

ALOVE APARTMENTS
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SSD-98363228 — Montefiore Seniors Housing Development, 19–25 College Crescent, St Ives

SUBMISSION: Impacts on Alcove, 132–138 and 9-15 Link Road Killeaton Street, St Ives

Attention: Liz James, NSW Department of Planning, Housing and Infrastructure

Dear Ms James,

I write in my capacity as Secretary of the Strata Committee of The Alcove 132 – 138 Killeaton St, St Ives on behalf of Alcove unit owners. I write in relation to the exhibited. This submission is confined to the matters arising from the proposal State Significant Development application SSD-98363228 for Montefiore Seniors Housing at 19–25 College Crescent, 9-15 Link Road St Ives on Alcove under the Secretary's Environmental Assessment Requirements (SEARs), the Housing SEPP (Seniors Living provisions) and the Apartment Design Guide (ADG). We request that the plans for the proposal be reviewed and amended for the reasons set out below.

1. Site context

Alcove is a residential apartment complex of approximately 300 units, arranged across four to six - storey buildings with a frontage to Killeaton Street. The southern boundary of the Alcove site adjoins Masada College, including the College oval that is the land the subject of the proposed Montefiore development. Alcove is therefore an adjoining residential land use, directly affected by the proposal.

2. Engagement and consultation: non-compliance with SEARs

The engagement and consultation activities required under the SEARs and the Department's *Undertaking Engagement Guidelines for State Significant Projects* (March 2024) do not appear to have been undertaken in respect of Alcove.¹ The Guidelines require proponents to identify, and engage upfront and on an ongoing basis with, people and groups who are likely to be interested in or affected by the project, particularly adjoining and nearby residential communities.²

Alcove residents, the Owners Corporation and the on-site building management have no record of being contacted or consulted by the proponent or its representatives. Alcove is not identified on the applicant's Communication and Engagement schedule of community and stakeholder groups in the exhibited package,³ notwithstanding that it is on adjoining land, houses several hundred households,

¹NSW Department of Planning, Housing and Infrastructure, *Undertaking Engagement Guidelines for State Significant Projects* (March 2024), <https://www.planning.nsw.gov.au/sites/default/files/2023-03/undertaking-engagement-guidelines-for-ssp.pdf>.

²Undertaking Engagement Guidelines (March 2024), which require proponents to identify and engage upfront and on an ongoing basis with people and groups likely to be interested in or affected by the project, including adjoining and nearby communities.

³Applicant's Engagement Outcomes Report / EIS Communication and Engagement section for SSD-98363228, list of community and stakeholder groups engaged [insert exhibited document title, section or table number and page reference], as exhibited on the NSW Major Projects portal.

and is the residential community directly affected by the scale, bulk and outlook impacts of the proposal.

We ask the Department to require the proponent to demonstrate compliance with the Engagement Guidelines in respect of Alcove, including at a minimum, direct notification of the Owners Corporation, a briefing to residents, and an amended Engagement Outcomes Report that records the issues raised and the applicant's response.

3. Amenity impacts on adjoining residential development

(a) The exhibited material does not enable amenity impacts on Alcove to be properly determined. The applicant has not assessed the existing visual amenity enjoyed from apartments, terraces, balconies and common open space.

This is inconsistent with the SEAR requirement that the EIS demonstrate a high level of environmental amenity for surrounding residential and other sensitive land uses, and with the ADG objectives for outlook and visual privacy.⁴

Alcove Block E consists of a 6-storey component that steps down to 5-storeys. The top floors consist of a penthouse with generous terraces. From level 1-4 the apartments have balconies. From these penthouses, terraces, balconies and habitable rooms residents enjoy expansive long-distance views across the oval and benefit from light.

There are no reports acknowledging these facts as a baseline to measure the amenity impact of the Seniors development proposal, and specifically Buildings C and D which have the greatest impact.

(b) The development includes a new 3metre wide fenced pedestrian path for Masada students along the development's northern boundary with Alcove. It is unclear from any plans whether any trees along that boundary on the western side are to be removed. The trees currently provide some screening to the Masada School site and we would object to removal of the trees.

4. Visual impacts: bulk, height and building separation

Buildings C and D are the elements of the proposal that most directly affect Alcove. Building D is the closest proposed building to the common boundary and, on the exhibited plans, rises up to three storeys above the Alcove five-storey built form. Building C at five storeys also presents visual impacts. While the main impacts on the top storeys of Alcove units and balconies may be visual and privacy impacts, the lower floors expect to receive less solar or natural light and this has not been considered at all.

The applicant relies on a separation of approximately 18 m between the external wall of Building D and the nearest Alcove building. This distance is inadequate. Under ADG Part 3, Section 3F (Visual privacy), the minimum separation between habitable rooms and balconies for buildings of five to eight storeys is 18 m across the shared boundary (9 m from each side) ADG Part 2, Section 2F (Building separation, p. 37) further makes clear that separation controls should be set in conjunction with height controls, and that additional separation is warranted where a proposal transitions from a lower density or a different zoning envelope to a higher one as is the case here, where the College oval is zoned SP2 Infrastructure and has no Ku-ring-gai LEP height or FSR control, while Alcove sits within a residential envelope of R4.⁵

⁴NSW Government, *Apartment Design Guide* (SEPP 65), objectives for outlook, visual privacy and building separation (Part 2, Section 2F, p. 37; Part 3, Section 3F, p. 64), <https://www.planning.nsw.gov.au/sites/default/files/2023-03/apartment-design-guide.pdf>.

⁵Apartment Design Guide, Part 2, Section 2F — Building separation, p. 37, including Figure 2F.2 and the accompanying guidance that separation controls should be set in conjunction with height

Building A is set further from the common boundary and therefore does not give rise to the same building-separation, overlooking or overshadowing concerns as Building D. Its impact on Alcove is nevertheless a visual one: because Building A also rises above the Alcove five- and six storey height, it contributes, together with Building D, to the loss of the existing uninterrupted outlook from Alcove across the College oval and its associated vegetation. It should be assessed on that basis in an amended Visual Impact Assessment prepared from viewpoints within Alcove.

We request that either (a) the separation between Building D and the northern Alcove buildings be increased by at least 3 m, to a minimum of 21m and preferably at habitable-room, terrace and balcony level; and that (b) the height of Building D be reduced so that it does not exceed the Alcove five and six-storey datum along the common boundary. Both amendments would meaningfully reduce the bulk, overlooking and loss-of-outlook impacts on Alcove.⁶



Photo taken from Alcove Block E level 4

5. Photomontages and visual impact analysis

The applicant's photomontage viewpoints are taken from distances 150 to as far as 360 metres from the development site and the public domain. No photomontage has been prepared to evidence the impact from within Alcove or from its communal open space, courtyard areas, terraces, balconies or habitable rooms despite Alcove being the closest and most directly affected residential receiver on the northern side of the proposal.

The Visual Impact Assessment therefore cannot demonstrate that the proposal achieves a high level of environmental amenity for adjoining residential land uses as required by the SEARs. We request that the proponent be directed to prepare and exhibit additional photomontages from representative viewpoints within Alcove, including at least one ground-level communal viewpoint and one upper-

controls and increased where a proposal transitions between different densities or zones, <https://www.planning.nsw.gov.au/sites/default/files/2023-03/apartment-design-guide-part-2-developing-the-controls.pdf>.

⁶An increase from 18 m to 21 m would bring the separation to the midpoint between the two habitable-to-non-habitable and habitable-to-habitable ADG requirements for 5–8 storey buildings, and 18 m +3m for transition would meet the habitable-to-habitable ADG standard in full.

level balcony viewpoint on each of the Alcove buildings closest to Building D, so that the visual impact from the affected residential receivers can be properly assessed.

2.2 Scale is not justified by the SP2 site's absence of LEP height and FSR controls

Building D reaches approximately 30.2 m in height at an FSR of about 1.74:1 on land that carries no Ku-ring-gai LEP 2015 height or FSR standard. The applicant's own EIS records the surrounding residential controls as:

- R4 High Density Residential — 17.5 m / 1.3:1
- R3 Medium Density Residential — 11.5 m / 0.8:1
- R2 Low Density Residential — 9.5 m / 0.3:1

Building D therefore exceeds the tallest permissible envelope in any adjoining residential zone by approximately 12.7 m, directly across the shared boundary from The Alcove — a strata community itself approved at four to six storeys. The absence of a numeric LEP standard on the SP2 site is not a justification for scale; it is a reason for the consent authority to test scale against surrounding controls and against the amenity of the neighbouring residential community. On that test, Building D fails

Deep soil planting is essential to soften the visual impact of the proposal and to support biodiversity. The applicant says the site has 24% deep soil (3,435 m² of 14,497 m²), but that number doesn't add up. Deep soil is meant to be genuine unbuilt ground, with nothing above or below it. Both the Housing SEPP and the Apartment Design Guide make that clear: anything on top of a basement, over underground services, or under a driveway or path doesn't count.¹¹ The applicant's own plan shows the basement covering 8,903 m² (61% of the site), leaving only about 5,594 m² of ground that isn't over basement, and once the stormwater tank, rainwater tank, northern services corridor, internal roadway, basement ramps and driveways are taken out, there isn't 3,435 m² of real deep soil left. The ADG also requires each deep soil area on a site over 1,500 m² to be at least 6 metres wide to count, and the plan doesn't show that the narrow green strips along the boundaries meet that width.¹²

7. Requested outcome

For the reasons given above, we consider that the proponent has not correctly addressed issues under SEARs. We request that the Department insist on proper compliance with SEARs requirements before determination and to alleviate the impacts of the proposal on Alcove residents we seek amendments to the height and separation of buildings on the common boundary with Alcove.

- The proponent must undertake genuine engagement with Alcove residents and the Owners Corporation, consistent with the Undertaking Engagement Guidelines for State Significant Projects, and to publish an amended Engagement Outcomes Report;
- The proponent must prepare a targeted visual amenity assessment from viewpoints within Alcove, including additional photomontages and a shadow diagram for the affected Alcove façades;
- Amendments to Building D, the element most directly affecting Alcove, should increase separation from Alcove and reduce its height along the common boundary so that it does

not exceed the Alcove five-storey datum, and require Building A to be tested against the same amended Visual Impact Assessment;

- Require the proponent to redraw the deep soil plan to show only genuinely unbuilt above and below areas, to mark the width of each area to confirm the 6-metre minimum.
- Provide plans for the pedestrian school path and assurance that the trees along the common boundary are being retained.

We are not opposed to a Seniors Living development but object to the heights and bulk of the development which result in significant visual and privacy impacts on residents of Alcove. We urge the department to also ensure obligations under the SEARS and defer determination, until the above matters are addressed on the exhibited record.

Yours sincerely,

Kristyn Haywood

Secretary of SP87639 on behalf of Alcove residents