

Response to Submissions



Lourdes Retirement Village Planning Proposal

95 Stanhope Road, Killara

Prepared on behalf of Levande

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Document control

Authors

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Project summary

Applicant	Levande
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

The Planning Proposal and supporting documentation for the the Lourdes Retirement Village at 95 Stanhope Road, Killara was exhibited by the Department of Planning and Environment from 17 August 2022 to 27 September 2022.

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
- Introduce a site-specific provision to exclude the operation of clauses 84 and 87 of the *State Environmental Planning Policy (Housing) 2021*.

A draft site specific DCP was exhibited with the Planning Proposal to outline detailed built form controls which would guide future development on the site.

Submissions

A total of 44 submissions were received in response to exhibition of the Planning Proposal.

Of the total submissions received, 33 submissions were received from members of the community. A petition was also received which objected to the proposal and was signed by 45 community members. A submission was received from the State Member for Davidson, the Hon. Jonathan O'Dea, which reiterated many of the concerns raised by the local community and Council.

The Department also received 3 submissions from Community Groups including: Lourdes Retirement Villages Residents' Committee, STEP Inc Community Based Environmental Conservation and Friends of Ku-ring-gai Environment Inc.

The remaining submissions came from Ku-ring-gai Council, and NSW Government agencies and service providers including:

- Transport for NSW
- Rural Fire Services
- Department of Planning and Environment, Environment and Heritage Group
- Heritage NSW
- Schools Infrastructure NSW
- Sydney Water.

The key issues raised in submissions included:

- Built form, building height and character
- Landscaping and tree removal
- Visual impacts
- Concerns about renewal of existing retirement village.
- Traffic impacts
- Bushfire risk
- Heritage impacts
- Ecological impacts

Proposed changes

A number of changes have been made to the Master Plan for the site to respond to issues raised in submissions which are summarised below.

- A reduction in the perceived scale of the proposal by accommodating the Independent Living Units within four smaller buildings, rather than three, increasing visual permeability and the potential for through-site links
- A further reduction in building height from 4 storeys to 3 storeys for the building adjacent to the western boundary, minimising impacts on the adjoining neighbour
- The introduction of variations in built form and height, length, architectural expression and upper level setbacks across the development that serve to increase solar amenity and reduce the visual presence of the proposal
- The further integration of the proposal with the existing levels on site through the use of stepped building forms to ensure that the design is appropriately embedded within the landscape
- Relocation of the proposed principal entry into the basement carpark (including loading and servicing vehicle docks) to the eastern portion of the site to reduce any perceived impacts to the development's western neighbours
- A proposed new road connection from Stanhope Road to the townhouse precinct, allowing for the creation of precincts within the development that have a greater sense of urban identity
- The unique bushland setting serving as the inspiration of an evolved landscape design response
- The identification through further resolution of the design to retain a greater number of existing trees
- The articulation of massing envelopes to ensure buildings that are fine-grain and in their expression and materiality reflective of the residential context that they sit within
- The use of apartments at the interface of the ILU carpark and the townhouses to minimise the visual impact of the basement carpark
- More granular building expression at the interfaces of the townhouse precinct with the surrounding bushland by creating a staggered built form.

The total floor space and indicative yield has not changed as a result of the amended master plan and no changes are proposed to the Ku-ring-gai LEP controls that were exhibited.

The exhibited Master Plan and amended Master Plan are shown the figures below, along with a figure showing the existing village layout.

An amended draft Development Control Plan has been prepared to reflect the changes to the Master Plan and to address issues raised in submissions.



Exhibited master plan



Amended master plan



Existing village built form layout

Additional assessment

Significant additional assessment has been prepared to support the Response to Submissions as summarised in the table below and outlined in detail within Section 3 of this report.

Issues	Summary
Urban Design and Landscape	<p>An addendum Urban Design Report (Appendix A) has been prepared to outline changes to the master plan and clarify compliance with the Apartment Design and provide further detail on the landscape approach.</p> <p>Additional advice has been provided by the bushfire consultant Blackash which confirms that the landscape approach is compatible with the need to provide a fuel reduced area between buildings and the bushfire hazard (Appendix E).</p>
View analysis	<p>An updated view analysis has been prepared which demonstrates the visual impacts associated with the proposal are acceptable (Appendix C).</p>
Bushfire	<p>Additional advice has been provided by Blackash (Appendix D) which responds to the clarifications sought by Rural Fire Services and confirms there would be significant spare capacity within the road network in a scenario all residents were to evacuate the site. This is supported by advice from ARAP on the evacuation capacity of the surrounding road network (Appendix F).</p>
Traffic and transport	<p>Additional advice has been provided by ARUP (Appendix G) which confirms that the amended access arrangements would minimise heavy vehicle movements within the</p>

Issues	Summary
	<p>site and reduce vehicle movements on the access road near the adjacent property at 91 Stanhope Road.</p> <p>The advice from ARUP also supports the inclusion of alternative car parking rates and notes that the additional car parking above the minimum rates in the Ku-ring-gai DCP would not have any significant impacts on the surrounding road network.</p>
Ecology	<p>A Biodiversity Development Assessment Report (BDAR) has been prepared by ACS Environment (Appendix H) which highlights that native vegetation within the site is highly modified and that any ecological impacts associated with the proposal would be minimal and could be offset through purchase of ecosystem credits.</p>
European built heritage	<p>Urbis has carried out further assessment of the heritage value of Headfort House (Appendix I) and is of the view that it does not have local significance that would warrant its listing as a local heritage. Notwithstanding, Urbis notes that Headfort House is proposed to be retained and that the proposal appropriately responds to this building through appropriate setbacks and built form transitions.</p> <p>Additional advice has been provided by Urbis (Appendix J) which confirms that the proposal has appropriately responds to the surrounding heritage context including existing heritage items and the heritage conservation area.</p>
Archaeological heritage	<p>An Historical Archaeological Assessment has been prepared by AMBS Ecology and Heritage (Appendix L) which concludes that given the identified nil-low archaeological potential the no further assessment would be necessary subject to implementation of unexpected finds procedures during construction stage.</p>
Aboriginal heritage	<p>An Aboriginal Heritage Due Diligence Assessment has been prepared by AMBS Ecology and Heritage it is considered unlikely that evidence of previous occupation of Aboriginal people remains within the study area given the level of disturbance associated with historic development on the property.</p> <p>The assessment recommended that no further Aboriginal cultural heritage assessment is required prior to proposed development works.</p>

Conclusion

This response to submission outlines changes to the master plan which provide for improved articulation and built form transitions within the site and to the surrounding area and allow for greater tree retention and tree planting. These changes seek to minimise visual and amenity impacts and respond to the landscape, built form and heritage character of the surrounding area.

The site specific DCP has also been amended to reflect the changes to the master plan and to provide additional guidance to future development.

The total floor space and indicative yield has not changed as a result of the amended master plan and no changes are proposed to the Ku-ring-gai LEP controls that were exhibited.

Extensive additional assessment has also been carried out and it is considered that this response to submissions satisfactory addresses all issues raised.

1 Background

1.1 Exhibition details

The Planning Proposal and supporting documentation for the Lourdes Retirement Village at 95 Stanhope Road, Killara was exhibited by the Department of Planning and Environment from 17 August 2022 to 27 September 2022.

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- Introduce a site specific provision to exclude the operation of clauses 84 and 87 of the *State Environmental Planning Policy (Housing) 2021*.

A draft site specific DCP was exhibited with the Planning Proposal to outline detailed built form controls which would guide future development on the site.

1.2 Submissions received

A total of 44 submissions were received in response to exhibition of the Planning Proposal.

Of the total submissions received, 33 submissions were received from members of the community. A petition was also received which objected to the proposal and was signed by 45 community members.

A submission was received from the State Member for Davidson, the Hon. Jonathan O’dea, which reiterated many of the concerns raised by the local community and Council.

The Department also received 3 submissions from Community Groups including:

- Lourdes Retirement Villages Residents’ Committee
- STEP Inc Community Based Environmental Conservation
- Friends of Ku-ring-gai Environment Inc.

The remaining submissions came from Ku-ring-gai Council, and NSW Government agencies and service providers including:

- Transport for NSW
- Rural Fire Services
- Department of Planning and Environment, Environment and Heritage Group
- Heritage NSW
- Schools Infrastructure NSW
- Sydney Water.

Type of submission	Number of submissions
Community member	33
Local member	1
Community group	3
Local Government	1

Type of submission	Number of submissions
State Government Agency	6
TOTAL	44

This response to submissions addresses all issues raised in submissions as follows:

- Section 2 sets out the proposed changes to respond to issues raised in submissions
- Section 3 sets out additional assessment carried out to respond to issues raised in submissions
- Section 4 provides a response to issues raised in community submissions
- Section 5 provides a response to issues raised in submissions from community groups
- Section 6 provides a response to issues raised by Council
- Section 7 provides a response to issues raised by NSW Government Agencies.

2 Proposed changes

2.1 Master plan changes

A number of changes have been made to the Master Plan for the site to respond to issues raised in submissions which are summarized below.

- A reduction in the perceived scale of the proposal by accommodating the Independent Living Units within four smaller buildings, rather than three, increasing visual permeability and the potential for through-site links
- A further reduction in building height from 4 storeys to 3 storeys for the building adjacent to the western boundary, minimising impacts on the adjoining neighbour
- The introduction of variations in built form and height, length, architectural expression and upper level setbacks across the development that serve to increase solar amenity and reduce the visual presence of the proposal
- The further integration of the proposal with the existing levels on site through the use of stepped building forms to ensure that the design is appropriately embedded within the landscape
- Relocation of the proposed principal entry into the basement carpark (including loading and servicing vehicle docks) to the eastern portion of the site to reduce any perceived impacts to the development's western neighbours
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- The articulation of massing envelopes to ensure buildings that are fine-grain and in their expression and materiality reflective of the residential context that they sit within
- The use of apartments at the interface of the ILU carpark and the townhouses to minimise the visual impact of the basement carpark
- More granular building expression at the interfaces of the townhouse precinct with the surrounding bushland by creating a staggered built form.

The total floor space and indicative yield has not changed as a result of the amended master plan and no changes are proposed to the Ku-ring-gai LEP controls that were exhibited.

The exhibited Master Plan and amended Master Plan are shown in and Figure 1 and Figure 2 respectively and are also included in the Urban Design advice at Appendix A. Figure 3 shows the existing village layout.

The changes in buildings heights and clarification of upper level setbacks is also illustrated at Figure 4, and Figure 5 highlights the proposed transition of scale across the site topography which seeks to minimise perceived height at ground level and maximise solar access.



Figure 1: Exhibited master plan



Figure 2: Amended master plan



Figure 3: Existing village built form layout

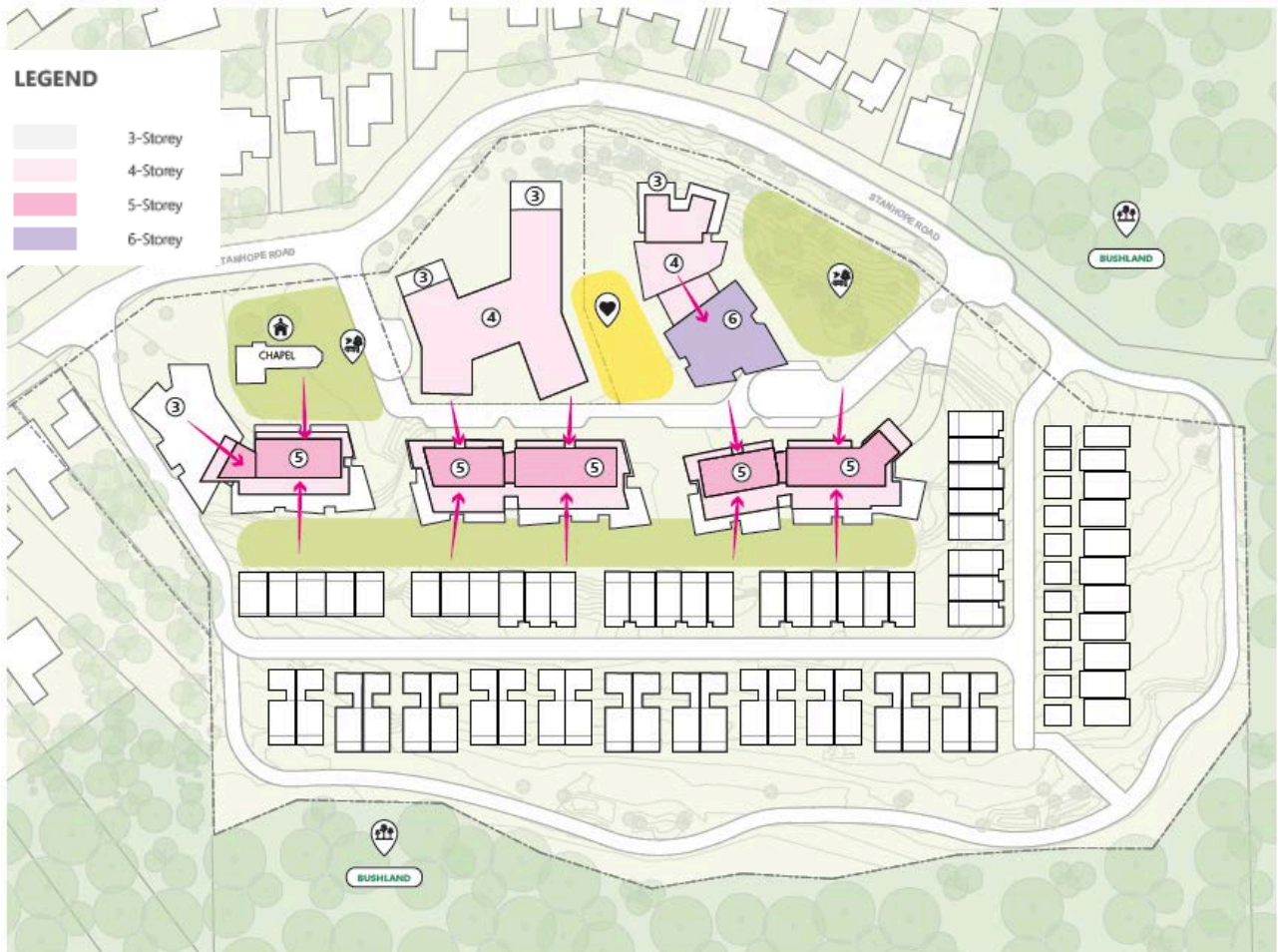


Figure 4: Building height and upper-level setbacks

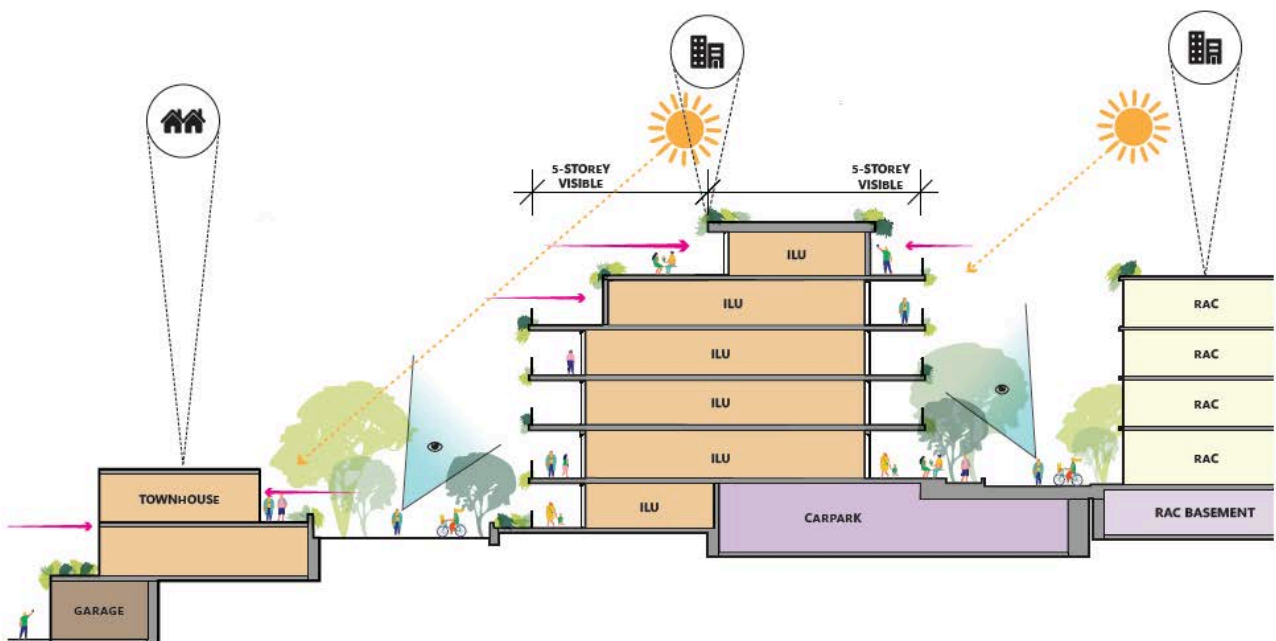


Figure 5: Building scale and transition

2.2 Development control plan changes

An amended draft Development Control Plan (Appendix B) has been prepared to reflect the changes to the Master Plan and to address issues raised in submissions. These proposed changes are summarized in the table below.

DCP Section	Proposed changes
General provisions	Indicative Layout Plan Updated to reflect Master Plan changes.
Built form and setbacks	<p>Controls clarifying that:</p> <ul style="list-style-type: none"> Seniors Housing buildings are to range in height from three to six storeys The medium density housing development is to range in height from two to three storeys <p>Controls requiring a maximum site cover of 40% across the site.</p> <p>Setbacks Plan updated to be consistent with the current Master Plan.</p> <p>New plan introduced to show building height transition and upper level setback controls consistent with the updated Master Plan.</p>
Building Design	New control introduced to establish a maximum building length of 65m, and where a building has a length greater than 30m, a requirement that it be separated into at least two parts by a significant recess or projection.
Built Form Controls – Medium Density Housing	<p>Principle Private Open Space has been increased to 25sqm with a dimension of 5m consistent with the Ku-ring-gai Development Control Plan 2015 (Ku-ring-ga DCP).</p> <p>Removal of site cover and landscape area controls on the basis that site wide deep soil and site cover controls are proposed.</p>
Communal open space and landscaping	<p>Includes controls for communal open space shown in the Indicative Layout Plan including as follows:</p> <ul style="list-style-type: none"> Seniors Housing: to comply with the Apartment Design Guide Medium Density Housing: a minimum of 500sqm and at least 50% to receive direct sunlight for at least three hours between 9am and 3pm at mid winter. <p>Includes requirement for 40% of the site to be deep soil planting.</p> <p>Requirement for canopy cover to be maximised with a view to maintaining the existing level of canopy cover across the site.</p>
Access and movement	<p>Updated Pedestrian and Vehicular Access plan to be consistent with updated Master Plan changes to the access arrangements.</p> <p>Introduction of site specific car parking rates to ensure adequate car parking is provided to minimise impacts on the surrounding street parking (see further discussions in Section 3.5).</p>
Dwelling mix and accessibility	Dwelling mix controls requiring a range of dwelling sizes and a mix of types is to be provided as follows:

DCP Section	Proposed changes
	<ul style="list-style-type: none"> Independent Living Units: a mix of one, two, and three bedroom dwellings. Medium Density Housing: a mix of three and four bedroom units. <p>Increase of Silver Level medium density dwellings under the Livable Housing Design Guidelines from 20% to 30% to be consistent with the Low Rise Housing Diversity Guide.</p>
Topography and earthworks	Inclusion of a Site Section showing indicatively how the buildings would follow the topography of the site.
Heritage	Includes additional controls as recommended in the heritage advice from Urbis (Appendix J) and to clarify that Headfort House to be repaired and conserved as well as retained.
Waste management	Requirement that waste is to be managed in accordance with Section 23.7 of the Ku-ring-gai DCP and that waste storage for medium density housing it to be located within each individual lot and screened from view from the street and adjacent lots.

3 Additional assessment

3.1 Urban Design

Updated Urban Design advice (Appendix A) has been prepared by Plus to support this response to submissions which includes the amended Master Plan to respond to issues raised which is discussed in Section 2.1.

Further analysis has also been carried out as part of the Urban Design Advice to demonstrate compliance with the Apartment Design Guide for the Seniors Housing development including for solar access, cross ventilation, building separation, building depth, deep soil, communal open space and solar access to communal open space.

3.2 Landscaping and tree retention

The Urban Design response (Appendix A) includes an updated Master Plan which has sought to retain additional trees and maximise landscaping and tree planting increasing canopy cover across the site and responding to the surrounding landscape and bushland context.

The updated Master Plan would result in removal of 209 trees compared to 233 under the exhibited Master Plan. This has been achieved through retention of additional trees around Headfort House and the southern and eastern perimeter of the site.

Of the 209 trees to be removed 58 are identified as significant trees with 151 being of low significance. A total of 170 trees would be able to be retained on site, with 209 trees proposed to be planted result in a total of 379 trees consistent with the existing number.

Further analysis of deep soil planting has also been provided demonstrating that deep soil of 40% can be achieved across the site which significantly exceeds the 15% identified under the Apartment Design Guide and aligns with the controls under the Ku-ring-gai DCP being 50% deep soil for residential flat buildings and 40% for multi-dwelling housing.

The proposed landscape plan demonstrates that 25% canopy cover could be achieved across the site, compared to the existing 22%. This will ensure the leafy and bushland character of the site will be maintained and enhanced.

Additional advice has been provided by the bushfire consultant Blackash which confirms that the landscape approach is compatible with the need to provide a fuel reduced area between buildings and the bushfire hazard (Appendix E).

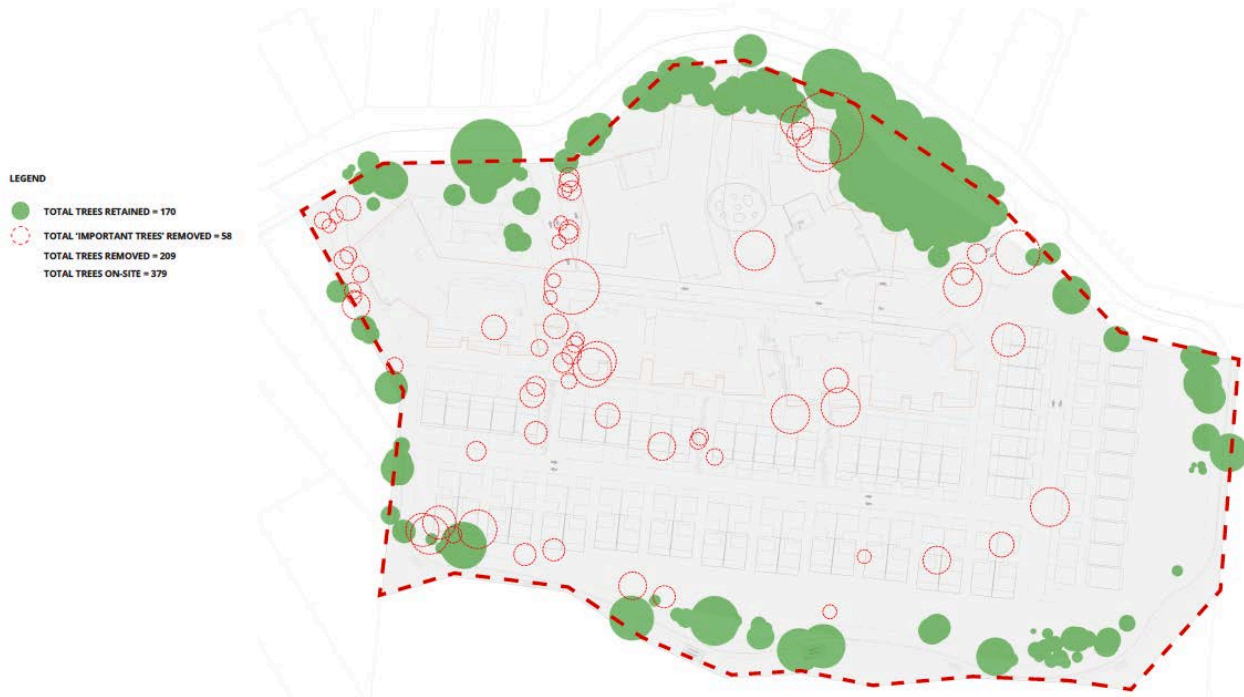


Figure 6: Tree removal

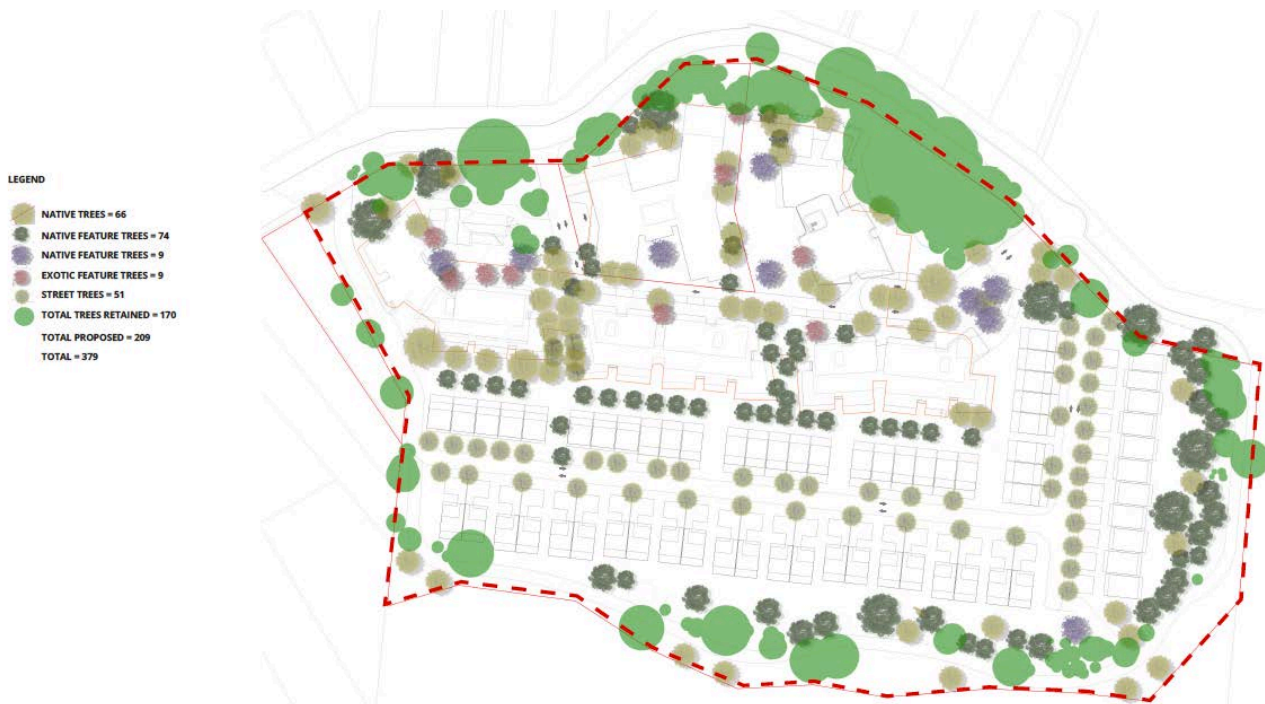


Figure 7: Tree planting

Clarification of communal open space has also been provided demonstrating a total area of 6,540sqm of communal space is proposed across the site. An area of 6,000sqm is proposed within the indicative Seniors Housing site which meets the Apartment Design Guide requirement of 25%. A 540sqm area of communal open space has also been identified for the medium density housing which would connect to pathways along the bushland interface and would exceed the Ku-ring-gai DCP requirement of 144sqm. All areas of communal space receive excellent solar access in midwinter exceeding the relevant requirements of the Apartment Design Guide and Ku-ring-gai DCP as shown in the Urban Design advice at Appendix A.



Figure 8: Communal open space

3.3 View Analysis

Concern has been raised by Council and the wider community about the visual impact of the proposal from various vantage points in the surrounding area. Council has modelled the built form from a number of viewpoints to illustrate their concerns however the accuracy of the modelling and of these viewpoints is questioned with many of these views being significantly elevated above ground level.

To respond to these concerns a View Analysis has been prepared by Deneb Design who specialise in Architectural Visualisation including view analysis.

The View Analysis includes viewpoints that were previously considered in the Visual Impact Assessment prepared by Plus Architecture, as well as viewpoints raised as a concern by Council and the community. This has resulted in an extremely comprehensive analysis of the visual impacts of the proposal.

To ensure a high level of accuracy the View Analysis has been based on the following information.

- Registered survey of all viewpoint camera locations prepared by Norton Survey Partners
- Architectural modelling and verified proposed heights prepared by Plus Architecture
- Terrain Mapping - Aerometrix (Metromap)
- Photography of existing views taken by Deneb Design.

The view analysis highlights in red areas of built form which could possibly be visible within each view with areas which will be obscured by topography or existing vegetation shaded grey. The analysis below considers viewpoints where built form may be visible. From all other viewpoints the proposed built form would be entirely hidden from view. The full Visual Analysis is included at Appendix C.

The view analysis demonstrates that from wider viewpoints in the public domain the proposed built form would either be entirely hidden from view or minimally visible through or above foliage.

Numerous views have been assessed from the surrounding bushland including from Seven Little Australians Park and Swain Gardens. The views from Swain Gardens show that the proposed built form will be entirely hidden from view. For views within Seven Little Australians Park the proposed built form would be hidden from view with the exception of glimpses of rooftops through foliage from one vantage point at the entrance to the park (Figure 9). This is considered to be a minor impact.

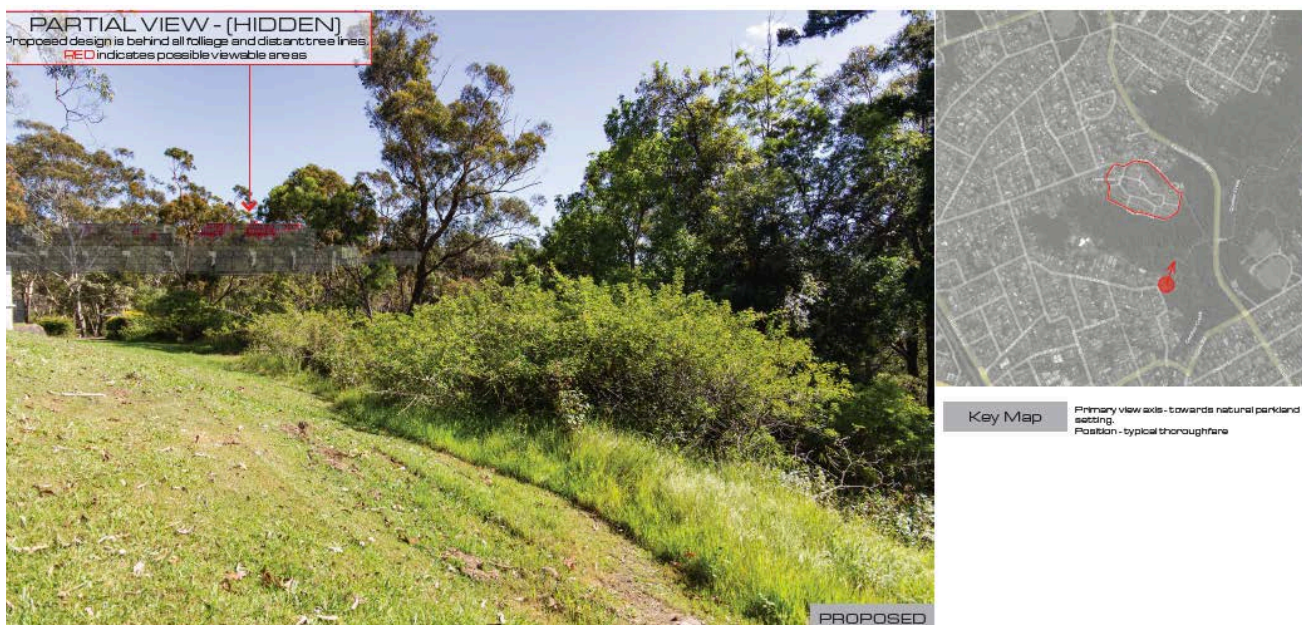


Figure 9: View P01 – Seven Little Australians Park

The tops of buildings will also be partially visible through and above foliage for longer range views from Stanhope Road at the intersection with Redgum Avenue looking east (Figure 10) and Rosebery Road at the intersection of The Crescent looking south (Figure 11). This is considered to be a minor impact.



Figure 10: View P06 – Stanhope Road at intersection with Redgum Avenue looking east

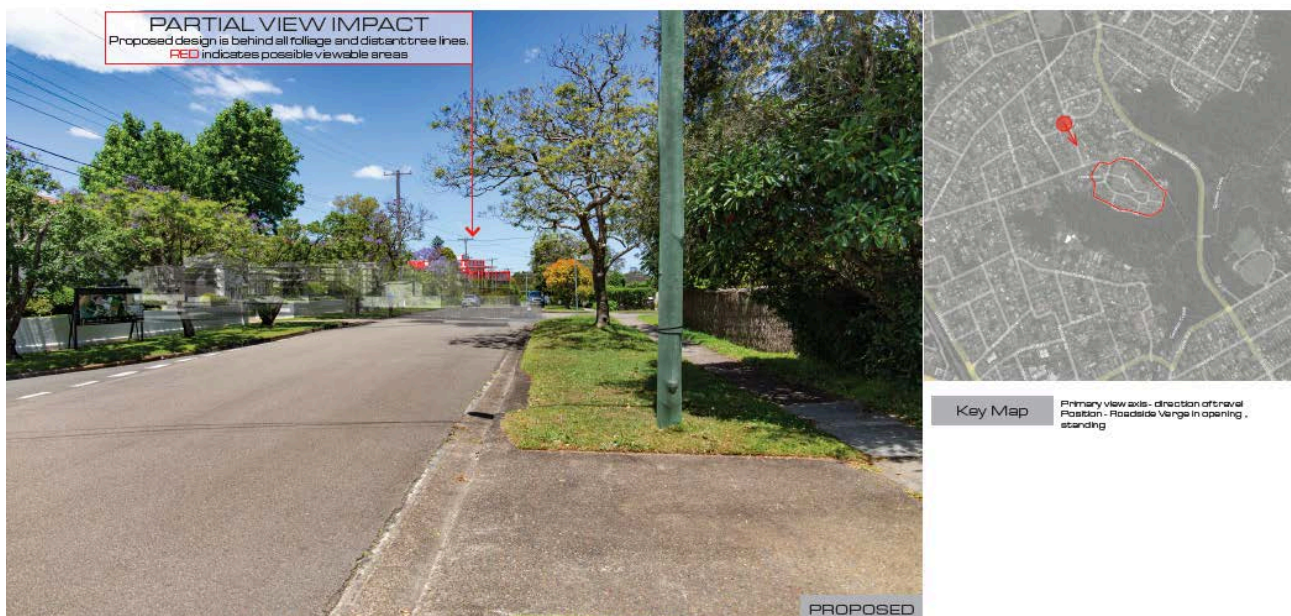


Figure 11: View P08 – Rosebery Road at the intersection of The Crescent looking south

The tops of buildings will also be partially visible above and through foliage from two distant viewpoints on the Eastern Arterial Road / Archibold Road (Figure 12 and Figure 13). This is considered to be a minor view impact.



Figure 12: View P13 – Eastern Arterial Road (Archibold Road) and Tyron Road



Figure 13: View P14 – Eastern Arterial Road (Archibold Road)

Multiple viewpoints have been considered from Lindfield Oval, which shows that the built form will be obscured or almost entirely obscured from all views with the most significant impact from the viewpoint on the oval to the north east of the Lindfield Soldiers Memorial Park (Figure 14). This is considered to be a minor visual impact.



Figure 14: View P17 – Lindfield Oval

A number of closer viewpoints looking directly at the site from Stanhope Road have also been considered.

For the viewpoint at the corner of Stanhope Road / Rosebery Road built form is largely screened by existing vegetation (Figure 15) as is the case for the viewpoint from in front of 92 Stanhope Road opposite the site (Figure 16). It is also noted that the built form fronting Stanhope Road has been limited to three storeys with upper levels further setback to provide for a sensitive transition to surrounding low density areas.

The buildings on the eastern extent of Stanhope Road viewed from the existing scout hall will be more visible (Figure 17) with Deneb Design identifying this as a significant impact. However, it is important to note that the proposed built form in this location comprises two-three storey town houses which will replace existing two and three storey seniors housing and is compatible with the existing and surrounding built form character. Further, this location in front of the scout hall is not considered to be a significant vantage point within the public domain network. Accordingly, the impact is considered acceptable.

There is also potential for additional tree planting within the site and verge along Stanhope Road to further screen the proposed buildings minimising visual impacts.



Figure 15: View P07 – Rosebery Road / Stanhope Road intersection



Figure 16: View P11 – 92 Stanhope Road



Figure 17: View P10 – Hornsby Scout Fellowship Hall

In summary, the proposal will be entirely obscured from many vantage points within the surrounding public domain. Where built form will be visible it is considered that this impact would be acceptable.

3.4 Bushfire

Additional bushfire advice has been prepared by Blackash Bushfire Consulting (Appendix E) to respond to issues raised in submissions regarding bushfire risk and bushfire evacuation. In particular the report seeks to respond to clarification that Rural Fire Service (RFS) has sought regarding the maximum number of occupants on the site and bush fire evacuation capacity of the road network.

The advice highlights that Ku-ring-gai Council has previously prepared a Bushfire Evacuation Risk map which identifies areas of the LGA where severe evacuation risks may occur during a bushfire event due to pinch points in the road network. It also notes that Council rezoned areas of bushfire evacuation risk to E4 Environmental Living to minimise potential for future density increases. It is highlighted that neither the site nor Stanhope Road were identified as a bushfire evacuation risk through this process.

Sensitivity testing was undertaken to determine the practical upper limit of occupants that could be accommodated on the site under the Planning Proposal, based on a re-mix of RACF room sizes, remixing of apartment product mix and sizes. This identified a potential 10% variation in the total number of occupants, noting that the Planning Proposal establishes land uses, maximum building height and total floor space but not a specific dwelling number or mix. Blackash note that this is a minor potential increase and given lack of significant evacuation risks and additional evacuation capacity, even under the upper limits, the proposed rezoning is not considered to present significant issues.

It is also important to note that any future development and associated DA approval process and must comply with the approved *Bushfire Engineering Design Compliance Strategy* and obtain a Bush Fire Safety Authority (BFSA) under s100B of the *Rural Fires Act 1997* (RFA).

The bushfire advice notes that the proposed bushfire evacuation strategy is for residents to shelter in place. Residents located in the Residential Aged Care would not need to evacuate as it is not located on bushfire prone land and it is greater than 100 metres from bushfire prone land (beyond the requirements of Planning for Bushfire Protection 2019).

The residents of the townhouses and Independent Living Units can be accommodated in the proposed refuge building (Clubhouse) which will be available and designed with an air handling system capable of being adjusted for full recycling of internal air for a period of 4 hours to avoid the introduction of smoke into the building and maintaining an internal air temperature of not more than 25°C during a bushfire event.

Accordingly, no evacuation by road would be necessary, however the bushfire advice highlights that if residents did wish to evacuate the site that they can safely do so via Stanhope Road and the existing road network to the northwest of the site via numerous routes as illustrated at Figure 18 and any travel from the site is not exposed to bushfire hazard or considered a significant bushfire risk, which is consistent with the findings of the Ku-ring-gai Council bushfire evacuation risk map and numerous studies and analysis undertaken across the LGA.

The Bushfire advice notes that the increased residents under the planning proposal are not considered to exacerbate evacuation risks of the neighbourhood as existing Stanhope Road residents are unlikely to be evacuated due to their distance from the hazard, with the only primary potential evacuees being those who occupy the very eastern end of the Road.



Figure 18: Bushfire evacuation routes

To support the Bushfire Advice ARUP has provided advice on the evacuation capacity of the road network based on practical upper scenario as follows (Appendix F).

For a conservative bushfire scenario where one vehicle is generated in one hour per Independent Living Unit, aged care facility suite and town house, up to 356 vehicles would leave the site in one hour. This is considered conservative as the bushfire strategy for the aged care facility residents would be to remain in-situ and for ILU and town house residents to evacuate to a refuge building within the site.

Given vehicles would be distributed across multiple access points, internal roads within the site are expected to adequately accommodate vehicles during a conservative bushfire scenario. The external road network is also expected to be able to accommodate this traffic given that traffic would be distributed across multiple roads to the wider arterial road network. Neighbouring residents are unlikely to be evacuated due to their distance from key bushfire risk areas and are not expected to generate a high amount of concurrent evacuation traffic.

Regardless of the upper scenario, ARUP further note that *the Guide to Traffic Generating Development (RTA – now Transport for NSW) specifies a typical mid-block capacity of 900 passenger car units per hour for a lane with an adjacent parking lane. Therefore, given that vehicles would be distributed across multiple access points, internal roads within the site are expected to adequately accommodate vehicles during a conservative bushfire scenario.*

On this basis the bushfire advice concludes that given that vehicles would be distributed across multiple access points, there would be significant spare capacity (compared with the upper scenario of 356 vehicles) within the road network in a hypothetical scenario where all residents were to evacuate the site.

The Bushfire advice also notes the road network and multiple access points to the site would accommodate any necessary fire brigade access within the site.

On this basis the bushfire advice concludes that bushfire evacuation is not a constraint the development of the site under the Planning Proposal.

3.5 Traffic and transport

Additional advice has been provided by ARUP (Appendix G) to respond to traffic issues raised in the submissions, to provide comment on the access arrangements identified in the amended Master Plan and recommend alternative car parking rates for the development.

The advice confirms that the amended access arrangements would minimise heavy vehicle movements within the site and reduce vehicle movements on the access road near the adjacent property at 91 Stanhope Road.

A key change to the site specific DCP is to include alternative car parking rates for the independent living units and the medium density housing to ensure that future development has minimal impact on surrounding street parking. It is noted that all car parking rates in the Ku-ring-gai DCP are minimum rates, so the inclusion of higher car parking rates is consistent with the intent of the DCP but provides more certainty on the future car parking provision.

The proposed independent living unit rates are consistent with the rates in the Ku-ring-gai DCP for residential apartments and the medium density housing rates are consistent with the maximum rates under the Ku-ring-gai DCP for development within 400m of the train station. Car parking for residential aged care is proposed to be provided in accordance with the rate in the Ku-ring-gai DCP.

Land use	DCP minimum car parking rate	Proposed site specific car parking rate
Independent living unit	Resident funded development: <ul style="list-style-type: none"> 2 spaces per 3 units (equivalent to 0.67 spaces per unit) Visitor parking: 1 space per 5 units 	<ul style="list-style-type: none"> Studio: 0.5 spaces per unit 1-bedroom: 1 space per unit 2-bedroom: 1.25 spaces per unit 3-bedroom: 2 spaces per unit Visitor parking: 1 space per 4 units
Town house	<ul style="list-style-type: none"> 1-bedroom: 1 space per unit 	<ul style="list-style-type: none"> 1-bedroom: 1 space per unit

Land use	DCP minimum car parking rate	Proposed site specific car parking rate
	<ul style="list-style-type: none"> 2-bedroom: 1.25 spaces per unit 3-bedroom: 1.5 spaces per unit Visitor parking: 1 space per 4 units 	<ul style="list-style-type: none"> 2-bedroom: 1.5 spaces per unit 3-bedroom: 2 spaces per unit Visitor parking: 1 space per 4 units

Additional advice has been provided by ARUP (Appendix G) to respond to traffic issues raised in the submissions, to provide comment on the access arrangements identified in the amended Master Plan and recommend alternative car parking rates for the development.

The advice confirms that the amended access arrangements would minimise heavy vehicle movements within the site and reduce vehicle movements on the access road near the adjacent property at 91 Stanhope Road.

The advice from ARUP supports the inclusion of these car parking rates and notes that the additional car parking above the minimum rates in the Ku-ring-gai DCP would not have any significant impacts on the surrounding road network.

3.6 Ecology

A Biodiversity Development Assessment Report (BDAR) has been prepared as part of the response to submission by ACS Environment (Appendix H).

The BDAR notes that the site has been extensively modified in relation to natural vegetation structure and floristics and contains seniors housing buildings in an area of managed curtilage with formal garden beds and landscaped areas of planted and established trees. However, it notes that some individuals and patches of remnant tree and shrub species have also been retained within the landscape.

The BDAR notes the following in terms of direct impacts of the proposal on the subject site which has been based on the Arborist assessment prepared as part of the Planning Proposal.

- A total of 58 individuals of locally-occurring native trees are proposed to be removed from a total of 105 such native trees occurring within the subject site (or 55%)
- A total of 27 individual locally-occurring native trees and shrubs are proposed to be removed from the 63 individuals occurring within the nominal mapped PCT 1281 (Sydney Turpentine Ironbark Forest) area of the subject site (43%). This plant community was identified as being in a highly modified condition. Three ecosystem credits are required to offset this impact.
- A total of 17 individual locally-occurring native trees and shrubs are proposed to be removed from the 26 individuals occurring within the nominal mapped PCT 1776 (Coastal Enriched Sandstone Dry Forest) area of the subject site (65%). This plant community was identified as being in a highly modified condition. Three ecosystem credits are required to offset this impact.
- A total of 14 individual locally-occurring native trees and shrubs are proposed to be removed from the 16 individuals occurring within the nominal mapped PCT 1250 (Coastal Sandstone Gully Forest) area of the subject site (88%). This plant community was identified as being in a highly modified condition. No ecosystem credits are required to offset this impact.
- Whilst PCT 1281 in the Sydney Basin Bioregion is currently listed as an endangered or threatened entity that this area of highly modified floristically, structurally and functionally landscaped elements of such community is not considered to constitute a serious and irreversible impact.

- No habitat to be removed is considered suitable habitat for any threatened species as the potential habitat to be removed is largely managed curtilage lacking natural floristic, structure and functional elements and occurs as ornamental landscaping containing some remnant individuals of locally-occurring native species.

On this basis it is considered that any ecological impacts associate with the proposal would be minimal and could be offset through purchase of ecosystem credits.

It is noted that the amended master plan has reduced tree removal as a result of the proposal, and accordingly the ecological impacts may be further reduced. An updated BDAR would be prepared at the DA stage to confirm any impact and required ecosystem credits.

3.7 European built heritage

Updated heritage advice has been prepared by Urbis which includes an assessment of the heritage significance of Headfort House (Appendix I) and provides advice to respond to the issues raised in submissions and give further consideration to the impacts of the proposal on the heritage context (Appendix J).

Urbis is of the view that Headfort House does not have local significance that would warrant its listing as a local heritage item on the basis that it does not meet any of the seven relevant criteria for local heritage listing. Notwithstanding, Urbis notes that Headfort House is proposed to be retained and that the proposal appropriately responds to this building as follows:

There is a considerable setback from Headfort House to the ILU behind (6m to the west and 12m to the south) and Headfort House is retained in a landscaped setting and curtilage, with the new development visible as a backdrop of development. The existing setting of the former school building is retained, with the generous front setback and mature tree plantings. Headfort House provides a transition in the streetscape, between the HCA and contemporary new development. There is an opportunity for further detailed design and planning of the landscape to provide a further landscape buffer between Headfort House and new development.

Urbis also consider that the proposal has responded to the existing heritage context including the heritage conservation area (HCA) and local items as follows:

- Retention of Headfort House ensuring that the contribution of Headfort House is retained
- Separation to new development and landscaping in the vicinity of the HCA
- Retained continuous native landscape edge running along the northern boundary of the site to Stanhope Road which will maintain and enhance the landscaped character of the streetscape
- Positioning of the larger scale development (5-6 storeys) toward the centre of the site with modulated forms with upper level setbacks, creating a terraced form to the south and reducing overall bulk and scale
- Stepping down to the bush landscape (I1100) to the south and east, the residential development to the north and the HCA and vicinity heritage items (I1103) to the west
- Generous setbacks from the site boundaries and the proposed retention of vegetation around the southern and eastern edge to create a landscape buffer and bushland interface.

It is noted that development in its current form for the Lourdes Retirement Village (LRV) does not contribute to the setting of the Heritage Conservation Area and forms the boundary of the HCA, with a series of later 20th century institutional and residential buildings presenting to Stanhope Road with generous landscaped setbacks. Proposed development in line with the PP has a similar institutional

character, and maintains substantial setbacks, while allowing for an intensification of development on the site.

Urbis has recommended the inclusion of the following DCP controls to ensure that heritage is appropriately considered at the DA stage:

- As the site is located in the vicinity of heritage items, (I1103 and I1100) and the Crown Blocks Heritage Conservation Area (C22), any future development should allow for a transition between new building development and the natural bushland located to the east, south and west and character and setting of the HCA located to the north-west. Landscaping should also be included along the northern boundary in keeping with the streetscape.

Proposed development should consider potential visual impacts and provide an appropriate curtilage and setting for the heritage item I1100 (Seven Little Australians Park). Detailed design of any future development should provide for a transition to the heritage item and not detract from the natural landscape and views from this item.”

3.8 Archaeological heritage

An Historical Archaeological Assessment has been prepared by AMBS Ecology and Heritage to respond to concerns about potential impacts on archaeological heritage as a result of the proposal (Appendix L).

The assessment made the following comments around the archaeological potential and significance of the site.

Due to the extensive building works associated with the development of Lourdes Retirement Village, the majority of the site to the east and south of Headfort House has been significantly disturbed and as such, has no archaeological potential. The area in the immediate vicinity of Headfort House and to the west has been less disturbed by the development of the village, as such, there is low archaeological potential within this area.

Potential archaeological remains within the study area would have limited research potential for their ability to further our understanding of school life in Northern Sydney and women’s army training during WWII.

If well-preserved substantive archaeological resources are present within the study area, they are likely to be of local significance.

Given the nil-low archaeological potential the assessment recommended that no further assessment would be necessary subject to implementation of unexpected finds procedures during construction stage.

3.9 Aboriginal heritage

An Aboriginal Heritage Due Diligence Assessment has been prepared by AMBS Ecology and Heritage to respond to concerns about potential impacts on Aboriginal Heritage as a result of the proposal (Appendix K).

The assessment concluded the following:

No Aboriginal heritage sites, objects, places or landscape features likely to indicate the presence of Aboriginal objects, were identified within the study area. The study area has been significantly impacted by past construction of the Lourdes Retirement Village, and associated roads and driveways, paths and terraced gardens, and given the level of disturbance associated with historic

development on the property, it is considered unlikely that evidence of previous occupation of Aboriginal people remains within the study area. There are no previously identified Aboriginal heritage sites recorded on AHIMS within the study area, and no previously registered Aboriginal heritage sites will be impacted by the proposed development.

The assessment recommended that no further Aboriginal cultural heritage assessment is required prior to proposed development works. It also recommended that standard procedures should apply to any future development such that *any Aboriginal objects be exposed during construction works, disturbance of the area should cease, and Heritage NSW should be informed in accordance with Section 89A of the NPW Act. Works should not continue without the written consent of Heritage NSW.* This would be included as a condition of consent at the DA stage.

4 Consideration of Individual Public Submissions

Submissions were received from 33 members of the local community. All issues raised have been summarised and addressed in the Sections 4.1 to 4.11 below.

4.1 Urban design and built form issues

Issue raised	Consideration
Character and built form	
<p>The proposal is out of character with the leafy, low density, residential environment around Stanhope Road and Killara. The building heights along Stanhope Road are inconsistent with the single storey character adjacent.</p>	<p>The proposal is for a mix of mid-rise seniors housing and low rise townhouses. Whilst this will introduce a new built form character to the site this is considered to be compatible with the surrounding low rise low density character. Building height has been located on the site to provide for a transition to the surrounding area with heights stepping down to the interfaces.</p> <p>The building height adjacent to the western boundary has been reduced from four storeys to three storeys. Upper level setback controls have also been introduced which will ensure a built form transition to the surrounding area, including three storey built form fronting Stanhope Road.</p>
<p>The proposal is inconsistent with the heritage and architectural character of the area, including the heritage conservation area.</p>	<p>A Heritage Impact Assessment prepared by Urbis was exhibited with the proposal that confirmed that the proposal would have an acceptable heritage impact.</p> <p>Further advice has been provided by Urbis to considering the impacts on the surrounding heritage items and heritage conservation area. This is discussed in Section 3.7.</p>
<p>The quality and materiality of any development must be consistent with the standards imposed on the surrounding community.</p>	<p>This will be addressed at the DA stage in accordance with the Draft Site Specific DCP.</p>
<p>There is no assurance that retention and restoration of Headfort House will actually be completed.</p>	<p>Headfort House is proposed to be retained and restored and an enhanced curtilage provided. This is reflected in the Draft Site Specific DCP.</p>
Proposed planning controls	
<p>The building heights are excessive in this location and in the context of surrounding buildings which are limited to 9.5m.</p>	<p>The proposal is for a mix of mid-rise seniors housing (4-6 storeys) and low rise townhouses (2-3 storeys). Building height has been located on the site to provide for a transition to the surrounding area with heights stepping down to the interfaces. This is complemented by retention of the existing vegetated buffer along Stanhope Road.</p> <p>The building height adjacent to the western boundary has been reduced from four storeys to three storeys. Upper level setback controls have also been</p>

Issue raised	Consideration
	introduced which will ensure a built form transition to the surrounding area, including three storey built form fronting Stanhope Road.
The increase in FSR is inappropriate in this location.	The increase in FSR reflects the proposed built form and master plan which has been assessed in detail through the Urban Design Report.
Any development should be consistent with the R2 zone. Rezoning from R2 Low Density to R3 Medium Density Residential is not appropriate and is not necessary to allow "seniors housing, multi-dwelling housing and attached buildings" which is already allowed under the R2 zoning.	The R3 zone is consistent with the proposed medium density nature of the proposal. Seniors housing, Multi-dwelling housing and Attached dwellings are prohibited in the R2 zone under the Ku-ring-gai LEP.
The planning controls represent an overdevelopment of the site.	Extensive assessment and built form testing has been undertaken to inform the proposed built form and control which demonstrates that the site can accommodate the proposed controls.
The Gateway requirement to consider retention of the R2 zone has not been considered.	<p>This was considered in the Planning Proposal report as follows:</p> <p>Retention of the R2 Low Density Residential zone across the site would require 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.</p>

4.2 Suitability of the site

Issue raised	Consideration
Suitability of the site	
The proposal development is not suitable in this low density, quiet location which is isolated from services and facilities.	<p>The proposed master plan has been developed to provide a sensitive transition to surrounding low rise area and will be supported by vegetated buffers.</p> <p>The building height adjacent to the western boundary has been reduced from four storeys to three storeys. Upper level setback controls have also been introduced which will ensure a built form transitions to the surrounding area, including three storeys fronting Stanhope Road with additional setbacks to upper levels.</p> <p>Services for the seniors housing will to a large extent be accommodated on site and supported by public and private bus services.</p>

Issue raised	Consideration
	The low rise town houses development in this location is appropriate and will be serviced by public buses which provide connections to heavy rail.
Townhouses should be located along Pacific Highway and other transport corridors. The location is unsuitable for increased growth as it is isolated from shops and a railway line.	Higher rise housing is located and planned to be delivered in locations along the Pacific Highway and rail line. This proposal is for low rise medium density housing including townhouses which is suitable in this location and is consistent with the NSW Government Policy of encouraging additional supply of low rise medium density housing.
The proposal would create a precedent for future similar development within low density areas.	The proposal is unlikely to set a precedent for renewal of the surrounding areas of single dwelling house as the proposal is being progressed specifically to enable renewal of an existing seniors housing development.

4.3 Amenity impacts

Issue raised	Consideration
Visual impacts	
The proposal would result in significant visual impacts. There will be significant visual impacts on dwellings on Stanhope Road. The Visual Impact Assessment does not properly consider the visual impact from this location.	<p>An updated View Analysis has been prepared by Deneb Design.</p> <p>The built form from key views along Stanhope Road will be largely screened by existing vegetation with potential for further screening with additional landscape planting.</p> <p>The buildings on the eastern extent of Stanhope Road from the existing scout hall will be more visible however the proposed built form in this location is two-three storey town houses which are compatible with the existing and surrounding built form.</p> <p>Upper-level setback controls have also been introduced which will ensure a built form transitions to the surrounding area, including three storey built form fronting Stanhope Road.</p>
The view from Lindfield Cricket Oval should not include structures as this is misleading (p78 of the Urban Design Report).	<p>An updated View Analysis has been prepared by Deneb Design.</p> <p>This includes multiple views from Lindfield Oval, which shows that the built form will largely be screened by vegetation, with distant glimpses of the tops of buildings.</p>
The proposal will have a significant negative visual impact from the properties on the northern side of Northcote Road that currently enjoy uninterrupted views of the natural landscape of Seven Little Australians park. The tallest 22m buildings will rise above the current tree level.	<p>The updated View Analysis includes numerous views from Northcote Road and Seven Little Australians Park.</p> <p>The development would be entirely hidden from Northcote Road, with glimpses of rooftops through</p>

Issue raised	Consideration
	<p>foliage from some vantage points within Seven Little Australians Park.</p> <p>Dwellings on the northern side of Northcote Road are located over 200m from the site so any building glimpses will be distant views over buildings within the site.</p>
<p>It is submitted that the multi storey buildings and the scale of development will significantly impact on the HCA, on the Seven Little Australian Reserve, from numerous spots in the public domain including Lindfield Oval, Eastern Arterial Road travelling north and the back of a number of properties in Nelson Road Lindfield.</p>	<p>The updated View Analysis demonstrates that from wider viewpoints in the public domain the proposed built form would either be entirely hidden from view or minimally visible through or above foliage.</p> <p>The built form from key views along Stanhope Road will be largely screened by existing vegetation with potential for further screening with additional landscape planting.</p> <p>The buildings on the eastern extent of Stanhope Road from the existing scout hall will be more visible however the proposed built form in this location is two-three storey town houses which are compatible with the existing and surrounding built form.</p>
Noise impacts	
<p>Impact on quiet neighbourhood from traffic and increased population.</p> <p>Increased noise and pollution as a result of increased traffic including ambulances.</p>	<p>The proposed development is not expected to generate significant additional noise or pollution as a result of the level of traffic envisaged to be generated.</p> <p>Acoustic impacts on the surrounding areas and within the development will be further considered at the DA stage in accordance with relevant noise criteria.</p> <p>Ambulances to the site are unlikely to significantly increase as a result of the proposal, given that seniors housing would not be significantly increased.</p>
<p>Noise impacts for the retirement village as a result of private town houses.</p>	<p>The low rise townhouses would not generate significant noise levels which would preclude the approval of the Planning Proposal. An acoustic assessment would be carried out at DA stage to ensure that appropriate mitigation measures are put in place.</p>
Solar impacts	
<p>The proposal should not impact on neighbouring properties solar amenity or solar power generation potential.</p>	<p>Solar testing has been carried out which shows that there would be no impacts on adjacent dwellings / rooftops and that 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.</p>
<p>The solar analysis considers a 2 hour solar access timeframe for the Independent Living Units when this should be 3 hours.</p>	<p>This is consistent with the Apartment Design Guide which requires 2 hours of solar access in midwinter.</p>

4.4 Traffic impacts

Issue raised	Consideration
Traffic congestion and road network	
<p>The road infrastructure cannot accommodate the increase in traffic</p>	<p>Traffic modelling has been undertaken as part of the Transport Assessment. The traffic modelling identifies that the key Werona Avenue / Stanhope Road intersection is expected to operate satisfactorily with traffic generated by the proposal.</p> <p>TfNSW has also reviewed the proposal and has noted that ‘traffic generated by the proposal is relatively minor in nature’ with reduced impacts on the local and regional road network.</p>
<p>The traffic assessment has focused on key intersections and do not consider local implications on Stanhope Road and Roseberry Road adjacent to the site.</p>	<p>As shown in Table 6 of the Transport Assessment (ARUP), the proposal is expected to generate an additional 44 trips in the weekday AM peak, 39 trips in the weekday PM peak and 63 additional trips in the weekend peak. This equates to less than one additional vehicular trip per minute in the weekday peaks, and approximately one additional vehicular trip per minute in the weekend peak.</p> <p>On this basis, ARUP has advised that the increase in traffic is not expected to have a significant impact on Stanhope Road and Roseberry Road.</p> <p>TfNSW has also reviewed the proposal and has noted that ‘traffic generated by the proposal is relatively minor in nature’ with reduced impacts on the local and regional road network.</p>
<p>Object to the proposal for a secondary traffic access to the east of the existing main access within a few metres of the turning point of the cul-de-sac. Instead the existing secondary access from the end of Stanhope Road should be used.</p>	<p>The eastern-most access facilitates connectivity to the town houses and separates town house traffic from the seniors housing. The proposed location also allows for a larger traffic-free bushwalking area to the south-east of the site, when compared to using the existing secondary access from the end of Stanhope Road.</p>
<p>The proposed new western entry/exit is too close to the existing awkward Roseberry / Stanhope Road intersection.</p>	<p>The master plan has been amended to provide three proposed access points, spreading the traffic across three priority intersections. The western entry/exit is proposed to separate traffic associated with the townhouses and ILUs from traffic associated with the local centre and aged care facility.</p> <p>The traffic consultant, ARUP has advised that the western entry/exit is not expected to impact the performance of the Roseberry Road / Stanhope Road intersection as the proposal is expected to generate up to approximately one additional vehicle trip per minute during peak periods.</p> <p>TfNSW has also reviewed the proposal and has noted that ‘traffic generated by the proposal is relatively minor in</p>

Issue raised	Consideration
	nature' with reduced impacts on the local and regional road network.
Access was blocked to residents along Stanhope Road as a result of recent COVID testing at Dalcross Hospital.	This occurred during a pandemic event and would have been subject of specific traffic management measures. This is not relevant to the Planning Proposal.
The realignment of a major entry will impact on amenity of the adjacent dwelling as a result of headlights of exiting cars from the elevated platform on which the village is situated.	As shown in Section 2.6.4 of the Transport Assessment, based on traffic survey data, traffic movements exiting the site at night are anticipated to be minimal.
The residents of Stanhope Road, from Roseberry Road to the cul-de-sac, have already been granted a prior court ruling over any changes to the access to this property from the cul-de-sac or along the end of Stanhope Road. The proposal for a driveway into the Lourdes Retirement Village or proposed buildings under a re-zoning contravenes this.	This is not a matter for the Planning Proposal, and will be considered as part of any DA.
Existing poor quality road surface and lack of kerb and gutter along Stanhope Road.	This is an existing issue and is a matter for Council. Future development will be required to pay development contributions which can be used to fund infrastructure upgrades. It is up to Council to allocate these funds.
Traffic safety and emergency access	
Impacts on traffic safety within the retirement village as a result of increased traffic from the townhouses.	Traffic accessing the townhouses would use a separate internal road and access point (western access and eastern access) and would therefore be separated from the pedestrian areas of the Seniors Housing.
Lack of access roads within the development to accommodate emergency evacuation.	Additional traffic advice has been sought from ARUP which confirms that internal roads within the site are expected to adequately accommodate vehicles during a bushfire evacuation scenario. This is discussed in further detail in Section 6.3.
Increase traffic hazards and traffic noise on the steep sections of Stanhope Road, particularly through the narrow roadway between 74 Stanhope Road and the Swain Garden, and between 74 and 95 Stanhope Road.	The traffic consultant, ARUP has advised that the increase in traffic is not expected to have a significant impact on Stanhope Road and Rosebery Road.
Increased pedestrian conflicts between Redgum Avenue and Rosebery Road where there are no footpaths.	This is an existing issue and is a matter for Council. Future development will be required to pay development contributions which can be used to fund infrastructure upgrades.
Public Transport	
Lack of bus services to the site which are infrequent.	The existing bus services are considered suitable for seniors housing which is supported by additional private busses as well as for low rise town houses. However,

Issue raised	Consideration
	there is potential to liaise with Transport for NSW to increase bus services to support growth over time.
Car parking	
Surrounding streets would be impacted by increased parking demand. Only 94 car parking spaces are proposed to be provided for 141 independent living units which will impact on street parking.	<p>The proposal includes car parking in accordance with Council's DCP to minimise impacts on surrounding street.</p> <p>For the Independent Living Units, it is proposed to adopt the Council's rates for Residential Flat Buildings, rather than the lower rates for seniors housing independent living units.</p> <p>For multi-dwelling housing Council's DCP includes a minimum car parking rate of 1.5 car spaces per 3+ bedroom townhouses. It is proposed to deliver 2 spaces for all townhouses (3 / 4 bedroom) to minimise any impacts on the surrounding street network.</p> <p>To ensure this is applied at the DA stage the draft DCP has been amended to include these rates.</p>
Confirm whether onsite visitor and employee parking will be provided to ensure that there is not an increase in street parking.	<p>Visitor and employee parking will be provided in accordance with the relevant rates in the Ku-ring-gai DCP.</p> <p>For the Independent Living Units, it is proposed to adopt the Council's rates for Residential Flat Buildings, rather than the lower rates for seniors housing independent living units.</p>
Traffic report comments	
Concern was raised that the traffic study is of not of value as it states that: <i>the report should not be relied on by any party other than Stockland, and that the authors accept no responsibility to third parties – the report is therefore of no value in this process.</i>	ARUP has advised that this disclaimer notes that the report is intended to assess the Planning Proposal as required by the client and that it should not be relied upon by third parties for any other use.
<p>The traffic study was based on 2015 traffic surveys and therefore is not accurate.</p> <p>The "traffic survey" undertaken in 2017 was taken when the occupancy of the village was already significantly reduced due to the developer's policy of neglect and de-occupation.</p>	Although the original traffic surveys were undertaken in 2015, the traffic consultant, ARUP, has advised that a background growth rate of 3% was applied to uplift the traffic flows to 2021. This is considered to be robust as the surrounding land use is primarily low-density residential.
The traffic movement numbers quoted in the traffic report indicate that having entered Lourdes Retirement Village only about half of those vehicles leave (this would seem to be an interesting mathematical concept).	ARUP has confirmed that Section 2.6.2 of the Transport Assessment states that approximately an equal number of vehicles enter and exit the site each day.
The traffic report did not address access in the event of a natural disaster (fire, wind, storm) when Stanhope Road entrances have and will again become impassable.	Additional traffic advice has been sought from ARUP which confirms that internal roads within the site are expected to adequately accommodate vehicles during a bushfire evacuation scenario.

Issue raised	Consideration
	This is discussed in further detail in Section 3.4.
The statement in the Traffic Report that Kerbside parking on Stanhope Road is intermittent” is not correct.	The traffic consultant, ARUP, has advised that on site and desktop assessments identified the kerbside parking to be intermittent at sections of Stanhope Road, such as near 75 Stanhope Road.
The Traffic Study argues that “the Village occupants choose to avoid the road peak hours which occur before 9am and after 5pm” does not apply to the medium density housing.	ARUP agree with this position. Accordingly, Section 4.3.1 of the Transport Assessment assumes that the peak hour for the medium density housing is before 9am and after 5pm.
The number of additional movements anticipated at peak times is underplayed in the Traffic Report which identifies additional movements that vary from double the existing levels for the 5pm to 6pm peak, to more than 4 times existing between 11:30am & 12:30pm.	ARUP have advised that the Transport Assessment assumes several conservative assumptions to develop the estimated number of additional traffic movements, including: <ul style="list-style-type: none"> • Section 4.3 – assuming a 3% annual growth rate for traffic since 2015, which is considered conservative given the surrounding land use is primarily residential. • Table 5 - assuming the higher 0.65 vehicles per peak hour for medium density residential flat buildings. • Section 4.3.1 – assuming that trips travelling to the site would leave the site within the same hour.

4.5 Social and community impacts

Issue raised	Consideration
Social / community impacts	
Loss of social fabric and significant social impacts as a result of the increased population.	<p>The Social Impact Assessment prepared as part of the Planning Proposal has confirmed 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 of the respective uses.</p> <p>The renewal of seniors housing and the introduction of new low rise townhouses is considered to be compatible with the social context of the surrounding neighbourhood.</p>
The Social Effects Study is of no value as it states that <i>“This report is not based on community or stakeholder consultation and does not include an assessment of construction-related community impacts”</i> .	It is appropriate that construction related social impacts be addressed at the DA stage when staging and delivery is known. This will be supported through ongoing consultation through the delivery phase.
Retirees do not wish to co-locate with young families and singles, as was suggested in the Social Impact Assessment.	The seniors housing would be entirely separate from the medium density housing. The detail design of how these uses would be defined and separated would be determined at the DA stage.

Issue raised	Consideration
	The location of townhouses adjacent the seniors housing would bring opportunities for interaction if this is desired but would not be imposed on residents in any way.
The Social Impact Assessment does not provide a thorough assessment of impacts on the surrounding community, with mitigation measures to be developed at a later stage.	<p>The Social Impact Assessment states that construction impacts on the surrounding area would be addressed when detailed design and staging proposals for the project are in place and that this would be developed through a program of local community consultation as part of a comprehensive social impact assessment including identification of mitigation measures.</p> <p>This will form part of any future DA.</p>
Concern was raised about loss of the Croquet lawn.	Levande has committed to the existing residents that an equivalent Croquet Lawn will be part of the re-development.

4.6 Bushfire impacts

Issue raised	Consideration
Bushfire	
Increase of population within a high bushfire risk area is not appropriate, particularly given increased bushfire risk as a result of climate change.	<p>The Bushfire Consultant, Blackash, has advised the following:</p> <p>The site is not considered a high bushfire risk area. The site is in a locality that has not had widespread wildfire (nothing within 2km of the site) and is never likely to experience this as the vegetation is confined to relatively narrow pathways in directions that are not exposed to widespread and major bushfires (i.e. a bushfire attack from the northeast to southeast).</p> <p>Development will be designed and engineered to provide outcomes well above current regulations and standards. The design can adequately protect against fires up to Fire Danger Index (FDI) 100, consistent with current regulations which do not design for fires above FDI 100. Therefore, any increase in fire weather as a result of Climate Change is not a consideration of the regulative framework or fire fighting /emergency management practices.</p>
<p>Concern around safe evacuation during a bushfire event given increased population, particularly for elderly residents. The single access was noted as a concern given the potential for road closures as a result of fallen trees or power lines.</p> <p>Increased traffic will impact on safe bushfire evacuation for residents in the surrounding area.</p>	<p>The bushfire strategy for the aged care facility residents is to remain in-situ. The strategy for independent living unit (ILU) and town house residents would be to evacuate to a refuge building within the site.</p> <p>However, advice has been provided by the traffic consultant on the capacity of the road network to accommodate a scenario where all residents evacuate which confirms that the external road network is expected to be able to accommodate this traffic given</p>

Issue raised	Consideration
	<p>that traffic would be distributed across multiple roads to the wider arterial road network.</p> <p>This is discussed in further detail in Section 6.3.</p>
<p>The proposal does not meet bushfire safety requirements including APZs and therefore does not meet Ministerial Direction 4.3. Reliance on performance based approaches is not acceptable.</p>	<p>The NSW RFS approved the <i>Bushfire Engineering Design Compliance Strategy</i> in November 2020 and raised no objection to the rezoning proceeding on that basis. This includes a performance-based approach, something that is completely acceptable through <i>Planning for Bushfire Protection</i> 2019 and the National Construction Code. The performance-based approach accepted by the RFS satisfies all bushfire safety requirements and will create a bushfire safety outcome for the site that is not only significantly safer than what currently exists, but considerably better than what is be provided through a 'typical' deemed-to-satisfy approach (i.e. through PBP 2019 and AS3959).</p> <p>As part of the Planning Proposal an assessment has been undertaken of the matters the relevant planning authority must consider under Ministerial Direction 4.4. The NSW RFS have indicated their satisfaction with the proposed performance-based approach (which is an acceptable compliance pathway), and they confirmed (on 18 January 2022) the performance-based approach is appropriate to satisfy the Ministerial Direction and did not object to the progression of the planning proposal pursuant to clause (7) of Direction 4.4.</p>
<p>Bushfire risk would be increased as a result of increased density and townhouses directly fronting bushland.</p>	<p>The bushfire consultant, Blackash, has advised the following:</p> <p>The performance-based approach accepted by the RFS satisfies all bushfire safety requirements and will create a bushfire safety outcome for the site that is not only significantly safer than what currently exists, but considerably better than what is be provided through a 'typical' deemed-to-satisfy approach (i.e. through PBP 2019 and AS3959).</p> <p>The re-development has been specifically designed to provide a layered approach to the bushfire prone land with the more vulnerable residents being moved the furthest location from the hazard. Conversely, residential development is proposed on the interface where occupants are more able bodied and capable of utilising the emergency management and evacuation redundancies that have been built into the proposal. This layered approach provides resilience within the site, to occupants and to emergency service personnel. This is a significant bushfire net improvement from the existing homes on the site.</p>

Issue raised	Consideration
<p>The Bushfire Report states that 'the entire site will be managed as an APZ'. This is impossible given that an APZ is defined as "a fuel-reduced, physical separation between buildings and bushfire hazards".</p>	<p>The bushfire consultant, Blackash, has advised the following:</p> <p>This is in the context that all areas not built upon will be managed as an APZ. This is a typical way to describe the ongoing management of the site. In this regard, all buildings will be provided with a fuel-reduced, physical separation between them and the bushfire hazard.</p>
<p>Concern around capacity for 'considerable fire brigade intervention' as stated in the Bushfire Report as a result of future more frequent, intense and fastmoving bushfires.</p>	<p>The bushfire consultant, Blackash, has advised the following:</p> <p>The following comment was provided by the NSW RFS on 18 January 2022 and stated:</p> <p>"Whilst not part of the formal assessment criteria, in consultation with Hornsby Ku-Ring-Gai District Manager, Superintendent Mark Sugden, any bush fires impacting the site would be burning under an easterly/south easterly influence (typically cooler temperature). As the site is within Fire District and adjacent to Rural Fire District, the site would experience a significant weight of attack from FRNSW/NSW RFS (ground based and potentially airborne assets), which would minimise fire behaviour."</p> <p>Given the considerable building protection measures that all buildings will be provided (i.e. constructed with one hour fire rated external walls and internal sprinklers) which is over and above the typical requirements and the emergency management arrangements (i.e. refuge buildings) the village does not rely on the immediate availability of emergency service personnel.</p>
<p>The Bushfire report includes a statement that: "Blackash does not warrant or represent that the document is free from error or omissions and does not accept liability for any errors or omissions".</p>	<p>The bushfire consultant, Blackash, has advised the following:</p> <p>This is a standard disclaimer but does not retract from the suitability of the proposed outcome.</p>
<p>It is our understanding that the RFS has not accepted the proposed protection measures, (and would not) as the proposal's modelling was determined using an incorrect Fire Danger Index, (FDI of 55 when it should be 100 so it does not comply to FDI Standards, making evacuation necessary in all cases).</p>	<p>The bushfire consultant, Blackash, has advised the following:</p> <p>The NSW RFS has raised no objection to the Planning Proposal. This was confirmed to DPE on 16 November 2021 and again on 18 January 2022.</p> <p>The FDI used in the bushfire report prepared by Blackash Bushfire Consulting is 100. The FDI of 55 was referenced in a previous report by Ecological Australia, but this has been reset at 100 as per Planning for Bushfire Protection 2019.</p>

Issue raised	Consideration
<p>Concern was raised about how a horizontal evacuation strategy would be appropriate for vulnerable people who are unable to use stairs and how this would be managed if lifts were not working.</p>	<p>The bushfire consultant, Blackash, has advised the following:</p> <p>The re-development has been specifically designed to provide a layered approach to the bushfire prone land with the more vulnerable residents being moved the furthest location from the hazard. Conversely, residential development is proposed on the interface where occupants are more able bodied and capable of utilising the emergency management and evacuation redundancies that have been built into the proposal. The design ensures all residents are not required to leave homes due to the fire rating construction and design.</p> <p>If residents are to leave the independent living units, they exit directly into shielded areas with radiant heat less than the prescribed 10kW/m2 and can walk safely to the refuge (Clubhouse) if they choose although this is not required for their safety.</p>
<p>Concern about slope of land exacerbating speed of bushfire hazard towards the buildings.</p>	<p>Fires will burn more quickly upslope and the performance based design takes this into account, ensuring all buildings are designed and constructed considerably more resilient than current standards. The layered approach provides further redundancy in the design.</p> <p>Extreme bushfire behaviour is driven by hot dry winds from central Australia with wind direction of northwest and west typically driving the most extreme bushfires. Such winds would push any fires away from the site. The site has only limited runs possible and as such, the site is not exposed to what is considered a 'landscape level' bushfire risk, with any fires only within the isolated and restricted bushland areas. The reasonable worst case bushfire scenarios are fires burning from the southeast or northeast towards the site. In both these scenarios, the fire run is limited, broken by the Eastern Arterial Road and typically influenced by cooler and moisture laden easterly winds. The site is within a heavily developed residential area, so any fires starting would be quickly identified by the community. This is consistent with the comments by Superintendent Mark Sugden provided on 18 January 2022.</p>
<p>Council's independent Bushfire Assessment from 2018 notes the following which remain unaddressed:</p> <p><i>The site is not capable of accommodating the development as detailed in the proposed Master Plan as the setbacks proposed do not comply with the requirement that the exterior of the buildings have a radiant heat exposure of not more than 10 kW/m2.</i></p> <p>And</p>	<p>The bushfire consultant, Blackash, has advised the following:</p> <p>This assessment was undertaken long before the development of the approved <i>Bushfire Engineering Design Compliance Strategy</i> and associated performance-based approach.</p>

Issue raised	Consideration
<p><i>The proposed bushfire risk mitigation measures are not adequate as the proposal does not address the core requirement of reducing the radiant heat on the exterior of the buildings to not more than 10kW/m2 and the provision of safe access for residents and emergency service personnel has not been addressed.</i></p>	<p>Given the considerable and ongoing collaboration with the NSW RFS in the development of the Bushfire Engineering Design Compliance Strategy and the performance-based approach:</p> <ul style="list-style-type: none"> • Setbacks are considered appropriate; and • Buildings are appropriately designed and located to ensure the provision of safe access for residents and emergency service personnel. <p>The performance-based approach was accepted by the RFS and satisfies all bushfire safety requirements.</p>
<p>Bushfire Attack Levels (BAL) required Asset Protection Zones (APZ), and Building Standards are flawed due to inconsistencies or inaccuracies in the Black Ash Bushfire Assessment 22 February 2022, which result in an under-estimation of fire risk, intensity, and fire runs.</p> <p>Fire direction. Black Ash Bushfire Assessment 1.2 Location states – <i>“Given the location of the sites, any bushfires impacting the site would be burning under what is normally a cooler easterly or south-easterly wind.”</i></p> <p>The report ignores the fire history available on council maps showing that fires from the northeast have also occurred in the past.</p> <p>The Bushfire report uses a Fire Danger Index (FDI) 55 when the Planning for Bushfire Protection 2006 & 2019 prescribes an FDI of 100 for Greater Sydney.</p> <p>Effective Slope influences fire behaviour. In the Bushfire report:</p> <ol style="list-style-type: none"> The measurement of effective slope is minimised in the north easterly part of the site and inconsistent with council’s independent bushfire report. Effective slope measurements, for the north easterly slope is taken from an existing building within the subject site when the effective slope should be the slope of the land on which the Classified vegetation is located. <p>Determination of the Bushfire Attack Level (BAL) is therefore inaccurate – <i>Building Standard requirements are affected.</i></p>	<p>The bushfire consultant, Blackash, has advised the following:</p> <p>The site is not considered a high bushfire risk area. The comments provided on 18 January 2022 by Fire Control Officer, Superintendent Mark Sugden confirm this.</p> <p>Specifically:</p> <p><u>Fire Direction</u> - The subject land and Retirement Village is in a locality that has not had widespread wildfire (nothing within 2km of the site) and is never likely to experience this as the vegetation is confined to relatively narrow pathways in directions that are not exposed to widespread and major bushfires (i.e. a bushfire attack from the northeast to southeast). The comments about fires impacting the site was provided by the NSW RFS on 18 January 2022 and stated:</p> <p><i>“Whilst not part of the formal assessment criteria, in consultation with Hornsby Ku-Ring-Gai District Manager, Superintendent Mark Sugden, any bush fires impacting the site would be burning under an easterly/south easterly influence (typically cooler temperature). As the site is within Fire District and adjacent to Rural Fire District, the site would experience a significant weight of attack from FRNSW/NSW RFS (ground based and potentially airborne assets), which would minimise fire behaviour.”</i></p> <p>This does not state that fires cannot occur from the Northeast. Such fires have been factored into the design to ensure appropriate APZ and building construction.</p> <p><u>Fire Danger Index</u> - The FDI used in the bushfire report prepared by Blackash Bushfire Consulting is 100. The FDI of 55 was referenced in a previous report by Ecological Australia, but this has been reset at 100 as per PBP 2019.</p> <p><u>Effective Slope</u> – All effective slopes in the Blackash Bushfire Consulting Bushfire Report are based on the slopes within the adjoining bushfire hazard. Where slopes are taken outside the hazard areas, they are simply to identify the ‘site slope’. This is consistent with the site assessment methodology in PBP 2019.</p>

Issue raised	Consideration
	<p><u>Bushfire Attack Levels (BAL)</u> – the BAL are essentially irrelevant in the context of the building construction as the buildings will have 1 hour fire rated walls on the hazard facing elevations, well in excess of AS3959 and any potential BAL rating. The construction of the buildings involves considerable redundancies which address fire spread and tenability which is well above the protection typically required and provided by AS3959. This is further redundancy in the design of the site and allows residents to remain safely within their homes up to a Fire Danger Index of 100 during a bushfire.</p>
<p>This <i>maximum exposure of 10kW/m²</i>, conflicts with Chapter 8.2.2 of the Planning for Bushfires 2019, that states for buildings exceeding three storeys in height (defined as a multi-storey building), the buildings are <i>required to comply with the performance criteria in Chapter 5, including the requirement for an APZ which meets a threshold of 29kW/m²</i>.</p> <p>The Blackash Bushfire Report has not given sufficient consideration to requirements for Multi-building to comply with the performance criteria within Chapter 5 and Chapter 8 of the Planning for Bushfires 2019.</p>	<p>The bushfire consultant, Blackash, has advised the following:</p> <p>The radiant heat thresholds and associated APZ requirements have been addressed through the approved the <i>Bushfire Engineering Design Compliance Strategy</i> in November 2020 and Performance based approach.</p> <p>The performance based outcome will provide buildings with 1 hour fire rated walls on the hazard facing elevations, internal sprinklers and other redundancies which address fire spread and tenability. This outcome is well in excess of the deemed to satisfy requirements of PBP 2019 and AS3959.</p> <p>The NSW RFS have indicated their satisfaction with the proposed performance-based approach (which is an acceptable compliance pathway), and they confirmed (on 18 January 2022) the performance-based approach is appropriate to satisfy the Ministerial Direction and did not object to the progression of the planning proposal pursuant to clause (7) of Direction 4.4.</p>
<p>The bushland vegetation adjoining the site is <i>Coastal Flats Tall Moist Forest</i> a tall eucalyptus forest with a high overall fuel load. It is not clear whether the Bushfire Assessment has used the categorisation of this vegetation as Forest or another category.</p>	<p>The bushfire consultant, Blackash, has advised the following:</p> <p>The bushfire assessment and subsequent modelling will utilise the Keith Class of North Coast Wet Sclerophyll Forests as appropriate of which the identified Coastal Flats Tall Moist Forest falls within. This will have no bearing on the bushfire outcome.</p>

4.7 Ecological and vegetation impacts

Issue raised	Consideration
Environmental impacts	
Impact on wildlife as a result of construction and increased traffic and population.	The proposal would reduce traffic conflicts with wildlife as Lourdes Avenue which runs along the bushland interface

Issue raised	Consideration
	would be relocated. Construction impacts would be further addressed at the DA stage.
<p>Loss of 233 trees and tree canopy and associated climate change impacts and lack of certainty around tree replacement.</p> <p>It is incorrect to state that tree canopy will be increased when tree removal is proposed, and planting of trees will be limited by bushfire protection measures.</p>	<p>The Landscape Master Plan has been amended to reduce the number of trees required for removal from 233 to 170, with 58 of these being identified as important trees in the Arborist assessment.</p> <p>The bushfire consultant, Blackash has confirmed that that proposed landscape approach will provide a fuel-reduced area between the buildings and the bush fire hazard.</p>
<p>The Ecological Assessment is incorrect as it did not include a number of species which are known to be located in the area including:</p> <ul style="list-style-type: none"> • Bleating Tree Frogs-Litoria dentata • Echidnas- Tachyglossidae • Red Belly Black Snakes • Kangaroos • Swamp Wallabies • Powerful Owls -Ninox strenua • Ringtail Possums-Pseudocheirus peregrinus, • Brushtail Possums- Trichosurus vulpecula, • Bandicoots • Brush Turkeys • Various native parrots (King parrots, Rainbow Lorikeets, Crimson Rosellas). 	<p>A Biodiversity Development Assessment report has been prepared as part of this response to submissions which has considered all relevant threatened species.</p> <p>This is discussed in Section 3.6</p>

4.8 Retirement village issues

Issue raised	Consideration
Existing village	
Existing owners have been unable to maintain the village so redevelopment should not be permitted.	Levande advises that it maintains all villages to a relevant standards, however all buildings come to the end of their lifecycle. Built in the 1980s, Lourdes is now at a point in its lifecycle where a significant renewal is required to meet the expectations of contemporary retirees and provide upgraded facilities for ageing in place.
<p>The existing village is not too steep for active retirees as asserted in the documentation. The colour-coding on p23 of the Urban Design Report is misleading – the orange slopes represent a gradient of just 3.2 degrees.</p> <p>There are only four short moderately steep paths in the region of 4-6 degrees. It is misleading to refer to gradients in a north-south axis (p31/32 of the Urban Design Report) all walking traffic would follow an east-west path around the site.</p>	The Planning Proposal aims renew the exiting housing stock on the site to provide high quality, modern Seniors Housing which responds to demand including with provision of an enhanced level of accessibility.

Issue raised	Consideration
<p>The existing housing is not dated as asserted in the documentation.</p>	<p>Built in the 1980s, Lourdes is now at a point in its lifecycle where a significant renewal to provide contemporary seniors housing.</p> <p>The existing housing does not meet the expectations of modern seniors housing nor meet the relevant National Construction Code (NCC) standards or relevant Seniors Living SEPP.</p> <p>The existing housing 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.</p> <p>In addition, due to the village's proximity to bushland, there is an increased bushfire risk. Due to the age of the existing housing and facilities, the construction and materiality do not meet the required bush fire resistance standards.</p> <p>The proposal will also significantly enhance the community and aged care facilities. The existing aged care facility has shared rooms and lacks the amenity of contemporary facilities. The new facility will have individual suites and modern treatment facilities.</p>
Impact on retirement village / existing residents	
<p>Loss of preferred low rise housing for seniors. A greater number of seniors housing dwellings will be limited to less than half the site to maximise profits from private town houses.</p>	<p>Levande is seeking to renew the exiting housing stock on the site to provide high quality, modern Seniors Housing which responds to demand.</p> <p>As outlined in the Demand Study dated June 2021 prepared by Elton Consulting there is evidence of strong demand for high quality, well-designed retirement village apartments, provided by several recent developments, which have received high interest from the community.</p> <p>The master plan and location of seniors housing has been driven by bushfire design restrictions. Following significant consultation with NSW RFS, the southern portion of the site adjacent the bushland was determined as not suitable for Seniors Living. We have located Seniors Living and Aged Care within the site determined by the authority.</p>
<p>Existing Lourdes Retirement Village residents bought into Lourdes Retirement Village on the basis that staged care was available and undertakings that no further development was planned.</p>	<p>All villages require upgrading from time to time as the assets age and can no longer be maintained in the current state. Levande as an operator of 58 villages nationally have an obligation to review villages and undertake plans for eventual renewal. The prior owner,</p>

Issue raised	Consideration
	<p>Stockland, undertook a review of the village and after careful consideration determined the best course of action was to undertake a planning proposal for the upgrading of the village. At the time this occurred significant consultation was undertaken with existing residents noting that the time to achieve relevant approvals and commence construction would be many years away.</p> <p>The nature of care has changed over the last decade with the removal of high and low care within the aged care sector and the government promoted shift towards Home Care services for independent living residents. Home Care services will be available to all retirement village residents with the new apartments having better access and connectivity to community amenity allowing residents to age in place far longer than having to move to alternative accommodation.</p>
<p>Concern about multi storey housing serviced by lifts which may break down.</p>	<p>Multi storey housing will be serviced by multiple lift cores ensuring that should one lift break down alternative access will be available. Notwithstanding lifts will be maintained to a high standard and repaired in a timely manner.</p>
<p>Loss of security for the retirement village as a result of private townhouses.</p>	<p>Whilst the existing village has limited security and access control measures, all new seniors housing carparking, apartments and facilities areas will have secure access control.</p> <p>The retirement village will be physically separated from the town houses with separate access road. The detailed design of these separations will be defined and determined at the DA stage in conjunction with existing retirement resident group.</p> <p>Security onsite would not be reduced but likely enhanced throughout the village with increased security measures, activity and passive surveillance.</p>
<p>The retirement village should not be co-located with private housing accommodating families and younger people.</p>	<p>The seniors housing would be entirely separate from the medium density housing. The detail design of how these uses would be defined and separate would be determined at the DA stage.</p> <p>The location adjacent the seniors housing would bring opportunities for interaction if this is desired but would not be imposed on residents in any way.</p>
<p>Loss of serviced apartments which do not form part of the proposal and are integral to staged and appropriate aged care and are in violation of the conditions of the initial development of the village.</p>	<p>Levande advises that the Serviced Apartments have been in decline for many years which has accelerated as a result of the government promoting Home Care to allow older Australians to stay in their home longer. Serviced apartments are a one size fits all solution with little flexibility in how services are delivered. Home Care</p>

Issue raised	Consideration
	<p>allows residents to choose services they need and adapt them as the age.</p> <p>Levande advises that it will continue to offer the services currently provided however the offering will be expanded to all units within the village.</p> <p>After further consultation with residents, Levande has also committed to provide a number of 1-bed apartments co-located within the clubhouse buildings for residents that may wish to downsize and move closer to the clubhouse and available amenity.</p>
<p>Stockland is failing to honour the long-term contracts it entered into with the current residents</p>	<p>Levande advises that there are differing types of resident contracts throughout the village. Levande also advises that it will work with all residents individually to determine any impacts and will also be supplying all residents with new apartments within the development at no additional cost to them.</p>
<p>Stockland has failed to meet the undertakings given to current residents to provide regular (6-monthly) updates on the value of their asset in the village.</p> <p>The Proposal should not be allowed to proceed until all valuation issues are fairly and independently assessed.</p>	<p>The current phase is a planning proposal to change what can be built on the site. A further more detailed Development Application is required before any works can take place.</p> <p>Levande advises that it has been agreed with the Resident Committee that any exiting residents will have an independent Australian Property Institute (API) appointed valuation of their unit should the resident seek an exit entitlement</p> <p>The same entitlement will occur prior to any relocations as a result of the redevelopment.</p> <p>All valuations of existing properties will be independently valued. The independent valuer is appointed via The Australian Property Institute (API)</p>
<p>If the proposed development does go ahead it should be on the condition of independently verified values, with residents having the option to relocate freely without being limited to Stockland controlled properties, and without any deduction for Deferred Management Expenses (subject to conditions).</p>	<p>All valuations of existing properties onsite are independently valued at the appropriate time. The independent valuer is appointed via The Australian Property Institute (API)</p> <p>Levande advises that all existing residents can move from their existing unit to move into a new, high quality and modern Seniors Housing apartment at no financial cost to the resident and they retain the equity determined by the independent valuation. All residents have the opportunity to transfer to another Levande village and they will not be impacted financially by the relocation. Deferred management fees are only be deducted when residents leave the village.</p>

Issue raised	Consideration
<p>The consultation timeline indicates that the proposal was well advanced prior to the initial meeting with residents in September 2015. The evidence clearly suggests Stockland acted in a misleading and deceptive manner in its dealings with residents at this initial meeting.</p>	<p>Levande advises that it has always acted to keep residents informed through regular meetings with the Resident Committee and attending quarterly resident forums and updating separately at significant milestones and will continue to engage with residents through this process ensuring residents are made aware of progress.</p>
Demand for seniors housing	
<p>The overall net growth rate of the Australian population would appear to be in the region of about 1.5% per annum. Figure 1 on page 5 of the Demand Study suggests an average growth rate of about 2.0% per annum for the number of Australians aged 65 or more over the fifty-year period to 2066. Figure 6 on page 15 suggests a projected average growth rate of about 1.6% per annum over the 25 years to 2041 in this age group in the Ku-ring-gai local government area. This is an unremarkable number and is in line with overall population growth.</p> <p>There are therefore absolutely no grounds to argue that the demand for over 65s accommodation in Ku-ring-gai will be any different to the demand in other areas or for other age groups.</p>	<p>Notwithstanding the Demand Study highlights high levels of growth of older people in the Ku-ring-gai LGA with recent population growth projections estimating that the 2016 65 years and over population of 21,463 will increase to 27,979 (19.1% of the total population) by 2031, and to 32,639 (21.5%) by 2041.</p> <p>Further the Demand Study highlights that: <i>As a proportion of residents, the percentage of older people in Ku-ring-gai has grown. In 2016 persons aged 65 years and over made up 18.2% of the total population, compared to 17.5% in 2011.</i></p> <p>This growth will drive demand for seniors housing.</p>
<p>Section 2.4 of the Demand Study argues that Baby Boomers are wealthier than earlier generations – this may well be true. Figure 3 on page 8 suggests an average increase in nominal wealth (before allowing for erosion in value from inflation) for the 65-74 age group over the period 2004 to 2016 of about 5.8% per annum.</p> <p>Given increased inflationary pressures going forward and stagnant property values it is far from clear that retirees over the next 5–10 years will be significantly wealthier than in the recent past.</p>	<p>The Demand Study does not project increased wealth into the future but is based on analysis of past statistics which has implications for housing choice.</p>
<p>Paragraph 3.3 of the Demand Study confuses the preferences of new entrants to retirement villages with the needs of the aggregate community in a village. This aggregate community will be, on average, older and with lower expectations than the community of new entrants. Lourdes currently provides 30 1-bedroom ILUs, 56 2-bedroom ILUs and 22 3-bedroom ILUs, so roughly 30%, 50% and 20% respectively. Some shift overtime to a mix more in the region of 15%, 50% and 35% might be desirable which could be achieved through gradual upgrades over time rather than wholesale demolition and massive re-construction presented in Stockland's proposal. For example this could use the derelict serviced apartment building for exclusively three bedroom dwellings.</p>	<p>Levande is seeking to renew the exiting housing stock on the site to provide high quality, modern Seniors Housing which responds to demand.</p>

Issue raised	Consideration
<p>Paragraph 5.2 of the Demand Study states in the second point on page 22 that: <i>“Most of the existing units are too small to meet current expectations, which are mainly for two and three bedroom accommodation”</i></p> <p>This is incorrect, the independent living units at Lourdes are spacious and more than 70% are two or three bedroom accommodations.</p> <p>P13 of the urban design report notes that Current expectations are described as mainly for two and three bedroom accommodations – more than 70% of independent living units at Lourdes meet this criterion.</p>	<p>Lourdes Village was initially constructed in 1983 and is now in need of significant renewal to provide modern seniors housing. The existing housing has limited accessibility with 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.</p> <p>The existing apartments don’t facilitate ageing in place and the apartments layouts don’t meet the expectations of contemporary retirees from the surrounding area.</p> <p>Levande, as an operator have an obligation to review villages as they age and assess the long term attractiveness for future customers to ensure the village units remain saleable into the future.</p>
<p>The Demand Study suggests that demand at Lourdes Village is in decline which is not the case as the village has been withdrawn from the market.</p>	<p>Levande is seeking to renew the exiting dated housing stock on the site to provide high quality, modern Seniors Housing which responds to demand.</p> <p>As outlined in Demand Study dated June 2021 prepared by Elton Consulting</p> <ul style="list-style-type: none"> • The existing retirement village stock in the LGA does not address the expectations of many contemporary retirees – baby boomers’ standards are generally much higher than those of earlier generations • It has limited appeal to the emerging generation of affluent seniors in the Ku-ring-gai area • there is evidence of strong demand for high quality, architect-designed retirement village apartments.
<p>The Demand Study highlights that the proposal would increase supply of seniors housing which is not the case.</p>	<p>The proposal seeks to provide seniors housing which is better targeted to market demand.</p>
<p>The Demand Study highlights that the proposal would create economies of scale to provide improved facilities, however additional facilities are not being provided.</p>	<p>The proposal would provide upgraded facilities which would be to a higher standard than the existing facilities.</p>
<p>The Proposal does not significantly increase the supply of seniors housing, with the additional supply being focussed on medium density housing, and therefore rezoning is not justified. The proposal reduces the number of non-Residential Aged Care seniors housing dwellings by 10%.</p>	<p>The proposal seeks to renew ageing independent living with modern housing which better meet emerging seniors housing market.</p>
<p>Downsizing residents from single dwellings do not want to live in high rise apartments.</p>	<p>The design concept for the proposed village</p> <ul style="list-style-type: none"> • responds to emerging demand and 53ptimize the use of the site through an integrated masterplan, and

Issue raised	Consideration
	<ul style="list-style-type: none"> provides optimal views and outlooks for residents <p>Levande is seeking to provide high quality, modern Seniors Housing apartments across a series of low-mid rise buildings ranging from three to six storeys which responds to demand.</p> <p>Low-mid rise independent living apartment buildings are common within the local area as they provide improved accessibility with direct lift access to parking and community amenity.</p> <p>At the heart of the re-development is a brand-new clubhouse with modern facilities demanded by the modern downsizer. It will be delivered as a focal point for many of the daily activities at Lourdes Village and will be a central location for community gatherings and a point of social interaction.</p>

4.9 Construction impacts

Issue raised	Consideration
Construction impact	
Construction vehicles would create safety concerns for pedestrians and cyclists on Stanhope Road, particularly children.	Construction impacts will be addressed at the DA stage including through preparation of a construction traffic management plan.
Construction will result in a noisy and unsafe retirement village over many years.	Construction impacts will be addressed at the DA stage including through a construction noise impact assessment and implementation of safety measures.
Noise, dust and traffic impacts on the surrounding streets of a several years.	Construction impacts on the surrounding area will be addressed at the DA stage including through detailed plans to manage dust, noise and traffic.
Impacts to on street car parking of construction vehicles.	Construction impacts will be addressed at the DA stage including car parking arrangements
Construction impacts should be addressed upfront as part of the Planning Proposal not deferred to later stages.	It is appropriate to address construction impacts in subsequent stages when staging and delivery arrangements are known.

4.10 Heritage

Issue raised	Consideration
Headfort House and surrounding context also needs to be maintained and respected for heritage value and significance.	Headfort House is to be retained and restored as an integral part of the proposal. This is discussed in further detail in Section 3.7

Issue raised	Consideration
The grotto should not be moved from where it is currently positioned as its heritage significance is connected to the place where it currently resides.	
Incongruity with character and heritage values of the local area, which includes the C22 Heritage Conservation Area, heritage items such as the nearby Seven Little Australians Park, the culturally and architecturally significant Headfort House and its contextualising curtilage.	<p>A Heritage Impact Assessment prepared by Urbis was exhibited with the proposal that confirmed that the proposal would have an acceptable heritage impact.</p> <p>Further advice has been provided by Urbis to consider the impacts on the surrounding heritage items and heritage conservation area. This is discussed in Section 3.7.</p>

4.11 Other matter raised

Issue raised	Consideration
Images of Swain Gardens should not be included in the Urban Design Report as this is not accessible to most seniors housing residents.	Swain Gardens would be accessible to town house residents and would be form part of the network of open space available to these future residents.
The list of facilities on p7 of the urban design report is incomplete and should include all facilities listed on p8.	Noted. This will be reflected in future documentation.
Specifying that Lourdes Village has a boundary with Swain Gardens is incorrect, as it is separated by residential lots prior to Swain Gardens.	Noted. This will be reflected in future documentation.

5 Consideration of Community Group submissions

Submissions were received from three community groups objecting to the proposal being:

- Lourdes Retirement Villages Residents' Committee
- STEP Inc Community Based Environmental Conservation
- Friends of Ku-ring-gai Environment Inc.

The issues raised in these submission are considered and addressed in Section 5.1 to 5.3.

5.1 Lourdes Retirement Villages Residents' Committee

Issue raised	Consideration
Overdevelopment of the site	
The proposal is an overdevelopment of the site with townhouses replacing seniors units, gardens and green space.	<p>The proposal is for a mix of mid-rise seniors housing and low rise townhouses. Whilst this will introduce a new built form character to the site this is considered to be compatible with the surrounding low rise low density character.</p> <p>The proposal seeks to maximise tree retention and provides for retention of green space around the built form.</p>
The additional growth will create traffic congestion.	Traffic modelling has been carried out which demonstrates that the proposed development would not significantly impact on the surrounding road network with no significant change to the operation of nearby intersections.
The road network will be unable to provide for safe evacuation during fire emergencies such as fire events.	<p>Advice has been provided by the traffic consultant on the capacity of the road network to accommodate a scenario where all residents evacuate. This confirms that the external road network is expected to be able to accommodate this traffic given that traffic would be distributed across multiple roads to the wider arterial road network.</p> <p>This is discussed in further detail in Section 3.4.</p>
Reduced seniors accommodation	
The proposal will reduce the seniors housing from 108 ILUs / 49 serviced apartments to 141 ILUs.	The proposal seeks to renew ageing independent living with modern housing which better meet emerging seniors housing market.
The proposal will not provide the full range of care as it eliminates serviced apartments and residents will need to rely on hard to access in home care.	Levande advises that the Serviced Apartments have been in decline for many years which has accelerated as a result of the government promoting Home Care to allow older Australians to stay in their home longer. Serviced apartments are a one size fits all solution with little flexibility in how services are delivered. Home Care

Issue raised	Consideration
	<p>allows residents to choose services they need and adapt them as the age.</p> <p>Levande advises that it will continue to offer the services currently provided however the offering will be expanded to all units within the village.</p> <p>After further consultation with residents, Levande has also committed to provide a number of 1-bed apartments co-located within the clubhouse buildings for residents that may wish to downsize and move closer to the clubhouse and available amenity.</p>
Excessive building heights	
<p>The proposal for 5-6 storeys within a low density area is inappropriate and will set an undesirable precedent.</p>	<p>The proposal is for a mix of mid-rise seniors housing (4-6 storeys) and low rise townhouses (2-3 storeys).</p> <p>Building height has been located on the site to provide for a transition to the surrounding area with heights stepping down to the interfaces. This is complemented by retention of the existing vegetated buffer along Stanhope Road.</p> <p>The building height adjacent to the western boundary has been reduced from four storeys to three storeys providing for a more sensitive transition to the adjacent two storey dwelling.</p> <p>Upper level setback controls have also been introduced which will ensure a built form transition to the surrounding area, including three storey built form fronting Stanhope Road.</p> <p>The proposal is unlikely to set a precedent for renewal of the surrounding areas of single dwelling house as the proposal is being progressed specifically to enable renewal of an existing seniors housing development.</p>
<p>The proposed setbacks and vegetation would not mitigate visual impacts to the surrounding area.</p>	<p>An updated View Analysis has been prepared by Deneb Design which demonstrates that from wider viewpoints in the public domain the proposed built form would either be entirely hidden from view or minimally visible through or above foliage.</p> <p>The built form from key views along Stanhope Road will be largely screened by existing vegetation with potential for further screening with additional landscape planting. The buildings on the eastern extent of Stanhope Road from the existing scout hall will be more visible however the proposed built form in this location is two-three storey town houses which are compatible with the existing and surrounding built form.</p> <p>Visual impact will be mitigated by:</p>

Issue raised	Consideration
	<ul style="list-style-type: none"> • Provision of a minimum 10m setback to the western boundary which adjoins an existing residential use • Provision of landscape mounding and vegetation 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.
<p>The taller buildings would not be able to be safely evacuated in an emergency for seniors with mobility or other health issues precluding use of stairs.</p>	<p>The bushfire strategy for the aged care facility residents is to remain in-situ given is not impacted by bushfire hazard. The strategy for independent living unit (ILU) and town house residents would be to evacuate to a refuge building within the site.</p> <p>However, advice has been provided by the traffic consultant on the capacity of the road network to accommodate a scenario where all residents evacuate which confirms that the external road network is expected to be able to accommodate this traffic given that traffic would be distributed across multiple roads to the wider arterial road network.</p> <p>This is discussed in further detail in Section 3.4.</p>
Inadequate public infrastructure	
<p>The site is not appropriate for this density of population due to its out of centre location with poor public infrastructure. Basic services and facilities such as supermarkets, medical centres and train services are not within a convenient walking distance.</p>	<p>Higher rise housing is located and planned to be delivered in locations along the Pacific Highway and rail line. This proposal is for low rise medium density housing including townhouses which is suitable in this location and is consistent with the NSW Government Policy of encouraging additional supply of low rise medium density housing.</p> <p>Services for the seniors housing will to a large extent be accommodated on site and supported by public and private bus services.</p> <p>The low rise town houses development in this location is appropriate and will be serviced by public buses which provide connections to heavy rail.</p>
<p>Future residents of the town houses would be reliant on cars generating significant traffic congestion.</p>	<p>Traffic modeling has been carried out which demonstrates that the proposed development would not significantly impact on the surrounding road network with no significant change to the operation of nearby intersections.</p>
<p>The increased traffic would create a safety risk for seniors.</p>	<p>Traffic movements for the townhouses would be separated from the seniors housing development ensuring safety is maintained within the retirement village.</p>

Issue raised	Consideration
The traffic studies assessment of the traffic patterns and volumes of the town houses is inadequate.	The Traffic Assessment which was prepared to support the Planning Proposal has used the relevant traffic generation rates for medium density residential flat buildings including townhouses which are outlined in the RMS Guide to Traffic Generating Development.
Loss of village environment / character	
The footprint of the area designated as “retirement living” area is less than half the footprint of the current village. This will totally change the “village” character and atmosphere of Lourdes.	It is acknowledged that the proposed seniors housing will introduce a new built form character to the site. However detailed urban design investigation have been carried which seek to maximise village character.
For many current residents, it is this “village” ambience that made them choose to live in the Lourdes Retirement Village. Emphasis on personal security, living in a community with common interests and expectations, willingness to conform to village rules are all desired aspects of Retirement Village life. All this is likely to be lost in a community consisting of residents of all ages.	The proposed renewal of seniors housing does not preclude the retention of the sense of community within the retirement village. The retirement village will be entirely separate from the townhouse development.
The Master Plan is changing the product that Stockland (now Levande) promoted and sold to residents; the product that current residents chose and paid for. Residents are agreeable to an upgrading of the village. However, the introduction of an excessive number of townhouses is reducing the quality and quantity of retirement accommodation for seniors that could otherwise be delivered on this site.	<p>Levande is seeking to renew the exiting housing stock on the site to provide high quality, modern seniors housing which responds to demand.</p> <p>Town houses have been located in areas with higher bushfire risk, to enable improved fire safety for seniors housing.</p> <p>This will also enhance housing diversity in the local area providing for high quality seniors housing and smaller low rise housing typologies.</p>

5.2 STEP Inc Community Based Environmental Conservation

Issue raised	Consideration
Bushfire Protection and Evacuation	
Use of the medium density buildings on the southern side as a heat shield is highly unsatisfactory. The alternative is to extent the Outer Protection zone into the nearby bushland. That cannot possibly occur because it does not comply with the Planning for Bushfire Protection 2019 guidelines. The land is too steep in any case to possibly become an APZ.	<p>The Bushfire Consultant, Blackash, has advised the following:</p> <p>The medium density buildings on the southern side aren't being used as a heat shield, but they do provide a heat shield by their very nature.</p> <p>The re-development has been specifically designed to provide a layered approach to the bushfire prone land with the more vulnerable residents being moved the furthest location from the hazard. Conversely, residential development is proposed on the interface</p>

Issue raised	Consideration
	<p>where occupants are more able bodied and capable of utilising the emergency management and evacuation redundancies that have been built into the proposal. The design ensures all residents are not required to leave homes due to the fire rating construction and design.</p> <p>If residents are to leave the medium density buildings or independent living units, they exit directly into shielded areas with radiant heat less than the prescribed 10kW/m² and can walk safely to the refuge (Clubhouse) if they choose although this is not required for their safety.</p> <p>The design therefore does not require an Outer Protection Area to be extended into adjoining bushland. All APZ (IPA and OPA) will be contained within the site.</p>
<p>The residents will clearly want to get out of the area if a bushfire threatens. There is only one access road so the access for emergency vehicles will be impeded by residents trying to drive out of the area.</p>	<p>Advice has been provided by the traffic consultant on the capacity of the road network to accommodate a scenario where all residents evacuate which confirms that the external road network is expected to be able to accommodate this traffic given that traffic would be distributed across multiple roads to the wider arterial road network.</p> <p>This is discussed in further detail in Section 3.4.</p>
Bushland impacts	
<p>The buildings of up to 22 metres height will be clearly visible from the surrounding bushland whereas the current heights do not impinge on the amenity of the area.</p>	<p>An updated View Analysis has been prepared by Deneb Design.</p> <p>This includes numerous views from the surrounding bushland including from Seven Little Australians Park and Swain Gardens.</p> <p>The views from Swain Gardens show that the proposed built form will be entirely hidden from view.</p> <p>From Seven Little Australians Park proposed built form would be almost entirely hidden with glimpses of rooftops through foliage from some vantage points.</p>
<p>There has been no groundwater analysis. What impact will the underground carpark construction have on water flows into the surrounding bushland?</p>	<p>Detailed groundwater analysis will be carried out, as necessary, at the DA stage.</p>
Impact on local residents	
<p>The surrounded residential area is rated as heritage conservation area.</p>	<p>A Heritage Impact Assessment prepared by Urbis was exhibited with the proposal that confirmed that the proposal would have an acceptable heritage impact.</p>

Issue raised	Consideration
	Further advice has been provided by Urbis to considering the impacts on the surrounding heritage items and heritage conservation area. This is discussed in Section 3.7.
The rezoning of the Lourdes area could create a precedent for further rezoning that will destroy the visual character of the whole area.	The proposal is unlikely to set a precedent for renewal of the surrounding areas of single dwelling house as the proposal is being progressed specifically to enable renewal of an existing seniors housing development.
The traffic assessment demonstrates that there will a significant increase in traffic along the narrow Stanhope Road. Frequently parked cars make the road effectively a single lane.	On site and desktop assessments identified that Stanhope Road generally is wide enough to accommodate two-way vehicle movements with parked cars.

5.3 Friends of Ku-ring-gai Environment Inc (FOKE)

Issue raised	Consideration
Bushfire Protection and Evacuation	
The Department of Planning and Environment considers the planning proposal to be inconsistent with clause (6)(b) of Ministerial Direction 4.4.	<p>The Bushfire Consultant, Blackash, has advised the following:</p> <p>The NSW RFS approved the <i>Bushfire Engineering Design Compliance Strategy</i> in November 2020 and raised no objection to the rezoning proceeding on that basis.</p> <p>As part of the Planning Proposal an assessment has been undertaken of the matters the relevant planning authority must do under Ministerial Direction 4.4. The NSW RFS have indicated their satisfaction with the proposed performance-based approach, and they confirmed (on 18 January 2022) the performance-based approach is appropriate to satisfy the Ministerial Direction and did not object to the progression of the planning proposal pursuant to clause (7) of Direction 4.4.</p> <p>The NSW RFS has raised no objection to the Planning Proposal. This was confirmed to DPE on 16 November 2021 and again on 18 January 2022.</p>
<p>NSW RFS have indicated their satisfaction with the proposed performance-based approach. In our opinion, the RFS has not complied with 1.4.5. or 4.4 requirements of the RFS Planning for Bushfire Protection November 2019.</p> <p>1.4.5 Performance based solutions. Performance based solutions must provide substantiated evidence and clearly demonstrate how the specific objectives and performance criteria are to be satisfied. The Masterplan is illustrative and</p>	<p>The Bushfire Consultant, Blackash, has advised the following:</p> <p>As per section 1.4.5 of PBP 2019, and through the considerable and ongoing collaboration with the NSW RFS in the development of the <i>Bushfire Engineering Design Compliance Strategy</i> and the performance-based approach, it has been identified and agreed that any future DA approval must comply with the <i>Bushfire Engineering Design Compliance Strategy</i> and requires Bush Fire Safety Authority (BFSa) under s100B of the</p>

Issue raised	Consideration
<p>insufficient information is provided to “provide substantial evidence” that demonstrates objectives and criteria can be satisfied.</p> <p>4.4 Consultation with the NSW RFS should occur during the development of any Masterplan or Precinct Plan on BFPL with consideration given to fire history and the potential impacts from bush fire. The fire history which is available on council maps has been omitted from all documentation supporting the proposal. This is critical as it also provides evidence that significant fire paths from a North Easterly direction must be taken into consideration. This contradicts the Blackash statement, “While not part of the assessment criteria, given its location, any bushfires impacting the site would be burning under what is typically a cooler easterly or south-easterly wind.”</p>	<p><i>Rural Fires Act 1997 (RFA)</i>. The finer details of the design will be developed with the NSW RFS as part of the Performance Based Design Brief process for the DA. This is consistent with the requirements of section 1.4.5. of PBP 2019.</p> <p>In accordance with section 4.4 of PBP 2019, in development of the Masterplan / Planning Proposal, significant consultation with the NSW RFS has taken place. It’s been through this consultation that the comments about fires impacting the site were provided by the NSW RFS on 18 January 2022 and stated: <i>“Whilst not part of the formal assessment criteria, in consultation with Hornsby Ku-Ring-Gai District Manager, Superintendent Mark Sugden, any bush fires impacting the site would be burning under an easterly/south easterly influence (typically cooler temperature). As the site is within Fire District and adjacent to Rural Fire District, the site would experience a significant weight of attack from FRNSW/NSW RFS (ground based and potentially airborne assets), which would minimise fire behaviour.”</i></p> <p>The subject land and Retirement Village is in a locality that has not had widespread wildfire (nothing within 2km of the site) and is never likely to experience this as the vegetation is confined to relatively narrow pathways in directions that are not exposed to widespread and major bushfires (i.e. a bushfire attack from the northeast to southeast).</p>
<p>The proponent’s Bushfire Attack Assessment has assumed a Fire Danger Index (FDI) of 55. This is inconsistent with the assumption of a credible worst case fire scenario burning up to Catastrophic Fire Danger Rating (FDR) as required by Planning for Bushfire (PBF) 2019 and a Fire Danger Index (FDI) of 100.</p> <p>The incorrect FDI results in incorrect calculation of radiant heat ratings and consequently the APZ requirements.</p>	<p>The Bushfire Consultant, Blackash, has advised the following:</p> <p>The FDI used in the bushfire report prepared by Blackash Bushfire Consulting is 100. The FDI of 55 was referenced in a previous report by Ecological Australia, but this has been reset at 100 as per PBP 2019.</p>
<p>There exist discrepancies with effective slopes between council’s and the proponent’s Bushfire Assessment. Slope considerations are crucial. The rate of a bushfire’s spread can double on upslopes of 10 degrees and double again at 20 degrees (Webster 2012).</p>	<p>The Bushfire Consultant, Blackash, has advised the following:</p> <p>All effective slopes in the Blackash Bushfire Consulting report are based on the slopes within the adjoining bushfire hazard. This is consistent with the site assessment methodology in PBP 2019.</p> <p>Fires will burn more quickly upslope and the performance based design takes this into account, ensuring all buildings are designed and constructed considerably more resilient than current standards. The layered approach provides further redundancy in the design.</p>

Issue raised	Consideration
	<p>Extreme bushfire behaviour is driven by hot dry winds from central Australia with wind direction of northwest and west typically driving the most extreme bushfires. Such winds would push any fires away from the site. The site has only limited runs possible and as such, the site is not exposed to what is considered a 'landscape level' bushfire risk, with any fires only within the isolated and restricted bushland areas. The reasonable worst case bushfire scenarios are fires burning from the southeast or northeast towards the site. In both these scenarios, the fire run is limited, broken by the Eastern Arterial Road and typically influenced by cooler and moisture laden easterly winds. The site is within a heavily developed residential area, so any fires starting would be quickly identified by the community. This is consistent with the comments by Superintendent Mark Sugden provided on 18 January 2022.</p> <p>The BAL are essentially irrelevant in the context of the building construction as the buildings will have 1 hour fire rated walls on the hazard facing elevations, well in excess of AS3959 and any potential BAL rating. The construction of the buildings involves considerable redundancies which address fire spread and tenability which is well above the protection typically required and provided by AS3959. This is further redundancy in the design of the site and allows residents to remain safely within their homes up to a Fire Danger Index of 100 during a bushfire.</p>
<p>The Bushfire Assessment fails to identify the existing risk present with adjacent vulnerable facilities Swains Manor Retirement Village, at 67 Stanhope Road consisting of 46 apartments and the 200 student Newington College Prep K-6 at 26 Northcote Rd, Lindfield with bushland contiguous with the subject site.</p>	<p>The Bushfire Consultant, Blackash, has advised the following:</p> <p>The bushfire report has not specifically discussed the Swains Manor or Newington College as they do not present any relevance or risk to the proposal, nor does the proposal present any risk to those existing</p> <p>The increased residents under the planning proposal are not considered to exacerbate evacuation risks of the neighbourhood as existing Stanhope Road residents are unlikely to be evacuated due to their distance from the hazard, with the only primary potential evacuees being those who occupy the very eastern end of Stanhope Road. Several options exist for residents to exit the area utilising the road network which is not in bushfire prone areas. These roads include:</p> <ul style="list-style-type: none"> • Stanhope Road, including Kardella Avenue, Redgum Avenue, Nelson Road and Treatts Road; and • Roseberry Road, including Springdale Road, Arnold Street and Wattle Street.
<p>The Bushfire Assessment Fails to consider that both exits from the subject site lead to a single evacuation road and that Stanhope Road is a cul-de sac. It also</p>	<p>The bushfire strategy for the aged care facility residents is to remain in-situ. The strategy for independent living unit</p>

Issue raised	Consideration
<p>fails to account for the additional evacuation pressure from the existing population in the area, nor does it include the 16 existing individual dwelling houses and their occupants located in Stanhope Road that share the same evacuation route as the subject site occupants.</p>	<p>(ILU) and town house residents would be to evacuate to a refuge building within the site.</p> <p>However, advice has been provided by the traffic consultant on the capacity of the road network to accommodate a scenario where all residents evacuate which confirms that the external road network is expected to be able to accommodate this traffic given that traffic would be distributed across multiple roads to the wider arterial road network.</p> <p>This is discussed in further detail in Section 6.3.</p>
<p>According to the Bushfire Assessment a more detailed analysis of the vegetation, including the impact of the sandstone outcrops, creek lines and the applicability of any Short Fire Run modelling will be undertaken as part of the detailed bushfire assessment, engineering, and design work at the DA stage. Given the bushfire risk and the vulnerability of the existing and future occupants, these factors should be taken into consideration as part of the Planning Proposal.</p>	<p>The Bushfire Consultant, Blackash, has advised the following:</p> <p>The vegetation impacting the site identified in the bushfire report is considered Forest for the purposes of assessing bushfire threat and the more detailed analysis of the vegetation, including the impact of the sandstone outcrops and the applicability of any Short Fire Run modelling will simply demonstrate that additional redundancy exists in the design as the short fire runs and sandstone outcrops are mitigating features that reduce the potential fire impact. The assessment to date is therefore a conservative 'worst-case'.</p>
<p>A Bushfire Risk Assessment or a peer review must be commissioned for the site. Given the omissions and inaccuracies in the proponent's Bushfire Assessment, it cannot be relied upon in a strategic bushfire study plan.</p>	<p>The Bushfire Consultant, Blackash, has advised the following:</p> <p>No further analysis or additional reporting is required at this stage. There are no inaccuracies or omissions. The detail that will be provided at DA stage is an acceptable and appropriate approach.</p> <p>Considerable and ongoing collaboration was undertaken with the NSW RFS in the development of the <i>Bushfire Engineering Design Compliance Strategy</i> and the performance-based approach.</p> <p>The NSW RFS has raised no objection to the Planning Proposal. This was confirmed to DPE on 16 November 2021 and again on 18 January 2022.</p> <p>Additional assessments or peer reviews are not required.</p>
<p>The redevelopment of the Lourdes Retirement Village proposes to dispense with the standard provision of an Outer Protection Area (OPA) and to manage the entire village as an Inner Protection Area (IPA). The immediate effect of the proposal appears to prioritise increased site density over and above the elderly, immobile and vulnerable citizens creating</p>	<p>The Bushfire Consultant, Blackash, has advised the following:</p> <p>The provision of an OPA is simply an option for the management of the APZ. An OPA is not a mandatory requirement. The redevelopment will be provided with appropriate APZ.</p>

Issue raised	Consideration
<p>the impression that commercial opportunities are the priority.</p>	<p>The performance-based approach accepted by the RFS prioritises life safety and satisfies all bushfire safety requirements and will create a bushfire safety outcome for the site that is not only significantly safer than what currently exists, but considerably better than what is provided through a 'typical' deemed-to-satisfy approach (i.e. through PBP 2019 and AS3959).</p> <p>The re-development has been specifically designed to provide a layered approach to the bushfire prone land with the more vulnerable residents being moved the furthest location from the hazard. Conversely, residential development is proposed on the interface where occupants are more able bodied and capable of utilising the emergency management and evacuation redundancies that have been built into the proposal. The design ensures all residents are not required to leave homes due to the fire rating construction and design.</p> <p>If residents are to leave the medium density buildings or independent living units, they exit directly into shielded areas with radiant heat less than the prescribed 10kW/m² and can walk safely to the refuge (Clubhouse) if they choose although this is not required for their safety.</p>
<p>The special Asset Protection Zone (APZ) for Retirement Villages provides for additional separation as a safety measure at 100 metres from the boundary interfacing a bushfire hazard to provide an increased safety buffer from bushfire attack which reflects the residents inherent restricted mobility, incapacities, health issues and special needs.</p> <p>The provision of the APZ of 100 metres is critical for protection of residents, emergency workers and fire-fighters. The APZ must be amended using the prescribed FDI 100.</p>	<p>The Bushfire Consultant, Blackash, has advised the following:</p> <p>An APZ of 100 metres is not a blanket mandatory requirement. The prescriptive APZ (of which many are less than 100m) are not relied on through the performance-based approach which satisfies all bushfire safety requirements and will create a bushfire safety outcome for the site that is not only significantly safer than what currently exists, but considerably better than what is provided through a 'typical' deemed-to-satisfy approach (i.e. through PBP 2019 and AS3959).</p> <p>The FDI used in the bushfire report prepared by Blackash Bushfire Consulting is 100. The FDI of 55 was referenced in a previous report by Ecological Australia, but this has been reset at 100 as per PBP 2019.</p> <p>The redevelopment will be provided with appropriate APZ.</p>
<p>Within the first 50metres of the 100metre APZ, the PP will be located in the BAL Flame Zone, while the remaining 50% of the APZ on the site will not be lower from risk BAL 40 of extreme bushfire attack. These residential properties and therefore the full APZ should probably apply without exception.</p>	<p>The Bushfire Consultant, Blackash, has advised the following:</p> <p>The Flame Zone will be determined based on detailed modelling and all townhouses and ILU buildings will have 1 hour fire rated walls on the hazard facing elevations, well more than AS3959 and capable of withstanding any potential bushfire impacts. The construction of the buildings involves considerable redundancies which</p>

Issue raised	Consideration
	<p>address fire spread and tenability which is well above the protection typically required and provided by AS3959.</p> <p>This approach is consistent with the NSW RFS approved <i>Bushfire Engineering Design Compliance Strategy</i>. This includes a performance-based approach, something that is completely acceptable through PBP 2019 and the National Construction Code. The performance-based approach accepted by the RFS satisfies all bushfire safety requirements and will create a bushfire safety outcome for the site that is not only significantly safer than what currently exists, but considerably better than what is provided through a 'typical' deemed-to-satisfy approach (i.e. through PBP 2019 and AS3959).</p>
<p>When slopes are in the excess of 18 degrees, some bushfire management practises become impossible and all become difficult...the canopy fuels in forests are more available to fire, significantly decreasing the safety benefits provided by the AZP and considerably increasing both the speed of any approaching fire and the rate of spread (ROS) at the interface. Maps indicate degree of slope in this location are in excess of 18 degrees.</p>	<p>The Bushfire Consultant, Blackash, has advised the following:</p> <p>APZ are not provided on areas with slopes over 18 degrees. Any localised areas of steep slopes within the site will be appropriately managed to ensure soil stability is not compromised.</p> <p>Importantly, the site is not considered a high bushfire risk area. The site is in a locality that has not had widespread wildfire (nothing within 2km of the site) and is never likely to experience this as the vegetation is confined to relatively narrow pathways in directions that are not exposed to widespread and major bushfires (i.e. a bushfire attack from the northeast to southeast).</p>
<p>The proposal for non- senior's medium density development located within the BAL Flame Zone is unacceptable. Individual non-Senior's Living is inconsistent with the Existing Use Rights.</p>	<p>The Bushfire Consultant, Blackash, has advised the following:</p> <p>This approach is consistent with the NSW RFS approved <i>Bushfire Engineering Design Compliance Strategy</i>. The performance-based approach accepted by the RFS satisfies all bushfire safety requirements and will create a bushfire safety outcome for the site that is not only significantly safer than what currently exists, but considerably better than what is provided through a 'typical' deemed-to-satisfy approach (i.e. through PBP 2019 and AS3959).</p>
<p>Should private non senior's living be accepted, the 100m Inner and Outer APZ should be retained for the RACF.</p>	<p>The Bushfire Consultant, Blackash, has advised the following:</p> <p>The RACF is not located on bushfire prone land and it is greater than 100 metres from bushfire hazard (beyond the requirements of PBP 2019 and AS3959).</p>
<p>9.5m high medium-density housing on the interface with Category 1 vegetation is proposed to provide a buffer to radiant heat for the development upslope. Due to the gradient of the</p>	<p>The Bushfire Consultant, Blackash, has advised the following:</p>

Issue raised	Consideration
<p>slope and buildings heights up to 22m upslope, the building façades will be exposed to ember attack and possibly direct flame impingement. The potential impacts from fire do not support the argument that the entire retirement village can be managed as an IPA.</p>	<p>The medium density buildings on the interface aren't being solely used as a heat shield, but they do provide a heat shield by their very nature.</p> <p>In terms of the APZ, all areas not built upon will be managed as an APZ. This is a typical way to describe the ongoing management of the site. In this regard, all buildings will be provided with a fuel-reduced, physical separation between them and the bushfire hazard and all areas not built upon will be managed as an IPA.</p>
<p>Fully equipped fire fighters cannot operate within the Flame Zone - BAL FZ- until the fire has passed and the radiant heat levels have dropped from fatal levels to permit safe access to enable fire-fighting and safe evacuation of vulnerable residents. This is not predictable and the timing to reach/drop to safer levels that enable both fire- fighting and evacuation will vary based on fire intensity, the FDI on the day and local topography and environmental factors.</p>	<p>The Bushfire Consultant, Blackash, has advised the following:</p> <p>The medium density housing does not need to provide an environment to enable fire-fighting and safe evacuation of vulnerable residents. This is not a requirement of PBP 2019 or in fact any bushfire protection standard for standard residential.</p> <p>The ILUs have been designed so that residents can exit directly into shielded areas with radiant heat less than the prescribed 10kW/m2 and can walk safely to the refuge (Clubhouse) if they choose, although this is not required for their safety. This design ensures fire fighters can operate and assist residents within the Flame Zone.</p> <p>Vulnerable residents will not be in BAL-FZ areas. All vulnerable (SFPP) residents can be safely relocated to the refuge areas without any exposure to critical radiant heat (i.e. over 10kW/m2).</p>
<p>In major Bushfires such as occurred in 1994 and 2001/2002, the emergency services may be fully stretched to operational capacity and fire and emergency management may not always be possible in a timely manner and possibly not at all. It is highly probable that the first casualty in a wildfire will be electricity, making the use of lifts and clear lighting normally available for the physically immobile and incapacitated, impossible. The risk associated with high rise buildings for occupants' egress are magnified in SFPP developments where decreased visibility, choking smoke, increased stress levels and lack of mobility could seriously affect the elderly located on the higher floors of the building.</p> <p>The lead-notification-time-of an approaching Wildfire is not guaranteed, not always available, it may be significantly reduced or not available at all, therefore not permit a controlled orderly pre-evacuation of the elderly population.</p>	<p>The Bushfire Consultant, Blackash, has advised the following:</p> <p>As indicated by Hornsby Ku-Ring-Gai District Manager, Superintendent Mark Sugden, being within Fire District and adjacent to Rural Fire District, the site would experience a significant weight of attack from FRNSW/NSW RFS (both ground-based and airborne), which would minimise fire behaviour and further limit the likelihood of a significant fire event.</p> <p>Notably, the site is in a locality that has not had widespread wildfire (nothing within 2km of the site) and is never likely to experience this as the vegetation is confined to relatively narrow pathways in directions that are not exposed to widespread and major bushfires (i.e. a bushfire attack from the northeast to southeast). In this regard, the worst-case bushfire scenarios are expected to be isolated, quickly identified and of limited run and potential. Fires impacting the site would not be significant such as that expected in a high-risk area.</p>

Issue raised	Consideration
	<p>As there is no bushfire hazard to the west or northwest of the site, travel in this direction is safe and is not a bushfire safety issue. It's worth reiterating that the subject land is in a locality that has not had widespread wildfire and is never likely to experience a significant bushfire impact.</p> <p>The re-development has been specifically designed to provide a layered approach with the more vulnerable being moved the furthest location from the hazard. Conversely, residential development is proposed on the interface where occupants are more able bodied and capable of utilising the emergency management and evacuation redundancies that have been built into the proposal. This layered approach provides resilience within the site, to occupants and to emergency service personnel. This is a significant bushfire net improvement from the existing homes on the site.</p> <p>From the built form perspective, the unique layout and construction of the site will provide for radiant heat shielding and an integrated underground network of pedestrian accessways leading to the basement carpark and into the refuge building. This underground network and radiant heat shielding enables all residents to move safely to the onsite refuge.</p> <p>The Bush Fire Emergency Management and Evacuation Plan will be designed to complement the built form. It will be designed so that the occupation of the site is managed to ensure residents aren't adversely exposed to bushfire events. This will include triggers for moving residents into the refuge area on days of bad fire weather or if bushfires are expected to impact the site.</p> <p>Residents of the RACF will remain in-situ as they are outside the 10kW/m², in fact, the RACF is not located on bushfire prone land and it is greater than 100 metres from bushfire hazard (beyond the requirements of PBP 2019 and AS3959). The residents of the townhouses and independent living units can be accommodated in the proposed refuge building (Clubhouse) which will be designed with an air handling system capable of being adjusted for full recycling of internal air for a period of 4 hours to avoid the introduction of smoke into the building and maintaining an internal air temperature of not more than 25°C during a bushfire event.</p> <p>It is important to note, that the provision of a refuge facility for the townhouse residents is not a formal requirement. New residential developments do not require a refuge facility, so this is considered an additional level of redundancy in the design. Similarly, residential development also does not require fire rated walls (i.e., 1 hour fire rated) or internal sprinklers. These provisions address fire spread and tenability for the townhouses and</p>

Issue raised	Consideration
	<p>are also well above the protection typically required and provided by AS3959. This is further redundancy in the design of the site and allows residents to remain safely within their homes up to a Fire Danger Index of 100 during a bushfire.</p> <p>While not necessary, residents can safely evacuate the site via Stanhope Road and the existing road network to the northwest of the site. Any travel from the site is not exposed to bushfire hazard or considered a significant bushfire risk, which is consistent with the findings of the Ku-ring-gai Council bushfire evacuation risk map and numerous studies and analysis undertaken across the LGA.</p> <p>Should fire agencies or residents choose an early evacuation, there are no pinch points or areas where the roads are impacted by fire. There is little/no bushfire risk associated with travelling through the existing road network and moving away from the site. The further people drive, the further from the bush they become. Even in the unlikely event that access is blocked, there is no bushfire risk to the roads, meaning people are safe within their vehicles.</p> <p>Given the considerable building protection measures that all buildings will be provided (i.e. constructed with one hour fire rated external walls and internal sprinklers) which is over and above the typical requirements and the emergency management arrangements (i.e. refuge buildings) are such that the village does not rely on the immediate availability of emergency service personnel.</p> <p>To ensure the holistic management of the site, including all bushfire protection measures, a Bushfire Protection, Operations and Maintenance Plan will be developed which will include the Emergency Management and Evacuation Plan and ongoing maintenance and certification of the essential bushfire protection measures (i.e., APZ).</p>
<p>The parking arrangements for residents, visitors and employees with up to 389 car spaces in the Inner Protection Area would appear to contradict common sense management of the IPA which should not encourage on site exposure to possibly flammable material as a source which might contribute to greater fire hazard, direct flame impingement, embers and thick choking toxic smoke to hamper both fire-fighting and emergency services and complicate safe evacuation of a less than mobile, possibly confused and highly stressed population into a clogged single road where unpredictable delays may prove to be life threatening.</p>	<p>The Bushfire Consultant, Blackash, has advised the following:</p> <p>It is common practice for cars to be parked within an APZ. Vehicles will not be parked in areas exposed to potential flame contact and therefore not considered a significant or elevated fire source feature.</p>

Issue raised	Consideration
<p>The consent authority is being asked to rezone the Lourdes Retirement Village to an increased higher density without provision enabling assessment of the vital details of the design, engineering, construction standards or potential future sub-division plans, these being neither possible nor publicly available for professional scrutiny and assessment but proposed to be presented in detail at later separate DA and sub-division stage after rezoning to the increased density has been achieved. These details should be transparent and upfront in order to judge how they impact on relevant safety aspects effecting firefighting and evacuation prospects.</p>	<p>The Bushfire Consultant, Blackash, has advised the following:</p> <p>The NSW RFS approved the <i>Bushfire Engineering Design Compliance Strategy</i> in November 2020 and raised no objection to the rezoning proceeding on that basis. This includes a performance-based approach, something that is completely acceptable through PBP 2019 and the National Construction Code. The performance-based approach accepted by the RFS satisfies all bushfire safety requirements and will create a bushfire safety outcome for the site that is not only significantly safer than what currently exists, but considerably better than what is provided through a 'typical' deemed-to-satisfy approach (i.e. through PBP 2019 and AS3959).</p> <p>As part of the Planning Proposal an assessment has been undertaken of the matters the relevant planning authority must do under Ministerial Direction 4.4. The NSW RFS have indicated their satisfaction with the proposed performance-based approach (which is an acceptable compliance pathway), and they confirmed (on 18 January 2022) the performance-based approach is appropriate to satisfy the Ministerial Direction and did not object to the progression of the planning proposal pursuant to clause (7) of Direction 4.4.</p> <p>Considerable and ongoing collaboration was undertaken with the NSW RFS in the development of the <i>Bushfire Engineering Design Compliance Strategy</i> and the performance-based approach.</p> <p>The NSW RFS has raised no objection to the Planning Proposal. This was confirmed to DPE on 16 November 2021 and again on 18 January 2022.</p>
<p>The siting for intensified development and increased density in bushfire prone areas should avoid ridge tops and narrow crests atop narrow gullies which act as suction mechanisms, drawing fire upwards at considerable speed, fire taking to the canopy on the effective slope of 23.7 degrees, crowning complicating fire management for the site. All down slopes are either 18 degrees or steeper. When applying the traditional bushfire principle, a site where the increased density precludes any application of a full APZ within the SFPP site itself, should possibly be considered for refusal. Simply removing the siting constraints from a current PfBP manual will not alter the basic, unpredictable behaviour of wildfire on the ground or fire's predictable impact on development in these situations.</p>	<p>The Bushfire Consultant, Blackash, has advised the following:</p> <p>The site is not exposed to what is considered a 'landscape level' bushfire risk, with any fires only within the isolated and restricted bushland areas. The site is within a heavily developed residential area, so any fires starting would be quickly identified by the community.</p> <p>The worst-case bushfire scenarios are expected to be isolated, quickly identified and of limited run and potential. Fires impacting the site would not be significant such as that expected in a high-risk area. The proposed Planning Proposal has undergone significant consultation with the NSW RFS as the lead combat agency for Bushfires.</p>

Issue raised	Consideration
	<p>The NSW RFS approved the <i>Bushfire Engineering Design Compliance Strategy</i> and raised no objection to the rezoning proceeding on that basis. This includes a performance-based approach, something that is completely acceptable through PBP 2019 and the National Construction Code. The performance-based approach accepted by the RFS satisfies all bushfire safety requirements of PBP 2019 and will create a bushfire safety outcome for the site that is not only significantly safer than what currently exists, but considerably better than what is provided through a 'typical' deemed-to-satisfy approach (i.e. through PBP 2019 and AS3959).</p>
<p>Climate change has not been considered in the bushfire risk analyses.</p>	<p>The Bushfire Consultant, Blackash, has advised the following:</p> <p>Development designed and engineered to provide outcomes well above current regulations and standards. The design can adequately protect against fires up to FDI 100, consistent with current regulations which do not design for fires above FDI 100. Therefore, any increase in fire weather because of Climate Change is not a consideration of the regulative framework or fire fighting /emergency management practices.</p>
<p>Establishing development in bushfire prone areas can adversely affect the retention of native vegetation through clearing associated with the creation of Asset Protection Zones (APZ). The loss of vegetation or habitat on bushland adjacent the subject site is not acceptable and causes conflict with landscape and environmental objectives.</p>	<p>The Bushfire Consultant, Blackash, has advised the following:</p> <p>Significant clearing of bushland is not required. All APZ will be provided onsite.</p>
<p>The proposal suggests a refuge in a building to accommodate residents in case evacuation is not possible. Refuges offer the appeal of not needing to move to another location but are criticised for potentially creating a false sense of security relying on the integrity of the main building.</p>	<p>The Bushfire Consultant, Blackash, has advised the following:</p> <p>The proposed Clubhouse (refuge) has been identified as the shelter in place location due to its size and separation from the bushfire hazard. The Clubhouse is large enough to accommodate all ILU and townhouse residents and will provide an acceptable bushfire safe zone. The clubhouse fit out will provide a comfortable location for all residents and staff to occupy and will have sufficient access to amenities and food / water to ensure they are more than comfortable during a bushfire event.</p> <p>While not necessary, residents can safety evacuate the site via Stanhope Road and the existing road network to the northwest of the site. Any travel from the site is not exposed to bushfire hazard or considered a significant bushfire risk, which is consistent with the findings of the Ku-ring-gai Council bushfire evacuation risk map and numerous studies and analysis undertaken across the LGA.</p>

Issue raised	Consideration
	<p>Should fire agencies or residents choose an early evacuation, there are no pinch points or areas where the roads are impacted by fire. There is little/no bushfire risk associated with travelling through the existing road network and moving away from the site. The further people drive, the further from the bush they become. Even in the unlikely event that access is blocked, there is no bushfire risk to the roads, meaning people are safe within their vehicles.</p>
<p>The Proposal includes the construction of 31 new independent townhouse buildings (to incorporate a total of 63 medium density residential townhouses) for 'non seniors' on the bushland interface to protect the retirement village from radiant heat. Resolving to increase density and expose people to bushfire risk to accommodate the proponent's plans is not in the public interest.</p>	<p>The Bushfire Consultant, Blackash, has advised the following:</p> <p>The proposed townhouse buildings aren't being used with the sole intent to protect the retirement village. The re-development has been specifically designed to provide a layered approach to the bushfire prone land with the more vulnerable residents being moved the furthest location from the hazard. Conversely, residential development is proposed on the interface where occupants are more able bodied and capable of utilising the emergency management and evacuation redundancies that have been built into the proposal. The design ensures all residents are not required to leave homes due to the fire rating construction and design.</p> <p>If residents are to leave the medium density buildings or ILUs, they exit directly into shielded areas with radiant heat less than the prescribed 10kW/m2 and can walk safely to the refuge (Clubhouse) if they choose although this is not required for their safety.</p>
<p>FOKE does not object to upgrading of buildings to fully meet contemporary bushfire protection measures under Australian Standard AS3959-2009 Construction of buildings in bushfire-prone areas (AS 3959). The proponent has not presented any evidence to prove this is not viable under Ku-ring-gai Council current zoning and planning controls.</p>	<p>Noted.</p>
<p>Streetscape, heritage conservation and views</p>	
<p>The resulting height and bulk of buildings will dominate the site, negatively impact on the streetscape and the character of the area, adjoining bushland, and the views and vistas from surrounding streets (Nelson Road, Eastern Arterial Road, Stanhope Road, Monash Avenue) and bushland reserves (Seven Little Australian Reserve).</p>	<p>An updated View Analysis has been prepared by Deneb Design which demonstrates that from wider viewpoints in the public domain the proposed built form would either be entirely hidden from view or minimally visible through or above foliage.</p> <p>The built form from key views along Stanhope Road will be largely screened by existing vegetation with potential for further screening with additional landscape planting. The buildings on the eastern extent of Stanhope Road from the existing scout hall will be more visible however the proposed built form in this location is two-three</p>

Issue raised	Consideration
	<p>storey town houses which are compatible with the existing and surrounding built form.</p> <p>Visual impact will be mitigated by:</p> <ul style="list-style-type: none"> • Provision of a minimum 10m setback to the western boundary which adjoins an existing residential use • Provision of landscape mounding and vegetation 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.
<p>Due to the ridge top location of the high-rise buildings, they will impact on the Heritage Items and Conservation Areas Identified in the LEP 2015 (i.e. Seven Little Australians Park Tryon Road, East Killara, Swain Gardens 77-77A Stanhope Road, Killara and Crown Blocks Conservation Area C22).</p>	<p>A Heritage Impact Assessment prepared by Urbis was exhibited with the proposal that confirmed that the proposal would have an acceptable heritage impact.</p> <p>Further advice has been provided by Urbis to considering the impacts on the surrounding heritage items and heritage conservation area. This is discussed in Section 3.7.</p>
<p>The site is designated high bushfire prone, as such under the 10/50 rule residents will be able to remove vegetation on site. This, in addition to the APZ zones where canopy trees and /or undergrowth will be removed will result in:</p> <ul style="list-style-type: none"> • less screening of the built forms and greater visual impact on surrounding areas. • loss of bushland that contribute to habitat and the untouched vistas of bushland viewed by the public. 	<p>The Bushfire Consultant, Blackash, has advised the following:</p> <p>The 10/50 rules currently apply to the site.</p> <p>The Planning Proposal will provide bushfire safety measures far exceeding those typical provided through a deemed-to-satisfy approach under PBP 2019 so additional protection works will not be required.</p> <p><i>A Bushfire Protection, Operations and Maintenance Plan</i> will be developed for the site which will include an Emergency Management and Evacuation Plan and ongoing maintenance and certification of essential bushfire protection measures. This will be maintained by the strata management scheme / Body Corporate.</p> <p>Landowners cannot clear trees or other vegetation under the 10/50 Code contrary to the conditions of Development Consent or other approvals under the <i>Environmental Planning and Assessment Act 1979</i>. For example, if the Development Consent requires the retention of specified trees then these will not be able to be cleared under the 10/50 provisions.</p>
<p>FOKE supports the heritage listing of Headfort House and its retention.</p>	<p>Headfort House is proposed to be retained and this is reflected in the Draft Site Specific DCP.</p>
<p>The PP does not consistently acknowledge the sites partial inclusion within the C22 Crown Blocks Heritage Conservation Area (HCA). Lourdes Retirement Village is adjacent to the Seven Little Australians Park Heritage Item to its south and east</p>	<p>The Planning Proposal and Heritage Assessment refers to the site's partial inclusion in the heritage conservation area.</p>

Issue raised	Consideration
<p>and is in the vicinity of the heritage listed Swain Gardens and the Lindfield Soldiers Memorial Park to the east. The proposal will enable buildings up to 7 stories on the ridgeline, the highest point on the site. This will directly impact the district views to the site and for the setting of the bushland and Swain Garden Heritage Items.</p>	<p>The proposal is for range of heights from two to six storeys.</p> <p>A View Analysis has been prepared which considers views from Seven Little Australians Park, Swain Gardens and Lindfield Soldiers Memorial Park which demonstrate that view impacts will be minimal. This is discussed in further detail in Section 3.3</p>
Strategic merit	
<p>The Planning Proposal (PP) has no strategic merit. It is inconsistent with the Greater Sydney Region Plan, North District Plan, Ku-ring-gai LEP 2015 and Ku-ring-gai housing Strategy, including:</p> <p>Greater Sydney Region Plan:</p> <ul style="list-style-type: none"> • Objection 10 – Greater Housing supply. • Objective 13 Environmental heritage is identified, conserved and enhanced • Objective 14 – Integrated land use and transport creates walkable and 30 minutes cities. • Strategy 14.1 – Integrate land use and transport plans to deliver the 30 min city • Objective 28 – Scenic and cultural landscapes are protected • Objective 30 – Urban tree canopy cover is increased • Objective 37 – Exposure to natural and urban hazards is reduced. • Strategy 37.1 – Avoid locating new urban development in areas exposed to natural and urban hazards and consider option to limit the intensification of development in existing urban areas most exposed to hazards <p>North District Plan:</p> <ul style="list-style-type: none"> • Planning Priority N16 ‘Protecting and enhancing bushland and biodiversity • Planning Priority N19 ‘Increasing urban tree canopy cover and delivering greengrid connections. <p>Ku-ring-gai LEP</p> <ul style="list-style-type: none"> • Aims of the LEP and identified areas for change • Objectives of the R3 zone. <p>Ku-ring-gai Local Housing Strategy</p> <ul style="list-style-type: none"> • vision “to accommodate a changing community, close to key infrastructure and aligned with the local character”, to provide homes that “consider streetscape, context and building scale” and to “ensure housing respects local 	<p>The Sydney North Planning Panel has determined that the proposal has strategic merit. A detailed assessment against relevant strategic documents forms part of the Planning Proposal.</p> <p>In particular, the Ku-ring-gai Local Housing Strategy was approved by Department of Planning in July 2021 subject to requirements including identification of additional of additional medium density areas outside primary local centres.</p>

Issue raised	Consideration
character, and is compatible with heritage and Biodiversity values”	
Ecology	
The Planning Proposal does not respond to the high environmental value of the surrounding bushland, or Biodiversity impacts due to excavation, tree removal, include the Sydney Turpentine Ironbark Forest ecological community mapped on site, adjoining bushland, and threatened species identified on council’s Greenweb map.	<p>A Biodiversity Development Assessment Report has been prepared as part of this response to submissions which has considered all relevant threatened species.</p> <p>This is discussed in Section 3.6</p>

6 Consideration of Council submission

6.1 Executive summary

Issue raised	Consideration
That the Sydney North Planning Panel, as planning proposal authority, request the Minister to determine that the planning proposal not proceed.	This is a matter for the Planning Panel.
<p>That the site be redeveloped under the existing planning controls applying bonus height and FSR provisions under the Housing SEPP. This will</p> <ul style="list-style-type: none"> enable real negotiation with RFS for improved bushfire outcomes on the site with little to no increase in population on this site; limit the potential for even higher dwelling numbers than those exhibited, but not verifiable due to lack of detail, to be delivered at the development application stage under the increased standards. 	<p>The bonus provisions under the Housing SEPP do not currently apply to the site.</p> <p>Clause 87 of the Seniors Housing SEPP sets out bonus provisions for seniors housing however these apply:</p> <p>(a) where development for the purposes of a residential flat building or shop top housing is permitted on the land under another environmental planning instrument, or</p> <p>(b) where the development is carried out on land in Zone B3 Commercial Core.</p> <p>Accordingly, these provisions do not apply to the existing R2 Low Density Residential zone, which prohibits residential flat buildings.</p>
That a complete financial analysis and costing be included to support the claim for increased site potential.	This is not a relevant matter for the Planning Proposal.
<p>That if higher development standards are sought for the site, a new planning proposal be commenced that includes full detailed evidence to demonstrate:</p> <ul style="list-style-type: none"> How the master plan, that informs the planning proposal's dwelling numbers and increased standards, has addressed the key considerations of the site including bushfire, landscape, ecology, heritage, street and bushland interface; How the masterplan balances and resolves conflicting tensions between the consideration disciplines, such as bushfire and ecology, to deliver a holistic outcome for the site and its context; How the masterplan will enable the integrity and retention of the intact canopy tree line to the skyline, and deliver buildings that do not protrude above the canopy at the highly visible ridgeline forming the backdrop to the adjacent bushland heritage items. 	These matters have already been addressed in the Planning Proposal and are further clarified through this response to submissions.
That any resubmission of the planning proposal address the inconsistencies with section 9.1 Directions 4.3 Planning for Bushfire Protection and 5.1 Integrating Land Use and Transport, and give transparency of their consideration through exhibition.	These matters have already been addressed in the Planning Proposal and are further clarified through this response to submissions.

Issue raised	Consideration
<p>That any resubmitted proposal provide detailed and transparent information on:</p> <ul style="list-style-type: none"> • Bushfire risk consideration including evacuation and relocation of populations • Bulk and scale impacts on the heritage, landscape and low density housing setting; • Heritage significance of Headfort House and its curtilage, and its potential listing; • Landscaping parameters with deep soil and canopy tree provisions; • Interface and integration of built form with the bushland fringes; • Retention of bushland ridgelines with landscape; • Numbers of people likely to occupy the site, residents and workers, and the resultant vehicular use. 	<p>These matters have already been addressed in the Planning Proposal and are further clarified through this response to submissions.</p>
<p>That detail be provided on:</p> <ul style="list-style-type: none"> • Estimated numbers of population the proposal will generate on site by dwelling type; • Vehicle movement counts at new access points in/out of the site including service and visitor vehicles; • Feasibility of relocation of the population off-site during a fire event, particularly the elderly and those with dementia; • The function and design of the refuge and how it will hold the proposed onsite population including the 110 high care patients, and logistics and health implications of moving high care including dementia populations in and out of a refuge and into a replacement facility • Verification from NSW Health and SES on whether the treatment of these population types and numbers in a hazard event warrants the increase in population on the site. 	<p>These matters have already been addressed in the Planning Proposal and are further clarified through this response to submissions.</p> <p>Further analysis has been provided of the maximum number of occupants based on the proposed planning controls and clarification of the bushfire excavation strategy.</p> <p>It is noted that residents of the residential aged care facility will remain in-situ as they are outside the 10kW/m2, in fact, the residential aged care facility is not located on bushfire prone land, and it is greater than 100 metres from bushfire hazard (beyond the requirements of PBP 2019 and AS3959). This is discussed in further detail in Section 6.3.</p>
<p>That all recommendations in the body of this submission relating to specific considerations be included and applied to any consideration of a planning proposal for the site, namely at Part 2 Strategic Merit Assessment, Part 3 Bushfire Assessment, Part 4 Urban Design Assessment, Part 5 Heritage Assessment, Part 6 Ecology Assessment, Part 7 Transport and Traffic Assessment.</p>	<p>These matters have been addressed within this section of the response to submissions.</p>

6.2 Strategic merit

Council considers that the Planning Proposal fails to demonstrate strategic merit including against the Greater Sydney Region Plan, North District Plan, relevant SEPPs, Ministerial Directions, Ku-ring-gai Local Strategic Planning Statement and Ku-ring-gai Local Housing Strategy.

The Strategic Merit of the Planning Proposal have been outlined in detail within the Planning Proposal and the Sydney North Planning Panel has determined that the proposal has Strategic Merit. Accordingly, Strategic Merit is not addressed further in this response to submissions.

6.3 Bushfire

Council has conducted the three studies to assess the bushfire implications of increased standards under the Planning Proposal. The recommendations arising from these studies have been considered and addressed by the bushfire consultant, Blackash as outlined in the table below.

Issue raised	Consideration
<p>The Planning Proposal be refused due to the increase in density not being supported by an evidence-based justification and delivery strategy and not prioritising life safety in accordance with Planning for Bush Fire Protection 2019.</p>	<p>The NSW RFS approved the <i>Bushfire Engineering Design Compliance Strategy</i> in November 2020 and raised no objection to the rezoning proceeding on that basis. This includes a performance-based approach, something that is completely acceptable through PBP 2019 and the National Construction Code. The performance-based approach accepted by the RFS satisfies all bushfire safety requirements, complies with PBP 2019 and will create a bushfire safety outcome for the site that is not only significantly safer than what currently exists, but considerably better than what is provided through a 'typical' deemed-to-satisfy approach (i.e., through PBP 2019 and AS3959). The approach is considered to prioritise life safety to a greater extent than would be achieved through a deemed-to-satisfy approach under PBP 2019.</p> <p>There is no justification for the refusal of the application on bushfire grounds given the NSW RFS have indicated their satisfaction with the proposed performance-based approach and confirmed (on 18 January 2022) the approach is appropriate to satisfy the Ministerial Direction and did not object to the progression of the planning proposal pursuant to clause (7) of Direction 4.4. The NSW RFS has raised no objection to the Planning Proposal. This was confirmed to DPE on 16 November 2021 and again on 18 January 2022.</p>
<p>Any future development be undertaken within the current R2 zoning with limitations on building heights to control the increase in residential density on the site for bushfire emergency management and evacuation purposes.</p>	<p>This is not necessary or justified from a bushfire perspective given the low bushfire risk and significant bushfire protection measures incorporated into the Planning Proposal.</p> <p>Bushfire evacuation has also been given further consideration as discussed in Section 3.4.</p>
<p>Should the proponent wish to proceed, the Planning Proposal be resubmitted in a modified form which results in reduced density, with full strategic bushfire assessment, evacuation analysis and a robust strategy for full delivery of any bushfire mitigation measures deemed required to enable an appropriate bushfire protection outcome through the development application process.</p>	<p>The proposed Planning Proposal has undergone significant consultation with the NSW RFS as the lead combat agency for Bushfires.</p> <p>The NSW RFS approved the <i>Bushfire Engineering Design Compliance Strategy</i> in November 2020 and raised no objection to the rezoning proceeding on that basis. This includes a performance-based approach, something that is completely acceptable through PBP 2019 and the National Construction Code. The performance-based approach accepted by the RFS satisfies all bushfire safety requirements and will create a bushfire safety outcome</p>

Issue raised	Consideration
	<p>for the site that is not only significantly safer than what currently exists, but considerably better than what is provided through a 'typical' deemed-to-satisfy approach (i.e. through PBP 2019 and AS3959).</p> <p>As part of the Planning Proposal an assessment has been undertaken of the matters the relevant planning authority must do under Ministerial Direction 4.4. The NSW RFS have indicated their satisfaction with the proposed performance-based approach (which is an acceptable compliance pathway), and they confirmed (on 18 January 2022) the performance-based approach is appropriate to satisfy the Ministerial Direction and did not object to the progression of the planning proposal pursuant to clause (7) of Direction 4.4.</p> <p>Given the considerable and ongoing collaboration with the NSW RFS in the development of the Bushfire Engineering Design Compliance Strategy and the performance-based approach, a Strategic Bushfire Study was not required. Any future DA approval must comply with the <i>Bushfire Engineering Design Compliance Strategy</i> and requires Bush Fire Safety Authority (BFSA) under s100B of the <i>Rural Fires Act 1997</i> (RFA). The finer details of the design will be developed with the NSW RFS as part of the Performance Based Design Brief process for the DA. That level of detail is not required at this stage.</p> <p>The NSW RFS has raised no objection to the Planning Proposal. This was confirmed to DPE on 16 November 2021 and again on 18 January 2022.</p>
<p>The option be given to submit a new planning proposal for the site, with a transparent and thorough bushfire assessment, that delivers the required bushfire risk related evidence and detail demonstrating:</p> <ul style="list-style-type: none"> • Compliance with PBP 2019, including elements such as perimeter roads for all new residential buildings that abut bushfire hazard as prescribed by PBP; • How any proposed on-site evacuation building will provide additional bushfire protection redundancy <ul style="list-style-type: none"> • including travel paths into the refuge that facilitate safe movement of vulnerable elderly and disabled people across the site's steep terrain, particularly during a power outage; and, • how large numbers of vulnerable and high dependency population will be housed for extended periods of time within the refuge, especially without power and medical emergency services to attend any stress-related health episodes whilst in the refuge; • off-site evacuation protocols including emergency services demand and relocation destinations, as it is 	<p>Specifically, in response to the dot points (in order) the proposal incorporates:</p> <ul style="list-style-type: none"> • Compliance with PBP 2019 through a performance-based approach, something that is completely acceptable through PBP 2019 and the National Construction Code. The performance-based approach accepted by the RFS satisfies all bushfire safety requirements and will create a bushfire safety outcome for the site that is not only significantly safer than what currently exists, but considerably better than what is provided through a 'typical' deemed-to-satisfy approach (i.e. through PBP 2019 and AS3959). • The proposed Clubhouse has been identified as on-site evacuation location due to its size and separation from the bushfire hazard. The Clubhouse is large enough to accommodate all independent living unit and townhouse residents and will provide an acceptable bushfire safe zone which will be engineered with a 1 hour fire rating from the adjoining bushland. The clubhouse fit out will provide a comfortable location for all residents and staff to

Issue raised	Consideration
<p>unlikely this population group would endure extended times within a refuge;</p> <ul style="list-style-type: none"> provision of suitable on site APZ to ensure defensible space for buildings and firefighters - reliance on Council's adjacent heritage bushland and its management as an APZ is not acceptable as under PBP, recommended APZ dimensions must be provided solely on the subject site. 	<p>occupy and will have sufficient access to amenities and food / water to ensure they are more than comfortable during a bushfire event.</p> <ul style="list-style-type: none"> The re-development has been specifically designed to provide a layered approach to the bushfire prone land with the more vulnerable being moved the furthest location from the hazard. Conversely, residential development is proposed on the interface where occupants are more able bodied and capable of utilising the emergency management and evacuation redundancies that have been built into the proposal. This layered approach provides resilience within the site, to occupants and to emergency service personnel. This is a significant bushfire net improvement from the existing homes on the site. From the built form perspective, the unique layout and construction of the site will provide for radiant heat shielding and an integrated underground network of pedestrian accessways leading to the basement carpark and into the refuge building. This underground network and radiant heat shielding enables all residents to move safely to the onsite refuge. In this regard, if residents are to leave the independent living units, they exit directly into shielded areas with radiant heat less than the prescribed 10kW/m² and can walk safely to the refuge (Clubhouse) if they choose although this is not required for their safety. The Bush Fire Emergency Management and Evacuation Plan will be designed to complement the built form. It will be designed so that the occupation of the site is managed to ensure residents aren't adversely exposed to bushfire events. This will include triggers for moving residents into the refuge area on days of bad fire weather or if bushfires are expected to impact the site. The Clubhouse will be designed with an air handling system capable of being adjusted for full recycling of internal air for a period of 4 hours to avoid the introduction of smoke into the building and maintaining an internal air temperature of not more than 25°C during a bushfire event. Residents of the RACF will remain in-situ as they are outside the 10kW/m², in fact, the RACF is not located on bushfire prone land and it is greater than 100 metres from bushfire hazard (beyond the requirements of PBP 2019 and AS3959). In accordance with the new NCC provisions, emergency power will be provided to support, for not less than 4 hours before and 2 hours after the passing of the fire front during a bushfire event, the ongoing operation of: <ul style="list-style-type: none"> air handling systems to maintain internal tenability; and

Issue raised	Consideration
	<ul style="list-style-type: none"> any pumps for fire-fighting; and any emergency lighting and exit signs; and any other emergency equipment. While not necessary, residents can safely evacuate the site via Stanhope Road and the existing road network to the northwest of the site. Any travel from the site is not exposed to bushfire hazard or considered a significant bushfire risk, which is consistent with the findings of the Ku-ring-gai Council bushfire evacuation risk map and numerous studies and analysis undertaken across the LGA. Should fire agencies or residents choose an early evacuation, there are no pinch points or areas where the roads are impacted by fire. There is little/no bushfire risk associated with travelling through the existing road network and moving away from the site. The further people drive, the further from the bush they become. Even in the unlikely event that access is blocked, there is no bushfire risk to the roads, meaning people are safe within their vehicles. All APZ will be provided onsite and each building is provided with a defensible space. No APZ are required off site within the adjoining bushland.
<p>Consultation with relevant agencies regarding emergency management requirements and infrastructure provision to improve outcomes on the existing site for its current residents.</p>	<p>The proposed Planning Proposal has undergone significant consultation with the NSW RFS as the lead combat agency for Bushfires as discussed previously within this table.</p>
<p>The Planning Proposal should be refused as acceptance of the proposed evacuation risk will set a precedent that undermines Council's application of the same methodology in areas yet to be assessed as part of any future strategy to mitigate risk across Ku-ring-gai.</p>	<p>There is no justification for the refusal of the application on bushfire grounds. The site is not exposed to what is considered a 'landscape level' bushfire risk, with any fires only within the isolated and restricted bushland areas. The site is within a heavily developed residential area, so any fires starting would be quickly identified by the community.</p> <p>As indicated by Hornsby Ku-Ring-Gai District Manager, Superintendent Mark Sugden, being within Fire District and adjacent to Rural Fire District, the site would experience a significant weight of attack from FRNSW/NSW RFS (both ground-based and airborne), which would minimise fire behaviour and further limit the likelihood of a significant fire event.</p> <p>In this regard, the worst-case bushfire scenarios are expected to be isolated, quickly identified and of limited run and potential. Fires impacting the site would not be significant such as that expected in a high-risk area.</p> <p>Council has prepared Bushfire Evacuation Risk Maps identifying areas where severe evacuation risks may occur during a bushfire event. The map limits certain</p>

Issue raised	Consideration
	<p>developments in these areas, however this does not apply to any part of Stanhope Road.</p> <p>Council has also amended its LEP to zone areas considered an evacuation risk to E4 Environmental Living to limit future growth. This did not apply to Lourdes Village or Stanhope Road.</p> <p>Given the significant amount of previous analysis and the currently endorsed Evacuation Risk Mapping, there is no evidence to suggest the Lourdes site or broader Stanhope Road area has any significant bushfire evacuation risk. This is discussed further in the bushfire advice at Attachment x.</p>

6.4 Urban Design

Issue raised	Consideration
Overarching urban design recommendations	
<p>Develop a more holistic urban design strategy which reduces the amount of development on the land to ensure a balanced approach that places the development potential aspirations at equal measure with consideration of ecological and heritage site attributes, and with respect to adjacent heritage, bushland and bushfire hazard.</p>	<p>The proposal includes a detailed urban design analysis which has taken into full consideration the heritage and built form character of the site and surrounds. This is justified in detail throughout this section of the response to submissions.</p> <p>Additional ecological assessment has been undertaken as discussed in detail in Section 3.6.</p> <p>Additional heritage assessment has been undertaken as discussed in detail in Section 3.7.</p> <p>The proposal has responded to the bushfire hazard as discussed in detail in 3.4.</p>
<p>Provide built form of a scale and bulk to the entire site that:</p> <ul style="list-style-type: none"> • Responds to the highly visible of the site and reduces building heights at the ridgeline to remove the dominating appearance of the built form in its heritage and landscape context and above the intact tree skyline • Incorporates smaller building footprints to reduce built upon area and enable provision of deep soil landscaping to sustain canopy trees particularly to the ridgeline of the site maintaining the intact tree line to the skyline at this location • Demonstrates consideration of the onsite and adjacent sensitivities of ecology and heritage associations, and integration with the low density neighbourhood character, heritage conservation area and heritage bushland setting edges; 	<p>The proposal is for a mix of mid-rise seniors housing (3-6 storeys) and low rise townhouses 2-3 storeys). Building height has been located on the site to provide for a transition to the surrounding area with heights stepping down to the interfaces. This is complemented by retention of the existing vegetated buffer along Stanhope Road.</p> <p>Further Urban Design Advice has been prepared which amends the master plan to further break up the built form of the independent living units to provide for smaller building footprints and opportunities for landscaping between buildings. It also clarifies how the buildings respond to the topography and uses upper level setbacks to minimize building bulk and scale. This is also reflected in the updated draft Site Specific Development Control Plan (DCP).</p>

Issue raised	Consideration
<ul style="list-style-type: none"> Enables greater deep soil areas along the ridgeline and between buildings across the site to support onsite ecological values, reduction of heat island effects, integrity of soil structures, sub surface water movement, limiting hard surface runoff pollutants into Seven Little Australian Park. 	<p>Further clarification has been provided on deep soil which confirms that future development could achieve a deep soil of 40% of the site. This is reflected in the updated draft Site Specific DCP. The extensive deep soil is generally consistent with the Ku-ring-gai DCP which requires 40% deep soil for multi-dwelling housing and 50% deep soil for apartments and will support extensive landscaping across the site.</p> <p>Additional ecological assessment has been undertaken as discussed in detail in Section 3.6</p> <p>Additional heritage assessment has been undertaken as discussed in detail in Section 3.7.</p>
<p>Reduce the building height across the site to present as</p> <ul style="list-style-type: none"> 2 storey to the Stanhope Road frontage, 91 Stanhope Road boundary and to the bushland fringe areas proposing non-seniors housing 3-4 storey to the centre of the site proposed for seniors housing. 	<p>This is inconsistent with the Gateway decision and the recommendation of the Sydney North Planning Panel that the proposal has strategic and site-specific merit.</p>
<p>Exclude all townhouse typology from the fringe of the development and replace with single detached dwellings contiguous with the local area character to</p> <ul style="list-style-type: none"> Remove inappropriate hard edge, 3 storey, continuous wall development on the heritage item and HCA bushland fringe, including associated multiples of driveways and hard landscaping Reduce population on the parts of the site with highest bushfire risk. 	<p>This is inconsistent with the Gateway decision and the recommendation of the Sydney North Planning Panel that the proposal has strategic and site-specific merit.</p> <p>It is also inconsistent with the NSW Government Policy of encouraging additional supply of low rise medium density housing which will enhance housing diversity in the local area.</p>
<p>Remove the driveway access adjacent to 91 Stanhope Road and retain the existing central road as the main entry into and out of the development to ensure amenity is preserved to the neighbouring property: including noise reduction and pollution from cars, loading vehicles, garbage trucks and all other supply trucks entering the underground basement and internal roadways.</p>	<p>The access driveway adjacent to 91 Stanhope Road has already been relocated to provide a more substantial buffer to the adjacent dwelling.</p> <p>The master plan has been further updated to provide for a secondary basement access for the independent living units from the west of the site. This will provide greater separation between the seniors and town house traffic movements and reduce the traffic movements alongside 91 Stanhope Road.</p>
Development Control Plan recommendations	
<p>Given the extent of the missing information in the urban design report able to inform the proposed DCP with evidenced development controls and objectives, the failure of the draft DCP to relate to the KDCP and the wider controls applicable across Ku-ring-gai, it is recommended that the exhibited DCP be rejected.</p>	<p>The illustrative master plan has been reviewed against the relevant section of the Ku-ring-gai DCP and it is largely able to comply particularly with the controls for multi-dwelling housing in relation to the town houses and the controls for residential flat buildings in relation to seniors housing. This will be further assessed at DA stage.</p>

Issue raised	Consideration
<p>That the planning proposal be resubmitted with amended proposed zoning, height, FSR and other standards that remove the requirement for a site specific DCP. This will ensure consistency of development assessment of the site development with State and Local policy by</p> <ul style="list-style-type: none"> Facilitating the assessment of seniors housing under the Housing SEPP; and Facilitating the assessment of non-seniors housing under the existing standards of the KDCP. <p>That a comprehensive and detailed urban study and masterplan accompany the resubmitted planning proposal with detailed provisions, including finite measurement and numerical standards regarding site specific issues. This will enable translation into a DCP if required, including but not limited to the following:</p> <ul style="list-style-type: none"> Bushfire safe built form Treatment of Headfort House as a potential heritage item Delivery of deep soil provisions and tree canopy planting. <p>That if a site specific DCP is required, Council prepare the DCP based on detailed provisions included in the planning proposal urban design report, with all expenses for the preparation charged to the proponent in accordance with Council's fees and charges.</p>	<p>The draft DCP has been amended to include further details to guide future development as discussed in Section 2.2 in response to the issues raised by Council.</p> <p>The relevant provisions of the Housing SEPP will apply at DA stage.</p>
Lack of adequate information	
<p>The exhibited planning proposal documentation lacks detail and fails to provide enough information to directly understand the bulk, scale and interface impacts of the master plan underpinning the proposed increased standards.</p> <ul style="list-style-type: none"> Both the plans and sections do not include RLs nor basic built form measurements to verify the accuracy of material provided. The very limited information prevents precise understanding of building dimension and quantum of key elements that speak to the impacts and amenity of the proposal, such as open space provision, deep soil landscaping, built upon areas and building separation etc. The lack of detail diminishes the credence of the planning proposal's studies that imply the substantial scale of the proposal will have negligible impacts on the amenity and safety of residents on the site and in the neighbourhood, on the intact heritage settings, on the bushland landscape character of the area, on the ecology, biodiversity and tree canopy. 	<p>Updated Urban Design advice has been prepared to provide further detail on building RLs, building measurement and ADG compliance including for building length and depth, deep soil, communal open space, and building separation.</p>

Issue raised	Consideration
Comment on DPE Urban Design Advice	
<p>Council has reviewed advice provided by the Department's Urban Design Team which assisted in informing the Gateway conditions and considers that some aspects have not been addressed.</p>	<p>In this regard it is noted that the DPE's Urban Design advice was used to inform the Gateway conditions but not all aspects of the advice was reflected in the Gateway conditions.</p> <p>The Gateway conditions were addressed in detail in the Planning Proposal, and this was endorsed by DPE to proceed to exhibition.</p> <p>Notwithstanding key issues raised by Council in relation to the DPE Urban Design Advice are addressed in this table.</p>
<p>The proposal will remove significant numbers of existing trees - 59% removed and 37% potentially disturbed as stated in the planning proposal's Arboricultural Appraisal.</p>	<p>The Landscape Master Plan has been amended to reduce the number of trees required for removal from 233 to 170 (of 379 trees), with 58 of these being identified as important trees in the Arborist assessment.</p> <p>The bushfire consultant, Blackash has confirmed that that proposed landscape approach will provide a fuel-reduced area between the buildings and the bush fire hazard.</p>
<p>The sections are of a scale that does not enable clarity of understanding, nor do they provide key sections demonstrating the relationship of the proposal with 91 Stanhope Rd which will be the most impacted existing dwelling.</p>	<p>A series of additional cross sections have been provided as part of the updated urban design advice.</p> <p>The built form adjacent to 91 Stanhope Road has been reduced from four storeys to three storeys. This along with the 10m setback will provide a sensitive a sensitive transition to the existing two storey dwelling.</p>
<p>In addition, both the plans and sections do not include basic dimensions of built form to determine the provisions of landscaping, built upon areas and building separation on the site.</p>	<p>Updated Urban Design advice has been prepared to provide further detail on building RLs, building measurement and ADG compliance including for building length and depth, deep soil, communal open space, and building separation.</p>
<p>The planning proposal does not provide controls relating to the consideration of building depths as recommended by the Gateway conditions.</p>	<p>Updated Urban Design advice has been prepared to provide further detail on building RLs, building measurement and ADG compliance including for building length and depth, deep soil, communal open space, and building separation.</p>
<p>The planning proposal does not adequately address the Gateway conditions including on solar access and precedence. Insufficient relevant analysis of the townhouse component has been provided. Affected townhouses have been marked in the Urban Design Report but no change to the layout has been included to improve solar access. If townhouses are</p>	<p>This is addressed in the Planning Proposal, and alternative solar controls were proposed which were endorsed to go to public exhibition.</p>

Issue raised	Consideration
<p>provided on this site they must be consistent with the KDCP which delivers high quality medium density housing appropriate for this locality.</p>	
<p>Given the important landscape context of this site, consideration of the landscape provision across the entire site, including deep soil and planting of appropriate vegetation and tall canopy trees must be detailed in the planning proposal's urban study to demonstrate whether the site intensification is suitable and whether sustainable landscaping and retention of onsite trees and vegetation is possible.</p>	<p>Additional landscape advice has been prepared including deep soil zones which demonstrates that 40% of the site would deep soil, providing ample opportunity for tree planting.</p>
<p>The landscape setting surrounding the south and east of the site is highly likely to contain Aboriginal cultural heritage. The planning proposal gives no regard to the setting nor any aspect of the cultural landscape and makes little real attempt to integrate and be subservient to the historical and likely ancestral landscapes of this location.</p>	<p>A Preliminary Aboriginal Heritage Assessment has been prepared which has identified the potential for Aboriginal Archaeology would be low and requires no further assessment.</p>
Dwelling typologies	
<p>The proposal uses bushfire risk as a justification for the building typologies. This is not supported where there is no detail to demonstrate how the site design will actually address the bushfire risk.</p>	<p>Extensive detail has been provided on how the design addressed bushfire risk, with further advice provided as part of this response to submissions to address questions raised by RFS.</p>
<p>The townhouse typology is not consistent with dwelling types on the bushland interface particularly when the townhouses present as a 3-storey wall to heritage listed bushland.</p>	<p>A Heritage Impact Assessment prepared by Urbis was exhibited with the proposal that confirmed that the proposal would have an acceptable heritage impact.</p> <p>Further advice has been provided by Urbis to considering the impacts on the surrounding heritage items and heritage conservation area. This is discussed in Section 3.7.</p>
<p>The 3-storey continuous wall described to protect the seniors housing from flame attack is flawed as it does not prevent the higher risk of ember attack. Further, it is unclear how placing large numbers of people at the highest bushfire risk locations has not been justified.</p>	<p>The Bushfire Consultant, Blackash, has advised the following:</p> <p>The medium density buildings on the interface aren't being solely used as a heat shield, but they do provide a heat shield by their very nature.</p> <p>In terms of the APZ, all areas not built upon will be managed as an APZ. This is a typical way to describe the ongoing management of the site. In this regard, all buildings will be provided with a fuel-reduced, physical separation between them, and the bushfire hazard and all areas not built upon will be managed as an IPA.</p> <p>Extensive detail has been provided on the bushfire approach, including additional information as part of this response to submission.</p>

Issue raised	Consideration
Bushland landscape context	
<p>The built form outcomes that would result from the proposed standards do not demonstrate any consideration of the significance of the natural landscape setting except that it will “take advantage of the significant bushland views to the south and east”. No attempt is made to assimilate the built form scale into the bushland context in consideration of the views back to the development.</p>	<p>An updated View Analysis has been prepared by Deneb Design. This includes numerous views from the surrounding bushland including from Seven Little Australians Park and Swain Gardens.</p> <p>The views from Swain Gardens show that the proposed built form will be entirely hidden from view.</p> <p>From Seven Little Australians Park proposed built form would be almost entirely hidden with glimpses of rooftops through foliage from some vantage points.</p>
SEPP Housing and Ku-ring-gai DCP	
<p>No information has been provided on how the planning proposal will enact a mechanism to separate the seniors and non-seniors housing on the site. Since seniors and non-seniors housing are two separate forms assessed under different instruments, subdivision of the site should occur prior to any future development to delineate and ensure the separation of areas, enabling the future assessment and calculations of development controls based on the land parcels. This will also ensure that the seniors and non-seniors housing components of the site can be managed effectively in the future.</p>	<p>Subdivision of the Seniors and Townhouse development would form part of any future DA.</p>
<p>The Planning Proposal has failed to demonstrate compliance with the State Environmental Planning Policy (Housing) 2021 (Housing SEPP) with regards to the seniors housing component.</p>	<p>The proposal is able to comply with the Housing SEPP, and this would be further demonstrated at DA stage.</p>
<p>The Planning Proposal has failed to demonstrate compliance with the and Ku-ring-gai Development Control Plan (KDCP) with regards to the non-seniors housing townhouses component.</p> <p>The DCP seeks to include standards for the 63 townhouse development that are below the standards required for townhouses under the <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (Codes SEPP) - Part 3B Low Rise Housing Diversity Code</i>.</p>	<p>The illustrative master plan has been reviewed against the relevant section of the Ku-ring-gai DCP and it is largely able to comply particularly with the controls for multi-dwelling housing in relation to the town houses and the controls for residential flat buildings in relation to seniors housing. This will be further assessed at DA stage.</p> <p>The draft DCP has also been amended to include further details to guide future development as discussed in Section 2.2 in response to the issues raised by Council.</p> <p>The <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (Codes SEPP) - Part 3B Low Rise Housing Diversity Code</i> does not apply to multi-dwelling housing of this scale.</p>
<p>The site design should, as a baseline, utilise the guidance of the DPE Seniors Living Policy – urban design</p>	<p>The proposal is able to comply with the Urban Design Guidelines for Seniors Housing and this would be further addressed at DA stage.</p>

Issue raised	Consideration
<p>guidelines for infill development (DPE Seniors Living Policy), and respond to the Housing SEPP and the KDCP.</p> <p>The Housing SEPP includes multiple requirements for the planning of seniors housing. For example, Clause 99 (neighbourhood amenity and streetscape) lists requirements to ensure seniors housing does not ignore existing area character and has due consideration of neighbouring context. Seniors housing is expected to:</p> <ul style="list-style-type: none"> • Recognise the desirable elements of the location's current character, or for precincts undergoing a transition, the future character of the location so new buildings contribute to the quality and identity of the area; and • Complement heritage conservation areas and heritage items in the area, and maintain reasonable neighbourhood amenity and appropriate residential character by <ul style="list-style-type: none"> • Providing building setbacks to reduce bulk and overshadowing, and • Using building form and siting that relates to the site's landform; and • Adopting building heights at the street frontage that are compatible in scale with adjacent building; and • Considering, where buildings are located on the boundary, the impact of the boundary walls on neighbours. 	<p>The master plan has been developed to respond to the surrounding built form character including through sensitive built form transitions to surrounding low rise residential uses to minimise visual impacts and limit any significant additional overshadowing.</p> <p>The master plan has been modified as part of this response to submissions to further articulate these transitions including through reduced building height at the west of the site and clarification of upper level setbacks to reduce bulk and scale.</p> <p>A Heritage Impact Assessment prepared by Urbis was exhibited with the proposal that confirmed that the proposal would have an acceptable heritage impact.</p> <p>Further advice has been provided by Urbis to considering the impacts on the surrounding heritage items and heritage conservation area. This is discussed in Section 3.7.</p>
Building height	
<p>In the absence of adequate sectional RLs, it is understood that the proposal will enable buildings up to 7 stories high. Calculations are based on standard minimum floor to floor heights and with the contingency that many lift over runs are being argued through cl 4.6 of KLEP 2015.</p>	<p>The building height would be limited to six storeys. This is illustrated in the additional cross sections provided as part of the additional Urban Design advice.</p> <p>The Ku-ring-gai LEP defines building height as shown below which includes lift overruns and rooftop servicing. Accordingly, it is appropriate this is reflected in the maximum building heights in the LEP.</p> <p>building height (or height of building) means—</p> <p>(a) in relation to the height of a building in metres—the vertical distance from ground level (existing) to the highest point of the building, or</p> <p>(b) in relation to the RL of a building—the vertical distance from the Australian Height Datum to the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.</p>
<p>Given that the RL 122 Mobile tower is visible above the tree canopy, it stands to reason that the intended</p>	<p>An updated View Analysis has been prepared by Deneb Design which demonstrates that from wider</p>

Issue raised	Consideration
<p>built form height planes at RLs of 128.2 to 120.7 will be highly visible against the skyline.</p> <p>The proposal will result in a built form that will extend above the intact tree canopy, distant from any urban local centre and alter and dominate views and vistas to the ridgeline and against the skyline.</p> <p>Any amended standards should ensure the built form heights are completely below the site's tree canopy to diminish impact on the listed natural bushland items and the low density neighbourhood.</p>	<p>viewpoints in the public domain the proposed built form would either be entirely hidden from view or minimally visible through or above foliage.</p>
Impact on 91 Stanhope Road	
<p>The planning proposal has failed to consider the impacts of the western driveway access arrangements to provide better amenity for the neighbouring property at 91 Stanhope Rd on the western boundary. It is recommended that the western driveway access be removed and access to the basement car park be provided via the Main Street where the current development has its primary access; and, First Avenue (at the western end) should be connected to Main Street, to avoid the impacts to the adjoining low density residential land uses, align with the garden uses proposed for Headfort House.</p>	<p>The master plan has been updated to provide for a secondary basement access for the independent living units from the west of the site. This will provide greater separation between the seniors and town house traffic movements and reduce the traffic movements alongside 91 Stanhope Road.</p>
<p>The proposed 10m side setback to the boundary with 91 Stanhope Rd is not satisfactory given the proposed 14.5m building height 4 story height proposed adjacent to that boundary that in no way modulates its massing to relate to the low density development and the HCA boundary, particularly as the topography that slopes down to 91 Stanhope Rd accentuating the 4 storey building heights. The suggestion of a landscape buffer is agreed however the buffer is unlikely to mitigate the mentioned bulk, scale, and noise impacts to 91 Stanhope Road, and it is unclear how that buffer addresses the onsite HCA portion of the site.</p>	<p>The master plan has been amended to reduce the built form directly adjacent to 91 Stanhope Road to three storeys. This combined with the 10m side setback will ensure a sensitive transition to the adjacent two storey dwellings.</p>
Visual impact assessment	
<p>The planning proposal's Urban Design Report provides a visual impact assessment with twelve photo montages superimposing building line. This assessment appears to grossly underestimate the bulk and scale of the proposed built form and its visibility and impact on the skyline. It provides a methodology which relies on masking of a 3-d model.</p> <p>The proponent's refusal to provide Council with requested modelling information has meant that the masks and their placement on the associated contours within photographs cannot be verified,</p>	<p>An updated View Analysis has been prepared by Deneb Design which provide an independent assessment of visual impacts from numerous view points in the surrounding area.</p> <p>It demonstrates that from wider viewpoints in the public domain the proposed built form would either be entirely hidden from view or minimally visible through or above foliage.</p> <p>A number of views close to the site along Stanhope Road have also been considered which demonstrate</p>

Issue raised	Consideration
<p>and therefore the presented views cannot be accepted as correct.</p> <p>Further, it appears that the views have primarily been taken at points where the impacts are disguised.</p>	<p>that the built form would largely be screened by vegetation, with potential for additional planting to provide further screening.</p> <p>The buildings on the eastern extent of Stanhope Road from the existing scout hall will be more visible however the proposed built form in this location is two-three storey town houses which are compatible with the existing and surrounding built form.</p>
Density, bulk and scale impacts	
<p>The proposal precludes deep soil landscaping and planting of tall canopy trees due to extensive basements stretching beyond building footprints. Deep soil is a fundamental requirement for landscape character.</p>	<p>Additional landscape advice has been prepared including deep soil zones which demonstrates that 40% of the site would be deep soil, providing ample opportunity for tree planting.</p>
<p>The large footprint buildings coupled with their heights are likely to create cavernous central streets, overshadowed and with little open space association with the amenity of the site context.</p>	<p>Additional cross sections have been provided to show building separation, upper level setbacks and indicative street design which demonstrate that a high level of amenity would be achieved in these spaces.</p>
<p>On-site amenity is vital for all residents and especially for the elderly who are unlikely to drive as they age. The density proposed is unlikely to deliver high onsite amenity with many apartments facing south with no solar access, excessive on-site overlooking and overshadowing from building bulk and height.</p>	<p>The proposal can comply with the Apartment Design Guide requirements for solar access and building separation, demonstrating that future development would achieve a high level of amenity. Further detail on privacy of individual apartments would be provided at the DA stage.</p>
<p>The excessive level of development that will result from the planning proposal standards will result in the inability for any substantial open landscaped areas, and even less deep soil landscaping to support tree canopy and water infiltration.</p> <p>In addition, the lack of meaningful open space provision will not deliver the outdoor amenities mentioned in the proposal.</p>	<p>Additional landscape advice has been prepared including deep soil zones which demonstrates that 40% of the site would be deep soil, providing ample opportunity for tree planting.</p> <p>At least 28% of the indicative seniors site would be provided as communal open space exceeding the requirements of the Apartment Design Guide. Communal open space has also been identified for the medium density housing which exceeds the requirements of the Ku-ring-gai DCP.</p>
<p>The planning proposal's Urban Design Report provides shadow diagrams that clearly show how the runs of west-east development will fail to meet solar provisions to open spaces and to townhouses to the south.</p>	<p>Further analysis has been provided as part of the Urban Design advice that confirms that the communal open space would have good solar access exceeding the requirements of the Apartment Design Guide and Ku-ring-gai LEP.</p> <p>Solar access to the townhouses was addressed in the Planning Proposal, and alternative solar controls where proposed which were endorsed to go to public exhibition. These will ensure good solar access to the townhouses will be achieved through upper level living areas and balconies, where solar access cannot be achieved at ground level.</p>

Issue raised	Consideration
<p>It also demonstrates a lack of solar access to the multiples of south facing ILUs which will house elderly people likely to spend the majority of time in those units.</p>	<p>The proposal can achieve solar access in accordance with the ADG to 70% of independent living units.</p>
<p>Stanhope Road streetscape</p>	
<p>The proposed heights, particularly the 5, 6 and 7 storey buildings cannot be hidden from Stanhope Road. The buildings heights will present a dominating and uncharacteristic bulk and scale to the Stanhope Road streetscape. The proposed maximum building heights will deliver significant sheer walls to Stanhope Road and present as a massive and dense development to the street and to the 1-2 storey dwellings opposite and to the west of the site. These dwellings sit at lower contours to the subject site which will further exacerbate the height impacts.</p>	<p>The proposal presents as 3 storeys to Stanhope Road with the fourth storey set back from the street wall.</p> <p>Taller 5-6 storey development is significantly further setback from Stanhope Road and located centrally within the site.</p> <p>The height adjacent to the neighbour to the west has been reduced from four storeys to three storeys which along with a 10m side setback will provide a sensitive transition to the neighbouring dwelling.</p> <p>An updated View Analysis has been prepared by Deneb Design which includes a number of views close to the site along Stanhope Road which demonstrate that the built form would largely be screened by vegetation, with potential for additional planting to provide further screening. The buildings on the eastern extent of Stanhope Road from the existing scout hall will be more visible however the proposed built form in this location is two-three storey town houses which are compatible with the existing and surrounding built form.</p>
<p>Distant views and protrusion above intact tree line</p>	
<p>The proposal will disrupt the contextual dominance of the treeline at this location that forms a backdrop to important natural bushland heritage items. The modelling indicates the development will have a 'castle-like' standing in the landscape, visible against the skyline with no scope of the built form to be hidden under the canopy due to the proposed denuding of the ridgeline and lack of deep soil provision for trees to increase canopy cover.</p>	<p>An updated View Analysis has been prepared by Deneb Design which provide an independent assessment of visual impacts from numerous view points in the surrounding area.</p> <p>It demonstrates that from wider viewpoints in the public domain the proposed built form would either be entirely hidden from view or minimally visible through or above foliage.</p> <p>Additional landscape advice has been prepared included deep soil zones which demonstrates that 40% of the site would deep soil, providing ample opportunity for tree planting.</p>

6.5 Heritage

Issue raised	Consideration
Heritage listing and conservation of Headfort House	
<p>It is recommended that Headfort House in its setting is listed as an item of environmental heritage on Ku-ring-gai Local Environmental Plan, as proposed in Council's planning proposal for listing, as part of this planning proposal or prior to its determination, and heritage issues accordingly considered in the proposed planning instrument and development controls as recommended below.</p> <p>It is recommended that the listing include the heritage curtilage recommended by Council in its Planning Proposal, and that further significant features identified by Council be protected through provisions in the DCP.</p>	<p>Headfort House is proposed to be retained and restored and an enhanced curtilage provided. This is reflected in the Draft Site Specific DCP.</p> <p>Council is also progressing a separate Planning Proposal to list Headfort House as a local heritage item.</p>
<p>Council made the following recommendations regarding conservation of Headfort House in its setting:</p> <ul style="list-style-type: none"> • The proposed building envelopes in the vicinity of Headfort House are modified in order to retain and respect the setting of the proposed heritage item as follows. • Built form proposed within the recommended heritage curtilage does not exceed the height of Headfort House, in terms of corresponding wall and roof ridge heights. • Built form proposed beyond the recommended heritage curtilage is transitioned in height to step down to the boundary of the curtilage to not exceed the Headfort House wall and roof ridge heights. • The development control plan requires materials and finishes of buildings within or beyond the border of this curtilage to be sympathetic to Headfort House and its garden setting. • The development control plan requires proposals for new buildings surrounding Headfort House to include repair and conservation of the historic building fabric of Headfort House for positive heritage impacts. • The accompanying development control plan require conservation of the garden setting of Headfort House, including retention of mature Phoenix Palms and Norfolk Island Pines located within the heritage curtilage and beyond the curtilage along Stanhope Road and the entrance drive. • The accompanying development control plan require conservation of the historic grotto and its moveable features of some heritage significance to the site, located beyond the heritage curtilage. 	<p>Urbis has provided additional advice which responds to these items and highlights that the proposal appropriately responds to Headfort House (Appendix J).</p> <p>Relevant DCP controls have been included to reflect Council's comments.</p>

Issue raised	Consideration
The development control plan should requires an excavation permit from the Heritage Council of NSW under section 139 of the Heritage Act 1977 for any proposed excavation or disturbance of the site to the west of Headfort House before development consent is determined.	A Preliminary Archaeological Assessment has been carried out as part of this response to submissions which confirms that the site would have low likelihood of archaeological heritage and requires no further assessment.
Heritage listing and conservation of Headfort House	
Building heights should not exceed the tree canopy to minimise visual impacts on the surrounding listed parks.	<p>An updated View Analysis has been prepared by Deneb Design. This includes numerous views from the surrounding parks and bushland including from Seven Little Australians Park and Swain Gardens.</p> <p>The views from Swain Gardens show that the proposed built form will be entirely hidden from view.</p> <p>From Seven Little Australians Park proposed built form would be almost entirely hidden with glimpses of rooftops through foliage from some vantage points.</p>
Building heights should be transitioned or stepped down to the west conservation area boundary to reflect the scale of the conservation area buildings.	The master plan has been amended to reduce the building height at the western edge of the site from four storeys to three storeys. This along with the 10m setback to three storey built form in this location will ensure a sensitive transition to the existing two storey dwelling within the conservation area.

6.6 Ecology

Issue raised	Consideration
<p>A review of the state wide vegetation type map identifies the south-western corner of the subject property as supporting PCT3136 Blue Gum High Forest. PCT 3136 is consistent with Blue Gum High Forest (BGHF) listed as a Critically Endangered Ecological Community (CEEC) under the Biodiversity Conservation Act 2016.</p> <p>The ecological assessment is deficient in that it does not validate or map the extent of the onsite vegetation communities. Any future rezoning proposal must provide a vegetation map that identifies the extent of the onsite PCT should be provided with the rezoning submission.</p>	This has been addressed thorough the preparation of a Biodiversity Development Assessment Report which is discussed in Section 3.6
The ecological assessment report presents a desktop review and does not identify any survey effort to determine presence/absence of threatened flora and fauna species recorded within the locality. The extent of	This has been addressed thorough the preparation of a Biodiversity Development Assessment Report which is discussed in Section 3.6.

Issue raised	Consideration
<p>survey presented within the ecological assessment report is inconsistent with following guidelines referenced by the Office of Environment Heritage for biodiversity surveying</p> <ul style="list-style-type: none"> Threatened biodiversity Survey and Assessment: Guidelines for Developments and Activities November 2004 Field survey methods for amphibians Threatened species survey and assessment guidelines (Department of Environment and Climate Change 2009) Surveying threatened plants and their habitats NSW survey guide for the Biodiversity Assessment Method (Department of Planning, Industry and Environment). 	
<p>There is no impact assessment contained within the ecological assessment report that acknowledges the threatened species of plant or animal that are impacted upon by the proposal for example the proposal seeks to remove foraging resources for Grey-headed Flying-fox (<i>Pteropus poliocephalus</i>) however no impact assessment has been prepared in accordance with section 7.3 of the Biodiversity Conservation Act 2016.</p>	<p>This has been addressed thorough the preparation of a Biodiversity Development Assessment Report which is discussed in Section 3.6.</p>
<p>The assessment pathway under part 5A of the TSC Act is incorrect. A BDAR will be necessary to be submitted with a future DA.</p>	<p>This has been addressed thorough the preparation of a Biodiversity Development Assessment Report which is discussed in Section 3.6.</p>
<p>The current tree canopy coverage over the subject property is inconsistent with that of an APZ as set out in the Rural Fire Service Document Planning for Bushfire Protection 2019. The canopy coverage within the subject property exceeds the maximum of 15% as set out in the RFS document. Management of the vegetation within the southern portion of the property in particular will result in the removal of native vegetation mapped upon the NSW Biodiversity Vales map (Figure 1).</p>	<p>The bushfire consultant, Blackash has confirmed that that proposed landscape approach will provide a fuel-reduced area between the buildings and the bush fire hazard.</p>
<p>The ecological assessment fails to consider direct and indirect impacts upon the downstream environment which supports habitats for threatened species, in particular it is understood that the proposal will result in extensive excavation activities including basements across the majority of the plateau area to the north of the site, and subterranean tunnels proposed in the Blackash report. These may result in changes in the hydrological environment to the downstream receiving environment. These impacts have not been considered in the ecological assessment report.</p>	<p>This has been addressed thorough the preparation of a Biodiversity Development Assessment Report which is discussed in Section 3.6.</p>

6.7 Transport and traffic

Issue raised	Consideration
Access to transport and services	
<p>Access to services and facilities by residents is reliant on either private vehicle use or the limited service of the 556 bus. Given its limited frequency, particularly during off-peak times when, as identified in the transport assessment, residents are most likely to travel, the 556 bus service is unlikely to be attractive as a mode of travel for residents, employees or visitors.</p>	<p>The existing bus services are considered suitable for seniors housing which is supported by additional private busses as well as low rise town houses. However, there is potential to liaise with Transport for NSW to increase bus services to support growth over time.</p>
<p>Despite the location of this site on a bus route, the Planning Proposal will result in the continued heavy reliance by residents on private vehicle use to access basic services and local facilities. This poses an issue for the ageing population. Unless residents have access to a private vehicle and remain able to drive as they age, the site location presents as a barrier isolating the ageing residents from the services, facilities and community groups that this ageing population might access.</p> <p>It is Council's experience that whilst there is provision of onsite shuttle bus services, there are no mechanisms to mandate private services and often they are not realised or dwindle over time.</p>	<p>The provision of bus services is managed by TfNSW and outside of the scope of the Planning Proposal. However, the site will continue to facilitate public bus services through the retirement village and will continue to provide private buses for seniors housing residents for excursions including shopping trips. There is potential to liaise with TfNSW to consider additional bus services in the future.</p>
<p>ARUP Transport Assessment (June 2022) estimates the traffic generation of the proposal. For the townhouses, the RTA traffic generation rate for medium density residential flat building was used (0.5-0.65 vehicle trips per hour in the peak hour) to derive total and peak hour traffic generation.</p> <p>While the building typology of the townhouses is that of medium density residential flat buildings, the location factor (>1.3km from transport and services/facilities) is likely to result in the townhouses generating traffic similar to low density residential dwellings (0.85 trips per dwelling during the peak hour), as townhouses are likely to be located in a "missing middle" configuration.</p>	<p>The RTA (now TfNSW) Guide to Traffic Generating Developments does not state that the rates for medium density residential flat buildings are based on sites located close to a retail/transport core. ARUP, has therefore advised that the rates used are the most appropriate.</p>
<p>Given that there are 63 townhouses proposed, the traffic generation if considered to behave as low density residential dwellings, would be 54 trips in the peak hour (vs 41 trips per hour as medium density). While this is unlikely to have operational impacts to surrounding intersections, there would be implications for the neighbouring property at 91 Stanhope Road given the location of the proposed access driveway at the western end of the site. The western driveway access should be removed.</p>	<p>ARUP has advised the following:</p> <p>The Guide to Traffic Generating Developments provides guidance on the environmental capacity of roads for residential amenity. For a local access way at 25 km/h maximum speed, Section 4.3.5 of the guide suggests a maximum peak hour volume of 100 vehicles per hour.</p> <p>The overall traffic generation of the site is expected to be less than 100 vehicles per hour. Furthermore, access to parking for the aged care facility and apartments has been amended to be split between two main access</p>

Issue raised	Consideration
<p>Access to the basement car park should be provided via the Main Street, and First Avenue (at the western end) should be connected to Main Street, to avoid the impacts to the adjoining low density residential land uses.</p>	<p>points, which would further reduce vehicles travelling adjacent to 91 Stanhope Road.</p> <p>The speed limit of the access road is expected to be low to discourage high speeds (such as 10 kilometres per hour in line with existing internal road speed limits). Therefore, the amenity impact of traffic on the western access road is expected to be low.</p>
<p>Vehicle movement counts are to be provided for new access points in/out of the site including service and visitor vehicles.</p>	<p>ARUP has advised the following:</p> <p>Table 6 of the Transport Assessment outlines the traffic generation of the site (including service and visitor vehicles). For the peak period from 11:30am to 12:30pm (conservatively assuming that the town houses would generate a peak volume of traffic across the AM, midday and PM peak hours), the site is expected to generate:</p> <ul style="list-style-type: none"> • Aged care facility / apartments – 51 trips • Town houses – 41 trips. <p>These trips have been distributed amongst the proposed access points in the updated Master Plan. Assuming a 50/50 split between aged care facility and apartment traffic and a 75/25 split between the western and eastern access points, the following vehicle movements are expected at each access point:</p> <ul style="list-style-type: none"> • Western ILU / town house access – 50 trips • Aged care facility access – 26 trips • Eastern ILU access – 6 trips • Eastern town house access – 10 trips.
Evacuation capacity	
<p>As part of the Bushfire Evacuation Risk Assessment, assessments were made of the exit capacity of Stanhope Road to cater for the expected number of vehicles in the area. These assessments were made based on Exit Road Criteria (Cova, 2005), and based on an interrupted roadway capacity of 800 vehicles per hour per [exit] lane.</p> <p>The existing Stanhope Road catchment area has an existing effective total of 256 dwellings, exceeding the recommended maximum 50 dwellings for the one exit road (Stanhope Road) by 206 dwellings.</p> <p>The amendments sought by the Planning Proposal would result in an effective total of 330 dwellings within the catchment area, exceeding the recommended maximum 50 dwellings for the one exit road (Stanhope Road) by 280 dwellings.</p>	<p>The bushfire strategy for the aged care facility residents is to remain in-situ. The strategy for independent living unit (ILU) and town house residents would be to evacuate to a refuge building within the site.</p> <p>However, advice has been provided by the traffic consultant on the capacity of the road network to accommodate a scenario where all residents evacuate which confirms that the external road network is expected to be able to accommodate this traffic given that traffic would be distributed across multiple roads to the wider arterial road network.</p> <p>This is discussed further in Section 3.4.</p>

Issue raised	Consideration
<p>The assessment also suggests evacuations under the increased numbers could take 30 minutes which is at capacity for Stanhope Road, and this assumes the ability of a vulnerable community to evacuate in an orderly and timely fashion is the same as the surrounding community, which is unlikely to be the case.</p> <p>Since emergency evacuation is an issue, any future planning proposal transport assessment should also consider the capacity and time for evacuation, as provided in Council's Bushfire Evacuation Risk Methodology and Assessment for 95-97 Stanhope Rd, Killara.</p>	

7 Consideration of Government agency submissions

Submissions were received from the following Government Agencies:

- Transport for NSW
- Rural Fire Services
- Department of Planning and Environment, Environment and Heritage Group
- Heritage NSW
- Schools Infrastructure NSW
- Sydney Water.

The issues raised in these submissions are considered and addressed in Sections 7.1 to 7.6 below.

7.1 Transport for NSW

Issue raised	Consideration
TfNSW notes that the proposal will facilitate the renewal of an existing retirement village and deliver new seniors housing supply that aligns with Ku-ring-gai's Local Housing Strategy. The proposed renewal also provides an opportunity for improvements to active and public transport amenities, particularly pedestrian facilities within and external to the site. Traffic generated by the proposal is relatively minor in nature noting that vehicle trips generated by seniors housing (not employees of the village) generally occur outside of the morning and evening peak periods thereby reducing potential traffic impacts associated with the proposal on the local and regional road network.	Noted.

7.2 Rural Fire Services

Issue raised	Consideration
The NSW RFS has no objection to the Alternative Option to maintain the zoning as R2 Low Density Residential and include additional permitted uses for seniors housing and nominated residential uses as per the above.	It is assumed this relates to an alternative proposal where additional permitted uses are included, but there is no increase to height and floor space. Accordingly, no further consideration is provided of this scenario.
Before R3 Medium Density Residential can be fully commented on, further analysis would need to be undertaken to determine the maximum number of occupants that could be on-site and the adequacy/appropriateness of roadways for emergency egress and fire brigade access given reasonable worst case bush fire scenarios.	The upper limits of the proposed R3 Zoning provide for potential minor increase of occupants (approx. 10%) above the concept masterplan and the analysis of the adequacy of roadways for emergency egress and fire brigade access demonstrates even under the upper limits, the proposed rezoning presents no significant issues.

Issue raised	Consideration
	This is addressed in detail in the additional bushfire advice provided by Blackash and road evacuation advice prepared by ARUP which is discussed in Section 3.4.
Concerns associated with firefighting water supplies will need to be addressed as part of more detailed design development and approvals as water supplies are considered an engineering issue, noting failure to address water supply issues appropriately and adequately would be expected to preclude subsequent consents and approvals.	<p>The site is serviced by reticulated water and also 2 x 74,000 litre water tanks dedicated for fire-fighting with a combined hydrant and sprinkler booster.</p> <p>Water supplies are considered an engineering issue, this will need to be addressed as part of the more detailed design development and future DA approvals.</p> <p>This is addressed in detail in the additional bushfire advice provided by Blackash.</p>

7.3 Environment and Heritage Group

Issue raised	Consideration
Ecological Assessment	
<p>The Ecological Assessment provides an incomplete and inadequate assessment of the sites ecological values and impacts to such values. As such, it fails too adequately:</p> <ul style="list-style-type: none"> Identify the biodiversity values of the site subject to the planning proposal Rule out the presence of threatened species, populations, ecological communities, or their habitats on the Subject Land Consider all ecological impacts arising from the proposal Demonstrate that appropriate measures have been put into place, to avoid and minimise biodiversity impacts as part of the planning proposal or as part of the Indicative Layout Plan for proposed future development and Address the requirements for ecological assessments within the LEP Making Guideline prepared by the DPIE dated December 2021 including associated Attachments A and B. Adequately consider the ecological and ecological heritage values of adjoining bushland zoned C2 Environmental Conservation. <p>Insufficient information has therefore been provided with the Planning Proposal to enable a comprehensive assessment of all potential biodiversity impacts. As such, a revised Ecological Assessment that adequately assesses the ecological values of the entire Subject Land, considers all potential impacts, and addresses information deficiencies (as outlined above and</p>	<p>This has been addressed thorough the preparation of a Biodiversity Development Assessment Report which is discussed in Section 3.6.</p>

Issue raised	Consideration
further detailed in this letter) is required to be submitted with the planning proposal.	
Arborist report	
<p>The Planning Proposal will result in the removal of, or put at risk, a significant number of high category trees. The broad replacement planting recommendations in the Arborist report and the vague landscape plan provided within the Planning Proposal Report Urban Design Report, coupled with the requirement to manage the entire site as an IPA do not provide sufficient detail to determine future canopy outcomes.</p> <p>The report does not assess all significant trees that occur on the Subject Land with trees to the south of the site being largely unmapped despite possible impacts to these trees associated with the requirement to manage the entire site as an IPA.</p>	<p>The Landscape Master Plan has been amended to reduce the number of trees required for removal from 233 to 170, with 58 of these being identified as important trees in the Arborist assessment.</p> <p>The bushfire consultant, Blackash has confirmed that that proposed landscape approach will provide a fuel-reduced area between the buildings and the bush fire hazard.</p>
It is unclear if the report has assessed impacts to trees that will result from the underground network of pedestrian accessways identified in the Bushfire Assessment prepared.	No trees located between the townhouses and independent living units basement are proposed to be retained.
Planning Proposal report	
<p>Various sections of the report indicate that a generous landscaped buffer to Stanhope Road will be provided (i.e., Page ix and Section 5.1) and that a key feature of the development is 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 (section 5).</p> <p>Section 5.2 also advises that 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.</p> <p>However, the ability to provide dense plantings and landscape screenings may be restricted by the requirement to manage the entire site as an IPA.</p>	The bushfire consultant, Blackash has confirmed that that proposed landscape approach will provide a fuel-reduced area between the buildings and the bush fire hazard.
Section 5.2 advises that the Landscape Master Plan is provided in Appendix A. However, Appendix A is the Urban Design Study.	The Urban Design Study includes the Landscape Master Plan. An updated Landscape Master Plan forms part of the updated Urban Design advice provided with this response to submissions.
Consideration should be given to rezoning any identified and retained areas of native ecological communities particularly around the periphery of the Subject Land C2 Environmental Conservation.	An ecological assessment was undertaken however this did not identify any significant vegetation areas which would warrant a C2 zoning.

Issue raised	Consideration
Draft DCP	
Reference is made to Section 2.7 proposed Control 3. Clarification is required as to whether 50% of all landscape plantings can in fact be locally occurring trees bearing in mind the requirement to manage the entire site as an IPA and associated landscaping requirements for IPA's.	The bushfire consultant, Blackash has confirmed that that proposed landscape approach will provide a fuel-reduced area between the buildings and the bush fire hazard.

7.4 Heritage NSW

Issue raised	Consideration
There may also be a need to undertake an Aboriginal cultural heritage assessment and/or historic archaeological assessment to inform the planning proposal.	Preliminary Archaeological Heritage and Aboriginal Heritage Assessments has been carried out as part of this response to submissions which confirm that the site would have low likelihood of archaeological heritage and that no further assessment is required.

7.5 Schools infrastructure NSW

Issue raised	Consideration
While the PP does not meet criteria for referral of future DAs of SINSW, Council is requested to monitor and consider the cumulative impact of population growth on schools planning in the locality. SINSW has no further comments or particular requirements in relation to this PP.	Noted.

7.6 Sydney Water

Issue raised	Consideration
Water Servicing <ul style="list-style-type: none"> Trunk potable water servicing should be available via the Pymble Water Supply Zone. Amplifications, adjustments, and/or minor extensions may be required. Detailed servicing requirements will be provided at the Section 73 stage. Wastewater Servicing <ul style="list-style-type: none"> Wastewater servicing should be available via a DN300 SGW wastewater main (laid in 1932) within the property boundary. Amplifications, adjustments, and/or minor extensions may be required. 	Noted. Further investigation of utility servicing and any necessary upgrades will be identified at DA stage.

Issue raised	Consideration
<ul style="list-style-type: none"> Detailed servicing requirements will be provided at the Section 73 stage. <p>Detailed requirements, including any potential extensions or amplifications, will be provided once the development is referred to Sydney Water for a Section 73 application.</p>	

8 Conclusion

This response to submission outlines changes to the master plan which provide for improved articulation and built form transitions within the site and to the surrounding area and allow for greater tree retention and tree planting. These changes seek to minimise visual and amenity impacts and respond to the landscape, built form and heritage character of the surrounding area.

The site specific DCP has also been amended to reflect the changes to the master plan and to provide additional guidance to future development.

The total floor space and indicative yield has not changed as a result of the amended master plan and no changes are proposed to the Ku-ring-gai LEP controls that were exhibited.

Extensive additional assessment has also been carried out and it is considered that this response to submissions satisfactory addresses all issues raised.

Appendix A Urban Design Report

Appendix B Draft site specific DCP

Appendix C View Analysis

Appendix D Bushfire Advice – response to RFS

Appendix E Bushfire advice – Landscape Master Plan

Appendix F Traffic advice – evacuation capacity

Appendix G Traffic and transport advice

Appendix H Biodiversity Development Assessment Report

Appendix I Headfort House heritage assessment

Appendix J Built heritage response to submissions

Appendix K Aboriginal heritage assessment

Appendix L Archaeological assessment