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Department of Planning Housing and
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Issued by email

Re: Submission on Cammeray Seniors Living | SSD-96505456

This submission has been prepared on behalf of Selina Poyner, the owner of 27 Rosalind Street Cammeray, which immediately adjoins the proposed seniors housing development to the east. The purpose of the submission is to raise concerns with various aspects of the proposal.

The principal areas of concern which are addressed in detail below relate to:

1. SSD declaration based on insufficient satisfaction of criteria,
2. Development potential of adjoining properties,
3. Side setbacks,
4. Sunlight and daylight impacts,
5. Building height non-compliance,
6. Boundary wall and landscaping,
7. Structural and Geotechnical Impacts, Noise and Vibration,
8. Visual Privacy, and
9. Drainage impacts

1. SSD declaration – satisfaction of criteria

The application was declared as State Significant Development (SSD) under the provisions of State Environmental Planning Policy (Planning Systems) 2021 (Planning Systems SEPP) based on it including a residential care facility and meeting the development cost criteria for seniors housing.

Section 28 of Schedule 1 State Significant Development – general of the Planning Systems SEPP states:

28 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.*
- (2) *This section does not apply to development on land within the area of the City of Sydney.*

A seniors housing development must include a residential care facility (RCF) for a proposal to satisfy the criteria for a proposal to be considered SSD. We consider that the proposal fails to satisfy these criteria and accordingly it is unable to be determined as SSD. Without the inclusion of a genuine RCF incorporated within the proposal the application has an alternate planning pathway under SEPP (Planning Systems) 2021 that would require it be lodged with North Sydney Council as local development.

The Department of Planning Housing and Infrastructure (DPHI) describes RCFs as a facility where residents receive full-time care, sometimes also known as nursing homes or aged care homes. DPHI adopted the Seniors Housing Design Guide (SHDG) in December 2023, with a purpose of helping inform design and the assessment of seniors housing proposals.

The SHDG describes “a residential care facility” as *“a highly serviced building providing 24-hr care and assistance to residents.”*

In contrast, the EIS describes the proposed 2 bed RCF as supporting residents to transition back from hospital to independent living; recovering from illness, injury or surgery; experiencing a temporary decline in functional capacity; and requiring closer supervision for a defined period. It is evident that the RCF component of the proposed development is a facility that accommodates patients on a temporary basis, and there is unlikely to be permanent residents requiring aged care residing in the 2 bed RCF.

The architectural plans do not include provision for appropriate staffing, furniture, furnishings and equipment to support accommodation and care within the RCF on a longer-term basis, which is required under the SHDG. The only staff facility for the 2 bed RCF is a reception desk and a staff WC. The proposed RCF does not include a nurse’s station to support medical equipment and nursing needs or a commercial kitchen.

The EIS indicates that meals will be delivered to both the ILUs and the 2 bed RCF and stored on site (either in the RCF component or the ILU component). In relation to the provision of personal care and nursing care, the EIS indicates the RCF component of the development will be staffed by one (1) registered nurse on an as needs basis. As per the SHDG, a residential care facility is described as a high care facility staffed and serviced on a permanent basis. A RCF is not a temporary facility where meals are delivered to the site, and a nurse attends to a patient on an as needs basis. The delivery of meals, access to cleaning services, and visits from a nurse on as needs basis can all be carried out within ILUs. RCF is a different type of facility intended to provide 24 hour high care needs.

The proposal is considered a non-genuine attempt to incorporate 2 temporary serviced care rooms for the purpose of triggering a planning pathway through the DPHI as SSD rather than North Sydney Council. The application should be rejected on the basis of not satisfactorily meeting the criteria under SEPP Planning Systems 2021. Alternatively, the plans should be amended to incorporate a genuine residential care facility that meets the design and operational requirements of the SHDG.

2. Development potential of adjoining properties

The applicant’s EIS identifies that Clause 6.12 of North Sydney Local Environmental Plan 2013 (NSLEP 2013) applies. This clause reproduced below, sets provisions for sites zoned R4 High Density Residential that contain dwelling houses, dual occupancies or semi-detached dwellings to not be left isolated where they are reasonably capable of redevelopment for residential flat buildings.

“6.12 Residential flat buildings

- (1) The objective of this clause is to ensure that dwelling houses, dual occupancies or semi-detached dwellings will not be left isolated on sites that are not reasonably capable of development for residential flat buildings.*
- (2) This clause applies to land in Zone R4 High Density Residential.*
- (3) Development consent must not be granted for development for the purposes of a residential flat building if the development will result in a single dwelling house, dual occupancy or semi-detached dwelling being located on adjoining land in Zone R4 High Density Residential unless—*
 - (a) the adjoining land is at least 900 square metres, or*
 - (b) the consent authority is satisfied that the adjoining land is land on which development may be carried out for the purposes of a residential flat building.”*

27 Rosalind Street is a semi-detached dwelling on land zoned R4. The bulk, scale and built form expression of the proposed seniors housing development is not dissimilar to a residential flat building. The applicant’s EIS describes the proposed ILUs in the form of residential flat buildings and assesses the proposal against all relevant provisions applicable to residential flat buildings, including this clause.

This clause prevents the granting of development consent for a residential flat building if it will result in a semi-detached dwelling being located on land zoned R4, unless:

- the adjoining parcel of land is at least 900m², or
- the consent authority is satisfied that the adjoining land is land on which development may be carried out for the purpose of a residential flat building.

The EIS identifies that 27 Rosalind Street has a site area of 329m² which falls significantly short of the 900m² requirement. Immediately adjoining 27 Rosalind Street to the east is another semi-detached dwelling at 29 Rosalind Street identified in the EIS as having a site area of 311m². Both sites are below the 900m² required under clause 6.12 of the NSLEP, individually and together. The semi-detached dwellings are separately owned by different parties.

The site further south of 27 Rosalind Street at 29A Rosalind Street is already a residential flat building and therefore not subject to the same assessment test under clause 6.12.

The applicant's EIS seeks to justify its compliance with this clause by providing an indicative residential flat building envelope for redevelopment of both semi-detached dwelling sites on a combined lot of 697m² (refer to copy below).

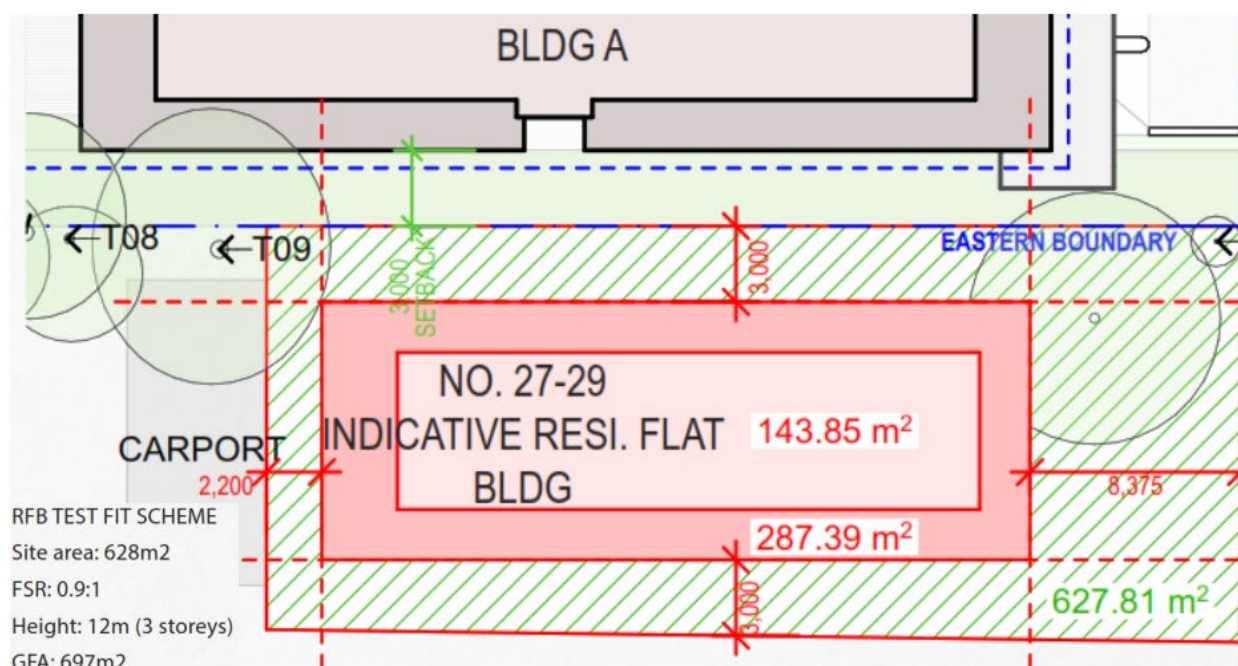


Figure 48 indicative residential flat building siting at 27 and 29A Rosalind Street

Source: Chrofi

Source: EIS prepared by Colliers dated 18 February 2026

The indicative residential flat building envelope submitted by the applicant inadequately demonstrates that either one or both adjoining semi-detached dwelling sites are reasonably capable of being developed for a residential flat building. The plan assumes a 3m side setback to the east and west which does not comply with the ADG side setbacks that would apply. The indicative envelope does not demonstrate that both the subject site and 27 and 29 Rosalind Street both individually or together could achieve a development that is consistent with the planning controls and result in appropriate built form with acceptable level of amenity.

On the basis of the EIS's assumption that this clause applies to the proposal, it has failed to demonstrate that the adjoining site at 27 Rosalind Street can achieve a residential flat development consistent with the applicable planning controls including an appropriate urban form and with an acceptable level of amenity, in order for the consent authority to be satisfied under the requirements of clause 6.12 of the NSLEP 2013.

The proposed seniors housing development is setback 3m to the boundary with 27 Rosalind Street for the first 12 metres in height and 5m for that part of the building that exceeds 12m in height. The semi-detached cottage at 27 Rosalind Street is setback approx. 1.6 metres from the shared western boundary. All bedrooms and living rooms within the dwelling have windows oriented to the west. Given it is a semi-detached dwelling it relies on daylight and sunlight and views of the sky and district vegetation from its single-oriented western windows. Only the ground floor kitchen and a ground floor bedroom have windows facing in an alternate direction to the front and rear of the property south and north, respectively.

The applicant's EIS applies the Apartment Design Guide (ADG) to the proposed seniors housing development, specifically the proposed ILUs in the form of residential flat buildings as stated on page 70. Accordingly, the ADG would require a building separation distance to the side boundary of 6m up to 12m in height and 9m up to 25m in height.

The significant extent of non-compliance with the ADG setback controls will have an adverse impact on the amenity of 27 Rosalind Street. All views of the sky and surrounds will be lost creating a cavernous, enclosed living experience with poor amenity including significant loss of daylight access.

The change in scale between the existing semi-detached dwelling and the proposed seniors housing development is significant with the proposed seniors housing development towering over the adjoining dwelling.

Contrary to Objective 3F-1 of the ADG, the proposal does not ensure adequate building separation distances are shared equitably between neighbouring sites. While the building separation to the proposed development's eastern boundary is proposed at 3m instead of the 6m setback required, the proposed building separation to the proposed development's western boundary by comparison is 14.4m. The proposed non-compliance to the eastern boundary is unjustifiable and inequitable. It creates not only devastating amenity impacts on the adjoining semi-detached cottage but also an unacceptable visible impact from Rosalind Street.

Greater respect should be shown to the adjoining semi-detached dwelling which relies entirely on its side windows for access to natural ventilation, daylight, sunlight and a sense of openness and spatial separation. Compliance with the ADG building separation distances should be applied.

4. Sunlight and Daylight Impacts

Our client has questioned the accuracy of the shadow diagrams on the basis they currently experience existing sunlight through their western windows and private open space area during the afternoon mid-winter. They trim the boundary hedge back to fence height prior to winter each year to maximise direct sunlight access. It is unclear what assumptions have been used to inform the shadow diagrams, particularly as the existing building on the subject site is significantly set back from the shared boundary and lower in height than the proposal.

No. 27 Rosalind Street currently has open sky views from all lower level windows and district views from its upstairs windows. The amenity of all habitable rooms within the semi-detached dwelling will be significantly impacted by the minimal building separation and height of the proposal resulting in a loss of daylight and spatial separation.

Maintaining daylight access is critically important to maintaining good residential amenity at 27 Rosalind Street, particularly given the non-compliant direct sunlight hours mid winter.

The proposed seniors housing development should at a minimum achieve with the ADG side setback control of 6m-9m, particularly given its relationship with the scale of the semi-detached dwelling it adjoins and the very generous 14.4m provided to its western boundary. A compliant ADG side boundary setback would assist in minimising the extent of loss of access to daylight and sky views and provide a more amenable bulk and scale relationship between the semi-detached dwelling and the proposed 5 storey residential flat building.

5. Building Height

The proposed development is subject to a maximum height of building limit of 12m under NSLEP 2013. As the proposed development site has an area greater than 1,500m² under the provisions of State Environmental Planning Policy (Housing) 2021, it benefits from an additional height limit of no more than 3.8m above the LEP height limit. The SSD application is accompanied by a Clause 4.6 variation seeking further non-compliance with building height inclusive of the bonus height under Section 87 of State Environmental Planning Policy (Housing) 2021. The Clause 4.6 variation seeks in part to justify the variation to building height based on its non-compliant siting and massing to achieve improved amenity, bulk and scale impacts to neighbouring properties and to the streetscape. We do not support this aspect of the Clause 4.6 variation given the proposed height including its siting proximate to the semi-detached dwelling at 27 Rosalind Street will have considerable bulk and scale impacts and consequent detrimental

amenity impacts on that dwelling.

The visual impact of the proposed development is overbearing in relation to the size and scale of the adjoining property at 27 Rosalind Street and inconsistent with the existing and desired future character of the street.

Furthermore, the proposal does not comply with the building envelope control contained in the SHDG which requires a stepped height closest to the side boundaries measured at a 45-degree angle. A building that complied with the SHDG requirements would result in a more acceptable relationship with the adjoining semi-detached dwelling at 27 Rosalind Street.

6. Boundary Wall and Landscaping

Insufficient detail has been provided regarding the wall along the eastern boundary of the proposed development site. The survey plan shows the wall exists inside the proposed development site boundary but forms the effective fence and green screen that currently separates 27 Rosalind Street from the proposed development site.

The existing wall comprises a lower level brick/block wall with a high paling fence above currently covered by vegetation.

The existing tall fence appears to be supported by a lower level brick wall that may be located on the boundary or slightly within the boundary of 27 Rosalind Street (structure not shown on the survey plan). The existing vegetated wall is structurally unstable particularly toward the southern end of 27 Rosalind Street. It is on a lean and has impacted the lower brick retaining wall within 27 Rosalind Street.

The plans provide inconsistent details on the proposed treatment/removal/replacement of the boundary fence along the proposed development site's eastern boundary. Is it proposed to be retained and repaired or replaced? What impact will the proposed excavation and vibration have on the existing tall wall within the proposed development site and the lower retaining wall?

Young children reside at 27 Rosalind Street and the owners are concerned that the excavation works may further impact the structural integrity of the existing fence/wall/hedge within the proposed development site and place increasing load onto the lower height brick retaining wall located on the boundary and potentially within the adjoining property, placing use of their rear yard at risk.

Our clients would like to request further clarification of the proponent's intention and treatment of the existing wall, fence/hedge be provided including details of new fencing that may be proposed to replace the existing treatment. Their preference is for a new safe boundary wall to be constructed that maintains the height of the existing fence structure.

A dilapidation report pre- and post-construction documenting the structural integrity of the wall should also be required.

7. Structural and Geotechnical Impacts, Noise and Vibration

The EIS identifies that sandstone within the proposed development site will require heavy ripping and rock-breaking equipment. The Geotechnical Investigation Report indicates that if vibrations in adjacent structures should exceed the values recommended in their report or appear excessive during construction, excavation should cease and the project Geotechnical engineer should be immediately contacted for appropriate reviews so that countermeasures can be taken.

27 Rosalind Street is a sensitive structure constructed in 1915. Our client is concerned that the proposed excavation for a basement car park adjoining their boundary will detrimentally impact on the structural stability of their family home causing cracks to occur and based on the findings of the geotechnical investigation report relating to vibration will have a detrimental impact on our client's work from home environment.

Further detailed investigations should be carried out prior to the granting of any consent to enable adequate assessment of the likely impacts of the development to occur prior to determination, rather than wait for an occasion to occur during construction when vibrations might appear excessive before counter-measures are undertaken. Determining when vibrations might appear excessive relies on subjective opinions that are difficult to quantify so more detailed assessment is requested at this stage of the application.

8. Visual Privacy

The proposed seniors housing development seeks to rely on louvres on all habitable room windows facing No. 27 Rosalind Street in response to the non-complaint side setback. No privacy screens are provided to the balconies which will directly overlook 27 Rosalind Street.

Furthermore, insufficient details have been provided to demonstrate whether the level 4 terrace shown on the architectural plans will be accessible as a wraparound terrace or whether the side portion of the terrace will be inaccessible.

Importantly the proposal does not comply with the objective in Section 3F Visual Privacy of the ADG which is to ensure adequate building separation distances are shared equitably between neighbouring sites to achieve reasonable levels of external and internal visual privacy.

The proposed seniors housing development should be setback a minimum of 6m from the boundary with 27 Rosalind Street. There is no valid reason why this cannot occur, particularly given the alternate side setback for the seniors housing development to the west is proposed to be 14.4m. The western side boundary includes a generous planter bed to assist in achieving privacy between the development and neighbouring properties to the west in addition to the main entry path and a grassed communal area for residents. A more private less exposed communal open space area is provided between the front and rear buildings with direct access to the proposed extensive wellness centre for residents incorporating cinema, cellar private dining room, gym, pool, sauna, steam room and allied health facility. Accordingly, a compliant 6m setback from the proposed development site's eastern boundary will still achieve an 11.4m setback to the western boundary which is almost double the ADG requirement. This does not impede the development of landscaping and a secondary communal open space area for residents within the site.

9. Drainage Impacts

Our client is concerned about the potential stormwater and sedimentation impacts that may result from the proposed development during the excavation, construction and operational phases of the project. No.27 Rosalind Street has a lower ground level than the subject site. It is requested that appropriate conditions are placed on any consent to ensure that sufficient drainage detention is provided within the subject site and appropriately connecting to the network, to limit any additional drainage impacts upon 27 Rosalind Street, including during the construction phase.

Summary

This submission has highlighted the detrimental amenity impacts the proposed seniors housing development will have on 27 Rosalind Street Cammeray.

The submission also raises an important technical issue associated with the proposed application not being able to compellingly demonstrate that it includes a residential care facility that meets the definition and the Seniors Housing Design Guide requirements. It is our belief that based on the detail in the current plans and supporting documentation that the application cannot be determined as SSD as it fails to meet the relevant criteria.

Finally, the application has not satisfactorily demonstrated that 27 Rosalind Street can be carried out for the purposes of a residential flat building in the future and accordingly that the consent authority has sufficient information to determine that the proposal in its current form complies with the requirements of clause 6.12 of NSLEP 2013.

The landowners of 27 Rosalind Street invite you to inspect their residence to fully understand the relationship and the likely impacts of the development. A site meeting can be arranged through us at a time convenient to you both.

Please do not hesitate to contact Larissa Ozog on 0415 493 633 or by email at larissa.ozog@savills.com.au.

Yours sincerely,
Larissa Ozog
Associate Director - Property Consultancy

Appendix A – Seniors Housing Design Guide

Description of Residential Care Facilities (page 13 of SHDG)	Proposal
High care needs but it is a home, not a hospital.	• The architectural plans do not satisfactorily make provision to operate the facility for high care needs. • There is no nursing station or space for medical equipment to service a high care needs environment. • The EIS indicates that one registered nurse may be allocated to the facility on an as needs basis. This is not a permanent facility which is required to satisfy the criteria for the application to be determined as SSD. • The provision of 2 bed rooms serviced by a reception with a shared dining and lounge area but no commercial kitchen and no nursing station does not achieve the requirement of being a high care needs home.
Comprise of individual room modules (bedroom + ensuite) with shared living spaces.	• The proposal includes only two residential aged care rooms and adjoining shared dining and small lounge area. Each room includes a WC. It is not clear whether the WCs are intended to be ensuites or whether they are of sufficient size to be accessible bathrooms beyond a WC.
Residents are housed in shared 'care households' or 'care wings' of typically 7 - 20 beds each, with care households frequently operating side by side in pairs for efficiency.	• Only 2 bedrooms are offered for the residential aged care facility. No details have been provided of who will operate this facility including confirmation that the operation of a 2 bed residential aged facility is a realistically viable proposition. • The SSD trigger is for a residential care facility to be included in the development and there should be certainty that these rooms will not remain vacant because it is not commercially feasible or practical to employ staff and operate a facility that only incorporates only 2 beds. A temporary facility to be operated on an as needs basis to support residents of the development does not satisfy the definition of RCF.
Each floor plate needs to be a continuous, consistent flat level.	• The 2 beds are located on one level. N/A given small size of proposed facility.
Repetition of individual room types often defines exterior façade and character.	• Achieves
Balconies and upper level terraces require extra safety measures to prevent falling from climbing of confused residents.	• N/A as located on ground level
Security and safety for residents with dementia is usually required.	• No details provided.
Serviced care accommodation requires central back-of-house commercial kitchen and laundry services, as well as single main front entry and front-of-house services, typically with reception, offices and wellness facilities.	• A central back of house commercial kitchen is not provided. A small laundry room is provided. A reception desk and staff WC is provided but staff offices and nursing station are excluded. Care facility adjoins the ILU wellness facilities.
Care and operational staff require car parking and facilities.	• 1 staff car space is provided. No facilities for care and operational staff are provided.
Buildings are developed, owned and managed for the long term by the care provider.	• No details have been provided.