

OBJECTIONS TO SSD-48028209

OPAL ST IVES RESIDENTIAL CARE COMMUNITY

ADDRESS: 285, 287, 287A, 289 Mona Vale Road & 1 Flinders Avenue, St Ives within Ku-ring-gai

FROM: BELINDA HENNESSEY 1/283 MONA VALE RD ST IVES 2075

I object to the proposed development for the following reasons:

Please note: If consent is granted, please consider my requests for conditions be added to that consent.

LOSS OF AMENITY

With the completion of this development, I will be fully retired and will spend much of my time at home and in my garden.

My outdoor area is north facing, as are my bedroom, living and dining areas and have predominantly full-length windows that all face the Opal site.

The proposed development will be detrimental to my amenity in my home in the following areas:

- **LOSS OF AMENITY FROM INTRUSIVE NOISE AND ADVERSE HEALTH EFFECTS**

Additional intrusive noise will be generated by the location of a new 2 lane commercial, 24/7 driveway for the length of my northern boundary. It has the potential for over 200 vehicle movements per day through 3 staff shift changeovers - some staff members will arrive before 6am. Traffic from staff, visitors, service vans and trucks will result in constant intrusive noise with only a 3-metre buffer to my bedroom and living/dining windows and outdoor recreation space that I currently enjoy. In addition, there will be associated noise from the adjacent café outdoor area in use 5 days per week and outdoor recreation areas on level 2 & 3 that will impact my amenity.

Plans show an acoustic wall adjacent to the driveway will be built to mitigate noise generated. Despite requests for clarification, no details have been provided in plans or by the team as to the materials used or acoustic rating of this wall.

While the current plans show this acoustic barrier, it is not clear to me as to where the RL used was taken. Anything of a lesser height to 1.8mt from my courtyard RL is unacceptable.

If consent is granted, I request that it is made a condition of consent that this acoustic wall be built adjacent to the driveway to a min. 1.8mt finished height with measurements taken from the RL of the courtyard of 1/283 Mona Vale Rd and maintained at that height for the full length of my boundary (not sloping away toward Mona Vale Rd to match the current timber fence) It should have an acoustic rating value that will prevent any driveway and café noise entering my property.

CONTEXT:

ASSURANCES GIVEN BY OPAL REPRESENTATIVES PRE SSDA-LODGE

The Opal representatives have been very aware of my concerns and objections to the driveway location since the first community meeting in 2022 and subsequent individual meetings at my home.

At the most recent meeting at my home in Feb 2024 I was assured that:

- A noise mitigating barrier would be constructed of good acoustic grade materials adjacent to their driveway and 3 metres in from our boundary fence for the entire length of my boundary to the height of 1.8.mt from my courtyard RL. There was also discussion of using materials in the driveway surface that reduce noise.
- Fence line trees would be retained in the buffer area between the boundary fence and the acoustic wall and to screen from proposed new buildings.
- The electricity substation would be located on the north side of the new driveway and that any humming or noise generated would not be heard from my property as I have a physical sensitivity to this type of noise and concerned re health effect of being within the generated electromagnetic field.
- That trucks and service vehicles such as garbage trucks would not be accessing the driveway early in the morning or in the evenings.

I request that conditions of consent restrict the use of trucks and service vehicles using the driveway before 9am or after 5pm

• LOSS OF AMENITY FROM LOSS OF PRIVACY

I currently enjoy a very private and leafy outlook in all directions from all my windows and outdoor courtyard. This privacy was the prime factor in my decision to purchase my villa and is highly valued.

The Opal development will remove the majority of existing trees on the site and replace my outlook in the north-east direction with an imposing 3 storey building the length of the fence-line and include a west-facing balcony on level 3 that will overlook my courtyard and into my dining and living rooms.

- ***I request that it be made a condition of consent that a mature Syzygium 'Lilly Pilly' located adjacent to Tree 7 on my fence-line be identified on the plans and be retained as it is crucial to offer better screening and privacy from the proposed building and overlooking balcony.***
- ***I request that a Lagerstroemia 'Crepe Myrtle' located between Tree 5 and Tree 7 on my fence line be retained as it allows winter sun through to my living areas.***
- ***I request that all new fence-line planting along my boundary be maintained to a height to not block my access to northern winter sun in my living areas.***

CONTEXT:

Many discussions and what I understood to be assurances were given by the Opal team including John Cole-Clark the Senior Development Manager for Opal and the garden

designer in my meetings with them 2023 and again in 2024 at my home regarding retaining 2 specific boundary trees (a Syzygium 'Lilly Pilly' and a Lagerstroemia 'Crepe Myrtle'). The Syzygium 'Lilly Pilly' is crucial to protecting my privacy and screening from the proposed building complex. Neither tree was identified in Appendix I *Arboricultural Impact Assessment* document submitted to the SSDA, though an email from Jody in response for my request for clarification regarding these trees stated the Syzygium (LillyPilly) is proposed to be retained as part of a small group of trees intermingled with Tree 7.

Tree 7 on the plans is a Camellia Sassanqua which has a more upright growth with less broad and less dense foliage. This tree alone is not sufficient to offer sufficient privacy or screen my view.

Assurances were also given that a garden maintenance team would maintain and regularly trim any trees or additional plantings along the boundary line to preserve access to the northern winter sun.

- **LOSS OF AMENITY FROM LOSS OF SOLAR ACCESS**
- **LOSS OF PASSIVE SOLAR HEATING IN WINTER MONTHS**

- ***I object to a Grey Ironbark 'Eucalyptus Paniculata' being planted on the boundary fence corner with Mona Vale Rd and request it be removed from the tree planting list and replaced with a tree that will not impact my solar access or overhang my roof in the future.***
- ***I object to any additional trees being planted along the boundary fence line that will impact on my solar access for solar panels and in particular my access to winter sun entering my property.***

The proposed new planting of an advanced **Grey Ironbark 'Eucalyptus Paniculata'** at the corner of the boundary fence with 283 Mona Vale Rd and the driveway entrance is located within a few metres of my dwelling and will grow to impact my solar access for solar panels. This is a rapidly growing tree that typically grows to a height of 30-50m with a spreading canopy. Eucalypts are also known for dropping branches. The tree will be very close to the footpath on Mona Vale Rd and root growth may disturb the path and service amenities that lie beneath including our NBN cable that enters our property from that north-west corner.

Within a few years this tree will shadow and overhang my property roofline and block my solar access for proposed solar power panels on my north and west facing roof.

While I am very keen to retain a garden outlook and understand the desire to use local native species, the tree selection needs to be carefully considered and suitable for the location. This **Grey Ironbark** is not suitable to be located so close to a dwelling as it poses a future risk to property and solar access.

I also note that this proposal will remove many existing mature deciduous trees from the front garden of the site facing Mona Vale Rd and plans show replacement trees will be evergreen species that will impact on my winter solar access that I currently enjoy. The winter sun currently streams into my home through my northern windows for over 6 hours a day. This passive solar heating is a far more environmentally friendly form of heating and means I do not need to rely on other sources of heating during the day and reduces my energy costs. Adding evergreen trees that in time will block my access to extended winter

sunlight is so disappointing and I hope that Opal will be the 'good' neighbours they propose to be and reconsider the planting schedule to not impact on what neighbours currently enjoy.

- **LOSS OF AMENITY CAUSED BY LIGHT SPILL OVER MY PROPERTY**

I request that consent be conditional on lighting for the driveway, public entrance, paths, recreation areas and any signage or other does not cause glare or spill over to my property.

- **SECURITY**

I request that consent be conditional on a security gate being installed at the entrance of the path that is to be constructed along the boundary fence line with 283 Mona Vale Rd so that access along this concealed path will be blocked from public access as it will pose an additional security risk to my property and others in the 283 Mona Vale Rd complex.

- **CONSTRUCTION CONCERNS**

I am very concerned regarding the effects of vibrations from drilling, excavation and piling will compromise our buildings and slabs. My home shares a slab with Villa 2 that is suspended over the garages.

I trust that all measures to mitigate the effects of construction such as reasonable work hours, dust control and site sediment run off control etc be maintained throughout the build

- ***I request that consent be conditional on a complete visual and technical Dilapidation Report for my property being conducted by a professional suitably qualified and independent of Opal – as agreed between John Cole-Clark and Terry Lee-Williams on behalf of Strata Plan 76038. with the specifications as set out in the submission response submitted by the owners of Strata Plan 76038 for 283 Mona Vale Rd ST IVES to this SSD 48028209 application.***
- ***I request the location of site amenities and offices during the construction period not be close to my property.***
- ***I object to any site access for trucks and machinery being located along my boundary.***
- ***I request a 24/7 site contact with mobile number during the entire construction period.***

- **INCREASED DIFFICULTY AND DANGER EXITING TO MONA VALE RD**

I am concerned that traffic from the Opal driveway at peak times will make exiting our driveway much more difficult as there are only approx. 10 metres separating our driveway

- **LOSS OF AMENITY FROM TOXIC FUMES ENTERING MY WINDOWS**

Fumes will be generated by cars & trucks idling for extended periods of time while waiting to exit the driveway in peak traffic times which coincide with shift changeovers. Cars in all nearby residential driveways already wait for some extended periods of time to exit driveways during peak traffic periods. Adding additional idling cars during staff shift changeover so close to all my northern windows will increase fumes that enter my windows dramatically.

- **LOSS OF VALUE OF MY PROPERTY**

- *I request as a condition of consent that the footprint of the proposed building be reduced and redesigned around our north east boundaries so as to not appear as bulky and stepped back to not cast as much shadow over our complex.*
- *I request that more priority be given to existing residents' amenity in a residential zone rather than to the large commercial enterprise proposed that does not belong in a residential zone.*

I object to this development because the poorly designed plans have put commercial profit for Opal above the rights of neighbours to maintain their amenity in their homes. 283 Mona Vale Rd is a SEPP 55 Development with most residents being retired and who spend more time in their homes.

Privacy, access to sunshine- particularly northern winter sun, and outlook are highly valued by this demographic and removing or severely diminishing those features to the extent this proposed development will for many of the residents of 283 Mona Vale Rd, will devalue all our homes. These features taken are the same features Opal boasts as a selling point to their future residents.

This proposed commercial development is huge and bulky, will totally overlook and oppressively wrap around two boundaries of our complex with only a 3 metre set back from the boundary fence in some areas - particularly on two boundaries of Villa 4.

Set-backs of only 3mts from the boundary fence to 9.5 mt buildings as seen from the grounds of 283 Mona Vale Rd is unfair and will block solar access significantly for Villas 2,3,4 & 6.

The proposed development exceeds any reasonable expectations regarding ratios for balance between gardens and site coverage of 48.5% exceeds Ku-ring-gai Council's max of 40%. This is nearly 25% above Ku-ring-gai council's maximum site coverage. It is clear that this oversized site coverage is aimed at maximizing future profit for Opal with no regard to neighbours.

This is without doubt a commercial development with additional income-generating businesses in the form of a Café and Wellness Centre. It is not suitable for location in a designated residential zone where it imposes so greatly on neighbours with buildings located so close to the boundary.

It will completely change the look of our complex for residents and visitors and change it from appearing welcoming, leafy and private, to being dominated and overlooked and cast in

shadow for long periods of the day. This will undoubtedly impact on the value of our properties unless more is done to step the build back further from the boundary and better screen the buildings from our view.