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6 Flinders Avenue  
St Ives NSW 2075  
19 June 2024

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**Re: SSD-48028209**  
**State Significant Development for Seniors Housing**  
**Opal St Ives Care Community**

We object to the proposed development SSD-48028209 (**the proposal**) in the manner and for the reasons set out herein particularly in respect to amenity and non-compliances in the proposal.

Further, the information provided in the proposal is inaccurate or insufficient to assess the impact of the proposal under Section 4.15 of the EPA Act 1979.

Corrections to error and revisions to the proposal are required. We request further information to properly assess the impact of some parts of the proposal.

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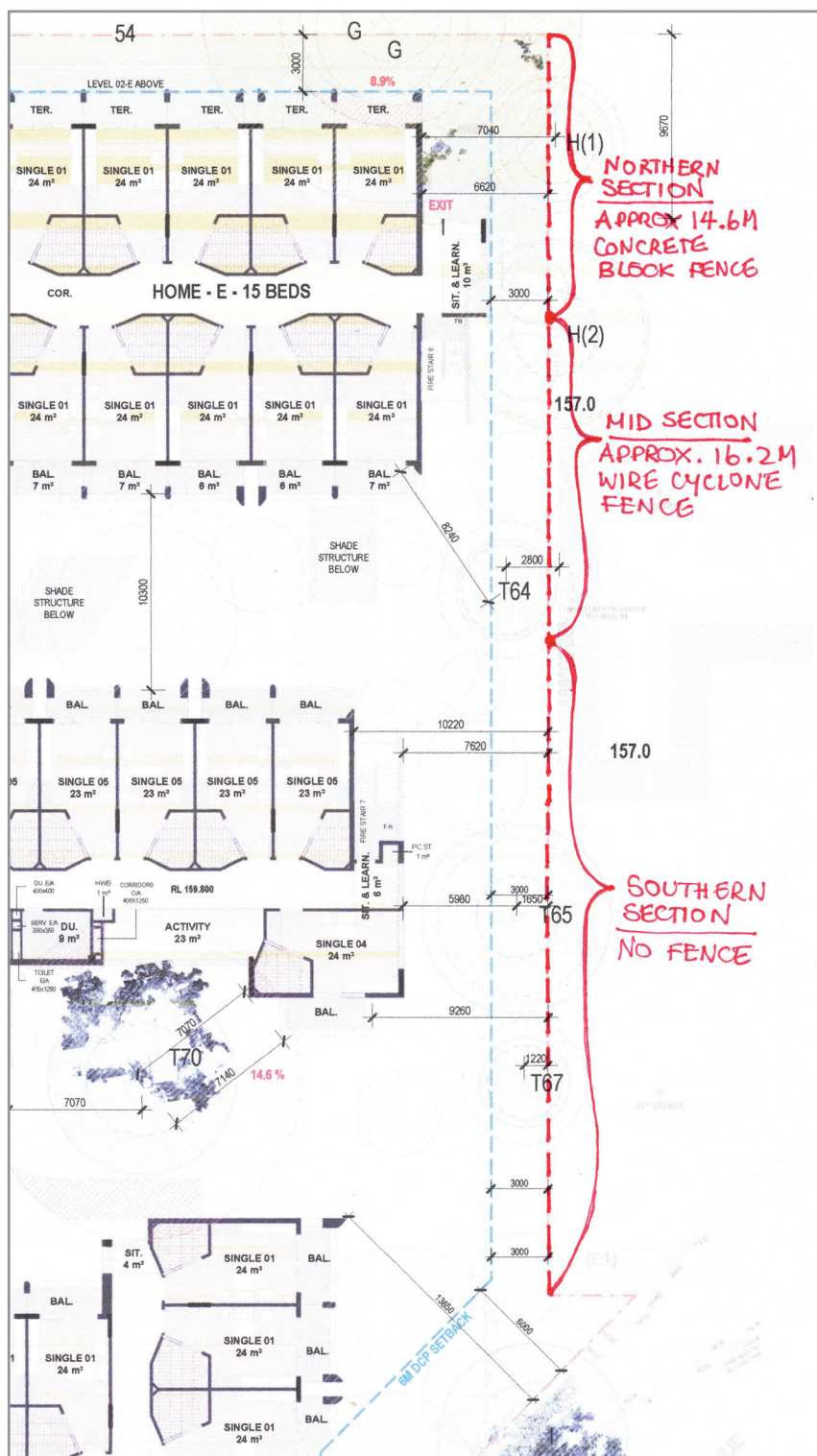
Dear Sir/Madam

1. We are the registered proprietors and residents of 6 Flinders Avenue St Ives. The full length of the western boundary of our property adjoins the easternmost boundary of the proposed development site.
  2. We have major concerns in regard to the proposal. **The proposal does not represent our boundary accurately.** This makes it impossible for the Department or the Council to properly assess the impact of this proposal on our property. We object to the proposal as it stands and request the correction of these errors and a new proposal that will provide our property with privacy and security.
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Our property has an easement to manage stormwater flow which runs the full length of the boundary for a width of three feet. We also have an easement for water flow that runs across the southern corner of our property aiding water to flow from the next door (proposed development) property.

**NORTHERN SECTION:**  
**14.6m**  
**(approximately)**  
**concrete block fence**  
(stepped in height,  
mostly 1.7m tall).

**SOUTHERN SECTION:**  
**No fence.** Privacy comes from the tall wire tennis fence covered in vines. There are a number of old camellia trees which are planted roughly on the boundary line.



*Above: Sketch showing approximate locations of existing sections of fencing and unfenced boundary.*



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## Existing privacy examples



*Northern section of concrete block fence.*



*Demountable wire cyclone fencing. Privacy hedge follows pathway in neighbouring property and is more than 3m from boundary. Empty of privacy planting behind this and up to fence.*



*Unfenced area (example 1), showing no boundary fence, wire tennis court fence with little vine growth.*



*Unfenced area (example 2), showing no boundary fence, wire tennis court fence with retaining wall at base, covered in overgrown vine. Cycad and tree fern are growing approximately on the boundary.*



## B. Incorrect section drawings

### The Section AA On Page DA3100 is incorrect.

There is no fence at this point on the boundary. Please provide an accurate drawing.

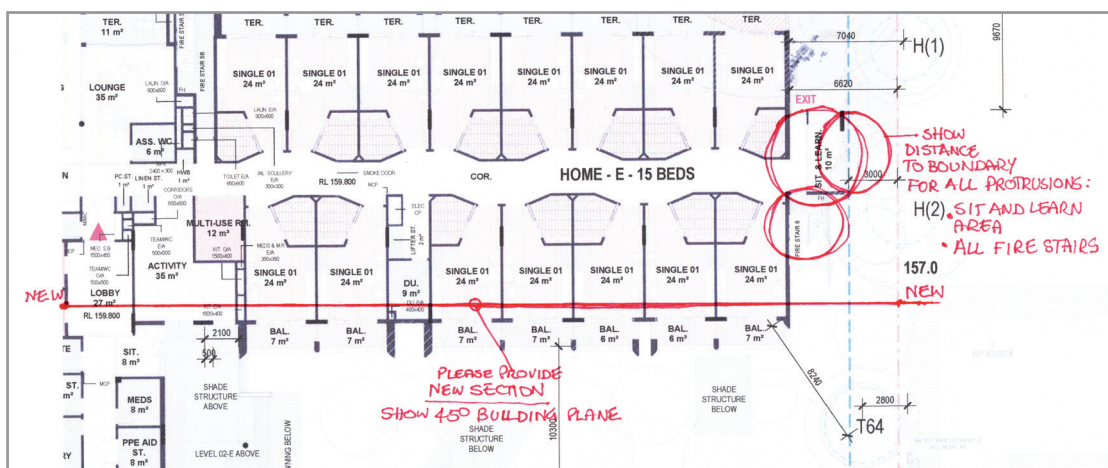
### The Section EE On Page DA3100 does not provide the information we need.

**Impact on Amenity – Fire Stairs proximity to our dwelling:-** The section EE on page DA3100 does not provide information on the distance from the boundary to the fire stairs and ‘sit and learn’ extension. Please provide a new section (as indicated on sketch) that will be more informative. It appears the fire escape will be less than two metres from our boundary fence. The height of the concrete landing between the two fire stairs is not stated and so may not comply with regulations.

**Impact on Amenity – Fire Stairs impact on privacy:-** The requirement that outdoor fire stairs are not enclosed (P11 of Design Development Report by Formiga1 D2D4 - “*External stairs in lieu of fire - isolated stairs need to remain open on the external face to ensure that they cannot become smoke logged.*”), means that this is a gross invasion of our privacy. We object to this arrangement and require a proposal to provide us with privacy from the fire stairs and the concrete landing between the levels from which it is easily possible to look into our back living area.

**Building exceeds Building Plane regulations:-** The building will illegally exceed the 45 degrees building plane requirement. This will affect our back yard, al fresco terrace and BBQ area which we use extensively for our own private use (every day, including winter, except for rain) and for entertaining guests. We object to this and request a revision that does not exceed this building requirement.

**Building height irregularity:-** The section indicates an unexcavated section next to the BOH and our western boundary at RL 156.600. However on section AA4 it depicts a full level of building. What is the purpose of this section of building as it raises the overall height and appears as three storey.



Please provide a new section in addition to section EE with more information as requested (sketched).

Please state 'Existing wire cyclone fence' in your description of the fence line here.

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### **The landscape section 04 on page L-8203 is incorrect.**

**Error in drawings - Impact on Amenity:-** There is no boundary fence here. There is a short section of beautiful old camellia hedge inside the neighbouring yard that someone can walk through once the tennis court fence is taken down. Please provide an accurate drawing.

### **The landscape section 05 on page L-8203 is incorrect.**

**Error in drawings - Impact on Amenity:-** There is no existing boundary fence to be retained. There is no 3m wide boundary screen planting to be retained. Our privacy and security is provided by the tall wire tennis court fence with vines growing over it, which will be removed.

### **The landscape plan drawing A200737 on page L-8004 is incorrect.**

**Error in drawing: Impact on Amenity:-** The proposal describes our boundary as existing mesh fence and vegetation rather than describing accurately the sections that are fenced and unfenced. The plan says 'generous planting buffer including retention of existing 3m wide screen planting'. This is erroneous. Almost everywhere along the boundary there is no 3m wide screen planting. The screening in some sections from plants is almost all further away than 3m from the boundary and will be removed. There are some trees which will be removed. The screening from the vine covered tennis court fence will be removed.

## **C. Privacy and security**

The proposal has major impacts on our privacy.

**Impact on Amenity:-** The proposal leaves our very private back entertaining area exposed to anyone being able to see through a wire cyclone fence. We require amendments to the proposal to provide privacy:

- from the fire stairs and landing attached to home E and H.
- for sections where there is no fencing;
- by details for proposed fencing;
- By details for proposal privacy screens on balconies noting that on the corners of the balconies on the eastern side of the buildings there is no screening. People will be able to look into our property from these balconies.

### **We would also like the developer to provide:**

- drawings showing a detailed treatment of our shared boundary; and
- a notated tree survey diagram for that boundary.

There are a number of very old tall camellia trees planted around the boundary line where there is no fencing. These are tall enough to be a beautiful aspect for the development but are not listed as being retained. We feel this should be an important factor in considering fencing.

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## D. Courtyard 03

**Excessive Height of improvements:** The two storey Home E and H building appears to have a large understorey area which is the height of one storey. This makes all the southern section of this building effectively three storeys in height. Please provide information as to the size and usage of this area as it appears to be unexplained. It appears to be completely open to the courtyard and as it is beside our outdoor area it is possible that we will be affected by its usage. Please provide projected numbers of people estimated to be using the courtyard area as well as any group activities.

## E. Men's shed

**The proposed Men's shed appears to be an open covered structure with an activity bench.** Please provide details of the usage of this shed, the type of equipment to be used and the number of people catered for. It is very close to our outdoor area and it is possible that we will be affected by its usage.

It is very possible that we will be affected by an increase in noise with all this activity, which is an additional impact on our privacy.

## F. Shadowing

**Impact on Amenity - over shadowing:-** We object to the impact that the proposed development will have on our property by overshadowing it.

The shadowing indicated on analysis shows significant overshadowing for our property (21 June 3pm). Our property goes from 3% of our site being in shadow to 35.8% of our site. This is a 1,193% increase in shadow.

There is a great increase in shadow across our back seating, entertaining area even by each equinox. The increase in shade in the back area goes from 0% to 10-11% in our back area in September and March – all of which falls over our seating and entertaining area. This is a dramatic decline in amenity which will greatly affect our enjoyment of this area. And our property is by far the most affected of all the properties that adjoin the proposal. Our property is very well sited and easy to cool in summer and keep warm in winter. This will dramatically and negatively affect our comfort for most of the year.

## G. Site coverage and deep soil non-compliance

**Non-compliance: Site coverage:-** The site coverage of 48.5% is listed as a minor non-compliance. This is actually an overrun of 21.5% of the requirement of 40% site coverage.

The proposal results in the site area having 16.4% of deep soil. This is a very large shortfall of the DCP requirement of 40%, even though it falls within SEPP requirements.

We object to this non-compliance. It also adds to our concerns about water management and run-off damaging our property.

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## H. Water management

**The neighbouring property and 1 Flinders Ave have both had quite a number of stormwater problems over the years that we have lived here and historically prior to that.** We have a lot of water run down our boundary easement and across the front easement on the south of our property. A large proportion of the water that runs across the southern easement at the front of our property comes from the property next door.

The conclusion of the report from H&H Consulting Engineers states:

*“Appropriate stormwater management practices will be implemented that minimise the impact of development on the existing stormwater system in terms of water quality whilst ensuring safe and efficient conveyance of runoff and the provision of adequate freeboard to habitable dwellings. The design is in accordance with both Ku-Ring-Gai Council’s requirements and best practice principles, hence it can be ensured that there will be minimal impact on the existing environment as a result of the proposed development.”*

The drawing 22K93\_D2\_C101 in their report has a greyed out note ‘6 Flinders St see note 11’. This note is not to be found and must be from an earlier version of the plans. Also page 1 of the Appendix B survey sheets states:

*(E) Land benefits from appurtenant easement to drain water (E1) (L976679) VIDE. (DP 527824). This is the easement at the southern end of our property.*

We request a specific report from the engineers that outlines the remedies they have undertaken that will ensure our property is not affected by water damage from the development.

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## I. Summary

**We object to the development proposal as it currently stands.**

**We require a revised proposal for this development that includes provision for our privacy and security.** We request that this be immediate provision of privacy and not plants that will take years to grow. Plantings do not provide us with any security and we require fencing to do that. Also that all balconies are screened on the eastern side.

**We request that the sections be corrected to show the current boundary treatment.**

**We request a new section of Home E and H to show the detail of this building to us more clearly.** There are potentially major privacy issues which are not shown in the section currently drawn in the proposal.

**We object to the design of home E H illegally exceeding the 45 degree building plane requirement.**

**We object to the impact the proposal has on our property from the great increase in overshadowing.** Our property is by far the most affected of all the properties that adjoin the proposal. Our property is very well sited and easy to cool in summer and keep warm in winter. This will dramatically and negatively affect our comfort for most of the year.

**We request additional information about the understorey area of Home E and H, the courtyard and the Men's Shed.**

**We object to the proposal exceeding the requirements for site-coverage and deepsoil provision.**

**We ask for a report from H and H Consulting Engineers P/L to address our stormwater concerns.** Our property is referred to in the development of these plans and currently takes a lot of water along our easements in wet weather.

Until we have this additional information we cannot assess properly some of the impacts on our property.

Also we feel that the Department and the Council when making their assessment of this proposal and the impact it will have on our property would be relying on fencing and plantings that do not exist. And therefore cannot properly make that assessment.