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Hunters Hill Trust Submission

Planning Proposal PP-2023-1109

Montefiore Seniors Living Proposal

The Hunters Hill Trust objects to the proposal.

The reasons why the Hunters Hill Trust objects to the proposal are set out in the submission below.

Executive Summary

The Hunters Hill Trust (the Trust) would welcome a well-planned proposal for an expanded medium density co-located care facility incorporating an appropriate blend of both residential aged care and seniors independent living at the Montefiore site in Hunters Hill, subject among other things to development being consistent with the aims of the *Hunters Hill Local Environmental Plan 2012* (LEP), in particular ‘to maintain and enhance the character and identity of established neighbourhoods’.

However, the Trust opposes the current Montefiore Seniors Living Planning Proposal (PP-2023-1109) in its present form for reasons set out in this submission.

The Trust is firstly concerned that the process undertaken to progress the Planning Proposal to this stage has at best been untidy and has not adequately responded to recommendations made by Hunter’s Hill Council (Council), Council’s Local Planning Panel (LPP) and indeed the Hunters Hill community, given that community consultation to date has been largely limited to newsletters initially only distributed to part of the Boronia Park precinct closely surrounding the subject site and a community information session run by the proponent, where only 37 people attended.¹

Appendix A of this submission provides a summary of the process undertaken to date.

The reasons for our objection to Planning Proposal PP-2023-1109 Montefiore Seniors Living Proposal are summarised below:

The *State Environmental Planning Policy (Housing) 2021 (Housing SEPP)* will apply to development of this site and many of its provisions should be carefully considered at the Planning Proposal stage, including provisions relating to water and sewer, bush fire prone

¹ Urbis, *Montefiore Hunters Hill Planning Proposal: Community and stakeholder engagement outcomes report* (3 February 2023) 7 [3.3].

land, design of seniors housing and some non-discretionary development standards. The Planning Proposal proposes what the Housing SEPP and associated *Seniors Housing Design Guide*, which must be considered, would regard as high density development in a low density residential area. The 'Design principles for seniors housing' provided in Schedule 8 of the Housing SEPP, particularly relating to 'Neighbourhood amenity and streetscape', should be applied so that an amended LEP can deliver an acceptable medium density solution.

Bushfire Protection has not been considered holistically by a Strategic Bushfire Study that examines the application of Section 6.4 of 'Planning for Bushfire Protection 2019' across the entire site. The two south eastern lots, accommodating all of the 194 residential aged care beds in existing buildings 'exposed to a higher bushfire risk', have been excised from the Planning Proposal and are not given the same level of attention as the rest of the site. An updated Strategic Bushfire Study must indicate appropriate safe locations on the site for Residential Aged Care Facility (RACF) beds and for Independent Living Units (ILUs) to provide certainty about the site layout in a finalised Masterplan before approval of the Planning Proposal can be considered.

Rezoning Part of the Site to SP2 Infrastructure (Seniors Housing) is accepted as a logical means to provide some certainty about future uses. However, amendment of the LEP Land Use Table by adding 'community facility' and 'restaurant and café' to the uses 'Permitted with consent' for land zoned SP2 Infrastructure is rejected, as this would permit these additional uses of all land in the Municipality that is zoned SP2 Infrastructure, which would create unacceptable unintended consequences. **Proponent led Planning Proposals should not be permitted to amend LEP Land Use Tables. Even if the additional uses of 'community facility' and 'restaurant and café' were confined to SP2 zoned land within the Montefiore site, many community facilities and certainly restaurants would not be acceptable development in low density residential areas like Barons Crescent or Gaza Avenue.**

The Community Needs Assessment (CNA) was criticised in a Report to Hunter's Hill Council in September 2023 for not establishing that the dwelling mix proposed will meet the demand for housing that is more diverse and affordable, to demonstrate the merit of the Planning Proposal. The CNA has not been revised since May 2023 so that it does not consider the changes brought about by the Alteration of Gateway Determination made on 7 November 2025 and in particular the change in use of the proposed Building B from ILUs to a mix of ancillary uses. **The Trust takes the view that the proposed ultimate mix of housing that is to be provided must be examined and guided by a reliable and up to date independent community needs analysis.**

The proposed Building B remains a four storey building which appears to be very large if it is no longer to house ILUs but is instead used for development that is genuinely 'ordinarily incidental or ancillary' to seniors housing, even if that includes staff housing. This in combination with the unacceptable impact of four storey development immediately opposite one and two storey residential development that is set in bushland, leads to the logical conclusion that **the proposed Building B should be of a smaller scale, we would recommend two storey with a maximum height of 8.5 metres.**

Building Heights proposed by the Planning Proposal are generally too high. While we agree with the maximum building height of 8.5 metres in Gaza Avenue, we provide sound reasons to also limit the height of the proposed Building B to 8.5 metres and note that the 16 metre building height for Building A proposed to replace existing development, including two small

cottages in Barons Crescent near the corner of Gaza Avenue, will have a devastating impact on the streetscape and character of the area – refer to Figure 2 below. We therefore recommend that all buildings near the perimeter of the site have a maximum building height of 8.5 metres. Additionally, the 24 metre building height for the proposed six storey Buildings C and D in the middle of the site do not accord with the objectives of the *Seniors Housing Design Guide* for Independent living for medium density, in relation to neighbourhood amenity and streetscape. We therefore recommend that, as the proposed Buildings C and D are some distance from the perimeter of the site, four storey buildings with a maximum height of 16 metres would be acceptable. Whatever heights are settled on for amendment of the LEP, it is essential that they do not provide significant margins for concept designs to expand to fill unutilised parts of the available building envelope at development application (DA) stage.

Site Floor Space Ratios (FSRs) that are in disparity with finally settled maximum heights need to be tightened up to prevent the risks of bulkier and heavier massing than is suggested in the *Site Specific Development Control Plan* and its Masterplan and these documents must be finalised rather than being ‘indicative’ before considering approval of this Planning Proposal.

A Conservation Management Plan to assess the whole site, as recommended by Hunter’s Hill Council’s Local Planning Panel, is essential to guide the treatment and management of impacts on items of heritage significance throughout this project and should be prepared by an independent heritage expert.

The Traffic Impact Assessment (TIA) prepared by Urbis is based on out of date vehicle counts that were taken at a time when traffic flows were still reduced by COVID and does not include consideration of recent and future changes that will further increase vehicle counts. The TIA also selectively uses this data by excluding consideration of sections of nearby local road where traffic counts already exceed the environmental maximum capacity. There are other anomalies relating to how on-site parking requirements are assessed. **A reputable, properly qualified and independent traffic engineer should be appointed to prepare a new Transport Impact Assessment, starting with new traffic counts that truly reflect current traffic movements.**

The Sydney North Planning Panel (SNPP) that determined that the Planning Proposal should be submitted for Gateway determination was made up of three members, all State appointees. Future meeting of the SNPP that deal with this Planning Proposal must include a local panel member with a sound understanding of the character and identity of established neighbourhoods in Hunters Hill.

Detailed Submission

The Trust believes, given the deficiencies to date, it is essential that time is taken to address outstanding matters before considering approval of this Planning Proposal that, in its present form, will have unacceptable impacts in an environmentally sensitive part of Hunters Hill.

The discussion below deals with some of the matters the Trust believes must be addressed.

Firstly, some consideration of the roll of and relationship between the principal planning instruments is required.

State Environmental Planning Policy (Housing) 2021

State Environmental Planning Policy (Housing) 2021 (Housing SEPP) and specifically Chapter 3, Part 5 applies to housing for seniors and people with a disability and prevails over other planning instruments, because s 8 (1) of the Housing SEPP provides:

Unless otherwise specified in this Policy, if there is an inconsistency between this Policy and another environmental planning instrument, whether made before or after the commencement of this Policy, this Policy prevails to the extent of the inconsistency.

In relation to 'Design of seniors housing', s 97 of the Housing SEPP provides:

- (1) In determining a development application for development for the purposes of seniors housing, a consent authority **must consider the *Seniors Housing Design Guide***, published by the Department in December 2023.
- (2) **Development consent must not be granted to development for the purposes of seniors housing unless the consent authority is satisfied the design of the seniors housing demonstrates that adequate consideration has been given to the design principles for seniors housing set out in Schedule 8.** (Emphasis added)

The first of the 'Design principles for seniors housing' provided in Schedule 8 are:

1 Neighbourhood amenity and streetscape

Seniors housing should be designed as follows—

- (a) to recognise the operational, functional and economic requirements of residential care facilities, which typically require a different building shape from other residential accommodation,
- (b) **to recognise the desirable elements of—**
 - (i) **the location's current character, or**
 - (ii) for precincts undergoing a transition—the future character of the location so new buildings contribute to the quality and identity of the area,
- (c) **to complement heritage conservation areas and heritage items in the area,**

- (d) **to maintain reasonable neighbourhood amenity and appropriate residential character by—**
 - (i) providing building setbacks to reduce bulk and overshadowing, and
 - (ii) using building form and siting that relates to the site's land form, and
 - (iii) **adopting building heights at the street frontage that are compatible in scale with adjacent buildings,** and
 - (iv) considering, where buildings are located on the boundary, the impact of the boundary walls on neighbours,
- (e) to set back the front building on the site generally in line with the existing building line,
- (f) to include plants reasonably similar to other plants in the street,
- (g) to retain, wherever reasonable, significant trees,
- (h) to prevent the construction of a building in a riparian zone.

(Emphasis added)

The above 'Design principles for seniors housing' are entirely consistent with the other principal planning instrument that applies to the site, being the *Hunters Hill Local Environmental Plan 2012* (LEP), which this Planning Proposal seeks to amend.

Although compliance with many of the provisions of the Housing SEPP and associated *Seniors Housing Design Guide* can be left for consideration at development application (DA) stage, it is essential that compliance with some provisions are considered at Planning Proposal stage, including: s 88 Restrictions on occupation of seniors housing; s 95 Water and sewer; s 96 Bush fire prone land; s 97 Design of seniors housing; and some of the non-discretionary development standards of ss 107 and 108.

Importantly, any amendment to the LEP proposed by the Planning Proposal must not attempt to derogate from the provisions of the Housing SEPP.

Bushfire Protection

In attempting to satisfy Condition 1(a) of the Gateway Determination, relating to bushfire protection, the proponent's principal response has been to: firstly excise from the Planning Proposal the south eastern lots of the site, where the 194 RACF beds proposed to be retained are located; and secondly to change the use of the proposed Building B from independent living units (ILUs) to a mix of ancillary uses.

The SIX Maps image in Figure 1 below shows Category 1 vegetation near the southern boundary of Lots 9 and 10 in Deposited Plan 724017. These lots have been excised from the Planning Proposal and are where the 194 RACF beds proposed to be retained are located.

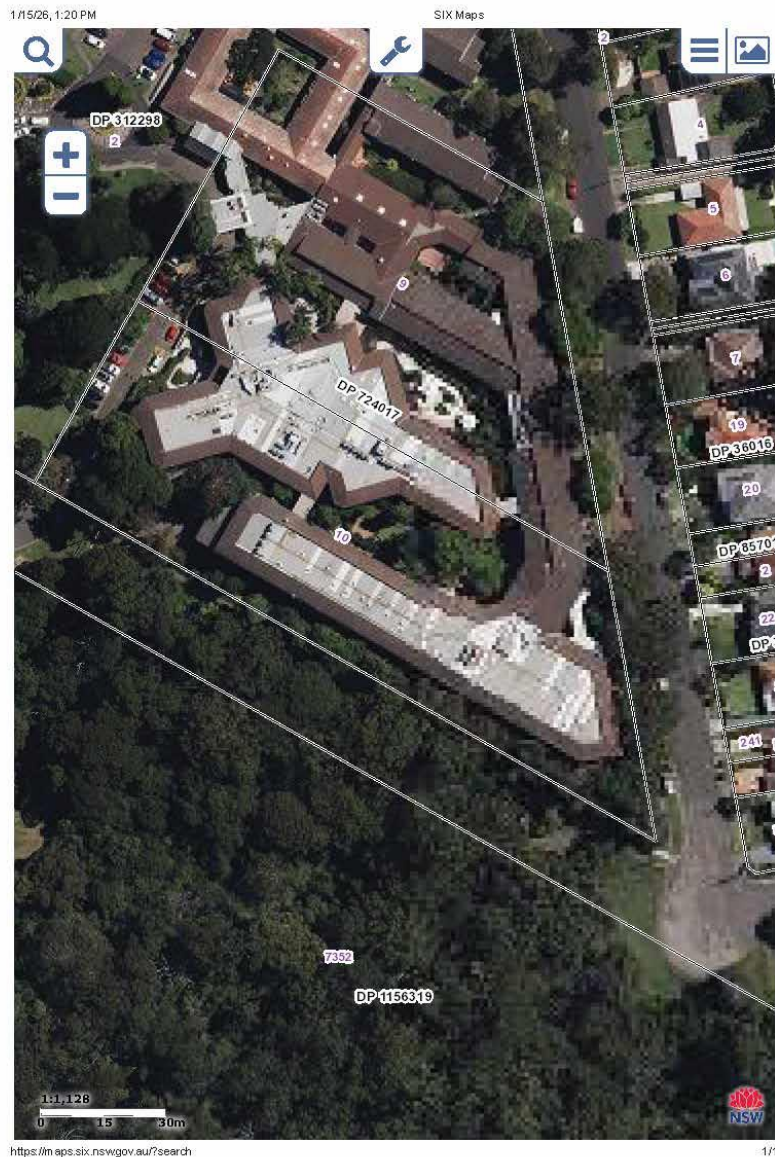


Figure 1: Category 1 vegetation near the southern boundary of Lots 9 and 10 in Deposited Plan 724017. These lots have been excised from the Planning Proposal and are where the 194 RACF beds proposed to be retained are located.
[Source: SIX Maps]

We do not accept that the excision the south eastern lots of the site from the Planning Proposal assists satisfying Condition 1(a) in relation to demonstrating the ability to achieve compliance with the relevant performance criteria in Section 6.4 of 'Planning for Bushfire Protection 2019'. Section 6.4 applies 'In circumstances where new building projects within existing SFPP [Special fire protection purpose] developments are proposed',² regardless of whether there is a Planning Proposal. Accordingly, Section 6.4 must be applied across the entire site. This aligns with the Trust's view that bushfire protection must be considered holistically, including consideration of impacts on the surrounding neighbourhood, including both residential development and surrounding bushland.

² NSW Rural Fire Service, *Planning for Bush Fire Protection: A guide for councils, planners, fire authorities and developers*, (November 2019)
<https://www.rfs.nsw.gov.au/data/assets/pdf_file/0005/174272/Planning-for-Bush-Fire-Protection-2019.pdf> 52 [6.4].

One of the objectives of Section 6.4 that applies to existing SFPP development is to ‘provide a better bush fire protection outcome for existing buildings’.³ However, in relation to existing buildings very close to the southern boundary and housing RACF beds, the Blackash *Strategic Bushfire Study* appears to rely principally on Montefiore continuing to mitigate risks on its own land and working collaboratively with authorities to reduce risk with some reliance placed on the *Hunters Hill Lane Cove Parramatta Ryde Bushfire Risk Management Committee Bushfire Risk Management Plan 2019 – 2024* designating an asset protection zone [APZ] along the southern interface of the site.⁴

It is noted that Section 3.2.5 of ‘Planning for Bushfire Protection 2019’ provides:

In order to guarantee that an APZ can be managed in perpetuity, APZs should be contained within the overall development site and not on adjoining lands.

The risk of bushfire to the proposed Building B from Category 2 vegetation on the opposite side of Barons Crescent has apparently caused the use of this building to change from ILUs to a mix of ancillary uses. On the other hand, the risk of bushfire to buildings near the southern boundary of the site from more hazardous Category 1 vegetation on the opposite side of a footpath has not triggered reconsideration of the use of these buildings for RACF accommodation.

The Trust is concerned about the anomaly between the application of modern standards preventing the occupation of Building B by ILU residents while the more at-risk less physically able RACF residents, who will be more difficult to relocate, can be accommodated in existing buildings ‘exposed to a higher bushfire risk’.⁵

An updated Strategic Bushfire Study must indicate appropriate safe locations on the site for Residential Aged Care Facility (RACF) beds and for Independent Living Units (ILUs) to provide certainty about the site layout in a finalised Masterplan before approval of the Planning Proposal can be considered for approval.

Rezoning Part of Site to SP2 Infrastructure (Seniors Housing)

The Trust accepts the logic of rezoning the part of the site where the Planning Proposal applies to SP2 Infrastructure (Seniors Housing), to provide some certainty.

However, **the Trust completely rejects the proposal to amend the LEP Land Use Table by adding ‘community facility’ and ‘restaurant and café’ to the uses ‘Permitted with consent’ for land zoned SP2 Infrastructure, as proposed at page 35 [7.2] of the Planning Proposal. Amending the LEP Land Use Table in this way would permit the uses of ‘community facility’ and ‘restaurant and café’ with consent, on all land in the Municipality that is zoned SP2 Infrastructure, which would create unacceptable unintended consequences.**

Proponent led Planning Proposals should not be permitted to amend LEP Land Use Tables – this is a matter for Councils.

³ Ibid.

⁴ Blackash Bushfire Consulting, *Strategic Bushfire Study Sir Moses Montefiore Jewish Home 116-120 High street, 2-20 Gaza Avenue and 45-47 Barons Crescent, Hunters Hill* (30 September 2025), 19.

⁵ Ibid.

Even if the additional uses of ‘community facility’ and ‘restaurant and café’ were confined to SP2 zoned land within the Montefiore site, many community facilities and certainly restaurants would not be acceptable development in low density residential areas like Barons Crescent or Gaza Avenue.

SP2 Infrastructure (Seniors Housing) zoning creates some uncertainty about what is ‘ordinarily incidental or ancillary’ to seniors housing. Ideally, this should be clarified to ensure genuinely incidental or ancillary development like a small scale café, occupying a limited area that is largely used by residents, staff and visitors is permitted. On the other hand, development that is less incidental or ancillary to seniors housing such as a medical suite, greater than a limited area that would attract significant clientele with no other reason to visit the site, should not be permitted because it would be entirely inappropriate in residential cul-de-sacs.

There are ways to create greater certainty about what development is permitted, including adding very specific additional permitted uses to Schedule 1 of the LEP, such as:

Development for the purposes of up to three cafés, each with a total floor area that does not exceed 30m², is permitted with development consent.

Alternatively, although not as legally binding as adding very specific additional permitted uses to Schedule 1 of the LEP, additional uses could be dealt with in the *Site Specific DCP* but to provide certainty, the *Site Specific DCP* would need to be a finalised document, not the indicative document that it currently is, before the Planning Proposal is considered for approval.

Community Needs Assessment

The Planning Proposal refers to its Appendix G as the ‘Social Impact Report’. The Appendix G available with the material on public exhibition is headed ‘Community Need Assessment’ and is dated 25 May 2023.

With respect to the *Community Needs Assessment* (CNA), the report to Hunter’s Hill Council’s Extraordinary Meeting of 12 September 2023 was clear that, in order to establish strategic and site specific merit, the CNA needed to demonstrate:

That the dwelling mix proposed by the Planning Proposal will meet the demand for housing that is more diverse and affordable⁶ [and]

that potential social impacts can be readily addressed during the subsequent LEP making stages.⁷

Although there is some discussion of Social Infrastructure in the body of the Planning Proposal itself, there is no ‘Social Impact Report’ on public exhibition so that any negative social impacts are not considered. The CNA has not been revised since May 2023 so that it does not consider the changes brought about by the Alteration of Gateway Determination made on 7 November 2025 and in particular the change in use of the proposed Building B from ILUs to a mix of ancillary uses. Consequently, there is little if any consideration of the

⁶ Hunter’s Hill Council, *Extraordinary Meeting No 4524* (12 September 2023) <https://huntershill.infocouncil.biz/Open/2023/09/OC_20230912_AGN_1841_AT_EXTRA.PDF>, 14.

⁷ Ibid 15.

social impacts of the ancillary uses of Building B to allow these to be addressed during the LEP making stages.

It would appear that the dwelling mix proposed by the Planning Proposal is now being driven by where ILUs can be located to satisfy Condition 1(a) of the Gateway Determination rather than by any community needs analysis. Furthermore, there appears to be no consideration of affordable housing, although it is accepted that including staff accommodation in Building B might be regarded in this light, provided that it is affordable.

Any development of this site should be in accordance with *State Environmental Planning Policy (Housing) 2021*, Chapter 3, Part 5 Housing for seniors and people with a disability, which defines seniors to include 'people who are at least 60 years of age'.⁸ This would result in ILUs normally having at least one resident of at least 60 years of age (rather than the earlier proposed 55 years), which would have a number of advantages, including reducing demand for the now reduced number of ILUs and a likely reduction in traffic movements with slightly older residents less likely to travel to a place of employment.

There has been considerable community angst about the loss of aged care beds to make way for 'luxurious' ILUs.⁹ However, **the Trust takes the view that the proposed ultimate mix of housing that is to be provided must be examined and guided by a reliable and up to date independent community needs analysis.**

Given the limited community consultation to date, it is also important that greater community input is sought in updating the community needs analysis.

Building B

The proposed Building B remains a four storey building with a gross floor area of 3197 m², which appears to be extraordinarily large in scale if it is no longer to house ILUs but is instead used for development that is 'ordinarily incidental or ancillary' to seniors housing as permitted by the proposed SP2 Infrastructure (Seniors Housing) zoning and we have already made a strong case that SP2 Infrastructure uses cannot be extended by adding 'community facility' and 'restaurant and café', particularly if this involves amending the Land Use Table.

There has also been discussion of **extending the use of Building B to accommodate others beyond seniors, those who cohabit with seniors and staff. We note that this cannot occur as it would subvert the provisions of s 88 of the Housing SEPP, relating to Restrictions on occupation of seniors housing.**

There is concern that a building of the scale of the proposed Building B, without ILUs, would struggle to attract sufficient development that is genuinely 'ordinarily incidental or ancillary' to seniors housing, even if staff accommodation is included. Despite the discussion above, a large building where limited uses are permitted, might see an attempt to accommodate businesses only having a loose connection with seniors housing, which would be inappropriate in a low density residential neighbourhood.

⁸ *State Environmental Planning Policy (Housing) 2021*, s 82.

⁹ See, eg, Equity Development Management, *Montefiore Seniors Living Development Randwick, NSW*, (accessed 15 January 2026) <<https://equitydm.com.au/montefiore-seniors-living-development-randwick-nsw/>>.

This concern, combined with the unacceptable impact of four storey development immediately opposite one and two storey residential development that is set in bushland, leads to the logical conclusion that the proposed Building B should be of a smaller scale, we would recommend two storey with a maximum height of 8.5 metres.

Building Envelopes

The Trust shares the concerns of many about the height, bulk and scale of development that could be permitted, should this Planning Proposal be approved as currently presented.

In line with the aims of the current LEP, the tree lined streetscapes and the amenity of low density residential development, set not just in gardens but in bushland in this environmentally sensitive part of Hunters Hill, must remain protected by an LEP that prevents the encroachment of buildings of excessive height, bulk and scale near low density residential housing.

Building Heights

Good planning also dictates that there should be gradual transitions in building heights not abrupt changes as will occur if four storey development is permitted adjacent to the perimeter of the site, even with increased setbacks.

This principle is reflected in the Housing SEPP Schedule 8 'Design principles for seniors housing' 1 (d) (iii) of 'adopting building heights at the street frontage that are compatible in scale with adjacent buildings'.

The Trust supports the proposed maximum height of 8.5 metres in Gaza Avenue but does not accept that Barons Crescent should be treated any differently just because it is a wider street with more trees. One and two storey residential development opposite the site in Barons Crescent, particularly those with street frontages (as distinct from battle axe blocks), will be unacceptably impacted by four story development, even with a 10 metre setback, increasing to 13 metres at higher levels.

With a maximum building height of 8.5 metres in Gaza Avenue and sound reasons to also limit the height of the proposed Building B to 8.5 metres, the proposed Building A on the corner of Barons Crescent and Gaza Avenue is the only other proposed building near the perimeter of the site to be considered.

The photograph in Figure 2 below shows the existing single storey cottage on the corner of Barons Crescent and Gaza Avenue. The replacement of this cottage with a four story building, even with greater setbacks and articulation, will have a devastating impact on the streetscape and character of the area.



Figure 2: Single storey cottage on the corner of Barons Crescent and Gaza Avenue. The replacement of this cottage with a four story building, even with greater setbacks and articulation, will have a devastating impact on the streetscape and character of the area.

For the reasons given above, **the Trust is firmly of the view that the maximum building height of all buildings adjacent to the perimeter of the site must remain at the present maximum building height of 8.5 metres.**

As discussed above, development of this site must be in accordance with *State Environmental Planning Policy (Housing) 2021*, Chapter 3, Part 5 Housing for seniors and people with a disability and be medium density in scale. It is noted that the design principles in the associated *Seniors Housing Design Guide* for Independent living for medium density, in relation to neighbourhood amenity and streetscape, have the objectives:

To provide two or three storey housing clusters where the scale and massing is articulated and separated to respect the character and pattern of the suburban surroundings.

To positively enhance the streetscape and uplift the quality of built form in the neighbourhood, and provide a landscape buffer to soften the development.¹⁰

¹⁰ NSW Planning & Environment, *Seniors Housing Design Guide*, (November 2023) <<https://www.planning.nsw.gov.au/sites/default/files/2023-07/seniors-housing-design-guide.pdf>> 101 [15.1.1]-[15.1.2].

Clearly, the proposed six storey Buildings C and D in the middle of the site do not align with these objectives and should be reduced to no more than four storeys with a maximum building height of 16 metres.

The report to Hunter's Hill Council's Extraordinary Meeting of 12 September 2023 raised the prospect of:

The disparity between the maximum heights and floor space ratio (FSR) versus the number of storeys and actual gross floor area (GFA) of the reference scheme open up risks of taller, bulkier and heavier massing ...¹¹

It is noted that, the maximum building heights proposed in the Planning Proposal exceed by significant margins the building heights shown in the proponent's *Urban Design Report*, which shows a concept design.¹²

Whatever heights are settled on for amendment of the LEP, it is essential that they do not provide significant margins for concept designs to expand to fill unutilised parts of the available building envelope at DA stage.

Floor Space Ratio (FSR)

There are also concerns regarding the proposed floor space ratio (FSR) of 1:1 across the entire site. FSR calculations on page 31 of the *Urban Design Report* reveal that the concept designs only require an FSR of 0.83:1 so there is potential for bulkier designs to be submitted at DA stage.

When building heights are settled, FSR calculations similar to those included in the *Urban Design Report* should be prepared to establish an FSR to ensure the amended LEP will prevent excessively bulky buildings and leave appropriate open space for tree preservation and the enjoyment of residents and visitors.

Masterplan within the *Site Specific DCP*

It is also noted that the Masterplan within the *Site Specific DCP* is only indicative. The *Site Specific DCP* and Masterplan should be finalised to provide some certainty about the kind of development the Planning Proposal might enable.

As Councils are the body that usually adopts development control plans, Council must be involved in the development and approval of any *Site Specific DCP*.

Heritage

At its meeting on 22 June 2023, the Hunter's Hill Local Planning Panel (LPP), although only in an advisory capacity, among other things resolved unanimously that:

A conservation plan to assess the whole site including the garden and synagogue be prepared by an independent heritage expert ...

¹¹ Hunter's Hill Council, above n 6, 21.

¹² Jackson Teece, *Strategic Planning Proposal Urban Design Report* (October 2025) 13 [2.2].

Instead, the proponents have continued to rely on the report *Heritage Assessment & Opportunities & Constraints: Montefiore Hunters Hill* (Urbis Heritage Report), of November 2021, which having been prepared by Urbis is not independent.

However, the Trust supports the Urbis Heritage Report's Assessment of Significance that:

The Montefiore Garden has local heritage significance at a historical, aesthetic, social and representative level.¹³

The Trust, with some concern, accepts the Urbis Heritage Report's Assessment of Significance that:

The Cyril Rosenbaum Synagogue ... is considered to have low Local heritage significance for its associative and social significance and possibly some aesthetic significance ...¹⁴

Although the proposed *Site Specific DCP* includes the extant Synagogue, there appears to have been consideration of its demolition or relocation. It is noted that the Planning Proposal, with a Masterplan that is only 'indicative', leaves open the possibility of future DAs including demolition or relocation of the Synagogue.

Not mentioned in the Urbis Heritage Report, is the World War II communications bunker located to the west of the Montefiore Garden.

The Trust would not support the demolition or relocation of the Synagogue or any disturbance of the World War II communications bunker, in the absence of a conservation management plan providing sound reasons for such actions.

The Trust again stresses the importance of preparation of a conservation management plan prepared by an independent heritage expert, as recommended by the LPP, to guide the ongoing development of the site in a manner that respects heritage significance.

Traffic Management

Presently nearly all vehicular access to the current facility is via High Street. The eastern end of High Street beyond Gaza Avenue, being a dead end is only used for vehicular access to the Montefiore site and to some parking near the Boronia Park North Playground. Boronia Park Reserve occupies all land to the south of this section of High Street. This arrangement minimises the impact of traffic movements in and out of the site on the surrounding neighbourhood.

The proposal for additional vehicular access to both underground parking and loading docks from Barons Crescent is not supported as this would introduce additional traffic movements, including heavy delivery and service vehicle movements, into a quiet residential cul-de-sac. The proposed turning bay, to allow forward-in and forward-out movements for all service and delivery vehicles accessing the site, should be located underground and accessed only from the existing driveways off High Street.

¹³ Urbis, *Heritage Assessment & Opportunities & Constraints: Montefiore Hunters Hill* (November 2021) 51 [6.3.3].

¹⁴ Ibid 55 [6.4].

With respect to the *Montefiore Hunters Hill Planning Proposal – Transport Impact Assessment (TIA)*, firstly there is concern that it is based on traffic volumes collected for the *Boronia Park Precinct Draft Local Area Traffic Management Plan (LATMP)*, which was completed in June 2021, at a time when traffic volumes were significantly impacted by COVID.

Secondly, the traffic volumes collected will not reflect traffic volumes generated by the Boronia Park Sports and Community Facility, the construction of which had not even commenced at the time data was collected for the LATMP.

Thirdly, Hunter’s Hill Council has recently moved a large part of its works depot and functions of its works office into new or restored facilities within Boronia Park Reserve, meaning many of the movements of Council vehicles and equipment and the vehicles of some employees is now through the Boronia Park precinct.

Fourthly, the TIA makes no allowance for the future impact on traffic generated by future development in the Boronia Park precinct that will be permitted under the NSW Government’s *Low and Mid-Rise Housing Policy* which came into effect early in 2025.

Fifthly, the TIA uses information from LATMP selectively, ignoring that even in the COVID impacted times of the LATMP the weekday morning peak hour traffic volumes in the section of High Street between Blaxland Street and Pittwater Road already exceeded the environmental maximum capacity standard for local roads of 300 vehicles per hour.¹⁵ Refer to Figure 3 below.

¹⁵ Urbis, *Montefiore Hunters Hill Planning Proposal – Transport Impact Assessment* (30 September 2025) 11 [2.3.4] cf ptc., *Boronia Park Precinct Draft Local Area Traffic Management Plan* (15 June 2021) <https://ehq-production-australia.s3.ap-southeast-2.amazonaws.com/087a012b129707cc0c32eae74dcd8da4304bb5a5/original/1715583984/a4d0ceef480ab2931b27d228b5504a27_ptc.-Boronia-Park-Precinct-Draft-LATMS-June2021.pdf?X-Amz-Algorithm=AWS4-HMAC-SHA256&X-Amz-Credential=AKIA4KKNQAKIII4DU7AG%2F20260113%2Fap-southeast-2%2Fs3%2Faws4_request&X-Amz-Date=20260113T025558Z&X-Amz-Expires=300&X-Amz-SignedHeaders=host&X-Amz-Signature=7d306c770f1a1ccfda28c1b0d3d68c3ea1ba5ca6c2ec42d18dbf9accb2d2e416> 11, 13 [3.2].

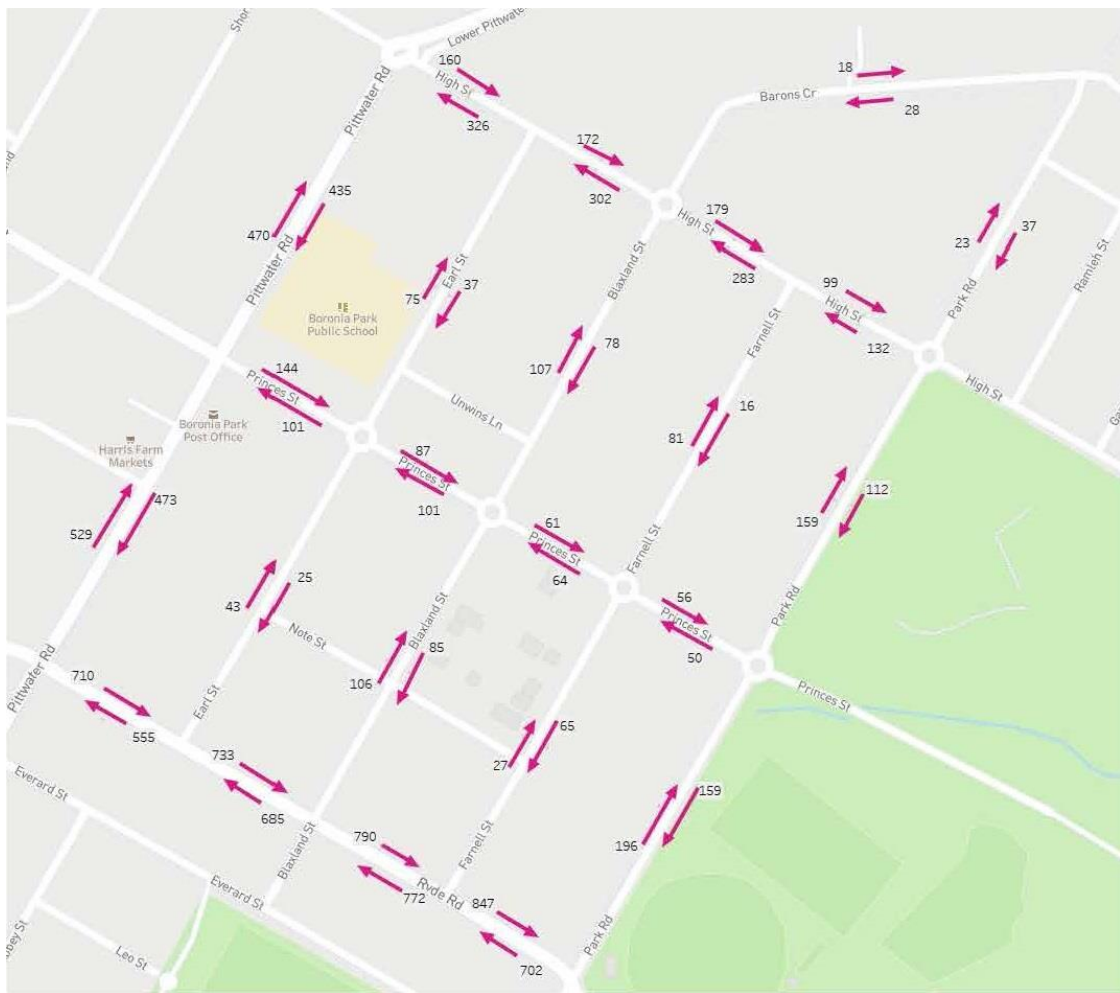


Figure 3: Weekday morning peak hour traffic volumes show that, even in the COVID impacted times of the LATMP, the weekday morning peak hour traffic volumes in the section of High Street between Blaxland Street and Pittwater Road already exceeded the environmental maximum capacity standard for local roads of 300 vehicles per hour. [Source: ptc., *Boronia Park Precinct Draft Local Area Traffic Management Plan* (15 June 2021) p 11 Figure 5.]

These weekday morning peak hour traffic volumes will largely coincide with 9:00 am shift changeover time when the largest number of staff will be arriving at and departing from the site, with those travelling to or from the north or west most likely to travel on High Street between the site and Pittwater Road, with additional staff adding to vehicular movements on a road where the environmental maximum capacity standard for local roads is already exceeded. This will be further exacerbated with the additional movements of ILU residents, many of whom will be very capable of driving themselves to their place of employment or out for other daily activities.

There are other anomalies with the TIA, including:

The number of ILUs in the proposed Buildings A, C and D is stated to be 112 and this number appears to be used in most analysis but there appears, as far as it is possible to see, no allowance for ILUs in the proposed buildings along Gaza Avenue.

Table 3 proposes a breakdown of car parking, allocating 30 car parking spaces for RACF staff while Table 5 anticipates staffing levels up to 73 across all staff, however

the non-discretionary development standards for hostels and residential care of the Housing SEPP require at least '1 parking space for every 2 employees who are on duty at the same time.'¹⁶ Given the paucity of the TIA, there appears to be no justification for allowing non-compliance of this non-discretionary development standard under s 4.15 (3) of the *Environmental Planning and Assessment Act 1979*.

It would appear there are substantial deficiencies with the TIA, both in terms of assessing the number of on-site parking spaces required and assessing the impact on local roads in the Boronia Park precinct that we do not believe have sufficient capacity to cope with the additional traffic, which will be generated by development of the scale proposed in this Planning Proposal.

It is essential that an up to date Transport Impact Assessment that properly considers the matters raised above, as well as matters raised in other submissions, be prepared before this Planning Proposal progresses further. To achieve this, a reputable, properly qualified and independent traffic engineer should be appointed to prepare a new Transport Impact Assessment, starting with new traffic counts that truly reflect current traffic movements.

Impacts must not be Considered in Isolation

Above, in relation to fire protection, we expressed concern about the more at-risk less physically able RACF residents, who will be more difficult to relocate, being located in buildings 'exposed to a higher bushfire risk'.

In relation to traffic management, we have also identified substantial deficiencies with the TIA.

In the event of a bushfire, it will certainly be necessary to provide access for firefighting appliances and it may also be necessary to evacuate some senior residents from the site.

The impact of possible traffic congestion on these emergency traffic movements must be analysed and viable solutions explained.

Independence of Supporting Material

We note that as well as preparing the Planning Proposal, Urbis prepared seven of the 14 Appendices that the Planning Proposal relies on.

Although the Planning Proposal and the seven Appendices prepared by Urbis provide the names of the authors and their positions in the organisation, only two of the Appendices provide any details of the qualifications the authors that give them the expertise to prepare such material.

A number of the documents are dated having been prepared before significant changes were made to the Planning Proposal so that the impacts of these changes are not considered.

The *Transport Impact Assessment*, in particular, is based on out of date vehicle counts that were taken at a time when traffic flows were still reduced by COVID and does not include consideration of recent and future changes that will further increase vehicle counts. The TIA

¹⁶ *State Environmental Planning Policy (Housing) 2021*, s 107 (2) (i).

also selectively uses this data by excluding consideration of sections of a nearby local road where traffic counts already exceed the environmental maximum capacity.

We strongly recommend that a number of the supporting documents be replaced by up to date reports prepared by appropriately qualified independent experts, detailing their qualifications and experience in preparing such material.

Composition of Sydney North Planning Panel

Hunter's Hill Council's Sydney North Planning Panel (SNPP) representatives David Logan and Barry Buffier were excluded from the Sydney North Planning Panel that met on 18 December 2023, resulting in the Panel of three all being State appointees. At this meeting it was determined that the Planning Proposal should be submitted for Gateway determination.

The Trust recommends that any future meeting of the SNPP that deals with this Planning Proposal must include a local panel member with a sound understanding of the character and identity of established neighbourhoods in Hunters Hill.

Conclusion and Recommendations

Fair assessment of this complex Planning Proposal demands that supporting material be up to date and reliable. This submission has identified numerous deficiencies in supporting material. The next step must be for the proponent to appoint independent appropriately qualified experts to update or, in some cases, replace material that this Planning Proposal relies on.

This submission also makes recommendations about the avoidance or mitigation of impacts that are likely to occur if the Planning Proposal is approved as currently presented. These impacts include: bushfire risks; traffic congestion; zoning permitting inappropriate uses that will exacerbate traffic and parking issues in cul-de-sacs that serve low density residential development; and the impact of four and six storey development on the streetscape and character of the area.

The level of these impacts makes clear that development that will be permitted should this Planning Proposal be approved is simply too large in scale.

The analysis presented in this submission affirms the long held position of the Trust that the development of the Montefiore Hunters Hill site for expanded seniors housing should be medium density in scale.

We hope this submission will assist in finding solutions that will deliver a medium density co-located care facility incorporating an appropriate blend of both residential aged care and seniors independent living at the Montefiore site in Hunters Hill, consistently with the aims of the *Hunters Hill Local Environmental Plan 2012*, and in particular 'to maintain and enhance the character and identity of established neighbourhoods'.

Appendix A

Summary of the Process Undertaken to Date

Rejection of Initial Planning Proposal Lodgement

The Montefiore Planning Proposal was initially lodged in February 2023 but was rejected because there was no pre-lodgement meeting and no scoping study. Following rectification of these defects, lodgement of the Planning Proposal was accepted by Hunter's Hill Council in May 2023.

Local Planning Panel Meeting held on 22 June 2023

Council took little time to prepare a report to its Local Planning Panel, which on 22 June 2023 unanimously resolved:

1. That the Local Planning Panel does not support sending the Planning Proposal to Gateway Determination.
2. That the Local Planning Panel provides the following advice to Council:
 - i. Preliminary analysis of technical reports is required;
 - ii. Adequate time for assessment of the Proposal by the Local Planning Panel is needed;
 - iii. There is a need for contextual understanding of the impacts of similar aged care sites within the Municipality;
 - iv. A conservation plan to assess the whole site including the garden and synagogue be prepared by an independent heritage expert;
 - v. The Panel recommends wider community consultation prior to gateway determination, including providing information on the process of a Planning Proposal and gateway determination.

Council Ordinary Meeting held on 26 June 2023

At its Ordinary Meeting held on 26 June 2023, Hunter's Hill Council considered as a Late Item a report on the Montefiore Planning Proposal, resolving among other things 'That further review and detailed assessment of [11] technical reports supporting the Planning Proposal be undertaken'.

Early Plan Changes

As recorded in a report to the Extraordinary Meeting of Hunter's Hill Council held on 12 September 2023, the Planning Proposal was amended in relation to:

- Height: A reduction in the numerical maximum building height standard from: - 26m to 24m in centre of the site. - 18m to 16m in northern part of site.
- Setbacks: An increase in building setback from the boundary adjacent to Barons Crescent from: - 7m to 10m at lower levels (ground, first and second level). - 10m to 13m at the top level.

- Roof level - Insertion of a new roof-top service equipment control within the Draft Site-specific Development Control Plan (Draft DCP) to restrict roof-top plant to 25% of the roof plane.
- Land Use Mix - Clarification regarding the proposed land use mix of residential aged care facilities (RACF) and independent living units (ILUs) for the purposes of assessing the proposal.¹⁷

Extraordinary Meeting of Council held on 12 September 2023

Although recommending that Hunter’s Hill Council forward the Montefiore Planning Proposal to the Department of Planning and Environment seeking a Gateway Determination, even with the above amendments, the summary of findings from review and detailed assessment of technical reports, in the report to Council’s Extraordinary Meeting held on 12 September 2023, was critical of the Proposal in many respects, including:

With respect to the Arboricultural Assessment and Landscape, that:

There is concern regarding the increase in maximum building height from the current 8.5m to 16m and 24m on the amenity of the surrounding residential areas ...

The Preliminary Assessment does not provide a detailed assessment of the impact of the proposed works on the site’s tree population. An Arboricultural Impact Assessment & Tree Protection Plan should be prepared as detailed within the review.¹⁸

...

Any impact to the existing trees due to bushfire requirements must be addressed within the Arboricultural Impact Assessment.¹⁹

With respect to the Bushfire Assessment, that:

The development, in its current format cannot achieve full compliance with the general provisions for SFPP [Special Fire Protection Purpose] development, however, it is likely that full compliance to all Bushfire Protection Measures on such a proposal will not be practically achievable, and that some variations to these measures could be appropriately considered.²⁰

With respect to the Community Needs Assessment (CNA) and Strategic Merit, that:

The CNA report should have set out to establish the following points, to demonstrate the merit of the planning proposal:

1. That the dwelling mix proposed by the Planning Proposal will meet the demand for housing that is more diverse and affordable.²¹

...

¹⁷ Hunter’s Hill Council, *Extraordinary Meeting No 4524* (12 September 2023) <https://huntershill.infocouncil.biz/Open/2023/09/OC_20230912_AGN_1841_AT_EXTRA.PDF> 6-7.

¹⁸ Ibid 10.

¹⁹ Ibid 11.

²⁰ Ibid 13.

²¹ Ibid 14.

With respect to the Community Needs Assessment (CNA) and Site Specific Merit, that:

Consideration of Social Impacts by the Community Needs Assessment (CAN) [sic] - Few aspects of social impact have been considered by the Planning Proposal.

Consequently, the Planning Proposal is unable to demonstrate that the proposal has merit, nor that potential social impacts can be readily addressed during the subsequent LEP making stages.

We recommend that the Gateway Determination require that this issue be further examined prior to public exhibition.²²

With respect to the Transport Impact Assessment, that:

Supporting documents (parking report, construction traffic management plan and traffic impact study) addressing matters raised within the review document, must be submitted to Council for assessment before a decision on the Planning Proposal, either to support or refuse the development, can be made.²³

With respect to the Urban Design Report, that:

the documents that will guide future development are too simplistic and will not be sufficient to ensure quality outcomes.

The disparity between the maximum heights and floor space ratio (FSR) versus the number of storeys and actual gross floor area (GFA) of the reference scheme open up risks of taller, bulkier and heavier massing than is suggested through the masterplan and the objectives and controls in the site-specific development control plan (SSDCP) need to be tightened up to prevent this as far as possible.²⁴

At Extraordinary Meeting 4524 of Hunter's Hill Council held on 12 September 2023, Council resolved by a five votes to two majority 'That Council does not support the Montefiore Planning Proposal', for numerous reasons set out in the resolution, which is included at Appendix B of this submission.

Meeting of Sydney North Planning Panel held on 18 December 2023

Hunter's Hill Council's Sydney North Planning Panel representatives David Logan and Barry Buffier were excluded from the Sydney North Planning Panel that met on 18 December 2023, resulting in the Panel of three all being State appointees.

Despite the findings from the review and detailed assessment of technical reports in the report to Council and the reasons given by Council to not support the Planning Proposal, the Panel determined that the Planning Proposal should be submitted for Gateway determination.

Gateway Determination

On 23 April 2024, the Director at the Department of Planning, Housing and Infrastructure, as delegate of the Minister for Planning and Public Spaces, determined that an amendment to

²² Ibid 15.

²³ Ibid 20.

²⁴ Ibid 21.

the *Hunters Hill Local Environmental Plan 2012* to rezone the site from R2 Low Density Residential to SP2 Infrastructure (Seniors Housing) and increase the maximum building height and the floor space ratio, should proceed subject to conditions including relating to bushfire protection and Integrating Land Use and Transport.

It is noted that the determination found that ‘the planning proposal is categorised as complex as described in the *Local Environmental Plan Making Guideline*’,²⁵ meaning that Hunter’s Hill Council should have been given 115 days rather than the 90 days it had to review and assess the Planning Proposal. The additional 25 days could have been productively utilised to better address some of the shortcomings of the proposal discussed above.

Alteration of Gateway Determination

The original determination specified that ‘The LEP should be completed on or before 5 May 2025.’ It is noted that the time to complete the LEP lapsed six months before an Alteration of Gateway Determination was made on 7 November 2025.

The amended determination includes very significant changes with the excision of Deposited Plan 724017 Lots 9 and 10 in the south east corner of the site from the Planning Proposal. It is noted that these lots are occupied by the 194 Residential Aged Care Facility (RACF) beds it is proposed be retained. It is presumed these lots were excised from the proposal because the ‘existing aged care building is exposed to a higher bushfire risk’ being ‘located adjacent to a large area of remnant Category 1 vegetation to the south, presenting a more significant bushfire hazard due to the extent and continuity of fuels’,²⁶ making it more difficult to satisfy the conditioning of the earlier determination to:

Carry out consultation with the NSW Rural fire Service (RFS) to inform the planning proposal so that it addresses the potential overall increase in occupancy numbers on the site and can demonstrate the ability to achieve compliance with the relevant performance criteria in Section 6.4 in ‘Planning for Bushfire Protection 2019’.

The planning proposal is to be updated to address the consistency with Section 9.1 Direction 4.3 Planning for Bushfire Protection and demonstrate justification for the planning proposal.²⁷

The other substantial change that appears to have been brought about in response this conditioning of the Gateway Determination is:

that Building B, which is affected by the Category 2 Brushfire Prone Land to the North East of the site has been reconfigured from independent living units to mix of ancillary uses, including administration, communal facilities and staff housing, to meet the APZ [Asset Protection Zone] setback requirements of the Planning for Bushfire Protection 2019 (PBP).²⁸

²⁵ Department of Planning, Housing and Infrastructure, *Gateway Determination Planning proposal* (Department Ref: PP-2023-1109) (23 April 2024) Condition 4(d).

²⁶ Blackash Bushfire Consulting, *Strategic Bushfire Study Sir Moses Montefiore Jewish Home 116-120 High street, 2-20 Gaza Avenue and 45-47 Barons Crescent, Hunters Hill* (30 September 2025) 19, 46.

²⁷ Department of Planning, Housing and Infrastructure, above n 25, Condition 1(a).

²⁸ Blackash Bushfire Consulting, above n 26, 11.

Appendix B

Resolution 179/23 of Hunter's Hill Council at Extraordinary Meeting 4524 held on 12 September 2023

Council resolved by a five votes to two majority:

That Council does not support the Montefiore Planning Proposal for the reasons set out below:

1. The Planning Proposal lacks strategic merit and fails to meet site-specific merit and meet relevant Government guidelines and community expectations:
2. The Hunters Hill Planning Panel highlighted inadequate community consultation and reports (*these remain significantly unaddressed*). The Local Planning Panel does not support sending the Planning Proposal to Gateway Determination.
3. The proposed building heights are too high and out of local character. The proposal needs to be far more moderate in scale and meet the standards of *SEPP (Housing) Part 5 Housing for seniors and people with a disability*.
4. There will be serious impacts for the local area from the current proposal, including:
 - i. A significant increase in traffic in an area where Council's own *Boronia Park Precinct: Local Area Traffic Management Plan* found Key Issues, including: Rat running; Traffic speeds and irresponsible driving; Pedestrian safety; and Parking.
 - ii. The site being in an isolated location away from major roads, transport and facilities.
 - iii. The proposed entry to the underground carpark and Loading Dock in Barons Crescent will have impacts on houses opposite and surrounding area.
 - iv. The proposed pedestrian entry near the Synagogue is likely to cause parking impacts in Barons Crescent.
5. An unprecedented rezoning of residential land to SP2 (Seniors Housing), will set a serious precedent for the Municipality of Hunter's Hill (and beyond) by allowing zoning and heights that are not consistent with the Hunters Hill LEP.
6. Residential zoning should be used as:
 - i. The site does not have existing infrastructure of the kind which is contemplated by the SEPP (Infrastructure). Nor does the Planning

- Proposal or subsequent development envisage that this will change. The existing and proposed use of the site is residential.
- ii. The Planning Proposal seeks to avoid compliance with the SEPP (Housing) by characterising the site and its uses as something which they are not; namely infrastructure.
 - iii. Assessment must have regard to the planning principles including, here, the *SEPP (Housing)*.
7. The Proponent's right to redevelop is acknowledged, but the proposal must recognise the Design principles set out in Part 5 Division 6 of the *SEPP (Housing)*, including:
- i. Neighbourhood amenity and streetscapes, including current character; heritage conservation; and
 - ii. Visual and acoustic privacy.
8. The Site Specific DCP is inadequate and will not apply if a future development application is State significant development.
9. Council has inadequate information to make a well-informed decision to progress the Planning Proposal. Council is of the view that the report by the Director of Town Planning highlights numerous issues with the Planning Proposal where important requirements are either not satisfied or not satisfied to an adequate standard. These issues must be addressed.
10. The Planning Proposal is not consistent with the requirements of Hunter's Hill Future Transport Strategy 2056 being:
- i. new development should ideally occur on the major trunk transit network; and
 - ii. new development should ideally occur in proximity to the local centres and transport hubs with the LGA.
11. Consultation with the community has been inadequate and not addressed since
- i. Council's Resolution 249/22 RESOLVED That Council: 1. Receive and note the resolutions unanimously passed by the residents at the meeting as listed in the attachment to this report; and 2. Resolve that should Council form a view that the proposal have strategic merit Council hold a community consultation meeting at the Town Hall as soon as practicable and before submission by Council for gateway determination; and
 - ii. the Local Planning Panels advice. The Council's report states "... it is our opinion that the applicant has not adequately consulted the local community. A consideration should ensure that a broader range of community views are sought."

12. The Planning Proposal fails to meet key requirements which are a central part of the current Hunters Hill LEP. The LEP has a strategic outcome that is not met in the report “Neighbourhoods Reflect Local Character”.
13. That Council invite Montefiore to resubmit an alternative proposal consistent with a residential site zoning.