

Planning Proposal



Lourdes Retirement Village, Killara

95 Stanhope Road, Killara

Prepared on behalf of Stockland

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Document control

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Project summary

Applicant	Stockland
Applicant's address	Level 25, 133 Castlereagh Street, Sydney 2000, Australia
Land to be developed	95 Stanhope Road, Killara
Legal description	Lot 21 and Lot 22 in Deposited Plan 634645
Project description	Renewal of existing retirement village as seniors housing and medium density housing

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Executive Summary

Background

Lourdes Village was initially constructed in 1983 and is now in need of significant renewal to provide modern seniors housing. The existing housing is dated and has limited accessibility with many of the dwellings not having lift access and the gradient of streets and pathways providing poor pedestrian connectivity. There is strong demand for high quality, contemporary seniors housing in the locality.

To ensure the long term viability of the village, respond to demand and to continue to attract residents a major renewal of the housing and infrastructure is required.

A rezoning review request was considered by the Sydney North Planning Panel on 7 November 2018. The Panel supported the proposal being submitted for a Gateway determination on the basis that it demonstrated strategic and site specific merit. The Panel requested further consideration of a number of matters.

An updated Planning Proposal was lodged with the Department of Planning, Industry and Environment on 18 June 2021 which addressed the recommendations of the Planning Panel.

The updated Planning Proposal was considered by the Planning Panel on 8 September 2021. The Panel resolved that the Planning Proposal should continue to the Gateway Assessment Stage, subject to:

- 1) The revision of the western driveway access arrangements to provide better amenity for neighbouring properties on the western boundary (including an appropriate landscape buffer)
- 2) Reduction of the area allocated to height of buildings R22m and N14.5m to better reflect the indicative layout plan.

This Planning Proposal was subsequently updated to address the requirements of the Panel.

A Gateway decision was issued by the Department of Planning and Environment on 10 May 2022, including Gateway conditions which have been addressed in this Planning Proposal.

Subject site

The subject site comprises approximately 5.25 hectares of land located at 95 Stanhope Road, Killara and comprises Lot 21 and Lot 22 in Deposited Plan 634645. The site is located on a ridge at the eastern edge of Killara and has frontage to Stanhope Road to the north and bushland to the south and east. The site has steep topography falling approximately 13m from the northern boundary with Stanhope Road to the southern boundary along Lourdes Avenue. The site has a distinct bushland character with a band of native vegetation within the front setback to Stanhope Road and scattered landscaping and tree planting across the site.

The site forms the south-eastern extent of Killara and sits within a low density residential suburban and bushland context. It is located approximately 1.4km from Killara Train Station and 1.7 from Lindfield Station.

Demand for seniors housing

The significant demand for seniors housing in the local area is highlighted in key strategic documents on the state and local level including:

- The Greater Sydney Region Plan
- The North District Plan
- The Ku-ring-gai Local Strategic Planning Statement
- The Ku-ring-gai Housing Strategy.

In particular the North District Plan notes that:

The District is expected to see an 85 per cent proportional increase in people aged 85 and over, and a 47 per cent increase in the 65–84 age group by 2036. This means 20 per cent of the District's population will be aged 65 or over in 2036, up from 16 per cent in 2016.

The local government areas of Hornsby, Ryde, Ku-ring-gai and Northern Beaches will have the largest projected increase in the 65 - 84 age groups.

More diverse housing types and medium density housing, as well as the design of walkable neighbourhoods, will create opportunities for older people to continue living in their community, where being close to family, friends and established health and support networks improves people's wellbeing.

The growth and changing demand for seniors housing is also highlighted by Elton in its Demand Study which has been prepared as part of this Planning Proposal. Elton conclude that that the appeal of Lourdes Village to the senior's market is starting to decline and has limited appeal to the emerging generation of affluent seniors in the Ku-ring-gai area and is no longer a good match with the demand from local seniors. The renewal will provide for new seniors housing which will meet current demand.

Existing planning controls

The principle planning instrument which applies to the site is the *Ku-ring-gai Local Environmental Plan 2015* (Ku-ring-gai LEP). The site is zoned R2 Low Density Residential under the Ku-ring-gai LEP. Dwelling houses and secondary dwellings are permissible in the zone but all other residential accommodation uses are prohibited including seniors housing, attached dwellings, semi-detached dwellings and multi-dwelling housing.

Whilst the Seniors Housing SEPP permits seniors housing on land zoned for urban purposes, where it would otherwise be prohibited by an LEP, this is restricted to a height of 8m in zones such as the R2 zone where residential flat buildings are not permitted.

Under the Ku-ring-gai LEP a maximum building height of 9.5m and a maximum floor space ratio of 0.3:1 apply to the site.

This Planning Proposal seeks to amend the Ku-ring-gai LEP to facilitate the proposed development as outlined below.

The proposal

An Illustrative Master Plan has been prepared by Plus Architecture with input from Arcadia to inform a revised Planning Proposal which addresses the recommendations of the Sydney North Planning Panel. The Illustrative Master Plan has been developed for the entirety of the Lourdes Retirement Village and would deliver:

- A new seniors housing development on the flatter land at the northern portion of the site comprising approximately:

- 141 independent living units
- A new aged care facility with 110 beds
- 1,400sqm of internal communal space
- Medium density development of the southern portion of the site comprising approximately 63 town houses.

Key features of the Illustrative Master Plan include:

- Seniors housing within a series of buildings ranging from three to six storeys
- Generous landscaped buffer to Stanhope Road with three and four storey building elements located towards the front of the site.
- A generous 10m is also proposed from a proposed four storey building to the neighbouring property boundary to the west, along with landscaped mounding and dense screening, mitigating any impacts on the adjacent residential use.
- Location of the tallest and most prominent buildings centrally within the site and feature highly articulated massing forms which terrace down to three storeys to the south to take advantage of the significant bushland views to the south and east and creating a transition of scale and minimise overshadowing of the medium density housing
- Townhouses of up to three storeys which are stepped into the slope of the landscape to create built form massing that reads visually as two storey expressions when viewed from the northern access road and pedestrian pathway.
- Retention of the existing Chapel building and the proposal for a large open space at the entry to new development off the main street making it a focal point for the community as a place to socialise and interact.
- A new road network within the site which defines the seniors housing and medium density housing precincts, rationalizing access to the site and improving pedestrian gradients.
- Extensive landscaped areas which provides for generous building separation distance and high quality outlook as well as a series of communal open spaces within the seniors housing.

To facilitate the renewal of the site it is proposed to amend the Ku-ring-gai LEP as follows:

- Rezone the site from R2 Low Density Residential to R3 Medium Density Residential
- Amend the maximum height of buildings from 9.5m to heights ranging from 9.5m to 22m
- Amend the floor space ratio (FSR) control from 0.3:1 to 0.75:1.

A site specific clause is also proposed to exclude the operation of clauses 84 and 87 of the *State Environmental Planning Policy (Housing) 2021* as discussed in Section 4.3.

A draft site specific DCP has been prepared to outline detailed built form controls which would guide future development on the site.

Environmental assessment

An assessment of the potential environmental impacts of the proposal has been carried which has concluded that:

- The proposal will not result in any ecological impacts noting that the Ecological Assessment prepared by ACS Environmental has concluded that there are no threatened species, ecological communities or populations occurring at the subject site.

- A solar impact assessment has been undertaken as part of the Urban Design Study which has concluded that the proposal will not have a significant impact on solar access in the surrounding area, and that an appropriate level of solar access can be achieved to proposed development within the site.
- A visual impact assessment has been carried out which demonstrates that visual impacts from all viewpoints assessed would be nil, negligible or low with the proposed built form being either entirely or predominantly obscured by topography, existing buildings and existing vegetation.
- An Arboricultural Impact Assessment has identified that of the 349 trees within and adjoining the site, the proposed development will necessitate the removal of 85 high category trees which are considered moderate to high significance and display good health and condition and 148 trees of low and very low retention value none of which are considered significant or worth of special measures to ensure their protection. Trees towards the front of the site are predominantly retained within a landscaped front setback minimising visual and streetscape impacts. Mitigation measures to protect trees to be retained are also outlined which will need to be implemented at the DA stage.
- NSW Rural Fire Service has advised that it has no objection to the Planning Proposal proceeding on the basis of the Bushfire Engineering Design Compliance Strategy which has been prepared for the proposal.
- The proposal would not result in any reduction in the level of service on the nearby road network.
- The indicative masterplan is able to meet the minimum car parking rates in the Ku-ring-gai DCP which will apply to any future development of the site. Detailed car parking arrangements will be determined at DA stage.
- The renewal of the site will have a significant economic benefit for the local area as a result of construction jobs in the short term and increased jobs in aged care in the long term. The delivery new seniors housing and medium density housing will also deliver economic benefits.
- An assessment of social effects has confirmed that social impacts on the surrounding area would be minimal and that social impacts for residents within the development can be managed through careful planning of facilities available to residents of the seniors housing and through the integration and co-location of the seniors housing and the medium density housing.

Conclusion

The Planning Proposal will facilitate the renewal of an existing retirement village and deliver new seniors housing supply which meets current standards and market demand. It will also complement housing choice in the local area, noting the prevalence of large single dwellings and the recent development of predominantly apartment dwellings within the nearby town centres.

As outlined above the proposal will maintain the character of the local area and ensure that all impacts on local amenity are appropriately managed. It will also deliver better management of the bushfire risk associated with the site and surrounding area.

Based on the information presented in this Planning Proposal report it is considered that the proposal should be progressed to a Gateway decision and be subject of formal public consultation

1 Background

Lourdes Village was initially constructed in 1983 and is now in need of significant renewal to provide modern seniors housing. The existing housing is dated and has limited accessibility with many of the dwellings not having lift access and the gradient of streets and pathways providing poor pedestrian connectivity. The dwellings are accessed via a network of narrow internal paths and stairways making pedestrian movement across the site difficult, with some streets too steep to walk. The building stock is aging and does not provide services and facilities that are competitive with market demand. The growing demand for higher quality, contemporary seniors housing products is discussed in Section 9.3.8 and in the Demand Study prepared by Elton Consulting at Appendix I.

To ensure the long term viability of the village, respond to demand and to continue to attract residents a major renewal of the housing and infrastructure is required.

A Planning Proposal was lodged with Council in March 2018 which sought to renew the village to address the issues outlined above and to provide for the following:

- 266 new independent living units and serviced apartments arranged within a series of buildings ranging from 3 to 6 storeys in height
- 1,500m² community centre and facilities at grade adjacent to new improved Main Street
- a new 130 room residential aged care facility
- Retention of the existing independent living units on the southern portion of the site.

The Planning Proposal sought to amend the controls under the *Ku-ring-gai Local Environmental Plan 2015* (Ku-ring-gai LEP) as follows:

- Amend the zone from R2 Low Density Residential to R3 Medium Density Residential
- Amend the height of buildings from 9.5m to a range of heights between 9.5 meters and 24 meters
- Amend the floor space ratio (FSR) from 0.3:1 to 0.8:1.

Council subsequently refused the Planning Proposal on 22 May 2018 for the following reasons:

- High bushfire risks due to the proximity of the site to open bushland
- High bushfire evacuation risks related to aged and vulnerable residents within seniors housing
- Limited access to public transport and services
- Impacts on the locality's heritage significance, heritage items and a heritage conservation area
- Interface impacts on adjacent low density dwellings, Stanhope Road and bushland
- Lack of strategic merit and inconsistencies with the Ku-ring-gai LEP and Ku-ring-gai Community Strategic Plan
- Lack of strategic merit and inconsistencies with the North District Plan and Greater Sydney Region Plan.

A rezoning review request was subsequently considered by the Sydney North Planning Panel on 7 November 2018. The Panel support the proposal being submitted for a Gateway determination on the basis that has demonstrated strategic and site specific merit. In particular, the panel considered that:

- The renewal of the existing retirement village would deliver a major benefit in terms of improved accessibility within the steep site as well as connections to facilities outside
- It has strategic merit as it will allow for expanded and improved aged care facilities within an existing village
- It has site specific merit as it seeks to upgrade and improve facilities of an existing retirement village allowing some resolution of existing constraints relating to bushfire access and facilities.

The Panel requested consideration of the following as part of the gateway determination:

- 1) The concurrence of NSW Rural Fire Service (RFS) be received in relation to the proposal prior to exhibition.
- 2) That any master plan resolution in respect of item 1 above shall ensure that the maximum height of buildings permitted is reduced by requiring buildings to utilise the topography and to be 'cut into' the site.
- 3) That, due to the site's location, any proposal shall be required to provide a village bus to access local centres.
- 4) That R3 Medium Density Residential zone is only accessible if non-seniors housing is required as a buffer to the bushland to the south. If the resolution of item 1 above results in no development adjacent to the bushland then the R2 Low Density Housing zone would be more appropriate with only a change to the FSR and height being necessary.
- 5) That prior to any exhibition, a site specific DCP be prepared and placed on exhibition with the Planning Proposal.

An updated Planning Proposal was lodged with the Department of Planning, Industry and Environment on 18 June 2021 which addressed the recommendations of the Planning Panel.

The updated Planning Proposal was considered by the Planning Panel on 8 September 2021. The Panel resolved that the Planning Proposal should continue to the Gateway Assessment Stage, subject to:

- 1) The revision of the western driveway access arrangements to provide better amenity for neighbouring properties on the western boundary (including an appropriate landscape buffer)
- 2) Reduction of the area allocated to height of buildings R22m and N14.5m to better reflect the indicative layout plan.

This Planning Proposal has been further updated to address the additional comments from the Panel as outlined in Section 10.1.

A Gateway decision was issued by the Department of Planning and Environment on 10 May 2022. This Planning Proposal addresses the Gateway conditions as outlined in Section 11.

2 Site and context

2.1 Site description

The subject site comprises approximately 5.25 hectares of land located at 95 Stanhope Road, Killara and comprises Lot 21 and Lot 22 in Deposited Plan 634645. A site survey is located at Appendix B. The site is located on a ridge at the eastern edge of Killara and has frontage to Stanhope Road to the north and bushland to the south and east.

The site has steep topography falling approximately 13m from the northern boundary with Stanhope Road to the southern boundary along Lourdes Avenue. The topography affords views from the site across the surrounding bushland to the south and to Chatswood and the Sydney skyline beyond. However, it impacts on accessibility around the village with many of the existing pathways precluding easy access for residents to access the services and facilities within the site.

The site has a distinct bushland character with a band of native vegetation within the front setback to Stanhope Road and scattered landscaping and tree planting across the site.

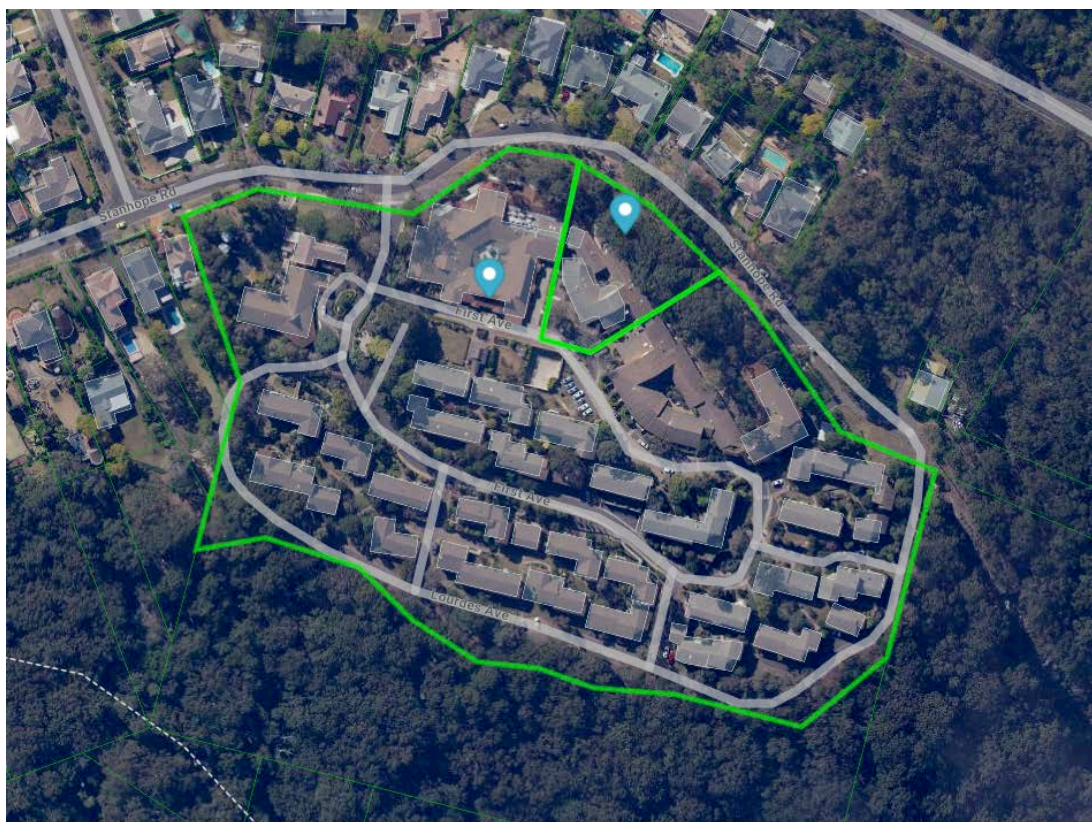


Figure 1: Subject site (Source: Mecone Mosaic)

2.2 Existing development

The site is currently developed as the Lourdes Retirement Village which was constructed in 1983. The existing retirement village comprises the following:

- Residential aged care facility (83 beds)
- A prayer chapel (Headford House)
- Administration building and community centre and pool facilities
- Serviced apartments (49 serviced apartments)

- Independent living units comprising attached and semi-detached dwellings (108 units)
- Croquet lawn and BBQ facilities.

The aged care facilities, services apartments and other services and facilities are located to the north of the site fronting Stanhope Road. The independent living units are spread across the southern portion of the site. Many of the independent living units have private gardens and balconies to the front or rear of the dwelling with a mix of garage and on-street car parking.

Headford house, whilst not being heritage listed has been assessed as having local historical value and contributes to the local streetscape and character.

The existing buildings on the site are generally 2-4 storeys in height with a brick masonry character.



Figure 2: Existing site layout

2.3 Existing access

The main entry to the village is via an intersection on Stanhope Road. Two secondary entries are located further along Stanhope Road on the eastern boundary of the site which are used for emergency and resident parking access.

Two concentric loop roads provide access within the site and are connected via a series of secondary roads. First Avenue is a one-way internal loop road which provides access to the upper portion of the site and vehicular entries to the existing residential aged care facility, chapel and administration buildings, and services parts of the independent living unit areas.

Lourdes Avenue is the secondary loop road south of First Avenue providing access to the independent living units within the lower portion of the site.

2.4 Surrounding land uses

The subject site forms the south-eastern extent of Killara and sits within a low density residential suburban and bushland context.

It has substantial bushland interfaces with bushland being located to the south-west, south, east and north-east of the site. This includes Seven Little Australians Park located to the south and Swain Gardens to the south-west. The bushland forms remnant vegetation along a tributary of the Gordon Creek which flows to middle harbour. This bushland poses a bushfire threat with the site and surrounds and is identified as bushfire prone land.

To the north and west of the site the area is characterised by low density residential dwellings on large lots with generous setbacks and a leafy character. A single dwelling lot at 91 Stanhope Road shares a direct interface with the site. It is located to the west of the site and currently adjoins existing water tanks and a car park adjacent to Headford House. A number of dwellings are also located directly adjacent to the site on the northern side of Stanhope Road which sit down slope of the existing retirement village.

2.5 Local context

The subject site is situated within the Ku-ring-gai Local Government area in Sydney's upper north shore. It is located approximately 1.4km from Killara Train Station and 1.7 from Lindfield Station on the T1 North Shore and Western Line and the T9 Northern Line which provides access to Chatswood, the Sydney CBD and the wider metropolitan transport network. Bus route 556 provides access from the site to Lindfield Station. The Eastern Arterial Road is located to the north-west of the site and provides road access to the north and south of the site connecting to the wider regional road network.

The nearest local services and facilities are located in Lindfield local centre which includes supermarkets, a post office, a library, chemists and medical and dental services. District level shopping, services and facilities are located in Chatswood approximately 5km travel distance.

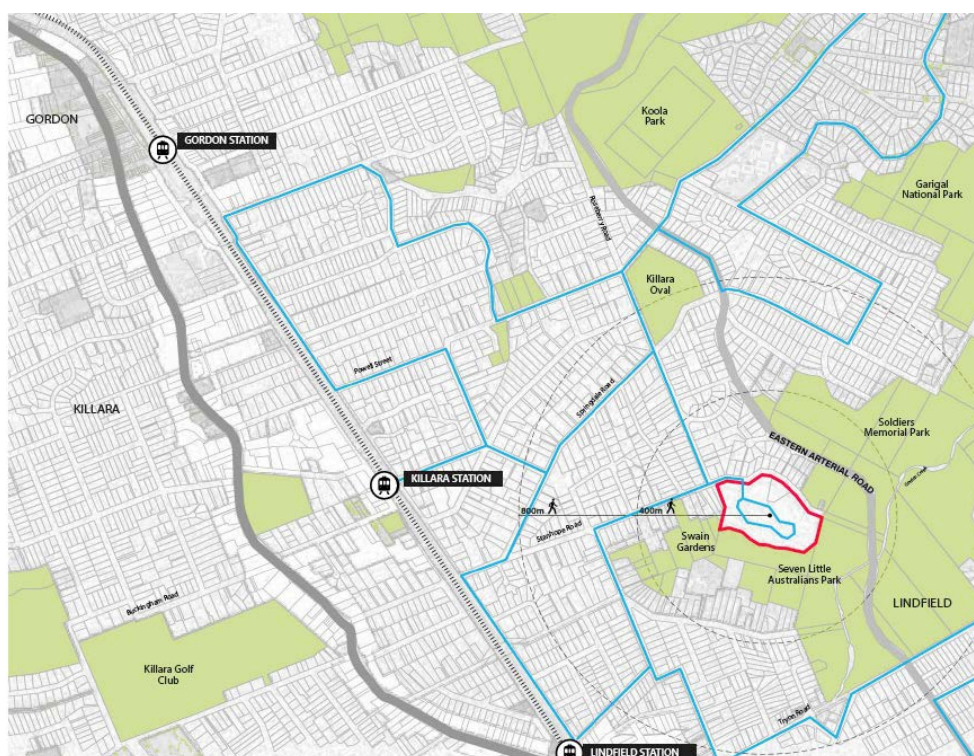


Figure 3: Local context

3 Strategic planning context

3.1 Greater Sydney Region Plan

The final Greater Sydney Region Plan, A Metropolis of Three Cities was released by the Greater Sydney Commission in March 2018. The Plan is built on a vision of three cities where most residents live within 30 minutes of their jobs, education and health facilities.

It establishes directions, objectives and actions to achieve the 40-year vision which are focused around infrastructure and collaboration, liveability, productivity and sustainability. The Greater Sydney Region Plan aims to provide ongoing housing supply and a range of housing types in the right places to create more liveable neighbourhoods and support Sydney's growing population.

The Plan identifies five districts which make up the Sydney Region. The site is located within the North District.

The proposal supports a number of the objectives of the Plan including:

- Objective 7 – Communities are healthy, resilient and socially connected
- Objective 10 – Greater housing supply
- Objective 11 – Housing is more diverse and affordable
- Objective 13 – Environmental heritage is identified, conserved and enhanced
- Objective 27 – Biodiversity is protected, urban bushland and remnant vegetation is enhanced
- Objective 30 – Urban Tree Canopy is increased
- Objective 37 – Exposure to natural and urban hazards is reduced.

The aspirations of the Plan are further considered and expanded in the North District Plan which is discussed in Section 3.2 below.

3.2 North district plan

The North District Plan has been developed to support the Greater Sydney Region Plan. The 20-year District Plan seek to manage growth in the context of economic, social and environmental matters to achieve the 40-year vision for Greater Sydney. It contains planning priorities and actions for implementing the Greater Sydney Region Plan at the district level and is a bridge between regional and local planning.

The North District Plan includes a number of Planning Priorities and Actions which are highly relevant to the site which are discussed below.

Planning Priority N3: providing services and social infrastructure to meet people changing needs

Under this Planning Priority the Plan sets out the following which highlights the high demand for Seniors Housing which is anticipated in the area:

The District is expected to see an 85 per cent proportional increase in people aged 85 and over, and a 47 per cent increase in the 65–84 age group by 2036. This means 20 per cent of the District's population will be aged 65 or over in 2036, up from 16 per cent in 2016.

The local government areas of Hornsby, Ryde, Ku-ring-gai and Northern Beaches will have the largest projected increase in the 65 - 84 age groups.

More diverse housing types and medium density housing, as well as the design of walkable neighbourhoods, will create opportunities for older people to continue living in their community,

where being close to family, friends and established health and support networks improves people's wellbeing.

The proposal will deliver renewal of aging seniors housing as well as new supply of seniors housing in the local area.

Planning Priority N5: providing housing supply, choice and affordability, with access to jobs, services and public transport

Under this Planning Priority the plan highlights the following housing demands for the District:

Planning for housing needs to consider the type of dwellings required to respond to expected changes in household and age structures. The number of single-person households is expected to increase by 31,750 to 2036. The number of single-parent and couple-only households in particular, is also expected to increase by 2036. This requires more smaller homes, group homes, adaptable homes of universal design and aged care facilities.

An action is also included under this Planning Priority requiring each council within the District to prepare a local housing strategy to address the delivery of identified housing targets. The Plan sets out principles to be addressed in the preparation of housing strategies including the following principle which highlights the importance of providing a mix of housing types to accommodate a range of household types, including seniors housing:

Diversity: including a mix of dwelling types, a mix of sizes, universal design, seniors and aged care housing, student accommodation, group homes, and boarding houses.

The proposal to renew and increase the seniors housing in this location will contribute to the local dwelling supply, whilst enhancing the diversity of housing and providing accommodation for seniors, including those living locally and seeking to downsize and 'age in place'. The proposed medium density housing will also contribute to housing diversity in the local area noting the prevalence of large single dwelling housing, and the recent development of predominantly apartments within the local centres.

Planning Priority N6: Creating and renewing greater places and local centre, and respecting the District's heritage

This Planning Priority includes an action to:

Identify, conserve and enhance environmental heritage by:

- *engaging with the community early in the planning process to understand heritage values and how they contribute to the significance of the place*
- *applying adaptive re-use and interpreting of heritage to foster distinctive local places*
- *managing and monitoring the cumulative impact of development on the heritage values and character of places.*

Whilst this site is not identified as a heritage item it is located adjacent to local open space which is a heritage item. It is also located adjacent to a heritage conservation area and the north western portion of the site appears to fall within a heritage conservation area.

The proposal has responded to the heritage context through the retention of Headford House which is considered to have some heritage value, through sensitive location of built form and retention of the bushland character. This is discussed in further detail in Section 9.3.6.

Planning Priority N6: Creating and renewing great places and local centres and respecting the District's heritage

This planning priority includes an action to:

Use a place-based and collaborative approach throughout planning, design, development and management, deliver great places by:

- *prioritising a people-friendly public realm and open spaces as a central organising design principle*
- *recognising and balancing the dual function of streets as places for people and movement*
- *providing fine grain urban form, diverse land use mix, high amenity and walkability, in and within a 10-minute walk of centres*
- *integrating social infrastructure to support social connections and provide a community hub*
- *recognising and celebrating the character of a place and its people.*

The proposal will deliver the renewal of social housing to provide for improved amenity and walkability with the site. The proposal also responds to the character of the place through respecting the local heritage and built form context and retaining the landscape character of the site.

Planning Priority N16 Protecting and enhancing bushland and biodiversity

This Planning Priority includes an action to: *Protect and enhance biodiversity by:*

- *Supporting landscape-scale biodiversity conservation and the restoration of bushland corridors*
- *Managing urban bushland and remnant vegetation as green infrastructure*
- *Managing urban development and urban bushland to reduce edge-effect impacts.*

An Ecological Assessment has been prepared which determined that there are no threatened species, ecological communities or populations occurring at the subject site and that proposed redevelopment of the site will have no significant ecological impact. The proposal seeks to maintain the bushland character of the site and retain a generous buffer to surrounding bushland.

Planning Priority S17: Increasing urban tree canopy cover and delivering green grid connections

This Planning Priority includes an action to *expand urban tree canopy in the public realm*. The proposal seeks to retain and protect the tree canopy within the site, particular along the frontages to the public domain, with 166 trees to be retained including 79 high value trees.

Additional tree planting within the site will be limited by bushfire protection measures.

Planning Priority N20: Adapting to the impacts of urban and natural hazards and climate change

This priority includes an action to *avoid locating new urban development in areas exposed to natural and urban hazards and consider options to limit the intensification of development in existing urban areas most exposed to hazards*.

Bushfire hazard has been considered in detail in Section 9.3.5 and it is noted that the NSW Rural Fire Service has advised that it has no objection to the Planning Proposal proceeding on the basis of the Bushfire Engineering Design Compliance Strategy which forms part of the Bushfire Assessment at Appendix E.

Planning Priority N22: Adapting to the impacts of urban and natural hazards and climate change

This Planning Priority includes an action to: *Avoid locating new urban development in areas exposed to natural and urban hazards and consider options to limit the intensification of development in existing urban areas most exposed to hazards*.

Bushfire hazard has been a key consideration of the Planning Proposal given the site's location within bushfire prone land. The development concept has been designed to ensure the most vulnerable

occupants (seniors housing) are located furthest from the bushfire hazard, which will improve the bushfire safety for these uses compared to the existing development. Further consideration is given to bushfire hazard in Section 9.3.5.

3.3 Ku-ring-gai Local Strategic Planning Statement

The Ku-ring-gai Local Strategic Planning Statement (LSPS) was adopted by Council in March 2020 and plans for Ku-ring-gai's economic, social and environmental land use needs to 2036.

The LSPS highlights that the over 65 population will grow significantly with over 10,000 additional residents within this age group by 2036, accounting for almost 50% of the overall population growth. The LSPS notes that the area has a high aging population and highlights the need to investigate housing provision for this age group to enable ageing in place, including through consideration of LEP clauses that support housing for the aged. The LSPS includes the following relevant planning priorities:

- K3. Providing housing close to transport, services and facilities to meet the existing and future requirements of a growing and changing community
- K4. Providing a range of diverse housing to accommodate the changing structure of families and households and enable ageing in place
- K40. Increasing urban tree canopy and water in the landscape to mitigate the urban heat island effect and create greener, cooler places
- K43. Mitigating the impacts of urban and natural hazards.

The LSPS includes an action to undertake a housing strategy to inform the long term strategy for delivery of housing across the LGA.

The Planning Proposal directly aligns with the objectives of the LSPS as it by providing additional seniors housing and medium density housing within the LGA, retaining tree canopy where possible and providing high quality landscaping, and improving the mitigation of bushfire risk.

Further consideration is given to the Ku-ring-gai Housing Strategy below.

3.4 Ku-ring-gai Housing Strategy

The Ku-ring-gai Housing Strategy was adopted by Council in October 2020 and highlights the following in relation to delivering housing in the LGA over the life of the strategy.

- As of June 2020 3,179, dwellings have been delivered to meet the 0-5 year housing target of 4,000 dwellings
- The LSPS it has a 6-10 year target of 3,000 to 3,600 dwellings
- There is a residual capacity within the existing planning controls of 2,700 dwellings on sites currently zoned R3, R4, and B4. This dwelling yield will meet the 0-5 year dwelling target with any remaining capacity contributing to the 6-10 year target
- Residual capacity within the current planning controls will be supplemented by the delivery of seniors housing and alternative dwellings such as secondary dwellings, group homes and boarding houses where permissible.

The Strategy was subsequently approved by DPE in July 2021, subject to a number of requirements, including the following:

- *Council is to commit to a work program to identify areas for additional medium density housing opportunities outside of primary local centres such as Roseville, Roseville Chase, Killara, Pymble, Wahroonga, West Gordon and North St Ives as identified in the Ku-ring-gai LSPS for potential delivery in*

the 2031 to 2036 period. A planning proposal(s) for these centres is to be submitted to the Department for Gateway determination by December 2023. Where this work is not pursued by Council the Department welcomes place-based approaches by landowner/developers to explore opportunities for additional medium density housing in locations that are well served by transport, services and facilities.

- *Council is to monitor and review the supply and delivery of housing, in particular to track its performance against the 6-10 year housing target and establish targets for seniors and medium density housing to determine whether future changes to the LEP and/or DCP are required to incentivise or encourage housing diversity and diversity of housing typologies.*

These requirements highlight the need for greater housing diversity within the LGA. The Planning Proposal is directly aligned with this objective.

4 Statutory planning context

4.1 Ku-ring-gai Local Environmental Plan 2015

The principle planning instrument which applies to the site is the *Ku-ring-gai Local Environmental Plan 2015* (Ku-ring-gai LEP). The site is zoned R2 Low Density Residential under the Ku-ring-gai LEP. The R2 zone includes the following objectives:

- To provide for the housing needs of the community within a low density residential environment
- To enable other land uses that provide facilities or services to meet the day to day needs of residents
- To provide for housing that is compatible with the existing environmental and built character of Ku-ring-gai.

Dwelling houses and secondary dwellings are permissible in the zone but all other residential accommodation uses are prohibited including seniors housing, attached dwellings, semi-detached dwellings and multi-dwelling housing.

Whilst the Seniors Housing SEPP permits seniors housing on land zoned for urban purposes, where it would otherwise be prohibited by an LEP, this is restricted to a height of 8m in zones such as the R2 zone where residential flat buildings are not permitted.

Under the Ku-ring-gai LEP a maximum building height of 9.5m and a maximum floor space ratio of 0.3:1 apply to the site.

This Planning Proposal seeks to amend the Ku-ring-gai LEP to facilitate the proposed development, as outlined in Section 7.

The Ku-ring-gai LEP also identifies includes a number of other provisions of relevance to the site as outlined below:

- Acid sulphate soils: the site is identified as class 5 acid sulphate soils.
- Heritage: the site is not identified as having any heritage values. However the Crown Blocks Heritage Conservation Area (C22) is located to the south, east and west and the Seven Little Australian's Park heritage item is located to the south and east (Item 1100)
- Bushfire: The majority of the site is identified as Bushfire Prone Land – Buffer with the southern peripheries and the adjacent bushland being Bushfire Prone Land – Vegetation Category 2
- Biodiversity: the southern and eastern peripheries of the site and the adjacent bushland is identified as natural resources – biodiversity.

These matters are addressed in Section 0 of this Planning Proposal.

4.2 Ku-ring-gai Development Control Plan

The *Ku-ring-gai Development Control Plan 2021* (Ku-ring-gai DCP) sets out development controls for the Ku-ring-gai LGA and applies to the subject site. It includes controls relating to bushfire hazard, biodiversity, heritage, access and parking, sustainability and water management which will apply to development at the DA stage. It does not include controls specific to seniors housing development. Whilst it includes controls specific to medium density housing it is proposed that site specific controls are developed for these uses given the specific site constraints and the advice of the Panel.

A draft site specific DCP has been prepared to outline development controls which would apply to the site, which could be included within the Ku-ring-gai DCP (see Section 5.5).

4.3 State Environmental Planning Policy (Housing) 2021

Chapter 3, Part 5 of the *State Environmental Planning Policy (Housing) 2021* (Housing SEPP) applies to development for seniors housing. It sets out that seniors housing may be carried out with development consent within certain zones, including all residential zones, and where it is permissible under another environmental planning instrument (EPI).

The subject site is currently zoned R2 Low Density Residential under the Ku-ring-gai LEP which includes seniors housing as a prohibited use. As part of this Planning Proposal, the site is proposed to be rezoned to R3 Medium Density Residential under the Ku-ring-gai LEP which includes Seniors Housing as a permissible use.

Clause 84 of the Housing SEPP restricts the height of seniors housing to 9.5m in residential zones where a residential flat building is not permissible. Under the proposed Ku-ring-gai LEP R3 zone residential flat buildings are a prohibited use and accordingly these restrictions would apply to future development on the site. This Planning Proposal seeks to apply site specific height controls to this site which exceed 9.5m and accordingly, the Planning Proposal seeks to exclude the operation of Clause 84 for this site.

Clause 87 of the Housing SEPP sets out height and floor space bonuses for seniors housing which apply where residential flat building or shop top housing is a permissible use under another EPI. Under the proposed R3 zone in the Ku-ring-gai LEP shop top housing is a permissible use and accordingly the bonuses would apply to future development on the site. This Planning Proposal puts forward a maximum FSR across the site which aligns with the proposed urban design scheme. The bonus under the Seniors Housing would not be sought for any future development and accordingly this Planning Proposal seeks to exclude the operation of clause 87 of the Housing SEPP for this site.

Other relevant provisions of Chapter 3, Part 5 of the Housing SEPP have informed the Planning Proposal and will be further addressed at DA stage.

5 The proposal

A revised Illustrative Master Plan has been prepared by Plus Architecture with input from Arcadia to inform a revised Planning Proposal which addresses the recommendations of the Sydney North Planning Panel. The Illustrative Master Plan has been developed for the entirety of the Lourdes Retirement Village and would deliver:

- A new seniors housing development on the flatter land at the northern portion of the site comprising approximately:
 - 141 independent living units
 - A new aged care facility with 110 beds
 - 1,400sqm of internal communal space
- Medium density development of the southern portion of the site comprising approximately 63 town houses.

The Illustrative Master Plan is shown at Figure 4 and highlights the location of the following key features:

- 1) New central village 'Main Street' for improved access and functionality across the site.
- 2) Community centre and facilities at grade adjacent to new improved Main Street.
- 3) Village green and community event space located adjacent to community facilities
- 4) Upgrade of the front and side garden of Headfort House (Chapel) including the relocation of the existing Grotto and a new pavilion for outdoor functions.
- 5) Provision for a new residential aged care facility
- 6) Retention of existing native vegetation along Stanhope Road along the northern boundary of the site
- 7) Residential Townhouse precinct.



Figure 4: Illustrative Master Plan

5.1 Built form and height

The seniors housing is within a series of buildings ranging from three to six storeys. Buildings would be setback behind a generous landscaped buffer with three and four storey building elements located closest to Stanhope Road minimising visual impacts from the street. A generous 10m setback is also proposed from a four storey building to the neighbouring property boundary to the west, mitigating any impacts on the adjacent single dwelling use.

The tallest and most prominent buildings are located centrally within the site and feature highly articulated massing forms which terrace down to three storeys to the south to take advantage of the significant bushland views to the south and east and creating a transition of scale between the higher density seniors housing and the medium density housing precinct.

The stepping down also minimises the overshadowing impact between the larger scale buildings over the medium density housing.

A major feature of the master plan is the retention of the existing Chapel building and the proposal for a large open space at the entry to new development off the main street making it a focal point for the community as a place to socialise and interact.

The medium density housing would comprise townhouses of up to three storeys which are stepped into the slope of the landscape to create built form massing that reads visually as two storey expressions when viewed from the northern access road and pedestrian pathway.



Figure 5: Building height and form

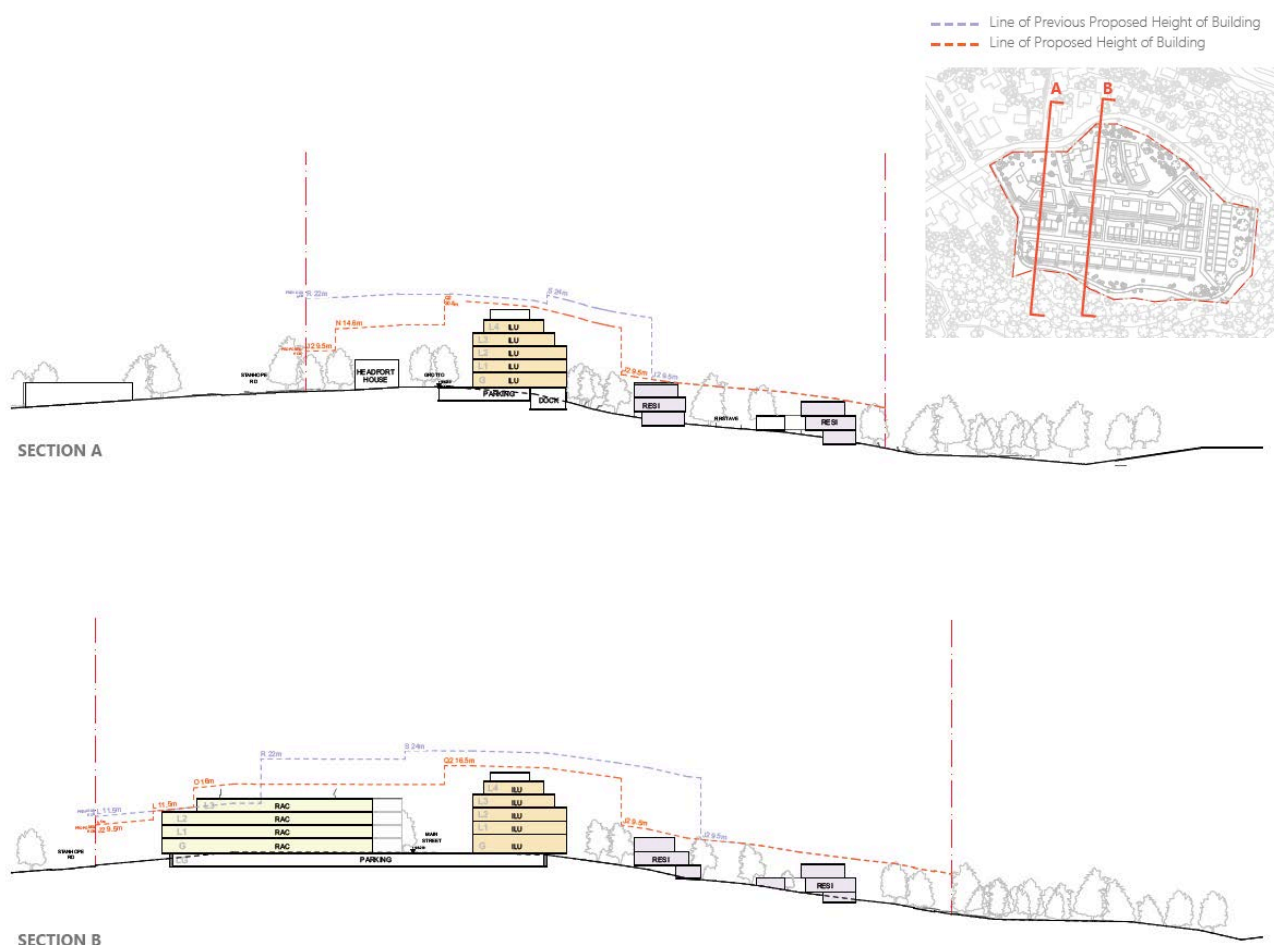


Figure 6: Site cross sections

5.2 Landscaping and communal space

The proposal provides for extensive landscaped area which provides for generous building separation distance and high quality outlook as well as a series of communal open spaces within the seniors housing. Trees will be retained within the site were possible as discussed in further detail in Section 9.3.4.

The Landscape Master Plan is shown at Figure 7 and highlights the following areas of communal space:

- Headfort House Gardens: New formal garden, pavilion for small events and meandering pathway provide access to Lady of the Lourdes Grotto (shown as Item 2).
- Lady of the Lourdes Grotto: New reflection garden adjacent to chapel. Relocated statues and paved area to provide place of reflection for residents and visitors (shown as Item 3).
- The Village Green: Open, flexible landscape for active and social activities including covered BBQ area, level lawn for group exercises and circuit track the daily walk (shown as Item 6).
- Dementia Garden: Sensory garden with walking loop, seating and elements that bring residents and family together (shown as Item 7).

Landscaped mounding and dense screening is also shown adjacent the western property boundary (shown as Item 11) which along with a generous 10m setback to the proposed built form, will mitigate any impacts on the adjacent residential use.

A fully annotated version of the Landscape Master Plan is provided within Appendix A.



Figure 7: Landscape Master Plan

5.3 Traffic and access

The proposal would deliver a new road network within the site which defines the seniors housing and medium density housing precincts.

Internal circulation of the seniors housing would be largely via the 'main street', activated by the seniors housing village and central community club that forms the heart of the village precinct. The new main street forms the central 'loop' that connects back to the end of Stanhope Road. The Main Street will accommodate the existing bus route through the Seniors Housing development with two bus stops proposed to be located within the site.

The renewed First Avenue would service the proposed residential precinct and form an outer circulation loop from which residents can access their townhouses.

This arrangement means that service vehicles for the residential aged care facility would access via the main street, with the outer circulation route being reserved for residential traffic thereby minimising traffic impacts on adjoining neighbours.

An east-west pedestrian connection would also be provided between the seniors housing and the medium density housing to define the two precincts. The proposed road alignments also provide for significant improvements in pedestrian gradients across the site, but particular for the seniors housing which is located on the flatter area on the ridge.

The existing Lourdes Avenue will become a service trail that forms a buffer between the surrounding bushland and the proposed masterplan. Its proximity to the bush makes it an ideal nature trail for precinct residents.

Car parking for the seniors housing would be provided within a single basement level accessed via the new main street for the Residential Aged Care Facility and from the realigned First Avenue for the Independent Living Units. On-grade parking spaces and garages would be provided for guests and residents of the residential precinct from of the realigned First Avenue loop road.

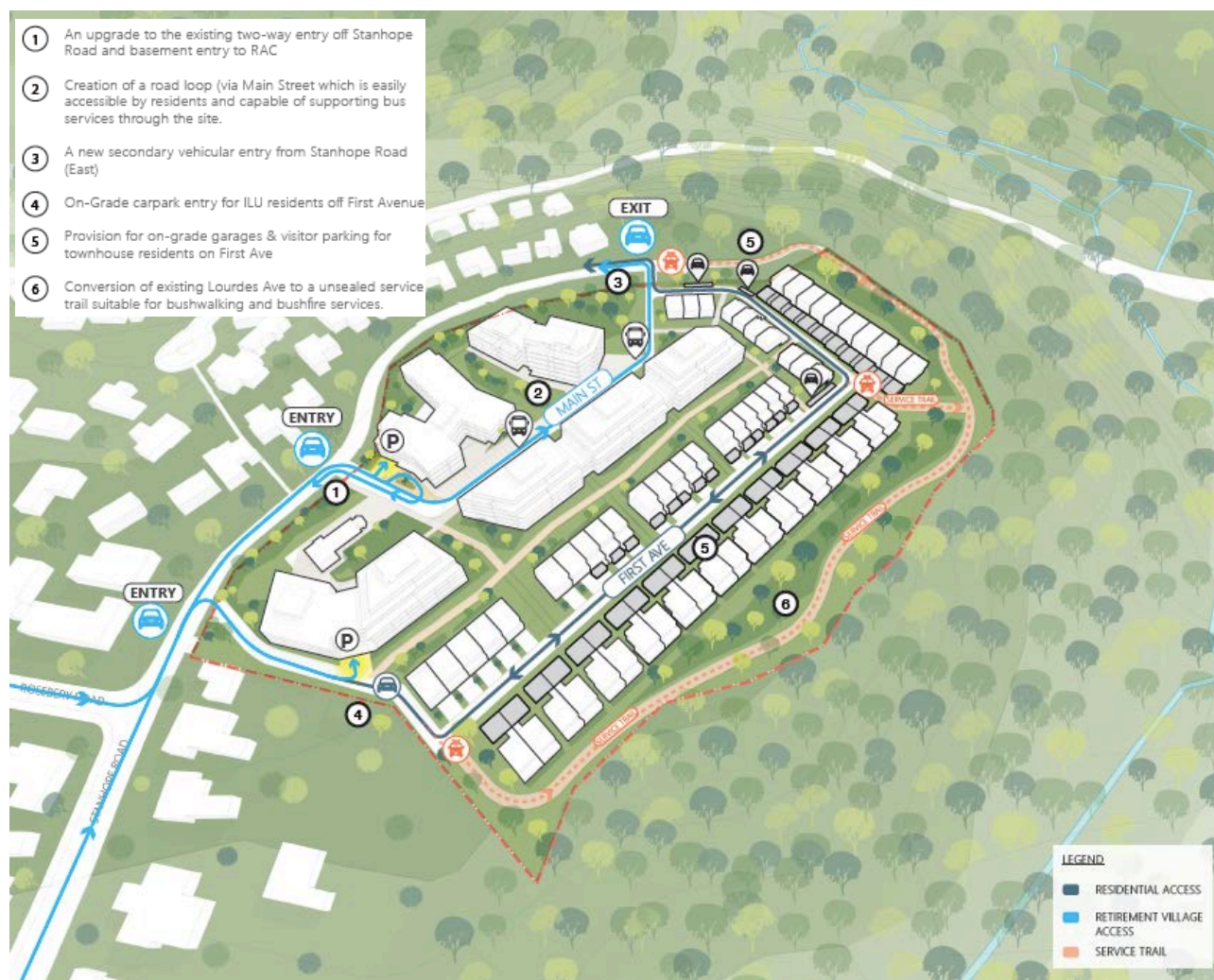


Figure 8: Vehicular circulation plan

5.4 Proposed LEP Amendments

To facilitate renewal of the site the Planning Proposal seeks to amend the Ku-ring-gai LEP as follows:

- Rezone the site from R2 Low Density Residential to R3 Medium Density Residential
- Amend the maximum height of buildings from 9.5m to heights ranging from 9.5m to 22m
- Amend the floor space ratio (FSR) control from 0.3:1 to 0.75:1.

A site specific clause is also proposed to exclude the operation of clauses 84 and 87 of the Housing SEPP as discussed in Section 4.3.

This is discussed in further detail in Section 7.

5.5 Proposed DCP Amendments

A draft site specific DCP (Appendix K) has been prepared to outline detailed built form controls which would guide future development on the site, and including controls relating to the following:

- Land use and site layout
- Site setbacks
- Landscaped area and communal open space requirements
- Building design for the seniors housing
- Built form and landscaping controls for the medium density housing
- Access, movement and parking
- Topography and earthworks
- Bushfire management.

6 Objectives and intended outcomes

The objectives and intended outcomes of the proposal are as follows:

- To amend the planning controls which apply to the Lourdes Retirement Village to facilitate renewal of the existing facility to provide for contemporary, high quality accommodation and facilities with a high level of amenity and accessibility.
- To provide for increased supply of high quality seniors housing and medium density housing to meet growing demand.
- To provide quality private communal facilities and communal open space for the seniors housing community.
- To provide for extensive landscaped areas to retain landscape character of the site and provide for high quality outlooks.
- To provide a new road layout that facilitates safe, convenient and legible access within the site and to the surrounding area and a high level of connectivity and amenity for pedestrians.
- To positively respond to the site features, including the bushland fringe and steep topography.
- To positively respond to the surrounding low density residential built form context and minimise any amenity impacts on adjacent dwellings.
- To allow for restoration and preservation of Headford House.
- To ensure bushfire risks are appropriately mitigated.

7 Explanation of provisions

The Planning Proposal seeks to achieve the intended outcomes outlined at Section 6 by amending the Ku-ring-gai LEP to rezone the site from R2 Low Density Residential to R3 Medium Density Residential to allow the following uses to be permissible with consent:

- Seniors housing
- Multi-dwelling housing
- Attached dwellings
- Semi-detached dwellings.

Under the R2 zone the following objectives would apply which are consistent with the proposal:

- To provide for the housing needs of the community within a medium density residential environment.
- To provide a variety of housing types within a medium density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To provide a transition between low density residential housing and higher density forms of development.

Amendments are also sought to the built form controls under the Ku-ring-gai LEP as follows:

- Amend the maximum height of buildings from 9.5m to heights ranging from 9.5m to 22m
- Amend the floor space ratio (FSR) control from 0.3:1 to 0.75:1.

A site specific clause is also proposed to exclude the operation of clauses 84 and 87 of the Housing SEPP as discussed in Section 4.3.

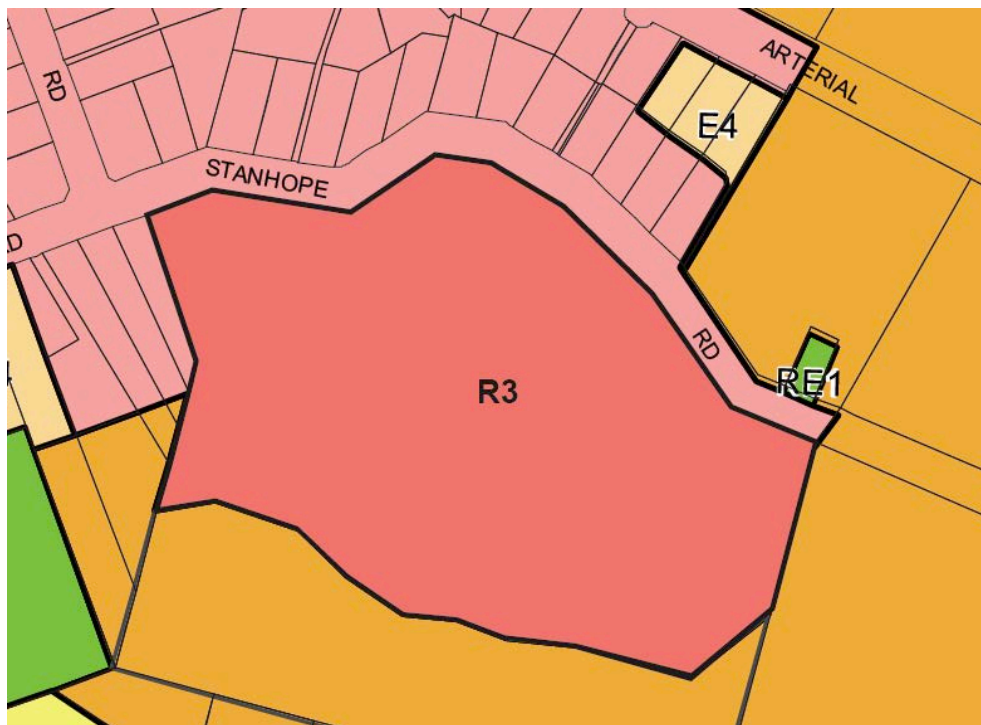
The amendments would be made by updating the Land Use Zoning map, Height of Buildings map and Floor Space Ratio map under the LEP as shown in Section 8.

The Gateway decision includes a condition requiring consideration of an alternative option to maintain the site's zone as R2 Low Density Residential and include additional permitted uses for seniors housing and nominated residential uses. Such an option would involve retaining the R2 Low Density Residential zone across the site and including Seniors Housing as permissible with consent on the northern portion of the site and multi-dwelling housing, attached dwellings and semi-detached dwellings as permissible with consent on the southern portion.

Whilst this approach could achieve the same outcome and could be supported, we are of the view that the R3 zone is a more accurate representation of the proposed development and built form outcome.

8 Mapping

The Planning Proposal requires changes to the and Use Zoning map, Height of Buildings map and Floor Space Ratio map in the Ku-ring-gai LEP as shown in Figure 9 to Figure 11.



Legend

B1	Neighbourhood Centre	R1	General Residential
B2	Local Centre	R2	Low Density Residential
B4	Mixed Use	R3	Medium Density Residential
B7	Business Park	R4	High Density Residential
E1	National Parks & Nature Reser	R5	Large Lot Residential
E2	Environmental Conservation	RE1	Public Recreation
E3	Environmental Management	RE2	Private Recreation
E4	Environmental Living	SP1	Special Activities
R1	General Residential	SP2	Infrastructure

Figure 9: Proposed zoning map

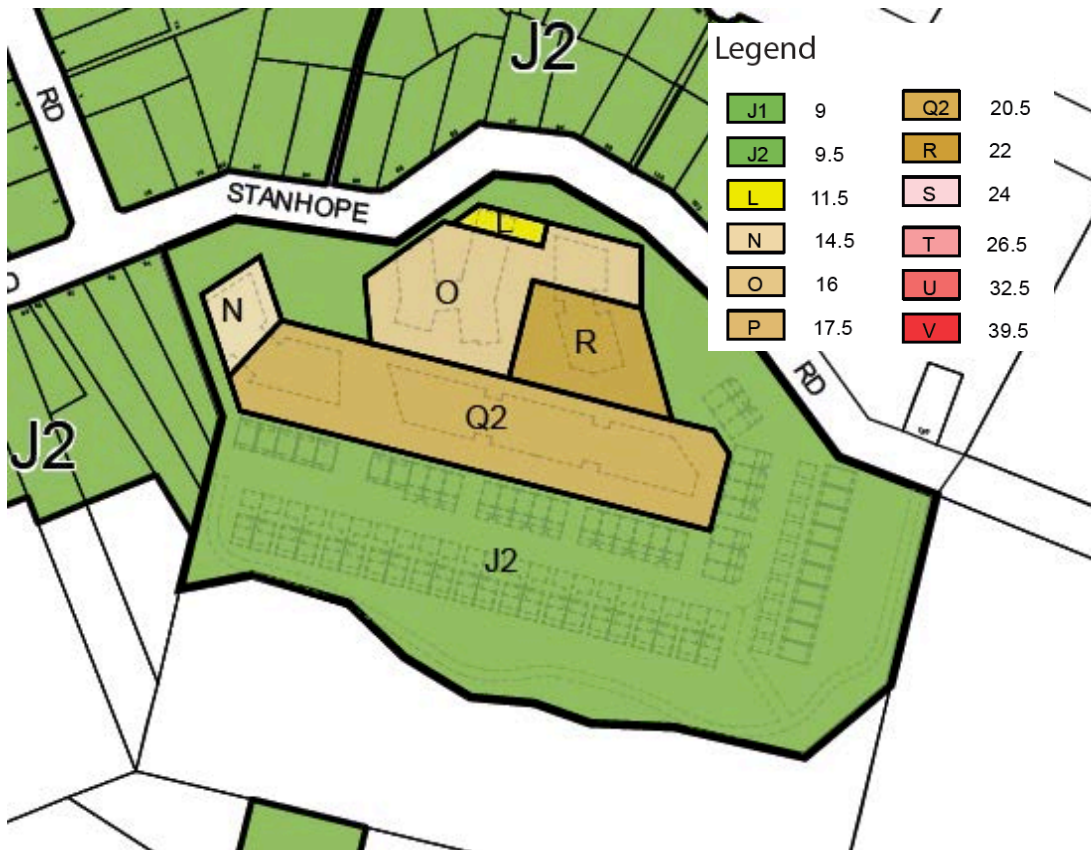


Figure 10: Proposed height of buildings map



Figure 11: Proposed FSR map

9 Justification

This section sets out the justification for the Planning Proposal and addresses key questions to consider when demonstrating the justification as outlined in *Local Environmental Plan Making Guideline* (Department of Planning and Environment 2021).

9.1 Need for the planning proposal

Q1. Is the Planning Proposal a result of an endorsed LSPS, strategic study or report?

No, however the Planning Proposal is consistent with the key objectives of the Greater Sydney Region Plan and North District Plan particularly those relating to increasing supply of housing supply, seniors housing and mitigating natural hazards as outlined in Section 3.

The proposal is also consistent with the Ku-ring-gai LSPS which identifies the need for additional housing to enable aging in place (see Section 3.3).

Q2. Is the Planning Proposal the best means of achieving the objective or intended outcomes or is there a better way?

Yes, the Planning Proposal is the best means of achieving the objectives and intended outcomes.

The issues covered by this Planning Proposal relate to statutory issues under Part 3 of the *Environmental Planning and Assessment Act 1979*. The Planning Proposal is the only mechanism that can achieve the objectives and intended outcomes related to the Site.

9.2 Relationship to Strategic Planning Framework

Q3. Will the planning proposal give effect to the objectives and actions of the applicable regional or district plan or strategy (including exhibited drafts)?

The Planning Proposal is consistent with the Greater Sydney Region Plan and the North District Plan as outlined in Section 3.1 and 3.2 respectively.

Q4. Is the Planning Proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GSC, or another endorsed local strategy or strategic plan?

The Planning Proposal is consistent with the Ku-ring-gai LSPS as outlined in Section 3.3.

Q5. Is the planning proposal consistent with any other applicable State or regional studies or strategies?

Yes – see response to Question 3 above.

9.2.1 Consideration of SEPPs

Q6. Is the Planning Proposal consistent with applicable State Environmental Planning Policies

An analysis of the consistency of the proposed amendments with relevant State Environmental Planning Policies (SEPPs) is listed in **Table 1**.

Table 1: Analysis against State Planning Policies

Policy	Assessment
Resilience and Hazards SEPP	<p>The Resilience and Hazards SEPP, Chapter 4 introduces planning controls for the remediation of contaminated land. The subject site is proposed to be rezoned as part of this Planning Proposal, however the proposed redevelopment of the site will be for the purpose of seniors housing and medium density housing and will therefore continue residential land uses on the site.</p> <p>As the rezoning of the site will not result in a change of land use and that residential is already permissible, no further consideration of SEPP 55 is required at this stage.</p>
Housing SEPP	<p>Chapter 3, Part 5 of the Housing SEPP applies to development for seniors housing. It sets out that seniors housing may be carried out with development consent within certain zones, including all residential zones, and where it is permissible under another environmental planning instrument (EPI).</p> <p>The Proposal seeks to exclude the operation of Clause 84 and 87 of the Housing SEPP as discussed in Section 4.3. Other relevant provisions of Chapter 3, Part 5 of the Housing SEPP have informed the Planning Proposal, and will be further addressed at DA stage.</p>
SEPP 65 Design Quality of Residential Apartment Buildings	<p>SEPP 65 seeks to promote good design of apartments through the establishment of the Apartment Design Guide (ADG).</p> <p>SEPP 65 and the ADG apply to Seniors Housing and accordingly the Illustrative Master Plan which has informed the Planning Proposal has been developed to be compliant with key criteria of the ADG.</p>
Biodiversity and Environment SEPP	<p>The Biodiversity and Environment SEPP, Chapter 10, which applies to land within the Sydney Harbour Catchment and is applicable to the site due to its proximity to Middle Harbour located approximately 2kms in the site's east. The relevant aims of the SREP, as provided by Clause 2(1), are:</p> <ul style="list-style-type: none"> • To ensure that the catchment, foreshores, waterways and islands of Sydney Harbour are recognised, protected, enhanced and maintained • To ensure a healthy, sustainable environment on land and water • To achieve a high quality and ecologically sustainable urban environment. <p>This Planning Proposal is consistent with the SREP as it aims to protect and enhance identified environmentally sensitive lands and waterways and implement appropriate planning provisions. Future development will comply with Council's stormwater management controls including on-site detention, water sensitive urban design principles as stipulated in Ku-ring-gai Council's Water Management DCP.</p>

9.2.2 Consideration of Ministerial Directions

Q7. Is the Planning Proposal consistent with the applicable Ministerial Directions?

The proposal is consistent with all relevant Ministerial directions under Section 9.1 of the *Environmental Planning and Assessment Act 1979* (previously Section 117).

An assessment of the proposal against the applicable Section 9.1 directions is supplied in Table 2.

Table 2: Analysis against Ministerial Directions

Ministerial Direction	Assessment
Focus Area 3: Biodiversity and conservation	
3.2 Heritage conservation	<p>The direction sets out that a Planning Proposal must include provisions to facilitate heritage conservation.</p> <p>The site is not currently subject to any statutory heritage listings. A heritage item and heritage conservation area is identified on adjacent land. The proposal has responded to the heritage context as outlined in Section 9.3.6 and the relevant heritage controls of the Ku-ring-gai LEP will apply at the DA stage.</p> <p>Consideration has also been given to the heritage value of Headford House and whilst this is considered to have some historic value it is not considered to be of a significant value to be locally listed. This is discussed further within Section 9.3.6. Notwithstanding Headford House is proposed to be retained.</p>
Focus Area 4: Resilience and hazards	
4.3 Planning for Bushfire Protection	<p>The objective of the 9.1 Direction is to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses and encouraging the sound management of bush fire prone areas. All provisions of the Direction are relevant to the Planning Proposal.</p> <p>Part 3 of the Direction states that it applies to a planning proposal in proximity to bushfire prone land. Accordingly the Direction applies as the site is mapped as bushfire prone on the Ku-ring-gai Bushfire Prone Land Map.</p> <p>Part 4 of the Direction requires consultation with the NSW Rural Fire Service (RFS) following a Gateway decision and prior to public exhibition. The NSW RFS have been heavily consulted and have supported the proposed Planning Proposal (late 2020 and again in 2021). The <i>Bushfire Engineering Design and Compliance Strategy</i> was developed in consultation with the NSW RFS and approved in 2020. The NSW RFS supported the proposed Planning Proposal subject to compliance with the <i>Bushfire Engineering Design and Compliance Strategy</i>. Further consultation will be carried out with RFS during the exhibition of the proposal.</p> <p>Part 5(a) of the Direction requires that any future development can, and will, comply with <i>Planning for Bush Fire Protection 2019</i> (PBP 2019). The site can support appropriate Asset Protection Zones. The <i>Bushfire Engineering Design and Compliance Strategy</i> was developed in consultation with the NSW RFS and identifies a suite of design measures that need to be incorporated to ensure compliance with the Aim and Objectives of PBP 2019.</p> <p>Any future development will comply with these agreed design principles (and therefore PBP 2019).</p> <p>Part 6(b) sets out for infill development (that is development within an already subdivided area), where an appropriate APZ cannot be achieved, a Planning Proposal must provide for an appropriate performance standard, in consultation with the NSW Rural Fire Service. The site can support appropriate APZ which complies with the performance intent of PBP 2019. This is an</p>

Ministerial Direction	Assessment
	<p>acceptable approach as PBP 2019 is a 'Performance-based' document. This is an acceptable compliance approach and has been agreed by the NSW RFS.</p> <p>The development concept has been designed to ensure the most vulnerable occupants (Special Bushfire Protection Purposes) are located furthest from the bushfire hazard. The design provides for 3 distinct development zones based on vulnerability:</p> <ul style="list-style-type: none"> • Residential - located closest to the hazard, providing an outer ring shielding to the site • Independent Living (SFPP) – provided further away from the bush and shielded by the residential development • Aged Care (SFPP) – provided furthest away from the bush, shielded by the ILU and residential areas. <p>The Aged Care building is in an area with very low radiant heat and will be constructed to provide an onsite refuge for all residents.</p> <p>The design will ensure all occupants across the site can move from their place of residence into the 'safer areas' without exposure to dangerous levels of radiant heat. For additional redundancy, the buildings themselves will also be designed to allow residents to 'shelter in place'.</p> <p>The residential buildings will be located, designed, and constructed to ensure appropriate safety as applicable for residential development.</p> <p>In this regard, the APZ provisions will be complied with through a performance-based approach.</p> <p>Part 7 of the direction provides for a planning proposal to be inconsistent with the terms of the Direction if the relevant planning authority has received written advice from the NSW Rural Fire Service that it does not object to the progression of the planning proposal. The NSW RFS have supported the proposed Planning Proposal and performance-based approach.</p> <p>The <i>Bushfire Engineering Design and Compliance Strategy</i> was developed in consultation with the NSW RFS and approved in 2020. The NSW RFS supported the proposed Planning Proposal subject to compliance with the <i>Bushfire Engineering Design and Compliance Strategy</i>.</p> <p>The strategy identifies a suite of design measures that need to be incorporated to ensure compliance with the Aim and Objectives of PBP 2019. Any future development will comply with these agreed design principles (and therefore PBP 2019).</p> <p>Further consideration Bushfire hazard is provided in Section 9.3.5 and the Bushfire Assessment at Appendix E. The Bushfire Assessment includes a more detailed assessment against Ministerial Direction 4.4.</p> <p><i>Note: Despite compliance through a performance-based approach, the Department of Planning and Environment considers the planning proposal to be inconsistent with clause (6)(b). Notwithstanding the inconsistency, it is noted the NSW RFS have indicated their satisfaction with the proposed performance-based approach and that RFS do not object to the progression of the planning proposal pursuant to clause (7) of Direction 4.4.</i></p>

Ministerial Direction	Assessment
4.5 Acid Sulfate soils	<p>The direction requires the RPA to prepare an acid sulfate soils study where it proposes an intensification of land uses on land identified as having a probability of containing acid sulfate soils.</p> <p>The site is identified as being subject of Class 5 acid sulphate soils which requires an Acid Sulphate Soils Management Plan for works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.</p> <p>The site is well beyond 500m of Class 1, 2, 3 or 4 land however the need for an Acid Sulfate Soils Management Plan would be further considered at DA stage.</p>
Focus Area 5: Transport and infrastructure	
5.1 Integrating land use and transport	<p>The direction requires the RPA to ensure that the Planning Proposal includes provisions consistent with the principles of Integrating Land Use and Transport as outlined in key polices and guidelines.</p> <p>The site is located close to existing transport infrastructure including Killara and Lindfield train stations and a bus route which passes through the site. The Planning Proposal will enable the intensification of seniors housing and new medium density housing in a well-connected site and encourage use of public transport.</p>
Focus Area 6: Housing	
6.1 Residential zones	<p>The direction requires the relevant planning authority (RPA) to ensure that a Planning Proposal relating to residential land must include provisions to:</p> <ul style="list-style-type: none"> • Broaden the choice of building types and locations available in the housing market • Make more efficient use of existing infrastructure and services • Reduce the consumption of land for housing and associated urban development on the urban fringe, and • Be of good design. <p>The Planning Proposal will facilitate the delivery of high quality seniors housing and medium density housing to meet the needs of the existing and future community in the Ku-ring-gai LGA. The development will increase housing supply and improve the choice of dwelling type available.</p> <p>The Planning Proposal will make efficient use of existing transport infrastructure as the site is located close to Killara Train Station (approximately 1.4km and Lindfield Station (approximately 1.7km) and is serviced by bus route 556, which links Lourdes Village with Lindfield Train Station in 6 mins.</p> <p>The site is an existing retirement village and as such the proposed development will increase residential density without impacting the urban fringe.</p> <p>High quality design of the site has been presented by the Illustrative Master Plan and will be guided by the Site Specific DCP.</p>

9.3 Environmental, social and economic impacts

Q8. *Is there any likelihood that critical habit or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?*

No – see further consideration below.

9.3.1 Ecological impacts

An Ecological Assessment has been prepared by ACS Environmental to consider the potential ecological impacts of the proposal which concluded that there are no threatened species, ecological communities or populations occurring at the subject site.

A summary of the key findings of the assessment is provided below:

- The subject site has been extensively modified in relation to natural vegetation structure and floristics with formal garden beds and landscaped areas of planted and established trees.
- Established trees have been planted mainly along the surrounding boundaries of internal roadways and grassy garden areas and include locally-occurring and non-locally occurring indigenous species as well as exotic ornamental species.
- No trees occurring at the subject site were observed to contain hollows or spouts that would provide sheltering or breeding habitat for any avian species, arboreal mammals or microbats.
- A small copse of two Turpentine trees and one individual of Sweet Pittosporum (Tree Numbers 44, 45 & 46) may have been derived from genotypes of these tree species that occurring in a former distribution of Sydney Turpentine Ironbark Forest (STIF) (Figure 4). However, this small group of trees are not component of a structured and floristically diverse assemblage of STIF and it is concluded that their proposed removal can be compensated for by landscaped plantings of several saplings of Turpentine, derived from local provenance, in suitable areas of the redevelopment.
- In relation to locally-occurring indigenous trees within the garden beds or other landscaped areas within the subject site, this vegetation does not contain any threatened flora species or threatened ecological communities and it is considered that any proposed redevelopment of the site will have no significant impact on any species or ecological community.
- All of the locally-occurring indigenous trees proposed for removal to facilitate the development are mostly landscaped plantings and occur commonly in surrounding local parks and reserves. However, it is recommended to utilise these species in any landscape plan which includes Sydney Red Gum, Blackbutt, Red Bloodwood, Broad-leaved Scribbly Gum, Rough-barked Apple and Forest Oak.

The recommendations of the Ecological Assessment can be further addressed at DA stage.

Q9. *Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed.*

9.3.2 Overshadowing and solar access

A detailed solar analysis forms part of the Urban Design Study which demonstrates that:

- There would be no overshadowing impact on the adjacent dwelling houses (see Figure 12)
- Overshadowing of the principle private open space directly to the rear of the adjacent dwellings would be minor with overshadowing largely limited to the lower portions of these back gardens before 11am in midwinter (see Figure 12)
- The proposed seniors housing has been oriented such that the majority of open spaces will receive more than two hours of sunlight during the winter solstice

- 80% of the independent living units would be above to achieve a minimum of 2 hours solar access in midwinter exceeding the Apartment Design Guide requirement of 70%
- Townhouses proposed within the residential precinct generally enjoy high levels of solar amenity, though overshadowing occurs to some dwellings as shown at Figure 13, however these dwellings enjoy south facing bushland views. The Urban Design Report includes indicative layouts showing how 3 hours of solar access could be achieved to living areas (as required by Ku-ring-gai DCP) and how private open space could achieve good solar access. This is reflected in the draft Site Specific DCP and includes:
 - Considered orientation of living spaces and their placement on upper levels of each townhouse
 - Skylights, provision of high-ceilings and window heads to allow deep sunlight penetration
 - Location of elevated balconies to provide private open space adjacent to primary living spaces.

On this basis it is considered that the proposal has appropriately responded to solar access for the purposes of the Planning Proposal, with more detailed assessment to be undertaken in accordance with the provisions of the Site Specific DCP and relevant sections of the Ku-ring-gai DCP.

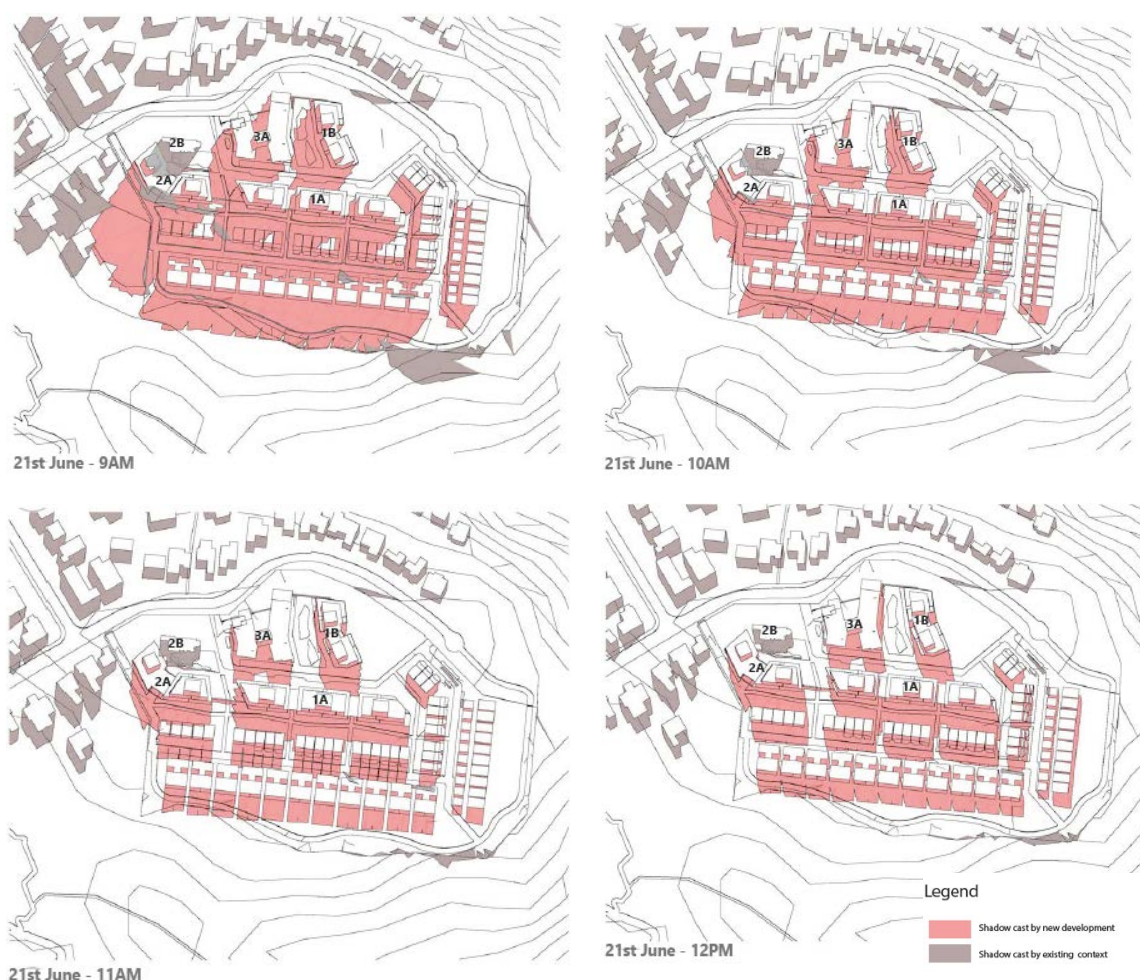


Figure 12: Shadow diagrams – midwinter



Figure 13: Solar access strategy for townhouses

9.3.3 Visual impact and privacy

It is considered that the proposal will provide for an appropriate level of privacy through the following:

- Provision of a minimum 10m setback to the western boundary which adjoins an existing residential use
- Provision of landscape mounding and dense screening alongside the western driveway adjacent to the western boundary
- Provision of a landscaped setback to the front boundary which will screen any overlooking of the adjacent residential uses
- Application of Apartment Design Guide separation distances throughout the seniors housing development
- Appropriate layout and window orientation for the medium density housing.

A visual impact assessment has also been undertaken as part of the Urban Design Study to consider the impacts of the proposal on the surrounding area. This included analysis of a series of views from the public domain and from private properties as shown at Figure 14 and was carried out in accordance with the planning principles set by the NSW Land and Environment Court in the case *Rose Bay Marina Pty Ltd v Woollahra Municipal Council* 2013/1046.



Figure 14: Visual impact assessment – view locations

Visual impact from these viewpoints was considered to be negligible or nil with the buildings entirely obscured from view by vegetation, existing buildings or topography. This is with the exception of the following views where the impact was identified as low because the majority of the development would be screened by vegetation, existing buildings and/or topography.

- Eastern Arterial Road North (Location 1)
- Stanhope Road / Rosebery Road (Location 3)
- Stanhope Road (Location 6 and 7)
- Lindfield Cricket Oval (location 12).

The two viewpoints from Stanhope Road are considered to have the greatest impact (see Figure 15 and Figure 16) however it is clear from these diagrams that the visual impact would be not be significant and that the streetscape character would be able to be maintained.

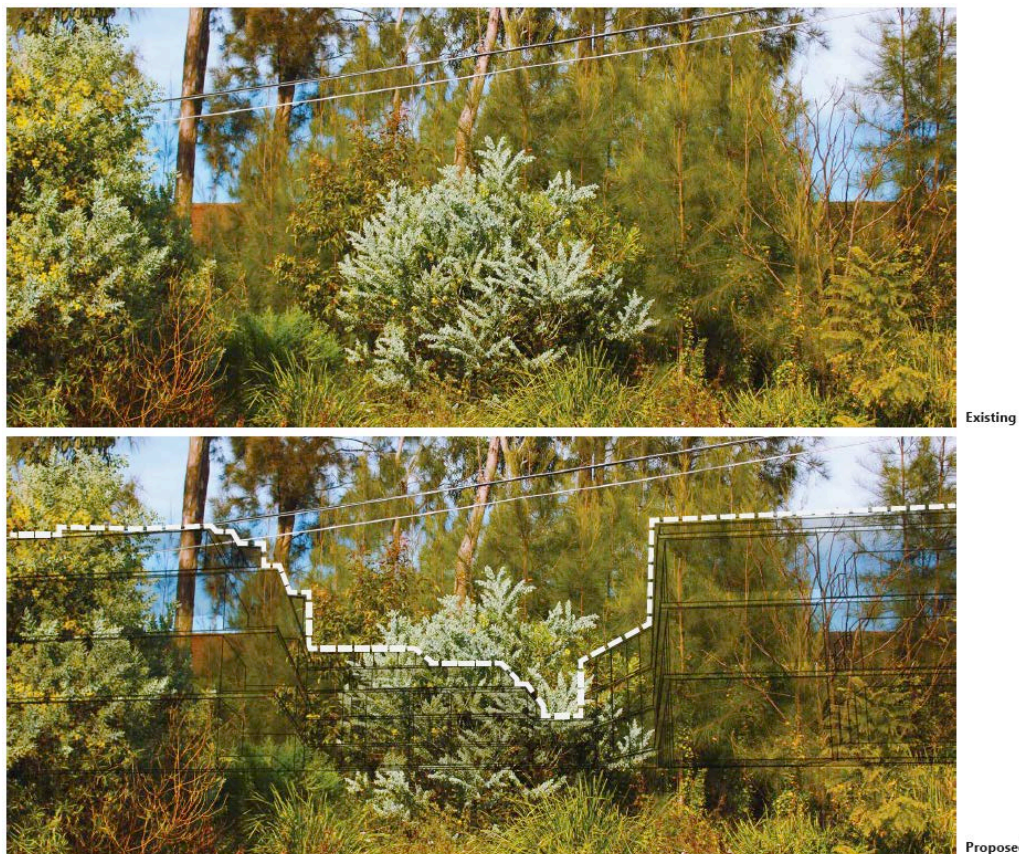


Figure 15: Visual impact assessment – Location 6 Stanhope Road

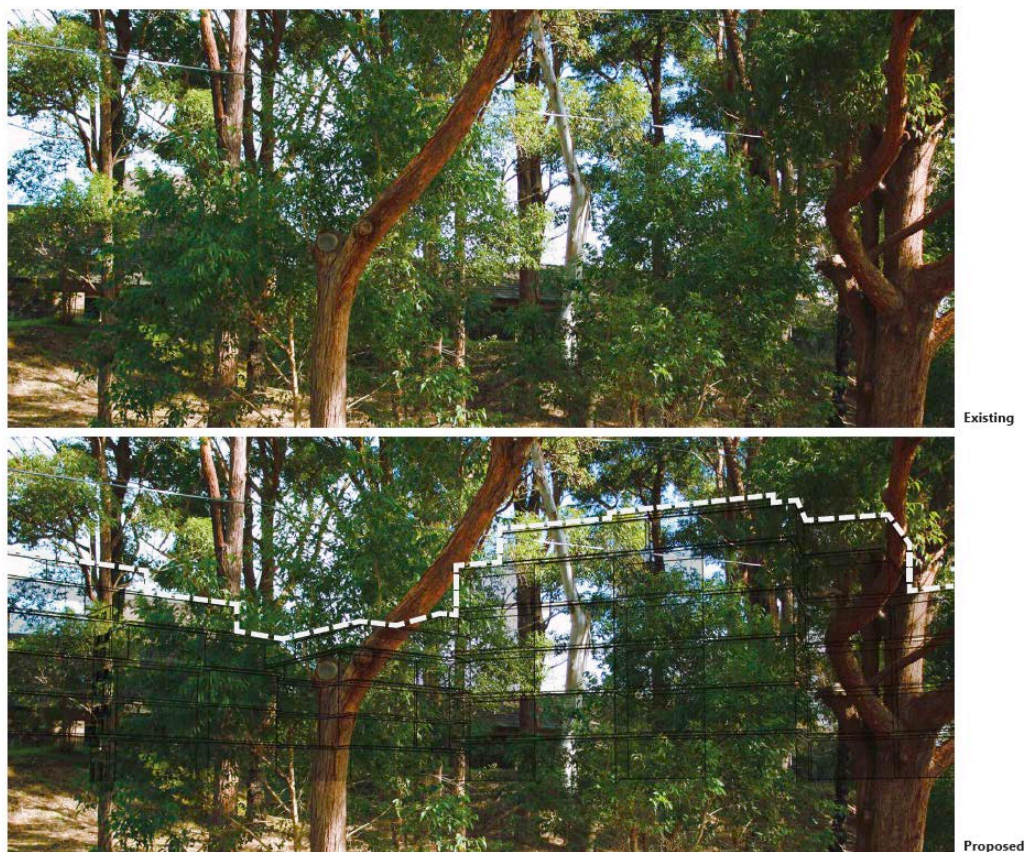


Figure 16: Visual impact assessment – Location 7 Stanhope Road

9.3.4 Arboricultural impact

A revised Arboricultural Impact Appraisal and Method Statement has been prepared by Naturally Trees (Attachment D).

The Statement provides an assessment of 394 trees located within and adjacent to the subject site. It provides an assessment of their importance and identifies trees to be retained and trees to be removed as part of the proposed development.

The assessment identified that of the 349 trees, 164 were considered to have a high value trees and 230 a low value.

The Statement finds that the proposed development will necessitate the removal of:

- 85 high category trees which are considered moderate to high significance and display good health and condition
- 148 trees of low and very low retention value none of which are considered significant or worth of special measures to ensure their protection. Of the 148 trees, 69 are exempt from Ku-ring-gai Council's Tree Preservation Order.

The proposal allows for retention of the majority of trees towards the front of the site within a landscaped front setback, minimising visual and streetscape impacts.

The Statement recommends that consideration could be given to replacement planting of significant trees within the site and on nature strips. This will be further addressed at DA stage.

It also notes that the many of the high category trees to be retained are positioned relatively close to the proposed development and as such sensitive tree construction measures must be implemented during development. Mitigation measures are outlined in the Arboricultural Impact Appraisal and Method Statement which will need to be implemented at the DA stage.

9.3.5 Bushfire

The site is identified as 'bushfire prone land' with the site adjoined by Category 1 Bush Fire Prone Vegetation to the south and east with the associated buffer covering much of the site.

An updated Bushfire Assessment has been prepared by Blackash Bushfire Consulting to support the Planning Proposal (Appendix E). This includes a Bushfire Engineering Design Compliance Strategy which forms Appendix 2 of the Bushfire Assessment and has been supported by the NSW Rural Fire Service as the means for designing and determining compliance.

The development concept has been designed to ensure the most vulnerable occupants (Special Fire Protection Purposes) are located furthest from the bushfire hazard. The design provides for 3 distinct development zones based on vulnerability:

- Residential - located closest to the hazard, providing an outer ring shielding to the site
- Independent Living (Special Fire Protection Purposes) – provided further away from the bush and shielded by the residential development
- Aged Care (Special Fire Protection Purposes) – provided furthest away from the bush, shielded by the ILU and residential areas.

The Aged Care building is in an area with very low bushfire radiant heat and will be constructed to provide an onsite refuge for all residents. The design will ensure all occupants across the site can move from their homes into the 'safer areas' without exposure to dangerous levels of radiant heat. For additional redundancy, the buildings themselves will also be designed to allow residents to 'shelter in place'.

The residential buildings will be located, designed, and constructed to ensure appropriate safety as applicable for residential development.

In this regard, the APZ provisions will be complied with through a performance-based approach.

The Bushfire Assessment made the following recommendations which would be implemented at DA stage to ensure appropriate bushfire protection for the site:

- Any future development must be designed in accordance with the Bushfire Engineering Design Compliance Strategy
- Any future development must comply with the aims and objectives of Planning for Bushfire Protection 2019
- Any future development must satisfy section 100B of the Rural Fires Act 1997 and obtain a Bush Fire Safety Authority from the NSW RFS Commissioner
- A Bushfire Protection, Operations and Maintenance Plan is developed which will include an Emergency Management and Evacuation Plan and ongoing maintenance and certification of essential bushfire protection measures
- Emergency management and evacuation planning is developed and implemented through a holistic system to minimise exposure of occupants to potential high-risk bushfire events. This is based on fire weather predictions, actual fire weather conditions and bush fire activity.

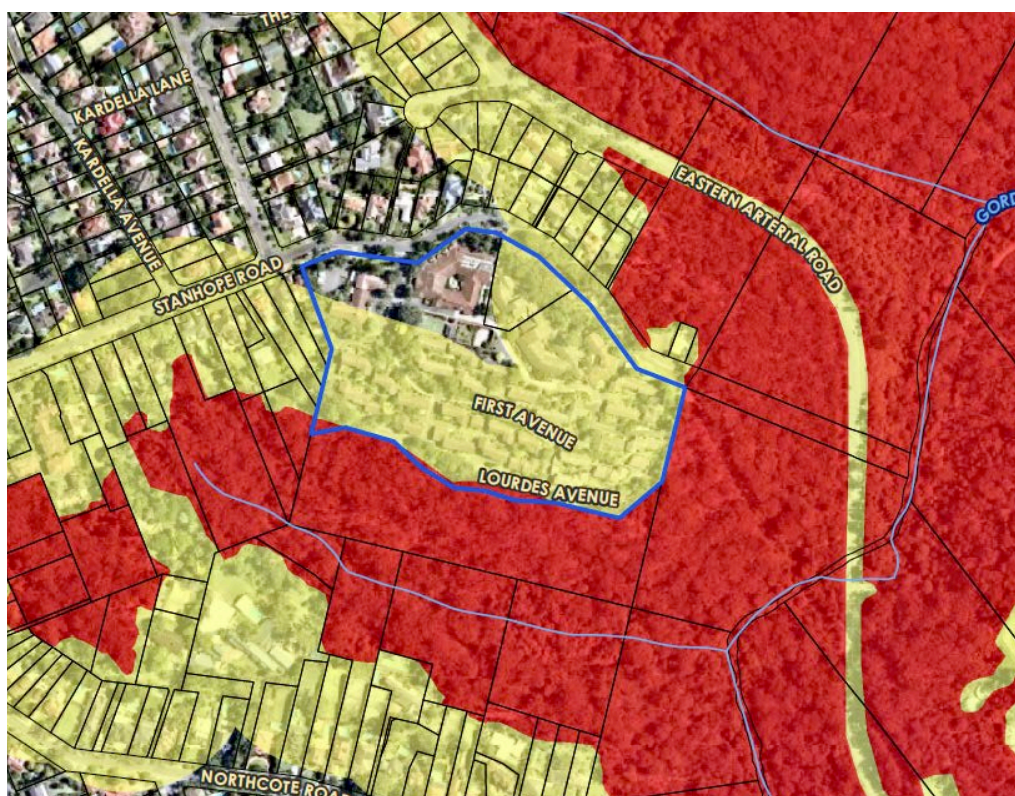


Figure 17: Bushfire Prone Land Map

The Bushfire Assessment concluded that:

- The site is suitable for redevelopment and has the capability to provide appropriate bushfire protection measures which satisfy the aim and objectives of Planning for Bush Fire Protection 2019 and allow for the issue of a Bush Fire Safety Authority under Section 100B of the Rural Fires Act 1997.
- The detailed design and compliance issues must be addressed through any future development and associated DA approval process. Any future development must comply with the approved Bushfire

Engineering Design Compliance Strategy and obtain a Bush Fire Safety Authority (BFSA) under s100B the Rural Fires Act 1997 (RFA).

The RFS has indicated through recent consultation that it has no objection to the Planning Proposal proceeding.

9.3.6 Heritage

The Lourdes Retirement Village is not a listed heritage item, but is in the vicinity of a heritage item, being the Seven Little Australians Park (the western part of the former Lindfield Park), which adjoins the subject site to the south and east. The site also adjoins the Crown Blocks Heritage Conservation Area (C22) and the north western portion of the site appears to fall within the HCA. Although the site is not a listed heritage item, the original planning proposal was subject of a heritage assessment prepared by GML Heritage which assessed Headfort House (also known as the Chapel) as being of heritage significance (Appendix E).

An updated Heritage Impact Statement has been prepared by Urbis in support of the revised proposal (Appendix G).

The Urban Heritage Impact Assessment outlined the following:

- Overall, the proposal is considered to have a positive impact on Headfort House and there are opportunities to further enhance the significance of the item in the future Development Application by providing for the conservation and restoration of the building, informed by historical documentation.
- The proposal is sympathetic to the adjacent Seven Little Australians Park. This is achieved through the retention of the bush/ landscape character, the response to site topography in proposed development, generous setbacks from the site boundaries and the proposed regeneration of bushland around the southern and eastern edge to create a landscape buffer and bushland interface between the parkland and development for the retirement village.
- The PP will not impact on the adjacent HCA noting that those aspects that contribute to the streetscape and HCA are retained and enhanced by the subject proposal, specifically that the proposal retains Headfort House and its garden setting and further provides for its improvement in the masterplan as detailed above. The proposal also retains the continuous native landscape edge running along the northern boundary of the site to Stanhope Road.

The Heritage Impact Assessment concludes the proposal appropriately responds to the heritage context and makes the following recommendations:

- Future Development Applications must have regard for Headfort House and should seek to enhance its contribution by restoring the principal façade and fenestration, based on historic documentation. Heritage advice should inform proposed works and any restoration of the building.
- Detailed design of Building 2A and development in the immediate setting of Headfort House should provide a sympathetic backdrop to the building. Heritage advice should inform proposed works and view analysis provided.
- Future Development Applications should retain and enhance the garden setting of Headfort House, including retention of significant cultural plantings, notably the Norfolk Island Pines. Landscaping should create a separate curtilage and provide a buffer to adjoining development.
- Careful consideration of colours, materials and finishes will be needed for new development to ensure that potential view impacts from the Seven Little Australians Park are mitigated.

9.3.7 Traffic and transport

A Traffic and Transport Assessment has been prepared by ARUP to support the Planning Proposal (Appendix H).

The assessment considered the impact of the proposal on the surrounding network and in particular on the key Werona Avenue / Stanhope Road intersection. The assessment estimates that based on the 63 town houses and 251 apartments and aged care facility suites, the site is expected to conservatively generate up to 912 trips per day. It highlighted that the existing condition of the intersection operates at an efficient level of service B, and concluded that based on a conservative modelling approach, the completion of the site is not expected to affect the key intersection of Werona Avenue / Stanhope Road.

The assessment has identified the car parking requirements for the site based on the following minimum car parking rates under the Ku-ring-gai DCP.

- Seniors Housing (resident funded): 2 spaces per 3 self contained units plus 1 visitor space for every 5 units
- Aged care: 1 space per 10 beds (visitors) plus 1.5 spaces per 2 employees plus 1 space per ambulance
- Multi-dwelling housing (townhouses):
 - 1 bedroom unit – 1 space per unit
 - 2 bedroom unit – 1.25 spaces per unit
 - 3 bedroom unit – 1.5 spaces per unit
 - Visitor parking – 1 space per 4 units.

The Ku-ring-gai DCP also states that: *For seniors housing self contained units, additional visitor parking will not be required if at least half the spaces for residents are unassigned and accessible to visitors.*

The indicative masterplan is able to exceed the minimum car parking rates in the Ku-ring-gai DCP by providing approximately:

- 255 parking spaces at basement levels for the seniors housing
- 126 off-street parking spaces for the townhouses
- 17 on-street parking spaces proposed to be distributed around the site.

It is also noted that the Seniors Housing SEPP includes non-discretionary development standards which apply to residential care facilities and independent living units, including minimum amounts of car parking which if met prevent the consent authority from requiring more onerous car parking standards. These are not considered to be car parking rates, and as such have not been considered in the parking assessment for the purposes of the Planning Proposal.

It is intended to deliver car parking in accordance with the Ku-ring-gai DCP rates which will apply to any future development of the site and detailed car parking arrangements will be determined at DA stage.

Q10. Has the Planning Proposal adequately addressed any social or economic effects?

9.3.8 Economic impact and demand

It is considered that the planning proposal will have a significant economic benefit for the local area as a result of construction jobs in the short term and increased jobs in aged care in the long term.

The increased provision of additional high quality seniors housing will also have an economic benefit by meeting the growing demand for this type of housing within the local area. The need for more seniors housing to support ageing in place is highlighted in the North District Plan as discussed in Section 3.2.

The demand for seniors houses has also been considered in a Demand Study prepared by Elton Consulting (Appendix I) which looked at the changing demand for retirement village living both in terms of scale (the quantum of demand) and nature (the characteristics demanded) and found that:

- If the rate of growth of the retirement village sector continues at the rate experienced in the last decade, the penetration rate across Australia is projected to increase to 7.5% of over-65s by 2025 (Property Council of Australia, 2014). This increased rate, combined with the growing seniors' population, would mean 382,000 people living in a retirement village in 2025. This is more than double the number in 2016 (Property Council of Australia, 2014).
- In many areas (including Ku-ring-gai) a large proportion of the existing retirement village stock was built between 20 and 40 years ago to modest standards of design and amenity (Baynes, 2015). When these become available for resale, the price is quite affordable by local standards, though unfortunately this is not the product sought by more affluent contemporary retirees, who wish to maintain their quality of life. As a result, this old-style retirement housing is starting to experience falling demand, while demand for more expensive options cannot be met (see Section 6.2).

The report concluded that that the appeal of Lourdes Village to the senior's market is starting to decline and has limited appeal to the emerging generation of affluent seniors in the Ku-ring-gai area and is no longer a good match with the demand from local seniors. The renewal will provide for new seniors housing which will meet current demand.

The provision of medium density housing will also deliver economic benefits by meeting local demand and providing a housing product which is not widely available within the local area noting the prevalence of large single dwellings in the area, and that redevelopment within the town centres has focused on mid-rise apartments. The medium density housing is likely to present an attractive option for residents seeking to downsize from large dwellings and for those seeking more affordable housing options in the area.

The delivery of seniors and medium density housing to meet local demand will also deliver economic benefits by providing viable options for older local residents to move out of larger family homes freeing up supply of this type of housing.

9.3.9 Social impact

Elton Consulting has prepared an Overview of Social Effects (Appendix J) which confirms that social impacts on the surrounding area would be minimal. It also confirms that social impacts for residents within the development can be managed through careful planning of facilities available to residents of the seniors housing and through careful design and management to provide for integration and co-location of the seniors housing and the medium density housing.

Q11. Is there adequate social infrastructure for the Planning Proposal

9.3.10 Social infrastructure

It is considered that there is adequate public infrastructure to support the Planning Proposal.

This is evidenced by the supporting Traffic Impact Assessment which identifies that the proposal will not have an unreasonable impact upon the surrounding road network and public transport. The site is well located and seeks to utilise existing public transport infrastructure and existing road connections to the site. Local bus route 556, operates daily from Lindfield Station to East Killara and will continue to service the site via the proposed main street. Private bus services will also continue to be provided for the seniors housing.

The Seniors Housing residents will have access to good onsite facilities including a café, a range of indoor and outdoor communal facilities (BBQ area and kitchen, a library, and facilities suitable for theatrical and

cinema use). Expanded community facilities including a Community Events Space, are proposed as part of the development. The urban design of the proposal places emphasis on usable communal outdoor spaces that will promote social interaction, including a central “Main Street” and a village green.

The Social Impact Assessment highlights that residents of the seniors and town house development will have access to a wide range of community infrastructure within the wider area and concludes that the development will have minimal impact on community infrastructure beyond the site.

10 Consideration of Planning Panel Recommendation

10.1 Panel consideration September 2021

The Panel considered the amended Planning Proposal on 8 September 2021. The Panel resolved that the Planning Proposal should continue to the Gateway Assessment Stage, subject to:

- The revision of the western driveway access arrangements to provide better amenity for neighbouring properties on the western boundary (including an appropriate landscape buffer)
- Reduction of the area allocated to height of buildings R22m and N14.5m to better reflect the indicative layout plan.

In relation of the western driveway the proposed master plan has been amended to move the western driveway further from the boundary of the neighbouring property to allow for a landscaped mound and dense planting to be accommodated to minimise any amenity impacts on the adjoining neighbour. This is shown in the revised indicative master plan shown at Section 5 and Appendix A. It is also reflected in the site specific DCP.

The height of buildings map has also been amended to better reflect the indicative layout plan, resulting in a reduction of the area shown as having a height of 22m, 16m and 14.5m, and an increase in the area shown as 9.5m (see Figure 18).

It is considered that all issues raised by the Panel have been addressed and that the Planning Proposal should proceed to a Gateway decision.



Figure 18: Amendment to height of buildings map (Updated map to RHS)

10.2 Panel consideration November 2018

The Sydney North Planning Panel also considered a previous rezoning review proposal for the site on 7 November 2018. The Panel supported the proposal being submitted for a Gateway determination on the basis that it has demonstrated strategic and site specific merit.

The recommendations of the Planning Panel were addressed in the amended Planning Proposal submitted in June 2021, as outlined below.

The concurrence of Rural Fire Service (RFS) be received in relation to the proposal prior to exhibition.

NSW Rural Fire Service has advised that it has no objection to the Planning Proposal proceeding on the basis of the Bushfire Engineering Design Compliance Strategy. The Planning Panel has confirmed that this satisfies the requirement for concurrence. The correspondence with the NSW Rural Fire Service and the Planning Panel are included at Appendix M.

That any master plan resolution in respect of item 1 above shall ensure that the maximum height of buildings permitted is reduced by requiring buildings to utilise the topography and to be 'cut into' the site.

A revised Illustrative Master Plan has been prepared to address the comments of the Planning Panel. This included a review of the height and built form across the site with the building forms stepped into the topography of the site.

This resulted in a reduction of the maximum height from 24m to 22m as well as a significant increase in the area of the site with lower height limits of 9.5m, 14.5m and 16m (as shown in Figure 19 and Figure 20). The approach also places lower building heights at the peripheries of the sites to manage impacts on amenity and local character, with taller buildings of 5-6 storeys placed centrally on the site.

A comparison of the land areas to which each of the height control applies both under the original scheme and the revised scheme is presented in Table 5. It is noted that this has been further amended to address the subsequent comments raised by the Panel in September 2021 resulting in a further increase in the area shown as having a maximum height of 9.5m.

Table 3: Comparison of height limits

Height control	Previous Planning Proposal Area (sqm)	Revised Planning Proposal Area (sqm)
9.5m	23,105	32,319
11.5m	3,989	362
14.5m	0	2,363
16m	0	4,885
20.5	0	8,711
22m	10,757	3,884
24m	14,673	0

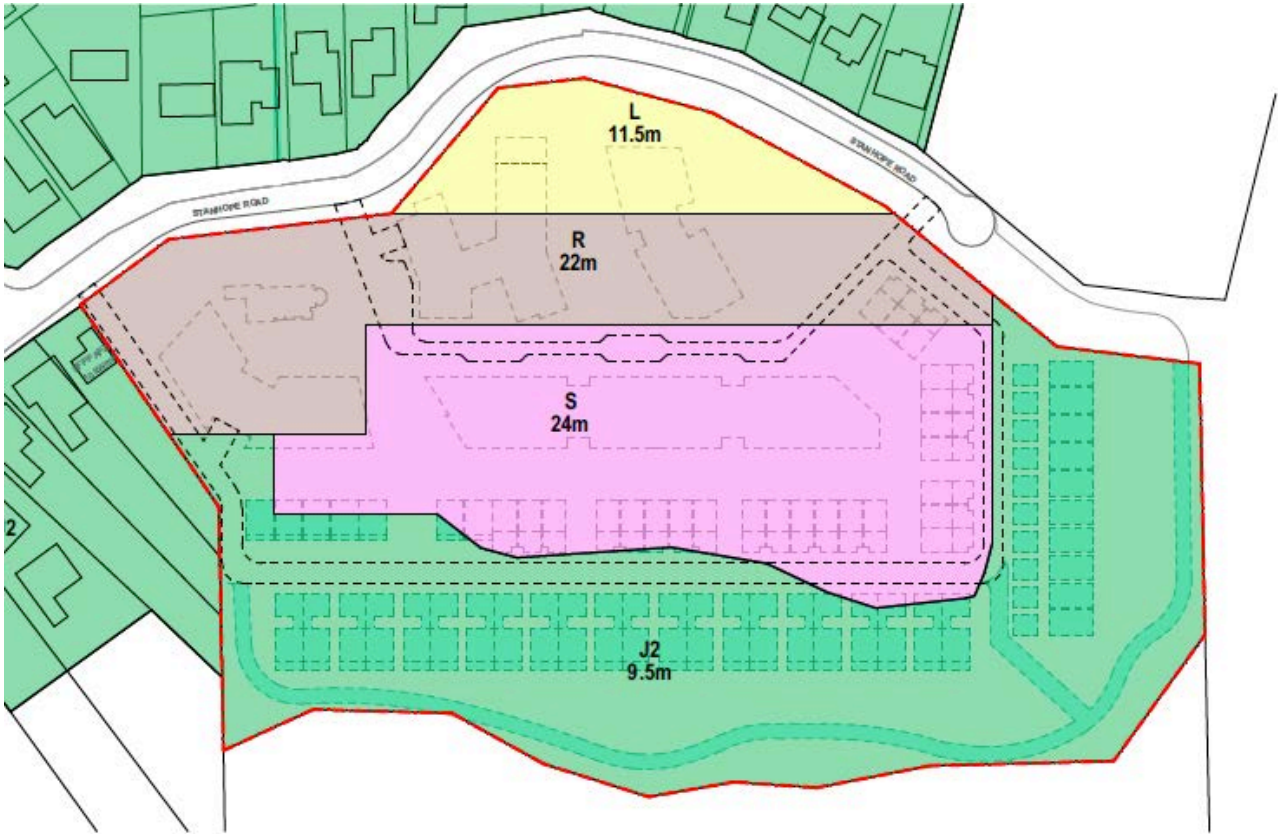


Figure 19: Original Planning Proposal – height of buildings



Figure 20: Revised Planning Proposal – height of buildings

That, due to the site's location, any proposal shall be required to provide a village bus to access local centres.

Potential for bus servicing has been accommodated within the Illustrative Master Plan with bus stops identified at two locations along Main Street as shown in the vehicular circulation plan at Figure 8. This will accommodate the existing public bus service to Lindfield Local Centre and train station, as well as private bus services.

That R3 is only accessible if non-seniors housing is required as a buffer to the bushland to the south. If the resolution of item 1 above results in no development adjacent to bush land then the R2 zone would be more appropriate with only a change to the FSR and height being necessary.

The proposal includes seniors housing and medium density housing. These uses are prohibited under the Ku-ring-gai LEP. Accordingly the R3 Medium Density Housing Zone is proposed to be applied across the site.

That prior to any exhibition, a site specific DCP be prepared and placed on exhibition with the Planning Proposal.

A draft Site Specific DCP has been prepared to guide future development on the site (Appendix K).

11 Consideration of Gateway conditions

A Gateway decision was issued by the Department of Planning and Environment on 10 May 2022, including Gateway conditions which have been addressed in this Planning Proposal as outlined in the table below.

Table 4: Consideration of Gateway conditions

Condition	Consideration
1) The planning proposal is to be updated and submitted to the Department for review and endorsement prior to public exhibition to include:	
<p>Consideration of the following:</p> <ul style="list-style-type: none"> Objective 13 'Environmental heritage is identified, conserved and enhanced and objective 37 'Exposure to natural and urban hazards is reduced' of the Greater Sydney Region Plan. Planning Priority N16 'Protecting and enhancing bushland and biodiversity' of the North District Plan. The approved Ku-ring-gai Local Housing Strategy. 	See Section 3.
<ul style="list-style-type: none"> The updated Section 9.1 Ministerial Directions. 	See Section 9.2.2
<ul style="list-style-type: none"> The consolidated State Environmental Planning Policies (SEPPs) and their relevant Chapters and remove reference to repealed SEPPs: <ul style="list-style-type: none"> SEPP (Resilience and Hazards) 2021. SEPP (Housing) 2021 and provide further discussion on relevant provision of the SEPP that may apply to the site should a rezoning proceed. SEPP (Biodiversity and Conservation) 2021. 	See Section 9.2.1
<ul style="list-style-type: none"> An alternative option to maintain the site's zone as R2 Low Density Residential and include additional permitted uses for seniors housing and nominated residential uses (multi-dwelling housing, attached dwellings and semi-detached dwellings). 	See Section 7
<ul style="list-style-type: none"> Provide clarification as to why serviced apartments for seniors living is not proposed to be a continued use on the site. 	<p>Stockland has advised that it has not ruled out the provision of serviced apartments in any new development, however this will be determined at DA stage as appropriate.</p> <p>Alternatively, care services would be provided to village residents in their unit without the need to relocate to a new residence. Residents can access care services through fee for service or Government funded flexible home care packages if eligible.</p>
<p>An updated Transport Assessment with consideration of</p> <ul style="list-style-type: none"> Potential vehicular arrival/movement profile of proposed non-seniors dwellings. Implications of the number of car parking spaces proposed above the minimum rates set under Ku- 	<p>An updated traffic study has been prepared (Appendix H) which addressed these matters.</p> <p>The vehicular arrival/movement profile of proposed non-seniors dwellings is addressed in Section 4.3.1.</p>

Condition	Consideration
<p>ring-gai Council DCP 2021, particularly in relation to traffic impacts to Stanhope Road.</p> <ul style="list-style-type: none"> Reducing the number of car parking spaces allocated to the non-seniors dwellings. 	<p>With regard to car parking it concludes the following:</p> <ul style="list-style-type: none"> The masterplan proposes to provide approximately 255 parking spaces at basement levels for the Seniors Housing which meets the Ku-ring-gai DCP minimum requirement of 166 parking spaces. The masterplan proposes to provide two off-street parking spaces per townhouse, which equates to 126 parking spaces meeting the Ku-ring-gai DCP minimum requirement of 111 parking and visitor's parking spaces. The additional spaces are not expected to have any significant road network impact and trips generated for seniors housing are expected to generally occur outside of the network peak hours. <p>Consideration has been given to reducing the number of car parking spaces allocated to the non-seniors dwellings, however this is not considered necessary as the proposed car parking is only a minor exceedance of the Ku-ring-gai DCP minimum rates and would not have any significant road network impact.</p>
<p>An updated Urban Design Study to:</p> <ul style="list-style-type: none"> Identify and provide analysis of townhouses that will not meet the Ku-ring-gai DCP 2021 requirements for solar access and include precedents where the design solutions proposed for the townhouses have been adopted to improve solar access. Review and provide rationale for the townhouses' setback and interface with the adjoining bushland to the south and east. The side setbacks of the terrace housing to the south and east present as hard edges to the surrounding bushland and a softer bushland edge with the built form should be considered. 	<p>An updated Urban Design Study (Appendix A) has been prepared which includes further Solar access analysis as requested. This is discussed in Section 9.3.2</p> <p>An updated Bushfire Report has also been prepared which highlights the following:</p> <p><i>The setbacks proposed have been specifically designed to ensure APZ are maximised as far as practical to reduce the impact of radiant heat. Moving buildings closer to the bush, or introducing significant vegetation onto the site will create bushfire protection and safety issues. A redesign to move buildings closer to the bushland is not supported from a bushfire perspective, however more sensitive landscaping can be incorporated to ensure 'softer' look/feel.</i></p> <p>Accordingly, no changes have been made to the building layout however this condition has been addressed through amendment of the draft Site Specific DCP as discussed below.</p>
<p>An updated Site Specific DCP to include:</p> <ul style="list-style-type: none"> Controls related to appropriate building depths of the seniors housing development. Consideration of the side setbacks of the terrace housing to the south and east to ensure the built 	<p>The Urban Design Report has been updated to indicate building length and depth. Building depth will be in accordance with the ADG, so no controls have been included in the draft Site Specific DCP.</p>

Condition	Consideration
<ul style="list-style-type: none"> form does not result in hard built edge to the surrounding bushland and responds to the landscape setting. Updated references to Ku-ring-gai DCP 2021. 	<p>An updated draft DCP has been prepared (Appendix K) which includes a proposed setback to the bushland and provisions requiring a landscape transition between the bushland and future development, subject to any requirements of the APZ.</p>
<ul style="list-style-type: none"> An updated project timeline. 	<p>See Section 13.</p>
2) The planning proposal is to be updated and submitted to the Department for review and endorsement prior to public exhibition to include:	
<ul style="list-style-type: none"> The planning proposal is categorised as complex as described in the Local Environmental Plan Making Guidelines (Department of Planning and Environment, 2021) and must be made publicly available for a minimum of 30 days; and The planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in Local Environmental Plan Making Guidelines (Department of Planning and Environment, 2021). Exhibition must commence within 3 months following the date of the gateway determination. 	<p>The Planning Proposal will be publicly exhibited by DPE in accordance with the Gateway Condition requirements.</p>
3) The planning proposal is to be updated and submitted to the Department for review and endorsement prior to public exhibition to include:	
<ul style="list-style-type: none"> The Commissioner of the NSW Rural Fire Service (RFS): During consultation, RFS should specifically determine whether detached dwellings, dual occupancies and/or semi-detached dwelling land uses could provide appropriate bushfire risk mitigation for the seniors housing as an alternative to the proposed medium density dwellings. Transport for NSW" Including the consideration of the new street layout and site access for existing Transport for NSW bus services. NSW Department of Education NSW Department of Health NSW Environment and Heritage Ku-ring-gai Council Ausgrid Sydney Water Corporation. 	<p>DPE will consult with these agencies as part of the formal public exhibition.</p> <p>With regard to the specific requirements for RFS consultation, the updated Bushfire Assessment (Appendix E) advises that:</p> <p><i>From a bushfire perspective, the medium density dwellings on the outside was deliberate built strategy. The concept design created a unique layout which provided radiant heat shielding to residents moving within the central portions of the site. This radiant heat shielding enables all residents to move safely to the onsite refuge.</i></p> <p><i>While providing for detached dwellings, dual occupancies and/or semi-detached dwellings does not, in itself, create a bushfire risk issue, it does impact on the broader design strategy. The medium density dwelling design has been carefully developed to ensure the safety of the Special Fire Protection Purposes (Seniors Housing) components within the site.</i></p>

12 Consultation

12.1 State and Commonwealth Government agency consultation

Q12. What are the views of the State and Commonwealth public authorities consulted in accordance with the Gateway determination

Consultation has been carried out with Rural Fire Services who have advised that it has no objection to the Planning Proposal proceeding on the basis of the Bushfire Engineering Design Compliance Strategy.

Consultation would be carried out with other relevant State and Commonwealth public authorities following a Gateway decision during the public exhibition of the proposal.

12.2 Community consultation

An outline has been provided below of the stakeholder engagement which has been undertaken by the landowner, Stockland, in relation to the proposal to redevelop the site. Further consultation would be carried out with the community during the public exhibition of the Planning Proposal.

12.2.1 Stockland stakeholder engagement

Stockland takes engagement with stakeholders seriously and has prepared a Communications and Engagement Plan for this project to guide interactions with stakeholders. Stockland believe in proactive engagement outside of the statutory requirements, with communication beginning with stakeholders well before the lodgement of a Planning Proposal, and continuing through to design and construction.



Engagement with residents

Living on the site, and given their age, Stockland recognises that a proposal of this kind would mean significant changes for residents at Lourdes. Stockland's goal in this process is to gain their support for the vision for the site and their feedback on the details of their future homes.

Discussions were commenced with residents about the challenges of the site and the vision to renew it in October 2015, and Stockland have been meeting regularly with residents since this time, using detailed presentations to seek their feedback on the progression of the site's master plan. Stockland have also made themselves available to residents and their families for a number of one-on-one meetings whenever they're requested.

Feedback from residents has played a key role in influencing the following:

- Options for redevelopment
- Proposed staging
- Community facilities
- Design elements relating to retirement village amenity and aged care quality and services.

Stockland has also engaged considerably with the Village's residents committee, who have been strong advocates for the residents of the village and have provided regular feedback on the proposal as it progressed.

To support these meetings, Stockland provided a copy of the Planning Proposal, for review, on its lodgement. Engagement with residents will continue at regular intervals as planning for the project progresses.

Engagement with local community

Stockland recognise the importance of engaging with our neighbours in the early stages of the planning proposal. As part of the next phase in planning for the project, at the lodgement of this proposal Stockland have commenced a targeted consultation program with the neighbours and a number of relevant stakeholders.

Letters outlining the proposal and offering a meeting have been hand delivered to neighbours in proximity to the site. For those who were not able to be talked to on the day, Stockland will be making themselves available to meet at another suitable time. To support this, a project specific 1800 information line has been setup and an email address created.

Stockland will also be requesting meetings from a number of key stakeholders as part of community consultation.

These meetings are important relationship builders where Stockland hope to detail the vision for the site and gain feedback on elements of the early design. As with the current residents, Stockland will continue to engage and keep neighbours and key stakeholders informed as the planning proposal progresses.

This will be in addition to the minimum public exhibition periods (likely to be 28 days) anticipated to be imposed by the Department of Planning and Environment under any forthcoming Gateway Determination

Community consultation timeline

Consultation with current residents has been undertaken including presentation of the preferred urban design option for the site. Consultation has also been carried out with surrounding residents.

Detail on the key consultation undertaken to date is provided below.

Date	Meeting	Description	Evidence
7 & 8 October 2015	Resident Meeting Number 1	Meeting to gain an understanding of resident likes and dislikes.	Refer to minutes appended at Appendix L.

Date	Meeting	Description	Evidence
4 & 5 November 2015	Resident Meeting Number 2	Presentation back to the residents on the issues that they had raised in the prior meeting and what we are suggesting to do to address them in the redevelopment. Particular focus on grade of the site, community centre location, lifts in units and sheltered access.	Refer to presentation to residents appended at Appendix L.
11 December 2015	Resident Meeting Number 3	Presentation to residents of the masterplan and design intent with key principles that are important to residents and how they have been incorporated into the current masterplan.	Refer to presentation to residents appended at Appendix L.
17 October 2016	Resident Meeting Number 4	Recap of the process undertaken so far (what people like and don't like about the village). The planning process about to be undertaken, the key aspects of the masterplan, our commitments, timing, next steps.	Refer to presentation to residents appended at Appendix L.
14 November 2016	New Purchasers Meetings	Update to new residents on the development process.	No presentation, informal meeting
7 December 2016	Chair of Resident Committee (RC) and Development Advisor Meeting	Meeting to discuss the development.	No formal minutes, all residents committee meetings are minuted by residents.
14 December 2016	Resident Meeting Number 5		Refer to presentation to residents appended at Appendix L.
9 January 2017	Residents Committee Briefing	Meeting to discuss what will be presented at the Resident Information sessions.	No formal minutes, all residents committee meetings are minuted by residents.
23 January 2017	Presentation of Parameter Drafts to RC	Presentation to the executive committee of the parameter drafts.	No formal minutes or presentation
2 February 2017	Residents Committee Q&A.		No formal minutes or presentation

Date	Meeting	Description	Evidence
10 February 2017	Residents Information Session.		Refer to minutes appended at Appendix L.
February 2017	Family exhibition		No formal minutes or presentation.
May 2017	Development day on site		No formal minutes or presentation.
16 June 2017	Residents Committee Meeting		No formal minutes or presentation all residents committee meetings are minuted by residents.
6 July 2017	Residents Visits to Cardinal Freeman.		No formal minutes or presentation
September 2017	Door knock of 22 homes to the site stretching down to Kardella Avenue. Follow up meetings scheduled with occupants of three dwelling.		No formal minutes or presentation
September 2017	Development day on site		No formal minutes or presentation.
13 October 2021	Online residents' presentation	Updated Planning Proposal presented.	No formal minutes or presentation.
2017 to 2021	Updated provided at Quarterly Meetings with all residents and monthly committee meetings.		No formal minutes or presentation.

13 Project timeline

An indicative project timeframe is set out in Table 5 below, which reflects the maximum timeframes included in the Gateway conditions.

Table 5: Anticipated project timeline

Task	Timing
Gateway determination received	May 2022
Completion of public exhibition and public authority consultation	August/September 2022
Completion of review of submissions received during public exhibition and public authority consultation	September 2022
Assessment and finalisation of Planning Proposal	January 2023
Drafting of instrument and finalisation of mapping	March 2023
Amendment to Ku-ring-gai LEP notified	May 2023

14 Conclusion

The Planning Proposal will facilitate the renewal of an existing retirement village and deliver new seniors housing supply which meets current standards and market demand. I will also deliver new medium density housing increasing housing supply and housing choice in the local area, noting the existing prevalence of large single dwellings and the recent development of predominantly apartment dwellings within the nearby town centres.

The proposal responds to the local character and streetscape by retention of vegetation and careful distribution of built form across the site. It will also deliver improved management of bushfire risk on the site.

An assessment of the potential environmental impacts of the proposal has been carried which has concluded that:

- The proposal will not result in any ecological impacts noting that the Ecological Assessment prepared by ACS Environmental has concluded that there are no threatened species, ecological communities or populations occurring at the subject site.
- A solar impact assessment has been undertaken as part of the Urban Design Study which has concluded that the proposal will not have a significant impact on solar access in the surrounding area, and that an appropriate level of solar access can be achieved to proposed development within the site.
- A visual impact assessment has been carried out which demonstrates that visual impacts from all viewpoints assessed would be nil, negligible or low with the proposed built form being either entirely or predominantly obscured by topography, existing buildings and existing vegetation.
- An Arboricultural Impact Assessment has identified that of the 349 trees within and adjoining the site, the proposed development will necessitate the removal of 85 high category trees which are considered moderate to high significance and display good health and condition and 148 trees of low and very low retention value none of which are considered significant or worth of special measures to ensure their protection. Trees towards the front of the site are predominantly retained within a landscaped front setback minimising visual and streetscape impacts. Mitigation measures to protect trees to be retained are also outlined which will need to be implemented at the DA stage.
- NSW Rural Fire Service has advised that it has no objection to the Planning Proposal proceeding on the basis of the Bushfire Engineering Design Compliance Strategy which has been prepared for the proposal.
- The proposal would not result in any reduction in the level of service on the nearby road network.
- The indicative masterplan is able to meet the minimum car parking rates in the Ku-ring-gai DCP which will apply to any future development of the site. Detailed car parking arrangements will be determined at DA stage.
- The renewal of the site will have a significant economic benefit for the local area as a result of construction jobs in the short term and increased jobs in aged care in the long term. The delivery new seniors housing and medium density housing will also deliver economic benefits.
- An assessment of social effects has confirmed that social impacts on the surrounding area would be minimal and that social impacts for residents within the development can be managed through careful planning of facilities available to residents of the seniors housing and through the integration and co-location of the seniors housing and the medium density housing.

On the basis of the information presented in this Planning Proposal report it is considered that the proposal should be progressed to a Gateway decision and be subject of formal public consultation.

Appendix A Urban Design Study

Appendix B Site Survey

Appendix C Ecological Assessment

Appendix D Arboricultural Impact Assessment

Appendix E Bushfire Assessment

Appendix F Heritage Significance Assessment

Appendix G Heritage Impact Statement

Appendix H Traffic and Transport Study

Appendix I Demand Study

Appendix J Social Effects Study

Appendix K Draft Site Specific DCP

Appendix L Stakeholder engagement

Appendix M Correspondence regarding RFS concurrence