
PLANNING PROPOSAL TO MODIFY ZONING, HEIGHT AND FSR TO LAND AT 95-97 STANHOPE ROAD KILLARA - LOURDES RETIREMENT VILLAGE

EXECUTIVE SUMMARY

PURPOSE OF REPORT: For Council to consider a Planning Proposal at 95-97 Stanhope Road, Killara on land currently operating as Lourdes Retirement Village.

BACKGROUND:

The Planning Proposal seeks amendment to the *Ku-ring-gai Local Environmental Plan 2015* to:

1. rezone the land from R2 (Low Density Residential) to R3 (Medium Density Residential);
2. increase the maximum floor space ratio (FSR) from 0.3:1 to 0.8:1;
3. increase the maximum height on part of the site from 9.5m to:
 - 11.5m adjacent to Stanhope Road;
 - 22m adjacent to 91 Stanhope Road and to the north of the site; and to
 - 24m to the central part of the site.

The key objective of the Planning Proposal is to facilitate the redevelopment of the site to increase the number of dwellings for Seniors Housing and make improvement on the current facilities.

COMMENTS:

This report presents the assessment of the Planning Proposal and addresses key issues regarding the application.

Whilst increased housing provision for the growing aged population is supported, the site is challenged by its proximity to bushland and the associated bushfire hazard and evacuation risks. In addition, the site is located within a highly visible and intact heritage context and an established low density residential area, distant from the local centre where the proposed densities are more typical, and whose impacts are in keeping with that urban context.

RECOMMENDATION:

That Council 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.

PURPOSE OF REPORT

For Council to consider a Planning Proposal at 95-97 Stanhope Road, Killara on land currently operating as Lourdes Retirement Village.

BACKGROUND

The Planning Proposal seeks amendment to the *Ku-ring-gai Local Environmental Plan 2015* (KLEP 2015) zoning, height and FSR standards to enable an increase in the provision of Seniors Housing and associated services and facilities within the Lourdes Retirement Village.

Discussions with the applicant regarding their proposal have been ongoing. Council officers first met with the applicant and landowner, at their request, in October 2015 to discuss their intentions for the site.

A formal Pre-Planning Proposal meeting was held with the applicant and Council staff on 7 December 2016 to discuss a proposal to facilitate the redevelopment of land at 95-97 Stanhope Road, Killara. The minutes of this meeting are attached to this Report at **Attachment A1**.

The Planning Proposal was submitted to Council on 8 September 2017. Following the submission two letters were sent to the applicant (September and December 2017), and one meeting was held (December 2017), requesting additional information to complete their Planning Proposal documentation. The updated Planning Proposal was received by Council on 2 February 2018.

Assessment of the Planning Proposal commenced on 21 March 2018 following the receipt of completed documentation (in line with Council's requirements and the Department of Planning and Environment's *A guide to preparing planning proposals*.)

A copy of the Planning Proposal is included at **Attachment A2**.

Site description and local context

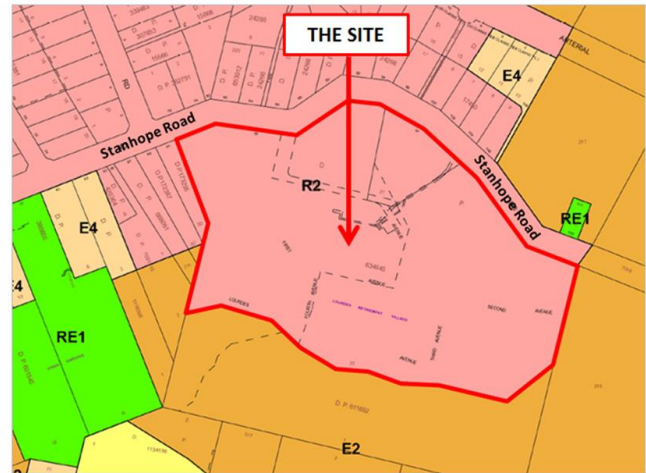
The site consists of two lots at 95 and 97 Stanhope Road, Killara identified as Lot 21 and Lot 22 in Deposited Plan 634645. It is an irregularly shaped allotment with a total area of approximately 5.25 hectares, owned by Stockland Aevum Limited and currently operating as the Lourdes Retirement Village.

The site is located within a low density residential area and is zoned R2 (Low Density Residential). The area to its north and west is typical of low density residential areas in Ku-ring-gai, with high quality single dwellings within established garden settings.

The land to the south and east of the site is zoned E2 (Environmental Conservation) and contains high quality bushland with biodiversity value. In addition, the adjacent bushland area is identified as a Heritage Item known as Seven Little Australians Park, and which partially sits within the C22 Crown Blocks Heritage Conservation Area located adjacent to the south and west of the site.



Site Location Map



Existing Zoning KLEP2015

The site contains a historical building *Headfort House* which is utilised as the site Chapel and other administrative functions.

The site has a single frontage with access off Stanhope Road to its north and has its own internal road system servicing the development. It is located on the ridgeline at Stanhope Road with a relatively flat area close to the road and significant falls across the site to the south and east.

The topography of the site affords panoramic views to the south and east across the heritage bushland and residential areas characteristic of the high quality Ku-ring-gai landscape with built form placed under the tree canopy. The views extend to the skylines of the Chatswood and Lindfield town centres where built form penetrates the tree canopy and serve as a marker of key urban centres in the landscape.



Ku-ring-gai's prevailing tree canopy character with dominant built form only to urban and local centres. (Photo taken from Lourdes site)

Reason for the Planning Proposal

The Planning Proposal outlines the following reasons for proposed amendments to the KLEP 2015:

- The existing building stock on the site is experiencing a decline in viability and cannot meet the expectations of the emerging baby boomer market, which differs significantly from the more modest demands of previous generations.
- The existing development, constructed in 1983, does not provide services and facilities that are competitive with market demand.
- The dwellings do not have lift access, and the vehicular and pedestrian access is not legible, with some internal streets being too steep to walk.

Item GB.8

S11689
16 April 2018

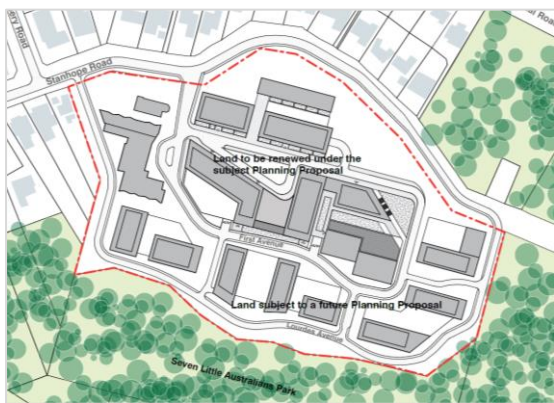
The proposed amendments would facilitate redevelopment of the site to achieve the following outcomes as indicated in the Planning Proposal:

- provision of increased Seniors Housing to meet growing demands;
- replacement of aged building stock with Seniors Housing apartments;
- delivery of quality communal facilities including communal open space;
- improvement of the internal street and pedestrian network; and
- restoration and preservation of Headfort House.

The following is also listed, however the proposal does not demonstrate this outcome:

- address site features, including the bushland fringe and topography and retention of significant trees.

The Planning Proposal includes the below as an objective, with an explanatory illustration in its Urban Design Study (**Attachment A3**):



- enable future renewal of the southern part of the site if approved under a separate Planning Proposal.

This objective, with the associated illustration of apartment block type buildings to the south of the site, is not supported and contradicts the content of the Planning Proposal which states that due to challenges around bushfire management, the southern part of the site, adjacent to the bushland, would remain as is with the existing housing.

Whilst the Planning Proposal does not seek amendment of the maximum height to this southern part of the site, it seeks to rezone the site in its entirety to R3 (Medium Density Housing), and apply the increased floor space ratio (FSR) to the whole site. This will enable the intensification of development through increased heights to the north of the site close to Stanhope Road (shaded in blue in the diagram below). The below diagram illustrates the development outcomes being sought for this site (from Urban Design Study attached to Planning Proposal).



Existing Site Plan



Proposed Site Plan

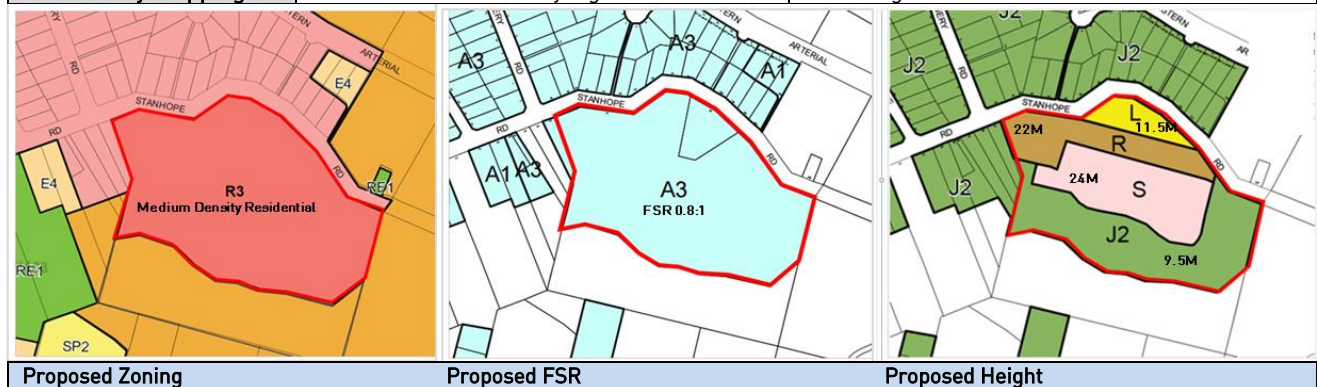
Item GB.8

S11689
16 April 2018

The Planning Proposal

The Planning Proposal seeks amendments to the *KLEP 2015* to apply R3 (Medium Density Residential) zoning and the associated FSR of 0.8:1 to the entire site. It also asks for a range of increased heights, greater than the standard 11.5m maximum height permitted within R3 zones, to the upper portion of the site whilst retaining the 9.5m height to the south and east of the site. The details of the application are tabulated and illustrated as follows:

KLEP 2015 Standards – 95-97 Stanhope Road, Killara		
	KLEP 2015 - Existing	KLEP 2015 - Proposed
Zoning	R2 (Low Density Residential)	R3 (Medium Density Residential)
Floor Space Ratio	0.3:1	0.8:1
Height of Building	9.5m	- 11.5m adjacent to Stanhope Road (3 storey) - 22m adjacent to 91 Stanhope Road and across the northern part of the site (6 storey) - 24m to the central part of the site (7 storey) - 9.5m to the south of the site (2 storey)
Minimum Lot Size	840sqm	No change
Heritage mapping	Part Heritage Conservation Area C22	No change
Biodiversity mapping	Part area of biodiversity significance	No change



The proposed amendments will facilitate the expansion of the current Lourdes Retirement Village accommodation, enabling buildings of 3-7 stories (11.5–24m) to the upper portion of the site. The dwelling provision on the site will be doubled, as indicated in the table below, and replace the existing Residential Aged Care Facility, community spaces and independent living units.

The Planning Proposal and supporting studies refer to the increased heights enabling 6 story buildings on the site; however, the sections in the Planning Proposal’s Urban Design Study show that a number of buildings are 7 storey due to the sloping topography and that the line of maximum building height is able to accommodate an additional level on some of the buildings.

Comparison of Existing and Proposed Dwelling Numbers – 95-97 Stanhope Rd, Killara		
	Existing Dwelling numbers (Planning Proposal pg 6)	Proposed Dwellings numbers (Urban Design Study pg 69)
Independent living units (ILU)	108	281
Serviced apartments (SA)	49	59
Residential aged care facility (RACF)	83 bed	130 rooms
TOTAL	240 dwellings	470 dwellings
Note: Since ILU and SA may house single people, each RACF bed is treated as one dwelling.		
Note: Whilst the Urban Design Study illustrates 6 storey built forms, the heights being sought (24m) would enable 7 storey development to parts of the site – this would increase the dwelling numbers and GFA stated in the Study.		

Item GB.8

S11689
16 April 2018

Several supporting studies form attachments to the Planning Proposal and provide justifications for the Planning Proposal. These are listed below and may be viewed at **Attachment A3 – A18** to this Council report.

- Planning Proposal - Attachment A – *Urban Design Study*, prepared by Architectus
- Planning Proposal - Attachment B – *Site Survey*, Prepared by Norton Survey Partners
- Planning Proposal - Attachment C – *Traffic Impact Assessment*, Prepared by ARUP
- Planning Proposal - Attachment D – *Bushfire Protection Assessment*, Prepared by EcoLogical Australia
- Planning Proposal - Attachment E – *Heritage Letter – Response to Draft Urban Design Study*, Prepared by GML Heritage
- Planning Proposal - Attachment F – *Heritage Significance Assessment – Headfort House*, Prepared by GML Heritage
- Planning Proposal - Attachment G – *Social Effects Report*, Prepared by Elton Consulting
- Planning Proposal - Attachment H – *Lourdes Demand Study*, Prepared by Elton Consulting
- Planning Proposal - Attachment I – *Arboricultural Impact Appraisal and Method Statement*, prepared by Naturally Trees
- Planning Proposal - Attachment J – *Ecological Assessment*, prepared by ACS Environmental
- Planning Proposal - Attachment K, L, M, N, O, P – *Resident Meetings/Presentations/Minutes*, Prepared by Stockland

The studies have been considered by Council officers with comment detailed in the *Table of Assessment* at **Attachment A19**.

A Planning Proposal is not a Development Application and does not consider the specific detailed matters for consideration under Section 4.15 of *Environmental Planning and Assessment Act 1979* (previously Section 79C). A Planning Proposal relates only to an LEP amendment and the proposed amendments need to be acceptable as a means for facilitating certain outcomes on the site, regardless of the subsequent approval or refusal of any future Development Application.

The Urban Design Study included with the Planning Proposal provides an indication of the possible type and scale of built outcomes enabled by the Planning Proposal. However, in considering the Planning Proposal, the building envelope across the entire site has to be considered as any future application on the site could potentially deliver alternative footprints and development of differing bulk and scale than indicated in the Urban Design Study.

COMMENTS

Introduction

Seniors Housing in Ku-ring-gai may be developed in two ways:

1. Under the *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* (SEPP).

The SEPP enables the development of Seniors Housing in any zone where 'dwelling houses' are permitted. Under the KLEP 2015 'dwelling houses' are permitted in all the residential zones enabling the operation of the SEPP.

Item GB.8

S11689
16 April 2018

Seniors Housing developed under the SEPP is limited to a maximum height of 8m to ensure the integration of the development into the local context. The exception is within zones where 'residential flat buildings' are permitted under the local planning instrument. In these locations the SEPP allows 'vertical villages' and the heights under the local instrument prevail as the SEPP is silent on those standards.

2. Under the *Ku-ring-gai Local Environmental Plan 2015* (KLEP 2015).

The KLEP 2015 stipulates Seniors Housing as a permitted development in the following zones:

- R1 (General Residential);
- R3 (Medium Density Residential);
- B2 (Local Centre);
- B4 (Mixed Use.)

This enables Seniors Housing to be developed within those zones and be assessed under the standards of the KLEP 2015, including the maximum height provisions.

The KLEP 2015 does not permit Seniors Housing in the R2 (Low Density Residential) nor within the R4 (High Density Residential) zones; therefore, all Seniors Housing in these zones can only be developed and assessed under the SEPP.

Currently, given the site at 95-97 Stanhope Road is zoned R2 (Low Density Residential), the Lourdes Retirement Village may only proceed with Seniors Housing development under the standards of the SEPP. This Planning Proposal seeks to amend the zoning from R2 (Low Density Residential) to R3 (Medium Density Residential) to facilitate development under the KLEP 2015 with the associated increased development standards to enable an increased intensity of development on the site.

Planning Proposal Assessment

The Planning Proposal documents have been evaluated by Council's Planning, Architectural, Urban Design, Heritage, Transport, Bushfire and Ecological officers.

In addition, due to the serious nature of bushfire risk and the current position by RFS which has influenced the mapping of many areas across Ku-ring-gai, bushfire consultants *Australian Bushfire Protection Planners Pty Ltd* were engaged to review the applicant's Bushfire Protection Assessment. The bushfire consultant's *Independent Review of Bushfire Impact* report may be seen at **Attachment A20**.

Associated with the bushfire risk review, Council's methodology to determine evacuation risk, as applied to areas of bushfire risk across the local government area, has been employed to understand the risks associated with evacuating increased numbers from this area, particularly where that population is elderly and vulnerable. This *Bushfire Evacuation Risk Assessment* is at **Attachment A21** to this Report.

Analysis of the Planning Proposal and its attachments has been conducted and summarised in the *Table of Assessment* attached to this Report. Assessment of the documentation has found a number of inconsistencies across the Planning Proposal and its supporting studies which are noted in the *Table of Assessment*.

Item GB.8

S11689
16 April 2018

The key issues raised in the officers’ assessments have led to the conclusion that the rezoning, resulting in intensification of residential dwelling development on this site, cannot be supported. This is primarily due to:

- bushfire and evacuation risks related to aged and vulnerable people;
- limited access to public transport and local services for a population whose reliance on private vehicle use will diminish as they age; and
- the impacts on the locality’s heritage significance, Items and Conservation Area.

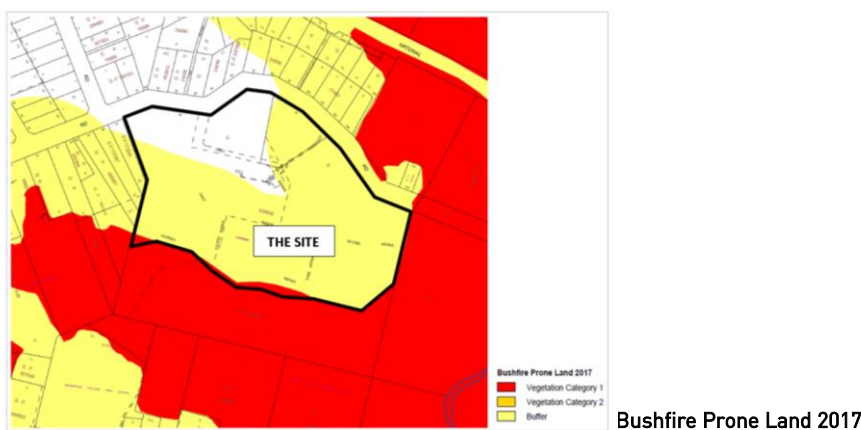
Further, the increase in heights across this site cannot be supported due to:

- the lack of strategic merit and inconsistencies with local, district and regional strategies.

Bushfire and evacuation risks

A highly significant consideration for this site is the bushfire risk and the associated bushfire evacuation risk. This is especially critical given the proposal seeks to increase the number of aged and vulnerable residents on the site.

The majority of the site is identified as bushfire prone land on the Bushfire Prone Land Map 2017, being located within the Buffer Area as illustrated below. Bushfire prone land is land that is likely to be subject to bushfire attack, and the Buffer is the area in which developments and people are most likely to be affected by a bushfire burning in the adjacent land. Therefore, the majority of the subject site poses a high risk to the onsite population.



The Planning Proposal’s *Bushfire Protection Assessment* report, at **Attachment A6**, presents an assessment of the risks and concludes the following:

“...that the subject land is capable of accommodating future development and associated land use with appropriate bushfire protection measures and bushfire planning requirements as prescribed by s. 117 (2) Direction 4.4 – ‘Planning for Bush Fire Protection’ and PBP.

A number of strategies have been provided in this report to mitigate bushfire risk including:

- *Ensuring adequate setback from bushfire prone vegetation (APZs);*

Item GB.8

S11689
16 April 2018

- *Ensuring adequate access and egress from the subject land through a well-designed road system;*
- *Considering the adequacy of water supply and the delivery of other services (gas and electricity);*
- *Providing for effective and ongoing management of APZs; and*
- *Considering construction standards (AS3959) implications for future developments depending on development type."*

Investigation of the Planning Proposal's *Bushfire Protection Assessment* by Council's bushfire and ecology officers and the consultant *Australian Bushfire Protection Planners* in their *Independent Review of Bushfire Impact* report, at **Attachment A20**, dispute this conclusion.

Planning for Bushfire Protection 2006 (NSW Rural Fire Service) identifies the existing and proposed Seniors Housing land use on the site as a 'Special Fire Protection Purpose Development' and provides details on the requirements for such infill developments. It provides Performance Criteria that must be satisfied in the assessment of such development. This Performance Criteria can be satisfied in two different ways:

- use of acceptable solutions listed within the *Planning for Bushfire Protection 2006*; or
- by demonstrating another solution satisfying the specific objectives and Performance Criteria listed within the *Planning for Bushfire Protection 2006*. This solution is referred to as a Performance Solution.

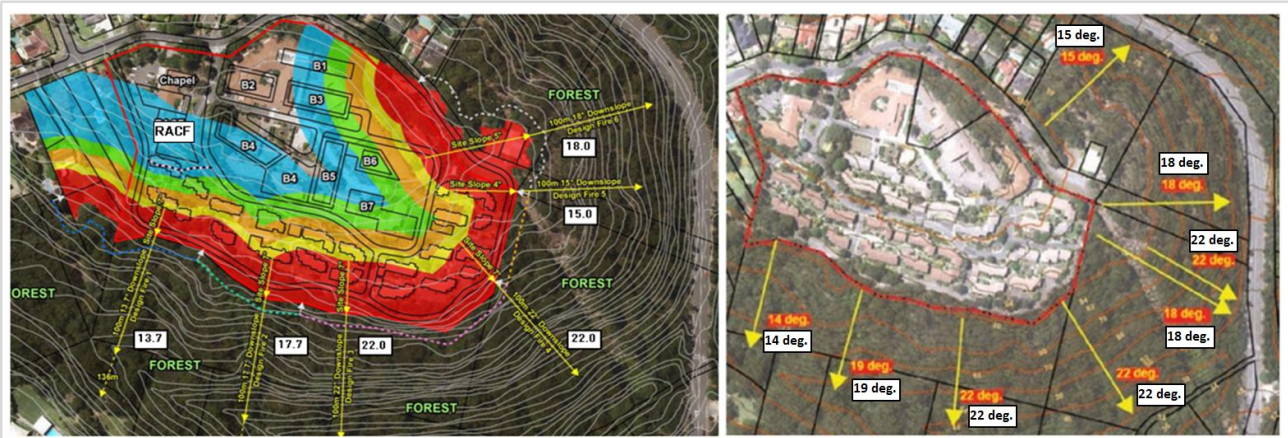
The Planning Proposal's *Bushfire Protection Assessment* has applied a Performance Solution approach under *Planning for Bushfire Protection 2006*.

Following are the key issues:

1. *Bushfire Threat and Bushfire Attack Assessments*

The applicant's bushfire assessment adopts a Performance Solution approach to the assessment of bushfire threat and bushfire attack. Its modelling includes the bushfire design fires as illustrated by yellow arrows in the below diagram (A). It has used specific slopes agreed with RFS, and selectively utilises two other performance solutions, Short Fire Run and weather data analysis (which has informed the assessment of the Fire Danger Index (FDI)), to identify the site specific Asset Protection Zone (APZ) and Bushfire Attack Level (BAL).

Minor discrepancies in the assessment of specific slopes were identified within some locations as illustrated in the maps below.



(A) Planning Proposal's *Bushfire Protection Assessment – land slope*

(B) *Independent Review of Bushfire Impact - land slope*

The assessment of BAL rating to the future buildings determined in the Planning Proposal's Bushfire Protection Assessment report is therefore not accurate. Use of the correct FDI of 100 will result in an increase in the level of radiant heat on the buildings. Based on their current proposed location, the result will be an increase in the BAL rating above the accepted BAL 12.5. This increase in radiant heat and construction standards to the proposed buildings do not comply with the performance requirements for *Special Fire Protection Purpose Development* as per *Planning for Bushfire Protection 2006*.

2. *Access and egress*

Due to the inaccuracies in the determination of the APZs, the assessment of the safety of the occupants is also incorrect and evacuation in the event of bushfire will therefore be required on this site.

All the properties (including 95-97 Stanhope Road) within the catchment area, mapped in the below diagram, exit on Stanhope Road, which is the only exit road from this catchment area.



Catchment area for the assessment of bushfire evacuation risk.

A *Bushfire Evacuation Risk Assessment* has been undertaken to understand current and potential impacts to this area. The methodology used is the same as applied to Council's Deferred Areas Planning Proposal, which was supported by the Rural Fire Service and recently endorsed by the NSW Department of Planning. The results of this analysis show:

Item GB.8

S11689
16 April 2018

- The catchment area has a total of 256 dwellings currently existing, Based on the Cova (2005) criteria used in the Deferred Areas Planning Proposal, this number of dwellings exceeds the recommended maximum 50 dwellings for the one exit road (Stanhope Road) by 206 dwellings.
- The amendments sought by the Planning Proposal would result in a total of 486 dwellings within the total catchment area, exceeding the recommended maximum 50 dwellings for the one exit road (Stanhope Road) by 436 dwellings.
- The egress from this catchment area is inadequate in the event of evacuation from bushfire event:
 - Currently, Stanhope Road has just enough capacity to evacuate the existing catchment within 30mins.
 - With the increase in population that would result from the densities facilitated by the Planning Proposal, the time taken to evacuate the catchment will increase to over 60mins. This exceeds the exit road capacity criteria set by *Cova (2005)* (as per the *Bushfire Evacuation Risk Assessment*) by 32mins.

The amendments sought by the Planning Proposal would result in almost doubling the number of dwellings within the Lourdes Retirement Village which will house vulnerable groups. This will result in the need for a higher level of response by the Emergency Services to assist in the relocation of the residents to a safer neighbourhood place including the frail and disabled in appropriate transport. This assistance may not be available.

The Planning Proposal establishes a loop perimeter internal road identified as 'First Avenue'. A review of the likely impact on this road has identified that with the use of the increased Fire Danger Rating (FDI) for the site the north-eastern, eastern and south-eastern sections of the loop will be exposed to radiant heat levels greater than 10kW/m², including all areas between the bushland and the APZ. This section of the loop road will therefore not provide safe access/egress for residents and an operational platform for firefighters assisting during bushfire.

The Planning Proposal's Bushfire Protection Assessment does not respond to the risk to the existing Independent Living Units retained to the south and east of the site in the Asset Protection Zone setback to the new buildings.

Whilst a new assessment may be conducted by the applicant with the correct FDI, previous advice from the NSW Rural Fire Service on similar projects has confirmed that the Service is unlikely to accept an increase in the occupancy of such facilities due to the need to evacuate an increased number of vulnerable people from the site, placing additional demand on road infrastructure and the emergency services.

3. Consideration of multi-level buildings

The Planning Proposal will enable the construction of multi-level buildings up to 7 stories exceeding the existing two to three storey height. Such buildings have higher densities and increased external façade surface areas potentially exposed to bushfire attack.

The increased height can result in exposure to convective heat and is exacerbated on this site by the steep slopes across which bushfire will travel.

Item GB.8

S11689
16 April 2018

Additionally, the provision of multi-storey buildings housing higher populations will make egress from the building more challenging and place an increased demand on road infrastructure during evacuation.

The NSW Rural Fire Service recommends that multi-storey buildings should not be located along ridges (such as this site) or slopes with significant fire runs.

- *This Planning Proposal is not supported as the RFS have confirmed that it will not accept the lowered Fire Danger Index for this site location that have been used in the Planning Proposal's assessment. The RFS approved Fire Danger Index will result in increasing the bushfire risks above those addressed within the Planning Proposal's Bushfire Assessment.*
- *Significant evacuation issues have been identified for the area and which will be exacerbated by the increase in vulnerable population on this site resulting from the development potential of this Planning Proposal.*
- *The proposal will result in exposure to radiant heat and provide construction standards that do not comply with the Special Fire Protection Purpose developments under Section 117 Direction 4.4 Planning for Bush Fire Protection and Planning for Bush Fire Protection 2006.*

Access to transport and services

95-97 Stanhope Road is located in a low density residential area predominantly serviced by private vehicles. Public transport to the site is limited to one bus service, Route 556, which links the site to East Killara and Lindfield Station. The bus service operates from 6am to 8.30pm, and runs at low frequencies: 30 minute intervals during am and pm peak times, and 1 hour intervals outside peak times. The frequencies and hours of operation are even lower on weekends.

Killara railway station and post office are the closest services to the site. They are located at 1.3km from the site, beyond easy walking distance for the residents and with no public transport links to them.

Other basic services and facilities such as supermarkets, pharmacies, medical centres, cinema, library and local parks are located well outside the convenient 10 minute walking catchment as suggested in 'Planning guidelines for walking and cycling' (PCAL, 2004), and therefore not within an attractive and manageable walking distance for residents of this site. Access to these 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 stated in the Planning Proposal (pg 16), 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.

Despite the location of this site on a bus route, there will continue to be a 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.

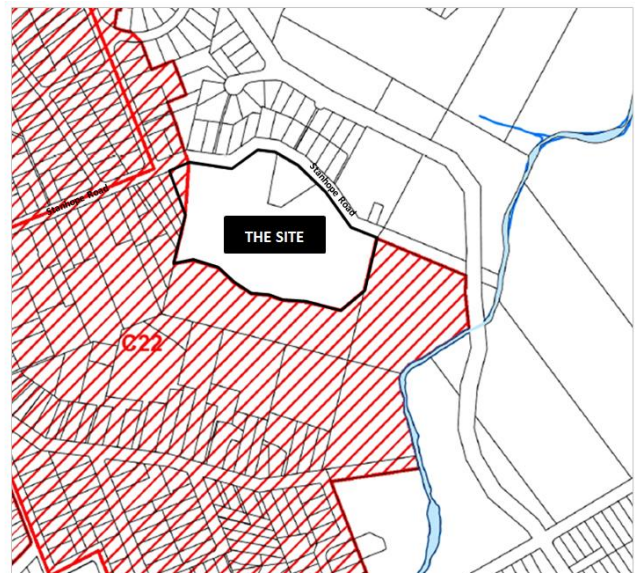
➤ *The significant increase in aged population in this location, facilitated by the Planning Proposal, is not supported. Whilst the site increases the housing stock for the aged population, the site is not well located resulting in a heavy reliance on private vehicle use or limited public transport connections to essential services. Its limited access precludes good ongoing connection with the local community outside the site.*

Heritage significance, Items and Conservation Area

The site is partially included in and surrounded on three sides (west, south and east) by the C22 Crown Blocks Heritage Conservation Area (HCA). It is adjacent to the Seven Little Australians Park Heritage Item (No.11100) to its south and east, and is in the vicinity of the heritage listed Swain Gardens (No.11103) to its west and the Lindfield Soldiers Memorial Park (No.11099) to the east.



Heritage Items adjacent to and in the vicinity of the site



Heritage Conservation Area Map

Due to the partial inclusion within, and proximity of the HCA and the Heritage Items, heritage consideration is a key component in the assessment of the Planning Proposal and its resultant built form.

The Planning Proposal does not consistently acknowledge its partial inclusion within the HCA nor does it adequately respond to the site’s heritage context. It does not demonstrate integration into the suburban character or scale of the adjacent HCA, neither does it give consideration to the setting of the bushland heritage landscape of the listed Seven Little Australian Park adjacent to its boundary, nor to the vistas from the Lindfield Soldiers Memorial Park. The Planning Proposal states:

Although it is acknowledged that this is an increase in density beyond that of the sites wider surrounds, this is required to afford a high quality outcome for future residents, and the Urban Design Report shows that this density can be achieved without imposing on streetscape character or the significance of Headfort House.

Item GB.8

S11689
16 April 2018

Whilst the garden setting retained at the Stanhope Road frontage of Headfort House will contribute to the street appearance of the HCA, the Planning Proposal would enable 3 storey (11.5m) and 6 storey (22m) buildings to Stanhope Road which do not create interface and transitional areas of bulk and scale within the streetscape and the context of the HCA. In addition, the proposal will enable buildings up to 7 stories (24m) on the highest point of the site. This will have consequences for district views to the site and for the setting of the bushland Heritage Items.

The logic applied to heights following contours is acknowledged, however it is not appropriate in this low density residential context adjacent to the bushland, Heritage Items and the HCA. The heights being sought will locate the tallest (6-7 storey) buildings on the highest points of the site, will be visible above the tree canopy, and through the tree canopy (due to the densities and associated bulk and mass of built form), from several heritage locations including Seven Little Australians Park and Lindfield Soldiers Memorial Park.

Seven Little Australians Park is a nature reserve that includes bush walks including historical paths of the early residents of Killara. These bushwalks were intended as a bush retreat, a place to get away from the built up suburbs and have historic and aesthetic significance. This sense of escape will be lost with the visibility of the 6-7 storey buildings from the bush tracks within the reserve.

The image below shows a view from the bush track below Ethel Turner lookout in Seven Little Australians Park. Circled is the Optus Base Station which is located opposite Lourdes Retirement Village (north east side). The Optus Base Station has at its highest point an RL of 117.65. The RL of the proposed maximum building heights as indicated in the Urban Design Study is 127.3 (with lift overrun).



Optus Base Station at RL 117.65 visible above tree canopy. Photos taken from Seven Little Australians Park.
The proposal seeks an increased height to RL 127.3 making it highly visible above the canopy.



Optus Base Station at RL 117.65 visible above tree canopy. Photo taken from Lindfield Soldiers Memorial Park and oval.
The proposal seeks an increased height to RL 127.3 making it highly visible above the canopy.

The impact on the bushwalks and their intended historical ambience as a 'bush retreat' has not been adequately addressed. A maximum building height that renders any new structure not visible above the canopy would show regard for the locally heritage listed bushland park. This would also integrate with the wider principles of the Ku-ring-gai character of buildings placed within a landscaped setting and below the tree canopy.

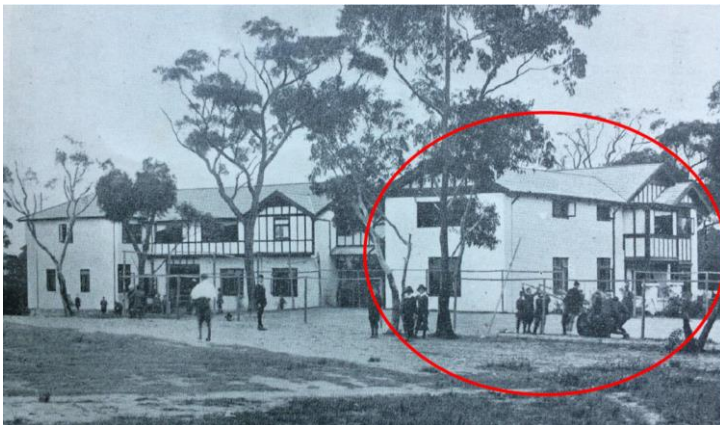
These are views from existing heritage conservation areas across the Seven Little Australians Park especially Crowns Block Conservation Area. At present these sites take in bush vistas but the inclusion of these buildings would result in visible built structures above the canopy. It is important that building heights on the site are below the canopy so regional vistas from conservation areas of the bush are not interrupted by new built elements; and, that the provision of deep soil areas to facilitate improved tall canopy trees be a consideration for any urban study for the site.

Item GB.8

S11689
16 April 2018

Headfort House:

Headfort House is located on the north-west corner of the Lourdes site. While it is not currently locally heritage listed the building was assessed by the consultants GML Heritage to have heritage significance to Ku-ring-gai based on three heritage criteria: historical significance, historical association and social significance. The former house, now Chapel, is a two storey Federation Arts and Craft style building that has undergone known modifications for its adaptive reuse. The house importantly has historical significance as it was purpose built c1918 as a boys' school known at this time as Headfort School.



Photograph of Headfort House c. 1921. The extant building is circled in red. Photo Source: *GML Heritage: Headfort House – 95 Stanhope Road, Killara – Heritage Significance Assessment May 2017.*



Photograph of Headfort House taken March 2018. Architectural details of the Arts and Craft building still present on the entrance façade.



Photograph of Headfort House taken March 2018. Infilled windows apparent on the first floor.

Headfort House was assessed in the *Heritage Significance Assessment* by GML Heritage at **Attachment A8** and found to have cultural significance for the following heritage criteria:

Historical significance	<ul style="list-style-type: none"> as evidence of the growth of Killara and its development from rural area to residential suburb; as evidence of the effect of WWII on the local area (use by AWAS in the 1940s); and as a tuberculosis hospital.
Historical association	<ul style="list-style-type: none"> building is associated with the prominent educator Thomas Wade who was the founding headmaster of Headfort House.
Social significance	<ul style="list-style-type: none"> to the AWAS, patients and staff of Lourdes hospital, and importance to Ku-ring-gai's sense of place

Item GB.8

S11689
16 April 2018

The statement of significance for Headfort House (Attachment F – Heritage Significance Assessment) states:

Headfort House has significance at a local level. Headfort House has historical significance as it is evidence of the early Twentieth-Century growth and development of the suburb of Killara and the resultant need for schools in the area. It has further historical significance for its use by the Australian Women’s Army Service (AWAS) for training during WWII, and for its later use as a tuberculosis hospital. Headfort House is associated with the reverend Robert Thomas Wade, a prominent educator, ichthyologist and palaeontologist who was the founding headmaster of the Headfort School. The building also has potential social significance for its association with the AWAS, patients and staff of Lourdes Hospital, and for its importance to the Ku-ring-gai community’s sense of place.

Given that Headfort House has local heritage significance based on the 3 heritage criteria above, it does meet the test for local listing. Therefore, it is recommended to amend the Planning Proposal to locally heritage list Headfort House and its immediate curtilage. It is not recommended that this listing include the entire Lourdes site, instead it should be contained to what has been found to have local significance as per the GML heritage assessment (Planning Proposal Attachment F – Heritage Significance Assessment).

In contradiction to the content of its supporting *Heritage Significance Assessment* by GML, the Planning Proposal states the below.

The assessment found that although Headfort House has significance at a local level, it does not reach the threshold for heritage listing at a local level.

This is an incorrect statement with inadequate consideration of the significance of Headfort House being given in the Planning Proposal and in the design considerations of the Urban Design Study. In addition, the Planning Proposal’s *Attachment E - Heritage Letter response – Draft Urban Design Study* by GML Heritage states:

Whilst the site is not presently heritage listed, GML’s Heritage Significance Assessment (prepared for Stockland in 2017) found that the former Headfort School building (Headfort House) in its garden setting is of heritage significance to Ku-ring-gai. The site is immediately adjacent to two heritage items listed on the LEP 2015.”–

- *Given its significance, Headfort House and its immediate curtilage should be listed as local heritage item on Ku-ring-gai’s Local Environmental Plan (2015) and that any future planning proposal for 95 Stanhope Road Killara include this local heritage listing.*
- *Any proposal for this site would be required to restrict the building heights on the site to below the canopy so regional vistas of the bush items and conservation areas are not interrupted by new built elements, and to enable new landscaping to provide and improve the tree canopy on the site itself.*
- *As a potential Heritage Item the proposed building height of 22m (6 storey) immediately adjacent to Headfort House is considered excessive. It is recommended the building height in the vicinity of the potential Heritage Item be limited to the existing ridge-height of the historic portion of Headfort House.*

- *The new/relocated grotto should not present as a wall to the street, nor with a carport-like structure in the front garden as currently implied by the Urban Design Study. The visual curtilage to Headfort House from the street should be retained and enhanced to respect its significance and also to ensure consistency with the predominant residential character of Stanhope Road and the adjacent HCA, of houses fronting the street within quality landscaped garden settings.*

Local, District and Regional strategic merit

The Planning Proposal does not demonstrate consistency with strategic local, district and regional principles. Whilst it aligns with the provision of additional housing numbers and choice, it conflicts with other key planning factors. Its departure from the current planning principles and standards applying to this location are not justified and would create a precedent for the numerous retirement village type facilities within Ku-ring-gai.

The justifications to question 3, 4, 5, 6 in the proposal focus on the merits of the site development and provision of additional housing, but does not give due (and in some instances inaccurate) consideration to issues relating to its context. Key points are outlined below with details included in the *Table of Assessment* attached to this Report.

1. *Ku-ring-gai Local Environmental Plan 2015 (KLEP 2015)*

The KLEP 2015 mapping delineates E2 (Environmental Conservation) areas directly adjacent to this site with objectives "*to protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values*". In addition, part of these E2 lands are Heritage Items and HCA with objectives "*to conserve the environmental heritage of Ku-ring-gai*" and "*to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views*". The site is also located within a quality low density residential area zoned R2 (low Density Residential) with an objective "*to provide for housing that is compatible with the existing environmental and built character of Ku-ring-gai*".

The proposal shows limited understanding of the adjacent quality and intact bushland and heritage elements, associated existing high character value of the residential location, and of Ku-ring-gai Council's key and prevailing landscape character of buildings under the tree canopy within these types of low density areas.

The proposed heights permitting 3–7 storey buildings (11.5–24m), with the tallest being on the high point of the site, will clearly detract from the quality and identity of the area. It will penetrate above the tree canopy and will not provide the interface transitions to the adjacent low density dwellings, heritage neighbourhood and Items, including to Headfort House at the front of the site and adjacent to the neighbouring HCA.

The site is located in an established low density residential area distant from the local and neighbourhood centres. The area is not undergoing a transition warranting a departure from the local character and the principles mapped in KLEP 2015 with development densities being focussed around centres with high availability of transport and services. Therefore any proposal must demonstrate how it will support the desired future character which, at this location, will be a

Item GB.8

S11689
16 April 2018

continuation of the existing character. The Planning Proposal does not demonstrate alignment or integration of these objectives.

2. *Ku-ring-gai Community Strategic Plan 2030 (CSP)*

Whilst the Planning Proposal demonstrates some consistency with the objectives of the CSP, some of the justifications are not validated by the proposal.

- *Theme 1 – Community, People and Culture*
 - Ku-ring-gai has an ageing population and a key focus is providing appropriate housing, accessible services, facilities and infrastructure to meet the demands of this ageing population.
 - It is acknowledged that the Planning Proposal will provide additional housing for seniors within Ku-ring-gai to support the demand for the aging population, however, the housing for seniors needs to be appropriately located.
 - The Planning Proposal will provide for increase in seniors housing in an out of centres location, not supported by infrastructure, transport or services, and the site has overriding constraints of bushfire hazard, evacuation risks, and heritage and biodiversity.
 - The Planning Proposal has not addressed C7.1 *An aware community able to prepare and respond to the risk to life and property from emergency events*. The site is identified as Bushfire Prone Land, has constrained capacity to enable safe evacuation, and provides for a land use that caters to people who are particularly vulnerable in the event of a bushfire.
- *Theme 2 – Natural Environment*
 - The natural environment is highly valued in Ku-ring-gai, especially the extent of bushland and biodiversity, and the established tree canopy. The *Community Strategic Plan* outlines that *“development should not occur at the expense of the local natural character and no impact detrimentally on the local environment”*.
 - The Planning Proposal provides an inconsistent and incomplete assessment regarding significant vegetation on site (including threatened ecological communities listed under the *NSW Biodiversity Conservation Act 2016*) and fails to effectively demonstrate that the development resulting from the proposed amendments can be designed, sited and managed to avoid potentially adverse environmental impact or if that a potentially adverse environmental impact cannot be avoided that appropriate offsetting can be met.
- *Theme 3 – Places, Spaces and Infrastructure*
 - The proposal shows limited understanding of the adjacent quality and intact bushland and heritage elements, associated existing high character value of the location, and of Council’s key and prevailing landscape character of buildings under the tree canopy within these types of low density areas.
 - The proposed heights permitting 3–7 storey buildings (11.5-24m), with the tallest being on the high point of the site, will clearly detract from the quality and identity of the area.
 - The site is located in an established low density residential area distant from the local and neighbourhood centres. The area is not undergoing a transition warranting a departure from the local character.

Item GB.8

S11689
16 April 2018

- Headfort House has been identified as having local heritage significance, and it is considered that the proposed building height of 22m adjacent to this potential heritage item is excessive.
- *Theme 4 – Access, Traffic and Transport*
 - The site is not well located in terms of proximity to shops and services (such as supermarkets, pharmacies, medical centres), and frequent public transport in order to support the significant increase in residential density. The site is serviced by one infrequent bus service
 - The future residents of this site and employees will likely be using cars to access jobs, basic services and facilities. 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.
 - The site is not well located, resulting in heavy reliance on private vehicles and limited public transport

3. *North District Plan*

The Planning Proposal argues its consistency with the objectives and actions of the *North District Plan* primarily around the provision of housing supply and choice. However, it does not demonstrate consistency with the Priorities of the *North District Plan* as indicated below:

- *Planning Priority N3 – Providing services and social infrastructure to meet people’s changing needs.*
 - Whilst the provision of housing for seniors and aged care will contribute to meeting the needs of the ageing population, the site location does not have ready access to the necessary shops, services, facilities and transport to support the growth of this population group at this location. In addition other site constraints such as heritage, biodiversity and bushfire hazard risk present high conflict with the desires of the proposal.
- *Planning Priority N5 – Providing housing supply, choice and affordability with access to jobs, services and public transport.*
 - The proposal states that it is consistent as it provides housing supply, choice and affordability, however it does not address the issue of access to services and to a lesser extent, jobs which form part of this Priority.
 - Access to shops and services by walking is important as it would contribute to reducing the number of trips generated and the distances travelled, especially by car, and increase the potential to derive health benefits of walking as a mode of travel to shops and services.
 - The Planning Proposal is inconsistent with this Planning Priority as the provision of the housing is in an out of centres location, not supported by infrastructure, transport or services and has overriding constraints on the site of bushfire hazard risk and the important heritage and biodiversity setting.

Item GB.8

S11689
16 April 2018

- *Planning Priority N6 – Creating and renewing great places and local centres and respecting the Districts heritage*
 - The Heritage Assessment by GML submitted with the Planning Proposal found 'Headfort House' located on the subject site to have local heritage significance. However, the Planning Proposal and Urban Design study have given inadequate consideration to the heritage significance of Headfort House.
 - The proposal seeks heights that will deliver development that will sit above the prevailing tree canopy characteristic of the immediate and wider Ku-ring-gai area. This will adversely impact the heritage setting and views and vistas related to adjacent heritage Items as discussed in the body of this Report.
- *Planning Priority N12 – Delivering integrated land use and transport planning and a 30min city.*
 - The Planning Proposal is inconsistent with this Priority as the site is not well located in terms of accessibility to public transport and services due to its out of centre location. Future residents of the site and employees will continue to rely on private cars to access jobs, basic services and facilities.
 - The North District Plan uses 30 minutes of travel time to a metropolitan/strategic centre by public transport as an indicator of developing a well-connected city. While not being in a metropolitan/strategic centre, 30 minutes travel time is largely recognised in transport planning as a fairly stable travel time budget. The very limited 30 minute public transport catchment suggests that employees are likely to be outside this catchment and therefore are likely to use other means of transport (i.e. private vehicle) in their journey to work. In reality, the 30 minute frequency of the route 556 bus service during am and pm peak times (and 1 hour frequency outside peak times) is unlikely to be attractive as a mode of travel for residents, employees or visitors.
 - It is likely, therefore, that future residents of this site and employees will likely be using cars to access jobs, basic services and facilities
- *Planning Priority N16- Protecting and enhancing bushland and biodiversity*
- *Planning Priority N19- Increasing urban tree canopy cover and delivering greengrid connections*
 - The Planning Proposal's Ecological Assessment does not address onsite vegetation that is not proposed to be removed, including indigenous trees considered local to the surrounding vegetation communities and significant vegetation along Stanhope Avenue.

This address is considered important as it includes:

- i. Sydney Turpentine Ironbark Forest (listed as an Endangered Ecological Community under the *Biodiversity Conservation Act 2016*); and
 - ii. Coastal Shale-Sandstone Forest, a community listed as 92% cleared the NSW BioNet Vegetation Classification Database lists this community (that is, it has less than 8% of its estimated distribution prior to pre- European extent estimates).
- The Planning Proposal's Ecological Assessment indicates that the site does not contain threatened ecological communities. This is incorrect as analysis of aerial photographs within the site, from 1943 to 2016, shows persistent vegetation within areas mapped by the NSW Office of Environment and Heritage as Sydney Turpentine Ironbark Forest

Item GB.8

S11689
16 April 2018

(within the site). The vegetation assemblage, landscape and soils within these areas are consistent with the scientific determination of Sydney Turpentine Ironbark Forest under the *NSW Biodiversity Conservation Act 2016*. It is also consistent in that the determination recognises this community even within areas where the original forest or woodland structure no longer exist (i.e. individual remnant trees).

- The Planning Proposal provides an inconsistent and incomplete assessment regarding significant vegetation on site (including threatened ecological communities listed under the *NSW Biodiversity Conservation Act 2016* and does not effectively demonstrate that the proposed development can be designed, sited and managed, to avoid potentially adverse environmental impact or, if that if a potentially adverse environmental impact cannot be avoided, that appropriate offsetting can be met.
 - The Planning Proposal will result in the removal of, or put at risk, a significant number of high category trees. The broad landscape planning provided within the Urban Design Report, does not provide sufficient detail to determine future canopy outcomes (including on site planting).
- *Planning Priority N22- Adapting to the impacts of urban and natural hazards and climate change.*
 - The site is identified as Bushfire Prone Land, has constrained capacity to enable safe evacuation, and provides for a land use that caters to people who are particularly vulnerable in the event of a bushfire.
 - The North District Plan notes that '*placing development in hazardous areas or increasing density of development in areas with limited evacuation options increases risk to people and property*'. The Planning Proposal is inconsistent with this Planning Priority as it will result in an increase of a vulnerable population on this site, exposing them to bushfire risk and evacuation risks in the event of bushfire.
 - *Planning Priority N17 – Protecting and enhancing scenic and cultural landscapes*
 - The Planning Proposal is inconsistent with the Planning Priority as the proposed building heights, particularly located on the highest parts of the site, will rise above the prevailing tree canopy, and be inconsistent with the low density area context with built form placed under the canopy. The amendments sought by the Planning Proposal will result in buildings extending above the tree canopy, impacting on the scenic landscape and cultural heritage landscape setting of Items including the adjacent Seven Little Australians Park. The protrusion of the built form above the canopy is not warranted as this site is distant from any local centre where such interruptions to the tree canopy are warranted as skylines marking key urban centres.

4. *Greater Sydney Region Plan - A Metropolis of Three Cities (March 2018)*

The Planning Proposal argues its consistency with the objectives of the *Greater Sydney Region Plan* primarily around the provision of housing supply and choice but it does not demonstrate that consistency as indicated below:

- *Objective 10 - Greater Housing Supply*
 - The Greater Sydney Region Plan recognises that not all areas are appropriate for significant additional development, due to lack of access to shops, services and public transport and local amenity constraints.

Item GB.8

S11689
16 April 2018

- While the Planning Proposal will contribute to delivering the required additional housing for Greater Sydney, the location of this additional housing resulting from the amendment sought by the Planning Proposal is not appropriate due to its out of centre location (away from shops, services and transport) its low density residential and heritage setting, and constraints on the site, namely bushfire hazard and evacuation risk.
- *Objective 11 – Housing is more diverse and affordable.*
 - The Planning Proposal is consistent with this objective relating to housing diversity, as it provides housing for seniors and aged care housing, which will be important for the ageing population.
- *Objective 13 – Environmental heritage is identified, conserved and enhanced.*
 - Heritage identification, management and interpretation are required so that heritage places and stories can be experienced by current and future generations.
 - The Heritage Assessment by GML submitted with the Planning Proposal found 'Headfort House' to have local heritage significance. However, the Planning Proposal and Urban Design study have given inadequate consideration to the heritage significance of Headfort House.
 - The proposal does not give due consideration to the impacts on the adjacent Heritage Items and HCA.
- *Objective 14 – Integrated land use and transport creates walkable and 30minute cities. Strategy 14.1 Integrate land use and transport plans to deliver the 30min city.*
 - The land use is not integrated with transport provision in this area.
 - The site is not well located in terms of accessibility to transport and services due to its out of centre location. Future residents of the site and employees will continue to rely on private cars to access jobs, basic services and facilities.
- *Objective 27 – Biodiversity is protected, urban bushland and remnant vegetation is enhanced. Strategy 27.1 Protect and enhance biodiversity by:*
 - *Supporting landscape-scale biodiversity conservation and the restoration of bushland corridors*
 - *Managing urban bushland and remnant vegetation as green infrastructure*
 - *Managing urban development and urban bushland to reduce edge-effect impacts*
- *Objective 30 – Urban tree canopy cover is increased*
 - The Planning Proposal will result in the removal of, or put at risk, a significant number of high category trees. The broad landscape planning provided within the Urban Design Report, does not provide sufficient detail to determine future canopy outcomes (including on site planting).
- *Objective 28 – Scenic and cultural landscapes are protected*
 - The Planning Proposal is inconsistent with this Objective, as the heights sought by the planning proposal, particularly on the highest part of the site, will result in a built form that will extend above the tree canopy, impacting on views in the surrounding areas and impacting on the scenic landscape value of the surrounding area, particularly as the site forms the backdrop to the adjacent Heritage Item (Seven Little Australians Park).

Item GB.8

S11689
16 April 2018

- *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 options to limit the intensification of development in existing urban areas most exposed to hazards.
 - The site is identified as Bushfire Prone Land, has constrained capacity to enable safe evacuation, and provides for a land use that caters to people who are particularly vulnerable in the event of a bushfire. The Planning Proposal is inconsistent with this objective and strategy, as it will result in an increase in population to an existing vulnerable community, exposing them to bushfire risk and evacuation risks in the event of bushfire.

The Planning Proposal is inconsistent with key strategic documents at the local, district and regional levels. It aligns with the objectives of housing provision for the growing aged person demography, however this is at the cost of other key strategies within those plans.

Given the issues of bushland setting, heritage conservation, interface issues with adjacent low density dwellings, the amendment seeking increased heights (11.5-24m) is not supported. Any additional height would have to ensure that the building envelope remains beneath the canopy as per the prevailing character of the Ku-ring-gai area, particularly outside the local centres, and especially adjacent to areas of high heritage bushland significance. This would ensure that any views to the site from surrounding areas continue to read in alignment with the Ku-ring-gai landscape of built form under the canopy. In particular the setting of the listed Seven Little Australians Park is not detracted from by any built form dominating and penetrating the canopy uphill from it, and the views and vistas from the listed Lindfield Soldiers Memorial Park are preserved

A more acceptable maximum height would be 11.5m (3 storey) with the associated FSR. This will ensure the integration of a new Seniors Housing development into the local heritage, bushland and low density context, supporting the local character. It would also enable appropriate interface areas to the adjacent residential detached dwelling at 91 Stanhope Road, Headfort House and existing dwellings on the site, and to Stanhope Road, preserving the dominant Ku-ring-gai character of buildings placed underneath the tree canopy. Having said this, any intensification of Seniors Housing on the site is not supported due to the overriding issues around increased vulnerable populations being accommodated on a high bushfire and evacuation risk site.

➤ *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.*

Other matters

A petition with 113 signatures was tabled at the 27 March 2018 Council meeting, opposing the Planning Proposal. The Petition, titled *Safety of Residents of Lourdes Retirement Village during Bushfire Evacuation* was prepared by residents of the Lourdes Retirement Village. It raises concerns regarding the increased population that would be the result of the Planning Proposal and the bushfire and evacuation risks associated with such population on this site. The issues raised in the petition have been covered in the body of this Report.

Item GB.8

S11689
16 April 2018**Conclusion**

Whilst the motivations for this Planning Proposal are understood and the need to upgrade the current housing stock and facilities on the site is acknowledged, there has been a significant progression in understanding the risks associated with bushfire hazard. This is especially so given the expected continuation of climate change and global warming with the associated increase in bushfire occurrence, intensity and duration.

Due to this understanding and in the face of growing State and Federal policy around these issues, Ku-ring-gai Council, in close consultation with RFS, has applied special zoning to high risk areas similar to this site that prevent housing and uses for vulnerable groups. Where these uses are already in existence, this Council seeks to manage the numbers of populations on them and prevent any further increase of elderly at risk in the event of a bushfire.

The proposal has not adequately factored in a number of key issues including bushfire risk and evacuation risk, adequacy of transport services, links with facilities, the unique heritage setting, prevalent low density residential area character under the tree canopy, and the high quality built and landscape character of this locality.

As discussed in this Report and the attached *Table of Assessment*, the proposed density and heights, illustrated in the Planning Proposal Urban Design Study, will result in built form that:

- does not complement and integrate with the adjacent HCA nor with the adjacent Heritage Items;
- does not enhance the setting of Headfort House on the site which has the merit for local listing;
- does not maintain an appropriate character within the low density residential area, particularly with regards to heights that are extreme for this location and sit above the tree canopy;
- does not consider the interface transition and overbearing bulk and scale to the existing 2 storey dwellings proposed to be retained to the south of the site, to Headfort House, nor to the neighbouring dwelling at 91 Stanhope Road;
- does not adequately consider the value of the Stanhope Street frontage and compatibility of scale and address to the street, rather focusing on the creation of the internal streets, including the relationship of Headfort House with Stanhope Street and the placement of built structure in front of the building line;
- does not respond to the natural environment particularly its proximity to open bushland with high environmental value but also with the associated bushfire hazards and bushfire evacuation risks;
- does not acknowledge the highly unlikely increase in local services or facilities within easy walking distance including public transport service to that area, and unable to meet the demands of the increased aged population that would result from the proposal; and
- does not demonstrate consistency with local, district and regional strategic plans, and will be unable to deliver outcomes that will support the strategic principles of the Plans due to the location of the site and the key aspects that conflict with increased development on the land.

Therefore, this Planning Proposal cannot be supported and it is recommended to be refused.

INTEGRATED PLANNING AND REPORTING

Places, Spaces and Infrastructure

Community Strategic Plan Long Term Objective	Delivery Program Term Achievement	Operational Plan Task
P2.1 A robust planning framework is in place to deliver quality design outcomes and maintain the identity and character of Ku-ring-gai	Strategies, plans and processes are in place to effectively manage the impact of new development	Continue to review existing strategies and plans

GOVERNANCE MATTERS

The process for the preparation and implementation of Planning Proposals is governed by the provisions contained in the *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment Regulation 2000*.

Under Clause 10A of the *EP&A Regulation 2000*, if Council does not support a request made for the preparation of a Planning Proposal under Part 3 of the Act, the Council is required to notify the proponent as soon as practicable in writing that the proposal is not supported

RISK MANAGEMENT

This is a privately initiated Planning Proposal. Council needs to determine its position on this Planning Proposal. Council risks damage to its reputation if it does not undertake strategic land use planning in an effective and timely manner.

FINANCIAL CONSIDERATIONS

This is a private Planning Proposal and Council's Fees and Charges have been applied to cover the Departmental costs of processing the Planning Proposal. Should the proposal proceed to exhibition, advertising fees will be sought from the applicant as per Council's Fees and Charges. Costs to develop the recommended site specific DCP controls upon Gateway determination will be sought from the applicant in accordance with Council's Fees and Charges.

SOCIAL CONSIDERATIONS

The applicant has submitted a Planning Proposal to increase the provision of Seniors Housing on their site which currently operates as the Lourdes Retirement Village. Whilst this housing provision is supported, it is not supported on this particular site due to the high bushfire hazard and evacuation risks to the vulnerable on site population, and due to the isolation factors caused by distance from local services and a limited single bus service operating at low frequency.

ENVIRONMENTAL CONSIDERATIONS

All aspects of the proposal with potential environmental impacts have been considered in the preparation of this Council Report. Assessment has included comment on the ecological and arboricultural reports included in the Planning Proposal. Any specific development that occurs on the site as a result of the proposal will be considered in detail at the development application stage.

COMMUNITY CONSULTATION

Consultation has been undertaken by the applicant to inform its community of this proposal. The Planning Proposal attaches these presentations and minutes of meetings which delineate plans, outcomes and timelines associated with the proposal. As a result of these presentations, Council received and considered a Petition with 113 signatures from the Lourdes Retirement Village residents opposing the Planning Proposal.

INTERNAL CONSULTATION

Internal consultation has taken place for the preparation of this report. Council's planning, architectural, urban design, heritage, transport, bushfire and ecological staff have assessed and provided comment which has informed the recommendations of this Report.

SUMMARY

The Planning Proposal seeks amendment to the *Ku-ring-gai Local Environmental Plan 2015* (KLEP 2015) to enable an increase in the provision of Seniors Housing and associated services and facilities within the Lourdes Retirement Village. It seeks to apply R3 (Medium Density Residential) zoning and the associated FSR of 0.8:1 to the entire site, and a range of increased heights (11.5-24m), greater than the standard 11.5m maximum height permitted within R3 zones, to the upper portion of the site whilst retaining the 9.5m height to the south and east of the site.

The site is located within a low density residential area with high quality single dwellings within established garden settings directly next to the C22 Crown Blocks Heritage Conservation Area. The adjacent areas house high quality bushland with biodiversity value which is identified as the Seven Little Australians Park Heritage Item. The site contains a historical building, Headfort House, utilised as the site Chapel and other administrative functions.

Whilst the provision of additional housing for the aged is recognised, the location of this site precludes its consideration for development intensification that would result from this Planning Proposal.

The rezoning and development standards will result in higher numbers of Seniors Housing development on this site that cannot be supported due to:

- bushfire and evacuation risks related to aged and vulnerable people;
- limited access to public transport and local services for a population whose reliance on private vehicle use will diminish as they age; and
- the impacts on the locality's heritage significance, Items and Conservation Area.

Further, the increase in heights across this site cannot be supported due to:

- the lack of strategic merit and inconsistencies with local, district and regional strategies.

This Report as presented has drawn the following conclusions why this Planning Proposal cannot be supported:

- *This Planning Proposal is not supported as the RFS have confirmed that it will not accept the lowered Fire Danger Index for this site location that have been used in the Planning Proposal's assessment. The RFS approved Fire Danger Index will result in increasing the bushfire risks above those addressed within the Planning Proposal's Bushfire Assessment.*
- *Significant evacuation issues have been identified for the area and which will be exacerbated by the increase in vulnerable population on this site resulting from the development potential of this Planning Proposal.*

Item GB.8

S11689
16 April 2018

- *The proposal will result in exposure to radiant heat and provide construction standards that do not comply with the Special Fire Protection Purpose developments under Section 117 Direction 4.4 Planning for Bush Fire Protection and Planning for Bush Fire Protection 2006.*
- *The significant increase in aged population in this location, facilitated by the Planning Proposal, is not supported. 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.*
- *Given its significance, Headfort House and its immediate curtilage should be listed as local heritage item on Ku-ring-gai's Local Environmental Plan (2015) and that any future planning proposal for 95 Stanhope Road Killara include this local heritage listing.*
- *Any proposal for this site would be required to restrict the building heights on the site to below the canopy so regional vistas of the bush items and conservation areas are not interrupted by new built elements, and to enable new landscaping to provide and improve the tree canopy on the site itself.*
- *As a potential Heritage Item the proposed building height of 22m (6 storey) immediately adjacent to Headfort House is considered excessive. It is recommended the building height in the vicinity of the potential Heritage Item be limited to the existing ridge-height of the historic portion of Headfort House.*
- *The new/relocated grotto should not present as a wall to the street, nor with a carport-like structure in the front garden as currently implied by the Urban Design Study. The visual curtilage to Headfort House from the street should be retained and enhanced to respect its significance and also to ensure consistency with the predominant residential character of Stanhope Road and the adjacent HCA, of houses fronting the street within quality landscaped garden settings.*
- *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.*

RECOMMENDATION:

It is recommended:

- 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*;

Item GB.8

S11689
16 April 2018

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.

Rathna Rana
Senior Urban Planner

Antony Fabbro
Manager Urban & Heritage Planning

Craige Wyse
Team Leader Urban Planning

Andrew Watson
Director Strategy & Environment

Attachments:	A1 	Pre Planning Proposal Meeting Minutes - Lourdes Retirement Village - 7 December 2016		2018/133623
	A2 	Planning Proposal - 95-97 Stanhope Road, Killara - Lourdes Retirement Village		2018/133282
	A3  	Planning Proposal - A - Urban Design Study, prepared by Architectus	Excluded	2018/129308
	A4  	Planning Proposal - B - Site Survey	Excluded	2018/129312
	A5  	Planning Proposal - C - Traffic Impact Assessment	Excluded	2018/129319
	A6  	Planning Proposal - D - Bushfire Protection Assessment	Excluded	2018/129325
	A7  	Planning Proposal - E - Heritage Letter Response to Draft Urban Design Study	Excluded	2018/129331
	A8  	Planning Proposal - F - Heritage Significance Assessment - Headfort House	Excluded	2018/129334
	A9  	Planning Proposal - G - Social Effects Report	Excluded	2018/129335
	A10  	Planning Proposal - H - Lourdes Demand Study	Excluded	2018/129337
	A11  	Planning Proposal - I - Arboricultural Impact Appraisal	Excluded	2018/129343
	A12  	Planning Proposal - J - Ecological Assessment	Excluded	2018/129345
	A13  	Planning Proposal - K - Resident Meeting 1 - Minutes	Excluded	2018/129347
	A14  	Planning Proposal - L - Resident Meeting 2 - Presentation	Excluded	2018/129348
	A15  	Planning Proposal - M - Resident Meeting 3 - Presentation	Excluded	2018/129354
	A16  	Planning Proposal - N - Resident Meeting 4 - Presentation	Excluded	2018/129357
	A17  	Planning Proposal - O - Resident Meeting 5 - Presentation	Excluded	2018/129361
	A18  	Planning Proposal - P - Resident Information - Session Minutes	Excluded	2018/129366
	A19 	Table of Assessment - Planning Proposal - Lourdes Retirement Village		2018/134806
	A20 	Independent Review of Bushfire Impact prepared by Australian Bushfire Protection Planners Pty Ltd		2018/105115
	A21 	Bushfire Evacuation Risk Assessment - 91-97 Stanhope Road, Killara		2018/133285