

SUB-ID 2849

Mr JONATHAN O'DEA (Davidson): Lourdes Retirement Village is a quiet, friendly community for seniors, located on over five hectares at the edge of Garigal National Park. It is situated on Stanhope Road in my electorate of Davidson and provides a range of accommodation options, including independent living units, studios and one-bedroom serviced apartments. An aged-care nursing facility is also located within the village grounds. Residents of Lourdes enjoy a range of onsite facilities, including a coffee shop, community centre, hairdresser, village shop, heated indoor pool and croquet green. They also enjoy easy access to gentle bushwalks along Gordon Creek all the way to Middle Harbour. While the chapel building would remain under current redevelopment plans, it is unclear which of the other individual facilities would be available on the site in the future.

Residents and neighbours of Lourdes have been concerned about the redevelopment of the Lourdes site since 2010-11 and more recently from proposals in 2018-19 and 2021 by Stockland, which is the recent owner-operator of the village. That ongoing concern has been expressed in numerous communications to me, including in a petition I received in the past week with over 40 local signatories. Stockland has slowly emptied the village by not selling vacated units as people have been moved out or died following periods of great stress. This has contributed to the destruction of a sense of community for the remaining residents. The maintenance of some buildings and services has also been eroded since an earlier Stockland development attempt was comprehensively rejected, including by Ku-ring-gai Council and the NSW Rural Fire Service.

Earlier this year, Stockland announced the sale of all of its retirement dwelling holdings in New South Wales, Victoria, Queensland and the ACT to Swedish private equity company EQT Infrastructure, otherwise known as Levande. This sale included the Lourdes site, with its current development plans. The current Gateway Planning Proposal, known as PP-2022-658, was submitted by Stockland in 2018 and taken over by Levande for the redevelopment of the site. It includes rezoning the site from R2 to R3, or from low-density residential to medium-density residential, and amending the maximum height of R3 building controls from 9.5 metres to 22 metres to allow for two-storey to six- or seven-storey residential flat buildings. That more than doubles the floor space ratio controls from 0.3 to 1 to 0.75 to 1 and provides 389 car parking spaces.

The intended bulk and height of the proposed development would dominate the site and negatively impact both the streetscape and the character of the area. There would be an unfortunate loss of green space and mature trees across the site.

Residents from the one- and two-storey dwellings in the surrounding streets would also be adversely affected, including by an increase in traffic flow. The impact of the interface on adjacent low-density dwellings, Stanhope Road and bushland was clearly recognised, along with numerous other reasons, in Ku-ring-gai Council's resolution not to support the previous planning proposal in 2018. That refusal led to the current new rezoning application by Stockland.

Friends of Ku-ring-gai Environment [FOKE], a local community group that aims to protect the local heritage and environment, believes the planning proposal lacks strategic merit and is inconsistent with the Greater Sydney Region Plan, the North District Plan, the Ku-ring-gai Local Environmental Plan 2015 and the Ku-ring-gai Housing Strategy. FOKE believes the planning proposal aims to maximise development and financial gain for the owners of the site rather than fulfil strategic planning goals or care for elderly and vulnerable people, and that it certainly does not prioritise the potential risk to lives or homes in the event of a major bushfire in the adjoining bushland. Essentially, I agree.

Residents and neighbours are outraged by the current Gateway proposal and have consistently argued that the site is not appropriate for this type of development. They highlight that the steep-sloped bushland surrounding most of Lourdes is a fire hazard. Certainly, it appears that the asset protection zones are not being respected. Recent bushfires in New South Wales sent a strong safety message that some people apparently are not hearing over the sound of money or the loud voice of developer self-interest. If evacuation orders were put in place, the fact that Stanhope Road is a cul-de-sac would make it difficult to evacuate the aged, disabled and unwell at the best of times. However, potentially doubling the number of residents on the site would make evacuation much more difficult. I understand that the last 400 metres of Stanhope Road—the only road to and from the village—is itself in the fire hazard zone.

I understand the RFS' own *Planning for Bush Fire Protection 2019* document requires a fuller fire risk assessment to be conducted at both the strategic planning and development application [DA] stages, especially regarding asset protection zone [APZ] provision compliance, as does section 9.1 of the Environmental Planning and Assessment Act 1979. There appears to have been an inappropriate partial deferral of appropriate fire risk assessment by RFS to the DA or other latter stages, with RFS not as yet taking a position on the rezoning application or potential development. RFS has indicated that it does not object to the rezoning exhibition process, subject to future assessment when a more detailed engineering design is available. But worse than that, the proponents, through a report commissioned from Blackash Bushfire Consulting, have misrepresented RFS' current position as "support" for and "endorsement" of the rezoning. In these circumstances, I can understand why further studies are required.

It appears that Stockland has also lodged a DA with Ku-ring-gai Council to seek the premature demolition of a serviced apartment building following neglect of building maintenance. That is based on termite damage, without reference to whether that damage actually compromises the building's structural capacity. It appears the planning proposal would result in the population of the site rising from about 275 to 546 people. However, this would result in little increase in the number of beds for the aged. In fact, all the current serviced apartments, including those where residents have received a level of nursing care in the past, would disappear and the overall facility for the aged would be significantly downgraded under the proposed plans.

In addition to the new multi-level buildings housing seniors, it is proposed that 63 townhouses and 16 single family homes would be added along the site's bush line, with performance-based measures to supposedly address bushfire risks. In an earlier 2018 assessment RFS clearly indicated the inappropriateness of using new development to shield existing developments from bushfire hazard. However, where a planning proposal is for special fire protection purposes—for example, seniors housing—the APZ provisions must be complied with and a performance-based solution is not permitted. This approach is dictated by ministerial direction 4.4, clause (6) (b). Disturbingly, rezoning this land would create a precedent for others who might potentially use the excuse of increasing senior housing to develop sites outside the urban planning master plans. This would be detrimental, as these plans have been developed by planning experts to improve urban amenities and encourage liveable cities.

I strongly support the residents and neighbours of Lourdes in resisting this proposed rezoning and redevelopment. It is inappropriate. It has upset a lot of aged residents who are unclear about their futures and would set an unhealthy precedent for developers looking for development sites in quiet residential areas, let alone ones with substantial bushfire risks. I am seriously concerned that the proper planning and assessment process is at risk of being subverted for this site. Approval is not in the public interest, and I urge the new owners to

rethink their plans. In any event, I believe the Minister for Planning should stop the planning proposal at Gateway and Ku-ring-gai Council should refuse the related DA to demolish. I thank the House for its indulgence.