
Attachment B:

PP-2022-658 – Detailed Background – Timeline of Proposal

Date	Event
6 March 2018	A planning proposal (PP-2020-687) is lodged with Council which seeks to amend the Ku-ring-gai Local Environmental Plan 2015 (Ku-ring-gai LEP 2015) to: <ul style="list-style-type: none">• Rezone the site from R2 Low Density Residential to R3 Medium Density Residential;• Increase the maximum FSR from 0.3:1 to 0.8:1; and• Increase the maximum height on part of the site from 9.5m to a range of heights between 11.5m and 24m.
22 May 2018	Council resolves not to support the proposal for the following reasons: <ul style="list-style-type: none">• High bushfire risks due to the proximity of the site to open bushland;• High bushfire evacuation risks related to aged and vulnerable residents within Seniors Housing;• Limited access to public transport and services;• Impacts on the locality's heritage significance, Items and Conservation Area;• Interface impacts on adjacent low-density dwellings, Stanhope Road and bushland;• Lack of strategic merit and inconsistencies with the KLEP 2015 and Ku-ring-gai Community Strategic Plan; and• Lack of strategic merit and inconsistencies with the North District Plan and Greater Sydney Regional Plan.
9 July 2018	The proponent lodges a rezoning review for the planning proposal.
7 November 2018	The Sydney North Planning Panel (the Panel) determines that the proposal should be submitted to the department for Gateway determination. In their decision, the Panel recommended the delegate consider the following to be part of the Gateway determination: <ul style="list-style-type: none">• That the concurrence of the NSW Rural Fire Service (RFS) be received in relation to the proposal prior to exhibition.• That any masterplan resolution in respect of Item 1 above shall ensure that the maximum building height of buildings permitted is reduced by requiring buildings to utilise the topography and to be "cut into" the site.• That, due to the site's location, any proposal shall be required to provide a village bus to access local centres.• That R3 is only acceptable if non-seniors housing is required as a buffer to the bushland to the south. If the resolution to Item 1 above results in no development adjacent to the bushland then R2 would be a more appropriate zone with only a change to the FSR and height be necessary.

	<ul style="list-style-type: none"> That prior to any exhibition of the proposal, a site-specific DCP be prepared and placed on exhibition with the planning proposal.
18 June 2021	<p>The proponent submits a revised planning proposal (PP-2021-4968) to the department addressing the Panel's conditions and revising the proposed amendments to the Ku-ring-gai LEP 2015:</p> <ul style="list-style-type: none"> Rezone the site from R2 Low Density Residential to R3 Medium Density Residential; Amend the maximum building heights from 9.5m to a range of heights including 9.5m, 11.5m, 14.5m, 16m, 20.5m and 22m; and Amend the maximum FSR from 0.3:1 to 0.75:1. <p>The proposal will provide the redevelopment of the Lourdes Retirement Village comprising 141 independent living units, a residential aged care facility (110 beds) and 63 private dwellings</p>
8 September 2021	<p>The department briefed the Panel regarding changes made to the proposal. The Panel determines that the planning proposal should continue to Gateway assessment stage subject to:</p> <ul style="list-style-type: none"> Revision of the western driveway access arrangements to provide better amenity for neighbouring properties on the western boundary (including an appropriate landscape buffer); and, Reduction in the area allocated to height of building for 22m (R) and 14.5m (N) to better reflect the indicative layout plan.
October 2021 - January 2022	<p>Consultation occurs between the department, the proponent and the RFS to address bushfire concerns.</p>
18 January 2022	<p>RFS confirms the performance-based approach for the concept scheme satisfies Ministerial Direction 4.3 Planning for Bushfire Protection. The RFS did not object to the planning proposal progressing.</p>
21 February 2022	<p>The department requests a consolidated revised planning proposal from the proponent with additional information to address the following:</p> <ul style="list-style-type: none"> Clarify the response to Direction 4.4 Planning for Bushfire Protection. The department considers the planning proposal to be inconsistent with clause (6)(b). Notwithstanding the inconsistency, it is noted RFS have indicated their satisfaction with the proposed performance-based approach and that RFS do not object to the progression of the planning proposal pursuant to clause (7) of Direction 4.4. Noting this, the planning proposal is to be updated to appropriately address clauses (6)(b) and (7). Updates to address the Panel's requirements dated 8 September 2021 as a completed package.
10 March 2022	<p>The proponent lodges an updated planning proposal with the department, addressing the above additional information request.</p>
10 May 2022	<p>The department issues a Gateway determination which includes the following conditions:</p>

	<p>1. The planning proposal is to be updated and submitted to the department for review and endorsement prior to public exhibition to include:</p> <p>(a) Consideration of the following:</p> <ul style="list-style-type: none"> • objective 13 'Environmental heritage is identified, conserved and enhanced and objective 37 'Exposure to natural and urban hazards is reduced' of the Greater Sydney Region Plan. • Planning Priority N16 'Protecting and enhancing bushland and biodiversity' of the North District Plan. • the approved Ku-ring-gai Local Housing Strategy. • the updated Section 9.1 Ministerial Directions. • the consolidated State Environmental Planning Policies (SEPPs) and their relevant Chapters and remove reference to repealed SEPPs: <ul style="list-style-type: none"> ○ SEPP (Resilience and Hazards) 2021. ○ SEPP (Housing) 2021 and provide further discussion on relevant provision of the SEPP that may apply to the site should a rezoning proceed. ○ SEPP (Biodiversity and Conservation) 2021. • an alternative option to maintain the site's zone as R2 Low Density Residential and include additional permitted uses for seniors housing and nominated residential uses (multi-dwelling housing, attached dwellings and semi-detached dwellings). • provide clarification as to why serviced apartments for seniors living is not proposed to be a continued use on the site. <p>(b) An updated Transport Assessment with consideration of:</p> <ul style="list-style-type: none"> • Potential vehicular arrival/movement profile of proposed non-seniors dwellings. • Implications of the number of car parking spaces proposed above the minimum rates set under Ku-ring-gai Council DCP 2021, particularly in relation to traffic impacts to Stanhope Road. • Reducing the number of car parking spaces allocated to the non-seniors dwellings. <p>(c) An updated Urban Design Study to:</p> <ul style="list-style-type: none"> • Identify and provide analysis of townhouses that will not meet the Ku-ring-gai DCP 2021 requirements for solar access and include precedents where the design solutions proposed for the townhouses have been adopted to improve solar access. • Review and provide rationale for the townhouses' setback and interface with the adjoining bushland to the south and east. • The side setbacks of the terrace housing to the south and east present as hard edges to the surrounding bushland and a softer bushland edge with the built form should be considered. <p>(d) An updated Draft Site Specific DCP to include:</p> <ul style="list-style-type: none"> • Controls related to appropriate building depths of the seniors housing development.
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	<ul style="list-style-type: none"> • Consideration of the side setbacks of the terrace housing to the south and east to ensure the built form does not result in hard built edge to the surrounding bushland and responds to the landscape setting. • Updated references to Ku-ring-gai DCP 2021. <p>(e) An updated project timeline.</p>
16 June 2022	The proponent submits an updated planning proposal to the department addressing conditions on the Gateway determination.
27 July 2022	<p>The Panel determines the planning proposal suitable to proceed to exhibition, subject to addressing the below matters:</p> <ul style="list-style-type: none"> • Specifically consider the implications of clauses 84 and 87 of SEPP (Housing) 2021; • Include an indicative layout for Townhouse Type C; • The timeline should be updated to reflect the Gateway Milestones conditioned; and • Consideration of parking rates set out in the SEPP (Housing) 2021 for aged care facilities and independent living units.
3 August 2022	The proponent submits an updated planning proposal to the department addressing matters raised by the Panel prior to exhibition. As part of this update, a site-specific provision is proposed which will exclude the operation of clauses 84 and 87 of the SEPP (Housing) 2021.
17 August to 27 September 2022	<p>The planning proposal is publicly exhibited.</p> <p>During public exhibition, the NSW Environment Heritage Group (EHG) provides a submission raising the following concerns with the proposal:</p> <ul style="list-style-type: none"> • The submitted Ecological Assessment is inadequate and failed to consider all impacts associated with the proposal including identifying biodiversity values or threatened species. • The proposal is required to be supported by a Biodiversity Development Assessment Report (BDAR) as trees identified for removal are currently mapped with council's Biodiversity Values Map and there is potential for the Biodiversity Offset Scheme (BOS) area threshold to be exceeded.
23 December 2022	<p>The proponent submits response to submissions (RTS). As part of this response, the master plan is updated as follows:</p> <ul style="list-style-type: none"> • 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;

	<ul style="list-style-type: none"> • 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. <p>No changes are made to the proposed Ku-ring-gai LEP controls as exhibited nor the total floor space and indicative yield.</p>
8 February 2023	RFS provides submission on RTS with no objection, noting concerns associated with firefighting water supplies will need to be addressed during the detailed design phase of the development.
28 February 2023	The department's Environmental Heritage Group (EHG) provides a second submission, raising concerns that insufficient information has been submitted with the planning proposal to determine the full extent of threatened species, populations, ecological communities, or their habitats.
4 May 2023	The proponent submits a revised Ecological Assessment in response to EHG's February 2023 submission.
29 May 2023	EHG provides a 3rd submission on revised Ecological Assessment, noting that the methods and the justifications within the revised Ecological Assessment are lacking to the extent at which the conclusions cannot be relied upon.
13 July 2023	The proponent provides further revised Ecological Assessment in response to EHG's May 2023 submission.
3 August 2023	EHG lodges a formal submission to not support the planning proposal.

9 September 2023	The proponent and the department meet on-site to discuss concerns raised in the EHG submission.
6 October 2023	The proponent provides further revised Ecological Assessment in response to EHG's August 2023 submission.
9 November 2023	EHG provides a 4 th submission supporting the progression of the planning proposal, subject to the following revisions: <ul style="list-style-type: none"> • C2 Environmental Conservation zoning is applied to Sydney Turpentine Ironbark Forest Critically Endangered Ecological Communities and Swift Parrot habitat on the site, with this land to be protected and managed for conservation. • A vegetation management plan is prepared and implemented for the site as part of any future development application.
20 November 2023	In response to EHG's November 2023 submission, the proponent provides a revised Urban Design Report and Bushfire Report. The proposal is revised as follows: <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 the maximum height of buildings from 9.5m to a range of heights including 9.5m, 11.5m, 14.5m, 16m, 20.5m and 22m; • Increase the maximum floor space ratio (FSR) from 0.3:1 to 0.85:1; and, • Introduce a site-specific clause so the bonus FSR provisions for seniors housing in the SEPP (Housing) 2021 do not apply to the site.
27 November 2023	RFS supports the revised planning proposal to proceed to finalisation.
15 December 2023	They Sydney North Planning Panel holds a public meeting for the post exhibition consideration of the planning proposal.
20 December 2023	The Panel determination is issued to not proceed with the planning proposal due to the following: <ul style="list-style-type: none"> • There were key issues of the planning proposal, raised in the 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

	<p>Protection Purpose (SFPP) facility would be successful or appropriate for a SFPP as opposed to an APZ solution;</p> <ul style="list-style-type: none"> • There was concern that the introduction of the C2 Environmental Conservation zone to protect ecology would increase bushfire risk. The site thus having inbuilt conflict 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. <p>However, the Panel acknowledged that the facility was a desired use and in need of upgrading and offered changes that could significantly improve a planning outcome for the site.</p> <p>The Panel forward the planning proposal to the department to request the matter does not proceed.</p>
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