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24 November 2025

Ms Paulina Wythes  
Director  
Social and Diverse Housing Assessments  
Department of Planning, Housing and Infrastructure

Dear Paulina,

## ISEARs Scoping Request – St Andrew’s Village, Ballina

### 1 Introduction

This letter has been prepared to request industry-specific Secretary’s Environmental Assessment Requirements (**SEARs**) from the Department of Planning, Housing and Infrastructure (**DPHI**) in relation to a State Significant Development Application (SSDA) for seniors housing at St Andrew’s Village, at 140-150 Cherry Street, Ballina (**the site**). This request is submitted on behalf of St Andrew’s Village Ballina Ltd (**the Applicant**) to enable preparation of the SSDA and to deliver seniors housing on the site.

This letter provides a background on the site, a summary of the proposed seniors housing development that the applicant is seeking to develop on this site, an overview of the applicability of the Housing SEPP to the proposed development, and our understanding of the planning pathway as provided by the legislation.

The SSDA is eligible for industry-specific SEARs as:

- The proposed land use is wholly permissible.
- The proposal does not meet the threshold for designated development.
- The proposal is not a concept DA and seeks detailed consent for construction and operation on the site.

This industry-specific SEARs request is submitted following a meeting with DPHI in September 2025.

#### 1.1 Applicant Details

The applicant details for the proposed development are as follows:

- Applicant: St Andrew’s Village Ballina Ltd
- ABN: 57 002 540 516

## 2 Site Description

The site is located at 140-150 Cherry Street, Ballina and has a total area of 18,169sqm refer to **Figure 1** and **2**. The site is legally identified as Lot 1 - 5 of Section 43 in DP 758047 and Lot 3 in DP579243. Three central lots of the site are Crown Land. The site has a width of approximately 153m and length of 168m. The site currently accommodates the St Andrews Village a retirement village with a mixture of low-density seniors housing in a landscaped setting. The site has a primary frontage to Cherry Street to the east; a frontage to Florence Price Place to the north and a frontage to Hunter Street to the south.

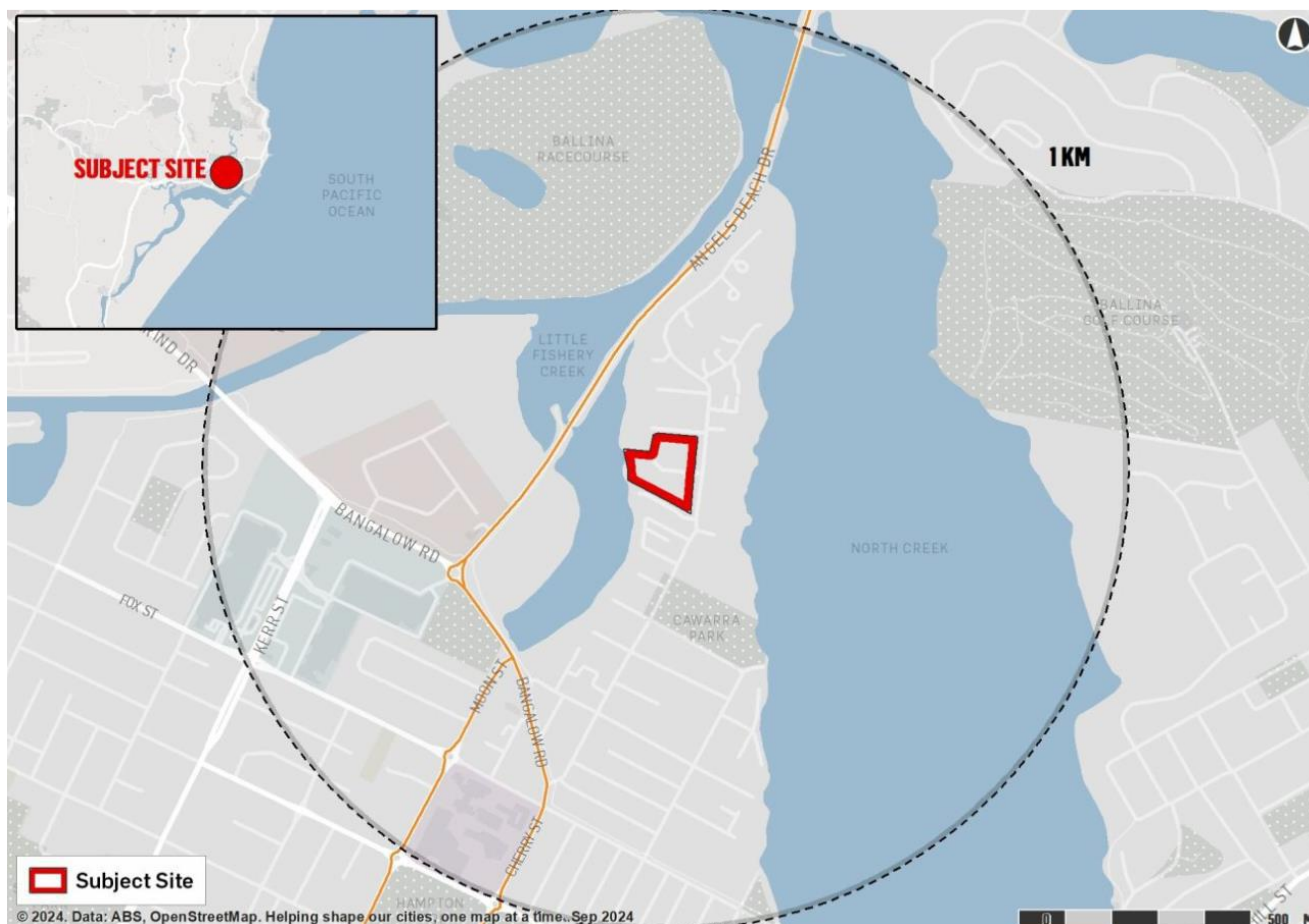
The site is in Ballina a regional local government area on the north coast of NSW. The surrounding context of the site is primarily characterised by residential land uses including the recently completed two storey retirement village with 26 independent living units known as Crowley Care at 154 Cherry St, Ballina neighbouring the north west boundary of the site and the Florence Price Place apartments immediately north of the site. A wetland and Little Fishery Creek are located to the west and North Creek is located further to the east. The land or part of the land is within the flood planning area and subject to flood related development controls. The land is not bushfire prone land. The site is not a listed heritage item or conservation area.

Figure 1 Aerial Photograph



Source: *Nearmaps*

Figure 2 Surrounding Context



Source: Urbis

### 3 Planning Framework

#### 3.1 Planning Systems SEPP

The planning pathway is outlined in the *State Environmental Planning Policy (Planning Systems) 2021 (PS SEPP)*.

Seniors housing is permitted with consent in the R3 Medium Density Zone in which the site is located. The proposed development has an estimated cost of development of more than \$20 million for the seniors housing component and the seniors housing component includes a residential care facility. Other components of the proposed development are not prohibited. Accordingly, it categorised as an SSD pursuant to Section 28 of Schedule 1 of the Planning Systems SEPP as follows:

26A Seniors Housing

(1) Development for the purposes of seniors housing if—

- (a) the seniors housing component has an estimated development cost of—
  - (i) for development on land in the Greater Sydney region—more than \$30 million, or
  - (ii) otherwise—more than \$20 million, and
- (b) the seniors housing component includes a residential care facility, and
- (c) other components of the proposed development are not prohibited on the land under an environmental planning instrument

### 3.2 Housing SEPP

As per Chapter 3 Part 5 of the *State Environmental Planning Policy (Housing) 2021* (Housing SEPP), the application will seek to utilise the housing for seniors and people with a disability provisions.

To confirm the provisions of Part 5 of the Housing SEPP apply to the site, an assessment against the relevant provisions of Part 5, Division 1 ‘Land to which Part applies’ has been undertaken in the following table.

Provision	Assessment
<p><b>Section 79</b></p> <p>Land to which Part applies</p>	<p>This provision confirms that this ‘Part’ (i.e. Part 5 Housing for seniors and people with a disability) applies to land in Zone R3 Medium Density Residential.</p> <p>The site subject site is entirely situated within Zone R3.</p>
<p><b>Section 80</b></p> <p>Land to which Part does not apply – general</p> <p>(1) <i>This Part does not apply to the following land—</i></p> <p>(a) <i>land to which Warringah Local Environmental Plan 2000 applies that is located within locality B2 (Oxford Falls Valley) or C8 (Belrose North) under the Plan,</i></p> <p>(b) <i>land described in Schedule 3.</i></p> <p>(2) <i>Nothing in Schedule 3 operates to preclude the application of this Part to land only because—</i></p> <p>(a) <i>the land is identified under State Environmental Planning Policy (Resilience and Hazards) 2021, Chapter 2, or</i></p>	<p>The site does not comprise any land to which the <i>Warringah Local Environmental Plan 2000</i> applies.</p> <p>The land is identified within the ‘proximity area for coastal wetlands’ on the <i>Coastal Wetlands and Littoral Rainforests Area Map</i> pursuant to Section 2.6 ‘Maps’ of <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i> (‘Resilience and Hazards SEPP’).</p> <p>Schedule 3 of the Housing SEPP provides that land identified as coastal wetlands and littoral rainforests area within the meaning of the Resilience and Hazards SEPP Chapter 2 is ‘Environmentally sensitive land’.</p> <p>Section 2.4 (2) of the Resilience and Hazards SEPP provides that –</p> <p><i>“the <b>coastal wetlands and littoral rainforests area</b> is made up of land identified as “coastal wetlands”</i></p>

(b) in relation to land used for the purposes of an existing registered club—the land is described in another environmental planning instrument as—

(i) private open space, or

(ii) open space where dwellings or dwelling houses are permitted.

or as “littoral rainforests” on the Coastal Wetlands and Littoral Rainforests Area Map. The land so identified includes land identified as “proximity area for coastal wetlands” and “proximity area for littoral rainforests”.

As such, the site is considered ‘environmentally sensitive land’ with respect to Schedule 3 of the Housing SEPP, as it contains a ‘proximity area for coastal wetlands’.

Notwithstanding, Section 80(2)(a) of the Housing SEPP provides that nothing in Schedule 3 operates to preclude the application of this Part (i.e. Part 5 Housing for seniors and people with a disability) to land on the basis that land is categorised as ‘environmentally sensitive land’ under Schedule 3 of the Housing SEPP.

Therefore, the site’s status as ‘environmentally sensitive land’ with respect to its affectation as a ‘proximity area for coastal wetlands’ does not preclude the carrying out of the proposal (i.e. a senior’s housing development), and the proposal can proceed with development consent.

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## **Section 81**

Seniors housing permitted with consent

*Development for the purposes of seniors housing may be carried out with development consent—*

(a) on land to which this Part applies, or

(b) on land on which development for the purposes of seniors housing is permitted under another environmental planning instrument.

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The proposal is permissible with development consent and therefore can proceed under the relevant provisions of Part 5 of the Housing SEPP as SSD.

### 3.3 Ballina Local Environmental Plan

The principal environmental planning instrument for land in the Ballina LGA is the *Ballina Local Environmental Plan 2012*. An assessment against local controls will be provided in the EIS. The height and FSR will be determined by the maximum controls under the Housing SEPP.

### 3.4 Development Control Land

The Ballina Shire Development Control Plan 2012 applies to land in the Ballina LGA, however, does not apply to SSDAs.

## 4 Proposal

The proposal seeks the following:

- Site preparation and demolition of existing structures.
- Lot consolidation.
- Construction of three storey buildings ranging in heights from 1 to 3 storeys accommodating seniors housing.
- Approximately 87 independent living units, and a residential aged care facility with 5 beds.
- Provision of 79 resident parking spaces and 12 visitor parking spaces.
- Associated landscaping, including a central village green.
- The total proposed ground floor area (**GFA**) is 11,3647m<sup>2</sup> with a proposed FSR of 0.625:1.

Refer to Architectural Plans prepared by Calder Flower.

Figure 3 Proposed Plan



Source: *Calder Flower*

## 5 Engagement

Early engagement will be undertaken with the community and agencies to ensure that the views are appropriately considered and detailed in the EIS. An engagement specialist will be leading the community engagement with a range of engagement activities to occur prior to the lodgement of the EIS to ensure the community is adequately consulted as part of the SSDA process.

Relevant technical consultants will also engage with agencies as required to prepare the relevant reports.

## 6 Conclusion

The SSDA is eligible for industry-specific SEARs as:

- The proposed land use is wholly permissible.
- The proposal does not meet the threshold for designated development.
- The proposal is not a concept DA and seeks detailed consent for construction and operation on the site.

We request the DPHI issue industry-specific SEARs to guide the project.

Yours sincerely,

A handwritten signature in blue ink, appearing to read "Belinda Thomas".

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