

**PLANNING PROPOSAL AUTHORITY
RECORD OF DECISION PUBLIC MEETING, POST
EXHIBITION AND FINALISATION**
STRATEGIC PLANNING PANEL OF THE
SYDNEY NORTH PLANNING PANEL

DATE OF DETERMINATION	Wednesday, 20 December 2023
DATE OF PANEL DECISION	Friday, 15 December 2023
PANEL MEMBERS	Peter Debnam (Chair), Sue Francis, Glennis James, Kim Wheatley & Suzanne Jolly
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Public meeting held by Public Teleconference on 15 December 2023, opened at 2:15pm and closed at 4:41pm. Papers circulated electronically on 7 December 2023.

PLANNING PROPOSAL

PP-2022-658 – Ku-ring-gai LGA – 95-97 Stanhope Road, Killara (as described in Schedule 1).

PANEL CONSIDERATION AND DECISION

The Panel considered: the material listed at item 4, and the material presented at the briefing listed at item 5 in Schedule 1.

As the Planning Proposal Authority, the Panel determined to not proceed with the planning proposal as described in Schedule 1 and to request the Minister's delegate to determine that the matter not proceed. A Gateway determination alteration is to be submitted to the Department of Planning and Environment as the Local Plan Making Authority requesting the planning proposal no longer proceed.

The Panel's decision was unanimous.

REASONS FOR THE DECISION

The Panel considered the Department of Planning and Environment's Post-Exhibition Report, 5 December 2023 and met with the Department, File Planning & Development Services (Proponent), Levande (Landholder), Ku-ring-gai Council and members of the community in a public meeting. The Panel heard extensive debate on the various aspects of the Post-Exhibition Report especially in relation to zoning, scale, density, building height, management of bushfire risk, ecology and related transport issues.

The Panel noted a consensus among meeting participants that the Lourdes Retirement Village provided a valuable community service but was in need of redevelopment. However, there was no consensus on the scale and form of any redevelopment.

The Panel acknowledged the planning proposal had evolved following discussions between the Department, proponent and state government agencies to resolve outstanding issues. The proponent's revised planning proposal post-exhibition is the subject of the Panel's consideration.


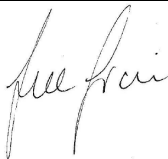
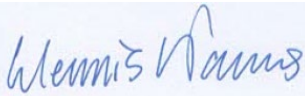


The Department's Post-Exhibition Report recommended the revised planning proposal should be made with further post exhibition amendments to the zoning, building height, floor space ratio and biodiversity maps.

The Panel, however, found that the proposal did not warrant support to proceed and should not be made, because:

- There were key issues of the planning proposal, raised in community submissions, in particular bushfire risks and density distribution, which remain unresolved and the Panel was not convinced that the solution for fire risk provided by the proponent was appropriate for a Special Fire Protection Facility (SFPF);
- The Panel was also unconvinced that the erection, and sale, of townhouses to the general population, as a physical buffer to the SFPF is desirable in fact and operation, where the end purchasers of the townhouses may have similar dependencies and accessibility issues as the aged care component of the site;
- There was uncertainty as to whether the mitigation of bushfire risks is at an acceptable level given the SFPF, the 'human' reaction to fire and the likely age and fragility of residents;
- It was unclear to the Panel whether the proposed Bushfire Engineering and Design Strategy, for a Special Fire Protection Purpose (SFPP) facility would be successful or appropriate for a SFPF as opposed to an APZ solution;
- There was concern that the introduction of the C2 Environmental Conservation zone to protect ecology would increase bushfire risk. The site thus having inbuilt conflicting constraints; and
- The Panel was not satisfied that there was an appropriate balance between neighbour amenity and distribution of density, particularly on the western boundary where a 6-storey building would abut existing dwelling house building forms.

However, in light of the Panel's acknowledgment that the facility was a desired use and in need of upgrading, the following changes to the proponent's post-exhibition planning proposal are offered, which in the Panel's view may significantly improve a planning outcome for the site.

- Remove the narrow southern C2 Environmental Conservation zoning and create a significant Asset Protection Zone (APZ) on the southern boundary within the site;
- Change the area nominated for townhouses to be dwelling houses allowing their rear gardens to act as an APZ. The zoning of this part of the site or the whole site to be resolved either by a local provision or rezoning;
- Re-position the density and height to achieve a better height transition to western neighbours whilst potentially increasing height to the north. Heights to be nominated and perhaps a split FSR; and
- Require a Site Specific Development Control Plan LEP clause which addresses arrangements for future subdivision, titling, building separation, bushfire construction methodology, evacuation plans and site management.

PANEL MEMBERS	
 Peter Debnam (Chair)	 Sue Francis
 Glennis James	 Kim Wheatley
 Suzanne Jolly	

SCHEDULE 1		
1	PANEL REF – LGA – PLANNING PROPOSAL NO. – ADDRESS	PP-2022-658 – Ku-ring-gai LGA – 95-97 Stanhope Road, Killara
2	LEP TO BE AMENDED	Ku-ring-gai Local Environmental Plan (LEP) 2015
3	PROPOSED INSTRUMENT	<p>The revised planning proposal (post exhibition) seeks to amend the Ku-ring-gai Local Environmental Plan (LEP) 2015 to:</p> <ul style="list-style-type: none"> • Rezone the site from R2 Low Density Residential to part R3 Medium Density Residential and part C2 Environmental Conservation; • Increase maximum building heights from 9.5m to heights ranging from 9.5m to 22m; • Increase maximum FSR from 0.3:1 to 0.85:1; and • Introduce a sire-specific clause so the bonus FSR provisions for seniors housing in the SEPP (Housing) 2021 do not apply to the site.
4	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> • DPE Post Exhibition Report, 5 December 2023 • Written submissions including emails and petitions during and after public exhibition: 59 submissions • Total number of unique submissions received by way of objection: 35 submissions • Presentations for the public meeting submitted by Council, the proponent and two registered speakers. • Verbal submissions at the Panel's public meeting 2.15pm – 4:42pm, 15 December 2023: <ul style="list-style-type: none"> ○ Registered Speakers: Catherine Killen, Kathy Cowley (o/b Friends of Ku-ring-gai Environment Inc (FOKE)), Adam Machon, Katy Brady, Robyn Rogers, Phil Killen, Rob Johnson, Jill Green (o/b STEP Inc.), Christiane Berlioz, Frank Brady, Mark Wilson, Margaret Baker, & Neil Clarke (presentation read by Panels Secretariat). ○ On behalf of Ku-ring-gai Council: Rathna Rana (Ku-ring-gai Council) and Catherine Ryland (CR Bushfire Pty Ltd). ○ On behalf of the proponent: Kevin McCoy (Levande) and Corey Shackleton (Blackash Bushfire Consulting).
5	SITE INSPECTIONS AND BRIEFINGS BY THE PANEL	<ul style="list-style-type: none"> • Site Inspection: 10:20am – 10:55am, 13 December 2023 <ul style="list-style-type: none"> ○ Panel members: Peter Debnam (Chair) & Sue Francis ○ DPE staff: Doug Cunningham, Renee Ezzy, Charlene Nelson & Lisa Kennedy ○ Key Issues Discussed: biodiversity values; proposed zoning changes: bushfire management including perimeter roads, APZs, shelter in place & townhouses as protection of senior housing; heights, built form and integration with adjoining low density residential. • Remaining panels member undertook individual site inspections: <ul style="list-style-type: none"> ○ Glennis James – 14 December 2023 ○ Suzanne Jolly – 15 December 2023 • Panel Briefing: 1:30pm – 2:15pm, 15 December 2023 <ul style="list-style-type: none"> ○ Panel members: Peter Debnam (Chair), Sue Francis, Glennis James, Kim Wheatley & Suzanne Jolly ○ DPE staff: Louise McMahon, Renee Ezzy, Doug Cunningham, Jasper Allenby, Charlene Nelson, Lisa Kennedy & Taylah Fenning

		<ul style="list-style-type: none">○ Key Issues Discussed:<ul style="list-style-type: none">• issues from submissions & how they have been addressed – biodiversity; density & built form; traffic; bushfire• proposed post exhibition changes by proponent and further changes recommended in briefing report;• site specific DCP and Council adoption:• titling of seniors housing and housing – future subdivision• next steps in finalizing planning proposal• Panel Determination: 4:42pm – 4:55pm, 15 December 2023<ul style="list-style-type: none">○ Panel members: Peter Debnam (Chair), Sue Francis, Glennis James, Kim Wheatley & Suzanne Jolly○ DPE staff: Louise McMahon, Renee Ezzy, Doug Cunningham, Jasper Allenby, Charlene Nelson, Lisa Kennedy & Taylah Fenning
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