

Appendix A – Response to Submissions Table

1.1 The Departments of Planning, Housing and Infrastructure

Issue	Response/Action
1. Residential amenity	
To ensure adequate amenity is demonstrated for the existing development surrounding the site, and the future occupants of the proposal, please provide the following additional information to assist the Department's assessment.	
a) Provide annotated plans with the setbacks to the adjoining independent living units (ILUs), including to the west and south, and demonstrate the setbacks and orientation of rooms to the south do not result in any overlooking or privacy concerns to adjoining ILUs.	Annotated plans are provided at Drawings RFI-02 and RFI-03 within the Architectural Plans Addendum at Appendix D . Drawings RFI-11 and RFI-12 demonstrate the proposal will have no overlooking or privacy concerns to the adjoining ILUs.
b) Provide additional overshadowing analysis that includes details of the location of windows/balconies or private open space areas of the adjoining ILUs and provide numerical details of the solar access received and any reduction in solar access caused by the proposed development.	Additional overshadowing analysis is provided within the Amended Architectural Plans at Appendix C and the Architectural Plans Addendum at Appendix D . Refer to Drawings A-700, RFI-04, RFI-05, RFI-06, RFI-07, and RFI-08. This includes comparative analysis between the existing and proposed development and numerical details of solar access received to adjoining properties and any reduction caused by the proposal.
c) Amend the comparative shadow analysis to provide clearer delineation between the existing and proposed development to allow for an accurate comparison.	
d) Provide a detailed breakdown of the number of rooms that achieve 2 hours, 1 hour, and no hours of direct solar access on 21 June.	It is noted that there is no numerical requirement for individual RCF rooms to achieve direct solar access under the Housing SEPP or SHDR. Rather, Schedule 8 of the Housing SEPP requires RCFs to provide residents with adequate daylight, which is distinct from direct sunlight. Accordingly, while the requested direct solar access breakdown has been provided, the results should be understood in the context that direct sunlight is not the applicable performance standard for individual RCF rooms. As shown at Drawing RFI-14 within the Architectural Plans Addendum at Appendix D, 68 rooms (38%) receive 2+ hours hour of direct solar access in mid-winter, 1 room (0.6%) receives 1 hour of direct solar access, and 108 rooms (61%) receive no direct solar access. Notwithstanding the above, rooms that do not receive direct sunlight continue to receive natural daylight through windows and balcony openings. The proposal therefore provides an acceptable daylight outcome for residents, consistent with the relevant Housing SEPP requirement. Refer to Section 4.3 of the RtS Report for discussion and justification.

Issue	Response/Action
e) Provide section plans with the RL of the highest point of the building and the highest point of the servicing, and the corresponding RL of natural ground level.	Section plans with the RL of the highest points is included at Drawings RFI-09 and RFI-10 within the Architectural Plans Addendum at Appendix D .
Provide a Visual Impact Assessment (or similar) to assess the potential adverse visual impacts of the proposed development on adjoining residential development, including the Aveo ILUs.	Viewpoints are provided at Drawings RFI-11 and RFI-12 within the Architectural Plans Addendum at Appendix D . Further discussion is provided at Section 4.1 of the RtS Report which demonstrates the development will have an acceptable visual impact
2. Traffic and Parking	
a) Provide updated basement plans that include annotated aisle widths and parking space dimensions.	An amended basement plan with annotated aisle widths and parking space dimensions is provided at Drawing A100 within the Architectural Plans Addendum at Appendix C .
b) Provide updated SIDRA analysis that includes the 'existing + proposed' scenario or provide adequate justification as to why this is not required.	Updated SIDRA Modelling has been provided at Appendix D of the Amended Traffic and Parking Assessment (Appendix E).
c) Noting the concerns raised in public submissions, provide additional detail on the frequency and timing of service vehicles.	The Traffic and Parking Assessment has been amended to provide details on the expected frequency and timing of service vehicles at the site (refer to Section 6.0 of Appendix E) which are generally low. Opal Healthcare's Standard Facility Goods Delivery Schedule has been provided at Appendix F .
d) Provide detail regarding how vehicular conflict will be managed between service vehicles manoeuvring within the basement and vehicles coming into/out of the basement level. This may be informed by the frequency and timing of service vehicles, visitation hours and staffing changeover times, as well as any vehicle safety mechanisms.	The Amended Traffic and Parking Assessment (Appendix E) outlines that service vehicles will not manoeuvre within the basement car parking area, with deliveries and waste collection to occur via the dedicated loading dock and truck manoeuvring/ reversing separated from the principal carpark circulation area. Vehicular conflict will be managed through the limited frequency and scheduled timing of service vehicles, staff changeovers occurring in contained periods, visitor movements being spread throughout the day, satisfactory swept path design, and, if required, an illuminated "Beware Truck Exiting" warning sign activated by the service vehicle driver.
Preliminary Site Investigation	
Update the Preliminary Site Investigation (PSI) Report to include direct wording confirming the site is suitable for residential development in accordance with <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i> .	An amended PSI has been prepared specifically confirming the site is suitable for residential development in accordance with the Resilience and Hazards SEPP. Refer to Appendix F .
DA2024/1480	

Issue	Response/Action
We are seeking some additional clarification regarding DA 2024/1480 - we note that there appears to be an overlap of works proposed as part of the SSD and approved as part of DA2024/1480 – being the upgraded toilet facilities shown in yellow below. As such, the DA 2024/1480 would not be able to be completed as approved. Could you please advise how this is intended to be dealt with? i.e. will you be modifying DA2024/1480 to remove the bathroom upgrade works? Or if you consider there is no issue and nothing further needs to be done, could you please provide a justification as to why?	As discussed in Section 4.6.2 of the EIS, works approved under DA2024/1480 have commenced, however Aveo is not progressing with any works that will become redundant as a result of this SSDA. Accordingly, this SSDA seeks to modify and supersede only the relevant part of the existing local development consent. The proposed amendments may be implemented through conditions of consent under clause 4.17(4A) of the EP&A Act which require the amendment of DA2024/1480 for consistency. It is requested condition of consents to the following effect are included: <i>A1. Prior to the issue of any construction certificate under this consent, the Applicant must submit for approval by the Planning Secretary a marked-up document with track changes to the conditions in development consent DA2024/1480 granted by Northern Beaches Council, which modifies the development consent pursuant to section 4.17(1)(b) and (5) of the Environmental Planning and Assessment Act 1979.</i> <i>A2. Prior to the issue of any Construction Certificate under this consent, the Applicant is to provide written notice to Northern Beaches Council which includes a copy of the document approved in Condition A1 pursuant to section 67 of the Environmental Planning and Assessment Regulation 2021 to modify DA2024/1480 in accordance with Condition A1.</i>

1.2 Northern Beaches Council

Issue	Response/Action
1. Development Assessment and Urban Design	
Height, Bulk and Scale a. The proposal does not adequately respond to the existing low-scale neighbourhood character, which is predominantly composed of one to two-storey dwellings and Independent Living Units (ILUs). b. The proposal involves a built form predominantly presenting as a three-storey form and has a non-complaint building height of 10.1m. Building massing has not been sufficiently distributed and broken down into smaller elements to reflect the scale and pattern of the local character. Concern is raised that the proposal is inconsistent key objectives of the Seniors Living Housing which require integration with local scale and character.	A massing diagram analysis is provided within the Architectural Plans Addendum (Appendix D) at Drawing RFI-13. Section setback analysis is provided at RFI-09. Further discussion on height, bulk and scale is provided at Section 4.2.2 of the Rts Report which demonstrates the proposal is appropriate in context of its surrounds

Issue	Response/Action
c. The built form does not have a recessive upper level, as stipulated by the Seniors Housing Living Design Guide. It is argued that for a three-storey form to be supported in this context, there should be significant reductions in building bulk at the upper level.	
Amenity Impacts d. Concerns are raised with the lack of physical separation, and towering built form in relation to lower surrounding built form. This is exacerbated by the topography of the land and will cause unacceptable visual and acoustic privacy impacts on neighbouring properties and nearby ILU residents.	The proposed separation to the existing ILUs and surrounding dwellings are demonstrated within the Architectural Plans Addendum (Appendix D) at Drawings RFI-01, RFI-02, and RFI-03. The proposed visual impact is demonstrated at RFI-11 and RFI-12. The building separation in all locations exceeds the ADG requirements and no unacceptable visual, acoustic or privacy impacts will be created by the proposal. This is further discussed at Section 4.3 of the RtS Report.
e. There are various balconies, particularly to the west, within proximity to neighbouring living spaces. There is also insufficient separation provided along the newly created boundary. This is an unacceptable design for privacy	
f. The proposed building height non-compliance, together with the substantial building mass, will adversely affect solar access to surrounding properties, including existing ILUs, and associated communal facilities. These impacts are exacerbated by the steeply sloping nature of the land to the south, resulting in substantial additional overshadowing of various private open spaces and living areas. Further detailed analysis is required to ensure that existing ILUs continue to receive adequate sunlight and maintain a reasonable level of residential amenity.	Shadow diagrams are provided at A-100 within the Amended Architectural Plans (Appendix C). These demonstrate that the proposal's shadow impacts will generally improve compared to the existing built form. Shadow analysis on surrounding ILUs is provided within the Architectural Plans Addendum (Appendix D) at Drawings RFI-04, RFI-05, RFI-06, RFI-07, and RFI-08. These drawings demonstrate that the ILUs will continue to receive adequate solar access. This is further discussed at Section 4.3 of the RtS Report.
2. Traffic	
a. Dedication of parking to be provided for the Aveo component of the carpark needs a form of inhibitor to stop vehicles driving through vacant parking spaces to bypass the boom gate that provides separation. This could be achieved using wheel stops of similar.	Noted. It is anticipated this will be included as a condition of consent.
b. As the easier travel path between the development is to the bus stop in Annam Road north of Utingu Place (TSN 210429) it is requested that this bus stop be upgraded to a DDA compliant bus stop with a shelter and tactiles to enable residents and staff to access the public bus service in this area.	As outlined within the EIS, the proposed development achieves compliance with Section 94 of the Housing SEPP as it will provide access to facilities and services both on-site and via transport arrangements operated by Opal Healthcare. Specifically: • A range of aged care and medical services will be provided on site. • Opal Healthcare will operate a dedicated passenger transport service for residents, facilitating access to off-site services. As the proposal is not for ILUs, Section 93 of the Housing SEPP does not apply, and the proposal does not rely on nearby bus stops for compliance with the SEPP. As such, the upgrade of the bus stop is outside the scope of the proposal.

Issue	Response/Action
c. The applicant is required to submit a CTMP and DTMP to Council for approval prior to the issue of any CC for the subject site. Council's Standard CTMP/DTMP condition is to be added to the response along with the enabling conditions for the same. This will allow council as the roads authority to manage the impact of the project on the local road network.	Noted. It is anticipated this will be included as a condition of consent.
3. Waste	
a. Recycling needs to be managed on individual floors to ensure recycling is diverted from landfill.	This has been addressed in the Operational Waste Management Plan (OWMP) prepared by Universal Foodservice Designs, provided at Appendix CC of the EIS. The OWMP outlines the separation, collection and management of recycling throughout the facility. It provides for co-mingled recycling bins within operational areas such as resident kitchens, scullery points, resident areas, café and kitchen areas. Recyclable waste will be collected by facility cleaning staff from upper floor servery points, resident living spaces, administration/activity/wellness areas, nursing stations, back-of-house areas, the café, kitchen and hairdresser, before being transferred to the central waste holding area. The OWMP also requires different coloured bins, waste signage and staff training to support correct source separation and diversion of recyclable material from landfill. Accordingly, no amendment to the OWMP is considered necessary.
4. Coastal	
a. The proposal is in and near environmentally sensitive coastal environmental management areas: coastal wetland, littoral rainforest, estuarine planning level (EPL) hazard zone.	As assessed in the Amended Streamlined BDAR (Appendix L), as per Chapter 2 of the Resilience and Hazards SEPP, the Opal Healthcare site contains land mapped as <i>Littoral Rainforest Proximity Area</i>. The wider locality (1,500m buffer) contains areas mapped as: • <i>Coastal Wetlands</i> • <i>Coastal Wetlands Proximity Area</i> • <i>Coastal Environment Area</i> • <i>Coastal Use Area</i> • <i>Littoral Rainforest</i> • <i>Littoral Rainforest Proximity Area</i> It is acknowledged that the under the Pittwater DCP 2014, the site is located within the Estuarine Hazard Area and is subject to wave action and tidal inundation.

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b. The proposal appears to be within the EPL hazard zone and therefore should be applying the relevant EPL. In the instance that the FPL also applies, the assessment should be using whichever one is higher	The Flood Response Letter (Appendix N) confirms that the development footprint is not affected by the Estuarine Planning Level (EPL) hazard. While the broader Aveo BGRL lot is mapped within the EPL hazard zone due to its low-lying foreshore areas, the proposed development area is located well above the base EPL of RL 2.64m AHD, with the lowest proposed development level at RL 20.48m AHD.
c. In accordance with the Pittwater Estuary Mapping of Sea Level Rise Impacts Study (2015), a base estuarine planning level (EPL) of RL (reduced level - AHD) 2.64m AHD would apply at the subject site. A reduction factor (RF) based upon the distance from the foreshore of proposed development may also apply at a rate of 0.06m reduction to the EPL for every 5.00m distance from the foreshore edge up to a maximum distance of 40.00m.	Accordingly, the EPL does not control the proposed building platform, carpark entries or operational areas, and a separate estuarine inundation assessment is not considered necessary for the development footprint.
5. Catchment/Riparian and Water Quality	
a. The proposed drained basement will intercept and dewater soil-groundwater, altering subsurface flow paths. This presents a significant hydrological risk to the SEPP Coastal Management – Littoral Rainforest community located directly downstream, which is highly sensitive to groundwater drawdown and changes in moisture regime.	WSP has provided a comprehensive response to these matters within the <i>Catchment Riparian and Water Quality Letter</i> included at Appendix H. The letter confirms that the basement excavation is expected to interact only with the shallow, ephemeral perched groundwater system, rather than the deeper regional groundwater system understood to support the downstream littoral rainforest. On this basis, WSP concludes that groundwater take and associated hydrological impacts would be minimal, and that a drained basement remains fit-for-purpose and appropriate for the proposed redevelopment. Accordingly, a tanked basement is not considered necessary.
b. Should groundwater be intercepted, any groundwater discharge must comply with ANZG (2018) Freshwater Quality Guidelines – Toxicant Default Guideline Values (DGV), 95% protection of species. At present, no evidence has been provided demonstrating the feasibility of achieving these discharge quality levels for the site's groundwater conditions.	
c. Engineering drawings show the basement subsoil drainage system connecting to the stormwater quality chamber, indicating mixing of groundwater and stormwater. This contradicts Appendix S1,	

Issue	Response/Action
which requires: <i>"Separate any subsoil/groundwater drainage from the rainwater system."</i> This inconsistency must be resolved, as mixing groundwater with stormwater can compromise treatment system performance and regulatory compliance.	
d. A tanked basement is required to avoid groundwater interception and protect the downstream SEPP-listed Littoral Rainforest, thereby preventing hydrological impacts, eliminating the need for ongoing groundwater extraction and water-quality treatment, and removing risks associated with mixing stormwater and groundwater.	
6. Biodiversity	
a. The Biodiversity Development Assessment Report (BDAR) (Narla environmental, October 2025) has identified Plant Community Type (PCT) 3234 Hunter Coast Lowland Spotted Gum Moist Forest on site. The Pittwater & Wagstaffe Spotted Gum Forest Endangered Ecological Community conforms to this PCT.	Noted.
b. It is acknowledged that a Landscape planting schedule has been submitted and includes a majority of native species. However, it is recommended that the planting schedule be amended to be consistent with the recommendations of the Impact Mitigation Measures that have been recommended in Table 15 of the submitted BDAR: 100% of species planted to replace trees and vegetation removed should consist of species belonging to PCT 3234.	As discussed in the RtS Report, two additional trees have been retained which has necessitated minor alterations to the proposed paving and planting. Amended Landscape Plans included at Appendix I. The proposal includes an extensive list of low water use native plants from the local area. Of the 62 species proposed 6 are not native to the area and an additional 8 are herbs such as Chives, Parsely etc. The 6 species that are non native to the area are purposefully integrated into the proposal to provide seasonal interest and to aid in wayfinding and perception of space by residents with varying degrees of dementia which is important to the overall wellbeing of residents and a key factor to care model of Opal Healthcare.
c. Feature trees included in the landscape plan consist of introduced species, it is likely that these would be deciduous species that would lose their leaves over winter. It is recommended that these feature trees are substituted with locally native evergreen species to achieve consistency with the requirements of local DCP environment controls and provide winter habitat for native fauna.	As outlined in the above response, for the wellbeing of residents the selective use of non native planting in enclosed courtyards is an important aspect of health and reminiscent therapy to residents.
7. Landscape Setting	
a. Given the extent of works it is requested that a Project Arborist be required to be engaged to supervise tree protection measures.	Noted. It is anticipated this be included as a condition of consent.

Issue	Response/Action
b. Detailed Landscape Plans for construction should be prepared to ensure that the proposed landscape concept is delivered, including hard landscape works and soft landscape works.	Noted. It is anticipated this be included as a condition of consent.
Development Engineering	
a. As the stormwater management plan details the drainage of the proposed building to Annan Road with the installation of a stormwater drainage line within the road reserve to connect to Councils downstream drainage pit and pipe network, the application will require a Section 138/139 Roads Act approval to Council. The application is to be supported by hydraulic calculations including Hydraulic grade line analysis and services locations detailed on the stormwater drainage long sections.	The Amended Integrated Water Management Plan (IWMP) (Appendix P) confirms the development will connect via a new pit-and-pipe line down Annam Road to an existing Council kerb inlet pit. The Civil Engineering Plans have been amended (Appendix O) to ensure to provide the required plans.
b. The design of the on-site stormwater detention system is to be in accordance with Councils Water Management for Development Policy noting the predeveloped stormwater discharges are to be modelled as state of nature to the 1/100 AEP storm event.	The Amended IWMP (Appendix P) confirms the OSD system has been designed in accordance with Council's Water Management for Development Policy, with DRAINS modelling demonstrating that post-development discharges are maintained at or below pre-development flows up to the 1% AEP event.
c. There should be no drainage pits for the proposed works in Annan Road located with the proposed vehicle driveway entrances.	The Civil Engineering Plans have been amended (Appendix O) to ensure no drainage pits are located within proposed vehicle driveway entrances.
9. Development Contributions	
a. The site is subject to the Northern Beaches Section 7.12 Development Contributions Plan (Contribution Plan), which requires any development exceeding \$100,000 to be levied for development contributions.	As discussed within the EIS, the Northern Beaches Section 7.12 Contributions Plan 2024 applies to the site and ordinarily requires a levy of 1% of the development cost for works exceeding \$200,000.
b. The applicant is seeking a 75% reduction in Section 7.12 Development Contributions. The justification states that the high-care nature of the proposed residential care facility has limited nexus with the infrastructure funded under the Contributions Plan.	It is noted that the development will replace an existing nursing home and serviced apartment building which contained 115 beds. Furthermore, the proposed development is a high-care RCF, which would be less likely to utilise Council services than the current apartments and therefore has limited nexus with the types of public infrastructure and community facilities funded under the Contributions Plan.
c. Under Section 2.5 of the Contribution Plan, exemptions only apply to Seniors Housing delivered by a social or community housing provider registered under the National Regulatory System for Community Housing (NRSCH).	The high-care nature of the facility is reflected in Opal HealthCare's operational data, which confirms that:
d. As Principal Healthcare Finance Pty Limited (Opal Healthcare) is not a NRSCH registered provider, the development is not eligible for an exemption from development contributions. Therefore,	the average entry age of a resident in an Opal Care Community is 83 years;

Issue	Response/Action
pursuant to Section 2.7 of the Contribution Plan, a monetary contribution of 1% of the total cost of works is required.	- the average length of stay of a resident in an Opal Care Community is 3 years; 100% of residents have high care needs; and - all Opal facilities provide dedicated staff lunchrooms, breakout areas and amenity spaces for staff use on a day-to-day basis. This demonstrates that the future residents of the facility will have limited mobility and are unlikely to generate significant demand for local public infrastructure or community facilities. Staff demand is also reduced by the provision of on-site staff facilities. Further, the proposal includes a broad range of on-site facilities and services for the exclusive use of residents and their visitors, including a hairdressing salon, café, wellness centre, health consulting rooms, gym, function and training spaces, outdoor terraces and landscaped courtyards. These facilities will meet the day-to-day needs of residents on site and further reduce reliance on external community infrastructure. Accordingly, it is acknowledged the Contributions Plan does not expressly provide an exemption for the proposal, it is maintained that there is limited nexus between the proposed high-care RCF and the infrastructure funded by the Contributions Plan. On this basis, it is requested that the Department considers, on a merit basis, applying a 75% reduction to the applicable Section 7.12 contribution.
e. Council is required to apply the adopted Contribution Plan. Council staff have no delegation to apply a reduction to development contributions inconsistent with the adopted contribution plan.	
f. Utilising the submitted estimated development cost report in Appendix G2, dated 20 Oct 2025, there are no applicable exemptions under Section 208 of the EP&A Regulation 2021	
g. Council request that should this application be approved, a condition must be imposed requiring payment of Section 7.12 development contributions calculated at 1% of the total estimated cost of works. The condition should read as follows: <i>Policy Controls Northern Beaches Section 7.12 Contributions Plan 2024</i> <i>A monetary contribution of \$979,196.11 is payable to Northern Beaches Council for the provision of local infrastructure and services pursuant to section 7.12 of the Environmental Planning & Assessment Act 1979 and the Northern Beaches Section 7.12 Contributions Plan (as amended).</i> <i>The monetary contribution is based on a development cost of \$97,919,611.00. The total amount payable will be adjusted at the time the payment is made, in accordance with the provisions of the Northern Beaches Section 7.12 Contributions Plan (as amended).</i> <i>Details demonstrating compliance, by way of written receipts issued by Council, are to be submitted to the Certifier prior to issue of any Construction Certificate or, if relevant, the Subdivision Certificate (whichever occurs first).</i> <i>A copy of the Contributions Plan is available for inspection at 725 Pittwater Road, Dee Why or on Council's website at Northern Beaches Council - Development Contributions.</i> <i>Reason: To provide for contributions in accordance with the Contribution Plan to fund the provision of new or augmented local infrastructure and services.</i>	

1.3 Agency Feedback

Issue	Response/Action
Ausgrid	
Ausgrid Overhead Powerlines are in the vicinity of the development. The developer should refer to SafeWork NSW Document – Work Near Overhead Powerlines: Code of Practice. This document outlines the minimum separation requirements between electrical mains (overhead wires) and structures within the development site throughout the construction process. It is a statutory requirement that these distances be maintained	Noted. This will be addressed at construction stage.

Issue	Response/Action
throughout the construction phase. Consideration should be given to the positioning and operating of cranes, scaffolding, and sufficient clearances from all types of vehicles that are expected be entering and leaving the site. The “as constructed” minimum clearances to the mains must also be maintained. These distances are outlined in the Ausgrid Network Standard, NS220 Overhead Design Manual. This document can be sourced from Ausgrid’s website at www.ausgrid.com.au. It is the responsibility of the developer to verify and maintain minimum clearances onsite. In the event where minimum safe clearances are not able to be met due to the design of the development, the Ausgrid mains may need to be relocated in this instance. Any Ausgrid asset relocation works will be at the developer’s cost.	
Ausgrid Underground Cables are in the vicinity of the development. Special care should be taken to ensure that driveways and any other construction activities do not interfere with existing underground cables located in the footpath or adjacent roadways. It is recommended that the developer locate and record the depth of all known underground services prior to any excavation in the area. Information regarding the position of cables along footpaths and roadways can be obtained by contacting Before You Dig Australia (BYDA). In addition to BYDA the proponent should refer to the following documents to support safety in design and construction: SafeWork Australia – Excavation Code of Practice. Ausgrid’s Network Standard NS156 which outlines the minimum requirements for working around Ausgrid’s underground cables. The following points should also be taken into consideration. Ausgrid cannot guarantee the depth of cables due to possible changes in ground levels from previous activities after the cables were installed. Should ground levels change above Ausgrid’s underground cables in areas such as footpaths and driveways, Ausgrid must be notified, and written approval provided prior to the works commencing. Should ground anchors be required in the vicinity of Ausgrid underground cables, the anchors must not be installed within 300mm of any cable, and the anchors must not pass over the top of any cable.	Noted. This will be addressed at construction stage.
New Driveways - Proximity to Existing Poles Proposed driveways shall be located to maintain a minimum clearance of 1.5m from the nearest face of the pole to any part of the driveway, including the layback, this is to allow room for future pole replacements. Ausgrid should be further consulted for any deviation to this distance.	Noted. This will be addressed at construction stage.
New or modified connection	Noted. This will be addressed at construction stage.

Issue	Response/Action
To apply to connect or modify a connection for residential or commercial premises. Ausgrid recommends the proponent to engage an Accredited Service Provider and submit a connection application to Ausgrid as soon as practicable. Visit the Ausgrid website for further details; https://www.ausgrid.com.au/Connections/Get-connected Additional information can be found in the Ausgrid Quick Reference Guide for Safety Clearances "Working Near Ausgrid Assets - Clearances". This document can be found by visiting the following Ausgrid website: www.ausgrid.com.au/Your-safety/Working-Safe/Clearance-enquiries	
DCCEEW Water	
1.0 Works on waterfront land <u>Recommendation – prior to approval</u> That Department of Planning, Housing and Infrastructure (DPHI) requests the proponent to: • Clarify the presence of waterfront land on the project site consistent with the Guidelines for Controlled Activities on Waterfront Land (DCCEEW 2025). • Review the design layout against the DCCEEW 2025 guidelines. <u>Explanation</u> A mapped watercourse exists on the western edge of the project site and the flood information submitted with the EIS indicates a drainage path in this location. The proponent however has stated works are not located within waterfront land. Further information is required from the proponent to confirm the location of the watercourse, its characteristics including top of bank, and its proximity to the proposed development. This needs to then be reviewed against the buffer distances and riparian zone requirements of the Guidelines for Controlled Activities on Waterfront Land (DCCEEW 2025).	This has been addressed at Section 10.3 of the Streamlined BDAR (Appendix AA of the EIS): In accordance with Schedule 4 Section 62 – "Controlled Activities Exemptions on Certain Waterfront Land" of the Water Management Regulation 2025. The following are exempt from controlled activities: • <i>A controlled activity separated from certain waterfront land by a lawfully constructed—:</i> - (a) a public road, - (b) a hard stand space (such as a car park or building), - (c) a levee bank, but only if the levee bank is in an urban area, was the subject of a development consent under the Environmental Planning and Assessment Act 1979 and is located within a designated high risk flood area (within the meaning of clause 45 of this regulation). The proposed works are separated from waterfront land by a hard stand place, comprised of a combination of a regularly utilised access roads, buildings and parking areas. As such, the proposed works area is considered to meet the requirements for an exemption for controlled activity approval under Schedule 4 Section 62 of the Water Management Regulation 2025.
2.0 Water take and licensing	Noted. It is anticipated this will be included as a condition of consent.

Issue	Response/Action
<u>Recommendation – post-determination</u> That DPHI requests the proponent to obtain a water access licence (WAL) to account for the maximum predicted water take for construction and operation activities unless an exemption applies under the <i>Water Management (General) Regulation 2025</i>. <u>Explanation</u> The Groundwater Impact Assessment (Appendix U) predicts groundwater seepage during construction and ongoing of 0.35 ML/yr. Under the <i>Water Management Act 2000</i>, if groundwater is intercepted a WAL must be obtained prior to any water take occurring unless an exemption under the <i>Water Management (General) Regulation 2025</i> applies. An exemption may be available for water take where the groundwater take during construction or operation is less than or equal to 3ML per water year (cl 19, sch 4 of WM Reg). To claim this exemption certain requirements must be met, such as • the person claiming the exemption keeps a record of the water taken under the exemption and provides this to the Minister within 28 days of the end of the water year; and • the records are kept for 5 years. Further information on these requirements and other information on licensing and approvals and exemptions, including a form to report and record water taken can be found at: https://water.dpie.nsw.gov.au/licensing-and-trade and Groundwater access licence exemptions NSW Government Water.	
<u>Sydney Water</u>	
Water and Wastewater Servicing • Our preliminary assessment indicates that water and wastewater servicing should be available for the proposed development. • Amplifications, adjustments, deviations and/or minor extensions may be required. • Detailed requirements will be provided at the Section 73 application stage.	Noted. This will be addressed at construction stage.
Growth information Sydney Water supports government-backed growth initiatives within our area of operations, striving to provide timely and cost-effective water and wastewater infrastructure without undue impacts. To offer robust servicing advice and investigate staged servicing possibilities, we require the proponent to provide anticipated ultimate and annual growth data for this development as outlined in the enclosed Growth Data Form.	A Growth Data Form has been completed, provided at Appendix J .

Issue	Response/Action
Next steps Should the Department of Planning, Housing and Infrastructure (the Department) decide to progress with the subject development application, Sydney Water would require the following conditions be included in the development consent. • Section 73 Compliance Certificate • Building Plan Approval Further details of the conditions can be found in Attachment 1.	Noted. It is anticipated this will be included as a condition of consent.
Heritage NSW	
1. Please clarify whether two Aboriginal stakeholders - Amanda Hickey cultural services and Murra Bidgee Mullangari - included in the consultation log in Appendix B of the ACHAR were Registered Aboriginal Parties (RAPs). If so, please provide all correspondence with these RAPs.	An ACHAR Matters Response Letter has been prepared by Urbis (Appendix L) confirming that Amanda Hickey Cultural Services and Murra Bidgee Mullangari were inadvertently omitted from subsequent RAP correspondence due to a clerical error, and that they were contacted on 8 May 2026 with an apology and provided a copy of the ACHAR.
2. Please provide Heritage NSW with any correspondence with the RAPs following finalisation of the ACHAR as the last consultation in the ACHAR is dated June 2025. Heritage NSW required that consultation with RAPs is continuous. Under our policy and guidelines, breaks in consultation of over six months may not constitute continuous consultation.	The ACHAR Matters Response Letter (Appendix K) confirms consultation with RAPs has been ongoing following the finalisation of the ACHAR. This includes project update emails issued to all RAPs on 27 August 2025, 19 November 2025 and 2 April 2026.
3. Heritage NSW notes that the Aboriginal Heritage Information Management System (AHIMS) search is greater than 12 months old at the time of submission. Heritage NSW generally requires, as per Requirement 1b of the <i>Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW</i> (Code of Practice; DECCW 2010), that AHIMS searches are less than 12 months old. In future, please ensure that the AHIMS searches are current at time of ACHAR submission in support of a project application.	Noted.
4. Heritage NSW continues to require that survey coverage be provided in accordance with Requirements 9 –10 of the Code of Practice, including a table outlining effective survey coverage. In future, please ensure that survey coverage information is provided as per Code of Practice requirements.	Noted.

Issue	Response/Action
DCCEEW – CPHR	
Biodiversity	
1. Biodiversity Offsets and Agreement Management System (BOAMS) case not submitted to the consent authority CPHR does not currently have access to the case in BOAMS. Access is required to complete CPHR's review. <u>Recommended Actions (pre-determination):</u> • Submit the BDAR case to the consent authority by adding 'Greater Sydney – Compliance & Regulation' within BOAMS. All digital files associated with the BDAR must be uploaded to BOAMS in accordance with the Biodiversity Assessment Method (BAM 2020).	The BOAMS case will be submitted by Narla Environmental within 14 days of lodgement of the RtS. An Amended Streamlined BDAR is provided at Appendix L.
2. Species exclusion not compliant and microbat surveys required. Chalinolobus dwyeri was excluded on the basis of a habitat constraint, however, there are escarpments within 2km of the subject site to the east. Per Section 3.3 of the NSW bat guidelines, Chalinolobus dwyeri must be surveyed for both foraging habitat and breeding habitat. In reference to BDAR Section 4.3.1.1, CPHR agrees that breeding habitat for microbats does not occur within the subject land, and it is unlikely to occur within 100m of the subject land, and therefore, consideration of SAI for this species is not required. However, species credits are still applicable for the foraging habitat if the species is detected using passive acoustic/ultrasonic detectors. <u>Recommended Actions (pre-determination):</u> Update the BDAR as follows: • Update Table 14 to discuss the nearby forested escarpments adjoining Ku-ring-gai Chase National Park to the east and discuss their suitability as roosting habitat for Chalinolobus dwyeri. • Expand on the methodology and analysis used when taking recordings with the EchoMeter Touch 2 Pro to support the conclusion that the subject land does not constitute foraging habitat for Chalinolobus dwyeri. • Alternatively, the AA can conduct passive acoustic detection per Section 2.8 of the NSW bat guidelines to determine presence or absence, assume presence, or consult a species expert.	The Amended Streamlined BDAR (Appendix L) provides an updated threatened species assessment that no longer excludes <i>Chalinolobus dwyeri</i>. Whilst surveys were conducted to rule out breeding habitat within and surrounding the site, it is considered likely that the vegetated areas within 2kms provide foraging habitat for these species and therefore the offsetting of species credits is required.
3. Clarify the extent of the impact area The full extent of the development impact footprint requires clarification. Figure 17 of the BDAR shows partial impacts to trees along the southwestern and southeastern boundary. However, aside from Tree 79, the stems of the native trees associated with PCT 3234 occur across the existing internal road and do not appear to be proposed for removal. Neither the AIA or BDAR indicate if these trees will be subject to pruning and ongoing maintenance.	The Amended Streamlined BDAR (Appendix L) and Amended AIA (Appendix M) have been updated to clarify the development impact footprint. The AIA confirms that the native boundary trees are not proposed for removal, except where specifically identified. Tree 79 is proposed to be retained, subject to

Issue	Response/Action
<u>Recommended Actions (pre-determination):</u> Update the AIA or BDAR to clarify if these native trees will be subject to impacts. If these trees are proposed for removal, amend the BDAR mapping and BAM-C accordingly.	arboricultural protection measures and tree-sensitive construction techniques. The BDAR impact mapping has been updated to align with the AIA and to conservatively capture potential canopy impacts associated with retained native trees. No additional native tree removals are proposed beyond those identified in the AIA, and the BAM-C has been updated accordingly where required.
4. Avoidance of impacts to biodiversity values has not been adequately addressed. The Biodiversity Conservation Act 2016 requires proponents to follow the avoid, minimise and offset hierarchy. Under section 6.3A(a) all reasonable measures to avoid impacts on biodiversity values must be taken first. However, Section 6.1 of the BDAR outlines only Mitigation and Minimisation Measures and provides no justification or evidence of avoidance measures such as consideration of alternative design options. <u>Recommended Actions (pre-determination):</u> - Provide information to demonstrate the measures taken to avoid impacts. - Prioritise the retention of native vegetation along Annam Road. If the AIA determines that retention of Trees 17, 19, 23, 24, 26 is not feasible, amend the development footprint to enable their retention.	Section 6.1 of the Amended Streamlined BDAR (Appendix L) has been amended to provide evidence of avoidance measures. The proposal has been designed to largely utilise existing buildings, hardstand and landscaped areas. The design has also been amended to retain trees 20 and 21 which were previously identified for removal.
5. Adequacy of the AIA The AIA lists Trees 17, 19, 23, 24, 26 and 79 as being retained, however, four of these trees will be subject to major encroachment (>20% of TPZ or Notional Root Zone per the updated AS 4970–2025). The AIA states: - Trees 19, and 79 will experience major TPZ encroachments of 17.8% and 15% respectively. All excavation works within the TPZs of these trees are to be conducted using tree sensitive excavation techniques under the direct supervision of the Project Arborist to minimise root disturbance and - All works within the TPZs of Trees 17, 23, 24, and 26 must be carried out using tree-sensitive excavation methods under Project Arborist supervision. CPHR notes the following: - No site-specific details are provided regarding the "tree sensitive excavation techniques" proposed. - The AIA does not include an assessment demonstrating how the subject trees will be feasibly retained.	The Amended AIA (Appendix M) has been updated to provide further assessment demonstrating how Trees 17, 19, 23, 24, 26 and 79 can be viably retained, and continues to identify these trees for retention. Appendix 2 of the amended AIA now outlines the tree-sensitive excavation techniques and tree protection requirements to be implemented. The Amended Streamlined BDAR (Appendix L) has also been updated to reflect the amended AIA.

Issue	Response/Action
<u>Recommended Actions (pre-determination):</u> - Update the AIA to demonstrate how the identified trees will be viably retained, supported by detailed specifications outlining how this will be achieved. This should include root-mapping investigations using minimally invasive techniques such as hand digging with non-motorised tools or a pneumatic device for example AirSpade, as referenced in the AIA. - Revise the AIA Appendix 2 - Tree Protection Plan, to include clearly defined tree- and site-specific protection measures, consistent with Sections 1.3.21 and 2.2.6 of AS 4970–2025. Generic measures are not sufficient. - Following any design amendments (see key assessment issue 3), provide an updated AIA that considers all relevant plans. An updated BDAR must also map the full extent of the subject land and accurately quantify the total area of native vegetation removal.	
6. Potential sighting of threatened bird, Square-tailed Kite CPHR advises that on 9 March, the Environment Line received a report from a member of the public about an active nest at the site for a threatened bird species, the Square-tailed Kite. This nest was not identified on site in the BDAR. CPHR has suggested the person makes a submission to DPHI on the matter and also requested further information on the sighting. Any information will be forwarded to DPHI if received. <u>Recommended Actions (pre-determination):</u> Amend the BDAR if required	The Amended Streamlined BDAR (Appendix L) has considered Square-tailed Kite. The species is identified as a candidate ecosystem credit species for foraging habitat and has not been excluded from the assessment. No active Square-tailed Kite nest was identified during the BDAR field surveys or habitat assessment. The BDAR has therefore not been amended to assume breeding habitat at this stage. Should DPHI or CPHR provide verified information confirming an active nest within or adjoining the Subject Land, the BDAR will be reviewed and amended as required.
Flooding 7. Insufficient information provided The IWMP does not contain sufficient information to enable a proper assessment of the proposal or to demonstrate compliance with the SEARs. The IWMP relies on flood risk mapping provided from Northern Beaches Council's website instead of using information from Council's adopted flood study. The IWMP states floor levels and carpark entrances have been designed above the 1% + Freeboard, not the PMF. The IWMP does not identify flood levels for any flood event or identify how this relates to the proposed site design. A Flood Emergency Response Plan has not been provided despite the site being isolated by flooding on Cabbage Tree Road. The EIS states overland flow is directed to existing grass-lined swale. However, no analysis of on-site overland flow has been provided and the impacts of the overland flow on the site has not been identified. <u>Recommended Actions (pre-determination):</u>	A Flood Response Letter (Appendix N) has been prepared by Birzulis having regard to Council's adopted flood study information for the Bayview locality. The response confirms that the proposed development footprint is outside the mapped flood extent, including the PMF extent. The mapped PMF levels relate to external drainage / overland flow corridors and low-lying road areas and are not applicable as flood levels for the proposed building platform. On this basis, the proposal is not expected to be subject to direct flood inundation or to affect flood storage, conveyance, flood levels, velocities or hazard. The lowest proposed development level is RL 20.48m AHD and all

Issue	Response/Action
- Undertake a Flood Impact and Risk Assessment (FIRA) for the development, consistent with the local planning direction and Flood Risk Management Manual. The FIRA must identify flood behaviour in all events up to the PMF and address any public safety and emergency management issues. Guidance on a fit for purpose FIRA can be found at: https://www.environment.nsw.gov.au/research-and-publications/publications-search/flood-impact-and-riskassessment - Assess whether the flood behaviour identified in Northern Beaches Council's adopted flood study is appropriate for a detailed assessment and identify any overland flow paths impacting the site which were not identified in the flood study. - Ensure all buildings, basement car parking and other facilities are designed to be flood free and structurally sound during the PMF.	habitable floors, carpark entries and critical services are located outside mapped flood affectation. The response also confirms that mapped overland flow paths are external to the development footprint and that the proposal does not obstruct, divert or fill mapped overland flow paths. Flood emergency management will be addressed through Opal's shelter-in-place procedures and a concise Flood Emergency Response, to be prepared prior to OC.
Serious and Irreversible Impacts – Advice on SAI Entities	
SAII Entity: Pittwater and Wagstaffe Spotted Gum Forest in the Sydney Basin Bioregion	
Step 1: Identify relevant entities at risk of SAI CPHR Recommendation: CPHR agrees that the consultant has identified the relevant entities at risk of SAI. Of the SAI Species identified as requiring further assessment (BDAR Section 4.2), none were found present or at risk of SAI because of the proposal. CPHR agrees with this assessment. The proposal impacts the identified SAI Ecological Community: Pittwater and Wagstaffe Spotted Gum Forest in the Sydney Basin Bioregion, with the consultant including a SAI assessment in accordance with BAM Section 9.1.1 (BDAR Section 8.3).	Noted.
Step 2: Evaluation of the current extinction risk of the impacted entities CPHR Recommendation: This SAI threatened ecological community (TEC) is listed under SAI Principle 3, with the Threatened Biodiversity Data Collection (TBDC) indicating that it is known from less than three locations and/or the Area of Occupancy (AOO) is less than 10km² or Extent of occupancy (EOO) is less than 100km². Available information regarding this SAI TEC is limited, however, the consultant has referenced the NSW Threatened Species Scientific Committee determination to provide an indication of the AOO and EOO (88 and 104km², respectively).	Noted.
Step 3: Detail measures taken to avoid impacts on the entity CPHR Recommendation: The proponent has not adequately addressed measures to avoid impacts to this SAI TEC. CPHR recommends clearly demonstrating the feasibility of retaining the associated canopy along the northeastern boundary of the Subject Land. Refer to Key Assessment Issue 5 for further details.	As discussed above, the Amended Streamlined BDAR (Appendix L) and Amended AIA (Appendix M) have been updated to further address avoidance measures for the SAI TEC.
Step 4: Evaluate the impacts from the proposal	Noted.

Issue	Response/Action
CPHR Recommendation: The proposal will result in the removal of 0.16ha of the SAIL TEC. The consultant also notes that the total area to perimeter ratio of the patches of this TEC within a 1500m radius from the Subject Land will change from an estimated 17.35m ² to 18.21m ² following the construction of the development, indicating that a minor increase in fragmentation will occur because of the development.	
Step 5: Provide advice on whether the proposal is likely or unlikely to result in SAIL.	Noted.
CPHR Recommendation: Based on the current information available, the consultant has appropriately evaluated the current risk extinction of this SAIL TEC in BDAR Table 18. CPHR agrees that the proposal is unlikely to result in the extinction of this community, despite the removal of up to 0.16ha of associated vegetation.	
Other recommendations/Comments: Refer to Key Assessment Issue 4 and 5	Noted.
NSW Rural Fire Service	
The NSW Rural Fire Service (RFS) raises no objections to the proposed Opal Healthcare Bayview Residential Care Facility. Following the future Torrens Title subdivision, the site will form a separate lot that contains no area identified as being bush fire prone land.	Noted.

1.4 Community Feedback

Issue	Response/Action
Community Engagement	
How will future/ongoing community engagement be managed. At what points will the community be invited to engage?	The Integrated Engagement and Social Impact Assessment Report (Appendix H of the EIS) outlines the way in which ongoing communication with residents will be maintained throughout construction. A Construction Environmental Management Plan (CEMP) will be prepared prior to construction commencing and will nominate a contact person for enquiries and concerns. Residents will be kept informed of upcoming works and key milestones throughout the construction process.
It is requested that engagement with Sydney Water be undertaken. Specifically, in regards to whether the Wamberal Warriewood Sewerage treatment Plant has capacity for the development.	The SSDA has been referred to Sydney Water. The proposal's response to Sydney Water's comments is outlined in Section 1.3 above.
Lack of youth engagement.	

Issue	Response/Action
One community zoom call is not sufficient. Applicant has not engaged with the community in a transparent and ethical manner.	A comprehensive, and multi-staged engagement strategy has been undertaken, consistent with DPHI's <i>Undertaking Engagement Guidelines for State Significant Projects (2025)</i>. This strategy included: • Direct approach by project team; • Information session; • Community newsletter; • Social Impacts Survey; • Online briefing; and, • Project email address and phone line. The engagement process was designed to be accessible, inclusive and responsive. While not all suggestions could be adopted, each was fully considered and the rationale for design decisions is outlined within the Design Report (Appendix J of the EIS) and the EIS itself.
The proposal includes upgrades to the Aveo clubhouse as a way to encourage Aveo residents not to object.	The proposed community centre upgrades are not an incitement to limit objections. They form part of the land sale and integrated development arrangements between Opal and Aveo and are required to maintain the ongoing function of the community centre following demolition of the adjoining serviced apartment building. Aveo residents, like any other community members, remained free to make submissions on the proposal during the exhibition process.
Noise and Vibration	
Appendix C: Mitigation Measures states “schedule noisy activities to occur outside of the most sensitive times of the day for each nominated receiver”. Who are the nominated receivers?	The nominated receivers are identified in Figure 2 within the Noise and Vibration Impact Assessment (Appendix R of the EIS) and includes the existing Aveo BGRL site and the residential properties across Annam Road.
Concerns regarding increased noise generated from the proposal, including: • Mechanical plant noise (air conditioning, generators, exhaust systems) • Early morning and late night staff activity. • Waste collection and service vehicle movements. • Outdoor activity areas and communal spaces adjacent to property boundaries.	Potential noise impacts have been minimised throughout the design of the proposal. The mechanical plant equipment has been acoustically screened to ensure compliance with the relevant criteria. Deliveries, waste collection, and servicing will occur from the basement loading area, which is predominately enclosed and does not have a direct line of sight to surrounding receivers. Outdoor communal areas are designed for passive, low intensity use by the aged care residents. Accordingly, the proposal is not expected to result in unreasonable noise impacts on adjoining properties. Refer to the Noise and Vibration Impact Assessment (Appendix R of the EIS) for further discussion.
The Noise and Vibration Assessment predicts an increase of 2 vehicles per hour. This is considerably lower than anticipated for a 177 bed facility and is not representative of construction.	The Noise and Vibration Impact Assessment (Appendix R of the EIS) states “it is anticipated that the Allied Health Care operation will only generate some 2 vehicle trips per hour during the peak periods”. This related to infrequent operation vehicle movements, not a detailed construction traffic assessment. Construction traffic and associated

Issue	Response/Action
	vehicle movement will be managed separately during the construction phase through a Construction Traffic Management Plan, which will be prepared prior to works commencing.
Traffic and Parking	
Access	
The proposed main access and service access is in a disruptive and dangerous location. • Vehicles existing the loading dock will obstruct oncoming traffic and necessitate traversal onto the opposing lane for access. • At the crest of the hill, visibility is restricted for traffic travelling downhill towards Cabbage tree Road or entering Annam Road from Utingu Place. • The proposed roundabout drop-off area is situated directly opposite Utingu Place, which is positioned on a blind crest.	The Amended TIA (Appendix E) confirms that the proposed access arrangements are acceptable and do not result in any safety impacts. The engineering survey plan shows that the crest on Annam Road is gradual and located a significant distance north of Utingu Place. The survey levels show a consistent rise from RL 16.0 south of the site, to RL 20.0 at the southern boundary, and RL 31.0 at the northern boundary. There is therefore no “blind crest at the entry” as alleged. The existing driveway opposite the southern side of Utingu Place currently provides access to the Aveo site, including car parking and loading dock areas. This driveway will be retained for Aveo BGRL residents only and limited to occasional set-down and pick-up movements.
The intersection proximity between the basement access and Utingu Place (a ‘no through road’)—coupled with the identified blind crest at the entry—poses an unacceptable risk to pedestrians, cyclists, and local school-aged children. The EIS fails to sufficiently demonstrate Safe Intersection Sight Distance (SISD) for heavy service vehicles on this steep, narrow 9.7m-wide road.	The new driveway is located south of the Utingu Place intersection and approximately 75–80m from the crest. Existing access points, including the two Aveo driveways, Utingu Place and nearby residential driveways, are all located closer to the crest than the proposed driveway. Vehicle movements at the retained driveway will also be reduced under the proposal.
The purchase of land and subsequent Torrens title changes have not yet occurred. With this in mind, alternative solutions should be explored, including the use of the existing main entrance and driveway of the Bayview Gardens to reduce the traffic use on Annam Road. It is clear the community centre and other areas will be shared by the operators / owners and the driveway and access should also be shared. This is consistent with the current use rights of the area.	Opal Healthcare and Aveo are separate entities and will operate as separate seniors housing facilities. The proposed access arrangement reflects the agreed site separation under the sales agreement. It is noted that the club house is not proposed to be shared between the operators.
Concerns the driveways non-compliance with AS2890.2 increases safety risks. The applicant justifies this departure based on several operational assumptions (including limited truck speed to 3km/h, restricting vehicle movements to left-in,	TTPA has confirmed that, from a traffic engineering perspective, the driveway complies with the relevant AS2890.1 and AS2890.2 requirements, including driveway width, sight distance and linear grade. The identified departure relates specifically to the AS2890.2 commercial vehicle crossfall criterion at the driveway interface, which is influenced by the existing 17.5% longitudinal grade of Annam Road and the site’s constrained

Issue	Response/Action
right-out, and, incorporating a localised transition). How will this be managed?	topography. This matter has been assessed by Birzulis Associates through a performance-based engineering assessment (Appendix Q of the EIS), which confirms that the driveway can operate safely for service vehicles subject to defined operational controls. These include low-speed vehicle movements, left-in/right-out service vehicle access and a smooth localised transition at the driveway interface to manage vehicle stability. These controls will be managed operationally through the site's servicing arrangements, including waste contractor induction, nominated service vehicle access protocols, and appropriate on-site management procedures. On this basis, the driveway design is considered to provide a safe and functional outcome, notwithstanding the limited AS2890.2 crossfall departure.
Waste servicing must be proven safe via swept paths and operational controls	The Amended TIA (Appendix E) confirms that waste servicing can be safely accommodated within the site. Waste collection will occur from the proposed loading dock using rear-lift vehicles, with swept path assessment confirming satisfactory access, turning and manoeuvring for the largest service vehicle. The TIA also confirms that service vehicles will not manoeuvre within the basement and that truck manoeuvring will occur in a separate area from car park vehicle circulation. Waste collection frequency and timing will be managed in accordance with Opal's operational servicing schedule.
Safety	
How does the proposal impact road safety on Cabbage Tree Road? Specifically, the section previously identified as a high-risk area in the Black Spot Programme.	The Amended TIA (Appendix E) confirms that the proposal will not adversely impact road safety on Cabbage Tree Road. The traffic generated by the proposal is minor, being 30 vehicles per hour in the AM peak and 39 vehicles per hour in the PM peak, which is only 11 and 14 vehicles per hour more than the former use of the site. SIDRA modelling confirms the Cabbage Tree Road / Annam Road intersection will continue to operate at Level of Service A with spare capacity. The TIA acknowledges that this intersection was previously subject to road safety concerns, however, Council has completed the identified remedial works and there is no evidence that road safety concerns remain. Accordingly, the proposal is not expected to create any adverse road safety impacts on Cabbage Tree Road or the surrounding road network.
Concern over safety risks for pedestrians, particularly children and elderly residents.	Pedestrian and vehicle access to the site is via Annam Road, which is an existing road network condition rather than a new arrangement created by the proposal. Broader traffic-calming or road upgrade measures such as a roundabout on Annam Road fall outside the scope of this application and would be a matter for the relevant road authority. Construction-related traffic and pedestrian safety will be managed through a Construction Traffic Management Plan, to be prepared prior to works, including appropriate measures for site access, vehicle movements and safety management.
Annam Road in its existing form has no crossings, poor visibility and unsafe conditions. The proposal fails to address or mitigate these risks.	
Request for a roundabout on Annam road to slow traffic.	

Issue	Response/Action
Traffic	
Surrounding roads (particularly Annam Road and Cabbage tree Road) do not have capacity to support the proposed development.	The Amended TIA (Appendix E) includes an assessment on the surrounding road network capacity and concludes the surrounding road network (including Annam Road and Cabbage Tree Road) have sufficient capacity to accommodate the proposal.
No evidence has been provided to demonstrate the transport network can support the increased demand.	Evidence has been provided in the Amended TIA (Appendix E) to demonstrate that the surrounding transport network can accommodate the proposal. The assessment includes existing traffic surveys, SIDRA modelling of the Cabbage Tree Road/Annam Road intersection, and projected traffic generation for the development. It concludes that the intersection will continue to operate satisfactorily at Level of Service A in both the AM and PM peak periods and that the proposal will not result in adverse traffic impacts on the surrounding road network.
Independent traffic assessment should be provided.	An Independent Traffic and Parking Assessment has been prepared by TTPA and included at Appendix E .
The scale of this proposal will generate 200-300 vehicle movements per day, with peak-hour surges during staff shift changes, deliveries and ambulance operations. NSW traffic assessment requirements specify that developments generating 50+ vehicles per hour trigger formal roads authority review obligations under the Environmental Planning & Assessment Regulation 2021 (Reg 128).	Section 128 of the EP&A Regulation applies to an application for a complying development certificate. As such, this Section does not apply to this SSDA. Notwithstanding, a detailed assessment of traffic impacts has been undertaken as part of the EIS which was referred to TfNSW who has not provided any comments.
The Transport & Infrastructure SEPP 2021 requires TfNSW consultation for traffic-generating development categories listed in Schedule 3. Council's must consider impacts on safety, congestion, access and parking before approval is granted.	Section 2.122 (Schedule 3) of the Transport and Infrastructure SEPP states a development application for the site will require referral to TfNSW if it is to generate more than 200 vehicles per hour. As detailed in the Amended TIA, the proposed development is expected to generate 30 vehicles per hour in the AM peak and 39 vehicles per hour in the PM peak, representing a net increase of only 11 and 14 vehicles per hour compared with the former use of the site. This is well below the SEPP referral threshold and therefore the proposal is not traffic-generating development.
The NSW Guide to Integrated Transport Assessments confirms that large institutional developments must be assessed against road safety, environmental effects, network capacity, and parking impacts due to their major transport footprint.	The Amended TIA (Appendix E) assesses traffic generation, network performance, parking, access, internal circulation, servicing and construction traffic. The assessment concludes the development will not result in adverse traffic implications, provides suitable parking and access arrangements, and can be constructed without adverse impacts on pedestrians, cyclists, public transport services or the surrounding road network.
Provide transparent data/method disclosure (dates/times/locations) and intersection modelling that tests current and future-year scenarios with sensitivity cases.	The data and method disclosure is included within the appendices of the Transport and Parking Assessment (Appendix E).

Issue	Response/Action
Public Transport	
Public transport system does not have capacity to support the proposed development.	The Amended TIA (Appendix E) concludes that the site is suitably located in relation to public transport, with bus services available from Annam Road. The proposal includes a Green Tavel Plan to encourage use of public and active transport and reduce reliance on private vehicles. Any broader changes to public transport service capacity are matters for TfNSW.
The bus stop location creates a potential for head-on collisions.	The bus stop is existing. The proposal does not introduce or relocate the bus stop. Access arrangements are assessed on the basis of the existing road and public transport network.
The TIA states the primary mode of transport to the Bayview area is train. There are no train stations in the locality.	The Amended TIA (Appendix E) does not state that train is the primary mode of travel to the Bayview area. Rather, it notes that, based on ABS journey-to-work data for staff working in the area, private vehicle use is the dominant mode (57%), while 31% of staff may travel by train as part of their broader commute. While there is no train station in the immediate locality, this would reflect staff travelling from outside the area and using rail as one component of a multi-leg journey, with the final leg undertaken by bus, car or other means.
Parking	
On-site parking is inadequate/the proposal provides a significant shortfall in parking.	The proposal does not result in a parking shortfall. A parking requirement of 45 spaces plus an ambulance bay is stipulated under the Housing SEPP, whereas the proposal provides 56 on-site spaces for use by the Opal Bayview development, including 5 accessible spaces, plus an ambulance bay. On that basis, the Amended TIA (Appendix E) concludes the parking provision is suitable and appropriate for the proposed use.
Overflow parking from the proposal will worsen existing parking issues on surrounding streets.	Overflow parking on surrounding streets is not anticipated as the proposal provides a suitable on-site parking supply, exceeding the requirements under the Housing SEPP.
Concerns staff will park on street.	
Concerns workers will park on the street during construction.	Construction worker parking will be managed through a detailed Construction Traffic Management Plan to be prepared during the Construction Certificate process. The preliminary CTMP (Appendix E) states that some worker parking will be provided on site, particularly once the basement car park is available, and that secure storage for tools and materials will be provided to encourage workers to use public transport or carpool rather than park on surrounding streets.
16 spaces are dedicated to Aveo and the remainder will be allocated to staff. This does not provide for visitors to the site.	The Housing SEPP requires the following parking to be provided for a Residential Care Facility, which the proposal achieves: <i>h) for a residential care facility—at least 1 parking space for every 15 beds in the facility,</i> <i>(i) at least 1 parking space for every 2 employees who are on duty at the same time,</i>

Issue	Response/Action
	<i>(j) at least 1 parking space for the purpose of ambulance parking.</i> This ensures that sufficient on-site parking is provided to meet staff, visitor and operational needs without resulting in a parking shortfall.
Provide specific assessment and management for the Aveo-reserved parking interface.	The Aveo-reserved parking interface will be managed through the land sale and associated operational arrangements between Opal and Aveo. The 16 spaces are a like-for-like replacement of the existing Aveo spaces currently located on the site, rather than additional parking. Physical and access management measures will ensure each area is used only by its intended users.
Transport Impact Assessment	
The TIA has not taken into consideration cumulative impacts including the existing Aveo BGRL.	The Amended TIA (Appendix E) has taken the existing Aveo BGRL site into account as part of the existing site context and baseline traffic conditions. The assessment concludes the proposal will not result in adverse cumulative traffic impacts on the surrounding road network.
Biodiversity	
The development threatens square-tailed kites, bush turkeys, owls (ninox strenua), echidnas, snakes and sea eagles living in proximity to the site. The EIS does not adequately mitigate the "indirect impacts" of 24-hour light spill, noise and vibration on these habitats during critical breeding cycles.	The Amended Streamlined BDAR (Appendix L) assesses threatened fauna and indirect biodiversity impacts, including potential effects from noise, dust and light spill on adjacent habitat. It identifies Square-tailed Kite and White-bellied Sea-Eagle as candidate ecosystem credit species for foraging, with no exclusion from assessment, and also considers potential impacts to threatened species habitat adjacent to the site. The BDAR concludes that indirect impacts from noise, dust and light spill are expected to be localised, with construction to occur during standard working hours, light spill expected to be minimal, and surrounding habitat connectivity allowing fauna to move away from temporarily affected areas.
Concerns regarding deep soil and the survival of existing trees where they are retained.	The proposal provides 567m ² of deep soil area. The Amended Arboricultural Impact Assessment (Appendix M) identifies trees for retention/removal and confirms that many retained trees will have no TPZ encroachment. A Tree Protection Plan has been provided which includes mitigation measures including protection fencing, arborist supervision, tree-sensitive excavation, mulching and ongoing soil moisture management to support the long-term survival of retained trees.
Concerns over removal of 38 healthy trees.	The proposed tree removal has been assessed by a qualified arborist and is necessary to facilitate the redevelopment of the site for a new 177-bed residential aged care facility, which will deliver much-needed seniors housing accommodation. The amended Arboricultural Impact Assessment (Appendix M) confirms that 42 trees require removal if the development proceeds, and a number of higher-value trees have been retained through design responses including suspended slab construction, tree-sensitive excavation, project arborist supervision, tree protection fencing and ongoing inspection requirements.

Issue	Response/Action
The design has prioritised built form over retention of established canopy. Replacement planting cannot replicate the environmental and amenity value of mature trees.	The proposal has sought to retain established canopy where possible, while balancing the need to redevelop a disused aged care site for a contemporary residential care facility. The Amended AIA (Appendix M) identifies a number of retained trees, including several high-value trees, and requires design and construction responses to support retention. It is acknowledged that replacement planting will take time to mature, however, the proposal has not adopted a remove-and-replant approach, and instead incorporates specific measures to retain canopy where possible within the constraints of the development.
Independent ecological assessment should be provided.	A Streamlined BDAR has been prepared by Narla Environmental (Appendix L), in accordance with the Biodiversity Conservation Act 2016 (BCA) and is certified by an Accredited Biodiversity Assessor.
Replacement of open spaces with a large facility/loss of public open space.	The proposal does not involve the loss of public open space. The site is privately owned land within the existing Aveo BGRL site and currently contains vacant aged care and serviced apartment buildings, associated driveways and parking areas. The redevelopment will replace these disused built elements with a new RCF and associated landscaped communal open space for residents.
Seniors housing is subject to specific restrictions in environmentally sensitive and bushfire prone land. This will constrain the feasibility of the proposed development on the site.	The presence of biodiversity or bushfire constraints does not make the site unsuitable or the proposal infeasible. The proposal has been designed and assessed taking into account these constraints. The Amended Streamlined BDAR (Appendix L) confirms that the proposed development has been designed to ensure no significant impact on the biophysical, hydrological, or ecological integrity of adjacent littoral rainforests. Measures have been incorporated to protect surface and groundwater flows, ensuring no adverse effects on the quantity or quality of water flows to and from adjacent coastal ecosystems. The Bushfire Statement (Appendix DD of the EIS) confirms that while a very small portion of the broader Aveo site is mapped as vegetation buffer, the proposed Opal site and development footprint are not identified as containing Category 1, 2 or 3 vegetation or vegetation buffer, and following subdivision the development allotment will no longer be captured by the Bush Fire Prone Land Map. The application has also been referred to NSW RFS who has not raised any objections to the proposal.
Where threatened species or important habitat may be present, the development must be appropriately assessed under the Biodiversity Assessment Method (BAM) and demonstrate that impacts can be avoided, minimised, or offset.	The proposal has been assessed in accordance with the BAM through the Amended Streamlined BDAR (Appendix L). The BDAR identifies the biodiversity values affected by the proposal, assesses avoidance and minimisation measures, and quantifies the offset requirement arising from the development.
The proposal is not compliant with the NSW Biodiversity Assessment Method.	

Issue	Response/Action
Inadequate measures are provided to protect wildlife and the environment.	Measures to protect wildlife and the environment have been provided through the Amended Streamlined BDAR (Appendix L) and Amended AIA (Appendix M). These include assessment under the BAM, mitigation and management measures to be implemented through the CEMP, biodiversity offset requirements, 2:1 replacement planting for impacted trees, and detailed tree protection measures for retained vegetation including protection fencing, arborist supervision and tree-sensitive excavation.
Any disturbance to vegetation, habitat connectivity, or breeding areas should be subject to thorough ecological assessment to ensure compliance with the Biodiversity Conservation Act 2016 and to protect local wildlife populations.	Section 7.9 (2) of the BCA requires that an SSDA be accompanied by a BDAR unless the Planning Agency Head and the Environment Agency Head determine that the proposed development is not likely to have any significant impact on biodiversity values. A Streamlined BDAR has been prepared by Narla Environmental and is included at Appendix AA of the EIS (an Amended BDAR is at Appendix L of the RtS), which confirms that the proposed development is not expected to have any adverse impacts on biodiversity values. The Streamlined BDAR assesses the development under the BCA and the BAM, including native vegetation, habitat connectivity within the surrounding locality, threatened species habitat, direct and indirect impacts, and required avoidance, minimisation and offset measures. The report also identifies mitigation and management measures to be implemented through the CEMP to protect biodiversity values and local wildlife.
Protection of coastal water quality is a critical environmental priority under NSW planning legislation, and any development that risks increasing pollutant loads, sedimentation, or sewage discharge into waterways must be rigorously assessed and mitigated.	Refer to the IWMP (Appendix P). The proposal incorporates stormwater quantity and quality controls, including on-site detention, rainwater reuse and WSUD measures, to protect downstream waterways and riparian health. MUSIC modelling demonstrates compliance with Council's pollutant reduction targets, including 100% gross pollutant reduction, 85.3% TSS reduction, 75.7% TP reduction and 59.9% TN reduction. Wastewater will be managed through connection to the appropriate network, and erosion and sediment controls will be implemented during construction to minimise sedimentation and pollutant export.
Infrastructure	
The Warriewood Sewerage Treatment Plant is operating beyond its capacity, as evidenced by the regular sewerage flooding at the Bayview Gold Club. The current sewerage system cannot support the proposed development without major infrastructure upgrades.	The proposal includes connection of the development to the Sydney Water sewer network and any augmentation of services required to support the development. Broader questions regarding the operation or upgrade of the wider sewerage network, including off-site system capacity, are matters for the utility authority rather than something that falls to this proposal to resolve beyond its own servicing requirements.

Issue	Response/Action
Concerns regarding increased demand on local infrastructure including: • Water and sewer • Stormwater • Electricity • Local health • Emergency services	• Water and sewer: Water and sewer servicing will be provided through connection to the existing Sydney Water network, including a new 150 mm sewer main extension and connection to the existing potable water main on Annam Road. Refer to Hydraulic Infrastructure Statement (Appendix KK of the EIS). • Stormwater: Stormwater will be managed through the IWMP (Appendix S of the EIS), which provides for on-site detention, rainwater reuse and water quality treatment measures so that post-development discharge does not exceed pre-development conditions and Council water quality targets are achieved. • Electricity: Electricity servicing will be upgraded through a new 1000 kVA kiosk substation in consultation with Ausgrid. Refer to Electricity Infrastructure Statement (Appendix KK of the EIS).
Cumulative impacts on infrastructure must be addressed.	• Local health and emergency services: Although some additional demand may arise, the Social Impact Assessment (Appendix H of the EIS) concludes this is manageable given the site's proximity to Mova Vale Hospital and Northern beaches Hospital, established referral pathways, and the inclusion of on-site wellness and support facilities that help reduce pressure on external services. It is also noted that the proposal replaces an existing aged care and serviced apartment development, meaning the relative increase in demand is less substantial than for a wholly new development. The above reports take into account cumulative impacts on infrastructure.
Provide explicit demonstration of Council-standard stormwater compliance (pre/post discharge, OSD sizing, lawful point of discharge, major overflow paths, construction ESC).	The IWMP (Appendix P) confirms that post-development discharge will remain below pre-development discharge though an on-site detention system. The minor system is designed to the 1 in 20-year event, while major overland flows are conveyed via the retained grass-lined swale to Cahill Creek, with a rear-catchment overflow route also provided through the basement. A proposed lawful point of discharge has been identified via a new pit-and-pipe connection to the existing Council kerb inlet pit on Annam Road, subject to Council approval. Construction erosion and sediment controls also identified, with a concept ESCP to be implemented in accordance with the Landcom Blue Book and Northern Beaches Council requirements, including measures such as sediment fencing, stabilised site access, diversion bunds and pit inlet protection.
Provide pump-out / subgrade drainage reliability controls (duty/standby, alarms, maintenance/audit, emergency response).	Pump-out and subgrade drainage reliability have been addressed at a DA level in the IWMP (Appendix S of the EIS). The lower-ground basement includes a pump-out tank for subgrade and hardstand drainage that cannot drain by gravity, with the system to be configured in accordance with Australian standards including duty/standby pumps, non-return valves and a high-level alarm. The basement is also to adopt drained construction with subsoil drainage to relieve hydrostatic pressure and protect the structure. Ongoing reliability will be supported through an Operations and Maintenance Plan covering routine inspections and pump servicing. More detailed maintenance, audit and emergency response procedures would be finalised as part of the detailed hydraulic design and operational documentation.
Provide major storm / flood risk assessment sufficient to demonstrate safe access/egress and no adverse off-site impacts.	Refer to the Flood Response Letter at Appendix N which confirms that Council's adopted flood mapping does not identify the proposed development footprint as being affected by mapped flood behaviour up to the PMF. The proposed building platform, habitable floors, carpark entries and critical services are located outside mapped

Issue	Response/Action
	flood affectation, and the proposal is not expected to create adverse off-site impacts on flood storage, conveyance, flood levels, velocities or hazard. Flooding may temporarily affect external road access during extreme events, which will be addressed through Opal's shelter-in-place procedures and a Flood Emergency Response / Shelter-in-Place Statement, to be prepared prior to OC.
Built Form	
Privacy Concerns	
No privacy plan has been presented.	Privacy and overlooking analysis is included in the Design Report (Appendix J of the EIS) showing the building has been designed with an inward-facing layout, with resident rooms and balconies oriented toward central landscaped courtyards rather than toward adjoining dwellings. Refer to Section 4.0 of the RtS Report for further discussion.
Scale of development will affect the privacy of neighbours, specifically: • Direct overlooking from upper-storey windows and balconies. • Loss of privacy in private open spaces and living rooms.	
Amenity Concerns	
No consideration has been given to the impacts of 24-hour ambient lighting and noise and its effect on neighbours.	The site is located within Aveo BGRL, an existing seniors housing precinct. As such, the operational characteristics of the proposed development will be broadly consistent with the established nature of the surrounding precinct. A detailed Operational Plan of Management will be prepared prior to the issue of an Occupation Certificate. This plan will identify the operational measures to be implemented to manage potential impacts, including noise, lighting and general amenity, to ensure the continued protection of neighbouring properties. Given the nature of the development as a RCF within an established seniors housing precinct, the proposal is not expected to generate unreasonable operational impacts.
The proposal will overshadow neighbouring homes.	As discussed within the EIS, the proposal generally improves solar access to the Annam Road street frontage by reducing shadowing in this area compared to the existing built form. Most of the additional shadow generated will fall within the site boundary, ensuring minimal impact on neighbouring properties. A small amount of additional shadow will extend onto the adjoining Aveo BGRL site to the west, although this represents only a very slight change from existing conditions (refer Section 4.3.2 of the RtS Report). The building has been carefully designed and orientated to mitigate overshadowing impacts, with an articulated and stepped form that follows the natural topography. Generous rear setbacks further assist in maintaining sunlight access to surrounding residential properties. As adjacent dwellings across Annam Road are located to the north of the site, they will not experience any additional overshadowing.

Issue	Response/Action
Character of Area	
The proposed height and 177-bed intensity are incompatible with the R2 Low Density Residential character of Annam Road.	The proposal is not considered to impose an unreasonable burden on the streetscape. Although the facility will operate on a 24/7 basis, that operational characteristic does not equate to an intensified streetscape presence, as resident care, staffing and associated activities occur predominantly within the building and internal site areas.
A smaller scale development would be more compatible with the surrounding environment.	The site forms part of the existing Aveo BGRL precinct, which already accommodates an established seniors housing precinct operating 24/7.
The proposal will dominate the streetscape.	In terms of built form, the proposal is located within an established seniors housing precinct rather than an isolated low-density residential site, and has been designed to respond to the site's steep topography so that it presents predominantly as a three-storey form to Annam Road, which is consistent with the intent of the Seniors Housing Design Guide and the Housing SEPP. The building mass is further moderated through articulated façades, variation in materials, balconies, setbacks and substantial landscaping, which reduce perceived bulk and maintain a landscaped presentation to the street. Accordingly, the proposal achieves a contextually responsive outcome notwithstanding that it is a contemporary residential care facility.
The transition to a large-scale, 24/7 operation, featuring a predominately 3-storey built form in a 1-2 storey locality, imposes an unreasonable burden on the streetscape.	Refer to Section 4.2.2 of the RtS Report for discussion on the proposal's compatibility with the character of the locality.
The proposal is incompatible with the objectives of the C2 and C3 zoning. It would introduce noise, lighting, sealed surfaces, and human activity at a scale that contradicts the purpose of conservation zoning.	The proposal is not located on land zoned C2 or C3. The site is zoned R2 Low Density Residential and the development has assessed against the applicable objectives of this zone. Accordingly, the proposal is not required to demonstrate consistency with the objectives of the C2 or C3 conservation zones.
NSW Conservation Zone Guidance states that development in Conservation zones must not intensify land use or fragment habitat. This proposal breaches these requirements.	As outlined above, the site is not located within a conservation zone.
The removal of trees will diminish the streetscape character, reduce privacy and increase exposure to the built form.	The proposal includes substantial landscape treatment and replacement planting to mitigate the impacts of any proposed tree removal. The design of the proposal retains all trees, where possible, provides deep soil planting and landscaped setbacks, and introduced extensive new planting and vegetated buffers to soften the built form, maintain privacy and reinforce the leafy character of the locality over time.
The proposal risks setting an undesirable planning precedent for similarly scaled developments in the locality	The proposal does not set an undesirable planning precedent and should be assessed on its own merits, having regard to its specific site context, the applicable planning framework and the technical studies accompanying the SSDA. Any future development in the locality would likewise need to be separately justified and assessed on its own merits and would not be automatically supported by this proposal.

Issue	Response/Action
Height	
No additional clause 4.6 allowance should be approved.	A Clause 4.6 Variation Request has been provided to justify the height exceedance (Appendix E of the EIS), and the variation is minor in the context of the proposal. The building exceeds the Housing SEPP 9.5m height standard by 0.6m in isolated edge locations only, while remaining compliant with the 11.5m standard for rooftop servicing equipment. The exceedance is largely a technical consequence of the site's topography and the need to provide flat, accessible floorplates for a contemporary RCF, rather than additional bulk or storeys. The objectives of the height controls have been achieved, with the building presenting predominantly as a three-storey form to Annam Road, being compatible with the surrounding Aveo BGRL precinct, and not resulting in unreasonable overshadowing, view loss or visual intrusion.
Concerns the height is excessive.	
Concerns the proposal is not "legal" as it fails to comply with the planning framework.	Where variations arise, Clause 4.6 of the LEP provides a lawful mechanism to request exemptions to development standards, subject to justification and assessment by the consent authority. In this case, the proposal is supported by two Clause 4.6 Variation Requests (Appendix E and Appendix F of the EIS) demonstrating that, notwithstanding the proposed variations, the objectives of the standards are met and there are sufficient environmental planning grounds to justify the variations.
Council's pre-lodgement advice identified excessive bulk and scale.	Council's pre-lodgement advice stated: <i>"Council considers the proposed 5-storey development excessive in its height, bulk and scale in its current form and is inconsistent with the prevailing character of the locality. The locality primarily consists of one and two-storey buildings, including ILUs in the adjoining seniors housing complex and dwelling houses opposite the site."</i> The scheme has been refined since this preliminary meeting with Council. As outlined within the EIS, the proposal includes a part three, part four-storey built form (not five-storeys) and presents as three storeys from Annam Road. The building mass is concentrated toward the centre of the site, with upper levels setbacks to reduce visual impact and respond to the surrounding lower-scale context. The design incorporates articulation, material variation and landscaping to further minimise perceived bulk and ensure a sensitive transition to adjacent development.
Provide a fully compliant built-form envelope option (height + upper-level setbacks) prepared to the same resolution as the exhibited scheme, plus a side-by-side comparative assessment (amenity, character, operational impacts).	Section 3.3.4 of the EIS discusses an alternative design option based on strict compliance with the height and upper-level setback controls, and explains that such an outcome would significantly compromise the functionality, efficiency and quality of the facility. In particular, it is noted that strict compliance with the upper-level setback controls would impose an artificial constraint arising from the new Torrens Title boundary, notwithstanding that the Opal and Aveo land will continue to function contextually as part of a single integrated seniors housing precinct. The EIS therefore already provides the comparative planning assessment sought, including the consequences of a compliant scheme in terms of reduced bed numbers, constrained internal circulation and diminished communal space, and explains why that would undermine delivery of a contemporary purpose-built residential care facility.

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Provide a revised Clause 4.6 justification demonstrating SEPP objectives are achieved and explaining why strict compliance is unreasonable/unnecessary (beyond yield/efficiency).	The Clause 4.6 Variation Request for Height of Building (Appendix E of the EIS) already addresses these matters, demonstrates the Housing SEPP objectives have been met and explaining why strict compliance is unreasonable or unnecessary due to the site's topography, the need to provide accessible floorplates, the technical and isolated nature of the exceedances, and the absence of adverse environmental impacts.
Construction Impacts	
The Applicant's projected construction timeline of 67 weeks is considered unrealistic and a 3-5 year window is more realistic. A "worst-case scenario" impact modal regarding structural vibration should be considered.	The proposed construction program is anticipated to be approximately 18 months, not 3-5 years. The management of construction-related impacts, including noise, traffic, parking, dust, etc, will be addressed through a detailed Construction Management Plan and Construction Traffic Management Plan prior to the commencement of works. These plans will outline specific measures to minimise disruption to surrounding residents and ensure construction impacts are appropriately managed.
Prolonged construction duration will cause disruption.	
The scale of the construction program is unsuitable for Annam Road due to its narrow environmental corridor nature.	
Concerns regarding construction impacts including: • Noise • Traffic disruption • Parking (& illegal parking) • Buses unable to access bus top • Contractors blocking visibility and verges • Dust • Truck routes	
Conservation zone guidance requires minimisation of disturbance, noise, vibration, and ecological harm during development which is not feasible for a development of this scale.	As outlined above, the site is not located within a conservation zone.
Capacity	
160 beds are not sufficient in the long term. It is requested that additional capacity is provided.	The proposal provides 177 beds. This has been determined having regard to the site, operational requirements and the relevant planning and design constraints. The proposed capacity represents a substantial increase over the existing vacant aged care and serviced apartment use and will make a meaningful contribution to meeting identified demand for aged care accommodation in the Northern Beaches.

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Contamination	
A stop-work/testing plan should be implemented if asbestos is discovered.	This is a standard condition of consent. If asbestos-containing material is identified during demolition or construction, works in the affected area would cease immediately and the material would be managed in accordance with the relevant asbestos, work health and safety, and environmental requirements.
Strategic Need	
There is an oversupply of aged care in the area.	This statement is incorrect. Between 2021 and 2031, the age structure forecasts for Northern Beaches Council indicate a 22.7% increase in the retirement age population. By 2041, it is estimated that 23.8% of the Northern Beaches population will be over 65 years of age. With longer life expectancies and higher frequencies of aged-related health conditions, (such as dementia, currently affecting an estimated 421,000 Australians, a figure expected to exceed 800,000 by 2050), the demand for purpose-built aged care accommodation is growing rapidly. Without sufficient aged care infrastructure, many older individuals are left with inadequate housing options, often remaining in homes that no longer meet their needs or relying on overburdened in-home care services. Refer to Section 1.4.1 of the EIS for further discussion.
Concerns the RCF is “premium accommodation” and will be unaffordable to those who need it.	In Australia, aged care is partly funded by the Australian Government, with residents contributing to the cost of their care and accommodation where they have the financial capacity to do so. As a result, some residents may have their costs fully covered, while others may be required to make a contribution depending on their individual circumstances. The amount payable by a resident is determined through a means assessment undertaken by Services Australia. This assessment process applies consistently to all people entering residential aged care and is not specific to this proposal or to Opal Healthcare. The proposal responds to a demonstrated need for seniors housing within the LGA. Matters relating to affordability are operational in nature and are not relevant to the assessment process.
Concerns the proposal will “fill pockets of overseas developers”.	Opal HealthCare is an Australian aged care provider operating more than 100 Care Communities across New South Wales, Victoria, Queensland and Western Australia. The proposal is intended to deliver a contemporary residential care facility providing permanent, respite, dementia, palliative and rehabilitation care with 24/7 clinical support.
Concerns the site is not suitable for a “large aged care facility housing vulnerable residents... including individuals with mobility limitations or cognitive conditions” due to road safety and noise impacts and suggestion that “a quieter less traffic-intensive location may be more appropriate”.	The site is suitable for the proposed use as a purpose-built residential care facility. The proposal includes a dedicated Memory Care Neighbourhood (MCN) and which is specifically designed to provide a safe, secure and supported environment for residents with cognitive conditions. Resident will be provided with 24/7 clinical care and on-site amenities. Potential traffic and noise impacts have also been separately assessed and are able to be appropriately managed.
The EIS frames the site as “vacant” and “underutilised” when in reality it sits within an established community context.	The EIS does not suggest the broader Aveo BGRL site is vacant or underutilised. Rather, it states the Opal Healthcare Bayview site currently contains a vacant former nursing home and vacant serviced apartment building

Issue	Response/Action
	within the established Aveo BGRL precinct. The proposal therefore relates to the renewal of a disused component of an existing seniors living community.
Operational Impacts	
Concern the facility will cause: • 24/7 lighting • Continuous staff and visitor movements • Ambulance arrivals day and night • Waste, medical, linen and food service trucks • Large sealed parking areas	The site is located within Aveo Bayview Gardens Retirement Living, an existing seniors living precinct, and the proposed residential care facility will operate within that established context. While the facility will operate on a 24/7 basis, its operational characteristics are consistent with a care-based use and are not expected to generate unreasonable impacts beyond those typically associated with this form of development. An Operational Plan of Management will be prepared prior to the issue of an OC and will identify the measures to manage operational impacts, including lighting, staff and visitor movements, servicing, waste collection and general site operations.
Concerns the cumulative environmental, traffic and safety impacts of the proposal with the existing Aveo BGRL facility have not been adequately addressed. Further information requested on the combined impacts and how they will be managed, mitigated and justified.	Cumulative impacts have been considered in the EIS and accompanying technical assessments, which assess the proposal in the context of the existing Aveo BGRL facility and surrounding development. The assessments conclude that any combined environmental, traffic and safety impacts can be appropriately managed through the design of the development and the implementation of recommended mitigation measures.
Concerns regarding the social impact of 66 workers on the site daily.	The proposal will result in 36 FTE operational jobs and 103 FTE construction jobs. The social impact of additional workers on the site is considered to be a positive outcome, contribution to the local employment generation and supporting the delivery of much-needed seniors housing. The construction workforce will be temporary and associated only with the delivery phase of the project, while the operational workforce will provide ongoing employment and support the day-to-day functioning of the RCF. Overall, the additional workers on the site are not considered to result in any adverse social impact, but rather reflect the economic and community benefits arising from the proposal.
Concerns regarding early delivery times causing disruption to neighbours.	Opal Healthcare's delivery schedule indicate that most deliveries will occur within standard business hours, with the main exception being bread deliveries, which use small vans rather than trucks, and waste collection times can be negotiated depending on the site location and operational requirements. Operational details, including delivery timing and servicing management, will be addressed through the Operational Plan of Management to ensure impacts on neighbouring properties are appropriately managed.
Residents require predicable, low risk surroundings which the proposal does not provide. The design does not address fall prevention, mobility friendly pathways, or secure outdoor areas.	The Seniors Housing Design Guide Report (Appendix K of the EIS) states that the facility is designed to provide safe, easily navigable and barrier-free environments for aged residents, including flat thresholds, wide corridors, accessible gardens, safe circulation paths, rest points, clear wayfinding, level transitions, and strong visual connections to outdoor areas. It also specifically identifies design responses intended to reduce fear of falling and support residents with impaired cognition, including slip-resistant flooring, soft lighting transitions, legible layouts

Issue	Response/Action
	and safe, sensory-rich outdoor spaces. Accordingly, the proposal has been designed to provide the predictable, low-risk and secure environment required for older residents, including those with mobility limitations or dementia.
The proposal does not provide adequate natural light and cross-ventilation.	The proposal has sought to maximise solar access and cross ventilation, where practicable. As outlined at Appendix K of the EIS , the building layout prioritises access to daylight, fresh air and views, with direct visual and physical connections to courtyards and landscaped spaces. Communal areas and circulation spaces have also been designed to be open, welcoming and well connected to the outdoor environment, supporting resident amenity and wellbeing.
The proposal does not outline emergency vehicle access and evacuation procedures.	Emergency vehicle access is outlined within the Amended TIA (Appendix E). Detailed emergency management and evacuation procedures are operational matters that will be detailed prior to OC stage.
How is the clubhouse extension deliverable and managed?	The clubhouse extension forms part of the SSDA and is tied to the land sale and operational arrangements between Opal and Aveo. Opal will deliver the extension to the clubhouse as part of the proposal. The clubhouse will remain on the Aveo site and be managed and used by Aveo for its residents.
Inadequate Information Provided	
Inadequate information provided for assessment/to meet the SEARs.	The proposal does address the SEARs. A SEARs Compliance Table has been included at Appendix A of the EIS , outlining where each requirement has been addressed. The EIS has been reviewed by a Registered Environmental Assessment Practitioner (REAP) who has signed the EIS declaration stating that the document addresses the SEARs. Further, as outlined in Section 1.1 above, DPHI has issued an RFI as part of its assessment process, which has identified any matters requiring further clarification or supplementation. In that respect, the current assessment process itself has picked up any SEARs matters said not to have been adequately addressed at lodgement.
Subdivision	
The proposal depends on subdivision and cross-title access/shared infrastructure. The EIS must demonstrate enforceable instruments and governance that bind successors in title, and prove emergency access/evacuation functionality across the two-title interface.	These arrangements are proposed to be legally secured through the Torrens title subdivision and associated easements and covenants, including for shared access and the Aveo-reserved parking spaces. This SSDA seeks consent for this subdivision which will create the legal framework for the Opal site to operate independently.
The proposal relies on cross-title arrangements that must be legally enforceable and safe.	

Issue	Response/Action
Who owns, maintains and controls the shared driveway and associated safety controls (lighting, signage, line marking)?	The proposed shared driveway will be located on the Aveo site and delivered by Opal as part of this SSDA. The operational matters (including repair costs) will be secured through the land sale agreement. This is a matter to be detailed within the commercial agreement.
Who pays for repair, renewal and compliance upgrades, and how is this obligation secured?	