including notes and photographs, was made available on the Commission's website.

### Written submissions

The community were offered the opportunity to make written submissions to the Commission from 24 June to 8 July 2025. The Commission received a submission that provided comment on the Project.

### Consideration of submissions

The submission was received from the owners of an adjoining residence and raised a number of matters which are outlined below. For further consideration of these issues, refer to *Appendix B – Table 4* of this Statement of Reasons.

#### Appendix A – Table 1: Key matters raised in submissions

Themes raised in submission from the community	Commission's consideration
<p><b>Bulk and scale</b></p> <p>Due to the slope of the land, the proposed building will appear taller from the neighbouring property, which is downslope from the proposed building.</p> <p>Further setback of the proposed building would lessen some of the impacts.</p>	<p>The Project is compliant with applicable height controls (with the exception of a negligible technical breach associated with an existing swimming pool), floor space ratio and setback controls. The building is articulated, uses a range of materials and the proposed landscaping reduces the perceived bulk and scale of the Project. To further lower any perception of excessive bulk, the Commission has imposed a condition to require the Applicant to plant mature trees on the eastern side of the Project.</p>
<p><b>Amenity</b></p> <p>The proposed building is directly opposite the indoor and outdoor living areas of the neighbouring residence and will impact upon enjoyment of the property. The proposed screening does not mitigate the impact of the proposed building.</p>	<p>The Commission heard amenity and privacy concerns and considered the Applicant's proposed privacy treatments. These include the Project's layout, with the positioning of windows, balconies and communal areas to minimise direct overlooking opportunities. The Commission also notes use of vertical louvres on balconies facing neighbouring dwellings to further mitigate potential privacy impacts. The Project further takes advantage of existing vegetation on the Site and proposes additional screen planting to provide a visual buffer to adjoining dwellings.</p> <p>The Commission is satisfied that effective measures will be taken to address neighbouring amenity and privacy.</p> <p>In order to ensure the integrity of the landscape screening, the Commission has imposed conditions to ensure there are multiple checkpoints where landscaping plans must be submitted to the certifier and landscaping works completed in accordance with the Application. This includes plans for plant maintenance, mortality replacement and watering, for the first 36 months and the lifetime of the development.</p>

<p><b>Trees and landscaping</b></p> <p>The proposed landing is located 2m from the boundary and intrudes upon the structural root zone of tree H(2) on the neighbouring residence</p>	<p>The Commission has considered the Applicant's Aboricultural Impact Assessment and although the proposed footpath, stairs and landscape wall are proposed within the tree protection zone of tree H(2), the assessment provides that excavation within the zone will be minor and not adversely impact the tree.</p>
<p><b>Solar access</b></p> <p>Shadow cast by the proposed development would increase overshadowing of the neighbouring property, in particular, the rear seating and living areas</p>	<p>Solar access to neighbouring properties will be impacted by the Project to some extent, mainly in the late afternoon at mid-winter. All properties that are affected by additional shadow will continue to receive a minimum of three hours of direct solar access between 9am to 3pm, consistent with design criteria for apartment developments under the Apartment Design Guidelines.</p>
<p><b>Property value</b></p> <p>The proposed development would have negative impacts to the value of properties within the locality.</p>	<p>The Land and Environment Court has ruled on several occasions that the assessment of the impacts of projects on individual property values is not generally a relevant consideration under the EP&amp;A Act, unless the project would have significant and widespread economic impacts on the locality, which the Commission finds is not the case in this instance.</p>
<p><b>Fence</b></p> <p>The submitter advised they will be liaising with the Applicant regarding a boundary between their property and the Site.</p>	<p>During its meeting with the community member who made a submission to the Commission, the community member expressed a desire for a boundary fence to be erected by the Applicant. The Commission observed that boundary fences are regulated by the <i>Dividing Fences Act 1991</i>. The Commission also notes that existing boundary fences will be retained by the Applicant where possible and that there will be effective security fencing.</p> <p>In its meeting with the Panel, the Applicant stated that fencing details could be addressed in negotiations with neighbours.</p>

## Appendix B – Commission’s Considerations

### Material considered by the Commission

*Appendix B – Table 1: Material considered by the Commission in its determination*

Document	Date
Secretary’s Environmental Assessment Requirements ( <b>SEARs</b> )	8 September 2022
The Applicant’s EIS and its accompanying appendices	19 April 2024
Government agency advice to the Department	Various
Public submissions made to the Department during exhibition	Various
The Applicant’s Response to Submissions Report	25 November 2024
The Applicant’s responses to requests for information and clarifications, including the updated EIS, dated 27 February 2025.	Various
Referral letter from the Department	23 June 2025
The Department’s Assessment Report and recommended conditions of consent	23 June 2025
Comments and presentation material from meetings with: <ul style="list-style-type: none"> <li>Applicant</li> <li>Council</li> <li>Community stakeholders</li> <li>Department</li> </ul>	2 July 2025 3 July 2025 3 July 2025 4 July 2025
All written submissions made to the Commission	8 July 2025
Observations made at the site inspection	9 July 2025
The Department’s response to the Commission (question taken on notice)	10 July 2025
Correspondence from the Applicant	10 July 2025
The Department’s advice to the Commission regarding the imposition of conditions	28 July 2025

### Planning framework

#### *Strategic context*

The Commission notes 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 (AR, para 6). The Project will assist in the delivery of the NSW Government’s target and Council’s own housing target of 7,600 dwellings by 2029.

The Commission has considered the NSW Government’s strategic framework, policies and guidelines as they apply to the Site and Application and is satisfied that the Application is consistent with those documents. The Project would deliver seniors’ housing in a well serviced location, contribute to delivery of the NSW Government’s and Council’s housing targets and respond to the needs of an ageing demographic. The Application’s strategic context is further outlined below in *Appendix B – Table 2*.

Appendix B – Table 2: Applicable strategic planning framework

Strategic context	Commission's consideration
<i>Greater Sydney Regional Plan (GSRP) and North District Plan (NDP)</i>	<p>The GSRP guides and informs planning across five districts including the North District. The NDP notes the district has an ageing population - by 2036 the number of residents over 85 is expected to grow by 85%, with a 47% increase in the 65-84 age group (p. 28). Providing seniors' housing at the Site is aligned with the NDP's Planning Priority N3 <i>'Providing services and social infrastructure to meet people's changing needs'</i>. In this regard the NDP states:</p> <p><i>"More diverse housing types and medium density housing, as well as the design of walkable opportunities for older people to continue living in their community, where being close to family, friends and established health and support networks improves people's wellbeing."</i></p> <p>Accordingly, the Project supports the GSRP and NDP.</p>
<i>Ku-ring-gai Local Strategic Planning Statement (LSPS)</i>	<p>The LSPS highlights the Ku-ring-gai LGA has a high ageing population. Projections from the Department indicate that the LGA's population aged 65 and above, will increase by 49% by 2036 (p. 40). The Project will provide additional and much needed housing within the LGA to accommodate its ageing population. With the Site well serviced by public transport and close to services, the Project is consistent with the LSPS.</p>

### Statutory context

In determining the merits of the proposed development, the Commission has undertaken a comprehensive assessment of the statutory planning framework applicable to the Project. This includes consideration of the relevant provisions of the EP&A Act, associated State Environmental Planning Policies (**SEPPs**), and the *Ku-ring-gai Local Environmental Plan 2015 (KLEP)*. The Commission has also evaluated the Project against other planning considerations, including permissibility, integrated approvals, and the public interest. The following table summarises the Commission's findings in relation to these statutory matters.

Appendix B – Table 3: Applicable statutory planning framework

Statutory context	Commission's consideration
<i>Objects of the EP&amp;A Act and Ecologically Sustainable Development</i>	<p>In its determination, the Commission has carefully considered the Objects of the EP&amp;A Act and is satisfied that the Project is consistent with those Objects. The Commission finds that the Project is consistent with ESD principles and would achieve an acceptable balance between environmental, economic and social considerations.</p>
<i>State Significant Development</i>	<p>The Application is declared SSD pursuant to section 4.36 of the EP&amp;A Act as it satisfies the criteria under section 2.6(1) and section 28 of Schedule 1 of SEPP Planning Systems. The Project will provide seniors' housing with an EDC of more than \$30 million and includes a residential care facility (<b>RCF</b>). There are no prohibited components of the development under an EPI.</p>
<i>Permissibility</i>	<p>The Site is located within zone R2 Low Density Residential (the <b>R2 zone</b>) pursuant to the KLEP. Seniors' housing is permitted with consent within the R2 zone pursuant to SEPP Housing.</p>

	The use of the proposed development is for seniors' housing. The Department's AR notes that the scale and intended operation of the Application's café, salon and wellness centre is minor and ancillary and incidental to the seniors' housing use and thus, for the purposes of characterising the development, is subsumed by that dominant use.
<i>Integrated and other approvals</i>	Under section 4.41 of the EP&A Act, several other approvals are integrated into the SSD approval process and are therefore not required to be separately obtained for the Project. Under section 4.42 of the EP&A Act, a number of further approvals are required, but must be substantially consistent with any development consent for the Project. The Department has consulted with and considered the advice of relevant government agencies responsible for these other authorisations in its assessment of the project (AR, para 9-11). The Commission has considered the Department's recommended conditions of consent relating to integrated and other approvals as part of its deliberation process.
<b>Mandatory considerations</b>	<b>Commission's consideration</b>
<i>Relevant environmental planning instruments (EPIs)</i>	Appendix C of the AR identifies relevant EPIs for consideration. The key EPIs (in their present, consolidated form) comprise: <ul style="list-style-type: none"> <li>• <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i>;</li> <li>• <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i>;</li> <li>• <i>State Environmental Planning Policy (Planning Systems) 2021</i>;</li> <li>• <i>State Environmental Planning Policy (Housing) 2021</i>; and</li> <li>• <i>Ku-ring-gai Local Environmental Plan 2015</i>.</li> </ul>
<i>Relevant development control plans (DCPs)</i>	Pursuant to section 2.10 of the SEPP Planning Systems, DCPs do not apply to SSD.
<i>Any planning agreement or draft planning agreement</i>	Not applicable to this Project.
<i>Likely impacts of the development</i>	The likely impacts of the Application have been considered in <b>Appendix B</b> of this Statement of Reasons. The Commission finds that the Project will not result in impacts on the natural and/or built environment or create adverse social and/or economic impacts that would outweigh the benefits of the Project proceeding.
<i>Suitability of the Site for development</i>	The Commission has considered the suitability of the Site and finds that the Site is suitable for the following reasons: <ul style="list-style-type: none"> <li>• the Project is consistent with the objectives of the R2 Low Density Residential zone;</li> <li>• the Project would provide well-located, built-for-purpose seniors' housing to meet the changing needs of an ageing population in an accessible location close to the St Ives Shopping Village;</li> <li>• the built form and scale is compatible with the character of the area and provides an appropriate built form relationship to adjoining development;</li> <li>• the Project would not result in unreasonable overshadowing, view, or privacy impacts on adjoining development or the public domain;</li> <li>• the Project is an orderly and economic use of land; and</li> <li>• the Site can physically accommodate the proposed development with potential impacts on surrounding land uses minimised where possible and are capable of being further mitigated through conditions of consent.</li> </ul>

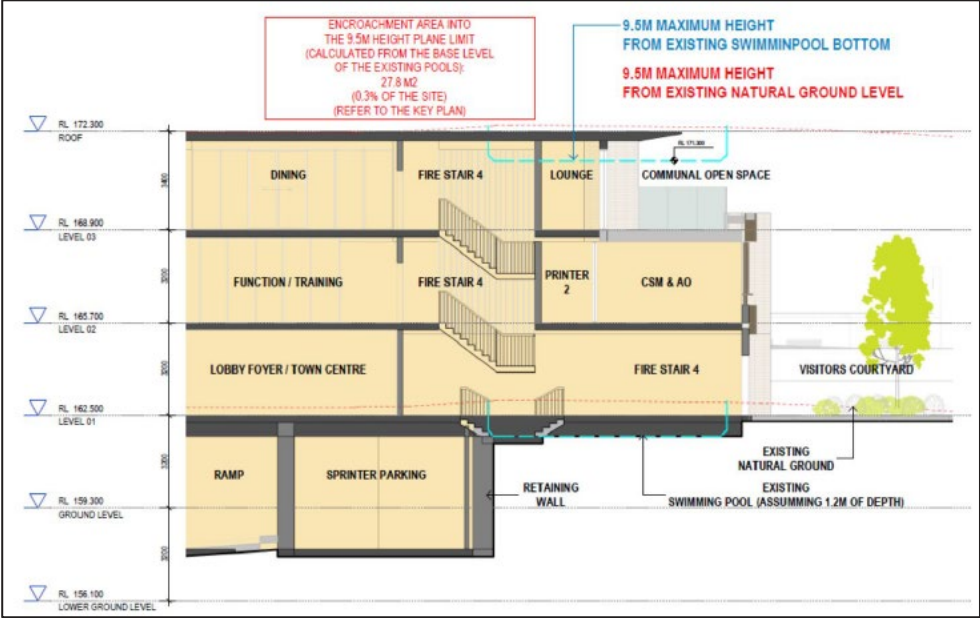
<i>The public interest</i>	<p>The Commission has considered whether the grant of consent to the Application is in the public interest. In doing so, the Commission has weighed the predicted benefits of the Project against its predicted negative impacts.</p> <p>Among other factors, the public interest in having well-serviced seniors' housing, particularly in the context of increasing demand, along with the generation of up to 300 construction jobs and 120 operational jobs, outweigh the other impacts of the Project, as managed and mitigated by the Commission's imposed conditions of development consent. The Commission's consideration of the public interest has also been informed by consideration of the principles of ESD.</p>
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## Key issues

In its determination of the Application, the Commission has carefully considered the key issues raised through public submissions, Council's objections, and the Department's assessment. These issues include built form, solar access, external amenity, and other potential impacts associated with the Project. The following table outlines the Commission's assessment of each key issue and its rationale for concluding that the Project is suitable for approval, subject to conditions.

*Appendix B – Table 4: Key issues in the Commission's determination*

<b>Issue</b>	<b>Commission's Findings</b>
<b>Built form</b>	The Department has considered the proposed height of buildings, bulk, scale and setbacks/site layout in assessing the suitability of the built form for the Project (AR, para 32).
<i>Height of buildings</i>	<p>SEPP Housing permits a maximum building height of 9.5m and up to 11.5m for servicing equipment on the roof of a building for RCF developments. The Project's proposed building height is a maximum 9.5m with servicing equipment on the roof to a maximum 11.5m in height.</p> <p>The Commission notes that Council raised concern about the calculation of the Project's height as the Site contains an existing swimming pool. When calculating the height from the existing ground level, Council considers the height should be measured from the bottom of the existing pool, resulting in a minor breach of height for the building by 1m where the existing swimming pool is located.</p>

Issue	Commission's Findings
	<p><i>Appendix B – Figure 1: Elevation showing height variation from the bottom of the swimming pool</i></p>  <p>The Applicant provided a written request pursuant to clause 4.6 of the KLEP to vary the height of building development standard to address Council's concern.</p> <p>The Commission has considered the Applicant's clause 4.6 written request and is satisfied that the minor exceedance of the height limit due to the existence of the pool is minor, and that strict compliance with the height standard in SEPP Housing is unreasonable and unnecessary as (AR para 36):</p> <ul style="list-style-type: none"> <li>• no adverse visual impact or additional bulk is generated by the minor height exceedance;</li> <li>• no overshadowing or privacy impacts will result from the exceedance;</li> <li>• the development will be of a height and scale consistent with surrounding development; and</li> <li>• the height of the development is compliant for the remainder of the proposal, meets the objectives of the R2 zone and height of building control. The Project demonstrates a built form that is compatible with the size of the land to be developed.</li> </ul> <p>The height of the development proposed is appropriate for the Site and the minor variation to the height of building control is justified, given the topography of the Site and negligible impact resulting from the exceedance.</p>
<i>Bulk and scale</i>	<p>SEPP Housing provides a non-discretionary development standard (<b>NDDS</b>) for FSR of 1:1 or less for residential care facilities. The Application seeks approval for a total GFA of 9,021m<sup>2</sup>, which equates to a FSR of 0.97:1 and therefore complies with the Housing SEPP NDDS.</p> <p>Following concerns raised by Council and in public submissions during exhibition regarding the proposed bulk and scale of the development, the Applicant amended setbacks to Site boundaries and reduced the building footprint and GFA by approximately 89m<sup>2</sup>. This was in response to what the community saw as excessive density and built form that was out of character for the locality (AR para 40 – 41).</p>

Issue	Commission's Findings
	<p>The Project complies with the relevant SEPP Housing NDDS for FSR and is generally consistent with the height controls. The Project has been designed to utilise setbacks, articulation, varied materials and substantial landscaping to significantly reduce the perceived bulk and scale of the buildings and resulting visual, overshadowing and privacy impacts on adjoining residential developments.</p>
<p><i>Setbacks and site layout</i></p>	<p>The Seniors Housing Design Guide 2023 provides design guidance that encourages setbacks to maintain the privacy of neighbouring properties and maximise landscape curtilage around the Site for landscaping and outdoor spaces. The design must also adequately consider the design principles for seniors' housing set out in Schedule 8 of the SEPP Housing. These include providing setbacks to reduce overshadowing and providing consideration of neighbouring dwellings when establishing setbacks (AR para 45 – 46).</p> <p>Council and public submissions made during exhibition raised concern over the Site layout and setbacks. Specifically, Council raised concern about the proposed minimum setbacks of 5.9m to Mona Vale Road and 6.3m to Flinders Avenue, which it stated were inconsistent with the setbacks of neighbouring sites and would be incompatible with the character of the area (AR para 47 - 48).</p> <p>The Applicant provided a written request pursuant to clause 4.6 of the KLEP to vary the Flinders Street frontage (width of allotment at the building line) in response to Council's request relating to the site frontage development standard set out in section 84(2)(b) of SEPP Housing.</p> <p>The Commission agrees with the Department's assessment that the frontage development standard is satisfied as the Site's frontage is Mona Vale Road, with Flinders Avenue considered a rear access point with no vehicular access. Therefore, a variation to the frontage development standard is not necessary. Notwithstanding, if it were construed that the frontage development standard did apply to the Flinders Street frontage, the Commission is satisfied that compliance with the standard would be unreasonable and unnecessary.</p> <p>Council's concerns regarding setbacks were weighed against the evidence that the 5.9m minimum setback to Mona Vale Road only occurs at the corner of the building, with the rest of the frontage achieving greater setbacks up to 23.8m allowing for substantial landscaping to soften the built form. Likewise, the 6.3m minimum setback to Flinders Avenue applies to only a portion of the building, with larger setbacks up to 11m achieved, allowing for substantial vegetation to adequately treat the visual bulk and preserve the character of the cul-de-sac.</p> <p>The Commission is therefore satisfied that the layout and proposed setbacks are appropriate for the Site and are compatible with the surrounding streetscape and existing character of the neighbourhood. The design of the setbacks and Site layout adequately address the design principles for seniors' housing under the SEPP Housing and are compatible with the existing residential character of the locality.</p>
<p><b>Solar Access to Communal Areas</b></p>	<p>The Commission notes and agrees with the Department's assessment with regard to solar access (AR para 58):</p> <ul style="list-style-type: none"> <li>• <i>“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 9pm-3pm during the winter solstice.</i></li> <li>• <i>between 9am and 3pm, approximately 60% of internal 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.</i></li> </ul>

Issue	Commission's Findings
	<ul style="list-style-type: none"> <li><i>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.</i></li> <li><i>the proposal complies with the 45-degree setback 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.</i></li> <li><i>all residential households are suitably situated to easily access the outdoors and a variety of sunny and shaded areas through the day."</i></li> </ul> <p>The RCF has been designed to provide adequate solar access to the communal areas of the Site as well as individual units.</p>
<b>External Amenity</b>	<p>The Department has considered the potential external amenity impacts of overshadowing, privacy and noise at section 5.3 of the AR.</p>
<i>Overshadowing</i>	<p>The Applicant provided a shadow analysis and detailed sun-eye view studies which demonstrate that overshadowing impacts from the proposal would be minimal, and that there would be only minor shadow impacts at 6 Flinders Avenue and 283 Mona Vale Road. The majority of the shadows cast by the development fall within the subject Site (AR para 61).</p> <p>The Commission has considered concerns raised through public submissions made during exhibition as well as to the Commission regarding overshadowing. However, as a result of the proposed orientation and layout of the Site, any additional overshadowing from the development would be limited in extent and duration. Additional overshadowing impacts would occur primarily in the late afternoon during the winter solstice and all affected properties would continue to receive a minimum of three hours of direct solar access between 9am to 3pm (AR para 63 – 64).</p> <p>The proposed development would not result in any material overshadowing impacts that would warrant refusal of the Application.</p>
<i>Privacy</i>	<p>In response to concerns raised by Council and in public submissions received by the Department, the Applicant submitted an amended design response which reduced the visual privacy impacts on neighbouring dwellings. In its assessment, the Department is satisfied that the proposal does not result in unreasonable privacy impacts.</p> <p>Privacy - particularly the privacy of existing adjacent dwellings, was raised as a critical point of concern in public submissions received by the Department. The Commission finds that the Project, subject to the imposed conditions, will not result in material privacy impacts as:</p> <ul style="list-style-type: none"> <li>the Project's layout and Site boundary setbacks minimise opportunities for overlooking, including a further setback of the development at the third (upper) storey;</li> <li>existing trees and screen planting will be retained where possible and additional trees and plantings will provide a visual buffer between the development and adjoining dwellings;</li> <li>the Commission has imposed conditions B6 and E18 to ensure there are multiple checkpoints where landscaping plans must be submitted to the certifier and landscaping works completed in accordance with the Application. This includes plans for plant maintenance, mortality replacement and watering, for the first 36 months;</li> </ul>

Issue	Commission's Findings
	<ul style="list-style-type: none"> <li>• set vertical louvres on balconies facing neighbouring dwellings on the northern and eastern boundaries mitigate any potential direct lines of sight into the private open spaces of adjoining dwellings; and</li> <li>• the positioning of windows, balconies and communal areas minimise direct overlooking opportunities into the habitable rooms and private open spaces of neighbouring dwellings.</li> </ul>
<i>Noise</i>	<p>The Department has assessed noise concerns in section 5.3 of the AR and is satisfied that noise impacts associated with the proposed development can be appropriately managed and mitigated, given the following considerations:</p> <ul style="list-style-type: none"> <li>• construction noise levels from plant equipment that may exceed the highly noise effected threshold of 75dB can be mitigated with respite periods, safe working distances and regular monitoring;</li> <li>• operational noise from the wellness centre, café and communal open spaces is predicted to remain with acceptable limits; and</li> <li>• noise impacts from vehicle movements, including deliveries and staff vehicles are also predicted to comply with the NSW EPA's <i>Noise Policy for Industry 2017</i>, across all relevant time periods. The inclusion of a 1.8m acoustic wall and appropriate setbacks will further mitigate potential impacts.</li> </ul> <p>The Commission agrees that the proposed development would not result in unreasonable noise impacts. The acoustic amenity of neighbouring dwellings can be preserved, and any noise impacts (particularly during construction) can be appropriately managed and mitigated through the Commission's imposed conditions of consent.</p>
<b>Other issues</b>	<p>The Commission agrees with the Department's assessment of all other issues, including landscaping, tree removal and biodiversity, other construction impacts, traffic, parking, crime prevention through environmental design, Aboriginal cultural heritage, light spill, stormwater run-off, community engagement, signage, future café fit out and operation and flooding at Table 7 of the AR. Subject to the imposed conditions relevant to each of these issues, the Commission is satisfied the Project's impacts are minimal and capable of being appropriately monitored and managed.</p>

## Appendix C – Instrument of Consent

[Link to Instrument of Consent, dated 31 July 2025](#)

## Appendix D – Department's Assessment Report

[Link to Department's Assessment Report, dated June 2025](#)



**New South Wales Government**  
Independent Planning Commission

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