



Rezoning Review - RR 2018 KURIN 001 00

Planning Proposal to modify Zoning, Height, FSR at 95-97 Stanhope Road Killara Lourdes Retirement Village

- **Cover Letter**
- **Submission**
 - i. Appendix 1 – Correspondence between Council and Proponent
 - ii. Appendix 2 – Petition from Residents within Lourdes Retirement Village
 - iii. Appendix 3 – Correspondence with Rural Fire Service
 - iv. Appendix 4 – Council's further review of bushfire impact
- **Council Report 22 May 2018**

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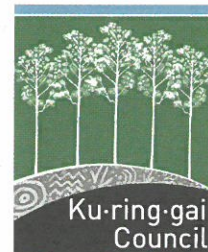
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Reference: S11689/2018/235830

15 August 2018

Christine Gough
Acting Team Leader, Sydney Region West
Department of Planning and Environment
Level 1, 10 Valentine Avenue, Parramatta
GPO Box 39; Sydney NSW 2001

Dear Ms Gough

Request for rezoning review: Planning Proposal to amend KLEP 2015 to modify Zoning, Height, FSR at 95-97 Stanhope Road Killara - Lourdes Retirement Village

Thank you for your letter notifying and inviting Council to comment on the rezoning review request for the above proposal.

I can confirm that upon receipt of your letter dated 11 July 2018, Council officers reviewed the submitted documents and responded with the following points:

1. *Documents submitted were inconsistent with those submitted to and considered by Council.*
The Planning Proposal Attachment A - Urban Design Study (Architectus) had been amended to remove content and introduce new material. This made redundant the referencing of pages and paragraphs in Council's 'Table of Assessment'. In addition, the proponent's Planning Proposal referred to its Urban Design Study in general terms, so whilst the references still applied, the references were now to an altered document.
2. *The submitted Council's Report was incomplete.*
The Council Report included studies that formed the basis for the refusal. These were as follows:
 - Table of Assessment - Planning Proposal - Lourdes Retirement Village
 - Independent Review of Bushfire Impact - prepared by ABPP Pty Ltd
 - Bushfire Evacuation Risk Assessment - 91-97 Stanhope Road, Killara
3. *Submission of additional information to that assessed by Council.*
Clarification was sought on whether the Review enabled the proponent to submit further information, not made to Council in the original application. The proponent's cover letter presented information additional to the original Planning Proposal, and included new consultation as attachments to the cover letter.

On 23 July 2018, Council received a notification of resubmitted documents. Confirmation was sent to the Department on the consistency of the documents with those assessed by Council. It was noted that the proponent's cover letter with additional information had not been amended.

The following documents, as displayed on the Department's Rezoning Review webpage, have been considered in this submission:

- Cover Letter (July 2018)
- Attachment 1: Planning Proposal
 - Attachment A – Urban Design Report, Architectus (January 2018)
 - Attachment B – Site Survey, Norton Survey Partners (22 April 2015)
 - Attachment C – Traffic Impact Assessment, ARUP (dated May 2017)
 - Attachment D – Bushfire Protection Assessment, EcoLogical Australia (May 2017)
 - Attachment E – Heritage Letter – Response to Draft Urban Design Study, GML Heritage (May 2017)
 - Attachment F – Heritage Significance Assessment – Headfort House, GML Heritage (May 2017)
 - Attachment G – Social Effects Report, Elton Consulting (dated May 2017)
 - Attachment H – Lourdes Demand Study, Elton Consulting, (November 2015)
 - Attachment I – Arboricultural Impact Appraisal and Method Statement, Naturally Trees (May 2017)
 - Attachment J – Ecological Assessment, ACS Environmental (February 2017)
 - Attachment K – Resident Meeting No.1 Minutes (September 2015)
 - Attachment L – Resident Meeting No.2 Presentation Stockland (November 2015)
 - Attachment M – Resident Meeting No.3 Presentation, Stockland (December 2015)
 - Attachment N – Resident Meeting No.4 Presentation, Prepared by Stockland, dated October 2016
 - Attachment O – Resident Meeting Number 5 Presentation, Stockland (December 2016)
 - Attachment P – Resident Information Session Minutes (Feb'17)
- Attachment 2: A Chronology of consultation with Council and Key Stakeholders
- Attachment 3: Meeting Minutes with Council, Architectus (27 Oct'15)
- Attachment 4: Meeting Minutes with Council, Ku-ring-gai Council (07 Dec'16)
- Attachment 5: Agenda Councils Ordinary Meeting and Council's Assessment Report (22 May'18)
 - A1 – Council Pre-Planning Proposal Meeting Minutes
 - A19 – Table of Assessment – Planning Proposal – Lourdes Retirement Village
 - A20 – Independent Review of Bushfire Impact prepared by Australian Bushfire Protection Planners Pty Ltd
 - A21 – Bushfire Evacuation Risk Assessment – 91-97 Stanhope Road, Killara
- Attachment 6: Minutes from Council's Ordinary Meeting (22 May'18)
- Attachment 7: Letter from Council notifying Stockland of Council's decision (24 May'18)
- Attachment 8: Letter of Advice in Response to Councils Ecological Comments (28 June'18)
- Attachment 9: Letter of Advice in Response to Councils Traffic+Transport Comments (28 June'18)
- Attachment 10: Letter of Advice in Response to Councils Bushfire Comments (29 June'18)

The proponent met informally with Council on 27 October 2015 and then formally tabled a proposal through a Pre-Planning Proposal meeting on 7 December 2016. The planning proposal application was received on 8 September 2017, a final version was received on 5 March 2018. Assessment of the Planning Proposal as at Attachment 1 to the Review Cover Letter commenced on 20 March 2018.

Following consideration of the Planning Proposal at Council's Ordinary Meeting of 22 May 2018, Council resolved the following:

- A. *That Council does not support the request for the Planning Proposal at 95-97 Stanhope Road, Killara (Lourdes Retirement Village) and that it not be submitted for a gateway determination for the following reasons:*
 - i. *High bushfire risks due to the proximity of the site to open bushland;*
 - ii. *High bushfire evacuation risks related to aged and vulnerable residents within Seniors Housing;*
 - iii. *Limited access to public transport and services;*
 - iv. *Impacts on the locality's heritage significance, Items and Conservation Area;*
 - v. *Interface impacts on adjacent low density dwellings, Stanhope Road and bushland;*
 - vi. *Lack of strategic merit and inconsistencies with the KLEP 2015 and Ku-ring-gai Community Strategic Plan;*
 - vii. *Lack of strategic merit and inconsistencies with the North District Plan and Greater Sydney Regional Plan.*
- B. *That, in accordance with cl10A of the EP&A Regulation 2000, the proponent be notified of Council's decision not to support the Planning Proposal.*

A copy of the Council Report and Resolution is provided with this submission.

Council reiterates that whilst the provision of housing for the aged and the upgrade of the current provision is recognised, the location of this site precludes its consideration for the type of development intensification that would result from a Planning Proposal which has failed to make strategic and site-specific justification in the original documentation submitted to Council and in the additional material presented to the Review.

While the site is already used for the purpose of an aged care facility, this is the result of an historic approval and ongoing existing use rights. However, this existing use is not sufficient grounds to justify a further increase in the residential density on the site beyond that envisaged under the zoning and strategic framework.

There is insufficient justification for accommodating the proposed high density development on a visually prominent site located on the highest ridge contour within a low density residential and bushland area with intact character of buildings within a landscaped setting placed under the prevailing tree canopy. Further, the proposed increase to the site density and introduction of a new population of seniors is incongruent with the associated limited access to services and public transport, and where the multiple issues relating to heritage, bushfire risk, biodiversity, low density and bushland interface specific to this site have been inadequately addressed.

Council's submission to the Review is attached to this letter and details the key issues. Having considered all the material submitted for Review, Council presents the following conclusions why this Planning Proposal cannot be supported:

- *Critical and fundamental issues around risks relating to bushfire hazard and evacuation are unresolved and unjustified and the proposal utilises assumptions unsupported by RFS. Given the*

nature of serious threat to existing and future residents, Council refers matters of development intensification to RFS, particularly where vulnerable communities such as the aged and frail are concerned. This ensures that risks are managed and the responsibilities in the event of a bushfire incident and any subsequent coronial inquest are clear.

- *Whilst the site increases the housing stock for the aged population, the site is not well located resulting in a heavy reliance on private vehicle use or limited public transport connections to essential services. Its limited access precludes good ongoing connection with the local community outside the site.*
- *Due consideration has not been given to the heritage values of the area, the adjacent C22 Heritage Conservation Area, open bushland heritage items such as Seven Little Australians park, the onsite significant Headfort House and its immediate curtilage.*
- *The impact of building heights on the site penetrating the tree canopy interrupting vistas of the bush items and conservation areas, and the very limited ability and area for new landscaping to provide and improve the tree canopy on the site itself.*
- *The proposed built form of residential flat buildings ranging from 11.5m to 24m (3 to 7 levels), would be inconsistent with the existing and future visual character and development outcomes within the locality.*
- *The proposal is inconsistent with, and directly contrary to, the objectives of both the existing R2 Low Density Residential zone and the proposed R3 Medium Density Residential zone zoning in terms of height and built form outcomes that would result from the proposal.*
- *The ability of the Planning Proposal to deliver additional Seniors Housing demographic trends is agreed, however the proposal does not demonstrate any overarching strategic merit due to its contradiction and erosion of local character and inconsistency with the approaches of the Local, District and Regional strategic Plans.*

A detailed response to the Rezoning Review assessment criteria, contained in the Department of Planning & Environment's Guide to Preparing Local Environmental Plans, is attached for your consideration.

Thank you for providing Council with the opportunity to comment on the Planning Proposal. If you have any questions in relation to these comments, please do not hesitate to contact me on 9424 0854 or Rathna Rana, Senior Urban Planner on 9424 0991.

Yours faithfully



Antony Fabbro
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