

ATTENTION: LIZ JAMES

**RE: STATE SIGNIFICANT DEVELOPMENT – MONTEFIORE SENIORS
HOUSING DEVELOPMENT - PPTIES: 19-25 COLLEGE CRESCENT AND 9-15
LINK ROAD, ST IVES – SSD 98363228**

Dear Liz,

I refer to the abovementioned current State Significant Development Application, SSD – 98363228 (SSD Application).

I was requested by owners/residents forming the community group known as “*College Crescent Action Group*” to provide my independent professional opinion in response to the above SSD Application on the properties known as 19-25 College Crescent and 9-15 Link Road, St Ives (subject site).

I should firstly advise that a number of the documents, plans and Environmental Impact Statement (EIS) lodged in support of the above SSD Application has incorrectly omitted the reference to the property at 9-15 Link Road, St Ives, as part of the proposed development site. The property at 9-15 Link Road should be included in the description of the subject site. This part of the subject site will be used for access purposes and provides a direct connection from the proposed Seniors Housing Development to the Link Road frontage. As you are aware, a misdescription of the subject site, by the omission of the reference to 9-15 Link Road, constitutes a flaw in the SSD Application. I do, however, note that the Notification Letter from the Department of Planning, Housing and Infrastructure (DPHI) correctly included 9-15 Link Road, St Ives, as part of the subject site.

For the reasons referred to in this submission, I strongly consider that the current SSD Application represents an incompatible proposed development which generates a range of adverse Amenity Impacts and Streetscape Impact. I am particularly concerned with the proposed eastern facades of proposed Buildings B and C which front College Crescent.

Briefly, I wish to advise you of my qualifications and experience. I am a Consultant Planner with 15 years' experience in 3 Local Government Councils, including 9 years as a Senior Development Control Planner. I hold a Bachelor of Town Planning Degree from the University of NSW and a Bachelor of Laws Degree (Hons) from the University of Technology, including a High Distinction in Environmental Studies.

I previously undertook the role of a Solicitor, primarily in the Land and Environment Court (Court), but now only carry out my work solely as a Consultant Planner.

I have appeared as an Expert Planning Witness for 9 Local Government Councils in the Court, and I have also appeared in numerous Appeals as a Court Appointed Expert.

I was also previously appointed by Ku-ring-gai Council (Council) to appear as its Expert Witness in a limited number of Appeals before the Court.

Due to the fact that I have considered and assessed numerous applications in the locality, I am well aware of the subject site and the locality.

As you are aware, the document entitled *"Planning Secretary's Environmental Assessment Requirements"* (SEARs) states that the EIS **"must meet the minimum form and content requirements as prescribed by Part 8 of the Environmental Planning and Assessment Regulation 2021 (EP&A Regulation) and the State Significant Development Guidelines. The EIS must also address the Issues set out below."** (emphasis added).

For the reasons outlined in this submission, I consider that the SSD Application is flawed due to the fact that it does not satisfy a number of the mandatory Issues under SEARs, particularly Issue 7 which requires the Applicant to demonstrate that the adjoining residential properties will achieve a *“high level of environmental amenity”*.

The SSD Application has not demonstrated compliance with Issue 7 (and other Issues under SEARs). In fact, I consider that the adjoining residential properties will suffer adverse Amenity Impacts in contradiction to Issue 7 and other Issues under SEARs.

Furthermore, I consider that the SSD Application will generate a range of adverse Amenity Impacts on adjoining properties and the Streetscape.

This submission comprises the following sections: -

- **APPLICANT’S FAILURE TO RESPOND TO THE MANDATORY ISSUES UNDER SEARS.**
- **RESPONSES TO EIS.**
- **INADEQUATE, UNSUPPORTED AND INACCURATE INFORMATION.**
- **PROPOSED AMENDMENTS.**
- **CONCLUSION.**

APPLICANT'S FAILURE TO RESPOND TO THE MANDATORY ISSUES UNDER SEARS

ISSUE 1. "STATUTORY CONTEXT"

Issue 1 "*Statutory Context*" lists a range of mandatory Issues under SEARs, which **must** be addressed in the SSD Application, including the EIS.

I consider that the SSD Application, including the EIS, fails to take into account a number of relevant documents including, but not limited to, the following:-

- As you are aware, the Court has established various "*Planning Principles*" for consideration. I particularly note the fact that the SSD Application has failed to consider the following Court's Planning Principles, particularly in relation to Issue 6 "*Built Form and Urban Design*", Issue 7 "*Environmental Amenity*" and Issue 8 "*Visual Impact*": -
 - i. Project Venture Developments Pty Ltd v Pittwater Council (Project Venture) relating to "*Surrounding Development*" – "*Compatibility of proposal with surrounding development*".
 - ii. Seaside Property Developments Pty Ltd v Wyong Shire Council (Seaside Property) relating to "*Development at zone interface*".
- I consider that the above Court's Planning Principles are particularly important in response to the current SSD Application due to the fact that the subject site immediately adjoins the Low Density zone fronting College Crescent. The Low Density zone is on the opposite eastern side of College Crescent. My Clients reside in 1-2 storey dwellings fronting College Crescent. Due to the close proximity of the proposed development to the existing dwellings fronting College Crescent, I consider it is essential that the Court's Planning Principles in Project Venture and Seaside Property be considered.
- In Project Venture, the then Senior Commissioner Roseth held as follows: -

- i. At paragraph 22 in Project Venture, Senior Commissioner Roseth held that *“It is generally accepted that buildings can exist together in harmony without having the same density, scale or appearance, though as the difference in these attributes increases, harmony is harder to achieve”*.
 - ii. At paragraph 24 in Project Venture, Senior Commissioner Roseth held that *“Where compatibility between a building and its surroundings is desirable, its two major aspects are physical impact and visual impact”*.
 - iii. In Project Venture at paragraph 26, Senior Commissioner held that *“The most important contributor to Urban Character is the relationship of built form to surrounding space, a relationship that is created by building height, setbacks and landscaping”*.
- In Seaside Property, the then Commissioner Bly at paragraph 25 held that *“As a matter of principle, at a zone interface as exists here, any development proposal in one zone needs to recognise and take into account the form of existing development and/or development likely to occur in an additional zone”*.
 - For the reasons referred to in this submission, I consider that the proposed development has not demonstrated compliance with the Court’s Planning Principles in Project Venture and Seaside Property.
 - It is inexplicable to me that the Applicant’s Consultants have **not** considered both of the above Court’s Planning Principles in Project Venture and Seaside Property.
 - For the reasons referred to in this submission, I also consider a number of the Applicant’s documents and reports do not *“provide an accurate summary of the detailed assessment of the impacts of the project”*. Of particular note is the advice of Tom Steal, Traffic Consultant, in his response to the Applicant’s Traffic and Parking Report. In his report, Tom Steal has identified inadequate, unsupported and inaccurate information which is referred to later in this submission.

ISSUE 2. “ESTIMATED DEVELOPMENT COST AND EMPLOYMENT”

Issue 2 relates to “*Estimated Development Cost and Employment*”.

I defer to relevant experts as to whether Issue 2 has been addressed

ISSUE 3. “CONTRIBUTIONS AND PUBLIC BENEFIT”

Issue 3 relates to “*Contributions and Public Benefit*”.

In terms of the “*Public Benefit*”, I consider that the SSD Application does not represent a public benefit particularly due to the adverse Amenity Impacts generated by the proposed development and the adverse Streetscape Impact.

I should stress that I fully support Seniors Housing developments but consider that the current design generates a range of adverse Amenity Impacts and Streetscape Impact.

I particularly note the incompatible nature of the proposed eastern facades of proposed Buildings B and C facing the College Crescent properties, inconsistent with the Court’s Planning Principle in Project Venture and Seaside Property. The fact that the Applicant’s SSD Application fails to consider the Court’s Planning Principles in Project Venture and Seaside Property is of significant concern.

I do, however, consider that if amendments are made to the current design, I consider that a reasonable Seniors Housing development can be achieved. My proposed amendments are contained in this submission, particularly at pages 56-57 entitled “*Proposed Amendments*”.

ISSUE 4. “ENGAGEMENT”

I have been advised by a number of adjoining owners and residents within the immediate locality that the “*Engagement and Consultation Activities*” required to be undertaken by the Applicant under Issue 4 of SEARs have **not** been undertaken in accordance with the “*Undertaking Engagement Guidelines*” for State Significant Projects.

I defer to the advice of adjoining owners and residents within the immediate locality in response to Issue 4.

ISSUE 5. “DESIGN QUALITY”

Issue 5 of SEARs requires the proposed development to demonstrate Design Quality in accordance with the Objectives for Good Design in the document entitled “*Better Placed*”.

I consider that the proposed development is not of “*Good Design*” for the reasons referred to in this submission.

I strongly consider that the proposed development exhibits the following elements of poor design: -

- For the reasons referred to in this submission, I consider that the proposed development does not properly respond to the immediate context and represents an intrusive and incompatible development based on the Court’s Planning Principles in Project Venture and Seaside Property. I firstly reiterate that I am concerned that the Applicant’s SSD Application has not referred to the Court’s Planning Principles in Project Venture nor Seaside Property. Given the fact that both of the Court’s Planning Principles deal with relevant issues of “*Compatibility*” and “*Development at Zone Interface*”, the absence of an assessment of the SSD Application against the above Court’s Planning Principles is of significant concern.
- In particular, I consider that there are a number of elements of the proposed development which are contrary to “*Better Placed*” and the Court’s Planning Principles in Project Venture and Seaside Property.
- I particularly raise strong objection to the proposed 4-5 storey façades of proposed Buildings B and C facing College Crescent for the following reasons: -
 - i. As previously advised, to the east of the subject site on the opposite side of College Crescent is a Low Density Residential zone fronting College Crescent which comprises 1-2 storey dwellings, with a maximum additional possible 3rd storey up to a height of 9.5m. I consider that the proposed 4-5 storey eastern façades of proposed

Buildings B and C are totally incompatible with the immediate Low Density context to the east.

- ii. Further to the above, the properties to the east along College Crescent are not mapped within the *“Low and Mid-Rise Housing Policy Indicative Map”*. Accordingly, the existing 1-2 storey dwellings along College Crescent will largely retain their existing height, bulk and scale (with possible future 3rd storeys). In other words, the proposed 4-5 storey eastern façades of Buildings B and C are totally incompatible with both the **existing** and **future** character of the Low Density dwellings to the east fronting College Crescent.
- iii. The proposed 4-5 storey Building C is also adjoined by a 3 storey terrace building to the north. Again, the proposed 4-5 storey Building C is incompatible with the adjoining 3 storey building to the north.
- iv. Proposed Buildings B and C also sit much higher than the adjoining 1-2 storey dwellings to the east fronting College Crescent. In other words, a person in the College Crescent dwellings will view proposed Buildings B and C as taller than 4 to 5 storeys due to the fact that Buildings B and C sit on higher ground than the road and the dwellings fronting College Crescent.
- v. Thus, I strongly recommend that the proposed eastern facades of Building B and C must be modified to be a maximum 3 storeys in height, with the possibility of a 4th stepped storey setback within the western portion of proposed Buildings B and C, provided the stepped 4th storey is **not** visible when viewed from the dwellings fronting College Crescent. Sight Line Diagrams will need to be prepared to demonstrate that the proposed stepped 4th storey is not visible from the College Crescent dwellings.
- vi. In order to satisfy the mandatory SEARs requirements, particularly Issue 7 which requires that adjoining properties must achieve a *“high level of environmental amenity for any surrounding residential or other sensitive land uses”*, I consider that a list of amendments referred to in pages 56-57 must be required from the Applicant, particularly a 3 storey façade fronting College Crescent and the resolution of the unresolved issues.

- I wish to reiterate that the SSD Application, including the EIS and associated documents, have **not** assessed the proposed development against the Court's Planning Principles in Project Venture and Seaside Property.
- The proposed development does not respond to the *"essential elements that make up the character of the surrounding neighbourhood"*. Simply put, introducing multi storey developments in the form of the proposed 4-5 storey Buildings B and C adjoining a Low Density Residential environment to the east is incompatible with the character of the immediate locality. This incompatibility is exacerbated by the fact that proposed Buildings B and C sit on higher ground than the road and the dwellings fronting College Crescent.
- Thus, not only is the proposed development totally incompatible with the adjoining **existing** context, contrary to the Court's Planning Principles in Project Venture and Super Studio, but the proposed development will also be incompatible with the **future** context.
- For the reasons raised in this submission, I strongly consider that the proposed development does not demonstrate the *"high level of environmental amenity for any surrounding residential or other sensitive land uses"* as required under Issue 7 of SEARs. Please refer to later comments in this submission. Furthermore, the proposed development is incompatible with the Low Density Residential zone immediately adjoining the subject site.

ISSUE 6. “BUILT FORM AND URBAN DESIGN”

Issue 6 of SEARs entitled “*Built Form and Urban Design*” requires the proposed development to “*demonstrate how the proposed built form addresses and responds to the context, site characteristics, streetscape and existing and future character of the locality*”.

I strongly consider that the proposed development does not comply with Issue 6 of SEARs for the following reasons: -

- For the reasons referred to in this section, I consider that the proposed towers do not “*address and respond to the context, site characteristics, streetscape and existing and future character of the locality*”.
- Simply put, the subject site immediately adjoins a Low Density Residential zone of 1-2 storeys to the east and existing 3 storeys terraces to the north. To introduce 4-5 storey towers is incompatible with the **existing** character, noting the Court’s Planning Principles in Project Venture and Seaside Property. On this point, I also note the character of the Low Density Residential zone is unlikely to undergo significant future change given it is not within the Low and Mid Rise Housing Area and is subject to a maximum prescribed Building Height and FSR of 9.5m and 0.3:1 respectively. In other words, the proposed 4-5 storey towers will also be incompatible with the **future** character of the adjoining 1-2 storeys on the Low Density zone to the east fronting College Crescent.
- Issue 6 also requires an assessment against the Apartment Design Guide (ADG). On the issue of the ADG, I note the following: -
 - i. There is a report entitled “*ADG Compliance*” forming part of the EIS. This report indicates that the internal amenity for the future proposed units will be of high amenity. I agree.
 - ii. Whilst I consider that the amenity of the proposed units will achieve a high level of amenity, the amenity of adjoining dwellings to the east and terraces to the north will be significantly prejudiced, contrary to SEARs. Please refer to additional comments later in this submission.

- Of particular concern is the fact that the EIS and associated Visual Impact Assessment (VIA) have **not** undertaken any assessment of Visual Impact or View Loss from within the adjoining existing dwellings to the east and from the adjoining terraces to the north and their private open space areas. The VIA has only made an assessment of the Visual Impact/View Loss from remote locations in the public domain which constitutes a significant flaw. Please refer to my comments in relation to Issue 8 of this submission. This is a further significant flaw in the SSD Application. Please refer to later comments in this submission.
- Thus, when assessed against the Court's Planning Principles in Project Venture and Seaside Property, I strongly consider the proposed multi storey towers are incompatible with the existing and likely future character of the Low Density zone to the east and existing terraces to the north.

ISSUE 7. “ENVIRONMENTAL AMENITY”

Issue 7 of SEARs requires the proposed development to demonstrate “a **high level of environmental amenity for any surrounding residential or other sensitive land uses must be demonstrated**” (emphasis added).

I note that the SSD Application, including the EIS, has not claimed that the adjoining residential developments will enjoy a “*high level of environmental amenity*”. This is clear evidence of the fact that the proposed development does **not** achieve a “*high level of environmental amenity*” for the adjoining residential land uses as required under Issue 7 of SEARs. Thus, the SSD Application has failed to satisfy the mandatory requirement under Issue 7 of SEARs (and other Issues).

I further consider that the required “*high level of environmental amenity*” on surrounding development has **not** been demonstrated for the following reasons: -

- In terms of “*Visual Impact*”, I reiterate that the VIA has **not** included an analysis from within the nearby residential properties. The VIA has only included an analysis from remote locations within the public domain. The fact that the Applicant’s VIA has **not** assessed the Visual Impact and View Loss generated on adjoining terraces and dwellings is a further significant flaw.
- I note the advice of the adjoining owners and residents fronting College Crescent that no representative of the Applicant has inspected their properties and there has been no VIA prepared of the likely Visual Impact and View Loss generated by the proposed development on these adjoining residential properties.
- Based on my inspection of numerous adjoining properties, I consider that the proposed development, particularly proposed Buildings B and C, will generate an adverse Visual Impact when viewed from the adjoining existing dwellings to the east and adjoining existing terraces to the north.
- Again, **no** evidence has been submitted as part of the EIS to assess the Visual Impact and View Loss of the proposed multi storey towers when viewed from the adjoining dwellings to the east and terraces to the north.

- As previously advised, the VIA has not included any analysis of “**View Loss**” from nearby residential properties. Whilst there are very brief comments in the EIS of View Loss generally, the VIA has **not** made an assessment of View Loss and Visual Impact from within the adjoining terraces to the north and adjoining dwellings to the east.
- How can an EIS properly assess the degree of Visual Impact and View Loss when the Applicant’s Consultants have **not** inspected the adjoining terraces and dwellings? Thus, the Applicant has not satisfied Issue 7 of SEARs which requires adjoining properties to achieve a “*high level of environmental amenity*”.
- This submission does not contain relevant photographs taken from within the adjoining dwellings and terraces. I considered that it was unnecessary to provide such photographs given the fact that the adjoining owners and residents will be lodging their concerns by way of separate submissions with the relevant photographs attached.
- In terms of “**Acoustic Impact**”, I refer to my comments in response to Issue 10 entitled “*Noise and Vibration*”. For the reasons raised in response to Issue 10, the SSD Application has **not** provided sufficient information to properly address the issue of Acoustic Impact. Accordingly, the SSD Application has not demonstrated that the proposed development will achieve “*a high level of environmental amenity*” in terms of Acoustic Impact (and other impacts).
- In terms of “**Overlooking Impact**”, I consider that the proposed towers will generate an adverse Overlooking Impact into the adjoining terraces to the north. I particularly note Section 3F entitled “*Visual Privacy*” under the ADG. The proposed towers significantly breach the recommended Separation Distance Control under the ADG relative to the existing adjoining terraces to the north. Given the very close proximity of proposed windows and balconies next door to the existing terraces to the north, I consider that there would be an adverse Overlooking Impact on the adjoining terraces to the north.
- Further in terms of Privacy, the ADG under Figure 3F.5 requires a further separation distance of +3m when a development site adjoins a lower residential zone, which applies in the circumstances of this SSD Application.

- The EIS claims that the proposed development will “*minimise potential residential amenity impacts*”. I strongly disagree. The proposed towers will likely generate a range of adverse Amenity Impacts referred to in this submission, and other submissions, particularly noting the advice of Tom Steal, Traffic Consultant, and numerous local residents and owners. It is simply wrong for the Applicant’s Consultants to claim that the proposed development “*minimises impacts for the neighbouring sites*”. Furthermore, not only will adjoining residential properties suffer significant Amenity Impacts, but such significant Amenity Impacts are also clearly contrary to Issue 7 of SEARs which requires the Applicant to demonstrate a “*high level of environmental amenity*” on adjoining residential properties and sensitive uses.
- For the above-mentioned reasons, the proposed development does not achieve a “*high level of amenity*” for adjoining residential properties and sensitive land uses as required under Issue 7 entitled “*Environmental Amenity*” of SEARs.
- In fact, rather than demonstrating the “*high level of environmental amenity*” required under Issue 7 of SEARs, I consider that the proposed development demonstrates adverse Amenity Impacts on the adjoining residential properties, contrary to Issue 7 (and other Issues).
- There are also breaches of additional Issues of SEARs which are referred to in this submission, the advice of Tom Steal and the objections from adjoining local residents and owners.

ISSUE 8. “VISUAL IMPACT”

Issue 8 entitled “*Visual Impact*” requires a “*visual analysis of the development from key viewpoints, including photomontages or perspective showing the proposed and likely future development*”.

I reiterate the following strong objections in response to the proposed development in terms of Visual Impact: -

- The VIA prepared by the Applicant’s Consultant has selected “*8 public view locations for further analysis*” and have prepared photomontages for these locations. The selected view locations are totally unjustified as they are remote from the subject site and are heavily blocked by existing buildings. It is inexplicable to me that the Applicant’s Consultant has not provided photomontages from those public locations within close proximity to the subject site such as those parts of College Crescent that adjoin the eastern boundary of the subject site. The author of the VIA has clearly avoided preparing photomontages from locations within the public domain along College Crescent where the proposed development will be clearly in view. Simply put, the Applicant’s VIA is totally unjustified.
- Further to the above, the VIA has **not** provided a VIA from within the adjoining residential properties fronting College Crescent. Simply put, there is **no** assessment of the Visual Impact nor View Loss of the proposed development when viewed within the adjoining residential properties.
- Issue 7 of SEARs requires that the proposed development must demonstrate a “*high level of environmental amenity for any surrounding residential properties or other sensitive land uses*”. How can one make an assessment on the issue of Visual Impact/View Loss if no assessment has been made from within the adjoining residential properties? In light of the fact that the VIA does **not** provide a VIA from within the adjoining residential properties nor those parts of College Crescent which adjoin the subject site, Issue 7 of SEARs has clearly **not** been satisfied.
- As the photomontages provided within the accompanying VIA are insufficient, I consider one cannot adequately assess the Visual Impact of

the proposed development from within the Low Density Residential zone along College Crescent nor from within the public domain.

- Given the bulk, scale and height of the adjoining Low Density Residential zone along College Crescent can only rise up to a maximum of 9.5m in height and the Low Density Zone is not within the Low and Mid Rise Area, the existing low scale residential dwellings will not likely be subject to major redevelopment. Accordingly, I consider the proposed Buildings B and C (Annexure A) should be reduced in height to present a compatible 3 storeys facing the Low Density Residential zone along College Crescent. A stepped 4 storey element towards the west in proposed Buildings B and C could be supportable should the 4th storey component not be visible when viewed from the residential dwellings on College Crescent. Sightline Diagrams would need to be prepared demonstrating that the proposed 3 storey façades fronting College Crescent would block the 4 storey components at the rear of proposed Buildings B and C. Please refer to additional comments in this submission.
- Thus, in terms of Issue 8 entitled “*Visual Impact*” and also Issue 6 entitled “*Built Form and Urban Design*”, I consider that the proposed development is unacceptable due to its incompatibility with the existing and likely future character of the adjoining Low Density Residential zone along College Crescent.
- Again, the above highlights the failure of the SSD Application, including the VIA, to consider the Court’s Planning Principles in Project Venture and Seaside Property.
- Furthermore, the SSD Application fails to satisfy a number of the mandatory SEARs requirements including, but not limited to, Issue 7.

ISSUE 9. “TRANSPORT”

Issue 9 entitled “*Transport*” requires the provision of a “*Transport Impact Assessment*” in accordance with the processes and methodology recommended in the Guide to Transport Impact Assessment published by TfNSW.

As part of the SSD Application, there is a “*Transport Impact Assessment*” prepared by the Applicant’s Traffic Consultant in support of the SSD Application.

Given the fact that I am not a Traffic Consultant, I defer to the advice of Tom Steal, Traffic Consultant of McLaren Traffic Engineering, who was appointed to address the issues of Traffic, Transport and Parking generated by the proposed development. I know Tom Steal to be an eminent Traffic Expert.

I wish to make the following comments: -

Section 9.1 Advice of Tom Steal Traffic Consultant

Tom Steal raises a number of significant concerns in response to the proposed development including, but not limited to, the following: -

“A review of the EIS documentation submitted as part the proposal to construct seniors housing at 19-25 College Crescent, St Ives has been undertaken, with the following findings relevant to traffic and parking impacts.

The key parking issues are as follows:

- *The dates and time periods of the parking surveys were found to misalign with the existing peak parking periods caused by the adjacent school and places of worship.*
- *A total of 24 car parking spaces will be removed by the proposal. The UTIA fails to assess the impact of the removal of car parking spaces on the surrounding on-street parking network.*

- *The UTIA does not consider cumulative parking impacts with the Bedes Forest upgrade, failing to assess the increase in on-street parking demand along College Crescent.*
- *The allied health services are intended to operate as publicly accessible facilities, therefore are not ancillary to the RCF or ILUs. A standalone assessment of the parking demand generated by the allied health component is therefore required to demonstrate that sufficient parking has been provided.*
- *The proposal exceeds the minimum parking requirements of the Housing SEPP by 68 spaces. This represents approximately 8,000m³ of excess excavation, resulting in greater construction and traffic impacts.*

The key traffic issues are as follows:

- *The dates and time periods of the traffic surveys were found to misalign with the existing peak traffic periods caused by the adjacent school.*
- *The UTIA does not assess the impact of the proposal on the existing school pick-up and drop-off operations of Masada College or the existing place of worship operations that occur on College Crescent.*
- *The benchmarking traffic generation sites used in the UTIA do not provide a true comparison to the traffic generation of the proposed development due to the mismatch in scale and parking numbers between the proposed development and benchmarked sites.*
- *The UTIA does not provide any details of the calibration and validation of the SIDRA traffic modelling undertaken, reducing confidence in the reported operational performance of the surrounding intersections.*
- *Two (2) intersections were not assessed within the UTIA which are critical in accommodating the traffic generated by the proposed development and as such should be assessed to determine the traffic impact on the surrounding road network.*
- *The UTIA does not assess the traffic generation associated with the allied health facilities, hence underestimating the traffic generation by the site. An estimated 32 vehicle trips generated by the allied health facilities within the*

proposal during the site peak hour and 130 vehicle trips per day should be included in the traffic models.

- The UTIA considers the traffic impacts of the proposed development in isolation and does not assess cumulative impacts arising from the surrounding eight (8) developments, failing to meet the NSW Cumulative Impact Assessment Guidelines requirements.*
- The UTIA does not assess the performance of the road network 10-years after opening as is suggested in Section 3.4.1 of the TfNSW GTIA for large developments.*

The key access design issues are as follows:

- The UTIA does not provide swept paths to demonstrate two-way passing along the Link Road access driveway or at the College Crescent driveways when considering on-street parking,*
- The southern driveway located on College Crescent is located at the end of a horizontal curve in the road, which has the potential to restrict available sight distance between exiting vehicles and approaching traffic. A detailed sight line assessment is therefore required to demonstrate a safe and compliant outcome.*
- The proposed primary access driveway on Link Road is located within an existing bus zone, creating the potential for conflicts between buses entering or departing the stop and vehicles accessing the site.*
- Servicing vehicle and fire truck swept paths provided within the UTIA are unsuccessful.*
- The UTIA does not demonstrate that emergency vehicles can safely and efficiently access and egress the site under peak traffic and parking conditions.*
- The UTIA does not explain how the development's formal address, signage, visitor communications, wayfinding systems and navigation-platform information will direct visitors, service vehicles and deliveries to Link Road rather than College Crescent.*
- Access to the surrounding bus stops as required to both depart and return to the site does not appear to be connected by suitable path facilities or*

exceeds the maximum 400m distance set out in the Housing SEPP and the site may be unsuitable for the proposed development.

- The introduction of regular construction haulage and other heavy vehicle movements onto College Crescent would be expected to increase congestion, impede the passage of opposing traffic and create additional safety risks. This has not been addressed in the UTIA.*
- In the absence of adequate on-site worker parking, construction staff are likely to utilise on-street parking within the surrounding residential streets, particularly College Crescent, thereby increasing parking demand. This has not been addressed in the UTIA.*

The key safety and general issues are as follows:

- College Crescent presents existing vehicle and pedestrian safety issues, particularly during school drop-off and pick-up periods. The introduction of additional traffic associated with the proposed development has the potential to exacerbate existing safety and operational issues.*
- The UTIA has not addressed the impacts that removing the Masada College sporting field will have on school operations such as the use of buses will be needed to transport students to external sporting fields and their associated impacts.*

The independent assessment of the likely impacts on College Crescent provides the following conclusions:

- College Crescent was constructed to serve a small number of single dwellings to the minimum road width permitted in the Ku-Ring-Gai Subdivision Code and has a limited capacity for daily vehicles approaching 300 vehicles per day.*
- Based on an assessment of publicly available documents, College Crescent is likely to experience more than 806 trips per day considering existing and approved development, but not including traffic associated with year 12 students, services at the two synagogues or traffic associated with the*

Bedes Forest Park upgrade. Consequently, it is clear that the road is already at its practical and safe capacity.

- *Reliance of the proposal on College Crescent will exacerbate the existing issues along the road and will lead to unsafe outcomes for both future residents of the site and for existing users.*
- *Consequently, all vehicle access to the site should be made from Link Road, subject to an appropriate assessment which demonstrates that that access can be made without affecting the safety and efficiency of that road.”*

Based on the advice of Tom Steal, the Applicant's Traffic and Parking Report contains numerous inaccuracies, deficiencies and unsupported statements. Furthermore, Tom Steal has also highlighted unresolved significant concerns in response to the proposed development.

Section 9.2 Concerns of Owners and Residents

In relation to the Traffic Impact Assessment, I wish to note the following “Key Requests” of adjoining owners and residents in the immediate locality: -

- *“Direct all practicable traffic to Link Road. If access from College Crescent is retained, it should be limited to private resident vehicles only, with construction, service, waste collection, maintenance and delivery vehicles required to use the Link Road access.*
- *Assess traffic operations (including vehicular access by residents to their own homes) and pedestrian safety during (a) school drop-off and pick-up periods, and (b) services at nearby religious facilities.*
- *Properly assess existing and future parking demand, particularly around Masada College. Quantify all parking losses and identify appropriate mitigation measures before approval.*
- *For houses opposite the proposed College Crescent driveways, assess potential interference with driveway access or the risk of opposing turning conflicts.*

- *Assess the **cumulative** traffic and parking impacts of the proposal together with Masada College operations, nearby religious and community facilities, allied health activities and the Bedes Forest redevelopment.*

I note the adjoining owners and residents have raised further concerns in relation to the Applicant's Traffic Impact Assessment as part of their submissions.

I consider that the evidence of local residents and owners should be given significant weight in terms of the assessment on Traffic, Access and Parking issues, particularly in light of the judgement of the Court of then Senior Commissioner Moore (subsequently Judge Moore) in *"Presbyterian Church (NSW) Property Trust v Woollahra Municipal Council [2014] NSWLEC 1218"* (Scots College Appeal). Senior Commissioner Moore refused the above proposed development, primarily based on the evidence of local residents and owners attesting to the problems and circumstances evident in the immediate locality in Bellevue Hill. Of particular note is the finding of then Senior Commissioner Moore at paragraph 20 who was *"fortified"* in his view to rely upon lay witnesses in accordance with the following previous finding of his Honour, Justice Craig in *"H and J Standen Pty Ltd v Minister for Planning and Infrastructure [2014] NSWLEC 113"*. At paragraph 84, Justice Craig held as follows:

"The practice of this Court in hearing evidence of lay witnesses on site is a practice that has been followed in the determination of almost all merit Appeals for many years. Although those giving evidence on site are not sworn, the evidence has always been treated as if given in Court and in attending witnesses are usually so advised".

Clearly, the then Senior Commissioner Moore in the Scots College Appeal gave significant weight to the evidence of local owners and residents in dismissing the proposed development.

Accordingly, I consider it is incumbent on the decision maker for the current SSD Application to give significant consideration of the concerns expressed by local residents and owners relating to Traffic, Access and Parking circumstances in the

immediate locality, consistent with the approach adopted by then Senior Commissioner Moore in the Scots College Appeal.

Section 9.3 Lack of Cumulative Impact Assessment (CIA)

A further significant concern is the lack of an adequate CIA considering the proposed future developments within the locality.

On this point, I note the document entitled “*Cumulative Impact Assessment Guidelines for State Significant Projects*” dated March 2026 issued by the DPHI. This document stresses the need for an appropriate CIA to be undertaken as part of a State Significant Project and advises as follows: -

“Cumulative impacts are a result of the incremental, sustained and combined affects of human action and natural variations over time and can be both positive and negative. They can be caused by the compounding affects of a single project or multiple projects in an area, and by the accumulation of affects from past, current and future activities as they arise”.

The above CIA document by the State Government further advises as follows: -

“Project-Level CIA builds on the findings of the EIA to consider impacts from the proposed project in combination with other future projects that are anticipated or reasonably foreseeable. The CIA is therefore the assessment of the environmental, social, economic and other impact which result from a project when added to other past, present and recently foreseeable future projects”.

Furthermore, the above CIA document states that “*the issue-specific CIA approach involves considering the impacts of the project together with the impacts of other relevant future projects on specific issues within an identified area... This approach seeks to extend the standard assessment of the impacts of a given project (see the first 2 approaches explained above) beyond the existing baseline condition of each relevant matter. It*

incorporates the additional impacts that may occur over time as a result of changes to existing projects”.

As noted in the advice of Tom Steal, Traffic Consultant, significant concerns are raised as to the inadequate CIA carried out by the Applicant’s Traffic Consultant. I particularly note the following comments of Tom Steal: -

“The UTIA considers the traffic impacts of the proposed development in isolation and does not assess cumulative impacts arising from the eight (8) developments listed in Table 14 of the UTIA. The UTIA also does not include the approved 88-place childcare centre at 27 College Crescent and this may indicate that other nearby DAs have been excluded. Therefore, the assessment does not meet the NSW Cumulative Impact Assessment Guidelines requirements.

The developments outlined in Table 14 of the UTIA have the potential to contribute to cumulative traffic and parking impacts within the local road network, which is acknowledged in the UTIA. However, the UTIA provides the following justification.

The majority of these projects are located more than one kilometre away. As a result, the traffic generated by these projects are unlikely to have a cumulative impact on the key intersections analysed as part of this assessment.

This justification is not adequately supported by evidence and does not demonstrate why developments located more than one kilometre away would be unlikely to contribute to cumulative traffic impacts through any traffic assessments, particularly as the site fronts and proposes access to a classified road.

Without the consideration of these developments, the consent authority is unable to fully understand the future operational performance of the surrounding road network or the extent to which the proposal may contribute to broader transport impacts within the area.

This is particularly important as the land is not zoned for this use, with a provision only recently made available in the Housing SEPP which allows for residential aged care development on SP2 zoned land, which indicates that the Council cannot have planned for the proposed outcome.”

Thus, based on the advice of Tom Steal, Traffic Consultant, there has not been an adequate CIA undertaken by the Applicant’s Traffic Consultant.

Section 9.4 Failure to respond to Issue 9 of SEARs entitled “Transport”

For the reasons outlined in 9.1 to 9.3 above, I consider the SSD Application has failed to comply with Issue 9 of SEARs “*Transport*”, particularly noting the following:

- Tom Steal, Traffic Consultant, has highlighted a variety of inadequacies and inaccuracies in the Applicant’s Traffic Impact Assessment.
- Based on submissions lodged by adjoining residents and owners, there has been a failure in the Applicant’s Transport Impact Assessment to identify the concerns of local residents. I consider it is incumbent on the decision maker to give significant consideration of the concerns expressed by local residents and owners of their concerns relating to Traffic, Access and Parking circumstances in the immediate locality, consistent with the approach adopted by then Senior Commissioner Moore in the Scot’s College Appeal.
- The Transport Impact Assessment has not provided an adequate CIA as required by the “New South Wales Cumulative Impact Assessment Guidelines for State Significant Projects” prepared by the DPHI.

ISSUE 10. “NOISE AND VIBRATION”

Issue 10 “*Noise and Vibration*” requires the Applicant to “*provide a noise and vibration impact assessment*”

The Applicant’s Acoustic Consultant prepared a “*Acoustic Assessment for SSDA*” dated 10 June 2026.

I advise that I am not an Acoustic Consultant and therefore cannot provide a professional opinion on the “*key findings*” of the above Applicant’s Acoustic Report.

I, however, consider the following elements of the proposed development have not been considered as part of the Applicant’s Acoustic Report: -

- The Applicant’s Acoustic Consultant at page 21 advises that “*at this stage details of mechanical plant have not been finalised*”. Accordingly, there has been no proper assessment of the proposed mechanical plant and equipment.
- The Applicant’s Consultant has not considered the potential Acoustic Impact from the use of the proposed communal terrace on the rooftop of proposed Building A.

Thus, the Applicant’s Acoustic Consultant is deferring consideration of the noise generated from proposed mechanical plant and equipment and use of the proposed communal terrace. I strongly disagree with deferring assessment of the above matters for the following reasons: -

- As you are aware, deferring an essential matter for later consideration is a legal error under Planning Law. One must not defer an essential matter for later consideration.
- The importance of identifying proposed plant and equipment now is evident by the fact that the proposed development will have an extensive range of plant and equipment to service the proposed units and basement car parking areas. By any measure, the extensive range of plant and equipment requires

an informed assessment at this application stage ensuring the proposed plant and equipment will not generate adverse Acoustic Impact on adjoining properties or future residents of the subject site. To date, there has been no proper assessment of the potential Acoustic Impact generated by future proposed plant and equipment on the adjoining residential land uses.

- It is also crucial to identify any potential adverse noise impacts generated by the proposed use of the communal terrace on the rooftop of Building A. If the proposed roof top terrace is assessed to generate adverse noise impacts on either surrounding properties, then appropriate acoustic measures can be implemented such as acoustic barriers around the proposed terrace.
- Of further concern is the potential impact of the operations of the adjoining Masada College on the future proposed Seniors Housing units. In other words, will the operations of the Masada College, such as the outdoor recreation facilities and any existing/proposed plant and equipment, generate adverse Acoustic Impact on the amenity of residents within the Seniors Housing development? This potential Acoustic Impact has also not been considered.

Overall, I consider that the issue of “*Noise*” under Issue 10 has not been resolved. The unresolved issue of Noise is an additional adverse Amenity Impact which is likely to generate adverse Amenity Impacts on the adjoining properties contrary to Issue 7 under SEARs which requires the proposed development to demonstrate a “*high level of environmental amenity for adjoining properties and sensitive uses*”. Rather than demonstrating a high level of environmental amenity for the adjoining residential properties as required under Issue 7 of SEARs, I consider that these adjoining properties will suffer a range of adverse Amenity Impacts contrary to Issue 7 under SEARs (and other Issues).

In terms of “*Vibration*”, I defer to the advice of relevant experts. I note that “*vibration management measures are provided to minimise vibration impact from construction activities to the **nearest** affected receivers*”. I agree with this objective, but query whether there has been an adequate assessment of Vibration contained in the SSD Application.

ISSUE 11. "WATER MANAGEMENT"

Issue 11 relates to "*Water Management*".

I defer to relevant experts as to whether Issue 11 has been addressed.

ISSUE 12. “GROUND AND GROUND WATER CONDITIONS”

Issue 12 relates to “*Ground and Ground Water Conditions*”, particularly Ground Water Impact Assessment.

I defer to relevant experts as to whether Issue 12 has been addressed.

ISSUE 13. “CONTAMINATION AND REMEDIATION”

Issue 13 relates to “*Contamination and Remediation*”.

I defer to relevant experts as to whether Issue 13 has been addressed.

ISSUE 14. "TREES AND LANDSCAPING"

Issue 14 relates to "*Trees and Landscaping*" which requires a Landscape Plan and Arboricultural Impact Assessment as part of the SSD Application.

The Applicant has provided Landscape Plans and an Arboricultural Impact Assessment.

As to the adequacy of the proposed Landscaping including Deep Soil Zones, and the appropriateness of the tree species, I leave this matter in your hands for your assessment.

ISSUE 15. “ECOLOGICALLY SUSTAINABLE DEVELOPMENT (ESD)”

Issue 15 relates to “*Ecologically Sustainable Development*”.

I defer to relevant experts as to whether Issue 15 has been addressed.

ISSUE 16. “BIODIVERSITY”

Issue 16 relates to “*Biodiversity*”.

I defer to relevant experts as to whether Issue 16 has been addressed.

I, however, note that part of the subject site is identified as being of “*Biodiversity Value*” under the Biodiversity Conservation Act 2016 (Annexure B).

The impact of the proposed development on the areas of Biodiversity Value must obviously be fully assessed. I am not a Biodiversity Expert and defer to the assessment by a relevant Biodiversity Expert.

From my perspective, I do raise a preliminary concern that the areas of Biodiversity Value are in very close proximity to a proposed “*Loading Dock*” and “*ILU Carpark Entry*”.

The proposed Loading Dock and Carpark entry may encroach within the area of Biodiversity Value or are in close proximity to the area of Biodiversity Value. Even if there is no encroachment, I do raise concern as to locating these highly intensive uses in close proximity to the areas of Biodiversity Value.

Again, I defer to the assessment by a relevant Biodiversity Expert.

ISSUE 17. “WASTE MANAGEMENT”

Issue 17 relates to “*Waste Management*”.

I defer to relevant experts as to whether Issue 17 has been addressed.

ISSUE 18. “SOCIAL IMPACT”

Issue 18 relates to “*Social Impact*”.

There is, no doubt, that the provision of Seniors Housing represents a positive “*Social Impact*”, but any proposed development must be of a compatible design with the adjoining context and must not generate unreasonable adverse Amenity Impacts on adjoining properties and the Streetscape generally. I do not consider that the current design achieves the above objectives.

ISSUE 19. “FLOOD RISK”

Issue 19 relates to “*Flood Risk*”.

I defer to relevant experts as to whether Issue 19 has been addressed.

ISSUE 20. “BUSH FIRE RISK”

Issue 20 relates to “*Bush Fire Risk*”.

I defer to relevant experts as to whether Issue 20 has been addressed.

ISSUE 21. “ABORIGINAL CULTURAL HERITAGE”

Issue 21 relates to “*Aboriginal Cultural Heritage*”.

I defer to relevant experts as to whether Issue 21 has been addressed.

ISSUE 22. “ENVIRONMENTAL HERITAGE”

Issue 22 relates to “*Environmental Heritage*” which states that where there is potential for direct or indirect impacts on Environmental Heritage, a Statement of Heritage Impact (SoHI) and Archaeological Assessment are required.

I defer to relevant experts as to whether Issue 22 has been addressed.

ISSUE 23. "PUBLIC SPACE"

The proposed development does not include Public Space.

ISSUE 24. “HAZARDS AND RISKS”

Issue 24 relates to “*Hazards and Risks*”.

I defer to relevant experts as to whether Issue 24 has been addressed.

RESPONSES TO EIS

I note the Applicant's EIS which accompanies the SSD Application.

I wish to provide my following responses to the following points contained in the EIS.

I should note that a number of the following responses have already been made in previous sections of this submission.

I wish to make the following responses: -

- In the middle of page 12, the EIS claims that current open space which will be occupied by the proposed development is "*underutilised*". There is no evidence provided by the Applicant to support such a claim.
- In the 2nd last paragraph on page 12, the EIS claims that the proposed development does not cause "*any adverse Amenity Impacts to surrounding land uses, including in terms of Overshadowing and Visual Impact*". I strongly consider that this claim is clearly incorrect. For example, in terms of Visual Impact, I strongly consider that there is an adverse Visual Impact from the proposed eastern facades of proposed Buildings B and C when viewed from the adjoining Low Density properties fronting College Crescent. In terms of Traffic, Access and Parking, I refer you to the advice of Tom Steal, Traffic Consultant, and local residents and owners. In terms of Traffic, Parking and Access, based on the advice of Tom Steal, the proposed development will generate adverse impacts on College Crescent pertaining to a number of issues under SEARs.
- At page 14, there is a reference to the details of the proposed development. Of particular concern is the excessive number of car spaces which will be the subject of further comment in this submission and the submission by Tom Steal, Traffic Consultant. I strongly consider that this excessive number of carparking spaces, also highlighted by Tom Steal will generate excessive proposed excavation with consequential adverse amenity impacts.

- At page 18, the EIS claims that the proposed development is “*permissible with consent*”. This is a Legal issue which requires legal advice. Please refer to additional comments in this submission.
- At the top of page 19, there is a reference to a number of principles. I, however, note that the EIS does not properly consider the following principles: -
 - i. The Court’s Planning Principles in Project Venture and Seaside Property have not been considered.
 - ii. There has been a lack of an adequate CIA which is required to be considered based on the recent document prepared by the DPHI referred to previously in this submission, particularly in relation to Traffic Impact (please refer to the report of Tom Steal, Traffic Consultant).
- At the bottom of page 19, there is reference to the “*stepped heights of 4-5 storeys along College Crescent*”. Adopting a proposed 4-5 storey facade for proposed Buildings B and C are incompatible with the existing 1-2 storey facades of the College Crescent dwellings (which may incorporate a 3rd storey in the future). Even if a particular property or properties along College Crescent were developed to the maximum height, this would only result in a 9.5m high development which is a significant reduction in height compared to the proposed stepped 4-5 storeys. The above adverse Visual Impact is exacerbated by the fact that the proposed Buildings B and C will sit on land higher than College Crescent and the adjoining dwellings fronting College Crescent.
- At the bottom of page 20, there is a reference to “*ADG Design Criteria*”. For the reasons referred to in this submission, the proposed development does not comply with the relevant ADG requirements, particularly in relation to the adjoining 3 storey terraces to the north.
- At the bottom of page 26, there is reference to “*adjoining land*” at 9-15 Link Road. This strip of land, as indicated in Figure 7 on page 26, is a fundamental part of the proposed development site.

- In the middle of page 27, the EIS claims that *“the site sits within a high-medium density precinct”*. This claim is wrong. There is no reference in this comment to the Low Density Residential zone fronting College Crescent.
- At pages 29 to 31 there is a range of photographs of adjoining buildings, but no photographs of the adjoining 1-2 storey residential dwellings fronting College Crescent. Figure 9 on page 32 does acknowledge *“1-2 storey houses”* on College Crescent. For the reasons referred to in this submission, I strongly consider that the proposed 4-5 storey eastern facades of proposed Buildings B and C are totally incompatible with the adjoining residential developments on College Crescent.
- At page 37 at Section 2.2 entitled *“Other Development in the Area”*, there is a reference to approved developments in the locality, but there is no reference again to the existing dwellings fronting College Crescent.
- In the middle of page 40 in the section entitled *“Better Placed”*, the EIS claims that *“the project aligns with the Better Placed Design by considering the local context”*. I strongly consider that the proposed 4-5 storey facades of proposed Buildings B and C facing College Crescent completely fail to consider the 1-2 storey scale of the dwellings fronting College Crescent. Please refer to additional comments in this submission.
- At page 43 in the section entitled *“Parking”* lists the number of the parking spaces for each element of the proposed development. I strongly consider that there is an excess number of parking spaces with consequential adverse Amenity Impacts for the reasons referred to in this submission. I also refer to the same concern raised by Tom Steal in response to the excessive number of car spaces.
- In the 3rd last paragraph on page 46, the EIS again claims that the proposed *“scale and massing of the proposed development responds to the site’s context”*. I strongly consider that the proposed 4-5 storey stepped eastern façades of proposed Buildings B and C are totally incompatible with the College Crescent properties and little consideration has been given to the Low Density environment located opposite the subject site.
- In the 2nd paragraph on page 49, there is a reference to the *“proposed communal roof top terrace”*. I consider that there has been inadequate

assessment in terms of the Acoustic Impact of the proposed roof top terrace and there has also been inadequate assessment in terms of other impacts for the reasons referred to in this submission.

- In the 1st paragraph on page 51, the EIS again claims that the proposed development “*fits within the visual context of the surrounding area, being a similar height to the Chabad building to the south*”. Whilst the existing Chabad building is noted, there is no reference to the existing 1-2 storey developments within the Low Density zone fronting College Crescent.
- At page 59, there is a reference to the issue of permissibility. Based on my reading of the EIS, the author of the EIS firstly claims that the proposed health care facility constitutes a minor “ancillary” use to the Seniors Housing Development and is therefore permissible. I disagree with this claim and say that the proposed health care facility is not a minor ancillary use due to the following features: -
 - i. The Health Care Facility is open to the general public.
 - ii. The Health Care Facility is not minor in scale on a range of criteria including, but not limited to, the area occupied by the facility, the number of staff and the number of car parking spaces.
 - iii. The associated volume of excavation.
- The second ground on permissibility raised by the author of the EIS is that the proposed development is permissible by way of Clause 2.60(1) of State Environmental Planning Policy (Transport and Infrastructure) 2021. I consider that there is sufficient doubt on the issue of permissibility to the effect that further Legal Advice should be obtained as to whether, in fact, the proposed development is permissible under Clause 2.60(1) of State Environmental Planning Policy (Transport and Infrastructure) 2021.
- Page 61 refers to the issue of Contamination. Please refer to additional comments in this submission.
- At the bottom of page 61, there is a reference to the fact that referral is required to Transport for NSW. I refer to the comments of Tom Steal, Traffic Consultant.

- Section 5 entitled “*Community Engagement*” at page 65 makes various claims regarding Community Consultation. Based on the advice of my Clients, appropriate community consultation has **not** been achieved. On this point, I note the comment in the 1st paragraph on page 69 that “*very few community members provided feedback in response to the consultation*”, but my Clients advise that the inadequate community consultation resulted in the limited community response.
- In the middle of page 69, there is reference to proposed landscaping to “*minimise overlooking maintain privacy between neighbouring properties*”. As you are aware, the Court’s Planning Principle in *Super Studio v Waverley Council* states that **proposed** landscaping should be given “*minor weight*” when it is the main safeguard for protection of privacy.
- At the bottom of page 69, the EIS states that “*the design exceeds the minimum parking requirements for residents alone and provides sufficient spaces for all user groups, reducing potential pressure on surrounding streets*”. I respond as follows:-
 - i. Should the proposed development be limited for use only by residents of the Seniors Housing units, the excess carparking spaces would be reduced.
 - ii. Provision of excess carparking spaces results in a range of adverse Amenity Impacts listed in this submission.
- Thus, the provision of excess carparking spaces for the residential units acknowledged at page 69 results in a range of adverse Amenity Impacts particularly on the Low Density Residential zone fronting College Crescent. On this point, I particularly note the advice of Tom Steal, Traffic Consultant.
- At the top of page 72, the EIS claims that the proposed articulated 4-5 storey street facades of Buildings B and C respect the prevailing streetscape and provides a suitable transition. I strongly consider that this claim is wrong. The proposed 4-5 storey stepped facades facing College Crescent clearly do not respect the prevailing streetscape character which is evidenced by an open green field on the western side of College Crescent and 1-2 storey scale developments on the eastern side. I also note that the proposed 4-5 storey

stepped form sits much higher than the public road and the College Crescent properties, thus exacerbating the adverse Visual Impact. One only needs to go to Figure 26 on page 75 to evidence the fact that proposed Buildings B and C are totally incompatible with the College Crescent properties on the eastern side of College Crescent. I also note again that there has been no assessment in terms of the Court's Planning Principles in Project Venture (relating to compatibility) and Seaside Property (relating to development at the zone interface). The excessive bulk, scale and height of the proposed eastern facades of proposed Buildings B and C as per Figure 26, are totally incompatible with its immediate neighbouring locality.

- Figure 28 shows the *"low and mid rise housing map"*. Of particular significance is the fact that the College Crescent residential properties and the immediately adjoining properties to the north are **not** part of the LMR map. In other words, the immediate locality is characterised by existing 1-2 storey developments fronting College Crescent and 3 storey developments to the north. Thus, the proposed 4-5 stepped facades of proposed Buildings B and C are incompatible with the existing and future character of the adjoining Low Density Residential environment.
- Figure 29 on page 79 demonstrates the incompatible nature of the proposed development.
- At the 1st paragraph on page 80 refers to the VIA. I strongly consider that the VIA is inadequate for the reasons referred to in this submission.
- Figure 30 entitled *"Proposed Setbacks"* and Figure 31 are inadequate and do not indicate a proper relationship between the College Crescent properties and the proposed development. Of particular concern is that Figure 31 is not drawn to scale in terms of its elevation and does not show the proper relationship between the College Crescent dwellings and the proposed development.
- Figure 33 on page 82 clearly demonstrates the incompatible nature of the proposed *"stepped 4-5 storey facade facing the 1 storey dwelling on College Crescent"*. I again note that the proposed 4-5 storey facades will sit on land significantly higher than the Low Density Residential dwellings fronting College Crescent. Figure 33 is emblematic of a proposed development

which is totally incompatible with the College Crescent Low Density environment.

- Section 6.4.2 entitled *“Potential Impacts”* speak of the visibility of the proposed development from public places. Please refer to additional comments in this submission.
- Page 107 discusses *“Parking Rates”*. The EIS acknowledges that the parking provision for the residential units exceeds the relevant DCP and SEPP requirements. I refer to my additional comments in this submission.
- Section 6.8 entitled *“Noise and Vibration”* discusses Acoustic Impact. Please refer to my additional comments in this submission.
- Section 6.9.3 entitled *“Contamination”* is on page 116. Please refer to additional comments in this submission.
- Section 6.9.7 entitled *“Environmental Heritage”* on page 112 states that *“the HAA identifies that the potential for Archaeological remains within the site is moderate in the northern portion of the site, and nil-low in the remainder of the site”*. I defer to relevant experts.
- Section 7.6 entitled *“Suitability of the Site”* claims that the proposed development is highly suitable on the subject site. I again stress that I do not object, in principle, to a Seniors Housing Development, but I do strongly object to the proposed 4-5 storey residential facades of proposed Buildings B and C which are to be placed on the elevated portions of the subject site and which exacerbate the adverse Visual Impact of the proposed development when viewed from College Crescent. Furthermore, the bulk scale and height of the proposed 4-5 storey facades are totally incompatible with the adjoining Low Density zone comprising 1-2 storey development on the College Crescent properties. The adjoining existing terraces to the north will also be adjoined by the incompatible proposed Building C.

INADEQUATE, UNSUPPORTED AND INACCURATE INFORMATION

There is a wide range of inadequate, unsupported and inaccurate information provided by the Applicant's Consultants.

I refer to the list below which highlights a range of inadequate, unsupported and inaccurate information contained in the EIS and accompanying documents, plans and reports:

- The Applicant's Acoustic Consultant at page 21 of the EIS advises that "*at this stage details of mechanical plant have not been finalised*". Accordingly, there has been no proper assessment of the proposed mechanical plant and equipment.
- The Applicant's Acoustic Consultant has also not considered the potential Acoustic Impact from the proposed communal terrace on the rooftop of proposed Building A.
- The Applicant's Acoustic Consultant has also not assessed the Acoustic Impact likely to be generated by the operations of the adjoining Masada College on the proposed Seniors Housing Units, particularly in light of the age and lifestyle of future occupants of the future units.
- Section 5 entitled "*Community Engagement*" at page 65 of the EIS makes various claims regarding Community Consultation. Based on the advice of my Clients, appropriate Community Consultation has **not** been achieved. On this point, I note the comment in the 1st paragraph on page 69 that "*very few community members provided feedback in response to the consultation*", but my Clients consider that the inadequate Community Consultation resulted in the limited community response.
- Figure 30 entitled "*Proposed Setbacks*" and Figure 31 within the EIS are inadequate and do not indicate a proper relationship between the College Crescent properties and the proposed development. Of particular concern is that Figure 31 is not drawn to scale in terms of elevation and does not show the proper relationship between the College Crescent dwellings and the proposed development.

- The Applicant's VIA has selected "*8 public view locations for further analysis*" and has prepared photomontages for these locations. The selected view locations are totally unjustified as they are remote from the subject site and are heavily blocked by existing buildings. It is inexplicable to me that the Applicant has not provided photomontages from those public locations within close proximity to the subject site such as those parts of College Crescent that adjoin the eastern boundary of the subject site. The author of the VIA has clearly avoided preparing photomontages from locations within the public domain along College Crescent where the proposed development will be clearly in view. Simply put, the Applicant's VIA is totally unjustified.
- Further to the above, the VIA has **not** provided a VIA from within the surrounding residential properties. Simply put, there is **no** assessment of the Visual Impact nor View Loss of the proposed development when viewed from within the above adjoining properties. How can one make an assessment as to whether adjoining residential properties achieve a "high level of environmental amenity" as required under Issue 7 of SEARs when no assessment has been undertaken from within the adjoining residential properties?
- For the reasons referred to in this submission and the report of Tom Steal, Traffic Consultant, the Transport Impact Assessment has not provided an adequate CIA.
- I also note the report of Tom Steal, Traffic Consultant, which refers to inadequate, unsupported and inaccurate information contained in the SSD Application. I particularly wish to note the following comments of Tom Steal:
 -
 - i. *"The parking surveys do not adequately capture an appropriate peak parking demand from the adjacent school."*
 - ii. *"The parking surveys undertaken within the UTIA do not appropriately capture the peak parking demand of the adjacent places of worship and should not be relied upon for any assessment of the impacts of the development."*

- iii. *“The UTIA fails to quantify the number of parking spaces that will be removed from the school as a result of the development. Since the removal of the school’s on-site parking spaces will have direct impacts on the surrounding on-street parking network, deferring resolution of the parking shortfall to a future and uncertain Masada College Site Masterplan is inadequate.”*
- iv. *“The UTIA does not consider the cumulative parking impacts of the development with the Bedes Forest upgrade, failing to assess the increase in on-street parking demand along College Crescent.”*
- v. *“It does not include a separate assessment of the parking demand or parking requirement associated with the allied health component of the development.”*
- vi. *“MCLaren Traffic Engineering have determined that the above benchmarking sites do not provide a true comparison to the traffic generation of the proposed development.”*
- vii. *“The UTIA does not provide any details of the calibration and validation of the SIDRA traffic modelling undertaken. As such, without evidence that the traffic models have been appropriately calibrated and validated, there is no basis to verify that the model accurately reflects the existing traffic conditions and hence reliably predicts the impacts of the proposed development.”*
- viii. *“The UTIA includes an assessment of the traffic conditions with and without the development in the expected year of occupation (2030) but does not assess the performance of the road network 10-years after opening as is suggested in Section 3.4.1 of the TfNSW GTIA for large developments. Further assessment is required to demonstrate that the proposal will not trigger the need for upgrades over the reasonable 10-year forecast period.”*
- ix. *“College Crescent includes two 90-degree bends around which the two-way passing of vehicles is not possible when vehicles are parked on either side and sight distances to oncoming traffic is restricted. The UTIA has not assessed the impact of additional traffic and parking demand on the likelihood of vehicles either colliding or needing stop and reverse in these locations.”*

- x. *“The swept path assessment undertaken in the UTIA at the College Crescent driveways do not account for on-street parking along both sides of the road.”*
- xi. *“The UTIA does not provide a sight distance assessment for vehicles exiting driveways onto both Link Road and College Crescent, which is essential in assessing safety impacts of the development.”*
- xii. *“The proposed access driveways on College Crescent are located opposite the residential properties of 16 and 20 College Crescent. However, the UTIA does not consider the impact of the proposed driveway locations on the existing residential driveways with respect to opposing turning conflicts or interference with driveway access. These impacts are required to be addressed as part of the proposal.”*
- xiii. *“The location of the access driveway within the bus zone has not been justified by the UTIA, which otherwise states that “the proposed site access does not impede on the existing bus stop,” contradicting the architectural plans. A detailed assessment demonstrating the safety and operation of the bus stop will not be adversely affected by the driveway location is therefore required.”*
- xiv. *“No swept path testing or assessment has been provided demonstrating that a service vehicle will be able to pass other vehicles arriving or departing the site or that the proposal complies with AS2890.2 – 2018.”*
- xv. *“No assessment has been undertaken of the cumulative effects of school drop-off and pick-up periods, peak activity associated with nearby places of worship, and the frequent occurrence of parking on both sides of the street, which can reduce the carriageway to a single traffic lane.”*
- xvi. *“The UTIA identifies the Link Road access as the principal vehicular access. However, it does not explain how the development’s formal address, signage, visitor communications, wayfinding systems and navigation-platform information will direct visitors, service vehicles and deliveries to Link Road rather than College Crescent.”*

- xvii. *“No assessment has been provided to demonstrate that the site satisfies the requirements in Section 93 of the State Environmental Planning Policy (Housing)”*
- xviii. *“The construction management plan provided within UTIA does not address the provision of construction worker parking during the excavation and basement construction phases, when on-site parking is unlikely to be available.”*

PROPOSED AMENDMENTS

I again stress that I fully support the development of Seniors Housing, but any such housing must be of a design which is compatible with the adjoining context consistent with the Court's Planning Principles in Project Venture and Seaside Property. Furthermore, a proposed design must not generate unreasonable adverse Amenity Impacts on adjoining properties nor generate adverse Streetscape Impact.

I strongly consider that the current SSD Application does not achieve the above objectives and also does not satisfy a number of the mandatory SEARs Issues, particularly Issue 7.

For the reasons raised in my submission, I consider that amendments must be made to the current design to achieve the above objectives.

My recommended amendments are as follows: -

- The proposed Buildings B and C (Annexure A) be reduced in height to present a maximum 3 storeys facing the Low Density Residential zone along College Crescent. A stepped 4 storey element towards the west on proposed Buildings B and C would be supportable should the 4th storey component not be visible when viewed from the residential dwellings on College Crescent. Sightline Diagrams would need to be prepared demonstrating, in effect, that the proposed 3 storey façade fronting College Crescent would block the 4 storey component at the rear of proposed Buildings B and C.
- The proposed development, particularly the proposed health care facility component, must not be open to the general public and should only be used by residents of the Seniors Housing Development. Furthermore, a prohibition by the use of the general public will result in a reduction in the number of carparking spaces, associated excavation and Traffic Impact.
- A reduction in the number of parking spaces to comply with the car parking rates under the Housing SEPP as follows: -

- i. A maximum 151 parking spaces for the residents of the Independent Living Units (ILU).
- ii. A maximum 25 parking spaces for visitors of the ILU. (In accordance with DCP rates)
- iii. A maximum 13 parking spaces for the staff of the Residential Care Facilities (RCF).
- iv. A maximum 10 parking spaces for RCF visitor and RCF drop-off. (excludes allied health visitor parking).

In accordance with the above, amended plans should be submitted with a maximum 199 parking spaces. This will have positive benefits in regard to the reduction of Traffic Impact and the reduction of basement car parking as well as ensuring compliance with the relevant Parking Controls.

- As previously advised, the proposed “*Loading Dock*” and “*ILU Carpark Entry*” appears to be encroaching or within very close proximity to the areas of Biodiversity Value (Annexure B). I consider that these intrusive uses should be relocated to an appropriate sensitive location along the western façade in accordance with the recommendation of a Biodiversity Expert.
- The Architectural Plans and Acoustic Report must be amended to provide the following: -
 - i. An amended Acoustic Report which assesses the noise generated by the proposed mechanical plant and equipment on adjoining residential properties.
 - ii. Assessment of the Acoustic Impact to be generated by the proposed communal terrace on the rooftop of Building A on adjoining residential properties.
 - iii. Assessment of the Acoustic Impact to be generated by the operations of the adjoining Masada College on the proposed Senior Housing Units, particularly in light of the age and lifestyle of future occupants of future units.
- In regard to Traffic, Access and Parking, I defer to the advice of Tom Steal, Traffic Consultant.

CONCLUSION

I fully support the provision of Seniors Housing Units and provision of health care facilities for residents only but consider that the current design is objectionable.

A primary concern is the Bulk, Scale and Design of the proposed development which I strongly consider is contextually *“incompatible”* with the existing and likely future character of the adjoining Low Density zone fronting College Crescent based on the Court’s Planning Principles in Project Venture and Seaside Property. I particularly note the fact that the EIS and supporting documents have **not** assessed the proposed development against the above Court’s Planning Principles.

For the reasons referred to in this submission, the incompatible bulk, scale and design of the proposed development also generates a range of adverse Amenity Impacts. Of particular concern is the fact that the subject immediately adjoins the Low Density Residential zone fronting College Crescent. I strongly consider that the current proposed design is incompatible with the adjoining Low Density zone considering the above Court’s Planning Principles.

Furthermore, I consider that the proposed development does not satisfy other mandatory Issues within the SEARs document for the reasons referred to in this submission. Of particular importance is that the SSD Application has not demonstrated that the adjoining residential properties fronting College Crescent will achieve a *“high level of environmental amenity”* as required under Issue 7 of SEARs.

I defer to the advice of Tom Steal, Traffic Consultant, who raises a range of significant concerns in terms of Traffic, Parking and Access. In addition, the concerns raised by local residents should be given significant weight based on the Court judgment in the Scots College Appeal.

I also consider that there is a range of inadequate, unsupported and inaccurate information submitted as part of the SSD Application.

Thus, in its current form, I strongly consider that the SSD Application is not worthy of approval

I earnestly request that the SSD Application not be approved in its current design.

Yours faithfully,

A handwritten signature in dark ink, reading "Tony Moody". The signature is written in a cursive style with a horizontal line underneath the name.

Date: 5 AUGUST 2026

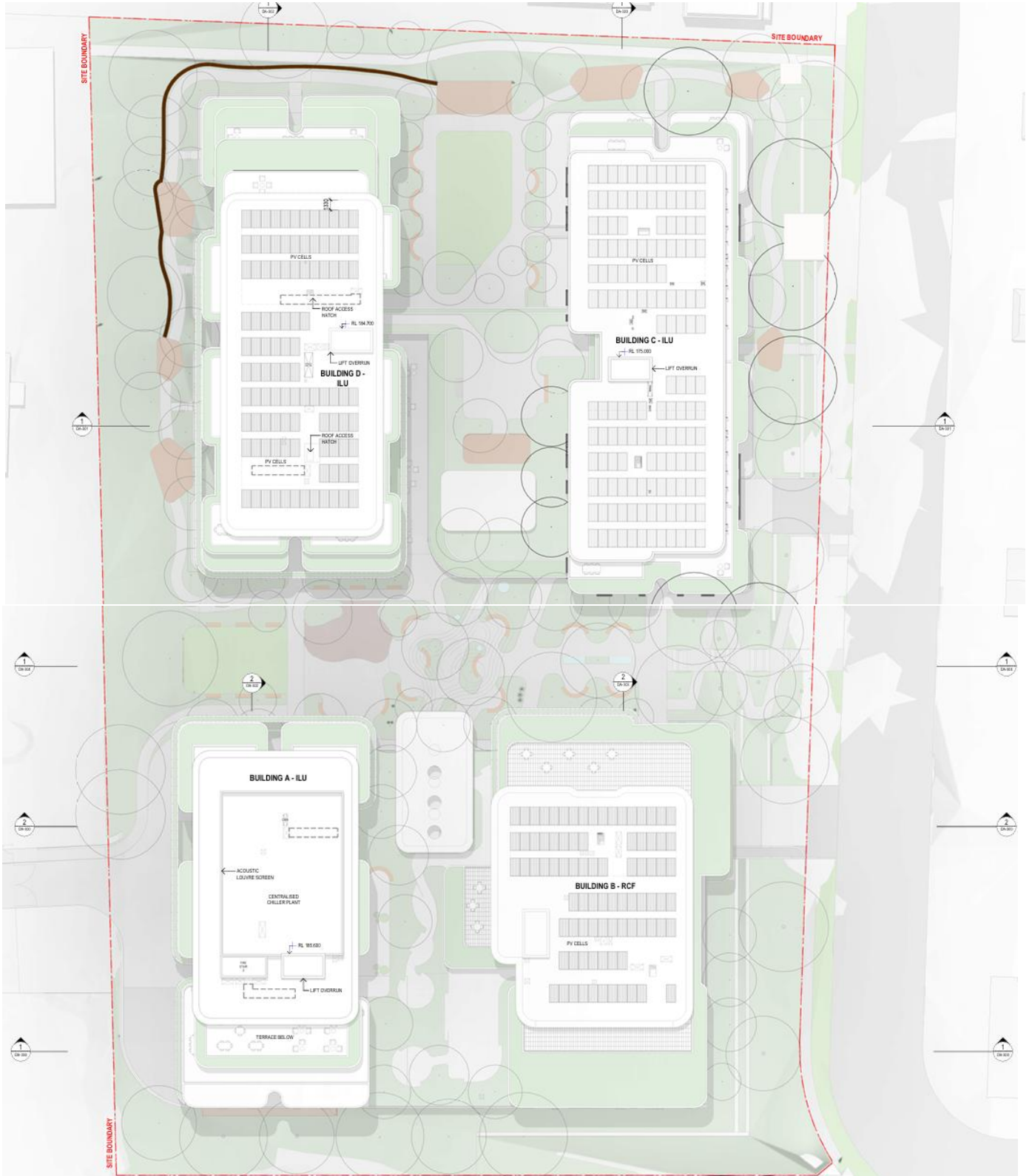
TONY MOODY

BTP (UNSW), LL.B (UTS) (Hons.), MPIA

Tony Moody Planning & Development Pty Ltd

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ANNEXURE A (SITE PLAN)



ANNEXURE B (BIODIVERSITY VALUES MAP)

